

## MINUTES

The Town of Manteo Planning and Zoning Board met in Regular Session on Tuesday, May 8<sup>th</sup>, 2007 at 6:00 p.m. at the Manteo Town Hall, 407 Budleigh Street

The following members were present:      Chairman Bill Parker  
Member Jamie Daniels (Vice Chair)  
Member Bebe Woody  
Member Phil Scarborough  
Member Christine Walker

The following members were absent:

Also present at the meeting:              Erin Trebisacci, Planner  
Johnny Boniface, Building Inspector  
Becky Breiholz, Town Clerk

Chairman Parker called the meeting to order at 6:00 pm

**SUBJECT:** Adoption of Agenda-

**MOTION:** Member Scarborough seconded by Member Daniels to approve the agenda as presented was approved by the following vote: Ayes: Members Parker, Woody, Walker, Scarborough and Daniels. Noes: None. Absent: None.

Member Scarborough had questions about the text amendments that were approved by the Board of Commissioner's and included in their package about the setbacks.

**SUBJECT:** Approval of Minutes Regular Meeting March 13, 2007 – Chairman Parker wanted to clarify their recommendation on the Site Plan review for additional parking lot at Manteo Elementary page 1 to read “an opaque buffer between Barlow Streets and the parking lots; Member Scarborough under Board comments on system built homes wanted to know if this included Marshes Light project, they have 22 single family dwellings and was told yes.

**MOTION:** Member Scarborough seconded by Member Walker to approve the minutes as amended was approved by the following vote: Ayes: Members Parker, Woody, Walker, Scarborough and Daniels. Noes: None. Absent: None.

PUBLIC COMMENTS-none

## CHAIRMAN'S AGENDA

**SUBJECT:** Final Plat approval for Marshes Light Subdivision The master plan for the Marshes Light Project was approved in April of 2004. That plan included a 22 lot Single Family Subdivision. The Final Plat contains lots 1-3 and lots 7-22. Lots 4, 5, and 6 were approved as apart of the minor subdivision. Member Scarborough asked what a minor subdivision was and Planner Trebisacci commented that if it is 3 lots or less it can be approved by staff. Member Scarborough asked why and Mrs. Trebisacci commented that they wished to begin construction and because they already had access to utilities they did not have to wait for installation of the utilities within the subdivision; and they are still held to the original conditional use permit. Member Scarborough asked about lots 1-22 and they don't actually have a 100 foot depth because of easements so how much can a property owner fence in and Mrs. Trebisacci commented she believed it would be between them and the easement holders. Member Scarborough said this should be explained to the buyer and Mrs. Trebisacci said it would have to be disclosed as part of the purchase and a title search will also disclose that information. Member Scarborough asked can they fence in to the paved alley way or do they have come 8 ½ feet from the pavement; "these things are important, we should have got on to this two, three years ago and we didn't, we are liable to get ourselves in a bind." Mrs. Trebisacci commented we do not hold the easement and those alley ways are not a public right of way. Member Scarborough commented that this Planning Board approved that layout and he is concerned about it; "say somebody wants to fence in right up to the paved alley way?" Mrs. Trebisacci commented that would be between the property owner and the easement holder. Member Scarborough stated "it's in the Town of Manteo and we should have been cognizant of everything that went on over there." Mr. Meekins with Seaboard Survey thanked the Town for getting them this far and commented that "they could fence up to the edge of the pavement or the easement and does not see it as a big deal and does not know if it is addressed in the homeowner documents or restrictive covenants;" "it is a private roadway and as the Planner suggested correctly that is an issue between the easement holder and property owner." Member Scarborough stated "the referenced project has been installed in substantial confirmation to the approved plans as specifications and should function as intended, that word should is that a guarantee?" Sean Boyle with Quibble and Associates and was in charge of water and sewer on this project and commented that he has been writing certification letters for 23 years and a lot of that language has been driven by our attorneys and the states engineer attorneys, "the only thing we can certify is that when we are on the ground and the very minute we look at it things are good, when we walk off who knows what happens," and he knows it sounds ambiguous but you will see every engineer write the same

certification. Member Scarborough commented he is not concerned about that, "I'm concerned about specifications "should function as intended," "that word should be that guaranteed to function as intended," "you all put it in and you inspected it." Mr. Boyle commented that upon inspection it was working. Member Scarborough asked "shouldn't it be guaranteed to function as intended?" Mr. Boyle commented he can re-write it if the Board would like but that is the way all certifications are written and on the date of the letter it was working, he can't guarantee that somebody opened up a manhole and dumped a gallon of sand or concrete in later on. Planner Trebisacci commented that she and Chairman Parker meet with representatives of Marshes Light to go over a status report of the conditions and what has been going on out there. The plantings are going in and are taking a little longer than anticipated, the planting area by the pond has been held up, they were trying to shift the boardwalk away from the beach area out there to give it a little more stable ground, but CAMA has declined that and wants it over the beach instead, so they are in the process of getting that re-staked. The opaque buffering was discussed and Chairman Parker "wondered if to be consistent we should repeat that condition so that we are not only doing the wetlands but the replanting of the buffer along Fernando Street?" Mrs. Trebisacci commented they have given her a plan for the opaque buffer that meets our guidelines but it has not been installed. Chairman Parker asked that the buffer density on Fernando be checked. Chairman Parker's other question was he noticed in the Cedar Bay conditions, that the Planner made reference that all utilities to be completed prior to the issuance of a certificate of occupancy and wondered if this should be a condition for this project and Mrs. Trebisacci commented that in Marshes Light case these letters we received from Quibble certify that all have been installed appropriately and that Cedar Bay was different since they were having problems with their lift station. Chairman Parker stated that when they had their meeting there was discussion of another oak tree that was damaged and is going to be cut down and Mrs. Trebisacci commented that she received emails from them requesting removal and she responded it would be appropriate to remove the tree. A lot of trees on the property were removed by the developer and Chairman Parker does not know if this should be a condition and he thinks it would be beneficial if the developer planted live oak trees along the lot lines between the properties to help replace some of the trees that are missing. The public streets have been paved and all utility certifications have been received by staff. The two interior alleys are private and will be completed at the developer's discretion. Staff recommends approval of the plat contingent upon the plantings being *completed* in the wetland pond area prior to the issuance of any building permits for lots 1-3, and lots 7-22. the buffer along Fernando be completed and live oaks be planted

**MOTION:** Member Daniels seconded by Member Walker to recommend approval of the site plan to the BOC with the following conditions: contingent upon the plantings being *completed* in the wetland pond area; the buffer along Fernando Street be completed and live oaks be planted at the lot lines along the streets prior to the issuance of any building permits for lots 1-3, and lots 7-22. was approved by the following vote: Ayes: Members Parker, Woody, Walker, Scarborough and Daniels. Noes: None. Absent: None

**SUBJECT:** Final Plat approval for Cedar Bay Subdivision This subdivision was originally approved in January 2006. There are to be 41 single family home sites with seven affordable units. The property was annexed as R-2 except lots 30-33 which are in B-4. Staff has met and spoken with the developer and he has requested that construction of the required 12' board walk be held off until 50% of the construction of homes has been completed. Staff does not foresee any problems with this request. The street surfaces have been completed and the final utility work is nearly done. Staff recommends approval with the following conditions: 1) That all utilities be completed and certified prior to the issuance of any certificate of occupancy. 2) All necessary affordable housing documents be completed and filed at the Dare County Register of Deeds prior to the issuance of any certificate of occupancy.

**MOTION:** Member Daniels seconded by Member Scarborough to recommend approval of the site plan to the BOC with the following conditions 1) that all utilities be completed and certified prior to the issuance of any certificate of occupancy. 2) All necessary affordable housing documents be completed and filed at the Dare County Register of Deeds prior to the issuance of any certificate of occupancy was approved by the following vote: Ayes: Members Parker, Woody, Walker, Scarborough and Daniels. Noes: None. Absent: None

Member Scarborough talked about black needle rush.

## OLD BUSINESS

Review to do list

Chairman Parker gave the Board updates of the last BOC meeting. Mrs. Trebisacci gave the Board an update of the Land Use Plan which the members have received tonight and hopefully they will be able to set a public hearing for June. The Skateboard Park was discussed. The Board discussed ways to get beach access from the Marshes Light boardwalk since CAMA will not let them move the boardwalk back; remove Preserve America from the to list as well as the newsletter; Member Woody would like a copy of the press release for the Preserve America.

BOARD CONCERNS

Member Woody-asked about the affordable housing and Mrs. Trebisacci commented that they have the documents nearly finalized and when the affordable housing lots or houses are available they will be advertised.

**MOTION:** Member Walker seconded by Member Daniels to adjourn at 6:55 was approved by the following vote: Ayes: Members Parker, Woody, Walker, Scarborough and Daniels. Noes: None. Absent: None

This the 8<sup>th</sup> day of May 2007.

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Bill Parker, Chairman

ATTEST:

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Becky Breiholz, Town Clerk