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

September 23, 2025

Eric W Wahl
Pennoni Associates, Inc
18072 Davidson Dr.
Milton, DE 19968

RE: PLUS review – 2025-08-01; Wollaston-Baxter-Shinn Subdivision

Dear Mr. Wahl:

Thank you for meeting with State agency planners on September 3rd, 2025 to discuss Wollaston-Baxter-Shinn Subdivision. According to the information received, you are seeking review of a proposed 155 lot single family subdivision on approximately 78 acres currently being used for agricultural field/woodlands/dwelling, zoned AR-1 (Agricultural Residential District).

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 over 155 residential units in an Investment Level 4 area according to the *2020 Strategies for State Policies and Spending*. This project is also located in a low-density area according to the Sussex County comprehensive plan.

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 preliminary plan proposes the elimination of approximately 25 of 47 acres of forest on the site. An analysis of historical data indicates that the forest area located on the southern two-thirds of the site has likely maintained some degree of forest cover since 1937 and could be considered mature forest.

- Maps from the Statewide Wetlands Mapping Project indicate the potential presence of forested wetlands on the southern 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.

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 Bennum Switch Road and a minimum of 40 feet of right-of-way from the physical center line of Gravel Hill 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 with State maintained roadways. 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 all State maintained roadways.

- 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

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.

Tax Ditches
Prong 4 of the Koeppel-Robinson Tax Ditch lies on the western property boundary of the site. The Main Segment of the Koeppel-Robinson Tax Ditch also intersects the western property boundary. Tax ditches are man-made channels created to move normal water flow off

agricultural lands. These channels have associated tax ditch Rights-of-Way (ROW) that are utilized for access as well as sediment and debris disposal during maintenance. Tax ditch ROWs vary by channel size and location. Prong 4 of the Koeppel-Robinson Tax Ditch has an 80-foot to Top of Bank (TOB) ROW extending into the project boundary. The Main Segment of the Koeppel-Robinson Tax Ditch has an 80-foot to Centerline (CL) ROW extending into the project boundary.

- Development of the site may also result in a change to the drainage pattern and associated tax ditch watershed boundary. To change existing tax ditch watershed boundaries, a Court Order Change must be submitted by the DNREC Drainage Program. To initiate this process, complete and submit the attached Land Development Project Review Request form. An aerial drainage map has been provided for your reference.

- Proposed structures or construction lies within the existing tax ditch ROW. To reduce or change existing tax ditch ROWs, a Court Order Change must be submitted by the DNREC Drainage Program. The associated Land Development Project Review Request form is attached, as well as the aerial drainage map.

- If the site and/or stormwater management features are designed to discharge into Prong 4 of the Koeppel-Robinson Tax Ditch, located on the western property boundary, design must consider existing conditions versus design specifications. Please consult with the DNREC Drainage Program for As-Built design information if necessary.

- Contact the DNREC Drainage Program to discuss the on-site tax ditch ROWs prior to the project application meeting with the appropriate plan review agency for construction stormwater management.

- Permanent obstructions including, but not limited to, stormwater management facilities, buildings, sheds, streets, wells, and septic systems are not allowed within the tax ditch ROWs.

- Existing tax ditches on the property must be surveyed and compared to tax ditch design specifications for effective function. The channel should be cleared or excavated prior to the construction of the project if needed.

- All precautions should be taken to ensure the project does not hinder any off-site drainage upstream or create any off-site drainage problems downstream due to increases in stormwater.

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

Tax Ditch guidelines:
https://documents.dnrec.delaware.gov/swc/Drainage/Documents/Tax-Ditch-Land-Development-Guidelines.pdf

Wetlands and Waterways
Maps from the Statewide Wetlands Mapping Project indicate the potential presence of non-tidal wetlands in the southern portion of the site. The application indicates that wetlands have not been delineated. The application proposes to disturb approximately 3 acres of non-tidal wetlands.

State Requirements:

- The wetlands are not mapped on the site plan. Include all wetland boundaries on site plans.

- DNREC Wetlands and Waterways Sections recommends that a Jurisdictional Determination (JD) is conducted for the site, to flag the wetland boundary.

- The DNREC Wetlands and Waterways Sections recommends that a wetlands delineation is completed. For a list of consultants and engineers who can conduct wetland delineations, please call the DNREC Wetlands and Waterways Section.

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

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/

Wastewater Disposal Systems – Large Systems
For wastewater conveyance offsite by way of a 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.

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

Tricolored Bat
The tricolored bat (*Perimyotis subflavus*) may occur on the site due to habitat suitable for such species existing within the project boundary. This species is federally listed as endangered and is protected under the U.S. Endangered Species Act.

- Consult with the U.S. Fish and Wildlife Service to determine what permits or surveys may be required. Projects should be submitted through the Information for Planning and Consultation tool as well as the Range-wide Northern Long-eared Bat determination key through the U.S. Fish and Wildlife Service at https://ecos.fws.gov/ipac/.

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

Federal Contact: U.S. Fish and Wildlife Service, Chesapeake Bay Ecological Services Field Office at (410) 573-4599. Website: https://www.fws.gov/office/chesapeake-bay-ecological-services

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 Department of Agriculture – Contact Milton Melendez 302-698-4500

- The Delaware Department of Agriculture (DDA) strongly opposes the proposed subdivision as it would allow residential development in a Level 4 area something clearly discouraged by the Strategies for State Policies and Spending and the Sussex County Comprehensive Plan. Level 4 areas are designated for preserving Delaware's most valued resources: farmland, forests, open space, and recreational lands. These areas are not intended for residential development, especially isolated housing that conflicts with long-term land use planning.

- The DDA views this proposal as a direct threat to the viability of Delaware's agriculture, forestry, and resource-based industries. Residential development in Level 4 zones undermines the state's economic, environmental, and cultural heritage. It also leads to increased taxpayer costs for roads, emergency services, and utilities while placing stress on protected rural landscapes. Conflicts commonly arise when various forms of development are unfamiliar with farming practices. Complaints about noise, odors, and slow-moving farm equipment are frequent and can result in unnecessary pressure on agricultural operations. These tensions not only affect public safety but also jeopardize the productivity and legal protections of preserved lands. Growth should be directed to established towns and designated growth areas, not into rural zones set aside for preservation.

- This proposal is especially troubling given its proximity to a property enrolled in the State's Agricultural Lands Preservation Program (Harbeson District S-99-12-217-2 Parcel 135-16.00-52.00 and 135-17.00-2.00). Farming is protected and prioritized in these areas under Delaware law (Title 3, Del. C., Chapter 9), and developments near them are required to incorporate deed restrictions and disclosure statements to inform buyers about nearby agricultural activities.

- While DDA remains open to working with developers on measures such as forested buffers to limit impact, it remains firmly opposed to any comprehensive plan change that opens Level 4 areas certain types of non-agricultural growth. Such action would set a harmful precedent, contradict state planning policy, and threaten the future of Delaware's agricultural landscape.

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

- The Delaware SHPO does not recommend development in Level 4 areas.

- There are no known archaeological sites or known National Register-listed or eligible properties within the project area. Soils are moderately well drained. The parcel is currently forested with older forest and deforestation is planned. Therefore, our office is recommending an archaeological survey prior to any ground disturbing activities due to the amount of disturbance planned.

  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 informational 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:

- Water distribution system capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers. (Assembly)

- 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 Features:

- All structures over 10,000 Sq. Ft. aggregate will require automatic sprinkler protection installed.

- Buildings greater than 10,000 sq. ft, 3-stories or more, over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements

- Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.

- Show Fire Lanes and Sign Detail as shown in DSFPR

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 Bennum Switch Road and Gravel Hill Road 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

- Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered

- Provide Road Names, even for County Roads

Recommendations

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 Mature Forest
The preliminary plan proposes the elimination of approximately 25 of 47 acres of forest on the site. An analysis of historical data indicates that the forest area located on the southern two-thirds of the site has likely maintained some degree of forest cover since 1937 and could be considered mature forest. Mature forests possess the potential for rare, threatened, or endangered species that rely on this type of habitat. 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.

- 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.

- 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.

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/

Forested Wetlands and Vegetated Buffer Zones
Maps from the Statewide Wetlands Mapping Project indicate the potential presence of forested wetlands on the southern 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.

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 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 two Aglands Preservation Districts (Harbeson District). Adjacent properties may be impacted.

There is also an Aglands Preservation District located on the southern two-thirds of the property, containing 47 acres of forest (Harbeson District ID S-99-12-217-5). The project proposes approximately 25 acres of forest removal for development of lots with homes and internal roadways.

- DNREC reviewers request that a 50-foot vegetated buffer is placed between this project and the Aglands Preservation Districts to minimize any potential noise/dust nuisances coming from the farm. Buffers should be maintained with a mix of native species.

- Regarding the Aglands Preservation District on-site, 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/

Tax Ditches

- All existing 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.

Contact: DNREC Drainage Program at (302) 855-1930.
Website: https://dnrec.delaware.gov/drainage-stormwater/
Tax Ditch Mapper: de.gov/taxditchmap
Tax Ditch guidelines: https://documents.dnrec.delaware.gov/swc/Drainage/Documents/Tax-Ditch-Land-Development-Guidelines.pdf

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 Broadkill River 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.

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

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 pedestrian and 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 or geothermal systems for each home. This allows a purchaser to incorporate the cost into their mortgage, making it more affordable. For community facilities such as the proposed clubhouse, 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/).
- 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 65, though, with development, this will undoubtedly change. The 8 adjacent blocks aggregated bring the area to a total population of 323.

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 as **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.

Fire Department Comments:

- The volunteer fire department is obligated to provide Fire and EMS service to this property. In addition**,** new developments in their Fire and EMS district have put a financial strain on their volunteer fire service. As their call volume increases yearly due to the unprecedented 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.

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:

- 2025-08-01 Aerial Drainage Map
- 2025-08-01 Tax-Ditch-Land-Development-Project-Review-Request-Form
- Sussex Planning & Zoning Comments
- Sussex Community Development & Housing Comments
- Sussex County Engineering Department Comments

Tax Ditch Web Map



8/19/2025, 1:31:13 PM

1:9,028

0 0.05 0.1 0.2 mi

0 0.07 0.15 0.3 km

DE_Imagery_2022
- Red: Red
- Green: Green
- Blue: Blue
- Parcels - Sussex _Query result

Drainage Concerns
- Private Drainage
- Tax Ditch
- Roadside Drainage

- Drainage Concerns - Potential RC&D

Tax Ditch Channels
- Tax Ditch Channel
- DITCHPIPEDOT
- DITCHPIPETD
- DITCHPIPEPRIV

- Extent of Right-of-Way
- Approx. Watershed Boundary
- Parcels - Sussex
- State and County Boundaries
- Communities

- DelDOT - Road Numbers

DelDOT - MAINTENANCE RESPONSIBILITY
- State Road Maintained by State

Lakes and Ponds
- Water
- FlowLine

Esri, NASA, NGA, USGS, FEMA, Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community,

DNREC, Division of Watershed Stewardship, Drainage Program

These maps do not replace the official documents on file in the Prothonotary Office, and not to be used for engineering purposes

Division of Watershed Stewardship
Drainage Program
21309 Berlin Rd., Unit 6
Georgetown, DE 19947

Tax Ditch Land Development Project Review Request Form

Project Name: _____

Attach Site Plan of proposed request(s) and include all structures, easements, setbacks, etc. that make your proposal as requested necessary. Include and label existing tax ditch channel and rights-of-way for comparison.

Check out de.gov/taxditchmap to view tax ditch channels and rights-of-way from any web browser. To download the tax ditch GIS Feature Service layer to your own application, visit Delaware FirstMap. Don't forget to label all tax ditch features in all your plans!

Project Representative/Consultant Information:

Name(s): _____
Company: _____
Title(s): _____
Phone Number(s): _____
Email(s): _____

Owner(s) Contact Information:

Name: _____
Phone Number: _____
Email: _____

Authorized Signer(s) Contact Information (when applicable):

Name: _____
Title: _____
Phone Number: _____
Email: _____

For Internal Use Only
Date Received: _____
Tracking #: _____

Division of Watershed Stewardship
Drainage Program
21309 Berlin Rd., Unit 6
Georgetown, DE 19947

Property Information:

Tax Parcel(s) Affected: _____

Tax Ditch Organization(s) Affected: _____

Request(s) of / Proposed Impact(s) to Tax Ditch System (Check all that apply):

☐	Outfall/Discharge into Tax Ditch Channel(s)
☐	Pipe Crossing/Entrances in Tax Ditch Channel(s)
☐	Relocate/Eliminate Tax Ditch Channel(s)
☐	Reduce/Increase Tax Ditch Rights-of-Way
☐	Change Tax Ditch Watershed Boundary
☐	Alteration of Existing Tax Ditch Channel(s)
☐	Utility Crossing in Tax Ditch Channel
☐	Other Explain:

Based on the options selected above, additional information may be requested.

Please specify Tax Ditch Channel(s) affected, existing and requested tax ditch rights-of-way extents whenever applicable, using the space below. (REQUIRED)

Submit all forms to the DNREC Drainage Program
Via email: DNREC_drainage@delaware.gov
Subject Line: Tax Ditch- Land Development Request

For questions about this form please call the Tax Ditch Program at 302-855-1930.

For Internal Use Only
Date Received: _____
Tracking #: _____

JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR
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jamie.whitehouse@sussexcountyde.gov

Sussex County
DELAWARE
sussexcountyde.gov

Preliminary Land Use Service (PLUS) Meeting
September 3, 2025
August PLUS Comments
Sussex County Department of Planning & Zoning

I. Review and Discussion: Wollaston-Baxter-Shinn Subdivision (2025-08-01)

Location: Located on both the east side of Gravel Hill Road (Route 30), approximately (0.3) miles south of the intersection with Bennum Switch Road (S.C.R. 294), and on the south side of Bennum Switch Road (S.C.R. 294) approximately (0.3) miles east of the intersection with Gravel Hill Road (Route 30).

Project: Review of a proposed Major Subdivision to accommodate a single-family residential development to include 155 lots on (3) three Parcels comprised of a total of 96.24 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): 135-16.00-50.00, 135-16.00-51.00, & 135-16.00-45.00

Proposed: The project proposes Major Subdivision utilizing the Cluster option to accommodate a single-family residential development to include (155) lots for single-family detached residential dwelling units on Parcels comprised of a total of 96.24 acres +/-.
Staff note the PLUS Application form and attached plan contain errors relating to the Parcel ID # 135-16.00-51.00 (Mislabeled and itemized as 135-16.00-31.00) as well as overall acreage of 96.24 acres +/- (77.95 acres on PLUS Application & Plan).

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. Staff recommend the Applicant review (§115-25(F)(3)) in terms of the Plan's design. Staff note that cluster subdivisions are required to demonstrate the superior design criteria in (§115-25(F) & Staff

recommend all cluster applications ensure that open space design meets all the cluster requirements under (§115-25(E)).

Density: The proposed (155) cluster subdivision lots across a total of (96.24) acres results in a density of (≈1.6) dwelling units per acre which complies with the County Code requirements for residential improvement in an (AR-1) District which allows up to (2) single-family detached dwelling units per acre when serviced by a central sewer system (§115-25(B)(3)).

Applicability to Comprehensive Plan: The project lies within the Rural Area classification 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, "AR-1 zoning regulations also permit an average of two homes per acre where a cluster-style site plan is used, and a portion of the tract is preserved in permanent open space" and "the cluster option permitted in Low Density Areas should continue to permit overall site densities of up to two units per acre, provided significant open space is set aside and the tract connects to public sewers" (2018 Sussex County Comprehensive Plan, 4-19).

Open Space Provisions: The proposed plan includes (36.48) acres +/- (out of a total of (96.24) acres) of open space which equates to approximately 37% of the project site. This meets the Cluster Option standards which require a minimum of 30% Open Space. Staff note that the requirements for AR-1 Cluster Subdivisions include specific design standards for Open Space. Additionally, please note that County Council updated Codes related to Open Space on 12/10/2024. The new Ordinances (Ord. No 3061, Ord. No. 3062, & Ord. No. 3038) include updated standards including but not limited to: what can be classified as Open Space, the new requirement threshold for providing a Forest Assessment Report (FAR), as well as maintenance of DelDOT Level of Service.
Ord. No. 3062 (Link) **Ord. No. 3061 (Link)** **Ord No 3038 - Perimeter Buffers (Link)**

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. While the plan proposes entrances on both Gravel Hill as well as Bennum Switch Road, Staff recommend the Plan includes the provision of a stub or easement for connection to adjacent TM #135-16.00-44.00 and/or TM# 135-17.00-2.00 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 (47.28) acres of existing forest on the site and that (24.86) acres will be removed. Therefore, the site is retaining (22.42) acres of forested area (Representing ≈23% of the overall 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). Staff commend the applicant for the forest and tree preservation incorporated into the design of this plan, particularly preserved interior woodland areas, as Staff appreciate efforts to conserve as many mature trees as possible during the design phase.

Wetlands/Waterways: The Application notes that there are no tidal or non-tidal wetlands present on the site. Please ensure that all due wetlands investigations are carried out in the forested areas on the site to ensure compliance with (§115-193: Resource protection).

Site Considerations (Flood Zones, Tax Ditches, Groundwater Recharge Potential etc.): The parcels are located within Flood Zone "X" – Areas determined to be outside the 1% annual chance flood and outside the 500-year floodplain as indicated in the applicant's Conceptual Land Use Plan. The Parcels lie within an area "Fair" 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 the Koeppel-Robinson Tax Ditch and associated (80) foot Right-of-Way encroaches on a small portion of Parcel #51.00 and constitutes the entire northwest boundary of Parcel #50.00. No structures may be constructed within the Tax Ditch ROW.

BRANDY BENNETT NAUMAN
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Sussex County
DELAWARE
sussexcountyde.gov

September 5, 2025

Mr. Eric Wahl
Pennoni Associates
18072 Davidson Drive
Milton, DE 19968

RE: PLUS Review (PLUS 2025-08-01) – Wollaston-Baxter-Shinn Subdivision

Dear Mr. Wahl,

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 133, Haslet Armory
122 Martin Luther King Jr. Blvd., South
Please see https://publicmeetings.delaware.gov/ for link to on-line access
September 3, 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: Smyrna Comprehensive Plan Map Amendment (2025-08-08)**
County: Kent **Municipality: Smyrna**
Location: Tax Parcel 1-17-01013-02-0301-00001
Project: Review of a proposed Comprehensive Plan Amendment of their future land use designation of a 5.46-acre tax parcel from 'Open Space/Recreation/Historic to 'Commercial'. This will enable this parcel to be sold to the adjacent Smyrna Self-Storage and developed for commercial use.

III. 9:15 AM **Review and Discussion: NCC Changes to Open Space or Common Facilities (2025-08-02)**
County: New Castle **Municipality:** Unincorporated
Project: Review of a proposed local government ordinance that if enacted, would bring clarity to New Castle County Code Section 40.27.540 regarding requirements and obligations relating to private open space and common facilities set aside as part of a subdivision or land development plan.

IV. 9:30 AM **Review and Discussion: NCC Data Centers (2025-08-04)**
County: New Castle **Municipality:** Unincorporated
Project: Review of a proposed local government ordinance that would create standards for Data Centers in the county.

V. 9:45 AM **Review and Discussion: Town of Bellefonte 2025 Comprehensive Plan (2025-08-05)**
County: New Castle **Municipality:** Bellefonte
Project: Review of an update for the Town of Bellefonte Comprehensive Plan.

VI. 10:15 AM **Review and Discussion: 1500 Bear Corbitt Road (2025-08-06)**
County: New Castle **Municipality:** Unincorporated
Location: 1500 Bear Corbitt Road
Project: Review of a proposed rezoning and site plan for 4,800 sq ft Self Storage facility consisting of 11 small 2,400 sq ft outside access storage buildings and one 38,400 sq ft climate controlled mini-storage building, with a 1,176 sq ft rental office. The property is currently zoned ON (Office Neighborhood) and is proposed to be rezoned to CR (Commercial Regional); it is located in a State Strategies Level 2 area.

VII. 10:45 AM **Review and Discussion: Newark Comprehensive Plan (2025-08-09)**
County: New Castle **Municipality:** Newark
Project: Review of the existing certified comprehensive plan to advise City of new regulations passed since its certification in 2016.

VIII. 11:15 AM **Review and Discussion: Robinson Property (2025-08-10)**
County: Sussex **Municipality:** Unincorporated
Location: Northeast side of Coastal Highway, approximately 500' south of Cave Neck Road
Project: Review of a proposed cluster subdivision consisting of 396 single-family lots on approximately 355.5 acres. The property is zoned AR-1 and is located in State Strategies Level 4 and Out of Play.

The proposed project is located within a Tier 4 area 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.

IX. 11:45 AM **Review and Discussion: Wollaston – Baxter-Shinn Subdivision (2025-08-01)**
County: Sussex **Municipality:** Unincorporated
Location: Parcels located between Bennum Switch Road and Gravel Hill Road.
Project: Review of a proposed 155 lot single family subdivision on approximately 78 acres currently being used for agricultural field/woodlands/dwelling, zoned AR-1 (Agricultural Residential District) and classified as State Strategies Level 4.

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.

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.

X. 12:15 AM **Review and Discussion: Maloney Farm (2025-08-03)**
County: Sussex **Municipality:** Unincorporated
Location: South of Martins Farm Road and east of Harbeson Road.

Project: Review of a proposed 88 lot single-family subdivision on 44.37 acres currently zoned AR-1 (Agricultural Residential District). The site is currently used as agricultural fields and woods, is bisected by a power easement, and is classified as State Strategies Level 4.

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.

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.

XI. 12:45 AM **Review and Discussion: Straight Line Solutions Shopping Center (2025-08-07)**
County: Sussex **Municipality:** Annexing to Georgetown.
Location: 20200/20224 Dupont Boulevard south of Wilson Hill Road.
Project: Annexation of the site into the Town of Georgetown and rezoning to Highway Commercial for development of a shopping center with flex space. Includes rezoning a site plan review for an approximately 55-acre site, currently zoned AR-1 and C-1 (Agricultural Residential District and General Commercial), with a proposed zoning of HC (Highway Commercial) under Georgetown. The site is located in State Strategies Levels 3 and 4 areas.

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

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.