

Christin Scott

From: Mike Read <read_mike@yahoo.com>
Sent: Wednesday, June 23, 2021 2:52 PM
To: Planning and Zoning
Subject: Evergreen request for 30 townhomes

Categories: Christin

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.

To whom it may concern:

Regarding the Planning and Zoning Commission meeting in Georgetown on June 24 to discuss approval of 30 new townhomes across Fred Hudson Road from Salt Pond -

I am opposed to this proposal due to potential unintended consequences approval may create, including:

1. Increased traffic - There are only 3 entrances and exits for cars into and out of Salt Pond, two on Fred Hudson Road and one on Central Avenue. It is already difficult to exit our community when traffic is heavy, often requiring long wait times, especially during summer months. Approval will make this situation even worse.
2. Increased flooding and drainage problems - Paving more wetlands for more construction will only make the shedding of stormwater more difficult, and could result in greater delay in our community's ability to discharge stormwater and tidal flooding in a timely manner. Another potential unintended consequence could be another redrawing of the FEMA flood zone map for Salt Pond, which would increase flood insurance premiums for Salt Pond homeowners who choose or are required to carry it.
3. Destruction of wildlife habitat - approval will destroy acres of existing wildlife habitat across Fred Hudson Road, which could result in an increase in the number of deer and other wildlife that come over to Salt Pond in search of tasty, expensive plants that homeowners here have planted in order to make their yards more attractive and inviting.

Respectfully submitted,
Mike Read
Salt Pond homeowner and year-round resident

Christin Scott

From: Patrick Davis <patrick.davis@vacasa.com>
Sent: Wednesday, June 23, 2021 3:13 PM
To: Planning and Zoning
Cc: Suzanne Davis
Subject: CU 2259/Island Bay Community development proposal by Evergreen Homes

Categories: Christin

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.

Planning and Zoning Members:

We are writing to you to oppose the proposed Island Bay Community development by Evergreen Homes. Thirty homes on this small parcel of land is much too dense for neighborhoods in our area and it would be far different than the adjacent communities of Bethany Lakes and the Salt Pond. The majority of this parcel is unbuildable wetlands, so the number of homes per acre proposed by the developer is very misleading and not at all representative of the tightly packed buildings that they are proposing.

In addition, as residents of the community of Bethany Lakes, the proposed home sites are far too close to the Bethany Lakes existing walkways and with very little opportunity for the addition of appropriate landscaping and fencing between the two communities. If construction is allowed to proceed, we will literally have a wall of homes next to our walkway and the residents of the Island Bay Community will most certainly access the Bethany Lakes community amenities. There needs to be both fencing and landscaping so there is a clear delineation between the two communities.

We understand that this property will eventually be developed, and we are not opposed to that. However, the plan should be modified to include far fewer homes given the size of the parcel, a larger buffer between the two communities, appropriate fencing, appropriate landscaping, and consideration of the already high level of traffic on Fred Hudson Road.

Patrick Davis
Suzanne Davis
31330 Lynn Drive, Bethany Beach, DE

31326 May Drive

Bethany Beach, De 19930

June 23, 2021

Sussex County Planning and Zoning Commission

Re: # CU 2259

To Planning & Zoning Members;

I am writing to you to object to the above planning application for INLAND BAYS, on Fred Hudson Road, on the following grounds.

- Traffic - with the approval for 30 new homes (in addition to the 16 new homes, Coastal Corner, Evergreen is currently building on Fred Hudson & Central Avenue) the increased traffic will add stress to an already overloaded exit route. Fred Hudson continues to be used by emergency vehicles, and residents of Ocean View & Millville. The county must address the traffic issue on Fred Hudson & Atlantic Avenue, before approving additional building.
- Drainage – Storm water management, proposal shows 2 acres covered by impervious material. The runoff during heavy rains, nor'easters, and hurricanes will negatively impact the storm drains of Bethany Lakes community and the wetlands.
- Density – Inland Bays parcel is zoned for medium density, 4 homes per acre. Since the buildable land is 4.7 acres, no more than 18 homes should be built.
- Houses on Pilings – The proposal shows these homes to be built on pilings due to wetland issues. There is potential for damage to surrounding homes (Bethany Lakes) causing cracks in foundations, etc. by the pounding. We request the county inspectors measure seismic activity to determine if there is any damage to our foundations.

I am a resident of Bethany Lakes community since 2003, retiring to the lower shore of Delaware.

Thank you for the opportunity to voice my concerns and appreciate your consideration to our responses.

Sincerely,

Judith Cianci

Ashley Paugh

From: Janie McLaughlin <jemclaughlin21@gmail.com>
Sent: Wednesday, June 23, 2021 2:47 PM
To: Ashley Paugh
Subject: C/U2259

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.

I live in the Salt Pond Community. I am very concerned about the proposed Evergreene Development C/U2259. Where we sit between The Salt Pond & The Bay our flood risk is quite high, with paving more wetlands area the shedding of storm water will be more difficult. It could add to our flood risk & higher insurance cost. Traffic safety, with the light at Cedar Neck -heading East-then maybe 200-300 yds the intersection of G&E hockers/ Bethany Lakes (very congested now) then at least 1 if not more entrances onto Fred Hudson before the McCoys intersection along with the cross over to Fresh Pond - - would make it even more difficult to get out of our development. As of right now we experience long waits to safely turn out onto Fred Hudson. The destruction on wildlife habitat. The proximity of this desired development to Fresh Pond would impact the area traveled by the wildlife population negatively, and create the opportunity for more deer/car accidents on the already heavily traveled Fred Hudson Rd. Please Do Not allow this development to proceed.

Thank you for your time.
Janie McLaughlin
Jemclaughlin21@gmail.com
660 Bethany Loop
Bethany Beach, DE 19930
607-727-1783

Sent from my iPhone

SUSAN and PAUL FISCHER
31334 LYNN DRIVE
BETHANY BEACH, DE 19930
mtairyfish@yahoo.com

Via Electronic Delivery

June 23, 2021

Honorable Robert C. Wheatley, Chairman
Honorable Kim Hoey Stevenson, Vice Chairman
Honorable R. Keller Hopkins
Honorable J. Bruce Mears
Honorable Holly Wingate
Sussex County Planning & Zoning Commission
2 The Circle
Georgetown, DE 19947

RE: C/U 2259 Evergreene Companies, LLC (the "Developer")
Public Hearing Date: June 24, 2021

Dear Chairman Wheatley, Vice Chairman Stevenson and fellow Commissioners:

The undersigned, Susan and Paul Fischer, respectfully submit the below comments in opposition to the proposed plan of development submitted by Evergreene Companies, LLC , C/U 2259, set for public hearing on June 24, 2021. We request that the Commission reject or recommend against the proposed plan, or in the alternative, attach conditions enumerated below to protect the welfare and safety of the public.

We own the home at 31334 Lynn Drive, Bethany Beach, DE 19930, which is part of the Bethany Lakes subdivision. The property is also identified as Lot 65 of Bethany Lakes. The rear of our property faces east, and lies within feet of the subject property of the proposed Evergreene development (hereinafter referred to as "Inland Bays"). We are separated from Inland Bays only by a Bethany Lakes stormwater canal, and a bike path, each of which are 10 feet wide or less. Our property is approximately 50-100 feet from the footprint of the proposed homes to be built by Evergreene.

Set forth below are six (6) subjects of comment supporting our opposition to the Plan: (1) Environmental and Ecological; (2) Stormwater Management; (3) Density; (4) Use of Timber

Pile Foundations; (5) Traffic; and (6) Coastal Corner. Under each topic we will detail the bases for Plan rejection.

(1) Environmental and Ecological-

The subject property currently consists of almost 12 acres of pristine woodlands and wetlands. On the east side, it borders on Fresh Pond State Park and for all practical purposes serves as an extension of that state park. This forested property is a gem of nature, rare and unusual within the congested Bethany Beach environs and within a mile of the ocean. As noted by DNREC, this area is of "significant ecological value [and] provide[s] wildlife habitat, uptake[s] nutrients, infiltrate[s] stormwater, and improve[s] water quality." (PLUS Response Letter, hearing packet p. 75) The public is further benefited by the visual tranquility presented by the wildland and the cooling shade provided by the canopy. Evergreene proposes to cutdown 2.692 acres of trees. (Preliminary Site Plan, hearing packet p. 48; PLUS Response Letter, hearing packet p. 69). Evergreene proposes to build less than 100 feet from the edge of the wetlands. (PLUS Response Letter, hearing packet pp. 74-75).

- The Plan should be rejected because of the intended destruction of 2.692 acres of trees. The destruction of so many trees will cause irreversible and irreparable damage to wildlife, drainage, water quality, surface temperatures, and sight lines.
- The Plan should be denied because Evergreene rejects the DNREC requirement that the Plan "[i]ncorporate a 100-foot vegetated buffer zone from the edge of all wetlands to protect water quality." (PLUS Response Letter, hearing packet p.74). Evergreene responds: "A 100-foot vegetated buffer zone is not practical for this site and would severely limit the buildable area." (PLUS Response Letter, hearing packet p. 75). In fact, "[s]ome lots show a vegetated buffer zone of less than 25 feet from the wetland." (PLUS Response Letter, Hearing packet p. 74). The Plan should also be denied or at least delayed, because Evergreene has yet to deliver its plan to demonstrate compliance with the county code applicable to the required vegetated buffer zone, as it committed to DNREC (PLUS Response letter, Hearing packet p. 68).
- The Plan should be rejected or at least delayed because Evergreene has yet to provide "planting details and tree species to be added to the preliminary plans" as requested by the Delaware Forest Service (Hearing packet pp. 21, 34).
- The USDA found serious limitations in the buildability of homes on the soil present on the Inland Bays site (Hearing packet p. 19-22). In response, Evergreene undertakes to retain a "geo-technical engineer [to] provide additional soils analysis." (Hearing packet p. 33) The Plan should be rejected or delayed as the additional soils analysis apparently has yet to be conducted.
- Though Evergreene acknowledges in its drawings and photos the existence of trees (poplar and evergreen), bushes and shrubs on the western and northern borders of the subject property, it makes no written commitment to preserve these plantings that already are in existence, or to take steps to preserve the health of

these plantings during construction work. The Plan should be rejected because of this absence of a commitment. At a minimum, Plan approval should be conditioned upon (a) maintaining whatever existing trees and plants presently exist within the mandated landscape buffer required of it, (b) taking steps to preserve the health of such existing greenery (for example, the border poplar trees are in fragile condition, and need to be pruned and fed before construction begins), and (c) a requirement that the Developer plant hardwood/ evergreen trees along the western border in those spaces where no natural green barrier exists between Inland Bays and Bethany Lakes.

- Evergreene proposes to include in its Plan a 10' building setback from the rear and side property lines and a 20' landscape buffer along the western and rear boundary line (Presentation Outline, Hearing packet p 44). The Plan should be rejected because the 20' landscape buffer is inadequate in depth, and the content of the buffer is not defined or identified. A buffer of a mere 20' is inadequate to remedy the destruction of prime woodland being removed. A buffer that does not commit to reforestation efforts within the buffer is an empty promise. At a minimum, the vegetation buffer on the west and north boundary lines should be extended to 50 feet, and should be conditioned upon the planting of a 70/30 mix of hardwood and evergreen tree species (Delaware Forest Service, Hearing packet p. 21), dense enough to block off sight of the structures to be built.

(2) Stormwater Management-

Inland Bays proposes to cut down 2.692 acres of woodlands and replace it with 2.18 acres of impervious surfaces (PLUS Response Letter, Hearing packet p. 69; Inland Bays Data Sheet, Hearing packet p. 47). The woodlands to be cut down and the clear cut area on which the 30 homes will be built are clustered on the western edge of the property, immediately contiguous to the Bethany Lakes subdivision, and of utmost concern, within 10-20 feet of a Bethany Lakes stormwater "lake" and the Bethany Lakes stormwater canal that is situated on Bethany Lakes property and runs along and is adjacent to the property border (with only a small bike path in between). The Bethany Lakes stormwater system consists of a series of "lakes" connected by the canal. The Bethany Lakes stormwater system is adequate to handle routine stormwater draining from Bethany Lakes, but often is strained to the limit in heavy rain, severe thunderstorms and hurricanes.

- The Plan should be rejected because the new development, as situated and planned, will irreparably harm Bethany Lakes, by overwhelming the Bethany Lakes stormwater system. The Inland Bays buildings and its 2.18 acres of impervious surfaces are stacked up against the western border. Rain waters will drain off these surfaces and as a matter of necessity flow directly towards Bethany Lakes property, at most 30 feet away, and then into the Bethany Lakes stormwater pond and canal, only another 10 feet away. The Bethany Lakes

stormwater system built for 88 homes spread over many acres, cannot accommodate another 30 homes and another 2+ acres of impervious surfaces.

- The Plan should be rejected because it fails to address this concern. While acknowledging the proximity of the Bethany Lakes stormwater system in explaining why it cannot build additional access to the property (PLUS Response Letter, Hearing Packet p. 71- “ Due to existing site constraints, it is impractical to provide additional access without impacting the wetlands or the stormwater management pond for Bethany Lakes.”), Evergreene provides no discussion or rebuttal to the concern that its development will cause overwhelming runoff to the Bethany Lakes stormwater system. The stormwater ponds of Inland Bays identified in the site plan are all on the eastern side of the building lots. All runoff to the west will naturally and of necessity flow into the Bethany Lakes stormwater system, leading to likely flooding to Bethany Lakes properties.
- The Plan should be rejected or at least delayed because Evergreene has not provided any detailed or substantive stormwater management system plan. At most, other than to say “[i]nfiltration practices will not be utilized [on part of the site]” (PLUS Response Letter, Hearing Packet p. 68), Evergreene relies upon mere conclusory statements which provide no support to its application or comfort to Bethany Lakes homeowners. See, for example, Hearing Packet p. 38 (“The proposed improvements will meet or exceed the state regulations for quality and quantity control.”), Hearing Packet p. 67 (“A Sediment and Stormwater Management Plan will be submitted to the Sussex Conservation District as part of the plan approval process”), and Hearing Packet p. 73 (“The stormwater management plan will incorporate best management practices and green technologies where possible.”) Without a substantive stormwater plan that can be evaluated by experts, Evergreene’s application is fatally flawed.

(3) Density-

Evergreene proposes to build 30 single family homes, a clubhouse and a pool. The entire subject property comprises approximately 11.962 acres (less after right of way), of which after tree removal there will be 7.031 acres of remaining woodlands, including 6.124 acres of unbuildable wetlands. (Preliminary Site Plan, Hearing packet p. 48). To accommodate the remaining woodlands and wetlands, and restrictions impacting building near the wetlands, Evergreene has stacked the home building in a tiny sliver of about 2 acres of land on the western edge of the property, right up against Bethany Lakes. The subject property is zoned Medium Density, or 4 units/acre. Taking the entire acreage into account, even though the vast majority of it is unbuildable preserved land, Evergreene claims a density of 2.6 units/acre (presentation Outline, Hearing packet p. 44).

- The Plan should be rejected because Evergreene applies the wrong calculation of acreage to determine the density. In making the

determination, the appropriate measure is the actual acreage utilized in building the 30 homes (approximately 2 acres) or, at most, the acreage remaining after subtracting the woodland and wetland acreage (approximately 4.9 acres). Using these measuring tools, the actual density is 15 units/acre or 6.12 units/acre. In either case, Medium Density zoning is exceeded. The most units that the Developer should be authorized to build, based upon a 4.9 acre calculation most favorable to Evergreene, is 19 units.

- The Plan should be rejected because the proposed density is out of character with the Bethany Lakes development next door and the Salt Pond development across the street. By way of example, on one side of the subject property western boundary between proposed Inland Bays and Bethany Lakes, there will be 16 Inland Bay homes and on the other side of the boundary there are 7 Bethany Lakes homes. This approximation of more than double the density of the Inland Bays homes holds true as compared to the entire Bethany Lakes development, and likely is similar to a comparison with the Salt Pond development.

(4) Use of Timber Pile Foundations-

Though originally slated to be building construction of wood/concrete block (Preliminary Plan, Hearing packet p. 35), the current building construction plan is wood framed/timber pile foundations (updated Preliminary Plan, Hearing packet p. 48). The resultant homes will have finished floor elevation starting a floor above the ground, and rising to a building height of 42 feet.

- The Plan should be rejected because the amount of pile driving involved in building 30 homes is likely to cause structural damage to Bethany Lakes properties. It is to be noted that our home and at least 6 other Bethany Lakes homes are within approximately 100 feet of the lots of 16 Inland Bays homes to be constructed using pile driving techniques, and within approximately 200 feet of the additional 14 Inland Bay pile homes. The remainder of the Bethany Lakes homes (81) are at varying distances from the construction site, but all close by. All Bethany Lakes homes are built on concrete foundations and slabs. There is serious concern that the constant pile driving through ground so close to Bethany Lakes, likely to last months if not years, will cause cracks and other damage to Bethany Lakes foundations, further settling of Bethany Lakes homes resulting in internal floor, wall, ceiling and roof damage, and damage to Bethany Lakes infrastructure, including roads, driveways, pool and clubhouse.
- The Plan should be rejected due to the excessive pile driving noise and vibration that adjoining property neighbors will face for months or years. This invasion of the residents' peaceful enjoyment of their property over such an extended period of time is unacceptable.
- The Plan should be rejected because building on pilings will result in homes being excessively tall and out of character with surrounding communities.

- If the Plan is accepted, at a minimum, Evergreene should be required to fund an escrow account of at least \$500,000, administered by an independent third party, from which payments can be made to Bethany Lakes homeowners and HOA to pay for damage resulting from the Inland Bays construction.
- If the Plan is accepted, at a minimum, seismic testing equipment should be installed during construction at appropriate locations on Bethany Lakes and Inland Bays property, and monitored by state or independent engineers, all at the expense of Evergreene, to record possible damaging pile driving vibrations so that timely corrective or remedial action can be taken.
- If the Plan is accepted, at a minimum, the number of approved houses should be limited to 15 homes, to reduce the potential damage and noise disturbance by half.

(5) Traffic

The proposed development fronts onto Fred Hudson Road. Fred Hudson is a major east/west thoroughfare. It is used as a bypass for drivers who wish to avoid the always over congested Route 26 between downtown Bethany Beach and Central Avenue. In fact, it is the only east/west alternative to Route 26 between Rehoboth Beach and Fenwick Island. It is used as an access road by residents of the Cedar Neck area to the beach and points north and south on Route 1. It is used to access Hockers Supermarket in Salt Pond Plaza. And, of course, it is the access road in and out of the Bethany Lakes and Salt Pond developments. It shortly will serve additional traffic to/from the new stores built in Salt Pond Plaza and the recently approved Coastal Corner development of Evergreene. As a result of all of this usage, Fred Hudson is utilized by thousands of cars on a daily basis, and is a nightmare in the summer. Exiting Bethany Lakes or Salt Pond onto Fred Hudson is challenging at best. The proposed Inland Bays development will dump the added traffic of 30 new homes onto Fred Hudson, including residents, guests, contractors, delivery persons, and emergency vehicles. Fred Hudson cannot handle additional traffic. Please reject the Plan for this reason. At a minimum, please send this back to DelDot with a request to conduct a detailed study of the traffic impact of the proposed development on Fred Hudson Road.

(6) Coastal Corner-

On the western and south western borders of Bethany Lakes, just down Fred Hudson from the proposed Inland Bays development (on the eastern border of Bethany Lakes), the county in 2018 approved another development of Evergreene. See Ordinance No. 2609. See also, C/U 2130. This development, called Coastal Corner, is currently under construction. Among other things, the approving Ordinance found that the developer ***"will attempt to preserve as many trees as possible"***, and imposed the condition that ***"the buffer on the north side [adjoining Bethany Lakes] shall be extended up to 25 feet to accommodate existing vegetation and trees"*** (emphasis added).

- The Inland Bays Application should be denied because the construction of Coastal Corner has failed to meet the above noted finding and condition set forth in Ordinance 2609. Rather than leave undisturbed the trees along the north side border with Bethany Lakes, all but a handful of mature trees clearly within 25 feet of the boundary were bulldozed. Rather than preserve as many trees as possible, the property, with a handful of exceptions, was clear cut. Given what has happened to the trees in the construction of Coastal Corner, the Inland Bays Application should be denied. Given what has happened to the trees in the construction of Coastal Corner, we are concerned that undertakings made and conditions imposed will provide insufficient protection to safeguard environmental and ecological concerns impacting Bethany Lakes and the public at large, so approval of the Application should be withheld.
- At a minimum, in the event that the Inland Bays application is approved or recommended, such approval should be conditioned upon the appointment of a state representative or independent third party to whom Evergreene must submit prior notice of, and from whom receive prior approval for, the intention to remove any and all trees. The expense of this process should be borne by Evergreene.

Based upon the above comments, we respectfully request that the application of Evergreene to develop and construct the Inland Bays project be rejected or recommended against. In the alternative, conditions as set forth above should be imposed.

Thank you for your consideration of our thoughts.

Very truly yours,

s/Paul Fischer

s/Susan Fischer

31335 Lynn Drive
Bethany Beach, DE 19930

Opposition
Exhibit

June 23, 2021

Sussex County Planning & Zoning Commission
2 The Circle
Georgetown, DE 19947

Subject: CU 2259 Proposed Inland Bays Community

Dear Sussex County Planning & Zoning Commission:

I am a resident of the Bethany Lakes Community which is located directly adjacent to the proposed Inland Bays Community.

I have several concerns regarding this proposed development.

DENSITY:

This area is designated Medium Density, defined as 4 homes per acre. The developer plans to build 30 homes on only 4.7 acres of the total of 11.97 acres. The proposed homes will only be 10 feet apart yet the spacing for our community, with the same Medium Density designation, is a minimum 20 feet apart.

STORMWATER MANAGEMENT:

Inland Bays developer is not specific on how they will handle storm water. This is a serious issue for our area. Recent storms have illustrated that our storm water system is frequently at capacity. Additional pressure on our system as a result of Inland Bays development cannot be handled.

TRAFFIC:

Traffic on Fred Hudson Road is already a significant problem. The addition of 16 residences already approved at the Coastal Corner community located at Fred Hudson and Atlantic Avenue and 30 more at Inland Bays, on Fred Hudson, will overwhelm the current road structure. The County should not continue to approve additional building without addressing the traffic on both Fred Hudson & Atlantic Avenue as these are the only routes in and out of this area.

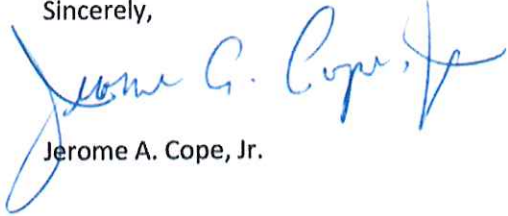
June 23, 2021

Page 2

CONSTRUCTION ON PILINGS:

The 30 proposed houses are to be built on pilings. My home and the other homes on Lynn Drive in Bethany Lakes are directly adjacent to the proposed 30 homes to be built on literally hundreds of pilings. I request that any approval, if granted, include the requirement for the developer to conduct seismic testing during construction to monitor any possible effects to the homes on Lynn Drive.

Sincerely,

A handwritten signature in blue ink that reads "Jerome A. Cope, Jr." with a stylized flourish at the end.

Jerome A. Cope, Jr.

Opposition
Exhibit

June 23, 2021

Opposition
Exhibit

Members of the Planning & Zoning Commission
Georgetown, Delaware
By email: pandz@sussexcountyde.gov

Re: CU 2259, The Evergreene Companies proposal for the Inland Bays Community project

Dear Commissioners:

I am writing as a homeowner in Bethany Beach, Delaware concerning a proposed development being put forth by The Evergreene Companies. I am a single-family homeowner in Bethany Lakes, which I purchased in 2012 and live in with my husband and two children. Prior to purchasing this home, we rented a townhouse year-round for 7 years in North Bethany.

The new Evergreene development will be called Inland Bays Community and will be constructed on Fred Hudson Road. This is an area of Bethany Beach that already has significant growth, including current construction for new homes less than a ½ mile away from this proposed development (Coastal Corner), and an on-going development a bit further away on the bay (Sunset Harbor), in addition to construction on individual lots throughout the immediate area. There is a healthy mix of full-time homeowners and seasonal homeowners and vacationing renters. The communities in this area are predominantly served by single lane roads, including many communities that only have one way in and one way out to access their homes. Moreover, some of these roads are often used by travelers seeking to avoid the congestion on Route 26 and Route 1. In other words, there is a lot of traffic on these roads, year-round, particularly on weekends, and especially on all days from April to October. The traffic is caused by visitors, homeowners, and everyday workers. It's a robust and beautiful coastal area that enjoys a combination of people who live and work here and people who visit for personal enjoyment. It is an area that is presently vibrant but challenged with its existing infrastructure, and adding to a stressed infrastructure that is limited in its ability to grow is not in the best interest of the residents, the communities, the County, or the State. And, intruding into the diminishing green space should be curbed and avoided.

From what I understand, Evergreene has proposed a 30-home development on a single private road on a parcel that contains protected wetlands. I object to this proposal, as written, based on the following concerns:

- We expect to see even more significant impacts on the already congested streets with substantial negative consequences on the quality of life in the area, including obstructing the ability for first responders to effectively and efficiently navigate the streets, the severely limited ability to meaningfully expand the infrastructure to provide adequate access, and the cost to maintain these streets that will be passed on to the residents.
- The parcel on which this new development will be built is wetlands and woodlands, which are protected in the law from being developed and must be preserved. This includes preventing Evergreene from building on protected land and providing that Evergreene's construction respects the distances from protected land that is required in the law, in

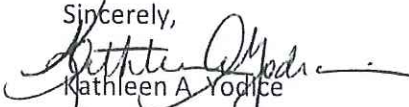
addition to preventing unnecessary removal of existing trees and other greenery that add to a healthy environment.

- The size and volume of the proposed development appears to violate the permissible density limitations for building on acreage.
- The infrastructure to manage storm water and flooding is already at capacity. Having lived through and suffered damage as a result of Hurricane Sandy, the risks associated with a poor storm water management plan are evident. There needs to be a plan to accommodate the water impacts of the proposed development, including additional storm water management facilities and preserving the natural management that the environment (greenery) can provide.
- We expect to see damage caused to the roads and nearby homes and buildings as a result of Evergreene's construction activity that should be evaluated and addressed before any development or construction is approved.

In sum, the proposal is putting too much on top of what is already too much. Based on the foregoing, and additional points that may be raised as we further review and evaluate Evergreene's proposal (and probably amendments), I urge you to deny the application, or at least to defer its consideration until further evaluation and mitigation can be fairly reviewed to assure that any planned development will not adversely affect the safety, efficiency, maintenance, and quality of life in our area.

Thank you for your careful and favorable consideration of this matter.

Sincerely,


Kathleen A. Yodice
31316 Terry Circle
Bethany Beach, DE 19930

Christin Scott

From: mlpoffenberger@gmail.com
Sent: Tuesday, June 22, 2021 5:01 PM
To: Planning and Zoning
Subject: FW: CU 2259 -Hearing on Proposed Inland Bay Community

Opposition
Exhibit

Categories: Christin

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.

Not sure if my original went through so forwarding this.

PLEASE DISTRIBUTE COPIES TO EACH MEMBER OF THE COMMITTEE

Sussex County Planning and Zoning Committee:

We are owners in the Bethany Lakes Community whose main entrance is on Fred Hudson Road. Evergreene companies is currently developing a community called Coastal Corner at the intersection of Fred Hudson and Cedar Neck Roads. We went before the Planning and Zoning Committee when that community was proposed and some modifications were made for which we are appreciative. However, it is our understanding that they were not to cut down all of the large trees which were on the property line. However, they went ahead and did that and indicated they would plant trees after the community is complete. We know that those trees will not provide the privacy we were afforded before. Therefore, we do not have much confidence in what Evergreene says they are going to do.

Following is a list of the concerns we have about the Inland Bays Community:

- **Density:** This is said to be a medium density community which we understand to be 4 homes per acre. The total land for the community is 11.97 acres, of which 9.2 are unbuildable as they are designated as either woodland or wetlands. Island Bays plan is to remove trees from 2 acres for their proposed houses and build on 4.7 acres which includes the clearing at Fred Hudson for easement and entry. Based on the county definition of medium density, no more than 18 homes should be built. The houses per their plan are 10 ft. apart. Our community, Bethany Lakes, is considered Medium Density and we cannot build within 10 ft. of our property line which means all houses are at least 20 ft. apart.
- **Stormwater Management:** The approval documents for the Inland Bays Community are not specific on how their stormwater management system will be handled. We understand there will be 5 acres covered by impervious materials. In the event of heavy rainfall or hurricanes this will create a problem for the existing pipes and lakes of Bethany Lakes. We know that during heavy storms and extended rainfall, our stormwater management system cannot contain the runoff from our existing system. Many of us have lawns that flood and those that live along the canal have seen our stormwater system at capacity. We have concerns that the additional pressure on our storm water system will exceed our ability to manage stormwater.
- **Sewerage:** We have had problems with the Pumping Station at the Virginia Drive entrance to our community in the past. Improvements were made and we were assured when they were developing Coastal Corner that it was adequate for both of those communities. We assume Inland Bays sewerage will be feeding into our pipes that run under Virginia Drive to the Pumping Station. We have concerns that we will again have a foul smell emanating from the pumping station.
- **Construction of Houses on Pilings:** These 30 houses are to be built on Pilings because of the Wetlands Issue. Pounding in the Pilings may cause severe damage to houses in the area causing cracks in the

foundation. We request that the county inspectors measure seismic activity to determine if there is any damage to our foundations as the result of pilings being driven into the ground.

- **Traffic:** Traffic on Fred Hudson Road is already a problem in the summer months. One of our owners' husbands had to be taken in an emergency by ambulance to Beebe Hospital in Lewes. The ambulance had to drive on the wrong side of the road to reach Rt. 1. His wife arrived at the hospital by car 45 minutes after he did, which can cause difficult decision making issues in an emergency. The county cannot continue to approve more building in the Ocean View and Millville area. All of these communities use Fred Hudson Road. Fred Hudson as well as Rt. 26 need to be widened or there will be serious consequences. There are many more bicycle riders using that road also and many do not use the bike path. It is an accident waiting to happen.
- **Answers on the Application Evergreen Submitted: Question 21:** Does this activity encroach on or impact any tax ditch, public ditch or private ditch. They say **NO**.
Question 28: They indicate there will be an opportunity to connect to a larger bike, pedestrian or transit network. Are they thinking of our Bike Paths or our Sidewalk. Our sidewalks are on private property within our fenced area.

As stated in the beginning our history with Evergreene is not good. If this property is approved, we are trusting that there will be people from the county overseeing it to be sure it meets the required specifications.

Thank you for hearing our concerns.

Sincerely,

Wright B. Poffenberger and Mary L Poffenberger
38360 Virginia Drive
Bethany Lakes
Bethany Beach, DE 19930
302-539-2256

Christin Scott

From: Michael Van Zetta <vanzettamr@gmail.com>
Sent: Tuesday, June 22, 2021 5:14 PM
To: Planning and Zoning
Cc: Julia VanZetta
Subject: Proposed Development -CU2259

Opposition
Exhibit

Categories: Christin

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.

Members of the Zoning and Planning Commission,

As a homeowner and Delaware resident, I need to register my concerns regarding the proposed development, Inland Bay Community , by Evergreene Homes.

1. **Density** - Medium Density is defined as 4 homes per acres. Both *Bethany Lakes* and *Inland Bays* are zoned as Medium Density. As stated above, the total land for the proposed *Island Bays* development is 11.97 acres, of which 9.2 acres are unbuildable as they are designated as either woodland or wetlands. *Inland Bays* plan is to remove trees from 2 acres for their proposed houses and build on 4.7 acres which includes the clearing at Fred Hudson for easement and entry. **Based on the county definition of medium density no more than 18 homes should be built.**
2. **Stormwater Management** – The approval documents for the *Island Bays Community* are not specific on how their stormwater management system will be handled. We understand there will be 5 acres covered by impervious materials. In the event of heavy rainfall or hurricanes this will create a problem for the wetlands as well as the existing pipes and lakes of Bethany Lakes. We know that during heavy storms and extended rainfalls, our current stormwater management system cannot contain the runoff from our existing system. Many of us have lawns that flood and those that live along the canal have seen our stormwater system at capacity. **We have concerns that the additional pressure on our storm water system will exceed our capacity to manage stormwater.**
3. **Traffic - Traffic on Fred Hudson Road is already a significant problem in the summer months. It is not uncommon to see traffic backed up to GE Hocker's Supermarket during the summer months from Coastal Highway.** In a few instances emergency vehicles were unable to transit the road heading to Coastal Highway. The addition of 16 new residences at *Coastal Corner* and 30 more in *Inland Bays* will more than overwhelm the current road structure. Residents in Ocean View, Millville and the surrounding areas all come through Fred Hudson Road to go north on Route 1. The county cannot continue to approve more buildings without addressing traffic on both Atlantic Avenue and Fred Hudson Road.
4. Construction of Houses on Pilings - These 30 houses are to be built on pilings because of the Wetland Issue. Pounding in the pilings may cause severe damage to houses in the area causing cracks in the foundations. **We request that the county inspectors measure seismic activity to determine if there is any damage to our foundations as the result of pilings being driven into the ground.**

There are other concerns within the community regarding tree removal along our property line, tie ins to our trails but our major issues are outlined above and addressed.
Thank you for your attention

Michael and Julia Van Zetta
38355 Virginia Drive
Bethany Beach, DE

Christin Scott

From: Craig Wishner <cwishner@gmail.com>
Sent: Tuesday, June 22, 2021 7:40 PM
To: Planning and Zoning
Subject: CU 2259

Opposition
Exhibit

Categories: Christin

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.

To Whom It May Concern:

I'm a resident of the Bethany Lakes Community for over 14 years, located on Fred Hudson and Cedar Neck Road in beautiful Bethany Beach DE.

There's a proposed new development (Island Bay Community) scheduled to contain 30 multiple level single family dwellings that are located adjacent to our community. This was of course expected to happen, which I have no argument against and welcome our new pending neighbors. However, based on the information provided to me with the following, this does cause me some concern for the safety, well-being, and lack of concern for overburdening this area with more people than it can potentially handle.

Of the 11.96 acres of the parcel for the proposed Island Bay Community, 9.2 acres are either woodland or wetlands and therefore unbuildable. Therefore, these 30 single family houses will be built on approximately 2.7 acres and be stacked up against the eastern border of our community.

The following are our major concerns we wish to bring to your attention.

1. Density - Medium Density is defined as 4 homes per acres. Both Bethany Lakes and Island Bays are zoned as Medium Density. As stated above, the total land for the proposed Island Bays development is 11.97 acres, of which 9.2 acres are unbuildable as they are designated as either woodland or wetlands. Island Bay's plan is to remove trees from 2 acres for their proposed houses and build on 4.7 acres which includes the clearing at Fred Hudson for easement and entry. **Based on the county definition of medium density no more than 18 homes should be built.**

2. Traffic - Traffic on Fred Hudson Road is already a significant problem with more people working remotely from their homes (including both permanent and second homeowners) and will be even more so impacted in the summer months. It is not uncommon to see traffic backed up from route 1 to GE Hocker's Supermarket during the summer months. The addition of 16 new residences at Coastal Corner and 30 more in Island Bays will overwhelm the current road structure. Residents in Ocean View, Millville and the surrounding areas all come through Fred Hudson Road to go north on Route 1. The county cannot continue to approve more buildings without addressing traffic on both Atlantic Avenue and Fred Hudson Road. **I would strongly recommend a current traffic study be conducted, to see and witness the insane amount of traffic even prior to these homes being occupied on this narrow stretch of Fred Hudson and Cedar Neck Road.**

3. Stormwater Management - The approval documents for the Island Bays Community are not specific on how their stormwater management system will be handled. We understand there will be 5 acres covered by impervious materials.

In the event of heavy rainfall or hurricanes this will create a problem for the wetlands as well as the existing pipes and lakes of Bethany Lakes. We know that during heavy storms and extended rainfalls, our stormwater management system cannot contain the runoff from our existing system. Many of us have lawns that flood and those that live along the canal have seen our stormwater system at capacity. We have concerns that the additional pressure on our storm water system will exceed our capacity to manage stormwater.

4. Construction of Houses on Pilings - These 30 houses are to be built on pilings because of the Wetland Issue. Pounding in the pilings may cause severe damage to houses in the area causing cracks in the foundations. We request that the county inspectors measure seismic activity to determine if there is any damage to our foundations as the result of pilings being driven into the ground.

Again, we by no means want to take away someone's ability to prosper by buying land and building upon it, we are only asking for the committee to look at the facts, concerns, and enable the appropriate and right number of homes that should be allowed to be built.

In addition, I've been living here since prior to the Harris Teeter and now G&E Supermarket and forthcoming businesses in the strip center in front of G&E, where there was not this intense abundance of traffic of cars, bicycles, and pedestrians that currently roam up and down Fred Hudson. I personally have been close to being knocked off my bicycle several times by motorists, and thank God I wasn't hurt or seriously injured. Does someone care about helping to alleviate this potential situation, or do you just want to have a blind eye to it.

We're not asking for the delay or stoppage of this new community, just to look at the facts and concerns and provide a mutually beneficial decision that is fair to all.

Also, I wouldn't be surprised if there might be other slatted communities that will be popping up in the future within close proximity, that would further impact this current traffic and overburdening of the Fred Hudson Road area.

I'm hoping you can understand and consider our request for the appropriate number of homes that will occupy this new parcel of land on Fred Hudson.

Thank you for your time and again your consideration in this matter.

Best,
Craig Wishner

Christin Scott

From: Charlie Stieff <cstieff3@gmail.com>
Sent: Tuesday, June 22, 2021 6:16 PM
To: Peter Preston
Cc: Planning and Zoning
Subject: Re: CU 2259

Opposition
Exhibit

Categories: Christin

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.

Very good. Can you add names to the letter and if yes please add Ann and mine.

On Tue, Jun 22, 2021 at 6:13 PM Peter Preston <pmpreston@yahoo.com> wrote:

To Whom It May Concern :

This letter in opposition to the proposed 30 single family unit subdivision at the West end of Fred Hudson Rd. represents the sentiments of the Home Owners in Heron Bay at the East end of Fred Hudson.

There is already too much fast moving traffic along Fred Hudson which backs up at the light at Rte #1 and blocks our entrance all summer long. When this happens, to go West from our community onto Fred Hudson, one has to make a blind turn into traffic coming from Rte #1. There has already been one accident there; and with a greater number of vehicles on the road from the proposed project, it will become even more dangerous.

Fred Hudson is now a "cut through" for traffic trying to avoid the light at Rte #1 and Rte #26 while also being used more and more as additional residential projects are approved along Central Ave./Cedar Neck Rd.

Until such time as Fred Hudson is properly widened with an adequate walking/bike path from beginning to end, it will become a larger and larger safety hazard. Any new projects creating an additional traffic load should be denied.

Please protect the safety of those who already live along Fred Hudson before more tragedies occur.

Thank you for your kind consideration.

Sincerely,

Peter Preston
Board Member
Heron Bay Condominium Association
Bethany Beach, DE 19930

Christin Scott

From: Mable Ruddo <theruddos@yahoo.com>
Sent: Tuesday, June 22, 2021 3:00 PM
To: Planning and Zoning
Subject: CU 2259

Opposition
Exhibit

Categories: Christin

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.

Dear Planning and Zoning Commission,

I have been a homeowner in the Bethany Lakes community in Bethany Beach for 17 years and would like to voice my disapproval of the construction of the Island Bays development off of Fred Hudson Road. I object to the Island Bays development because of the list of issues below.

1. Density:

Medium density is defined as 4 homes per acres. Both Bethany Lakes and Island Bays development is 11.97 acres, of which 9.2 acres are unbuildable as they are designated as either woodland or wetlands. Islands Bays plan is to remove trees from 2 acres for their proposed houses and build on 4.7 acres which includes the clearing at Fred Hudson for easement and entry. Based on the **county definition of medium density** no more than **18 homes** should be built.

2. Stormwater Management:

We already experience regular flooding on Fred Hudson Road and within the Bethany Lakes community on a day like today when it rains all day. Island Bays will create even more of a problem during hurricane season and heavy rainfall months.

3. Construction of Houses on Pilings:

We understand these Island Bay homes will be built on Pilings. This pounding is a severe risk to the foundation of our property. We request that the county inspectors measure seismic activity to determine if there is any damage to our foundations as the result of Pilings being driven into the ground.

4. Traffic:

A few years ago a Bethany Lakes resident called an ambulance to come pick up her husband and the ambulance was stuck in traffic on Fred Hudson Road and it took over an hour to get to the hospital. In addition, this past weekend we were trying to get out of our community at 9am on Saturday and could not turn left because traffic was backed up on Fred Hudson Road from Route 1 all the way to Cedar Neck Road. This is unacceptable and already affects traffic where Cedar Neck Road intersects with Atlantic Avenue.

We request the State Transportation Department come here and do a traffic study. We also request the Sussex County Water Company and County Sewer do a proper survey and inform our community of the results of these surveys. We also request that the county inspectors measure seismic activity.

Thank you for your consideration of our Bethany Lakes community concerns.

Regards,
Mable Ruddo

Christin Scott

From: tom noord <tnoord@gmail.com>
Sent: Tuesday, June 22, 2021 2:24 PM
To: Planning and Zoning
Subject: CU 2259

**Opposition
Exhibit**

Categories: Christin

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.

Dear Planning and Zoning Commission,

Thomas Noord & Judith Noord, homeowners in Bethany Lakes residing on Lynn Drive. Our property backs up to the proposed development of Inland Bays. We will be directly effected by this project, in every aspect. We are stating our opposition to the scope of this development, the ecological and storm water management, the buffer between our development and this project.

Our Board of Directors have expressed their concerns with some of the density issues and oppose 30 homes to be built along this sliver of land. Evergreen Homes has taken a scorched earth approach to building on the west side of our community and will cut down every tree and all vegetation leaving us with no tree or fencing border. Our bike path, which is no closer than 100 feet to any home in the Bethany Lakes Community, will be built 25 feet from this proposed development. Approving this plan as proposed is basically ceding the walkway/ path to the Inland Bays Community. Where are they going to walk their dogs, ride their bikes? Are all the trees between the communities going to remove for this project too?

We feel the research into the ecological impact of pile driving space for 30 homes into an area adjacent to wetlands are an unknown and needs further review of the impact of our environment. We don't approve of the project as proposed and believe 30 homes is too many to wedge into that small buildable parcel.

Thomas & Judith Noord
31332 Lynn Drive
Bethany Beach DE

Christin Scott

From: Sandra Clinton <syc@ClintonRiesla.com>
Sent: Tuesday, June 22, 2021 10:48 AM
To: Planning and Zoning
Cc: Sandra Clinton
Subject: CU 2259

Categories: Christin

Opposition
Exhibit

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.

I am writing in regard to the proposed new development to take place on the north side of Fred Hudson close to the intersection with Cedar Neck Road in Bethany Beach, MD.

My family and I are residents at Heron Bay Circle near the corner of Fred Hudson and Rt. 1. Every day we have to fight growing traffic to leave our development to go either east or west. Additionally, every day I do a bike training ride leaving my neighborhood at 7am and returning at 7:45am. The scariest part of both driving out of our neighborhood and riding on a bike out of the neighborhood is crossing to go the opposite direction, or riding on a very narrow shoulder on a bike. If I were to swerve in either direction I would either risk being hit by a car or running into a water-filled swale at the side of the narrow shoulder.

We are concerned about the growing traffic on Fred Hudson and the continued development in this fragile landscape of wetlands. Adding the proposed 36 or so new homes will potentially add another 60 or so cars to this already too congested road. It now often takes 3 light turns to get through the traffic signals at Rt. 1 on a summer weekend, and I live ¼ of a mile from the intersection. Something must be done to curb the amount of traffic, to create a safer biking and walking lane along Fred Hudson, and to protect the little bit of remaining wild wetlands and marshes that make southern Delaware the habitat it is and has always been...long before approving additional houses that will only bring additional cars and negative environmental impacts.

We ask that you please consider not approving this new proposed development, or at the least, reducing it by ½ to ¾ the number currently considered.

Thank you for your considerations.

Sandy

SANDRA YOUSSEF CLINTON
FASLA | President



CLINTON+RIES
Landscape Architects

301-699-5600 office
301-442-0981 cell
www.clintonriesla.com

FIRM NEWS...click [here](#)

Opposition
Exit

Christin Scott

From: Karin Lupichuk <knlupichuk@verizon.net>
Sent: Monday, June 21, 2021 7:14 PM
To: Planning and Zoning
Subject: CU 2259

Opposition
Exhibit

Categories: Christin

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.

Dear Sussex County Zoning and Planning Commission,

I am writing to express concerns over the proposed housing development Island Bays Community by Evergreen Builders. We recently purchased a home (March 2021) in the Bethany Lakes Development where we reside full time. Our house is located at 31328 Lynn Drive and backs up to the community bike path where the proposed Island Bays Community plans to build houses that border the community bike path. We are very concerned that the forest area will be destroyed by the proposed development. We are obviously concerned over the impact to our view of the forest and the negative impact on our property value, but the destruction of what is left for the wildlife to live is even more concerning. From our home while sitting on our back deck, we have observed several accidents on Fred Hudson, one where a deer was killed and another where cars slammed into each other b/c geese regularly cross Fred Hudson and the traffic stops to let them pass - if a car is not paying attention they slam into the car who has stopped for the geese. We have observed these traffic and wildlife problems in just the first few months of us living here. I agree with all of the concerns outlined by the community leads, but wanted to send a personal statement with my concerns as well. Fred Hudson road can really not sustain another housing development and our wildlife need the forest area that is adjacent to the state park - I really hope that the state could buy out the builder and annex the land into the adjacent state park. If the housing development is approved, I would hope a new plan is submitted for a significantly lower number of homes and that there is true forest buffer along the bike path, not just a few trees.

Thank you for your consideration,

Karin and Michael Lupichuk
31328 Lynn Dr
Bethany Beach, DE
19930
302-740-7608

Christin Scott

From: D Barnhouse <barnhouse7@verizon.net>
Sent: Tuesday, June 22, 2021 8:02 PM
To: Planning and Zoning
Subject: Oppose to CU 2259 Inland Bays

Categories: Christin

Opposition
Exhibit

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.

Members of Planning and Zoning

I'm writing this email to the Board to voice my thoughts and concerns regarding the Inland Bays housing proposal. We have three issues why this 30 house development should not occur. They are House Density, Stormwater Management and Traffic.

Density: This development is zoned as a Medium density project. The property is 11.96 acres of which 9.2 acres are unbuildable as they are designated either woodland or wetlands. The project would be using 4.7 acres which has 2 acres of impervious surfaces. This suggests that the 30 houses would all be condensed on a smaller lot (10ft apart) than the surrounding housing communities.

Stormwater Management: The Inland Bays project does not specifically say how the water system would be addressed. The property is majority wetlands and wooded area and they want to cut down many trees to build the 30 houses. As you know, our climate is changing rapidly and more extreme weather could be the norm, which would only add to our fragile infrastructure. Living by the ocean and having water concerns only increase by adding 30 houses on a relatively small parcel of land.

Traffic: This is an issue everywhere, no one likes traffic, but when citizens safety issues worsen because of traffic then we have a problem. The entire area is growing which brings more walkers, bike riders and cars on our roads. Fred Hudson Drive already is a busy road in the summer season, adding more houses would only increase our traffic. In the summer, Fred Hudson drive is a connecting road to Rt.1 Coastal Hwy. used by the surrounding neighbors, vacationers and First Responders. Fred Hudson Dr.traffic backs up from Rt. 1 Coastal Hwy onto Central Ave. My safety concerns from adding more houses would be the sometimes precious seconds First Responders need to assist me and my neighbors in a time of need. Adding more cars to our roads would only increase traffic hindering response time from our First Responders.

Thank you for your time.

Ann and Dwight Barnhouse
31336 Lynn Dr.
Bethany Beach, DE 19930

Christin Scott

From: Lyle Dennis <ldennis@dc-crd.com>
Sent: Tuesday, June 22, 2021 9:15 PM
To: Planning and Zoning
Cc: 'Home (lyleden@comcast.net)'; Barbara Guthrie
Subject: CU-2259

Opposition
Exhibit

Categories: Christin

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.

To: Planning and Zoning Commissioners
From: Lyle and Janet Dennis, 31338 Lynn Drive, Bethany Lakes
Re: Inland Bays development

We am writing to express our concerns with the proposed development of the Inland Bay property on Fred Hudson Road. While we would not question an owner's right to develop their property, there are several major concerns generated by this proposal that we would respectfully ask the Commission to address and to redress.

1. Density – While this property is nearly 12 acres, most of it is not buildable because of wetlands and impervious soils. As a result, the proposal is to jam 30 houses on 4.2 acres, nearly double what would be allowed in a medium density residential development. It is critical that the Commission reduce this density to no more than 16 houses plus the pool. If you review the drawing submitted by the applicant, you will see that there are sixteen (16) houses on the west side of the proposed street, which line up against seven (7) houses on the east side of Lynn Drive. This level of density is totally disproportionate to the area, whether it is Bethany Lakes to the west, or Salt Bond to the south. Neither development comes close to this density and to allow this parcel to be developed in this way is totally overdone for the area.
2. Traffic – We noted that DeIDOT indicated that based on the number of units and estimated trips per day, a Traffic Impact Study is not required for this development. However, we also noted that the letter from DeIDOT indicated that, while not required, it is recommended. Please direct that such a study be done. Traffic on Fred Hudson in the summer backs up the length of the road from Route 1 to Central Avenue. Even in the off-season, traffic on that road is heavy, with cars often travelling above the speed limit. It is a tragedy waiting to happen.
3. Historical Preservation – I noted on the application that Evergreen indicated that it has not had the property inspected by the State's Office of Historical Preservation and, more significantly, that it would not permit that to be done. This begs the question, why not? Is it possible that there is something on the property that would merit preservation? A burial ground from the Lenape-Delaware Tribe? A village with artifacts? There is no way to know without an inspection by experts.
4. Environmental Issues – It appears that there was once a house on that property in the area that is going to be built. Does anyone know what the fuel source for that house was? Might there be an oil tank or a propane tank on the property? How was sanitary waste handled? Could there be a septic tank? All of these issues need to be addressed before moving forward.
5. Tree Preservation – Lining the west side of this parcel there is a stand of evergreen trees, followed by a row of deciduous trees. We are counting on the Commission to direct that these trees be preserved – and that the direction be enforced. Evergreen's development on the corner of Fred Hudson Road and Central Avenue is clearly indicative of what kind of approach this developer takes – cut it down now, apologize later (or not at all). Don't let them do to the east side of Bethany Lakes what this same developer did on the west side.

Thank you for your consideration of these issues and others that are being raised by residents of Bethany Lakes, Salt Pond, and others in the area.

Lyle and Janet Dennis
31338 Lynn Drive

NOV 18 1997
9 11 AM

Christin Scott

From: webmaster@sussexcountyde.gov on behalf of Sussex County DE
<webmaster@sussexcountyde.gov>
Sent: Wednesday, June 23, 2021 11:07 AM
To: Planning and Zoning
Subject: Submission from: Planning & Zoning Commission contact form
Categories: Christin

RECIPIENTS: Jamie Whitehouse

Opposition
Exhibit

Submitted on Wednesday, June 23, 2021 - 11:07am

Name: Kenneth Witmer
Email address: kdwitmer75@gmail.com
Phone number: 484-354-9726
Subject: Concerns Regarding CU 2259 The Island Bays Community Prospectus
Message:

June 23, 2021

Sussex County Council and Planning and Zoning Commission Members:

We, Nancy and Kenneth Witmer, Jr., are Delaware residents who live and vote in Sussex County. Our home is in the Bethany Lakes Community in Bethany Beach, Delaware. We are writing to voice our concerns regarding the prospective development by The Evergreene Companies, LLC identified as "Island Bays Community," CU 2259. Please adjust this company's current development plans to resolve the following issues that if not satisfied would cause serious problems for all homes and businesses in the area surrounding the proposed building of the (thirty) 30 home Island Bays Community.

- **Stormwater Management Problem**— The prospective approval documents for the Island Bays Community do not specify how their stormwater management system will be handled. We understand there will be 5 acres covered by impervious materials. In the event of heavy rainfall or hurricanes this will create a problem for the wetlands as well as the existing pipes and lakes of Bethany Lakes. We know that during heavy storms and extended rainfalls, our stormwater management system cannot contain the runoff from our existing system. Many of us have lawns that flood and those that live along the canal have seen our stormwater system at capacity. We have concerns that the additional pressure on our stormwater system will exceed our capacity to manage stormwater.
- **Density Problem - Medium Density** is defined as 4 homes per acre. Both Bethany Lake and Inland Bays are zoned as Medium Density. As stated above, the total land for the proposed Island Bays development is 11.97 acres, of which 9.2 acres are unbuildable as they are designated as either woodland or wetlands. Island Bays plan is to remove trees from 2 acres for their proposed houses and build on 4.7 acres which includes the clearing at Fred Hudson for easement and entry. Based on the county definition of medium density, no more than 18 homes should be built.
- **Closeness of Construction of Houses on Pilings Problem**- The proposed 30 homes are to be built on pilings because of the property's Wetland Issue. The nearness of the pounding in of the pilings is likely to cause damage to Bethany Lakes homes resulting in cracks in the foundations and walls. County inspectors should continually measure seismic activity to determine if any damage is occurring to neighboring homes as pilings are being driven into the ground.

(CONTINUED BELOW)

- The Continuing Traffic Problem - Traffic on Fred Hudson Road is already a significant problem and dangerous issue during the summer months. It is not uncommon to see traffic backed up to GE Hocker's Supermarket during the summer months. You recently approved the addition of the sixteen (16) residences at Coastal Corner and now to add thirty (30) more homes as the Island Bays Community will truly overwhelm the current road infrastructure. Residents in Ocean View, Millville and the surrounding areas all come through Fred Hudson Road to go north on Route 1. The county cannot continue to approve more building without addressing traffic both on Atlantic Avenue and Fred Hudson Road. Recent studies of road usage are not consistent with the living experience of current residents.

As Sussex County voters, we appreciate your leadership and willingness to use the authority we have given you to reconcile the issues we present above and to support the continued safety, comfort, and quality of the neighborhoods under your watch!

You current constituents,

Kenneth Witmer, Jr.
Nancy Witmer
Kenneth and Nancy Witmer
38352 Virginia Drive
Bethany Lakes
Bethany Beach, Delaware 19930

Christin Scott

From: webmaster@sussexcountyde.gov on behalf of Sussex County DE
<webmaster@sussexcountyde.gov>
Sent: Wednesday, June 23, 2021 11:09 AM
To: Planning and Zoning
Subject: Submission from: Planning & Zoning Commission contact form
Categories: Christin

Opposition
Exhibit

RECIPIENTS: Jamie Whitehouse

Submitted on Wednesday, June 23, 2021 - 11:09am

Name: Kenneth Witmer
Email address: kwitmer@wcupa.edu
Phone number: 4843549726
Subject: Concerns Regarding CU 2259 The Island Bays Community Prospectus

Message:

June 23, 2021

Sussex County Council and Planning and Zoning Commission Members:

We, Nancy and Kenneth Witmer, Jr., are Delaware residents who live and vote in Sussex County. Our home is in the Bethany Lakes Community in Bethany Beach, Delaware. We are writing to voice our concerns regarding the prospective development by The Evergreene Companies, LLC identified as "Island Bays Community," CU 2259. Please adjust this company's current development plans to resolve the following issues that if not satisfied would cause serious problems for all homes and businesses in the area surrounding the proposed building of the (thirty) 30 home Island Bays Community.

- **Stormwater Management Problem**— The prospective approval documents for the Island Bays Community do not specify how their stormwater management system will be handled. We understand there will be 5 acres covered by impervious materials. In the event of heavy rainfall or hurricanes this will create a problem for the wetlands as well as the existing pipes and lakes of Bethany Lakes. We know that during heavy storms and extended rainfalls, our stormwater management system cannot contain the runoff from our existing system. Many of us have lawns that flood and those that live along the canal have seen our stormwater system at capacity. We have concerns that the additional pressure on our stormwater system will exceed our capacity to manage stormwater.
- **Density Problem - Medium Density** is defined as 4 homes per acre. Both Bethany Lake and Inland Bays are zoned as Medium Density. As stated above, the total land for the proposed Island Bays development is 11.97 acres, of which 9.2 acres are unbuildable as they are designated as either woodland or wetlands. Island Bays plan is to remove trees from 2 acres for their proposed houses and build on 4.7 acres which includes the clearing at Fred Hudson for easement and entry. Based on the county definition of medium density, no more than 18 homes should be built.
- **Closeness of Construction of Houses on Pilings Problem**- The proposed 30 homes are to be built on pilings because of the property's Wetland Issue. The nearness of the piling in of the pilings is likely to cause damage to Bethany Lakes homes resulting in cracks in the foundations and walls. County inspectors should continually measure seismic activity to determine if any damage is occurring to neighboring homes as pilings are being driven into the ground.

- The Continuing Traffic Problem - Traffic on Fred Hudson Road is already a significant problem and dangerous issue during the summer months. It is not uncommon to see traffic backed up to GE Hocker's Supermarket during the summer months. You recently approved the addition of the sixteen (16) residences at Coastal Corner and now to add thirty (30) more homes as the Island Bays Community will truly overwhelm the current road infrastructure. Residents in Ocean View, Millville and the surrounding areas all come through Fred Hudson Road to go north on Route 1. The county cannot continue to approve more building without addressing traffic both on Atlantic Avenue and Fred Hudson Road. Recent studies of road usage are not consistent with the living experience of current residents.

As Sussex County voters, we appreciate your leadership and willingness to use the authority we have given you to reconcile the issues we present above and to support the continued safety, comfort, and quality of the neighborhoods under your watch!

You current constituents,

Kenneth Witmer, Jr.
Nancy Witmer
Kenneth and Nancy Witmer
38352 Virginia Drive
Bethany Lakes
Bethany Beach, Delaware 19930

Christin Scott

From: Warren Stumpf <warren@criainc.com>
Sent: Tuesday, June 22, 2021 3:42 PM
To: Planning and Zoning
Subject: bethany lakes homeowners - evergreen companies
Attachments: Evergreene Island Bays Plat.pdf
Categories: Christin

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

Please find attached proposed development plans presented by evergreen. For some reason the planning and zoning committees keep issuing development permits with absolutely no regard to our inadequate infrastructure situation. I realize no matter what we as a homeowner's community shed light on, will not be taken into consideration. My hope is that you will curtail the number of units that are being requested by evergreen (strange that this name evergreen is doing the exact opposite and turning green into asphalt/cement). I will not belabor the issues but there is a density concern. A stormwater management concern. Houses built on pilings concern due to pounding of pilings. Most of all, a traffic concern on Fred Hudson. You just issued a permit for 16 townhomes on Fred Hudson/Cedar Neck. The infrastructure can not handle 16 more homes and you want to issue a permit for 30 more homes. First responders can not navigate these roads during peak season in a safe and fast manner as it is now. What do you think is going to happen when 46 more homes are built in the same area?! Please limit the number of homes to the proper density requirements. Thank you for your consideration.



Warren W. Stumpf, CIC

President

O. 717-731-1142
C. 717-648-2955

422 N. Front St Wormleysburg, Pa 17043



Disclaimer: This message (and any attachments) is confidential and is intended only for the addressee(s). This message may contain information that is protected by one or more legally recognized privileges. If the reader of this message is not the intended recipient, I did not intend to waive, and I do not waive, any legal privilege or the confidentiality of the message. If you receive this message in error, please notify me immediately by return e-mail and delete this message from your computer and network without saving it in any manner. The unauthorized use, dissemination, distribution, or reproduction of this message, including attachments, is prohibited and may be unlawful.

Opposition
Exhibit

Christin Scott

From: Sharon Alm <SharonBAIm@hotmail.com>
Sent: Tuesday, June 22, 2021 3:04 PM
To: Planning and Zoning
Subject: Opposition to CU 2259, Proposed Housing Dev't on Fred Hudson Rd.

Categories: Christin

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.

Dear Members of the Planning and Zoning Board,

I am writing in opposition to the proposed 30-unit housing development on Fred Hudson Rd in Oceanview, DE which is referred to as CU 2259. I am a homeowner in the Heron Bay community, 32530 Heron Circle, off Fred Hudson Road. I can attest to the traffic problems heading east on Fred Hudson Rd, especially in the summer months. It is not unusual for traffic to be backed up from Route 1, almost to the proposed entrance to the Evergreene tract on Fred Hudson. Great disruption occurs when an emergency vehicle needs to get through the traffic and turn left on Route 1. Fred Hudson is a popular biking road but there is no bike lane designated, and a very narrow shoulder on the road heading east. It is very dangerous with so much car traffic already crowding bicyclists along this road. A year ago there was a terrible accident in front of our community when a motorcyclist was hit by a car due to the backup of traffic and poor visibility around the stopped cars in the road. Had it been a bicyclist rather than a motorcycle, I don't think the rider would have survived the damage. I disagree with the Evergreene proposal package which estimates the development will add 50 cars per day - that is a gross underestimation based on 30 homes and the attendant family members, visitors, and renters. I urge you to require a Traffic Impact Study to more accurately assess the impact to the surrounding homes, the bicyclists and walkers along Fred Hudson, and emergency vehicle response readiness.

Additionally, I object to the use of this green space for building homes. Already the wildlife in the area has diminished with the building of homes in the Northbeach and Bethany Lakes housing developments. Likewise the mosquito population has grown since the breeding hasn't slowed down but there is so much less wetlands to provide areas for mosquitos to live, away from the human population.

I urge you to reject the current proposal for the 30-unit housing development and preserve this land as green space to provide a wildlife habitat and to protect the surrounding homes.

Best regards,
Sharon Alm

Opposition
Exhibit

June 22, 2021

Opposition
Exhibit

Sussex County Planning & Zoning Commission
Georgetown, DE

Re: CU 2259 (Evergreene Companies, LLC)

I am writing to express my concern with the impact the proposed 30 single-family condominium development (coupled with an under construction 20-unit townhouse development) is likely to have on traffic specifically along Fred Hudson Road. It is already dangerous for pedestrians and bicyclists to travel along the eastern portion of Fred Hudson Road where there are no (or narrow) bike/pedestrian walkways. In addition, east bound traffic often backs up for close to a mile to exit onto Route 1. Adding an additional 30 housing units will only exacerbate the traffic issues in the area. Thank you for your consideration in reviewing the traffic impact of the proposed development.

Sincerely,

Thomas R. Alm
32530 Heron Circle
Bethany Beach, DE

Chase Phillips

From: D Barnhouse <barnhouse7@verizon.net>
Sent: Monday, June 21, 2021 9:59 PM
To: Planning and Zoning
Subject: CU2259 Inland Bays

Categories: Nick

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.

Members of Planning and Zoning Board

I am writing this email to express my thoughts and concerns for the Evergreen Companies Inland Bays Community. I have three major issues why 30 houses should not build on this property: The density of building, stormwater management and traffic.

This medium density property is 11.97 acres of which 9.2 are unbuildable as they are either woodland or wetlands. The project plans to remove trees from 2 acres and build on 4.7 acres of which 2 acres are impervious surfaces. The building of 30 houses at 10' apart on this size property would create problems to our waterways, environment, roads and community.

Opposition
Exhibit

Chase Phillips

From: STEVE GUTHRIE <shguthr@comcast.net>
Sent: Monday, June 21, 2021 4:04 PM
To: Planning and Zoning
Subject: CU 2259 The Evergreene Companies LLC Island Bays Proposed Development

Categories: Nick, Rusty

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.

June 21, 2021

Dear Members of the Sussex County Planning and Zoning Committee,

My name is Stephen Guthrie and my wife and I own a home at 31339 Lynn Drive, Bethany Beach, Delaware. I am a full-time resident and the former superintendent for Sussex County Technical School District.

I am writing to express concern over The Evergreene Companies, LLC proposed development know as *Island Bays Community*. This is the same developer who is currently developing the lot located on the corner of Fred Hudson and Cedar Neck Roads to build 16 townhouses. This development is called *Coastal Corner*.

This proposed new development (*Island Bays*) is scheduled to contain 30 multiple level single family dwellings that will be built on pilings. Of the 11.96 acres of the parcel, 9.2 acres are either woodland or wetlands and therefore unbuildable. Therefore, these 30 single family houses will be built on approximately 2.7 acres and be stacked up against the eastern border of our Bethany Lakes community. The proposed houses will horseshoe around the area of our biking/walking path and contain a pool and a small clubhouse.

The approval of this new 30 house development right on the heels of 16 townhouse development less than 100 yards away will add 46 new residences that will feed into an already over taxed road system and storm water management system.

Traffic - Traffic on Fred Hudson Road is already a significant problem in the summer months. It is not uncommon to see traffic backed up to GE Hocker's Supermarket during summer afternoons. The addition of 16 new residences at *Coastal Corner* and 30 more in *Island Bays* will overwhelm the current road structure. Residents and visitors to Ocean View, Millville and the surrounding areas have already learned that Atlantic Avenue/Garfield is not passable during the day and cut across Central Avenue to Fred Hudson to Route 1 to go north. The traffic on both Atlantic Avenue is at a standstill most summer days and Fred Hudson is not much better. The county cannot continue to approve more building without addressing traffic both Atlantic Avenue and Fred Hudson Road.

Stormwater Management – The approval documents for the *Island Bays Community* are not specific on how their stormwater management system will be handled. It is my understanding there will be several acres covered by impervious materials. In the event of heavy rainfall or hurricanes this will create a problem for the wetlands as well as the existing pipes and lakes of Bethany Lakes. During

heavy storms and extended rainfalls, the Bethany Lakes storm water management system cannot contain the runoff from our existing neighborhood. Many of us have lawns that flood and those that live along the canal have seen it exceed its banks. I have major concerns that the additional pressure on our storm water system will exceed our capacity to manage stormwater and cause crawlspace flooding.

The addition of 46 houses that will feed into the same road structure and add at least many acres of impervious surface to a stormwater management system that is at capacity is unreasonable.

I respectfully ask that you modify the Evergreen request as follows:

1. Reduce the number of houses to 18 and reduce the amount of impervious surface in this proposed development. I understand that the state agencies have reviewed my concerns, but I think that they do not understand the negative impact that 46 houses added to an already overtaxed system will have.
2. Require trees and other border vegetation between Island Bays and Bethany Lakes to absorb run-off water and reforest some of the trees removed for the development.

Please feel free to contact me if you have any questions and concerns. My number 443-375-2695. I plan on attending Thursday's meeting as well.

Sincerely,

Stephen H. Guthrie

June 21, 2021

Dear Members of the Sussex County Planning and Zoning Commission

I am Barbara Guthrie and, along with my husband, am a full-time resident at Bethany Lakes Community. We moved to Sussex County full time when my husband was appointed to the position of superintendent for Sussex County Technical School District. I worked full time for over 30 years in the School system in Maryland and was also a professor at Stevenson University in Maryland. Although difficult to leave my career behind in Maryland, I have been able to contribute to the Southern Delaware community by being an active participant in the Southern Delaware Alliance for Racial Justice, Co-chair of the Youth Committee of the Alliance, am a member of the Southern Delaware Chorale, and also a member of the HOA Board for Bethany Lakes. Our home in Bethany is our permanent residence and I am grateful we were able to find a home in this community.

I am writing to express concern over The Evergreene Companies, LLC proposed development know as *Inland Bays Community*. This is the same developer who is currently developing the lot located on the corner of Fred Hudson and Cedar Neck Roads to build 16 townhouses. This development is called *Coastal Corner*.

This proposed new development (*Inland Bays*) is scheduled to contain 30 multiple level single family dwellings that will be built on pilings. Of the 11.96 acres of the parcel, 9.2 acres are either woodland or wetlands and therefore unbuildable. Therefore, these 30 single family houses will be built on approximately 2.7 acres and be stacked up against the eastern border of our Bethany Lakes community. The proposed houses will horseshoe around the area of our biking/walking path and contain a pool and a small clubhouse.

The approval of this new 30 house development right on the heels of 16 townhouse development less than 100 yards away will add 46 new residences that will feed into an already over taxed road system and storm water management system.

Traffic - Traffic on Fred Hudson Road is already a significant problem in the summer months. It is not uncommon to see traffic backed up to GE Hocker's Supermarket during summer afternoons. The addition of 16 new residences at *Coastal Corner* and 30 more in *Island Bays* will overwhelm the current road structure. Residents and visitors to Ocean View, Millville and the surrounding areas have already learned that Atlantic Avenue/Garfield is not passable during the day and cut across Central Avenue to Fred Hudson to Route 1 to go north. The traffic on both Atlantic Avenue is at a standstill most summer days and Fred Hudson is not much better. The county cannot continue to approve more building without addressing traffic both Atlantic Avenue and Fred Hudson Road. Trying to get out of our development on a beach day is very difficult and even treacherous. Today I saw young bikers leaving the Hocker's parking lot (directly across the street) and they seemed terrified about entering the Fred Hudson road.

Stormwater Management – The approval documents for the *Inland Bays Community* are not specific on how their stormwater management system will be handled. It is my understanding there will be several acres covered by impervious materials. In the event of heavy rainfall or hurricanes this will create a problem for the wetlands as well as the existing pipes and lakes of Bethany Lakes. During heavy storms and extended rainfalls, the Bethany Lakes storm water management system cannot contain the runoff from our existing neighborhood. Many of us have lawns that flood and those that live along the canal have seen it exceed its banks. I have major concerns that the additional pressure on our storm water system will exceed our capacity to manage stormwater and cause crawlspace flooding.

The addition of 46 houses that will feed into the same road structure and add at least many acres of impervious surface to a stormwater management system that is at capacity is unreasonable.

I respectfully ask that you modify the Evergreen request as follows:

1. Reduce the number of houses to 18 and reduce the amount of impervious surface in this proposed development. I understand that the state agencies have reviewed my concerns, but I think that they do not understand the negative impact that 46 houses added to an already overtaxed system will have.
2. Require trees and other border vegetation between Island Bays and Bethany Lakes to absorb run off water and reforest some of the trees removed for the development.
3. Our community is very concerned about this possible development, especially since there is another Evergreene Development in process on the other side of the community property. Our family and children use the nature path every day which will be greatly impacted should this development be approved. 31 people from our community attended a meeting this past Saturday to learn about this occurrence and find out how they could register concerns.

Please feel free to contact me if you have any questions and concerns. My number 443-546 9020. I plan on attending Thursday's meeting as well.

Sincerely,

Barbara E. Guthrie

Opposition
Exhibit

June 17, 2021

Patricia and Charles Spackman
31587 Charley's Run
Bethany Beach, DE 19930

RECEIVED

Sussex County Planning and Zoning Commission
County Administrative Offices
2 The Circle
Georgetown, DE. 19947

JUN 21 2021

SUSSEX COUNTY
PLANNING & ZONING

RE: The Evergreene Companies case C/U-2259

To Whom it May Concern,

This letter is written in opposition to the Conditional Use case #2259, which the Commission intends to review during the June 24th meeting next week.

The negative safety impact that this proposed development will have on the surrounding communities needs to be considered as a priority and of utmost importance

The residents of the proposed Evergreene Companies' Inland Bays Community will directly access Fred Hudson Road. This is already a heavily used throughway for traffic from Coastal Highway to Garfield Road (via Cedar Road). Adding more cars from the proposed Inland Bays Community residents will assure additional traffic on the Fred Hudson Road. WE DON'T NEED MORE CARS ON THIS ROAD.

A number of public safety issues must be addressed before additional developments along Fred Hudson Road are approved. The existing communities that use the Fred Hudson Road bicycle and walking path, which is a very narrow shoulder for much of its length, are taking considerable risk by using that path. Cars typically exceed the 45mph speed limit when they can, making it a dangerous situation for pedestrians. Drivers rarely take heed when the crosswalk lights at the Fresh Ponds trailhead are flashing. THE COUNTY NEEDS TO CONDUCT A SAFETY STUDY AND IMPLEMENT CORRECTIVE MEASURES.

An additional concern is that Fred Hudson Road may already be over-capacity in the event of emergency evacuation, and for emergency vehicle access in general. We can't expect first responders to be effective in this situation. THE COUNTY NEEDS TO REVIEW EMERGENCY SCENARIOS and CONSIDER THE RAMIFICATIONS OF ADDING MORE RESIDENCES.

Thank you for considering these concerns.

Respectfully,

Patricia and Charles Spackman



Bethany Woods Property Owners Association

P.O. Box 277
Bethany Beach, DE. 19930-0277

RECEIVED

JUN 21 2021

SUSSEX COUNTY
PLANNING & ZONING



Opposition
Exhibit

June 17, 2021

Sussex County Planning and Zoning Commission
County Administrative Offices
2 The Circle
Georgetown, DE. 19947

RE: The Evergreene Companies Case C/U-2259

To Whom it may Concern,

This letter is written in opposition to the Conditional Use case #2259, which the Commission intends to review during the June 24th meeting next week.

The proposed Evergreene Companies' Inland Bays Community will have a negative impact on the surrounding communities. Although the December 2020 PLUS recommendations for this case do not anticipate the need for a Traffic Impact Study, there are many considerations for traffic and public safety that we implore you to consider in your review. Fred Hudson Road, the direct road access for the Inland Bays Community, already has too many cars driving too fast when they can, and traffic backed up on its entire length most other times. In addition, the public uses this road for walking and cycling. There is a very narrow lane as the only pedestrian path for at least ½ mile approaching the Coastal Highway. There is a public crosswalk at the Fresh Pond Fred Hudson trail head, which drivers typically ignore, even when the crosswalk lights are flashing. There is added concern around the diminished capacity for emergency evacuation, given the increase in residences who will depend on Fred Hudson Road for egress.

We do not support this proposal and hope you will consider our position as concerned citizens who will be directly affected by the development.

On behalf of the Bethany Woods Property Owners Association, I thank you for your time and consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Patricia M. Spackman".

Patricia M. Spackman
President

RECEIVED

JUN 21 2021

SUSSEX COUNTY
PLANNING & ZONING

Planning & Zoning Commission
Building, 2
The Circle Georgetown, DE 19947

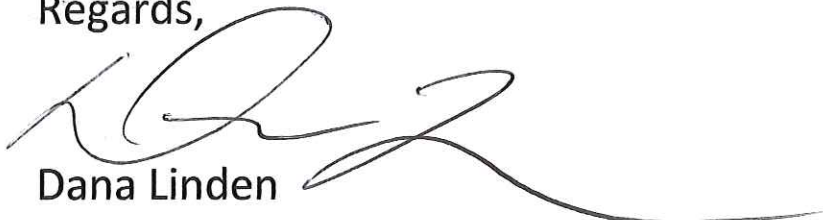
To: Planning & Zoning Commission
Subject: C/U-2259

I am writing to you to ask that as a condition of approval of C/U #2259 you stipulate, and include, all of the conditions that were agreed to by the P&Z Commission in 2010 when this property was presented by Inland Bays LLC under C/U #1850 (minutes from that public hearing are included with this letter).

The applicant knows, or should have known, all of the conditions that were agreed to in 2010 when Inland Bays LLC. owned the property.

Please require that these conditions "run with the land" and that they are included in the controlling documents of the HOA when the individual units are sold. In particular, the HOA documents should clearly state that nothing can be built in the wetland areas.

Regards,



Dana Linden
38382 Virginia Drive
Bethany Beach, DE 19930

Mr. Burton stated that he would move that the Commission recommend approval of C/U #1850 for Inland Bays, LLC based upon the record made at the public hearing and for the following reasons:

- 1) This project previously received approval approximately six (6) years ago, but that approval lapsed. It is appropriate to recommend approval again, but with additional conditions and stipulations.
- 2) The property is zoned MR Medium Density Residential in an area that has developed with similar residential projects. These include the Salt Pond RPC and the Courts and Lakes at Old Mill. There are also other MR and GR zones with some Conditional Uses for Multi-Family dwellings. The project is also surrounded on two (2) sides by the Bethany Lakes development.
- 3) The project is appropriate for the site because central water and sewer are available. In this case, there will be central sewer provided by the Sussex County Cedar Neck Sewer District. Water will be provided by Sussex Shores Water Company.
- 4) The project is located in a Development District according to the Updated Sussex County Land Use Plan.
- 5) The project will be served by amenities that are on-site. These amenities include a swimming pool, tennis court and clubhouse.
- 6) With the stipulations placed upon this approval, there will be no adverse impact on traffic or neighboring or adjacent properties.
- 7) This recommendation for approval is subject to the following conditions:
 - A. The maximum number of residential units shall not exceed 48 units.
 - B. All entrance, intersection, roadway and multi-modal improvements required by DelDOT shall be completed by the Applicant as required by DelDOT.
 - C. Recreational facilities and amenities, including a swimming pool and clubhouse, shall be constructed and open to use by residents within two (2) years of issuance of the first building permit for the project.
 - ✓ D. The Applicant stated that "amenities and recreation features are located for convenient access" and that "central amenities areas are isolated from adjacent developments". To accomplish these stated goals, the recreation area shall be relocated to a centralized interior location within the development.
 - E. The development shall be served as part of the Sussex County Cedar Neck Sewer District in accordance with Sussex County Engineering Department Standards.
 - F. The project shall be served by a public central water system providing adequate drinking water and fire protection.
 - G. Stormwater management and erosion and sediment control shall be constructed in accordance with applicable State and County requirements, and the project shall utilize Best Management Practices to construct and maintain these fixtures.
 - H. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of the stormwater management and erosion and sedimentation control system.
 - ✓ I. As required in the original approval, the existing Poplar trees along the westerly boundary shall be retained. In addition, a split rail or similar type of fence shall be installed along the western and northern boundaries of the property.

- J. The interior street design shall be in accordance with or exceed Sussex County street design requirements.
- K. Construction, site work, grading, and deliveries of construction materials, landscaping materials and fill on, off or to the property shall only occur between the hours of 7:00 a.m. and 6:00 p.m., Monday through Saturday.
- L. Landscape and lawn maintenance shall be the responsibility of the Condominium Association. Best Management Practices shall be utilized to minimize any environmental impact.
- M. The Final Site Plan shall contain a landscape plan of the project and shall also show all undisturbed forested areas.
- N. A Hunting Notice similar to the Agricultural Use Protection Notice shall be included on the Final Site Plan, Condominium Declaration Plan, and within the Condominium Governing Documents stating that hunting activities may occur on neighboring lands.
- ✓ O. No buildings shall encroach onto any wetlands.
- ✓ P. A vegetated buffer of at least 20 feet shall be established along the eastern boundary of the property.
- Q. As agreed by the Applicant in its PLUS response, the Applicant shall cooperate with DNREC to perform a survey of the property to record any State rare or federally listed plants, animals or natural features.
- R. If this Conditional Use is approved by County Council, the Final Site Plan for this project must be approved within three (3) years, or this Conditional Use shall become null and void.
- S. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission. Subject to the conditions of this recommendation and the conditions that County Council may impose if this application is approved, the Final Site Plan shall be substantially similar to the Preliminary Site Plan.

Motion by Mr. Burton, seconded by Mr. Johnson, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons and with the conditions and stipulations stated. Motion carried 4 – 0.

PUBLIC HEARINGS

~~C/U #1854 – application of TAPA HOMES, L.L.C. to consider the Conditional Use of land in an AR-1 Agricultural Residential District for model home and offices to be located on a certain parcel of land lying and being in Georgetown Hundred, Sussex County, containing 36,028 square feet, more or less, lying west of U.S. Route 113, 400 feet south of Wilson Hill Road (Road 527).~~

~~The Commission found that on August 20, 2009 DelDOT provided comments that referenced that a traffic impact study was not recommended; that the site is subject to the Corridor Capacity Preservation Program; that long-term, on-alignment limited access is the preferred alternative in the Georgetown area where this property is location; that right-in / right-out access is appropriate at this location; that short-term, under supportive policy and practice within the Corridor Capacity Preservation Program, and because the site is currently in a Level 3 area according to the State Strategies document, the entrance should be limited to 200 vehicle trips per day; and~~

21 JUN 2021

PG 4

TO: SUSSEX COUNTY PLANNING &
ZONING COMMISSION

RECEIVED

JUN 22 2021

SUSSEX COUNTY
PLANNING & ZONING

REF: PUBLIC HEARINGS

JUN 24, 2021 500 PM

GEORGETOWN DE.

Opposition
Exhibit

C/U 2259

ISSUE:

AS A HOMEOWNER IN BETHANY LAKES I QUESTION THE STORM WATER RUN OFF ISSUE, STATED IN C/U 2259 PLANS, AT AN EARLIER REQUEST EVERGREEN WAS INFORMED THAT DELAWARE DEPT OF NATURAL RESOURCES SAID " 80-90% OF (SAME TYPE PROPOSAL) THE LAND IN QUESTION IS ON VERY POORLY DRAINED WETLAND ASSOCIATED SOILS. MAKING RESIDENTS AND ADJACENT PROPERTIES SUSCEPTABLE TO FLOODING PROBLEMS".

NOTHING HAS CHANGED SINCE THAT NOTIFICATION. WHY WOULD ONE BELIEVE THAT HAS CHANGED?

ALSO, DENREC ALSO SAID "THIS PROJECT LOCATION ON SUCH SOIL IS IN APPARENT VIOLATION OF COUNTY BLDG CODE"

SAME QUESTION AS ABOVE

NEW PLAN INDICATES THAT STORM WATER RUN OFF WILL BE TOWARD THE WETLANDS.

IS THAT SO? IF IT FLOODS ON THIS BLDG SITE, DON'T YOU THINK IT WILL PROBABLY OVER FLOW IN THE WETLANDS AS WELL?

THERE IS NO MENTION OR SHOULD THERE BE, TO DRAINING ON TO BETHANY LAKE PROPERTY.

LASTLY, A FORESTED BUFFER
 NOW EXISTS ON THE BORDER OF
 THE NEW PLANNED COMMUNITY
 AND BETANY LAKES. CAN
 DEVELOPED BE INSTRUCTED NOT
 TO CLEAR THOSE TREES?

THANK YOU, I PLAN TO
 BE AT THE HEARING AND WILL
 STATE THIS DURING MY SPEAKING
 TIME.

VERY RESPECTFULLY, 

THOMAS W HAUG
 38362 VIRGINIA DR
 BETANY, DEL. 19430