

PARKS & RECREATION COMMISSION
Special Meeting
January 8, 2019
MINUTES

The special meeting of the **Lewes Parks and Recreation Commission** was held on **Tuesday, January 8, 2019 at 5:00 P.M. in Lewes City Hall** in accordance with proper notification with the following present: Chairwoman Alison Kirk, Mardi Thompson, Christine Besche, Louis Papp, Warren Golde, Lorna Dempsey, Rodney Robinson, Harry Keyser, Barry Dunkin, Ex-Officio City Councilman Rob Morgan, City Planner Tom West, and Recording Secretary Jackie Doherty. Candace Vessella was excused.

A. CALL TO ORDER AND ANNOUNCEMENTS: *Chairwoman Kirk* called the meeting to order at **5:00 P.M.**

B. NEW BUSINESS

- 1. Presentation and consideration of Anglers Road and Market Street Subdivision plan submitted by Axion Engineering LLC on behalf of owner William Huntley. Review the plan and make comment to the Planning Commission related to existing or proposed open space, effect on any adjacent park areas or other natural features within the City.**

No representatives from Axion Engineering nor Mr. Huntley were present.

Ms. Kirk stated the parcel is located on the corner of Anglers and East Market with three lots to be divided into six. There are sidewalks on Anglers but none on East Market; the parcel backs tidal wetland areas; small house now located on property will be removed.

Ms. Kirk continued stating there is a request for three waivers:

- 1. Requirement for 10% of the subdivision to be provided as open space; requirement for the formation of a homeowner's association since there will only be six homeowners.**

The developer is requesting Lots 1, 2, and 6 require 50' to 75' back-yard setbacks which would be an increase from 15'.

Discussion and concerns included:

- R-3 District does not require a wetlands buffer; County is currently 50';
- Setbacks will be considered private property; clarification is needed to state the homeowner cannot build or extend their property into the wetlands; require a wetlands certification be signed as part of the final plan; open space be deeded to the City; wetland species trees to be planted in the open space;
- No lawns be planted on the entire site to prevent fertilizer from going into the wetlands or the canal; require the edge of the property and edge of wetlands be permanently marked and highly visible to prevent the homeowner from adding plantings not suitable for wetlands;
- What is the motivation for the City to grant a waiver for open space when it is a requirement for all other subdivisions; setbacks on private property are not open space or included in the definition;
- Granting the waiver would set a precedent, promotes overcrowding in the development, is not environmentally sound.

Ms. Kirk read the definition for open space into the record.

ACTION: *Mr. Dunkin* made a motion to not accept the request for a waiver of the 10% open space requirement for the proposed subdivision at Anglers Road and East Market Street; *Mr. Robinson* seconded the motion, which passed unanimously.

- 2. Waiver request #2 is for the construction of sidewalks and curbs on East Market Street.**

Ms. Kirk stated this area has high pedestrian traffic. Sidewalks would be appropriate to define the right-of-way and driveways.

Discussion and concerns included:

- Code does require sidewalks on both sides of the street; request includes a waiver for curbs which are needed for drainage; there are also concerns about stormwater management and sedimentation in the area;
- Sidewalks are needed for pedestrian safety, walkability, and bicycle safety; the development across from Irish Eyes has sidewalks and curbs.

ACTION: *Mr. Robinson made a motion to recommend the City deny the request for a waiver to install sidewalks and curbs on East Market Street; Mr. Keyser seconded the motion, which passed unanimously.*

3. Waiver #3 is for the construction of street lights on East Market Street.

Ms. Kirk stated this is a well-lit commercial area and questions if lighting is in the purview of Parks and Recreation.

Discussion and concerns included:

- Street lights are a Code requirement for new subdivisions; additional lighting in the area may cause light pollution;
- Concerns about lighting too close to the wetlands.

After discussion, it was decided to defer this waiver request to the Planning Commission.

Discussion continued regarding impact from the Anglers/Market Street subdivision on parks, trails, playgrounds usage and maintenance.

Comments and concerns included:

- Recommendation for the homeowner to plant trees in their yards that are suitable to that area;
- Recommendation for the developer to work with PRC for location and species of trees before the final plans are submitted; developer to plant trees on the 10% open space that may be deeded to the City or homeowner's association to be maintained;
- The Code states developers are responsible for street-tree plantings in new developments with PRC to assist with spacing and species selection.

Ms. Thompson made a recommendation that the developer be required to work with PRC on the tree removal and replacement plantings before final plans are presented.

Recommendations were as follows:

- 50' buffer between wetland and property line;
- No building of ancillary structures or fill extending into the wetlands;
- No turf or sod to be added to lots for the entire site due to fertilizer and chemicals seeping into the wetlands;
- Visible permanent markings at the edge of wetlands and property lines to prevent homeowners from encroaching onto the wetland and open space areas with fill or landscaping;
- No waiver be allowed for the 10% open space;
- No waiver be allowed for the sidewalks;
- Defer the waiver request for street lighting to Planning Commission

Francis Murphy, 128 New Road, stated he is concerned about the roots of the trees along the wetlands that would act as a border.

2. Presentation and consideration of Lewes Waterfront Preserve (Brittingham Property) plan submitted by Civil Engineering Associates, LLC on behalf of owner 7-11 Market Inc. Review the plan and make comment to the Planning Commission related to existing or proposed open space, effect on any adjacent park areas or other natural features within the City.

Ron Sutton of Civil Engineering Associates was present stating:

- The project is 34.64 acres with no waiver or variance requests; 68.9% open space; 50' wetland buffers;
- Working with the Historic Lewes Byway Committee and PRC on the landscaping and street trees plans; wetlands, floodplains, perimeter trees will not be disturbed except for one tree in the middle of the field next to the telephone pole;

- Street trees could be placed at the property line outside the sidewalk with an easement at the front yard to protect the trees, or the sidewalk could be moved closer to the right-of-way for a larger grass strip, and trees could be planted between the street and the sidewalk; irrigation has not been decided; no changes planned for New Road sidewalks;
- The development will be all townhouses; 1½ story; 28' wide; trash cans will be kept in the garage with enclosures for the end units.

Mr. Robinson recommended at least 6' planting strip between the curb and sidewalk for large trees planted by the developer and to be maintained by the homeowner's association.

Ms. Thompson made a recommendation that the developer return to PRC with the landscape plan to include street trees according to Chapter 170 of the City Code.

Mr. Sutton continued stating:

- 50' wetland buffer will remain in its natural condition; agricultural buffer requires a landscape buffer be provided; there is an existing large tree buffer in the area of the turnaround that may need to be augmented with a few trees, but should meet the within-30' requirement;
- The width of the buffer between New Road and the development was a concern, but DelDOT has changed the entrance to Creekside Drive;
- Right-of-way on New Road will be expanded to include a 15' permanent easement for the required shared-use path, 10' between the permanent easement and lot lines of houses along New Road; create a berm within the 10' area to include a buffer with a swale on the inside of the lot to collect stormwater;
- DelDOT has allowed the shared-use path within the permanent easement; possible to have trees and grasses in the area with benches; DelDOT has stated all improvements and multi-use path will stop at the left-turn lane into the development; the path will continue across Canary Creek and to Pilottown Village;
- Multi-use path will be outside the development on New Road; sidewalks and trails planned within the development;
- There will be screening and landscaping around the generator/pump station.

Ms. Thompson recommended that before construction begins, temporary silt fencing be placed around the trees to remain not closer than the dripline and outside the canopy to prevent vehicle damage.

Mr. Murphy questioned how tall the pump station would be; how far from the gravel parking area. The silt fencing for the tree protection should be moved 50' away from the dripline to also protect the roots. Will there be fencing in the back of the houses facing New Road. Trees should be 20' to act as a barrier element since the concern is seeing white fencing along New Road.

Mr. Sutton stated the control unit will be a few feet above ground but hidden by trees and fencing; there will be 100' between the edge of the pumping station and parking area. The building restriction line is 100' outside the dripline. Regarding the fencing along New Road, the Byway Committee has agreed to a 6' PVC fence to the buffer, 10' from the sidewalks, 7' trees to be higher than the fence. The Byway Committee has discussed HOA restrictions to keep the fencing consistent according to the New Road Master Plan.

Mr. Sutton stated there are no plans for playgrounds, and Mr. Setting has not made a decision regarding a donation for the current facilities.

Maryanne Ennis, 50 Harborview Road and a member of the Byway Committee, stated concerns about the open space at the Canary Creek Bridge and the views from New Road including the size of trees to be planted to cover the fencing. Ms. Ennis stated it seemed to her that Mr. Setting was not concerned about protecting the views.

Mr. Sutton stated there was a meeting today with Russ Tatman and Sally Boswell from the Guidelines Subcommittee of the Byway Committee to discuss the landscaping plan. The landscape architect will be working with Mr. Tatman and Ms. Boswell on the plan.

Comments and concerns included:

- Larger shrubs and trees for New Road with a two-year guarantee from the landscape contractor;
- Trees in the open space area at the bridge not to be disturbed for the view to remain the same;

- Overhead power lines to be relocated at the roadway line; power lines may limit the number of trees;
- Developer to consider pathways for walking inside the development.

Brian Aldred, 120 New Road, stated a thorough archeological study is needed for the site to be paid by the City and developer. He is also concerned about the safety of a crosswalk from the New Road pathway connecting to the Groome and Brittingham properties. A traffic and safety investigation are needed. Mr. Aldred also stated he and his neighbors are against the pathway going onto the fronts of their properties. There are also concerns regarding the stormwater pond at the floodplain and flooding in the area.

Dave Ennis, 50 Harborview Road, is also concerned about the Native American burial sites located on the property.

Mr. West said the State has reviewed the preliminary plan, and the City is waiting for a report of the archeological details. This will also be discussed by the Planning Commission when they are presented with the plans.

Ms. Kirk adjourned the meeting at **6:45 P.M.**

Respectfully submitted,

Jackie Doherty, Recording Secretary
Lewes Parks and Recreation Commission