

Town of Beech Mountain
Planning Board Meeting Minutes
March 1st, 2011

Call to Order:

Vice Chairman Andy Porter called the meeting to order at approximately 9:10 A.M. Other board members present in attendance were Bill Watson, John Hoffman, and Brian Barnes. Town Councilmembers Paul Piquet and Cindy Keller were also present.

Adoption of Agenda:

A motion was made that the agenda be adopted. The motion was seconded and carried with no opposition.

Approval of Minutes:

A motion was made that the minutes be approved. Said motion was seconded and carried with no opposition.

Discussion of Fences:

James Scott opened the discussion by stating that he had recently investigated a fence that had been erected that did not comply with the letter of the Town Ordinances. The fence was a “rail fence” and not a “split rail” fence as required by the ordinance. The owners had recently erected this fence at a high cost. Upon considering the non-compliant fence, Mr. Scott reflected that there are very many fences in Beech Mountain that did not meet the ordinance’s standards.

He showed a slideshow that illustrated many of the existing fences in Beech Mountain. This presentation described that the current ordinance required that all fences in residential areas must be split rail, ornamental hedges, or rock walls. For containment purposes, they are allowed to have wire backing attached to the homeowner’s side of the fence. They are allowed to be a maximum of 5 feet tall, or only 4 feet if located in a front setback along a road. He also highlighted that the current ordinance required that cyclone fencing (chain link fencing) in commercial areas was mandated to be green or brown and vinyl coated. The presentation illustrated many violations of these standards- which ranged from mere technicalities to more egregious violations of the intent of the ordinance. The presentation also illustrated some of the shortcomings of the current ordinance, such as its failure to address standards for gates, its failure to specify that cyclone fencing was allowed around playgrounds, its failure to differentiate between “fencing” and “screening,” and its failure to address any exceptions for fencing to protect growing plants.

Because many of the fences that technically did not meet the standards were of high quality and attractive, he concluded that he felt that the Town’s fence requirements should be modified, and had provided a draft of a proposed amended fence ordinance.

Following the presentation, Brian Barnes suggested that the Board consider the proposed amended ordinance line by line. After much discussion, Mr. Paul Piquet

suggested that perhaps the proposed regulations were attempting to be too specific. He felt that there was no way to conjure up every possible fencing situation, so it might be better to make the amendment more general. Brian Barnes and others mentioned that perhaps the Town should not regulate the height of fences in back yards. The Board felt that a 6 ft height maximum would be more appropriate for yards not in the “street yard” of a home.

The Board next discussed the proposed permit requirement for fences. Mr. Scott stated that he felt the requirement for a permit was necessary if the Town was to have a fence ordinance and truly enforce it. He felt that the permit process would help ensure that people did not spend their time and money erecting fences that did not comply with Town regulations. Bill Watson questioned whether the permits would also require inspections. Mr. Scott

Bill Watson and Andy Porter recommended that a clause be inserted that specified that pet enclosures comply with the fencing standards. Brian Barnes and Andy Porter suggested that a clause be created to require that fences, if painted, conform generally to the color of the home on the property. Cindy Keller mentioned that she was concerned that this ordinance would grandfather in some of the more egregious violations of the current code, such as some of the dog pens shown in the slideshow. Bill Watson was concerned that this ordinance may allow vinyl or plastic fences that imitate wood. Paul Piquet responded that “things always end up looking like what they really are.” Mr. Piquet recommended that the ordinance be simplified such that the ordinance only regulate fence height and material, and not get into such specific details. The Board agreed that this would be a good approach.

Brian Barnes suggested that the Board table the fence issue, and that Mr. Scott take the input given today and rework the proposed ordinance. He made a motion to that effect, which was seconded and carried with no opposition.

Discussion of Campground Utilities:

James Scott mentioned that the only reservation that the Town Council had regarding the proposed campground provisions were in regard to utilities. He stated that he felt that the ordinance’s flaw in this respect was that it attempted to get too much in depth regarding utilities. He felt that the ordinance should rather just make it clear that the Town’s standard utility ordinance would govern, with only the exceptions rendered necessary by the unique circumstances of campgrounds. In his proposed amendments, he felt that the only necessary deviations were in regard to:

- the distance from public water and sewer within which the campground was required to connect
- sewage dumping stations
- availability fees
- fire hydrants

With regard to these issues, the proposed ordinance had the following provisions:

- Require water and sewer hookup if available within 1000 feet (rather than 200)
- Require a minimum of 1 sewage dumping station for campgrounds providing RV sites and 1 per each 50 sites which were not provided with individual sewer hookups.
- Made availability fees more appropriate given that campgrounds would have high demand that was not necessarily reflected by square footage of permanent structures.
- Expressed that the campground would require a “sign off” by the Fire Department, who could require that fire hydrants be installed.

The board agreed that 1000 feet as a requirement for the distance within which campgrounds would be required to hook to Town water and sewer was adequate, because campgrounds would generally be located in outlying areas. However, the Board felt that it was necessary to write the provision in such a manner that the Town had the discretion as to whether to accept the campground hooking to their system or not.

After some discussion, it was decided that availability fees for RV campsites having individual water and sewer campsites should be based on an assumed square footage of 100 feet for an RV slab- and then based on the current charge for residential homes.

The Board was agreeable to the rest of the amendments and approved the campground provisions to be re-submitted to the Town Council. A motion was made to this effect and passed with no objection.

Discussion of Potential Standards for Regulation of Wind turbines

James Scott opened the discussion by re-stating his interpretation of the Board’s last discussion of wind turbines at the previous month’s meeting. He stated that he felt the Board’s general consensus was that they were against the installation of any large or corporate windmills in the Town of Beech Mountain, but they were not necessarily opposed to the installation of small, private windmills that were accessory to the home on a property. His interpretation of the Town Ordinances in this regard was that windmills would not currently be permitted as a stand alone or primary use on a property- which would preclude large or commercial windmills. However, if a windmill was small enough that it could be considered an accessory use to the primary house or structure on a lot, they may be allowed. Therefore, he recommended that no action be taken on this issue.

Cindy Keller mentioned that she did not necessarily feel that wind turbines were unattractive and that she did not want to totally disallow them. John Hoffman stated that his biggest concern with wind turbines was the sound that they produced, and he stated that the Town already had noise ordinances in effect that addressed those issues. Paul Piquet felt that it was too difficult to decide on how to regulate wind turbines without knowing the specifics of what exactly was being proposed.

The Board considered the possibility of creating a height limitation for wind turbines, but finally decided against it, with the consideration that the current building height limitations would prevent any “structures” from being taller than 35 feet.

Discussion of Erosion and Sedimentation Control Amendments

Brian Barnes stated that since this change was being mandated by the State, the Board really had little say in the matter and should move to adopt the changes. The Board agreed and moved that the proposed changes be sent to the Town Council.

Adjournment

Having no further business, a motion was made that the meeting be adjourned. Said motion was seconded and carried with no opposition.

Respectfully Submitted,

**James Scott
Secretary to the Board**