



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

March 24, 2015

Mr. Thomas Roth
Town of Henlopen Acres
104 Tidewaters
Henlopen Acres, DE 19971

RE: PLUS review 2015-02-07, Town of Henlopen Acres Comprehensive Plan

Dear Mr. Roth,

Thank you for meeting with State agency planners on February 25, 2015 to discuss the proposed Comprehensive Plan for the Town own of Henlopen Acres.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting.

Certification Comments: These comments must be addressed in order for our office to consider the plan amendment consistent with the terms of your certification and the requirements of Title 22, § 702 of the Del. Code.

- Public Participation Section (p. 1) – The town noted in the plan that 13 meetings were held Between 2011 and 2014. Please expand the public participation section to include what was discussed at those meetings, what were the public comments at those meetings, and what the Town did to address the issues brought forth in the meetings. In addition, the plan should include specific information about the meetings regarding the Rehoboth Art League, where the town is in those discussions, and the path forward for resolving those issues.
- Intergovernmental Coordination (p 26) – The plan states that the neighboring jurisdictions were notified regarding the update and that the City of Rehoboth made numerous comments regarding the plan. Please expand the Intergovernmental Coordination section to include what comments were made and if any revisions were made to the draft plan as a result of those comments.

- Rehoboth Art League – The comprehensive plan Existing Land Use Map shows the Rehoboth Art League property as “Institutional”. However, the zoning map/code for the Town of Henlopen acres does not include an ”Institutional District”. The Town must work to rectify this nonconforming issue before the plan can be certified.

According to the 130-17, permitted uses of the residential district in your zoning code art galleries, art studios, and art classrooms, theater and theater classrooms, are permitted when authorized as a special exception, except where one of the principal activities is one which is customarily carried on for profit as a business.

Your 2004 comprehensive plan recommended (section 2.3b) “recommends that the Special Exception process for allowing land use activities in addition to those land uses by right be replaced by a conditional use process.....” In addition, section 2.3b states “that this would allow the Town Commissioners to (1) set conditions on how the property will be used, limits on changes to the property and structure and (2) require review if the property owner changes or the organization engaged in the use changes.”

To date, the town has not completed this recommendation, leaving the Rehoboth Art League as a special use exception in your residential section.

It is our understanding that The Rehoboth Art League has sought, through the town, a change of zone or a conditional use for their property, because, as it stands, they have been unable to work with the town for decision regarding needed repairs to the structure. The State is aware that the Rehoboth Art League and the Town of Henlopen Acres have been in communication regarding his issue but there has been no resolution reached. The Office of State Planning cannot move this plan forward for certification until an agreement is reached between the Town and the Rehoboth Art League.

During the PLUS meeting, I suggested that the attorney for the Town of Henlopen Acres and the attorney for the Rehoboth Art League set a meeting to discuss a Memorandum of Understanding that has been drafted and/or to resolve this issue.

- As noted by Sussex County, on page 11 of this letter, the plan should note that Sussex County operates the waste water system that serves the Town of Henlopen Acres. Page 18 of the plan states the Town’s waste water is connected to the Rehoboth Beach facility at Wolf’s Neck. This is incorrect. Waste water from the Henlopen Acres Sanitary Sewer District (HASSD) is conveyed to the Rehoboth Beach Sewage Treatment Plan (RBSTP). The RBSTP treats and disposes wastewater into the Lewes-Rehoboth Canal. The facility is located at 20543 Roosevelt Street, on the bank of the Lewes-Rehoboth Canal. Wolf Neck plant references should be deleted and RBSTP data included.

Recommendations

Our office strongly recommends that the Town consider these recommendations from the various State agencies as you review your plan for final approval.

Office of State Planning Coordination – Contact Dorothy Morris 302-739-3090

The Town of Henlopen Acres comprehensive plan calls for the building of new homes or the development of existing homes to be of a certain character such as no more than 2 story and not over 6,000 square feet and to maintain the current character and retain the current design of housing.

In 2012 lawsuit the U.S. Department of Justice (DOJ) filed a lawsuit against Sussex County for violations of the Fair Housing Act. According to Press release dated November 2012 (in part) "the settlement requires that the county take affirmative steps to provide for future affordable housing, communicate its commitment to fair housing, and establish mechanisms to ensure affordable and fair housing in Sussex County." Among other things, the county must formulate an affordable and fair housing marketing plan to encourage the development of housing opportunities that are available and accessible to all residents of Sussex County regardless of race, color or national origin, appoint a fair housing compliance officer, and ensure that county officials and staff undergo fair housing training.

The State would argue that allowing only single family detached homes in the Town of Henlopen Acres would not promote affordable housing. While we understand the town is small and nature and would want to keep the character of their town intact, being a municipality carries with it the responsibility to allow for all citizens the opportunity to live within the town. The comprehensive plan should discuss affordable housing and how that would be accommodated if a developer sought to build a mixed use structure in your town.

Department of Transportation – Contact Bill Brockenbrough 760-2109

On page 24, the Plan recommends that "The Town consider a traffic study to provide baseline information" but does not state how that information should be used. We support the recommendation and suggest that it could be used to identify needed or desirable transportation improvements. For example, the Transportation section on page 21 states that "The Town maintains a pedestrian friendly atmosphere that equally accommodates both bicycle and car." That may be but the Town streets have narrow lanes, no marked bike lanes and no sidewalks. Some of the busier blocks may warrant such features. The study could identify any such locations.

The Department of Natural Resources and Environmental Control – Contact Kevin Coyle
739-9071

DNREC offers several comments and suggestions to improve conservation and protection of the Town's resources. While the cumulative impact of various program suggestions and concerns may sound negative, the intent is to improve the plan elements related to environmental protection, open space, recreation and water quality and supply. DNREC would welcome the opportunity to meet with the Town in a collaborative manner to discuss these recommendations and possible future ordinances.

Recommendations for Comprehensive Plan Revisions

Key Wildlife Habitat (pp. 6-7). In addition to the Species of Greatest Conservation Need that were identified in the Comprehensive Plan, other species to consider are big brown bats and corn snakes:

- **Bats.** Some residents may have bats (most likely big brown bats) in their homes. Bats are an important part of our ecosystem and an animal group that provides a service to humans by eating insect pest species such as mosquitos, beetles and moths. The value of the pest-control services to agriculture provided by bats in the US alone range from a low of \$3.7 billion to a high of \$53 billion a year, estimated in a 2011 study by scientists from the University of Pretoria (South Africa), US Geological Survey, University of Tennessee and Boston University. Bats will return to the same structure each summer. Bats raise their pups (young bats) in structures and flightless pups can be present from mid-May through mid-August. Despite the benefits of having bats in the area, they are not welcome in most human-made structures. If a bat eviction (called an exclusion) is needed, there are ways to do them to minimize long-term impacts to the animals. Doing an exclusion to keep bats out of the structure or destroying the structure during this time period will likely result in killing young bats. We recommend waiting until September 1st to evict bats. This provides time for the young bats to learn survival skills before dispersing from their maternity colony. If bats become a problem for homeowners, they can contact the Holly Niederriter at 302-735-8651 for assistance or visit the Delaware bat program's website: <http://www.dnrec.delaware.gov/fw/bats/>
- **Corn Snakes.** Corn snake(*Elapha guttata guttata*) are a state-endangered species that may occur within Henlopen Acres. They feed on rodents and are generally harmless. They are most active at dusk, and tend to be secretive during the day. They are often confused with copperheads because of their markings, but unlike copperheads (which are not likely to occur in Henlopen Acres) corn snakes are not venomous. DFW recommends adding this species to the list of species for consideration in the town's comprehensive plan.
- **Shore Birds.** In order to protect shorebirds and terns, the town may consider placing signage along the beach to encourage beachgoers to avoid disturbing the birds that may

be roosting or feeding in the beach habitat. Promoting rules like keeping dogs leashed or off the beach entirely would also be beneficial.

Air Quality (pp. 7-8). The Town concedes that there are concerns with current conditions for pedestrian and bicycle traffic. Specifically, beach traffic is a seasonal safety issue. DNREC recommends that the Town consider improvements for safe multimodal transportation, beyond the proposed traffic study that is indicated in this Comprehensive Plan Update. **For every vehicle trip that is replaced by the use of a sidewalk or bike path, 7 pounds of VOC and 11.5 pounds of NOx are reduced each year, thereby improving air quality. Delaware currently violates federal health-based air quality standards for ozone, and both VOC and NOx are precursors to ground-level ozone formation.**

Tree Canopy (p. 8). DNREC supports the Town's desire to maintain and even grow, where possible, its current tree canopy which is more than 43%. As noted in the Comprehensive Plan Update, trees provide important air quality and other environmental benefits to the residents of Henlopen Acres, as well as to the surrounding communities. The plan recommends studying the best trees for tree canopy development and come up with a plan to plant trees on all right of way areas that have insufficient trees. Please note that our program botanist, Bill McAvoy, can provide technical assistance to Henlopen Acres if needed. Bill has extensive knowledge of native plants throughout the State and can provide recommendations of appropriate species to be planted in this area. He can be reached at William.McAvoy@state.de.us or 302-735-8668.

Similarly, DNREC supports the Town's recommendation to maintain, as codified, a minimum of 60% green cover per lot, as well as the Town's recommendation to encourage renewable energy use. In addition to planting trees, the Town may consider promoting the use of native plants in landscaping. In particular, native nectar plants for butterflies, such as seaside goldenrod, would be beneficial. In the late summer, millions of monarchs cross the Delaware Bay from Cape May and feed on the nectar of the seaside goldenrod that is in bloom at Cape Henlopen State Park. Additionally, planting beach plum (*Prunus maritima*) would provide good habitat for song birds.

Water Supply (p. 16). The Town has expressed the need to develop a source water protection ordinance to protect wellheads. 7 Del. C. §6082(c) states in part that "municipalities with populations of less than 2,000 persons, with the assistance of the Department, may adopt by ordinance the overlay maps delineating, as critical areas, source water assessment, wellhead protection, and excellent ground-water recharge potential areas. Furthermore, the ordinance shall include regulations governing the use of land within those critical areas designed to protect those critical areas from activities and substances that may harm water quality and subtract from overall water quantity". The Department is available to assist at the Town's request.

Total Maximum Daily Loads (p. 17). We strongly recommend that the Plan contain a narrative about Total Maximum Daily Loads (TMDLs) as a "stand alone" section (currently located in the Stormwater section). Please consider the following:

Under Section 303(d) of the 1972 Federal Clean Water Act (CWA), states are required to identify all impaired waters and establish total maximum daily loads to restore their beneficial uses (e.g., swimming, fishing, drinking water, and shellfish harvesting). A TMDL defines the amount a given pollutant (i.e., or the pollutant loading rate reduction for a given pollutant) that may be discharged to a waterbody from all point, nonpoint, and natural background sources, thus enabling that waterbody to meet or attain all applicable narrative and numerical water quality criteria (e.g., nutrient/bacteria concentrations, dissolved oxygen, and temperature) in the State of Delaware’s Water Quality Standards. A TMDL may also include a reasonable margin of safety (MOS) to account for uncertainties regarding the relationship between mass loading and resulting water quality.

In simple terms, a TMDL matches the strength, location and timing of pollution sources within a watershed with the inherent ability of the receiving water to assimilate that pollutant without adverse impact. The realization of these TMDL pollutant load reductions will be through a Pollution Control Strategy (PCS). A PCS identifies the specific strategies and actions (e.g., best management practices) necessary for reducing pollutants in a given water body (or basin/watershed), thus realizing the water quality criteria or standards set forth in the State of Delaware’s Water Quality Standards, ultimately leading to the restoration of a given waterbody’s designated beneficial use(s). Specifically, a PCS is a combination of best management practices (e.g., wetland buffers, green technology stormwater treatment, pervious paving materials, rain gardens, etc.) that will reduce nutrient and bacterial pollutant runoff loading by optimizing BMPs. The PCS for the Inland Bays consists of regulatory requirements for stormwater and wastewater with only voluntary recommendations for agriculture. The regulatory requirements for the Inland Bays PCS can be retrieved from the following web link:
http://www.dnrec.state.de.us/water2000/Sections/Watershed/ws/ib_pcs.htm

The Town of Henlopen Acres is located within the greater Inland Bays Basin. Within this Basin, the designated nutrient (nitrogen and phosphorus) and bacterial TMDL load reduction requirements are displayed in Table 1.

	N	P	Bacteria
Inland Bays Basin	40% Low Reduction zone	40% Low Reduction zone	40% Fresh

Table 1: TMDL reduction requirements for the Inland Bays

Stormwater (pp. 17-18). The *Delaware Sediment and Stormwater Regulations* have been revised and became effective January 1, 2014. A three-step plan review process is now prescribed in the regulations. Proposed development projects must submit a Stormwater Assessment Study for the project limits of disturbance and hold a project application meeting with the reviewing delegated agency as the first step, prior to submitting stormwater calculations or construction drawings, which are steps two and three. Resulting from the project application meeting a Stormwater Assessment Report will be completed by the reviewing agency and the

developer and forwarded to the Town. This Stormwater Assessment Report will rate the anticipated engineering effort necessary to overcome certain stormwater assessment items such as soils, drainage outlets, and impervious cover. The Sediment and Stormwater Program recommends that the Town consider the ratings from the Stormwater Assessment Report in making a decision to issue preliminary approval for any development request by incorporating the Stormwater Assessment Report as a required element when a plan is submitted into the municipal preliminary plan approval process.

The revised *Delaware Sediment and Stormwater Regulations*, effective January 1, 2014, have a goal of reducing stormwater runoff for the rainfall events up to the equivalent one-year storm, 2.7 inches of rainfall in 24 hours. Runoff reduction encourages runoff to infiltrate back into the soil as in the natural pre-development system and results in pollutant removal and stream protection. Best management practices (BMPs) that encourage infiltration or reuse of runoff, such as porous pavements, rain gardens, rain barrels and cisterns, green roofs, open vegetated swales, and infiltration systems should be allowed for new development sites within the Town. Furthermore, limiting land disturbance on new development projects and limiting impervious surfaces by allowing narrower street widths, reducing parking requirements, and allowing pervious sidewalk materials will be necessary to help achieve the runoff reduction goals in the revised regulations.

The Town of Henlopen Acres should mention the updated regulations in your plan.

Parks and Recreation. In August of 2011, the Delaware Division of Parks and Recreation conducted a telephone survey of Delaware residents to gather information and trends on outdoor recreation patterns and preferences as well as other information on their landscape perception. These findings are the foundation of the 2013-2018 Statewide Comprehensive Outdoor Recreation Plan (SCORP) providing guidance for investments in needed outdoor recreation facilities and needs within county and municipal comprehensive plans. For the purpose of refining data and research findings, Delaware was divided into five planning regions. The Town of Henlopen Acres is located within SCORP Planning Region 5.

When looking at the findings from the 2011 telephone survey, it is apparent that Delawareans place a high importance on outdoor recreation. Statewide, 93% of Delaware residents indicated that outdoor recreation had some importance in their lives, while 67% said it was very important to them personally. These findings are very close to the results of the same question asked in the 2008 public opinion telephone survey, indicating a continued demand for outdoor recreation opportunities throughout the State.

Placing high importance on outdoor recreation resonates throughout the five SCORP regions. In Region 5 (Eastern Sussex County), 65% said it was very important to them personally.

Outdoor Recreation Needs/Priorities

Based on the public opinion survey, the most needed outdoor recreation facilities in Region 5 include:

High facility needs:

- Walking and Jogging Paths
- Bicycle Paths
- Public Swimming Pools
- Community Gardens
- Fishing Areas
- Off-Leash Dog Areas
- Picnic Areas
- Basketball Courts
- Playgrounds

Moderate facility needs:

- Hiking Trails
- Boat Access
- Canoe/Kayak Launches
- Camping Areas
- Ball Fields
- Football Fields
- Public Golf Courses
- Soccer Fields
- Tennis Courts

Preparing for a Changing Climate. Sea level rise is one of several climate change impacts that can affect communities, the others being variable precipitation and increasing temperatures. Together, precipitation and accelerated sea level rise contribute to increased flooding. Under Governor Markell's Executive Order 41, directing Delaware State agencies to prepare for emerging climate impacts and seizing economic opportunities from reducing emissions, DNREC and the Office Of State Planning Coordination are tasked with identifying actions local governments can take to improve community resiliency, including an assessment of infrastructure vulnerabilities, land use policies, and other adaptation strategies that may be integrated into comprehensive land use plans. With that in mind, DNREC requests the opportunity to work with the Town to develop language for the comprehensive plan that addresses climate change impacts, as well as adaptation and mitigation strategies for the Town to pursue through implementing ordinances.

Sea Level Rise. Portions of Henlopen Acres and its surroundings will be subject to direct and permanent inundation from sea level rise (<http://de.gov/slrmmap>).

Sea levels in Delaware have risen by about a foot over the past century (NOAA, 2014). This rate of sea level rise is likely to accelerate in the coming decades as a result of global climate change and local subsidence. Accelerated sea level rise will result in permanent flooding of low-lying coastal areas, increased risk of flood damage during storms and increased frequency of nuisance flooding (DNREC, 2012).

Sea level rise may accelerate the rate of salt water intrusion into ground water and affect water supplies.

Recommendations:

1. The City should consider additional land use controls for the areas subject to 1.5 meter of sea level rise.
2. To reduce the costs of providing infrastructure the City should consider not permitting roads, sewer or water to be extended into areas subject to 1.5 meter of sea level rise.
3. The City should consider avoiding new structures within a mapped Sea Level Rise Area. Where such development cannot be avoided, new structures should be built with an additional 18 inches of freeboard to protect the health, safety and general welfare of people occupying and using the structures.

Recommendations for Ordinances and Plan Implementation

Wetlands Delineations:

Recommendation: Require all applicants to submit to the Town a copy of the development site plan showing the extent of State-regulated wetlands (as depicted by the State Wetland Regulatory Maps), and a United States Army Corps of Engineers (USACE) approved wetlands delineation as conditional approval for any new commercial and/or residential development. Additionally, the site plan should depict all streams and ditches which are jurisdictional pursuant to the Subaqueous Act (7 Del. C., Chapter 72) as determined by DNREC.

Freshwater Wetlands Protections:

Recommendation: Implement regulations to protect freshwater wetlands where regulatory gaps exist (i.e., isolated wetlands and headwater wetlands).

100 Foot Upland Buffer:

Based on a review of existing buffer research by Castelle et al. (Castelle, A. J., A. W. Johnson and C. Conolly. 1994. *Wetland and Stream Buffer Requirements – A Review*. J. Environ. Qual. 23: 878-882.), an adequately-sized buffer that effectively protects water quality in wetlands and

streams, in most circumstances, is about 100 feet in width. In recognition of this research and the need to protect water quality, the Watershed Assessment Section recommends that the applicant maintain/establish a minimum 100-foot upland buffer (planted in native vegetation) from all water bodies (including ditches) and wetlands.

Recommendation: Require a 100-foot upland buffer width from all delineated wetlands (approved by the USACE and DNREC) or water bodies (including ditches).

Impervious Surface Mitigation Plan:

Recommendation: Require the calculation for surface imperviousness (for both commercial and residential development) take in to account all constructed forms of surface imperviousness - including all paved surfaces (roads, parking lots, and sidewalks), rooftops, and open-water storm water management structures.

Recommendation: To encourage compact development and redevelopment in the Town's central business area, require an impervious surface mitigation plan for all residential and commercial developments exceeding 20% imperviousness outside that area, or at least in excellent recharge areas outside that area. The impervious surface mitigation plan should demonstrate that the impervious cover in excess of 20% will not impact ground water recharge, surface water hydrology, and/or water quality of the site and/or adjacent properties. If impacts to groundwater recharge, surface water hydrology will occur, the plan should then demonstrate how these impacts will be mitigated. If the impacts cannot be mitigated, the site plan should then be modified to reduce the impacts from impervious cover.

Poorly Drained (Hydric) Soils:

Recommendation: Prohibit development in poorly or very poorly-drained (hydric) soil mapping units. Building in such areas predictably leads to flooding and drainage concerns from homeowners, as well as significant expense for them and, often, taxpayers. Proof or evidence of hydric soil mapping units should be provided through the submission of the most recent NRCS soil survey mapping of the parcel, or through the submission of a field soil survey of the parcel by a licensed soil scientist.

Green Technology Stormwater Management:

Recommendation: Require the applicant to use "green-technology" storm water management in lieu of "open-water" storm water management ponds whenever practicable.

Stormwater Utility:

Recommendation: Explore the feasibility of a stormwater utility to fund upgrades to existing stormwater infrastructure. Upgrades to the stormwater system may reduce pollutant loads and help reach the established total maximum daily load for nitrogen, phosphorus, and bacteria.

Reach out to the Sussex Conservation District, Sussex County, and the Delaware Clean Water Advisory Council as partners in funding stormwater retrofits.

Drainage Easements:

Recommendation: The Town should pursue drainage easements along waterways and storm drains where currently there is none.

Sussex County – Contact Janelle Cornwell 855-7878

The plan should note that Sussex County operates the waste water system that serves the Town of Henlopen Acres. Page 18 of the plan states the Town’s waste water is connected to the Rehoboth Beach facility at Wolf’s Neck. This is incorrect. Waste water from the Henlopen Acres Sanitary Sewer District (HASSD) is conveyed to the Rehoboth Beach Sewage Treatment Plan (RBSTP). The RBSTP treats and disposes wastewater into the Lewes-Rehoboth Canal. The facility is located at 20543 Roosevelt Street, on the bank of the Lewes-Rehoboth Canal. Wolf Neck plant references should be deleted and RBSTP data included.

The proposed comprehensive plan update is consistent wastewater plans developed by Sussex County to serve the HASSD. Based on a review of the comprehensive plan update, Sussex County feels it will be able to meet the needs of the town of Henlopen Acres.

State Historic Preservation Office – Contact Terrence Burns 736-7404

Please see the attached letter from the State Historic Preservation Office.

Approval Procedures:

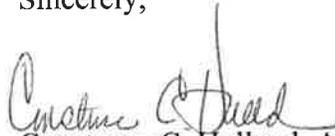
- Once all edits, changes and corrections have been made to the Plan, please submit the completed document (text and maps) to our office for review. **Your PLUS response letter should accompany this submission.** Also include documentation about the public review process. In addition, please include documentation that the plan has been sent to other jurisdictions for review and comment, and include any comments received and your response to them.

- Our office will require a maximum of 20 working days to complete this review.
 - If our review determines that the revisions have adequately addressed all certification items (if applicable), we will forward you a letter to this effect.
 - If there are outstanding items we will document them in a letter, and ask the town to resubmit the plan once the items are addressed. Once all items are addressed, we will send you the letter as described above.

- Once you receive our letter stating that all certification items (if applicable) have been addressed, the Planning Commission and Council should adopt the plan pending State certification. We strongly recommend that your Council adopt the plan by ordinance. The ordinance should be written so that the plan will go into effect upon receipt of the certification letter from the Governor.
- Send our office a copy of the adopted plan along with the ordinance (or other documentation) that formally adopts your plan. We will forward these materials to the Governor for his consideration.
- At his discretion, the Governor will issue a certification letter to your City.
- Once you receive your certification letter, please forward two (2) bound paper copies and one electronic copy of your plan to our office for our records.

Thank you for the opportunity to review this Comprehensive Plan. If you have any questions, please contact me at 302-739-3090.

Sincerely,



Constance C. Holland, AICP

Director, Office of State Planning Coordination

Attachment

Comments on Comprehensive Plan Review of

Town of Henlopen Acres

Submitted by

State of Delaware, Department of State, Division of Historical & Cultural Affairs

February 25, 2015

The Division of Historical & Cultural (HCA) is providing these comments on the Comprehensive Plan Review for Henlopen Acres as part of its role in the Preliminary Land Use Service (PLUS) review process.

The draft Comprehensive Plan submitted by Henlopen Acres does not address the deficiencies which were previously noted in our comments submitted in March 2012 and again in August 2012, a copy of which is attached and should be, again, recorded as part of our submitted comments.

The issue of proper zoning for the Rehoboth Art League remains unresolved. In comments submitted by HCA in March 2012, we noted this deficiency:

“As proposed, the Comprehensive Plan Review is deficient in protecting the cultural asset of the RAL. The plan suggests that the community was founded (and should be maintained) as a residential-only community. This is not our understanding of the history of the community, as noted above.

“The plan also places restrictions on the use and adaptability of the structures associated with the Rehoboth Art League, citing specifically that if the Rehoboth Art League were to cease to exist, “the property reverts to residential land use only.” A key principal of historic preservation is adaptive re-use, which

allows for buildings and sites to adapt to new uses over time in order to maintain the preservation of the building and/or site. Under the terms of this plan, options for the preservation of the Rehoboth Art League site would be severely limited.

“Further, and perhaps more importantly, the Plan as submitted does not acknowledge the cultural activities of the Rehoboth Art League through a zoning designation, but rather suggests that the use of the Rehoboth Art League site remain a conditional use granted by the municipal government. This provision could have a chilling effect on preservation efforts related to the Rehoboth Art League campus, as any proposed renovations would have to meet the standards for conditional use.

“HCA recommends that Town explore designating a separate zoning category for the Rehoboth Art League, one which acknowledges the decades-long role the Rehoboth Art League campus has played in supporting cultural activities. These activities are a benefit to the local community, the county, and the state as a whole.

“In 2010, HCA signed an affiliation agreement with the Rehoboth Art League. This agreement has resulted in the State of Delaware being formally affiliated with the Rehoboth Art League, and allows for the reciprocal use of buildings, land, collections, and staff between HCA and the Rehoboth Art League. HCA took this important step in order to further strengthen the preservation efforts related to the Rehoboth Art League campus.

“HCA realizes the preservation challenges facing the Rehoboth Art League and has been in discussions with RAL about the use of other preservation

mechanisms—covenants, easements, and trusts—which may help to preserve this important Delaware cultural property. Nevertheless, HCA urges the Town to revise the draft comprehensive plan to address the above-cited aspects which may in fact be detrimental to the Town’s stated interest in preserving its historic character.”

Our comments remain the same; the plan, as proposed, is deficient in addressing the cultural value of the Rehoboth Art League and does not set forth any remedy for its preservation as an important cultural asset to the community of Henlopen Acres and the State of Delaware at large.

Comments on Comprehensive Plan Review of

Town of Henlopen Acres

Submitted by

State of Delaware, Department of State, Division of Historical & Cultural Affairs

March 2, 2012

The Division of Historical & Cultural Affairs (HCA) is providing these comments on the Comprehensive Plan Review for Henlopen Acres as part of its role in the Preliminary Land Use Service (PLUS) review process.

HCA appreciates that the town recognizes the importance of preserving the Peter Marsh House, which in 1977 was listed in the National Register. Since that time, however, it is important to consider that the Rehoboth Art League (RAL) campus, as a whole, may be eligible for such recognition as well. The Town is also to be commended for its interest in establishing mechanisms that will ensure the protection of its historic properties. However, HCA believes that designating a separate zoning category may be more effective for that purpose.

The Henlopen Acres Comprehensive Plan Review as submitted does not adequately address the importance of cultural resources to this community, directs little attention to the ongoing preservation of these cultural resources, recommends actions which may be detrimental to the long-term viability of these cultural resources, and misstates important historical facts about the founding of the community and the ongoing evolution of at least one important cultural asset in the Town.

The history of Henlopen Acres, as summarized in the submission by Henlopen Acres, rightly dates the initial land grant for the area to 1675 as part of the Young's Hope patent granted by Governor Sir Edmund Andros of New York, and also cites the change of ownership which occurred in 1871. The transfer of the property to W.S. Corkran in 1930, however, is given little context and the importance of this transfer deserves emphasis in any discussion of the founding of Henlopen Acres as a community.

Under the ownership of Colonel W.S. Corkran and his wife, Louise, Henlopen Acres was developed with the vision of creating an art-based community in Sussex County. Louise Corkran's vision of such an art center resulted in numerous activities which led to the founding of the RAL, which has been in continual operation on its current site in Henlopen Acres. The site includes gallery and studio spaces, as well as garden and open spaces for use by artists and patrons of the arts.

The RAL is Sussex County's first organized cultural arts center and possesses historical and cultural significance that extends far beyond Henlopen Acre's boundaries, significance which is embodied in many of the buildings and the grounds which make up the RAL campus. H. Clay Reed, a celebrated historian and history professor at the University of Delaware, glowingly remarked in his 1947 publication entitled *Delaware: a History of the First State* that the RAL is "one of the most interesting art colonies in the state" and noted its statewide importance as an outgrowth of the Delaware of Public Instruction's (DPI) early twentieth century adult education program.

DPI's 1936 publication entitled *Enriched Community Living; an Approach through Art and Music in Adult Education* illustrated in detail the importance of art and music to communities; this belief was echoed on the national level by the Federal Arts

Project, a subset of the Works Progress Administration. Under the supervision of Delaware artist David Reyam, hundreds of Delaware's finest examples of handicraft were documented through this program.

In 1937, this prevailing culture of art appreciation inspired Mrs. Louise Chambers Corkran to organize the RAL. Mrs. Corkran, a graduate of the Pennsylvania Museum School of Industrial Art, was the RAL's founder and secretary. Her collaborative efforts with numerous renowned artists (including Howard Pyle, Ethel P.B. Brown Leach, Elizabeth Harrington MacDonald and Howard Schroeder) as well as officers and boards of directors enabled her to establish a variety of summer cultural activities, including musicals, lectures, exhibitions and various educational classes.

For more than seventy years, the RAL has continuously upheld a tradition of promoting community interest in the arts via instruction and public outreach to adults and children alike. The RAL's galleries provide venues in which locally and internationally renowned artists share their talents with not only town and state residents but also countless of tourists to the area. The Delaware Division of Historical and Cultural Affairs recognizes the RAL's historical and cultural significance and its unique role in the founding of the community, and encourages the Town of Henlopen Acres to take this into account during current and future planning decisions.

Recognizing the important work of the Rehoboth Art League as a foundation for cultural activities in Sussex County, the State of Delaware invests annually in the Rehoboth Art League's mission through funding from the Delaware Division of the Arts. Annual operating grants ranging from \$40,000 to \$50,000 ensure that the Rehoboth Art League can continue to serve as a leader in the arts community. In order to fulfill their

mission and sustain their commitment to the State to serve the community, artists, and the schools, it is critical that they retain flexibility in the use of their physical resources.

The Rehoboth Art League is also the only non-Wilmington based member of the Arts Consortium of Delaware, a major endowment fund that supports facilities maintenance projects for arts organizations across the state. Their voice at the table of the ArtCo board is critical in maintaining a statewide perspective in the allocation of public and corporate investments for arts organizations statewide. Again, sustaining the organization's ability to fulfill its mission through the retention of flexibility in the use of their physical resources is critical to their continued participation in ArtCo operations and receipt of funds from that endowment.

A complete history of the RAL, "The Rehoboth Art League: 75 Years of Cultural Enrichment in Henlopen Acres" by Richard Poole (2011), has been attached to this document as an appendix and should be considered part of HCA's formal submission.

As proposed, the Comprehensive Plan Review is deficient in protecting the cultural asset of the RAL. The plan suggests that the community was founded (and should be maintained) as a residential-only community. This is not our understanding of the history of the community, as noted above.

The plan also places restrictions on the use and adaptability of the structures associated with the Rehoboth Art League, citing specifically that if the Rehoboth Art League were to cease to exist, "the property reverts to residential land use only." A key principal of historic preservation is adaptive re-use, which allows for buildings and sites to adapt to new uses over time in order to maintain the preservation of the building and/or

site. Under the terms of this plan, options for the preservation of the Rehoboth Art League site would be severely limited.

Further, and perhaps more importantly, the Plan as submitted does not acknowledge the cultural activities of the Rehoboth Art League through a zoning designation, but rather suggests that the use of the Rehoboth Art League site remain a conditional use granted by the municipal government. This provision could have a chilling effect on preservation efforts related to the Rehoboth Art League campus, as any proposed renovations would have to meet the standards for conditional use.

HCA recommends that Town explore designating a separate zoning category for the Rehoboth Art League, one which acknowledges the decades-long role the Rehoboth Art League campus has played in supporting cultural activities. These activities are a benefit to the local community, the county, and the state as a whole.

In 2010, HCA signed an affiliation agreement with the Rehoboth Art League. This agreement has resulted in the State of Delaware being formally affiliated with the Rehoboth Art League, and allows for the reciprocal use of buildings, land, collections, and staff between HCA and the Rehoboth Art League. HCA took this important step in order to further strengthen the preservation efforts related to the Rehoboth Art League campus.

HCA realizes the preservation challenges facing the Rehoboth Art League and has been in discussions with RAL about the use of other preservation mechanisms—covenants, easements, and trusts—which may help to preserve this important Delaware cultural property. Nevertheless, HCA urges the Town to revise the draft comprehensive

plan to address the above-cited aspects which may in fact be detrimental to the Town's stated interest in preserving its historic character.

Appendix

The Rehoboth Art League

75 Years of Cultural Enrichment in Henlopen Acres

Compiled by Richard E. Poole in September 2011 from Louise Chambers Corkran's 1966 history, *Sand In Your Brush*; File of Potter Anderson & Corroon LLP in connection with the 1970s transfer of the Homestead from the University of Delaware to the Rehoboth Art League; Jann Haynes Gilmore's 2003 book, *Doors To History, Rehoboth Art League*; and other sources, including the Town of Henlopen Acres, its website and Comprehensive Development Plan, July 2004; the Rehoboth Art League archives and the Rehoboth Art League's Proposed Guiding Principles for a Master Buildings and Grounds Plan; research by the Delaware Division of Historical and Cultural Affairs in conjunction with the Town of Henlopen Acres 2011 Review of its Comprehensive Land Use Plan; and letter submitted to the Henlopen Acres Planning Commission, Mr. John M. Barto, Chairman, from Diana Beebe, President, Rehoboth Art League Board of Trustees, July 21, 2011.

The Welcome page of the official website of the Town of Henlopen Acres recounts that Col. Wilbur S. Corkran developed Henlopen Acres beginning in the 1930s, stating in his sales brochure that he had planned an ideal residential community where "cultured people" may live "amid conditions which make for health, comfort, and refined pleasure." Indeed, as described later herein, the Corkrans began providing refined cultural amenities in their own home, the Homestead, and on their immediately adjacent land, long before most of the surrounding Henlopen Acres lots were sold, new houses built, or other residences occupied.

The Peter Marsh family built the Corkrans' historic house in about 1743. It remained intact and was occupied continuously from that date until Mrs. Corkran's death in 1973. It and the farm now comprising Henlopen Acres were transferred, in 1871, to the Dodd family, who in turn sold it to the Corkrans, in 1929. This deed, as well as a later 1982 deed, conveyed this property for use not only as residences, but also for art galleries and art schools.

The Homestead is a significant example of an Eighteenth Century Sussex County farmhouse, retaining much of its original detail at the time the Corkrans restored, remodeled and enlarged it in the Colonial style. In one north facing wing, the Corkrans added skylights, creating an ideal space for creating works of art. In 1934, Mrs. Corkran wrote about the Homestead restorations in *American Home* magazine. The house also is significant as the visual focal point of Col. Corkran's Henlopen Acres development.

The Corkrans were creative individuals with refined aesthetic backgrounds. Col. Corkran was trained as an architect and civil engineer. He met Louise Chambers in Rehoboth, and they married in 1918. Mrs. Corkran was trained as an interior designer at the Pennsylvania Museum of Industrial Art, and before her marriage, she worked in that field for three years. Prior to moving to Delaware, the Corkrans lived for a dozen years in Short Hills, New Jersey, establishing a home and garden there that was featured in the *New York Times*.

Clearly it was not just the sun, sand and sea that attracted the Corkrans to Rehoboth Beach. Persons of refined artistic sensibilities and talent spent summers there

and more. In the early 1900s, the world famous artist and founder of the Brandywine School of Illustration, Howard Pyle, enjoyed staying at his family's cottage in the Pines and painting out of its art studio. In the 1920s, some of Howard Pyle's later renowned students summered in Rehoboth Beach, such as N.C. Wyeth and his young family, including Andrew Wyeth, later to become one of America's most cherished artists.

Also in the 1920s, another nationally prominent student of Howard Pyle, Ethel P.B. Leach, the dean of Delaware women artists during the first half of the Twentieth Century, established a studio in the Pines immediately adjacent to the future Henlopen Acres. She actively promoted the arts through the Village Improvement Association (V.I.A.), and a Rehoboth Beach artist colony prospered. Within a few years of moving to the Homestead in 1930, Louise Corkran became chair of the V.I.A.'s arts committee and assisted Ethel P.B. Leach with Annual Summer Art Exhibitions. At the same time in the mid-1930s, Louise Corkran became involved in the effort to establish a statewide arts center in Wilmington: (i) to house the most important pre-Raphaelite art collection outside of the United Kingdom, owned by the Bancroft family; and (ii) to care for the extensive collection of Howard Pyle works amassed by the Wilmington Society of the Fine Arts. The successful end result was the founding of the Delaware Art Museum in New Castle County in 1938.

Louise Corkran promoted as well a permanent arts center in Sussex County. In 1935, with the participation of some 100 other women, she sponsored Old Sussex Day at the Homestead, and organized the first Cottage Art Tour in Rehoboth. Howard Pyle's widow contributed one of her husband's paintings to raise funds, and Ethel P.B. Leach donated one of her own paintings as well. In the summer of 1936, Louise Corkran had

Ethel P.B. Leach arrange for a group of faculty wives from St. Andrews School, Middletown, Delaware, to come to Henlopen Acres fortnightly to sketch under the direction of the art instructor at that school. In March of 1937, Mrs. Corkran invited twenty-two women from several Delaware towns to a luncheon conference at her Homestead residence in Henlopen Acres to undertake arrangements for an art league. That summer, Mrs. Corkran held art classes in Henlopen Acres with Orville Peets as instructor, a nationally known painter and engraver whose work is in the permanent collections of the Philadelphia Museum of Art, the Baltimore Museum of Art and the Cleveland Museum of Art, among many others – including the Rehoboth Art League. In the autumn of 1937, Mrs. Corkran was among some eight individuals who continued planning for an arts supporting organization. Mrs. Corkran in early 1938 began selling Delaware-made pottery to raise funds for an arts organization.

Colonel Corkran loaned a two-acre site down hill from his Homestead residence in Henlopen Acres for the location of a studio. The two room wing of an abandoned farm house, built by William Paynter about 1780, was floated in February 1938 on the Lewes-Rehoboth Canal to the Henlopen Acres site from a nearby location. The Corkrans' foreman for their Henlopen Acres development oversaw the restoration of the Paynter Studio, one of the very first structures to be added on Henlopen Acres land. Although Rehoboth gave the League its name, Colonel Corkran was the benefactor who thus provided its center of activity within his Henlopen Acres community.

On June 18, 1938, more than two hundred persons assembled for a luncheon at the Homestead and for the Dedication Ceremonies of the founding of the Rehoboth Art League, an organization with the mission to bring together interested persons to inspire,

encourage, and sustain the art spirit in the larger Rehoboth Beach community and beyond, and to provide exhibits, lectures and related activities to Rehoboth Beach visitors to add creative purpose to their vacation pleasures. Theodore Palmer of Rehoboth Beach -- a friend who had driven Howard Pyle around the countryside in his horse and buggy when the famous artist in the 1890s and early 1900s was in residence at his cottage in the Pines -- welcomed the new Rehoboth Art League to Sussex County. Dr. (of Divinity) Wilbur F. Corkran, Col. Corkran's father, recited the dedicating prayer; Edgar J. Goodrich, a prominent federal judge in Washington, D.C., was Master of Ceremonies; and Thornton Oakley, one of Howard Pyle's beloved students in the 1900s, and recipient of the *Les Palmes d'Officier d'Academie* in 1932, delivered the principal address, honoring Howard Pyle's widow who was in attendance, and also recognizing the presence of fellow Pyle students Stanley Arthurs, Gayle Hoskins, Bertha Bates and Ethel P.B. Leach.

As noted, among the Rehoboth Art League Dedication attendees was Mrs. Howard Pyle, widow of the famous artist, who honored the occasion by placing her "mark" upon one of the Paynter Studio's antique doors. Several of Mr. Pyle's distinguished students who were present likewise signed the Paynter Studio door: Thornton Oakley and his authoress wife, Amy Oakley, of Philadelphia; Ethel P.B. Leach and her husband, William Leach; Orville Peets and his wife, Ethel Canby Peets; followed by Stanley Arthurs, Bertha Bates and Gayle Hoskins. Also in attendance that day was Mrs. Samuel Bancroft of Wilmington, representing the family that had been so vital a force in the Wilmington art scene, resulting, as described above, in the founding of the Delaware Art Museum. She also affixed her signature and her modest symbol.

So began the “Doors of Fame,” upon which artists and other distinguished visitors have been invited to paint their signatures and a symbol of their interests. The pantheon of notables -- closely identified with Delaware and the mid-Atlantic region but esteemed and known throughout the country and internationally -- who have so honored the Rehoboth Art League include officers and enlisted heroes of the Army, Navy, and Air Force; Ivy Baker Priest, only the second woman to be named Treasurer of the United States, serving during the entire Eisenhower administration; a United States Director of East-West Trade at the State Department; an ambassador to El Salvador; a vice president of Metro Goldwyn Mayer in California; many artists (including one whose work is in the Vatican Collection in Rome, another who was a conservationist and illustrator for *National Geographic* magazine, and an artist from China, whose work is represented in the permanent collections of the Metropolitan Museum of Art, the Brooklyn Museum and the Whitney Museum, all in New York City, and the Pennsylvania Academy of the Fine Arts, in Philadelphia); sculptors (including one whose work was collected by the Biltmore Estate in Asheville, North Carolina); musicians (a one time Director of the Baltimore Symphony Orchestra, and a first flute of the Philadelphia Orchestra); opera stars, writers (including an artist/poet who was a personal friend of Carl Sandburg), explorers, educators, lecturers, research scientists; foresters (including George Vanderbilt’s chief forester, the subject of a 1951 *New Yorker* “Talk of the Town” article, and selected for the position by his predecessor, Gifford Pinchot); and photographers of distinction (including one who restored and catalogued Matthew Brady’s Civil War photographs and contributed his own work to *Time*, *Newsweek*, and the *Saturday Evening Post*). Two Presidents of the University of Delaware, John A. Perkins and E. Arthur

Trabant, affixed their signatures, as did two Pulitzer Prize Winners: Howard Hanson (Rochester, N.Y. – Composer), and Marquis James (Philadelphia – Author). Louise and Col. Corkran both signed the Doors of Fame, as did many engineers and architects who were professional colleagues of Col. Corkran's.

The six Delaware Governors who have signed are Elbert N. Carvel, J. Caleb Boggs, Charles L. Terry, Russell W. Peterson, Pierre S. du Pont, IV and, most recently, Jack Markell, who, along with his wife Carla, in recognition of their support of the arts, signed the Doors of Fame when they were being exhibited at the Biggs Museum of American Art in Dover during the spring of 2011.

An artist and former Director of the San Diego Museum of Art, whose father was also an artist and pupil of John Singer Sargent, signed one of the Doors of Fame after becoming closely associated with the Rehoboth Art League in 1946, thereafter painting portraits of Delmarva Peninsula notables such as, in 1953, Dr. James Beebe and Dr. Richard Beebe, founders of Beebe Hospital, and, in 1957, General Nelson Appleton Miles, to hang at the Ft. Miles officers' club. Another artist signer sketched many scenes around the Rehoboth Art League grounds and throughout Henlopen Acres, and author James Michener selected him to illustrate Michener's book, *The Watermen*, based on his novel *Chesapeake*. Delaware's United States Senator John J. Williams signed the original Door of Fame in 1969. Still another signer was the 1981 founder of The National Museum of Women in the Arts in Washington, D.C., owner of some 3,000 works of art by some 1,000 women artists of national distinction.

Amelie B. Sloan, a niece of Ethel P.B. Leach, had attended Old Sussex Day at the Homestead in 1935, and, as a prominent southern Delaware ceramist, she has been an

instructor and otherwise associated to this day with the Rehoboth Art League during its entire 75 years. She most fittingly signed the Doors of Fame in 1999; adding her imprint to one of the most remarkable artifacts of Delaware's artistic and cultural history.

In August of 1938, the first Annual Meeting elected as President Mrs. James H. Hughes, Jr., of Dover, the wife of one of Delaware's incumbent United States Senators. Her successor as President of the Rehoboth Art League was Mrs. James M. Tunnell, the wife of another United States Senator from Delaware. In 1939, the Rehoboth Art League published its first art classes brochure. On rainy days when it was too crowded inside the Paynter Studio, the Corkrans invited art students to paint on the back porch of their two hundred year old Homestead up the slope.

In the early 1940s, the Rehoboth Art League purchased almost two acres of land from Henlopen Acres. But some of the spirit and leadership of the Rehoboth Art League lagged during the war years, especially when during 1942-1946 Col. Corkran re-entered military service with the United States Army Corps of Engineers. But Louise Corkran persevered. As she reminisced:

Uncounted servicemen, including the U.S. Coast Guard, have been guests at our lectures, picnics, dances and Sunday teas. The [Rehoboth Art] League has endeavored to develop community interest in the arts, and, during these years of war, to provide a rallying point for artists in the service on this Peninsula. The visitor's book proves by its local and far-flung addresses that it serves such a purpose.

In the late 1940s, Colonel Corkran, A.I.A., swapped two-acre plots on the Homestead grounds with the Rehoboth Art League. He thereupon planned and supervised -- along with his Henlopen Acres development foreman, a later Doors of

Fame signer -- the construction of the Corkran Studio, a 44' x 26' exhibition room. The *Esso Road News* described the Rehoboth Art League in about 1947 as a "hotbed of artistic activity in Delaware in Henlopen Acres," and added that "[v]isitors will readily see why this marine view attracts so many artists who come to paint the picturesque waterfront scene." As described by a reporter for the *Delaware Coast Press* in early 1950, artistic activity in Henlopen Acres did not diminish as the 1940s decade ended:

Each day of the entire long season finds the [Rehoboth] Art League Studios and grounds in a beehive of activity. Not only are students kept busy, but artists vacationing in this area, have discovered the [Rehoboth Art] League as a delightful spot in which to sketch. The picturesque two centuries old Paynter House Studio and its two Doors of Fame, and the spacious and workmanlike new Corkran Studio, opened for classes last July 1st, and the glade of lofty pines in which they're located all make a true artist's "paradise."

In 1948, the Sussex Archeological Society held an exhibition at the Rehoboth Art League of Indian relics found on the Delmarva Peninsula. In 1949, a sketch group was formed. In 1952, the Corkrans began displaying sculpture in their Homestead gardens at the time of the annual Cottage Art Tour, attracting work of prominent sculptors from Wilmington, Baltimore and Philadelphia. Perhaps the most famous sculptor to exhibit his work at the Rehoboth Art League, and who signed his name in 1986 on an interior wall of the Paynter Studio, was A. J. Obara, Jr., whose sculpture has been commissioned by Ronald Reagan, the Prince of Wales, and Paul Newman, and is included in the collections of the White House and Monaco's Oceanographic Museum, among others. He also created the first bronze to be put in space by a NASA Discovery launch in 1985.

In 1952, the local Camera Club, of which Mr. William Horn was then president, requested affiliation with the Rehoboth Art League. The Camera Club scheduled an outstanding series of lectures concerning its field. Among their stars was another Howard Pyle student, Frank E. Schoonover, the eminent and historically minded artist from Wilmington. Life classes, which had been established for painters in 1945, were held for photographers in the early 1950s, resulting in a substantial increase in membership. In 1953, another classroom, the Seaward Wing of the Corkran Studio, was built, including a dark room for the Camera Club. Still another addition came two years later when a small building, given by Henlopen Acres, was attached to the west end of the Corkran Studio for conversion into a storage room. An art library was formed in 1958. All in all, the decade of the 1950s was when the Rehoboth Art League came to dominate the southeastern Sussex County arts and culture scene, and it was Louise Corkran who in her annual letter to the membership recapped each year's activities and updated the calendar related to the arts in the region. Through their leadership and patronage, in 25 years the Corkrans had established a permanent home in Henlopen Acres for arts activities in southern Delaware.

Mrs. J. Townsend Tubbs, a member of the Rehoboth Art League Board of Directors, was Building Committee Chairman in 1964, when the North Studio, later renamed in her honor, was added to the Corkran Studio, consisting of an additional storage room, a heated office and two rest rooms, and a large exhibition-class room, enabling the Rehoboth Art League to expand its classes, to offer its many services throughout the year, and to display its exhibits in another beautiful setting. In 1964, an annual Flea Market was instituted on the grounds of the Rehoboth Art League. Louise

Corkran in 1966 expressed genuine pride in the Rehoboth Art League campus she and her husband had brought about: “Rewarding moments can be had when one visits the Studios, other than from viewing the succession of exhibitions of man-made art. . . . The children may be sitting around in the grass, on stumps or timbers, doing their lessons.”

Still more expansion occurred in 1969 when a new studio was built and dedicated to the Corkrans, becoming known as the Chambers Studio, memorializing Mrs. Corkran’s maiden name. In 1971, an addition to the Chambers Studio accommodated sculpture classes. It was only this last Chambers building, of the several structures on the Rehoboth Art League campus, that was constructed after Col. Corkran’s death, and Mrs. Corkran was living at the time, demonstrating that they both were fully prepared to support the Rehoboth Art League when it needed to expand and modify its buildings to accommodate its burgeoning programs.

Throughout its existence, the Rehoboth Art League has offered art classes for children and adults, including at various times in painting, both in oil and in watercolor; drawing; modeling; and sculpture. Daytime classes were held during the summer from the time of the Rehoboth Art League’s founding in 1938, and evening classes to 10:00 P.M. were added in 1940. Spring and fall classes, both during the day and in the evening until 10:00 P.M., began to be offered in the mid-1960s. Winter classes were added during the day in 1974, and in the evening to 10:00 P.M. in 1988.

The Rehoboth Art League annually has given scholarships to the Rehoboth Public Schools and to the Children’s Beach House in Lewes, where handicapped children enjoy vacations. In 1943, the Rehoboth Art League presented a Junior Party and Hobby Show. In 1958, a sales “Portfolio” was established in which members offered for sale one to six

prints, etchings, or paintings for a period of six months to a year. In 1972, a pottery studio was added to the Chambers Building, 25 years after the first pottery kiln had been installed in the Corkran Studio in 1947.

The Rehoboth Art League over the years has also given attention to related arts: e.g., instruction in yoga, photography, in shell jewelry, crewel embroidery and design, night weaving, creative writing, and in speech, including Spanish and French language courses, lectures and workshops on flower arranging, and lectures on landscaping, city planning, stagecraft, and horticulture. Beginning as early as 1939, Louise Corkran promoted gardening classes as part of the Rehoboth Art League's summer curriculum. Many of the instructors have been trained at the best art schools and universities: the Academie of Julian, the Art Faculty of Carnegie Institute of Technology, the Ecole de Beaux Arts and in other studios in Paris, the Philadelphia College of Art, Temple University, Syracuse University, Chicago Art Institute, the Art Students League of New York, the Rinehart School of Sculpture, Kutztown State College, Cooper Union, Maryland Institute of Art, Philadelphia Academy of Art, and the Wilmington Academy of Art. Howard Schroeder was the instructor who had one of the longest tenures and who contributed most substantially to the Rehoboth Art League curriculum.

Throughout its history, the Rehoboth Art League has attracted artists and cultural organizations presenting frequent exhibitions, both indoors, and outdoors as of 1940, an Annual Members' Exhibition, begun in 1938, the Delaware Festival of the Arts, begun in 1958, additional group shows of three or four Rehoboth Art League members, and Students' Work Exhibitions with awards given and receptions for parents and friends.

Originally held during the day, shows began in 1953 to be presented in the evenings as well. Formal evening exhibit openings were started in 1963.

Beginning in 1940, Sunday afternoon “House Warmings” or teas were held at the Paynter Studio to allow the public to view the current exhibitions. Clothes Line Sales of Art began in 1941. A much-anticipated exhibition in 1943 was of the watercolors of Andrew Wyeth, but it had to be cancelled because of wartime gas rationing. A particularly outstanding exhibition mounted by the Rehoboth Art League consisted of the Scrapbooks of Howard Pyle, the author and illustrator, containing clippings of all his magazine articles and illustrations.

As early as the late 1930s, artists’ balls were a social fixture in Henlopen Acres. For many years beginning in 1940, an Annual Picnic Supper on the Studio grounds gave the widespread Rehoboth Art League membership an opportunity to get to know one another, to see the Members’ Exhibition, and usually to hear a stimulating lecture. In the mid-1960s, Mrs. Corkran reported that Rehoboth Art League members came from nineteen states and the District of Columbia, including Maine, California and Florida, two from Johannesburg, and another from Jamaica, B.W.I. Artists from the Delmarva Peninsula, from Wilmington, Washington, Baltimore, Philadelphia, and New York, as well as from other and more distant cities, have participated in Rehoboth Art League activities.

Through the years, members and friends with their gifts have helped the Rehoboth Art League to establish a Permanent Collection – oils, watercolors, prints, collages and sculptures. The Rehoboth Art League itself has purchased a portrait of its founder and long-time Executive Secretary, Louise Chambers Corkran, painted by Ethel P.B. Leach;

an oil painting of the sun-lit exterior of the “Paynter Studio,” also by Ethel Leach; and a portrait of the late Colonel Corkran, commissioned by his friends as a memorial and painted by John E. Landry. Also included in the collection is a powerful watercolor, “Toledo, Spain” by the League’s first Life Member, Thornton Oakley. Another prominent artist represented in the Rehoboth Art League’s Permanent Collection is Jack Lewis, still living at age 99, who also was an author and illustrator, having published books about many localities, including one of the Hudson River at the invitation of Eleanor Roosevelt, who of course had a family compound in Hyde Park. Sometimes the Rehoboth Art League redirects an acquisition elsewhere, such as when a small gilt framed mirror was contributed to the White House, believed to have been part of its furnishings during the incumbency of John Quincy Adams.

A major activity of the Rehoboth Art League, for twenty-seven seasons starting in 1944, was the Artists’ Costume Ball. One year the theme was “An Evening in Paris,” when fittingly the guest of honor who presented the awards was General Omar N. Bradley, Group Commander of the Armies that liberated Paris. Other special guests included Jack Valenti and United States Senator Claude Pepper. A Junior Costume Party was added in 1946. The Cottage Tour of Art was inaugurated in 1950.

Rehoboth Art League members and their friends have benefited from an outstanding succession of lectures. The complete list reveals a wealth of talent and astonishing variety of experience and knowledge – not only in the fields of art and architecture, but also in poetry, music, photography, travel, diplomacy, foreign affairs, and even war. Mrs. Irene du Pont and Mr. R.R.M. Carpenter gave lectures at the Rehoboth Art League, and in 1961, a year before his death, Colonel W.S. Corkran

himself delivered a lecture on “Brookside Gardens Sculpture.” Other activities of the Rehoboth Art League have been film showings, a Junior Hobby Show and a Junior Costume Party; Flower Shows, Flower Arrangement Lectures and Workshops, and other exhibitions on special subjects. In Music, Opera and the Dance, the Rehoboth Art League has presented a number of programs of distinction, including, in 1967, by the Pennsylvania Ballet Company. Since the earliest years, the Rehoboth Art League has sponsored a “Sketch Group” when members and artists visiting in Rehoboth may come for free professional criticism, self-help and fraternity.

In the mid-1960s, Louise Corkran looked back on the first thirty years of Rehoboth Art League history and concluded that the initial enthusiasm of the 1930s had not proved itself a false dawn. The Rehoboth Art League was formally incorporated in the State of Delaware as a non-profit organization in 1941. In 1963, it qualified as a charitable organization under federal law. It was about that time that the friends and the widow of the late Colonel Corkran, who died in 1962, gave a Memorial Award Endowment to the Rehoboth Art League. Mrs. Corkran observed that the Rehoboth Art League was a rich tapestry woven of the thoughts of many minds, the efforts of many willing hands, and much community cooperation. Although located on a central campus in Henlopen Acres, Mrs. Corkran continued to reach out to the greater Rehoboth area, the entire State of Delaware and, indeed, to the many visitors and part-time and full-time residents from the District of Columbia area, Baltimore, Philadelphia and beyond. Membership grew from a handful in 1938 to more than 650 in 1965. In turn, the residents of Henlopen Acres have long enjoyed the many cultural and recreational activities offered by the neighboring cities of Rehoboth Beach and Lewes.

In 1970, the Charter of the Town of Henlopen Acres was approved. Thus, at about the half-way point in the Rehoboth Art League's 75-year history, the Rehoboth Art League and Henlopen Acres evolved from operating as a cultural center adjoining its founders' private Homestead residence within a planned private mixed-use residential development, to a public town with a central core use consisting of non-residential cultural activities, as well as outlying non-residential beach, marine, horse riding school, post office and governmental multi-use districts.

It was also in 1970 when the Alumni Association of the University of Delaware presented a bust of Louise Corkran to the Rehoboth Art League. More than two hundred persons attended the ceremony on the Rehoboth Art League's campus, during which the University's president promised Mrs. Corkran "to keep these doors open for continuous growing of cultural beauty and development in Rehoboth Beach." That same year still another recognition was bestowed on the Rehoboth Art League's founder when Delaware's Governor made her the recipient of the very first Delaware Governor's Award for the Arts.

Until their deaths in 1962 and 1973, both Col. and Mrs. Corkran had been actively involved in most of the Rehoboth Art League's activities. The Homestead had served as a backdrop for many of the Rehoboth Art League's social events, and Col. and Mrs. Corkran used their considerable resources to support the construction, care and maintenance of the Rehoboth Art League's facilities in Henlopen Acres.

Fortunately, the Rehoboth Art League did not wither after the deaths of Col. Wilbur Corkran and his wife Louise. An annual fall fashion show was presented starting in 1973. A New Year's Eve Supper Dance tradition began that same year. During the

period of the 1970s, Howard Schroeder and Jack Lewis carried on the summer curriculum in Henlopen Acres. It was also then when the Rehoboth Art League instituted annual Members Crafts Exhibitions, juried by such internationally known figures as the Director of the American Crafts Museum in New York City, and the Director of the Smithsonian's Renwick Gallery in Washington, D.C. The annual Flea Market, begun in 1966, continued to flourish during the 1970s on the Rehoboth Art League's campus. In 1974, the Rehoboth Art League held the first annual Outdoor Art Show in Henlopen Acres, continuing ever since. In 1977, the Rehoboth Art League formed a music committee to promote musical performances on its campus.

The Corkrans' estate plan devised the Homestead to the University of Delaware, with the restriction that the property be maintained in such condition as would respect its authentic character and furnishing as a colonial Sussex County Seat. In September 1973, the Rev. Richard S. Bailey, from All Saints' Episcopal Church, and as then president of the Rehoboth Art League, wrote to the president of the University of Delaware, reopening a discussion that had terminated a year earlier ". . . because . . . Mrs. Corkran got upset over a show of abstract art which she saw in Newark -- she then being ninety, and rather set in her ways." Rev. Bailey continued that he became ". . . more than ever concerned with this whole question because Mrs. Corkran seems to fail more rapidly than ever, and it would be such a wonderful thing if the University's use of the property could in some way be supportive of the Art League, which is in a way her life's work." Rev. Bailey's idea was ". . . that the University might use the Homestead as a Fine Arts Center for Sussex County -- summer only, or year round -- offering lectures and classes in the creative arts -- exhibitions, etc." Rev. Bailey concluded: "I have not discussed this

recently with Mrs. Corkran; it seems unwise now, altho[ugh] earlier she was most receptive to the idea." Two month later, leading the Rehoboth Art League until the end, Louise Corkran died on November 18, 1973, one week after sending out her final letter to the Rehoboth Art League membership.

Except for occasional overnight stays by visiting artists, the Corkrans' beloved Homestead ceased thereafter to be a residence. Instead, for the last almost 40 years, Rehoboth Art League members and visitors come to the campus to take a class, view an exhibition, participate in events and fundraisers, attend open studios, walk the gardens, explore the Homestead, or meet to converse about art and culture. Membership in the Rehoboth Art League as of July 2011 remains close to 1,000, about the same as 30 years ago, and approximately one-third of Henlopen Acres residents are in the Rehoboth Art League's membership database today. The Rehoboth Art League at the present time continues to be open year-round, offering exhibitions, classes, and special events to promote the artistic spirit in Southern Delaware. The Rehoboth Art League also has a long history of sharing its facilities and wonderful campus with many other organizations for their various meetings and other events, including the Town of Henlopen Acres, Block W, Osher Lifelong Learning, Coastal Concerts, Azalea Society, the Village Improvement Association, Sussex Gardeners, Leadership Delaware, Delaware Arts Council, and The Delaware Arts Alliance. In addition, the Rehoboth Art League has made its facilities available over the years for private functions, including business meetings and weddings, parties, and other social occasions.

In August 1978, Charlotte T. Bannister, on behalf of her ill husband, Dr. Turpin C. Bannister, one of the heirs mentioned in Col. Corkran's will, wrote to the University of

Delaware's attorney, noting that the University of Delaware was unable to use the Homestead for the purpose of a summer residence for faculty as intended by Col. Corkran, and that the Public Archives Commission also declined to take over the Homestead. Mrs. Bannister urged that the contents of the Homestead should be divided among the heirs, and ". . . the Homestead should then be given to the Rehoboth Art League, in which both Mr. and Mrs. Corkran shared so great an interest."

Thereupon, the University of Delaware petitioned the Delaware Court of Chancery to permit the transfer of the Homestead to the Rehoboth Art League. By letter opinion on April 19, 1979, then Vice-Chancellor Brown ruled as follows:

The [Rehoboth] Art League is a nonprofit organization created to further the appreciation of the arts in the Rehoboth area. It has existed for forty-one years. Col. Corkran and his wife were closely associated with it. The property on which the [Rehoboth] Art League is now situated adjoins that of The Homestead. The property was conveyed to the [Rehoboth] Art League by the Corkrans. The [Rehoboth] Art League now has some 600 paid memberships including more than 1,000 individual members. It has present assets of at least \$500,000 and it is in a position to financially assume the expense of maintaining The Homestead as a historic site, just as desired by Col. Corkran. The effort of certain [Rehoboth] Art League members is said to have been instrumental in obtaining a place for The Homestead on the National Register of Historic Places [in 1977]. Should the conveyance of the [Homestead] property be approved, the [Rehoboth] Art League proposes to maintain the [Homestead] property as a historical attraction open to the public. It further

proposes to maintain the [Homestead] property in its original design so as to respect its authentic character.

By Order on May 18, 1979, the Delaware Court of Chancery approved the transfer of The Homestead from the University of Delaware to the Rehoboth Art League, reciting that ". . . the University has indicated that it believes that the Rehoboth Art League, Inc., an organization closely associated with the Corkrans would be a suitable organization to acquire the Homestead, the surrounding land and furnishings so long as it maintains the property in accordance with the will of Wilbur S. Corkran." The Delaware Chancery Court provided the condition for the transfer that the Rehoboth Art League continue to exist and not try to sell the Homestead; otherwise the property would revert to the University of Delaware. By deed dated June 18, 1979, the University of Delaware transferred the property to the Rehoboth Art League, Inc., with those same restrictions. As a part of the court case, the Rehoboth Art League also acquired the marina, but, after approval by both the Rehoboth Art League membership and Henlopen Acres residents, the marina was sold to the Town of Henlopen Acres in 1979 for \$1.00, with the stipulation that the Rehoboth Art League could sell three lots on the other side of the Homestead to create an endowment for the care and maintenance of the Homestead and its grounds.

Since the Rehoboth Art League acquired the Peter Marsh House, also known as the Homestead, on Dodds Lane, it has renovated it and used it exclusively as an art gallery and art instruction facility. The inaugural exhibition in the renovated Homestead in 1981 featured the artwork of Ethel P.B. Leach. In 1983, the Rehoboth Art League began holding Garden Parties in the Homestead gardens. A Rehoboth Art League theater group performed in the

evenings beginning in 1984, and an annual Christmas Crafts Show and party was instituted in 1988. Also in 1988, evening concerts commenced.

The final building space to be added to the Rehoboth Art League campus was almost 25 years ago, in 1987, when a small wing on the seaward side of the Corkran Studio was built for staff offices and storage. At the end of the 1980s decade, the State of Delaware provided funds for the restoration of the Paynter Studio, completed in 1991, at which time the Doors of Fame were permanently removed for safekeeping. In 1999, the Homestead gardens were restored. In 2002, the Rehoboth Art League remodeled the garage section of the Homestead for a Children's Studio. In 2006, the Rehoboth Art League shored up the Homestead's foundation.

The Town of Henlopen Acres also has a strong commitment to preserving the Homestead property while maintaining its historic integrity. Further, the deed restrictions for the Town allow for cultural use on the Rehoboth Art League property, such as art galleries, art studios, art education facilities, and other art related uses. Indeed, the Town's zoning code contemplates the possible use of any residential property in Henlopen Acres as an art studio, art museum, theater, or theater school. The Town's 2004 Comprehensive Plan recommends that the Homestead property only be used as art gallery, art school, or other community purpose, as specified by the deeds of 1930 and 1982. If the Rehoboth Art League ceases to exist and no successor organization is formed to continue the art gallery, art school, or community purpose, the property reverts to residential land use only. The Town further recommends that the Peter Marsh House, accessory structures, landscape, and gardens not be modified significantly as to diminish the historic characteristics of the property. In short, one of the Town's key goals is to

support the preservation and maintenance of the Town's historic homes, structures, and resources.

The Rehoboth Art League continues to share those commitments and goals. Almost a decade ago, in 2002, formal planning was begun for a replacement building for the Chambers Studio, an outdated structure no longer satisfactory for artistic and other cultural pursuits. But those plans have been stymied as the Rehoboth Art League met with resistance from the Town's Commissioners and Board of Adjustment, based on the current inappropriate zoning of the Rehoboth Art League campus as residential. The Rehoboth Art League's cultural facilities, as legally non-conforming on a campus incorrectly zoned residential, are at great risk, in the event one or more of its buildings were destroyed or damaged beyond repair by a tornado, flood or fire, because rebuilding would be prohibited by the Town without a variance, which the Board of Adjustment and the Delaware courts rejected a few years ago when the Rehoboth Art League applied to replace the decrepit Chambers Studio.

Determined to carry on with its founders' historic mission serving the cultural aspirations of residents and visitors to southeastern Delaware, the Rehoboth Art League, deemed an historic cultural institution, recently affiliated with the Delaware Division of Historical and Cultural Affairs. Through its building and grounds committee, the Rehoboth Art League has very recently formulated principles for the full Rehoboth Art League Board to consider in preparation for the development of a Master Plan to ensure that the Rehoboth Art League's campus meets the needs of the Rehoboth Art League's mission and programs well into the future:

- Recognizing the historically significant connection between the Rehoboth Art League and the Town of Henlopen Acres, the Rehoboth Art League will maintain a presence in Henlopen Acres now and in the future. Some Rehoboth Art League activities will continue as they do now to take place in locations other than the Rehoboth Art League's main Henlopen Acres campus.

- The Rehoboth Art League is committed to be a good neighbor in Henlopen Acres.

- The Rehoboth Art League is committed to preserve its historic structures, while maintaining and upgrading its facilities and grounds to provide program appropriate environments.

- The Rehoboth Art League is committed to preserving and maintaining its gardens and grounds for the use and enjoyment of its members, its neighbors, and its visitors.

- While there are a number of structures on the Rehoboth Art League grounds, every attempt will be made when maintaining and repairing them to provide a harmonious unity of the totality and in the neighborhood of Henlopen Acres.

In Conclusion:

The Henlopen Acres legacy of Col. and Louise Corkran is a special community -- one of art and culture amidst beautiful residential surroundings. The Art League believes that the Town's Comprehensive Plan, currently under comprehensive review by the Henlopen Acres Planning Commission, should reflect that 75-year reality through a rezoning of the Rehoboth Art League campus to a Cultural District. As stated by Diana

Beebe, current Rehoboth Art League president, in a letter dated July 21, 2011, to John M. Barto, Chairman of the Henlopen Acres Planning Commission, the Rehoboth Art League conducted its arts-related operations for 32 years as a matter of right, based on its founders' vision, before the Town of Henlopen Acres even existed and imposed its inapplicable zoning rules on the Rehoboth Art League campus. Immediate neighbors expressly endorsed the Rehoboth Art League's activities and participated in them, but newcomers, of course knowing full well of the Rehoboth Art League's adjacent presence, have mounted frequent objections to the Rehoboth Art League's traditional cultural activities. Mrs. Beebe describes the Rehoboth Art League's most pressing current dilemma as follows:

Because of the Town's residential zoning of the RAL campus, which is inconsistent with its required institutional use, the RAL has been unable to obtain the Town's permission to replace its Chambers Studio. A replacement building is needed to provide climate-controlled underground storage for the RAL's historic art collection, now kept in the very poor environment of the Homestead's attic. The above-ground portion of the proposed replacement structure -- compatible in size and appearance with the Homestead - - would house administrative offices and gallery space. Such a replacement building would allow the RAL to move the busier studio and adult education activity downhill to the Corkran Tubbs building, farther away from adjacent Henlopen Acres residences. . . .[E]ngineering studies demonstrate that the existing, admittedly poorly constructed, Chambers building cannot feasibly be renovated or modernized. Other studies recommend that the art collection should be

removed from the Homestead attic to a purpose-build space that is handily accessible on the RAL campus.

The Division of Historical and Cultural Affairs fully appreciates the legacy of the Rehoboth Art League and its vital cultural role in the State of Delaware, the mid-Atlantic region, the entire country, and even internationally. Near the end of September 2011, the Division released the following statement to the Rehoboth Art League, set forth below unedited in its entirety:

The Rehoboth Art League (RAL), which is Sussex County's first organized cultural arts center, possesses historical and cultural significance that extends far beyond Henlopen Acre's boundaries. H. Clay Reed, a celebrated historian and history professor at the University of Delaware, glowingly remarked in his 1947 publication entitled *Delaware: a History of the First State* that the RAL is "one of the most interesting art colonies in the state" and noted its statewide importance as an outgrowth of the Delaware [Department] of Public Instruction's (DPI) early twentieth century adult education program.

DPI's 1936 publication entitled *Enriched Community Living; an Approach through Art and Music in Adult Education* illustrated in detail the importance of art and music to communities; this belief was echoed on the national level by the Federal Arts Project, a subset of the Works Progress Administration. Under the supervision of Delaware artist David Reyam, hundreds of Delaware's finest examples of handicraft were documented through this program.

In 1937, this prevailing culture of art appreciation inspired Mrs. Louise Chambers Corkran to organize the RAL. Mrs. Corkran, a graduate of the

Pennsylvania Museum School of Industrial Art, was the RAL's founder and secretary. Her collaborative efforts with numerous renowned artists (including Howard Pyle, Ethel P.B. [Brown] Leach, Elizabeth Harrington MacDonald and Howard Schroeder) as well as officers and boards of directors enabled her to establish a variety of summer cultural activities, including musicals, lectures, exhibitions and various educational classes.

For more than seventy years, the RAL has continuously upheld a tradition of promoting community interest in the arts via instruction and public outreach to adults and children alike. The RAL's galleries provide venues in which locally and internationally renowned artists share their talents with not only town and state residents but also countless [numbers] of tourists to the area. The Delaware Division of Historical and Cultural Affairs recognizes the RAL's unique historical and cultural significance and encourages the Town of Henlopen Acres to take this into account during current and future planning decisions.