

**Town of Bethany Beach  
Planning Commission Minutes  
August 22, 2009**

The Bethany Beach Planning Commission held a meeting on Saturday, August 22, 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, Faith Denault, John Gaughan, Fulton Loppatto and Kathleen Mink.

Also present: Patricia Titus of the Coastal Point and Seville Pettit, Administrative Secretary.

The meeting was called to order at 9:01 a.m.

**OPENING OF MEETING**

***Approval of Agenda***

Mr. Killmer noted the Town attorney requested that Item A under new business (*Discuss and Recommend Potential Remedies To Protect Residential Properties That Directly Abut Commercial Districts*) be removed from the agenda because of pending litigation involving both the Town and individual Town Council members.

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

***Discussion/Approval of the Planning Commission Minutes of July 18, 2009***

Mr. Gaughan made a motion to approve the minutes dated July 18, 2009; the motion was seconded by Ms. Denault and unanimously approved. Ms. Mink abstained, due to an excused absence.

***Announcements/ Comments/ Updates***

**Non-Residential Design Review (DRC) Update (Killmer)**

Mr. Killmer reported the meeting held on August 14, 2009 was for the Blue Water Coastal Cuisine located at 786 Garfield Parkway.

Ms. Theresa Gardner represented Blue Water Coastal Cuisine and presented an overview of an awing that was recently installed but was not approved by the Non-Residential Design Review Committee prior to the installation. The applicant described the new replacement awning as well as informing the committee that the awning would be illuminated using the preexisting lighting system. Ms. Gardner also stated that the advertising pennant on the roof would be taken down, because it was not compliant with the Town Code because of its size. The application for the replacement awning was unanimously approved by the DRC.

## **Comments/ Updates Regarding the July Town Council Meeting (Killmer)**

Mr. Killmer reported the Town of Bethany Beach was presented with an award from FEMA regarding the National Flood Insurance Program. Bethany Beach was one of eight towns in the State of Delaware that qualified for the FEMA community rating system for insurance reductions for individual property owners. In addition to receiving the award, the residents and businesses in Bethany Beach that have flood insurance will receive a 10% discount on their premiums.

Mr. Killmer also noted the Building Inspector position was filled by Ms. Susan Frederick.

## **Comments, Q&A and Discussion for Planning Commissioner Members**

Mr. Killmer stated the September Planning Commission meeting has been rescheduled to October 3, 2009.

## **PUBLIC COMMENT/ QUESTIONS FOR THE PLANNING COMMISSION**

There was no discussion at this time.

## **NEW BUSINESS**

*Discuss and Recommend Potential Remedies To Protect Residential Properties That Directly Abut Commercial Zoning Districts. (Doyle)*

This issue has been tabled until further notice.

## **OLD BUSINESS**

*Review the second draft of a proposed ordinance to regulate the installation and use of Solar Energy. (All)*

Mr. Killmer provided the Planning Commission members with a second draft of the proposal to be the basis for the possible creation of future legislation regarding Solar Energy Systems.

Mr. Killmer reported that a neighbor of Mr. Loppatto generously provided some comments for the proposed document for Solar Energy Systems, which the Planning Commission members agreed to include in the document.

The Planning Commission members spent the balance of the meeting performing a line-by-line review of the second draft document. Mr. Killmer was actioned to make the recommended changes to the working document and send the third draft to all of the members and the participants that will be attending the round-table discussion. The third draft of the Solar Energy document will be reviewed at a future Planning Commission meeting.

## **ADJOURN**

Ms. Mink made a motion to adjourn. The motion was seconded by Ms. Denault and unanimously approved. The meeting was adjourned at 9:46 a.m.

Respectfully Submitted,

---

Seville Pettit  
Administrative Secretary