

**TOWN OF DUCK
PLANNING BOARD
REGULAR MEETING
January 14, 2015**

The Planning Board for the Town of Duck convened at the Duck Meeting Hall on Wednesday, January 14, 2015.

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

Absent: None.

Also present were: Director of Community Development Joe Heard and Permit Coordinator Sandy Cross.

Others Present: None.

Absent: Council Liaison Chuck Burdick.

Chair Blakaitis called to order the Regular Meeting of the Planning Board for January 14, 2015 at 6:30 p.m.

PUBLIC COMMENTS

None.

OLD BUSINESS

None.

NEW BUSINESS

Chair Blakaitis asked why it was necessary for the Planning Board to look at housekeeping word changes such as with the text amendments. He further asked why it wasn't done by Town staff. Director Heard stated that state law outlines the process for a text amendment and if the community has a Planning Board, the Board is required to make a recommendation to the Council.

Text Amendment: Proposal to Amend the Town's Subdivision Ordinance with the Addition of Section 155.01(E), Exemptions, Establishing Provisions for Exempt Plats Consistent with the Standards of the N.C. General Statutes

Director Heard stated that this was a relatively straightforward proposal. He stated that the state law contains a list of plats that are exempt from regulation by municipalities. He added that the four types of exempt plats were listed in the Board's packets. He noted that most of the ordinances across the state include it in their subdivision ordinance so that it was clear to

surveyors, property owners and staff as to what the standards are. He stated that all that was being done was mirroring the wording that was already in the state law. He added that whether or not these standards are included in the Town's ordinance, the Town would still have to abide by them, because state law would supersede the Town's. He stated that for the sake of clarity, staff felt it was a good idea to put the standards in so it is clear as to what type of plats are exempt.

Chair Blakaitis stated that there was something in the ordinances about recombination but thought it was not complete. He asked when something says "street right-of-way", it meant it had to face the road or it meant a new street. Director Heard explained that if someone was seeking to create a new street right-of-way, the plat would not be an exempt plat and would have to come before the Town. He added that if each lot had frontage on an existing street, then it could qualify as an exempt plat, as long as it met the other conditions.

Member McKeithan moved to approve the proposed text amendment as presented. Vice Chair Fricker seconded.

Motion carried 5-0.

Text Amendment: Proposal to Amend the Definition of "Free and Clear of Obstruction" in Section 150.05 of the Town's Flood Damage Prevention Ordinance by Clarifying that Structures in VE Flood Zones Must Have Two Feet of Clearance Above the "Highest Adjacent Grade"

Director Heard stated that back in 2007 the current definition for "free and clear of obstruction" was adopted. He stated that in the subsequent seven years, Town staff has had an opportunity to work with it. It was brought to his attention by Building Inspector Cory Tate and Permit Coordinator Sandy Cross, as something that needed to be clarified. He stated that the present definition stated that the two feet would be measured from the finished or average finished grade. He stated that the intent was that a structure in the V-zone would have a two foot area that was raised up so waves or floodwaters could flow under the main structure.

Director Heard stated that when the ordinance was originally drafted, the intent was to have a two foot free and clear distance above the ground. He stated that the way the ordinance was worded with regard to finished grade or average finished grade does not always achieve the intent of the ordinance. He noted that the only time it would achieve the intent was when there was an exactly flat lot, where the elevation was identical for all four corners. He stated that if it wasn't, it would never have a true two foot clearance. For example, one side may be one foot under and the other side may be three feet. If the average of two feet is met, but the intent is not being met, which is to retain a two foot free and clear area.

Director Heard stated that in discussing the issue with Building Inspector Tate, he noted that there was a reference to the two foot standard in the FEMA standards as something that they recommend the Town adopt. He added that this was also something the Town gets credit for in its CRS rating. He stated that the intent of the change was – rather than using something that can be an average of two feet – to have it be a minimum of two feet everywhere. He noted that in

looking at the highest point, it would need to be two feet above that as opposed to an average, which will better address the intent of the ordinance when it was originally adopted.

Member Forlano stated that he was confused by what was meant by the highest adjacent grade. He asked if, by adjacent grade, the Town meant that if there was a sand dune, the house has to be two feet above the adjacent grade, which would be the sand dune. Director Heard stated that the adjacent grade would be around the footprint of the house, around the perimeter. He added that it would have to be two feet above the highest point of that area. Member Forlano asked if it was just the four corners of the house. Director Heard stated that it would also include the adjoining edges. Vice Chair Fricker stated that it would be the elevation taken just outside the footprint on the north and south side of the oceanfront house on a dune. Director Heard stated he was correct.

Vice Chair Fricker asked what the significance of the word “adjacent” was in the ordinance. Member Murray thought it applied to land disturbing activities with regard to elevations of the four corners. He stated that it wasn’t adjacent and thought the ordinance should state; “...two feet above the highest corner...” Director Heard stated the proposal wasn’t talking about just the corners, but the entire perimeter.

Chair Blakaitis asked if it would have to make the house higher than two feet. Member Murray thought it would. Chair Blakaitis stated that if there was an adjacent area that had a small dune in front of the house, there would be a level lot that was 10 feet above sea level where the house would be built, and adjacent to it was a dune that was 15 feet high. He clarified that the house would have to start 15 feet above the 10 feet. Member Forlano thought that was the case. Director Heard stated that we would look at the perimeter walls of the structure. Director Heard stated that the highest adjacent grade was defined in the Town’s ordinance as the highest, natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.

Member Murray clarified that contractors would be required to level the dune in the middle. He added that Director Heard stated that a contractor would be required to elevate it above the dune. Director Heard stated that a contractor would be required to elevate two feet above whatever the highest point was along the perimeter of the structure. Member Murray stated that the interior wouldn’t necessitate raising the structure, the contractor would be allowed to grade that point down. He asked if it was a violation of the V flood zone. Permit Coordinator Cross stated that fill is not allowed in a V zone. Member Murray stated that the Town’s definition of fill was fill and/or grading. He added that even if fill was not brought on a lot, the Town considered it fill when it’s taken from one portion of a lot and put on another. Chair Blakaitis noted that the amount of fill was restricted.

Chair Blakaitis asked if the dune was on the perimeter of the house and was two feet higher than the elevation, the dune could not be taken down. He further asked if the house would have to be built two feet higher than the dune. Director Heard stated that it was possible, especially if the house is next to the dune with two corners of the house or one side was on the dune, Town staff would take the measurement from there. Chair Blakaitis stated that it was still confusing for him. He asked where the measurement would start if there was a two foot dune on the perimeter of the house that was 12 feet on one side and the rest of it at 10 feet. Director Heard stated that the measurement would start from the 12 feet. Chair Blakaitis clarified that the entire structure needed to be four feet above the whole area. Director Heard stated that the lower side would.

Permit Coordinator Cross noted that staff would typically be seeing a situation where the dune will not be cut down and the highest point of the dune will be used. She added that because of that, in order to maintain the two foot free and clear, the structure in this situation would be elevated two feet above grade on the east side and four feet on the west side.

Chair Blakaitis thought the oceanfront dune would not be where a house would be constructed. Member Murray stated that in most areas of Town, they start on the oceanfront and come back gradually. He stated that he was concerned with the language in the staff report. He asked if the wording of the modification was strong enough that the 35 foot height limit would have two feet added to it. He asked how it would be worded in the ordinance. He asked what would happen if the owner put concrete parking under one end of the structure (the slab on grade) and decide to add a dry entry into the house and put in a storage room that would be vented, but not heated space. He asked how it would work. Director Heard stated that a storage room would not be permitted in a V-zone unless it was above the elevation requirements. He added that in a V-zone, storage rooms were not allowed unless there were breakaway walls.

Director Heard stated that staff looked at the wording to see if it needed to be tweaked as part of the proposal. He went on to read the definition of building height to the Board, noting that the definition references back to the free and clear language. The proposed change would not penalize a property owner by reducing the allowable height of the building.

Chair Blakaitis moved to approve the proposed text amendment as presented. Member Forlano seconded.

Motion carried 5-0.

Text Amendment: Proposal to Amend Section 156.128, 156.130, and 156.145 of the Town's Zoning Ordinance by Correcting Several Minor Typographical Errors and References

Vice Chair Fricker moved to approve the proposed text amendment as presented. Member Murray seconded.

Motion carried 5-0.

Text Amendment: Discussion of Potential Amendments to Section 156.115, Design Standards for Landscaping and Open Space, and Section 156.137, Tree and Vegetation Preservation and Planning

Director Heard stated that the proposal was a little different than the others as staff has not yet prepared a proposed ordinance for the Board's consideration. He added that it was more of a discussion item where staff wanted the Board's thoughts before going back and preparing the text amendment ordinance. He added that the Board will consider the amendment based on the discussion they will have and it will come back at a future meeting for recommendation.

Director Heard stated that the reason the proposal was before the Board was due to a recent incident in Town where someone removed a fairly prominent live oak tree. He stated that Town staff received a lot of telephone calls and inquiries related to the situation and the Town took

action by fining the individual involved with the maximum amount possible and required reparations in terms of submitting a planting plan to plant some trees, which was part of the penalty. He stated that in looking at it, there were comments received via email from several Council members. At a subsequent Town Council meeting, the Council members asked Town staff to work with the Planning Board on reviewing tree and vegetation preservation and planning ordinance, to see if there were any revisions or updates needed, particularly in light of this incident.

Director Heard stated that one of the main concerns was the penalties. He added that Council wondered if the penalties were punitive enough to prevent or deter someone from taking action willfully. He noted that the maximum fine was \$1,000. He added that Council wondered if that was enough to deter someone from taking action if they thought it would provide better visibility by removing the tree. He stated that there was also recognition of the fact that the Town had not taken a thorough look at the ordinance in a number of years. He stated that the review will include not just the penalty section, but other areas of the ordinance as well. He stated that if any Board members have other issues or items in the ordinance that they feel need to be addressed, suggestions can be made to Council.

Director Heard stated that copies were provided to the Board of two relevant ordinances in the Town's zoning ordinance – one dealing with the design guidelines and the other one being the tree preservation ordinance. He stated that he had listed several different sections of the ordinance and asked questions to get the Board members thinking about potential concerns or changes. He added that under the staff analysis, staff outlined a handful of specific items that the Board may want to consider. He stated that staff completed some research around the state with regard to some communities that had good ordinances in place and looked at the fines and penalties section to give the Board some background information.

Director Heard stated that one of the items that staff picked out was that the Town's ordinance only provided penalties if a tree of 24 inches in size was removed or greater. He noted that a 24 inch tree is pretty significant. He stated that, depending on the variety of the tree, one could be looking at a 50-80 year old tree. He stated that other communities had different standards for the cutoff point, such as 12 or 16 inches. He added that there was a good range and noted that it was not something staff was suggesting, but wanted to bring it up for discussion.

Member McKeithan asked where the 24 inch in diameter came from with regard to the Town's current ordinance. Chair Blakaitis stated that when the Town first adopted the vegetation ordinance, the Board felt there should be one and thought it was a good starting point. He noted that the contractors were completely clearing and leveling lots. The Town wanted to stop this practice and adopted the ordinance. He stated that the Board took a lot of information from former Planning Director Suzanne Cotellessa that she had gotten from northern and interior cities. He stated that the Board made a good start and he felt it was a good vegetation plan, but depended too much on what northern and western cities were doing and didn't pay too much attention to how trees grew on the Outer Banks. He stated that 24 inches was chosen from one of the ordinances selected and the Board thought it was a good start. He didn't think the 24 inch rule was too bad, but thought the type of tree and how it grew needed to be better addressed.

Member Forlano stated that Director Heard referenced that he received several emails with Council weighing in on the issue. He asked if the indication was that the ordinance was too strict or not strict enough. Director Heard stated that it was felt that the ordinance may not be strict enough on the penalty section, whether or not penalties are significant enough to prevent people from doing this willfully. He added that it was not said that the penalties weren't strict enough, but the Council commented that it was something that needed to be looked at to see if changes needed to be made.

Chair Blakaitis thought Council was zeroing in on the penalties more than anything. Member Forlano stated that when the Board first looked at the ordinance, they chose 24 inches. He thought there were two issues to be discussed – penalties and the diameter and caliper of the tree. Vice Chair Fricker added that there was the potential issue of enforcement. He stated that he would like to have a sense from staff if they considered that there was good enforcement as the ordinance was written. Permit Coordinator Cross stated that it was pretty good. Vice Chair Fricker asked what staff did to ensure that the ordinance was properly enforced, especially in areas that had heavy vegetation. Permit Coordinator Cross stated that staff typically finds out when trees were removed. She added that some landscapers will call the Town to find out information on how to do things correctly. She noted that the tree that was cut down was a unique situation and the property owner used a landscaper who cut the tree down very quickly.

Vice Chair Fricker clarified that the issue was not due to a reaction by Council or staff to an ongoing issue. Permit Coordinator Cross stated that it was a reaction to a specific instance. She noted that other violations have happened in the past as well. She stated that penalties were rescinded for a prior violation, because the owners brought in an arborist who certified that the trees they cut down were dead, even though staff never had a chance to look at them. She stated that even if the tree was dead, owners should still check with staff.

Director Heard stated that even if staff had not noticed the tree that was recently cut down, a number of people called staff about it being cut down. He stated that removal of a tree is not something that occurs quietly. It requires a large piece of equipment or chainsaw, which alerts the public that something is going on.

Member Murray stated that he had run up against the ordinance recently. He added that he never interacted with it because so many of the lots he dealt with did not have any large trees on them. He stated that he found the ordinance stringent in the sense that the amount of information that the Town required. He thought the problem was the trees in the Village Commercial District and the public areas as well as extremely large trees. He noted that according to the ordinance, if an owner had a tree on their lot and wanted to cut it down, they can cut it down. Permit Coordinator Cross stated that it would only apply to trees that were over 24 inches in diameter. Director Heard added that a permit was also needed. Permit Coordinator Cross explained that on a developed lot, the owner has the right to remove vegetation from it, provided that they could maintain the 15% canopy and that they would not be removing trees that were greater than 24 inches in diameter, unless the tree was within 10 feet of the house.

Chair Blakaitis noted that the 6 inch tree related only to the development. Director Heard stated that it related to an undeveloped lot, adding that a permit would still be needed. Permit Coordinator Cross stated that the reason for the discussion was because contractors were coming

in and leveling lots and the Town wanted to put a stop to it. She added that trees that were less than six inches in diameter could be cut down, but the larger trees had to be left on the lot. Chair Blakaitis thought the ordinance has worked. Permit Coordinator Cross stated that it has been difficult for some people.

Vice Chair Fricker thought that, as the ordinance was written, it was enforceable and was being enforced substantially. He asked staff if they had a view regarding multi-stem trees or trees that were less than 24 inches in diameter. He thought if greater protection was provided and more was put in the ordinance that required more enforcement; it would be more onerous to contractors and homeowners. Director Heard stated that staff was not suggesting a change to the size of the tree that could be removed.

Chair Blakaitis didn't think the Board should make staff's job harder. He added that it will be hard for staff if the ordinance was changed significantly. He suggested that multi-trunked trees be protected, even if they are not 24 inches in diameter. He wondered why they were less valuable than the larger trees. He thought there should be some enforcement for multi-trunk trees.

Director Heard stated that staff did not have a particular opinion on the size of the tree. He added that as far as having some manner of defining the multi-trunk tree, he thought there would be some benefit for staff and the property owner/developer in defining what the standard will be. He stated that it could be interpreted in different ways. Chair Blakaitis noted that there are 24 inch at breast height pine trees all over Town. He didn't think the dimension should be changed right now. He thought the Board should keep something at breast height and/or deal with multi-trunk trees.

Vice Chair Fricker asked what the rationale was for measuring trees at 24 inches at breast height. He further asked why it wasn't at ground level. Chair Blakaitis stated that he wasn't sure. Director Heard stated that the diameter at breast height is the generally accepted national standard for measuring trees. He added that the term "caliper" is how nurseries measure trees, about a foot above ground. He stated that the diameter at breast height was approximately 4½ feet above ground.

Member Murray stated that he understood the ordinance more clearly. He stated that he didn't see why the Board shouldn't make the standard more limiting since the permit was easy to obtain. He thought moving the measurement to the base of the tree would be good.

Director Heard stated that the lot that Member Murray had worked on recently was heavily wooded with a lot of trees. He stated that a plan was submitted and the one question he had concerned a 24 inch tree near the front of the property. He stated that it wasn't clear based on the site plan whether or not the driveway would run through the tree. He stated that one of the questions that had to be clarified was if the driveway would avoid the tree, as it was something that could be easily changed in most cases to save a significant tree. He stated that there was another 24 inch tree near the rear of the proposed residence, but without significant changes to the proposed layout of the site, there wasn't a good way to keep the tree because it was in the footprint of the house. Member Murray commented that applying the rule in that way made sense.

Chair Blakaitis stated that he liked the idea of measuring at the ground or caliper. He suggested that if the tree was measured at the ground, that the sum of the trunks be used, possibly 30 inches in diameter.

Member Forlano asked if there was a replanting rule in the ordinance. Director Heard stated that it was part of the violations section of the ordinance. Member Forlano asked what the removed vegetation would be replaced with. Director Heard stated that it was based on the canopy coverage. He added that the language read: "...required canopy coverage of the replacement vegetation shall equal that which has been determined to have been removed for the assessment of the required civil penalty..." He added that the language further read: "...the replacement vegetation shall be of a similar type to what was removed..."

Member Forlano suggested removing the canopy and look at the caliper to make the 24 inch less. Director Heard stated that was another way to do it. He added that the Town of Cary had a standard very similar to that. Member Murray suggested leaving the 24 inch standard and have something regarding multi-trunk trees. Chair Blakaitis agreed. Member McKeithan stated that with regard to measuring multi-trunk trees, the sensible thing would be to go to the one foot mark and obtain the diameter of each trunk and add them up as opposed to trying to get a complete diameter.

Director Heard stated that, with regard to the tree at Osprey Landing, staff measured both ways with that tree. He added that the landscaper had not completed the tree removal when staff went out to the site and there was still a substantial portion of the trunk with the multi-trunks coming off. Staff could get measurements at diameter at breast height. He added that the area around the tree as well as the area around each trunk was measured. Measuring each trunk individually, then adding them together was nearly double the measurement of the total diameter around all of the multi-trunk area. Vice Chair Fricker thought the Board was in consensus with regard to measuring multi-trunk trees.

Member Forlano asked if the Town would allow a homeowner to remove a few of the trunks on a multi-trunk tree if they wanted to. Chair Blakaitis stated that it could be done if the tree was leaning into the driveway as the majority of the tree would be left alone. Member Murray thought a tree expert should be consulted. Member McKeithan stated that he would be interested in considering whether the Town should reduce or lower the 24 inch diameter. Chair Blakaitis agreed and thought Director Heard could come back with some suggestions. Member Forlano stated that he would like to reduce the 24 inch diameter. He added that there would be nothing wrong with replacing it with an eight inch diameter. He stated that he wanted to save as much of the tree as possible.

Member McKeithan noted that on page 2 of the staff analysis, it was talked about changing house to structure. He thought it was a reasonable change and made sense.

Chair Blakaitis asked the Board if they all agreed that the permitting requirements were fair and reasonable. It was *consensus* of the Board that they were.

Chair Blakaitis asked the Board about the violations and penalties. He asked if the penalties could be transferred to the contractors in addition to the property owners. He thought the original owner had the ultimate responsibility. Director Heard stated he was correct. He stated that he could run it by the Town's attorney if the Board was interested in pursuing the issue. It was *consensus* of the Board that the owner had the ultimate responsibility.

Chair Blakaitis asked if the penalties were sufficient enough to deter owners and contractors from willful removal violations. Vice Chair Fricker noted that none of the examples that Director Heard provided were local. He asked why. Director Heard stated that Duck was the only town on the Outer Banks with this type of ordinance. Member Forlano asked if the Town of Southern Shores had an ordinance in place. Member Murray stated that two homeowner associations were responsible for the entire Town of Southern Shores and they have very stringent requirements.

Director Heard stated that other Outer Banks towns have landscaping ordinances with incentives for keeping existing trees. He added that it was more of a carrot than a stick approach. He added that these communities do not get into penalties, because it isn't a violation to remove vegetation.

Member Murray stated that if the Town wanted to make the penalties stiffer, it could be done on the mitigation side. He stated that something could be set up similar to wetland mitigation. He noted that contractors and owners have funds to pay but the hassle would cost everyone. He felt that if the Town would want to make the penalties more stringent, he would go with the mitigation direction instead of the fines. Member Forlano stated that he liked Member Murray's suggestion.

Director Heard stated that the City of New Bern has a provision in their ordinance similar to what Member Murray was discussing. If trees cannot be provided on the subject property, they allow people to plant on public property, such as a park. He stated that the one question would be where trees in Duck would be planted. Vice Chair Fricker stated that he didn't have a problem with increasing the mitigation factor. Chair Blakaitis didn't think Council would approve of it. Member McKeithan thought it would let the homeowner off too easily.

Chair Blakaitis stated that the whole premise for Council sending the issue to the Board was to see if it would deter people from doing it. Member Murray stated that mitigation created a different type of deterrent. Chair Blakaitis reiterated that Council may not approve of it.

Vice Chair Fricker suggested that the fine be tied to the assessed or appraised value of the tree as opposed to some flat, dollar amount. Chair Blakaitis asked how one puts a value on a tree. Director Heard responded that there are tree appraisers. He stated that a concern about cases where there are many different violations. There are cases where the violation was for a single tree, but there were other cases where someone may clear-cut a lot and take out 20-40 trees, which would be an enormous penalty for the property owner. He added that the fine could add up in a hurry to the point of it being unreasonable. He stated that in looking at the fine column, the Town was on the higher end in the state with regard to the monetary penalty.

Vice Chair Fricker pointed out that a 24 inch tree that was valued at \$10,000 would only have a maximum fine of \$1,000. He thought it wasn't right. Director Heard stated that the monetary portion was fine but in looking at the other penalty, there were a number of options that could be brought into play, such as the Town increasing the minimum size of trees for replanting. He noted that the cost of the replacement of the tree at Osprey Landing will likely exceed the cost of the fine that was imposed. Chair Blakaitis asked what the cost was to replant an eight inch diameter tree. Director Heard stated that he did not know, but would get the information to the Board. Chair Blakaitis asked if it was about \$10,000. Director Heard stated that a two inch in diameter, eight foot tall tree was about \$375 between the tree and the planting of it.

Chair Blakaitis suggested that Director Heard put something in the Board's packet for the next meeting in the way of a text amendment. He agreed with Vice Chair Fricker that the \$1,000 fine was not enough. He thought the Board could increase the fine. He stated he would like the Board to work on some type of mitigation as well as decreasing the required diameter of trees. He thought a package type deal would work. He further suggested making it mandatory that the replacement trees be eight inches in caliper.

Member Forlano stated that mitigation could work in several ways. He added that it could work the way Member Murray suggested by putting trees on other properties or the owner could mitigate the problem on their own property. Member McKeithan thought it should be the Town's decision. Member Murray stated that if a 24 inch tree was replaced with a species of tree that could grow to be 24 inches and demand planting the replacement in close proximity, there would be less bang for the buck because they won't grow as large.

Chair Blakaitis stated that the Board wanted to raise penalties, mitigation and tree requirements. He suggested that Director Heard come back with something at the Board's next meeting.

Chair Blakaitis asked if there was an intentional loophole for removal of significant trees after development of a property. Director Heard stated that there was a gap in the ordinance. He stated that a contractor could go in and there were certain things that could and could not be done, but once the property was developed, the only thing protected would be the 24 inch diameter trees. He added that there was no permit requirement for removal on developed lots. Chair Blakaitis thought the Board was moving in the direction of permit requirements if there was a regulation on multi-trunk trees. Director Heard stated that staff was concerned about the loophole and would do some research. He added that the only time that the Town addresses tree perseveration was prior to or during the initial development and then the 24 inch diameter trees afterward.

Chair Blakaitis stated that topping of trees needed to be addressed. Permit Coordinator Cross stated that it could be a problem. Chair Blakaitis stated that a contractor could not violate the Town code. Member McKeithan noted that an owner could do anything with a tree that was less than 24 inches in diameter. He added that it could be cut down or topped without any penalty. Permit Coordinator Cross thought topping should be addressed in the ordinance because it wasn't addressed.

Chair Blakaitis asked the Board for their thoughts on changing the word "house" to "structure" in the provision allowing trees to be removed within 10 feet of a house. Member McKeithan

thought it should be added in the ordinance. It was *consensus* to make this change to the ordinance.

Chair Blakaitis clarified that a property owner did not have to provide documentation for an emergency tree removal. Director Heard stated that there is nothing specific that it was required. Chair Blakaitis thought the documentation would be Town staff visiting the site. Director Heard stated that it may be hard to document as the tree may have already been removed. Chair Blakaitis asked if there should be something in the ordinance that provided prior documentation before an owner takes down a tree in an emergency. Member McKeithan thought if an owner wanted to take a tree down, they should submit photographs if it was an emergency. Chair Blakaitis stated that he did not have strong feelings about it either way, adding that he didn't have an objection to it. Member McKeithan thought the documentation needed to be improved. Member Murray wasn't sure how it could be documented. Chair Blakaitis noted that the ordinance could be changed where an owner is allowed to cut a tree down in an emergency; however, they would need to provide documentation that it was required to be cut down, such as photographs. Member McKeithan stated that if an owner could not provide documentation to prove what was in place, it would be grounds for a fine.

Director Heard stated that emergency instances were infrequent. He added that if a tree was struck by lightning or hit by a vehicle and severely damaged, it could be easily documented as to why the tree was cut down.

Chair Blakaitis asked Director Heard to come back at the Board's next meeting with the changes based on the discussion.

APPROVAL OF MINUTES

Minutes from the November 12, 2014, Regular Meeting

Member Murray suggested minor changes to Pages 2, 3, 4 and 6 of the minutes.

Vice Chair Fricker moved to approve the November 12, 2014 minutes as amended. Member McKeithan seconded.

Motion carried 5-0.

OTHER BUSINESS

None.

STAFF COMMENTS

Director Heard asked the Board if they wished for staff to prepare a meeting calendar. It was *consensus* of the Board that a meeting calendar is not necessary.

BOARD COMMENTS

Vice Chair Fricker asked when the Council Retreat would be held. Director Heard stated that it would be held on February 18-19, 2015.

ADJOURNMENT

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

The time was 8:30 p.m.

Approved: _____
/s/ Joe Blakaitis, Chairman