



## *Planning & Zoning*

Agendas & Minutes

### MINUTES OF THE REGULAR MEETING OF AUGUST 12, 2004

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, August 12, 2004 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 and Mr. Wheatley with Mr. Robertson – Assistant County Attorney, Mr. Lank – Director, Mr. Kautz – Land Use Planner, and Ms. Mowbray – Zoning Inspector III.

Motion by Mr. Wheatley, seconded by Mr. Johnson, and carried unanimously to approve the Agenda as circulated.

Motion by Mr. Gordy, seconded by Mr. Wheatley, and carried unanimously to approve the Minutes of July 22, 2004 as amended.

### OLD BUSINESS

Subdivision #2002-11 – application of **RONALD HASTINGS** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Nanticoke Hundred, Sussex County, by dividing 18.80 acres into 13 lots, located 225 feet south of Hidden Hills Drive, approximately 1,200 feet west of Greenleaf Lane within Rivers End Subdivision.

Mr. Lank advised the Commission that preliminary approval for this 13 lot Subdivision was granted on July 11, 2002 and that a time extension was granted on August 21, 2003; that the final record plan for “Rivers End – Phase 5” is the same as the preliminary plan; that the final plan meets the requirements of the Subdivision Code; that all agency approvals have been obtained; and that the final plan is suitable for final approval.

Motion by Mr. Wheatley, seconded by Mr. Johnson, and carried unanimously to grant final approval of the 13-lot Subdivision.

Motion carried 4 – 0.

Subdivision #2003-30 – application of **KELLER FARM, LLC** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Lewes and Rehoboth Hundred, Sussex County, by dividing 101.90 acres into 98 lots, located south of Route 9, across from Road 265.

Mr. Lank advised the Commission that preliminary approval for this 98 lot Subdivision was granted on March 25, 2004; that the final plan for "Reserves at Lewes Landing" depicts 97 lots; that the final record plan meets the requirements of the Subdivision Code and meets the conditions of approval; that all agency approvals have been obtained; and that the final plan is suitable for final approval.

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Motion by Mr. Johnson, seconded by Mr. Gordy, and carried unanimously to grant final approval of the 97-lot Subdivision.

Motion carried 4 – 0.

Ordinance Amendment – AN ORDINANCE TO AMEND CHAPTER 99 OF THE CODE OF SUSSEX COUNTY, ENTITLED "SUBDIVISION OF LAND", TO ALLOW FOR THE STAFF APPROVAL OF MAJOR SUBDIVISIONS CONTAINING 50 OR FEWER LOTS AND FOR THE REVISION OF THE FEE SCHEDULE.

The Commission discussed this Ordinance Amendment.

There was a consensus of the Commission that the Ordinance Amendment was not appropriate; that the public should have the right to participate in the public hearing process for a subdivision; that an ordinance may be appropriate for small projects; that any size subdivision could generate opposition; that the process would cause more work and pressure on the staff; and that there is no need for such an ordinance.

Motion by Mr. Gordy, seconded by Mr. Johnson, and carried unanimously to forward this Ordinance Amendment to the Sussex County Council with the recommendation that they deny the proposed Ordinance Amendment.

Motion carried 4 – 0.

#### PUBLIC HEARINGS

Subdivision #2003-49 – application of **GREEN TREE FARMS, INC.** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Cedar Creek Hundred, Sussex County, by dividing 54.70 acres into 50 lots, located north of Road 207, approximately 400 feet east of Road 214.

Mr. Lank advised the Commission that this application was reviewed by the Technical Advisory Committee on July 16, 2003 and January 24, 2004 and that the Technical Advisory Committee Reports for those meetings are part of the record for this Subdivision; that the original Subdivision application reviewed by the Technical Advisory Committee in July of 2003 was withdrawn; that the Subdivision was basically

the same when this application was filed and that the Technical Advisory Committee provided additional comments for any update to the Subdivision; that the Delaware Health and Social Services commented that no other permits are required other than routine plumbing permits; and that the DNREC Division of Water Resources recently commented that based on the addendum information the Division believes that with the additional five acres of the proposed residential subdivision is feasible under current

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Regulations Governing the Design, Installation and Operation of on-site Wastewater Treatment and Disposal Systems, and that all recommendations for site development stated in the original feasibility review letter still apply.

The Commission found that Joseph Warnell, developer, and Zack Crouch of Davis, Bowen & Friedel, Inc. were present and stated in their presentations and in response to questions raised by the Commission that the average lot size is 0.97 acre; that entry will be from Johnson Road; that the streets will be built to State specifications and dedicated to public use for State maintenance upon completion; that there are no wetlands on the site; that 30-foot wide forested buffers are proposed along all agricultural properties; that they propose to create landscape berms with plantings of evergreens and shrubs within those buffers; that on-site septic and wells will be utilized; that on-site stormwater management with secondary discharge will be created; that DelDOT has no objection to the proposed crossroad pipe and catch basins proposed for the project; that the developer of Logan's Run Subdivision is in agreement with the drainage plan recommended by DelDOT; that the drainage system crosses through the Logan's Run Subdivision; that the drainage system agreed upon will improve the drainage in the area of Johnson Road; that the Sussex Conservation District has no objections to the drainage flowing into Cubbage Pond; that they will be working with the State Forester on the landscaping plan; and that the contractor that installs the planting normally guarantees the plants for 1-year.

The Commission found that Mr. Crouch provided a copy of a letter from Jeffrey S. Reed of DelDOT for the record.

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

At the conclusion of the public hearings, the Commission discussed this application.

Motion by Mr. Wheatley, seconded by Mr. Gordy, and carried unanimously to grant preliminary approval of the Subdivision since the application conforms to the intent of the Subdivision Ordinance, since the project is the interior section of a parcel that has previously been subdivided along the road frontage, and since DelDOT has advised that the project will help improve drainage in the area.

Motion carried 4 – 0.

C/Z #1546 – application of **3 SEASONS, L.L.C.** to amend the Comprehensive Zoning Map from an AR-1 Agricultural Residential District to a HR-1/RPC High Density Residential District – Residential Planned Community for a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, land lying west of Route 273 (Country Club Road), 200 feet north of the cul-de-sac at the entrance to Rehoboth Beach Yacht and Country Club Development, to be located on 26.76 acres, more or less.

The Commission found that the Applicants had submitted an exhibit booklet which contained a background and project description, references to stormwater and drainage, community water supply, wastewater treatment and disposal, traffic analysis, threatened and endangered species, wetlands, open space provisions and buffers, public and private infrastructure, economic, recreational and other benefits, conformance to the Comprehensive Plan, actions to mitigate detrimental impacts and consistency with the Comprehensive Plan, and phasing; that letters were included from Tidewater Utilities, Inc. and the County Engineering Department; and a site plan for 118 units.

Mr. Lank advised the Commission that on August 9, 2004 the Applicants submitted revised site plans for 118 units to replace the original 158 units proposed when the application was originally filed in October of 2003.

Mr. Lank advised the Commission that the Technical Advisory Committee will review the site plan on August 18, 2004, and that the site plan was reviewed by the Preliminary Land Use Services (PLUS) on August 4, 2004 and that the PLUS comments are expected to be forwarded on or before August 20, 2004.

The Commission found, based on comments received from the Office of State Planning Coordination, that PLUS comments will be available before the County Council meeting of August 31, 2004.

The Commission found that comments have been received from DelDOT, Delaware Health and Social Services, the Department of Agriculture, and Sussex County Addressing for the Technical Advisory Committee meeting of August 18, 2004.

The Commission found, based on comments received from the County Engineering Department Planning and Permits Division, that the site is located within the West Rehoboth Expansion Area; that wastewater capacity is available for up to 118 EDUs; that

Ordinance No. 38 construction will be required; that the current System Connection Charge Rate is \$3,537.00 per EDU; that the location and size of laterals or connection points will be determined by the County Engineer; and that conformity to the West Rehoboth Area Planning Study or undertaking an amendment will be required.

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The Commission found that seven (7) letters in opposition to this application have been received and referenced increased density, traffic, the loss of a camping facility, the negative impact on neighboring single-family residential properties, the original number of units proposed, multi-family units in a single-family residential area; and that multi-family use is out of character with the surrounding area.

The Commission found that a letter and petition containing 409 signatures was submitted in opposition to the application which referenced similar reasons to the above referenced seven (7) letters. The petition included a copy of a report on DART trips serving the campground.

The Commission found that Bill Lingo, Derek Lingo, Eric Sugrue, Don Lockwood, Darin Lockwood, all partners in 3 Seasons, L.L.C., and James Fuqua, Attorney, were present on behalf of the application and that Darin Lockwood and Mr. Fuqua stated in their presentations and in response to questions raised by the Commission that the Applicants originally proposed 158 units; that the site plan has been revised to contain 118 units; that 40 multi-family units have been eliminated from the proposal; that the site is surrounded by residential development; that the site is presently occupied by a 300 site campground with a camp store and recreational facilities; that there are approximately 11 campsites per acre; that there will not be any stacked multi-family units, only single-family homes, townhouses, and duplexes; that since the application was filed in October of 2003 the Applicants have met with area residents, individual agencies and the Preliminary Land Use Service agencies; that they reduced the number of units based on comments received for the residents and agencies; that the adjacent Silver View Farms Mobile Home Community has a density of 4.7 units per acre; that the 2002 Comprehensive Plan Update encourages Residential Planned Communities; that County sewer is available for up to 118 EDUs; that central water will be supplied by Tidewater Utilities, Inc.; that DelDOT did not require a Traffic Impact Study since the site is currently improved by the campground and since trip generation would be the same or less than the campground; that the campground generates large volumes of recreational vehicles and towed travel trailers; that the Applicants will comply with all agency requirements; that the Applicants have met with the Cape Henlopen School District and that the District informed them that the project will have little to no impact on the District and that new developments in the area are not generating many students; that increased taxes benefits the District; that the Applicants intend to provide \$250.00 per settlement to the local fire company; that the project will be an economic benefit to the area and the County; that 50% of the site is

impervious; that the site plan indicates that the 118 units will include 8 single-family dwellings, 30 townhouses, and 80 duplex units; that the site is not located in a well head recharge area; that they proposed to restrict the construction to a minimum of 20-feet from Federal wetlands and 50-feet from State wetlands; that a pool and walking trails are proposed; that a community building is not proposed since the site will not generate enough users; that they anticipate that it may take 3-years to complete the project; that

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street lights will be provided; that the site will accommodate up to 130 single family RPC sized lots; that the site plan contains 48% open space; that they applied for HR-RPC since the site is less than 40 acres and since an RPC may be restricted; that technically they could have applied for a Conditional Use for multi-family use, MR-RPC, or HR-RPC and that the net result would be the same; that they are not proposing to develop the site with high-density; that the proposed density is 4.41 units per acre; that the existing campground is higher density; that the campground is more out of character than the proposed project; and that the proposed height is 42-feet.

The Commission found that Mr. Fuqua submitted a copy of a letter from the Cape Henlopen School District.

The Commission found that Mr. Fuqua submitted some suggested proposed conditions of approval for the Commission's consideration.

The Commission found that Spencer Brittingham was present in support of the application and stated that his family owns the adjacent lands next to the campground; that people do not know what it can be like living next to a campground; that his family has to deal with trespassing, conflicts and noise from trash trucks, ice trucks, motorcycles, campers and motor homes; and that the Baskin, Brittingham and Harmon families support the project, especially with the reduced number of units.

The Commission found that James S. Truitt, a resident of Rehoboth Beach Yacht and Country Club and owner of Silver View Farms, Blanche Davis of Rehoboth Beach Yacht and Country Club, Charles Bounty of Silver View Farms, Jay Cathell of Rehoboth Beach Yacht and Country Club were present in opposition to the application and stated that the proposed use is out of character with the area; that the application is similar to the original application of Kinsale Glen which was revised to allow only single family dwellings; that this area of Rehoboth is the second most prestigious area of the developed areas; that the site is surrounded by Rehoboth Beach Yacht and Country Club, Kings Creek Development, and Silver View Farms Mobile Home Community and in close proximity to Kinsale Glen Development, Stable Farm Subdivision and other residential projects; that this is the last site presently being considered for development; that the site should be developed at area densities; that traffic is a major issue; that traffic problems occur at the traffic light at Route One; that there are other lots in parts of Rehoboth Beach Yacht and County Club and Bay Vista that will interconnect with County Club Road in

the future adding more traffic; that the site should be developed with all single family lots of the same density as the surrounding projects; that the site should generate 80 to 85 single family lots; that Country Club Road is impacted by the outlets, a motel, all of the developments having access to the road, a golf driving range, the State Park and Ride, the Jungle Jim recreational complex, a bank, a golf country club, etc.; that DART provides transit service to the campground and may not provide service to the development; that

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Kinsale Glen has over 50 acres of land developed with 115 dwellings and appears to be really tight for space; that the majority of the buyers will be full time residents, not seasonal users like the campground; that traffic accidents are a major concern; that Tidewater Utilities, Inc. is not presently providing enough pressure for water because they have too many users; that it will be impossible to get out onto Route One if a disaster occurs; that the right-of-way of Country Club Road needs to be improved; that Tidewater Utilities, Inc. are proposing to increase their rates by 24%; and that new developments are causing the problems, not the existing users.

Mr. Lank advised those present that additional letters and petitions may be submitted until August 31, 2004 before the County Council meeting.

At the conclusion of the public hearings, the Commission discussed this application.

Motion by Mr. Johnson, seconded by Gordy, and carried unanimously to defer action pending receipt of comments from the Technical Advisory Committee and the Preliminary Land Use Service.

Motion carried 4 – 0.

C/Z #1548 – application of **GARY L. THOMAS AND SHIRLEY M. THOMAS** to amend the Comprehensive Zoning Map from a MR Medium Density Residential District to a C-1 General Commercial District for a certain parcel of land lying and being in Seaford Hundred, Sussex County, land lying west of Road 532, 1,725 feet south of Route 18, to be located on 8.1714 acres or a 13.0414 acre tract, more or less.

The Commission found, based on comments received from DelDOT, that the proposed action will have no significant impact on traffic.

The Commission found that John McFarland and Donald Miller, Surveyor, were present and stated in their presentations and in response to questions raised by the Commission that Mr. McFarland proposes to develop the site with an office and storage for the American Water Wells business; that no access is proposed from U.S. Route 13; that access will be from Road 532; that DelDOT may allow combined access with the Layton property; that the business is currently renting space; that they propose to build a 60-foot by 120-foot steel building; that the business does not have any walk-in trade; that a

secretary will be on-site during working hours; that the business has six (6) pieces of equipment; that there will be no construction or manufacturing on the site; that he originally purchased the front portion of the site with the option of purchasing this site; that the site has been used historically for a plant nursery for a nursery business; that equipment will be stored inside the building; that some pipe will be stored outside on pipe racks; that they plan on planting cypress trees around the site and fencing the site;

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that the site is partially fenced; that the well driller equipment is only on the site occasionally since it moves from job site to job site; that a agricultural truck transfer facility adjoins the site to the north; and that a plumbing business adjoins the site to the south.

Mr. McFarland submitted a promo-sheet describing the steel building proposed.

The Commission found that Sylvia I. Short was present in opposition and expressed concerns about the nature of the area, a primarily agricultural residential area; that Camp Road supplies access to Route 18 and U.S. Route 13; that the neighboring agricultural truck transfer facility is a seasonal temporary agricultural use; that the plumbing business is operated by the plumber and his wife with no employees; that the rezoning request is not an extension to commercial zonings along Camp Road; and that there are several residential developments along Camp Road.

At the conclusion of the public hearings, the Commission discussed this application.

Motion by Mr. Wheatley, seconded by Mr. Johnson, and carried unanimously to defer action to allow the Commission time to review the testimony.

Motion carried 4 – 0.

C/Z #1549 – application of **DMR PROPERTIES, L.L.C.** to amend the Comprehensive Zoning Map from a GR General Residential District to a C-1 General Commercial District for a certain parcel of land lying and being in Indian River Hundred, Sussex County, land lying west of Route 24, 2,500 feet south of Route 5 and Route 22 (Long Neck Road), to be located on 0.78 acre, more or less.

The Commission found, based on comments received from the County Engineering Department Planning and Permits Division, that wastewater capacity is available for up to 2.0 EDUs (6,000 square feet of retail space) or uses permitted under current zoning; that the current system connection charge rate is \$2,783.00 per EDU; that the location and size of laterals or connection points will be determined by the County Engineer; that there is no service to this parcel at this time; that the site is adjacent to the Long Neck Sanitary Sewer District; that conformity to the Long Neck Planning Study Expansion Area No. 1 or undertaking an amendment will be required; that these parcels are in the



sanitary sewer planning area; that service can be obtained from the sewer main to be constructed across Route 24; that the Division recommends that the applicant be required to connect to the sewer system; and that the Division is concerned that C-1 zoning will allow the number of potential EDUs to exceed the available capacity.

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The Commission found, based on comments received from DelDOT, that DelDOT does not recommend that the County require a traffic impact study for this rezoning application, but that the Department is concerned about the application; that the Department sees the application as encouraging more traffic in an area that has been identified as operating at unacceptable levels of service and is inconsistent with the Department's understanding of the Cabinet Committee on State Planning Issues Strategies for State Policies and Spending document.

The Commission found that Joseph Reed, a member of DMR, L.L.C., was present and stated in his presentation and in response to questions raised by the Commission that the site is currently GR and contains 3 lots; that he proposes to develop the site with either retail uses or professional offices; that the proposed building will contain 5,472 square feet; that the County has advised that wastewater capacity is available; that the site is located in the Environmentally Sensitive Developing Area according to the 2002 Comprehensive Plan Update; that the County will provide central sewer; that Tidewater Utilities, Inc. will provide central water; that the area has a predominance of commercial zoning; that several commercial uses and zonings exist in the immediate area; that some uses permitted in the C-1 district are not permitted in the B-1 district and referenced a carwash; that the adjacent site is zoned B-1; that south of the adjacent site is an auto repair business; that he plans to meet or exceed stormwater requirements; that C-1 zoning is appropriate in a development district along a major roadway; that there should be no adverse impacts on neighboring properties; that he plans on fencing the perimeter of the site; that the lots are a part of a subdivision where other commercial uses are already taking place; and that there are no deed restrictions against commercial uses.

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

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

Motion carried 4 – 0.

#### OTHER BUSINESS

Seagrass Plantation MR/RPC

The Commission reviewed the Master Record Plan for this 208 unit MR/RPC.

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Mr. Lank advised the Commission that 124 single-family lots and 84 multi-family units are proposed as permitted by the approved Ordinance; that the 13 conditions of approval are referenced on the Master Plan; that 16 – 5 unit and 1- 4 unit buildings comprise the multi-family section; that the recreational area includes tennis courts, a swimming pool and a community center; that the Master Plan complies with the conditions of approval; that final approval shall be subject to the review and approval of the Commission upon receipt of all appropriate agency approvals.

Motion by Mr. Wheatley, seconded by Mr. Gordy, and carried unanimously to approve the Master Plan for recordation. Final approval shall be subject to the review and approval of the Commission upon receipt of all appropriate agency approvals.

Motion carried 4 – 0.

Caldera Court  
Preliminary Site Plan – Rehoboth Avenue (Route 14A)

The Commission reviewed the preliminary site plan for 19 multi-family units and a 2 – story 4,400 square foot office building on 1.623 acres.

Mr. Lank advised the Commission that the site is zoned C-1 General Commercial; that 19 units are permitted by the Zoning Code; that 2-buildings with 5-units, 1-building with 6 units and 1-building with 3 units are proposed; that the buildings with units 1 through 13 need to be revised to meet the minimum 40-foot building separation distance or a variance will be needed; that 79 parking spaces are required and provided; that the average front yard setback along Rehoboth Avenue is 14-feet and the proposed setback is 15.5 feet; that the average front yard setback along Washington Street is 8-feet and the proposed setback is 10-feet; that central sewer and water are proposed; that there are no wetlands located on the site; that the site plan is suitable for conceptual approval subject to the 40-foot building separation issue being resolved; that final approval could be subject to the staff receiving all required agency approvals.

The Commission found that James Fuqua, Attorney and Rich Polk were present, submitted revised site plans, and stated that the revised site plans have been adjusted to depict the required 40-foot separation distance; that no additional setbacks have been

noted by DelDOT, and that the information on the average front yard setbacks were submitted to Shane Abbott when the site plan was submitted.

Motion by Mr. Johnson, seconded by Mr. Gordy, and carried unanimously to approve the revised site plan as a preliminary. Final approval shall be subject to the staff receiving all appropriate agency approvals.

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Motion carried 4 – 0.

#### Holiday Park Preliminary Site Plan – Route One

The Commission reviewed the preliminary site plan for the redevelopment of an existing 203-unit mobile home park to a 176-unit multi-family development with 15,000 square feet of retail area.

Mr. Lank advised the Commission that the property is zoned C-1 General Commercial and is also located within the Environmentally Sensitive Developing Area; that the site contains 14.78 acres and permits 177 units; that an environmental assessment and public facility evaluation report has been submitted by the engineers and is a part of the record for this site plan; that the report addresses stormwater/drainage, water supply, wastewater treatment and disposal, traffic analysis, threatened and endangered species, wetlands, open space and buffers, public and private infrastructure, economic, recreational and other benefits, conformance with the 2002 Comprehensive Plan Update, and actions to mitigate detrimental impacts and phasing; that DelDOT has issued a letter of no objection in reference to the entrance location; that 5-24 unit buildings, 1-23 unit building, 1-18 unit building and 1-15 unit building are proposed; that the setbacks, building lengths and building separation distances meet the requirements of the Zoning Code; that 528 parking spaces are required and 565 spaces provided; that the loading spaces for the retail area will be shown on the final site plan; that Tidewater Utilities, Inc. will provide central water and that Sussex County will provide central sewer; that there are no wetlands located on the site; that the residents of the existing mobile home park have submitted letters in opposition and photographs of the existing park; that the site plan is suitable for preliminary approval and that final approval could be subject to the staff receiving all appropriate agency approvals.

Mr. Lank summarized the information provided by the tenants of the existing mobile home park.

The Commission found that Gerald Friedel of Davis, Bowen & Freidel, Inc. was present on behalf of the Applicant and stated that the site plan has been reviewed through the Preliminary Land Use Service (PLUS), submitted revised site plans showing suggested

modifications recommended by State agencies and concerns raised by County staff; that the project will be phased; that the 20-foot wide strip connecting the site to Route One may be conveyed to adjoining property owners; and requested preliminary approval of the site plan.

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There was a consensus of the Commission that they had reviewed the comments and concerns of the tenants of the mobile home park; that they feel sorry for the circumstance that the tenants are involved in; and that the Commission's duty is to review land use issues and site plan for compliance with the Code.

Motion by Mr. Johnson, seconded by Mr. Wheatley, and carried unanimously to grant preliminary approval of the revised site plan. Final approval of the site plan shall be subject to the staff receiving all appropriate agency approvals.

Motion carried 4 – 0.

Mr. Allen acknowledged Mrs. Marie Bonner, a tenant of 32 years in the Holiday Park mobile home park, who informed the Commission that the buyer has not yet given notice to the tenants of the proposed action or changes in the park; that the park is seasonal; that the tenants only pay for 6-months rent; that the units have been handed down generation to generation; that the tenants will be displaced; and that no other parks will permit used mobile homes.

Subdivision #2003-46 – Georgelas Group  
Modification of Condition of Approval – Route 9

Mr. Lank advised the Commission that this Subdivision received preliminary approval on July 8, 2004 for 272 lots; that the preliminary approval was granted with 10-stipulations; that Condition #5 stated that no wetlands shall be included within any lot lines; that the engineer for this project is requesting that the Commission modify this condition; that there are 14 lots that contain some wetlands; and that the engineer is requesting that the condition be amended to "there shall be no permanent structures located within 25-feet of any wetlands located within any lot lines".

The Commission discussed the request.

Motion by Mr. Johnson, seconded by Mr. Wheatley, and carried unanimously to deny the requested modification.

Motion carried 4 – 0.

Subdivision #2003-9 – 1<sup>st</sup> State Development, L.L.C.  
Time Extension

Mr. Lank advised the Commission that this Subdivision received preliminary approval on August 28, 2003; that the engineers are requesting a one-year time extension to obtain final approval; and that this is the first request for a time extension.

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

Motion carried 4 – 0.

Subdivision #2003-19 – Woodgate Enterprises, Inc.  
Time Extension

Mr. Lank advised the Commission that this Subdivision received preliminary approval on August 14, 2003; that the engineers are requesting a one-year time extension to obtain final approval; and that this is the first request for a time extension.

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

Motion carried 4 – 0.

Subdivision #2003-12 – L.T. Associates, Inc.  
Time Extension

Mr. Lank advised the Commission that this Subdivision received preliminary approval on August 14, 2003; that the engineers are requesting a one-year time extension to obtain final approval; and that this is the first request for a time extension.

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

Motion carried 4 – 0.

Subdivision #2003-14 – H.M. Properties, Route 23, L.L.C.  
Time Extension

Mr. Lank advised the Commission that this Subdivision received preliminary approval on September 25, 2003 and April 29, 2004; that the engineers are requesting a one-year time extension to obtain final approval; and that this is the first request for a time extension.

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

Motion carried 4 – 0.

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Neil T. and Edna D. Dunn  
Lot and relocation of a 50-foot right-of-way – Road 484

The Commission reviewed a concept to extend an existing 50-foot wide right-of-way and to relocate a cul-de-sac.

Mr. Lank advised the Commission that an existing 1.46 acre parcel will be enlarged to 1.77 acres; that there will be a new lot on each side of the right-of-way; that approval of this concept makes 3 lots with access from the right-of-way; and that any further subdivision of the property will require a public hearing for a major subdivision.

Motion by Mr. Wheatley, seconded by Mr. Johnson, and carried unanimously to approve the concept.

Motion carried 4 – 0.

Brian Wilkie  
Lot and 50-foot right-of-way – Route 36

The Commission reviewed a concept to extend an existing 50-foot right-of-way to serve as access for a new lot.

Mr. Lank advised the Commission that creation of this lot will be the third lot with access to the existing right-of-way and that any further subdivision of the property will require a public hearing for a major subdivision.

Motion by Mr. Wheatley, seconded by Mr. Johnson, and carried unanimously to approve the concept.

Motion carried 4 – 0.

Harold B. and Janet B. Coombes  
Parcel and 50-foot easement – Road 240

The Commission reviewed a concept to widen an existing dirt lane to a 50-foot easement to serve as access to a 5.0 acre parcel.

Mr. Lank advised the Commission that the 50-foot easement will serve an existing dwelling located to the rear of the property which will be located as part of the 5.0 acre parcel, and that the residual property is 15.47 acres which contains an existing mobile home.

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Motion by Mr. Wheatley, seconded by Mr. Johnson, and carried unanimously to approve the concept.

Motion carried 4 – 0.

Meeting adjourned at 10:40 p.m.