

Sue Nayda
31866 Shell Landing Way
Lewes, Delaware 19958

June 23, 2021

Mr. Jamie Whitehouse, Director
Jamie.whitehouse@sussexcountyde.gov
Mr. Nicholas Torrance, Planner I
Nicholas.torrance@sussexcountyde.gov
Sussex County Department of Planning and Zoning
2 The Circle
Georgetown, DE 19947

Dear Messrs. Whitehouse and Torrance:

I am a resident of the Bay Front at Rehoboth community and our property adjoins the proposed 2020-13 Terrapin Island development. I am providing these comments for inclusion in the public record. I also plan to provide these comments orally during the public hearing on June 24, 2021.

I've reviewed the letter from Sussex County Planning and Zoning's December 9, 2020 letter to Pennoni Associates, their response dated March 3, 2021, and our HOA President's letter to Planning and Zoning dated May 19, 2021. I'd like to offer the following comments in addition to those made in our May 19, 2021 letter.

The Planning & Zoning Department, the agency of the Sussex County government charged with implementing the land use rules enacted by the Sussex County Council, determined that Section 115-25(E)(4) is applicable where the Terrapin Island Cluster Subdivision will have dwellings located within 50-feet of Bay Front property. This requirement was communicated in a December 9, 2020 letter to Pennoni Associates following a staff review of the preliminary plan.

Section 115-25(E)(4) says Dwellings located within 50 feet of an existing residential development shall provide adequate transition in density or shall provide a thirty-foot buffer.

In Pennoni's March 3, 2021 response letter to Planning & Zoning, The Applicant took the position that this requirement is inapplicable because there is an even transition in density between Bay Front and Terrapin Island. The Applicant stated that Bay Front has 1.61 units per acre and that the Terrapin Island Subdivision will have 1.56 units per acre.

In a letter from our HOA President, Dianne Besso, dated May 19, 2021 Bay Front took the position that the code provision's purpose is to provide an appropriate transition between dissimilar communities and triggered by locating homes within 50-feet of another community. The purpose arguably requires more than a simple density comparison. That being said, as I will explain in a minute, the Applicant's comparison of densities is inaccurate. So even if you were to accept their interpretation of the provision, which we do not, they are clearly wrong and a 30-foot buffer is required.

Pennoni stated there is an even transition in density and no additional buffering is required. This isn't logical. How can Bay Front, with all but one lot sized 20,000 square feet or more, have a higher density than Terrapin Island with a minimum lot size of 7,500 square feet? Bayfront's smallest lots are 2.66 larger than in Terrapin Island.

Comparing the density calculations of Bay Front's 2004 plan and Terrapin Island's 2021 plan is not an apples to apples comparison, because the density statistics for Bay Front in 2004 and Terrapin Island in 2021 were not computed in a comparable manner.

The formula for calculating density changed in 2018 with Sussex County Ordinance 2618. Density is determined by dividing the number of homes by the development area. The development area is determined by subtracting certain figures from the total site area. Let me explain further:

The Bay Front density calculation of 1.61 units per acre reduced Bay Front's 258.11 acres to development area of 111.65, by taking ALL wetlands into account based on Section 404 of the Clean Water Act. This includes BOTH tidal and non-tidal wetlands. 30+ acres of road right of way also counted against Bay Front's density calculation.

The Terrapin Island density of 1.56 units per acre is not based on the same factors. Only 3.87 acres of TIDAL wetlands were subtracted from the 32.12 acres of the site area. Deductions weren't made for NON-TIDAL wetlands and the road right of way in the calculation.

Adjusting for those 2 factors so the development area is arrived at in a similar manner for both communities, the result is an apples to apples comparison of:

- Bay Front adjusted density 1.27 homes per acre
- Terrapin Island adjusted density 2.08 homes per acre

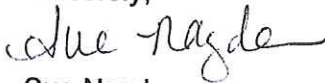
Further, the design differences between a cluster subdivision and a conventional subdivision will in most cases, require the minimum 30-foot buffer where the cluster subdivision locates homes within 50-feet of a neighboring conventional subdivision, notwithstanding any gross comparison of units per acre. In a cluster subdivision, the developer is allowed to build more homes than in a conventional subdivision because more homes can be grouped on smaller lots. While this concept may have land use

benefits, particularly where there are environmental concerns, its use should not override the rule designed to protect existing adjacent communities. From an adequate transition perspective, the higher density resulting from a grouping of homes on smaller lots in the buildable areas of the parcel will typically result in a more intensive land use on a portion of the parcel that is very different from a conventional subdivision and this difference in and of itself warrants the minimum 30-foot transition buffer.

In summary, there is not an adequate transition in density between Bay Front and Terrapin Island, and a 30-foot buffer should be ordered by Planning & Zoning.

Thank you for your time and attention to my comments in opposition to the Terrapin Island development.

Sincerely,

A handwritten signature in cursive script that reads "Sue Nayda".

Sue Nayda

Petition to DENY Terrapin Island Subdivision

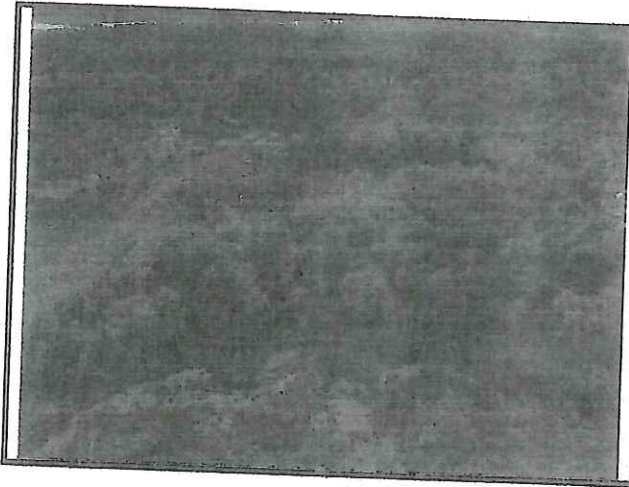
	<p><u>Development of this parcel as proposed:</u></p> <ul style="list-style-type: none"> * Requires multiple waivers of the county code * Is opposed by the state of Delaware * Is fiscally inappropriate and wastes the states resources * The Delaware Emergency Management Agency (DEMA) <u>does not</u> agree with and will not sponsor any residential construction on this parcel unless all homes are constructed on 7 foot stilts
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Name (Printed)	Signature	Address	Date
Cindy L. Ambrose	<i>CRAmbrose</i>	35074 South Drive Lewes, DE 19958	6-19-21
Barb Miller	<i>Barb L Miller</i>	34942 Dogwood Dr Lewes DE 19958	6/19/21
Matthew Miller	<i>Matthew Miller</i>	34942 Dogwood Dr. Lewes, DE 19958	6/19/21
Andy Zlock	<i>Andy Zlock</i>	1003 Twin Willow Rd Smyrna DE 19977	6/19/21
Josh Michael	<i>Josh Michael</i>	35080 South Dr. Lewes DE 19958	19 Jun 2021
Christine Michael	<i>Christine Michael</i>	↓	↓
Joshua Michael Jr.	<i>Joshua Michael Jr.</i>	↓	↓
Kierston Priest	<i>Kierston Priest</i>	↓	↓
Christine Zlock	<i>Christine Zlock</i>	Bayview Drive L C40 Lewes, DE 19958	6/19/21
Kathy Skiles	<i>K. Skiles</i>	27109 Windy Corner Rd Millsboro, DE 19966	6/19/21

FILE COPY

**Opposition
Exhibit**

Petition to DENY Terrapin Island Subdivision

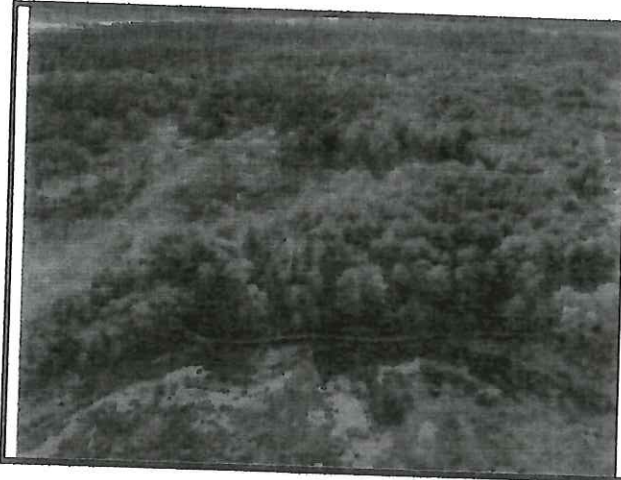


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Name (Printed)	Signature	Address	Date
WAYNE EGOLF	<i>Wayne Egoft</i>	NORTH DRIVE 34944 LEWES, DE	6/18/21
STEPHAN M FATCH	<i>[Signature]</i>	7155 CEDAR DRIVE 34941	6/18/21
Wilson Cook	<i>Wilson Cook</i>	34945 South Dr	6/18/21
MILLARD DAVIS	<i>[Signature]</i>	34945 NORTH DR	6/18/21
MARLEA ROSS	<i>[Signature]</i>	" "	6/18/21
Adele Miller	<i>Adele Miller</i>	35005 North Drive LEWES DE.	6/19/21
Frank Novogratz	<i>Frank Novogratz</i>	E-29 LEWES DEL. 23600 Bayview Drive	6/19/21
LISA WITSON	<i>Lisa Witson</i>	A 51 North Drive LEWES DE	6/19/21
TANYA COHEN	<i>[Signature]</i>	C26 Maple Lane Lewes, DE	6/19/21
Cindy Conbs	<i>Cindy Conbs</i>	C-26 Maple Lane Lewes, DE	6/19/21

Petition to DENY Terrapin Island Subdivision



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Name (Printed)	Signature	Address	Date
KATHLEEN Jesiolowski		35005 North Drive WEST BAY PARK LEWES, PA 19958	6/18/21
Sharon Myszkowski		34935 North Dr West Bay LEWES DE 19958	6/18/21
SUSAN HANDLIN		34935 NORTH DR WEST BAY LEWES DE 19958	6/18/21
CORRINE CRAFFMAN		31023 Kirkwood Dr MIDDLE CREEK PRESERVE LEWES, DE 19958	6/18/21
PAM Sieg		34921 OAK Dr. LEWES, DE. 19958	6/18/21
Charlie Sieg		34921 OAK Dr. LEWES DE. 19958	6/18/21
Mary Greg Caswell		34939 North Dr Lewes DE 19958	6/18/21
Angela Caswell		34939 North Dr Lewes DE 19958	6/18/21
Charles BITNER		46C SOUTH DR LEWES DE 19958	6/19/20
Marijana B.		46C SOUTH DR	6/19/21

development of the [redacted] as proposed.

- * Requires multiple waivers of the county code
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- * Is fiscally inappropriate and wastes the states resources
- * The Delaware Emergency Management Agency (DEMA) does not agree with and will not sponsor any residential construction on this parcel unless all homes are constructed on 7-foot stilts

WE URGE YOU TO DENY THIS APPLICATION.

* Required

Email * *Teddysram4@comcast.net*

Your email

First and Last Name * *Gayle Annand*

Your answer *Deny development*

Address (including Town or City) * *35006 South Dr*

Your answer *West Bay Park
Lewes De 19958*

Your Comments: *too many developments*

Your answer *in Lewes*

WE URGE YOU TO DENY THIS APPLICATION.

Email

Your email

Pliberto424@ntt.net

First and Last Name

Your answer

Patricia Liberto

Address (including Town or City)

Your answer

35035 North Dr
Lewes DE 19958

Your Comments:

Your answer

Too many houses.
Too much traffic!

Send me a copy of my responses.

RECEIVED
JUN 22 2021
SUSSEX COUNTY
PLANNING & ZONING

Petition: DENY TERRAPIN ISLAND SUBDIVISION

Opposition
Exhibit

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WE URGE YOU TO DENY THIS APPLICATION.

RECEIVED

JUN 22 2021

SUSSEX COUNTY
PLANNING & ZONING

Monday, June 21, 2021

FILE COPY


Online Petition: DENY TERRAPIN ISLAND SUBDIVISION (2020-13)

Marion Korner

mkorner55@hotmail.com

6/6/2021

34965 Holly Drive Lewes De. 19958

Save the Preserve and Wetlands 

John Kirchner

jjkirch@comcast.net

6/7/2021

35010 Cedar dr

I would prefer to save the wetlands and curtail any more development in this area

Janet Kirchner

joyster@cheerful.com

6/7/2021

35010 Cedar Dr Lot 1-134 Lewes, De

The Marshland is marshland, land where SO many species reside and flourish PLUS there is far too much development on Camp Arrowhead Road already! What happens when we choke out this natural habitat? Also, as it is, recently re-paved or not, Camp Arrowhead Rd can barely handle the current developing communities. JUST SAY NO NO NO TO ANYMORE DEVELOPMENT ALONG THIS, WHAT SHOULD BE, PRESERVED LAND! do THE RIGHT THING!

Amy Benton

zoebax2@gmail.com

6/7/2021

34927 Holly Drive Lewes

For reasons stated above I urge you to deny this application.

Denise Gibson

zoebax2@gmail.com

6/7/2021

34927 Holly Drive Lewes

For reasons stated above I urge you to deny this requested subdivision application.

Beth brown

brown_bz@yahoo.com

6/8/2021

34988 holly dr lewes de

I deny this petition in efforts to preserve our wetlands and area for wildlife habitats.

Online Petition: DENY TERRAPIN ISLAND SUBDIVISION (2020-13)

Dustin weller coachpigpen@gmail.com

6/8/2021 34896 oak drive lewes de

I deny this as this will destroy much needed habitat for many local animals. Living next door in west bay we see the deer, birds, turtles and fox that live in this marsh and they will be without homes. It is a shame that it is even being considered.

Sharon Murray sharon.sheldon12@gmail.com

6/8/2021 34892 Oak Drive Lewes DE 19958

I say no

Stewart Hennion stewy61@ptd.net

6/8/2021 34956 Cedar Dr Lewes De.

Deirdre Speck ptarmy@verizon.net

6/8/2021 35136 South Dr. Lewes, DE

Stop the continual destruction of our wetlands and forests. This is part of a pristine marsh land and wooded area that is ecologically very sensitive.

Cherry Verchick cwverchick@comcast.net

6/8/2021 34996 Dogwood Drive, Lewes

I Oppose the approval of this subdivision.

Linda Kauffman llkauffman@verizon.net

6/8/2021 35136 South Drive. Lewes

The need to protect the delicate ecosystem that surrounds this area.

Louise Barnes nana42153@gmail.com

6/8/2021 35008 Holly Drive, WestBay Park, Lewes De. 19958

I oppose these developments of our marches, woods and natures wetlands and homes of our animals.

Online Petition: DENY TERRAPIN ISLAND SUBDIVISION (2020-13)

Frank Williams

wil1015nyc@yahoo.com

6/8/2021

34919 South Drive Lewes Delaware 19958

Please save this environmentally sensitive area for future generations

Carol Emplit

cwesley305@yahoo.com

6/8/2021

34958 Oak Drive, West Bay, Lewes, DE 19958

Amy Thornton

ascott604@yahoo.com

6/8/2021

Long Neck

Stephanie Nutter

stephanie_nutter@yahoo.com

6/8/2021

34944 Cedar Dr Lewes DE

Victoria Pretti

victoria.pretti@hotmail.com

6/8/2021

34998 Holly Drive, Lewes, DE 19958

Kim Snyder

kimmy21866@gmail.com

6/8/2021

35032 South Dr. Lewes De

Theresa Yurista

tyurista3664@comcast.net

6/8/2021

34999 Oak Drive Lewes, DE

Stop the build!!! You are killing our community and homes to the wildlife for what they have left and
damaging the current neighborhood

Aileen Murray

aileenmurray53@hotmail.com

6/8/2021

34934 Holly Dr Lewes

I oppose Terrapin Island

Online Petition: DENY TERRAPIN ISLAND SUBDIVISION (2020-13)

Susan Davis suelee23144@verizon.net

6/8/2021 23144 Camp Arrowhead Rd, Lewes, DE 19958

This area needs to remain undeveloped. There are already too many housing developments being built in this area and the infrastructure can't sustain. Plus I'm concerned about more flooding in the area if this is approved and there is only one way and out from my house on Camp Arrowhead Rd.

William Bishop absterlyn@comcast.net

6/8/2021 34994 Holly Dr. Lewes, De

Dena Sibbach dmsibbach@live.com

6/8/2021 34911 Cedar Dr, Lewes

Cummings-Miller mcmdesigns@comcast.net

6/8/2021 34961 Oak Drive Lewes DE

No! Preserve this area and the wildlife that lives in it.

Lauren Kelly laurenkelly81@yahoo.com

6/8/2021 34927 Oak Dr. Lewes, DE 19958

Michele Ellis deweybhde@aol.com

6/8/2021 34899 Oak Dr, Lewes, DE 19958

Don't build and disrupt nature. Don't put my community at risk for flooding and loss of wildlife.

PJ Fowler pjf8121@gmail.com

6/8/2021 34954 South Drive, Lewes

Save these wetlands!!!

Megan Hilbolt meganhillbolt@gmail.com

6/8/2021 35056 South Dr, Lewes, DE 19958

Online Petition: DENY TERRAPIN ISLAND SUBDIVISION (2020-13)

Paul Snyder paul@teamhrg.com

6/8/2021 34939 Oak Dr Lewes DE

Patricia West PAWest46@hotmail.com

6/8/2021 34922 Holly dr

Kristy Furlow kacfurlow@aol.com

6/8/2021 116 E Reistville Road, Myerstown, PA 17067

Cathy Cauffman Cauffman3@comcast.net

6/8/2021 34926 Oak Drive, Lewes DE 19958

BERNADETTE HENNION BERN82@PTD.NET

6/8/2021 222 Fenner Avenue

WE DO NOT WISH TO SEE THIS MARSH LAND DESTROYED. IT WILL NEGATIVELY AFFECT OUR HOMES IN WEST BAY PARK. BIRDS AND TURTLES WILL LOSE THEIR HOMES. PLEASE DO NOT ALLOW THIS DEVELOPMENT TO GO IN.

Darlene Mitchell degirl456@yahoo.com

6/8/2021 23719 Bayview Road , C-27, Lewes, DE

Marion Korner mkorner55@hotmail.com

6/8/2021 34965 Holly Drive, Lewes Delaware 19958

David Emplit dave@emplit.com

6/8/2021 34958 Oak Dr. Lewes, DE 19958

No

Amy Hostetter ahostettero6@gmail.com

6/8/2021 Lancaster, Pa

Online Petition: DENY TERRAPIN ISLAND SUBDIVISION (2020-13)

Nichole Little
6/8/2021
ngl@zoominternet.net
23586 Pine Dr. Lewes, De 19958

Kelly Mckeon
6/8/2021
kmckwln6@outlook.com
34922 North drive

Jen Deery
6/8/2021
jendio299@gmail.com
C36 Maple Ln Lewes DE 19958

There are enough homes along this road/area, already enough speeding cars on Camp Arrowhead Rd. We do not need anymore, leave some wildlife for the animals.

Mary Ream
6/8/2021
maryalexis59@aol.com
34938 Oak Drive, Lewes, DE

Development is detrimental to the ENVIRONMENT of our precious ecosystem!

William Ream
6/8/2021
oldgeez50s@aol.com
34938 Oak Dr.,Lewes, DE

This is harmful to our environment.

Jacquelyn Trickey
6/8/2021
jackrabbit4@verizon.net
23173 Camp Arrowhead Road

No to this development. Our area is now gridlocked due to excess developments being built. The area in question infringes upon our wildlife and our marshland. The representatives of Sussex County have the area surrounding Camp Arrowhead Road and also Camp Arrowhead road (which was a quiet and serene road) into a nightmare of a road. There have been 2 new developments already being constructed on Camp Arrowhead Road. To build another neighborhood is a complete disregard to all of the residents that have put in long hours and lots of dollars to maintain the serenity of our area.

John Trickey
6/8/2021
trick10@verizon.net
23173 Camp Arrowhead Road, Lewes, DE

No to this development. Too much development on Camp Arrowhead Road.

Online Petition: DENY TERRAPIN ISLAND SUBDIVISION (2020-13)

Kim Sciabica kim915@ptd.net

6/8/2021 34899 cedar dr lewes Delaware

This marshland being used for more housing is ridiculous. The builders don't live here they only care about money.

Vincent Sciabica kim915@ptd.net

6/8/2021 34899 cedar dr lewes

I beg you to stop this

Lynne Amoroso candy8@ptd.net

6/8/2021 34899 cedar dr lewes

Please please listen to the ppl who live here. This is not wanted!!

Pasquale Amoroso kbicaoo@gmail.com

6/8/2021 34899 cedar dr lewes

Big NO on this.

Yolanda Lauria yklauria@verizon.net

6/8/2021 34996 south Dr, Lewes, DE

Stop development

Linda Gattuso lgattuso1954@comcast.net

6/8/2021 34968 Dogwood Dr, Lewes DE 19958

I live on the street right next to this area. All year long I enjoy the wildlife that live in the area that you propose for this development. We can not continue to destroy the home of so many of our wildlife. It is and should be protected area. Also this area floods often during storms and by doing what you propose that will get worse and affect new and established homes. Will the new homeowners be told about the flooding that happens? I seriously doubt it! I personally don't want to be subjected to all the noise and mess that goes along with new construction. One of the many reasons I chose the lot where I live is the beautiful wooded area across the street. We need to veto this proposal of new homes here!

Online Petition: DENY TERRAPIN ISLAND SUBDIVISION (2020-13)

Hannah carter

hannahcarter.pa@yahoo.com

6/8/2021

West bay park, lewes de, lot B20

No this should not happening you are running the marshland.

Thomas Jones

pammie880@gmail.com

6/8/2021

34950 South Drive

I oppose

Peter Ambrose

pambrose@ptd.net

6/8/2021

35074 south dr Lewes de 19958

Oppose strongly

Karen Lindell

eklindell3@gmail.com

6/8/2021

34980 South Drive Lewes De

Save are wetlands deny this application

Craig Lindell

clindello17@gmail.com

6/8/2021

34980 South Dr Lewes DE 19958

Jason Lewis

jkblewis@yahoo.com

6/8/2021

35012 South dr Lewis DE 19958

Concerns with flooding on property and risk to current wildlife habitat.

Kristen Lewis

jkhb4nexus@gmail.com

6/8/2021

35012 south dr Lewes de 19958

Concern for wildlife and water/flooding issues

Lori Ann Palmer

lapalmer79@aol.com

6/8/2021

34953 Cedar drive Lewes De 19958

Online Petition: DENY TERRAPIN ISLAND SUBDIVISION (2020-13)

Hannah Carter hannahcarter.pa@yahoo.com

6/8/2021 C-18 maple lane, lewes de

NO

Vicki Morris vjmorris1@verizon.net

6/8/2021 Lewes, De

I live in West Bay Park. In the nine years since being a homeowner here, a new development has been created through the woods in front of us. We used to see a lot of deer, fox, possum, raccoons and hear the nocturnal animals and insects. This feeling of being 'outdoors' without the business of Rt 24 or Coastal Highway is why we chose this home. The creation of more homes and new neighbors is not something I ever expected to be built in front of us in the wetlands. How does this happen? I love my little home and all of the creatures that we have here. More homes are sure to drive the four legged neighbors away, they are running out of space to go due to all of these housing developments. Leave our little stretch of heaven the way it is, quiet and private.

Robin Carter mommac610@gmail.com

6/8/2021 West Bay Park B 22 North dr Lewes De

Mike Carter mikec.pa@yahoo.com

6/8/2021 West Bay Park C-18 Maple Dr Lewes De

Patricia Rhine prhine6959@aol.com

6/8/2021 35086 South Drive, Lewes

If the State of Delaware and DEMA do not approve this use of the land, why is it even being proposed? Land conservation in natural areas needs to be protected and prohibited from being developed. When is enough land destruction in Sussex County enough already! Stop destroying this beautiful area!

Barry Rhine prhine6959@aol.com

6/8/2021 35086 South Drive, Lewes, DE

Stop the destruction of natural areas in Sussex County.

Online Petition: DENY TERRAPIN ISLAND SUBDIVISION (2020-13)

Lisa Louth

Journeytomess@outlook.com

6/8/2021

35174 South Drive Lewes

Please stop gobbling up every square inch of our precious land!

Douglas DeLong

dbucks14@yahoo.com

6/8/2021

34991 Oak Dr Lewes, DE 19958

Please do not build in the marsh land area on Camp Arrowhead ! To much beautiful wildlife and untouched land.

Sharon Popo

shrn.popp@verizon.net

6/8/2021

34896 Holly Drive, Lewes, De

I truly do not approve this development. I believe it will adversely affect my unity and my home. You cannot build on marshes and areas which are preserved for the residential animals and birds.

JoAnn Ciavarella

jaychiv@aol.com

6/8/2021

23658 Bayview Dr Lewes DE

No to develop marsh and wetlands

Barbara J Rockwell

marinenum1@aol.com

6/8/2021

34961 Holly Drive Lewes De 19958

I live in West Bay I am totally against this project leave the Wetlands alone

Dianne Besso

dlbesso@gmail.com

6/8/2021

23255 Horse Island Road, Lewes, DE

I oppose the Terrapin Island Development

Jeff Lindell

Tillerman1d@gmail.com

6/8/2021

34980 south dr lewes del

Don't need more houses on camp arrowhead rd

Online Petition: DENY TERRAPIN ISLAND SUBDIVISION (2020-13)

Peter dirado Peterdirado411@gmail.com

6/8/2021 411 mockingbird bird way

I own a property in Angola by the bay

Judy Rohrbaugh jdyrohr1@aol.com

6/8/2021 123 Oak Ridge Lane Dallastown Pa

I have a place in West Bay Community. I'd like to see this land preserved for wildlife. Please don't uproot their homes. There's too much of that in the area going on already.

Richard Scovner rscovner@gmail.com

6/8/2021 31737 Marsh Island Avenue

Christine Coggeshall chriscoggeshall@gmail.com

6/8/2021 34576 Addyson Court

Kristin weller kristinweller@ymail.com

6/8/2021 34896 Oak dr Lewes Delaware 19958

Sue Nayda sknayda@gmail.com

6/8/2021 31866 Shell Landing Way, Lewes DE

Williamlegge williamlegge@yahoo.com

6/8/2021 23285 Horse Island Road

This application should be denied

Jean Hecker jeanhecker@aol.com

6/8/2021 31602 Julia Court, Lewes, DE 19958

Mary Beth Heinicke marybeth12261@aol.com

6/8/2021 23379 Horse Island Rd Lewes De 19958

Online Petition: DENY TERRAPIN ISLAND SUBDIVISION (2020-13)

Heather Smith

hsmith320@verizon.net

6/8/2021

34952 North Drive Lewes De

Building on marsh land is only going to cause more water issues for the surrounding neighborhoods. Let the wild life live there! The deer are already over populated and taking away more of their habitat is only going to cause issues for the existing residence. There is so much traffic back here already and it is already an issue if we ever have to evacuate!!

Paul Taylor

ptayloro813@gmail.com

6/8/2021

34569 Addyson Ct Lewes, De. 19958

Steven Counts

slcounts@gmail.com

6/9/2021

31860 Shell Landing way

This proposed subdivision requires multiple waivers to the county code and is opposed by the state. Not every property is suitable for development and this is one of them. It is time for the P&Z Commission to begin applying the code as written and stop approving carte blanc waivers.

Maureen Fatula

mafizzie@comcast.net

6/9/2021

2618 DEEPWOOD DR

Too many devopments currently in that area for the road system and the sewer system

SusanStout

cherryhillsue@gmail.com

6/9/2021

22680 Camp Arrowhead road, Lewes

Doug Stout

dougestout@gmail.com

6/9/2021

22680 Camp Arrowhead road, Lewes

William Heffernan

backnine22@hotmail.com

6/9/2021

34567 ADDYSON CT. Lewes, DE

Please stop this building..

Online Petition: DENY TERRAPIN ISLAND SUBDIVISION (2020-13)

Rosemary Heffernan

backnine22@hotmail.com

6/9/2021

34567 ADDYSON CT. Lewes, DE

Please stop all this building...

Arthur Fink

awfink55@verizon.net

6/9/2021

23390 Horse Island Court, Lewes De 19958

Consider the environmental impact to our coastline.

Amber Southwick

amlsouthwick@gmail.com

6/9/2021

23719 Bayview Dr, Lot C19, Lewes, DE 19958

Deny this application

Paula Truskolawski

prtrusk@aol.com

6/9/2021

1004 Heron Court, Lewes DE. 19958

Robert & Anne Koch

cardsmart651@aol.com

6/9/2021

23289 Bluewater Way

Enough!! This one way in & out roadway can not support any more homes. Our world cannot loss anymore trees & wetlands. Stop paving paradise!

Heather Zimmerman

heatherzim14@yahoo.com

6/9/2021

30188 regatta bay blvd Lewes de 19958

Theresa Smith

pastauno@mediacombb.net

6/9/2021

34896 Cedar Drive; Lewes, De. 19958

No more building in this area!

Debra Town

towndebbie@yahoo.com

6/9/2021

34942 North Dr., Lewes

Please deny this proposal.

Online Petition: DENY TERRAPIN ISLAND SUBDIVISION (2020-13)

Fred Town fred73705@yahoo.com

6/9/2021 34942 North Dr., Lewes

Please deny the Terrapin Island proposal.

Sean Coon deweycoon@yahoo.com

6/9/2021 31673 Sloan Cove Road Lewes, DE 19958

Currently building new primary residence in Bayfront. With Marsh Farm Estates and Marsh Island Estates currently being developed, adding another development along Camp Arrowhead Road would further congest the road which is the only route for those living in the Angola Neck Natural Area to access Route 24. Please keep the natural beauty of the area. No need to add another community to the Camp Arrowhead Road corridor. -Sean Coon

Maggie Schulz designgirl0157@yahoo.com

6/9/2021 23347 Horse Island Rd Lewes

April Miller april424@comcast.net

6/9/2021 3 Eve Avenue, Lebanon Pa 17046

Paul schulz Paulschulz1963@gmail.com

6/9/2021 23347 Horse Island Rd Lewes

Bonnie Kozlay bonniekozlay@aol.com

6/9/2021 31749 Marsh Island Road Lewes DE

There needs toe sensitivity to the established communities, and the surrounding natural environment which support all the indigenous animals.

Marcy Fink marcy.fink@icloud.com

6/9/2021 23390 horse island ct, lewes de

This development is not environmentally friendly

Online Petition: DENY TERRAPIN ISLAND SUBDIVISION (2020-13)

Charles West cwesty75@mediacombb.net

6/9/2021 34922 Holly Dr Lewes Del

Rosalind Mailander rozmailander@gmail.com

6/9/2021 23251 Horse Island Rd., Lewes, DE 19958

This application is a threat to the environment and neighboring communities and should be denied.

Jeffrey Russell jeffrr70@aol.com

6/9/2021 23098 Narrows Lane

Jenifer Russell jenetho7@gmail.com

6/9/2021 23098 Narrows Lane, Lewes

Mike Deery mdeery88@gmail.com

6/9/2021 C36 Maple Ln Lewes DE 19958

We do not need more traffic or construction in this area, leave the land for the wildlife.

James E. Rodgers jimrodgerso6@gmail.com

6/9/2021 33925 N Heron Dr

I agree that the construction proposed is inappropriate and dangerous.

Susan B. Rodgers sbr322@gmail.com

6/9/2021 33925 N Heron Dr Lewes, DE

The P&Z Commission must deny this dangerous application!

Thomas Kermode twink288b@verizon.net

6/9/2021 23719 Bayview Dr Lewes

No

Online Petition: DENY TERRAPIN ISLAND SUBDIVISION (2020-13)

Jacquelyn Hanhurst

jckhnrst@yahoo.com

6/9/2021

34988 North Dr Lewes DE 19958

I vote against Development Terrapin Island

Leslie Andriany

lesliewats1020@gmail.com

6/9/2021

23257 Horse Island Rd. Lewes, DE 19958

This petition lays out the reasons why the Terrapin Island project should not go forward. I have been a resident in the unincorporated area of Sussex County. It appears that the P & Z commission does not adequately take the concerns of the citizens they serve, ignore environmental concerns, and ignores State guidance.

Jeff Nayda

jnyda@gmail.com

6/9/2021

31866 Shell Landing Way, Lewes DE 19958

My lot (171) backs up to the wetlands across which the developer proposes to install an asphalt road. If a waiver is granted, it would have significant adverse consequences. I urge you to uphold your stance in opposition to wetland paving.

Judy Richwine

RN20131@me.com

6/9/2021

23694 Woods Drive Lewes, DE 19958

It is imperative that we preserve nature habits in our area.

Penny Shellenberger

pshell3062@aol.com

6/9/2021

Camille Ln Lewes, DE 19958

NO

Gene Andriany

geneandriany@gmail.com

6/9/2021

23257 Horse Island Rd., Lewes, DE 19958

Online Petition: DENY TERRAPIN ISLAND SUBDIVISION (2020-13)

Kyra Hackman

kyhacky8@gmail.com

6/9/2021

23719 Bayview Dr Lot C63, Lewes, DE 19958

Please do not take away this beautiful area to build more homes. Do it elsewhere where it is more logical and doesn't take away from nature and animals!

Ellen Dowling

edowcamp@yahoo.com

6/9/2021

23366 Horse Island Rd Lewes DE 19958

Patricia Spidle

patswb12@verizon.net

6/9/2021

34999 North Dr Lewes, DE 19958

This proposed developed is opposed by me.

Travis Riley

trileyllc@comcast.net

6/9/2021

34999 North Dr Lewes, DE 19958

Sandra Troxell

troxell71@comcast.net

6/9/2021

34926 North Dr Lewes, DE 19958

Nicole szewczyk

nicoleslaney@yahoo.com

6/9/2021

West bay park Lewes de

Diane OMarrah

domarrah@comcast.net

6/9/2021

34765 Cove Ct. Lewes DE

I strongly oppose Terapin Island. Please DENY this petition

Ronald Marshall

rmarshall90@verizon.net

6/9/2021

23281 Horse Is. Rd.

We don't need to shoehorn another subdivision

Online Petition: DENY TERRAPIN ISLAND SUBDIVISION (2020-13)

Philip Keats

pkkeats@gmail.com

6/9/2021

23340 Horse Island Rd. , Lewes, DE 19958

This development is inappropriate for the site listed here.

Tim Tjaden

tjaden22@aol.com

6/9/2021

33 maple st. WEST BAY, Lewes DE 19958

This is a sin if they go through with this! It will displace thousands of reptiles, birds and animals. They will ruin are marshlands and woods.

John Huzinec

huzathome@comcast.net

6/9/2021

23312 Horse Island Road, Lewes Delaware

Due to the location of this land area, it acts as a flood barrier for surrounding properties. Removal of numerous mature trees would compromise the control of water during storms and nor'easters. This aggressive construction should not be approved.

Kathy Sundstrond

k.sundo611@gmail.com

6/9/2021

35893 Oak Dr, Lewes De. 19958

Jean Smiley

ejs198@hotmail.com

6/9/2021

34887 oak drive lewes, de.19858

Vote No to Terrapin Island Subdivision

George Smiley

gsmiley326@verizon.net

6/9/2021

34887 Oak Dr. Lewes De.19958

Vote No

Gregory J Dunn

gdunn1@verizon.net

6/9/2021

23422 Sunrise Court, Lewes, DE 19958

Online Petition: DENY TERRAPIN ISLAND SUBDIVISION (2020-13)

J E Zoeller-Hartzell

jodyhartzell@gmail.com

6/9/2021

34918 Holly Drive Lewes, DE 19958

I live below the proposed development and am opposed to the development of this parcel. The infrastructure does not support placing all these homes in an environment that many wildlife species exist. I fear for my and others safety in removing the forest that provides so much protection to this sensitive land. As stated in the petition this parcel is in a floodplain and wetlands. This development will ruin the quality of life for many. I have lived here long enough to know the severity of storms impact our community and it will continue to get worse even without this development.

Frederick Kramme

fredrx@gmail.com

6/9/2021

31676 Sloan Cove Rd, Lewes, DE 19958

I oppose the Terrapin Island Subdivision and urge the Sussex County Planning and Zoning Commission to deny this application. The project does not meet Sussex County code and is not compatible with the surrounding area's environmental conditions, such as but not limited to, wetlands, flooding, endangered species and/or habitat.

Brian Provini

abreman@verizon.net

6/9/2021

31568 Rachel Ave. Lewes DE 19958

this should not be approved. the Bay Area is over building and causing our bay area's to be polluted . No respect for our wet lands

Harold H Johnson Jr

Halmax7@yahoo.com

6/9/2021

23328 Horse Island Rd Lewes DE

Eric Mirtaghavi

eric.mirtaghavi@gmail.com

6/9/2021

31726 Marsh Island Ave

Mary Ann Gillette

maryann.gillette@gmail.com

6/9/2021

31848 Shell Landing Way Lewes, DE 19958

I oppose this development for the reasons stated.

Online Petition: DENY TERRAPIN ISLAND SUBDIVISION (2020-13)

Inga Yungwirth

ingay153@gmail.com

6/9/2021

23085 Narrows Lane, Lewes, DE 19985

I oppose this subdivision because of the obvious extensive damage it will cause to the Rehobeth Bay wildlife habitats and wetlands!

Jens Wegscheider

jensjurgen@gmail.com

6/9/2021

22483 Ridge Cir, Lewes DE

Site just not suitable for homes

Nancy Zimmerman

nanzi7@verizon.net

6/9/2021

35071 North Drive, Lewes, DE

It's more important than ever to protect sensitive coastal marshes due to booming population in this area. The infrastructure is NOT up to par with the expansion in the area.

Janice Hurff

jhurff14@gmail.com

6/9/2021

31850 Shell Landing Way Lewes Delaware

To approve the Terrapin development would impact not just wetlands and forest land but set up flooding issues that the developer will not be held accountable for. Anyone with the least familiarity with topographical maps will be able to recognize both surface and plume flow will pose threats to established homes once wetlands are filled for roads. Trees will no longer exist to absorb enough water. Who will be responsible for paying for flooded roads and yards? Beyond that is the Absence of Nobility. Owners of sensitive land should be required to pose acquisition at fair value to any number of Delaware conservancies. When and where will Sussex County draw a line? It is certainly needed in this very situation. Thank you.

Online Petition: DENY TERRAPIN ISLAND SUBDIVISION (2020-13)

Pamela Gustovich

pgustovich@gmail.com

6/9/2021

31898 Shell Landing Way, Lewes, DE 19958

This purposed development will have a significant negative impact on the wetland environment and wildlife. By clear-cutting and putting in homes and paved areas will increase the water level in the area specifically during storms, which will directly impact my property. This proposed developement will also negatively impact the traffic on Camp Arrow Head Rd and more importantly the already congested RT 24. This proposed development will also create issues with the sewer system for my community Bayfront at Rehoboth. Last but not least this proposed development will have a direct and negative impact on the value of my home and the amenities offered by Bayfront at Rehoboth. On a larger scale Sussex County leaders need to slow the building and distruction of our farm lands, marshes, inland water ways etc. The current Sussex County infustructor, health care system can not handle the population now. This madness needs to stop.

Janet Dorman

jcs977@comcast.net

6/9/2021

31679 Sloan Cove Road, Lewes, DE 19958

I am very much against the development of this parcel.

Michael Dorman

mfd1951@comcast.net

6/9/2021

31679 Sloan Cove Rd , Lewes De 19958

I'm against the proposed building site for environmental reasons

Doreen Curtis

dlkc27@mediacombb.net

6/9/2021

34896 Cedar Drive; Lewes, Delaware. 19958

Do not add additional homes!

John Witt

jswitt@gmail.com

6/9/2021

31854 Shell Landing Way, Lewes, DE

This subdivision must be denied.

Rebecca Brooks

rc99123@hotmail.com

6/9/2021

31680 Sloan Cove Road Lewes , DE

Disapprove this application. Save the wildlife. Consider the best interest of the land and community.

Online Petition: DENY TERRAPIN ISLAND SUBDIVISION (2020-13)

Steve & Donna Colona donnacolona@verizon.net

6/9/2021 23317 Horse Island Rd

WE URGE YOU TO DENY THIS APPLICATION.

leeann vogel leeannvogel25@gmail.com

6/9/2021 34933 south Dr Lewes De 19958

Teresita Businelli tesscb@optonline.net

6/9/2021 23962 Sundance Lane, Lewes, DE 19958

Development of the Terrapin Island Subdivision is both environmentally inappropriate and fiscally irresponsible. I urge you to deny this application. Thank you.

Carlo Businelli Carlo.Tessie@gmail.com

6/9/2021 23962 Sundance Lane, Lewes, DE 19958

Development of the Terrapin Island Subdivision is both environmentally inappropriate and fiscally irresponsible. I urge you to deny this application. Thank you.

Samantha C sadank18@gmail.com

6/9/2021 23719 Bayview Drive, Lewes De. Lot C50

AGAINST the development

Brian C bcannon28@gmail.com

6/9/2021 23719 Bayview Drive, Lewes De. Lot C50

Against the development

Judy Scovner jscovner@gmail.com

6/9/2021 31737 Marsh Island Ave, Lewes DE

This county is systematically destroying the coastal environment in the area and diminishing the quality of life for all who live here. The property encompassing the Terrapin Island subdivision is environmentally fragile and important, and should be protected against human encroachment. Please, please deny this subdivision and stop ignoring the people you represent. Thank you.

Online Petition: DENY TERRAPIN ISLAND SUBDIVISION (2020-13)

Janet pink

pinkjanet@aol.com

6/10/2021

23719 bayview drive lot b 52lewes de 19958

I do not want the terrapin subdivision to be built!

Judy Kane

Judyk15@verizon.net

6/10/2021

23524 Oak st East, Lewes de 19958

Terrible place for a development plus this area is overdeveloped

Kendra Constance

kendigrl@gmail.com

6/10/2021

53 Landers Lane

They were here first please protect our wildlife!!!

Eileen Weber

eileen_weber@yahoo.com

6/10/2021

23383 Horse Island Road Lewes DE

No more homes! Not enough infrastructure NOW!

Isidro Campos

icampos@optonline.net

6/10/2021

23374 Horse Island Road, Lewes, DE

I oppose the Terrapin Island subdivision.

Teresita Campos

ttacoronte@optonline.net

6/10/2021

23374 Horse Island Road, Lewes, DE

I oppose the Terrapin Island subdivision

Boe Daley

bojangles21@comcast.net

6/10/2021

36760 Hummingbird Way North, Selbyville, DE

Totally inappropriate!

John O'Donnell

jodonnell713@msn.com

6/10/2021

34913 Holly Drive, lewes De.

Protect the land

Online Petition: DENY TERRAPIN ISLAND SUBDIVISION (2020-13)

Peggy Dwyer
6/10/2021
magpie361rn@yahoo.com
23254 Horse Island Rd Lewes, DE 19958

Linda Garrison
6/10/2021
lgnsalem@verizon.net
34955 Holly Dr. Lewes, DE

Please Deny

Mike Dorsey
6/10/2021
geomke@aol.com
Lewes

I have commented previously and continue to view this development as an attack on the wetlands in the immediate area! It would be Unconscionable for this to be approved!

Judith Raggie
6/10/2021
judyraggie@gmail.com
23363 Horse Island Rd. Lewes, DE 19958

Douglas Raggie
6/10/2021
douglasraggie@gmail.com
23363 Horse Island Rd. Lewes, DE 19958

Sarah Reznek
6/10/2021
westgrad@yahoo.com
23439 James Court, Lewes, DE 19958

Babette Pennay
6/10/2021
bpennay@hotmail.com
23439 James Court, Lewes, DE 19958

David Breen
6/10/2021
nextlevel.db@gmail.com
31224 RINGTAIL DR, Lewes, DE 19958

If you build at sea level, what do you expect to happen with surge tides or sea level rising?

Online Petition: DENY TERRAPIN ISLAND SUBDIVISION (2020-13)

William Hederman

hederman@alum.mit.edu

6/10/2021

23293 Horse Island Rd, Lewes, DE 19958

This high density development is clearly inappropriate and probably dangerous for anyone foolish enough to buy there - as well as for its neighbors.

Ian Friedland

friedlandian@verizon.net

6/10/2021

31674 Sloan Cove Road

Scott Cassey

eyeman56@comcast.net

6/10/2021

34638 Megan Ct Lewes, DE 19958

I am very concerned about adding homes in this very sensitive wetland area

Greg Dunn

gdunn1@verizon.net

6/10/2021

23422 Sunrise Court Lewes, DE 19958

Janice Dunn

jdunnoo@verizon.net

6/10/2021

23422 Sunrise Court Lewes, DE 19958

Jean Prince

jscheib7@cox.net

6/10/2021

23293 Horse Island Rd. Lewes De 19958

Kathy Counts

kathcounts@msn.com

6/11/2021

31860 Shell Landing Way, Lewes, DE 19958

I deny this application

Dennis Pikalow

dpikalow@verizon.net

6/11/2021

174 Teal Drive

This land use is irresponsible

Online Petition: DENY TERRAPIN ISLAND SUBDIVISION (2020-13)

Michele Forzley

mforzley@comcast.net

6/11/2021

23370 Horse Island Rd

I oppose the subdivision entirely. P&Z should deny and identify this property as non buildable for any purpose. Leave it as wet land and forest.

Diana Kaminsky

diana.kaminsky@gmail.com

6/11/2021

23368 Horse Island Road, Lewes, DE

Melissa Sullenberger

sullygirl1022@comcast.net

6/11/2021

23719 Bayview Dr. Lot B53 Lewes, DE 19958

We need to protect our Marshlands and our community.

Jack Sullenberger

sully165@comcast.net

6/11/2021

23719 Bayview Dr. Lot B53 Lewes, DE 19958

Need to protect our Marshlands and our community.

Jon & Terry Pawlow

jrp.esq1953@gmail.com

6/11/2021

23350 Horse Island Rd, Lewes, DE 19958

For the foregoing reasons, we oppose this project. This project has not been adequately thought out and the developer has not addressed the numerous issues/concerns raised.

Debbie Manfre

manfre33@comcast.net

6/12/2021

34945 Holly Drive, Lewes, DE 19958

Online Petition: DENY TERRAPIN ISLAND SUBDIVISION (2020-13)

William Mailander

mailanderw@gmail.com

6/12/2021

23251 Horse Island Road, Lewes, DE 19958

The application is not in compliance with many code provisions, some of which the developer seeks a waiver (question whether the Commission has the authority grant the waivers sought) from the requirements/standards. The Comprehensive Plan requires the County to discourage development in Investment Level 4 areas, such as this parcel. Granting of a waiver would be contrary to this directive and the Commission should deny the Applicant's request for any waiver of code requirements. The Commission should also reject the Applicant's proffered interpretation of code requirements that is contrary to the provision's purpose of protecting the health and welfare of the public.

J Dolan

jwdolan3@outlook.com

6/12/2021

31692 Sally Burton Way Lewes, DE 19958

Cheryl Sianni

sifive1974@gmail.com

6/12/2021

35002 Cedar Drive Lewes DE

No for the subdivision

Roy Zimmerman

rzimmy1@verizon.net

6/13/2021

35071 North Dr Lewes DE

Stop cutting down trees and hurting the environment.

Jeff Carter

carter.jeffi@gmail.com

6/13/2021

23352 Horse Island Rd, Lewes DE 19958

Isidro Campos

icampos@optonline.net

6/13/2021

23374 Horse Island Road, Lewes, DE

We oppose the Terrapin Island Subdivision for all the reasons stated above.

Stephen Rosemary

steverosemary8@gmail.com

6/13/2021

31741 MARSH ISLAND AVENUE, Lewes, DE 19958

I strongly urge denial of this terrapin island subdivision as stated above.

Online Petition: DENY TERRAPIN ISLAND SUBDIVISION (2020-13)

Casey herrmann casey2383@yahoo.com

6/13/2021 C21 cherry lane Lewes DE

Julie Brophy juliebrophy@yahoo.com

6/14/2021 23286 Horse Island Road, Lewes, DE 19958

Gail Bender gail_bender@msn.com

6/14/2021 23359 Horse Island Road, Lewes,

A development at this location is a bad idea due to all of the reasons listed on this petition

Deborah Selip debbielynnselip@gmail.com

6/14/2021 23371 Horse Island Rd Lewes DE 19958

Eugene Brantly gbrantlyingp@gmail.com

6/14/2021 23270 Horse Island Rd, Lewes, DE

William Shelly billshelly1@gmail.com

6/14/2021 23277 Horse Island Rd.

Please put a stop to this development!

Theresa O'Brien tobrien7543@yahoo.com

6/14/2021 31854 Shell Landing Way, Lewes, DE

If allowed to proceed, this community will cause severe damage to wildlife habitat as well as our delicate Rehoboth Bay Coastline and adjoining wetlands. In addition, it poses a threat to proper drainage of nearby communities.

Alan Cornman agcornman@gmail.com

6/14/2021 31604 Julia Court Lewes, DE

I am signing this petition in opposition to the Terrapin Island Subdivision

Online Petition: DENY TERRAPIN ISLAND SUBDIVISION (2020-13)

Fran Tomkowid peacefulsophisticate@gmail.com

6/14/2021 23434 James Court

removing mature trees will cause flooding to Bay Front homes that are 30 feet away from this proposed community

Ginamarie Fenton gfenton0510@gmail.com

6/14/2021 34766 Cove Ct Lewes, DE 19958

As residents that will be directly impacted by the Terrapin Island Subdivision, we are opposed the the development as currently proposed. We do not believe that the developers have addressed the many concerns related to this project, including but not limited to storm water/flooding, environmental protection, access, adequate buffers, etc. As residents of the Bay Front at Rehoboth community we are supportive of and have signed the Bay Front petition for denial of the plan as presented. Thank you for your consideration.

Jill Fenton jillkfenton@gmail.com

6/14/2021 34766 Cove Court Lewes 19958

I fully support the letter from the Bayfront HOA. In addition, I wish to note that my property, lot 180, on Cove Court directly abuts this proposed development and is missing from the proposed plan. And secondly, I am opposed to the DelDot recommendation to relocate Cove Court's access road to Torope Lane. Thank you.

Paul Brophy brophy@ny@gmail.com

6/14/2021 23286 Horse Island Drive, Lewes, DE 19958

Radha Dutta-Roy radha.duttaroy@eiceinternational.com

6/14/2021 31794 Marsh Island Avenue, Lewes DE 19958

Please deny this application

Online Petition: DENY TERRAPIN ISLAND SUBDIVISION (2020-13)

William Wentzel

w3wentzel@gmail.com

6/14/2021

31585 Reedy Court Lewes, Delaware 19958

Removing more of our tree canopy for the Terrapin development will have many environmental impacts, one of which will add to global warming. A recent study in Philadelphia demonstrated that the ambient temperature changed approximately 10 degrees over ten year in areas where trees were removed for development. We need to be more environmentally responsible when possible. There is plenty of open land that can be developed, if necessary.

Kevin Brooks

brooks.kevin.j@hotmail.com

6/15/2021

31680 Sloan Cove Road, Lewes, DE 19958

I DENY THIS APPLICATION

Tracy Interlandi

vandagna@gmail.com

6/15/2021

31560 Rachel Avenue, Lewes DE 19958

Cynthia Frank

cynthia.frank@yahoo.com

6/15/2021

Lewes

Nancy Wentzel

nwentzel24@gmail.com

6/15/2021

31585 Reedy Court

DENY TERRAPIN ISLAND SUBDIVISION!!!

Dotty Sobkiw

njdotty@comcast.net

6/15/2021

34925 South Drive Lewes, De

Not enough infrastructure to support additional housing. Preserve existing marsh and wetlands.

Bohdan Sobkiw

screebin@comcast.net

6/15/2021

34925 South Drive Lewes, DE

Should not be able to mitigate existing wetlands and marsh for profit. That's what it comes down to. MONEY ALWAYS THE MOTIVE!

Online Petition: DENY TERRAPIN ISLAND SUBDIVISION (2020-13)

Lillian Reinhard

delillian@icloud.com

6/15/2021

34918 North Drive Lewes, De

Preserve wetlands and marsh. Profit is always the reason!!!

William Torelli

bill.torelli@gmail.com

6/15/2021

23435 James Ct Lewes DE 19958

I oppose the development of the tract of land (Terrapin Island) that is adjacent to Bayfront at Rehoboth Angola Preserve section of our community. Development of this land will affect an area that is abundant with wildlife and serves as a buffer to our community in terms of flooding and the privacy that we cherish. Developing this tract will endanger our community in terms of potential flooding which will affect our property values. Additionally, this community will lower our property values based on the type of homes that the developer plans to build. Most importantly, it affects many of our neighbors that live in the homes adjacent to this tract from an environmental perspective. I oppose the approval of this tract for development and hope Sussex County preserves this area for all the reasons stated here and our official statement to Sussex County.

cathy hudsonowski

chudsonowski@aol.com

6/16/2021

34761 cove ct. lewes

Totally opposed to the development!!!

gregory hudsonowski

chudsonowski@aol.com

6/16/2021

34761 cove ct. lewes

I see no benefit in the development of this property!

Mary Elizabeth Aring

mbaringseely@yahoo.com

6/17/2021

31759 Marsh Island Avenue, Lewes, DE

Lorraine Meaney

mbostonbabe@aol.com

6/17/2021

34573 Addyson Court, Lewes

Online Petition: DENY TERRAPIN ISLAND SUBDIVISION (2020-13)

Kim McKee kimmckee50@verizon.net

6/17/2021 23265 Horse Island Rd, Lewes

This potential development is a prime example of how far astray P&Z has gone with respect to projects that they approve. This development would have significant negative impacts on the environment. The developer has a answer for every question, most rely on exceptions and waivers to existing statutes. Hopefully this will be a "NO" from all the governing bodies.

Stephanie Ginos stephginos@gmail.com

6/17/2021 Bayfront at Rehoboth

Christina DiSalvo disalvochristina@gmail.com

6/17/2021 31795 Marsh Island Avenue, Lewes DE, 19958

Pat Campagna campagnany@gmail.com

6/17/2021 23273 Horse Island Rd Lewes De 19958

P&Z needs to do something responsible. Now is their chance

Marilyn Cornman mcornman2@yahoo.com

6/17/2021 31604 Julia Court Lewes

Kile Cornman kicornmano2@yahoo.com

6/17/2021 Templeton

Jean Rothenburger foxfire137@verizon.net

6/18/2021 7 Autumnwood Way

Karen Beck k3beck@gmail.com

6/18/2021 23601 Elmwood Ave West Lewes DE 19958(Angola)

We should be building for flood mitigation. Wetlands are a natural way of dealing with high tides and rising sea level. Building on or too near wetlands puts us all at risk for more flooding. It may affect our roads out of Angola in evacuation emergencies

Online Petition: DENY TERRAPIN ISLAND SUBDIVISION (2020-13)

Pamela mackenzie pwmackenzie@gmail.com

6/19/2021 8355 glenmar road

Building on this property would destroy the home of many animals and birds natural habitat which should be protected and would be a total shame.

Lynnore James lynnjames@hotmail.com

6/19/2021 34637 Megan Court, Lewes

Please consider lack of services and significant stresses on current infrastructure before approving further development.

J'Amy Graham Thomas twinshill@yahoo.com

6/19/2021 45 Old Mill Rd. Gettysburg, PA. 17325

I have visited the West Bay Park for 40 years. My family has a home there. Building this subdivision will be a devastating blow to the environment and our wildlife. The way of life and the Chesapeake Bay watershed will be negatively impacted. It is an unacceptable use of this land.

Megan McCann mgnmccann10@gmail.com

6/20/2021 34936 South Drive Lewes, DE

Fred Oswald OswaldFredc@att.net

6/20/2021 23238 Horse Island Road

Alma M. Shelly Almariealmarra@gmail.com

6/20/2021 23277 Horse Island Rd., Lewes, DE

I strongly deny the proposed Terrapin Island Subdivision

William B. Shelly wbs1973@aol.com

6/20/2021 23277 Horse Island Rd., Lewes DE

I strongly oppose the proposed Terrapin Island Subdivision

Online Petition: DENY TERRAPIN ISLAND SUBDIVISION (2020-13)

Audra Spilewski lilnook922@gmail.com

6/20/2021 23264 Horse Island Rd. Lewes

Thomas Spilewski lilnook922@gmail.com

6/20/2021 23264 Horse Island Rd. Lewes

Linda Oswald lindalou.oswald@gmail.com

6/21/2021 23258 Horse Island Road, Lewes, DE. 19958

Based on the location and aforementioned regulations it would be totally irresponsible to allow this project to move forward.

Carol hand cmh408@msn.com

6/21/2021 34949 north drive Lewis

No to housing save our wetlands

Total

237

RECEIVED

JUN 22 2021

SUSSEX COUNTY
PLANNING & ZONING



Bay Front at Rehoboth
Homeowners Association

June 9, 2021

**PETITION IN OPPOSITION
PROPOSED TERRAPIN ISLAND CLUSTER SUBDIVISION**

We the undersigned residents of Bay Front at Rehoboth oppose the approval of the proposed Terrapin Island Cluster Subdivision in its current form.

This proposed new subdivision is located on a parcel that is zoned AR-1 and is within the Coastal Area and floodplain, to include marsh and mature forest land, wetlands, significant wildlife habitat and an area designated as Investment Level 4 pursuant to the State's 2020 Strategies for Policies and Spending. Our community borders this proposed development to the North, East and West.

The basis of our opposition is set forth below:

I. Public Participation in Land Use Decisions

The public's judgment and comments about issues that affect their lives and properties are relevant to land use decision-making. This is especially true, as here, where the public input comes from nearby citizens who will be adversely impacted the most from this development. Consequently, the County should ensure that all our input and submissions to the public record are fully considered and addressed in any decision made in this matter. To date, Bay Front at Rehoboth has submitted the following documents for inclusion in the public record:

- Initial Public Comment, dated October 10, 2020
- Letter to Jeff Shockley, Environmental and Floodplain Manager, dated January 1, 2021
- Letter to Jessica Watson, Program Director, Sussex County Conservation District, dated January 2, 2021
- Letter to Eric Kelterer, Deputy Fire Marshall, dated January 2, 2021
- Letter to Hans Medlarz, County Engineer, dated January 6, 2021
- Letter to Shawn Garvin, DNREC Secretary, dated January 12, 2021
- Letter to John Cochran, Chair, Board of Trustees, University of Delaware, dated January 19, 2021
- Letter to Constance Holland, Director, OSPC, dated April 6, 2021
- Letter (Addendum) to Constance Holland, Director, OSPC, dated April 21, 2021
- Letter to Jamie Whitehouse, P&Z Director & Nicholas Torrance, Planner I, dated May 19, 2021

The above public comment documents and the arguments contained therein are hereby incorporated by reference as if fully set forth in this Petition.

All procedures of the Planning and Zoning Commission shall comply with the Delaware Freedom of Information Act, as set forth in Title 29, Ch. 100 of the Delaware Code, as amended. See Rules of Procedure of the Planning & Zoning Commission of Sussex County, Delaware. Section 10002 of Title 29 Del C., Ch. 100, provides in pertinent part:

Public Record. Information of any kind, owned, made, used, retained, received, produced, composed, drafted or otherwise compiled or collected by the public body relating in any way to public business or in any way of public interest, or in any way related to public purposes, regardless of the physical form or characteristic by which such information is stored, recorded or reproduced.

29 Del. C. § 10002(I).

All of our submissions to the public record, including this and other petitions submitted by neighboring communities, clearly qualify under this definition.

The statement of legislative purpose for the FOIA statute in general and with respect to the purpose of the public record in particular, makes it clear that the public record is an important tool for citizens to voice their concerns and for monitoring the actions of government officials. This statement of legislative purpose is also an important reminder of how government is expected to operate and requires the law to be liberally applied to accomplish the stated legislative purpose. We urge the reviewing and decision-making authorities in this matter to read and honor this statement of legislative purpose which follows:

It is vital in a democratic society that public business be performed in an open and public manner so that our citizens shall have the opportunity to observe the performance of public officials in formulating public policy . . . To further the accountability of government to the citizens of this State, this Chapter is adopted, and shall be construed.

29 Del. C. § 10001.

Even a cursory review of the documents Bay Front has submitted for inclusion in the public record shows that they raise and discuss specific and credible issues of compliance and interpretation of applicable code provisions. Our public comments go far beyond just expressing general opposition to this application and cannot be ignored. The Planning and Zoning Commission and the County Council on appeal must consider the issues of applicability and interpretation of pertinent land use rules that are presented in these documents. See Gibson v. Sussex County, 877 A.2d 54, 66, 78 (2005). Moreover, to ensure that the decisions made in this matter fully consider these public record materials, the law requires that the decision-making bodies (i.e., Commission and Council) provide adequate reasons or bases for its decision. See Tate v. Miles, 503 A.2d 187, 190 (Del. 1985).

II. Land Use Code Requirements Have Not Been Met

A. Land is Unsuitable for Proposed Development.

The County is required to deny a subdivision application proposed on land that is deemed unsuitable for the project proposed.

Section 99-16 provides in pertinent part:

Land which is unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, adverse earth formations or topography, utility easements or other features which will be reasonably harmful to the safety, health and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas **shall not be subdivided or developed unless** adequate methods are formulated by the developer and approved by the County Engineer **and where applicable to the rules and regulations of the State Department of Natural Resources and Environmental Control** to solve problems created by the unsuitable land conditions. Such lands shall be set aside for uses as shall not involve such a danger.

Emphasis added.

In its May 25, 2021, letter to Mr. Alan Decktor, the Office of State Planning Coordination provided extensive comments regarding the proposed development, to include the following determinations and expert opinions that relate to the unsuitability of the land for the proposed development:

- This site is environmentally inappropriate. The existing plans pose both flooding risks and considerable impacts to wetlands and wildlife habitat;
- The entire parcel is located within both the Delaware Ecological Network and the Angola Neck Natural Area;
- The plans propose the removal of significant amounts of mature forest that are a key part of these larger ecological systems;
- Impacts to non-tidal wetlands include proposed disturbance of wetlands, secondary impacts, and the disconnection of large expanses of contiguous habitat;
- Future residents will likely face flooding concerns, which will be further exacerbated by sea level rise in the near future;
- The proposed cul-de-sac on the eastern portion of the site abuts the estuarine wetlands, and lots lie within the 25-foot setback areas;
- Wetlands can expand outside their existing boundaries during seasonal and localized wet weather and a wetland setback allows for the expansion during these times;
- Future homeowners can potentially experience wet and possibly seasonably unusable backyards;
- According to the newest Flood Insurance Rate Maps, much of this parcel (the eastern half and a portion of the western half) is situated within a Special Flood Hazard Area, specifically within the mapped 100-year floodplain. Lots and structures are proposed within these identified areas;

- In lands contained within the 100-year floodplain, the National Flood Insurance Program's floodplain management regulations must be enforced;
- The majority of this site is vulnerable to permanent inundation from sea level rise;
- Development of this site is anticipated to displace local wildlife and may become a nuisance to homeowners nearby;
- Vegetated buffers are not equivalent to setbacks, as residential lots, walkways, and stormwater management facilities should not be contained within the vegetated buffer zones
- All of the parcel is located within the Angola Neck Natural Area. Natural Areas contain lands of statewide significance identified by the Natural Areas Advisory Council as the highest quality and most important natural lands remaining in Delaware;
- Hydrologic Soil Group A/D (poorly drained) soils have been identified on much of the western portion and the southeastern corner of the site. These soil types are typically not conducive to utilizing infiltration stormwater Best Management Practices such as bioretention and infiltration basins, which must meet minimum infiltration requirements;
- This site is within the Rehoboth Bay Watershed where stricter stormwater management standards may apply; and,
- Unless all homes are constructed on stilts with the first level elevated at least 7-feet in the air, the Delaware Emergency Management Agency does not agree with residential construction on this parcel.

The above expert opinion evidence demonstrates that the land is unsuitable for the proposed development and triggers the mandatory requirement that the developer provide a plan for the public record that addresses the problems identified above and elsewhere in accordance with Section 99-16. If the Applicant wishes to continue with its proposed Cluster Subdivision, it must prepare this plan. Such a plan must be reviewed and approved by both the County Engineer and DNREC prior to any review by the Commission or Council.

B. The Applicant's Plan does not comply with Section 115-25(E)(4)

The Applicant has taken the position that Section 115-25(E)(4) is inapplicable because there is an even transition in density between Bay Front and Terrapin Island. The interpretation of this provision proffered by the Applicant is incorrect.

Section 115-25(E)(4) provides in pertinent part:

Dwellings located within 50 feet of an existing residential development shall provide adequate transition in density or shall provide a thirty-foot buffer meeting the standards below and maintained by a designated entity.

In interpreting this Section, the Applicant relies solely upon the term "density" as that term is used in connection with determining the maximum number of dwellings that can be built on land located in a particular zoning district. The Applicant states that Bay Front has 1.61 units per acre and that the Terrapin Island Cluster Subdivision will have 1.56 units per acre. The Applicant then concludes from this simple comparison of units per acre that the transition is "even" requiring no additional buffering. The Applicant's reliance on this interpretation is misplaced and is an obvious attempt to avoid the 30-foot transition buffer requirement at the expense of the environment and our community.

Rather, the intent and purpose of this provision cannot be satisfied by a simple comparison of units per acre when the subject communities were/are subject to different rules and are dissimilar in many significant respects. We believe that the Planning and Zoning Department correctly interpreted the meaning of this provision as set forth in its December 2020 letter to the Applicant.

The Planning & Zoning Department, the agency of the Sussex County government charged with implementing the land use rules enacted by the Sussex County Council, has determined that Section 115-25(E)(4) is applicable where the Terrapin Island Cluster Subdivision will have dwellings located within 50-feet of Bay Front property. This interpretation of the applicability of Section 115-25(E)(4) is contained in the Department's December 9, 2020, letter to Mr. Davidson. We can reasonably assume that the Planning & Zoning Department is very familiar with Section 99-5(A-J) and 99-6(J) and that it concluded that these provisions were inapplicable as an acceptable alternative to the requirements and implementation of Section 115-25(E)(4). The practical interpretation of this Zoning Code provision by the Planning & Zoning Department expressed in its December 2020 letter should be controlling in this matter and a 30-foot buffer required. See Public Water Supply Co. v. DiPasquale, 735 A.2d 378, 383 (Del. 1999) (an agency's reasonable interpretation of rules it is empowered to administer is entitled to deference); Green v. Sussex County, 688 A.2d 770, 775 (Del. Super., 1995) Sussex County's reasonable interpretation of its own ordinance is entitled to deference.

Second, we believe that the undefined phrase "adequate transition in density" used in Section 115-25(E)(4) is clearly intended to require a much broader inquiry than a mere comparison of units per acre within adjacent communities. The focus of this provision simply cannot be limited to how many units can be built on the land because the building contemplated and the land itself may present a variety of conditions or limitations presented that may relate to the question of adequacy of the transition. When a developer intends to locate homes within 50-feet of an existing community, the proper focus must be on the type and characteristics of the community contemplated and how it compares to the adjacent community, the perimeter of the land to be developed and how the proposed development transitions to an existing and adjacent community. Factors such as cluster versus conventional subdivision, unit size and mix, parking ratios, common areas, environmental factors, and the degree of integration within the character of existing neighborhoods are also important. For example, Bay Front homes are all located on approximately ½ acre lots. Terrapin Island is a proposed cluster subdivision with homes to be located on Lots of 7500 square feet. Bay Front has a community clubhouse, a community pool and a community beach located on Rehoboth Bay and substantial common area acres. Terrapin Island has minor amenities contemplated and little usable common area. The majority of Bay Front homes are in excess of 3000 square feet. The Terrapin Island homes, given the lot size available for cluster subdivisions, will likely be much smaller in size. Given the significant differences between the character of these communities, a minimum 30-foot transition buffer is necessary for an adequate transition and required where the developer intends to locate homes within 50-feet of Bay Front property.

Third, the design differences between a cluster subdivision and a conventional subdivision will in most cases, require the minimum 30-foot buffer where the cluster subdivision locates homes within 50-feet of a neighboring conventional subdivision, notwithstanding any gross comparison of units per acre. In a cluster subdivision, the developer is allowed to build more homes than he otherwise could in a conventional subdivision because he can group more homes on smaller lots. While this concept may have land use benefits, particularly where there are environmental

concerns, its use should not override the rule designed to protect existing adjacent communities and the health, safety and welfare of its residents. From an adequate transition perspective, the higher density resulting from a grouping of homes on smaller lots in the buildable areas of the parcel will typically result in a more intensive land use on a portion of the parcel that is very different from a conventional subdivision and this difference in and of itself warrants the minimum 30-foot transition buffer.

Finally, even if we were to accept the Applicant's proffered interpretation of this provision, which we do not, we believe that the Applicant's density calculations are incorrect as they do not seem to fully account for Bay Front's common area and open space acres

C. The Applicant's Plan does not comply with Section 115-25(F)(4)

In response to a directive it received from the Planning & Zoning Department to "show the permanent 25-foot setback **and remove all paved areas within this setback,**" the Applicant states that it will add the 25-foot setback from non-tidal wetlands for the Lots, but not where it is impacting the wetlands with a roadway because it is confident that it will be obtaining a Nationwide Permit No. 14 from the USACE.

Section 115-25(F)(4) provides in pertinent part:

A minimum of 25 feet of permanent setback must be maintained around the outer boundaries of all wetlands, except for tidal waters, tidal tributary streams and tidal wetlands and from the ordinary highwater line of perennial non tidal rivers and non tidal streams as provided for in § 115-193B under Ordinance No. 774 where a fifty-foot permanent setback is required. **No buildings or paving shall be placed within these setbacks.**

Emphasis added.

The bolded language above is perhaps as good an example as any to be found of a provision that clearly and unambiguously prohibits an Applicant from taking an action – **no paving shall be placed within these setbacks.** Conspicuously absent from this provision (or any other provision we are aware of) is any language that even suggests, much less expressly provides, that there can be an exception granted if the Applicant is able to obtain a permit from the USACE to fill the wetlands. In this case, no means no. The plain language of this provision is not ambiguous and is not subject to interpretation. Where a pertinent provision is mandatory and not subject to interpretation by either the reviewing or decision-making authorities, the prohibited conduct must not be allowed and that ends the matter, notwithstanding any permit that may or may not be obtained from the USACE. See generally, City of Wilmington v. Nationwide Insurance Co., 154 A.3d 1124, 1128-1129 (Del. 2001) (when no ambiguity exists and the intent is clear from the language of the statute, there is no room for statutory interpretation or construction); DeStefano v. Watson, 566 A.2d 1, 4 (Del. 1989) (when a statute is unambiguous a reviewing court or board's task is to apply the literal meaning of the words in the statute to the facts before it).

Ignoring the plain language of this provision, the Applicant opines that a setback requirement should not be applied to the road crossing for which the Applicant is seeking a Nationwide No. 14 permit from the USACE to discharge fill material into the wetlands for the purpose of paving

over the wetlands in violation of the mandatory setback. The Applicant states that in his experience the setback requirement has not been imposed where the Applicant is able to obtain permits from either the USACE or DNREC. Applicant's experience notwithstanding, his position is simply not supported by the plain meaning of Section 115-25(F)(4). In further support of his opinion regarding the applicability of Section 115-25(F)(4), the Applicant offers a proposed buffer ordinance that he maintains would make it clear that a setback would not be applied to a subdivision road through wetlands accessing uplands when filling of wetlands is approved by either the USACE or DNREC. The Applicant's reliance on an unenacted and proposed amendment to the setback requirement actually supports our position – the language of Section 115-25(F)(4) clearly prohibits paving within these setbacks. If the Applicant's interpretation were correct, there would be no need to amend this provision.

It is our position in this matter that the act of obtaining a permit from either the USACE or DNREC does not subsume or preclude the application of this provision as written. Land use decisions are made by agencies of the Sussex County government, not the USACE or DNREC. The decision-making agencies of the Sussex County government are required to apply the code provisions as they exist and not as they may be amended in the future. See Gonzalez v. State of Delaware, 207 A.3d 147 (2019), citing Antonin Scalia & Bran A. Gardner, Reading Law: The Interpretation of Legal Texts 256 (2012) (under the "Reenactment Cannon, a change in language of a prior statute presumably connotes a change in meaning). A minimum of 25 feet of permanent setback must be maintained and no paving shall be placed on these setbacks.

D. The Applicant's Plan does not comply with Section 99-15

Section 99-15(A) requires the Applicant to submit a plat that shall take into account proposals of the adopted Comprehensive Plan as appropriate. We believe that the following proposals contained in Chapter 4 and elsewhere in the Comprehensive Plan relate to land use in the Coastal Area in general and the proposed Terrapin Island Cluster Subdivision application in particular:

- Manage the impacts of future growth and development to better preserve the quality of life of the County
- Minimize the adverse impact of future development on existing developments
- Protect critical natural resources, such as the Inland Bays and others, by guarding against overdevelopment and permanently preserving selected lands
- Ensure that new developments incorporate best practices in subdivision design
- Sussex County will use the future land use plan to update the County's zoning and subdivision codes and help plan for future infrastructure
- The County encourages only appropriate forms of concentrated new development in the Coastal Area, especially when environmental features are in play
- The Coastal Area designation suggests that special scrutiny should be applied to spending decisions and development proposals within these areas to ensure these activities are consistent with State and local development and preservation policies
- The Coastal Area contains ecologically important and sensitive characteristics as well as other coastal lands which help absorb flood waters and provide extensive habitat for native flora and fauna. This area also has significant impact upon water quality within the adjacent bays and inlets as well as upon the region's habitats
- Any development in the Coastal Area requires that special environmental concerns be addressed

- Ensure the protection of the natural functions and quality of the County's surface waters, ground waters, wetlands and floodplains
- Both tidal and non-tidal wetlands have extensive nature and economic value. The boundaries of wetland areas must be accurately determined by qualified professionals prior to site plan reviews or before any County permits are used
- The County will consider evaluating the County's buffer requirements for wetlands and, based on the type of wetland, will consider establishing a minimum buffer distance for adequate protection efforts. These distances should be consistent with adequate and optimal distances established by DNREC
- Floodplains have been recognized for their stormwater storage functions and their inherent risks to life and property, resulting in a variety of restrictions and regulations over new development
- Ensure the protection of the natural functions and quality of the County's surface waters, groundwater, wetlands, and floodplains
- Better manage stormwater runoff to preserve water quality
- Reduce flooding and erosion
- Areas where future development is inappropriate is coastal wetlands, water bodies and the 100-year floodplain
- Creation of the Coastal Area land use classification is to address development pressures and unique environmental characteristics of this area

The Applicant's plan does not adequately address or otherwise take into account these proposals as is required by Section 99-15(A).

E. The Applicant's Plan does not comply with Section 99-17(G)

The Applicant concedes that its plan will not comply with Section 99-17(G) and cavalierly seeks a waiver of this provision's requirement that cul-de-sac streets not exceed 1000 feet.

The Applicant proposes a cul-de-sac street that will be 2351 feet in length if approved pursuant to its request for a waiver. As justification for the granting of the requested waiver, the Applicant opines, without any evidentiary support, that waiving the 1000-foot limitation will not have the effect of nullifying the intent and purpose of the subdivision code nor the goals and objectives of the Comprehensive Plan. The Applicant's attempt to justify its request for a waiver of this important limitation designed to protect the health, safety and welfare of the public by offering a mere conclusory statement that a waiver will not nullify the intent and purpose of the provision nor the goals and objectives of the Comprehensive Plan should be rejected as an inadequate basis to even consider such a waiver.

The general rule is that waivers and exceptions are to be granted sparingly, only in rare instances and under peculiar and exceptional circumstances. See generally, Mackes v. Board of Adjustment of the Town of Fenwick Island, 2007 WL 441954 (Del. Super.). We believe that in order for such a waiver request to be considered, an Applicant must first prove that it would suffer an unnecessary hardship if the provision's limitation were strictly applied, the hardship results from a condition that is peculiar to the property itself (not the whole Coastal area) and that the hardship is not self-created (notwithstanding knowledge of the limitations imposed by the wetlands and floodplain, the Applicant has created any alleged hardship by proposing a plan that is intended to maximize the number of homes that could be built at the expense of the environment and public health, safety and welfare). Additionally, the Applicant must establish

that the waiver sought is consistent with the intent of the provision, that it would secure public health, safety and welfare and achieve substantial justice. We submit that the Applicant cannot meet these evidentiary requirements.

We also note that the Applicant's proposed cul-de-sac street will exceed the maximum length set forth in Section 99-17(G) by almost two ½ times the maximum length permitted. This proposed length of this street is also not in compliance with the County Road Standards or the International Fire Code.

The Sussex County Private Road Standards provide that cul-de-sac streets and other single access streets are limited to serving no more than 300 average daily trips (ADTs) on roads no longer than 1000 feet in length. See R-3.01 and R-3.02 of the Sussex County Private Road Standards. The Applicant states that the ADTs will be 468 trips.

The International Fire Code provides that special approval is required for single access that exceed 750 feet. Moreover, for single access streets between 501 – 750 feet, a 96-foot diameter cul-de-sac is required. See 2003 International Fire Code, Appendix D.

Finally, a cursory review of the cul-de-sac ordinances in other jurisdictions reveals that 1000 feet is typically the maximum permitted with most jurisdictions imposing a shorter length limitation.

III. The Home Rule statute does not completely shield local land use decision-making from preemption by the State where statewide interest, such as environmental protection policy and efficient land use planning policy, are concerned

Contrary to what many developers would like you to believe, the County is required by statute to cooperate with the State and coordinate development activities consistent with the Comprehensive Plan and State policy on matters not delegated entirely to the County.

9 Del. C. § 6904(a) provides in pertinent part:

Regulations adopted by the county government, pursuant to the provisions of this subchapter, **shall be in accordance with the approved comprehensive development plan and shall be designated and adopted for the purpose of promoting the health, safety, morale, convenience, order, prosperity or welfare of the present and future inhabitants of Sussex County, including**, amongst other things, the lessening of congestion in the streets or roads or reducing the waste of excessive amounts of roads, **securing safety from fire, flood, and other dangers**, providing adequate light and air, preventing on the one hand excessive and wasteful scattering of population or settlement, promoting such distribution of population and such classification of land uses and distribution of land development and utilization as **will tend to facilitate and provide adequate provisions for public requirements, transportation**, water flowage, water supply, water and air pollution abatement, drainage, sanitation, educational opportunities, recreation, soil fertility, food supply, protection of the tax base, **securing economy in governmental expenditures**,

fostering the State's agricultural and other industries, and the protection of both urban and nonurban development.

Emphasis added.

This provision makes it clear that the Comprehensive Plan must be taken into account both in promulgating and implementing land use regulations. Indeed, the Comprehensive Plan is reported to be the County's official policy guide for future development-related decisions. Major purposes of the Plan include promoting a collaboration of stakeholders and residents in the planning process and to fulfill the legal requirements of Title 9, Chapter 69, of the Delaware Code. See Section 1.4 of the Comprehensive Plan. The State is obviously an important stakeholder, particularly in financing development related infrastructure, efficient land use and environmental and conservation policy.

We also note that the Comprehensive Plan contains the following maps that we believe are relevant to the regulatory compliance issues presented by this application:

- Figure 4.2-1 (Existing Land Use)
- Figure 4.2-2 (Development and Protected Land)
- Figure 4.4-1 (Strategies for State Policies & Spending)
- Figure 4.5-1 (Future Land Use)
- Figure 5.2-3 (Watersheds & Waterways)
- Figure 5.2-4 (Flood Plain & Wetlands)
- Figure 5.2.4.6 (County Flood Inundation Map)

These maps are deemed by statute to have the force of law, and no development shall be permitted except in conformity with the land use map or map series and with County land development regulations enacted to implement the other elements of the adopted Comprehensive Plan. See 9 Del C. §§ 6951(b), 6959(a). Many of these maps reflect areas where the State has not entirely ceded its authority to the County.

Additionally, the County is required by statute to cooperate in good faith with the State and its agencies having jurisdiction over land use in the State of Delaware even where not expressly required by the Comprehensive Plan.

9 Del. C. § 6951(b) provides in pertinent part:

It is also the intent of this subchapter to encourage and assure cooperation between and among municipalities, counties and the State and to encourage and assure coordination of planning and development activities of units of county government, municipalities, regional agencies and state government in accord with applicable provisions of law. A growth management plan or policy plan that meets the standards and requirements of this subchapter shall be an acceptable comprehensive plan. The land use map or map series forming part of the comprehensive plan as required by this subchapter shall have the force of law, and no development, as defined in this subchapter, shall be permitted except in conformity with the land use map or map

series and with county land development regulations enacted to implement the other elements of the adopted comprehensive plan.

Emphasis added.

The State has indicated that it does not support this development in its current form due to significant environmental and fiscal issues presented. The above discussed authorities require the County to coordinate and cooperate with the State to address and resolve the areas of disagreement regarding the Applicant's compliance with applicable authority before the Planning and Zoning Commission can evaluate and make a decision concerning the application.

IV. Sussex County Must Act Now to Protect Delaware's Natural Heritage

In a Planning and Zoning brochure published in February 1970, one of the primary objectives of the Commission was stated as follows:

Tidal bay and ocean front development should be carefully regulated and limited. The shoreline is a major natural resource of Sussex County and should be used wisely for the maximum long-term benefit of the people. The potential profit from real estate transactions and land development here is creating intensive pressure upon this limited, rather fragile natural resource. It will be a major responsibility of the Planning and Zoning Commission to strictly control shoreline development and insure sound development design.

Green et al. v. County Planning and Zoning Commission of Sussex County, 340 A.2d 852, 857 (1974). Achieving this objective is even more important today as our State's shoreline, wetlands, floodplain and coastal environment, as well as our infrastructure and tourism-based economy, continue to be threatened and negatively impacted by over-development.

In a research report prepared by the Environmental Law Institute in 1999, it was strongly recommended that a State-wide strategy was needed to address short-comings in existing tools, improve coordination between state agencies and other groups, integrate disparate on-going projects, and support future public and private initiatives. See *Protecting Delaware's Natural Heritage: Tools for Biodiversity Conservation* (1999). Whatever progress has been made in this area is clearly insufficient. We believe that ELI's recommendation is even more valid today and that Sussex County must begin immediately to seriously examine how it has been conducting its planning and land use regulation to address the obvious environmental problems created by over-development.

V. The Applicant Has Not Refuted Bay Front's Easement Claim with Competent Evidence of Record

We have provided for the record a copy of our deed to our beach property which contains language that indicates we have an easement over an existing nine-foot road that runs through the proposed Cluster Subdivision parcel. The Applicant has not sought to provide competent evidence for the record to refute our claim of an easement.

The Applicant is expressly prohibited by Section 99-20 from constructing any building, structure or other permanent obstruction on or over any easement. See also, 25 Del. C. §81-209(b)(5) (each plat must show a legally sufficient description of all easements serving or burdening any portion of the common interest community).

Absent any persuasive and legally sufficient evidence to the contrary that the Applicant provides for the record, we respectfully submit that the Planning and Zoning Commission would have no choice but to deny the Application as not in compliance with the above referenced authorities.

In any event, the County should be aware that approving this application without any condition imposed on the applicant to accommodate our land access to our beach property, would render our property landlocked and significantly diminish its value. You should also know that the University of Delaware owns property that would appear to be similarly situated insomuch as its property would also be landlocked without requiring the Applicant to provide land access to this property as well. See § 99-15(D) (a tract shall be subdivided so that no remnants or landlocked spaces are created).

BASED ON THE FOREGOING, WE URGE YOU TO DENY THIS APPLICATION.

Name	Address	Phone/Email	Date
<i>Rui G. San</i>	31737 Marsh Island Ave Lewes, DE 19958	585-370-1683 Rscovnc3@gmail.com	6/10/21
<i>Sl Counts</i>	31860 SHELL LANDING WAY	901 292 9514 slcounts@gmail	6/10/21
<i>Dianne R. Besso</i>	23255 Howe Island Rd Lewes, DE 19958	(576) 319-6643 dlbesso@gmail.com	6/10/21
<i>Mary Beth Conroy</i>	31759 Marsh Isl. Cove Lewes, DE 19958	302-945- 4403 5736 mb4ringo@comcast.net	6/10/21
<i>Christa K. Coggeshall</i>	34516 Addison Ct Lewes, DE 19958	717-484-1713 christacoggeshall@gmail.com	6/10/21
<i>William S. Paul</i>	23251 HOWE ISL RD, LEWES, DE	302/945-5775	6/10/21

(See additional attached signatures.)



Bay Front at Rehoboth
Homeowners Association

**Petition In Opposition to
Proposed Terrapin Island Cluster Subdivision**

June 2021

The signatures appearing on this page relate to the above titled Petition and the signers certify that they are residents of Bay Front and that they have reviewed the document and agree with its content.

Name	Address	Phone/Email	Date
Carol M Kelly	23277 Wendell Rd Wendell Rd	302-945-4320	6/10/2021
Walter Steg	" " " "	" " "	6/10/2021
Joan Buck	23269 Horse Island Rd Dune DE 19558	302-448-0654	6/10/2021
Alma	" " " "	" "	6/10/2021
Frank G.W.M.	31582 REEFY CT	830-265-8224	6/10/21
Gene S. B. B. B.	31672 STEPHEN CREEK RD	302-945-4727	6/10/21
Stephen Rogers	23313 Pelican Road Rd	302-947-9706	6/10/21
Quentin Reagie	93363 Horse Island Rd	302-947-9706	6-10-21
Barbara Dymore	23084 Nantuxka	302 945 1168	6/10/21
Debbie Crawford	23084 Nantuxka	302 945 1185	6/10/2021



Bay Front at Rehoboth
Homeowners Association

**Petition In Opposition to
Proposed Terrapin Island Cluster Subdivision**

June 2021

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Name	Address	Phone/Email	Date
Pat Carpenter	23273 Horse Island Rd Lewes, DE	CarpenterAN@gmail.com	6/10/21
Alma Sandwick	23273 Horse Island Rd. Lewes DE	debra.sansouci@gmail.com	6/10/21
Jennifer MacKenzie	31856 Shell Landing WY Lewes DE		6/10/21
Robert MacKenzie	31856 Shell Landing WY Lewes DE		6/10/21
Jeanne Kluck	31856 Shell Landing WY Lewes DE		6/10/21
Marlene Schulz	23347 Honyok Dr Lewes Del 19958	20514810157 @ptdoo.com	6/10/21
Paul Schulz	99		6/10/21
Henry DeStasio	31862 Holt Ranch Lewes Del 19958	GRAZZDIPT1@ MSN.com	6/10/21
Jan DeStasio	99		
Janet Dorman	31679 Cove Lewes Del	JCS977@comcast.com	6/10/21



Bay Front at Rehoboth
HOMEOWNERS ASSOCIATION

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Name	Address	Phone/Email	Date
Michael Dorman	31679 Storm Cove, LEWES DE 19958	—	6/10/21
Maria Madison	31749 Noland of the Seaside Rd	MARIA.MADISON@AOL.COM	6/10/21
Bonnie Kaylor	99	99	6/10/21
Alan Ostrom	31604 TULLY CT LEWES DE	724-5254931	6/10/21
Marlynn Symon	99	AGCOMMISSION@gmail.com	6/10/21
William Hatten	34561 Addressnot Lewes, DE	302-945-5989	6/10/21
Rosemary Helber	11 "	11 "	"
She Nigle	31866 Shell Landing WAX HILL LANEWS WAY	610-389-7405	6/10/21
Al Counts	31866 SHELL LANEWS WAY	901-292-9514	6/10/21
Mary A Stupen	34575 Addressnot Lewes, DE	267-303-5755	6/10/21



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Name	Address	Phone/Email	Date
Rosalind McIandler	23251 Horse Island Rd. Lewis DE 19958	(302) 945-3785 rosalindmclandler@gmail.com	6/10/21
Dominick McDaniel	34523 Addison Ct. DE LEWES	302-945-10568 m30ston3082@AOL.com	6/10/21
Rodger Rose	31668 Skowron Cove Rd	302-947-9626	6/10/21
15470 Camros Camros	23374 HORSE ISLAND RD	201-658-2202	6/10/21
Benkt Camp	23374 Horse Island Rd	201-658-7802	6/10/21
Margene Polkewing	23257 Horse Island Rd	949 292 7445	6/10/21
Stacie Conlney	23257 Horse Island Rd	949 633 7289	6/10/21
Karen A. McIlkenny	31582 Reedy Ct.	512-789-3955	6/10/21
Janet Somers	31737 Marsh Island Ave	jsomers@gmail.com	6-10-21
Barbara Ellen	23271 Horse Island Rd	barbeller100@gmail.com	6/10



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Name	Address	Phone/Email	Date
Carol Rose	31668 Slony Cove Rd	302-618-2950	6/10/21
IAN FRIEDLAND	31674 Slony Cove Rd	302-947-1383	6/10/21
Frank Tomkowski	23394 Slony Cove Ct	302 914-329-0051	6/10/21
Freddie King	23344 Jumbo Court	914-329-0057	6/10/21
Bill Gabelstein	23271 Horse Island Rd		6/10/21
Julie Brophy	23286 Horse Island Rd	917-741-9458	6/10/21
Fane Brophy	23286 Horse Island Rd	917-325-4945	6/10/21
John A. Stegano	23054 Narrow Lane	302-945-1168	6-10-21
Coelby A. Heubenthal	34761 Cove Dr.	302-947-0297	6-10-21
Joseph P. A. Daniels	34761 Cove Ct	302 947-0297	6-10-21



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Name	Address	Phone/Email	Date
Monique Montygl	31585 Reedy Crt Leues	484 678 7445	6-11-2021
William W Montygl	31585 Reedy Crt Leues	484 678 7446	6-11-2021
Diana R. Krumm	33368 House Island, House	301-574-4069	6-11-2021
Stewart Krumm	23368 House Island, House	301-574-4068	6-11-2021
Steph Laake	23352 Horse Island Road	410-491-1514	6-10-2021
Donna R	23104 Dairwood Ln	203-249-2552	6-10-2021
Dave LaFamira	" "	" "	" "
James R Honeysett	31824 Shell Landing Way	717-798-4225	6-10-2021
Emily Honeysett	" "	717 802-2557	" "
Jean Eram	31734 Marsh Island Ave	302-945-5465	6-10-21



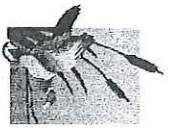
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Name	Address	Phone/Email	Date
Mavis Oudest	23228 Horse Island	302-547-0335	6/10/21
Pat Camp	23298 Horse Island RD	303-947-0335	6/10/21
Barbara Skubowski	31553 Marsh Island	302-944-4521	6/10/21
Dorothy J. Ann	31734 Marsh Island	302-945-5465	6/10/21
Soe Q. Rivers	23439 James Ct	202-841-9863	6/10/21
Shereka Q. Brown	31854 ShellBuckles Way	646-622-4900	6.10.21
John W. Hts	31854 Shell Landings Way	302-945-2504	6-10-21
Rhyn M. Hyslop	31728 Marsh Island Ave	302-947-9834	6/10/21
Cheryl G. Peadar	23350 Horse Island Rd	540-509-2538	6/10/21
Deonard Peadar	23350 Horse Island Rd	540-809-2538	6/10/21



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Name	Address	Phone/Email	Date
Robertte Penney	23439 James Ct	302-228-1268	6/18/21
Trey Venter	31753 Marshland Ave	302 947 2521	6/10/21
Rosann Annun	31728 Marsh Island	973-6996271	6/10/21
Cheryl Q Brooks	23308 Horse Island	301-404-1094	6/10/21
Tom Faulber	23350 Horse Island Rd	570/809-2565	6/10/21
Kim O. Higgins	34575 ADDYSON COURT	215-519-4605	6/10/21
Nicky Meyer	31866 Shell Landing Rd	484-574-3759	6/10/2021
Daniel Scully	23265 Horse Island Dr. DE Kares, DE	302-945-0379	6/10/2021
Richard Weston	31603 Julie Ct Lees	302-945-4109	6/10/2021
John Bragg	23351 Horse Island Rd	302-945-3145	6/10/2021



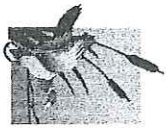
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Name	Address	Phone/Email	Date
Jamie J. Fishers	31624 Sloan Cove Rd.	Fisher 11416@verizon.net 302-947-1583	6/10/21
A. Stewart Proctor	23305 Horse Island Rd.	302-215-1133	6/10/21
Annmarie Johnson	34637 Megan Ct	302 947 1018	6/10/21
Raymore S. James	34637 Megan Ct	302 947 1018	6/10/21
Marks. P. Strassler	31603 Julia Ct Leaves DE 19558	302-945-4109	6/10/21
John Higgins	23312 Horse Island Rd.	267-968-7794	6/10/21
Norma Robinson	23259 Horse Island	410-688-3106	6/10/21
John C. Adams	23435 James Court	856-266-4891 saur@cedgma.com	6/10/21
My Ann	23422 Suisse Ct	703-403-6049	6/10/2021
Arthur Foster	23425 Suisse Ct	703-850-0934	6/10/2021



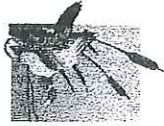
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Name	Address	Phone/Email	Date
Heidi Jones	23255 Horse Island Rd	410 925 9245	6/10/21
Ruth Frenkeloff	31784 Marsh Island	609 706 1062	6/10/21
Kimck	23265 Horse Island Rd	302-945-0579	6/10/21
Mary Ann Provini	31568 Ruckel Ave	302-344-8737	6-10/21
Ruby Rodaro	23255 HURSE ISLAND RD	BARRY & GEM & GEM	6/10/21
John Longie	23303 Horse Island Rd	John, dunnas @ gmail.com	6/10/21
Jim Lambert	23281 Horse IS. RD	225-746-1191	6/10/21
Debra Mashuel	23221 Area D Dr	333-253-7000	6/10/21
Bill Torelli	23435 Jones Ct	302-362-6201	6/10/21
Joe P Swale	23258 Horse Island Lanes	203 733 7178	6/10/21



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Name	Address	Phone/Email	Date
	23085 NARROWS LANE LEWES DE	301-991-2700	6/10/21
	23085 NARROWS LANE LEWES DE	301-991-4457	6/10/21
	23503 Horse Island Road LEWES DE	802-338-1111	6/10/21
	23094 NARROWS LANE LEWES DE	866-936-0169	6/10/21
	23294 Hove Island Rd LEWES DE	19952	6-10-21
	23194 Hove Island Rd LEWES DE	19958	6/10/21
	31733 Marsh Island Ave LEWES DE	19958	6/10/21
	31733 Marsh Island Ave LEWES DE	19958	6/10/21
	31848 Shell Landing Way LEWES DE	301-324-8657 maryann.gillette@gmail.com	6/10/21
	23258 Hove Island Rd LEWES DE	DISINFORMED @ ATTORNEY	6/10/21



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Name	Address	Phone/Email	Date
[Signature]	31898 Snell Landing way	203-982-3139 Pgusto@live.com	6-10-2021
William Heikman	23293 Horse Isd Rd Rehoboth DE	202 421-9548	6/11/21
Jean Prince	" "	202-421-9548	6/11/21
Janna Pilleo	23107 Lambeau State Lanes, DE 19958	484-919-8377	6/12/21
Shirley Sperry	23438 James Ct Lanes, DE 19958	717-371-1944 vleroy@live.com	6/12/21
Robert Lery	23438 James Ct Lanes, DE 19958	717-371-1953 vleroy@live.com	6/12/21
Tom Spilewski	23264 Horse Island Rd Lanes DE	717-319-4243 lilnook92@gmail.com	6/12/21
Andru Spilewski	23264 Horse Island Rd Lanes, DE 19958	717-856-6376 lilnook92@gmail.com	6/12/2021
Nichole Forezay	23870 Horse Island	3015250680	6/12/21
David Heikman	23320 Forge Island	3015250680 mforezay@comcast.net	



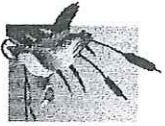
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Name	Address	Phone/Email	Date
Kathie B. [unclear]	33980 Seavel Bay Dr. Leavel DE 19958	HomeMail.com t55cwmia@	6-12-21
Thomas I. Puleo	43167 Downwood Ln. Leavel, DE 19958	tpuleo53@gmail.com	6/12/21
KATHY Counts	31860 Shell Landing Leavel, DE 19958	KATIECOUNTS@msn.com	6-12-21
Ally [unclear]	23270 1st St Island Del	austinhk @comcast.net	6/12/21
Engene [unclear]	23220 Haze Island Rd	gabenthyng@gmail.com	6/12/21
Steve [unclear]	33308 Horse Island Rd	kaminstev@verizon.com	6/12/2021
Diana [unclear]	34765 Core Ct Leavel DE	Domcarrah@comcast.net	6/12/2021
Ginny [unclear]	31825 Shell Landing Bay	ginnys@comcast.net	6/12/2021
JANICE Dunn	23422 Sunrise Ct	Jdunn00@verizon.net	6/13/2021
Gregory [unclear]	23422 Sunrise Ct	GDDUN1@verizon.net	6/13/2021



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Name	Address	Phone/Email	Date
SIGNATURE Deborah Porters	23439 Sunrise Ct. (19958)		06/13/21
Dave Norton	(Same)		June 13, 2021
	31896 Shell Linnac Way/158 19958	dmadey@gmail.com	June 14, 2021
	Same	kjcanell47@gmail.com	June 14, 2021
	34766 Cove Ct 19958	gentenp51@gmail.com	June 14, 2021
J. Ferguson	34766 Cove Ct 19958	JillK.Ferguson@gmail.com	6/14/2021
Deborah Porters	31663 SLAM COVE RD 19958	R. CYRAN@COMCAST.NET	6/15/2021
	31782 Marsh Island Ave 19958	RAYMOND.YERGEN@VERIZON.NET	6/15/2021
Raymond Yergen	3601 Sulist Kent Dr 19958	worriac@gmail.com	6/15/21
Deborah Porters	31001 Julia Ct Kent Dr 19958	gsunwkte75@gmail.com	6/15/21



Bay Front at Rehoboth
HOMEOWNERS ASSOCIATION

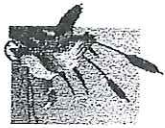
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Name	Address	Phone/Email	Date
Maureen J Bolebecoel	23346 Horse Island Rd	sbilo929@gmail.com	6/15/21
Michael Kelly	23346 Horse Island Rd	mbilo55@gmail.com	6/15/21
Bryan A Cygan	31663 Sloan Circle Rd	R. Cygan@Cygan.com	6/15/21
John C Schaller	23091 Narragansett Ln	border17@verizon.net	6/15/21
Barbara Butler-Foy	31794 MARSH ISLAND AVE	rodhadrut@comcast.net	6/15/21
Shirley E. Kelly	23401 ^{HOUSTON BLVD RD} EST #44	pkreets@gmail.com	
Mary G. Lee	23387 ADDRESS ISLAND ROAD	marygolee@prattac.com	6-5-21
Jeanne Heats	23340 Shessee Rd Rd	labmomheats@yahoo.com	6/15/21
Joy Carpenter-VanPelt	31782 Marsh Island Ave	joy-vanpelt@yahoo.com	6/15/21
Paul Carpenter-VanPelt	31780 Marsh Island Ave	Paul-Carpenter@	6/15/21

SBC Circular 115



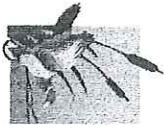
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Name	Address	Phone/Email	Date
Pauline Stephan	31999 MARSH ISLAND AVE	302-949-1802	6/15/21
Sandra Dorr	23324 Horse Island Rd	302-945-9458	6-15-21
Suzanne Gonzalez	23100 Narrows Ln.	302-396-8886	6-15-21
Ted Knox	23100 Narrows Ln.	302-381-4147	6-15-21
Robert Jones	31880 Shell Landwy	908-581-9361	6-19-21
Robert Jones	31850 Shell Landwy	908-256-5760	6/17/21
Philip A Leggett	34576 ADDISON CT FAIRBORN 19958	302-727-3881	6/17/21
Samuel Lewis	31676 SWAN COVE RD. 19958	410.905.7174	6/17/2021
Abelie Schell	23371 Horse Island 19958	302-945-2163	6/17/21
Scotty Schell	23367 Horse Island 19958	443-765-2371	6/17/21



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Name	Address	Phone/Email	Date
<i>Robert Smith</i>	23367 Horse Island Rd ¹⁹⁹⁵⁸	443-938 566	6/17/21
<i>Robert Smith</i>	23371 Horse Island Rd	614 582 4146	6/17/21
<i>Robert Smith</i>	34639 Mason Ft	610-955-1092	6/17/21
<i>Paula Cooney</i>	23346 Horse Island Rd	Mobile 55@gmail.com 301-370-1805	6-17-21
<i>Paula Cooney</i>	34638 Megan Ct.	(610) 299-9151	6/17/21
<i>Steve E. Sneyde</i>	23358 Horse Island Rd.	302 945-8615	6/18/21
<i>Alan R. Sneyde</i>	23358 Horse Island Rd.	302-945-8615	6/18/21
<i>Henry Butler</i>	23254 Horse Island Rd	610-459-2352	6/18/21
<i>Clayton Davis</i>	31884 Swallowing Way	302-270-8616	6/19/21
<i>Robert Smith</i>	23316 Horse Island Rd	214 478-7849	6/19/21



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Name	Address	Phone/Email	Date
Rick Rumble	31558 Rachel Avenue	302-448-5057	6-19-21
Terri Rumble	31558 Rachel Avenue	302-445-1026	6-19-21
Warron Rumble	31558 Rachel Ave	302-445-1026	6-19-21
Dan Stupersant	31884 Shell Landing Mary	302-270-0032	6-19-21
Kathy M. D.	" "	302-270-1482	6-19-21

Jamie Whitehouse

From: jeffrey nayda <jnayda@gmail.com>
Sent: Monday, June 21, 2021 9:39 AM
To: Jamie Whitehouse; Nick Torrance
Cc: Sue Nayda
Subject: Terrapin Island
Attachments: Sussex PZ 6.18.21.pdf

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.

Gentlemen,

Please see the attached letter regarding our opposition to the subject subdivision.

Thank you,

Jeff and Sue Nayda
31866 Shell Landing Way (Lot 171)
Lewes, DE 19958

484-574-3759

Opposition
Exhibit

RECEIVED
JUN 21 2021
SUSSEX COUNTY
PLANNING & ZONING

31866 Shell Landing Way
Lewes, DE 19958

June 19, 2021

Jamie Whitehouse, Director
Nicholas Torrance, Planner
Sussex County Department of Planning & Zoning
2 The Circle
Georgetown, DE 19947

BY U.S. FIRST CLASS MAIL AND EMAIL
(jamie.whitehouse@sussexcountyde.gov;
Nicholas.torrance@sussexcountyde.gov)

RECEIVED

JUN 21 2021

SUSSEX COUNTY
PLANNING & ZONING

Opposition
Exhibit

Re: Terrapin Island Subdivision

Dear Messrs. Whitehouse and Torrance:

We reside in the Bay Front at Rehoboth community and are opposed to Terrapin Island as proposed by the developer, Ribera Development, LLC, for many of the reasons that are part of the lengthy public record, including the opposition, in full or part, voiced by various State and County agencies. We are writing to you to personalize some of our concerns.

Our lot (171, Attachment 'A' hereto) is designated by FEMA as in the AE flood zone with a base elevation of five feet and our lot was accordingly raised by that amount prior to construction. The lot borders the lowest lying land parcel adjacent to any residential or road structure proposed by Ribera, which is also designated as AE5 and also as wetlands mitigation area 'B'. Attachment 'B' hereto depicts the rear of our house (the property line of which extends plus or minus six feet beyond the fence) on a very rainy October 30, 2020. Ribera's plans call for paving across the nontidal wetlands and setbacks in at least two areas including the area behind our house so they can build four houses (and an egregiously oversized, non-compliant cul-de-sac and a yet to be defined amenity) that will command high lot premiums and residential selling prices due to the view of Rehoboth Bay.

On December 9, 2020, your office issued an unequivocal and statutorily derived order to the developer's paid engineering consultant, Pennoni, that his client could not pave within the mandated 25-foot setback(s) and that he must "remove all paved area within this setback" from development plans. In a letter dated May 25, 2021, to Alan Decktor, Project Engineer for Pennoni, Davis Edgell, Director of State Planning Coordination, stated in relevant part and added emphasis:

The developer will also need to comply with any Federal, State, and local regulations regarding this property. We also note that as Sussex County is the governing authority over this land, the developers will need to comply with any and all regulations/restriction set forth by the County.

Rather than complying, Ribera, through another paid consultant (Environmental Resources, Inc" or "ERI") has challenged the County's order as sanctioned by the State and in doing so, the authority of your office. In a letter to Mr. Whitehouse dated March 1, 2021, the principal owner of ERI, Edward Launay, threw out a number of reasons why his client was not obligated to adhere to Sussex County setback and wetland paving regulations, hoping perhaps that one would stick to the proverbial wall.

Mr., Launay purported that a permit issued by the Corps of Engineers would negate and overrule the force and effect of Sussex County §115-25(F)(4) with regard to the regulation of setbacks and the paving across nontidal wetlands. In doing so, Mr. Launay cited no case law, nor did he reference his legal qualifications to lend credence to his assertions.

With regard to bridging over the wetlands as an option to paving, Mr. Launay, who to our knowledge is not a bridge or civil engineer, stated that bridging would be "impractical" because a bridge would be too low, effectively "having the same effect of a fill". We read this as Mr. Launay concluding that a bridge is as feasible as fill other than the higher costs associated with bridge building and maintenance (perhaps Ribera could cover the added cost by increasing the lot premiums on which the million-dollar houses might be built). It is perplexing why Ribera assigned the no paving directive to ERI to respond to rather than to Pennoni who completed the bridging engineering studies at the preliminary stages of the development planning.

Mr. Launay also cited unspecified safety concerns with bridging as a reason why paving is the better option; we find this puzzling. The bridge over the wetlands in the Bay Front community has guardrails on both sides and a protected (guarded) pedestrian/bicycle pathway. Ribera's plans call for for a 50-foot road and from what we can discern from their plans there would be a plus or minus 28-foot-wide elevated paved road with no sidewalk, curbing, and long side slopes on each side of the roadway. Without knowing the height and width of the fill and the steepness of the slopes, we do not know if the road will be traversable and recoverable. Even if Ribera were to add a sidewalk to the plan, the road and pedestrian sidewalk would not be as safe as, by way of example, The Bay Front bridge. At this point, Ribera's design might be far more dangerous than a properly constructed bridge. As such, Sussex County should be cognizant of the liability it faces if Ribera's cost-conscious, "pave through the wetlands" design is approved.

It is interesting that Mr. Launay stated that "the easterly most crossing is already impacted by an unpaved unimproved access road leading to the waterfront portion of the site." This access road borders the rear of our property. It has provided the Bay

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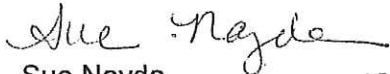
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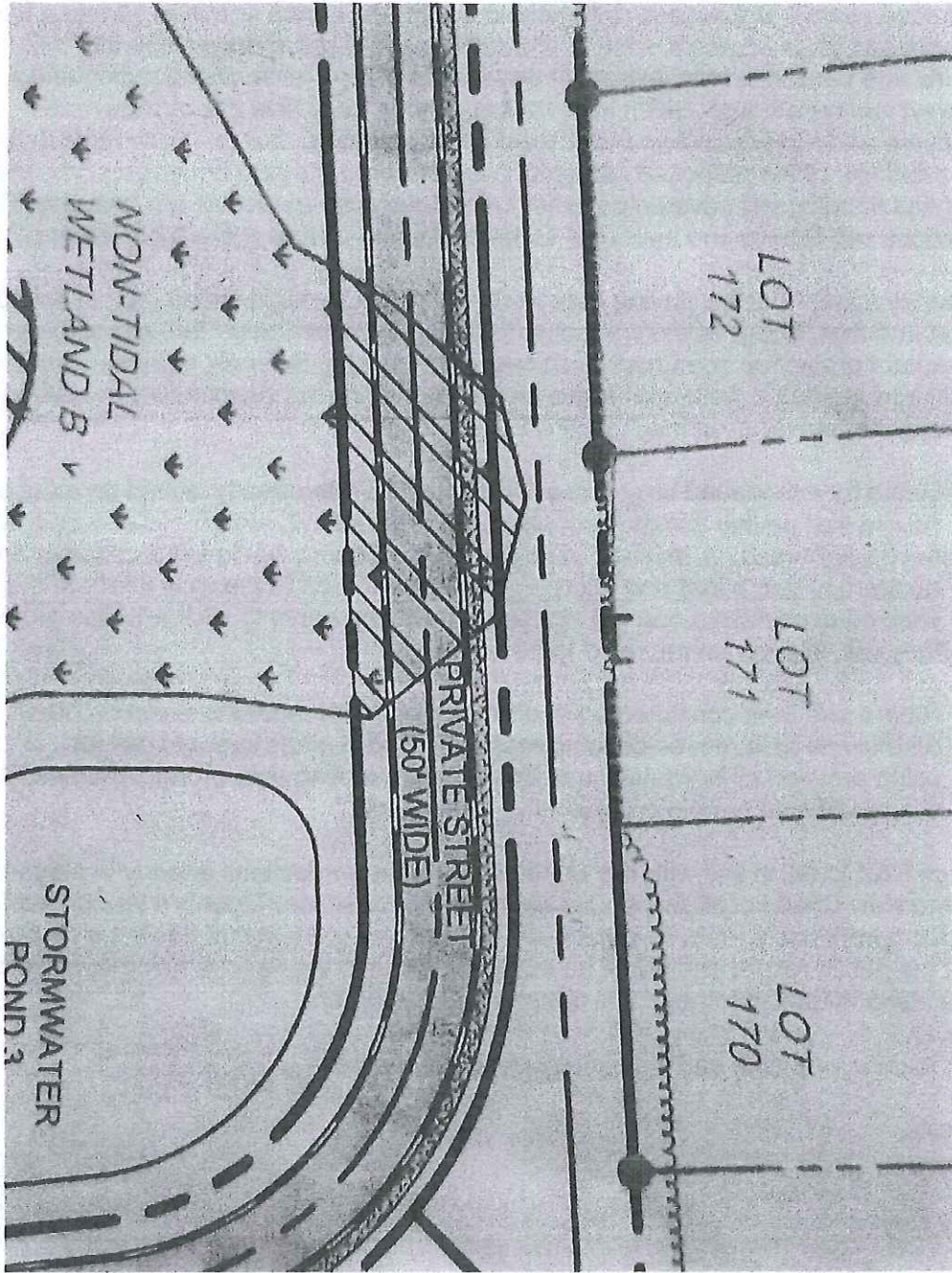


Jeffrey Nayda



Sue Nayda

cc: Robert C. Wheatley, Chairman P&Z Commission (w/attachments)



Attachment A



Attachment B

Chase Phillips

From: webmaster@sussexcountyde.gov on behalf of Sussex County DE
<webmaster@sussexcountyde.gov>
Sent: Friday, June 18, 2021 7:47 AM
To: Planning and Zoning
Subject: Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Friday, June 18, 2021 - 7:47am

Name: Ginamarie Fenton
Email address: gfenton0510@gmail.com
Phone number: 2158342227
Subject: Terrapin Island Development

Message: My wife and I live at 34766 Cove Court Lewes, DE. We are part of Bay Front at Rehoboth, albeit not located directly in the development. Our property directly abuts this proposed development on Cove Court. We are unable to attend this P&Z meeting on 6/24 because of a previous commitment but wanted to make sure that our opposition is on record. Our neighbors, Diane Omarrah and Cathy Hudowalski will be in attendance and we have given them permission to speak on our behalf. My wife and I have signed both the Bay Front at Rehoboth Homeowners petition and the Sussex 2030 petition. We do not believe that the development should be approved as submitted. We believe that the land is unsuitable for development due to flooding, environmental impacts to wetlands and wildlife habitats. We believe that the buffers, as proposed between adjacent existing properties in Bay Front (ours included) and the proposed residential units is not sufficient as required by the Land Use code. Also , there have been comments made that propose the entrance to Terrapin Island somehow be tied into Cove Court. This is not something that we are at all interested in. While I have outlined some specific issues, we do not believe that this development, as proposed, is at all in line with the State and County objectives of natural resource and environmental protection as well as responsible development. We respectfully urge the P&Z commission to deny this application as proposed. Thank you for your time and consideration.
Jill and Ginamarie Fenton

Opposition
Exhibit

2020-13

31866 Shell Landing Way
Lewes, DE 19958

June 19, 2021

RECEIVED

JUN 21 2021

SUSSEX COUNTY
PLANNING & ZONING

Jamie Whitehouse, Director
Nicholas Torrance, Planner
Sussex County Department of Planning & Zoning
2 The Circle
Georgetown, DE 19947

BY U.S. FIRST CLASS MAIL AND EMAIL
jamie.whitehouse@sussexcountyde.gov;
Nicholas.torrance@sussexcountyde.gov

Re: Terrapin Island Subdivision

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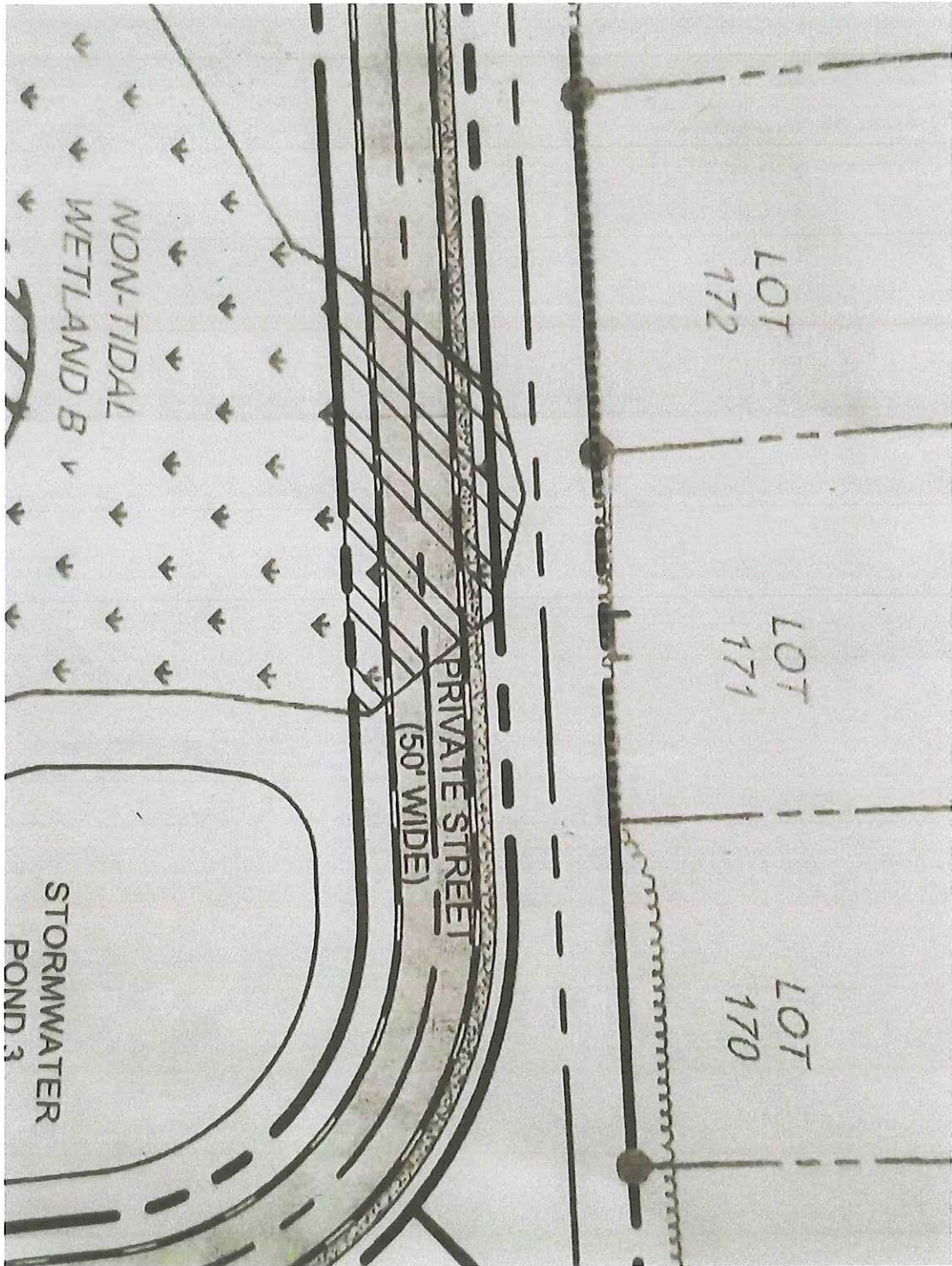
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Sincerely,


Jeffrey Nayda


Sue Nayda

cc: Robert C. Wheatley, Chairman P&Z Commission (w/attachments)



Attachment A



Attachment B

2020-13

RECEIVED

JUN 21 2021

SUSSEX COUNTY
PLANNING & ZONING

31866 Shell Landing Way
Lewes, DE 19958

June 19, 2021

Jamie Whitehouse, Director
Nicholas Torrance, Planner
Sussex County Department of Planning & Zoning
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(jamie.whitehouse@sussexcountyde.gov;
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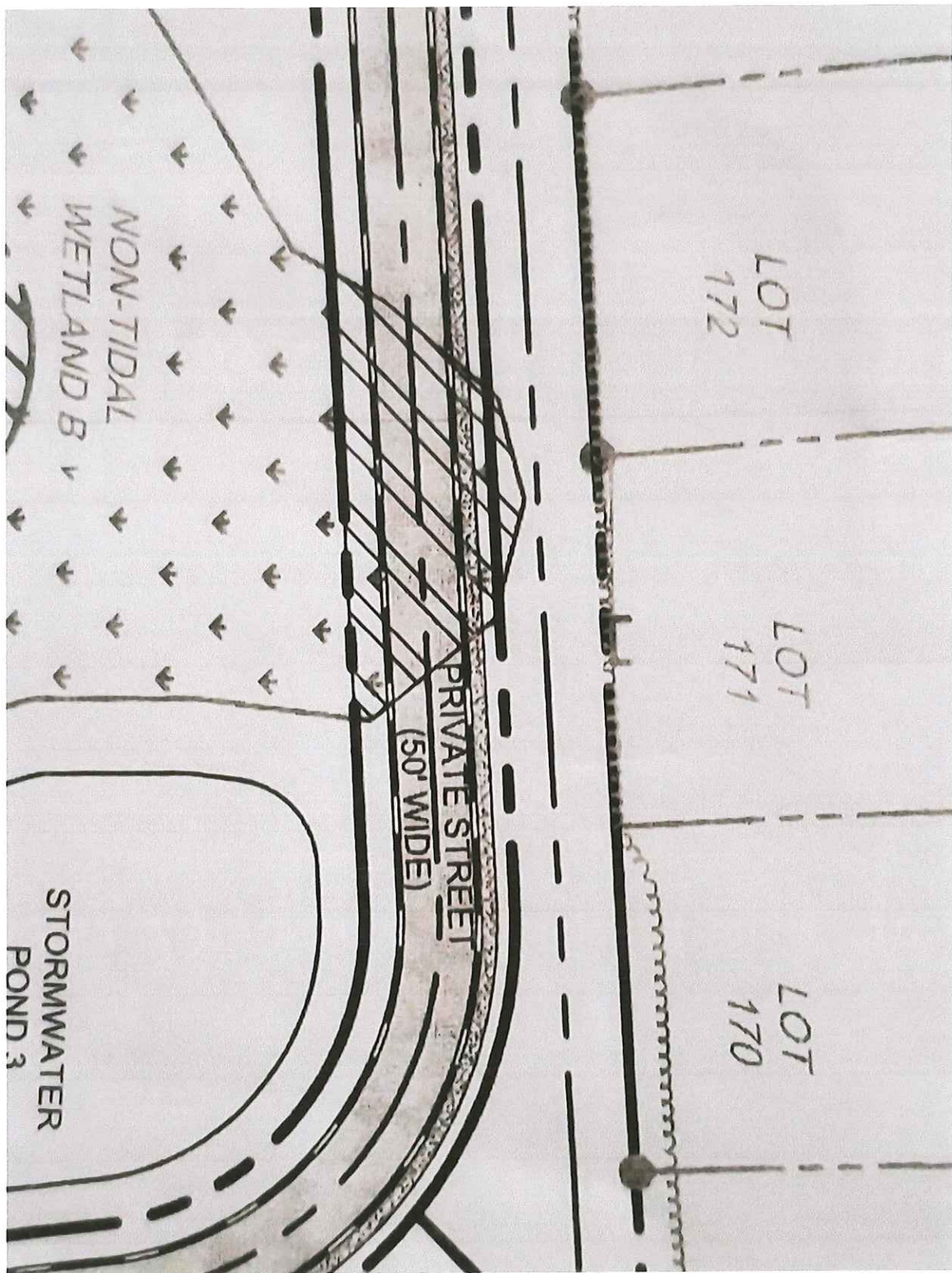


Jeffrey Nayda

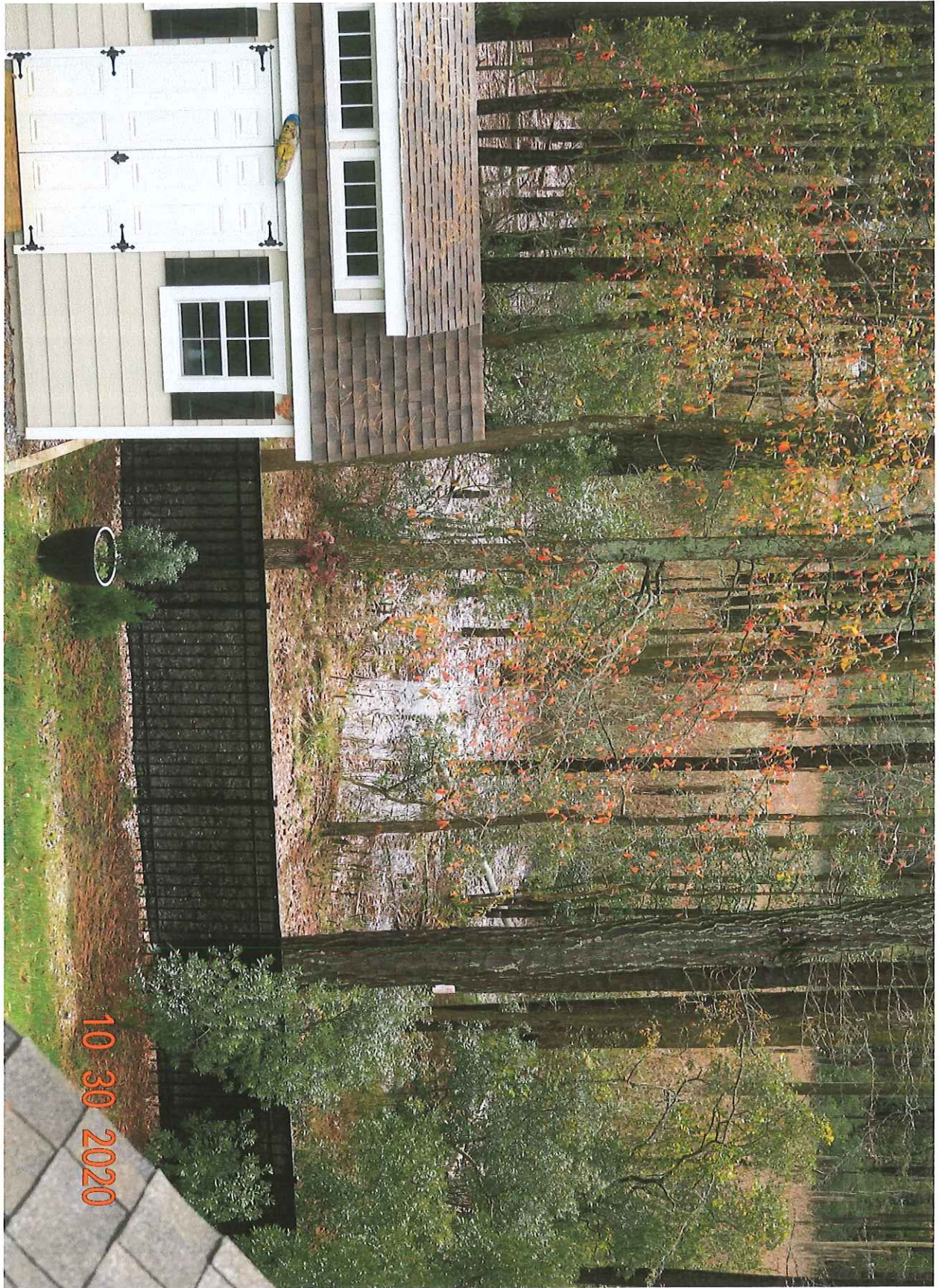


Sue Nayda

cc: Robert C. Wheatley, Chairman P&Z Commission (w/attachments)



Attachment A



Attachment B

Opposition
Exhibit

31866 Shell Landing Way
Lewes, DE 19958

June 19, 2021

Jamie Whitehouse, Director
Nicholas Torrance, Planner
Sussex County Department of Planning & Zoning
2 The Circle
Georgetown, DE 19947

RECEIVED

JUN 23 2021

SUSSEX COUNTY
PLANNING & ZONING

BY U.S. FIRST CLASS MAIL AND EMAIL
(jamie.whitehouse@sussexcountyde.gov;
Nicholas.torrance@sussexcountyde.gov)

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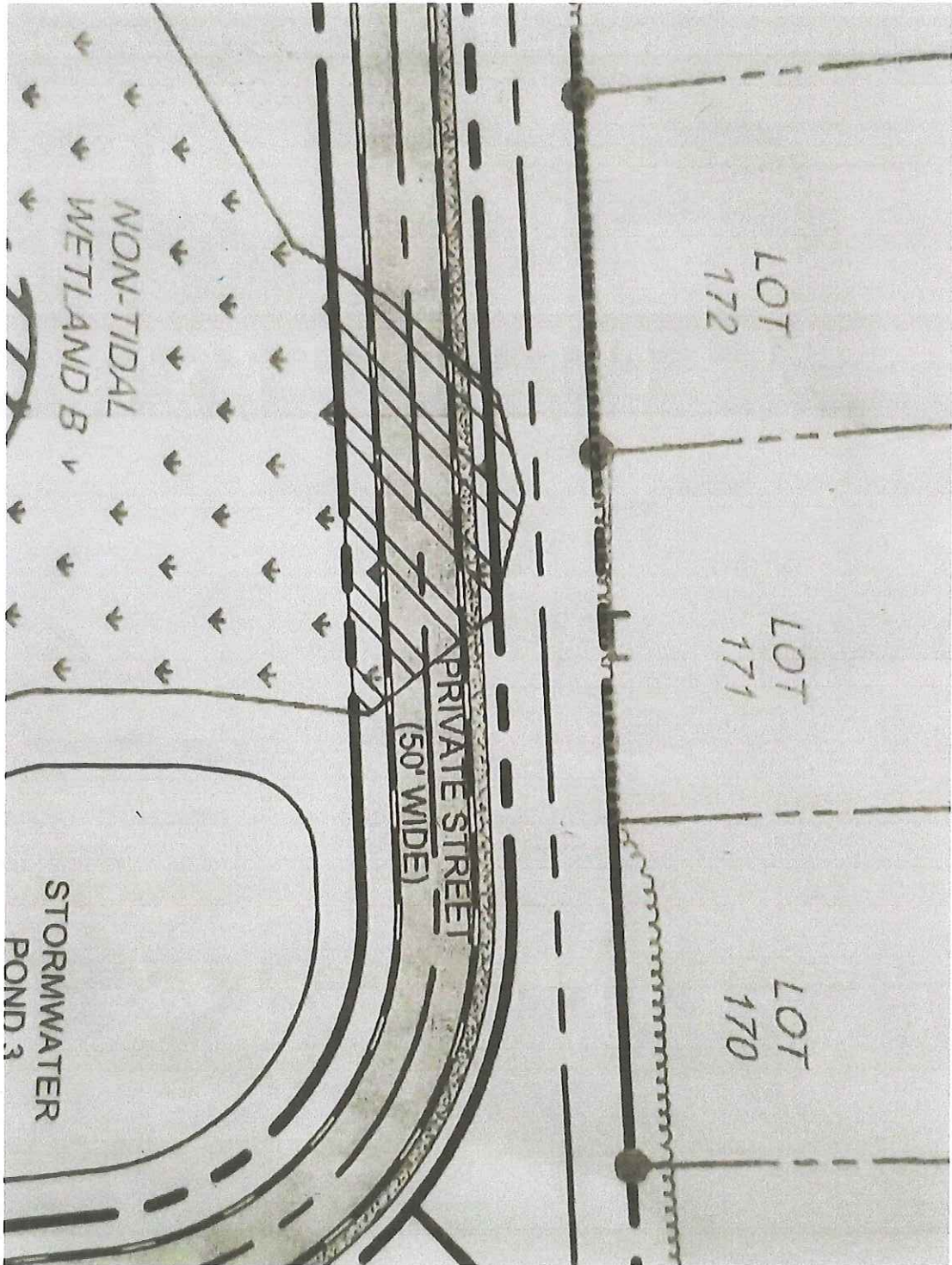


Jeffrey Nayda



Sue Nayda

cc: Robert C. Wheatley, Chairman P&Z Commission (w/attachments)



Attachment A



Attachment B

June 22, 2021

Mr. Jamie Whitehouse, Director
jamie.whitehouse@sussexcountyde.gov
Mr. Nick Torrance, Planner I
nicholas.torrance@sussexcountyde.gov
Sussex County Department of Planning & Zoning
2 The Circle
Georgetown, DE 19947

Subject: 2020-13 Terrapin Island (FKA Salt Cedar)

Dear Messrs. Whitehouse & Torrance:

In reviewing the posted public record in preparation for the June 24th public hearing, we note that the Applicant has provided its response to the comments and direction provided by the Office of State Planning Coordination (OSPC) in its May 25th letter to the Applicant's agent. There is no indication that the OSPC has been afforded the opportunity to review this response or reply to the Applicant's significant disagreement with the OSPC's comments and positions taken with respect to the facts and pertinent authority governing this application. This attempt to effectively and unfairly disregard the OPSC's input in this matter renders the PLUS review and its important contributions to the process meaningless and is unacceptable for many reasons.

The completeness of the public record is critical to a fair process in which the Commission is called upon to strike the appropriate balance between a land owner's right to develop their property subject to and in accordance with the pertinent code and proposals contained in the Comprehensive Plan (See 99-15) that are intended to provide important protections to the general health and welfare of the public, particularly with respect to existing and nearby communities, and the environment. The absence of a review and response by the OSPC makes the public record incomplete in this matter and we believe precludes any decision by the Commission until this grave oversight is resolved.

In its May 25th letter, the OSPC instructs the Applicant that "changes to the Plan, other than those suggested in this letter, could result in additional comments from the State." Implicit in this notice to the Applicant regarding changes to the Plan is that significant disagreement with the State agency comments and directives amount to "changes to the Plan" requiring additional review and comment by the OSPC for the record.

Moreover, since a decision made by the Commission is limited to the evidence and arguments made on the record, procedural due process requires the Commission to refer the Applicant's response to the OSPC comments and directives to the OSPC for its review and reply to the areas of significant disagreement expressed by the Applicant.

Finally, we believe that a decision by the Commission without giving the OSPC the opportunity to provide further input for the record addressing the significant areas of disagreement would be arbitrary and capricious, an abuse of discretion and would produce a serious injustice to the public.

Based on the foregoing, we respectfully request the Commission to exercise its authority to immediately suspend the proceedings in this matter under its rules of procedure to afford the OSPC the opportunity to provide further input based on the Applicant's disagreement with the positions taken by OSPC concerning the facts and the requirements of applicable authority. If the Commission takes this course of action, the Commission should also keep the public record open to enable the public the opportunity to submit further comments regarding any additional OPSC input. Alternatively, we urge the Commission to deny the Application based on the inadequacy of the record for a proper decision.

Please include this letter in the public record in this matter.

Thank You.

Best Regards,

/signed/

Dianne L. Besso
HOA President
23255 Horse Island Road
Lewes, DE 19958
302-947-9142

cc: David L. Edgell, OSPC Director
david.edgell@delaware.gov