

MINUTES
PLANNING BOARD
March 15, 2007, 7:00 p.m.

MEMBERS PRESENT: Chair Matthew Farrelly, Tom Campanella, Edna Ellis, Kathleen Faherty, Neil Jones, Paul Newton, Eric Oliver, Dave Remington, and Barrie Wallace.

ABSENT: Toby Vandemark, absence excused.

STAFF: Margaret Hauth.

ITEM #1: Call to Order and Confirmation of a Quorum.

Mr. Farrelly called the meeting to order at approximately 7:04 and confirmed a quorum of the Planning Board.

ITEM #2: Adoption of Minutes from February 15 meeting.

Ms. Ellis said regarding the Courtyard Condominiums on page 5, in the third paragraph from the bottom, there was a reference to a turn lane. She said she had specified a left-turn lane. She said she had also asked for a written confirmation from Mr. Chuck Edwards, the District Engineer for NCDOT. Ms. Ellis said where she was quoted as making a reference to fire trucks, she had said she had seen two fire trucks sitting behind Sinclair Station, and no one could have passed them to come in or go out.

MOTION: Mr. Oliver moved to approve the minutes as amended.

SECOND: Ms. Faherty.

VOTE: Unanimously approved.

ITEM #3: Additions to the Agenda and Agenda Adjustments.

Mr. Farrelly asked Ms. Hauth to provide at the appropriate time an overview of the amendments to be considered and the timing of each. Ms. Hauth agreed to do so.

ITEM #4: Committee reports and updates.

Board of Adjustment: Ms. Wallace stated the BOA had approved a Conditional Use Permit for the Webb House in the historic district to convert from a Home Occupation to a Tourist House with limited event hosting. She said conditions were placed on the approval to properly place parking during events, and to limit hours of operation.

Parks and Recreation Board: Mr. Jones said most parks were being well utilized. He said there was a recommendation that split rail fencing be installed in Turnip Patch Park along West King Street. Mr. Jones stated that Walkable Hillsborough Day was scheduled for June 2. He also said that an Eagle Scout candidate had presented a proposal to build a kiosk at Kings Highway Park, and had asked for funding to purchase materials to build the kiosk. He said it was noteworthy that a member of the audience at that meeting had agreed to fund the entire project, and that person was Eric Oliver. Mr. Jones said it was a thoughtful and worthwhile contribution by Mr. Oliver.

US 70/Cornelius Street Task Force: Ms. Hauth said the final document would be submitted next Wednesday night at the Task Force's meeting. She said she believed the Task Force would be recommending the document and it would be on the public hearing schedule for this Board soon. Ms. Hauth said the plans had been well received and believed it would achieve its desired result.

ITEM #5: Recommendation to the Town Board regarding Special Use Permit for Bellevue Development, LLC to convert the existing industrial buildings at 202 South Nash to 85 apartment units.

Ms. Hauth said at last month's meeting the Board had sent the applicant away with a list of items to address and research, and they were present tonight to respond. She said a couple of the items that the neighbors had requested that were the Town's responsibility had been sent to the Public Works Director to see what could be done. Ms. Hauth said the Public Works Director felt comfortable that his forces could cut back and clear the brush in the near future. She said he would also get estimates on painting a line in the roadway, and the issue of the 4-way stop signs would be brought before the Town Board to consider. Ms. Hauth said the only additional stop needed would be from the development's driveway.

Henry Campen, the applicant's representative, said there were several remaining items to be addressed other than those Ms. Hauth had just mentioned. He said one was the location of the dumpsters, and another was five parking spaces on the north end of the lot. Mr. Campen said they had reworked the plans to eliminate those spaces, noting they still had enough parking spaces remaining. He said regarding the dumpster issue, Jason Gable from Belk Architecture would speak to the options considered.

Mr. Oliver asked if they had redrawn the parking lot. Mr. Campen responded they had. Mr. Oliver asked if the Board would be provided with that new drawing. Mr. Campen replied yes.

Jason Gable commented that the new parking lot configuration would maintain a 40-foot setback from the neighboring property line. Regarding the dumpsters, he indicated the current location on the site plan and pointed out options for consideration for a new location. Mr. Gable said there were five general locations:

1. current proposed location – no existing residences within 100 feet
2. east end of weaving building
3. north end of cloth building
4. by the church at the south end of the Nash Street parking lot
5. west side of property in northwest corner near the creek with access off Bellevue

Mr. Gable said any location on the west side of the creek would involve large dumpster trucks making trips up and down Bellevue. He said such trips would negatively impact traffic and pedestrian safety, but a positive was that the parking lot, as opposed to the other two on Nash Street, was the largest dimensionally and the easiest for trucks to maneuver in. Mr. Gable said it would mean they would have to re-examine the culvert bridge over the creek to be sure it could handle the load of the trash truck.

Mr. Gable said location #4 would require losing a few more parking spaces, but that could be absorbed. He said one drawback to this location was that the truck, as it accessed the dumpster, would have to block the entrance to the parking lot which could cause some backup. Mr. Gable said another drawback was that it was very likely that the trucks would have to back out across the sidewalk and back into Nash Street, which was not a safe or desirable maneuver. On the plus side, it was accessible from Nash Street which was the larger of the streets and did not have the same pedestrian issues as Bellevue.

Mr. Gable said location #3 was good geographically, but was accessed only through a very narrow parking lot which was intended to be a one-way short-term parking lot. He said while it was not adjacent to any house residences, it was adjacent to almost a dozen of the proposed mill residences. Similar to location #2, he said, it was adjacent to only one existing residence but it was adjacent to three or four residences that were proposed to be in the weaving building. Mr. Gable said trucks would likely have to back out over the sidewalk into Nash Street and block the entrance to the parking lot.

Mr. Gable said the currently proposed location was not within 100 feet of any residence, although there were two close-by residences up on a hill. He said that location allowed trucks to come through the lot, and they would block the exit to the lot but not the entrance to the lot.

Mr. Campen stated they had not yet discussed these proposed locations with the neighbors.

Ms. Ellis said with all of these proposals, she believed the applicant should provide them in writing for the Board's consideration. Mr. Oliver agreed, noting it would help the Board during its deliberation. He said at the last meeting Ms. Wallace had voiced a concern about litter since residents would have to cross a public street to access the dumpster. Mr. Oliver said he was very much opposed to that, because any litter would be on the public street. He said the dumpster, and any litter, should be confined on the property.

Mr. Oliver said regarding the remark about the weight of trucks on the culvert bridge, he asked what was the difference between the weight of a trash truck and the weight of a fire truck. Mr. Gable said the culvert bridge would definitely be designed to take the weight of a fire truck once engineering design began. Mr. Gable said all of the proposed locations would work from a design standpoint and a Code standpoint, and what they wanted to discuss with the Board was which one was the most agreeable to all parties.

Ms. Wallace said regarding location #5, why was the dumpster not closer not the entrance to make it even further away from nearby residences. Mr. Gable said the truck, which was 35-40 feet long, had to have room to pull in and then get back out again. He said the nearby house was 25 to 30 feet above the dumpster elevation, so it dropped off downhill considerably. Mr. Gable said the resident would have to be looking out his window into the dumpster enclosure but would be looking into trees.

Mr. Campanella said he believed that location was the best proposal; all the other alternatives caused the residents to cross the street or the areas were high intensity, busy areas. He said that location was the furthest away from the residents and contained the bulk of the parking. Mr. Gable said there was a high probability that management could arrange to take trash from a central holding site to the dumpster each day, which was more convenient for the residents.

Mr. Oliver agreed that location #5 appeared to be the best location, but said his one concern was that it appeared to be some distance away from the residences. He said if a central drop site could be created that management would empty daily into the dumpsters, he would support location #5. Mr. Gable said that would also keep the trash trucks away from all the residences except for their drive up Bellevue.

Mr. Oliver asked if the Planning Director had been given these options. Mr. Gable said not as yet, nor had the neighbors to the site. He said if location #5 was the preference, they would re-issue plans to match that location. Mr. Campen said their intention was to get feedback from the Board before finalizing their plans for the Town Board. Mr. Campanella said he was concerned about this Board getting those plans, noting that they needed to see the finalized plans before they went to the Town Board. Mr. Campen agreed, noting the plans would be submitted to the Board prior to submittal to the Town Board.

Ms. Wallace asked why they needed the redrawn plans. She asked why it would not be binding to vote this evening based on the draft map and its numbered locations. Mr. Campen said he would have the redrawn plans to the Board tomorrow. Ms. Hauth noted that the conditions were equally binding, but the drawings helped insure that everyone had a common understanding of the options and conditions. Some discussion took place regarding whether or not the Board could vote to recommend the project to the Town Board without having been provided the finalized drawings. Responding to a comment about procedure, Ms. Hauth said it was up to the Board to decide whether the application was complete. She said to recommend without the finalized material was not breaking a rule, but was subject to whether or not the Board was comfortable doing so.

Ms. Ellis asked if they had considered one-way traffic through the site with exiting traffic coming out onto Holt. She said it would alleviate the traffic concerns on Bellevue, would get traffic onto King Street faster, and disburse it quicker. Mr. Campanella said that would force the traffic through a very tight, dense neighborhood that could not handle that kind of load.

Mr. Campanella asked what the latest was on the sidewalk. Mr. Campen said the developer's proposal along South Bellevue was to add a four to five foot wide mulched walkway, prepared, graded and compacted. He said the current chain link fence would be removed and the brush and trees cut back as well. Mr. Campen said that would provide a natural walkway from that location down to the church property.

Mr. Campanella said he understood that the neighborhood was trying to obtain additional easement across the other two properties, the church and the intervening lot, to carry the sidewalk all the way down. Jennifer Williams stated that was correct, noting they had petitioned the church to grant an easement along the edge of the property to carry the sidewalk. She said they were also in contact with the owners of the corner property for the same easement. Mr. Campanella asked assuming that the easements were granted, had the developer been approached about continuing the mulch path to the corner? Ms. Williams said they had not discussed that with them as yet. Mr. Campanella asked would the developer be amenable to that. Mr. Campen said he did not know, and would be reluctant to agree on their behalf. Ms. Williams said the major concern was that Bellevue was not an arterial street, yet we were dumping all this traffic on to it which would obviously create a pedestrian and motorist safety hazard. She said a continuous mulch path that was maintained would help alleviate concerns regarding safety on Bellevue.

Mr. Oliver asked Joe Rees to review the plans.

Ms. Ellis stated she was concerned about what would hold the mulch in place. She asked how it would be maintained. Mr. Gable stated it would be maintained, and noting the mulch would be compacted when put in place and would stay bonded except during the worst weather conditions. He said the mulch would be replenished about two per year. Mr. Campen stated that the developer would maintain what's on their property.

Mr. Oliver asked had the Board resolved what the parking lot on the east side of Nash Street would actually look like. Mr. Campen stated they had, noting they had saved the tree and retained the buffers, landscaping and fence around the perimeter of the Nash Street lot on the east side.

Ms. Faherty said there had been some discussion about the planted buffer, and to save the tree there was a measure that would be taken to reduce the width of the planted buffer from 14 to 7 feet. She asked had that been accomplished. Mr. Campen said yes, and pointed out the area on the map. He said it was now at least 7 feet from the property line, and deeper in some places such as the corners. Mr. Campen said subject to approval by the Historic District Commission, there was a 6 foot fence proposed as well that traveled all around the property line.

Speaking to Joe Rees, Mr. Oliver asked for his opinion. Mr. Rees said that some neighbors were unhappy that it was being moved closer to their lot. Mr. Oliver asked if there was a fence present. Mr. Rees said there was. He said the major concern was that the parking would be moved closer to the property line. Mr. Oliver asked if the neighbors knew there would be a six foot, opaque fence there. Mr. Rees said they did. Mr. Oliver asked if that meant that if the gravel came seven feet closer to the six foot fence, the neighbors would object to that because they could see through the fence.

Ms. Wallace said she had understood that the issue was that there was a six foot fence, then at least six feet of plantings, and then the parking lot started. She said that was a total seven foot minimum, with one foot occupied by a significant fence, and then significant plantings. Mr. Rees said speaking for the neighbors, he thought they had lost their capability to protest when the Board met officially and closed the hearing.

Ms. Hauth said the next Historic District Commission meeting was the first Wednesday in April, and they were waiting for this Board to make its recommendation before they reviewed the parking plan. Mr. Campen said if the Board did not vote tonight, the project could be delayed several months.

Ms. Ellis requested a map that indicated the houses that backed up to this property. Ms. Hauth said that was a part of the materials the Board had already received. Mr. Farrelly said it would be helpful to have a clearer map. Mr. Campen said he could obtain a tax map that showed the lot lines.

Ms. Wallace said at the previous hearing, it was mentioned that the applicant consider contributing to the construction of a future sidewalk on the west side of the street. Ms. Hauth responding that the mulch path being provided was in lieu of that. Mr. Campanella said he believed the residents in the area were not that happy about the prospect of a sidewalk being placed there. Ms. Faherty said if trees were important to save then a

sidewalk would require the removal of several trees along Bellevue Street, so she believed many neighbors would be sad to see that happen. Ms. Ellis asked if it were possible that the Town would eventually have to replace the mulch walkway with a concrete sidewalk. Mr. Farrelly responded the Town would not build a sidewalk on private property.

Responding to a question from a Board member, Ms. Hauth stated that if there was a crosswalk on a Town street, which would be Bellevue, the Town could put in a strip down the center. She said if it was on a State road, then DOT would not allow a crosswalk unless there was a sidewalk on both sides. Mr. Farrelly read the list of items the applicant was to respond to:

- move the dumpster - done
- deal with the setback - done
- deal with parking lot - done
- save the elm - done
- ask developer to take funds for the mulch walkway and contribute to the Town for future sidewalks – dealt with
- four-way stop – covered
- Town to consider widening of Bellevue to 18 feet for its entire length - covered
- Paint a centerline on Bellevue – Town to consider
- Paint crosswalks at the intersection – Town to consider

Mr. Oliver suggested recommending to the Town Board the four-way stop, the centerline on Bellevue, and the crosswalks at the intersection. The Board agreed by consensus. Mr. Oliver asked if there was someone who could respond to the question regarding the possibility of getting an easement from the church to extend the walkway to the corner. Mr. Campanella stated that it would be about 420 feet. Mr. Campen stated that if the neighbors were able to obtain the easement on the other two properties, they would be willing to construct the entire walkway but would not be willing to maintain the part not on their private property. Mr. Oliver asked if the easements were obtained, would the Town accept the maintenance of the remainder of the patch. Ms. Hauth responded that if the Town Board approved that, then Town staff would do it.

Mr. Farrelly asked if the Board was ready to vote. Ms. Ellis, Mr. Oliver and Mr. Jones indicated there were not ready to vote without revised drawings. Mr. Campen stated that he would leave a copy of tonight's materials with the Planning Director, and would forward it to the Town in pdf format by 9 a.m. tomorrow.

MOTION: Mr. Remington moved to recommend approval to the Town Board of the Special Use Permit for Bellevue Development LLC contingent upon the following conditions:

- Dumpster is to be moved to location #5 per plans submitted tonight.
- finalized plans provided to the Planning Board
- Town street improvements – cleaning, 4-way stop, centerline, crosswalk
- construction of mulch walkway along entire length pending easements
- Town maintenance of walkway not on applicant's property
- offers from last night to be honored
- redraw parking lot on east side to save the tree
- old dumpster location becomes parking

SECOND: Mr. Newton.

DISCUSSION: Ms. Faherty asked if the Board wanted the entire walkway if no easement was obtained. Mr. Oliver responded no, because that could lead to potential problems. He said he did not want a path on someone else's property who did not want a path there. Mr. Oliver said if they did not grant the easement, then the path would end at the applicant's property line.

VOTE: Unanimously approved.

ITEM #6: Discussion of public education steps related to proposed amendments to the Flood Damage Prevention Ordinance.

Ms. Hauth said at the January public hearing, the issue of amending the flood ordinance was left open that would prevent future development in the floodplain. She said to address some of the concerns expressed she wanted to offer some late afternoon opportunities to let the public come by her office and view maps and other details in order to better understand the ordinance prior to the April hearing. Ms. Hauth said she wanted the Board's authorization to do that, and to explore any other options that might be helpful in regard to educating the public. In response to a question, Ms. Hauth noted the documents would be placed on the Town's website. She reiterated that the proposed amendment would mean no new development within the new 100-year floodplain, which was a change from the current 2-foot elevation required in the floodplain.

Mr. Farrelly asked how that would affect current properties that might undergo a renovation. Ms. Hauth said if an existing house was actually within the floodplain, there were provisions to exempt renovations to that house as long as nothing was done that was more encroaching than it was before. She said for instance, if you had a 1,000 square foot house now and it was now all in the floodplain, the house had to stay at 1,000 square feet. Ms. Hauth said if a corner of the house was not in the floodplain and you wanted to build out from that corner, you would be allowed to do so. She added that only 2 or 3 homes were currently in the floodplain.

Mr. Oliver asked about rebuilding in the event of a fire or other catastrophe. Ms. Hauth said there was a borderline, but she would have to reread the amendment to determine what that was. She said there would likely be cases where you could not rebuild in the floodplain.

Mr. Oliver said once the education process took place and people came forward because they now knew what the impact to them would be, would those concerns be communicated to the Board. Ms. Hauth said to the extent that those concerns could be captured, the answer was yes, they would be brought before the Board.

Mr. Farrelly said since there were so few homes in the floodplain, would those property owners be told specifically the implications of the proposed amendment. Ms. Hauth said notices would be sent out, adding that many property owners would be affected because their land was in the floodplain, even though no houses existed on them. She said it would be her preference to send them a copy of the ordinance and wait for their questions or concerns. Ms. Hauth said anyone affected by the 100-year floodplain received a notice of the hearing in January, and would receive a notice of the hearing in April as well as the open house.

The Board agreed by consensus to have Ms. Hauth proceed as outlined.

ITEM #7: Continued discussion of potential amendment to the Town Code and Zoning Ordinance relative to noise limitations.

Regarding the zoning ordinance rewrite, Ms. Hauth said it was now funded, and they were now putting together a schedule and order of business to determine how to move forward. She said they were going to consider some internal land use issues to move into Phase 2 of the Strategic Growth Plan, noting the Town Board had asked for an evaluation of the impact of buying into the Upper Neuse River Basin Plan requirements in terms of impervious surface limits and stormwater protection. Ms. Hauth said they may start the process in July or perhaps a little later, adding it would take a full 12 months if not longer and they still did not know how they would deal with developments proposed in the interim.

Mr. Farrelly said they were increasingly aware of the pressure to develop, and there were many ways to propose development which might circumvent the ordinance. He said he worried that the ordinance may not reflect the actual intent because there were so many ways around it. Mr. Farrelly said that included all land use development issues, and a lot could happen in 12 months. Ms. Hauth said when you consider the number of projects that did have vested rights and we would have to find a way to process, projects such as Waterstone could continue to move forward and continue to bring in Special Use Permits. She said construction would still continue in Hillsborough if a moratorium was called during the rewrite.

Mr. Farrelly asked if it would be worthwhile to form a recommendation to the Town Board about how this Board felt about a moratorium. Ms. Hauth said responded probably so. She said she would place that on the agenda at the appropriate time.

Regarding potential amendments to noise limitations, Ms. Hauth said this had begun in 2005 primarily to address commercial noise impacting residential areas. She said some of the language was suggested by the Town Attorney to more closely align with what courts had upheld as being appropriate definitions of noise. Ms. Hauth said the Board had discussed concerns about noises that were exempted, when construction operations were allowed, and noise resulting yard work and perhaps establishing hours for that.

Ms. Hauth said she had talked with the Chief of Police about this again, and he had indicated he was not interested in seeing decibel limits set because of the enforcement issues associated with that. She said the Chief did appreciate and request more specific standards, such as no yard maintenance between 9 p.m. and 7 a.m., which was much easier to enforce, than an ordinance that said yard maintenance only during daylight hours.

Mr. Farrelly said throughout the ordinance, times were sometimes mentioned and other times not, so those needed to be less vague and that times be consistent throughout the ordinance.

Responding to a comment regarding the Piedmont Mine, Ms. Hauth said that was one of the items the Town Attorney had asked that they look at closely. She said one item would be to look at No. 9, Noise Prohibited, where it talked about the operation of noise-creating blower, power fan, internal combustion engine, or other machinery. Ms. Hauth said if language was removed that spoke to equipment being reasonable muffled, it would definitely impact the Mine. She said as well, if there were language regarding permitted uses that could have an impact as well.

Mr. Oliver said in the first memorandum, page 2 under Issues to be Addressed, and on page 3 under No. 6, he had a real concern that even if a noise was within limits of what was established in the ordinance, if someone complained and it was perceived to be a nuisance, then you were out of luck. He said that could shut the Mine down. Mr. Oliver said the ordinance also measured the noise from the edge of the complainant's property.

Mr. Campanella said that was why he believed it was useless to place decibel levels in the ordinance, because factors such as wind or humidity would have a definitive affect. Ms. Hauth said for those reasons, she did not believe the Board was ready to recommend changes to the zoning ordinance. She said her personal preference was that noise really did not have a role in zoning other than establishing some basic maximums. Ms. Hauth said the enforcement of noise was an incredibly difficult task, and she did not believe it was wise to enact an ordinance that you could not reasonably enforce. She said noise was primarily a nighttime and weekend issue and was a Police issue, not a Zoning Officer's.

Responding to a remark regarding Section 5.4, Ms. Hauth said Section 5.4 use to say that if you got two complaints from two different addresses, then that was enough to invoke the ordinance. But, she said, that was very difficult for the Police. Ms. Hauth said citizens would call 911 to report noise complaints, and many people did not believe it was a 911 issue.

Mr. Farrelly suggested starting on the timing, noting that No. 4 stated 9 p.m. to 7 a.m., but No. 1 under Section 5.3 said particular noise was exempted said 7 a.m. to 8 p.m. and then 8 a.m. on weekdays. He said that was one example where the times did not agree. Mr. Farrelly said under 5.1.6 it said 7 a.m. to 7 p.m. He suggested the Board discuss what the appropriate times of day should be when loud noises should stop regardless of what the noise might be.

Mr. Farrelly asked had a distinction been made between weekdays and weekends. Ms. Hauth said they had for construction noise since many people slept later on weekends, but it was a regular work day for those involved in construction. She said that was why the Saturday hours noted were two hours shorter than a weekday hours, and Sunday was noted as noon to 6.

Mr. Farrelly suggested using the hours that applied to construction noise for all issues throughout the noise ordinance for consistency. Ms. Hauth noted there were some sections that referred to daylight hours. Mr. Farrelly said that 7 a.m. to 8 p.m. seemed to be generally reasonable times for noise. Ms. Hauth said that could be inserted into Section 5.2, No. 4, regarding off-street, as well as 5.3, No. 3, noise resulting from lawn care equipment. She stated that in 5.2.5, regarding musical instruments, it that caused a problem at any time it would be a violation, not just at particular times of day or night. Mr. Farrelly noted that generators were another thing that could be very loud. Ms. Hauth said they would be considered under the section that spoke to internal combustion engines.

Mr. Oliver said that many people were installing emergency generators in their homes, and asked if they would be exempted under the language that referred to "under emergency work to protect life or property." He said many people would need to keep prescription medicines

cool during power outages, for instance. Ms. Hauth responded that during times of power outages, the Police would not be likely to spend their time writing up noise violations. Mr. Oliver said the ordinance needed to be specific about residential generators used during such times.

Mr. Farrelly asked if the Board was comfortable with the 7 a.m. to 8 p.m. for weekday noise except for construction, to make the ordinance uniform. Ms. Hauth said that would be lawn maintenance and vehicle racing. There was no objection from the Board.

Mr. Farrelly said the other question would be under 5.16, where the chart at the bottom of the page was measuring levels of noise. He asked should that be 7 a.m. to 8 p.m. as well to make it consistent. Ms. Hauth said since that would require a zoning ordinance change and would require a hearing that might be something to change during the rewrite. She said the Board could consider changing language that said “unreasonably loud noise” to “loud, ruckus or disturbing”, but perhaps not address the issues dealing with existing commercial uses like the Mine until the Board had a chance to engage them in some sort of conversation.

Mr. Farrelly asked about servicing dumpsters. Ms. Hauth said the Town was getting ready to put their franchise agreement back out, and noted that the current franchise agreement language noted that there would be no commercial collection on Sundays and the collector had the option to begin service as early as 2:30 a.m. as long as it did not affect residential areas. Ms. Hauth said that language could likely be changed to make it more specific.

Ms. Hauth asked if the term “affect residential areas” needed to be more tightly defined. Mr. Remington said the problem was that you had churches and schools that were within residential areas and their dumpsters needed to be serviced, so if you tried to more closely define it you may be causing even more problems.

Mr. Farrelly, after some discussion among the Board, determined that the servicing of dumpsters was adequately covered under the franchise agreement. Ms. Hauth asked if the Board was comfortable with sending their proposed changes forward tonight, noting that the Code changes could be done immediately without the need for a public hearing, allowing the time limits to become effectively immediately. Mr. Farrelly said he was fine with that, as did others. Ms. Hauth said that would primarily be Section 5.1.a and 5.1.b.

Ms. Hauth said regarding generators, language could be added to denote commercial grade generators.

Ms. Faherty stated that before the Board agreed to the time change seven days a week, she believed they should consider that Hillsborough was traditional and it was generally understood that Sunday mornings would be free of noise. Mr. Farrelly said that was accommodated within the ordinance, referring to the noon to 6 times for Sundays.

MOTION: Mr. Remington moved to recommend to the Town Board that the Attorney’s changes to Section 5.1.a and 5.1.b be accepted; that all references to times in Sections 5.2.4 and 5.3.3 be changed to 7 a.m. to 8 p.m.; that construction noise be eliminated between 8 p.m. and 7 a.m.; and, to add the word “commercial” to blower in 5.2.9.

SECOND: Mr. Campanella.

VOTE: Unanimously approved.

ITEM #8: Discussion of potential text amendments relating to stream definitions and buffer requirements.

Ms. Hauth said in an attempt to get the Town's stream buffer ordinance aligned with Orange County, she had included the Town's language on perennial streams and added the County's language regarding the definition of a water feature, and that allowed staff to determine whether or not the water feature required a buffer. She said she had checked with the County and determined that the County staff would be willing to do that for the Town, so this would not be a difficult change for the Town to make in its requirements.

Ms. Hauth said she had included the County's standards that were used within the watershed protection areas. Ms. Hauth said if the Board wanted to vote to send this to public hearing, this could be placed on its April hearing agenda.

A brief discussion took place regarding perennial and intermittent streams within the Town. Ms. Hauth explained the fundamental difference between the Town's current ordinance and that of the County. She noted that a lengthy checklist was used to determine whether a water feature was a perennial or intermittent stream and would therefore require the 50-foot buffer.

MOTION: Mr. Oliver moved to recommend that this item be scheduled for public hearing, in regard to whether or not it was added to the Town ordinance to buffer both perennial and intermittent streams, using the USGS and NRCS Soil Survey Map Streams; that the Town allow the adding of streams based on field identification as well as the deletion of streams; and, that a 50-foot buffer be adopted for those streams.

SECOND: Ms. Faherty.

AMENDED

MOTION: Mr. Oliver amended his motion to include the determination of water features as identified in the materials.

VOTE: Unanimously approved.

ITEM #9: Discussion of citizen request to amend parking requirements for certain uses.

Ms. Hauth noted that a person had paid the fee to have a text amendment process, noting the request was to look at what parking requirements were now and consider reducing them. She said the Town's ordinance did over-require parking, because it took the general square footage requirement and then added a requirement that there be one parking space for each employee. Ms. Hauth said for most uses, the parking was more than even the biggest retailers require. She said a good example was the Wal-Mart shopping area, where their parking was much lower than what the ordinance required but was more than adequate for their uses.

Ms. Hauth asked that the Board provide some guidance as far as what numbers to use prior to this being forwarded to public hearing. She said she was uncomfortable using Chapel Hill's numbers because that town had public transit.

Mr. Newton said the impetus driving this request was people who lived next door to proposed new development, such as the Gateway center and the Orange County administrative offices. He asked if the town were to lower the numbers would that automatically change the site plans already approved for those projects, or would they be required to build the parking spaces requirements under the current ordinance. Ms. Hauth said it would only open the door for those projects to come back and seek a modification.

Mr. Newton said one thing different about Hillsborough was that it was a County seat, and had more government within the Town than other nearby towns. He said for that reason, he was not sure he would be in favor of reducing the parking requirements. Mr. Newton said regarding the chart, he believed they were grossly underestimating the amount of public space in these County buildings, which would hold offices for planning, inspections, tax collections, and others that had high public involvement. He said he would be very hesitant to open the door for those projects to come back in a conceivably request less parking than what was already approved.

Ms. Ellis stated her agreement. Mr. Oliver did as well, adding he saw no reason to change the ordinance. Mr. Oliver said to lower any amounts, he would want to consider that on a case-by-case basis. He said he believed government offices should not be lowered, and that doctors offices needed more parking.

Ms. Wallace said she believed there was way too much parking at Hampton Point, and asked why the Town should require more parking than was needed and would require more impervious surface. Mr. Newton said Hampton Point was not yet built out, and it was under a Special Use Permit which provided more leeway in regard to parking.

Mr. Remington suggested that perhaps the space for retail use could be reduced by removing the one space per employee requirement. He agreed that they should not change the requirements for government buildings.

Mr. Campanella said regarding water runoff and its effect on streams that was the kind of thing that would cause problems. He said seas of impervious surface caused hundreds and hundreds of gallons of water to pour into the Eno River. Mr. Campanella said he tended agreed that the parking was needed for certain kinds of uses, but "big box" developments over-designed for parking. He said the danger for the downtown was that building in so much parking would eat up too much precious space.

Ms. Faherty said Hillsborough was a County seat, and they were in a position that services that needed to be provided to citizens of the County took place in the downtown. She said parking was essential, so she was a little more lenient in regards to parking for those kinds of uses but felt more stingy about other types of uses. Ms. Faherty said she believed a case-by-case evaluation would be more useful.

Mr. Newton noted that he lived near the Wal-Mart, and generally during daytime hours it was at least two-thirds full. He said that Hampton Point was a story still unfolding, noting it was not fully developed or built-out. Mr. Newton said that new out-parcel buildings were being built that would take advantage of some of the parking on the back end of the Wal-Mart parking lot. He said it was not a complete story yet, and he would not want to make a decision based on the Hampton Point example.

Mr. Newton reiterated that the impetus behind the request was as previously stated, and called attention to the language in the memo that referred to not allowing parking garages to become dominant features in the downtown. He said he was confused about the messages from various sources. Mr. Newton said on one hand, downtown was the epicenter of

Hillsborough and they wanted people to come there, but where would they park once that got there. He said they had to be realistic about that, noting that many would not walk or ride a bike to the downtown. Mr. Newton said the other aspect was the type of growth they wanted in the downtown, and again, there were conflicting messages. There were some people, he said, that during election times became proponents of smart growth, but when a core principle of smart growth came up, structured parking came up as well, and a parking garage was structured parking.

Mr. Newton said also to be considered was the amount of parking for retail, which may or may not be a good idea. He said if you changed the amount of parking for retail, then you were changing the amount of parking that would be allowed at places such as Weaver Street Market which would be a huge draw for people. Mr. Newton said perhaps a possible compromise would be to take the district approach, meaning that if you were in the central core then there would be one set of rules, and a separate set for those outside the central core, or south of the Eno, or in the Historic District, or something like that.

Mr. Remington stated that he liked the idea of having the Weaver Street Market, and was in favor of much of what smart growth meant. But, he said, he agreed with what Mr. Newton had said regarding downtown parking and structured parking as a better direction than vast parking lots. Mr. Newton said for the record, he was never against Weaver Street Market and was glad it was coming to the Town.

Mr. Oliver said he liked Mr. Newton's idea, in that if they were going to consider any changes at all that they identify particular standards for particular districts, such as the historic district. He said there had to be some control. Mr. Newton said perhaps the districts could be aligned with the districts mentioned in documents such as the Churton Street Corridor Plan, for instance the downtown district and the Waterstone district, to name a few. He added he saw no reason to change anything at the present time.

Ms. Hauth said another way to think about that, in regards to reviewing projects on a case-by-case basis, would be that with site plan reviews if buildings got over a certain threshold they could be turned into Conditional or Special Uses Permits. She said then, their parking requirements would be considered on a case-by-case basis. Ms. Hauth said the larger the building the larger the parking lot, and the more likely that it could be something different than what was required by the ordinance. Regardless, Ms. Hauth said, she would have to talk with those who had paid the fee for text amendment consideration and explain the discussion tonight. She said the purpose of tonight's discussion was to provide any input into changes the Board might want to see when this went to public hearing. Ms. Hauth said what she was hearing was that there was not a strong interest by the Board in addressing this at this time, other than establishing a more case-by-case review for most everything.

Ms. Ellis said she had understood that the parking garage being constructed by Mr. Horton would have a large percentage reserved for his use. Ms. Hauth said the parking garage was for the use by the buildings Mr. Horton was constructing. She said the garage would not be public and free, and only about 175 spaces would be available to the public.

Mr. Oliver said the way Ms. Hauth had characterized the discussion was that the Board was not interested in taking this up now. He said he was opposed to taking it up. Ms. Hauth said

she was attempting to characterize the Board as a whole. Mr. Oliver said he wanted to make sure the Town Board knew there were several members who were opposed to taking it up, and others were interested and wanted to hear more. Mr. Remington said they needed to look at the Town as a whole and not just at one parking lot for one business. He said the idea that they look at the needs on a neighborhood or district basis was a good one.

Mr. Farrelly said what the Board was being asked to do was to review and adjust Hillsborough's zoning ordinance to bring its parking requirements into a reasonable range for large buildings. He asked if it was the Board's responsibility to come up with something that would speak to such a vague request. Ms. Hauth said no, that she would work with the petitioners to discover exactly what their desires were and what specific language they want to have considered. She said because no specific language was offered, she had wanted some feedback from the Board as to what might be a reasonable range for any changes. Ms. Hauth said what she had gathered from the discussion was that the range for "reasonable" was to not do anything or to investigate something that would allow for a case-by-case or district consideration.

Mr. Farrelly said he would characterize it to say that the request was vague but asked for a very specific change, and the Board was looking for more nuance. He said as it stood, it was a complex topic and it would be better if the petitioner's provided a very specific request for a text amendment. Ms. Hauth said she would discuss that with the petitioners.

Ms. Ellis said the other side was that if the Board reduced the parking and then the occupant of that building moved and someone else moved in and needed more parking, then what could be done. Ms. Wallace stated that it might be that providing less parking was part of the overall strategy to make the Town more walkable.

Mr. Farrelly recommended ending this discussion until they had something that was more focused to discuss. There was no objection from the Board.

UPDATES: Ms. Hauth said it had come to the Town's attention that apparently all of our advisory board members were suppose to be sworn in by taking an oath at the time of their appointment. She asked that the Board to schedule times with her at their convenience to accomplish this.

ITEM #10: Adjourn.

Mr. Newton moved to adjourn the meeting, seconded by Mr. Campanella. The motion was adopted unanimously (9-0). The meeting was adjourned at 9:40 p.m.

Respectfully submitted,



Margaret Hauth, Secretary