

**PLANNING COMMISSION WORKSHOP MEETING  
CITY OF REHOBOTH BEACH**

**May 12, 2012**

The Workshop Meeting of the Planning Commission of the City of Rehoboth Beach was called to order at 10:05am. by Chairman Preston Littleton on Saturday, May 12, 2012 in the Commissioners Room in City Hall, 229 Rehoboth Avenue, Rehoboth Beach, DE.

**ROLL CALL**

Mr. Francis Markert called the roll:

Present:           Mr. Brian Patterson  
                      Mr. Harvey Shulman  
                      Mr. John Gauger  
                      Mr. David Mellen  
                      Chairman Preston Littleton  
                      Mr. Francis Markert, Jr.  
                      Mrs. Lynn Wilson  
                      Mrs. Jan Konesey  
                      Mr. Robert Anderson

A quorum was present.

In addition to the Planning Commission, only two members of the public were in attendance, Mr. Gene Lawson, Esq., and Mr. Tom Zeller, President, Country Club Estates POA.

City Commissioner Patrick Gossett and Mr. Ryan Mavity from the Cape Gazette were also present.

**CORRESPONDENCE**

There was no correspondence

**BUSINESS**

The workshop meeting in its entirety was devoted to continuing the Planning Commission's study and discussions related to the task assigned to it by the Board of Commissioners, namely:

The Board of Commissioners has tasked the Planning Commission to seek public input, conduct research and otherwise undertake necessary studies in order to develop proposed ordinances to amend the City's Code relative to (1) establishing buffer areas around the City's lakes and (2) for site plan review of future construction along the lakes. Of particular note is the requirement that the interests of property owners to appropriately use their property should be balanced with the interests of other citizens.

Since it received the charge from the Board of Commissioners, the Planning Commission has assembled a considerable volume of resource materials dealing with water and shoreline environmental issues as well as model ordinances. Additionally, specifically targeted information concerning the City's lakes, particularly Silver Lake, has been provided by DNREC and other agencies.

With the mapping assistance of David Henderson, Commissioner David Mellen has been developing Silver Lake shoreline information as well as information about the areas of the City having City stormwater drains and pipes discharging directly into Silver Lake. There are also drains from jurisdictions outside the City that discharge into Silver Lake. Lake Comegys, which receives stormwater from Route 1, also communicates with Silver Lake. The Silver Lake's total watershed calculated by DNREC is 323.38 acres.

Key information about Silver Lake presented by Mr. Mellen includes:

Total Lake Perimeter	9929.2 feet	Percent of Total
Rehoboth's Perimeter	5995.0 feet	60.4%
County's Perimeter	3501.7 feet	35.3%
Dewey's Perimeter	427.1 feet	4.3%

The total shoreline length of those private properties within the City that directly abut Silver Lake [some within Country Club Estates, some within Schoolvue, the Thoroughgood property, the Newbold Square development, and those within the Silver Lane area] is 1,540.7 feet or only 15.5% of the Silver Lake shoreline.

The Planning Commission gave particular attention to all of the properties on the south side of the City that have in-street stormwater drains and drain pipes that empty directly into Silver Lake. While the total perimeter of all of the streets that have drains that empty in Silver Lake is still being calculated, at this point it is known that this is at least 7 times greater than the City's total perimeter on Silver Lake.

The Planning Commission will now be calculating the total area within the City that has drains that empty into Silver Lake – an area far larger than Silver Lake itself. This is important since 100% of the water that falls on the impervious streets and a lesser percent that falls on private property [DNREC estimates that for high density residential development such as that found within the City, approximately 50% of the annual rainfall is converted to stormwater runoff] drains directly into the lake. DNREC estimates that the pollutant runoff for the typical 50' x 100' lot, as found in Rehoboth, is approximately 1.1 lb/yr of total nitrogen and 0.15 lb/yr of total phosphate. Adding to the pollutant load where street stormwater drains are in place are hydrocarbons from oil/fuel, tire wear, and degradation of asphalt, etc. The literature also cites the detrimental problems caused by particulate matter, i.e., dirt and other debris, on the health of waterbodies.

In terms of buffers that reduce nitrogen and phosphates pollutants from entering a typical lake from properties immediately abutting a lake, the minimum buffer distance suggested in the research is 35 feet, and of that it should be treed. While 100 feet or greater is recommended, it is estimated that a properly treed 35 natural buffer could reduce runoff pollutants from the land by approximately 20%.

On the basis of these data and analyses, the Planning Commission's initial conclusion is that in terms chemical pollutants of the lake, the overwhelming source is not from the several property owners whose lots abut directly on the lake but rather from all the lots within the City's stormwater drain area. As such, the Planning Commission recognizes that it will need to address this far broader problem in formulating its eventual recommendations to the Board. It likewise recognizes the importance of trees within Rehoboth's entire watershed for both Silver Lake and Lake Gerar.

Examination of the current and past Silver Lake shoreline indicates that there is continuing problem with shoreline stabilization, erosion, and resulting particulate contamination of the lake. The literature shows that best practices for stabilization are determined by local topography but wherever possible natural plants versus rip-rap or other means is the preferred method of stabilization. [The City currently has a 10' no-mow zone on its property and has installed specially designed environmental barriers in some areas.] The Planning Commission plans to address bank stabilization in its eventual recommendations and recognizes that the science in this area is evolving and that a single solution may not be appropriate for all properties bordering on the lakes.

In addition to pollutant contamination, there are also visual and esthetic issues that need to be addressed. Discussed throughout the reviewed literature relative to lakes is the need for not only an individual property owner to enjoy the view, attractiveness, and use of the lake that they border but also the view of their neighbors and the public in general needs to be protected. In this regard the Planning Commission tentatively agrees that regardless of a house's orientation that there needs to be a no-build zone of yet undetermined distance [currently suggested to be 10 feet] inward from the lake edge that must be maintained as natural area [as "natural area" is defined in the City Code].

Additionally, the Planning Commission is in agreement that because of the importance of the City's lakes to the entire community there should be a requirement for site plan review for new construction or major reconstruction of properties along the shoreline. The specification for site plan review has not been formulated and there is not yet total consensus within the Commission regarding properties requiring such review.

The Planning Commission remains cognizant of the Board's requirement to take into account and give proper balance to the rights of property owners and those of the community at large. Likewise the issue of "grandfathering" of current development will be addressed by the Commission. Fundamental to the discussions to date is the realization that efforts to improve the health of the lakes extend far beyond those properties that immediately abut the lakes.

Members of the Planning Commission have been tasked to further investigate and bring forth more specific recommendations concerning all of the lakes related issues discussed to date. It has been agreed that a major portion of the Planning Commission's June 8th Regular Meeting will reserved for continued discussion.

Additionally, as the Commission further refines its thinking and recommendations, it will accept the offer of DNREC officials to meet with them for additional input and suggestions.

There being no further business, by motion, the workshop meeting was adjourned at approximately 1:00pm.

**RECORDED BY**

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**(Preston A. Littleton, Jr., Chairman)**

**MINUTES APPROVED ON  
JUNE 8, 2012**

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**(Preston Littleton, Jr., Chairman)**