

Citizens Coalition, Inc.
PO Box 56
Nassau, Delaware 19969
www.citizenscoalition.net

August 26, 2010

Robert Wheatley, Chairman, and Commissioners
Sussex County Planning and Zoning
Georgetown, Delaware

Gentlemen:

Citizens Coalition believes that this application by Layton Partnership, Subdivision 2009-8 known as Brickyard Landing to divide 52.97 acres into 49 lots, lacks sufficient agency support and a considerable amount of required information for recommendation and approval. Further, we believe that the number of lots on this site are totally out of character with the community and with the intent of the Comprehensive Land Use Plan.

Also, we concur with others that this application, even though it is for 49 lots, one less than the required 50 that would trigger a PLUS review, should go before PLUS because of among other things, the sensitivity of the land and the likely negative effects this development will have on wild-life habitat, neighboring properties and the community in general.

There are several other troubling concerns that the applicant has either failed to recognize or about which the applicant has provided insufficient data:

The Broadkill River should not be a recipient of wastewater treatment effluent under any circumstances because according to the Environmental Protection Agency, the Round Pole Branch of the Broadkill from the headwaters to its confluence with the Upper Broadkill River contains serious amounts of bacteria and has been listed as failing federal Clean Water Act standards since 2008.

The applicant states that no historic elements will be affected with this development. On the contrary, three significant historical elements will be dealt a fatal blow if this site is developed.

The Milton Brick Company operated in the 19th and early 20th century as the only brick manufacturing facility in Sussex County. According to historians, most of the brick homes in the county built before World War II were constructed with bricks made from clay and fired in the kilns at this site. The kilns still exist. The size of the wide and very deep clay pits—some more than 30 feet deep—attest to the sizable volume of clay used to make tons of bricks for Sussex County. Granted this site is not recognized on the County Comp Plan, however this may have been an oversight that should be revisited.

A second historic element is the right of way for the old Queen Anne's Railroad that operated between Ellendale and Lewes. This rail line is still on many maps and could be developed as a rail trail to the physical fitness benefit of residents and visitors. We believe the Queen Anne's Railroad is under different ownership than the Layton Partnership.

The third element is Sailors Walk or Sailors Path identified as once used by seafaring men as a riverside route to Milton. Further, before Milton became a shipbuilding town, much shipbuilding activity took place on land along the shoreline that this development will encompass.

Round Pole Bridge Road is important for the agricultural character of the area. Hundreds of acres are already in farm preservation and farmers do not need a residential community which would significantly increase vehicular traffic. According to ITE standards a development of 49 homes will generate 931 trips a day. Further, this road is part of the American Discovery Trail, a federally endorsed and supported route which extends from Cape Henlopen State Park to Point Reyes, California. It is a delightful stretch of natural vistas and farmland that make this beautiful segment in Delaware memorable to all who use it.

Citizens Coalition and its many household members, who for the past 16 years have presented before you and County Council concerns for managed growth, sustainable development and responsible land use, believe that this application has too many unanswered issues. We see it as an example of irresponsible land use and non-sustainable development that defies managed growth. Further, we believe that even at 49 units the development should be put before the PLUS process so that agency input can review our concerns and make needed recommendations. Finally, in view of what we believe is an incomplete application based on sewer, water, trash and debris dumped in the existing and covered over clay pits, the lack of recognition of historic elements and concerns for wildlife habitat, we request that the Planning and Zoning Commission require the applicant to resubmit a more comprehensive and complete application and provide appropriate data or at minimum, that the record shall remain open until such time as the many concerns of the citizens and residents of Round Pole Bridge Road and Citizens Coalition are addressed.

Respectfully submitted.,

Michael R. Tyler
President
Citizens Coalition, Inc.