

# The City of Lewes



May 24, 2021

Stephen Gorski, P.E.  
Duffield Associates, LLC  
128 W. Market St.  
Georgetown, DE 19947

RE: Review Letter for the revised subdivision plan for Fishers Cove to be located off of Rodney Ave.

Tax Parcel: 335-4.00-15.00

Dear Mr. Gorski:

The Planning Office has reviewed the revised subdivision plan for Fishers Cove for the creation of 18 single family lots with associated site improvements to be located off of Rodney Ave. for compliance with the City's Subdivision and Land Development Code and Zoning Code. Staff offers the following comments:

1. **Revise the square footage for lot 9. Lot 9 is proposed to have 9,971 SF; however, the code requires a minimum lot area of 10,000 SF.**
2. **Revise the lot frontage for lot 9. The lot frontage for lot 9 is approximately 53.58 ft.; however, the code requires a minimum lot frontage of 75 ft.**
3. **Revise the lot frontage for lot 8. The lot frontage for lot 8 is approximately 56.61 ft.; however, the code requires a minimum lot frontage of 75 ft.**
4. **Revise the lot frontage for lot 18. The plan indicates 76 ft. of lot frontage; however, it only has 57 ft. of lot frontage along Jacks Way.**
5. **Provide the Stormwater Management Plan Sheet(s).**
6. **Indicate if streetlights will be provided. If streetlights are not provided, a waiver shall be submitted for consideration by the Planning Commission and decision by the Mayor and City Council.**
7. **Submit a waiver request for partial elimination of sidewalks within the development for consideration by the Planning Commission and decision by the Mayor and City Council.**
8. **Indicate if street trees will be provided. If street trees are not provided, a waiver shall be submitted for consideration by the Planning Commission and decision by the Mayor and City Council.**
9. **Provide a Landscape Plan Sheet.**
10. Provide the following information on the Landscape Plan Sheet(s):
  - a. Indicate the number of trees to be planted.
  - b. Indicate the types of trees to be planted.
  - c. Provide a tree planting detail(s).
  - d. Provide general planting notes.
  - e. Provide a Landscape Architect Certification.

- f. Indicate if there will be any planting within the stormwater management ponds.
  - g. Provide the Parks and Recreation Commission recommendations.
  - h. Indicate the proposed street trees to be planted at 2 per lot per the Parks and Recreation Commission.
11. Indicate the length of Jacks way. The maximum length of a dead end street is 200 ft.
  12. Provide a Record Plan Sheet.
  13. Provide the following items on the Record Plan Sheet(s);
    - a. Provide an Owner's Certification.
    - b. Provide a Wetland Certification.
    - c. Provide a Certification for the City Engineer.
    - d. Provide a Certification for the City Manager.
    - e. Provide a Certification for the Board of Public Works.
    - f. Provide a Certification for the Planning Commission Chair.
    - g. Provide the following note on the plan: "It hereby is certified that this major subdivision site plan was approved by the Mayor and City Council of the City of Lewes, Delaware on [Insert Date] and accordingly is eligible for recording in the office of the Recorder of Deeds for Sussex County, Delaware."
    - h. Indicate all the easements for the site.
    - i. Provide the metes and bounds description for the development and lots.
    - j. Indicate the location of proposed property markers.
  14. Verify that the 15 ft. landscape buffer will be located within an easement on the individual lots. The remaining landscape buffer will be located within the open space areas on all Plan Sheets.
  15. Provide a separate Utility Plan Sheet(s).
  16. Indicate the type of easement proposed in the rear yard of lots 3 and 4 and in the rear yard and side yard of lot 7.
  17. Provide a note indicating that the rear yard setback for lots 3 and 4 is 30 ft. due to an easement.
  18. Provide a note indicating that the rear yard setback for lot 7 is 30 ft. and the side yard setback is 20 ft. due to an easement.
  19. Provide a note indicating that the side yard setback between lots 14 and 15 is 10 ft. due to an easement.
  20. Clarify if the forested uplands located at the rear of lots 3 through 6 will remain or be removed.
  21. Clarify the right-of-way along the northeast curve (closest to Pilottown Rd.) of Tylers Circle. There appears to be open space within the right-of-way. Staff notes this area could be added to lots 7, 8 and 9.
  22. Clarify the ownership/responsibility for the area of open space located within the right-of-way for the area along the northeast curve (closest to Pilottown Rd.) of Tylers Circle.
  23. Remove the existing conditions on the Grading and Utility Plan Sheet. The plan is difficult to read with the existing conditions.
  24. Clarify the stormwater management for the front of lots 3 through 7. The Grading and Utility Plan indicates that flow to go into Tylers Circle; however, there is no mechanism for the water to get into a stormwater management pond.
  25. The proposed road width of 24 ft. and 26 ft. requires a recommendation by the Planning Commission and approval by Mayor and City Council.
  26. The reduction in the right-of-way from 50 ft. to 40 ft. requires a recommendation by the Planning Commission and approval by the Mayor and City Council.

27. Revise the following in the Data Column:
  - a. Revise the height of the buildings to include 30.5 ft. for buildings outside of the floodplain.
  - b. Indicate the water, sewer, electric, gas, and other utilities providers.
  - c. Indicate the total amount of wetlands on the property.
  - d. Revise note #16 to indicate the final amount of woods to remain on the site.
  - e. Remove notes #17 through #19 and place them on the Utilities Plan Sheet(s).
28. Revise the following Plan Notes on the Index Plan Sheet:
  - a. Revise Plan Note #10 to reference the site is located within both flood zones AE and X.
  - b. Clarify Plan Note #16 regarding what FEMA process is required.
  - c. Revise Plan Note #18 to remove the reference to boat slips. The property does not have access to water.
29. Provide one way markings along Tylers Circle.
30. Provide “do not enter” signs and “one way” road signs along Tylers Circle.
31. Indicate road signs and striping on a Plan Sheet. Including but not limited to: stop signs, yield signs, crosswalks, stop bars, etc.
32. Clarify the location of the Landscape Buffer on the Fire Marshal Plan Sheets. The Fire Marshal Plans show the landscape buffer in the side yards of lots 8 - 18.
33. Clarify what the line shown in the front yard setback for lot 7 represents on the Fire Marshal Plan.
34. Revise the sidewalk along Rodney Ave. on the Preliminary Site Plan Sheets to match the sidewalk shown on the Fire Marshal Plan Sheet.
35. Revise the Site Data Column on the Fire Marshal Plan Sheet with the following:
  - a. Remove the application item.
  - b. Revise the lot coverage to state 50% for the house and 65% overall.
  - c. Add the lot depth requirement.
  - d. Revise the building height to include 30.5 ft. for houses outside of the flood area and 34 ft. for houses within flood zoned AE.
  - e. Indicate the sewer, gas, electric, etc. provider.
  - f. Indicate the site is located within flood zone AE and X.
  - g. Provide the FEMA FIRM map number and date.
36. Indicate what the “Aqua Recharge” line on the Existing Conditions/Demolition Plan represents. The site is not located within the Excellent Recharge Area.
37. Revise the labels on the Grading and Utilities Plan Sheet. A number of the labels overlap and are difficult to read.
38. Provide a copy of the Homeowner’s Association documents.
39. Provide architectural elevations of the proposed homes.
40. Provide construction details including but not limited to: curbing, sidewalk, handicap access, crosswalk, fence, road striping, road signs, etc.
41. Provide any General Note and Conditions for the site on a Plan Sheet.
42. Revise the wording for the Zone X labels that state “minimal hazard” to “0.2% annual chance flood hazard” on the Environmental Constraints Plan.
43. Ensure the installation of the water line will not impact the wetlands in open space area A.
44. Staff recommends the extension of the landscape buffer around tax parcel 335-4.18-11.00.
45. Staff recommends that the houses within flood zone AE be built on pilings.
46. Staff recommends that the landscape buffer be planted within 6 months or the first planting season after construction begins. (Notice to proceed is issued)

47. Staff recommends the installation of best management practices on individual lots. This could include the installation of rain barrels, rain gardens, planter boxes, etc. to help address stormwater management.
48. Staff recommends providing some small type of amenities items on the site. This could be in the form of a gazebo, fire pit, benches, etc. There is area located in Open Space Area A in where amenities could fit.
49. Ensure that the appropriate types of trees are planted within the landscape buffer and stormwater management areas behind lots 3, 4, 5 and 7.
50. Prior to review by the Mayor and City Council an approval letter from the Office of the State Fire Marshal shall be submitted to the Planning Department.
51. Prior to review by the Mayor and City Council an approval letter from the Sussex Conservation District shall be submitted to the Planning Department.
52. Prior to review by the Mayor and City Council an approval letter from the Lewes Board of Public Works shall be submitted to the Planning Department.
53. Prior to review by the Mayor and City Council an approval letter from the City Engineer shall be submitted to the Planning Department.
54. Prior to review by the Mayor and City Council the Landscape Plan shall be submitted to the Parks and Recreation Commission for their review.

**The items in bold shall be addressed prior to review by the Planning Commission.** The remaining items shall be revised prior to review by the Mayor and City Council.

Please feel free to contact me with any further question at 302-645-7777 ext. 110 or email me during normal business hours Monday – Friday 8:30 am - 4:30 pm.

Sincerely,



Janelle M. Cornwell, AICP  
Planning & Development Officer

CC: Charles O'Donnell, GMB (City of Lewes Engineer)  
File – Fishers Cove

June 3, 2021

Ms. Janelle M. Cornwell, AICP  
Planning & Development Officer  
The City of Lewes  
114 E. Third Street  
P.O. Box 227  
Lewes, DE 19958

Re: Fishers Cove Subdivision Plan  
Duffield Associates Project No. 12370.CB  
Tax Parcel No.: 335-4.00-15.00  
Lewes, Delaware

Dear Ms. Cornwell:

Duffield Associates, LLC (Duffield) is in receipt of your May 24, 2021 review letter for the above referenced project. First, as an important house-keeping matter, please note that City Council limited its remand to the Planning Commission to five (5) specific questions. Nevertheless, on the condition that we are not waiving any of the applicant's legal rights in the land use process, we will also respond to the additional comments we have received. Second, we also note that the additional comments we received appear to relate to the final stage of the land use process pursuant to Section 170-20, and not the current stage of the land use process as provided in Section 170-19. Nonetheless, we have repeated your comments followed by our responses in **bold italic** type.

- 1. Revise the square footage for lot 9. Lot 9 is proposed to have 9,971 SF; however, the code requires a minimum lot area of 10,000 SF.**

*Response: Lot 9 has been enlarged to meet minimum lot standard.*

- 2. Revise the lot frontage for lot 9. The lot frontage for lot 9 is approximately 53.58 ft.; however, the code requires a minimum lot frontage of 75 ft.**

*Response: Lot width minimum was provided, lot frontage is also now 75 feet.*

- 3. Revise the lot frontage for lot 8. The lot frontage for lot 8 is approximately 56.61 ft.; however, the code requires a minimum lot frontage of 75 ft.**

*Response: Lot width minimum was provided, lot frontage is also now 75 feet.*

- 4. Revise the lot frontage for lot 18. The plan indicates 76 ft. of lot frontage; however, it only has 57 ft. of lot frontage along Jacks Way.**

*Response: Lot width minimum was provided, lot frontage is also now 75 feet.*

- 5. Provide the Stormwater Management Plan Sheet(s).**

*Response: Attached herewith.*

6. **Indicate if streetlights will be provided. If streetlights are not provided, a waiver shall be submitted for consideration by the Planning Commission and decision by the Mayor and City Council.**

*Response: Street lights will be provided as proposed on sheet 3.*

7. **Submit a waiver request for partial elimination of sidewalks within the development for consideration by the Planning Commission and decision by the Mayor and City Council.**

*Response: Attached herewith.*

8. **Indicate if street trees will be provided. If street trees are not provided, a waiver shall be submitted for consideration by the Planning Commission and decision by the Mayor and City Council.**

*Response: Street trees will be provided. See Landscape Plan (Attached).*

9. **Provide a Landscape Plan Sheet.**

*Response: Attached herewith.*

10. **Provide the following information on the Landscape Plan Sheet(s):**

- a. Indicate the number of trees to be planted.
- b. Indicate the types of trees to be planted.
- c. Provide a tree planting detail(s).
- d. Provide general planting notes.
- e. Provide a Landscape Architect Certification.
- f. Indicate if there will be any planting within the stormwater management ponds.
- g. Provide the Parks and Recreation Commission recommendations.
- h. Indicate the proposed street trees to be planted at 2 per lot per the Parks and Recreation Commission.

*Response: Items a-d and e-h are shown on the Landscaping Plan. A certification and final adjustments will be provided with Final Plan submittal.*

11. **Indicate the length of Jacks Way. The maximum length of a dead end street is 200 ft.**

*Response: A waiver will be requested for a very limited overage. Note that this dimension has decreased substantially from previous submittals and was not raised previously to our knowledge.*

12. **Provide a Record Plan Sheet.**

*Response: Will be provided with Final Plan submittal as required by Section 170-20, and not in Section 170-19.*

13. **Provide the following items on the Record Plan Sheet(s);**

- a. Provide an Owner's Certification.
- b. Provide a Wetland Certification.

- c. Provide a Certification for the City Engineer.
- d. Provide a Certification for the City Manager.
- e. Provide a Certification for the Board of Public Works.
- f. Provide a Certification for the Planning Commission Chair.
- g. Provide the following note on the plan: "It hereby is certified that this major subdivision site plan was approved by the Mayor and City Council of the City of Lewes, Delaware on [Insert Date] and accordingly is eligible for recording in the office of the Recorder of Deeds for Sussex County, Delaware."
- h. Indicate all the easements for the site.
- i. Provide the metes and bounds description for the development and lots.
- j. Indicate the location of proposed property markers.

***Response: Will be provided with Final Plan submittal as required by Section 170-20, and not in Section 170-19.***

14. Verify that the 15 ft. landscape buffer will be located within an easement on the individual lots. The remaining landscape buffer will be located within the open space areas on all Plan Sheets.

***Response: Landscape buffers are proposed as indicated. They will be placed in easements on individual lots.***

15. Provide a separate Utility Plan Sheet(s).

***Response: Will be provided with Final Plan submittal as required by Section 170-20, and not in Section 170-19.***

16. Indicate the type of easement proposed in the rear yard of lots 3 and 4 and in the rear yard and side yard of lot 7.

***Response: Drainage and utility easements are noted.***

17. Provide a note indicating that the rear yard setback for lots 3 and 4 is 30 ft. due to an easement.

***Response: Will be provided with Final Plan submittal.***

18. Provide a note indicating that the rear yard setback for lot 7 is 30 ft. and the side yard setback is 20 ft. due to an easement.

***Response: Will be provided with Final Plan submittal.***

19. Provide a note indicating that the side yard setback between lots 14 and 15 is 10 ft. due to an easement.

***Response: Will be provided with Final Plan submittal.***

20. Clarify if the forested uplands located at the rear of lots 3 through 6 will remain or be removed.

***Response: Select trees will remain. Clarification will be provided with Final Plan submittal.***

21. Clarify the right-of-way along the northeast curve (closest to Pilottown Rd.) of Tylers Circle. There appears to be open space within the right-of-way. Staff notes this area could be added to lots 7, 8 and 9.

**Response: This area is right of way for Tyler's Circle. Some of this area is now added to Lots 8 and 9, while maintaining legal frontage to landlocked lots adjacent to Lot 7.**

22. Clarify the ownership/responsibility for the area of open space located within the right-of-way for the area along the northeast curve (closest to Pilottown Rd.) of Tylers Circle.

**Response: This area is within the proposed City right of way.**

23. Remove the existing conditions on the Grading and Utility Plan Sheet. The plan is difficult to read with the existing conditions.

**Response: Minor adjustments have been made.**

24. Clarify the stormwater management for the front of lots 3 through 7. The Grading and Utility Plan indicates that flow to go into Tyler's Circle; however, there is no mechanism for the water to get into a stormwater management pond.

**Response: Lots 3-7 drain to the curb and gutter, which conveys runoff to the storm drain system, which conveys runoff to the SWM facilities.**

25. The proposed road width of 24 ft. and 26 ft. requires a recommendation by the Planning Commission and approval by Mayor and City Council.

**Response: Noted. The reduced pavement width addresses City green design initiatives, which seek to minimize impervious surfaces.**

26. The reduction in the right-of-way from 50 ft. to 40 ft. requires a recommendation by the Planning Commission and approval by the Mayor and City Council.

**Response: Noted.**

27. Revise the following in the Data Column:

- a. Revise the height of the buildings to include 30.5 ft. for buildings outside of the floodplain.
- b. Indicate the water, sewer, electric, gas, and other utilities providers.
- c. Indicate the total amount of wetlands on the property.
- d. Revise note#16 to indicate the final amount of woods to remain on the site.
- e. Remove notes#17 through #19 and place them on the Utilities Plan Sheet(s).

**Response: Will be addressed with Final Plan submittal as required by Section 170-20.**

28. Revise the following Plan Notes on the Index Plan Sheet:

- a. Revise Plan Note #10 to reference the site is located within both flood zones AE and X.
- b. Clarify Plan Note #15 regarding what FEMA process is required.
- c. Revise Plan Note #18 to remove the reference to boat slips. The property does not have access to water.

**Response: Notes have been updated as requested.**



29. Provide one way markings along Tyler's Circle.

**Response: Will be provided with Final Plan submittal.**

30. Provide "do not enter" signs and "one way" road signs along Tylers Circle.

**Response: Will be provided with Final Plan submittal.**

31. Indicate road signs and striping on a Plan Sheet. Including but not limited to: stop signs, yield signs, crosswalks, stop bars, etc.

**Response: Appropriate residential subdivision pavement markings and signage will be noted on Final Plans**

32. Clarify the location of the Landscape Buffer on the Fire Marshal Plan Sheets. The Fire Marshal Plans show the landscape buffer in the side yards of lots 8 -18.

**Response: Will be provided with Final Plan submittal.**

33. Clarify what the line shown in the front yard setback for lot 7 represents on the Fire Marshal Plan.

**Response: Will be provided with Final Plan submittal.**

34. Revise the sidewalk along Rodney Ave. on the Preliminary Site Plan Sheets to match the sidewalk shown on the Fire Marshal Plan Sheet.

**Response: Will be provided with Final Plan submittal.**

35. Revise the Site Data Column on the Fire Marshal Plan Sheet with the following:

- a. Remove the application item.
- b. Revise the lot coverage to state 50% for the house and 65% overall.
- c. Add the lot depth requirement.
- d. Revise the building height to include 30.5 ft. for houses outside of the flood area and 34 ft. for houses within flood zoned AE.
- e. Indicate the sewer ,gas, electric, etc. provider.
- f. Indicate the site is located within flood zone AE and X.
- g. Provide the FEMA FIRM map number and date.

**Response: Will be provided with Final Plan submittal as required by Section 170-20, and not in Section 170-19.**

36. Indicate what the "Aqua Recharge" line on the Existing Conditions/Demolition Plan represents. The site is not located within the Excellent Recharge Area.

**Response: The line has been removed.**

37. Revise the labels on the Grading and Utilities Plan Sheet. A number of the labels overlap and are difficult to read.

**Response: Labels will be adjusted for better clarity with the final submittal.**

38. Provide a copy of the Homeowner's Association documents.

***Response: Will be provided with Final Plan submittal as required by Section 170-20, and not in Section 170-19.***

39. Provide architectural elevations of the proposed homes.

***Response: Will be provided with Final Plan submittal as required by Section 170-20, and not in Section 170-19.***

40. Provide construction details including but not limited to: curbing, sidewalk, handicap access, crosswalk, fence, road striping, road signs, etc.

***Response: Will be provided with Final Plan submittal as required by Section 170-20, and not in Section 170-19.***

41. Provide any General Note and Conditions for the site on a Plan Sheet.

***Response: Will be provided with Final Plan submittal as required by Section 170-20, and not in Section 170-19.***

42. Revise the wording for the Zone X labels that state "minimal hazard" to "0.2% annual chance flood hazard" on the Environmental Constraints Plan.

***Response: Text has been modified for consistency.***

43. Ensure the installation of the water line will not impact the wetlands in open space area A.

***Response: Water main has been adjusted slightly to avoid wetlands impacts.***

44. Staff recommends the extension of the landscape buffer around tax parcel 335-4.18-11.00.

***Response: A reduced buffer is necessary in the southwest corner for positive drainage.***

45. Staff recommends that the houses within flood zone AE be built on pilings.

***Response: Fill be placed to raise these homes above the 100 year floodplain.***

46. Staff recommends that the landscape buffer be planted within 6 months or the first planting season after construction begins. (Notice to proceed is issued).

***Response: Buffer planting timing will be considered during detailed design review.***

47. Staff recommends the installation of best management practices on individual lots. This could include the installation of rain barrels, rain gardens, planter boxes, etc. to help address stormwater management.

***Response: SWM approval has been obtained. In light of that, the developer supports green design practices. As such, rain barrels will be offered to all prospective homebuyers.***

48. Staff recommends providing some small type of amenities items on the site. This could be in the form of a gazebo, fire pit, benches, etc. There is area located in Open Space Area A in where amenities could fit.

***Response: Community amenities will be taken into consideration during final design, while minimizing floodplain impacts.***

49. Ensure that the appropriate types of trees are planted within the landscape buffer and stormwater management areas behind lots 3, 4, 5 and 7.

***Response: Proposed preliminary Landscaping is shown on the Landscape Plan. Final design will be submitted for final review with the final submittal.***

50. Prior to review by the Mayor and City Council an approval letter from the Office of the State Fire Marshal shall be submitted to the Planning Department.

***Response: Provided herewith.***

51. Prior to review by the Mayor and City Council an approval letter from the Sussex Conservation District shall be submitted to the Planning Department.

***Response: Provided herewith.***

52. Prior to review by the Mayor and City Council an approval letter from the Lewes Board of Public Works (BPW) shall be submitted to the Planning Department.

***Response: Will be provided with Final Plan submittal. BPW previously submitted certification that utilities were available.***

53. Prior to review by the Mayor and City Council an approval letter from the City Engineer shall be submitted to the Planning Department.

***Response: Will be provided with Final Plan submittal as required by Section 170-20.***

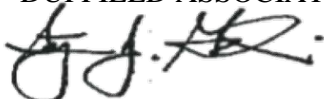
54. Prior to review by the Mayor and City Council the Landscape Plan shall be submitted to the Parks and Recreation Commission for their review.

***Response: Will be provided with Final Plan submittal. The plans were previously submitted to Parks and Recreation and their comments have been considered.***

We appreciate your review of this project. Please feel free to contact us if you have additional questions or comments.

Very truly yours,

DUFFIELD ASSOCIATES, LLC



Stephen J. Gorski., P.E.  
Senior Project Manager