

# COUNTY COMMENTS

Newsletter of the  
**CIVIC LEAGUE FOR NEW CASTLE COUNTY**  
Informed citizens for sound County growth

## MARCH BOARD MEETING

**TUESDAY - MARCH 21, 2017 - 7:00 P.M.**

**CHRISTIANA PRESBYTERIAN CHURCH SOCIAL HALL**

**15 North Old Baltimore Pike (Old Route 7) center of village**

**ACCORD will be speaking on the subject of the need for State control of development.**

Founded in 1962.  
Contact information  
CLNCC  
P.O. Box 5562  
Marshallton, DE  
19808  
302-529-1529  
www.CivicLeague  
forNCC.org  
Jordyn Pusey,  
President  
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Articles may be  
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space and should be  
about the County.

### DEL BAYSHORE INITIATIVE DEALT BIG LOSS

What would be so important that the Secretary of the Interior would come to Delaware to see it? Unless you live below the Canal, you probably do not know because the newspaper coverage was almost non-existent. He came to see "one of the top 20 national priorities for coastal wetland protection in the nation," according to the U.S. Fish & Wildlife Service. He came to see the Delaware Bayshore which the Nature Conservancy has called "one of the Earth's most important stopovers for migratory birds." This is land the National Audubon Society has said is "widely recognized as an area of global ecological significance!" As part of the Atlantic Flyway, it urged on its website that all local chapters in it work to preserve the farms and wetlands that provide food for flocks of birds, ducks, and geese. He traveled with the Governor from New Castle to Lewes and declared the area around the Augustine Wildlife Refuge one of the loveliest in this country. According to DNREC, "it's expansive coastal marshes ...and agricultural lands provide habitat for more than 400 species of birds and other wildlife." It was designated by the U.S. Departments of Agriculture, Commerce, and Interior as the "Delaware Bayshore Initiative" and given priority for federal funds for preservation and the development of ecotourism.

Recently, Matt Meyer, the new County Executive, caused \$3,200,000 to revert to the Natural Resources Conservation Service of the DOA instead of preserving in the Bayshore Initiative the farms to which it was granted. This was the last chance in six years of effort, turmoil, political selfishness, misrepresentation and outright slander for the County to show the federal government that it can handle such grants. The State had already lost such funding temporarily for failure to follow State and federal laws. By some changes to its regulations and by creating a map to spin a little history, it recovered some federal funding, but it's budget has been cut a lot and it must have matching funds to get federal ones. Meyer did not make an announcement with regard to the other two farms whose preservation was to follow Warren

*Con't. p. 2*

The Civic League meets the third Tuesday of each month except July, August and December. Unless special events are being held, the meetings are usually at the Christiana Presbyterian Church Social Hall on old Route 7 in Christiana. The public is welcome to attend all meetings. They generally start at 7:00 PM. The agenda of the CLNCC is focused on New Castle County government and those State issues that impact County government or our quality of life in this County. For further information, please visit our website.

and Lester's. If he turns that \$2.4 million back he will have lost \$5.6 million in federal grants in two months in office. He will insure that farmlands decades of planning tried to save will be developed to new high density levels.

The Civic League gave its full support to farmland preservation probably 17 years ago or longer. Marion Stewart served on the Preservation Council which lobbied for a steady source of income for it. That is why the Agricultural Lands Preservation Foundation gets a portion of the real estate transfer taxes from each county. I was a member of that Council as well as Bill Powers. We all worked on the Green Infrastructure Subcommittee of Livable Delaware which then Lt.Gov. Carney headed and which also included Gary Warren and Dave Carter. We were tasked with planning to coordinate with Maryland on saving swaths of land from the Chesapeake to the Delaware Bays. Plus we identified high priority lands for preservation and tried to get counties to adopt the goal of creating linked sufficient open spaces for all animals to range over adequate feeding grounds. So you can imagine my surprise when after insuring that the ALPF and Open Space Council preserved much of his Blackbird Corridor, Dave opposed the preservation of Gary's farmland in the most slanderous language one can imagine. As the local President of Audubon, he was completely out of step with his national group. Dave never seemed to acknowledge that this preservation was part of a legal settlement and Coons made the choice. He could not seem to grasp why the land was worth so much, nor could he understand that the County would retain the development rights in the purchase and sell those to raise more money for farmland preservation. That would have meant farmers in this County would not have to settle for too little money when preserving to save their farms forever. In the State plan, farmers can pull out at year 25.

Our planning and preparation to survive rising sea levels will make land use the most critical public issue for our children. We need plenty of open space well above sea level on which to obtain dirt and trees to carry out the plans for dikes and berms and bulkheads. Below the Canal will be a land use battleground soon because many developers have approved plans to build thousands of new homes there. Building a new US 301 will wreck the area north of Middletown and lead to much more dense development. Only the East can be saved.

The fact that Meyer grew up in Wilmington and has always had an urban orientation in the places he has lived means that he has much to learn about County government and our future. His year in Iraq paying farmers for bombed fields may be of more use to him down the road than law school was. Agriculture is our largest industry. People must eat. He may live to see 239 acres of farmland sell for \$50 million someday. We already have food shortages in this world according to the Food and Agriculture Organization of the U.N. The U.S is losing 9.5 acres of farmland every minute. We also lose the farmers. Uncontrollable loses of cropland from decades of drought, salt water intrusion into coastal farm fields and other disasters made worse with global warming (more properly called climate instability) in a world where the population is growing rapidly is leading to an unsustainable situation. We need to have croplands and pastures we can control nearby. A one-time legal settlement is not a farm preservation program, but it would have led to one far better than a State program that sends half of our NCCo money to Kent County farms.

*Opinion by Christine Whitehead*



Geese returning at evening to the bay shore across Port Penn Road fields Photo by CW.1980



Go to the DNREC website, from [state.de.us](http://state.de.us) to see this.



One of Brandywine Hundred's dangerous intersections is made worse by cars being allowed to park on the side of Starbucks and backing into the single eastbound traffic lane on that segment of Silverside Road

## BRANDYWINE HUNDRED HAS ITS SHARE OF UNRESOLVED TRAFFIC PROBLEMS

Traffic and other development issues have significantly diminished the general quality of life in Brandywine Hundred in the past 25 years. Traffic is not as bad a problem as it is in the 7-40 area, but, because it is an older neighborhood, perhaps people didn't expect this level of change

When I moved to the area in 1991, the area along 202 north seemed to be only lightly developed north of Talleyville and the road was nearly empty after 8 P.M. The neighborhoods around Bran-Mar and Graylyn Crest were easily bike-able and walk-able, even without continuous sidewalks. Murphy Road still had open fields.

Today there are few open lots left anywhere. Traffic is backed up not only at rush hour, but many other times of the day and most of the day on weekends, Walking and biking are rare, because it is both unpleasant and dangerous. It is hard to tell to what extent the increased traffic is due to infill in BH and to what extent it reflects higher population densities in surrounding areas adding more cars traveling through. It is certainly clear that a significant number of cars are from Pennsylvania, with people coming down to take advantage of the tax-free shopping.

The net result is that the area has gone from being one of the most desirable to live in to one of the least desirable. Developers are so busy building new strip malls, that they can't bother to repair the parking lots and keep buildings presentable in our existing plazas. The whole plan, at least as long as I have lived here, seems to be to build on every square inch of new space available.

We are constantly told that it is highly preferable to build at the highest density possible, because that will keep us from building on greenfields. That would be true if we had a limit on the number of housing units built but, since there is no such limit, all it means is that more traffic is being fed in from each single development.

We're also told that higher density will allow bike-able, walk-able communities and more public transportation. That may happen when a large section of a community (already with moderate population density) is redeveloped under a carefully designed plan, but it doesn't happen in areas like BH, which has nowhere near a population density that will support public transportation as we now define it.

The development (or overdevelopment) of BH seems *Con't 4*

## DOES THIS COUNTY HAVE A CONSERVATION ETHOS ?

The woodlands owned by the Felician Sisters in Ogletown are an ecological system. Such systems develop over a long period of time and disturbing them always has unintended consequences. That is why our laws require that we protect them. To do otherwise is to fight Nature and that can be a losing battle for homeowners. When homes are built over wetlands that are the product of natural springs or even blocked drainage due to other construction, dampness and even flooding may be a problem for the lifetime of the homes.

Hence, when County planners are guiding the design of subdivisions, it is not just the specific requirements of the regulations they should consider, but as they are working in the public interest, they should ask developers to avoid designs that place homes over wetlands. We have many homebuyers these days from out of state or simply uneducated about the factors to check when getting into homeownership. For most, this is the largest investment they will ever make. When the cost of attempting to correct the problems they purchase with a home drags them down financially and emotionally, society pays a price too. Studying the design of the 4 subdivisions planned, it is clear that one of them will intrude into the woodlands right over a wetlands area. It is not just the neighbors, who do not want their trails through the woods destroyed and feel a park would benefit all the surrounding homes. It is the future purchasers of these homes who deserve consideration on the part of the Department of Land Use. Of course the owners are entitled to the best use they can make of their land, but that rule is limited by the harm they are not entitled to do to neighbors and I would argue to the people to whom they will sell the homes built. I am certain the Felician Sisters are trying to make ethical choices in their decisions about their property. Do they know, however, all that is at stake? Alternatives to "all or nothing" answers, may have to be considered by all parties interested in this project. Their willingness to sell if problems can be resolved is a wonderfully generous and public spirited gesture

Last minute bulletin: VP Bill Dunn broke his leg while trying to clean vines out of his neighborhood park. Cheery emails may be sent to [bill\\_done@msn.com](mailto:bill_done@msn.com).

### **Brandywine Hundred** con't

to have been almost constant. There was certainly a lot in Gordon's 1<sup>st</sup> term. As someone sensitized to development problems by the disgusting history of promises versus reality for Brandywine Town Center, I followed these developments and saw many practices by the Department of Land Use that seemed highly questionable to me in terms of what was promised by the UDC. The allowance for open space seemed to me to involve some slight of hand that used some of the same property for both developments. I don't know if I was right or wrong. I was blocked at every point when I tried to get information from the DLU.

The construction --- and road disruption --- that went on with the campus for Astra Zeneca left many pretty soured. Of course there may have been interference at the state level in this case

For many of us living in the Bran-Mar area, the disgraceful politics that went on over the construction of Chabad Lubavitch at 1811 Silverside Road left us permanently cynical. The lot selected for this public building failed completely to qualify as acceptable and, according to the UDC, no variances could be used to make it qualify. That did not stop a Board of Adjustment dominated by Chris Koyste and Paul Clark from making a total mockery of a hearing (and the UDC). All variances were granted. Attendees were not completely surprised, since they heard a report that Councilman Bob Weiner had declared it a "done deal". The recordings of the hearing were tampered with and the transcribed record was total nonsense. Those involved went on to their reward of higher offices.

When Chabad was built some five years later, it was done on a web of lies: lies by the engineer who owned the property to be used for a parking lot (still totally inadequate for the capacity of the building) and dishonesty by LU in signing a permit that did not qualify as legal. Since then we have seen garages built higher than allowed, houses turned into multi-family dwellings on streets zoned for single-family occupancy and so on

I (and I think many of my neighbors) don't have much faith when we hear things such as, "Neighborhood character will be taken into account." We believe it will be taken into account only until someone with money, or connections, or whatever, wants an exemption. We simply have no faith in the system.

End

### **Editor's note:**

The Editor thanks Coralie Pryde for the contribution of this article upon request. Polling during the election season revealed a lot of dissatisfaction with County government among residents of Brandywine Hundred—which in spite of traffic problems appears to remain a lovely place to live in most of its neighborhoods. I asked her "Why?"

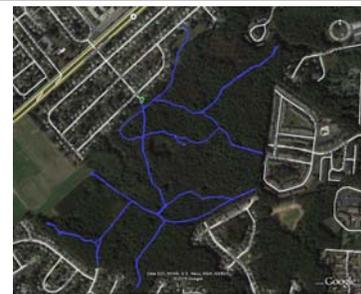
When Eileen Fogerty served as General Manager of Land Use 2013-2015, she replaced many staff people and had a consultant look at the permit office. Much re-organizing was done as a result, so we hope that in the future we will see improvements.

We welcome contributions from those members who have a different point of view about this or any article. The first one in this issue is a response to one published last year.

### **Conservation** con

which the neighbors and those interested appreciate. But obstacles to that may not be overcome. Is there a compromise then? I suggest any compromise that allows building homes on wetlands is unacceptable, and since conserving the woodlands as open space is possible whether it is kept in private ownership or deeded to the County or State for protection, those two goals can be accomplished if planners understand the nature of the woodlands. Neighbors have used trails through it for such a long time they may have established rights by adverse possession. Water stands in it constantly according to neighbors. It is not then buildable. It is simply an ecosystem that needs conservation. The County planners will do their new County Executive a great disservice if they do not recognize this and obtain a RPPTAC report. He does not need to be blamed for a second decision that damages our environmental future in his first few months of taking office.

The General Manager of Land Use will sign off on this plan when it is finished and then the Council members will be helpless to stop it. Therefore we are dependent on intelligent planners to preserve a County in which people will want to live and buy homes. They have to cope with a Code of far more than 500 pages--a challenge for even geniuses. That many are new is known to the civic activists, but even we have not seen their resumes. Yet our future depends upon their judgment. Will they consider the adverse impacts of flooding of existing old developments? Chelmsford's northern streets were laid out over a blue line stream that rises in the woodlands. Only a tax ditch blocks water from flooding it and Salem Village during hard rains. Can we count on them to correct past mistakes and insure the protection of those homeowners? What about the subdivisions due south of those planned? Can they count on really good stormwater drainage planning? Let us hope so because the edges of some of those were built on wetlands. It was not until the Unified Development Code was passed in 1997 that this County had first rate environmental regulations. This project is truly a test of whether they still make a difference.



Blue lines are trails through the Ogletown Woods. The Civic League passed a Resolution at our Feb. meeting supporting purchasing this land for a park.