

Final Report of the Salt Pond Plaza Committee  
June 2010 SPHA Homeowners Association Meeting  
June 5, 2010

Since the 2009 Annual Meeting, a lot has happened with respect to the Salt Pond Plaza ("SPP"). Reports have been provided in newsletters and on the web site. This report summarizes them.

This committee's mission is to minimize the negative impact of the arrival and development of the commercial project. The committee was formed in early 2007, and worked through various issues since that date, working with the property owner/developer, state and county agencies and, finally, the anchor tenant. The project has met all regulations and passed all agency requirements, and we have almost completed our job. Following is the current status of the Salt Pond Plaza:

- Mike Zimmerman remains the owner of record, developer and landlord of Salt Pond Plaza. Final site work has been managed by his bank, Wilmington Trust. His relationship with us is somewhat distant but could be described as non-adversarial at this time. We have been told that he would like to sell the property but he and any successors will be bound by the terms of agreements he signed with SPHA in 2008 so such a transaction should have little or no effect on SPHA.

- Stormwater management work was completed and is functioning as designed. Some adjustments were necessary to the original plan and they were accomplished, as was reconstructive work in the area of Hole #5 on the golf course. The Sussex County Conservation District has approved and signed off on the final result.

- The landscaping plan agreed to in 2008 was reevaluated and enriched as a result of the construction of the water tank. Additionally, the developer constructed a berm approximately 4' tall, the maximum size possible, on the eastern side of Bethany Loop, to help create a visual and sound barrier, although he refused to do so almost until the day the work was begun.

The developer encountered problems with his contracted landscaper, who delivered and installed incorrect selections and inferior quality plantings, before going out of business at the end of 2009. A subsequent landscape company removed and replaced all the incorrect and inferior plants so that the landscape plan is now consistent with agreements with the developer of 2008 and 2009. Poor initial quality and delays in planting caused some plants to fail; they were replaced just this week and are expected to thrive. SPHA installed an irrigation system and sod to ensure long term success.

- Lighting has been an important issue since 2007. The developer and anchor tenant Harris Teeter agreed to work with SPHA on the lighting plan for the parking area, and adjusted the plan to minimize light pollution as best they could. Night readings were taken of the residential area using a light meter, and the same tests will be performed after the developer has completed work on the lighting system. Adjustments will be made to ensure that the level of light on SPHA property is no greater than it was prior to the installation of SPP site lighting.

There were unexpected problems which delayed completion of the lighting system, including insufficient number of timers on the site, glass lenses falling from the fixtures, and severed electric lines. Custom-made shields were fabricated and installed on perimeter lights just this Thursday, June 3. We expect to conduct light-meter readings soon, and to have final adjustments made as a result of those tests.

- The developer damaged Salt Pond Community entrance signs and severed electric service to our entrances, but that has been corrected at his expense. The Board approved replacement of the damaged signs rather than attempting to repair them; the developer's contribution to the cost made that an affordable alternative to SPHA.

- The developer previously received approval from the county to modify the original site plan to have three retail pads of approximately 5000 square feet each, rather than two larger ones. At this time, no tenants have been identified for those smaller parcels. At SPHA's request, the 3 small pads have received some landscape treatment as a temporary measure; it is likely that this aesthetic treatment was at Harris Teeter's expense.

- The developer patched Bethany Loop at the conclusion of major site work, but some potholes have developed along the edge and we have requested him to repair it. We have not yet received a response to that request. He is obligated to participate with us in repaving a section of Bethany Loop by March 30, 2011

- Harris Teeter has been a quiet but forceful presence during the last year. In 2009, executives from North Carolina flew here to see the site and to discuss our significant concerns. Although they had their own issues with the developer, they supported our requests for equitable and timely outcomes on the matters discussed above. We had access to their construction manager, regional manager, and numerous executives as needed, and we exchanged updates about the developer's progress.

SPHA addressed several issues directly with HT during 2009, and they were all resolved to our satisfaction:

- The grocery store was originally painted brick red; HT agreed to repaint it a more neutral color that our Board of Directors selected, and did so at an estimated cost of \$65,000. They are now finishing up a corrective paint job which was required due to adhesion problems.

- The developer refused to repaint the water tank, so Harris Teeter did so at their expense, and sought SPHA'S approval of the final design, which was intended to help make the tank appear smaller.

- Truck and automobile traffic issues arose, and Harris Teeter promptly designed and installed signs at the request of SPHA to address this problem, in addition to the instructions they had already given their vendors and contractors.

-- Although site maintenance such as grass-cutting is the responsibility of the owner/developer, Harris Teeter has recognized the importance of this issue and has worked out an arrangement to ensure it is taken care of.

As you know, Harris Teeter opened at the end of March, and is now operational 24 hours a day. That is its summer schedule; after Labor Day it will return to 7:00 a.m. to 11:00 p.m. The store manager attended a Board meeting and met homeowners prior to opening. He and the headquarters are aware of community concerns and seem to be serious about their commitment to a good relationship.

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I would like to thank the various members of the community who served on the Salt Pond Plaza committee and those who offered suggestions and advice beginning in 2007, and a thank-you to neighbors who waited while negotiations and discussions occurred over several years.

A special thanks is extended to homeowner Rich Polk, who provided significant help in terms of engineering expertise as well as navigation of the various state and county agencies.

Last, thank you to Michael Headman, who was our Board liaison the last two years. Not only did he keep the Board and community apprised of progress, he participated as a committee member, participating in numerous meetings with the developer, Harris Teeter and others, visiting government offices and walking the site at all times of night and day, and in all kinds of weather.

This is the last report from the Salt Pond Plaza Committee, as I am sure our work will be completed in the very near future.

Submitted by Cheryl Wisbrock, Chair, Salt Pond Plaza Committee