

Jesse Lindenberg

From: webmaster@sussexcountyde.gov on behalf of Sussex County DE
<webmaster@sussexcountyde.gov>
Sent: Tuesday, March 22, 2022 11:20 AM
To: Planning and Zoning
Subject: Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Opposition
Exhibit

Submitted on Tuesday, March 22, 2022 - 11:20am

Name: Melody Wilson
Email address: MaeOfHope@gmail.com
Phone number: 3023623715
Subject: Oak Orchard Road Development

Message: I heard about the development near Chiefs Road in Millsboro. I think this development of all that rich forest land would be a big mistake. It's sacred land to the Nanticoke Indians, there's enough development in the area ruining this once beautiful place, think about the wetlands near the area and all the animals and possible artifacts that might be in that forest. Also it floods there enough already. But Chiefs road and that entire area is a breath of fresh air. Please don't take that away from the locals of the area. Please will you all reconsider development of this area and find somewhere else. Will you not stop until Sussex County is completely ruined?!

Jesse Lindenberg

From: Timothy Magee <timagee1@gmail.com>
Sent: Tuesday, March 22, 2022 12:05 PM
To: Planning and Zoning
Subject: Opposition to Case 2021-22 Woods at Burton Pond Extended
Attachments: WoodsBurtonPondOpposition3.21.22.docx

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Please refer to the attached letter regarding my opposition Case 2021-22. I would like my letter to be included in the County Record.

Thank you

Timothy A Magee
31179 Beaver Circle
Lewes, DE 19958
302-530-1203
timagee1@gmail.com

Opposition
Exhibit
2 sheets

March 21, 2022

Georgetown Administrative Building
Planning and Zoning Department
2 The Circle
Georgetown, DE 19947

Dear Chairman Wheatley and Members of the Commission,

I am writing regarding Case 2021-22 The Woods at Burton Pond Extended. I have extensively reviewed the packet information and I am opposed to the proposal to develop an additional 15 acres of land adding an additional 19 lots to increase the number of units from 167 to 186. This 15-acre plot includes 3.98 acres of wetlands and forests that abut directly up to Sussex County Landfill #3.

The original approved subdivision plan called for 167 units and touted proudly the amount of existing forest trees being left intact and the use of larger 50-foot buffers than code required. The trees that were actually left were in wet and wetland areas that were deemed unbuildable. This new area noted by the developer includes the additional clearing of approximately 11 acres of large mixed variety trees located within the forested areas and areas around the wetlands that drain directly into Chapel Branch. Elevations within the project area range from just above sea level to about 17 feet above mean sea level and a portion of the parcel is located within the 100-year floodplain. Also, a new forty-eight-hour wet extended detention pond will be constructed in place of a 70-year-old stand of forest habitat.

Additionally, this parcel is located with the limits of the Sussex County Landfill #3 –Angola Ground Water Management Zone (**Delaware State Hazardous Sites Cleanup Act Site # DE P130 tax parcel no. 234-11.00-69.04 deed records D1955-203**). A condition for developing this parcel includes the installing of two water monitoring wells within parcel B and the installing of two gas monitoring wells within Parcel B 300 feet from the property line adjacent the landfill along with developing a vapor migration evaluation based on data collected by Sussex County. Who will be responsible for maintaining these monitoring wells, collecting the data and at what cost? The conditions above show that that removal of these trees and development on this parcel so close to a hazardous waste site are real. See the “*acknowledgement*” and “*beliefs*” below:

Email from the developer Justin Hensley Director of Land Development LC Management to Sussex County Engineering Office:

We acknowledge that the county owned Angola land fill may have detrimental impacts to our environment and ultimately the lands of Springcap 2, LLC. However, I truly believe that at the time of the original recordation of this plan, that past data of the land fill was contemplated while applying necessary notes to ensure that any potentially harmful contamination is not brought back to the surface from many decades ago. Furthermore, with fast forwarding time, additional testing, and other supporting reports; it is the belief that the Angola landfill is less

detrimental than originally contemplated. b. Currently the water table is sitting at an elevation 17 feet....

June 21, 2021, letter from DNREC Division of Watershed Stewardship Drainage Program it was noted:

There are multiple reported drainage concerns near the proposed project site, including a few that were reported within the last three years. These drainage concerns primarily involved roadside ditches needed to be cleaned out or stand water on properties resulting from the nearby developments....and that all precautions should be taken to ensure the project does not hinder any off-site drainage upstream of the project or create any off-site drainage problems downstream by the release of on-site storm water.

Clearing a low-lying area close to a hazardous waste landfill to construct a new forty-eight-hour wet extended detention pond in place of a 70-year-old stand of trees does not seem like a good water management plan. Developing this parcel around the wetlands that drain into Chapel Branch and eventually into Rehoboth Bay could create a problem that will cost Sussex County and the State millions of dollars to fix.

Why were these 15 acres not presented for development in the original subdivision plan? I can only read in the original plan that the concern was developing an area so close to the Sussex County Angola Landfill and Chapel Branch was the reason. Do we want to risk disturbing a hazardous waste landfill so close to already approved and existing development? Is the greed of an additional 19 lots by the developer worth the removal of 15 acres of buffer around a hazardous waste landfill owned and maintained by Sussex County?

This development was approved with 167 lots and Parcel B left forested as a buffer to the landfill and Chapel Branch; let's keep it that way.

Respectfully,

Timothy A. Magee
31179 Beaver Circle
Lewes, DE 19958
302-530-1203
Timagee1@gmail.com

Jesse Lindenberg

From: webmaster@sussexcountyde.gov on behalf of Sussex County DE
<webmaster@sussexcountyde.gov>
Sent: Tuesday, March 22, 2022 12:14 PM
To: Planning and Zoning
Subject: Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Opposition
Exhibit

Submitted on Tuesday, March 22, 2022 - 12:13pm

Name: Timothy A Magee
Email address: timagee1@gmail.com
Phone number: 3025301203
Subject: Opposition to Case 2021-22 Woods at Burton Pond Extended
Message:
March 21, 2022

Georgetown Administrative Building
Planning and Zoning Department
2 The Circle
Georgetown, DE 19947

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