

DAGSBORO PLANNING AND ZONING COMMISSION  
MINUTES OF THE MEETING ON SEPTEMBER 9, 2009

The regular meeting of the Dagsboro Planning and Zoning Commission was called to order at 7:00 p.m. on Wednesday, September 9, 2009, at Bethel Center. Members present were Gayle Chandler, Herb Disharoon, Marjorie Eckerd, Loretta Zsido, and Lisa Boyce. The following persons were also present: Kyle Gulbranson of URS, Vice-Mayor Patti Adams, and Doug Warner of Element.

Agenda: A motion was made by Gayle and seconded by Herb to approve the agenda for this evening. The vote in favor was unanimous.

Approval of Minutes: A motion was made by Loretta and seconded by Lisa to approve the June minutes. The vote in favor was unanimous.

New Business:

Doug Warner of Element represented the Estuary on Pepper's Creek regarding their construction plan approval. Marj Eckerd displayed the latest construction plan (only one copy was provided to the Commission). Kyle Gulbranson discussed his letter of September 8 (not yet given to the Commissioners) that reviewed the project and offered comments and suggestions. Kyle's four issues are the dead end street (Chapel Drive), the island in the cul-de-sac that is not being landscaped, the private landowners' outbuildings encroaching on the Estuary's property line, and the relocation of the fire hydrant on Jamie Court.

- 1) The Town's code does not permit a dead end street (Chapel Drive), however the Town can issue a waiver in its subdivision code. DelDot and Mayor Baker reached an agreement that Chapel Drive would extend to Helm Street but would not at present be used as a public road. If in the future a public road connecting the two subdivisions would be deemed necessary, Chapel Drive would be opened to vehicle access. For the present, a natural buffering of shrubbery, not a wooden barricade, is planned for this area.
- 2) The island will not be landscaped in order to allow access by emergency vehicles and to minimize the amount of pavement.
- 3) The outbuildings encroaching on the Estuary will be an issue between the Estuary and the private landowners and will not involve the Town.
- 4) One fire hydrant has been approved by the Fire Marshall, but Element is going to talk to the Fire Marshall. Another hydrant would allow water to be flushed out on the cul-de-sac. It is also recommended that there be extra ballast for a continuous water main loop, so that the water quality is improved for Helm Street and the Estuary.

Loretta asked about the HOA of the Estuary. These lots will have homes (built by individual builders) that must meet the design standards of the Estuary and of the Town.

Old Business:

Doug Warner of Element represented the Highlands of Pepper's Creek regarding their preliminary plan approval. He went over the problems that Town Council stated must be addressed before final plan approval can be granted.

- 1) The draft drawing of the amenity center
- 2) The architectural drawings show a maximum height of 35 feet to the tip of the roofline, but the plan's scale does not indicate this (it registers higher). It will be amended in Element's next submission.
- 3) What is the square footage of the 'B' building? Will the units meet the square footage requirements if they are leased out? 1400 heated square feet is the minimum square footage for an apartment.
- 4) Visual interest should be on all four sides of the buildings. There

was a concern was voiced over the poor exterior design of the buildings. 5) The Highlands is requesting a waiver on sidewalks; they are proposing a trail and a sidewalk on only one side of the street. The sidewalks alternate on both sides of the street depending upon the type of building facing the sidewalk. A motion was made by Herb and seconded by Lisa to have sidewalks on both sides of the street. The vote was unanimous to have sidewalks on both sides of the street. A letter from the Mayor addressed sixteen points of concern; several people had not received a copy. Many of the points that now follow were in his letter. 1) One question is about the integrity of the ground (soil compaction); the resolution of this issue is not required at the preliminary stage but at the construction stage. 2) There should be a pedestrian crosswalk from the development to the sidewalk on the opposite side of Clayton Street. There will be a sidewalk only along the Highlands' property; it will not extend to the existing sidewalk in front of Southern States. 3) The only recreation offered will be a pool, clubhouse, and tot lot. 4) Traffic calming will not be a problem. 5) Window space should be 20 percent of the building. 6) No adjacent structures should have identical front facades; Element was advised to look in the design standards. 7) Public lighting, trash disposal, and postal facilities will be decided by the respective utilities and U.S. government authority. 8) Roof maintenance will be addressed by the Highlands's HOA. 9) The buildings will not have flat roofs. The issue of the stormwater pond was raised; there is a concern that it will be a danger to small children and that its size is so big. The development does not wish to put a fence/barrier around the pond, because they view the pond as an amenity. Herb stated that the stormwater pond's buffer zone is less than fifty-feet from the buildings as stated in the Town's code section 276-27. The tax ditch in the back of the development is not a tax ditch though the one in the front is. It was suggested to Doug Warner that he add sidewalks on both sides of the street, have a fifty-foot buffer around the stormwater pond, incorporate better design standards on the buildings (alternate elevations), and correct the scale of the drawing; a motion was made by Lisa and seconded by Loretta to table the Highlands's preliminary plan until these four conditions are met. The vote in favor was unanimous. A new preliminary plan will have to be drawn to incorporate the recommendations of the Commission.

Adjournment: A motion was made by Lisa and seconded by Loretta to adjourn the meeting. The vote in favor was unanimous. The meeting adjourned at 8:43 p.m.

Respectfully submitted,

Gayle Chandler  
Secretary