

**TOWN OF BLACK MOUNTAIN  
PLANNING BOARD**

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The Black Mountain Planning Board held its regular meeting on Monday, March 25, 2019 at 6:00 p.m. in Town Hall at 160 Midland Avenue, Black Mountain, North Carolina.

**I. CALL TO ORDER**

The meeting was called to order with the following members present:

Peter Vazquez, Chair  
Pam Norton, Vice Chair  
Jennifer Willet  
Lisa Milton  
Jesse Gardner  
Michael Raines  
Scott Reed

Staff:

Jennifer Tipton, Zoning Administrator  
Jessica Trotman, Planning Director  
Ron Sneed, Town Attorney

The meeting was called to order at 5:59 p.m. and duly constituted and opened for business with a quorum of seven (7) regular members.

**II. ADOPTION OF AGENDA**

Lisa Milton made a motion to adopt the agenda as presented. The motion was approved by consensus with a vote of 7-0.

**III. ADOPTION OF MINUTES**

Lisa Milton made a change to the February 25, 2019 minutes regarding the number of rooms in bed and breakfast inns so that it would be seven instead of nine. Ms. Milton had a question regarding the project sheet for the Blue Ridge Road and that the zoning is shown wrong and that some of the lots are shown in different colors. Jessica Trotman said that her understanding is that some of the lots were shown as pre-existing non-conforming uses and some lots that might be more susceptible to change.

Pam Norton made a motion to adopt the minutes of February 21, 2019 and February 25, 2019 as amended. The motion was approved by consensus with a vote of 7-0.

**IV. OLD BUSINESS**

**1. Right-of-Way Closure for Remainder of Campbell Street**

Ms. Tipton presented the petition of the Planning Board to close the remainder of Campbell Street after the recommendation to close the original petitioner's request to close the upper portion of Campbell Street. Ms. Tipton said that all property owners had been notified and that only one phone call was received and they were in favor of the closure. The public hearings will be synced to be done at one time so all notification will be done at the same time. Lisa Milton made a motion to recommend the closure to the Board of Aldermen. The motion was approved by consensus with a vote of 7-0.

**V. NEW BUSINESS**

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**1. Presentation of Greenway Master Plan Update**

Jessica Trotman introduced Leslee Temple, member of the Greenways Commission, and thanked her for all of her hard work in updating the Greenway Master Plan. Leslee Temple gave a brief overview of the update and that one of the major reasons for the update is for a funding tool and to make sure all state and regional trails are incorporated. The update will also include prioritization of the trails and highlight the six existing trails and to make the document more professional.

Jesse Gardner asked about the Riverwalk Greenway and Ms. Temple explained where the greenway will go and that the project is listed as funded. The categories include funded, high priority, medium priority and low priority. There is a map showing all the trails and their rankings. The Ridgecrest Trail will feed into the Riverwalk Trail and will follow the railroad tracks to the town boundary. The Hemphill property is not identified on the plan as the town does not yet own the property. The Swannanoa River Trail will follow the river and the proposed trails are not exact as the planning process has not started. Some discussion was held about the type of material to use on the trail and it was determined that asphalt is looking to be the best material for various reasons including accessibility and low sedimentation runoff. The rankings were done based on probability of funding. There are no new greenways proposed in the plan. There will be a public hearing with the Board of Aldermen and the plan will be made available to the public.

Jesse Gardner made a motion to recommend the Greenways Master Plan update to the Board of Aldermen. The motion was approved by consensus with a vote of 7-0.

**2. Padgettown Road Major Subdivision Sketch Plan Review**

Town Attorney Ron Sneed explained that the review is only for the sketch plan and shows what it is required on the checklist. Ms. Tipton presented the board the sketch plan for a major subdivision on Padgettown Road for 40 lots. Ms. Tipton went over the sketch plan and noted that there were a couple of items missing, including topography and use of the property. Ms. Tipton then introduced developers Todd Chambers and Jamey McConnell, and engineers Mark Brooks and Eric Hutchinson. Ms. Tipton noted that the sidewalk is shown only on areas where the slope is less than five percent and anything greater than five percent will be a mulched path for safety. All road dimensions are in compliance with Appendix D of the Fire Code and the secondary ingress and egress will be gated off of Belle Grove Road. The main entrance will be off of Padgettown Road. Stormwater plans have been submitted for review. Lisa Milton asked about the three lots that were done as a minor subdivision and why they were not incorporated into the major subdivision. Ms. Tipton said that in regards to MSD, the three lots were looked at separately but the allocation had expired and for some reason were included in the allocation for the forty lots. The first lots were not included as at the time the developers were not sure about the back half of the lot. Ms. Trotman said that staff is hesitant to place financial burdens or expectations on developers if they are not ready in particular if the outcome will not change such as density would not be greater and infrastructure demands would not be greater. Attorney Sneed mentioned that minor subdivisions typically have access and utilities and therefore have fewer requirements. Mr. Gardner asked about stormwater and the upper three lots and Ms. Trotman said that staff had talked to the developer and they will be managing water on those three lots. Todd Chambers thanked the board for looking at the sketch plan and said that he feels they have met all requirements and are coming in at less density than allowed and providing more greenspace than required.

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**Frank Jordan, 388 Avena Road**, asked about the access onto Belle Grove Road and that he had been asked at one time by the former owner for forty feet of his property. Ms. Tipton explained that Belle Grove Road will be for emergency vehicles only and will not be used for general traffic and that there is twenty feet available for access. Ms. Milton asked about the twenty feet because the plat only shows ten point seven-two feet and is wondering where the twenty feet comes from.

**Mark Brooks, Brooks Engineering**, said that the twenty feet comes from a deeded easement that grants access onto Belle Grove Road and a portion of the property is in the deeded easement. Ms. Milton said that one of the notes shows that the plat was done without a title search and said that there was no information about the easement available for the board to look at. Mr. Brooks said that they had talked to an attorney about the easement. Mr. Gardner asked if all homes would be modular and Mr. Chambers said that they would all be modular. Mr. Gardner asked about the sidewalk and the reason for the mulch paths and it was explained that it would be for safety and traction on the steeper parts of the property. Ms. Milton asked about documentation from the Fire Department regarding pressure on the fire hydrants. Ms. Trotman explained that they were involved in the tech review and water capacity was determined but staff does not know if hydrant tests have been done. Proposed hydrants are shown on the civil plans which typically do not get shown to the board. An easement from the neighbor has not yet been obtained for sewer but there are other plans in place should an easement not be granted. Ms. Tipton confirmed that Padgettown Road is a town maintained road. All turnarounds are in compliance with Appendix D in terms of measurements. Mr. Gardner suggested a turnaround be considered at the dead-end where the emergency gate will be located.

**Sam Webber, 663 Padgettown Road**, spoke about the conditions of Padgettown Road and provided some photos of the conditions of the road.

Attorney Sneed reminded everyone that the board has no control over the conditions of the road and that the board is just to make sure the plan meets the checklist. The zoning district allows lots of the size requested and a major subdivision is permitted by right if all the technical requirements are met which is what the board is doing at this time. Most of the concerns are not the purview of the board. Chair Vazquez asked that comments be made to the technical review and not to personal taste.

**Elaine Loutzenheiser, 410 Avena Road**, said that since the board is a recommending body that the board consider recommending the Board of Aldermen consider the condition of the road in light of this development. Ms. Loutzenheiser encouraged everyone to go to the Board of Aldermen.

**Amy Hoffman, Arrow Point Trail**, expressed concerns about flooding and the roads. Ms. Milton said she thinks the concerns go back to stormwater and Ms. Trotman said that the plans have been submitted but are not the purview of the board and are not a qualifier of the subdivision checklist. Ms. Trotman said the board cannot determine adequacy of the stormwater and also cannot deny the application based on stormwater.

Chair Vazquez asked about a traffic impact analysis and referenced a section in the ordinance and Attorney Sneed said that the section references an ordinance that no longer exists. Ms. Trotman said that because the density is lower than allowed it becomes harder to require a traffic impact analysis because then you would have to start requiring one for every project.

**Emily Sampson, 701 Padgettown Road**, asked if there any tree ordinances or a tree board and she was referred to the Urban Forestry Commission but the town would not have been able to do

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anything about the tree as it is private property and we do not prohibit the cutting of trees on private property.

**Phil Holderman, 532 Padgettown Road**, asked about emergency vehicles and when the emergency access would be used and it was explained that it would only be used when the primary access is blocked. Mr. Holderman expressed his concerns about the conditions of the road and the amount of traffic that would be added. Mr. Holderman asked about the backup plan for sewer if Ms. Taylor does not grant an easement.

**Greg Juckett, 564 Brandon Road**, said his concern is the topography of the traffic and if it would be passable in the wintertime and that the property is being clear cut and could cause erosion and flooding.

**Terry Dalton, 351 Avena Road**, expressed concerns about the creeks and flooding and a buffer area.

**Erik Iverson, 385 Avena Road**, asked about the condition of the culvert on Belle Grove Road and if it would support the weight of all of the trucks and if the culvert were to collapse how would people get out of Belle Grove Road.

Mark Brooks, Brooks Engineering, stated that they could not do anything about the condition of the road but did say that the additional homes would add additional tax base which might help with funding. A stormwater management has been designed and most of the management systems will be underground and was designed more towards Buncombe County's design standards. All of the home sites are above the creeks and the culvert towards Padgettown Road will be replaced and the culvert off of Belle Grove Road was replaced several years ago by MSD so should not be too old and looks to be in decent shape. The emergency access will use primary access at all times unless there is an issue. Erosion control plans will go to Buncombe County for review and approval and enforcement will be done by Buncombe County. The original road was around fifteen percent slope but with the culvert replacement the road is now about ten percent or less. The developers were told at the beginning that they did not need a traffic impact analysis as forty-two homes is typically a small development that would not need an analysis and the analysis would not factor in the conditions of the road. The sewer easement needed is not the only provision for sewer and there are other methods but they are more costly and time consuming. The timeframe is estimated at twenty-four months for completion. The developer does plan to turn the roads over to the town upon completion of the project. Ms. Milton talked about the toll that the equipment will take on the road and that the road will probably deteriorate further and suggested that the road should be paved after the completion of the project.

Charles Tan, 14 Painted Trillium Trail, asked about provisions for impact such as the cranes and if there was a way to get fees from the developer before the project starts. Ms. Milton explained that heavy equipment operators pay a use tax to the State to be able to have a permit to drive the heavy equipment on the roads.

Erik Iverson, 385 Avena Road, asked how many pieces are each of the homes. Most of them will be two pieces but some may be up to four depending on the style of home. Mr. Iverson said that means that there will be eighty to one hundred and twenty trailers taking up most of the road. Mr. Iverson said that his concern is the traffic plan for when the homes are brought in. The developer said that at most the road would be blocked for about ten minutes and the plan is to not have any deliveries during morning and evening commutes or on Sundays and will try to minimize the impact as much as possible. The developer may use the Belle Grove Road access for construction equipment if needed and they do have the legal access to use that road and the final intent is for emergency access only and not thru-traffic. Ms. Tipton stated that the items needed

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are topography, use and phone number of owner, sidewalks shown, suggest a turnaround at the emergency gate, provide letter from attorney on easement and a full set of civil plans. Mr. Gardner suggested more sidewalk than trail. The postmaster is not requiring a mail kiosk for this development. Ms. Tipton explained that the next step will be for the developer to submit a preliminary plan, staff will review and then it will be submitted to the Planning Board. Notice will be posted on the property and on the website. Any citizen can sign-up on the website to receive notices and updates of meetings. Mr. Gardner thanked the developer for coming to the meeting.

**VI. COMMUNICATION FROM PLANNING BOARD**

Ms. Milton asked about a property on Blue Ridge Road that was done as a minor subdivision even though the residual lot has enough acreage to subdivide. Ms. Milton is concerned about people skirting the ordinance. Ms. Trotman did say that most of the property on the residual lot is in floodway but Ms. Milton said that the land is still counted. Ms. Trotman said that the idea of a major subdivision is to add infrastructure. Density will be dictated by the zoning district and stormwater will be dictated by the amount of disturbed land. Attorney Sneed said that the County has a rule that you cannot come back within three years of approval of a minor subdivision and said that adding a timeframe might be a solution to the concerns being raised.

Ms. Milton said that people were not aware that DOT was going to be at the March Board of Aldermen meeting and could the approved plan be mailed to everyone along Blue Ridge Road. Ms. Trotman explained that nothing had been decided and DOT was just asking for input and the Board decided to support option number two and the final decision will be made by DOT. Ms. Trotman recommended contacting Mike Clark at DOT to ask about when a decision will be made.

**VII. COMMUNICATION FROM STAFF**

Ms. Trotman thanked everyone for participating in the Blue Ridge Road Small Area Plan public input meeting.

**VIII. ADJOURNMENT**

Jesse Gardner made a motion to adjourn the meeting at 8:16 p.m. The motion was approved by consensus with a vote of 7-0.

Prepared by:

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Peter Vazquez, Chair

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Jennifer Tipton, Zoning Administrator