

**TOWN OF EMERALD ISLE  
PLANNING BOARD MEETING  
MONDAY, JANUARY 22, 2018**

Chairman Ken Sullivan called the meeting to order at 6:00 pm. Members present were, Jim Osika, Malcolm Boartfield, Susan Monette, Paul Schwartz and Ty Cannon. Also present was Town Planner Josh Edmondson.

A motion was made by Paul Schwartz and seconded by Jim Osika to excuse Chad MacAvery from the meeting. The motion carried unanimously 5-0.

A motion was made by Ty Cannon to approve the minutes as amended on page 3 of the minutes in the first paragraph. The motion was seconded by Jim Osika and carried unanimously 5-0.

**SUBJECT: AMENDMENT TO CHAPTER 6 DEVELOPMENT STANDARDS, SECTION 6.3.3 STORMWATER MANAGEMENT STANDARDS (T) REGARDING THE FILLING OF WETLANDS AND PONDS**

Mr. Edmondson said the Town's current regulations state the following about the filling of wetlands and ponds:

**Filling of Wetlands or Ponds**

Lot owners or contractors shall not fill more than one thousand (1,000) sq. ft. of any part of a pond or wetland unless that pond or wetland is expanded or a new retention area is built as replacement. This expansion or new retention area shall be constructed within the Town limits of Emerald Isle, and be capable of holding a volume of storm water at least equal to the one lost as a result of the fill. If this should preclude any reasonable development of the lot, the applicant may apply to the Board of Adjustment for a variance.

Mr. Edmondson said this statement has lead to some confusion recently when read by developers and property owners. Mr. Edmondson said as you read, it would seem anyone could fill in up to one thousand (1,000) sq. ft. with approval by the Town of Emerald Isle. Furthermore, he said, the reason for confusion is that most wetlands and ponds in Emerald Isle fall under the jurisdiction of the Division of Coastal Management (coastal wetlands) or the Army Corps of Engineers (404 wetlands). Mr. Edmondson said in order to fill any of these wetlands approval is first needed by one of the above agencies before the Town can approve.

Mr. Edmondson said in an effort to avoid confusion and provide clarity to this rule, the following amendment to the current regulation is proposed:

**Filling of Wetlands or Ponds**

Lot owners or contractors shall not fill more than one thousand (1,000) sq. ft. of any part of a pond or wetland unless that pond or wetland is expanded or a new retention area is built as replacement. This expansion or new retention area shall be constructed within the Town limits of Emerald Isle, and be capable of holding a volume of storm water at least equal to the one lost as a result of the fill. If this should preclude any reasonable development of the lot, the applicant may apply to the Board of Adjustment for a variance. **Before the Town approves any fill of a wetland or pond as stated above, proper approval must be received from the Division of Coastal Management and/or the Army Corps of Engineers for coastal and/or 404 wetlands that fall under the jurisdictions of the above agencies.**

I believe this is the most effective way to communicate and make clear the process of filling wetlands and ponds in Emerald Isle Mr. Edmondson said. After discussion, the Board recommended changes to the language as follows:

**(T) Filling of Wetlands or Ponds**

Lot owners or contractors may not fill more than one thousand (1,000) sq. ft. of any part of a pond or wetland unless that pond or wetland is expanded or a new retention area is built as a replacement provided the following conditions are met:

- Apply and receive approval by the appropriate State and/or Federal Regulatory Agency(ies)
- Apply and receive approval by the Town of Emerald Isle

- Any expansion or new retention area shall be constructed within the Town limits of Emerald Isle, and be capable of holding a volume of storm water at least equal to the one lost as a result of the fill

If this should preclude any reasonable development of the lot, the application may apply to the Board of Adjustment for a variance.

A motion was made by Ty Cannon to approve the amendment with the recommended changes. The motion was seconded by Jim Osika and carried unanimously 5-0.

**SUBJECT: DISCUSSION OF AMENDMENT TO CHAPTER 6 DEVELOPMENT STANDARDS, SECTION 6.1.6 SIDEWALKS & DRIVEWAYS (3) AND SECTION 6.7.1 OFF STREET PARKING & LOADING REQUIREMENTS (5) REGARDING DRIVEWAY WIDTHS**

Mr. Edmondson stated that at the Boards November meeting, discussion was had concerning the results of the driveway survey conducted this summer. One of the findings concluded that half of the almost 2800 driveways were noncompliant due to the flare at the street Mr. Edmondson stated. Meaning the driveway itself complied with the maximum 16' width but the flare added a few additional feet, which by rule made it noncompliant. The Board directed staff to discuss this issue with contractors to see what an acceptable standard would be so language could be included about the flare Mr. Edmondson said.

Mr. Edmondson said over the last month, he spoke with a few different contractors. The consensus seemed to be that the size of the flare is based on the function and in some cases appearance. Mr. Edmondson said he discussed a couple of numbers 2-3' for the flare touching the edge of the road. This number seems accurate with the length of the typical driveway flare and the contractors agreed this should work with most driveway designs Mr. Edmondson said. Mr. Edmondson stated he believes the easiest way to address this issue is to add language about the flare within the driveway standards of Section 6.1.6 (3) and 6.7.1 (5).

Mr. Edmondson included a couple of digital schematics showing the typical driveways on Emerald Isle to help guide the Boards discussion. The Board then discussed the best way to define the flare, including a width and length. After discussion, the Board directed staff to draft language which allows a 3' flare width, 6' flare length and define the flare shape. Mr. Edmondson informed the Board staff would work on this to bring back as an amendment at the Boards February meeting.

**SUBJECT: REPORT FROM TOWN PLANNER**

Mr. Edmondson informed the Board of the Commissioners approval of the amendments To Chapter 3 and 4 of the Unified Development Ordinance. Mr. Edmondson went over the November and December Building Reports for 2017 along with the previous year reports for comparison purposes. He also stated that the next Commissioners meeting would be February 13, 2018 at 6PM and the next Planning Board meeting would be February 26, 2018 at 6PM.

**Subject: Comments from Planning Board**

No comments from the Board

There being no other business a motion was made by Paul Schwartz and seconded by Malcolm Boartfield to dismiss the meeting, which carried unanimously 5-0.

Respectfully submitted by:

Josh Edmondson, Secretary  
Town of Emerald Isle Planning Board