

**Town of Beech Mountain**  
**Planning Board Meeting Minutes**  
February 28, 2012

***Call to Order:***

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

***Adoption of Agenda:***

Paul O'Connell made a motion to adopt the agenda and Brian Barnes seconded. Said motion was carried with no objections.

***Approval of Minutes:***

Paul O'Connell made a motion to adopt the minutes from the previous Planning Board meeting with the change. Bill Watson seconded and motion carried with no opposition.

***Discuss Board of Communications Tower Ordinance:***

James Scott opened with the discussing of the Cell Tower ordinance. Mr. Scott addressed that the towers should not be permitted in residential areas. A residential area is a location that is within 250' from a residential home. On the Permitted Table we added that it could be conditional use in the local home districts. James Scott brought up that everyone agreed at last meeting that it should be straight across the board that the height of the tower should be on a piece of property that large enough so if the tower falls it would all within the property line whether it is owned or leased.

James Scott added that another change he had added was that the application fee for cell towers to be changed from \$250.00 to \$500.00. Another issue Mr. Scott added was to change the procedure for obtaining a conditional use permit. James Scott suggested on removing that the applicant should have to arrange a conference with the Board of Adjustment before the actual hearing and to change it to they only have to have a conference with the Zoning Administrator. Paul O'Connell agreed that they should be a period after "applicant" in the ordinance. James Scott also agreed.

Andy Porter addressed that if you own property on both sides of the street that the tower should not be able to fall across a driveway or street. Brian Barnes addressed the issue concerning the tower height should be that it should not be able to fall across the street, property lines or near cross roads for the emergency stand point. Andy Porter suggested that maybe it should be said that no tower should be allowed next to the property line close to a street. James Scott stated that under the ordinance it states that the Fire Department has to sign off that the conditional use will not cause a hazard or danger. James Scott said that it would be listed under the "Designated fall zone for tower structure" and he might mention in the other portion where it is stated that you have to own or lease the property that the tower cannot be allowed within a certain distance to property line or close to street or road due to if it fell. Brian Barnes asks concerning how to add the power lines in this statement.

Andy Porter suggested stating anything on an easement, permanent structure, power lines or anything on property should be protected. He suggested that James Scott come up with how to write wording to put in ordinance. Paul O'Connell asks if this needed to be voted on today and James Scott said it did not. However he would like to take the part about the conditional use process to the council because it is separate but related. Brain Barnes suggested that they should go ahead and vote on the issue concerning the Tower with the utilities, power lines and road right a ways.. Paul O'Connell makes a motion to adopt this motion. Brain Barnes seconded it and the motion is carried with no opposition.

### ***Discuss Sign Regulations Ordinance:***

James Scott opened with showing different pictures around town to ask if they go along with the ordinance. James Scott discussed that one of the most difficult portions of enforcing the zoning ordinance is keeping a handle on accessory signs. He showed the Board how several different provisions allowed for signs of a temporary nature, and that these signs were allowed so long as they complied with the ordinance. James Scott stated that it is harder to mandate the smaller signs that they can put in one day and take out the next.

James Scott started out with the Beech Alphen Inn Sign. Is it legal or not legal? Paul O'Connell addressed the issue of the signs was suppose to be wooded with raised letters. James Scott stated the larger sign is and that there is wood above and below the row of smaller signs. James Scott says the ordinance states you can have (1) accessory sign "Open", "Closed", "Vacancy" and "No Vacancy" sign. However may not exceed 2 square feet per face, maximum two faces. This sign has both "Open" and "Close" signs, is not wood, is illuminated and the whole sign itself exceeds the 2 square feet. James Scott also said this sign could fall under the "Special Advertisements" provision and would not have to be wooden and could be 4 square ft. Paul O'Connell felt that this sign is almost within regulation other than it is illuminated. James Scott said he did not really have a problem with this other than the light.

The next one was Pancake & Steakhouse. Cindy Keller mentions the size of the sign. Andy Proctor pointed out the height was a little large. James Scott said he wasn't exceeding the square footage but exceeded the allowable height. Paul O'Connell addressed about the metal roof. However James Scott said that it was ok. Brain Barnes addresses that they are not supposed to have a national commercial sponsor motif on the signs. James Scott agreed. You can have a drink machine that says "Coke" but it cannot be illuminated. Andy Porter pointed out the banner. James Scott stated in the ordinance is says banners or temporary sings may be displayed 4 times a year and the maximum is 9 square feet. This one is larger. Paul O'Connell pointed out it was illumined can't be up more than 2 weeks. Andy Porter stated no more than 4 times a year.

Next James Scott pointed out they have a neon light in the window. He questioned whether it should be allowed. James Scott said he tried to talk to the owner. However he did not think it was fair but compromised and took it out of the window and sit about 2 feet back on a table out of the window. Andy Porter pointed out that was still a neon light.

James Scott said this was all this was very questionable and they there is a fine line. Did they want to tell them they could not have this? He stated he did not know where to start with a better plan for these issues. He just wanted the board to be aware of all of this. So far everyone that has been looked at there has been a problem.

James Scott stated that temporary signs could be left up for no more than 90 days. However the ordinance did say if there was a business that was seasonal that this did not apply to them provided that continue the business.

Bill Watson stated that the umbrella at Fast Eddies was not allowed due to the advertisement on it. That is was considered a sign. James Scott asks the other members how they felt about the umbrella and they also felt like it was a sign. James Scott also stated that he has exceeded his limits to signs being up. Bill Watson also pointed out the hotdog figure and did not think it should be allowed also. Brain Barnes ask if not holding a sign would it not be ok. Cindy Keller stated she thought it would be alright that the kids liked it. James Scott said he did not think it was a sign. Bill Watson stated that the ordinance says that they were not allowed figures outside of their homes.

Andy Porter suggested on sending out warning to everyone 3 months ahead of the October 12, 2012 deadline for having compliant permanent commercial signs. Paul O'Connell said maybe send out around the 1<sup>st</sup> of March than send out another one later. James Scott was going to include in letter that you had to have a sign permit or would no longer be able to have the signs up. Also they could have 1 free standing sign. Bill Watson questioned what would the penalty be and how extreme. James Scott stated \$100.00 daily. Andy Porter suggested making a simpler ordinance handout that described the ordinance.

Cindy Keller addressed the Beech Mountain blue sign on rock. Is this within the ordinance and how could it be changed. She also stated that contractor signs should also be sand blasted and made of wood. Bill Watson agreed. James Scott asked to think all this over until next meeting. Paul O'Connell agreed that it should be looked over first and review until next meeting.

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

James Scott asked the board to fill out the Comprehensive Planning Survey.

### ***Call to Adjournment:***

Chairman O'Connell called for a motion to adjourn. Brain Barnes so moved and Andy Porter seconded. Motion was carried with no objection.

Respectfully Submitted,

James Scott  
Secretary to the Board