

**Planning and Zoning Committee Meeting
June 25, 2018 @ 2:00pm**

In attendance were Town Manager Debbie Botchie, Town Code & Building Official Eric Evans, Committee Member Peter Michel, GMB Representative Andrew Lyons Jr., and Code & Building Administrator Robin Caporaletti.

1. **CALL TO ORDER**: Town Manager Debbie Botchie called the meeting to order at 2:00 p.m.
2. **ROLL CALL**: Ms. Botchie stated all members are present.
3. **PLEDGE OF ALLEGIANCE**
4. **APPROVAL OF MINUTES - March 9, 2018**
Town Manager Ms. Botchie motioned to adopt the meeting minutes from the March 9, 2018 Planning & Zoning Committee meeting. Mr. Evans seconded the motion. Motion carried 3-0.

MOTION TO ENTER PUBLIC HEARING

Ms. Botchie motioned to go into public hearing at 2:05 p.m. Mr. Evans seconded the motion. Motion carried 3-0.

5. **NEW BUSINESS**
 - A. Public Hearing Notice - Ms. Botchie read the notice.
 - B. Written Comments - Ms. Botchie - There were no submitted written comments.
 - C. Discussion and possible vote on a preliminary site plan for the Bay to Beach Builder's Sales Center, submitted by John Murray of The Kercher Group, on behalf of Deric Parker of E. Gray Investments LLC. The proposed Sales Center is located on TMP#134-12.00-280.00, 35745 Atlantic Avenue and zoned C1. The applicant proposed the construction of a 5,736sf office, sales center and model home for Bay to Beach Builders with a site plan depicting parking facilities, drive aisles, sidewalks and patios to support the proposed use.

John Murray, Project Manager of the Kercher Group introduced himself and Deric Parker, the owner of Bay to Beach Builders. The site plan and application that is before you, is for a proposed 3,560sf design studio with an additional 3 story office/model home for a Bay to Beach product.

Bay to Beach Builders are local, custom home builders, who have been in business since 2003. They are currently operating out of their Greenwood sales office, located at the corner of Route 13 and Route 16. Both Deric and his wife, Carla, are 5th generation Delmarva Peninsula family, who are invested in their local community.

Bay to Beach Builders purchased the property in September of 2017 and identified as tax parcel #134-12.00-280.00 or 35745 Atlantic Avenue. The parcel is zoned C1 and is 44,867sf in size. Bay to Beach Builders had previously obtained a permit to demo of what was the existing dwelling, detached garage and associated infrastructure to establish a new office and design studio to support their home sales closer to the beaches.

During a site investigation by Tom Nobile, a Professional Wetland Scientist and USACE Certified Wetland Delineator with Environmental Resources, Inc., the ordinary high water line of the drainage feature on the west side of the property was flagged as extensive as jurisdictional wetlands. Plans shows location of drainage ditch on the western side of the property.

This Project went before the Town of Millville Board of Adjustment on March 14 for relief on the required 100' wetlands buffer, which was granted by the BOA. The plan illustrates the 25' buffer that was approved and permitted by the BOA.

For the proposed site plan, the Town Code permits a maximum 60% lot coverage based on the actual lot size. For this parcel, that area would be 26,920 sf of the site plan as shown and proposes 19,816 sf of impervious coverage including the structures, proposed patios, sidewalks, parking facilities and driveway, which is 44.2% of the site area. The proposed design studio is single story but the office and model has been made three stories in an attempt to limit the site footprint. Elevations are shown on the plan.

Bay to Beach products are very well-made and uses a lot of Amish labor. The project would be a key element on Route 26 and a very attractive addition to the commercial corridor.

By code, the site is required to have 24 parking spaces serve the proposed use and there are 25 provided. The spaces were placed while considering the Town of Millville's Development Design Standards and Guidelines which requires the parking spaces to be located at the rear of the business. This also helped us at the time we met with the BOA to do our best to limit our impact to the eastern side of the parcel.

Potable water and wastewater collection infrastructure already existed on the site which serviced the former dwelling. There is a new proposed to place a new clean out on the property to serve as waste water collection for the building and there will be a 1" connection for potable water. We anticipate that the model building being 3 stories, that there will have to be sprinklers for that structure so the plan will be updated if the committee acts favorably on this application and will be amended to show additional connections for water which will strictly be the fire suppression.

We have begun detailed designs for the storm water management on site. What is proposed is a very shallow storm water management facility at the northwest side of the property. What we envision for this project is that the water would be sheet feed into very shallow grass swales and directed to the shallowed pond, which will remain dry. At this time, the calculations we performed in the preliminary grading, that area would be 1' deep with 4 to 1 side slips. Very easy for a maintenance standpoint. It would not be so deep to disturb beyond the delineating wetlands on the drainage ditch and tie into the bottom of the drainage ditch. That is something that was very important to us, in so far as eliminating any potential impacts on the site in the event of storm events and if the ditch is half full of water it would not have an adverse impact on the site.

We are anticipating having meeting DelDOT for the site access. As shown on the plan now, the two existing access points that were serving the residential parcel would be closed. The sidewalk and curbing along the frontage, where those entrances were, would be removed. The sidewalk and curbing would be replaced with sidewalks that would be in line with the existing sidewalks. The driveway aprons at the old locations would be removed, and a new entrance on the eastern side of the property, would be designed to be in compliance with

State standards for highway access and providing crosswalks and handicapped ramps. We do not anticipate sending any drainage to DelDOT drainage systems.

We have had preliminary meetings with Sussex Conservation District to discuss the project and in anticipation design of which we received preliminary comments at a pre-submittal meeting and they do not have concerns.

Ms. Botchie asked the committee members for their comments.

Mr. Lyon's comments: Plans were reviewed and one comment letter was sent. We received a full set of revised plans and all those comments were addressed.

Ms. Botchie's comments: Every comment was address and Mr. Lyon sent the final letter dated May 31st that stated that all comments were addressed.

Mr. Evan's comments: 1) Are you going to ensure that the building is above the base flood elevation? Mr. Murray replied 'Correct'. 2) Will the site be certified after the fact, prior to building, for insurance purposes. Mr. Murray said that the Flood Certificate will be obtained. 3) Mr. Evans was very happy with the site and said it looks really nice with what you had to work with. The building would need to have a sprinkler system. Sprinkler systems are required for structure 10,000 sf and/or 3 stories. Ms. Botchie stated that the Town adopted the IRC Code but took out the sprinkler requirement. 4) If the pond becomes a wet pond, if it does, the town will require either an above or earth ramp ?

Mr. Murray replied, the full disclosure, we have done extensive design on this in terms of grading and some in drainage. So right now, the pond's actual grading is very similar to what was on the conceptual grading. What we have now is a very shallow pond that is 1' deep and a very small weir in that. We kept in mind the tie-in location, because again, dealing with any type of drainage feature, if we can get away with tie-in to the bottom of that ditch. This serves two great purposes, it takes the USACE out the process in terms of any potential of encroaching into the wetlands but it also helps us because we can isolate, at least, the drainage system to manage the site's runoff while not worrying about that tail water effect of back flow from the ditch into the site. What you see on the plan, at first is maybe we would have an outlet structure and pipe, and that is not how we are doing it now. We actually have a decent amount of fall to where our tie-in location is now, so we do not envision there being any sort of need in terms of aeration of any type.

Mr. Michel comments: All questions were addressed and it is a nice-looking building, very well done.

Ms. Botchie said as the committee, we have to make sure that you meet requirements of the preliminary site plan review, which you have done, and also have met the requirements of our design standards as well.

Ms. Botchie opened up for public comments.

Residents/Property Owner Comments and Questions

Mr. Moeller of Blue Heron Drive, said he heard at the beginning of the meeting that there was an exception to the 100' buffer required for wetlands. Mr. Murray said by Code, being adjacent to an area where delineation wetlands were ordinarily high-water line in the ditch required a 100' buffer. This property is rather small, 1 acre, and it effectively eliminated much of what could be done on this property. Our client filed an application to the Town's

BOA to make a reduction in the buffer to 25', which was approved in March. Mr. Moeller said it is water under the bridge, but that he didn't understand why would the BOA grant something like that. Ms. Botchie said that the BOA is a separate entity and the Council has no jurisdiction over them.

Mr. Moeller had a little concern with a 3-story building, but again it is just a comment. Mr. Evans replied that it does meet the height requirement. Mr. Moeller asked the nature, in layman terms, of a variance. Mr. Evans replied that when the Town Code was written and they adopted the 100' buffer, they did not take into account all the different lands that are out there that fell within that. What the Town Code basically did was to make this lot, and a couple others lots, unbuildable. So the Town put hardship on that property and said you cannot do anything with your property because we just put an ordinance on you that you must have a 100' buffer. The properties were vexed, but really, it was that you cannot do nothing with it. They said they could go before the Board of Adjustment and the Board says, yes, the town did put a buffer on you which made your lot unbuildable and that is definitely a hardship. The Board of Adjustment gives them a variance to work within. The ordinance was passed in 2007.

Mr. Moeller asked that when we get all built out what are the plans. Mr. Parker said they have been in business 15 years and hope to make it permanent. We do not own communities, we are an exclusively 'on your lot' builder. It is not like we are building in a community and when the community sells out, we pack up and leave and move someplace else. That is not what we do. We intend to there as long as someone will have us.

MOTION TO CLOSE PUBLIC HEARING

Mr. Evans motioned to close the public hearing at 2:18 p.m. Ms. Botchie seconded the motion. Motion carried 3-0.

6. NEW BUSINESS

Ms. Botchie motioned to approve the preliminary site plan and recommend the Kercher Group to move forward with the final site plan drafting for Councils review, which will be at a public hearing again, and the final site plan will have more detail. Mr. Michel seconded, motion passed 3/0 to move forward to the final site plan stage.

7. ADJOURNMENT

Mr. Evans motioned to adjourn the meeting at 2:20 p.m. Ms. Botchie seconded the motion. Motion carried 3-0.

Respectfully submitted and transcribed
by Robin Caporaletti, Code & Building Administrator