

**Town of Beech Mountain**  
Planning Board Meeting Minutes  
February 2nd, 2010

***Call to Order:***

Chairman Paul O'Connell called the meeting to order at approximately 9:05 A.M. Other board members present in attendance were Andy Porter and John Hoffman. Town Councilmember Cindy Keller was also present for the meeting.

***Adoption of Agenda:***

Andy Porter made a motion that the agenda be adopted. The motion was seconded by John Hoffman and carried with no opposition.

***Approval of Minutes:***

Andy Porter made a motion that the minutes of the January 5<sup>th</sup> meeting be approved. The motion was seconded by Paul O'Connell and carried with no opposition.

***Discussion of Zoning Issues for "Group Homes":***

Planner James Scott opened the discussion by reiterating the discussion on this subject that had occurred at the previous meeting. He discussed that the issue of where a group home could locate was tied to the definition of a "family." Since our ordinances define a family as a group of up to 5 unrelated people as a "family" a group home with 5 people or less could technically locate anywhere a family could. He discussed that Town Manager Randy Feierabend had recommended against altering this definition of a family, because he felt that it was already written in a more restrictive manner than most jurisdictions in which he had worked. Mr. Scott then stated that another way of addressing this issue might be accomplished by designating a particular zone in which group homes and other groups of greater than 5 unrelated people could locate. He then discussed some possible changes to the Permitted Use table that would serve to accomplish this.

John Hoffman said that "Group Homes" might be precluded from locating in residential areas simply because they are businesses. Paul O'Connell agreed and stated that he was aware that group homes were often very lucrative for their proprietors. The question was raised whether a municipality must make a distinction between group homes that are for profit vs. those that are nonprofit in order to determine whether they could be considered a "business?"

John Hoffman also noted that the public outcry against Group Homes was largely because the "Hope for Dope" facility that had attempted to locate in Beech Mountain housed several persons who were potentially dangerous to others, including sex offenders and convicted violent criminals. He stated that he did not see a problem with group homes in residential areas for other groups such as the elderly or disabled. He also stated that sex offenders could possibly be prohibited from locating in town because state law

prohibits them from locating within a certain distance of parks, and the town has such an extensive network of trails (which could be considered parks).

Andy Porter agreed that he saw no problem with non- dangerous group homes locating in town, but questioned how we could distinguish between the two.

John Hoffman stated that the “Hope After Dope” facility attempted to relocate in Boone after leaving Beech Mountain, and were precluded from doing so. He suggested that Mr. Scott contact Boone’s planner and find out how their ordinances were structured to deal with such issues. Andy Porter agreed.

Paul O’Connell agreed that we should consult with Boone and therefore moved to table the discussion for the moment.

As an aside, Mr. Scott noted that in researching this issue, he had noted several omissions and errors in the existing Permitted Use Table that should probably be addressed by future Planning Board recommendations.

### ***Discussion of Vacant Lots Provision Amendments***

Mr. Scott reported that upon presenting the proposed amendments to this provision to the Town Council they had several objections and comments. Generally, it seemed that Town Council recommended that if we were to change the ordinance at all, we should take a deeper look at making more of a comprehensive change.

Paul O’Connell noted that the biggest problem the Council had with our proposed amendment dealt with how it pertained to the storage of building materials. John Hoffman noted that the storage of building materials on vacant lots was often done in large cities, but they were required to clean up before issuance of a Certificate of Occupancy. It was stated that in the cases that were potential problems in Beech Mountain, individuals had stored construction materials on vacant lots without ever obtaining a building permit and that the materials were left there indefinitely. Andy Porter suggested that the storage of building materials on vacant lots should be allowed only when a building permit has been obtained, and that the storage should only be allowed while the building permit was valid.

Mr. Scott questioned whether such storage of building materials should only be allowed on the lot for which the building permit was issued. Andy Porter and others noted that often it was necessary to store materials on an adjacent lot, but felt that it was not needed or desirable for residential construction in residential areas. Therefore, it was agreed to prohibit off- site storage of building materials on vacant lots in residential areas.

Mr. Scott reported that the Town Council had raised several questions about the storage of other items on vacant lots- such as junked vehicles and construction equipment on vacant lots.

However, Mr. Scott stated that he felt that other sections of the ordinance dealt with many of these problems- such as the Junked Vehicles section, the Nuisance section, and a miscellaneous provision that covers construction vehicles and equipment (154.146). However, after reviewing the Junked Vehicle Ordinance, the Planning Board felt that

there were several problems with the wording of this provision that should be addressed in the future.

Andy Porter moved to approve the recommended changes to the vacant lots provisions as discussed. Paul O'Connell seconded this motion and it passed with no objection.

***Other Bussiness***

Andy Porter and Paul O'Connell noted several signs that were not in compliance with Sign Ordinance provisions. Mr. Scott stated that he would follow up on these signs.

***Adjournment***

Having no further business, John Hoffman moved that the meeting be adjourned. Said motion was seconded by Paul O'Connell and carried with no opposition.

**Respectfully Submitted,**

**James Scott  
Secretary to the Board**