

Town of Cheswold
1856



State of Delaware
1787

PLANNING COMMISSION
SPECIAL MEETING MINUTES
Thursday, August 29, 2024
691 Main Street
Cheswold, Delaware 19936

ATTENDANCE VIA ZOOM WAS AVAILABLE

Planning Commissioners in Attendance:

Ms. Barbara Cooper Commissioner - via ZOOM
Mr. Dave Naples - Commissioner – via ZOOM
Mr. Michael Callender – Vice-Chairperson
Ms. Kara Naples – Commissioner – via ZOOM
Mr. Stephen Williams – via ZOOM

Also in Attendance:

Ms. Sam Callender, Town Land Use Administrator
Ms. Sarah Cahall, Assistant Town Land Use Administrator

MEETING OPENING:

The meeting was called to order at 5:01 p.m., by Chairperson Steve Williams. The opening was followed by a Salute to the Flag and a Moment of Silence.

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MEETING PROPERLY POSTED

At the request of Chairperson Williams, Assistant Land Use Administrator Sarah Cahall acknowledged that the meeting had been properly posted.

ROLL CALL:

Assistant Land Use Administrator Sarah Cahall conducted a roll call, and it was acknowledged that a quorum of members was in attendance, and the meeting proceeded.

AGENDA REVIEW:

A call for a review of the agenda was made by Chairperson Steve Williams.

A motion was made by Chairperson Steve Williams, and seconded by Commissioner Dave Naples, to accept the agenda as presented. All in favor; none opposed.

OLD BUSINESS – *Marijuana Discussion & Draft Ordinance review*

Mrs. Callender asked if everyone was able to review the draft Ordinance that was sent out and asked for any feedback, suggestions or questions. Commissioner Copper expressed that the word prohibited is a very strong word and question why we would want to leave out cultivating, marijuana product manufacturing, and manufacturing. She asked if a survey was done and how it was decided to prohibit those facilities. If asked later could the word prohibited be modified or suggested using a different word, in case if they wanted to allow cultivating, marijuana product manufacturing, and manufacturing.

Ms. Cahall stated that she liked her suggestion for a survey and an Ordinance can always be amended. She explained this was open for discussion and recommendation from the planning commission for their input on what they would like to see for the Town of Cheswold. She also

explained that a person applying for different types of marijuana licensing must go through a lengthy process with the Office of Marijuana and they have to follow the Delaware State Code of Title 4. Ms. Cahall added that they can implement an effective date to enforce the Ordinance at Mayor and Council request. This is because the Office of the Marijuana Commissioner is going through their licensing process, and they have different timelines for each licensing they are issuing.

Mrs. Callender asked if we knew why other Towns were prohibiting certain marijuana facilities. Ms. Cahall stated they put a timeline on the Ordinance to see what other Towns were doing. Mrs. Callender suggested that something should be in the ordinance after the observation to go back and revise the ordinance. Commissioner Cooper said she would like to entertain the cultivating, marijuana product manufacturing, and manufacturing for a tax base. Chairperson Williams suggested adding no drive-through services to retail sales. Ms. Cahall asked if they wanted to also incorporate along with no drive through services curbside pickup. Mrs. Callender said from a safety point she doesn't like curbside pickup. Chairperson Williams would prefer them to conduct their business in an enclosed environment. He asked if we wanted to limit the retail sale to a certain number that are allowed in Town. Ms. Cahall stated that the Office of Marijuana Commissioner is issuing a certain number of licenses for each marijuana establishment and since Cheswold is small allowing 1 retail sale permit.

Mrs. Cahall explained that when she was going through the conditional uses for the Marijuana Ordinance, she suggested incorporating conditional uses in the Ordinance, so the applicant is already aware of what conditions are required.

Commissioner David Naples said that going through the draft Ordinance he noticed that Industrial Hemp, extraction of CBD oil wasn't included. He suggested incorporating some language to include but not limited to Industrial Hemp and extraction of CBD oil. He reviewed the Land Use Zoning Map and stated that we have agriculture related uses that are permitted in R-2, R-3, C-1, and C-2. He said under that draft Ordinance that the definition for marijuana would not fall under that category but would Industrial Hemp, extraction of CBD oil that fall under agriculture related use outside the scope of the draft Ordinance.

Mrs. Callender asked if maybe to change the title of the Ordinance to AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWN OF CHESWOLD TO AUTHORIZE THE USE OF LAND IN

TOWN of CHESWOLD

P.O. Box 220 – Cheswold, Delaware 19936
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CERTAIN ZONING DISTRICTS FOR MARIJUANA-BASED AND INDUSTRIAL AND CBD BUSINESSES PURSUANT TO CONDITIONAL USE APPROVAL. She said then for definitions under marijuana cultivating facility and an establishment operated by an entity licensed by the State of Delaware to cultivate, prepare, and package marijuana and sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers. A marijuana cultivation facility may not produce marijuana concentrates, tinctures, extracts, or other marijuana products. An establishment operated by an entity licensed by the State of Delaware to do the following purchase marijuana; manufacture, prepare, and package marijuana products such as marijuana CBD oil so those two items are prohibited so they would be allowed in the other zones. Commissioner David Naples agreed with that because he doesn't want there to be any confusion. Chairperson Williams asked if we are going to prohibit the manufacturing of marijuana, hemp, and CBD. Mrs. Callender stated yes.

After some discussion Mrs. Callender added that Industrial Hemp is a variety of the plant cannabis and added out of the plant you can make such products of auto parts, paper, upholstery, and other products. Commissioner David Naples stated from what he can gather it has a lower concentration of THC. He added he would like to incorporate it withing the discussion to allow it in Agriculture Use but not put it in the same category as the marijuana plant.

Mrs. Callender asked if anyone was against the Industrial Hemp and CBD oil. Chairperson Williams said he was not against it because it's already around us and hopes it would bring revenue to the Town. Commissioner David Naple suggested doing a survey to get resident's input. Chairperson Williams asked if everyone was for prohibiting the use recreational marijuana in the Town of Cheswold. Commissioner Cooper stated that we have to look at this for revenue for the Town of Cheswold. Mrs. Callender added that marijuana is still federally illegal and doesn't see how the Town could financially benefit from having the marijuana facilities and how would the Town get paid. Commissioner Cooper said there could be a business tax. Vice-Chairperson Callender stated there has been discussion with the Town staff on how revenue would be submitted to the Town.

Inclusion the Planning Commission agreed to have a survey sent out to all the residents for their input on marijuana businesses within the Town of Cheswold.

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NEW BUSINESS- None.

ATTENDEE COMMENTS: None.

COMMISSION COMMENTS:

- LAND USE ADMINISTRATOR COMMENTS: Mrs. Callender said the new process to handle plans. The Town Engineer will review all plans that have been submitted and provide written comments back to the Land Use Administrator.
- COMMISSIONER BARBARA COOPER: None.
- COMMISSIONER DAVE NAPLES: None.
- VICE-CHAIR MIKE CALLENDER: None.
- COMMISSIONER KARA NAPLES: None.
- CHAIRPERSON STEVE WILLIAMS: None.

NEXT MEETING DATE: Thursday, September 12, 2024

Meeting to be Held at:

Cheswold Town Hall - Commissioners and Applicants only

- ZOOM will be available for all others.

MOTION to ADJOURN:

At 6:00p.m. a motion was made by Vice-Chairperson Michael Callender, seconded by Commissioner Dave Naples, to adjourn the regular meeting. All in favor; none opposed.

Minutes Submitted by: Land Use Administrator Sarah Cahall Friday, September 6, 2024

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