



NEW CASTLE COUNTY COUNCIL LAND USE COMMITTEE MEETING

Co-Chair: David Tackett, Eleventh District
Co-Chair: Janet Kilpatrick, Third District

January 6, 2026
3:00 PM

VIRTUAL ZOOM WEBINAR MEETING &
LOUIS L. REDDING CITY/COUNTY BUILDING
1ST FLOOR COUNCIL CHAMBERS
800 N. FRENCH STREET, WILMINGTON, DE 19801**

MINUTES

A. Meeting Call to Order

The meeting was called to order at 3:00 PM.

Members present: Kevin Caneco, David Carter, John Cartier, Dee Durham, Valerie George, Penrose Hollins, Janet Kilpatrick, Timothy Sheldon, George Smiley, Jea Street, David Tackett, Brandon Toole, Monique Williams-Johns

Members absent: None.

B. Approval of Minutes

Motion by Mr. Smiley, **second** by Ms. Kilpatrick, to approve the minutes from December 2, 2025. The minutes were approved by voice vote.

C. Review/Discussion of Resolution(s)

R26- : PLAN OF 2701 CAPITOL TRAIL; MILL CREEK HUNDRED; NORTH SIDE OF CAPITOL TRAIL, 500 FEET WEST OF PIKE CREEK ROAD; MAJOR LAND DEVELOPMENT PLAN THAT PROPOSES TO DEMOLISH THE EXISTING STRUCTURES AND CONSTRUCT A MIXED-USE DEVELOPMENT CONSISTING OF 179 APARTMENTS (237,400 SQUARE FEET) WITH A 5,500 SQUARE FOOT CLUBHOUSE AND 21,500 SQUARE FEET OF COMMERCIAL GROSS FLOOR AREA WITH ASSOCIATED IMPROVEMENTS; CR ZONING; [APPLICATION NO. 2022-0270-S](#); COUNCIL DISTRICT 9

Prime Sponsor(s): Mr. Sheldon

- I. Introduction by Mr. Sheldon
- II. Presentation by Bob Sipple.
- III. Comments from Council – Comments from Mr. Cartier, Mr. Street, Mr. Toole, Mr. Sheldon, and Mr. Hollins with responses from Bob Sipple.
- IV. Comments from the public – None.
- V. Vote – No vote was taken.

R26- : PLAN OF LOGISTICENTER AT NEW CASTLE COUNTY; ST. GEORGES HUNDRED; SOUTHWESTERLY CORNER OF ROUTE 301 AND JAMISON CORNER ROAD; MAJOR LAND DEVELOPMENT PLAN THAT PROPOSES A 1,409,850 SQUARE FOOT WAREHOUSE AND A 962,000 SQUARE FOOT WAREHOUSE WITH ASSOCIATED SITE

IMPROVEMENTS; BP ZONING; [APPLICATION NO. 2021-0470-S](#); COUNCIL DISTRICT 6
Prime Sponsor(s): Mr. Carter

- I. Introduction by Mr. Carter.
- II. Comments from Council – Comments from Mr. Caneco, Mr. Street, Mr. Carter, and Mr. Hollins with response from Michael Migliore, Counsel to Council.
- III. Comments from the public – Comments from Kimberly Hoffman, partner at Morris James, and Dale Swain.
- IV. Vote – No vote was taken.

D. Review/Discussion of Ordinance(s)

E. Presentations

F. Other

Hiring of District 6 Legislative Assistant

- I. Comments from Mr. Carter, Mr. Smiley, and Mr. Caneco.

G. Public Comment

H. Adjournment

Motion by Mr. Smiley, **second** by Mr. Cartier, to adjourn the **Land Use Committee Meeting**. The motion was approved, and the meeting was adjourned at 3:39 PM.



SITE DATA

1. OWNER ADDRESS: CAPITOL TRAIL APARTMENTS LLC
2360 LAKEWOOD ROAD
SUITE 3 #68
TOM'S RIVER, NJ 08755

2. PROPERTY ADDRESS: 2701 CAPITOL TRAIL
NEWARK, DE 19711

3. TAX PARCEL NUMBER: 06-049-30-379

4. AREA OF PARCEL: 12.36± ACRES

5. ZONING: CR - COMMERCIAL REGIONAL (MIXED USE)

LOT AREA	LOT WIDTH	STREET YARD	SIDE YARD	REAR YARD	BUILDING HEIGHT	STREET / OTHER	PAVING
1 ACRE	100'	15'	20'	20'	50'/180'	25' / 5'	

6. SOURCE OF TITLE:	*FOR BUILDINGS OVER 50', SEE 04.110C DEED INSTRUMENT #20251020-0075718
7. SURVEY:	FEBRUARY 2022 BY CDA ENGINEERING, INC.
DATUM:	VERTICAL - NAVD 88 HORIZONTAL - COORDINATE SYSTEM AND BASIS OF BEARINGS: DELAWARE STATE PLANE NAD 83/81
BENCHMARK:	MAG NAIL SET (POINT #14) NORTHING 622728.2672 EASTING 68145.0853 ELEVATION 87.18
MONUMENTATION:	4 (EXISTING)
8. LOTS:	EXISTING: 1 / PROPOSED: 1
9. GROSS FLOOR AREA:	70,625± SF (UN-BUILT, RECORDED PER MF #12921) PROPOSED: 264,400± SF TOTAL GFA USE OF A BREAKDOWN:
	NON-RESIDENTIAL: 21,500± SF (8%) RESIDENTIAL: 237,400± SF (179 APARTMENTS) 5,500± SF CLUBHOUSE TOTAL RESIDENTIAL: 242,900± SF (92%)

10. AREA BREAKDOWN:	EXISTING: 0.39± AC (3%) PROPOSED: 1.89± AC (15.3%) OTHER IMPERVIOUS SURFACES: 4.41± AC (36%) OPEN SPACE: 7.56± AC (61%) STORMWATER MANAGEMENT AREAS: 0.4 AC (3%) TOTAL: 12.36± AC (100%)
11. PARKING:	REQUIRED: 149 SPACES (89 1-BEDROOM UNITS @ 1.5 SPACES/UNIT) 160 SPACES (89 2-BEDROOM UNITS @ 2 SPACES/UNIT) 97 SPACES (21,500± SF SHOPPING CENTER @ 4.5 SPACES/1,000 SF) 406 SPACES REQUIRED PROVIDED: 358 SPACES, INCLUDING 8 ADA SPACES 48 GARAGE SPACES TOTAL PROVIDED: 406 SPACES, INCLUDING 8 ADA SPACES BIKE PARKING: REQUIRED: 20 PROVIDED: 20 LOADING BAYS: REQUIRED: 2 PROVIDED: 2

12. WATER SUPPLY:	ARTESIAN WATER COMPANY - WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
13. SEWER:	NEW CASTLE COUNTY - SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF PUBLIC WORKS AT THE TIME OF APPROVAL OF THIS PLAN. SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, HIS SUCCESSORS OR ASSIGNS, SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN. SEWER FLOW: EXISTING: 7,063 GPD (70,625± SF @ 0.1 GPD) PROPOSED: 1,500 GPD (15,000± SF RETAIL @ 0.1 GPD) 3,750 GPD (150 SEATS @ 25 GPD/SEAT) 35,600 GPD (179 APARTMENT UNITS @ 200 GPD) 550 GPD (5,500± SF CLUBHOUSE @ 0.1 GPD) TOTAL PROPOSED: 41,600 GPD (AVG.) / 186,400 GPD (PEAK) * NET INCREASE: 34,537 GPD (AVG.) / 131,148 GPD (PEAK)

14. FLOODPLAIN:	THIS PROPERTY IS NOT WITHIN THE FEMA 100-YEAR FLOODPLAIN ACCORDING TO FLOOD INSURANCE RATE MAP #100033013SL, PANEL 135 OF 475, WITH AN EFFECTIVE DATE OF JANUARY 22, 2020. A FLOODPLAIN STUDY IS NOT REQUIRED FOR THIS APPLICATION.
15. WETLANDS:	A WETLANDS INVESTIGATION WAS CONDUCTED BY WATERSHED ECO, LLC IN MARCH 2022 IN ACCORDANCE WITH THE 1987 CORPS OF ENGINEERS WETLAND DELINEATION MANUAL (1-87-1) AND REGIONAL SUPPLEMENT. NO WETLANDS WERE PRESENT WITHIN THE SUBJECT PROPERTY. THE SITE IS NOT WITHIN A CMA PER THE DELAWARE INVENTORY OF NATURAL AREAS.
16. CRITICAL NATURAL AREA:	THE SITE DOES NOT LIE WITHIN A WRPA ACCORDING TO THE WRPA MAP PER MAP 1 OF 3, DELAWARE, DATED MARCH 2022.
17. WATER RESOURCE PROTECTION AREA (WRPA):	THIS PLAN SUPERSEDES, IN PART, THE RECORD MAJOR LAND DEVELOPMENT PLAN FOR NEW CASTLE COUNTY ENGINEERING BUILDING, DATED 5/31/1996, AND RECORDED ON 7/24/1996 IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, IN MICROFILM #12921.
18. SUPERSEDES NOTE:	NO DEEDS SHALL BE BARRIED ON THE SITE.
19. DEBRIS DISPOSAL:	A LANDSCAPE PLAN, PREPARED BY DESIGNS, ETC., LAST DATED 10/27/23 OR AS AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THE RECORD PLAN.
20. LANDSCAPE PLAN:	ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LQA, AND THE PERFORMANCE GUARANTEE INCORPORATED HEREIN. THE LQA IS RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY ON 12/16/25, AT INSTRUMENT NO. 20252126-0090331.
21. DELDOT:	DRAINAGE, EROSION AND SEDIMENT CONTROL, AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE NEW CASTLE COUNTY DRAINAGE CODE.
22. LIMIT OF DISTURBANCE:	11.5± ACRES
23. LAND DEVELOPMENT IMPROVEMENT AGREEMENT:	UNLESS OTHERWISE SPECIFIED ON THE PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN AND SHALL BE A MINIMUM FIVE (5) FEET IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
24. DRAINAGE:	UNLESS OTHERWISE SPECIFIED ON THE PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN AND SHALL BE A MINIMUM FIVE (5) FEET IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
25. SIDEWALKS:	ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LQA, AND THE PERFORMANCE GUARANTEE INCORPORATED HEREIN. THE LQA IS RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY ON 12/16/25, AT INSTRUMENT NO. 20252126-0090331.

26. DEED RESTRICTIONS:	DECLARATION OF RESTRICTIONS, DATED 3/20/2000 AND RECORDED ON 3/23/2000 IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, IN DEED BOOK 2801, PAGE 286, AND AS REVISED BY THAT CERTAIN AMENDMENT TO DECLARATION OF RESTRICTIONS, DATED 4/7/2022 AND RECORDED ON 5/17/2022 AT INSTRUMENT #20251021-0052618 PROHIBITING SUBDIVISION OF THE PROPERTY (EXCEPT FOR TITLE SUBDIVISION) AND USE OF THE PROPERTY TO SUPPORT COMMERCIAL RETAIL AND SERVICE (EXCEPT AS PART OF A MIXED USE DEVELOPMENT) THAT IS SUBJECT TO LIMITATIONS CONCERNING HEIGHT AND BUILDING SETBACKS, GAS STATIONS, AND STANDING ONE (1) PAD SITE RESTAURANTS. THESE RESTRICTIONS ALSO ESTABLISH A MINIMUM BUTTERFLY OPACITY FOR THE PROPERTY AND PROHIBIT VEHICULAR INTERCONNECTION ONTO LARKSPUR ROAD.
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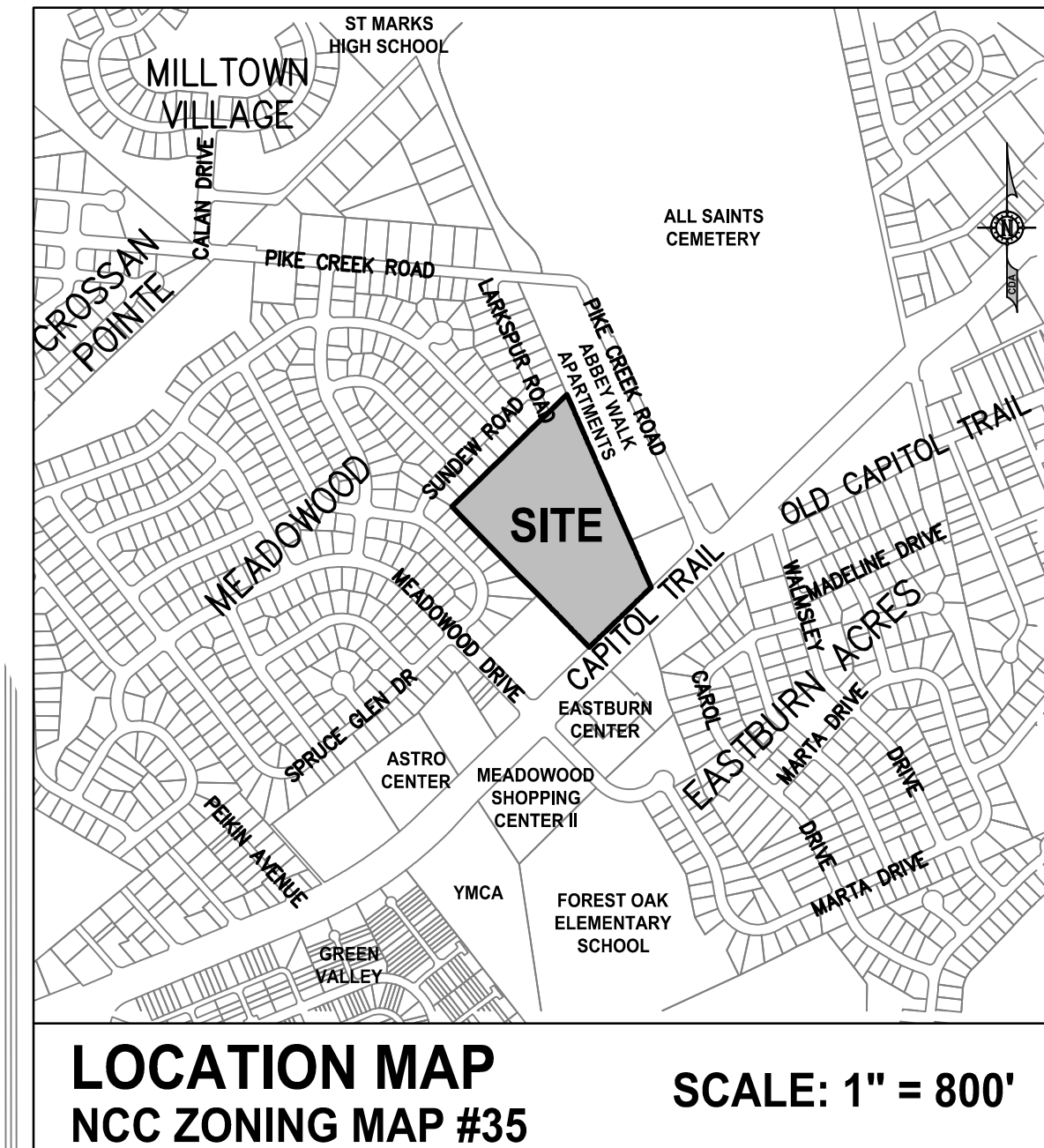
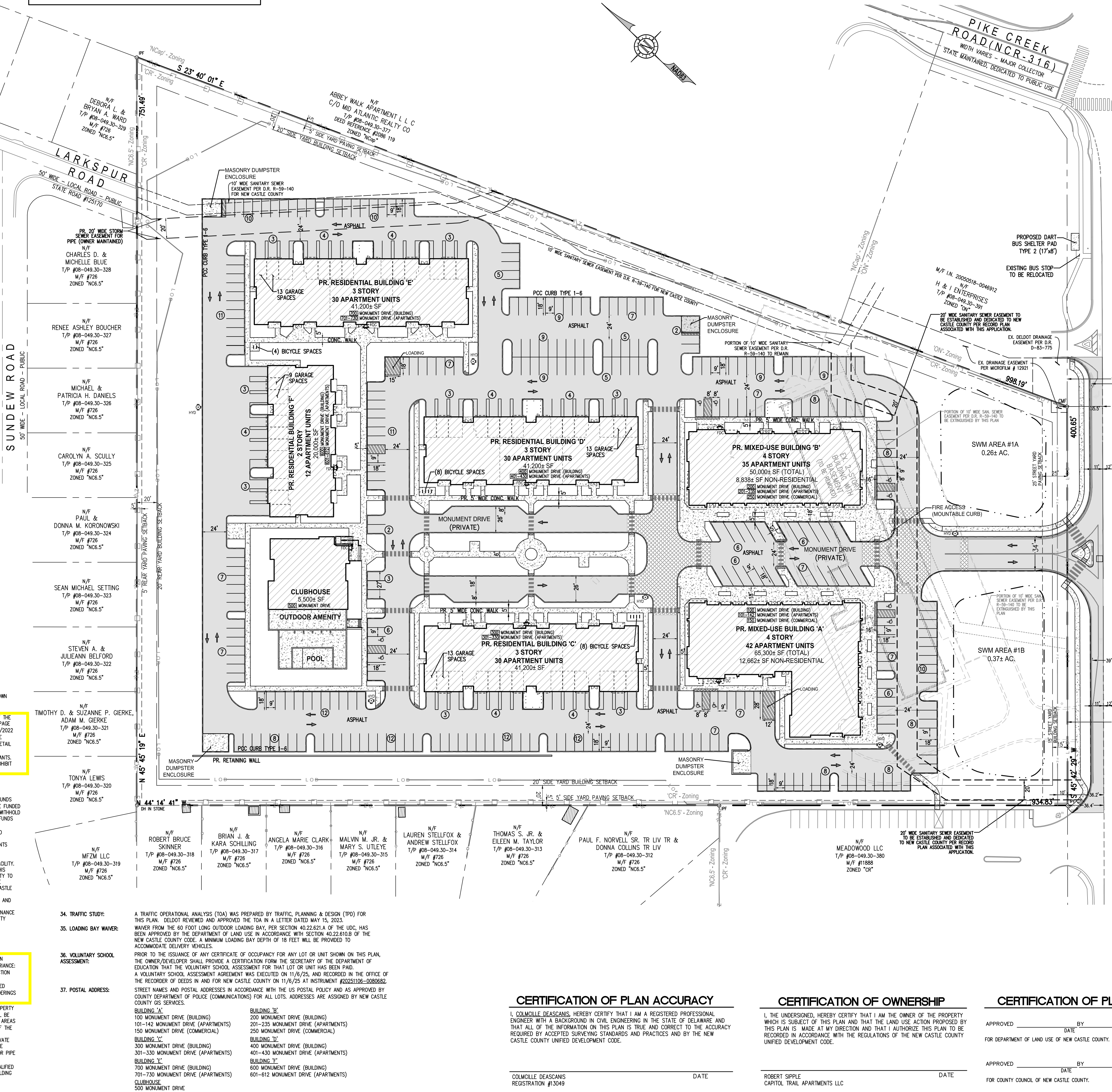
27. IMPACT FEES:	THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE, AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
28. SWM MAINTENANCE FUND:	THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR LONG TERM STORMWATER MAINTENANCE AND INSPECTION FUND PURSUANT TO SECTION 40.27.240 OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS. AN AMOUNT OF \$8,600.00 SHALL BE FUNDED PRIOR TO RECEIVING THE FIRST CERTIFICATE OF OCCUPANCY. THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY CERTIFICATE OF OCCUPANCY UNTIL SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IS FURNISHED IN ACCORDANCE WITH THE REQUIREMENTS.
29. SWM ACCESS EASEMENT:	A STORMWATER MANAGEMENT ACCESS EASEMENT IN FAVOR OF THE ENTIRE AREA OF ALL STORMWATER MANAGEMENT FACILITIES INCLUDING, STORMWATER CONVEYANCE SYSTEMS, BASINS, AND ALL COMPONENTS THEREOF, IDENTIFIED ON THE PLAN AND ALL WATERCOURSES FOR THE PURPOSE OF INSPECTING, EVALUATING AND MAINTAINING THE STORMWATER MANAGEMENT FACILITIES AND WATERCOURSES. THE EASEMENT SHALL EXTEND 15' FROM THE OUTER EDGES OF EACH SUCH STORMWATER MANAGEMENT FACILITY. A GENERAL ACCESS EASEMENT IS HEREBY CREATED OVER AND ACROSS THE PROPERTY SHOWN ON THIS PLAN GRANTING NEW CASTLE COUNTY, ITS AGENTS AND ASSIGNS THE RIGHT, PRIVILEGE AND AUTHORITY TO ENTER UPON AND TRAVEL, ACROSS THE PROPERTY TO EACH STORMWATER MANAGEMENT FACILITY. THE EASEMENTS HEREIN CREATED SHALL BE FOR PEDESTRIAN, VEHICULAR AND EQUIPMENT USE. IF NEW CASTLE COUNTY, ITS AGENTS OR ASSIGNS DETERMINES THAT MAINTENANCE IS REQUIRED TO A STORMWATER MANAGEMENT FACILITY, NEW CASTLE COUNTY SHALL PROVIDE NOTICE OF THE REQUIRED MAINTENANCE AND THE TIME FRAME IN WHICH SUCH MAINTENANCE SHALL BE COMPLETED TO THE PROPERTY OWNER OR RESPONSIBLE PARTY. NO NOTICE SHALL BE REQUIRED WHERE NEW CASTLE COUNTY PERFORMS MAINTENANCE WHERE THERE IS IMMINENT THREAT TO LIFE, HEALTH OR PROPERTY. IN THE EVENT NEW CASTLE COUNTY ELECTS TO MAINTAIN THE STORMWATER MANAGEMENT FACILITIES, ALL EXPENSES SHALL BE ASSESSED JOINTLY AND SEVERALLY AGAINST THE OWNERS OF THE PROPERTY SHOWN ON THIS PLAN.
30. RIGHT OF ACCESS:	NEW CASTLE COUNTY HAS THE RIGHT OF ACCESS TO THE SITE FOR THE PURPOSES OF OPERATING, MAINTAINING, AND REPAIRING THE SANITARY SEWER LINES CONTAINED WITHIN THE SEWER EASEMENTS SHOWN ON THIS PLAN.

31. VARIANCES:	THE NEW CASTLE COUNTY BOARD OF ADJUSTMENT GRANTED CONDITIONAL APPROVAL FOR APPLICATION #2022-0465-A ON OCTOBER 13, 2022 (DECISION FILED JANUARY 17, 2023) FOR THE FOLLOWING VARIANCE: 1) TO PROVIDE A MAXIMUM OF 30% RESIDENTIAL GFA (50% MAXIMUM RESIDENTIAL GFA, SEE SEC. SECTION 40.03.318.A); CONDITIONS: 1) THE LANDSCAPING SHALL BE GENERALLY CONSISTENT WITH THE RENDERINGS SUBMITTED INTO EVIDENCE, AND 2) THE BUILDING ELEVATIONS SHALL BE GENERALLY CONSISTENT WITH THE RENDERINGS SUBMITTED INTO EVIDENCE.
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32. SEWER EASEMENT:	UNLESS OTHERWISE DESCRIBED BY METES AND BOUNDS, OR BY MATHEMATICAL REFERENCE TO A PROPERTY LINE, A 40' WIDE PERMANENT EASEMENT, 20' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE IN UNPAVED AREAS AND IS LOCATED IN A DESIGNATED PUBLIC ROW. A 20' WIDE PERMANENT EASEMENT, 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED WHERE A SANITARY SEWER OR STORM SEWER PIPE IS DESIGNATED FOR PUBLIC USE IN PRIVATELY MAINTAINED PAVED AREAS, SUCH AS PARKING LOTS, PRIVATE STREETS OR DRIVEWAYS. IF THE CONSTRUCTED HORIZONTAL SANITARY MAIN LOCATION DEVIATES BY MORE THAN 2.5' FROM THE DESIGN LOCATION, THE PROJECT MAY BE SUBJECT TO A RESUBDIVISION PLAN OR PIPE LOCATION AS DETERMINED BY THE DEPARTMENT OF PUBLIC WORKS.
33. RETAINING WALL:	ANY RETAINING WALL IN EXCESS OF 4-FEET OF HEIGHT MUST BE DESIGNED AND CERTIFIED BY A QUALIFIED PROFESSIONAL ENGINEER WITH ALL DETAILS AND COMPUTATIONS SUBMITTED TO THE DEPARTMENT BUILDING PLAN REVIEW SECTION FOR REVIEW AND PERMITTING.

PURPOSE OF PLAN:

TO DEMOLISH THE EXISTING STRUCTURES AND CONSTRUCT A MIXED-USE DEVELOPMENT CONSISTING OF 179 APARTMENTS (237,400± SF) WITH A 5,500± SF CLUBHOUSE AND 21,500± SF OF COMMERCIAL GROSS FLOOR AREA WITH ASSOCIATED IMPROVEMENTS.



EXISTING	PROPOSED
PROPERTY LINE	PROPERTY LINE
SETBACK/EASEMENT	SETBACK/EASEMENT
CONCRETE CURB	CONCRETE CURB
FENCE	FENCE
UTILITY POLE	UTILITY POLE
FIRE HYDRANT	FIRE HYDRANT
FIRE DEPARTMENT CONNECTION	FIRE DEPARTMENT CONNECTION
LIMIT OF DISTURBANCE	LIMIT OF DISTURBANCE
ZONING LINE	ZONING LINE
BUILDING	BUILDING
POSTAL ADDRESS	POSTAL ADDRESS

ISSUE/REVISION	DATE
EXPLORATORY PLAN SUBMISSION	4.07.22
BOARD OF ADJUSTMENT APPLICATION	6.30.22
RECORD PLAN CHECK PRINT SUBMISSION	8.14.23
RECORD PLAN CHECK PRINT SUBMISSION	10.27.23
RECORD PLAN SUBMISSION	6.6.25 & 7.16.25
RECORD PLAN SUBMISSION	9.2.25
RECORD PLAN SUBMISSION	11.21.25
RECORD PLAN SUBMISSION	12.16.25

CDA ENGINEERING INC.
CIVIL/SITE ENGINEERING AND LAND PLANNING
6 LARCH AVENUE
SUITE 401
WILMINGTON, DE 19804
Tel: 302.998.9202
Fax: 302.691.1314
cdaengineering.com

DRAWN BY:	ZK
CHECKED BY:	CD
PROJECT No.:	21.127.00
SCALE:	1" = 50'
DATE:	4.7.2022
CAD FILE:	

APPLICATION # 2022-0270

2701 CAPITOL TRAIL

RECORD MAJOR
LAND DEVELOPMENT PLAN

MILL CREEK HUNDRED	NEW CASTLE COUNTY	DELAWARE
DRAWING TITLE:	RECORD MAJOR LAND DEVELOPMENT PLAN	
DRAWING NUMBER:		REC-1

CERTIFICATION OF PLAN ACCURACY

I, COLMCILLE DEASCIANS, HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL ENGINEER WITH A BACKGROUND IN CIVIL ENGINEERING IN THE STATE OF DELAWARE, AND THAT I AM THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT MY DIRECTION AND THAT I AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

COLMCILLE DEASCIANS
REGISTRATION #13049

CERTIFICATION OF OWNERSHIP

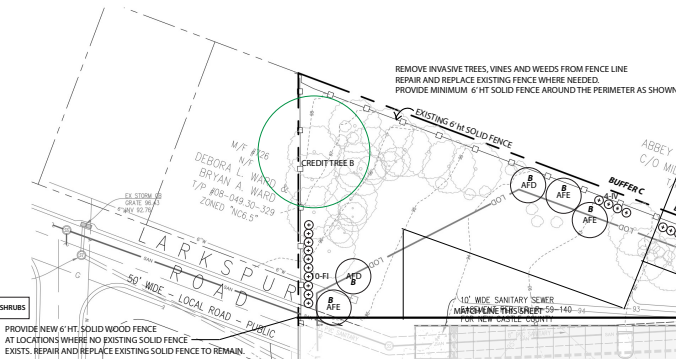
I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT MY DIRECTION AND THAT I AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

ROBERT SPILLE
CAPITOL TRAIL APARTMENTS LLC

CERTIFICATION OF PLAN APPROVAL

APPROVED BY _____
DATE _____
GENERAL MANAGER
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY.

APPROVED BY _____
DATE _____
COUNCIL PRESIDENT
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY.



A. The area around each tree to be slashed must be mulched. The entire area may be mulched or seeded in a perennial grass mix with a minimum thirty (30) percent indigenous herbaceous forens, or grassland species.

B. Trees to be slashed must be of a diversity of native plants. All plants and trees used for reforestation must consist only of species native and indigenous to Delaware. Selected plants and trees may not include cultivars or hybrids of species or plants not native to Delaware.

C. Plants and trees shall be selected and arranged within the reforestation area in accordance with site conditions.

D. Reforestation plantings shall include a minimum of six (6) species. Where more than two hundred (200) trees are provided in minimum of eight (8) species, the species used shall have less than 1 percent of the total trees.

E. Appendix 3 to 40.23.240 of the NCC UDC provides a list of unacceptable and suggested plant species and reforestation planning guidelines.

F. The plan must include a list of species that may not be provided within the reforestation area and the reasons why.

G. The plan must include methodology for removing invasive plants while protecting reforestation plantings and facilitating the establishment of a self-sustaining forest in the ground within the reforestation area.

H. The minimum rate for reforestation of one hundred (100) trees per acre or at least seventy-five (75) percent of the total number of trees planted per acre under the approved plan, whichever is greater. Replanting shall be required to meet this minimum standard for sites where the survival threshold is not met. Infill plantings may be required where planting fails in large contiguous areas, or where there is tree spacing or canopy closure issues.

