

Rampant Development Causes Friction Between Community and Its Leaders¹

By Molly Keresztury

Choptank Road, which lies just across the southbound side of Summit Bridge and off Rt. 896, is a narrowly twisting road flanked by barren cornfields and scruffy patches of open land; at least for the first half-mile. Beyond that, sprawling housing developments with names like “Fox Hunt Crossing” and “Back Creek” butt up against one another, crowding the former farmland with 4,000 sq. foot homes and widely paved streets.

Plopped in the rural countryside like hay bales, large houses with fake-brick facades fan out into the horizon. Lined up in cramped, evenly spaced rows, they have the toy-like appearance of plastic Monopoly hotels set squarely on Park Place, or in this case, Clayton Manor Road. Yet, even on a warm Saturday afternoon in March, each cal-de-sac community is quiet. Red-plastic swing sets lay motionless in the sun and almost every garage is clamped shut.

This is the face of suburban sprawl in Delaware. Overdevelopment and under planning is straining Delaware’s economic and natural resources while causing what some fear is irreversible damage. Developments like the ones squeezed into southern New Castle County already dot the landscape from upstate to the beaches, and more are on the way. According to New Castle County’s 2007 Comprehensive Land Use Plan, which is updated every five years, an additional 40,000 homes are expected to pop up throughout the county in the next 25 years.

¹ A much shortened version of this article appeared in the U DE *Review* student newspaper on 8 May 07. FOHG obtained an original copy from the author, and with her permission is posting it on the FOHG website.

Alan Muller, the Executive Director of Green Delaware, has watched houses and strip malls spring up on what used to be some of the most fertile farmland on the east coast. Yet, while the developers of these projects gain a huge profit from exploiting the land, Muller said Delaware citizens only shoulder the burden of the expenses.

“People down here have been dealing with overcrowded schools and overcrowded roads. I live near a former fishing village that’s been here for 300 years; my judgment says that in a few years it will be an intersection,” Muller said.

For years, Muller said sprawl has been encouraged by the Delaware government. But now, as infrastructures like roads, schools and sewer systems need overhauling as a direct result of the rapid population increase, he said the state is at a transition point.

“The rock is starting to hit the hard spot,” Muller said.

According to the Delaware Population Consortium, by the year 2030, the population of New Castle County is expected to leap from just under 530,000 (as of 2006 figures) to over 600,000. For a small county where development is already rampant, especially in the southern area, questions relating to growth management and control are more than ever in need of answers.

“The bill is finally due to be paid in Delaware,” Muller said, “New Castle County is facing rapid-increase in taxes to deal with infrastructure costs.”

At a Civic League meeting not long ago, Muller said developers and public officials discussed “community involvement” while attempting to explain their plans to accommodate for the predicted population spike.

“Basically, they said ‘80,000 more people are coming to New Castle County and we have to decide where to put them,’” Muller said curtly. “But if we don’t build it, meaning infrastructure, they *won’t* come.”

For the time being, the solution remains ambiguous. Construction is occurring faster than policy can keep up. Without a comprehensive plan for development, open space in New Castle County is quietly being taken over by bright yellow signs that spring up like dandelions, each one detailing the proposed construction plans for the site it reserves.

New Castle County Councilman Robert Weiner believes that growth is as inevitable as it is economically vital. However, managing the population and developmental growth effectively, or “smartly,” Weiner says, is the only way to prevent suburban sprawl from over running the state. Weiner, who is a spokesperson for the national smart growth movement and serves as Chair of the National Association of Counties' Land Use and Growth Management Subcommittee, aspires to transform the growing development in Delaware from sprawling “McMansion” style homes into livable, walkable centrally located communities compacted onto less land.

“The American dream is a house in the suburbs with a car in the garage, and that’s fine, until you begin to quantify to construction costs, environmental costs, and lack of ability to provide transit,” Weiner said.

But in order to pursue his vision of combining commercial and residential property, Weiner said the state first must overcome legal “impediments” preventing development. Existing laws limiting the number of units per parcel of land currently make the construction of Weiner’s pedestrian friendly communities difficult, if not impossible.

Claymont Renaissance, a sustainable community in northern New Castle County, was one of Weiner’s innovative projects. The community was to be centered around a main street, like Newark’s, to provide amenities for all 1228 housing units within walking distance. However, his plans to occupy only 67 acres with this design did not comply with the current laws, which stated the 1228 proposed units must be spread out over 1220 acres.

According to Weiner, these laws aimed at limiting growth have actually generated suburban sprawl. Weiner said citizens who question growth, which he refers to as either “no growthers,” or “economic elitists” – people who rally against growth because they fear racially and economically diverse living communities – are inadvertently forcing growth to spill into the suburbs.

“Their real goal is to stop growth, as if we could stop growth, they just force it into a sprawl model,” Weiner said of citizens disinterested in adopting the hometown overlay ordinance laws which would make his visions feasible. “Until we become like China and we don’t have any individual freedom and they have laws on procreation, there is going to be growth,” Weiner said.

Leann Ferguson, the Executive Vice President of the Southern New Castle County Alliance (SNCCA), said that without adequate resources, like

water and jobs, creating a pedestrian “smart growth” community won’t fix the strain over-population burdens the community and state with.

“When you don’t have the infrastructure to support growth that is already here, you have to question the logic in promoting it,” Ferguson said. “In theory, we can sit around and talk about walkable communities, but this idea of add water get town is preposterous.”

For Ferguson, the public policy underbelly that permits, and even encourages, development in Delaware is the larger issue. The “incestuous” political climate, Ferguson said, has made opposing developers, and the governmental policies and politicians who support them, an up-hill battle.

“Northern Delaware was all about the chemical industry back in the day,” Ferguson said, “Now the major industry is development. Engineering firms, lumber yards, contractors, aggressive lobbyists; it’s all interconnected.”

According to Ferguson, wherever “money buys influence,” open public opposition is not only unwelcome, but in some cases, it’s also highly discouraged. For SNCCA members and other concerned citizens, dredging up public information documents and attending open county council meetings and hearings dealing with land use remain their most effective tools for fighting developers. But recently, New Castle County officials proposed reducing, or “streamlining”, the number of steps a developer goes through to seek final approval for construction plans. Of the exploratory, preliminary and record stages, the proposal would eliminate the middle preliminary plan. This step also serves as the public hearing phase.

Weiner, a supporter of the initiative, says streamlining would save the developer time and money, thus, making the houses cheaper. Currently, a proposed project takes about two years to receive final approval. Weiner believes this deters developers from building in New Castle County and hopes the new proposal will prevent builders from seeking sites elsewhere. He also said that citizens in opposition to the plan are simply not being realistic about growth.

“There are civic people who don’t get it, they are clueless even when you try and educate them for decades,” Weiner said. “We have to move on and do what is right for society. You can’t please everyone.”

Speeding up the approval phase of development may slow public dissuasion, but county officials, including Weiner, deny that this is their goal. Yet while public officials cannot legally obstruct dissenting civic concerns, developers have no such obligation. Objections can easily be stifled or side-stepped by law suits and other legal jargon aimed at slowing citizens down. Susan and David Arday have spent two years wading through such legal roadblocks.

The Ardays, along with the historic preservation and activist society Friends of Historic Glasgow (FOHG), have been fighting a legal battle over the historic La Grange farm in Glasgow since early 2005. La Grange, which belonged to Susan’s grandparents, consists of 236 sprawling acres of open and wooded land and is home to historic Revolutionary War trenches, an 1815 federal style manor house and nearby granary listed on the National Register of Historic Places and numerous Native American artifacts.

In February 2005, La Grange was sold to developer Stephen J. Nichols for \$14.25 million. Although the state² offered to purchase the property to preserve it for \$9.6 million, Susan's two uncles persuaded her mother, Joanne Lewis, to hold out and sell the farm to inquiring developers. Despite a two-year struggle to preserve the historic parts of the farm as well as wildlife, wetlands and groundwater, La Grange is slated to become a patchwork of 232 acres reserved for residential structures as well as over 200,000 sq. feet for commercial and school space. David said the plans for the farm are difficult to accept because he considers La Grange to be one of the last pieces of untouched historic land in the area.

"It's more than environmentalism, when you take a property like La Grange and develop it, everybody loses except the developer," David said.

And Nichols' attorneys have made sure the Ardays and their supporters lose. In November of 2005, Nichols filed a lawsuit against the La Grange Tenants in Common. And just one month later, the Ardays names were added to the lawsuit along with FOHG activist Nancy Willing. Because of their active opposition to the farm's development, Willing and the Ardays were accused of interference and "injurious falsehood" and were subpoenaed to turn over any recent records relating to FOHG activity.³ The SLAPP suit, or the strategic lawsuit against public participation, has left the activists scrambling to continue the fight against La Grange's development.

² The \$9.6 million purchase offer was from the county. State funds were being sought to raise the offer to \$12 million when the sale to Nichols went through.

³ Willing was subpoenaed, but not named as a defendant in the suit.

The numerous hearings attended and reports filed have thus far failed to secure any victories for La Grange preservation supporters. However, the fight isn't over. Currently, they are objecting to the preliminary development plans Nichols development team has proposed.

While battling the developers has been "frustrating" for David, he said the complicated web of alliances between developers, county council members and attorneys has been even more disconcerting. Friends of Historic Glasgow members pointed out that Nichols' attorney, Pamela Scott, also happened to be the wife of New Castle County Council President and streamlining supporter Paul Clark. Although Clark vowed to remain absent from any decisions involving La Grange, the council still needs to vote on the requested zoning changes and David is not convinced that all the political leaders involved in development decisions are impartial.

"The government is very pro-development," David said, "Even the Comprehensive Planning Update, which was drafted last summer, had a lot of input from developers and less input from people who are not involved in development."

La Grange's future development and Delaware's disappearing acres are not unrelated incidents, David said. Strung together, each new project is bearing down on community and state resources.

"This whole mantra of 'we have to keep growing, we have to keep consuming in order to have prosperity', none of these are true," David said, "It's time for people to stand up and say 'let's stop the greed, let's stop the growing.'"

But as spring approaches, and more houses are blooming in neat rows off Choptank Road, it is apparent that the growing is not stopping.