

Meeting Minutes  
Town of Dewey Beach Planning Commission Public Hearings  
Meeting Date: January 11, 2014

The meeting was called to Order by Chair Harry Wilson (2:01 pm), followed by the Pledge of Allegiance and Roll Call. Commission members present: Jim Dedes, David King, Chuck McKinney, Mike Paraskewich, and Marty Seitz. Code Enforcement Official Bill Mears was present in his official capacity. Also in attendance were Mayor Diane Hanson, Georgia Leonhart, Gary and Keven Monigle, Mike Harmer, Jim Laird, Dale Cooke, Marc Appelbaum, and Dave Thomas among others.

**Minutes.** Draft minutes for the Planning Commission's November 16, 2013 meeting were approved with minor editorial changes by unanimous voice vote.

A brief discussion was held regarding the format and content of minutes, stimulated by the earlier discussion at the Town Commissioners' meeting regarding the need for extensive minutes when the meetings are recorded and meeting recording archived. Planning Commission meetings are also recorded (audio only) and the recordings are posted and archived on the Town web site. There was consensus that the current format including salient points of discussion is of value to the Planning Commission members and should continue.

**Purpose:** The purpose of this meeting was 1) to hold a public hearing followed by Planning Commission discussion and vote regarding a draft ordinance to amend the Town's Floodplain management code in response to increased flood severity and sea-level rise; 2) set priorities for future commission meetings regarding sea-level rise issues; and 3) make recommendations for the Town's annual update of progress to achieving the goals and objectives of its 2007 Comprehensive Development Plan. Materials provided for the public included: the meeting agenda and notice; draft minutes from the prior meeting; a listing of pending sea-level rise issues; sea-level rise definitions; draft ordinance to amend Section 101-11 Floodplain Management; draft worksheet relevant for the comp plan update; and sea-level rise scenario map.

**(2:12 pm) Public Hearing and Planning Commission discussion: amendment to Section 101-11 of Town Code to limit the elevation of encroaching structures in flood-prone areas.** At the beginning of the public hearing the draft amendment was read into the record.

While the public input received supported limiting elevation of encroaching buildings, most of the public comment received dealt two issues: 1) provisions for elevating buildings in flood-prone areas that would broach the Town's 35' maximum building height requirement if elevated to Town-required base building elevation; and 2) changes to the permit application process and permit application submission requirements. The public hearing was closed at 2: 31 pm.

Commissioner comments focused on 1) limiting relief provided in the Town Code to the minimum required to meet FEMA and Town flood requirements as a safety issue and not to allow encroaching structures to be built or elevated to a higher level; and 2) possible changes in the Planning Commission's role in regard to the review and approval of building permit applications for non-conforming properties and requirements for submission of drawings carrying an architect's seal for all building permits.

There was a suggestion to use this amendment to define freeboard and to use the term "freeboard" where rather than "additional height requirement of one-foot". There was a motion to approve the draft amendment with this clerical modification for recommendation to the Town Commissioners for their approval and adoption. This motion was seconded and passed by unanimous voice vote (3:05 pm)

**Future Planning Commission priorities regarding coastal flooding and sea-level rise.** There was commissioner consensus on prioritizing the following issues:

1. If and under what circumstances to permit broaching the Town's 35 foot building height requirement in response to coastal flooding and sea-level rise;
2. When and by how much to increase the Town's freeboard requirement;
3. Prohibition for building of new or enlargement of existing structures seaward/channel ward of mean high tide;
4. Consideration of changing the Town Code's definition of "substantial" in terms of substantial loss or substantial improvement requirements in flood-prone areas; and
5. Possible modifications to the process by which building permit applications are approved for non-conforming structures in flood-prone areas.

**Recommendations on annual report to Delaware Office of State Planning Coordination.** Starting with the Town's prior submission, updates were discussed, resulting in a updates as shown in the attached report. A motion was made to approve these changes for recommendation to the Town Commissioners for approval and submission to the State. This motion was seconded and passed by unanimous voice vote. (3:45 pm)

**Adjournment.**

**Public Comment.** Comments were made regarding

- the unique status of the Surf Club building (1 Read Ave), being the only pre-1981 building in Town higher than 35'; and
- the concern that increases to the freeboard requirement will reduce the height of one's building envelope.

The next Planning Commission meeting, regarding a public hearing for Dewey Beer & Food's conditional use application for a restaurant at 2100 Coastal Highway, was scheduled for 10:00 am Saturday February 1, 2014, at the Life Saving Station.

There was a motion to adjourn; seconded and passed by unanimous voice vote (3:58 am).