

**LEWES PLANNING COMMISSION**  
**Special Meeting Minutes**  
**November 7, 2019**

The special meeting of the Lewes Planning Commission was held on **Thursday, November 7, 2019 at 5:00 P.M. in Lewes City Hall** in accordance with proper notification with the following present: Chairman Drew McKay, Kay Carnahan, Sumner Crosby, Joe Hoechner, Mark Harris, Nina Cannata, Melanie Moser, Thomas Panetta, John Nehrbas, City Solicitor Glenn Mandalas, City Manager Ann Marie Townshend, Ex-Officio City Councilman Dennis Reardon, and Recording Secretary Jackie Doherty. City Planning and Development Officer Tom West was present by phone conference call.

Mayor Becker, City Councilwoman Bonnie Osler, and City Councilman Rob Morgan were also present.

**A. CALL TO ORDER AND ANNOUNCEMENTS:** *Chairman McKay* called the meeting to order at **5:00 P.M.** stating he has asked Vice Chair Carnahan to conduct the meeting because she completed so much of the work to prepare for this meeting tonight.

**B. UNFINISHED BUSINESS**

**1. Discussion and possible recommendation regarding Preliminary Consent of White's Pond Meadow Major Subdivision, submitted by Davis, Bowen, and Friedel, Inc., on behalf of Showfield, LLC to create 86 single-family lots on a 36.95-acre tract of land located on Freeman Highway in the City of Lewes (SCTM 3-35-8.00-46.00 and 3-35-8.00-53.00 Part of).**

*Vice Chair Carnahan* stated the conditions and recommendations created at the October 30, 2019 meeting needed to be revised in the master chart for review and vote on the submission to Mayor and City Council (MCC).

*Mr. West* (present by phone conference) began with the review of the changes to the conditions and recommendations including:

- Condition for final plat plan to show proposed lots; open space areas; front yard setbacks for all proposed corner lots; include traffic generation diagram with current traffic counts and turning movements for all proposed connections; outline ownership and maintenance responsibilities for all open space, utilities, and buffers in common areas;
- Condition for the applicant to provide responses to comments from the City's engineer and planning reports;
- Condition that amenities are only to be used by residents and approved guests of White's Pond Meadow;
- Recommendation for the developer to work with residents of Showfield County regarding disagreements about access traffic, loss of privacy, bicycle, vehicle and pedestrian safety;
- Condition for the green space to be increased by moving the sidewalk to the back of the right-of-way as recommended by the Parks and Recreation Commission (this change would be from 3 feet to 4 ½ feet);
- Condition to preserve existing healthy trees as determined by a certified arborist or registered landscape architect on Lots #18 thru #21 to the extent acceptable to the Commission at final plan review;
- Condition to reduce internal roads from 32 feet to 28 feet with the exception of Monroe Avenue which will be 30 feet.

*Ring Lardner of Davis, Bowen and Friedel* stated the developer has proposed having a registered landscape architect evaluate the trees. Individual tree surveys will also be provided to see which trees are outside the footprint. Losing Lots #18 thru #21 would have an impact on the site.

*Ms. Townshend* stated the plans will be returned to the Commission with additional review of the health of the trees and how it will impact the location and placement of the houses.

There was discussion regarding the concerns of the residents of Showfield County that the stub road will be used by Gills Neck Road residents for access through their development, where the roads are privately owned and maintained by the HOA. One day the HOA may decide to add a gate to block the road.

Continued discussion included:

- Developer has extended the stub road to the property line as required by City Code with the intent to extend to Showfield County;
- DelDOT TIS for Showfield County and Showfield City was based on two access points, and if the stub road is blocked, the study will be invalid;

- Developer was aware of the stub road for future connection when building Showfield County because were included in the plans when approved by the County; developer is now stating they have no control over the connection and needs to be resolved by the HOA;
- Conditions include developer to maintain connectivity between the two developments; MCC needs to be given an agreement to keep the stub road open or preliminary consent should not be approved; final plan review needs to state the best way to handle the additional traffic.

*Ms. Townshend* stated she was told by Sussex County Planning Zoning Director Janelle Cornwell that if this was approved with interconnection, any gate or blocking of the road by the HOA would require approval by the County. The County documents will be provided to the Commission before the review of the final plan.

*Mr. West* continued with the review of changes to the conditions and recommendations:

- Condition that the developer, City, and DelDOT obtain approval from DRBA for the signal access improvements at Monroe and Freeman to include the installation plan and timing;
- Condition for a bicycle/pedestrian connection between Philly Lane and Inlet Place be established as part of the subdivision; area between paved surface of Philly Lane and edge of Parcel 335-8.00-46.00 be dedicated for a future road connection if requested by the City and the Bay Breeze residents;
- Recommendation for DelDOT 'Letter of No Objection' be obtained, as stated in the PLUS Review to ensure internal roads are consistent with proposed connections and regional traffic evaluations.

Discussion included:

- Concerns that the Monroe and Freeman traffic signal will make traffic worse along the corridor and the need for coordination of the timing for all signals;
- Will a future road from Philly Lane to Bay Breeze be a burden on the residents if this becomes vehicular; the residents must request and approve this road to be vehicular;
- Should the future road issue be a condition or recommendation; could this be divided into two sections with the bicycle/pedestrian connection to be a recommendation and the potential future road be a condition.

**ACTION:** *Mr. McKay made a motion to recommend that both be conditions amended to state that at the end of the access easement for a potential future road connection, should the need arise in the coming years, be determined by the City of Lewes, and the bicycle/pedestrian connection be established as part of the subdivision; Mr. Harris seconded the motion.*

*Mr. McKay, Ms. Moser, Mr. Hoechner, Mr. Harris, Mr. Nehrbas, Mr. Panetta, Mr. Crosby and Vice Chair Carnahan votes yes to the motion; Ms. Cannata voted no.*

*With eight (8) yes votes and one (1) no vote, the motion passed.*

*Mr. Crosby* stated he spoke about the issue of stormwater management and flooding at the October 30<sup>th</sup> meeting and has discussed the process of tailwater analysis with Mr. O'Donnell and what level of sea-level rise is used in the analysis.

*Mr. Lardner* stated final tailwater analysis will be determined by Sussex County Conservation District before the final plan is submitted and will include consultation with Mr. O'Donnell.

**ACTION:** *Mr. Harris made a motion to approve the chart of Conditions and Recommendations as amended; Mr. Hoechner seconded the motion, which passed unanimously.*

*Mr. Mandalas* read the Resolution of the Planning Commission of the City of Lewes, Delaware granting Conditional Preliminary Consent for the Major Subdivision know as White's Pond Meadow SCTM 335-8.00-46.00 into the record.

**ACTION:** *Mr. Panetta made a motion to approve the resolution as read; Ms. Cannata seconded the motion.*

***Mr. Panetta voted yes*** to the motion to approve the resolution as read to grant preliminary consent in accordance with Subdivision and Land Development Section 170-19 with the recommended conditions and recommendations:

1. *The application with the Planning Commission conditions substantially meets the requirements of the Lewes Ordinance and is in accordance with the Comprehensive Plan.*
2. *There are several significant issues that have been addressed by the conditions imposed:*
  - a. *Traffic, bicycle/pedestrian safety (170-19 E. (12))*

- i. Requiring that the signal at Monroe and Freeman be signalized
- ii. Requiring developer to ensure access through Showfield County is maintained
- iii. Requiring an easement for pedestrian/bicycle access to Bay Breeze and a potential future road interconnection to Bay Breeze (this could provide Bay Breeze with safer access to Freeman Highway) in accordance with the Comprehensive Plan
- b. Reduction of road width will provide traffic calming and reduce impervious coverage while providing safe vehicular traffic. (170-27 E (2))
- c. Preservation of existing trees (170-19 E (6)). This can be accomplished either by reconfiguring lots or preservation easements inside the HOA.

**Ms. Cannata voted yes** to the motion to approve stating she agrees with Mr. Panetta and the commendation to approve being forwarded to Mayor and City Council.

**Mr. Crosby voted yes** to the motion to approve stating he agrees with Mr. Panetta. This is one of the last pieces of the Gills Neck Road complex of developments and safety of the traffic moving through the areas, particularly pedestrians moving across the possible vehicular accesses, needs to be ensured.

**Mr. McKay voted yes** to the motion to approve stating he agrees with Mr. Panetta. The Commission has spent a considerable amount of time evaluating the 22 conditions in the Code to protect the health, safety, and welfare of the community. The developer still has many questions to answer for the final plan before approval for recommendation to MCC is granted. The Commission has complied with the Code regarding the conditions and requirements to proceed with development.

**Mr. Nehrbas voted yes** to the motion to approve stating he agrees with Mr. Panetta. The Commission will have the opportunity to review the final plan to include conditions discussed.

**Mr. Hoechner voted yes** to the motion to approve stating he agrees with the previous reasons. All of the healthy trees on the property should be saved.

**Mr. Harris voted yes** to the motion to approve stating he agrees with the previous statements but has not heard any discussion regarding having a small commercial area located at the front edge of the development to provide light shopping convenience.

**Ms. Moser** stated although she supports the conditions and recommendations by the Commission, she cannot support the subdivision as currently designed because the lots that back onto Freeman Highway present an issue relative to the health, welfare, and safety of those future residents and **voted no** to the motion to approve.

**Vice Chair Carnahan voted yes** to the motion to approve stating she agrees with the previous reasons. The traffic signal at Freeman and Monroe is critical to the safety of bicyclists, pedestrians and drivers.

With eight (8) yes votes and one (1) no vote, the motion passed.

The meeting recessed at 6:30 P.M. for the training session titled "Legal Context of Land Development Review" presented by Max Walton of Connolly Gallagher.

The training session concluded at 7:50 P.M. and the meeting reconvened.

**2. Discussion and possible recommendation to Mayor and City Council for a Minor Subdivision submitted by Davis, Bowen, and Friedel, Inc. on behalf of Showfield, LLC, for the conveyance of 1.2345 acres of land from SCTM 3-35-8.00-53.00 to SCTM 3-35-8.00-46.00 located on Freeman Highway and adjacent to the proposed White's Pond Meadow Major Subdivision in the City of Lewes.**

*Mr. West* stated lot sizes, area width and depth, front and side yard setbacks all comply with the R-2 Zone; dimensions of the lots also comply.

*Mr. Lardner* stated Parcel #53 has access directly onto Gills Neck Road with this section of the road being under the control of the City.

**ACTION:** *Mr. Panetta made a motion to recommend to Mayor and City Council approval of the Minor Subdivision in accordance with the application; Ms. Cannata seconded the motion, which passed unanimously.*

**C. ADJOURNMENT:** *Mr. Nehrbas made a motion to adjourn; Mr. Hoechner seconded the motion, which passed unanimously.*

The meeting adjourned at **8:00 P.M.**

Respectfully submitted,  
Jackie Doherty, Recording Secretary  
Lewes Planning Commission