

**MINUTES**  
**PLANNING BOARD**  
**Thursday, June 19, 2008**  
**7:00 PM, Town Barn**

**MEMBERS PRESENT:** Chair Matthew Farrelly, Dan Barker, Neil Jones, Dave Remington, Barrie Wallace, Stephen Whitlow, and Elizabeth Woodman.

**ABSENT:** Tom Campanella, Kathleen Faherty, and Toby Vandemark, absences excused.

**STAFF:** Planning Director Margaret Hauth.

**GUESTS:** Mary Donegan, Andrew Robinson, Bryant Warren, Michelle Kempinski, and Chris Wachholz.

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

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

**ITEM #2: Additions to the Agenda and Agenda Adjustments.**

There were no additions or adjustments to the Agenda.

**ITEM #3: Approval of minutes of the May 15, 2008 meeting.**

There were no adjustments or corrections offered to the minutes.

**MOTION:** Mr. Barker moved to approve the minutes from May 15, 2008 as submitted.

**SECOND:** Ms. Woodman.

**VOTE:** Unanimous.

**ITEM #4: Committee reports and board updates.**

- **Board of Adjustment:** Mr. Remington said the BOA had discussed Fairview Park, noting the County had requested an indefinite continuation because their grant had not materialized. He said the BOA had continued the issue for three months.
- **Parks and Recreation Board:** Ms. Wallace stated they continued to work on the Connectivity Plan, and had recently talked about connections to regional trails and the State's Mountains to the Sea trail project.
- **Tourism Board:** Ms. Woodman stated that at their June meeting, they had distributed \$82,000 in grants to about 20 different organizations and groups in Town. She said unfortunately the requests had come in at about \$120,000, so they were not able to fund everything fully. Ms. Woodman said she was serving on a committee to develop a new website for the Town that should foster tourism.
- **Wayfinding Committee:** Mr. Remington said the Wayfinding Committee had held its first meeting to organize and talk about the schedule. He said their field of focus would likely expand beyond the Churton Street corridor and US 70, and west Hillsborough in particular.

**ITEM #5: Interview candidates for in-Town vacancy.**

Ms. Hauth stated that Toby Vandemark's resignation would be effective in July, noting her family was relocating out of State. She said she had made contact with people who had previously applied, plus had received two new applications. Ms. Hauth said Mary Donegan, Andrew Robinson, and Bryant Warren were present this evening to be interviewed. She said that there were a couple of other applicants who were not able to

be present this evening, so the Board could choose to delay their decision until those persons could be interviewed as well. Ms. Hauth said if the Board chose to go forward, the recommendation could go to the Town Board in July.

Mr. Farrelly confirmed that they were interviewing for one vacancy. Ms. Hauth said that was correct. She added that she had contacted Tom Campanella, who indicated he would return to the Board in August. Mr. Farrelly invited the applicants to come forward to speak.

**Mary Donegan** – Ms. Donegan stated she had lived in west Hillsborough for about two years and was currently a Doctoral student in City and Regional Planning at UNC. She said she was interested in planning issues, and had moved to Hillsborough because they liked the feel of the Town. Ms. Donegan said she understood the pressures of growth and development, and would like to be a part of the process as Hillsborough tried to balance that and maintain its character and history. She said she had looked at some of the Town's plans, such as the Churton Street Corridor Plan, the Cornelius Street Plan and other vision documents, and would like to be involved as those plans were implemented.

Mr. Barker asked what her plans were after graduation. Ms. Donegan stated that would be four or five years from now, but her wish would be to become a professor or a consultant.

Mr. Remington asked if she was aware of the meeting schedule and time commitments. Ms. Donegan responded she was, noting she had flexibility in her schedule that would allow that time commitment.

**Andrew Robinson** – Mr. Robinson said he had lived in Hillsborough for five years, and commuted to Greensboro for work. He said he had grown up in Columbia, Maryland, and had been intrigued as he grew up in that environment by the thought and effort that had been put into the actual layout of the neighborhoods. Mr. Robinson said that helped to impact his experiences as he grew up, and now that he had children he wanted to do what he could to make sure the environment they grew up in was not one full of mass sprawl like he had seen in California. He said he wanted his children to grow up in a neighborhood environment where they could play and take advantage of walking trails and the interconnection of neighborhoods. Mr. Robinson said he would like to be a part of the process in terms of helping bring forth the Town's vision which was to maintain the character of Hillsborough and manage the growth to make it a viable place that nurtured its citizens.

Mr. Remington asked if he planned to continue to live in Hillsborough long term, given the price of fuel. Mr. Robinson replied that his wife worked at RTP, his mother-in-law was here, and his children were in school here. He said he had no plans to leave Hillsborough. Mr. Robinson said he would like to have the opportunity to take the commuter train between Durham and Greensboro, and he would really like to see a train stop added in Hillsborough.

Ms. Wallace asked if his schedule would allow for the time commitment necessary to serve on the Planning Board. Mr. Robinson said he had recently shifted his schedule to

allow more focus time outside his career, and wanted to spend some of that time working on issues that affected the Town.

Mr. Whitlow asked what part of Town he lived in. Mr. Robinson responded he lived in Beckett's Ridge. Mr. Whitlow asked were there things he had seen during his time here from a planning perspective that he liked or disliked. Mr. Robinson said what he disliked the most was the limited restaurant choices, but one thing he did appreciate was the thought and effort that had gone into Waterstone and the types of housing mix that was being provided. He said he appreciated the vision to create and leverage the growth and make a much more inviting environment for citizens.

**Bryant Warren** – Mr. Warren stated he had served on the Planning Board for six years, and was now serving on the Parks and Recreation Board. He said he had been off the Planning Board for two years, and now felt the need to serve again. Mr. Warren said he had lived in Hillsborough for all but 8 of his 58 years.

Mr. Warren said he was very concerned about the growth in Hillsborough, but so far had managed it well through smart growth. He said the growth would come no matter what was done, but they had to make sure it was done in a way that was best for Hillsborough. Mr. Warren said he had lived in west Hillsborough for about 18 years, and intended to stay in Hillsborough. He said he had been heavily involved in plans for greenways, trails, and parks, and had been Chair of the Parks and Recreation Board for the past two years.

### **Discussion**

Mr. Farrelly said he was in favor of considering the applicants who had been interviewed this evening, noting all of the applicants appeared to be well qualified. Ms. Hauth stated there was a lot of interest in the Planning Board, noting they had not had this kind of outpouring of interest in 17 years and there were people waiting in line to serve.

Mr. Remington said it was a tough choice, noting he would like to see Mr. Warren back on the Board. But, he said, he believed Ms. Donegan and Mr. Robinson would be good additions to the Board as well.

Ms. Wallace agreed all three candidates were excellent, but she believed Mr. Warren was the best choice because he had lived here for so long and really knew every square inch of Hillsborough. She said having someone on the Board who had lived here for so long would be valuable.

Mr. Whitlow agreed with Ms. Wallace, but believed either of the other two candidates would bring something equally valuable to the Board.

Mr. Farrelly asked when terms expired for current members. Ms. Hauth responded she believed his term would expire in November, and he was not eligible to serve another term. She said that Ms. Wallace's terms expired in the spring, but she was a County representative and these applicants were not eligible for that seat. Ms. Hauth said all of the people holding in-Town seats were new, so those terms would not expire for some time.

Ms. Woodman said she felt like she should resign to make room for these very accomplished applicants. She said she believed they would all bring talent and knowledge to the Board, but would support Mr. Warren who had served the Town in so many different capacities.

Mr. Barker said he agreed that Mr. Warren was serving the community well on the Parks and Recreation Board, but having him on the Planning Board might dilute the energy of the Parks and Recreation Board.

Mr. Whitlow stated he had been in planning school with Ms. Donegan and she was also his neighbor. He said they had served together on their neighborhood organization, and knew she was good at working through difficult issues.

Ms. Wallace said that Mr. Warren had served on two boards in the past with no difficulty. She said with his breath of knowledge and experience, it would not be difficult for him to serve on the Planning Board while also serving on the Parks and Recreation Board.

Mr. Whitlow suggested taking a straw vote to determine where they stood. The results were: Ms. Donegan – 1 vote (Mr. Whitlow); Mr. Robinson – 1 vote (Mr. Barker); and Mr. Warren – 5 votes. Mr. Whitlow declared Mr. Warren the Board's first choice.

**MOTION:** **Mr. Remington** moved to recommend to the Town Board appointment of Bryant Warren to a vacancy on the Planning Board.

**SECOND:** **Ms. Wallace.**

**VOTE:** Unanimous.

**ITEM #6:** **Preliminary Plan for a private road subdivision for Chris Wachholz to create two lots with access from a new private road on West Queen Street.**

Ms. Hauth stated the proposal was to create a private road to access the rear portion of the two-lot parcel. She said there was an email in the packet from Kenny Keel which stated how water and sewer would or could be provided to the site, and on the back page of that email were the standards for private roads. Ms. Hauth said the reason all the items on the checklist were not checked off was because this was a proposal only.

Mr. Remington asked if the zoning was R-20. Ms. Hauth responded yes. Mr. Remington asked what the sizes were of the two lots, noting the information said the total was 1.03 acres. Ms. Hauth stated that Lot A was 21,800 square feet and the Lot B was 22,947 square feet. Mr. Remington asked if that was with the right-of-way subtracted out. Ms. Hauth said no, it included the private road right-of-way for both of the lots. Mr. Remington said then the private road would not be deducted from the size of the lots. Ms. Hauth said the ordinance did not require that.

Mr. Remington asked were there any existing buildings on the lots. Michelle Kempinski, a landscape architect, replied no, that it was a wooded lot. She said they were proposing to build two houses, but there was some challenging topography in that area. She said the houses would be located where the topography started to level out somewhat.

Ms. Woodman said she had wanted to make sure that these were buildable lots because she knew there was a lot of slope there. Ms. Kempinski displayed contour maps, noting there were a couple of locations where the land flatten out and would make good home sites. Ms. Woodman asked if there was a creek running through the property. Ms. Kempinski stated it was to the south, and indicated it on a map. She noted that the stream buffers did not affect these lots.

Ms. Hawth stated that the County had done a determination of where the stream actually began, and although there may be some drainage there that based on the County's determination that part of the drainage did not qualify as a stream and did not require a buffer.

Chris Wachholz stated that the reason they wanted a second lot was that he and his wife hoped to eventually live there. He said regarding buildability, he had graders look at the site and the footprints of the houses would be small. Mr. Wachholz said the drainage area that eventually went into the stream only touched at the very back at the southwest corner of the L-shaped lot.

Ms. Wallace said if the plan was recommended for approval, could anybody build anything there. Ms. Hawth said they would have to be single-family houses, and the lots were in the historic district so there would be design review of the structures by the Historic District Commission (HDC). She said although they could not say at this point exactly where houses would sit on the lots, the lot configuration and the location of the private road would be the same. Ms. Hawth stated that the HDC did not look at just materials used, they also looked at how close the houses were to the street, the rhythm that was established by the placement of the houses, and other issues. She stated the HDC looked at trees as well, and the applicant would have to identify any tree over 12 inches in diameter.

Mr. Wachholz stated they had already appeared before the HDC for consultation purposes and that Board had no complaints and had been more or less in favor of what the Planning Board was now looking at.

Mr. Barker asked was there any other lots in the historic district of this size. He said these seemed small compared to others in the area. Ms. Hawth stated the fact that it was next to lots that were each an acre was unusual. She said she would say that about one-third of the lots in the historic district were less than 20,000 as they were suppose to be. Ms. Hawth said these lots were in compliance since they each were over 20,000.

**MOTION:** **Mr. Remington** moved to recommend approval to the Town Board of the Preliminary Plan for a private road subdivision for Chris Wachholz to create two lots with access from a new private road on West Queen Street.

**SECOND:** **Ms. Wallace.**

**VOTE:** Unanimous.

**ITEM #7:** **Discussion of text amendment requested by the Historic District Commission to refer to the design guidelines in the Zoning Ordinance.**

Ms. Hawth stated the HDC had realized that the Zoning Ordinance in no way reflected the existence of the Design Guidelines document that they relied on in interpreting the Standards of Evaluation. She said she had included those Standards in the packet,

noting that items A – T were what the HDC used to approve or deny an application. Ms. Hauth said the HDC also used a 60-page booklet to take the Statements A – T and turn them into something that was understandable. She said they would like some language added to the Zoning Ordinance that reflected that those Design Guidelines existed, that they had weight, they could be relied upon by applicants, the HDC and the public, and could be used in the review of Certificates of Appropriateness for projects within the historic district.

Ms. Hauth said on the second page of the material was the proposed new section that said that the Design Guidelines shall be adopted by the Commission and that they may be amended from time to time by the Commission using standard rules of procedure. She said that language would help the HDC do their job better and clarify that those standards were valid and useful.

Mr. Farrelly asked about the words that were underlined. Ms. Hauth stated that the ordinance attempted to underline all words that were defined in the Definition section. She said the HDC was requesting that this issue be placed on the July public hearing schedule.

Mr. Barker asked if those guidelines were very similar to what they would need for a general design review board. Ms. Hauth said yes, but she would like to defer discussion on that until they got to Item #8 on the agenda which included a discussion on design review. Mr. Remington stated the details of the HDC's guidelines were specific to the historic district.

**MOTION:** Mr. Remington moved to direct staff to place the text amendment requested by the Historic District Commission to refer to the Design Guidelines in the Zoning Ordinance on the July public hearing schedule.

**SECOND:** Ms. Wallace.

**VOTE:** Unanimous.

**ITEM #8:** Staff updates and discussion items.

- **Zoning rewrite survey:**

Ms. Hauth said she had sent out the surveys because she had wanted to make sure that this was a Town process and not a staff process. She said this was a huge undertaking, and it was important that the Board understood it and was comfortable with what was being done with the Ordinance. She asked that those who had not yet returned their surveys do so as soon as possible.

Responding to a question regarding the history behind the need to rewrite the Ordinance, Ms. Hauth said there had been a building frustration over the last ten years with the number of text amendments, as well as frustration with applicants and applicants' frustration with the Town. She said when they had started work on the Strategic Growth Plan, it had been suggested as a concept that once that Plan was completed and they knew what they wanted, that the Ordinance needed to be rewritten to take that vision and translate it into rules. Ms. Hauth said the Ordinance was written in 1986 and much had changed, including technology as well as their ideas about what was good zoning.

- **Design review:**

Ms. Hawth stated that Mr. Whitlow had sent her a link to Davidson's website, and explained her difficulty in understanding their processes and how design review was worked in. She said that Davidson was cutting edge as well as Cornelius and Huntersville, stating that those communities had gone the whole new urbanist route with their Code. Ms. Hawth said those communities had decided they wanted to have things their way and had worked to get larger ETJ's than they were really suppose to have, because they saw Charlotte's growth coming their way. She said she wanted to delve deeper into Davidson's ordinance so she could get a better grasp of the processes. Ms. Hawth said there needed to be some discussion as to whether that new urbanist approach was something Hillsborough was interested in or not.

Responding to a question about how that approach would work in an historic community, Ms. Hawth stated that all of those communities had small historic cores, and believed they were perhaps more homogeneous than Hillsborough's historic core was. She said her thought about the new urbanist design was that it was not the Hillsborough model. Ms. Hawth said it could possibly be tweaked to turn it into the Hillsborough model, but given how eclectic the historic district was it would be hard to determine what the standard was. She said in Davidson their design guidelines were actually in the ordinance, and she could not quite figure out which board or boards were charged with using them.

Ms. Hawth stated that some of these types of decisions had to be made early in the ordinance rewrite process so that they would not have to rewrite it multiple times. She said what they heard from developers was that they wanted certainty; certainty was more important to them than extra trees or extra design features. Ms. Hawth said the certainty of the approval and the timeliness of that approval was of greatest importance to them. She said when developers got into negotiated special use permit processes, it gave them great pause. Ms. Hawth said they had seen that recently with the Miller Valentine proposal.

Mr. Remington said he liked that idea, especially if they were moving towards being more interested in mixed use. He said what gave him pause was did they go from one "cooker cutter" type of development that looked like typical suburban strip malls for the one that looked like something people would be happy with. Mr. Remington said he would rather take the risk of a building once in a while that would stick out "like a sore thumb" as long as they had encouraged a little bit of creativity and everything did not look alike. He said to him that was the challenge of having design guidelines versus not having them.

Mr. Barker said the pre-planned town of Seaside in Florida had the same kind of flavor through the whole town, and that scared him. He said he would prefer different flavors, noting he liked the character of Hillsborough's downtown because it gave the Town personality. Mr. Barker stated making everything the same did not show how diverse the Town really was. Mr. Remington stated that was his concern about the Boone-Collins proposal, in that it would all be done quickly and in many respects it would look the same. Mr. Whitlow said he believed that people would be happier with stricter guidelines for such things as setbacks and building heights, but would have more tolerance for other things. He said there would still be a rigid process for the historic

district, but you could have some guidelines outside of that district where it would not end up looking “cookie cutter.”

Ms. Hawth said she believed what they were looking at was the more macro grid pattern and to make sure the materials were right, that entry doors faced the street and those types of things. She said in some ways that was easier and more defensible because you were not getting into attractiveness. Ms. Hawth said that would also allow more Green building techniques to be used.

Mr. Whitlow said this was also the time to consider affordable housing which to him was a community issue, noting it shouldn't just be a developer building the cheapest and ugliest thing they could. The Board briefly discussed the general schedule of the rewrite, as well as how various boards would participate in that.

- **July public hearing;**

Ms. Hawth stated that the July hearing should not be full. She said the special use permit for the Little School in Waterstone was on the agenda, as well as some generic rezonings, the text amendment requested by the HDC just discussed, and an annexation for River Bend II off of US 70A. Ms. Hawth stated the MPO had a long range transportation plan they wanted the Town and its boards to review, and she would like to invite the MPO representatives to attend that meeting to provide some information.

- **Meeting schedule:**

Ms. Hawth stated she wanted to get an idea of the Board's opinion of continuing to hold its meetings on the third Thursday, or did they want to consider some other meeting day. She said one consideration was how they felt about when they had a public hearing and did not do any regular business at that meeting. Ms. Hawth asked if the Board was ready to commit to keeping the meeting on the third Thursday permanently or continue to leave it on a trial basis. Ms. Hawth said they were now 18 months into the trial period. After some discussion, the Board agreed by consensus to commit to changing the meeting time to the third Thursday.

**ITEM #9: Adjourn.**

Upon a motion by Ms. Woodman, seconded by Mr. Remington, the Board moved to adjourn the hearing. The vote was unanimous. The meeting was adjourned at 8:29 p.m.

Respectfully submitted,



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Margaret A. Hawth, Secretary