

Town of Beech Mountain
Planning Board Meeting Minutes
August 30, 2011

Call to Order:

Chairman Paul O'Connell called the meeting to order at approximately 9:00 A.M. Other Board members present in attendance were Andy Porter, Bill Watson, John Hoffman, Brian Barnes, and Planning Director James Scott were also present for the meeting.

Adoption of Agenda:

Brian Barnes made a motion to adopt the agenda with the amendment that the discussion of the Tree Ordinance would be moved to the beginning of the meeting. Said motion was seconded and carried with no opposition.

Approval of Minutes:

Brian Barnes questioned the wording of one portion of the minutes regarding wind turbines as an accessory use. It was agreed that the wording would be clarified (the word "to" would be added into a sentence to make it read correctly). With that change, Mr. Barnes made a motion to adopt the minutes from the previous Planning Board meeting. Said motion was seconded and carried with no opposition.

Discussion of Tree Ordinance Amendments:

James Scott explained that after working with the current Tree Ordinance for two full summers, he had recognized that there were several parts which he felt could be clarified and expounded upon. He felt that because the Tree Ordinance carries such severe penalties it is important that the ordinance be as clear and easy to follow as possible. He had made multiple proposed amendments which he then read and discussed item by item. The proposed amendments included:

- A definition was added for "injuring a tree." Under the ordinance, any act that injures a tree requires a permit. This definition specified that "Any cutting, trimming, pruning or other method of removing any live part of a live tree shall be considered injurious to the tree." The purpose of this was to address claims that certain acts (pruning, shaping) were actually healthy for a tree and thus such acts did not require a permit. Also this amendment specified that removing limbs under ½ inch was not necessarily "injurious to a tree," unless such removal accounted for a large portion of the tree's canopy.
- It was specified that the attachment of small ornamental decorations such as bird houses that do not substantially threaten the life of a tree were permitted. It was questioned whether this would apply to Christmas lights. It was decided that "seasonal decorations" should be added to the wording to ensure that they are allowed.
- Exemptions section was expanded to explicitly state several provisions that were already mentioned less clearly elsewhere in the ordinance. These are that dead trees and portions of trees are exempt from the ordinance as well as trees under six inches in diameter at four feet above the ground.

During the discussion, Tree Board member Tony Hunter addressed the Planning Board and voiced his support for the proposed amendments. He stated that he was aware of the difficulty of determining what would be harmful to a tree, but that he thought the standards as written were logical.

Bill Watson expressed his sentiment that the tree ordinance over-steps its boundaries. He stated that the original purpose of the tree ordinance was to protect native species, and that now the ordinance made it difficult to do landscaping and take care of their forest.

After discussing all of these items Brian Barnes moved to approve the proposed changes and send them to the Town Council for possible adoption. Said motion was seconded and carried with no opposition.

Discussion of Manufacturing and Processing Regulations:

James Scott re-capped the Board's purposes in addressing this use. The Town of Beech Mountain does not have any large scale manufacturing business, and many residents feel strongly that such uses are incompatible with the residential resort character of the Town. While the Town's size and topography limit the possibility of heavy manufacturing from becoming a reality, it is nevertheless important to have regulations that govern such uses, because in the absence of any regulation they may be allowed by default.

After re-iterating the major components of the ordinance, Mr. Scott explained the changes that he had made since the Planning Board last viewed it. The changes involved the noise that would be permissible by Manufacturing/Processing, Light uses as a Conditional Use. Councilmember Paul Piquet questioned whether the Town's general Noise Ordinances would apply to this situation. It was discussed that it was desirable to have a specific provision that addressed the unique situations posed by manufacturing and processing uses. After some discussion, it was decided that it is preferable to have a specific decibel standard rather than just leave the level of noise that constituted a violation open for interpretation, because the determination as to what is unreasonable may differ among people.

The second major change was to add a standard that specified that raw materials to be used for the manufacturing activity may not be stored within view on the premises. The board was in favor of this provision as written.

A motion was made to approve the changes to the proposed Manufacturing/Processing Conditional Use standards and send them to the Town Council for possible adoption. Said motion was seconded and carried with no opposition.

Comprehensive Planning:

Mr. Scott presented the Board with a revised vision statement that reflected the members comments from the last meeting. The Board approved the changes as written.

Next, Mr. Scott explained that now that the Board had adopted the vision statement, they had direction for the rest of the plan. Mr. Scott explained that he felt the next step should be to develop an outline for the plan that laid out the topics to be discussed therein. He had prepared a draft outline for the Board's review and comments. He explained that he would like to take each of these topics in turn and develop goals, policies, and performance measures for each in the coming months.

The Board then commented on some of the key items and issues that they felt should be part of the plan. Brian Barnes commented that he liked the Watauga County Plan's inclusion of a section that covered the implementation of the plan. He felt that such a section with objectives and timetables would be advisable. He also commented that it would be beneficial to re-order some of the sections in order to ensure that a foundation set up in early chapters and then expanded upon in later sections. For example, he mentioned that it would be important to discuss items like community character, transportation, and infrastructure to set a stage before discussing parks and recreation and future land use. John Hoffman commented that he felt it would be essential to have a chapter about public safety, emergency services, and hazard mitigation plans. The Board agreed that a public safety chapter would be essential to a good plan.

The Board asked that Mr. Scott look into reorganizing the outline of the plan and adding the elements they had discussed for their review and discussion at the next meeting. They felt that the Board should proceed by first addressing the Existing Conditions, Trends, and Projections portion of the plan to create a baseline for the rest of the topics. Mr. Scott responded that he would re-organize the topics and begin research on Existing Conditions, Trends and Projections for the next meeting.

Working Hours/ Noise:

Mr. Scott mentioned that noise and nuisance standards had come up in several recent Planning Board meetings and that there had been much discussion on the topic. He presented the Board with the Town's existing noise ordinance for discussion and questioned them as to whether it needed to be revised.

Paul O'Connell mentioned that he felt that the noise ordinance should have listed decibel level standards because they provided a more objective standard. Andy Porter mentioned that he was in favor of the current standard that allowed for reasonable judgment as to when noise levels are disturbing. It was discussed that certain actions (such as construction work) may intermittently cause noises louder than the allowable decibel standards, but that during business hours such noises should be allowed.

It was discussed that the Planning Board had previously discussed noise standards. The Board asked Mr. Scott to research old Planning Board minutes and see what standards they had previously developed. A motion was made, seconded and carried with no opposition to table this topic until such research could be performed.

Burn Permits:

John Hoffman began by discussing that he had provided the Board members with a copy of state laws regarding open burning. He felt that Beech Mountain's open burning regulations were less stringent than state law.

Mr. Hoffman said that he thought that our ordinances should require all fires to be attended, a source of water should be nearby, and that some sort of permitting or monitoring process should be in place. Paul O'Connell said that he thought Beech Mountain's ordinances prohibited open burning totally. Mr. Scott agreed and felt that the current

ordinance prohibited open burning. Mr. Hoffman explained that what he was concerned about was burn pits and other types of fires that may not be considered “open” burning but that could potentially be dangerous.

The Board agreed that under the current ordinance the only burning that is allowed is that burning from an enclosure from which burning material cannot escape. It was agreed that if the current ordinance is enforced properly it should be adequate to prevent hazardous situations.

Other Business:

Mr. Scott mentioned that the Town Council had passed the Wind Energy Systems but with a limit of 10 decibels of sound, with the expectation that they could modify this when more research was done. The Board agreed that 40 decibels at the property line would be an acceptable standard.

Call to Adjournment:

Chairman O’Connell called for the adjournment of the meeting. Said motion was seconded and carried with no opposition.

Respectfully Submitted,

James Scott

Secretary to the Board