



STATE OF DELAWARE
**DEPARTMENT OF NATURAL RESOURCES AND
ENVIRONMENTAL CONTROL**

DIVISION OF WATERSHED STEWARDSHIP
ENTERPRISE BUSINESS PARK
285 BEISER BOULEVARD, SUITE 102
DOVER, DELAWARE 19904

DIRECTOR'S
OFFICE

PHONE: (302) 739-9921
FAX: (302) 739-6724

May 5, 2021

SQF LLC
16 Middle St. 4th Floor
Portland, ME 04101

RE: Dewey Utility Pole

SQF LLC:

Application BP5846 – To install a wi-fi utility pole at the end of McKinley Street seaward of the building line in Dewey Beach, Sussex County, Delaware

The Division of Watershed Stewardship has reviewed your plans for coastal construction with regard to the Beach Preservation Act and the "Regulations Governing Beach Protection and the Use of Beaches" (effective August 11, 2016). In doing so, the Division considered what material physical effects the proposed construction may have on coastal conditions and natural shore processes with particular reference to beach erosion, storm damage, flooding, or any detrimental effect it may have on the shore or adjacent property.

By this letter, please be informed that the aforementioned work, as shown upon the plans submitted by you, or on your behalf, through application received on **February 21, 2021** has been denied for the following reasons:

1. The proposed location of the pole is in an area that has historically suffered from increased levels of erosion. Installing a utility pole in this location seaward of the building line increases the risk that the pole would become waterborne debris during a storm event and cause potential damage to the surrounding structures.
2. The potential disruption of the dune and vegetation in this area creates an increased threat to the integrity and stability of the dune.
3. In accordance with Section 3.1.1.4 of the Regulations, the Section has determined that a utility pole with the potential to provide wireless internet access is not a structure that needs to be located seaward of the building line in order to achieve its intended purpose and, as such, must be located landward of the building restriction line.
4. The permit application has been publicly advertised in accordance with Section 5.0 of the Regulations. The Department received multiple public comments voicing their opposition of the application. There is objection to both the potential disturbance of the dune and to the potential of the pole become debris during a major storm event

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This letter of denial pertains only to compliance with the "Regulations Governing Beach Protection and the Use of Beaches" (effective August 11, 2016) and is not to be construed as an all-inclusive approvals or denials for any other activities or requirements of the Department of Natural Resources and Environmental Control or any other governmental agency which may pertain to this site, including local flood hazard zoning ordinances.

Section 6.2.1 of the Regulations states any person or persons, jointly or severally, or any taxpayer, or any officer, department, board or bureau of the state, aggrieved by any decision of the Division, may appeal to the Secretary by giving written notice of appeal to the Secretary, and to the applicant if other than the appellant. Such notice shall be by certified or registered mail within 20 calendar days of the Division's decision, and shall specify: (1) the interest of the appellant; (2) the basis of the appeal; and (3) the specific laws, regulations or other legal authorities alleged to have been violated by the Division's decision.

If you should have any questions concerning this denial, please do not hesitate to contact the Shoreline and Waterway Management Section of this Division at (302) 739-9921.

Sincerely,



Terry Deputy
Director
Division of Watershed
Stewardship

Cf.: Town of Dewey Beach