

MINUTES OF THE SPECIAL MEETING OF MARCH 16, 2000

A special meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, March 16, 2000 in the Sussex County Senior Services (CHEER) Community Center, 5 Sand Hill Road, Georgetown, Delaware.

The meeting was called to order at 7:30 P.M. with Chairman Allen presiding. The following members of the Commission were present: Mr. Allen, Mr. Hastings, Mr. Johnson, Mr. Lynch, and Mr. Schrader - Assistant County Attorney, Mr. Lank - Director, and Mr. Abbott - Assistant Director.

Motion by Mr. Hastings, seconded by Mr. Lynch, and carried unanimously to adopt the agenda as circulated.

Mr. Schrader explained how the meeting would be conducted.

III. PUBLIC HEARING

C/Z #1393 -- application of CMF BAYSIDE, L.L.C. to consider a proposal to amend the Comprehensive Zoning Map from an AR-1 Agricultural Residential District to a MR-RPC Medium Density Residential District - Residential Planned Community for a certain parcel of land lying and being in Baltimore Hundred, Sussex County, lying on both sides of Route 54, both sides of Route 20, northeast of Road 394, northeast of Road 394A, and northeast of Road 395, to be located on 887.03 acres, more or less.

Mr. Lank advised the Commission that 120 public notices were mailed, and that the Department has received 3 mail returns.

Mr. Lank advised all parties present that the Commission has a copy of all documents on file, including comments from: the Delaware Department of Transportation (DelDOT) in response to a traffic impact study; the Delaware Health and Social Services - Division of Public Health in reference to drinking water services, swimming pools, food services, and the Assisted Living and Acute Care sections; the Sussex Conservation District in reference to drainage and flooding, soils, the suitability of the soils, erosion and sedimentation control, the farmland ratings of the soils, and an approved erosion and sediment control plan approval for the clearing of the centerline of the 18-hole golf course; the Delaware Department of Natural Resources and Environmental Control (DNREC) confirming a meeting with the applicants with the Development Advisory Service; the Delaware Cabinet Committee on State Planning Issues requesting rejection of the plans submitted and referencing environmental issues, public safety issues, transportation issues, and education issues; the Sussex County Engineering Department in reference to the need for a Sussex County Technical Advisory Committee review, and phasing; letters in opposition from the Town of Bethany Beach, the Town of South Bethany, the Town of Fenwick Island, the Delaware Chapter of the Sierra Club, the Women's Civic Club of Bethany Beach, the Delaware Nature Society; a letter from the Roxana Volunteer Fire Company taking no position in support of or in opposition to the

application; eighteen (18) letters in support from individuals and businesses; fifty-one (51) letters in opposition from individuals and associations; the Sussex County Technical Advisory Committee Report; and a summary of possible review scenarios in reference to the property.

Mr. Lank advised the Commission that he received comments just prior to the meeting from the Mallard Lakes Council voicing their opposition to the application, with an attached petition containing 61 signatures; the Town of Fenwick Island referencing the Mayor's remarks in opposition, a January 8, 2000 Special Meeting of the Town Council with 124 parties in attendance, and 42 letters and e-mails received by the Town between November 20, 1999 and March 16, 2000; the Sierra Club voicing their opposition to the application as presented; and a letter from Jack Pingree in opposition.

Mr. Lank advised the Commission that with the application the applicants submitted a color aerial perspective view of the project, a color perspective of the site plan, a tax map of the site and a listing of the parcels, a Carl M. Freeman Communities Newsletter, a legal description, an aerial photograph marked with historic properties, and copies of all of the deeds to the properties; that just prior to the meeting, the applicants Attorney submitted the following: a project summary which included a Background with: location map, project data, a description of the existing area, and an area development map; the Proposed Development with reference to: the proposed Residential Planned Community; utilities; soil and sediment control; storm water management; flood plain; recreation and open space; management, and construction and phasing; Environmental Assessment with reference to: geology and soils; hydrology; vegetation; wetlands; fish, shellfish and wildlife; water quality; water supply; and sewage system; Transportation; Economic Impact; and Exhibits including: the traffic impact study; the sewer study (SCAPS Amendment #3); the Development Advisory Committee Report; a wetlands jurisdictional composite map; the archeological survey; a soils map; a shellfish harvest map; a historic and cultural resources survey; a U.S. Fish and Wildlife Service letter; a Delaware Department of Agricultural letter; a Delaware Inland Bays CCMP Assessment Narrative; a Hydrogeologic Feasibility Report; and an Economic Impact Report.

The Commission found that Frank Kea of C.M.F. Bayside, L.L.C. and James A. Fuqua, Jr., Attorney, were present on behalf of the applicants, and that Mr. Fuqua stated in his presentation and in response to questions raised by the Commission that they request that all of their submittals and exhibits be made a part of the record; that the population of Sussex County is increasing and that there is a need for housing for that population, a need for recreation, and a need for shopping and business uses that can serve the growing population; that the proposed project includes 2,840 dwelling units, commercial/business areas, a town center area, recreational uses, including tennis, swimming pools, a fitness center, an 18-hole golf course, walking and bike trails, and that a medical facility is being considered; that the density calculation complies with the method of calculation required

by the Comprehensive Zoning Ordinance; that the net density could be 4.3 units per acre; that the Ashley Manor project recently approved has a density of approximately 3 units per acre, Keenwick Sound has a density of approximately 3.27 units per acre, Bayville Shores has a density of approximately 3.6 units per acre, Mallard Lakes has a density of approximately 7.1 units per acre, Cape Windsor has a density of approximately 8.5 units per acre, Swann Keys has a density of approximately 9 units per acre, and East of the Sun has a density of approximately 18 units per acre; that the proposed density is lower than other developments in the area; that the Sussex County Area Planning Study (SCAPS) indicates that sewer capacity is available for this project; that the County Engineering Department is reviewing the project and possible upgrades for the sewer system; that the upgrades will be required to be built by the applicants per County specifications; that central water is proposed and will be regulated by the State DNREC; that a hydrology study has been performed on the site; that all utilities will be underground; that police protection is provided by the State Police and that a private security force will maintain security on the project; that the applicants are willing to provide a site for a future barracks for the State Police; that fire protection will be provided by the Roxana Volunteer Fire Company and that the applicants are willing to provide a site for a future substation for the fire company; that CMF Bayside, L.L.C. is a Carl M. Freeman Community project; that Carl M. Freeman Community developed Sea Colony, Sea Colony West, and some subdivisions in the area, which have all been developed in compliance with County regulations; that Carl M. Freeman Community has contributed to the economy of the area, has served its residents and guests, and has provided services and jobs for many residents of the region; that the project will generate approximately \$67,000,000 in expenditures annually, during the first five years of development; that approximately one-third of these expenditures will be paid in wages for construction, administrative and marketing jobs; that wages will average \$22,082,000 annually; that the project is expected to have approximately 505 employees annually; that the remaining \$44,834,000 in expenditures will be paid out for materials and construction services; that the development is expected to generate nearly \$73,000,000 in secondary expenditures in the form of wages, materials and services needed to support workers, material requirements and services used in the development of the project; that the project is expected to generate \$3,673,000 annually in fees and taxes paid to the County and local school district; that the school tax is expected to amount to \$1,763,000 annually; that it has been estimated that the following fees and taxes will annually occur: \$136,000 for permits fees, \$46,200 for residential plan and inspection fees, \$1,003,700 for transfer fees, \$112,100 for fire company taxes, \$412,000 for County taxes, \$200,000 for Vo-Tech taxes; that property taxes increase as the number of units increase, and includes a range from approximately \$91,000 in year one to approximately \$750,000 in year five; that the project is expected to generate over \$5,100,000 in fees and taxes paid to the State annually over the next five years; that the Sea Colony project is approaching completion and has created a large direct and indirect resource for marketing and jobs; that people want to relocate in Sussex County; that the permanent population of the County is

projected to increase to 168,000 in the year 2020; that the number of households is projected to increase from 43,000 to 73,000; that in Delaware, growth trends will slow over the next 30 years, except in Sussex County; that DelDOT has contributed to the County growth by creating Route One toward the beaches; that a large tract of land was needed to be able to create the development with central sewer and a golf course; that the project has been in the company's planning stage since 1996; that sewer, traffic, and environmental concerns have been addressed; that the location, density and proposed uses are in accordance with the County Comprehensive Plan; that the South Coastal Zone Land Use Plan, adopted in 1976, identified: the site as being a "Village" where development would occur; that density in the area of the site varied between 2 to 4 units per acre and 4 to 10 units per acre; that a community shopping area was designated for the site; and that golf courses and other commercial activities were recognized as appropriate for large scale residential developments; that the Coastal Sussex Land Use Plan, adopted in 1988, identified: the site as being in a designated "Development District" where development would be directed; that the site is in the West Fenwick Sewer Study Area; that residential planned communities were encouraged with gross densities of four units per acre; that residential planned communities are efficient use of land by providing usable open space and flexibility in residential development on larger sites; that village shopping centers in central locations were encouraged to reduce strip commercial development; and that residential planned communities offer a superior living environment while being sensitive to the environment; that the Shaping Delaware's Future Report, prepared in 1995, identified: that housing and business development is focused in existing communities and in clearly defined growth areas of the State, with limited development occurring outside of these areas; that people live in communities where they have options to their automobiles for getting to work, shopping, and recreational activities; that new housing and business developments are designed to be visually appealing and minimize the negative impact on the environment; that goal #1 of the report references that State investment and future development should be directed to existing communities, urban concentrations, and designated growth areas; that the State Quality of Life Act (9 Delaware Code, Section 6951) identifies: that the Counties should have the power and responsibility to plan for their future development and growth; that the Counties should adopt and amend comprehensive plans to guide their future development and growth; that the Counties plans are submitted to and reviewed by the State Cabinet Committee on State Planning Issues; that the Comprehensive Plan was endorsed by the State Cabinet Committee; that the Comprehensive Plan, adopted in 1997, has the force of law; and that development applications are processed based on the guidelines of the Comprehensive Plan in effect at the time of an application; that the Comprehensive Plan, identified: that the primary location of future development will be the Atlantic Coast, the Inland Bays, and around municipalities; that the overwhelming majority of County citizens favor directing growth to existing municipalities and developing areas where central wastewater systems exist or are planned; that the goal of the County is to have future growth occur in designated development districts where,

since central wastewater facilities exist or are planned, higher densities are appropriate, thus reducing the pressure on the conversion of farmland to residential use; that in the coastal area, the Development District occurs around the Inland Bays; that the project is located in a Development District and will be served by County sewer; that in a Development District with central wastewater, four (4) units per acre for single-family homes and ten (10) units per acre for townhomes, including condominiums, are recommended; that neighborhood shopping and business should be clustered in village centers integrated with residential areas to create mixed-use communities and large shopping centers should be located on major arterial roads; that to plan and build roads to accommodate peak seasonal traffic volumes would be a misuse of fiscal resources; that in many cases, better traffic flow can be realized through intersection improvements, including the creation of turn lanes, left-turn signals, better signal coordination and better signage; that major residential developments should be encouraged to provide on-site recreational facilities; that a complete range of housing opportunities in a flexible plan which integrates open space, natural features, single-family, townhomes, and multi-family housing types and on-site stores and shops, services, and recreational activities should be provided; that the Comprehensive Plan Map includes the site in a Development District; and that the Chairman of the Cabinet Committee on State Planning Issues, after reviewing the 1997 Comprehensive Plan, commended the County on the Comprehensive Plan and the Plan's responsiveness to the "Shaping Delaware's Future" goals including directing development to designated growth areas; that a comparison of the 1976 South Coastal Zone Land Use Plan, the 1988 Coastal Sussex Land Use Plan, and the 1997 Sussex County Comprehensive Plan indicates that the site has been designated in an area that should be developed; that the project has brought out a lot of opposition; that the participation of Representative Price, Senator Sharp, and Senator Bunting in the opposition has generated a lot of opposition, but the County must recognize: that it has a Comprehensive Plan; that the State Legislation has decreed that a Comprehensive Plan have the force of law: that the Comprehensive Plan was adopted and is an official document; that the applicants have used the Comprehensive Plan as a guideline in developing this application; and that the applicant should be able to develop the project based on the guidelines within the Comprehensive Plan.

The Commission found that Mr. Kea added that the company started buying property after the adoption of the Comprehensive Plan; that they hired a consultant and did a traffic impact study for DelDOT; that they have been to the State Development Advisory Service; that DelDOT, after reviewing the traffic impact study, was not opposed to the development if improvements are made to roads and intersections; that property and topographic surveys were performed, and that it was determined that approximately 291 acres of wetlands exists of the 865 acres on the site; that they plan to build 2,840 units with commercial and recreational amenities; that a need exists in the area for medical facilities; that the number of units will be reduced if a medical facility is built; that the homes and commercial buildings are planned to resemble Delmarva architecture from the

area; that the commercial area will be created with a main street, down town, type of theme surrounding a large open area; that recreational facilities are planned to be the heart of the community; that they propose a large age restricted community section; that they anticipate that the majority of the buyers will be second home or retired purchasers; that the clubhouse for the golf course is designed as a focal point on a traffic circle; that single-family and multi-family clusters create a resort type of atmosphere; that the golf course surrounds part of the community and creates a buffer from adjoining residential development and wetlands; that they propose to comply with the recently adopted Total Maximum Daily Loads (TMDL) regulations; that no homes or commercial activities are planned in wetlands; that one of the largest impacts on the site is the existing agricultural ditches used for drainage, which will be changed by the creation of ponds; that there will be a net increase to the wetlands by the creation of ponds; that they propose to create approximately 23 miles of sidewalks and trails on the site; that 50% of the site will be open space, including wetlands; that no marinas or docks are proposed; that the only proposed water use is a water taxi for transportation to the resort communities; that they propose to change Point Road into a pedestrian access; that sewer pump stations will be improved to accommodate the project and any future expansion to the area; that adequate water supply is available for the project; that they are willing to provide sites for the State Police and the Roxana Fire Company; that they anticipate retirement and second home buyers with little to no negative impact on the student population of the Indian River School District; that the project will not be a gated community; that a private street system, with public use, is proposed; that a homeowners association will be established to maintain the streets; that an interconnection is proposed to be created to re-route Road 381 over to Route 20 behind the Uncle Willie's store; that the Route 54 and Route 20 intersection is proposed to be redesigned; and that the marketing study indicates that approximately 43% of their clients will be second home buyers.

The Commission found that Robert Rodgers, President of Orth, Rodgers and Associates, a transportation planning firm representing the applicants, was present and stated that they began work on the project in 1996; that they met with DelDOT to formalize the traffic study requirements; that the study included trip generations and distribution, future growth rates as outlined by DelDOT; that the study should be designed for the year 2008; that traffic will increase by 41%; that eight intersections were studied, and included Route 54/Road 396, Route 54/Road 395, Route 54/Road 394, Route 54/Road 394A, signaled intersection of Route 54/Route 20, Route 54/Road 381, Road 394/Road 395, and Road 394/Road 394A; that summer Saturday peak hour of 11:00 A.M. to 12:00 Noon was used to establish flows; that traffic counts were conducted on Saturday August 8, and Saturday August 15 from 11:00 A.M. to 12:00 Noon; that traffic counts were conducted in both directions at each intersection; that trip distribution was discussed; that new traffic trips were discussed; that a year 2008 with full-built traffic volumes on Saturday peak hours determined that 1,729 vehicles would be travelling in both directions on Route 54 west of the site, 2,183 vehicles on Route 20, and 2,488 vehicles on Route 54

east of the site; that a volume capacity analysis was conducted and determined that there would be no connection to Road 395, except for gates for emergency vehicles, no connection to Road 394A, and that the primary roads to be utilized are Route 54, Route 20, and Road 394; that a traffic signal may be necessary at Route 54 and Road 394; that road widening for right turn and by-pass lanes will be necessary; that improvements to the intersection of Route 54 and Route 20 will maintain a level of service "D"; that all improvements will be required to be made by the developers; that the site is within a Multi-modal Investment Area and that the developer plans to create pedestrian trails, sidewalks, an interior shuttle system, and a shuttle system to the beaches; that the developer will comply with all of the conditions imposed by DelDOT, and referenced DelDOT's letter of September 30, 1999 in reference to the traffic impact study; and noted that the September 30, 1999 letter concluded: that this project is in a growth area, that it is located in a Multi-modal Investment Area according to the Statewide Long-Range Transportation Plan and a Developing Area according to the Office of State Planning Coordination's Investment and Resource Management Strategy; that the Department is not opposed to the application; that the Department is concerned that a project of this size and the roadway improvements needed to support the project could have a profound affect on the character of the area; that the Department believes that the proposal should be submitted to the Office of State Planning Coordination for a thorough review through the LUPA process; that the Traffic Impact Study examined conditions with and without the proposed development but did not examine any instances of partial development; that the Department recommends that no certificates of occupancy be issued for the development until the developer has built all of the required site access, transit, bicycle and pedestrian improvements, committed to an acceptable plan for the implementation of transit service, executed all needed signal agreements, and dedicated all needed rights-of-way; and that the Department is willing to discuss a plan whereby the development would be phased to the provision of the necessary infrastructure; that possible changes in evacuation routes may be considered that include the area of the retail and age restricted community going to Route 20, one-half of the residential area going to Road 394 and then west on Route 54, and the other half of the residential area going to Road 395 and then west on Route 54; and that traffic is going to increase with or without this project.

The Commission found that Mr. Fuqua confirmed that traffic concerns will occur whether the site is developed or not; that based on the 1988 Coastal Sussex Land Use Plan, the County advised DelDOT that Route 54 should be improved; that a Resource Planner for the State Department of Agriculture advised the State Office of Planning Coordination that "from Delaware Department of Agriculture's perspective, this site is one of the few of almost 1,000 contiguous acres of ground which could convert to developed uses and not adversely affect agriculture. Over 90% of this site is located in either Preservation Suitability Class IV or Class V designated areas, as depicted on the Delaware Agricultural Lands Preservation Strategy Map. Class IV and V are the two least

suitable designations for farmland preservation"; that the applicants contacted the U.S. Fish and Wildlife Service for information on the presence of federally listed species and found that "except for occasional transient individuals, no proposed or Federally listed endangered or threatened species are known to exist within the project impact area. Therefore, no Biological Assessment or further Section 7 Consultation with the U.S. Fish and Wildlife Service is required"; that the applicants suggest the following conditions be placed on the application: 1) The maximum number of residential units shall be 2,840 if a medical facility is not developed or 2,730 residential units if a medical facility is developed; 2) The maximum square footage of retail/office space shall be 224,600 square feet; 3) The RPC shall be developed per a phasing plan approved by the County Council with a minimum cumulative average of 350 residential occupancy permits to be issued per calendar year; 4) The RPC shall be served by Sussex County South Coastal Regional Wastewater Facility per Sussex County Engineering Department Regulations and Specification; 5) The RPC shall be served by a central water system providing for drinking water and fire protection per applicable regulations and approval of DNREC, State Fire Marshal's Office and Public Service Commission; 6) All entrance improvements, intersection improvements and road way improvements required by DelDOT shall be completed by the applicant in accordance with a letter from DelDOT dated September 30, 1999 and a letter from Orth-Rodgers Associates, Inc. to DelDOT dated October 25, 1999; 7) Recreation facilities: i.e. golf, tennis courts, swimming pools, etc., shall be constructed in a manner to coincide with the construction phasing schedule and subject to review and approval by the Sussex County Planning and Zoning Commission; 8) Site plan review for each phase of the development of the residential, commercial, and recreational parts of the development shall be reviewed and approved by the Sussex County Planning and Zoning Commission; 9) The applicant shall provide, at no cost, a parcel of land appropriate for use by the Delaware State Police and a parcel of land appropriate for use by the Roxana Volunteer Fire Company when deemed appropriate by said organizations. The location and size of said parcels shall be mutually agreed upon by the parties; 10) Stormwater management, erosion and sediment control shall equal or exceed all applicable State and County Regulations. Applicant shall utilize applicable "best management practices" in regards to golf course maintenance; 11) State and Federal wetlands shall be maintained as non-disturbance areas except for disturbance authorized by a valid Federal or State Permit; 12) Applicant shall coordinate with The Center for the Inland Bays, the development of a public Inland Bays Nature Trail and Observatory; 13) Applicant shall coordinate with the State and County emergency planning offices in developing and implementing an emergency evacuation procedure for the development which shall be incorporated into the Restrictions of the development and may require early mandatory evacuation if required by said offices; 14) The RPC shall not contain a marina, individual boat docking facilities, or boat launching facilities other than a community water taxi service facility. Non-motorized watercraft shall be permitted water access from a centralized location on the site; that the project conforms

to the Comprehensive Plan; that the use is appropriate based on the Comprehensive Plan; that the applicants have designed the project to be environmentally sensitive.

The Commission found that Mr. Fuqua submitted copies of the referenced letter from the United States Department of the Interior Fish and Wildlife Service, the e-mail from the State Department of Agriculture to the Office of State Planning Coordination, and the referenced suggested conditions.

The Commission found that Mr. Kea stated, in response to questions raised by the Commission, that trees will not be disturbed in buffer areas; that the buffers along Roy Creek will remain; that they will try to preserve as many trees as possible; that the golf course is setback from Roy Creek; that they propose to preserve the area of the point off of Assawoman Bay; that they have not contracted or purchased any additional properties; that they realize that any additional properties purchased will be required to go through the same rezoning process; that they have not been able to locate the cemetery where the grave marker was removed for the marker on Point Road; and that their properties located in Maryland are not intended to be developed at this time.

The Commission found that Ed Howe of Swann Keys, Gladys Knox, a resident on Road 394, Michelle DiFebo, a Realtor from Bethany Beach. Charles Coffman, President of the Bethany-Fenwick Area Chamber of Commerce, Randall Cash of Millsboro, Rich Collins with The Center for Public Research, Inc. from Lewes, Mark Odachowski of Berlin, Maryland, Joe Connor, a Realtor from Clarksville, Julie Regan of Ocean View, Bill Pritchett with Atlantic Millwork of Lewes, James Allison of Dirickson Landing, Elisha Whealton with Masten Lumber, John Haggerty, a resident on Road 381, Steve Bradford of Bethany Beach, John Cain of Bay View Estates, John Lapps of Dagsboro, Chris May from East of the Sun near Fenwick Island, Zan Bitter of Dagsboro, Ronna Cobb of Selbyville, Mary Ellyn Rozell of Frankford, Billy Scott of Ocean View, James Brinker of Selbyville, Harry Wright of Lewes, Reid Cummings of Selbyville, Robert Maxwell of Bethany Beach, Rich Polk of Bethany Beach, Shannon Wilson of Ocean View spoke in support of the application and acknowledged that development of the area is going to occur; that DelDOT needs to address roads, especially Route 54; that the project will improve the area; that the grave marker on Point Road may be from Roxana Cemetery; that development of the site will help eliminate some of the problems on Point Road, referencing drug related problems, trash and litter; that the majority of the opposition has moved into the area; that the project will be good for the community, good for the economy, and provides employment for contractors and realtors in the area; that the project appears to be smart growth while respecting the site; that the Bethany-Fenwick Area Chamber of Commerce supports good land use planning; that a large planned community is preferred over the scattering of developments everywhere; that 80 miles of roads could be used up if 2,900 lots were created with 150' of frontage; that there may be flaws in the State Land Use Planning Act process; that agencies do not talk or meet with

developers; that agencies may not have visited the site prior to commenting on the application; that this type of community will have no negative impact on anything, but traffic; that Route 54 has been the same road for years; that the EPA may be lobbying with DelDOT to not build roads; that the County needs to look at the overall growth; that planned communities work better than scattered developments; that the developers have shown that they are responsible developers; that the applicants have been faced with a set of rules, the Zoning Ordinance and the Comprehensive Plan, and are planning to meet all of the required criteria; that land use jurisdiction should remain in Sussex County, not at the State level; that this type of project creates more opportunities for professionals; that the village concept will benefit the community; that the project is good for the County, good for the economy, and good for the school district; that the developers will have to improve the roads and intersections as required by DelDOT at no expense to the taxpayers; that the developers will have to improve the sewer system as required by the County at no expense to the taxpayers; that the density of the project is lower than several of the communities in the immediate area; that the proposed shuttle service will reduce some of the anticipated traffic; that other Counties support residential planned communities and planned unit developments; that sprawl development is opposed; that the project will benefit the tax base of the school district without impacting the school population since the project is primarily a second home and retirement community; that the population is still going to increase with or without the project; that there will be little to no impact on the shoreline, the wetlands, and the Bays; that the project is proposed to be self contained and well planned; that the developers met all promises made to the Bethany Beach area in reference to the Sea Colony project; and that the project is designed to improve the area in an environmentally sensitive manner.

The Commission found that Charles Coffman of the Bethany-Fenwick Area Chamber of Commerce, and Rich Collins of The Center for Public Research, Inc. submitted written comments for the record.

The Commission found that Pat Ficken of Edgewater Acres, speaking for the Coalition for Coastal Communities, Joe Cain of Keenwick Sound, Buzz Henifin of Fenwick Island, Dave Jaeger of Selbyville, Frank Desrosier of Selbyville, and Carrie Bennett of Bennett Farms, Donald Henry of Fenwick Island, John Belian of Fenwick Island, Representative Shirley Price, Senator George Howard Bunting, Mayor Peggy Baunchalk of Fenwick Island, Mayor Joseph McHugh of Bethany Beach, Councilwoman Jane Fowler of Bethany Beach, Councilman Harry Haon of Fenwick Island, Til Purnell of Millsboro, Richard Anthony of Lewes, speaking for the Sierra Club, Bruce Richards of the Center of the Inland Bays, Steve Callanen of Ocean View, Anita Adkins of Selbyville, Barbara Smolinski of Sea Country Estates, and Murray Oltman of Dirickson Landing spoke in opposition to the application and expressed concerns relating to population, traffic, and environmental issues; that action should be delayed until Route 54 is dualized or a new east-west road to U.S. Route 113 is built; that there are 60 ingress/egress points along

Route 54 from Route 20 to Route One and 39 communities containing approximately 6,900 homes; that 1,700 units remain to be built; that joggers and cyclist use Route 54 during summer months, and that more traffic means more accidents; that Route 54 is a major evacuation route for Fenwick Island and northern Ocean City; that State Police now take approximately 25 minutes to respond; that increased traffic may cause a need for the replacement of the bridge at The Ditch near Fenwick; that lighting, trash, and noise from the commercial areas is a major concern; that existing trees should be maintained and bushes added to maintain a buffer from Keenwick Sound; that additional traffic signals will be needed; that water pollution, increased stormwater run-off, air pollution, and noise pollution are a concern; that the project causes impacts on the State parks and beaches and the coastal towns; that an environmental impact study should be required prior to consideration; that the project may impact fragile wetlands; that the existing number of response calls required of the County Paramedic Department is a concern, and that increased numbers will cause more delay time; that landfills will be impacted; that the opposition does appreciate that no marina is proposed; that roads cause adverse affects on agriculture; that an east-west road project alters the transportation network; that the existing roads are not adequate to serve the present traffic; that the AR-1 density should be maintained; that the wetlands should be protected with conservation easements; that the project, if approved, needs to be phased; that this project could not be built in Maryland; that the applicants should be responsive and downsize the density; that land should be set aside for schools and a senior center; that if you calculate the actual buildable land the density is 8 units per acre; that the County should establish a task force for the area with representation of the County, the State agencies, the Towns, and the local community to review projects, and that sub-committees be established to look at traffic, the environment, and the beaches; that a moratorium should be established until the task force reassesses the requirements for an RPC; that the golf course should not be calculated with the density since it is a commercial venture; that the County should support the recommendations and goals of the Inland Bays Comprehensive Conservation Management Plan; that high density housing is not appropriate in the area; that water quantity and water quality is a concern; that people come to the area to go to the beach, and that the people that come to live in this community will do the same; that the commercial development should be on the interior of the project, not along Route 54 and Route 20, and should be designed to serve the community, not the region; and reporting that the Sea Colony Community will not allow the Americana Bayside residents to use the facilities.

The Commission found that a letter with concerns was submitted for the record and that the letter was signed jointly by Representative Shirley A. Price, Senator George Howard Bunting, Jr., Mayor Peggy J. Baumchalk of the Town of Fenwick Island, Mayor Herbert (Joe) Scheafer of the Town of South Bethany, and Mayor Joseph McHugh of the Town of Bethany Beach; and that Harry Haon, on behalf of the Town of Fenwick Island, David Jaeger, on behalf of the Coalition of Coastal Communities, Frank Desrosier, on behalf of

the South Coastal Delaware Chapter #5226 of AARP, Steve and Sallie Callanen, Til Purnell, and Joe Cain submitted written comments after speaking.

The Commission found that Ms. Ficken submitted a petition with approximately 650 signatures in opposition.

The Commission found, based on sign-in sheets submitted to the audience, that 379 parties signed-up of the approximately 480 parties present, and that 208 signed in support, 158 signed in opposition, and 13 signed as undecided.

Motion by Mr. Lynch, seconded by Mr. Hastings, and carried unanimously to defer action. Motion Carried 4 - 0.

Meeting adjourned at 12:45 A.M.