

MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Monday, October 14, 2013. This meeting was held in the Dare County Board of Commissioners meeting room located at the Dare County Administrative Building, 954 Marshall C. Collins Drive, Manteo, NC.

CALL TO ORDER 7:00 pm

MEMBERS PRESENT Elmer R. Midgett, Jr. – Chairman John Finelli
Michael Barr Beth Midgett
Dan Oden

MEMBERS ABSENT David Overton
Richard “Ricky” Scarborough, Jr.

APPROVAL OF MINUTES

There being no corrections or additions to the minutes of the September 9, 2013 meeting of the Dare County Planning Board, Michael Barr made a motion to approve the minutes as submitted. Dan Oden seconded this motion.

Vote: Ayes – Unanimous

PUBLIC COMMENT - None

OLD BUSINESS - None

NEW BUSINESS - *Murray O. Clark Subdivision – Buxton – Preliminary Plat Review*

Mr. Clark was present at the meeting.

Donna Creef began the discussion. Mr. Clark had a subdivision approved in 2012 that was very similar in design to the one before the Planning Board this evening. The property shown on the plat as owned by Mr. Oleskyn was purchased from Mr. Clark in 2012 and Mr. Oleskyn would now like to purchase another two acre parcel.

When the plat was recorded in 2012, it was noted that additional road improvements may be required for any future subdivision. Donna Creef recommends that the Board clarify the note on the plat with more specific language about access in the event the remainder of the parcel is subdivided again in the future.

Ms. Creef said the 2012 plat also noted that an Army Corps of Engineers Wetland Confirmation Plat was required to be submitted and we have not received that. We will need the Wetland Confirmation Plat and it will be reviewed before this plat is recorded.

The 2012 subdivision review had an outstanding condition with the Army Corps of Engineers and the Division of Coastal Management concerning filling wetlands on the site. This delayed recording the 2012 subdivision plat. Donna Creef recently contacted Lynn Mathis of the Division of Coastal Management to be sure there are no outstanding issues or new issues with the site. During the conversation, Ms. Creef asked Ms. Mathis about Mr. Clark's plan to fill the ditch shown on the subdivision plat. Ms. Mathis informed Ms. Creef during this conversation and with a follow-up email that Mr. Clark cannot fill the ditch without permits from the Division of Coastal Management. In addition to this, Chapter 51 of the Dare County Ordinances requires approval from the Dare County Board of Commissioners before a drainage ditch can be filled. Ms. Creef is requesting a condition on the plat stating these approval requirements before the ditch can be filled.

Chairman Midgett asked Ms. Creef if a wetlands survey will be required and if that could be made a condition imposed on this subdivision. Ms. Creef replied yes, the wetlands survey will be required before the plat can be recorded. The Army Corps of Engineers verifies and signs the wetlands survey that is prepared by a wetlands professional. There may be a delay with the Army Corps of Engineers office at this time due to the partial federal government shut-down and this would further delay recording the subdivision.

Donna Creef told the Board the property has varying flood zone lines and much of it is in a VE zone. Floodplain regulations restrict fill in a VE flood zone. Ms. Creef asked that a note be included on the plat stating that the approval of Dare County is required prior to any fill material being brought onto the site or any fill work being done at the site. Ms. Creef said no structural fill may be used in a VE flood zone.

Soundside Restaurant Incorporated is listed as the adjacent property owner and Ms. Creef said this is incorrect.

Michael Barr mentioned there are three dots in the middle of the plat that may be a print machine error.

Michael Barr said the surveyor needs to indicate the appropriate geodetic datum on the plat.

Mr. Clark told the Board there will be no further development on the property. He does not plan to have any more subdivisions. Chairman Midgett advised Mr. Clark that should he change his mind and request any further division of the property he will be required to provide an access road to accommodate what has been done to this point as well as any future plans. Mr. Clark said he plans to live on the land that is left and will not subdivide it.

Chairman Midgett asked Mr. Clark if he is satisfied with the division as it appears on the plat. Mr. Clark said yes, he is satisfied. Chairman Midgett asked Mr. Clark if he is satisfied with the location of the property line dividing Parcel 2 and Parcel 2A. Mr. Clark said yes.

Mr. Clark said the drainage ditch goes to the sound but doesn't exit to the sound due to a 35' blockage. Mr. Clark has a CAMA survey of the property. Mr. Clark said he would be happy to hire a wetlands professional to prepare a survey that will be submitted to the Army Corps of Engineers.

Mr. Clark said he thought he could get permission from Donna Creef to put fill at the site. Donna Creef answered that any permits that are requested on the site will require a review process and the applicant will have to provide information on how much fill they plan to use as well as how, where, and why the fill will be used. All of that is incorporated into the flood development plan for the site and the flood ordinance is very particular about what fill can be used for.

Mr. Finelli asked who the neighboring property owner is and Mr. Clark said it is Michael Quidley.

Michael Barr made a motion to grant preliminary plat approval subject to the following:

1. A wetland verification plat signed by the US Army Corps of Engineers should be filed with the Planning Department before the final plat can be recorded at the Register of Deeds.
2. The final plat should be revised to indicate the appropriate geodetic datum used by the surveyor.
3. Note 4 on the final plat should be revised to read: "any future subdivision of any of the parcels may require an additional access road or shared driveway improvements."
4. A note should be added to the plat indicating that any fill material placed on either of the two parcels will require additional review and approval for compliance with the Dare County Flood Prevention Ordinance. No fill material should be placed on the property without the proper approval from Dare County or other applicable state or federal agency.

5. A note should be added to the plat stating that the drainage ditch located on parcel 2 of the site shall not be filled or altered without approval from the applicable federal, state or local agencies.
6. The final plat should include the current names of adjoining property owners.

Dan Oden seconded the motion.

Vote: Ayes - Unanimous

The final plat for this division will be submitted to Donna Creef for final review and recordation.

Hatteras Island Plaza Subdivision – Avon – Preliminary Plat Review

This item was withdrawn from the agenda by the applicant and will be rescheduled at a later meeting.

OTHER BUSINESS

Donna Creef reminded the Board that the next Planning Board meeting has been scheduled for Wednesday, November 6, 2013 at 7 p.m.


ADJOURNMENT

There being no further business before the Dare County Planning Board, a motion to adjourn was made by Beth Midgett and seconded by John Finelli.

Vote: Ayes – Unanimous

The meeting adjourned at 7:30 p.m.

Respectfully Submitted,



Sharon L. Flatt

Planning Board Clerk

APPROVED: November 6, 2013



Elmer R. Midgett, Jr. – Chairman
Dare County Planning Board