


Town of Navassa
Planning Board Meeting Minutes
November 10, 2010
7:30 PM

IN ATTENDANCE:

Board Members Present: Al Beatty, Diane Graham, Beverly Hutchinson, Walter Ballard, Robert McMillan

Board Members Absent: None

Staff: Travis Barnes, Town Planner

Other Attendees: Dorsey Jones Jr.

CALL TO ORDER: Chairman Beatty called meeting to order at 7:45 pm

APPROVAL OF MINUTES: Mr. Beatty said there was a correction needed in the last paragraph of item 8 of the old minutes. Mr. Barnes said he would fix the error. Ms. Graham motioned that minutes be accepted with the correction. Mr. Ballard seconded the motion and it passed unanimously.

OLD BUSINESS:

1. Zoning Ordinance & Subdivision Ordinance Text Amendments:

I. Solar Systems (**no change**)

II. Typo in Article 15 dealing with nonconformities (**no change**)

III. Article 14-Tree Preservation and Article (**no change**)

IV. Article 2- Definition of "Essential Site Improvements" for tree preservation (**no change**)

V. Subdivision Ordinance text amendment to fix typo on page 27 (**no change**)

VI. Subdivision Ordinance text amendment to address typo and Navassa Open Space Improvement fund on page 43 (**Review PB requested change**)

Mr. Barnes explained the request for changing open space requirements; Use of open space improvement funds should be in immediate service area as per State statutes. Board approved last meeting and noted the change in language.

VII. Article 6- Planned Unit Developments (**Review staff recommendations**)

Pg. 6-12 under abandonment: Mr. Barnes described Mr. Beatty's suggestion of breaking up the first sentence. Mr. Barnes said this language is included in case a development is heading into abandonment. Mr. Barnes continued to explain the developer's opinions regarding abandonment which could occur for several reasons including the economic climate. The developer's wished to have a notification clause in the language of the text which would give them an opportunity to address the issue before the Planning Board and explain their case before a decision is made about whether to rezone the property. The board agreed that it would be good to notify the developers and give them a change to address the board.

Pg. 6-10 under "Effect of Approval", Mr. Beatty stated that he wanted to add language that would clarify that the Planning Board would be responsible for reviewing the final development

plan or final subdivision plat. Mr. Barnes stated that this is addressed in other sections of the ordinance but that it would be good to clarify the point here as well. Mr. Barnes explained the vested rights of the developers with regards to what they are allowed to do and at what stages of the PUD application process.

Pg. 6-12 under review: Mr. Barnes explained that the original language would let town council rezone the areas of the PUD that have not been developed after a fifteen year period and that this would ultimately lead to unfavorable scenarios for both the town and the developer. Mr. Ballard asked a question about who has the authority to petition to rezone property. Mr. Barnes explained that anyone could petition for rezoning for any property and the process they would be subjected to.

Pg. 6-14 on item 8: regarding substantial changes to the general location of roads. Mr. Barnes clarified "substantial" as: if it changes the traffic pattern, safety, congestion, impact on adjacent road ways, and multi-modal connectivity with in the PUD. This new language will establish criteria in order to determine what is considered "substantial" and will therefore require an amendment to the concept plan.

Pg. 6-17 Preliminary development plan and TRC review: Mr. Barnes explained the process for TRC review which is the same for a major subdivision.

Pg. 6-19 Construction plan review: This addresses how utilities are represented in the preliminary construction plan.

Pg. 6-22 Final development plan and zoning administrator and planning staff review: Mr. Barnes explained his additional language that does not require town council approval for specific building locations once the concept plan has been approved.

Pg. 6-28 Performance guarantees: Mr. Barnes explained his additions regarding guarantees and the responsibilities of council and the planning board and staff. Mr. Barnes then explained how performance guarantees function.

Pg. 6-29 Land use mix: Mr. Barnes explained that PUD areas 1 and 2 do not follow the same requirements as other PUDs. The additional language clarifies the open space provisions for areas 1 and 2. Mr. Barnes discussed the maximum building height. Mr. Beatty and Mr. Suggs stated that they would like to add additional language that requires the PUD narrative to address building heights.

Pg. 6-30: this language states that approved regulations in a PUD will override the subdivision ordinance requirements within PUDs.

Pg. 6-31 Payment-in-lieu #6: based on subdivision ordinance and tree preservation ordinance.

Pg. 6-31 Streets: Mr. Barnes described his additional language, "...whenever feasible connections can be made" to account for some special circumstances where site constraints might make it difficult to make the connections. Each of these situations would be determined on a case by case basis and would be up to the board's discretion.

On Page 6-31, under item 8 Transitional use areas: Mr. Barnes explained his text additions regarding buffers around property lines. Developers wish to decrease the 50ft buffer requirement because it would consist of 50 feet of land surrounding the property that could not be developed. Mr. Barnes said that the existing landscaping and bufferyard requirements are adequate and he recommends that PUD adhere to those standards.

Ms. Graham makes a motion to recommend the revised PUD text amendments be submitted to town council for approval. Mr. Ballard seconded the motion. Mr. Beatty said the motion is passed unanimously.

Mr. Beatty stated that he would be unable to attend the next Town Council meeting and he asked Ms. Graham to attend the meeting to give the Planning Board report and this recommendation seeing that she is the Vice Chairman of the board.

VIII. Trash Transfer Facility- Proposal to allow these facilities as a conditional use in RU district (See attached staff report)

Mr. Barnes said there does not need to be an action from the planning board on this item because there has been no formal application submitted. Mr. Beatty had a question: On the last page of Mr. Illgen's report on transfer facilities under operation – he suggested that a "liquid control plan" be in place because of a "what if" scenario due to punctures and potential for leachate to get into the ground. Also, how would the facility be monitored? i.e. rain water infiltration. How would you determine if material being stored is hazardous? Mr. Barnes described that the facility is currently under a conditional use permit as of now, and he explained that if a formal application was to be submitted the Planning Board and Council could place conditions to address such concerns. Mr. Beatty inquired about a storm water permit for a facility and Mr. Barnes said such a facility would be subjected to a storm water permit. Mr. Barnes explained the various BMPs for storm water management and the permitting process. Mr. Barnes said there are not special storm water standards for this type of facility. Such a facility would likely pump their storm water run off into a sanitary sewer. ****Authors Note: For more information about the logistics of addressing storm water and leachate issues associated with such a facility, planning board and/or town staff could contact and/or tour the transfer facility on 172 Landfill Rd N.E., Bolivia****

IX. Update names of Town Council and Planning Board in Subdivision and Zoning Ordinances

X. Subdivision Ordinance text amendment on page 13 to account for PUDs (Review staff recommendation)

Mr. Barnes explained his proposed additions to the preliminary plat in the subdivision ordinance (on page 11 on staff report). He said that in a PUD, a preliminary plat should be required for each phase when it is to be developed but not for entire PUD.

XI. Subdivision Ordinance text amendment on page 42 to address active open space requirement (More research needed. This item will be included with next round of text amendments)

Mr. Barnes mentioned that currently in the subdivision ordinance, 50% of open space is required to be active open space. However, Mr. Barnes explained that this number is too high. Many places only require 10% active open space. Having a high active open space requirement takes away from developable land and would therefore limit the number of lots. This drives up home costs with bigger lots and bigger homes. Also, in many subdivisions having excess active open space increases the maintenance cost, because some of the facilities are not even used. How open space is categorized and credited should also be addressed in next round of text amendments. Mr. Beatty said that the Planning Board will be looking at the open space requirements with the next round of text amendments to the subdivision ordinance.

New Business

Staff Report

1. Mr. Barnes said that zoning and permit applications have been slow. Mr. Beatty wanted an update on the rezoning approval of a multi-family project. Mr. Barnes said he is keeping in touch with the developer and is waiting on updates from them and that the project is still valid.

Chair's Report

1. The next Planning Board meeting will be **Wednesday, December 8, 2010 at 7:30 PM.**

Member Comments

None

Public Comment & Adjournment

Councilman Suggs updated the Planning Board to the fact that the Town Council has been reviewing attorneys to hire.

Minutes prepared by David Illgen, Planning and Sustainability Intern, on November 18, 2010.