



Sussex County Council Public/Media Packet

**MEETING:
August 4, 2015**

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**Sussex County Council
2 The Circle | PO Box 589
Georgetown, DE 19947
(302) 855-7743**

MICHAEL H. VINCENT, PRESIDENT
SAMUEL R. WILSON JR., VICE PRESIDENT
ROBERT B. ARLETT
GEORGE B. COLE
JOAN R. DEAVER



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Sussex County Council

A G E N D A

AUGUST 4, 2015

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Public Comments

Todd Lawson, County Administrator

1. Administrator's Report

Lawrence Lank, Director of Planning and Zoning

1. Report on receipt of information regarding Change of Zone No. 1769 and Conditional Use No. 2012, applications of Ocean Atlantic Communities, LLC

John Ashman, Director of Utility Planning

1. Request to prepare and post notices for the D'Orazio Expansion of the Dagsboro Frankford Sanitary Sewer District

Joe Wright, Assistant County Engineer

1. Route 54 Sewer District Expansion

A. Hazen & Sawyer Base Agreement and Task Order #1



Grant Requests

1. Camp Possibilities Foundation for camp expenses
2. Oak Orchard – Riverdale American Legion Post 28 for the Rugby team
3. Delaware Police Chiefs’ Council for meeting expenses

Introduction of Proposed Zoning Ordinances

Council Members’ Comments

Executive Session – Personnel pursuant to 29 Del. C. §10004(b)

Possible Action on Executive Session Items

1:30 p.m. Public Hearings

Conditional Use No. 2019 – JB Builders, LLC

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CONSTRUCTION COMPANY OFFICE; STORAGE OF MATERIALS; RETAIL SALES; AND EQUIPMENT STORAGE AND RENTAL TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 34,495.70 SQUARE FEET, MORE OR LESS” (located north of John J. Williams Highway (Route 24) 500 feet east of Gull Point Road (Road 313) (Tax Map I.D. 234-28.00-153.00) (911 Address – 27324 John J. Williams Highway, Millsboro)

Conditional Use No. 2020 – Charles Auman

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MINI-STORAGE UNITS, AND BOAT AND RV STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 8.93 ACRES, MORE OR LESS” (located west of Marshall Street Extended (Road 225) and south of Swain’s Private Road 570 feet west of Marshall Street Extended) (Tax Map I.D. No. 330-11.17-18.00 and 330-15.05-6.00) (911 Address: None Available)

Adjourn

Sussex County Council meetings can be monitored on the internet at www.sussexcountycle.gov.

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on July 28, 2015 at 4:30 p.m., and at least seven (7) days in advance of the meeting.

This Agenda was prepared by the County Administrator and is subject to change to include the addition or deletion of items, including Executive Sessions, which arise at the time of the Meeting. Agenda items listed may be considered out of sequence.

###

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JULY 28, 2015

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, July 28, 2015, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Michael H. Vincent	President
Samuel R. Wilson, Jr.	Vice President
George B. Cole	Councilman
Joan R. Deaver	Councilwoman
Robert B. Arlett	Councilman
Todd F. Lawson	County Administrator
Gina A. Jennings	Finance Director
J. Everett Moore, Jr.	County Attorney

The Invocation and Pledge of Allegiance were led by Mr. Vincent.

Call to Order

Mr. Vincent called the meeting to order.

M 295 15 Approve Agenda

A Motion was made by Mr. Wilson, seconded by Mr. Arlett, to approve the Agenda, as posted.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Arlett, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea

Minutes

The minutes of July 21, 2015 were approved by consent.

Public Comments

Public Comments

John Welsh, resident of Heron Bay in Lewes, commented on issues within the Heron Bay development, i.e. amenities, use of clubhouse facilities by the builder/developer, and insurance.

Dan Kramer of Bridgeville commented on one of the agenda items on this date - the draft ordinance to establish a moratorium on off-premises signs.

R. L. Hughes, the new Chief of Police for the Town of Georgetown, thanked the Council for the grant funding provided to the Department.

Wastewater Agreement

Mr. Lawson presented a wastewater agreement for the Council's consideration.

**M 296 15
Approve
Wastewater
Agreement/
Americana
Bayside**

A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 341-5, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Carl M. Freeman Companies for wastewater facilities to be constructed in Americana Bayside – Phase 1, Revision 5, Town Center, located in the Fenwick Island Sanitary Sewer District.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Arlett, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

**Adminis-
trator's
Report**

Mr. Lawson read the following information in his Administrator's Report:

1. Delaware Solid Waste Authority Reports

There were 36,816 pounds of recycled material received at the Recycle Delaware pods at the West Complex in Georgetown during the months of April, May, and June 2015. Attached are reports received for each month.

2. Sussex County Emergency Operations Center Call Statistics – June 2015

Attached please find the call statistics for the Fire and Ambulance Callboard for June 2015. There were 15,770 total calls handled for the month of June. Of those 9-1-1 calls in June, 80 percent were made from wireless phones.

[Attachments to the Administrator's Report are not attachments to the minutes.]

**Public
Hearing/
Marsh
Farm
Estates
Exp./
Angola
Neck SSD**

A Public Hearing was held to consider a property owner's request to have two parcels of land annexed into the Angola Neck Sanitary Sewer District (Marsh Farm Estates Expansion).

Rob Davis, Senior Planner, presented the request. He reported that a written request for annexation was received from the developer's engineer. The parcels adjoin the existing sewer district; the area is within the future service area of the Angola Neck Sanitary Sewer District. The Marsh Farm Estates property is proposed for development into a 134 lot subdivision and a portion of the project was previously annexed into the sewer district. In order to receive sewer service, the Marsh Farm Estates developer will provide a fee simple pump station site and construct a regional pump station that will serve a larger area. The project will be responsible for System Connection Charges of \$4,100 per equivalent dwelling unit based on

**Public
Hearing
(continued)**

rates valid through June 30, 2015. Mr. Davis reported that no comments have been received regarding the proposed annexation.

There were no public comments and the Public Hearing was closed.

**M 297 15
Adopt
R 010 15**

A Motion was made by Mrs. Deaver, seconded by Mr. Arlett to Adopt Resolution No. R 010 15 entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE ANGOLA NECK SANITARY SEWER DISTRICT (ANSSD) TO INCLUDE 2 PARCELS OF LAND LOCATED WEST OF COUNTY ROAD 279, TAX MAP REFERENCE 234-12.00 PARCELS 15 AND 16" (MARSH FARM ESTATES EXPANSION).

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Arlett, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

**GIS
Mapping
Platform
Demon-
stration**

Mr. Lawson announced the roll-out of the new GIS mapping system, which will be available on the County's website on this date. The mapping applications platform is a geographic information system (GIS) that pulls a variety of information into an interactive mapping product, including up-to-date zoning information, flood zones, 911 addresses, election districts, school districts, library locations and other data. Mr. Lawson stated that the new product is a more comprehensive, user-friendly service that replaces the outdated system.

Mr. Lawson recognized Debbie Morris, Database Administrator, and Meghan Nehrbas, 911 Project Manager, for their contributions to this project.

Mr. Lawson and Ms. Nehrbas gave demonstrations on the new comprehensive mapping system.

**Discussion/
Proposed
Ordinance
Regarding
Signs**

The Council discussed a draft ordinance establishing a moratorium for off-premise signs. This Ordinance establishes a six-month moratorium upon the acceptance of applications for a special use exception for off-premises signs. This moratorium may be extended, modified, or terminated at any time by a majority vote by the Council.

**Introduction
of Proposed
Ordinance/
Moratorium
Off-
Premises
Signs**

Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE TO ESTABLISH A MORATORIUM UPON THE ACCEPTANCE OF SPECIAL USE EXCEPTION APPLICATIONS FOR OFF-PREMISES SIGNS".

The Proposed Ordinance will be advertised for Public Hearing.

- EMS Response Vehicles/ Bid Results** **Robert Schoonover, EMS Technical Services Division Manager, presented the bid results for three 4-wheel drive Suburban vehicles to be used by the EMS Department. Bids were received from two bidders; Hertrich Fleet Services was the low bidder at \$43,196 per vehicle for a total of \$129,588.00 for three vehicles.**
- M 298 15 EMS Response Vehicles/ Bid Award** **A Motion was made by Mr. Wilson, seconded by Mr. Arlett, that the Sussex County Council accepts from the lowest responsible bidder, Hertrich Fleet Services of Milford, DE the bid for three 2016 model year Chevrolet Suburban vehicles for use as Paramedic response vehicles at a cost of \$43,196.00 each; total award of \$129,588.00.**
- Motion Adopted: 5 Yeas.**
- Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Arlett, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea**
- Grant Requests** **Mrs. Jennings presented grant requests for the Council's consideration.**
- M 299 15 Councilmanic Grant** **A Motion was made by Mr. Cole, seconded by Mr. Wilson, to give \$1,500.00 from Mr. Vincent's Councilmanic Grant Account to the Nanticoke River Arts Council for operating costs.**
- Motion Adopted: 5 Yeas.**
- Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Arlett, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea**
- Remove Grant** **The grant request from the Seaford Historical Society was removed from the Agenda.**
- M 300 15 Councilmanic Grant** **A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, to give \$1,000.00 (\$200.00 from each Councilmanic Grant Account) to Autism Delaware for the Blue Jean Ball Fundraiser.**
- Motion Adopted: 5 Yeas.**
- Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Arlett, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea**
- M 301 15 Councilmanic Grant** **A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$1,000.00 from Mr. Cole's Councilmanic Grant Account to the Town of Bethany Beach for a handicap beach wheelchair.**
- Motion Adopted: 4 Yeas, 1 Nay.**

M 301 15
(continued)

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Arlett, Nay; Mr. Wilson, Yea;
Mr. Vincent, Yea

Grant
Deferred

Action was deferred on the request from Oak Orchard – Riverdale American Legion Post 28 for the Rugby team.

M 302 15
Council-
manic
Grant

A Motion was made by Mr. Wilson, seconded by Mr. Arlett, to give \$750.00 from Mr. Wilson's Councilmanic Grant Account to Everlasting Hope Ministries for an Anti-Drug Rally & March.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Arlett, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea

Introduction
of Proposed
Zoning
Ordinances

Mr. Arlett introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 14.79 ACRES, MORE OR LESS" (Conditional Use No. 2028) filed on behalf of Cauthen Ventures DE, LLC (Tax I.D. No. 533-12.00-100.00) (911 Address: None Available).

Mr. Arlett introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 14.79 ACRES, MORE OR LESS" (Change of Zone No. 1783) filed on behalf of Cauthen Ventures DE, LLC (Tax Map I.D. No. 533-12.00-100.00) (911 Address: None Available).

The Proposed Ordinances will be advertised for Public Hearing.

Council
Members'
Comments

Council Members' Comments

Mrs. Deaver commented on an editorial published in the Cape Gazette on July 23, 2015 entitled "Adequate facilities ordinance begs discussion".

Mr. Arlett commented on events in District 5.

M 303 15
Adjourn

A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, to adjourn at 11:07 a.m.

**M 303 15
(continued)**

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Arlett, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

Respectfully submitted,

**Robin A. Griffith
Clerk of the Council**

DRAFT

LAWRENCE LANK
DIRECTOR OF PLANNING & ZONING

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llank@sussexcountype.gov



Sussex County
DELAWARE
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MEMORANDUM

TO: Todd Lawson
County Administrator

FROM: Lawrence B. Lank
Director of Planning and Zoning

REF: C/Z #1769 and C/U #2012
Applications of Ocean Atlantic Communities, LLC
"Reserves at Nassau – Phase 2"

DATE: July 27, 2015

Be reminded that on May 5, 2015 the Sussex County Council held public hearings on the above applications for Ocean Atlantic Communities, LLC.

Mrs. Deaver, Mr. Cole, and Mr. Arlett requested additional information from DNREC (remediation plan for the brownfield, impacts of a brownfield) and from DelDOT (rationale for access at Tulip Drive and DelDOT's recommendation for an access point to the development). Mr. Vincent stated that the comment period would remain open for the purpose of having these specific points answered by staff, DNREC, and DelDOT.

A motion was made by Mr. Cole, seconded by Mr. Arlett, to defer action on Change of Zone No. 1769. Motion carried 5 – 0.

A motion was made by Mrs. Deaver, seconded by Mr. Arlett, to defer action on Conditional Use No. 2012. Motion carried 5 – 0.

Mr. Moore stated that the public will be given the opportunity to comment on the additional information requested and submitted; the public will be given a 15 day period of time to submit written comments after the information is reported to the Council.

Be advised that the County Council record shows that the Planning and Zoning Commission, on April 9, 2015, did forward a recommendation to the County Council that both applications be approved with reasons on Change of Zone No. 1769, and with reasons and suggested Conditions of Approval on Conditional Use No. 2012.

Also be advised that we have received a response from DNREC Site Investigation and Restoration Section, through Kathryn A. Durant, Project Manager. Ms. Durant provided a cover letter with attachments: a Proposed Plan of Remedial Action (PPRA) for the Hudson Pit, and a



Memorandum
Todd Lawson
July 27, 2015
Page 2

Legal Notice PPRA for the Hudson Pit. The Proposed Plan of Remedial Action was approved on May 28, 2015 by Timothy Ratsep, Environmental Program Administrator for the Site Investigation and Restoration Section of DNREC. The Legal Notice solicited public comment until June 22, 2015. Attached please find copies of said documents.

We also received comments from T. William Brockenbrough, Jr., County Coordinator, of DelDOT, dated May 22, 2015, in reference to our inquiries. Mr. Brockenbrough responded to the questions by County Council specifically in his response letter. Attached please find said response letter. My originally letter to DelDOT was address to Troy Brestel, Project Engineer.

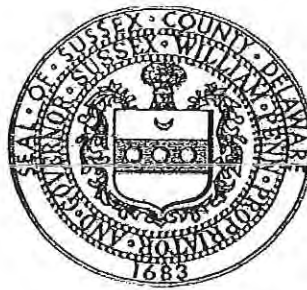
I have also attached my letters sent to Ms. Durant of the Site Investigation and Restoration Section of DNREC and Mr. Troy Brestel of DelDOT on behalf of the County Council requesting comments. Those letters were both sent on May 10, 2015.

I am sending this memorandum and attachments so that the County Council can place these application on a future agenda for reporting of the status of information requested. Once the receipt of the information is reported to the County Council the clock starts for written public comment on the information received only.

Should you have any questions, please do not hesitate to contact me.

Cc: Everett Moore, County Attorney
Robin Griffith, Clerk of the Council
James A. Fuqua, Jr., Esquire (on behalf of the Applicants)

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llank@sussexcountysde.gov



Sussex County
DELAWARE
sussexcountysde.gov

May 10, 2015

Mr. Troy Brestel
Project Engineer, DelDOT
P.O. Box 778
Dover, DE 19903

RE: Reserves at Nassau II
Sussex County Reference: C/Z #1769 and C/U #2012

Dear Mr. Brestel:

I am writing to request additional information from your office on behalf of the Sussex County Council concerning land use applications currently under review by the County. The applications are Change of Zone No. 1769 and Conditional Use No. 2012 filed on behalf of Ocean Atlantic Communities, LLC for 36.98 acres, more or less, on land lying north of Route One, north of Tulip Drive within Dutch Acres Subdivision, and southeast of the railroad near Nassau, and further described as Tax Map I.D. #335 11.00 Parcels 55.00, 56.00, 59.00 and 59.01.

It is our understanding that a Traffic Impact Study has been conducted on this property by Davis Bowen & Friedel, Inc. and has been reviewed and accepted by DelDOT pursuant to a letter, dated February 16, 2015, to Mr. D. J. Hughes of Davis Bowen & Friedel, Inc. The County Council has a couple of questions relating to this property:

- 1) What was the rationale for the decision DelDOT made of using Tulip Drive as the means of accessing the property?
- 2) What is DelDOT's recommendation as to the best and safest means of accessing this property?
- 3) Were any other access points considered?

To the extent possible, please submit your answers to the questions above either via e-mail or regular mail by May 29, 2015. Your response will be submitted into the record at a subsequent Sussex County Council meeting which your presence at would be greatly appreciated. We will inform you of the date and time of the meeting as soon as it is scheduled, if your presence is so requested by the Sussex County Council.



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE 19947

Brestel
May 10, 2015
Page 2

Thanking you in advance for your assistance in this matter. Should you have any further questions, please do not hesitate to contact me by email at llank@sussexcountyde.gov or by phone at (302)855-7878.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lawrence Lank", with a long horizontal flourish extending to the right.

Lawrence B. Lank
Director of Planning and Zoning

Cc: Todd Lawson, County Administrator
J. Everett Moore, County Attorney
James Fuqua, Jr., Esquire (on behalf of Ocean Atlantic Communities, LLC)



STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION
800 BAY ROAD
P.O. BOX 778
DOVER, DELAWARE 19903

JENNIFER COHAN
SECRETARY

May 22, 2015

Mr. Lawrence B. Lank
Director of Planning & Zoning
Sussex County
2 The Circle
P.O. Box 417
Georgetown, DE 19947

Dear Mr. Lank:

This letter is to address the questions about the Reserves at Nassau II development (Tax Parcels 335-11.00-55.00, 56.00, 59.00 and 59.01) that you posed to Mr. Troy Brestel of this office, in your letter of May 10, 2015. From your letter, we understand that these questions were asked by the County Council at their hearing on the proposed development and that our answers will be entered into the record for their consideration at a subsequent Council meeting.

The County's questions and our answers to them are as follows:

- 1) *What was the rationale for the decision DelDOT made of using Tulip Drive as the means of accessing the property?*

To be clear about how DelDOT approaches the subject of land development and access to the State highway system, we respond to proposed plans. If we find that a proposed means of access is acceptable, and all other criteria are met, we permit the construction of that access. In this instance, the developer has sought access by way of Tulip Drive and we have been working to define the terms on which they may have that access.

Having said that, it appears to us that the developer has few, if any, good alternatives to accessing Tulip Drive. Working clockwise around the perimeter of the property from the right-of-way they own leading to Tulip Drive, the property is bordered by the condominium developments of Taramino and Reserves at Nassau, a railroad line owned by the State, the Atlantic Concrete property, open space associated with the Villages of Five Points, and 14 single-family detached house lots fronting on Tulip Drive.

If the developer were to purchase a lot along Tulip Drive or access to Taramino Place, they would still be proposing to access Tulip Drive, albeit with a less direct route to and from Delaware Route 1. If the developer were to purchase access to Queen Anne Way in the Reserves at Nassau, they would have to fill or span significant wetlands to get there and, as with Taramino Place, they would be accessing the far end of a street not designed to support their traffic.

We are developing a project to install a bicycle and pedestrian trail along the railroad line and would encourage the developer to provide for connections to the trail from this development. However, the railroad right-of-way is not a suitable location for automobile traffic and we would not allow the developer to use it for that purpose. State law prohibits the creation of new at-grade rail crossings but this seems moot in that there is nothing on the far side of the tracks to which they could connect; that land has been developed as lots in Sand Dune Village.

The Atlantic Concrete property is currently occupied by the company's plant. We anticipate requiring that the developer provide a stub street for a future connection to that property, so that in the future, when the plant closes and the plant property is redeveloped, residents of the Reserves at Nassau II could obtain access to Old Orchard Road. At present, however, Atlantic Concrete appears to be a viable business with no intention to move or to allow access through their property.

Separating both the subject development and the Atlantic Concrete property from the Villages of Five Points is a strip of land, about 20 feet wide and about 0.4 miles long owned by Old Towne Point, LLC. We believe it was retained by a previous owner of the Villages of Five Points property, perhaps as a buffer between the Villages of Five Points and the concrete plant. Regardless, it is too narrow to accommodate more than a residential driveway or a farm lane. If it were available it could not be used for a development access without additional land on one side or the other.

Finally similar to Taramino and the Reserves at Nassau, the developer could, perhaps, purchase access from the property owners association for the Villages of Five Points, but we see no reason for that association to sell it.

- 2) *What is DelDOT's recommendation as to the best and safest means of accessing this property?*

As discussed above, the developer's existing frontage on Tulip Drive appears the only means of access presently available. At some point in the future, access to Old Orchard Road, through a redevelopment of the Atlantic Concrete property, may be available and that would be to a lower volume road with a lower functional class. At present, however, it does not appear to be an option.

3) *Were any other access points considered?*

As discussed above, our process is to address the viability of plans presented and the developer has only presented plans using their frontage on Tulip Drive for access. We do not know the extent to which the developer may have considered other access points.

Due to concerns from area residents about the proposed, we have looked for other possible access points, as discussed above. There do not appear to be other viable access points now.

Please contact me at (302) 760-2109 if you have questions regarding this correspondence.

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator

TWB:km

cc: James Fuqua, Jr., Esq., Attorney for Ocean Atlantic Communities, LLC
Mr. D.J. Hughes, Davis, Bowen & Friedel
Mr. Todd Lawson, County Administrator
J. Everett Moore, Esq., County Attorney
Mr. Drew A. Boyce, Director of Planning
Mr. J. Marc Coté, Assistant Director, Development Coordination
Mr. Todd J. Sammons, Subdivision Engineer
Mr. Steven M. Sisson, Sussex County Review Coordinator
Mr. John T. Fiori, Sussex County Subdivision Manager
Mr. Troy E. Brestel, Project Engineer
Mr. Claudy Joinville, Project Engineer

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May 10, 2015

Ms. Kathryn A. Durant
Project Manager, DNREC
Site Investigation and Restoration Section (SIRS)
391 Lukens Drive
New Castle, DE 19720

RE: Hudson Pit (DE-0107)
Aka Reserves at Nassau II
Sussex County Reference: C/Z #1769 and C/U #2012

Dear Ms. Durant:

I am writing to request additional information from your office on behalf of the Sussex County Council concerning land use applications currently under review by the County. The applications are Change of Zone No. 1769 and Conditional Use No. 2013 filed on behalf of Ocean Atlantic Communities, LLC for 36.98 acres, more or less, on land lying north of Route One, north of Tulip Drive within Dutch Acres Subdivision, and southeast of the railroad near Nassau and further described as Tax Map I.D. #335 11.00 Parcels 55.00, 56.00, 59.00 and 59.01.

It is our understanding that a Site Specific Assessment and Brownfield Investigation Report has been conducted on this property by Environmental Alliance, Inc. and has been reviewed and accepted by DNREC-SIRS pursuant to a letter, dated April 28, 2015, to Christopher Hine of Environmental Alliance, Inc. The County Council has several questions relating to this property:

- 1) How is the property going to be remediated?
- 2) What are the implications or likely outcomes, adverse or otherwise, of building on this brownfield and old borrow pit?
- 3) Are the people in the surrounding area safe and are their private water wells safe considering the proximity of this brownfield?
- 4) Are the natural wetlands that run through this property (sometimes referred to as Black Hog Gut) tidal or non-tidal?

To the extent possible, please submit your answers to the questions above either via e-mail or regular mail by May 29, 2015. Your response will be submitted into the record at a subsequent Sussex County Council meeting which your presence at would be greatly appreciated. We will inform you of the date and time of the meeting as soon as it is scheduled, if your presence is so requested by the Sussex County Council.

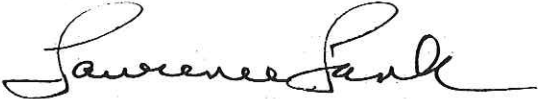


COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE 19947

Durant
May 10, 2015
Page 2

Thanking you in advance for your assistance in this matter. Should you have any further questions, please do not hesitate to contact me by email at llank@sussexcountype.gov or by phone at (302)855-7878.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lawrence B. Lank". The signature is fluid and cursive, with the first name "Lawrence" being more prominent than the last name "Lank".

Lawrence B. Lank
Director of Planning and Zoning

Cc: Todd Lawson, County Administrator
J. Everett Moore, County Attorney
James Fuqua, Jr., Esquire on behalf of Ocean Atlantic Communities, LLC



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES
& ENVIRONMENTAL CONTROL
DIVISION OF WASTE AND HAZARDOUS SUBSTANCES
391 LUKENS DRIVE
NEW CASTLE, DELAWARE 19720-2774

SITE INVESTIGATION &
RESTORATION SECTION

TELEPHONE: (302) 395 - 2600
FAX No.: (302) 395 - 2601

June 3, 2015

Mr. Lawrence B. Lank
Director of Planning and Zoning
Sussex County, Delaware
2 The Circle
PO Box 417
Georgetown, DE 19947

RE: Hudson Pit (DE-0107) aka Reserves at Nassau II
Sussex County Reference: C/Z #1769 and C/U #2012

Dear Mr. Lank:

Thank you for your letter requesting more information regarding the Hudson Pit Site (DE-0107).

The Site will be remediated in accordance with the Proposed and Final Plans of Remedial Action. The Proposed Plan of Remedial Action was signed on May 28, and a required 20 day comment period began on June 1 and will end on June 22. If no comments are received during the 20 day comment period, the Proposed Plan of Remedial Action will become the Final Plan of Remedial Action. The Department of Natural Resources and Environmental Control (DNREC) is proposing the following remedial actions:

- Excavation and disposal of the arsenic impacted area near sample SS-10, along the eastern border of the Site.
- Capping the area of subsurface oil sands in the northern portion of the Site, and the areas near samples SW-3, SW-4, and SW-5 with at least two feet of DNREC-approved fill or impervious material such as buildings, asphalt, or concrete to limit exposure to the soil.
- Excavation and disposal of buried organic debris and biodegradable waste, e.g. tree stumps, paper products, etc. If it is required that off-site material be imported to backfill any excavations, it must meet residential use quality requirements.
- All excavations, disposals, and capping must be performed in accordance with a DNREC-approved Remedial Action Work Plan.
- Implementation of a Long Term Stewardship (LTS) Plan that details (1) the groundwater monitoring requirements and schedule, and (2) the site-inspection schedule necessary to ensure the long-term integrity of the remedy.

Delaware's good nature depends on you !

Mr. Lawrence B. Lank
June 3, 2015
Page 2 of 2

A copy of the signed Proposed Plan of Remedial Action and the Legal Notice that appeared in the newspaper on May 31 is attached to this letter.

Once the remedy has been successfully completed and the LTS Plan implemented, the Site will meet DNREC-SIRS residential risk standards. With respect to your question regarding the implication of building on the site of an old borrow pit, DNREC-SIRS does not have the authority to mandate any applicable geotechnical surveys or testing, but suggests that such surveys and/or testing be performed to determine the stability of the soils for building purposes.

Based on the Brownfield Investigation Report, it does not appear that any groundwater contamination is migrating off-site, and therefore the report indicates that the nearby private water wells are not likely to be impacted by site related contaminants. Additionally, part of the remedial action, as stated above, requires that the groundwater at the site must be monitored for four consecutive quarters (summer, fall, winter and spring) to evaluate whether groundwater contamination is stable or begins to migrate off-site.

According to the DNREC Wetland and Subaqueous Lands Section, the wetlands that are on the property are non-tidal; however, Black Hog Gut is tidal downstream on the north side of New Road. The DNREC Wetland and Subaqueous Lands Section performed a site visit last week, and may have better information regarding this topic. Please let me know if you would like contact information for the Wetland and Subaqueous Lands Section.

Please let me know the date and time of the Sussex County Council Meeting when it is scheduled, and whether you would like me to attend.

If you have any further questions, please contact me at (302)395-2600.

Sincerely,



Kathryn A. Durant
Project Manager

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DE 0107 II D 4

Enclosures: Proposed Plan of Remedial Action (PPRA) for Hudson Pit
Legal Notice PPRA for Hudson Pit

pc: Tim Ratsep, Program Administrator
Qazi Salahuddin, Program Manager
Keith Brady, Deputy Attorney General



PROPOSED PLAN OF REMEDIAL ACTION

Hudson Pit
Lewes, Delaware
DNREC Project No. DE-0107



May 2015

Delaware Department of Natural Resources and Environmental Control
Division of Waste and Hazardous Substances
Site Investigation & Restoration Section
391 Lukens Drive
New Castle, Delaware 19720

CONTENTS

- Figures: 1-3
- Glossary of Terms

PROPOSED PLAN OF REMEDIAL ACTION

Hudson Pit
Lewes, Delaware
DNREC Project No. DE-0107



Approval:

This Proposed Plan meets the requirements of the Hazardous Substance Cleanup Act.

Approved by:	
	
Timothy Ratsep, Environmental Program Administrator Site Investigation & Restoration Section	
Date	



What is the Proposed Plan of Remedial Action?

The Proposed Plan of Remedial Action (Proposed Plan) summarizes the clean-up (remedial) actions that are being proposed to address contamination found at the Site for public comment. A legal notice is published in the newspaper for a 20-day comment period. DNREC considers and addresses all public comments received and publishes a Final Plan of Remedial Action (Final Plan) for the Site.

What is the Hudson Pit Site?

The Hudson Pit Site is located in Lewes, Delaware, and consists of four tax parcels (33501100005900, 33501100005500, 33501100005600 and 33501100005901), totaling approximately 35.91 acres (Figure 1). The Site is surrounded to the west by the Reserves of Nassau on Nassau Road and Taramino on Taramino Place, to the south by Dutch Acres and St. Jude the Apostle Church on Tulip Drive, to the east by The Village of Five Points on Savannah Road and, and to the north by Sand Dunes Village and Nassau Station both on New Road. The nearest intersection to the Site is Route 1 and Tulip Drive. The Site consists of dense wooded areas, wetland areas and grassy areas, and is zoned agricultural residential (Figure 2).

What happened at the Hudson Pit Site?

The Site was historically used as agricultural fields, and then as a borrow pit. Excavated areas were reportedly filled with stumps, construction debris and other inert materials. Sands from an oil spill cleanup in Rehoboth and Dewey beaches were disposed of on the site in 1977.

What is the environmental problem at the Hudson Pit Site?

A Brownfield Investigation performed in 2014 at the Site found that the surface soil in a small area on the eastern portion of the site contained arsenic above DNREC soil standards for residential use; also, the subsurface soil in the northern portion of the site contained oil sands that pose a potential risk to construction workers. There are localized surface water and sediments near the historic borrow pits that present a potential risk for recreational child use (Figure 3). In addition, calculations indicated that there is a risk from ingesting groundwater due to metals.

What does the owner want to do at the Hudson Pit Site?

The Site is planned to be developed into a residential community with single family homes, duplexes, townhomes and parking areas.

What clean-up actions are needed at the Hudson Pit Site?

DNREC proposes the following remedial actions for the Site, which need to be completed before a Certificate of Completion of Remedy (COCR) can be issued:

1. Submit a Remedial Action Work Plan for DNREC's approval within 60 days after the issuance of the Final Plan of Remedial Action.
2. Excavate and dispose of the Arsenic impacted area near sample SS-10, along the eastern border of the Site.
3. Cap the area of subsurface oil sands in the northern portion of the Site, and the areas near samples SW-3, SW-4, and SW-5 with at least two feet of DNREC-approved fill or impervious material such as buildings, asphalt, or concrete to limit exposure to the soil.
4. Buried organic debris and biodegradable waste, e.g. tree stumps, paper products, etc., must be excavated from the Site. If it is required that off-site material be imported to backfill any excavations, it must meet residential use quality requirements. This excavation must be performed pursuant to the requirements and schedule indicated in the DNREC-approved Remedial Action Work Plan.
5. Submit an Environmental Covenant for DNREC's approval within 60 days of DNREC approving the Long Term Stewardship Plan.
6. Record an Environmental Covenant, consistent with Delaware's Uniform Environmental Covenants Act (Title 7, Del. Code Chapter 79, Subtitle II) (UECA), in the office of the Recorder of Deeds within 60 days of DNREC approving the Long Term Stewardship Plan. The Environmental Covenant will include the following:
 - a. Limitation of Groundwater Withdrawal. No groundwater wells shall be installed, and no groundwater shall be withdrawn from any well on the Property without the prior written approval of DNREC-SIRS and DNREC Division of Water;
 - b. Compliance with Long Term Stewardship Plan. Perform all work required by the Long Term Stewardship Plan ("LTS Plan"), as issued, approved, modified or amended by DNREC; and
 - c. Compliance with Contaminated Material Management Plan. All work required by the Contaminated Materials Management Plan (CMMP) shall be performed to the satisfaction of DNREC in accordance with the Plan.
7. Submit to DNREC a CMMP within 60 days of the issuance of a Final Plan of Remedial Action. The CMMP will allow construction workers to safely handle any potential contaminated soil and groundwater at the Site.
8. Implement the CMMP upon DNREC approval.

9. Submit a Long-Term Stewardship (LTS) Plan as per the schedule set in the DNREC approved Remedial Action Work Plan. The LTS plan will detail: 1) the groundwater monitoring requirements and schedule to be followed in order to monitor the attenuation of the groundwater Contaminants of Concern (COC); and 2) the site-inspection schedule to be followed in order to ensure the long-term integrity of the remedy.
10. Implement the LTS Plan within 60 days upon DNREC approval.
11. Submit Remedial Action Completion Report to DNREC within 60 days of the completion of the remedial actions required in this Proposed Plan.
12. Request a COCR within 60 days of DNREC'S approval of the Remedial Action Completion Report.

What are the long term plans for the Site after the cleanup?

The Site use will be used for residential purposes, and the groundwater use will be restricted by recording the environmental covenant. The CMMP will be completed and available for the Site.

How can I find additional information or comment on the Proposed Plan?

The complete file on the Site including the Brownfield Investigation and the various reports are available at the DNREC office, 391 Lukens Drive in New Castle, 19720. Most documents are also found on:

<http://www.nav.dnrec.delaware.gov/DEN3/>

The 20-day public comment period begins on May 31, 2015 and ends at close of business (4:30 pm) on June 22, 2015. Please send written comments to the DNREC office at 391 Lukens Drive, New Castle, DE 19720 to Kathryn Durant, Project Officer or Robert Newsome, Public Information Officer.

Figure 1: Site Location Map

Figure 2: Site Map

Figure 3: Impacted Areas Map

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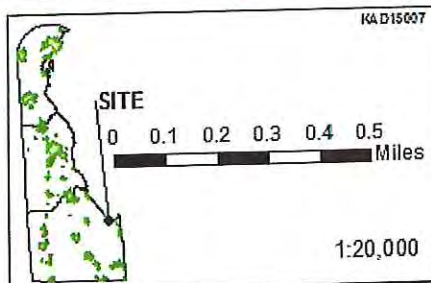
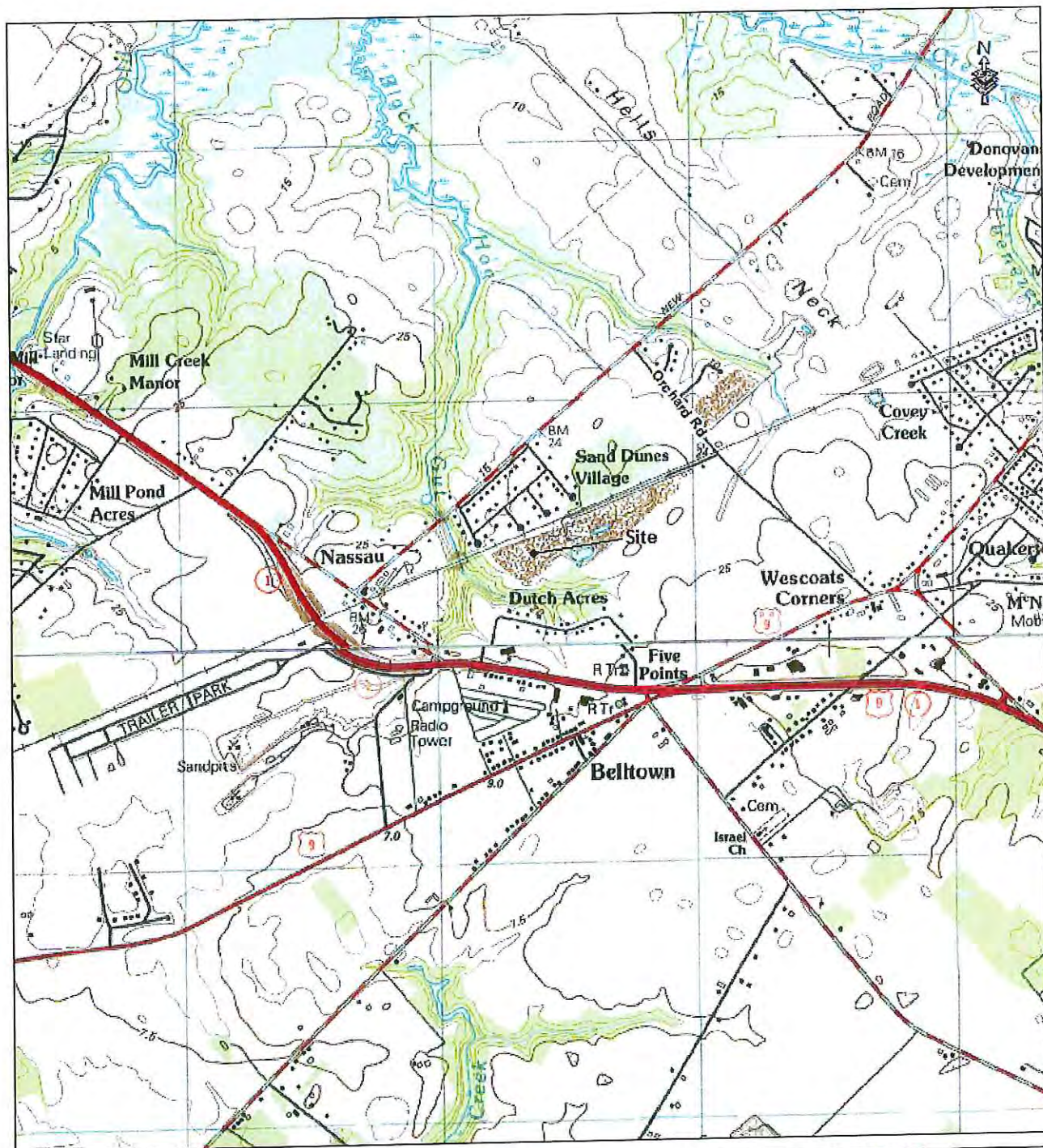
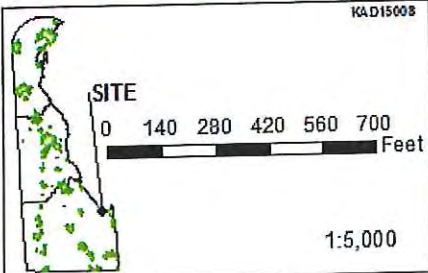
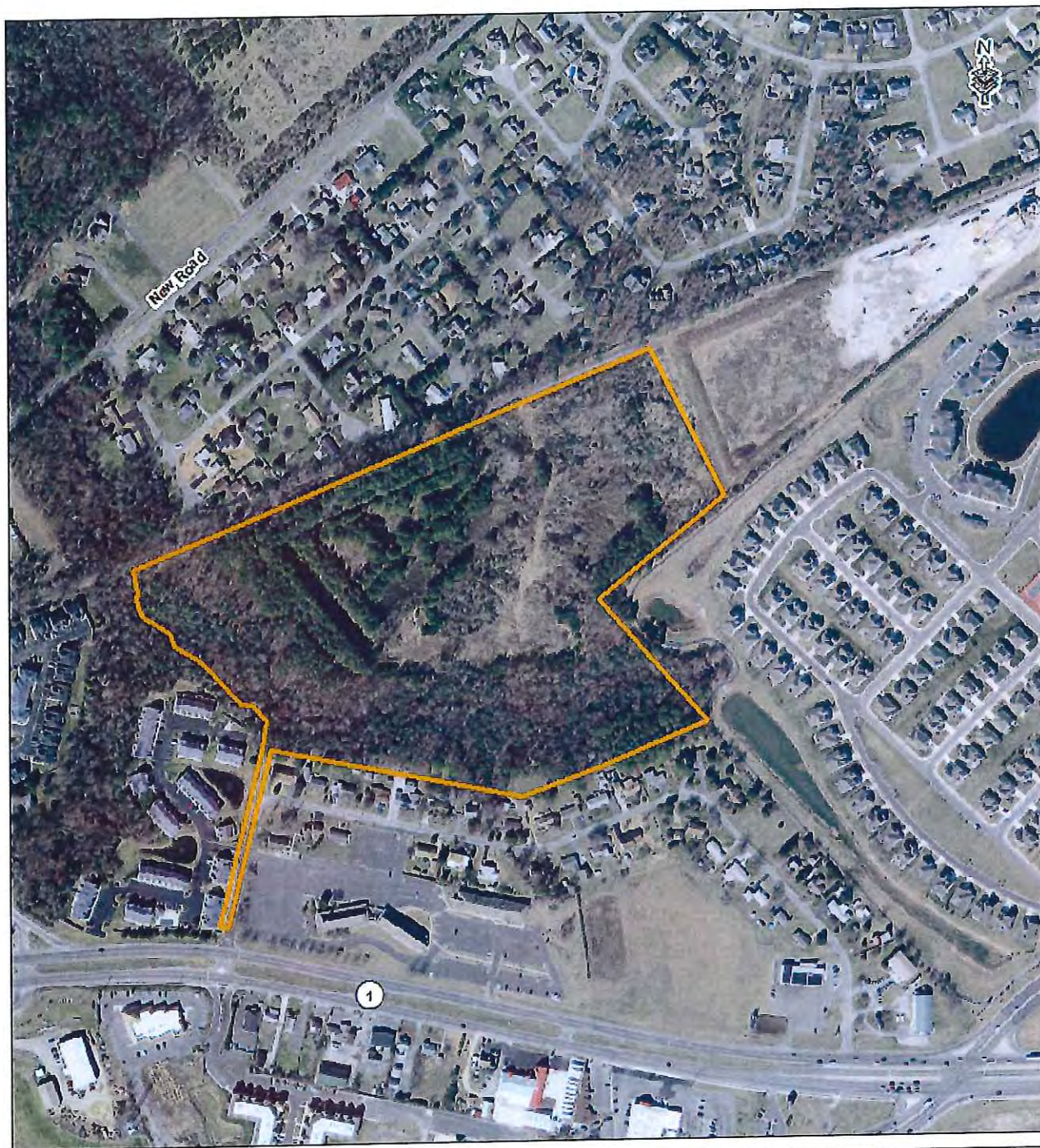


FIGURE 1
SITE LOCATION
HUDSON PIT
LEWES, DE (DE-0107)
USGS 7.5 MIN TOPO

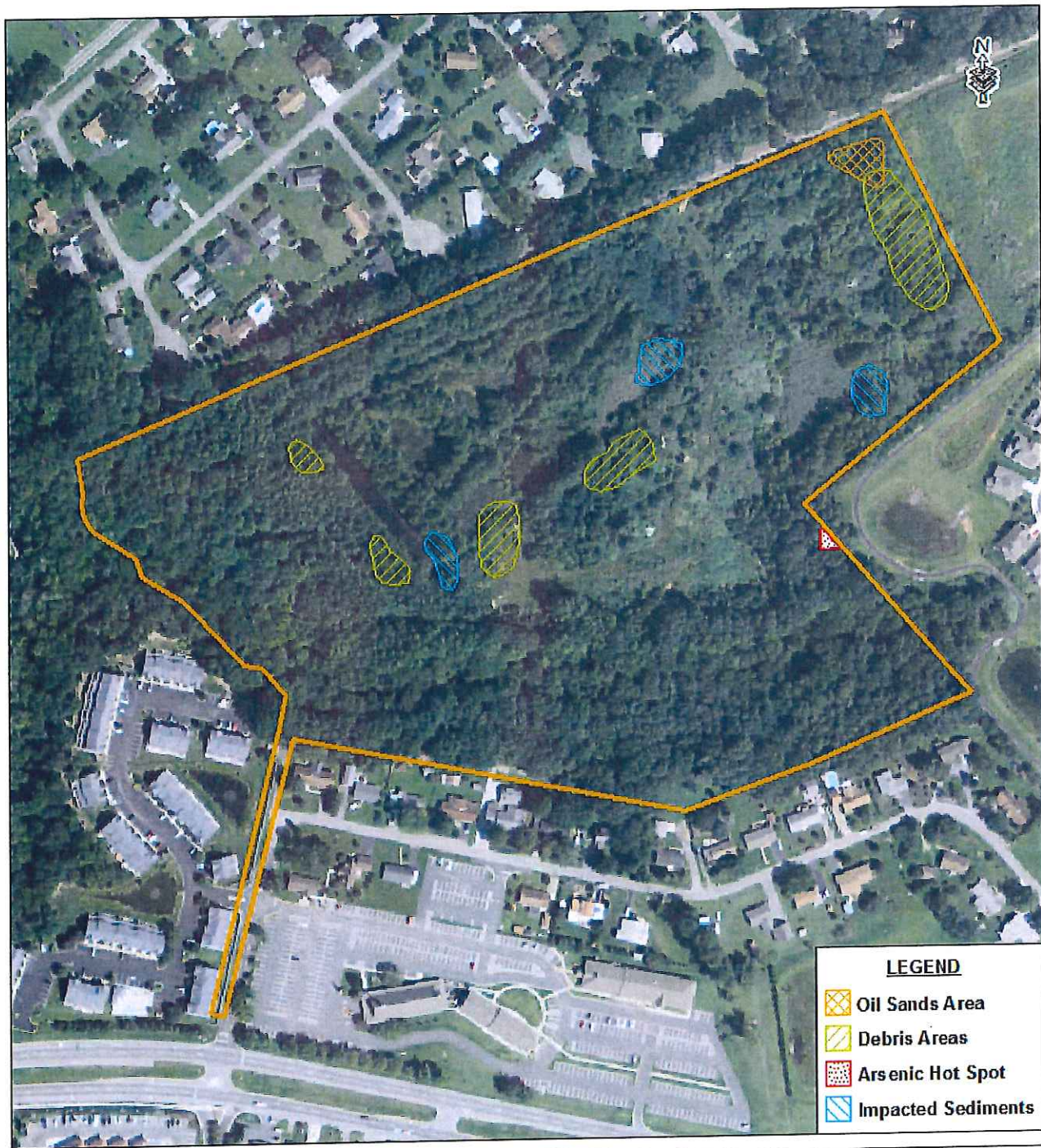
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May 2015



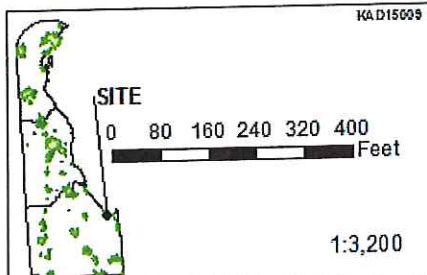
**FIGURE 2
SITE MAP
HUDSON PIT
LEWES, DE (DE-0107)
2012 AERIAL**

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May 2015



LEGEND

- Oil Sands Area
- Debris Areas
- Arsenic Hot Spot
- Impacted Sediments



**FIGURE 3
IMPACTED AREAS MAP
HUDSON PIT
LEWES, DE (DE-0107)
2013 AERIAL**

This map is provided by the DNREC-SIRS solely for display and reference purposes and is subject to change without notice. DNREC-SIRS will not be held responsible for the assumed accuracy contained in the map or for use other than its intended purpose.
May 2015

Glossary of Terms Used in this Proposed Plan

Brownfield Investigation (BFI)	Thorough environmental study of a site which includes 1) sampling of site environmental media and/or wastes on the property and 2) conducting a preliminary risk assessment using the data collected to determine the risk posed to human health and the environment.
Certification of Completion of Remedy (COCR)	A formal determination by the Secretary of DNREC that remedial activities required by the Final Plan of Remedial Action have been completed.
Contaminant of Concern (COC)	Potentially harmful substances at concentrations above acceptable levels.
Contaminated Materials Management Plan	A written plan specifying how potentially contaminated material at a Site will be sampled, evaluated, staged, transported and disposed of properly.
Exposure	Contact with a substance through inhalation, ingestion, or direct contact with the skin. Exposure may be short term (acute) or long term (chronic).
Final Plan of Remedial Action	DNREC's adopted plan for cleaning up a hazardous site.
Risk	Likelihood or probability of injury, disease, or death.
Restricted Use	Commercial or Industrial setting
SIRS	Site Investigation Restoration Section of DNREC, which oversees cleanup of sites that were contaminated as a result of past use, from dry cleaners to chemical companies



DNREC-Site Investigation and Restoration Section (DNREC-SIRS)

LEGAL NOTICE

**PROPOSED PLAN OF REMEDIAL ACTION FOR THE
Hudson Pit Site (DE-0107)**

The Department invites public comment on a proposal to clean up the Hudson Pit Site located near Route 1 and Tulip Drive in Lewes. Soil at the Site is contaminated with arsenic, oil sands and organic debris related to the Site's former use.

Details of the Proposed Plan are available at the office of DNREC-GWDS (20653 DuPont Blvd, Unit #5, Georgetown, Delaware 19947), or online at <http://www.dnrec.delaware.gov/whs/awm/SIRB/Pages/SIRBPlans.aspx>. The comment period ends on June 22, 2015. For additional information, please contact Kathryn Durant, Project Manager, or Robert Newsome, Public Information Officer, at (302)395-2600.

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D'Orazio/Two Mini Inc. Annexation to the
Dagsboro-Frankford Sanitary Sewer District

- Requesting permission for the Sussex County Engineering Department to prepare and post notices for the expansion of the Dagsboro-Frankford Sanitary Sewer District to include (3) parcels.
- We have a letter from the owner of the properties requesting annexation. The owner also owns the adjacent Manufactured Home community and has proposed connection access from the existing lines.
- The expansion will consist of three parcels totaling approximately .97 Acres.
- The parcels will be responsible for system connection charges of \$6,800.00 based on Rates from July 1, 2015 till June 30, 2016
- There is a Public Hearing scheduled tentatively for September 15, 2015 at 10:15 AM.

Sussex County Engineering Dept.
2 Circle
P.O. Box 589
Georgetown, De. 19947


May 20, 2015\

Dear Mr. Ashman

Per our conversation in reference to Annexing three properties joining Wilson Lane Trailer Park in Frankford De. I am requesting annexing of these three additional properties listed as 46-435-281, 47-2555-244, 48-2805-256 .

These parcels join the property of 4-33-815-44 & 4-33-815-45 which are now one property combined.

Thanking you in advance,


Nino L. D'Orazio
Owner

Phone 301-236-1445

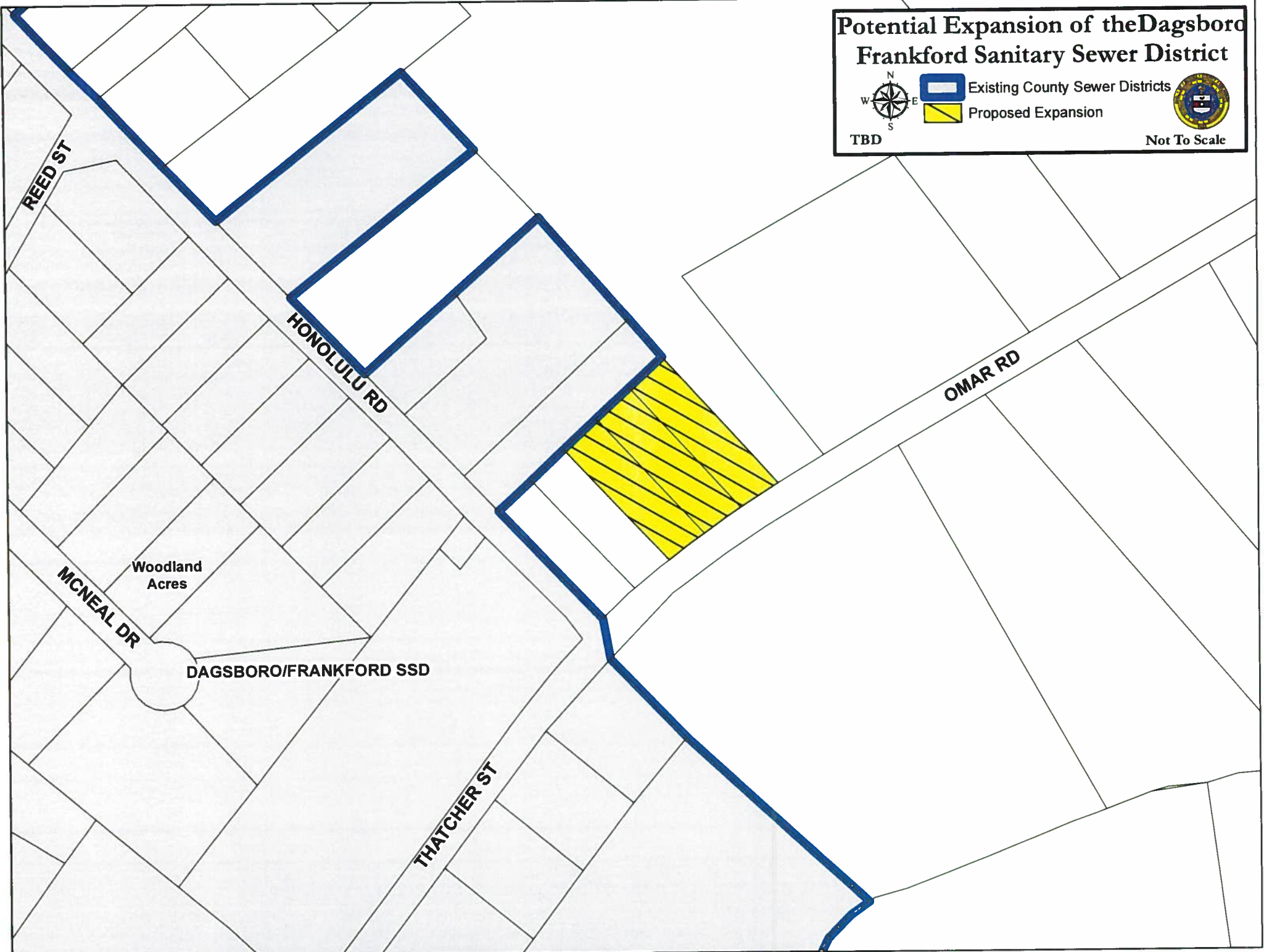
Potential Expansion of the Dagsboro Frankford Sanitary Sewer District



Existing County Sewer Districts
Proposed Expansion



Not To Scale



Sussex County
Engineering Department

MICHAEL A. IZZO, P.E., County Engineer
JOSEPH WRIGHT, P.E., Asst. County Engineer



2 THE CIRCLE
P.O. BOX 589
GEORGETOWN, DE 19947

Administration	302-855-7718
Environmental Services	302-855-7730
Public Works	302-855-7703
Utility Engineering	302-855-7717
Utility Permits	302-855-7719
Utility Planning	302-855-1299
FAX: 302-855-7799	

Contract 14-10 Route 54 Expansion of the Fenwick Island Sanitary
Sewer District.

Award of Design contract with Hazen & Sawyer

Public Hearing for the Route 54 Expansion was held June 2, 2015.

Request approval of Base Agreement and Task Order #1 for Hazen & Sawyer. Hazen & Sawyer was selected as one of our Miscellaneous Services Consultants and this is their first assignment under that selection.

Scope of Services is attached, along with price proposal in an amount not to exceed \$149,608.05

Design services include:

Engineering design, topographic survey, subsurface investigations, environmental delineations, permitting, construction cost estimating and agency approvals for approximately 5800 linear feet of gravity sewer. A Preliminary Engineering Report (PER) and Environmental Report(ER) will be provided as required by USDA and DNREC as funding agencies.

Attachment A

Sussex County Miscellaneous Engineering Services

Project 14-10

Task Order #1

Rt. 54 Sewer Extension

Engineering Design, Permitting, and Construction Documents

Scope of Services

SCOPE OF SERVICES

PROJECT UNDERSTANDING

Sussex County is in the process of finalizing the planning for a sewer petition project that will extend gravity sewer approximately 5,800 linear feet along Rt. 54 from the area just west of the intersection of Rt. 20 (Zion Church Road) and Rt. 54 (Lighthouse Road) west to the approximate location (800 feet north) of the intersection of Rt. 54 and Williamsville Rd. This proposal is for the design and permitting (bid and award phase services and construction phase services can be provided upon request). This project is part of the West Fenwick Sanitary Sewer District which is a sub-district of the Fenwick Island Sanitary Sewer District. The proposed sewer extension is in accordance with the 2005 Facilities Plan. The Rt. 54 main ultimately outfalls to PS # 30. It will serve parcels on both sides of Rt. 54 as well as allow for the potential abandonment of the existing 8" force main in Rt. 54 from Bay View Estates to PS # 30.

A map of the planned gravity collection is provided on Attachment B.

PHASE I - PRELIMINARY DESIGN (30% - Design)

After written authorization of the preliminary design for the Rt. 54 Sewer Extension, Hazen and Sawyer will initiate the necessary field investigations and surveys required to prepare the preliminary alignment(s) and profiles, project flows, main sizing, assess the Bay View Estates pumping station and force main alternatives (abandon/leave reduce gravity), establish extents of the interceptor alignment, estimated construction costs, permitting requirements and preliminary design for the sewer extension (s). Concurrence with the preliminary design will be the basis for the

design development and preparation of contract documents. The following efforts will be performed for and included in the 30% preliminary design submission:

1. Request and review information for the prior planning for this service area, including reports, mapping, drawings, flow projections, as-builts for existing infrastructure, etc.
2. Meet to Kickoff the project with the County engineering and operations staff as well as the Hazen and Sawyer project team. In office meeting followed by a walk/drive of the project area.
3. Establish Service Area Design Flows – Finalize Infrastructure Size
 - a. Review available reports, environmental mapping, and tax maps. Coordinate with the County existing, interim and build-out ultimate average and peak flows for new service area and parcels to be served fronting on Rt 54.
 - b. Develop preliminary sewer design criteria including preliminary alignment (on planning and tax maps), profiles, limit of gravity service, terminal manhole locations, typical road sections showing new main relative to ROW, existing utilities based on available mapping, gravity sewer size and slope, tie in requirements at existing infrastructure, force main abandonment requirements, etc.
 - c. Assess impacts to Bay View Estates Pump Station and determine potential upgrades to the station if necessary. Impacts and upgrades will be included in a cover letter.
 - d. Evaluate whether to maintain the existing Bay View Estate Pump Station location versus the proposed discharge tie in location to the proposed gravity alignment along Route 54.
4. Field Run Surveys — Topographic and Boundary Surveys
 - a. Based on concurrence on the preliminary sewer alignment, perform a topographical survey of the preliminary alignment from ten foot outside of right of way on both sides of the road to road centerline and prepare base maps for the development of design and contract drawings. Perform Boundary Survey and Tax Map/Deed Research to establish the extent of the DelDot and public ROW and private property lines. County to obtain permission for access to private property.



- b. Contact Miss Utility to mark existing utilities within the public right of way and project corridor. Survey the existing utility markings. Survey storm pipe, gravity sewer inlet and outlet crown and invert elevations as well as other utilities that are accessible.
 - c. Survey delineated environmental features in the project corridor including drainage ditches, streams and stream buffers, wetlands and buffers, etc. See task 6 below for desktop and field delineation of environmental features and resources impacted by the proposed project.
 - d. Perform drawing research of County and third party utilities located crossing and adjacent to the proposed alignment. Place existing utilities that impact the alignment and proposed improvements on the base topographic plan based on the drawing research. Utility designation, locate and test pitting as needed to confirm the location (horizontal and vertical) of existing utilities will be performed during Phase II —Design Development.
5. Identify environmental resource impacts, permitting, design and mitigation requirements — this task item will include desktop review of available environmental resource mapping as well as field delineation of the resources. Actual design, permitting, agency approvals and mitigation design is provided under Phase 2 and 3 below.
- A. Field identify environmental resource impacts, permitting & mitigation requirements associated with the gravity sewer alignment. Actual design, permitting & mitigation is provided in Phase Two and Three, below.

Environmental Resource Mapping. Prepare an existing conditions plan that maps the environmental constraints for the preliminary alignment. Designs will attempt to avoid and minimize impacts to environmental constraints to the extent possible.

Wetland & Stream Delineation. Define jurisdictional wetland/stream boundaries along Little Elk Creek at the station site, to determine the limits of associated wetland and stream buffers.

- B. Based on the proposed sewer main preliminary alignment, identify the environmental and site approvals and permits that will be required for construction of the proposed facilities. Determine the duration required and schedule impacts resulting from permit submission to approvals and permitting, including any permit costs. Note that an “avoidance and minimization” of impact concept will be employed on this project. It is likely



that some of the agencies will require an evaluation of alternative sites for these facilities, as performed in Task 2 above, to justify the impact.

The following is a list of the permits and approvals that will/may be required for this project:

- County Building Permit
- County Grading Permit
- SWM Approval
- Sussex Soil Conservation (SCD) Soil Erosion and Sediment Control Permit
- US Army Corp of Engineers Wetlands/Waterways and Floodplain Construction
- Forest Conservation
- Office of Planning and Zoning
- DelDot Permit
- Traffic Control Permit

C. Provide an Environmental Report ER in accordance with Bulletin 1794A-602 (and any amendment to said bulleting) entitled "Guide for Preparing the Environmental Report for Water and Environmental Program Proposals".

6. Review alternatives and recommend an alignment based on the information developed in tasks 1 through 5 above. Alignment selection will be based on constructability, easement/property acquisition requirements, open cut versus trenchless installation, environmental impacts, road restoration, future access for operation and maintenance, coordination with existing utilities (horizontal and vertical clearances), requirements for air release locations and tie in locations, etc. for each alternative. Provide mapping showing the proposed alignment.
7. Based on alignment/profile in Task 6 above, determine opinion of probable construction costs.
8. Prepare and submit plan and profile of the proposed gravity alignment to the County for review along with a letter memorandum explaining general permitting requirements, anticipated construction cost and anticipated schedule.
9. Prepare a Preliminary Engineering Report (PER)

A PER will be submitted in accordance with the outline provided in RUS Bulletin 1780-2. The goal of the PER of the project is to establish design criteria, perform evaluations and site investigations to determine the project constraints (including permitting and environmental impacts), and evaluate three (3) alignment



alternatives and make a recommendation for the County's consideration. Concurrence with the recommended design criteria, alternatives based on the PER will be the basis for moving forward into the Design Development and permitting phase of the project.

10. Meet with the County to review and receive comments on the proposed plan and profile, ER, and PER.
11. Address County comments on the plan and profile after County acceptance of the final plan and profile.
12. Progress meetings will be held during the Preliminary Design phase of the project. We have assumed one progress meeting in addition to the project kickoff/site visit meeting and plan and profile/PER review meeting. Hazen and Sawyer's project manager will plan and administer to the progress meetings, including preparing and distributing the agenda and meeting minutes through coordination with the County's project manager. Progress meetings will also serve as workshops. Preparation in conducting the meetings will include advance notice of topics to be discussed at each work shop. Non critical monthly progress meetings may be held in a teleconference format with the concurrence of both the Engineer and the Owner.

PHASE II - DESIGN DEVELOPMENT (60% - Design)

After written authorization by the County to proceed with the Design Development phase of the project, Hazen and Sawyer shall perform additional site investigations, agency coordination and prepare, for approval by the County, Design Development Documents consisting of drawings and outline specifications as described below. The Design Development documents shall be based on the approved preliminary plan and profile from the Phase I efforts described above.

1. Sub-surface investigations
 - A. Based on the selected alignment from the plan and profile effort, prepare a boring plan which will include approximately 8 borings to be drilled to approximately 15 feet each. Submit the boring plan to County for concurrence. Borings will be located in areas anticipated for jacking and boring pits, proposed manholes, as well as along the alignment to generally characterize soil conditions.
 - B. Upon approval of the boring plan by the County, the boring locations will be marked/staked out in the field. The borings are assumed to be located within the DelDOT road right of way and therefore traffic control, permits



and pavement restoration work will be coordinated. Miss Utility will be contacted prior to performing the borings. Laboratory testing of split spoon samples, including visual classification, moisture content, Atterberg limits and soil gradation analysis will be performed on each sample. Groundwater monitoring will be performed in each of the boring holes prior to backfill.

Geotechnical report – a geotechnical report will be prepared based on the sub-surface investigations performed. This report will allow the determination of the feasibility and cost of construction, dewatering operations, trenchless approach requirements, pipe bedding and trench backfill needs, design criteria etc. and will serve as the basis for the earthwork specifications to be developed and for the contract documents. The geotechnical report will be included in the specification appendix and will include the boring logs as well as test results.

- C. Level A (Utility locate/test pits) – based on the selected alignment, perform a utility locate to include horizontal location and test pitting to confirm the horizontal and vertical location of utilities (County and/or third party) that are critical to the design and construction of the force main. We have assumed a total of 5 test pits to be performed along the alignment to a maximum depth of 10 feet through the use of air knifing.

The test pits are assumed to be located within the DelDOT road right of way and therefore traffic control, permits and pavement restoration work will be coordinated with DelDOT. Miss Utility will be contacted prior to performing the test pits.

2. Prepare and submit to the County a Design Development (60%) package that includes design drawings, outline specifications, calculations, etc. that are the basis for the design. The scope of work and associated fee for the design drawings is based on the tentative List of Drawings prepared for this project and attached. Five (5) sets of the Design Development package shall be submitted to the County for review and comment.
3. Prepare and submit an updated Statement of Probable Construction Costs based on the design drawings.
4. Meet with the County to receive comments on the submitted Design Development Package.
5. Coordinate design development with third party utilities, permit and review agencies.



6. Progress meetings –progress meetings will be held during the Design Development phase of the project. We have assumed two progress meetings in addition to the Design Development package review meeting. Hazen and Sawyer's project manager will plan and administer the progress meetings, including preparing and distributing the agenda and meeting minutes through coordination with the County's project manager. Progress meetings will also serve as workshops. Preparation for conducting the meetings will include advance notice of topics to be discussed at each workshop. Non critical progress meetings may be held in a teleconference format with the concurrence of both the Engineer and the Owner.
7. QA/QC Design Development by internal senior staff members not affiliated with the project on a day to day basis.

PHASE III - CONSTRUCTION DOCUMENTS (90% and 100% - Design)

After written authorization by the County to proceed with the Construction Document phase of the project, Hazen and Sawyer shall prepare the construction documents including plans and specifications, front end documents, bid form and final opinion of probable costs, ready and complete for competitive bidding by public advertisement. Agency final reviews, permitting and approvals will also be performed during this phase of the project.

1. Assist the County in the preparation of necessary bidding information, bidding forms and the conditions and form of the construction contract between the County and the Contractor. (Front End Documents)
2. Submit Sediment Erosion and Control Plans original mylar drawings with County signatures for approval to the Sussex Conservation District.
3. Prepare plans, documentation and forms required to accompany DPW's application for a County building and grading permit for the project.
4. Prepare Construction Documents (90%) in compliance with:
 - a. NFPA
 - b. OSHA
 - c. 10 State Standards
 - d. AWWA (Pipeline Standards)

Submit 5 sets of the Construction Documents (CDs) to the County for review and comment and permitting and approvals.



5. Finalize and submit a final Construction Cost estimate with the Construction Documents.
6. Meet with the County to receive comments on the Construction Documents (90%).
7. Finalize the Construction Documents for advertisement and bidding based on the County and permit agency review comments (100%).
8. Progress meetings – progress meetings will be held during the Construction Document phase of the project. We have assumed one progress meetings in addition to Construction Document (90%) review meeting. Hazen and Sawyer's project manager will plan and administer the progress meetings, including preparing and distributing the agenda and meeting minutes through coordination with the County's project manager. Progress meetings will also serve as workshops. Preparation in conducting the meetings will include advance notice of topics to be discussed at each work shop.
9. QA/QC Construction Documents - An internal review to be performed by senior level staffing not involved with the project on a day-to-day basis.
10. Bid and Award Services
 - A. Attend the pre-bid meeting conducted by the County. Assist the County in conducting the meeting. Hazen and Sawyer's project manager will prepare and distribute agenda through coordination with the County's project manager. Hazen and Sawyer will record and prepare the meeting minutes to plan holders and attendees. County will maintain the plan holders listing with email addresses or fax numbers for each plan holder.
 - B. Assist County in answering Contractor questions during the advertisement and bidding phase of the project. Hazen and Sawyer will provide responses to the County for their review.
 - C. Evaluate Contractor's qualifications, review and tabulate bids and prepare recommendation for award letter. Contact Contractor references and review their record of performance on similar projects.

CONTINGENCIES / ALLOWANCES

Contingencies and Allowances – To be performed as directed by the County.

1. USACOE Wetlands and Waterways permit and DNREC Subaqueous Lands Permit Application
2. Perform a Phase I Section 106 Archeological survey along the proposed alignment.



The following scope assumptions serve as the basis for the scope of work and the estimated fee for this project.

1. A Phase I Environmental Site Assessment (ESA) will not be required for this project because the project is proposed on currently owned County property or in public right of way. No property acquisition is anticipated for this project.
2. No Bay View pump station or Pump Station #30 upgrades or design modifications are included herein. It was assumed the cover letter will provide a general assessment of overall impacts to the Bay View pump station.
3. The project may affect regulated buffers; however, direct impacts to wetlands and waterways will be minimized/avoided i.e. trenchless installation. The project will qualify for a "routine" State/Federal Authorization" and more than likely will not require public notice. No individual permits and or advanced permitting services are anticipated required. The cost of this permitting has been included as a contingency or allowance.
4. Off-site services associated with afforestation / reforestation, wetland mitigation etc. are unknown at this time because they are dependent on the project impact. Contingent money was not included.
5. Permit application fees not included in fees. To be paid direct by County.
6. No storm water management requirements – linear utility project with no resulting new impervious area.

DELIVERABLES

1. Kick-off/site visit meeting minutes
2. Progress Meeting Minutes
3. Permit application packages for signature, including contract drawings (12 copies)
4. Geotechnical report
5. Draft Plan and Profile – 5 copies
6. Design Development Package (60% Drawings/Spec Listing/Cost Estimate) – 5 Copies (with cover letter identifying upstream pump station modifications and letter memorandum indicating cost of construction, potential permits, and anticipated duration of construction.



7. Construction Documents for County review and approval – 5 copies
8. Final Opinion of Probable Construction Cost
9. Pre-Bid meeting minutes

SCHEDULE

We have assumed that the County will provide notice to proceed with the plan and profile phase of this project on July 31, 2015. The notice to proceed for each subsequent phase has an allowance of 20 days between the completion of the prior phase and start of the next phase. Permits, plans, and specs for advertisement/bid will be provided in Spring 2016.

FEE

The work will be provided for the hours actually worked with an estimated fee not to exceed **\$149,608.05**. This fee is based on the hours and average rates as determined on the following page, Hazen and Sawyer will invoice the County, based on our employees pay rate times a multiplier of 2.8178 to obtain our billing rates. Pre-approved travel expenses will be billed at actual cost incurred. Mileage will be billed at the current federal mileage reimbursement rate for the current year the travel date occurred.



CAMP Possibilities

Enriching the lives of children with diabetes

P.O. Box 4411
Wilmington, DE 19807
(302) 563-9460

My name is Rita Meadows and I am a Nurse Practitioner in Georgetown, Delaware. I am also a Volunteer for Camp Possibilities, a nonprofit 501 (c) (3) tax exempt organization established in 2002, that provides a camp experience for children with Type 1 Diabetes between the ages of 8 and 15 who, due to the complexity of diabetes management, often do not get the chance to go to a summer camp. Five children from Sussex County will be attending camp this year. We are asking for the support of the Sussex County Council to sponsor two of these children in need.

The cost of one week of camp is \$1,775.00. With the support of corporate sponsors each child is still responsible for \$1,150.00. This amount is still a financial hardship for many. Camp Possibilities relies on charitable contributions to run our program. We award financial assistance to those who qualify, and about 30% of our families typically receive either full or partial camperships.

Camp is held at Camp Ramblewood (www.ramblewood.com), located in Darlington, Maryland, on 200 scenic acres of private property. Our volunteers number over 70 and collectively give over 5,000 hours of their time to make camp happen. Our medical staff, consisting of pediatric endocrinologists and nurse practitioners, registered nurses, certified diabetes educators, registered dietitians and others collectively give well over \$100,000 of their time, knowledge and service. Our counselors and recreation staff are comprised of high school and college students and professionals from the community.

Thank you for your consideration and I look forward to hearing from you in the near future. Please contact me via email or cell [\(302\) 519-8264](tel:3025198264) should you have any questions or check-out our website at camppossibilities.org.

Sincerely,

Rita Meadows, MSN, FNP-BC

Nurse Practitioner, Georgetown Medical Associates

Medical Staff Director Camp Possibilities Summer Camp for children with Type 1 Diabetes



OAK ORCHARD-RIVERDALE POST #28 of the AMERICAN LEGION
31768 Legion Road
MILLSBORO, DE 19966
302-945-1673



July 14, 2015

County Finance Director
George Cole
P.O. Box 589
Georgetown, DE



Dear County Finance Director:

The American Legion located at 31768 Legion Road in Millsboro has recently begun a partnership with Delmarva Rugby to bring the game of rugby to Sussex County. An estimated 10-12 games a year will be played at the site. After each game, Delmarva Rugby and the American Legion host a social party for the visiting team. All games and socials are open to the public. Attendance by the public has averaged 40 -50 people per game with plans in the works to increase that number substantially.



We have many plans to increase the look and feel of the experience and would like to ask the Sussex County Council to help upgrade the facilities by extending a grant for the goal posts and pads. Rugby, much like football, requires a set of goal posts to allow teams to score points via kicks. Unlike football, these posts are located on the goal line and as such must have pads to protect the players. The 38' goal posts cost \$3,299.00 plus shipping of \$350.00. The goal post pads cost \$775.00 for a full set. Total Funding request is \$4,424.00.



The American Legion Federal Tax I. D. is #51-0271790. Should you need more information, please call me at the American Legion 302-945-1673 extension #10. Thank you for your consideration in this matter.

Sincerely,

Charles Bonte,
Third Vice Commander
American Legion Post 28





DELAWARE POLICE CHIEFS' COUNCIL, INC.

400 SOUTH QUEEN STREET, DOVER, DELAWARE 19904



Telephone: (302) 739-5411 Fax: (302) 736-7146

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Chief John Horsman
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STAFF

Martin W. Johnson, III
Coordinator

Donna M. Mills
Executive Assistant

John F. Brady, Esq.
Legal Advisor

July 22, 2015

Mr. Michael Vincent, President
Sussex County Council
PO Box 589
Georgetown, DE 19947

Dear Mr. Vincent:

This is a request for your assistance in providing partial reimbursement for expenses to permit Mr. Martin Johnson our Local Police Coordinator, for attending a meeting of the Committee of Executive Directors, International Association of Chiefs of Police Training Conference in Chicago, Illinois, from October 23 through October 27, 2015. The directors' meeting is held in conjunction with the State Association of Chiefs of Police (SACOP).

The Delaware Police Chiefs' Council is assisting local departments in meeting professional policing standards to qualify them for state accreditation. Accreditation, in addition to a wealth of other workshops on innovations in policing and management of state associations, will be discussed and promoted at this meeting. A key to attending is being able to first hand identify those issues and trainers we should bring to Delaware.

SACOP has a very exciting and informative meeting planned. They will be holding training sessions on grant funding, police consolidation, and holding a special Sunday afternoon session on addressing the unique challenges facing smaller departments and building a policy platform that will allow SACOP and the IACP to meet their needs.

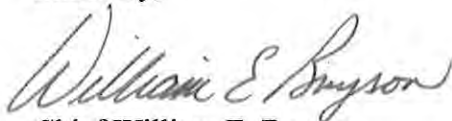
Sussex County Council
Assistance request for SACOP
July 22, 2015
Page 2

The General Assembly appropriation for local police coordination falls short of providing full funding for our operations which in part, provides technical and management assistance of Sussex County police departments. 25 of the 43 departments consist of less than 15 officers; and 18 of these departments are within Sussex County. The bulk of Martin's time is spent on behalf of small departments.

Attendance at out-of-state training programs is difficult without supplemental funding. Your assistance in helping by providing \$500.00 of the anticipated costs would be extremely helpful in meeting our objectives of maximizing the effectiveness of local departments.

Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in black ink that reads "William E. Bryson". The signature is fluid and cursive, with the first name being more prominent.

Chief William E. Bryson
Chairman

A handwritten signature in blue ink that reads "Martin W. Johnson, III". The signature is cursive and somewhat stylized, with the last name being the most legible part.

Martin W. Johnson, III
Executive Director/Coordinator

WEB: dmm

Cc: Mr. Todd Lawson
County Administrator

To Be Introduced 08/04/15

**Council District No. 5 - Arlett
Tax Map I.D. No. 133-16.00-57.00
911 Address: 12 Heritage Lane, Millsboro**

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A C-1 GENERAL COMMERCIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 0.9 ACRE, MORE OR LESS

WHEREAS, on the 30th day of June 2015, a zoning application, denominated Change of Zone No. 1784 was filed on behalf of Marlene C. Stebelsky; and

WHEREAS, on the ____ day of _____ 2015, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1784 be _____; and

WHEREAS, on the ____ day of _____ 2015, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County,

NOW, THEREFORE, THE COUNTY OF SUSSEX COUNTY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [C-1 General Commercial District] and adding in lieu thereof the designation of MR Medium Density Residential District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

All that certain tract, piece or parcel of land lying and being situate in Dagsboro Hundred, Sussex County, Delaware, and lying south of Route 326A (Betts Pond Road) at the southerly end of the dead end of Heritage Lane and north of Betts Pond and being more particularly described in Deed Book 2431 Page 252 in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 0.9 acre, more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

PUBLIC HEARINGS

August 4, 2015

This is to certify that on June 25, 2015 the Sussex County Planning and Zoning Commission conducted public hearings on the below listed applications for Conditional Use. At the conclusion of the public hearings, the Commission moved and passed that the applications be forwarded to the Sussex County Council with the recommendations as stated.

Respectfully submitted:

COUNTY PLANNING AND ZONING
COMMISSION OF SUSSEX COUNTY

Lawrence B. Lank

Director of Planning and Zoning

The attached comments relating to the public hearings are findings of the Planning and Zoning Commission based upon a summary of comments read into the record, and comments stated by interested parties during the public hearings.

C/U #2019 – J.B. BUILDERS, LLC

An Ordinance to grant a Conditional Use of land in an AR-1 (Agricultural Residential District) for a construction company office, storage of materials, retail sales, and equipment storage and rental to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 34,495.70 square feet, more or less. The property is located north of John J. Williams Highway (Route 24) 500 feet east of Gull Point Road (Road 313) (911 Address: 27324 John J. Williams Highway, Millsboro) Tax Map I.D.: 234-28.00-153.00.

The Commission found that the applicant had submitted a survey/site plan with their application on April 17, 2015; that on June 16, 2015 the applicant submitted an Exhibit Packet which included photographs of the site and the general area.

The Commission found that DelDOT provided comments in the form of a Support Facilities Report, dated February 18, 2015, which references that a traffic impact study is not recommended, and that the current Level of Service “E” of John J. Williams Highway will not change as a result of this application.

The Commission found that the Sussex Conservation District provided comments in the form of a Memorandum, dated June 23, 2015, which references that there is one soil type on this property; that the Applicants will be required to follow recommended erosion and sediment control practices during construction and to maintain vegetation after construction; that there are no storm flood hazard areas affected; that off-site drainage improvements will not be required; that it is not likely that on-site drainage improvements will be required; and that no tax ditches are affected.

The Commission found that the County Engineering Department Planning and Permits Division provided comments on June 25, 2015, which reference that the site is located in the Oak Orchard

Sanitary Sewer District; that wastewater capacity is available for this project; that Ordinance 38 construction is not required; that sewer service is not available at this time; that the parcel will receive sewer service in the future; that when sewer service becomes available connection to the system will be mandatory; that connection to the system must occur within the first year of service being available; and that a concept plan is not required.

Mr. Lank advised the Commission that this site was previously approved for a Conditional Use for the Sales and Service of Golf Carts and Related Work (C/U #1395).

The Commission found that Stephen Spence, Esquire with Phillips, Goldman & Spence, P.A., was present with Airtion P. Maria, Jr. on behalf of J. B. Builders, LLC and that they stated in their presentation and in response to questions raised by the Commission that the applicants purchased the property in 2014; that the applicants have obtained a new septic permit; that they are presenting an aerial photograph showing the location of the business and commercial uses along John J. Williams Highway; that the applicants intend to renovate and expand the existing buildings on the site for the purpose of a construction company home office, retail sales of small building supplies, materials, nails, screws, tools, etc. primarily to sub-contractors working for them; that storage of materials will be primarily indoors; that some equipment will be stored outdoors; that they will also have a forklift rental business; that most of the forklifts will be on job sites off-premise; that business hours are planned to be from 8:00 a.m. to 5:00 p.m. weekdays; that the applicants have been in business for 2002; that all maintenance of equipment will be performed indoors; that they would like to have a lighted sign, if possible; that they are willing to screen any dumpsters on site from neighboring properties and roadways; that they will have three employees; and that waste oils/fluids will be handled by a licensed waste handler.

The Commission found that there were no parties present in support of or in opposition to this application.

At the conclusion of the public hearings, the Commission discussed this application.

On June 25, 2015 there was a motion by Mr. Burton, seconded by Mr. Smith, and carried unanimously to defer action for further consideration. Motion carried 4 – 0.

On July 9, 2015 the Commission discussed this application under Old Business.

Mr. Smith stated that he would move that the Commission recommend approval of Conditional Use No. 2019 for J. B. Builders, LLC for a construction company office, storage of materials, retail sales and equipment storage and rental based upon the record made during the public hearing, and for the following reasons:

- 1) The property is the site of a prior business use for golf cart sales and repairs. It has been vacant for some time. The redevelopment and reuse of this site will improve the appearance of this location. It also promotes the re-use of existing business locations rather than having new businesses scattered throughout the County.
- 2) The location for this use, along Route 24, is appropriate for a business such as this. There are also several other small businesses and commercial uses in this area of Route 24, and this use will be consistent with what currently exists in the area.

- 3) The redevelopment of this property will not have an adverse impact on adjacent or neighboring properties, roadways or the community in general.
- 4) The use promotes the health, safety and welfare of Sussex County residents by redeveloping an existent vacant and abandoned business location.
- 5) No parties appeared in opposition to the application.
- 6) This recommendation is subject to the following conditions:
 - A. Although sales are permitted from the premises as requested by the applicant, the applicant has stated that the primary purpose of these sales is for materials and supplies to the applicant's subcontractors. Retail sales to the public shall not be permitted from this location without further approval from the Planning and Zoning Commission.
 - B. As stated by the applicant, all storage of vehicles and equipment associated with the business (but not including employee vehicles shall be located inside. The applicant's low-boy trailer may be stored outside.
 - C. There shall be no outside repairs or maintenance of vehicles or equipment associated with the use shall occur on the site.
 - D. All dumpsters, storage bins, and stock pile locations shall be screened from view of neighboring properties and roadways.
 - E. The site shall be fenced and gated.
 - F. One lighted sign, not to exceed 32 square feet per side, shall be permitted.
 - G. All security lights shall be downward screened so that they do not shine on neighboring properties or adjacent roadways.
 - H. The hours of operation shall be between 8:00 a.m. and 5:00 p.m. Monday through Saturday.
 - I. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Smith, seconded by Mr. Burton, and carried with four (4) votes to forward this application to the Sussex County Council with a recommendation that the application be approved for the reasons and with the conditions stated. Motion carried 4 – 0. Mr. Johnson did not participate in the discussion or the vote since he was not present during the public hearing.

C/U #2020 – CHARLES AUMAN

An Ordinance to grant a Conditional Use of land in an AR-1 (Agricultural Residential District) for mini-storage units, and boat and RV storage to be located on a certain parcel of land lying and being in Cedar Creek Hundred, Sussex County, containing 8.93 acres, more or less. The property is located west of Marshall Street Extended (Road 225) and south of Swain's Private Road 570 feet west of Marshall Street Extended. (911 Address: None Available) Tax Map I.D.: 330-11.17-18.00 and 330-15.05-6.00.

The Commission found that the applicant had provided a survey/site plan with his application.

The Commission found that DelDOT has issued an Entrance Approval Letter, dated February 5, 2015.

The Commission found that the Sussex Conservation District provided comments in the form of a Memorandum, dated June 23, 2015, which references that there are four soil types on this property; that the Applicant will be required to follow recommended erosion and sediment control practices during construction and to maintain vegetation after construction; that there are no storm flood hazard areas affected; that off-site drainage improvements will not be required; that it is not likely that on-site drainage improvements will be required; and that no tax ditches are affected.

The Commission found that the County Engineering Department Utility Planning Division provided comments in the form of a Memorandum on June 25, 2015 referencing that this project site is located in the North Coastal Planning Area; that the project is not capable of being annexed into a County operated Sanitary Sewer District; that conformity to the North Coastal Planning Study will be required; that the proposed project is not in an area where the County currently plans to provide sewer service; and that a concept plan is not required.

Mr. Lank reminded the Commission that this site is the site of a previously approved Conditional Use #1771 for the same use that only had access to Swain's Private Road; that this application intends to access Marshall Street Extended; and that the County Council approved Conditional Use #1771 in 2009.

The Commission found that Charles Auman was present and stated in his presentation and in response to questions raised by the Commission that his intent is to include a new entrance location to help pull traffic away from the private road; that the only difference in this application and his previous application is the additional land for the entrance to Marshall Street Extended; and that Charles Harding, an immediate neighbor, has written a letter voicing no objections.

Mr. Robertson stated that the conditions of approval relating to Conditional Use #1771 (Ordinance No. 2056) should be included with this application if the application is approved.

The Commission found that there were no parties present in support of the application.

The Commission found that Mark Donovan, a resident living on Swain's Private Road, was present and express concerns about the use of Swain's Private Road to the site.

The Commission found that Thomas Jester, a resident living on Swain's Private Road, was present and stated that he would have no objection if the access to Swain's Private Road is closed as access to the site; that he has some concerns about crime; that a fence should be erected around the perimeter of the storage area; that he would prefer a berm with trees to screen the use; that he originally opposed the original application due to concerns about leaking oils and fluids from boats and RVs that may be parked on the site getting into the water table; and that there are a lot of elderly people that live in the area.

The Commission found that Tonia Younus was present and expressed concerns about noise, and added that this site is not an appropriate location for such a use.

At the conclusion of the public hearings, the Commission discussed this application.

On June 25, 2015 there was a motion by Mr. Burton, seconded by Mr. Smith, and carried unanimously to defer action for further consideration. Motion carried 4 – 0.

On July 9, 2015 the Commission discussed this application under Old Business.

Mr. Burton stated that he would move that the Commission recommend approval of Conditional Use No. 2020 for Charles Auman based upon the record and for the following reasons:

- 1) Although this application was advertised for mini-storage units and boat and RV storage, the primary use was previously approved as Conditional Use No. 1771 in 2009. The purpose of this application is only to relocate the entrance road from the approved Conditional Use from Swain's Private Road to Marshall Street Extended.
- 2) It is appropriate for the location of the entrance road to be via Marshall Street Extended, instead of Swain's Private Road. This will provide direct access to a State maintained road. Swain's Private Road is not State maintained and maintenance issues could become a problem if it is used for the entrance to the mini storage facility.
- 3) The Marshall Street Extended entrance will provide safer vehicular access to the approved Conditional Use.
- 4) Although several parties appeared in opposition to this application, most of the opposition related to the prior Conditional Use that was previously approved and not the relocation of the entrance. And, many of those in opposition expressed concerns about using Swain's Private Road as the entrance.
- 5) This recommendation is subject to the following conditions:
 - A. All of the conditions of Conditional Use No.1771 shall remain in effect unless directly affected by the relocation of the entrance road from Swain's Private Rod to Marshall Street Extended.
 - B. The access to Swain's Private Road shall be completely closed off, with fencing and the buffers required by Conditional Use No. 1771 extending across what was the entrance area Swain's Private Road.
 - C. The Final Site Plan showing the relocated entrance and the closure of the entrance via Swain's Private Road shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Burton, seconded by Mr. Smith, and carried with four (4) votes to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons and with the conditions stated. Motion carried 4 – 0. Mr. Johnson did not participate in the discussion or the vote since he was not present during the public hearing.

Introduced 05/05/15

**Council District No. 4 – Cole
Tax Map I.D. 234-28.00-153.00
911 Address – 27324 John J. Williams Highway, Millsboro**

ORDINANCE NO. _____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CONSTRUCTION COMPANY OFFICE; STORAGE OF MATERIALS; RETAIL SALES; AND EQUIPMENT STORAGE AND RENTAL TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 34,495.70 SQUARE FEET, MORE OR LESS

WHEREAS, on the 17th day of April 2015, a conditional use application, denominated Conditional Use No. 2019 was filed on behalf of JB Builders, LLC; and

WHEREAS, on the _____ day of _____ 2015, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2019 be _____;

WHEREAS, on the _____ day of _____ 2015, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said Conditional Use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the Conditional Use is for the general convenience and welfare of the inhabitants of Sussex County.

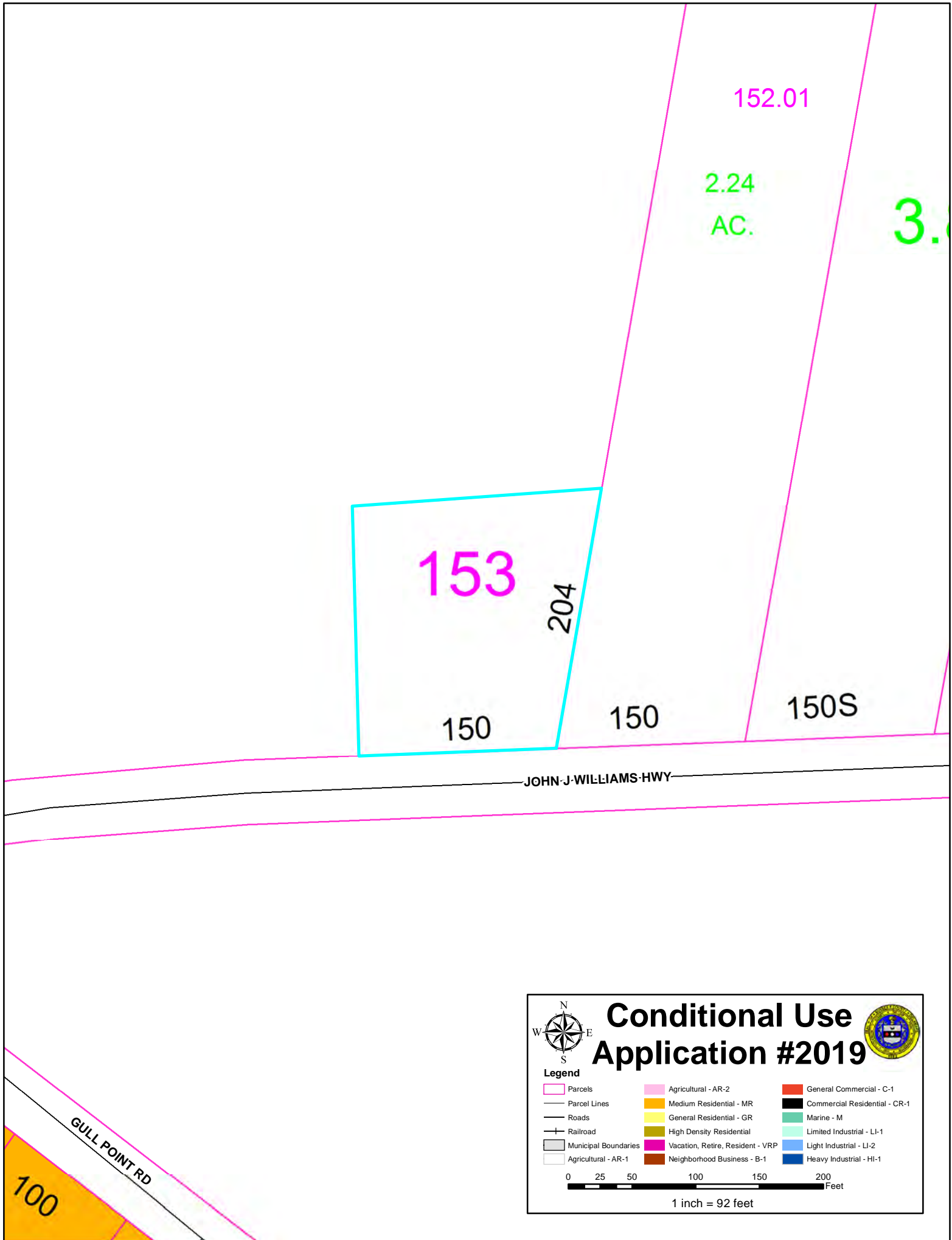
NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

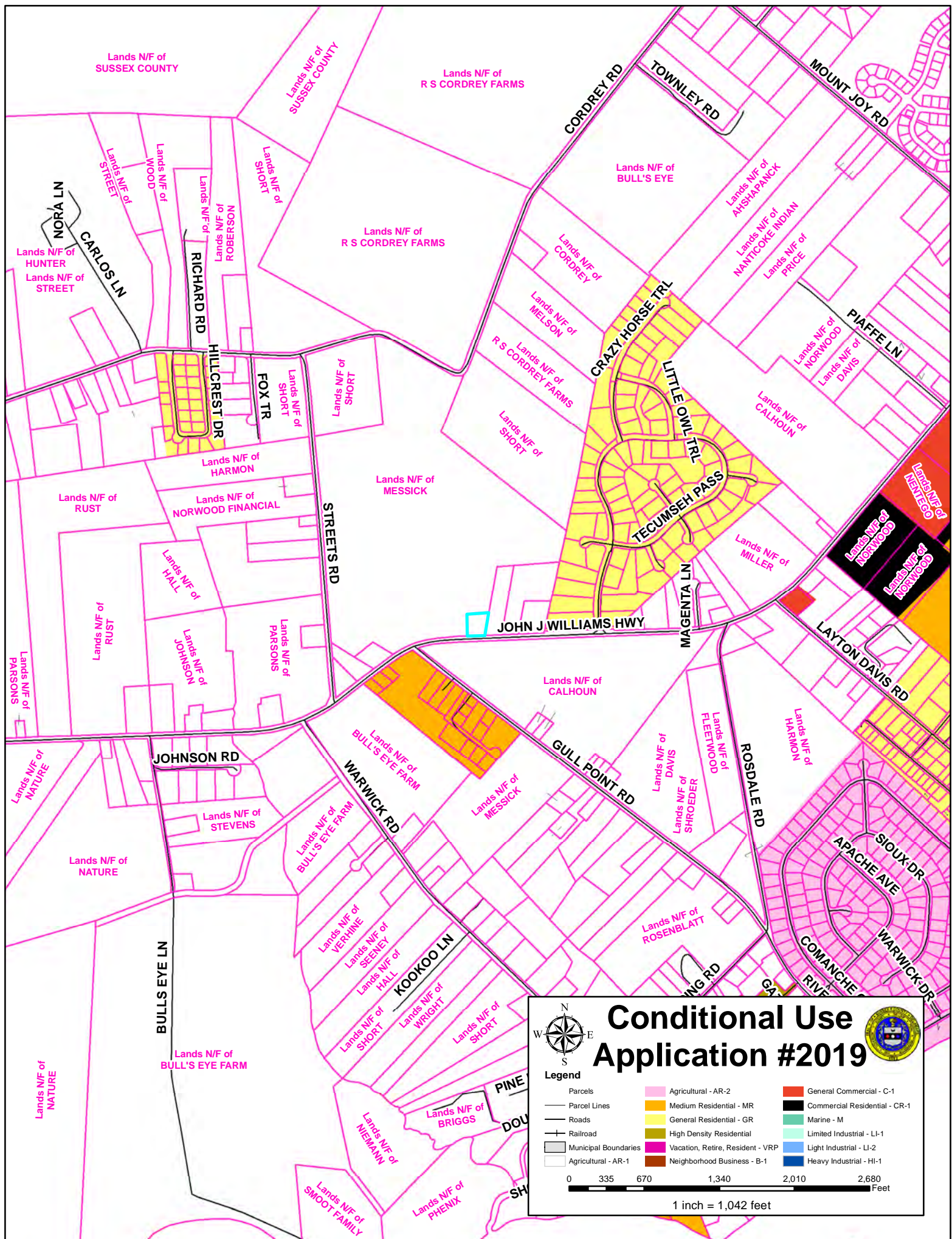
Section 1. That Chapter 115, Article IV, Section 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2019 as it applies to the property hereinafter described.

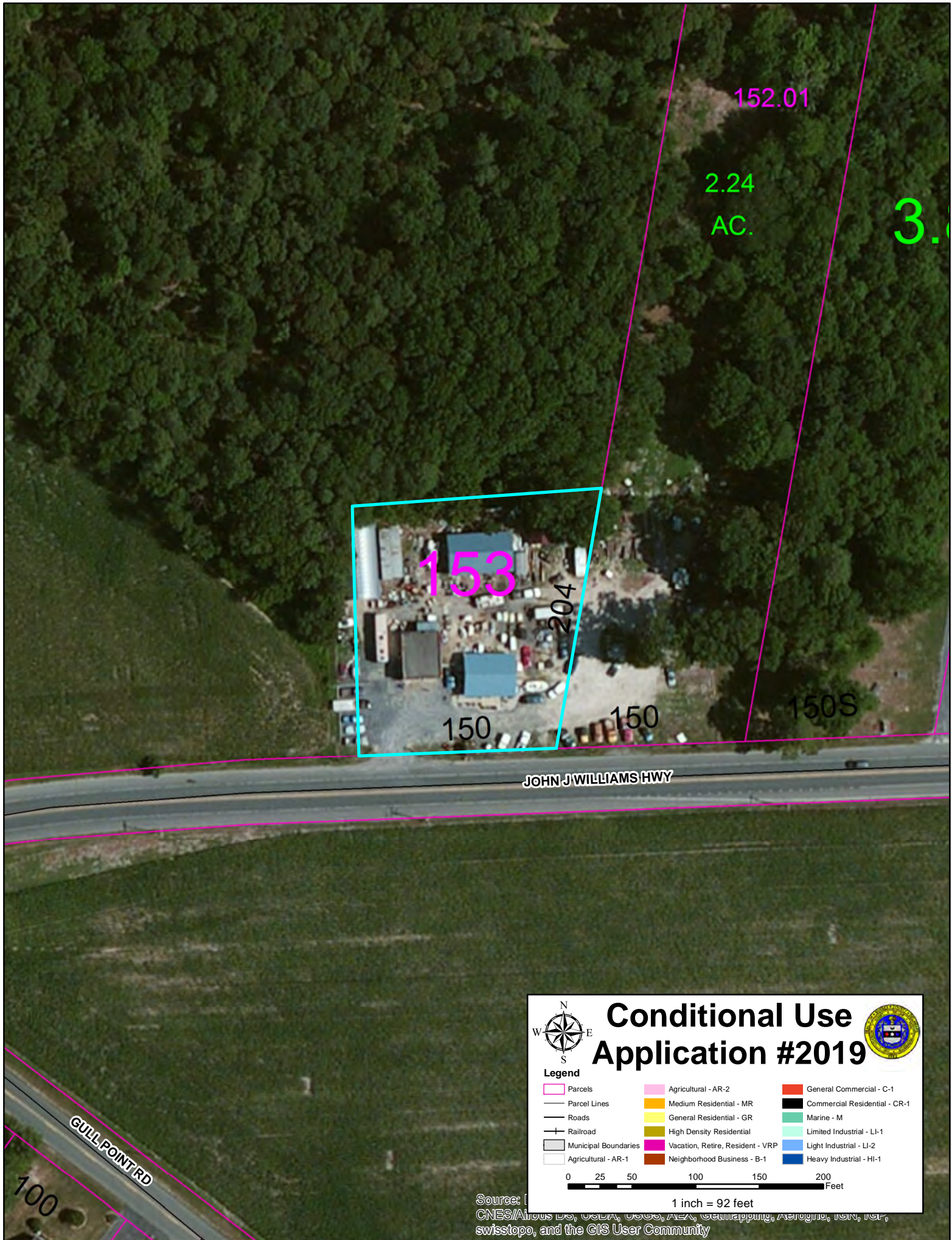
Section 2. The subject property is described as:

All that certain tract, piece or parcel of land, lying and being situate in Indian River Hundred, Sussex County, Delaware, and lying north of John J. Williams Highway (Route 24) 500 feet east of Gull Point Road (Road 313) and being more particularly described in Deed Book 4328, Page 178, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 34,495.70 square feet, more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.







Introduced 06/02/15

**Council District No. 2 – Wilson
Tax Map I.D. No. 330-11.17-18.00 and 330-15.05-6.00
911 Address: None Available**

ORDINANCE NO. _____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MINI-STORAGE UNITS, AND BOAT AND RV STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 8.93 ACRES, MORE OR LESS

WHEREAS, on the 24th day of March 2015, a conditional use application, denominated Conditional Use No. 2020 was filed on behalf of Charles Auman; and

WHEREAS, on the _____ day of _____ 2015, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2020 be _____;

WHEREAS, on the _____ day of _____ 2015, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said Conditional Use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the Conditional Use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Section 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2020 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

All that certain tract, piece or parcel of land, lying and being situate in Cedar Creek Hundred, Sussex County, Delaware, and lying west of Marshall Street Extended (Road 225) and south of Swain's Private Road 570 feet west of Marshall Street Extended and being more particularly described as:

BEGINNING at a point on the westerly right-of-way of Marshall Street Extended (Road 225), a corner for these subject lands and lands, now or formerly, of Charles E. Harding; thence south 75°04'25" west 161.56 feet and south 83°31'26" west 556.27 feet along said Harding lands to a point; thence north 00°50'46" east 736.76 feet and north

03°32'28" west 216.71 feet along lands, now or formerly, of Sussex Materials, LLC to a point; thence north 84°42'03" east 106.31 feet along Swain's Private Road to a point; thence south 03°26'36" east 366.74, feet north 86°33'24" east 237.85 feet, and north 03°26'36" west 141.06 feet along lands, now or formerly, of Mark J. Donovan to a point; thence north 88°18'45" east 161.20 feet along lands, now or formerly, of Thomas A. and B. Lyn Jester to a point; thence south 02°03'11" east 70.00 feet along lands, now or formerly, of Brett C. Warren to a point; thence south 03°02'50" east 278.95 feet along lands, now or formerly, of Margaret W. Swain to a point; thence south 03°12'56" east 140.69 feet along lands, now or formerly, of Bryan O. Attix to a point; thence south 03°01'08" east 69.88 feet and north 78°01'35" east 161.39 feet along lands, now or formerly, of Jay Donovan to a point on the westerly right-of-way of Marshall Street Extended; and thence south 11°43'24" east 127.26 feet along the westerly right-of-way of Marshall Street Extended to the point and place of beginning, and containing 8.93 acres, more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

