

CITY OF DOVER PLANNING COMMISSION
June 15, 2026

The Meeting of the City of Dover Planning Commission was held on Monday, June 15, 2026, at 7:00 PM as an In-Person Meeting and also using the phone/videoconferencing system Webex. The Meeting Session was conducted with Chairman Mr. Witham presiding. Members present were Mr. Lewis, Mr. Roach (virtual), Mrs. Denney, Mrs. Maucher (virtual), Dr. Jones, Mrs. Welsh, Mr. Reaves (virtual) and Mr. Witham. Mr. Baldwin was absent.

Staff members present were Mrs. Dawn Melson-Williams, Mr. Jason Lyon, Mrs. Sierra Brown, Mr. Alex Dewey (observing from the audience) and Mrs. Kristen Mullaney.

APPROVAL OF AGENDA

Dr. Jones moved to approve the Agenda as presented, seconded by Mrs. Welsh and the motion was carried 8-0 by voice vote with Mr. Baldwin absent.

APPROVAL OF MEETING MINUTES OF MAY 18, 2026

Mr. Lewis stated that he had one quick edit to the Meeting Minutes of May 18, 2026. On Page 24 in the first paragraph, the sentence states “Mr. Lewis state that vacant doesn’t necessarily mean if failed.”, but it should state “Mr. Lewis stated that vacant doesn’t necessarily mean available.”

Mrs. Denney moved to approve the Planning Commission Meeting Minutes from May 18, 2026 including the edit from Mr. Lewis, seconded by Mrs. Denney and the motion was carried 8-0 by voice vote with Mr. Baldwin absent.

COMMUNICATIONS & REPORTS

Mrs. Melson-Williams stated that the next Planning Commission regular meeting is scheduled for Monday, July 20, 2026 at 7PM in the City Hall Council Chambers.

Mrs. Melson-Williams provided an update on the regular City Council and various Committee meetings held on May 19 & 20, 2026 and June 8 & 9, 2026.

Mrs. Melson-Williams stated that as noted earlier, we have filled one of our planning positions; our Planner I position. Mr. Alex Dewey has joined us. He is a recent graduate from the University of Delaware with his Masters and is certainly excited about learning more about how the Commission does things. You will hear from him in the future as he gets projects assigned to him.

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

Mrs. Melson-Williams presented the audience information on policies and procedures for the In-Person Meeting and Virtual Meeting using the Webex system.

OLD BUSINESS

Requests for Extensions of Planning Commission Approval: none

NEW APPLICATIONS

S-26-11 Delaware State University Football Stadium Plaza at 1200 N DuPont Hwy – Public Hearing and Review of a Site Development Plan for a new 53,370 SF +/- Building with Stadium Plaza Complex and the associated site improvements. The project site will redevelop the south side (home stands) area at the football stadium located on the Delaware State University main campus. The property is zoned IO (Institutional and Office Zone) and also subject to the SWPOZ (Source Water Protection Overlay Zone): Tier 3 Excellent Recharge Area. Property Address: 1200 N. DuPont Highway. Tax Parcel: ED-05-057.00-01-21.00-000. Council District 4.

Representatives: Ms. Dana Dunphy, Wallace Montgomery; Mr. Khalid Zerrad, Delaware State University

Mrs. Melson-Williams stated that this is the Delaware State University Football Stadium Plaza project. It is a Site Plan Application and it is located on the main campus of Delaware State University. The property has a zoning of IO (Institutional and Office Zone) and is also subject to the SWPOZ (Source Water Protection Overlay Zone): Tier 3 Excellent Recharge Area. The slide on the screen shows us that we are dealing with the area that is on the south side of the main Alumni Stadium area. The building that is proposed will provide a number of uses related to the stadium, from locker rooms to reception areas and other meeting space. It creates an entry plaza. It does while displacing a number of parking spaces, also actually create a series of parking for handicap accessible parking directly adjacent to the building. In all, this is a four story building that is proposed in multiple pieces and she will let the applicant describe that more fully. The IO (Institutional and Office Zone) allows for colleges and universities and this is clearly associated with that function. The property is subject to the SWPOZ (Source Water Protection Overlay Zone). Pretty much all of the campus falls within the Tier 3 which is the Excellent Recharge Area. As part of that, there are limitations on the amount of impervious surface coverage for projects. Redevelopment actually calls for a reduction in impervious surface to get it into the levels prescribed by the SWPOZ (Source Water Protection Overlay Zone). With this initial plan submission, we've been working with the applicant to address those requirements. We have been crunching some numbers and she is sure they have done a little bit more of that to try to reach those impervious surface limitations and reduction thresholds. We will continue to evaluate that throughout the process. If ultimately they cannot comply with those Source Water Protection Overlay requirements, they may have to seek a variance from the Board of Adjustment. They are working through their stormwater management review process with DNREC and hope to have a resolution to that. Related to parking for this project, the Delaware State University Campus has an overall centralized parking plan. With the removal of parking spaces, it will take some of the surplus from that designated parking space area, but in general, it is deemed as compliant for those provisions. The project also has requirements for bicycle parking. There are sidewalks along the Route 13 frontage of the overall property and then also as part of the campus circulation plan here. The project includes dumpster requirements. Then from a landscaping perspective, there are a couple of things. There is an Arterial Street Buffer of 30 feet. The next slide shows where it is directly adjacent to Route 13; that is where an Arterial Street Buffer of 30 feet which is meant to be a landscaped area. They are retaining that and where part of their pavement was encroaching in that area, their plan is being revised. From a tree planting perspective, they are required to have trees based on a development area that's been identified.

This would have them planting a total of the 58 trees that would be required. Their proposal is hoping to plant 84 trees, 39 of which are within the site development area and the additional 45 are in the immediate vicinity, but in other general areas of the campus near the stadium. The project also submitted a series of renderings and exterior elevations of the project, a couple of astrometrics and then some elevation drawings. The Planning Office reviewed the plans and has noted a number of comments in the Report. The two key ones that I really want to highlight is there was some question about building height from their architecture. Their zero started at 100. So, the overall height is not a 166 feet. It is more like 66 feet when 100 is zero. As noted previously, we continue to work with them for compliance on the Source Water Protection Overlay Zone. We did identify several recommendations. One, to ensure that bicycle parking is provided near any student designated entry to the stadium area here that we're talking about. The Planning Staff recommends the acceptance of the tree planting scenario that places a certain amount of the trees within the site development area that's designated, but then also to recognize those that are planted near immediate areas of the campus. The DAC Report continues with the comments from the other regulatory agencies including the Department of Water/Wastewater and Public Works for the City: the City's Electric Department, which notes about electric service planning; and The Office of the Fire Marshal, which they continue to work with on the fire protection site related measures. From DelDOT, they do have a letter in hand already; a Letter of No Contention regarding that. They will be working with DNREC regarding their stormwater management plan. The MPO also provided some basic comments as well, focused on pedestrian and bicycling in this general area. So tonight Planning Commissioners, you are looking at a Site Development Plan and there are no waivers to be considered. I will just note that we continue to work with the applicant regarding compliance on the Source Water Protection Overlay Zone and impervious surface coverage.

Ms. Dunphy that this project consists of two phases. Basically, the first phase would be the demolition of the existing structures, parking, sidewalks, and the grandstand. That all will be done under a separate contract, but there will be utility relocations as well. For the phase two, what we're representing this evening would be the construction of the 53,370 SF multi-story complex. As Mrs. Melson-Williams mentioned, there are different structures to this. So if you are looking at this as Plan North, on Plan East there is a larger structure. That's going to be basically the locker rooms, office spaces, and training. Then Plan West would be reception. It's a two story structure as well as the east side is a two story structure. If you see the dashed line area, that portion of the structure is three and four stories where the fourth story would be for VIP and press as well. We are proposing new sidewalks, and as Mrs. Melson-Williams mentioned as well, the handicap parking in front the building. We are working with the landscape architect who's designing the paved areas in the site to look at pervious pavement so that we are able to meet the Source Water Protection Overlay area. As Mrs. Melson-Williams mentioned, we are still working with the Fire Marshal and the fire lane situation. We did receive today the specifications for their ladder truck that we're going to use to run a turning template to ensure that our fire lane will work and the perimeter access as well. We do have a loading area on Plan East as the larger paved section along Route 13 and we are providing accessible parking spaces with pedestrian access and dedicated dumpster as well as bike parking. These are just two renderings of what the new building will look like when you are standing in the front of the entrance and then if you're on the visitor side, what you'll see when you're looking towards the new stadium/grandstand area.

Mr. Witham stated that he would note that there's no renovation on the visitors side. So the visitors have to eat dust apparently. Responding to Mr. Witham, Mr. Zerrad stated that the visitors already have a better seating area.

Mr. Lewis stated that was correct; it was renovated ten or fifteen years ago.

Mr. Witham stated that he takes it that there is going to be a partial demolition of the current facilities onsite and then there will be an installation of the new visitor's center and its associated work around the site. Responding to Mr. Witham, Mr. Zerrad stated that is correct.

Mr. Witham asked if there was going to be complete access to the area by sidewalks for the students and visitors. Responding to Mr. Witham, Mr. Zerrad stated that is correct.

Mr. Witham asked if there was any change in your lighting system at the site because he didn't hear any comments about lighting. Responding to Mr. Witham, Mrs. Melson-Williams stated that any parking areas by Code have to obtain a certain level of foot candles, and then I would imagine that the stadium itself has lighting and our Code has other provisions that should limit any kind of light pollution issues beyond their property.

Ms. Dunphy stated yes, there is lighting design that's taking place now and will be provided to the City once it's complete.

Mr. Witham opened a public hearing and after seeing no one wishing to speak, closed the public hearing.

Mrs. Welsh moved to approve S-26-11 Delaware State University Football Stadium Plaza at 1200 N DuPont Hwy, seconded by Mrs. Denney.

Mr. Witham asked if the motion included being subject to compliance with the SWPOZ (Source Water Protection Overlay Zone). Responding to Mr. Witham, Mrs. Welsh stated yes and subject to the DAC comments.

Mrs. Welsh moved to approve S-26-11 Delaware State University Football Stadium Plaza at 1200 N DuPont Hwy to include being subject to compliance with the SWPOZ (Source Water Protection Overlay Zone) and subject to the DAC comments, seconded by Mrs. Denney and the motion was carried 8-0 by roll call vote with Mr. Baldwin absent. Mrs. Welsh voting yes, it's a good project and the building is very attractive so she is looking forward to seeing that out there. It will be a different view driving down the road. Mr. Lewis voting yes; it is fair to say that college football is one of the most rapidly changing industries in the Country right now and Delaware State University improved by leaps and bounds in their record last year. The old saying is, you have to strike while the iron is hot and this has been badly needed out there for at least a couple of decades now. Mr. Roach voting yes; he has been a fan of Delaware State University his whole life so just to see that they are doing some things to improve is amazing to him. Mrs. Denney voting yes; she thinks it's exciting, she thinks it's about time, and there is nothing like a chilly, cool, breezy football day at Delaware State University. Mrs. Maucher voting yes; based on DAC comments and as a life-long resident of Dover, Delaware, she thinks it's a good project and it will be nice to see it finally come to fruition. Dr. Jones voting yes; for

reasons previously stated. Mr. Reaves voting yes; for reasons previously stated. Mr. Witham voting yes; it's an excellent project and well presented. The plans look very well prepared; it's an improvement to the university and he hopes it helps encourage their success in the future.

SB-26-02 Bay Village Residential Planned Neighborhood Design: Subdivision Plan - Public Hearing and Review of Preliminary Subdivision Plan for Bay Village Residential Planned Neighborhood Design Application. The property is 79.14 acres of land east of State Route 1 on the south side of White Oak Road and located south of the Garrison Oak Business and Technology Center. The property is currently zoned RM-2 (Medium Density Residence Zone) and subject to the Source Water Protection Overlay Zone (SWPOZ): Tier 2 Primary Wellhead Protection Area. The Preliminary Subdivision application is for 250 townhouse lots and a lot for a future apartment complex development area with associated infrastructure and improvements. The property owner is Bay Village of Dover LLC. Address: South side of White Oak Road. Tax Parcel: LC05-068.00-01-06.00-000. Council District 3. PLUS Review #2024-02-03. *Waiver Request: Elimination of Rear Alley for Lots 1-20. Associated Applications: MI-26-03 Bay Village Residential Concept Sketch Plan was presented to City Council in February 2026 with referral to the Planning Commission. C-26-02 Conditional Use/Master Plan for PND was conditionally approved by the Planning Commission on April 20, 2026; this included approval of the Active Recreation Plan and Alternative Design Standards for PND for Lot Width and Lot Area.*

Representative: Mr. James Taylor, Verdantas

Mrs. Melson-Williams stated that this is Bay Village Planned Neighborhood Design (PND). It was most recently here at the Planning Commission in April for what was review of a Conceptual Plan for the Planned Neighborhood Design; it's a Conditional Use step of that review process. Tonight, we are focusing on the Subdivision Plan for the development. The property, as shown on screen, is located on the south side of White Oak Road. White Oak Road is at the top of the image. The property is zoned RM -2 (Medium Density Residence Zone) which allows for the Planned Neighborhood Design. This property is also within the SWPOZ (Source Water Protection Overlay Zone) but this time specifically Tier 2 which is a Primary Wellhead Protection Area. A couple other locational kind of things on this map: on the left which is the western portion of the property, that boundary is the Little River White Oak Road Tax Ditch system. There are some adjacent wetland areas to that and on the right hand side of the page in the corner is a wooded tract of the property that will continue to stay as woodland. The property is also subject to the Special Flood Hazard Area. There are areas along what is the left hand side of this image and also from the bottom, the southern part. They have identified the Special Flood Hazard Area on their map as it is currently platted on the FEMA FIRM Panels; however, they will be pursuing a Letter of Map Change as they have better information and more specifically what is called a Conditional Letter of Map Revision or CLOMR, because they wish to make adjustments to some of that where the flood plain is located on this project site. There may need to be some fill in those areas, but there is a process with FEMA that they will be working through. To one, provide better information about actual elevation data for the site and then how that may further be changed by their development proposal. So, if we go to the next page, this again is an overall of the Planned Neighborhood Design. The kind of grid like area that you see in the upper left is what we are concentrating on this evening, which is the portion they intend to develop as a series of 250 townhouse lots. There is a separate lot to be developed in the future

that is at the bottom or the southern part of their property that is intended for a future scenario for construction of apartments. If we move forward one page here, this is a little bit more of a close up of the townhouse area. With their last review with the Conditional Use, there were Alternative Design Standards that were approved specifically related to lot area and lot width to allow townhouse lots that are 20 feet in width and then with a smaller lot area size at 1600 SF. These townhouse units do have an alley behind them as part as the overall street network with the exception of Lots 1 through 20 and we will talk about those a little bit more in particular. The next slide, specifically, you want to focus on the series of lots, Lots 1 through 20. They have made some revisions to the format of these lots in particular. These lots, as you can see, do not have an alley behind them. They have a Waiver Request for the Elimination of the Rear Alley for these particular lots, Lots 1 through 20. They created this kind of graphic to show a little bit more information about these lots in particular. They are front loaded, meaning there is a parking pad in the front of each unit. There are some connecting sidewalks that would lead you towards the rear of these units specifically. What they are showing in detail here is how they intend to comply with our Rear Emergency Access provisions. Specifically, for town houses that either has to be achieved with either an alley of 16 feet or a scenario of an “open rear yard”. They are choosing to pursue the “open rear yard” format for this Rear Emergency Access. That basically means that for townhouse groupings of three to five units, they have to meet the definition of a fire protected townhouse as it is defined in our *Zoning Ordinance*, which is the fire barrier between units at the party wall and then at least an alternating pattern of non-combustible exterior siding. They are noting they will be using non-combustible siding on all of the units. The second component for this Rear Emergency Access is the provision for an “open rear yard” and that is an area of at least 16 feet in width. That is shown as a hatched area at the rear of these buildings. It is on the property. In this open rear yard, there can be no placement of structures or fencing or landscaping in that 16 foot area. They are proposing to develop that as a subgrade emergency access provision. Additionally, with that open rear yard scenario, any remaining areas of the yard cannot have fences that exceed 4 feet in height. They are limited to no more than one shed and there's a sizing limitation on that shed as well. So, it's meant to continue to be truly an “open rear yard” with the ability to reach the rear of the building. So, they are complying with the Rear Emergency Access provisions of the *Zoning Ordinance*, they are just asking related to these specific 20 units, for the Waiver Request of the Rear Alley requirement. That Rear Alley requirement is part of the *Subdivision Regulations* from the City, and as such, the Planning Commission will make your recommendation and then your recommendation will move forward to City Council, through one of their committees for our final consideration. The next slide, this basically is more focused on active recreation and landscaping. The active recreation for this project was previously approved with the Conditional Use step of the process. There is a central active recreation area that has amenities and an additional area that is for a dog park. There are sidewalk connections to areas. For tree planting, they are clearing some woodland, but it is under the limitations that our Code has. They are providing the 583 trees that are required. Some of those are to be planted in open space areas, others are as individual tree plantings on lots. The Planning Office provided a series of comments. The key things for you to consider tonight is the Subdivision Waiver related to the Elimination of the Alley for Lots 1 through 20. The Planning Office did outline a series of recommendations related to this PND. Planning Staff is not recommending approval of the Subdivision Waiver to eliminate that alley, as we feel that the elimination of an alley affects other provisions. Having an alley allows for better emergency access to the rear of those lots and it may limit some approaches related to utilities and trash and

recycling. They have provided a format for storage of those containers, but we do find that the container would have to be brought to the front of those units for pickup. There are other ways we think to encourage either a greater mix of housing units by making some revisions to those Lots 1 through 20. We've also noted that while they are compliant with that rear emergency access provision, the long term compliance for that is tricky because of what they need to maintain for the life of those units as the open yard. We did also note that our *Comprehensive Plan* talked about opportunities for public transit. Public transit is not currently in this area but that they should be thinking about that for the future regarding the number of units that are actually here. Our advisory comments also note that this property participated in its own TIS about the same time the City was doing one for the Garrison Oak Technology Center across the street. So there's some coordination that will need to happen between the City, this applicant, and DelDOT regarding the improvements to White Oak Road in this area. The other agencies providing comments as always include the Department of Water/Wastewater, the Public Works Office, the City's Office of the Fire Marshal, and the City's Electric Department regarding electric service. DelDOT will control the two entrance plans for the entrances off of White Oak Road for this project site. The Kent Conservation District will be reviewing stormwater management and then the MPO also had some advisory comments in looking at pedestrian, bicycling, and transit and other planning efforts in the area. So, tonight what you're looking at here for the Planning Commission is a Planned Neighborhood Design (PND) for Bay Village. It is the Subdivision Preliminary Plan. This is step three for the project and you have one specific waiver to consider that is the Subdivision Waiver for the Elimination of the Rear Alley, specifically for Lots 1 through 20.

Mr. Taylor stated that as Mrs. Melson-Williams mentioned, this application is almost identical to what was submitted and reviewed before this Commission back in April. We will work with all the DAC members to address those comments as we continue through the construction plan process. I wanted to talk mostly tonight about the Request for the Waiver for the Rear Alley requirement for Lots 1 to 20. In your packers is a detailed letter, so I won't read into all of that. But we are seeking a Request for that Waiver. This was discussed briefly during the meeting in April. We discussed this with the developer, went back through things a few times with the Planning Office and wanted to provide a solution while also requesting the waiver. What we are proposing here is for Lots 1 to 20. Hearing the request from the Planning Department was that the biggest complaint and also I guess it was Code Enforcement that mentioned one of the top issues with Code Enforcement is the trash cans not being placed back. In particular, there's issues with the lots where there is not a rear access because those sit in the front of the house. And so what we're going to do here is provide one access from the front of the house to the rear of the house to allow those trash containers to be stored appropriately. Two, they would be behind the rear of the house. The requirement per the Code is behind the front of the house. So, at the rear of each of those, there is a 4 foot tall screening where those trash and recycle bins would be able to be placed for Lots 1 to 20. Regarding some of the other items, there was talk about utilities. Utility access would be fairly similar. They would be coming through the front. If it was a wish to keep it in the green space, there was a green space between the parking and the home themselves for water meters or cleanouts for the sewer. One of the other pieces was the emergency access. As Mrs. Melson-Williams mentioned, we are meeting the Code requirement which is to provide access. We are providing that through a sixteen foot dedicated Rear Emergency Access. Actually in the Code, it does not require a section like we're proposing. We felt like this was an area where it may be better to have a stone section underneath the grass

which would allow for emergency vehicles to access the rear of those homes, similar to what an alley would be. But that would be an open rear yard that would allow emergency services to utilize that space. I believe that addresses all of the concerns from the Planning Commission related to the Waiver Request. One of the other things that was discussed was the potential for utilizing other types of housing here. This is really trying to be an affordable unit type. By changing unit types, it's going to take some of those out of that affordability aspect and so, I believe one of the comments was they can be switched to a duplex to then no longer require the alley or the emergency access in the rear. In this case, we are actually providing a safer condition by providing an additional access on the rear of the lots. Emergency services actually have both the front street that is shown there, as well as the open rear yard. They will be working with the Planning Office, Public Works, Electric, and all of the other DAC members to address their comments.

Mrs. Denney stated that she has a question for Mr. Taylor. At the previous meeting, she noted her field was medicine, and she just had concern for the emergency access in the rear of the building because unfortunately, if a fire starts in the building with or without firewalls and all the things we do to protect people, sometimes things get out of hand. And there's two stories and it's not always guaranteed that they're going to be able to access the front, they may have to go out the rear. In some cases you need to get ladder trucks back there with ladders up to the windows with firemen on those ladders getting people out. I guess if it's like a parkable turf and she knows there are varieties of those things that would ease my mind. Perhaps some type of written tenant restrictions that prevent the people who live in the rear from placing items; and she is not talking right against the building or patio area. But you know you have chairs, tables and umbrellas and a place for friends to come over and play a game or something. It is a real safety concern for me and I think, again, the parkable turf helps that. There will be sprinklers in the building, correct? Responding to Mrs. Denney, Mr. Taylor stated that as of right now, sprinklers are not required by Code; however, it's our understanding that there may be a change in that Code coming. The applicant has heard that and understands that as of right now, the buildings are not being sprinklered but they may be required by the time a Building Permit is pulled. For the second part, the open rear access defined in the Code does not require a reinforced turf. In this case, we actually are going to provide that for this by providing a sub-base underneath of the grass so that those vehicles will be able to drive on top of that. Regarding the restrictions for the homeowners, the homebuilder has stated that they were not going the permit fencing in this neighborhood because they really can't anyway. The comment about having chairs in the backyard, I would actually argue that having two vehicles parked between the alleyway and the rear home could actually be more of an obstruction than that equipment. So in this case, I actually believe that the emergency access for Lots 1 to 20 might actually be a better emergency access perspective than the alley provisions. I understand there's a benefit to the alleys and they have a dedicated space, but if it happens at night those cars are in the way between the alley and those homes.

Mr. Witham stated that he is unclear. Where on the plans do you show the resident's cars to be parked? In the front or the back? Responding to Mr. Witham, Mr. Taylor stated that on Lots 1 to 20, the vehicles are shown to be parked in front of the home. You can see the gray hatched area that is just off the roadway. It is Quiet Water Road, which is the road that runs along the page there. There's parking on the lot just to the north side of that where two cars would park in front of each home.

Mr. Witham stated that you would have to propose land restrictions in each deed to these properties to ensure that the occupant does not park the car in the back. Responding to Mr. Witham, Mr. Taylor stated that they wouldn't be able to access that. They would not be able to park in the rear of the home because there is no access. The only access is an open rear yard. So from the human eye, it's going to look like it's a grassed area, but the emergency services its known. I believe there was a discussion about having it signed for emergency access, so that the Fire Department or EMS or whoever it might be, would know that that is the emergency access.

Mr. Witham stated that an open area covered by grass is not a hindrance to someone who wants to park his car. Responding to Mr. Witham, Mr. Taylor stated it's that just like anywhere, you're correct. He believes that's a Code Enforcement issue versus a Planning issue.

Mr. Witham stated that it becomes a safety issue if a fire truck is trying to get access. Responding to Mr. Witham, Mr. Taylor stated that no one could park there any way. It's not a dedicated parking space. While anyone could put their car where they wanted it to be, realistically, he believes that would be a Code Enforcement issue related to a car being parked where it is not supposed to. Is that correct? Responding to Mr. Taylor, Mrs. Melson-Williams stated that there are other provisions in the *Zoning Ordinance* that limit parking to a paved, hard, dust free surface which is typically asphalt or concrete. It is Code Enforcement violation for parking on the grass in everyday general terms. There are some provisions for temporary parking related to large festivals events, but for individual residential lots you must be on that paved, hard, dust free surface. This open rear yard scenario that they are proposing with a subgrade surface would not be an eligible parking location.

Mr. Lewis asked if the shared use path became a little wider, could that be the alley. Responding to Mr. Lewis, Mr. Taylor stated that is couldn't be the alley because DelDOT regulates how close a street or access way can be from the intersection. In this case to use the shared use path as an alley, you would essentially be right on top of the entrance. It would be unsafe to allow that to happen because you would have conflicting motions occurring at the same time. The other part is a shared use path is not designed for vehicular traffic; it is designed for pedestrians and bicyclists to be able to move about and to transport from one spot to the other. We did have and he believes this was brought up previously. It was related to the emergency access since White Oak Road is right there as well, but you wouldn't be able to get access directly from White Oak Road to the separate lots.

Mr. Lewis stated that he guesses there is going to be a fence there too, right? Responding to Mr. Lewis, Mr. Taylor stated that there won't be a fence along that. There will be an upright curb between White Oak Road and the shared use path.

Mr. Witham opened a public hearing,

Mrs. Melson-Williams stated that they did receive one written correspondence that was included in the Commissioner's packets as Public Comment Set #1. It is an email from Cathy Wright received on May 27, 2026 regarding the rear emergency access. She notes that she's a homeowner in Dover and lives one and a half miles from the proposed Bay Village project. Her statement states "I would like to express my opposition to the waiver request for emergency rear access. Given the quality of residents not including guests, the potential for loss of life in a

situation where the primary entrance is blocked is too great to provide a waiver on the safety measure. The rear emergency access is not simply for convenience and is the life saving measure. It's a standard of neighborhood designs and should not be considered an afterthought or optional. It's also noted in the design that there is a floodplain in the neighborhood, so if there's a flood event, it's even more important to have emergency access to the area. Please stand up for the City Code and enforce the requirement of an emergency rear access, someone's life may depend on it." So that's the only written comment that she would note. As you heard earlier, they are not seeking a Waiver Request of the Rear Emergency Access. That was clarified through our review of the plan. Some initial correspondence thought that they may be seeking that Waiver. The only Waiver they are seeking is regarding for the Elimination of the Rear Alley.

Mr. Taylor stated that he was just going to comment with what Mrs. Melson-Williams mentioned. They are not seeking a Waiver. We would not want to jeopardize emergency response; safety is paramount. As an engineer, we want to be designing around safety. We're called to look at the health, safety, and welfare of their public as engineers. So, with the Rear Emergency Access we would not seek a Waiver for that. Regarding the floodplain, he thinks it was previously discussed; the floodplain is on the far west side of the site. The modeling shows that we are keeping all development out of that floodplain, including the rear alleys along the lots of that western side would be outside the floodplain.

Mr. Witham closed the public hearing.

Mr. Reaves stated that he has a question regarding the floodplain area. It appears that the western most part of the development is over the deepest point of the floodplain area. Can you explain that? Responding to Mr. Reaves, Mr. Taylor asked if he could explain what he is asking when he says the "deepest point".

Mr. Reaves stated that when you look at the elevation lines, the higher points are to the left and to the right of the development area, and also of the bottom. If you look at the map with the elevation lines on it, it seems that development is directly over the deepest point or the lowest point of elevation for this floodplain. Responding to Mr. Reaves, Mr. Taylor stated that as part of this process, we've gone through and done what's called a Conditional Letter of Map Revision. That has been prepared and submitted to the City of Dover and once that is completed it will be submitted to FEMA. He believes that they are just waiting on a community authorization signature on that application so that it can be submitted to FEMA. That is part of the FEMA process. What we did was we modeled that entire drainage area to determine where that floodplain line would be located. It is a defined elevation, but we have survey information from the field versus FEMA that is a little bit more accurate. FEMA does provide the option to provide more accurate data to be able to support the floodplain modeling. So, that has been prepared and has been submitted to the City. They mentioned that the 100-year floodplain would be fully outside of the individual parcels as well as the alleyway that abuts them.

Mr. Reaves stated that when he is looking at the map of the elevation, the complex goes directly over the lowest point. So if that's where all of the water would potentially drive to, he is not understanding how they are going to mitigate that. Responding to Mr. Reaves, Mr. Taylor stated that as a part of this project, we are changing the grades of the development itself. Right now on

the Existing Conditions Plan, it does go from the right hand side of the plan to the left hand side of the plan. As part of the development we need to design roads and homes need to be flat. So there is some raising of that grade that is taking place. The plan on C-401 has that Grading Plan that shows how that's being graded to keep it fully out of the floodplain and then all of the stormwater will be collected through the storm drain system and go to different stormwater facilities throughout the development.

Mr. Reaves asked Mrs. Melson-Williams if there was a position on the packet that FEMA has taken either way or is that just something that's in process. Responding to Mr. Reaves, Mrs. Melson-Williams stated that it is something that is in process. They have mapped where the existing floodplain line is on their plans; however, they have better information and are in the process of completing what is called the CLOMR (Conditional Letter of Map Revision). That is a process with FEMA that allows the use of better data and potential grading changes to make changes to the floodplain line. They have made the submission to the City and basically there is a section of their application form where the City has to acknowledge that they are making this request to FEMA. We will be completing that section and then they will make a submission to FEMA for the review of their proposed changes to the floodplain location and that information will have to be returned back to the City. If their request for changes is unsuccessful, then we would be into some redesigning of this project. It would be something that would be continued to be monitored by Planning Staff as they move through the continuation of their plan review should it be successful this evening as part of getting to a Final Construction Plan set and Subdivision Plan set for this Bay Village project.

Mrs. Maucher stated that she saw that there were a number of iterations of this plan going back to 2007 and none have progressed. Is there a particular reason for that? Is it related to any of these issues with the floodplain? Responding to Mrs. Maucher, Mrs. Melson-Williams stated that in the DAC Report, we did note a number of previous applications that have come our way over the years for development scenarios at this location. Some of them were not fully pursued. In other cases, one of them was a Rezoning that brought us the zoning we have today. This tract of land which is now just over 79 acres was once part of a much larger tract; so, there's been some Minor Subdivision work to divide the land mass into multiple larger parcels. At one point, this track of land extended all the way over to Long Point Road, which is to the east. She would say that none of the previous ones made it through the multiple step process of the Planned Neighborhood Design. Some of them she believes were withdrawn by the applicant at the time. There have been several potential different owners for this tract of land, but she wouldn't characterize it as the floodplain caused the project to be suspended and something new happen.

Mrs. Maucher stated that she also had a question about the MPO comments about the there being a connector road between White Oak Road and South Little Creek Road and it's in the engineering planning phase now. Does that mean that it's more likely than not to be built at some point? She has a concern with this large number of residential properties. We have 250 townhomes plus the potential for another 200 apartments on this parcel right across from the Garrison Technology Park and the traffic that's involved in going in and out of there. Responding to Mrs. Maucher, Mrs. Melson-Williams stated that the MPO did identify a number of studies in this general area. There is a proposal for what is a connector road that would connect White Oak Road then down to the south in order to reach an option for a connection to State Route 1. That

does not cross through this property. But with any project, any development in the general area would be accounted for when they're doing that kind of that road planning process.

Mr. Taylor stated that he believes also this site was identified as part of the *Comprehensive Plan* as an area for residential development to go specifically because of the Garrison Oak Technology Park across the street. So, he just wanted to bring that up as a footnote as part of this.

Mr. Reaves moved to deny SB-26-02 Bay Village Residential Planned Neighborhood Design: Subdivision Plan for the fact that it's over the floodplain area and the FEMA results are not ready yet, seconded by Dr. Jones and the motion failed 2-6 by roll call vote with Mr. Baldwin absent. Mr. Reaves voting yes. Mrs. Welsh voting no; she doesn't know that that's a valid concern at this point in time. Mr. Lewis voting no; he is sympathetic to the FEMA concerns and the waiver concerns, but given that we know that this isn't the final step in the process, he thinks we can move forward and see what the future tells us with answers to these questions. Mr. Roach voting yes; he agrees with the motion because he thinks there are a lot of unanswered questions. He is definitely excited about the addition of all the townhomes. You all know that he really always agrees with us adding homes as far as this area. But just as far as the emergency exit around the back, then a lot of the comments and then the FEMA issue of being on the floodplain, he thinks there a lot of things that we just basically want to know that we have answers to before saying yes. Mrs. Denney voting no; she thinks that this is the first step literally, in what will be many other meetings. Not just meetings with the City of Dover but with FEMA and other entities like DNREC, etc. that have keener eyes on this. She thinks for us to stop it in its infancy because of restrictions and regulations and things that may can come up that will prevent it from going forward later is presumptive of us. She thinks we need to let it ride and see where the true engineering designs get it with FEMA, DNREC, etc. She thinks it's their place to stop it. It's the same way that she always feels about DelDOT getting to make the mean call, not us. Mrs. Maucher voting no; for reasons stated. Dr. Jones voting no; noting that this is early the phase of this process and that there is some unreadiness. Mr. Witham voting no; he agrees with the comments that Mr. Lewis made. This is a process and the process should continue on. It may very well be that the applicant is going to have some problems and will have to redesign the project again and we will have to go back a stage or two; so, this is not the end of the road in that sense.

Mrs. Melson-Williams stated that with the failure of that motion, we still need some action regarding the Subdivision Plan for this PND and the associated Waiver Request for the Elimination of the Alley for Lots 1 to 20.

Mrs. Denney stated just as a matter of clarification, at this point, we are looking for another motion and because the motion to deny failed. She just wants to know that she making the right move here.

Mrs. Denney moved to approve SB-26-02 Bay Village Planned Neighborhood Design: Subdivision Plan so that it can move forward and we can get engineering type opinions and research done by the entities that will really understand a lot more than we do with regard to what needs to happen next and let the applicant have to stand up to those regulations as it moves forward. She also approves the Waiver for the Elimination of Rear Alley for Lots 1-20, seconded by Mr. Lewis.

Mrs. Maucher stated that she has concerns about the Waiver. Is it possible to divide the motion for the project from the Waiver and vote on those two separately? Responding to Mrs. Maucher, Mrs. Denney state that as the maker of the motion, if that helps others with the vote, she is happy to split that and just make a motion to accept the application and we could not include the Waiver in that motion.

Mrs. Denney moved to approve SB-26-02 Bay Village Planned Neighborhood Design: Subdivision Plan so that it can move forward and we can get engineering type opinions and research done by the entities that will really understand a lot more than we do with regard to what needs to happen next and let the applicant have to stand up to those regulations as it moves forward and vote on the waiver for the elimination of rear alley for Lots 1-20 separately should this body choose to do so.

Mr. Witham stated that there is a point of order here that we have an obligation as Commissioners to determine if we grant the Waiver to determine if the applicant has met the requirements to show that it's impractical for the design to have an alleyway. We have to find that it's impractical for them to do that. If you don't think that that proof has been made, then you could, in his opinion, make that motion.

Mrs. Melson-Williams stated that she thinks as suggested by Mrs. Maucher, you could certainly divide the question as it was originally posed and address the plan from an overall concept and then in a separate motion, take action on the Waiver for that Elimination of the Alley. So she thinks that in her amendment to the motion she removed the (Waiver) consideration from her first motion.

Mr. Lewis stated that they did have a motion and a second on a previous motion. Does that just get eliminated now that the motion maker has revised her statement?

Mrs. Denney withdrew her original motion to include the waiver.

Mrs. Denney moved to approve SB-26-02 Bay Village Planned Neighborhood Design: Subdivision Plan so that it can move forward and we can get engineering type opinions and research done by the entities that will really understand a lot more than we do with regard to what needs to happen next and let the applicant have to stand up to those regulations as it moves forward and vote on the Waiver for the Elimination of Rear Alley for Lots 1-20 separately should this body choose to do so, seconded by Mr. Lewis.

Mr. Reaves asked for clarification if this motion is approved, will this come back before the Planning Commission? Responding to Mr. Reaves, Mrs. Melson-Williams stated that the Subdivision Plan would not be required to come back to the Planning Commission unless there was a major redesign. The future development of the apartment complex area of the project would be subject to future review by the Planning Commission.

Mrs. Denney moved to approve SB-26-02 Bay Village Planned Neighborhood Design: Subdivision Plan so that it can move forward and we can get engineering type opinions and research done by the entities that will really understand a lot more than we do with regard to

what needs to happen next and let the applicant have to stand up to those regulations as it moves forward and vote on the Waiver for the Elimination of Rear Alley for Lots 1-20 separately should this body choose to do so, seconded by Mr. Lewis. Mrs. Denney voting yes; she believes that this is an excellent project for that area. Certainly we all know that housing units are a pretty valuable commodity to the health and welfare of our community and she thinks that again, it's a good design, She feels like aesthetically, they have taken measures to make it nice and so she would really like to get behind this. Mrs. Maucher voting yes; based on the DAC comments and recommendations. Dr. Jones voting yes; based upon DAC comments. Mr. Reaves voting no; due to the fact that this is built directly over the lowest point of the floodplain area and the number of apartments is detrimental to mitigating the water that comes from a floodplain area. Mrs. Welsh voting yes; for reasons previously stated in conjunction with Mrs. Denney. Mr. Lewis voting yes; for reasons previously stated. Mr. Roach voting no; again I'm very excited about the project, but again, he just feels as though as far as what we asked for, knowing that we all have the same concern and we know how sometimes it doesn't get back to us. Especially with it being over the floodplain and all of us having the same concerns. He thinks that we could have just voted no and just brought it back all together in one vote. But again, he is definitely excited for a project, absolutely want it but he is going to vote no right now at this point in time to stand for my reason stated as far as it being over the floodplain and then the exit on the back side. Mr. Witham voting yes; for the reasons stated on the record and for the DAC comments and the requirement that he thinks they have to make separately on whether the Waiver should be granted.

Mrs. Maucher moved to deny the Waiver Request for the Elimination of the Rear Alley for Lots 1 to 20 based on Staff's comments and observations and the safety concerns, seconded by Dr. Jones and the motion was carried 7-1 by roll call vote with Mr. Baldwin absent. Mrs. Maucher voting yes; for reasons stated. Dr. Jones voting yes; due to uneasiness with that Waiver. Mr. Reaves voting yes. Mrs. Welsh voting yes. Mr. Lewis voting no; without being unsympathetic to the Planning Staff's recommendation he thinks the space there would be adequate in case an emergency would arise. He thinks the space provided would be adequate to serve the need of what a potential alley would do. Mr. Roach voting yes. Mrs. Denney voting yes. Mr. Witham voting yes; he is not satisfied that it is not feasible to put an alley back there.

Mr. Taylor asked if that was a recommendation for denial (of the Waiver). Responding to Mr. Taylor, Mr. Witham stated yes, our decision goes to City Council.

MI-26-06 Text Amendments: Clean Hydrogen Production Facilities – Public Hearing and Review for Recommendation to City Council of Text Amendments to Zoning Ordinance pertaining to clean hydrogen production facilities by amending the *Dover Code of Ordinances*, Appendix B - Zoning by adding a definition for “clean hydrogen” in Article 12 and by amending Article 3, Sections 19, 20, 20A and 20B to allow clean hydrogen production facilities to operate as permitted uses in certain zones and adding supplementary regulations by which these facilities must abide. The zoning districts for clean hydrogen production facilities include the M (Manufacturing Zone), IPM (Industrial Park Manufacturing Zone), IPM2 (Industrial Park Manufacturing Zone – Business and Technology Center), and IPM3 (Industrial Park Manufacturing Zone – Industrial Aviation and Aeronautics Center). Ordinance #2026-10.

Representative: Staff

Mrs. Melson-Williams stated that this is a series of Text Amendments to the *Zoning Ordinance*. In the case of a Text Amendment to the *Zoning Ordinance*, the Planning Commission makes a recommendation. That recommendation after your own public hearing is forwarded to City Council. City Council will conduct their own public hearing and take final action on the amendment. The proposed series of Text Amendments are related to Clean Hydrogen Production Facilities. This is Ordinance #2026-10 as Application MI-26-06. What this does is a series of amendments to our M (Manufacturing Zone) and then our IPM (Industrial Park Manufacturing Zone) series: the IPM2 (Industrial Park Manufacturing Zone - Business and Technology Center) and then the IPM3 (Industrial Park Manufacturing Zone - Industrial Aviation and Aeronautics Center). She will note that at the present time, there are no properties that are zoned the IPM3 here in the City; not to say that there won't be in the future. This is a proposed series of amendments that would allow for the manufacturing of clean hydrogen in production facilities. The Text Amendment includes a definition for "Clean Hydrogen" as part of the Amendment. That will be made in Article 12 which is also the definition section of the *Zoning Ordinance*. The background report gives some information about the MACH 2 Initiative which is Mid-Atlantic Clean Hydrogen Hub Initiative that the State has been participating in. It gives you a little bit of information about what is "clean hydrogen". Basically, there is energy that is introduced to then split water. It basically creates a hydrogen gas. There is information about safety. This is really brought forth in support of that MACH 2 and potential for economic development in the long run here in the City. This does not establish a Clean Hydrogen Production Facility at any location in the City; it just adds it to the list of potential permitted uses in those series of zones. As part of the Report, Planning Staff had to issue a recommendation per the criteria that is established in the *Zoning Ordinance* related to Text Amendments. We have to determine whether the change is consistent with the *Zoning Ordinance* itself and the aims and principles of the zone and also whether the amendment is consistent with the aims of the *Comprehensive Plan* for the City. Included in our Report are a number of excerpts from the *City's Comprehensive Plan* from 2019. Specifically some excerpts were pulled from Chapter 10 which is the Economic Development Chapter as well as Chapter 12 which is the Land Development Plan portion that focus on employment centers and creating a vibrant economy and potential job opportunities. The Planning Commission specifically as part of your process, is also charged by the *Zoning Ordinance* to consider those same criteria of how these Text Amendments are consistent with the *Zoning Ordinance* as well as with the aims of the *Comprehensive Plan*. We did submit this to our agency reviewers as part of the Development Advisory Committee. Most of them in their comments reflect that they have no objections to the proposed amendments but make some advisory notes that any development project associated with this type of facility has a separate review process for it. She will note that this was predominantly being brought to you by Planning Staff in conjunction with the City Manager's Office. The City Manager, Sharon Duca, is here in the room for any additional comments.

Mr. Witham stated that he is not sure that they all know how hydrogen is produced. Responding to Mr. Witham, Mrs. Melson-Williams asked if Mr. Witham was asking that as a question.

Mr. Witham stated that he would like to reaffirm how it is produced. He has an idea of how it's produced, but if someone is more of an expert in that arena, he would like to hear some comments on that. He does know that it takes less electricity. Hydrogen is a renewable source of

energy. It doesn't produce pollution, and it's a very helpful energy source because we know at the present time that our electric grid is in deep state of repair. It is going to cost a lot of money to repair that grid and we need to have another source of usable energy. In his opinion, hydrogen is more usable based on economics, environmental issues, and wind power or sun power. So, he agrees with the Ordinance.

Mrs. Denney stated that that is her understanding. It has been a long time since she has taken chemistry.

Mrs. Duca stated that basically she would like to add the support regarding the Ordinance and the economic vitality that will be brought to the City of Dover. In terms of your questions regarding the production of hydrogen itself, we have a few technical experts available. One of which is Mr. Andrew Cottone who is online. It would be excellent to have him join in on the discussion.

Mr. Gregg Moore stated that Becker Morgan Group is actually representing Aternium who is the provider here. We are not proposing this change. We have reviewed it and we have followed it and worked with the City Manager to get to this stage. We do have an expert here; his name is Mr. Andrew Cottone and he is actually in Europe but has joined us online. He can explain production of hydrogen.

Mr. Cottone stated that he is here to answer any questions.

Mr. Witham asked Mr. Cottone for a short dissertation of how hydrogen is produced and why it's safe and economical to use.

Mr. Cottone stated that hydrogen is produced in a few different ways; many of which you don't want in Dover due to the pollution and some of the other aspects surrounding it. When you look at Delaware and Dover in particular, we are not sitting on reserves of coal, oil, or natural gas, but we are sitting on pre-packaged hydrogen for the future energy, which is water. You simply take electricity, you pass it over water at very precise conditions, the hydrogen comes off at the cathode, the oxygen comes off at the anode, and it becomes pre-purified and ready to ship out. An advantage that Dover, DE has is that they are within about 150 miles of an already huge 2,000 metric ton per day hydrogen economy. So, you pass electricity over water, split the water into hydrogen and oxygen; that is simply how it works. One last thing is that the wastewater in Delaware is a lot cleaner than he grew up drinking, chemically speaking. We can actually use wastewater for this process.

Mrs. Maucher stated that she has a couple of questions. She knows enough about this to be dangerous. So in order for it to be "clean hydrogen", the electricity has to be produced by a renewable meaning nuclear, is that correct? Responding to Mrs. Maucher, Mr. Cottone stated that is correct.

Mrs. Maucher stated that if you used gas to make it, then it would be "brown hydrogen", is that correct? Responding to Mrs. Maucher, Mr. Cottone stated that there are lots of different colors of hydrogen. But to specifically make it clean, as you were talking about, you would need to

generate or purchase your electrons from wind, solar, or nuclear. They are the three types of energy approved under 45V of the recent Big Beautiful Bill.

Mrs. Maucher asked how much electricity is needed. There is a big debate going on now about data centers and the excessive power demands and water demands. She doesn't have a clear understanding of either of those. How much energy would be demanded and how much water demands would be there? Responding to Mrs. Maucher, Mr. Cottone stated that first, when you compare a hydrogen plant to a data center, they are extremely different. The hydrogen plant scaled at this area is going to be a lot smaller, not the gigawatt size that we are talking about. Secondly, a data center has to be on, unless it's crypto-mining, 24/7 and if the electrons had to choose between the data center and the community, then they are going to have to choose the data center. But in clean hydrogen's particular case, the facilities could be set up as a demand response. Meaning when the community needs the energy, then the company comes offline. He thinks that when you are looking at the Mid-Atlantic, you can look at reasonable sizes from 40 megawatts to 80 megawatts of electricity going in per plant, but it's only using the electricity when the community is not using it and gets off using it when the community does need it. For the water question, each plant will need about half to two-thirds of an Olympic size swimming pool every day. So, not very much especially when you compare it to the data centers and when you think that Delaware is in a position where you can deploy wastewater for this.

Mr. Witham asked if you could use seawater to produce hydrogen. Responding to Mr. Witham, Mr. Cottone stated can you, yes, but it is not economically viable right now. The electrolyzers, where the water is split into hydrogen and oxygen are very sensitive machines and the sea water has a lot of impurities in there that would ruin the lifetime of those machines. So, the water that we will be using is even more pure than the water that goes out into the public. Is that something that's possible down the line in 10 to 15 years? Yes, he thinks so. You can, but it's not industrially feasible at this point.

Mr. Witham stated that we are just going to approve those sections in the amendments that will be applicable to various aspects of the *Zoning Ordinance* since the *Zoning Ordinance* does not address hydrogen in any way, correct? Responding to Mr. Witham, Mrs. Melson-Williams stated that these industrial zones in the Manufacturing Zones actually in their uses prohibited, list hydrogen and oxygen for manufacturing processes that involve the primary production of hydrogen and oxygen. Currently in our Code, that's prohibited. So, in this proposed Text Amendment, there is a amendment to make a change there to allow the production of hydrogen and oxygen when it is related to "clean hydrogen production facilities" only. So that happens across the board in the M (Manufacturing Zone) and IPM (Industrial Park Manufacturing Zone) series. Really with this amendment we have to do two things: add clean hydrogen production facilities to the uses permitted and make a slight edit to the uses prohibited so that we allow for hydrogen and oxygen production when it's related to a clean hydrogen production facility and then of course define what "clean hydrogen" is.

Mr. Witham stated that we presently have no one making an application to place one of these facilities in our city. Responding to Mr. Witham, Mrs. Melson-Williams stated that currently, there is no application to place one of these facilities, because right now if you open up our Code Book it says, "no you can't do that"; it is a use prohibited.

Mrs. Maucher stated that it is her understanding that this stuff is very, very dangerous. It is very flammable and potentially explosive. She doesn't have a problem with the production facilities per se but it must be set aside in protective zones. Is that something that is developed in the application process or will there be more amendments coming to protect the public from the potential danger of these facilities? Responding to Mrs. Maucher, Mrs. Melson-Williams stated that in order to develop one of these facilities, if this Text Amendment is adopted, it would be a Site Development Plan Review process. So, your *Zoning Ordinance* has setback provisions. There are certainly other provisions that may require certain screening and landscaping. The process to build one of them certainly is going to go through a Building Code and Fire Code review process. In the Fire Marshal's comments, they did note that there is a specific NFPA Section, which is a Fire Code; NFPA 2 which deals with hydrogen technologies that have already been adopted for use here in Delaware. So, there are certainly Code provisions in a broader sense related to regulating these facilities should one look to develop here in Dover. Likewise, the M (Manufacturing Zone) and the IPM (Industrial Park Manufacturing Zone) series do also have the Performance Standards Review application process that is part of the *Zoning Ordinance* already that asks a lot of those questions about what we call the "objectionable elements". So any future project would have to address those items which are likely tied to specialized permitting and things to put some of those protections in place.

Mrs. Maucher asked about concerns with transportation. Is it going to be piped out or tanked and put on roadways to move it? She knows that it is alternative fuel in some circumstances, but I guess we cross that bridge when we get to an application. Responding to Mrs. Maucher, Mrs. Melson-Williams stated that it is Staff's understanding that at this point, most of it would be trucked from a clean hydrogen facility. That is the mode of transport of distribution at this point in time.

Mrs. Denney stated that for instance, Schagrin fills trucks with natural gas and delivers it here and there. Is that the same way theoretically that this gas would be distributed? Responding to Mrs. Denney, Mrs. Melson-Williams stated yes, but she directs it to Mr. Moore to find who on the project team could best answer that question series for you.

Mr. Moore stated yes, this material would be produced in a facility, and it would then be trucked like Schagrin Gas or propane or any other natural gas material. It is very similar to natural gas and reacts similar to natural gas.

Mrs. Denney stated that if we develop an ordinance to allow it here and we will have all of the rules and regulations about screening, etc. She used to manage a small town here, so she always probably thinks way far out of the box. You can screen and make everything look pretty all around the hydrogen plant or a gas plant, but what you can't do, other than following the rules and regulations and the safety regulations most especially but you can't 100% prevent a very serious explosive. Responding to Mrs. Denney, Mr. Moore stated that this process would actually be done inside of a building very similar to a building that you would see for warehousing or something similar. So, it is not a gas plant like what you might see at Garrison where they are using natural gas to produce electricity. It doesn't look anything like that. There are not stacks. This is done inside of a building so it is contained. It is treated like a Site Plan

which would come back before you at that time to show you what the building looked like and how it was positioned, how far it was from neighbors, etc. That would be the Site Plan stage. For Aternium, who you have heard from Mr. Cottone, they do not have a property. We do not know where it's going to go and until the Ordinance is changed, they can't purchase a property. When we get to the public hearing, he knows that Mr. Shane Breakie is here. He is very knowledgeable about gas production, gas movement, and trucking. He could probably actually shed light as part of the public hearing as to how that occurs and their knowledge of it from a Chesapeake Utilities standpoint.

Mrs. Denney stated that what went on in her mind as she went through this information is that we don't have it now and at the moment; we don't miss it because we don't have it. She is concerned of the potential dangers which again, she is just learning here. Why do we need it in Dover? Responding to Mrs. Denney, Mr. Witham stated that perhaps we could have this addressed through the public hearing because we are going to be hearing from some experts.

Mr. Witham opened a public hearing.

Mr. Shane Breakie – Chesapeake Utilities at 500 Energy Lane Dover, DE 19901

Mr. Breakie stated that he is the Vice President of Sustainability at Chesapeake Utilities. We are here in support of this initiative. Chesapeake Utilities has been a partner in the MACH2 initiative that was brought up earlier in trying to bring hydrogen hubs into the Region. One of the benefits of hydrogen is that it's in lower carbon emissions; something that we are all trying to attain and something that our company has been very proud of supporting over the years. We do see emissions, not just in our operations but throughout the State as well. One of the applications for hydrogen, as Mrs. Maucher was saying, is utilizing it as a vehicle fuel. It can be trucked around but it can also be used as a vehicle fuel just as natural gas is. At our facility in Dover, we actually have a natural gas fueling station there. As Mr. Moore was saying, hydrogen has similar aspects as natural gas so it can be used as a vehicle fuel just as natural gas is. Our proposal with the Hydrogen Hub Initiative was to support bringing in hydrogen as a vehicle fuel. One of the other participants with the Hydrogen Hub was DART. They are looking to transfer some of their fleet over to hydrogen. Working together, some of the concepts are to have a centralized location that is producing hydrogen that we can use as a clean burning fuel and have it here in Delaware. He is also part of the local economic development initiatives also. It could bring good paying jobs to this Region as well.

Mr. Witham stated that it is his understanding that based upon current trends, you can actually manufacture hydrogen in cylinders. You can simply drive your car into a gas station and you replace your cylinder of hydrogen with a new one or have it refilled. This is what the auto industry is developing. Responding to Mr. Witham, Mr. Breakie stated that he is not aware of that method but what they do at their facility with natural gas is they actually compress it. We have a compressor there and the cylinders are permanently within the vehicles so we are just filling it within the vehicle.

Mr. Witham stated that they are saying that it is being done in some other countries other than the US. He wasn't sure if that method was going to be developed in the US. This is just stuff that he has read.

Mr. Breakie stated that he would also say that the proposal that he was hearing was to fill trailers to move hydrogen around. They do something similar with natural gas at our Dover facility where we have large trailers that can move large amounts of natural gas around by truck. Actually, they do have a trailer at our Florida facility that can do that same thing for hydrogen. It would be very similar to the trucks that you see hauling propane as you had mentioned.

Mrs. Denney asked if you would be able to use that for trains. Can it be moved by train from place to place? Responding to Mrs. Denney, Mr. Breakie asked if she was referring to it as a fuel for the train.

Mrs. Denney stated no, not as a fuel for the train but just to take it to another area where it can be utilized. Responding to Mrs. Denney, Mr. Breakie stated that it can be. He just doesn't know if there are regional limitations that wouldn't allow you to do that. He is not sure if you can go through tunnels or other areas like that and he doesn't think you can do that with propane either. But it would probably follow the same restrictions as propane.

Ms. Linda Parkowski – Kent Economic Partnership 555 Bay Road Dover, DE 19901

Ms. Parkowski stated that she is the Executive Director for the Kent Economic Partnership which is the economic development agency for Kent County and they represent Dover as one of our cities that they do economic development for. This Text Amendment allows hydrogen production. Right now with the MACH 2, we are not in a position to solicit any manufacturing companies that do hydrogen. That is why this Text Amendment is extremely important because it allows us to get into this type of industry because right now we can't. She doesn't know if you know but the reason that hydrogen and oxygen and a lot of other things are in Codes as prohibited uses was because 30 years ago, somebody was trying to put a refinery off of Smyrna and then one municipality wrote a bunch of Codes and prohibited everything that has to do with that refinery and all of the municipalities copied it. Now, we are trying to modernize municipalities because the production is different today than it was thirty years ago. You heard from our PhD expert on that. A facility like this would bring about \$200 million of investment into our community. It's not a \$5 or \$10 million investment; it is huge. Also, it comes with good paying jobs. She would encourage the Planning Commission to let us allow it. You can put all of the conditions on once you get a Site Plan and you actually get a company that wants to do it. Let Dover and Kent County to be the first to allow this to modernize.

Mr. Andrew Cottone – Aternium

Mr. Cottone stated that he just has a few points. He heard some great things on safety and the economic development. Aternium is also a member of the MACH 2. The hydrogen economy is inevitable. It is expected to reach \$50 billion by 2050. The growth of this economy is being driven by many forces; mainly, the need to decarbonize hard to abate sectors. He heard a comment, "We don't have it; so why do we need it?" It is replacing some of the dirty hydrogen that is already out there. Some of those hard to abate factors are chemicals, long haul transportation heavy industry. Specific to Dover, like he said, we are not sitting on a reserve of anything else but you do have access to some of the most relatively pure treated wastewater which is the main infill for clean hydrogen. This Code update does enable Dover to participate in the hydrogen growth sector by attracting large scale investment, integrating hydrogen into the

energy infrastructure, and positioning the City as a hub within the Mid-Atlantic Corridor. Hydrogen's growth builds on an already massive industrial foundation. Over 100 million metric tons of hydrogen are produced and used globally here. This is not new; this just might be new to our Region. Meaning the transportation of hydrogen is less about creating a new market and more about decarbonizing an already existing one. In fact, Dover sits within 150 miles of a market that uses 2,000 metric tons of hydrogen every day right now. Dover stands to benefit but leveraging this existing demand base allowing projects to anchor on real customers that the Mid-Atlantic offers while expanding into emerging uses like energy storage, power resilience, and synthetic fuels. As we heard earlier, of all of the different rainbow colors of hydrogen, he thinks gray hydrogen is the hydrogen made from SMRC (Steam Methane Refining) which is what you don't want here. Clean hydrogen is defined by how it's produced. When generated from water using the renewable or lower carbon electricity, like we spoke about earlier, there is little to no greenhouse gas emissions at the point of use with water vapor as the primary by-product. This technique enables communities like Dover to support the industrial book of companies that don't need subsidies in offering energy reliability while still meeting the climate and air quality goals. This makes this a practical and financially independent pathway to clean and industrial development. Hydrogen can and will protect the communities from harmful pollution with the highest safety standards that are already established. Just look at the American Gulf Coast: 1,600 miles of pipeline, trucks going all over the place and putting the hydrogen on trains while delivering the economic benefits. We don't have to reinvent anything here; we can copy and paste and deliver it this economic opportunity to Dover. Early adopters like what Dover is considering and what we are here in support of. Any municipalities that host them will play an outsized role in shaping the infrastructure, workforce development and supply chains. Hopefully Dover's willingness to modernize its Code signals to investors and developers alike, that it's open for the next generation infrastructure projects. By acting now, this City can capture the first in advantage of high quality jobs, long term economic relevance, etc.; all built on a molecule that is well established in the United States. Hydrogen will become a fundamental component of the global energy system. Dover has its chance to be first. For these reasons and more, he strongly supports the Zoning Code change.

Mr. Jeff Klinkhart (virtual) – unknown

Mr. Klinkhart stated that he is here to support any questions related to safety or fire protection if there are any.

Mr. Juan Carlos-Rivadeneira (virtual) - unknown

Mr. Carlos stated that he doesn't have anything else to add. He is in support of this change.

Mr. Witham closed the public hearing.

Mr. Witham stated that he read through the changes and the only major change is simply adding this paragraph to appropriate sections and it states, "Clean hydrogen production facilities for the production of clean hydrogen and defined in Article 12 shall be permitted subject to compliance with Article 5, Section 8 which pertains to Performance Standards in all applicable zones and environmental regulations."

Mr. Lewis moved to recommend approval to City Council for MI-26-06 Text Amendments: Clean

Hydrogen Production Facilities including the recommended text regarding Article 3, Sections 19, 20, 20a, and 20b to allow “clean hydrogen production facilities” to operate as permitted uses in certain zones and adding supplementary regulations by which these facilities must abide, seconded by Mrs. Welsh and the motion was carried 8-0 with Mr. Baldwin absent. Mr. Lewis voting yes; for reasons previously stated. Mrs. Denney voting yes. Mrs. Maucher voting yes; based on the Staff Report. Dr. Jones voting yes; based upon previous statements and all of the explanations. Mr. Reaves voting yes; based on the Staff Report and previous comments. Mrs. Welsh voting yes; based on all of the information on received on the use of hydrogen. Mr. Witham voting yes; based upon the Staff recommendations. It appears to be a welcomed need for the City of Dover and for the future. Mr. Roach voting yes.

NEW BUSINESS**PUBLIC COMMENTS OPPORTUNITY**

There was no one wishing to provide comments.

Meeting adjourned at 9:50 PM.

Sincerely,

**Kristen Mullaney
Secretary**