

**Planning and Zoning Commission Meeting
May 13, 2013 @ 7:00pm**

In attendance were Commissioners Jim Koozer, Christine West, Susan Brewer, Code and Building Administrator Eric Evans, and Town Clerk Matt Amerling. Chairman Bob Linett and Commissioner Steve Maneri were absent.

1. **CALL TO ORDER:** Commissioner Jim Koozer called the meeting to order at 7:05 p.m.
2. **PLEDGE OF ALLEGIANCE**
3. **ADOPTION OF MEETING MINUTES – February 11, 2013** – Commissioner Christine West motioned to accept the adoption of the minutes from the February 11, 2013, Planning & Zoning (P&Z) Meeting. Commissioner Susan Brewer seconded her motion. Motion was carried 3-0.
4. **NEW BUSINESS:**
 - A. To consider for recommendation to the Town Council, a site plan submitted by Dove Barrington Development, LLC;
 - to relocate the proposed Propane Tank Farm on Dove Landing property
 - to approve four (4) temporary propane tanks to be utilized prior to the construction of the actual Propane Tank Farm.

Synopsis: The Tank Farm was originally located at the entrance off Route 17, as shown on Sheets C12.0, C12.4 and C12.5 of the approved Dove Landing Plans. The property owners are requesting to relocate the proposed tank farm to near the Dove Landing entrance off Burbage RD so the Tank Farm can serve both Dove Landing and Bishop's Landing.

Mr. Steve Marsh, of GMB, introduced Ron Patrick and Scott Turner, both of Sharp Energy who will be the owner of the propane facilities, and presented the final site plan. Mr. Marsh stated the propane facility will be built directly behind where the temporary sales center is currently located on Burbage Road. Mr. Marsh stated this site was discussed at the P&Z Meeting in April 2011 when Dove Barrington presented Bishop's Landing, and also at the Town Council meeting in July 2011. Mr. Marsh stated at the time one of the conditions for approval was the propane site would not go on Bishop's Landing, but was to go on Dove Landing. Mr. Marsh stated at the time, some of the exhibits they had showed the general vicinity of where the propane center would go. Mr. Marsh stated Dove Barrington thought the site was finalized but when they recently submitted the site plan, Town Code and Building Administrator Eric Evans told Dove Barrington they had to get formal approval. Mr. Marsh stated the approved Dove Landing plans always showed a propane tank facility located by the Route 17 entrance to Dove Landing, and now Dove Barrington is simply

requesting the facility be relocated to a central location to service Bishop's Landing, Dove Landing, and the proposed commercial piece which is adjacent to Dove Landing on Route 17. Mr. Marsh stated the original Dove Landing plan showed about a 10,000-square-foot reserved area for the propane facility, and it looks like Dove Barrington is going to disturb 11,000-square-foot with the access road so there will be a little more disturbance but not much. Mr. Marsh stated Dove Barrington is still way over the minimum open space requirement for Dove Landing. Mr. Marsh stated the requirement is 20% open space in the Residential Planned Community (RPC) Code, and Dove Barrington has 34% with the Dove Landing approval and will be at 33.88% with the 11,000-square-foot disturbance, which will only be 1000 square feet more than what was on the original plan. Mr. Marsh stated this plan was submitted to URS and the Office of the State Fire Marshall, both of who Dove Barrington and GMB had a meeting with, and DelDOT because it needs a permit to put the piping in under Burbage Road, which will be a directional drill. Mr. Marsh stated all of those permits were secured, and URS had said in the last correspondence they were "OK with everything," but URS did make GMB modify two of the notes on the plan, asking (1) to specify exactly the gravel section on the access road, which GMB did with a minimum of six inches of crush-and-run to be installed with a geographic technician on site to make sure the road is stabilized; and (2) to place a concrete apron in the area between the curb and sidewalk to stabilize when the utility trucks access the site. Mr. Marsh stated those conditions were met, and Mr. Steve Brodbeck, of Beazer Homes, has to have propane operational for the model court opening in July 2013.

Town Code and Building Administrator Eric Evans asked what the Occupational Safety and Health Administration (OSHA) setback requirement is. Mr. Ron Patrick, of Sharp Energy, stated OSHA does not have a requirement; the requirement comes under two codes – the Office of Pipeline Safety, and the National Fire Protection and FDA Association. Mr. Patrick stated because the tank is mounded, or covered with dirt, the requirement is 10 feet. Mr. Marsh stated Dove Barrington's plan shows 50 feet so they're five times more the requirement. Mr. Evans asked if it was 50 feet to the edge or to the top. Mr. Marsh stated they measured 50 feet to the edge of the tank, and the tank is entirely buried. Mr. Evans asked if the temporary tanks are above ground and secured. Mr. Marsh stated yes, and the temporary tanks need to be in place for a year, and once 50-100 homes are sold, the permanent tank would go in. Mr. Scott Turner, of Sharp Energy, stated the reason it is between 50 and 100, is so Sharp can serve about 100 homes on the temporary tank farm, then once Sharp hits a higher number of houses, they can put in the permanent tank, because it is one of the most expensive parts of the project. Commissioner Koozer asked the height of the permanent tank. Mr. Patrick stated the tank is 9-feet, 10-inches high. Mr. Koozer asked about the water table and how Sharp will bury it while keeping it completely underground. Mr. Patrick stated when Sharp digs their hole, they excavate the hole, put pea gravel in it and buy concrete saddles or piers with an 11x6 foot base and a 15-inch wide cradle, anchor the tank to those saddles and cradle in the ground, and cover it back up with dirt. Mr. Marsh stated half the tank is buried but it is mounded, so it about four-and-a-half feet will be above the existing grade, but covered with dirt. Mr. Brodbeck stated

across the street at Bishop's Landing on the sewer, Beazer did not have to de-water until they reached an elevation of 11. Mr. Brodbeck further stated Beazer recently put in the pump station to service the community, and they were down 20 feet, but the "magic number" there is 9 to 11 feet, so safely the elevation can down to 6 feet minimum.

Mr. Koozer asked when the tank is mounded, will it be grass? Mr. Patrick stated he has used stones before, as well as grass with evergreens so the grass does not need to be mowed. Mr. Brodbeck stated Beazer is comfortable with whatever the mounding would be but what he would be sensitive about is to have a landscaping perimeter where Mr. Brodbeck would go to Beazer's landscape designer to see how much foliage is in the wooded area, so when someone is driving through Dove Landing, the natural characteristics of the woodline is there. Mr. Evans asked with the 30,000-gallon tank being filled, how big is the truck bringing in the propane? Mr. Patrick stated it would be a 9000-gallon truck, an 18-wheeler tractor trailer truck. Mr. Evans asked how the truck will turn around after delivering. Mr. Marsh stated Sharp and Beazer ran the turning template on it and the truck would pull across the road, back up and pull out. Mr. Koozer stated when there is traffic, there could be problems with such a maneuver. Mr. Marsh stated the road the truck will be crossing is not a main, busy road. Mr. Turner stated Sharp Energy has a bunch of developments they service now where Sharp's trucks have to do the same thing. Mr. Koozer asked what was the composition of the developments' roadway for the 18-wheeler truck? Mr. Patrick stated Bear Trap's is crush and run with stone, Bayside at Bethany Lakes are asphalt. Mr. Marsh asked the Commission if they were concerned about the thickness of stone because crush and run is a lot stronger than asphalt. Mr. Koozer stated he thinks Mr. Evans was beginning to ask how the 18-wheeler truck would exit out of the neighborhood, and that the truck should be able to back up and pull out of the tank farm area without having to cross a road. Mr. Marsh stated the truck would basically make a 3-point turn. Mr. Koozer stated if Sharp is bringing a tandem axle (18-wheeler) into the community, is that economically based? Mr. Turner stated Bear Trap Dunes goes through 10,000 to 12,000 gallons a day in the winter, and Sharp's biggest goal is to service their customers. Mr. Patrick stated the refilling would be twice a week. Mr. Koozer stated a tandem axle would tear up a crush and run. Mr. Marsh stated there would be crush and run through most of the propane site but there would be reinforced apron between the sidewalk and the curb. Mr. Koozer stated he can't imagine the development road base is going to withstand a tandem axle truck. Mr. Marsh stated the main road is designed to DelDOT standards with borings down every 100 feet. Mr. Marsh stated Beazer's goal with the turnaround for the truck was to keep the propane tanks from as far from the property line as possible and to keep as much wooded area as possible. Mr. Koozer continued to state his concern about the truck turnaround and the stability of the road for the tandem axle truck. Mr. Evans asked if the truck will pull in or back in first. Mr. Koozer stated the trucks will back in first. Mr. Koozer further stated if Beazer could have the truck pull in first then back up on the same area of land, and pull out head first onto the exit road, he would not have a problem with that. Mr. Marsh stated he also had no problem with that idea. Mr. Brodbeck stated what he would be sensitized to is he would rather increase the paving

section in the propane area. Mr. Marsh stated there will be a screen on the section where the truck backs up at the access road. Mr. Marsh stated over by the turnaround, in the southeast section of the access road, there will be a turnaround for the propane truck to enter, drive in and drive out.

Mr. Koozer asked when Beazer clears out the area where the permanent tank will be placed, what kind of fence will be placed around the mound? Mr. Patrick stated it depends on what the developer wants to use, and Sharp Energy uses a lot of chain-link fencing, which has to be at least 6-feet high, as required by code. Mr. Koozer stated a lot depends on the kind of landscaping being done, and asked what kind of landscaping will be done. Mr. Brodbeck stated Beazer plans on going with a black or green chain-link fence, because Beazer wants the fence to blend in as much as possible with the greenery and landscape. Mr. Marsh stated he thinks the black chain-link fence is the best choice. Mr. Koozer asked if the landscaping is going to cover the entire 60x150 feet. Mr. Brodbeck stated yes, and Beazer will utilize a landscaping designer and selectively clear by selecting trees based on mortality, as well as for native species such as Nellie Stevens holly trees.

Mr. Koozer asked when the sales trailer will be gone from the site. Mr. Brodbeck stated Beazer currently has a 12-month approval on the trailer and right now, Beazer is scheduled for July 5, 2013, to have their model park and sales office open, and their plan is to have the trailer gone by this fall – about September – long before the permanent propane facility is installed and finished. Mr. Koozer asked, with the temporary tanks, when will Beazer start utilizing the gas from Sharp Energy? Mr. Brodbeck stated if Sharp can get everything in, it will probably be about four weeks. Mr. Marsh stated in terms of residents using propane, it will be in about three to four months from now. Mr. Evans asked what will be around the temporary tanks. Mr. Patrick stated, in terms of fencing, nothing is required because the tank holds under 4000 gallons of storage. Mr. Patrick further stated the code requirement states if the tank would be over 4000 gallons, it would be considered part of the “bulk storage plan,” but Sharp is still required to fulfill safety restrictions.

Commission member Brewer asked if the temporary tanks would have any lighting. Mr. Marsh stated other than at the sales center, Beazer was not planning on having any lighting. Mr. Patrick stated the tanks would only be filled during daylight hours. Mr. Koozer asked about security around the tanks. Mr. Patrick stated security around the temporary tank farm is not really required because every tank has its own dome with a valve, and with the permanent site, there will be a regulator station. Mr. Koozer asked if the lids to the tanks can be locked. Mr. Patrick stated they cannot be locked due to code, but on the permanent site, he can put on what are called breakaway locks, which if they are hit with a piece of equipment, the locks fall apart. Mr. Koozer stated he thinks there should be a fence around the temporary tanks, and asked if there has been any negative experience with the temporary tanks and their setup. Mr. Patrick stated there have been no troubles and he has been doing this work for 39 years. Mr. Brodbeck stated he would prefer no covering over the temporary tanks. Mr. Patrick stated the worst that could be done to the

tanks is someone could turn the gas off. Mr. Evans asked if the tanks could service over 100 homes. Mr. Turner stated the tanks of the proposed size could not service more than 100 homes. Mr. Koozer asked where the concrete apron would be located. Mr. Marsh stated there would be depressed curb, so the apron would be in the area between the depressed curb and the sidewalk, like a driveway, and it will all be reinforced.

Ms. West motioned for recommendation to Town Council to approve the site plan subject to the following conditions:

1. A minimum of 6-foot black vinyl-coated chain-link fence, securable by the utility contractor.
2. Crush and run is acceptable.
3. A vehicle turnaround on the southeast portion of the site for the trucks to allow for drive-in and drive-out capability.
4. A mulch cover on top of the soil, which covers the 30,000-gallon tank on the permanent site.
5. Submit a landscape plan prior to placement of the tank on the permanent site.

Mr. Koozer seconded the motion. Ms. West voted yes. Ms. Brewer voted yes. Mr. Koozer voted yes. Mr. Linett and Mr. Maneri were absent. Motion was passed 3-0.

5. PROPERTY OWNER/AUDIENCE COMMENTS: There were no audience comments.

6. ADJOURNMENT:

Mrs. West motioned to adjourn the meeting at 7:53 p.m. Ms. Brewer seconded her motion. All present voted in favor. Motion passed 3-0.

Respectfully submitted and transcribed
by Matt Amerling, Town Clerk