

TOWN OF CAROLINA SHORES
Planning Board
Workshop Meeting Minutes
May 16, 2018
11:00 a.m.

At 11:00 a.m., Vice-Chairperson Greg Hapner called the May 16, 2018 Planning Board Meeting to order. The Pledge of Allegiance was recited and there was a moment of silence. The following members attended: Dan O'Reilly, Alternate Normand Neligon and Alternate Pamela Faria. Also, present: Jon Mendenhall, Town Administrator; Joseph J. Przywara, Liaison and Nicole Hewett, Town Clerk.

Absent: Chairperson Mark Brown, Members Kathryn Powell and Ruth Ann Campbell-Grothe

Alternates in Public Attendance: None

Oath of Office: Pamela Faria took the Oath of Office as Planning Board/Board of Adjustment member.

Approval of Minutes:

MEMBER O'REILLY MADE A MOTION TO APPROVE THE PLANNING BOARD MEETING MINUTES OF APRIL 18, 2018. ALTERNATE MEMBER NELIGON SECONDED THE MOTION. VICE-CHAIRPERSON HAPNER CALLED FOR A VOTE AND MOTION CARRIED BY UNANIMOUS VOTE.

Administrative Reports:

The Farm at Brunswick – Mr. Mendenhall said Phases 13 and 14 are moving into a final bonded plat and are on the agenda today to get some single-family detached residential lots.

Calabash Lakes – Mr. Mendenhall said there is work going on in Phase 4 to do some clearing and grading. Mr. Mendenhall said they are also working on stormwater ponds and the rain over the past couple of days has caused a little bit of delay on that. Mr. Mendenhall said with that we are seeing the wrap-up or completion of Calabash Lakes.

Lighthouse Cove – Mr. Mendenhall said on the agenda today is a review of Landmark at Lighthouse Cove revised Development Plan.

Village at Calabash – Mr. Mendenhall said we have several residential units that have been put in and he believes that number is three.

Carolina Shores – Mr. Mendenhall said there have been four residential units put in the community of Carolina Shores. Mr. Mendenhall said one on Brassie and three on Northwest Drive.

Beacon Townes – Mr. Mendenhall said Beacon Townes is built out. Mr. Mendenhall said the HOA is being handed over to the homeowners. Mr. Mendenhall said there is a plan to have a block party to celebrate that.

Medical Commerce Park – Mr. Mendenhall said we haven't seen a lot of interest on the tract next to Goodwill but we hope that will change in the coming months but we haven't seen any new inquiries there.

Flood Maps – Mr. Mendenhall said this is Item 5 on the agenda and we have some maps spread out on the table to look at. Mr. Mendenhall said on the right are the existing maps and on the left hand side are the preliminary maps that the Planning Board will have to review and make a recommendation to the Board of Commissioners. Mr. Mendenhall said there is a lengthy document in the packet called the Flood Damage Prevention Ordinance. Mr. Mendenhall said it's not meant to be voted on today; he just wants to give them about thirty days to review. Mr. Mendenhall said this is a substantial re-write to qualify us for the Community Rating System so our residents will realize the cost savings on flood insurance. Mr. Mendenhall said we are not completely there yet as there are several legs to the CRS and a communications component and we are working through that. Mr. Mendenhall said we have a deadline to get all of that done which is August 28th so we are on a compressed schedule.

New Business:

Review of Landmark at Lighthouse Cove – Mr. Mendenhall said you have a revised Development Plan here to talk essentially about the layout and the disposition of the units and the lots taking into account the previous meeting of the Planning Board. Mr. Mendenhall said he will tell you that the Economic Development Commission of the Town of Carolina Shores is very interested in this development. Mr. Mendenhall said this development represents an economic development proposal that is ongoing with the Town's EDC to allow for additional public facilities including some parks and recreation opportunities. Mr. Mendenhall said the EDC is working very closely with this developer. Mr. Mendenhall said the EDC doesn't endorse or recommend projects to the Planning Board; however he thinks it's important for the Planning Board to know there has been a lot of conversations and a lot of plans put in place that if successful and come to fruition, it would be a positive development for the Town and its structure and for other possible amenities that could be offered. Mr. Mendenhall turned the meeting over to Frank Braxton, representative from Coastal Land Design in Wilmington. Mr. Braxton said at the last meeting, there were some concerns so we went back to the table. Mr. Fausto Mendes introduced himself and said he is a builder and is going to build some homes there and is one of the owners of the property. Mr. Braxton said there could be multiple builders but right now they are dealing with H&H Homes and Fausto's company as well. Mr. Braxton said we went back to both the developers and the homebuilders and we talked about the issue with the setbacks, lot sizes and what kind of agreement they could come to. Mr. Braxton said this is about a 25 acre piece of property in Lighthouse Cove Phase 2 Development. Mr. Braxton said we are mimicking Phase 1 into Phase 2 so it's a continuation of the road, 102 lots and being served by public water and sewer. Mr. Braxton said we have a pump station on the property; it's already in place and in operation and has the capacity for us to hook to it. Mr. Braxton said so given that, we went back to the developer and adjusted some lots; we are at 102 lots. Mr. Braxton said we moved some things around. Mr. Braxton said we actually have the largest footprint building positioned on the lot to make sure it will fit. Mr. Braxton said in looking at the Code, there are two ways that the setbacks are interpreted. Mr. Braxton said one is a foundation line with discretionary encroachment into the setback for the eaves. Mr. Braxton said that would be 7 ½ foot setbacks with an 18 inch encroachment for the eaves and that would take the mystery out of it. Mr. Braxton said we increased the lot width to 55 feet or more so we met that criteria. Mr. Braxton said with stormwater we are obligated to capture the water on site, treat it and release it in compliance with predevelopment conditions. Mr. Braxton said our release points are subject to our survey. Mr. Braxton said right now there are ditches on three sides and we don't know how that will function yet. Mr. Braxton said it may be that we can release our stormwater in two different directions. Mr. Braxton said he feels like they have addressed everything and we have a good compromise that fulfills what this Board wanted from us. Member O'Reilly said the only problem he has is the houses being so close together and using vinyl siding; it's a fire hazard. Member O'Reilly said he knows he can't delay this but this is only his opinion. There was discussion on this issue and Mr. Mendes said he would pass that information along. Member Hapner asked if on average the houses were about 2,500 square feet. Mr. Braxton said it is an average and they could range anywhere from 1,800-3,200 square feet. Mr. Mendenhall said you may remember that a competing developer did the very same thing and they had

giant houses and multiple car garages and that was at The Farm at Brunswick. Mr. Mendenhall said the Planning Board asked at the previous meeting for a 7 ½ foot setback and what he thinks Mr. Braxton is trying to say is that the reality is from foundation to foundation it will be a 7 ½ foot setback and Mr. Braxton said correct. Mr. Mendenhall said what we are trying to do is avoid future Board of Adjustment work. Mr. Mendenhall said what you have to understand is that there are multiple customers here and Mr. Mendes is going to build some homes and possibly H&H Homes who is a tract builder and what we don't want to do is get so chained up into a setback issue that the last lot at Lighthouse Cove Phase 1 doesn't lay just so and it has to go to Board of Adjustment for a variance. Mr. Mendenhall said we want enough flexibility for future full proofing. Mr. Mendenhall said therefore allowing enough room for whatever builder in the year 2025 or 2035 can get that last house in there. Mr. Mendenhall said functionally they are doing what was asked of them at the last meeting. Alternate Member Neligon said now they are asking for smaller eaves and is more apt to come off in a hurricane. There was discussion on the setback being 7 ½ feet with an encroachment up to 18 inches for the eaves. Mr. Mendenhall said currently how we interpret the setbacks and this is neighborhood wide, town-wide it's from the occupied space. Mr. Mendenhall said one of the reasons we do that is that we don't know sometimes eaves and that sort of thing on a house. Mr. Mendenhall said it is impossible to measure. Mr. Mendenhall said so when we go out on a foundation inspection, we want something pulled from those stakes. Mr. Mendenhall said there is nothing to pull from on an eave. Mr. Mendenhall said it might be 18 inches or 2 feet, so it's sort of a self-serving interpretation. Mr. Mendenhall said we want something hard to pull from like a corner pin or front right-of-way line; something that is actually staked out and there. Mr. Mendenhall said there are a lot of variables. Mr. Mendenhall said so is the setback from the occupied space; is the eave really part of the occupied space. Mr. Mendenhall said we could talk about that all day long and there are some jurisdictions that have the eaves cut off the house when they are too much. Mr. Mendenhall said that is not really homeowner friendly. Mr. Mendenhall said when they contract to buy a house, they are buying a certain style and we don't want to get hung up on 6 inches of eave. Mr. Mendenhall said this is what they say the market will bear. Mr. Mendenhall said if people don't like that they can look at another neighborhood. Mr. Mendenhall said if the market doesn't bear out, they won't sell houses and will be coming back wanting a recombination. Mr. Mendenhall asked if they all sell houses like this. Mr. Mendes said yes, he thinks the market right now is smaller setbacks with a larger home because you will get more square footage and will pay less money. Mr. Mendes said if you take away from that, you are going to get a house that is much smaller and they will be charged more. Mr. Mendes said he works in some developments that only have a 5 foot side setback. Mr. Mendes said the market will bear to offer more square footage for less money. Mr. Mendenhall said that is a good point and he had not thought about that. Mr. Mendenhall said you have several neighborhoods that have variable setbacks. Mr. Mendenhall said Cedar Tree has 5 foot side setbacks, The Farm has variable side setbacks depending on what Phase you are in and in Carolina Shores at the Acreage Estates it's about ¼ acre. Mr. Mendenhall said we have some at the Gates and Courts where the minimum is 3 foot side setbacks. Alternate Member Neligon said he thought it was supposed to be 94 lots and now it is a 100 and some and Mr. Mendenhall said that is correct. Alternate Member Neligon said now we just took all those nicely set homes and put them on top of each other. Alternate Member Neligon said what it comes down to is how many more lots the developer can sell. Mr. Jim Holland who lives at Lighthouse Cove said he has seen a lot of developments here in North Carolina and he's been living here about seven years now. Mr. Holland said the first thing that Landmark presented was that they want to mimic our neighborhood. Mr. Holland said he did twenty-five measurements last week and the average space from one foundation to the next foundation next door is 34 feet. Mr. Holland said when he went to put a shed in his backyard; the building inspector told him that it would be ten feet from the back of the lot. Mr. Holland said so he has 10 feet for the shed and another almost 15 feet to the back. Mr. Holland said we had a rainstorm this morning at 2:45. Mr. Holland said if you live in Phase 1 of a certain development in Leland, you would have been under water. Mr. Holland said the driveways, roads, everything would've been under water because there is so much surface of concrete, buildings and roofs; they are flooding small neighborhoods. Mr. Holland said go to Sunset Ridge which Bill Clark built and see what it is like trying to walk through 5 or 6 feet with your lawnmower and hedge clippers trying to take care

of your property. Mr. Holland said that is not a mimic. Mr. Holland said if you are talking about 7 ½ foot, and the combination to the property line, we're going to be in trouble. Mr. Holland said because that property over there, it's a lot of water. Mr. Holland said if you look at the sewer this morning, the water is right up just below the road and what did we get an inch or inch and a half of rain. Mr. Holland said so take a fourteen inch hurricane where he thinks that they would mimic what is there now. Mr. Holland said H&H and Tribute, those two developers he thinks have done a nice job in there and those houses look nice. Mr. Holland said this jerk Wade Journey that you allowed in this town, is the worst thing that has ever happened to us. Mr. Holland said they are building literally shacks. Mr. Holland said they could care less how the neighborhood looks, trucks all over the place and trash all over the place. Mr. Holland said he believes on August 3 we will take over as homeowners at our annual meeting because the original developer is no longer there. Mr. Holland said therefore, he believes those roads belong to the HOA. Mr. Holland said are they Town roads and Mr. Mendenhall said they are public streets. Mr. Holland said are they okay and Mr. Mendenhall said yes. Mr. Holland said well that's good. Mr. Holland said that is a little input for you. Mr. Holland said if you are going to mimic, then mimic and make these lots a quarter acre. Mr. Holland said make them decent because people buy decent homes with decent lots. Mr. Holland said you get a different kind of person that buys a bigger lot, thank you. Vice-Chairperson Hapner said he appreciates Mr. Holland's comment but he has to respectfully disagree with Mr. Holland's last comment that you get a different kind of people buying bigger lots. Vice-Chairperson Hapner said this is a retired community and a lot of people buy smaller lots and smaller homes because they don't want the maintenance. Vice-Chairperson Hapner said he just can't accept that you get a different kind of person just because a lot is smaller and that is his opinion. Alternate Neligon said you said ten feet from the line but you can build a house six feet from the line. Mr. Holland said remember we started off mimicking Lighthouse Cove, that's the word that was used. Mr. Braxton said the mimicking is the continuation of the roads, lots and the stormwater, that's mimicking. Mr. Braxton said the market trend has changed. Mr. Braxton said people are looking at smaller lots with bigger houses. Mr. Braxton said we as a population are changing. Mr. Braxton said the concept of retirement, he is one of those. Mr. Braxton said he has a small lot and he is glad for that. Mr. Braxton said he can maintain and have a nice lifestyle. Mr. Mendenhall said lets talk a little bit about the Economic Development Commission. Mr. Mendenhall said there was a time five years ago that Lighthouse Cove had maybe ten units in it, something like that. Mr. Mendenhall said the model that was started pre-recession; it was what we would call a traditional method of development. Mr. Mendenhall said meaning that they would come in and it would get rezoned and platted. Mr. Mendenhall said what that means and what the public may not realize is there wouldn't be this big ole Development Agreement tying the developer's hands nine ways til Sunday. Mr. Mendenhall said meaning that it has to be a certain way, style and if they want to do anything different, they have to come back in. Mr. Mendenhall said they have to hold all kinds of insurance and liability and all sorts of drainage issues. Mr. Mendenhall said we have become a lot different in the way that we do development in a way that there is a lot of work put on the developer. Mr. Mendenhall said we have talked a lot about market. Mr. Mendenhall said Lighthouse Cove truthfully failed in the recession along with a lot of other developments. Mr. Mendenhall said it has only been recently that we have seen progression in builders coming in and some as the gentleman has said have been better neighbors and better stewards of neighborhood development than others. Mr. Mendenhall said just like in society, you have good actors and you have bad actors and you have actors that just don't care. Mr. Mendenhall said it has taken five builders to get Lighthouse Cove built out. Mr. Mendenhall said there is this in people's minds that maybe it shouldn't have ever been built out. Mr. Mendenhall said there was a time when the streets didn't have the last surface of asphalt on them. Mr. Mendenhall said there was no one to pay for the streetlights and the Town had to take the streetlights over sooner than we normally would. Mr. Mendenhall said there was a time when it looked like there would only be ten homes. Mr. Mendenhall said from an evaluation standpoint, there are a lot of people that moved in pre-recession in that development that kind of had the perception that it would never be completed, so it has come a long way. Mr. Mendenhall said there are lessons that he thinks this developer probably has learned which is how building never mimics, meaning the exact layout of the lots and the density of Phase 1 because

Phase 1 failed. Mr. Mendenhall said this yield is what gets you the market that you need to get you to be successful otherwise you are going to end up with problems. Mr. Mendenhall said at the end of the day yield equals value which equals a mathematical equation that he doesn't even pretend to understand. Mr. Mendenhall said he does know that Phase 1 has been a journey. Mr. Mendenhall said he is going to call someone out. Mr. Mendenhall asked Bill how long they have been in Lighthouse Cove because you were all one of the originals and Bill said no. Mr. Mendenhall said you all bought in at four years and Bill said five years. Mrs. Hanley said there were houses there with the original builder, she doesn't know the name and then Horton came in and built a couple of houses. Mrs. Hanley said when we moved in there were no other houses there was no plan of anybody coming in and doing anything. Mrs. Hanley said no HOA fees or anything like that. Mrs. Hanley said its good that it is getting built out and all. Mrs. Hanley said she has her disagreements with this gentleman here which really sort of upsets her, his attitude. Mrs. Hanley said people need affordable housing; there is not a lot of employment around here and some of the young families that have moved in, this is what they can afford and that is her opinion. Mrs. Hanley said this is what we can afford and this is what we bought. Mrs. Hanley said she hears a lot of complaints on the neighborhood website that she is not real happy about. Mrs. Hanley said she feels that the neighborhood is going in the proper direction. Mrs. Hanley said she thinks if you are that unhappy about what is going on, you should go somewhere else. Mr. Goodenough asked to have input as far as this community goes. Mr. Goodenough said he lives at 905 Palmer Drive. Mr. Goodenough said he was here when that development was first proposed and the homes they proposed to put on the property were bigger than what they were supposed to have been originally. Mr. Goodenough said there were a lot of things done at Lighthouse Cove and the first thing is it had to be replatted after so many homes because the homes were bigger than what the plat allowed. Mr. Goodenough said and during this time the Town did that but to blame it on the way the development is set up. Mr. Goodenough said the development was set up fine if they had put the right size houses in there to begin with. Mr. Goodenough said what the other gentleman has said as far as Leland with the water, you take the density and you take the absorption factor out of the picture and you are putting more water into these ditches/swales that can't handle it anymore. Mr. Goodenough said he talked at the last meeting about the ditch behind him which is the main ditch behind Lighthouse Cove. Mr. Goodenough said his ditch is 12 foot wide and 6 feet deep and runs 5-8 knots during a 3 inch rainstorm and you're looking to take the water from this community and put it in a couple of retention ponds but sooner or later it's going to wind up in the ditch behind his house. Mr. Goodenough said we can't handle the water now. Mr. Goodenough said that's a lot of issues. Mr. Goodenough said as far as the Planning Board not being able to restrict or turn down people is; if this development does not meet the criteria that the Town wants or needs as far as density, flooding and everything else then it's back to the drawing board until they do. Mr. Goodenough said that is what this Board is about until it moves on to the Board of Commissioners and the approval. Mrs. Hanley said she agrees with him that there is a lot of water problems and she hates to see more density in the back causing more issues. Mrs. Hanley said it is always wet back there now. Mrs. Hanley said she knows that they are building a retention pond. Mrs. Hanley said fortunately no homes have been flooded only yards. Mrs. Hanley said there are some homes that are built higher than others and in the back that could be a real problem. Mr. Holland said Lighthouse Cove is a wonderful neighborhood. Mr. Holland said he has no complaints about anybody. Mr. Holland said he just sees basic things. Mr. Holland said for instance, the builder has ruined the curb stones, concrete is chipped off. Mr. Holland said there are a lot of spots where there is water hanging in the road. Mr. Holland said just this one rainstorm the ditch behind his house, in one downfall last night, was half full and we got an inch and inch and a half. Mr. Holland said you take that plan and add 1/3 houses, by the way he used to live on 25 acres, so a 70 foot lot is not a big piece of land. Mr. Holland if you get the density too high, you are going to have flood problems. Mr. Holland said the land does not soak up water in here, it has to go someplace. Mr. Braxton said he wanted to apologize to Mrs. Hanley if he offended her and she said no, it wasn't him, it was her neighbor. Mr. Braxton said we do increase the number of lots but our stormwater has to increase the same amount. Mr. Braxton said that is one of the things we are looking at now and until we take the next step, which is something we don't know. Mr. Braxton said that will control but right now we feel 102 lots is a possibility at least in price range as

to what is in Phase 1. Mr. Braxton said we are not trying to say that Phase 2 will be a higher price. Member O'Reilly said after your development is built out and there is a flooding problem, you folks are done and the Town now has a flooding problem and you folks are out, that is the \$64,000.00 question right. Mr. Braxton said if the engineers are doing their job and Member O'Reilly said yes but unfortunately all this water is going into the same output. Member O'Reilly said if we have a 100 year storm come in here like we did three or four years ago, that 22 inches of rain we all have a big problem. Member O'Reilly said that is the problem and these folks have highlighted that problem and that is very wet land there. Member O'Reilly said your water is going into the Village at Calabash and your runoff and now you have highlighted that you are going to look at other areas to have exits for your stormwater runoff. Member O'Reilly said he would like to see where that is going to go. Mr. Braxton said we have three sides and Member O'Reilly said it is still going to go in the same ditch. Vice-Chairperson Hapner asked about the impervious surface and Mr. Braxton said they have to go through the State. Vice-Chairperson Hapner said that hasn't been determined yet and Mr. Braxton said no. Mr. Braxton said we have to have a plan to move forward and then we can tweak things. Vice-Chairperson Hapner said that is determined by the State and Mr. Braxton said yes. Vice-Chairperson Hapner said he wants to make that clear to everybody that the amount of impervious is determined by the State and not the Town. Mr. Mendenhall asked the Board to turn to Article 3 of the Development Agreement and reviewed this Article. Mr. Mendenhall said Landmark at Lighthouse Cove has to apply for a separate stormwater permit, it requires a hearing and all kind of plan specifications to meet in regards to the State standard on quality but also quantity. Mr. Mendenhall said the Town has a quantity standard. Mr. Mendenhall said the Town will not issue a Town stormwater permit until the developer shows proof from the State. Mr. Mendenhall said the post development runoff cannot exceed the predevelopment condition and explained further. Mr. Mendenhall said the State has a very rigorous process. Mr. Mendenhall said the State mandates that they design all these things to keep runoff the same as it was or less and it's also required by the Town. Mr. Mendenhall explained the quality of the water. Mr. Mendenhall said it has to be retained on the site and nutrients have to settle. Mr. Mendenhall said the water is retained because the homeowners in the lot yield have paid as part of their purpose because they have bought a house in a subdivision that is fully engineered and designed that has the retention and release of flood waters and what have we done is engineered our way out of this problem supposedly. Mr. Mendenhall said that is where somebody with the engineering stamp gets to stamp the plans. Mr. Mendenhall said that is what is going on with predevelopment versus post development. Mr. Mendenhall said basically you are not paving paradise and then walking away and leaving all these Town's people and taxpayers on the hook for these problems. Mr. Mendenhall said the State Stormwater Permit runs with the development. Mr. Mendenhall said the State Permit will then go to the HOA and the HOA has to maintain the stormwater ponds. Mr. Mendenhall said you will probably and eventually see the State review and do inspections of these ponds. Mr. Mendenhall said it is a big thing in New Hanover County. Mr. Mendenhall said our stormwater ponds out here at Town Hall didn't meet permit requirements, so we took a look and realized we were permitted for low impact development and our stormwater ponds didn't meet the requirements. Mr. Mendenhall said so guess what, we had to meet the requirements. Mr. Mendenhall said so the State has a real strong interest, particularly in Coastal North Carolina of making sure the stormwater issues don't get worse and they are at least maintained at a certain level if not improved. Mr. Mendenhall said the developer could possibly come back in and say that they are discharging less than what is there now; so guess what we have actually improved downstream drainage by whatever the factor may be but they just have not got to that hurdle yet. Alternate Member Neligon said he has not seen anything that says this pond needs to be drained before this storm or that storm or anything like that. Alternate Member Neligon said the Town started a voluntary program to do that but he hasn't seen anything that said why isn't the detention pond down before the storm. Mr. Mendenhall said there is a very good reason for that and it's because they don't want the environmental quality to be degraded. Mr. Mendenhall said they are not reservoirs to be drained down. Mr. Mendenhall said they want the water quality to remain because the turtles and the oysters take precedence over the people in some ways. Mr. Mendenhall said the good thing about these engineered neighborhoods is that you haven't seen any houses flood; you have seen yards flood. Mr. Mendenhall said we talked about this at our CAMA Flood Meetings and

everything has an elevation to it. Mr. Mendenhall said designs have changed. Alternate Member Neligon said you used to have to show hardship to get setbacks changed, not because you can sell more homes and if it's not feasible then don't do it. Mr. Mendenhall said you are kind of mixing two items together. Mr. Mendenhall said they are coming in with this whole package. Mr. Mendenhall said they have these things and they are saying this is what we need to make all of these other things happen. Mr. Mendenhall said and you are approving an engineered plan that has all of these things. Mr. Mendenhall reviewed the Development Agreement with the Planning Board that lays out what will happen. Mr. Mendenhall said right now it is zoned R-6 and he doesn't know what the yield would be under R-6 zoning and Mr. Braxton said about 100 lots. Mr. Mendenhall said then you don't get any bells and whistles. Mr. Mendenhall said right now under R-6 they can do about 97 or 98. Mr. Mendenhall said but that doesn't give us any of these standards or bells and whistles. Mr. Mendenhall said the Planning Board just doesn't approve this and then it is done there are a bunch of items here. Mr. Mendenhall reviewed the standards in Article 1. Mr. Mendenhall said there was a previous flooding issue at one of the entrances of one of the developments and they couldn't do anything further until they fixed the problem because of the Development Agreement. Mr. Mendenhall said they spent \$250,000.00 to fix it because they were out of compliance. Mr. Mendenhall reviewed Article 2 which is the scope and lays out the conditions. Mr. Mendenhall said in Article 3, they are giving the Town a drainage easement to better access this ditch. Mr. Mendenhall said there may be two easements for access. Mr. Mendenhall said this is a process where you start out with a big concept and then start narrowing it down as you go through the process and that is what is going on here. Mr. Mendenhall said you all approved the concept plan and the sketch plan and now we are down to the next phase. Mr. Mendenhall said this is a very involved process; it all has to be reviewed and recorded. Mr. Goodenough asked to make a comment on the easement that the Town is looking for in the Development Agreement. Mr. Goodenough said this is his concern and the Village's concern and it all has to do with the water. Mr. Goodenough said his house is over here and you are looking at a 20 foot easement for drainage on a swale or ditch or something. Mr. Mendenhall said we just want the access so we don't have to go through your backyard. Mr. Goodenough said from what he is hearing, from this gentleman and everybody else is that the water from Lighthouse Cove drains towards Thomasboro, that's not an issue. Mr. Goodenough said this back section here, comes this way to this ditch which is 6 foot deep in some places and 12 foot wide. Mr. Goodenough said the water travels at 5-8 knots during a heavy rainstorm. Mr. Goodenough said the problem he sees is if you are going to dump water over here, it's just downstream from me, it's an issue. Mr. Goodenough said you have three lots here with 48 inch pipes that are in that ditch. Mr. Goodenough said you have a 6 foot deep by 12 foot wide ditch and you're restricting it down to a 48 inch pipe on three lots with that speed and you are going to plan to dump more water in over here, he is telling you right now this ditch is not going to be able to handle that with those three pipes unless you split up the water. Mr. Mendenhall asked Mr. Goodenough what he thought the solution is. Mr. Goodenough said he has dealt with this for fifteen years; so he knows what he is talking about. Mr. Goodenough said before you even begin to start to do anything; you have to look at these three houses, those 48 inch pipes that can't carry the water now. Mr. Goodenough said everything is fine over here but it's still backing up to his house even though it is 6 foot deep. Mr. Goodenough said if you got those three pipes out, his water would probably drop about 3 ½ to 4 foot deep; 5 or 6 feet if you are going to pump this stuff back in there. Mr. Goodenough said in order for this to work with this ditch is to get rid of those three culverts. Mr. Goodenough said the Town has done that before over in the community of Carolina Shores; there was flooding and you took it out. Mr. Goodenough said that is what needs to be done to help with this problem. Mr. Mendenhall said can we all work together. Mr. Braxton said we have to pick up that ditch anyway in our survey. Mr. Braxton said they will look at it with the engineer and Mr. Goodenough said we have to be sure that the water flows because he doesn't want this water to show up in his backyard. Mr. Mendenhall asked Mr. Goodenough if he wanted to be the point of contact. Mr. Goodenough said if you want to call me, he doesn't care. Member O'Reilly asked if cleaning out that ditch and making it a couple of feet deeper would help and Mr. Goodenough said no, he doesn't think so. Mr. Goodenough said that ditch doesn't retain water; it will hold a few inches and then be down to a trickle. Alternate Member Neligon asked about the 22 inches of rain we received and

Mr. Goodenough said no, it never came over his wall. Mr. Goodenough said that is his concern, dumping that water in there. Mr. Goodenough said if you can split it three different ways, it might help but he doesn't know. Mr. Mendenhall said that has been talked about but we are not that far yet. Mr. Holland discussed Thomasboro Road disintegrating and they will not have a road in front of Lighthouse Cove. Mr. Mendenhall said for the public, Thomasboro is owned by the State and he believes it is on the list to be resurfaced as it is pitted out. Mr. Holland said they have been very responsive because they have reported a couple of times that there was a serious hole and the very next day it was filled and he was really impressed with his local councilman over here. Mr. Holland said he loves this Town and whatever he can do to make this Town to continue to be great. Mr. Holland said his comment wasn't meant to be a money comment in regards to the guy that has a bigger lot, the more money, that wasn't the point of it. Mr. Holland said when you are developing these communities and building two story houses, you are going to start bringing in a lot more children and we have no place for those children to play other than in the middle of the road. Mr. Holland said right now every child after school is playing in the road. Mr. Holland said we are concerned about speed and the safety for kids. Mr. Holland said we need to start thinking about a couple of playgrounds. Mr. Holland said it would be nice when you are thinking of doing this community to put up something where the kids can go and play. Mr. Mendenhall said like a couple of municipal parks? Mr. Holland said yes, something like that because he thinks we need to do that. Mr. Hanley said how about something simple like the fact there is only one point of entrance in this development. Mr. Hanley said the traffic is going to increase so dramatically and where are you supposed to go for a walk when you increase the traffic flow. Mr. Holland said the retired person moving down here wants walking paths. Mr. Mendenhall asked the residents to come up after the meeting and look at the Pedestrian Map and see what you think. Mr. Holland said he has to leave but it was nice coming here and the women in the office were very nice and hospitable. Mr. Holland said anything he can do to help, he would be more than happy, thank you. There was further review of the Development Agreement. Mr. Braxton said we are very attentive of stormwater and we do our homework. Vice-Chairperson Hapner said if the Board recalls, we went through this exact same situation at Calabash Lakes. Vice-Chairperson Hapner said they requested to go from a 10 foot setback to a 5 foot setback and we finally compromised at a 7 ½ foot setback and they are selling. Vice-Chairperson Hapner said the developer did have a couple of meetings with the residents and explained the situation. Vice-Chairperson Hapner said just because they are smaller lots doesn't mean that the houses are going to be small or you're going to get a lower class of people because they can't afford to build similar size houses; the lots are just smaller. Vice-Chairperson Hapner said that is what the market will bear and that is proven to be the case. Vice-Chairperson Hapner said he also wants to make a point this is zoned R-6 multi-family, we put this question out if you have issue with smaller sized lots with possibly smaller houses would you rather have that or a bunch of multi-family homes; a bunch of townhouses which could potentially add a whole bunch more people per number of units. Vice-Chairperson Hapner said he knows from his experience, any development that has single-family homes down the road you are going to be a lot better off than having a bunch of townhouses. Member O'Reilly said he agrees. Vice-Chairperson Hapner said we had all these same issue with Calabash Lakes and everything worked out fine. Vice-Chairperson Hapner said he has to agree about the fire hazard and that is something that is out of our control, anybody's control. Commissioner Przywara said he has something for clarification. Commissioner Przywara said is it 6 foot or 7 ½ foot and are you going to the eave or are you going to the wall. Commissioner Przywara said we need that for future clarification and development. There was discussion on where the line was for the setback. Mr. Braxton said 7 ½ foot would be fine as long as we could have an 18 inch encroachment for the eave. There was discussion on the encroachment with the eave. Mr. Mendenhall said we have made an administrative interpretation that the line is to the occupied space. Mr. Mendenhall said we could come back and say side setback at a minimum of 7 ½ feet from the occupied space and exclusive of the eaves. There was further discussion on eaves. Mr. Hanley said he is a little confused. Mr. Hanley said until the traffic issue is addressed in terms of point of entry; he thinks you are way out of focus. Mr. Hanley said you are going to put that many dwellings and people in that single entry entrance off Thomasboro Road and he is flabbergasted that you are not taking that as serious as to what he thinks you should be. Mr.

Hanley said that should be the number one issue here before you move onto anything else. Mrs. Hanley asked if there were other developments like that and Vice-Chairperson Hapner said yes, Calabash Lakes right down the road. Mr. Mendenhall said what has happened is circumstance and you have to go back in time. Mr. Mendenhall said we are Code based and the Code at that time; there was nothing in the Code that required that. Mr. Mendenhall said you're right, it's not a good idea and the Planning Board and Board of Commissioners realized it and put in the Code now. Mr. Mendenhall said the problem is that you are a victim of circumstance. Mr. Mendenhall said the developer now actually looked into that and tying into the Village at Calabash. Mr. Mendenhall said there was a lot but someone bought the lot before the developer could look into it and the POA found out and they were not happy about routing traffic between two neighborhoods. Mr. Mendenhall said we agree with you but sometimes reality is just a bit more complex and hindsight is 20/20. Mr. Mendenhall said if Lighthouse Cove was brand new, you would do it a little differently. Mr. Mendenhall said there would be some sidewalks and multiple points of egress and ingress. Mr. Mendenhall said we can't go back in time and get the horse back in the corral. Vice-Chairperson Hapner said we talked about that and looked at that but there is just no place else to put an entrance, there are physical complaints. Mr. Hanley said so that constraint needs to be decided in favor of the developer or in favor of the residents. Mr. Hanley said you are discussing this variance on whether to allow them to add these houses without a second point of access that is going to have a huge impact on the people that live there. Mr. Mendenhall said it is not a variance; it is a rezoning. Mr. Mendenhall said it already has the current zoning of R-6. Mr. Mendenhall said they can build 98 units but right now as the Vice-Chairperson has said they can build townhouses by right and not even have this meeting. Mr. Mendenhall said they can do it without asking for you input, without asking you how you feel and what you think. Mr. Mendenhall said they can do it without asking because by right it has a zoning classification. Mr. Mendenhall said so we are here today trying to do better than that and have it more designed and laid out. Mr. Mendenhall said by right, Frank can come in and have a subdivision plat which is an administrative decision and as long as it meets the requirements in R-6 and the uses which are dwelling, multi-family dwelling, townhouse, duplexes and even operate a family care home. Mr. Mendenhall said meaning he can do it right now without any kind of Public Hearing for the residents on traffic or otherwise. Mr. Hanley said he understands that but this is a planned development and obviously there wasn't much planning in the past. Mr. Hanley said he is not holding anybody responsible. Member O'Reilly said originally it was a good plan but now things have changed and unfortunately this is what we have to deal with, this is reality. There was further discussion on traffic.

VICE-CHAIRPERSON HAPNER MADE A MOTION TO RECOMMEND THE REQUEST TO THE BOARD OF COMMISSIONERS MODIFYING THE LANGUAGE FOR THE SIDE SETBACK TO REQUIRE A 7 1/2 FOOT SIDE SETBACK TO THE FOUNDATION OCCUPIED LIVING SPACE WITH UP TO AN 18 INCH OVERHANG ENCROACHMENT FOR THE EAVE. MEMBER O'REILLY SECONDED THE MOTION. VICE-CHAIRPERSON HAPNER CALLED FOR A VOTE AND MOTION CARRIED BY UNANIMOUS VOTE.

Mr. Braxton said he appreciates the Planning Board and everyone asked a lot of great questions and some of them were hard. Thank you.

Farm at Brunswick Final Plat for Phase 13 and 14 – Mr. Mendenhall said you have a cover letter from the subdivision application. Mr. Mendenhall said these are the final bonded plats for Phases 13 and 14. Member O'Reilly asked if this finished up The Farm and Mr. Mendenhall said no, you have Phases 15, 16 and 17. Vice-Chairperson Hapner asked if anyone had any questions or comments. Mr. Bob Sakowski said he has a question that maybe the Planning Board can answer. Mr. Sakowski said he lives at 1208 Fence Post Lane in the Farm at Brunswick. Mr. Sakowski said he doesn't know if you saw last week or not but WECT TV was there when his backyard got flooded. Mr. Sakowski said his lot number is 586. Vice-Chairperson Hapner said so you are on that cut through street and Mr. Sakowski said no, he is the fourth house down when you turn on Fence Post from Slippery Rock. Mr. Sakowski said he is

the one that has that easement between him and his neighbor. Mr. Sakowski said at the end of that easement on whatever lot that is, there is a catch basin right there. Mr. Sakowski said we had problems when that giant rain came two weeks ago at the drainage between our two houses. Mr. Sakowski said when he looked out that morning it was like 10 feet wide. Mr. Sakowski said then he looked out to the backyard and 1/3 of our backyard was under the water. Mr. Sakowski said in our case, luckily it only turned out to be that catch basin and once they were able to free that up, that water disappeared but he thinks we are going to have a problem there. Mr. Sakowski said the only reason he says that is when he moved in if you walked off the back of his lot into there; you would go down about a foot and a half and it was all water down in there plus it was all pine trees back in there. Mr. Sakowski said the new section of Slippery Rock was all trees that was all pine trees and whatever the next one was, was all trees and what they call the Grove, they took out every tree in there. Mr. Sakowski said now that is about 3 1/2 to 4 feet higher than his yard. Mr. Sakowski this whole thing has been filled in with thousands of truckloads of dirt. Mr. Sakowski said if you go to 1202 Fence Post behind his house, it was like 6 feet lower than his yard, so that's all been filled in now. Mr. Sakowski said now this whole section is at least this much higher than us. Mr. Sakowski said he guesses that the design calls for the properties to slope off really sharp and he guesses that water is intended to go into these catch basins. Mr. Sakowski said the problem is when you come up his street Fence Post, the first catch basin on Fence Post is behind his house and then the next one is four houses further down. Mr. Sakowski said you are talking 29 houses and if you go out that way because they don't have the property, as a matter of fact someone is still farming. Mr. Sakowski said on the plan it calls for drainage ponds, they don't even have them built so all of this water is going across Fence Post to the property across the way. Mr. Sakowski said before that storm came, that pond was filled to the top already and when that water came it had no place to go. Mr. Sakowski said since then and he thinks the forecast this week calls for rain everyday they took that pond down a couple of feet just in case, he thinks. Mr. Sakowski said there is concern that there is going to be water problems there. Mr. Sakowski said like this gentleman said when they are done there is no idea of whether this is going to work and then they aren't there anymore and then our HOA and us as residents worry about it because this is a lot of water we are talking about. Mr. Sakowski said that thing was always filled with water. Mr. Sakowski said but there is water and now building another 29 houses and he thinks the total is 225 houses when they are done back there. Mr. Sakowski said big houses, small yard because like you said nobody wants to cut grass. Mr. Sakowski said if you remember it was for 55 and older and they weren't selling. Mr. Sakowski said they put big houses on them and second floors and all of that and that's fine but now we have less and less ground exposed to absorb any of this and then the way it is designed he doesn't know where the water is going to go, he really doesn't. Mr. Sakowski said we thought maybe they were going to put a drainage ditch between us and the new houses so this water would get to the Caw Caw or Shingletree or whatever but they did not do any of that. Mr. Sakowski said they are just going to go with the existing pipes. Mr. Sakowski said we watched them; they put all the new stormwater drains in and now we can't even walk through with our dogs because they are already filled to the top with water and doesn't know if there is water coming up from the ground or what. Mr. Sakowski said he will tell you that day the only people that really responded was actually McLamb and they were great. Mr. Sakowski said they told us they are only doing what the engineers have designed and they say it is going to work. Mr. Sakowski said the water just stands out there now because it is just so much higher and that is the unbelievable thing because everybody said oh they are going to move that out of there and he thinks they hauled all the dirt in there, he doesn't think so. Mr. Sakowski said the water can't get over that. Mr. Sakowski said and all the concrete from the foundations and slabs. Mr. Sakowski said he doesn't know if they need to put some more catch basins in for more places to move the water and then you are talking about digging up people's yards. Mr. Sakowski said then they talk about the ponds. Mr. Sakowski said that day, someone from the Town showed up. Mr. Sakowski said because his neighbor called and she was the reason that WECT TV was there. Mr. Sakowski said the guy from the Town was trying to explain that once this is all done the water is going to go that way and he said so he doesn't know. Vice-Chairperson Hapner said he hadn't been over to Fence Post in a while but went over a couple of days ago and all the ponds were low. Mr. Sakowski said up until a week ago, that one was to the top, just down the street

from him was to the tippy top and now it's dropped about this much in a week. Mr. Sakowski said he knows a bunch of them are low and some are low that were never low. Vice-Chairperson Hapner said he bets you have a bunch of neighbors that are happy because we have heard for years and years that there is not enough water in those ponds. Mr. Sakowski said he gotcha. Mr. Sakowski said if the water moves over there, then you are going to have people over there on that side of the street complaining about their yard flooding. Vice-Chairperson Hapner said that is what we try to explain to people that those ponds are there for a reason and that is to catch that rainwater and Mr. Sakowski said right. Vice-Chairperson Hapner said if the ponds are always full to the top, where is that water going to go; in your yard. Mr. Sakowski said in these two phases alone it's about 40 some houses and that ground was always wet back there and covered with trees. Mr. Sakowski said they just took it from a foot and a half below to five feet above us and its like well it's going to run down hill and we are down hill. Mr. Mendenhall said the request we have before us has already been rezoned and we have the Development Agreement and the stormwater has already been permitted and by right this process that the Board is looking at today is to make sure these plats are ready to be recorded. Mr. Mendenhall said it is not a question of if they can build, that horse has already left the barn. Mr. Sakowski said he has no problem with that it's just the issue with the drainage because the level is so much higher than us now and we are all downhill from this. Mr. Sakowski said he just doesn't think the catch basins in the new section are going to be able to handle the water we may see. Mr. Mendenhall said he knows Mr. Sakowski can't speak for his neighbors but does he think it would be well received if we had a small tailgate meeting out there and get the plans out and maybe walk around and look at it and try to do some point talk, do you know what he is saying. Mr. Sakowski said that wouldn't hurt. Mr. Sakowski said nobody knows what is going on they change this and that, change the plans. Mr. Sakowski said that wouldn't hurt, it really wouldn't. Mr. Mendenhall asked Mr. Sakowski to leave his name and number with the Clerk and we will have someone call you and see if we can't set up something.

MEMBER FARIA MADE A MOTION TO ACCEPT THE FINAL PLAT PLANS FOR PHASES 13 AND 14 AT THE FARM AT BRUNSWICK. ALTERNATE MEMBER NELIGON SECONDED THE MOTION. VICE-CHAIRPERSON HAPNER CALLED FOR A VOTE AND MOTION CARRIED BY UNANIMOUS VOTE.

Review of Flood Damage Prevention Ordinance and Flood Maps – Mr. Mendenhall said we have the current and proposed Flood Maps set by the State and FEMA on the table. Mr. Mendenhall said we have to adopt the maps as they are part of the Town's Zoning Map. Mr. Mendenhall said they are in the Zoning section of the Unified Development Ordinance and its called Flood Damage Prevention starting with Section 91.240. Mr. Mendenhall said we have gone through and rewritten what is there. Mr. Mendenhall said it has been a goal of the Board of Commissioners to enroll in the Community Rating System so that all residents whether it be in the corporate limits or extra-territorial jurisdiction you will see a discount to your flood insurance. Mr. Mendenhall said we are trying to get to a Class 7. Mr. Mendenhall said which is a point accrual process that is long and arduous to try to get there. Mr. Mendenhall said there are three legs to that stool in the CRS. Mr. Mendenhall said the first is regulations, the second is an administrative component which is a huge paper chase but there are a lot of points there with documentation and the third is a communications component. Mr. Mendenhall said we will have to start holding a lot more communication events and using technology and all sorts of other things. Mr. Mendenhall said we may be able to do better than a 7 but we can't enforce Building Codes in excess of what the State allows which is different than the International Building Code. Mr. Mendenhall said we are going to work very hard to not let that be a limiting factor with everything we need to do. Mr. Mendenhall said we need to protect and document for our residents which makes the insurance cheaper. Mr. Mendenhall said you have a copy of the proposed Flood Damage Prevention Ordinance. Mr. Mendenhall said we will not go through it today and you will have 30 days to look it over and you will discuss at your meeting in June. Mr. Mendenhall touched on Sections 91.245, 91.252, 91.256, 91.257 and 91.270. Mr. Mendenhall said we will have to comply with all of these regulations. Mr. Mendenhall said you will review the document in June and make a recommendation to the Board of

Commissioners. Mr. Mendenhall said the Flood Map will become effective August 28, 2018. Mr. Mendenhall said residents that are mandated to get insurance should do so by July 28, 2018 because there is a 30 day lockout window to avoid the market rate.

Public Comment:

None

ALTERNATE MEMBER NELIGON MADE A MOTION TO CANCEL THE PLANNING BOARD MAY 21, 2018 MEETING DUE TO LACK OF BUSINESS. MEMBER O'REILLY SECONDED THE MOTION. VICE-CHAIRPERSON HAPNER CALLED FOR A VOTE AND MOTION CARRIED BY UNANIMOUS VOTE.

Adjourn:

ALTERNATE MEMBER NELIGON MADE A MOTION TO ADJOURN THE MAY 16, 2018 PLANNING BOARD MEETING AT 1:47 P.M. MEMBER FARIA SECONDED THE MOTION. VICE-CHAIRPERSON HAPNER CALLED FOR A VOTE AND MOTION CARRIED BY UNANIMOUS VOTE.

Chairperson

Submitted by:
Nicole Hewett, Town Clerk