



SAVE OUR LAKES ALLIANCE 3

Founded in 2004 to Preserve, Maintain and Protect Lake Gerar, Silver Lake and Lake Comegys

www.sola3.org Spring 2012 Volume VII

SOLA3 Leads Opposition to Assault on Silver Lake

Sallie H. Forman, President

**“When you defile the pleasant streams
And the wild bird’s abiding place,
You massacre a million dreams,
And cast your spittle in God’s face.”**

If we substitute “lakes” for “streams” in John Drinkwater’s poem, it would describe the biggest (and most costly) challenge SOLA3 has faced since its organization in 2004. For the last nine months we have led the opposition to a building permit issued by a Rehoboth Beach building inspector allowing a home to be built on the shoreline of Silver Lake, with no set back from the water.



9’ concrete foundation arising from the lake

Extensive research by our attorneys, surveyor and environmentalist demonstrate that the granting of the building permit relied on inconclusive surveys and inaccurate boundary lines that resulted in the taking of approximately six feet of public land into the lake. Our attorney presented this evidence to City of Rehoboth Beach officials and staff in October and November, but they refused to act. Joined by

the Rehoboth Beach Homeowners Association (representing over 550 residents) and adjoining neighbors, we filed an appeal with the Board of Adjustment (BOA), only to be denied the opportunity to present our case, because we missed a June filing deadline. The BOA ignored the fact that SOLA3, the neighbors, residents and City officials did not know what was being built until September, when a nine-foot wall arose from the lake. When we became aware of this assault, we went quickly to City officials to present our case with a false hope that they would act responsibly. The BOA gave no consideration to the magnitude of the opposition to the permit - SOLA3 and the entire Rehoboth community - and the fact that they have waived the filing requirement for other cases. Given their unwillingness to hear the merits of the case and resolve the important issue of the correct shoreline boundary, it was no surprise when they denied our request for a rehearing. (See President’s Letter page 2)

SOLA3 Presents 2011 Conservation Award to Gaspards

A Halloween Eve “Nor’easter” wasn’t enough to keep away the enthusiastic crowd that attended Save Our Lakes Alliance 3’s (SOLA3) presentation of its 2011 Conservation Award at the home of Tom Childers and John Hall. The winners were Tom and Mary Ellen Gaspard for improvements they made to their Silver Lake shoreline, along East Lake Drive. (See Conservation Award page 2)



L-r Tom and Mary Ellen Gaspard with Sallie Forman

President's Letter continued from page one:

We have written to Mayor Cooper and the city's six commissioners (the Board of Commissioners or "BOC") asking that they conduct a thorough inquiry (which they are authorized to do under the City Charter) into the anomalies and inconsistencies in the issuance of the building permit. The City Solicitor has stated if a building permit is found to violate the zoning code "no matter how many days out," the inspector is obligated to correct it. The BOC should insist that this obligation be taken seriously.

We made the BOC aware that the provisions for a buffer ordinance for lakefront property in their state-approved 2010 Comprehensive Development Plan (CDP) has the force of law. The CDP recognizes that the adoption of specific, long-term ordinances would take time, and, for that reason it states, that the city would take "interim protective measures" to protect Silver Lake. The city was obligated to permit no development, except consistent with the CDP. The BOC and the building inspector chose to ignore this obligation when issuing the building permit.

Independent of SOLA3, a citizens' petition with over 150 signatures was presented to the mayor and commissioners at a Workshop in March, asking that they stop construction on the property and resolve the issues in dispute "in an open and transparent manner." Neither we nor the signers of the petition have received a response from these elected officials, who are charged with protecting public assets from being taken for private purposes and should be accountable to their citizens.

An important, respected community voice, The Cape Gazette, said in its editorial of February 24, 2012:

"At this point there can be no good ending to the unfortunate Silver Lake saga. It's too late to say city officials should have stopped the project dead in its tracks when they first say how close it would be to the lake. They did not, despite the wildly whipping red flags. City officials can, however, keep things from getting even worse. They can admit the obvious, that something is seriously wrong, halt construction and work with the homeowners for a resolution that includes taking down what's already built and moving the structure back from Silver Lake by a reasonable distance."

Rather than responding to the requests for SOLA3 and the entire community to resolve this controversy, at its May 18 meeting, Mayor Cooper and City Commissioners passed a moratorium on all new construction around the lakes until February 14, 2013, or when the Planning Commission's draft of the set back and buffer ordinance is presented. Clearly they are ducking any responsibility for the "house in the lake" and, instead, will restrict every property owner around Silver Lake who has respected the lakes, except the "house in the lake."

John Drinkwater's poem is so meaningful because Silver Lake has been defiled with pollution from construction debris and its shoreline eliminated. In its place stands a huge structure with lake water lapping at its foundation, replacing wildlife habitat. Citizens' dreams of keeping open space around Silver Lake have been denied.



Construction continues (Photo by Ryan Mavity, Cape Gazette)

We have fought the good fight with every expectation that city officials would respond to the concerns of its citizens to protect a public resource that the Delaware Joint Assembly declared a state and national treasure. If city officials fail to do so, the "house in the lake" will forever be their legacy.

Conservation Award continued from page 1

In accepting the award, Tom Gaspard said "We are honored to be given an award for simply taking care of our Silver Lakefront. It was relatively easy and inexpensive once we learned from SOLA3 and Envirotech what to do (and what not to do)." Mary Ellen Gaspard followed with, "Our native plants flourish and bloom beautifully and provide food and habitat for fish, birds, and other wildlife, all while filtering out harmful pollutants from the water. What could be better!? Thank you to SOLA3 for educating and encouraging us to make good choices for our unique environment."

Sallie Forman, President of SOLA3 said she wished she could wave her "magic wand" (which she had in hand) to restore the Rehoboth Lakes to a healthy condition for swimming, boating and to support vibrant wild life. Absent such "magic", she said it is SOLA3's hope that its annual Conservation Award will inspire greater conservation by all lakefront property owners to reduce pollution and runoff ; and that it will help the general public understand the vital role landowners can and do play in conservation success.

**SOLA3 was named one of Delaware's Top 50
"Eco Activists"
by Delaware Today magazine.**

De-Silting Silver Lake

Tom Childers, SOLA3 Director

For the past two years, a major SOLA3 agenda has been to improve the depth of the western reach of Silver Lake. The first step was to keep the problem from getting worse by reducing the amount of silt and other pollutants that are deposited by storm drains. In 2011 the City of Rehoboth installed filters on two large storm drains at the western end of the lake. The second step is actually to increase the lake's western depth by removing as much as three feet of sediment.

In early May, Toni Sharp (SOLA3 Secretary) and I met with Frank M. Piorka, director of the Division of Watershed Stewardship, of DNREC (Delaware Department of Natural Resources and Environmental Control). Mr. Piorka reported that his division remains intent on the de-silting project, as it will improve drainage and flood control. He thinks the project should take place in 2013, as long as funding - as much as \$300,000 - can be secured. He mentioned that he had recently met with Mayor Sam Cooper and City Manager Greg Ferrese regarding the matter and will be back in touch with SOLA3 when there is progress.



Mud flats at west end of Silver Lake

Planning Commission Drafting Buffer Ordinance

Toni Sharp, SOLA3 Secretary

It took a house being built in Silver Lake to get a resolution by the City of Rehoboth Board of Commissioners (BOC) that asks the Planning Commission to make recommendations for a buffer ordinance and other protections for Lake Gerar and Silver Lake. The 2004 CDP had provisions for a buffer ordinance and in 2008 SOLA3 made specific recommendations for a buffer zone that were included in the state-approved 2010 CDP, but the BOC never enacted those provisions.

(See Planning Commission page 7)

SOLA3 Board of Directors and Terms

Sallie Forman, President (2009-12)
 Mike Boyd, Vice President (2011-14)
 Toni Sharp, Secretary, (2011-14)
 Tom Childers, Director (2010-13)
 Nancy Cullen, Director (2010-13)
 Director (to be elected) (2012-15)
 Treasurer (to be elected) (2012-15)

Appointed Advisors:

Barry Brandt
 Mary Campbell
 Mable Granke and Joan LeLacheur

Newsletter Editor: Nancy Cullen
 Official Photographer: Peggy Douglas.

If you are interested in serving on the board, or volunteering, send an email to saveourlakes3@aol.com. or complete the attached form. Don't forget to let us know if your contact information has changed.

New SOLA3 Secretary Elected

Toni Sharp was elected Secretary of SOLA3 for a three-year term. She is a former health insurance executive with many decades of managerial experience. Her most recent positions included Managing Director, Member Engagement and Executive Director, Plan Relations for the Blue Cross and Blue Shield Association. She retired in the Spring of 2011 and is now a full-time resident of Rehoboth Beach. She enjoys traveling between Rehoboth Beach, Washington, DC and Dallas, Texas. Toni received the 2011 Cottage and Town Award for the best Landscape Renovation from Rehoboth Main Street for her multi-level gardens on the shores of Silver Lake. Sallie Forman said, "We are delighted to have Toni Sharp as an officer on our board.



Toni Sharp

She is a highly talented and competent professional and a long-time resident of Silver Lake. Welcome aboard."

Thank You to Departing Board Members

Forman applauded the hard work and dedication of departing board officers Peggy Douglas (Secretary) and Peggy Paterson (Treasurer) and thanked them for their outstanding service, including extending their terms. She also thanked Silver Lake resident Peggy Waltersdorf, who served from 2010 to 2011.

Rehoboth Elementary 5th Grade Students Investigate Silver Lake

By Jacquie Kisiel, Science Teacher

Thanks to the sponsorship and dedication of SOLA3, for the third year in a row more than 100 fifth graders from Rehoboth Elementary were treated to an outdoor classroom in water quality on the banks of Silver Lake, right in the school's own back yard. Under the instructions of Todd Fritchman, President of Envirotech Consulting, Inc., a licensed, certified Delaware teacher of biological sciences, students examined and compared water quality of samples from Silver Lake and a healthy lake in a Delaware State Park.



Students began to see that one cannot determine much about the quality of water simply by looking at it. Pollutants like herbicides, pesticides and fertilizers are basically invisible

to the human eye. Since Silver Lake is a diverse aquatic environment, made up of natural vegetation, private residences and street run-off, we learned that water testing can be difficult. Therefore, we focused on the presence or absence of macroinvertebrates, which reveals much about water quality. [Macroinvertebrates are animals that have no backbone and are visible without magnification.]

Overall water quality affects which type of macroinvertebrates can survive. Silver Lake contained many poor water quality macroinvertebrates. On the other hand, the control sample lake water was teeming with healthy macroinvertebrates.

Our students learned that the conditions for macroinvertebrates offer a red flag about poor water quality, low levels of dissolved oxygen, high levels of non-native

plant and/or animal species and even high water temperature. The students are now focused on learning from their research and improving the water quality of Silver Lake.

Rehoboth Elementary Fifth Graders Thank SOLA3 for Silver Lake Water Quality Workshop



Here are three of the many very colorful thank you notes the 5th graders created for SOLA3 after their session on water quality.



Longtime Rehoboth Resident Looks Back on Times of Old

Nancy Cullen, SOLA3 Director

Evelyn Dick Thoroughgood has been part of Rehoboth history since her childhood days, growing up just blocks from Silver Lake and the boardwalk. Talking with her is like stepping back to the days when Silver Lake was full of young boys from summer camp dressed in sailor suits learning to sail. In the 1920s, when she was a young child, a small footbridge on the south shore brought boys from the camp and others over to the lake from Dewey. The footbridge was on the site of the current bridge.

The land from Philadelphia Street south to the lake was comprised of primarily undeveloped lots. The City of Rehoboth annexed that land in 1927, and it became "Rehoboth Heights." What is now Country Club Estates was then the Rehoboth Country Club and golf course. There was a large central pier that went off at the foot of Rehoboth Avenue, and to be a lifeguard, according to Evelyn, boys had to dive off the top of the high pier and swim to Henlopen to prove their stamina.

Evelyn was part of the famous Dick family, one of the most important names in the history of Rehoboth. Her grandfather, A.W. Dick, was the second mayor of Rehoboth. He was also the postmaster. He had a grocery store on the opposite corner from Lingo's Market, which was lost to a fire. Her uncle, Walter J. Dick, owned a farm that went from the lake to State Road. He agreed to sell some of the land for a school - the current site of Rehoboth Elementary School.

Evelyn's father, John R. Dick, had the west end of the lake, where his house was, dredged every other year. "It was rumored that there was a natural drain from the west end into the canal, but no one ever found it," said Evelyn. Among the problems she has seen on Silver Lake were the hundreds of nutria (small burrowing animals) that would create little dams all over, and the phragmites, the very invasive plants in the lake, which killed everything with their root. They are said to have once been planted by a homeowner for privacy and then took over the entire lake.

In the 1930s, Rehoboth was hopping, according to Evelyn. "You could go to the Club Del-Reho and for 35 cents and a hand stamp, you could dance to the band from nine til midnight." Her then boyfriend was in the band. Also in the thirties, the WPA brought sanitary sewers to Rehoboth, built the bridge over Lake Gerar and did work in Silver Lake, including an aerator that has long since been buried. They actually had Conservation Corps (CC) camps in the town.

In the early forties, Evelyn was a "single" career woman and employed as Chief Clerk in The Treasury Division for Atlas Powder Co. in Wilmington. She came home to Rehoboth every Friday night for the weekend and returned late Sunday night.

Evelyn raised two daughters. Her daughter Melissa Thoroughgood is a realtor in Rehoboth and has fond memories of Silver Lake - crossing the foot bridge to go to school each day and to visit her grandparents, who lived on Silver Lake. Melissa said, "They had a huge picture window that faced the lake, and we would watch the golfers across the lake on the greens of the Rehoboth Beach Country Club. I loved ice skating in the winter day and night. We had bonfires near the shore at night and could skate from west end to east end under the white Silver Lake Bridge. The fire marshall had to be present while the kids skated in case something happened. I swam in the east end of Silver Lake during the summer, and it was clean!" Anyone swimming in the lake today would need a tetanus shot.



The Great Blue Heron, the largest North American heron, is a familiar sight in Delaware. (Photo by Paulette Dunbar)

The Delaware Assembly recognizes the significance of the Rehoboth Lakes to Delaware and the United States in Resolution #37 that resolved that the **"Rehoboth Lakes are integral to the ambiance of Rehoboth Beach and, as the closest freshwater lakes in the nation in proximity to the Atlantic Ocean, are natural treasures."**

How You Can Enjoy a Beautiful Garden and Lawn and Help the Lakes

Extracts from article by Joan LeLacheur, SOLA 3 Advisor

How you treat your property has a direct impact on the health of the lakes. By following the practices listed below, you will improve the quality of the lakes' water and maintain a healthy lawn and plants.

Optimize Fertilization:

Have your soil checked to see if you need fertilizers, and if so, what kind. excess nutrients from your lawn could end up in the lakes causing algal blooms and odors. If you do need to fertilize, use a minimal amount, and keep it off of impervious services. Fertilize your lawn in one application per year in the fall. Leave grass clippings on your lawn, to provide nutrients, or use your composted yard wastes.

Reduce Chemical Use:

Only use chemicals when there are no other options. Alternatives include: pulling weeds, spraying full strength vinegar on young leaves, burning weeds with a propane torch, pouring boiling water over weeds, feeding the lawn and keeping grass high to outcompete the weeds - or, learn to live with a few. Do not apply pesticides prior to a rain storm.

Increase Wildlife Habitat:

Plant native trees and shrubs to reduce pests, disease and weeds. Plant trees and shrubs that provide food, especially for winter.

Minimize Runoff & Soil Erosion:

Use crushed stone or shells for your walkways, to allow rainfall to drain into the ground. Direct your roof leaders to grassy areas or gardens, or use good old-fashioned rain barrels to collect roof runoff and allow it to drain slowly into your gardens. Use splash blocks or drainage tiles.

Leave mulch cover on flower and vegetable gardens during winter months and around any open soil around shrubs and hedges. Take full advantage of rainfall by diverting driveway or street runoff to your garden, cascade your garden over terraces or timbers to slow runoff and to maximize percolation. Limit grassy areas, and increase trees and shrubs, to soak up nutrients and prevent soil erosion and runoff.

Shoreline Landscaping:

Maintain a shoreline buffer of trees, shrubs and grasses on waterfront properties. Evaluate other natural buffers, such as the buffer at 125 Lake Drive, winner of our 2009 Conservation Award. (See photo)

General:

Dispose of all hazardous wastes such as paints, solvents, used oil, gas with water, antifreeze, etc. properly. Do not pour on lawn. Do not throw waste into the lakes.



BECOME AN ECO ACTIVIST!

Optimize Land Use Regulations:

Get involved in land use planning in Rehoboth Beach, Sussex County and Dewey Beach. Support policies that integrate storm water management best practices and encourage riparian buffers.



Call for Conservation Award Entries

SOLA3's annual Conservation Award was created in 2009 to recognize private property owners, municipal and county governments, or state agencies that have demonstrated exemplary achievement in voluntary conservation of their lakefront property. To be eligible, the property must adjoin Silver Lake, Lake Gerar or Lake Comegys. The deadline for applications for the 2012 award is July 20, 2012. Criteria, application form and other information can be found at www.sola3.org.

Planning Commission - continued from page 2:

The Planning Commission held its first public meeting to get comments on the proposed ordinances on April 13, 2012. Sallie Forman, on behalf of SOLA3, began by saying it is difficult to understand why the City of Rehoboth didn't use the "interim protective measures" in the 2010 CDP to deny a building permit for a house being built on Silver Lake's shoreline. She restated the same recommendations SOLA3 made for the 2010 CDP and added that anyone building around the lakes should be required to have an independent Certified Construction Review (CCR) to ensure all Delaware Erosion and Sediment Control Regulations are followed during construction.

"If the city is really serious about protecting the lakes, they should adopt these regulations as a condition of granting not only building permits around the lakes but also for any building permit within the city."

Forman said that the City of Rehoboth is the biggest polluter of Silver Lake because of the number of its storm drains that directly flow into the lake and the major source of its deterioration. She added controlling what goes into those drains (such as construction runoff) and installing filters in the drains should be a priority for protecting the lakes.

Jennifer Volk, an environmental scientist with the Department of Natural Resources and Environmental Control, explained how buffers trap pollutants and take up nutrients that can otherwise seep into the lakes. She noted that although buffers benefit water quality they will not solve all the problems, particularly Silver Lake, which has had issues for years with sediment buildup [from storm drains and run-off] and algae blooms.

A Special Appeal

Dear Friends,

We are most grateful to those of you who responded to our request for contributions last December to help with our unexpected costs relating to the assault on Silver Lake, described in my article on page one. This costly endeavor was never anticipated, because who could imagine that Rehoboth officials would sanction building a house on Silver Lakes' shoreline, with no buffer or setback?

This fight is not over. We continue to challenge this decision and, as a result, continue to incur professional expenses. SOLA3 is the only organization with a mission to protect the Rehoboth Lakes. We need to be prepared for future challenges that can impact not only Silver Lake but Lake Gerar and Lake Comegys as well. We also need to fund for our educational programs, such as our annual project for the two fifth grade classes at the Rehoboth Elementary School and workshops to educate the public on how they can be good stewards of the lakes. Upgrading and maintaining our Web site, annual newsletter, creating a new brochure and other communication projects require funding.

SOLA3 Alliance Members

Our thanks to our partners and supporters:

Rehoboth Beach HOA
Country Club Estates HOA
Draper Subdivision
Lake Comegys HOA
The Village Improvement Association
The Citizens' Coalition



SOLA3 is an all-volunteer organization. We are fortunate to have a dedicated board who, collectively, donate thousands of hours annually to SOLA3's work. This resulted in our being the only environmental organization to receive the 2008 Delaware Governor's Outstanding Volunteer Award.

Your financial support is essential to our accomplishing our mission. YOU make all our efforts possible. As a valued partner, we ask that you be as generous as possible with your gift to SOLA3 so that we have adequate funds to continue our important environmental work. Please complete the attached form when sending your gift.

SOLA3 can now accept gifts of stock. If this is of interest, please contact us at saveourlakes3@aol.com for instructions. The process is very easy.

Thank you for your on-going commitment to improving our lakes' environment. SOLA3 exists because of your support.

Sallie H. Forman
 President

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www.SOLA3.org



SOLA3 is a 501 (c) (3) tax-exempt organization incorporated in Delaware. Please help ensure that Rehoboth's three unique, cherished lakes will be preserved and protected for future generations by becoming a Friend of SOLA3 at one of the following tax-deductible levels:

<u>Level</u>	<u>Contribution</u>
Eagle	\$ 500 and above
Heron	300 to 499
Osprey	101 to 299
Mallard	50 to 100
Plover	25 to 49
Sandpiper	10 to 24

Please make your check payable to SOLA3, complete the form below, and send to **PO Box 1504, Rehoboth Beach, DE, 19971**. Thank you for your generous support.

Name _____ Phone No. _____

Address _____

Beach address if different than mailing address _____

Email _____

Send Newsletter and other announcements to my email address _____

Contact me about volunteering on a committee:

Lake Clean Up _____ Coast Day _____ Outreach _____

Fundraising _____ Membership _____ Newsletter _____

Water testing _____ Communications _____ Other interests _____

Please provide your current email address. We promise not to overwhelm you with messages and will only use when there is time-sensitive, important information.