

**Town of Beech Mountain**  
Planning Board Meeting Minutes  
September 27, 2011

***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 Andy Porter, Bill Watson, John Hoffman, Brian Barnes, and Planning Director James Scott.

***Adoption of Agenda:***

Bill Watson made a motion to adopt the agenda with the amendment that the discussion of the Tree Ordinance would be moved to the beginning of the meeting. Said motion was seconded and carried with no opposition.

***Approval of Minutes:***

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

***Discussion of Noise Ordinance:***

Mr. Scott opened by discussing how the Planning Board had previously requested that he do research on the noise ordinance to see how it has changed over time. Various members of the Planning Board recalled that they had worked on inserting "work cessation" regulations into the Noise Ordinance in the past, but questioned why no such provisions were contained in the current version of the Ordinance. Mr. Scott had been able to locate minutes from the February 5, 2008 Planning Board meeting in which the Board discussed "work cessation" provisions in the noise ordinance. At that meeting, the Planning Board moved to recommend that Council adopt work cessation regulations that disallowed residential construction outside of regular working hours unless it was being done by the owner of the home or if it was needed due to an emergency. However, Mr. Scott reported that no further action was ever taken on this subject and it was not raised before Town Council.

Therefore, Mr. Scott reiterated that the issue at hand was once again whether the Board felt that the current Noise Ordinance standards adequately protected against nuisances in the town. He continued that one question in particular was whether the Board wished to establish more objective standards for noise, such as decibel levels, or whether they wished to let the ordinance stand as is- in which the Police Department has room to use their own judgment to determine if a noise is unreasonable.

Andy Porter stated that he felt that it was best to leave the ordinance as it stands- giving the police department some discretion as to when enforcement was necessary. Putting decibel levels would cause problems because there are too many situations where loud noises are not necessarily unreasonable. For example, there may be loud noises that last just a second or two. Or there may be a noise that doesn't reach a set decibel level that is still a nuisance because it is incessant.

John Hoffman commented that he felt the real issue was the hours in which work was allowed, rather than decibel levels. Certain noises are to be expected and are reasonable during normal working hours, but are not reasonable at night or early morning. He realized

that exceptions must be made for emergencies, etc. Andy Porter agreed that controlling construction hours would be preferable to setting decibel limits.

James Scott stated that he felt the current ordinance was adequate to apply to all of these situations, and that if there are problems with noise, it may be a matter of enforcement rather than a matter of law. The current ordinance simply prohibits all noises that are “unreasonable” or that “annoy, frighten, disturb, or endanger” others. Therefore, enforcement officials are able to use their best judgment to determine what is reasonable and what is not. Brian Barnes agreed that he felt the current ordinance was adequate if enforced.

After much discussion, there was a motion to leave the ordinance as it currently stands and move on to the next item. Said motion was seconded and carried with no objection.

### ***Discussion of Subdivision Provisions for Non-Buildable Lots:***

James Scott opened by discussing that our subdivision ordinance mandates that every subdivided lot meet minimum lot size standards. For the vast majority of circumstances, he felt that this was a very desirable outcome. However, he mentioned that there are some exceptions or special circumstances in which it might be beneficial to allow smaller lot sizes. For example, he discussed that parks, trails, or other lots that were not intended for building purposes, may often need to be smaller or otherwise non-compliant with lot dimensional standards. Furthermore, he questioned how it was allowable for a landowner to buy a “sliver” of land from his neighbor without first creating a non-compliant parcel for conveyance.

Paul O’Connell questioned whether these unique circumstances could be brought to the Board of Adjustments for a variance. James Scott said he believed that they could and that that might be the solution to the issue. The Board agreed to take no action on this matter.

[\*Side-note\* After the meeting I discovered a commentary from a prominent land-use attorney from the NC School of Government discussing how subdivision for recombination of lots is allowable under our current standards. If you are interested, see me for more information.]

### ***Streetscape Review:***

James Scott reviewed what had been accomplished on the Streetscape project and discussed work that was currently under way. At this time the, work was under way on the portion of the trail that extended from the Pinnacle Inn towards Beech Mountain Parkway. The Board was overall glad with the work that had occurred to this point.

Next, Mr. Scott continued by explaining some upcoming difficulties that would be faced in upcoming portions of the project. Specifically, he mentioned that he was having some trouble acquiring the necessary easements from some property owners. He showed the Board a possible alternative route that would be on the other side of the street and lay largely on a parcel that the Town already owned outright. He commented that there may be difficulty constructing the trail on this lot though, due to terrain and vegetation. He also commented that he thought that the long range best option for the Town would be to have walkways on both sides of the street. The Board agreed and stated that if the trail was

created on the Town-owned side it may help to encourage other owners to come forward with the required easements.

After some discussion, the Board was agreeable to the idea of constructing the trail on the opposite side of the road (West side) until adequate easements could be obtained on the (East) side.

Upon a request by the Board, Mr. Scott briefly discussed that there are tentative plans for a town dog park in the vicinity of the walkway that extends to the Pinnacle Inn. It was discussed that private funding and donations are being sought for the construction of this park.

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

He also discussed a revised draft of the outline for the plan, which included amendments discussed at the previous Planning Board meeting. Brian Barnes commented that a good addition to the plan would be a section that specified all of the people that were involved in the creation of the plan. He thought that such a section would be beneficial in that it would show that there was broad public involvement in the creation of the plan.

The possibility of creating a committee with representatives from each of these major stakeholders was discussed. Mr. Scott stated that he was hesitant to create too many more boards or committees and that he felt that it might be more efficient to allow the Planning Board to lead the process and gather input from various stakeholders throughout the town. He also commented that he envisioned various other boards or committees taking the lead on specific portions of the plan- with input from the Planning Board. For example, the Recreation Committee would be the lead on the "Recreation" chapter, and the TDA might be a lead element in the "Economy and Tourism" chapter. Andy Porter agreed with this approach.

It was discussed that gathering input from other private entities might be accomplished by asking them to provide a short written document with their views on a particular plan topic. Doing so would lend to having more focused and well-thought out comments than might be obtained from a public meeting situation.

It was decided that the next step would be to identify all the stakeholders, then meet with them individually and explain the plan and the planning process and ask for their endorsement. They would be informed that all the Planning Board meetings are open to the public and they would be encouraged to attend. For particular sections of the plan, certain key stakeholders would be asked to prepare a short statement with their input.

To obtain public input from the general public, several meetings will be held once a draft plan was in place. The draft would then be revised as necessary.

[\*Side note\* A Town Councilmember conducts an annual survey for input from citizens and has provided me with copies of their responses. This will be a very valuable source of public input.]

Mr. Scott presented the Board with a summary of demographic information that he had compiled on the Town for purposes of the Comprehensive Plan.

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

Mr. Scott noted that a small change had been made to the proposed Conditional Use Standards for Manufacturing/Processing uses in that it now specified that tractor trailers could be used to deliver goods to and from these properties but could not remain on the property for more than 48 hours. The intent of this provision was to forestall the use of tractor trailers as a form of permanent storage of materials in order to circumvent the ordinance's prohibition of outdoor storage of raw materials. The Board unanimously accepted this change.

Mr. Scott also mentioned that he had questions about the sign ordinance with regard to a life size hot-dog figurine that a local restaurant had been using to draw attention to their establishment. He commented that after doing some research he felt that the ordinance did not prohibit this because it did not have any words written upon it.

Mr. Scott also reported that he received a complaint that a separate establishment had "moveable or removable" letters on their sign. The sign actually had separate "slats" that said things such as "open", "dinner", "tonight." The Board agreed that these were actually allowable, being the same as "special advertisements on wood-framed chalkboards or markerboards." But they specified that if that establishment was claiming that as their special advertisement, they could not have a second A-frame markerboard for specials.

***Call to Adjournment:***

Chairman O'Connell called for the adjournment of the meeting. Said motion was seconded and carried with no opposition.

**Respectfully Submitted,**

James Scott

Secretary to the Board

