



Town of Beaufort, NC

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Town of Beaufort Planning Board Regular Meeting 5:00 PM Monday, March 21, 2022 Minutes

Call to Order

Chair Neve called the March 21, 2022 Planning Board meeting to order at 5:00 p.m.

Roll Call

Chair Neve asked Secretary Anderson to conduct a roll call.

In attendance: Chair Neve, Vice Chair Merrill, Member Bowler, Member LoPiccolo, Member Meelheim, Member Vreugdenhil, Member Willis.

Secretary Anderson declared a quorum present.

Also present for the meeting were Town Manager Todd Clark, Fire Chief Tony Ray, Town Attorney Arey Grady, Kyle Garner, Samantha Burdick, and Laurel Anderson.

Agenda Approval

Chair Neve stated that it had been suggested to move Public Comments to the beginning of the meeting as was custom with the Board of Commissioners and as had been done in the past with the Planning Board.

Member Vreugdenhil made the motion to amend the Agenda to move Public Comments to the beginning of the meeting and Member Bowler made the second.

The attorney for the applicant Beaufort Agrihood Development LLC, Eric Remington, interjected at this point and objected to the reordering of the presentation of information. Chair Neve stated that in over a decade of serving on the Planning Board the Public Comments for the most part have been at the beginning of the meeting, and had only been moved to the end of the meetings very recently. Town Attorney Arey Grady stated that the Board has rules of procedure that have been in place for many years and noted that those rules set out the order of business, the order being the following: the discussion and revision of the proposed Agenda and the adoption of the Agenda, the approval of Minutes, Public Comment, Items for Consideration, and Administrative Reports. He further stated that to the extent that the Board was changing anything, they were changing to be consistent with their own rules.

Chair Neve took a vote that was unanimous.

Voting yea: Chair Neve, Vice-Chair Merrill, Member Bowler, Member LoPiccolo, Member Meelheim, Member Vreugdenhil, Member Willis

Minutes Approval

1. PB Draft Minutes for 02.21.22

Chair Neve asked if there were any changes to the Minutes from the February 21, 2022 meeting and hearing none, he asked for a motion.

Member Meelheim made the motion to approve the minutes and Member LoPiccolo made the second. Chair Neve took a vote that was unanimous.

Voting yea: Chair Neve, Vice-Chair Merrill, Member Bowler, Member LoPiccolo, Member Meelheim, Member Vreugdenhil, Member Willis

Public Comments

Chair Neve introduced Public Comments and stated that all commenters would be limited to three minutes and asked for all commenters to maintain a civil tone. He also stated that the Planning Board had received a lot of formal correspondence on the project and noted for the record and confirmed that the correspondence was shared with all Board members. The following commenters spoke during this time and all expressed concerns with the Salt Wynd project including: runoff, storm problems, the application being incomplete, CAMA permitting, Gibbs Creek being the last open shellfishing area, highly irresponsible development, the preservation of coastal lands, the legal obligation to keep clean water in the creek, stormwater reviews not included in application, lack of a master plan in the application to inform decision makers and public, the last open tidal estuary not closed to shellfish, and the area being a refuge for birds.

Dr. Susan Schmitt, 1527 Ann St, Beaufort NC
Martha Kenworthy, 109 Holly Ln, Beaufort NC
Harriett Altman, 103 Leonda Dr, Beaufort NC
Dr. Jud Kenworthy, 109 Holly Ln, Beaufort NC
Dr. Hans Paerl, Yaupon Ln, Beaufort NC
Alex Hardee, 52 Davis Circle, Chapel Hill NC
Logan Louis, 900 Cedar St, Beaufort NC
Frank Gillikin, 204 Howland Parkway, Beaufort NC
Rebecca Dronan, 511 Jones Ave, Beaufort NC
Ana Zivanovic-Nenadovic, 3609 NC 24, Newport NC
Sarah Spiegler, 130 Charles St, Beaufort NC
Charlie Denton, 711 Bland St, Beaufort NC

Mr. Remington objected to the content of the public comments, stating that the subdivision ordinance was a ministerial process, a “check the box kind of system”, where if the people meet the list they should be approved. He further stated that all of the talk about the new draft Land Use Plan, the Resilient Beaufort Plan, other master plans and climate change, are all irrelevant, immaterial comments that should not be considered by the Planning Board in determining whether the application should be approved. Mr. Remington said that the individuals, some of whom are not residents and organizations with no standing, should not be allowed to make those kinds of comments. He objected to the comments, saying they were highly prejudicial and asked the Board not to consider them.

Presentations

At the request of the Town, Mr. Karl Blackley of Blue Treasure LLC and Preston Development Co. offered to come back at a later time to answer questions from the Board regarding the history and future of the Beau Coast and Beau Coast West developments.

Mr. Kyle Garner asked the Board to send any questions for Mr. Blackley to Town Staff to forward to Mr. Blackley.

Old Business

1. Preliminary Plat for Salt Wynd Preserve Phase I

Mr. Garner gave an overview of the Salt Wynd Phase I plan and showed a slideshow of Phase I including streets, utility layouts, and building lots.

Ms. Samantha Burdick gave a presentation of existing environmental conditions and gave a slideshow of maps which the Town had included in earlier packets for Board review. The maps included a National Heritage Program Biodiversity & Wildlife Habitat Assessment, which illustrated the high habitat quality of the proposed subdivision area. The next map was the NC Coastal Region Evaluation of Wetland Significance, showing the designation of exceptional coastal wetlands also in the proposed subdivision. The last slide showed NC Marine Fisheries Shellfish Sanitation: Shellfish Harvesting Closures, of which Gibbs Creek, which adjoins the proposed subdivision, is the last remaining open shellfish harvesting tidal estuary in Beaufort.

She also explained the Town of Beaufort's Watershed Restoration Program, which was adopted in 2017 and certified by the state. The program is targeted to reduce runoff and increase water quality throughout the three watersheds studied in the plan. Two objectives of the plan include ensuring new development and redevelopment do not create additional water quality impairments and reducing the volume of stormwater runoff from existing private land uses.

Ms. Burdick showed more slides showing Gibbs Creek designated as the only conditionally approved open shellfish harvesting area.

At Chair Neve's request, Town Attorney Arey Grady explained the subdivision preliminary plat approval process. He stated that the approval would not go to the Town Commissioners and the Planning Board would make the final decision.

Members Bowler and Vreugdenhil asked questions regarding the streets in the proposed subdivision. Member LoPiccolo asked if there were any deficiencies of the developer in the subdivision ordinance, and Mr. Garner stated there were no deficiencies from a technical standpoint. Mr. Garner said that Board had an opportunity to request an Environmental Impact Study under the Subdivision Ordinance criteria referenced in the NCGS 113A North Carolina Environmental Policy Act 113A-2. Member LoPiccolo asked if there were any grounds on which the Board could deny specifically based on the Environmental Impact Statement, and Mr. Grady stated that there was no specific provision in the Town's ordinance which allows that, and no provision for evaluation or how you can use it or not use it.

Member LoPiccolo then asked if a CAMA permit was specifically required and Mr. Garner answered that it would not be, but individual work that is done based on the plat may require CAMA permits. He stated that any new development that would take place in an area of environmental concern usually does require a CAMA permit.

Member Vreugdenhil asked what other agencies, if any, had reviewed the proposal, and Mr. Garner said that DOT had reviewed it and someone else had stated that CAMA had reviewed it. Member Vreugdenhil stated that he wanted to ensure that Section 3 of the Subdivision Ordinance was followed in that the Coastal Area Management Officer or Coastal Resources Commission would be given opportunities to make recommendations. Chair Neve read further in the Ordinance that the Board has the ability to request that the plat be submitted to, among other places, CAMA or the Soil Conservation Services Office or any other office for review.

Chair Neve then gave the applicant an opportunity for their presentation. Margaret Chalk presented first for the design team and gave a brief project overview. Lin Stroud then spoke and explained that permitting is required before any development can begin. He also stated that they would not be building homes in the wetlands area.

Some concerns noted by the Board and discussed with the applicant's team included drainage areas of swales going into the areas of environmental concern, shared driveways, minimum road elevation in the flood plain area, dead end streets, long cul-de-sacs, flag lots, CAMA and other organization reviews of the application.

Member Merrill made the motion to table Preliminary Plat for Salt Wynd Preserve Phase I until the Environmental Impact Statement, CAMA, and Coastal Resource statements are received as is allowed by the subdivision ordinance. Member Meelheim made the second.

The applicant's attorney Mr. Remington stated that the Board had never required an EIS before and they had met all requirements, and to require an EIS now was not appropriate and they objected to it. Members Merrill and Vreugdenhil and Chair Neve responded that with the unique nature of the property it was the Board's right to request an EIS to inform their decision.

Chair Neve took a vote that was unanimous.

Voting yea: Chair Neve, Vice-Chair Merrill, Member Bowler, Member LoPiccolo, Member Meelheim, Member Vreugdenhil, Member Willis

New Business

1. Zoning Text Amendment – Duplexes as a Permitted Use in the TR Zone

Chair Neve opened the New Business and Kyle Garner presented the on behalf of staff. Mr. Garner noted that the presentation was in the packet. He stated that duplexes had originally been permitted in the ONI zoning which had been rezoned as TR, and at that time duplexes were changed to requiring special use permits. The Board discussed driveways and parking, existing duplexes, ownership of duplexes, affordable housing needs, and the evidentiary process for special use permits.

Chair Neve asked for a motion to open the public hearing.

Member Vreugdenhil made the motion to open the public hearing and Member Meelheim made the second. Chair Neve took a vote that was unanimous.

Voting yea: Chair Neve, Vice-Chair Merrill, Member Bowler, Member LoPiccolo, Member Meelheim, Member Vreugdenhil, Member Willis

The applicant, Joyce McCune, 608 Ann St, then spoke and explained that they had built some duplexes but the zoning had then changed before they could finish building, so she and her husband had applied for the zoning text amendment.

Chair Neve asked if there were any other public comments.

Logan Louis, 900 Cedar St, spoke in support of the text amendment and said that duplexes should be a right and not require a special use permit, and the town should encourage affordable housing.

Charlie Deaton, 711 Bland St, also spoke in support of the text amendment.

Chair Neve asked for a motion to close the public hearing.

Member Meelheim made the motion to close the public hearing and Member Bowler made the second. Chair Neve took a vote that was unanimous.

Voting yea: Chair Neve, Vice-Chair Merrill, Member Bowler, Member LoPiccolo, Member Meelheim, Member Vreugdenhil, Member Willis

Member Vreugdenhil read the approved permitted uses for the TR zone and noted that duplexes were no more detrimental than some of those uses, and recommended approval.

There was more Board discussion about unintended consequences of approving duplexes as a permitted use in the TR zone, density, and consistency with and subdividing lots.

Member Willis made the motion to approve the zoning text amendment and Member Vreugdenhil made the second. Chair Neve took a vote that was unanimous.

Voting yea: Chair Neve, Vice-Chair Merrill, Member Bowler, Member LoPiccolo, Member Meelheim, Member Vreugdenhil, Member Willis

Commission / Board Comments

Member Vreugdenhil thanked the town staff for a thorough and comprehensive packet

Member Bowler said that there had been a significant amount of learning through Resilient Beaufort etc. and urged the town staff, elected officials, citizens, and Boards to ensure that everything learned was incorporated in the comprehensive update and LDO update, and that everything learned was practically applied. She also stated that resiliency included inclusion and equity to ensure that Beaufort is a great place to live for everyone.

Member LoPiccolo stated that the urgency is here, and that we have the LDO and environmental focuses in our town and we should move faster to get those protections in place to help shape the community without destroying the natural preserves and heritage here. He said that it seems to be very difficult to get to that point so the Boards can legally make decisions to approve or deny subdivisions, and they also need to look at higher density, affordable housing and the needs of the town.

Member Willis said that the comment had been made that some things had not been done in the past, and stated that we don't have to continue what was done in the past; we have more information and are getting it out there to the public. He stated that because of the citizens, applicants are bending to more of the ecological impacts.

Member Meelheim said that the issues to be decided don't have to be rushed and we need to get it right, it is so important and we need to get it right as much as we can.

Vice-Chair Merrill commented that it was nice to be back meeting in person. He also said that some things that people accept as a given, like higher density means more affordable housing are not always correct. He has also noticed more fences and barriers being put up close to the road and it appears that public property is being taken over, which could lead to safety and ownership issues.

Chair Neve agreed that it was nice to be back meeting in person, and was looking forward to the new CAMA plan and LDO and asked the Board to make lists of what had gone well or not over the past ten to fifteen years. He also said that in the past applicants have come before that Board before their plans are submitted, for suggestions from the Board, and asked the staff to come before the Board to ask for suggestions before submittals.

Staff Comments

Mr. Garner stated that the old County Home was going through the State Historic Preservation and federal grant cycles and are planning to keep the existing property. He responded to Member Merrill regarding the illegal fencing around the town. He also said that Samantha Burdick was putting together a table or matrix showing the different environmental plans already in place for the Boards to refer to, and that the updated CAMA plan and Resiliency plans were on schedule for the next meeting. The town attorneys will also be training all of the Boards in April.

Adjourn

Member Vreugdenhil made the motion to adjourn and Vice-Chair Merrill seconded the motion. Chair Neve took a vote that was unanimous.

Voting yea: Chair Neve, Vice-Chair Merrill, Member Bowler, Member LoPiccolo, Member Meelheim, Member Vreugdenhil, Member Willis.

Chair Neve then declared the meeting adjourned.

Ryan Neve, Chair

Laurel Anderson, Board Secretary