

MINUTES OF THE REGULAR MEETING OF MARCH 9, 2000

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, March 9, 2000 in the County Council Chambers, County Administrative Office Building, Georgetown, Delaware.

The meeting was called to order at 7:30 P.M. with Chairman Allen presiding. The following members of the Commission were present: Mr. Allen, Mr. Hastings, Mr. Johnson, Mr. Lynch, Mr. Wheatley, and Mr. Schrader - Assistant County Attorney, Mr. Lank - Director, and Mr. Abbott - Assistant Director.

Motion by Mr. Wheatley, seconded by Mr. Johnson, and carried unanimously to adopt the agenda as circulated.

Motion by Mr. Hastings, seconded by Mr. Lynch, and carried unanimously to approve the minutes of February 24, 2000 as corrected.

IV. PUBLIC HEARINGS

C/U #1328 -- application of CENTERS FOR NEUROLOGY PROPERTIES, L.L.C. to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a doctor's office to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 36,198 square feet, more or less, lying north of Route 9 (Savannah Road), 500 feet northeast of Ritter Road.

The Commission found, based on a Support Facilities Report received from DelDOT, dated November 19, 1999, that the proposed action will have no significant impact on traffic.

The Commission found, based on a letter, dated February 10, 2000 from DelDOT to Charles D. Murphy Associates, Inc., that the Department commented on a revised Conditional Use site plan with comments referencing additional right-of-way, shoulder construction, bike/pedestrian path, the MRI trailer location, and other technical data required on a site plan.

The Commission found, based on a memorandum received from the County Engineering Department, that the site is located within Phase III of the West Rehoboth expansion of the Dewey Beach Sanitary Sewer District; that sewer service became available to the site on December 13, 1999; that the site has been served by an E-1 grinder pump; that any upgrades to this service will be the responsibility of the developer; that the site currently has a capitalization fee credit of 1.0 Equivalent Dwelling Unit (EDU); that additional capitalization fees will be due for any increase in EDUs at the rate of \$250.00 per EDU, assuming a single business is assessed; that capitalization fees will remain in effect through December 12, 2000; that system connection charges will be due for any increase in EDUs after December 12, 2000; and that the system connection charge rate for the period July 1, 1999 through June 30, 2000 is \$2,954.00 per EDU.

The Commission found, based on memorandum received from the Sussex Conservation District, that no storm flood hazard area or tax ditch is affected; that it may not be necessary for any on-site or off-site drainage improvements; that the soils are mapped as Sassafras sandy loam which has slight limitations; that the developer shall be required to follow recommended erosion and sedimentation control practices and to maintain vegetation; and that the farmland rating of the soil is considered Prime Farmland.

The Commission found that Robert Ament of Charles D. Murphy Associates, Inc. and Robert Varipapa, M.D. were present and stated in their presentations and in response to questions raised by the Commission that the maximum number of doctors on the site at any one time will be two or three; that the doctors may see more than 20 patients per day; that 27 parking spaces are proposed; that they are working with DelDOT on the design of the entrance; that underground infiltration is proposed for the runoff from the building; that a 4 foot deep dry pond area is proposed for drainage of the parking lot and driveways; that one-ninth of an acre of wetlands exists on the site; that they will improve the wetlands area with a National Wetlands Permit; that thirteen (13) doctors office exist in close proximity; that the mobile MRI trailer will be located on the site once a week; that the MRI trailer will be a new 48 foot long unit with a lift on one side that will connect to the building for access; that the unit will serve their other offices in Milford, Seaford, and Dover; that the 1,000 square foot office, presently located on the Bastholm property just west of the site, has become too small; that the practice has grown; that they anticipate no impact on traffic; that a one-story building with a hip-roof is proposed; that neurologist's treat patients within the office and at the hospital; that the organization has 9 doctors in the association; that approximately 50% of the doctors office in the area maintain a residential character or appearance; that a sign does not have to be lighted since they have no evening hours; that typical office hours are from 8:00 A.M. to 5:00 P.M. with no evening or weekend hours; that there normally will be three (3) full-time staff in the office plus one (1) additional staff per doctor present; that 66% of the site is proposed to be impervious surface; and that waste products are maintained at a minimum in biological containers which are picked up by licensed handlers.

The Commission found that the applicant submitted a color-coded site plan and an elevation drawing of the proposed building for the record.

The Commission found that Jay Freed, M.D. was present in support and stated that the relocation will provide better service to the community due to the improved access for patients and the larger square footage of the building.

The Commission found that Barbara Hearn and Zigmund Mielnikiewicz, submitted letters in opposition and stated that they purchased their home approximately 2 years ago to be used for a summer residence and future home; that they were concerned about the number of doctors, the number of days that the MRI trailer may be used once approved;

that they have a small child and that other children live in the area creating a concern for their safety; that fencing will not keep children out of the stormwater pond; that the building does not look like a home; that the MRI trailer will be pulled by a large diesel truck; questioning how the truck will maneuver to park the MRI trailer in front of the building; that the stormwater pond may create a haven for mosquitoes; that the area is residential and the use will change the character of the area; that the building is too large; that Quakertown is a residential area; that the homes converted to offices have maintained a residential appearance with parking to the rear; that the area near Happy Harry's drugstore has larger offices in an area where several commercial and business uses exists; that they oppose truck noises; that they are concerned about increase traffic and traffic congestion, increased flooding, public health and safety issues, insufficient water recharge, reduction of property values and the destruction of the quality of life in the neighborhood, spot zoning, medical waste and radiation from X-ray machines, and the MRI Trailer. Both letters were submitted for the record.

The Commission found that Robert Larsen was present in opposition and stated that the proposed building will screen out the sun from his home on the east side of the site; that he is concerned that Dr. Topol's entrance was not required a by-pass lane and that people pass on the right shoulder in front of this site; that he is also concerned about drainage, the amount of impervious surfaces, and questioned the need for the increased amount of square footage.

The Commission found that Ann Shaffer was present in opposition and expressed concerns relating to traffic, which includes 38 school buses and emergency vehicles traveling Route 9.

The Commission found that Mrs. Shaffer submitted nine (9) photographs of the site and the area; nine (9) letters in opposition, including letters from Mr. and Mrs. Victor Shaffer, Harriett A. Holtzclaw, David and Suzette Hurst, Samuel and Millie Wertz, John and Kathy Kersey, R. Pierce and Jean D. Russell, Dr. Gary D. Wray, Jean Savoy, and David R. and Martha H. Brittingham; and a petition in opposition containing approximately 50 signatures.

The Commission found that there were twelve (12) parties present in opposition.

At the conclusion of the public hearings, the Chairman referred back to this application.

The Commission discussed the points and issues raised during the public hearing.

Motion by Mr. Johnson, seconded by Mr. Hastings, and carried 4 - 1, with Mr. Wheatley opposed to the motion, to forward this application to the Sussex County Council with the recommendation that it be denied since the site is not an appropriate location for an office building of this size, drainage concerns, and the amount of impervious surface proposed.

C/Z #1398 -- application of BAYSIDE DEVELOPMENT GROUP, INC. to consider a proposal to amend the Comprehensive Zoning Map from an AR-1 Agricultural Residential District to a HR-1 High Density Residential District for a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, lying east of Road 273-A, 780 feet south of Delaware Route One, to be located on 4.05 acres, more or less.

The Commission found, based on a letter dated August 17, 1999 from DelDOT, that a traffic impact study was not recommended; that DelDOT's Route 1 Corridor Study recommends the construction of a pedestrian and bicycle path, in a twenty (20) foot right-of-way, through the property; that the Department recommends, if the County is inclined to approve the application, that the County should require the applicant to dedicate the right-of-way the length of the property and to build the path within the right-of-way in a manner acceptable to DelDOT; and that the Department opposes the application if the path is not required.

The Commission found, based on a memorandum dated March 1, 2000 from the Sussex Conservation District, that no storm flood hazard areas or tax ditches are affected; that it may be necessary for some on-site and off-site drainage improvements due to water ponding on the surface or the seasonal high water table; that the soils are mapped as Fallsington sandy loam and Sassafras sandy loam; that the Fallsington soils have severe limitations; that the Sassafras soils have slight limitations; that the developers will be required to follow recommended erosion and sedimentation control practices and to maintain vegetation; that all of the soil types are considered Prime Farmland; and that the Fallsington soils are considered of Statewide Importance and a Hydric Soil.

The Commission found, based on a memorandum dated March 7, 2000 from the Sussex County Engineering Department, that the site is located in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District; that capacity is a concern for the 44 unit project; that the proposed density is approximately 11 units per acre, which exceeds the assumed development density of 4 units/acre for undeveloped land in the Development District; that certain pipelines have been identified as having insufficient capacity to serve the long-term needs of the area under the 4 units/acre scenario; that additional units will therefore put an additional burden on the wastewater system and cause the pipelines to reach capacity sooner than anticipated; that request for densities exceeding this amount must be balanced with requests for lower densities; that a 6-inch sewer lateral has been provided for the site; that this lateral is insufficient to serve the proposed project; that all additional infrastructure needed to serve the project must be constructed by the developer

in accordance with Ordinance No. 38 procedures; that the site currently has a system connection charge credit of 1.0 EDU; that system connection charges will be due for any increase in EDUs; and that the system connection charge rate for the period July 1, 1999 through June 30, 2000 is \$2,954.00 per EDU.

The Commission found, based on a letter dated February 29, 2000 from the Office of State Planning Coordination, that the site is located in the Community area of the Strategies for State Policies and Spending document approved by the Cabinet Committee on State Planning Issues in December 1999; that in these areas State policies will be to encourage redevelopment and reinvestment; that these areas can support a wide range of developments, including these proposed townhouses; that the State supports the request for bicycle/pedestrian paths from DelDOT; that the State agrees with DelDOT that if the paths are not required, the State will oppose the application; that the State DNREC has noted that any excavation requiring the pumpage of ground water for its construction requires prior approval from the Water Allocation Branch; that the deliberate pumping of ground water for use from either a natural body of water or any excavation must be reported to the Branch; that on December 10, 1998 the State DNREC adopted nutrient Total Maximum Daily Loads (TMDLs) for the Indian River, Indian River Bay, and the Rehoboth Bay; that these regulations call for significant reductions in nitrogen and phosphorous loads from point and non-point sources with a range from 40 to 85 percent; that a multi-family project of this size may result in increased nutrient loads to ground and surface waters of the Rehoboth Bay; that if this parcel is developed, adequate pollution control measures, such as buffers along the watercourses and stormwater management that addresses nutrients, along with sediments, should be installed; that any water wells that will not be legally uses must be properly abandoned by a licensed well driller; that there is an underground storage tank site within 400 feet of the site, and that the developer should contact the Underground Storage Tank Branch for information on possible problems; and that if the County approved the project, the developer should contact the Sussex County Office of the State Fire Marshal for information on plan submittal.

The Commission found that James Fuqua, Attorney, Jeff Hamer, Ernie DeAngelis, and Ross Harris were present on behalf of the application and stated in their presentations, and in response to questions raised by the Commission, that they propose 44 townhouse units; that the application meets the purpose of the Comprehensive Plan; that the use is in compliance with the intent of the Comprehensive Plan; that the site is in a Development District as depicted on the Comprehensive Plan Map; that the application meets the purpose of the HR High Density Residential District; that the site is adjacent to commercial activities and will create a buffer between the commercial activities and the residential area to the west; that the site is across from a HR High Density Residential District; that central water and central sewer are proposed; that the site is in close

proximity to stores and shops; that fire and ambulance protection are provided by the Rehoboth Beach Volunteer Fire Department; that police protection is provided by the State Police; that development of the site will include 44 units with a clubhouse and swimming pool; that stormwater management is proposed by using ponds; that forested wetlands will not be disturbed; that the bike path requested by DelDOT will be provided; that the wetlands, on the site, are non-tidal and that the County, the State, and the Army Corps. of Engineers do not require a setback from non-tidal wetlands; that the site is not pristine; that the site was not maintained by previous owners; that the applicants purchased the site approximately 2 years ago; that signage will not exceed the County Code; that the units will have garages; that the Comprehensive Plan references that the overwhelming majority of Sussex County citizens favor directing growth to existing Municipalities and developing areas where central wastewater systems exist or are planned; that the goal of the County is to have future growth occur around existing Towns and in designated Development Districts; that since central wastewater facilities exist or are planned, higher densities are appropriate, thus reducing the pressure for the conversion of farmland to residential use; that the purpose of the Development District is to concentrate development in areas where public water and wastewater systems are available or planned and where past trends indicate that growth will occur; that housing types appropriate in the Development District include single-family detached homes, townhouses, apartments, and condominiums; that with a public wastewater system ten (10) dwelling units per acre for townhouses including townhouse condominiums, and twelve (12) dwelling units per acre for multi-family housing such as apartments, multi-story condominiums are acceptable; that the rezoning is appropriate due to the location between C-1 General Commercial and residential development and across from HR High Density Residential; that the bamboo on the site was originally grown for the purpose of marking oyster beds in the Bay; that the only wetlands to be filled will be man-made ditches on the property; that the ditches will be filled and piped; that the bike path will travel through wooded wetlands and uplands; that the path traveling through wetlands will include a bridge; and that the bike path is planned as a part of Phase 5 of the Route 1 Corridor Grid Study.

The Commission found that Mr. Fuqua presented a tax map marked in color to show the commercial area and Eagles Landing, a HR High Density Residential District across Road 273-A, high-lighted pages of the Comprehensive Plan, a letter from Tidewater Utilities, Inc. referencing water service, photographs of the site and surrounding parcels, and a colored coded site plan.

The Commission found that Carol Jones, Sam Mussoff, Mable Granke, and Michael Tyler spoke in opposition to the application and expressed concerns relating to the density; that the current zoning is AR-1 Agricultural Residential and the proposed zoning is HR High Density Residential, and that the change is not gradual; traffic concerns; that the bike path has no useful service; that when the Eagles Landing project is completed

there will be approximately 416 units generating 600 to 800 vehicles and that this application will generate more traffic; that in 1997 the Eagles Landing project had two points of ingress/egress and that now there is only one at Road 273-A; that the intersection of Route 1 and Road 273-A is a poorly designed intersection; that Road 273-A has the same problems as Old Landing Road; that construction improvements funded by the Capital Improvement Programs with DelDOT will not begin until 2003; that intersection improvements and entrance improvements into Rehoboth Beach are needed now, not later; that the request for increased density is not appropriate; that the County should not endorse increased nutrient loads into the Bays; that the Route 1 Corridor Grid Study is only a concept; that the area can support a density of 4 units per acre, but opposes 12 units per acre; and that permitting building of 4 units per acre will save sewer capacity.

The Commission found that there were 12 parties present in opposition.

At the conclusion of the public hearings, the Chairman referred back to this application.

The Commission discussed the points and issues raised during the public hearing.

Motion by Mr. Lynch, seconded by Mr. Hastings, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved since the site is adjacent to C-1 General Commercial and is across from HR High Density Residential zonings which allow similar densities; and since zoning creates a separation between commercial activities and residential single-family parcels.

V. OLD BUSINESS

C/Z #1397 -- application of ROBINO-SEASIDE, L.L.C. to consider a proposal to amend the Comprehensive Zoning Map from a GR/RPC General Residential District/Residential Planned Community to a GR/RPC General Residential District/Residential Planned Community by amending Ordinance No. 1269 (Change of Zone No. 1350) for a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, lying southeast of the intersection of Route One and Road 270-A, to be located on 40.00 acres, more or less.

The Commission discussed the points and issues raised during the public hearing on February 24, 2000.

Motion by Mr. Lynch, seconded by Mr. Wheatley, and carried 4 - 1, with Mr. Hastings opposed to the motion, to forward this application to the Sussex County Council with the recommendation that the application be approved with the following stipulations:

1. The maximum number of lots shall no exceed 80.
2. An eight foot solid board fence (the appearance to be the same on both sides) will be installed by the developers, or its assigns along the property line (southerly) of lots 3-34-13 Insert Sheet K, Insert A, Parcels #518, 513, 512, 511, 510, 509, and 508. As an alternative at the option of the owners of said lots in Beachfield, the developers, or its assigns will plant a single row of Leyland Cypress along said property line to act as a buffer. The fence or single row of Leyland Cypress will be installed at the sole cost and expense of the developers, or its assigns and such activity shall be initiated within fifteen (15) days of the date when construction of the utilities and roadway for the assisted living project adjoining said lots is completed. The installation of the trees or fence shall be pursued diligently once the work is begun.
3. The developers also agree to install a single row of Leyland Cypress from lots 507 to the lot where the woods line begins. The row of Leyland Cypress shall be located approximately ten (10) feet from the edge of the roadway paving.
4. The site plan shall be subject to the review and approval of the Planning and Zoning Commission.
5. No Mobile Homes, as defined in the Sussex County Comprehensive Zoning Ordinance, shall be permitted on any lot in the RPC, except for temporary construction trailers associated with construction on the site.

Subdivision #99-12--application of JOSS HUDSON to consider the Subdivision of land in an AR-1, Agricultural Residential Zoning District in Indian River Hundred, by dividing 30.32 acres into 26 lots, located north of Road 280, 1,850 feet southeast of Road 290.

Mr. Abbott advised the Commission that this application was deferred at the February 10, 2000 meeting because of problems with the regulations of the Sussex County Engineering Department and the Sussex Conservation District and concerns about the proposed gated entrance to the community; that the staff has received letters from the Sussex County Engineering Department, Sussex Conservation District and DelDOT advising that the contractors have corrected the problems; that the Sussex County Engineering Department and Office of the State Fire Marshal have reviewed and approved the gated entrance; that the engineers have obtained all required agency approvals; that Mr. Schrader has reviewed and approved the restrictive covenants; that the record plan meets the requirements of the Subdivision Ordinance; and read a letter from Deborah Doucette requesting a fence along her property.

Mrs. Doucette advised the Commission that she would like for the Commission to require the contractor to install a fence along her property line so that there will not be any damage to her property.

The Commission discussed what type of fencing would be suitable.

Motion by Mr. Johnson, seconded by Mr. Wheatley, and carried unanimously to approve this application as a final with the stipulation that the contractor install a construction type of fencing along the subdivision lands and the lands of Deborah Doucette.

Subdivision #2000-1--application of WALLS FARM, L.L.C. to consider the Subdivision of land in an AR-1, Agricultural Residential Zoning District in Lewes and Rehoboth Hundred, by dividing 56.25 acres into 56 lots and a waiver from the forested buffer strip requirements, located northwest of Road 277, 865 feet southwest of Road 275.

Mr. Abbott advised the Commission that this application was deferred at the January 27, 2000 meeting so that Mr. Johnson could have a chance to review the tape recording and the record; that Mr. Johnson has done this; that the site is suitable for individual on-site septic systems according to the septic feasibility statement from DNREC; that a letter has been received from McCrone, Inc., in reference to the location of the proposed grid road; and that a letter has been received from John Sergovic in reference to the restrictions about the proposed grid road.

John Sergovic, Attorney; Kevin Burdette and Scott Aja of McCrone, Inc.; and Joe Hudson were present and advised the Commission that the location of the proposed grid road is where DelDOT is requiring it to be; that the project is being held hostage by DelDOT; that Mr. Knapp still has control of his property since the road would not be built unless Mr. Knapp's property is ever developed; that a letter has been sent to DelDOT requesting written confirmation about the location of the grid road; and that DelDOT advised Mr. Hudson that the location of the grid road may possibly change again.

Mr. Sergovic requested that a motion be made to approve the application as a preliminary subject to the stipulation that the lines outside of the boundary be eliminated; that the road be reserved for future taking; and that the waiver from the buffer strip requirements be granted.

Motion by Mr. Johnson, based on Mr. Sergovic's request, to approve this application as a preliminary. The motion died for a lack of a second.

Motion by Mr. Johnson, seconded by Mr. Wheatley, and carried unanimously to defer action.

VI. OTHER BUSINESS

1. C/U #1262 - Gerone C. and Patricia C. Hudson
Time Extension

Mr. Abbott advised the Commission that a request for a time extension has been received by the owner; that the approval expired on November 10, 1999; that Mr. Hudson advised the staff by letter that they have been working on obtaining the necessary agency approvals; questioned if the Commission would consider this as being substantially underway; that if a time extension is granted, it should be retroactive to the approval date and would only be valid until November 10, 2000; and that the site plan also needs to be approved by the Commission.

Motion by Mr. Lynch, seconded by Mr. Hastings and carried unanimously to approve a one-year time extension retroactive to the original approval date.

Mr. Abbott advised the Commission that the site plan meets the requirements of the zoning code and the conditions of the County Council's approval; and that the owner has obtained all necessary agency approvals.

Motion by Mr. Lynch, seconded by Mr. Wheatley, and carried unanimously to approve the site plan as a final.

2. Subdivision #99-1 - Ted Liszewski
Time Extension

Mr. Abbott advised the Commission that a request for a one year time extension has been received; that this application received preliminary approval on March 11, 1999; that approvals have been received from DelDOT and DNREC; and that this is the first request for a time extension.

Motion by Mr. Wheatley, seconded by Mr. Johnson, and carried unanimously to grant a one-year time extension.

3. Cox Property Business Park
Preliminary Commercial Site Plan
Route One and Road 270

Preston Schell of Ocean Atlantic Associates was present as the Commission reviewed a commercial site plan located at the intersection of Route One and Road 270.

Mr. Abbott advised the Commission that the site plan proposes a 4,674 square foot market with gas pumps; a 8,618 square foot car wash; 15,750 square foot office building; a 8,000 square foot restaurant; and a 6,000 square foot restaurant; that the total square footage of the buildings is 43,042; that 216 parking spaces are required and that 318 are proposed; that 5 loading spaces are required and proposed; that the landscape plan for the 20 foot buffer and the parking lot has been submitted; that other than referencing the pedestrian accommodations, the site plan meets the requirements of the zoning code; and that letters of no objection to the entrance location along Road 270 have been received from DelDOT.

Mr. Schell advised the Commission that the alignment of Road 270 and Route 24 is not possible; that sidewalks will be provided along Route One and Road 270; and that landscaping will be along the south side of the site and along the access road to the East Atlantic Apartment Complex.

Motion by Mr. Lynch, seconded by Mr. Hastings, and carried unanimously to approve the site plan as a preliminary. Final approval shall be subject to the review and approval of the Commission upon receipt of all required agency approvals and permits.

4. Perdue - AgriRecycle, L.L.C.
C/U #1314 Site Plan
Route 13A

Mr. Abbott advised the Commission that this is the preliminary site plan for the fertilizer pelletizing plant; that the site plan is the same as what was submitted during the public hearing; that the plan references the landscaped berms and buffers; that all 18 conditions of approval have been referenced on the site plan; that only preliminary approval should be considered; and that the final approval should be subject to the review and approval of the Commission upon receipt of all required agency approvals and permits.

Motion by Mr. Wheatley, seconded by Mr. Lynch, and carried 4 votes to none, with Mr. Hastings abstaining, to approve the site plan as a preliminary and to advise the developers to begin the buffer as soon as possible. Final approval shall be subject to the review and approval by the Commission upon receipt of all required agency approvals and permits.

5. Compass Rose
Preliminary Commercial Site Plan
Road 22

Ross Harris, Engineer, was present as the Commission reviewed a commercial site plan for retail sales located off of Road 22 near Long Neck.

Mr. Abbott advised the Commission that 6 retail stores are proposed; that each store is 1,500 square feet; that 45 parking spaces are required and proposed; that there are 18 parking spaces located within the front yard setback and that the Commission would have to grant a waiver; that the traffic will be one way around the site and that the interior drive to the rear of the buildings has a loading space that is at grade; that the setbacks of the building meet the minimum requirements of the zoning code; and that preliminary approval could be considered.

Motion by Mr. Lynch, seconded by Mr. Hastings, and carried 4 votes to none, with Mr. Wheatley abstaining to approve the site plan as a preliminary. Final approval shall be subject to the staff receiving all required agency approvals and permits.

6. Morris Justice
Lot on Public Road
Blackwater Village

The Commission reviewed a concept to create a parcel off of Pocahontas Road within Blackwater Village Subdivision.

Mr. Abbott advised the Commission that Pocahontas Road is public and dedicated to public use; and that a letter of no objection has been received from the Blackwater Village Homeowners Association since the property is not a part of Blackwater Village.

Motion by Mr. Lynch, seconded by Mr. Hastings, and carried unanimously to approve the parcel as a concept.

7. James T. and Carolyn M. Brinker
Lot on 50' Right of Way
Road 394

The Commission reviewed a concept to create a lot with access from a 50' right of way off of Road 394.

Mr. Abbott advised the Commission that the proposed lot has an existing dwelling and driveway; that the driveway will be widened to a 50' right of way; and that there is another dwelling on the large parcel; and that the proposed lot will make a non-conforming use legal.

Motion by Mr. Lynch, seconded by Mr. Hastings, and carried unanimously to approve the lot and right of way as a concept.

8. Edward James Steen
Lot on 50' Right of Way
Road 336

The Commission reviewed a concept to create a lot with access from a 50' right of way located off of Road 336 near Dagsboro.

Mr. Abbott advised the Commission that the survey references a proposed driveway within a proposed 50' right of way to serve as access to the lot; and questioned if the developer should be required to go through the major subdivision process.

Motion by Mr. Lynch, seconded by Mr. Hastings, and carried unanimously to approve the lot and right of way as a concept.

Meeting adjourned at 11:20 PM.