



DRAFT MINUTES
Planning Board Meeting
Wednesday, February 7, 2023
Pender County Hampstead Annex Auditorium
7:00 PM

MEMBERS PRESENT: Damien Buchanan, Vice-Chairman
Jeffrey Pitts
Jeff Beaudoin
Norman “Ken” Teachey
Margaret Mosca
John Gruntfest

MEMBERS ABSENT: Delva Jordan, Chairman

OTHERS PRESENT: Daniel Adams, Planning Director
Justin Brantley, Senior Planner
Greg Feldman, Long Range Planner
William Welch, Current Planner
Donna Sayre, Planning Technician
Trey Thurman, County Attorney
Members of the Public

1 CALL TO ORDER

Vice-Chairman Damien Buchanan called the meeting to order at 7:01 pm

2 ROLL CALL

3 INVOCATION

4 PLEDGE OF ALLEGIANCE

5 ADOPTION OF AGENDA

Motion to approve agenda with the comment that the Applicant requested that the Rezoning hearing be postponed until the March 7, 2023, meeting was made by Jeff Beaudoin and seconded by Jeffrey Pitts.

Motion to approve

	For	Against	Abstained	Absent
Delva Jordan				X
Damien Buchanan	X			
Jeffrey Pitts	X			
Margaret Mosca	X			
John Gruntfest	X			
Jeff Beaudoin	X			
Norman (Ken) Teachey	X			
	6	0	0	1

CARRIED.

6 ADOPTION OF MINUTES

Motion to approve the January 4, 2023, Planning Board minutes made by John Gruntfest, seconded by Jeff Beaudoin.

Motion to approve

	For	Against	Abstained	Absent
Delva Jordan				X
Damien Buchanan	X			
Jeffrey Pitts	X			
Margaret Mosca	X			
John Gruntfest	X			
Jeff Beaudoin	X			
Norman (Ken) Teachey	X			
	6	0	0	1

CARRIED.

7 PRESENTATIONS

There were no presentations.

8 PUBLIC COMMENT

Doug Holstein, 313 Creekview Drive, Hampstead spoke to the Board. He stated that he is representing the old Deerfield Community Association and is speaking on behalf of himself and his neighbors.

Mr. Holstein stated that a recent Facebook posting implied that the Master Development Plan for Evolve Apartments at Headwaters had been changed and this post has caused an uproar with his neighbors. Mr. Holstein stated that he has been on the phone trying to obtain information to answer the questions that have been presented to him. He asked the Planning Board if they know if the Master Plan has changed and if any closed type meetings occurred to change the Plan without the public being able to give their input.

Mr. Buchanan stated that he does not think anything has changed from the permit that was granted in the past and referred to Mr. Thurman and Mr. Adams for their input on the question. Mr. Daniels informed Mr. Holstein that nothing had changed.

Mr. Holstein stated that when he started receiving calls concerning the Facebook post, he went to the Pender County website and utilized the Planning Department option. He stated that the information listed on the Planning Department site was outdated and still listed Travis Henley as the Director. Mr. Holstein stated that if he was able to access up to date information on the website, he could direct people to the website. He then stated that he is asking the Planning Board to use their influence to get this site updated in a timelier manner.

Mr. Buchanan and Mr. Holstein discussed the timeline and process of the Headwaters Master Plan with the Developers eventually deciding to apply for 174 apartments, which made it by-right. Mr. Holstein stated that it did not come without complications and that Mr. Henley denied the application. Mr. Buchanan stated that Mr. Henley did not deny the application, but rather the Planning Board did. Mr. Buchanan then stated that the Applicant appealed the Planning Board's decision and the Appeal was heard by the Board of Adjustment. The Board of Adjustment overturned the Planning Board's decision. Mr. Buchanan stated that this is how the Planning Board's decision was overturned.

Mr. Adams stated that the lack of updating the Planning Department's website

is a fair critique and that the Planning Department is in the process of updating the website to show current projects, the status of those projects, and new projects moving forward. He stated he appreciates Mr. Holstein's concern and is aware of the updating that needs to be done.

9 PUBLIC HEARINGS

REZONE 2022-41

Motion to approve the continuance to the March 7, 2023, Planning Board Meeting made by Jeff Beaudoin, seconded by Margaret Mosca. The March 7, 2023, meeting will be held at 7:00 p.m. at the Hampstead Annex Auditorium.

Motion to approve

	For	Against	Abstained	Absent
Delva Jordan				X
Damien Buchanan	X			
Jeffrey Pitts	X			
Margaret Mosca	X			
John Gruntfest	X			
Jeff Beaudoin	X			
Norman (Ken) Teachey	X			
	6	0	0	1

CARRIED.

Mr. Brantley informed the public that if they received a notice in the mail, that another notice will not be received due to the continuance taking place during the hearing.

Mr. Buchanan asked where the Planning Board agenda is advertised. Mr. Brantley stated that a rezoning hearing is normally advertised by a mailing, notice in the local newspaper, and a posted sign on the property. The March public hearing for this case will not be advertised by notice in the local newspaper or by a mailer, but would likely be advertised by another sign being posted on the property.

Mr. Brantley stated that after the Planning Board decision, the rezoning will go before the Board of Commissioners for their final decision and that meeting will be advertised by sending out a mailer, advertising in the local newspaper,

and a sign being posted on the property.

10 DISCUSSIONS

Mr. Feldman spoke to the Planning Board concerning an upcoming Text Amendment. He stated that he is referencing Section 8.1.3, "Tree Survey Required." Mr. Feldman then read a section of the Ordinance to the Board members.

Mr. Feldman stated that according to the Ordinance, a Significant Tree Survey would be required for all commercially or industrially zoned properties, as well as Mixed Zoning Districts which would include PD, Planned Development, and RM, Residential Mixed.

Mr. Feldman listed all the species that are shown by the Ordinance to be significant trees. He stated that the diameter of the tree is measured four and a half foot from the ground. Mr. Feldman stated that in addition to the four species that he listed, any tree included in the planting table, which is found in Appendix B of the Ordinance, that has a trunk caliber of twelve inches measured four and a half foot above the ground, is identified as significant, except for Loblolly Pines.

Mr. Feldman added that any tree species planted under a previously approved Significant Tree Mitigation Plan, regardless of its size, will be considered significant.

Mr. Feldman presented the Board members with an example of a previously approved Variance Application that addresses the issue that he was just speaking of. He stated that the property is zoned commercially and was heavily wooded. Due to requirements, the Applicant had to have a Tree Survey completed, which resulted in seventy-seven trees that would need to be mitigated, which would require one hundred forty-four mitigated trees for this particular property.

Mr. Feldman showed that the Applicant illustrated a planting of one hundred and seventeen mitigation trees, which is less than required, but would deem the property to be undevelopable.

Mr. Feldman stated that there is no deviation or other mechanism in the Ordinance other than planting two mitigation trees in place of every significant tree that is removed.

Mr. Buchanan reiterated the process of mitigating trees as the Ordinance currently reads. He stated how trees are often planted to meet the required amount but are not planted in a healthy way so that the trees can live and thrive.

Mr. Feldman informed the Board members of the possible changes that the Planning staff has proposed. One proposal would be to eliminate the mitigation requirements for industrially zoned properties. He stated that while the Planning staff would like to keep the tree mitigation requirements in commercially and mixed zone districts to encourage industry in the county, the staff is proposing to remove Significant Tree Survey within the county's industrial zoning districts, which include GI, General Industrial, and IT, Industrial Transitional.

Mr. Feldman stated that a second proposal would be to remove the required two to one mitigation requirement to a one-to-one ratio requirement.

Mr. Feldman stated that a third proposal, would be to not require the Applicant to replant the same tree that was removed, but to have the ability to replant any tree that is listed by the Ordinance, as a significant tree.

Planning staff's fourth proposal provides that if the Administrator finds that the complete tree mitigation plan is impractical, a fee-in-lieu be made out to the County's Tree Improvement fund. This could help increase vegetation within facilities and parks as well as tree give-away to county residents. He stated that the mitigation fee would be calculated at a two to one mitigation ratio.

Mr. Teachey asked about the Applicant having the ability to plant a certain number of trees and paying a deed-in-lieu for the remainder of trees required. Mr. Feldman stated that this scenario would be an option.

Mr. Buchanan asked if a proposed property is in an Industrial zoning district, would the Applicant need to put money into the deed-in-lieu fund. Mr. Feldman stated that the proposed language would state that no Tree Mitigation Survey was needed, so no funds would need to be paid. Planning staff and Board members would not have knowledge of how many significant trees are on the property due to no survey being required.

Ms. Mosca asked what the original intent of the tree mitigation portion was. Mr. Feldman stated that he feels that the intent was to keep as much vegetation in the area it already existed in. Ms. Mosca stated that if all the trees cannot be planted back, then the vegetation should be planted around the perimeter so that the land does not look so "barren." She stated that the possibility of creating a bigger buffer should be considered to leave the building

area bigger. Mr. Feldman stated that this would increase the curb appeal and others agreed.

Mr. Feldman stated that some neighboring entities will allow a licensed professional to examine and identify trees that are dead, dying, or diseased to be removed from the property without requiring mitigation.

Mr. Gruntfest asked if while examining neighboring government entities, was there any language to protect trees that are larger or older. Mr. Feldman stated that the City of Wilmington classifies trees bigger than twenty inches in diameter as Heritage trees. He stated that Heritage trees typically require a Board of Adjustment Variance to be removed.

Mr. Feldman stated that Staff is still working on the proposed text amendment language but does anticipate presenting formal language to the Board in the near future.

Mr. Buchanan stated that even if the industrial zoning area does not require a Tree Mitigation Survey, he feels that the perimeter buffer is still important. He agrees with Ms. Mosca that a solid perimeter buffer is a good idea to be more visually appealing. Mr. Feldman stated that most perimeter buffers near the road require a Buffer "A", which is the least dense buffer required.

Ms. Mosca asked if Planning staff looked at Charleston, South Carolina and their buffering requirements. She stated that on Hwy. 17, you see shopping centers and so forth set back from the road with very good buffering at the road, which is more appealing.

Mr. Feldman stated that Mr. Brantley brought up the idea of working with North Carolina Department of Transportation on some of the current roadway projects to find out if they may need vegetation, whether in a median or on ramps. The Planning staff is investigating this option.

Mr. Teachey stated that he does not think there is a requirement as to how long a tree has to live and if a dead one needs to be replaced. Mr. Feldman stated that statement is true in the case of mitigation trees but not in the case of landscaping requirements. The Developer is responsible for replanting any vegetation that dies within the first two years.

Mr. Buchanan asked Mr. Feldman to provide an update on the Bike/Pedestrian Plan that is currently being developed within the County. Mr. Feldman provided information as to the current status and future goals of this project.

Mr. Buchanan stated that the adoption of this plan would let the County be eligible for state and federal grants.

Ms. Mosca stated that another idea for the tree mitigation would be to stop using the two to one ratio altogether and consider using a square foot coverage per acre requirement instead. She stated that the County may be locking itself in by using the ratio method.

Mr. Adams introduced William Welch to the Planning Board as a new Current Planner in the Planning Department.

11 NEXT MEETING DATE

March 7, 2023, at 7:00 p.m.
Pender County Hampstead Annex Building
15060 US Hwy 17
Hampstead, NC 28443

12 ADJOURNMENT

Meeting adjourned at 8:31 p.m.