

**New Castle City Board of Adjustment Hearing**  
**City of New Castle's Town Hall**  
**July 24, 2013 -- 7 p.m.**

Present: Donald A. Reese, Mayor  
Daniel R. Losco, City Solicitor

Absent: David J. Athey, City Engineer

City Personnel: Jeff Bergstrom, City Code Official

The hearing was called to order at 7 p.m. Mayor Reese presided.

Mr. Losco read the Notice of Public Hearing that states, "An application has been filed by Delmarva Power and Light Co., Mail Stop 79NC45, P.O. Box 9239, Newark, DE 19714-9239, for property located at 1220 Wilmington Road, tax parcel number 21-004.00-099, seeking a special exception to permit the use and the expansion of an existing electrical substation.

For the purpose of considering this application, the Board of Adjustment will hold a Public Hearing on Wednesday, July 24, 2013, at 7 p.m. in Old Town Hall, 2<sup>nd</sup> Floor, located at 2<sup>nd</sup> and Delaware Streets, New Castle, Delaware."

An affidavit of publication was published in the *News Journal* and the *New Castle Weekly*.

Lisa Goodman of Young Conaway Stargatt and Taylor spoke on behalf of the applicant. She reported that the Planning Commission has given its approval of this project. The applicant is seeking a special use permit for an expansion of an existing substation. They plan to do some reliability upgrades of equipment within the substation. The substation has been in existence since 1935 but City Code now requires that a special use permit be obtained for a substation.

Exhibit packs, including site plan, were given to Mayor Reese and Mr. Losco. The subject parcel is 18.7 acres, is dissected by the railroad, and zoned R-2 and OSR. To the north the substation is surrounded by wooded buffers. It will not be disturbed. The wooded buffer will help to protect properties to the north, most of which is owned by the City.

Using the exhibit pack, Ms. Goodman described the contents of the substation (wiring, gravel surface, green space). One (1) piece of reliability equipment is planned.

The additional equipment will not adversely affect the public. The substation has been in existence since 1935 and has been an infrastructure hub.

Tony Boulos, lead substation engineer for Delmarva Power Co. in the New Castle Region, was sworn in by Solicitor Losco. Mr. Boulos described the equipment as a voltage regulating transformer that is needed in the area to increase reliability and transmission voltage at this particular substation. Hazardous materials associated with the substation are minimal. There is no history of any problems with hazardous materials at this location. The unit is not prone to fires or explosions.

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The new piece of equipment will be situated beside existing equipment in the substation and will be mounted on a separate concrete pad. There is little to no increased visibility of the substation.

Mayor Reese expressed his concern with water that puddles behind some nearby houses. He said the water is a result of runoff from the concrete in the substation.

John Fellows, civil engineer with Duffield Associates, was sworn in by Mr. Losco. Duffield is the site civil engineer for the project. Mr. Fellows testified there is a drainage divide in the substation located in the middle of the substation allowing water to run to the northwest (wooded buffer) and southeast (railroad tracks). The increase of gravel surface and small amount of impervious cover associated with the new concrete pad will run to the northeast part of the site and not add any potential problem along the railroad tracks. The rest of the gravel surface is un-compacted stone that covers a grounding grid and is permeable. They do not expect much runoff.

Mr. Boulos testified that the unit to be installed is approximately 280 square feet and is 14 feet to the top of the tank. Mr. Boulos said that installation of equipment will be in phases beginning in the fall, 2013, then foundation work during the winter from January to February. The unit will be received in summer 2014, July/August.

Mayor Reese asked what the benefit would be for the citizens of New Castle. Mr. Boulos advised that the transmission system directly affects the City of New Castle and the planned enhancements will improve the reliability of electrical service to City residents. Solicitor Losco asked about frequency of service vehicles going in and out of the unit. Mr. Boulos said larger pieces of equipment are serviced every five years. Routine maintenance is performed every six months. The unit has a life expectancy of 40 years and all new equipment will be owned by Delmarva Power.

The floor was opened for public comment.

Tom Downes, Jr., 1212 Wilmington Road, was sworn in by Solicitor Losco. He spoke in support of the application. He described himself as a neighbor of the substation saying they are good neighbors and described the substation as being immaculate. Mr. Downes said the perimeter fence is old and has a breach in the barbed wire in at least one area. He has several issues not related to this application that he would like Delmarva Power to address. (*Delmarva Power will speak with Mr. Downes after the hearing to address his concerns.*)

Solicitor Losco asked Ms. Goodman if Delmarva would be willing to undertake appropriate repairs to the perimeter fence. Mr. Boulos will have their maintenance department check the fence tomorrow to ensure it is in good condition. He assured that any breach or disrepair is addressed immediately.

Mayor Reese inquired about copper and aluminum being stored at the substation. Mr. Boulos said 'no' that any work requiring copper and/or aluminum is brought in as needed to the substation.

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The floor was closed for public comment. The Board entered into deliberations.

Solicitor Losco summarized saying the public interest is advanced by allowing the addition of this equipment, it directly services the City of New Castle, the expansion area is modest (280 sq.

ft.), it is a well-established use in the area, there is no danger to the public (fires, explosion, hazardous materials), the unit's life expectancy is 40 years, and maintenance will be minimal. His concern is the integrity of the fence. For public safety reasons, he suggested a condition to the motion to approve the application.

**Solicitor Losco made a motion to grant the special exception application as presented subject to the condition that Delmarva authorities provide a written report to the code official, Mr. Bergstrom, within 60 days of today's hearing reporting on the condition of the fencing surrounding this entire parcel, and if there are breaches, their action plan to remedy those.**

**Mayor Reese seconded the motion.**

**Motion was approved by unanimous vote.**

The hearing was adjourned at 7:35 p.m.

Debbie Turner  
Stenographer