



TOWN OF BETTERTON

Meeting Minutes from Planning Commission Meeting April 12, 2021

Call to Order:

A meeting of the Betterton Planning and Zoning Commission was held virtually, due to COVID-19 restrictions on April 12, 2021. The meeting began at 7:00 PM

Present:

Attendees included: Russell Bell, Tom Deliberto, Harry Marcy, Mel Rapelyea, Helen Sanders, and Ginny Story, Tom Mogle. Also in attendance – Betterton residents Rich (from 14 Idlewhile) and Jim Still

Members not in Attendance:

Members not in attendance: N/A

Ginny Story moved to have the minutes of the January 11, 2021 meeting approved. Tom Mogle seconded the motion and the minutes to the January 11, 2021 were unanimously approved

Announcements:

- Next meeting: May 17, 2021, format (online or in person) TBD
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Old Business:

- *Comprehensive Plan*
 - Ginny Story mentioned that she and Helen Sanders had located the most updated version of the existing Comprehensive Plan.
 - Ginny and Helen will be meeting every other Tuesday at 8pm beginning on May 18, 2021 to work on the Township's 5 year plan which is due to be completed in 2022.
 - Ginny mentioned that it will be important that the latest 2020 Census data be available (not released as of this meeting).
 - Ginny discussed a process that worked well in previous years whereby edits would be reviewed by the entire committee incrementally. Mel supported Ginny's efforts and offered to convene as necessary to move the planning process along.
- *Rules and Procedures*
 - Mel mentioned that Rules and Procedures required Kent County approval.
 - Ginny Story mentioned that they had been submitted to the Township attorney Tom Yeager and had not heard if the legal review had been completed.

- Since the Town of Betterton Council was scheduled the next night (Apr 13), Tom Mogle would check with Tom Yeager on status of legal review of the Rules and Procedures.
 - *Ericsson Ave property adjacent to Betterton Beach*
 - Mel thanked Russell Bell for the research he and his wife did which determined that the property is commercially zoned.
 - According to earlier discussions, the current owner is not interested in selling the property and had, at some point, expressed an interest in building a condominium.
 - Mel mentioned that he had heard from Owen Bailey of the Eastern Shore Land Conservancy who confirmed that the Town of Betterton could apply for an Open Space grant to help with the purchase of the property.
 - Ginny mentioned that "Eminent Domain" would probably not be appropriate in this situation as it is used primarily when governments need access to private property to build new highways.
 - Russell stated that he would reach out to county officials to ask for further clarification regarding restrictions for use of commercially zoned property
 - Mel mentioned that after Russell's clarification that the owner would be contacted again to ascertain their intentions for the property.
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New Business:

- *Property Owner Requests for Additions/Changes*
 - Rich (from 14 Idlewhile) and Jim Steele both discussed plans that they have regarding their respective properties.
 - Details about each owner's plans were discussed resulting in a consensus that a better process is needed by the Town for receiving and evaluating requests for modifications.
 - It was determined that a "posting rule" needs to be established that takes the burden off of individual property owners to gain neighborhood support for their property modifications.
 - Tom Deliberto recommended a process whereby an owner would submit a request to the Township, the Township would notify the neighbors about the owner's intentions and ask for comments, and then make a decision within a reasonable timeframe. This would enable a fair process that would facilitate transparency and efficiency for all concerned.
 - Mel will check with the Planning and Zoning's attorney on next steps to determine if requests for changes at 14 Idlewhile can be grandfathered.
 - Tom Mogle will investigate what other towns are doing regarding posting rules
 - Helen Sanders recommended that a special meeting be scheduled to address this issue as opposed to waiting till the next quarterly meeting. Mel agreed and stated that a meeting would be scheduled.

- *New Residence Annual Report*
 - Tom Mogle mentioned that only one new residence permit was issued in 2020 and queried the committee on other known permits. There were none reported.
 - Tom reviewed the report questionnaire with the committee.
 - A question remains on the status of a 5 year mid-cycle plan.
 - The committee approved the submission of the report by Tom Mogle.

- 5G Upgrade
 - Tom Deliberto reported that there are three types of 5G upgrades. One is by replacing the 4G equipment on the water tower and the other two involve work done on the distribution network along the streets/poles, etc.
 - Tom D. mentioned that most likely Betterton would receive the 5G replacement at the water tower which would not require involvement by the Planning and Zoning committee.
 - Tom D. will send committee members a reference that he had previously shared with Mel.

Action Items:

- Tom Mogle to check with Tom Yeager on status of legal review of the Rules and Procedures.
 - Russell Bell to reach out to county officials to ask for further clarification regarding restrictions for use of commercially zoned property.
 - Tom Mogle will investigate what other towns are doing regarding posting rules.
 - Mel will establish a meeting within the next month to discuss posting rules.
 - Tom D. will send committee members a 5G reference guide.
 - Ginny and Helen will meet regularly to review the Comprehensive Plan.
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Meeting adjourned at 7:41 PM.
Next meeting July 12, 2021.

Respectfully submitted,
Helen J. Sanders