

BANNER ELK PLANNING BOARD
MONDAY, 07 JANUARY 2013
MINUTES

Members Present: Allen Bolick, John Lavelle, Jillian Rosato, Ann Swinkola, Penny VonCanon

Staff Present: Cheryl Buchanan, Rick Owen

Others Present: Mayor Brenda Lyerly, Ted Silvers, Debbie Turner, Charlie B. VonCanon

Chairman Joel Owen recognized that a quorum was present and called the meeting to order at 6:00 pm. He opened the meeting with the pledge of allegiance to the flag.

Consideration of the December 2012 Minutes

Allen Bolick noted one small correction. Penny VonCanon moved to approve the minutes with the change of “he” to “she”. Ann Swinkola seconded. The vote was unanimous and the motion carried.

Since Debbie Turner could not make the meeting until 6:15 pm, her request was moved aside until she came in.

Text Amendment to the Ordinance – Fencing

There was some discussion about the placement of fencing and more specifically along right-of-ways and easements. This is actually addressed in Section 309. However, the Board felt that an addition on fencing over six (6) feet should reference Section 309 as well. Ann Swinkola moved to recommend Town Council call for a public hearing for the text amendment as submitted. Jillian Rosato seconded. The vote was unanimous and the motion carried.

Text Amendment to the Ordinance – Political Signs

Ms. Buchanan explained that the General Statutes had updated their wording for political signs in 2011 and she felt that the Town might want to reflect some of those changes. The changes are: distance from the edge of pavement, time limit on the placement of political signs, the requirement of permission from a property owner when placing a sign on any property, and a provision that political signs can not obscure traffic. Penny VonCanon moved to recommend Town Council call for a public hearing for the text amendment as submitted. Ann Swinkola seconded. The vote was unanimous and the motion carried.

Section 923 – Breweries/Brewpubs/Wineries/Distilleries

As was discussed in December's meeting, Ms. Buchanan had prepared a section to be added to Section 900 – Conditional Use Permits, as well as some language for the table of uses and definitions. Ms. Buchanan had left two areas blank so the Planning Board could fill them in with times that they thought were appropriate. The first blank addressed how long the facility could store spent grains without attracting rodents. Ms. Buchanan had suggested 24 hours. The Planning Board felt they should submit a plan on how they planned to dispose of the waste and how long they would retain it. Allen Bolick said he felt 24 hours was a good timeframe and that if a little extra time was needed, the Zoning Administrator could make that allowance.

The second blank area had to do with hours for tasting. At the December meeting, Penny VonCanon said this should be considered as a condition. After a lot of discussion, the Board agreed among themselves to strike the whole point. Since the main purpose was to brew beer and ale, there probably won't be a lot of time for tasting and that perhaps this wasn't such an issue.

Joel Owen asked that the word "Incubator" be removed from #4 – public involvement. He stated that this ordinance is for more than one location and should be kept open.

Ann Swinkola expressed concern with the definitions and their consistency. The definition for breweries was not defined by a number of barrels per year. Ms. Buchanan said she could not find this in any of the definitions she had looked at, but would look again. Ms. Buchanan said was pretty sure that the very nature of a brewery was on such a large scale that they were not characterized by the number of barrels per day they produced, but she would look again.

The Planning Board asked that "Brew Pub" be added to the Table of Uses. Ms. Buchanan agreed.

With no further changes, Allen Bolick moved to recommend Town Council call for a public hearing for the text amendment as submitted with the noted corrections made to the text before going to Town Council. Penny VonCanon seconded. The vote was unanimous and the motion carried.

Request for a CUP – Banner Elk Pharmacy and Solar Panels

Debbie Turner is co-owner of the Banner Elk Pharmacy. She told the Planning Board that she wanted to promote greener energy and would like to install one solar panel on the roof of the pharmacy, facing town hall. When asked what size this panel was, she could not answer, but said she could get the information if the Board needed it. Ms. Buchanan had provided a copy of the parcel with the building and a hand-drawn indication of where the panel will be located. Mrs. Turner said the system will produce less than 5 kW of electricity, but that the credit it generated would be more than what it cost her to run the

business. The Board asked if the panels would be shiny? Mrs. Turner did not know and Ms. Buchanan read the section from the ordinance that tells the consumer about how the panels should appear to the public. Mrs. Turner asked for another copy of the ordinance and Ms. Buchanan said she would get it to her.

Jillian Rosato moved to recommend approval to the Board of Adjustment with the condition that the project was in compliance with the ordinance. Ann Swinkola seconded. The vote was unanimous and the motion carried.

Text Amendment – Tree Ordinance, Section 710

Ms. Buchanan reviewed the last few meetings where the tree ordinance had been discussed. The text seemed to be a workable ordinance for the Planning Board but Town Manager Rick Owen had expressed some concern about the enforceability of this ordinance in the Extra-Territorial Jurisdiction (ETJ.) It had been suggested that perhaps this section could be inserted into the Town Code. However, after consulting with the Town Attorney, there is no supporting state statute that specifically addresses trees, leaving the town with no authority to put it in the Town Code. The Town Attorney did suggest that an overlay district could be created and that this section could apply on in the overlay area. The Town currently has a Heritage Overlay District that applies to only the parcels identified on the map. This would work the same way.

Penny VonCanon expressed concern that an ETJ property could clear-cut a parcel beside her property and it would have a big impact on her property. She asked if we would have any recourse? It was suggested that we could try this as an overlay district for six (6) months and then perhaps consider expanding it. Ms. Buchanan said that Grandfather Home had done a wonderful job of thinning out their forestland and had gone about that in a proper way. Mrs. VonCanon said we were indeed lucky but felt we could not count on everyone to do that.

Jillian Rosato moved to recommend Town Council call for a public hearing for the adoption of Section 710, Tree Preservation Overlay Ordinance and Map. Ann Swinkola seconded. The vote was unanimous and the motion carried.

With no further business, Penny VonCanon moved to adjourn. Allen Bolick seconded. All were in agreement and the meeting came to a close at 7:30 pm.

Respectfully submitted,
Cheryl Buchanan, Zoning Administrator