

**LEWES PLANNING COMMISSION  
Public Hearing & Special Meeting  
February 7, 2019  
MINUTES**

The public hearing and special meeting of the **Lewes Planning Commission** was held on **Thursday, February 7, 2019 at 6:00 P.M. in Lewes City Hall** in accordance with proper notification with the following present: Chairman Drew McKay, Kay Carnahan, Nina Cannata, Joe Hoechner, Mark Harris, James Linnen, City Solicitor Glenn Mandalas, City Manager Ann Marie Townshend, Ex-Officio City Councilman Dennis Reardon, City Planner Tom West, Building Official Henry Baynum, Tom Owen of the Lewes Board of Public Works, and Recording Secretary Jackie Doherty. Thomas Panetta and Richard Kirschner were excused.

Mayor Becker, Deputy Mayor Fred Beaufait, and Councilwoman Bonnie Osler were also present.

- 1. Call to Order & Announcements:** *Chairman McKay* called the meeting to order at **6:00 P.M.** Mr. McKay announced that Steve Rogers has resigned from the Commission due to health reasons.

The public hearing will begin at 6:00 P.M. followed by the review of Assisted Living Facility, and presentation of Fishers Cove will begin at 7:00 P.M.

- 2. PUBLIC HEARING: Presentation and consideration of a request from Furbo, LLC for a major subdivision to create 6 lots at the intersection of Angler's Road and East Market Street (SCTM 3-35-4.20-97.00, 97.01, and 97.02).**

*Ms. Carnahan* recused herself from the public hearing and left the meeting.

*Chairman McKay* called for comments from the audience. There were no comments.

The public hearing **ADJOURNED** at **6:10 P.M.**

Chairman McKay stated the record would be open for the next 10 calendar days for comments to be submitted on the City website.

*Chairperson McKay* called the meeting to order at **6:11 P.M.**

- 3. Presentation and possible recommendation to Mayor and City Council for a site development plan entitled Assisted Living Facility Lewes Medical Development submitted by Davis, Bowen, & Friedel, Inc. to create a 220, 245 square foot senior living facility on an 8.55-acre parcel of land (SCTM 335-8.00-36.08) along Kings Highway.**

*Chairman McKay* stated comments have been received; there was a PLUS Review in October 2017.

*Zach Crouch of Davis, Bowen & Friedel* was present stating:

- There have been meetings with DelDOT and the Historic Lewes Byway Committee to review Kings Highway improvements with an added right-of-way; turn lanes; multi-use path; entrance will be on Kings Highway with coordinated improvements based on new developments being planned;
- Stormwater management will be infiltration by retention discharged into an existing pipe on Savannah Road;
- Still working on the plans presented today showing the building design; meets requirements based on adjacent properties and structures; building sprinkler system; parameter road surrounding the building was approved by the Fire Marshal; letter from Board of Public Works stating there is adequate capacity for water and sewer;
- Recommendations for reduction in parking spaces because are over the required amount; parking spaces needed are based on employee shift changes and the number of units in the care and assisted living areas;
- The PLUS Review recommendation included landscaping and recreation facilities, but the park facility areas were not shown on the plans at the time of the review.

*Mr. Crouch* stated the roads will not be deeded to the City and will remain private.

*Mr. West* reported the following were submitted as part of the initial application:

- Written documentation identifying the applicants;
- Letter from the property owner stating the applicant is proceeding with the development proposal;
- Letter from Board of Public Works for services;

- Documentation of Public Notification with a sign posted by the City of the meeting tonight;
- Payment of application fee.

*Ms. Carnahan* questioned the distance of the building from Henlopen Gardens units. Also, where are the locations for food preparation areas, dining areas, delivery trucks, HVAC, and trash bins. *Mr. Schell* stated the building will be about 65' from the property line.

*Greg Stevens of OA Vantage Point II* stated the deliveries will be made in the back at the loading dock located in the kitchen area of the building; dining areas are located near the kitchen in the wing to the left of the entrance; dumpsters are located in the back very near the trash area of Henlopen Gardens; trash pickup times will be according to the City Code; HVAC will be located on the roof in a 6' to 7' deep well to be concealed and block the sound.

*Mr. Hoehchner* questioned where the visitor and employee parking would be located. *Mr. Stevens* stated employees will park in the back near the loading dock. Spaces will be available for each independent resident and visitor parking will be located in the front of the building.

*Mr. Schell* reviewed the following questions and comments:

- This facility will have three components of care including independent, assisted living, and memory care with security and safety set-up to meet the needs of each resident;
- Met with the Historic Lewes Byway Committee to discuss their design criteria regarding signage, landscaping and natural elements along the frontage on Kings Highway;
- The request from the applicant across the highway to move our entrance for access was rejected because it would have required the building to be redesigned; pedestrian pathway will not be useful for connectivity between properties until the others build their own;
- One entrance on Kings Highway and one on Savannah Road with two methods to Kings Highway through the workforce housing side of the property; utility poles on Kings Highway; lighting will be pointed downward.

*Mr. Schell* stated plans include a berm with topsoil for landscaping to create a buffer between Henlopen Gardens.

*Chairman McKay* stated according to §170-35 of the Lewes City Code, a public hearing is not required, but public comments will be accepted within 10 calendar days while the record remains open. There will be a decision by the Commission at the February 20, 2019 regular meeting. Mayor & City Council will hold a public hearing after receiving the recommendations from the Commission.

*Mary Roth, Rodney Avenue resident and Chair of the Lewes Historic Byway Committee*, wanted to thank *Mr. Schell* and his Staff for their generous work and would hope all developers would be as kind and generous with their communications.

*Chairman McKay* **ADJOURNED** the meeting at **6:30 P.M.** until 7:00 P.M. when Agenda Items #4 and #5 will be presented.

*Chairman McKay* **called the meeting to order** at **7:00 P.M.** stating there was a misunderstanding about the timing of the Assisted Living presentation being listed as 7:00 P.M on the notice. Comments will be taken now or can be sent to the Commission by the City website for the next 10 days.

There were no comments from the audience.

**4. Presentation and possible scheduling of a public hearing for a major subdivision application entitled Fishers Cove submitted by Burke & Rutecki, LLC that would maintain an existing dwelling, add pedestrian connections to a canal front parcel and create 18 additional residential lots on a 12.06-acre tract consisting of three parcels (SCTM 335-4.14-100.00, SCTM 335-41.14-103.00, and SCTM 335-4.00-15.00) along Pilottown Road near Rodney Avenue.**

*Chairman McKay* stated the purpose tonight is to review comments from the applicant and from the audience. The public hearing will be scheduled for another date. All public comments received are also available on the City website.

*Mr. West* reported the following have been submitted by the applicant:

- Written documentation identifying the applicants;
- A conceptual plat plan;
- Letter from the Lewes Board of Public Works certifying that utilities are existing and available;
- Payment of major subdivision application fee;
- Documentation of Public Notification;
- Applicant Engineer's Report;
- Lewes Parks and Recreation Commission Report;
- City Engineer's Board of Public Works Review;
- City Staff Report;
- Delineation of Wetland Report;
- A Boundary, Topographic and Wetland Location Survey;
- Copy of Plats and Deeds of Record.

*Mr. West* stated applications for permits from the Sussex Conservation District were also included to complete the application.

*Attorney Tim Willard* was present representing the applicant stating he is providing the landscaping plan and arborist report today.

*Mr. Willard* reviewed the application stating:

- Average lot is 17,254 square feet with the smallest two being 12,000; this design exceeds the limitations of the R-2 District providing more open space;
- Density plan is one lot per .63 acres; open space is 2.97 acres, 24% of the overall property; issues of flooding and stormwater will be addressed according to the law, FEMA requirements and the Soil Conservation District;
- Three options for the road improvements and widening have been included in the application.

*Chairman McKay* stated the Commission will need the final application with any changes before forwarding their recommendations to Mayor & City Council.

*Mr. Willard* stated no changes are expected. According to *Mr. West's* report, the submission for approval has complied with all required provisions for the initial application under 170-90A of the City Code. The plan is to submit proposed findings required under 170-19 at the public hearing. Any questions from the public tonight or comments submitted may be addressed at the public hearing with any changes needed added as conditions.

*Ms. Carnahan* requested a formal site visit by the Commission.

*Chairman McKay* asked that four dates, with times in the morning and afternoon, be suggested for the Commission to choose one. The date would be confirmed by *Mr. West* to be noticed seven days in advance as an official meeting. There will be minutes taken as part of the public record and will contain questions and comments.

*Mr. Hoechner* asked about the three 20 x 20 ponds, in addition to the two other ponds, that are noted as stormwater management.

*Mr. Willard* stated this would be discussed at the public hearing.

#### **Comments from the audience:**

**Ralph Scott, 618 Pilottown Road**, stated he is concerned about the six boat slips being sold and how these will be governed. His request is for this to be addressed at the public hearing.

**Nancy Moore, 117 Rodney Avenue**, stated she has submitted a letter addressing her concerns to the Commission. This letter was read into the record tonight and is available for review on the City website.

**Joellea Jordan, 123 Rodney Avenue**, questioned how an HOA will protect the residents if the developer is selling the undeveloped lots.

**Attorney Bill Rhodunda was present representing 21 residents from Rodney Avenue, Hoornkill Avenue, and Pilottown Road.** *Mr. Rhodunda* provided an engineer's report and PowerPoint presentation for review and to be included in the public hearing.

*Mr. Rhodunda* stated three important issues are access, stormwater/flooding, and buffers.

- Residents believe the appropriate access is Pilottown Road and not Rodney Avenue; plan to develop the property in 1989 was denied because it required access through Rodney; request the developer provide legal documentation for the right to use Rodney Avenue as access;
- Widening Rodney would impact the existing homes; GMB report stated heavy construction vehicles would damage the street; concerns regarding the use of fill for elevation in the floodplain area for road construction; impervious coverage; flooding from the Great Marsh;
- GMB report also stated Pilottown Road should be used for access; emergency access also needs to be considered;
- State laws concerning increased water onto adjacent properties; developer to state amount of fill going onto the site and location; GMB stated eight of the lots are not suitable for subdivision as requested, and also stated that the ten lots have been designed to meet the City's requirements 'creatively'; concerns about sea-level rise and coastal flooding;
- Request the plan be held until the report is received from the coastal engineer hired by the City; stormwater management plan approval before the final plan is approved;
- Concerns stated by the residents' engineer for DNREC standards and requirements be met; Lots #1,2,3 groundwater table; stormwater runoff flow from drainage swale on Burke Road across rear corner of Rodney; sound and odor control regarding pumping station according to the City Code.

*Mr. Rhodunda* reviewed the Power Point Presentation regarding flooding in the area and onto the Fishers Cove property from the Great Marsh; plans to replace the 20' wooded buffer with a 6' vinyl fence at the stormwater basin. He will submit an outline of his comments tonight to the website.

*Mr. Willard* stated the FEMA application is being processed to be submitted and a copy will be sent to the Commission.

*Chairman McKay* reviewed the plans including: Date decided for the Commission's site visit, which will be posted seven days prior; review of comments and questions to schedule the public hearing; recommendations must be submitted to Mayor and City Council 90 days after the public hearing. The Water Workshop scheduled for February 21<sup>st</sup> will not address any specific development or residence.

## **5. Report on February 21, 2019 Water Workshop.**

*Ms. Carnahan* provided a list of the topics and presenters for the workshop. The meeting will begin with the presentations followed by questions from the audience. Savannah Edwards, Sumner Crosby, and Tim Ritzert have been part of the team.

*Mr. Hoechner* provided information from Sussex County Planning and Zoning on the Groome site.

**Dave Ennis, 50 Harborview Road**, asked if there would be a problem with him videotaping the workshop. *Mr. Mandalas* stated this is permitted according to FOIA, but the presenters should be told and asked if there are any objections.

## **6. Adjourn:** *Ms. Cannata made a motion to adjourn; Mr. Harris seconded the motion, which passed unanimously.*

The meeting **ADJOURNED** at **8:15 P.M.**

Respectfully submitted,

Jackie Doherty, Recording Secretary  
Lewes Planning Commission