

**Planning and Zoning Commission Meeting
October 20, 2014 @ 7:00pm**

In attendance were Chairman Bob Linett, Commissioners Jim Koozer, Paul DuCott, and Holly Wingate, URS representative Kyle Gulbranson, Town Code & Building Administrator Eric Evans, and Executive Assistant Matt Amerling.

1. **CALL TO ORDER:** Chairman Linett called the meeting to order at 7:00 p.m.
2. **PLEDGE OF ALLEGIANCE**
3. **ADOPTION OF MEETING MINUTES – June 9, 2014:** Commissioner Holly Wingate motioned to accept the adoption of the minutes from the June 9, 2014, Planning & Zoning (P&Z) Meeting. Commissioner Paul DuCott seconded the motion. Motion was carried 4-0.
4. **NEW BUSINESS:**
 - A. Elections of Committee “Chair” and “Secretary” and terms for each member.

Ms. Wingate motioned to nominate Bob Linett to remain Chairman. Commissioner Jim Koozer seconded the motion. Motion carried 4-0.

Mr. DuCott motioned to nominate Holly Wingate as Secretary. Chairman Bob Linett seconded the motion. Motion carried 4-0.

Chairman Linett stated Mr. DuCott was finishing off Mr. Steve Maneri’s two-year term, so Mr. DuCott has one year left, Ms. Wingate has two years remaining, and Mr. Koozer and he have one year left.

B. To consider a minor subdivision plan application for possible recommendation to the Town Council, submitted by Millville Seaside Properties II, LLC; in Millville by the Sea (MBTS) / Lakeside Village. The applicant is requesting a relocation of lot lines for lots 259 and 260. Synopsis: Millville Seaside Properties II, LLC is looking to expand lot 259 by 2.26 feet and lot 260 by 3.19 feet, and doing so would decrease the open space by 275 square feet.

Mr. DuCott recused himself from this portion of the meeting. Mr. Scott Roberts, of Civil Engineering Associates (CEA), stated this is a minor lot line adjustment for Summerwind Village (not Lakeside Village), lots 259 and 260. Mr. Roberts stated the approximate acreage they are borrowing from the open space would be about 276 square feet (sq. ft.), which, in essence, is about .006 acres, taking the lot area from 10.95 to 10.96 and the overall percentages of open space are still the same.

Mr. Kyle Gulbranson, of URS, stated this is simply shifting the lot line over 3.2 feet into the open space area. Mr. Linett stated he was hoping there could be a pergola, swing or bench in that area – between the right-of-way and open space – which could make the space more usable to the community. Mr. Roberts stated he does not think there’s a bench there because of the entrance being there, but putting something like a bench there is minor and is something he could discuss with his client (Miller & Smith). Mr. Gulbranson asked if the house on the end was just the house style that the owner has chosen which led to the line adjustment. Mr. Roberts stated yes, the lots were reconfigured at one point and now they will be reconfigured again because 1) they are pie-shaped along the curve, and 2) the homeowner came and wanted to expand their patio by three (3) feet, to accommodate the extra 3 feet of patio – and because it is along the curve – the line had to be moved. Mr. Koozer stated because this property owner has chosen to make a bigger house, what are the chances of the rest of the homeowners doing the same thing later down the line? Mr. Roberts stated that is the house model they came up with and it only fits into a certain area within Summerwind Village, and those are the final lots that got tweaked but only because they were along the curve. Mr. Koozer asked if there were any other lots which may be shifted again in the future. Mr. Roberts stated no.

Mr. Linett motioned to recommend to Town Council to consider requesting the developer to put in a capital improvement to require a pergola, bench or something of that ilk on the corner area. Ms. Wingate seconded the motion. Motion carried 3-0. Mr. DuCott rejoined the Commission.

C. Discuss the Town Comprehensive Plan and consider the Town becoming a “Tree City USA,” as well as consideration of adopting an ordinance that would preserve woodlands in future annexations.

Mr. Linett stated this “Tree City USA” is a method to get to the Town’s goals placed in its Comprehensive Plan: 1) Trees providing aesthetic beauty and to provide shade, and 2) To address the comments received from the State at Windhurst Village about preserving trees and how the village should have done a better job. Mr. Linett stated he would like Mr. Gulbranson to explain the avenues the Commission could use to accomplish the goals the Town is looking for.

Mr. Gulbranson stated right now, the State is pushing for municipalities to increase what is being called “the Town’s tree canopy.” Mr. Gulbranson stated the State has gone through and rated the communities on the percentage of tree canopy, and Mr. Gulbranson is not sure if the State has done it for Millville but he will find that out. Mr. Gulbranson stated one of the good things about having some kind of tree preservation ordinance is the State Department of Agriculture has grants that municipalities can get for tree-planting – either along streets or in an open space. Mr. Gulbranson stated the Town has to be aware of what it wants to accomplish with a tree ordinance. Mr. Gulbranson further stated a lot of Towns’ tree ordinances are strictly for trees in public areas (i.e., long streets, parks), and some Towns take it a bit further and they have tree ordinances which only deals with new developments, but it

does not regulate trees in people's yards or trees along the street. Mr. Gulbranson stated he thinks the tree ordinance for a new development would fit pretty well for the Town because Millville is dealing with new development. Mr. Gulbranson stated there is a "tree warden" and "tree committee" in Bethany Beach which evaluates tree removals, etc., but, in Dagsboro, all of these decisions are made administratively and there is no special staff or committee to make decisions about trees. Mr. Gulbranson further stated some Towns – like Rehoboth Beach – contract out an arborist to serve their Town.

Mr. Gulbranson stated Mr. Linett mentioned becoming a "Tree City" and, to do that, the Town needs to have some type of tree preservation ordinance. Mr. Gulbranson stated to have said ordinance, there is a checklist the association has which they would like to see in every "Tree City." Mr. DuCott asked who decides what constitutes a "Tree City:" the State or is it federal government? Mr. Gulbranson stated it is a national organization – the Federal National Arbor Day Foundation. Mr. DuCott asked if there are any federal funds available. Mr. Gulbranson stated no, but there are tree grants available through the State for tree maintenance and planting. Mr. Gulbranson stated he believes this action could be a stand-alone ordinance. Mr. Koozer stated the only thing he finds offensive about a "Tree City" or tree ordinance is the Town has no Public Works Department and there is no way to maintain these trees; and the other side to that is if one limits it to a real liberal policy within a development, that is going to transfer to the homeowner in the form of homeowner association (HOA) costs rising, and Mr. Koozer does not like to see additional costs transferred to the homeowner(s). Mr. Koozer stated the developers will do anything, but, in the end, when the developers are done and walk away, it will be up to the homeowner. Mr. Gulbranson stated he likes the idea presented because the burden is on the developer. Mr. Koozer asked once the trees are planted, who is responsible for their maintenance. Town Code & Building Administrator Eric Evans stated the maintenance would typically be the responsibility of the property owner – the same as if the portion of sidewalk put in front of a homeowner's property is their responsibility when it snows. Mr. Gulbranson stated his experience is DeIDOT does landscaping because it is using federal money to maintain the landscaping. Mr. Koozer asked what about when DeIDOT is done and moved out of the area, who will maintain the trees? Mr. Gulbranson stated one could ask DeIDOT – if they happen to see a DeIDOT worker/truck in the area. Mr. Koozer stated his concern is if P&Z does this as a Town-wide ordinance, then the Town will be stuck with the maintenance. Mr. Koozer stated he would say to make this a conservative ordinance for the developers to "fill in some space." Mr. Linett stated he thinks the Town needs to have a palette to say what types of trees need to be planted and give options as to what can and/or needs to be planted, because, otherwise, there will be inconsistency.

Mr. Linett stated he gets the trouble of leaves falling and branches breaking and the maintenance, but another problem are the trees' roots rising up and breaking sidewalks and curbs. Mr. Linett stated it is these issues which should be a major part of the proposed ordinance. Mr. Koozer stated the other concern is that the Town does not put a burden on whoever is going to maintain the trees.

Mr. Linett motioned to recommend to Council to approve the P&Z Commission look further

into developing a tree guidance and ordinance with the guides being associated with the Design Standards for commercial development along Routes 26 and 17 and consider discovering a new ordinance for new development and annexation. Ms. Wingate seconded the motion. Motion carried 4-0.

5. PROPERTY OWNER/AUDIENCE COMMENTS:

Ms. Sally Griffin, of Huntington Street, stated she does not know what the specifications are for the landscape plans turned in by developers, to be reviewed, but Ms. Griffin is wondering if the specifications need to be tweaked versus another avenue which may be a “quicker, easier fix.” Ms. Griffin stated she would also suggest there be some definitions and/or qualifications to having quality trees planted as well as the amount of pruning necessary. Ms. Griffin stated the Commission should also take into account the types of trees planted and their diseases as some can die out soon after being planted due to the type of air/weather, soil or insect.

6. ADJOURNMENT:

Chairman Linett stated the next P&Z Meeting would be on November 10, 2014. Mr. DuCott motioned to adjourn the meeting at 7:34 p.m. Ms. Wingate seconded the motion. Motion passed 4-0.

Respectfully submitted and transcribed
by Matt Amerling, Executive Assistant