



ORIENTAL PLANNING BOARD MINUTES

August 17, 2016 – 3 P.M.

Oriental Town Hall – 507 Church Street, Oriental, NC

Present: Chairman Eric Dammeyer, Vice Chair Cecily Lohmar, Commissioner Overcash, Member Stan Aeschleman, & Member Dick Flaherty, members of the public

Absent: Member Bonnie Knapp

Eric Dammeyer called meeting to order at 3:10 pm and established a quorum.

OLD BUSINESS

- Bysheim application- LUP is granted conditional on the documentation requested.
- Bysheim SUP application- need to make a recommendation to the Town Board on the application. Vice Chair Lohmar questions comment that there is an intermixed lot- for clarification, they are two separately owned properties. From Zoning, they are both zoned MU-1. Chairman Dammeyer notes that we have looked at the documents previously, and notes that a similar condition as was put on the Land Use permit will likely be attached to any recommendation for an SUP. If the PB will recommend that the permit be granted, that we would want the documentation to show that CAMA has approved of the construction and equipment to be installed. He recommends we use the same language as is in the LUP. Vice Chair Lohmar **MOVES** that the same language used in the LUP for conditional approval be attached to the SUP regarding requiring CAMA approval prior to construction. 4-0. Vice Chair Lohmar **MOVES** that the application be open for Public Comment. Second by Member Aeschleman. 4-0.

Harry A. Jordan, 414 Whittaker Point Rd Slip E-20, member of WCYOA. Has known the applicant about 18-19 years and has made use of his services when arriving here from Nebraska. After hearing comment, nobody seemed to want to comment and he believed that the process was moving too quickly. The YOA has 83 members who would partake of the services if established. Currently using Sailcraft services for scrubbing, etc, pulling boats. The indication is that the system would be enclosed. Mr. Jordan is a monitor for the US Maritime and a certified engineer, and he does this work to stay involved. Good to have a competent washing system, however there are visual clues that over the years indicate some degeneration and loss of efficiency mostly concerning transient barter agreements. One vessel is sunk at the dock, fascia on the building rotting, other issues. Concessioner laws must take 10% of any service done by owner. Restaurant was also one of these. There is a real need from the club that these other eyesores are being rectified. YOA is having to be affected. Will also be affected by washing area if in the pool of the YOA- having to look at it, sight, smell, etc of the operation. The general wearing down of the property is apparent and getting worse, including derelict boats which are abandoned has continued for 15 years or more. These are the questions he and others in the club would like answered. He will be moving to Minnesott, but still holding property in Oriental. What needs are not met now reflect the posture of how the rest of the site will likely deteriorate.

Chairman Dammeyer summarizes: -property is currently an eyesore, proximity of site to the YOA, and safety issue- gas cans out and maintenance not careful about storage and tools. Chairman Dammeyer asks specifically if there is a safety issue of the pool to the wash proximity. Commissioner Overcash asks about sanding and aerosol of the paint will also be a hazard.

Manager Miller interrupts to recommend that the Board continue taking the comment prior to discussion.

Chairman Dammeyer notes that Mr. Jordan has not looked at the site plan. A conversation ensues to straighten out the required notice and who will be notified when as set out in the GMO. Following explanation, Mr. Jordan acknowledges understanding that the public notice is sent out on schedule.

Chairman Dammeyer **MOVES** to close Public Comment on this matter. Vice Chair Lohmar seconds.4-0.

Additional discussion: We have agreed that the Town should approve the application, conditional that CAMA compliance and approval, including all facilities as presented in the application: pumpout, sewer connections, etc. Manager recommends that the PB go through the SUP notes for approval:

1) application complies with one or more components of this chapter. Noting that the application was noted to have been corrected to 15' setbacks, one must accompany the application to the BOC. Those corrections are noted on the current documents.

2) Materially endanger public safety- the Planning Board has not had fact-finding that indicates a material safety and that the BOC at the Public Hearing may have some information presented to confirm or deny that statement. The other side of the setback to the property line, and then a building, and the other side of the building is where the pool is located. As for public health issue, the remains of the wash would be funneled to collection and taken off site.

3) Substantially harming property value, and harmony. We've heard one resident, but we need to tell the Board that there are concerns, but we have no proof. Manager Miller notes that the Ordinance states that the Board has to grant the application UNLESS THEY FIND one of those issues. There is a burden of proof and that burden rests with those who believe there is a health, safety, or injury to be caused by the installation. (GMO Section 87.3) Advises PB to issue no opinion on safety, health, etc.

Commissioner Overcash asks Mr. Bysheim about sanding/painting, etc activities. Mr. Bysheim notes that the NC Dept of Air Quality regulates how that can be safely accomplished. Commissioner Overcash asks if Mr. Bysheim has the equipment for vacuuming the residue during sanding. Mr. Bysheim notes that he will comply with state regulation.

Another member of the Public notes that revegetation and the comeback of some wildlife are of a great concern and that other work removing some vegetation was permitted and accomplished since his last trip to Oriental. He also noted Madeleine Sutter's (who was not present) objection to the project. Chairman Dammeyer instructs the gentleman and Ms. Sutter that they are welcome to come to the Public Hearing and voice those concerns, as well as contacting CAMA with any concerns.

Commissioner Overcash noted that Mr. Bysheim has gone a long way to complying with all restrictions and requests for additional information from the Planning Board.

Member Flaherty asks for clarification of the 15 ft setback.

Manager Miller notes the need to address 86.1.4.1. The application is within our jurisdiction, and that the application is complete, 86.1.4.3.1 is the header for the 5 items. 86.1.4.3.1- the burden of proof has not been met today, and the same for 86.1.4.3.2 , 86.1.4.3.3, and

86.1.4.3.4- they must be decided by the Board of Commissioners. 86.1.4.3.5 is in compliance with the Lan Use Plan generally.

As above, the Planning Board finds that the application should be approved with the above findings.

- Review of actions already taken: recommendation list from last month's work on a batch of changes.

Manager Miller goes through the **attached** document with collected changes. Some grammatical changes and change of terms approved. Removing the ability to install covered piped drainage. Adding two definitions.renumbering after addition of those. New sections for construction repair, (this prompts us to amend the compliance for to include the GC's signature that he is responsible.) Remove repeated section. There was some question about section 141, but later resolved that it was covered under Section 114.1-114.2 revision. Table of Contents can also be renumbered at any time according to the attorney. This would be set for the Public Hearing Sept 13. Chair Dammeyer **MOVES** that the above be forwarded to the Board of Commissioners for a Public Hearing to make PB approved changes to the GMO. Member Flaherty seconds. 4-0.

Commissioner Overcash asks that at this point could the PB possibly move Mr. Fulcher's SUP request up on the list as his representative is present and away from work.

NEW BUSINESS

Chairman Dammeyer requests the Manager to lay out the request. Same as Bysheim's- LUP was approved and this is an SUP is requested for a boat wash on Fulcher Point. Height has been questioned- it is 45' tall, which is under height limits. This facility would reduce the environmental impact currently occurring to remove any residue in a sanitary manner and dispose offsite, which can only help that issue. Extension of the bulkhead contiguous with the Town's property is part of the LUP, which would reduce the erosion at that point of the property and likely reduce the shoaling in the harbor due to the structure and hard limit of the shore to be installed. (It was noted at this point that the Board had been given two copies of the LUP and no copy of the SUP) Manager Miller pulled out the large map attached to the SUP. She noted extension of the bulkhead and where the travel lift and washdown would be located. It was noted where the lift is relative to the current restroom facility, and the lift would remain out of the water when not in use. Looking at the existing building (Fulcher's) from the Town Dock, you would not have view of the lift as you do not have view of the public restroom- it is behind the restaurant and can't be seen from the Town Dock #1. The proposed structure would be behind the restroom. Chairman Dammeyer notes that this application would also have the limitation that it is approved as long as CAMA approved. This design differs slightly from the Bysheimwashdown. This one would drain to center and piped to the collection facility, including a six inch curb surrounding the washdown. The Manager notes that we are the only owner within the 150 foot notification requirements. All other property is owned by Mr.Fulcher- even the Toucan is between 160 and 170' away.

Vice Chair Lohmar **MOVES** that Public Comment be taken. Member Aeschleman seconds.4-0.

Benjamin Cox- 409 Academy St does not understand that Public Comment is taken without Public Notice. The Manager walks through the publication notification, noting that the Planning Board will review its recommendations next month and the Public Hearing at the Board of Commissioners in October. Once Public Notice is set, all interested parties may speak at the Public Hearing. The PB is simply deciding that the application will go forward.

In the findings, the PB finds that the application is complete and allowable in this zone, and the other questions can be answered at the hearing. For clarity, the “gantry crane” is a full scale travel lift, max height 45’. Mr. Machle indicates that the applicant would be happy to make the correction on the application and initial. Additional conversation yields information that the crane will be designed to fit inside the existing building at Fulcher Point and it will be enclosed to do the kind of work that should be shielded from the open air. Chairman Dammeyer asks for a motion to close Public Comment. Member Flaherty **MOVES** that the public comment period be closed. Vice Chair Lohmar seconds. 4-0. Additional discussion. Chairman Dammeyer notes that the PB can comment on 86.1.4.1.2, and .3 are acceptable. The PB notes there is no evidence with regard to Public Health, adjoining properties, or is in harmony. It is in conformity with the general land use plans. The PB **MOVES** (Member Aeschleman) that we schedule a Public Hearing. Vice Chair Lohmar seconds. 4-0. Member Flaherty **MOVES** that the PB conditionally approve the application on the noted points. Vice Chair Lohmar seconds. 4-0. Manager will draft the recommending language and have it for the PB at their next meeting. Member Aeschleman notes that we will likely always have issues with those three issues.

NEW BUSINESS

- SUP permit requirement for R-2 and R-3 may be a little more stringent than necessary- Manager forwards for the consideration of the PB, only one application has been forwarded in 2.5 years, no neighbors showed up, no comments made. May have been put in place to ensure payment of Occupancy Tax. Some homeowners may be willing to rent short term if it was not such a hurdle to overcome, including time and expense. A Land Use Permit gets the property on file, allows us to track, but also allows us to count additional rooms available for rent as Tourism promotes the need and desire for additional rooms. Dammeyer brings up the Air B&B rental issue. Others are struggling with that regulation. He notes that we allow it and permit it. Manager Miller notes that some of those may be currently operating in R-1. The issue arises when those who rent are questioned can easily defer that it was relatives using the property. Very difficult to enforce. Member Aeschleman **MOVES** that the requirement to be moved from SUP to LUP. Member Flaherty seconds. 4-0.
- Right of Way discussion. Attorney’s advice is not to give away ROW. Adjusted average of local homes all make the setback. The steps of the existing steps are all that encroaches. It does not seem to be an onerous burden to build to current setbacks. Commissioner Overcash noted that the ROW standard may have been changed in 2010-2011. It should be 18’ on either side of the centerline. Manager will look into that possibility.
- PB contribution to Newsletter is finished.
- Chairman Dammeyer **MOVES** to approve edited minutes from July 20, 2016. Member Flaherty seconds. 4-0.

MOVE to adjourn made by Vice Chair Lohmar and seconded by member Flaherty. Adjourned at 4:35PM. Passed 4-0.

Respectfully submitted:

Diane H. Miller, Land Use Administrator

Eric Dammeyer, Chairman