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April 24th, 2024

Alan M. Decktor, PE, ENV SP
Pennonni and Associates, Inc.
18072 Davidson Drive
Milton, DE 19968

By email to: ADecktor@Pennonni.com

RE: Notice of Decision Letter for the Preliminary Subdivision Plan for Peck Farm (2022-27) for the creation of an AR-1 Subdivision utilizing the Cluster option in the Low Density Area to consist of (128) single-family lots located on the south side of Martins Farm Road (S.C.R. 291).
Tax Parcel: 334-9.00-4.00

Dear Mr. Decktor,

At their meeting of **Wednesday, January 3, 2024**, the Planning & Zoning Commission **approved** the **Preliminary Subdivision Plan** for **Peck Farm (2022-27)** for the creation of an AR-1 Subdivision utilizing the Cluster option in the Low Density Area to consist of one hundred and twenty-eight (128) single-family lots. The parcel is on the south side of Martins Farm Road (S.C.R. 291) approximately (0.6) miles east of Harbeson Road (Route 5). The parcels are zoned Agricultural Residential (AR-1) Zoning District and lie within the *Low Density Area* per Sussex County's 2018 Comprehensive Plan.

The Preliminary Subdivision Plan is valid for three (3) years from the date of Planning Commission decision. A Final Subdivision Plan shall be approved within three (3) years of the date of approval of the Preliminary Subdivision Plan, or the action of the Planning Commission shall be deemed canceled. Unless an extension is granted, approval shall be rendered null and void if substantial construction is not commenced within five (5) years of the date of recordation of the final plat.

As part of their motion, the Planning Commission acted to approve the development subject to the following conditions (which shall be clearly annotated on the Revised Preliminary and Final Subdivision Plans):

- a. There all be no more than 128 lots within the subdivision.
- b. The developer shall establish a homeowner's association responsible for the maintenance of the streets, buffers, stormwater management facilities, and other common areas.
- c. As shown on the Preliminary Site Plan, approximately 50% of the site shall remain open space.



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- d. The stormwater management system shall meet or exceed the requirements of the State and County and the Final Site Plan shall contain the approval of the Sussex Conservation District. The system shall be maintained and operated using Best Management Practices.
- e. There shall be a forested and/or vegetated buffer strip that is at least 30 feet wide along the perimeter of the subdivision. This buffer shall utilize existing forest or similar vegetation where it exists in the buffer area. Where trees currently exist in the buffer area, stump removal or construction activities that disturb the existing grade of the area within the buffer shall be prohibited. All silt fencing shall be located along the interior limit of the buffer area (the edge of the buffer nearest the interior development) and the Final Site Plan shall identify the "Limit of Disturbance" to prevent disturbance of the buffer area.
- f. The development shall comply with DelDOT entrance and roadway improvement requirements.
- g. Street design shall meet or exceed Sussex County standards.
- h. The subdivision shall be served by central sewer and central water.
- i. Construction, , site work, and deliveries shall only occur on the site between the hours of 7:00 a.m. and 6:00 p.m. Monday through Saturday. No Sunday hours are permitted. A 24-inch by 36-inch "NOTICE" sign confirming these hours in English and Spanish shall be prominently displayed at the site entrance during construction. During site work and initial construction, all dumpsters and roll-off containers shall be covered to prevent construction materials and debris from blowing across the site or onto neighboring properties.
- j. The Applicant shall coordinate with the local school district for a school bus stop within the subdivision. If required by the school district, the location of the bus stop area shall be shown on the Final Site Plan.
- k. There shall be on-site amenities including a clubhouse, swimming pool, and walking trail. These amenities shall be completed and open to use as required by Section 99-21E of the Subdivision Code.
- l. There shall be at least 11 acres of the existing forest preserved within this development. The Final Site Plan shall include a Landscape Plan depicting all landscaping to be provided and all of the forested areas that will be preserved. The Landscape Plan shall also identify all "Limits of Disturbance" within the site.
- m. The Final Site Plan shall include an unobstructed area set aside for vehicular access in the vicinity of Lot 62 to the subdivision in emergency situations from Martins Farm Road. This area does not need to be improved with paving or stones. Instead, it must be an area outside of any lots or structures and free from obstructions so that the development is not isolated in the event that the main entrance is impassable.
- n. The Final Site Plan and recorded Declaration shall state that agricultural and hunting activities may exist on nearby properties. The Agricultural Use Protection Notice and a

similar notice about hunting activities shall be included in these recorded documents as well.

- o. The Final Site Plan shall include a Grading Plan for the site. No building permit shall be issued for individual lots until an individual lot grading plan has been supplied to and approved by Sussex County. No certificate of occupancy shall be issued until a grading certificate is submitted to the Building Code Department demonstrating general conformity with the individual site grading plan.
- p. A revised Preliminary Site Plan either depicting or noting these conditions must be submitted to the Office of Planning and Zoning.
- q. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

The Final Subdivision Plan must comply with the County's Subdivision Code, including submission of agency approval letters to the Planning and Zoning Office.

Please submit a minimum of **one (1) full size (24"x36")** and **one (1) electronic PDF copy** of a Final Subdivision Plan to the Planning and Zoning Office for consideration on the next available agenda for Planning Commission. It is recommended that **two (2) copies** of a check print are first submitted to staff for review.

Please note that a \$10.00 per lot fee will be required to be paid prior to the approval of any Final Subdivision Plan. For 128 lots, the fee is \$1,280.00.

Please feel free to contact me during business hours with any questions from 8:30 AM – 4:30 PM, Monday through Friday, at 302-855-7878.

Sincerely,



Mr. Michael Lowrey
Planner III

CC: Ms. Susan Isaacs, Sussex County Engineering Project Coordinator Engineering – Public Works
Mr. Andy Wright, Chief of Building Code – Sussex County Building Code
Mr. John Ashman, Director of Utility Planning & Design – Engineering
Ms. Jennifer Norwood, Manager – Planning & Zoning
Mr. John Stamato – Ribera Development, LLC