

**TOWN OF BETHANY BEACH
TOWN COUNCIL PUBLIC HEARING
April 12, 2022 –MINUTES**

Members present for the hearing were: Rosemary Hardiman, Mayor; who presided; Lew Killmer, Jerry Morris, Faith Denault, Bruce Frye, Patrick Sheplee and Scott Edmonston.

Also present were: Cliff Graviet, Town Manager; Terry Tieman, Assistant Town Manager; Molly Daisey, Administrative Assistant and Will Wharton, IT Director.

Mayor Hardiman called the hearing to order at 10:00 a.m.

Ms. Hardiman read into the record:

The purpose of this hearing is to receive comments on the following:

An Ordinance to amend Appendix 4 Bethany Beach Non-Residential Design Review Guidelines by amending the membership of the Non-Residential Design Review Committee (NRDRC) by requiring it to consist of A Member of the Town Council in place of the Town Council’s Liaison on the Planning Commission.

An Ordinance to amend Section 425-2 by adding the terms Natural Area and Pervious Materials in the Definitions and word usage in Section 425-2.

An Ordinance to amend Section 425-27 by adding an additional paragraph to address Ground covering restrictions permitted on Residential lots.

This hearing has been duly noticed and posted as required by law. The proposed ordinance has been available for inspection in Town Hall, Monday through Friday, from 8:00 a.m. – 4:00 p.m., (except on scheduled holidays), and has been available on the Town’s website www.townofbethanybeach.com since March 29, 2022. It was published as following: News Journal on March 29, 2022 and Cape Gazette on March 29, 2022. Was also posted on the Town’s bulletin board and at the Bethany Beach Post Office. This notice was also sent out on the Town’s Listserv.

Ms. Hardiman reviewed the ground rules. Once this hearing is closed, the record will remain open to receive email or written comments until May 15, 2022. The Town has already received comments via email. Email comments can be sent to admin@townofbethanybeach.com or mailed to 214 Garfield Parkway, Bethany Beach, DE 19930 or delivered to Town Hall in person. All comments will be reviewed before discussing these matters. If comments received raise additional issues, the Council can vote to reopen the record and seek additional information before final consideration and vote.

Mr. Edmonston stated that regarding Appendix 4 it requires the Council liaison for the Planning and Zoning Commission also be a member of the Non Residential Design Review Committee (NRDRC). What that currently would mean is that Mr. Killmer would have to step down from the NRDRC and Mr. Edmonston would take his place. It became obvious that it was not necessary to have the liaison sit on the NRDRC. The Chair of the Planning and Zoning Committee and the Building Inspector currently sit on both the Committee and the Commission. This would provide flexibility by allowing any member of the Town Council to sit on the NRDRC, not just the Commission liaison.

Mr. Edmontson stated that Section 425-2 would be adding definition that is used in Section 425-27. The Planning and Zoning Commission has been updating the Comprehensive Plan. In doing so, there is currently no restriction on the amount of an area that can be paved on a residential lot. For example, a resident can pave the entire lot. This change would require a percentage of residential lots be a 'natural area'. And to restrict the amount of impervious pavement. It would require that the paved area would need to be pervious material. However, any residents that have a impervious surfaces on their lot would be 'grandfathered in'. If this is to be replaced by more than 50% it would need to be replaced with pervious material. This would ensure future paving would be sustainable. This is intended to improve how much run off is coming off of residential lots.

Ms. Hardiman then called on those who had signed up to provide comments.

Mary Louise Embrey, 413 Bethany Drive, was recognized. She is representing the BBLA (Bethany Beach Landowners Association) today. She read the following into the record, "The BBLA is in support of the Town's efforts to reduce the impervious surfaces throughout Bethany Beach. Revising appropriate sections of the Town Ordinances will have a positive effect on alleviating seasonal or storm-based flooding. These Town actions indicate purposeful steps in addressing Bethany's flooding issues and sets in motion further steps such as a possible bladder dam. Attached is a marked-up copy of the proposed ordinance, which was prepared by BBLA's Environmental/Flood Committee Chair, Chip Smith. It provides suggested clarifications of the ordinance language. BBLA would like your consideration of the requested changes. BBLA appreciates the work of the Planning and Zoning Commission on this important issue and the Town's productive actions."

Chip Smith, 428 Wiegand Lane, was recognized. His street suffers flooding due to impervious surfaces. He referenced the suggested edits that were sent to the Town along with the letter from the BBLA. The BBLA 100% supports this. He is very happy to see the Town moving forward with this. He suggests there be some changes (different types of natural areas) so they residents don't abuse this intent. Not all natural areas are pervious. He agrees with requiring percentages, most residential lots are pretty small, so estimating percentages shouldn't be that difficult. He also feels that concrete pavers, which would no longer permitted on residential lots should be added. Under

natural area, he didn't notice wetlands or marshes listed, he feels it is important to include these habitat types.

Tom Higdon, 689 Fenway Court, was recognized. He supports this regulation.

Ms. Hardiman reminded the public that the record to receive comments will remain open until May 15, 2022.

Hearing no comments Ms. Hardiman closed the hearing at 10:17 a.m.