



ORIENTAL PLANNING BOARD WORKSHOP MINUTES

Wednesday, October 9, 2019 1:00PM
Oriental Town Hall – 507 Church Street, Oriental, NC

CALL MEETING TO ORDER AND ESTABLISH QUORUM

PRESENT: Chairman Aeschleman, , Vice Chair Barrow, Member Willi, Member Lohmar, LUA Miller, Vice Chair Lohmar, Mayor Pro Tempore White, Commissioner Overcash. Commissioner Simmons. No members of the Public. Absent: Member Flaherty.

Chairman Aeschleman called the meeting to order at 3:04PM

BUSINESS- SOLAR POWER REGULATION

Minutes from last work session (10-3-19) approved on a **MOTION** from Member Lohmar and second by Vice Chair Barrow. 4-0.

LUA Miller sent out summary of previous workshop discussion items. Followup communication noted NCGS that requires allowance of solar panels to power residential.

Recap- 5 categories-

- 1) New roof mounted and 3) roof mounted on existing construction- neither would require additional permitting/zoning restrictions.
- 2) Ground mounted on new and 4)existing construction- where we got stopped.

Cannot prohibit solar collectors for residential use- Chairman Aeschleman attempted to find existing Ordinances, could not find residential municipal. Chairman emailed LUA Miller- who could not locate additional. Has emailed the Managers' listserv with NO results. County Ordinances are basically right off the template- all very similar.

Is there any other new information?

Member Lohmar notes info on ground mounted sizing- 600sqft of space to generate enough energy for a 1000 sqft home. Chairman Aeschleman found 240 sqft of panels for 1500 sqft home- significantly less. Member Lohmar believes hers references the area into which the ground mounted panels are installed. Vice Chair Barrow believes we can limit ground mounted as long as we are allowing roof-mounted.

Chairman Aeschleman notes the sample Ordinance that restricts the sighted-from-the-street ground mounted. Huntersville, Dublin, and Pleasant Grove were the three examples noted. Dublin restricts ground mounted from the "front yard"- but they also regulate other things in the front yard. These are consistent. We have nothing else in the GMO that restricts other structures in the front yard. LUA Miller notes NCGS 160-383 where they can recommend something that is not consistent, knowing that the Planning Board cannot necessarily change the long-range plans adopted.

Member Lohmar wants to look at something that protects you from your neighbors- perhaps restricting the size would prevent the aesthetics that are not desired. LUA Miller notes that we- the Town- are not responsible for what happens deep in your lot, but we do have to consider the impact to the parts we ARE responsible for- ROWs, streets, drainage, access to Public Utilities, etc. She noted the suggested language that restricts placement to not closer to the ROW than the front façade of the structure. She gave the example of floating 5 gallon bucket plugging drainage. Chairman Aeschleman noted that some structures stretch from one street to the other- which would restrict the placement to the sides of the home. Chairman Aeschleman asks if we will consider cars, sheds, other structures in the front? Differences noted between Florence-type event and basic smaller weather event- the difference between a boat or car floating into the neighbors' yard vs balls, buckets, pieces of glass floating around and plugging drains.

Vice Chair Barrow asks if we will require panels to be erected out of the flood zone/above the flood zone? Height restrictions- no higher than the peak of the structure. With some raised homes, height restrictions have to be relative that all are consistent- not relative to the particular home, but relative to something that is measured the same for all homes.- Center of the road-front property line, not the "10 ft from the adjacent wall" as is used for eave height- those terraformed have a distinct advantage.

Mayor Pro Tempore White notes satellite dish has a much smaller footprint- and propane tanks.

Chairman Aeschleman notes that some may only be able to put a smaller number on the roof- need extra on the ground.

Fourteen foot separation was discussed. While we have encouraged all to be 14 ft separated, GMO only regulates multi-unit houses to be separated by that much. Most of that was garage with apartment over it and a primary residence.

Member Lohmar- talking lot size relative to space allocated for installation of ground mounted. Summary: non-glare, not between the primary structure and the street, not in the flood zone, permanently affixed, wind rated for 140MPH.

Height: height of houses to raised houses- eaves same issue- some one story structures, some 3. LUA Miller: A/C aren't all raised- and right next to houses. Vice Chair Barrow- some subdivisions have A/C 50 ft from the house. Same as propane- we do not tell people those structures have to be 14 ft from house. Chairman Aeschleman cannot find the 14 ft separation other than multi-unit housing. LUA Miller confirms that is the only time required- most that are permitted are primary structure with apartment over garage- needing 14 ft separation as multi-unit. We have been requiring it of all. Suggests that installation of solar panels be required to have that 14 ft separation for fire-fighting abilities. Does wind rating affect the height? Higher up becomes a sail.

Chairman Aeschleman asks for thoughts on consistency and finding similar restrictions in the GMO for other structures. Member Lohmar notes that consistency should not drive the issue, but rather what we want for Oriental in the future. If not consistent, it is likely because this issue- solar energy in a residential setting, was not a possibility at the time of the enactment of other regulations. Chairman Aeschleman notes that the guidelines we are working from are not written to be consistent with our GMO, they are written to not enact

so many regulations that solar energy is discouraged. Member Willi notes this can be the beginning of the slippery slope where we are regulating it because it is unattractive and next are restrictions on other things in the front yard. Even the Legislature notes that restricting the vista of the front yard can become burdening. Vice Chair Barrow goes back to does anyone have an issue with panel in the flood zone? Huntersville, as an example, does restrict lots of things in the front yard- parking, boats, etc. Member Willi is still stuck on what are we trying to accomplish? Chairman Aeschleman notes through email conversations with the Manager that the lack of availability of other samples indicates there are few solar regulations for residential properties. Discussion turned to other accessory uses on properties. We currently operate on setbacks only- and height requirements. Setbacks are different in each zone. Chairman is not against restricting size, it alleviates distinguishing between private use and solar farms. Mayor Pro Tempore White reiterates the need for wind tolerance limits. Add permanently affixed to requirements. To be clear- PANEL must be above the flood zone. Agreed. Jurisdiction on docks- we usually permit the construction in accordance with CAMA restrictions- more or less to keep track of seawalls and docks being erected, but most dock construction simply goes through CAMA. Solar mounted on docks would be under CAMA rules. If boathouse on the dock, would we require permit? No- setbacks invoke CAMA regulations. Iron pipes on the back side of the house limit the property and Town's jurisdiction.

Setbacks- LUA Miller recommends that a 14 ft setback from structures be included in ground mounted restrictions in order to separate solar panel ground structures and keep fire hazards separate- to fight one is a completely different procedure to fight the other.

Fence Ordinance- very slight reference to fence restrictions- screening requirements are in there and not erecting fence in right-of-way is standard. No height restrictions. IS setback from street or corner post? Setback is from the building line (indicated as the end of the right-of-way- then the setback measured from there (iron pipes). [LUA Miller notes here, post meeting that SOME iron pipes are in the middle of the road, or at the road's edge- in which case the ROW is added to the "30 ft from the center of the road" provisions]. Chairman Aeschleman notes section 113.9 where fence is restricted to not impede visual access to road- essentially not in the right of way- no height requirement.

Chairman Aeschleman notes: consensus: withstand 140MPH winds, above flood zone, setbacks and height requirements are hard limits. No consensus on area, height.

Vice Chair Barrow- differences between houses on pilings, raised, three story- all differing eaves. Are we not better to pick a height not to exceed. To prevent 3 stories of solar panels. LUA Miller notes that the eave heights are measured from a line adjacent to wall- 10 ft from the wall- all retaining walls usually are outside that distance- so that's the grade used. If you said 20 ft- or 30 ft or grade at center of road. Vice Chair Barrow suggests grade at front property line. Height should not be "drive-under height". Vice Chair Barrow is looking for some measurement that is consistent with some other restrictions. LUA Miller notes the Mission/Vision and keeping with "balance"- mixture of homes, uses, protection for old while protecting from radically new- to preserve the character. Every new rule requires an enforcement mechanism. There is a significant divide between residents on regulating land uses- just a heads up for what you face. Chairman Aeschleman suggests the mean sea- LUA Miller notes that existing crown of the road/front property line at edge of ROW would be acceptable- without requiring a professional to come measure. NC template recommends 20 ft. Member Lohmar notes that our houses are already elevated, so that puts the panels right

at eye-height. Justification due to this is that the height can be reduced. Also higher becomes more easily susceptible to wind damage in a place where wind damage happens regularly. Suggested language: no higher than ___ measured from the grade at the front property line. LUA Miller notes the floodplain Ordinance notes 8.5-9 ft- bottom of floor joists. If the panel was completely vertical- large panels are 4'X6'. 9ft plus 4ft=15 ft. Vice Chair Barrow suggests top of the panel be restricted to no more than 16 ft- should cover all situations, and will compensate from 20 ft for wind issues.

Size: Percentage of footprint of house? Limited #sqft? 50% of footprint up to max X ft? LUA Miller noted previous conversation where it was discussed to corral all panels in X sqft. Chairman Aeschleman notes Sample Ordinances say caps on sqft. (gives several examples). Vice Chair Barrow asks about how measuring panels- footprint or sqft? Vice Chair Barrow notes "contiguously connected" array- not scattered about the property. Chairman Aeschleman notes we cannot anticipate all scenarios. If we try, we end up with something like the tax code. Chairman Aeschleman- how is 3-4 panels different from 3-4 junk cars? Permanently affixed is something all agreed to.

Vice Chair Barrow suggests 50% of primary structure footprint is what we have discussed most. (As opposed to heated sqft.) [Benchmark recommendation] Primary structure includes garage if attached. Vice Chair Barrow notes we can easily go onto GIS and measure the footprint- not heated square feet. SOME are noted in GIS property record with heated square feet, but not all. Also noted that examples use acre size lots to limit other than footprint- generally smaller lots- what makes most sense for us is not necessarily what is presented in the examples. Chairman Aeschleman offers 50% of primary structure- all agree.

Location on the lot: Vice Chair Barrow notes space available and setbacks should regulate most of it- legitimate limitation. Member Willi accepts those existing setbacks. Member Lohmar says this will result in solar panels in front yards- know this before allowing it- especially in places like Dolphin Point where lots are larger and homes built closer to the water. LUA Miller notes that Dolphin Point does have in its covenants, and does enforce "vista" restrictions and that placement of ground mounted solar panels, especially any that might be elevated to the heights we are discussion, would likely cross that restriction. They have been successful in preventing fences and such in that subdivision.

Permitting: New construction: as part of the current zoning compliance. If they bring a plan without a solar array and then choose to add, they must come back to modify the permit. Existing construction- adding ground mounted solar array- LUP to install and make sure compliant with these proposed regulations as adopted. Because of setback issues, it definitely needs to be permitted- less than 200sqft, \$25, more than 200 sqft, \$150 [POST-MEETING- LUA needs how panels will be measured to determine fee].

Zoning: Discussion on large existing single footprints- to imagine potential large allowable fields. Most of those large roofed areas take up most of the existing surface, so does not have extra space to take advantage of the large area allowable. Same guidelines- is there a reason why these proposals would NOT work? (Discussion concerning large buildings in town- trying to find one that would be unacceptable if used lot space). LUA Miller notes if this is a concern, you should add the up to and including X total square feet. Member Willi notes he could clear the front 3 acres on a 10 acre parcel to install panels to power a 10,000 sqft building, LUA Miller was sure he would, and Member Willi wanted that statement in the Minutes.

Chairman Aeschleman notes that he believes we have enough information and consensus to draft some language. Vice Chair Barrow will begin to draft with the assistance of Chairman Aeschleman. Vice Chair Barrow asks WHERE in the GMO we are looking to insert. Chairman Aeschleman notes we may be able to ask the Board to set Public Hearing following our November meeting. Member Lohmar notes that we would have to note definitions, etc.

Member Lohmar makes a MOTION to adjourn. Vice Chair Barrow seconds. 4-0.

NON-AGENDA ITEMS / PUBLIC COMMENT

ADJOURN Meeting was adjourned at 4:55 PM on a MOTION by Member Lohmar with second from Member Willi . 4-0.

Stan Aeschleman, Chairman

Diane Miller, Clerk to the Board

Approved: _____