

LEWES PLANNING COMMISSION
Regular Meeting Minutes
March 20, 2019

The regular meeting of the Lewes Planning Commission was held on Wednesday, March 20, 2019 at 6:00 P.M. in the Margaret Rollins Community Center City Meeting Room in accordance with proper notification with the following present: Chairman Drew McKay, Kay Carnahan, Nina Cannata, Mark Harris, Melanie Moser, James Linnen, Sumner Crosby, Thomas Panetta, City Solicitor Glenn Mandalas, City Manager Ann Marie Townshend, City Planner Thomas West, Planning Consultant Savannah Edwards, Ex-Officio City Councilman Dennis Reardon, Tom Owen of the Lewes Board of Public Works, and Recording Secretary Jackie Doherty. Joe Hoechner was excused. Also present were City Councilwoman Bonnie Osler and City Councilman Rob Morgan.

1. Call to Order and Announcements: Chairman McKay called the meeting to order at 6:00 P.M. stating Agenda Item #6 would be deleted since it has already been reviewed. There will be no special meeting on April 10th.

3. Presentation and consideration of a request by Showfield, LLC for a major subdivision to create 86 lots on a tract (SC Tax Map# 335-8.00-46.00 & 53.00 (portion) that is adjacent to Freeman Highway west of Monroe Avenue.

Ms. Edwards reviewed the background information stating the application and site plan were submitted to the City on December 6, 2018 for preliminary consent review.

Review by Ms. Edwards included:

- Description of lot sizes; open space for buffers, stormwater management facilities, and resident amenities;
- Timeline for the application beginning in April 2018 with a proposal to develop 129 single-family detached houses on an 80.6-acre assemblage of parcels to the State for PLUS Review;
- List of information provided as part of the initial application.

Ring Lardner of Davis, Bowen & Friedel was present stating with the reports submitted by Lewes Parks and Recreation Commission and Lewes Board of Public Works, the application is complete for the Planning Commission to set a public hearing.

Mr. Lardner stated he would not give a formal presentation tonight but will submit a brief executive summary to the Commission.

Chairman McKay questioned if the historic property at 223 Monroe Avenue was to be demolished by the developer.

Ms. Cannata stated the structure has already been demolished and questioned if the developer had gone before the Historic Preservation Commission or Building Official for permission to demolish.

Mr. Lardner stated he was not part of the demolition process and could not answer the question.

Ms. Edwards continued with review of Compliance with Adopted Policies including: State Designation, City Comprehensive Plan, City Zoning Ordinance, 197-106 and 197-53(A) Corner Lots, Floodplain Regulations, City Subdivision Ordinance, City Agency Reviews, Considerations: Site Access; Sedimentation and Erosion Control; Wetlands; Utilities, and Historic Structure.

Ms. Carnahan asked what the DRBA has stated regarding the traffic signal at the intersection since they refused the first time it was proposed.

Mr. Lardner stated he has met with the DRBA, but they have not taken a formal position on access. It was determined to allow the TOA to proceed with the Traffic Signal Justification Study for the results to decide if a signal is warranted.

Mr. Crosby asked what portion of County Showfield would be included in the traffic count.

Mr. Lardner stated the study will include a Traffic Demand Model to provide projections of what is coming from County Showfield and other developments on Gills Neck Road.

Mr. Panetta asked about the stub street from Filly Lane stating the subdivision ordinance recommends that all streets be interconnected.

Mr. Lardner stated this would be addressed at the public hearing. Chairman McKay questioned why this could not be answered now. Mr. Lardner stated the purpose of the meeting tonight is to set the public hearing for the application.

Chairman McKay stated there are other steps to be followed before the public hearing is scheduled as included in City Code 170-19 E. There will be a site visit before the public hearing.

Mr. Lardner stated the stub street is stopped at the Junction Breakwater Trail to prevent another intersection at the trail which would cause pedestrian interaction at that location. The cul-de-sac would need to be redone to create an interconnection into the community. The community would need to be asked if they want this connection.

Ms. Carnahan stated the Bay Breeze HOA newsletter from September 2018 states the builder assures there will be a traffic signal at Monroe and Freeman. The newsletter also mentions the possibility of connectivity with DeIDOT to encourage, but not require, street connections to Inlet Place in Bay Breeze and the County portion of Showfield.

Ms. Moser questioned how the stormwater management pond will be accessed for maintenance; will the clubhouse serve only Showfield City; what the clubhouse amenities are; and grading over the southeast side of the trail.

Mr. Lardner stated there will be an easement and a reduction in some of the lot widths to allow a clear path for access to the stormwater pond. The clubhouse will be for Showfield City only since the County section has their own amenities. Except for plans for a pool house, the amenities have not been decided. The trail will be undisturbed.

Ms. Cannata asked if there will be placement of a seasonal light on Cape Henlopen Drive by DeIDOT.

Mr. Lardner stated this would be under the DRBA, they have not been asked, but he will check about the light and if this is a DeIDOT road.

Mr. Panetta stated the Code requires open space to be contiguous, but with the two stormwater ponds, section of trees, amenities, and buffers being included, these requirements would not be met. The ordinance requirement is for adjacent open space to be contiguous with White's Pond also. Although only the left portion has been submitted, from a Master Plan perspective, it would be considered one plot of land. There is the issue that less than one-third of the proposed open space is usable open space and the other open spaces do not protect the viewsheds. Lots #17 thru 21 contain a section of mature trees.

Mr. Mandalas read Section 170-19 (A)-10 of the Code into the record stating the plan can be submitted in phases.

Mr. Lardner stated the open space cannot physically be placed next to White's Pond because of the location of Monroe Avenue and it is important to note that almost every lot abuts open space. This was the basis for how the open space plan was prepared.

Public Comments

Willie Coffey, homeowner in Showfield County and board member of the HOA, stated he only heard about the development of Showfield City two weeks ago, and the most important concern is the traffic from Monroe Avenue into their development. This has already become an issue with traffic coming into the development from Wolfe Run, Hawkseye, Governors, and Breakwater at about 200 to 300 cars per day. There is also the problem of access to the clubhouse for the other 44-home section being proposed; lower property values; dangerous conditions; the concern was also noted in the City of Lewes Area Traffic Study which was processed in 2015-2016 with a date of 2018; estimated 7,000 cars per day on Gills Neck Road in the Summer season.

Carolyn Claypoole, president of the Bay Breeze HOA, stated the concern is a planned access through Filly Lane into Bay Breeze at the Inlet Place cul-de-sac; the alternate route would be the dangerous intersection at the Freeman Highway and Kings Highway split; are there plans to reconfigure the intersection at Mariners Way and Freeman Highway.

Nadine Wick, 124 Madison Avenue, asked if there would be a definite answer for the traffic light at Monroe and Freeman before the public hearing.

Michael Bell, Showfield County lot owner, questioned if Freeman Highway could be widened to four lanes.

Bob Heffernan, 510 Railroad Avenue, stated he attended the Water Workshop where the 100-year floodplain, need for deeper stormwater ponds and enforcement were discussed. These issues need to be addressed before the development moves forward. There are also concerns about Lingo's plans for the additional phase not being presented as deceitful to the Commission and community.

Madeline Lewis, 588 Pilottown Road, stated she is concerned about the plans for the trees located on Lots#17 thru #21 since there is not much open space on the plan and that stormwater maintenance is on open space.

Chairman McKay stated the site visit will be on a limited basis due to problems with the Fishers Cove site visit. There will be no more than three Commissioners at the visit with the developer, and everyone will present their comments at a public meeting. A public hearing will also be scheduled. Following the public hearing, the Commission has 90 days to present their recommendations to Mayor and City Council. Public comments may be submitted on the City website.

Bart Delaney, 30880 Stallion Lane in Showfield County, asked if all subdivision information is available on the City website.

Mr. West stated all information is available on the website including public comments.

2. Presentation and possible action on the minutes from the February 7th and February 20th Planning Commission meetings.

ACTION: *Mr. Panetta made a motion to approve the February 7, 2019 meeting minutes as presented; Mr. Harris seconded the motion, which passed unanimously.*

ACTION: *Mr. Panetta made a motion to approve the February 20, 2019 meeting minutes as amended; Mr. Harris seconded the motion, which passed unanimously.*

4. Status update on Lewes Flood Investigation Project from AECOM Coastal Engineer.

Mr. West stated Betsy Hicks is a consultant with AECOM hired by the City to assist with issues of coastal flooding unique to this area in the context of future developments. Ms. Hicks will review her scope of work tonight. Discussions regarding Ms. Hicks' reports will be included in the Commission's public meetings.

Betsy Hicks began the review with discussion of the following:

- A computer model of Lewes will be developed looking specifically at Fishers Cove and Waterfront Reserve developments that will experience flooding from both coastal storm surge and rainfall; Tower Hill and Harbor Point will be included because of the location near the sites;
- Project timeline is to have a baseline model established by the end of March to test simulated storms for condition changes in the areas post-development; report evaluations end of April or beginning of May;
- Topography; DNREC, NOAA, and Army Corp of Engineers surveys of Roosevelt Inlet and Lewes/Rehoboth canal;
- Use of land-use data to measure how water moves over roads, marshes, impervious surface during a flood event; soil survey data shows to be mostly sandy;
- Hydrology; precipitation and surge flooding events; pre- and-post development models; CMS Flow Coastal Model and Flo-2D Model to compare existing and post-development conditions for storm-surge and rainfall events;
- Request information and photos from residents on Winter Storm Jonas January 2016 and rain event from September 2016 to include in model; simulated events include: 100-year coastal event, 5-year-rain event, 10-year coastal event, 50-year-rain event, 1-year coastal event, and 500-year-rain event; sea-level rise scenarios will be added to the model with these events;
- Report on extent of flooding pre-and-post development; depth and duration of flooding.

Questions for Ms. Hicks

Maryanne Ennis, 50 Harborview Road, asked how the winds are included in the study.

Ms. Hicks stated there is no wind information included in the model.

Mr. Crosby suggested using the water gauge at the Cape May/Lewes Ferry. Also, has the University of Delaware been contacted regarding information from their gauges.

Janice Pinto, 112 Rodney Avenue, asked if only Fishers Cove, Waterfront Reserve, Tower Hill and Harbor Point developments were being considered or if future developments are included in the study.

Ms. Hicks stated it is only those four developments being included for now. The CMS Model may be used for future developments included in the Canary Creek watershed area.

Dave Ennis, 50 Harborview Road, questioned if safety factors and recommendations on evacuation routes could be included in the report.

Ms. Townshend stated the information and conclusions in the report will help when the City requests grants from the Army Corp of Engineers, DEMA and FEMA.

Mr. West stated the Hazard Mitigation Planning Team also discusses many of these issues including access during a storm event and evacuation routes.

Doug Spelman, Samantha Drive, suggested the National Weather Service may have information needed on the Northeast wind to be added to the model.

Ralph Scott, Pilottown Road, stated pictures and information are available on the storms from 1913 and 1962 which was a rain and wind event.

Ms. Hicks stated the changes in land use conditions from 1913 and 1962 need to be considered.

Tim Ritzert, Harborview Road, asked if there is an opportunity for or materials available for residents to become 'citizen scientists' except for providing photos from events.

Judy Rolfe, Henlopen Gardens, also spoke of 'citizen scientists' which was also discussed at a Hazard Mitigation Team meeting. This is something being done now in Norfolk, Virginia. Flood gauges are available to be placed around the City and she will speak further about this with Mr. West.

Janice Pinto stated there was extensive damage to houses in the Fisher Cove area from Hurricane Sandy.

Mr. Panetta stated the Board of Public Works is hiring a consultant to study salt-water intrusion events.

5. City Council referral from January 15, 2019 Public Hearing to re-evaluate portions of the proposed zoning amendments of Residential Zones, submitted as LPC Recommendation 616.

Ms. Edwards provided a PowerPoint Presentation regarding a workshop she and Mr. West held for Mayor and City Council on January 15, 2019.

Ms. Edwards reviewed the six recommendations that Council stated were concerns:

1. Suburban Zone Purpose Statement
2. Adult Day Care Centers as Conditional Use
3. Amend Zoning Code for Accessory Structures
4. Require Lot Averaging in Major Subdivisions
5. Expand Boundaries of Burton Subdivision
6. Eliminate 2.5-acre Tract Size Requirement for Duplexes Within the R-4 District and Allow Conditional Use Only

Ms. Edwards will provide the list from Council to everyone for review and for Mr. Crosby to develop a definition. This will be an agenda item for the April meeting; there is no deadline date at this time.

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

7. Report on February 21st Water Workshop

Ms. Edwards read the water workshop report into the record. Mr. West stated the presentations will be available on the City website.

8. Report on sustainability subcommittee

Ms. Moser reported the subcommittee met on Monday, March 18th to discuss how sustainability measures will impact the economics of Lewes; how to sustain the character of Lewes; water issues from developments being reviewed and approved; existing homes on Lewes town-owned properties; sustainability and transportation issues for developments outside the City limits; possible changes to the subdivision regulations for zoning; possible new ordinance; plans for a public workshop.

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

Chairman McKay requested all Commissioners review the bylaws for changes or updates to review at the organizational meeting on May 15th. Comments are to be sent to Ms. Carnahan and Mr. Hoechner.

Chairman McKay continued stating Mayor and City Council established the HPARC Commission with Mr. Hoechner as a voting member representing the Planning Commission. Other members will include: Barbara Warnell, Philip Franz, Larry Adams, and George Thomasson of the Historic Preservation Commission, and William Landon of the Commercial Architectural Review Commission. Deputy Mayor Fred Beaufait and City Councilwoman Bonnie Osler will be the ex-officio members for 2019.

Chairman McKay will work with the developers regarding organizing the site visit for the Lewes Waterfront Reserve. The developers will be asked to provide four dates, and there will be no more than three Commissioners at each site visit. A public meeting will be scheduled for a review of the visits with no emails or other discussions among the Commissioners. These will be private site visits due to difficulties during the Fishers Cove public visit.

Mr. Panetta reported the Board of Public Works strategic plan has been completed to be finalized and published and contains many issues discussed by the Commission.

Councilman Reardon reported the Volunteer Luncheon will be April 16th in the Rollins Community Center.

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

The meeting adjourned at 8:40 P.M.

Respectfully submitted,
Jackie Doherty, Recording Secretary
Lewes Planning Commission