

A New Castle City Board of Adjustment Hearing took place on January 4, 2012 at 8:30 p.m. in the City of New Castle's Town Hall.

Present: Donald Reese, Mayor
Daniel R. Losco, City Solicitor
David J. Athey, City Engineer

City Personnel: Jeff Bergstrom, City Code Official

Mayor Reese called the meeting to order at 8:55 p.m. Roll call was taken.

Mayor Reese read the Notice of Public Hearing that states, "An application has been filed by the Trustees of the New Castle Common for property located at 807 Frenchtown Road, New Castle, Delaware, parcel number 21-009.00-002, seeking a special exception pursuant to §230-158(6) of the Code to permit the construction of a water well and pumping station on the property.

For the purpose of considering this application, the Board of Adjustment will hold a Public Hearing on Wednesday, January 4, 2012, at 8:30 p.m. in Old Town Hall, 2nd Floor, located at 2nd and Delaware Streets, New Castle, Delaware."

For the record, Mr. Athey noted that his previous employer was URS Corp. who has done engineering work for the Municipal Services Commission (MSC) and his initials appear on the plot plan. He does not feel this work would interfere with his ability to make an impartial judgment and intends to participate in this hearing.

An affidavit of publication was published in the News Journal and the New Castle Weekly. Mr. Bergstrom confirmed the property was properly posted.

Mr. Chip Patterson, MSC, stated they are asking for a special exception pursuant to §230-38 and §230-57 of the Zoning Code of the City of New Castle. The property owner is Trustees of the New Castle Common (Trustees). Documents have been provided to the Board showing MSC requested the Trustees to approve the drilling of a backup well on the Penn Farm. The Planning Commission has supported the request for a special exception. MSC is now seeking approval from this Board for a special exception for the backup well on the Penn Farm.

There are two wells currently on the property. One well is on Route 273 known as the Frenchtown well and the School Lane well is near the treatment facility. The farm is utilized for production wells as well as treatment.

Mr. Patterson said no neighbors were contacted because of the location and size of the property. They have not received any complaints. The pumping station building is expected to be of similar size as a current pumping station building. Dimensions are estimated to be 20' X 20' and will be fenced in.

The need for an additional well was detailed by Mr. Patterson. If one of the wells were to stop operation MSC would not be able to provide enough water to the City without purchasing water through an interconnection. The well would satisfy immediate needs; however, future needs of the City, particularly Center

Point and Riveredge industrial parks, could utilize substantial quantities of water. Neither of those parks are at full capacity at this time.

The pumps will be operated by an electric pump on the site and water will be pumped to the School Lane treatment facility. No treatment will take place at the site. No emissions, odors, or smoke will be present. The building housing the pumps will diminish noise.

Mr. Athey asked if the Planning Commission placed any conditions on their recommendation. Mr. Patterson said protection zoning would take place if a well is placed at the farm. The Trustees are aware of certain restrictions being present.

The building will be pre-cast concrete with a brick façade. Fencing was upgraded to a high-end type of fence at the Trustees request. Mr. Patterson added they have spoken with the Historic Area Commission for advice on the building and the Trustees to ensure the building compliments the property. They would consult with the Trustees again concerning design to assure approval.

There were no comments from the floor in favor of, or in opposition to the application.

A motion was presented by Mr. Athey that the Board of Adjustment grant a special exception to the Municipal Services Commission to permit construction of a water well and pumping station on the Trustees of the New Castle Common's Penn Farm property.

Solicitor Losco suggested adding conditions that the structure be fenced similar to the existing pumping station on the property and that design of the building be reviewed by the Trustees. Mr. Athey amended his motion, which was seconded by Solicitor Losco. The motion was approved by a vote of 3-0.

Respectfully submitted,

Debbie Turner

Debbie Turner
Stenographer