

**Town of Milton
Planning & Zoning Meeting
Milton Library, 121 Union Street
Tuesday, August 21, 2012
6:30 pm**

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

1. Call Meeting to Order

2. Roll Call of Members

Linda Edelen	Present
Bob Heinrich	Present
Lynn Ekelund	Present
Tim Nicholson	Present
Don Mazzeo	Present

3. Additions/Corrections to the Agenda

Don Mazzeo: Do we have any additions or corrections to the Agenda as it has been posted?

Lynn Ekelund: I just want to know that the agenda that we have reads that the meeting is to start at 7:00 p.m., when in actuality it's starting at 6:30 p.m. I believe there was an amended agenda posted.

Don Mazzeo: Other than that, do we have any other changes to the agenda? Seeing none, I'll ask for approval of that agenda, as amended.

4. Approval of agenda

Lynn Ekelund: Move to approve.

Bob Heinrich: Second.

Don Mazzeo: All in favor say aye. Opposed. Agenda has been approved.

5. Approval of minutes from July 17, 2012

Don Mazzeo: We need an approval of the minutes of July 17, 2012. Do I have any questions, concerns concerning those minutes?

Bob Heinrich: Yes. I have three questions. Primarily because I wasn't here and I did read the minutes, because I wanted to find out what happened and these are only slight, but on Page 9, Mr. Chairman, I think you meant "five years ago".

Don Mazzeo: I'm going to have to dig them out. Where are you Robert?

Bob Heinrich: A third of the way down, Don Mazzeo, seven years ago. You're talking about 2007 and that would have been five years ago, I believe. I'm not sure what your intent for the meaning was there.

Don Mazzeo: Bad mathematics.

Bob Heinrich: Yeah, okay.

Don Mazzeo: That should be corrected to read "Five years ago."

Bob Heinrich: Similarly on page 10, similar, at the lower quarter. "Don Mazzeo: recognizing that the property was being developed seven years ago." I'm not trying to give you a hard time, Don.

Don Mazzeo: No. No. Bad mathematics. I'll yield to that.

Bob Heinrich: And finally on page 17, I'm going to get you Lynn. Actually, I'm not sure what this is, right there in the middle, Seth Thompson: It's interesting because I looked at that language. Lynn Ekelund: Where are you know?¹

Lynn Ekelund: Now.

Bob Heinrich: Okay. I wasn't sure.

Don Mazzeo: Okay, typo.

Bob Heinrich: Typo. That's all I have.

Robin Davis: Mr. Chairman, what I'll do is I'll have the transcriptionist look at the seven years. If that's what you said, that's how it was written down by her; so that would be corrected.

Don Mazzeo: I'm sure that will be corrected in the next set of minutes.

Robin Davis: We will not change it. If you did say seven years ago, it will stay in there as seven years ago.

Bob Heinrich: Okay.

Robin Davis: We have to transcribe it as what was said; not what was meant to be said.

Don Mazzeo: Okay.

Seth Thompson: You could note the amendment on the actual minutes, though, that in essence there could be a footnote saying this number is supposed to be five and that it was approved as amended.

Don Mazzeo: Any other corrections?

Bob Heinrich: No.

Don Mazzeo: Can I get a motion to accept, as amended, the minutes from July 17, 2012.

Bob Heinrich: Motion to accept as amended.

Linda Edelen: Second

Don Mazzeo: All in favor say aye. Opposed. Motion is approved..

6. **Public Hearing**

The applicant, Dogfish Properties, LLC, is requesting preliminary site plan approval for the following items:

1. Construction of a 26,661+/- square foot addition to the existing facility, and
2. Construction of a 9,994+/- square foot wastewater building.

The property is located at 6 The Center, further identified by the Sussex County tax map and parcel number 2-35-20.11-52.01. The property is zoned LI-1 LPD.

Don Mazzeo: The Public Hearing is the only order of business that we have. And as has been the practice, we will have the applicant to present their application and statements, following by the commission's commentary questions and will be followed up, lastly, with public input from those of you who are here. And with that, do we have representation from Dogfish Properties, LLC?

Nick Benz, Representing member of Dogfish Properties, LLC and also Chief Operating Officer of Dogfish Head Craft Brewery, Inc.: We left the lawyers at home, so this should go quicker today. This is a continuation of where we met on a few previous projects and what this phase of the operation is, it's all of that utilitarian, keeps the buildings running, stuff. Think of it as a luxury hotel and you have the nice grand entrance to the hotel, while your guests come in and then there's the backside of that hotel, where the linens come in and you're deliveries of food and this is the linens and deliveries end of the building. It's the same side of the building where all of our current utilities already exist and really the application for the buildings to be

¹ Don Mazzeo did say "five", twice, even though he meant "seven". I have added a footnote to those two entries. In addition, Lynn Ekelund did say "Where are we now?" It was a typo and the correction has made on Page 17 of the minutes from July 17, 2012. Thank you for pointing them out. Helene Rodgvile

proposed as such, is in the same spirit as putting our grain operations and storage for the Brew House project that we have previously had approval for; in the spirit of being a good neighbor, taking the lion's share of what would be called the ugly side of the building and trying, in fact, to get it inside of buildings; helps contain noise; helps contain light; helps contain odors; helps contain anything that people would possibly find offensive. These are things like a boiler expansion, compressed air expansion, glycol expansion, these are the utilities that make our building run an additional transformer that we will need from Delmarva Power. These are all the utilities of what we do. Currently every drop of wastewater that leaves our facility, with the exception of the few toilets and sinks that exist in the building, that is part of the Tidewater system; every process drain in the facility currently goes to a sump pit; excuse me goes to a sump pit storage tanks and from those storage tanks gets loaded onto wastewater trucks that we farm to a number of farming relationships that we have in the area; five different farms; a little over a hundred acres of land leasing and as we stale as a business, we could keep staling that way, but now we're looking at much more sophisticated systems that would do a substantial amount of pre-treatment on site that would then allow us to reuse, for cleaning purposes and boiler feed water makeup and cooling tower water makeup; there's a number of sources, other than the actual making of the beer, that we would be able to regenerate and reuse our wastewater in an environmentally friendly well; tax the wells less; recycle that water back in and reuse it in a closed loop system. That's the intended purpose of that proposed wastewater building that would be a... We're currently interviewing and working through bids of various technologies and various types of solutions that would exist out there, but all of them would have some sort of a membrane system associated with them and an RO system, which would be contained within a building and that's why we show a building there, so it's not out in the open. None of these systems will be out in the open, they'll all be contained from within a building and we took great care to place the buildings in the way that we placed them so that our one-way truck traffic that will be coming and going from the main entrance to town; out by the fork in the road off of Cave Neck Road, that one-way truck traffic is still preserved through this space for all the vehicles that we need to make deliveries; our malt deliveries, hops and materials to the brew house, as well as those that continue to support our wastewater operations. It would be our intent, long term, to get out of the water hauling business, to spray irrigation on farm land, by making this investment, but there still would be a small amount of solids removal from the digesters that from time to time we would land apply through our current DNREC permits on a much smaller portion of land, so instead of trucks going multiple times a day all day during the day light, we would have only a smaller, honey wagon, like a Clean Delaware that comes and pumps out your septic tanks; a much smaller one, a 2,000 gallon tank, that would pump solids on more like a once a week basis, as opposed to multiple trucks a day basis and that truck would make the same loop through that area. The intent, at the moment, I won't say the intent, is this would not all happen right at once. All of the different utility systems we have in place are going to reach their maximum capacity at different phases over the next several years. The ones we need to pull forward most immediately, to expand upon our boiler systems, that will be the first thing we phase in; then we reach a constraint on our compressed air system. So we'll add our new compressors and then after that we'll get into glycol compressors and we'll phase these projects in over time starting this fall, most immediately, so when our new Brew House comes on-line in the spring of next year, we have that utility system there that will help get that on line. The rest we'll phase in over time, so this won't go from 0-60; everything done at once. It will be a phased approach, based on the way that the utility systems reach their capacity over the coming between 6 months and about 2 years from now; by the time we'll have all of the systems updated. We only have enough bandwidth to tackle so many open projects at once, so we're going to phase these in over a period of time. Let's see here. In

this back portion of the building, it's even further away from any... These buildings are significantly further away from any neighbors that we had before. We intend to leave as much of the mature vegetation as is possible, that already exists along the property line between us and I mix up the name of the company and the development; the development is Chestnut Crossing and the... I always want to say Atlantic Crossing. But Chestnut Crossing to the backside. We want to leave as much of that mature vegetation as we can. We have a large, tall, as tall as we can, the vinyl fence that will separate and where the gaps exist to employ similar tactics to what we have on the Brew House addition, which is some living wall segments which that will give us as much green separation between... visually...the visual component to make it as pleasing as possible. I think that's all I have for now, so I'll be happy to answer any questions you have now or at any future time. Yes?

Bob Heinrich: I have a question Mr. Chairman. It's minor. With the building that's going to house the utilities, like the water treatment and all of the things that you mentioned, and despite the fact that those utilities may come on line down the road, not all at once, will the building be completed prior to that? In other words, the building will not be left unfinished waiting for certain things to be installed, will it?

Nick Benz: No.

Bob Heinrich: No.

Nick Benz: We will more than likely, not more than likely, I can honestly say we will not build that entire building in one fell swoop and the way we typically build buildings is in a modular fashion, so we'll grab, what are the next two projects that we know are going to happen? Build the building soup to nuts. Fit it out, now it's good, finished, done. Move onto the next expansion when the time's appropriate and as we sequence the project, it's a modular approach to continue and to add on to the exact same building, but in the exact same style and pallet that the existing building already has. So at no point will it be left in an unfinished state.

Bob Heinrich: That was my point. Yeah.

Nick Benz: It will always be taken, even done in a modular fashion to a finished state at each step along the way.

Don Mazzeo: I have several questions.

Nick Benz: Okay.

Don Mazzeo: First one. This is your third application as it relates to the expansion of your particular corporation. Is there additional expansion anticipated and where would it be and how long down the road would it take before that comes on line?

Nick Benz: I'm just looking at the drawings and saying we have no more room. There is nothing planned at the moment. I'll say, at the moment, there's nothing we've been discussing where we have additional needs right now. I can't say, never say never. At some point, we may need additional office space. At some point, well that's it. That's the only thing I can think of that could possibly even come as an addition, but even there, we have plenty of room that we're currently sitting in, so we're looking quite a number of years down the road. This is the last addition pieces that we need to finish out this massive capital investment that's taking us from about 200,000 barrel capacity to 500,000 barrel capacity.

Don Mazzeo: And just for clarification purposes, this particular expansion and where it's located has nothing to do with the 40+/- acres that we had spoken about months ago.

Nick Benz: No, this is on existing land we've owned for quite some time already.

Don Mazzeo: That was for clarification purposes.

Nick Benz: Right. Yes. That's right.

Don Mazzeo: Okay. Is there some way that you and your architects, or somebody, can show us in a rendering what all of this is going to look like when it's all said and done, because honestly I'm having some difficulty visualizing where, how this is all going to look as it's being

presented, not only to the public on this side, but certainly on the opposing side to Chestnut Properties and I would like to see if anyone would like to chime in.

Bob Heinrich: I would like to chime in on that, may I?

Don Mazzeo: Okay.

Bob Heinrich: One of the... and I met with Robin yesterday to go over this very issue, because every time I look at these prints, I'm not criticizing you guys, because you do a great job, but it would be helpful to us, on this Commission, to see as Mr. Chairman says, a big plot plan of the entire site. Now, yesterday Robin told me this is a different parcel and that's understood; that's why you're not showing the other pieces of your property, but for the purpose of the public and for us, and in order for us to properly evaluate what you're doing and as Mr. Mazzeo said, planning for your future, it would be helpful to us to know what the big picture looks like. You know? Whether it's an aerial photograph or whether it's a rendering, an architect's rendering, or some kind of a drawing that... because we look at this and all we see is this particular parcel and not in relation to the other things going on. It's difficult for me, who doesn't read drawings well to begin with, to try and make sense out of all of it and I just would echo what Mr. Mazzeo was saying. It's helpful.

Lynn Ekelund: And I would agree as well.

Nick Benz: There is no public facing component to either of these two buildings and so when you're looking for a rendering that would be from vantage points where the general public would see them, there is none. The general public doesn't see the location where this building is currently located, is where our four loading docks that currently exist in the back corner of our building where the 18-wheelers bring raw materials and take our finished good beer from the facility are. There is no public facing, from no vantage point of any publicly accessible space can you see either of these two addition.

Bob Heinrich: I don't think we're even getting at that. I'm not anyway. But what we're getting at is a bird's eye view of what the plan is, from above, just like what you have here, only the big picture; not just this parcel. In order for us to put everything into perspective as a site.

Don Mazzeo: An aerial view, I think you had at one time shown to one of the Commissions or Council of the entire layout of the property and it would be helpful if we could then taken that very same aerial photo that you had and start taking little pieces and parts and saying here's what it's going to look like when it's all done.

Bob Heinrich: Yeah.

Don Mazzeo: Or your proposals as you feel they're going to be complete within the next two of five years.

Nick Benz: I guess the only way I can answer that concisely, is on numerous, previous occasions standing in front of this commission that may or may not have involved some of you folks, we've brought larger, bigger picture, what some might call a Master Plan, and some said, not some, the commission recommendation was Master Plans don't get recorded. Thanks for bringing the Master Plan to give us a big picture, but all we're interested in is what the application at hand is about and that's the advice we roll with and when we provided the pictures of the last rendering of the last building, it was always done for that particular application. We talked about the warehouse building in the back, it was that parcel, that building from different vantage points, where there was a public capability to actually see that. We showed from those vantage points what that building would look like. So the position I'm in is I've been told and maybe Seth or Robin can chime in here, and it doesn't get recorded...

Bob Heinrich: Maybe Robin.

Nick Benz: That's not a requirement that we believed.

Bob Heinrich: I can understand your confusion with that and we're not trying to make more work. In fact, if anything, it could be a simple process. I think the Chairman said that your first,

original aerial view would be nothing more than pasting up pieces of paper on that to show what buildings are going where, for purposes of our review. I mean nothing to hire an architect for or anything like that, just something perspective for us to look at so we can understand what the entire scope of your corporate campus is going to look like. Am I making sense to you?

Seth Thompson: Mr. Benz, I think they're probably referring to the overall picture that was displayed as part of the rezoning application?

Bob Heinrich: Yeah.

Seth Thompson: I think that's probably the case. So, I gather that the point is and you guys can definitely correct me if I'm getting the wrong impression here, but to understand how these buildings fit in with the neighboring buildings in terms of...

Bob Heinrich: Just to see what the entire campus looks like. I mean, I don't think that's unusual, really.

Seth Thompson: Okay. But you're not looking for architectural drawings and previously your site plans have involved, just as Mr. Benz has describing, kind of a lay person's view of the property [unintelligible].

Bob Heinrich: Yeah, nothing fancy. Just a perspective that we can understand, instead of just seeing this one parcel, we could see all of the parcels together and how it all comes together. For instance, I'm looking over there at that piece on... It's not even shown on our drawing, the building on the right.

Don Mazzeo: That would be the new building, new warehouse?

Bob Heinrich: Yeah. New warehouse.

Nick Benz: That is the corner of the new warehouse building.

Bob Heinrich: And I'm not saying it has to be this huge picture, or anything, a simple sketch, but Mr. Chairman do you want to help me out here?

Don Mazzeo: You're in the right direction, absolutely. What I would like to see and I'll echo those that are on the commission basically, that we'd like to see an overall plan that will show everything that you are planning to do, already have plans for, and again, you know for a fact that you're going to do something ten years from now? No you don't. I understand that, we all understand that, but you already have a 100,000 sq. ft. warehouse that's been approved. I'm not suggesting we're taking any approvals away; don't get me wrong; but just to put all the pieces into one picture. This is the Planning and Zoning Commission. We'd like to be able to see what your plans are. That's what I'm after, is your plan to say I'm going to go up to my 500,000 barrel and then I'm going to start exploding someplace else. You don't know that either. But we know today you've already requested one 100,000 sq. ft. warehouse, a 27,000 sq. ft. addition to the... I'm calling it the front of the building or to the left of the building as we're looking at your plans, and now we're adding another 25,000 and another 10,000 sq. ft. on top of that. It's a lot of things going on on a relatively small piece of property other than the 40 acres in the back. Now do you follow what I'm getting to?

Nick Benz: Sure, but I think...

Seth Thompson: I'll chime in here. This is _____ that we're at the preliminary phase, obviously, so that might be... I certainly understand the commission's concern that they want to have an overall orientation in terms of where the other buildings are located, obviously they're on different parcels, so we have to deal with this site plan, but we are at the preliminary phase. I don't know if Mr. Benz is willing to do that, but again, it sounds to me like you're not looking for something overly complicated or rendering from street level or anything like that.

Bob Heinrich: Just a picture of what...

Don Mazzeo: No. No. Well let me ask this question, Seth, please? If this is the preliminary and we don't have all the parts and pieces that we feel comfortable moving forward, how can we then move to the next stage, which would be then to have final approval?

Seth Thompson: Right. Well typically the preliminary phase is to get as much input as possible...

Don Mazzeo: And that's where I'm at now.

Seth Thompson: That's right. And then whatever conditions need to be attached or whatever issues need to be resolved so that everything is ready for final approval, again, it really is a two-step process, the preliminary is actually the bulk of the work and again, it's not the final approval, but the questions you're asking I think are appropriate for a preliminary review.

Don Mazzeo: And that's what I'm asking.

Seth Thompson: Right.

Linda Edelen: Is the scale the same for all your drawings? If so, can you do a cut and paste?

Nick Benz: From previous submissions? I have no idea. Probably not. Because the size of the parcels are different and when you take the parcel and fit the page, they're going to be different.

Bob Heinrich: Yeah.

Linda Edelen: It makes sense.

Bob Heinrich: I can't believe that this is such a... Again, I'm not criticizing, but it doesn't seem to me to be a huge undertaking to have a plot plan of your entire campus, that will just show existing, planning, approval; I just don't get it. I've seen these things before, it's not an unusual request.

Nick Benz: With all due respect, I've submitted them on multiple occasions over the many years I've been doing this...

Bob Heinrich: Well I've only been on this commission for a year.

Nick Benz: And different people sitting in the chairs you're sitting in have told me the exact opposite, which is thank you for the big picture, but all we care about is what the application at hand is so we take that advice and that's how we proceed and that's how we've gone for the previous two times we've been in front of you within the last twelve months. It's the exact same approach we took on this one. From my perspective, it's just maybe a little bit of the rules of the game have changed and I wasn't aware of that. I'm playing by a set of rules that we have been playing by so far.

Bob Heinrich: I don't even think we're demanding... I think all I'm saying, and I really mean this, all I'm saying is it would make it easier for us to evaluate if we could see it. It's not something we're saying we want you to do this; it would be helpful.

Nick Benz: If the question is can we take the pictures, the plot plans that you have, which is truly from a bird's eye view; it's your plan view, as if you're in an airplane and zoom out to show from the main entrance at Chestnut Street, all the way back over to Chestnut Street here, that's a very simple drawing to do.

Don Mazzeo: That's what we're asking for Nick.

Bob Heinrich: Yeah, exactly.

Nick Benz: Because we already have that in CAD. That requirement has never been asked and I suppose I was standing here thinking maybe there was criticism that I had not presented it; the reason I hadn't is because I had been told in the past not to...

Bob Heinrich: No. No. I'm not criticizing.

Nick Benz: I'd be happy to present that. That's easy to present.

Don Mazzeo: Let's clarify it very quickly.

Bob Heinrich: Yeah.

Don Mazzeo: It is not mandated that you have that, however, as we move forward from preliminary to final one condition that I will place upon that, is that you provide that to us in the final version.

Nick Benz: That's an easy request. It's a zoom out of all the pieces that you've already seen in one picture and we have one master CAD file that's quite easy to do that.

Bob Heinrich: Yeah. Yeah.

Don Mazzeo: And I'll take one further step backwards. I probably wouldn't have asked for anything more than what you've done in the past, is because I didn't know you had more pieces and parts coming; not did anyone sitting at the table here; nor did any of the neighbors. Again, that's not a negative. I'm just stating. I would not have requested anything for that first portion that's up against the street, because that was the one and only and in fact, you did have pictures at that one too, because you even showed the little living wall, if I remember.

Nick Benz: From the front space.

Don Mazzeo: Correct. Correct.

Nick Benz: Correct and that's because it was the obvious public facing component. Everybody who turns off at Chestnut Street is going to see that; guest, visitor, anybody who lives in Cannery Village, so we wanted to try and show the various angles of what that would look like. This is the utilitarian side of the building, that's tucked around the backside corner. It's quite simple. I don't have to build the buildings and tomorrow I can begin just sticking all the equipment out there that's going to stink, be loud, within the limits that's part of the zoning rules that I have to play by, 75' tall, the decibel limits and I can do that. This is trying to be the attempt at being the good neighbor and hiding all of that stuff inside of a building.

Bob Heinrich: And that's much appreciated.

Nick Benz: And that's simply why I'm here. I didn't anticipate this when we were going through our expansions, thinking that we already had enough space to do that and probably naively thinking well we're just sticking that outside. We know exactly where we're going. Well, wait a minute, maybe that doesn't make sense. Let's take the same approach we did before and get it inside buildings in that same spirit and that's where this came about.

Bob Heinrich: I think it's interesting to note and not to belabor the point. I'll stop after this, but we haven't discussed this amongst ourselves at all and it's interesting it's come out, except I spoke with Robin yesterday about it. I'm not aware of anybody else speaking about this and yet it seems to be on all of our minds here, so I think we're all saying it would just help us. That's all.

Seth Thompson: I just want to clarify, again, the term "plot plan" was used. I don't know if you're really looking for something that formal, in terms of showing setbacks. I think it's really, in my mind, I'm envisioning what was used at the rezoning, where it was almost a Google Maps image that displayed the buildings in some rough way. Am I reading the commission correctly?

Bob Heinrich: Yeah.

Don Mazzeo: You were reading it correct.

Lynn Ekelund: The condition that I wrote down that I thought we would add, is just a bird's eye view of the campus.

Nick Benz: That's easily accomplished. We obviously have that, because that's part of our Master Plan.

Don Mazzeo: And while you're doing that, if I could offer a suggestion that you show some of the vegetation that you're going to leave vs. that which you are going to take down; eventually you're going to be taking some vegetation down here, it's obvious; making sure that when we see this, that we can see what type of landscaping we're going to be able to recognize as we drive through, and up to, and including the front door of your campus.

Nick Benz: Yes.

Don Mazzeo: And while we're on the subject, I don't see any plans for any plantings anywhere on the application that's been proposed this evening. Is there nothing going to be done anyplace?

Nick Benz: For the proposed buildings?

Don Mazzeo: The landscaping plan?

Nick Benz: For the proposed buildings?

Don Mazzeo: For the proposed buildings. Because it's all in the back, are you suggesting you probably don't need any or want any?

Nick Benz: The living wall components in the gaps where the natural vegetation that's already quite mature; these aren't young trees; there's mature vegetation back there.

Don Mazzeo: Understood.

Nick Benz: Is a component, but, no for a truck driver and a delivery man we don't plan on making nice landscape flower beds; for our 18-wheeler drivers rolling through the facility.

Don Mazzeo: But that wasn't even listed in your application. No. No. You've mentioned the living wall several times, but it was not mentioned in the plans that I saw. It was only through your verbiage this evening that you're actually coming back and saying that I've got this 8' wall; or fence; vinyl I guess, it was white vinyl, as it's listed in the application. That's all that was listed, so you've added a piece of information that was not there.

Nick Benz: Okay.

Don Mazzeo: That's a good thing.

Nick Benz: Okay.

Bob Heinrich: I think one of the comments that the engineer gave was there was no landscaping shown on the new site plan; item number twenty and that the vinyl fence is shown along the property line and that's pretty much... even one of the recommendations from the engineer was the need for additional landscaping should be considered by the commission. Am I correct in that interpretation here?

Don Mazzeo: You're directing that to Mr. Kerr?

Bob Heinrich: To Mr. Kerr, yeah.

Bob Kerr, CABA Associates: Yes, that was something for you to consider whether additional landscaping was or wasn't needed.

Don Mazzeo: I happen to agree with Mr. Benz. This is the back lot, if you will. Putting up pansies is not really appropriate.

Tim Nicholson: I thought you got rid of the pansies?

Nick Benz: We did.

Don Mazzeo: No we don't want that.

Lynn Ekelund: With the exception of where is the 8' vinyl privacy fence?

Nick Benz: It's right on the property line. It's an extension, if I can, there's already a fence that exists along the property line between the development and Dogfish; when it hits this corner and articulates back to the Round Pole Branch, this is the property line.

Lynn Ekelund: That's where you're talking about?

Nick Benz: That's where it is, on the property line.

Lynn Ekelund: And then is the living wall would that be oriented towards that fence? Where would the living wall be?

Nick Benz: The living wall would be on the proposed wastewater building, the facade that would face the actual development and the...

Linda Edelen: Where again? I'm sorry.

Nick Benz: The facade of the building...

Linda Edelen: It's on the...

Nick Benz: That would face the development. The residents.

Bob Heinrich: The residents.

Don Mazzeo: So basically between the residents, we will have a 6'... 6'?

Bob Heinrich: 8'.

Don Mazzeo: 8' vinyl fence...

Nick Benz: Vinyl wall...

Don Mazzeo: And then there's going to be a small walkway distance from that fence and then there's going to be a living wall on the facade facing the residences?

Linda Edelen: Yes.

Nick Benz: This is something you have multiple copies of, you can hand them out. So what Robin's handing you, I suppose he took pictures, which are always worth 1,000 words...

Bob Heinrich: Yes.

Nick Benz: On the very first page, what you see on the bottom picture is the corner articulation. It's where the white vinyl fence ends and the mature vegetation begins, right at this corner on the drawing, then as you turn the page and turn the corner heading towards Round Pole Branch, all the remaining pictures you see there is the mature vegetation surrounding this entire triangular back piece of our property and the intent is to leave and remain as many of that as we can, in the same fashion that we did in the warehouse building where we took down very few of the trees and took advantage of the natural railroad track that used to exist when this was a cannery going through the property to begin with and we took down very few mature trees to put that building in. The building sits where the lagoon was, that was also decommissioned, that was part of the cannery back then; so it's minimal impact.

Tim Nicholson: Do you have plans to add new trees across the street from your building where you seem to have stopped and there's a fence?

Nick Benz: That's an engineering lay down space for the construction of this building, so as materials arrive for the construction of that building, it's a temporary lay down space, that then the crane picks up and places. Once the construction of that building is completed, the remaining landscaping details will finish out that entire middle triangle piece across our main entrance, yes.

Tim Nicholson: Okay.

Don Mazzeo: Several other questions I have. There's a lot of structure, or amenities, on your original set of plans that are listed to be removed and are all of those "to be removed items", going to be relocated inside this new facility? Do you have...

Nick Benz: I'm not sure what.

Don Mazzeo: I didn't want to open this up, but I will. I am on page 4 of 12 in your plans.

Bob Heinrich: What page?

Don Mazzeo: Four of twelve.

Bob Heinrich: Four of twelve, here, we can share.

Don Mazzeo: And I'm looking in the vicinity of where the new – I'm going to call it that triangular shaped - building is going to be erected, if approved. I see an existing wooden fence to be removed, existing tank to be removed, existing underground holding tanks...

Bob Heinrich: To be removed.

Don Mazzeo: To be removed, paving area to be replaced; but we're not talking about that. I'm calling them... That's what TBR is.

Nick Benz: Oh, okay.

Bob Heinrich: To Be Relocated.

Nick Benz: From an infrastructure standpoint, some of those, some items will be reused and repurposed, if possible, inside of the building. For those that we'll no longer have a use for because the scale isn't appropriate anymore, the new solution will bring the additional vessels needed for equipment, membrane systems, whatever they are; pumps, piping will be new, so we're going to try to salvage and reuse what is possible and what is possible will be relocated inside of the buildings, instead of being outside.

Don Mazzeo: So you don't plan on having additional outside storage, or outside tanks, above and beyond what you are showing currently on this new plan?

Nick Benz: No. No. Correct.

Don Mazzeo: You indicated that you did not have your final wastewater treatment facility under contract yet, you're still investigating.

Nick Benz: No, in fact, we have a pilot system going that will take another few months to prove the technology works. It's a brand new technology that we're working with. The original pilot system, concurrently going to prove that technology, so it won't happen until the beginning of next year, at the soonest, by the time we get to a contractual relationship.

Don Mazzeo: The reason my question was, you don't know what you're going to be putting in, so how do you know the building is going to be sufficient in size to sustain that business?

Nick Benz: All of the technical solutions we're proposing, footprints and layouts have been proposed and this building size would accommodate any one of those possibilities. Now, which one is the right one is still a business decision that has to be made, but the building layout and structure was done in a way that it could accommodate any of the possibilities that we're contemplating.

Don Mazzeo: Thank you. Do you have any lighting plans that we could review? I think we've discussed this in the past. We don't seem to get and maybe it's not a requirement and I'll refer this back to Mr. Davis perhaps. Is a lighting plan appropriate at preliminary, because you do have, I believe, it indicated four or five different lights are going to be added or moved or changed around. Recognized are they going to be shaded so that they will not cast over to the residents, etc., etc., but if there's enough lighting for what town feels is appropriate?

Seth Thompson: One of your requirements is location, design and size of all signs and lighting facilities.

Don Mazzeo: And I don't see any signage listed anywhere. Apparently we're not looking at any, because it's your back lot. Your own signage would be internal to one way streets and pedestrian traffic, etc. It's not meant apparently for the public.

Nick Benz: Not apparently. There would be no general public; there would be no even personal Dogfish vehicular traffic; this is the main transportation loop for feeding our facility with raw materials and taking finished goods from... Well not even here. Finished goods are in the new warehouse building. This is simply a route to support the business operations, reload the CO₂ tank, bring bulk grain for the brew house, deliver hops to the front brew house location, remove the spent grains and take them to the farmers to feed as cattle feed. That is the trucking loop and also services the wastewater aspects of our business; which we hope to change so it becomes significantly less truck intensive, as well, with a capital investment, instead of continuing to land apply.

Don Mazzeo: Let's move over to the other building, addition that you're looking at.

Lynn Ekelund: Can I?

Don Mazzeo: I'm sorry. Go ahead.

Lynn Ekelund: Just let me jump in while we're on lighting and I'm at Point number 10 of Mr. Kerr's report, which states: "Any new lighting should be positioned and shielded in such a manner as to not impact the lots in Chestnut Crossing."

Nick Benz: Which number ten, the number ten on page two or the number ten on page three?

Tim Nicholson: There's two of those. Page three.

Lynn Ekelund: How many ten's do you have, Bob? I'll take the number ten on page three.

Nick Benz: It was an accident, obviously; it went to fifteen and cycled back to ten.

Bob Heinrich: It's misnumbered.

Lynn Ekelund: And what I'm wondering is that sort of goes back to we don't have any kind of a lighting plan; do you have... Is that going to be addressed?

Nick Benz: The lighting that's necessary for the building, would not be lighting that's on the side of the building that would face the development anyway. The lighting is going to be necessary to light the road surface and the road surface only.

Lynn Ekelund: Okay. Okay.

Nick Benz: We're not... As the spirit of every time I've stood up here before, is the intention is to have indirect task lighting approach to our lighting solution, as opposed to a giant Wal*Mart parking lot, the beacons that you can land the airplanes in that just radiate 360°. These are shielded lights that light the surface at hand, that meet the code requirements for the task at hand; which is the road surface as they turn the building. Everything that's inside the building, is work to be done inside the building. There's no work to be done outside that building. The only task at hand in the wastewater area is for the occasional vehicle on a weekly basis, instead of many on a monthly basis; that would be to remove some solids content from the digesters, but that by DNREC permits cannot be done in nighttime hours; can only be done during daytime hours; even further minimizing the need for specific task lighting; but we will have general road lighting available for those roads lighting those road surfaces only and not lighting the sides of these buildings and the facades of these buildings, that specifically face the developments. They will remain dark because we have no need to light them.

Bob Heinrich: Mr. Chairman, I wonder if it wouldn't be a good idea to let the engineer take us through his comments, rather than take his comments apart one at a time.

Lynn Ekelund: Especially if he has multiple tabs.

Nick Benz: If it's appropriate, what we've done in the past, is we've taken the list and we've gone through the items one by one, addressing and saying we agree, we agree, we agree, we agree, or here's an addition or correct that we'd like to be considered.

Bob Heinrich: You're right. I remember that now.

Nick Benz: Bob would you like to start that?

Bob MacLeish, Lighthouse Construction and construction manager for Dogfish Head: Starting with Bob's and I'll just start on page one and work my way through, if that's okay? Item number 1, 2 and 3 are really just housekeeping issues. I think just stating the facts about what we're here for tonight. There's no comment on that, we're in agreement. Item number 4 and 5 are concurrent regarding the parking and we agree with Bob's comment. I think there needs to be some clarification, I think, that one of the things when you turn in the site plan, I think that to describe as an example a wastewater building at 9,999 sq. ft., there really is no occupancy within that building. It's a single source, so there is no parking in at. We looking at it that that's 20 spaces that we really don't need at that standpoint and a lot of the other in the 29,000 sq. ft. there's minimal... it's mostly utilitarian which is as Nick described earlier, the back side, the linens, those kinds of things; there's not specific to people there. Their operational with equipment that take up floor space in that manner, from that standpoint. But I think we can come to where that number's we're talking about at five parking space differential. I think a clarification is in order and we can provide that to Bob, so we can review it.

Don Mazzeo: Well, let's do that right now, because I would like the quick input to that. Five spaces, in my opinion, is not significant to add to our detract from whatever the base is, 378? Now if you said we're having 35 or 55, I would have an issue with it, so my opinion is that we perhaps have you request a waiver or a justification for the reduction, unless other members have commentary.

Seth Thompson: We can do that in the business portion, but it is important that the members of the public know what the applicant's intentions are.

Bob Heinrich: I agree.

Seth Thompson: In terms of any votes on waivers, you'll have to do that during the business portion once everybody gets their _____.

Bob MacLeish: And I would agree with you on that. I apologize. Under item number 6 in regards to the Fire Marshall, no primary are shown. Again Don, as we make these submissions as we go through our process, we also submit to the agencies for preliminary, and I do have

with me today we got the final approvals from the Fire Marshall for it and the plans are already there, so I can submit that, as well.

Don Mazzeo: Good.

Bob MacLeish: So we can see that. Items number 7, 8, 9, 10 really do with the floor elevations and if I can kind of explain that, and I think...

Don Mazzeo: Please do, because I was extremely confused.

Bob MacLeish: Yes, it's confusing when you start looking at it. The building itself, as we're going through, there's a couple of different floor elevations as you go and some of you may not be aware of that. On the lower portion, right here, is the 24.46 **unintelligible because they were moving papers across the microphone.** This upper portion, because of the way the buildings were built is at 2995. The new addition, from an approval previously is at that 29, which will match up these floors. This portion will be at that 29 number and then this will drop down to match this floor, so when you start looking at the different floor heights, there will be, it's approximately right in this location here, that then there's two floors will match up but there won't be a differential in height, there's a ramp interior of the building that gives them access to this upper floor here. So when you start looking at the grades, the one is not projected up where it's well up out of the ground there. The grades do fall just to get a natural flow to come back, for drainage to come to here; but basically that line is right here. That's how it deals. There are different heights, like I said, this floor down here is at 24.46 and this is at the 29+ up in here.

Don Mazzeo: You indicate that there's going to be a ramp. Is that intended for like fork trucks and such?

Bob MacLeish: It is existing. It is an existing ramp which is right here on the interior of the existing building that gives them access between those two different floors. So when he's referencing...

Nick Benz: That ramp... This is currently our finished goods storage, until we get it moved out to here and for years, this is our loading dock; that internal ramp is the way we got all of the beer up that 5' elevation difference between the buildings. It's just a legacy that interior space that we've lived with since we purchased this from what was once the Cannery Village, so the entire warehouse space down here on the bottom is 5' lower than the entire brew house cellar tank space above it. This gray space will be split, roughly down the middle like this, where the top portions will be aligned with the floor up there and the back portion will be aligned with the floor on the bottom space.

Don Mazzeo: Thank you.

Bob Heinrich: My only question when reading this, was is there anything in here that is contrary to what code should be for elevations and I guess I'm asking this of the engineers.

Bob Kerr: As far as finished floor elevation?

Bob Heinrich: As far as height of the buildings, in terms of codes.

Bob Kerr: No, the code allows 70' or 75' in this area. They have shown the building to be 35' and that's essentially above the finished floor, but because of outside grades it might be as much as 8' or 9' more than that and then it gets into a little bit of exactly what the pitch of the roof is and how you calculate the finish, or the overall height of the building.

Nick Benz: If I may, it's actually going to be less from the outside, not more, because the grade, if you're standing here on the ground and you're walking this road, as you turn the corner and start walking in this direction, you're walking up hill, but the building is staying the same, so the building will look smaller and smaller and smaller, relative to the actual ground, even if the floor level inside the building is many more feet below that. Like a garden apartment walking in an inner city.

Bob Kerr: No, the finished floor is above existing grade in all areas, so that...

Nick Benz: No, the finished floor of this space here, will be...

Bob Kerr: It's 29' and the outside grade is 20'.

Nick Benz: It's 24'.

Bob Kerr: I'm only looking at your drawing.

Nick Benz: That's why we're clarifying your comments, was to say that this entire gray space will not be at one chosen elevation; this entire gray space will be bisected and the portion touching the high floor elevation, will be at the high floor elevation. This portion in the back, that's more of the back square we'll call it, will be part of this lower elevation; so there will actually be... And we'll take advantage of that ramp for anything that we need to do between the two spaces.

Bob Kerr: Okay, so I guess it's just all of the numbers on the drawings are wrong...

Nick Benz: Correction from that.

Bob Kerr: Because the two existing ones are in the 24.57' and 24.49'. The existing floor on sheet six where your finger is now is shown to be 24.49', Bob.

Bob MacLeish: Then that's correct, Bob and your statement in the next one, I believe, it shows 24' up here, which is incorrect.

Bob Kerr: It shows 24.57' at that location.

Bob MacLeish: You are correct and that is not correct. It's 29'.

Bob Kerr: That one's 29'.

Don Mazzeo: It's safe to assume that that will be corrected.

Bob MacLeish: That is correct.

Nick Benz: Similar to a numbering error.

Bob Kerr: Yes. So the gray portion right in that area right there, Bob, will be...

Bob MacLeish: It will match this floor here, Bob.

Don Mazzeo: It will be at the 24'.

Bob Kerr: So it will be... No. Okay, it will be at 24', so that corner will be 4' above existing grade?

Bob MacLeish: I thought that was 22'. Is that not 22' down there?

Bob Kerr: It shows 20.24', so it's approximately 4'.

Bob MacLeish: You're correct.

Bob Kerr: Okay, so at that point the building could be approximately 39' from the outside.

Bob MacLeish: Correct.

Bob Kerr: Okay, all of the 35' is measured from finished floor and so it is slightly more than 35'; it's still well within the code.

Don Mazzeo: Yes. Good.

Bob MacLeish: Correct. Item number 11 requiring just a note on the drawings about being one-way traffic. We will add that note to the drawings. Item number 12, is there sufficient room for wastewater hauling operations and other between the two buildings? I'm not sure that was one of the ones...

Bob Kerr: Yeah. I think you jumped over one, the first number ten, if there's some 4' above grade to the finished floor, or even if it's only 2'; you're showing in the sections that there are overhead doors. Is that something that you're just going to run up to with a forklift, but not actually enter the building, or...

Bob MacLeish: That is correct. It's simply for if a truck comes... Again, it's the backside of deliveries, things like that, that they would just come up and a fork truck would come up, unload it from inside the building itself.

Bob Kerr: Will a truck back up to it or...

Bob MacLeish: Well depending on what it is.

Bob Kerr: It just seemed that while you're making that delivery, you have essentially blocked the road.

Nick Benz: This is not a delivery area. This is for utility systems. The only delivery that would take place here is liquid CO₂ and that's going directly into a bulk tank through a hose connection. All deliveries to this facility are still to and from the large warehouse building on the back parcel. This is not... This space is where the utility systems sit, so the only people that are going to need to access that space, are mostly maintenance folks and maintenance folks are going to drive golf cart, Polaris Ranger bicycle; something between the buildings with their tool chests and they're not going to be entering the facility through large overhead doors bringing large pieces of equipment. That would all come through the roll-up doors that we have along the existing facade of the 60,000 sq. ft. existing warehouse, like it does currently, today, so there's no intention of delivery van shows up, loading, unloading area; that won't happen in this space. It's a utility space.

Bob Kerr: Okay, I was worried not only about truck deliveries, but also pedestrian door access where you end up with a landing and steps outside. We have a 33' wide driveway and all of a sudden 5' disappear on each side so you're down to 23' and now the wastewater truck is parked and again we've blocked the road.

Nick Benz: The back side of our existing building right now has exactly that. There's egress points along the back side of this building that hits concrete pad, one, two steps down to grade. It is the exact same design criteria that exists on our existing building here. If Code required, based on our 300' to an exit, because of the use of this space, that one needed to be on this back building, so be it. The reason why this corner is notched out is exactly to accommodate the truck models for a large 18 wheeler to be able to turn these corners with ease, properly _____ without doing damage to our building. A door could easily be placed in this access point, because it would not, in fact, be in the way of any truck. It lands into a safe triangular space and that would be for emergency egress purposes only and that could be done right here in this corner piece without harming anyone.

Bob Kerr: Okay, I think just showing where those locations are going to be, so that we don't end up with opposing steps striped, wastewater and utility building opposite each other, would be my concern.

Nick Benz: Valid, but the internal _____ out of that building, we actually don't know yet. We know what systems we need. We don't yet know the exact orientation and what's going to be where; because we don't have the exact building detail on the inside, that would be the follow-up step that architect's would do on our behalf to say okay, now that you've laid out your equipment, here's where you need your egress points and then our own co-worker's safety is usually our biggest concern first, so we're not going to land them right into the middle of a truck landing area. If need be, we can notch the external facade of the building to have a safe landing space within the confines of the building that then your visibility allows you to exit the building appropriately.

Bob Kerr: Maybe a note on the drawings saying that very thing.

Nick Benz: Saying that would be helpful.

Bob Kerr: Those are the...

Nick Benz: We can easily do that.

Bob MacLeish: Number 11, were you okay with that, we will add that note to it, Bob?

Bob Kerr: Yes.

Bob MacLeish: Number 12, I guess that carries the same.

Bob Kerr: I think we've covered it.

Bob MacLeish: You've got that? Okay.

Bob Kerr: Number 13, we've covered.

Bob MacLeish: Thirteen we've covered. Fourteen, I think covers the same as well?

Don Mazzeo: Yes.

Bob Kerr: Second number 10.

Bob MacLeish: Addressing to Page 3, number 15. The three wall packs. No additional lighting. It's more again for the function of their operations, it's not for anything else besides that. Again, they're not going to try and light up the road. They're going to light it just enough to get it lit for safety purposes, but not to go into the Chestnut Crossing or anything.

Bob Kerr: Again there's a note that says three wall packs are being relocated, so there's no...

Bob MacLeish: You want an identification of what that is.

Bob Kerr: If they're not going to be wall packs, then what kind of lighting is going to be there and where are the lights going to be located? The problem that the Commission has is that this gets built and all of a sudden there's lights everywhere; there's none shown... We know that you're telling us that there's going to be a minimal amount of lighting, but the Commission needs to know where the lighting is going to be.

Bob MacLeish: We'll clean that up. Number 11, I think Nick addressed that, that we will add that on the base on Chestnut Crossing as part of the component. Again, number 14, the fire hydrant, we'll take that in the note.

Tim Nicholson: What about 12 and 13? The second 12 and 13.

Nick Benz: I'm going to address the number 12 here. You were talking about the paved area that goes around this back side of the building right here. It is very easy to give the concession on tractor/trailers. Those three axle vehicles, simply wouldn't fit, so it's very easy to say that that could be posted as such, and that consideration is quite simple. A two-axle vehicle, and again, get in your mind's eye a Clean Delaware truck that comes and sucks a porta-potty or comes and sucks your septic tank out, that is the type of vehicle that would be used for solid sludge removal from this particular facility and we're not yet, depending on the orientation, we wanted to reserve the right to be able to have that part here, here, anywhere along the building, knowing that it may disrupt our own operations, but it's a quick manual load of that sludge to get it out of here, but because we don't know the orientation of the innards of this building yet, we don't know which facade that's going to be necessary to be accommodated from. So a two-axle vehicle simply for solid sludge removal will be necessary, even if it's not tractor/trailers from a semantic standpoint.

Bob Heinrich: I note there's a 25' path behind there, where the green wall is going to be, correct? Yeah.

Nick Benz: Here?

Bob Heinrich: Yes on that point. Right?

Nick Benz: Yes.

Bob Heinrich: And that could be used for traffic of this truck you're describing, right? Back there?

Nick Benz: Yes, you would pull the small wagon down here, get it out of your main transportation path, do your 30 minute, 10 minute, 15 minute load; whatever it happens to be; back out and away you go again.

Bob Heinrich: What about... is there ever going to be... I'm just thinking out loud. Is there a possibility that those trucks would have to turn into the building somehow?

Nick Benz: Inside of the building?

Bob Heinrich: Yeah. Into a loading dock or something.

Nick Benz: No.

Bob Heinrich: Okay, so there's nothing back there?

Nick Benz: No.

Bob Heinrich: So they would just drive through one way or the other.

Nick Benz: There's no round trip traffic through here. You pull in, do your business, back out and away you go.

Bob Heinrich: Yeah.

Nick Benz: Similar to the way a trash truck would pick up dumpster in a restaurant. You pull in, get your dumpster, it backs out of the parking lot/restaurant. There's no one way around.

Bob Kerr: One of my concerns and Nick I didn't express it quite correctly, is that if you were to own your own ruling stock, that that would become a parking spot for a truck and that was really part of my concern, is that a truck not be parked there 24/7 except when it's hauling.

Nick Benz: That's an easy concession, because all of our vehicles will be parked at it. It's not even a concession, all of our vehicles will be parked out at the new warehouse building where we have ample space for them.

Bob Kerr: I would just like to see them. It kind of protects the adjoining property owner a little bit that he doesn't have a sludge hauling truck in his backyard all the time.

Nick Benz: Easy enough. Yup.

Bob MacLeish: Number 13, no parking/unloading areas are shown on the site plan. There are none planned for back there, because of the egress issues.

Bob Kerr: Okay, if we could have a note just...

Bob MacLeish: Yes. Number 14, that deals with the fire hydrant near the property corner. We will address that, as well and put the notes on as required. Number 15, no location is shown on the drawings for a dumpster. Nick addresses trash removal.

Nick Benz: Our intention is to go to a multiple dumpster... Let me back up. Our packaging lines are moving out to the new warehouse building, as you remember from the previous meetings and that's where most of our dunnage and most of our waste materials are in fact generated from. We're going to have telemetry included compaction style units where we have glass separated from cardboard, separated from general trash. Only come when it's full, not like your trash that comes regardless of whether the dumpster is full or not, it comes and picks it up. We'll have those solutions out in that building. This space is all of the biological waste of the brewing process, the spent yeast, the spent grains, they all go through different solutions that go into storage tanks that are contained. For example, the spent grains from the brewing process, will be as the trucks arc through this building, we'll pick up the spent grains there and continue on because there's going to be a separate receptacle blowing them into the truck from in there. So it's not anticipated that there would be any dumpsters back here. Any dumpster solution we can rely on would be over here. If, in the build out of this, it is necessary, then we can "sacrifice" the appropriate amount of space, in the corner, wherever that would be appropriate, to access off of that road to be able to do that, but it's not our plan at the moment to have that there.

Don Mazzeo: And you're saying that basically nothing in the three grayed out areas and/or that which you already have, which is going to move out perhaps, is going to generate any kind of dumpster requirement, at all; for refuse, office waste, lab junk?

Nick Benz: General trash can removal?

Don Mazzeo: Yeah.

Nick Benz: That can easily... Our maintenance crews are going to be working the entire grounds and if you have the appropriate Polaris Ranger, you know the big six-wheeler, four-wheeler with the dump thing on the back you see at larger complexes, load it up, take it out, dump it at the official dumpster station.

Don Mazzeo: Which will be down there.

Nick Benz: Our maintenance team is moving to the other building. Our packaging line. Our keg line. All of the large material generations from a trash perspective are all out in this building, so for centralizing as much as our dumpster operations as we can in one location, then it's a matter of collecting the trash cans, like janitors do in a high school all the time. You roll around with a large enough receptacle to empty all of the trash cans out and take it out to the appropriate location to be thrown away.

Don Mazzeo: Thank you.

Robin Davis: Would it be feasible just to put a note on the plans saying there's no plans for a dumpster on the site?

Bob MacLeish: Yes.

Bob Heinrich: Just a question. There are dumpsters on the site now? There must be, for sure.

Nick Benz: Yes, there's two small, I think four ton units, which are the small ones, not the really long...

Bob Heinrich: For trash and for recyclables?

Nick Benz: No, they're both for trash at this moment. We bale all of our cardboard in a separate baler inside the building and sell it back to our pallet company for credit in exchange for wooden pallets. So all the cardboard is already recycled separately.

Bob MacLeish: Number 16 is an existing CO₂ storage tank is to be removed; is the new one is located outside? When you say outside...

Nick Benz: I'll address this one too. Yes. A CO₂ tank you would not place indoors, that's not safe if the CO tank leaks you have a massive human safety issue on your hands. Somewhere in this section where the... The current CO₂ tank sits right about where the PRO of proposed is currently sitting; we don't own that equipment. That's owned by Airlakeed because we purchase our compressed air from that company, Airlakeed. We are doing all the homework to evaluate purchasing our own equipment now which gives us a buying power to shop our CO₂ business and buy from multiple vendors and those tanks are currently slated to exist in the narrow portion of the road and wherever that exists, it will not have a roof. It will be building ends, building goes, but from an external facade standpoint, similar to the way my restaurant analogy with the dumpster, instead of seeing a big ugly dumpster, they give it a nice facade with a latticed wood surrounding, or a latticed fence surrounding, for that particular vessel. When they show up to fill it up, you'd swing the gate open, put your hose in, fill it back up and then close that again. It will still be contained off and it will just be the tank. We can still put all of the pumps and manifold equipment and vaporizer equipment inside of the building, but the tank would be located outside the building, but within the space of the grayed out area, if that makes sense. There will be a carve out of the building within the grayed out area to house the tank alone, so that you have all the proper ventilation you need for human safety.

Don Mazzeo: Can you make note of that on the plans, as well?

Nick Benz: We can make a note of it, but I can't note a specific location.

Don Mazzeo: You just can't be specific. But make a note that it's going to be an outside facility.

Nick Benz: Yes.

Bob MacLeish: Number 17 a note about the Fire Department connection; we will correct that. Number 18, again we will meet your standards there. Number 19, we agree with that as well, we've made our initial submissions to Tidewater. Number 20 deals with the landscaping and I think we addressed that, as well, we put the living wall in there. Or are we looking for additional?

Bob Heinrich: The only thing I would ask about the 8' vinyl privacy fence from the standpoint of the residents living behind it, yeah; sometimes they can be pretty ugly. What kind of a fence is this going to be? Was that on the picture here?

Bob Kerr: It's already on there, Bob.

Bob Heinrich: I'm sorry.

Don Mazzeo: Bottom of page 1.

Bob Heinrich: The white fence here?

Don Mazzeo: Yes.

Bob Heinrich: Oh, because it says green, I think in here. Green vinyl.

Don Mazzeo: I don't think it says anything.

Bob MacLeish: No the green is old.

Bob Heinrich: Oh, I'm sorry, I'm confusing it. Sorry. Okay, very good, thanks.

Bob MacLeish: Number 21, I believe is a note, Bob, regarding what flood plain actually is at 9 and if the elevations were showing.

Bob Heinrich: Is that a typo in there, at the end, it says 19 vs. 9; because that confused me.

Bob Kerr: No, the flood elevation is 9; but the actual elevation of the land is 19 and it has to do with the way flood plain maps were generated. They did not go out and do a complete survey to develop all the contours. I think we would all recognize that if the flood is going to come to elevation 9, it's not going to get up to 19. Unfortunately, that line has Federal implications and whether you're allowed to build within it or not gets handed off to the gentleman to my left.

Bob MacLeish: So we are aware of that, as well. And then Number 22 is I think a housekeeping issue of just the submissions that we have to make. Just one note, we mentioned earlier about the Delaware State Fire Marshall. We've also received Sussex Conservation District approval, as well.

Don Mazzeo: You have received from Sussex Conservation?

Bob MacLeish: We have received it, yes.

Don Mazzeo: Okay. That would be on record in Town Hall.

Robin Davis: That will be part of the final. They will submit that to us, as part of the final package.

Don Mazzeo: Thank you.

Bob MacLeish: I believe that's your list of...

Don Mazzeo: A tidy list that it is. Okay. Is there anything else that Dogfish would like to present before we go to Commission questions or comments, additions?

Nick Benz: We're good, unless you have more.

Don Mazzeo: Well, do we have more questions, concerns, or comments from the Commission relating to this particular application?

Lynn Ekelund: I think I would like to hear from the public before.

Don Mazzeo: We can address after the fact. At this time, I will open the floor to public comment regarding this application and please recognize that you should address this Commission, not the applicant. When you do come forward, please use the microphone so we have you on record, state your name and address purely for the record.

1. Jerry Perigoy, 200 Sassafras Lane in Chestnut Crossing: I live on the other side of the white fence. About three days ago, four days ago, the end of last week, it got so bad in that particular that my wife called over across the white fence; nobody answered the phone. They said leave a message. Dishes were falling off of shelves and off the wall in my house. This thing here, whatever it is; see I never got a chance to look at this. I was in the office and I looked at a piece of paper that meant nothing to me, so I came over and the equipment they were using here was so noisy, I'm not kidding you; what I'm telling you is the truth. It's a good thing we were home, because we would have lost a lot of dishes. They had some big piece of equipment over there that had real wide tracks on it, much like an army tank, only much wider and when they started that thing up and moved it, and of course every time they redirected it, it made one heck of a racket. That's not my point, though; I am upset about that day and those couple of days, that noise racket and then nobody answered the phone. But anyway, when you people stand up here, there's three of us and we all live in that area. We don't get to see anything. We don't acknowledge anything, we don't know if everything you said is good, bad or indifferent. The first thing I know is, this thing is a building. I didn't know I was going to have a building there. I live right across the fence. I didn't know we were going to have a

building there. Nobody ever told me that and of course, when you come up here and you speak, you know, it's not very easy to sit back there and understand what's going on, when we can't even see what's going on. So maybe we ought to move our chairs over there? But anyway. I'm sorry if I'm creating a problem, but I'm trying to give you what it's like in Chestnut Crossing, because we don't get all the information. These people are very nice, in a lot of ways, and I've never voted against anything they wanted to do over there, but I tell you one thing, there's a lot of things going on here, just like this; that's a magic hole over there. Has anybody ridden over there and looked at it? It's right out against the road and how big is this building going to be? What am I going to be looking at? You say an 8' fence. How tall is this building? Can you answer my question.

Seth Thompson: I'm sorry, Sir, you need to direct your comments to the Commission.

Jerry Perigoy: Okay, how tall is this building going to be? What am I going to be looking at?

Don Mazzeo: I cannot recall the exact height of that building, however, about three months ago, and I will stand corrected on that particular date and time, we had a Public Hearing regarding that particular piece of property and I do not recall that you were in the audience that evening. Now, if you were, my apologies for not recognizing you; but there was a Public Hearing, as duly noted, and I'm sure all of the appropriate documentation that was needed to be submitted to all the residences within the whatever feet it is...

Jerry Perigoy: Chestnut Crossing.

Don Mazzeo: You would have received notification of the Public Hearing and whether you recognized that there was going to be something happening, I can't be sure, but I can tell you that anyone who was in that meeting, that night, and I believe there were several of the folks that are here this evening, were here, so the notice did get out. It's also published in the paper and it's also posted on our website, so as much as you may not like what is there, it was a Public Hearing for all public input; it was an approved application and it went through the normal application process, right through and including Council.

Jerry Perigoy: Okay, I'm not saying that... I come to these meetings when I have the opportunity to come.

Don Mazzeo: We appreciate that, trust me.

Jerry Perigoy: And because I have an interest and like I said before, normally I have not had any complaints at all with what's on the other side of the fence, now last week the bottom fell out and I mean the bottom really fell out and that is really the first time I knew about this building. I did not know there was a building there, going to be there.

Don Mazzeo: It's definitely going to be there, trust me.

Jerry Perigoy: Okay, I give up.

2. Sam Gard, 115 Sassafras Lane, which is also in Chestnut Crossing: And as you say, I did attend several of the meetings for the other expansion. This one, I mean, I brought with me something that Nick had said at one of the meetings, that said he planned a 50,000 to 75,000 sq. ft. warehouse; that's part of the meeting minutes and that's it. And the hints were, to me at least, my interpretation was that the last time we came and approved the however many thousand sq. ft. addition, it's almost coming right into our development was approved and now we have another one. I'm not sure... I've heard the discussion, but as Jerry pointed out, we were not able to see what the explanations were when you were pointing out the drawing for the sake of the Commission, so if I could have three or four minutes to just look at the drawing and then ask a question, if I have one.

Don Mazzeo: Please take a few minutes to do so and while you're doing that, is there anyone else that would like to comment?

3. Ellen Calhoun, 106 Sassafras Lane, right across the street from Sam and around the corner from Jerry: I think, just as an overall comment in this whole expansion process with Dogfish, we feel like mushrooms and just as you all are requesting an overhead of what it's going to look like, we can't tell from the plans what it's going to look like and what we're going to be looking at and what we're going to be hearing, which has been a problem. So I agree with you. I think we need an aerial of what's going on, but everyone here has a picture that was shown, I think, about a year ago when Dogfish acquired 40 acres and asked for the zoning change. Anyway, I think one of our concerns is that 8' vinyl fence. It is pretty ugly and the vegetation that's growing along it now is just kind of scrubby stuff, so what I would like to see and I think my neighbor's would probably agree, would be some sort of plans for landscaping along this edging here and here, in addition to a green wall. We're already at the model house that's going up here looking at a pretty ugly mildew covered fence; so what we're interested in, I think, is buffering for us, because these buildings... I wasn't able to attend the May meeting that covered this, but this is going to be, I think, 70'; 35' for the building and another 30' for the tower, so that's a pretty big thing for people from Chestnut Crossing to be looking at and I think that's why we're concerned about this, another 35'; we're going to see that through the trees. We're going to see this through the trees and above the trees and I'm concerned we're going to see the top of this from some parts of our development too. I have one question. I wasn't here for the May hearing, I had another obligation, so I don't understand why when this was being considered here, I understand the need for it, but I don't understand why all the expansion is occurring on this side of the plant, when Dogfish has existing before the 40 acres were purchased; all this area here where a huge parking lot is; it's immense. It's a great place to learn to ride a bicycle. I've noticed a lot of kids in the neighborhood back there on their bikes. Why couldn't... I don't understand why that couldn't have been used for some of this expansion? If anybody has the answer, I would love to hear it sometime.

Don Mazzeo: Let me address the first one that I recall, which is the fact that the building is going to be built and Sam's been looking at it now for quite some time. You're correct in the estimation that I believe it was 35' of building and perhaps another 35' of tower, which was not going to be ugly, per se. I'll leave it at that. I have similar concerns as you have with the fact that there's a residence on one side and guess what, that's the way it is. Unfortunately, the way it is presented tonight and it's the way it's been presented since Dogfish Head has owned that property. It's been zoned for the purposes of having a brew house there, brewery; whatever the terminology is; my apologies if I'm wrong, Nick. The fact is that they have the right to build in that zone to whatever our legal limits say they can do and just as you had the legal right not to buy in your particular residence, knowing full well that Dogfish was going to be behind you; not knowing what was going to happen; no one knew what was going to happen and no one still knows what's going to happen to that property twenty years from now. It's an unfortunate position, this is a, this is not record material, if you will; but you have a residence that adjoins a legal entity that they can put what they are requesting on. There's very little recourse that I'm aware of, unless there's some case law that says you cannot allow an entity that has the right to build there and tell them they can't.

Seth Thompson: And if I could address that element, we do have a noise ordinance, so the extent the comments were concerned about noise, that really wouldn't be within the

purview of Planning and Zoning necessarily; now they can certainly consider the effect of noise on other residents, when they're figuring out the appropriateness of plans; but, if the concern is noise, the town would need to be notified, because we do have a noise ordinance. Now, I'm not saying that they've violated that ordinance, I have no idea. But that would be the more appropriate avenue if there was concern about that particular issue.

Don Mazzeo: And I would take it one step further. There's been testimony from Dogfish, particularly and directly, that there's going to be less noise once the construction is complete; once all of the amenities that they're going to be putting up are going to be housed inside. You're not going to have trucks idling outside, where you do today. I know that and it's been stated for the record, that everybody's aware of the fact that there are trucks idling right alongside your development. That is going to be taken away, by testimony, it's going to be inside. As testimony was given this evening, most of that noise that is already outside in the back lot, is going to be now housed inside. Is it going to be reduced from 60 decibels, down to 55? I can't tell you. I don't think anybody can. But I've also heard other testimony over the past several applications that where they have been requested, town has gone out and done noise level testing and to the record, it's never been above the decibel level that requires them to take action. As much as I would like to say it's going to go to zero, it's never going to go to zero; it can't. You're sitting next door to an industrial facility and it's a fact of life and Milton is going to have to blend the industrial with the residential with the other zones that we have, to make as many people happy as we possibly can. Commentary off.

2. Continued.../

Sam Gard: I just want to confirm, because I couldn't see where people were pointing, all of your grain and I guess I should address this...

Don Mazzeo: You can address it in generality, let's call it.

Sam Gard: As I understand it, all of the grain and brewing materials will be received in the building which is already approved.

Don Mazzeo: That is correct.

Sam Gard: There will be no receiving of brewing materials out in here, if I heard it correctly.

Don Mazzeo: That sounds correct, as well.

Sam Gard: This is an approved building; these are the proposed buildings.

Don Mazzeo: Correct.

Sam Gard: What did we say the elevation of this guy is?

Don Mazzeo: In the vicinity of 35', plus grade level of something about 20'.

Sam Gard: Right. I have a comment on your dissertation on noise, just again to perhaps put it in the record. The ordinance regarding Light Industrial says that they can make 85 dba at the boundary of the lot, as defined. The ordinance... That is not in the noise ordinance; that is in the definition of Light Industrial. The noise ordinance says that no one shall make more than 65 dba in a residential area during the day, or 55 dba during the night. If there comes a conflict that he makes an 85 dba at his boundary and 5' away is my residential area, I would hope that the ordinance requiring less than 65 dba in the residential area, takes precedence. These are adjacent areas and it is inconsistent that you could have... It would be impossible to have 85 dba at his boundary and 65 dba at mine. That's not one of the possibilities with noise and as I read one of the places in our Code, it does say the more restrictive would apply in the case of a conflict, so I'm just putting that in the record. I have no other questions. It looks like we're going to have some 35'

neighbors. I would ask, if they had considered alternative locations for these. Incidentally, Jerry, what he did say about why this was used, has to do with the way the rest of the facility is set up, so again, as a layman and not asking them, the way they're brewing equipment is and their pipes and valves and pumps and tanks already, this was the only area that was reasonable for them to grow the brew house.

Don Mazzeo: Thank you.

Sam Gard: Is that reasonably accurate to what you wanted to say?

Don Mazzeo: That is reasonably accurate.

Sam Gard: Thank you.

Don Mazzeo: Thank you. There were several questions about the buffer and/or the condition of the fence that was posed this evening. Would Dogfish be amendable to requesting...

Seth Thompson: Do we want to...

Robin Davis: Is there anybody else?

Don Mazzeo: Well, I'll move along. Would you be amendable to maintaining fence, both sides on an annual or routine?

Nick Benz: With all due respect, Sir, that's not our fence. That was put up by the developers, the original developers of that development to create a buffer for that development against Dogfish. That isn't our fence. We didn't construct it. We didn't put it up. That was put up by the developers.

Don Mazzeo: Under those circumstances, I will then ask the residents who have a question that...

Nick Benz: I just want to make one more point to that. I know for a fact, because I have a copy of it, every deed that exists, along this property line, has it specifically stated you are buying a property next to a Light Industrial facility that has the capability of operating under the conditions set forth by the town. I know it's not fair and I know you've stated this, but it's like moving in next to the airport and complaining that the airplanes are too loud. It was there first. It was operating first and the deeds even specifically called it out that they're moving in next to what they're moving in next to.

Seth Thompson: Nick, is the fence on your property or is it on the residential properties?

Nick Benz: I honestly cannot sit here and say that for a fact, but if they put it up, I'm guessing it's just on their side, because we absolutely did not put that fence up. That was put up at the time that that development got their approval through their Planning and Zoning process.

Bob Kerr: If I may, on the drawing it's shown to be on Chestnut Crossing property.

4. Ellen Calhoun: Again. It is my understanding and I think among the three of us here tonight, I'm the longest living in Chestnut Crossing, that there was an agreement between our developer, Mark Guarani and Sam Calagione to share the cost of that fence; if not the fence itself, then some of the Leland Cypress that are along it were jointly planned by the two of them, but maybe somebody could look into that?

Don Mazzeo: Thank you for that input and I will request that Seth and/or Robin; I'm not sure to whom that goes.

Nick Benz: I'll be happy to comment on this. There is no agreement. We sought permission, before a different Planning and Zoning Commission that was not made up by any one of you folks a very long time ago; several years ago; a proposal here when we were embarking on our office expansion at that time, which is our main office entrance. At the time to get that approval, noise was brought up at that time and even though we've never violated any aspect and we have been tested every day for weeks

and weeks and weeks on end with the sound meter that the town purchased and we never violated anything that we're not permitted to do; we spent over \$30,000 of our own money to plant trees on the parcels on the Chestnut Crossing side of the fence; sought permission because they were not our parcels. We can't just go placing landscaping on other folks' properties and that request was sent to, I don't remember the gentleman's name, whoever, Mark, who they referenced in order to get permission to do that on the remaining unsold lots at that time and those are some of the Leland Cypress trees that are still to this day, now, above the 8' fence and we've moved forward and we've spent over \$30,000 in sound abatement equipment for our pumps and our cooling towers and planted a number of vegetation on the Chestnut Crossing side of the fence at that time, even though we weren't required and that was in the spirit of being a good neighbor and that's where some of that vegetation came from.

Don Mazzeo: I will withdraw my request for additional information based on that input. Do we have any other comments, questions from the public as we sit here this evening? Seeing none, hearing none. Gavel.

Seth Thompson: Robin, do you want to put on the record, that we didn't receive any written comments?

Don Mazzeo: Oh, thank you.

Robin Davis: No, there were no written comments received at Town Hall.

Seth Thompson: And the written notices for the 200'; residents, neighbors within 200' went out.

Robin Davis: Yes, correct and I received the copies back from Lighthouse Construction today.

5. Wendy Ha, 304 Brick Lane in Cannery Village: I wanted to clarify what the gentleman from Dogfish Head said, when he said he could build it without walls and there would be more smell and noise. What was that about? What was he really talking about?

Don Mazzeo: His indication and I'll let him speak for himself, but from what I heard was, they are requesting to have and I'll quote the triangular shaped building particularly, for the purposes of housing those items that are currently outside and do make noise and are argumentatively ugly, they have taken it upon themselves, the applicant has done so; come forward to the town to Planning and Zoning, particularly in this case, and said we would like to build something to house these items. It's going to certainly benefit the neighbors behind them; to what degree, I can't tell you, because I don't know, but I think it's going to benefit those neighbors and it's certainly going to benefit the applicant, long term, otherwise he wouldn't do it.

Wendy Ha: Okay, thank you.

Don Mazzeo: Your welcome. Nick would you like to respond beyond that, I'll be certainly open for it? Any other comments, questions, concerns during the public portion of the meeting? Seeing none, hearing none, the public portion of the meeting is now closed.

7. **Business**

Don Mazzeo: We have an application in front of us for the construction of a 26,000 +/- addition to an existing facility and approximately 10,000 sq. ft. wastewater building. Do I have a motion to approve this application and what conditions may be placed against it?

Bob Heinrich: I'll make a motion that we approve the application, conditional upon the comments made by the engineering consultant and I'd like to say, publicly, for the record, once

again, that Dogfish continues to impress me with the way they continue to do their business and this is a heavy weight we're lifting tonight and I appreciate the work that's been put forth here and I would just say thank you and keep up the good work.

Seth Thompson: If I could have a couple of quick clarifications?

Don Mazzeo: I was hoping you had kept a nice long list. My list is shorter than yours.

Seth Thompson: Perhaps, maybe the easiest item, it was briefly mentioned, a potential waiver of the five parking spots.

Don Mazzeo: We need to get to that.

Seth Thompson: Okay, great, and then one of the additional conditions that obviously wasn't noted on the engineer's memorandum, just providing some sort of...

Bob Heinrich: My motion was to include all of your comments and I thought I made that motion clear. All of your comments...

Seth Thompson: That was a very concise motion.

Bob Heinrich: Do you want me to go back and read every single one of the comments?

Don Mazzeo: No, no, no, no, no. Don't go back.

Tim Nicholson: No don't.

Don Mazzeo: Tim doesn't want that.

Tim Nicholson: No.

Bob Heinrich: What would you like me to further state, Seth?

Seth Thompson: It's okay. I just want to make sure if we could reference the date of the Memorandum and again, I think only where information needed to be noted on the plans, I think all that was clear, but we did need to again, deal with the parking. Right.

Lynn Ekelund: We also need to deal with what I call the "bird's eye view" of the campus.

Seth Thompson: Exactly and I suppose I was trying to get to that in terms of...

Bob Heinrich: I thought we already addressed all that earlier.

Seth Thompson: I just want it to be clear that they don't need to...

Bob Heinrich: I thought that was all conditional upon my motion.

Don Mazzeo: Can't do that, Bob.

Bob Heinrich: It's been discussed. It's been discussed.

Don Mazzeo: Okay.

Seth Thompson: I think it would just be very difficult for somebody to, well even the applicant, or if somebody else came in, and said, okay, what was approved here.

Bob Heinrich: Would somebody like to remake the motion?

Seth Thompson: That would be helpful, yes.

Bob Heinrich: Okay. I withdraw my motion.

Seth Thompson: If we can again, just kind of recap the numbers, the parking is number four. If you want to vote on the waiver separately, that's fine, as well, or if your motion wants to include that, that is the additional five spots as being waived. Um, we then move to it looks like items 7, 8, 9, and 10, in terms of the incorrect floor elevation. I believe the applicant said that they would correct that. They're going to be providing their finals, in terms of the Fire Marshall. They're going to note on the drawing the one-way traffic. Nothing needed to be done on page 2, number 12. Bob, what was your issue on the resolution on the pedestrian doors? Their potential location would be shown or am I thinking of... I know that was the case for the CO₂.

Bob Kerr: A note similar to the CO₂ that they will possibly either be as a cut-out into the building or that it will not impede traffic through that area, because 33' is fine for one truck, but if one has to stop for some reason, another one, and in all likelihood this is going to be a Fire Lane, anyway, so essentially there is no parking in this area.

Seth Thompson: Turning to page 3, the location of any exterior lighting and again, the applicant made it clear that they wouldn't be facing Chestnut Crossing on the back side of the building.

The living wall is number 11. The applicant said that they would be adding that. There would be a notation that it was... in terms of number 12 on page 3, some sort of notation that it wouldn't be for parking, in terms of that 16' wide driveway area. Add a note for number 13 on page 3, 14 the same, 15 a note showing that there would be no dumpster, 16 we just discussed the CO₂ tank, 17 a note would be added, 18 would be added.

Nick Benz: On the note about the dumpster, the further caveat was if one were to be necessary, it would additionally be a carve-out of the building so as not to interfere with the traffic pattern.

Seth Thompson: Great. 19 the approval from TESI (Tidewater), 20 the landscaping plan. I wasn't abundantly clear in terms of what the resolution was, what you were looking for on that. Again, your Code requires some level of landscaping plan, now they're saying that they're trying to keep all existing, or as much existing as is possible.

Bob Heinrich: My impression was that the landscaping wasn't necessary in the back there, because they stated that they didn't want to make their driveways pretty for the truckers coming in.

Nick Benz: Right.

Seth Thompson: And I think that's fine...

Bob Heinrich: So what's the issue?

Seth Thompson: You would just want to couch that as another waiver then, I would think that would be the easiest means of viewing; that again you're waiving the requirement for a landscaping plan just like you're waiving the five parking spaces.

Bob Heinrich: I think that's up to the Commission to decide, then. I mean, I understood that we accepted that.

Seth Thompson: Okay, great.

Don Mazzeo: But to make it legal, there has to be a request of the applicant for a waiver/we granting that waiver and then it becomes okay.

Bob Heinrich: Sure. Yes, Sir.

Seth Thompson: And you can do it all as one motion. I think we've identified all...

Bob Heinrich: That's what I was trying to do Seth.

Seth Thompson: I think the problem is I think the discussions hadn't come to some sort of final... I think it would be very difficult to read the minutes from our Public Hearing and determine what exactly the applicant needed to do and if you're a member of the public what you would expect to see on the final submission.

Bob Heinrich: Of course.

Bob Kerr: It makes it very difficult for me to figure out on the final drawings, what you've requested.

Don Mazzeo: What we're approving.

Bob Heinrich: Approving.

Don Mazzeo: Right, so we now have a need for a motion to approve, with conditions and/or waivers, of this application for the construction of the 26,000 and 10,000 sq. ft. additions and do I have a motion to do that?

Lynn Ekelund: So moved.

Don Mazzeo: Okay, now, with the conditions of what? With the conditions of what? I have to pull it out.

Lynn Ekelund: With the condition that we waive the five parking spaces, with the condition that all of the conditions that were discussed on Bob Kerr's Memorandum dated August 15, 2012 that the applicant has indicated that they will note on the plans, or correct on the plans, add on the plans, or change on the plans and that the applicant will provide a green living wall, along the northwest side of the proposed wastewater building, to match the living wall on the malt grain facility. That any new lighting on the northwest side of the proposed wastewater building

will be positioned and shielded in such a manner, as to not impact lots in Chestnut Crossing.

Don Mazzeo: That we will grant a waiver for any additional landscaping on the...

Bob Heinrich: Landscaping...

Lynn Ekelund: That based upon the applicant's representation that they will leave as much mature vegetation on the northwest side of the proposed wastewater building. That we will waive the need for a landscaping plan.

Don Mazzeo: And that the applicant will, indeed, provide the large, what did we call it; bird's eye view of the entire planned property.

Lynn Ekelund: Oh, the bird's eye view.

Don Mazzeo: Did we get all that on record now?

Seth Thompson: I think so.

Don Mazzeo: Okay, we have a motion with those conditions.

Bob Heinrich: I second it.

Don Mazzeo: Okay, let's have a roll call vote, please:

Linda Edelen	Approve
Bob Heinrich	Approve
Lynn Ekelund	Approve
Tim Nicholson	Approve
Don Mazzeo	Approve

Don Mazzeo: With that, gentlemen, you have an application that has been approved. You will have to be coming back, obviously, for final approval with all the additions, changes, deletions, corrections, etc., etc., that we've discussed this evening

7. Adjournment

Don Mazzeo: I need a motion to adjourn.

Bob Heinrich: I make a motion to adjourn at 8:15 p.m.

Lynn Ekelund: Second.

Don Mazzeo: We have a motion and a second to adjourn. All in favor say aye. Opposed. Motion carried. Thank you ladies and gentlemen.