



## ORIENTAL PLANNING BOARD MINUTES

Wednesday, August 17, 2022 3:00PM  
Oriental Town Hall – 507 Church Street, Oriental, NC

### CALL MEETING TO ORDER AND ESTABLISH QUORUM

Meeting was called to order at 3:01PM with Chairman Rahm, and Members Quigley, Stone, and Member Willi. Member Quigley was absent. LUA Miller was present. Commissioners Frank Roe and Allen Price were also present.

**Agenda Approval:** Chair Rahm amends the agenda to include election of the Chair and Vice Chair as meetings in June and July were canceled. Member Willi makes the MOTION to add to Old Business. Tom Stone seconds. 4-0

**May 2022 Minutes for approval.** Member Stone made a MOTION to accept the Minutes. Chair Rahm seconds. 4-0.

### OLD BUSINESS

- **Election of Chair:** Member Stone makes a MOTION to nominate Julie Rahm to serve as Chair. Member Willi seconds. 4-0. Member Stone nominates member Willi as Vice Chair. Chair Rahm seconds. 4-0.
- **Comprehensive Plan:** We are reviewing the Long Range/Comprehensive Land Use plan. The plan is currently 10 years old. Member Allen had offered suggestions for improvement and then the State put out additional guidance on July 29. Perhaps schedule a work session for just that document. Manager requests moving the Oct meeting from Oct 19 to 26<sup>th</sup> to compensate for Manager absence. Member Stone will be away. Chair wants to review the plan sooner. Would like to review the plan in September.

### NEW BUSINESS

- **Swear in new member** Allison DeWeese. Town Clerk Miller swore in Ms. DeWeese and she took her place on the dais.
- **Margaret Rose, owner of Neuse Realty** with a group attempting to redevelop the Styron property at the Harbor. The group is speaking conceptually on potential use of the property. Brought Bob Norton and others to describe potential projects. Mr. Norton talked about potential development that included both residential and commercial uses for the property. Looking for what the community needs, desires, what the community will support. Commissioner Overcash asks for additional packets being given out. Ms. Rose will deliver. Paperwork with River Bend issues where the proposal is dead because the community did not want that. Mr. Norton describes his background. Attempting to understand the existing requirements. Prefers to have workshops to understand the rules completely. Understands setbacks, public access, impervious surfaces. Community is ideal as a destination. No intention to compete with existing businesses. Waterfront is the key to the community- best use of property. Business where slow down in watermen uses. We

solicit the end user according to the property best use recommendations. We will solicit RFP to businesses that might be interested. Key property that could benefit the community. Obviously parking is an issue. Making the property more open, accessible, including public use. Some portion of these properties could be used for education purposes. Have used Golden Leaf funds for economic growth. Talked about a plan. Chair Rahm asked if his concept was compliant with existing. And reminded him of height restrictions. Talked about having to build up. Asks about adjustment to height limits due to FEMA newest guidance. Can't picture that the value is worthwhile for investors if cannot get to build up. LUA noted FEMA heights have come down since new maps; 330 structures came OUT of the floodzone. LUA asks if we do not adjust height, does that mean there is no project? Mr. Norton suggests the property is a great location, but hopes that all participate and look at current elevation issues. LUA noted the data is skewed because of the dataset dates. Our height relations wrt CAMA are still the same. Wetlands caused by man made improvements are not unbuildable wetlands. Mr. Norton is looking for what he can and cannot do on that property. Mr. Norton passes out packages. LUA notes his sensitivity to watermen. Notes we work toward balance- people who have been here and those who come here for what it is. Balancing commercial/residential as well. Limitations of impervious surface, height restrictions, lack of granting variances for height and setback. Mr. Norton says "we should not waste our time, then." LUA clarifies that there is nothing on the table to change the existing limits. The Boards work within the rules to allow whatever you want to do on your property. However, these are the rules. You are welcome to ask for the rules to be changed. Mr. Norton says he is thankful for straightforward notation that nothing is going to change. LUA notes that is NOT what she said- she said these are where the rules are now, but he is welcome to petition to change those rules. He asks about sewer capacity. LUA notes that capacity is closing but there is still a good bit available.

- Chair Rahm notes the ROI for a property. Mr. Norton notes that it absolutely must be worth the time and money to invest. Suggests a visitors' center and presence for the Town on the Harbor that the Town currently does not have. LUA notes the town docks, clean marina, public restrooms and visitors center in Net House about to go under renovation are already available. Mr. Norton simply states "best use" of the property is the goal. Chair Rahm asks what he means by "best use". Based on sqft and age of the building, plus the fact of the cantilevered docks, there is less waterfront than expected. LUA asks if talking about the whole property or just the waterfront part. He answers all. He states there are no setbacks, no sidewalks, etc. [those properties actually have all of that]

- Commissioner Roe asks what we can control? Height, setbacks from the road, not setbacks from the water- that's CAMA. He will be in contact with CAMA about what can and cannot be done.

- Vice Chair Willi asks if we can zone one property for additional heights? No. Can we create a new zone? Pretty close to spot zoning, possibly. But rezoning requires you to look at anything that might be acceptable in the proposed zone. Mr. Norton suggests creating an economic development zone.

- Margaret Rose thanks the Board for the time spent having the discussion.

- Driveway Ordinance in the 2016 time frame was moved into the GMO. June 2021 Planning Board recommended, Town Board approved LUA's request to limit the size of driveways to address two issues we were experiencing. One was the length of culverts that were blocked up and the responsibility for clearing those. For us to make that happen, we notify the owner when culverts are blocked and need to be cleared. At some point, the Town allowed culverts the entire length of the property, which became neighborhood sized blockages over time. We fixed that to allow culverts only under driveways, and open ditchwork to remain if we had to uncover blocked pipes. Exceptions have been made. On

High St, almost 300 ft of culvert was blocked following Florence. When we uncovered and lifted those blocked culverts, the danger of closeness to the street and depth of the ditch was a true safety issue. We replaced and re-covered those culvert pipes, doing the very best work to hold those in place that they would remain free flowing as long as possible. Also, if covered (but not blocked) culverts were removed, they could be replaced, as long as they accounted for the owner maintaining those culverts-(2) of those have happened. The issue comes when someone declares that their entire frontage is “driveway” in order to pipe in and cover drainage culverts. We do not allow that in new construction, and the limitations in place were designed to curb that behavior and prevent issues later. We may have made this overly restrictive as pointed out by Commissioner Price. In addition, roads with drainage ditches and roads without should not necessarily be treated the same way. A new issue arises when we allow extensive concrete or rounded driveways- the amount of cement that needs to be replaced if/when water lines break is expensive. There is no address of corner properties- can they put driveways on both street facings? Is each street limited the same way. LUA would argue that because there is no language preventing both street sides being driveway, that the limitations are restricted to each driveway, not each parcel. Vice Chair Willi notes that the side is not addressed, should not be that way. LUA states laws restrict- unless we restrict, it’s allowed.

- We currently have two residences out of compliance with the current Ordinance as written. Both have been notified, both are aware that changes may need to be made while they are under construction. Currently says “one driveway of 20’ or two of 10’ each”. Exceptionally long vehicles, boats, other accessories that owners store on their properties face issues with backing/storage. If we change that to each 20’, then we run into the excessive concrete over the waterline.

- There is also an inconsistencies in residential ZONES and commercial PROPERTIES. There are residential properties in commercial zones. Commissioners Price and Roe and Tammy and I drove the Town- most commercial properties are much larger driveways. GMO changes correct previous problems.

- If the parcel is 2.5 parcels- over an acre- same limitations?
- Restrictions are only on the first owner- unless attached to deed, the next owner is not held to it. Question for the attorney- do we attach this to the deed?
- Is 30’ commercial enough?
- LUA requests input on potential changes.
- LUA shows properties in violation under construction. Will not require those to be moved while we have this conversation. We potentially can change the Ordinance to where it is compliant. There IS a separation between the two culverts- may be a good requirement to insert. Second noncompliant driveway is on no culverts required- 2.5 lots, allows for tree to remain. What is the advantage for not allowing this?
- LUA shows old culverts on Midyette St- at least 50-60 ft of culvert other than driveway.
- Duplexes where driveways are against each other- that’s 40 ft of culvert- would not be allowed currently. Showed additional permitted, but not currently allowed driveway that is kept clear by owner- 28’.
- Showed new installation of driveway with riprap and cleared spaces.
- Remove and replace a culvert does not require a permit- especially if old culvert fails or driveway fails.
- Delamar property size of driveway- 28’ out to 40’ platform. Waterline is on opposite side of the street at this particular site.

- Cheney property excess sized, but no culverts, designed to save 25 yr old street trees. Letter is included. Requests reconsideration for 20' entrances on streets without culverts.
- LUA believes it is her responsibility to bring to the Board if the solution may be unnecessarily restrictive.
- Vice Chair Willi asks if the LUA wants to scrap all of the restrictions, if it becomes inconvenient for the builder? Not sure what the remedy is if any number you set can be inconvenient for somebody. Seems like there are two separate issues- people built things that are not allowed and maybe the rules were too restrictive.
- Chair Rahm asks for clarification between roads with culverts and roads without? If there are none, perhaps we do not need to prevent. Perhaps we start with "if this exists on the property..."
- Commissioner Price- in old Oriental, houses being raised so you can park under. Gets people off parking in the road. Some of these parcels have 200' of frontage- and limited to one 20' driveway. In old Oriental, the lots are different. Does believe if the waterline is impacted, the owner should help cover that cost. LUA notes that's a legal question. Businesses limited to 30' is too restrictive.
- Commissioner Roe asks how often lines break. LUA notes that the lines were laid in 1975 and are starting to show wear and weakness with washouts underneath.
- Commissioner Overcash suggests a percentage of the frontage. Commissioner Overcash asks the rest of the Board members present to give some direction to the Planning Board. Commissioner Price believes in percentages, Commissioner Roe believe property owners need to comply with keeping up the culverts. This rule is in place to make sure people do what they're supposed to do. Believes the rule is too restrictive.
- Chair Rahm notes there is an issue with people who build other than permitted. Vice Chair Willi agrees. What's the penalty for building something differently from permitted. Member Quigley notes that neither of these noncompliant things adversely affects the Town. LUA notes the only reason that they were not told to remove the unauthorized portions while the Board is discussing possible changes that would then make it legal. One owner completely understands. The other builder completely ignores GMO.
- Additional conversation concerning proposed development.
- LUA notes that she would like to change the language of residential zones. Vice Chair Willi notes we need to change it to residential zones and commercial zones- not *properties*. Percentages is the way to go. LUA notes that the minimum frontage is 50', so if you have 50' frontage, and you use 10%, you only get a 5' driveway? Also 20% of a 200' frontage gives them a 40' driveway. LUA suggests, "not to exceed 20' per driveway in residential zones" and commercial is percentage of frontage.
- New conversation about driveways on both streets. LUA has permitted in the past. No Planning Board member has ever objected to signing off. We need to address that in the Ordinance.
- Commissioner Overcash suggests we are going in circles.
- LUA asks for recommendations.
- Chair Rahm asks LUA to draft something following from this conversation and conversation with attorney.
- Potential development on White Farm Rd. Multifamily grouping- condos vs townhouses. To be compliant, the first property requires 5,000 sqft, each additional property requires 4,000- so 25,000 sqft per group unit. OR- do it as a homeowner's group that owns the land- like a condo. That was last conversation we had. Extremely preliminary plan to look at.

- Vice Chair Willi asks about CAMA line. LUA notes exceptions have been made by CAMA fairly recently- deforestation at the water's edge is being monitored.

- **Compliance forms:**

Carroll Construction	5/23/2022	2022-16	SFR	326 Camp Creek	Y	5/23/2022	New SFR
Carroll Construction	5/23/2022	2022-17	SFR	324 Camp Creek	Y	5/23/2022	New SFR
Carroll Construction	5/23/2022	2022-18	SFR	322 Camp Creek	Y	5/23/2022	New SFR
Catch Restaurant	6/3/2022	2022-19	Vendor		Y	6/3/2022	Vendor for event
Lindsey's Creek	6/2/2022	2022-20	Compliance	705 Midyette	Y	6/3/2022	addition less than 200sqft
Stroupe	6/3/2022	2022-21	compliance	1106 Link Lane	Y	6/3/2022	new SFR
Cheetham	6/10/2022	2022-22	compliance	1116 Neuse Dr	Y	6/10/2023	new SFR
Cannon	6/10/2022	2022-23	compliance	408 High St	Y	6/10/2023	new SFR
Moffat	6/28/2022	2022-24	LUP	5633 Styron	Y	6/28/2023	retaining wall
Stevens	6/29/2022	2022-25	compliance	6110 Styron	Y	6/29/2023	new SFR
Town of Oriental	7/5/2022	2022-26					
Roe	7/13/2022	2022-27	compliance	502 South Ave/Midyette	Y	7/13/2023	roof over existing deck
Bybee	7/21/2022	2022-28	compliance/LUF	518 Water St	Y	7/21/2023	add stairs to existing deck
Hummel	8/1/2022	2022-29	driveway	502 Ragan Rd	Y	8/1/2023	add driveway
Catania	8/3/2022	2022-30	compliance	1890 White Farm Rd	Y	8/3/2023	new SFR

- Notes additional height approved on Neuse Drive due to increased setbacks per the GMO. 502 Ragan should say 506 Ragan. No SFR applied for- property has access to dock. Note on compliance says no boat can be stored there without SFR built. If they put it in the water, that's fine.

Discusses property on White Farm Rd NOT hooking on to Town Water or sewer- 450' off the road. Property (adjoining) up front is proposed to be storage- can't do that- it's an R-1.

- Manager notes appreciation for moving the October meeting.
- **ADJOURN:** Chair Rahm asks for a MOTION to adjourn. Member Stone makes the MOTION. Member DeWeese seconds. 5-0.

**Next Meeting scheduled for September 26, 2022- (adjusted for the Manager's schedule) 3PM**

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Julie Rahm, Chair

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Diane H. Miller, Clerk to the Board/LUA