

**Town of Beech Mountain**  
**Planning Board Meeting Minutes**

November 3, 2009

***Call to Order:***

Chairman Paul O'Connell called the meeting to order at approximately 9:05 A.M. Other board members present in attendance were Vice Chairman Andy Porter, John Hoffman and Brian Barnes. Director of Planning and Inspections Stanley Hanna was also present for the meeting.

***Adoption of Agenda:***

Brian Barnes made a motion that the agenda be adopted. The motion was seconded by Paul O'Connell and carried with no opposition.

***Approval of Minutes:***

Brian Barnes made a motion that the minutes of the September 1<sup>st</sup> and September 22<sup>nd</sup> meetings be approved. The motion was seconded by John Hoffman and carried with no opposition.

***Discussion of Possible Alterations to Garbage Bins Provisions:***

John Hoffman opened the discussion by questioning whether the Planning Board had authority to make changes to the garbage bins provisions. Stan Hanna noted that as it is within the scope of his job to enforce the ordinance, the Planning and Inspections department should be able to discuss issues that arise through the Planning Board. It was decided that the Planning Board has the ability within its charter to make recommendations to the Town Council on a very wide range of issues that affect the Town, including garbage provisions. Nevertheless, it would be prudent to involve Public Works in the process.

John Hoffman and other Board members noted that many of the litter problems within the town were caused by rental properties. Andy Porter and other Board members discussed whether the ordinance needed more "teeth" to encourage compliance, or possibly whether the existing ordinance just needed better enforcement. Paul O'Connell noted that the garbage bins provisions did not cover their own penalties, and therefore the penalties for violation were the general penalties for violation of any portion of the Code of Ordinances. John Hoffman suggested that the penalties for violations be billed on utility bills.

Andy Porter noted that "bearproofing" of garbage bins was not as important as people simply not overloading their trash bins and leaving trash exposed. It was further discussed that the requirement for staking bins to the ground was not needed, as a bear could turn over a garbage bin regardless of whether it was staked.

Next discussed was the issue of how to track the property owners who choose to “opt out” of garbage bin requirements. Brian Barnes questioned the proposal to require that waiver of garbage services be filed with the deed of a property, due to the expense and impracticality. Stan Hanna noted that rental properties should not be allowed to “opt out” of garbage bin requirements. John Hoffman suggested that those owners who opt out could be tracked with the utility billing computer program. John Hoffman also noted that the garbage collection service dissuades people from recycling. Paul O’Connell suggested that another bullet be added to the “opt out” form that specified that opting out of garbage bin requirements is not to be allowed for rental properties. Stan Hanna still questioned how owners who had purchased a property that had previously “opted out” of garbage services would know that they were not to leave their trash by the road, expecting pickup. John Hoffman answered that such property owners would be notified of the exemption at the time of their utilities application. Andy Porter suggested that the easiest way to know whether someone had opted out of garbage services was by the absence of a trash bin, and that other methods of tracking created unnecessary and burdensome paperwork. It was finally decided that information should be provided to owners upon utility application that garbage service will require garbage bins that meet the town’s standards. It was also decided that an “opt out” form of some type was necessary to ensure property owners knew they were not receiving a service that they are paying for. Such forms do not need notarization, and should simply be approved by the “Town Manager or his designee.”

After discussing these main points, the Board reviewed the individual changes proposed to the garbage bin provisions:

- The Board was agreeable to the change to Section B that would allow “opting out.”
- The Board also was agreeable to the wording in Section C (i.e. that bins shall “...meet or exceed minimum requirements attached hereto...”) in order to clarify that owners are allowed to create bins of alternate, more aesthetically pleasing designs with the approval of the Town Manager or his designee.
- Paul O’Connell questioned the change in Section C that would slowly phase in these requirements by only requiring that bins that are “new, replaced, or substantially modified or repaired” be built to the new standards. Staff explained that such a slow phase in would lead to less opposition, as basically only people who were going to be replacing their bins anyway would have to spend the extra money. He also questioned how people who needed to replace their bins would be aware of the new standards. Staff showed examples of “Notice of Violation” forms that are the impetus for most property owners to replace their bins, and explained that these forms would explain the new standards to property owners. However, there does remain the issue that a person replacing his garbage bin without notification from the town would not know the new standards. It was noted that to help mediate such a problem the town could communicate any changes in the standards through Channel 2. After this discussion, the Board was agreeable to this change as well.

- After some discussion, the Board was also agreeable to the changes in Appendix A, namely the new requirements for lids and “mailbox” flags. Though the use of “mailbox” flags was especially questioned, the Board agreed that it was “worth a try,” especially given that this suggestion was brought about by collection personnel. The board requested that the space between pickets should be changed to read “not to exceed  $\frac{3}{4}$ ”, and that the title for the diagram be changed to “Minimum Garbage Bin Specifications.” The Board also requested that the requirement that bins be staked to the ground be removed.

### ***Discuss Minor Zoning Ordinance Changes:***

The Board then considered the Vacant Lots Provision (**Section 1108/ 154.138**). This issue was raised because the current wording does not specifically prohibit the storage of building materials on vacant lots, which is being done in several locations in town. Upon reflection of the provision, John Hoffman suggested that the wording be changed to prohibit storage of building materials, as well as remove wording that seemed to impractically require that “vegetation shall be neatly trimmed.” Therefore, after our proposed changes this provision would read: “*Vacant lots and open spaces shall be maintained. The accumulation of junk, unsightly debris, and the storage of building materials shall be prohibited.*”

Next the Board considered the discrepancy in the Town’s ordinances regarding how building height is to be measured. **Section 1110/ 154.140** states that building height shall be measured from the “highest point on the original natural grade of the land...” while **Section 401.06/ 154.006** states that building height shall be measured from “the mean between the highest and lowest footings...” After some deliberation and input from Stan Hanna, Paul O’Connell moved that Section 401.06/ 154.006 be altered to read the same as Section 1110/ 154.140- i.e. that building height shall be measured from the highest point on the original natural grade. Said motion was seconded by Brian Barnes and carried with no opposition.

### ***Discussion of Traffic Flow Issues on Elderberry Ridge Road:***

The Board then considered the remediation of traffic flow issues along Elderberry Ridge Road at the intersection with Pinnacle Inn Road. At this location, the road seems to veer to the left, following Pinnacle Inn Road. The painted road lines, markings, and pavement also seem to confirm that the road continues in this direction, causing a conflict because Elderberry Ridge Road actually holds the right of way. The Board discussed that the bulk of traffic at this location actually does travel down Pinnacle Inn Road, and that therefore a stop sign should be emplaced on Elderberry Ridge Road. Other Board members suggested that both roads should have stop signs. After some discussion, it was decided that two stop signs would be better, to slow the traffic leaving the Pinnacle.

Staff then discussed that there may be opposition from people who live down Elderberry Ridge Road to the emplacement of a stop sign at this point. Due to these concerns, it was decided that we would poll various residents of that area to determine their feelings about a stop sign there before proceeding.

***Other Bussiness***

Staff showed examples of a few other projects that are underway, including a panoramic view display for the overlook on Beech Mountain Parkway, and a proposition for a bus shuttle system.

***Adjournment***

Having no further business, Brian Barnes moved that the meeting be adjourned. Said motion was seconded by John Hoffman and carried with no opposition.

**Respectfully Submitted,**

**James Scott  
Secretary to the Board**