

Minutes of Meeting
Dagsboro Planning & Zoning Commission
Bethel Center-28307 Clayton Street
December 5, 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, Commissioner Earl Savage, Commissioner Cindy Gallimore, Commissioner Audrey Miller, Town Administrator Cindi Brought, and Town Engineer Kyle Gulbranson. Co- Chairperson Cathy Flowers was not present. Please see the sign in sheet for others in attendance. 2

II. Public Comment:

No public comment was made.

III. Approval of Agenda

Commissioner Earl Savage made a motion to approve the agenda. Commissioner Miller seconded the motion. All were in favor.

IV. Approval of Minutes:

A. November 7, 2019 – Planning and Zoning Meeting Minutes

Commissioner Miller made a motion to approve the November 7, 2019 meeting minutes. Commissioner Gallimore seconded the motion. All were in favor.

V. New Business:

VI. Old Business:

A. Comprehensive Plan Update

Mr. Gulbranson stated that we received the comments back from the State on the Comprehensive Plan draft. Town Administrator Brought and Kyle went to Dover for a PLUS review in October. Their response was a thirteen page letter, which you all should have a copy of; AECOM went through and updated the draft to address all of the concerns and comments. The first page of the letter is their certification comments, which are things we had to do in order for the plan to be certified. The Town did a Comprehensive Plan Update in 2015, however, the State is saying they never received the formal update. Mr. Gulbranson stated that he did find correspondence where everything was sent to the State, but they have no record of it.

Delaware State Housing Authority wanted to change some language regarding housing. They wanted Dagsboro to list programs available for homeowners including State Emergency Repair Program, which is a funding source for the disabled and seniors.

There were comments from all of the State agencies and on page three of the letter it states that they are merely recommendations. The office of State Planning wanted us to change the location of our maps. They want us to put the Comprehensive Plan land use maps before the DDD Plan. They also wanted us clarify our population estimates. Starting next year the Delaware Population Consortium, a body that keeps track of state population, will be the official numbers used next year and we will be required to use those numbers. They also want us to reference the Botanical Gardens, which we have. The Offices of State Planning comments were clerical in nature.

The Department of Transportation, would like the Towns of Millsboro, Frankford, and Dagsboro to work together to do a Regional Transportation Plan. We did comment on that, stating that the Town would be willing to do that as long as there is financial assistance available. Dagsboro needs to focus on interconnection activity within the Town when new development occurs.

This letter requires that we respond back to each comment; we will tell them that yes, we addressed this and it can be found on page "whatever". If it is a recommendation or a comment, we will say "thank you and we will take this into consideration when we are implementing the Plan." Commissioner Savage asked how binding the recommendations are. Town Engineer Gulbranson stated that they are just recommendations. Mr. Gulbranson stated that they are good recommendations, but with a small Town like Dagsboro, there is not much you can do.

The Department of Natural Resources, who had the majority of the comments, for the most part are just commentary on the area. They did mention that on the Northside of town on 113 there is open space and a natural corridor that the Town should protect. Town Engineer Gulbranson stated that the area is actually outside of Town limits so the Town really can't protect that space. Our response back to them was that we do have a Woodland Preservation Ordinance and if a parcel is developed that is wooded only a certain amount of the trees can be removed. We let them know that the area being looked at is outside of Town limits and is currently zoned Commercial in the County.

DNREC wanted the Town to be on notice of the importance of Pepper Creek as a tributary to the Inland Bays. DNREC, makes a comment standard on every letter, for every Community that they review, regarding wanting 100 foot repair end buffer on all streams and natural water bodies. The County and Dagsboro have a 50 foot buffer. The Town will discuss this further during the implementation of the Plan. Chairman Connor asked if they were willing to provide any money to make it 100 feet. Town Engineer Gulbranson stated that it wouldn't cost the Town any money to adopt this in the Ordinance. When you think of Dagsboro and a 100 foot buffer between streams you would eliminate development on a lot of parcels in Town. Town Engineer Gulbranson stated that the requirement has good intent, but it's not terribly practical in a Town. The County is where there is alot of open space and this could be done.

As far as Community Character, they wanted the Town to maximize preservation of open space and environmental features. Our response back to that was that we have Ordinances in place to protect those things. We are one of the few Towns in the State that has a Woodland Preservation Ordinance. Another recommendation they would like to see when we are implementing the Plan is, with new commercial development implement a requirement that 20% of the hard surface must be coarse pavement or pavers. We stated that we would look at that and when the Town is reviewing their Ordinances and Design Standards, we may incorporate it. Commissioner Savage stated that he felt that they don't want to see any blacktop or concrete. Town Engineer Gulbranson felt that they want to see at least 20% of a parking lot to be coarse in nature. Chairman Connor asked if that was for drainage purposes and Mr. Gulbranson stated "yes." Town Engineer Gulbranson felt that it could be benefit the Town to have a smaller retention basin as not as much water is running off of the pavement. Each area is different. One issue with this area is that a lot of our soil is very wet to start with, therefore it doesn't percolate down.

Town Engineer Gulbranson stated that there is a section on climate change. Part of that is they want additional trees in Town. We stated that we are a Tree City, USA; we have had three tree grants over the years. They recommend a weatherization process program as this would help with cost saving for residents. They encouraged the Town to look to DNREC for possible incentives such as electric car charging stations in Town. They would also like the Town, as part of their review process for new site plans, to look at flood risks. We do this if a project is in the flood plain. They made a recommendation for the Town to update the Flood Plain Ordinances when DNREC updates the State model, which he believes they are working on now.

The Historic Preservation Office, references a historic structure survey that was done back in the early 90's. This was never available, but now has been found. A lot of their recommendations were incorporated into the Plan. They would like the Town to have a Historic District designated. We made recommendation that the Town designate a Town Historic District as opposed to a Federal District. With the Federal District, the approval process is a lot more rigid and there are a lot more restrictions on residential properties.

The State Housing Authority stated that there are a lot of federal lawsuits going on where Towns have written their zoning codes to the point where Affordable Housing or certain types of housing can't be incorporated into the Town. Our Town code allows for a mix of housing units, we allow for mixed use, and residential or commercial units on Main Street and The Town Center District. The State Housing Authority then referenced a lot of Federal and State programs that are available to assist homeowners and we have incorporated that into The Plan.

Town Engineer Gulbranson stated that at this time we are reviewing our Residential Zoning Code. Town Administrator Brought and I met with the developer of the Highlands of Pepper Creek and there are some inconsistencies in our terminology in our Residential District Zoning Code. We are looking through it to find issues where the definition doesn't match the Code itself. Thus far, we have found about two pages of possible improvements.

Sussex County, would like the Town to work closely with the engineering department when new projects are discussed in Town in order to plan accordingly for sewer capacity. We do this already.

The Town has addressed all of the comments, and after review of this Plan, this is the updated draft. Changes are all made in red. We are in the process of drafting our response letter. The State has twenty days to review the comments, and therefore it looks like we will be able to adopt the Plan in January. Chairman Connor asked if this was the last opportunity once they review it. They just can't keep making comments. Town Engineer Gulbranson stated that all of the certification items in the letter were addressed and changes were made in the Plan. Recommendations were addressed and put into the Plan as well. Town Engineer Gulbranson doesn't foresee any issues with getting the Plan certified. Commissioner Savage asked if Town Engineer Gulbranson was comfortable with the Plan, and he stated that he was. We got comments back from the Town of Millsboro and they wanted one sentence stricken from the Plan, in regard to the residents in Town being concerned about water quality. Town Engineer Gulbranson stated that we are not going to strike the comment, but will add language to it saying that the residents in Town, through a town-wide survey, indicated that they are concerned about the water quality. The Town of Millsboro's Mayor had a concern with why our water usage was so low within the Town. The average water customer was only using 159 gallons per person, per day, and normal was around 250 gallons per day. The basis for the Mayor's question was concern that the Town of Dagsboro allows private wells in Town, but we do not.

Town Engineer Gulbranson advised Town Administrator Brought that AECOM is getting the response letter together to send to the State Planning next week, and that they have twenty days to review the Plan. Town Administrator Brought asked about the upcoming Public Hearing. Town Engineer Gulbranson stated that January is good to hold the Public Hearing. Town Administrator Brought stated that she will advertise the Public Hearing for the January meeting for adoption of the 2019 Comprehensive Plan.

Commissioner Miller asked if it is a problem to not hear back from other neighboring towns, aside from Millsboro, since it was originally mentioned. Town Engineer Gulbranson stated that he would check back with the Town of Frankford to see if they were planning on commenting at all. Town Administrator Brought stated that we would advise the Committee of the lack of response and send it with our letter of response.

VII. Public Comment:

Holly Stiles, Homeowner in the Cea Dag Community, stated that she was there just for educational purposes mostly. She wanted to make sure that everybody had gotten a copy of letters and comments that were submitted to the Town Hall this week, as well as the reply from the drainage section. Town Administrator Brought stated that the appropriate people have received the copies. Chairman Connor stated that Planning & Zoning is an advisory Committee only and it was not on the agenda for this evening.

VIII. Adjournment:

Commissioner Savage made a motion to adjourn. Commissioner Gallimore seconded the motion. All were in favor.

Meeting was adjourned at 6:20 p.m.

Respectfully Submitted,
Stacy West, Town Clerk

SIGN IN SHEET
December 5, 2019
P&Z Meeting

Name	Town Address
PATRICK MILLER	31806 WAPLES ST
HOLLY STILES	32382 Crea Dag