



PLANNING & ZONING

AGENDAS & MINUTES

MINUTES OF THE REGULAR MEETING OF AUGUST 13, 2009

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, August 13, 2009 in the County Council Chambers, County Administrative Office Building, in Georgetown, Delaware.

The meeting was called to order at 6:00 p.m. with Chairman Wheatley presiding. The following members of the Commission were present: Mr. Robert Wheatley, Mr. Rodney Smith, Mr. I.G. Burton, and Mr. Marty Ross with Mr. Richard Berl – Assistant County Attorney, Mr. Lawrence Lank – Director, and Mr. C. Shane Abbott – Assistant Director.

Motion by Mr. Smith, seconded by Mr. Burton, and carried unanimously to approve the Agenda as circulated. Motion carried 4 – 0.

Motion by Mr. Smith, seconded by Mr. Burton, and carried unanimously to approve the Minutes of July 15, 2009 as amended and the Minutes of July 23, 2009 as amended. Motion carried 3 – 0. Mr. Ross not voting.

Mr. Wheatley welcomed Mr. Marty Ross to the Commission.

OLD BUSINESS

Subdivision #2007-42 – application of **FENWICK COMMONS, L.L.C.** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Baltimore Hundred, Sussex County, by dividing 13.35 acres into 27 lots, (Environmentally Sensitive Developing District Overlay Zone), located at the southwest corner of the intersection of Route 54 and Road 394.

The Chairman referred back to this application, which was deferred at the July 23, 2009 meeting.

Mr. Smith advised the Commission that he spoke with Mr. Vincent Robertson – Assistant County Attorney and that Mr. Robertson followed up with the County Engineering Department and confirms that the parcel is in the South Coastal Planning Area for sewer but would need to be annexed into the Fenwick Island Sanitary Sewer District for sewer service to be received; that for annexation to occur, the area annexed must be contiguous with an existing sewer district; that annexation to an existing district is a fairly straight forward process; that it basically requires a request for annexation followed by a public hearing on the annexation request by the County Council; that once annexation occurs, a developer is responsible to put in the infrastructure to actually get the sewer service to the property; that it is also typical for a project to received preliminary approval before annexation occurs; that there have been several projects where this

has recently occurred; that in this case however, there is the fact that the project although in a County Planning Area, the site is not contiguous to a sewer district; that as the applicant has acknowledged, the properties between the project and this existing sewer district boundary would all have to join in the annexation process; that there was a discussion or statements about forcing sewer on others in the area; that other properties would have to request annexation and go through the process before being served or charged for County sewer; that there are situations where a new district is established and residents are required to connect, like the Johnson's Corner Sanitary Sewer District or more recently the Angola Neck Sanitary Sewer District but for the most part those were created based upon requests to do so by residents and followed a more stringent process of creating a new district through referendums and public hearings.

Motion by Mr. Smith, seconded by Mr. Burton and carried 3 votes to none to defer action for further consideration. Motion carried 3 – 0. Mr. Ross not voting.

Subdivision #2007-45 – application of **DEERFIELD MEADOWS, L.L.C.** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Broad Creek Hundred, Sussex County, by dividing 41.81 acres into 40 lots, (Cluster Development), located south of Route 20, 1,850 feet east of Road 483.

The Chairman referred back to this application, which was deferred at the July 23, 2009 meeting.

Mr. Smith advised the Commission that this application was deferred since the County Council had not acted on the rezoning request when the hearing was held, and that Mr. Abbott confirmed that on July 28, 2009 the County Council approved the rezoning and with that he would move that the Commission grant preliminary approval for Subdivision #2007 – 45 for Deerfield Meadows, LLC, based upon the record and for the following reasons:

1. The Applicant is seeking approval of a clustered subdivision within the AR-1 zone. The Applicant is seeking clustered lots with minimum area of 7,500 square feet.
2. A subdivision on this site will not have an adverse impact on the neighboring properties or community.
3. The subdivision will not adversely impact schools, public buildings, area roadways or public transportation.
4. The proposed subdivision meets the purpose and standards of the Subdivision Ordinance.
5. Mr. Smith is satisfied that this project is a superior design under the subdivision ordinance. It is a superior design because it preserves over 30% open space, preservation of existing forest area and wetlands and agricultural buffers that meet or exceed the requirements of the Code.
6. The design addresses the requirements of Section 99-9C of the Code.
7. The subdivision will have no more than 40 lots on 40 acres. This results in a density that is less than the maximum density permitted in the AR-1 zone.
8. The subdivision will be served by central water and sewer.
9. This preliminary approval is subject to the following conditions:
 - A. There shall be no more than 40 lots within the subdivision.

- B. The Applicant shall form a homeowners' association responsible for the perpetual maintenance of streets, roads, any buffers, storm water management facilities, erosion and sedimentation control facilities and other common areas.
- C. The storm water management system shall meet or exceed the requirements of the State and County. It shall be constructed and maintained using Best Management Practices.
- D. All entrances shall comply with all of DelDOT's requirements, and an area for a school bus stop shall be established. The location of the school bus stop shall be coordinated with the local school district.
- E. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Department.
- F. The Final Site Plan shall contain the approval of the Sussex Conservation District to the design and location of all storm water management areas and erosion and sedimentation control facilities.
- G. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.
- H. A 30-foot forested Agricultural Buffer shall be shown along boundaries bordering on any land used primarily for any agricultural purpose. The Final Site Plan shall also contain a landscape plan for all of the buffer areas, showing all of the landscaping and vegetation to be included in the buffer areas.
- I. The developer shall maintain as many existing trees as possible. The undisturbed forested areas shall be shown on the Final Site Plan.
- J. No wetlands shall be included within any lots. The wetland area delineation shall be monumented, as stated by the applicant.
- K. A system of street lighting shall be established.
- L. As stated by the Applicant, a 5-foot asphalt-walking path shall be provided across each lot through an easement.
- M. As stated by the applicant, there shall be a 100-foot buffer from all wetland areas. The buffer shall comply with the requirements of Section 115-193 of the County Code.
- N. As stated by the Applicant, the forestlands will be put into a conservation easement.

Motion by Mr. Smith, seconded by Mr. Burton and carried 3 votes to none, to approve this application as a preliminary, for the reasons and with the conditions stated. Motion carried 3 – 0. Mr. Ross not voting.

PUBLIC HEARINGS

C/U #1784 – application of **MAURICE E. HAYES, JR.** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a small engine repair and service shop to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 4.2486 acres, more or less, lying north of Road 291, 1.1 miles west of Road 262.

The Commission found, based on comments received from DelDOT, that a traffic impact study was not recommended and that the present Level of Service "A" of Road 291 should not change due to this application.

The Commission found that the County Engineering Department Utility Planning Division provided comments on August 13, 2009 for this application and advised that the site is located in the North Coastal Planning Area; that the project proposes to use an on-site septic system; that the proposed use is not in an area where the County expects to provide sewer service at this time; and that a concept plan is not required.

The Commission found that Maurice Hayes, Jr. was present and stated in his presentation and in response to questions raised by the Commission that he would like to use both the shop and shed for the small engine repair business; that business hours are proposed from 7:30 a.m. to 6:30 p.m. six (6) days per week with no business hours on Sunday; that he does not plan on having any additional employees other than his son; that he is not aware of any objections from any neighbors; that he will be working on lawn mowers, chainsaws, trimmers, and some motorcycles; that he does not work on boats or jet-skis; that he already has installed a security system; that he would like to erect a small advertising sign; that all work will be performed inside, with no work outside; that he or his son typically pickup and deliver for customers; that the only noise will be from motor testing; that he does receive some UPS and Fed-EX deliveries; that he has been on this site for 20 years.

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.

Mr. Smith stated that he would move that the Commission recommend approval of C/U #1784 for Maurice E. Hayes, Jr. to operate a small engine repair service based upon the record made at the public hearing and for the following reasons:

1. The proposed Conditional Use will have no significant impact on traffic.
2. The proposed use will serve nearby residents and the community.
3. The project, with the conditions and stipulations placed upon it, will not have an adverse impact on the neighboring properties or community.
4. This recommendation for approval is subject to the following conditions and stipulations:
 - a. There will not be any outside storage of any type, including but not limited to, equipment, tires, or other materials used in the business. The applicant shall be allowed to store his personal hauler on the site.
 - b. No vehicles or motorcycles for sale will be displayed outside on the premises.
 - c. No repair work will be performed outside.
 - d. The shop will only be operated between the hours of 7:30 a.m. until 6:00 p.m. Monday through Saturday.
 - e. There will be no more than one employee in addition to the Applicant working on the premises at any one time.
 - f. There may be one (1) sign, not to exceed 32 square feet, on the property advertising the business.

- g. Any security lights shall only be installed on the buildings and shall be screened so that they do not shine on neighboring properties.
- h. The site plan shall be subject to approval of the Planning and Zoning Commission.

Motion by Mr. Smith, seconded by Mr. Burton and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons and with the conditions and stipulations stated. Motion carried 4 – 0.

C/U #1785 – application of **DAVID J. AND ERIN E. DEKOWSKY** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for multi-family dwelling structures (12 units) to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 15.16 acres, more or less, lying east of Mastif Way, a private road, 800 feet north of the intersection of Sound Church Road (Road 394A) and Sand Cove Road (Road 394).

The Commission found, based on comments received from DelDOT, that a traffic impact study was not recommended and that the present Level of Service “A” of Sound Church Road will not change as a result of this application.

The Commission found that the Office of State Planning Coordination provided comments to the Applicant on August 9, 2007 and that those comments are a part of the Exhibit Booklet provided by the Applicant.

The Commission found that on August 5, 2009 the Applicant provided an Exhibit Booklet which contains a series of maps, surveys and plans, a Conceptual Sewer Plan approval from the County Engineering Department, a copy of the PLUS application form, PLUS comments, a response to PLUS, letters from Tidewater Utilities, Inc., Artesian Water Company, Americana Bayside, the Sussex County Land Trust, and Environmental Resources, Inc., and proposed Findings of Fact and Conditions of Approval.

The Commission found that the County Engineering Department Utility Planning Division provided comments on August 13, 2009 for this application and advised that the site is located in the Fenwick Island Sanitary Sewer District; that wastewater capacity is available for the project; that Ordinance 38 construction will be required; that the current System Connection Charge Rate is \$4,738.00 per EDU; that sewer service has not been extended to the parcels at this time; that conformity to the South Coastal Area Planning Study, 2005 Update, will be required; that the project is within the boundary of the Sewer District and connection to the sewer system is mandatory; that the proposed project is in a recent expansion area and sanitary sewer lines have not been extended to the parcels at this time however, and the County does not have a set schedule to do so; that in order to receive sewer service, the developer at his expense, will be required to construct gravity sewer, and a transmission system including a pump station to serve the proposed project and several additional off-site parcels; that the proposed project is within planning study and system design assumptions for sewer service; that the Engineering Department has no objection to the proposed development so long as sewer service is in accordance with the Sanitary Sewer Concept Plan that was approved on July 22, 2009; that the County requires design and construction of the collection and transmission system to meet

County Engineering Department requirements and procedures; that the County Engineer must approve the connection point; that all cost associated with extending sewer service will be the sole responsibility of the developer; and that a concept plan is required.

The Commission found that David Dekowsky was present with Stephanie Hanson, Attorney with Young Conaway Stargatt & Taylor, LLP, Stephen Soule', Professional Land Surveyor of Soule' & Associates, P.C., and Edward Launay, Professional Wetlands Scientist with Environmental Resources, Inc. and that they stated in their presentations and in response to questions raised by the Commission that the Applicant is a building contractor that has lived on the premises for 20 years; that they propose to build twelve (12) townhouse designed condominium units with two (2) structures; that the site is zoned AR-1 Agricultural Residential and is located in the Environmentally Sensitive Developing District Overlay Zone; that the site is surrounded by the Americana Bayside Residential Planned Community which has a mixture of single-family, multi-family and townhouse units; that the State Strategies indicate that the site is located within Investment Levels 3 and 4; that the County will provide sewer service; that Tidewater Utilities, Inc. will provide central water; that the two (2) buildings will be separately located on two (2) upland sections of the property; that the County Engineering Department has reviewed the concept plans for the project for sewer and that they will comply with the Engineering Departments requirements; that they have estimated that the cost for construction of the sewer and pump station to be in the range of \$250,000 to \$300,000; that a 10-inch water line already exist along Mastif Way; that they have not received any objections from the Americana Bayside project; that DelDOT has voiced no objections; that the site contains 8.56 acres of woodlands of which 7.2 acres will remain wooded; that tidal wetlands will not be impacted by the project since they have provided a minimum of 50-foot buffer from the wetlands; that 13.17 acres of open space is proposed which equals 87% of the site; that the Sussex County Land Trust may be willing to accept the open space in a Conservation Easement; that a 30-foot buffer is proposed to be reserved around the perimeter of the site; that no agricultural lands are adjacent to the site; that DNREC has asked for a 100-foot buffer from all wetlands and that such a buffer will create a parcel that cannot be built upon; that the site was studied in March of 2009 for determine the delineation of wetlands per the new Army Corps. of Engineers requirements; that a Corps. representative has visited the site and basically approved the plans; that the delineation has been submitted to the Corps. and that they are waiting for Corps. approval; that the tidal wetlands were mapped based on the State wetlands maps; that a 50-foot buffer has been shown on the site plans; that a small portion of wetlands will be disturbed by placement of the drive into the northern most building and that Corps. approval may be required; that the density is similar to the density for Americana Bayside; that no unit space will contain any wetlands; that the existing dwelling will be removed or destroyed; that they have not yet received a response from PLUS for their response to the PLUS comments; that the Applicant is willing to work with the Sussex County Land Trust on establishment of a conservation easement; that the dumpster pads are outside of the 50-foot buffer; that Mr. Launay has reviewed the site for environmental concerns; that the paved portion of Mastif Way will be widened by 9-feet to bring the width up to street wide requirements; that they anticipate using fill to cross the small portion of wetlands; that the drives and buildings will be elevated to be FEMA compliant; that they anticipate designing the stormwater management features as bio-retention that drains into the wetlands; that adequate space is available for the bio-retention areas; that the Corps. may require some mitigation for any

disturbance of the wetlands; that the proposed buildings will be 3-story at approximately 40-feet in height; and that the units will contain 2,000 to 3,000 square feet of living space.

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. Smith, seconded by Mr. Burton, and carried unanimously to defer action for further consideration and to leave the record open for a response from PLUS on the Applicants response, and receipt of a copy of an Environmental Impact Assessment Study. Motion carried 4 – 0.

Subdivision #2008-1 – application of **ALBERT J. BIERMAN** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Dagsboro Hundred, Sussex County, by dividing 52.79 acres into 8 lots, and a variance from the maximum allowed cul-de-sac length of 1,000 feet, located east of Road 469, 530 feet north of Road 329.

Mr. Abbott advised the Commission that the Technical Advisory Committee review of April 4, 2008 is a part of the record; and that on August 6, 2009 the applicants submitted an Exhibit Packet containing a copy of the application, proposed findings of fact, restrictive covenants, a copy of the Land Use Map, a copy of Wellhead and Excellent Recharge Areas Map, a copy of the State's Strategies for Spending Map and 6 photographs that are a part of the record.

Robert Witsil, Attorney, Albert Bierman and Donald Miller, Surveyor, were present on behalf of this application and stated in their presentations and in response to questions raised by the Commission that 8 lots are proposed on 52.79 acres; that 4 strip lots have already been recorded and sold; that the photographs in the Exhibit Packet depict the immediate area; that the proposed subdivision name will be changed to Parker Farms pending approval from the Mapping and Addressing Department; that the subject site includes 2 parcels; that there are 2 tax ditches on the site; that tax ditch easements will be complied with; that the developer will follow the recommendations of the Technical Advisory Committee; that the dwellings will be either stick built or large modular homes; that manufactured housing is not permitted; that DNREC has approved 4 site evaluations for lots 1,2,7 and 8; that the 4 lots to the rear of the site are large lots and have been designed for a waiver from DNREC; that at this time, the developer is requesting approval for lots 1,2, 7 and 8; that a temporary cul-de-sac could be put in; that the remaining lots would be developed once DNREC approves the septic; that individual on-site septic and wells are proposed; that the project will have no significant impact on schools, police and area roadways; that the site was clear cut in 2000; that the tax ditches run along the perimeter of the site; that the easements vary in size from 16 to 200 feet; that the area has a high water table; that the approved septic designs are for 3 LPP systems and a mound system; that the septic has not been approved for the 4, 10.0-acre lots; that Glatfelter Pulpwood cut the trees in 2000; that the site is basically flat; that 2 storm water management ponds are proposed; that there is adequate space for a bus stop and mailbox area; that sidewalks and streetlights are not proposed due to the large size of the lots; that the applicant has owned the property since 1999; and that the temporary cul-de-sac could be paved.

The Commission found that no parties appeared in support of this application.

Sam Little and Fred Rust were present in opposition to this application and advised the Commission that there are wetlands on the site; that they would like to see the property remain as agriculture; that they may place their land in a conservation program; that the applicant has not been honest with them and that a double wide home was placed on one of the strip lots.

Mr. Witsil and Mr. Miller responded that there are no wetlands on the site; that a wetlands delineation was performed by a certified soil scientist; that the entrance to the development will be landscaped; that a restriction will be placed on Lot 8 prohibiting any building with the "L" shaped area between the entrance and Mr. Rust's property; and that Lot 8 has been approved for a LPP septic system.

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

Motion by Mr. Ross, seconded by Mr. Smith and carried unanimously to defer action for further consideration. Motion carried 4 – 0.

Subdivision #2008-2 – application of **LEE LITTLETON** to consider the Subdivision of land in a GR General Residential District in Little Creek Hundred, Sussex County, by dividing 8.76 acres into 6 lots, located south of Road 454, 310 feet east of Road 457.

Mr. Abbott advised the Commission that the Technical Advisory Committee review of April 4, 2008 is a part of the record; that on August 3, 2009 the applicant's engineer submitted an Exhibit Booklet that is a part of the record; and that this site is the subject of three previous applications, Subdivision #1985-12 which was voided, Subdivision #1990-22 which was voided, and Subdivision #2000-12 which received preliminary approval on May 25, 2000, final approval on February 8, 2001 and was sunset on April 19, 2007.

Kevin Smith of Kercher Engineering, Lee Littleton and Donald Miller, Surveyor, were present on behalf of this application and stated in their presentations and in response to questions raised by the Commission that this application was previously approved and that a request for a time extension was denied by the County; that the applicant is requesting reapproval of the project; that 6 lots are proposed; that the minimum lot size is 0.75-acre; that the storm water management area contains 0.71-acre; that 0.6-acre of open space is provided; that there are 0.98-acres of wetlands; that no wetlands are included on any lot; that on-site septic and wells are proposed; that Carr Boulevard currently serves 7 lots; that the wetlands have been delineated; that all agencies have reviewed and approved the plan; that they are requesting reapproval of 6 lots; that the septic approval is valid until 2012; that Lot 6 will have access from Carr Boulevard; and that there are drainage swales between Lots 4, 5 and 6.

The Commission found that no parties appeared in support of the application.

Kevin Foskey, Willa Merrill, Dennis M. Carr, Vincent Biddle, Jim Driscoll, Virgil Adams, Ralph Merrill, William W. Carr and Billy Carr were present in opposition to this application and advised the Commission that Carr Boulevard is owned by both Mr. Carr and Mr. Littleton; that

17 people currently live on this road; that they have no faith in the applicant completing the project; questioned who will maintain the roads; that the applicant has encroached onto other properties; that the property line is at the center of the road; that no one maintains Carr Boulevard; that one section of the street is only 40 feet in width; that some of the deeds reference maintenance of Carr Boulevard; that hunting occurs on adjacent properties; and that some of their land has been taken and submitted photographs of the area.

Mr. Miller responded that Mr. Littleton will build the road; that the access road has been used for years; that the entire road is under Mr. Littleton's ownership; that a homeowners' association will be established; that the existing owners cannot be forced into maintenance of the streets; that the property line is at the center of the existing road; that the pavement will be on Mr. Littleton's property; that the road is 50 feet in width; and that both Carr Boulevard and Smith Court will be built and paved.

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

Motion by Mr. Ross, seconded by Mr. Smith and carried unanimously to defer action for further consideration and for staff and counsel to review the road situation. Motion carried 4 – 0.

Subdivision #2008-3 – application of **EVELYN J. AND ARTHUR P. DAVIS, JR.** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Broad Creek Hundred, Sussex County, by dividing 2.69 acres into 2 lots, located south of Route 20, 1,100 feet northwesterly of Road 473.

Mr. Abbott advised the Commission that this application was not reviewed by the Technical Advisory Committee since only 2 strip lots are proposed; that DelDOT has issued a Letter of No Objection for the entrance location; and that 3 letters have been received in support of this application.

Don Miller, Surveyor, was present on behalf of this application and stated in his presentation and in response to questions raised by the Commission that 2 lots are proposed; that the owner has maxed-out the number of by-right lots permitted; that DelDOT has issued a Letter of No Objection for the entrance location; that septic approval has been granted for each lot; and that no further subdivision of the lots is proposed.

No parties appeared in support of or in opposition to this application.

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

Mr. Ross stated that he would move that the Commission grant preliminary and final approval of Subdivision #2008 – 3 for Evelyn J. and Arthur P. Davis, Jr., based upon the record and for the following reasons:

1. The proposed subdivision generally meets the purpose to the Subdivision Ordinance in that it protects the orderly growth of the County.

2. The land is zoned AR-1 which permits low-density single-family residential development. 2 lots on 2.69 acres of land is within the allowable density for AR-1 land.
3. The proposed subdivision will be consistent with the area and will not adversely affect nearby uses or property values.
4. The proposed subdivision will not adversely impact schools, traffic, public buildings and community facilities.
5. This preliminary and final approval is subject to the following conditions:
 - A. There shall be no more than 2 lots within the subdivision.
 - B. All entrances shall comply with all of DelDOT's requirements.
 - C. There shall be no further subdivision of the 2 lots.

Motion by Mr. Ross, seconded by Mr. Burton and carried unanimously to approve this application as a preliminary and as a final, for the reasons, and with the conditions stated. Motion carried 4 – 0.

Subdivision #2008-4 – application of **GALE WHITE** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Nanticoke Hundred, Sussex County, by dividing 2.25 acres into 3 lots, located at the southwest corner of the intersection of Road 565 and Road 592.

Mr. Abbott advised the Commission that this application was not reviewed by the Technical Advisory Committee since only 3 strip lots are proposed; that DelDOT has issued a Letter of No Objection for the entrance locations; and that a letter of intent was received from the applicant.

Don Miller, Surveyor, was present on behalf of this application and stated in his presentation and in response to questions raised by the Commission that 3 lots are proposed; that the owner has maxed-out the number of by-right lots; that there are already 4 strip lots existing; that the lots are suitable for on-site septic; and that the septic approvals are valid for 3 years.

No one was present in support of or in opposition to this application.
At the conclusion of the public hearings, the Commission discussed this application.

Mr. Smith stated that he would move that the Commission grant preliminary and final approval of Subdivision #2008 – 4 for Gale White, based upon the record and for the following reasons:

1. The proposed subdivision generally meets the purpose of the Subdivision Ordinance in that it protects the orderly growth of the County.
2. The land is zoned AR-1 which permits low-density single-family residential development. 3 lots on 7.01 acres of land is within the allowable density for AR-1 land.
3. The proposed subdivision will be consistent with the area and will not adversely affect nearby uses or property values.
4. The proposed subdivision will not adversely impact schools traffic, public buildings and community facilities.
5. This preliminary and final approval is subject to the following conditions:
 - A. There shall be no more than 3 lots within the subdivision.

B. All entrances shall comply with all of DelDOT's requirements.

Motion by Mr. Smith, seconded by Mr. Burton and carried unanimously to approve this application as a preliminary and as a final, for the reasons, and with the conditions stated. Motion carried 4 – 0.

Meeting adjourned at 9:35 p.m.