MINUTES
Planning Board Meeting
Tuesday, April 5, 2022
Pender County Public Assembly Room
7:00 PM

MEMBERS PRESENT: Delva Jordan
Jeff Beaudoin
Damien Buchanan
Jeffrey Pitts
Margaret Mosca

MEMBERS ABSENT: John Gruntfest
Norman K. (Ken) Teachey

OTHERS PRESENT: Travis Henley, Planning Director
Donna Sayre, Administrative Assistant
Other Staff and Members of the Public.

1 CALL TO ORDER

Chairman called the meeting to order at 7:01 PM

2 ROLL CALL

3 INVOCATION

4 PLEDGE OF ALLEGIANCE

5 ADOPTION OF AGENDA

a) Motion to adopt agenda

Moved by Jeffrey Pitts, seconded by Damien Buchanan

Motion approved

	For	Against	Abstained	Absent
Delva Jordan	x			
Jeff Beaudoin	x			
Damien Buchanan	x			
John Gruntfest				x

Jeffrey Pitts	x			
Norman K. (Ken) Teachey				x
Margaret Mosca	x			
	5	0	0	2

CARRIED.

6 ADOPTION OF MINUTES

a) Planning Board Meeting Minutes March 1, 2022

Moved by Damien Buchanan, seconded by Jeffrey Pitts

Approved motion to adopt minutes

	For	**Against**	**Abstained**	**Absent**
Delva Jordan	x			
Jeff Beaudoin	x			
Damien Buchanan	x			
John Gruntfest				x
Jeffrey Pitts	x			
Norman K. (Ken) Teachey				x
Margaret Mosca	x			
	5	0	0	2

CARRIED.

7 PRESENTATIONS

8 PUBLIC COMMENT

9 PUBLIC HEARINGS

a) MDP-R 2022-38

Mr. Travis Henley, Planning Director, presented the Staff Report.

Mr. Henley provided that Signature Top Sail NC, Ltd., applicant and owner, and also on behalf of Trust Special, Ruth Kalmar estate, owner, is requesting a revision to the previously approved Master Development Plan for the mixed-use development known as Wyndwater. Specifically, the request is to modify the existing Plan to allow for townhomes in Phases 7 and 11, increase the commercial area within both phases, and remove Phase 10 from the Plan. The Master Development Plan is proposed to reduce in size to approximately 206 acres (from approximately 235 acres) with the total number of units remaining consistent with previous approvals. The property is located to the east of US HWY 17, north of Doral Drive (SR 1693), west of Sloop Point Loop Road (SR 1563), and south of the Cardinal Acres Lane (private) in the Topsail Township.

Mr. Buchanan asked for clarification on the change to the number of units. Mr. Henley provided that the total number of units will decrease by one unit. He added that the section of the project proposed to be removed would be allowed up to three units per acre based on current standards.

Mr. Mike Pollak, applicant and owner, addressed the Board. Mr. Pollak provided that Wyndwater has been developing over the last 8 years and that he is working on adding additional townhomes to the project as well as some additional commercial. This was related to removing townhomes from a previously approved section. Mr. Pollak stated that he would like to bring in some medical offices for the commercial component of this project which has recently been acquired with the intention of incorporating it into the existing Master Development Plan. Next, Mr. Pollak explained that a land swap was pursued with Topsail Greens related to the existing boat and RV storage facility that did not work out. This led to this portion being removed from the request.

Mr. Pollak explained that townhomes have always been a part of the project and added that townhomes are sought after in today's market as they allow a better price point for home buyers. Mr. Buchanan asked for clarification on the medical businesses intended for the commercial area. Mr. Pollak provided that this would be for smaller medical offices and practices such as dentists, doctors, etc., and would not include assisted living facilities. Mr. Jordan asked for clarification on the northern property adjoining the townhomes. Mr. Pollak provided that this area is a part of Topsail Greens. Mr. Pollak added that the density proposed for Wyndwater is consistent with Topsail Greens. Mr. Pollak addressed setbacks and buffers in this area. Mr. Pollak stated that he has heard from adjoining property owners that they would like to see a more open buffer design. Mr. Pitts asked if properties in the flood zone could have flexibility with height allowances. Mr. Henley answered yes and provided that they would need to meet the requirements of the Flood Damage Prevention Ordinance. Mr. Henley addressed the group and provided that he was made aware that copies of the mailed notices were copied placed in private mailboxes without postage which is a violation of Federal law. Al Burfield addressed the Board. Mr. Burfield provided that he is concerned about the impact on his septic system in proximity to a proposed stormwater pond, the impact of a potential TIA on needed road improvements, as well as the uncertainty of who will maintain Topsail Plantation Drive which is a private road owned by Wyndwater. Anthony Whitmore addressed the Board. Mr. Whitmore requested consideration for preserving a natural barrier at a portion of the property boundary for Phase 11 around Ensign Drive and Fathom Court to help preserve the existing natural area. James Quaglia addressed the Board. Mr. Quaglia provided that he is seeking clarification on the maintenance of existing roads and the septic suitability of several lots. Mr. Quaglia stated that he is concerned with heavy equipment going over drain lines that run under the roadway.

Becky Maness, Vice President of the Topsail Greens HOA, addressed the Board. Ms. Maness provided a handout and stated that she is concerned with Topsail Greens' septic lines. Ms. Maness requested that Phase 7 be denied and modified to protect the existing water system.

Arthur Mark addressed the Board. Mr. Mark provided that he lives of Plank Ct and is concerned about stormwater runoff in his vicinity.

Casey Gunn addressed the Board. Ms. Gunn provided that she is concerned that the golf course which is a great community open space will be developed leaving no open space for the community.

Kimberly Zampitella addressed the Board. Ms. Zampitella provided that the areas around the proposed phases 7 and 11 are home to many forms of wildlife such as the red-cockaded woodpecker. Ms. Zampitella provided that habitat loss for wildlife is undesired.

Micheal Milko addressed the Board. Mr. Milko provided maps from the North Carolina Fish and Wildlife Service and stated that he is concerned with the potential impact on the nature area such as the freshwater ponds. Mr. Beaudoin clarified that the developer will be responsible for performing a wetlands delineation.

Mr. Dave Gunn addressed the Board. Mr. Gunn provided that his main concern is water and sewer infrastructure in regard to the existing system in the area. Mr. Gunn stated that he would like to know where wastewater will go. His additional concern was uncertainty about the increase in population the community will see as a result of approval.

Andrea Wheatley addressed the Board. Ms. Wheatley stated that she is concerned with the process and asked for clarification on the buffer requirements.

Andrew Atkinson addressed the Board. Mr. Atkinson provided that he is representing residents on Breakers Court and Admiral Court. Mr. Atkinson provided that he is concerned with the proposal as the community is susceptible to flooding. He also shared concerns about traffic where the community meets US HWY 17. Next, Mr. Atkinson provided that members of the community are concerned with the density associated with the proposal. He added that there should not be more development in this area until the Hampstead bypass is complete.

Lynne Fedor addressed the Board. Ms. Fedor shared concern that this area is rapidly developing and that the character of the area is in jeopardy. Mr. Henley provided clarity by explaining buffer requirements and the various options a developer may pursue. He explained that required buffers are determined by adjacent uses with the C Buffer being the most intense. Mr. Jordan asked for clarification on the green space or open space within the community and how this would be impacted. Mr. Henley provided that this is evaluated at the Master Plan level and added that overall, the project is providing 36 acres of open space spread throughout the phases.
Mr. Buchanan asked if a TIA would be performed. Mr. Henley provided that the TIA would be required to be updated to inform needed road improvements. Mr. Buchanan asked for clarification on utilities in relation to existing infrastructure including septic systems and associated easements as well as road maintenance in relation to construction trucks. Mr. Henley provided that water will be provided by Pender County Utilities with sewer being provided by Pluris. Mr. Jordan asked for clarification on elevation requirements in terms of the flow of water. Mr. Henley provided that Pender County does not prohibit fill being brought in to improve the elevation of properties and added that this would need to be approved by NCDEQ. Mr. Henley stated that water being potentially redirected should be addressed by stormwater engineering. Mr. Pitts asked for clarification on existing water, sewer, and septic lines and associated easements. Mr. Henley provided that he would defer to the applicant for knowledge of existing easements. Ms. Mosca asked if the proposed townhomes would be on sewer. Mr. Henley provided that the proposed townhomes will be serviced by Pluris.

Mr. Pollak addressed Mr. Burfield’s concern and provided that the stormwater pond shown indicates the potential location and added that the actual location will be designed based on all applicable requirements. Mr. Pollak provided that he is aware of the existing water and sewer lines and stated that everyone will be addressed. The current plans at this stage do not address this level of detail. He continued and stated that he spent one-quarter of a million dollars on a new well for the community and intends to address all concerns related to the existing infrastructure. Mr. Pollak stated that he intends to work with the community and comply with all applicable rules. Mr. Pollak added that he wishes to explore preserving the natural vegetation within buffers as well as limiting wetland impacts. Mr. Pollak reiterated that this plan is conceptual and that once site-specific design occurs existing wetlands may cause changes to the layout of proposed buildings. Mr. Pollak addressed concerns about road conditions and traffic. Mr. Pollak briefly discussed the history of the HOA in terms of road maintenance. He added that if the community wanted to work to improve the existing road and would be open to getting involved. Mr. Pollak provided that he intends to bring drainage improvements to the community. Mr. Jordan stated that he is concerned with fill diverting water to existing developed properties. Mr. Pollak provided that the engineer would design to the applicable requirements to ensure that the system works in terms of drainage and water flow. He clarified that the proposal would not be allowed to divert water to existing properties. Mr. Buchanan asked what storm event the proposed stormwater infrastructure be designed to.

Mr. Garry Pape, the engineer, provided that the system will be designed for the 25-year Page 5 of 7 storm event. Mr. Henley stated that this is the minimum requirement for stormwater engineering. Mr. Atkinson addressed the Board. Mr. Atkinson stated that the project area is within a basin and reiterated that there is a significant concern with water flow and drainage in this area. Mr. Jordan asked Mr. Henley if Topsail Greens has an HOA. Mr. Henley answered yes and clarified that Wyndwater has a separate HOA. Mr. Pollak stated that Plantation Drive does not have an HOA. Mr. Henley provided that this section was established prior to statutory requirements for HOAs. Mr. Buchanan reiterated his concern that the large portion being removed from the project may be re-entitled to allow a specific density. Mr. Henley stated that the Zoning Map is set by the County Commissioners and clarified that the Future Land Use Map informs what types and intensities of developments are generally desired. Mr. Buchanan stated that he would like to see stormwater infrastructure engineered for the 100-year storm event. Mr. Henley clarified that the Planning Board is tasked with providing an administrative review and decision for the proposal.

Moved by Damien Buchanan, seconded by Margaret Mosca

Mr. Buchanan made a motion to table the item until the next meeting and hold the meeting in Hampstead. Mr. Buchanan requested that the applicant highlight the buffers on the map with additional visual representations for the buffer types that will be utilized to add clarity. Mr.

Buchanan also requested clarification on the existing utility lines and how the proposal will not impact these areas. Ms. Moska requested a survey of existing utilities to better address the concerns of the community. Ms. Moska made a second and the motion unanimously carried with a 5-0 vote.

	For	**Against**	**Abstained**	**Absent**
Damien Buchanan	x			
Delva Jordan				
Jeff Beaudoin				
John Gruntfest				x
Jeffrey Pitts				
Norman K. (Ken) Teachey				x
Margaret Mosca				
	1	0	0	2

CARRIED.

b) REZONE 2022-30

Mr. Greg Feldman, Planner, presented the Rezoning application. Mr. Feldman provided that the request is for two tracts totaling approximately 2.2 acres of land from the RP, Residential Performance zoning district to the GB, General Business zoning district. Planning staff recommended approval of the rezoning request, citing consistency among the application and Future Land Use Map along with three policies within the Pender 2.0 Comprehensive Plan.

Cole Burack, the applicant, addressed the Board. Mr. Burack suggested to the Planning Board that his application has the potential to better the surrounding area by bringing commercial development to Hampstead. Mr. Burack then suggested developing the property commercially would enhance its current state.

Mr. Buchanan made a motion to recommend approval of the rezoning application, citing consistency with policies 5.1.D, 5.1.H, and 5.1.K from the Pender 2.0 Comprehensive Land Use Plan. Mr. Buchanan also stated that commercial development on the property would be an improvement to the community. Mr. Pitts seconded the motion and it passed unanimously with a 5-0 vote.

Moved by Damien Buchanan, seconded by Jeffrey Pitts

Mr. Buchanan made a motion to recommend approval of the rezoning application, citing consistency with policies 5.1.D, 5.1.H, and 5.1.K from the Pender 2.0 Comprehensive Land Use Plan. Mr. Buchanan also stated that commercial development on the property would be an improvement to the community. Mr. Pitts seconded the motion and it passed unanimously with a 5-0 vote.

	For	**Against**	**Abstained**	**Absent**
Delva Jordan	x			
Jeff Beaudoin	x			
Damien Buchanan	x			
John Gruntfest				x
Jeffrey Pitts	x			
Norman K. (Ken) Teachey				x
Margaret Mosca	x			
	5	0	0	2

CARRIED.

10 DISCUSSION

11 NEXT MEETING DATE

May 4, 2022 at 7:00 PM

12 ADJOURNMENT