

TOWN OF TOWNSEND
January 2, 2013
Board of Adjustment & Council Meeting Minutes

6:45 PM – Board of Adjustment Hearing

I. Call to Order: 6:45 PM

II. Roll Call: Mayor Joel Esler, Attorney Fred Townsend, Engineer Tom Wilkes, ES Cathy Beaver, Beth Delligatti and Kevin Schroeder

III. Request for relief from zoning – 500 Main Street

- Mayor Esler opened the meeting and said this may be a request for relief from zoning, which could be sticky. In the following discussion it was decided this should be a special exception usage variance request, not a request for relief from zoning. The business could be considered a home occupation which is permissible within a residential district per the Town codes. Fred read the requirements that must be met for a home occupation within a residential district and each were discussed.
- History of the property: Ms. Delligatti bought the house 15 years ago. The home was built in the 1800s and part of it was used as a general store. People still refer to her house as the “Lurdy store”. When the store closed the owner’s son opened a pool hall in the store space. The general store and pool hall were in the same area Ms. Delligatti would like to use for her shop. Ms. Delligatti added she has considered doing this for several years now. She talked to a previous Mayor and was told if she could supply a copy of the old grocery store or pool hall business license that her business could be grandfathered; however, business licenses were not issued then, hence the variance request to do everything properly. The property is located on the corner of Main and Taylor Street. The granary (zoned industrial) is next to her and Waste Industries (zoned industrial) is behind her. Also behind her is a licensed home daycare center.
- Ms. Delligatti wishes to open a small boutique/showroom with a workroom attached to it. She works with antiques, shabby sheik, etc. The boutique will have items she has done for sale and show, and she will do all the work in the workroom. It will give her existing clients a place to come and bring their items to be worked on and hopefully it will help build her clientele. She also does much of her work through the internet. The name of the shop will be “The Painted Lady”. It will be a small French/country boutique, a specialty shop that will stay in the character of Townsend. She will also sell drapes and accessories.
- There will be very minimal if any impact on the neighborhood. Parking will be on Taylor Street. Not definite on hours yet but will not open before 9:00 am and would like to stay open until 8:00 PM one night a week and close at 5:00 PM the rest of the days.
- The only alteration to the property is to put the door back in where it used to be for an entrance into the shop. Currently there is a window there. Would also like to replace the window in front with a picture window. All of this will be done with the proper permitting. There will be no other changes made inside or outside the property. The space I will use for the shop is currently my family room and is approximately 13 ½ square feet.
- Ms. Delligatti added that she would like to put a small sign in the front yard which Fred stated would not be permitted. There was an extensive discussion about this and Ms. Delligatti stated she could live with no sign but feels it would enhance the business and would be small and keep in the character of the Town. She stated it could also encourage other businesses along Main Street. It was agreed if the variance request is approved that a small sign could be put in the window. She can also apply for a sign permit which the Town inspector would have to approve. Another option is to possibly hang a shingle sign up. When asked about outside lighting Ms. Delligatti stated she was going to light the sign but other than that there is ample lighting.
- There was no one in attendance that objected to Ms. Delligatti’s request. She had a letter from William Keel who lives next door to her supporting her business. Regina Albert, the neighbor on the other side of Taylor Street was in the audience and spoke in full support of this business. She added that she and her husband Michael have had antique shops and know the hours and work involved. They have also been involved with new streetscapes and feels small Towns cannot make it without cottage industries. She strongly encouraged the board to approve the request for this business and with the streetscape moving forward she said she feels there will be more requests for small cottage business.
- Fred motioned to approve the request to operate a vintage store at 500 Main Street with the following limitations:
 - i.** Only Ms. Delligatti as the family member living in the dwelling will carry out the occupation/profession.
 - ii.** Cannot employ more than one non-family member.
 - iii.** The occupation will be conducted within the property, not outside.
 - iv.** Not more than 25% of the dwelling can be used for the home occupation.
 - v.** The hours of operation will be between 9:00 am – 6:00 PM with 8:00 PM permitted one day a week.
 - vi.** The signage applicant wishes to erect will be subject to a future permit application.
- Fred added he is in support of this home occupation, there is no opposition from the public, it is in proximity of the commercial district and the property has a history of commercial use.

- Tom seconded the motion.
- Vote: ayes – unanimous. Motion carries.

IV. Adjournment: 7:35, Fred motioned, Tom seconded with unanimous vote.

7:30 pm – Council Meeting

I. Call to Order: 7:40 PM

II. Opening Ceremonies

- a. Roll Call: Mayor Joel Esler, CM John Ness, CM Dwain Haines, CM Jermaine Hatton, Attorney Fred Townsend, Engineer Tom Wilkes, TM Dawson Green, FO Azure DeShields, ES Cathy Beaver
- b. Pledge of Allegiance: Pledge was said.
- c. Recognition of Visitors: 9 visitors
- d. Announcements:
 - Townsend Elementary School briefing January 29, 2013, @ 6:30 PM @ TEEC
 - I.** Townsend Elementary School will have a briefing about the reopening of the school on the above date. They will show technology, color scheme, etc. The briefing will be held at the Early Education Center on Brook Ramble Lane.
 - The Town Hall will be closed on January 21, 2013, in honor of Martin Luther King Day.

III. Additions/Deletions to Published Agenda:

- CM Haines asked to delete 7b and 7c
- Mayor Esler deleted 7i
- Mayor Esler also deleted 7g and stated the Jennings family is sick
- CM Hatton deleted 7d
- CM Ness motioned, CM Hatton seconded with unanimous vote to approve the agenda with the above deletions.

IV. Council Minutes (copies on back table)

- November 20, 2012, Workshop minutes approved at workshop
- December 5, 2012, Council minutes approved at workshop

V. Reports of the Officers

a. State Police:

- CM Ness stated Lt. Devenny apologizes for not being in attendance tonight. If you see anything please call the police.
- On the back table are some printouts on police activity in Town. One report is a breakdown of what activities the police do in Town, the second one is the amount of money the Town spends on police patrol versus what fees we collect and the third is a graph with all the information on it.
- Going forward, our new website is up and we will find a place for this info. Website is www.townsend.delaware.gov.
- Mayor Esler stated these graphs were requested by the residents. He added that he received an email from a resident asking why we always tell people to call 911. From a budgetary standpoint, if you call 911 the Town doesn't pay for it, if you just call the troop and the police are on patrol, the Town has to pay for it.
- CM Ness added that each time the police are called they can build trends and keep a closer watch on issues and let the Town know so we can notify the residents. It is a good practice to call, better safe than sorry. You can report using your name and request a call back or can do it anonymously.

b. Representative Jeff Spiegelman

- I will be sworn in next week. We are all gearing up for session.
- There has been some change in priorities with the disaster in Connecticut and Jeff asked for a moment of silence.
- Have my business cards, there are some on the back table, contact me anytime.

c. Townsend Fire Department: Keith Shoemaker/Jeff Dawson

- Keith wished everyone a Happy New Year.
- The fire hall banquet is this month.
- Everyone with children came to see Santa; there were over 300 people there.
- Spring Fling tickets are on sale; CM Haines has them if anyone is interested. The drawing is June 16, 2013.

VI. Reports

a. Fred Townsend III, Attorney: Nothing to report

b. Tom Wilkes, Engineer:

- Opened the rebids for the new Town hall at the last workshop. Bids were still high so I recommended I meet with the two lowest bidders to see what drove the numbers up. I will have a report for Council at the next workshop.
- Streetscape – met with the manufacturer who supplies lighting to Delmarva and they can provide shields for the lights, are very inexpensive. Waiting for formal approval from DelDot to go out to bid.
- CM Hatton asked if we have to pay for the retro fit shields and Tom stated he thinks Delmarva will pay, we can certainly request Delmarva to include the shields when they order the lights.
- CM Hatton asked Tom to get everything in writing from the manufacturer and Delmarva that they will pay.

c. Dawson Green, Town Manager:

- 5 new home building permits issued in December, 3 Handler and 2 Beazer.
- New website up and running.
- Friday is the only day Waste Industries will pick up your Christmas tree for free, after that you will have to dispose of it yourself. Some free sites are available.
- Streetlights in TVII West are up and working.
- Christmas decorations will be taken down on Friday.
- Mrs. Gorman asked if there was a new development called Townsend Preserve. She was told it is TVII West but Beazer is calling it that. It is not a new development.
- Mayor Esler stated they have started expanding Esch Street in TVII East.

VII. Committee Reports

a. Finance Committee: Chair – CM Jermaine Hatton

- Finance Report
 - I.** Total assets - \$3,090,534.82
 - II.** Total equity - \$3,059,461.60
 - III.** Working on getting a true sense of Town assets.
 - IV.** Auditors will be here January 17th and 18th.
 - V.** Hope to find a better solution for financial processing.

b. Streets Committee: Chair – CM Dwain Haines - deleted

c. Storm Water Management Committee: Chair – CM Dwain Haines - deleted

d. Zoning Committee: Chair – CM Jermaine Hatton - deleted

e. Health & Public Welfare Committee: Chair – CM John Ness – nothing to report

f. Veterans Committee: Co-Chairs – Mayor Joel Esler & CM Dwain Haines

- CM Haines said coupons are being mailed and thanked all for bringing them on.
- Mayor Esler added that we collect coupons and mail them to veterans overseas and they can use them up to 6 months after the expiration date.

g. Energy & Environment Committee: Chair – CW Karen Jennings - deleted

- Townsend Wildlife Habitat Project
- Astronomy Night in the Park

h. Police Committee: Chair – CM John Ness

- Police are aware of issues at the bus stops with parents dropping off and picking up their children. We don't want any safety issues from this.
- Police are supposed to be sitting on Commerce Street for speeders. CM Haines said he has been off and hasn't seen one police officer. CM Ness will check into it, supposed to be there.

i. Parks & Recreation Committee: Chair – Mayor Joel Esler - deleted

VIII. Unfinished Business

a. Rate discussion w/RVB – Mayor Joel Esler

- Mayor Esler, CM Hatton and TM Green met with RVB about the rates presented with the new Engineer bid. We were able to lower many of the rates and felt it was acceptable. Chris Fazio is drawing a contract up for Council and Mr. Townsend to review; contract will read to be beneficial for the Town.

IX. New Business - none

X. Citizens Comments & Participation – none, Mayor Esler said he appreciates the residents who came out.

XI. Adjournment: 8:13 PM, CM Ness motioned, CM Haines seconded with unanimous vote.
