

In The Matter Of:
Delaware Department of Transportation
In re: Road Vacation/Abandonment

Hearing
August 9, 2017

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STATE OF DELAWARE
DELAWARE DEPARTMENT OF TRANSPORTATION

IN RE: ROAD VACATION/ :
ABANDONMENT OF AN IMPROVED :
PORTION OF SHEEP PEN ROAD :
SUSSEX COUNTY :

Public Hearing taken pursuant to
notice at the State of Delaware, Delaware
Department of Transportation, 23697 DuPont
Boulevard, Georgetown, Delaware, beginning at
4:00 p.m., on Wednesday, August 9, 2017,
before Gloria M. D'Amore, Registered
Professional Reporter and Notary Public.

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APPEARANCES:

On behalf of the State of Delaware
Delaware Department of Transportation:
IDA J. PARRETT
ROBERT M. CUNNINGHAM



1 MS. PARRETT: Good afternoon,
2 and thank you for coming today. The time is
3 four p.m.

4 I'm Ida Parrett, Operation
5 Services Manager with the Department of
6 Transportation, which has the responsibility
7 for the administrative vacation of public
8 roads.

9 Wilcox and Fetzer reporting
10 services will complete today's transcript for
11 this proceeding.

12 This meeting today is authorized
13 by the Department of Transportation in
14 accordance with Delaware law, pertaining to
15 the vacation of public roads by administrative
16 action.

17 This is provided under Section
18 1311, Title 17, of the Delaware Code. A copy
19 of the Code is available for those that are
20 interested.

21 Today's meeting is designated
22 for the purpose of hearing any public comments
23 regarding the proposed road vacation and
24 abandonment of an improved portion of Sheep



1 Pen Road, Millsboro, Delaware.

2 The proposed road vacation
3 begins approximately 450 feet north of the
4 intersection with Godwin School Road and
5 proceeds in a northeasterly direction, a
6 distance of approximately 1,800 linear feet to
7 a point of approximately 850 feet south of the
8 intersection with Hardscrabble Road.

9 The proposed road vacation is
10 depicted on the referenced exhibit, which is
11 now entered into the record as part of these
12 proceedings.

13 Please note that this is not a
14 question-and-answer session.

15 The Department is here to obtain
16 comments in support of or in opposition to the
17 proposed road vacation of an improved portion
18 of Sheep Pen Road.

19 This is a necessary step for the
20 Department to make an informed determination.

21 At this point in time, if anyone
22 would like to make a statement regarding the
23 proposed road vacation and abandonment of an
24 improved portion of Sheep Pen Road, would you



1 please clearly identify yourself and proceed
2 with your comments.

3 MR. McKEE: Robert McKee.
4 M-C-K-E-E.

5 Just for point of clarification,
6 so there are no questions.

7 But is it possible to submit
8 questions through this process? Not to get an
9 answer this evening, but is information that
10 the public is not privy to. And I don't know
11 if anyone has asked these questions throughout
12 the process.

13 MS. PARRETT: You can ask
14 questions that will go on the record.

15 But as I said, we're not here to
16 answer any questions. And if it is a question
17 that is just general information, we will be
18 able to supply answers to those at a later
19 time.

20 MR. McKEE: Thank you. That's a
21 little better.

22 The request has been placed, I
23 believe, by the developer of Plantation Lakes
24 for the abandonment of vacation of Sheep Pen



1 Road, which will help facilitate further
2 development of houses, as well as the golf
3 course.

4 One of the questions that you
5 don't need to answer now, but would be
6 interesting for all of us is, who owns the
7 current roadway, or will it need to be
8 acquired by the developer throughout this
9 process?

10 Does the developer own property
11 for the proposed new parallel roadway
12 location?

13 It is my understanding that
14 DelDOT will require a new parallel roadway to
15 be constructed by the developer before the
16 current roadway may be abandoned.

17 In conversations with DelDOT
18 officials, I was told this could take up to
19 two years between the design and actual
20 construction.

21 One of the other questions that
22 we had is -- was about the existing utilities
23 that may be above and below the existing
24 roadway. Electricity, water, sewer, et



1 cetera.

2 Are all of those to be
3 reallocated or relocated to the new roadway
4 from the abandoned roadway?

5 Will installation of traffic
6 signals be part of the new roadway design as
7 well as the adjacent roadway improvements?
8 And that may include widening, et cetera.

9 Godwin School Road and the new
10 Plantation Lakes entrance, Hardscrabble Road
11 and the new proposed parallel roadway, Godwin
12 School Road and Route 24, amongst others
13 possibly.

14 Do adjacent property owners to
15 Sheep Pen Road and the proposed new parallel
16 roadway have a say in what is abandoned and
17 what may be constructed?

18 Now, this decision from research
19 that I have done is complicated.

20 Throughout the process, I did
21 find out that there is a potential new
22 elementary school on Godwin School Road and
23 Sheep Pen Road.

24 A feasibility study was



1 requested by the Indian River School District
2 in 2016, by The Office of State Planning
3 Coordination.

4 There is also a proposal to
5 develop a Town Center at Route 113 and
6 Hardscrabble Road, as well as a proposed
7 bypass, Cloverleaf Roadway Design at Route 113
8 and Hardscrabble Road, and not to mention that
9 Plantation Lakes development itself.

10 All of these will have an impact
11 on this area that may lose a current access
12 from Sheep Pen Road.

13 Per the Office of the State
14 Planning Coordination, the last time a Traffic
15 Impact Study was conducted with regard to
16 Plantation Lakes was in 1994, and that was
17 revised in 1997. To my knowledge, there is
18 nothing more current than that.

19 I'm questioning whether a
20 20-year-old Traffic Impact Study is still
21 something that is prudent to go ahead and
22 consider the abandonment of this roadway.

23 Will a new TIS be required
24 before the road is abandoned?



1 And last, but not least, there
2 is potential at Plantation Lakes and Millsboro
3 town impacts with regard to traffic congestion
4 and degradation of the resident quality of
5 life due to traffic conditions.

6 And throughout the process, what
7 I did is, as a citizen of the community, on my
8 own, was to talk with representatives from the
9 developer, from the school district, from
10 DelDOT, from The Office of State Planning
11 Coordination and the town, and it doesn't seem
12 that there is communication that binds all of
13 those two entities together.

14 So, who takes the lead in this
15 and brings all of those pieces together?

16 I can connect the dots. Someone
17 should do this formally before they proceed
18 with anything.

19 Thank you.

20 MR. CARMINE: Elias Carmine.

21 E-L-I-A-S.

22 Has there been a road study on
23 Sheep Pen Road about the traffic on that road?
24 That traffic is used by a lot, by busses, dump



1 trucks.

2 That road, Country Living Road,
3 we just fought to get that repaved about
4 three-years-ago, which wasn't in the budget.
5 They took other things so we could get that
6 road paved.

7 This is coming right out on it.
8 So, I guess, we are going to have school
9 busses, the dirt pit traffic from dump trucks
10 on there now.

11 Who is going to upgrade that
12 road?

13 And Sheep Pen Road should not be
14 closed. That road is used by a lot and used
15 by this traffic. So, it should not be closed.

16 MS. PARRETT: We will take that
17 into consideration.

18 Thank you.

19 MR. SENTMAN: Bruce Sentman.
20 S-E-N-T-M-A-N. I live on Sheep Pen, and I
21 have a business on Sheep Pen.

22 This is going to be causing me
23 to lose a bunch of business because they're
24 putting me back in a hole. I have the through



1 traffic for them to see my sign out front. It
2 gave me a bunch of business.

3 So, I'm losing money because of
4 this.

5 MS. MITCHELL: My name is Sherry
6 Mitchell. I live on 23803 Godwin School Road.
7 I'm right beside where this proposed new road
8 is going, and I've been there for 35 years.

9 I'm adamantly against the
10 closing Sheep Pen Road for the benefit of the
11 Plantation Lakes developer, as well as against
12 building a new road that is a poor replacement
13 since it does not even join Route 20 or
14 Hardscrabble Road.

15 Sheep Pen Road is used by
16 hundreds of people every day. I see it.
17 Those people are coming from the surrounding
18 communities. Many of them use that road as a
19 shortcut from Route 24 in order to avoid going
20 to the intersections of 24 and 113, and much
21 of this is made necessary because the highway
22 crossing continues to be closed off.

23 Dutton Busing located on Godwin
24 School Road has many, many busses on this road



1 during the school year. And with the
2 possibility of a new school on Godwin School
3 Road, Sheep Pen will become even more vital.

4 Closing Sheep Pen Road will also
5 cause emergency vehicles to take longer to
6 certain areas west of Millsboro. It is
7 practically impossible for them to get out of
8 town now through 24. So, they take West State
9 Street and Betts Pond Road to the 113/20
10 intersection.

11 The letter I received from
12 DelDOT for vacating Sheep Pen Road refers to
13 17 Delaware Code 1311. But in reading that
14 section of the Code, my impression is that it
15 refers to roads that have ceased to exist as
16 part of the general highway system or a public
17 road not serving the general public. Sheep
18 Pen Road serves the general public hundreds of
19 times a day. I am not kidding. I see it.

20 The convenience of Plantation
21 Lakes' homeowners to get from one side of the
22 community to another, or from one community
23 center or pool to another is not more
24 important than the convenience of area



1 homeowners, who have used Sheep Pen Road for
2 many years and need this road to get to their
3 jobs, day care centers and to run errands.

4 We are already inconvenienced by
5 the huge increase in traffic, the highway that
6 has not kept up with growth, traffic lights
7 that benefit beach traffic.

8 What used to take ten minutes to
9 make a quick run to town now takes 20 to 30.

10 The homeowners beside the new
11 proposed road acquired their properties with
12 vacant land beside or behind them, knowing and
13 accepting that homes may be there some day,
14 but never thinking that a noisy, littered road
15 would be there.

16 The proposed new road also
17 crosses from Godwin School to Country Living
18 with both ends of stop signs that are located
19 near a curved area.

20 Sheep Pen Road was there when
21 Lennar purchased their property. They need to
22 work with a plan that retains the road for
23 public use and not change it to suit their
24 needs. They can put a bridge over the road



1 for their homeowners to use for walking or
2 golf carts, just as Mr. Tunnell from Baywood
3 had to do on Route 24 in Long Neck.

4 This is not a case of eminent
5 domain where the government needs the land for
6 the greater good of the people. This is for
7 the greater good of Lennar.

8 Please do not close Sheep Pen
9 Road. Think about the neighboring residents
10 who use this road in their daily life for
11 work, day care travel and errands.

12 Think of Mr. Sentman at the end
13 of Sheep Pen Road whose small engine repair
14 business will be affected.

15 Think about Dutton Busing and
16 their drivers who use this road multiple times
17 a day.

18 Think about the future school
19 that will most likely be built on that road.

20 And think about those of us that
21 are just there now.

22 Think about somebody besides the
23 big development company who wants to enjoy the
24 area's close proximity to the beaches and low



1 taxes, but also want to make changes to hurt
2 many of us who are lifelong locals.

3 Make the right decision, DelDOT.

4 Just say no to closing Sheep Pen
5 Road.

6 MS. PARRETT: Does anybody else
7 want to speak?

8 MS. CARMINE: Patricia Carmine.
9 And I'm on the board of the homeowners
10 association at Ward Way 1.

11 We've met with the homeowners
12 and discussed several different options with
13 the homeowners regarding this matter.

14 And I can say to you that all of
15 the residents of Ward Way 1 and 99 percent of
16 Ward Way II Developments are absolutely
17 against this.

18 The impact of increased traffic
19 on the road going past our houses, will have
20 to go past our houses now, will impact the
21 safety of our children.

22 Busses pick children up along
23 that road. Our children ride bikes along that
24 road. The majority of the homeowners bought



1 in that area because it was a way out of town,
2 and there are a lot of families living in
3 there with children that this would impact as
4 far as safety.

5 The road is barely wide enough
6 now for a bus to come down safely with
7 children standing at the side of the road.

8 I can't imagine with the
9 increase in traffic what the impact would be
10 on that road.

11 In addition, as my husband said,
12 they did overlay that road a few years back.
13 It is still not in the greatest of shape.

14 The increased traffic on that
15 road is going to be horrible. It's already
16 beginning to break on the sides.

17 We living back on Country Living
18 Road will circle through Sheep Pen Road to
19 avoid all of the traffic on 113 from early
20 spring through late fall because of the
21 traffic coming down, the tourists coming down.

22 That is a big cut through for
23 the summer that takes a lot of the traffic off
24 of 113. It gives us backway access to the



1 Food Lion, BJ's, the places where we shop.

2 So, we would really love for
3 that to stay open.

4 And, I guess, I'm going to end
5 this with a question of, if that road is
6 closed, and I pray it's not, and so do all of
7 our homeowners in that area, over 60-some
8 homeowners, if a road is built, will it be
9 part of the development to maintain that road,
10 or will the State build the road and maintain
11 it?

12 That's a question. Thank you.

13 MS. PARRETT: And I would just
14 like to reiterate for the people that just
15 came in, there is sign-up sheets up front. I
16 would appreciate it if everybody would sign
17 in. Everybody who is recorded in attendance
18 will receive a copy of the decision that's
19 made once there is a decision made.

20 And if anybody has a written
21 statement that they maybe don't want to read,
22 you are more than welcome to turn it in and it
23 will become part of the record.

24 MR. STATLER: My name is Keith



1 Statler. S-T-A-T-L-E-R.

2 I live at 108 Woodland Way. The
3 proposed construction of the road would come
4 directly behind my house.

5 So, I would just like to be on
6 record as adamantly opposing the road behind
7 my current residence.

8 I do know that it is a shared
9 feeling with the people that live next door to
10 me on both sides. This is not a plan that any
11 of us want.

12 But I would just like to at
13 least formally go on record saying I am
14 adamantly opposed to the building of this
15 road.

16 Thank you.

17 MR. SMITH: My name is Joe
18 Smith. I'm one of ones that live next door to
19 Mr. Statler on 110 Woodland Way.

20 When we bought this house, we
21 knew that Plantation Lakes owned this property
22 behind us. And we knew that there was going
23 to be houses or community centers, something
24 of the like behind us at some time.



1 Never was it ever told to
2 anyone, the Realtor, the neighbors, anyone,
3 that this was planned on being a new road that
4 runs parallel to our backyard.

5 I mean, literally, if this goes
6 through, this new road, our house will have a
7 road in the front and a road in the back.

8 Do you want to live in a place
9 like that?

10 Do you want to be surrounded by
11 roads? I don't think any of you all up there
12 want to.

13 Let's call this for what it is.

14 Closing down Sheep Pen Road is
15 nothing but greed and a money grab for the
16 people that own Plantation Lakes. You can
17 look at this map and see all they have to do
18 is move things back a few feet and build a
19 bridge over the road just like Tunnell had to
20 do and they would be just fine.

21 It is ridiculous that we're
22 going to put the interest of new homes above
23 the interest of homes that have been for years
24 and years and years.



1 There is nothing okay about this
2 plan.

3 Our concern is more the new road
4 that is proposed to go through than the
5 closing of the old road, but the closing of
6 the old road is still a concern for all of the
7 reasons that have already been stated. I
8 don't have to restate them.

9 They want to put a school at the
10 end of the road here. The School District
11 owns that property. That is all fine and
12 good. But they can't even get money to pay
13 their teachers now. How are they going to
14 open up a new school? You can't use the
15 school as an excuse when you can't even pay
16 your teachers.

17 This is all ridiculous, and it
18 is nothing but a cash grab by the people that
19 own Plantation Lakes.

20 If we allow this to go through,
21 I mean, everybody involved is just as bad as
22 him, I guess.

23 I'm done. Thank you.

24 MR. DUTTON: I'm Ed Dutton. I



1 own Dutton Bus Service with my sons.

2 This will be a hardship as far
3 as our business goes.

4 The thing is, these are my
5 neighbors. And to run our busses another road
6 down, making a left in front of Timmy's house
7 and everybody else, I mean, we're probably
8 running 60 to 65 times a day down Sheep Pen
9 Road because our shop is at my farm. They
10 have to bring their stuff in.

11 We try to be good neighbors.
12 And this road right now is very beneficial to
13 our company and our way of life. And I've
14 lived here a long time. I started with one
15 bus and I have a lot now. My neighbors don't
16 complain to me, and we do the best we can.

17 My sons, I left them home
18 because you don't want to hear what they are
19 having to say.

20 But I just feel that this is a
21 big mistake. And I grant you, Sheep Pen Road
22 is not a good road, but it keeps us away from
23 beating and banging down the road with these
24 yellow busses disturbing my neighbors.



1 And I realize there are going to
2 be new homes. Well, I was here first. We
3 were here first.

4 I have a big issue with this.
5 That's all I got to say. I hope it does not
6 happen. Thank you.

7 MS. CARMINE: Patricia Carmine.

8 I notice there's -- you know --
9 the thing you put across the road where you're
10 counting traffic -- I notice one has been
11 across there, whether it is hooked up or not,
12 I have no clue.

13 But to do a count, you will get
14 a good count. But in the winter when all of
15 these busses are running, it is far more
16 traffic than you see right now.

17 So, just to let you know about
18 that.

19 Thank you.

20 MR. PARSONS: Rhett, R-H-E-T-T,
21 Parsons.

22 We live on the corner of the
23 Meadow Drive development on Country Living
24 Road. So, we are the first house as you come



1 down Country Living Road on the left-hand
2 side.

3 And the way the plan looks, the
4 entrance to this new road would be directly
5 beside our home, running down the back of
6 Meadow Drive II.

7 And I agree with what everybody
8 said. Certainly, there is no reason to close
9 Sheep Pen Road for the benefit of the
10 developer. The developer bought the land on
11 either side of that road. The road was there.
12 They didn't buy the road. They have no right
13 to ask for the road to move. Maybe they have
14 a right to ask. They have no expectation it
15 should be moved.

16 And the additional traffic on
17 Country Living Road is certainly a deterrent
18 from that, Mr. Dutton's busses and all of the
19 other traffic that is part of that.

20 But it seems that there has been
21 very little forethought to the impact of this,
22 the way this has been handled.

23 And the Plantation's development
24 has not proposed anything other than just,



1 basically, a line that says this is where the
2 road would be. They haven't said, this is how
3 they would do it, this is what it would look
4 like, this is how it would be landscaped, this
5 is the setback.

6 The State has provided no
7 information to us as to what these guidelines
8 and regulations would be, if they did approve
9 putting a road in there.

10 So, at this point, we are saying
11 absolutely don't put in, or don't abandon
12 Sheep Pen Road. Keep Sheep Pen Road open.
13 But I would think that it should behoove the
14 State to at least say, here are what the
15 guidelines are for a new road going in.

16 So, right now, we all are in
17 agreement that there is no reason to close the
18 road. And the impact of closing it is
19 definitely going to be felt by all of us.

20 My wife and I and all of the
21 neighbors that we've talked to as well are
22 adamantly opposed to closing Sheep Pen Road.

23 Thank you.

24 MR. BURTON: Jeff Burton.



1 I'm also opposed to the closing
2 of Sheep Pen Road. And I just have some
3 questions. I know they're not going to be
4 answered today.

5 A couple of the questions I have
6 are, does the current plan that is adopted now
7 and recorded for Plantation Lakes, does it
8 improve Sheep Pen Road like they had to
9 improve Godwin School Road? Does it widen,
10 flatten, further expand upon Sheep Pen Road,
11 like they had to do on Godwin School at that
12 entrance there?

13 So, I would hope that it does.
14 Because they're the ones who are going to be
15 putting the extra traffic on the roads, so
16 they should bear the burden of making repairs,
17 if necessary, to the existing road, not
18 abandoning the road.

19 To Bruce Sentman, I don't
20 understand how DelDOT and the powers that be
21 can enrich one entity while causing severe
22 hardship to another entity very arbitrarily.

23 Plantation Lakes, as a developer
24 Lennar, is no better than Bruce Sentman's



1 business. And I don't think that is right to
2 hurt one business while helping another
3 business. That just seems fundamentally wrong
4 to me.

5 So, the DelDOT notice I think is
6 also misleading. Maybe it's not. Maybe they
7 are splitting hairs in the advertisement. But
8 it states that the adjoining property owners
9 petitioned. It's probably more the case of a
10 single property owner petitioned. But I would
11 some day like to have the answer to that
12 question as well, meaning Lennar developer.

13 The developer right now on their
14 website shows the road as being abandoned on
15 their graphic.

16 UNIDENTIFIED SPEAKER: It has
17 been that way since the beginning.

18 MR. BURTON: I don't know if
19 that is false advertisement or what that is.
20 To them, it is already a foregone conclusion.
21 I hope DelDOT doesn't let that happen.

22 The recorded subdivision plan
23 that is recorded with Sussex County also shows
24 the road being incorporated into the community



1 as if it is a foregone conclusion.

2 So, same question pertains to
3 the recorded subdivision plan.

4 And then, the recorded
5 subdivision plan also shows the new proposed
6 road, or, actually, not the recorded
7 subdivision plan, but maybe it was your map,
8 shows the new proposed road going through all
9 of the lots on the north end of Plantation's
10 future subdivision.

11 I don't know if those lots would
12 go away, if DelDOT still shoves this down our
13 throat and does it without us. I don't know
14 if all those lots have to be redrawn or how
15 that is going to work.

16 And lastly, if DelDOT does this
17 anyway against all of our wishes here, who is
18 going to pay for the new road? Is it the
19 taxpayers? Is it the development or the
20 developer? Who is going to pay for the
21 abandonment? Who is going to pay for the
22 Co-op to move all of their power up and down
23 Sheep Pen?

24 So, all of those questions,



1 those last two, if DelDOT does this without
2 us.

3 Thank you.

4 MR. MORIARTY: My name is Sean
5 Moriarty, S-E-A-N, M-O-R-I-A-R-T-Y, on behalf
6 of my wife, Kristy, and our two daughters, age
7 15 and 8.

8 We adamantly oppose this as
9 well. Pretty much what our neighbors have
10 said.

11 We've lived on Country Living
12 Road for 20 years now. We live in the
13 development near Meadow Drive, as Mrs. Carmine
14 had talked about.

15 We understand that there is
16 growth and development. We think it should be
17 done in a more equitable manner. And
18 certainly, our opposition is based upon two
19 main factors here, safety, as well as the
20 quality of life for our long-term residents.

21 Safety. There is no doubt there
22 is going to be increased traffic on Country
23 Living Road. The name itself, Country Living
24 Road. If you look at the name, it is



1 automatically going to be changed by this
2 diversion.

3 Much that our neighbors and
4 friends have also talked about, this was
5 already understood when the developer went in
6 and purchased it. The existing infrastructure
7 was already there.

8 The increased traffic in both
9 directions. You're impacting the safety of
10 our children who walk on that, ride their
11 bicycles, get the bus, everything everybody
12 already talked about.

13 And, in addition, all of the
14 other businesses that Mr. Dutton has talked
15 about.

16 So, we are adamantly opposed to
17 that for the degradation of our quality of
18 life, for the long-term residents there, for
19 the safety of our children, for the safety of
20 us who walk along the walks on a nightly walk.
21 And, of course, we're looking at the whole
22 thing.

23 The only way that we would even
24 consider this, as a family of supporting,



1 would be maybe considering the point of
2 convergence making Country Living Road a dead
3 end street, therefore, we're at that point.
4 But, again, that's certainly going to affect
5 our neighbors. That's the only way we can
6 consider this.

7 We are adamantly opposed to
8 this. We ask for you to consider that in your
9 decision and just do the right thing.

10 Thank you.

11 MS. CROPPER: My name is Helen,
12 H-E-L-E-N, Cropper, C-R-O-P-P-E-R.

13 I don't live right on the road,
14 but I use that road a lot. It's a bypass to
15 get around a lot of the traffic in the summer.
16 It's also the way to Salisbury.

17 I am really disappointed, I
18 think, that all of us are here to learn and
19 discuss a major change in our lives.

20 And the State is proposing a
21 major change, and these developers have
22 already been predisposed in their plans that
23 this is the way it's going to be.

24 Somebody, I think, up here has



1 said, Oh, yeah, this isn't going to be a
2 problem. Well, I just have a lot of
3 questions. You can't answer. You won't
4 answer. And I don't understand because I pay
5 you. You know, we all pay you. And we pay
6 you to make decisions for us. And we need to
7 make informed decisions. And you have answers
8 and you won't give us the answers to our
9 questions.

10 So, what good are you to us?
11 Why are you here? Why are we here? I don't
12 understand why we're here. There's questions
13 like, if they have to make improvements to the
14 existing roads, if so, at what phase.

15 I can remember when the Racino
16 was planned, and they were going to make
17 changes to the highway in Phase II. That was
18 after the racetrack, after the convention
19 center, after the casino, after all of those
20 things were in there when they started doing
21 shopping centers and stuff, then they were
22 going to make plans in Phase II. If they have
23 to make plans, are they going to make plans.
24 If they do, at what phase do they have to do



1 them.

2 I know there has been a counter
3 on that road to count the traffic. We are not
4 even allowed to know what the count is. How
5 much traffic is that road actually using?

6 So, there you are. And to just
7 talk about something that looks like it's
8 already done, and you can't even give us an
9 answer to a simple question of what is the
10 count on that road, they had that counter
11 across there for a while.

12 I mean, you can stand up there.
13 And I don't know why they sent you. I think
14 it's like, Okay, let's send somebody who can
15 stand up there and keep their composure
16 because we might as well be talking to each
17 other. You're absolutely worthless.

18 MR. CUNNINGHAM: I'm Robert
19 Cunningham. I am the Chief of Right-Of-Way
20 for DelDOT.

21 Let me explain what the process
22 is. And that seems to be the confusion.

23 We're in the real estate world.
24 We buy and sell stuff. So, if we were coming



1 through condemning all of your houses, we
2 would have to have this conversation.

3 We also have to handle the
4 vacation aspect of this road. Why we're
5 saying we can't answer questions related
6 specific to the engineers because we're not
7 engineers.

8 And we are handling an issue
9 that was brought to us by an outside company,
10 outside firm.

11 But according to the rules, say
12 I want to vacate this road, a lot of times you
13 run into vacation of roads that are paper
14 sheets, dead ends, things like that. The
15 people who bring that to us are the adjacent
16 owners.

17 You're asking an awful lot of
18 questions that have engineering aspects to it.
19 I can tell you, get a stack of Bibles, I'm on
20 the record, I have no idea what the road
21 counts are. And I don't know if anybody does
22 yet.

23 But the issue is, we can answer
24 all of your questions, and they will be



1 answered. The gentleman who started, he had
2 about 15 questions. We are going to answer
3 every one of those.

4 The process is, we need to hear
5 whether you're for or against it.

6 We then take all of these
7 issues, put them all together, take the
8 record, then a recommendation is made to the
9 Secretary of the Department who ultimately
10 makes the final decision.

11 The final decision has not been
12 made yet. This is very important. This is a
13 critical step. And it is great to see people.

14 Ida goes to these a lot of
15 times, and it's her and the court reporter,
16 and then they leave because nobody shows up.

17 But your comments are going on
18 the record. And they will be shared with the
19 Secretary of the Department. And everybody
20 who is here who is against it, if there are
21 people here who are for it, they will all go
22 together, along with some of the issues you
23 raised and study some of the engineering
24 aspects of it.



1 But for the most part, this is
2 the time when we are going to hear -- we don't
3 know. We don't know whether the public is for
4 this or against this.

5 I'm hearing so far most of you
6 are against it. But there might be people
7 here who are for it.

8 This is actually a good example
9 of what democracy is all about. Let's hear
10 what you're saying. Then it goes up. We will
11 make the comments to the Secretary. We'll
12 recommend to the Secretary or not recommend to
13 the Secretary. She will have all of these
14 comments. She'll know everything that you all
15 said. Then she'll take those into
16 consideration.

17 So, I just want to make sure, I
18 understand you think we're just standing up
19 here stonewalling you. We're not. I don't
20 know 90 percent of the answers to your
21 questions. But they will be answered. And
22 they will be shared with the Secretary. That
23 I can guarantee you.

24 We're answering questions about



1 the process. That's what I'm answering. The
2 process is, we take your comments, give them
3 to the Secretary. The Secretary then has the
4 ability to say yes or no. There's also, as it
5 is in the Code, other options for people who
6 are opposed or for it.

7 Anyway, I will answer a couple
8 of questions as long as it is process related.

9 MS. PARSON: My name is Denise
10 Parsons. P-A-R-S-O-N-S.

11 On the record, I am against the
12 closure of Sheep Pen Road. I do have a
13 question on the process.

14 In the recommendation that will
15 go forth either for or against, it will be
16 based off of comments. But will the
17 engineering studies, the road counts, the
18 impact studies that they have, will that also
19 be part of the recommendation, or is this
20 strictly, We got this number against, this
21 number for?

22 MR. CUNNINGHAM: It is all taken
23 in its entirety. Everything will be
24 considered in its entirety.



1 MR. PARSON: And the time frame
2 of it is?

3 MR. CUNNINGHAM: You can share
4 that.

5 MS. PARRETT: Yes. Once the
6 public hearing is done, and we give the court
7 stenographer the time that they need to supply
8 us with the official transcript, we then take
9 a couple of weeks to read it over, read
10 through all of the E-mails, go through all of
11 the messages, all of the calls and everything
12 I received on this.

13 I then have to weigh all of the
14 pros and cons and make a recommendation to the
15 Secretary.

16 The Secretary then reviews
17 everything. Sometimes comes back with
18 additional questions. Sometimes does not.

19 The Secretary then makes her
20 final determination. She could agree with
21 what I say. She could disagree with what I
22 say.

23 Once her decision is made, a
24 notice is sent out to everybody who was in



1 attendance and the petitioners.

2 From that point that the
3 decision is made, there is a 30-day appeal
4 period.

5 So, if it is approved, you can
6 appealed the approval.

7 If it's denied, the denial can
8 be appeal. And those appeals go through the
9 Superior Court.

10 But you have 30 days from the
11 date that that decision is made to appeal that
12 decision.

13 If there are no appeals filed,
14 and it's denied, then it just goes away. It
15 will stay as it is.

16 If it's approved, then there's a
17 resolution that is recorded within the County
18 Recorder of Deeds Office that allows the
19 adjoining property owners to absorb that
20 section of roadway into their property. That
21 is what the process is.

22 MR. PETTYJOHN: My name is Brian
23 Pettyjohn. I'm actually a State Senator. I
24 have one half of Sheep Pen Road.



1 My question is actually process
2 related.

3 How long is the public record
4 open after today?

5 MS. PARRETT: The public record
6 will be open until I receive the official
7 transcript. Usually it takes about two weeks.

8 So, two weeks from today, I will
9 close the official comment period. I will
10 accept written comments. I will accept
11 voicemail comments. Our voicemail system at
12 the State now transcribes everything into a
13 written statement that comes in my E-mail.
14 They don't always match what is verbally said.
15 It is quite funny sometimes to read. But they
16 do record all of those voicemails in a digital
17 format.

18 So, I will keep it open for two
19 weeks from today's date.

20 MS. MITCHELL: Sherry Mitchell.
21 Will you have your E-mail in our
22 letters?

23 MS. PARRETT: Yes.

24 MS. MITCHELL: It says in the



1 Delaware Code that this was published in the
2 newspaper and the county.

3 Where was this published?

4 MS. PARRETT: It was in The
5 Delaware State News. And I know the
6 cancellation for the previous one was in --
7 what paper was that in -- this says, Sussex
8 Living Delaware.com.

9 MS. MITCHELL: So, these are in
10 the newspapers?

11 MS. PARRETT: Yes.

12 MS. MITCHELL: And, hopefully,
13 they have an online site.

14 MS. PARRETT: Yes.

15 MS. MITCHELL: Because it was
16 only those of us who live directly bordering
17 that property that actually got the one in the
18 mail.

19 So, most people are not going to
20 see that notice in the newspaper.

21 MS. CARMINE: Patricia Carmine.

22 I did want to note that anyone
23 not living on the front part of Country Living
24 Road did not receive any notification that



1 this was taking place.

2 So, you're looking at probably
3 50, at least 50 homeowners that received
4 nothing.

5 MS. PARRETT: That is a
6 procedural thing.

7 And we are only required to send
8 a notice to those adjoining the road to be
9 vacated.

10 MS. CARMINE: Even though that
11 road comes directly into our development?

12 MS. PARRETT: Yes.

13 MS. CARMINE: Just make a note
14 that 50 people were not notified.

15 MR. WOOD: My name is Bill Wood.
16 Meadow Drive I.

17 Just a point of clarification in
18 this room.

19 Can we have a show of hands as
20 to how many people are in favor of this
21 change?

22 Can we have a show of hands as
23 to how many people are opposed to this?

24 MS. PARSONS: Denise Parsons. I



1 have a couple of follow-up questions.

2 Within the process, before you
3 send your recommendation, do you review the
4 road study, the impact study, the engineering
5 aspect, or does that go to the Secretary?

6 MS. PARRETT: It all gets
7 supplied, and then it is all taken into
8 consideration before the determination is made
9 and the recommendation is made.

10 MS. PARSONS: Will we have
11 access to that? Will we have the opportunity
12 to review that and look at the proposed
13 setbacks and things of that nature?

14 MS. PARRETT: That I do not
15 know.

16 MR. CARMINE: Elias Carmine.

17 There were three people that
18 were in favor of it. Just to let you know,
19 two of them are from Plantation Lakes. They
20 work there, I guess.

21 MR. PREHM: My name is Jack
22 Prehm. P-R-E-H-M.

23 I live in Plantation Lakes. I
24 drive, or I ride on Sheep Pen Road frequently



1 when I'm heading north. I come out the back
2 entrance onto Godwin School Road and go up
3 Sheep Pen and take 13 north.

4 I purchased in Plantation Lakes
5 ten-years-ago.

6 We were told at that time that
7 all of this property did, indeed, belong to
8 Lennar, or a company called Lencraft,
9 L-E-N-C-R-A-F-T. It was a combined company
10 that was made up of the consortium.

11 I think Don Collins, Donald
12 Collins owned this property before it was
13 purchased by this consortium.

14 We were told at the time that
15 all of it was going to be part of Plantation
16 Lakes.

17 I'm just very surprised that
18 here it is ten years after I purchased that
19 we're now talking about a road that was
20 planned at that time to go right through the
21 middle of a major development. That
22 disappoints me somewhat with what the planning
23 was that was done back then.

24 But if that land is going to



1 carry a major development, you cannot leave
2 Sheep Pen Road at 45 miles an hour through the
3 middle of it. It just makes no sense.

4 You can't have all of those
5 people impacted by a 45-mile-an-hour road.
6 When all it takes is to go a little bit
7 further on Godwin School Road and pick up a
8 bypass.

9 I do understand the people on
10 Country Living Road. And it was a
11 recommendation of dead ending Country Living
12 Road, which sounds reasonable to me. But it's
13 a short distance to get to the same point.

14 Thank you.

15 MS. PARSONS: Denise Parsons.

16 Plantation also ends on the
17 other side of 24. Inconvenienced by a
18 50-mile-per-hour road.

19 We had Sheep Pen there first.
20 You can put buffers in. They can landscape it
21 with their berms and walkways, just as they
22 had on Godwin School Road, just as they will
23 have to do with 24. They can put an overpass
24 that is there.



1 They're asking existing
2 homeowners to change their lifestyle to now be
3 inconvenienced because of a road when we were
4 here 20-plus years is unfair.

5 Most of us that live here are
6 Sussex Countians born and raised.

7 We open our doors to those that
8 are out of state. We welcome them.

9 But to take and say, Move the
10 road here because we don't want to
11 inconvenience new people at the cost of those
12 that are currently here is wrong.

13 MR. DOREY: My name is Tim
14 Dorey. D-O-R-E-Y.

15 The statement by the guy there,
16 if the major road goes through Sheep Pen at
17 45, what's the difference at 45 going by my
18 house for the people out of Plantation Lakes
19 going bye bye? They run by my house 50, 60.
20 They throw trash out. We pick it up and
21 follow them and they turn right into
22 Plantation Lakes and I throw it out there. I
23 am tired of picking up their trash. I am
24 tired of looking at people speeding by.



1 You don't want to speed through
2 your development. Sorry about your luck, Bud.

3 MS. CROPPER: Helen Cropper.

4 I just counted how many people,
5 in response to the man that lives in
6 Plantation Lakes, I just counted how many
7 houses are actually on existing Sheep Pen Road
8 based on this plan that was handed out. And
9 it's less than 20. There's a lot more than 20
10 people in here.

11 And there was a man earlier that
12 said this is a money grabbing thing. You
13 know, reduce those 20 houses and let Sheep Pen
14 Road go on through.

15 And regarding these plans of
16 Plantation Lakes that existed back in the
17 beginning with Sheep Pen Road being abandoned.

18 I can remember with this Racino
19 thing, they had all of these plans for Wolf
20 Trap and everything else that they presented.
21 Wolf Trap was never notified that they were
22 going to be a part of this Racino thing.

23 So, I just think that the
24 developer sold the existing people a bill of



1 goods and they bought them, and too bad, it
2 sucks to be them.

3 MR. COLLINS: I'm Rich Collins.

4 I have a question.

5 So, the hearing is about
6 abandoning the road. So, this road that is
7 proposed, is this hearing technically actually
8 about that in any way?

9 MS. PARRETT: We are here to
10 receive comments in support of or in
11 opposition to the abandonment of Sheep Pen
12 Road.

13 As was previously stated, the
14 regulations do state there has to be an
15 alternate parallel road. And I believe what
16 is depicted on the plan from the developer is
17 what they are proposing as an alternate
18 parallel road.

19 MR. COLLINS: They would have to
20 get permission from the City of Millsboro to
21 do that?

22 MS. PARRETT: They would have to
23 go through all of the approval process.

24 MR COLLINS: Technically, this



1 hearing is not about that additional road?

2 MS. PARRETT: It's for the
3 vacation of Sheep Pen Road.

4 MS. DOREY: Pat Dorey. Patricia
5 Dorey.

6 We can't get additional
7 information even about what that proposed road
8 would look like, other than that little
9 diagram that we got on our notification?

10 MS. PARRETT: That is not
11 information that I have. That diagram was
12 actually supplied to me by the developer. So,
13 they would have that information.

14 MR. PARSONS: Rhett Parsons.

15 So, a question I will direct
16 toward the developer.

17 Do you have any more detailed
18 plans as to what your intended design
19 structure, setbacks, et cetera, would be if
20 they do vacate Sheep Pen Road?

21 And then the secondary question
22 is, isn't there, and, I guess, this is just
23 for the record, but an alternate road already
24 exists because Godwin School intersects



1 Country Living Road currently.

2 Now, that doesn't address our
3 traffic concerns because it still keeps the
4 traffic on there. But it would seem that this
5 connector that cuts off, or that impacts those
6 of us that live along the bordering edge of
7 that connector, and the potential school being
8 in front of that, and the fact it adds another
9 point of intersection for people to stop,
10 hopefully, turn properly, et cetera, it seems
11 like it's just a -- it seems totally
12 ridiculous to do it in light of the fact that
13 there already is an already existing
14 alternative.

15 Don't abandon Sheep Pen Road. I
16 will restate that.

17 But to the developer, you guys
18 have given us a crayon drawing with no
19 details. You didn't have the common courtesy
20 to come alongside each of us who are adjacent
21 to this or the other property owners in the
22 area and say, Hey, we got a problem here,
23 guys. This road is in the middle of our
24 development. We would like to do something



1 about it. Here are a couple of proposals.
2 You just kind of did what you do behind our
3 backs with DelDOT, and here we are.

4 But do you have any other
5 additional information?

6 MS. PARRETT: I will ask that
7 any questions directed specifically to the
8 developer, since they are not specifically
9 related to the abandonment of Sheep Pen Road,
10 that you please take those outside and you can
11 talk with them outside.

12 MR. PARSON: Okay. Would be
13 happy to.

14 MR. BURTON: Jeff Burton again.
15 My question is, the statute, you
16 said, stated that it had to be parallel road.
17 Is this big, C-shape looping road considered
18 parallel? It certainly doesn't meet the
19 traditional definition of the word parallel.
20 So, I just wanted to pose that question as
21 well.

22 MS. PARRETT: It is something we
23 can take into consideration.

24 MR. BURTON: Thank you.



1 MS. CARMINE: Patricia Carmine.
2 I'm just asking for
3 clarification here.

4 So, at this point, they're
5 proposing a road be built by the developer.
6 And we have no plans, no information
7 whatsoever on what that road will be, the
8 width, the length or whatever. We have no
9 information on what will replace Sheep Pen
10 Road.

11 Is that correct?

12 MS. PARRETT: Yes.

13 MS. CARMINE: Next question for
14 clarification, when will that road be built,
15 the new road? We don't know how long it will
16 take. It could be years. It could be months.
17 It could be a decade.

18 MS. PARRETT: That is something
19 that DelDOT does not know. Thank you.

20 MS. PARSONS: If there is an
21 appeal process that goes to Superior Court, do
22 you have an estimate on the time frame for
23 that, how long it will be before Superior
24 Court potentially will hear the case? Once



1 they do hear the case, how long it would be
2 before they potentially render a decision?

3 MS. PARRETT: That I do not know
4 because it all falls on their scheduling. It
5 is not something we have any control over.

6 MR. SMITH: Joe Smith.

7 Again, this is about the new
8 proposed road. I hate to keep beating a dead
9 horse. But there is about a dozen of us who
10 are going to be affected directly by this new
11 road.

12 Has anybody thought about the
13 property values of us that are going to be
14 bordered by this new road? I mean, we are
15 talking about the inconvenience of the
16 residents of Plantation Lakes that aren't even
17 residents there yet. We're talking about the
18 property values of Plantation Lakes, and those
19 homes aren't even there yet.

20 What about the property values
21 of those of us who have homes, who have very
22 nice homes, who have very nice properties? I
23 mean, according to this, you're going to be
24 cutting down about half the trees that border



1 our property.

2 If we had known all of this, we
3 would have never bought this house, not a
4 chance in this world we would have bought this
5 house.

6 We had a little bit of an
7 informal vote here. Outside of the people
8 that stand to directly profit from this, there
9 was one person that said they were in favor of
10 this idea, one person.

11 I would be willing to bet,
12 though, this is still going to go through.

13 MS. PARRETT: As I stated
14 before, we will take everything into
15 consideration and the decision and
16 recommendation that we make will be based off
17 of the public comment.

18 MR. SMITH: We already have a
19 terrible traffic problem in Millsboro.
20 Several hundred homes are on this new map.
21 We're just going to add to that.

22 Instead of trying to alleviate
23 the traffic problem, we're just going to say,
24 Screw the people that live there already. You



1 to have figure something out. And it will
2 only take you 45 minutes to get to Rite Aid
3 instead of 30 now to make the 500-yard trip.

4 None of this makes any sense,
5 except to line the pockets of one business.

6 MS. DOREY: Patricia Dorey. I'm
7 here now. I was late. So, I don't know what
8 happened before I came in. I did not realize
9 it was four o'clock. My information said four
10 to seven. Sorry.

11 Have the developers done due
12 diligence in making sure that safety issues or
13 concerns -- that safety concerns are
14 addressed, power concerns are addressed,
15 traffic study to see how many cars are on that
16 road throughout the day, particularly during
17 the school season. When school is in session,
18 traffic increases dramatically all across
19 Sheep Pen Road from everywhere.

20 I just have those concerns and
21 questions I don't know the answers to or whose
22 responsibility it is to make sure that
23 happens. I assume the developers would have
24 some responsibility there.



1 MR. PARSONS: Rhett Parsons.

2 Point in case, the judge found
3 that. We had a contract on our house. And
4 that contract was pulled because of this
5 proposed road. And we didn't know about this
6 until the contract was taken and, obviously,
7 disclosing it, they said, Well, we don't want
8 a road in our side yard.

9 So, that is not a theoretical.
10 That is an already happened situation.

11 MR. SMITH: We would have never
12 bought our house if we would have known about
13 it.

14 MR. MASSARI: Tom Massari.
15 M-A-S-S-A-R-I. We're in the same boat. 102
16 Ridge Way. We are same boat. It is right in
17 our backyard.

18 MS. MASSARI: Lindamarie
19 Massari. 102 Woodland Way, Millsboro.

20 And this road is going right
21 behind on our house, I mean, right behind our
22 house. That is unacceptable.

23 We just physically moved back
24 down in February. We bought the house



1 six-years-ago. We physically moved in
2 February. That's just unacceptable. We would
3 not have even bought it. We planned for being
4 there in a quiet residential community, and
5 now you want to put a road in my backyard.
6 I'm totally against it.

7 As it is, we can already hear
8 the cars and when those big trucks go by.
9 Maybe not as loud, but where you want to move
10 it doesn't make any sense whatsoever.

11 MR. MORIARTY: Sean Moriarty.

12 My question is procedural. When
13 somebody applies, in this particular case,
14 they apply for the abandonment of the road, do
15 they have to provide any justification or
16 logic or substantiation of why they have to
17 vacate the road?

18 MS. PARRETT: Typically, when a
19 request is made to the Department to vacate a
20 road, it is a road that, for example, it is in
21 a subdivision where not all of the streets
22 were built. So, there is what's showing on
23 the master plan, there's a road that goes
24 between two houses, but that road was never



1 built. The adjoining property owners will ask
2 the Department to vacate any public interest
3 in that section of road that was never built.
4 And we go through this process to gain
5 comments in favor of or in opposition to. And
6 when it goes through, if it goes through, then
7 they are able to absorb that into their
8 property to the center line each equally.

9 Other instances where we do road
10 vacations and abandonments, maybe there is a
11 road that has a sharp hairpin turn, and we
12 realign the road so it is more gentle, safer
13 turn, and the hairpin area is no longer a
14 functional road because there is an alternate
15 road to it in which case then the adjoining
16 property owners can petition to have that
17 hairpin turn vacated.

18 Those are the typical instances
19 procedural-wise that we run into with road
20 vacation.

21 MR. MORIARTY: So, in this
22 particular case, if I was the developer and I
23 wanted to abandon this road, what would the
24 application process in a nutshell explain?



1 Could I just say, I want this to be abandoned,
2 or do I have to provide DelDOT with an
3 explanation of why I want it to be abandoned?

4 MS. PARRETT: When it is a
5 developer coming in and there is an active
6 road, they first have to go through our
7 planning section. I am not part of planning.
8 I do not know what their process is. I don't
9 know what their procedure is. I cannot answer
10 any questions in reference to that.

11 Generally, with a situation like
12 this, our Planning Department then comes to us
13 and requests if we can investigate if it is
14 possible to vacate a portion of road that is
15 currently active.

16 Before we can do anything, we
17 have to route it through our Department to the
18 directors in our Department to get their
19 approval or opposition to this.

20 If there is sufficient support,
21 then we move to the next stage which is here
22 getting public comments from the public in
23 support of or opposition to so we can make an
24 informed decision.



1 MR. MORIARTY: So, in order for
2 us to make educated and informed decisions as
3 well, is that a matter of public record, or
4 would that be provided to us, the application
5 whether it's to the Planning Section or
6 anybody, of what the requests actually
7 entailed and why that road needs to be
8 abandoned?

9 I think we all come with a
10 plausible explanation of at least why we think
11 it is. But I am interested personally to know
12 why is this road proposed other than the
13 obvious?

14 MS. PARRETT: The vacation of
15 Sheep Pen. With what they would like to do
16 within the Department, this section of Sheep
17 Pen does not fall within the parameters that
18 they have. So, they are asking it be vacated
19 so they can reconfigure with the Department.

20 So, the supporting documentation
21 we receive from our Planning Section, they
22 gave us the plans, other supporting documents.
23 I don't know if they have been approved and
24 recorded yet, so I don't know if they are part



1 of the public record. So, that would be
2 something that maybe the Developer could
3 answer that for you out in the parking lot.
4 Maybe you can call our Planning Section and
5 get an answer to that. That is not
6 information that I have.

7 MR. MORIARTY: So, to your
8 knowledge, it is not for the betterment of
9 safety or quality of life for existing
10 residents?

11 MS. PARRETT: We are here to get
12 the public comments so we can make an informed
13 decision.

14 MR. MORIARTY: Thank you.

15 Next question, please, a
16 procedural matter.

17 Will we be notified of signing
18 up of every step in the process herein?

19 MS. PARRETT: You will be
20 notified once the Secretary makes a
21 determination.

22 MR. MORIARTY: And it will start
23 the Appellate process and everything
24 thereafter.



1 Thank you very much.

2 MR. BURTON: Jeff Burton. I
3 have a follow-up question.

4 So, from what you described, it
5 sounded like you would say that this is not a
6 typical application, that this would be more
7 of a rarity than what you typically see when a
8 road is traveled as much as this one is.

9 Is that a true statement?

10 MS. PARRETT: Yes.

11 MR. BURTON: Thank you.

12 MS. PARSONS: Denise Parsons.

13 Since these questions are going
14 to be answered, I want to pose another
15 question.

16 When the initial plans were
17 proposed to Sussex County, or to the Town of
18 Millsboro, who ended up incorporating that
19 land, the plans that were presented at that
20 point did not show Sheep Pen. It showed that
21 as part of the development. We have pictures
22 of that from Planning and Zoning.

23 How can they, at that point,
24 submit a plan with a State Road through the



1 center without having already gone through
2 this process? Question to be answered later.

3 MS. CROPPER: Helen Cropper. I
4 think it is a follow-up from what she just
5 said.

6 With this development, I don't
7 know if everybody here understands, this
8 development is not going through the County.
9 It is going just through the Town of
10 Millsboro. They circumvented it by a lot of
11 the regulations and a lot of the things that
12 have to be done by incorporating this piece of
13 property. And if it goes through the town,
14 then they don't have to involve a lot of the
15 other County and State, not organization, I
16 guess, bureaucracy. They did this with the
17 Racino, and they're doing it with this.

18 Millsboro -- so what you're
19 going to be fighting is not just -- we're
20 going to have to also make our fight strong
21 enough to fight what Millsboro wants. Because
22 Millsboro is going to want all of these houses
23 and all of this property and all of these
24 taxes.



1 So, we're not fighting, or we
2 are not going to have conflict with what the
3 State is doing, as much as we are going to
4 have conflict with the Town of Millsboro
5 pushing the State to do this.

6 The Town of Millsboro has a lot
7 of power to get people to write to the State
8 and do things to get this pushed through so
9 they can have all of these houses incorporated
10 in their house.

11 When they had the Racino, and
12 that was a plan, they pushed it for the
13 people, and Millsboro said, If we get this
14 Racino in and it is a corporate, part of the
15 corporation, Millsboro people will never have
16 to pay taxes again. Their taxes will never go
17 up.

18 And so, that's what we're doing
19 now. Millsboro wants this as much as the
20 developers. Millsboro is already approving a
21 lot of the things that the developers would
22 have had to go through the State to do.
23 They're approving it because they want it.

24 So, we're in here, the State is



1 in here, but the real battle is going to be us
2 people as strong as the Town of Millsboro and
3 presenting our case to the State.

4 Thank you.

5 MR. MILLS: Robert Mills. 106
6 Woodland Way.

7 Has the Town of Millsboro
8 annexed that property yet? Because as of a
9 month-and-a-half ago when I made a complaint
10 to the Constables Office about the weeds in
11 the field that Plantation Lakes is supposed to
12 take care of and they haven't for the last two
13 years, the Constables had to contact them and
14 tell them to cut the grass. They cut it once.
15 And it just happens to be they cut it again
16 today. You know, it is so obvious. A
17 month-and-a-half ago it was not annexed.

18 Is it now?

19 MS. PARRETT: I do not know. I
20 do not know.

21 MR. BURTON: Jeff Burton. What
22 I am about to say does not have to do with
23 this.

24 But it seemed like they turned



1 off the air conditioning in this room because
2 it is after five o'clock.

3 Is that to get rid of us?

4 MS. PARRETT: No. This door has
5 an auto lock on it. And we have to have the
6 door open in order for people to come in and
7 out to make comments. So, because this door
8 is open, all of the air that may have been in
9 here is going out the door.

10 MS. GAMUCIELLO: Kristi
11 Gamuciello. G-A-M-U-C-I-E-L-L-O.

12 I want to say I am opposed to
13 the abandonment of Sheep Pen Road and also to
14 the development of the alternate road.

15 I want to say that I am not in
16 opposition of Plantation Lakes, and I am not
17 in opposition of development of this land.

18 I understand that is what is
19 happening in Sussex County. I am welcoming of
20 the development and of the developer. He is
21 going to make a profit off land that he has
22 purchased. It is certainly his right.

23 I ask that Meadow Drive II,
24 which is what this proposed alternate road is



1 going to back up to and other developments in
2 the area, are respected by Plantation Lakes
3 and by the developer and by DelDOT when they
4 are making decisions, and that they operate in
5 the reality that we all are asked to operate
6 in.

7 I don't see where they should be
8 allowed to just close roads because that is
9 what they drew in their plan when they came up
10 with it. I'm sure it is a beautiful plan.

11 But it is not reality because
12 there is Sheep Pen Road and it does run
13 through. And when school is in session, it is
14 well used.

15 And so, I would appreciate the
16 respect of the developer respecting this
17 community and respecting other neighboring
18 developments that they are living in the
19 community with. I mean, consider what their
20 plans are and to build a beautiful development
21 with beautiful homes that fits in with the
22 reality of the land that they purchased.

23 Thank you.

24 MR. PARSONS: Rhett Parson



1 again.

2 Actually, I will second what
3 Kristi said. The development, Plantation
4 Lakes, is a great development. We think it
5 has been very well done. We think aligning
6 Sheep Pen Road with the proper setback and
7 with the berms and walkways and all of that
8 you should put there to incorporate Sheep Pen
9 Road into the development is a very reasonable
10 alternative. And if you need to put a
11 carriage bridge over to carry your golf carts
12 and your pedestrians in your development, it
13 is very reasonable as well. It can be done so
14 that it is probably no more costly to you than
15 doing what you're proposing to do.

16 But that is within the confines
17 of the land that you own. You are free to do
18 anything you want. You just to have work with
19 what you got and not impact the rest of us.

20 Thank you.

21 MR. MOYLE: Gary Moyle.

22 M-O-Y-L-E.

23 I am a resident in Plantation
24 Lakes. And like Jack, I'm shocked. As a



1 procedure issue, when was this started? When
2 was the request put in? Do we have a date
3 when the request was put in? The plans have
4 been in effect for ten years. And we are both
5 sitting here, and most of the residents are
6 sitting here saying, Why are we sitting here
7 today when this should have been decided?

8 MS. PARRETT: It landed on my
9 desk about three-months-ago. Prior to that.
10 I don't know.

11 MR. MOYLE: So, no paperwork.
12 Is there any way for us to find
13 out?

14 MS. PARRETT: Do you have any
15 answer?

16 MR. CUNNINGHAM: No.

17 MR. MOYLE: Under the DelDOT
18 page, it was hard to even find this meeting.

19 MR. CUNNINGHAM: I know that.
20 What we can do is, your question is here. We
21 will get you some timelines when this started
22 that will be part of the answers. We got a
23 thousand questions. We are going to try to
24 answer each one. There may be ones that will



1 say, This is when it first began. This is
2 what the process was, and it will help you all
3 to understand how we get to whatever decision
4 we got to.

5 Yes. We will be able to share
6 that with you.

7 MR. HUDSON: Sheldon Hudson.

8 S-H-E-L-D-O-N. H-U-D-S-O-N.

9 I am here speaking on behalf of
10 the Town of Millsboro, not as an individual.

11 Just to set the record straight
12 and just to clarify, the Town of Millsboro has
13 not, in fact, taken a position on this
14 project.

15 To the best of my knowledge, the
16 Town was never advised of this hearing and
17 found out about it indirectly. So, I just
18 wanted to set the record straight, with all
19 due respect.

20 Thank you.

21 MR. MILLS: Is it annexed?

22 MR. HUDSON: I would defer to
23 the developer. That is my understanding that
24 this land is annexed into the Town. It is not



1 a town maintained road, however. It is a
2 DelDOT maintained road.

3 MS. CROPPER: Helen Cropper.

4 When this thing with the Racino
5 came up, and I went to the County Council, and
6 they were talking about closing roads at that
7 point, a County Councilman said in a public
8 meeting that they had some control over roads
9 being closed within the County and that that
10 was something that they could prohibit.

11 Is that true? Can the County,
12 or does any of this have to go through the
13 County? The County, at the time they didn't
14 know that certain roads were proposed, I found
15 it in the back of a newspaper, and I took it
16 to the County. And at that point, they said,
17 Well, this is one thing we can do. Millsboro
18 is doing all of this stuff. We can't do
19 anything about that. But when it comes to
20 closing a road, we, as County Commissioners
21 can have a say in that.

22 Is that true?

23 MS. PARRETT: We accept all
24 public comments. And we accept it from the



1 County that the road is in, the town that the
2 road is in. Anybody -- somebody can come from
3 the City of Wilmington and make a comment in
4 favor of this. We accept all comments.

5 MR. CUNNINGHAM: 1311, which we
6 handed out, that talks about what we have to
7 do when we go through a vacation process.
8 That is not saying that we don't. That is
9 just the process we are following.

10 So, a lot of the questions we've
11 had is, Why is this happening, why is this
12 happening? It is just because we're following
13 the statute. The statute is right there and
14 explains who has to be notified, who does not
15 have to be notified and what the process we go
16 through.

17 So, I'm not a lawyer.
18 Definitely not a lawyer. That is what I'm
19 saying.

20 MS. PARRETT: Since there are
21 some people who have recently shown up, I
22 would just ask that everybody sign in in our
23 sign-in sheet because everyone will be
24 notified of the decision that is made. So,



1 please make sure you sign in.

2 And also, I am going to work
3 with our PR department to see if we can have a
4 page set up on our website to post answers to
5 and to be able to receive comments.

6 When I find out if we can do
7 this, whether we can or not, I will E-mail
8 everybody in attendance to let you know if we
9 can do it or not.

10 MS. MASSARI: I personally would
11 like a hard copy.

12 MS. PARRETT: A copy of what?

13 MS. MASSARI: Of whatever the
14 minutes are and the answers, rather than an
15 E-mail. I would rather have a hard copy
16 mailed to me so I can make my notes and attend
17 the next meeting that we're probably going to
18 have.

19 I have a question as far as
20 Sheep Pen Road.

21 Do we know what month they did
22 the studies for the traffic studies? And that
23 is a big deal because the summer months are
24 very light and the school year is extremely



1 heavy or a holiday week is very light. So, we
2 need to make sure that those studies were done
3 at the proper time when this road is actually
4 heavily traveled.

5 MS. PARRETT: I don't have that
6 information, and it is not something I have
7 control over.

8 MS. MASSARI: Can we get that
9 information?

10 MS. PARRETT: It would be
11 through our Planning Department. You can
12 reach out to our Planning Department to see if
13 they have it.

14 MS. MASSARI: Why is the
15 Planning Department not here as part of this,
16 if they are the ones that have all of the
17 answers?

18 MS. PARRETT: Because the
19 procedure that we are following is not a
20 Planning Department procedure. This is a
21 procedure that is within our Department. They
22 are aware that we are having the meeting
23 today. It was up to them whether they wanted
24 to send somebody or not. I don't have any



1 control over them.

2 MS. MASSARI: I am formally
3 requesting that at our next meeting we do have
4 somebody from the Planning Committee so we can
5 get our answers.

6 UNIDENTIFIED SPEAKER: There is
7 not going to be a next meeting.

8 MS. MASSARI: I think there will
9 be another meeting. If there is not, then we
10 are going to have a bigger problem.

11 MS. CROPPER: My understanding
12 was after this there is not another meeting.

13 MS. PARRETT: Just to circle
14 back, because I don't think you were here when
15 we went over what the procedure is, and there
16 are some new people who have arrived.

17 The way the procedure works, we
18 get a petition from a property owner asking to
19 vacate a road. We route it through our
20 directors. If there is sufficient support, we
21 then move forward to the next step which is
22 having a public hearing to gain comments in
23 support of or in opposition to the road
24 vacation.



1 Once we receive all of the
2 comments, we then review everything and make a
3 recommendation that goes up to the Secretary.

4 The recommendation is either to
5 approve or deny the request. Once we make the
6 recommendation, the Secretary can either agree
7 with us or disagree with us.

8 Once the Secretary makes the
9 determination, there is a notice sent to
10 everyone who is registered in attendance at
11 today's hearing and to the petitioners.

12 From the date that the Secretary
13 makes her decision, there is a 30-day appeal
14 period. You can appeal the decision with the
15 Superior Court.

16 If at the end of that 30-day
17 appeal period, if there are no appeals filed,
18 and if the road vacation request is denied, it
19 all goes away. If it's approved, then we
20 record a resolution within the County's
21 Recorder of Deeds Office and then the
22 adjoining property owners are able to absorb
23 that section of road into their property.

24 So, this is the meeting.



1 MS. DOREY: Did you give us your
2 name?

3 MS. PARRETT: My name is Ida
4 Parrett. I am the Operation Services Manager
5 with the Department of Transportation.

6 MR. PARSONS: My name is Rhett
7 Parsons.

8 Ida, thank you for going over
9 that again for the people that just got in
10 here.

11 But I would also encourage that
12 those who have come in late or anybody else
13 that is here, if you have not officially on
14 the record stated if you're for or against,
15 that should be done. Maybe wait until closer
16 to the end and just have everybody do that
17 officially so that we don't miss anyone on
18 either side.

19 MS. PARRETT: And we did agree
20 to keep the comment period open for two weeks
21 from today.

22 So, if you are not comfortable
23 getting up and speaking in front of a group of
24 people, or if you think of something that you



1 want to add after today's proceedings are
2 over, please feel free to E-mail me. I have
3 business cards up here. If somebody needs to
4 have my business card. You can E-mail me or
5 call me and talk directly to me or leave me a
6 voicemail, and we will keep it open two weeks
7 from today's date.

8 MR. WALKOWSKI: Gary Walkowski.
9 W-A-L-K-O-W-S-K-I.

10 I am a resident of Plantation
11 Lakes. I hope my car is okay.

12 Is it customarily your --

13 MS. PARRETT: Can you stand up
14 so that the court reporter can hear you?

15 MR. WALKOWSKI: Ida, is your
16 role to be the one to make the recommendation
17 to the Secretary?

18 MS. PARRETT: My role after we
19 receive all comments, I review everything. I
20 make a recommendation that goes from me
21 through Mr. Cunningham up to the Secretary.

22 MR. WALKOWSKI: So, the answer
23 would be yes to my question?

24 MS. PARRETT: Yes.



1 MR. CUNNINGHAM: It's a yes with
2 a clarification.

3 Ida is not in a bubble. She is
4 not going to make this decision based upon
5 her. She will also reach out, based upon the
6 questions, and ask the planning folks, the
7 engineering folks, the maintenance folks, DTC,
8 which is our bus folks.

9 We need to have that
10 conversation internally. But ultimately, it
11 all feeds back to Ida, but it is not just Ida
12 sitting there in a bubble deciding because her
13 car is going to be in trouble.

14 The truth is, it is a
15 collaborative effort. Ida will make a
16 recommendation to me. I make it to the
17 Secretary of the Department who ultimately
18 makes the decision.

19 MR. WALKOWSKI: And so, Ida, how
20 long have you been doing this in your happy
21 life?

22 MS. PARRETT: I have been with
23 the Department for over ten years.

24 MR. WALKOWSKI: And how long



1 have you been doing this function?

2 MS. PARRETT: Over ten years.

3 And sir, I am sorry. I did not
4 get your name.

5 MR. CUNNINGHAM: Bob Cunningham.

6 MR. WALKOWSKI: And you are --

7 MR. CUNNINGHAM: I am the head
8 of the real estate area. So, Ida works for
9 me.

10 MR. WALKOWSKI: So an
11 intermediary in the process is for Ida to be
12 going through you to the Secretary.

13 Correct?

14 MR. CUNNINGHAM: Correct.

15 MR. WALKOWSKI: How long have
16 you been doing this?

17 MR. CUNNINGHAM: I've been
18 working for DelDOT for five years, but I have
19 30 years experience in business.

20 MR. WALKOWSKI: So, more
21 recently, have you been doing this process for
22 some time?

23 MR. CUNNINGHAM: See. I see all
24 vacations before they can even go up to the



1 Secretary. Vacation requests, vacation
2 approvals, or disapprovals. Recommendations
3 or recommendations not to vacate. I see them
4 all.

5 MR. WALKOWSKI: Thank you very
6 much.

7 MR. BURTON: Jeff Burton.
8 Does the developer or the
9 developer's counsel have any comments in
10 support of their application while we are all
11 here?

12 MS. McAULIFFE: Cindy McAuliffe.
13 We will be making public comments within a
14 two-week period.

15 MS. CARMINE: Patricia Carmine.
16 And we're going to see those?

17 MS. McAULIFFE: Yes. We will
18 send them to --

19 MR. CUNNINGHAM: They'll become
20 part of the record. Just like somebody is
21 testifying, not testifying, but on the record
22 here, anything that is handed will be part of
23 that also.

24 MR. MORIARTY: Will you be



1 willing to provide, or will they be accessible
2 to us? I would like to hear why you wanted to
3 propose that. I don't know what the right
4 mechanism is to receive that information.

5 MS. MCAULIFFE: Propose what?

6 COURT REPORTER: Excuse me. I
7 cannot hear the speakers.

8 MR. CUNNINGHAM: We can go off
9 the record.

10 (An off-the-record took place at
11 this time between the public.)

12 MR. CUNNINGHAM: Go ahead.

13 MR. SENTMAN: Bruce Sentman.

14 I was looking at this map, and
15 the only access to my property on Sheep Pen
16 Road is through Plantations development.

17 How can you have business access
18 just through a development? My business can
19 only access through a development.

20 Closing the road, I have no
21 access just through their entrance.

22 MS. PARRETT: We will take this
23 into consideration when we make the
24 recommendation to the Secretary.



1 MS. MITCHELL: Sherry Mitchell.
2 I'm just curious since you make
3 the recommendation to you and so on and to the
4 director, when you make that recommendation,
5 do you give her a count how many people are
6 opposed to this? Or do you just say a whole
7 bunch of people showed up and are not happy?
8 Do you actually provide this
9 public what she is taking down, do you provide
10 that to her as well?

11 MS. PARRETT: I do a narrative
12 report that recaps the general consensus and
13 comments of what was made at the public
14 hearing.

15 If a copy of the transcript is
16 requested by the Secretary, it is made
17 available to her.

18 MS. MITCHELL: And if we wanted
19 to contact her directly, we can do that. I
20 mean, nobody can stop us from doing that,
21 basically. And where is her office located?
22 Is she in Dover?

23 MS. PARRETT: She is in Dover.

24 MS. MITCHELL: Where does she



1 live?

2 MR. HOCKER: Gerald Hocker.

3 You heard from the Senator that
4 had one side of Sheep Pen Road. I am the
5 Senator who has the other side of Sheep Pen
6 Road.

7 I had an awful lot of comments
8 in regard to closing Sheep Pen Road, and every
9 one of them has been against.

10 I will personally make my own
11 personal comments to the Secretary of DelDOT.

12 But I'm puzzled why there isn't
13 an improved plot plan and site plan showing a
14 road closed when they haven't even had this
15 done -- the meeting. To me, that site plan
16 should have never been approved to close Sheep
17 Pen Road.

18 I'm very concerned about that.
19 Some changes need to be made.

20 And then it says through the
21 Town of Millsboro, I don't think it's the Town
22 of Millsboro that has seen and approved that
23 site plan. If they did, how can the Town of
24 Millsboro approve a site plan that is on a



1 road that DelDOT proposed? That is very
2 puzzling.

3 MR. MILLS: Robert Mills. 106
4 Woodland Way.

5 By the looks of this new road on
6 this diagram, it is right up against the back
7 of our property, our buffer zone.

8 Are they planning on putting a
9 buffer zone of their own between our buffer
10 zone and their road?

11 And also, on this, if you'll
12 notice, there is a retention pond right here,
13 which I was told by the gentleman right here,
14 that this is the overflow that would be going
15 from the retention pond and would go right out
16 into that roadway.

17 Are they going to block that
18 area where our water can't escape the
19 retention pond, and it is going to back up on
20 our road and our properties on each side?

21 I happen to be an owner of the
22 property on one of the sides. Mr. Massari is
23 on the other side. That would greatly affect
24 us and flood us out if this is blocked off if



1 that road is high enough, or if whatever they
2 put in there blocks it.

3 Thank you.

4 MS. PARRETT: I don't have
5 answers to that. That is a question you would
6 have to ask to the developer. And if you
7 would like to have a discussion with them off
8 the record outside, you are more than welcome
9 to do it.

10 MS. MASSARI: I'm Linda Massari.
11 I wouldn't mind having it on the record.

12 What have you done to ensure --

13 MS. PARRETT: I'm sorry. This
14 is not a question-and-answer session. We are
15 here to receive comments only.

16 MS. MASSARI: So, we don't have
17 that opportunity because this is the last
18 meeting.

19 MS. PARRETT: We will supply
20 answers to the questions that are asked on the
21 record. Those that we have answers to. And
22 that is why I am going to work with our PR
23 department to see if we can have a page set up
24 on our website where we can post those answers



1 so they are readily available to everybody
2 that is in attendance.

3 If you do not have Internet
4 access, please let me know. I will have a
5 copy of the answers sent to you.

6 MS. CARMINE: Patricia Carmine.
7 Clarification here. So, what
8 you just said is that we can make comments
9 here today, but there is no way that the
10 developer has to respond to any of us about
11 why they are changing this road or want this
12 road closed and a new road built?

13 That's something that we'll
14 never know. That is not a matter of record
15 somewhere that we can access.

16 Is that correct?

17 MS. PARRETT: Generally,
18 procedure-wise, when we have these meetings,
19 we don't get a response like this typically.

20 Mr. Collins knows that there has
21 been other road vacation that I worked on
22 where we had a response like this.

23 Typically, we don't have a
24 request with lots of questions. So,



1 typically, there's no questions to answer.
2 It's people coming in saying, I'm opposed.
3 This is why.

4 So, again, if you have questions
5 for the developer, I suggest you reach out to
6 the developer. They are the ones that have
7 those answers. I do not have those answers.

8 We are going above and beyond by
9 allowing questions to be asked and stating
10 that we will provide answers to you.

11 Typically, we do not do that. We are here to
12 receive comments, not questions.

13 Furthermore, again, we are going
14 to go above and beyond by asking if we can
15 have something set up on our website where we
16 can post answers to these questions and
17 receive further comment. Typically that is
18 not done.

19 When the hearing is over,
20 comments are closed. We are going above and
21 beyond by allowing an additional two weeks.
22 We understand this is a controversial road and
23 that there is a lot of opposition and there is
24 a lot of support.



1 It is up to the developer
2 whether they want to make a comment today or
3 not. We cannot force them to make a comment
4 today, just like we could not force any of you
5 to not show up and make a comment today.

6 MS. CARMINE: Patricia Carmine.

7 What I need now is, I did not
8 catch the name of the Department where they
9 sent their information requesting the road be
10 closed and why.

11 What Department does that go to?

12 MS. PARRETT: Planning.

13 MS. CARMINE: We can contact
14 planning possibly and get that information?

15 MS. PARRETT: Yes. Thank you.

16 MR. PARSONS: Rhett Parsons
17 again.

18 I'll request that the developer
19 that is represented here provide us with their
20 contact information. I would not recommend
21 writing it on the screen, but write it on the
22 blackboard up there so we have ways of
23 contacting you so we can get some answers.

24 MS. BURTON: My name is Shannon



1 Carmean Burton.

2 Although I am an attorney, I am
3 also a property owner in close proximity. My
4 husband, Jeff and I, live on Ingrams Pond.
5 Basically, our whole family does.

6 Brother-in-laws, sister-in-law and her husband
7 and my mother-in-law all live there.

8 We all travel Sheep Pen Road on
9 a daily basis. I travel it several times a
10 day.

11 Although Lennar has petitioned
12 DelDOT, the Department versus the Superior
13 Court, the determination as to whether or not
14 there is a general use or need by the public,
15 which would require the continued existence of
16 Sheep Pen Road, remains the same.

17 There are various things set
18 forth in the statute Section 1304(e) of Title
19 17, which the Department should consider. And
20 I find it difficult to believe that any of us
21 have actually been considered.

22 The first thing is the
23 alternative route. So, we were given this
24 overlay. It's like Google Earth with a site



1 plan imposed on it.

2 I did review the property
3 records for this subdivision this morning for
4 this community, this project, this morning,
5 and every plot that was recorded until the
6 most recent plot that I found, which was I
7 think recorded last year, showed Sheep Pen
8 Road, but it showed it as an existing State
9 Road.

10 The most recent plot that has
11 been recorded now which has been stamped by
12 the Town of Millsboro now shows a part of
13 Sheep Pen Road being vacated and it Says, To
14 be abandoned.

15 However, it does not show at all
16 the alternative road. It just shows the
17 perimeter of this property, which I assume
18 these are townhouses, or some type of
19 multifamily use structures.

20 So, we are looking at this
21 document here, which I am looking at a road
22 that's just drawn on this document, which
23 purports to go directly through some of these
24 multifamily units, and also is directly



1 adjoining some of the others.

2 So, I don't see how you can make
3 a determination or even consider the
4 alternative route when you don't have any
5 information setting forth, or at least that
6 I've seen, setting forth the specifics of that
7 alternative route.

8 Another thing to consider,
9 fitness for travel of the respective route.
10 Well, we are all used to using Sheep Pen Road.
11 Although it is supposed to be maintained by
12 DelDOT, we know it is poorly maintained. I
13 don't know if that is for a reason or not.
14 But it is very poorly maintained. It is
15 traveled quite frequently, not just by the
16 property owners in close proximity, but by
17 Dutton busses and all of the people that have
18 significantly increased over the past couple
19 of years that are frequenting Ingrams Pond.
20 We have so many people fishing, boating,
21 kayaking, et cetera. We live on the pond. We
22 see it every day.

23 Then you have everybody going to
24 the nature center for the Indian River School



1 District. You have all of this traffic.

2 You also have all of the people
3 from Plantation Lakes that are trying to avoid
4 24. We all know that is a nightmare. I try
5 to avoid it at all costs, and they're using
6 Sheep Pen Road. And yet, it is not maintained
7 and has not been approved.

8 So, fitness for travel of the
9 respective route, to me, it looks like we're
10 going to take that road and we are just going
11 to move it. And we would do so for the
12 convenience, welfare, benefit, safety of the
13 future inhabitants of Plantation Lakes without
14 any regard to the effects that it's going to
15 have on all of the property owners who adjoin
16 this new alternative parallel road, which
17 hasn't even been delineated in any way.

18 I am not sure how you can weigh
19 the benefit to this future phase of this
20 project over the detriment to the existing
21 residents who purchase their properties before
22 this road was even proposed.

23 And the comment before is that
24 this has been in the works for ten years. I



1 went through all of the plots. I did not see
2 anything indicating that there was any plan to
3 abandon Sheep Pen Road until the most recent
4 plot was recorded.

5 So, if it was in works, I don't
6 think anyone was aware of it.

7 And I think it may have changed
8 a lot of peoples mind as to whether or not
9 they would purchase property there. That's
10 just two of the factors.

11 Maintenance and repair of the
12 respective routes, that ties into the fitness.
13 It is poorly maintained. I would assume any
14 new road would be better maintained.

15 But this road that is in
16 existence that is traveled by all of the
17 existing people in this area should be the one
18 that is improved and better maintained.

19 And if the developer is
20 concerned with any safety issues for their
21 future residents, well, then, it should be
22 their responsibility to address them. Because
23 you are just taking those problems and
24 relocating them to whatever this road is going



1 to be called.

2 Other factors, the courts have
3 held that a road should not be vacated unless
4 they're useless, inconvenient or burdensome.

5 Well, the developer may argue
6 that that is the case for them and the future
7 inhabitants, but definitely not the case for
8 anybody else. Not the general public.

9 Let's see. Also, case law, the
10 Superior Court has held that the Department
11 must consider the unfairness or inequity of
12 the property owners who will be significantly
13 adversely impacted by the traffic and noise
14 associated with a road now adjoining the
15 properties, as well as the financial impact to
16 them.

17 It is inevitable that any
18 property owner along this new road is going to
19 have some loss of property value as a result
20 of these being located next to the road.

21 And I mean, Bruce, he's not
22 going to have any traffic, no visibility
23 whatsoever from the road of his business.
24 When he purchased this property, he was not



1 aware of that.

2 So, those are things that should
3 be considered. I just don't understand how
4 the Department can make a recommendation to
5 the Secretary to make a recommendation without
6 having all of the information, especially no
7 information related to the proposed new road.

8 In my opinion, the only benefit
9 is to the developer and to those people that
10 will be purchasing in the future in this area.
11 It is to the detriment of everybody else in
12 this area.

13 And for that reason, I don't
14 think their petition should be approved.

15 MR. COLLINS: Rich Collins. I'm
16 a State Representative for the area.

17 It's kind of funny. I had
18 mentioned we have another abandonment, and it
19 turned into this giant -- it's a strange
20 thing. Right?

21 Keep in mind that these folks
22 here have to be impartial. They cannot come
23 in here and start telling you, Yeah, you're
24 right, or you're wrong. Don't hammer them for



1 that. This is their job. It is a hard job.

2 But I will say that as far as
3 the Code goes, Title 17, Section 1311, it
4 seems to me that based on all of the testimony
5 that I've heard, that the first few sentences
6 there, basically, it says, Where the necessity
7 of the existing road has ceased to exist. And
8 if that's not the case, if the necessity has
9 not ceased to exist, I don't think there is
10 much reason to close the road.

11 And I would say this on a side
12 note to the developer, honestly, I am in favor
13 of development and growth and prosperity and
14 jobs, but you need to get out and talk to
15 neighbors and work things out with them.

16 Thank you.

17 MR. AIKEN: Chris Aiken. 23246
18 Country Living Road.

19 I came to the meeting a little
20 bit late. But I heard several times that this
21 is a just platform to make comment. So, I'm
22 going to take this opportunity. I don't know
23 if it will snowball something, but I hope it
24 does.



1 I would like everyone to go on
2 record, whether they are for or against the
3 proposal of closing Sheep Pen Road.

4 So, I, Chris Aiken, I am against
5 the closing of the proposal to close Sheep Pen
6 Road and to establish an alternating route
7 next to Meadow Drive II.

8 Thank you.

9 MR. JANSEN: My name is Tom
10 Jansen. I am also against the proposed
11 closure of Sheep Pen Road due to fact that we
12 are also going to have more traffic going on
13 Country Living Road and Godwin School Road to
14 access these roads, Hardscrabble.

15 So, now you're taking an extra
16 road away to access Hardscrabble. And you are
17 putting it on another road. One road. Now,
18 you're losing two points of access, and you
19 are combining it into one. That, of course,
20 brings traffic jams, problems with people
21 coming in and out of the area homes there.
22 And the traffic that comes through here with
23 the trucks and everything else, the dump
24 trucks and everything, they are going to



1 destroy Country Living Road. Literally.

2 I am definitely against Sheep
3 Pen Road closure.

4 Thank you.

5 MS. DOREY: Patricia Dorey. I
6 am on 24609 Sheep Pen, the other side of it.

7 I am opposed to closing of Sheep
8 Pen Road, particularly because we don't know
9 enough about what the rest of the picture
10 looks like.

11 I would be very upset if I were
12 one of those people in Meadow Drive or in that
13 development who were going to be backed up to
14 another road. We already have the traffic
15 coming across Sheep Pen. But we also have
16 access to get to town.

17 I have a question. I'm not sure
18 if it's procedural or what. I don't know.
19 Maybe nobody else has this question.

20 But if the purpose of the
21 hearing is for comments only, and we are not
22 supposed to ask questions, where in this
23 process do people get information and get
24 questions answered?



1 I'm not trying to be difficult.
2 I just don't understand. I really thought
3 there would be an opportunity to get questions
4 addressed and thought this would be the place
5 to do that before making comments.

6 I don't know if you want to
7 answer it or let it go. Just for the record.

8 MS. PARRETT: As I stated, when
9 these are generally done -- typically I'm very
10 lucky, but there is someone other than me and
11 the court stenographer here. And literally we
12 are out in four minutes, which is why they are
13 typically scheduled at whatever time we can
14 get a conference room available. Because the
15 only people interested are the people that are
16 adjacent to this strip of grass that is next
17 to their property.

18 So, this is not a
19 question-and-answer session as I stated. We
20 will do our best to answer the questions that
21 are coming up within these public comments.
22 We can't guarantee we will have all of the
23 answers because they are not answers that I
24 may have. They may be answers that we need to



1 go to other developments too, and they may not
2 have the answers to them.

3 But we will do our best to
4 answer any questions that are on the public
5 record.

6 So, typically, there aren't
7 questions asked. So, there is no place for
8 people to go to get answers because they are
9 usually not this controversial.

10 MR. MILLS: Robert Mills. 106
11 Woodland Way.

12 Doesn't Plantation Lakes have to
13 answer to you, your questions that were asked
14 to you by all of the people here?

15 MS. PARRETT: Any questions that
16 are developer related, I will be submitting to
17 our Planning Department and to the developer.

18 Again, I can't make them answer
19 those questions.

20 MR. MILLS: So, if they refuse
21 to answer questions, that's a good point for
22 us, I assume. If they don't want to answer
23 them, they have to be bad answers.

24 MR. MOYLE: Gary Moyle.



1 It appears that the process is
2 broken. You don't have a Plan B, and there is
3 no Plan A for us as residents whether we are
4 Plantation Lakes for or against. There is no
5 forum for us.

6 And so, the State has,
7 basically, taken us all out of the process.
8 And that means that the process is broken.

9 Your process that you have, in
10 the steps that you have, when you build the
11 procedure, you see if it works and if it does
12 not work, you adjust it and you make
13 adjustments to it. Apparently, because you
14 haven't had any opposition, there is no Plan
15 B. Not saying that, Oh, since we have this
16 much opposition, maybe we need to have another
17 meeting next week, so that we can have all of
18 the people here planning, engineering and all
19 of the people that are involved that can
20 answer all of the questions that are being
21 brought up, then would be able to answer the
22 questions.

23 It just seems very odd that the
24 State doesn't have this procedure in place to



1 take care of this because it has never
2 happened before. That's not an excuse. There
3 should be a procedure in place to handle. And
4 there should be, no matter what, a
5 question-and-answer session. And if all of
6 the people from the State are sitting here at
7 this table and nobody shows up, Oh, well.
8 That's part of the deal.

9 But here we are today 50, 80
10 people and nobody is getting any answers
11 except for procedural answers, and I think
12 that is unacceptable.

13 It is not your fault. Just it
14 is unacceptable. The procedure needs to be
15 changed.

16 MS. MASSARI: Linda Marie
17 Massari.

18 I want to go on record that I'm
19 opposed to abandonment.

20 I'm also opposed to the new road
21 that they are proposing.

22 I also want to reenforce what
23 Bob is saying about the retention pond. There
24 will be a drainage problem because that



1 retention pond drains into that area. And
2 that will need to be addressed.

3 MS. MILLS: Sharon Mills. 106
4 Woodland Way.

5 That road is going to be
6 literally in my backyard. I want to do some
7 home improvement projects. I don't want to do
8 anything now. My home is not going to have
9 any value if that road goes in there. All of
10 us along that road, it's like you don't care.
11 It just seems the rich get richer, and we
12 don't count. I'm definitely opposed.

13 MS. CROPPER: Helen Cropper
14 again.

15 I'm opposed, of course. I'm
16 opposed to everything. But there have been a
17 couple of questions about the retention pond
18 and the concern about the retention pond and
19 that type of thing.

20 Again, this is Millsboro. If
21 Millsboro has control over this, if this were
22 a County project, it would go to the Soil
23 Conservation District. The Soil Conservation
24 District would take into account whatever is



1 in the area.

2 But since this is a Millsboro
3 project, they're only concerned with this
4 project and not how it impacts anybody else.

5 Because the developers are
6 circumventing the County and going to the Town
7 of Millsboro. Millsboro has their engineers.
8 And the County has nothing to do with these
9 retention ponds. I think that is correct.

10 MR. HUDSON: My name for the
11 record, Sheldon Hudson on behalf of the Town
12 of Millsboro.

13 Just to echo what Senator Hocker
14 said, DNREC is responsible for stormwater
15 management, not the Town of Millsboro.

16 I would also like to set the
17 record straight with regard to what Ms.
18 Carmean Burton said.

19 The Town generally as a policy
20 only approve plans that are within its
21 purview. She made a comment that we stamp the
22 plan. I have not seen that plan. But it
23 could be that we said no objection to
24 recordation.



1 Can you speak to that, Ms.
2 Carmean Burton?

3 MS. BURTON: I don't recall. I
4 did not bring it with me.

5 MR. HUDSON: We only approve
6 that which is within our purview. In this
7 case, it is a State Road. It would become a
8 private road. It would not be a town, at
9 least not initially.

10 So, that could be the reason why
11 we were never notified by DelDOT about this
12 hearing because we are not a party directly
13 impacted. So, just wanted to clarify that for
14 the record.

15 MS. CARMINE: Patricia Carmine.

16 I just want to go on record
17 stating that all of the people here in
18 attendance today have no information on a
19 timeline should a new road be approved, when
20 it would be approved, how long it would take
21 to build it, the type of road it is, or any
22 information regarding the impact studies that
23 have been done regarding the impact on
24 developments, existing developments in the



1 area and other residents who live just outside
2 of the developments in the area, or the impact
3 on increase in traffic on Country Living Road
4 and Sheep Pen Road. Thank you.

5 And also, I am adamantly opposed
6 to both roads. Thank you.

7 MR. FIELDS: Douglas Fields.

8 Sorry. I was a little bit late.
9 I missed the beginning of the meeting.

10 I would like to know who owns
11 this road? Is it a State Road? Is it a
12 County Road? Is it a municipal road? Or is
13 it a private road?

14 MS. PARRETT: My understanding,
15 it is a State-maintained road.

16 MR. FIELDS: The State may
17 maintain it. Who owns it?

18 MS. PARRETT: It is a public
19 right-of-way that is a State-maintained road.

20 MR. FIELDS: Is it owned by the
21 State?

22 MS. PARRETT: I do not know. I
23 do not have an answer to that question. Most
24 roads when they were constructed were never



1 transferred in deed to the State of Delaware.
2 They are mostly by prescriptive easements. I
3 do not know how this road was created.

4 MR. FIELDS: Shouldn't that be
5 answered before we get into a discussion about
6 abandoning this road? If it is a private
7 road, doesn't the owner have the right to do
8 what he wants with his property?

9 MS. PARRETT: The purpose of the
10 vacation and abandonment is to abandon the
11 public right and interest into the road. We
12 don't state we own the road. We don't say we
13 have any ownership of the underlying ground.
14 We abandon and vacate the public interest in
15 the road.

16 MR. FIELDS: Public interest in
17 a could be private road?

18 MR. HOCKER: Gerald Hocker. A
19 State-maintained road cannot be --

20 MR. FIELDS: Unless the State is
21 maintaining it in error.

22 MR. HOCKER: That is not the
23 case.

24 MR. SMITH: Joe Smith. 110



1 Woodland Way.

2 I don't know if you couldn't
3 figure it out by my previous comment, but I am
4 also opposed to both abandoning Sheep Pen and
5 the new construction of the road.

6 I am not opposed to Plantation
7 Lakes and the development of Millsboro. The
8 growth and expansion is a good thing for all
9 of us.

10 But I just don't think that the
11 little backroom deal that attempted to be made
12 is a way that this should go down.

13 I mean, we all know about the
14 okey doke with the old three or four day
15 notice and let's schedule a meeting at noon on
16 a Thursday. That way nobody would come. I
17 appreciate our elected officials putting in
18 some words and getting it changed until now.

19 Looking at this overlay from,
20 I'm assuming provided by Plantation Lakes, I
21 don't know how accurate of an overlay this is,
22 this is the one I am talking about, by the
23 way, if anybody has this.

24 If you look at it, down by the



1 corner of Godwin School Road, where this new
2 road is proposed, it doesn't look like they
3 had any intention of putting this new road in
4 to begin with considering they have houses,
5 outlines of the building across the end there.

6 If that's case, if they had no
7 intention of building this road to begin with,
8 I'm sure they wouldn't be opposed to not
9 building this road as an end result.

10 Of course, I mean, they're not
11 required to answer, and I appreciate that.

12 But I just don't understand
13 where we are at in the planning process to the
14 point where we are talking about vacating this
15 road and building another one, where their
16 plan has houses built over this road.

17 I mean, supposedly this is a
18 ten-year process. If this has been going on
19 for ten years, and this is the point of
20 planning we're at, I mean, I would hate to
21 call anybody out on their job ability, but
22 this does not look like it was well thought
23 out from the start.

24 I guess that's all for now.



1 Thank you.

2 MR. BAKER: Randy Baker. 23177
3 Country Living Road.

4 I want to go on record if I'm
5 following procedures correctly as being
6 opposed to the vacating of Sheep Pen Road.

7 And I am also opposed to the new
8 proposed development road until the developer
9 would be in agreement with a plan that each
10 one of these people that have lived here for
11 ten years, at least --

12 UNIDENTIFIED SPEAKER: 39 years.

13 UNIDENTIFIED SPEAKER: 17 years.

14 UNIDENTIFIED SPEAKER: 18 years.

15 UNIDENTIFIED SPEAKER: 35 years.

16 MR. BAKER: -- that have lived
17 along here until it's acceptable to them.
18 This other is just proposed. That can change.
19 What is existing cannot.

20 I submit that you coming into
21 the area have been welcomed in Plantation
22 Lakes.

23 But I would submit that you also
24 would want to be good neighbors to all those



1 that are already here, have been here, have
2 raised their families in these houses, have
3 planned for these houses being their
4 retirement houses.

5 And I think this can be a
6 win-win if this is properly proposed, if this
7 is properly accessible from the existing
8 development, maybe a walking path, something
9 like that, that both the Plantation Lakes and
10 the development could use, something would
11 benefit both of them, something that would
12 make you good neighbors. Because that's what
13 we want to be.

14 So I'm opposed to this until
15 that happens. Thank you.

16 It is hot. It's almost six
17 o'clock. I'm hungry. I'll see ya.

18 MS. SHOWELL: Carolyn Showell.
19 S-H-O-W-E-L-L.

20 I live on Country Living Road.
21 I think that the impact to Country Living Road
22 is too great. I just want to go on record to
23 say, I am opposed to the abandonment of Sheep
24 Pen Road.



1 MS. PARRETT: We will be here to
2 seven o'clock to receive any further comments.

3 If you don't have any further
4 comments, you are not required to stay until
5 the end. I do understand it is hot in here.

6 But as I said, we will be here
7 until seven, so if anybody shows up late.

8 We will keep the comment period
9 open for another two weeks after this evening.

10 And if we do get approval to
11 have a website page set up on our DelDOT page,
12 I will send notification out to everyone.

13 Thank you.

14 MS. MASSARI: Linda Massari.
15 102 Woodland Way.

16 I would like to propose to the
17 builder that they widen Sheep Pen Road and
18 forget about the abandonment if they want to
19 service their new potential residents.

20 MR. SHOWELL: Michael Showell.
21 I live at 23321 Country Living Road.

22 I'm opposed to the Sheep Pen
23 Road proposal, also.

24 MS. STATLER: Heather Statler.



1 I just want to go on record as
2 being opposed to the abandonment of Sheep Pen
3 Road and the establishment of the new road.

4 Thank you.

5 MR. MASSARI: Tom Massari. I'm
6 opposed to the abandonment of the new road.

7 MR. SHOWELL: Michael Showell.
8 I forgot something. 23321 Country Living
9 Road.

10 We would like to know who owns
11 the right-of-way and was it ever sold or
12 transferred and who to?

13 MR. PARSONS: Rhett Parsons.

14 A reasonable alternative to the
15 proposed new road would be a four-way stop at
16 the intersection of Country Living and Godwin
17 School. However, still against the closure of
18 Sheep Pen Road because of the additional
19 traffic that will be put on Country Living
20 Road.

21 MR. SMITH: Joe Smith. 110
22 Woodland Way.

23 Not only financially, but also
24 aesthetically, abandoning the new proposed



1 road in favor of making a four-way stop at
2 Country Living and Godwin School Road makes
3 more sense to me than the additional costs of
4 putting in the new road and the -- how do I
5 say it -- the property value decrease of any
6 property affected by the new road.

7 So, basically, my suggestion
8 would be to put in a four-way stop at the
9 current intersection, which would not have any
10 impact on current traffic.

11 MS. PARRETT: The Department
12 will carefully consider all that has been said
13 today at the public hearing prior to making a
14 final determination.

15 Please note that the following
16 are being added to the official transcript as
17 exhibits.

18 Plantation Lakes Plan that was
19 submitted by Davis, Bowen and Friedel as
20 Exhibit A.

21 An aerial map showing the
22 proposed location of alternate parallel road
23 and proposed area to be vacated as Exhibit B.

24 Location map is being entered as



1 Exhibit C.

2 And Exhibit D is a typed
3 statement from Sherry Mitchell.

4 All individuals registered in
5 attendance will be notified of the
6 Department's final order.

7 Thank you. Today's hearing is
8 now officially adjourned.

9 (The hearing was concluded at,
10 approximately, 7:00 p.m.)

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1 State of Delaware:

2 New Castle County:

3

4 CERTIFICATE OF REPORTER

5

6 I, Gloria M. D'Amore, Registered

7 Professional Reporter and Notary Public, do

8 hereby certify that the foregoing record,

9 Pages 1 to 117 inclusive, is a true and

10 accurate transcript of my stenographic notes

11 taken on Wednesday, August 9, 2017, in the

12 above-captioned matter.

13 IN WITNESS WHEREOF, I have hereunto set

14 my hand and seal this 14th day of August,

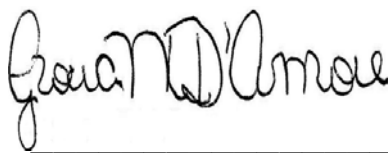
15 2017, at Wilmington, Delaware.

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GLORIA M. D'AMORE, RPR

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