

**Town of Seven Devils**  
Planning Board Minutes  
Regular Meeting  
October 18, 2010

**I. Call to Order**

The Seven Devils Planning Board met on Monday, October 18, 2010, at Town Hall. Chairman Bob Haugh called the meeting to order at 5:30 p.m. Other members present were George Ehlinger, Larry Fontaine, Mike Tarlton, Barry Isquith, and new member Barbara Williams. Member Butch McLean could not attend. Also present was Town Manager and Zoning Administrator, Ed Evans. The minutes were recorded by Beth Taylor, the Town Clerk.

**II. Adopt Agenda**

Chairman Haugh asked if there was a motion to adopt the agenda. After discussion, it was decided to remove section VIII A and combine it with section VII A. Following the change, Member Ehlinger made a motion to adopt the updated agenda. Member Tarlton seconded the motion. It was agreed upon unanimously.

**III. Approval Minutes**

A motion to approve the September 20, 2010 minutes was made by Member Fontaine and was seconded by Member Ehlinger. The members agreed unanimously.

**IV. Swearing in of Barbara Williams as new Planning Board Member**

Barbara Williams was sworn in by the Town Clerk, Beth Taylor, and welcomed to the Board by all.

**V. Citizen Comments**

None

**VI. Administrative Comments**

Town Manager and Zoning Administrator Ed Evans wanted to let the Members know that housing sales and building permits continue to look good. We have three more new construction possibilities with two of those wanting to get started before the snow sets in.

Evans asked the Planning Board members if they had considered his previous statement and agenda item regarding an Ethics Policy for the Planning Board. Evans shared that Mayor Pro Tem Kathy Copley has volunteered to revise the newly created Town Council Ethics Policy to make it applicable to the Planning Board; if that is something the Planning Board is interested in addressing. After much discussion the majority consensus was that the Board doesn't need to adopt a Code of Ethics since they are appointed by the Town Council and their actions, if inappropriate, would be addressed by the Town Council. It was put to a vote, with the Ayes in favor of NOT adopting a Code of Ethics and the Nays in favor of it. The voting results are:

Ayes-4 (Haugh, Ehlinger, Fontaine, Isquith, Williams)  
Nays-1 (Tarlton)

## **VII. Old Business**

### **A. Status of review of ordinances for recommendations from the High Country Council of Governments**

#### **Zoning Ordinance**

#### **Subdivision Ordinance**

#### **Construction Ordinance**

Member Ehlinger wanted to state that he felt the best way to precede with combining the Zoning, Subdivision and Construction Ordinances, was to wait until a rough draft was ready before any approvals or changes were passed. That way we could avoid any redundancy by continuing to go over the same changes multiple times. Member Williams agreed that as a new member, that would be very helpful.

Member Ehlinger pointed out that he felt a correction should be made to section 5.3 of the proposed draft revision to the Zoning Ordinance. He felt that all areas where it had been proposed to allow "permitted uses" in the Recreational Business Zoning District should be changed to only allow C-Conditional uses. Kelly Coffey of the HCCOG and Evans had proposed that Golf, Skiing, Zip-lining, Tubing, and non-motorized cycling should be P-Permitted uses in the RB District. Much discussion ensued regarding how the five uses should be labeled – Permitted or Conditional. The members voted to not allow any additional permitted uses in the RB District other than what is stated in the existing Ordinance – parks, greenways, and playgrounds. The members also opposed allowing housing units of three or four units to be P-Permitted uses in the Transitional

(proposed new category of HDR – High Density Residential) and favored leaving this use as C-Conditional.

Member Williams made a motion not to accept the proposed changes to section 5.3 of the Zoning Ordinance as presented by Coffey and Evans. Member Ehlinger seconded the motion. It was agreed upon unanimously.

## **B. Status of Planning Board recommendations to Town Council on the Tree Protection section of the Zoning Ordinance**

Member Evans reported that he met with Berry Gemberling of ArmorGuard. Mr. Gemberling came and toured the roads in Seven Devils to get a feel of the work necessary to help the Town with their project. Mr. Gemberling was very interested in working with the Town on this project funded in part by the grant from DENR, NC Division of Forestry Resources, titled *NC Division of Forest Resources' Urban and Community Forestry Grant* and in-kind labor from Town volunteers. His quoted price was quite a bit higher than our lowest quote. However, Zoning Administrator Evans stated that Mr. Gemberling was more qualified and he felt the Town would be better satisfied with the results if they chose ArmorGuard. Evans also informed the Members that Mr. Gemberling has agreed to adjust his price to the same price as our lowest quote of \$6,044, the amount of the grant award.

Member Evans explained that Member Fontaine volunteered to compile a list of volunteers to mark trees to be included in the inventory. There will be no need for training in order to help with this. Once the volunteers were ready they would then go out and measure and mark all trees with at least 10" diameter or larger to be included in the tree inventory. After all the trees have been marked Mr. Gemberling's GIS team will be able to determine each species and how healthy they are. The tape used to mark the trees will be removed after each tree is recorded.

Member Ehlinger wanted to know what this would do for our Town. Member Evans explained that it will help us to detect our historic trees, identify the trees that are native to the area, help determine which trees are diseased, any that may present safety issues, as well as eventually help with the Tree Section of the Zoning Ordinance, offering recommendations that will help the environment and help make the ordinance a better document. He also stated that

DENR's Forestry Division is very interested in the Town's involvement with Tree USA.

**VIII. Other Business**

None

**A. Board Member Comments**

None

**IX. Adjourn**

At 6:25 p.m. Member Fontaine made a motion to adjourn which was seconded by Member Isquith and agreed upon unanimously. The meeting was adjourned.

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Bob Haugh, Chairman

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Beth Taylor, Town Clerk