

**Town of Beech Mountain**  
Planning Board Meeting Minutes  
October 25, 2011

***Call to Order:***

Chairman Paul O'Connell, called the meeting to order at 9:10 AM. Other Board Members present in attendance were John Hoffman, Bill Watson, Andy Porter, Brian Barnes and Planning Director James Scott. Also present was Town Council member and Tree Board member Cindy Keller.

***Adoption of Agenda:***

Bill Watson made a motion to adopt the agenda and John Hoffman seconded. Said motion was carried with no objections.

***Approval of Minutes:***

Bill Watson made a motion to adopt the minutes from the previous Planning Board meeting. Brian Barnes seconded and motion carried with no opposition.

***Discuss Tree Ordinance Amendments:***

James Scott opened by advising that the Ordinance is going to the Town Council this month with amendments. This is an opportune time to reconsider the tree ordinance. The issue was raised that some people getting fined for cutting a tree are really getting a fined for not obtaining a permit. Therefore, should there be a lesser fine for failing to get a permit? Brian Barnes stated that a lower fine is fair for cutting trees that would have been allowed to be cut down. Bill Watson states that the failure to get a permit was not our intent with the \$1000 fine. Mr. Scott advises that he is okay with differences in the fine for not getting a permit and a fine for cutting down trees that would not have met the criteria so long as the burden of proof is left with the person who cut the tree. Cindy Keller advises that approximately \$200 would be an appropriate fine for failure to get a permit. Mr. Scott wants to make sure that the burden of proof is with the cutter. Paul O'Connell states he thought we should pass a \$100 fine for not getting a permit. John Hoffman agrees and if it is a tree that would not have been approved then the fine should be \$1000.

James Scott advises that the new fine will be submitted to the Town Council and there will be a public hearing in 2 weeks. Asks the board members if they would like to meet to review the final verbiage or will an email suffice. John Hoffman felt the email should be fine and they can review without meeting.

Brian Barnes makes a motion that we add the verbiage. Bill Watson seconds the motion and the motion is carried with no opposition.

John Hoffman questions what would happen if someone comes up on a weekend & just decides to clean up yard and no permits are issued on the weekend. Brian Barnes believes

that a permit would still be required, even if it means that they cannot cut down the trees at that moment. The permit process should be followed.

Bill Watson states several things need to be tweaked out of the ordinance. He began by discussing cutting a branch. There is then discussion on whether it is ½ inch or 1 ½ inch that is allowed to be cut without a permit in the proposed amendments. Mr. Scott verified it is ½ inch. James Scott advises that the proposed changes to the ordinance read that cutting a “tree or a portion of a tree” would qualify for a permit. Mr. Scott clarifies examples of where a tree trunk is 20 ft from a building but limbs could cause damage to building then you could be allowed to cut the tree.

Next, Bill Watson suggests that we should not be in the business in protecting landscaping trees but to protect native trees. Mr. Scott advises that landscaping plans are one of the grounds for the approval of tree permits and that they can be changed at any time. A clarification is made that a bush is not a tree. Bill Watson states that we have over stepped our boundaries and asks what the tree board says. Cindy Keller advises that the average person is not going to know what a native tree is and what is not. John Hoffman asks if he cuts down a non-native tree then it would be a fine for not getting a permit. Discussion continues on reviewing the permitting criteria listed in and 154.360C.

The subject of the \$350 fee charged by the Board of Adjustments was brought up in cases where the homeowner was found correct yet was still charges \$350. Brian Barnes states that there is nothing that this board can do about that fee. James Scott states that the cost of appeal to the BOA non-refundable. John Hoffman questions why should someone have to pay \$350 to prove they are right. And used an example of going to court over a speeding ticket and if the ticket is dismissed then there are no court cost charged.

Brian Barnes asks if \$1000 is enough if someone cuts 3 trees down on another’s property, they would be fined \$3000 to get a view which is pretty cheap.

James Scott has one more question, as to do we want to add a provision if it is a non-native species. It is discussed that the Homeowner would not know if it is a non-native species, but that the inspector granting the permit would. Discussion was then brought up about Red Maple trees on the Golf course that were 30” in diameter and could they be cut down since there were non-native. Mr. Scott advises that he does have a list of what trees are native. And that the non-native trees would be covered under landscaping. Paul O’Connell moves to add a criteria that allows the removal of non-native species and Bill Watson seconds. The motion is carried with no opposition.

Mr. Scott thanks Cindy Keller for coming & giving the opinion of the Tree Board.

### ***Comprehensive Planning:***

James Scott advises that at the last meeting we add a stakeholders list. Attached is a Potential Stakeholder List. We could add the counties to the list, should be get their approval of plans. John Hoffman suggest why not get the High Country Council to help us (unclear if they would be free for this service).

Cindy Keller asks what the plan is. Mr. Scott advises that it is a Long term project that could go as far out as 20 years, including transportation, land use, economic development and demographics.

Brian Barnes states the list is bigger than he expected. He envisioned the Chamber of Commerce would represent the businesses listed. John Hoffman states that the real estate companies got together & selected someone to represent them in the past. But no one felt the restaurants would be able to work together to do the same. And felt a restaurant that has been here 2 months may not need to be involved. John Hoffman envisioned that people submitted suggestions and then the board reviewed the suggestions. Paul O'Connell reminds the board that not all business join the Chamber. Mr. Scott also brought up the business that are outside the town limits but are part of the community. James Scott suggests he can send communication out to see how businesses feel about being grouped. Andy Porter suggests we can just make the meeting open. Mr. Scott reminds the board that everyone is welcome to the meetings and to submit written suggestions. He also suggests sending a draft to the real estate companies, along with a questionnaire to solicit their opinions

Mr. Scott reviewed the rest of the draft for the Comprehensive Plan. Including the trends, building permits, use of the census but not as growth because most owners are not residents. He advised there are two ways to look at how we are a planned community & there is only so much growth that can take place. 1. Look at the past trend to determine growth. 2. Look at how we can build out current lots (knowing that some lots may never be built on). Also, knowing more about who these people are, where they come from, their age, Brian Barnes advises that the Club does have a demographic report of club members. Discussion of paving and utilities are a huge indicator of future growth.

Paul O'Connell asked if there was any further discussion

### ***Other Business:***

James Scott brought to the attention of the Board that AT&T wants to put in a cell tower off of Slopes Road. Mr. Scott received the AT&T package last week and the packages need to be mailed 7 days prior to the hearing to the Town Council & Board Members. The next meeting is Nov 1st at 6 PM. There was discussion as to whether Verision would be able to run off the AT&T tower. Mr. Scott assured the Board that the ordinance would contain a maintenance agreement and other carriers would be able to use the tower.

James Scott brought up the subject of the blowing hot dog sign (Fast Eddies) and the fact that it was within the town ordinances. Discussion will continue with the attorney and review with other local towns on how they deal with moving signs that do not have writing on them.

Paul O'Connell asked if the building that was decimated can it be burned and why hasn't something been done about it. Mr. Scott advises that he has not been involved personally but Stan advises that it is going to be torn down. John Hoffman reports that nothing can be done till the insurance company has settled the claim. Mr. Scott will check to see if they can be fined till it is torn down

Cindy Keller asked the Board on what is going on with streetscapes. Mr. Scott advises we are done till next spring. When we will be moving further down the parkway, including the bark park and he continues to work on easements

***Call to Adjournment:***

Chairman O'Connell called for a motion to adjourn. John Hoffman moved for the motion and Bill Watson seconded and was carried with no objection.

Respectfully Submitted,

James Scott  
Secretary to the Board