



**Town of Navassa**  
**Environmental & Stormwater Advisory**  
**Committee Minutes**  
**January 4, 2010**  
**5:30 PM**

**IN ATTENDENCE:**

Committee Members Present: Ella Beatty, Dorsey Jones Jr., John Klein, Gregory Westfield, Mayor Eulis Willis

Committee Members Absent: None

Staff: Travis Barnes, Town Planner.

Other Attendees: None

**CALL TO ORDER:** Chairman Westfield called meeting to order at 5:30 pm

**APPROVAL OF MINUTES:** Motion by Mayor Willis and seconded by John Klein and the vote passed unanimously

**OLD BUSINESS:**

**1. Address Outstanding Issues from Article I & II of the DRAFT Stormwater Ordinance, Pages 1-19-**

Town Planner Barnes found out 2 things - 1.) He contacted Stephen Spruill, Stormwater Administrator with Leland, and found that the previous BMP model provided to staff was outdated, so now Mr. Barnes has reviewed the newest version and incorporated necessary changes into Navassa's draft stormwater ordinance. 2.) There are multiple model ordinances put out by the state for guidance and some of them are not relevant to Navassa's Phase II permit. Staff now has the Phase II model ordinance to use as a reference when drafting the town's stormwater ordinance.

Mr. Barnes stated that he would like to go through each of the corrections that have been made to the town's draft stormwater ordinance since the last committee meeting. Mr. Barnes notes the highlighted yellow areas on the draft document refer to questions he may have or administrative tasks that he will have to perform once the document is officially adopted, the blue highlights are comments for the committee to reference.

Mayor Willis asked a question about the 10,000 square feet wording? Mr. Barnes stated that he has discovered that there are differences in the regulations for residential and non-residential developments as far as the 10,000 square feet threshold is concerned. Mr. Barnes stated that the Coastal Rules require that all non-residential development that will add more than 10,000 square feet of built upon area must receive a stormwater permit. Mr. Barnes stated that a residential development that is 10,000 square feet is also large so if the town wants, the committee could make any development over 10,000 square feet have to get a permit. Mayor Willis stated that he would prefer that we only go with what the state requires and leave residential development alone. Mr. Westfield agreed that we should state that only non-residential development over 10,000 square feet shall have to get a permit.

In regards to the *Delegation of Authority* on page 7, Mr. Barnes stated that he added language that will require an official version of the stormwater ordinance to be kept in the Town Clerk's office and made available to the public as all of the other ordinances are required to do. The committee thought this was a good idea to keep everything consistent.

In regards to the *Changes to Standards and Specifications* section on page 8, Mr. Klein stated that he would like to change the language to make it more clear that “a complete application” must be submitted. Mr. Barnes and the committee agreed with the need to clarify the language.

Mr. Barnes stated that under the *Terms Defined* section the committee had discussed including vegetated or green roofs in the list of items to not be counted as *built-upon area*. Mr. Barnes stated that he has elected to remove green roofs from this section because it is not in the Coastal Rules Session law and the State’s BMP Manual does not yet address green roofs although they are looking into it. Mr. Barnes stated that although he would like the town to promote the use of green roofs because of the numerous benefits they can provide to a building he would prefer to wait until the state includes them as a new BMP in the BMP Manual and then the town would be able to give proper credit for their use as a stormwater device. Mr. Klein agreed that it would be better not to get ahead of the state.

In regards to the definition of *Low-density* project on page 11, Mr. Barnes stated that he added language to ensure that we are using the definition provided by the Coastal Rules. Mr. Willis stated that he would like to have some clarification as to what is meant by “outstanding resource waters” and “SA” waters. Mr. Klein explained that the state has different classifications for waters and that the SA waters and ORW are deemed to be the most significant water bodies due to their recreational, environmental, or cultural significance.

Mr. Barnes stated that he added a definition for “permeable pavement” that he found in the Coastal Rules. Mr. Willis stated that he believed that the Davis Creek Park renovations were going to utilize permeable pavement.

Mr. Klein said he has a concern with the definition of Material Change on page 11. Mr. Barnes stated that this definition was included by Leland to address situations where a project might have been originally permitted by the state and the applicant is trying to change the application and get Leland to review the modifications now that Leland has an ordinance in place. Mr. Barnes stated he does not think we need this definition and it creates confusion out of a situation that Navassa will not find itself in. Mr. Klein agreed that the definition is not word properly and does not really have a purpose in Navassa’s ordinance.

In regards to the definition of *Redevelopment* on page 12, Mr. Klein asked if the state has a definition that clearly specifies a limitation on the amount of time between development activities. For example, Mr. Klein said that he is concerned that a piece of property was cleared a long time ago and now the applicant is applying for redevelopment when in actuality the project should be classified as a new development. Mr. Barnes stated that he has not seen any time limits from the state but that he would research to find them. Mayor Willis mentions the only example he can think of for Navassa is the old docks and piers along the river, as this makes certain properties more appealing because they can be classified as though they were previously developed.

In regards to the definition of *Substantial Progress*, Mr. Westfield stated that he did not think 30 days for obtaining a grading permit and conducting grading on a project was long enough. Mr. Barnes stated that he did not want a lot of projects sitting for very long periods of time with no progress being made because it is more difficult for the town to monitor these projects and keep up with their status. Ms. Beatty notes an example in Wilmington, says you can have situation where businesses cause delays, and proposes increasing the language from 30 to 60 days. Mr. Klein comments that 60 days is a long time and suggests that 45 days might be better. Mr. Westfield and the committee agrees to 45 days.

Mr. Barnes placed a note for the committee to consider on top of p. 14. The note states that the committee will need to review how to coordinate the stormwater review process with local land development approval procedures. In Navassa most permits are handled by Brunswick County so certain needs are different. Some places give zoning compliance after permit approval. Mr. Barnes asks the committee how they propose to administer Navassa’s program and states that Leland reviews stormwater permits simultaneously with planning review. Discussion among committee members suggests that people will need a clear timeline. Klein explains that it is good idea for storm water design to be at the beginning of a project to be sure to account for soil quality etc. to avoid mistakes later, explains that it is often the most intensive design feature.

In regards to the *Authority to File Applications* section on page 15, Mr. Barnes comments that the state BMP manual says that the “*property owner only or jointly the property owner and the lease if they both sign an operations and maintenance agreement*” have the authority to apply for a stormwater permit. Mr. Willis asked what we require for other planning applications, such as a rezoning. Mr. Barnes said that the main issue with the stormwater permits is ensuring the proper maintenance of BMPs over time. The town needs to ensure that the person who is granted the application will be the one that will be responsible for maintaining the facilities. Mr. Willis stated that he would prefer the language to be consistent with the state BMP Manual and Ms. Beatty and the committee agreed. Mr. Klein stated that it might be good to see what Erosion and Sedimentation Permits require for a signature. Mr. Barnes stated that it is crucial that the operations and maintenance agreement must transfer with the deed of the land so that the BMP is properly functioning over time. Mr. Barnes stated that he would look into the Erosion and Sedimentation Permit requirements.

In regards to the Fee Schedule reference on page 16, Mr. Barnes stated that at a later date he will be asking the committee to make a formal recommendation up to the Town Council as to what we should charge for our permits, but that he will have to do more research on this. Currently the staff review period for permit review is written as 45 days, which aligns with the Town of Leland.

In regards to the *As-built Plans and Final Approval* section on page 18, Mr. Barnes states that he is concerned with the existing language that requires an as-built drawing to be approved before a certificate of zoning compliance is issued because in Navassa, a Zoning Compliance application is required before a building permit can be issued, so he recommends deleting this language. Mr. Klein states that he agrees with this suggestion and that we should also change the “as-built” terminology to be “record drawings” because it is better from a legal standpoint. Mr. Klein also suggests that we add the word “substantial” in front of “accordance” in order to strengthen the existing language. Continuing on page 19, Mr. Barnes notes that Leland requires a professional engineer to certify the record drawings whereas the state model ordinance allows landscape architects and other to do so. Mr. Klein said that he felt that the designer would be qualified to sign off on record drawings and that we should go with the state. Mr. Westfield agreed and so did the committee.

#### **NEW BUSINESS:**

1. *North Carolina League of Municipalities Green Challenge*- Mr. Barnes was asked by Mayor Willis to look into this and now Mr. Barnes is inquiring if the Environmental Stormwater Advisory committee is in favor and would like to make a formal recommendation to the Town Council for them to pursue the challenge. For municipalities under 10,000 we only have to do 2 of the 5 steps. Next week there will be an energy audit of the building which counts as one of the steps and Mr. Barnes stated that he is also pursuing one of the other steps required. Willis explains that this will benefit the image of Navassa being a green municipality. **Mr. Westfield made a motion that the committee recommends that the town council participate in the NCLM Green Challenge. Mr. Jones seconds the motion and the motion passed unanimously.**
2. *Review Article III & IV of the DRAFT Stormwater Ordinance*- Mr. Barnes stated that at the next meeting the committee will be sent a revised copy and we can work on these articles as well.

#### **Staff Report**

1. Staff is conducting interviews for the Navassa Planning and Sustainability Intern on January 6. There are three UNCW graduate students being interviewed. New intern can help with the current stormwater project.
2. Staff obtained the required form verifying that Navassa will utilize the North Carolina Division of Water Quality’s Stormwater BMP Manual as the town’s design manual for reviewing permits and has signed up with the DWQ listserv to receive notification of updates to the BMP Manual. Navassa can use the state form and the documents can have town seal put on them.

**Chair's Report**

1. The next ESA meeting will be on Monday, February 1<sup>st</sup> at 5:30 PM at Town Hall.

**Member Comments**

Mayor Willis notes that he is planning to request stipend budget for the Environmental Stormwater Advisory committee from Town Council. Willis says he will bring it up at the next meeting.

**Public Comment**

**Adjournment** Willis moves adjournment, seconded by Westfield and the meeting was adjourned at 7 pm.