

**PLANNING AND ZONING COMMISSION**  
**MEETING MINUTES**  
**February 16, 2023**

1. Chairperson Liddle called the meeting to order at 6:00 p.m. with the Pledge of Allegiance. Commission Members Sigvardson, Nicholson, and Tyminski were in attendance. Planning, Zoning & Development Director Ken Cimino, Planner Jill Oliver, Town Solicitor Veronica Faust, Planner Jill Oliver, and Town Clerk Donna Schwartz were also in attendance. The meeting was held at 32 West Avenue. Walter Curran was not in attendance.

2. **APPROVAL OF AGENDA**

*A motion was made by Mr. Tyminski, seconded by Mr. Sigvardson, to approve the agenda as presented. The motion was carried unanimously 4/0.*

3. **APPROVAL OF MINUTES**

*A motion was made by Mr. Sigvardson, seconded by Mr. Nicholson, to approve the minutes of November 17, 2022. The motion was carried unanimously 4/0.*

4. **NEW BUSINESS**

P-342 -

Preliminary Plan Review for Shore Vista – fka The Villas at Ocean View Tax Map ID: 134-12.00-470.00

- Shore Vista – Preliminary Development Plan - as completed by GMB, LLC dated 12/22 and as revised through 2/7/23
- Shore Vista – Preliminary Development Plan – Supplementary Reports as completed by GMB, LLC dated 12/22
- Shore Vista – Engineering Plan – as completed by GMB, LLC dated 12/22

Mr. Jim Lober made the following comments. Based upon our review, we have the following comments:

**Generally**

1. Specify in the site data column that the 167 units allowed, based on the maximum allowable DU's per acre of six, is for townhouses and specify that the 104 units proposed are townhouses. The Maximum allowable DU's per acre varies based on use. It is necessary to specify the use.
2. Open space is required at a rate of 300 sq ft. per unit or ½ acre, whichever is greater. The open space required for the development as shown is 31,200 sqft. Correct the site data column.
3. The water supplier is Tidewater Utilities. Correct the site data column.

4. The minimum livable floor area per dwelling unit for townhouses in R-3 Zoning is 1,250 sqft. Correct the site data column.
5. Specific language addressing the long-term maintenance requirements and responsibilities for the 30 ft. wide wooded buffer proposed around the perimeter of the site will be required on the record plan and within the deed restrictions.
6. General note #1 should refer to the Town Code Chapter 187. This chapter in turn refers to DelDOT standards but may include more stringent standards specific to the local requirements.
7. General note #8 should refer to the Town Code Chapter 132 Article II. This chapter in turn refers to DelDOT standards but may include more stringent standards specific to the local requirements.
8. The parking calculation has been corrected. The plan now includes the correct number of parking spaces based on two parking spaces in each driveway and the additional overflow parking that has been added.

#### Wetlands

1. It appears that the same preliminary wetland delineation summary submitted with the concept plan review has been submitted with the preliminary plan application. A finalized delineation and report are required as part of the preliminary plan submission package prior to Planning & Zoning consideration of the preliminary plan.

#### Utilities

1. Place a note on the plan stating that the tie-in to the twelve" water main on the east side of Woodland Ave. will need to be directional bored and that no open cut of Woodland Ave. will be allowed. This requirement may be reevaluated once the required improvements to Woodland Ave. have been identified by the traffic operational analysis.
2. Adjust the sanitary alignment so that manholes fall either on the centerline of the road between the two travel lanes or in the centerline of one travel lane. Manholes that fall within the wheel paths of traffic should be avoided.

#### Streets and Sidewalks

1. Note on the plan that the streets to be constructed within the development will be dedicated to the Town as public rights-of-way.

2. The traffic operational analysis report, submitted in support of this application, was found to be unacceptable by the Town as it was based on volume data that did not account for seasonal peaks in traffic. The Town previously informed the applicant that the analysis would need to be revisited. As of the date of these comments, a revised analysis has not been received.
3. Label the width of the rights-of-way as well as the pavement, curb, grass strip and sidewalks within the rights-of-way.
4. A soils investigation in accordance with §187-4-B will be required to support the pavement design for the streets. Provide pavement sections for the various streets based on the number of units served as required by the code.
5. It appears that street grades along Soybean Way are not in compliance with the requirements of §187-2-E with regard to grade changes and vertical curves. Please ensure that the requirements of this section are met.
6. §187-11 of the code requires that all curbing shall be DelDOT PCC type 1 vertical face with 8" reveal. The plan calls for integral curb and gutter type 2. A variance will be required to allow the alternate curb design.
7. It appears that the acute angle formed at the intersection of Browning Farm Blvd. and Corn Silk Dr. is not in compliance with the requirements of §187-2-G-1. Provide a dimension for the angle created by the two streets. The code allows some flexibility here, but the Town would prefer a right-angle intersection. Given the low volume at this location, the requirement for 100 ft. of straight approach to the intersection required by §187-2-F-5 could be relaxed. A shorter straight approach combined with a right-angle intersection would be the preferable design.

#### Drainage

1. Calculations for all open channel and pipe systems will be required in accordance with Chapter 132 Article II.
2. Relocate the catch basins at the entrance to the points of curvature to avoid having inlets on the radius.
3. The drainage area to the wet pond at the entrance seems too small to support the proposed permanent pool. Consider the viability of the permanent pool given the limited runoff directed to this BMP.

4. Please note that the code requires that all wet ponds be aerated. Place a note on the plan stipulating that the wet ponds will be aerated. Final plans will need to provide a detailed drawing for the pond aerators.
5. Unless there is some regulatory requirement, consider directing the outflow from the pond at the entrance into the pipe run that flows directly to the larger pond behind the clubhouse. The parallel pipe running to the smaller pond seems redundant and the Town would prefer fewer pipes in the street.
6. Pipe runs should be kept within the roadway to the greatest extent possible. Connections should not be made to the back of catch basins behind the curb. Specifically, the 15" pipe that cuts the corner at the intersection of Browning Farm and Soybean should tie into a manhole on the main line in Browning and not run under the curbs to the catch basin. Also, the manhole near the handicap parking at the clubhouse should instead be a catch basin along the curb so that the 24" pipe in Browning remains in the street and the outlet pipe crosses the curb at a right angle on its way to the pond.
7. Although an inlet may not be required at the location, the structure across from lot 54 should be an inlet along the curb line and not a manhole in the road to avoid creating acute flow angles in the system.
8. Realign the box culvert outlet from the large pond to introduce the flow into the channel parallel to the side slopes. It may be necessary to regrade the downstream channel to achieve this. A gradual curve to the channel is acceptable. The abrupt angle between the culvert and the channel currently provided will be erosive.
9. The open channel along the rear of lots 10-23 is an excessive encumbrance for small lots. The slopes and the need to maintain flow through the channel will also conflict with the proposed landscaping along the tract boundary. Provide grading similar to the rear of lots 24-32 and a pipe network to drain this area to the pond.
10. The minimum storm sewer pipe size permitted by the code is 15". There is some flexibility, but 6" and even 8" is considered too small for site pipes to avoid potential blockage with debris. Provide a design based on a minimum of 12" pipes. If the hydraulic analysis reflects an opportunity for smaller pipes 10" pipes may be considered at that time.

#### Grading

1. There are locations around the perimeter of the tract where grading is shown off-site. Any work proposed outside the limits of the subject property will require permission from the property owner.

2. Preliminary grading provided at this point results in areas with very little slope. Ensure that grading throughout will be provided in accordance with Chapter 132 Article I.

### Landscaping

1. A detailed review of the proposed landscaping has not been completed at this stage. As the plan moves forward through the process ensure that the landscaping plan addresses all of the requirements included in §140-73, §140-74, and §140-75. The landscaping plan should also include street and parking lot lighting in accordance with the requirements of §187-8.

### Easements and Rights of Way

1. Place a note on the plan stating the requirement for the easement included in §140-79-B-6. Note that the easement will be dedicated to the Town. The easement will need to be depicted on each lot on the final record plan and single lot grading plans submitted for building permit issuance.
2. Easements will be required over any drainage pipes and open drainage channels on private lots in accordance with §140-79.
3. All easements and rights of way will need to be reflected on the final record plan, including those reconfigured for the revised tax ditch alignment.

### Outside Agency Review

1. PLUS comments have been received and reviewed. In general, the Town is in agreement with the comments and the applicant's responses thereto. Specifically regarding DelDOT's comment suggesting interconnection to Bella Via Way, it should be noted for the record that the adjoining subdivision of The Reserves is not within Town boundaries and the right of way associated with Bella Via Way is a private right of way owned and maintained by the HOA for The Reserves. It is not within the Town's jurisdiction to require interconnection.
2. All applicable outside agency approvals will be required prior to final plan approval and recordation.

### Stormwater Management

Sediment and stormwater approval will be the jurisdiction of the Sussex Conservation District. However, the Town will also need to

**review the stormwater design. Please provide copies of the sediment and stormwater management plans to the Town.**

Mr. Lober suggested the Commission defer a vote this evening. Mr. Sigvardson questioned an acute angle variance. Mr. Lober stated it could be acceptable, there's flexibility. Mr. Tyminski asked if there was a landscape plan available. Mr. Lober stated it would not be available before the vote. Mr. Cimino noted that he was thankful that they addressed so many issues of the residents. Mr. Steve Marsh, of GMB, stated that he was in receipt of Mr. Lober's comments. He also noted that the vertical driveway curb cuts would be depressed. Mr. Lober stated that makes sense.

Public Comments:

Mr. John McKinley, Paradisio Ct, asked if the traffic analysis failed. Mr. Lober replied that it was incomplete. Mr. McKinley commented that he noticed a connection to Bella Via. Mr. Lober noted was just an option. They will not connect because Bella Via is a private road. DelDOT does not have any jurisdiction. Mr. Marsh noted that a berm would be put at the back. Mr. McKinley stated he was concerned about the risk of water drainage. Mr. Lober replied to the berm will collect and drain. Ms. April Avato, Bella Via Ct, thanked everyone for their consideration.

***A motion was made by Mr. Tyminski, seconded by Mr. Nicholson, to defer a vote on the preliminary plan as presented. The motion was carried unanimously 4/0.***

## **6. ADJOURNMENT**

***A motion was made by Mr. Sigvardson, seconded by Mr. Nicholson, to adjourn the meeting at 4:27pm. The motion was carried unanimously 4/0.***

Respectfully submitted,  
Donna M. Schwartz, MMC.  
Town Clerk