



**Karins and Associates**  
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August 30, 2019

**VIA E-MAIL AND HAND DELIVERY**

City of Lewes Planning Commission  
P.O. Box 227  
114 E. Third Street  
Lewes, DE 19958

**Re: Fishers Cove Land Use Application  
Burke & Rutecki, LLC**

Dear Chairman McKay:

We are writing in our capacity as civil/site engineer for Burke & Rutecki, LLC in relation to its Land Use application for the Fishers Cove subdivision (the "Application"). Below, we address several of the twenty-two factors set forth for preliminary consent consideration of a major subdivision application in the City of Lewes Code of Ordinances § 170-19(E). It is our opinion, to a reasonable degree of engineering certainty, that the Application complies with each of the below factors:

**Factor Two: Integration of the proposed major subdivision into existing terrain and surrounding landscape.**

The development is well integrated into the existing terrain and landscape. All lots are outside of wetland areas, on upland (9.6 acres), and will have landscaped buffers. By proposing larger lots than those found on Rodney Street, along with 3.46 acres of open space (31.2% of the total property), the subdivision is harmonious with the surrounding landscape as it transitions well with the University property to the North. The Application shall comply with all SCD, DNREC and FEMA requirements relating to stormwater and floodplain.

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It should be noted that the 3.46 acres (or 31.2%) of Open Space set aside within the 11.08 acre site is significantly more (3.1 times) than that required by Code (10% minimum set in § 170-26).

**Factor Four: Preservation of natural and historical features.**

The proposed development preserves the natural and historical features of the area. The development, again, provides 3.46 acres of open space (31.2% of the total property, in excess of the 10% required by Code). In addition, fifteen (15) foot landscaped buffers are provided in the rear of the lots and at least two (2) street-side tree plantings will be required. All wetlands on the property will be preserved. All existing trees within the non-tidal wetlands area and all existing trees within and south of the Open Space Parcel A are to be preserved. Further, all trees on lots 8 through 18 that exist will be preserved to the greatest extent practicable, subject to detailed grading to be refined during the design phase of the project, and concurrence of GMB and Sussex Conservation District. The applicant shall submit a final landscape plan to the Parks and Recreation Committee review, and will be planting indigenous species as recommended.

An Arborist has completed an initial report and indicates that there are no specimen trees in the location of the future clearing for the new community and that most are scrub trees that have grown up naturally and exhibit less than (20) years of growth.

The applicant intends to maintain the Fisher House on its own lot (one of Lewes' oldest homes, though not historical) as part of the minor subdivision process which has been submitted separate from this application.

**Factor Five: Preservation of open space and scenic views.**

The larger lots will help preserve scenic views, as will the elongated island in the cul-de-sac and protect all existing wetlands. Lots on uplands and landscaped buffers likewise will preserve scenic views. The Fisher House will be preserved as one of Lewes' oldest historical homes and should be considered a valuable scenic asset. An easement for walking is planned across the edge of the Fisher House property with a natural surface, which will enable the Fishers Cove community to access Pilottown Road, as well as to the Rehoboth Canal across from Pilottown Road.

The City of Lewes Code requires a minimum lot area of 10,000 square feet. It should be noted that the average lot area is 13,513 square feet, significantly more (35.1%) more than the minimum required. The smallest lot proposed is 11,180 square feet, also much larger than the minimum requirement. The larger lots provide for a more scenic viewshed and views for the community to the open space and the Great Marsh.

The entire property boundary along the Great Marsh will be preserved in its natural condition and has an open view from the proposed lots and public roads, thus providing and preserving the scenic views.

**Factor Six: Minimization of tree and soil removal and grade changes, except to ease flood concerns.**

The City has mandated that the public roads be located at or above the FEMA 100-year flood elevation. To minimize fill in the flood plain, to the extent practicable, the roadway fill will be supported by a retaining wall, that meets GMB and Sussex Conservation concurrence. Additionally, to ease flood concerns the City and FEMA require that the lowest floor of the homes be 1.5 feet above the FEMA 100-year flood elevation. Further, to ease flood concerns the home foundations/crawl spaces will be equipped with flood vents as required by City Code and FEMA, which will allow for the passage of flood waters in the event of major flood events. For all the above, soil removal and grading will be subject to and comply with GMB, SCD, DNREC and FEMA requirements.

Minimal tree removal will be implemented, and tree planting will be required to augment the buffers proposed to the neighboring community.

An Arborist has completed an initial report and indicates that there are no specimen trees in the location of the future clearing for the new community and that most are scrub trees that have grown up naturally and exhibit less than (20) years of growth.

Commissioner Moser has submitted a comment on the Application which states that the deforestation shown is not "realistic," and that the proposed grading will impact wetland vegetation because it reaches to the absolute edge of the wetlands area.<sup>1</sup> The comment further states that "the proposed grading for the long narrow stormwater facility appears to extend up to the rear yards of the adjacent, existing homes, potentially impacting

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<sup>1</sup> Commissioner Moser's comment is attached hereto as Exhibit A.

existing trees and other improvements.” However, as indicated earlier, all existing trees within the non-tidal wetlands area and all existing trees within and south of the Open Space Parcel A are to be preserved. Further, all trees on lots 8 through 18 that exist will be preserved to the greatest extent practicable, subject to detailed grading to be refined during the design phase of the project, and concurrence of GMB and Sussex Conservation District. The applicant shall submit a final landscape plan to the Parks and Recreation Committee review, and will be planting indigenous species as recommended.

Commissioner Moser’s comments dated February 7, 2019 were made relative to the Karins and Associates’ Concept Plan for Fishers Cove (Plan) dated August 29, 2018, with a revision dated November 28, 2018, and referenced the narrow stormwater facility at the rear yards of adjacent existing homes, which was eliminated in the Plan that is currently in front of the Planning Commission, which is Plan dated August 29, 2018, and last revised March 15, 2019. The City Engineer has since commented on the Plan in their review comments dated May 10, 2019 and endorsed the lot layout as shown.

**Factor Seven: Screening of objectionable features from neighboring properties and roadways.**

Fifteen (15) foot landscaped buffers shall be maintained between adjacent properties; however, no objectionable features are and shall be present. As noted previously, all trees on lots 8 through 18 that exist will be preserved to the greatest extent practicable, subject to detailed grading to be refined during the design phase of the project, and concurrence of GMB and Sussex Conservation District. Any portion of the proposed screened buffer that does not have existing trees or where the existing trees will be thinned/removed due to grading will be augmented with combination of trees and shrubs to provide the required screening to the neighboring properties. The applicant shall submit a final landscape plan to the Parks and Recreation Committee review, and will be planting indigenous species as recommended.

Commissioner Moser’s comment further notes, also related to the Plan dated August 29, 2018 with revision date of November 28, 2019, that Burke Road should be screened off from existing homes on Rodney Avenue. We agree, for this reason the Plan for Fishers Cove currently before the Planning Commission dated August 29, 2018 and last revised March 15, 2019 provides for a buffer between Burke Road and the adjoiner Rodney Avenue Lot, which will also be landscaped with a mixture of trees and shrubs.

**Factor Eight: Provision for water supply.**

Public water is proposed to the community and shall be provided by the city based on the BPW and the City Engineer's plans, the point of connection and extension of water line will be coordinated and confirmed with final site plan approval. The water plan and design within the community will also meet and exceed the requirements of the State Fire Marshal's office.

**Factor Nine: Provision for Sewage Disposal.**

The proposed development plan adequately provides for sewage disposal by gravity to a pump station to be located within the project limits. The pump station will discharge to sewer provided by the City, based on the BPW and the City Engineer's plans, to be determined with final site plan approval and meet the requirements. The design of the sewer conveyance and pump station will also meet the requirement of DNREC, as necessary for permitting.

The Anderson Report notes that "an emergency generator and odor control measures will be required" for the proposed sanitary sewer pump station. Requirements of DPW and the City Engineer shall be met regarding the design of the pump station and specifically with regard to odor control and emergency generator.

**Factor Sixteen: Compatibility with adjacent area land uses.**

See the above response to Factor Two. The adjacent area land uses are residential and state government land. As a mix of residential, open space, and wetlands, the proposed development would constitute a similar use to these adjacent properties.

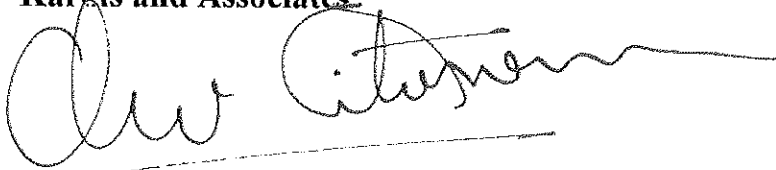
**Factor Twenty: Recognition of scenic byways and walkability.**

As currently proposed, the proposed development will have sidewalks on both sides of all proposed public streets. The Application further provides for an easement across the Fisher House property to Pilottown Road, increasing the walkability of the area and provide for a pedestrian connection to Pilottown Road and Rehoboth Canal across from Pilottown Road.

Based on the above, we believe, to a reasonable degree of engineering certainty, that the Application complies with Factors 2, 4-9, 16, and 20 set forth in the City of Lewes Code of Ordinances § 170-19(E). We are available at your convenience should you have any questions or concerns. Thank you for your consideration of the Application.

Sincerely,

**Karins and Associates**

A handwritten signature in cursive script, appearing to read "Dev Sitaram", written over a horizontal line.

Dev Sitaram, P.E.