



## AGENDA ITEM REPORT

**Meeting:** Milton Town Council - May 03 2021

**Staff Contact:** Tom Quass, Project Coordinator

**Department:** Code

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**Subject: Planning and Zoning Commission Meeting Minutes of 16 March 2021**

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**Background Information:**

P&Z Meeting held 16 March 2021.

**Project Updates:**

Verizon Cell Phone Tower Special Permitted Use decision attached.

**Attachments:**

[pzminutes 03162021 approved](#)

[Milton PZ Verizon SPU decision SIGNED](#)

March 16, 2021  
Planning and Zoning Meeting Summary

Members Present: Dick Trask, Lynn Ekelund, Larry Lieberman, George Cardwell. Don Mazzeo, Andy Gogates, Maurice McGrath

Also Present: Tom Quass Town Coordinator, Seth Thompson Town Solicitor, Brian Miller Town Engineer, John Hopkins Draper Holdings, Zack Crouch DBF Engineer, Chris Pfeifer GMB Engineer, Tim Willard Lawyer Heritage Creek, MR. Fernbach Owner Heritage Creek, Alan Sangree.

Call to Order: Dick Trask Chairman

Roll call of Members: All Present

Additions/ Corrections to agenda: Motion to accept by George Cardwell, 2nd by Lynn Ekelund  
Vote: Unanimous.

Approval of Agenda: Motion to accept by George Cardwell 2nd by Lynn Ekelund  
Vote: Unanimous

Approval of Synopsis minutes 16 February 21 Motion by George Cardwell 2nd by Lynn Ekelund  
Vote: Unanimous

A/B. Heritage Creek Phase One Preliminary review Subdivision plat. Revised changes to plans. Discussion and questions concerning loop turns at each end of the road. Concerning sight lines and turns. As per new report from Pennoni Engineering. Reference to Town code; road does not meet Town code, needs to be brought up to code.

Letters from both DELDOT and State Fire Marshal received approval of design, developer waiting for letters from other agencies, some still under review.

Dick Trask Had a question on the right of way on utility pipes on drawings going into the wetlands. Chris Pfeiffer GMB said pipes under wetlands would be directionally drilled. A question was raised about storm water runoff from ponds on site. The water will go directly into the wetlands. Question raised about possible flooding into properties backing up to wetlands after heavy rains. Gas and water lines will be directed into the property directly from Harbeson Road.

George Cardwell questioned issues about grading on eastern edge of property. GMB said they would address any grading issues as construction progressed. Question raised on Timber guard rails on curves in development on main road and Route five. There will be no direct egress from this area to the main development of Heritage Creek. The only Connection will be by a connected sidewalk along Harbeson Road or by car.

George Cardwell Questioned the five thousand square foot size of lots on the tangent of curves. Brian Miller Said the requirement will be made after review of the master plan. There was discussion about the entrance road to the first turn, and the possibility of people driving through the curve instead of staying in their lane. Discussion on a possible lower speed for the interior roadway. Also MR. Cardwell Asked that the roadway and land distinction be raised to Town standards.

Dick Trask Asked if the Town Engineer could review the letters presented with the plans. Brian Miller Referred to the first sheet of plans and said that the tangent and other questions raised, could be easily remediated. Stabilization of the steep slope could become a problem due to heavy rains. The timber Guards should be set at an angle of 2%to @ feet grade. Water Mains should be able to be moved as conditions allow. So that enough fire hydrants can be installed as per code. And that applicant should get all approvals from all agencies.

George Cardwell asked the Town Solicitor if the Commission should request a point to point letter, prior to final site plan approval. And asked that the street plan be revised before master plan approval.

Larry Lieberman asked that the Commission have all information possible, before the approval process can begin.

Brian Miller Feels the need for a Sussex Conservation to report on the discharge pipes. And to have a better plan on the slopes on the east side of the property.

Councilman Sam Garde asked on Public comment. Asked what section of 188 we were working under. Seth Thompson replied that changes as of January one in section 188, were what we were working under.

Mary McLaughlin resident of Heritage Creek Wrote in asking that more attention be made to keeping the construction site area clean. Especially due to being adjacent to a wetlands area, and the possibility of polluting the area or disturbing wildlife there.

Motion to Close the Public Hearing. But to leave it open at this time, by George Cardwell, 2nd by Larry Lieberman

C. Loblolly LLC.

Preliminary Site Plan Approval to place a communications tower at 16109 Sam Lucas Road

Zack Crouch DBF Engineer representing applicant. Submitted a revised plan to the Town Engineer, Sussex Conservation, and the State Fire Marshal.

At this time Draper Holdings is talking with Tidewater Utilities about sharing a permanent driveway entrance into the property as they are adjacent to each other.

They have submitted a letter from the Design Engineer about the possible ratio. The applicant still needs to address DELDOT and FAA approvals. They say they will do this once final approval is given.

A question was raised on page three of the plans submitted, concerning concrete pads. The statement is for a five hundred foot tower and the proposed tower is five hundred and twenty five feet. Mr. Crouch stated that the design engineer told him that no changes would be needed and that the proper information will be on the final plans.

George Cardwell asked for a detailed plan for all anchors for the tower. And also for all chain link fencing in the area.

Public Comment: Alan Sangree asked if the tower would be able to accommodate any cellular company equipment. John Hopkins said yes and also that it could accommodate emergency communications as well.

Tim Williams, a neighbor asked that landscaping of the area be part of the plan.

Motion to close the Public Hearing portion by George Cardwell 2nd by Lynn Ekelund, Vote: Unanimous

Old Business:

Cellco Communications

Findings and Conditions for Approval of a Special Permitted Use.

Discussion by Lynn Ekelund To decision concerning Cellco Wireless Tower. Referring to Town Code 125-20A, 125-20C and 125-14

New wording by Seth Thompson Town Solicitor, in different points on the decision. One a bond of \$125,000, for maintenance of site. Ninety days' notice of previous to abandonment of lease and removal of tower by Verizon.

George Cardwell Also asked that in agreement that the tower meets or exceeds specifications in letter from engineer. That the tower be placed one third the height plus 10 feet from catastrophic collapse from any lot line near the site. That pad site, fencing, plantings and center of pole be at least ten feet from any structure. Also that any changes needed to site plan structure or plans of any kind, the applicant must come back to the commission for permission, before proceeding. And that any lighting needed be only that required by FCC or FAA regulations.

Maurice McGrath aske Seth Thompson to read the two court decisions pertaining to the lawsuits brought by Antietam Wireless against New Castle County and AT&T against Sussex County.

Dick Trask read from the Comprehensive Plan referencing various points that they should not be taken as directives.

Motion to Approve By George Cardwell, 2nd by Lynn Ekelund Vote: Unanimous

Motion to adjourn By George Cardwell, 2nd by Andrew Gogates Vote: Unanimous

Accepted and approved at the 20 April 2021 P&Z Commission meeting.