

**Planning and Zoning Commission Regular & Teleconference Meeting
October 8, 2020 @ 7:00pm**

In attendance were P&Z Chairman Pat Plocek; P&Z Secretary Marshall Gevinson; (via teleconference) Commissioners Cathy Scheck and Glen Faden; Town Manager Debbie Botchie; GMB Representative Andrew Lyons, Jr.; and Town Clerk Matt Amerling. Commissioner Tim Roe was absent.

1. **CALL TO ORDER:** P&Z Chairman Pat Plocek called the meeting to order at 7:00 p.m.
2. **ROLL CALL:** P&Z Chairman Pat Plocek stated everyone was present except Commissioners Cathy Scheck, Glen Faden, and Tim Roe. Mr. Plocek stated Town Manager Debbie Botchie would fill in for the absent Commissioners in order to have a quorum.
3. **PLEDGE OF ALLEGIANCE**
4. **ADOPTION OF MINUTES**
 - A. September 10, 2020

P&Z Secretary Marshall Gevinson motioned to adopt the September 10, 2020, P&Z minutes. Town Manager Debbie Botchie seconded the motion. Motion carried 3-0. P&Z Commissioner Glen Faden voiced he was on the teleconference and inquired about participating. Town Solicitor Seth Thompson reviewed the Governor's order and stated Mr. Faden could participate and vote via teleconference. Ms. Botchie stepped off the dais, and Mr. Faden and P&Z Commissioner Cathy Scheck joined the meeting via teleconference.

5. **NEW BUSINESS**

- A. Review, discuss and possible vote on a recommendation to Council a change in zoning of a property within the limits of the Town of Millville owned by E. Johnson Holdings LLC, Tax Map Parcel #134-16.00-17.00, totaling 49.98+/- acres located on Substation Road, from the current zoning of AR – Agricultural to R – Residential.

Mr. Plocek stated the Town P&Z members and Council members each received letters from the Millville by the Sea (MBTS) homeowners' association (HOA) board, Mr. Dave Moeller, and Ms. Dianne Archut, but they will not be read this evening as it is not a public hearing. Mr. Thompson stated the letters will be read into record at the Council public hearing.

Mr. David Hutt, of Morris James, stated he is representing the applicant and the property of tonight's application is a forty-nine-point-ninety-eight (49.98) acres and is situated along both sides of Substation Road. Mr. Hutt stated the application is to change the zoning of this property from agricultural to residential. Mr. Hutt stated in any zoning change application – whether here in Millville, in another municipality, or County – there are two (2) primary documents which act as a guide for the Planning & Zoning Commission (P&Z) as they consider to make a recommendation and ultimately with the deciding body – in this case, Town Council. Mr. Hutt stated the two (2) documents are the municipality's or County's zoning code as well as that body's comprehensive plan. Mr. Hutt stated the zoning code doesn't need a lot of explanation but it identifies what uses are permitted within a specific district as well as limitations on uses

of which a property owner must comply. Mr. Hutt stated the second document is the comprehensive plan, which the P&Z plays a role in preparing, and it is required pursuant to Title Twenty-Two (22) of the Delaware Code. Mr. Hutt stated in addition to the statutory requirement of the Town to have a comprehensive plan, the courts have explained and detailed the statutory requirement and noted that “comprehensive plans have the force of law once they are enacted,” which means land use decisions, a change of zoning application or any other land use decision cannot be made arbitrarily or capriciously but instead must be made consistent with that comprehensive plan. Mr. Hutt further stated while the zoning code is important, it is a fairly routine task to look and see if a property has the underlying features that comply with the zoning district in which it has or the zoning district which is being sought for a property. Mr. Hutt stated for example, in the zoning code for residential, you will find certain area and yard requirements which establish minimum areas and sizes; and certainly this property can comply with all of those requirements which are found within the zoning code itself.

Mr. Hutt stated the future of land use is governed by the comprehensive plan and what is set forth in that document the Town has considered, voted on and sent to the Governor’s office. Mr. Hutt stated within the comprehensive plan, there are references to various things the Town considered such as surveys, public hearings and other various factors taken into account for the Town’s future for the next five (5) to ten (10) years. Mr. Hutt stated as the comprehensive plan is one of the key factors for P&Z to take into consideration for tonight’s matter, there are maps from this plan which Mr. Hutt will review. Mr. Hutt stated one of the most significant maps to review is the current zoning map because if you look at the zoning of properties which surround the property up for review tonight. Mr. Hutt stated to the north, west and south, there are lands which are zoned master planned community (MPC), which is Millville by the Sea (MBTS) and those lands are residentially zoned and used. Mr. Hutt stated to the north and the east, there are lands which are zoned residential planned community (RPC), and those lands are residentially used. Mr. Hutt stated to the north there are some other lands along Substation Road, which are all zoned residential, which is the designation the applicant is requesting tonight. Mr. Hutt stated the third map in the plan is borrowed from the State, and it is the State’s strategy map which is for the State’s policies and spending. Mr. Hutt stated the property on this map is almost exclusively a level two (2), although there’s a tiny piece which is level three (3). Mr. Hutt stated the comprehensive plan takes excerpts from the State’s strategies maps and includes that description of what level two (2) means within the comprehensive plan itself. Mr. Hutt stated the State views level two (2) properties as “they can be composed on less developed areas within municipalities; rapidly growing areas in counties that have or will have public water and wastewater services and utilities; areas that are generally adjacent to or near investment level one (1) areas; smaller towns and rural villages that should grow consistently with our historic character; and suburban areas with public water, wastewater, and utility services.” Mr. Hutt stated these level two (2) areas have shown to be the most active portions of Delaware’s developed landscape and serve as transition areas between level one (1) and the State’s more open, less populated areas. Mr. Hutt stated they generally contain a limited variety of housing types, predominately detached single family dwellings. Mr. Hutt stated in these level two (2) areas, State investments and policies should support and encourage a wide range of uses and densities, promote other transportation options, foster efficient use of existing public and private investments, and enhance community identity and integrity. Mr. Hutt stated investments should encourage departure from the typical single family dwelling developments and promote a broader mix of housing types and commercial sites, encouraging compact mixed use

development where applicable. Mr. Hutt stated as was within this definition, level two (2) is probably the most active – as the State has indicated – area within its landscape and the State strategies map. Mr. Hutt stated predominantly what is located in it, you would find the residential uses and as it indicated, it's largely a transition stage between level one (1), where you have your most intense uses such as commercial, and level two (2) uses, which is where you have housing, and level threes (3) and fours (4), which get more rural the further out you get.

Mr. Hutt stated this application was sent to the land use office and it was reviewed on July 22, 2020, by the Delaware Office of State Planning Coordination (OSP) which gets input from various State agencies for a proposed plan for a project. Mr. Hutt stated one of the first items of review – where there is a Preliminary Land Use Service (PLUS) review – is whether or not it's consistent with the State strategies levels and with the Town's ordinances and regulations, such as the comprehensive plan itself. Mr. Hutt stated by letter dated August 19, 2020, the OSP provided its summary of the July 22 meeting, and it states "this project is located in investment level two (2) according to the 2015 Strategies for State Policies and Spending. It is also located within the Town of Millville. Investment level two (2) reflects area where growth is anticipated by local, County and State plans in the near-term future. State investments will support growth in these areas. Our office [OSP] has no objections to the proposed rezoning and development of this project in accordance with the Town codes and ordinances." Mr. Hutt stated this is "unpacking the third map" which is in the Town comprehensive plan, which would have also gone to the OSP for approval. Mr. Hutt stated the fourth map is existing land use and the existing land use for this property is agricultural but when you look at the existing land use and look at the area surrounding the property under review tonight, much of the land shown as being under construction or approved for development are already shown as being residential, which is consistent with what P&Z is considering tonight. Mr. Hutt stated the fifth map is the future land use map which is the most informative in terms of what this parcel may become and this parcel is designated in said map as residential, which again is consistent with what is being requested tonight. Mr. Hutt stated the eighth map, which shows water service areas and it shows the property is in an area where Tidewater provides public water to this site; and the ninth map is for wastewater or sanitary sewer service and it also shows these public utilities are available to the property. Mr. Hutt further stated the tenth map shows environmental features and it's significant because there are no significant environmental features on this property as it's mostly exclusively tilled and there is only a very thin line of woods in one part, so there is nothing to which a rezoning would be detrimental.

Mr. Hutt stated one of the considerations of any type of analysis for rezoning is the impact on traffic and in anticipation of those questions, the applicant met with DelDOT to review the concept plan, and DelDOT provided a list of required improvements and contributions if the proposed subdivision were to go forward. Mr. Hutt stated DelDOT's requirements were a part of the PLUS review process back in July 2020, and DelDOT's thoughts are set forth in the August 2020 letter the applicant received as a result of that meeting. Mr. Hutt stated the comprehensive plan considers numerous factors and one of those factors – whenever a municipality develops its comprehensive plan – is to ensure the plan is consistent with neighboring jurisdictions, which in Millville would include the neighboring towns and Sussex County. Mr. Hutt stated Sussex County designates the areas within towns themselves as a growth area and just outside the towns in this area of the County, the lands are also designated

as a coastal area which is another one of Sussex County's growth areas. Mr. Hutt stated a few of the factors taken in consideration when the County was establishing growth area are proximity to an incorporated municipality or within a municipal annexation area, and this area is within municipal boundaries of the Town; the presence of existing public sewer and public water service nearby, which the comprehensive plan maps show is available; the character of the surrounding development, including proposed development, and that is shown under the existing land use map; location relative to nature preserved lands and there are not any such lands here which would be adjacent to or would impact; location to water bodies, which this property is not adjacent to any water body; and how the area ranks according to Delaware Strategies for State Policies and Spending, and Mr. Hutt has already discussed how the State has this property labeled as a level two (2) area. Mr. Hutt stated having gone through the Town's comprehensive plan as well as its maps, it shows this change of zoning application is consistent with the Town zoning code, the Town's comprehensive plan, consistent with County's comprehensive plan, and consistent with the State's Strategies for State Policies and Spending; and you don't have to take Mr. Hutt's or the applicant's word for the consistency with the Town's comprehensive plan as the Town's engineer at GMB reviewed the application and in the GMB comment letter, they note the proposed development and request for rezoning "is in line with the 2019 comprehensive plan future land use for the above-referenced parcel."

Mr. Tom Ford, of Land Design, stated when Land Design was brought this application, the first thing a land planner does with regards to preparing a conceptual design layout is review the zoning code. Mr. Ford stated during that review for this application, they see it's zoned agricultural and per the Town Code, agricultural sites can only have certain things. Mr. Ford stated they also look at the Town comprehensive plan, specifically the future land use map, which showed the land was considered appropriately to be zoned into a residential. Mr. Ford stated the future use of residential was shown that way on the future land use map, which was not requested by the property owners, but was a decision made through the comprehensive plan drafting process via the Town Comprehensive Plan Committee and approved by Town Council. Mr. Ford stated it was approved as an appropriate review to change due to the patterns of development which were surrounding this land, especially from the farmers' standpoint, which Ms. Dianne Archut (the property owner) has put into the record via a letter to the P&Z Commission. Mr. Ford stated the area from Bethany West to Route 17 was nothing but farm land for a long time so getting in and out of the farms was easy as farmers had multiple plots of land to farm, but it's all been eaten up by MBTS, Coventry, and Bishop's Landing, and it's happened rapidly. Mr. Ford stated the fifty (50) acres which remains out there is a difficult site as it only has small crops, it's not a large site from a farmer's standpoint, and to run the farmer's equipment up and down the roads is getting more hazardous as the area keeps growing; so the farmer is showing a reluctance to continue much longer, and this property would probably be best suited as a residential site. Mr. Ford stated they met with Town officials to discuss the plans the applicant is taking over, also discussing the MPC plan and RPC plan which, if approved, could have more density, smaller lots in the planning. Mr. Ford stated the plan the applicant decided on was the least dense route to go because it was made aware to planners with traffic being the "number one (1) issue," they should stick to the zoning Council had recommended in the comprehensive plan's future land use plan map and move forward so it would result in a plan which would work for the contract purchaser, which it did. Mr. Ford stated to prepare themselves for a little more in depth such as whether the site suits the applicant's needs before going through the whole zoning change process, the planners need to arrange and conduct

surveys, get topography on the site, and they hired environmental consultants from Environmental Resource Inc., which is a consultant that is very knowledgeable to the area, and they assess the wetland situation, the tax ditch situation, the soil situation, and give the planner a cursory feeling of how all those aspects would work on the site. Mr. Ford further stated it came out reasonably positive for the entire site and the planner will be conducting a jurisdictional determination (JD) with the Army Corps of Engineers should the rezoning go through, but the Corps feels like the issue out there is a man-made diagonal ditch they feel is non-jurisdictional, which they will have to be involved with. Mr. Ford stated there are a lot of players in this planning, and there is the subdivision schematic which reviews roads and lots and how the geometrics of the site is going to accommodate these aspects. Mr. Ford stated when this is all done, the applicant goes to DelDOT, reviews the project with the engineers, and discuss the traffic distribution, the land dedications for the road improvements, and the road improvements themselves which are necessary. Mr. Ford stated in this case, there will be a sixty (60)-foot right-of-way (ROW) dedication, an additional thirty (30) feet of ROW easement, which will be broken up on both sides of the sixty (60)-foot ROW, fifteen (15) feet on each side of the road, for pedestrian accommodations which will have a multi-use path very similar to the Coventry multi-use path for the public – and will be connecting into said path.

Mr. Ford stated the frontage of this site is just under one-thousand (1,000) feet and they will have two (2) highway entrances on each side of the roadway. Mr. Ford stated there will be extended improvements about four-hundred-twenty (420) feet split between the north and south of that for the blending into the improvements of Coventry and, as of yet, the improvements which MBTS will be required from a southern portion to the cul-de-sac which is in existence. Mr. Ford stated they will have five (5)-foot shoulders and travel-ways which will also serve as a bike lane use, and they will be widening the pavement section to accommodate a protected left turn lane and a deceleration lane for the entries. Mr. Ford stated there will then be a repaving of the entire roadway surface with a two (2)-inch asphalt overlay after everything else has been base paved. Mr. Ford stated the developer – on top of those improvements in front of the property – is also going to be contributing to other traffic considerations surrounding the immediate area and one of them is a round-about intersection at Burbage Road and Substation Road, which DelDOT is planning; a signal agreement contribution at Burbage Road and Windmill Drive; a signal agreement contribution at Burbage Road and Route 17; and an area-wide study contribution, which is the planning and studying of these elements which need to go into that area for their improvement. Mr. Ford stated one of the concerns he read in the letters submitted was the interconnectivity issues surrounding this particular site and the interconnectivity is something DelDOT requires, the comprehensive plan requires, and the Town requires as it's in the zoning code. Mr. Ford stated there is some variability to the connectivity – especially with Coventry – where they did want a vehicular connection and the applicant has reduced it to a bicycle and pedestrian connection, but there will be a vehicular connection which will be stubbed. Mr. Ford stated the design is only conceptual so it could change in its location exactly where it's going, but the concept will be a connection which meets up with Bishop's Landing and there will be a connection on the left side which meets up with Summerwind Boulevard, which will be a road that connects to Route 17. Mr. Ford stated these are items the concept plan “brings to light,” and in most cases of rezoning, people want to see what the applicant wants to do with the property under review. Mr. Ford stated they want to abide by the decision which was made in the future use plan as residential, and they can talk more about the actual plan if and when they move into that phase of this application. Town

Solicitor Seth Thompson stated while the meeting is not a public hearing and members of the public cannot speak before citizens' privilege, Ms. Archut is able to read from her letter as being a part of the application.

Ms. Dianne Achut stated she is the property owner of the parcel up for discussion this evening, she is the co-owner of E. Johnson Holdings – along with her son – and this is a letter she and her husband composed trying to explain how they feel about their property. Ms. Archut stated the property has been in her family for close to one-hundred (100) years as her grandfather had it, and when he died, Ms. Archut's mother inherited the land; and upon her death, Ms. Archut inherited it. Ms. Archut stated she is from here and she's been here all her life, so she knows the property well. Ms. Archut stated the viability of farming is diminishing with time. Ms. Archut stated as can be seen from the Town's current zoning map, this parcel will ultimately be surrounded by developments. Ms. Archut stated it is their belief all of most of the farms in the Town have already been sold or are under contract for development and are zoned residential. Ms. Archut stated farms are continuing to be sold for development in the area surrounding the Town. Ms. Archut further stated this makes travel time longer and more difficult for the farmer as he tries to move his oversized equipment to and from the site on roads which are heavily traveled, have no shoulders and are narrow. Ms. Archut stated the farmer already travels one-point-two (1.2) miles from the next closest farm that he cultivates to the parcel being discussed tonight. Ms. Archut stated to make this journey, the farmer has to take special care in moving his large equipment to the farm to plant, cultivate and harvest the crops by avoiding peak traffic times; and the further he has to travel, the less cost and time effective it is to farm it. Ms. Archut stated the farmer has told them the quality of the farmland and the yield from the farm is only average, and eventually it will become unviable to farm the parcel. Ms. Archut stated they owned a small parcel in Ocean View and it became unviable for the farmer to farm it. Ms. Archut stated when the farmer stopped farming the Ocean View parcel, they were responsible to cut the grass to meet the town's code, which meant sending someone on a tractor with a bushhog to cut the grass every two (2) weeks during the summer season. Ms. Archut stated it was a very costly burden to maintain a pastoral view for the enjoyment of neighbors and motorists driving by. Ms. Archut stated eventually, the only logical choice was to sell the property for a single family home subdivision, and they anticipate the same outcome in Millville if the land can no longer be practically farmed. Ms. Archut stated they would also like the Town to consider the parcel originally consisted of seventy (70) acres, but Ms. Archut's mother sold twenty (20) acres to the developers of MBTS to be used in conjunction with their own land. Ms. Archut stated those twenty (20) acres were rezoned residential and became part of MBTS's subdivision plan. Ms. Archut stated this evidently was acceptable to the Town. Ms. Archut stated it is their understanding the County's comprehensive plan encourages development to occur in "growth areas" where services are provided, which include the coastal area, town centers, and municipalities. Ms. Archut stated the Town's recently adopted comprehensive plan shows the future land use of the parcel as being "residential." Ms. Archut stated they ask the Town approve the request of Stafford Street Capital LLC to rezone the land for single family development. Ms. Archut stated they feel like Stafford's proposal is in character with the surrounding development and will meet all the requirements of the regulatory agencies; and she thanked the P&Z Commission for its consideration. Mr. Hutt stated the question this evening is whether the request to change the zoning of this parcel is consistent with the zoning code and comprehensive plan, and based on the presentation given by himself, Mr. Ford and Ms. Archut, they believe the answer is yes as it "checks every box" and is

consistent with each of the maps in the comprehensive plan, as well as the State strategies map.

Mr. Andrew Lyons Jr., of GMB, stated he reviewed the request for the amendment to the zoning map and this is a two (2)-part process as tonight is a recommendation from P&Z to Council to approve or deny the request for a zoning change, and at the Council meeting, there will be a public hearing. Mr. Lyons stated in extensively reviewing the application with the comprehensive plan and especially the future of land use map, as stated in the plan, the future land use map is incorporated as part of the plan and provides the foundation for decisions regarding land use and zoning. Mr. Lyons stated it is upon the plan's adoption it will also serve as an informal document to the public as a rational basis for Millville's land use decisions and policies. Mr. Lyons stated the P&Z has seen his comment letter, which has the applicant requesting a change of zoning from AR – Agricultural to R – Residential. Mr. Lyons stated the property is surrounded by residential zoned properties of a heavier density as it's surrounded by MPC and RPC properties. Mr. Lyons stated the applicant has requested residential, so it is a request which is in line with the comprehensive plan and in line with the land use which is around the property on a planning purpose. Mr. Lyons stated one of the items which is very big in a request of zone is you're not recommending it on the plan but on the use which can be. Mr. Lyons stated the only permitted uses for a residential district are single-family detached dwellings, but not including single- or double-wide mobile homes; churches, rectories, parish houses, convents, monasteries, temples, synagogues and other places of worship; cemeteries; and public and private park lands, forest, wildlife reservations or similar conservation projects. Mr. Lyons stated the request for zoning is based off these uses.

Mr. Thompson stated Mr. Lyons is correct the Council will be the final deciding body on this request, which is why there will be a public hearing at the Council meeting. Mr. Thompson stated rezonings do need to be consistent with the comprehensive plan in addition to State Code Title 22, Chapter 3, in the case as the Town is considering the matter, the Town needs to think about promoting the health, safety, morals and general welfare of the community, which is often broken down with respect to regulations and lessening congestion in the streets; securing safety from fire, panic and other dangers; promoting health and the general welfare; providing adequate light and air; preventing the overcrowding of land; avoiding undue congestion of population; and facilitating the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. Mr. Thompson stated in the Town Code itself, it discusses as the purpose of the zoning ordinance, which would include the Town's zoning map, to preserve the unique characteristics of the Town of Millville as a family-oriented community situated within a rapidly expanding resort area. Mr. Thompson stated it is important to think of the rezoning as dealing with the district which is being applied to the property and it's important to think of what is going on said property, especially if you think of the items he just reiterated from Title 22. Mr. Thompson stated if the property is rezoned, the applicant would have to go through the usual process for a subdivision site plan.

Mr. Gevinson stated based on the information presented, he doesn't have any questions. P&Z Commissioner Cathy Scheck stated she knows this is a sensitive issue for existing residents and the Town, but from Ms. Scheck's perspective, the reality of where this property is located, it makes perfect sense for the zoning to change. Ms. Scheck stated the property is kind of land-locked and the ability to farm it is no longer easy or successful as it once was; and the Town doesn't want a dust pile floating around there as time goes by. Ms. Scheck stated she thinks the

P&Z needs to take a look at the comprehensive plan, look at agricultural land and maybe perhaps some future protection should occur; but, as it relates to this particular parcel, Ms. Scheck is comfortable with the rezoning and she recommends moving forward with it. Mr. Faden stated he doesn't have any questions but fully shares Ms. Scheck's sentiment. Mr. Plocek stated we'd all like to see farmland stay in the area but, in this instance, it's very clear the comprehensive plan showed this parcel to be future residential and the rezoning is in compliance with the plan's future land use.

Mr. Gevinson motioned to recommend to Council for approval the change in zoning of the property, located on Tax Map Parcel #134-16.00-17.00, from AR – Agricultural to R – Residential. Mr. Faden seconded the motion. Mr. Faden voted yes. Ms. Scheck voted yes. Mr. Gevinson voted yes. Mr. Plocek voted yes. Motion carried 4-0.

- B.** Review and discuss a concept site plan submitted by E. Johnson Holdings, LLC, located on Substation Road; Tax Map Parcel #134-16.00-17.00; consisting of 49.98+/- acres.
Proposed project: 135 Single-Family Units
Subdivision
Synopsis: The applicant wishes to discuss the concept site plan for the project with the Commission before submitting the preliminary site plan to get feedback, comments, and recommendations.

Mr. David Hutt, of Morris James, stated as mentioned in Mr. Lyons' and Mr. Thompson's comments from the first item on tonight's agenda, the change of zoning application is the first step in the process and if the applicant is successful in the zoning change, the subdivision site plan review would come back before P&Z and Council. Mr. Tom Ford, of Land Design, stated the applicant will be doing improvements just up to about two-hundred-fifty (250) feet each way, which tapers the widening into the existing conditions out there. Mr. Ford stated as you are traveling south, coming from Burbage Road, there will be a left turn lane so other traffic can "slide right on by" as there is a "stacking" area for those vehicles turning left. Mr. Ford stated there is also a deceleration lane on the side for right turns. Mr. Ford stated most of the traffic is being generated as DelDOT has figured on the volumes which are on the road today, and there is a split of sixty-eight percent (68%) of the traffic is traveling north, while forty-two percent (42%) is traveling from the south. Mr. Ford stated the design here takes those numbers into consideration in the course of putting the road together. Mr. Ford stated the widening will have a sixty (60)-foot ROW, which is the inside along Substation Road, and there is a line outside it which encapsulates another fifteen (15) feet on each side; so there is about a ninety (90)-foot ROW but the fifteen (15) feet are called easements as they're not really ROWs but owned by the community, but allowed for public use because the multi-use paths will be put there. Mr. Ford further stated it's similar to what Coventry has just north of the property. Mr. Ford stated they additionally placed a twenty (20)-foot landscape buffer on each side of that before they get to the backs of the lots. Mr. Ford stated most of these lots are about one-hundred-fifty percent (150%) larger than their adjacent community; as shown in Coventry where the lots are basically five-thousand (5,000) square-feet, whereas this community's minimum on a residential zoning – and not a RPC or MPC – is seventy-five-hundred (7,500) square-feet but the average is about eighty-five-hundred (8,500) square-feet. Mr. Ford showed the different style designs of the homes being offered. Mr. Ford stated they feel like they can accommodate the parking and a play area for kids, and it's a little more expansive of a residential lot than the surrounding lots,

which is also a marketing tool for the builder in this particular area. Mr. Ford stated this community will be totally walkable and “bikeable” as there are sidewalks in front of every single lot, there are crosswalks, and – this will have to be worked out with the HOA in Coventry – it is intended to have a ten (10)-foot-wide bicycle/pedestrian improved area which can be used for golf carts between this community and Coventry. Mr. Ford stated part of the Town’s comprehensive plan is to have neighbors get around so as they are connected and not cut off from each other; and the circulation system becomes important for said connection. Mr. Ford stated the connection with Bishop’s Landing will be a regular road with shoulders, curb, landscape, etc. Mr. Ford stated there is also a connection to Summerwind Boulevard, which eventually will go all the way out to Route 17. Mr. Ford stated this all gives quite an ample space on the outermost east end of the property and ample space on the west side of the property, and the applicant is going to be bringing up the grades, sending stormwater back to the appropriate areas for holding, treatment and so forth. Mr. Ford stated this particular space happens to be at the high point of the Whites Creek Watershed and the Beaver Dam Watershed; and the high point splits from about diagonally across the site. Mr. Ford further stated the ditching on the one side travels the one way to Beaver Dam, and the ditching on the other side travels easterly to Whites Creek. Mr. Ford stated the water will be treated and will be taken into consideration regarding pollution control, and there are quite a comprehensive set of standards to meet with from the Soil Conservation District (SCD) in order to get the permit.

Mr. Ford stated in addition to this, the applicant has reserved some common area which is centrally located so as a person drives in, they will come into an area which will have a nice common area, and the applicant is looking into amenities, which Mr. Ford knows are not on this concept plan, but they are looking at a minimum of a pool house, a pool structure and deck, and most likely those will go in the larger area. Mr. Ford stated these are nice products the applicant plans to put on this property, it will meet all Town codes, it will provide multi-use paths for the public, and it will provide for stormwater management. Mr. Ford stated some of the applicant’s due diligence is talk with the tax ditch people about the ditches and they are still reviewing the comments. Mr. Ford stated they have spoken to stormwater management and the applicant has done calculations for the sizing of the facility needed to support the anticipated runoffs and treatment thereof. Mr. Ford stated the applicant has made contact with Sussex County Engineering for service availability and there is a very deep manhole at the entrance area as well as a lift station right down below the property for the County. Mr. Ford stated this property was designated to – from the sewer standpoint – have much more EDUs than what they’re going to be allocated to it. Mr. Ford stated the applicant also sought utility service providers and they’ve received “willing and able” letters to serve the proposed community; and they include Tidewater Utilities, the Millville Volunteer Fire Company (MVFC), Mediacom, and Delaware Electric Co-op. Mr. Ford stated regarding the suitability of the land, the applicant has taken the stormwater and out falls into consideration; they are compatible to the residential communities adjacent to the property; they are proposing roadway improvements which are adequate and appropriate to handle the traffic not only which will be generated from this community; and fortunately there is no impact of forest areas. Mr. Ford stated the houses themselves will be built to present building codes, as well as the 2018 International Energy Conservation Code, so, from an energy standpoint, the appliances and equipment used in the house will all meet those codes.

Mr. Lyons stated he has reviewed the concept plan for the requirements listed in the Town Code

and the comprehensive plan, and his letter has been sent to P&Z. Mr. Lyons stated the proposed development has entrances on Substation Road with the two (2) stub streets. Mr. Lyons stated the stub streets are there because interconnectivity is required by Town Code, as well as the comprehensive plan, and the recommendations where the Town is not having isolated communities. Mr. Lyons stated they are also from a safety issue so emergency personnel will be able to get from place to place. Mr. Lyons stated looking at the MBTS vehicular circulation map, right next to Summerwind Boulevard, which is classified by the developer and by the Town as a collector road, meaning it's one of the main arteries going through MBTS. Mr. Lyons stated according to the Code, it is where when a plan comes in on an adjacent property, any connector road has to have ways to tie in, and this connection is also good in that it's near the entrance to Route 17, where it is shown now by the developer; and will not impact most of the smaller streets inside MBTS. Mr. Lyons stated this will allow for connection to go both ways for people on Summerwind Boulevard to use the connection through this development, traveling on their way to Fenwick rather than going up and around through the rest of the development. Mr. Lyons stated regarding the other connection which is to MBTS from Bishop's Landing, this is a concept plan and it is his recommendation the developer here and the new developer for MBTS meet on where the location would be best for the connection will be. Mr. Lyons stated another aspect he's noticed on the concept plan is sidewalks and he knows, according to Mr. Ford, they will be placed everywhere, and per Town Code, both sides of each street must have a sidewalk. Mr. Lyons stated the only other item he had the applicant already addressed regarding the architectural plans.

Mr. Faden asked where the amenities will fit into this plan. Mr. Ford stated the parcel has two (2) green spaces on both sides of the road for each development, and in the center green space, there is plenty of room on the eastern side to put a clubhouse and pool within that open space. Ms. Scheck stated she thinks it's important to have adequate, significant amenities, not just from a sales standpoint, but also just for an "overall Town standpoint" so there are things people want to do within their own community, which will help with the traffic and congestion. Mr. Gevinson stated in order to sell homes, you want to attract people to those homes, and amenities are the key features of the community because what can you do in your own community without having to leave? Mr. Gevinson stated dog parks, pools and clubhouses kind of go together and if you have bigger homes, they will cost more money, and to spend the money, you want to have amenities in a particular area which you can use. Mr. Plocek stated when the applicant is looking at a pool and clubhouse in the particular area they noted, the applicant also needs to consider – which he currently doesn't see on this plan – where the mailbox kiosk will be located, and the applicant also needs to consider whether there's one on each side of the road or one central kiosk; but they also need a pull-off area and parking area for people to get their mail or otherwise, people will be parking out in the road while they get their mail. Mr. Plocek stated the post office will require the developer to put at least one central mail station in the community as they won't allow for individual mailboxes at each house. Mr. Plocek stated in the open space and around the pond areas, the developer needs to look at consideration of adding walking paths and reforestation of some of these open spaces to try to get some forest area back in there. Mr. Plocek stated he will get in touch with the Coventry HOA to get comments back to the applicant regarding the connector trail through Coventry.

- C. Review, discuss and possible vote on recommendation to Council a sketch plan for a Master Planned Community (MPC) submitted by Christopher at Millville LLC for the

Hudson Property, located at Tax Map Parcel #134-15.00-115.00, consisting of 41.51 acres, and currently zoned MPC. *Synopsis:* The applicant is proposing a MPC subdivision consisting of 122 lots and one commercial lot.

Mr. Ron Sutton, of Civil Engineering Associates (CEA), stated he is representing the applicant for Summer's Edge Reserve, which was annexed into Millville around 2006/2007, being zoned MPC, and it was originally planned to be a part of Millville by the Sea (MBTS). Mr. Sutton stated sometime around 2015 or so, MBTS decided they weren't going to buy the land, so now Christopher Companies is the contract purchaser of the land. Mr. Sutton stated they are proposing one-hundred-twenty-four (124) residential lots, with a mixture of home types such as fifty-two (52) single family houses, fifty-two (52) twins/villa lots, and twenty (20) carriage/alley lots, similar to what is in MBTS's Sand Dollar Village 2. Mr. Sutton stated Christopher Companies has built a lot in MBTS, they are currently working on Sea Breeze Village, and a lot of that type of product is what Christopher is looking to do with Summer's Edge. Mr. Sutton stated the site is forty-one-point-five-one (41.51) acres and they have one-point-six-four (1.64) acres of wetlands which is unique because most of Millville doesn't have wetlands. Mr. Sutton stated they have some right-of-way (ROW) dedication they have to do and they are proposing one-point-nine-three (1.93) acres for a commercial lot. Mr. Sutton stated to comply with the master plan regulations, the applicant has to have "some employment-type features." Mr. Sutton stated regarding green space, the requirement for a MPC is thirty percent (30%) and the applicant is proposing around forty-five percent (45%), which may change based on design as the applicant moves forward. Mr. Sutton further stated the commercial is required to have twenty-five percent (25%) green space and his records show they have about seventy percent (70%), which he doesn't know if he agrees with it, but they will definitely have the twenty-five percent (25%) when it's all said and done. Mr. Sutton stated they are required to have twenty (20)-foot buffers for all different zoned lots, meaning wherever the applicant abuts a piece of property which is not zoned MPC, they will have a twenty (20)-foot buffer. Mr. Sutton stated they are proposing a twenty-five (25)-foot buffer from the tax ditch which runs alongside the property runs back to Beaver Dam Canal tax ditch and then crossed over across the road, also wrapping back to the Beaver Dam tax ditch. Mr. Sutton stated there is the original recreation area showing fire pits, a pool, some walking area, picnic tables and grills, a pool house and a yoga lawn. Mr. Sutton stated as a master planned project, the applicant has the right to request certain things, which is why the applicant is here tonight – to present the items they are requesting for the project.

Mr. Sutton stated a few of the items the applicant would like to do is on the sections where there is a dead-end street and is less than two-hundred (200) feet, according to the State Fire Marshal, you don't need a turn-around for anything less than two-hundred (200) feet; so, the applicant is requesting the same consideration from the Town. Mr. Sutton they added one to the north even though it was just under two-hundred (200), but all are under two-hundred (200). Mr. Sutton stated he knows Mr. Lyons said sidewalks were required on both sides of the street, but the applicant is requesting no sidewalks on the stub streets. Mr. Sutton stated they think it reduces impervious surface, helps with creating more green space, and Mr. Sutton doesn't think it decreases from any walkability as there are only eight (8) houses along these stub streets, there are crosswalks and there's plenty of walkability without having sidewalk wrapping all the way around each one of these sections of homes. Mr. Sutton stated the other request on page two (2) is consideration for modifying the pavement. Mr. Sutton further stated in the last year or so,

DelDOT has changed its regulations on pavement, so the applicant has to put Graded Aggregate Base Course (GABC), which is stone; a layer of B-course, which is your binder course; and two (2) layers of course now. Mr. Sutton stated when MBTS started, they only had to put one layer of course because it didn't have to be as thick as it does now. Mr. Sutton stated they are not asking for the change up front, but are asking for consideration if the applicant does the testing procedures in DelDOT's guidelines, which will allow the applicant to analyze the road base to get rid of under drains and to change pavement sections. Mr. Sutton stated they are asking to put something in place which will make it an easier process than going back through either P&Z or Council to change the pavement sections if the testing is favorable. Mr. Sutton stated in some cases – like they just did on Sea Breeze Village – the testing was very favorable as it complies with DelDOT standards for removing underdrain, it complies with the modifications of the pavement section, and the applicant is asking for the same consideration here. Mr. Sutton stated there are really three (3) stormwater ponds proposed, one of which is in the commercial section, and one will drain down through a swale and another discharge into the tax ditch, just before it crosses the roadway; and there will be a proposed stormwater management feature. Mr. Sutton stated they have almost two-thousand (2,000) linear feet of road here, and Roxana Road/Rt. 17 is in pretty good shape, but they will have to put in their turn lanes to make both their left and right turn lanes into the subdivision. Mr. Sutton stated they also have to put the shared use path all around two-thousand (2,000) feet, which is close to half (1/2) a mile of pavement. Mr. Sutton stated the applicant will have left and right turn lanes at the entrance and they are still in negotiations with DelDOT regarding what the applicant is doing with the intersection and whether it's going to be a roundabout or an intersection with just a right turn lane and a pass through. Mr. Sutton stated the applicant does have to do a traffic impact study (TIS) and right now, they have the TIS scope completed so they know what they have to study; but what they don't have yet is the approval from DelDOT to do the TIS and that's due to COVID, which has shut down any TIS work. Mr. Sutton stated because of this, DelDOT has allowed the applicant to move forward with the residential piece, without the TIS, because that doesn't compact the traffic numbers as much, but it's the commercial piece which "kicks us over" the traffic and requires the TIS.

Mr. Lyons stated this is a master plan sketch plan and this is the first step of the sketch plan, which, if recommended tonight, will go before Council as a public hearing. Mr. Lyons stated the sketch plan is the first step of the master plan, of which everything is then reviewed off. Mr. Lyons stated everything the applicant is requesting tonight for those master plans elements – those recommendations either to approve or not approve those requested items or add additional – will go to Council. Mr. Lyons stated if those items are approved at that point, they become what is reviewed for the rest of the development. Mr. Lyons stated he went through the requirements and the land is already zoned MPC. Mr. Lyons stated part of the zoning in a MPC, there are no setback requirements in the zoning code, which is planned at this stage of the sketch plan; and it's supposed to be reviewed against surrounding developments such as MBTS and Coventry, which respectively are a MPC and RPC, and those had to go through the same requirements. Mr. Lyons stated in looking at the master plan elements which the applicant is looking for and requesting, they have their lot types such as a single family, duplex, alley loaded. Mr. Lyons stated he looked at the lot sizes requested, and single family lots are in line with other developments in Town; the alley loaded lots are the same as what is in (MBTS's) Sea Star Village now, so they are in line; and the duplex lot size is kind of a new item as it's in (MBTS's) Village 8/Sea Breeze Village but it's got very strict regulations on multi-family

attached houses. Mr. Lyons stated there are a couple of items listed on here which Mr. Lyons recommends are not applicable such as one-point-three (1.3) and one-point-three-one (1.31) which are kind of redundant to have them in writing; the ROWs are shown on the master plan and it's kind of confusing with neighborhood designs so it's not clear and Mr. Lyons doesn't think they're needed on the master plan elements as a recommendation. Mr. Lyons stated looking at the minimum lot widths, lot frontage, rear yard setbacks and side yard setbacks, single family and alley loaded are in line with MBTS and Bishop's Landing as well as the residential zoning code, which does have blanket standards. Mr. Lyons stated the seven (7)-foot side yard setback is what is required in residential; and the rear yard setback is very much in line with a MPC and MBTS, where if it's rear-loaded with a garage, it has a different setback. Mr. Lyons stated back-to-back lots are all good things to widen the setbacks when houses are back together. Mr. Lyons stated he has no problem recommending those items. Mr. Lyons stated duplexes are a little different as the Town does not have anywhere which has a duplex with which to compare it, besides MBTS which does not have any definition of duplex but is any attached family homes. Mr. Lyons stated these are still in line with the single family lot as the side yard setback is seven (7) feet. Mr. Lyons stated the applicant meets all zoning requirements for parking – they actually go “above and beyond.” Mr. Lyons stated regarding the permanent easement, it will be required by DelDOT, so it's number four (4). Mr. Lyons stated regarding the green area, Mr. Lyons has reviewed the requirements, which they meet the MPC code. Mr. Lyons stated he will review number six (6), which is more of an engineering issue for Mr. Sutton, and those changes don't go to Council afterwards; so Mr. Lyons wouldn't put it on the plan here as it will lock in the applicant for any changes there. Mr. Lyons stated number six-point-one (6.1), streets with less than ten (10) lots do not have sidewalks; but, as Mr. Lyons stated, it is in the Town Code and is in the comprehensive plan about walkability. Mr. Lyons stated it is for consideration but what the Code says is the applicant is allowed to request things which don't apply with the Code and they don't have to go to the Town Board of Adjustment (BOA) at this point because it is a MPC, so the request is allowed at this point, even though it's not in compliance with the subdivision section. Mr. Lyons stated they are requesting a MPC buffer of twenty (20) feet when abutting differently zoned parcels, and Mr. Lyons believes right now there are no parcels which are zoned differently; but in case anything does get rezoned, it's good to have the buffer in there. Mr. Lyons stated regarding wetland buffers, the applicant is requesting twenty-five (25) feet and the Town Code is a little ambiguous on wetland buffers as the wetlands definition goes to the Delaware Department of Natural Resources and Environmental Control (DNREC)'s definition, which is for State wetlands, and the request is more than what is required right now. Mr. Lyons stated regarding the tax ditch buffer, the applicant is requesting twenty-five (25) feet and Town Code says whatever the ROW is, which is on all adjacent properties, so the ROW goes to the top of the bank and the applicant is asking for twenty-five (25) feet beyond that, and it's good planning. Mr. Lyons stated regarding mailbox design, they plan on following the same design MBTS has. Mr. Lyons stated regarding the commercial density, this is showing the allowable density and what the applicant is requesting; so they meet the density requirement. Mr. Lyons stated he reviewed the typical lot layouts and these are very typical to other developments in the area zoned MPC and RPC. Mr. Lyons stated this sketch plan has a lot of extra information, there are some sheets in the plan which are not applicable at this time as this is almost a concept-level plan so everything builds from this point on.

Mr. Faden asked, regarding the commercial section, whether truck deliveries from big trucks

will be able to maneuver in the parking area. Mr. Lyons stated this is the sketch plan so while there is commercial shown, the applicant will still have to go through preliminary and final site plan approvals for those areas. Mr. Lyons stated the stub streets shown which are less than the three-hundred (300) feet – two (2) of which are located at the bottom – have been reviewed and compared them to other similar stub streets in Town, and it is allowed by Code to request not to have a turnaround on those stub streets. Mr. Lyons stated this sketch plan will be going before Council as a public hearing. Ms. Scheck stated she wanted to make sure the pool size is adequate for the amount of homes going in this community because pool size matters and even though it only affects a few houses, it is important as a safety issue to provide adequate sidewalks in a MPC. Mr. Plocek stated he has the same concerns as Ms. Scheck and he would recommend sidewalks be put on all streets because, having a young grandchild and walking them in the street, even though it may be a short distance, is a major safety concern. Mr. Plocek stated his recommendation would be not to recommend approval of item six-point-one (6.1) to Council.

Mr. Sutton stated his understanding is because this is a MPC-zoned project, the applicant has the right to negotiate or discuss these items as it's a "give-and-take" type meeting. Mr. Plocek stated he understands but this is just a recommending body and Council are the ones the applicant should negotiate with in terms of these items. Mr. Sutton asked if the applicant agrees to put sidewalks on one side of the stub streets, would that be something P&Z could recommend? Mr. Plocek asked what the requirement of the State is for its streets in subdivisions? Mr. Sutton stated County requirements are on only one side of the street. Mr. Thompson asked what the benefit is for not having sidewalks on both sides of the street. Mr. Sutton stated not having sidewalks on both sides will provide more green space on the stub streets, and it's less impervious for stormwater; but he understands what Mr. Plocek is saying about the concern with little children. Mr. Lyons stated looking at the Delaware Coordination Development Manual, DelDOT requires sidewalks on both sides of subdivision streets; and it doesn't mean sidewalks would have to wrap all the way around so the dead end portion would not need sidewalks, but they would be required on both sides. Mr. Gevinson stated for the amount of lots in here, if the pool on this plan is to scale, the pool is awfully small for this development. Mr. Sutton stated they will look into it to make sure it is sized appropriately, but they're trying to get their master plan development standards put in place first. Mr. Plocek stated on the northeast side of the community, the applicant currently has a trail system tying into Sea Breeze Village, which is very nice, but Mr. Plocek would look into a gravel walk of some kind accessing from the road so people who aren't residents and take that trail aren't going through this subdivision to get to that trail.

Ms. Scheck motioned to recommend to Council for approval the sketch plan for a Master Planned Community (MPC) submitted by Christopher at Millville LLC for the Hudson Property, located at Tax Map Parcel #134-15.00-115.00, with the suggestion of deleting item six-point-one (6.1) and requiring sidewalks on both sides of all streets. Mr. Faden seconded the motion. Motion carried 4-0. Mr. Plocek called for a five (5)-minute recess.

6. CITIZENS PRIVILEGE

Mr. Dave Moeller, of Blue Heron Drive, stated he would like to read the Millville mission statement, "To ensure a sufficiently high quality of life for current and future residents; grow in a manner consistent with current Town values; protect the environmental quality of resources

located within Millville and in the surrounding area; provide for and protect existing open space areas within the community; and target development in areas where services can be provided at the least cost and in the shortest time possible.” Mr. Moeller stated he doesn’t think it’s coincidental the Town lists target development as the last item amongst the components of their mission statement. Mr. Moeller stated he was present at all of the comprehensive plan meetings and they were advised at those meetings that the plan is a tool to guide the future of the Town. Mr. Moeller stated they were never advised any part of the comprehensive plan would be virtually irreversible and would carry the weight of law. Mr. Moeller stated there’s nothing in the comprehensive plan which states the future land recommendations will have the effect of law. Mr. Moeller stated following this strategy is basically taking away the public’s right to be heard on rezoning issues and frankly it’s an underhanded way to avoid the public and do as you please. Mr. Moeller stated his question for the Town Council is if they were aware of that and, if they were, it should have been made known to the public; and if Council wasn’t aware of it, shame on them. Mr. Moeller stated the comprehensive plan itself should not be used as an argument in favor of a rezoning request. Mr. Moeller stated any rezoning request should stand on its own merits. Mr. Moeller further stated as such, the Town should not even consider any site plan prior to determining rezoning. Mr. Moeller stated as Mr. Thompson and Mr. Lyons alluded to, we need to keep in mind the only question before the Board and before the Council should be property rezoning. Mr. Moeller stated the developers are under no commitment or no obligation to go through with the site plan which has been presented. Mr. Moeller stated it’s just a clever way to try to make the rezoning go over a little bit easier. Mr. Moeller stated reviewing the future land use map in the comprehensive plan, the only piece of property dedicated to open space on there is the Town park. Mr. Moeller stated every figure he references is taken from the comprehensive plan, and there’s only point-three percent (.3%) open space in the Town. Mr. Moeller stated at the time of the comprehensive plan, it was said there were four-hundred-ninety-four (494) more acres already approved and/or under construction, which is about one-third (1/3) of the land of Millville, and it did not take into account the already built houses and the Town itself only consists of one-thousand-five-hundred-thirty (1,530) acres. Mr. Moeller stated in reference to map ten (10) of the comprehensive plan, environmental features, a question for Council regarding tonight’s property under review (along Substation Road), which falls under the Little Assawoman Watershed; has any consideration been given to the effects on this Watershed? Mr. Moeller stated we know when developments go in, people are using chemicals on the lawn, we know there’s going to be some water runoff, and Mr. Moeller would ask Council if any consideration has been given to the effect there? Mr. Moeller stated as far as growth goes, Millville’s growth was one-hundred-thirty-one percent (131%) for the years 2010 to 2017, and it greatly updates the County at eight-point-one percent (8.1%) and the State at four-point-three percent (4.3%). Mr. Moeller stated as far as allowing for growth, we have done our part. Mr. Moeller stated the survey which was a part of the comprehensive plan showed most residents believe there already exists an adequate housing supply and the comprehensive plan itself concluded they already have six-hundred-fifteen (615) more units than needed to accommodate the current and projected population growth. Mr. Moeller stated, per the comprehensive plan, more than any other item for feedback, people either strongly agreed or agreed development should be balanced with protection of farmland and open space. Mr. Moeller stated Millville has been designated by the State as being a coastal area with ecological and sensitive characteristics to help absorb floodwaters, provide habitat for native flora and fauna, and these areas also have a significant impact on water quality within adjacent bays and inlets. Mr. Moeller stated the comprehensive plan recommendations say to have many

ecological considerations and urge the Town to pursue actions which will preserve of the space and minimize the environmental impact. Mr. Moeller asked Council what they have done about those recommendations – currently, nothing. Mr. Moeller stated there were zero (0) recommendations to the Town thinking the Town had insufficient housing and there were no recommendations saying we needed to accelerate development; in fact, it was quite the opposite. Mr. Moeller further stated there is no need for another development, no need for more housing, no need for more traffic, and no need to look for more threats to our environment, especially when it comes to water absorption and water runoff. Mr. Moeller stated there is no need for rezoning. Mr. Moeller stated the Town should heed the recommendations of the comprehensive plan and listen to the wishes and concerns of your constituents; and the rezoning request does not need to be approved – at least, not at this time. Mr. Moeller stated it is true the comprehensive plan carries the weight of law; however, it's not too well known the comprehensive plan can be amended. Mr. Moeller stated if it is amended, we can take care of this issue. Mr. Moeller stated there's nothing any of us can do today to undo what has taken place in the past but past decisions are not justification for perpetuating that logic. Mr. Moeller stated what we can do is make the best decision going forward, and that includes preserving some of the character of Millville. Mr. Moeller stated he was sitting here, looking at the mural wall, and he doesn't see anything on the wall that says "build developments." Mr. Moeller stated if the comprehensive plan carries the weight of law, how did that change happen without allowing for public commentary? Mr. Moeller stated he doesn't see that and it takes away their ability to comment on a zoning issue since it will have no effect. Mr. Moeller asked if it's true the comprehensive plan is law, then why does the Town bother having these meetings? Mr. Moeller stated he would ask Council to look at amending the comprehensive plan and give consideration to the watershed, the water runoff and the community at large.

Mr. Joe Ehrhardt, of Pembroke Lane, stated he is a member of the Lakeside Village (MBTS) HOA board and part of the group which got together and submitted the October 3, 2020, letter to P&Z and Council. Mr. Thompson stated the letter is in the record for the public hearing when this item comes before Council. Mr. Ehrhardt stated the residents of MBTS have never had adjoining land come to sale like this where the MBTS residents would have to address these kinds of concerns. Mr. Ehrhardt stated there are two (2) large issues for the MBTS residents, and the first is if Summerwind Boulevard is not connected to Roxana Road/Rt. 17 before the completion of this new subdivision, there would be traffic going through secondary roads in Summerwind Village because the traffic wouldn't be able to go to Roxana Road. Mr. Ehrhardt stated if the connection happened, and they came out, they would only be able to make a right, go up Endless Summer Drive, or down Surfsong Landing, where kids play on bicycles, and conceivably you're putting traffic back onto Substation Road a little further down. Mr. Ehrhardt stated the MBTS residents are asking consideration that the link not take place until Summerwind Boulevard is extended out. Mr. Ehrhardt stated whether the extension becomes pressure on the new developer or MBTS, or it's worked out between the two (2) developers, that is OK with the MBTS residents. Mr. Ehrhardt stated if the connection happens before Summerwind Boulevard is completed out to Roxana Road, the residents see a real public safety issue with emergency vehicles trying to cut through. Mr. Ehrhardt stated the other issue of concern is the condition of Substation Road as it needs to be addressed in its entirety and not just into new developments. Mr. Ehrhardt stated the MBTS residents think the developer should be held accountable in terms of the resurfacing of Substation Road and putting adequate shoulders on Substation Road. Mr. Ehrhardt stated the MBTS residents implore the P&Z to look

at all future housing developments to be required to have more than one (1) access road, to contribute to improving roads and infrastructure, and to have amenities. Mr. Ehrhardt stated if amenities aren't required in new subdivisions, the residents of those subdivisions are not only coming to our amenities, but they will also go up Route 26 to the beach, adding to the increased traffic and congestion.

Ms. Scheck stated we all have concerns about traffic and congestion and ease of access for safety and emergency responders, but we're a bit tethered with DelDOT. Ms. Scheck stated she would encourage all municipalities as well as the citizens to reach out to their representatives at the County level as well as the State level, the Governor's level and to DelDOT, to work collectively to find long-term solutions to traffic. Mr. Plocek stated a lot of the comments tonight should be brought to Council.

7. ANNOUNCEMENT OF NEXT MEETING

Mr. Plocek stated the next P&Z meeting is scheduled to be on Wednesday, October 14, 2020, at 7 p.m.

8. ADJOURNMENT

Mr. Gevinson motioned to adjourn the meeting at 9:13 p.m. Ms. Scheck seconded the motion. Motion carried 4-0.

Respectfully submitted and transcribed
by Matt Amerling, Town Clerk