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

September 19, 2025

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

RE: PLUS review – 2025-08-03; Maloney Farm

Dear Mr. Wahl:

Thank you for meeting with State agency planners on September 3rd, 2025 to discuss the Maloney Farm PLUS application. According to the information received, you are seeking 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

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 88 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.

Additionally, this project may be inappropriate from an environmental perspective due to:

- 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.

- The preliminary plan proposes the elimination of approximately 16 of 24 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.

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 Maloney Farm 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 Maloney Farm Road. 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.

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 (Newcomb Expansion S-23-07-074B Parcel 234-1.00-1.08, 07,06,1.02). 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.

<u>Delaware Emergency Management Agency – Contact Phillip Cane 302-659-2325</u>

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.

<u>State Historic Preservation Office – Contact Carlton Hall 302-736-7400</u>

- The State Historic Preservation Office does not support or recommend development in Level 4 areas. There are no known archaeological sites or known National Reister-listed or eligible properties on the parcel. Soils are moderately well drained. Bundicks Branch is to the south, based on the dotted line it might be now ephemeral but that doesn't mean it always was. Most of the archaeological sites nearby are historic, but some have precontact components. Potential is probably low to moderate but there is a significant amount of tree removal planned. Based on the level of disturbance planned, the Delaware SHPO recommend an archaeological survey prior to any ground disturbing activities.

  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:

- 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 Martins Farm 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 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 16 of 24 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/

Aglands Preservation Districts

The proposed project is adjacent to and shares a property boundary with an Aglands Preservation District (Newcomb Expansion of the White Meadows District). Adjacent properties may be impacted.

- As proposed, 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/

Stormwater Management

- Where the site and soil conditions allow, integrate runoff reduction techniques including infiltration basins, bioretention (rain gardens), filter strips, and pavers to encourage on-site stormwater infiltration and reduce runoff.

- For improved stormwater management, preserve existing trees, wetlands, and passive open space.

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

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

Drainage

- All existing drainage ditches on the property should be evaluated for function and cleaned, if needed, prior to the construction of the project.

- Environmental permits or exemptions may be required by the County Conservation District (Standard Plan), the DNREC Sediment and Stormwater Program (eNOI/NOT), Army Corp of Engineers, and/or DNREC Wetlands and Waterways Section prior to clearing and/or excavating ditch channels.

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

- 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/

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

- 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 networks and public transit. The closest bus stop appears to be approximately 1 mile from this site. Pedestrian access could be possible via what is currently a cleared pathway along the eastern property boundary, extending north to the Lewes Georgetown Highway (Route 9). On the site plan, this cleared pathway is labeled as a "future adjacent road connection." 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, 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 8, though, with development, this will undoubtedly change. The 9 adjacent blocks aggregated bring the area to a total population of 554.

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 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:

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

JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR
(302) 855-7878 T
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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: Maloney Farm (2025-08-03)

Location: Located on both the south side of Martins Farm Road (S.C.R. 291)) approximately (0.9) 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 88 lots on a Parcel comprised of a total of 133.11 acres +/-.

Sussex County Department of Planning & Zoning Comments

The applicant is required to participate in a pre-application meeting with the County. Please contact the Planning and Zoning Department to schedule a pre-application meeting with staff to discuss the proposed project by calling (302) 855-7878 or you may reach out to the Planning & Zoning Office at 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: 334-10.00-64.00

Proposed: The project proposes Major Subdivision utilizing the Cluster option to accommodate a single-family residential development to include (88) lots for single-family detached residential dwelling units on a (44.37) acre portion of a Parcel comprised of a total of 133.11 acres +/-. Staff note that this proposes connection to the recently approved Peck Farm (2022-27) Subdivision (128 Lots) and is immediately adjacent and to the west of the recently approved Peck Farm (2022-27) which received Preliminary approval on 2/7/2024.

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 (88) cluster subdivision lots across a total of (44.37) acres results in a density of (≈1.98) 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 (20.2) acres +/- (out of a total of (44.37) acres) of open space which equates to approximately 45% 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. The plan proposes connection to the recently approved Peck Farm (2022-27) Subdivision (128 Lots) which lies immediately adjacent and to the west of the subject site as well as a connection to the east bordering the power line easement and proposed residual lands. Staff recommend the Plan also include the provision of a stub or easement for connection to adjacent parcels to the south to accommodate potential future development of these adjacent lands as well.

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 (24.45) acres of existing forest on the site and that (16.01) acres will be removed. Therefore, the site is retaining (8.44) acres of forested area (Representing (≈19%) of the proposed development area and (≈6%) 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).

Wetlands/Waterways: The Application notes that there are no tidal or non-tidal wetlands present on the site. Staff note that the GIS data available to the County indicates the possible presence of a small area of isolated wetlands on the far western portion of the site along the frontage on Cool Springs Road (S.C.R. 290) and Bundicks Branch Stream. 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 parcel is located predominantly within Flood Zone "X" (Areas determined to be outside the 1% annual chance flood and outside the 500-year floodplain) with a small portion of the southeastern portion of the parcel adjacent to Cool Springs Road within the (AE) Special Flood Hazard Zone (1% annual chance of flooding / 26% chance of flooding over 30 years). The Parcel lies within areas of "Fair" and "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).

BRANDY BENNETT NAUMAN
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Sussex County
DELAWARE
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September 5, 2025

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

RE: PLUS Review (PLUS 2025-08-03) – Maloney Farm

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.