PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY
Monday, February 7, 2011
Community Center-509 Ocean Avenue
7:00 pm

MINUTES

I. CALL TO ORDER - 7:00 p.m.

II. ROLL CALL

Present

Chairman David Campbell	Town Manager Hoskovec
Vice Chairman Susan Dieterle	Town Planner Dennis Ragsdale
Member James Flanagan	Town Attorney Paul Gougelman
Member Tom Davis	Deputy Clerk Jennifer Howland
Alternate Member Belsten	Building Official Phoenix

Absent
Member Coleen Doyle

III. APPROVAL OF MINUTES

January 3, 2011

Moved by Member Davis; seconded by Alternate Member Belsten to approve the minutes of the January 3, 2011 meeting. Question called; motion carried, 5-0.

IV. PUBLIC HEARINGS

None

V. NEW BUSINESS

1. Site plan approval for 317 Ocean Avenue

This item was deferred to the next Planning and Zoning meeting on March 7, 2011.

2. Added discussion

Bruce Black, 405 Avenue A, inquired about the process of placing a monument sign at the Exxon at 904 Oak St, where his business is located. He asked if the Planning and Zoning Board is required to review the site plan.

Planner Ragsdale said he will look at the code and render an opinion in the next few weeks.

VI. OLD BUSINESS

1. Discussion and possible recommendation of change in sign size regulations, specifically listed in 7A-52(c)(1)a of the Land Development Code

Planner Ragsdale said he has a list of recommended changes to the current code regarding signs and he will forward the recommendations to the Town Attorney and Town Manager so they can hold a hearing.

2. Continued discussion regarding definitions in the existing Land Development Code and the Comprehensive Plan.

Planner Ragsdale said he has created a 500 page matrix for the cross referencing of the definitions in the code. He said it will be available before next meeting.

The board discussed the definition, "MAJOR THOUROUGHFARES."

Chairman Campbell asked why the Town Manager is not in the position to determine classifications.

Planner Ragsdale answered the department of transportation makes the determinations.

Chairman Campbell said to reword to include DOT instead of Town Manager.

The board discussed the definition, "LOT OF RECORD."

Chairman Campbell asked if the phrase, "prior to the effective date of this chapter," should be there.

Town Attorney Gougelman answered the actual effective date should be there, which should be 1972.

Planner Ragsdale said the word existing should be added to Lot of record.

The board discussed the definition, "MANUFACTURED HOME."

Chairman Campbell asked when the definition will be made consistent with the State definition.

Planner Ragsdale answered he is working on it.

Vice Chairman Dieterle asked if the word flag lots should be added under the definition "LOTS."

Planner Ragsdale said that will be included in the drawing with all the lot types.

Chairman Campbell asked if a definition was needed.

Planner Ragsdale answered we can add it if needed.

The board discussed the definition, "LIVING QUARTER."

Member Davis asked if "and" or "or" should be used.

Town Attorney Gougelman answered he would have to see how it is used in the code. He said there is always confusion on the law interpretation of the words "and" and "or."

The board discussed whether to use "and" or "or" in the definition.

The board discussed the interpretation of definitions and terms.

The board discussed the definition, "NONCONFORMITY."

Vice Chairman Dieterle asked if there should be a definition for nonconforming structure and non conforming sign.

Planner Ragsdale said yes and there should also be definitions for nonconforming use. He said non conforming sign should be under nonconforming structure.

The board discussed the definition, "NEWSPAPER OF GENERAL CIRCULATION."

Town Attorney Gougelman said he needs to look at State Statute. He said it is important for ads and notices for public hearings.

The board discussed the definition, "OFFICE BUILDING."

The board discussed whether an office building is considered open to the public.

Planner Ragsdale said he will work on the definition.

The board discussed the definition, "100-YEAR-STORM."

Planner Ragsdale said this word is mentioned three times and he will narrow down the definition to match all occurrences.

The board discussed the definition, "PARKING SPACE, OFF-STREET."

Chairman Campbell said he recommends the parking size not be mentioned in the definition.

Planner Ragsdale said if it is in the code, it is not needed in the definition, but if it's not in the code he will put it in the code. He said he will change automotive vehicle to motor vehicle to keep it consistent with the state.

The board discussed the definition, "PATIO."

The board discussed whether the patio is considered part of the lot coverage and they discussed total floor area. The said the definition is unclear.

Planner Ragsdale said it is up the board to make the code and definitions clear and consistent.

Chairman Campbell said there is no definition of porch, but "porch" and "patio" are only needed for lot coverage.

The board discussed the definition, "PERVIOUS PAVEMENT."

Chairman Campbell asked if Planner Ragsdale had found anything in the code on pervious and impervious.

Planner Ragsdale said he couldn't find anything on impervious.

Chairman Campbell said they should revisit permeability.

The board discussed pervious surfaces and storm water management.

The board discussed the definition, "PETS."

Member Davis asked if serpents should be added under pets; the board didn't disagree.

The board discussed the definition, "PUBLIC SCHOOL."

Planner Ragsdale said this will be made consistent with the Coastal Facility Element.

The board discussed the definition, "RADIUS OF DEVELOPMENT INFLUENCE."

Chairman Campbell asked where it is used.

Planner Ragsdale said it may not be needed.

The board discussed the definition, "RECORD DRAWINGS."

Chairman Campbell asked if the definitions could be combined.

Planner Ragsdale said the definition is used two different ways in two different sections of the code.

The board discussed the definition, "RENDITION."

Chairman Campbell said this definition implies that any board can issue a determination, resolution, ordinance, resolution, or order.

Planner Ragsdale said he will fix it.

The board discussed the definition, "RESTAURANT."

Chairman Campbell said "eating and drinking establishment" should be added to the definitions.

Planner Ragsdale asked if the word "restaurant" is used.

Chairman Campbell answered he didn't think so.

Planner Ragsdale said he will change it.

Town Attorney Gougelman said the word "served" should be changed to "consumed."

The board discussed the hours of operation for bars.

The board discussed the definition, "RECREATIONAL VEHICLE."

Planner Ragsdale said he will change it since it is State determined.

The board discussed the definition, "RETENTION."

Chairman Campbell asked where it come from.

Planner Ragsdale said it came from the code, but he will check it out and fix it.

VII. ITEMS TO BE ADDED TO THE AGENDA FOR FUTURE MEETINGS

Planner Ragsdale said he will have the code cross references for next meeting.

Vice Chairman Dieterle said she would like to add a discussion on allowing for small doctor offices.

VIII. ADJOURNMENT

Motion made to adjourn by Vice Chairman Dieterle; seconded by Alternate Member Belsten. Question called; motion carried 5-0.

Meeting adjourned at 8:48 p.m.

Jennifer Howland	David Campbell
Deputy Town Clerk	Chairman