*Town of Cheswold*
*1856*




*State of Delaware*
*1787*

# PLANNING COMMISSION
# MEETING MINUTES
# Thursday, October 8, 2026
# 691 Main Street
# Cheswold, Delaware 19936
# (Anchor Location)

*ATTENDANCE VIA ZOOM WAS AVAILABLE*

**Planning Commissioners in Attendance:**
Mr. Stephen Williams – Chairman
Mr. Alex Dewey- Vice Chairman-via zoom
Ms. Barbara Cooper Commissioner – via zoom
Mrs. Sam Callender– Commissioner & Land Use Administrator
Mr. Eric Temple- Commissioner

**Also in Attendance:**
Ms. Sarah Cahall, Assistant Town Land Use Administrator, Max Walton esquire- Special Attorney, Town Attorney Meredith Sewart Tweedie esquire, and Town Engineer- Su Phillips P.E.

Other Attendees
John Tracey-Partner- Young Conaway Stargatt & Taylor LLP
Amy Lalso- General Land Manager
Ronnie Sertanni-MRA
Charlie Barnett
Cliff Mumford – DBF Engineering, Dunkin' Donuts applicant representative
Michael Loftus – CDA Engineering, Sentinel Self Storage applicant representative
Malcolm Jacob – Dover/Kent Metropolitan Planning Organization (MPO)
Zach Prebula – Kent Economic Partnership

**Meeting Opening**:
The meeting was called to order at 5:05 p.m., by Chairperson Steve Williams. The opening was followed by a Salute to the Flag and a Moment of Silence.

**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.

**Meeting Minutes:** A motion was made by Commissioner Sam Callender, and seconded by Commissioner Alexander Dewey, to approve Thursday, September 10, 2026 with the addition of verbiage to attendees who attended via zoom. All were in favor; None opposed.

**Amendment to Order of Business:**

A motion was made by Commissioner Callender, to move agenda Item 7, Old Business, ahead of Item 6, New Business, to accommodate the schedules of counsel participating in the annexation discussion. Commissioner Cooper seconded. All were in Favor; None opposed.

**OLD BUSINESS**

*Annexation Application 2026-150: Property Location: 961 Lynnbury Woods RD Parcel #3-03-03700-01-0200-00001 & 765 Moorton Rd Parcel # 3-03-03700-01-0100-00001; Acreage 263.887; Zoned R-3; Property Owner Aquila Farm LLC*

John Tracey-Partner- Young Conaway Stargatt & Taylor LLP, explained that the application, annexation agreement, and associated ordinance proposals had been discussed at the September Planning Commission meeting. He stated that the Town had previously amended its Comprehensive Plan to include the properties in its future growth annexation area, thereby permitting the annexation request to proceed. He described the annexation agreement as the principal document governing the proposed annexation, accompanied by a plan of services prepared by the Town in consultation with reviewing agencies. Mr. Tracey outlined the four matters requiring separate recommendations to Town Council: (1) the annexation application; (2) the annexation agreement; (3) an amendment to Article 7, Section K.4, removing the minimum density requirement for cluster developments while retaining the maximum density; and (4) an amendment to the zoning map assigning R-3 zoning to the annexed property. He and Special Town counsel emphasized that the Planning Commission would make recommendations, for the Town Council approval or denial of the four (4) matter specified above.

## *Townhouse layout and alley requirement*

Mr. Tracey reviewed the proposed amendment to the Towns Land Use Ordinance to delete the sections requiring alleys when townhomes abut. He reported that the developer had circulated a revised conceptual layout that introduced approximately ten feet of open space and drainage swales between certain rear lot lines. As those townhouse lots would no longer abut, the existing alley requirement would not be triggered. Accordingly, the developer withdrew the request to amend the alley requirement of the Land Use Ordinance.

Commissioner Cooper examined the concept plan and requested clarification as to which colored portions of the plan represented townhouses and where the proposed separations appeared. Mr. Tracey explained that the narrow green areas, rather than the gray property boundaries or roadways, represented the proposed separations between certain units.

Amy Laslo clarified that the current concept Plan contemplated two styles of townhomes, not stacked townhomes, despite language in the annexation agreement that had prompted an earlier description of stacked units.

Mr. Tracey stated that the current code requires an alley for abutting townhouse lots and that the proposed open-space separation would remove the need for a townwide code amendment.

## *Remove minimum density requirements*

Commissioner Callender asked whether House Bill 450 and Senate Bill 23 affected the proposed ordinance. Mr. Walton Esq advised that the current annexation is under approval and that Senate Bill 23 did not apply to that decision. He noted that traffic-related requirements could become relevant at a later subdivision-review stage. Mr. Tracey agreed that the annexation and legislative ordinance amendments were distinct from by-right subdivision applications.

## *Roads, sidewalks, curbs and Town maintenance*

Commissioner Callender closely reviewed the annexation agreement language stating that streets, sidewalks, and curbs would be constructed to Town standards and dedicated to the Town after completion and inspection. Members and staff questioned whether that language would require the Town to assume future street maintenance, snow removal, and related responsibilities. Mr. Tracey stated that the draft contemplated dedication of public rights-of-way but understood residential trash service to be arranged separately by the homeowner's association (HOA) with one provider in development.

Commissioner Callender explained that the Town did not have sufficient staffing or resources to maintain the proposed subdivision streets, sidewalk, or curbs. Ms. Cahall referred to an earlier May 7 communication requesting that the roads remain private and be maintained by an HOA or other property-maintenance entity. Amy Laslo noted that streets in Stonington are private, and staff indicated that private road maintenance is the practice in the Town's newer developments. Rennie Settanni indicated that the developer would be agreeable to private HOA maintenance or an arrangement allowing the Town to elect whether to accept a future dedication. Mrs. Callender expressed a clear preference for removing language that would automatically make the Town responsible.

Mrs. Callender requested that the agreement state unambiguously that the Town would not be responsible for maintaining stormwater facilities or other common areas.

Mr. Tracey said the developer's intent had always been for the HOA, maintenance corporation or similar entity to maintain common areas, stormwater ponds and landscaping, and that the agreement could be clarified to remove uncertainty. He described future maintenance

declarations and restrictions that would specify the obligations of the association and property owners. Mrs. Laslo indicated no objection to the requested clarifications.

Commissioner Cooper asked when a maintenance corporation would assume responsibility, especially if the project were constructed in multiple phases. Mr. Tracey explained that the

development was anticipated to proceed in multiple phases, referring to approximately 13 phases in the annexation agreement. He stated that areas or facilities would ordinarily be completed, inspected and approved before being transferred to the maintenance entity by recorded deed, and that maintenance responsibilities would follow that transfer. Until transfer, responsibility will remain with the developer or property owner. He added that the detailed maintenance declarations and conveyance documents would be prepared later in the development process.

Commissioner Cooper expressed concern about the complexity of phased turnover, particularly where roads, rights-of-way and amenities might be completed at different times. She emphasized the importance of documenting future responsibilities clearly so that homeowners and the maintenance corporation would know which improvements had been accepted and when obligations began. Mr. Tracey acknowledged the concern while explaining that the present stage was annexation and conceptual review rather than construction or turnover.

## *Comprehensive Plan map reference Discussion*

Ms. Cahall identified a correction in Section 4, Development Intentions, of the annexation agreement. The agreement referenced Comprehensive Plan Map 7 but advised that Map 8 had also been amended and should be reflected. Mr. Tracey noted that the correction could be incorporated.

## *Railroad corridor and proposed buffer Discussion*

Chairperson Williams raised concerns about the railroad corridor adjoining the proposed residential development and asked whether a berm or other buffer would limit access and provide separation from the tracks. Charlie Barnett of Morrison Ritchie Associates explained that an existing easement currently runs alongside the railroad and that the concept includes an additional approximately 40-foot buffer, resulting in roughly 60 feet of separation between the nearest lots and the railroad right-of-way. He stated that the design was intended to preserve existing vegetation where feasible and add plantings.

Mr. Barnett clarified that the cited distance was measured from the railroad right-of-way, not the actual tracks, which might lie farther away. Malcolm Jacob of the Dover/Kent MPO stated that the proposed separation was greater than in some other cases the MPO had reviewed and was generally consistent with some of its buffering recommendations if residential development ultimately occurred. However, he reiterated the MPO's view that land immediately adjacent to the rail corridor might have a more suitable use than housing. Mr. Tracey emphasized that the site plan remained conceptual and could be modified as engineering advanced. Commissioner Dewey stated that he wanted these concerns and comments placed on the record.

*A motion was made by Commissioner Callender, and seconded by Commissioner Dewey, to recommend to the Town Council to accept and approve the Aquila Farm annexation application. All were in favor; Motion carries unanimously (5–0)*

Roll Call:
Chairperson Williams-Yes
Vice-Chair Dewey- Yes
Commissioner Cooper-Yes
Commissioner Temple- Yes
Commissioner Callender-Yes

*Proposed Annexation Agreement — Recommendation*

The Commission identified three specific revisions: (1) correct Section 4, Development Intentions, to include Map 8; (2) revise Section 8 so that streets, sidewalks and curbs are not automatically dedicated to the Town for maintenance; and (3) clarify the common-area and stormwater provisions to expressly state that the Town is not responsible for stormwater maintenance, with responsibility assigned to the appropriate HOA or maintenance entity.

*A motion was made by Commissioner Callender and seconded by Commissioner Dewey to recommend that the Town Council approve the proposed Aquila Farm Annexation Agreement, contingent upon the following revisions:*

1. *Revision to Item 4 to reflect the proposed changes to Map 8.*
2. *Removal of language requiring the dedication of streets, sidewalks, and curbs to the Town of Cheswold.*
3. *Inclusion of language clarifying that the Town of Cheswold shall not be responsible for stormwater maintenance.*

Roll Call:
Chairperson Williams-Yes
Vice-Chair Dewey- Yes
Commissioner Cooper-Yes
Commissioner Temple- Yes
Commissioner Callender-Yes

All were in favor; Motion Carries unanimously (5-0)

*Ordinance #6-01-26-078: Ordinance to amend the Town of Cheswold Land Use Ordinance by Revising Article 7 Section K.4 to remove the Minimum Density Requirement for Cluster Developments.*

*A motion was made by Vice-Chair Dewey and seconded by Commissioner Callender, to recommend to the Town Council to accept and approve Ordinance #6-01-26-078: Ordinance to amend the Town of Cheswold Land Use Ordinance by Revising Article 7 Section K.4 to remove the Minimum Density Requirement for Cluster Developments. All in favor; Motion carries unanimously (5–0)*

Roll Call:
Chairperson Williams-Yes
Vice-Chair Dewey- Yes
Commissioner Cooper-Yes
Commissioner Temple- Yes
Commissioner Callender-Yes

*Ordinance #6-01-26-079: Ordinance to amend the Town of Cheswold Land Use Ordinance to modify zoning map in order to rezone annexed property in accordance with approved R-3 zoning*

Commissioner Cooper asked whether Kent County or others had previously recommended a different zoning classification or raised objections. Mr. Tracey explained that annexation requires the applicant to request a municipal zoning designation and that the applicant had selected R-3, which was also described in the annexation agreement.

Amy Laslo stated that the property was zoned AC under Kent County regulations and discussed residential uses permitted under that classification, correcting her own reference to townhouses to indicate duplexes and single-family homes. Town representatives noted that neighboring areas already within Cheswold, including Stonington, are zoned R-3 and regarded the requested classification as consistent with that nearby municipal zoning.

Mr. Tracey initially recalled no public comment at the prior hearing on R-3 zoning. Zach Prebula corrected the record by noting that the Kent Economic Partnership and Dover/Kent MPO had provided public comment toward the end of the prior meeting. Mr. Tracey acknowledged that he had not been present for those comments. The Commission continued its consideration of the requested zoning designation.

*A motion was made by Commissioner Callender, and seconded by Vice-Chairman Dewey, to recommend to the Town Council to accept and approve Ordinance #6-01-26-079 to amend the Town of Cheswold Land Use Ordinance to modify zoning map in order to rezone annexed property in accordance with approved R-3 zoning. All were in favor; Motion carries unanimously (5–0)*

Roll Call:
Chairperson Williams-Yes
Vice-Chair Dewey- Yes
Commissioner Cooper-Yes
Commissioner Temple- Yes
Commissioner Callender-Yes

**NEW BUSINESS**

*Application 2026-9-3-155: The applicant submitted a Final Plan for Parcel 4-03-047.00-01-02.00-000 (McGinnis Green, Lot 4), owned by McGinnis Green Lots 3 and 4 LLC, proposing the development of Dunkin' Donuts with a drive-thru and associated parking.*

Mr. Mumford described a 2,373-square-foot Dunkin' Donuts building, 35 parking spaces, and a two-lane drive-through with stacking capacity for approximately 17 vehicles. He described two access connections to the existing road network, linking the Taco Bell property on the west and McGinnis Green Shopping Center on the east. Sidewalks would provide pedestrian connections across the site and between the adjoining commercial uses. He stated that Town Council had previously granted preliminary approval.

Mr. Mumford reported that the applicant had obtained certain outside-agency approvals, including the State Fire Marshal, Office of Drinking Water, and Tidewater Utilities, while final submissions or approvals from Kent Conservation District and Kent County Public Works remained in process. He stated that the applicant was responding to the Town's remaining review comments and would submit revised signed and sealed plans.

Ms. Cahall introduced Sue Phillips from Carroll Engineering, who was participating following Tom Wilkes retirement. Staff reviewed the engineering comments dated October 1, including signed and sealed plans by the responsible design professional; a signature block for the Mayor; a list of required permits and regulatory approvals, including Kent County stormwater, public sewer, Fire Marshal, Tidewater, and DelDOT as applicable; evidence of Kent Conservation District sediment and stormwater approval; deed restrictions or covenants; any requested variances or conditional uses; parking-area pavement details and thickness; a separate sign permit; and bonds or guarantees required under Article 9, Section 9-7 before construction. Commissioner Dewey initially characterized many items as ordinary final-plan corrections.

Ms. Cahall noted that the submitted drawings depicted a vinyl trash enclosure, while the Town had established a masonry or brick enclosure precedent in that commercial area. Staff had requested revision of the plans to show brick or masonry enclosure. Mr. Mumford confirmed that the applicant would make that change.

Commissioner Cooper asked whether the final plan set had been properly signed and sealed, noting that the issue had appeared in prior engineering review comments. Mr. Mumford stated that electronically signed and sealed plans had been submitted in September and that additional hard-copy title or cover sheets had been delivered to Town staff. Staff confirmed receipt of a cover sheet containing the Mayor's signature block and a professional seal, but the discussion revealed uncertainty as to whether every sheet in the complete revised set had the required professional signature and seal.

Commissioner Cooper emphasized that the entire revised plan set should be consistently dated, signed and sealed by the design professional responsible for each sheet, rather than combining a newly signed cover sheet with earlier sheets. She stated that electronic signatures and seals were acceptable, provided the set was properly authenticated. Commissioner Dewey asked clarifying questions about the distinction between the owner's cover-sheet signature and the design professional's signature and seal. After reviewing the paper materials available during the meeting, staff acknowledged that not every sheet was signed and sealed. Mr. Mumford agreed to provide a complete revised set.

Because the applicant was participating remotely from a location intermittent audio interruption, the Commission was unable to complete a reliable item-by-item review of all outstanding comments.

*Vice-Chair Dewey recommended tabling the application rather than proceeding without a complete plan set and clear responses. Commissioner Cooper agreed, stating that Town Council should receive a clean, complete set of final plans and supporting documentation.*

*Application 2026-9-11-156: Final Plans-Proposed pole barn for RV storage and mini warehouse storage; Map Tax ID #4-03-04600-01-0720-000; Holly Oak Ln, Cheswold DE 19934; Applicant: Matthew McNicoll; Property Owner: Sentinel Self Storage LLC*

Ms. Phillips- Town Engineer- reviewed the October 1 letter containing 13 comments, many of which were identified as satisfied. The Commission focused on the remaining outstanding matters rather than rereading all resolved comments.

The Town Engineer's review noted that no new entrance was proposed from Holly Oak Lane or Twin Oaks Road. Because access would be provided through the adjoining parcel, a recorded access easement was required. Mr. Loftus explained that the adjoining properties were owned by the same owner and that the project would continue using the existing driveway across the neighboring parcel. He stated that the intended easement had been depicted in the CAD plan but might not have appeared correctly because of a drawing-layer issue. The revised plan would show the access easement, and an agreement would be prepared and recorded to preserve access if the parcels were later separately owned.

Commissioner Cooper asked whether the easement had already been executed and recorded. Mr. Loftus clarified that this was the applicant's intention, not a completed action. He offered to provide a proposed easement document for review and stated that he would need to consult the owner and legal counsel regarding timing. Commissioners Cooper and Dewey expressed interest in reviewing the proposed agreement before final approval.

Ms. Phillips noted that the list of outside-agency approvals remained pending, including Kent Conservation District, Kent County Public Works, the State Fire Marshal, and DelDOT as applicable. Mr. Loftus stated that a list had been provided with the response letter, that Kent Conservation District had requested final plans for approval, and that the Fire Marshal had issued minor comments being addressed. He did not anticipate a separate DelDOT permit for the proposed work. The Commission understood that the approvals themselves had not, yet all been obtained.

Ms. Phillips also requested that Sheet C13 correctly identify the water utility provider, rather than showing inconsistent references to Tidewater or Artesian. Mr. Loftus stated that the site-data table had been updated and that the construction details would be revised to match the correct provider.

Ms. Phillips stated a lighting plan is required. Mr. Loftus explained that the applicant had been evaluating wall-mounted lighting and taller pole-mounted fixtures and expected to use a combination of the two. He estimated approximately ten days to finalize and submit the lighting plan. Commissioner Callender asked how long he expected for the lighting planed. He stated usually a week and half. Vice-Chair Dewey asked whether a landscape plan was also missing. Ms. Cahall advised that a separate landscape plan was not required for this Industrial site. Mr. Loftus stated that the property was already largely impervious and that the proposed structures would occupy existing impervious areas, with no anticipated increase in impervious coverage.

Ms. Phillips reiterated that construction record plans would be required after completion of applicable roads and utilities and that bonds and guarantees must be posted under Section 9-7 before construction. Mr. Loftus acknowledged those requirements.

Commissioner Cooper questioned whether the application was preliminary or final because the Town Engineer's letter and some plan-sheet references still described a preliminary plan. Ms. Cahall clarified that the application under review was for final site plan approval.

Commissioner Cooper referenced the engineering review's description of a 22-sheet plan set prepared by CDA Engineering, dated April 15, 2025, and revised September 3, 2026, with only the first sheet signed and sealed. Mr. Loftus confirmed that only the first sheet had been signed and sealed. Commissioner Cooper requested a complete revised plan set with the design professional's signature and seal on each sheet, and Mr. Loftus agreed.

The Commission identified five remaining matters requiring correction or documentation before final review: the access easement document submitted for execution, outside-agency approvals, water-provider details, lighting plan, and a complete signed and sealed plan set. The preliminary/final labeling also needed to be corrected.

Commissioner Cooper expressed concern that several required items remained outstanding and that the Commission should have an opportunity to review the corrected materials before making a recommendation for final approval. Commissioner Dewey agreed that the application should be tabled pending submission of the outstanding information.

ATTENDEE COMMENTS:

Mr. Malcolm Jacob, -Dover/Kent Metropolitan Planning Organization (MPO), raised concerns regarding the proposed Aquila Farm annexation and residential development adjacent to the railroad. He referenced a 2022 study conducted by the MPO and sponsored by the Kent Economic Partnership that identified undeveloped rail-adjacent properties with potential for industrial development, including a portion of the proposed annexation property. Mr. Jacob expressed concerns regarding safety, noise, pollution, and the loss of land suitable for rail-related industrial uses. Although the MPO does not recommend residential development along railroad corridors, he offered to continue working with the Town and developer on mitigation measures, including additional buffers and berms, should the project move forward.

Mr. Zach Prebula, -Kent Economic Partnership, reiterated concerns previously submitted to the Commission regarding the preservation of rail-adjacent land for future economic development. He explained that suitable rail-served industrial properties are limited in Kent County and provide valuable opportunities for business attraction and job creation. Mr. Prebula emphasized the importance of preserving approximately 93 acres north of Moorton Road for potential future industrial development.

TOWN ENGINEER COMMENTS: None.

ASSIT. LAND USE ADMINISTRATOR COMMENTS: Thanked everyone for their continued support and dedication. Town Council acknowledge the Planning Commission at their October meeting for Community Planning Month. Mayor and Council thanked the Planning Commissioners for their dedication and knowledge for serving the Town.

COMMISSIONERS COMMENTS: Commissioner Callender advised them about the Delaware Local League meeting and if they are interested in letting her know.

NEXT MEETING DATE: Thursday, November 12, 2026

MOTION to ADJOURN:
At 6:45 p.m. a motion was made by Commissioner Barbara Cooper, seconded by Commissioner Sam Callender, to adjourn the regular meeting. All in favor; none opposed.

*Respectfully submitted,*
*Sarah Cahall, Assistant Land Use Administrator*