

Town of Beech Mountain

Planning Board Meeting Minutes

May 5, 2009 and May 19, 2009

May 5, 2009

Call to Order:

Chairman Paul O'Connell called the meeting to order at approximately 9:00 A.M. Other board members present in attendance were Bill Watson, Andy Porter, Brian Barnes, and John Hoffman.

Adoption of Agenda:

There was a motion that the agenda be adopted. The motion was seconded and carried with no opposition.

Approval of Minutes:

John Hoffman moved that the minutes of the April 17th meeting be approved. The motion was seconded and carried with no opposition.

Proposed Tree Ordinance Presentation (For Information Purposes Only):

As the proposed ordinance had not yet passed legal review, this information was provided for information purposes only, and not to be voted upon at this meeting.

Renee Castiglione discussed the key aspects of the proposed tree ordinance, stressing that the main purpose of the ordinance is to protect the town's trees.

Points of discussion included the proposed ordinance's revision of the current ordinance's distance from structures requirement. The proposed ordinance would allow the removal of trees (upon approval of the Zoning Administrator) that lie within 15 feet of a structure, rather than 10 feet.

Also discussed was the proposed ordinance's requirement for the replacement of removed trees at a distance of greater than 15 feet from a structure, including those removed along temporary service routes used during construction.

Renee Castiglione said that the proposed ordinance intends to encourage people to hire certified, educated arborists to ensure that informed decisions are made regarding the welfare of the town's forests, especially to regulate the practice of "topping."

Also discussed was the \$5000 damage deposit in the proposed ordinance. It was recommended that the proposed ordinance be altered such that this deposit be collected prior to issuing a certificate of occupancy if further work is required at this time.

Randy Feierabend said that following legal review, he would forward the revised proposed tree ordinance to the planning board prior to the following month's meeting.

Proposed Sign Ordinance Amendment:

Discussion of the proposed sign ordinance amendments centered on refining the ordinance in order to ensure signs meet high standards with regard to effectiveness and aesthetics. Motions were made, seconded, and carried with no objections with respect to the following sections:

Section 1907(b)(1) (regarding special "sale" signs) was amended to allow 4 sales per year (corresponding to 4 seasons) rather than 2 sales per year. Randy Feierabend noted that there may be possible legal ramifications of creating an ordinance that regulated business rather than signs.

Section 1902(c)(2) (regarding the definition of Detached Signs) was altered to include any sign wholly independent of a building, removing the words "fence, vehicle, or object" from the definition.

Section 1909(f) (regarding Attached signs) was amended to stipulate that attached signs must be sandblasted, hand carved, routed, raised, or shaded to give a three dimensional appearance.

Section 1909(g) (regarding Detached Signs) was amended to stipulate that detached signs be sandblasted, hand carved, routed, or raised. Andy Porter noted that under these stipulations, 73% of the town's existing signs would be in compliance and 27% would be outside of compliance.

Section 1913(c)(1) and (2) (regarding the Removal of Non-Conforming Signs) was amended to change time requirement for compliance from one (1) year to two (2) years.

Section 1913(c)(3) (regarding the Removal of Non-Conforming Signs) was amended to allow areas annexed by the town two (2) years to bring signs into compliance, unless otherwise specified in the terms of annexation.

Section 1906(b) (regarding Residential Signs) was amended to specify that residential signs may be sandblasted, raised, or hand carved as well as routed.

Adjournment:

Finally, it was resolved to recess this meeting and reconvene in two weeks to review the changes made to the sign ordinance during this session.

May 19, 2009

Call to Order/ Resumption of Meeting:

Chairman Paul O'Connell called the meeting to order at approximately 9:00 A.M. Other board members present in attendance were Bill Watson, Andy Porter, Brian Barnes, and John Hoffman.

Adoption of Agenda:

There was a motion that the agenda be adopted. The motion was seconded and carried with no opposition.

Approval of Minutes:

Brian Barnes noted that minutes from a meeting that was continued should not be approved until after the conclusion of the entire meeting. Therefore, approval of the minutes will be postponed until the next meeting.

Proposed Sign Ordinance Amendment:

Discussion continued on concerns with the proposed sign ordinance amendments.

Andy Porter noted that the current phrasing of the ordinance may lead to “raised” signs being constructed of inexpensive lettering attached to plywood, and thereby circumventing the intent of the ordinance in preserving the beauty and aesthetic character of the mountain.

After much discussion, it was decided not to amend the ordinance because the permit application and approval process (Section 1914) would allow the Town Manager or his designated officials to ensure that signs comply with the intent of the ordinance prior to approval.

John Hoffman also voiced a concern regarding “open and closed” or “vacancy” signs. It was reviewed that the ordinance permitted external illumination for these signs (i.e. floodlights), but that internally illuminated signs were prohibited. As to the posting of an internally illuminated sign in a window, it was reviewed that as long as the sign was not affixed to a window, it is not defined as a “sign” and therefore is not regulated by these provisions.

Other minor corrections to the ordinance were made, including Section 1909(f), which was amended to state that attached signs shall be “routed, carved, sandblasted, raised” *or* shaded (painted) to provide a three dimensional, raised appearance. A motion was made, seconded, and carried with no objection in this regard.

Finally, Andy Porter made a motion to approve the final sign ordinance as amended in the current meeting. The motion was seconded and carried with no objections.

Garbage Bin Specifications Review:

Concerns with the town’s ordinance regarding garbage receptacles and bins (TITLE III- Chapter 31, Solid Waste Management Ordinance) were discussed.

John Hoffman discussed his concern with the specifications for Garbage Bins as provided by the drawing in Appendix A of the Solid Waste Management Ordinance. It was noted that the Garbage bin specifications should not require an exact replication of the design provided, but rather should just provide a guideline. The ordinance should state that the drawing provided is a minimum standard and that alternate designs of higher quality and aesthetic appearance should be acceptable as long as they meet the minimum standards and dimensions provided.

Bill Watson noted that as some people don’t use trash receptacles, and carry their own garbage to the collection site. He recommended that the requirement for garbage bins only be mandatory for those wanting the town to provide them with garbage collection.

Randy Feierabend noted the need to better educate people about recycling. Brian Barnes agreed and stressed the need to invest in the town's recycling capability.

Finally, it was resolved that the town planner examine the existing garbage bin ordinance and provide information and recommendations for improvement of the ordinance to be discussed at the next meeting.

Controlled Roof Drainage Discussion:

Concerns about the number of homes being constructed on Beech Mountain without an adequate method of dispersing roof drainage away from the foundation of the structure were discussed. As these issues are covered under the North Carolina Building Code, the board saw no need to take action, but encouraged the enforcement of the Building Code's requirements.

Adjournment:

With no further business, it was moved that the meeting be adjourned. Said motion was seconded and carried with no opposition.

Respectfully Submitted,

James Scott

Secretary to the Board