

LEWES PLANNING COMMISSION
Site Visit to Fisher's Cove
February 27, 2019

MINUTES

The special meeting of the Lewes Planning Commission was held on **Wednesday, February 27 at 9:00 A.M.** at the proposed Fisher's Cove development in accordance with proper notification with the following present: Kay Carnahan, Joe Hoechner, Nina Cannata, James Linnen, Thomas Panetta, Mark Harris, and Sumner Crosby III, City Solicitor Glenn Mandalas, City Planner Tom West, Planning Consultant Savannah Edwards, Ex-Officio Councilman Dennis Reardon and approximately 30 members of the public were also in attendance.

1. Call to Order: *Commissioner Kay Carnahan* called the meeting to order at 9:00AM. She clarified rules about who can ask questions and what about. She also clarified that this was a public meeting.

2. Site Tour

The applicant's attorney, *Tim Willard*, introduced himself and asked the group to follow him. He pointed out other individuals (Justin Healy, Tim Tice, Bob Rosenberger) from his organization and asked that Planning Commissioners to stay near the front in order to hear questions/responses.

He said we will cut through the hedgerow at the second light pole and then walk the perimeter of the property, which should take about 20 minutes.

After leading the group through the hedgerow, the group paused to allow everyone to catch up.

Attorney Willard pointed that we were on the existing property line; the fence (surrounding the existing property's back yard) is a few feet in from the property line. *Commissioner Harris* noticed an electricity box on the property and asked if it was for the existing home or the University of Delaware. Willard responded that he did not know.

The group paused for a coffee break. Once the rest of the group caught up *Attorney Willard* pointed out the 'Old Fisher House' and said that the group had submitted an Arborist Report to the City that had found there were some significant trees on the property. The group then walked the property line to the back end of the homes along Rodney Avenue.

Then the group walked along that line back towards the wetlands.

Commissioner Crosby asked for the applicants to clarify what the flags indicate. *Bob Rosenberger* (an Engineer with Karins and Associates and part of applicant team) stated that the stakes are survey control points where they took topographic shots. The tidal wetlands are indicated by flags within the trees and brush... that's where it separates to tidal wetlands.

The group was then directed that they were walking towards the proposed road location.

Commissioner Crosby asked where is the property line? *Attorney Willard* and *Mr. Rosenberger* responded that it was the backyard line of Hornkill property. Some of the residents insinuated that there was a paper right-of-way that ran along Rodney Avenue. The applicants clarified that indeed there was a right of way that ran from Pilottown Road to the Hornkill property all along Rodney Avenue. *Attorney Willard* added that any residents are welcome to submit questions to him individually and he would be happy to provide deeds or other submitted paperwork on the property.

The group proceeded to a clearing towards the back of the property. *Commissioner Harris* asked if we were at the back of the property now. The Engineer (*Mr. Rosenberger*) physically pointed out the property line. A portion of the property is owned by UD and has a 50-foot easement for ingress and egress from Rodney Avenue to their property. It is pretty much in line with Rodney Avenue from the end to the Great Marsh.

Commissioner Crosby asked if the engineer knew what elevation we were currently standing at and he responded that he did not know and would not even want to speculate on that.

Commissioner Harris again asked about the particular property line as it angled towards University of Delaware.

Commissioner Crosby asked if the soil points data were described in the report submitted with the application. The engineer responded that they were not. They are used to determine stormwater design for the property. *Mr. Rosenberger* continued to explain that essentially when you look at USDA maps for the property, they indicate sandy soil which would normally allow infiltration but because we are so close to the tidal marsh here infiltration won't be possible.

Commissioner Crosby asked: Is there a description of the current vegetation on the property somewhere? *Mr. Rosenberger's* Response: No aerial photos show the best depiction of what is on the property, general land use categories.

The group then walked back towards the front of the property; upon pausing *Commissioner Harris* asked what is this area? To which the *applicant's engineer* responded that it was the best viewing area of the tidal wetlands. As the group continued to walk, *Commissioner Crosby* asked about UD's property line again. *Attorney Willard* directed anyone interested in that information to look at the plans available online.

Commissioner Harris asked: What is this clearing? *Attorney Willard* responded that the property line is another 300' in that direction (pointing towards the back of the property.) Another individual asked, so is this essentially the road? The engineer responded that this is essentially, based on the plans submitted, the front yards for the houses that will back up to the University of Delaware property. A road will be located just to the right (when facing East or Pilottown Road.) This area was also tested for stormwater capacity.

Commissioner Crosby then asked: What is the intention with the tress right here? Are you putting buildings in? Are you leveling it off? Are you going to keep the trees? The applicant responded that just generally they want to keep the trees of significance for marketing purposes. They've hired an arborist to analyze what's on the property, but in the back of the property most of the trees are not of significance. Just to understand what is here though, this property was cultivated until the early 2000's so the majority of trees you see currently are new growth.

Attorney Willard then led the group out to where they entered the property.

As the group neared the front *Commissioner Crosby* asked: Can you describe how far back the boundary goes? From where we were standing, the boundary line goes just a little further past the clearing. What about the trees? The hedgerow is all part of the property.

The group all exited the property; *Commissioner Carnahan* thanked the applicant for hosting the tour and asked all individuals to make sure they had filled out the sign-in sheet.

ACTION: *Commissioner Harris made a motion to adjourn the meeting; Commissioner Hoechner seconded the motion, which passed unanimously.*

The meeting adjourned at 9:43 A.M.

Respectfully Submitted,
Savannah Edwards, Planning Consultant