**DRAFT Minutes**

Comprehensive Development Plan Working Group

October 15, 2016 Meeting

Dewey Beach Lifesaving Station

1 Dagsworthy Street, Dewey Beach DE 19971

**9:06 am Open.**

The meeting was called to order by Chair David King. Present were Working Group members, Dave Davis, Jim Dedes, Dave Ferry (by teleconference), Julie Johnson, Bill Lower, Jimmy O’Conor, TJ Redefer, Mark Richardson (by teleconference), Paul Roessel, and Larry Silver; Ad Hoc member Jim Tyler, Town Mayor Dale Cooke and Commissioner Gary Persinger; and members of the public, including Yvonne Roessel.

Approval of Draft Minutes. There was a motion and second to approve the draft minutes as amended. There was no additional discussion and this motion was passed by unanimous voice vote.

Approval of the Agenda. Given the various materials to work with, there was consensus to adjust the content and timing of the agenda items include discussions on Quality of Life, Built Environment, Safety, Government, Services, and Facilities, and Plan front end, and to spend as much time as needed on each topic.

Draft materials distributed/posted on line for discussion at this meeting included:

* Draft Sea Level Rise (Section 6.4)
* Draft Stormwater Management (Section 6.3)
* Draft Zoning Working Consensus (Section 6.1)
* Draft Annexation (Section 6.5)
* Draft Sidewalks, crosswalks, and bike zones (Section 7.1)
* Draft Services Facilities (Chapter 8)
* Draft Plan Working Document (Preface and Chapters 1 – 3)

**9:10 am Quality of Life – Bill Lower**

Bill Lower provided a set of handouts (included herein as an addendum) and explained that his presentation/draft materials have been built upon earlier work by the Quality of Life Committee/Task Force back in the 2010 – 2013 period and earlier discussions within the CDPWG. The earlier Task Force was focused on improving two, negative issues: disorderly houses and noise/public intoxication. He is taking a broader approach, and reminded us that QoL is inter-related to all other meta-issues and that all of this is subject to change pending analysis of the citizen and visitor surveys.

As Bill read through the various items listed on the handout, there was discussion on several points, including:

* ***Culture***. What does “family oriented” mean? Versus family friendly? Family oriented seems to imply we are trying to be another Bethany, and possibly too constraining. Is this our vision for the future of Dewey? What about all the other vibrant activities? A vibrant nightlife is a significant part of what Dewey is to many, and needs to be a part of our vision (without the disturbing noise and obnoxious behavior). As part of his responsibility for creating appropriate vision statements, **Dave Davis was tasked to come up with a better way to frame our vision/goal here** – and provide an appropriate definition that we can use throughout the Plan.

How can we frame actionable recommendations related to “culture” other than to say that the Mayor, Town Commissioners, Manager, and employees should lead by example?

* ***Infrastructure fund.*** While existing operational procedures provide a small stream of monies to provide for infrastructure improvements, in the face of a full analysis of infrastructure repair, maintenance, and improvement needs this amount is unlikely to be sufficient and the Town needs to establish a long range capital plan.
* ***Congestion.*** While trying to cast the town as a destination, we are also trying to mitigate the negative impacts of congestion – when Dewey is full, Dewey is full.
* ***Diversity.*** We have talked a lot about balancing family and young adult activities. However, in terms of a diverse destination, we have an opportunity to fill a gap in the offerings currently provided by other towns in Coastal Delaware and make Dewey a unique destination to those seeking a young-adult resort environment.
* ***Public nuisances.*** The businesses have to be a part of a concerted, collaborative solution to deal with cultural negatives such as public intoxication, disorderly conduct, and excessive noise.

**9:35 am Built Environment (Chapter 6) – TJ Redefer**

Discussion points included:

* ***Climate Change and Sea-Level Rise (Section 6.4).*** The vision/objective is a strategic response by the Town to preserve Dewey Beach. Is the Town’s responsible for addressing sea level rise? Does the Town really want to be responsible for protecting the community from the impacts of sea-level rise? What is meant by “the town”? And, if the Town does take responsibility for such a role, how will it fund any such response?

As written, this objective places this responsibility on the Town government – the Mayor and Town Commissioners as its policy makers. During the discussion King noted that municipalities everywhere are taking responsibility for strategies to improve local resilience in the face of climate change. Municipal responses to sea-level rise include ***adaptation*** (e.g., changes in zoning code to make buildings less likely to be damaged by flooding, such as increased base elevation), ***protection*** (e.g., legislating policy and raising/committing of funds to build dams and levees), and ***planned retreat*** (e.g., establishing policy to prohibit re-development in the face of storm damage and/or not to support infrastructure repair and maintenance in flood prone areas). The Town government is the only entity able to take these steps, and it needs to establish a strategy as to how it will respond now and in the future. Hopefully, in establishing such strategy the town government will take into account the wishes of its citizens, who ultimately reap the potential benefits and ultimately bear the costs of this strategy.

* ***Stormwater management (Section 6.3).*** As part of the inspection/maintenance/improvement process the Town needs to ensure that this infrastructure is built to a future need (i.e., works properly in the face of 2’ or 3’ of sea-level rise and provides proper impediment to encroachment of rising bay waters onto the Town’s streets). The first bullet should say “negotiate/renegotiate” since it appears that there is no existing MOU regarding stormwater sewers.
* ***Stranded and Deteriorating Properties (under Section 6.1).*** There are several deteriorating properties, but not a lot. The Town needs to establish appropriate property maintenance requirements to protect property values and the public safety and welfare. This is a simpler situation than that of the many, many stranded properties all over Town.

While there was some difference of opinion as to what constitutes a “stranded property”, a reasonable working definition might be smaller/older housing that encroaches in one or more setbacks and cannot be relocated on the lot so as to not encroach. Many of these stranded properties are located in Special Flood Hazard Areas, which creates another set of related problems. While the Board of Adjustment could issue variances, one by one, for such situations based on property-specific hardship, this doesn’t address dealing with the large number of stranded properties or the possible situation following a major flood. The major problem is that, in many such instances, one cannot substantially improve such properties. While, as TJ Redefer noted, a major reason to seek zoning code changes to deal with stranded properties is to preserve the older, quaint beach cottages that comprise much of the built environment in Dewey Beach that property owners and visitors view as an integral part of the local community, current code drives such properties to tear down the original cottage and build new.

Also included in this class are those small cottages on sub-standard lots (generally with encroachment and parking issues). However, since these properties are below the size required to be a “buildable lot”; tear down/new construction is not a current option.

The intent here is to provide for 1) renovations using modern building materials and techniques, and 2) addition of an extra bedroom or two, not the creation of mini hotels. Any changes along these lines would be formulated by the Planning Commission and enacted by the Town Commissioners as changes to the zoning code. Paul Roessel and Bill Lower both noted that this is a very important issue in the face of sea-level rise and a potential future disaster – for the Town to be proactive; it is also important to amend the zoning code to permit people to elevate prior to substantial flood damage.

Commissioner Persinger noted that specific examples that demonstrate the problem(s) being addressed here it would help the Town Commissioners in their future deliberations. Jim Dedes noted that this is really an issue that can be addressed immediately outside of the comp plan, by simply having the Town Commissioners instruct the Planning Commission to investigate and bring back its recommendations, e.g., for proactively elevating buildings in flood zones and options for improvements to stranded houses. To some extent this latter point deals with the tension between having a code that encourages bringing properties into conformance with zoning versus retaining the beloved, traditional beach cottages that make up so much of Dewey Beach and that are threatened by re-development.

* ***RB District (under Section 6.1).*** This approach protects what we have as well as creating possibilities for positive future growth. A main theme here is to simplify; to return to the pre-2009 situation with a single Resort Business (RB) district. Only one development benefitted from the Zoning Code changes in 2009 (more due to the introduction of Planned Resort Business districts and otherwise could have been undertaken under the more general pre-2009 code). Several were negatively impacted, including five parcels in the new-RB-1 district that were forced to petition the Town to amend its 2009 Comp Plan so as to permit dedicated residential-use redevelopment of their properties – essentially reverting back to what would have been possible under the previous RB zoning – and one property owner along Coastal highway whose property was being re-zoned in 2009 from RB to RB-2 who was forced to move quickly to redevelop his residential-use property before that opportunity was lost to him. In addition there are a lot of “dead” properties along SR-1 (e.g., at the corner of Coastal Highway and Van Dyke) that could benefit from having the less restrictive option to develop as commercial-, mixed-, or residential-use depending on the status of the economy and characteristics of the individual property.

Rob Marshall noted that from the perspective of a property owner, one doesn’t want to be pigeon holed; more flexibility is better and lets the market guide development. Dale Cooke wanted to better understand the overarching concern driving this simplification. The move to RB-1, RB-2, and RB-3 was driven by an explicit threat to tear down a large area of commercial use and transform this de facto ‘town center” area into dedicated residential use. This threat no longer exists. TJ Redefer responded that we have enough large commercial developments and a theme of our discussions is to simplify the code while providing options for residential- and commercial-redevelopment potential – giving property rights back.

Changing the zoning for the bay-front properties between Rodney and McKinley would create an opportunity for new commercial activity, and an extended nature walk that could contribute to improved resilience to sea-level rise and draw in tourists to patronize other town businesses. Mark Richardson made the point, that although we won’t be around in 2050 we have an opportunity and a our responsibility to buy Dewey Beach an additional 50+ years by doing the right thing. When we come to the bay front, we have an opportunity to do some amazing things while addressing sea level rise in a visionary way. Then the bay side becomes a major pedestrian way for commerce and the enjoyment of nature. Need to address 1) Dewey won’t exist in the future if we don’t do something regarding resilience to sea level rise, and 2) how many other issues can we address by a more visionary approach, wherein the bay side is a giant opportunity – think 2 or 3 generations out. **Mark Richardson took an action item to put some of this into text for the next meeting.**

* ***NR & RR Zoning Districts (under Section 6.1).*** Currently the major difference between NR and RR zoning districts is that one can only build one, single family detached residence per parcel in the NR district, while multiple detached or town-house style residences can be built on parcels in the RR district provided no more than one dwelling unit per 3,600 square feet of land area is permitted.[[1]](#footnote-1) Since the majority of lots in the RR district are 5,000 sq. ft., the defacto result is only one residence per parcel in both NR and RR – in essence, the main difference between these two districts has disappeared. Maybe it is time to simplify the code to combine the current NR and RR districts under a single set of zoning requirements. Bill Lower stated that he thinks there might be advantage to having the ability to combine adjacent properties and build to a higher residential density in those RR district areas close by to the Town’s commercial activity. In response, TJ Redefer noted that the trend is to building smaller houses (3,500 or 4,000 sq. ft.). Is more really better in Dewey Beach? Again, the question was raised about unintended consequences.

TJ Redefer commented that a driver behind this unification is to lead to smaller dwellings town wide, that it has been the sense of this working group that continued development under current size requirements will harm the existing sense of community, both in terms of housing size and population density. David King reminded the working group of the consensus reached at the September 24, 2016 meeting to simplify the overall zoning code, unify zoning requirements for residential-use across all zoning districts, and reduce overall bulk and occupancy of residential- and mixed-use buildings in all districts.

Rob Marshall noted that two districts makes sense: the north end where you want smaller housing and less density, and the south end where the businesses are located and you want higher density.

Bill Lower and Dave Davis expressed two perspectives: don’t constantly tinker with the zoning code unless something is broken versus this is a recommendation for simplification (one standard for all new residential housing).

**11:13 am Other sections – David King**

David briefly introduced the rationale behind section 6.5 Annexation, and then moved to 7.4 Sidewalks, Crosswalks, and Bike Lanes (under Public Safety), discussed how Chapter 8 Government, Services, and Facilities has been reworked (fewer recommendations; discussed with the Town Commissioners), and discussed the Draft Plan Working Document, and asked everyone to review prior to the next meeting.

* ***Bike Lanes (Section 7.1***). There was marked opposition to the recommendation to “ban delivery vehicle parking along SR-1”), as something that would inconvenience the businesses and which the Town Commissioners would never approve. There is clearly a pedestrian and bicyclist problem but this is not a business friendly solution. However, this is a serious issue that needs to be mitigated. There was a lot of support regarding improving the situation along Coastal Highway, especially in light of the pending resurfacing project.
* ***Working Document (Draft Plan Working Document).*** A framework for dropping in sections as developed and approved. The preface is from Dewey’s 2007 comp plan, and still seems appropriate. Chapter 1 and 2 will be largely developed by the Town Planner, Remington, Vernick Beech Engineering. Chapter 3 is a presentation of the statutory requirements (from the RVB Engineering), a discussion of the Dewey Beach community, SWOT, and visions/goals (previously vetted through this working group), and demographics and housing (from language in the 2007 comp plan with the demographics updated to 2010 Census data; housing is work in progress).
* ***Statutory Requirements (Section 3.1).*** There was interest expressed in addressing the minimum statutory requirements within the formal Plan, and addressing many of the non-required elements later, outside the Plan. Gary Persinger noted that the state encourages small towns to include many of the elements not required for smaller municipalities (not required but encouraged).
* ***Demographics and Housing (Section 3.5).*** There was a sense 1) to leave in what has already been updated, and 2) for areas not yet updated only to include data that might either be of clear use to the County or State and/or inform local public policy.

**General Consensus**

Other than the specific issues addressed above, there appeared to be general consensus with the rest of the draft Objectives and Recommendations presented in sections 6.1, 6.3, 6.4, 6.5, 7.1, and Chapter 8, and in the introductory materials, including the content in Chapter 3. As an action item, we need to ***get a number from Town Hall for the number of dwelling units in town*** (perhaps from the trash RFP or Beach Tax mailing list) and a ***number of individual adults who are property owners, residents, and owners of residential property in LLCs for estate planning***.

11**:53 pm Closing**

The next meeting is November 19, 2016 at the Dewey Beach Lifesaving Station, 9:00 am to noon; likely a joint meeting with the Planning Commission and Town Commissioners. With no further comments there was a motion to adjourn and a second. There was no discussion, and the motion passed by unanimous voice vote.

**Addendum – Draft Quality of Life Issues**

**Dewey Comprehensive Planning Process**

**Quality of Life (QOL) Meta Issue**

**DRAFT Outline\***

Dewey Beach is a unique mid-Atlantic barrier island, featuring both Atlantic Ocean and Rehoboth Bay amenities, with small-town ambience, a walkable community, seasonal rhythms, and a people- and pet-friendly community.

QOL/Livability Measures:

S = Area to strengthen ongoing or completed activity/accomplishments

O = Opportunity for future/further improvement

**Culture**

S-1 “A way of life,” with ongoing efforts to improve harmony/QOL experience among stakeholder groups: residents, property owners, businesses, visitors

S-2 Transition from “wild west” to family-oriented resort: new image in motion, taking shape

S-3 Continue efforts to promote Town-wide culture of respect for people and the rule of

law: people who care for, and about, each other.

S-4 Expand marketing activity and visitor outreach commensurate w/ Town’s changing image

S-5 Continue momentum relative to public safety and security achievements

S-6 Unique pet-friendly community

S-7 Continue increase in shoulder-season activity, working with many stakeholder groups and interested parties

O-1 Beach congestion in selected areas

**Natural Environment**

S-8 World-renowned mid-Atlantic beach destination with pristine sand, world-class Lifeguard and beach patrol, and exceptional water quality as designated by the Natural Resources Defense Council (NRDC)

S-9 Expanded use of bayside recreational resources, including Baywalk, maintenance of open spaces, new bayside beaches, while maintaining current marinas and other bayside amenities; continued effort in improve water quality of RB (nutrient reduction)

O-2 Reconcile/regain control of public lands to address rights-of-way and easements

O-3 As feasible, protect natural environment from storm-related surge/flooding

**Infrastructure**

S-10 Improving streetscape and landscaping efforts – Route 1, Route 1-A

S-11 Implementation of improvements re: residential trash and recycling services

O-4 With continued positive acceleration of Town financial standing and revenue growth, create Infrastructure Fund to address long-standing capital needs: drainage, electrical lines, lighting/safety, fix parking meters, parking availability, parking signage, driveway encroachment issue, et.al.

O-5 Public transportation – congestion Route 1

**Public Nuisance Issues**

O-6 Noise: a fair, practical, equitable and legally-enforceable solution

O-7 Address disorderly houses – maintenance and/or noise

O-8 Reduce public intoxication and related adverse behaviors

\*Outline will be further impacted by results of Stakeholder survey; feedback from Working Group; and inter-relationship of findings/objectives of the other Meta Issues

Date of Latest Revision: 10-13-16

1. Ed. Note. Prior to the 2009 Zoning Code amendments, this requirement was 2,500 sq. ft. per dwelling unit. [↑](#footnote-ref-1)