

MINUTES OF THE REGULAR MEETING OF NOVEMBER 30, 2000

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, November 30, 2000 in the County Council Chambers, County Administrative Office Building, Georgetown, Delaware.

The Meeting was called to order at 7:00 P.M. with Chairman Allen presiding. The following members of the Commission were present: Mr. Allen, Mr. Gordy, Mr. Johnson, Mr. Lynch, Mr. Wheatley, with 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 approve the agenda as amended due to the withdrawal of Subdivision #2000-29.

Motion by Mr. Johnson, seconded by Mr. Gordy, and carried unanimously to approve the Minutes of October 26, 2000 as corrected.

Motion by Mr. Lynch, seconded by Mr. Wheatley, and carried unanimously to approve the Minutes of November 2, 2000 as corrected.

Motion by Mr. Johnson, seconded by Mr. Lynch, and carried unanimously to approve the Minutes of November 16, 2000 as circulated.

Mr. Schrader described how the agenda and hearings would be conducted.

IV. PUBLIC HEARINGS

APD #2000-5 -- application of MARK F. GORDY, ERNEST AND PAULINE LAYFIELD, AND THOMAS AND ROXANNE WHITTAKER to consider an Agricultural Preservation District in an AR-1 Agricultural Residential Zoning District in Little Creek Hundred for four (4) parcels of land totaling 256.44 acres, more or less, located southwest of Road 456 (Line Church Road), 1,300 feet south of Road 64 for the purpose of a recommendation to the Delaware Agricultural Lands Preservation Foundation.

The Commission found, based on comments received from the Delaware Agricultural Lands Preservation Foundation, that the total acreage of the site is 256.44 acres; that 107.94 acres are cropland; that 77.40 acres are forest land; that the proposed name of the District is the "J. D. Gordy District"; that the site has a low conversion potential; that the site has a high APD expansion potential since several farms in the area are less than 200 acres; that a District expansion application has already been received; and that the Foundation staff has advised that the application meets the minimum qualifications for a District.

The Commission found that Mark F. Gordy was present on behalf of this application and stated that his acreage has been a family farm for several generations and that he hopes to keep the acreage in the family for farming.

The Commission found that there were no parties present with interest in this application.

At the conclusion of the public hearings, the Commission discussed the points and issues raised during the public hearing.

Motion by Mr. Gordy, seconded by Mr. Johnson, and carried with 4 votes to forward this application to the Delaware Agricultural Lands Preservation Foundation with the recommendation that this application be approved.

Motion Carried 4 - 0. Mr. Lynch was absent.

Subdivision #2000-29 -- application of DREW AND KRISTIN WARD to consider the resubdivision of Lot 13 within Meadow Drive Subdivision, an AR-1 Agricultural Residential Zoning District in Dagsboro Hundred, by dividing 2.77 acres into 2 lots, located at the northeast corner of the intersection of Road 433 and Ward Way.

The Commission found that the Technical Advisory Committee reviewed this application on Wednesday, November 22, 2000 and that there were no negative comments in reference to this application and that the Meadow Drive Homeowners Association is in support of this application.

The Commission found that Drew Ward was present and stated in his presentation and in response to questions raised by the Commission that the proposed lot should have been a part of the original subdivision plan; that it was left off by an error; and that the access to the new lot will be off of Ward Way and not Road 433.

The Commission found that there were no parties present with any interest to this application.

At the conclusion of the public hearings, the Commission discussed the points and issues raised during the hearing.

Motion by Mr. Gordy, seconded by Mr. Lynch, and carried unanimously to approve this application as a preliminary and a final.

Subdivision #2000-30 -- application of GLADE POINT, L.L.C. to consider the Subdivision of land in an AR-1 Agricultural Residential Zoning District in Broadkill Hundred, by dividing 132 acres into 23 lots, located west of Road 257, approximately 0.8 mile west of Road 258.

Mr. Lank advised the Commission that this application had been withdrawn.

C/U #1370 -- application of JAY BEACH to consider the Conditional Use of land in an AR-1 Agricultural Residential District for retail sales of sheds, playground equipment and yard furniture; seasonal sales of Christmas trees, pumpkins, and vegetables; open pit cooking; and a corn maze to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 39.81 acres, more or less, lying north of Route 24, 2,320 feet southwest of Road 284.

The Commission found, based on comments received from the Department of Agriculture, that the applicant requested that the Department furnish the Commission with additional information on the subject of farm markets that engage in direct marketing and educational tours; that there are approximately 25 farms in Delaware that provide educational tours; that Delaware has another 30 farm markets that engage in farm retail direct marketing business, and that 21 of these markets are in Sussex County; that the Department supports farm marketing; that farm marketing represents a diverse, economically viable approach to keeping small farms in business; that farm markets offer many educational opportunities to children, giving many a first hand look at farming and where food originates; that farm marketing offer low environmental impact, short seasons, and employ many educational aspects involving farm market experiences. A copy of a booklet, entitled "Fun on the Farm" referencing Agri-Tourism Destinations in Delaware was attached.

The Commission found, based on comments received from the Delaware Farm Bureau, Inc., that the Bureau supports the applicant's desire to sell pumpkins, Christmas trees, and vegetables, as well as, to offer open pit cooking and a corn maze to residents of the community; that it is important for farmers to have a way to supplement their income; that low commodity prices and limited buyers are causing farmers to look at other viable ways to earn additional money; and that the proposal offers activities that provide an educational opportunity to children and gives everyone a change to see where food originates.

The Commission found, based on comments received from the Delaware FFA Association, a national organization of agriculture students, that they support the applicants application for a corn maze and other agri-tourism activities; that as students of agriculture they understand the value in preserving Delaware farmland as well as the agricultural industry; that the activities help the farmer's income and allows more

citizens, especially children, to understand the value of farming; that our State is very dependent on agriculture in maintaining a strong economy; and that one of the great strengths of our nation is the ability to feed ourselves and others throughout the world.

The Commission found, based on comments received from the Delaware Cooperative Extension of Delaware State University, that they support the application; that Delaware State University's Small Farm Outreach Program was instituted to assist small farmers in finding diverse ways to sustain success in small farm operations; that the Extension is working with the applicants in the development of agricultural alternatives that will create a unique, diverse farm operation that is both practical and profitable; and that the applicants already have an impressive following in the agricultural community with the boarding of horses and cats, as well as a small petting zoo.

The Commission found, based on comments received from the Citizens Coalition, Inc., that they object to the retail sales of sheds, playground equipment and yard furniture and open pit cooking since these commercial uses are not in accord with the spirit and intent of a Conditional Use nor are they in the best interest of the County or the community; that the Commission should be aware of the cumulative negative impact this site will have on traffic and the quality of life for the residents in the area; that Route 24 is becoming more hazardous and increasingly congested; that a Beebe Hospital new clinic and a new school proposed in the area will generate additional traffic on Route 24, a roadway already rated level of service "E" by DelDOT; and that if the application is approved it should be strictly limited to seasonal farm produce and Christmas tree sales, and that the corn maze should be limited to specific days and times so as to create a minimal impact.

The Commission found that Jay Beach was present and stated in his presentation and in response to questions raised by the Commission that the shed, playground equipment and yard furniture sales business will be operational year-round from 9:00 A.M. to 6:00 P.M. seven days per week; that the seasonal sales business uses include open pit cooking during the months of June through October from noon to 6:00 P.M. on weekends, the corn maze during the months of August through October from 10:00 A.M. to 6:00 P.M. with a flashlight activity at the maze until 9:00 P.M. on weekends, and the sale of seasonal agricultural products during the months of April to December; that the rear of the property along lots 44, 45, and 46 of Briarwood and the remaining frontage along Briarwood Drive will be fenced; that DelDOT has advised that there will be no significant impact on traffic; that the Office of State Planning Coordination has not commented; that the farm surrounds a flea market; that other business uses in the area include a glass blower, lawn mower repairs and sales, and mobile homes sales; that Leyland Cypress trees will be planted along Briarwood Drive and the rear of lots 44, 45, and 46 of Briarwood inside of the fencing; that the retail area measures 300-feet by 250-feet; that he has no access to Briarwood Drive; that the corn maze contains approximately

5 acres; that he will be growing pumpkins; that the majority of the produce will be purchased for resale; that he does not intend a haunted maze or trail; that he has no objection to planting a double row of Leyland Cypress; and that a new entrance is proposed to be installed west of the flea market property.

The Commission found that Michelle Goodrich, a horse riding instructor that works at the stables; spoke in support of the application and stated that she teaches riding lessons; that the applicant is trying to maintain the farm; and that if denied, the use would be a loss of a valuable educational resource for children in the area.

The Commission found that Jack Westog, Patricia Warden, Brian Peters, JoAnn Cassidy, and Barbara Lorey, of the nine parties present in opposition to the application, expressed concerns in reference to the need to control the activities on the site; questioning: the number of signs proposed; the size of the trees to be planted; the driveway location; bathrooms facilities; lighting; alcoholic beverage sales; that they are concerned about traffic, accidents, and traffic congestion; that wetlands exists on part of the farm and should not be disturbed; that the sales of sheds, playground equipment, and yard furniture should be located in a commercial district; that they are concerned about the closeness of the proposed entrance to the entrance of Brairwood Drive; and that the Agricultural Residential District should be preserved.

The Commission found that Mr. Beach responded to some of the concerns by advising the Commission that security lighting would be maintained at a minimum; that one on-premise sign would be provided to advertise all uses proposed; that no parking is allowed near Briarwood Drive; that two entrances will exists; that no drinking or smoking will be permitted; that portable toilet facilities will be provided on a needs basis; that the sales area for the sheds contains approximately 2 acres; and that he is willing to limit his display area to the display of 10 sheds and 6 playground equipment sets.

The Commission found that there were 10 parties present in support of the application and 9 parties present in opposition to the application.

At the conclusion of the public hearings, the Commission discussed the points and issues raised during the public hearing.

Motion by Mr. Johnson, seconded by Mr. Gordy, and carried unanimously to forward this application to the Sussex County Council with the recommendation that it be approved with the following stipulations:

1. A landscaped buffer, with a minimum width of 20-feet, shall be provided along lots 44, 45, and 46 of Briarwood and along Briarwood Drive. The buffer shall be planted with at least two staggered rows of Leyland Cypress. The plants shall be spaced 10-feet apart and shall be at least 3-feet high when planted.

2. The existing wetlands shall not be disturbed.
3. Portable toilet facilities shall be provided and the view of the toilets shall be screened from Route 24.
4. The maximum number of sets of playground equipment displayed at any one time shall be six (6).
5. The maximum number of sheds displayed at any one time shall be ten (10).
6. The open pit cooking shall be limited to the months of June through October with hours from noon to 6:00 P.M.
7. The corn maze activity shall be limited to the months of August to November with hours from 10:00 A.M. to 6:00 P.M. with the flashlight activity on weekends closing at 9:00 P.M.
8. Security lighting shall be directed into the site so as not to impact adjoining properties or traveling motorist.
9. One on-premise ground sign, not exceeding 32 square feet per side or facing, may be permitted to list all of the uses related to this Conditional Use.
10. The site plan shall be subject to review and approval of the Planning and Zoning Commission.
11. No parking signs shall be placed along Route 24 if approved by DelDOT.
12. Produce market sales shall be limited to the sale of Christmas trees and wreaths, pumpkins, fruits and vegetables.
13. The area of retail set aside for the display of sheds, yard furniture and playground equipment shall not exceed 300-feet by 250-feet.
14. The corn maze and related parking shall be to the rear of the retail display area.

Motion Carried 5 - 0.

C/U #1371 -- application of PHILADELPHIA PENTECOSTAL HOLINESS CHURCH, INC. to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a multi-family dwelling structures (14 units) to be located on a certain parcel of land lying and being in Cedar Creek Hundred, Sussex County, containing 19.82 acres, more or less, lying east of U.S. Route 113 and 1,000 west of Road 213 and 1/2 mile south of Road 641.

The Commission found, based on comments received from DelDOT, that a traffic impact study was not recommended, that the level of service of Road 213 will not change as a result of this application, and that no access will be permitted to U.S. Route 113.

The Commission found, based on comments received from the Office of State Planning Coordination, that the State recognizes the potential value of this proposal for the community; that the State cannot fully support this proposal because of concerns over the nature of the soils on the parcel and the potential difficulties of providing transportation access; that the parcel is located within the Secondary Developing Area surrounding

Ellendale as mapped in the Strategies for State Policies and Spending documents approved by the Cabinet Committee on State Planning Issues; that Secondary Developing Areas are areas designated by the County for future growth; that State policies for these areas are intended to promote efficient, orderly development and the coordinated phasing of infrastructure investments; that the State prefers to see development of multi-family dwelling units in a Community or Developing Area where residents would be closer to amenities such as shopping, community facilities and transportation options; that the State DNREC has advised that the parcel is primarily made up of soils that are unsuitable for development; that a large portion of the site contains forested wetlands and/or hydric soils, and that these soils may have water at or near the soil surface for some periods and could have water ponding on the surface in shallow depressions; that the parcel is located within a preservation area as defined in the Statewide Long Range Transportation Plan where DelDOT typically only does drainage and safety improvements and periodic resurfacing; and that the State request that the County deny this application.

The Commission found that the applicants have a valid permit for the discharge of fill materials into 0.65 acres of freshwater wetlands in order to construct an access road through wetlands associated with the construction of homes on uplands, and that the permit is valid through February 11, 2002.

The Commission found that Bishop Major Foster was present on behalf of the application and stated that the church built a shelter home across Road 213 from the church a few years ago; that they propose to provide housing for the homeless and low income families; that they propose to build 14 townhome designed units; that access to the site is from an extension from an existing driveway from Road 213; that they have been talking with Nanticoke Homes of Greenwood about construction of the units; that the units will contain 3-bedrooms; that the units will cost approximately \$65,000 each; that DelDOT provided all of the crushed concrete and asphalt that has been stored on the church property; that the crushed concrete will be used as based fill for the driveway to the site; that they propose to pave the driveway after completion of the project; that a transit site exists at the church; that seven units may be sold; that the other seven units will probably be leased for temporary housing; that central sewer will be available from the County once the sanitary sewer project is completed; that the sewer system is scheduled for completion by 2002; and that the units will not be occupied until sewer hookups are available.

The Commission found that Jonathan Downing, of the four parties present in support, stated that he was homeless at one time and was taken in by the church; that the church helped him get back on his feet; that he is now a member of the church; and that he supports any proposal that will help homeless people.

The Commission found that there were no parties present in opposition to this application.

At the conclusion of the public hearings, the Commission discussed the points and issues raised during the public hearing.

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

Ordinance Amendment -- an Ordinance amending Chapter 115 of the Code of Sussex County, Entitled "Zoning", to amend Provisions relating to the placement of Multisectional Manufactured Homes.

Mr. Lank summarized the proposed Ordinance and Synopsis.

The Commission found, based on comments received from the Office of State Planning Coordination, that the State supports the proposal, especially given that even a slight reduction in the minimum lot size has the potential to reduce the amount of land consumed for development; that the State wishes to point out that this change would be even more effective in reducing sprawl if this change were limited to the Development Districts, as defined by the Sussex County Comprehensive Plan, or to the Community and Developing Areas as defined in the State's Strategies for State Policies and Spending; that this change would apply to a large amount of AR-1 lands in the County; that much of this area is outside of the Development District in the Rural areas where the State seeks to preserve a rural lifestyle; that additional density in these areas is appropriate only if it can be clustered in such a way as to resemble a rural village; and that in this regard the State ask that, as part of the upcoming Comprehensive Plan Update, the County study the possibility of incorporating other options that will help reinforce the goals and objectives of both Plans to help provide the necessary services and infrastructure for new development and provide for a better quality of life.

The Commission found that Phyllis McKinley of the First State Manufactured Housing Association was present in support of the Ordinance and stated that the change is fair and provides for options for an individual to apply for permission to apply for placement of a multi-sectional home; that the lot size provides for a public hearings process that will permit an applicant and neighbors to speak in support of or in opposition to an application and allow the Board of Adjustment to make a decision; and that the Ordinance provides a method to use existing lots of record without the need for creation of additional lots.

The Commission found that there were no parties present in opposition to the Ordinance.

The Commission and Ms. McKinley also discussed roof pitches and the disposal of abandoned mobile homes, and a project on-going in Kent County for removal of abandoned mobile homes.

Mr. Schrader advised the Commission that there seemed to be a section missing in the Ordinance relating to the Board of Adjustment.

At the conclusion of the public hearings, the Commission discussed the points and issues raised during the public hearing.

Motion Mr. Wheatley, seconded by Mr. Lynch, and carried 3 votes to 2, with Mr. Gordy and Mr. Johnson opposed to the motion, to deny the Ordinance as presented.

V. OLD BUSINESS

C/U #1365--application of CHESAPEAKE UTILITIES CORPORATION to consider the Conditional Use of land in a GR General Residential District for a bulk propane storage and distribution facility to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 5.74 acres, more or less, plus an access road, lying on a private easement 1,000 feet southeast of the intersection of Route 84 and Road 366.

The Commission discussed this application which had been deferred since October 26, 2000.

Mr. Lynch stated that he realizes that there would be some reduction in delivery truck traffic if the use is approved; that he is concerned about the possibility of accidents; that he is concerned about the number of concerned citizens in the area; that he does not think that there is a storage area as large as this in the County; that he feels that if the use is going to provide a service to the Bear Trap project and South Bethany, then the site should be located in one of those areas; and that if anything should happen, he would not want to live near six (6) large propane storage tanks.

Mr. Lynch made a motion to deny the application. The motion died for lack of a second.

Mr. Wheatley stated that it is a sad fact of development that causes a need for this type of use.

Motion by Mr. Wheatley, seconded by Mr. Johnson, and carried with three (3) votes, with Mr. Allen and Mr. Lynch opposing the motion, to forward this application to the Sussex County Council with the recommendation that it be approved.

Motion Carried 3 - 2.

Subdivision #2000-27--application of LAKE SHORE INVESTMENT , L.L.C. to consider the Subdivision of land in an AR-1 Agricultural Residential District in Baltimore Hundred by dividing 34.07 acres into 26 lots, located north of Route 26, 880 feet west of Road 327. This is currently a recorded subdivision and the intent is to allow for multisectional manufactured homes on 3/4 acre lots.

The Chairman referred back to this application which was deferred at the October 26, 2000 meeting.

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

Motion by Mr. Lynch, seconded by Mr. Gordy, and carried four votes to one, with Mr. Allen opposed, to approve this application as a preliminary and a final.

Subdivision #99-24--application of SUSSEX VENTURES to consider the Subdivision of land in an AR-1 Agricultural Residential Zoning District in Dagsboro Hundred, by dividing 54.54 acres into 48 lots, and a variance from the maximum allowed cul-de-sac length of 1,000 feet, located north of Road 335, 22 feet east of Road 331.

Mr. Abbott advised the Commission that this application received preliminary approval from the Commission at the January 13, 2000 meeting, that multisectional manufactured homes will be permitted on the lots; that the final record plan is the same as the one that received preliminary approval; that the final record plan meets the requirements of the subdivision code; and that all required agency approvals have been received.

Motion by Mr. Lynch, seconded by Mr. Wheatley, and carried unanimously to approve this application as a final.

VI. OTHER BUSINESS

Bahar, L.L.C.
Preliminary Commercial Site Plan
Road 337

The Commission reviewed a preliminary commercial site plan for a mini-storage project located off of Road 337, northwest of U.S. Route 113 near Millsboro.

Mr. Abbott advised the Commission that the site is zoned C-1 General Commercial and that the proposed use is a permitted use; that one building will be 4,050 square feet and the other building will be 2,700 square feet; that the height of each building is proposed

to be 10-feet; that the setbacks meet the requirements of the zoning code; that the proposed travel area will be crusher run stone; and that all agency approvals will be required.

Motion by Mr. Gordy, seconded by Mr. Lynch, and carried unanimously to approve the site plan as a preliminary with the stipulation that final approval shall be subject to the staff receiving all required agency approvals.

Rehoboth Outback Steak House
Final Commercial Site Plan
Route One

Keith Kooker of Landmark Engineering was present as the Commission reviewed the final site plan for the Rehoboth Outback Steak House located off of Route One near Rehoboth Beach.

Mr. Abbott advised the Commission that the site plan received preliminary by the Commission on July 27, 2000; that the final plan is the same as the preliminary except that the 20-foot landscaped buffer has been included with the final site plan; and that all agency approvals have been received by the staff.

Mr. Kooker advised the Commission that all approvals have been obtained.

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

Southpointe Professional Center
C/U #1162 Revised Site Plan
Route 9

Doug Warner, Professional Engineer from ECI, was present as the Commission reviewed a revised site plan for professional offices located off of Route 9 near Lewes.

Mr. Abbott advised the Commission that the revised site plan is for the relocation of a pump house for the water system for the proposed offices; that the proposed structure is 14-feet by 10-feet by 14-feet; that the structure will be located to the rear of the site; that it will be screened by natural and planted vegetation; and that the setbacks comply with the zoning code.

Mr. Warner advised the Commission that the Fire Marshal Office is requiring that the building be sprinklered; that the water system was proposed to be located in the basement of the building however the basement would be wet due to the water table; and requested that the proposed building be permitted.

Motion by Mr. Johnson, seconded by Mr. Lynch, and carried four votes to none, with Mr. Wheatley not participating, to approve the revised site plan as a final.

Knights Bridge Mill
Preliminary Multi-Family Site Plan
Route One

Doug Warner, Professional Engineer from ECI, was present as the Commission reviewed a preliminary multi-family site plan located off of the Service Road off of Route One near Rehoboth Beach.

Mr. Abbott advised the Commission that 8 townhouse units are proposed; that a letter of no objection concerning the entrance location has been received from DelDOT; that the site is zoned C-1 General Commercial and the proposed use is a permitted use in this zoning district; that 24 parking spaces are required and proposed; that sewer will be provided by Sussex County and water from the City of Rehoboth; that the setbacks meet the requirements of the zoning code; and that all agency approvals are required.

Motion by Mr. Lynch, seconded by Mr. Wheatley, and carried unanimously to approve the site plan as a preliminary with the stipulation that final approval shall be subject to the staff receiving all required agency approvals.

DMV Partnership
C/U #1306 Final Site Plan
Route One and Road 360

The Commission reviewed the final site plan for a multi-family project located off of Road 361 north of Bethany Beach.

Mr. Abbott advised the Commission that the project is limited to 15 units; that the Commission granted preliminary approval on May 25, 2000; that the final site plan complies with the requirements of the zoning code; and that all agency approvals have been received.

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

6. Southampton Phase 2
MR/RPC Final Site Plan
Road 368

The Commission reviewed the final site plan for Phase 2 of Southampton Residential Planned Community.

Mr. Abbott advised the Commission that Phase 2 is for 12 single family lots; that the site plan meets the requirements of the zoning code; and that all required agency approvals have been submitted to the staff.

Motion by Mr. Lynch, seconded by Mr. Gordy, and carried unanimously to approve the Phase 2 site plan as a final.

7. REHI, L.L.C.
Preliminary Commercial Site Plan
Route 9

Nick Caggiano, developer, and Ken Christenbury, engineer, were present as the Commission reviewed a preliminary commercial site plan for a medical facility and bank located off of Route 9 west of Lewes.

Mr. Abbott advised the Commission that the site is zoned C-1 General Commercial and that the proposed use is permitted; that the medical facility is 25,150 square feet and that the bank is 5,320 square feet; that 102 parking spaces are required for both uses combined and that 126 are proposed; that the setbacks meet the requirements of the zoning code; and that all agency approvals are required.

Motion by Mr. Johnson, seconded by Mr. Wheatley, and carried unanimously to approve the site plan as a preliminary with the stipulation that final approval shall be subject to the staff receiving all required agency approvals.

8. Bayly's Garage
C/U #981 Revised Site Plan
U.S. Route 13

Robert Bayly was present as the Commission reviewed a revised site plan for an addition to an existing garage located off of U.S. Route 13 north of Delmar.

Mr. Abbott advised the Commission that the proposed addition is 30-feet by 40-feet and will be located to the rear of the existing garage; that the required agency approvals have been obtained; and that the Conditional Use is for a salvage yard.

Mr. Bayly advised the Commission that the proposed addition will be for automotive repairs; that the addition does not encroach into the storage area; and that the garage will have two overhead doors.

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

9. Salt Pond Associates
Lot 381 Extension
Oyster Shell Cove

The Commission reviewed a proposed lot extension to lot 381 located within the Salt Pond, a Residential Planned Community.

Mr. Abbott advised the Commission that lot 381 is gaining an additional 1,922 square feet from an adjoining lot; that the extension is required due to a proposed addition to an existing dwelling; and that the Commission has the authority to approve the revised lot without all owners consent since the development is a residential planned community and not a subdivision.

Motion by Mr. Lynch, seconded by Mr. Wheatley, and carried unanimously to approve the extension to lot 381 as submitted.

10. Shawnee Acres
Setback Determination
Route 14

Mr. Lank advised the Commission that this item was placed on the agenda because of a recent variance request located to the north of this site; that approximately 10 lots within Shawnee Acres have frontage along Route 14 (Milford By-Pass Ramp) but with no access due to the ramp; that based on the maps, the lots are considered through lots and require a 40-foot setback; and questioned if the Commission would consider allowing regular rear yard setbacks of 20-feet or 5-feet depending on the structure and size.

Motion by Mr. Johnson, seconded by Mr. Gordy, and carried four vote to none, with Mr. Lynch not voting, to allow for regular AR-1 setbacks and to not consider the lots as through lots since there is no access available to these lots from Road 14.

Meeting adjourned at 10:30 P.M.