

**Planning and Zoning Commission Webinar Meeting
February 11, 2021 @ 7:00pm**

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

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.
3. **PLEDGE OF ALLEGIANCE**
4. **ADOPTION OF MINUTES**
 - A. January 14, 2021

P&Z Secretary Marshall Gevinson motioned to adopt the January 14, 2021 P&Z minutes. P&Z Commissioner Tim Roe seconded the motion. Motion carried 5-0.

5. **NEW BUSINESS**

- A. Review, discuss and possible vote on a recommendation to Town Council for a preliminary schematic development plan for Summer's Edge Reserve submitted by Christopher at Millville LLC, located at Tax Map Parcel #134-15.00-115.00, consisting of 41.51 acres, and currently zoned Master Planned Community (MPC). *Synopsis:* The applicant is requesting a one-hundred-twenty-four (124) residential lot MPC. The sketch plan was approved by Town Council at its December 8, 2020, meeting, with the condition of keeping the sidewalks on both sides of the streets and remaining at a length of five (5) feet across.

Mr. Ron Sutton, of Civil Engineering Associates (CEA), stated they are in receipt of the preliminary plan comments from Mr. Andrew Lyons, Jr., of GMB, and they agree with all of the comments Mr. Lyons has provided. Mr. Sutton stated there are a couple of crosswalks Mr. Lyons would like to add over near the amenity center, as well as having some questions on curbing, which the applicant will address. Mr. Sutton stated they did submit the conceptual elevations for the buildings into P&Z for review. Mr. Sutton stated Sussex County 9-1-1 addressing has denied the applicant's development name of Summer's Edge Reserve, so it is now called Hudson's Reserve. Mr. Sutton stated there will be one-hundred-twenty-four (124) residential lots and there will be a mixture of units, with fifty-two (52) single family, fifty-two (52) twins/villa units, and twenty (20) carriage, alley-loaded lots similar to Millville by the Sea's (MBTS) Sand Dollar Village 2. Mr. Sutton stated in terms of green space, they are proposing about forty-five percent (45%) and the requirement is thirty percent (30%), and they have over twenty-five percent (25%) in the commercial area. Mr. Sutton stated the applicant is still not permitted to do their traffic impact study (TIS) at this point per DelDOT, but they will have to do one to determine what kind of intersection the development will need at Roxana Road/Route 17 and Peppers Corner Road and Powell Farm Road. Mr. Sutton stated the thought is they may have to put in a roundabout at the intersection, but they have permission from DelDOT to move forward with the residential side of the project, but they cannot start the commercial side until they complete the TIS.

Mr. Sutton stated there is a recreational center and pool in the development, along with park benches, a yoga lawn, and some cooking grills. Mr. Sutton stated they have added the walking trails all the way around the community, and it comes down to Peppers Corner Road, while also tying into the Sea Breeze Village (in MBTS) cul-de-sac, at the edge of Calm Water Drive. Mr. Sutton stated the required sidewalks are shown, as well as the required widths, and the applicant agrees they will put fountains in the stormwater management ponds.

Mr. Andrew Lyons Jr., of GMB, stated regarding his letter, Mr. Sutton pretty much touched on everything. Mr. Lyons stated one thing he wanted to go over is this application is a bit different as it is a MPC; so, procedural-wise, this is a schematic development plan review – not a preliminary plan review – and the next step will be – if it is recommended tonight – for the Town Council to hold a public hearing for the schematic development plan, which, at that point, constitutes the preliminary plan approval. Mr. Lyons stated he sees the mailbox kiosk area is in the commercial area and asked if will be covered like it is in MBTS. Mr. Sutton stated yes, it will be very similar. Mr. Sutton stated he does not have the little pavilion on here but he will get it on the next submission. Commissioner Glen Faden asked if the mailbox kiosk will be covered to protect people from the rain. Mr. Sutton stated yes, and it will also have a little seating area for people. Mr. Plocek stated the P&Z Commission received today a possible change in this design, with a road going up through lot eight (8), and any comments the P&Z Commission makes tonight on the rest of this drawing will affect any changes taking place after P&Z has reviewed these drawings. Mr. Plocek stated hopefully, if the road goes through, there will be connections to the trail system off said road. Mr. Sutton stated yes, the purpose of the road was to reshape lots seven (7) and eight (8), to be more consistent with the size of lots four (4), five (5) and six (6); and this was to provide access to the trail system for that side of the development. Mr. Sutton stated the road located just above the pool area will extend to be a little stub and it's not a substantial change from what the applicant has in front of P&Z. Mr. Sutton further stated there is no increase in lots but it's just a tweaking of lot sizes and increased access to the trail system. Mr. Plocek stated he knows and he just wanted in on the record that, since P&Z won't see the drawings on this, any comments or decisions P&Z has on anything including sidewalks, would also take effect on that road. Mr. Sutton stated yes.

Commissioner Cathy Scheck stated, regarding the landscaping plan, there is a little bit of overkill on the number of trees being planted. Mr. Sutton stated his agreement, and Mr. Lyons and Town Manager Debbie Botchie recommended the applicant come for a "sit-down" when the applicant moves further along in this process, to talk about the placement of street trees a little better. Ms. Scheck stated she also wanted to make sure the trees are native because there are challenges when the incorrect tree is planted in the wrong spot. Mr. Sutton stated yes, and the species of some of the trees are shown on the plan, but they will need to get relocated because they are around the sewer cleanout. Mr. Faden stated he wanted to make sure no trees are planted near or atop any water or drain lines, as well as not planted in a place where the roots may cause damage to sidewalks or roads. Mr. Sutton stated yes. Secretary Marshall Gevinson asked if the issue with water drainage has been resolved. Mr. Lyons stated the comment is basically for the applicant's concern, to look at for final engineering designing. Mr. Sutton stated they will make sure it is resolved and addressed. Commissioner Tim Roe asked about the inconsistencies on sheet T-1, with lots one (1), two (2), three (3), seven (7) and so on, and why the order doesn't match on sheet C-1. Mr. Sutton stated all of that will get updated

before the next submission. Mr. Roe asked, regarding sheet C-1, with the proposed twenty (20)-foot-wide storm drain easement, if it is an open sluice cutting through those lots. Mr. Sutton stated no, it will be an underground pipe. Mr. Roe asked where it will connect. Mr. Sutton stated on sheet G-1, there is a blue pipe which runs through the easement and it drains into the stormwater ponds. Mr. Sutton stated everything collects in the stormwater ponds and will go through its quality and quantity management, then discharges to the tax ditch. Mr. Roe asked, regarding the trail which hooks up to Sea Breeze Village, and runs through the wetlands. Mr. Sutton stated there are wetlands in the area but the trail does not run through the wetlands; but rather it meanders through so it does not interfere with the wetlands and/or the twenty (20)-foot buffer the applicant has placed around said wetlands. Mr. Roe asked what material is being used for the trail. Mr. Sutton stated he doesn't know yet but it may be a mulched trail; and the trail system around this project will be an asphalt trail. Mr. Roe asked if there is a regulation for runoff. Mr. Lyons stated no, there isn't regulation on the trail for the runoff. Mr. Lyons asked Mr. Sutton if the area will be tight to place everything in. Mr. Sutton stated yes, which is why the material may be different for that particular area. Mr. Faden stated he doesn't know if mulch will be the best option through there. Mr. Sutton stated he can talk with the developer about a few other options for a better surface, rather than mulch, for the trail. Mr. Craig Havenner, of Christopher Companies, stated another option they've used in similar types of areas has been blue stone dust, which is a very fine stone dust that can be compacted and it's a slim chance it will move around. Mr. Havenner stated it is another low-impact choice for the trail. Mr. Havenner stated if they did the asphalt top on that trail, there would be some root damage coming through the trail at some point. Mr. Lyons stated he knows the blue stone dust trail has been used in Bishop's Landing and a couple of other places. Mr. Plocek stated he recommends if the applicant doesn't use asphalt to use either the blue stone dust or crushed oyster shell. Mr. Sutton stated he will make sure the next submission has the trail materials identified.

Mr. Plocek stated, regarding the pool area, the circular road around it may change but Mr. Plocek thinks the applicant is missing one (1) or two (2) stop signs in that area. Mr. Sutton stated he sees what Mr. Plocek is saying, and they should have some stop signs on the roads coming towards street three (3) on the plan. Mr. Plocek stated also regarding the pool area, with the number of houses the applicant has there, Mr. Plocek would appreciate the applicant to possibly put in some kind of playground or tot lot there because families will be moving in and there should be something for the kids when the pool is closed. Mr. Plocek stated regarding the pull-off for the mailboxes, there isn't a sidewalk shown from the pull-off to the mailboxes, other than the walk which goes along the road. Mr. Sutton stated they can maybe get a handicapped accessible spot in there with a ramp. Mr. Plocek stated the plans should show a spray apparatus on the ponds. Mr. Plocek further stated on the landscaping plan, he noticed the trees are shown between the curb and the sidewalk, but it would be better to put them on the other side of the sidewalk because you don't really have room for trees to grow in the space without causing damage to the sidewalk or curb.

Ms. Botchie stated on page C-1, at the entrance into the development, there needs to be a stop sign on street five (5) off Peppers Corner Road. Mr. Faden stated there also needs to be crosswalk for the shared use path. Ms. Botchie asked to have some bike racks added up near the amenity section. Mr. Sutton stated yes. Ms. Botchie stated she's looking at the styles of homes and their names, and she notices a "Bethany," but not a "Millvillian." Mr. Havenner stated they can look into it. Mr. Plocek stated at the end of the trail system, he's sure DeIDOT will have the

applicant connect the trail system to the road a bit. Mr. Sutton stated they will probably have to put one of the forty-five (45) degree trail connectors to the shoulder of Roxana Road. Mr. Faden stated where street two (2) sort of dead-ends near Roxana Road, there needs to be drainage at street two (2) and street nine (9), and there should be some rock or stone to help prevent erosion. Mr. Sutton stated almost all of this subdivision is designed to drain from left to right because they're sitting at an elevation of twenty-two (22), twenty-three (23) up by Roxana Road, and a seventeen (17), fourteen (14) on the right-hand side; so there are catch basins. Mr. Sutton stated street two (2) will be graded so everything will tip and run down the curb lines to catch basins, which will make its way to the pond system.

Ms. Scheck motioned to recommend to Council for approval a schematic development plan for Hudson's Reserve (formerly Summer's Edge Reserve). Mr. Gevinson seconded the motion. Motion carried 5-0.

- B.** Review, discuss and possible vote on a recommendation to Town Council for a preliminary subdivision site plan for Egret Shores subdivision, submitted by Stafford Street Capital LLC, located on Tax Map Parcel #134-16.00-17.00, consisting of 49.98 +/- acres, and is zoned R - Residential. Synopsis: The applicant is requesting a one-hundred-thirty-five (135) single family lot subdivision.

Mr. Tom Ford, of Land Design, stated they are looking at one-hundred-thirty-five (135) lots on a residentially-zoned parcel, and the lots are a little larger. Mr. Ford stated each lot is fronted with a sidewalk, and there are two systems of water drainage, one of which goes to Whites Creek and the other to Beaver Dam. Mr. Ford stated the community being proposed tonight will include a passive recreation on the eastern (right) portion of the development which includes open space, as well as active recreation on the western (left) portion of the development which includes a pool, pickleball court, clubhouse, and a tot lot. Mr. Ford stated this parcel has been farmed for about one-hundred (100) years so it's cleared and there is no forest which stands on the property. Mr. Ford stated there is an agricultural ditch which crosses between lots eighty-nine (89), eighty-eight (88), one-thirty-one (131), eighty-three (83), and eighty-two (82). Mr. Ford stated the particular ditch will be rearranged and, looking for jurisdictional approval so they wouldn't be involved in wetland mitigation, the Corps of Engineers has stated this is non-jurisdictional, which means it can be built and rearranged. Mr. Ford stated the drainage will run along the top portion of the property and go back into the stormwater management area. Mr. Ford stated in regards to roadway improvements, the portion of Substation Road along the subdivision will be widened for turn lanes and shoulders, as well a deceleration lane. Mr. Ford stated they will also be dedicating an easement for pedestrian use along the right-of-way (ROW) and improving it with a multi-use path to join up with the existing multi-use paths to the north of the development. Mr. Ford further stated their intention is to heavily landscape the frontage and the multi-use path as it crosses by the applicant's particular section of road. Mr. Ford stated the section of road with improvements which go beyond the applicant's property about two-hundred (200) feet to the north and two-hundred (200) feet to the south, so they make the transitions between the developments which are located north and south of the parcel.

Mr. Lyons stated he has reviewed the preliminary subdivision site plan and the applicant does have a copy of Mr. Lyons' comment letter and all comments have been addressed. Mr. Lyons stated the one comment they needed clarification on was number eleven (11), which is the

proposed mailbox detail. Mr. Lyons stated in the applicant's letter, it states they're still determining whether the mailbox kiosk will be covered or not. Mr. Lyons stated everything else on the plans has been addressed, it does meet all the zoning requirements for the residential zoned property, which are not the same requirements as a master planned community (MPC) or residential zoned property (RPC), both of which would require green space and amenities. Mr. Lyons stated there is one concern which came up which is there doesn't look like there's a way to have handicapped access from the mail pull-off leading to the mailbox access area. Mr. Lyons stated it looks like the applicant has it on the opposite side, which has Breakwater Lane and Blue Line Lane; but there is no handicapped access in the front of the mailboxes. Mr. Ford stated they can work on it.

Ms. Scheck stated asking if the bike trails will be having as much connectivity between the different communities as possible. Mr. Ford stated the interconnectivity is sort of "catawampus" because in the northwestern portion, they are willing to make the connection with Summerwind Boulevard; and all the way to the opposite direction, to the southeast, off Surfbird Drive, there will be improvements to MBTS. Mr. Ford stated it was decided to be the best use of a bike path to that community. Mr. Gevinson stated the applicant should have a covered mailbox kiosk because people and mail delivery people are going there a lot and need to be covered from the elements (i.e., rain, snow). Mr. Ford stated he will discuss this item with the developer, and asked if the covers will be subject to setbacks. Mr. Lyons stated no, it's not a building lot, but he can discuss it with the applicants and Town Code & Building Official Eric Evans.

Mr. Roe stated his big concern is this development is cut through by Substation Road, which has a fifty (50) mile per hour (mph) speed limit, and he doesn't see any crosswalks, which would benefit the people living on the eastern side of the development, who have to cross Substation Road to get to the amenities, with a danger of speeding traffic. Mr. Roe stated there is no consideration to the children who will have to cross Substation Road to get to the amenities, and has the developer taken this into consideration? Mr. Ford stated they are aware there is a thirty-five (35) mph speed limit to the south of the cul-de-sac in MBTS. Mr. Roe stated yes, but the stretch of road between this development has a fifty (50) mph speed limit. Mr. Ford stated yes, and they've had discussions with DelDOT about it, in which the applicant thought it would be appropriate to reduce the speed limit there – because this is an unposted area, thus making it fifty (50) mph. Mr. Ford stated the applicant would prefer this stretch of road have a thirty-five (35) mph speed limit, but the response the applicant got from DelDOT is the Town needs to request the speed limit reduction. Mr. Ford stated regarding a crosswalk across Substation Road and signage alerting people a crosswalk is ahead, the applicant will look further into those. Mr. Roe stated looking and doing are two different things and moving forward with this when there is such a safety issue is really concerning to him. Ms. Scheck stated one of the issues is the one side has more active amenities while the other side is quieter, and Ms. Scheck asked if there is any consideration to have more active amenities such as a tot lot for kids on the other side of the development as well. Mr. Ford stated with this proposal, the applicant was only looking at one tot lot on the western side of the development, and the grass areas of open space on the east side were to be more passive. Mr. Ford stated the lots here are about one-hundred-fifty percent (150%) or greater bigger than the normal lots around Town, and each of the lot owners could provide an amenity for small children, if they wish. Mr. Plocek stated he agrees with Ms. Scheck and the tot lot here for fifty (50)-something units is across a major roadway, and it's not really walking distance, so anyone in the eastern portion of the

subdivision is going to have to drive to the pool area to take kids there and to the tot lot. Mr. Plocek stated the applicant definitely needs some kind of year-round amenity for children on the eastern side of the subdivision, and if they don't want to put it in the green area, they can look at the open space area they have next to lot forty-six (46), in the corner. Mr. Lyons stated, regarding Mr. Roe's wanting of crosswalks across Substation Road, it can be reviewed and requested by the Town but the final determination of whether it's allowed or not on the DelDOT road is by DelDOT, and even Town Council cannot require something in the DelDOT ROW without DelDOT's permission. Mr. Roe stated he realizes it, but the way it is now, is not safe. Ms. Botchie stated the Town has reached out to DelDOT on several occasions to lower that speed limit to thirty-five (35) mph, and the Delaware State Police (DSP) has also taken out a speed limit trailers to try and capture the different speeds drivers are going on that stretch of road. Ms. Botchie stated it's a process because DelDOT said they need all kinds of crash data, but the Town doesn't have a police department to prepare that for them. Ms. Botchie stated she is hopeful now that more development is coming out here, they'll take a better look at this area, because Ms. Botchie has the same concern as Mr. Roe; but it is being reviewed.

Mr. Plocek stated looking at the pool area, because there will be fifty (50)-something lots worth of people driving to that area, there doesn't seem to be enough parking for that facility to handle that load of traffic. Mr. Plocek stated some people may come over on bikes but a majority of them will not walk and will drive over. Mr. Plocek stated the applicant hasn't indicated the size of the pool or the pool house on the plan, and he knows the design is something to be worked on, but the approximate sizes of the pool and pool house should be shown on the plans. Mr. Plocek stated, regarding the trail system, Mr. Plocek thinks they would need a trail system off the end of the sidewalk on lot seventy-six (76), which curves around the pond and connects over to the trail system which is across the road, next to the applicant's property. Mr. Plocek stated the applicant would have to put some kind of culvert crossing over the ditch at that point, but it would give the applicant connectivity to the trail system which goes to the old community back in there, as well as open this trail up to other trail systems. Mr. Plocek stated on page three (3) of the plans, the applicant's connection to Whiteclay Drive, there will need to be some kind of bridging to connect that trail over to that roadway because there's a major ditch there which has to be crossed to make that connection. Mr. Ford asked if it was between lots thirty-six (36) and thirty-seven (37). Mr. Plocek stated yes, and the end of the walk doesn't indicate the crossing over but there is a ditch there which needs to be crossed to make the connection to the roadway. Mr. Plocek stated also on page three (3), along Surfbird Drive, between Surfbird and the proposed pond area, Mr. Plocek thinks the applicant needs either a trail or a walk system on that side of the road, to have it on both sides of the road for connectivity. Mr. Plocek further stated people will walk along the pond anyway and shouldn't walk in the grass, so a sidewalk needs to go in that area. Mr. Plocek stated the landscaping looks good.

Ms. Botchie stated regarding the mail kiosk, when the Town first heard from Sea Star Village (MBTS) that the postal service was requiring the kiosks instead of individual mailboxes, the Town requires the area be covered. Ms. Botchie stated because Sea Star did as requested, the precedent for covered mailbox kiosks has been set. Ms. Botchie stated she would like to see bike racks for around the pool and clubhouse area. Ms. Botchie stated she agrees with Ms. Scheck and Mr. Plocek regarding some kind of activity for children in the open space in the eastern portion of the subdivision; and she realizes the lots are bigger but some things may not be allowed on a person's property depending on the homeowners' association (HOA)

documents. Mr. Faden stated he would like the applicant to make sure the landscaping trees are not planted near or on top of any water or sewer lines. Mr. Ford stated part of the landscape layout was to offset every other lot so the water and sewer connections could occur in between the areas where the trees aren't. Ms. Botchie asked, regarding the western portion of the community, where lots eighty-nine (89) through ninety-six (96) are located, the Town has had some inquiries about the tree line there and Ms. Botchie knows there's an agricultural ditch running there. Ms. Botchie asked if the applicant is going to have to fill the agricultural ditch. Mr. Ford stated, no, the agricultural ditch starts at about lot eighty-nine (89) and there will be some kind of manipulation, and the drainage from eighty-nine (89) to ninety-six (96) goes under Substation Road and goes all the way to the eastern most portion of their property. Mr. Ford stated the ditch will stay in there and the vegetation which is existing there today is all on the north side of the ditch, and U.S. Corps of Engineers has already weighed in and has no jurisdiction; so from lots eighty-nine (89) to one-hundred-thirty-three (133), the applicant will be improving that area with a ditch which goes to the west. Ms. Botchie asked if the trees will remain on the lots behind the ditch. Mr. Ford stated yes, they will because they are north of the ditch and not on the applicant's property. Mr. Gevinson stated the applicant should be aware of having some kind of barrier or fence around any stormwater ponds or the tot lot so kids don't wander into danger. Mr. Roe stated he still cannot in good conscience vote to recommend something when there is that fifty (50) mph speed limit on the road in-between the subdivision. Mr. Roe stated he knows the Town and applicant are in talks with DeIDOT to change the speed limit, but it doesn't change the speed limit, and there has to be some way the speed limit can be reduced before this is approved as one development. Mr. Plocek asked if the applicant considered a traffic circle at the intersection. Mr. Ford stated no, it's not in consideration, but what has been in consideration with DeIDOT is having a traffic circle to the south of the development at the intersection of Burbage Road and Substation Road. Mr. Ford stated part of this development's contribution to that is the already-installed light on Roxana Road/Route 17 and Burbage Road, as well as a light on Burbage Road and Windmill Road, as well as undertaking the improvements to the frontage. Mr. Ford stated he does agree with striving for a thirty-five (35) mph speed limit, and it is to the developer and everyone's benefit to lower the speed limit, but DeIDOT makes the ultimate decision. Mr. Plocek asked if it is a possibility of making a small portion of the island shown on Substation Road concrete so someone crossing the road will have a stopping point. Mr. Ford stated it would be up to DeIDOT and he doesn't believe DeIDOT will consider it, but the applicant can make the request and send a copy of the request to the Town. Mr. Ford stated the applicant can strive for a crosswalk but DeIDOT is really reluctant to have crosswalks, it rarely happens. Mr. Plocek stated because most of the applicant's amenities are on one side of the development and this road runs through the development, Mr. Plocek thinks the applicant needs to pursue as much as possible a crosswalk and a flashing signal for a crosswalk. Ms. Botchie stated the Town has been actively working for years to try and get those things for between Bishop's Landing North and Bishop's Landing South, and DeIDOT has agreed to do painted crosswalks, so we may get lucky on this one too; but the first important thing is to get the speed limit lowered to thirty-five (35), and the first step is reaching out to State Senator Gerald Hocker Sr. and Representative Ronald Gray. Mr. Lyons stated it does make it a little easier for DeIDOT to make the changes to speed limits at the time when they're designing stuff. Mr. Lyons stated having the development shown and moving forward may actually speed the process up.

Mr. Faden motioned to recommend to Council for approval a subdivision site plan for Egret

Shores subdivision, with the conditions of adding overhead weather coverings for the mailbox kiosks, an additional children's recreation amenity on the side of the community to the east of Substation Road, and to add crosswalks across Substation Road between the two subdivision entranceways. Ms. Scheck seconded the motion. Motion carried 4-1, with Mr. Roe being the no vote.

6. CITIZENS PRIVILEGE

There were no comments.

7. ANNOUNCEMENT OF NEXT MEETING

Mr. Plocek stated the next P&Z meeting is scheduled to be on Thursday, February 18, 2021, at 7 p.m.

8. ADJOURNMENT

Mr. Roe motioned to adjourn the meeting at 8:19 p.m. Mr. Gevinson seconded the motion. Motion carried 5-0.

Respectfully submitted and transcribed
by Matt Amerling, Town Clerk