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

July 24, 2025

Cliff Mumford
Davis, Bowen & Friedel, Inc.
1 Park Ave,
Milford, Delaware 19963

RE: PLUS review – 2025-06-05; Bay View Estates

Dear Mr. Mumford:

Thank you for meeting with State agency planners on June 25th, 2025 to discuss Bay View Estates. According to the information received, you are seeking review of a proposed 87-lot single-family residential subdivision on 101.7 acres

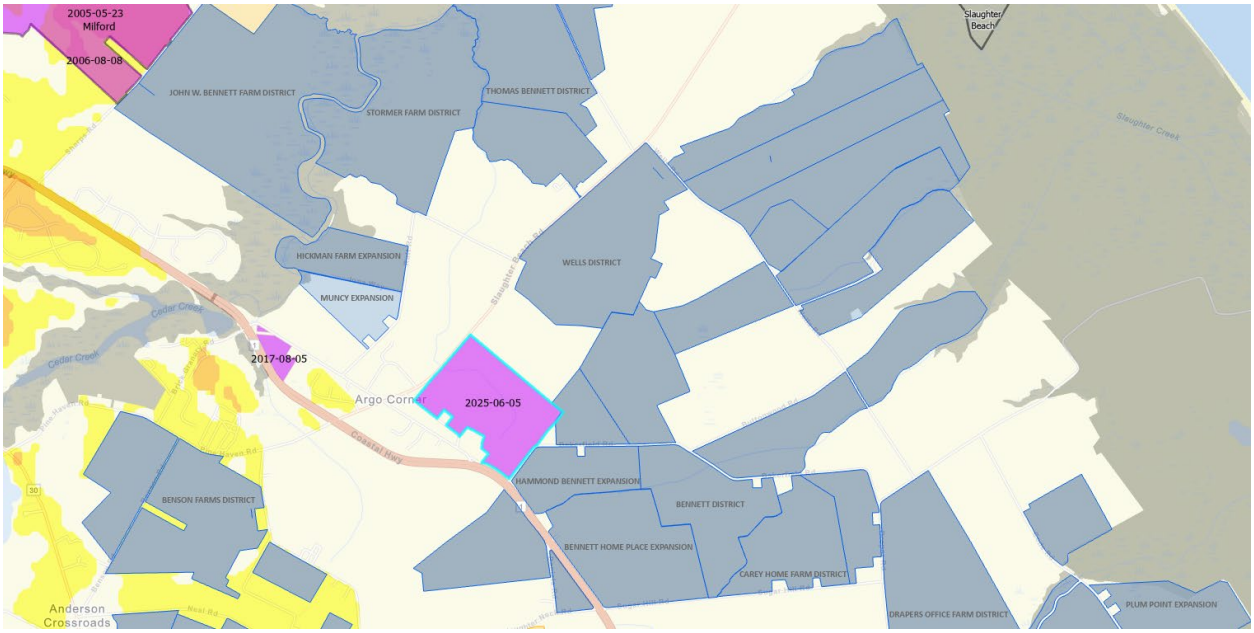
Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. **The developers will also need to comply with 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 87 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.

In this case, the State has made significant investment in preserving agriculture in this area (see map below) with multiple Agricultural easements adjacent to or near the property.



In addition, this project is proposed with on-site wells and wastewater systems. The Department of Natural resources and Environmental Control (DNREC) have also listed the following priority concerns:

- DNREC reviewers have concerns about the potential for drinking water contamination that could result from proximity between each septic and each well, given that most of the lots proposed are approximately one-half acre. The large number of septic systems (87) that would be infiltrating into the soil may pose risks to drinking water sources, particularly where high water table may occur on the site. It is recommended to compare soil infiltration data to the depth to groundwater at this site.

- This property is also within three miles of the bay and within one mile of what is projected to become the permanent inundation zone due to sea level rise. Excessive nutrient loading, in the event of failing septic systems, could have the potential to elevate bacteria levels not only in the local watershed but also in open bodies of water that are commonly used for recreation.

- There is also the potential risk for contaminants to leach from these septics into lower lying areas south of the project, where there are poorly drained soils, waterways, and wetlands. The movement of such leachates could create surface exposure of contaminants in these areas. Low lying lands with poorly drained soils have been identified adjacent to the property, and an exposed waterway has been identified within 100-feet of the property.

- This property is also within three miles of the bay. Excessive nutrient loading, in the event of failing septic systems, could have the potential to elevate bacteria levels not only in the already impaired Cedar Creek watershed but also in open bodies of water that are commonly used for recreation.

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 maintaining infrastructure and providing services increases.

While we are aware that this property is may currently be zoned for the proposed use and is within an Existing Development area, the state cannot support the development of this property and urge the county to consider the negative ramifications of allowing this development if it is approved.

Please be aware that The comments in this letter are technical and are not intended to suggest that the state supports this development proposal. This letter does not in any way suggest or imply that you may receive or may be entitled to permits or other approvals necessary to construct the development you indicate or any subdivision thereof on these lands.

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.

- As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Development Coordination 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 Church Road and Slaughter Beach Road. The following right-of-way dedication note is required, "**A 30-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."**

- 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 Church Road and Slaughter Beach Road.

- 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.

<u>Department of Natural Resources and Environmental Control – Contact Beth Krumrine 302-735-3480</u>

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.

DNREC Priority Concerns
This project is located 100% in Level 4 lands, where building is inconsistent with the Delaware Strategies for State Policy and Spending. DNREC reviewers have concerns about the potential for drinking water contamination that could result from proximity between each septic and each well, given that most of the lots proposed are approximately one-half acre. The large number of septic systems (87) that would be infiltrating into the soil may pose risks to drinking water sources, particularly where high water table may occur on the site. It is recommended to compare soil infiltration data to the depth to groundwater at this site.

This property is also within three miles of the bay and within one mile of what is projected to become the permanent inundation zone due to sea level rise. Excessive nutrient loading, in the event of failing septic systems, could have the potential to elevate bacteria levels not only in the local watershed but also in open bodies of water that are commonly used for recreation.

For all these reasons, a community wastewater collection and transmission system would typically be recommended for similar proposals in Level 2 or 3 lands. However, as this site is surrounded by very rural Level 4 lands, bringing in a community wastewater service may not be possible. In the absence of a community wastewater service, it is recommended to increase the lot sizes, as this will allow greater separation distances among the 87 the individual septics and individual wells. Larger lot sizes will also reduce the number of homes and thereby reduce the potential nutrient load on the already impaired Cedar Creek watershed and nearby waterways.

General Wastewater and Drinking Water Requirements
Eighty-seven (87) individual wells are proposed for this site. The applicant also proposes that each of the lots, most of which are approximately one-half acre, contain a small systems wastewater disposal unit (septic).

The large number of septic systems (87) that would be infiltrating into the soil may pose risks to drinking water sources, particularly where high water table may occur on the site. This area is also within three miles of the bay and within one mile of what is projected to become the permanent inundation zone. Excessive nutrient loading, in the event of failing septic systems, could have the potential to elevate bacteria levels not only in the local watershed but also in open bodies of water that are commonly used for recreation.

- For similar proposals in Level 2-3 lands, a community wastewater collection and transmission service would typically be the recommended alternative. However, as this property is located in very rural Level 4 lands, such an alternative may not be possible.

- If the applicant instead pursues 87 individual septic systems, a soil feasibility study for each single-family residential 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.

- Please be advised that DNREC reviewers have identified several potential public safety hazards associated with this proposal. Please consult with the DNREC Division of Water at the contacts listed below for steps that can be taken to mitigate these potential risks. See section on Potential Public Safety Hazards for additional information.

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/

Wetlands and Waterways
Maps from the Statewide Wetlands Mapping Project indicate the potential presence of non-tidal wetlands in the southeastern portion of the site, as well as a potential blue line stream located in the middle of the site. The application indicates that wetlands have not been delineated. The application proposes to disturb approximately 80% of the waterway but does not propose direct impacts to the wetlands in the southeast.

State Requirements:

- Include all wetland boundaries, streams, and waterways on site plans.
- The DNREC Wetlands and Waterways Sections recommends that a wetlands delineation is completed.
- It is recommended to schedule a meeting with the DNREC Joint Permit Processing (JPP) service for assistance with the necessary state and federal permitting procedures and requirements. Please contact the DNREC Division of Water's Wetlands and Waterways Section to schedule.

State Contact: DNREC Wetlands and Waterways Section at (302) 739-9943.
Website: https://dnrec.delaware.gov/water/wetlands/

Federal Requirements:

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

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

Coastal Zone Federal iConsistency Certification (state contact): DNREC Coastal Management Program at (302) 739-9283.
Website: https://dnrec.delaware.gov/coastal-programs/coastal-management/

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.

- 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 Requirements
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.

Air Quality – Particulate Emissions
Particulate emissions are regulated by DNREC's Division of Air Quality. To control particulate emissions from construction and materials handling operations, the following is required:

- The applicant must use dust suppressants and other measures during demolition activities, grading, land clearing, excavation of non-paved roads, material movement or storage, and sandblasting activities.

Contact: DNREC Division of Air Quality at (302) 739-9402.
Website: https://dnrec.delaware.gov/air/permitting/

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 located within Sussex County's Evacuation Zone A.

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 a church with a cemetery known as the Slaughter Neck Methodist Episcopal Church & Cemetery on the neighboring parcel. A tributary of Cedar Creek runs through the parcel. Soils are mostly well drained with a relatively large portion of poorly drained on the eastern side of the parcel, which is the area that is forested. There are at least two, possibly three archaeological sites within a mile, both near Cedar Creek.

- The SHP office is recommending to the applicant to contact the church to see if they have any records of a survey being performed on their cemetery or of knowledge of any potential for unmarked burials outside of the known borders of the cemetery. If the cemetery has not been previously delineated, our office recommends a survey to delineate the cemetery's boundaries, including potential unmarked graves. Along with this, they highly recommend amending the development plans to provide a buffer around the cemetery. The size of the buffer would be dependent on if a delineation survey is performed. Without records of a survey, it cannot be known if there are any unmarked graves beyond the known borders of the cemetery.--Our office is available to answer any questions regarding this process.

- Precontact potential is moderate to high. The SHP office recommends an archaeological survey prior to ground disturbance activities. If any project or development proceeds, the developer should be aware of the Unmarked Human Skeletal Remains Law (Del. C. Title 7, Ch.54). 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.

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 Slaughter Beach Road and Church Street 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

- 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 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

Potential Public Health and Safety Hazards
This project is located 100% in Level 4 lands, where building is inconsistent with the Delaware Strategies for State Policy and Spending. In Level 4 lands, infrastructure may not exist for large systems wastewater services. As a result, the applicant proposes 87 individual septics and wells to serve the 87 residential lots in this design.

DNREC reviewers have concerns about the potential for drinking water contamination that could result from the proximity between each septic and each well, given that most of the lots proposed are approximately one-half acre. The large number of septic systems (87) that would be infiltrating into the soil may pose risks to drinking water sources, particularly where high water table may occur on the site.

There is also the potential risk for contaminants to leach from these septics into lower lying areas south of the project, where there are poorly drained soils, waterways, and wetlands. The movement of such leachates could create surface exposure of contaminants in these areas. Low lying lands with poorly drained soils have been identified adjacent to the property, and an exposed waterway has been identified within 100-feet of the property.

This property is also within three miles of the bay. Excessive nutrient loading, in the event of failing septic systems, could have the potential to elevate bacteria levels not only in the already impaired Cedar Creek watershed but also in open bodies of water that are commonly used for recreation.

Long term, DNREC reviewers have concerns regarding the potential for the water table in this area to become increasingly high as a result of sea level rise. This site is within one mile of what is projected to become the permanent inundation zone by 2050. The function of septics and wells could be impacted and overall risk for contamination could become more likely.

For all these reasons, a community wastewater collection and transmission system would typically be recommended for similar proposals in Level 2 or 3 lands. However, as this site is surrounded by very rural Level 4 lands, bringing in a community wastewater service may not be possible.

- Consult with the DNREC Groundwater Discharges Small Systems Section and the DNREC Water Well Licensing Board at the contacts listed below for steps that can be taken to mitigate these potential risks.

- Investigate the depth to groundwater at this site, particularly in the area of the existing ditch, which has been in-place for over 90 years according to aerial imagery.

- In the absence of a community wastewater service, it is recommended to increase the lot sizes, as this will allow greater separation distances among the 87 the individual septics and individual wells. Larger lot sizes will also reduce the number of homes and thereby reduce the potential nutrient load on the already impaired Cedar Creek watershed and nearby waterways.

- Consider the potential effects of nearby sea level rise through the expected lifespan of all proposed septics and wells. Consult with the DNREC Groundwater Discharges Small Systems Section and the DNREC Water Well Licensing Board for innovative and alternative design solutions.

Drainage Contact: DNREC Drainage Program at (302) 855-1930.
Website: https://dnrec.delaware.gov/drainage-stormwater/
Local Watershed Water Quality Contact: DNREC Division of Watershed Stewardship's Watershed Assessment Section at (302) 739-9939.
https://dnrec.alpha.delaware.gov/watershed-stewardship/

Sea Level Rise Contact: DNREC Climate and Sustainability Section at (302) 735-3480.
Website: https://dnrec.delaware.gov/coastal-programs/planning-training/adapting-to-sea-level-rise/

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/

Drainage

- Due to the age of the existing ditch, topographic anomalies, the proposed location of stormwater management facilities, and the proposed 87 individual septics, it is recommended check the depth to groundwater of this site.

- It is further recommended to avoid providing basements on lots 13, 47, 61, 62, 63, and 79, due to the potential for soil saturation and high water table. These lots correspond with the existing ditch, which has been in-place for over 90 years according to aerial imagery.

- 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.

- Any area designated as a drainage/utility easement should be open space and not owned by the individual landowners.

- Any drainage/utility easement should not possess structures such as decks, buildings, sheds, kennels, or fences within the drainage easement to allow for future drainage maintenance. Trees and shrubs planted within a drainage/utility easement should be spaced to allow for drainage maintenance at maturity.

Contact: DNREC Drainage Program at (302) 855-1930.
Website: https://dnrec.delaware.gov/drainage-stormwater/

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/

Water Quality
This site lies within the Cedar Creek Watershed. Surface water quality in this watershed does not meet Federal and/or State Water Quality Standards and a Pollution Control Strategy is in place for this watershed.

- Implement vegetated buffers with a width of at least 100 feet around all water features on or adjacent to the site.

- Reduce impervious surfaces on the project site by eliminating areas of impervious pavement and/or using pervious pavement where practicable.

- Reduce stormwater runoff by integrating infiltration basins, bioretention (rain gardens), filter strips, and by preserving existing trees, wetlands, and passive open space.

- Reduce the necessity for nutrient application by maintaining open space as meadow or forest planted exclusively with native plants. Native plants are well-suited to our climate and require limited maintenance.

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

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

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

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

Forested Wetlands and Vegetated Buffer Zones
Maps from the Statewide Wetlands Mapping Project indicate the potential presence of forested wetlands on the southeastern portion of the site. This habitat type is known to support an array of plants and animals, most notably wetland dependent species such as amphibians.

There is potential for high marsh habitat to exist in the wetland area of this parcel. Several state-rare species, state-listed endangered species, and federally-listed threatened species, particularly birds, nest in high marsh habitats.

To reduce impacts to these species, the following is recommended:

- Do not disturb forested wetlands. Maintain an upland buffer of at least 100 feet along all wetlands, waterways, and sensitive habitats, including those containing existing forest or natural vegetative cover.

- Vegetated buffer zones should be identified outside of the Limit of Disturbance on the engineering plans.

- Maintain vegetated buffer zones as native species meadows or forest.

- 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 habitat connections to undeveloped open space, which are especially important for species movement across the landscape.

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

Aglands Preservation Districts
The proposed project is adjacent to and shares property boundaries with an Aglands Preservation District (Hammond Bennett Expansion of the Bennett District). Adjacent properties may be impacted.

- DNREC reviewers request that a 50-foot vegetated buffer is placed between this project and the Aglands Preservation District to minimize any potential noise/dust nuisances coming from the farm. Buffers should be maintained with a mix of native species. Please reach out to the Delaware Department of Agriculture (DDA) for further information.

Contact: DDA Aglands Preservation and Planning Section at (302) 698-4530. Website: https://agriculture.delaware.gov/agland-preservation-planning/

Air Quality – Design to Minimize Mobile Source Emissions
Mobile sources include a variety of motor vehicles and mobile equipment that generate air emissions, such as ozone, particle pollution, and air toxics. The DNREC Mobile Sources Control Program reduces motor vehicle-related pollution from both on-road vehicles and non-road vehicles.

- This site lies within Sussex County. Ambient air quality in this area may not meet Federal Air Quality Standards.

- Consider designing the project to connect to local bicycle networks. Designing for travel alternatives has the potential to minimize the overall tailpipe emissions associated with the use of this site.

- Consider designing the project for low maintenance green spaces. Designing green spaces to be less dependent on gas-powered lawn and garden equipment has the potential to minimize emissions associated with the on-going maintenance of this site.

Contact: DNREC Division of Air Quality's Mobile Sources Program at (302) 739-9402. Website: https://dnrec.delaware.gov/air/mobile-sources/

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

- Offer the option to install solar 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 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/).

- Consider planting select areas with native trees. Native 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.

- Consider planting select areas with meadow comprised of native species. Native plants are well-suited to our climate and require limited maintenance. Mowing in these areas 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.

- 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 64, though, with development, this will undoubtedly change. The 12 adjacent blocks aggregated bring the area to a total population of 308.

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.

Expected Annual Loss
× Social Vulnerability
÷ Community Resilience
= Risk Index

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

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.

- Lastly, in reference to the county evacuation zone, DEMA encourages this information be made readily available to any and all persons residing there. This can be done simply through pamphlets or a neighborhood sign.

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.

Fire Department Comments:

- The volunteer fire department is obligated to provide Fire and EMS service to this property. In addition**,** new development in their Fire and EMS district will put a financial strain on their volunteer fire service. As their call volume increases yearly due to the growth within the service area, current funding does not keep up with development within the district. State, County, and Local funding does not keep up with the growth of the fire district, so the developer and future residents need to help financially support the Volunteer Fire Department. Future residents need to consider joining the fire department to serve their new community.

- 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 Engineering Department Comments
- Sussex County Planning & Zoning 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
June 25, 2025
June PLUS Comments
Sussex County Department of Planning & Zoning

I. Review and Discussion: Bayview Estates (2025-06-05)
Location: Southeast corner of the intersection Slaughter Beach Road & Church Road.
Project: Review of a proposed Major Subdivision to accommodate a single-family residential development to include 87 lots to utilize individual on-site wastewater and wells on two Parcels comprised of a total of 115.42 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 pandz@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): 230-8.00-13.00 & 230-8.00-21.05

Proposed: The project proposes Major Subdivision and Lot Line Adjustment utilizing the Cluster option to accommodate a single-family residential development to include (87) lots with individual on-site wastewater and individual wells on a (101.7) acre portion of two Parcels comprised of a total of (115.42) acres +/-.

Chapter 99 – Subdivision of Land: Staff note: (§99-18(E)(4)(c)): *Culs-de-sac are required for dead-end streets: (i) greater than 300 feet in length as measured from the nearest turnaround area; or (ii) that serve more than four dwellings. Culs-de-sac are required for dead-end streets: (i) greater than 300 feet in length as measured from the nearest turnaround area; or (ii) that serve more than four dwellings.*
The Plan's design may need to be revised to reconfigure lots or accommodate two more Culs-de-sac as the southern terminus of proposed Roads B & C are more than (300) feet from the respective intersections with proposed Road E.

Additionally, Staff note additional design revision may be required as proposed Lots #64-#73 and #79-#87 do not meet the requirement that "excessive lot depth in relation to lot width should be avoided" (§99-19(C)). The ratio of these lots varies significantly from the "2:1 desirable" in the Code with the noted proposed lots averaging 4:1 or 6:1. Staff note that the Plan in relation to (§99-19(C)) will be subject to review by the Planning & Zoning Commission in order to determine compliance or appropriateness of design relating the Code requirements for proposed lot width/depth ratio.

Zoning: The parcels are currently zoned General Residential (GR) and Agricultural Residential (AR-1) with Parcel #21.05 entirely within the (GR) Zoning District and Parcel #13.00 split-zoned (AR-1) & (GR) Districts. The proposed single-family cluster lots with individual on-site wastewater and wells are permitted by-right in the (AR-1) and (GR) Districts. As the site is split-zoned, Staff note that the Plan will be required to provide varied setbacks for lots proposed in (AR-1) versus (GR) Zoning Districts on the site.
(AR-1) - 30/15/20 feet for Front/Side/Rear
(GR) - 30/10/10 feet for Front/Side/Rear
The Plan proposes a minimum lot are of (21,780) SQ FT as provided for under the cluster option in the (AR-1) portion of the Plan. Staff note that the proposed (21,780) SQ FT minimum lot size will require approval by DNREC prior to any Public Hearing at the County for any application.

Density: The proposed density of (≈0.86) dwelling units per acre meets the County Code requirements for residential density in (AR-1) and (GR) Districts which allows up to (1.25) single-family detached dwelling units per acre when using a wastewater disposal system located entirely on that lot (§115-25(A)(2)).

Applicability to Comprehensive Plan: The project lies and both Parcels lie within the Growth Area classification of "Existing Development Area" per the 2018 Comprehensive Plan). *Existing Development Areas* consist primarily of "existing residential development under the current (GR) General Residential and (MR) Medium Density Residential Districts, as well as some commercial uses" noting that they are "scattered throughout the County", and "surrounded by Low Density Areas" (2018 Sussex County Comprehensive Plan, 4-16). In terms of guidelines for future growth in *Existing Development Areas*, the Plan indicates "The full range of housing types allowed in the existing underlying zoning districts are appropriate in these residential areas, including single-family homes, townhouses, and multi-family units" and "densities are whatever is permitted in the existing underlying zoning district of the property" (2018 Sussex County Comprehensive Plan, 4-17).

Open Space Provisions: The Plan proposes cluster lots to utilize individual on-site wastewater and wells with a minimum lot size of (21,780) square feet. Under the definition of Open Space in Code for residential subdivisions, the proposed density of (0.86) DU/AC is under the (2.0) DU/AC threshold requiring a minimum percentage of Open Space. The perimeter of the site variously borders existing residential development or agricultural areas which therefore will require a (30) foot buffer on all perimeter boundaries of the site as well as a (50) foot agricultural setback for all building envelopes of proposed lots adjacent to boundaries with agricultural areas (§99-6(G)(2)).

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. Staff recommend the Plan includes the provision of stubs or easements for connection to adjacent unimproved parcels to accommodate potential future development of these adjacent lands.

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. Staff note that any proposed setbacks/BRLs will be required to meet the (50) foot setback requirements for major subdivisions adjacent to land used primarily for agricultural purposes (§99-6(G)(2)) where applicable.

Forested Areas: The Applicant notes that there are presently (12.8) acres of existing forest on the site and that (0) acres will be removed. Therefore, the site is retaining (12.8) acres of forested area (This represents ≈13% of the overall 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)). Please note, if any existing woodlands are proposed as part of any required Perimeter Buffer, a Perimeter Buffer Protection Area may be required per (§99-5) & (§99-6).

Wetlands/Waterways: The Application indicates that there are no tidal or non-tidal wetlands present on the site.

Site Considerations (Flood Zones, Tax Ditches, Groundwater Recharge Potential etc.): The property is located within Flood Zone "X" (Areas determined to be outside of the 100-year floodplain) as indicated in the applicant's Conceptual Land Use Plan. The Parcels are located within an area of "good" Groundwater Recharge. Please note this on any 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 any Wellhead Protection areas.

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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
June 25, 2025

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: Kent Walnut Shade (2025-06-06)**
County: Kent **Municipality:** Unincorporated
Location: Back field of Parcel 7-00-10400-01-2700-00001
Project: Review of a proposed rezoning from RMH (Residential Manufactured Home) to AC (Agricultural Conservation) for the development of a Community Energy Facility that will provide solar energy and guaranteed energy savings for subscribers. The site is classified as State Strategies Level 2.

III. 9:15 AM **Review and Discussion: 1510 Paper Mill Road (2025-06-01)**
County: New Castle **Municipality:** Unincorporated
Location: 1510 Paper Mill Road, Newark, DE 19711
Project: Review of a proposed rezoning of Parcel 08-030.00-015 from S (Suburban) to ST (Suburban Transition). Following the establishment of a Historic Overlay for the existing single-family dwelling, the remaining parcel is proposed to be subdivision into 31 age-restricted, single-family attached townhome lots. The site is classified as State Strategies Level 2.

IV. 9:45 AM **Review and Discussion: School Bell Enterprises (2025-06-03)**
County: New Castle **Municipality:** Unincorporated
Location: 0 School Bell Road
Project: Review of a proposed residential subdivision consisting of 72 single family lots on 54.7 acres zoned S (Suburban). The site is classified as State Strategies Level 2.

V. 10:15 AM **Review and Discussion: NCC Day Care Centers Ordinance (2025-06-07)**
County: New Castle **Municipality:** Unincorporated
Location: All of unincorporated New Castle County

Project: Review of a proposed ordinance to amend New Castle County Code Chapter 40, Article 3, regarding adult day care facilities and limited use standards for day care centers.

VI. 10:30 AM **Review and Discussion: Lynch Farm (2025-06-02)**
County: Sussex **Municipality:** Frankford
Location: DuPont Blvd (113) & Clayton Avenue (CR 401), Frankford DE
Project: Review of a proposed residential subdivision including a mix of single-family, villa, and townhome lots, totaling 460 dwelling units on 115 acres zoned RPC (Residential Planned Community). The site is classified State Strategies Levels 1-3.

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.

The Sussex County Engineering Department recommends that all subdivision streets meet or exceed Sussex County Standards.

For questions regarding these comments, contact Chris Calio, Sussex County Engineering Department at (302) 855-7370.

VII. 11:00 AM **Review and Discussion: Bay View Estates (2025-06-05)**
County: Sussex **Municipality:** Unincorporated
Location: Slaughter Bach Road & Church Road
Project: Review of a proposed 87 lot single-family residential subdivision on 101.7 acres currently in agricultural use, to be served by individual wells and septic systems. The site is located in a State Strategies Level 4 area.

The proposed project is located within a Tier 4 for wastewater planning. Sussex County does not currently have a schedule to provide sanitary sewer to this project. The Sussex County Engineering Department recommends the project receive wastewater service from a public utility or municipality.

The Sussex County Engineering Department recommends that all subdivision streets meet or exceed Sussex County Standards.

For questions regarding these comments, contact Chris Calio, Sussex County Engineering Department at (302) 855-7370.

VIII. 11:30 AM **Review and Discussion: Charles D. Pollard (2025-06-04)**

County: Sussex **Municipality:** Unincorporated

Location: South side of Plantation Road (CR 275), 50 feet west of Cedar Grove Road and Postal Lane.

Project: Review of a proposed rezoning for a 4.9 acre parcel currently zoned MR (Medium Residential) with a request to rezone to B-2. The concept plan includes 28,000 square feet of office space and 20,000 square feet of retail space. The site is located in a State Strategies Level 2 area.

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.

The Sussex County Engineering Department recommends that all subdivision streets meet or exceed Sussex County Standards.

For questions regarding these comments, contact Chris Calio, Sussex County Engineering Department at (302) 855-7370.

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.