

Minutes of Meeting
Dagsboro Planning & Zoning Commission
Bethel Center-28307 Clayton Street
December 6, 2018

I. Call Meeting to Order:

Chairman Connor called the meeting to order at 6:00 p.m.

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

II. Public Comment:

No public comment was made.

III. Approval of Agenda

Commissioner Miller made a motion to approve the agenda. Co-Chairperson Flowers seconded the motion. All in favor.

IV. Approval of Minutes:

A. November 8, 2018 – Planning and Zoning Meeting minutes

Commissioner Gallimore made a motion to approve the November 8, 2018 meeting minutes. Seconded by Commissioner Miller. All in favor.

V. New Business:

VI. Old Business:

A. Continue Reviewing Comprehensive Plan – Update due by April 2019

Mr. Gulbranson informed the commission that he and Town Administrator Brought went to the Plus Review meeting on October 31st. There were only a couple of people at the meeting, but they did get comments back from all of the state agencies. There are two sets of requirements – one set for municipalities with less than 2,000 citizens and one set for municipalities with more. The document with the comments from the state agencies shows a lot of the recommendations for larger towns that do not apply to Dagsboro, but some of them might be helpful. Mr. Gulbranson did not find anything surprising or unexpected in the comments.

The first comments in the document were from DNREC. As far as water supply, they recommended renegotiating with Millsboro or finding another provider should an opportunity arise. The Commission

discussed that it may be a possibility with Artesian in the near future. Millsboro continues to have problems with chlorine pipes breaking and lack communication in notifying the town. It is the possibility this recommendation was made because Frankford needs water customers. However, it was discussed that their pipes are all 50 to 60 years old and their water tower is not in good condition so it would just be going from one problem to another. Chairperson Connor asked if Artesian wants to take over the whole system for Dagsboro. Mr. Gulbranson stated they haven't come out and said that yet, but he and Town Administrator Brought think that probably will be offered at some point once they get their well sunk. The contract with Millsboro is until 2022, but it was discussed that with their growth, they may be willing to allow Dagsboro to leave.

DNREC did say that within the annexation area, there is an excellent ground water recharge area. That is an area in which ground water percolates quickly down into the water table. This would mean that careful consideration is needed for the uses that would go there (i.e. a gas station would not be good to have in that area). They recommended drafting a ground water protection ordinance for that. It is not a requirement since the town is under 2,000 for population. The state also has requirements for this issue so it could be redundant.

The Office of State Coordination wanted the municipal boundaries compared to what the county says and make sure they are correct. They also say that once a draft is ready, it must be shared with Millsboro and Frankford and Sussex County. The only issue Mr. Gulbranson sees is that between Frankford, Dagsboro, and Sussex County there are some annexation areas that overlap. The areas of concern overlap a little with Millsboro.

Department of Transportation just wants some minor things updated. The bypass is no longer being considered so that can be removed. They want the town to be consistent with the recommendations of the county plan when it comes to the mobility elements. They also want the town to encourage multi-mode travel – bike-ability, walk-ability, etc.

The comments from the water quality section were requesting that the town be proactive in regards to storm water runoff and possibly draft some updated storm water requirements. The town is in the Inland Bays Watershed, which already has high standards in terms of pollution runoff. This means the town doesn't need to get involved much. For example, when Royal Farms builds their storm water pond, they will have to have a report generated which will be reviewed by DNREC and the Conservation District. The report will need to show that they are preventing most of the nutrients and pollution from that site from leaving the site during a rain event – the storm water basins are keeping contaminants from leaving the site. This is really already being covered by these agencies, but the town can add some recommendations and requirements into the plan for water quality improvement.

DNREC is also making a recommendation that the town prepare for climate change. This is a requirement for all towns with a population over 2,000. Even though the town does not meet that requirement, they do offer some suggestions to include in the plan. Mr. Gulbranson and Town Administrator Brought had a conversation recently about how much rain the area has had recently and that is the type of thing DNREC would like towns to look into – how to handle increased precipitation. Mr. Gulbranson recommends they do look at this because it is an issue. DNREC also had suggestions to incorporate into the plan how the town can handle rising temperatures, but it would be hard for a small town to have an impact on the climate. Some of the suggestions Mr. Gulbranson thinks the town can do.

DNREC also included suggestions on sustainable development – this includes making sure it is safe for bicyclists and pedestrians. The town has a section already in the current plan; it will just need to be updated. There is also a suggestion for updating to the latest energy code in terms of building, but the inspections are done at the county level, not with the town itself.

There is a section for parks and recreation. Every ten years the state does a recreation survey. This was last done in 2011 so the town's plan in 2015 already has it incorporated in. The high needs for this region were walking/jogging paths and bicycle paths, public swimming pools, community gardens, fishing areas, off-lease dog areas, picnic areas, and basketball courts. This was incorporated in the 2015 plan.

The state's historic preservation office actually had a representative at the review meeting. According to the representative, at some point in the past, a historic district was proposed by the town. Their suggestion is for the town to re-evaluate that possibility. Mr. Gulbranson asked at the meeting if there are any grant funds available to help with that process, but at that moment, they could not come up with anything. The structures have to be surveyed, documented to make sure they are eligible, and a history and application must also be given for each structure. The process can be labor intensive, but in the past the University of Delaware has had students do that as interns so that might be a possibility.

The state housing authority did not have anything specific for Dagsboro; however, their big push right now is for affordable housing, especially in Sussex County. They did state that the federal housing authority is doing random audits of towns to make sure that they do not have discriminatory factors in housing and one thing they are looking for is if the zoning code is overly restrictive in terms of allowing apartments and mixed-use units. Mr. Gulbranson stated that a couple of towns have actually been sued because it is considered a discriminatory practice. Delaware's code isn't as strong in that, but places like Pennsylvania require that there is space for every use.

Chairman Connor asked if that is because apartments would allow more affordable housing. Mr. Gulbranson confirmed and stated that one of the problems Dagsboro has is that the minimum dwelling unit size is 1,200 square feet which would be a large apartment. Chairman Connor thought it was changed around 2008. Co-Chairperson Flowers stated they were opposed to the high density because it would go against the small town atmosphere. Mr. Gulbranson stated that there is probably a better way to go about the issue because any of the apartments above businesses on Main Street probably do not meet the 1,200 square foot requirement. He suggested a better option might be to limit the number of units in a building instead of the size of a dwelling unit. When they went through the downtown plan, they encouraged residential above commercial and with a 1,200 square foot requirement that probably would not happen.

Schell Brothers was interested in some property in town to do apartments at one time, but when Mr. Gulbranson reviewed the density of only four units per acre and the size requirements for the unit, Schell Brothers declined and said they could not make it work. Chairman Connor asked if that is how towns are being sued – for not being able to make projects like that work. Mr. Gulbranson stated that is the federal housing and their argument would be that a town's ordinances are prohibitive. Mr. Gulbranson suggested when they look at the zoning that they make a recommendation to re-evaluate the town zoning code. Chairman Connor stated they could find somewhere to meet in the middle. Mr. Gulbranson suggested they could limit it to duplexes or something like "no more than four units per building."

Mr. Gulbranson stated all of the comments were fairly expected and could be addressed. If the town doesn't address them, it doesn't get certified so it has to be done. The plan has to be complete by April, including being approved by Town Council so a draft should be done by March.

The commission also discussed the survey for the town. Mr. Gulbranson showed copies of the survey used in 2015. He feels the questions are good, but some probably need updated. There were a lot of questions about parks and if the town needs more parks. When the downtown development plan was done about a year and half ago, there was a survey for businesses and visitors to town. This information can be incorporated into the plan.

The survey from 2015 is more general in nature and not limited to Town Center, but there were a lot of subdivisions proposed at that time so a lot of questions were related to that. Mr. Gulbranson thinks the questions about whether playgrounds should be public or private could be removed. The question that surveys what residents would like in town will be adjusted – there is now a public park and a Boys and Girls Club. Mr. Gulbranson suggested they could say “additional park activities.” There are senior centers in Frankford and Millsboro so it might be a challenge to have a senior center in town. Co-Chairperson Flowers stated senior luncheons are held in Bethel Center and everyone is welcome; it is not limited to church members. Mr. Gulbranson replied they could put “services for seniors.”

Asking about the dilapidated housing was discussed for the housing questions. It was decided not to ask about it because the town is working on it, the process just takes longer than people would like. Mr. Gulbranson stated they can always address that in the plan. In looking at the survey, Mr. Gulbranson noticed that there was one question on the types of housing people would like to see and then there is another housing question. The Commission agreed it seems repetitive. Mr. Gulbranson suggests eliminating the question that just lists the units because the other question covers more.

One of the questions on the previous survey asked about the number of children living in the home and the number of adults. Mr. Gulbranson stated they will have updated demographic information to us and the question isn't necessary. The Commission was in agreement that question isn't needed. The next question asks to rank the highest for preserving the community character. Adding a thriving Main Street area was discussed and decided.

Chairman Connor asked if the old fire hall and its zoning should be addressed. Mr. Gulbranson stated they could discuss that and address it in the land use part of the plan.

The remaining questions are open-ended. Co-Chairperson Flowers suggested they add wording asking for suggestions on how to achieve what they would like to see. The Commission was in agreement.

Town Administrator Brought mentioned that the surveys probably need to go out soon. Mr. Gulbranson asked if they wanted to mail the surveys out or do them electronically (have it on the website). Town Administrator Brought mentioned that would cover most people, but not everybody. She suggested they put it online, but then have paper copies available throughout town also. Co-Chairperson Flowers was concerned that then people can fill one out online and a paper survey leading to duplicate responses. Mr. Gulbranson suggested they could have people put their name. The Commission discussed having them put their address instead of their name. This will eliminate duplicate responses and will allow verification that they are a town resident as many people are confused if they are in town or not. Mr. Gulbranson will work on the online survey and asked how else it can be advertised (Facebook and the town's website being one way). Commissioner Miller suggested the businesses could

advertise it. Town Administrator Brought replied that a flyer could be made asking people to fill out the survey or pick one up at Town Hall; these could be left at places like the coffee shop, Porto's, etc. The end of January was the deadline discussed.

VII. Public Comment:

No public comment was made.

VIII. Adjournment:

Motion to adjourn was made by Commissioner Gallimore and seconded by Co-Chairperson Flowers. All in favor. Meeting adjourned at 7:04 p.m.

Respectfully Submitted,

Megan Thorp, Town Clerk