

Minutes of Meeting  
Dagsboro Planning & Zoning Commission  
Bethel Center-28307 Clayton Street  
May 11, 2016

Call Meeting to Order: 5pm

Approval of Agenda: Commissioner Thompson objects to the agenda, as according to his opinion, the Planning and Zoning rules are not being followed. He stated items on the agenda were not submitted by the 15<sup>th</sup> of the prior month. In addition, items on the agenda must be placed on a first come first serve basis. He feels items were not placed that way on the agenda, such as the Soil and Erosion Handbook he discussed during the March and April meetings. He said he will not approve the agenda until the items he wants discussed are placed on the agenda. Motion to approve the agenda was made by Commissioner Connor and seconded by Commissioner Savage. The agenda was approved with 4 in favor and Commissioner Thompson in opposition.

Election of Officers:

Chairperson: Commissioner Crater was nominated as Chairperson with a motion made by Commissioner Connor and was seconded by Commissioner Savage. It was requested that the chairperson or vice chair be present at all council meetings. Motion passed with 4 in favor and Commissioner Thompson opposed as he feels the rules are not being followed. Chairman Crater disagrees with Commissioner Thompson's statement.

Vice Chair: Chairman Crater elected Brad Connor. Commissioner Savage seconded the motion. All were in favor. Motion Carried.

Secretary: Commissioner Thompson volunteered for the position. Nomination made by Commissioner Connor and was seconded by Commissioner Flowers. Commissioner Savage abstained from the motion. Motion carried.

Approval of Minutes: Motion to approve the minutes of 3/16/16 & 4/13/16 by Commissioner Connor and seconded by Commissioner Flowers. Minutes were approved with 4 in favor and Commissioner Thompson opposed as he feels the minutes do not accurately reflect his discussions on the erosion issues at the Woodlands of Pepper's Creek.

New Business: Randy King and Barbara Schuckman want to open an ice cream shop that will serve farm fresh ice cream from a farm in Hockessin. They intend to purchase a trailer from Jayne's Reliable, place it on the property at 33225 Main Street and sell ice cream from the trailer. They would like to place picnic tables for customers to sit and eat at. Their long-term goal is to fix up the house and serve coffee and Ice cream on the first floor. Anyone working there would park in the back of the property. On-street parking and possibility of sharing off-street parking with the produce stand would be utilized for customers. Hours would be from 12-9 on the weekend. Weekdays schedule most likely around the movie theater schedule. This will only be seasonal. Concerns by Chairman Crater: What is the status of the house? Is the house still condemned? Mr. King stated that the outside was painted, new windows were installed, and the gutters were repaired. He said the outside structure is safe for the public. The inside of the house needs repairs and electric will be upgraded to outfit the trailer. It was asked if a fence could be placed around the area to section off the area for the business. Mr. King said that would not be a problem. They are hoping to open it by July 1<sup>st</sup>. Chairman Crater would like Council's advice about the

structure and still have them open on time. Mr. King informed them that there will be no public access into the actual house on the property. The property is insured. He informed the committee that the outside exterior property is in compliance with the Town requirements. Chairman Crater wants to know if the house could be un-condemned but not habitable? He also said parking for the business should not be in the right of way of State owned roadways. Commissioner Thompson wants the overflow parking on the road but wants them to have a designated lot. Commissioner Connor made a motion to send to council to get their advice on whether the business is permitted since there is a condemned structure on the property. Nobody is opposed to having the ice cream stand as long as the property is safe. They also advised the applicant to ask the adjoining neighbor if they could use his property for off-street parking. The Commissioners also asked for lighting details, and proposed hours of operation. This item will be placed on the June agenda for further discussion. Motion was seconded by Commissioner Flowers. All were in favor. Motion Carried.

A request was made by the Chairman to move the rest of the new business until next month due to two Commission members having to leave early. Commissioner Thompson would approve if the review of the Sediment and Erosion Handbook is put on the next agenda. Commissioner Thompson stated that he feels the codes are not being enforced within the Woodlands of Pepper's Creek development. Chairman Crater steps in and states that the code enforcer is researching their concerns as diligently as possible. Town Council will be informed of what was discussed during the April 28<sup>th</sup> Woodlands of Pepper's Creek HOA meeting with the Town's Engineer and Administrator. If reviewing the erosion handbook is added to the agenda, there will not be time to review the 3 other agenda items. When subdivisions apply for building approvals they must get approval from all State Departments including Sussex Conservation District and DNREC. Commissioner Thompson stated that he has received an email from the Soil Conservation District regarding this matter. Chairman Crater states that the Town Council and Planning and Zoning Committee have not seen a copy of this email. Further discussion on this matter needs to be with the Town Council and the Engineer and Attorney. Motion made by Commissioner Connor and seconded by Commissioner Savage to table the new business items to the next meeting. The Commissioners all agreed that Commissioner Thompson's concern is not something the town can enforce since State Agencies regulate erosion and sediment control. Furthermore the remaining Commissioners do not agree to place this item on any future agenda. Motion carried with 4 in favor and Commissioner Thompson opposed.

A motion to adjourn was made at 5:40 pm by Commissioner Connor and seconded by Commissioner Flowers. All were in favor. Motion carried

Respectfully Submitted,

Amelia KW Ronco, Town Clerk

