

Minutes of Meeting  
Dagsboro Planning & Zoning Commission  
Bethel Center-28307 Clayton Street  
May 2, 2019

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, Commissioner Earl Savage, Town Administrator Cindi Brought, and Town Engineer Kyle Gulbranson. Please see the sign in sheet for others in attendance.

II. Public Comment:

No public comment was made.

III. Approval of Agenda

Commissioner Savage made a motion to approve the agenda. Commissioner Gallimore seconded the motion. All in favor.

IV. Approval of Minutes:

A. April 4, 2019 – Planning and Zoning Meeting minutes

Commissioner Savage made a motion to approve the April 4, 2019 meeting minutes. Seconded by Co-Chairperson Flowers. All in favor.

V. New Business:

A. Preliminary Site Plan Review – Artesian

Rob Duma of Davis, Bowen, and Friedel was present to explain the project. (John and Kathy Thaeber from Artesian were also present.) He had the preliminary site plan for the Commission. They are looking at doing a two-phase approach. Phase One would be a temporary water facility where they would get an entrance into the site and build the temporary water facility. Then, for Phase Two, they would complete the grand project with a water tower and proposed water treatment facility. They have a fifteen acre plot of land and they will only be disturbing about an acre or two of the property and the well field (there will be three wells on the site).

Mr. Gulbranson had already reviewed the project and Mr. Duma stated they received his comments and found everything to be straightforward. However, Mr. Gulbranson did have a few questions for them. He asked if they know yet how high the water tower is going to be. Kathy Thaeber responded it would be a maximum of 170 feet. It will be full-size. Mr. Gulbranson stated the town code doesn't address heights for water towers. The height limit is only addressed for buildings and in the residential district the limit is 35 feet. He stated that somewhere in this process, they need to decide how to deal with the

height of the water tower. The town is exempt from the zoning regulations so water tower's owned by the town are different. The Town Council would need to decide if Artesian will need a variance or if they will allow the exception since it is a public utility.

Mr. Gulbranson asked if the parking area will be paved. Mr. Duma replied that it will be. There will be four parking spots. This is an unmanned treatment facility with generally a single trip a day to check in and check supplies. Mrs. Thaeber stated it might be gravel initially, but it will be paved for the final phase. Mr. Gulbranson suggested that they note that on the final plan. They should show what the first phase is and what will be the final phase. Mr. Thaeber agreed and stated they would like to get both approved, but they will start with Phase One. They plan to keep the disturbance under 5,000 square feet for Phase One. They will do the Del-Dot required entrance in Phase One and then do the paving in Phase Two. Mr. Gulbranson asked if they have applied to Del-Dot yet. Mr. Duma replied that they have not. It was suggested they do soon because Del-Dot might be the most difficult to get approvals from. Mr. Thaeber replied they do not need Del-Dot to start drilling so they are okay with that part.

Mr. Duma also shared with the Commission exhibits of different styles of treatment facilities such as the barn and residential styles. Several commissioners liked the barn style. They also shared pictures of the water tank. Mr. Duma stated that they can see a similar tank going in on Route 9 between Harbeson and Route 1. It is the industry standard for storage tanks.

Mr. Gulbranson asked about the outfall to the ditch. Mr. Duma replied that they are getting the Geotech done soon to show the infiltration. They don't believe it is wetlands, but they do have a contact they are in touch with just to be sure. Mr. Gulbranson informed him that if it is a tax ditch, there is a maintenance easement that ranges from twenty-five to eighty feet in this area so they will need to look into that too.

Mr. Gulbranson asked what they are doing for fencing around the facility. Mr. Duma stated that Artesian's standard fencing is a seven foot, chain link, galvanized fence. Mr. Thaeber stated they would normally add some type of native screening. They do not want to look too utilitarian. Mr. Gulbranson informed them that the National Guard across the street from Artesian's property used black, chain link, security fence and then added black slats. Mr. Thaeber replied that there are times they may want to see what is happening on the other side of the fence so they usually don't use screening that completely blocks sight. Mr. Gulbranson stated that when they get further into the process they will also need to consider lighting. Mr. Duma and Mrs. Thaeber replied that any lighting would be facing down and not shining towards neighbors.

Mr. Gulbranson also stated when they are ready to connect to Dagsboro's water system that will need to be shown. They did not show a sewer connection, but Mr. Duma stated they will show the sewer connection as they will have a bathroom on site. They have had a preliminary discussion with the county for that.

Chairman Connor asked if the facility would be able to service the area and possibly even add capacity. Mr. Thaeber replied that the exterior would not need to change if they added capacity to the water system. Mr. Gulbranson asked what size tank they are looking at. Mr. Thaeber replied that they are looking at using a one million gallon tank and the facility would run between one and two million gallons.

Commissioner Savage asked what their projected timeline is if everything goes as planned. Mr. Thader replied that by the middle of next year they should be able to provide water to the local area and then a year later for their larger facility. The tank would not be constructed at the same time as the facility because that would be too many moving parts. The tank would be probably four to five years out.

Commissioner Savage made a motion to recommend the preliminary site plan review to Town Council. Co-Chairperson Flowers seconded the motion.

#### B. Downtown Development District

Mr. Gulbranson shared with the Commission what was submitted last time. The application was more generic previously and this time they want more details on possible projects. The Kerns were in agreement with their restaurant being a highlight in the application. Town Administrator Brought informed everyone that the Clayton Theater is interested also and wants to talk to her about it.

There are a couple of key parcels in the district that Mr. Gulbranson wants to identify: the corner lot across from Town Hall would be a key parcel for development, the vacant lot between the Kerns' and Bodie's, and the King property across the street.

Chairman Connor suggested the Mills property being an addition. Mr. Gulbranson stated that property is not in the district. He informed the Commission that the last time the application went through, the town was maxed out as far as the amount of space that can be in the district (they put caps on the size based on the size of the town). At that time, seventy-nine acres was the maximum allowed and the town included 78.4 acres in the application. Now, they have raised it to ninety-five acres, but they do not encourage towns to max out their district. Mr. Gulbranson called a contact at the state planning office and explained to her there are a couple of parcels the town would like to include, but it would bring the acreage right up to the ninety-five maximum. Her response was that she wouldn't tell the town what to do, but she did discourage him from maxing out the area. She explained that in the future if someone had a project and came forward wanting to be included, they can easily add somebody if the area is under the maximum acreage. However, if the town already had the maximum acreage, it would be very difficult to remove somebody from the district. Other towns have added to their district, but the town must have the capacity to add it.

Chairman Connor asked what incentives this could give to the S&J property to fix it up. Mr. Gulbranson replied that if the property is in the district, he could get up to a 20% rebate on his cost to update the property.

Co-Chairperson Flowers asked about the properties in town that are falling down. Town Administrator Brought replied the property owner would have to take them down – the town cannot take the money. There are two that are in the process of being condemned, but it takes time. Commissioner Savage asked if this problem is unique to Dagsboro or if other towns have the same problem. Town Administrator Brought replied other towns would have the same problem. Mr. Gulbranson stated he had a discussion recently about Delaware law in regards to condemnation and taking buildings down and found that a lot of states make it easy for municipal areas to do that, but Delaware discourages it. He stated the same is for annexation – a lot of states do not require property owner permission to annex in, but Delaware does.

The next step will be to get letters of recommendation from businesses and the business alliance and the representatives. Town Administrator Brought replied she is getting sample letters out.

Mr. Gulbranson informed them that this money came from a lawsuit back in the fall of the real estate market. Mortgage companies were being predatory and offering mortgages to people that they should not have lent money too and then they lost their houses when the real estate market crashed. They are fine monies and one of the directives to spend this fine money was to help communities that had high crime. That is why there is a crime statistic aspect to the application. They should know by the end of summer or early fall if the town is designated.

Commissioner Miller stated the businesses are excited about the potential as the mayor shared this at the last business meeting. Mr. Gulbranson added their business alliance flags look great and suggested getting a picture of one to add in the application.

VI. Old Business:

A. Arctic Heating & Air – 2<sup>nd</sup> Review

They were not able to have their letter approvals ready so they are not ready to move forward.

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

Mr. Gulbranson updated the Commission on the plan. They are working on the draft of the plan. The environmental section is taking longer than they predicted because DNREC has some requirements that they wanted added to it in terms of climate change. Mr. Gulbranson hopes that he'll have the draft for the next meeting so that the public workshop can be in July.

VII. Public Comment:

No public comment was made.

VIII. Adjournment:

Co-Chairperson Flowers made a motion to adjourn. Commissioner Gallimore seconded the motion. All in favor. Meeting adjourned at 6:39 p.m.

Respectfully Submitted,

Megan Thorp, Town Clerk