

Special Planning Commission Meeting for New Castle City took place on April 6, 2009 at 6:30 p.m. in the City of New Castle's Town Hall.

Members Present: David Bird, Chair
Bill Simpson, Co-Chair
Florence Smith
Joe DiAngelo
Dorsey Fiske

Members Absent: Dr. Jack Norsworthy
Christine Masiello
George Freebery

Staff Present: Marian Hull, URS, City Planner
Roger Akin, City Solicitor

City Personnel: John F. Klingmeyer, Mayor
Cathie Thomas, City Administrator
Jeff Bergstrom, Building Inspector

City Council: Councilwoman Janet Churchill, Liaison to City Council
Councilman John Gaworski

Mr. Bird called the meeting to order at 6:35 p.m. Roll call was taken.

Approval of Minutes (3/23/09) – A couple of corrections of spelling and language was noted and Ms. Fiske requested clarification of language in the last paragraph of page 2. The clarification issue will be explored and the minutes will be revisited at the next meeting.

Public Hearing – Discussion and Action on Proposed Municipal Services Commission Sub-Station – Andrew Taylor, counsel for the Trustees of New Castle Common, reported that the owners (Trustees) of the ground are in favor of favorable consideration of a new electric substation to serve the needs of the City and fulfilling a governmental function. John Bloxom, counsel to the Municipal Services Commission, reported that all issues associated with the development of the substation on an easement on the Trustees' property are engineering and planning related. Vandemark and Lynch are the civil engineers on the project.

Chip Patterson of Municipal Services Commission (MSC) introduced Molly Mackil of Vandemark and Lynch who has done most of the surveying on the property and can address land use issues, and Norm Barron of Utility Engineers and is the design engineer for the substation and can address technical issues associated with the project.

The project being introduced tonight started in 2005 as a result of a study to evaluate the substation and the City of New Castle's needs and the growth the MSC was experiencing and certain limitations within our existing substation and deficiencies that are there. *(He further explained the application before the Planning Commission.)* The location of a second substation would need to be near the load growth, next to Delmarva Power's 138 transmission line that runs along the Norfolk & Southern railroad, and is away from most of the residential areas of the City. MSC has negotiated with Delmarva for a second interconnection into the 138 transmission line, which is an essential part of their transmission system. The Trustees made lands available to us for the second substation and those lands meet our criteria. The second substation will mirror the existing substation. It will allow us to run the City either north or south and if there is a problem with one station we can keep running from either transmission line. It will also allow MSC to take one substation down for maintenance while keeping the other station operating. This will be a benefit to allow us to maintain our equipment to avoid outages.

(Mr. Patterson then answered questions from the Planning Commission. Topics included zoning and URS concerns.) Ms. Hull stated that the issue before the Planning Commission tonight is its recommendation or not on the special exception for the substation and possible conditions associated with same. A substation is allowed as a special exception in every zoning district in the City. *(She provided suggestions of conditions (screening, plantings, fence heights) the Planning Commission might want to consider should they grant a favorable decision.)* Mr. Bird stated that in the proposed comprehensive plan this parcel is recommended to be open space, it is currently zoned R3, but if it becomes open space does it present an issue for the Trustees. Mr. Taylor said the Trustees had not discussed this but he does not feel it would be a problem. Mr. Simpson raised the issue of access, what level of improvement will there be for emergency access as well as maintenance access. Mr. Patterson responded it would be a gravel road. He confirmed that there is a hydrant on the corner of Clark and Eighth Street that will be the hydrant for the substation. Some secondary feeders from the transformers will go underground while some will be overhead. Mr. Simpson recommended an 8 foot fence, 7 feet with 1 foot of barbed wire on top, for added security meaning that a variance will need to be requested.

Landscaping and Screening – Ms. Mackil used an aerial diagram to illustrate where the substation will be located, fencing, tree planting, buffers, sloping, erosion control silt fence, wetlands that are outside the fence and will not be disturbed. There are two sanitary manholes that New Castle County has confirmed are abandoned. No soil testing has been done to date but will be done going forward. *(Additional discussion followed.)*

(The floor was opened to the public.)

Mayor Klingmeyer questioned whether the landscaping shouldn't be more natural and blend into the area and cited issues that came up with the existing substation. MSC has no objection and the feeling was that the area could be made more aesthetically pleasing. They are limited by easements.

Mr. DiAngelo raised the issue of security and alarm systems. Discussion followed.

Mr. Simpson made a motion to favorably recommend to the Board of Adjustment the application as proposed by the MSC with a note that landscaping be considered and that the fence height also be considered. Mr. DiAngelo seconded the motion.

A roll call vote followed.

Mr. DiAngelo – approves the recommendation to allow the substation to be located in this area and to allow the special exception.

Ms. Johnson – approves the recommendation also.

Ms. Dorsey – approves the recommendation with consideration of URS' conditions.

Mr. Bird – approves the recommendation citing additional capacity and flexibility in conjunction with the other substation in its operation, it is located in an area that is open space adjacent to railroad tracks and transmission lines and with proper screening and security it will be a good location.

Mr. Simpson – approves the recommendation citing the improvement to the area and forethought of the project that will be good for the community.

Mr. Bird acknowledged the presence of Mr. Roger Akin, City Solicitor. He asked about proper notice for this application citing an issue with another piece of property in the City. Mr. Akin said that under FOIA guidelines a seven-day posting notice is required, but the City ordinance requires additional time that must be provided for meetings. As long as the City requirements are met then FOIA is more than met. Ms. Thomas confirmed that noticing requirements have been met.

The motion carried by unanimous vote and the matter will be recommended to the Board of Adjustment.

(Planning Commission members discussed with Mr. Akin their concerns with meeting noticing requirements in the City and zoning/rezoning questions for future applications to this body and those that could be impacted by the updated Comprehensive Plan.)

Discussion and Action to be Taken Concerning a Recommendation to the City Council on Adoption of the Update of the 2003 New Castle City Comprehensive Plan – Ms. Thomas and Ms. Hull attended a meeting with the State where the State Planner, Herb Inden, did not see anything that would require us to make a change. However, Ms. Hull reported that the State's written comments have not yet been received but should arrive soon (the State has 20 days to provide after meeting with us). The Planning Commission cannot make a recommendation to City Council tonight. This body needs to review the written comments from the State and decide whether their changes are warranted before taking any action. *(Additional discussion followed.)*

Hunter Ficke, representing Immanuel Episcopal Church, asked if before the plan that will be recommended to City Council is sent to them, will there be a publishing of that revised plan with comments incorporated? Ms. Hull said the product that goes to City Council for review will be the plan in its current form along with minutes from the Planning Commission, copies of written comments, comments from the public hearing, PLUS review comments, and a memo from the Planning Commission noting the changes that this body recommends based on the comments received. Mr. Bird assured Mr. Ficke that his concerns will be part of the package and that this transmittal will be made public via the website and by request. This will take place after our next meeting.

Possible Development Proposal for Properties Owned by the Gambacorta Family -- There were no representatives from or for the family in attendance.

General Discussion – Mr. George Freebery has resigned from the Planning Commission.

Adjournment – **It was moved and seconded that the meeting be adjourned.** The meeting was adjourned at 8:10 p.m.

Next Meeting -- Our next meeting is scheduled for 4/27/09 at 6:30 p.m.

Respectfully submitted,

Debbie Turner
Stenographer