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April 8, 2021

Board of Public Works  
107 Franklin Avenue  
Lewes, DE 19958

Attn: Darrin Gordon  
General Manager

Re: Lewes Waterfront Preserve  
Council Approval Phase  
Construction Plan Review  
Lewes, Delaware  
GMB File No. R190005

Dear Mr. Gordon:

Regarding the referenced project, GMB completed our review of the following submission documents:

- Final construction plan set, and record plan set, both dated February 24, 2021 (seal date)
  - Sanitary Sewage Pump Station Plan set as submitted on March 9, 2021.
  - Sanitary Sewage Pump Station Electrical Plans (PS-3 – PS-5) as re-submitted on March 26, 2021.
  - Plan sheets C-1, PS-1, R-2, T-1, U-1, U-2, U-5 & U-6 as re-submitted on March 26, 2021.
  - Plan sheet G-1 as re-submitted on April 7, 2021.
- Additional Council Approval phase submission documents, as submitted on February 24, 2021, including the following:
  - Developer's Engineer's response to GMB Comment Letter dated February 2, 2021.
  - Developer's Engineer's response to City of Lewes Comment Letter dated January 14, 2021.
  - Developer's Engineer's Report.
  - Review agency approvals.
  - DeIDOT Entrance Plans as submitted on March 4, 2021.

These documents were submitted by Civil Engineering Associates, LLC (CEA) on behalf of Setting Properties, LLC for the proposed Lewes Waterfront Preserve subdivision development.

The proposed subdivision is located along New Road between Schaffer Lane and the Canary Creek bridge. The submission was reviewed against City of Lewes Specifications, Lewes Board of Public Works (BPW) Standard Specifications, and generally accepted engineering principles. Specific comments were made regarding individual components of the submittal and are discussed below.

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**General Comments:**

1. The following items must be addressed:
  - a. Continued coordination with Solutions IPEM, LLC (Tower Hill Subdivision Developer's Engineer) regarding their underground utility crossings at Canary Creek, and DeIDOT regarding their proposed Canary Creek bridge re-build, is necessary. These items will affect the New Road water main and sewage force main design, both of which are to be connected into by the Lewes Waterfront Preserve development. New Road utility plans must be finalized by Solutions for Lewes BPW submission to DeIDOT for a Utility Construction Permit.
  - b. An entrance plan permit from DeIDOT must be received by the Lewes Waterfront Preserve (Applicant), and made part of the record, prior to Council Approval and Planning Commission recommendation for granting Council approval per City Code Section 170-20 Paragraph A.3.
  - c. Plan approvals are required by the State of Delaware Department of Natural Resources & Environmental Control (DNREC) for wastewater conveyance (and other required approvals), and State of Delaware Department of Transportation (DeIDOT) – various permits/approvals including utilities, prior to approval recommendation.
    - i. Approvals Received:
      1. State of Delaware Office of the Fire Marshal (SFM)
      2. Sussex Conservation District (a copy of the SCD green-stamped approved plans must be submitted to GMB)
      3. Office of Drinking Water (Approval #21W29)
      4. DeIDOT – Letter of No Objection to Recordation
      5. FEMA LOMA
2. Lewes Planning Commission Conditions and Recommendations Compliance (numbering is based on order within "Applicant Response – Preliminary Consent Conditions":
  - a. Review Compliance:
    - i. Condition 1 – Comment Response letter provided.
    - ii. Condition 2 – as noted above, permits are required per this Condition and City Code.
    - iii. Recommendation 1 – 2 week minimum period for rentals is noted in covenants submitted.

- b. Site Design & Resource Protection:
- i. Condition 1 – Landscape Plan has been submitted with tree planting.
  - ii. Condition 2 – note regarding building heights at certain locations in the development has been included on Sheet C-1 as Note 3.
  - iii. Condition 3 – Management plan for Homeowners Association (HOA) document has not yet been submitted; GMB assumes this document is to be submitted separately. Silt fence or super silt fence provided along the border of the limits of disturbance.
  - iv. Condition 4 – details of walking path, gazebo, benches, and picnic tables have been provided on Sheet L-4. Easement has been provided for City use and maintenance, otherwise specific information on promoting public access to Canary Creek along the right-of-way (ROW) is not provided. Common area management and maintenance is noted in the covenants provided; Lewes Planning Commission and City Council must determine if adequate.
  - v. Condition 5 – a conservation easement outlining the terms for protection of wetlands, buffers, and floodplain areas has been provided in the Record Plan set.
  - vi. Condition 6 – covered under HOA Bylaws document in Section 6.2.c.
  - vii. Condition 7 – per comment response letter dated 12-15-2020, Applicant met with Byways Committee, with no further action required.
  - viii. Condition 8 – limited trees and shrubbery exist on-site; tree cover as shown appears to reflect existing conditions.
  - ix. Condition 9 – Developer’s Engineer has reported that there are no areas of archaeological significance based on completed archaeological review. Per comment response letter dated 12-15-2020, any/all artifact discovery will be handled in accordance with Delaware State Law.
  - x. Condition 10 – Landscaping Plan has been provided showing screening along the New Road Corridor.
  - xi. Condition 11 – Pump Station and equipment appears to be above the floodplain elevation + 18” freeboard + required additional 1.2-foot height per City Council adoption of DNREC’s intermediate sea-level rise projection.
  - xii. Recommendation 1 – per comment response letter dated 12-15-2020, input on architectural design and placement of structures has been received.

- xiii. Recommendation 2 – per the comment response letter dated 12-15-2020, native vegetation has been utilized, and pervious pavement does not work for the project. Bioretention is a “green” BMP.
  - xiv. Recommendation 3 – trail has been provided from New Road to rear of property, including sidewalk in trail.
  - xv. Recommendation 4 – public access is available to most of site; plans do not identify location of cultural resources or any identified public access to those resources. Note that no cultural resources have been identified, thus this recommendation has been addressed.
  - xvi. Recommendation 5 – invasive vegetation management plan, particularly for phragmites, has been submitted under Draft Covenants Article 4, Section 4. Level of management detail to be reviewed by the City.
  - xvii. Recommendation 6 – per the Applicant, an archaeological review has been completed with no results found within the limits of disturbance.
  - xviii. Recommendation 7 – Pump Station site remains in the same location; however, access has been provided from within the Waterfront Preserve development and it appears from Buffer Area Landscape Plan L-2 that tree cover and screening has been provided on the New Road corridor.
- c. Transportation:
- i. Condition 1 – Applicant has provided a Letter of No Objection of Recordation; however, no additional reports or permit approvals have been received from DeIDOT. Developer has submitted the DeIDOT Entrance Plan, which details improvements to DeIDOT’s New Road right-of-way as necessary for the Waterfront Preserve development. Developer has added a note to the plans stating “No building permits shall be issued by the City of Lewes until the DeIDOT Entrance Permit has been issued.”
  - ii. Condition 2 – per the comment response letter dated 12-15-2020, the applicant will contribute to required DeIDOT improvements.
  - iii. Condition 3 – traffic related items have been added into the DeIDOT Entrance Plans.
  - iv. Condition 4 – road system is compliant with City Code Section 170-27.
  - v. Condition 5 – Applicant has named their roads and noted in the comment response letter that Sussex County Emergency Services approved the street names, but is unclear if the City has been involved.
  - vi. Condition 6 – waiver request has been submitted by the Applicant regarding the longer than 200-foot length of a

- dead-end street. City Council approved the waiver request conditioned upon a cul-de-sac being added to the south end of River Birch Drive in lieu of the t-turnaround. The cul-de-sac has been added to the plans.
- vii. Condition 7 – right-of-way shall be shown to extend to the property line along River Birch Drive in compliance with this Condition. The right-of-way extension has been added to the plans. (Note: the required cul-de-sac limits are described as a temporary easement – see Record Plan Set Comment 1-b below for Planning Commission consideration).
  - viii. Condition 8 – per the comment response letter dated 12-15-2020, maintenance of Canary Creek Drive is by Deed reference. The Applicant has noted that maintenance of this private right-of-way is the responsibility of the three (3) property owners residing along Canary Creek Drive.
  - ix. Condition 9 – per the comment response letter dated 12-15-2020, the Applicant has worked with the Byways Committee and DelDOT to incorporate the strategies of DelDOT's New Road Master Plan where applicable.
  - x. Condition 10 – parking is not shown on Brittingham Drive and parking is not being counted within 15-feet of the intersection per Parking Plan P-1.
  - xi. Condition 11 – Applicant identifies the available parking on the Parking Plan Sheet P-1.
- d. Community Services:
- i. Condition 1 – SCD approval has been received in terms of stormwater management, and erosion and sediment control. A copy of the green stamped plans must be provided to GMB.
  - ii. Condition 2 – Applicant has discussed available Best Management Practices (BMPs) with the City Engineer. Note that the bioretention stormwater management system is a best management practice.
  - iii. Condition 3 – Applicant will be removing existing utility services.
  - iv. Condition 4 – Applicant complies with standards regarding the stormwater management system – the stormwater management system compliance with standards will occur in coordination with SCD.
  - v. Condition 5 – plans include a reference to the Lewes BPW as the electric utility provider. Preliminary location and presence of gas utility have been added to the plan set (See Gas – Sheets 1 and 2).
  - vi. Condition 6 – per the comment response letter dated 12-15-2020, the Applicant met with the Lewes Hazard Mitigation Planning Team to create a plan for

- management of phragmites and added language to the Draft Covenants.
- vii. Condition 7 – detail of exterior lighting system has been provided on Sheet E-6, and footcandle analysis provided on Sheets E-4 and E-5.
  - viii. Recommendation 1 – parking has not been shown along Brittingham Drive. It appears that fire suppression systems are not being installed as part of the townhouse construction.
  - ix. Recommendation 2 – it is unknown if the Applicant has discussed design and operational use of stormwater management facilities during the 500-year storm event and through 2050 using projected sea level rise. Only the 100-year “Flooding Event”, 10-year “Conveyance Event”, and 1-year “Resource Protection Event”, as required by the State of Delaware and SCD, are described on the submitted stormwater management plan.
  - x. Recommendation 3 – notation has not been provided for impacts of sea level rise on Lots 21, 22 and 47 through 69.
  - xi. Recommendation 4 – guidelines limiting the use of herbicides, pesticides, insecticides, fungicides, and fertilizers, and practices for automobile washing, are noted as a obligation of the HOA to provide.

**Engineer’s Report**

- 1. The Engineer’s Report was submitted in this submission. The following items remain from the last review and must be addressed:
  - a. Estimates of On-Site Construction
    - i. Section excluded pump stations from the Cost Estimate. This number will be required to approve the total necessary to determine the 150% construction bond amount.

**Record Plan Set:**

- 1. The following items must be addressed:
  - a. Sheet R-2:
    - i. Verify with DeIDOT if they will take responsibility of the catch basins and piping on New Road since they are located outside of City Limits. Adjust responsibilities on this sheet and Sheet T-1.

- b. Sheet R-4:
  - i. The Planning Commission and City must consider for approval the proposed temporary easement delineating the limits of the cul-de-sac at the south end of River Birch Drive. The setback requirements for Lots 69 and 70 would be affected by the limits of the temporary easement. If the temporary easement is acceptable, and the setbacks are revised accordingly or accepted as-is by the Planning Commission, a note should be added to the plan indicating “Temporary easement to be abandoned upon street interconnection.”

**Construction Plan Set:**

- 1. The construction plan set, including the Site, Pump Station, Site Electrical, and Stormwater Management plan, subsets are acceptable contingent upon receiving all approvals from regulating agencies and comments addressed. The comments below must be addressed but do not require a resubmittal review. Final sets of the revised construction plans must be submitted to the Lewes Board of Public Works, City of Lewes, and GMB per City Code requirements.
- 2. The following items must be addressed:
  - a. Sheet G-1:
    - i. The Lewes Planning Commission and City Council must consider and approve the proposed site grading extending into the private right-of-way of Canary Creek Drive.
    - ii. The Lewes Planning Commission and City Council must consider and approve the Waterfront Preserve residential buffer extending into the Canary Creek Drive private right-of-way.
    - iii. Fence along the retaining wall is requested to be 3 feet above the top of the retaining wall to promote safety. A detail on location of the fence in reference to the retaining wall and retaining wall footer should be provided.
  - b. Sheet U-1:
    - i. Create easement plats with metes and bounds and provide legal descriptions for utility easements along New Road.

c. General Pump Station Notes:

- i. Coordination is required with the BPW and their communications supplier – PointWatch Wireless. Please coordinate through the BPW at 302.645.6228.

**Approval of these plans are contingent upon agency approvals and that all comments above are addressed.**

If there are any questions, please contact me at [bhearn@gmbnet.com](mailto:bhearn@gmbnet.com) or 302.628.1421. Thank you.

Sincerely,



Benjamin K. Hearn, P.E.  
Engineer

BKH/jad

cc: City of Lewes  
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Attn: Ann Marie Townshend, City Manager  
Setting Properties, Inc.  
Attn: Joseph Setting II  
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Attn: Ronald Sutton, Jr., P.E.  
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