

Minutes of Meeting
Dagsboro Planning & Zoning Commission
Bethel Center
September 7, 2023

I. Call Meeting to Order:

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

Those in attendance were: Commissioner Brad Connor, Commissioner Cathy Flowers, Commissioner Cindy Gallimore, Commissioner Carol Thompson, Town Administrator Cindi Brought, and Engineering Consultant Kyle Gulbranson. Commissioner Janice Kolbeck was absent. Please see the sign in sheet for others in attendance.

II. Public Comment:

No public comment was made.

III. Approval of Minutes:
May 4, 2023, Meeting Minutes

Commissioner Flowers made a motion to approve the minutes. Commissioner Thompson seconded the motion. All were in favor.

IV. New Business:
Layfield Property Preliminary Approval

Zac Crouch Engineer of Davis, Bowen & Friedel introduced himself and Jon Horner, Attorney for Schell Brothers. He stated that he previously went to the Town Council Meeting because there were concerns about the Conceptual Plan, which has been addressed. The concerns included parking and additional parking lots have been added. Another concern was additional access since there is only one access point off of Clayton Street and an additional construction access was added to be used when construction occurs. He stated that the Traffic Impact Study has been finalized and is based off 237 units that are proposed and doesn't include property that is currently located outside of the town limits.

Mr. Crouch, from DBF, stated that the plans that the Commission has won't include the changes made from comments received from Engineering Consultant, Kyle Gulbranson. He added that the plans were updated and the ones he is sharing during this meeting would be left with Mr. Gulbranson.

He also stated that the plans include 237 units which consist of 109 single family homes and 128 town homes. The plans include a pool/clubhouse, bocce and pickleball court, and walking trails. Mr. Crouch stated that the plans include preserving over 70% of the existing woodlands that are currently there, which exceeds the Town Code requirement of 40% of the woodlands that must be preserved. Sewer would be provided by the County and the water would be provided by the Town.

Mr. Crouch stated that the comments addressed include connection points for the dead-end roads, which can be used as a future connection. He stated that the plans include 7.3 acres of active open space, which exceeds the Town Code requirement of 4.94 acres of open space. The open space includes a pool/clubhouse, various recreational activities and a trail system that has an existing road running through an area of wetlands which

would be a natural feature without disturbing any wetlands. He added that there is also a gazebo and open space between some of the single-family homes and townhouses. Mr. Crouch also stated that the plans show sidewalks on both sides of the street, per code, but he would like to request being able to eliminate the sidewalk on the street shown because there won't be any residents on that side of the road. Commissioner Flowers asked if that would be an area where residents would be using the walking trail. Commissioner Connor stated that there will not be any houses on that side of the road. Engineering Consultant Kyle Gulbranson stated that without the sidewalk being there, it gives room for a wider buffer. Mr. Crouch stated that they have a buffer plan, which is a 30-foot buffer around the perimeter of the site. He also referred to the plans where it showed the existing tree line, which would be preserved. Commissioner Thompson asked Mr. Crouch, "Do you know which wetlands are Federal and which ones are State?" Mr. Crouch stated that they are all State wetlands.

He added that they would need to apply for a permit for the tax ditch crossing and have already been in contact with the Tax Ditch Office in Sussex County. Mr. Crouch stated that when the tax ditches were established, all of them were given an 80-120 ft. right-of-way and they would request a reduction of the tax ditch right-of-way to 25 ft. He also stated that the entrance has the existing 80 ft. right-of-way, and their plan is to request that to be changed to 25 ft., which would meet all the requirements.

He also stated that the Landscaping/Lighting Plan and Buffer Plan would be provided at final approval for the Town Council's review. They are aware of the minimum requirement of 10% of the parcel size for landscaping and would be working with Delmarva Power on the lighting layout. Mr. Crouch added that the plan is to have a pump station on site, and he's been working with the County on the location of it.

Commissioner Thompson questioned whether gas or propane would be used in the community. Mr. Crouch stated that he has been in contact with Chesapeake Utilities and has provided them with a Site Plan that includes the types of appliances that would be in the units. He is waiting to hear back from them. Commissioner Thompson recommended from experience, that if they can have all units equipped with natural gas from the beginning, it would be more economical for the residents instead of having to convert from propane to natural gas. She also asked for confirmation about whether the community would be in a flood zone. Mr. Crouch stated that half of the property is in the flood zone and half is not right now. Mr. Horner stated that, "There is a process called a Letter of Map Revision/Amendment and when a site is graded for the final time, the elevation of the finished lot determines if the lot is above the flood plain. At that time, an elevation certificate can be submitted along with paperwork and at that time, a map amendment can be made to remove the floodplain." He also stated that final grades have not been completed and they wouldn't know the outcome until closer to final approval for that information.

Commissioner Flowers asked for confirmation that the construction entrance would be a permanent entrance. Mr. Crouch replied, "No," the construction entrance would be located north of Iron Branch Road and would be used as a construction access only so there aren't as many construction vehicles going through one entrance. Town Administrator Brought stated that there are plans for a traffic signal at Iron Branch Road. Commissioner Flowers asked, "Will the permanent entrance have a one lane entrance and a one lane exit?" Mr. Crouch stated that it needs to be a Boulevard, which will be addressed in the designs, but it will be a wider entrance and then narrow out as it comes into the development. Commissioner Flowers replied that her first concern is safety and then wanted to make sure there is adequate room for fire trucks to enter if needed. Mr. Crouch stated that their application and plans would be submitted to the local Fire Chief for their comments, which is part of our approval process with the State Fire Marshalls Office. Commissioner Flowers stated that traffic is a major concern. Mr. Crouch stated that the Traffic Impact Study has been finalized and they would be making improvements with a left/right turn lane going into the development and improvements would be made at the intersection of Rt. 113/Clayton Street. John Horner stated that if/when the portion of the project that is in

the County is developed, there would be a second entrance. Commissioner Thompson stated that she was happy to hear about the second entrance since there is only one way in and one way out.

Commissioner Thompson asked for an explanation on what the landscaping plans include. Mr. Crouch stated that there would be trees and shrubs. Commissioner Thompson asked, "At final approval, would you identify the types of plants and shrubs that will be provided?" Mr. Crouch replied, "Yes, it will be developed by our Landscape Architect." Engineering Consultant Kyle Gulbranson stated that they would see much more information before Final Plan Approval and be able to see how the Preliminary Plan has changed. Mr. Horner stated that when they come for Final Approval, everything is done and approvals have been obtained which is why it is important to discuss any changes at the Preliminary Approval meetings, so the developer can make any changes that need to be made instead of when everything is completed.

Mr. Crouch stated that additional overflow parking lots were added since the issue of parking was brought up earlier by the Town Council. Commissioner Thompson asked, "Where are the parking pads going to be located at?" Mr. Crouch stated that per Code, each unit must have at least 2 parking spaces and there would be six additional overflow parking lots for guests to use and parking spaces by the amenities. Mr. Horner added that for the single-family homes, most will have a two-car garage plus a driveway that is long enough to park two vehicles and with the town homes there is usually one parking space in the garage and one in the driveway and additional spaces can be utilized in the overflow parking lots.

Commissioner Connor stated that Commissioner Kolbeck was absent from the meeting but sent in comments on the project. Commissioner Kolbeck inquired about whether the sewer and water capacity would be impacted. Commissioner Connor stated, "No, the Town controls the water, and the County controls the sewer." He also stated that she has the same concerns as many others do about the traffic and making sure the entrance is completed in the best possible way for traffic flow and safety. He added that she commented on how much recreational space was allotted. Mr. Crouch stated that they have exceeded the required amount of active open space which is 4.94 acres and have planned for 7.3 acres and there is an additional 40% of passive open space.

Commissioner Flowers stated that Plantation Lakes in Millsboro has a restaurant in their community and asked if there are any plans to include one for this project. Mr. Horner replied, "No."

Commissioner Thompson asked for confirmation on whether there would be parking spaces provided in front of the clubhouse. Mr. Crouch stated that the new set of plans shows that there are parking spaces provided in front of the clubhouse.

Engineering Consultant Gulbranson stated that two review letters have been written on the Preliminary Plans and all issues that were addressed have been completed. He also stated that the traffic situation is always an issue and hopes that DeIDOT can find the best solution possible, and all town requirements have been met at this point.

Commissioner Connor asked if the project would proceed quickly after receiving Final Approval. Mr. Horner stated that after preliminary approval is received, it usually takes a year to get to final approval and then another 60-90 days for posting bonds, pre-construction meetings, etc. He estimated another 9 months before lots would be ready and in this type of community, he would expect 3-5 homes per month depending on the number of builders involved, which wouldn't be built until after they are sold. Mr. Crouch added that it could be 18 months-2 years before any building would begin. Mr. Horner also estimated it to be 6-7 years before the project would be complete. Commissioner Thompson asked if the project would be built in phases. Mr. Crouch replied, "Yes." Commissioner Thompson asked, "Do you know how many phases?" Mr. Crouch replied that he

- would not know until stormwater management and grading is completed and when the County decides where the pump station will be located, but an estimated 3 phases. Commissioner Thompson asked for confirmation that the plan is to have two stormwater ponds. Mr. Crouch stated that there are five.

Commissioner Gallimore asked if DNREC oversees the forest assessment for the removal of the mature forest and if they would be who determines which trees get removed. Mr. Crouch replied that with this project, individual trees are not being selected, and that an area would be cleared. A large area of trees would be preserved. Commissioner Gallimore asked, "Is there a forest assessment being completed?" Mr. Crouch stated that based on what DNREC provided in their PLUS comments, there hasn't. He added that according to the Town Code they need to preserve 40% of the trees and they are preserving 72%. Mr. Horner added that the Town Code does not require a forest assessment to be completed. Mr. Gulbranson stated that the Town Code only requires 40% of the woodlands to be preserved. Commissioner Gallimore stated that she read, to reduce the impact of nesting birds and other wildlife, it is recommended that tree removal not occur from April to July. Mr. Crouch stated that it is a recommendation and hard to comply with. Mr. Horner added that it depends on the timing of the project, and the nesting of bird reference that he is aware of is nesting Eagles and in that case, there is a buffer that would need to be around it.

Mr. Crouch stated that he feels DNREC would prefer to have a large portion of woodlands preserved instead of being split up, which they try to do to help preserve nature. Mr. Gulbranson stated that he spent three hours working with the County that day because they were being criticized for the number of trees being cut down and are working through a process on preserving larger areas of trees versus having additional amenities in projects.

Commissioner Thompson asked for an explanation on what the signage being proposed consists of. Mr. Gulbranson stated that any signs placed on the property need to meet the Town's requirements and obtain a sign permit from the Town.

Tom Morse along with his wife, Tomie Kay Morse, stated that his business office is located on the corner near Iron Branch Road and is downstream from the location of this project, where the bridge crosses over and the stream is right next to his property. He also stated that it is within the 80-foot top of bank line and has recently seen the ditch rise heavily. He added that his concern is having a disruption/removal of soil and asked if there is a study available that explains what the impact will be to the creek because this is vital to their business. Mr. Crouch stated that they must go through Sussex Conservation District and per Delaware law they can't discharge anymore than is being discharged at the present time, which is why there are additional stormwater ponds. He added that the ponds are larger than they need but with this project style, the ponds are also a feature, and they would have enough storage that it should help. Mr. Morse stated that this stream is a tax ditch that is furloughed in from that area. He asked, "Do you think those ponds would ever hold a flood?" Mr. Crouch stated that there would be a discharge, but they can't discharge more than what is discharged right now. He added that the ponds will always have water in them and will be discharged by a discharge pipe, which will manage how much water is discharged.

Mr. Morse asked, "Have we discussed a price point on the homes, and would the local community be able to afford them?" Mr. Horner stated that there is still a lot to factor in, but the townhomes are always at a lower price point compared to the single-family homes. They had a project called Kincade, which was a more affordable product line and are in the process of revamping that line but is unsure if that will be used in this project or not. Mr. Morse asked for confirmation that there were design standards requirements like commercial projects have. Mr. Gulbranson stated that there are Residential Design Standards that must be met. Mr. Morse stated that he is pro-business and pro-growth but with the number of homes going into the community, he is concerned with one single entrance to the community and feels that an additional entrance

is needed for safety reasons. Mr. Horner stated that the construction entrance, at some point, would become a permanent entrance when the back portion of the property is developed and feels confident that at some point, there would be a second entrance to the community. Commissioner Thompson stated that would not be for a several years. Mr. Horner stated that DelDOT does traffic improvement studies and if they would allow us to put a red light up for the residents, they would be willing to do it. DelDOT is not going to allow it because there would be impacts and ramifications on traffic everywhere. He added that what has helped with traffic, is to have the right turn lane and the bypass lane. He realizes this is not a perfect solution, but it is impossible for them, as developers, to fix all the County's traffic problems so they must focus on what they can do and what DelDOT tells them they can and can't do.

Commissioner Thompson made a motion to recommend the Layfield Property Preliminary Approval to the Town Council for review and possible approval. Commissioner Flowers seconded the motion. All were in favor.

Engineering Consultant, Kyle Gulbranson stated that the recommendation will go to the Town Council for their approval on September 18, 2023.

V. Old Business

There was no old business.

VI. Public Comment:

Tom Morse stated that when the water tower was built on Vines Creek Road, Artesian provided a maintenance plan for landscaping, which looked very nice, but now it has become an eye sore and asked about any type of maintenance/upkeep requirement. Town Administrator Brought stated that it is the Town's responsibility to make sure it is kept up to standards. She added that Artesian would also be putting up a fence around the facility by the end of October.

VII. Adjournment:

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

Meeting was adjourned at 7:14 p.m.

Respectfully Submitted,
Wendy Rayne, Finance Clerk