

**Town of Milton
Planning & Zoning Commission Meeting
Milton Library, 121 Union Street
Tuesday, February 21, 2012
7:00 pm**

**Minutes are not Verbatim
Transcriptionist: Helene Rodgville**

1. Call Meeting to Order – Lynn Ekelund called the meeting to order in the absence of Don Mazzeo the Chairman.

2. Roll Call of Members

Tim Nicholson Present. They asked me to give you a brief background on who I am and I will be brief, I promise you. My wife, Pat, who is sitting over there behind me, and I moved down here about four years ago from Baltimore. I was in the investment business for many, many years, literally, all over the country and I actually served as the President of two or three Homeowner's Associations during that time. I've never been on a Planning & Zoning Commission before, but I'm sure it's going to be very interesting, especially with everything that is going on.

Bob Heinrich Present
Lynn Ekelund Present

3. Additions/Corrections/ to the Agenda
Lynn Ekelund: Do we have any additions or corrections to the Agenda as it has been posted?

4. Approval of agenda
Lynn Ekelund: Not hearing any, can I have a motion to approve the agenda?
Bob Heinrich: I make a motion to approve the agenda.
Tim Nicholson: Second.
Lynn Ekelund: All in favor say aye. Opposed. Motion carried.

5. Approval of minutes of January 17, 2012
Lynn Ekelund: We need an approval of the minutes of January 17, 2012.
Bob Heinrich: I make a motion to approve the minutes of January 17, 2012.
Tim Nicholson: Second.

Lynn Ekelund: All in favor say aye. Opposed. Motion is carried.

6. Public Hearing

a. Preliminary Site Plan Review

The applicant, Dogfish CVI, LLC is requesting a preliminary site plan review to construct a warehouse building at Atlantic Street, east of Round Pole Branch. The property is zoned LI-1 (Light Industrial) and is further identified by Sussex County Tax Map and Parcel #2-35-20.00-53.00

Lynn Ekelund: I would like to open the Public Hearing of the preliminary site plan review. Is there someone here from the Applicant?

Mark Dunkle, attorney with Parkowski, Guerke and Swayze, 116 West Water Street, Dover, DE: I'm here on behalf of the applicant, Dogfish CVI, LLC. With me tonight is Nick Benz, representing the company and Bob MacLeish with Lighthouse Construction. Both will be making remarks to you tonight. This is, as the Chair has described, a Preliminary Site Plan Review process, which is Section 220-35(f) of the Milton Code and just for the benefit; I know the Planning & Zoning Commission knows this, but for the benefit of the audience, this is not a rezoning hearing, this is not a question about use tonight. That was resolved, both with the Planning & Zoning Commission's positive recommendation and the Town's unanimous approval changing this property to Light Industrial. We're really here to follow your Code, the Code Section I mentioned, and check off those items to make sure that they're in compliance and answer any questions that you have about the site and the site plan and I know you're fully aware of that. We do believe that the submission that's been made, along with the record that will be made tonight through testimony, does fully satisfy the statutory requirements of Section 220-35(f) and that's sub-parts (b) which are the requirements and sub-part (d) which are those elements that you will review. Most all of those have already been reviewed by your consulting engineer and tonight you will receive essentially a numbered response to all those points, addressing all of the issues raised by the review of your consulting engineers, so I think you will be fully informed with that information that we are in compliance with the requirements of a Preliminary Site Plan and given that, and the importance, as we all know of manufacturing in this country, we are going to ask that you make a decision this evening if you find that the statutory requirements have been met. We're going to do our best to make sure that you believe they're met and I think they will be and we are going to make that request for a decision, so this manufacturing project can move forward with all the benefits that you will hear about and that you've heard about already. There's really no more need for lawyer's speeches, so I'm going to ask Nick Benz to take the podium and proceed with the presentation. Again we appreciate your attention.

Nick Benz, Chief Operating Officer of Dogfish Head Craft Brewery, 6

Cannery Village Center, Milton, DE: We have a few pictures. I'm going to briefly, I really am just talking briefly today. The meat is going to be Bob here talking about a lot of the Code Requirements within the section. What do we have in front of us here? I really just want to focus on a few things; and why we began this journey some time ago. It's been a fairly long process so far. Here we are today on the planning process of the building. We got the land rezoned and the building, as brought up through the entire rezoning process is a warehouse, primarily. Secondly, additional packaging facilities. Specifically, 12-ounce bottling line; 12-ounce amber bottles; and, the kegs, that you get a pint at a restaurant. Both the keg lines and the bottling lines will be relocated out here. All of the raw materials that come in are on trucks and all of the beer that leaves are on trucks, so it behooves us to put as many truck activities in one building as is possible, and thereby minimize the amount of trucks that need to go to the original building, as shown white and in the background of the picture that is in front of you right now. As you can see in this picture and we have some actual photos that Bob will be going over later that show you very specific site lines from the various communities around; specifically from Chestnut Crossing, specifically from Cannery Village; it shows exactly what their site lines will look like, the way that we oriented this building. The building is oriented in a very particular manner and with the truck traffic coming in and out of a very naturally, protected area, I want to focus on a few things. One, the trucks aren't in Milton anymore. Two, the noise that comes from those trucks is secluded to inside of the woods and you'll see on the site line photos, it would be very difficult to get a glimpse of the building, let alone any of the trucks coming or going. It really is far back and secluded. Furthermore, Chestnut Crossing is the community that is the closest to this particular building. That community is up here on this particular drawing. There's a lot of mature, very mature landscaping buffer around the existing stormwater pond, emphasized in the light blue. Working closely with DelDOT in the submission of the site plan, we have to satisfy their rules for fire egress and ingress around the building. We work very closely with them on the orientation of this building, so that we were able to keep a road from having to be on the side of the building that faces Chestnut Crossing over here; so this side of the building, over here, will be totally truck free. The trucks will come up and go to one side or the other and then leave the same way they came; thereby minimizing the amount of trucks that can be seen, or possibly heard from this particular community. Even more buffer exists going from this building to the Cannery Village side of the development, because they have to go through mature landscape that is on our own property, as well as the property of Gladys Wilkins at the corner here, through our parking lot, until you get to the point where you have the Cannery Village side; so there's even more buffer on those site lines and you'll see specific pictures

that are actual images, not computer renditions, but photos taken that will emphasize that. When it comes to the truck traffic raw materials and in finished goods that will all be at the Main Entrance; what I'm calling the Main Entrance to the Town of Milton, where Front Street hits Cave Neck Road, that intersection. DelDOT's requiring that we get that intersection nice and tight, so that it makes good sense and their comments reflected that, but we don't want this to be a thruway. We're as sensitive to that as members in the community might be sensitive to that, where people can take a shortcut by coming through the backside of the Dogfish property and going through. So part way down the road from Cave Neck Road, as you turn onto our property and start looping along the back of the property, we're in fact, going to have our own guard shack. And that guard shack is for two purposes. One is it keeps the short cutters from trying to attempt to do so, but that's only secondary. Primarily, that is there, because we need to have very good control over the truck traffic coming and going. Do you belong there? What dock should you be going to? When you leave do you have the proper seal on your door? Do you know where you're going? Has the paperwork been completed properly? Those are all good business internal control procedures that benefit us, so we plan on having a guard shack that is the first point of contact any truck driver will have when they come in and it's the last person they will see before they leave the premises. Furthermore, for our own folks, specifically maintenance crews and the packaging folks, when they need to travel between the two buildings, we're going to have an intersection over the Round Pole Branch that will be a mixture of truck traffic and people traffic; our own maintenance crews on golf carts or pick-up trucks taking parts between the two buildings to perform maintenance duties; tours that we'll have, as we do, on a weekly basis. We want to be able to take our tour folks out to this building and give them a birds eye view of what the packaging lines look like. That's what gets people excited on a tour. So in addition to having the guard shack further out and into the woods, at this particular intersection are going to be, think of them as railroad crossing arms, that will help give a control mechanism that as people want to travel, you're armed with co-worker badges that we have that allow door access throughout the entire facility; with those badges have a creative way to have arms going up and down that say Truck Stop, People Go. People Stop, Trucks Go. And that's a way that we can have another control point here that cars just can't willy nilly at their own leisure get through there, they have to have the proper credentials to be able to get through that point and that gives more so for safety, but also as a control point coming in and out of the community. As you can see, this isn't an artist's rendition of the building. This is it. It's a triple pitched building, meaning there's a ridge line here, pitch, pitch, pitch; there are as many sky lights on as we possibly can, in order to take advantage of the natural daylight that

occurs; we have truck traffic on three sides of the building. I already indicated the side that it doesn't have truck traffic on. One side is for all of our deliveries, the other side is for all of our outbound goods. There are specific check in points for the truck drivers to exchange their paperwork. When they first arrive we have the appropriate fire lane, up this side of the building as required by the Fire Marshall and DeIDOT; and below this picture, and Bob's going to touch on this again, below this picture you can see actual elevations. These are the struck elevations per the surveyors that show where you are in each of the different areas here, specifically Sassafras Lane, which is in Chestnut Crossing, the cul-de-sac at the end of Sassafras Lane is here; these are to scale; the trees, that drops down to the Round Pole Branch, through the wetlands and mature landscaping that exists, through our stormwater pond, up a small incline and to the site line of the building, so sitting here as a home, as a car, as a pedestrian, you're walking your dog, there are no site lines where you can even see the building, let alone the trucks, and you'll see that through the images that we're showing you. Mind you, these images are taken in the winter, where there's no foliage whatsoever and it's still very difficult to see through the denseness of it, onto our property. I think I'm going to shift focus for a second and talk about time line and then hand it over to Bob.

Unfortunately, we're a fast growing business and we have a number of significant investments in front of us that have very long lead times. A new bottling line is a 12 to 18 month window for lead times, to get it here from overseas. A new brew house is the same time line. We've had to begin planning for these, well in advance of having secured the rezoning and well in advance of having secured the planning. We're a business and you have to take risks. I don't want this to seem that it was presumptuous, that this was all going to get done; but with a 12 to 18 month lead time, we simply couldn't afford the luxury of waiting until the entire political process unfolded, before we began the investment process of the equipment that was needed to continue on the growth journey that we have, so we have commitments out there for a bottling line and a packaging line that are contingent... A packaging line and a brew house that are contingent upon this time line unfolding and more than anything, it was a calculated risk; it was a risk to take that; it wasn't presumptuous, it was a risk, but it was a calculated risk in that at the same time we submitted all of the plans and documents to the town for review, we also were in contact, through Bob, to all the state agencies that we knew we were going to have to rely on for approval of this process as well and began getting their feedback, as early as we could so we could incorporate that in the design and thereby minimize the opportunity for any obstacles to be placed in front of us that would be catastrophic to the process. Upon receiving the comments from Bob Kerr, the town's engineer, we immediately were responsive and I believe, we either have given you a

copy or are about to give you a copy of our official feedback and the lion's share of the items Mr. Kerr raised, are all issues that we agree with and are easily fixable within our site plan and there are a few items that we came to a good compromise on how we're going to address those and Bob MacLeish will go over those. So, other than the folks on this Commission that we haven't yet heard any questions from and I anticipate questions from you, we tried to do as much due diligence as we can by reaching out to the state agencies and the engineer for the town to try to minimize the impact of any feedback that we might receive that might derail this process. At the same time, not so long ago, maybe 2-1/2 to 3 weeks ago, I held what I hope is the first of a few roundtable discussions with our immediate neighbors and this is not just Cannery Village, it's members of Cannery Village, it's members of Cannery House Row and members of Chestnut Crossing, in an attempt to have full disclosure on all of the items and all the projects that we have and that we're embarking on, that aren't just related to this back warehouse project, but also related to the parking lot and some landscaping stuff that we're doing up front and some community efforts that we have coming up and asked them on what they have coming up and it was a way of exchanging ideas and what we're all working on and a better way and a proactive and positive way to support each other and it was a fantastic meeting and I look forward to more of those and also we've had numerous meetings with the other neighbor we have on the other side, Gladys Wilkins, about what we're doing so that she's fully informed on what's going on and she'll finally get her driveway paved; that may have been a promise for quite some time.

Bob Heinrich: Can I ask you a question?

Nick Benz: Absolutely.

Bob Heinrich: Talk more about the brew pub, please and the packaging facility, where it's going to be located. Are those two separate buildings or are they going to be part of this?

Nick Benz: No that's all within this building. This building is bisected, almost straight down the middle and the side of this building that you see with the lion's share of the sky lights, is the packaging hall; that's where the bottling line side is and on the other side of that wall is a refrigerated storage area for the finished goods.

Bob Heinrich: Is that going to replace the existing little facility you have in the main building that you use for tours? The brew pub I'm talking about.

Nick Benz: There's no brew pub. We don't.

Bob Heinrich: I thought you said there was.

Nick Benz: No, there's no pub. We don't serve any food. We have a brewery up in the front where we make the beer. The beer will still be made there. It will still be fermented up there, then it will go on a long pipeline back to this building that is where it will be packaged, put inside

of the cases or keg, put on a truck and sent to a customer.

Bob Heinrich: Okay.

Nick Benz: But we do plan on keeping existing packaging line in this building and that will be converted over to the larger bottle, as a permanent large bottle packaging line and this will be our small bottle, 12 ounce, packaging line.

Tim Nicholson: One of the other things I was wondering about, is once you have this warehouse completed, I'm sure you've done some estimates of how long it would take, assuming a certain amount of growth, that this would be adequate for your business. Could you talk about that a little bit?

Nick Benz: Absolutely. In calendar year 2011, we sold 143,000 barrels of beer. For a long time, when we were in survival mode as a company, the most we could afford was what's that next thing you have to put in and you're always chasing that. What's the next thing? Instead of proper planning and we're finally in a position where we're able to do what I call proper planning; we're out of the survival entrepreneurial mode and into the rebellious teenage years; and with that, we are aiming for this entire facility to be a 500,000 barrel facility. Every decision is aimed at that. From brew house through cellaring through packaging, people, infrastructure, everything. That way we can go through one concentrated 18 month period of planning and building and then that will last us for a good long while to go. By our most aggressive assumptions we have right now, this carries us at least through 2020, at least through 2020. And at that point, we've got a much bigger decision to make, which is do we continue to expand Milton or do we look to put a facility somewhere else? That's a decision we have way out there in the future and as you may or may not know, Sierra Nevada, New Belgium, other folks like us that have facilities on the west coast, are putting their sister facilities on the east coast, because transportation-wise it's expensive to move heavy beer, so we'll face that decision at some point, but we plan on this lasting us for a good long while, because we're tired of being in the construction business, so we're trying to just make some beer. I hope that answers it. At least 8 years.

Tim Nicholson: It did.

Nick Benz: Are there any other questions right now?

Bob Heinrich: I was going to wait until you were finished and then I'll ask some questions.

Nick Benz: Gate noise. Site... I think we're...

Bob Heinrich: Okay, I was going to go back to the guard shack. I think that's a great idea. In fact, that's something I was going to raise myself. Is that going to be a manned guard shack, 24/7?

Nick Benz: Not 24/7.

Bob Heinrich: Not 24/7.

Nick Benz: It will be manned while we have functional and operating

dock times, through the trucking companies and brokers that we use, we work with their dispatchers to assign dock times, as best as possible, so we have windows when folks know they can show up. If truck drivers from further away, like our grain purveyors that drive down from Canada, they bring the bulk malt to us, arrive earlier, in the middle of the night, instead of idling their trucks in or near the entrance to Cannery Village, which I know has been an issue for some at the entrance to Cannery Village, we will have a pull off area next to the guard shack; prior to entering, I'll call it the facility, for them in the dark, in the woods, tucked back where nobody can hear or see them, they could sit there for the night, idle if it's cold, shut off, sleep, wake up in the morning, hit the guard shack and away you go. Right now our docks are roughly a 7:00 a.m. to 5:00 p.m. operation. As we grow, that 5:00 p.m. will more than likely have to extend beyond 5:00 p.m. to 6:00 p.m., to 7:00 p.m., to 8:00 p.m., but we don't at this point model or show that that needs to become a three shift.

Bob Heinrich: So you don't anticipate night traffic, then; that was another question I had.

Nick Benz: Correct. Correct. There's no way we could, because it's not within our control, control any truck driver from showing up in the middle of the night who is doing an overnight run, because that's the way that they are trucking logs were working. But we're accommodating them back in the woods where nobody will see them pull in, idle here, wait here, and as soon as the guard shack's opened, all signage and everything will perfectly explain when folks will be there.

Bob Heinrich: I'm still a little confused. The guard shack will be manned when you expect a truck, but if a truck doesn't come in when expected, or one shows up outside of your expectation, will the shack be manned at that point for entry, or is it going to be a card swipe; well it can't be a card swipe, unless they're employees, I guess.

Nick Benz: We plan on having someone manning the shack during our business hours.

Bob Heinrich: Business hours.

Nick Benz: If somebody shows up outside of our business hours, they will have to wait until we're open for business again.

Bob Heinrich: Aha.

Nick Benz: But that waiting will not happen where it's currently happening, which is right when you pull off at Chestnut Street and start sweeping down across from the townhouses, that I know has been an issue for them, despite us trying to do everything we can to get them not to do that; sometimes a truck driver shows up in the middle of the night and does that. Now we can accommodate all of those waiting vehicles in the woods in the back, where nobody is going to see them.

Bob Heinrich: Okay, because that leads to another question I have regarding back-up before the entry. I'm assuming you've done traffic

studies and know what your traffic is.

Nick Benz: The guard shack isn't at the entrance. The guard shack is about half way down...

Bob Heinrich: I understand.

Nick Benz: Okay.

Bob Heinrich: But I'm wondering, is there any possibility of backing up. I mean, do you expect the kind of traffic that could back up on Cave Neck Road, while folks are waiting to get in?

Nick Benz: No.

Bob Heinrich: No.

Nick Benz: If any truck needs to turn around, they'll be granted access through the guard shack...

Bob Heinrich: They won't be stacked up out...

Nick Benz: to the building, to make a proper loop and then head back out.

Bob Heinrich: Okay, so there's not going to be any stacking at all on Cave Neck Road.

Nick Benz: Correct. No. Absolutely not.

Bob Heinrich: Okay and the only other thing I was unsure of, if you could please clarify it. You said something about the employees having their ID cards, that when they flash, truckers could know if their... I wasn't understanding what you were saying there.

Nick Benz: Well, if you could imagine you follow this road down. Eventually you cross the Round Pole Branch and you're faced with a decision, go around this side of the building, which is the current functional, utilitarian side of our building, or go down this side of the building which is the parking lot, nicer side of the building. At this particular intersection you're going to have a mixture of trucks coming down, because there are certain brew house materials that still need to go through this intersection, make their delivery, loop around and come back out. At that intersection, if you are armed with a sequent of gates, think of them like railroad crossing stations, where at all times it's down for people. Trucks have the ability to go through, but the moment a co-worker comes up, it's a maintenance crew person, we're taking somebody on a tour, one of our co-workers could take their badge, flash it, it will shut the gates for the trucks and raise the small gates on the sidewalks for the people and that way it's a good to control from a safety standpoint, people in a congested people and truck crossover point.

Bob Heinrich: So essentially employees will have control of these gates.

Nick Benz: Absolutely.

Tim Nicholson: And there are no exceptions to trucks going in any other way.

Nick Benz: No.

Tim Nicholson: Okay.

Lynn Ekelund: That was a question that I had. Once this is all completed,

no trucks will be going into the back facility at all.

Nick Benz: Through Chestnut Street... Off of Chestnut Street?

Lynn Ekelund: Off of Chestnut. All truck entry will be off of Cave Neck Road?

Nick Benz: I will call it all 18 wheeler truck traffic. FedEx or UPS or DHL guy rolls in there to go to Cannery Village or hit us, or a tour bus is coming into town to take a tour.

Lynn Ekelund: That's my question. Yes.

Nick Benz: Exactly.

Lynn Ekelund: Okay, so they would all be coming in Cave Neck Road.

Nick Benz: Yes.

Lynn Ekelund: They will either go to the warehouse or go to the brewery.

Nick Benz: Correct. When all of these projects are done, you'll find it's going to be impossible for Reed to even come out of their parking lot, pull in off of Chestnut Street and get around the building to where they need to go because of the way that we're routing the trucks and we're making the road go around. They won't be able to make that turn.

Lynn Ekelund: That was going to be my next question.

Nick Benz: So Reed will even have to go around.

Lynn Ekelund: That includes Reed.

Nick Benz: Correct.

Lynn Ekelund: Reed will have to... Fine. Thank you.

Nick Benz: Correct. Yes. Anything else at the moment? We'll have more opportunities, I'm sure.

Bob Heinrich: I'm just not sure. I wanted to talk about landscaping and some other things too. I'm not sure where it's appropriate to bring these things up.

Seth Thompson: Would it be most efficient if perhaps your engineer spoke; there might be some dialogue.

Bob Heinrich: Yeah.

Seth Thompson: Then the rest of the public...

Nick Benz: Yes. Bob.

Bob MacLeish, Lighthouse Construction from Magnolia, DE: Maybe to help just a little bit, I'll put the site plan itself up there and it might help a little bit for the questions and maybe we'll go from there. Just an overview of what it is the site will look like as we move forward, that we've proposed. Presently we've gotten our initial comments back from DelDOT on this entrance here. Everything was real minor with what we came up with, which will become the new truck entrance, which we're aligning with Front Street here, as well as Atlantic Avenue. There's bypass lanes that will be installed here, as well. You've got the main entrance with the truck traffic to come into here, loops itself back down to the new warehouse and then, as Nick was saying, we're trying to locate where do we put that guardhouse. How do we put that guardhouse in there? We're

still developing that so we can bring it in. As you can see there's a long area to come in here, to be able to stack into, that Nick is talking about, that if you get that wayward truck that we can't control that comes in the middle of the night, the guy's been driving, so we're trying to address that and we're trying to address it in a green fashion, is what we're trying to do, rather than create more paving, more run-off, we're trying to work with some landscape architects to come up with some different ideas, so that there's an area that if they needed to pull off onto, that it's going to be green and it doesn't require stormwater. We're controlling those kinds of things. But they will come in through here and as Nick has said, once we locate where the guardhouse is, if they're here and they're dropping a shipment off, they'll be on this side. If it's shipping, it will be on this side. And they'll go there. If you look on this other plan, one of the things that they did to be able to minimize the confusion on this side, it's going to be letters and on this side it's numerical. So we're trying, as much as we can, to make it easy so that there's not confusion there, as well. Most of that truck traffic that I'm explaining right there, that is coming in for shipping and receiving, that's as far as they'll get on this site. They'll come in, they'll pick their load up, drop their load off, and then they'll head back out. There are some truck deliveries that Nick was explaining that will come in that services the main operations for the brew house, there's not many, but they will come in and again what we've tried to do, what we've been tasked with, is how can we make sure that this traffic; it's almost impossible for them to go in an opposite route to go out; you know, to go out through town. They have to use this entrance. They're going to catch themselves and they're not going to be able to move their truck through there. So we've created some real tight turn radiuses, we're trying to make it more difficult for them, so that they can't; so that they're going to follow the rules and regulations, is what we're trying to do. Like I said, the thought is to bring this in and bring all our traffic through that point of it. Going back to the building itself, one of the things that Nick had pointed out briefly; one of the things that we were also tasked with is the placement of this building, both through the agencies that we dealt with, the Fire Marshall, DelDOT and really Dogfish and the landscape architects and the engineer's element, was how can we protect this building? How can we set this building in there? One of the things that we looked at is, we actually dropped the building. If you go out there and you look at the grade, there's some lagoons out there that are kind of dipped down. We're actually, if you look at it, that's a starting level that we're going to, we're not filling that up, we're starting there. That's the elevation that we start out with, which is an elevation of 21. Now the floor itself will be at a 25, because it's an elevated dock, but not all the way around. We'll raise that grade as we need to and just open it up enough to where we've got our truck openings, but the idea was to try and keep that building; I

say keep it in a hole; but it's not really in a hole; so we've got the berm, we've got the existing earthen features that run all the way around, as well. That's what we're trying to depict here, is that the combination of some photographs that were taken, as well as our artistic rendering of how the building will look; but everything is to scale when you're looking at it, in perspective to dimensions. There are about 700' from the cul-de-sac over here to where the face of this building is, just to give you a perspective on distance from there. One thing that may help when you're asking about what are some of the views?

Bob Heinrich: Yeah, this is the first opportunity, I think, that most of us have had to see these.

Bob MacLeish: What we tried to do is address it and I'll address it as well as in the comments, with Bob that he's kind of shared with us and what our thought was. On View A what we tried to do was we took a look at the DRTT, as well as the Reed property, so we tried to look back so we took a shot and as we shot from back here and shot over, we picked up the corner property line, just to give you an idea of where that is; try to give a perspective; you can see where they'd set that ribbon out there and that growth is going to all stay there. We're not going... We're back over in here is where our work is going to be and that's going to be bermed up in this area, as we go down. You can kind of see it's already... That roadway's through there that separates the two of them. That's where the maximum; when you look at our site plan of where we're starting at, so this is all beyond us here. The other was, there's some talk in there about this is on the northwest side of the parking area that we're looking at, which is this view right here, as you look back out towards there. That gives you an idea, right over in here is where the pump station is for everything and then we kind of work ourselves back around, back through here. We tried to get a panoramic view for you. The other view that we took on this photograph right here, was standing at Gladys' house. I met with her and we took a shot trying to... One of the things that she asked me for was she told me that her parents moved here in 1923, she was born there; she likes the idea that she can sit in her house and see who's coming down that lane. She wants no obstructions coming down that lane, so that's one of the things we tried to show, as we looked at that, how do we accomplish that to help meet what she feels is a safety factor for her. With these photos here, where they're taken from is we went back to the corner of the parking lot on Dogfish, just down from where the clubhouse is, and we took a shot. Again we did a panoramic view that we shot back over there. To give you an idea, there's the big mounds of dirt that are back there, that will give you a perspective of where that mound of dirt is. That's about 18' tall back there, from there, and this is standing like I said back there in that corner and trying to take a picture back across. Then what we did, we went to the cul-de-sac, not this one over here where we showed the other

cross-section that you saw going through with the elevation, we came over in this cul-de-sac, which sits lower from that standpoint, and we shot back across. Again, you have to really look to see it, but you can kind of see these earthen mounds that are back here at this point; they're up into this area right here. So we tried to give a perspective of what we see when we're out there, when we're looking at what's the natural buffer, how do we maintain it, keep it there, because the pictures have just been taken over the last 15-20 days. There's no foliage on it, but you can see, it's pretty dense with the trees that are in there and once we get the foliage on there, it will really cover up a lot more from what you're seeing, as well as elevations. We'll take these down, unless anybody wanted to see it, we'll keep these up there, kind of address it. With that, either I can answer questions or I can go through Bob's comments that he gave to us.

Bob Heinrich: I did have a question on the dirt mounds, but we haven't had a chance to review this. This is the first that I've seen this and before I make any decision, I'm going to want to take a caucus or something and we sit and go over this, because I've gone through the comments that Bob made, but I haven't seen the response, and I don't think Lynn has.

Lynn Ekelund: No.

Bob Heinrich: And I don't think Tim has, so I think we need to take a break at some point to go over those before we... Go ahead.

Lynn Ekelund: One thing that I understand that at the end of this you're going to ask us to make a decision this evening. We don't have to make a decision this evening. We've got thirty days.

Bob Heinrich: Yeah, I understand that, but again, this is the first I've seen this and I can't... I don't want to interrupt you either, but, I was going to ask are those dirt mounds going to stay there then or are you going to be reusing that dirt and filling it in?

Bob MacLeish: Some of that dirt is, we're taking off about 5' of that dirt out of there, we're reshaping it and creating different slopes on there. But just from the comment that you've referenced, what it is, is that in Bob's memorandum; if you want I can go right through them.

Bob Heinrich: No, no, no. I was just curious if that, you know, in relation to what you're showing us, if that dirt... Because that dirt is a nice buffer.

Seth Thompson: I think it will be helpful, so that everybody...

Bob Heinrich: I understand.

Seth Thompson: If somebody's reading over the transcript, they can understand how both the Town Engineer and the applicant really see this at this point working out; seeing where the points of disagreement are.

Bob Heinrich: I'm not disagreeing with anybody, but we have not seen this yet.

Seth Thompson: No.

Bob MacLeish: Okay. The response letter is the Memorandum that Bob issued to the owner and to us on his comments on the plan as it was

submitted and basically what we did is we took each item and addressed it. Item Number One – we agree with what he said there. Item Number Two – we agree, there is no issue there. Item Number Three – was a note about a plan that needs to be corrected. We'll correct that on the final plans. Item Number Four – the note about the flood plain. That's just a note that goes on the drawing. We can apply that to the final corrected plans. Item Number Five – the adjoining properties need to be identified. Again we agree with that. We'll put that as a note on the plan. He had a question regarding the parking and how we arrived at that. There was just a confirmation of that and what we've done is we've gone ahead and did research on... We've got an existing facility that's totaling 111,967 square feet, which we acquired 224 parking spaces. The new warehouse facility is 102,500 square feet, which would require 205 spaces. The total spaces that are required for this project would be 429 spaces and presently on site there are 388 spaces that are available. The Site Plan for the new warehouse shows 115 spaces, which would give us a total of 503 spaces from there, so as far as meeting it, we're just verifying how we arrived at those numbers. I think that was the question that was posed by Number Six; the verification of that.

Seth Thompson: And if I can chime in at this moment, the Commission does have the ability based on our Code, there would need to be evidence of satisfactory off-site parking arrangements, so you do have that ability.

Bob Heinrich: I read that and I understood that.

Seth Thompson: Great.

Bob MacLeish: Moving on in it, that goes into Item Number Seven – where Bob has suggested that we may want to ask for the consideration of a parking waiver and we agree with that. When we look at it and in talking with Nick and the Dogfish folks, we're going to ask for a parking waiver of 105 spaces. There's more than ample room on the site if needed, if there is a change of use that we could accommodate the additional parking spaces, but when we looked at it, but when you look at the size of the building and the number of people that will be required, that are going to be working in that building, at a maximum, that your half a million barrel capacity that he's talking about, it's about 12 to 15 people. It's a very automated site. It's not heavily with people, so from that standpoint, there's really an over build. Typically in some of the other municipalities we're working in, it's one per 1,000 square feet from there, so we can meet the parking requirement, it's a question of is it a good use of the land to go out and just start black topping everything. So one of our considerations is to ask for that parking waiver. There's ample opportunity for us, if we need to with the rest of the property that we've got back here. We can definitely designate a spot that if it needed to be in the future, if the change of use happened and you needed that additional parking. So we are asking for that waiver of 105 spaces for this particular site. On Item

Number Eight – he just makes a note about that the reduction of parking spaces, would also result in less impervious surface and smaller amount of stormwater run-off and we agree with that. Item Number Nine – he asked about parking on either side of a truck loading dock. It's not recommended and should be avoided. Again, we agree with that. Item Number Ten – the zoning ordinance requires parking spaces to be provided with curbing or wheel stops. We'll correct that on the plan. We'll show that as a detail. We agree with that. Item Number Eleven – the south side is showing three loading docks. It's at an angle and we kind of pitched the building. It shows flat right now. We will correct that on the final plan submission. Item Number Twelve – relates to handicapped parking and the different ramps; you know, how do we have access? Again, we've got access that will all be reflected on that final site plan which will show that on there, so you can see that entrance and egress. Item Number Thirteen – he makes a note about the State Fire Marshall regulations. We have submitted to the Fire Marshall; we've gotten our first comments back and we've met with him. It's just minor, as to what our striping looks like; how we're going to post our signs, but we were waiting for Bob's comments back to us in case there was anything else that would impact it, but they're being revised and resubmitted for final approval. Item Number Fourteen – he talked about the 5' sidewalk again with the safety concern towards the people who are going to be traversing the site to go back and forth. Nick had explained to you what we're trying to do as far as a buffer strip in between there and bring some of the separation from the truck traffic and taking that into consideration, I think you said it was going on the west side to put some walkway through here and then bring it back with a landscape buffer in there and we agree with that. We're going to accommodate that request.

Lynn Ekelund: Excuse me, on Item Number Fourteen, so you agree with it?

Bob MacLeish: Yes.

Lynn Ekelund: Because Item Number Fourteen says we will take this comment into consideration. Do you want to change it?

Bob MacLeish: And this is where we're showing it. You can see here. He's requesting that we kind of run like a sidewalk, instead of getting it out out here, like he's saying to bring people out, bring them closer along here and that's what we've done.

Lynn Ekelund: So rather than taking it into consideration, you agree?

Bob MacLeish: We agree. I'm sorry.

Lynn Ekelund: That's all I'm asking.

Bob Heinrich: That's what is says here.

Lynn Ekelund: To me, it's different things. So your Item Number Fourteen really is you agree and you will...

Bob MacLeish: Yes and we reflect it in this plan.

Lynn Ekelund: Okay. Thank you. Thank you.

Bob MacLeish: Item Number Fifteen – he just wants to make sure that we're addressing the truck traffic and maneuvers. The engineers looked at that and ran the Ashto Truck Turning. We're purposely making it tight. One is for speed, for traffic, we're trying to slow things down. We don't want to make it easy. We want to make sure that they're cautious and they're careful. We're concerned with pedestrians, as well, from that area, but we have run it and the turns do work. Item Number Sixteen – where the access intersects with Atlantic Street, the center lane may be shifted. We have gotten our initial comments back from DelDOT. We've made our first plan submission and again, there's just some really minor commenting; they want some striping on how we're doing some of our turn lanes and things like that, but we are revising those plans and getting them back for final approval, as well. Item Number Seventeen – it makes a note about the integral curb gutter and sidewalk and we agreed and that will be corrected on the final plan. Item Number Eighteen – the signage that's shown at the entrance, again, we've got those notes on there and it shows up on the DelDOT; we'll transfer those onto the final plan, as well.

Bob Heinrich: So signage will be at the entrance, then, because that was one of my questions?

Bob MacLeish: Yes. Yes. Yes. On Item Number Nineteen – no landscaping is shown at the entrance. At this time, just because we don't know what's going on back there, as you look at this plan we've got a lot of natural buffers and that's what we're trying to show with some of the photographs, with what we've got going on. At this entrance, we're just trying to keep it clear from that perspective. There's probably a couple of different... That's why we took these photos right here. We feel we've got at the present time enough protection with the existing foliage that we've got and the tree lines. We're trying to maintain that and work with that. And Gladys has asked that we keep this clear through here.

Lynn Ekelund: I understand that Gladys asked that, but you've elected to do nothing at this point.

Bob MacLeish: At this point. We're going to clean up all this concrete and all this; we've got this and that will all be grassed and opened, because this is all treed back through here. Basically we've got an entrance coming in through here, that kind of tucks us back into the woods.

Bob Heinrich: Is there landscaping at the entrance, at all. Again, I'm not understanding what I'm seeing.

Bob MacLeish: There is not landscaping at the entrance, itself. I mean there may be a flower bed, but again, there are no tree lines or anything that's coming in here.

Bob Heinrich: Wouldn't that behoove you...

Lynn Ekelund: And they have elected not to landscape, is what they're saying.

Bob MacLeish: Because what we have here as we get done and get back

down through here.

Bob Heinrich: I'm...

Lynn Ekelund: I understand your answer.

Bob Heinrich: Yeah, I do too, but I'm just asking wouldn't it behoove you guys to put something there to make it look pretty when you go in?

Bob MacLeish: I'm sure that it will be more than just the plants; it's just right now; how does this all look down through here.

Bob Heinrich: I'm talking about the entrance. You're going to have a sign there, that's going to identify you guys, right?

Bob MacLeish: Uh-huh.

Bob Heinrich: I would just like to... I would make that as pretty as I could.

That's just a comment I have, that's all. I'm not suggesting you do it.

Nick Benz: We've been working for probably about two months now with a landscape architecture company out of New York that has specialized in taking old industrial facilities and converting them into really nice show pieces. If you've ever been to the Navy Yard in Philadelphia? They did the whole Urban Outfitter headquarters there and it's all about taking old buildings and repurposing them; taking advantage of natural landscape; combining it with additional new plantings. Our intent is to not only make that an obvious, but tastefully done commercial entrance, so that there isn't a mistake by your average guest; because we don't want visitors going down the commercial side, anymore then we want trucks coming in the visitor's side; so it's a delicate balance to get your signing and landscaping right and more so, when we pave that road, specifically all the way back to Gladys Wilkins' property line as we have agreed to, we don't want a truck to end up in her driveway either. We want to make it abundantly clear that the trucks are supposed to arc around the road you see them and not go down Beware of Dog Lane or whatever it would be to get to Gladys' property. Our intent is to add very nice landscaping in the same way that we do the entrance of our building currently. We don't have those details specified. We erred on the side of let's wait and see what the roads end up being and then it's easier to determine what enhances what we're doing right here, but we have them engaged and we have multiple plans that we're evaluating, but we're waiting to see how the road actually looks before we choose a final set of horticultural components. So, yes, our plan is to put...

Bob Heinrich: Right, but... I understand and it's great that you're doing that, but, it's not on the site plan yet and that's the only problem I have. You know, first of all, this is labeled Final Site Plan, actually on page one and it's really only a preliminary. The original drawing if you look at it says Final Site Plan and it's really not. So I don't know where it's appropriate to make that comment, but I can show it to you on the drawing if you haven't noticed it.

Lynn Ekelund: I've noticed it. I'm having a little trouble looking at the

written responses to Bob's comments and then listening to your comments in response to Bob's comments and they just don't seem to jive, because Item Number Nineteen says at this time, we have elected not to. The natural wooded buffer that surrounds this portion of the Dogfish site, thus no additional landscaping is required. Now you're telling me that you want to wait until the road is completed.

Nick Benz: That's what at this time means there. At this time...

Lynn Ekelund: At this time, no additional landscaping is required.

Nick Benz: Correct. Out of the gates, when we build the building, we will not... The tree line begins pretty shortly after the wild grasses as you drive back off of the property. If you drive down you see how close the tree line is. I believe the first property there is Huff's and they're already fully wooded, after you make this split in the road. The tree line is right there. It's not like we have acres and acres and acres of wide open sodded grass right now that's just going to look terrible. It's all natural grasses and low shrubs that lead back towards Gladys' property right now.

Lynn Ekelund: And one of the things that you said to us in October, is that you would clean up and landscape the, and this is a quote, "Not so appealing entrance to town on Cave Neck Road." And now you're saying that at this point, no additional landscaping is required. I just see a disconnect there.

Nick Benz: Okay.

Bob MacLeish: Item Number Twenty – addressing the additional landscaping along the westerly side and parking areas to the north area of the parking behind the building. That was the photographs that we showed which were reflected here, as well as looking back across from here, we looked at that. And we just felt that right now, that we've got the existing landscaping that's there meets the criteria and creates a buffer between all that area is what we're looking at.

Lynn Ekelund: So again, no additional landscaping is required.

Bob MacLeish: That's correct. When we looked at it, we felt that we had met the criteria for it; that additional could be put there, but we didn't feel at this time that we were going to do that work, because we've got the buffers that are there to protect ourselves. We tried to design it.

Bob Heinrich: Well, I'd like...

Bob MacLeish: Go ahead. I'm sorry.

Bob Heinrich: No, I'm sorry for interrupting you. I would like to ask our engineer then, should consideration be given to providing that additional landscaping?

Bob Kerr, CABE Associates: That's a decision that you, the Commission, get to make. The requirements that you place on the Preliminary Site Plan.

Bob Heinrich: But you're suggesting that...

Bob Kerr: My suggestion is that you consider that landscaping and if the applicant makes an argument that you don't feel that it's necessary, then

sobeit. I only advise.

Bob Heinrich: That's what I'm asking for. Okay, thanks. Okay.

Nick Benz: In the Code, as we understood this, just to give you some perspective, in the Section under D5, it covers this. It says "Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and noise buffer between adjacent uses and adjacent lands." And by taking these images, in the winter, without even the foliage on it, we think that this very clearly demonstrates the visual and noise buffer necessary between adjacent uses and adjoining lands, specifically around this building. Out at the main entrance to the town, adjacent uses and adjacent land, farm vacant land, vacant land and vacant land is what surrounds this, so does it provide the visual and noise buffer? Yes it does. Certainly there's always subjectivity that says, should you do more? Okay. I totally accept that comment. I don't disagree with that, but I believe we met the spirit and the intent of what Section D5 has asked us to do, which is why we presented it as such.

Bob Heinrich: Okay. Thank you.

Bob MacLeish: Item Number Twenty-One – consideration along Chestnut Properties. Again, that's a comment as we were out there and we were looking at it; are we going to do it? I was asked not to. She wanted a clear view to look out through there and that's this property right here, which gives us a view that she can look right down here lane. If we plant in there, we're just going to obstruct some of that view as we're looking down that way, so we're trying to appease a comment that was made. Item Number Twenty-Two – dealt with DRTT as well as the Reed properties, mostly again is growth that's already there. We're inside of this area right in here and there's a natural buffer that exists that brings itself through here.

Tim Nicholson: Where's the Reed property?

Bob MacLeish: The Reed property is this property right here and this is the DRTT property, which is right here, but there's this growth that's in here and we're just on this side, but we're not going into that. There's a pretty heavy growth right through here, as you can see.

Bob MacLeish: We have met, as it states in there, there is an area where we did put some additional landscaping in that area, as well. Item Number Twenty-Three – he makes a comment regarding the size of the water main. We agree with that comment and we're going to change that to 12", we'll just keep it private. We'll put that valve in there, as he requested. Item Number Twenty-Four – was Tidewater Utilities. Again, the plans have been submitted and returned from Tidewater with comments. They're being resubmitted for final approval. Item Number Twenty-Five – we show on the site plan right over in here, potentially for a trash compactor that comes in there. We haven't shown any fencing. We get into that with the provider of the service; because they're a roll-off, self-contained

containers. Again, it comes down to driving. Usually when you build those things they run into them, they damage them, they've asked that we not put anything there, so that when they roll those off, we tried to tuck it back on the side of the building where it is hidden from everything, as well, from that standpoint. Item Number Twenty-Six – the proposed light fixtures shown, which is mounted on a 25' pole, we agree with that and that's what we've shown. The lighting should be designed and shielded so that it does not cause glare or be annoying to adjacent properties. Consideration should be given to reducing the number of lights along the access road.

Bob Heinrich: Question here. I looked through the plans, the site plan, and maybe I missed it. I didn't see a lighting plan anywhere.

Lynn Ekelund: I didn't either.

Bob Heinrich: Usually the lighting plan is submitted with a submittal like this.

Bob MacLeish: Actually we did have a lighting plan. It is there.

Bob Heinrich: Is it in the plans? I missed it. I didn't see it here.

Lynn Ekelund: I didn't see it.

Bob Kerr: On the site plan they show the location of the lights, but not a lighting plan showing the foot candles that you typically see.

Bob Heinrich: Well that's given in some of the boiler plate, I think it is anyway, but I was looking specifically for light.

Bob Kerr: The light fixtures are shown and we could find them. They're shown on Sheet 6 for one place. They're just a little black dot, but they are there.

Lynn Ekelund: I saw the little dots identifying them. I was looking for a lighting plan.

Bob Heinrich: Yeah. Yeah. I'm used to seeing those kinds of things with submittals, that's all; so I really don't have a feel for what the lighting is, unless I have to go back and look at the drawings.

Bob MacLeish: There was a design that was done. We hired a lighting consultant that came in that did a photometric study of the lighting plan for there, for the truck route coming in, as well as the lighting for the building.

Bob Heinrich: Yeah, I mean...

Bob MacLeish: And they designed it to the minimum and they also designed it so that the lighting maintained itself to the lighted areas and did not create any light pollution outside of what we were trying to light, which was around our areas.

Bob Heinrich: Yeah. Yeah.

Bob MacLeish: But it has been designed. What was submitted was designed by the lighting firm.

Bob Heinrich: One of my concerns was, and it would be interesting to see, you're talking about minimal lighting back there; I'm just wondering if it

should have more lighting and I'm just... I don't know the answer to that, but if it's dark back there at night and you have activity back there, it seems to me that more light would give more security. But, again, not having seen a plan... I really don't know what's back there. So...

Bob MacLeish: Right. Then again what Bob and I see on Page Six, it kind of gives us a pole location. What they've done is they've gone in and designed it to lighting specs for a road and we designed it so that there are shields on it, so that it keeps it to the road, it doesn't wash itself out into the areas on either side. It maintains itself and it does the same thing as it comes up. Actually you can see some of the lighting right here, where we kind of show it going up in here. It kind of brings itself around. As you see it from here and like I said, it's shielded. It's set up so that it maintains lighting on the roadways in and around the building. But that's what these lights are right here.

Nick Benz: I can liken the analogy to what you might see in an office, where instead of doing this, where you put a sea of fluorescent lights that just makes the whole room glow; it's task lights at your desk, with the minimal lighting necessary for security and safety purposes to get from space to space, but the immediate task at hand is appropriately lit. That's the philosophy we took here, which was don't make it feel like the Luxor in Vegas, where you can see it from outer space, because that's just going to annoy the heck out of everybody; make the task at hand well-lit and purposeful, but in between them what is necessary to get someone from A to B without making it a nuisance and that was the philosophy that we took in the lighting, thinking that was more acceptable to all the surrounding neighbors.

Bob Heinrich: Thank you, I appreciate that. I'm just wondering, is it shown how many fixtures are actually back in there on the plan?

Bob Kerr: Yes.

Bob Heinrich: Is it?

Lynn Ekelund: I don't know. Page 6.

Bob Heinrich: I'm just asking a question. How can we make a decision if we don't know what we're looking at here?

Bob Kerr: Each one of these little dots is the location of a lighting fixture and it's just half the site and you see the dots get bigger, but here's also the information about the light.

Bob Heinrich: That's fine. My job is to know how many are in there. That's all.

Bob Kerr: And they also showed some are on the building in places.

Bob Heinrich: Right. Okay. Very good. If you're happy with it, I'm happy with it. Thank you.

Bob MacLeish: And I guess what our response was, Bob had said can we cut down on it and we're just going along with the recommendation of the lighting consultant from that standpoint.

Bob Heinrich: Right. I'm not trying to slow you guys down, just trying to understand it.

Bob MacLeish: Understood. Dave, with Element, if you want further explanation on that lighting can explain it as well.

Bob Heinrich: No.

Lynn Ekelund: If I can just interject. So you're satisfied with their response to your comment, Bob?

Bob Kerr: There wasn't quite enough information to tell just how bright the lights might be and for a road like this, I would prefer to see it less bright, even though it is Light Industrial. It doesn't look like an industrial site, so that as you come in on Cave Neck Road all of a sudden there's this ribbon of light going off into the woods. I would rather see around the actual facility, you may need more light, but on the road, especially if there isn't that much activity at night, it didn't seem to me that there was a requirement to meet highway standards for the lighting. It's not going to be high speed traffic; it's not going to be a lot of traffic. There needs to be enough for security to keep somebody from running off the road, but that's really all.

Mike Glick, Lighthouse Construction: Bob to address your comment, it may appear that there are more pole lights; we've elected to use LED's, so that lumen output is reduced, so there's additional fixtures, but the actual output of each fixture is less than a standard highway light.

Bob Kerr: And oftentimes the lighting plan will show the foot candle for each light on the drawing and that's not there, so you really can't make that determination from the information provided.

Bob MacLeish: Going on to Item Number Twenty-Eight – there's a general statement about what is required if a Preliminary Site Plan Approval is given and we acknowledge that. Item Number Twenty-Nine – the attached Preliminary Site Plan requirement check list and we acknowledge that, as well.

Lynn Ekelund: Can I go back to Bob's comments, Item Number Twenty-Four, which relates to Tidewater? He wanted to know if all wastewater generated in the warehouse will be suitable to discharge to Tidewater's system? You said that you had received comments from Tidewater, but we don't have those comments.

Bob MacLeish: Yes, but everything is just normal wastewater that comes out of there.

Lynn Ekelund: Everything is normal?

Bob MacLeish: Yes, Ma'am.

Lynn Ekelund: So the answer to that is yes it is. Thank you.

Bob MacLeish: Yes.

Tim Nicholson: Nick, I have a question. From the time you start until completion, what are we looking at, roughly?

Nick Benz: Being hopeful that this process continues as we had planned,

we had anticipated, I'm giving you the Gantt Chart we're looking at, anticipating this process moving forward successfully, would be final approval in April and we plan on having this building finished by December, occupied in January.

Tim Nicholson: Thank you.

Nick Benz: Brew house and packaging line arriving shortly thereafter.

Mark Dunkle: Back on the record. I think we wanted to just summarize what other requests and what are not any items that are in disagreement with the comments under your Code and go over just those so we have a clear list. Item Number Seven – on your engineer's report is the waiver request. So the parking waiver request is an item obviously for consideration of you for the reasons that were given by Bob MacLeish to have a greener site; make use of what's already been paved and to be in more proportion to the actual demands, so that more or less resolves the first open item, Number Seven – the waiver request.

Bob Kerr: Mark, if I can interrupt. You've requested a waiver of 105 spaces, but how many will remain on this parcel?

Mark Dunkle: I'll let Bob MacLeish answer that.

Bob MacLeish: I think once we look at it, Bob, it would be somewhere around 75, is what we would leave on that. There are presently 115 that are shown on there.

Mark Dunkle: And then I think the next block of items and Nick touched on this as well, are starting at Item Number Nineteen, Twenty, Twenty-One and Twenty-Two were the landscape questions that were raised and as we pointed out, the checklist looks at the adequacy of landscaping and we interpret that and I think this is fair, to take into account, the existing landscaping. It doesn't mean you go in and plow everything down and come in with trucks of trees and plant them. The Code requirement and I think the approach here is, to first of all site the elevation of the building as you got a pretty thorough discussion of that and try to locate the structure itself, to take full advantage and maximum use of the existing natural growth. That's landscaping, the adequacy, because the Code, as this checklist points out, the test is, is the landscaping vegetation an adequate buffer? An adequate buffer for the proposed project. And we think we've demonstrated that with the various photo perspectives and we took some pains to show you what the folks in Chestnut Crossing could see and the different perspectives from different distances, when the project is complete. We think we've demonstrated that there is sufficient natural buffer, natural growth, to provide adequate buffering, which is the purpose of the landscaping requirement. I would like to suggest, though, on the landscaping if there is some doubt. You certainly have the ability, since this is preliminary plan approval, to make as a conditional requirement for final site plan approval, that there be some landscaping details shown; if there's some area where you would like to see that and I

think, at least from our perspective the consensus is perhaps at the entrance from Cave Neck Road you would like to see some detail on, for lack of a better term, pretty entrance landscaping. That's appropriate. As Nick pointed out, it's inviting, but for the right folks to use. I would make that as a suggestion to address that issue if there's a question, so we can move forward but also address the concern, if you consider a conditional approval of the preliminary plan, subject to submission if that's what you want; some landscaping detail with the final plan; I'm thinking it's probably the entrance area, because that gives you a check on the plan, but it keeps the process moving forward. That's really Item Numbers Nineteen through Twenty-Three and then the only other open item, or at least what I called out for some discussion was the Lighting Plan. I think the lighting sheet is technically sufficient, certainly for this submission. It sounds like you might like to see a graphic that might better explain the lighting pattern. If that's not what you want, then...

Bob Heinrich: I just wanted it clarified. That's all.

Mark Dunkle: Okay and again, that could be something that could come along with the final plan, if it's needed, to clarify any more of the lighting. I really think going through the almost thirty point list, we have the parking waiver and then the suggestion from the presentation that because of all the design work on the building, siting, elevation, location, using the existing landscaping; I call it landscaping; the existing natural buffers and the elevation that we have addressed adequacy of landscaping in those opened comments. We've addressed it from the beginning. Rather than just build a tall building and then come in and put Leland Cypresses around it, they took this more natural approach; but if there is some idea that what's that entrance from the highway going to look like, we would like to suggest that we submit a landscape detail to that portion with the final plan. Nick, did you want to talk about anything else? I don't want to repeat the beginning. We would really hope that you could find a way to give preliminary approval with all this information and keep us on track and feel comfortable with the process.

Bob Heinrich: Can I ask a couple of more questions?

Mark Dunkle: Absolutely.

Bob Heinrich: Just not of you. Oh, I'm sorry. Go ahead. I don't want to preach _____.

Lynn Ekelund: We're still in the Public Hearing portion. I would like to ask if you guys are done, at least for right now?

Seth Thompson: Ms. Ekelund, your engineer might have a couple of more questions from the applicant. I think that's probably the most efficient way of doing it, because the public might have the same questions.

Lynn Ekelund: Okay, that's great.

Bob Kerr: I think I heard it, but just to make sure, that the guardhouse location and details will be shown on the final site plan; would that be

right?

Nick Benz: That's correct.

Bob Kerr: Will there be a gate or stop bars or something when the guard is not present that keeps a truck and/or the general public from going past the guardhouse?

Nick Benz: There will be a gate at all times, even when it's guarded; even when somebody's manning it. Correct.

Bob Kerr: Okay and the Fire Marshall is okay with how you're getting access when the guard isn't there? I'm sure he'll address it, but just so it's on the record here.

Mark Dunkle: It is on the record and it's a Knox Box is what we're going to deal with, Bob, that we're going to have there, so that they'll have access to that at all times.

Nick Benz: It is the exact same arrangement they have for our existing facility right now, the Knox Box with the all-access code key for the system.

Bob Kerr: Right. You mentioned this evening that a portion of the warehouse will be refrigerated. Where will the refrigeration equipment be; what type of equipment; inside/outside?

Mike Glick: It will be rooftop package units, they will be placed on the roof.

Bob Kerr: Okay.

Bob Heinrich: Which will raise the elevation of the building?

Mike Glick: It will, but we will be placing it on the lower aspect of the roof, so to try to minimize any increase in height.

Nick Benz: The refrigerated portion of this building is the side that does not have the majority of the skylights, but there's a portion of the roof that wraps down on the low side, providing a natural hidden wall here, that doesn't increase the height of the building. It is still within the existing elevation of the building.

Bob Kerr: My next question would be, how does the product get from the brewery to this warehouse? Is it going to be...

Nick Benz: Pipes.

Bob Kerr: Underground pipes?

Nick Benz: Above ground. We cannot put them in the ground. Especially crossing; there's a wetlands designation here, so going underground would not be possible, unless we had 70 years to design it with the Army Corps of Engineer and we don't have that luxury.

Bob Kerr: That would be quick. Some details on what that's going to look like would be appropriate for a final submission.

Nick Benz: Okay.

Bob Kerr: And the wastewater generated by bottling will be okay for Tidewater, is what they're telling you at this point?

Nick Benz: There's two different types of... What's the fixture count, 6, 8?

Bob Kerr: Yeah, the sanitary, no problem.

Nick Benz: The sanitary side is the normal toilet/sink aspect. The warehouse side won't have any wastewater generation, there's not even a wet source in the warehouse storage side, which is roughly two-thirds of this building size. The area where the packaging line is, the specific drains underneath the filler, will be collected and disposed of the exact same way that we currently do on site, which is put it on a truck and off-site spray irrigate it on farmland.

Bob Kerr: So it will not be part of the...

Nick Benz: It will not be part of the discharge to Tidewater.

Bob Kerr: When we talk about signage at the entrance, I could have been a little clearer. Your entrance signage, per se, Dogfish or however you want that, but there's also, as you know the town's very concerned and you've addressed it, truck traffic only turn right when they leave the property, so the location of a sign kind of reminding drivers you shall turn east.

Bob MacLeish: Yeah and that is also part of the DelDOT, when we were going through that and that's on the DelDOT Planning. That was a section that you said you did not review.

Bob Kerr: My problem is that if I miss it at this meeting, I can't always go back and ask for it later, so I have to be real careful.

Bob MacLeish: Yeah, DelDOT asked it as well. They made references to it.

Nick Benz: We suggested slow the truck down, but I don't think they liked it. That was a joke, guys.

Bob Kerr: I think that's it for now. Thank you.

Lynn Ekelund: Does anybody in the public have any questions, anything that they would like to say?

Tom Kelly, 102 Summer Walk, Cannery Village: Nick, I'm just reading this thing that you sent through on email, I guess, to Cannery Village and all like that. It was a surprise for me to find out that we're supposed to have representatives from the Cannery Row, Chestnut Crossing, Cannery Village for a meeting which I knew nothing about; but that's no problem. But reading through this, I see this line where it says warehouse facility has been designed with _____ screening with classic Dogfish Head architectural elements. I'm looking at this thing and I know it's Light Industrial, commercial; but I was hoping that the building would look similar to your main building. This is just corrugated steel. I'm not sure how soundproof it will be; what additional insulation you'll put in there to keep sound down and all, but I would like you to maybe rethink, maybe you should add something more permanent. I understand why you did it this way, because you were saying you may be expanding in another 20 years, or something like that and something with a corrugated tin building, yes, you can probably expand a little bit more, but I was hoping to see concrete and mortar, but that's just my own personal opinion. The next

thing I wanted to just ask, I saw on here, the parcel next to the clubhouse would be planted with several hundred new, mature trees. I'm assuming that it's the lot right across from the tree house.

Seth Thompson: We're just at the public comment portion, so if you just want to direct it to the Commission.

Tom Kelly: Okay. Here's another thing, could somebody explain the truck with the grain deliveries who would loop around Dogfish Head and driven to a yet to be constructed building adjacent to the back of Dogfish Head, towards Chestnut Street. I haven't heard nothing about that.

Lynn Ekelund: Could you repeat that, Tom? I'm sorry.

Tom Kelly: The truck with grain deliveries will loop around DFH and drive into a yet to be constructed building adjacent to the back of DFH towards Chestnut Street. They're just talking about this building, but in here I'm getting that there's another additional building being built.

Lynn Ekelund: I don't know what your "in here" is. What are you reading from?

Robin Davis: Mr. Kelly, if I may.

Tom Kelly: I'm just reading an email that we got from Nick, right here. Maybe he can clarify what he means by that. Because you're only talking about this and from what I can understand, there's going to be another additional building somewhere over there?

Bob Heinrich: Should we just let Nick explain what?

Seth Thompson: You need to finish the public comment. Again, public comment isn't typically questioning the applicant necessarily. The public comment is directed...

Lynn Ekelund: I just wasn't sure what you were talking about, Tom. I didn't realize that there had been an email sent from Dogfish to Cannery Village. Other than the email and the soundproofing of the building and...

Tom Kelly: That's all. I was just questioning him.

Lynn Ekelund: And just the general construction materials.

Tom Kelly: I'm not against this, at all, believe me. I just want clarification.

Lynn Ekelund: No, no, no. Gotcha. Anybody? Yes, please.

Mike Podi, 304 Gristmill: I was just curious as to how all of this... How we've considered how all of this development... There's a stormwater pond there. Is that the blue? How all this development affects the adequacy of the stormwater pond, because it's not only theirs. I mean, it is theirs, but a good portion of Cannery Village drains into that, so I'm just curious as to how that adequacy is affected. I'm sorry I missed the meeting, too.

Lynn Ekelund: Anybody else? Patty.

Patty Nicholson, 406 Village Center Boulevard, Cannery Village: I just have a question, comment actually; not a question about the new entrance on Cave Neck. I would like to say that it would be advantageous to the Commission to consider additional landscaping at that entrance since looking for pretty entrances, the existing entrance to Dogfish Head

Brewery off of Chestnut Street, would not, at this point, be described as pretty. Thank you.

Lynn Ekelund: Anybody else?

Seth Thompson: Any written submissions?

Robin Davis: No.

Seth Thompson: Did notice go out for the Public Hearing?

Robin Davis: Yes it did.

Seth Thompson: Do we have a list of the property owners within 200'.

Robin Davis: Yes, the letters were sent out by Lighthouse Construction. I received all the mailing certifications back.

Seth Thompson: Great.

Lynn Ekelund: Okay, at this point, I would like to close the Public Hearing portion of the meeting and open the business portion of the meeting, which is further discussion of the preliminary site plan review.

7. Business

a. Preliminary Site Plan Review

The applicant, Dogfish CVI, LLC is requesting a preliminary site plan review to construct a warehouse building at Atlantic Street, east of Round Pole Branch. The property is zoned LI-1 (Light Industrial) and is further identified by Sussex County Tax Map and Parcel #2-35-20.00-53.00

Nick Benz: I assume you're going to have some questions.

Lynn Ekelund: I think so.

Nick Benz: I can address a few preemptively if you want, or do you want to question/answer it?

Robin Davis: Do you want to let him answer some of the public comment questions?

Lynn Ekelund: Do you have a record of the public comments; do you want to go ahead and answer those; Tom's questions about the soundproofing of the building?

Nick Benz: I want to start with the last one, actually. I think it was Patty.

Lynn Ekelund: The landscaping?

Nick Benz: Patty? We didn't build those brick monuments and we agree they're ugly, so we're actually in the middle of a review as we speak for a demolition permit and a rebuild permit to make that a substantially better design front entrance. No they're terrible, so we have a new sign in design. We've already been working with the town, that's not part of this process, it's part of a different process to get a demolition/rebuild permit to do that property, so we agree. Thank you. Thank you for the brutal honesty. Let's see here. When it comes to the stormwater pond, we are acutely aware of all of the needs of the stormwater pond and in fact, that's part of what the Soil Conservation approval verifies, is that the calculations work for all the impervious surfaces that have to drain to this particular stormwater pond. It is, in fact, adequate, so with the approval from Soil and Water

Conservation we can all rest assured that there is way, way more than enough capacity in this pond to accommodate this particular structure that we're putting on this property, so we feel very confident in meeting that requirement. As far as the building goes, I guess it's always subjective, whether somebody likes or dislikes; the intent is very similar to what we have at the main entrance to our facility, which is the corrugated metal that is the tanks that you see and part of the side of the building in conjunction with wood, in conjunction with poured concrete foundation of a certain portion; which is the lighter gray stripe that you see at the lower portion; where A, B, C, D, and E and 1, 2, 3, 4, and 5 on the other side is going to be a mixture of materials, including white cedar, possibly stained, possibly left natural with the appropriate dock door markings over top. What you don't see is the other side of the building, that also has a significant amount of windows. This side of the building is the refrigerated side, so windows would defeat the purpose on accomplishing a high R value in a building; to try to keep that refrigeration in, so you do not see any windows on this side. The other side of the building has a significant number of windows to marry up with the significant amount of skylights to maximize the amount of natural light we can get inside of the building and there's a lot more windows on the other side, which breaks up what I'll call the monotony of making it look like a large, big box Walmart type store and believe me, we are far, far more critical of our own design; specifically because we have 27,000 people a year that come through here on a tour and we want to have our best foot forward. If those 27,000 people use the word of mouth approach and tell two people that they saw horrendous eyesore in the back woods at Dogfish, at some point we're not a growing business anymore, so we stand to lose substantially more by not doing this properly and we intend to do so in the pallet that is Dogfish on the other side of the building. I believe those were the three issues that were...

Lynn Ekelund: I believe he also said something about soundproofing of the building.

Bob MacLeish: One of the things with the new energy code and when Nick was talking about the building, the insulation, it's almost a double-wall type system; with the siding that we're going to be using; you have a 6" metal stud that will be on the inside and then we'll have a 3-1/2" girth that will push itself out and that will be foam filled so that we get an R-21 on the new energy codes, as well as sound, so it's going to really restrict and it's going to raise our SDC rating, so everything is insulated and I think it's 75 is what the rating is on those walls when you get done, as far as what it will hold back. But it's almost a 9-1/2" wall, the overall thickness of it. One of the things when you run into masonry products, is they're very difficult to insulate and we can't meet the new energy codes that we've got, so that's one of the other reasons. The metal also kind of conforms to the width their product is when you start looking at the

different silos and things like that, it kind of integrates all of that and when Nick was describing on the one side, there's the elevation that Nick was describing. It gives you a little bit better idea of how they've broken that up, along with materials and the windows that they're talking about.

Nick Benz: Milton has a rich heritage in shipbuilding and the intent of the round windows is like a portal of a ship. It may sound silly, but these are the conscious decisions that go through our head when we come up with these things. Do you have any other specific or direct questions?

Robin Davis: Nick, I think Mr. Kelly did say something about... You made reference earlier about the green products going around to the old portion and I think that was what Mr. Kelly was...

Bob Heinrich: About a building or something?

Lynn Ekelund: Trucks?

Bob Kerr: Nick, I'll ask the question. I think it popped in my mind when a truck makes a delivery of grain, will they pull back out onto Village Center Boulevard and then come down between the parking lot and the existing building?

Nick Benz: Correct.

Bob Kerr: All of those buildings are there and existing.

Tom Kelly: No, I didn't say that.

Bob Kerr: Well I haven't seen that. I'm just going on what's been said this evening.

Tom Kelly: I said a new building is going to be built.

Nick Benz: The building that is referred to in that document is subject to a future site plan process that has not begun yet.

Tom Kelly: Oh, okay.

Nick Benz: It's going to be an expansion of our existing warehouse building and an attempt to get the grain deliveries and the loud trucks facing the Chestnut Crossing side of the business, to become an indoor activity, instead of an outdoor activity, which would significantly minimize light, noise, odor, etc., etc., but that is not the topic of this process; that's going to be a future process that will come before this Commission in due time. You will have plenty of time to comment on that.

Lynn Ekelund: And we will.

Nick Benz: I'm sure.

Lynn Ekelund: Tim do you have any questions?

Tim Nicholson: No, not at this point.

Bob Heinrich: I have questions, but I don't know if it's appropriate for now. Are we in the business phase yet?

Lynn Ekelund: We're in the business phase.

Bob Heinrich: Oh, okay. Yeah, I would like to address one thing. First, I've got to commend you guys. You do really do put a lot of thought... I can see your thought process in what you put into this and I do believe you guys are really trying hard to work in the community, but in our job we have to

ask all the questions and have to get all the answers before we can approve something. I'm curious. Construction of a 100,000 square foot building is a pretty good undertaking. You're going to have to move dirt; you're going to have to pour concrete; you're going to have to do that kind of stuff; you're going to have to bring dirty equipment in. I've been experienced with these projects before and they create a lot of dust and homeowner's in the general vicinity usually get pretty upset. Are you going to employ any method to keep that dust level to a minimum, like sand wash, or whatever they call the rip rap they put out at the construction entrances to keep those dust levels as low as possible?

Nick Benz: I can answer it, but you're going to do a better job, so you go ahead, Bob.

Bob MacLeish: No, you are correct. One is Soil Conservation District. It's required on our sediment erosion control plans. The kind of things that you're talking about; we have to put that in there; as well, there will be water trucks out there, so when we have those dry periods that we can do that. I can tell you Dogfish and the landscaping architect are protecting this area, as well as the trees and things like that. They want us to try and maintain; we're going to actually go out there; we're getting ready to lay it out; we're going to mark trees; we are not going to take down one more tree than we have to and as a contractor, we normally go in and push everything over; but as a landscape architect, if you go out there, you can see they've already started marking out trees which may give that guy heartburn, but we're going to really protect it. But the other is, we're very cognizant of the fact about dust, soil conservation. Things aren't busy right now. I can tell you that visiting the job, it's our responsibility, on behalf of Nick and Dogfish to make sure that they're out there, so that when we do have the dry weather, that we're keeping that wet so we're not creating a lot of dust in that area.

Bob Heinrich: That's good. I think that would be great to communicate to the residents, because, well maybe... I don't know. That's your call. Thank you.

Lynn Ekelund: Can I just segue on that? You're going to be excavating, obviously. I think your plan said it was over 80,000 cubic yards that you're going to be excavating. As I understand, a portion of this parcel was used by Draper King Cole, as sort of treating their wastewater. There were lagoons. Now, is that in the excavation area; the lagoons where their wastewater was treated?

Nick Benz: The building is sitting in fact pretty much smack dab in the middle of what was once one of their depressed lagoons and that was part of what Bob commented on; taking advantage of the low point that has already been somewhat cleared; although it has some medium growth stuff that will have to be cleared, but that's the elevation of the building as opposed to push it all over; bring in a bunch of dirt and stick it up there

like a big glowing something on the mountaintop; or trying to hide it and depress it as much as we possibly can. Those lagoons, prior to us purchasing it and prior to Chestnut Properties purchasing for Mr. Draper, Mr. Draper went through the full DNREC process of decommissioning those lagoons; they were lined lagoons; as well as all of the process wells that were scattered throughout what is currently Cannery Village and our property. All of those wells were properly mothballed and decommissioned per the DNREC Standards and Regulations. But the depressions for an earth land form standpoint have still remained and we're taking advantage of one of those natural depressions in locating one of these buildings.

Lynn Ekelund: But that site then has been remediated?

Nick Benz: There was no reason to remediate; it was just a mothballed. take it out of service, properly according to the regulations within DNREC, but that happened years ago before us, the previous owners; two owners ago went through that process and that included a number, I believe there were 13 wells at one point, which were all water wells scattered throughout the cannery; those have all been properly mothballed. I call it mothballed, but taken out of service, according to the requirements of DNREC. The only well that remains in service, is our production well for brewing purposes and every drop of water that goes into our beer, comes out of that process well. The only thing we rely on the town for are a few toilets and sinks throughout the building.

Lynn Ekelund: Thank you. Do you have anything?

Bob Heinrich: I would add... Well, okay. Sorry.

Lynn Ekelund: Just jump in.

Bob Heinrich: Getting back to Item Number Twenty-Four on the engineer's comments; it doesn't look like we have approval yet from Tidewater Utilities, in my understanding, for the plans of providing comments for addressing resubmitting to Tidewater for final approval. I presume that's for the sewage and the water treatment, right? Yes, the sewer system.

Nick Benz: All of the final approvals from all of the state agencies would be a contingency for the final approval process. We have their initial comments, from all of the agencies, Tidewater included; and we're addressing their issues and resubmitting in much the same way that we provided you a written record to Mr. Kerr's comments. We provide written dialogue back and forth between DelDOT, State Fire Marshall, Soil and Water Conversation, Tidewater Utilities, so prior to any final approval being given we would have to satisfy all of these agencies requirements, including Mr. Kerr's on behalf of the town.

Bob Heinrich: Okay.

Nick Benz: Bob, if you have something else, I don't know if I covered that properly.

Bob Kerr: No, that's correct. I don't think there will be a problem obtaining Tidewater's approval for the domestic wastewater from the warehouse. I was concerned with any clean-up from bottling or if perhaps a bottle dropped; Nick would cry, but...

Nick Benz: And I covered that in Mr. Kerr's comments. All the production areas will be drained the exact same way that our existing facility is drained, which is all put into a collection system that we put into a truck, take off to five neighboring farmlands and spray/irrigate every drop of liquid that leaves our facility, except for the few toilets and sinks, which returns to the town.

Bob Kerr: Nick, will that be pumped back over to the existing holding tanks?

Nick Benz: Correct on the same pipe fence that the beer is.

Bob Kerr: Two pipes, yeah, one each way.

Nick Benz: Well there will be a number of beer pipe return. There is a pipe fence that will house that; there will be a steam line; CO₂ line; all the utilities required to run this facility will come over from the one building to the other.

Bob Heinrich: I'm still struggling with approval of something that doesn't have final conditions on it and I understand that this is preliminary. When we get to the final site plan approval, is that when we address these open issues that haven't been completed here?

Seth Thompson: Well, what you can do today. Again, you can either approve or you can approve with conditions and those conditions might address your issues, for instance; or you could disapprove. So the approval with conditions might be we approve, provided your final site plans show the guardhouse, for instance, I think that was one that they have already agreed to. You might want to just incorporate by reference, I guess, the list of the response to the Town Engineer's list, but then, again, touch on anything that you feel should be a condition going into your final; whether it's the buffering, the lighting, the guardhouse. At this point, you might want to consider making a finding on the waiver, so that they know what they need to put on that final approval when it comes to the parking spaces.

Bob Heinrich: Okay. Lynn do you want to?

Lynn Ekelund: I'm looking at a letter from Sussex Conservation District dated January 25th and it had a number of comments. Is this in the same process as Tidewater and DelDOT; they've looked at something that you've submitted to them; they've come back with a number of comments; and you're in the process of addressing their comments?

Bob MacLeish: That is correct. What we were waiting on, is we had gotten theirs and then we just received Bob's last week, so we didn't know if there was something that he may say, which may change that plan. We've met with them, we've reviewed them with Sussex Soil and we're ready to

resubmit those plans after we met with Bob. We've seen his comments and realized that it's not going to impact what we're doing from an impervious, so yes, we are at the final stages to resubmit those.

Lynn Ekelund: I think that's what we're struggling with here at the table is we have certain comments that we've received, for example, from Sussex Conservation. We don't have anything from DeIDOT, or the Fire Marshall; we have nothing here.

Bob Kerr: If I may, many times and it probably would be more common, this is the first step. After you give preliminary approval, then the applicant goes out and starts getting these outside agency approvals. Many times, there's no contact with them prior to you giving preliminary approval.

Lynn Ekelund: Okay.

Bob Kerr: Because you might say move the building 500' to the east. Well, that means everything that they've submitted someplace else, gets thrown away and they would have to start over.

Lynn Ekelund: Alright.

Bob Kerr: So it's not unusual to not do that, although it's taking so long now to get approvals through all the agencies that people have to just take the risk to keep a project moving.

Seth Thompson: And if I can kind of piggy back on that, legally the way your Code is set up, again, when they come for final site plan approval, they have to have all of those approvals. You don't need to specifically reference those as conditions. The Code, in effect, does that already, when it comes to the State agencies.

Lynn Ekelund: Okay. Alright. Under Site Data Table – it's on Page 6 of the big plan, it says that there's an existing 25-1/2 acres of forested land and you want to remove ten of those acres?

Bob MacLeish: Yes.

Lynn Ekelund: So that's like almost 40% of the forested land that is going to be removed.

Bob MacLeish: Yes it is. It is.

Lynn Ekelund: What's going to be left?

Bob MacLeish: That is basically this area right in here; that's where it's kind of dropped down in, where those lagoons are; it's considered a forest, because of what's grown up in there, but that's the area when you start looking at that and we did it all encompassing as we went through here.

Lynn Ekelund: Okay, so that's just sort of a swap.

Bob MacLeish: Right, this is remaining, all this area in here, as well as along here.

Lynn Ekelund: Okay. We're going to have this 100,000 square foot warehouse, where does the rainwater from the roof; how does it; does it just naturally come off? I noticed there was a comment in one of these reports, that perhaps there could be piping or something that would get it

to the stormwater pond?

Nick Benz: That's all in the Soil and Water Conservation plan that was submitted. The roof is being done on a triple pitch, so that we can take advantage of what you think of as a normal house to gutters on the outside; those gutters will have down spouts; those down spouts connect into water pipes that take it directly to the stormwater pond. The intent is for it to not run over the ground, just hit the ground and run off like it might do at your house. It will go under and be directed there through stormwater chambers.

Lynn Ekelund: Okay.

Nick Benz: Pipework directly to the pond; which is the exact same way all the streets drain in Cannery Village to the same pond.

Lynn Ekelund: Okay, we've talked about the parking. We've talked about a lot of this, I'm just making sure that I'm still going back to the landscaping, which we'll have to address. Signage, lighting, open space. I was looking at Page 6 and on my Page 6, you've got circles and it looks like there's some trees and it says Proposed Planting Area to include _____ and mix of native tree species. Are you with me? Is there going to be a portion of open space around that warehouse where you're going to be planting trees? It says here that the species could be determined at the time of planting and availability.

Nick Benz: One of the comments that Mr. Kerr brought up that we say we agree to is to separate the footpath traffic and if you come up to this drawing and look closely, you'll see that there is a footpath traffic that gets you to the building that is separate from any paved road surface. In order to isolate that footpath, these trees here, we intend to plant and these trees here we intend to plant. We could of easily just said pave the whole thing, because that looks like a Walmart parking lot and isn't very inviting, we want to pave just what we need to accomplish the trucking activities we need to accomplish and leave the rest, as much as possible, open. We then also get, from an environmental perspective, the credits of having "clean the water"; any water that might be run off off of these parking lot spaces can be drained into the island and the soil acts as a natural filter for the water before it would find it's way down to the ground and move into the water table, so from a soil and water conservation perspective, they really like to see road run off find it's way to natural habitat to use the natural buffer as a filter mechanism.

Lynn Ekelund: So it's the two open spaces?

Nick Benz: It is this island, I'll call this an island, for lack of a better term here, and it's the space along and this extends all the way down in front of this building on the side of the stormwater pond to act as the natural walking way from this building to this building, so people don't have to work on the same surfaces that the trucks walk on. That will all need to be planted, because that's what you look at right now when you look up there,

you see the dirt mound. There are no natural trees planted there, so once we finish the building, we need to go back and make those plantings to accommodate that and that's what this picture is intended to show.

Lynn Ekelund: Okay.

Bob Kerr: And is it your intent that a landscaping plan will be submitted with the final so that we know exactly what and where is going to be planted? It's typically a requirement that there be a landscaping plan.

Nick Benz: Yes, we can have that.

Lynn Ekelund: And then again, on my Page 6, I have it right here, you're talking about any gaps in existing 50' landscape buffer shall be planted with a mix of shade trees. How large are those trees going to be at time of planting? Are these going to be mature trees? Are they going to be the same size trees that would fill the gaps in the 50' landscape buffer?

Nick Benz: The 50' landscape buffer is the buffer that separates our property from Ms. Wilkins' property and because she's sold her development rights to the Land Preservation Trust, there's a 25' that's required for that and then another 25' that's part of your Code. Within that buffer there already is an entire, existing row of very mature trees. We don't plan to touch that, we want to take advantage of it as a natural buffer between Ms. Wilkins' property and ours, so that she doesn't look out her window and just see paved roads and trucks moving along all day. We will take out only as many trees as is necessary to accommodate the roadway width that we need for truck purposes. So I don't know how much additional planting is taking place there. I believe we're taking advantage of natural landscaping, is that true?

Lynn Ekelund: Well, your note just says any gaps shall be planted with a mix of shade trees, so I'm just wondering where these... You're noting the gaps.

Bob MacLeish: As soon as we come through, we're actually off of here and so there's a potential that there could be some gaps once we kind of move these out, because some of that's overgrown; so we're looking at probably like a 3-1/2" caliper as we go in here to fill this back in.

Bob Heinrich: 3-1/2" caliper?

Bob MacLeish: Yes.

Bob Kerr: I guess I would add that in accordance with the Town Ordinance, because they also have some height requirements and caliper requirements.

Nick Benz: A 3-1/2, I believe, gets you an already existing 10' canopy and a peak that's about 18 to 20' tall, so it's a tree that you and I could stand under, under it's natural; where the trunk starts out to the branches and then the peak of that tree would go up to 18 to 20'. That's what we define as mature.

Bob Kerr: If it helps, I believe the reason that they have to take down some of the trees, is to get the grading to work; the berms that are there

now have to come out. The trees are already growing on the berms and they're going to lower that area several feet.

Nick Benz: Yes. Page 6?

Lynn Ekelund: I just like Page 6. The road, the access road, whatever; you got a name for the road yet?

Nick Benz: No.

Lynn Ekelund: No. Okay. Just wondering.

Nick Benz: Good point. I have to make a note of that.

Lynn Ekelund: That's going to be your road?

Nick Benz: Correct. Owned, maintained, built. Correct. Snow plowed. Lit. Everything.

Lynn Ekelund: Pot holes. Everything. They're yours.

Nick Benz: Yes.

Lynn Ekelund: Is there any property on the parcel that is going to be offered for dedication for public use?

Nick Benz: No.

Lynn Ekelund: Okay. We talked about the DelDOT thing. And we are just kind of in the dark right now about the size, height, type of signs, your signage and that will be part of the final?

Nick Benz: It's my understanding that we require your approval for signage, according to the Town Sign Ordinances; just like we're learning at the redo of our existing entrance; that you all still have oversight on what we do at the entrance. And just to reiterate, the main entrance that we want to make as pretty as we can, is the one where we actually want guests and visitors to come; if we make it so appealing at Cave Neck Road, to make it look pretty, we're going to have a lot of guests and visitors going to a guard shack and turning around. We're going to have a lot of in and out of a road that they weren't intended to be on, so there's an artful way to balance who's supposed to be at which entrance.

Bob Heinrich: I'll make a motion, if that's acceptable.

Robin Davis: We're still dealing with this waiver.

Bob Heinrich: Yes, that's what I'm going to make a motion for. I was going to make a motion to accept the waiver, as presented and assume that whatever would have to be done in the future, would be done.

Seth Thompson: So is that based on the evidence of the satisfactory off-street parking arrangements that they showed you tonight? You have to make it a specific part of the motion.

Bob Heinrich: Say again, I'm sorry.

Seth Thompson: The waiver, it can either be based on the area being located in the Town Center, which we don't have here; it can be based on evidence of satisfactory off-site parking arrangements; or it can be based on public off-street parking facilities that are within 100' of the lot that's the subject.

Bob Kerr: 400.

Seth Thompson: I'm sorry, 400, of the lot that's the subject of the application.

Bob Heinrich: Now I'm confused, I thought I understood it before.

Seth Thompson: Okay.

Bob Heinrich: My understanding is that we're going to reduce the number of parking spaces and because it's slightly calculated to be high, I think; and that we were going to also create less of an impervious surface as a result of doing that; and that if further parking needed to be accomplished later, that it would be accomplished to satisfy whatever needs were necessary. You're going to have to explain the off-street parking to me.

Seth Thompson: So and again, I just want to make it clear, we do need to make a finding, because you're waiving a requirement that otherwise exists, so I believe they put forth some evidence that showed that they have off-site parking; off-site meaning a different parcel than the one that we're discussing tonight; that they're going to be using in conjunction with this project. So I take it to mean that that's your basis for the waiver; now if there's a change of use in the future, they would need to come back in and comply with the parking requirement at that point.

Bob Heinrich: Okay.

Seth Thompson: Is that?

Bob Heinrich: That's satisfactory to me and I make that motion, as stated.

Bob Kerr: Can we give the actual numbers?

Seth Thompson: Sure. And the actual numbers, there was a waiver of 105...

Bob Kerr: 205 parking places are required and they're asking for a waiver of 115 and they will still have 75 on the site with the remaining requirement being met by the off-site parking lot.

Lynn Ekelund: In their February 21st letter, they're requesting a waiver of 105 and you said 115.

Bob Kerr: I'm sorry, yeah, thank you.

Lynn Ekelund: You mean 105.

Bob Kerr: Yes, 105.

Bob Heinrich: Do I need to restate my motion?

Seth Thompson: We'll walk through it again, just to make sure that the record is clear, I suppose. So we're considering a waiver of 105 parking spaces, based on the evidence they presented, that their satisfactory off-site parking that's adjacent to this particular parcel and in the event that there's a change of use in the future, that would require additional parking, at that point, that requirement would need to be met; but the waiver would cease at that point.

Bob Heinrich: I move that we accept the waiver.

Lynn Ekelund: As described by Mr. Thompson?

Bob Heinrich: As described by Mr. Thompson.

Lynn Ekelund: I second that.

Bob Heinrich: All in favor say aye. Opposed. Motion carried. I will make another motion. I move that we accept the preliminary site plan, as submitted, with all conditions that we spoke about with regard to landscaping and other conditions discussed prior to final site plan approval, because I do understand and can appreciate the need for Dogfish Head to move forward; they've invested significant capital in this project and I don't think it would be fair to hold them up; but we did state in October, I think, that we were going to put you guys through the ringer on final site plan approval, so we just ask that you do as good as you've done to this point and we'll go through the site plan final process when that time comes.

Seth Thompson: We need to identify... I'll attempt to identify the individual items too. I think the applicant might appreciate that, as well, just to make sure that we're all on the same page. We've addressed the waiver, which was discussed at length. The landscaping, there were four different elements of landscaping. Are you requesting that the final site plan reflects...

Bob Heinrich: I would like to see a final landscaping plan for the entire construction site.

Seth Thompson: Okay. And then the street lighting, there was a discussion of that. Is that an additional condition that...

Bob Heinrich: I'm satisfied that the engineer, our engineer, has worked with Dogfish's engineer and that lighting doesn't need to be further discussed, in my mind.

Lynn Ekelund: I would just like to make sure that Mr. Kerr is also satisfied or if he feels that we should put something...

Bob Kerr: Typically in the past, we have required a lighting plan, with the foot candle input for each light, so that we can see how far the light will shine from a particular place.

Lynn Ekelund: Then I would like to add that.

Bob Kerr: And I probably bring it up mostly because of the problems we had with Food Lion, over the years, that their lighting was not what was claimed at the time and therefore everybody after that gets tasked to have to do more.

Seth Thompson: And then the final site plan to show the guardhouse location and details of the guardhouse and the gate.

Bob Heinrich: Yes, that would be nice to see on a print.

Robin Davis: The piping design.

Bob Kerr: The piping location details.

Seth Thompson: And then the details in the final plan for the above-ground piping. Was there any issue in terms of needing to see the refrigeration equipment?

Bob Kerr: If it's on the roof, it's not as much of an issue. I didn't want to see a big cooling tower.

Seth Thompson: And proposed signage.

Bob Heinrich: That is later, my understanding.

Bob Kerr: But it's that you want to see it.

Bob Heinrich: Oh, absolutely.

Lynn Ekelund: Yes.

Bob Heinrich: Details. It would be interesting. Is there any noise associated with the refrigeration on the roof? Is there a noise issue involved with that?

Bob Kerr: Not as much as there would be with a large, single cooling tower. These would be similar to a household compressor that sits outside of your house, only somewhat bigger.

Bob Heinrich: So it's not anticipated to further increase any decibels or anything like that?

Bob Kerr: I don't think it would be a large concern, especially as one of the gentlemen said this evening, the location and the pitch in most parts of the roof will assist in the sound going up, rather than out.

Bob Heinrich: Right. The motion still stands.

Bob Kerr: A few more details on the gates at Round Pole Branch, where they will swipe their employee card to open the gates; where they are located and just the location of those.

Tim Nicholson: Are we voting on the motion?

Lynn Ekelund: We want to make sure we have all of them.

Bob Heinrich: We need a second.

Seth Thompson: Let's make sure we have all of them. One last time, I think.

Lynn Ekelund: We have all of the...

Seth Thompson: Mr. Davis, if you could check me. The conditions include everything that's been agreed upon in the Memorandum from February 14th and then from February 21st and then the others discussed tonight, which include a landscaping plan, a lighting plan, guard shack and gate plan, pipes plan. Did I miss anything?

Robin Davis: Signage.

Lynn Ekelund: Signage.

Seth Thompson: And signage.

Robin Davis: And the gate crossing where it crosses the Round Pole Branch. The waiver was already done in the original motion.

Seth Thompson: Okay.

Bob Heinrich: The motion stands.

Tim Nicholson: Second.

Lynn Ekelund: All in favor say aye. Opposed. Motion carried.

Bob MacLeish: Thank you very much.

8. Adjournment

Lynn Ekelund: I need a motion for adjournment.

Bob Heinrich: I make a motion to adjourn at 9:01 p.m.

Tim Nicholson: Second.

Lynn Ekelund: We have a motion and a second to adjourn. All in favor say aye.
Opposed. Motion carried. Thank you all.