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SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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APPEAL FROM THE COURT OF COMMON PLEAS FOR CHARLESTON COUNTY  
George M. McFaddin, Jr., Circuit Court Judge

Appellate Case No. 2025-001048

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Ten Mile Neighborhood Association of Awendaw, S.C., Appellant,

v.

Charleston County Planning Commission, McNeil Henry, and Crescent Homes CHS, LLC,  
Respondents.

AND

Ten Mile Neighborhood Association of Awendaw, S.C., Appellant,

v.

Charleston County Planning Commission, Betty Ann Goodwater, Isaac Goodwater, Joseph  
Goodwater, and Crescent Homes CHS, LLC,  
Respondents.

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**APPELLANT'S DESIGNATION OF MATTER**

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Pursuant to Rule 209 of the South Carolina Rules of Appellate Procedure, Appellant, Ten Mile Neighborhood Association of Awendaw, S.C., hereby identifies the following items to be included in the Record on Appeal:

**Orders**

1. Order of Consolidation, dated January 29, 2025

2. Ruling of the Circuit Court Affirming Planning Commission Decision, dated April 3, 2025
3. Order Affirming the Decisions of the Charleston County Planning Commission, dated April 25, 2025

### **Pleadings**

1. Appellant's Petition and Notice of Appeal, Ten Mile Neighborhood Association of Awendaw, S.C. v. Charleston County Planning Commission, McNeil Henry, Dream Finders Homes, LLC, and Crescent Homes, LLC, dated August 12, 2024
2. Appellant's Petition and Notice of Appeal, Ten Mile Neighborhood Association of Awendaw's S.C. v. Charleston County Planning Commission, Dream Finders Homes, LLC, Betty Ann Goodwater, Isaac Goodwater, Joseph Goodwater, and Crescent Homes CHS, LLC, dated August 12, 2024
3. Respondent Crescent Homes CHS, LLC's Answer to Petition for Appeal, Ten Mile Neighborhood Association of Awendaw, S.C. v. Charleston County Planning Commission, McNeil Henry, Dream Finders Homes, LLC, and Crescent Homes, LLC, dated September 17, 2024
4. Respondent Crescent Homes CHS, LLC's Answer to Petition for Appeal, Ten Mile Neighborhood Association of Awendaw, S.C. v. Charleston County Planning Commission, Dream Finders Homes, LLC, Betty Ann Goodwater, Isaac Goodwater, Joseph Goodwater, and Crescent Homes CHS, LLC, September 17, 2024

### **Briefs**

1. Brief of Plaintiff/Appellant, dated November 18, 2024
2. Defendant/Respondent Crescent Homes CHS, LLC's Reply Brief, dated December 18, 2024
3. Respondent Charleston County Planning Commission's Response to Appellant's Petitions and Notices of Appeal, dated December 18, 2024
4. Appellant's Reply to Respondents' Response to Appellant's Petitions and Notices of Appeal (including Affidavits of Pearl V. Ascue, Peggie Hutchinson, and Stanley Brown), dated January 3, 2025

### **Transcripts**

1. Transcript of Charleston County Planning Commission Decision for SBDV-07-23-02493, Ten Mile Neighborhood Association of Awendaw, S.C. v. Charleston County Planning Commission, McNeil Henry, and Crescent Homes, LLC, dated July 8, 2024

2. Transcript of Charleston County Planning Commission Decision for SBDV-06-23-02467, Ten Mile Neighborhood Association of Awendaw's S.C. v. Charleston County Planning Commission, Betty Ann Goodwater, Isaac Goodwater, Joseph Goodwater, and Crescent Homes CHS, LLC, dated July 8, 2024
3. Transcript of Hearing, dated February 27, 2025

#### **Other Materials**

1. Record of Proceedings for SBDV-07-23-02493, Ten Mile Neighborhood Association of Awendaw, S.C. v. Charleston County Planning Commission, McNeil Henry, and Crescent Homes, LLC, dated July 8, 2024
2. Record of Proceedings for SBDV-06-23-02467, Ten Mile Neighborhood Association of Awendaw's S.C. v. Charleston County Planning Commission, Betty Ann Goodwater, Isaac Goodwater, Joseph Goodwater, and Crescent Homes CHS, LLC, dated July 8, 2024

#### **CERTIFICATE OF COUNSEL**

The undersigned counsel hereby certifies pursuant to Rule 209(c) of the South Carolina Rules of Appellate Procedure that this Designation contains no matter that is irrelevant to the appeal.

Respectfully submitted,

s/ Monica Whalen

Benjamin D. Cunningham (SC Bar No. 76396)

Monica K. Whalen (SC Bar No. 106638)

SOUTH CAROLINA ENVIRONMENTAL LAW PROJECT

P.O. Box 1380

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*Attorneys for the Appellant*

September 3, 2025

Georgetown, South Carolina

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STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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APPEAL FROM THE COURT OF COMMON PLEAS FOR CHARLESTON COUNTY  
The Honorable George M. McFaddin, Jr., Presiding Judge

Appellate Case No. 2025-001048

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Goodwater, and Crescent Homes, LLC,  
Respondents.

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**PROOF OF SERVICE**

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I hereby certify that on this date I served Appellant Ten Mile Neighborhood Association of Awendaw, S.C.'s Initial Brief and Designation of Matter upon counsel for the Respondents by AIS registered electronic mail and U.S. Mail with notification distributed to the following:

Taylor H. Stair, Esq.  
William G. Deschamps, IV, Esq.  
Paul N. Nybo, Esq.  
Megan F. Stevens, Esq.  
Parker Poe Adams & Bernstein LLP  
850 Morrison Drive, Suite 400  
Charleston, SC 29403

Bernard E. Ferrara, Jr., Esq.  
Marc G. Belle, Esq.  
Kevin M. DeAntonio, Esq.  
Andrew L. Hethington, Esq.  
Charleston County Planning Commission  
4045 Bridge View Drive  
North Charleston, SC 29405

I hereby certify that on this date I served Appellant Ten Mile Neighborhood Association of Awendaw, S.C.'s Initial Brief and Designation of Matter upon pro se Respondents by U.S. Mail with notification distributed to the following:

McNeil Henry  
1089 Theodore Road  
Awendaw, SC 29429

Isaac Goodwater  
8 Stetson St.  
Norwich, CT 06360

Betty Ann Goodwater  
31 W High St.  
New London, CT 06320

Joseph Goodwater  
1170 Brandon Road  
Cleveland, OH 44112

s/ Monica Whalen  
Benjamin D. Cunningham  
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*Attorneys for the Appellant*

September 3, 2025  
Mount Pleasant, South Carolina



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*Of Counsel*  
Lauren Megill Milton | lauren@scelp.org

September 3, 2025

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SC Court of Appeals

**VIA U.S. MAIL AND ELECTRONIC MAIL**

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

**RE: Appellant's Initial Brief and Designation of Matter**  
***Ten Mile Neighborhood Association of Awendaw, S.C. v. Charleston County Planning Commission, McNeil Henry, and Crescent Homes, LLC***  
**AND**  
***Ten Mile Neighborhood Association of Awendaw, S.C. v. Charleston County Planning Commission, Betty Ann Goodwater, Isaac Goodwater, Joseph Goodwater, and Crescent Homes CHS, LLC***  
**Appellate Case No. 2025-001048**

Dear Madame Clerk:

Please find enclosed Appellant Ten Mile Neighborhood Association of Awendaw's Initial Brief, Designation of Matter, and Proof of Service in the above-referenced matter for filing. By copy of this letter, I am serving counsel for all parties by regular mail and AIS registered electronic mail. I am serving pro se Respondents by regular mail. Thank you for your kind consideration and assistance with this matter.

Respectfully,

s/ Monica K. Whalen  
Monica Whalen

Enclosures

cc: Bernard Ferrara, Esq.  
Andrew Hethington, Esq.  
Taylor Stair, Esq.  
William DesChamps, Esq.  
Paul Nybo, Esq.  
Megan Stevens, Esq.  
Kevin DeAntonio, Esq.

Marc Belle, Esq.  
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