

PLANNING AND ZONING COMMISSION
MEETING MINUTES July 16, 2015

1. Chairman Gary Meredith called the meeting to order at 7:10 p.m. with the Pledge of Allegiance. Commission Members Meredith, Wichmann, Damiano, Smith, and Sharpe were in attendance. Town Solicitor Dennis Schrader, Town Administrative Official Charles McMullen and Town Clerk Donna Schwartz were also present. The meeting was held in the Ocean View Town Hall, 32 West Avenue. .

2. **COMMISSION BUSINESS** – none

3. **APPROVAL OF AGENDA**

A motion was made by Mr. Smith, seconded by Mr. Wichmann, to approve the agenda. The motion carried unanimously 5/0.

4. **APPROVAL OF MINUTES**

A motion was made by Mr. Wichmann, seconded by Mr. Damiano, to approve the May 21, 2015 minutes as presented. The motion carried unanimously 5/0.

5. **NEW BUSINESS**

6. **OLD BUSINESS**

A. Application P-276, 110 Central Avenue

Chairman Meredith read the notice for Application P-276. He said it was a Final Land Development Site Plan Review submitted by the Evergreene Companies on behalf of the property owner Dianne H. Archut, Trustee, in conjunction with application P-276 to subdivide one parcel of land into fourteen individual parcels of land on property zoned R-1 (single family residential) located at 110 Central Avenue (PIDN: 074.001 / Sussex CTM#: 134-12.00-428.00)

Mr. McMullen offered his overview to the Commission. He said the application before the Commission is for a Final Land Development plan review submitted by the Evergreene Companies to create thirteen individual R-1 single family dwelling units lots, a lot with amenities, an open space area with a walkway and common open space. The open space area encompasses mostly wetlands, a tax ditch, tax ditch easement and a buffer area adjacent to the neighboring community to the west known as Foxwoods. The applicant was previously before the Commission on 9/18/14 at which time they received Preliminary Land Development approval with conditions as noted in the minutes of that meeting and included below. A motion was made by Mr. Liddle, seconded by Mr. Wichmann, to approve the preliminary plan subject to the recommendations and comments by the Town Administrative Official and the Town Engineer, and approval by outside agencies are complete and covenants presented. The motion carried unanimously 5/0.

The following preliminary requirements have not been met:

- Statement noting that the streets are to be dedicated to the Town of Ocean View with a bond as required by Code after inspection and approval by Town Engineer.
- Street name must be presented to Town Council, which can be done at the next meeting on 7/14/15, for approval and approval is also required from Sussex County Mapping.
- Final approvals and plans required from:
 - Sussex Conservation District (SCD)
 - Sussex County Engineering (County Sewer)
 - Delaware Department of Transportation (DelDOT)
- Entrance sign for residential development should be shown on site plan if proposed.
- The open space area should be labeled in site data on the site plan, as specified in §140-71-D(2) “Dedicated for Park and Recreation Purposes.”
- Maintenance of open space, common areas, and recreational space should be inclusive as HOA responsibilities as outlined in §140-72. This may be inclusive in the HOA documents provided by the applicant.
- Ensure that the deed restrictions and covenants advise property owners of the wetlands buffer on lots SF-6 through SF-12 that prohibits improvements in that area. (Solicitor to answer)

Additional Comments:

- A recent change to the Town Code requires the signature of the Town Administrative Official in the Town approval block. Please revise to change Town Manager to Town Administrative Official.
- There is a ten-foot drainage easement that is to be dedicated to the Town of Ocean View adjacent to all property lines and this should be inclusive in the notes.
- Please clarify note #5 and #9 on cover sheet.

Mr. McMullen then read a letter from James Lober, of Kercher Engineering, regarding the final site plan of Johnson’s Glade who said based upon our review, we have the following comments:

FLOODPLAIN:

1. It has been interpreted by the Town that the portion of the Banks Bennett Tax Ditch traversing the site does not qualify as a “natural watercourse”. The project is, therefore, not subject to Section 140-79 B(2) requiring an easement covering the floodplain on-site.
2. Due to the fact that the floodplain associated with the Banks Bennett Tax Ditch depicted on the FEMA FIRM Panel covering this site includes a regulated floodway, the project is subject to the requirements of Section 116-4 and 116-5. Include the boundary of the floodway on the plan. Ensure that no disturbance is proposed within the floodway.

DRAINAGE:

1. Given the detail on sheet CS6001, it is assumed that the inlets to the bio-retention areas are intended to employ the standard DelDOT curb opening detail. If this is indeed the case, please label the inlet locations as such and refer to the detail. Provide a section detail from the paving through the semi-circular concrete throat and down the flow channel to the bio-retention media for one of these installations as a typical detail. Specify all materials, thicknesses, slopes, etc. This will be somewhat customized application of the DelDOT curb opening detail. A more specific detail will be important to aid the contractor in correctly constructing the inlets.

GRADING

1. Provide grading plans providing the full detail as required by Chapter 132 including house footprints and specific grading as required to demonstrate that protective slopes can be provided.
2. Provide grading for the northern end of the bio-filtration swale behind lot 6 to ensure that concentrated flows from the swale are maintained on-site and directed to the wetlands.

STORMWATER MANAGEMENT

1. Provide easements so that the HOA can access and maintain the swim facilities within the Town right-of-way. Ensure that the easements are depicted on the record plan.

STREETS AND SIDEWALKS

1. Provide the soils investigation report as required by section 187-4 to determine the proper pavement section required for the street being constructed for this project.
2. Provide an easement abutting the road right-of-way covering the sidewalk to provide cross access for pedestrians utilizing the sidewalks to be built outside of Town in the right-of-way. Ensure that the easement is depicted on the record plan.

These comments are offered solely based on the preliminary information provided to date.

Mr. Carl Savage, Pennoni Associates, submitted a letter which addressed the above comments. He responded to the comments as follows:

1. A 10' wide Utility easement was added to the plans. Water services have been pulled back into the easement.
2. A note about snow removal was added to CS1001.
3. A note was added to CS1001.
4. Detail was added to CS1501.
5. Note replaced.
6. Tax parcel # correction made.
7. Discussion during meeting concluded that "Johnsons" is an historic name and would be acceptable.
8. Height added to chart for all trees and ferns.
9. Text corrected.

10. FEMA Floodway added to sheet CS0201.
11. Minimum lot grading design standard added to sheet CS1501.
12. Existing spots added to sheet CS1501 to indicate flow towards wetland.
13. Soils report provided.

Mr. Savage also noted they will seek name approval from Town Council. He also said the entrance sign was included on the plans and the open space has been labeled. Maintenance of open space has been added to HOA covenants and a signature block will be added for the Administrative Official. Mr. Schrader asked if all these things would be completed before recordation. Mr. Savage replied they would.

There were no questions or comments from the Commission. A motion was made by Mr. Damiano, seconded by Mr. Wichmann, to approve this as a final land development plan review on the condition that all items are to be completed prior to final approval by Administrative Official and recordation.

7. ADJOURNMENT

A motion was made by Mr. Damiano, seconded by Mr. Smith, to adjourn the meeting at 6:05pm. The motion carried unanimously 5/0.

Respectfully submitted,
Donna M. Schwartz