



## Construction ban demolished in Bethany

By M. Patricia Titus  
News Editor

In another in a series of bans suggested recently in the town, Bethany Beach town council members on Nov. 16 considered whether they might want to put a total ban on the start of all major construction in the town between Memorial Day and Labor Day.

The suggestion raised immediate and strong objections from local builders Mark Dieste and Mike Cummings, who build a substantial portion of the town's homes.

"I've been building here every summer for the past nine years, in different phases, and I've had no complaints from anyone about construction during the summer," Dieste protested.

Though the town does ban the driving of pilings during the height of summer, Dieste said other work on home construction — as well as major repair and renovation to town hall and the new home to the Bethany Beach Nature Center on Route 26 — kept 17 employees on his payroll.

"To take away three months of my and my employees' livelihood is totally absurd," Dieste said, asking for records of any complaints to the town about his work and protesting that summer construction is actually a boon for the town and its businesses.

"People get inspired," he said. "I show more houses in the summer than any other time of the year."

Mayor Carol Olmstead, who had brought forward the question of whether the council wanted to consider a ban, emphasized that the discussion was to be about banning the start of new, major construction during that period, not all construction. She further said that the council was only discussing and possibly deciding whether to pursue the issue — not actually preparing to vote on instituting a ban.

Resident Cherie Dorfman, with additional insight as the wife of a council member, said the issue had been put on the agenda for and raised in a regular council meeting simply due to concerns about discussion of the potential legislation in anything but an open meeting, such as informal council discussion at a workshop.

Confusion over the wording in the Nov. 16 meeting's agenda had alarmed Dieste and Cummings both, as well as some other citizens.

That clarified, both men said they still opposed additional limitations on summer construction.

"It could prolong construction to a two-year period," Cummings pointed out. "Some of these home owners could lose their financing or a favorable interest rate."

Resident Chuck Peterson, new chairman of the town's Charter and Ordinance Review Committee (CORC), commented that he felt the idea was an overreaction.

"If we have a problem with traffic, parking or noise on a particular job, that should not be addressed with an ordinance," he said, suggesting that problem construction should instead be addressed on a case-by-case basis.

Building Inspector John Eckrich brought forth his own research on the subject, as requested by the council. He noted some bans on summer construction in neighboring towns and communities, such as Sussex Shores, Lewes and Middlesex Beach. He said South Bethany's construction ban limited construction days during summer weekends to Saturdays only.

Eckrich also reported that only a small number of the building permits he hands out during an average summer are actually for construction of a new residence. Of 180 issued this summer, only seven were for "dwelling units." That

number was just a dozen in 2006 and 10 the year prior.

Even those numbers may be less than telling, Vice-Mayor Tony McClenny suggested, as some property owners obtain permits months in advance. Eckrich said generally four or five houses were in the pile-driving phase in June and continued construction throughout the summer, with a total of 20 to 30 houses in various stages of construction over an average summer. Most construction, he said, started in the fall, with work going on mostly inside if the home wasn't already completed by summer.

Eckrich said the number of complaints about construction were generally few, being mostly on the east side of the town and about construction too early in the morning or too late at night, rather than general construction noise during the day.

But Eckrich did suggest the town might want to look into regulations regarding demolition, which could be loud and cause commotion, as could some major site work. As for "major construction," Eckrich said there was no existing definition for such activity and any ban would require one to be developed.

But council members had heard enough about the issue to determine they did not want to take further action at this time. They voted 6-1 to not pursue a new construction ban, with Olmstead opposed.

### **Beach lobbying contract not renewed**

Council members also voted last Friday on whether to renew the town's contract with beach lobbying firm Marlowe & Co., which worked to help the town secure federal funding for the current beach reconstruction project. That contract is due to expire Dec. 31.

Town Manager Cliff Gravier reported that he and town officials had met with a Marlowe representative in recent months and were not able to discover any areas of town need in which the lobbyists could continue to benefit the town.

Gravier said state officials had told them the town did not need to continue the contract to see ongoing benefits for periodic replenishment once the reconstruction project is complete, and noted that some of the state's congressional delegation had been taken aback by the town hiring lobbyists in the first place, as if it suggested they were not doing their job in promoting the project on Capitol Hill.

Parsons, who had worked closely with Marlowe on the project, was hesitant on Friday to outright reject renewing the contract, saying he'd prefer to hear directly from Marlowe what they thought they could bring to the town in the future.

That set up the eventual 6-0-1 vote, with Parsons abstaining and the other council members voting not to renew the contract.

Also on Nov. 16:

- Council members unanimously re-confirmed committee guidelines, with a few minor wording changes.
- The council voted not to hold a regular council meeting on Dec. 21, the scheduled date for their December meeting. Neither a vote to hold a December meeting, nor one not to hold a December meeting, were successful. But the council will not meet Dec. 21, regardless. A December council workshop is still planned for Dec. 17.
- The council gave Gravier unanimous approval to approach state officials with a request for the town to be able to widen its boardwalk by about 2 feet. "If there's any time DNREC would consider it, it would be the next few months," Gravier said, pointing to the ongoing work to create dune crossings on the newly widened and dune-protected beach. He said he expected DNREC would recommend widening at the south end of the boardwalk, where it does not run along the existing bulkhead..