



## **Town of Beaufort, NC**

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### **Town of Beaufort Planning Board Regular Meeting 6:00 PM Monday, May 16, 2022 - Train Depot, 614 Broad Street, Beaufort, NC 28516 Minutes**

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#### **Call to Order**

Chair Neve called the May 16, 2022 Planning Board meeting to order at 6:00 p.m.

#### **Roll Call**

Chair Neve asked Secretary Anderson to conduct a roll call.

In attendance: Chair Neve, Vice Chair Merrill, Member Bowler, Member LoPiccolo, Member Meelheim, Member Vreugdenhil

Secretary Anderson declared a quorum present.

Also present for the meeting were Town Attorney Arey Grady, Kyle Garner, and Laurel Anderson.

#### **Agenda Approval**

Chair Neve asked if there were any changes to the Agenda and hearing none, he asked for a motion.

*Vice-Chair Merrill made the motion to approve the agenda as presented and Member Bowler made the second. Chair Neve took a vote that was unanimous.*

*Voting yea: Chair Neve, Vice-Chair Merrill, Member Bowler, Member LoPiccolo, Member Meelheim, Member Vreugdenhil*

#### **Minutes Approval**

1. PB Draft Minutes for 4.18.22

Chair Neve asked if there were any changes to the Minutes from the April 18, 2022 meeting and hearing none, he asked for a motion.

*Member Meelheim made the motion to approve the minutes and Member LoPiccolo made the second. Chair Neve took a vote that was unanimous.*

*Voting yea: Chair Neve, Vice-Chair Merrill, Member Bowler, Member LoPiccolo, Member Meelheim, Member Vreugdenhil*

## Public Comment

Chair Neve opened public comments and explained that there would be two opportunities to comment. The second opportunity would be the continuation of the public hearing of the rezoning of 801 Mulberry Street, and he stated that those who had not spoken yet on that item would be able to comment when the public hearing was reopened. For those who wanted to speak on other items, public comment was available at the present time.

Robert Harper, 1020 Broad St Beaufort NC, spoke regarding the bike/pedestrian plan and stated that he would speak further during the public hearing.

The following spoke against the proposed Salt Wynd subdivision:

Harriett Altman, 103 Leonda Dr, Beaufort NC

Logan Louis, 900 Cedar St, Beaufort NC

Jud Kenworthy, 109 Holly Ln, Beaufort NC

Lisa Rider, 114 Silver Circle Dr, Swansboro NC

Martha Kenworthy, 109 Holly Ln, Beaufort NC

Susan Schmitt, 1527 Ann St, Beaufort NC

Charlie Fernandez, 405 Steep Point Rd, Beaufort NC

Eric Remmington, attorney for the proposed Salt Wynd subdivision, spoke against the Board allowing public comments regarding Salt Wynd, objected to his client being asked to submit an Environmental Impact Statement, and asked for the Board to approve the project.

Daphne Littiken, 102 Stanton Rd, Beaufort NC spoke regarding flooding in Town Creek.

## Public Hearing

1. Rezone 801 Mulberry Street totaling 15.87 acres from TR to PUD With Master Plan & Special Use Permit

Chair Neve asked for a motion to re-open the continuation of the Public Hearing.

*Member Bowler made the motion to re-open the continuation of the Public Hearing. Member Meelheim made the second. Chair Neve took a vote that was unanimous.*

*Voting yea: Chair Neve, Vice-Chair Merrill, Member Bowler, Member LoPiccolo, Member Meelheim, Member Vreugdenhil*

Chair Neve then opened the floor for public comments pertaining to the public hearing.

Kate Allen, 410 Plantation Rd, Morehead City, pointed out that under current standards, the applicants could have planned for up to 128 dwelling units which was considerably more than what they had requested.

Robert Harper, 1020 Broad St, Beaufort NC, asked the Board to request the developers to provide an easement through the marshland on the north side of the property to allow the development of a bike/pedestrian trail, extending through Trestle Walk development across the property on Mulberry St to the intersection of Turner St/Hwy 70, across the marshland. The entire loop would be about two miles in distance.

Marji Rawson, 900 Cedar St, presented a slideshow on the history of the Turner St bridge and stormwater issues.

Susan Schmitt, 1527 Ann St, Beaufort NC, stated that the land north of Town Creek had been Quaker property and there were Quaker graves from the 1700's which were threatened by potential flooding.

Chair Neve asked if there were any other public comments and hearing none, asked for a motion to close the public hearing.

*Vice-Chair Merrill made the motion to close the Public Hearing and Member LoPiccolo made the second. Chair Neve took a vote that was unanimous.*

*Voting yea: Chair Neve, Vice-Chair Merrill, Member Bowler, Member LoPiccolo, Member Meelheim, Member Vreugdenhil*

Chair Neve asked Town staff if they had anything to add and hearing that they did not, asked the applicant if they would like to add anything further. Ron Cullipher, representing the applicant, stated that they would design according to the Town rules and regulations and would take into account the flood zone issues, and he asked that the Board approve their request for rezoning. Sammy Ballou, representing the developer, said that they agreed to the easement for the bike/pedestrian trail and they wanted to work with the Town.

Chair Neve then opened discussion among the Board members, who all agreed to move forward with the rezoning. Mr. Garner explained that with PUD rezoning no use is allowed as permitted by right and every use is a special use, so the developer had to list every use on their request. He further stated that the Board could ask for conditions to be placed for the developer to meet if approval was given.

*Member Vreugdenhil made the motion to approve the rezoning request and Vice-Chair Merrill made the second. Board Secretary Anderson took a vote that was unanimous.*

*Voting yea: Chair Neve, Vice-Chair Merrill, Member Bowler, Member LoPiccolo, Member Meelheim, Member Vreugdenhil*

*Vice-Chair Merrill made a motion to request the Board of Commissioners place the following conditions on the rezoning and Member Meelheim made the second:*

1. *To maintain the density less than or equal to what was provided on the plan.*
2. *To include a nature buffer with a pedestrian easement in accordance with the adopted Beaufort Bike/Pedestrian Plan.*
3. *To request the plans for the Mixed-Use area duplexes be provided to the Planning Board for review regardless of total square footage, even if they fall below the threshold.*

*Chair Neve took a vote that was unanimous.*

*Voting yea: Chair Neve, Vice-Chair Merrill, Member Bowler, Member LoPiccolo, Member Meelheim, Member Vreugdenhil*

## **Old Business**

### **1. Preliminary Plat for Salt Wynd Preserve Phase I**

Chair Neve explained the process to the public and stated that while the Board usually made recommendations to the Commissioners, in this case the Board was empowered to decide whether to approve or deny the preliminary plat, and that the Planning Board is bound by the subdivision ordinance as it currently exists, and the decision for approval or denial must be based solely on the standards explicitly set forth in the subdivision ordinance. If the Board denied approval, they must specify their reasons in writing and state where the request goes against the Land Development Ordinance. The Ordinance empowers the Board to request an Environmental Impact Statement but does not give any guidance or authority insofar as how they can use the Statement in the decision-making process. Chair Neve further stated that the Board currently does not have the tools in the Subdivision Ordinance to base decisions on matters not set forth in the Ordinance. Once the CAMA process is complete, the revisions to the current Land Development Ordinance would be updated in a new Ordinance.

Chair Neve asked Town staff if they had anything to add and hearing that they did not, asked the applicant if they would like to add anything further. The applicant for Beaufort Agrihood Development, Beth Clifford, stated that the development is 84 acres, a by-right subdivision, and when they undertook the development, they looked at it to make it the most environmentally sensitive project that they could. She stated that they wanted to preserve the farmland and how important it was to Pearl West and her family, and that Mrs. West was excited the farm would be maintained and be a farmland. Ms. Clifford stated that the Environmental Impact Statement was moot at this point.

Chair Neve then opened Board discussion. Vice-Chair Merrill expressed concern at the five flag lots and stated that the subdivision ordinance allows their use “judiciously”, and it would set a precedent to allow them in this subdivision. Member Vreugdenhil asked about permeable streets. Member Meelheim referred to the EIS, page 16, and asked who the environmental expert was. Ms. Clifford stated that NC Coastal Federation was a point of contact at the start of the project, but they had nothing to do with the EIS. Member Meelheim also noted the sensitivity of the project and asked Ms. Clifford if she had considered giving some of the sensitive area to Beaufort to be a reserve. Ms. Clifford stated that they were holding back all the farmland and 20 acres of land that would never be platted for residential use. Member Bowler asked if Salt Wynd would agree to voluntary environmental monitoring and Ms. Clifford stated that she would agree. Chair Neve stated that he did appreciate the environmental steps that had been taken, and that it would be a great model for future developments, especially with the covenants placed on the landholders.

Chair Neve closed discussion and asked for a motion.

*Member LoPiccolo made a motion approve the preliminary plat for Salt Wynd and Member Bowler made the second. Board Secretary Anderson took a roll call vote.*

*Voting yea: Chair Neve, Vice-Chair Merrill, Member Bowler, Member LoPiccolo, Member Meelheim*

*Voting nay: Member Vreugdenhil*

## **Commission / Board Comments**

Member Meelheim said that she was looking forward to an updated Land Development Ordinance that will enable the Board to do what they need to do. Member Bowler added that she was looking forward to the Resilient Beaufort project put into action in the LDO, so the LDO can address the environmental concerns raised by citizens. Member LoPiccolo agreed. Vice-Chair Merrill discussed the Resilient Beaufort and CAMA Land Use Plans, and stated that in the Health Department survey, the issue of the lack of affordable housing was one of the top concerns. Member Vreugdenhil thanked the staff and also thanked the citizens for their respectful behavior. Chair Neve also thanked the staff and suggested a process to break up project discussion over two meetings. Vice-Chair Merrill agreed and said that the 801 Mulberry Street project was a good example of breaking up project discussion and slowing the process down.

## **Staff Comments**

None.

## **Adjourn**

*Member LoPiccolo made the motion to adjourn and Member Vreugdenhil made the second. Chair Neve took a vote that was unanimous.*

*Voting yea: Chair Neve, Vice-Chair Merrill, Member Bowler, Member LoPiccolo, Member Meelheim, Member Vreugdenhil*

Chair Neve then declared the meeting adjourned.

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Ryan Neve, Chair

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Laurel Anderson, Board Secretary