

## Briefly »

### Dewey council to vote on Ruddertowne

Dewey Beach town council will hold a public hearing Saturday, Feb. 26, in the Ruddertowne Baycenter on Dickinson Avenue regarding the proposed litigation settlement between the town and Dewey Beach Enterprises. Immediately following the hearing, council will vote to accept or reject the proposal.

### DeDOT to work on Munchy Branch Road

The Delaware Department of Transportation's maintenance crews will close Munchy Branch Road between Route 1 and Wolfe Neck Road in Rehoboth Beach while crews remove and replace a crossroad pipe. The closure is expected to be at 7 a.m., Monday, Feb. 21. The road will reopen at 3 p.m., Friday, March 4, pending weather. The transportation department will post signs to alert motorists of the closure and the accompanying detour routes.

Access to local residents and emergency response vehicles will be provided at all times.

### Lewes BPW to discuss drinking water

The Lewes Board of Public Works will meet at 7 p.m., Wednesday, Feb. 23, in City Hall. Items on the agenda include discussion of steps involved in an asset-management program for utility infrastructure; recommended approval of a resolution amending the industrial, general-electric service tariff; superseding and amending such policies adopted by the board prior to

Feb. 23; removing the purchased-power, cost-adjustment provision from this billing class.

The panel will also discuss the aquifer that supplies drinking water to customers and a recommendation that the board approve an amendment to the utility service agreement with Donovan Smith Mobile Home Park LLC, dated Sept. 23, 2008.

There will be general discussion of nine-month financial reports, and a proposed operations and maintenance budget for fiscal year April 1 through March 31, 2012; and general discussion of the five-year capital budget for April 1 through March 31, 2017.

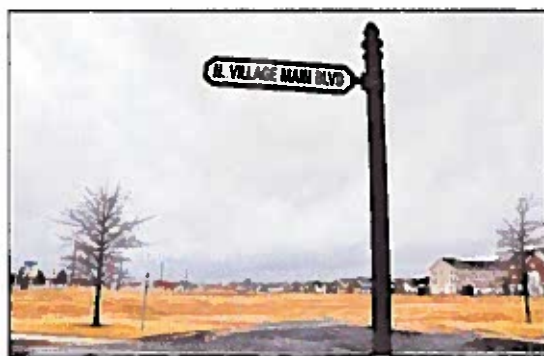
### Delaware utilities to hold outreach sessions

Area social service agencies will be able to receive utility-related information at an outreach session from 9 a.m. to noon,

Tuesday, Feb. 22, at the CHEER Center in Georgetown. Representatives from Delmarva Power, Delaware Electric Cooperative, Chesapeake Utilities, Tidewater Utilities, Artesian Water, United Water, Delaware Public Service Commission and Delaware Division of the Public Advocate will provide details on the services they offer to Delaware residents.

Attendees will receive information on utility-service disconnection policies, availability of funds to pay utility bills, how government budget cuts will affect weatherization and community-action programs, utility storm restoration policies and procedures, and the role of the public advocate and Public Service Commission.

The session will be coordinated by the newly formed Delaware Utility Outreach Group. For more information, call 410-860-6586.



THE LAND BEHIND THIS SIGN is the proposed location of a CVS pharmacy at the entrance to The Villages of Five Points off Savannah Road in Lewes. RON MACARTHUR PHOTO

# Council makes no decision on fate of CVS pharmacy

## Developer offers to give land to library

By Ron MacArthur  
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Residents in The Villages of Five Points have a divergence of views on conditional-use and rezoning applications that would pave the way for a CVS pharmacy at the entrance to their community.

During a Tuesday, Feb. 15 public hearing, Sussex County Council members heard from both sides. Some say the project would enhance the community and add to property values; others claim the opposite would occur.

The applications ask council to back down on a condition it placed on the parcel 10 years ago. Under the condition, the 4-acre parcel could not be commercially developed; it could only be used as a location for a nonprofit facility.

Now, the developer wants to divide the parcel and use 1.5 acres for a pharmacy.

Council deferred on a decision on the applications pending a recommendation from the planning and zoning commission, which also deferred on a decision at its Feb. 10 meeting.

Under a plan presented by Olde Towne Point LLC, 2.5 acres of the 4-acre parcel has been offered as a donation — worth \$3 million — to the Lewes Public Library. The remaining 1.5 acres would be used for construction of the pharmacy.

The library is considering several possible locations to build a new facility within its service area; a decision is not expected until at least the middle of the year.

"The preferred community use is the Lewes Public Library," said Shannon Carmean, attorney for the developer. "The Hudsons

will give 2.5 acres to the library if the applications are approved and they reach settlement with CVS. As of this date, the library is unable to enter into an agreement."

## Decision aimed at deed restriction

Under a condition imposed on the original Villages of Five Points approval 10 years ago, the entire parcel was restricted for use by a nonprofit organization for a museum, library or emergency medical services.

The developer is asking county council to approve an amendment to the condition and a conditional use to allow for construction of a 13,000-square-foot CVS pharmacy.

The developer says attempts were made for 10 years to fulfill the condition to no avail. Christian Hudson of Olde Towne Point LLC said even with a discounted price, there were no takers for the parcel. "We realized there was not any appetite for a community service organization to purchase the parcel. They couldn't afford to pay for 4 acres," he said.

He said the solution is a private-public partnership with the sale of 1.5 acres to CVS to allow his company to donate the remaining 2.5 acres. That donation would be to the library or to The Villages of Five Points Property Owners Association, if the library turned down the donation, Hudson said.

Residents who spoke in opposition to the applications focused on the idea that they purchased their homes knowing the 4-acre parcel would not be commercially developed. "That was on the plot plans supplied by the builder, Gemcraft, and in the covenants of the development," said Jane Rahsman. "The covenant was signed Aug. 13, 2001, and that's what we were

Continued on page 9

## Obituaries »

### Randy R. Bacot, carpet installer

Randy R. Bacot, 53, of Milton, passed away Wednesday, Feb. 16, 2011, at home. He was born in Amarillo, Texas. He was a carpet installer.

He is survived by his father Herbert Julian Bacot of Magnolia, Texas; his mother Nancy Bacot of Clayton; son Mitchell Bacot of Chili, N.Y.; Carly Bacot of Mechanicsburg, Pa.; sister Julie Nelson and two brothers — Cody



Randy R. Bacot

Bacot and Danny Bacot; three grandsons — Austin, Abishai and Micah. Funeral services will be at 1 p.m., Monday, Feb. 21, in the chapel of Short Funeral Services, 416 Federal St., Milton, where friends may call Monday at noon. Burial will be in St. Peter's Episcopal Cemetery, Lewes.

Continued on page 26

## DANGEROUS INTERSECTION SET FOR IMPROVEMENTS IN 2013



DELaware DEPARTMENT OF TRANSPORTATION GRAPHIC  
THIS GRAPHIC SHOWS the proposed alignment of a key intersection along Plantation Road between Lewes and Rehoboth Beach. Currently, Postal Lane intersects Plantation Road 150 feet north of Cedar Grove Road. Delaware Department of Transportation has unveiled plans for a \$9.6 million project to create one intersection by realigning the intersection of Postal Lane and Cedar Grove Road and Plantation Road. Transportation officials said there were 23 crashes in the area between July 2005 and July 2009. Under the scope of the project, the intersection will be widened to allow for turn lanes in each direction. A traffic signal, bicycle lanes and some sidewalks are also included in the project. Construction is expected to start in fall 2013.

A separate project calls for additional improvements along Plantation Road. Comments on the project can be mailed to DeDOT Public Relations, PO Box 778, Dover, DE 19903.

## Presidents Day Closings »

### Rehoboth Beach

The Rehoboth Beach administrative offices will be closed Monday, Feb. 21. There will be no trash pickup Feb. 21; pickup for the entire city will be Tuesday, Feb. 22.

### Lewes

City of Lewes and Lewes Board of Public Works offices will be closed Monday, Feb. 21. Trash collection will be one day later. Recycling will be collected. Offices will reopen at 9 a.m., Tuesday, Feb. 22.

### Milton

Milton Town Hall will be closed Monday, Feb. 21, and will reopen at 8:30 a.m., Tuesday, Feb. 22. Trash pickup will follow the usual schedule Monday.

### Dewey Beach

Dewey Beach Town Hall will open at 9 a.m., Monday, Feb. 21, and close at 5 p.m.

### Sussex County

Sussex County offices will be closed Monday, Feb. 21, and reopen at 8:30 a.m., Tuesday, Feb. 22.

### Cape school district

Schools in the Cape Henlopen School District are closed Monday, Feb. 21.

# CVS plan

Continued from page 3

promised." She said the number of residents who have signed a petition in favor of the applications is not a true indication of how most residents feel. She said a vote of all residents would be a better indication.

Anthony Pasek, who lives across the street from the parcel, said he relied on the condition - a deed restriction - to remain as written.

"Nothing was ever said after a 10-year period they could come back with an amendment," he said. He reminded council the developers had offered to place the deed restriction on the parcel.

They also questioned the need for another pharmacy when two are already within the immediate area.

### Associations back applications

John Gilbert, president of The Villages of Five Points Property Owners Association, said the association supports the applications. "The changes made to the plans are a win-win for all of us," he said.

A letter of support from the Village Center Association, managers of the Food Lion shopping center, and a petition with more than 100 signatures in support of the applications have been placed in the public file.

Hudson said concerns were expressed about the future of

Cape Pharmacy within the shopping center. "They have a niche market as the only compounding pharmacy in the county," Hudson said.

"They are not the same type of business as CVS."

He said while some say CVS is a competitor, the landlord is supporting the applications. "This shows it's not the case," Hudson said.

The developer held six meetings with residents to discuss the plans. "With the input of the residents we created a much better site plan," Hudson said.

The previous plan, which included a proposed rezoning from AR-1, agricultural-residential, to B-1, neighborhood business district, was withdrawn a year ago before council had a chance to vote on it.

Kevin McBride defended the developer, saying the addition of the pharmacy would lead to positive changes in the community. "When other developers have walked away, the Hudsons are trying to live up to their commitments," he said. "The Hudsons conduct business with honesty and integrity and have gone above and beyond what they promised."

He said they have provided funding for additional landscaping and more than 800 additional trees which have enhanced residents' property values.

Hudson attended the December Lewes library board of trustees meeting to present the plan and provide architect's renderings of how the library could

be built on the 2.5-acre parcel. "We showed them a 48,000-square-foot facility could be built there even though they are looking for a 30,000-square-foot building," Hudson said.

He said parking is adequate - and overflow parking is available - for both facilities.

D.J. Hughes, a traffic consultant, said several options - including a roundabout and traffic signal - were considered at the intersection providing access to the proposed CVS and the Food Lion shopping center.

What was finally agreed to was a widening of the median, new crosswalks, larger stop signs and better directional striping. "We want to call more attention to the intersection," he said.

Ken Christenbury, an engineer with Axiom Engineering working for the developer, said the estimated sewer capacity of 14 equivalent dwelling units (EDUs) for the pharmacy and proposed library would not exceed the county's 16 EDUs designated for the parcel.

Opponents said if the applications are approved, the pharmacy should not be permitted to operate 24 hours a day. "That

does not fit in with the atmosphere and culture of the Villages of Five Points," Pasek said.

Maureen Hobbs said she had nothing against the developer or CVS, but she did not agree the parcel was the right location for a pharmacy. Rahsman said CVS

should look at another vacated location; she listed more than 30 vacant commercial locations nearby.

County officials will have to place the applications back on future agendas to make a decision.

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### Two new members for county assessment board

Sussex County Council unanimously voted Feb. 8, to approve a pair of appointments to its assessment appeals board. Julie Rigby of Seaford in District 1 and Tom O'Hagan of Lewes in District 3 will serve five-year terms on the board, which meets the first 15 working days in March to hear property tax, and sewer and water assessment appeals.

### Sussex council awards community grants

Sussex County Council, at its Tuesday, Feb. 15 meeting, awarded the following community grants: \$500 to the Fenwick Island Lions Club for community service projects and \$750 to the Georgetown Little League for field improvements.

## SUSSEX COUNTY CUSTOMS

### Collision and Restoration

- Collision Repairs
- Restorations
- Custom Painting
- After Market Parts Installation



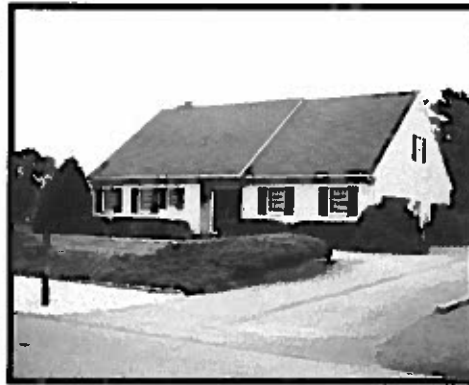
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