

# **TOWN OF BEECH MOUNTAIN**

## **Planning Board Meeting Minutes**

August 26, 2014

### **Call to Order:**

Chairman Andy Porter called the meeting to order at 9:05 AM. Other Board Members present in attendance were Pete Chamberlin, Matt LaVigne, and John Hoffman.

### **Adoption of Agenda:**

The agenda was adopted as presented.

### **Approval of Minutes:**

An error was noted in that the minutes did not reflect the correct attendance at July's meeting. It was determined that the Board would table approval of the July minutes until the next month.

### **Public Comment Period:**

There were no public comments.

### **Discuss Architectural/ Aesthetic Requirements for the Commercial Thoroughfare**

The Board resumed the discussion of potential Arch/ Aesthetic requirements for the Commercial Thoroughfare by picking up where they had left off previously.

James Scott began by noting that he had recently received a message from Town Attorney Four Eggers that encouraged the Board to revisit the wording of sections of these provisions that listed characteristics of construction as "Permissible" or "Mandatory." Mr. Eggers said that for permitted uses in a zoning ordinance, you could not have requirements that are subjective but not mandatory. Mr. Scott reviewed the history of this language. In the original ordinance from Banner Elk that the Board had used as a template, the language specified certain items that were "allowed" and others that were "prohibited." The Board had previously debated whether this meant that only those things listed as "allowed" were allowed, or whether the list was merely a non-exhaustive list of characteristics that were encouraged. Mr. Scott felt that the intent was to demonstrate some desirable elements that were allowed, but to outright prohibit a smaller subset of elements that were undesirable. Therefore, he had suggested the wording change to "Permissible" and "Mandatory."

Attorney Eggers suggested that perhaps the best way to accomplish the intent of the Planning Board in this regard would be to separate it out into items required in a 'permitted' section (without BOA action), and additional standards which must be met for Conditional uses. The Board agreed that this would be a good way to approach the issue, and Mr. Scott commented that he would work on drafting new language to that effect.

Mr. Scott then began going over other changes to the draft ordinance that had been made since the Board's last meeting. Most of these changes reflected the Board's previous discussion, while other items were suggested by Mr. Scott.

The first of these changes involved the scope of when these provisions would apply. Mr. Scott suggested that perhaps the Board should reconsider including a third situation in which the provisions would apply, as he had re-written portions of it and felt that it would make sense. This third situation was when projects were undertaken on buildings where the cost of the work would be greater than 50 % of the current tax assessed value of the structure. The board agreed to keep this section in as re-written.

The next major change involved the location of buildings on lots. The ordinance as previously reviewed and discussed included several provisions that were intended to encourage buildings to front on the street, to locate close to the street in order to make the atmosphere more quaint, inviting, and walkable. He explained that the traditional method of development in Beech Mountain's commercial areas was more oriented toward automobiles than people. Pete Chamberlin reiterated that he generally was opposed to these changes. He felt that the terrain in Beech Mountain would not generally allow buildings to be located close to the road. He also preferred parking lots in front of buildings, so that passers by could tell if there was anyone there. Andy Porter agreed that he didn't feel that Beech Mountain had terrain that would conform with a requirement for buildings near the street. He just didn't feel that it was feasible or practical and commented that Beech Mountain was not and would never be Blowing Rock.

Matt LaVigne disagreed with Mr. Porter and Mr. Chamberlin, stating that he felt that the Board should be taking action in concert with the Comprehensive Plan, and that the Comprehensive Plan specifically encourages future development to utilize maximum building setback lines in order to create a more walkable and aesthetic environment. James Scott commented on the ease of passing plans when they are hypothetical, but that adopting tangible ordinances is much more difficult when reality and practicality are more prominent in the equation. He also asked the Board to keep in mind that the ordinances would result in incremental changes over time, and that the current layout and situation of Beech Mountain's commercial areas was not the only way things could ever be. Nevertheless, he expressed that the main intent of the Architectural Standards could be achieved without the maximum set backs. The Board then voted to strike provisions regarding the maximum building setbacks. This vote passed, with Matt LaVigne opposed.

The Board then discussed new wording that Mr. Scott had prepared in accordance with their last discussion regarding the dedication of an easement for the Town to construct and maintain a pedestrian walkway. The Board approved the proposed wording.


The next item the Board discussed was a change that Mr. Scott had proposed regarding the required spacing of street trees. Mr. Scott circulated some photos of tree-lined streets with relatively evenly spaced trees and commented that he liked the appearance of those areas. Andy Porter replied that he did not think that Beech Mountain was similar to the areas depicted in the photos and questioned whether regular tree spacing was possible given our terrain. Pete Chamberlin agreed. The Board voted to strike the proposed provisions that would encourage regular spacing of street trees.

Next, the board reviewed that substantial portions of requirements for parking area landscaping and buffering had been removed—in accordance with previous discussions.

**Call to Adjournment:**

Having no further business, a motion to adjourn was made, seconded and carried.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'J. Scott', written in a cursive style.

James Scott  
Secretary to the Board