

**MINUTES
PLANNING BOARD
January 3, 2006**

MEMBERS: PRESENT: Jim Boericke, Tom Campanella, Edna Ellis, Neil Jones, Paul Newton, Eric Oliver, Dave Remington, Toby Vandemark, Barrie Wallace.

STAFF: Margaret Hauth

PUBLIC: Peter Henn, Jim Ciao, Marv McDonald, Dave Dennison, Mike Troy

ITEM #1: Call to order and confirmation of quorum.
Mr. Boericke called the meeting to order at 7:05 p.m. and confirmed the quorum.

ITEM #2: Adoption of the minutes:
MOTION: Mr. Remington moved to approve minutes as distributed.
SECOND: Mr. Campanella
VOTE: Unanimously approved.

ITEM #3: Additions to the agenda:
Mr. Boericke reminded the Board that in March they would be choosing a new Chairman.

ITEM #4: Committee reports and updates:
Board of Adjustment:
Mr. Newton reported that the Board of Adjustment had met in December and reviewed a variance request for a lot on Revere Road which has been continued to the January meeting. A site plan modification for Gateway Center to accommodate Weaver Street Market was reviewed and continued to January. There were concerns about public safety, traffic flow, and use. There was also a site plan review for Mr. Wachholz to build a green building center on Orange Grove Road. Mr. Wachholz is in the business of restoring historic homes and reusing building materials. Concerns included sidewalks and the use or subdivision of the lot. The issue was continued to January. An appeal of the Planning Director's decision to deny approval for the redivision of a lot by Bonnie Gates was also considered. In addition an extension of time for the temporary Kerr Drug store was granted.

Parks and Recreation Board:
Mr. Oliver reported that the Board met on December 15th to allow for another public hearing on the Riverwalk project. Site Solutions brought back their reworked proposal which was generally well received by the Board as well as the public in attendance. A new chairman for the Board was elected, Bryant Warren, who will take the position, replacing Elizabeth Lacey. George Campbell was elected to continue as vice-chair. Ms. Hauth had announced that the Town Manager had found the funding for Hillsborough Heights Park. Finally, the Board reviewed the site plan of the green building center, specific to the proposal to substitute a greenway walking trail along Mill Creek instead of a sidewalk along Orange Grove Road. The Board recommended unanimously to the Board of Adjustment that the proposal not be accepted and that the developers be made to stay with the sidewalk on Orange Grove Road.

Churton Street Corridor Committee:
Mr. Remington reported that the committee met in December, and Susan Sugg came back with a first draft of ideas of a vision for Churton Street including having a meeting with the Churton Street Committee to give people a look at what the ideas are and to get feedback on it and their

impressions and guidance on what is being considered so far. One idea proposed was to replace some traffic lights with some roundabouts between the river and the I-85 exit, the idea being that it might improve overall traffic but keep traffic moving while slowing traffic down to make some of the businesses more accessible. In addition DOT proposals have been to turn portions of South Churton Street, south of the river, into four lanes, two each way, starting with one each way with turn lanes so traffic isn't held up. Again this would make it easier for people to access local businesses without a lot of lane changes. This could accommodate traffic of about 15,000 to 20,000 vehicles per day. The Committee was "receptively skeptical" of some of the ideas and more data was requested on the traffic projections for South Churton especially close to the Waterstone entrances and between there and I-40. Most of the proposed roadway would have a green divider. The Committee is interested in any thoughts the Planning Board might have on the proposals that he might relay back to the Committee.

Ms. Ellis commented that extra lanes to widen Churton Street had been on the transportation study in 1987, and the people in Cornwallis Hills worked to get a stop light, so she felt there would be a fight. Mr. Remington responded that the locations of the proposed roundabouts would be from the I-85 interchange going north. There is no plan to take out any traffic lights going south from there, so it wouldn't affect the Cornwallis Hills light. The roundabouts would be at the east and west exits where they meet Churton, at Mayo, Orange Grove, and Business 70. He also reminded the Board that this was a preliminary proposal.

Mr. Campanella stated that in a study done by his students, a round-about at Orange Grove was favored as the space was available and it was seen as a type of gateway into town into the historic district rather than trying to redesign the strip.

Mr. Boericke expressed his support for a joint meeting and asked for a time frame. Mr. Remington answered that the Committee might need more time to talk over their ideas and draft the rest of the plan. He suggested that the meeting might take place later in the winter. Ms. Hauth added that in the review of the calendar, Agenda Item #6, possible dates for a special meeting to include all advisory boards as well as the Board of Adjustment and the Town Board might be discussed.

Strategic Growth Plan:

Ms. Hauth advised the members that Thursday, January 26th, would be the first meeting of the Steering Committee. A representative from the Planning Board was needed to work on that Committee. The commitment would be for approximately a year and meetings would likely be on Wednesday nights. Mr. Newton and Mr. Remington volunteered.

- MOTION: Ms. Vandemark moved that Mr. Newton be the representative to the Steering Committee with Mr. Remington as the alternate.
- SECOND: Mr. Campanella.
- VOTE: Unanimously approved.

Draft agenda for January 24 public hearing:

Ms. Hauth stated that the draft agenda had been included in the meeting packets and those two items had been added: the annexation and zoning hearing for the Wilkerson project on NC 57 North and a rezoning request for Dwight Walter's property at St. Mary's and US 70 behind Hillsborough Tire.

Mr. Oliver inquired about why the Ashton Hall project was back on the agenda as it had already been voted on by the Planning Board. Ms. Hauth responded that technically the public hearing was

held open to allow the survey issue to be resolved. If new evidence comes to light, the Board could reconsider its recommendation.

Ms. Hauth noted that the draft date was incorrect but that the public hearing was scheduled for January 24th in the Superior Court Room as it was the available room which could be accessed by going in the Margaret Lane entrance.

Mr. Oliver asked when Ms. Hauth thought the public hearing would get down to a manageable number of items and was told that April was the anticipated time when the agenda would be limited and time had been allowed for people to be aware that that would be the case. Regarding items which might be held open to the next public hearing, Ms. Hauth stated that people requesting to place items on the public hearing agendas were being told that the possibility existed that they would not be heard at the next upcoming meeting but might have to wait longer.

Mr. Boericke asked if four public hearings were enough or if there was a need to go to bi-monthly hearings. Ms. Hauth said that that was a possibility but that there was an interest from the Town Board to limit the number as a way to limit the number of projects for the next year while work was in progress on the Strategic Growth Plan and see where things are after that and also to require more of the things that people like to present at public hearings to be presented in advance and put an end to the handouts at public hearings by having all the information out to the public before the meetings.

Mr. Oliver inquired about what was happening at Elizabeth Brady and 86 and Alternate 70 where there was supposed to be a traffic signal in place. Mr. Hauth said that she didn't know anything other than it looked like the utilities have all been moved. Mr. Newton stated that it looks somewhat like they are waiting to resurface all the way down to 70. Ms. Ellis offered a Greensboro number Ms. Hauth might call. Mr. Boericke asked that Ms. Hauth "rattle some chains" and accelerate the light.

ITEM #5: Discussion of Special Use Permits for single family homes and townhomes in Waterstone.

Ms. Hauth reported that Mr. Henn and Mr. Ciao from Stratford and Waterstone were in attendance and would speak for the project. Sets of the plans were distributed to those needing them.

Mr. Henn reminded the Board that the project had received approval on March 8, 2004. He showed an overview of the master plan for Waterstone. He addressed Parcels 1 and 2 for single family and Parcel 3 for townhomes. The item will be presented at the January 24th Public Hearing.

In addition initial approval was for 271 apartments on Parcel 6. The developers now feel it makes sense to convert that to 60 or 70 single family homes. Although the item may come up at the public hearing, he expressed his feeling that the community college issue was more important to receive precedence from the Town as it is critical for the project and for the community college which wants to open its doors in the fall of 2007. Mr. Boericke asked Ms. Hauth to place the Durham Tech. item on the Public Hearing Agenda after Item #4, and she agreed to do so.

Mr. Henn then shared the business plan for the project with the Board. Phase 1 is doing the infrastructure for the roadway system and water/sewer for the first section of residential. That gives access to the community college. The earthwork contractor will be doing all the work at one time which requires all the approvals. The Special Use Permits for the project will be presented in further detail at the Public Hearing.

Mr. Henn further stated that they had met with all the elected officials and the Town Manager and Town Planner and encouraged working together to keep Waterstone moving forward. The community college will not move from their fall 2007 date, so the Waterstone project must meet their obligations to the community college and must have the Special Use Permits for Parcels 1, 2, and 3 and the community college as a package. He expressed his hope that following an upcoming workshop with the Town Board and a presentation at the Public Hearing, the developers might get a positive recommendation on the SUPs for 1, 2, and 3 from the Planning Board and then go before the Town Board on February 13th to approve the SUPs and the community college.

More technically, Mr. Henn commented that the SUPs allow 39 single family units on Parcel 1 and 95 on Parcel 2. The townhomes allow 104 townhomes plus 24 affordable townhomes for a total of 128. The developers believe the SUPs are consistent with the master plan, consistent with the town code, consistent with being compatible with the overall community. They think they meet the public health and safety criteria to get the approvals. He then asked for questions from the Board.

Mr. Newton commented that the plan being shown was not the plan the Board had approved as it did not include a park area and asked when it had changed. Ms. Hauth responded that the changed plan had been taken straight to the Town Board as an administrative amendment and was approved in July. Mr. Newton then asked when they would see plans for the community park or if the town would have to develop that. Ms. Hauth stated that there is a condition in the agreement for Waterstone that they will do the planning on it and construct the first phase. Designers are working on it, although contact has not yet been made with the town to participate in the process.

Mr. Newton further inquired about the right of way for the road that intersects with Lafayette Drive and about sidewalks which were unclear on the plans. Mr. Henn responded that Parcels 1, 2, and 3 were designed exactly as required and if double sidewalks were required then that is in the plan. Ms. Hauth stated that she has been watching that on the plans but it has been addressed and will be watched as each of the parcels come forward.

In response to an inquiry regarding construction access, Mr. Henn stated that meeting the access conditions was one of the reasons that moving forward was critical. The cost of approximately \$10,000,000 for getting started makes it necessary to move forward without starting and stopping and further supports the approval of the SUPs.

Mr. Oliver asked about the infrastructure needed to do 1, 2, and 3 and additionally what infrastructure is needed to do Durham Tech. Mr. Henn discussed the roadway permit issues which would be the responsibility of both the Town and the developer. Access initially will be only from Waterstone Drive. The developer has an obligation to provide access to the college. Other access avenues will be approved as warranted. Regarding the complexities of the wetlands issues, Mr. Henn stated that no permit has yet been applied for and that the project may take another five to six years.

Ms. Ellis questioned the land swap issue. Mr. Henn suggested that the Board consult the Town Attorney regarding the land swap, which is a private agreement between two landowners.

Mr. Oliver inquired of Ms. Hauth about the control of the clearing of the land and his concern about it being a total clean sweep. Ms. Hauth responded that the plans show the extent of clearing and that it is her intention that it be flagged before the clearing starts and that someone from her staff goes out and insures that what is marked matches the approved plans and follows up with monitoring. Mr. Henn assured the Board that the developer has no intention of over clearing and welcomes monitoring as they intend to be in the area for a long time.

Mr. Boericke commented that the Durham Tech. people had gone in and done a phenomenal job of marking trees to be saved, and they have taken a really good inventory.

Mr. Remington asked about the connection of the Cates Creek Parkway to the street in Beckett's Ridge. Ms. Hauth responded that the opening of that roadway is entirely in the Town Board's discretion to protect the residents and the existing street network from construction traffic.

Mr. Henn added that he would be back for the Public Hearing on January 24th and that regarding Parcel 6, he wished it to remain on the Public Hearing agenda but would prefer to see that item deferred to the April meeting, if necessary, in favor of action on Parcels 1, 2, and 3 and the community college. Some discussion ensued regarding the change in plans for Parcel 6 for 62 single-family units rather than the previously proposed 271 multi-family units.

When the Board was asked by Mr. Henn about issues he should work with during the time before the Public Hearing, Mr. Remington stated that he was expecting a lot of skepticism about the size of the lots and houses. Mr. Henn advised that the density had been decided by the approval of the master plan 22 months ago. Mr. Newton suggested that Mr. Henn bring pictures to demonstrate to the public what would be going into the Waterstone project.

Mr. Campanella commented that he thought much of the plan was good from an urban design standpoint. One "eyebrow" looking street seemed a little less desirable. Mr. Henn responded that that particular portion was the affordable housing section and provided those who could not afford a single-family house with equal backyard privacy. Regarding the topography, Ms. Hauth referred Mr. Campanella to the plans which showed the area to be very steep. The affordable housing component although in one location will not stand out like a sore thumb from the other parts of the development and will be developed by Orange Community and Land Trust on a model they prefer.

ITEM #6: Review and approval of 2006 meeting calendar

The Board reviewed the 2006 calendar with the following change to accommodate the 4th of July holiday conflict--July 4, 2006 meeting moved to July 11, 2006. Mr. Boericke requested that Ms. Hauth mention to the Town Board that the Planning Board would be meeting after them in July and see if the Town Board had any comments.

Ms. Hauth asked about other dates in February or March to meet with the Churton Street Corridor Committee, and Mr. Boericke suggested that it might be best to wait and schedule when the Committee's plans are known. Mr. Remington commented that the Planning Board might work the meeting with the Churton Street Committee into one of the Committee's meetings on the third Monday of each month.

Ms. Hauth informed the Board that the Water and Sewer Committee might like to come and meet with the Board at its February meeting to talk about items of joint interest.

Mr. Boericke asked about the month for elections, and Ms. Hauth said she had checked and that elections are in April. She had passed around a status report for the Board containing information on terms of office, reappointments, and committee assignments for information.

ITEM #7: Discussion of pending and potential work projects

Ms. Hauth posted a list of projects for discussion by the Board and asked for assistance in prioritizing.

Mr. Boericke stated that he had projects to add the following items to the list: floodplain regulations, Triangle J Council of Governments Upper Neuse River Regulations, updating the Demolition by Neglect ordinance, median strip between the sidewalk and the road, noise ordinance. Ms. Wallace asked why the Board was doing all this when the ordinance is being rewritten. Ms. Hawth commented that it boiled down to whether there is something on the list of projects that can't wait two years until the ordinance is rewritten. If it can't wait, go ahead and do it. The decision needed to come from the Board to wait on projects previously suggested.

Mr. Newton reported that the Parks and Recreation Board had voted at its last meeting that it did not want any payment in lieu. He further asked if the project, "Sidewalk plan/payment in lieu," could be stricken from the projects to be addressed by the Board. The Board agreed.

Mr. Oliver suggested that the "News Rack" item be removed and allow it to become one of the things that happens when the ordinance is rewritten. Ms. Hawth stated that she would "back burner" the item rather than crossing it out, and the Board agreed.

Ms. Wallace asked that any environmental items be accelerated.

Mr. Mike Troy was invited to speak to the board about noise. He stated that he did not feel that another noise ordinance was needed. He did feel that there should be enforcement of the ones already in place. He offered to play any role desired in getting the ordinance enforced. Mr. Oliver recalled that the Board had reviewed and had readings of the ordinance. Mr. Campanella commented that he thought the ordinance was quite clear about animals and noises. Ms. Hawth stated that the issue was to get law enforcement officers to take action and that most of the town's animal control is handled through Orange County Animal Control and their ordinances have been adopted. Mr. Boericke stated that his conclusion was that to address this problem, the Board probably should just wait. Mr. Boericke and Ms. Hawth stated that the "Noise Ordinance" item is actually commercial noise and is different. Ms. Hawth advised that the Board could deal with the commercial noise item without changing Mr. Troy's position in any way. Mr. Oliver suggested that the Noise Ordinance be kept high on the projects list as the Board has put work in on it and is close to a decision.

Ms. Wallace suggested that the highest priorities be any environmental issues. Mr. Boericke and others on the Board listed tree preservation, Upper Neuse, and steep slopes as falling in that category. When asked, Ms. Hawth added that as the town continues to have more development, steep slopes would become a bigger issue. Ms. Wallace added "Demolition by Neglect" as another item in the environmental category.

Mr. Newton stated that he thought the light ordinance was important and that there had been a lot of issues with that with the number of residents complaining. Residents have expressed a preference for the Home Depot amber lighting over the Wal-Mart lighting. Mr. Newton further expressed his distaste for the prevalent mercury lighting being used by many residents.

Ms. Hawth moved on to the two junk car ordinances which are in conflict and indicated that it would be a fairly quick fix and most of the work is being done by staff. She hopes to bring it to an April meeting. This addresses cars sitting in yards. The zoning permits one. The Town Code is very strict, and if the car doesn't have a tag or current inspection sticker, the car counts as junk and has to go.

Moving on to applicant education and guidance, Ms. Hawth stated that the topic was really for her; however she needed to know what items the Board has not been receiving in the past from

applicants, what would make the Board's job easier as it reviews the applications. Mr. Campanella recommended a context plan or drawing that shows the site under discussion in its context on a larger scale. He further recommended a grading plan be provided. Mr. Newton suggested more manageable maps be provided. Mr. Oliver requested assurance that incomplete applicant packages were no longer going to be allowed or considered acceptable to be brought to the Board. Ms. Hauth responded that there is not a checklist that tells applicants what they need to bring in based on the type of application being submitted. There are two issues for applicants: 1) the complete application package and 2) compliance with the ordinance. She felt it is a matter of creating the forms so that applicants have them and know when they have a complete application.

Mr. Boericke suggested that when the Planning Department or the Town Board makes a change, like the location of the park that an information update be provided to the Planning Board with a new map. Ms. Hauth added that where the Town Board is notified, the Planning Board should be notified also.

Mr. Campanella inquired about the possibility of a design review process for the actual buildings. The SUP process allows for a fair amount of detail in specifying the urban design plan, but that is primarily footprints. The Board does not get to make any comments on the actual design of the buildings that are being built. Ms. Hauth advised the Board that the ability to change building designs rests in the Special Use Permit process.

Ms. Ellis spoke to the need for additional recreation space for children. She felt that not enough was being provided in the new developments.

Ms. Hauth spoke to the Board regarding implementing changes in the Planning Department. The proposal which will be presented to the Town Board will show the need for three full-time people with particular skill sets to handle the work. Part of the purpose is to free more of Ms. Hauth's time to work with applicants and assure that applications are complete and that some analysis is being done on projects before they come to the Board. This item was more for Board information than action.

Regarding the "Connector street plan," Ms. Hauth commented that perhaps some plans might be drawn regarding connectivity for assistance in future planning for development. It would be a longer-term project which probably should wait until after the Strategic Growth Plan.

Parking standards were next addressed. Ms. Hauth stated that given the age of the parking standards, they lose some sensibility in their application to a small store as opposed to a Wal-Mart. New and changed uses don't always fit the existing standards. There is a need to modernize the definition of uses and then find the right parking standards. Mr. Boericke stated he was inclined to keep it on the list but address other things first.

Concerning the road right-of-way issue, Ms. Hauth advised the Board that the town may actually be getting some new standards drawn up and that she would make sure that they come through the Board to review first before adoption.

Ms. Hauth further informed the Board members that recreation requirements require research in terms of justifying the real demand per household. It's a more problematic thing to tackle.

Mr. Boericke asked that building design review or architectural design be included on the list.

Ms. Hauth said that she thought the noise and junk car issue could go pretty quickly. She felt the noise could be referred to the Town Board as most of the changes are not in the zoning ordinance.

Mr. Boericke said that the demolition by neglect, flood ordinance, and upper Neuse River basin should be high on the project list. Ms. Hauth asked about steep slopes and advised what an ordinance might say. She added that it probably wouldn't hurt to know what the town's exposure was before writing the ordinance.

In reference to the tree ordinance, Ms. Hauth asked what the Board response would be to the information gathered in the required surveys and inventory provided by applicants regarding the saving of trees. Currently the ordinance requires the surveys but gives no direction for action when the information is received.

Mr. Oliver offered to take the recreation requirements to the P & RB.

Mr. Campanella spoke to the idea of a tree bank where developers who eliminated trees had to replant in a specified location trees to be grown for future use.

Ms. Hauth added that consideration of the subwatershed plan recommendations might be folded into the Strategic Growth Plan. Adoption of the plan would really change how Hillsborough will look as it sets some very stringent limits on impervious surfaces and ups the requirement for stormwater control. It would have a huge impact on what the commercial landscape would look like.

Mr. Boericke asked for reading material to be provided to the Board before the March meeting. Ms. Hauth offered to provide the basics of the Neuse Basin Plan and the parts that apply to Hillsborough.

Ms. Hauth asked for a volunteer to work on the demolition by neglect plan. Mr. Campanella volunteered.

ITEM #8: Adjourn

MOTION: Mr. Newton moved to adjourn the meeting.
SECOND: Mr. Remington.
VOTE: Unanimously approved.

The meeting was adjourned at 9:32.

Respectfully submitted,

Margaret Hauth, Secretary