

Town of Henlopen Acres

104 Tidewaters
Henlopen Acres, DE 19971

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MINUTES: Meeting of the Planning Commission of the Town of Henlopen Acres held on **Monday, August 18, 2014 10:00 a.m.** at Town Hall on 104 Tidewaters in Henlopen Acres, Delaware

PRESENT:

John Scheurer	Planning Commission Chairman
Bob Reed	Planning Commission
Gordon Kaiser	Planning Commission
Mary Jane Lyons	Planning Commission
Dick Thompson	Planning Commission
Thomas Roth	Town Manager (member ex-officio)
Lisa Michaels	Town Clerk
Glen Mandalas Esq.	Town Solicitor
David Lyons	43 Pine Reach
Paddy Richards	5 Rolling Road
Frank Jamison	90 Tidewaters
Henry DeWitt	55 Fields End
Barbara Shortley	59 Pine Reach
Barry Hale	37 Pine Reach
John Morris	7 Broad Hollow
Sarah Sunderland	71 Fields End
Tom Ingram	60 Tidewaters
Diane Boyce	11 Tidewaters
Sallie McGrath	36 Tidewaters
Diane Beebe	Rehoboth Art League
Jim Ellison	107 Henlopen Ave

[The Minutes Are Not Verbatim]

1. Call to Order – Pledge of Allegiance

Chairman Scheurer called the meeting to order at 10:02 a.m.

2. Approval of Minutes

a. Meeting May 5, 2014-

Two changes needed to be made on minutes from May 5, 2014. On page 1 the reference to “Peter Walsh House” to be changed to “Peter Marsh House”. On page 2 under Garages, the wording is to be changed to include “the 6000 sq. ft. max total building footprint” in reference to the allowance of a 250 sq. ft. garage in addition to the 6000 sq. ft. max building allowance.

A motion was made by Commissioner Dick Thompson and Seconded by Commissioner Mary Jane Lyons to approve minutes with corrections. Motion passed.

b. Public Hearing June 27, 2014

One change needed to be made to minutes from June 27, 2014. On page 6 the address for Jim Ellsion to be changed from 12 Dodds Lane to 107 Henlopen Avenue.

A motion was made by Mr. Thompson and seconded by Commissioner Gordon Kaiser to approve minutes with correction. Motion passed.

3. Old Business

a. Comprehensive Plan

Chairman John Scheurer began the Comprehensive Plan review by discussing that there has been progress on the issues with the Rehoboth Art League (RAL). Since the June 27, 2014 Public Hearing there have been 5 more meetings that included Mr. Scheurer and other Commissioners from Henlopen Acres and representatives of the RAL. Meetings will continue and plan to include residents of Henlopen Acres whose properties are adjacent to the RAL.

Mr. Scheurer then reviewed the Comprehensive Plan page by page and discussed the changes being made. (A copy of the Comprehensive Plan with changes was included in the meeting packet)

The Background page will have more specific language about the meetings and Public Hearings held in order to resolve issues with the RAL.

Page 2 will clarify when the Peter Marsh House was built and the history of the Homestead.

Page 3 has a number of changes including information received by John Schroeder in reference to the RAL such as the RAL is a 501C3 corporation. There is a question of a Historical district for Lot 1 and Lot 2 with Lot 1 (the Homestead) already on the Historical Register. If RAL ceases to exist Lot 1 should stay zoned as it was deeded in 1930 and 1982 (covenants) which includes Residential. Based on the statement read by the Rehoboth Art League at the June 27, 2014 Public Hearing, they have no intention to expand or change their activities or their facilities in Henlopen Acres but simply want to be assured that they can maintain and update their current facilities without changing the size. Meetings will continue with the RAL to work towards a zoning solution.

The Pioneer and Indian Cemetery bordered by Lot K-16 on Dodds Lane has been added to the Comprehensive Plan. The 4000 sq. ft. parcel is owned by the Town. Planning Commission recommends evaluating a change in the zoning of the Cemetery to Historical so it can remain "as is" and show it on the maps.

More language will be added to the Plan to expand on the history of Henlopen Acres.

Page 4 will expand on the community character, unique tree canopy and lot sizes as compared to surrounding towns. The typical lot size in Henlopen Acres is around 20,000 sq. ft. in comparison to Rehoboth Beach where the typical lot size is 5000 sq. ft.

On page 6 there is a change in language regarding air quality. Also the Town is evaluating municipal trash and recycling pick up by a 3rd party similar to other area Towns.

After comments by the Town of Rehoboth Beach and their Planning Commission, the tree canopy described on page 6 will be changed to exclude the beach in the Rehoboth Beach calculation. Mr. Scheurer noted that our Plan was reviewed extensively by the Town of Rehoboth and also discussed with the Planning Commission Chairman of Lewes. The Plan recommends a minimum number of trees per lot especially in the 20 ft. town right of way in front of each lot. Mr. Scheurer would like the involvement of a committee focused solely on this topic. He was surprised to learn there was already a "Tree Committee" formed that has only met once in the past. The concern is that a lot of the trees in Town are coming to the end of their life and are not being replaced. Mr. Thompson questioned whether it would be too intrusive for the Town to force residents to plant trees.

Page 13 under Water Supply, the Town recommends completing the wellhead protection plan. Mr. Thompson suggested that Rehoboth Beach's water system should be reviewed at a future Planning Committee meeting. It was noted by Rehoboth Beach's review of our Comp. Plan and maps of our water system that several Town wellhead protection areas extend into Rehoboth. The question was raised by Rehoboth as to whether Henlopen Acres would need their assistance with well head maintenance since some of our well heads are less than 150 feet from Rehoboth property.

On page 14 under Storm Water, the Town has improved the Storm Water Management System to better control the run off into the canal.

In the wastewater section a correction has been made as the Town is connected to Rehoboth Beach's sewer system not Sussex County's as previously noted. Henlopen Acres accounts for approximately 4% of the waste water entering Rehoboth's sewer system.

As previously mentioned, the Planning Commission is recommending the Town move to one provider for solid waste removal.

Under Public Safety it was noted that Town Charter allows for the Commissioners to organize a beach patrol.

For Fire Protection, the Plan recommends evaluating connecting to Rehoboth Beach's water system for fire hydrants at least, possibly on Dodd's lane and other streets. Further evaluation is needed.

Page 19 summarizes all the recommendations previously discussed. It was noted the Marina was not discussed and further silting should be investigated. It was also noted that a future traffic study in the Town should be performed.

Page 20 discusses the Town green cover which is currently at approximately 60%. Rehoboth Beach currently also includes pervious ground cover as green and Henlopen Acres doesn't.

There was also a recommendation to change the building allowances for garages which needs further review and study.

A long and detailed discussion ensued regarding the maps of the Comprehensive Plan. Glen Mandalas, Esquire explained the differences in Maps 4, 5 and 6. He explained Map 4 is zoning, Map 5 is current land use and Map 6 is future land use. As it pertains to the cemetery, it is currently zoned Residential and the land use is Governmental. He recommended not changing the zoning to Historical as previously discussed but keep the zoning as is and show the future land use as Cemetery. Mr. Mandalas cautioned the Commissioners that once a change is made on Map 6 in the Comprehensive Plan, the Town has 18 months to seek official zoning change. Mr. Mandalas also stressed that Comprehensive Plans have become extremely relevant and scrutinized by the courts, almost as important as Town Codes.

Mr. Scheurer suggests not making any changes to Map 6 at the current time.

Mr. Thompson and Commissioner John Staffier requested Mr. Mandalas explain the procedure for submitting a Comprehensive Plan to the State, including the roles of the Town's Planning Commission and Commissioners.

Mr. Mandalas laid the procedure out as the following:

Step 1 is for the Planning Commission to submit the Comprehensive Plan to the State for a Pre-PLUS Review. The State will schedule a meeting with all the relevant agencies to review the Plan and make comments and recommendations. The Planning Commission and Town Commissioners will then review the comments and recommendations. The Town is not required to respond to the State's comments at this stage. At any point in the process the Planning Commission can send the Plan to the Town Commissioners for review and comments.

Step 2 is for the Planning Commission to submit the Comprehensive Plan for the PLUS Review (official State review). The State will again meet and make comments and recommendations. This time the Town is required to respond to the State's comments and recommendations. At this point, the Town Planning Commission and Commissioners would make any necessary changes to the Plan and the final document would be sent to Connie Holland at the State for Certification.

With the Planning Commission all understanding the Review procedure the discussion turned back to the Maps of the Comprehensive Plan and the Rehoboth Art League's (RAL) status.

Currently the RAL is zoned Residential Legal Non-Conforming on Map 4 and Institutional on Map 5 with no plans to change that on Map 6.

Commissioner Bob Reed questioned Mr. Mandalas about whether changing the RAL designation on Map 6 to Legal Non-Conforming would be acceptable to the State. Mr. Mandalas suggested possibly changing the RAL on Map 6 to Legal Non-Conforming Institutional under study.

Mr. Staffier suggested making no map changes but under the narrative stating that current review of the RAL may result in future map changes.

Commissioner David Lyons reminded the Planning Commission that even without State approval, the Town can set up their Comp. Plan according to what is best for the Town.

Mr. Reed again suggested RAL's designation be Legal Non-Conforming with changes in the Town Code that address the specific issues brought to the Town at the Public Hearing on June 27, 2014. He felt this was better than changing the RAL's zoning which would open the door to another organization or business to come into Town if the RAL leaves as long as that business conformed to the zoning requirements.

Mr. Staffier reiterated what was discussed earlier that the maps must match the actual changes made so at this time Map 6 shouldn't be changed until there have been actual changes made with the RAL.

Mr. Scheurer would like to send the Comp. Plan to the State for the Pre-PLUS Review so the Town can receive comments on all the other issues addressed knowing that the State would not certify the Comp. Plan without it addressing the issues with the RAL.

Mr. Scheurer discussed that Mr. Roth has reached out to Rehoboth Beach about the Town connecting to their fire hydrant system as discussed on page 14 of the Comp. Plan Mr. Roth will be meeting with them in the near future.

Mr. Scheurer has requested Mr. Roth move forward in seeking bids for Town wide Trash and Recycling pick up from 3 different trash companies as addressed in page 6 of the Comp. Plan. (A draft proposal and suggested trash companies by Mr. Scheurer were included in the meeting packet)

Mr. Scheurer also reviewed other information included in the meeting packet as it relates to the Comp. Plan including what was provided by Mr. Schroeder regarding the RAL.

b. Garages

Included in the meeting packet was details of the average sizes of the lots in Town and the average building footprints of the houses prepared by Mr. Scheurer. He would like the Planning Commission to review the information and they can discuss how to better efficiently use the space available on the lots (especially the smaller ones) to allow for garages. Topic will be discussed at the next Planning Commission Meeting.

c. §130-4.B.(2) Accessory use, Cooking facilities

This topic will be tabled until the next Planning Commission Meeting.

4. New Business

Sally McGrath-36 Tidewaters

Mrs. McGrath requested to know what is being done to grow grass on the land across from her house by the Marina. The dredging done in 2012 left a large amount of salt in the ground that is preventing grass from growing. Mr. Roth said the Town is reviewing all options including sod and will talk to engineers about what can be done to grow grass and also what can be done in the future when silting to keep the grass damage to a minimum.

5. Adjournment

Mr. Thompson made a motion to adjourn the meeting and Mr. Kaiser seconded it. Mr. Scheurer adjourned the meeting at 11:36am.

Approved- December 1,2014