

**Town of Pine Knoll Shores
Planning Board Meeting Minutes
March 27, 2018
5 PM**

Chairman Paul Payne called the March 27, 2018 Planning Board Meeting to order at 5:00 p.m. and led the Pledge of Allegiance. Present for the meeting were Planning Board members, Kathy Werle, Bob Holman, Doug Browne, George Greene, Ike Pipkin, Bud Daniels, Michelle Powers, and non-voting member Marsh Cobin. Town Planner Kevin Reed, Building Inspector Jim Taylor, and Town Clerk Sarah Williams were also in attendance. Non-voting member Bruce Beasley was absent.

Approval of Agenda

The motion to approve the agenda as amended passed unanimously on a motion by Member Werle with a second by Member Holman. The changes to the agenda were to switch b.(major landscape permit) to a. (wireless support structure) and a. to b. under New Business.

Approval of Minutes

The minutes of the February 27, 2018 meeting were approved unanimously, with changes, on a motion by Member Werle with a second by Member Pipkin. Member Powers did not attend the February 27th meeting.

Public Comment

John Ferguson, 133 Arborvitae, and President of the CCCC; spoke in support of the cell tower as both a member of the board and a resident of Pine Knoll Shores.

Bill Hotham, 121 Oakleaf Dr., was concerned that the cell phone tower may not work and then more towers would be needed.

Bill Acker, 105 Laurel Ct, said he supported the tower but was concerned with the proposed height and wind load.

David Parham, 131 Loblolly, served on PKA's architectural board. He was concerned with the tree density ordinances in Town as well as requiring a certified engineered stormwater plan.

Robert Cox, 260 Oakleaf, said he believed that if there were any Planning Board members who were members at the CCCC that they should disclose that information. He also wanted more analysis before a tower was approved.

Ted Lindblad, 108 Chestnut Ct, said he would like to know the antenna pattern, the range, and the benefit of going to 120 ft.

New Business

152 Oakleaf (Major Landscape Permit)

Planner Reed explained to the Board that they would be looking at a major landscape permit for a proposed monopole, and then they would also be looking at an application for a wireless support structure permit. He said it was okay for members of the Country Club to vote, but that they should disclose that they are members of the club, that they will not be receiving any substantial financial benefit(s), and that they have the ability to make an unbiased decision.

Building Inspector Taylor summarized the project request for the proposed monopole at the Country Club of the Crystal Coast. He said that the project is for a 40X90 area with a 6 ft. high fence. The fence will

have barbed wire on top and will match existing fence (color). There will be a 10 ft. wide buffer to be planted with holly and evergreen, a 12 ft. wide gravel road utilizing the existing cart path and an emergency turn around. The Contractor has ensured positive drainage across the compound.

No drainage. The engineers have submitted a certified stormwater plan.

Chairman Payne asked Inspector Taylor that before he present any more evidence, that they swear people in and go into the public hearing.

Inspector Taylor, Planner Reed, Tom Johnson, and Justin Cosgrove were administered the oath by Clerk Williams to testify and present information.

Chairman Payne asked if any members of the Planning Board had any disclosures or conflicts of interest. Members Browne, Pipkin, Holman, and Chairman Payne said they were members of the Country Club, but did not stand to gain a financial benefit should the cell tower project be approved.

The board voted unanimously to go into a public hearing on a motion by Member Daniels with a second by Member Powers.

Inspector Taylor addressed the criteria necessary for granting the permit.

He stated that there is a certified engineered stormwater plan.

He stated that the vegetation will not be unduly destroyed. The CAC had visited the lot on March 27 and approved the land disturbing activity and tree removal.

He stated that by implementing the recommendations provided, erosion would be unlikely to occur at the site.

He stated that the proposed grade changes with a 120 ft. tower would not unduly block vistas from other properties.

He stated that the height of the proposed dwelling would be compatible with the neighborhood.

He stated that the plans, as presented, were not in compliance with the zoning district limits. The plans call for a 120 ft. monopole and town zoning has a 75 ft. height limit.

Member Cobin asked if there would be a drainage ditch, as presented in the plans. Mr. Cosgrove answered that the ditch was an as-needed detail but would not be needed due to the topography at the site. Member Cobin asked what other items in Chapter 74 had not been met (other than exceeding the 75 ft height limit). Planner Reed answered that he was not aware of any other items.

Mr. Johnson, the attorney on behalf of the project, presented testimony to the Board. He said that after meeting with the CAC, the compound was moved to save 5 trees and they were using the CAC's recommendation to plant a variety of trees. He explained that the drainage ditch would not be needed because the surface material was considered a pervious surface and existing drainage would be used. There would not be dishes on the pole, fiber optic cable would be used, and there would be sleeves to cover the antennas. The request to go higher than 75 ft. was because trees can block the reception at that

height. He demonstrated the coverage from a pole at 75 ft. versus 120 ft. At 120 ft., the coverage increases and makes better connections to existing sites. There was discussion about the monopole, height, and antenna.

Member Cobin asked why the cell phone company picked this particular location. Mr. Johnson answered it was a combination of factors: zoning, reaching an agreement with the property owner, and having the available land. Member Cobin asked what the reactions from homeowners had been. Inspector Taylor answered that the adjacent owners were sent a letter through certified mail letting them know about the meetings and the project. He and Planner Reed had yielded about a dozen calls, and encouraged residents to attend the meeting to learn about the project.

Member Holman asked if because other carriers could go on the monopole, you reduced the need for other structures (towers). Mr. Johnson answered that was the case. By allowing the tower to go to 120 feet, you were reducing the need for more towers and by allowing that height; more carriers could be added to the pole. Mr. Johnson said that with the technology available, towers were still needed. Smaller towers could supplement existing infrastructure, but they still needed a signal from higher towers. Member Powers asked how many carriers could be co-located on the tower. Mr. Johnson answered that there were 4 spaces on the tower.

Member Holman asked about the generator. Mr. Johnson answered the generator would use propane.

Member Browne asked to address the comment about the wind load of the towers. Mr. Cosgrove, the lead civil engineer for the project answered that the design wind speed was per code. The maps had been done by an engineer and were site specific.

Member Browne asked about property values. Mr. Johnson answered in his years of working with cell phone towers, he had not seen property values decrease and that state law (in N.C.) would have to show a substantial loss to create an impact on taxes.

Chairman Payne asked if the Board had any more questions, they did not.

Chairman Payne asked if anyone in favor of the project would like to speak, they did not. Chairman Payne asked if anyone was against the application, they were not. There were no more questions or testimony. The motion to close the public hearing passed unanimously on a motion by Member Daniels with a second by Member Browne.

Member Cobin asked about criteria #6 because the height was not in compliance. Mr. Johnson asked the Board to approve the permit on the condition that the Board of Commissioners approved the 120 ft. Chairman Payne asked if there were any objections to voting on the first 5 criteria as a group. There were not. Criteria numbers 1-5 passed unanimously on a motion by Member Holman with a second by Member Pipkin. The vote to approve criteria #6 passed unanimously on a motion by Member Daniels with a second by Member Holman on the condition that the Board of Commissioners approved the 120 ft height of the monopole.

Wireless Support Structure Permit

Planner Reed informed the Planning Board that there was a request for a wireless support structure permit that included a 120 ft. concealed flagpole tower on the property owned by the Country Club of the Crystal Coast. Chapter 74-167 of the Town code outlines wireless support structures and the permit process to be followed. The Planning Board is required to recommend approval/denial permit of the permit to the Board of Commissioners and that ultimately, the Board of Commissioners would decide to approve/deny the permit.

Planner Reed reviewed the guidelines set forth in Chapter 76-167 (a). He concluded that the applicant had provided the information required as outlined in Chapter 76-167 (a). He reviewed the requirements and restrictions contained in Chapter 74-418 that would allow a Wireless Support Structure as a secondary use. He concluded that the applicant had provided the information required as outlined in Chapter 74-418.

Member Browne asked about the compliance bond. Planner Reed answered that the applicant would have to give the Town 30 days' notice so that a replacement bond could be found.

Chairman Payne asked for a motion to recommend approval of the wireless support structure permit to the Board of Commissioners. The motion passed unanimously on a motion by Member Holman with a second by Member Browne.

Reports

Planning

Planner Reed said that he expected to hear something and have a staff level review of Maritime Forest in the near future. He told the Planning Board there would be a public workshop for Coastal Resiliency Planning held at Town Hall on Saturday April 7 from 10-noon.

Inspections

Inspector Taylor reported that for the month of February, 58 permits had been issued and there had been 91 inspections for the month. He informed the Planning members that there was a possibility there would be two major landscapes at their May meeting.

Board of Commissioners

Commissioner Edwards said that there would be a budget review meeting on March 28 at 6 p.m.

Unfinished Business

Member Holman put together a proposed schedule for Planning Board members to attend CAC meetings. He felt that it was important for Planning Board members to participate with the CAC and improve communications between the two groups. The Planning Board agreed that the schedule would go into effect.

Announcements and Planning Board Members' Forum

Member Pipkin thanked the Town, Tower Com and the Country Club for the public safety of the Town. Member Cobin said he would like to see verbiage on minimum tree density and what is allowed/not allowed when it comes to the removal of trees.

Adjournment

The Planning Board adjourned at 6:37 PM on a motion by Member Holman with a second by Member Daniels that passed unanimously.



Sarah C. Williams

Sarah C. Williams, Town Clerk

