JAMIE WHITEHOUSE, AICP DIRECTOR OF PLANNING & ZONING (302) 855-7878 T (302) 854-5079 F jamie.whitehouse@sussexcountyde.gov





PLEASE NOTE

This paperless packet is published on the County's website for convenience purposes, and only includes information received up to the close of business on the day before a public hearing. Documents received after this, or documents submitted during the public hearing are not uploaded to the Paperless Packet. The legal record is the paper record maintained in the Offices of the Planning & Zoning Department.



PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN KIM HOEY STEVENSON, VICE-CHAIRMAN R. KELLER HOPKINS J. BRUCE MEARS HOLLY J. WINGATE





DELAWARE sussexcountyde.gov 302-855-7878 T 302-854-5079 F JAMIE WHITEHOUSE, MRTPI, AICP DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET Planning Commission Public Hearing Date: February 10th, 2022

Application:	CU 2284 Eastern Shore Natural Gas
Applicant:	Eastern Shore Natural Gas (Attn: Mark Parker) 500 Energy Lane Suite 200 Dover, DE 19901
Owner:	Eastern Shore Natural Gas (Attn: Mark Parker) 500 Energy Lane Suite 200 Dover, DE 19901
Site Location:	17035 Black Cherry Drive, Bridgeville. The property being a landlocked parcel accessed off Emma Jane Lane, approximately 0.33 mile south of E. Newton Road (S.C.R. 584).
Current Zoning:	Agricultural Residential (AR-1) Zoning District
Proposed Use:	Expansion of C/U 889 (Ordinance No. 536) for Public Utilities or Public Services Uses
Comprehensive Land Use Plan Reference:	
1	
Use Plan Reference: Councilmanic	Industrial
Use Plan Reference: Councilmanic District:	Industrial Mr. Vincent
Use Plan Reference: Councilmanic District: School District:	Industrial Mr. Vincent Woodbridge School District
Use Plan Reference: Councilmanic District: School District: Fire District:	Industrial Mr. Vincent Woodbridge School District Bridgeville Fire Department
Use Plan Reference: Councilmanic District: School District: Fire District: Sewer:	Industrial Mr. Vincent Woodbridge School District Bridgeville Fire Department N/A





PIN:	131-10.00-99.00
Owner Name	EASTERN SHORE NATURAL GAS CO
Book	1798
Mailing Address	PO BOX 1769
City	DOVER
State	DE
Description	E/PENN CENTRAL
Description 2	250'N/RT 583
Description 3	N/A
Land Code	

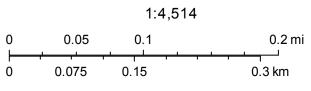
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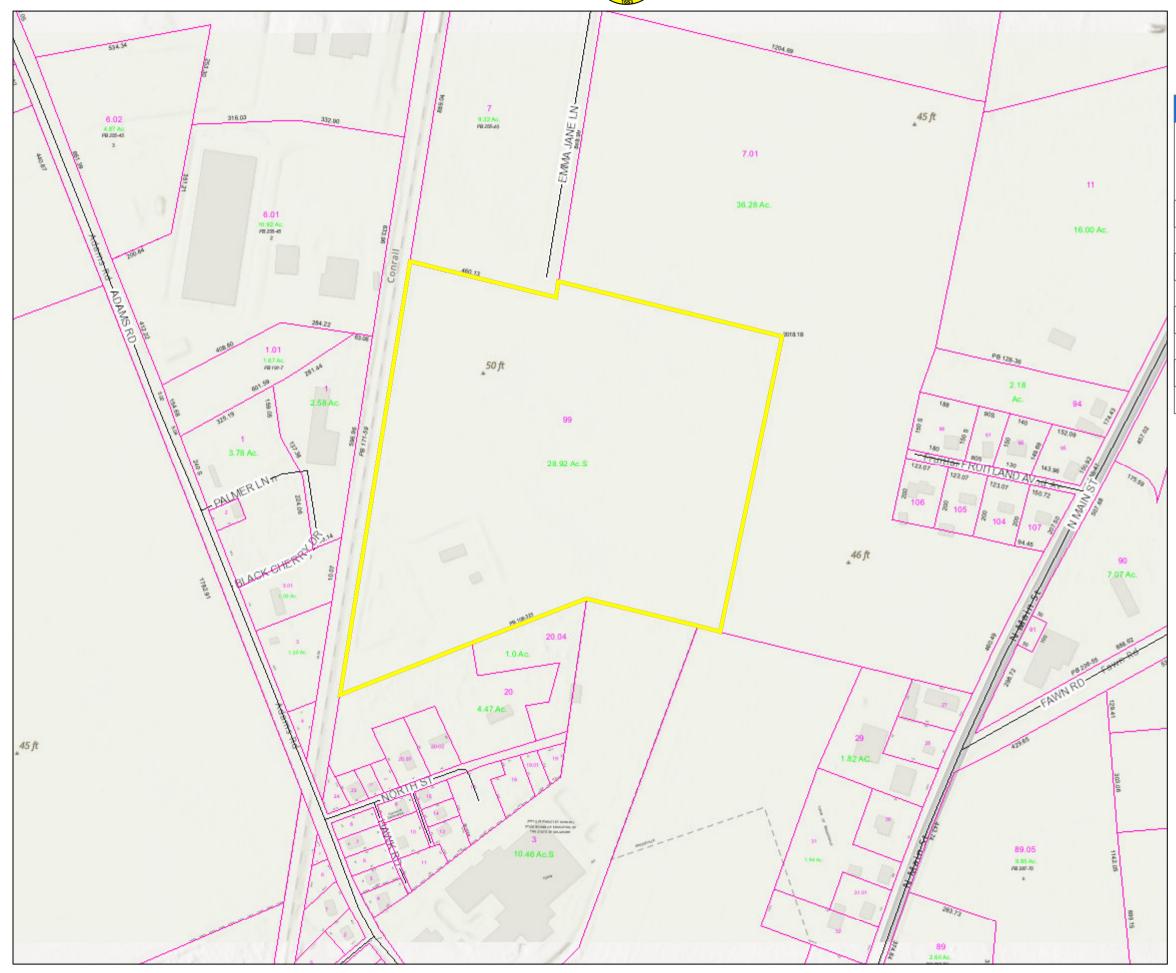
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polygonLayer

Override 1

- Tax Parcels
- Streets
- County Boundaries
- DOE School Districts





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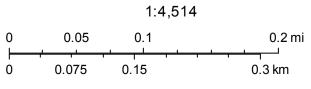
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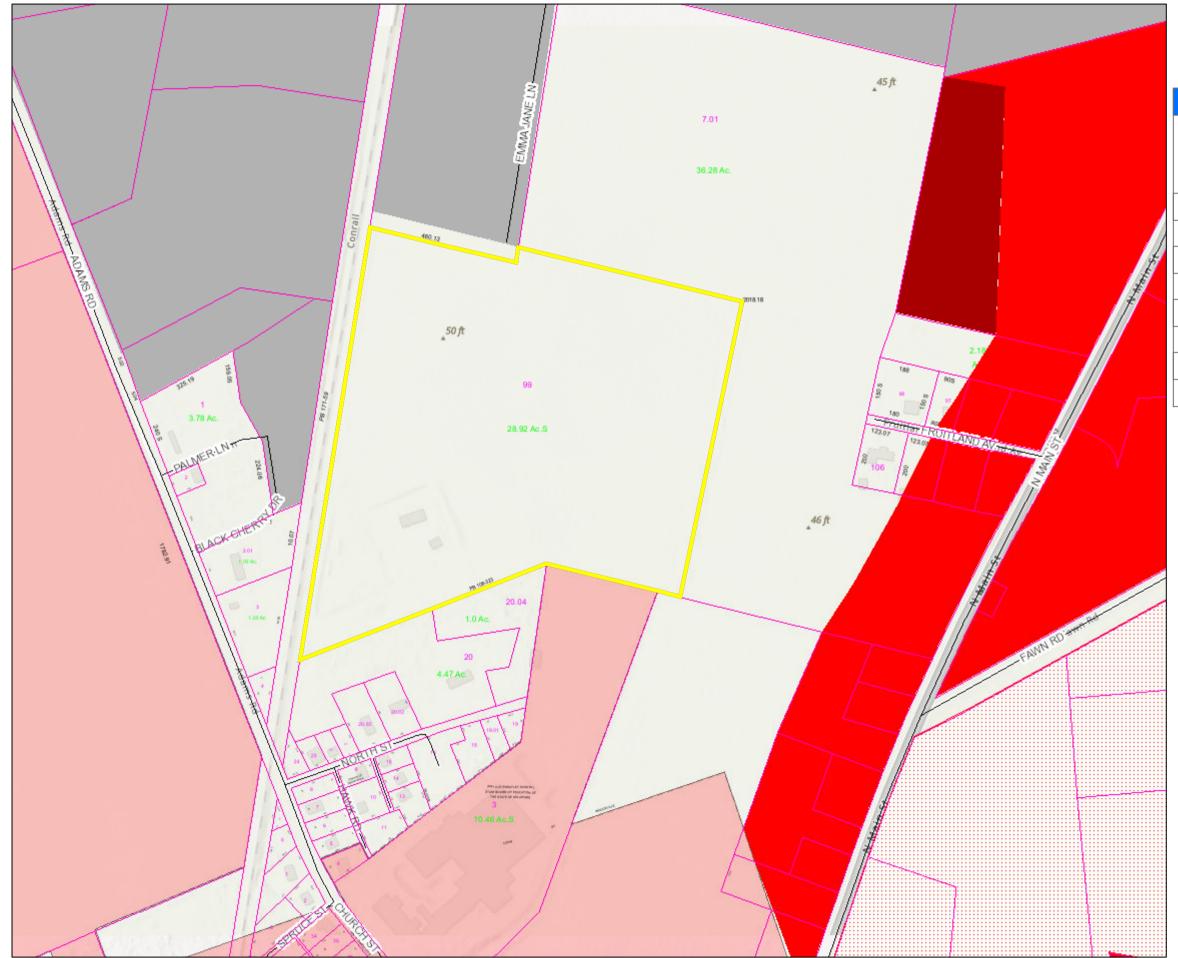
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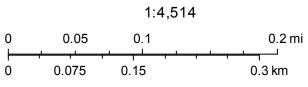
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polygonLayer

Override 1

Tax Parcels

- Streets



FULLNAME	Second_Owner_Name	MAILINGADD	CITY	STATE	ZIPCODE
ALCANTARA - HERNADEZ LAURENTINO		PO BOX 143	BRIDGEVILLE	DE	19933
ANDERSON AMELIA C		8595 NORTH ST	BRIDGEVILLE	DE	19933
EASTERN SHORE NATURAL GAS CO		PO BOX 1769	DOVER	DE	19903
GARCIA ANTONIO E GOMEZ		20070 DONOVANS RD	GEORGETOWN	DE	19947
HELENA CHEMICAL CO		225 SHILLING BLVD STE 300	COLLIERVILLE	TN	38017
JOHNSON GLADYS		8491 PALMER LN	BRIDGEVILLE	DE	19933
MURRAY BETTY L		8509 PALMER LN	BRIDGEVILLE	DE	19933
NEAL HOWARD THURMAN & CORETTA	D NEAL	16599 ADAMS RD	BRIDGEVILLE	DE	19933
NEAL TERRY		16611 ADAMS RD	BRIDGEVILLE	DE	19933
PENNSYLVANIA LINES LLC		PO BOX 5651	BISMARCK	ND	58506
PERDUE AGRIBUSINESS LLC	PROPERTY DEPARTMENT	PO BOX 1537	SALISBURY	MD	21804
PERDUE FOODS LLC	PROPERTY DEPARTMENT	PO BOX 4837	SALISBURY	MD	21804
POLLY'S FARM LLC BRIDGE BRANCH INC		PO BOX 367	BRIDGEVILLE	DE	19933
SMACK MICHAEL E		8603 NORTH ST	BRIDGEVILLE	DE	19933
STATE BOARD OF EDUCATION	OF STATE OF DELAWARE	16359 SUSSEX HWY	BRIDGEVILLE	DE	19933
TREW R2 LLC		PO BOX 397	BRIDGEVILLE	DE	19933





JAMIE WHITEHOUSE, AICP MRTPI PLANNING & ZONING DIRECTOR (302) 855-7878 T (302) 854-5079 F jamie.whitehouse@sussexcountyde.gov





Memorandum

To: Sussex County Planning Commission Members From: Ms. Lauren DeVore, Planner III CC: Mr. Vince Robertson, Assistant County Attorney and Applicant Date: February 3, 2022 RE: Staff Analysis for CU 2284 Eastern Shore Natural Gas Company

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2284 Eastern Shore Natural Gas Company to be reviewed during the February 10, 2022, Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for Tax Parcel: 131-10.00-99.00 for an expansion of Conditional Use No. 889 (Ordinance No. 536) for public utilities or public services uses to be located at 17019, 17025, 17035 and 17041 Black Cherry Drive in Bridgeville, Delaware. The property is a landlocked parcel accessed off Emma Jane Lane, approximately 0.33 mile south of E. Newton Road (S.C.R. 584). The parcel consists of 29.98 acres +/-.

Is should be noted that the previous Conditional Use (Conditional Use No. 889) was filed on behalf of the Chesapeake Utilities Corporation for a public utility pumping (compressor) and regulator station to be located on a 7.99 acre +/- parcel of land. The Conditional Use was approved by the Sussex County Council on Tuesday, September 27, 1988, and the change was adopted through Ordinance No. 536.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map in the plan indicates that the parcel has a designation of "Industrial Area." The parcels to the north, east and west also have a Future Land Use Map designation of "Industrial Area." The parcels to the south contain the Future Land Use Map designation of "Developing Area" and "Municipalities." The parcels shown within the "Municipalities" designation are located within the incorporated town limits of the Town of Bridgeville.

As outlined within the 2018 Sussex County Comprehensive Plan, Industrial Areas are lands devoted to concentrations of larger industrial uses including heavier industry, light industry, warehousing, and flex space. Appropriate development in these areas could take the form of conventional industrial parks or planned business parks with a unified design that incorporate a combination of light industry and other business uses. Large, more intensive stand-alone industrial uses should also be directed to these areas (Sussex County Comprehensive Plan, 4-17).

The subject property is zoned Agricultural Residential (AR-1). All surrounding properties to the north, south, west and a portion of the properties eastern of the subject site are also zoned



Agricultural Residential (AR-1). Several parcels adjacent to and located on the eastern side of the subject site as zoned General Commercial (C-1), along N. Main Street, which serves as a major thoroughfare from Route 13 (Sussex Highway) into the Town of Bridgeville.

There are approximately five (5) parcels on the eastern side of the property on the opposite side of N. Main Street which are zoned Business Research (B-3).

Since 1970, there have been three (3) Conditional Use applications within less than a 0.25-mile radius of the application site. The first application was Conditional Use No. 1955 for the State of Delaware (DelDOT) to allow for a DelDOT Maintenance Yard to be permitted within an Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on Tuesday, February 19, 2013, and this change was adopted through Ordinance No. 2294. The second application was Conditional Use No. 1762 T.S. Smith & Sons Farm, Inc. to allow for a retail farmers market and petting zoo in the Agricultural Residential (AR-1) Zoning District. This application was adopted through Ordinance No. 2027. The third application was Conditional Use No. 2027. The third application was Conditional Use No. 889 Chesapeake Utilities Corporation for purposes of allowing a public utility pumping (compressor) and regulator station consisting of 7.99 acres in an Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on Tuesday, September 27, 1988, and adopted through Ordinance No. 536.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional use to allow for the expansion of Conditional Use No. 889 (Ordinance No. 536) for public utilities or public services uses in this location, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.

Planning & Zoning Commission Application

File #: <u>CU 2284</u>

202107632

Sussex County, Delaware

Sussex County Planning & Zoning Department 2 The Circle (P.O. Box 417) Georgetown, DE 19947 302-855-7878 ph. 302-854-5079 fax

Type of Application: (please check applicable)

Conditional Use <u></u>Zoning Map Amendment ____

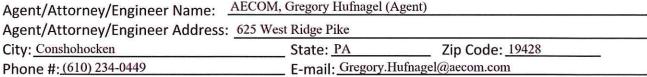
Site Address of Conditional Use/Zoning Map Amendment

17035 Black Cherry Drive, Bridgeville, DE 19933

Type of Conditional Use Requested:

This parcel is currently zoned AR-1; the Applicant requests an expansion of the Conditional Use approved on Sept. 8, 1988 (CU 889) for use of the entire parcel for "Public utilities or public services uses."

Tax Map #: 131-10.00-99.00	Size	of Parcel(s): 27.98 acres
Current Zoning: <u>AR-1</u> Proposed Zon	ing: <u>AR-1</u> Size	of Building: <u>N/A</u>
Land Use Classification: Agricultural will become	ne Commercial/Industrial	l
Water Provider: Not Applicable	Sewer Provi	der: Not Applicable
Applicant Information		2
Applicant Name: Eastern Shore Natural Gas, Atte	ention Mark C. Parker, P.	E
Applicant Address: 500 Energy Lane, Suite 200		
	State: DE	ZipCode: _19901
Phone #: (302) 213-7270	State: <u>DE</u> ZipCode: <u>19901</u> E-mail: <u>mcparker@esng.com</u>	
Owner Information		
Owner Name: Same as Applicant Information		
Owner Address:		
City:	State:	Zip Code:
Phone #:		
Agent/Attorney/Engineer Information		

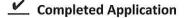






Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application



Provide eight (8) copies of the Site Plan or Survey of the property

- Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc.
- o Provide a PDF of Plans (may be e-mailed to a staff member)
- Deed or Legal description

✓ Provide Fee \$500.00 Will be paid via credit card

- Optional Additional information for the Commission/Council to consider (ex. architectural elevations, photos, exhibit books, etc.) If provided submit 8 copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.
- Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.

____ DelDOT Service Level Evaluation Request Response

____ PLUS Response Letter (if required) Not Applicable

The undersigned hereby certifies that the forms, exhibits, and statements contained in any papers or plans submitted as a part of this application are true and correct.

I also certify that I or an agent on by behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future needs, the health, safety, morals, convenience, order, prosperity, and general welfare of the inhabitants of Sussex County, Delaware.

Signature of Applicant/Agent/Attorney

Hufnagel, Gregory	Digitally signed by Hufnagel, Gregory DN: cn=Hufnagel, Gregory, ou=USCSK1, email=Gregory, Hufnagel(@aecom.com Date: 2021.05.12 14:48:26-04/00'

Signature of Owner

Mark C. Parker Digitally signed by Mark C. Parker Date: 2021.04.19 11:56:04 -04'00'

Date: <u>5/12/21</u>

Date: 4/19/21

For office use only:	0
Date Submitted: 5118121	Fee: \$500.00 Check #:
Staff accepting application: NT	Application & Case #: () 2284 / 20210 7632
Location of property:	
Subdivision:	

Date of PC Hearing:	Recommendation of PC Commission:	
Date of CC Hearing:	Decision of CC:	



May 13, 2021

Jamie Whitehouse, Director Sussex County Planning & Zoning Office 2 The Circle Georgetown, DE 19947

Subject: Eastern Shore Natural Gas Company Bridgeville Interconnect Project Conditional Use Application Tax Parcel: 131-10.00-99.00

Dear Mr. Whitehouse:

Eastern Shore Natural Gas Company (Eastern Shore), which has safely and reliably served the natural gas transportation needs of the region since 1959, is submitting the enclosed Conditional Use Application, including supporting documentation, to the Sussex County Planning and Zoning Office. Eastern Shore is proposing to construct, install, own, operate, and maintain the Bridgeville Interconnect Project (Project) in Sussex County, Delaware.

The Project will be constructed on land with existing natural gas infrastructure owned by Eastern Shore and will consist of new aboveground facilities, interconnecting pipeline supply laterals, and a tie-in delivery tap to connect to Eastern Shore's existing pipeline facilities. The proposed Project will serve as a receipt point where non-traditional gas supply, such as renewable natural gas, compressed natural gas, or liquefied natural gas will be metered, regulated, and heated before entering the existing Eastern Shore natural gas pipeline system. A small pre-fabricated building will be established to house a remote terminal unit. Equipment foundations, supports or spread footings will be constructed of poured reinforced concrete.

The Project, including temporary workspace, will be located within an approximately 28-acre parcel (Tax Parcel Number 131-10.00-99.00) that is zoned Agricultural/Residential 1 (AR-1). Approximately eight (8) acres of this parcel is currently developed and contains the Bridgeville Compressor Station (BRCS), above-ground piping facilities, a solar panel field, access driveways and a stormwater management facility. On August 13, 2015, the Sussex County Planning Commission approved the ability to expand Conditional Use (CU 889) which was originally approved on September 8, 1988 to allow for development of the BRCS. Final Site Plan approval for that Project occurred on August 27, 2015 for that expansion. The enclosed Application is for the remainder of the parcel to be covered by a Conditional Use to allow for "public utilities or public service uses." As identified on the attached Site Plan, the Conditional use covers two





areas. Area No. 2 is on the northwestern side of the parcel, totals 8.48 acres, and contains an existing solar field and a portion of the fencing for the proposed Project. Conditional Use Area No. 3 is on the eastern side of the parcel, totals 11.51 acres, and contains the majority of the proposed Project components. Area No. 1 contains the existing BRCS. The proposed Bridgeville Interconnect Project extends in each of the three Conditional Use areas.

As summarized herein and as shown on the attached Site Plan, approval of the Conditional Use request for the proposed development will not have a substantial impact on the physical, economic, or social environment of the area. Eastern Shore has selected this location to develop the Project as it minimizes the potential for negative environmental or community impacts. Minimal aboveground facilities are proposed, and these will be smaller scale compared to the BRCS that is already part of the landscape.

The proposed Project will conform to the AR-1 Lot and Building standards. No wetlands, waterbodies, or other sensitive resources are located on this Parcel. The Parcel is not located within a floodplain. No forest areas or trees will be removed for the proposed Project. No water or sewer connections are existing or proposed.

No residences or occupied buildings are located within 50 feet of the parcel boundary. The nearest occupied building is approximately 150 from the parcel boundary along Emma Jane Lane, 330 feet from the proposed pig Receiver Facility, and 500 feet from the proposed Facility. Short-term increases of dust, noise, and the presence of construction equipment may cause indirect impacts to nearby residents and commercial occupied buildings during construction. Mitigation measures will be implemented to minimize impacts.

During operation, the primary impact to residences and occupied buildings will be increased traffic from the delivery trucks. Increased truck traffic to residences and occupied buildings is anticipated to be minimal as the proposed truck routes will avoid residential occupied roadways and route the trucks along roadways primarily used by commercial enterprises (Emma Jane Lane) as well as major state routes (SR-404) used by similar sized trucks... Traffic assessments have occurred and did not result in the need for public roadway improvements. Traffic assessment information has been provided to the Delaware Department of Transportation (DelDOT).

Eastern Shore evaluated the potential contribution the facility will have to background noise. The results of the acoustical assessment indicate that the combined noise level attributable to operation of the Facility and the existing BRCS is expected to be lower than a day-night average sound level of 55 dBA at the nearby noise sensitive areas without the installation of noise mitigation measures.

Therefore, the character of the parcel and its surroundings will not significantly change if the Conditional Use is granted. Eastern Shore appreciates the zoning board's consideration in this matter.





Eastern Shore understands that the fee of \$500 for the Conditional Use application may be paid via credit card. Please contact Valerie Double at 412-808-1810 (or <u>Valerie.Double@aecom.com</u>) for payment of this fee.

If you have any questions, please do not hesitate to contact me at 302-213-7270 (or mcparker@esng.com) or my Agent, Gregory Hufnagel at 610-234-0449 (or Gregory.Hufnagel@aecom.com)

Sincerely,

Maile C Park

Mark C. Parker, P.E. Engineering Manager

Attachments:

- 1) Planning and Zoning Commission Application Form, including attachments
 - a. Mailing List Application Form
 - b. Project Contact List
- 2) Deeds
- 3) Eight (8) Copies of Site Plan



TOF

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PUBLIC UTILITY PUMPING (COMPRESSOR) AND REGULATOR STATION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 7.99 ACRES, MORE OR LESS

WHEREAS, on the 7th day of July, 1988 a conditional use application, denominated C/U #889, was filed on behalf of Chesapeake Utilities Corp.; and

WHEREAS, on the 8th day of September, 1988 a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that C/U #889 be approved ; and

WHEREAS, on the 27th day of September, 1988 a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County,

NOW, THEREFORE,

THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Ordinance No. 97, Article 3, Section 3, be amended by adding the designation of C/U #889 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Northwest Fork Hundred, Sussex County, Delaware and lying east of railroad right of way, ½ mile south of Route 584 and 300 feet north of Route 583 and being more particularly described as follows:

BEGINNING at an iron pipe on the easterly right of way of railroad, $\frac{1}{2}$ mile south of Route 584; thence north 75° 17' 45"

-1-

Page 1836

east 726.00 feet along an old 12' right of way road to a concrete monument, a corner for these subject lands and lands now or formerly of George W. Willin; thence south 12° 17' 45" west 531.00 feet along said Willin lands to a concrete marker; thence south 77° 18' 13" west 774.50 feet continuing along said Willin lands and along an old fence line to a large cedar post on the easterly right of way of railroad; thence north 18° 15' 00" east 531.45 feet along the easterly right of way of railroad to the point and place of beginning and containing 7.99 acres, more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 536 PASSED BY THE COUNTY COUNCIL OF SUSSEX COUNTY ON THE 27TH DAY OF SEPTEMBER, 1988.

E Kogers ~

Doris E. Rogers CLERK OF THE COUNTY COUNCIL

The findings of facts and the recommendations of the Planning and Zoning Commission are hereby incorporated into the record and the findings of facts of the Council. By adopting this Ordinance, it has been found that the change of zone is appropriate legislative action based upon the following findings of facts:

- 1. The proposed land use promotes health, safety, and morale of the present and future inhabitants of Sussex County in that a public utility pumping and regulator station is needed to boost pressure of a natural gas line. The station shall be placed a safe distance away from all other improvements, although no hazard is expected to the community.
- 2. The proposed land use promotes the convenience, order, prosperity, and welfare of the present and future inhabitants of Sussex County in that no adverse impact is anticipated on neighboring property values.
- 3. Congestion of roads or streets shall not be affected by the change of zone.
- 4. Protection and security from fire is provided by the Bridgeville Volunteer Fire Department, approximately one half mile.

-2-

SUSSEX COUNTY ENGINEERING DEPARTMENT UTILITY PLANNING & DESIGN REVIEW DIVISION C/U & C/Z COMMENTS

TO:	Jamie Whitehouse	
REVIEWER:	Chris Calio	RECEIVED
DATE:	1/13/2022	JAN 1 9 2022
APPLICATION:	CU 2284 Eastern Shore Natural Gas	SUSSEX COUNTY PLANNING & ZONING
APPLICANT:	Eastern Shore Natural Gas	
FILE NO:	WSP: 4.06	
TAX MAP & PARCEL(S):	131-10.00-99.00	
LOCATION:	17035 Black Cherry Drive, Bridgeville. The landlocked parcel has access from Emma J approximately 0.33 mile south of E. Newton	ane Lane,
NO. OF UNITS: Uses.	Expansion of CU 889 for Public Utilities or F	Public Services
GROSS ACREAGE:	27.98	

SYSTEM DESIGN ASSUMPTION, MAXIMUM NO. OF UNITS/ACRE: 2

SEWER:

(1). Is the project in a County operated and maintained sanitary sewer and/or water district?

Yes 🗖

No 🛛

- a. If yes, see question (2).
- b. If no, see question (7).
- (2). Which County Tier Area is project in? Tier 2
- (3). Is wastewater capacity available for the project? Yes If not, what capacity is available? N/A.
- (4). Is a Construction Agreement required? **Yes** If yes, contact Utility Engineering at (302) 855-7717.
- (5). Are there any System Connection Charge (SCC) credits for the project? **No** If yes, how many? **N/A**. Is it likely that additional SCCs will be required? **Yes**

If yes, the current system Connection Charge Rate is **Drufied \$6,600.00** per EDU. Please contact **Nicole Messeck** at **302-855-7719** for additional information on charges.

(6). Is the project capable of being annexed into a Sussex County sanitary sewer district? Yes

Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.

- (7). Is project adjacent to the Unified Sewer District? Yes
- (8). Comments: The proposed Conditional Use is in a Tier 2 Area for sanitary sewer service.
- (9). Is a Sewer System Concept Evaluation required? Yes, Contact Utility Planning at 302-855-7370 to apply
- (10). Is a Use of Existing Infrastructure Agreement Required? Yes
- (11). <u>All residential roads must meet or exceed Sussex County minimum design</u> standards.

UTILITY PLANNING & DESIGN REVIEW APPROVAL:

John J. Ashman Sr. Manager of Utility Planning & Design Review

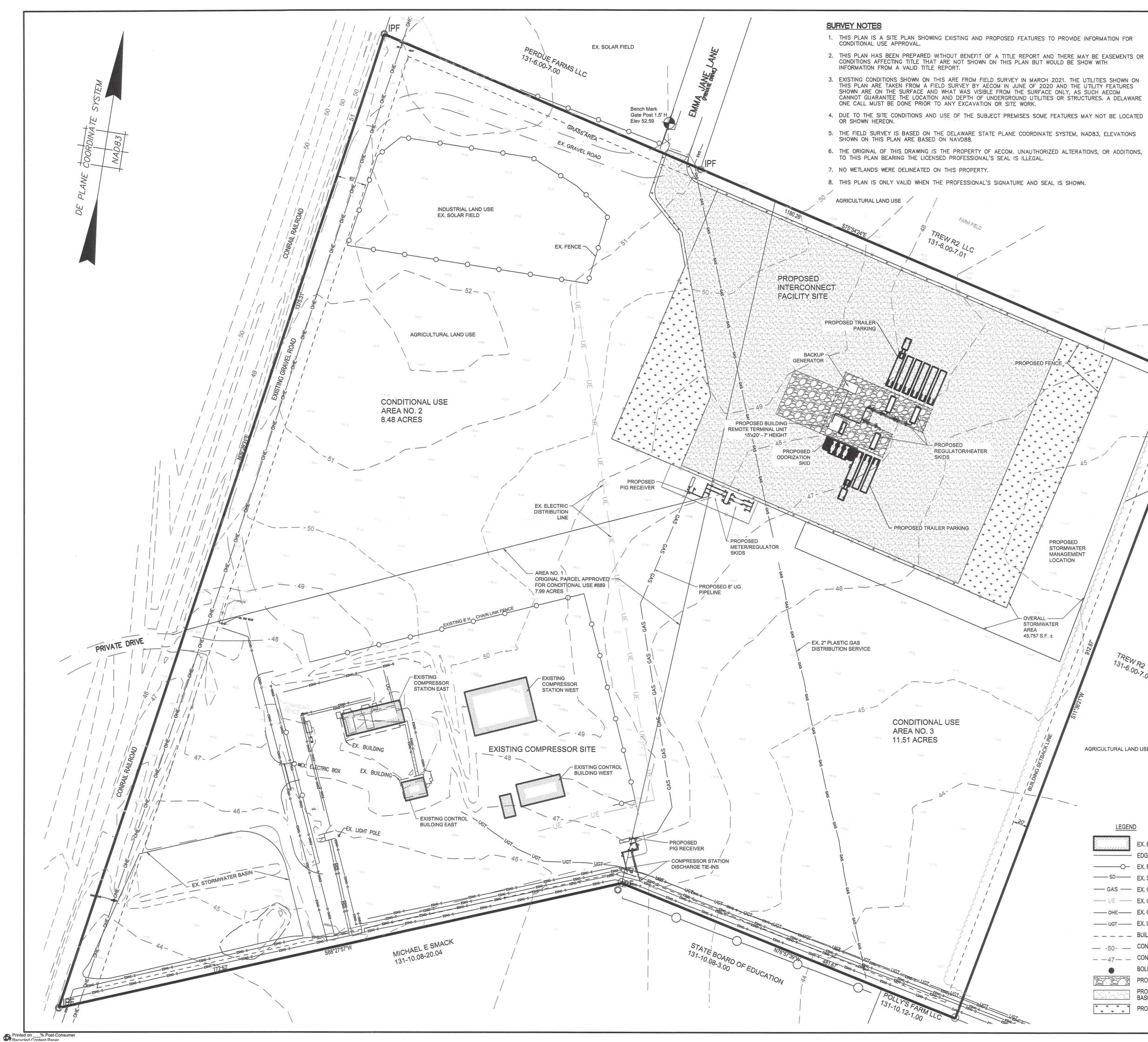
Xc: Hans M. Medlarz, P.E. Lisa Walls Nicole Messeck

Policy for Extending District Boundaries

- 1. Property owner (developer) and/or his representative shall make a request to the Utility Planning Division for a Sewer System Concept Evaluation.
- 2. Property owner (developer) and/or his representative shall meet with the applicable planning and zoning agency to determine if zoning is appropriate for the development being planned.
- 3. With appropriate zoning, property owner (developer) and/or his representative shall send a letter (with appropriate application fee as listed below) requesting the Sussex County Council to consider extending the water and/or sanitary sewer district boundaries. (Sussex County Code)

Application	Fees
Less than 2 acres	\$500.00
2.1 -9.99 acres	\$750.00
10 - 150.00 acres	\$1,500.00
Greater than 150.00 acres	\$2,500.00

- 4. The Sussex County Engineering Department shall present, for Sussex County Council's consideration, posting of notices for the proposed extension of the district boundaries.
- 5. The Sussex County Council approves posting notices for the proposed extension of the boundaries. (If approval to post the notices is not given, the appropriate fee is refunded.)
- 6. Within ninety days of the posting of the notices, the Sussex County Council approves/disapproves extending the boundaries.
- 7. The Sussex County Council approves/disapproves of the extension of the water and/or sanitary sewer pipelines under the appropriate Sussex County Ordinance.



_____ 46 -

- GENERAL NOTES
- 1. THE PURPOSE OF THIS PLAN IS TO PRESENT EXISTING CONDITIONS AND PROPOSED IMPROVEMENT TO TAX PARCEL NUMBER 131-10.00-99.00 IN CONFORMANCE WITH THE SUSSEX COUNTY CONDITIONAL USE REQUEST FOR ZONE AGRICULTURAL/RESIDENTIAL 1 (AR-1) TO ALLOW FOR PUBLIC UTILITIES OR PUBLIC SERVICES USE. THIS PROPERTY WILL BE USED FOR UTILITIES WITH ONLY OCCASIONAL EMPLOYEE VISITATION.
- 2. THIS PROJECT IS NOT LOCATED WITHIN THE 100 YEAR FEMA FLOOD PLAIN, AS SHOWN ON FEMA FIRM MAP PANEL #10005C0115K REVISED MARCH 16, 2015. A FLOOD STUDY AND/OR FLOODPLAIN DELINEATION IS NOT REQUIRED.
- 3. NO DEBRIS SHALL BE BURIED ONSITE.
- 4. STORMWATER MANAGEMENT, DRAINAGE AND SEDIMENT AND EROSION CONTROL SHALL BE IN COMPLIANCE WITH THE DELAWARE SEDIMENT & STORMWATER REGULATIONS, THE SUSSEX COUNTY CODE AND POND CODE 378.
- 5. THIS PLAN DOES NOT INTEND TO CREATE ANY PUBLIC RIGHTS-OF-WAY.
- 6. THIS PLAN DOES NOT INTEND TO MODIFY THE EXISTING WATER SUPPLY.
- 7. THIS PLAN DOES NOT INTEND TO MODIFY THE EXISTING SEWER.
- 8. THIS PROJECT DOES NOT PROPOSE ANY DISTURBANCE WITHIN JURISDICTIONAL WETLANDS OR WATERWAYS. ON NOVEMBER 18, 2020, AECOM CONDUCTED A WETLAND AND WATERCOURSE DELINEATION OF THE SITE, NO WETLANDS OR WATERBODIES WERE IDENTIFIED DURING THE SURVEY.
- 9. ON AUGUST 13, 2015 SUSSEX COUNTY PLANNING COMMISSION APPROVED THE ABILITY TO EXPAND CONDITIONAL USE (CU. 889) FROM THE AREA ORIGINALLY APPROVED ON SEPTEMBER 8, 1988.
- 10. ALL FIRE LANES, FIRE HYDRANTS AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE DELAWARE STATE FIRE PREVENTION REGULATIONS.

ZONING

EX. TREE LINE

SITE DATA

- 1. SITE ADDRESS: 17035 BLACK CHERRY DRIVE BRIDGEVILLE DE 19933 EASTERN SHORE NATURAL GAS 2. OWNER: 500 ENERGY LANE, SUITE 200 DOVER DE 19901 P: (302) 213-7270
- F: (302) 450-1616 3. TAX PARCEL: 131–10.00–99.00 4. PARCEL AREA: 27.983 ACRES
- EXISTING NO. 1: 7.99 ACRES
- PROPOSED NO. 2: 8.48 ACRES PROPOSED NO. 3: 11.51 ACRES 5. DATE OF SURVEY: MARCH 2021
- NO WETLANDS ON SITE SITE NOT WITHIN 100 YEAR FLOODPLAIN
- 3. WATER: NONE PROPOSED SEWER: NONE PROPOSED
- 10. PROJECT BENCHMARK: GATE POST 1.5' H BM: N: 275437.27 E: 603403.51 ELEV: 52.59
- 11. TOTAL AREA TO BE DISTURBED: 11.11 ACRES 12. CONDITIONAL USE AREA REQUESTED: 19.99 ACRES
- 13. EXISTING BUILDING AREA: 9,784 S.F. 14. EXISTING LOADING SPACES: 1
- 15. PROPOSED LOADING SPACES: 9 16. EXISTING PARKING SPACES: 0
- 17. PROPOSED PARKING SPACES: 0
- 18. PROPOSED BUILDING AREA: 36 S.F. 19. PROPOSED BUILDING HEIGHT: 7'

LEGEND

AGRICULTURAL LAND USE

131-6.00-7.01

	EX. BUILDING
	EDGE OF PAVEMENT
O	EX. FENCE
SD	EX. STORM PIPE
GAS	EX. GAS LINE
UE	EX. UNDERGROUND ELECTRIC
OHE	EX. OVERHEAD ELECTRIC
UGT	EX. UNDERGROUND TELECOMMUNICATION
	BUILDING SETBACK LINE
	CONTOUR MAJOR (5' INTERVAL)
47	CONTOUR MINOR (1' INTERVAL)
•	BOLLARDS
	PROPOSED GRAVEL AREA
	PROPOSED DELDOT GRADED AGGREGATE BASE COURSE (GABC)
* * * * * * *	PROPOSED GRASS AREA

	PROPERTY LINE
•	SITE BENCHMARK
	CATCH BASIN (RECTANGLE)
S	SANITARY MANHOLE
E	ELECTRIC BOX
	SIGN (SINGLE POST)
¢	LIGHT POLE
* 45.69	SPOT ELEVATION
-xx	PROPOSED FENCE

LEVATION CONTRACT EX. TREELINE



PROJECT

BRIDGEVILLE INTERCONNECT PROJECT 17035 BLACK CHERRY DRIVE BRIDGEVILLE DE 19933

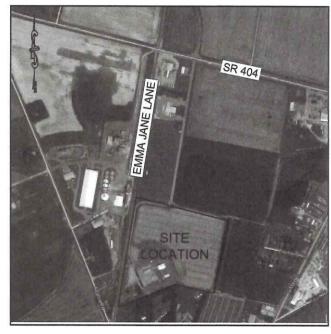
CLIENT

EASTERN SHORE NATURAL GAS COMPANY 500 ENERGY LANE, SUITE 200 **DOVER DE 19901**

CONSULTANT

AECOM 4051 Ogletown Road, Suite 300 Newark, Delaware, 19713 302.781.5900 tel 302.781.5901 fax www.aecom.com

LOCATION MAP



Google Earth

Not To Scale

SCALE

1" = 60'

MARK C. PARKER, P.E. ENGINEERING MANAGER EASTERN SHORE NATURAL GAS/OWNER



ANDREW C. PUTNAM P.L.S. DELAWARE LIC. NO. 696 **ISSUE/REVISION**

	-		
_			
	YYYY-MM-DD		
I/R	DATE	DESCRIPTION	

KEY PLAN

PROJECT NUMBER

60645227

SHEET TITLE

PROPERTY SITE PLAN

SHEET NUMBER

VO-1

JAMIE WHITEHOUSE, AICP DIRECTOR OF PLANNING & ZONING (302) 855-7878 T (302) 854-5079 F jamie.whitehouse@sussexcountyde.gov





PLEASE NOTE

This paperless packet is published on the County's website for convenience purposes, and only includes information received up to the close of business on the day before a public hearing. Documents received after this, or documents submitted during the public hearing are not uploaded to the Paperless Packet. The legal record is the paper record maintained in the Offices of the Planning & Zoning Department.



From:	Charito Calvachi-Mateyko <charitocw@aol.com></charitocw@aol.com>
Sent:	Wednesday, February 9, 2022 4:46 PM
То:	Planning and Zoning
Subject:	Opposition to Eastern Shore Natural Gas - Conditional Use (C/U 2284) Delaware

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To:

Chair Sussex County Planning and Zoning Comm Georgetown, DE

RE: Eastern Shore Natural Gas - Conditional Use (C/U 2284) Delaware

Dear Chair and Members of the Sussex County Planning & Zoning Com.,

I write to OPPOSE approval of Eastern Shore Natural Gas - Conditional Use (C/U 2284) Delaware for the following reasons:

1) **I oppose on the grounds of Environmental Racism.** This application is a concern statewide on the grounds of its environmental racism, and it must be rejected on those grounds, as well as other grounds.

The proximity of homes and a school renders this site not suitable for the several environmental impacts of thousands of trucks delivering waste, litter including some dead animals each day.

The logic of zoning is to prevent such incompatible use.

Because the community is largely a community of color (Hispanic and AfricanAmerican) and no adequate environmental impact statement has been presented in the record, this application carry the added burden of environmental racism for which it must be rejected.

A rezoning to permit 180,000 annually new truckload of waste products in a residental area with a school is not compatible zoning.

It is an outrage that it was even presented to you for consideration.

Sincerely,

Rosario Calvachi Mateyko 55 Sunset Road Newark, DE 19711



Sherri.evans-stanton=sierraclub.org@mg.gospringboard.io on behalf of Sherri Evans-
Stanton <sherri.evans-stanton@sierraclub.org></sherri.evans-stanton@sierraclub.org>
Wednesday, February 9, 2022 4:02 PM
Planning and Zoning
Stop the Eastern Shore Natural Gas pipeline expansion!

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

To the Planning and Zoning Board,

The Sierra Club strongly opposes new gas pipelines in Delaware. Please vote NO to the expansion of the Eastern Shore Natural Gas pipeline facility near Bridgeville.

The proposal you will consider on Thursday evening is cloaked in secrecy in terms of both the source and route. In addition, the potentially explosive gas would travel into a residential area, close to an elementary school and people's homes. If this gas must be processed before it is injected into the pipeline, which is also unclear from the application, the process would also pollute our air.

Because the proposal would truck gas from a "non-traditional" source to the Bridgeville facility, we believe the source would likely be the controversial Bioenergy DevCo plant proposed for south of Seaford.

Over 90% of Sussex County's drinking water is contaminated with nitrates. The county has a duty to protect the air we breath and water we drink.

Please do not approve this project.

Sherri Evans-Stanton Director, Sierra Club Delaware Chapter

For these reasons, I urge you the council to vote against the expansion of Eastern Shore Natural Gas's Bridgeville pipeline facility. You have the power and the responsibility to stop it.

Sincerely,

Sherri Evans-Stanton PO Box 2005 Wilmington DE, 19899-2005



From:	Maria Payan <mariap@sraproject.org> Wedpesday, February 0, 2022 2:54 DM</mariap@sraproject.org>
Sent: To:	Wednesday, February 9, 2022 3:54 PM Planning and Zoning; Michael Payan; Joseph Meyer
Subject:	written comments submittal for Expansion CU 2284 Eastern Shore Natural Gas
Attachments:	Written Public Comments submitted to Sussex County Planning Commission.pdf

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Good Afternoon,

Sussex Health & Environmental Network , a citizen coalition of stakeholders in Sussex County works to ensure a clean, healthy environment for future generations.SHEN is submitting the attached comments to Planning and Zoning regarding the expansion of CU 2284 Eastern Shore Natural Gas which is scheduled for a hearing on Thurs Feb 10th. We are requesting denial of this expansion of CU 2284. This application is lacking information to ensure the project will not negatively impact the health and safety of the residents.

Thank you,

Jay Meyer Sussex Health & Environmental Network Opposition Exhibit

Maria Payan Co-founder

RECEIVED

FEB 0 9 2022

SUSSEX COUNTY PLANNING Regarding: Eastern Shore Natural Gas CU 2284 17035 Black Cherry Drive, Bridgeville, DE Agricultural Residential (AR-1) Zoning District Expansion of C/U 889 (Ordinance No. 536) for Public Utilities or Public Services Uses Comprehensive Land Use Plan Reference: Industrial Tax Map ID.: 131-10.00-99.00

1. Proximity to Phillis Wheatley Elementary School.

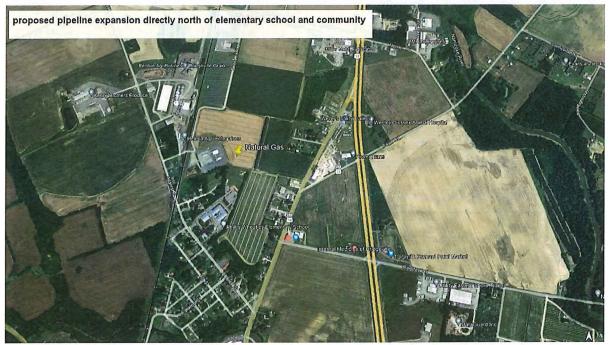


Figure 1 – Google Earth Image of surrounding community of proposed expansion.

Concern: One of he most compelling concerns about the county's determination to increase the industrial zoning on lands that abut the property where the Phillis Wheatley Elementary School is located is that the children' playground is located so close.

According to the materials submitted to the Zoning Commission for their consideration by both the applicant and the Zoning Administrator are silent with respect to the school.

Does the Zoning Commission care about the welfare of the children that attend this school and play in the school playground?

Did the Zoning Administrator discuss in detail the proposal and potential adverse impacts with the School Board and the parent/teacher associations?



Figure 2 – Google Earth image showing location of Phillis Wheatley Elementary School (arrow points to approximate location of proposed Non-Traditional Natural Gas facility).



Figure 3 – Google Earth image close-up view of children's playground at school.

2. Additional noise generated by natural gas tanker truck traffic.

According to Delaware State Law on Noise:1

- 5.0 Classification of Land According to Use 5.0.1 Class A noise zone
- 5.1 Lands designated Class A shall generally be residential areas where human beings sleep or areas where serenity and tranquility are essential to the intended use of the land.
- 5.1.1 The land uses in this category shall include, but not be limited to, single and multiple family homes, hotels, prisons, hospitals, religious facilities, cultural activities, forest preserves, and land intended for residential or special uses requiring such protection.

The applicant claims this information regarding noise:

"Eastern Shore evaluated the potential contribution the facility will have to background noise. The results of the acoustical assessment indicate that the combined noise level attributable to operation of the Facility and the existing BRCS is expected to be lower than a day-night average sound level of 55 dBA at the nearby noise sensitive areas without the installation of noise mitigation measures."

Concern: The applicant did not mention the nearby elementary school nor where the nearby 'noise sensitive areas' are located with respect to the natural gas truck receiving area. The applicant did not provide the 'acoustical assessment' as a professional report in the application supporting documents.

Why is the Zoning Commission and the public being put in the position to just trust that acoustic tests have been performed without the courtesy of the applicant providing the professional reports? We have no idea what was considered -- number of trucks, types of trucks, time the trucks sit in the truck bays idling, whether the truck engines are diesel or other, gear downshifting, any beeping noises associated with backing up to the truck bays, noises associated with off-loading the various types of non-traditional natural gas (e.g., compressed natural gas versus liquified natural gas), PA systems, and the like. The applicant does not mention that they intend to add a \$14 million compressor to the existing Bridgeville Compressor station, and we do not know if the noise assessment included the noises associated with the additional compressor.

The idea that a neighbor could hear this facility's noise level at their home equivalent to someone standing in the room talking loudly sounds to me like a very annoying noise

¹ See: https://regulations.delaware.gov/AdminCode/title7/1000/1100/1149.shtml

level and not conducive to "serenity and tranquility" especially if you were talking in my ear all day and all night day after day year after year. That is what 55 dBA means – not loud enough to cause permanent ear damage but certainly loud enough to be a nuisance if you are sitting in your home or at a school desk trying to concentrate.

Here is a technical explanation of the term dBA:²

"First of all, a dB (decibel) is a ratio between two quantities that has been reported on a logarithmic scale. Moreover, dB allows a realistic modelling of human auditory perception since the ear reacts to relative changes in noise level. In many cases, dBs are followed by a suffix to define a reference variable. For example, dBm means that the reference variable is the milliwatt; dBV, the volt.

In acoustics, sound is a change in pressure relative to atmospheric pressure. Thus, the reference quantity is the smallest pressure change detectable by the ear (hearing threshold), 20 μ Pa in air, which corresponds to 0 dB SPL. However, the human ear does not perceive all frequencies in the same way. Indeed, the ear of a healthy person is more sensitive to frequencies between 2 and 5 kHz.

This is why dB(A) is used. The reference quantity remains the same; 20 μ Pa and the units are still dB SPL, but each value has a different gain depending on the frequency in order to better represent human auditory perception. The blue curve shows the gain for a type A weighting. There are also B, C, D and Z weights. However, the B and C weights are only valid for pure signals (signals with a single frequency).

A dBA is a weighted scale for judging loudness that corresponds to the hearing threshold of the human ear. Although dB is commonly used when referring to measuring sound, humans do not hear all frequencies equally. For this reason, sound levels in the low frequency end of the spectrum are reduced as the human ear is less sensitive at low audio frequencies than at high audio frequencies.

You will often see noise levels given in dBA (A-weighted sound levels) instead of dB. Measurements in dBA, or dB(A) as it is sometimes written, are decibel scale readings that have been adjusted in an attempt to take into account the varying sensitivity of the human ear to different frequencies of sound. The main effect of this adjustment is that low and very high frequencies are given less weight than on the standard decibel scale.

Compared with dB, A-weighted measurements underestimate the perceived loudness, annoyance factor, and stress-inducing capability of noises with low frequency components, especially at moderate and high volumes of noise."

² See: <u>https://www.softdb.com/difference-between-db-dba/</u>

Sound Source	Sound Level (dBA)*	Response
Carrier deck jet operation	140	
Civil defense siren (at 100 feet)	130	Painfully loud
Jet takeoff (at 200 feet)	120	Threshold of feeling and pain
Riveting machine (at 1 foot) Rock music concert	110	
Pile driver (at 50 feet) Ambulance siren (at 100 feet)	100	Very loud
Heavy truck (at 50 feet)	90	
Pneumatic drill (at 50 feet) Freight train cars (at 50 feet)	80	
Garbage disposal in home		
Freight train cars (at 100 feet) Freeway traffic (at 50 feet) Vacuum cleaner (at 10 feet)	70	Moderately loud
Air conditioning unit (at 20 feet)	60	
eech in normal voice (at 15 feet)	50	
Residence-typical movement of people, no TV or radio	40	Quiet
Soft whisper (at 5 feet)	30	
Recording studio	20	
	10	
	0	Threshold of hearing

Figure 4 – Decibel Scale showing trucks 50 feet away register 90 dBA and normal voice talking 15 feet away registers at 50 dBA.³

The Sussex County Zoning Commission must request a thorough Noise Impact Assessment from Eastern Shore Natural Gas before consideration of the requested conditional use.

³ See: <u>http://www.storeycountywindfarms.org/Sound Handout.htm</u>

3. No Truck Traffic Impact Assessment

Information supplied by the applicant:

"During operation, the primary impact to residences and occupied buildings will be increased traffic from the delivery trucks. Increased truck traffic to residences and occupied buildings is anticipated to be minimal as the proposed truck routes will avoid residential occupied roadways and route the trucks along roadways primarily used by commercial enterprises (Emma Jane Lane) as well as major state routes (SR-404) used by similar sized trucks. Traffic assessments have occurred and did not result in the need for public roadway improvements. Traffic assessment information has been provided to the Delaware Department of Transportation (DeIDOT)."

The 20 page agenda packet provided to the Zoning Commission did not seem to contain the two-page letter from DelDOT, but we did obtain a copy of the letter from the county via open record request. The letter implies that Eastern Shore Natural Gas told DelDOT that there will be "less than 50 trucks per day," so DelDOT said that is under their trigger to require a Traffic Impact Assessment.

Concerns: Neither the Zoning Administrator, the Zoning Commission, nor the public has access to the information Eastern Shore provided to DelDOT so we can evaluate the data (number of trucks per day) and determine whether the numbers are valid.

The facility has 9 truck bays, which means they could have up to 9 trucks actively offloading natural gas at one time. If the facility only expects 50 trucks per day on-site does that mean those bays would only be fully used 5 times in a 24 hour period? How long does it take to off-load a tanker truck of natural gas? Will there be trucks off-loading at night or only during work hours? Will there be trucks waiting in line for an off-loading bay to become available? Wouldn't those trucks be idling during that wait time?

We do not have answers to any of those questions and that is unacceptable when the public is relying upon government officials to consider these important public health and property concerns.

The applicant is extremely vague when discussing the truck routes to and from the facility. No truck traffic map was provided. The applicant mentions State Highway 404 (east-west corridor) but does not mention I-13 (north-south corridor).

The Sussex County Zoning Commission must request a thorough Traffic Impact Assessment from Eastern Shore Natural Gas before consideration of the requested conditional use.

4. No details on the operation of the Non-Traditional Natural Gas facility.

From the applicant [emphasis added]:

The proposed Project will serve as a receipt point where **non-traditional gas supply, such as renewable natural gas, compressed natural gas, or liquefied natural gas** will be metered, regulated, and heated before entering the existing Eastern Shore natural gas pipeline system.

Apparently, that paragraph is all the information that was provided by the applicant in their request to the county. No description of the sources of any or all of these non-traditional natural gas sources. No narrative discussion of how the trucks will enter the property, park in the truck bays, off-load the natural gas, or how the facility will be used to "meter, regulate and heat" the natural gas. No discussion about whether these sources of natural gas will be directed to the nearby Bridgeville Compressor station (which is in the process of obtaining permits for a \$14 million compressor) so the gas can be compressed prior to entering the 'gas pipeline system'.

Concerns: Why would the Zoning Commission allow such a vague and uninformative request proceed to the commission agenda? Why didn't the Zoning Administrator request more detailed information not only for the commission's benefit but also for the public's benefit during evaluation of the proposal and comparison to the requirements of the county zoning regulations and the Sussex County Comprehensive Plan?

Where is the analysis of the increased hazard of hundreds of trucks carrying natural gas traveling the roads into this property with respect to the entire community and especially nearby Phillis Wheatley Elementary School?

The Sussex County Zoning Commission must request a thorough Explosive/Flammable Hazard Assessment and a more detailed description of the sources of non-traditional natural gas (company names and locations) as well as the day-to-day behavior of those trucks at the facility from Eastern Shore Natural Gas before consideration of the requested conditional use.

5. No mention of proposed expansion of existing Bridgeville Compressor station.

Concerns: The conditional use application materials provided to Sussex County zoning do not acknowledge that there are **two** projects concurrently being considered by Eastern Shore Natural Gas for Tax Map ID.: 131-10.00-99.00 as follows:

(a) the request to the Federal Energy Regulatory Commission (FERC) for the addition of a \$14 million dollar natural gas compressor at the existing Bridgeville Compressor station and

(b) the proposal to Sussex County Zoning for the zoning change from AR-1 to Industrial in order to site a Non-Traditional Natural Gas facility directly east of the existing Bridgeville Compressor station.



Figure 5 – Zoning map showing location of Bridgeville Compressor station parcel.

From page 4 of 339 of the January 18, 2022, FERC application materials:⁴

"Eastern Shore Natural Gas Company ("Eastern Shore") hereby submits this prior notice filing, pursuant to Section 7 of the Natural Gas Act ("NGA") and the prior notice procedures prescribed by Sections 157.203(c), 157.205(b), 157.208(c), and 157.210 of the Commission's Regulations, regarding its proposal to install an additional compressor unit and appurtenant facilities at Eastern Shore's existing compressor station in Bridgeville, Sussex County, DE ("Project"). The Project will enable Eastern Shore to provide additional firm natural gas transportation service to an existing shipper on Eastern Shore's pipeline system, as more fully described below."

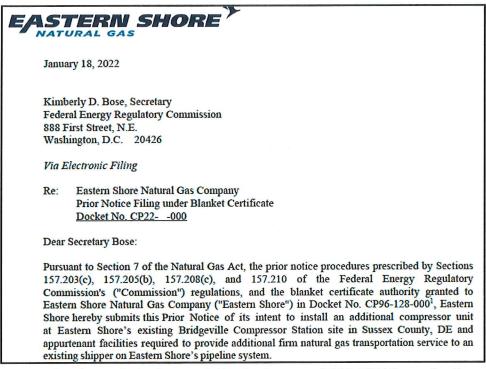


Figure 6 – Snapshot of cover letter to January 2022 FERC application.

The Sussex County Zoning Commission must request a complete application from Eastern Shore Natural Gas that includes ALL changes to the Bridgeville Compressor station before consideration of the requested conditional use.

6. Proposed Ordinance does not contain Conditions. Proposed Sussex County Zoning Ordinance language dated June 15, 2021, does not include Conditions to the language that would allow Industrial use in an AR-1 zone to facilitate the siting of a new Non-Traditional Natural Gas facility.

⁴ See: <u>https://drive.google.com/file/d/1NGI-w8heGweSfAxeoXI9_YTqFqk2ojBB/view?usp=drive_web</u>

Introduced 06/15/21

Council District 1 - Vincent Tax I.D. No. 131-10.00-99.00 911 Address: 17019, 17025, 17035 & 17041 Black Cherry Drive, Bridgeville

ORDINANCE NO.

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR THE EXPANSION OF CU 889 (ORDINANCE NO. 536) FOR PUBLIC UTILITIES OR PUBLIC SERVICES USES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 29.98 ACRES, MORE OR LESS

WHEREAS, on the 18th day of May 2021, a conditional use application, denominated

Conditional Use No. 2284 was filed on behalf of Eastern Shore Natural Gas Company; and

WHEREAS, on the _____ day of _____ 2021, a public hearing was held,

after notice, before the Planning and Zoning Commission of Sussex County and said

Planning and Zoning Commission recommended that Conditional Use No. 2284 be

; and

Figure 7 – Snapshot of the June 15, 2021, Ordinance.

Concerns: It appears that as of June 2021, the Zoning Administrator was not going to suggest any conditions to the consideration of changing the remainder of the 28.99 acre parcel from AR-1 to Industrial that would ensure that this proposed natural gas facility would not harm the community and would abide by the Comprehensive Plan.

From page 248 of 285 of the 2018 Comprehensive Plan [emphasis added]:5

"13.2.4 Safety and Resiliency

The **safety of travelers should always be a primary goal** when planning transportation improvements in Sussex County. Safety depends on many interrelated factors, such as road design, traffic volumes, speed limits, and infrastructure age. The Delaware Department of Transportation and Sussex County regularly work together to identify safety hazards and find appropriate solutions."

⁵ See: <u>https://sussexcountyde.gov/2018-comp-plan-documents</u>

Concern: The public is not convinced that this proposal is good for the neighborhood or the health and welfare of the children that attend Phillis Wheatley Elementary School, especially considering that the Zoning Administrator did not insist on the applicant submitting the Noise Assessment, a Traffic Impact Assessment, nor require adequate details of the project so that parents and residents can know what is at stake.

From page 251 of 285 of the 2018 Comprehensive Plan [emphasis added]:⁶

"Lack of public support for improvement projects – While public involvement is an integral element of transportation planning and project delivery, securing public buy-in is a challenging task. Many times, there are conflicting interests and opinions about the objectives of specific improvement projects that result in lack of public support for them. Public involvement processes should be improved to prevent problems with future projects. Building an early consensus on improvement concepts through public participatory decision-making has been found to be very effective. This approach not only generates better buy-in but also helps creating relationships and building a long-term trust among all partners. While it is unlikely to be able to meet every stakeholder expectation with planning and project delivery, the projects that serve greater good must move forward in the face of opposition to improve mobility in Sussex County."

Concern: Why didn't the Zoning Administrator and the Zoning Commission hold public listening sessions with neighbors and parents of the school children to discuss the positive and negative impacts of this significant expansion to the Bridgeville natural gas compressor station and the proposal to truck in unknown number of tanker trucks filled with compressed and/or liquified natural gas?

From page 253 of 285 of the 2018 Comprehensive Plan [emphasis added]:

"Seasonal Traffic - The presence of the County's beach and resort communities attract significant visitor traffic during the summer months and the "shoulder-season" in the spring and fall. In addition, a significant portion of through or pass-by traffic (with neither origin nor destination in the County) is also experienced on key transportation corridors such as SR 1. This seasonal visitor traffic as well as increased regional through traffic puts stress on arterial roadways and makes local travel difficult. These additional travelers on County's roadways must be incorporated in future planning while addressing congestion issues."

Concern: The Zoning Administrator's memo to the Commission does not address the potential negative impacts to seasonal traffic from the trucks (again the number of which per day we do not know) that would be ensnarled in the seasonal traffic.

⁶ See: <u>https://sussexcountyde.gov/2018-comp-plan-documents</u>

From:	John Mateyko <johnmateyko@verizon.net></johnmateyko@verizon.net>
Sent:	Wednesday, February 9, 2022 3:42 PM
То:	Planning and Zoning
Subject:	Opposition to Eastern Shore Natural Gas - Conditional Use (C/U 2284) Delaware

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Chair

Sussex County Planning and Zoning Comm Georgetown, DE

RE: Eastern Shore Natural Gas - Conditional Use (C/U 2284) Delaware

Dear Chair and Members of the Sussex County Planning & Zoning Com.,

I write to OPPOSE approval of Eastern Shore Natural Gas - Conditional Use (C/U 2284) Delaware for the following reasons:

1) **I oppose on the grounds of Environmental Racism.** This application is a concern statewide on the grounds of its environmental racism, and it must be rejected on those grounds, as well as other grounds.

The proximity of homes and a school renders this site not suitable for the several environmental impacts of thousands of trucks delivering waste, litter including some dead animals each day.

The logic of zoning is to prevent such incompatible use.

Because the community is largely a community of color (Hispanic and AfricanAmerican) and no adequate environmental impact statement has been presented in the record, this application carry the added burden of environmental racism for which it must be rejected.

A rezoning to permit 180,000 new truckload of waste products in a residental area with a school is not compatible zoning.

It is an outrage that it was even presented to you for consideration.

Sincerely,

Rosario Calvachi Mateyko 55 Sunset Road Newark, DE 19711



From:	John Mateyko <johnmateyko@verizon.net></johnmateyko@verizon.net>
Sent:	Wednesday, February 9, 2022 3:29 PM
То:	Planning and Zoning
Subject:	Sussex Co P&Z: RE: Eastern Shore Natural Gas - Conditional Use (C/U 2284) Delaware

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Chair Sussex County Planning and Zoning Comm Georgetown, DE



RE: Eastern Shore Natural Gas - Conditional Use (C/U 2284) Delaware

Dear Chair and Members of the Sussex County Planning & Zoning Com.,

I write to OPPOSE approval of Eastern Shore Natural Gas - Conditional Use (C/U 2284) Delaware for the following reasons:

1) <u>Environmental Racism</u> is a prime issue in this application and why is must be rejected. The proximity of residences and a school renders this site not suitable for the several environmental impacts of thousands of trucks delivering waste, litter including some dead animals each day. The very core principle and logic of zoning is to prevent such inappropriate, inconsistent, incompatible uses. Because the community is largely a community of color (Hispanic and AfricanAmerican) and no adequate environmental impact statement has been presented in the record, this application carry the added burden of environmental racism for which it must be rejected. A rezoning to permit 180,000 new trucks in a residental area with a school is not compatible zoning.

2) <u>A huge three-state added nitrogen waste is acceptable under law</u>. Because Sussex County water ways, farmland and larger hydrolgoly is already over-burdened by excess nitrogen, in significant measure, from the poultry industry, further new investment in a major sources of nitrogen pollution in our hydrology is not compliant with regulations to protect public health, food and clean drinking water. This is a statewide public health risk.

3) Why this CONCENTRATION of the waste problem without an adequate environmental impact statement? Why make Sussex the 'dump' of three entire states?

This three-state concentration, without environmental impact analysis (EIS) of the impact of nitrogen and heavy metal and other pollution, is not compliant with law and regulations. The fact that this facility, in a residential area, will draw waste from a three state--or more--radius to this single site and concentrate its impact in one location in Sussex County, a county already burdened by excess nitrogen, heavy metals and other pollutants in its hydrology. Why would you concentrate the dirty waste of three states in a single county already unable to comply with established pollution guidelines, and without an EIS?

4) <u>The residue from the plant operation will be disposed of by increased local use/overuse of fertilizer with</u> <u>greater contamination from nitrogen and phosphorus, heavy metals etc. entering the local environment. An EIS is not submitted.</u>

5) 180,000 heavy truck loads of waste each year is grounds for denial of the application.

The 180,000 trucks in a residential/school area is a traffic hazard and such a large number of trucks from three states themselves pollute the air statewide, and there will be direct the air pollution from the plant itself.

6) <u>This application has a negative state-wide impact on other economic growth along the entire truck routes, and</u> <u>should be denied for that reason.</u> The odor and direct emissions of gasses from the 180,000 truck loads waste while coming in and from the digestate while going out is unacceptable. Waste flying off the 180,000 truck will render the truck routes economically undesirable along their entire length. This is rezoning is contrary to orderly and compatible growth and zoning.

Thank you for your consideration.

Sincerely

John Mateyko 55 Sunset Road Newark, DE 19711

From:	D B <nextlevel.db@gmail.com></nextlevel.db@gmail.com>
Sent:	Wednesday, February 9, 2022 3:13 PM
То:	Planning and Zoning
Subject:	Pipeline Facility Expansion

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According to documents Eastern Shore submitted to the commission, this expansion would bring an undisclosed number of trucks laden with gas from **an undisclosed source**, along an **undisclosed route**, into a <u>residential area(s)</u>, close to an elementary school and people's homes. If this gas must be processed before it is injected into the pipeline, which is also unclear from the application, the process would also pollute our air.

If approved, this proposal would help entrench factory farm gas as an "untraditional source" in Sussex County, propping up the unsustainable agriculture model that has already wrecked the county's rivers and streams and left more than half of the county's drinking water contaminated with nitrates.

This is not a 'NIMBY' situation. This is a highly volatile situation which that sets precedent for routing these "explosive" trucks to trespass all throughout Essex County and from outside of it.

I encourage the P&Z and the County Council to appreciate the long term consequences involved with this decision and to NOT SUPPORT Eastern Shore's submission.

David Breen, PPM

B.S., Environmental Science & Engineering

31224 Ringtail Drive, Lewes, DE 19958



From:	webmaster@sussexcountyde.gov on behalf of Sussex County DE
	<webmaster@sussexcountyde.gov></webmaster@sussexcountyde.gov>
Sent:	Wednesday, February 9, 2022 3:04 PM
То:	Planning and Zoning
Subject:	Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Wednesday, February 9, 2022 - 3:04pm

Name: Sheryl Winsby, Ph.D. Email address: sjwinsby@verizon.net Phone number: 3022702926 Subject: Concerns about proposed Bridgeville expanded gas facility Message: I have concerns about further investment in fossil fuel energy resources and about the safety of having trucks filled with explosive materials driving in local roads. Thanks for considering my point of view!



From:	webmaster@sussexcountyde.gov on behalf of Sussex County DE
	<webmaster@sussexcountyde.gov></webmaster@sussexcountyde.gov>
Sent:	Wednesday, February 9, 2022 12:50 PM
То:	Planning and Zoning
Subject:	Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Wednesday, February 9, 2022 - 12:49pm

Name: Nancy Feicht Email address: feichtlnancy@gmail.com Phone number: 3022458979 Subject: Please don't allow a gas pipeline to come into our county! Message: We are headed to disaster with our over development coupled with our continued reliance on fossil fuel. As a lifelong Sussex Countian, I am so discouraged at the lack of preparation we are providing for our future. It is your mission to care about our future



From:	webmaster@sussexcountyde.gov on behalf of Sussex County DE
	<webmaster@sussexcountyde.gov></webmaster@sussexcountyde.gov>
Sent:	Wednesday, February 9, 2022 12:49 PM
То:	Planning and Zoning
Subject:	Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Wednesday, February 9, 2022 - 12:49pm

Name: Bev Morgan Email address: bevgmorgan@gmail.com Phone number: 6103909339 Subject: Gas pipeline Message: Vote no today on gas pipeline near Bridgeville



From:	reneeedge=kw.com@mg.gospringboard.io on behalf of Renee Edge
	<reneeedge@kw.com></reneeedge@kw.com>
Sent:	Wednesday, February 9, 2022 12:15 PM
То:	Planning and Zoning
Subject:	No Eastern Shore Natural Gas pipeline expansion!

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To the Planning and Zoning Board,

I urge you to say NO to the expansion of the Eastern Shore Natural Gas pipeline facility near Bridgeville.

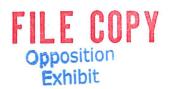
The proposal you will consider on Thursday evening would bring an undisclosed number of potentially explosive "bomb trucks" laden with gas from an undisclosed source, along an undisclosed route, into a residential area, close to an elementary school and people's homes. If this gas must be processed before it is injected into the pipeline, which is also unclear from the application, the process would also pollute our air.

Because the proposal would truck gas from a "non-traditional" source to the Bridgeville facility, we believe the source would likely be the controversial Bioenergy DevCo plant proposed for south of Seaford. If so, approving this proposal would help entrench factory farm gas in Sussex County, propping up the unsustainable agriculture model that has already wrecked the county's rivers and streams and left more than half of the county's drinking water contaminated with nitrates.

For these reasons, I urge you the council to vote against the expansion of Eastern Shore Natural Gas's Bridgeville pipeline facility. You have the power and the responsibility to stop it.

Sincerely,

Renee Edge 8044 Slaughter Beach Rd Milford DE, 19963-4703



From:	mbaney12=gmail.com@mg.gospringboard.io on behalf of Michael Baney <mbaney12< th=""></mbaney12<>
	@gmail.com>
Sent:	Wednesday, February 9, 2022 12:11 PM
То:	Planning and Zoning
Subject:	No Eastern Shore Natural Gas pipeline expansion!

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To the Planning and Zoning Board,

I urge you to say NO to the expansion of the Eastern Shore Natural Gas pipeline facility near Bridgeville.

The proposal you will consider on Thursday evening would bring an undisclosed number of potentially explosive "bomb trucks" laden with gas from an undisclosed source, along an undisclosed route, into a residential area, close to an elementary school and people's homes. If this gas must be processed before it is injected into the pipeline, which is also unclear from the application, the process would also pollute our air.

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For these reasons, I urge you the council to vote against the expansion of Eastern Shore Natural Gas's Bridgeville pipeline facility. You have the power and the responsibility to stop it.

Sincerely,

Michael Baney 1301 n Harrison st Wilmington DE, 19806-3128



From:	brenkriegel=gmail.com@mg.gospringboard.io on behalf of Bren Kriegel
	 brenkriegel@gmail.com>
Sent:	Wednesday, February 9, 2022 12:09 PM
То:	Planning and Zoning
Subject:	No Eastern Shore Natural Gas pipeline expansion!

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To the Planning and Zoning Board,

I urge you to say NO to the expansion of the Eastern Shore Natural Gas pipeline facility near Bridgeville. Why not Wilmington?

The proposal you will consider on Thursday evening would bring an undisclosed number of potentially explosive "bomb trucks" laden with gas from an undisclosed source, along an undisclosed route, into a residential area, close to an elementary school and people's homes. If this gas must be processed before it is injected into the pipeline, which is also unclear from the application, the process would also pollute our air.

Because the proposal would truck gas from a "non-traditional" source to the Bridgeville facility, we believe the source would likely be the controversial Bioenergy DevCo plant proposed for south of Seaford. If so, approving this proposal would help entrench factory farm gas in Sussex County, propping up the unsustainable agriculture model that has already wrecked the county's rivers and streams and left more than half of the county's drinking water contaminated with nitrates.

For these reasons, I urge you the council to vote against the expansion of Eastern Shore Natural Gas's Bridgeville pipeline facility. You have the power and the responsibility to stop it.

Sincerely,

Bren Kriegel 120 Cornwall Rd Rehoboth Beach DE, 19971-1424



From:	rshuffman=verizon.net@mg.gospringboard.io on behalf of Richard HUFFMAN
	<rshuffman@verizon.net></rshuffman@verizon.net>
Sent:	Wednesday, February 9, 2022 12:00 PM
То:	Planning and Zoning
Subject:	No Eastern Shore Natural Gas pipeline expansion!

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To the Planning and Zoning Board,

I urge you to say NO to the expansion of the Eastern Shore Natural Gas pipeline facility near Bridgeville.

The proposal you will consider on Thursday evening would bring an undisclosed number of potentially explosive "bomb trucks" laden with gas from an undisclosed source, along an undisclosed route, into a residential area, close to an elementary school and people's homes. If this gas must be processed before it is injected into the pipeline, which is also unclear from the application, the process would also pollute our air.

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For these reasons, I urge you the council to vote against the expansion of Eastern Shore Natural Gas's Bridgeville pipeline facility. You have the power and the responsibility to stop it.

Sincerely,

Richard HUFFMAN 8999 Shore Drive Milford DE, 19963-4612



From:	gail.hecky=gmail.com@mg.gospringboard.io on behalf of Gail Hecky <gail.hecky@gmail.com></gail.hecky@gmail.com>
Sent:	Wednesday, February 9, 2022 11:58 AM
То:	Planning and Zoning
Subject:	No Eastern Shore Natural Gas pipeline expansion!

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To the Planning and Zoning Board,

I urge you to say NO to the expansion of the Eastern Shore Natural Gas pipeline facility near Bridgeville.

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For these reasons, I urge you the council to vote against the expansion of Eastern Shore Natural Gas's Bridgeville pipeline facility. You have the power and the responsibility to stop it.

Sincerely,

Gail Hecky 76 Gainsborough dr Lewes DE, 19958-9429



From:	webmaster@sussexcountyde.gov on behalf of Sussex County DE
	<webmaster@sussexcountyde.gov></webmaster@sussexcountyde.gov>
Sent:	Wednesday, February 9, 2022 11:55 AM
То:	Planning and Zoning
Subject:	Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Wednesday, February 9, 2022 - 11:54am

Name: Gail Hecky Email address: gail.hecky@gmail.com Phone number: 7402158083 Subject: gas pipeline

Message: Please do not allow the proposed gas pipeline near Bridgeville. Fossil fuels need to be in the past as we are losing the Earth through climate change. This proposal will increase trucks with fossil fuels in our communities, increasing the chance of spills and increasing pollution of our land and air. As a taxpayer and full-time resident of Sussex County, I am registering my opposition to this proposal.

FILE COPY

Opposition Exhibit

From:	deerrun357=gmail.com@mg.gospringboard.io on behalf of Robin Ballo <deerrun357< th=""></deerrun357<>
	@gmail.com>
Sent:	Wednesday, February 9, 2022 11:54 AM
То:	Planning and Zoning
Subject:	No Eastern Shore Natural Gas pipeline expansion!

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To the Planning and Zoning Board,

I urge you to say NO to the expansion of the Eastern Shore Natural Gas pipeline facility near Bridgeville.

The proposal you will consider on Thursday evening would bring an undisclosed number of potentially explosive "bomb trucks" laden with gas from an undisclosed source, along an undisclosed route, into a residential area, close to an elementary school and people's homes. If this gas must be processed before it is injected into the pipeline, which is also unclear from the application, the process would also pollute our air.

Because the proposal would truck gas from a "non-traditional" source to the Bridgeville facility, we believe the source would likely be the controversial Bioenergy DevCo plant proposed for south of Seaford. If so, approving this proposal would help entrench factory farm gas in Sussex County, propping up the unsustainable agriculture model that has already wrecked the county's rivers and streams and left more than half of the county's drinking water contaminated with nitrates.

For these reasons, I urge you the council to vote against the expansion of Eastern Shore Natural Gas's Bridgeville pipeline facility. You have the power and the responsibility to stop it.

Sincerely,

Robin Ballo 16913 1st Lewes DE, 19958-3035



From:	Joseph Jankowski <josephajankowski@yahoo.com></josephajankowski@yahoo.com>
Sent:	Wednesday, February 9, 2022 9:06 AM
То:	Planning and Zoning
Subject:	Eastern Shore Natural Gas - Conditional Use (C/U 2284) Delaware

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Having Agricultural and Residential zoning near an elementary school seems appropriate for this area. Granting an exception for industrial use of the property does not seem to be appropriate, creating offensive toxic odors and increasing the danger to many young lives. It also has the potential to degrade the value of the expensive investment made in school. I am therefore opposed.

Thank you, Joseph Jankowski



Amy Hollis C/U 2284

From:	webmaster@sussexcountyde.gov on behalf of Sussex County DE <webmaster@sussexcountyde.gov></webmaster@sussexcountyde.gov>
Sent:	Thursday, March 10, 2022 2:25 PM
То:	Planning and Zoning
Subject:	Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Thursday, March 10, 2022 - 2:24pm

Name: Aliceanne G Zaras Email address: alicezaras@yahoo.com Phone number: 13029560495 Subject: Expansion of Eastern Shore Natural Gas facility in Bridgeville, DE. Message:

I am opposed to the conditional use permit for the Eastern Shore Natural Gas facility in Bridgeville. The expansion would allow trucks carrying the gas to unload within 800 feet of homes and should not be allowed. Although the gas is not treated or processed at the facility, there may be a situation where it is evacuated into the atmosphere when an overpressure situation occurs. This addition to the facility only serves to increase this possibility. The argument that the facility has operated at the current location for more than 30 years without incident does not assuage the increased risk when the envelope of safety is pushed. And, pushing that envelope so close to an elementary school and a residential area increases the magnitude of what a possible disaster could be.

It is my understanding that a conditional use zoning exception allows one to use property in non-conforming ways. The property was zoned to conform to local zoning regulations. In my opinion, allowing an expansion of a potentially disastrous situation is not a prudent step by the zoning board.

While I am certain Eastern Shore Natural Gas takes every precaution to ensure the safety of its operations, the news is full of reports of accidents. Let's make sure we are focusing on a resolution that will be the optimum for the majority of citizens involved.

Jesse Lindenberg

From:	webmaster@sussexcountyde.gov on behalf of Sussex County DE <webmaster@sussexcountyde.gov></webmaster@sussexcountyde.gov>
Sent:	Wednesday, March 9, 2022 12:24 PM
То:	Planning and Zoning
Subject:	Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Wednesday, March 9, 2022 - 12:23pm



Opposition Exhibit

Name: Nancy Feichtl Email address: feichtlnancy@gmail.com Phone number: 302 245 8979 Subject: Do much more to preserve our communities!

Message: First of all, do not allow the gas pipeline and the trucking thereof to be allowed. Also, do WAY more to slow the development across our country. We all know we will not survive your decisions in the long run if you allow the overdevelopment you have endorsed over the last few years. This is on you!

Jesse Lindenberg

From:	mbreech2=hotmail.com@mg.gospringboard.io on behalf of Melanie Breech <mbreech2< th=""></mbreech2<>
	@hotmail.com>
Sent:	Monday, February 21, 2022 4:06 PM
To:	Planning and Zoning
Subject:	No Eastern Shore Natural Gas pipeline expansion!

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To the Planning and Zoning Board,

I urge you to say NO to the expansion of the Eastern Shore Natural Gas pipeline facility near Bridgeville.

The proposal you will consider on Thursday evening would bring an undisclosed number of potentially explosive "bomb trucks" laden with gas from an undisclosed source, along an undisclosed route, into a residential area, close to an elementary school and people's homes. If this gas must be processed before it is injected into the pipeline, which is also unclear from the application, the process would also pollute our air.

Because the proposal would truck gas from a "non-traditional" source to the Bridgeville facility, we believe the source would likely be the controversial Bioenergy DevCo plant proposed for south of Seaford. If so, approving this proposal would help entrench factory farm gas in Sussex County, propping up the unsustainable agriculture model that has already wrecked the county's rivers and streams and left more than half of the county's drinking water contaminated with nitrates.

For these reasons, I urge you the council to vote against the expansion of Eastern Shore Natural Gas's Bridgeville pipeline facility. You have the power and the responsibility to stop it.

Sincerely,

Melanie Breech 27804 possum point road Millsboro DE, 19966-4231 Opposition Exhibit

Jesse Lindenberg

From:	axw555=yahoo.com@mg.gospringboard.io on behalf of Annemarie Wilson <axw555< th=""></axw555<>
	@yahoo.com>
Sent:	Thursday, February 10, 2022 6:34 AM
То:	Planning and Zoning
Subject:	No Eastern Shore Natural Gas pipeline expansion!

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To the Planning and Zoning Board,

I urge you to say NO to the expansion of the Eastern Shore Natural Gas pipeline facility near Bridgeville.

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Because the proposal would truck gas from a "non-traditional" source to the Bridgeville facility, we believe the source would likely be the controversial Bioenergy DevCo plant proposed for south of Seaford. If so, approving this proposal would help entrench factory farm gas in Sussex County, propping up the unsustainable agriculture model that has already wrecked the county's rivers and streams and left more than half of the county's drinking water contaminated with nitrates.

For these reasons, I urge you the council to vote against the expansion of Eastern Shore Natural Gas's Bridgeville pipeline facility. You have the power and the responsibility to stop it.

Sincerely,

Opposition Exhibit ----

Annemarie Wilson 16828 melbourne drive Laurel MD, 20707-2792