

MINUTES
Regular Meeting of the
Aberdeen Planning Board

November 19, 2015
Thursday, 6:00 p.m.

Robert N. Page Municipal Building
Aberdeen, North Carolina

The Aberdeen Planning Board met Thursday, November 19, 2015 at 6:00 p.m. for the Regular Board Meeting. Members present were Chairman Johnny Ransdell, Raymond Lee, Janet Peele, Ken Byrd, Tim Marcham, Richard Gergle, and Bryan Bowles. Alternate Ron Utley was not present. Others in attendance were Planning Director Pam Graham, Permit Technician Amy Fulp, Alan Cassavant, Tammy Lyne, and Jeff McCluskey.

1. Call to Order

Chairman Ransdell called the meeting to order at 6:02 p.m.

2. Informational Moment

There was no informational moment at this meeting.

3. Approval of Agenda

A motion was made by Richard Gergle, seconded by Ken Byrd, to approve the agenda of the Regular Meeting for November 19, 2015. Motion unanimously carried.

4. New Business

a. Swearing in of Tim Marcham to Service to the Planning Board.

Permit Technician Amy Fulp swore in Tim Marcham for reappointment to the Planning Board.

b. Conditional Use Permit CU #15-07 Submitted by Bethesda Ives, LLC for a Major Subdivision.

Ken Byrd asked to be recused from item 4 (b). All Planning Board Members approved Ken Byrd's recusal. Bryan Bowles asked to be recused from item 4 (b). All Planning Board Members approved Bryan Bowles's recusal.

Planning Director Graham gave a presentation on Conditional Use Permit CU #15-07 submitted by Bethesda Ives, LLC for a Major Subdivision.

Planning Director Graham went over the letter sent by concerned Aberdeen citizens. She went over in detail and addressed each concern.

Alan Cassavant addressed the fact they had asked for relief from the UDO requirement that sidewalks be installed on both sides of all new roads. He wanted the Planning Board to know they had asked for that and they think it is a better plan, but if the Town Board wants sidewalks within the whole subdivision as the UDO shows they are more than glad to do it.

Richard Gergle asked what an alternate to a concrete sidewalk is for walking paths. Planning Director Graham said she has seen mulched paths, but she expects to see in detail what they have planned prior to final approval of the site plan.

Richard Gergle asked if street trees are required in the wetland area. Planning Director Graham said they will review what the soil will support there and will not ask them to put in trees if they will not survive.

Raymond Lee asked does a #18 recommendation need to be added concerning sidewalks. Chairman Ransdell suggested maybe changing recommendation #7 instead of adding a #18 concerning sidewalks.

Jeff McCluskey and Tammy Lyne had concerns about not having concrete sidewalks on both sides and the Town Council saying the plan is not complying with the UDO. They want to make sure that the Town Board understands they are willing to put in sidewalks where required and they are also willing to do some sidewalks and some walking trails, due to wetlands, if recommended by the Planning Board. Planning Director Graham stated when we go to the Town Board she will make it very clear, in the staff reports and elsewhere, the applicants have offered to lay concrete sidewalks on both sides of all roads but this is the "Planning Board's recommendation".

Alan Cassavant asked could the Planning Board put in their recommended conditions, concerning sidewalks, that this is their suggestion but the applicants are willing to put sidewalks everywhere. Planning Director Graham said she was planning on putting it in the staff report but they could list it in the condition as well.

Raymond Lee wanted to go on record to look at it aesthetically, environmentally, and cost wise because this will be something else the city has to maintain.

Chairman Ransdell asked to reword recommended condition #7 and Planning Director Graham suggested it to read "The Planning Board recommends that alternate materials be allowed if they meet the standards identified in the UDO or to allow relief from the sidewalk requirement due to the presence of extraordinary circumstances (wetlands), in which case the Pedestrian Circulation Plan shall comply with what is shown on the 10/19/2015 plan.

Janet Peele had concerns about lots 37 and 38 and changing the setbacks because of the wetlands. She asked can something go on the deed so that potential buyers would know these lots are in the wetlands. Alan Cassavant stated he would be glad to give a copy of the lot survey with the closing documents when they sell a lot; the lot survey shows the wetland lines.

Motion 1 made by Raymond Lee, seconded by Richard Gergle, CU #15-07 is within the jurisdiction of the Planning Board according to the Table of Permissible Uses. Motion unanimously carried.

Motion 2 made by Richard Gergle, seconded by Tim Marcham, CU #15-07 is complete as submitted. Motion unanimously carried.

Motion 3 made by Richard Gergle, seconded by Raymond Lee, CU #15-07, if completed as proposed, will comply with all requirements of the UDO. Motion unanimously carried.

Motion 4 made by Raymond Lee, seconded by Tim Marcham, CU #15-07 satisfies Finding #1: will not endanger public health or safety. Motion unanimously carried.

Motion 5 made by Richard Gergle, seconded by Raymond Lee, CU #15-07 satisfies Finding #2: will not substantially injure the value of adjoining or abutting property. Motion unanimously carried.

Motion 6 made by Tim Marcham, seconded by Richard Gergle, CU #15-07 satisfies Finding #3: will be in harmony with the area in which it is located. Motion unanimously carried.

Motion 7 made by Richard Gergle, seconded by Tim Marcham, CU #15-07 satisfies Finding #4: will be in general conformity with Land Use Plan or other plans specifically adopted by the Board. Motion unanimously carried.

Motion 8 made by Richard Gergle, seconded by Raymond Lee, based on the Findings of Fact and the evidence presented, the Planning Board:

- Recommends approval with conditions as amended of CU #15-07 as follows.
1. Conditional Use Permits (CUPS) run with the land and as such CU #15-07 applies to the entirety of the property reflected in Parcel ID #00054112. An amendment to the CUP is needed to remove property from the CUP or to make changes to the CUP. If an activity is a use by right, it is not subject to the CUP.
 2. The proposed use is authorized by the CUP, however, approval of the CU #15-07 is contingent on a successful inter-departmental review to insure that the development has met all Federal, State and local regulations and permitting requirements, as well as any conditions attached to the CUP approval. Plans submitted for this review shall include, but not limited to, tree survey indicated all trees with a dbh or 12" or greater, utility locations including size, material, and vertical alignment of waterlines, engineering calculations assuring the proposed stormwater measures meet or exceed the requirements Article XVI, Part 2, Drainage, Erosion Control and Stormwater Management of the UDO.
 3. Any and all required permits and/or approvals from other regulatory agencies must be in place prior to issuance of a Notice to Proceed by the Planning Department.
 4. The development is authorized to create a maximum of thirty-eight (38) single family lots and construction documents generally based on the Site Sketch Plan dated October 19, 2015.
 5. Open Space shall generally comply with the 10/19/2015 Site Sketch Plan, including proposed improvements, and in no case may be reduced to less than 20% of the total land area for the development. Prior to approval of the Final Plat for the subdivision, the developer shall establish a Homeowner's Association with covenants to include a policy for maintenance of the open space, including any improvements such as walking trails. A copy of the covenants shall be provided to staff for review and record-keeping. Covenants shall comply with the requirements of §152-179 and §152-180.
 6. Tree harvest and mass grading are not authorized as a result of this approval. Construction documents, including a grading plan, shall be reviewed by staff for compliance with the UDO.
 7. The Planning Board recommends that alternate materials be allowed if they meet the standards identified in the UDO or to allow relief from the sidewalk requirement due to the presence of

extraordinary circumstances (wetlands), in which case the Pedestrian Circulation Plan shall comply with what is shown on the 10/19/2015 plan.

8. The Applicant shall supply Planning Staff with an assessment from US Fish and Wildlife Agency with regards to Red Cockaded Woodpecker, or other protected species, activities on the property prior to site disturbance. Evidence of such activities authorizes staff to require amendments to the plan to minimize impacts.
9. Approval of CU #15-07 is contingent upon a revised site layout plan that shows all rear and/or side lot lines that encroach into the wetlands have been altered to coincide with the wetland boundary when doing so would not make the lot unbuildable. At a minimum, lots 1, 6, 12, 29, 30, 31, 32, 33, 34, 35, and 36 shall be adjusted to meet this condition unless the applicant can provide evidence to staff that the lot will be rendered unbuildable by doing so. Additionally, setback lines on lots 5, 17, 27, 28, 37, and 38 are to be adjusted to coincide with the wetland boundary where doing so will increase the setback area rather than lessen it. Buildability in this instance refers strictly to the lot's ability to meet the dimensional standards required for the district.
10. Streets, sidewalks, waterlines, and sewer and stormwater facilities shall meet all UDO requirements and are to be dedicated to the Town of Aberdeen contingent upon inspection and approval by the Public Works Department. Preliminary and Finals Plats shall identify any and all Town easements related to these facilities. Details shall be reviewed by staff during the Site Plan Review process following approval of the conditional use permit.
11. The Fire Department must sign off on the drawings as well as available capacity for treating fires. Hydrants are required consistent with Fire Department spacing requirements. Adequate turning radius must be provided for the fire trucks currently in use.
12. Prior to approval of final plat(s), all infrastructure must be complete or guaranteed per UDO requirements.
13. Street trees shall be installed prior to final plat approval or as a requirement of the building permit for each lot and shall be consistent with official species list provided in §98.03 of the Aberdeen Code of Ordinances or with "Trees of the Carolinas" (Appendix J of the UDO) and planted at the appropriate rate. Compliance with the street tree requirements will be reviewed by staff and staff is authorized to insure compliance prior to issuing a certificate of occupancy for each lot.
14. Sharrows and marked crosswalks shall be installed or guaranteed prior to final plat approval consistent with the requirements of the Comprehensive Pedestrian and Bicycle Plans.

15. All additional conditions or requirements as provided from the Town of Aberdeen Unified Development Ordinance are enforceable with regards to the proposal CU #15-07.
16. Approval of CU #15-07 is contingent on evaluation of soils by NC licensed Geotechnical Engineer or Soil Scientist where the proposed roads, houses, and utilities will be constructed prior to Site Plan approval. Staff is authorized to require amendments to the plan to accommodate/remedy any evidence of soils unsuitable for building determined by the evaluation. The evaluation shall also include design recommendations for the roadway, wetland crossing, and stormwater and utility improvements.
17. Approval of CU #15-07 is contingent on a hydrologic analysis performed by a NC licensed engineer of the downstream unnamed tributary to Aberdeen Creek to determine if it has sufficient capacity to accept the proposed increase in stormwater runoff as a result of the subdivision proposed by CU #15-07.

Motion unanimously carried.

4. Old Business

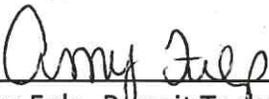
a. General Updates

Planning Director Graham reminded all Board Members of the upcoming Board Event on December 7th at the Postmaster's House.

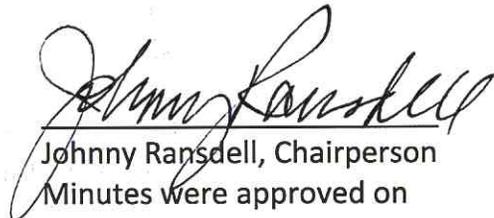
Tim Marcham gave a brief description on attending the open house at the old Gulistan Building.

7. Adjourn

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



Amy Fulp, Permit Technician
Minutes were completed in
Draft form on December 30, 2015.



Johnny Ransdell, Chairperson
Minutes were approved on
January 21, 2016.