

MINUTES: Workshop Meeting of the Planning Commission of the Town of Henlopen Acres held on **Monday, Friday June 24, 2011 10:00 a.m.** at Town Hall on 104 Tidewaters in Henlopen Acres, Delaware

PRESENT:	John Barto	Planning Commission Chairman
	John Scheurer	Planning Commission
	Connie Boland	Planning Commission
	Dick Thompson	Planning Commission
	Mary Jane Lyons	Planning Commission
	Connie Holland	Office of State Planning
	Glenn Mandalas	Town Solicitor
	Wanda Davis	Mayor (member ex-officio)
	Thomas Roth	Town Manager (member ex-officio)
	Sharon Karl	Town Clerk
	David Lyons	43 Pine Reach
	Paddy Richards	5 Rolling Road
	Hetty Hertrich	7 Dodds Lane
	David Hill	39 Rolling Road
	Frank Jamison	90 Tidewaters
	Henry DeWitt	55 Fields End
	Paul Capondanno	57 Fields End
	Christine Moore	14 Tidewaters
	Richard Poole	76 Pine Reach
	Diana Beebe	Rehoboth Art League
	Eileen Clark	59 Tidewaters
	Martin Clark	59 Tidewaters
	Jean Stakias	51 Tidewaters
	David Auten	20 Tidewaters
	Tom Ingram	60 Tidewaters
	Betsy Wilgis	32 Tidewaters
	Bob Stevens	66 Fields End
	Kathy McGuiness	6 Broad Hollow

[Minutes Are Not Verbatim]

1. Call to Order – Pledge of Allegiance

Chairman Barto called the meeting to order at 10:00 a.m. followed by Pledge of Allegiance.

2. Comprehensive Plan Review Workshop

Mr. Barto reminded the audience that this is a workshop meeting for the Planning Commission. Mr. Barto thanked the residents for their letters and he apologized for being behind in the submission of the update and for not fully understanding the role and responsibilities of the Planning Commission, as far as the Comprehensive Plan is concerned. Mr. Barto said to remedy that he asked Ms. Connie Holland, The Director of the Office of State Planning, here to educate the Planning Commission on their duties and responsibilities in updating our Comprehensive Plan. Mr. Barto introduced Ms. Connie Holland.

Ms. Holland stated that in 2001 Governor Miner put through a bill for municipal Comprehensive Plans, which have the force of law. The State has been working with all the local jurisdictions, there are 57 municipalities in three counties, and everyone is different. She said that she would put Henlopen Acres in the category with some of the nice smaller towns, where your needs maybe a little different. In the Delaware Code there is language on Comprehensive Plans including a checklist of what is to be included. There is a code checklist for the counties, for municipalities over 2000 and one for less than 2000 which is the one Henlopen Acres will use. Ms. Holland passed out copies of the Municipal Development Strategy Checklist that came directly out of the Delaware Code. She said they are just guidelines but they are what the town will be evaluated on.

Ms. Holland said that the local jurisdictions are to be reviewed every 5 years and updated every 10 years. It is up to the Planning Commission, if they wish to do an update as opposed to just a review, at this time. The Office of State Planning cannot do an update for us but they can provide demographics.

Ms. Holland proceeded to discuss the *Municipal Development Strategy Checklist*: ☺ = Strongly Suggested but optional if applicable. X = State Requirement under Title 22, Section 702 Del C.

Public Participation

Summary: All plans should have some provision for input from the public, which is most helpful early in the planning process, and should help, form the plan's goals and recommendations. The development of a community vision for the future is a useful exercise.

Public Participation Summary and Results. *The plan should include a section which describes the public participation process and summarizes the results. If developed, the vision statement could be contained in this section.* ☺

Ms. Holland said that The Planning Commission, by Delaware Code, is in charge of the Comprehensive Plan. Many local jurisdictions have a public hearing, at the Planning Commission level, where they pull out the Town's map, set it up where all can see, explain what the prior Comprehensive Plan showed, then look at it to see if anything has changed.

Population Data and Analysis

Summary: The following population data is important to characterize the residents of the town or city, and will inform land development plan recommendations, especially in regards to housing and social services.

Past Population Trends. *Historic population data from past Census reports should be reported, and trends analyzed. It should be sufficient to go back 30 or 40 years (in 10 year increments), although older data may be informative in certain cases.* ☺

Demographics. *Demographic information about the population should be reported and analyzed. In the larger cities the Delaware Population Consortium can be a good resource. For smaller towns, the most recent Census summary files can be used.* ☺

Position on Population Growth. *The Municipal Development Strategy must contain policies, statements, goals, and planning components detailing the jurisdictions position on population growth. If possible, some type of population projection should be used. Also, it may be beneficial to complete a build-out scenario, particularly for jurisdictions with significant amounts of vacant land within the current boundaries.* X

Ms. Holland said that it would be difficult for this Town to grow, the way we are surrounded by other jurisdictions, but if we wanted to annex into someone else's local jurisdiction, it would need to be stated in the plan.

Housing

Summary: A description of the housing styles, housing stock, and conditions should serve as a starting point for evaluating the residential uses in the town. This information, in concert with the population and employment projections will provide the basis for land use plan recommendations. Information about low to moderate income housing needs will allow for the provision of affordable housing.

- Housing Stock Inventory.** *An inventory of the housing stock in the community, including the number and type of dwelling units. An inventory of the affordable housing resources should also be included. ☺*
- Housing Pipeline.** *How many housing units are approved and pending construction. ☺*
- Housing Needs Analysis.** *How many housing units, of which type, will be required to accommodate the existing and future population? Be sure to include affordable housing needs in the analysis. ☺*
- Position on Housing Growth.** *The Municipal Development Strategy must contain policies, statements, goals, and planning components which relate the jurisdiction's position on housing growth. These elements should be developed in concert with the population analysis, and if possible with any build-out scenario that is discussed. X*

Ms. Holland said that The Office of Housing will want to look into diversity of housing and will probably comment on that. One way you can address that is if a resident should have to take a family member in, like an elderly parent. Are there provisions for this.

Expansion of Boundaries and Development of Adjacent Areas

Summary: The section on potential expansion of the town's boundaries should discuss the desired uses for the lands immediately surrounding the town or city, and designate lands which are desirable for annexation by the town. Expansion plans should be coordinated with adequate public facilities for the new area.

- Annexation Plan.** *The Annexation Plan must include policies, statements, goals, and planning components which serve to define the community's strategy and desires for expansion through annexation. Capacity of public facilities and services should be analyzed as a part of this plan. The plan must designate future land uses for all proposed parcels and areas that are designated for annexation by the municipality. This element is required in order to comply with the provisions of H.B. 255. X*
- Development of Adjacent Areas.** *The Municipal Development Strategy must consider the potential land uses, current zoning and development potential of adjacent areas within the county and / or in nearby municipalities, and how the development of these areas may impact the community in the future. While the town may not seek to annex these properties, the plan may contain some policies or guidelines for interacting and coordinating with the relevant county and / or municipal government as these lands develop. X*

Redevelopment Potential

Summary: An analysis of areas in the municipality that need revitalization and redevelopment, and a strategy to accomplish those goals.

Ms. Holland said that any parcels within your local jurisdiction that you would like to change the zoning on, would be included.

- Identification of Redevelopment Areas and Issues.** *An inventory of areas within the community in need of revitalization or redevelopment, and a discussion of the issues which have led to their decline. ☺*

□ **Redevelopment Strategy.** *A set of policies, statements, goals, and planning components to encourage and enable the redevelopment and revitalization of the areas described above. X*

Community Character

Summary: A community's character is defined by its history, urban form, natural environment, and other features that make the community unique. Plans should identify these elements, and include strategies to preserve or enhance them.

□ **History of the Town or City.** *It is important to note when the community was established and what the historical factors in its growth and development were. Also, what features from the early period of growth are still existing and valued by the community? ☺*

□ **Physical Conditions.** *A description of the general layout of the town and the physical condition of major elements in the built environment. ☺*

□ **Significant Natural Features.** *Describe the overall topography and geology of the town. Also, note significant natural features present in the jurisdiction. Significant features refer to elements of the natural environment which provide important wildlife habitat, ecological functions, aesthetic or recreational values to the community. Examples of significant natural features include woodlands, wetlands, streams, lakes, rivers, prime agricultural soils, aquifer recharge areas, floodplains or other notable natural features. ☺*

□ **Community Character.** *Drawing from the above data and analysis, the Municipal Development Strategy must include relevant policies, statements, goals, and planning components to describe what is unique about the community and how the town proposes to preserve and enhance its character, if desired. Historic preservation, the protection of the natural environment, and the enhancement of cultural institutions are some examples of how this might be achieved. X*

□ **Environmental Protection Plan.** *The Environmental Protection Plan must include policies, statements, goals, and planning components which serve to define the community's strategy to preserve important natural resources, and prevent development activities which are detrimental to the natural environment. While this is not a required element, it is highly recommended for towns that are located on or near significant environmental features. ☺*

Land Use Plan

Summary: The land use plan evaluates existing land use within a municipality, then recommends proposed land use categories for all parcels in the community. The land use plan should be expressed as both text and a map or map series. The Land Use Plan represents a composite of recommendations for the community, and should be derived after an analysis of all relevant data found elsewhere in the plan.

Ms. Holland said that there are two critical maps. You need to have a Comprehensive Plan map that shows the general character, where it is going to be residential, commercial, community facility or other categories. You put a color and a name on it. You also need to have a Zoning map, where you give building permits within your local jurisdiction and certain structures and activities, these have to go on it. The Town Solicitor can help with that. It gets more finite, it gets down to parcel data, where you are going to allow what, should there be any multi-family, community, commercial, etc.

□ **Existing Land Use.** *A survey of the existing land uses in the town or city. Land which is currently vacant and developable should be identified. This element should be expressed as a map, although some text may be included. The existing land use element should provide existing land use information for each parcel as a result of a recent windshield survey or reliable parcel based building information. ☺*

□ **Land Use Plan.** *The Land Use Plan must include policies, statements, goals, planning components and a map which serves to define the proposed land uses for all areas within the municipality's jurisdiction. Particular attention should be given to the recommended land uses for lands which are vacant and likely to be developed. The Land Use Plan must show the desired future land uses for each parcel in the municipality. This data will form the basis for the required update of the zoning ordinance within 18 months of plan adoption.* X

Critical Community Development and Infrastructure Issues

Summary: This section involves an evaluation of the community facilities and major infrastructure of a town, primarily its water and wastewater system. Transportation infrastructure should also be considered. The systems should be evaluated for their adequacy and capacity to serve current and future growth. In addition, the municipality should review items and facilities which will improve the community as a whole. These programs may include such things as housing assistance or rehabilitation, replacement of infrastructure or economic development activities intended to provide enhanced job opportunities. Few small municipalities will be able to accomplish these activities alone, so intergovernmental coordination will be important.

□ **Review of Community Conditions.** *The Municipal Development Strategy should identify any critical community development issues that are present in the town.* ☺

□ **Inventory of Community Infrastructure.** *An inventory of the community's water, wastewater, transportation, open spaces, recreational facilities, schools, public buildings and other community infrastructure. For water and sewer systems, treatment methods, capacities, and allocations should be considered.* ☺

□ **Inventory and Analysis of Community Services.** *An inventory of the services offered by the municipality, including any services (such as snow removal or trash pick – up) that have land use implications.* ☺

□ **Water and Wastewater Plan.** *The Land Use Plan must include policies, statements, goals, planning components and a map which serve to define and critical infrastructure issues and describe the future enhancements and expansion of these systems to serve current and future growth areas. The ability of these systems to serve undeveloped areas in the town and any land desirable for annexation should be considered.* X

□ **Transportation Plan.** *The Transportation Plan must include policies, statements, goals, planning components and a map which serve to define any critical transportation issues and strategies and actions to improve the transportation system which serves the town. This plan should be written in close coordination with DelDOT, and include descriptions of applicable programs such as Corridor Preservation.* X

□ **Community Development Plan.** *The Municipal Development Strategy should include policies, statements, goals, and planning components detailing a strategy for addressing any critical community development concerns. Coordination with other government and non-profit agencies may be necessary to develop an effective strategy, especially in a small town with limited resources.* X

Intergovernmental Coordination

Summary: The plan should describe the municipality's relationship with other government jurisdictions and state agencies, and specify strategies for improving those relationships.

Ms. Holland said that the town hold a Public Hearing invite adjacent local jurisdictions.

Description of Intergovernmental Relationships. A description of the municipality's relationships with various other levels of government, such as counties, nearby towns, and the state. Also, it will be desirable to detail the relationships with important state agencies, such as DelDOT and DNREC. X

Intergovernmental Coordination Strategy. A strategy for coordinating planning actions with other government jurisdictions and agencies, as defined above. X

Analysis and Comparison of Other Relevant Planning Documents. The municipal development strategy must include an analysis and comparison of the proposed land use and annexation plan with other relevant planning documents. These documents may include but are not limited to the State Strategies for Policies and Spending, the most up to date County (and/or municipal) plans, State Transportation Plans, etc. The analysis must demonstrate that the proposed municipal development strategy is compatible with the other relevant plans, or provide a compelling case for the proposed deviation. X

Ms. Holland said that The Town of Henlopen is in a level one State Strategies for Policies and Spending This is where the state will spend money usually on roads, schools and any other infrastructure needed and the town is in compliance with these strategies.

Implementation Strategies

Summary: Plans should be systematically implemented through a series of policies and regulations. The plan should identify how existing regulations support the plan, and suggest new policies and regulations as needed to implement the plan. In some cases, where more research or study is required, additional plans or plan elements may be recommended for completion after plan adoption.

Evaluation of Current Codes and Ordinances. Evaluate the municipality's current codes and ordinances to determine whether or not they support the intent and goals of the plan. A listing should be made of codes and ordinances that do not, and these should be scheduled for revisions. ☺

Ms. Holland said that we need to look at our current Codes and Ordinances because the zoning codes, subdivision codes and building codes need to be in compliance with our Comprehensive Plan.

Zoning Map Revisions. The zoning map is a key implementation tool which should be consistent with the Land Use Plan. Zoning maps should be revised as needed concurrently or shortly after plan adoption. The zoning map must be revised to comply with the land use plan within 18 months of plan adoption. X

Zoning and Subdivision Code Revisions. These codes are also critical implementation tools, and should be revised as needed. In some cases, the recommendations of the Land Use Plan will require the addition of new regulations in these codes. ☺

Ms. Holland said that we should not put a zoning change or regulation in this code. She said that we don't want an ordinance in our charter or Comprehensive Plan because then we would have to go up before the state legislature for permission. If we put new regulations in the plan it would hinder approval and implementation.

Implementation Plan. It may be very helpful to develop an implementation work plan which lists actions and policies that the municipality can take to systematically implement the plan. ☺

Ms. Holland said that an implementation plan should be included into the Plan. Are there any issues or zoning changes in the Plan, incorporate how you will implement this into the Comprehensive Plan, for example, we are going to have some hearings to look into another zoning district, or maybe we are going to change some of our side yard setbacks, etc. Don't put regulations in your Comprehensive Plan because in Delaware law it will hold you up, you will have to come up to the State and change your Comprehensive Plan before you can change your Zoning Ordinance.

Mr. Mandalas said Ms. Holland makes an important point and as she mentioned, Comprehensive Plans have the force of law and the State code says that no development plan can be implemented that is inconsistent with your Comprehensive Development Plan. If you put in a very specific detailed zoning type regulation within the Comprehensive Plan and then realize, as you do your public hearings, that it is not something you want to do, you're held up by it until you go back to the state and ask for an amendment to your Comprehensive Plan to get it fixed. So just describe the things you want to implement but don't drill down to the level of detail with an actual zoning regulation.

Ms. Holland said that town's have 18 months after the date of certification and adoption to implement the Comprehensive Plan. As long as the town is making progress, there are no repercussions for taking more time.

Coordination with Other Government Agencies. *Interactions with other government agencies, such as the county and the state, are often necessary to help municipalities achieve their goals. This section should list the types of coordination foreseen.* ☺

Other State Programs, Policies, and Issues. *The Municipal Development Strategy should take address or otherwise consider relevant state programs, policies and issues that are relevant to the individual municipality based on geographic location, public service arrangements, or other factors. These items may be explored through the intergovernmental coordination process, as well as through direct interaction with the Office of State Planning Coordination and / or the individual State agencies. In some cases it will be necessary to address these items as conditions for certification. These programs, policies, and issues include but are not limited to the following:*

Ms. Holland said that she doesn't see any state issues that should give Henlopen Acres any difficulty.

The Total Maximum Daily Loads program through the Department of Natural Resources and Environmental Control. *This program will be relevant to municipalities adjacent to significant watercourses or located in "impaired" watersheds.* X

Ms. Holland said that there are a lot of issues in DNREC's source water protection and environmental issues but they are not law, they are just recommendations should an application come through the preliminary land use service.

The Corridor Capacity Preservation Program through the Department of Transportation. *This program will be relevant to municipalities near Routes 1, 13, and 113 in Kent and Sussex Counties and Route 52 in New Castle County.* X

The Agricultural Preservation program through the Department of Agriculture. *This program will be relevant to municipalities with agricultural preservation areas adjacent to their boundaries, or within their proposed annexation areas. It will also be relevant to municipalities in rural areas where farming is still an active land use near or within their jurisdiction.* ☺

The Wellhead Protection program through the Department of Natural Resources and Environmental Control. *This program is relevant to municipalities with public water systems. Although the regulations will not be enforced until 2007, it is desirable to identify appropriate land uses for wellhead areas as soon as is practical.* ☺

Ms. Holland said that the Town Solicitor should look at this with the engineer.

In review, Ms. Holland said having gone over the components, the first step would be to have a meeting of the Planning Commission where the maps can be reviewed. After that meeting, the Commission should take enough time to look at the data, make recommendations and then at the next meeting explain what we have heard from the public and people who attended the public meeting. Ms. Holland said that a draft needs to be sent to Plus, Preliminary Land Use Service, with the State for recommendations. All State agencies secretaries will review the Plan. Someone from the Town of Henlopen Acres Planning Commission is asked to attend to explain the Comprehensive Plan. Then the State will submit its comments in 20 days. A Wellhead Protection Ordinance is the only issue that she can foresee. Ms. Holland stated that our Plus Review can run simultaneous to our Public Hearing. Once the Planning Commission receives the comments from the state then we should incorporate them with what we have heard from the public and have another public meeting, then submit to the Commissioners for their approval, then the State.

Mr. Thompson asked as in reference to the roads, what kind of information will need to be disclosed as far as traffic volume and traffic control, etc. Ms. Holland said that the Town Engineer could work through that. She said that she would explain the roads and that the Town has places that you can pull off for emergency access should EMT or Fire Trucks need to come in. You can say that the streets will accommodate a bicycle and a car and that you are pedestrian friendly. The Town is unique and you can actually put down that you follow the village concept.

Mr. Scheurer asked Ms. Holland, from her perspective, what she thinks the time frame is for what is expected out of us. Ms. Holland responded that at least a Comprehensive Plan should have a minimum of four meetings including a public forum and the one where the Planning Commission approves the Comprehensive Plan and submits it to the Board of Commissioners. The Timing is up to the Planning Commission. If you think there are going to be a lot of changes, then when you're ready, send it up with the changes for PrePLUS. Either way, it will go through the Plus system.

Mr. Mandalas asked Ms. Holland if the PrePLUS submission should include the review draft with changes made by the Town Manager and Ms. Holland said yes. Mr. Mandalas asked at what point a review becomes an update. Ms. Holland said with the Comprehensive Plan review you are not submitting any changes, no annexation changes or zoning changes that affect the zoning map, just send the document and a cover letter saying you are not going to change anything. Ms. Holland said to note whatever has changed since 2004 and through the administration, the Planning Commissioners, make a decision if they are changes you want to disclose at this time to local citizens.

Mr. Barto said that at present the Planning Commission has not decided whether the Comprehensive Plan is going to be submitted as a review or an update. The Planning Commission has a regularly scheduled meeting for July 5th and at that meeting we will start looking at the checklist in regard to the initial rough draft. We need to plan a second meeting where we have maps to present and can discuss them with everyone that is available. Following those two meetings then have a public hearing. Then after the public hearing the Planning Commission will meet and review the comments of our neighbors and other municipalities and Sussex County.

Ms. Holland said that she does not think there would be a significant change in our Plan that the state would be concerned with, however, it is important that Henlopen Acres has the Comprehensive Plan adopted and go through PLUS. Since this is the current Planning Commission's first time at doing this, we are going to move slowly through the process and work with the community. The community at that point would have had the opportunity to have attended two Planning Commission meetings and at least one public hearing. Then we will forward it to our elected officials and then there should be another public hearing. If we could conclude the process by year end, it will lead us into the rewrite of our Comprehensive Plan which is due to be submitted in 2014. Mr. Barto said that openness will build credibility and we will be able to move forward with the rewrite of the Comprehensive Plan and meet that deadline.

Mr. Barto asked Ms. Holland, as we go through this process how can we keep you linked to our meetings and our schedule and our progress. Ms. Holland responded that she would be available to attend meetings and explain anything about the process or zoning regulations and she will personally oversee our process rather than a subordinate. Ms. Holland said that the Office of State Planning Coordination goes strictly by the rules and regulations. Ms. Holland said that she would rather we take our time then rush through just to meet a deadline.

Mr. Barto reiterated that the next meeting will be Tuesday, July 5th at 10:00 AM and that he would like to set the second meeting for Monday, July 25 at 10:00 AM and at that meeting we will set a date for the a Public Hearing, probably sometime in August. The fellow commissioners concurred. The Planning Commission will also have to do regular business simultaneously with the Comprehensive Plan work.

Mr. Mandalas said that Ms. Holland mentioned having consultants and other different avenues of help to go through the Comprehensive Plan process University of Delaware has the Institute for Public Administration and Rehoboth uses the engineering firm of URS. Ms. Holland said that sometimes it is worth it to have a consultant help work with you through this process but that some jurisdictions have done their rewrites by themselves and that we could easily do it ourselves. Ms. Holland said that Martin Wolliston, at the University of Delaware would be someone to contact.

Ms. Holland stated that once the State certifies the Plan it is used to implement any ordinance changes and how you're going to grow or maintain your character, so make sure that there is nothing in it that an attorney could come back with and give you legal problems. The State uses the Comprehensive Plans to go to the governor and tell him what the needs are for the local jurisdictions. Mr. Thompson mentioned that consideration should be given to the public input process, to ensure that it is orderly. We will include that in the discussion at the next meeting. Mr. Mandalas said that it is extremely helpful to have written comments in advance of a meeting it leads to much more thoughtful discussion.

Mr. Roth will prepare a summary of the Workshop Meeting and e-mail it to the residents at this meeting and publish it on the website. All agreed that was acceptable.

3. Adjournment

Mr. Scheurer made a motion to adjourn. Mrs. Boland seconded the motion. The meeting adjourned at 11:35 am. Next meeting, July 5th 10:00 am.

Approved: _____, 2011