

MINUTES OF MARCH 19, 2018

The regular meeting of the Sussex County Board of Adjustment was held on Monday, March 19, 2018, at 7:00 p.m. in the County Council Chambers, 2 The Circle, Georgetown, Delaware.

The meeting was called to order at 7:00 p.m. with Chairman Dale Callaway presiding. The Board members present were: Mr. Dale Callaway, Mr. Bruce Mears, Mr. John Mills, and Mr. Brent Workman. Ms. Ellen Magee was absent. Also, in attendance were Mr. James Sharp, Esquire – Assistant County Attorney, and staff members Ms. Janelle Cornwell – Director of Planning and Zoning and Mrs. Jennifer Walls – Planning Manager.

The Pledge of Allegiance was led by Mr. Callaway.

Motion by Mr. Mills, seconded by Mr. Mears, and carried unanimously to approve the revised agenda as circulated. Motion carried 4 – 0.

Motion by Mr. Mills, seconded by Mr. Mears, and carried unanimously to approve the Minutes and Finding of Facts for February 5, 2018. Motion carried 4 – 0.

Mr. Sharp read a statement explaining how the Board of Adjustment meeting is conducted and the procedures for hearing the case.

PUBLIC HEARINGS

Case No. 12113 – Allen Harim Foods LLC - seeks a special use exception for a potentially hazardous use (facility for further processing; deboning, packaging, and shipping of poultry products) (Sections 115-111 and 115-210 of the Sussex County Zoning Code). The property is located on the northwest corner of Pinnacle Way and Iron Branch Road (Route 331). 911 Address: 29984 Pinnacle Way, Millsboro. Zoning District: HI-1. Tax Map Nos.: 2-33-5.00-14.00, 2-33-5.00-15.00, & 2-33-5.00-16.00.

Ms. Cornwell presented the case and stated that the Office of Planning and Zoning received four (4) letters in support of the Application and twenty-two (22) letters in opposition to the Application. Ms. Cornwell stated that the Office of Planning & Zoning reached out to multiple state agencies to solicit comments. The State Fire Marshal had no objection to the Application. The Delaware Department of Transportation (“DelDOT”) noted that a traffic impact study is underway. The Delaware Division of Natural Resources and Environmental Control (“DNREC”) Groundwater Discharge Division noted that the Applicant is working with the agency on its spray irrigation permit. The DNREC Division of Waste & Hazardous Substance Department noted that the release of any hazardous substance must comply with the Hazardous Substance Cleanup Act. The DNREC Site Investigation and Restoration Section provided comments as well. Ms. Cornwell provided an overview of the concerns raised by the opposition which included concerns about water quality, wastewater treatment, environmental, Brownfield, traffic, noise, health, and spray irrigation. Ms. Cornwell advised the Board that copies of all the correspondence will be provided to

the Board. The Applicant requests a special use exception for a potentially hazardous use of a facility for further processing, deboning, packaging, and shipping of poultry products.

Mr. Mills stated that he reviewed the Applicant's booklet submitted to the Board and asked about Tab K which contained some correspondence between the Applicant and Ms. Cornwell regarding whether the proposed use fits under a potentially hazardous use.

Mr. Sharp advised the Board that the Applicant raised the issue as to whether a special use exception was needed for the proposed use; that the Director determined that a special use exception was needed for the proposed use; that the Applicant filed an appeal of the Director's decision but subsequently withdrew that appeal and waived its right to bring forth that issue; and that the issue before the Board is not whether a special use exception is necessary but whether a special use exception should be granted.

Rob Gibbs, Esquire, presented the case on behalf of the Applicant and submitted exhibit booklets for the Board to review.

Mr. Gibbs stated that the Applicant is under time constraints and the proposed use is part of a bigger picture for the Applicant; that he believes that the potentially hazardous use section of the Code, which is at issue in this case, is a unique section of the Code and provides the Director the right to determine whether a use falls within Code §115-111; that the slaughtering of poultry would constitute a potentially hazardous use but the Applicant is not proposing to slaughter poultry on the site; that the Applicant believes that the proposed use is not a potentially hazardous use but opted to withdraw its appeal in order to pursue the special use exception; that an exhibit booklet has been submitted into the record; that the Board's role is focused on land use and planning but Code §115-111 requires the Board to consult with other agencies about the Application to confirm that those agencies can address issues which are outside the scope of the Board's normal focus; that the Delaware Supreme Court in Dragon Run Terrace acknowledged that "the Board is allowed to rely on permitting agencies to perform their statutory duties to safeguard the public" and that "the question of sanitary facilities is a matter for the health authorities because actual use of the premises cannot be commenced until the certificate is granted" and that "if the applicant cannot satisfy the permitting requirements, then the facility will not be permitted to operate" and "the appropriate time to ferret out the legitimacy of concerns of this nature are at the permitting stage, not when considering a special use exception"; that the Delaware Supreme Court held that "the Board has no power to deny the permit solely on this ground and the Board could rely on the public health authorities to safeguard the public by denying a permit should there be a bona fide sanitation issue" and that "fears of potential health hazards, which can be more appropriately addressed by permitting agencies, are not proper fodder to support the denial of a special use exception in the context of zoning"; that the Dragon Run Terrace case was the basis for the Court's affirmation of a prior Board approval for a more intensive use on the Property; that the Applicant proposed a slaughtering facility in 2013 and was approved by the Board; that the Applicant now proposes only to debone poultry on the site; that slaughtering and defeathering will be conducted at a different location; that the deboning facility will result in approximately 165 employees on site; that the

truck traffic related to the use will be approximately 16 trucks per day as compared to 50-85 trucks per day when the Vlastic Pickle plant was in operation on the site; that the wastewater discharge from the prior approved use would result in 1.2 million gallons per day and would include stream discharge; that the wastewater discharge from the proposed use will result in 40,000 gallons per day and would not include stream discharge; that the treated wastewater will be discharged via spray irrigation with no discharge to the stream subject to an existing permit application to DNREC; that the prior application applied to the entire building and included an additional 72,860 square feet of space; that the proposed application will only use 11% of the existing building for the deboning operation; that the facility has been used for warehousing; that the refrigeration system will be a Freon based system which is an improvement over an ammonia-based system; that the proposed use is a permitted use in the LI-1 (Light Industrial) zoning district; that no new structures are planned to be constructed on the site; that all traffic will be able to use the existing main entrance on Iron Branch Road but the entrance will most likely be re-aligned to improve the traffic along Iron Branch Road; that there is no plan to increase the paving for parking on site; that DNREC has already approved the wastewater discharge permit but there are other related permits still on-going; that the Applicant will utilize the existing air permit; that an entrance permit is underway and an initial plan has been submitted; that a traffic impact study has been submitted; that the Applicant will need to go to the United States Department of Agriculture (“USDA”) for an inspection; that USDA will not begin its inspection process until this application is approved; that the Property consists of 3 parcels; and that the poultry deboning facility will include a refrigerated shipping dock and cooler, refrigerated processing area, and necessary production support amenities.

Tim Van Brunt, Matthew Hershberger, Everett Brown, Cathy Bassett, and Brian Hildreth were sworn in to testify about the Application.

Mr. Van Brunt testified that the spray irrigation field is the 29 acre parcel adjacent to the facility; and that the spray irrigation area includes some trees but most of the area is grassland.

Mr. Gibbs stated that the Applicant is using the most advanced processes and methods to address environmental concerns.

Mr. Sharp advised the Board that a copy of the Findings of Fact for Case No. 11216 – which was the previous special use exception case for the site – and a copy of the Superior Court’s decision regarding the appeal of the Board’s decision in that case have been provided to the Board and included in the record; and that the Superior Court decision was affirmed by the Supreme Court.

Mr. Gibbs stated that Ed Kee visited the Allen Harim facilities in Korea and was impressed with those facilities; that all discharge into the stream will be eliminated when the spray irrigation permit is approved; that the treated wastewater will be trucked off site in the meantime; that the spray irrigation field consists of 29 acres; that the Applicant will minimize the effluent levels; that the spray irrigation system will be state-of-art; that there will be no appreciable impact of the

facility by way of fire, explosion, noise, vibration, dust, odor, emission of smoke, toxic gases, or other pollutants; that the facility will have a fire suppression system; that the facility will result in some noise and dust but it will be limited; that there may be vibration from the truck traffic but the vibration will be de minimis; that there is not much odor in the de-boning process; that there should be no appreciable odor from the site; that the improvements to Iron Branch Road should improve the traffic safety in the area; and that DelDOT requires a developer to pay for improvements.

Mr. Van Brunt testified that the Applicant will use approximately 10% of the facility for the de-boning facility; that the site will also be used for corporate offices and a refrigerated shipping dock; that Building 3 will be used for warehousing; that Building 2 will be largely unoccupied except that a corner of the building is used by Sussex County Toys for Tots; and that there is room for growth on the site.

Mr. Gibbs stated that the Delaware Center for the Inland Bays (“DCIB”) is not considered an agency and the Court agreed; that a request for comment has been sent to DCIB as a courtesy; that comments from some agencies have been submitted into the record; that the Groundwater Discharge Section of DNREC has submitted comments confirming that the Applicant is in the preliminary stages of the permitting process; that a Phase 1 environmental report was issued prior to the Applicant’s purchase of the Property which concluded that there were no environmental issues on the site; that the Applicant ordered another Phase 1 environmental report as part of its due diligence which resulted in significant testing and sampling; that DNREC suggested that the site may be an appropriate site for a Brownfield program; that the Brownfield program is a program offered for sites which have environmental problems or are thought to have such problems due to their historic use as a means to make vacant properties productive sites again; that the Applicant applied for inclusion in the Brownfield program; that the Brownfield program is a proactive program and inclusion in that program does not, per se, mean that the site is an environmental mess; that the Applicant has completed the sampling, monitoring, and reporting requirements under the Brownfield program; that a Certificate of Completion of Remedy has been recorded and shows that DNREC has monitored and studied the site and the study is complete; that the site is not a dirty, old, industrial site; that no remediation was required because there was nothing to remediate; that the proposal will increase jobs; and that the Delaware Farm Bureau and the Delmarva Poultry Association support the Application.

Mr. Hershberger testified that he worked on the risk assessment portion of the Brownfields investigation; that he has worked on the long-term stewardship (“LTS”) plan; that the LTS plan requires quarterly monitoring of the wells; that the quarterly monitoring began in 2015; that DNREC has authorized a reduction in the sampling of the wells but the sampling continues on a semi-annual basis; that the health of the Property was improving; that the LTS sampling was to determine whether contaminants exist and are leaving the site; that the monitoring has shown a stabilization and decrease of constituents on site; that DNREC will require continued monitoring of the wells on site to ensure compliance with the LTS plan; that, if the monitoring shows that the spray irrigation proposed by the Applicant leads to an increase in constituents, DNREC will review the plan and may require remediation; that the LTS plan is in place to monitor ground water to

confirm that the constituents are not migrating off site; that they monitor constituents of concern set forth in the LTS plan; and that there are 18 wells and 4 production wells which are monitored.

Mr. Van Brunt testified that there has been no irrigation on the site since 2011.

Mr. Hershberger testified that nitrates and nitrites are being monitored as part of the LTS plan and they have been decreasing; and that the monitoring wells would also show additional nitrates if they exist.

Mr. Gibbs stated that DNREC will monitor the spray irrigation system and has its own testing requirements.

Mr. Van Brunt testified that the spray irrigation permit is separate from the LTS plan; that DNREC will require additional testing related to the spray irrigation system above and beyond the testing required under the LTS plan; that the Applicant will not be able to move forward with the spray irrigation without DNREC's approval; that the water from the spray irrigation will be tested prior to discharge; that the Applicant will have to implement a nutrient management program to demonstrate that crops and plantings on site - such as corn, loblolly pines, and grasses – will be able to absorb nitrates; that the goal is to have a net zero sum of nitrates into the ground from the spray irrigation due to the nutrient management program; that the by-products from the spray irrigation system will be used to fertilize the crops; that the Applicant is in the preliminary stages of the nutrient management program; and that the crops will be tested to confirm that the nitrogen is being pulled out of the spray irrigation by the crops.

Mr. Gibbs stated that the Board previously approved a full processing facility on the site; that the use complements the other business uses of the Applicant; that he is unaware of any potential hazards with the proposed use; and that the process will not include any offal.

Mr. Van Brunt testified that the chickens will be slaughtered and process at the Applicant's Harbeson plant; that the finished products will be brought to the Property; that the bones from those products will be removed and then the poultry will be packed and shipped out; that all feathers, guts, and offal will be handled at the Harbeson plant; that poultry will be similar to the poultry available in the store only the Applicant will be removing bones from the poultry; and that the bones are placed back into containers and shipped back to the Harbeson plant.

Mr. Van Brunt affirmed the statements made by Mr. Gibbs as true and correct.

Mr. Van Brunt testified that Merck Pharmaceuticals, the Millsboro Wastewater Treatment Facility, a Thorogoods Concrete plant, Suburban Propane, and Delmarva Power are located nearby; that there is a trailer park to the south and east of the site; that there is a housing development nearby as well; and that the proposed use will not substantially affect adversely the uses of neighboring and adjacent properties.

Richard Wilkins was sworn in to support the Application.

Mr. Wilkins testified that he is a Sussex County farmer; that the proposed use is a much lesser impact on the neighborhood than the previously approved use; that he grows vegetable crops, feed grains, and other crops; that there is a growing demand for poultry; that Sussex County is an agricultural area; that one acre of water consists of approximately 27,000 gallons of water; that the spray irrigation system will distribute 4/100 of an inch of irrigation per acre per week; that an agricultural crop growing in the summer months will evapotransperate that amount of water in approximately 3 hours; and that the spray irrigation is not enough to grow a crop or even keep the crop cool for 3 hours.

John Austin, Anthony Scarpa, Ken Haynes, Michael Proso, Keith Steck, Charlotte Reid, Maria Payan, and Tom Bretten were sworn in and testified in opposition to the Application.

Mr. Austin testified that, in 2013, he was a member of the DCIB and is an ex-Super Fund employee; that reviewed a site plan assessment report; that he concluded that the Applicant should not buy the Property because of the potential exposure to liability once spray irrigation is used on the site; that the site has been determined to be stable per the Brownfields program; that he finds the proposed used to be in violation of the Delaware Administrative Code regarding TMDLs for the inland bays – See 7 Del. C. §7047; that an average of 21.6 ml/gallon of nitrates will be sprayed on the site but the crops will only absorb 6.4 ml/gallon nitrates; that the Applicant will be spraying more gallons of nitrates per day than is allowed by the Code; that DNREC has not actively enforced the Code; that 2 wells were highly contaminated in the 2013 sampling with arsenic and cobalt; that these arsenic levels were lower than the Environmental Protection Agency’s (“EPA”) maximum level but they still pose a substantial health risk; that, if someone drank water from the sampling wells, the individual would be subject to higher cancer and organ damage risks; that he has not reviewed the quarterly monitoring data since 2013; that, in 2014, DNREC passed new regulations regarding spray irrigation and there is some question as to whether DNREC will apply the old regulations or new regulations; that the Applicant should have to obtain a new permit under the new regulations; and that there has been no medical testing to show a direct link between the Property and organ damage.

Mr. Scarpa testified that the Board should look at the impact of the agricultural use with water and air; that 5.5 millions of chicken are raised per week in Delaware; that 300,000 tons of poultry are generated annually; that 38 million gallons per week of wastewater must be discharged; that poultry houses vent out ammonia; that 1,500 trucks per day are used in the poultry industry; that the Applicant’s proposed use will add to that truck traffic; that there is a coal-burning power plant nearby; that the Applicant had over 90 wastewater violations at the Harbeson plant from DNREC; that DNREC did not actively enforce those violations; that Blessing Compost outside of Milton also received violations; that the Board cannot rely on DNREC to enforce these regulations because DNREC does not have a good track record of protecting Delawareans; that the wastewater will be trucked to the Harbeson facility where it will be sprayed on fields; and that the additional

spray irrigation at the Harbeson facility will send nitrates closer to the Town of Milton. Mr. Scarpa submitted an exhibit to the record.

Mr. Haynes testified that his grandparents bought a house in 1950 in Possum Point; that Possum Point was created in 1953; that Wharton's Bluff was a saw mill in the 1860s; that the application states that the Property is Millsboro; that the address is a Dagsboro address; that he verified the address on Google Earths and postal maps; that Vlastic Pickles sent a letter to DNREC in 1991 – which Mr. Haynes read portions thereof into the record; that the Vlastic Pickle plant was a seasonal plant; that DNREC did not actively enforce its regulations against Vlastic Pickles; that the nitrate plume on the Property moved off site toward Possum Point; and that he believes that the nitrate plume killed his mother but he admitted he cannot prove it.

Ms. Cornwell advised the Board that staff verified the address of the Property with Mapping & Addressing prior to advertising the Application.

Mr. Proso testified that he moved to Delaware from Maryland in 2017; that he noticed contaminants on weekends and early morning hours from the Applicant's Harbeson plant; that he has contacted DNREC but does not trust them to follow-up on the enforcement; that the Harbeson plant emits noise from ventilation, vents, and compressors at all hours; that he lives 3/8 mile from the Harbeson plant; that DNREC has regulations on noise and he measures the noise from the plant; that the Applicant exceeds the noise regulations at the Harbeson plant; that DNREC has no way to enforce its noise regulations because it does not own noise measuring meters; that there are more than 65 trucks per day at the Harbeson plant; that the deboning plant will increase the number of trucks at the Harbeson plant; and that there are 162 homes in his neighborhood.

Mr. Steck testified that he resides in Milton and is a retired federal employee at the Government Accountability Office which is the federal watchdog agency; that he spent 4 years investigating water quality abuse; that he has investigated the Applicant's Harbeson plant; that spray irrigation systems cannot operate when the ground is frozen, the ground is saturated, or the wind is too great; that he questions what the Applicant will do with the wastewater when it cannot be sprayed; that he questions who owns the facility; and that he was not familiar with the Property and its ownership.

Mr. Sharp advised Mr. Steck that a copy of the deed to the Property was in the record.

Mr. Steck testified that the public should know who owns the Property in case a lawsuit is needed; that the Applicant has indicated that it will apply for permits; that there is a wastewater hauling permit that is needed for Denali to transport the wastewater from the Property to the Harbeson plant; that he questions how many truckloads of wastewater will be needed; that he finds it hard to believe that the Applicant will be a good environmental steward based on its violations at the Harbeson plant which still have not yet been resolved; that the Applicant received \$11.5 million in low-interest loans for on-site wastewater facility improvements; that the wastewater at the Harbeson plant will be transported to an Artesian facility where it will spread over 1,800 acres;

that he questions if there are plans to further develop the site; and that he has concerns about the impact of the facility on neighboring property values.

Ms. Reid testified that she lives in Rehoboth Beach; that she requests that the record be left open for her to address the Dragon Run Terrace case; that she would like to review the case and distinguish it; that 541 million gallons of wastewater aerated over 29 acres will cause odor problems; that Delaware has a high cancer rate; that nitrates can aggravate arthritis which may explain why she has endured 7 surgeries since moving to Delaware; that the State is sinking due to climate changes; that she has become significantly sicker since drinking Delaware water; that 60% of Delawareans receive their water from wells or wellheads; that nitrates sink into the groundwater and pollute the aquifers; and that there have been discrepancies in the Tidewater water but she could not recall the specifics.

Ms. Payan testified that she is a representative of the Socially Responsible Agricultural Project; that the neighbors previously objected to the Applicant's prior plan to place a facility which would slaughter 2 million birds on the site; that wells were tested in 2013; that the Dogfish Head brings its wastewater to the facility; that the community actively sought a tenant for the site which would benefit the neighborhood; that a church was interested in the site for an after-school program but the pastor was told the Property was not available; that the Harbeson plant is owned by the Applicant; that the Applicant has a poor track record; that the community is concerned that this will lead to a full processing plant on the site; that DNREC tried to transfer an expired permit for the Vlastic plant to the Applicant; that she contacted the EPA and was told that the transfer of the permit was illegal; that Vlastic plant was a seasonal plant which employed 400 people and was given a permit because it was an existing plant; that the offset and the permit were to be eliminated when the Vlastic plant closed; that she has no trust in DNREC; that there are over 100 violations against Mountaire but no fines issued or criminal charges filed; that the Applicant has been cited for 90 violations as well; that the Applicant does not comply with their permits; that the geology is sandy soil with high water table; that neighboring properties receive their water from shallow wells; that pollutants can transport easily in this environment; that the community is an environmental justice community; that the Maryland Institute of Public Health studied the site; that the poultry industry has a lot of political power; that within a 2 mile radius of the Property are located a concrete plant, an animal vaccine plant, 2 EPA Super Fund sites, a poultry processing plant, and a coal-fired power plant; that the cancer rates and mortality rates are higher near the site; that there are elevated levels of nitrates, arsenic, and other substances in the soil; that the site was polluted by a seasonal pickle plant; that there are health problems associated with the site; that the neighborhood is overburdened with pollution; that property values are lower nearer poultry processing plants; that there were 3 homes in Possum Point which were under contract but were withdrawn after the buyers learned of the earlier poultry processing plant; that banks will not give loans for nearby properties because the properties are not valued enough; that the Applicant has a 5 story building with robotics at its plant in Korea; that the County cannot guarantee safety from fires in the facility; that fires can occur by mixing of cleaning agents; that there is problem with spoilage of meat and salmonella contamination at deboning facilities; that the facility will need

cleaning agents to clean its equipment; and that fires and explosions can result from the use of cleaning agents.

The Board took a ten (10) minute recess.

Ms. Payan testified that the Applicant does not meet its permit and she does not know how the Applicant will meet the permit; that truck traffic and emissions are a problem in the area – particularly in the summer months; that there are 2 schools nearby which use well water; that the character of the neighborhood has changed in the past few years and is much different than when the Vlastic plant was in operation; that there are thousands of people in the area; and that she encourages the Board to deny the permit. Ms. Payan submitted exhibits to the Board to review.

Mr. Bretten testified that the experts have failed the neighborhood; that DNREC has specifically failed the neighborhood; and that the use on this site will enable other properties to pollute the area.

Mr. Gibbs stated that the Property is owned by Harim Millsboro, LLC; that Allen Harim Foods is a related entity and the ownership of the Property is separated from the operation of the business which is a common practice; that there were some trace elements of arsenic as noted in the report but the elements are not to a level of concern for the governing agencies; that the Certificate of Completion of Remedy outlines the condition of the site; that DNREC submitted a proposal for remediation which was vetted and appealed; that there were no recommendations for remediation at that time; that DNREC required the LTS plan where wells would be monitored; that these reports are regularly vetted by DNREC; that the Property is not pristine; that the DNREC decisions were appealed to the Court and upheld; that the DNREC recommendations were blessed; that the roles of the administrative agencies were clearly stated in the Court case; that Delaware has a state agency to make the technical decisions about the Applicant's proposed use and DNREC is there to protect the public health, safety, and welfare; that the Applicant must work with DNREC; that he does not see a reason to hold the record open; that the neighborhood is zoned heavy industrial and was used as a heavy industrial area prior to the enactment of the Sussex County Zoning Code; that there are numerous heavy industrial and commercial properties in the area; that residential properties have grown around those heavy industrial properties; and that there is a lagoon on site.

Mr. Van Brunt testified that the Property has a lagoon which can store approximately 2 million gallons of finished water; that the Applicant cannot spray if the groundwater is within 2 feet from the surface; that the Applicant cannot spray irrigate on consecutive days; that the Property has been historically permitted to allow for spray irrigation of 281,000 gallons per day; that the Applicant will pump and haul the wastewater to a facility on a different property whenever the Applicant is unable to spray irrigate for long periods of time; that the facility will likely process approximately 2 million pounds of poultry per week; that the plant is planned to a one-shift operation; that the spray irrigation system will be a center pivot system that will be upgraded; that he anticipates 5-6 trucks per day to transport wastewater off-site; that he is aware of spray irrigation

of treated municipal wastewater being applied near residential communities and there is no discernible odor from the spray irrigation; that the experts indicate to him that there will be no discernible odor from the plant's spray irrigation system; that the facility would be limited to 50,000 square feet; and that he cannot attest to any growth plans that exceed that square footage.

Mr. Steck testified that he spoke with Mr. Gibbs to clarify the ownership question; and that there appears to be no consultation with the Department of Public Health.

Mr. Sharp stated that §115-111 is a unique section of Code and requires the Board to consult with agencies about the Application; that comments from agencies have been submitted into the record; that, in the previous Court case, the Court held that the Board was not required to compel comments from other agencies; and that the Board could leave the record for additional comments.

The Board found that four (4) parties appeared in support of the Application.

The Board found that twenty-six (26) parties appeared in opposition to the Application.

Mr. Mills moved that the record be left open until the close of business on April 9, 2018, for the limited purpose of receiving additional comments, if any, from agencies and for Charlotte Reid of Rehoboth Beach, Delaware, to submit written comments on the Dragon Run Terrace case referenced in her testimony and that the Application be placed on the agenda for April 16, 2018.

Motion by Mr. Mills, seconded by Mr. Workman, and carried unanimously to **leave the record open until the close of business on April 9, 2018, for the limited purpose of receiving additional comments, if any, from agencies, and for Charlotte Reid, of Rehoboth Beach, Delaware, to submit written comments regarding the Dragon Run Terrace case referenced in her testimony, and that the Application be placed on the agenda for April 16, 2018.** Motion carried 4 – 0.

The vote by roll call; Mr. Mills – yea, Mr. Workman – yea, Mr. Mears – yea, and Mr. Callaway – yea.

Meeting was adjourned at 10:21 p.m.