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

May 20, 2026

Carlton Savage
20246 Coastal Highway
Rehoboth Beach, DE 19971

RE: PLUS review – 2026-04-01 Estates at Reynolds Ponds

Dear Mr. Savage:

Thank you for meeting with State agency planners on April 29th, 2026 to discuss Estates at Reynolds Ponds. According to the information received, you are seeking review of a proposed site plan for 82 single family homes in an area categorized as State Strategies level 4.

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 **82 residential units** in an Investment Level 4 area according to the *2025 Strategies for State Policies and Spending*. This project is also located within a Rural area according to the SC 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 development of this site may be environmentally inappropriate due to the following:

Potential Public Health and Safety Hazards

DNREC reviewers have concerns about the potential for contamination that could result from proximity of the proposed individual septic systems to Reynolds Pond and Waples Pond. This property is adjacent to Reynolds Pond and is within just over one mile of Waples Pond. The site has adjacency to Waples Pond by way of a perennial stream known as Sowbridge Branch. Lots with homes are proposed within 50 feet of Reynolds Pond, which follows the southern property boundary of this site.

There is potential risk for contaminants to leach from these septic systems and travel to lower lying areas downstream of the project. Well drained, sandy soils have been identified on this site, so it is possible that the soil alone may not provide sufficient treatment of leachates coming from the proposed septic systems. The movement of such leachates could create surface exposure of contaminants downstream. The large number of septic systems (82) that would be infiltrating into the soil may pose risks to public health, particularly for those who use Reynolds Pond and Waples Pond for recreation, as well as those on low lying downstream properties who may rely on private wells for drinking water.

Excessive nutrient loading, in the event of failing septic systems, could further have the potential to elevate bacteria levels not only in the local watershed but also in open bodies of water that are commonly used for recreation.

For all these reasons, a community wastewater collection and transmission system would typically be recommended for similar proposals in Level 2 or 3 lands. However, as this site is surrounded by very rural Level 4 lands, bringing in a community wastewater service may not be possible. In the absence of a community wastewater service, it is recommended to consider advanced treatment individual septic systems for each lot. Advanced treatment individual systems can help reduce the potential nutrient load on ponds and other nearby waterways.

Because the development is inconsistent with the Strategies for State Policies and Spending, the Department is opposed to the development of this site plan.

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

Code Requirements/Agency Permitting Requirements

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

- Hummingbird Road is a state-owned and state-maintained road. As such, any access point onto Hummingbird Road 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 require a Traffic Impact Study (TIS). As discussed in the PLUS meeting the developer has already begun this process. Please complete and finalize the study to identify any frontage or off-site improvements necessary.

- The project has frontage along the Delaware Bayshore Byway. Delaware State Code Title 17, Chapter 1, Sections 190-194 and Title 17, Chapter 11, Sections 1101-1120 with applicable amendments apply. Specifically:

    - No new billboards, variable message boards, or electronic changing message sign(s) anywhere on or off Harbeson Road. Any such structure or fixture shall be 660 feet away, i.e., any closest byway right-of-way edge.

    - No off-premises advertising on the property for others within 660 feet of Harbeson Road, e.g., displaying on-site the bank/financial institution funding the

project or the contractor building the project.

- 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 all State maintained roads. The following right-of-way dedication note is required, "**An 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 roads.

- Referring to Section 3.4.2.1 of the Development Coordination Manual, the following items, among other things, are required on the Record Plan:

    - A Traffic Generation Diagram. See Figure 3.4.2-a for the required format and content.

    - Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.

- 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.

- In accordance with Section 5.2.9 of the Development Coordination Manual, the Auxiliary Lane Worksheet should be used to determine whether auxiliary lanes are warranted at the site entrances and how long those lanes should be. The worksheet can be found at http://www.deldot.gov/Business/subdivisions/index.shtml.

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.

General Wastewater Requirements
Eighty-two (82) individual small systems wastewater disposal systems (septic systems) are proposed for this site. This property is adjacent to Reynolds Pond and is within just over one mile of Waples Pond. The site has adjacency to Waples Pond by way of a perennial stream known as Sowbridge Branch. Lots with homes are proposed within 50 feet of Reynolds Pond, which follows the southern property boundary of this site. Excessive nutrient loading, in the event of failing septic systems, could have the potential to elevate bacteria levels not only in the local watershed but also in open bodies of water that are commonly used for fishing and other forms of recreation.

The large number of septic systems (82) that would be infiltrating into the soil may pose risks to public health, particularly for those who use Reynolds Pond and Waples Pond for recreation, as well as those on low lying downstream properties who may rely on private wells for drinking water. Well drained, sandy soils have been identified on this site, so it is possible that the soil alone may not provide sufficient treatment of effluents coming from the proposed septic systems.

- For similar proposals in Level 2-3 lands, a community wastewater collection and transmission service would typically be the recommended alternative. A Certificate for Public Convenience and Necessity (CPCN) for wastewater service appears to exist for parcel 230-28.00-12.00.

- For wastewater conveyance offsite by way of new sewer connection, flow rates exceeding 2,500 gallons of liquid waste per day will require a Wastewater Pollution Collection and Conveyance (WPCC) permit from the Commercial and Government Services section.

- However, as this property is surrounded by very rural Level 4 lands, such an alternative may not be feasible at this time.

- If the applicant instead pursues 82 individual septic systems, a soil feasibility study for each single-family residential lot shall be completed and submitted to the Groundwater Discharges Small Systems Section.

- A Site Evaluation must be performed by a Delaware licensed Class D Soil Scientist to determine the type of disposal system allowed under current regulations and site conditions. A list of licensed Class D soil scientists can be found at the following website: https://data.delaware.gov/Energy-and-Environment/Class-D-Site-Evaluator-Licensees-Based-on-Licensed/6vjq-34rp

- The applicant must comply with all county codes pertaining to small systems wastewater disposal (septic).

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

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

Septic Contact: DNREC Residential Services Section at (302) 739-9947. Website: https://dnrec.delaware.gov/water/residential/septic-systems/

Special Flood Hazard Area

According to the newest Flood Insurance Rate Maps (FIRM), the southern portion of this parcel is situated within a Special Flood Hazard Area, specifically within the mapped 100-year floodplain (1% annual chance of flooding). The Special Flood Hazard Area identified on the site lies within zone AE. In lands contained within the 100-year floodplain, the National Flood Insurance Program's floodplain management regulations must be enforced through the local floodplain ordinance, which can have higher standards. Structures and features such as 14 lots with homes are proposed within the floodplain. Homeowners with mortgages for homes within the floodplain may be required to purchase flood insurance. Although houses are proposed

outside of the Special Flood Hazard Area (SFHA), some houses may still be required by lenders to purchase flood insurance, based on the proximity to the SFHA.

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

- The applicant must comply with the local floodplain ordinance and regulations applicable to development or construction within the 100-year floodplain. A floodplain permit issued by the Community Floodplain Official may be required. In determining the boundary of the floodplain, use the most recent FIRM maps available, which can be found at https://floodplanning.dnrec.delaware.gov/

Contact: DNREC Shoreline and Waterway Management Section at (302) 608-5500. Website: https://dnrec.delaware.gov/watershed-stewardship/waterways/floodplains/

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/

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 states that the project does not propose direct impacts to the wetlands.

State Requirements:

- If plans change and wetlands are disturbed, please contact the Wetlands and Waterways Section for more information on permitting requirements.

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

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 update to the Comprehensive Plan, 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 new rural residents 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 (S-09-11-156D E&M Isaacs Expansion parcel # : 230-28.00-14.00 and S-14-01-274 EL&Ma Isaacs Family Farm LTD Partnership parcel # : 230-21.00-27.00). 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.

- In addition, normal farming operations in Agricultural Preservation Districts are protected from nuisance lawsuits, ensuring farmers can work without legal interference

from neighboring residents. New housing developments would also be subject to water well construction limitations near preserved lands, per Section 4.01(A)(2) of Delaware's Regulations Governing the Construction and Use of Wells.

- 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 to residential growth. Such action would set a harmful precedent, contradict state planning policy, and threaten the future of Delaware's agricultural landscape.

- DDA urges decision-makers to reject this proposal and instead support responsible growth aligned with the state's long-term vision for land preservation and rural sustainability.

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

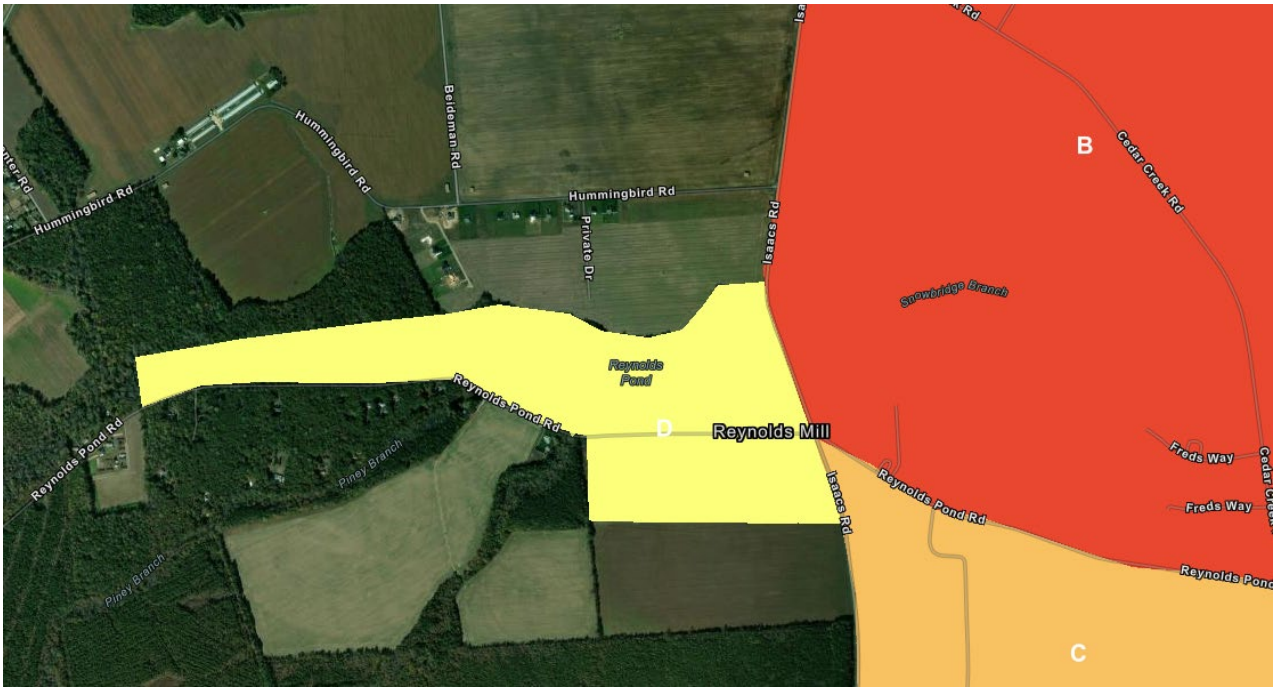
Proposed Project Parcel Flood Concern

- This parcel is located within an area of **Minimal Flood Concern of 1000 years or greater**. However, there is a 100-year flood to the South of the parcel right along Reynolds Pond. There doesn't appear to be any immediate construction occurring within the floodplain itself.



Parcel Status within County Evacuation Zone Location

- The parcel is not yet located within a Sussex County Evacuation Zone. Though it borders evacuation zone D to the south, and zone B to the east.



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 Delaware SHPO does not recommend or support development in Level 4 areas.

- The parcel has a high potential for precontact archaeological resources and a moderate potential for historic archaeological resources, including a nearby historic mill. There are also references to a historic agricultural complex associated with this parcel, with the potential for demolished outbuildings within the parcel itself. The parcel in question has been part of PLUS applications previously, and in 2005 our office recommended an archaeological survey. Our office has no record of that survey having been performed.

- The Delaware State Historic Preservation Office recommends an archaeological survey prior to any ground disturbing activities. Historic agricultural complexes are often associated with unmarked graves and family cemeteries. We ask that the applicant be

aware of the Unmarked Human Burials and Human Skeletal Remains Law (Del C. Title 7, Ch.54).

If there are any questions, inquiries, or concerns, feel free to contact the Delaware State Historic Preservation Office for assistance at 302-736-7400.

Delaware State Fire Marshall's Office – Contact Duane Fox 302-739-4394
This document is for information purposes only and does not constitute any type of approval from the Delaware State Fire Marshal's Office. At the time of formal submittal, the applicant shall provide completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation:

Fire Protection Water Requirements:

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

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

Accessibility:

- All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from Hummingbird Road must be constructed so fire department apparatus may negotiate it. If a "center island" is placed at an entrance into the subdivision, it shall be arranged in such a manner that it will not adversely affect quick and unimpeded travel of fire apparatus into the subdivision.

- 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

- National Fire Protection Association (NFPA) Construction Type

- Maximum Height of Buildings (including number of stories)

- Provide Road Names, even for County Roads

Recommendations/Additional Information

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

- It is suggested that the internal sidewalks be extended to the entrance on to Hummingbird Road to include a crosswalk linking the internal sidewalk network.

- This project is located in Investment Level 4 according to the 2025 State Strategies for Policy and Spending. In Investment Level 4 DelDOT prioritizes improving safety; ensuring effective regional travel between population centers; preserving corridor capacity; maintaining existing transportation facilities; and making enhancements that support the agricultural industry. This project is not in alignment with DelDOT priorities in the area and should be designed and built to best mitigate negative impacts.

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

Potential Public Health and Safety Hazards
This project is located within, and is surrounded by Level 4 lands, where building is inconsistent with the Delaware Strategies for State Policy and Spending. In Level 4 lands, infrastructure may not exist for large systems wastewater services. As a result, the applicant proposes 82 individual septic systems to serve the 82 residential lots in this design.

DNREC reviewers have concerns about the potential for contamination that could result from proximity of the proposed individual septic systems to Reynolds Pond and Waples Pond. This property is adjacent to Reynolds Pond and is within just over one mile of Waples Pond. The site has adjacency to Waples Pond by way of a perennial stream known as Sowbridge Branch. Lots with homes are proposed within 50 feet of Reynolds Pond, which follows the southern property boundary of this site.

There is potential risk for contaminants to leach from these septic systems and travel to lower lying areas downstream of the project. Well drained, sandy soils have been identified on this site, so it is possible that the soil alone may not provide sufficient treatment of leachates coming from the proposed septic systems. The movement of such leachates could create surface exposure of contaminants downstream. The large number of septic systems (82) that would be infiltrating into the soil may pose risks to public health, particularly for those who use Reynolds Pond and Waples Pond for fishing and other forms of recreation, as well as those on low lying downstream properties who may rely on private wells for drinking water.

Excessive nutrient loading, in the event of failing septic systems, could further have the potential to elevate bacteria levels not only in the local watershed but also in open bodies of water that are commonly used for recreation.

For all these reasons, a community wastewater collection and transmission system would typically be recommended for similar proposals in Level 2 or 3 lands. However, as this site is

surrounded by very rural Level 4 lands, bringing in a community wastewater service may not be possible.

- In the absence of a community wastewater service, it is recommended to consider advanced treatment individual septic systems for each lot. Advanced treatment individual systems can help reduce the potential nutrient load on ponds and other nearby waterways.

Septic Contact: DNREC Residential Services Section at (302) 739-9947.
Website: https://dnrec.delaware.gov/water/residential/septic-systems/

State of Delaware Endangered Species
The following animals are listed as State of Delaware endangered species and have been documented near the project area.

- The Hessel's hairstreak (*Callophrys hesseli*) is an insect listed as endangered in the State of Delaware.

- The Delmarva fox squirrel (*Sciurus niger cinereus*) is an animal listed as endangered in the State of Delaware.

- The Blackbanded sunfish (*Enneacanthus chaetodon*) is a fish listed as state endangered in the State of Delaware.

Recommendations for Hessel's hairstreak:

- To minimize negative impacts to this species, reviewers recommend preserving Atlantic white cedar trees that may present on the site, as this tree species is the host plant for the state endangered Hessel's hairstreak butterfly.

Recommendations for Delmarva fox squirrel:

- As proposed, do not disturb existing forest on-site. Specifically, nut and mast producing trees such as oaks, hickories, and beech are important food sources for Delmarva fox squirrels.

- Provide wooded strips within the development and within the perimeter buffer, so squirrels that have entered the development can use the trees to safely return to the adjacent forest.

- Consider using signs or speed restrictions to inform motorists to be on the lookout for squirrels and to avoid squirrel mortality.

- If Delmarva fox squirrels are present on the site and the above recommendations are not possible, consider allowing DNREC's Division of Fish and Wildlife to trap, remove and relocate squirrels prior to clearing forest.

- For more information on practices that can support the Delmarva fox squirrel, refer to the Delmarva Fox Squirrel Conservation Plan at https://documents.dnrec.delaware.gov/fw/conservation/delmarva-fox-squirrel/DFS%20%20Conservation%20Plan%20Final.pdf.

Recommendations for Blackbanded sunfish:

- Activities that could impact Reynolds Pond or Sowbridge Branch, directly or indirectly, should not take place during spawning, typically May 1 – June 30. Blackbanded sunfish spawn in aquatic vegetation over sandy or mud bottoms of water bodies with quiet shallow water.

- As proposed, do not disturb the forest along Reynolds Pond, as this state-endangered fish is sensitive to water quality changes.

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

Vegetated Buffer Zones and Forested Wetlands within Key Wildlife Habitat

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 amphibians and spawning freshwater gamefish.

The Atlantic White Cedar wetlands on this property are mapped as Key Wildlife Habitat in the Delaware Wildlife Action Plan because they are rare within the state and have the potential to harbor a high diversity of Species of Greatest Conservation Need.

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

- Maintain an upland buffer of at least 100 feet along all wetlands, waterways, and sensitive habitats, including those containing existing forest or natural vegetative cover.

- Eliminate Lots 51-64 and the Amenity Lot to increase the vegetated buffer width along Sowbridge Branch and Reynolds Pond.

- 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/

Special Flood Hazard Area

- Eliminate Lots 51-54 and locate all structures outside of the floodplain. If this is not possible, the developer should consider designing structures to a higher standard to avoid potential future flood damage and loss.

Contact: DNREC Shoreline and Waterway Management Section at (302) 608-5500. Website: https://dnrec.delaware.gov/watershed-stewardship/waterways/floodplains/

Stormwater Management

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

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

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

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

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 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 amenity lot, consider using renewable energy infrastructure such as solar or geothermal to reduce energy costs and further reduce pollution created from offsite generation. Grant funds and incentives are available for Delmarva Power customers through the DNREC Green Energy Fund, which includes several funding types through the state's major electric utilities (https://dnrec.delaware.gov/climate-coastal-energy/renewable/assistance/).

- Use efficient Energy Star rated products and materials in construction and redevelopment. Energy efficient appliances use less energy over time. This saves consumers and businesses money, while also helping to reduce pollution from power generation.

- 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 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 7 adjacent blocks aggregated bring the area to a total population of 325.

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 low** for overall natural hazards risks.

- Community Resilience is a consequence reduction risk component and a community risk factor that represents the ability of a community to prepare for anticipated natural hazards, adapt to changing conditions and withstand/recover rapidly from disruptions.

Social Vulnerability is a consequence-enhancing risk factor that represents the susceptibility of social groups to the adverse impacts of natural hazards.

- Its community resilience and its social vulnerability are both rated as **relatively moderate.**

Renewable Energy Commitment

- Regarding energy use and consumption, the census tract utilizes **electricity** as the predominant fuel type for heating purposes.

- DEMA strongly encourages the use of renewable energies and high-efficiency appliances and utilities. Regarding utilities, DEMA suggests incorporating 90% series furnaces/HVAC systems; the closer to 99%, the better, as well as A/C units of 20 Seer or greater. DEMA recommends using tankless water heaters, and battery backup systems for sump pumps to reduce potential water damage from power failure. Lastly, DEMA encourages the integration of modern and emerging technologies, such as the potential for electric vehicles in garages/parking lots, green roofs or solar panels where applicable and allowable, and the like.

- In reference to the flood zones, DEMA strongly discourages construction of any type directly within, adjacent to or within proximity to a 100-year floodplain as water knows no bounds. Regardless of whether within or adjacent to a floodplain, should construction continue, we recommend utilizing additional mitigation strategies to reduce the risk from flooding. This could include, but isn't limited to, wet/dry floodproofing, elevating the home out of the flood plain, elevating mechanicals/HVAC/Electricity out of the flood waters, mass notification systems, large drainage systems (increased diameter pipes, ditches, basins, etc.) and other similar methods.

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.

- Although not a requirement of the State Fire Prevention Regulations, the Office of the State Fire Marshal encourages home builders to consider the benefits of home sprinkler protection in dwellings. The Office of the State Fire Marshal also reminds home builders that they are obligated to comply with requirements of Subchapter III of Chapter 36 of Title 6 of the Delaware Code which can be found at the following website: http://delcode.delaware.gov/title6/c036/sc03/index.shtml

Fire Department Comments:

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

- The fire department is obligated to provide fire and EMS service to this property. Additional new development within their fire/EMS district has put a financial strain on the volunteer fire service. In order to provide quality service within the fire/EMS district the fire department may have to hire career staff to keep up with the demand of service. Currently State and County funding is not keeping up with the growth of the fire district and the burdens placed on the volunteer fire department. The developer and future residents will need to consider financial support, before this becomes a tax burden. Volunteerism is dwindling so 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 County Planning & Zoning Comments
- Sussex County Engineering Department Comments

JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR
(302) 855-7878 T
panz@sussexcountyde.gov

Sussex County
DELAWARE
sussexcountyde.gov

Preliminary Land Use Service (PLUS) Meeting
April 29, 20256
April PLUS Comments
Sussex County Department of Planning & Zoning

I. Review and Discussion: Estates at Reynolds Ponds (2026-04-01)
Location: Southwest corner of Hummingbird Rd and Isaacs Rd (Rt. 30)
Project: Review of a proposed Major Subdivision accommodate a single-family residential development to include (82) lots for single-family detached residential dwelling units with private onsite wells and individual on-site wastewater on (1) Parcels comprised of a total of 82 acres +/-.

Sussex County Department of Planning & Zoning Comments

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

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

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

Tax Parcel ID(s):
230-28.00-12.00

Proposed: The project proposes a Major Subdivision to accommodate a single-family residential development to include (82) lots for single-family detached residential dwelling units with private onsite wells and individual on-site wastewater and on a portion of (1) Parcels comprised of a total of 82 acres +/-.

Zoning: The parcels are currently zoned Agricultural Residential (AR-1). The proposed single-family lots are permitted by-right in the AR-1 Zoning District and the proposed lots meet the AR-1 Requirements for minimum lot size for lots on individual on-site wastewater systems.

Density: The proposed density of ≈ 1.11 dwelling units per acre complies with the County Code requirements for residential improvement in an (AR-1) District.

Applicability to Comprehensive Plan: Applicability to Comprehensive Plan: The project lies within the Rural Area classifications of "Low Density Area" (per the 2018 Comprehensive Plan). Low Density Areas are lands currently zoned AR-1 that the County "hopes to retain the rural environment" and "set aside significant open space" (2018 Sussex County Comprehensive Plan, 4-18). The Plan additionally notes, "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: Please note that County Council updated Codes related to Perimeter Buffers and 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.

Transportation Improvement District (TID): N/A

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: 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) as well as a Forest Assessment Report (FAR).

Wetlands/Waterways: The parcel does not have any Tidal wetlands present on the site. Staff notes that there are Non-Tidal Wetlands on the parcel.

Site Considerations (Flood Zones, Tax Ditches, Groundwater Recharge Potential etc.): The parcel does have areas located within Flood Zone "AE" and Flood Zone "X" – outside the Annual Channce Flood Zone as indicated in the applicant's Conceptual Land Use Plan. This is accurate according to current data available to Sussex County Planning & Zoning.

Staff note there are no Wellhead Protection Areas on the site. The Parcel is within an area of "Good" Groundwater Recharge. Please note this on any plans in order to comply with the provisions of Chapter 89 "Source Water Protection" of the Sussex County Code (§89-7).

PLUS

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Preliminary Land Use Service (PLUS) Meeting
Meeting will be conducted on-line and in person
Room 133, Haslet Armory
122 Martin Luther King Jr. Blvd., South
Please see https://publicmeetings.delaware.gov/ for link to on-line access
April 29, 2026

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: Estates at Reynolds Ponds (2026-04-01)**
County: Sussex **Municipality:** Unincorporated
Location: Hummingbird Road, Ellendale, DE
Project: Review of a proposed site plan consisting of 82 single-family homes under a condominium form of ownership. Project is on 74 acres categorized as State Strategies Level 4 and zoned AR-1 (Agricultural Residential District).

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.

III. 9:30 AM **Review and Discussion: Inland Oaks (2026-04-02)**
County: Sussex **Municipality:** Unincorporated
Location: Between Robinsonville Road and Rt. 24, east of Sarah Run
Project: Review of a proposed residential cluster subdivision containing 84 single-family lots. Project is on approx.. 50 acres categorized as State Strategies Levels 2-4 and zoned AR-1 (Agricultural Residential District).

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

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

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

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

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

For questions regarding these comments, contact Chris Calio, Sussex County Engineering Department at (302) 855-8384.

IV. 10:00 AM **Review and Discussion: Scarlet Oaks Holdings Parcels FLUM Amendment (2026-04-04)**
County: Sussex **Municipality:** Milton
Location: Corner between Rt. 5 and Shingle Point Road
Project: Review of a proposed amendment to the Future Land Use/Potential Expansion Map of the Comprehensive Plan by changing two parcels from residential to commercial. TMP# 235-20.00-63.00 and 63.01

The proposed project is a Comprehensive Land Use Plan Update/Amendment for the Town Annexation Area of Milton. 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.

V. 10:15 AM **Review and Discussion: Town of Milton Comprehensive Plan Pre-Update (2026-04-03)**
County: Sussex **Municipality:** Milton
Location:
Project: Pre-update review of the Town's Comprehensive plan.

The proposed project is a Comprehensive Land Use Plan Update for the Town of Milton. The Sussex County Engineering Department does not have comments for this project.

VI. **10:45 AM Review and Discussion: Twin Lakes (2026-04-05)**

County: Kent **Municipality:** Felton

Location: South and East of Peach Basket Road, northwest of the Town of Felton

Project: Review of a residential community site plan consisting of 375 Townhomes and 100 Condominiums. Project is on approximately 65 acres categorized as State Strategies Level 2 and zoned R3 (Multi-Family Residential).

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.