



## **ORIENTAL PLANNING BOARD MINUTES**

Regular Meeting

Wednesday, July 12, 2017 – 3 P.M.

Oriental Town Hall – 507 Church Street, Oriental, NC

**Chair called the meeting to order at 3:03PM.**

**Present:**Chairman Dammeyer, Member Flaherty, Member Aeschleman,Manager Miller, CommissionerOvercash (Vice Chair Lohmar arrives late), Commissioner Allen Price

**Absent:**Commissioner David White,Member Knapp

### **Members of the Public**

### **PUBLIC COMMENT:**

### **OLD BUSINESS**

- Approved Minutes from June 21 2017, **MOTION** by Member Flaherty, Second by Member Aeschleman,3-0.

### **NEW BUSINESS**

- Open Spaces Draft-draft of new Ordinance requiring new developments being required to include space dedicated to open use. The Planning Board has been looking at this and will be discussing today. In the draft there is a blank in the percentages that would be required to be dedicated to open space- Chair Dammeyer compiled the best practices of the two samples. Member Aeschleman refers to conversation with attorney where neither would be required to be Public recreational use is not the same as owners of the lots in that subdivision. Chairman Dammeyer notes we are looking for confirmation from the attorney that we can require these issues. Manager Miller notes this is not a new concept, but all of the moving parts (Parks and Recreation Ordinance, sidewalk plan, developments required to set aside space) will compose this plan. Question is can we require to be deeded to the Town for public space. Issue is what if the owners association and developer are defunct? Waiting on the legal answer. With respect to public access, all roads are required to be dedicated to the Town, so access to the green space would also be public access. Member Flaherty raises the question about land that may not be accessible (behind houses). Member Aeschleman notes that none of the examples require the developer to deed land to the Town. Perhaps it is premature to discuss without the legal answers. Question from the public asking who is being targeted for this dedication of land- where would the property be? Talking about the undeveloped parcels that line White Farm Rd- began when original parks were mapped and diagrammed to show little recreational space available on that area of town. Manager Miller informs the resident

about the process that led to this potential for required space- to inform the planning for long term recreational needs.

- Dutton SUP request– Manager Miller notes the property in question is what older residents refer to as “The Kenworthy Farm”- on a map shows all the location, that the property is in an R-3 zone. Application incomplete- needs a change of use from residential to residential/part time rental. Applications were filed separately for the two properties. Application was not in 10 days prior to the scheduled meeting, however, the meeting has been pushed up a week, so it is the Board’s discretion to take up or not. At this point, you are only forwarding to the Town Board to schedule a public hearing, and will take up a formal recommendation to the Town Board at the Planning Board’s next scheduled meeting. Member Aeschleman makes a **MOTION** to recommend that the Town Board schedule a Public Hearing for these properties at their September Meeting. Member Flaherty seconds. Vice Chair Lohmar arrives and Manager Miller catches her up at discussion. 4-0. Member of the Public responds that this property has been in disrepair for so long that any renovation is welcome.
- Water Annexation/Water provision: Chairman Dammeyer notes the GMO already requires a new developer that wants water to be required to accompany that request with a petition for annexation. Manager Miller notes we have the opposite request to annex without our water. Provision of water is allowed to be denied if other customers cannot be served properly, especially if there is question about that provision affecting provision already existing. Manager Miller notes that her reading of the GMO is that it is allowed to request annexation without water. She brought to the Planning Board for confirmation. Vice Chair Lohmar says she could not find the inverse. Member Aeschleman asks what we do if they come in and then require water. Manager Miller notes that we can deny that if we have concerns that we can adequately provide- for instance if we need a modeling study to confirm we could provide and they don’t want to do that, then we can deny. Chapter K is where it is noted that we can say no. Chairman Dammeyer asks for public comment- there is none.
- Dark Skies: Manager Miller notes a resident came this week where a part time resident has an offensive outside light that shines directly into his bedroom when that part time resident leaves town. Part of the issues raised about lighting involve public street lighting. Manager Miller notes there are samples to peruse in the drive. Chairman Dammeyer notes we generally take this up at a special meeting for conversations concerning crafting of Ordinance. Vice Chair Lohmar says that we can certainly discuss separating residential from commercial from street lighting. We’re mostly talking about directional lighting that does not bother others.

#### **NON-AGENDA ITEMS / PUBLIC COMMENT-**

- Manager Miller brings up Mr. Fulcher’s revision- the official revision will be forwarded to us when CAMA puts out for comment. They have not notified us of that yet. The questions we discussed have been put into a letter to Mr. Fornes and copied to CAMA and Skip Lee so that they know we are looking for clarification. Mr. Fornes came in and picked up a copy of the SUP and its conditions. Manager

Miller believes that he had not previously seen the conditions imposed. Chairman Dammeyer notes that CAMA asks us for compliance because the applicant must be compliant with Town Ordinances. That's the aspect of the application we are working on. Discussion turns to height of the building. Manager Miller was told at turnover that the building was "compliant". But not that it was 43.5' - It may have already used the allowance for additional height when the roof trusses were re-set. Chairman Dammeyer notes the math between height and lift is not compatible and that our concerns involve the operation in open air and how a retractable roof figures in. In any case, the project will come back to the planning Board for comments.

- Chairman Dammeyer opens the floor to public comment. "How is a retractable roof satisfy the condition?" That was one of the questions we sent to Mr. Fornes. Manager Miller notes that the SUP was granted for the boat was, one of the conditions is that the activity would happen in an enclosed structure. A major revision is two minor modifications or a change of the proposed use. A major change needs a new SUP process. Public comment goes on to note that activity has had "creep" where some things are added piecemeal. Who will be monitoring that activity? "Why does the Town have to pay the price for Mr. Fulcher's financial success?" "There have been many incidents where he has gotten away with polluting- and he gets away with it? "He does it all the time, and nothing happens."- Carol Small Vice Chair Lohmar indicates that is not true. Manager Miller notes that the permitting process requires her to compare the application to the existing rules, just because you have some skepticism of adherence. The project is created to fix the past transgressions and that this solution will create a better environment for us and a less expensive violation environment for him. We can also not spot-zone. We are working to get them compliant within the current structure of rules. Please recall the instructions given during the SUP process: It will be granted UNLESS one of these things WILL happen- that you have proof-not that you think it MIGHT happen. It includes a filtration system no place else, shrouded wash, pumpout and haul off of waste. There is nothing in the Ordinance that compels one to roof a building. Carol: "The camel's nose is under the tent- he got his SUP, now he wants to change things". Chairman Dammeyer encourages people to respond directly to CAMA about their issues with this project. Vice Chair Lohmar discusses the permissible use table- if it is in the table, it is allowed by right. Commissioner Overcashnotes that these corrections to the site are in response to those environmental concerns. Manager Miller indicates that the CAMA application triggers the forwarding to other agencies for their comments as well. Question was asked about rafting the harbor shut- Chairman Dammeyer notes that the Town's jurisdiction is limited once we hit the water. Question about noise ordinance- are there limitations? Time limits for making noise? Chairman Dammeyer notes the location of the Town Ordinances online which are available to all. She also asked about disturbance in the channel- Chairman Dammeyer notes that this is an example of where the Town's reach is limited. Manager Miller notes the general ordinances govern general issues- nuisance, police, etc, and the Growth Management Ordinances govern building and development. Vice Chair Lohmar states that the project has passed our hurdles, and that the recourse left is to comment to CAMA.

**ADJOURN** Member Flaherty made a **MOTION** to adjourn and Vice Chair Lohmar seconded. (4-0) Meeting adjourned at 4:22PM.

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Eric Dammeyer, Chairman

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Diane H. Miller, Clerk to the Board

Approved \_\_/\_\_/\_\_