

**MINUTES  
BUSINESS MEETING  
NEW CASTLE COUNTY PLANNING BOARD  
DEPARTMENT OF LAND USE - NEW CASTLE ROOM  
87 READS WAY, NEW CASTLE, DELAWARE  
December 18, 2018  
9:00 A.M.**

The Business Meeting of the Planning Board of New Castle County was held on Tuesday, December 18, 2018 in the New Castle Room of the Government Center Building, 87 Reads Way, Corporate Commons in New Castle, DE.

The meeting was called to order by Chairperson Karen Peterson at 9:03 a.m.

The following Board members were present:

Sandra Anderson  
Leone Cahill  
Williams McGlinchey  
Karen Peterson  
Linda Porras-Papili  
Robert Snowden  
Ruth Visvardis  
Kiana Williams

The following Board members were absent:

Joseph Daigle

Planning Board Attorney, Department of Law

Adam Singer

The following Department of Land Use employees were present at the meeting:

Antoni Sekowski  
George Haggerty

Matthew Rogers  
Marisa Lau

The following members of the public were in attendance:

Shawn Tucker

**MINUTES**

October 16, 2018

**DEFERRALS**

None.

## BUSINESS

**App. 2018-0513-S/Z** - North side of Route 273 east of Churchmans Road and west of New Churchmans Road. Exploratory Major Land Development Plan, Rezoning and PLUS review for **100 Piccard Road** (New Castle Town Center), proposes to rezone 56.49 acres from (CR) Commercial Regional to (I) Industrial and to construct a 1,168,211 SF warehouse facility with associated site improvements. (T.P. 10-024.00-025) **Ord. 18-113 will rezone 56.49 acres from (CR) Commercial Regional to (I) Industrial.** CR Zoning. CD 7

The Department has considered the *Standards for Zoning Map Amendment* in Section 40.31.410, A through E, the proposed plan, and comments received from agencies and the public. Based on this analysis the Department is of the opinion that the standards are met by this proposal and recommends **APPROVAL** of Ordinance 18-113.

At a business meeting held on December 18, 2018 the Planning Board considered the recommendation offered by the Department of Land Use. On a motion by Ms. Cahill, and seconded by Ms. Visvardis, the Planning Board voted to recommend APPROVAL of the rezoning application. The motion was adopted by a **vote of 6-0-2-1** (Yes: Anderson, Cahill-Krout, Peterson, Porrás-Papili, Snowden, Visvardis; No: none; Abstain: McGlinchey, Williams; Absent: Daigle).

In discussion preceding the vote the Board members offered the following comments:

Ms. Peterson commented that the recommendation should be corrected to reflect that she asked about groundwater contamination at the site, not landscaping, and there were several typographical errors. Ms. Papili commented that Churchmans Road would be likely be unable to handle additional truck traffic for the warehouse facility in addition to the increase in traffic volume generated by new development in that area, such as at the Cavaliers Country Club. She asked if Churchmans Road has a weight limit for vehicles.

## OTHER BUSINESS

**Planning Board By-Laws and Special Rules of Order:** Discussion of proposed revisions. It was decided as a policy that the Chair will consult the Dept of Land Use at public hearings as to how long the record should be kept open.

## REPORT OF COMMITTEES

None.

## REPORT OF GENERAL MANAGER

George Haggerty, Assistant Manager of the Department of Land Use, invited the Planning Board to the Department's holiday event and annual staff awards. He noted that the Department is considering new arrangements of the room for public hearings and reviewed the draft ordinances that the Department is preparing, including a variety of environmental ordinances. A Transportation Improvement District ordinance will be introduced to County Council in early 2019. The Septic Moratorium ordinance will be presented at the January 2019 public hearing.

## REPORT OF CHAIRPERSON

Karen Peterson, Chair of the Planning Board, clarified several aspects of protocol for Board members regarding absences and public hearings. First, in order for a member to receive an excused absence from a meeting, the chair must be notified (by phone or email please; no texting). Second, as a reminder please speak into the microphone at the public hearings. On a related note, when you speak at the hearings

please address the chair and wait to be recognized; this will assist with the transcription for the record. Also, please don't ask questions of the applicant until the presentation is completed. At a recent meeting the applicant's presentation went over time limits for this reason.

Next, the Chair reported that she had requested an advisory opinion from the ethics committee on ex parte communication. Although the committee was unable to issue an opinion because it did not reference a situation that had occurred, she did receive their advice on how to handle this type of situation. Since any ex parte communication could be grounds for a court challenge to a board decision, their advice is to disclose the communication on the record and possibly recuse yourself depending on the extent of the communication.

Mr. Haggerty said the Department will check whether there are any requirements related to record retention of members' personal notes on a hearing. Matt Rogers, Planner of the Department of Land Use, indicated that staff would do a better job of posting the business meeting agenda on the website at least 7 days in advance of the meeting. Ms. Anderson asked that minutes be posted as well.

After discussion it was decided that the Department would try to obtain more microphones for use at public hearings.

#### **OTHER BOARD MEMBER COMMENTS**

There was discussion about whether a video recording policy for public hearings and business meetings could be enacted as well as enforced. Mr. McGlinchey commented that the public has approached Board members in the past without understanding that the board does not have decision-making power in many of the cases that come before it. Discussion ensued on whether the Department could provide some education to the audience at public meetings.

#### **COMMENTS FROM THE PUBLIC**

None.

#### **ADJOURNMENT**

The Board voted to adjourn the meeting at 10:47 a.m.

#### **ATTEST:**

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Richard E. Hall, AICP  
General Manager  
Department of Land Use

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Karen Peterson  
Chair  
Planning Board