
From:
Sent: Wednesday, April 25, 2007 4:20 PM
To: DOSHCA_Gibraltar; Slavin Timothy A (DOS)
Subject: Gibraltar comments

Hello. I am attaching my comments in a word document. The document has an Exhibit A (which is the last of the Site maps posted on your web site--the one showing PDI's request to carve the Gibraltar Property alost in half, into a "secondary" area that would be unprotected henceforth).
I have sent a had copy of this document overnight mail...for delivery tomorrow in Dover before 3 p.m.

Thank you very much for your time and consideration, and for involving the public in this discussion...very much appreciated!
Kate Pincus

See what's free at AOL.com.

April 25, 2007

RECEIVED
DELAWARE STATE HISTORIC
PRESERVATION OFFICE

2007 APR 26 AM 11:13

Via Facsimile, First-Class Mail and Electronic Mail

Gibraltar
c/o Division of Historical and Cultural Affairs
21 The Green
Dover, DE 19901

Re: Gibraltar Conservation Easement

Dear Sir or Madame:

Thank you for providing a means for the residents of Delaware (in particular, the immediately affected neighbors of Gibraltar like myself) to comment on the "Amended and Restated Conservation Easement" currently proposed by Preservation Delaware Inc. ("PDI"). Since the proposed document is **not** an amendment to the original Conservation Easement, and since it is, in effect, a **complete restatement** of that document, I will refer to the proposed document herein as the "Restated Easement." My comments fall generally into two broad categories, *i.e.*, : (i) specific problems with the Restated Easement and reasons why it should be rejected; and (ii) other related considerations that require the rejection of the Restated Easement.

I. Specific Problems With the Restated Easement and Reasons Why the Restated Easement Must Be Rejected

A. The Rights and Protections in the Gibraltar Conservation Easement That Were Acquired by the State, For the Benefit of its Citizens, Preclude The Type of Uses and Changes Requested by the Restated Easement.

When the owners of the Gibraltar property ("The Sharps") decided to sell the property, the State recognized the importance of stepping in and saving this special piece of land. Rather than allow the land to fall to the highest bidder and be developed according to private or commercial interests, the State went through a deliberate process and expended a significant amount of funding earmarked specifically for preserving open, scenic and historic land. In 1997, the State paid \$1 Million to protect the "scenic" "open" "historic" and "cultural" values of the Gibraltar Property and codified these protections and values in the Conservation Easement. These were prudent steps taken by a State Government intent on responsible and balanced land-use and development for the benefit of all Delawareans.

The Conservation Easement recognizes that: (i) the Gibraltar property has invaluable attributes (*e.g.*, "scenic," "open," "historic" and "cultural") that must be

protected; (ii) these attributes are being protected for the benefit of the people of Delaware; and (iii) the State has an obligation to protect these attributes in perpetuity. Specifically, the Conservation Easement provides, in part:

- WHEREAS, said Property has scenic, historic and cultural resource values (collectively, "Conservation Values") worthy of conservation protection and of great importance to the Grantors, and the people of New Castle County and the people of Delaware;
- WHEREAS, Grantors and Grantee are desirous of preserving the open state of the Property and further desire to conserve and protect the Property from any disruption and other occurrences which might interfere with the beauty and unique character of the property as it exists in its open and scenic state;
- WHEREAS, Grantee is a department of State government among whose purposes is the preservation, protection, or enhancement of land and buildings for their natural, scenic, historic, open space and cultural resource values ("Conservation Purposes");
- WHEREAS, Grantee agrees by accepting this grant to honor the intentions of Grantors stated herein and to protect in perpetuity the Conservation Values of the Property for the benefit of generations and generations to come.

See Original Conservation Easement, pp. 1-2 (emphasis added).

In order to protect the Conservation Values spelled out above, and to preserve the "scenic" and "open" state of the Gibraltar Property, the Conservation Easement, among other things, prohibits or restricts: new building construction, construction of new parking areas or driveways, the widening of existing driveways, and excavation.

Paragraph 2 of the Conservation Easement ("Restrictions on Use") broadly and unequivocally prohibits the construction, repair, remodeling, reconstruction or maintenance of any "building, structure, improvement, or facility" not specifically permitted in paragraph 3 ("Permitted Uses"). See ¶2 (B).

The original Conservation Easement allowed only "a new construction addition of up to 4,000 square feet" which "may be any combination of attached detached construction associated with the main house and the garage greenhouse complex." See Conservation Easement ¶ 3 (B). On February 8, 2000, the amount of new construction was amended to "up to 6,500 square feet", and NO other changes to the Conservation Easement were made. **Thus, today the Conservation Easement, as amended, limits new construction to "up to 6,500 square feet" in total, and such new construction must be "associated with the main house and the garage greenhouse complex."**

The Conservation Easement permits the Grantor to "repair and maintain" existing improvements, including the "perimeter stone wall" and "driveways" (¶ 3 A), but limits

construction of “new parking areas, new driveways, and widening of existing driveways” to that which is expressly approved of in writing by the Grantee (¶ 3 D).

The Conservation Easement provides that “there shall be no excavation of loam, peat, gravel, soil, rock, sand, or similar material, nor any change in the general topography of the land” (¶ 2 (E)), except where such materials are “excavated or removed for archaeological investigations, for the purposes of landscape and garden rehabilitation or new landscape installation or temporary construction, replacement, repair or maintenance of permitted underground utilities.” See ¶ 3 (J).

The Conservation Easement also grants the State the right to “preserve and protect the Conservation Values of the Property”, to “enter upon the property” and “otherwise enforce the terms” of the Conservation Easement, and “to prevent any activity on or use of the Property that is inconsistent with the purpose of” the Conservation Easement. The State’s rights and obligations include the right to bring actions in court to prevent, lessen or remedy damage caused by noncompliance with the Conservation Easement. See ¶ 8 (“Enforcement Rights of Grantee”) (emphasis added).

B. The Restated Easement Nullifies the Gibraltar Conservation Easement, By Radically and Forever Diminishing its Protections and By Permitting New Uses That Are Wholly Inconsistent With the Conservation Easement.

Unlike the 2000 “Amendment” to the Conservation Easement—which specifically replaced one word in the entire document (i.e., changed “4,000” to “6,500”)—the currently proposed Restated Easement is an attempt to completely rewrite, and largely nullify, the Conservation Easement.

First and foremost, the Restated Easement removes the protected values at the core of the Conservation Easement, by **radically redefining and diminishing the term “Conservation Values” and by carving out sections of the Property as unprotected “Secondary” areas.** See e.g., ¶ 2 (I) of the Restated Easement.

- Whereas the State expressly recognized the “scenic,” “historical,” “cultural,” “natural,” and “open” attributes of the Property as the “Conservation Values” and “Conservation Purposes” of the Conservation Easement, the Restated Easement protects only those “Conservation Values” “embodied in the formal gardens, formal designed aspects of the landscape, and the historic buildings, structures and objects on the Property”. See ¶ 2 (I). **Thus the Property’s “open,” “scenic” and “natural” attributes—which were specifically valued and protected in the Conservation Easement—would be left unprotected in perpetuity, by the Restated Easement.**
- **The Restated Easement also unilaterally declares a significant percentage of the Gibraltar Property to be of “secondary**

importance,” and left “to be developed” without any noted limits or protections. See ¶2 (I) and Pincus Exhibit A hereto (a document printed off of SHPO’s website). The “secondary” area is an enormous portion of the Gibraltar Property and it is contiguous to a residential neighborhood. See Exhibit A hereto.

In addition to eviscerating the purpose of the Conservation Easement by its radical reduction of “Conservation Values” and by its deeming of large sections of the property as “secondary” and unprotected, the Restated Easement would permit changes to and uses of the Property that are wholly inconsistent with the Conservation Easement, as follows:

- **The Restated Easement would permit tens of thousands of new square feet of construction.** Whereas the Conservation Easement limits new construction to “up to 4,000 square feet” (total), and the 2000 Amendment changed that limit to “6,500 square feet” (total), the Restated Easement provides for “a new construction addition or free standing building of up to 10,000 square feet in foot print”. See ¶3 (B) (emphasis added). **Thus the Restated Easement permits several stories of new construction built on a 10,000 square feet footprint, amounting to tens of thousands of feet of new construction.**¹
- The Restated Easement would permit **“an additional entrance driveway at 16th Street”** (¶3)(A) The construction of this “additional entrance driveway” was prohibited by the Conservation Easement, as was the break in the stone wall and the excavation likely to be required for such construction.
- The Restated Easement **allows excavation** and/or removal of “loam, peat, gravel, soil, rock, sand or material” “for foundations of new construction for an addition or separate building, parking areas, and access to the Property”. ¶3 (J)

II. Other Related Considerations That Require the Rejection of the Restated Easement

The Restated Easement must be rejected because in addition to nullifying the Conservation Easement’s purpose and protections henceforth, it also: (i) significantly and negatively impacts the historic residential City neighborhood known as the Highlands;

¹ Any claim by PDI (or by CCS, the developer behind PDI’s request for the Restated Easement) that there is no intention to build more than 10,000 square feet of new construction is highly suspect. The words “in footprint” have been inserted to modify the amount of permitted new construction with a very significant effect. A new building or addition that is “up to 10,000 square feet” (total) is a lot different than a new building or addition of several stories built on a footprint of 10,000 square feet . The words “in foot print” never appeared in the Original Easement or in the 2000 Amendment.

and (ii) jeopardizes other State-held Conservation Easements; (iii) without any legitimate justification.

A. Permitting the Uses Proposed By the Restated Easement Would Dramatically and Negatively Impact the Highlands Neighborhood.

According to newspaper reports, submissions filed with the Wilmington Zoning Board (and possibly with SHPO), and presentations at community meetings, PDI and the developer behind the request for the Restated Easement (CCS) plan on constructing a commercial office complex on the Gibraltar Property. The new commercial office complex may be several stories on a 10,000 square foot "foot print," and it may consist of additions to the existing mansion and a new building. The new complex will have approximately 100 parking spaces, and at least one new entranceway off of W. 16th Street where it intersects with Greenhill Avenue. The new complex is expected to be rented out to tenants who are in "high-end service" professions, such as financial and legal services firms—who in turn will have employees and clients coming and going in their cars throughout the day.

The described development and use of the Gibraltar Property under the Restated Easement will forever change the historic and quiet Highlands Neighborhood. The Highlands Neighborhood is one of the few remaining residential neighborhoods within the Wilmington City limits. Despite its access to the commercial centers in downtown Wilmington or the businesses of Trolley Square, Highlands remains a quiet residential neighborhood comprised of tree-lined streets and historic and stately homes. Highlands (and Wawaset) homeowners have purchased and/or maintained their homes with the reasonable expectation that Gibraltar would continue to be a quiet and bucolic space behind a beautiful stone wall. After all, the Gibraltar property has been in this state since it was built in the 1840's, and it is protected by a State-held Conservation Easement, in addition to a Residential "R-1" zoning classification.

By permitting the Restated Easement, the State will forever ruin one of the few remaining residential neighborhoods in the City of Wilmington. By permitting the proposed office complex, the State will add traffic congestion and noise, and will remove the tranquil beauty of the corner of the Highlands that houses Gibraltar.

B. By Permitting the Restated Easement, All State-Held Conservation Easements Will Be Jeopardized.

The State purchased the Gibraltar Conservation Easement (and its rights and protections) with State funds specifically earmarked for the preservation of "open" "scenic" "natural" and "historic" property. The State currently holds many other conservation easements that purport to protect open and scenic land for the benefit of Delaware residents. Enforcement of these conservation easements prevents unchecked commercial or residential development that could irreparably damage Delaware. If the State permits the Restated Easement, it will set a very problematic precedent. In addition to the loss of confidence that the residents of Delaware will have in the State and its

preservation process, the State will have to entertain many more requests for amendments and nullifications to its other conservation easements.

C. There is No Legitimate Justification For the Restated Easement or For its Destructive and Far-Reaching Negative Impacts.

As described above, the Restated Easement, and the proposed commercial office complex by CCS, will: (i) effectively nullify the Conservation Easement; (ii) irreparably harm the Highlands Neighborhood; and (iii) jeopardize the State's preservation process and its other conservation easements. It is amazing that the Restated Easement and related proposals have gotten this far and have caused this expenditure of valuable resources when it is motivated by the private commercial interests of one developer (CCS) and despite the absence of one legitimate justification or countervailing public interest.

PDI claims that CCS' proposal is the "best" option to "save" Gibraltar. Despite claims that PDI has had an "open RFP process" and chose this option out of many others, PDI has repeatedly refused to permit any inspection of documents or other proof substantiating this claim. Further, PDI's claimed urgency is suspect—since PDI has had ten years to find a suitable option. Rather, any dire and urgent condition claimed by PDI has been caused by PDI's persistent failure to be a responsible steward of this unique and special property.

There is no need for commercial office space in the Wilmington city limits. In fact, the Wilmington News Journal recently reported that Wilmington is one of the worst markets for commercial office space at present—due to a large amount of unused commercial office space available. Further, if commercial office space in a "historic" setting is desired, there is still available commercial office space in the former MBNA office complex in Greenville (Route 52 and 141) and at the old mills of Hagley (which advertises commercial space available).

Accordingly, there is no legitimate justification or countervailing public interest served by the Restated Easement. Rather, CCS' motivation to develop Gibraltar per the Restated Easement is strictly private financial gain. It has been reported that CCS will acquire this valuable land for free, with only the obligation to renovate and restore the mansion and to put aside a certain sum (the amount and term is unknown) to help PDI maintain the gardens of Gibraltar. In order to allow for maximum financial gain, CCS (in part through PDI's Restated Easement request) will be able to build tens of thousands of feet of commercial office space, which it then can rent out to commercial tenants, or sell at great profit. It is impossible to discover if there are any limits or protections on CCS with regard to its use or sale of the property henceforth—since neither PDI nor CCS will make any information available.

Certain segments of the public are in favor of CCS' proposal because they have accepted the explanation that this is the only way to "save" the Gibraltar mansion and gardens. These are well intentioned but misguided "Conservationists." First, after CCS

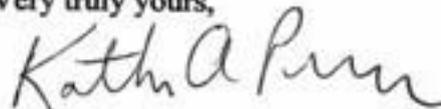
builds tens of thousands of square feet of new construction, approximately 100 parking spaces, new driveways, and converts the top floor(s) of the mansion to office space, the "historic Gibraltar mansion" will be barely recognizable. See Restated Easement at ¶3(I) and CCS' plans. The only part of the mansion maintained consistent with standards for historic properties will be the first floor. See Restated Easement at ¶3 (I). The small part that is left in its "historic" condition will be engulfed in new commercial office space and will be open to the public only on four occasions a year. Restated Easement at ¶ 9. Second, the commercial office park will destroy the historic residential Highlands neighborhood—which also deserves "conservation." Finally, there are viable options for true conservation of this Property.

The members of the Highlands Community who strongly oppose CCS' proposal and the Restated Easement are not against adaptive re-use of the Gibraltar Property. In fact, there have been viable options presented that opponents of the Restated Easement would support (information regarding one of these options was presented to Mr. Tim Slavin). Further, it is unknown if PDI's offer to give the land to CCS (rather than lease it or sell it) was even offered to other potential options, and if not, how that offer would create more and better options. There may be viable options that would not require amendment to the Conservation Easement and which would truly preserve the Gibraltar Property. The members of the Highlands Community who are strongly opposed to the Restated Easement ask only that there be an open and fair process that considers options that are less offensive to the Conservation Values protected by the State and much less damaging to our quiet and residential community.

For all of the foregoing reasons, the Restated Easement must be rejected and not subject to any further deliberation or negotiation.

Thank you very much for your time and consideration.

Very truly yours,

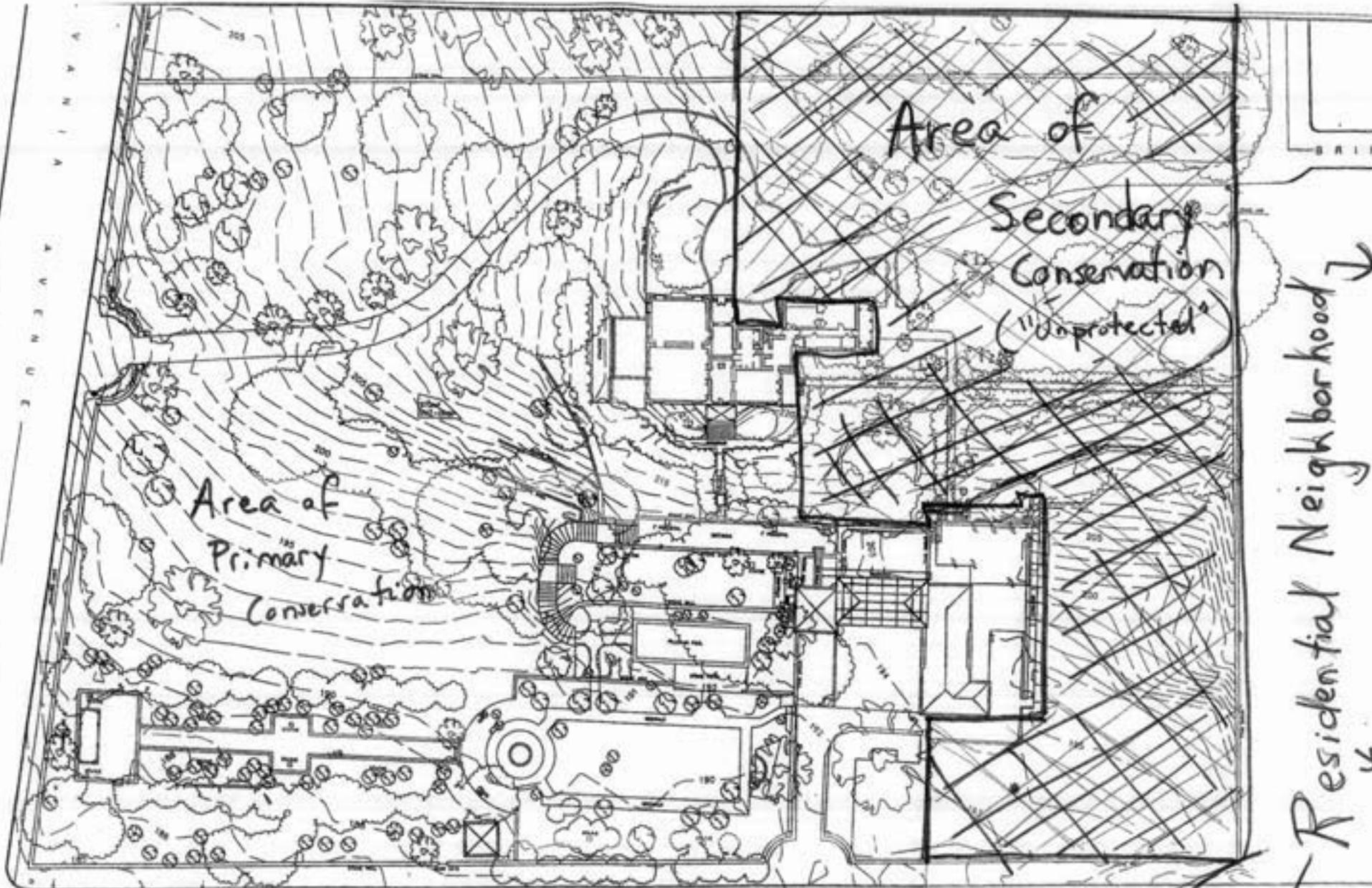


Kathryn A. Pincus

cc:

State Representative Gerald Brady
State Senator Harris McDowell
Cara Drue Chichi, Esquire
The Honorable Joseph R. Biden, III
Wilmington City Council President Theodore Blunt
Wilmington City Council Member Charles "Bud" Freel
Wilmington City Council Member R. Campbell Hay

Pincus Exhibit A



Residential Neighborhood ↓

Residential Neighborhood ↙

SEY
ECTS

GIBRALTAR
SITE PLAN

From: Ellen Slade
Sent: Wednesday, April 25, 2007 10:06 AM
To: DOSHCA_Gibraltar
Subject: In support of the new plan for Gibraltar

I live in Wawaset Park and have been a part of this community for 37 years. I am a volunteer at Gibraltar in the garden and have been beside myself as I have watched the "demolition by neglect" of the large house. I am a total supporter of the new plan for the property and believe this office proposal is the best solution to save it. I don't think the annex is going to ruin the community or feel of the place. Ellen Slade

2007 APR 25 AM 11: 33

23 April, 2007

Gibraltar
c/o Division of Historical and Cultural Affairs
21 The Green
Dover, DE 19901

To Whom It May Concern:

As one of the volunteer gardeners at The Marion Coffin Garden at Gibraltar, I write in support of granting the proposed amendment to the conservation easement the State of Delaware holds on the property.

I find it incomprehensible that any people in the surrounding neighborhoods would oppose this adaptive use of a site that has stood in such disrepair for so many years that it is now occupied by raccoons and too often by vagrants or worse.

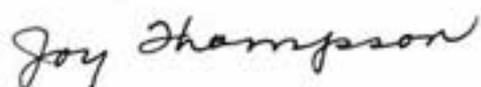
I also find it difficult to understand why these same people did not oppose a small hotel-like bed and breakfast or any of the other proposals that have been made over the past several years for the use of the building, proposals that did not come to fruition as they were not financially feasible. Perhaps the fact that the restored building would be used as an "office building" for a law firm or a financial advisor does not have the cachet of a bed and breakfast.

The construction of the small office building near the back wall should not be obtrusive. It has the same roof lines and height as the stable area and importantly, provides the financial way to make the plan work.

CCS has done other restorations in this area that have saved older buildings that have become fine, useful additions to our city and county. They have covered all expressed concerns: traffic studies, entry ways to blend with the property, allowed for public access, etc., but most importantly, they will provide the financial stability necessary to preserve this fine old house and it's jewel of a garden.

This plan promises to restore the beauty of a piece of Delaware and Wilmington history. We are tearing down and paving over too much of that history. Our children need to know buildings other than strip malls. I strongly urge you to grant the proposed amendment to the conservation easement.

Sincerely,

A handwritten signature in cursive script that reads "Joyce Reynolds Thompson".

Joyce Reynolds Thompson
(Mrs. Alan J.)

Copies:

Trent Margrif

Wendie C. Stabler

From: ANDREA ARENA
Sent: Thursday, April 26, 2007 12:44 PM
To: DOSHCA_Gibraltar
Cc:
Subject: [SUSPECTED SPAM] Gibraltar

Dear Sir/Madam:

I am writing to you in light of the new developments regarding Gibraltar.

As a member of the Highlands Community - I do not ever want to see this historically founded site changed, altered or destroyed. A restoration would be a new and wonderful idea.

I travel to Europe (Italy mostly) twice a year; I am a professional opera singer.

The pride that Italy takes in honoring and restoring its countries' history is unfounded.

Perhaps the restoration and preservation of this amazingly structured garden could be one of Wilmington's first to conquer. Gibraltar is a place to walk, sit in prayer, appreciate butterflies and fireflies again (remember those?) and seek peace. Behind those enormous stone walls lies a sanctuary for which should remain. In this world of "go-go-go" - don't you ever just want ... or need to slow down and stop to smell the roses?

In Gratitude,

Andrea M. Arena

From: David Beattie
Sent: Thursday, April 26, 2007 1:18 PM
To: DOSHCA_Gibraltar
Subject: Gibraltar Conservation Easement

I am in favor of putting Gibraltar back into use again. If it requires a 10,000 sq. ft. addition to make it economically viable, so be it. The 16th St entrance on the N side of the property is a public right-of-way, so there should be no issue there. With the current high level of traffic on Greenhill Ave, the little extra contributed by any future use at Gibraltar should not make much difference.

It is far preferable to put Gibraltar back into use than to let it rot apart by endless delay caused by a vocal few.

David O. Beattie

From: Ellen Cheever
Sent: Thursday, April 26, 2007 12:01 PM
To: DOSHCA_Gibraltar
Subject: Gibraltar comments

My husband I feel this estate has been mismanaged in the past and is in dire need of immediate attention by a new firm who can save as much of the mansion as possible, yet create a viable business at the same time. We support the current plan to build a new office building next to it. We believe if this proposal is not accepted we will lose the chance to save the detereating structure. We think the city should issue the needed permits.

ELLEN CHEEVER
ELLEN CHEEVER & ASSOCIATES

From: Craigen, Louise
Sent: Thursday, April 26, 2007 11:46 AM
To: DOSHCA_Gibraltar
Subject: Gibraltar - proposed amendment to Conservation Easement

Dear Sir/Madam,

I live at _____ directly across the street from the Gibraltar site. I write to protest against the proposed commercial development and, specifically, the proposed amendment to the Conservation Easement that PDI is requesting.

A Conservation Easement was put in place to protect the estate from development with the purpose to "...assure that the property will be retained forever in its scenic and open condition..." PDI helped write the original Conservation Easement in 1997 and prompted a 2000 amendment. They are now asking the State to make further amendments to allow significant new development on the estate. They are, effectively, asking the State to amend the Conservation Easement to fit with the site development plan they have chosen. They are, effectively, going against what they themselves set out in the 2004 Request for Proposals (RFP) process: in a letter dated 20 October 2004 they stated that they would "consider a variety of uses which preserve the integrity and character of the mansion and conform to the conservation easement on the mansion and property".

PDI are proposing changes to the Conservation Easement that will have a detrimental effect on both the character of the Gibraltar estate and the surrounding community. The most disturbing aspect to me as a near neighbor are as follows:

- * The size of the new construction being proposed -17,500 square feet in total (a new 10,000 sq ft building plus 6,500 added to the existing mansion with another 1,000 to accommodate safety and accessibility issues)
- * The large number of parking spaces - 97 (equivalent to the number on Trolley Square's front lot)
- * A proposed new entrance that will be created by breaching the stone wall and extending West 16th Street at Greenhill Avenue

This last point is worth further comment. What this means is that the proposed development is not going to make use of the existing entrances on Greenhill and Pennsylvania Avenues. I and my fellow near neighbors are going to have to put up with at least 97 cars using a new ramp and gate right opposite our homes. I object to this most strongly.

I am not opposed to the renovation of the Gibraltar property per se. What I want is a less intrusive development that will better preserve both the property and the residential neighborhood. What PDI want to do may preserve the house and garden but the proposed commercial development is far from conservation. We must protect our open spaces and guard against urban sprawl.

Sincerely,

Louise Craigen, PhD

From:
Sent: Thursday, April 26, 2007 7:05 AM
To: DOSHCA_Gibraltar
Subject: Comments on Gibraltaroffice park

My wife and I would like to express our anger over the proposed office park at the Gibraltar mansion. The current proposal is completely inconsistent with the intent of the original preservation plans for the grounds and the public money they accepted for its restoration. It seems like the entire Highlands/Wawaset Park section of Pennsylvania Avenue is under attack by commercial development interests. The PDI proposal is not a restoration of the mansion plan but simply a commercial development activity. The fact that the proposal talks in terms of foot print footage instead of maximum office floor space and number of floors is even more disturbing since it isn't clear whether we may end up with another high rise monstrosity when the dust finally settles on this proposal. Please stop this latest commercial development proposal. We live in a residential community and we want to keep it that way.

Rick Bockrath and Susan Flint

AOL now offers free email to everyone. Find out more about what's free from AOL at AOL.com.

From: Wendy Gentry
Sent: Thursday, April 26, 2007 5:14 PM
To: DOSHCA_Gibraltar
Cc:
Subject: Approve amendment: Gibraltar

April 26, 2007

Historic & Cultural Affairs
21 The Green
Dover, Delaware

My name is Wendy Gentry and I am the Horticulturalist/Garden Manager of The Marian Coffin Gardens at Gibraltar. That position puts me onsite 5-6 days per week 12 months of the year many times early in the morning and sometimes into the dusk hours of the evening. As the mansion exists today it is a haven for vermin and an attraction for not only the curious but the mischievous. This activity has increased two fold with the recent coverage in the news about the property being vacant and in a state of disrepair.

I have heard people complain about the destruction of "open space" by the proposed "office park". I would hope that you have been onsite to see the open space that will be lost to the construction of the new building. The site currently functions as a garden debris dump site. I would hesitate to call it open space and would invite anyone who wishes to keep that space open to bring their family to that site for a picnic or recreation. The most important "open space" on this site is the garden. It was designed in 1916 by one of this countries first female landscape architects, Marian Coffin. Marian Coffin died in 1958 leaving Gibraltar as her only intact residential landscape that exists today. Not only is this garden important to the community that surrounds it but it is historically significant to the country. If CCS' proposal is passed they will contribute much needed funds to the garden for it's up keep and maintenance. A residential use of the site would mean a loss of "open space" in my opinion. The garden would lose it's ability to raise funds through on site functions and would most likely not remain open and free to the public as it is today.

The garden is frequently visited by families with small children, students, gardeners, clubs, and tourists. Everyday I try to answer the same question..."What's up with the house?" I hope that you consider this proposal very carefully and come to the same conclusion I did. It is very important to preserve Delaware's history and CCS has provided a solution to the preservation of Gibraltar. It includes preserving the buildings existing on the site and provides revenue for the garden to allow it to remain a tourist destination for the state.

Today I write to you in full support of the amendment to the conservation easement held by the State of Delaware. This amendment will allow CCS enough useable space to make their proposed adaptive reuse of Gibraltar a viable and successful venture.

Please help me answer the question..."What's up with the house?"

Thank you,

Wendy Gentry
Gibraltar Garden Manager

From: James Harry Hammond
Sent: Thursday, April 26, 2007 9:07 PM
To: DOSHCA_Gibraltar
Subject: comments on the proposal for Gibraltar

We hope that the current plan for Gibraltar goes forward, as it seems to be the best and maybe the only realistically possible use for that property.

Our primary concern is for preservation of the gardens and the open space bordering the gardens on Pennsylvania Avenue. At this point, it amazes us that any part of the home can be made use of, as the deterioration of that structure is so advanced. Development by some other organization years from now is not likely to include preservation of any of the Sharp home. As property owners who have just lost open space across the street from us (the Siena Hall property on Kentmere Parkway), we do understand the opposition of Gibraltar's neighbors to the proposed use of the former Sharp estate, but we believe that empty and deteriorating structures do not serve the public's interest. Adaptive re-use seems right for this property. When the Sharp gardens opened to the public (and what a terrific benefit they have provided), the larger parcel, in our view, ended its service as a private residence. Consider Goodstay Center and its garden. Would it have been better not to allow the University of Delaware to add some parking and Arsht Hall? Should the site have stayed unused? And what would have become of that garden and home? Our guess is that it would have been used (and the Sharp estate, too, years from now) for private development of some sort, perhaps homes of the sort that now sit on the formerly open property that neighbors Gibraltar on the north west. We would not want that.

Harry and Melody Hammond

**ALBERT IMESCH
HENRIETTE PFLUGL IMESCH**

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2007 APR 26 AM 11:35

Gibraltar
c/o Division of Historical & Cultural Affairs
21 The Green
Dover, DE 19901

April 24, 2007

Gibraltar property at Greenhill Avenue, Wilmington

Dear Sirs,

We are writing to express our concern with the future development of the Gibraltar property on Greenhill Avenue in Wilmington. We have bought our house on _____ a year ago, with the purpose of living in a family-friendly suburban community. Since then we have been enjoying the advantages we were looking for, in particular a low traffic density on the Greenhill axis and the residential streets like Brinkle, Mount Salem, as well as a vibrant, while safe, atmosphere in the streets where kids like playing outdoor, as the traffic consists essentially of co-residents.

Currently one can observe many house renovations, properties upgrades, while a significant number of properties are purchased by people looking for this kind of environment. The place has kept its power of attraction !

No doubt : the neighborhood has a very special character that current residents appreciate and creates an attraction for future newcomers. Furthermore the presence of public and private schools are an additional touch to the residential tone of the place.

ALBERT IMESCH
HENRIETTE PFLUGL IMESCH

2

Well...Should the Gibraltar project be allowed, lots of these characteristics would begin disappearing. How ? Think just of the additional traffic that the community will have to bear. More cars will travel to and from the area, more cars will be roaming around looking for parking spots. In other words, life will change rapidly inside the neighborhood and this attractive suburb will become congested, just like every other commercial area tends inexorably to be.

It seems to us that this is precisely what the authors had in mind when writing the provision calling for "the property to be retained forever in its scenic and open condition". A courageous promise !

We wanted to join our voice to the many who are expressing identical concerns, i.e. that the neighborhood would lose its precious characteristics, should the Gibraltar project ever see its realization. We all should not forget that there will be no return option available once the road has been taken !

Hopefully our voices will be heard and one day the citizens of our town will thankfully think of those who had the courage of upholding promises made.

Albert Imesch H. Pflügl Imesch

From: R. Merl Jones
Sent: Thursday, April 26, 2007 8:38 AM
To: DOSHCA_Gibraltar
Subject: Proposed Office Park at Gibraltar

Dear MS. /Sir:

I live in the Highlands and want to be sure my opposition to the current plan to allow commercial / office development at Gibraltar is recorded. It is of the utmost importance that we keep our residential areas as free of commercial disruption as possible. It is a known fact that our neighborhoods will see a significant increase in traffic since traffic into the proposed project will enter and exit Greenhill Avenue as well as add an increased burden to an already overburdened sewer system. Since the residents of Highlands were never made aware of all the options that were presented to preserve Gibraltar and we all want to preserve one of Delaware's historic treasures it sees to me that all options should be presented to find the one or ones that would be more neighborhood friendly and less destructive to the residential qualities that currently exist.

Again I am 100% opposed to the current proposal for the office park at Gibraltar.

R. Merl Jones

From: Robert A Keller
Sent: Thursday, April 26, 2007 12:38 PM
To: DOSHCA_Gibraltar
Subject: My view on Gibraltar

I support the proposed changes to the easement for Gibraltar. I saw all of the proposals for reuse of this property and this was the least of all evils. The residents need to realize that alternatives to this proposed plan could be much, much worse for them.

From a preservation perspective, the addition of an office building as proposed does not harm the integrity of the mansion. In fact, it is an enabler to allow the developer the financial incentive to rehab a structure that has fallen under terrible misuse while in the stewardship of Preservation Delaware.

I think this is the best shot this mansion has for getting restored. No one is going to buy it to live in. The proposed office space could always be torn down in the future with no harm to the mansion itself.

Thank you for asking for my input.

Robert A. Keller

RECEIVED
DELAWARE STATE HISTORIC
PRESERVATION OFFICE

April 24, 2007

2007 APR 26 AM 11:35

Dear Sir/Madam:

I am writing with great concern over the proposal to use the property at Gibraltar for a commercial office park development. I truly believe this is a fundamental misuse of this property, and the **overwhelming majority of the immediate neighbors are opposed to it**, as witnessed by the over two hundred signatures on the petition presented to the Zoning Board of Adjustment—**all from the immediate neighborhood**, as opposed to much of the most vocal support favoring this project which comes from people who do not live anywhere near the site.

From the outset the neighborhood has been in favor of use appropriate to a quiet residential zone. What is being proposed now is really an abuse of trust-- to both the neighbors, and to the words and spirit of the original conservation easement.

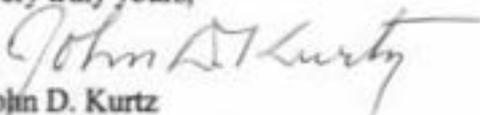
The actions of the ZBA, and the characterizations presented by the developers, (and for the most part echoed in the newspaper articles), have clouded the real issue of fairness to this residential community in its efforts to remain residential.

The preservation of the gardens at Gibraltar has been accomplished, and the stabilizing of the house is easily effected. Funds are already available for that purpose; \$60,000.00 has been given by the state already. PDI has admitted to having been "desperate" to find a solution. What we have not had is an independent audit of what has gone on to date. We have no way of knowing what efforts have been made to find a truly appropriate use for the property. What we do know is that this current proposal subverts the letter and intention of the conservation easement, paid for with \$1 million of taxpayers' money, granted to "preserve and protect the Conservation Values in perpetuity" and its "natural, scenic, historic, open space and cultural values" for "the benefit of this generation and generations to come".

I respectfully ask you to become acquainted with the true story of how cavalierly this property has been managed over the last fifteen years, and use your position to help see to it that the taxpayers of this community are not stampeded into thinking this is the "only solution".

There are an absolutely overwhelming number of residents of the Highlands who want our neighborhood to retain its residential-only zoning.

Very truly yours,


John D. Kurtz

From: McDermott, Michael
Sent: Thursday, April 26, 2007 9:19 AM
To: DOSHCA_Gibraltar
Subject: My comments to the Gibraltar plan

> I am a resident of the Highlands with small children. I live close
> enough to Gibraltar to understand that the kind of development that is
> proposed will increase the volume of traffic on our neighborhood
> streets to level that is unacceptably dangerous. People already avoid
> the intersection of PA Ave and Greenhill by cutting through narrow
> neighborhood streets with residential parking on both sides and
> pedestrians, often children, heading to one of the three playgrounds
> in the immediate area.
>
> At best, traffic from any re-use plan for Gibraltar must be diverted
> to PA Ave and/or the Greenhill intersection must be reconfigured to
> accommodate and indeed discourage using the Highlands as a cut
> through.
>
> Thanks
>
>
> Michael W. McDermott
> Young Conaway Stargatt & Taylor, LLP

From: Julius Meisel
Sent: Thursday, April 26, 2007 11:47 AM
To: DOSHCA_Gibraltar
Subject: Restated Easement for Gibraltar

Dear Recipient,

I am a resident of Wilmington and a member of the Highlands Community Association.

I have studied the proposed revisions to the existing Gibraltar Conservation Easement, and am writing to support those revisions. I believe that the plan proposed by Preservation Delaware offers the best available hope for preserving and maintaining this historically and culturally significant property, and I support any easement changes that might be necessary to allow that plan to go forward.

Best regards,

Julius Meisel

From: Mulrenin Laura [lauramulrenin@yahoo.com]
Sent: Thursday, April 26, 2007 12:58 PM
To: DOSHCA_Gibraltar
Subject: gibraltar

To whom it may concern,

I am a home owner in the Highlands and I would like to voice my protest over the future plans for the development of Gibraltar into an office park. I believe that a better option can be found to adaptively reuse the mansion and comply with the existing Conservation Easement. Please do not allow for the over commercialization of our neighborhood.

Thank you for your attention in this matter.

Sincerely,

Laura and Tim Mulrenin
1416 Riverview Avenue
Wilmington, DE 19806

Ahhh...imagining that irresistible "new car" smell?
Check out new cars at [Yahoo! Autos](#).

From: Pincus, Robert [BPINCUS@skadden.com]
Sent: Thursday, April 26, 2007 12:50 PM
To: DOSHCA_Gibraltar
Cc: Pincus, Robert
Subject: Gibraltar

Ladies and Gentlemen:

I am writing to convey my concerns regarding the "Amended and Restated Conservation Easement" requested by Preservation Delaware Inc. ("PDI") and currently under consideration by the State Historical Preservation Office. As a neighbor of Gibraltar and a resident of the State of Delaware, I have concerns regarding the immediate and future negative impact the Restated Easement will have: (1) on Gibraltar and on the Highlands Community; and (2) on other land protected and preserved by the State.

With regard to Gibraltar and the Highlands, the Restated Easement will devastate the "open", "scenic" and "historic" qualities of the Property that are protected by the Conservation Easement (which the State paid \$1 Million to protect "in perpetuity"). The Restated Easement will allow a large commercial office complex, approximately 100 parking spaces and new roads to replace the scenic, historic and natural Gibraltar property and forever change the Greenhill and W. 16th Street corner of the Highlands. Further, traffic from the new commercial tenants (their employees and clients) in and out of Gibraltar, will add traffic congestion and noise. In addition to changing the Gibraltar Property and the neighborhood forever, the Restated Easement removes many land use protections completely (through its change in the definition of "Conservation Values" and in its attempt to carve out a large portion of the property as "secondary" and hence unprotected). If the State permits the Restated Easement, it will also put all of its other conservation easements in question, and will significantly impact the integrity of the State's preservation process and the public's confidence in the same.

Thank you for taking a moment to hear my concerns.

Bob Pincus
2406 W. 17th Street
Wilmington, DE 19806
302.984.2968

Robert B. Pincus
Skadden, Arps, Slate, Meagher & Flom, LLP
One Rodney Square
Wilmington, DE 19801
302 651-3090 (O)
888-329-4133 (F)
302 562-5232 (Cell)

To ensure compliance with Treasury Department regulations, we advise you that, unless

This e-mail and any attachments thereto, is intended only for use by the addressee(s)

From: Mitch Stagg
Sent: Thursday, April 26, 2007 12:32 PM
To: DOSHCA_Gibraltar
Subject: Gibraltar

Dear Sir/Madame,

We live in the Highlands and are writing to express our opinion that the proposed use of the property to house an office park is completely in opposition to the nature of the residential neighborhood in which we live. Further, the additional traffic along 16th street and development of a commercial building on the site will hurt the integrity of the neighborhood and the homes that surround it.

Thank you for giving us the opportunity to express our opinion on this matter.

Sincerely,

Mitch Stagg & Cheryl Richter

From:
Sent: Thursday, April 26, 2007 8:54 AM
To: doscha_gibraltar; Larrivee Joan (DOS)
Subject: Fw: Gibraltar

----- Original Message -----
From: GAEL SZYMANSKI
To: doscha_gibraltar@state.de.us
Sent: Thursday, April 26, 2007 8:44 AM
Subject: Gibraltar

To all that it may Concern,

I am deeply troubled by the proposal of commercial developers taking over , changing and not protecting the conservation easement of this property. I am also concerned by the very political soundings of this all. Is it the all powerful with money that rules this State or the people. Who is actually thinking about the future and who really cares? Do we really need a commercial site smack in the middle of a beautiful residential area. There is plenty of office space a couple of miles down the pike in the city centre available.

I recently was in the beautiful city of Buenos Aires, Argentina. This city made the mistake of allowing old buildings to be torn down so that new ones could be built. So now the magnificent old streets are like checkerboards of old and new and too late they now **do** have preservation laws. Now you cannot tare down old buildings and you cannot change footprints. They learnt their lessons the hard way. We still have a chance to save this old part of Wilmington Delaware the way it should be. Please don't allow this to happen.

Sincerely, Gael Szymanski

From: Irene Annos
Sent: Friday, April 27, 2007 9:19 PM
To: DOSHCA_Gibraltar
Subject: Gibraltar Estate

We will be brief and to the point: In 1997 "we" the taxpayers paid \$1,000,000.00 to protect the Gibraltar estate from development. We STRONGLY OPPOSE an office park at the Gibraltar site. Irene and William Annos,