



PLANNING & ZONING

AGENDAS & MINUTES

MINUTES OF THE REGULAR MEETING OF AUGUST 14, 2008

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, August 14, 2008 in the County Council Chambers, County Administrative Office Building, 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. Benjamin Gordy, and Mr. I.G. Burton III with Ms. Rebecca Trefillis – Assistant County Attorney, Mr. Lawrence Lank – Director, Mr. Shane Abbott – Assistant Director, and Richard Kautz – Land Use Planner.

Motion by Mr. Gordy, seconded by Mr. Burton and carried unanimously to approve the Agenda as circulated. Motion carried 3 – 0.

Motion by Mr. Gordy, seconded by Mr. Burton and carried unanimously to approve the Minutes of July 16, 2008 and the Minutes of July 24, 2008 as circulated. Motion carried 3 – 0.

OLD BUSINESS

C/U #1792 – application of **TIDEWATER ENVIRONMENTAL SERVICES, INC.** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a regional wastewater collection, treatment and disposal facility to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 320.21 acres, more or less, lying on both sides of Route 24 (John J. Williams Highway), southeast of Road 277 (Robinsonville Road), both sides of Road 289 (Jolyns Way) and both sides of Road 279 (Camp Arrowhead Road).

The Commission discussed this application which has been deferred since June 26, 2008.

Motion by Mr. Gordy, seconded by Mr. Burton and carried unanimously to defer action for further consideration. Motion carried 3 – 0.

PUBLIC HEARINGS

Subdivision #2007-1 – application of **JEANINE THOMPSON** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Little Creek Hundred, Sussex County, by dividing 1.55 acres into 2 lots, located north of Road 494, 2,000 feet east of Road 497.

Mr. Abbott advised the Commission that Technical Advisory Committee comments were received on June 20, 2007 relating to this application.

Mr. Abbott summarized comments received from the County Engineering Department in reference to Groundwater Management Zones near the Laurel Landfill site. The comments included suggested conditions of approval if the application is approved.

The Commission found that Sandra Thompson was present on behalf of the Applicant and stated that their intent is to create 2 lots for the construction of 2 single family dwellings; that they are aware of the comments from the County Engineering Department; that the site is across from the entrance to the Laurel Landfill; that the site is partially wooded; that Horne Lane, a private gravel road, is adjacent to the property on lands of Lee Littleton; and that access to Horne Lane has been approved by Mr. Littleton.

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. Gordy stated that he would move that the Commission grant preliminary approval of Subdivision #2007-1 for Jeanine Thompson, 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. The proposed subdivision density of 2 lots on 1.556 acres of land is significantly less than the allowable density.
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, public buildings and community facilities.
5. The proposed subdivision will not adversely affect traffic on area roadways.
6. This recommendation is subject to the following conditions:
 1. There shall be no more than 2 lots within this subdivision.
 2. All entrances shall comply with all of DelDOT's requirements.
 3. The Final Site Plan shall be subject to the review and approval of Sussex County Planning and Zoning Commission.
 4. As per the recommendation of the Sussex County Engineering Department, the following conditions also apply:
 - a. Tax Map I.D. 4-32-11.00 Parcel 4.00 is owned by Sussex County Council. The Final Record Plan shall also identify this parcel as "Sussex County Landfill #5 – Laurel" and as "Delaware State HSCA Site #DE – 0013".
 - b. The location of the Groundwater Management Zone shall be delineated on the Final Record Plan.
 - c. Connection to the Tidewater Utilities, Inc. central water system for all domestic water use shall be mandatory and a condition of the subdivision. A note stating this shall be included on the Final Record Plan.

- d. The Final Record Plan, restrictive covenants, and deed for the proposed lots shall contain the following notices: “This property identified herein is located within the Sussex County Landfill #5 – Laurel Groundwater Management Zone, and has certain regulations placed upon it concerning any proposed land and/or groundwater use. Contact the Sussex County Engineering Department for additional information.
- e. A note shall be included on the Final Record Plan that states: “Any activity that alters the current groundwater flow direction or lowers the water table on the adjacent Sussex County property shall be prohibited”.

Motion by Mr. Gordy, seconded by Mr. Burton and carried unanimously to grant preliminary approval of this subdivision for the reasons and with the conditions stated. Motion carried 3 – 0.

Mr. Lank advised the Commission that the Applicant has requested that C/Z #1649 and C/U #1781 be combined for the purpose of the public hearing since the two applications affect the same parcel. Mr. Lank added that decisions will be required to be rendered on each case individually.

C/Z #1649 – application of **RODNEY W. SMITH** to amend the Comprehensive Zoning Map from an AR-1 Agricultural Residential District to a CR-1 Commercial Residential District for a certain parcel of land lying and being in Georgetown Hundred, Sussex County, land lying southwest of Zoar Road (Road 48), 1,000 feet south of Sussex Pines Road (Road 324), to be located on 39.73 acres, more or less.

C/U #1781 – application of **RODNEY W. SMITH** to consider the Conditional Use of land in a CR-1 Commercial Residential District for multi-family dwelling structures to be located on a certain parcel of land lying and being in Georgetown Hundred, Sussex County, containing 39.73 acres, more or less, lying southwest of Zoar Road (Road 48), 1,000 feet south of Sussex Pines Road (Road 324).

The Commission found that prior to the meeting the Applicant had provided an Exhibit Booklet which contained an Executive Summary; a map of area commercial and governmental properties and County zonings; a color rendering of the site plan; a location map; a site data table; qualifications of Mark H. Davidson and the staff of Design Consultants Group, L.L.C. (DC Group); a listing of the project team; a copy of the Zoning and Conditional Use applications; a letter from the State DNREC Division of Fish and Wildlife in reference to the Wildlife Habitat Enhancement Program; an assessment report for the property; Register of Wills Inventory information for the property; an overview of the Moderately Priced Housing Unit program and letters from the County Community Development and Housing Division with renderings of possible housing for the project; nine letters and a petition in support of the applications; letters from the Applicant to the Department of Corrections, Urban Research & Development Corporation, the Town of Georgetown, and the County Administrator; letters from lending institutes with interest in assistance in the development of the project; letters from Workman’s Inc. referencing that it is getting more difficult to actively farm the property logistically and safely, and also stating their support for the applications; site plans, surveys, and aerials of the

property; copies of the PLUS application, the review comments from PLUS, and the Applicant's response to the PLUS comments; an Artesian Resources News Release that the Town of Georgetown has signed a wastewater agreement with Artesian; letters to and from the Applicant and the Town of Georgetown; letters and memorandums from DelDOT dated November 6, 2006, December 1, 2006, October 3, 2007, and July 30, 2008 with attachments; an adjacent properties map; a 2007 aerial; an aerial overlaid with zoning of the area; a series of maps and aerials including an aerial overlaid with the lines of the 2004 State Strategies; a FEMA Floodplain Map; a 1974 soils classification map; an aerial overlaid with a NWI Wetlands Map; a USGS Quad Map of the area; a map overlaid with 2007 Land Use/Land Cover; a map overlaid with Groundwater Recharge areas; a soil borings location map; and wetlands delineation maps.

The Commission found, based on comments received from the County Engineering Department Utility Planning Division, that in reference to both C/Z #1649 and C/U #1781 the site is located in the North Coastal Planning Area; that the project proposes to develop using a private community wastewater system; that the Department recommends that the wastewater system be operated under a long-term contract with a capable wastewater utility; that the Department recommends that they have a wastewater utility provider prior to approving the project; that the proposed project is located outside of the Inland Bays Planning Area where the County expects to provide sewer service; that the County requires design and construction of the collection and transmission system to meet County sewer standards and specifications; that a review of the treatment and disposal system by the County Engineering Department is also required and plan review fees may apply; that disposal fields should be clearly identified on recorded plots; that if the County ever provides sewer service, it is required that the treatment system be abandoned and a direct connection made to the County system at the developers and/or homeowners association expense; that the County anticipates adopting new road standards in the near future; that this project will be required to comply with those adopted standards; and that a concept plan is not required.

The Commission found, based on comments received from the Sussex Conservation District, that there are four (4) soil types on this parcel; that the Applicant will be required to follow recommended erosion and sediment control practices during construction and to maintain vegetation after completion of construction; that no storm flood hazard areas are affected; that a tax ditch may be affected; that it may not be necessary for any off-site drainage improvements; and that the Applicant will be required to follow State sediment/stormwater requirements.

Mr. Lank advised the Commission that in addition to the letters in the Exhibit Booklet letters in support have also been received from Bill Lucks of Commercial Sales Group, Gary B. Morgan of Morgan Chiropractic, Kimberly Ellison, and Donald L. Wilgus.

The Commission found that Preston Dyer, Consultant to the Applicant, and Mark Davidson of DC Group were present on behalf of the Applicant and stated in their presentations and in response to questions raised by the Commission that CR-1 zoning is proposed since the site is located in Investment Level 1 according to the State Strategies; that the mixed use intended complies with Investment Level 1; that higher density is encouraged in Investment Level 1 areas; that the project offers employment opportunities; that the State Strategies encourage affordable housing; that they are in compliance with the MPHU program; that the project creates a live and

work environment; that they will be creating offices, retail, mini-storage and residential uses in the project; that the site is located in a Developing Area according to the County Comprehensive Plan Update adopted June 24, 2008; that the Town of Georgetown will be providing central water and sewer services to the project; that the site is adjacent to the Department of Corrections Sussex Correctional Institute (prison), the Department of Motor Vehicles, DelDOT facilities, and the Church of God of Prophecy; that the Workman's Inc. letter in the Exhibit Booklet references the difficulty of farming the site due to traffic, dust complaints, and nuisance geese; that some of the other commercial uses exists in the area include an electrician, sewer service company, deli, etc.; that 36 condo/flats are proposed over the retail and offices space; that all parking is toward the interior, not Zoar Road; that a traffic circle is proposed in the center of the boulevard entrance road; that 88 townhouse units (fee simple) are proposed within 13 buildings; that one MPHU unit will be established within each building; that they are proposing mini-storage warehousing to the south of the site next to the prison since this portion of the site is impacted by the lighting from the prison; that a park is proposed to the north of the Church of God of Prophecy and south of the ditch and will include a tot lot; that a park is proposed in the middle of the commercial area for a gazebo and benches to serve the employees and patrons of the commercial retail area; that the site is proposed to contain 49% open space; that there are some wetlands within the McGee Tax Ditch; that a 25-foot wide maintenance easement for the tax ditch is on the Department of Motor Vehicles side and a 50-foot wide maintenance easement for the tax ditch exists on this parcel on the north; that a Traffic Impact Study was performed per DelDOT specifications; that DelDOT has advised them that certain road improvements, intersection improvements and traffic signal agreements will be required; that they will be required to dedicate additional rights-of-way to DelDOT; that bike lanes will be required; that multi-modal paths will be required; that sidewalks will be provided along the front of the property and in the interior of the project; that a bus shelter location is proposed near the entrance; that the existing drainage moves north toward the tax ditch; that the tax ditches are not intended to be altered; that the proposed ponds will be wet ponds; that the parking lots will contain some rain gardens; that 30-foot wide buffers will be provided; that they are planning on reforestation of 1.5 acres next to the southerly buffer; that landscaping will include native species of plants; that the existing house on the farm is served with central water from the Town of Georgetown; that the closest manhole is near the Sussex County Arts and Science Academy; that there should be no negative impact on surrounding properties; that the surrounding uses and the close proximity to Georgetown make this application appropriate for rezoning and conditional use; that the site is located in a future annexation area for the Town of Georgetown; that the concept plan with the open space proposed creates a superior design; that the mixed use limits the number of vehicle trips; that the commercial aspect of the project benefits the community.

Mr. Lank advised the Commission that a letter from the Office of State Planning Coordination, dated May 29, 2008, was received and references that the State has no objections to the rezoning of the property.

The Commission found that Mr. Dyer submitted for the record some suggested proposed Findings of Fact.

The Commission found that Mr. Dyer and Mr. Davidson stated in response to questions raised by the Commission that there will be 13 MPHU units out of the proposed 88 townhouse units; that

the units will comply with the County MPHU criteria; that the mini-storage area will be fenced and gated; that the storage area may be used by both commercial and residential users; that the park is in an area close to the townhouse units and buffers existing dwellings north of the project; that sidewalks are shown on the site plan; that an easement is proposed to allow overflow parking from the church to park in the commercial parking area; that they will comply with the County wellhead protection ordinance and will perform a study required by the ordinance; and that the existing wells adjacent to south of the site are in excess of 150-feet from any proposed impervious surfaces on the project.

The Commission found that Mr. Davidson presented and submitted an aerial map showing the wells and their relationship to the site plan.

The Commission found that Eric James was present in support of this application and stated that he has a Conditional Use property across Zoar Road for an electrician's office and shop, and that Georgetown needs growth, both commercial and residential.

The Commission found that Glenda Scott, Chris Moore, Joanne Feeters, Greg Macklin and Gail LeGates, area residents, were present in opposition and expressed concerns in reference to traffic, traffic increases, the guarantee that the housing will take place, that rezoning will allow for anything permitted in the Code and will not be limited to the uses presented; that some of the business uses referenced by the Applicant are non-conforming uses; that the Eric James property was approved as a conditional use; that business hours should be limited to normal working hours; that there have been drainage problems in the tax ditch since the construction of the Division of Motor Vehicles complex; that the wastewater treatment plant is a concern; questioning if revenue generated will cover expenses; concerns about vacant buildings and homes due to the current market; questioning the number of MPHU units; that a home may be on the market for 21 months before sale; that approval of more homes will impact the current market; that congestion already exists on Zoar Road; that a main concern is that the housing market is declining and there is not a need for more housing in the area; questioning when the road improvements will be made; expressing concerns about the intersection of Zoar Road and Sussex Pines Road and the intersection of Zoar Road and Wood Branch Road; that road improvements should extend north of Sussex Pines Road; that the intersection of Patriots Way and Zoar Road should also be improved; that the residents would prefer a less dense development; and that the road improvements are needed now, not later.

The Commission found that Mr. Davidson responded that there is no on-site wastewater treatment proposed, and that the Town of Georgetown will provide central water and sewer.

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

In reference to C/Z #1649:

Motion by Mr. Burton, seconded by Mr. Gordy and carried unanimously to defer action. Motion carried 3 – 0.

In reference to C/U #1781:

Motion by Mr. Burton, seconded by Mr. Gordy and carried unanimously to defer action. Motion carried 3 – 0.

C/U #1742 – application of **PINES ACRES, INC.** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for an expansion of existing manufactured home park/campground by adding 24 campsites to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 4.0 acres, more or less, lying south of Dogwood Lane (the access road into Leisure Point Resort), 2,900 feet north of Long Neck Road.

The Commission found based on comments received from DelDOT that a Traffic Impact Study is not recommended and that the Level of Service D of Long Neck Road will not change as a result of this application.

The Commission found based on comments received from the County Engineering Department Utility Planning Division that the site is located in the Long Neck Sanitary Sewer District; that wastewater capacity is available; that the proposed project is within planning study assumptions for sewer service to the area; that the current System Connection Charge Rate is \$3,252.00 per EDU for the period through June 30, 2009; that one 6-inch lateral is available; that a 6-inch lateral is not adequate for the proposed use and that an upgrade is required; that conformity to the North Coastal Planning Study will be required; and that a concept plan will be required.

The Commission found based on comments received from the Sussex Conservation District that the soils on the site are mapped as Fort Mott-Henlopen Complex with 0 to 2 percent slopes; that the Applicant will be required to follow recommended erosion and sediment control practices during construction and to maintain vegetation upon completion of construction; that there are no storm flood hazard areas or tax ditches affected; that it may not be necessary for any on-site drainage improvements; and that the Applicant will be required to follow State sediment and stormwater requirements.

The Commission found that George Harrison was present on behalf of Pine Acres, Inc. and stated in his presentation and in response to questions raised by the Commission that they propose to develop the site with 24 campsites; that normally at this time of year the existing park is 100% full in the camping area; that they have a waiting list for space; that there are 202 manufacture home sites and over 300 campsites within the existing park; that this expansion to the park will provide for electric, water and sewer connection; that the lots are larger than the lots within the existing park; that buffers will be fenced and landscaped; that the campsites will be at least 400-feet from any dwelling on lands owned by others; that access to the site will be gated on Dogwood Lane; and that the tenants will have key card access.

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

The Commission found that James DeGirolano, Bob McDonnell, Anthony Dirolano, Bonnie DeGirolano, Gene DeGirolano, and Charles Moore were present in opposition to this application and expressed concerns in reference to the short time the posting was on site; drainage concerns; aesthetics and fencing; the type of fencing proposed; increased traffic; foot traffic and

trespassing on an existing service road of other landowners; children's safety; more RV traffic to and from the site; and that some of the RV owners have removed and replaced a mailbox belonging to one of the neighbors so that they could make the turn to and from the campsites.

The Commission found that Mr. Harrison responded that he would install landscaping (Leyland Cypress referenced) and solid white vinyl fencing with lattice across the top, similar to the fencing at the Leisure Point Welcome Center; and that the fencing will be installed on the sides and rear of the site.

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

Motion by Mr. Gordy, seconded by Mr. Burton and carried unanimously to defer action for further consideration. Motion carried 3 – 0.

C/U #1807 – application of **TIDEWATER ENVIRONMENTAL SERVICES, INC.** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for public utilities (water and wastewater) to be located on a certain parcel of land lying and being in Little Creek Hundred, Sussex County, containing 13.228 acres, more or less, lying northwest of Road 462 (Trussum Pond Road) approximately 1.8 miles southeast of Road 461 (Old Stage Road).

The Commission found that prior to the meeting the Applicants provided the Commission with Exhibit Booklets which contained a listing of the project team; an executive summary, a copy of the Conditional Use application; a revised Conditional Use Site Plan; a statement to conformity to the Comprehensive Plan; suggested proposed Findings of Fact and Conditions of Approval; and 20 exhibits which included a color rendering of the site plan, a conceptual rendering and site overview, a color rendering with 6 photo attachments, project maps of the area, a copy of the lease option agreement with Robert J. and Carolyn A. Truitt, a letter from Green Stone Engineering, a letter from the DNREC Division of Water Resources, Willing and Able letters, CPCN Petitions and CPCN Approvals for the planned study area, a Soils Reconnaissance Report, a Soils Feasibility Study for Community Wastewater Disposal, a DNREC Division of Water Resources letter in reference to Soils Feasibility Study, a Preliminary Hydrogeologic Evaluation for Subsurface Wastewater Discharge Capacity, a Detailed Soil Investigation Report for Community Wastewater Disposal, a Preliminary Groundwater Impact Assessment, a Green Stone Engineering Response letter to DNREC in reference to the Preliminary Groundwater Impact Assessment, a DNREC Division of Water Resources letter in reference to the Preliminary Groundwater Impact Assessment, a summary on Nutrient Balance and the Effect on the Nanticoke River and Broad Creek Watersheds, promotional information on the AquaExcel Batch Reactor proposed to be utilized at the facility, a letter from The Nature Conservancy in Delaware supporting farm use of wastewater, and a letter from the DNREC Division of Parks and Recreation referencing possible future Trap Pond State Park inclusion in the Study Area; and Revised Site Plans.

The Commission found that the Applicants also provided additional Exhibit Booklets for the record of the above referenced Preliminary Hydrogeologic Evaluation for Subsurface Wastewater Discharge Capacity, Detailed Soil Investigation Report for Community Wastewater Disposal, and Preliminary Groundwater Impact Assessment.

The Commission found based on comments received from the Sussex Conservation District that there are 5 soil types on the site; that the Applicants will be required to follow recommended erosion and sediment control practices during construction and to maintain vegetation after completion of construction; that the site contains areas of hydric soils and that the Applicants will be required to follow all Federal and State wetland requirements; that portions of the site are located in FEMA Flood Zone A; that off-site drainage improvements may not be necessary; that the Applicants will be required to follow State Sediment and Stormwater requirements; and that a tax ditch is not affected.

The Commission found based on comments received from the County Engineering Department Utility Planning Division that in reference to the wastewater facility: the site is located in the Western Sussex Planning Area; that conformity to the Western Sussex Planning Area Study will be required; that the proposed wastewater facility is located in the Study Area, but is not in an area where the County expects to provide sewer service at this time; that the Department recommends that the wastewater system meet all TMDL (Total Maximum Daily Load) limits for the Nanticoke River Watershed; that the County requires design and construction of the collection and transmission system to meet County sewer standards and specifications; that a review of the treatment and disposal system by the Department is also required and plan review fees may apply; that disposal fields should be clearly identified on recorded plots; that the Applicants provided the Department with a copy of its suggested proposed conditions, and with said conditions in place the Department has no objections to this application; and that concept plans are not required at this time.

The Commission found based on comments received from the County Engineering Department Utility Planning Division that in reference to the water facility: the Engineering Department has no objections to this application.

The Commission found that Bruce Patrick, Vice President of Tidewater Environmental Services and Tidewater Utilities, Inc. was present with Dennis Schrader, Attorney, W. Zachary Crouch and Ring W. Lardner of Davis, Bowen & Friedel, Inc., Frank Kea of Frank M. Kea Communities, LLC, and Bruce Jones of Green Stone Engineering, LLC and that they stated in their presentations and in response to questions raised by the Commission that they are proposing to create a combined water and wastewater facility on lands of Robert and Carolyn Truitt; that the site contains 13.23 acres of the Truitt property in the AR-1 District; that there are no wetlands within the 13.23 acres portion of the parcel; that the use will be a public utility; that the site is located in an Investment Level 4 of the State Strategies; that there is a need to provide services to the area and that some projects have already requested service; that they propose to serve those projects and future projects in the area; that no State funds are required; that there will be no school impacts; that along with the County, the State DNREC, the Public Service Commission, and the Office of Drinking Water have jurisdiction; that the developers of Briarwood Manor Mobile Home Community and the Sandy Ridge Residential Planned Community have expressed interest in service to eliminate septic systems and community systems; that the Trap Pond State Park has expressed an interest in future access to the system since the campground is on septic; that a TMDL analysis has been completed and that they will exceed the minimum requirements on the Nanticoke River Watershed established by DNREC; that they propose to discharge high

quality water into Rapid Infiltration Basins; that they propose to build a plant within an agricultural style building; that the project will reduce nutrients and recharge water; that the basins are typically dry within one hour of treatment; that there should be no noise or odors from the site; that, for example, the facility at "Hart's Landing RPC" is located within 80-feet of the swimming pool and that they have not heard of any complaints; that they are willing to show similar projects to the area residents; that there is a great supply of water in the area; that the water storage facility is required to provide storage of water for peak hour demand and fire protection; that they are proposing a 400,000 gallon elevated tank; that the tank will be painted sky neutral to blend in with the horizon; that the Office of Drinking Water supports this type of facility; that employees will visit both facilities on a daily basis and employees are on call for emergencies at all times; that there are 1,233 septic systems in the study area; that wells are sited and require an allocation permit from DNREC; that no one is required to hook-up to the systems; that hook-up will be voluntary; that if a septic fails DNREC may require an individual to connect to the facility since DNREC does have a specified distance near a facility to require hook-up; that there are no municipal water or sewer services in the area; that suggested proposed Findings of Fact and Conditions of Approval are included in the Exhibit Booklet at Section 5.0; that the use is a public or semi-public use that requires a Conditional Use; that there should be no noise impacting area residents; that generators will be housed within the building or in enclosures next to the building; that chemicals are to be stored indoors; that chemicals are stored in double walled containers; that the facilities are located at least 500-feet from Trussum Pond Road; that they propose to be good neighbors and will landscape and/or fence the line adjoining adjacent homesites; and that the elevated water tower will serve 1,300 EDUs.

The Commission found that Michael Cotton of ECI (Environmental Consultants International) was present on behalf of the owners of Brairwood Manor Manufactured Home Community and Sandy Ridge Residential Planned Community and stated that the owners are in support of this application.

The Commission found that Michael Lowe, Richard Roller, Catherine Handy, Leonard Sears, Ruth Bailey, Phyllis Johnson, Arvalene Moore, Tim Lee, Corretta Lowe, and Gail Sears were present and spoke in opposition to this application expressing concerns about monitoring wells and abandonment of monitoring wells, the loss of the right to have a septic system and private well, sludge application of solid waste, septic pumping, impacts on wetlands, the view of an elevated water tower, depreciation of property values, concerns that additional development will be approved since central water and sewer will be available, that the residents within Brairwood Manor are concerned about cost since 53% of the residents are senior citizens, that the leases for Briarwood Manor states that water and sewer will be provided by the owners, that Briarwood Manor does need central water due to contaminates in the existing system, that septic systems are failing in Briarwood Manor, questioning the fees for hooking up to the systems, questioning the impact on the stream behind the site, questioning the definition of a franchise, questioning if other sites were considered, the loss of the county atmosphere, the impact on wildlife in the area, and questioning if plans have been submitted to the Office of Drinking Water.

The Commission found that Mr. Patrick, in response to questions raised by the Commission and the opposition, stated that wells are abandoned per DNREC guidelines; that monitoring wells are required to monitor water on and around the site; that there is an isolation distance from

proposed wells to protect adjacent wells; that if a well is affected they will provide for free a well or water supply for a specified time period per DNREC guidelines; that there will be no land application of sludge on the site; that sludge will be hauled off - site or land-filled; that the project maps show all franchise areas and property owners desiring service; that they cannot present a typical cost at this time; that the more people that sign-up for service the better the rate; that the rate for Sandy Ridge may be less than the rate for Briarwood Manor since Sandy Ridge already has central sewer service and Briarwood Manor is on septic systems required more work and materials to provide the service; that the projects should be up and running within 2 to 4 years; that other sites were reviewed and that this site was the best site reviewed; that rapid infiltration basins will be fenced; that the site will be secured; that the elevated water tower will have internal access; and that it is too early in the process to be submitting plans to the Office of Drinking Water.

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

Motion by Mr. Gordy, seconded by Mr. Burton and carried unanimously to defer action for further consideration. Motion carried 3 – 0.

Meeting adjourned at 9:30 p.m.