

**TOWN OF DUCK
PLANNING BOARD
REGULAR MEETING
August 14, 2013**

The Planning Board for the Town of Duck convened at the Duck Meeting Hall on Wednesday, August 14, 2013.

Present were: Chair Joe Blakaitis, Vice-Chair John Fricker, Ron Forlano and Marc Murray.

Absent: Tim McKeithan.

Also present were: Director of Community Development Andy Garman and Permit Coordinator Sandy Cross.

Others Present: Councilor Nancy Caviness, Michael Strader and Warren Eadus of Quible and Associates and Ralph Lassiter, architect for TFP, LLC.

Absent: Council Liaison Chuck Burdick.

Chair Blakaitis called to order the Regular Meeting of the Planning Board for August 14, 2013 at 6:31 p.m.

PUBLIC COMMENTS

None.

OLD BUSINESS

Discussion/Consideration of CUP 13-002, an Application by Michael W. Strader, Jr., P.E. of Quible and Associates, P.C., on Behalf of TFP, LLC, Property Owner, to Consider a Conditional Use Permit for a New Property Maintenance Facility to be Located at 109 Scarborough Lane (Revised Submission)

Director Garman stated that the applicant had prepared some information as well as a video of the conceptual rendering for the Board and audience.

Ralph Lassiter was recognized to speak. Mr. Lassiter pointed out that the wall was moved further west and lowered and that it would actually blend out of site and turn as it dropped down. He went on to show the video of the site rendering to the Board and the audience.

Director Garman asked if the rendering showed what the vegetation would look like on the backside of the wall or if it would be more natural. Mr. Lassiter stated that it would be left as natural as possible. He added that whole idea of moving the wall was to save as much of the slope and vegetation as possible.

Warren Eadus of Quible and Associates was recognized to speak. Mr. Eadus noted that the wall was 40 feet off the property line whereas it was only 15 feet at the previous meeting. He added that they were trying to preserve the vegetation on the site as best as they could and felt they did everything that the Board had asked.

Director Garman stated that the major change on the plan from last month was the relocation of the wall and the associated grading. The wall was previously proposed to be approximately 15 feet from the property line, and the grading was up to the property line in most areas. He noted that the trees were now overlaid on the development plan. He stated that with the new grading plan, the applicant was not proposing any grading in the area behind the wall so that it would remain undisturbed, which represented a big change over the last site plan submittal. Warren Eadus stated that, realistically, there would be some disturbance but the plan was a balance and they tried to preserve the most vegetation possible. Director Garman stated that he wasn't sure if there was an opportunity to work around some of the trees that were along the edge of the property. Warren Eadus stated that the limits of disturbance they were showing were realistic but added that at least 30 more trees would likely be preserved.

Director Garman felt that the revised site plan was a much better design; the wall was 40 feet from the adjacent property and at its closest it was 18 feet from the adjacent property, but bumped back 27 feet from the adjacent property. He added that the applicant reduced the size of the basin somewhat in order to move it away from the adjacent property and contoured it to save some trees. He stated that the only other thing he mentioned to the applicant was if there were any opportunities to save any additional trees by adjusting the berm.

Vice Chair Fricker asked if there was some other feature on the site that would preclude the applicant from extending the stormwater pond more eastward. Warren Eadus stated that the drainage area for the septic was prohibiting it. He added that he felt that they met the intent of what they were asked to do by the Board.

Director Garman stated that the main issue was to look at any areas where tweaks could be done to save some of the trees on the periphery. He wondered what would be used to stabilize any areas that were disturbed and was told that the applicant would use some type of stabilization product. He added that a stabilization product would also be used on the side slope on the west side of the property in addition to planting the grasses.

Chair Blakaitis asked if the concerns regarding the impact on the western property owner were satisfied. Director Garman stated that the concerns originally expressed were staff concerns and were mainly how close the fill would be to the adjacent property. He added that he had a discussion with the adjacent property owner, Bob Evans, and he had some concerns about the impacts of the project on his site. He stated that his primary concerns were the amount of fill being placed on the site and the subsequent groundwater elevation that would occur due to the amount of fill. Director Garman stated that he had contacted the Town's engineer to review the site plan. He stated that the Town's engineer contacted Quible and that Quible prepared a response to the adjacent property owner's concerns. He stated that the Town's engineer reviewed the response and was satisfied with the response in that there would be a negligible impact from stormwater on the adjacent property.

Vice Chair Fricker asked if the correspondence could be provided to the Board. Director Garman stated that he did not have the correspondence, but did have an email from Quible. Vice Chair Fricker asked if the email from Quible could be provided to the Board. Director Garman stated that he would provide it to the Board. Vice Chair Fricker stated that if there was representations made that satisfied both the Town's engineer and the adjacent property owner, he wanted to have it on record. Director Garman noted that all information was sent to the adjacent property owner but he had not responded at this time. Vice Chair Fricker clarified that the Town engineer was satisfied with the representations made by the applicant regarding those matters on the southwest corner. Director Garman stated that was correct.

Chair Blakaitis stated that there were some concerns regarding parking spaces, but it looked like they have been adequately addressed. Vice Chair Fricker asked if it would be possible to have a copy of the emails that were received as well as the photographs from Advice 5 Cents.

Chair Blakaitis called for a five minute recess so Director Garman could retrieve the emails and photographs. The time was 7:01 p.m.

Chair Blakaitis reconvened the meeting.

Director Garman reviewed the emails with the Board and the audience. He noted that the adjacent property was draining onto this property now and the analysis was based on the rainfall that falls on this site and was not designed to capture water coming from the adjacent property onto this one. Chair Blakaitis pointed out that the report stated that there was no impact from the applicant's site to the adjacent property, but the reverse could not be determined. Director Garman stated he was correct, adding that the adjacent property was benefitting from the applicant's property and now that the depression would be filled, the water may remain on its own property.

Councilor Nancy Caviness was recognized to speak. Councilor Caviness reviewed the photographs that she had submitted to the Board and audience. She noted that she appreciated the efforts the applicant made with regard to preserving the vegetation since the last meeting as it provided a visual, wind and sound buffer.

Member Forlano asked if the new placement of the wall would mean that the existing trees would remain. Warren Eadus stated that they would; adding that everything on the ridge would remain. He stated that the wall was very low at one point and would be tapered. He noted that the large hickory trees on the hill would be preserved.

Vice Chair Fricker stated that his impression was from the vantage point of the second floor of 109 Scarborough Lane, the relative positioning of Councilor Caviness' house relative to where the new maintenance building would be located meant that the most important vegetation to be retained was where the wall was 40 feet away from the property. He asked if that was correct. Councilor Caviness thought it would be fine.

Director Garman pointed out that the row of scrub brush located in the right-of-way would need to be cleaned up for site distance and safety reasons. He stated that he had discussed it with the applicant. He noted that the 12 inch pine tree adjacent to Scarborough Lane next to the low end

of the bulkhead needed to be saved. Chair Blakaitis felt that every effort should be made to save the tree. Director Garman stated that it could be noted on the site plan. Warren Eadus agreed. He added that their landscaping plan was heavy on having native plants on the site.

Chair Blakaitis asked if staff had any other information to discuss. Director Garman noted that there would be a guttering plan on the building which was directed to the new infiltration basins in the parking lot.

Chair Blakaitis stated that it looked like the Board's main concerns have been addressed. Member Forlano thought the architect and the engineer did an excellent job of cooperating with Town staff and the Planning Board. He thanked Ralph Lassiter and Warren Eadus for all they have done and for Twiddy for their cooperation. He thought it was an excellent project that satisfied him with maintaining the natural vegetation as well as utilizing some of the LID concepts.

Member Murray suggested the applicant hold a pre-construction conference and at that point have a rough stake done in order to save more trees. Director Garman stated that he could add some language regarding having a pre-construction meeting and exploring opportunities to save other trees. Chair Blakaitis agreed.

Vice Chair Fricker agreed with Member Forlano's comments and thought the applicant and representatives came back with substantive changes. He stated that he was in favor of recommending the CUP to the Town Council.

Chair Blakaitis agreed with the rest of the Board members and hoped that it had satisfied the concerns from some of the Town citizens.

Vice Chair Fricker moved that the Planning Board recommend approval of CUP 13-002 to Town Council with the conditions set forth by staff in the proposed draft ordinance. Member Forlano seconded.

Chair Blakaitis asked if there should be a special statement noted about the trees in the motion. Director Garman stated that there should.

Vice Chair Fricker amended his motion to include language that during the pre-construction meeting, Town staff would explore opportunities with the contractor on ways to save additional trees. Member Forlano seconded.

Motion carried 4-0.

NEW BUSINESS

None.

APPROVAL OF MINUTES

Planning Board Meeting – July 17, 2013

Vice Chair Fricker moved to approve the minutes from July 17, 2013 as presented. Member Murray seconded.

Motion carried 4-0.

OTHER BUSINESS

Discussion of HB 276 – Changes to Board of Adjustment Procedures

Director Garman stated that staff would be scanning the Town's ordinances to determine what changes need to be made to be consistent with the new law. Chair Blakaitis noted that the new law would simplify things. Director Garman stated that it dealt with Board of Adjustment procedures, variances, appeals, special exceptions and conditional use permits. He added that the Planning Board and Council handled conditional use permits and special exceptions, but with regard to variances and appeals, HB 276 changes some of the procedures. He stated that previously, if someone wanted to appeal the Zoning Administrator's decision, the Board of Adjustment would have to overturn the Zoning Administrator's decision by a 4/5 majority, but now it was a simple majority. He explained that it made a little less difficult to get a variance and took out some of the hardship language. He stated that staff would be bringing back a draft revised ordinance for the Board to review at a future meeting.

STAFF COMMENTS

None.

BOARD COMMENTS

Chair Blakaitis thanked Town staff for all of their hard work.

ADJOURNMENT

There being no further business to discuss, Chair Blakaitis adjourned the meeting. There was no vote.

The time was 7:45 p.m.

Approved: _____
/s/ Joe Blakaitis, Chairman