



PLANNING & ZONING

AGENDAS & MINUTES

MINUTES OF THE REGULAR MEETING OF SEPTEMBER 27, 2007

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, September 27, 2007 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. I. G. Burton, III, Mr. Benjamin Gordy, Mr. Michael Johnson and Mr. Rodney Smith, with Mr. Vincent Robertson – Assistant County Attorney, Mr. Lawrence Lank – Director, Mr. Shane Abbott – Assistant Director, and Mr. Richard Kautz – Land Use Planner.

Motion by Mr. Gordy, seconded by Mr. Smith and carried unanimously to approve the Agenda as circulated. Motion carried 5 – 0.

Motion by Mr. Gordy, seconded by Mr. Smith and carried unanimously to approve the Minutes of September 13, 2007 as circulated. Motion carried 5 – 0.

OLD BUSINESS

C/U #1752 – application of **MICHAEL ORNDORFF** to consider the Conditional Use of land in a GR General Residential District for multi-family dwelling structures (16 units) to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 4.1 acres, more or less, lying northeast of Road 358 (Sandy Cove Road) and northwest of Road 357 (Cedar Neck Road).

The Commission discussed this application which has been deferred since September 13, 2007.

Motion by Mr. Smith, seconded by Mr. Johnson and carried unanimously to defer action for further consideration. Motion carried 5 – 0.

Subdivision #2006-30 – application of **GOSLEE MANOR, LLC** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Lewes and Rehoboth Hundred, Sussex County, by dividing 13.54 acres into 29 lots, (Environmentally Sensitive Development District Overlay Zone), located southwest corner of the intersection of Road 285A and Road 277.

The Commission discussed this application which has been deferred since September 13, 2007.

Motion by Mr. Smith, seconded by Mr. Gordy and carried unanimously to defer action.
Motion carried 5 – 0.

Mr. Robertson described how the public hearings would be conducted.

PUBLIC HEARINGS

Subdivision #2006-31 – application of **SOUTH SHORE BUILDERS, L.L.C.** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Cedar Creek Hundred, Sussex County, by dividing 33.71 acres into 24 lots, and a variance from the maximum cul-de-sac length of 1,000 feet, located west of Road 38, 250 feet north of Road 232.

Mr. Abbott advised the Commission that this application was reviewed by the Technical Advisory Committee on January 24, 2007; that the comments received will be made a part of the record; that the Engineer's submitted a revised plan addressing the TAC comments on June 4, 2007; that DelDOT issued a Letter of No Objection on September 12, 2007; that the applicants submitted Exhibit Books on September 17 and September 24, 2007; and that 2 letters from Sharon Morgan were received in opposition to this application on September 26, 2007.

The Commission found that Tim Willard, Attorney, John Murray with Kercher Engineering, Inc., Michael Emmett and Joe DeFransico, developers, and Geoffrey Perry, Wetlands Consultant, were present on behalf of this application and stated in their presentations and in response to questions raised by the Commission that Exhibit Books were submitted into the record; that the area is farmland and residential subdivisions; that the site contains approximately 33 acres; that 10 acres of the site is wooded; that there are 3 acres of wetlands and a blue lined perennial stream runs through the site; that the smallest lot size is 32,670 square feet; that each lot contains a minimum of 100 feet in width and depth; that the streets will be private and built to County specifications; that none of the lots will contain any wetlands; that a bridge is proposed to cross wetlands to serve as access for the 6 lots located to the west of the site; that there are 6.9 acres of open space proposed which includes wetlands and storm water management areas; that 24 lots are proposed; that a 30-foot forested buffer strip has been added where required; that on-site septic and wells are proposed; that DNREC has issued a septic feasibility statement indicating that the site is suitable for individual on-site septic systems; that no mound systems are proposed; that the site is located in the Milford School District and there is room for a school bus stop; that fire protection is provided by the Ellendale Fire Department; that a homeowners association will be established; that the items referenced in Subsection 99-9 of the Subdivision Code have been addressed in the Exhibit Booklet; that there is room for walking and nature trails; that minimal forest removal will occur; that the bridge width will be subject to DelDOT requirements; that the storm water management areas have been relocated as requested through the TAC process; that there

are no buffers from the wetlands; that the wetlands line will serve as building restriction lines; that the applicants chose to develop a standard subdivision since there are no cluster subdivisions in the area; that the restrictive covenants will be amended; and submitted proposed findings of fact and conditions of approval.

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

The Commission found that Clarence Wayne Sennett was present in opposition to this application and advised the Commission that he was speaking on his behalf and on behalf of Sharon Morgan and advised the Commission that the area is agriculture; that this is one of the last pristine sites in the area; that there are agricultural preservation districts in the area; that public sewer and water are not available in the area; that most of the wells in the area are only 30 feet deep; that water needs to be conserved in this area; that the roads are not in good shape and have no shoulders; that there is flooding in the area; that police response time is slow; that there is crime in the area; that there will be negative impacts to wildlife habitat; that the area is a hunter's paradise; that the State deer kill was in this area; that there will be negative impacts to the wetlands with on-site septic systems; and that there are fresh water lilies and ferns and swamp pink in the area.

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

Motion by Mr. Burton, seconded by Mr. Johnson and carried unanimously to defer action for further consideration. Motion carried 5 – 0.

Subdivision #2006-34 – application of **ROSEMARY ASHBROOK** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Dagsboro Hundred, Sussex County, by dividing 1.87 acres into 2 lots, located south of Road 322, 1,425 feet east of Road 321.

Mr. Abbott advised the Commission that the Technical Advisory Committee reviewed this application on January 24, 2007 and the comments will be made a part of the record.

The Commission found that Rosemary Ashbrook was present on behalf of this application and stated in her presentation and in response to questions raised by the Commission that she bought her property 3 years ago; that the proposed lots a 0.87-acres and 1.00-acres; that she purchased the 1.00-acre parcel; and that she is trying to make her lot legal.

Mr. Abbott advised the Commission that this application was previously reviewed and received preliminary approval on January 30, 2003; that the final plan was never submitted and was therefore voided.

The Commission found that 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. Gordy stated that he would move that the Commission grant preliminary approval of Subdivision #2006 – 34 for Rosemary Ashbrook based upon the record and for the following reasons:

1. The proposed subdivision is only for 2 lots. Also, it received preliminary approval once before, but the approval expired.
2. The proposed subdivision will have no adverse impact on neighboring properties.
3. The application complies with the requirements of the Subdivision Ordinance.
4. This preliminary approval is subject to the following conditions:
 - A. Restrictive Covenants must be established to govern the maintenance of the road.
 - B. Addressing shall be subject to the approval of the Sussex County Mapping and Addressing Department.
 - C. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Mr. Gordy, seconded by Mr. Smith and carried unanimously to approve this application as a preliminary, for the reasons and with the conditions stated. Motion carried 5 – 0.

Subdivision #2006-36 – application of **DONALD K. MILLER** to consider the Subdivision of land in an AR-1 Agricultural Residential District in Nanticoke Hundred, Sussex County, by dividing 4.41 acres into 4 lots, located east of Road 484, 4,900 feet north of Route 46.

Mr. Abbott advised the Commission that this application was reviewed by the Technical Advisory Committee on February 21, 2007 and that the comments will be made a part of the record; and that Lot 1 needs to be revised to be a minimum of 32,670 square feet since it is currently 32,602.20 square feet.

The Commission found that Mary Farber was present on behalf of this application and stated in her presentation and in response to questions raised by the Commission that she proposes to build a new dwelling on one lot; that the other three lots will be for her children or as an investment; that Lot 1 will be revised to meet the square footage requirement; that 3 of the lots have been approved for cap and fill septic systems and the other for a mound system; that the wetlands have been delineated and none were found to exist on the site; that the proposed dwellings will be stick built or modular homes; that double wide manufactured homes will not be permitted; and that the street has been graded and has crusher run on it.

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

Jim Fox was present in opposition to this application and advised the Commission that he resides across the road from this site; that deed restrictions have not been submitted; that there are 12 lots available in the immediate area; that the deed restrictions should match the others in the area; that the entrance has been black topped; and that mobile homes should not be permitted.

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

Motion by Mr. Gordy, seconded by Mr. Smith and carried unanimously to defer action and to leave the record open for 14 days after receipt of deed restrictions and septic approval being submitted. Motion carried 5 – 0.

C/U #1701 – application of **BRIDGET M. NICHOLSON** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for new and used furniture sales, thrift shop and office to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 23,899 square feet, more or less, lying at the southwest corner of Road 370 and Road 384 at Bayard.

The Commission found, based on comments received from DelDOT, that a traffic impact study was not recommended and that the Level of Service “B” of Bayard Road and that the Level of Service “A” of Daisey 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 Bayard Planning Area; that the proposed use will use an on-site septic system; that the County is currently working on the Bayard Expansion of the Miller Creek Sanitary Sewer District, which proposes to include this parcel; that when and if the County provides central sewer, a connection to the system will be required; and that a concept plan is not required.

The Commission found that Bridget M. Nicholson was present and stated in her presentation and in response to questions raised by the Commission that they no longer dispatch moving vans from this site; that they have moved the moving company to a facility on Route 54 in Selbyville; that they proposed to provide furniture sales; that they will have an office on the site; that other commercial and Conditional Uses exists in the immediate area; that she lives on the site; that the use presently exists; that the site was previously approved for a cabinet shop as a Conditional Use; that they have applied for this Conditional Use to bring their present activities into compliance; that she would like to be open Tuesday through Saturday with business hours from 9:00 a.m. to 5:00 p.m. Tuesday through Friday and 10:00 a.m. to 2:00 p.m. on Saturdays; that she will have 2 employees; that she has two non-lighted signs on the site; that she has a dumpster at the end of the building next to Evelyn B. Hickman; that she shares the dumpster with Ms. Hickman; that she does not currently provide restroom facilities; that some items are displayed outdoors; that she has installed a concrete slab to display grilles and outdoor furniture; and that most of the items that are offered for sale are acquired through the moving company.

The Commission found that no parties appeared 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. Gordy and carried unanimously to defer action.
Motion carried 5 – 0.

C/U #1702 – application of **SHILOH HOUSE OF HOPE** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a residential school and counseling facility to be located on a certain parcel of land lying and being in Northwest Fork Hundred, Sussex County, containing 6.01 acres, more or less, lying north of McDowell Road (Road 567), 850 feet east of Hastings Mill Road (Road 568) and one-half mile west of Atlanta Road (Road 30).

The Commission found that prior to the meeting the Applicant had provided an Exhibit Booklet which contained an Executive Summary, a copy of the application form, a copy of the Deed to the property, a copy of the Contract of Sale for the site, suggested proposed Findings of Fact, suggested proposed Conditions of Approval, letters of support and petitions in support for the application, a preliminary soils report and map, a copy of the DelDOT Support Facilities Report; Concept Plans, Aerial Photo Overlays, elevation plans of a proposed house, a chapel, a school, and an administration building, a phasing and timeline schedule, affiliation agreements, an organizational structure including the vision for the Shiloh House of Hope, the 501 (c) (3) Organization status, a listing of the members of the Executive Board and the Board of Directors, a Board covenant, By-Laws, a report on the current non-residential program and community activities, funding sources, references to referrals, references to intake information, intake contracts, copies of manuals for the residents and house staff, references to personnel qualifications, staff policy manuals, and references to education.

The Commission found that prior to the meeting Timothy G. Willard, Attorney, submitted a Booklet on behalf of the opposition which contained a cover letter, a listing of the opposition that he represents, a copy of a portion of the Comprehensive Plan Update referencing Guidelines for Non-Residential Uses, a copy of a portion of the State Strategies for State Policies and Spending Document referencing Investment Level 4 and Educational Facilities and Other Public Services, Investment Level 3 Educational Facilities, a copy of the Future Land Use Map showing the site, Cedar Academy, Allen School, and SCI Work Release Facility, a tax map of the general area, letters in opposition, petitions in opposition, a WBOC News Report about another teenager escaping from the Dorchester Youth Facility, two news articles about a walkaway from the Morning Star Youth Academy in Woolford, Maryland, a copy of a Shiloh House of Hope internet cover sheet referencing that there are teens who are suffering from drugs, alcohol, and occult, as well as sexual, mental and emotional abuse in the community, a listing of locations of House of Hope facilities, a copy of By-Laws for Shiloh House of Hope, a reference to the National House of Hope headquarters in Orlando, Florida,

Google maps of the Orlando facility, detailed maps of the Orange County, Florida Corrections Facility and an aerial of same, and photographs of the site location.

The Commission found that the Planning and Zoning Department has received, as of this date, 8 letters in support and petitions containing 61 signatures in support.

The Commission found that the Planning and Zoning Department has received, as of this date, 81 letters in opposition and petitions containing 97 signatures in opposition.

The Commission found, based on comments received from DelDOT, that a traffic impact study was not recommended and that the existing Level of Service "A" of this road segment 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 not located in a County operated or maintained sanitary sewer or water district; that individual on-site septic systems are proposed; that conformity to the Western Sussex Planning Area Study will be required; that the proposed Residential School and Counseling Facility is not in an area where the County plans to put sewer; and that a Concept Plan is not required.

The Commission found that Lori Rider was present with Ken Christenbury of Axiom Engineering, LLC, and Robyn Sturgeon, President of Shiloh House of Hope, and that they stated in their presentations and in response to questions raised by the Commission that the applicant has lived on the property for 18 years and proposes to convey 6.01 acres of her property to the Shiloh House of Hope; that a misunderstanding of the application has been established by the residents of the area which has caused a fear of the intended use; that they propose a counseling and crisis facility for 13 to 18 years old children and their families; that this is not a program mandated by any governmental agency; that the use is not a correctional facility; that they will counsel the child and the parents and/or guardian; that they propose a residential program that will be operated on a 24-hour day; that the youth that are served by this program will be served by safe and protective ways to move on into the future; that the only traffic will be staff, a few deliveries per week, and weekend visitations; that they propose to create a landscape buffer along the front of the site to screen the site from view; that Shiloh is a faith-based non-denominational residential school providing assistance to at-risk students and their families; that Shiloh is an affiliate of the National House of Hope headquartered in Orlando, Florida; that the mission of Shiloh is to offer a safe-haven for teenagers who have emotional or situational needs or a history of dependency; that Shiloh intends to offer a residential school where the students, while continuing their scholastic studies, will receive Christ-centered counseling and guidance in social and self esteem issues in a non-judgmental atmosphere; that the staff at Shiloh will provide the counseling coupled with spiritual support with the goal of helping the students recognize their self potential and to restore their connections with their families and the community; that Shiloh is not a program that is mandated, but one that is sought out; that it is a recovery center; that it is not a social service agency, but a ministry and education center; that all students come to Shiloh by referral from school counselors, pastors or social work agencies; that some

students may come by referral from the judicial system, but Shiloh is not affiliated with the State and is not a facility where an at-risk teen may be ordered by a court to attend; that all students must complete a thorough application process including a criminal background check and a drug and alcohol screening; that a medical clearance from a physician will be required; that an applicant with a history of violent behavior within the prior 24 months or with a history of drug or alcohol addiction who has not been medically cleared or completed a detox program or who has a communicable disease will be denied admission; that while attending Shiloh, the students will be under strict supervision; that they will reside in one of 6 resident homes, each designed for 8 students; that they will have a counselor, staff person or teacher with them on a 24-hour basis; that the resident homes will have security and alarm systems and a staff person will be in the residence overnight; that the students will have a daily routine of study, counseling, recreational activity and devotionals; that any student who violates the established school policies or procedures will be subject to expulsion; that Shiloh's mission is to bring restoration to not only the student, but the family; that it is mandatory that a parent or guardian actively be involved in the restoration process; that as part of the admission process, the family must sign an agreement to participate in weekly counseling sessions; that if a family fails to participate after agreeing to do so, the student will be dismissed and sent home; that the campus site is surrounded on 3 sides by property retained by the Applicant; that the Applicant's home is adjacent to the section of the parcel where the students resident homes will be constructed; that the campus contains the 6 resident homes, a chapel, school, administration building, and storage buildings; that there will be a basketball court, athletic fields and adequate parking for staff and guests; that the school at full capacity will have both paid and volunteer staff; that there will be 2 stormwater management ponds, one of which will remain wet and into which a dry hydrant will be placed; that the hydrant will be available for fire protection at the school and that Shiloh is willing to make it available to the local fire company to use to refill its tanker if it is needed to fight a fire in the area; that the school will be screened from McDowell Road by a vegetative buffer and there is currently a buffer of trees to the east of the parcel on lands retained by the Applicant; that the sewer needs will be provided through 2 LPP septic systems which have been designed specifically for the site; that water will be from private wells; that DelDOT did not require a traffic impact study and found that the traffic generated by the proposal coincides with existing highway peak hours use; that the only traffic the proposed school use will generate are daily trips by the staff, weekly trips by the family and occasional deliveries of supplies; that there will be no commuter students and the students are not permitted to have vehicles; that there may be instances during the intake counseling process or where students who have completed the program may return for counseling service without the residential component; that Shiloh is intended as a place of healing, not holding; that all students will be from the Delmarva Peninsula only; that students will meet or exceed grade requirements; that house staff will have rotating shifts; that there will be extra evening staff for emergencies and security; that the existing woodlands will remain wooded for buffering; that the site is designed to drain into the stormwater management ponds to drain off toward the tax ditch; that they have received approvals for the 2 LPP septic systems proposed from DNREC; that a precedent for this type of use, a school, in rural areas may have been established by approvals of the Epworth School, Jefferson School, Eagle's Nest

Christian, Lincoln Christian Tabernacle, Greenwood Mennonite School, and Cedar Academy; that a need for this type of service exists throughout the County; that a typical stay by a student varies from 7 to 14 months; that there will be one counselor on site per 6 students; that field trips are allowed with staff supervision; that the boys and girls are kept separate except for chapel services; that the chapel is proposed to contain 90 seats; that a dumpster site has not been shown on the site plan, but can be provided; that lighting will be downward illuminated or directed into the property; that fencing is not proposed since this is not a correctional facility; that the landscape buffering proposed will include evergreens; that the stormwater management facilities proposed along McDowell Road are proposed to allow continued farming activities on residual lands of the Applicant; that a small sign is proposed with directional lighting; that adequate parking with handicap spaces will be provided; that State licensing will require a 90-day process once the use is approved; that the buildings have all been designed to meet all Codes; that counselors will have masters degrees in counseling; that teachers will have educational degrees; that all licenses will be obtained; that funding is by donation and fees, not governmental funding; that the project will be built in phases with one boys resident home and one girls resident home in the first phase; that they will continue to expand as they need to expand; that the property will revert back to the Applicant if the project fails; that similar programs serve 40 students; that they do not propose to exceed 48 students; that the youngest student could be 12 years old and the oldest student could be 18 years old; that a December 30, 2005 gathering was provided to the neighbors for an informal meeting to present the intent of the Shiloh House of Hope; that one of the LPP septic systems will serve the resident homes and one will serve the administration building and school; that a Letter of Map Amendment (LOMA) will be requested from FEMA since the location of the buildings should not be in a flood zone; that the State Police at Bridgeville are approximately 10 miles from the site and that the Fire Company and EMS are approximately 7 miles from the site; that if a student should run away, the police are called, the teen is caught, the parents are called, and the family and staff will decide if the student may remain in school; that parents sign parental permission for their child to stay at the school; and that within a few weeks the students know if the service is helping their needs.

The Commission found that a video type was provided and exhibited from the National House of Hope from Orlando, Florida.

The Commission found that 42 letters in support and petitions contained 122 signatures in support were received during the public hearing.

The Commission found that Maxine Almine, Rebecca, the Reverend Roger Wood, Coach Greg Jackson from Del State University, Levin VanSant, Thomas Towers, Pastor Ed Cooling, Gary McQuay, Justin Rider, Jana Maddox, Arthur Doakes, Bethany Callaway, Karen Willin, and Sarah Betts were present and spoke in support of Shiloh House of Hope and read personal essays and stated that they support this application since it will be a benefit to the youth in the area; that they have seen children and parents benefit by these services; that pastors, retailers, and professionals all use these services; that the use will be an asset to the community; that Shiloh works with the students on the basketball

team from Del State University several times a week for counseling; that students need direction and this project can provide it; that churches in the area sponsor programs and support the proposed project; that parents will change to benefit their children; that the children and the community need this type of service; that most people don't oppose churches or schools; that this project will reunite families; that the need exists and it appears to be necessary; that hurting teens and their families can receive assistance by the establishment of this project; that the use will be a safe haven for children and families; that staff are CPR and first aid qualified; that the Applicant would not put her children in danger; that teens are taught a better way; that the curriculum works and will improve the quality of life for the students that use the services; and that it appears that the people in the area are selfish and have not given Shiloh any credit.

The Commission found that Timothy Willard, Attorney, was present on behalf of several parties in opposition to this application, presented a tax map of the area showing locations of the residents in the area that are opposed, and stated that the residents of the area support the intended use and the goals of Shiloh; that the residents of the area oppose the location of the intended use; that the area is very agricultural oriented, rural, and residential; that the use is not a typical day school as depicted by the applicants; that the use is a residential facility; that the teens that are intended to be served by the project suffer from many abuse issues; that residents are concerned about response times by State Police, Fire and EMS personnel; that according to the Comprehensive Plan Update the area is Low Density and that this use is not an agricultural use; that according to the State Strategies the area is in an Investment Level 4 and that educational facilities should be located in Investment Level 1 or 2 areas only; that the State Strategies reference that school facilities should be contiguous to existing towns or where access to public water and sewer services are available; that schools are not encouraged in Investment Level 3 areas; that the site is at least 7 miles from any town centers; that most of the resident families living in the area have lived in the area for generations; that hunting activities in the area should be a concern of Shiloh; that traffic is a major concern; that the residents of the area are concerned about the students escaping and teenage friends of the students coming to and from the facility; that the residents of the area are concerned about the type of teens using the facility since they may be suffering from drugs, alcohol, occult, sexual, mental, and emotional abuse; that it appears through research that there are only 2 active residential facilities operated by the National House of Hope; that National House of Hope will financially benefit by this project; that a land use decision is necessary to decide where land is best suited for this use; that the site is not appropriate for the use; that the residents agree that there is a need for this service; that Shiloh is presently counseling at a facility in the Town of Bridgeville; and that Shiloh should stay in a town center, not in an agricultural area.

The Commission found that Mr. Willard submitted suggested proposed Findings of Fact recommending denial of this application which referenced that a specific Conditional Use for an educational, treatment and rehabilitation facility for teens who suffer from drugs, alcohol and occult as well as sexual, mental and emotion abuse is not expressly provided for in the AR-1 District; that if it were considered an appropriate application, the application should be denied since the use is in a Low Density District according to the

Comprehensive Plan and such a District does not expressly or implicitly consider this use appropriate; that on the contrary, such a District calls for low density residential and agricultural uses; that the proposed use is in a State Strategies Investment Level 4 areas and such an area does not expressly or implicitly consider this use appropriate; that on the contrary, such a use, if considered an educational facility, is recommended for Investment Level 2 areas; that a facility serving 48 troubled youths with 10 employees would adversely affect the neighboring property values, would jeopardize security in the neighborhoods, would increase traffic of a non-residential and an agricultural type; that the proposed use location does not have adequate infrastructure such as police, emergency medical services and fire responses; that the location is approximately 7 miles from the nearest town center; that the proposed use location next to a seed cleaning facility would be inappropriate for a youth residential treatment facility because of the noise, dust and potential attractive nuisance; that the proposed use location is adjacent to significant hunting activities, which is dangerous and incompatible with a residential youth treatment facility; that the proposed use application did not demonstrate with particularity how this use would be State and nationally certified as an educational or counseling facility and how the participants would be chosen and screened; that the proposed Conditional Use site plan is deficient in that it does not provided sufficient lighting, security, and planned infrastructure including stormwater , sewage disposal and water facilities; that no fences are provided; that significant opposition appeared in opposition to this proposed use location and petitions and letters were submitted in opposition; that similar residential treatment centers are located in or near town centers in Delaware; that a Maryland private residential treatment center was recently investigated by that State for multiple escapes; that the use can be adjusted in areas close to municipal centers; that it is not essential or desirable for the general convenience and welfare at the proposed location; that it will adversely affect a residential farming community; and that it can comply with the Comprehensive Plan at a different location.

The Commission found that Doug Wilson, Eileen Craft, Diane Pestridge, Wendy Boyce, Walter McIntire, Sandy Smith, Robert James, Mary Semler, William Stewart, Bernice Parsons, Cindy McDowell, Gordon Sylvester, Kenneth McDowell, William James Driscoll, Jack Hastings, Mary Reed, and Ginger Brown were present and spoke in opposition to this application and expressed concerns that they are opposed to the location; that the project was ill conceived; that the project creates high density in a rural low density area; that the project should be served by public sewer and water; that the project should be in a town; that the use is not appropriate at this location; that the residents have a fear of depreciation of their property and home values; that the residents have a fear of threat and harm; that the area is quiet and peaceful; that the residents are not opposed to the use, only the location; that this is a land use matter, not a religious issue; that older residents live in this area; that the residents are concerned about safety; that the residents are concerned about the questionable response time for fire and other emergencies; that the residents question what happens to the improvements if the use fails, will the residential homes be rented out; that the residents of the area already have problems with ATV trespassing; that some of the families present have had family members living in the area for 300 years; that placing this facility out in the country is not the appropriate location due to response time; that one person should not decide what is

best for the 50 or more resident families living in the area; that the hunting activities in the area creates a safety concern for children and staff of the project; that some of the residents now living in the area did research prior to purchasing in this rural agricultural residential area so that they knew what was located in the area; that the residents are concerned about escapes and how that will be handled; that residents question if residents will be notified of an escape; that residents question if drug testing is performed; that residents question if students will be allowed to work off campus; that residents question if the security systems include security cameras; that residents question if back-up generators will be available; that residents are fearful if crime will increase in the area; that neighbors are concerns about their water quality due to the proposed capacity of the septic systems proposed; that this area is hunted for deer due to crop damages; that 75 to 100 deer are killed per season in this area; that if the project is located in a town it can be responded to by both town and the State Police; that emergency services are not available with fast responses in this area; that children do need supervision; that foster care should be considered; and that residents are concerned about friends of students being treated at the facility causing a fear of vandalism and threat.

The Commission found that Ms. Rider responded, at the Commissions request, that drug testing is performed anytime after a student leaves the facility; that police will be called immediately after a possible escape; that stormwater management ponds may be dry ponds; that cameras and back-up generators have not been considered at this time; and that any student that leaves the facility is supervised.

The Commission found by a show of hands that there were 75 parties present in support of the application and 66 parties present in opposition to the application.

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

Motion by Mr. Johnson, seconded by Mr. Gordy and carried unanimously to defer action for further consideration. Motion carried 5 – 0.

Meeting adjourned at 11:13 p.m.