



## ORIENTAL PLANNING BOARD MINUTES

Wednesday, October 21, 2020 3:00PM  
Oriental Town Hall – 507 Church Street, Oriental, NC

### CALL MEETING TO ORDER AND ESTABLISH QUORUM

AT 3:02PM, Chairman Flaherty called the meeting to order, noting that all members were physically present. Present as well as the LUA, Commissioners Barrow, Overcash.

**Minutes:** Member Willi makes a MOTION to accept the Minutes as presented from September 2020. Member Allen Seconds. 5-0.

**OLD BUSINESS:** Chairman Flaherty asks where the Board is WRT GMO review. LUA Miller notes we are to go over the rest today. Member Willi notes the RV Ordinance states that there will be a shower for each sex and that could be an issue in defining gender as more than two. Might need to reword that.

LUA asks if we want to go through? Yes.

**Article 11,** nonconforming use vs nonconforming situation. Question: when the use changes: go to document excerpted between LUA and the attorney-in a situation OTHER than a use, new rules kick in upon demolishing, for a use change, time clock starts when the use stops. Has not been used as that use (SFR) for years. Grandfathering goes away. However, take it to the studs, and rebuild on foundation- ROI/value of structure/land needs to be involved. To remove the building, a new structure must be conforming. If destroyed by fire, you have 6 months to start the process to rebuild. GMO changes over time as a living document to adjust to safety issues- away from water, emergency services access. If GMO is replaced, you can get a vested right to the existing rules- once on file, gives you a year/eighteen months to get plans moving. 196.2 addresses this structure (Broad and Hodges) specifically. Subdividing lots must be conforming. Cannot make a lot unbuildable. Cannot create a new development with unbuildable lots.

**Article 12:** If the LUA says no, they have remedy to BOA, after that, they can go to Superior Court. BOA does Variances. Interpretations allows LUA to bring into Planning Board for answers. The 120 days extension. Whenever the restrictions for the Governor's orders- add 120 days to everything already granted, and then any that run into that period if it does not expire.

**Article 13** Hearings- procedures- things that go to the register of deeds, limitations on processes. If a permit is denied, you either have to wait a year, or there must be substantial changes to it. How to amend the GMO- Public Hearing, specific verbage, initiation of changes, all in there, including statement of consistency. Processes revoked- that procedure is laid out.

**Article 14:** Definitions previously in this section- new trend to insert where the section needs them.

**Draft Ordinance:** Attorney met the Board October 6, 2020. Two pages (attached) were left by the attorney. Vice Chair Rahm and Member Allen were present. Proposed Ordinance was more than we wanted and the attorney suggested that we look at these forms. He offered a much condensed version, also offered to beef up our nuisance ordinance. Always encouraging communication. Be unreasonable reasonable. If owner asks for 3 months to accomplish X, give him 6 months to do it. We can reference the sections in 160D to make all the things happen. Need something in the Ordinance that references the State Code. Need to assess what we actually have. Not vagrants doing drugs in vacant buildings, not 30 buildings about to fall down. We have 3 or 4 vacant structures that we do not want to get worse or dangerous. We are in the position where people die, relatives are not here, nobody is taking care of it. Need to decide WHAT the problem is. Scope of the draft is more

robust than we expected. Looking for a recommendation that THIS is the problem we are trying to fix. LUA notes the attorney noted that if you abate one, you may get movement on others. Commissioner Barrow notes in the “start small” option, we can add as we need. Residential vs Commercial. Header in 160D talks residential, through the Ordinance it simply states structure. Chairman Flaherty tables the issue until the Town Board chooses its path forward. Planning on a joint meeting. 51:06

**NEW BUSINESS**

- **Compliance forms for review:** This month’s compliance forms were posted online. Braun shed on Styron, New (Corwin) on vacant lot on Falcon, Bilodeau building on Harbor Way. Sea Harbour construction- showed the delineation between flood zone and not flood zone and placement of the house out of the flood zone. Builder and Inspector all watching this trend. Kilborn porch on front of house (Ragan). Brewery contact concerning potential for awnings out back. They have an SUP to reconstruct the shed and raise it. Temp shed on that spot currently. Asked for semi-permanent tents. I advised them to work on the shed prior to submitting another permit for a different project. Also a question about total impervious surface to accomplish that.
- Commissioner Barrow sent example of more structurally geared Ordinance. Looks like a nuisance plus structure in one- no cars on blocks, must have doors and windows.

**ADJOURN:** Member Allen made a MOTION to adjourn. Vice Chair Rahm seconds. 5-0. **Next Meeting scheduled for December 16, 2020, 3PM**

**Signed:** \_\_\_\_\_

Dick Flaherty, Chairman

Attest: \_\_\_\_\_

Diane H. Miller, LUA to Board