

Dagsboro Planning and Zoning Commission  
Amended Minutes of the Meeting of April 17, 2013

The meeting of the Dagsboro Planning and Zoning Commission was called to order at 7:00 p.m. on Wednesday, April 17, 2013 at Bethel Center. Members present were Marjorie Eckerd, E.F. Quillen, Gayle Chandler, Scott Crater and Janice Kolbeck. Kyle Gulbranson, John Murray, and Bill Chandler were also present.

Agenda: A motion was made by E.F. and seconded by Scott to approve the agenda, the vote in favor was unanimous.

Minutes: A motion was made by E.F. and seconded by Janice to approve the January 9<sup>th</sup> minutes; the vote in favor was unanimous.

New Business:

A. Organization of Commissioners

1. A motion was made by Gayle to elect Marjorie Chairperson, seconded by E.F. and unanimously approved.
2. A motion was made by Marjorie to elect Gayle as Vice Chairperson, seconded by E.F. and unanimously approved.
3. A motion was made by Marjorie to elect Janice as Secretary, seconded by E.F. and unanimously approved.

B. Consideration of Preliminary Site Plan Approval for Pepper Creek Crossing

(Gayle Chandler excused herself from this discussion.) John Murray provided an outline history of Pepper Creek Crossing's ongoing proposal over the years as a cluster residential development first brought before the commission in 2003. At present the Prong 4 tax ditch to Pepper Creek is causing the problem with moving forward with preliminary approval. DNREC's mapping shows a perpendicular tax ditch but in actuality it is more on an angle so that has to be cleared before continuing with the approval process.

Despite there being Tax Ditch Association meeting on March 9<sup>th</sup>, this topic was not discussed and when Bill questioned Gerald Mitchell about it he said he wasn't aware of the issue.

Initially DNREC would have normally gone door to door to get residents' input but at that time they did not have the time or personnel to do the survey. Due to the misunderstanding of easement allowances as being 25 feet rather than the correct 80 feet the issue has caused even more of a predicament.

John was asking the commission to allow a condition, but as Marjorie explained the town council will not accept any conditions on preliminary approvals. Bill explained some of the property concerns of drainage being affected if the tax ditch is altered in anyway. After a lengthy discussion it was recommended to John to go back to the developer (Mr. Zonko) and suggest a meeting be called with DNREC, the property owners affected, and the Tax Ditch Association so a resolution could be arrived upon. Marjorie said that the commission would need something in writing reflecting the agreement they come up with which we could then proceed with voting on a preliminary approval.

C. Discussion of sunseting timeline provisions for preliminary approval for subdivision and site plan projects

(Gayle returned to the meeting table and discussion.) Kyle explained that at the recent Town Council meeting, Mr. Simpler (owner of the property for the General's Green project) requested a consideration of a blanket three-year extension be given to ALL projects presently on record. As it exists there is an allowance of two years plus a one year extension provision to show "substantial construction", of which General Green's project will be reaching in July 2013 without that evidence.

Marjorie provided Sussex County, Millsboro, Georgetown and Millville's guidelines to use as comparison and after a discussion it was determined by the commission a motion was needed. A motion was made by Gayle and seconded by E.F. to keep Dagsboro's sunseting timeline provisions as is. The subsequent vote was in unanimous approval.

Adjournment: A motion was made by Gayle and seconded by E.F. to adjourn the meeting; the vote in favor was unanimous. The meeting was adjourned at 8:03 p.m.

Respectfully submitted,  
Janice Kolbeck  
Secretary