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

September 18, 2026

Davis, Bowen & Friedel, Inc.
Attn: W. Zachary Crouch, P.E.
1 Park Ave.
Milford, DE 19963

RE: PLUS review – 2026-08-08; Marlin Cove

Dear Mr. Crouch:

Thank you for meeting with State agency planners on September 2nd, 2026 to discuss Marlin Cove. According to the information received, you are seeking review of a proposed site plan for 282 apartment units (60 SCRP units) with a clubhouse, pool, and amenities, and 76 single-family lots.

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 is located within Investment Levels 2 and 3 according to the 2025 Strategies for State Policies and Spending. This site is also located in the Coastal Area according to the Sussex County Comprehensive Plan

Based on its location in a Level 2 and Level 3 investment area, this project may be consistent with the 2020 Strategies for State Policies and Spending. Investment Level 2 reflects areas where growth is anticipated by local, county, and state plans in the near-term future. Investment Level 3 reflects areas where growth is anticipated by local, county, and state plans in the longer-term future, or areas that may have environmental or other constraints to development.

If, based on comments from state agencies below, this parcel contains environmental concerns or other constraints to development, the state requests that the applicant and the local jurisdiction work with state agencies to design the site with respect to those environmental features which will help create a more sustainable development.

Code Requirements/Agency Permitting Requirements

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

- New Road is a state-owned and state-maintained road. As such, any access on to New 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, a previous TIS was conducted on this location for a previous concept plan. The data of that analysis may be able to satisfy the necessary traffic analysis in this instance. Please work with our office to determine what specific analysis is necessary.

- 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, "**A 30-foot wide strip of right-of-way from the centerline is hereby dedicated in fee simple to the State of Delaware, acting by and through the Delaware Department of Transportation."**

- In accordance with Section 3.2.5.1.2 of the Manual, DelDOT will require the establishment of a 15-foot wide permanent easement across the property frontage with State maintained roadways. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, "**A 15-foot wide permanent easement is hereby dedicated in fee simple to the State of Delaware, acting by and through the Delaware Department of Transportation."**

- In accordance with Section 3.8 of the Manual, storm water facilities, excluding filter strips and bioswales, shall be located a minimum of 20 feet from the ultimate State right-of-way along all State maintained roads.

- Referring to Section 3.4.2.1 of the Development Coordination Manual, the following items 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.

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/

Tax Ditch Watersheds
The project lies within the Perch Creek Tax Ditch Watershed and is contiguous to the Henry C. Johnson Tax Ditch watershed.

Tax ditches are man-made channels created to move normal water flow off agricultural lands. The project site possesses no tax ditches and is currently not subject tax ditch ROWs.

- Clearly delineate and label existing and proposed Tax Ditch [Prongs], associated Right-of-Way (ROW) and Tax Ditch Watershed Boundary Lines on all sheets where it appears, including on adjacent properties. The Delaware Tax Ditch FeatureServer is available on DE FirstMap and here: https://enterprise.firstmap.delaware.gov/arcgis/rest/services/Hydrology/DE_TaxDitch/FeatureServer

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

Hydrologic Soils Group
Hydrologic Soil Group D, somewhat poorly and poorly drained soils, have been identified in the southwestern and northern portions of the site. These soil types could worsen existing drainage issues if present and are typically not conducive to utilizing infiltration stormwater Best Management Practices such as bioretention and infiltration basins. These practices must meet minimum infiltration requirements.

- Any stormwater Best Management Practices that propose the use of infiltration or natural recharge shall include a soils investigation.

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 central portion of the site, as well as a potential blue line stream (Roy Creek) located in the central portion of the site. The application indicates that wetlands have been delineated. The application proposes to disturb less than 1 acre of non-tidal wetlands for a walking trail and Lots 3 and 4. The application also proposes disturbances for Building 9 and a road crossing over the stream.

State Requirements:

- State permits from the DNREC Wetlands and Waterways Section may be required for disturbance proposed in state jurisdictional wetlands and waterways. To apply for a permit online, please visit their website at https://dnrec.delaware.gov/water/wetlands-subaqueous/permits/.

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

Federal Requirements:

- Federal permits from the U.S. Army Corps of Engineers will be necessary if dredge or fill is proposed in tidal wetlands, streams, and certain non-tidal wetlands. A delineation of waterways and wetlands may also be required. In certain cases, permits from the US

Army Corps of Engineers may trigger additional certifications from DNREC (Coastal Zone Federal Consistency Certification and 401 Water Quality Certification). Work with the US Army Corps of Engineers to determine the appropriate federal permitting requirements.

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

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

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/

Electric Vehicle Charging Requirements
Electric vehicle charging infrastructure is now required for new residential construction in Delaware under 7 DE Admin. Code 2101 *Regulations for State Energy Conservation Code*, which incorporates Appendix RE – Electric Vehicle Charging Infrastructure with amendments. This requirement is effective April 11, 2026 and supersedes 16 Del. C. § 8001- § 8006, which sunset upon DNREC's publication of notice that Appendix RE meets or exceeds its standards. County and municipal building and plumbing codes must incorporate the updated code by April 11, 2027.

Requirements are summarized below. Consult 7 DE Admin. Code 2101, Appendix RE, directly for further details.

- For new one- and two-family dwellings with a designated attached or detached garage or other on-site private parking provided adjacent to the dwelling unit: parking shall be provided with one electric vehicle-ready space or electric vehicle supply equipment space per dwelling unit.

- For multi-family dwellings classified as R-2 occupancies by the International Building Code (IBC): parking shall be provided with an electric vehicle-ready space or electric vehicle supply equipment space for 20% of the dwelling units or parking spaces, whichever is less.

- Multi-family dwellings: At least 1 electric vehicle equipment supply space must be in an area available for use by all residents of the R-2 occupancy. The electric vehicle equipment supply space must be accessible by an individual with a disability.

- Multi-family dwellings: Construction documents must indicate the location of proposed electric vehicle supply equipment spaces and electric vehicle-ready spaces.

Contact: DNREC Division of Climate, Coastal & Energy, Energy Section at (302) 735-3480.
Website: https://dnrec.delaware.gov/climate-coastal-energy/energy-office/

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

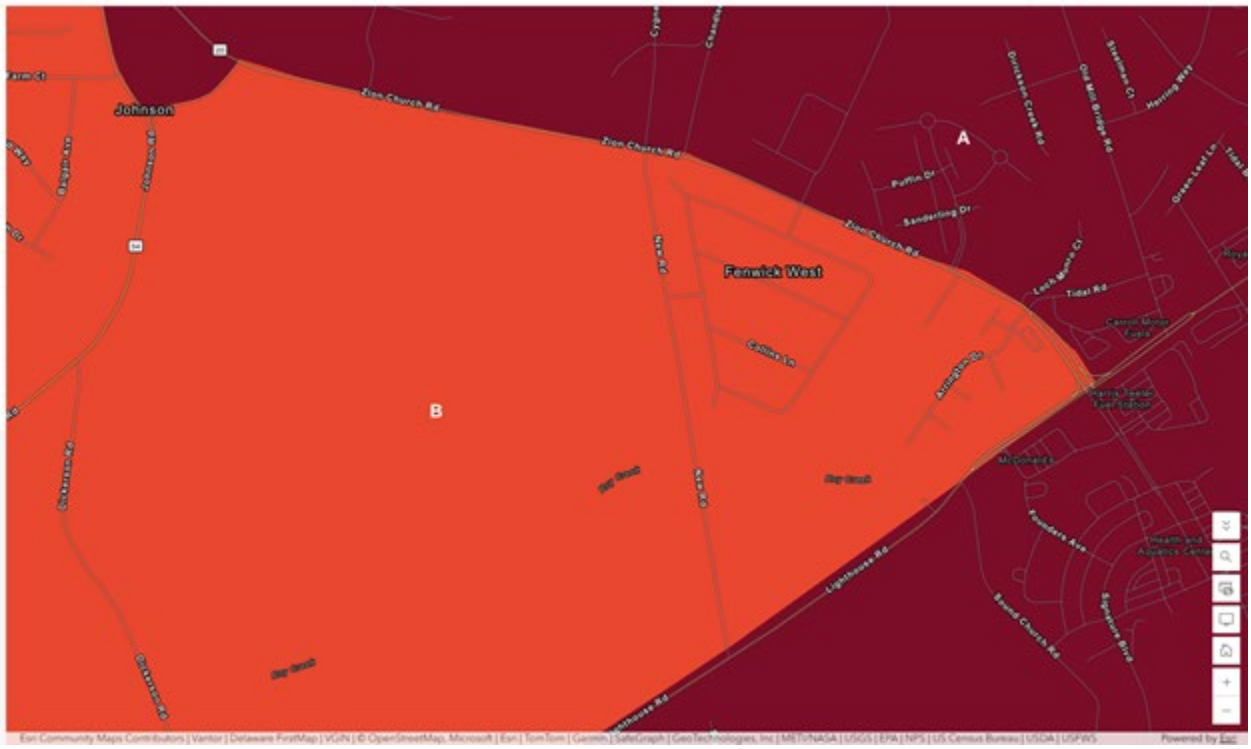
- The applicant must use dust suppressants and other measures during demolition activities, grading, land clearing, excavation of non-paved roads, material movement or storage, and sandblasting activities.

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

Delaware Emergency Management Agency – Contact Tara Wilbur 302-659-2229

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

Parcel Status within County Evacuation Zone Location
- The parcel is located within Sussex County Evacuation Zone B, and is adjacent to zone A.



Parcel Status within the 10-mile Emergency Planning Zone (EPZ) for the Salem Nuclear Power Plant

- The parcel **is not** located within the 10-mile EPZ for the Salem Nuclear Power Plant.

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

- Soils range from poorly drained to moderately well drained. Roy Creek runs through the parcel. There are multiple historic structures and archaeological sites within a mile of the project area. The majority of the sites are historic, with some precontact near Dirickson Creek.

- The property has a moderate to high archaeological potential. The Delaware SHPO recommends an archaeological survey prior to ground disturbing activities.

- SHPO requests that the applicant review the Delaware Unmarked Human Burials and Skeletal Remains Law (Delaware Code: Title 7, Chapter 54), which addresses the process around the treatment and disposition of unmarked human burials that are inadvertently discovered. The Law also prohibits any failure to report their discovery.

- If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects

on any known or potential cultural or historic resources. For further information or additional details pertaining to the Section 106 process and the Advisory Council's role; please review the Advisory Council's website at the following: www.achp.gov

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
At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

Fire Protection Water Requirements:

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

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

Fire Protection Features:

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

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

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

- Show Fire Lanes and Sign Detail as shown in DSFPR

Accessibility

- All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from Lighthouse Rd must be constructed so fire department apparatus may negotiate it.

- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.

- Any dead-end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.

- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.

- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

Gas Piping and System Information:

- Provide type of fuel proposed and show locations of bulk containers on plan.

Required Notes:

- Provide a note on the final plans submitted for review to read “All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”

- Proposed Use

- Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units

- Square footage of each structure (Total of all Floors)

- National Fire Protection Association (NFPA) Construction Type

- Maximum Height of Buildings (including number of stories)

- Note indicating if building is to be sprinklered

- Name of Water Provider

- Letter from Water Provider approving the system layout

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

- Provide Road Names, even for County Roads

Recommendations/Additional Information

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

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

- The applicant should expect a requirement that all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.

- Please be advised that the Standard General Notes have been updated and posted to the DelDOT website. Please begin using the new versions and look for the revision dates of March 21, 2019 and March 16, 2021. The notes can be found at https://www.deldot.gov/Business/subdivisions/

- New Road has a functional classification of local road. Local Roads serve to connect origins and destination with the larger transportation network. This project will add a significant amount of traffic on a local road and may not be compatible with the purposes of a local road.

- This project is located primarily in Investment Level 3 according to the 2025 State Strategies for Policy and Spending. In Investment Level 3 DelDOT prioritizes improving safety; ensuring effective regional travel between population centers; preserving corridor capacity; maintaining existing transportation facilities; and improving connections among existing and redeveloping neighborhoods, public facilities, and commercial areas, consistent with local growth forecasts. This project is generally in alignment with DelDOT priorities.

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

State-listed Rare Species

The following animal is listed as State of Delaware rare, threatened, or endangered species, and has been documented in freshwater near the project area.

- The Banded Sunfish (*Enneacanthus obesus)* is a fish listed as rare in the State of Delaware.

- To minimize negative impacts to this species, we recommend that natural habitats be conserved to the maximum extent practicable.

- Specifically, it is recommended to leave the riparian forest and associated understory vegetation intact. This species also depends on vegetated waters for spawning so removal of aquatic vegetation and sedimentation should be avoided.

- In the absence of targeted fish surveys to confirm the presence of this species in the portion of Roy Creek that is within the project boundary, it is recommended to avoid in-water work during spawning activities, April 1-July 31.

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

Removal of Mature Forest

The preliminary plan proposes the elimination of approximately 35 of 49 acres (71%) of forest on the site. An analysis of historical data indicates that the forest area located on the northwestern portion of the site has likely maintained some degree of forest cover since 1937 and could be considered mature forest. Mature forests possess the potential for rare, threatened, or endangered species that rely on this type of habitat. Forests filter water for improved water quality, provide habitat for wildlife, absorb nutrients, infiltrate stormwater, moderate temperatures, and store atmospheric carbon which would otherwise contribute to climate change.

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

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

- To reduce impacts to nesting birds and other wildlife species that utilize forests for breeding, it is recommended that tree clearing not occur from April 1st to July 31st.

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

Forested Wetlands and Vegetated Buffer Zones

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

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

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

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

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

- Vegetated buffer zones should be deeded as community open space and not contained within any lot lines. Signage should be installed at the edge and within the buffer zones to deter residents from encroaching into these common areas.

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

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

Hydrologic Soils Group

- Removing forested areas should be avoided to the greatest extent possible. Forest removal may exacerbate conditions on poorly drained soils.

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/

Stormwater Management

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

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

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

Water Quality
This site lies within the Little Assawoman 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.

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

- Reduce impervious surfaces on the project site by eliminating areas of impervious pavement and/or using pervious pavement where practicable. Break up large parking lots with planted islands.

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

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

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

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 and covered bike storage where feasible to help facilitate non-vehicular travel modes.

- Use 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.

- Include space for recycling dumpsters within the preliminary site design stage. These can be placed adjacent to trash dumpsters.

Contact: DNREC Division of Climate, Coastal & Energy at (302) 735-3480.
Website: https://dnrec.delaware.gov/climate-coastal-energy/

Delaware Emergency Management Agency – Contact Tara Wilbur 302-659-2229

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 52, though, with development, this will undoubtedly change. The 15 adjacent blocks aggregated bring the area to a total population of 767.

FEMA National Risk Index

- The FEMA National Risk Index is an online mapping application that identifies communities most at risk to 18 natural hazards: Avalanche, Coastal Flooding, Cold Wave, Drought, Earthquake, Hal, Heat Wave, Hurricane, Ice Storm, Landslide, Lightning, Riverine Flooding, Strong Wind, Tornado, Tsunami, Volcanic Activity, Wildfire, and Winter Weather. The FEMA National Risk Index is calculated by multiplying the Expected Annual Loss times the Social Vulnerability and dividing that by the Community Resilience.



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

Renewable Energy Commitment

- Regarding energy use and consumption, the census tract utilizes **electricity** as the predominant fuel type for heating purposes.
- DEMA strongly encourages the use of renewable energies and high-efficiency appliances and utilities. Regarding utilities, DEMA suggests incorporating 90% series furnaces/HVAC

systems; the closer to 99%, the better, as well as A/C units of 20 Seer or greater. DEMA recommends using tankless water heaters, and battery backup systems for sump pumps to reduce potential water damage from power failure. Lastly, DEMA encourages the integration of modern and emerging technologies, such as the potential for electric vehicles in garages/parking lots, green roofs or solar panels where applicable and allowable, and the like.

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

Delaware State Housing Authority - Contact Cole Shultz (302) 739-4263

- DSHA strongly supports the Marlin Cove development project and the affordable housing units it will bring online. It is noted that the proposal is on a DSHA-identified "Area of Opportunity" affordability site, which are strong, high value markets where new affordable housing opportunities should be supported. This designation is validated by the fact that there are no affordable housing sites nearby and speaks to the need for more housing development that working Delawareans can afford. Accordingly, the 60 affordable units being developed through the Sussex County Rental Program are especially critical in this context.
- DSHA also supports the inclusion of market-rate units on this site, as they can provide a cross-subsidy to the affordable units to improve their long-term financial viability. The mix of housing types generally, affordable and market-rate, rental and owner-occupied, supports a healthier and more diverse community that benefits all residents. Finally, we note and appreciate the inclusion of amenities on the site, including a pool for residents, for enabling a more dignified living situation when compared to traditional, barebones, affordable housing developments.

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:

- 2026-08-08 Aerial Drainage Map 533-19.00-7.00
- 2026-08-08 Aerial Drainage Map 533-19.00-8.01
- 2026-08-08 Aerial Drainage Map 533-19.00-9.00
- Sussex County Engineering Department Comments
- Sussex County Community Development & Housing Comments
- Sussex County Planning & Zoning Comments

Delaware Drainage Program Map



7/17/2026, 9:10:18 AM

Drainage Concerns
- Private Drainage
- Tax Ditch
- Roadside Drainage
- Construction, Permitting or Regulation
- Other
- Drainage Concerns - Not Concluded
- Drainage Concerns_Site Visit

Tax Ditch Inspection Results
- Channel Concern
- ROW Obstruction
- Channel & Bank Structures
- Green Infrastructure
- Quick Drainage Photos
- Channel and Bank Structures

Channel Concern
ROW Obstruction
Green Infrastructure
Other
Project Locations
Proposed Channels
Benefitted Areas

D
Tax Ditch
- Tax Ditch
- DITCHHOA
- DITCHTAX_
- Tax Ditch - Pond

1:2,821

0 100 200 400 ft

0 30 60 120 m

Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, DNREC, Division of Watershed

Delaware Drainage Program Map



7/17/2026, 9:13:06 AM

Drainage Concerns
- Private Drainage
- Tax Ditch
- Roadside Drainage
- Construction, Permitting or Regulation
- Other
- Drainage Concerns - Not Concluded
- Drainage Concerns_Site Visit

Tax Ditch Inspection Results
- Channel Concern
- ROW Obstruction
- Channel & Bank Structures
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Channel Concern
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Other
Project Locations
Proposed Channels
Benefitted Areas

Tax Ditch
- Tax Ditch
- DITCHHOA
- DITCHTAX_
- Tax Ditch - Pond

D

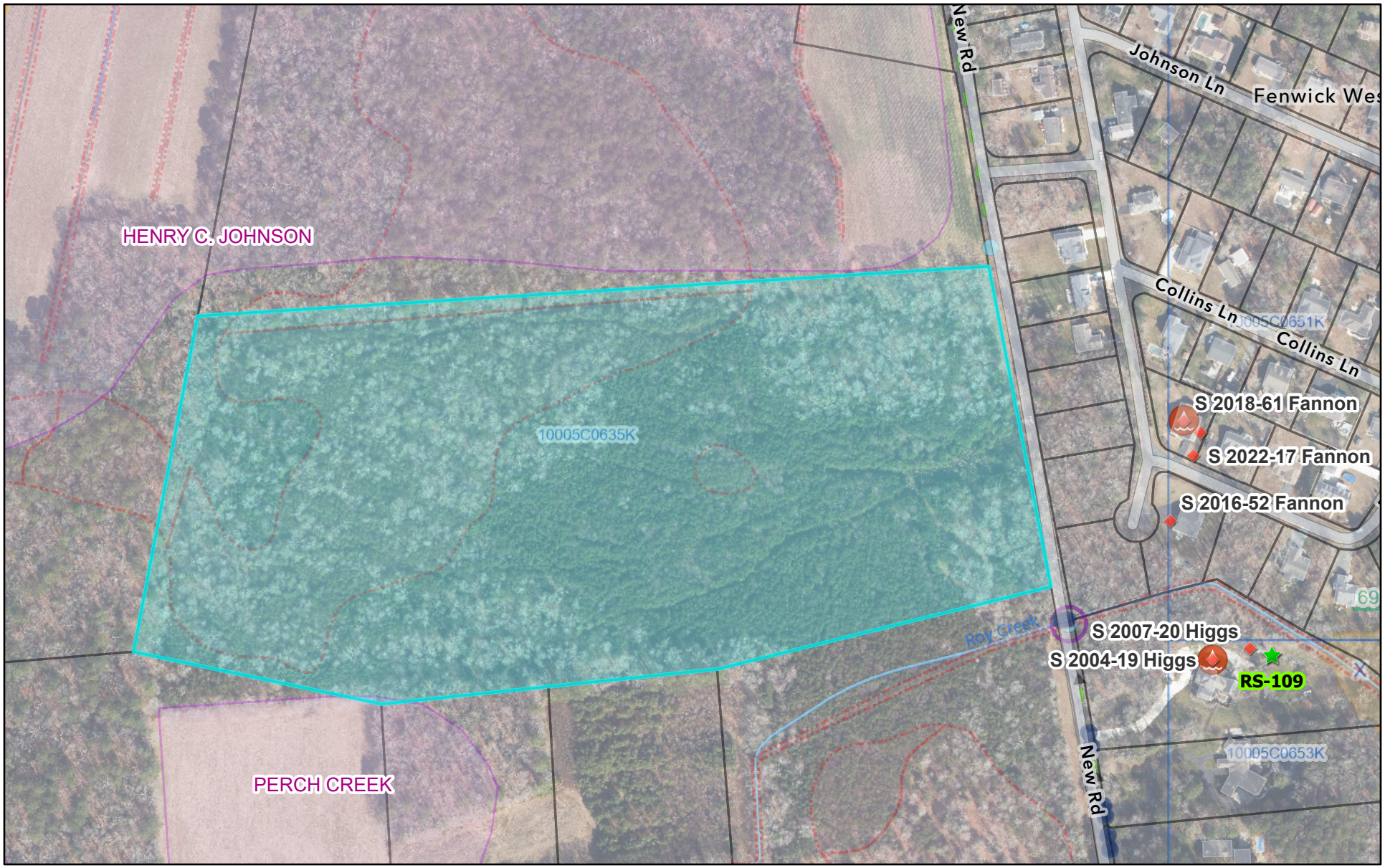
1:3,637

0 130 260 520 ft

0 40 80 160 m

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

Delaware Drainage Program Map



9/1/2026, 7:41:30 AM

Drainage Concerns
- Private Drainage
- Tax Ditch
- Roadside Drainage
- Construction, Permitting or Regulation
- Other
- Drainage Concerns - Not Concluded
- Drainage Concerns_Site Visit

Tax Ditch Inspection Results
- Channel Concern
- ROW Obstruction

Channel & Bank Structures
Green Infrastructure
Quick Drainage Photos
Channel and Bank Structures

Channel Concern
ROW Obstruction
Green Infrastructure
Other
Project Locations
Proposed Channels
Benefitted Areas

Tax Ditch
- Tax Ditch
- DITCHHOA
- DITCHTAX_
- Tax Ditch - Pond

D

1:4,693

0 170 340 680 ft

0 50 100 200 m

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

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
September 2, 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: Town of Little Creek Comprehensive Plan Update (2026-08-09)**
County: Kent **Municipality: Little Creek**
Location:
Project: Review of the Town of Little Creek's 10-year Comprehensive Plan Update

III. 9:30 AM **Review and Discussion: ChristianaCare Camden Hospital (2026-08-10)**
County: Kent **Municipality: Camden**
Location: South DuPont Highway (Cooper Farm)
Project: Review of a proposed site plan for a 2-story building with hospital use on the first floor and medical offices on the second floor, in an area classified as State Strategies Level 1.

IV. 10:00 AM **Review and Discussion: ChristianaCare Georgetown Hospital (2026-08-11)**
County: Sussex **Municipality: Georgetown**
Location: 20769 DuPont Boulevard, Georgetown, DE
Project: Review of a proposed site plan for a 2-story building with hospital use on the first floor and medical offices on the second floor, in an area classified as State Strategies Level 1.

The proposed project is located within the Town of Georgetown. The Sussex County Engineering Department does not have any comments for this project.

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

V. 10:30 AM **Review and Discussion: Springboard Cottage Community (2026-08-06)**
County: Sussex **Municipality: Georgetown**
Location: North of the intersection of Murrays Lane and East Market Street
Project: Review of a proposed site plan for 24 cottage dwelling units with a community center, in an area classified as State Strategies Level 1.

The proposed project is located within the Town of Georgetown. The Sussex County Engineering Department does not have any comments on this project.

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

VI. 11:00 AM **Review and Discussion: Georgetown Comprehensive Plan Review (2026-08-02)**
County: Sussex **Municipality: Georgetown**
Location:
Project: Review of a proposed Future Land Use Map that updates designations of 83 parcels.

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

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

VII. 11:30 AM **Review and Discussion: Patriots Bluff (2026-08-04)**
County: Sussex **Municipality: Unincorporated**
Location: Southwest corner of E. Piney Grove Road and DuPont Blvd. (Rt 113)
Project: Review of a proposed subdivision for a market-rate community comprised of 381 detached single-family, 182 duplex, and 217 townhome dwellings, with a community clubhouse, in an area classified as State Strategies Levels 2-4.

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.

VIII. 12:00 PM **Review and Discussion: Marlin Cove (2026-08-08)**
County: Sussex **Municipality: Unincorporated**
Location: West side of New Road, approximately 100' north of Lighthouse Road (Rt. 54)
Project: Review of a proposed site plan for 282 apartment units (60 SCRP units) with a clubhouse, pool, and amenities, and 76 single-family lots, in an area classified as State Strategies Levels 2 & 3.

The proposed project is located within a Tier 1 area within the Sussex County Unified Sanitary Sewer District and connection to the sewer system is mandatory.

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

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

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

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

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

IX. 12:30 AM **Lunch**

X. 1:30 PM **Review and Discussion: Summerton West (2026-08-01)**
County: New Castle **Municipality: Middletown**
Location: 870 Middletown Warwick Road, Middletown, DE 19709
Project: Review of a proposed site plan for two tour-story apartment buildings with first level parking and commercial use, in an area classified as State Strategies Level 1.

XI. 2:00 PM **Review and Discussion: Monarch Clubhouse (2026-08-03)**
County: New Castle **Municipality: Unincorporated**
Location: 540 Ratledge Road, Middletown, DE 19709
Project: Review of a proposed site plan for a 22,605 SF clubhouse with outdoor amenities and associated improvements on Tax Parcel 13-007.20-410, in an area classified as State Strategies Level 2.

XII. 2:30 PM **Review and Discussion: City of Newark Comprehensive Plan Update VI (2026-08-07)**
County: New Castle **Municipality: Newark**
Location: North of the intersection of Murrays Lane and East Market Street
Project: Review of the City of Newark's 10-year Comprehensive Plan Update

XIII. 3:00 PM **Review and Discussion: New Castle County Composting Ordinance**
County: New Castle **Municipality: Unincorporated**
Location:
Project: Review of a proposed County Ordinance 26-089 to amend New Castle County Code Chapter 40 ("Unified Development Code"), Article 3 ("Use Regulations") and Article 33 ("Definitions") regarding composting.

BRANDY BENNETT NAUMAN
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Sussex County
DELAWARE
sussexcountyde.gov

September 9, 2026

Mr. W. Zachary Crouch
Davis, Browen & Friedel, Inc.
1 Park Ave.
Milford, DE 19963

RE: PLUS Review (PLUS 2026-08-08) – Marlin Cove

Dear Mr. Crouch,

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. This includes the County's Homebuyer Assistance Program,** which provides eligible homebuyers with down payment and closing cost assistance, structured as a deferred 0% interest second mortgage. Developers offering homeownership units are encouraged to make prospective buyers aware of this resource.

Further, Sussex County recently strengthened the Sussex County Rental Program (SCRP) through the adoption of Ordinance No. 4060, offering even greater incentives for developers who choose to participate. The SCRP continues to permit up to 12 units per acre, by right, in eligible areas that set aside 25% of the total units for affordable rentals. SCRP now also allows building heights of up to 60 feet with streamlined, more flexible setback standards for participating projects. Combined with the program's expedited review process, the SCRP

offers developers a meaningful opportunity to increase project density and marketability while helping meet the County's affordable housing goals. For more information on program details and compliance, please visit the Community Development & Housing website at www.sussexcountyde.gov/affordably-priced-rental-units. To learn more about project eligibility and design criteria, please review the Ordinance at https://sussexcountyde.gov/sites/default/files/ordinances/o4060.pdf. The application for SCRP 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

JAMIE WHITEHOUSE, AICP MRTPI
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jamie.whitehouse@sussexcountyde.gov

Sussex County
DELAWARE
sussexcountyde.gov

Preliminary Land Use Service (PLUS) Meeting
September 2, 2025
August 2026 PLUS Comments
Sussex County Department of Planning & Zoning

Review and Discussion: Marlin Cove (2026-08-08)
County: Sussex County
Municipality: Unincorporated
Location: East side of New Road, approx. 100' North of Lighthouse Road (Rt 54)
Project: Review of a proposed apartment community comprised of (282) units of multifamily improvements to include (60) SCRP Units on parcels comprised of approximately (60.843) +/- 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.

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 or County Council may wish to make as part of any application submitted to the Department.

***** Please note, Staff have reviewed the SCRP Multifamily Apartment component of this Plan (2026-08-08) exclusively as was submitted for review at the August 2026 Preliminary Land Use Service (PLUS) Meeting. This letter provides no comments on the Major Subdivision portion of the Plan which includes the proposed (76) Single Family detached Lots #s (1-76) proposed predominantly on Parcel # 533-19.00-9.00.**

Tax Parcel ID(s): 533-19.00-7.00, 533-19.00-8.01, & 533-19.00-9.00

Proposed: The Plan proposes (11) structures containing (282) multifamily apartment units to include (60) Sussex County Rental program (SCRP) units within (11) structures, parking, sidewalks, internal roads, and stormwater management on a (23.5) acre portion of (2) Parcels comprised of a total of (≈25.83) acres.

Zoning: The Parcel is currently zoned Agricultural Residential (AR-1) District. The Proposed SCRP multifamily structures are a permitted use in the (AR-1) District. The adjacent Major Submission included on the Plan requires a Major Submission Application and review by the Planning & Zoning Commission which is separate and distinct from the SCRP Application and Site Plan Review.

Density: The proposed (282) units on a proposed (23.5) acre portion of Parcel #s 533-19.00-7.00 and 533-19.00-8.01 results in a density of (12) DU/AC which is a permitted density for (SCRP) Multifamily units in the (AR-1) District which permits (SCRP) at a density up to (12) DU/AC subject to the Code requirements of §115-20(A)(17) which provide minimum requirements for open space, connectivity, FLUM, setbacks, connectivity, pedestrian infrastructure and site design.

Applicability to Comprehensive Plan: The project lies within the Growth Area and is categorized as "Coastal Area" (per the 2018 Comprehensive Plan). Coastal Areas are growth areas that the County encourages only the appropriate forms of concentrated new development, especially when environmental features are in play. The Coastal Area designation is intended to recognize the characteristics of both anticipated growth and ecologically important and sensitive characteristics. The Plan notes, "A range of housing types should be permitted in Coastal Areas, including single-family homes, townhouses, and multi-family units" (2018 Sussex County Comprehensive Plan, 4-15). In terms of density the Plan notes:

Medium and higher density could be supported in areas:

- *Where there is central water and sewer*
- *Near sufficient commercial uses and employment centers*
- *Where it is in keeping with the character of the area*
- *Where it is along a main road or at/or near a major intersection*
- *Where there is adequate Level of Service*
- *Or where other considerations exist that are relevant to the requested project and density*

(2018 Sussex County Comprehensive Plan, 4-16).

Please note, as the Parcel is in the Coastal Area designation, an Environmental Assessment & Public Facility Evaluation Report (EAPFR) is required with the submission of any application of this type (§115-194.3(B)(2)).

Open Space Provisions: SCRP provisions include a requirement that open space exceeds 30% of the gross area of the entire site (§115-20(A)(17)(i)). The proposed Open Space of 16.7 acres represents 71% of the 23.5 acre site area.

Interconnectivity: N/A Per (§115-20(g) & (h)) SCRPs in AR-1 must provide interconnectivity with any adjacent property only when that property is zoned "C-1, CR-1, C-2, C-3, C-4, C-5, B-1, B-2 or B-3."

Transportation Improvement District (TID): The Plan indicates the Roxana Transportation Improvement District at the site. Staff direct the Applicant to DelDOT in terms of the future activation of a Roxana TID.

Agricultural Areas: Staff note that the proposal is within the proximity of areas which appear to be actively farmed. In consideration of this, staff request that the Plans and copies of any subsequent Deeds or recordation for the property include the Agricultural Use Protection Notice found in (§99-6(G)(1)) of the Sussex County Code.

Forested Areas: The Applicant notes that there are presently (49.42) acres of existing forest on the site and that (34.59) acres will be removed. Therefore, the site is retaining (14.83) acres of forested area. The Plan would result in 30% of the existing forest to remain undisturbed (≈ 24% of the overall site.). Staff appreciate efforts to conserve as many mature trees as possible on the project site. Additionally, a Forest Assessment Report (FAR) will be required as part of any SCRP Application which includes "Woodlands" (as defined in Chapter 99) within the areas of any required perimeter buffer on the site. Please note, all SCRP plans are required to comply with all Permitter Buffer Protection Zone (PBPZ) requirements as may be required under Code if "Woodlands" are present.

Wetlands/Waterways: Staff note a blue line stream (Roy Creek) as well as areas containing varied non-tidal wetland types on the site. The Application indicates 1.33 acres of Non-Tidal Wetlands on the site and proposes (30) foot wetland buffers in accordance with County buffer requirements for Non-Tidal wetlands. The Applicant also notes "Non-jurisdictional wetlands" on the site. Staff note that any site plan that is processed after July 2027 will be subject to DNREC's Non-tidal wetlands protection program which will have jurisdiction over non-tidal wetlands outside of the jurisdiction of Federal Wetlands. Staff recommend applicants ensure designs broadly comply with the anticipated regulations.

Site Considerations (Flood Zones, Tax Ditches, Groundwater Recharge Potential etc.): Staff note that no Tax Ditch or ROWs are present on the site. Staff note that the subject Parcels are located within areas of "Poor" and "Fair" groundwater recharge and in Flood Zone "X" – Areas determined to be outside the 1% annual chance flood and outside the 500-year floodplain.