



# TOWN OF DEWEY BEACH

www.townofdeweybeach.com

105 Rodney Avenue  
Dewey Beach, DE 19971  
302-227-6363 (Voice or TDD)  
302-227-8319 (Fax No.)

December 17, 2012

TO: Delaware Department of Natural Resources

FROM: Mayor Diane Hanson *Diane Hanson*  
Commissioner Joy Howell  
Commissioner Anna Legates  
Commissioner Gary Mauler  
Commissioner Courtney Riordan

RE: DNREC Application by Dewey Beach Enterprises (DBE)

We write today in regard to the application by Dewey Beach Enterprises (DBE) for a Bay Walk and Gazebo. The Town is required to support a 12 foot Bay Walk and 500 square foot Gazebo by the settlement agreement signed by the Town of Dewey Beach and Dewey Beach Enterprises (referred to as the Mutual Agreement and Release (MAR) in February, 2011).

The relevant sections of the MAR settlement agreement say, "Bay Walk serving as a continuous exterior walkway from Van Dyke Avenue to Dickinson Avenue along the Rehoboth Bay that may be publicly accessed without restriction at all times (this may include space currently, or in the future, licensed for use by the restaurants as well). The Bay Walk shall be 12 feet or more in width and shall be compliant with the Americans with Disabilities Act...and shall include a Gazebo 500 square foot in size with seating which shall serve as a focal point along the Bay Walk...DBE shall not install any fixed tables or fixed seating in the Bay Walk, and the entire width and length of the Bay Walk shall remain unobstructed, walkable, and accessible by the public at all times. The Town shall assist and otherwise act in good faith with DBE in obtaining approval for the Bay Walk (including the Gazebo) from DNREC and any other county, state or federal agency from which approval might be required."

We support the 12 foot Bay Walk that can be publicly accessed without restriction at all times. We support a 500 square foot Gazebo with seating to serve as a focal point along the Bay Walk. The provision of the Bay Walk and Gazebo was a major negotiating element in reaching a settlement with DBE with regard to the overall project. Yet we do not see those amenities in the current application. We would like to work together with DBE and DNREC to do whatever is necessary to make the 12' Bay Walk and 500 square foot Gazebo a reality.

In terms of the full application, we have only just received a copy of the application this past week and we look forward to studying it further.

We reserve the right to supply further comments on behalf of the town. Thank you for hosting a public hearing to provide our citizens with more information about the project and give more citizens an opportunity to comment.