

Planning Commission Minutes

Thursday, January 18, 2024 - 7:00 PM

Old Academy Building
315 Main Street
Odessa, DE 19730

Those present at 7:00 P.M.:

- Carole Coleman, Chairwoman
- Michael Callaghan
- Amanda Russell

Not Present:

- Tom Carle
- David Sydnor

Also Attending: Harvey C. Smith, Jr. - Mayor
17 Town Residents and Interested Parties

I. Meeting called to order - 7:00 P.M.

II. Approval of Minutes

MOTION BY MICHAEL CALLAGHAN, SECONDED BY AMANDA RUSSELL TO APPROVE THE MINUTES FROM DECEMBER 21, 2023, AS WRITTEN.

MOTION CARRIED. VOTE 3 AYES (COLEMAN, CALLAGHAN, AND RUSSELL), 0 NAYS, 0 ABSTAIN

III. New Business

- a. There was no new business

IV. Old Business

- a. Carole Coleman shared Robert's Rules of Order. Starting now, anyone who shares during Public Comment must state who they are and where they're from. The Commission will also give time limits for comments.
- b. Osbourne Street Property Proposed Major Subdivision Plan
 - i. Carole Coleman read Chapter 3 of the 2022 Comprehensive Plan into record.
 - ii. She also noted that there was a Special Executive Session Meeting on Tuesday, December 19th, 2023 where our Town Solicitor Barrett Edwards asked the council if they would object

to him reaching out to the property owner's attorney to propose a plan with less than 26 units but more than 14, with the understanding that the architectural guidelines must be followed. No objections were noted. Councilman Hynson stated that he would support no more than a 20-parcel plan.

- iii. She also read from Principles for Better Development and noted that she is concerned about preserving open farmland. She wanted to know what Mr. Baker considered open spaces, if his storm drain ponds would be hazardous for children, if the ponds could have fish added to them, and if benches could be put around the pond.
- iv. She also stated that she is concerned about the traffic from the neighborhood affecting traffic to and from the Corbit-Calloway Library and the people strolling along High Street.
- v. Amanda Russell asked for clarification on whether the town will be responsible for the stormwater maintenance.
- vi. Michael Hoffman, Esquire, attorney for Mr. Barry Baker, owner of the Osbourne Street Property, stated the residents of the Osbourne Street Property will have a separate maintenance association that will take care of the maintenance of the stormwater areas within the property. They will pay a homeowners association fee in addition to their town taxes to cover the maintenance costs.
- vii. John M. Mascari, P.E. of Karins and Associates, the developer's engineer, said the stormwater areas will be bioretention facilities. It will not be a standing body of water and will instead be filtered through mulch and trees.
- viii. Amanda Russell read a statement from Melaine Minear of High Street expressing her support for the 14 single-family dwelling plan.
- ix. Lorianne Beckhorn of High Street asked a question about mosquitos. She would like to know what we're going to do about the standing water.
- x. Mr. Hoffman responded to Ms. Beckhorn's question. Generally speaking, the bioretention facilities will be built to code and follow drainage standards, so standing water won't be an issue.
- xi. Mr. Mascari shared more information about the bioretention facilities and how they prevent standing water.
- xii. Charlie Miller, Trustee of St. Paul's, shared that there are bioretention ponds in front of Wawa on 299 and the senior center in Middletown. He is not aware of insect problems in either of them.

- xiii. Amy Ottinger, Town Secretary, and resident of Diemler Street questioned if the stormwater facilities would be part of the parcel.
- xiv. Mr. Hoffman clarified that the stormwater facilities will be part of the parcels. Easements will be granted to allow the homeowners association to maintain it.
- xv. Ms. Coleman expressed her concern about the ponds and wanted to know if fish could be put in them.
- xvi. Mr. Mascari said no because they won't be actual ponds.
- xvii. Todd Nelson, of Main Street and a member of the Historic Commission, expressed his concern about allowing Mr. Baker to build homes without adhering to the historic guidelines. He is concerned about low-income housing, cheaply built housing, or housing that looks the same.
- xviii. Mr. Baker stated that he does not know what he wants to build yet because the town has not approved his lots yet.
- xix. Mr. Hoffman addressed that they cannot commit to anything until they know the amount of lots that they can build.
- xx. Mrs. Russell asked Ms. Ottinger and Mayor Smith to clarify the logistics of the next steps. It was clarified that if the Planning Committee votes tonight to pass it along to the Town Council, it will have to pass the Town Council and then go into the building permit process. It will not have to go before the Historic Commission because it lies outside of the Historic Area, and it will not have to go before the Board of Adjustments because Mr. Baker is not requesting any variances.
- xxi. Town Councilman Lenny Aguilar of High Street had a question about the homeowners association. He had never heard of it before and requested clarification on its purpose, how it would work, and how it would affect the town.
- xxii. Mr. Hoffman clarified Mr. Baker's plan to develop a maintenance corporation.
- xxiii. Colleen Ward of High Street voiced her concern about getting rid of the Historical Guidelines.
- xxiv. Mr. Miller expressed concern about the interchange of the terms maintenance corporation and homeowners association. They are two very different things.
- xxv. Mr. Hoffman clarified that yes they are two different things and, legally, a maintenance corporation and homeowners association can be merged. However, only a maintenance corporation is being proposed at this time.
- xxvi. Ms. Ottinger asked if they could forego a maintenance corporation in exchange for storm tech chambers.

- xxvii. Mr. Mascari clarified that storm tech chambers could be a solution to forego the maintenance corporation. However, they are most concerned about the water on the streets, and the storm tech chambers won't solve that problem. He stated that they will still study the soil to see if it is possible to reduce the size of the stormwater facilities.
- xxviii. Ms. Coleman asked if they would be willing to volunteer their designs with the Historic Commission.
- xxix. Mr. Hoffman said they would have shared them with the Historic Commission if we had approved the original 26-lot plan, but he will not with the 14-lot plan.
- xxx. Mr. Nelson expressed his displeasure with that response and wanted to know why Mr. Baker wouldn't agree to it.
- xxxi. Shelley Perry of Main Street would like to see more influence and control on the part of the Town. She said that we shouldn't trust and hope that they will. She also clarified that she was required to submit plans to the Historic Commission when she built her home, even though she was far removed from the Historic District.
- xxxii. Ms. Coleman stated that Mr. Baker needs to respect our town.
- xxxiii. Mrs. Russell said that the difference between the Perrys and Mr. Baker is that the Perrys are a part of the Town of Odessa and were building a home to live in; Mr. Baker is making a business decision.
- xxxiv. Sean Mattingly of High Street stated that the control we had with the half-acre.
- xxxv. Mr. Miller stated that they can market the lots to higher-end clientele.
- xxxvi. Carol Sheats of High Street stated that she is also concerned with giving up control.
- xxxvii. Mrs. Russell clarified that we were not giving up control. We had to choose between the ½ lots and the architectural design standards and the residents of the Town voiced opinions that they wanted bigger lots above anything else.
- xxxviii. Mr. Hoffman stated that they would be willing to come back at 20 lots and would voluntarily uphold the architectural design standards as long as the Town agrees to ⅓ acre lots instead of ½ acre.
- xxxix. Ms. Coleman asked if Mrs. Russell liked her house on Leahy Street since it has vinyl siding and does not adhere to the architectural standards.

- xl. Mrs. Russell stated that yes, she loves her house and is offended by the constant back and forth over vinyl. She said that Leahy Street is often referred to as the downfall of Odessa and where the Town gave up control to maintain a nicer, historical image, but she feels the constant judgment of other neighbors is what ruins the small-town feel of Odessa, not the vinyl siding or lack of historical features.

MOTION MADE BY MICHAEL CALLAGHAN, SECONDED BY AMANDA RUSSELL, TO GO INTO A FIVE-MINUTE RECESS.

MOTION CARRIED. VOTE 3 AYES (COLEMAN, CALLAGHAN, AND RUSSELL), 0 NAYS, 0 ABSTAIN

IV. Old Business continued

MOTION MADE BY MICHAEL CALLAGHAN, SECONDED BY AMANDA RUSSELL, RECOMMEND APPROVAL OF THE PLAN, ON THE BASIS OF WHETHER SUCH PLAN IS CONSISTENT WITH THE OBJECTIONS SET FORTH IN OUR SUBDIVISIONS ORDINANCE AND WHETHER SUCH PLAN ADEQUATELY PROVIDES FOR THE EFFECTS OF THE GROWTH AND DEVELOPMENT.

MOTION CARRIED. VOTE 3 AYES (COLEMAN, CALLAGHAN, AND RUSSELL), 0 NAYS, 0 ABSTAIN

Mr. Baker's 14-home plan will now move on to Mayor and Town Council.

- V. Public Comment
 - a. There were no additional public comments.

VI. Next Meeting: Thursday, February 15, 2024 @ 7:00 PM

VII. Adjournment

MOTION TO ADJOURN BY AMANDA RUSSELL. SECONDED BY MICHAEL CALLAGHAN. THE MEETING ADJOURNED AT 8:12 PM.

MOTION CARRIED. VOTED 3 AYES (COLEMAN, CALLAGHAN, AND RUSSELL), 0 NAYS, 0 ABSTAIN.