

**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 was held on **Monday, August 7, 2017 at 10:00am** at Town Hall on 104 Tidewaters in Henlopen Acres, Delaware

**PRESENT:**

John Scheurer	Planning Commission Chairman
Gordon Kaiser	Planning Commission
Dick Thompson	Planning Commission
Mary Jane Lyons	Planning Commission
David Lyons	Mayor (member ex-officio)
Tom Roth	Town Manager
Lisa Michaels	Town Clerk
Barbara Shortley	59 Pine Reach
Wendy Jacobs	24 Rolling Road
Nathalie McGregor	3 Pine Reach
Loiuse Montgomery	80 Pine Reach
Sara Ganter	Rehoboth Art League

**EXCUSED:** Bob Reed Planning Commission

**[The Minutes Are Not Verbatim]**

**1. Call to Order – Pledge of Allegiance**

The meeting was called to order 10:00am by Chairman John Scheurer.

**2. Approval of Minutes – August 22, 2016**

**Motion** to approve the August 22, 2016 minutes made by Commissioner Dick Thompson and seconded by Commissioner Gordon Kaiser. **Motion** passed unanimously.

**3. OLD BUSINESS**

**a. § 130-19D Garage/Storage area allowance**

Mr. Scheurer enlisted the help of Commissioner John Staffier to clarify the language of the garage storage allowance. The initial intent was to allow a 250 sq. ft. storage garage to store bikes, beach chairs, etc out of sight. The concern then became the possibility of turning the additional storage space into living space and going over the 6000 sq. ft. maximum. A discussion ensued as to how many homes this would affect based on lot size, with the homes on the smaller lots in Town being affected. The members of Planning Commission have decided to review the lots sizes of all the properties in Town and come up with an average lot size and a threshold for being allowed to have this additional storage facility. Mr. Thompson will also reach out to other towns, cities and the urban league to see what kind of standards they use in allowing storage facilities. This item will be on the agenda for the next Planning Commission meeting.

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

The Planning Commission had submitted a draft Ordinance for review to the Board of Commissioners. They have now sent it back to the Planning Commission to simplify the language. An attached outdoor cooking facility is already permitted in the Code and the original idea of the proposed draft was to allow freestanding cooking facilities. After a robust discussion a **motion** was made by Mr. Thompson and seconded by Mr. Kaiser to recommend the following language back to the Commissioners for review:

*Freestanding cooking facilities are permitted that are attached or contiguous to the principal building to the extent they are not visible from the street.*

**Motion** passed unanimously.

**c. Review of Comprehensive Plan recommendations**

**Tree Canopy** –The Tree Committee has inventoried all Town trees and progress continues to be made in planting new trees.

**Air Quality** –Mr. Scheurer would still like to see the Town go to a single trash hauler provider. The Board of Commissioners heard a presentation by Waste Industries and were not impressed. The Board of Commissioners does not want to pursue this topic any further at this time.

**Water Supply**-The Town has an engineering firm evaluating the water system and will be making recommendations. Probable recommendations include connecting to Rehoboth Beach’s water system and installing fire hydrants in Town. The City Manager of Rehoboth Beach is willing to discuss with Mr. Roth. The water plant will also need some upgrades since it is 25 years old.

**Storm Water Plan**-The Federal Government wants all towns to monitor run off of storm water and the expectation is that all towns from Lewes to Dewey Beach will be required to monitor all storm water run-off by 2020.

**Fire Protection**-Same as water supply that includes connecting to Rehoboth Beach’s water supply and installing fire hydrants.

**Marina**-The Town has been working with an engineering firm to find a solution to the silting in the Marina. The firm has made several recommendations and will present models of each in the near future.

**d. Review of fencing requirements**

The Zoning Code currently allows fences only for yards that have pools. There are a few properties that were grandfathered in because they had fences before the Zoning Code was changed. Those properties are not allowed to replace their existing fence only repair it. This has created difficulties as the fencing material is old and difficult to find. There was an extensive discussion about recommending a change in the Code to the Board of Commissioners to allow fences with very strict guidelines.

**Louise Montgomery-80 Pine Reach-**

Ms. Montgomery currently has a fence and that is the reason she bought the property. The fence around her property is old and very intricately detailed which has made repair difficult. She is also a dog owner and feels strongly that fences not only provide a safe environment for the dogs but also keep any stray animals, like foxes out of the yard.

**Nathalie McGregor-3 Pine Reach-**

Ms. McGregor doesn't currently have a fenced yard but is a dog owner. She agrees with Ms. Montgomery that allowing fences would be beneficial to dog owners, especially with the current leash requirements in Town. This would give the dogs the ability to run free in a safe environment. She also suggested creating a dog park in Town as another solution.

A **motion** to approve Mr. Scheurer to draft a Fence Ordinance to submit to the Board of Commissioners was made by Mr. Thompson and seconded by Mr. Kaiser. **Motion** passed unanimously.

**4. NEW BUSINESS**

**a. 5 year Comprehensive Plan Update**

The five year update to the Comprehensive Plan is due again in 2019 based on date it was originally due which was 2014. Mr. Scheurer will be scheduling meetings beginning in 2018 for the Planning Commission to start working on the update in order to submit it on time in 2019.

**5. Adjournment**

A **motion** to adjourn was made by Mr. Thompson and seconded by Mr. Kaiser. The meeting was adjourned at 11:03am..

**Approved 05/07/18**