

**TOWN OF BLACK MOUNTAIN
PLANNING BOARD**

The Black Mountain Planning Board held its regular meeting on Monday, April 22, 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
Lisa Milton
Mike Raines
Scott Reed

Absent:

Jennifer Willet
Jesse Gardner

Staff:

Jennifer Tipton, Zoning Administrator
Ron Sneed, Town Attorney

The meeting was called to order at 6:00 p.m. and duly constituted and opened for business with a quorum of four (4) regular members. Member Pam Norton arrived late.

II. ADOPTION OF AGENDA

The agenda was amended to table text amendments for duplex definitions, minor subdivisions and traffic impact analysis requirements. Lisa Milton made a motion to adopt the agenda as amended. The motion passed by consensus with a vote of 4-0.

III. ADOPTION OF MINUTES

The minutes were amended on page six under Mr. Jordan's comments to change forty feet to thirty feet and to change ten point seven two feet to ten point seven one feet. Lisa Milton made a motion to adopt the minutes as amended. The motion passed by consensus with a vote of 5-0.

IV. OLD BUSINESS

None.

V. NEW BUSINESS

1. Preliminary Plat for Padgettown Road Subdivision

Jennifer Tipton presented the preliminary plat to the board stating that all requirements on the checklist had been met as well as all requirements requested by the Planning Board at the March meeting had been met. The process at this time would be to either approve or not approve the preliminary plat and then the final plat will be approved by staff after the approval of the preliminary plat. Ms. Tipton went over the letter provided by the developer's attorney regarding the access on Belle Grove Road and a note from the engineer regarding the condition of the culvert on Belle Grove Road and whether it would support heavy equipment or not. Lisa Milton had some questions about the access on Belle Grove Road and Town Attorney Ron Sneed responded that the easement is prescriptive and not granted. Ms. Milton asked about surety bonds and it was reported that that would happen before the final plat would be signed. Ms. Milton

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reported that she had her father, who has operated heavy equipment his whole life, look at the culvert on Belle Grove Road and his opinion was that he would not drive his equipment over the culvert. Ms. Milton asked about the consideration of using Belle Grove Road as a construction entrance and the developer said that they had talked to staff about the entrance and some of the board members stated that they were not aware that staff was requiring two ways in and out of the development. Ms. Tipton explained that fire code requires developments with thirty or more homes require two separate entrances and that is all that is required. Staff does not dictate what is to be used as a construction entrance.

Mark Brooks, Brooks Engineering, explained that they went through all the deeds and chain of title for the property to obtain the information regarding the access on Belle Grove Road and it was concluded by the attorney that access is available. Mr. Brooks spoke about using steel plates on the culvert and that those have been used in less than ideal situations.

Neil Caddell, 401 Avena Road, asked if the original request for Belle Grove Road was only for 911 access and that most neighbors would probably not be opposed to it being used for 911 access.

Frank Jordan, 388 Avena Road, thanked Ms. Milton for her comments and said that no one had contacted him about any of this development. Mr. Jordan said he had no problem using Padgettown Road or using Belle Grove Road for emergency access only but not for construction and said it wasn't fair to the homeowners on Belle Grove Road in case something were to happen or if equipment were to get stuck.

The developer acquiesced and said that they would give up the construction entrance on Belle Grove Road even though they have legal access to the road. Ms. Milton said that the sticking point for her on the access off of Belle Grove Road is that for the homeowners who live on that road that is their only way in and out of their properties.

Frank Jordan, 388 Avena Road, said that he spoke to Mr. Dalton and said that the pavement is sinking down around the culvert and that more water is going under the culvert than through it.

Shane Davis, 39 Belle Grove Road, asked if there was going to be a homeowner's association and asked if the road were going to be fixed. The developer said that since they would not be using the road they would not be fixing anything. Mr. Davis then asked about a buffer and staff explained that there is not a requirement for buffering as it is a residential use abutting a residential use.

It was determined that the turn-around at the end of Blueview Drive would remain as a parking lot but would have signs designating specific parking areas to still allow room for vehicles to turn around. The developer said that would consider a buffer on the Belle Grove Road side of the development.

Scott Reed made a motion to approve the preliminary plan with Belle Grove Road not being used as a construction entrance. Mike Raines seconded the motion and the motion was approved with a vote of 5-0.

VI. COMMUNICATION FROM PLANNING BOARD

Ms. Milton asked about a decision from a court case that was in the duplex definition staff report and if went towards bed and breakfast operations as well. Attorney Sneed explained that they are two separate operations and this court case would not affect bed and breakfast operations.

VII. COMMUNICATION FROM STAFF

None.

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VIII. ADJOURNMENT

Scott Reed made a motion to adjourn at 7:09 p.m. The motion was approved by consensus with a vote of 5-0.

Prepared by:

Peter Vazquez, Chair

Jennifer Tipton, Zoning Administrator