

Minutes of Meeting
Dagsboro Planning & Zoning Commission
Bethel Center-28307 Clayton Street
June 8, 2017

I. Call Meeting to Order:

Co-Chairperson Cathy Flowers called the meeting to order at 6:00 p.m.

Those in attendance were: Co-Chairperson Cathy Flowers, Commissioner Scott Crater, Commissioner Earl Savage, Town Administrator Cindi Brought, and Town Engineer Kyle Gulbranson. Chairman Brad Connor and Commissioner Cindy Gallimore were absent. Please see the sign in sheet for others in attendance.

II. Public Comment:

No public comment was made.

III. Approval of Minutes:

A. May 12, 2017 – Planning and Zoning Meeting minutes

Commissioner Savage made a motion to approve the May 12, 2017 meeting minutes. Seconded by Commissioner Crater. All in favor.

IV. New Business:

A. Sign for Steen Associates at Prince George's Acres

Marvin Steen was present. He owns several lots in Prince George's Acres and would like to put a four by eight sign up to advertise the lots from July 1st to the 15th. AECOM completed a report and stated that it is larger than a typical real estate sign, but could be considered a temporary event sign, which is allowed fifteen days with the Planning and Zoning and Town Council approval. Mr. Steen would like to leave the sign longer, but was told fifteen days was the maximum.

Mr. Gulbranson and Town Administrator Brought checked and found that seven days is the maximum days, but Town Administrator Brought suggested that Mr. Steen could re-apply for the sign.

Co-Chair Flowers asked if temporary signs have been allowed before and the time frame of them. Mr. Gulbranson replied that he knows one was approved for thirty days.

Commissioner Savage doesn't see a problem with Mr. Steen placing the sign for seven days, fifteen days, or a different time period until the Town Council can address it. Mr. Gulbranson stated that there is another sign, just to the north of where Mr. Steen would like a sign, that is probably illegally placed.

Commissioner Crater asked Mr. Steen where exactly he will be placing the sign. Mr. Steen replied that he would like to place it at the entrance to the community. Co-Chair Flowers asked if it would be blocking any vision for cars entering and exiting. Mr. Steen replied that it would not.

Town Administrator Brought asked if he had similar signs up before. Mr. Steen stated that he had put walls up and three years ago he came to Planning and Zoning and three residents from the community showed up and stated they would do it, but it still has not been done.

Commissioner Crater asked Mr. Steen how many lots he has left and if he owns the community. Mr. Steen does own it and he has seven lots left to sell. Commissioner Crater suggested that he could do a sign for the community of Prince George's Acres and then add to that somehow that there are seven lots for sale.

Mr. Steen is hoping to sell three or four lots this year and three or four next year and then they will be all sold, but that he needs some kind of exposure because everybody just drives by. Mr. Gulbranson stated that it is typical for a development with lots still available to have a real estate sign out front advertising the lots. Commissioner Crater suggested combining what the measurements would be for seven lots with a four square foot sign per lot.

Co-Chair Flowers stated that she is not a fan of seeing several signs in one lot; she would much rather see one big sign. Commissioner Crater agrees, but doesn't want Mr. Steen to have to come back every seven days. Co-Chair Flowers suggested they could recommend thirty days. Mr. Gulbranson suggested they could recommend thirty days and then it could be renewed.

Commissioner Savage made a motion to allow Mr. Steen to place a larger sign at the entrance to Prince George's Acres for a maximum of thirty days, with the option for a renewal (renewal will go before Town Council). Commissioner Crater seconded the motion. All in favor.

Town Administrator Brought did inform Mr. Steen that at one point this year, the grass was really high on the lots. Mr. Steen replied his brother takes care of that, but that he will make sure it is done.

B. Joanne Halas – Hot Dog Cart

Joanne Halas would like to open a seasonal hot dog stand from May until October from 11 a.m. to 2 p.m. She retired to the Sandy Beach community four years ago and has family in Dagsboro. She is a people person and feels like this would be a great part-time job for herself. She has several ideas for locations, but would like suggestions: the old S&J Restaurant across from Hurricane Martial Arts, the old produce stand on Main Street before the bank, the lot beside Hurricane Martial Arts (the old Coastal Supply building), Dagsboro Paint and Wallpaper, or the old bait and tackle shop outside of town on Vines Creek Road. Mr. Gulbranson and Town Administrator Brought informed Mrs. Halas that the old bait and tackle shop would be done through Sussex County, if that ends up being her choice.

Mrs. Halas informed the Commission that her products would be shipped to her from Connecticut and then she makes her own recipes. She has thought of Central Park Dogs or No Hot Dogs for You, as possible names.

Mr. Gulbranson stated that temporary stands are allowed in the Town Center District from May 1st through November 30th. He told Mrs. Halas her first step would be to secure a location and then she

would need to submit a site plan showing where she would be on the property and how she will handle parking.

Co-Chair Flowers asked Mrs. Halas what days of the week she would have the stand open. Mrs. Halas replied she would be open every day except Monday. Co-Chair Flowers also clarified that Mrs. Halas does not need approval at this point because the temporary stand is already allowed. Mr. Gulbranson confirmed that is correct, she would just come back with the site plan.

Mrs. Halas asked for suggestions on the location. Co-Chair Flowers suggested the old S&J property.

C. Shipwrecked – Tents for vendors on Saturdays June through September

Terry and Vicki Ober, owners of Shipwrecked, were present to discuss a proposal they have for their business. They are currently full inside and have had a lot of inquiries about vendor space. They would like to have local crafters and vendors available outside on Saturdays, which is their busiest day. The vendors would have a ten by ten space and the area they would be using is seventy-five feet away from the street. It would be June through September, weather permitting, but they would possibly extend into October depending on the weather and if the vendors outside are having good results.

Co-Chair Flowers asked if the vendors would be leaving their items outside. Mr. Ober responded that they would not. The vendors would set up in the morning to be ready for the 10 a.m. opening and then could stay until closing. If they choose to set up again on Sunday, the vendors will need to secure their wares. Co-Chair Flowers asked if Shipwrecked would be supplying the tents. Mr. Ober replied that he has three tents he could supply, but that they are thinking they will make the vendor supply everything so it is all the vendor's belongings. Commissioner Savage asked if any food was going to be sold. Mr. Ober replied that they will not be selling food. Commissioner Crater thinks it is a great idea and asked if they could have more than six vendors. Mr. Ober replied that they do have another grassy area that possibly could make room for more than six vendors, but that their concept does not affect their current parking spaces and they do not want to take away from their parking spaces. If they would be given permission to use the grassy area, they could have up to twelve vendors outside.

Co-Chair Flowers asked if it would be the same vendors coming back or new vendors each week. Mr. Ober stated that it would depend. Some potential vendors they have spoken with would possibly participate one Saturday a month so that they can be at other shows other weekends, but others would possibly want to be there every Saturday. He stated that they would like some of the fees from these outside vendors to go towards the Dagsboro Volunteer Fire Department. Parking is a concern to some of the Commission members, but Mr. Ober stated that Steve Parsons owns the two lots adjacent to the business and has given them permission to use that for extra parking, if needed.

The Planning and Zoning Commission thinks it would be good for the other businesses in town also. Mr. Ober shared that Shipwrecked, Jayne's Reliable, and Beach Uniques are all working together well, just as he had hoped they would. He also mentioned the old Red Barn. The Commission shared that there were issues with the Red Barn leaving a lot of items outside: upholstered furniture, refrigerators, electronics, etc. Mr. Ober stated they would not do that.

Commissioner Savage asked if there are any ordinances or code issues that would need to be addressed. Mr. Gulbranson stated it would also probably fit under the temporary carts scenario so they would be

allowed from May 1st through November 30th as well and Mr. and Mrs. Ober have already submitted their site plan.

Commissioner Savage made a motion to recommend to Town Council that Shipwrecked be allowed to have vendors in tents on weekends. Commissioner Crater seconded the motion. All in favor.

D. Horace and Margaret Clark – Subdivision of Land

Mr. Gulbranson informed the Commission that the property is behind Charles Moon Plumbing and belonged to Mr. Howlett. Approximately eight years ago, Mr. Howlett wanted to subdivide the property between the commercial property and the property behind it, like it is divided now. He then was going to subdivide the residential portion of it into two lots, but never followed through with his application. The Clarks have now purchased the residential portion and would like to subdivide it into two lots. A site plan has been submitted. It does meet the requirements for the Town Center district and the space requirements for the two lots. The only issue with the property is that there is not any water along this part of Cannon Street so the water line would need to be extended to service the two properties. Commissioner Crater asked who would start that process and Mr. Gulbranson stated the applicant would.

Mr. Jerry Clark was present to represent his parents. He informed the Commission that his parents are long-time residents of Dagsboro and this property was not purchased as an investment property. They had a home on Clayton Street, but it was a two-story home and his father has had both hips replaced, so they wanted to buy a lot in town to put a single family home on that would be a single floor. Mr. Clark is a real estate agent and when he purchased the property, it was not really disclosed that water was not available to the property. The best way for them to make the property affordable is to subdivide it so they can sell a lot and help off-set the cost of the water.

Mr. Gulbranson pointed out that the plan shows a four inch water line coming to the property from New Street. Commissioner Crater asked how long the water line would be. Mr. Gulbranson stated 258 feet – long enough to service both of the residential lots. Commissioner Crater also verified that the Clarks are aware of the cost for the water. His concern is that if this subdivision is approved, they don't want to have to reverse this down the road. Mr. Clark responded that they do know the cost and are aware of what they are getting into. Mr. Gulbranson also stated that the Clarks are working with Axiom Engineers. The Clarks also have the names of two contractors to install the water line and are ready on their end, they are just waiting on the approvals for the subdivision and for the permits to do the water line.

Commissioner Crater asked if this property had a home on it eight years ago, if it would have gotten the water. Mr. Gulbranson stated the water system was put in ten years ago and it was funded through USDA, which only funded water going to existing properties. At the time, Cannon Street did not have any houses and the houses that are on Cannon Street are on corner lots so they get the water from New Street or Waples Street. Mr. Gulbranson informed the Commission that initially, when Mr. Howlett wanted to subdivide this property, from an engineering perspective, the best way to run the water is to loop it from Main Street. In an effort to reduce the costs, it was decided that a line from New Street just to service these two properties would work. Commissioner Crater would like to make the cost easier on the Clarks. He asked if the impact fees that would be paid could go towards the water line. Mr. Gulbranson stated they could make the recommendation that the Clarks would be responsible for the difference. Town Administrator Brought mentioned that the responsibility for putting water lines in had

already been discussed with Town Council and the response was the property owner, but that doesn't mean somebody can't approach them and ask. Commissioner Savage stated that the issue before them right now is not a financial one, but if they recommend approval of the subdivision. This was confirmed.

Commissioner Crater made a motion to approve the subdivision of the property on Cannon Street, as laid out on the plans that were submitted. Commissioner Savage seconded the motion. All in favor.

E. William and Mildred Welsh – Represented by Bob Brooks – Combining 2 Lots in Prince George's Acres

Bob Brooks was present from Brooks and Palmer Custom Homes to represent William and Mildred Welsh. The owners have two lots in Prince George's Acres and they would like to combine the lots into one.

Mr. Gulbranson stated this is straightforward, but the Town Code requires that it goes before Planning and Zoning to first obtain a recommendation for Town Council. Co-Chairperson Flowers asked what happens with the water meters since there are two – each lot has one. Mr. Gulbranson replied that one would be abandoned since there is no need for two water meters. One would be capped and the meter would be taken out. Mr. Brooks asked if his plumber would be responsible for doing that or if the town would take care of it. Mr. Gulbranson stated only certain plumbers are allowed to work with the town water system. He stated Mr. Brooks would contact the Town Administrator when they are ready and she would have Elvin Schrock take care of it and then bill them for the cost.

Mr. Brooks asked if there are requirements for the driveway layouts because he didn't see any for the development. Mr. Gulbranson does not think there are any layouts.

Co-Chairperson Flowers asked if there would be a cost to the town for combining the lots, whether in legal fees or anything else. Mr. Gulbranson stated there would not be and that Mr. Brooks paid a fee to combine the lots that would cover administrative costs.

Mr. Brooks asked if the water and sewer hook-up fees will be billed to the homeowner or to himself. Town Administrator Brought replied that the sewer is through Sussex County, but that the water is paid with the building permit.

Town Administrator Brought informed those present that she has spoken with the Welsh's and that they are simply doing this because they want to put the home in the middle.

Commissioner Crater stated that he doesn't have a problem with this and even suggested they might want to keep the second water meter. Co-Chairperson Flowers and Town Administrator Brought informed Mr. Brooks that the second meter would be an additional forty dollars a month, minimum, so unless they homeowners will use a lot of water, it might get expensive.

Mr. Brooks also asked if they wanted a sprinkler system, if it would be allowed. Mr. Gulbranson stated they would need permits and the water quality in town is high in iron so they probably would not want one because it would stain everything, even the concrete.

Commissioner Savage made a motion to approve the Welsh's combining the two lots into one. Commissioner Crater seconded the motion. All in favor.

V. Old Business:

A. Review Sign Ordinance

This has been tabled until the next meeting.

VI. Public Comment:

There were no public comments made by the audience.

Commissioner Savage expressed concern over the property at 33094 Main Street. Town Administrator Brought stated that the garden in the front yard is allowed – there are no ordinances preventing gardens in the front yard, but she is addressing the wood piles. The grass is growing tall around the wood so she is able to address those. Commissioner Crater stated they could do something in the future, like set an ordinance that it must be on the side of the house or the back of the house.

Co-Chair Flowers stated that she used to be on a committee that went around town taking photos of properties and looking for violations, however, they felt like they were fighting a losing battle because nothing could be done. Mr. Gulbranson said it used to be the Hazard Committee and it is probably in the charter, but it has not been active for a long time. Co-Chair Flowers agreed they couldn't do anything with any of the properties so they stopped. Commissioner Savage pointed out that the old S&J property is a prime location and it would be great if it were something that was more welcoming as people see it coming into town. Mr. Gulbranson wonders if CGBG funds could be used for property owners to take down properties that are in disrepair.

Town Administrator Brought informed the Commission of a few updates on a couple of properties in town. The Galbis property next to Town Hall will possibly be getting sold. Dr. Galbis still wants to fix it, but his children understand it is better to sell and have been in contact with real estate agents. The brown house next to the old Healthy Habits has had people there working on it, but she hasn't been able to track them down to talk to them.

Commissioner Crater asked about the top coats of roads being completed for sub-divisions – if they are to be done before or after 75% completion. Town Administrator Brought informed Commissioner Crater that at the last Town Council meeting The Woodlands was given a deadline of September 18th to complete the top coat. Commissioner Crater asked about the sidewalks and Town Administrator Brought replied that those were not given a stipulation. Mr. Gulbranson replied that sub-divisions have five years or 75% occupancy to complete the topcoat and that Fernmoor is saying the sidewalks will be done in phase two. He also stated that they will need to talk to Fernmoor about how they are progressing towards that deadline because the bond expires in August (before the September 18th deadline).

VII. Adjournment:

Motion to adjourn was made by Commissioner Savage and seconded by Commissioner Crater. All in favor.

Respectfully Submitted,
Megan Thorp, Town Clerk