

**Town of Bethany Beach
Planning Commission Minutes
February 21, 2009**

The Bethany Beach Planning Commission held a meeting on Saturday, February 21, 2009 in the Bethany Beach Town Hall, 214 Garfield Parkway, Bethany Beach, DE 19930.

The following members were present: Lew Killmer, who presided, Donald Doyle, Fulton Loppatto, and John Gaughan. Faith Denault and Kathleen Mink were officially excused from this meeting.

Also present: Mayor Tony McClenny, Councilman Joseph Healy, John Eckrich, Building Inspector, Seville Pettit, Administrative Secretary, Monica Fleming of the Coastal Point and interested members of the public.

The meeting was called to order at 9:00 a.m.

OPENING OF MEETING

Approval of Agenda

Mr. Loppatto made a motion to approve the agenda. The motion was seconded by Mr. Gaughan and unanimously approved.

Discussion/ Approval of the Planning Commission Minutes of January 17, 2009

Mr. Doyle made a motion to approve the minutes dated January 17, 2008; the motion was seconded by Mr. Loppatto and unanimously approved. Mr. Gaughan abstained, due to an excused absence

Announcements/ Comments/ Updates

Non-Residential Design Review Update (Killmer)

Mr. Killmer reported the Non-Residential Design Review Committee (DRC) held a meeting on February 13, 2009.

Mr. Jeff Osias represented Isabella's Pizza Bistro & Vino and presented an overview of the proposed project. The applicant was requesting to add a sign on an existing street side pole sign and the addition of a new storefront awning that will also contain additional signage.

The application was approved by the DRC with no conditions. The applicant's plans met all the requirements of the Bethany Beach Zoning Code as well as the Town's Design Guidelines.

Comments/ Updates Regarding the February Town Council Meeting (All)

Mr. Killmer reported the Town Council discussed the following agenda items at February Town Council meeting:

- Mr. Glenn Mandalas an attorney representing the Walsh family addressed the Town Council about issues that involve excessive noise and lighting as well as permitted hours of operation of Captain Jacks Miniature Golf Course and asked the Town Council to get involved in helping the Walsh family resolve these issues that are having a very negative effect on the Walsh family “quality of life.” The Town Council listened to the testimony that was presented by Mr. Mandalas but did not respond to any of his comments/requests pending further discussion with the Town’s attorney.
- There was a first reading for an ordinance that governs the use of the Town Bandstand and Plaza. A number of changes to the draft ordinance were proposed and will be further discussed and possibly voted on at the second reading in March.
- There was also a first reading of a proposed new ordinance that will require public utility companies and/or their subcontractors to obtain a Right-of-Way Construction Permit when they wish to excavate or perform work in the Town’s Right of Way. A number of changes were proposed at the first reading and those changes will be added to the draft legislation and voted on at the second reading of the ordinance.
- Changes to the Town Council’s Protocol Manual that will address which charitable organizations that the Town Council will support was tabled because the proposed changes were not received in time for the Town Council to carefully review.
- The Coastal Point and the Town will share the cost of installing, operating and maintain a beach/boardwalk webcam.

Comments, Q&A and Discussion for Planning Commissioner Members

There was no discussion at this time.

PUBLIC COMMENT/ QUESTIONS FOR THE PLANNING COMMISSION

There was no discussion at this time.

NEW BUSINESS

There was no new business at this time.

OLD BUSINESS

Geothermal Heating/Cooling Roundtable Discussion Draft F (Loppatto)

Mr. Killmer reported that the Planning Commission is trying to finalize the creation of new legislation that will regulate the installation and maintenance of geothermal energy systems. The Planning Commission has been reviewing all of the commercially available ‘green’ energy resources that could be useful to the Town and its business owners and residents. To date the Planning Commission has generated a position paper regarding roof mounted wind turbines and has sent it the Town Council for comment and has also asked if the Town Council wishes to have the Planning Commission draft legislation regarding the installation, use and maintenance of roof mounted wind turbines.

The Planning Commission has invited a number of individuals from companies who install geothermal systems as well as members of DNREC who regulates all well drilling in the State to a ‘Roundtable Discussion.’ The purpose of this meeting is to have a line-by-line review of the proposed legislation so that in the end the geothermal energy installers and the State regulators concerns are addressed and the Town has an ordinance that protects the Town’s water supply as well as the Town’s residents, businesses and property owners.

The following companies attended the “Roundtable Discussion”: Atlantic Well Drilling, Daisy’s Well Drilling, Somerset Well Drilling, A&A Air Services Inc., Blades HVAC Services Inc., North Star Heating & Air and Hyatt Heating & Cooling. Representatives of DNREC were unable to attend the meeting, but sent a line-by-line list of suggested changes in which they requested to be considered.

The discussion began with an overview of geothermal energy systems and the benefits of geothermal when compared to conventional HVAC systems. Mr. Brandon Blades of Blades HVAC Services Inc. suggested the following benefits of geothermal heating and cooling: the source of energy to heat and/or cool a structure comes from the earth, very energy efficient units, save 30 to 50% on heating and AC costs, very little noise from the unit, since the unit is not exposed to the elements the life expectancy of the unit is twenty to thirty years. The downside would be that the initial costs for geothermal are much higher than the installation of conventional HVAC system and the possibility of having someone who is not qualified install the system.

Mayor McClenny thanked the companies on behalf of the Town of Bethany Beach for providing their time and expertise in the process of reviewing the draft ordinance for the installation and maintenance of geothermal heat pumps.

The Planning Commission also congratulated Mr. Loppatto on his thorough research on the subject and his hard work on creating the draft ordinance.

ADJOURN

Mr. Gaughan made a motion to adjourn. The motion was seconded by Mr. Doyle and unanimously approved. The meeting was adjourned at 11:07 a.m.

Respectfully Submitted,

Seville Pettit
Administrative Secretary

PLANNING COMMISSION
ACTION ITEMS
February 21, 2009

1. Mr. Loppatto to revise a final draft version of the Geo Thermal ordinance and provide a copy to the Planning Commission members.
2. Planning Commission to provide a revised copy of the draft ordinance to the companies that attended the meeting.
3. Mr. Eckrich provide to all of the licensed well drillers a map showing the exact location of all of the Town's drinking water wellheads.