

**Town of Bethany Beach
Planning Commission Minutes
September 22, 2012**

The Bethany Beach Planning Commission held a meeting on Saturday, September 22, 2012 at 9:00 a.m. in the Bethany Beach Town Hall, 214 Garfield Parkway, Bethany Beach, DE 19930.

The following members were present: Lew Killmer, who presided; Mike Boswell; Faith Denault; John Gaughan; Fulton Loppatto; and Chuck Peterson.

Also present: Susan Frederick, Building Inspector; Lindsey Good, Administrative Secretary; and interested members of the public (Pat McGuire, property owner).

Mr. Killmer called the meeting to order at 9:00 a.m.

OPENING OF MEETING

Approval of Agenda

Mr. Boswell made a motion to approve the agenda. Ms. Denault seconded the motion and it was unanimously approved.

Discussion/Approval of the Planning Commission Minutes of July 21, 2012

After a couple of amendments, Ms. Denault made a motion to approve the minutes dated July 21, 2012. Seconded by Mr. Peterson, the motion was unanimously approved.

Announcements/Comments/Updates

Non-Residential Design Review Update (Denault/Killmer)

Mr. Killmer reported that there was a Non-Residential Design Review Committee meeting on September 14th, 2012 to discuss and vote on an application submitted by Erez Efergan of "Tropicana" for a new sign at an existing business for property located at Lots(s) 1,3, & 4, Block 104, in the C-1 Commercial Zoning District, Bethany Beach, DE. Mr. Killmer explained that the applicant had installed a new sign without obtaining a sign permit. He noted that Council approved at this month's meeting an Ordinance to amend Chapter 1 of the Code so that the fee for Sign Ordinance violations is \$50.00 per day per sign. There are no additional meetings scheduled.

Comments/Updates Regarding the September Town Council Meeting (Killmer)

Mr. Killmer reported the following:

- The added subsection (H) to Chapter 475 (Property Maintenance) was approved that states the following: If the owner of any premises fails or neglects to comply with the provisions of Chapter 530 (Signs), it shall constitute a public nuisance, pursuant to the appropriate laws of the Bethany Beach Town Code.
- Council voted to approve an ordinance to amend Chapter 530 (Signs), Subsection (H) (Types of Signs Exempt from the Sign Permit) of the Bethany Beach Town Code to a limit of five (5) temporary signs per business location and a maximum of twenty (20) square feet of total temporary signage per business location.
- Mr. Killmer referenced the information on the Streetscape Project that was included in the Town Manager's Report, and said that it will begin in 2013.

Comments, Q&A and Discussion for Planning Commissioner Members (All)

There were no comments or questions at this time.

PUBLIC COMMENT/QUESTIONS FOR THE PLANNING COMMISSION

There were no comments or questions at this time.

OLD BUSINESS

Continue Discussion From The July 2011 Planning Commission On The Topic Of Pervious Versus Non-Pervious Surfaces For New Construction

Mr. Killmer explained that he thoroughly researched the issue of pervious versus non-pervious surfaces for new construction. He stated that he took a different approach with this issue because he feels it is the source of on-going drainage/stormwater management issues. When those who develop or redevelop residential properties address individual property drainage related issues they are helping to control or even possibly eliminate stormwater problems with adjoining properties and/or their neighbors as well as adjacent Town owned properties. In addition, they are possibly preventing future Town infrastructure related problems by controlling the volume of stormwater discharge into the Town's stormwater management system. He explained that other communities require on-site stormwater drainage systems for new construction on residential properties. He suggested that an alternative way of resolving this issue is to require on-site stormwater detention systems on all new and significantly remodeled residential properties to help resolve the issues with flooding, especially the impact caused by the increasing footprint of newly constructed homes, and to consider to possibly mandate the construction of smaller foot print homes and controlling the square footage of impervious surfaces throughout the Town.

Ms. Frederick stated that she discovered that there is currently a drain requirement in Section 395-34 of the Town Code, and this regulation is now being strongly enforced.

Mr. Peterson suggested that a regulation on “outdoor showers” be added to the proposed requirements, since these also create drainage issues.

Mr. Killmer stressed that in the past, there has been much reluctance to gain support on this issue.

Mr. Peterson responded that this is an education issue, and that the requirements are currently not fully enforced for any driveways that are installed.

Mr. Pat McGuire, property owner, stated that the public is concerned about the flooding that occurs in the Town. He added that there would be an added expense and maintenance issue as well as durability issues on residential lots.

Mr. Gaughan referenced Mr. Peterson’s statement regarding the lack of education, and stated that if it has not been stressed that something needs to be done to resolve this issue then it will not be done. As an example, if the driveway issue were introduced into a discussion with builder and residents, steps would be taken to resolve the issue.

Mr. Boswell questioned what the requirements are for driveways and Ms. Frederick replied that it is required that driveways not be wider than twenty (20) feet. Mr. Gaughan made a suggestion to have gravel in the Town’s right-of-way because it would lower maintenance costs and flooding.

Mr. Loppatto noted that permeable surfaces would always be at risk for flooding no matter what action is taken.

Mr. Peterson made a suggestion to give a presentation at a Council Workshop on ways to resolve street flooding and tidal flooding.

Mr. Boswell questioned if flooding in the Town is an internal issue. Mr. Killmer stated that it is an external issue.

Mr. Loppatto commented that he favors the idea of requiring more open space on properties because it would be more appealing. Ms. Frederick noted that the City of Rehoboth Beach has a requirement of having twenty percent (20%) of green space per property, which includes planted areas, grass and mulch.

Ms. Frederick recommended establishing standards for landscaping in front yards of houses, so it would control the amount of parking areas and be more visually appealing. Mr. Killmer stated that this is a good point, but there aren’t many fulltime residents in the Town, so it would be hard for most residents to maintain any proposed landscaping standards.

The Committee decided that a future meeting with, vendors, contractors, builders, architects and landscaping companies would be valuable at a future Planning Commission meeting.

Mr. Killmer noted that Mr. Boswell is up to be re-appointed for the next term.

SUMMARY OF ACTION ITEMS

- A. Ms. Frederick will review bulk density and impervious surfaces and send the information to the Planning Commissioners prior to the meeting in November.
- B. The Planning Commission will discuss scheduling a meeting on this issue to be held at a future Town Council Workshop.

ADJOURN

Ms. Denault made a motion to adjourn the meeting. Seconded by Mr. Gaughan, the motion was unanimously approved.

The meeting was adjourned at 10:05 a.m. The next meeting is scheduled for November 17th, 2012.

Respectfully Submitted:

Lindsey Good, Admin. Secretary