

Minutes
Special Meeting of the
Aberdeen Planning Board
and Watershed Review Board

June 10, 2013
Monday, 6:40 p.m.

Robert N. Page Municipal Building
Aberdeen, North Carolina

The Aberdeen Planning Board and Watershed Review Board reconvened on Monday, June 10th, 2013 at 6:40 p.m. for a Special Planning Board and Watershed Review Board Meeting. Members present were Chairman Johnny Ransdell, Vice Chair Sarah Ahmad, Janet Peele, Owen Gallagher, and Raymond Lee. Alternates Tim Marcham and Peter Koch were also in attendance. Planning staff members in attendance were Kathy Liles, Senior Planner Pam Graham, and Permit Technician Amy Fulp. Shane Sanders was also in attendance.

1. Call to Order

Chairman Ransdell suggested to reconvene, jointly with the Watershed Review Board, the meeting at 6:40 p.m. Motion made by Raymond Lee, seconded by Owen Gallagher, to reconvene the special meeting of the Aberdeen Planning Board jointly with the Watershed Review Board. Motion unanimously carried.

2. Old Business

All parties who would like to give evidence or testimony were sworn in before doing so.

- a. Conditional Use Permit CU #13-01 for 152 lot subdivision on property owned by J. Speight Investment, LLC, near the intersection of Highway 5 and Turning Leaf Way.

Mr. Sanders stated the first phase of the development is to be 40 lots. It is designed as one big development but it will be completed in six phases. As each phase goes, that section of utilities and roadways will be put in and entered on the final plat.

Janet Peele asked if all perk tests for the first 40 lots would be done at the same time. Mr. Sanders stated they would probably do perk test for the whole development at the same time. They would need to know that all lots will perk; they are going to pave roads in front of the lots and run water lines so they need to know up front.

Sarah Ahmad asked if they would have 40 lots in phase one even if they have to go into phase two. Mr. Sanders stated yes, they will have 40 lots in phase one regardless. They will meet the minimum 20,000 square feet, the minimum lot width of 100, and all of their setbacks.

Mr. Sanders stated once they get the soils work done for the whole development they will have a revised layout. At this time they may lose lots, but they are proposing 25.18% open space and they may have to work with the .18% to add lot space.

Owen Gallagher asked if all the utilities would be underground. Mr. Sanders stated yes, the power and telephone would all be underground.

Chairman Ransdell asked if the utilities in this area are working with a common trench. Mr. Sanders stated not really, with Progress Energy they usually do their own thing. Mr. Sanders stated when they get construction going they typically put conduit under the road, and when everything is paved and pretty close to finals Progress Energy will come in and run their stuff and set transformers.

Raymond Lee asked if it is best for water run-off to have the sidewalks on the high side or the low side of the road. Mr. Sanders stated it doesn't matter because a typical section the sidewalk is just off the edge of the pavement and it drains to the swale behind it and goes down along the road.

Raymond Lee asked about a large open space on the map and why it is left open. Mr. Sanders stated the soils are unsuitable and it made perfect open space area.

Chairman Ransdell stated sidewalks vs. non sidewalks, one thing that has been overlooked in this Watershed area is you want to control what goes on, you want to keep it on site as best you can. You may be better off with no curb and gutter or sidewalks which could be detrimental to a Watershed area; it is a different focus you have to look at.

Kathy Liles stated they should decide, as the Watershed Review Board, what is the right thing to do in this area and make the recommendation to the Board. The Board may choose to do something a little different as far as the Conditional Use Permit, but if the Watershed Review Board takes

a strong position, hopefully this will help the Board to consider varying the standards a little bit.

Sarah Ahmad questioned what would happen if the septic tanks started failing? If a flood were to come or a hurricane, what would that do to the septic systems? Janet Peele stated the septic systems are more or less organic and should take care of themselves, she is more concerned with cars and waste from the cars. She is also concerned with 152 houses and no park, she is hearing open space but no talk of any parks.

Kathy Liles stated when you are dealing with open space in a WS-II Watershed Protection Area it is supposed to be maintained in a vegetated state.

Kathy Liles asked Mr. Sanders if they had thought about putting in a play area. Mr. Sanders stated they have not had that discussion; they were going by the ordinance that stated open space is to be maintained in a vegetated state.

Sarah Ahmad stated her thoughts with our ordinances and open space is they are for trails, soccer fields, or whatever. Planning Director Liles stated open space comes in a wide variety of forms like being completely vegetated; it can be walking trails, or ball fields.

Chairman Ransdell stated he doesn't see open space necessarily as cleared area, it could be wooded. For a community like this and open space, it may be good just to have walking trails. Mr. Sanders stated with 35 acres of open space a lot will be naturally open where you can walk through it.

Sarah Ahmad asked about the open space and with it being designated to the Town, does this mean it would be the Town's decision to put in pathways and they would have to maintain them? Kathy Liles stated they could ask for a park amenity, the Planning Board could have that as a condition.

Mr. Sanders stated the whole intent of open space, in a Watershed Protection Area, is trying to take care of things like fertilizers and dissipating them before they leave the property.

Kathy Liles stated she would not recommend a heavy park use. Sarah Ahmad stated she would rather see walking trails, it really concerns her to see this many people and no safe passage.

Raymond Lee asked what the speed limit would be. Mr. Sanders stated on the road design it would probably be 35 mph. Several of the members stated they would like to see the speed limit at 25 mph. Mr. Sanders stated they can always move the speed limit down, that should be no problem.

Sarah Ahmad stated she was not comfortable with where they are on the issue of sidewalks. She would personally like to see sidewalks on both sides. Mr. Sanders stated from a maintenance point of view if they want two sidewalks they should go with concrete.

Sarah Ahmad asked if there were not some type of resolution to where the families could have safe walking. Mr. Sanders stated even if they went with the two sidewalks, the offset to that is they are not curb and gutter and point source discharging the storm water with pipes.

Mr. Sanders stated he would rather see two sidewalks than curb and gutter with big pipes. Kathy Liles added with two sidewalks and curb and gutter they would have to look also at cluster development again because they would be getting away from cluster development criteria.

Mr. Sanders stated they could go either way with or without the sidewalks. Janet Peele asked if they do put in two sidewalks will that cut down on the number of lots they will be able to have. Mr. Sanders stated no.

Sarah Ahmad stated she was still concerned about 152 homes and no areas for recreation or walking. Chairman Ransdell asked about putting in a provision that the developers consult with the Parks and Recreation Department and the Town concerning recreation use for the development.

Mr. Sanders stated the good thing about the open space in the development is it will be dedicated to the Town. The Town will have control over the open space; the developers only have to provide the areas.

Chairman Ransdell read the recommended conditions for the Watershed Review Board:

1. Lots are subject to clustering under watershed provisions. A maximum of 152 lots are approved for the parent tract. No further subdivision of the parent tract is allowed.
2. A drainage system shall be designed that diverts storm water away from surface waters and incorporates best management practices to minimize water quality impacts. As such, concrete sidewalks shall be installed on both sides of the street to meet minimum ADA widths and curb and gutter is not recommended for use. Low impact storm water design shall be used as recommended by the UDO. The project is not approved for a high density option.
3. A copy of the approved Sedimentation and Erosion Control Plan shall be provided to the Planning Department prior to site disturbance.
4. The overall density of this project is one dwelling unit per acre. No Special Non-residential Intensity Allocation applies.
5. The open space of the tract shall remain in a vegetated or natural state.
6. The final plat must be signed by the Chairman of the Watershed Review Board before recordation.

Mr. Sanders asked about recreation and the open space remaining in a vegetated or natural state. Kathy Liles stated it would have to be passive recreation. In meeting with the Director of Parks and Recreation, it will be known that the open space has to stay natural or vegetated. As far as setting up playground equipment or a flag pole it should be okay, just stay away from improving areas with hard surface.

Mr. Sanders asked if there would be a limit set on the size of the space for the passive recreation. Janet Peele stated they don't want tennis courts or swimming pools, they would be happy with walking trails. The neighborhood could come back later and do other things themselves if they wanted. Janet Peele stated she just wanted enough space allocated in case this happens.

A motion was made by Raymond Lee, seconded by Peter Koch, to approve the revised conditions for CU #13-01 as a whole. Motion unanimously carried.

A motion was made by Owen Gallagher, seconded by Raymond Lee, to adjourn the meeting of the Watershed Review Board. Motion unanimously carried.

Chairman Ransdell read the recommended conditions for the Planning Board.

1. The development shall comply with the requirements of the Watershed Review Board.
2. This approval authorizes a maximum creation of 152 watershed clustered lots and a conceptual drawing upon which construction drawings must be based.
3. Open space has been offered at 25.18%. Open space may be reconfigured to accommodate each lot's requirement for septic providing no less than 25% is provided for the final plat. Up to 5 percent of the open space may be used for septic easements which must be recorded and submitted with a request for a building permit. The applicant shall include a table on each submitted easement plat that reflects the cumulative amount of open space committed to offsite septic.
4. Engineering drawings shall be submitted and comply with all requirements of the UDO, the Water and Sewer Extension Policy and all other adopted policies of the Town of Aberdeen unless expressly waived as a part of this approval.
5. Tree harvest and mass re-grading are not authorized as a result of this approval. Tree clearing consistent with a staff approved grading plan may move forward upon final approval by Planning Staff.
6. The plat shall contain a Certificate for Watershed Approval consistent with requirements of the UDO.
7. Watershed Protection Permits must be issued as a part of every building permit documenting that the Watershed Review Board conditions have been satisfied.
8. The applicant is required to place sidewalks on both sides of the street consistent with the Watershed Review Board approval. Sidewalks shall be installed or bonded with initiation of each phase.

9. Infrastructure must be approved by Public Works.
10. The Fire Department must sign off on the drawings as well as available capacity for treating fires. Hydrants are required consistent with their spacing requirements. Adequate turning radius must be provided for the fire trucks currently in use.
11. Open Space is to be dedicated to the Town of Aberdeen, passive recreational uses are recommended.
12. Streets and waterlines are to be dedicated to the Town of Aberdeen.
13. Development shall commence in phases as proposed. Before final plats are approved, all infrastructure must be complete or bonded.
14. Street trees shall be a requirement of the building permit for each lot and shall be placed as shown on the conceptual drawings. Trees shall be consistent with "Trees of the Carolinas" as required by the UDO and planted at the appropriate rate.
15. The applicant shall verify with the US Fish and Wildlife Agency that there are no red cockaded woodpeckers on the property prior to site disturbance.
16. Sharrows shall be installed as part of the street marking consistent with requirements of the Bicycle Plan.
17. The use of septic systems is authorized as a condition of approval for the project. Prior to recordation of the final plat, the developer must have lot by lot suitability report approved by Moore County Environmental Health for septic use.
18. The developer shall coordinate with the Parks and Recreation Department to install a passive recreational use for the development; it is to be installed at the developer's expense.

Motion 1, CU #13-01 is or is not complete as submitted. Motion made by Raymond Lee, seconded by Owen Gallagher, CU #13-01 is complete as submitted. Motion unanimously carried.

Motion 2, CU #13-01 satisfies or does not satisfy Finding #1: will not endanger public health or safety. Motion made by Owen Gallagher,

seconded by Peter Koch, CU #13-01 satisfies Finding #1 and will not endanger public health or safety. Motion carried by a vote of 3 to 2.

Motion 3, CU #13-01 satisfies or does not satisfy Finding #2: will not injure the value of adjoining or abutting property. Motion made by Raymond Lee, seconded by Sarah Ahmad, CU #13-01 satisfies Finding #2 and will not injure the value of adjoining or abutting property. Motion unanimously carried.

Motion 4, CU #13-01 satisfies or does not satisfy Finding #3: will be in harmony with the area in which it is located. Motion made by Owen Gallagher, seconded by Peter Koch, CU #13-01 satisfies Finding #3 and will be in harmony with the area in which it is located. Motion unanimously carried.

Motion 5, CU #13-01 satisfies or does not satisfy Finding #4: will be in conformity with the Land-Use Plan, Thoroughfare Plan, or other plan officially adopted by the Town Board. Motion made by Owen Gallagher, seconded by Sarah Ahmad, CU #13-01 satisfies Finding #4 and will be in conformity with the Land-Use Plan, Thoroughfare Plan, or other plan officially adopted by the Town Board. Motion unanimously carried.

Motion 6, based on the findings of fact and the evidence presented, the Planning Board:

- Recommends denial of CU #13-01 based on the following: _____.
- Recommends approval of CU #13-01.
- Recommends approval with conditions of CU #13-01.

Motion made by Raymond Lee, seconded by Janet Peele, based on the findings of fact and the evidence presented, the Planning Board recommends approval with modified conditions of CU #13-01. Motion unanimously carried.

3. Adjournment

A motion was made by Raymond Lee, seconded by Owen Gallagher, to adjourn the meeting. Motion unanimously carried.

Amy Fulp, Permit Technician
Minutes were completed in
Draft form on July 19, 2013

Johnny Ransdell, Chairperson
Minutes were approved
on September 19, 2013