

**MINUTES
PLANNING BOARD
May 17, 2007, 7:00 p.m.**

MEMBERS PRESENT: Chair Matthew Farrelly, Edna Ellis, Neil Jones, Paul Newton, Eric Oliver, Dave Remington, Toby Vandemark, and Barrie Wallace.

ABSENT: Tom Campanella and Kathleen Faherty, absence excused.

STAFF: Margaret Hauth.

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

Mr. Farrelly called the meeting to order at approximately 7:03 and confirmed a quorum of the Planning Board.

ITEM #2: Adoption of Minutes from the April 19, 2007 public hearing.

MOTION: Mr. Remington moved to approve the minutes as submitted.

SECOND: Ms. Vandemark.

VOTE: Unanimously approved.

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

The Board agreed by consensus to discuss Items 8, 9, and 10 first, with 5, 6, and 7 coming after Item 10.

ITEM #4: Committee reports and updates.

Board of Adjustment: Mr. Remington noted that the Board of Adjustment had not met during the past month.

Parks and Recreation Board: Ms. Wallace said June 2 was Walkable Hillsborough Day, beginning at 9 a.m. She said the Board had discussed Corbin Creek, which was on this Board's agenda this evening, as was Waterstone. Ms. Wallace said the Parks and Recreation Board was also working on its Master Plan, which was near completion. Ms. Wallace said Stephen Whitlow had been interviewed for a seat on the Parks and Recreation Board, and was being recommended to the Town Board for appointment.

ITEM 8: Recommendation to the Town Board regarding Rezoning Request from Fuqua Limited Family Partnership to correct zoning map error at 420 Calvin Street to rezone it from Residential-20 to Neighborhood Business (4.35.H.8 & 9)

Ms. Hauth said at the public hearing there were a number of comments in support of the zoning change, and some that said they did not mind the business that was already there but did not want the rezoning. Mr. Farrelly said he did not believe there was a way to verify that this was a zoning map error. Ms. Hauth said it was either missed, or was by design to encourage the business not to be located there. Mr. Remington asked when that was done. Ms. Hauth said the current Zoning Ordinance was adopted in 1986, and before that it was 1979. She said it most likely occurred in 1979.

Ms. Ellis asked how the business had been allowed to exist there all this time. Ms. Hauth said the business had never had the need to apply for permits and it was not immediately obvious that a business was located there. Ms. Ellis read the definition of a residential use and neighborhood business from the Ordinance, and noted that this

zoning change was appropriate because the business did not have an adverse affect on the neighborhood. She stated that this was clearly a mistake, and it should never have been zoned residential.

MOTION: Ms. Ellis moved to recommend to the Town Board approval of the rezoning request from Fuqua Limited Family Partnership to correct a zoning map error at 420 Calvin Street to rezone it from Residential-20 to Neighborhood Business.

SECOND: Mr. Oliver.

VOTE: Unanimous.

ITEM 9: **Recommendation to the Town Board regarding a Special Use Permit for Corbin Creek, a cluster subdivision of 20 lots on 12.24 acres between East Corbin Street and US 70 Bypass with access from East Corbin Street (TMBL 4.37.A.2)**

Ms. Hauth stated that Mr. Norman Haithcock did not receive his written notice of tonight's meeting until the Saturday after the public hearing due to an error in the data base regarding his mailing address. She said he was present this evening and had comments he wanted to make. Ms. Hauth said while it was somewhat unusual to reopen a public hearing that had been closed, it would be at the Board's discretion if they wanted to hear Mr. Haithcock's comments.

Mr. Newton said he understood the situation, and asked were they legally allowed to reopen the public hearing. Ms. Ellis said they could if they wanted to hear new or more information. Ms. Hauth said she would not recommend that the Board make it a practice to listen to comments after a public hearing had closed. She said if something was heard that dramatically changed your view on the project, then she would recommend asking that the hearing be formally reopened and that they start over.

Mr. Newton said he was concerned with the process, and that if the vote did not go the way the applicant wanted, there may be a likelihood of a law suit.

Mr. Remington suggested hearing Mr. Haithcock's comments and then judge if they were worthy of reopening the public hearing. He said he believed that was reasonable.

Mr. Oliver said if someone gave any kind of testimony, it could jeopardize the whole public hearing process. He said they had to make the decision to reopen the public hearing, and if not then the only thing the Board should hear were points of clarification from the applicant but no more testimony.

Responding to a comment by Ms. Wallace, Ms. Hauth stated that Mr. Oliver was correct in his assessment because this was a quasi-judicial process.

Mr. Jones agreed, noting that protocol was protocol, and they should not make a practice of violating that protocol.

Mr. Newton said obviously it was not Mr. Haithcock's fault that he did not receive the notice, but the Board had procedures that had to be followed in order to give everyone the opportunity to speak. He suggested that perhaps the fair thing to do would be to reopen the public hearing.

Mr. Farrelly asked was it possible for Town Attorney Bob Hornik to be consulted regarding this, and then allow Mr. Haithcock to speak at the Town Board meeting. Ms. Hauth said the point of the quasi-judicial process was to have people present, sworn, and available for questioning, and everyone heard the same information at the same time. She said there were three options: they could decline to hear Mr. Haithcock's comments; they could reopen the public hearing; or, they could hear the testimony as non-legally binding testimony.

Mr. Farrelly said if what they heard from Mr. Haithcock had the possibility of influencing the Board's decision, then clearly the public hearing should be reopened. He said if the Board heard from Mr. Haithcock before that decision was made, it could be argued that the comments heard influenced the vote and could therefore be contested.

Mr. Newton said the Town Board would be making their decision after they heard Mr. Haithcock's comments, so possibly that would could jeopardize that process. He said the applicant had the right of cross-examination, so it appeared the fair thing to do would be to reopen the public hearing.

Jim Parker, speaking as the applicant, said they did not oppose hearing from Mr. Haithcock.

Mr. Oliver suggested having a quorum of the Planning Board present at the next Town Board meeting on June 11, reopening the public hearing at that time and hear from Mr. Haithcock, then closing the public hearing prior to the Town Board's discussion. Ms. Hauth commented there was sufficient time to advertise the public hearing if the Board chose to do that.

MOTION: Mr. Oliver moved to reopen the public hearing on the Corbin Creek Subdivision and place it on the agenda for the June 11 Town Board meeting, and that a quorum of the Planning Board be present at that hearing.

SECOND: Mr. Newton.

VOTE: Unanimous.

ITEM 10: **Recommendation to the Town Board regarding a Special Use Permit for Waterstone Community Park on a 22.05 acre site (TMBL 4.45..2K)**

Ms. Hauth noted that the Parks and Recreation Board had recommended the Park plan as is, but did note a couple of questions. She said when discovering the cost of a restroom building, they had agreed that the cost was beyond what they could reasonably expect the developer to provide. Ms. Hauth said the restrooms had then become the first priority under Phase 2 of the Park and would be the responsibility of the Town.

Ms. Hauth said the other issue was that the Parks and Recreation Board did not have the technical expertise to decide if the developer should be required to irrigate the soccer field, and if the health of the field could be maintained without irrigation then they would allow that requirement to drop.

Mr. Farrelly said he believed the field would remain healthy without irrigation based on its location and topology.

Ms. Wallace said the applicant's estimate for building wood-sided restrooms was \$110,000, and asked was there a cheaper way to provide those restrooms. Ms. Hauth said that cost was in line with the estimated cost for a similar structure at Gold Park. Ms. Wallace suggested cutting down the size of the restrooms, perhaps providing only one toilet and a sink in each restroom, to reduce the cost.

Mr. Farrelly said he believed there would be only a marginal cost savings. Mr. Oliver said the restroom was not part of Phase 1, and therefore it was up to the Town as to when they wanted to fund it in Phase 2. He said what the Parks and Recreation Board had tried to do was prioritize the list of things in Phase 2 to recommend to the Town Board, such as irrigation of the field, restrooms, extra parking, a trail, or whatever.

Ms. Wallace said that was true, but it was also felt that this Board might be able to get something more for Phase 1.

Dave Denison, speaking as the applicant, said they were willing to offer to the Town the difference between the estimated cost of the restrooms and the actual cost, should the cost be higher than estimated.

Tim Michael, with the John R. McAdams Company, said he believed the estimate for the restrooms was solid. He said the big variable was whether or not the field irrigation could be done, noting if irrigation was done there would not be any funds remaining. If field irrigation was not done, he said, some funds may remain.

Mr. Oliver asked if the fence was a part of Phase 1. Mr. Denison said yes. Mr. Oliver asked what the exact location was of the stub out for sewer and water. Mr. Michael replied in the area of the driveway, so it would relate to the area for the restrooms.

Mr. Farrelly asked what would be the plan for irrigation for the soccer field if it were done. Mr. Michael responded the estimate was \$25,000 for irrigation, pumps, and building, and then another \$3,500 for a meter not including Town impact fees. Mr. Farrelly asked had there been any change in the plan for the play structures since the public hearing. Mr. Michael said not that he was aware of. He said those structures would serve ages 2 – 5 and 5 - 12.

Ms. Vandemark remarked that the \$325,000 required to be spent was the floor, not the ceiling, and asked why not ask that the restrooms be provided in Phase 1. Mr. Farrelly said that the applicant for Waterstone had been asked for a soccer field and playground area, which was the minimum, and they spent at least \$325,000 to get that. So, he said, you would have to judge how you felt about a soccer field and a playground without a restroom, and if that met the requirement for the minimum.

Mr. Oliver said he believed the restrooms should have been made a part of the minimum package, and it was the Town's fault for not putting them in. He said he thought they had been explicit when they had set the minimum package, and if they had thought about it they should have set a minimum level for which the applicant had to perform. Mr. Oliver said he believed the applicant was performing well, although he did have a problem with where the stub outs ended, because it was in the middle of the

entrance and any work on it would require you to stop usage of the area. Otherwise, he said, the applicant was delivering what they said they would deliver. Mr. Oliver said if the restrooms could be provided for \$325,000 he was sure the applicant would do so.

Mr. Farrelly said it was hard to imagine a soccer field and a playground used by children without a restroom. He said if portable toilets were provided, then someone would have to pay for the service. Ms. Hauth said it would be the Town Board's decision as to what could be negotiated with the applicant. She said if this Board felt strongly about something they could include it in its recommendation. Ms. Hauth reminded the Board that the applicant had made an offer regarding what happened to any funds left over, and perhaps those funds would be used in a cost-share arrangement.

Ms. Wallace said she was in favor of a cost-share arrangement for any left-over funds.

Mr. Remington said given the magnitude of the cost for a restroom, he believed they would be "upping the ante" by requiring a restroom in the middle of the game and he was not sure that was fair.

Mr. Oliver said he believed they should at least take the recommendation from the Parks and Recreation Board, add this Board's thoughts, and then prioritize those items to the Town Board. He said if the Board believed restrooms were a must, they could recommend that they be considered first. Or, he said, irrigation should be required with restrooms and trails coming next, or whatever the Board chose.

Bryant Warren, Chair of the Parks and Recreation Board, said the list his Board had included in its recommendation was a "wish list" that perhaps could be included in Phase 1, and if not should be included in Phase 2 as quickly as possible. He said he believed the restrooms were more important than irrigation of the field.

Mr. Denison noted that the location of the stub outs could be moved to wherever they would work the best, and would work with the Town to identify the best location. He remarked that including the restroom would mean a 33% increase over the required minimum expenditure, adding that their plan included everything that had been required and it was unfair to change that now.

Mr. Farrelly asked did Mr. Denison think that a park was fully functional without a restroom. He said if someone was asked to build a soccer field and a playground, there were assumptions that went with that. Mr. Farrelly said the parking lot was not listed as a requirement, yet one was being provided because you presumed that people would be driving to it. He said some things were implied, and restrooms were one of them. Mr. Farrelly said asking for restrooms was not unfair, since restrooms were a minimum requirement for the park to be functional.

Mr. Farrelly said Ms. Wallace had suggested providing the absolute minimum of one toilet and one sink for men and women as an interim solution. He asked how much that would cut the cost. Mr. Michael said much of the cost was the maintenance, design, and plumbing. So, he said, cutting back to the minimum would not reduce the cost significantly.

Ms. Ellis said restrooms were very necessary for those visiting the park, even if you had to give up something else.

Mr. Newton agreed, noting that restroom facilities were necessary. He said when the deal was closed on the park, it had been commented that the amenities would be decided at the SUP level so there was little discussion on the intricate details of the park. Mr. Newton said so here they were at the SUP level and restrooms were a must.

Mr. Farrelly said one possible middle ground was that if the cost of the restrooms was \$110,000, would the applicant be willing to pay half of that cost with the Town paying the other half. He said he did not know if the Town would be willing to do that, but that might be one possibility. Ms. Hauth said the Town Board was working now on next year's budget, and the park was supposed to be completed by the end of 2008. She said that would give the Town time to find \$60,000.

Ms. Wallace said they did not know how the Town would respond to that suggestion, but it could be a part of this Board's recommendation.

Ms. Ellis suggested providing small restrooms similar to those provided at the Welcome Center.

Ms. Wallace asked what irrigation of the field would entail. Mr. Farrelly said most fields were watered the natural way, with rain. He said the soccer field could be planted with hearty grass that would withstand heavy use. Mr. Michael said the most important stage would be when the grass was first being established. Ms. Wallace asked would water hook-ups be provided so the field could be manually watered if necessary. Ms. Hauth said if there were restroom facilities it could be designed with outside water hook-ups.

Mr. Oliver said the playground would be built prior to homes being built, so the field would have a year or more to get established prior to programmed events. He said that may mean that irrigation was not required.

Ms. Vandemark asked if water would be required for Phase 1. Ms. Hauth said that Phase 1 would provide the stub outs for water and sewer. Mr. Michael said that an exterior hose bib could be provided.

MOTION:

Mr. Farrelly moved that the Board recommend approval of this plan to the Town Board with the following conditions: that it include at a minimum \$55,000 for half of the estimated cost of building restrooms, with the understanding that the Town would cover the remainder of the cost; that a hose bib be provided; and, that the stub out connections be moved out of the entranceway to a more suitable location as identified by the Town.

SECOND:

Mr. Newton.

VOTE:

Unanimous.

ITEM #5:

Recommendation to the Town Board regarding amendments to the Flood Damage Prevention Ordinance to prohibit new development in the floodplain with exceptions for streets, utilities, and recreation facilities.

Ms. Hawth said since the public hearing she had spoken with the Mr. Robins regarding the impact on his property with the new ordinance.

Ms. Wallace asked about the speaker at the public hearing that expressed concerns. Ms. Hawth said that speaker owned property that had a stream going through it, so it severed the parcel causing a piece of high ground that could require building a bridge to get to it. She said it appeared that the floodplain was roughly approximate to the 50-foot stream buffer that the speaker would have anyway. Ms. Hawth said it did impact the property, but did not make it unbuildable.

MOTION: Mr. Newton moved to recommend approval of the proposed amendment to the Flood Damage Prevention Ordinance to prohibit new development in the floodplain with exceptions for streets, utilities, and recreation facilities.

SECOND: Mr. Oliver.
VOTE: Unanimous.

ITEM #6: **Recommendation to the Town Board regarding Text Amendments affecting parking requirements for retail and government use.**

Ms. Hawth said a petition had been received from a couple of citizens at a public hearing, and one additional speaker had questioned the speed at which this was moving. She said that speaker had believed this would apply in the central commercial zoning district. Ms. Hawth said this was not so much for new construction, but you could continue to renovate commercial buildings in the central zoning district and not necessarily have to provide all the required parking.

Mr. Oliver said he did not believe such a change needed to be made. He said any new building downtown needed to have adequate parking to go along with it. Mr. Newton agreed, adding the information provided by the citizens requesting the change was inaccurate and misleading.

Ms. Wallace said she had some concerns that parking lots or decks would harm the character of the historic district, but did not know how much parking was necessary. She said she did not believe the Board was informed enough to make a decision.

Mr. Newton said he did not believe it was a good idea to reduce the required parking, noting Hillsborough was the County seat and because of that many people traveled there to visit the tax office, Land Records, the Courthouse and other facilities.

Mr. Remington asked if the Town Board had the authority to waive any of the requirements in the existing ordinance. Ms. Hawth said only when it was an SUP and not just a site plan.

Mr. Farrelly asked under what circumstances would a parking deck be proposed. Ms. Hawth said the only vacant lot in the downtown was the gravel lot across from the library. She said someone could propose to build a parking deck there and then lease it out. Ms. Hawth said they could also propose to build a building there, yet not provide all the required parking. Mr. Farrelly said that would then have to be approved by the HDC since that was part of the historic district. Ms. Hawth said that was correct.

Mr. Oliver said the existing ordinances were protective of the downtown and the historic district. He said allowing as much parking as it does did not allow that many new buildings to come in, so you would have to utilize the buildings that were there. Mr. Oliver said he did not see the Town changing to expose the downtown to buildings without enough parking.

Mr. Remington said many times businesses left the downtown to relocate in shopping centers where plenty of parking was provided. He said he did not want to see the downtown turned into a sea of parking, but they did need to make sure adequate parking was provided. Mr. Remington said he did not believe this was a good place to make a change.

Ms. Ellis remarked she did not believe parking should be reduced, noting there was not enough parking downtown now.

Ms. Wallace stated there was a marked difference between the Town's standards and Chapel Hill's standards. She asked if Hillsborough's needs were double those of town's that required so much less parking.

Ms. Vandemark asked if Ms. Hauth could obtain numbers from Chapel Hill as to daily traffic and the amount of parking provided so that some sort of comparison could be made. Ms. Hauth said she could see if that was information was available. She said Chapel Hill's requirements were different than what you see in many jurisdictions because they limit parking to encourage the use of mass transit. Ms. Hauth said Chapel Hill had a maximum of the amount of parking you could provide on site rather than a minimum.

Ms. Vandemark asked had the Town considered something similar to a shuttle service to serve the Town. Ms. Hauth said yes, but in partnership with Orange County Transit. Ms. Vandemark asked would that make a difference in the amount of parking required.

Mr. Oliver said that had been discussed by the Board of Adjustment in conjunction with the Orange County annex. He said part of the park and ride space at the junior college was used to meet the parking requirement for the County annex.

Mr. Remington remarked another issue was that some institutions or business did not have the existing parking needed and something had to make up for that. He said the Presbyterian Church was a good example of that.

Ms. Wallace said she did not want to short-change Town parking at all, but would like to know if they were requiring too much. Ms. Hauth said the downtown was developed prior to parking requirements, and the ordinance was aimed more at new construction that would not be in the downtown.

Mr. Farrelly agreed that did not seem to be registering with people. He said comments had been made about "seas of parking," and said there was no available space for "seas of parking" to be constructed, and did not see a looming crisis.

Mr. Remington said perhaps that question should be revisited after the County building and the Gateway Center were constructed, and then judge if there was more parking available than needed.

Ms. Wallace said it appeared to her to be an excessive amount of parking at Hampton Point. Mr. Farrelly said that was not totally built out yet, so it was not possible to make that judgment until build out was achieved.

MOTION: Mr. Oliver moved to recommend to the Town Board that they not approve the Text Amendments affecting parking requirements for retail and government use.
SECOND: Mr. Newton.
VOTE: Unanimous.

ITEM #7: **Recommendation to the Town Board regarding Text Amendments to establish buffer requirements for intermittent streams and allow for staff stream determination.**

Ms. Hauth said that Tom Campanella had a question at the public hearing about whether this ordinance would apply to a stream that was suddenly daylighted, and the answer was yes.

Mr. Oliver asked was it correct that the Town staff would not have to have additional training if the text amendments were adopted, and that the County staff would do the determinations. Ms. Hauth said that was correct, noting the determinations would be done by the County's Soil Erosion Control staff.

Mr. Farrelly asked how it would affect proposals in motion but not yet approved. Ms. Hauth said the text amendments would not apply to subdivisions or other large projects already in process, but it would apply to someone beginning a project once the text amendments were adopted.

MOTION: Mr. Oliver moved to recommend to the Town Board that they approve the Text Amendments to establish buffer requirements for intermittent streams and to allow for staff stream determination.
SECOND: Mr. Newton.
VOTE: Unanimous.

ITEM 9: **Recommendation to the Town Board regarding a Special Use Permit for Corbin Creek, a cluster subdivision of 20 lots on 12.24 acres between East Corbin Street and US 70 Bypass with access from East Corbin Street (TMBL 4.37.A.2)**

Ms. Hauth noted that the parties concerned with the Corbin Creek item had requested to speak again, at the Board's discretion.

Mr. Parker stated that the applicant and Mr. Haithcock had participated in a brief discussion in the parking lot, and Mr. Haithcock was now willing to state that he no longer needed to go to public hearing. He asked the Board to reconsider its earlier decision to reopen the public hearing, and allow the item to be considered this evening. Mr. Haithcock confirmed that he no longer wanted the public hearing reopened.

MOTION: Ms. Vandemark moved that the Board cancel the public hearing scheduled for June 11, 2007 as voted on by the Board earlier this evening.
SECOND: Mr. Newton.
VOTE: Unanimous.

Ms. Hauth said the Parks and Recreation Board had reviewed the Plan and recommended in favor of it as submitted. She said the Plan had indicated the location of the pedestrian easement down the first cul-de-sac and across the creek and out to US 70.

Mr. Oliver asked if the Vision 2010 Plan was considered part of the record even if not entered official at this meeting. Ms. Hauth said yes, because it had been adopted by the Town Board.

Ms. Wallace said the Parks and Recreation Board had discussed trying to get a pathway into the cemetery, but there was no enthusiasm for that on the part of the applicant. She said that Board had also talked about getting a pathway up closer to the intersection of Orange High School Road, but apparently the topography there was too steep.

Mr. Warren said the Parks and Recreation Board wanted to make sure they had the north and south pedestrian right-of-way through the property because it would eventually be tied into a sidewalk on US 70. As far as the two play areas, the Parks and Recreation Board was recommending that the homeowners association decide what type of equipment to place there.

Ms. Ellis asked would there be a homeowners association. Ms. Hauth said one was required because there was public open space in the subdivision. Ms. Ellis quoted language from the ordinance regarding soil suitability, and asked if that applied to the two underground tanks proposed for the runoff stormwater. Ms. Hauth replied that requirement as noted in Section 4.1 applied to septic tanks.

Ms. Ellis asked how the stormwater would reach the pipes. Ms. Hauth confirmed with Mr. Parker that these would be curb and gutter streets. Mr. Parker said because they were moving forward with annexation, the sidewalks would be pulled into the curb and would all be piped.

Ms. Ellis said that US 70 West was number 3 on the Town's TIP list for the years 2007-2013 for widening with bike and pedestrian improvements, but the applicant had chosen not to hook up to that. Mr. Parker said that was correct, other than for the pedestrian access. Ms. Ellis said that was another reason why the recreation area near the highway should be pulled back into a central location.

Ms. Ellis said street regulations under Section 4.4.2 called for streets to be regulated with the surrounding area as well as with the Hillsborough Thoroughfare Plan, which was Highway 70 Bypass. She said this subdivision should be connected to Highway 70.

Ms. Ellis said there would be covenants on the lots, but asked about requiring "stick built" homes. Mr. Parker said the covenants could carry requirements about the type of homes and the type of construction. He said the applicant's intention was for stick built homes in the \$375,000 to \$425,000 price range.

Ms. Ellis stated that Section 4.9.2, B. talked about approved water supply and wastewater treatment systems available from the Town, with each lot served by separate connections. She said that would not be needed until the Town annexed it. Ms. Ellis said there was nothing she could find that said the applicant was meeting the requirements for Section 4.9.5, A or B., which spoke about the physical conditions of the property that make it appropriate for cluster development. She said that information had not been provided. Mr. Parker responded said there was a large stream being protected in the open space, which satisfied the requirement.

Mr. Farrelly said they did not need all those standards; they only needed one.

Mr. Remington said that was one reason why it would be a disaster to connect to US 70, because you would have to go down a steep grade and cut across an open area.

Mr. Oliver said one item brought up was the recreation area. He said it was too close to the road and provided limited visibility if children were playing close by. Mr. Parker said that area was not intended to be a tot lot, rather more as a picnic area. He said they were willing to relocate that recreation area closer to the cul-de-sac on top of the underground storage tanks.

Mr. Newton asked about the maintenance required for the underground storage tanks. Mr. Parker replied it would occasionally require vacuuming out. He said until they knew what the water runoff would be, they would not know what size would be required. Mr. Parker said access would be provided for that maintenance, and they would meet all requirements of the ordinance.

Mr. Oliver said regarding the entranceway onto the US 70 Bypass, the minutes of the public hearing stated that a stub out would be provided for future development. Ms. Hauth said that was future development of Mr. Haithcock's property, not to US 70.

Mr. Remington said in this case the connection to US 70 was not desired, noting the proposed plan was preferable.

Mr. Oliver remarked that three times in the Vision 2010 Plan it stated that cul-de-sacs were not preferred, and this Board had followed that by reducing the number of cul-de-sacs whenever possible. He said they were difficult to navigate for school buses and emergency vehicles, and wondered if the cul-de-sac should be reconsidered. Mr. Farrelly said they had topography that was difficult, and in this case it was likely the best solution.

Mr. Newton agreed, noting the Vision 2010 Plan was a guideline and you could not take a hard and fast approach to everything. He said with this property and its difficulties including the stream, the buffers and the topography, a cul-de-sac would be the answer to prohibit cut-through traffic in this residential neighborhood. Mr. Farrelly added that the neighbors had not objected to the cul-de-sac at the public hearing.

Ms. Wallace said the applicant had noted they wanted to use green building techniques, and the owner had stated they would preserve the trees. Mr. Michael said there was no

commitment to build green buildings, but they were looking at options. He said they would make a conscious effort to protect the trees and minimize unnecessary cutting.

Mr. Remington said the existing driveway offset from Mitchell Street did have a row of Dogwood trees along each side of the drive, and asked that as many of those as possible be preserved. Ann Purcell, the owner, noted that her father had planted those trees about 40 years ago and they would all be preserved if at all possible.

Mr. Oliver said he would not like to see any kind of break in the fence between the cemetery and this development. He said it was very appropriate that the only entrance was to come out to the street and walk there.

Mr. Oliver said he also wanted to discuss the requests for variances regarding the buffers. Mr. Parker said the reasons for the variances was an attempt to maintain the building envelopes or setbacks from the buffers. He said they were trying to make the lots larger than the minimum allowed in a conscious effort to reduce the density and in doing that they were hemmed in by the buffers along those properties. Mr. Parker said in essence, the variances were a request for a trade-off there. He said Mr. Haithcock had offered no objection to that.

Ms. Ellis asked about the recreation area sitting on top of the underground tank, just behind Mr. Haithcock's property. She said she believed that area was all uphill, and asked would the site be handicap accessible. Mr. Parker said the site had not yet been engineered, so these were only conceptual plans. He said the tanks may have to be moved to the nearby open space.

MOTION:

Mr. Newton moved to recommend to the Town Board approval of the SUP for Corbin Creek subdivision, with the condition that the recreation area in the open space between the existing intermittent stream and US 70 Bypass be moved to the open space at the site of the underground storage.

SECOND:

Ms. Vandemark.

VOTE:

The vote was 7-1, with Ms. Ellis voting Nay.

ITEM #11:

Discussion of project priority list for 2009-2015 Transportation Improvement Plan.

Ms. Hauth said this was an update to the 2007-20013 TIP, noting the only project this Board had discussed that was not on the list was the Orange Grove Road extension to US 70A.

Mr. Oliver said he had a concern with the priority. He said #4, the pedestrian bridge on Orange Grove Road, was more important than #3, and asked that they be switched on the list. Mr. Oliver said that would serve the schools on the other side of the bridge much better. Mr. Remington agreed that the two items should be swapped on the list, noting it may carry a lower price tag. Mr. Newton stated he was in agreement with switching #4 for #3.

Evelyn Poole-Kober commented that during the 26 years she commuted daily to Research Triangle Park, she never exited on Highway 70 because the traffic backed up onto the ramp at I-85. Mr. Newton agreed, noting he had used both highways during his commutes and Highway 70 was congested during peak hours. He said the

widening of US 70 would allow slower traffic to continue to go slow and faster traffic to continue to move. Mr. Newton said the reality was that none of the projects were even close to being funded, with priority #1 having only partial funding. He said swapping priorities 3 and 4 would not make a lot of different, and he was okay either way.

Mr. Remington said one thing to consider on the widening project was that when you alleviated traffic back-up, it caused more people to take that route and it changed traffic patterns. He said he did think this widening was one that needed to happen at some point, but did not know how much of the problem it would solve.

Ms. Vandemark said she believed the widening of US 70 would help alleviate some of the stress on Churton Street.

MOTION: Mr. Newton moved to recommend approval of the project priority list for the 2009-2015 Transportation Improvement Plan as presented.

SECOND: Ms. Vandemark.

VOTE: The vote was 6-2, with Ms. Wallace and Mr. Oliver voting nay.

ITEM #12: **Adjourn.**

Ms. Vandemark moved to adjourn the meeting, seconded by Mr. Oliver. The motion was adopted unanimously (7-0). The meeting was adjourned at 9:27 p.m.

Respectfully submitted,



Margaret A. Hauth, Secretary