

# Coalition Update

Issue #25

[www.citizenscoalition.net](http://www.citizenscoalition.net)

October 2010

Sunday, November 14

## Richard Klein author & environmental advocate to speak at Coalition 16th Annual Meeting

Richard Klein author of *How To Win Land Development Issues* and *Everyone Wins: A Citizens Guide To Development, Winning More Land Use & Environmental Battles* and president of Community & Environmental Defense Services (CEDS) will present a new approach which triples citizen success in winning land use and environmental battles at a fraction of the usual cost. at the November 14 annual meeting of the Citizens Coalition at 6 p.m. at the University of Delaware Virden Center, in Lewes.

CEDS president Richard Klein will speak about this approach using the effects of poorly planned growth on Sussex County groundwater quality, traffic congestion, and school overcrowding. In addition to winning more individual battles, his approach educates voters in ways that expands the base of public support for responsible growth and environmental management. Over a period of a few years this education can expand the base of support for advocacy groups like the Citizens Coalition. Public education can also translate into the election of decision-makers committed to preserving and enhancing quality of life for all residents as opposed to making special interests wealthier. Further detail on the approach can be found on the CEDS web page: [ceds.org/eqs](http://ceds.org/eqs.html).

Klein has been working in the community and environmental advocacy field for 40 years. From 1969 to 1987 he worked for the Maryland Department of Natural Resources and spent 10 of those years as director of the Maryland Save Our Streams program. In 1987, he founded Community & Environmental Defense Services (ceds.org), a company which assists people resolve concerns about activities that pose a threat to a neighborhood or the environment. Since 1987 he has evaluated hundreds of proposed development projects for impacts to neighborhoods, aquatic systems, and other environmental resources. Klein points out that "These projects range from a single acre to massive

residential-commercial complexes and range from coast to coast. In most cases my evaluations have resulted in recommendations that minimized impacts while allowing applicants to achieve most of their goals."

He has testified before many administrative and judicial decision-makers both as a lay and expert witness. Klein said "he has helped citizens with just about every form of growth and growth impact imaginable; not just those presented in *How To Win Land Development Issues* but many more. This experience allows me to quickly identify the impacts likely to result from a proposed development project and to swiftly formulate winning solutions." He said that his background as both an agency insider and citizen advocate also "allows me to effectively negotiate with regulatory staff and other decision-makers. This experience accounts for the unusually high success rate (90%) of CEDS in resolving citizen concerns."

Cost of the dinner is \$25. The buffet style dinner includes choice of grilled porkchops, broiled talapia provencale or Tuscan chicken, salad, vegetables and dessert. Meet and greet begins at 6 p.m., dinner at 6:30p.m and speaker presentation to follow

Please send your check payable to Citizens Coalition, Inc., PO Box 56, Nassau, DE 19959. All contributions above the \$25 cost of dinner are tax deductible. Reservations must be received no later than November 9.

**TIME TO RENEW your annual membership in Citizens Coalition. Please use the form on page 4. The Coalition continues to support its mission for sustainable development, responsible land use and managed growth. if you are interested in getting actively involved please check the box on the membership form.**

## **Coalition comes to aid of Round Pole Bridge residents to oppose Brickyard development, save historic site**

Citizens Coalition provided testimony at the August 26 public hearing for the Layton Partnership, Subdivision 2009-8 known as Brickyard Landing to divide 52.97 acres into 49 lots. Coalition President Michael Tyler and member Rich Anthony provided separate testimony that the application on a historic 19th century brickyard lacks sufficient agency support and a considerable amount of required information for recommendation and approval. According to Scharf's History of Delaware the Milton Brick Company founded in 1888 produced some 200,000 bricks a week.

At the public hearing we asked Sussex County Planning and Zoning to consider sending this application to Dover for a PLUS (Preliminary Land Use Service) review even though the number of units was set at 49, one short of the State requirement that a development of 50 units or more be reviewed by PLUS. Our reasoning was also based on the sensitivity of the land and the likely negative effects this development will have on wildlife habitat, neighboring properties and the community in general

The concerns cited were those that the applicant either failed to recognize or about which the applicant 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 Elendale 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.

### ***Coalition joins environmental groups against Wandendale rapid infiltration basin***

Citizens Coalition has joined with the Sierra Club, The Citizens Action Foundation, and the Southern New Castle County Alliance to oppose the Wandendale rapid infiltration basin wastewater treatment plant near Love Creek. The basic claim is that the Department of Natural Resources and Environmental Control violated the Coastal Zone Act. Also cited were increased effluent into the inland bays and the incomplete filing and public hearing process. Although the Coastal Zoning Board denied the appeal, we support an appeal by our legal advisor Ken Kristl, associate professor of law and director of Widener University School of Law Environmental and Natural Resources Law Clinic. Stay tuned...

# The Case for Regional Planning

by Mable Granke

When the State Planning Office director Connie Holland made the case for regional planning on June 23 before members of Lewes, Rehoboth and Dewey Beach, elected officials, members of the development community and citizens it was noted that sub regional planning was already being done in other parts of the county and the state. Many concerns were expressed and discussed and at the end of the day all agreed that a sub regional plan should be pursued for Coastal Sussex.

It is my belief that this effort for the Route One Corridor from Five Points to Dewey Beach is imperative to start NOW if we are to have any chance for cohesive, coordinated, sustainable land use planning.

Think about what is happening on a piecemeal basis:

- A designated brownfield The Arbors at Cottagedale behind Home Depot for affordable rental housing without sufficient testing. Of particular concern is that the site has not determined the exact direction of the underground water flow which could contaminate drinking water.
- The private wastewater treatment plant known as Wandendale proposed by Tidewater which, if permitted may allow 10,000 dwelling units and potential direct out-flow into Love Creek and the inland bays.
- The proposal to develop a historic site once the location of the largest brick manufacturing facility in Sussex County, The Milton Brick Company, and its potential negative effects on the Round Pole Branch of the Broadkill River.
- The persistent proposals to commercialize Plantations Road where its farmland and residential character should prevail and should be respected to minimize continued heavy traffic and retain the character of the communities on this road.
- DelDOT's continued push to reconfigure Route 9 and Route 23 for what benefit? to whom?
- The Rehoboth-Dewey Chamber of Commerce proposal to place a major traffic generator in the existing Park and Ride at one of our busiest intersections at Route One and Shuttle Road and the entrance to Rehoboth.
- Concurrent with this ill-placed proposal known as Destination Station, the purchase of the Wright Chrysler site to create another bus facility and welcome center using Shady Road as an access point.

In addition to these so-called plans, what will be the fate of the commercial 12-acre site on Route One at the entrance to Rehoboth Beach? How will DelDOT deal with continued dangerous congestion we experienced in July and August? What about improving bus stops and providing shelter and safe crosswalks across Route One? How are we to manage emergency response time especially during peak hours?

I challenge the State Planning Office to commit its resources and help resolve this essential planning effort and make sub regional planning a priority for the citizens of Coastal Sussex County!

Citizens Coalition, Inc.  
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## Mission Statement

Citizens Coalition promotes the quality of place and community in Sussex County and surrounding areas through educating and informing citizens and communities about development and its cumulative impact. The Coalition advocates **responsible land use, sustainable development and managed growth** through civic involvement.

### **Join Citizens Coalition for responsible land use in Sussex County**

**Annual membership only \$20 per household. Income we receive is used for mailings and to support our efforts, studies and appeals. Your contribution is a way for you to support our mission.**

- Please accept my dues for 2011 of \$20 per household.  Please accept my contribution of \$\_\_\_\_.
- Please accept my contribution to Citizens Coalition Action Foundation for \$\_\_\_\_ (not tax deductible)

(Please make checks payable to Citizens Coalition or Citizens Coalition Action Foundation)

Name \_\_\_\_\_ Phone \_\_\_\_\_  
Address: \_\_\_\_\_ e-mail \_\_\_\_\_  
Community \_\_\_\_\_  
Town: \_\_\_\_\_ State: \_\_\_ ZIP: \_\_\_\_\_

*I want to help with the efforts of Citizens Coalition. Please contact me*

**PLEASE MAIL TO CITIZENS COALITION, PO BOX 56, NASSAU, DE 19969**