

LEWES PLANNING COMMISSION
Special Meeting Minutes
March 14, 2019

A special meeting of the Lewes Planning Commission was held on Wednesday, March 14, 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, Thomas Panetta, James Linnen, Melanie Moser, Mark Harris, Sumner Crosby, City Solicitor Glenn Mandalas, City Planner Tom West, City Planning Consultant Savannah Edwards, Tom Owen of the Lewes Board of Public Works, Ex-Officio City Councilman Dennis Reardon, and Recording Secretary Jackie Doherty. City Councilman Rob Morgan was also present.

1. Call to Order and Announcements: *Chairman McKay* called the meeting to order at 6:00 P.M. welcoming Melanie Moser as the newest member of the Commission. The March 20th meeting at 6:00 P.M. will be held in the Margaret Rollins Community Center due to renovations in City Hall. Mayor and City Council (MCC) agenda items for the March 18th meeting include discussion of the LPC recommendations to deny waivers requested for the Anglers/Market development; HPARC appointments.

2. Presentation and possible action on the minutes from the Fishers Cove Site visit on February 27, 2019.

ACTION: *Ms. Carnahan made a motion to approve the Fishers Cove Site visit minutes as corrected; Mr. Crosby seconded the motion, which passed unanimously.*

3. Status update of Lewes Waterfront Preserve major subdivision.

Mr. Mandalas stated because counsel for the applicant has been away, he has requested that the update be deferred until the April meeting. Mr. Mandalas will speak to counsel regarding the next steps and any other issues to be reviewed at the meeting.

4. Site visit follow-up and status update of Fishers Cove major subdivision

Mr. West stated correspondence was received from the applicant's attorney on February 27th requesting plan modification including removal of several parcels adjacent to Pilottown Road and lot-line revision at the rear of the major subdivision parcel. There was a request for a modified concept plan with revisions based on public comments and City reports. A letter was sent from the City on March 6th stating the modified concept plan would be considered after review by the departments of the newly submitted materials; the minor subdivision lot line would be handled separately.

Chairman McKay stated this would be considered a new application for a major subdivision and would need to go back through the process before coming for initial consideration by the Commission. All new plans and maps will be posted to the website when received.

5. Consideration and possible recommendation to the Parks and Recreation Commission on revisions to tree protection ordinance provisions.

Ms. Carnahan stated when a major application comes before the Commission, it also includes the idea for a private tree ordinance. This was presented to the Parks and Recreation Commission (PRC) in 2017 to ask for suggestions and recommendations for an ordinance. There are historic trees in the City and Lewes has been named as a Tree City U.S.A.

ACTION: *Ms. Carnahan made a motion to request the Parks and Recreation Commission formally consider establishing a private tree ordinance; Ms. Cannata seconded the motion.*

Discussion of the motion:

- PRC has a very active and knowledgeable tree commissioner who would have the most contact with residents about native trees, maintenance, best trees to be planted on their property;
- Concern about trees being removed from properties since there are no regulations; PRC to decide if the ordinance is appropriate; public comments on the proposed ordinance;

- Commission to hold a public hearing with PRC to discuss their recommendations; it would be helpful if LPC were the authors since we will be making the judgments based on the ordinance;
- Concern about the “Bride and Groom’ trees on Kings Highway being removed which would change the character of the street;
- HPARC will now be reviewing site plans for subdivisions.

After discussion, the motion passed unanimously.

6. Reports by City Solicitor, Liaisons, Planners, and Commissioners

Chairman McKay asked the Commission to consider the following for future discussion:

1. There will be a joint committee formed for HPARC with three members of LPC and three members from HPARC to review site plans for recommendations to MCC.
2. There are eight applications in various stages for LPC review in the next four months with all having significant public interest. If a Commissioner is interested in helping with the evaluation and research for these applications to support City Staff, please notify Chairman McKay.
3. Consider having the site visits continue on a limited basis with (a) Public site visits or (b) Non-public visits with a small group of Commissioners attending.

Mr. Mandalas reviewed the legal issues and liabilities regarding public site visits including: FOIA; ADA; ‘Guest Premises Statute’ and personal injuries. Although these issues need to be considered, the State Code does give the LPC authority to have site visits. Mr. Mandalas also spoke about the importance for the Commissioners to not speak about the visit until the public meeting.

Mr. Harris suggested having a subgroup for limited site visits. There is concern about ‘invited guests’ and liability issues.

Ms. Moser stated site visits are very important and is in favor of open visits.

Mr. Crosby stated he agrees with Mr. Harris and Ms. Moser, but there were many questions about the plan that could not be answered during the Fishers Cove visit because of the amount of people attending.

Mr. Panetta stated it is important for everyone to see the site, but there were problems with having a large group for the Fishers Cove visit including hearing the conversation and it being unsafe for some to navigate the terrain.

Mr. Hoehner stated he is in favor of small groups for the visit and would like to have a copy of the site plan while walking the site.

Ms. Cannata stated she agrees how important it is that everyone needs to visit the site but is in favor of small groups.

Mr. Linnen stated the site visits are very useful and is in favor of small groups for the visits.

Ms. Carnahan questioned if the developer would agree to the additional visits needed for smaller groups. Larger properties need to have access to view.

Chairman McKay stated everyone agrees the site visits are valuable, and work is now needed to establish a policy for these visits.

Mr. Hoehner provided information on the Resilient and Sustainable Communities League (RASCL).

Mr. Panetta reported the Board of Public Works has hired a hydrologist for a technological study separate from the City to go beyond the surface 20 feet down.

Chairman McKay stated the agenda for the March 20th meeting includes the application for the section of Showfield along Freeman and Kings Highways; status report from hydrologist Betsy Hicks.

Mr. West stated the report by Betsy Hicks will include a review of the scope of work which will include a model created to identify coastal storm events and conditions in certain areas.

Ms. Edwards provided a map of the study area stating residents have been asked to provide photos from the storms on January 23, 2016 and September 29, 2016.

Mr. West requested the photos show the date and location with any narrative information available. The model will include roads with and without curbs to study surface conditions in the areas; BPW drainage system gaps.

Mr. Crosby reported he attended a two-day Coastal Adaptation Planning Workshop that included discussion of the water level issue. Bethany Beach is having water-level instrumentation devices to measure information 24/7-365.

Mr. West reported the Beebe Medical site plan is being presented to MCC on March 18th; Beebe Workforce Housing submittal will be in the next few weeks; Cape Henlopen School District to submit site plan for Shields Elementary in a few weeks; Anglers/Market coming in for final plan review; new application submitted for corner of Cape Henlopen Drive and Savannah Road.

Chairman McKay stated MCC sent the residential zone recommendations back for discussion for the March 20th meeting. There will also be a follow-up on the water workshop, Sustainability and Resilience Committee and the April meeting schedule.

ACTION: *Ms. Cannata made a motion to adjourn; Ms. Carnahan seconded the motion, which passed unanimously.*

The meeting adjourned at 7:00 P.M.

Respectfully submitted,

Jackie Doherty, Recording Secretary
Lewes Planning Commission