



**TOWN OF CALABASH
PLANNING AND ZONING BOARD
REGULAR MEETING
Monday, November 7, 2011
6:00 pm-SANBORN HALL**

AGENDA

CALL TO ORDER & PLEDGE TO FLAG:

APPROVAL/ADJUSTMENT OF AGENDA:

APPROVAL OF MINUTES:

1. October 3, 2011-Regular Meeting

PUBLIC COMMENTS:

TOWN CLERK'S REPORT:

OLD BUSINESS: none

NEW BUSINESS:

1. **Discussion** to begin reviewing and making modifications to Section 16-4 Tree Protection for Undeveloped Property-of the UDO. Formulate ideas/language for a more practical way of addressing clear cutting violations.
2. **Discussion/Action** to make a recommendation to the Board of Commissioners on filling the vacant ETJ member seat on the Planning & Zoning Board.

BOARD COMMENTS:

ADJOURN:

**TOWN OF CALABASH
PLANNING AND ZONING BOARD
REGULAR MEETING
November 7, 2011**

MINUTES

The Calabash Planning and Zoning Board (PZB) held their Regular Meeting on Monday, November 7, 2011, 6:00 p.m., Town Hall, 882 Persimmon Road, Calabash, NC

MEMBERS PRESENT: Charles Daniels, Sonia Climer, Joshua Truesdale, John Thomas and Emily DiStasio.

MEMBERS ABSENT: None.

STAFF PRESENT: Town Administrator Chuck Nance and Town Clerk Kelley Southward.

GUESTS PRESENT: The audience consisted of Commissioner Mary Knight, Mr. Charles “Buddy” Walton, Mrs. Evelyn Walton and Mrs. Daria Buccilli.

CALL TO ORDER/PLEDGE: Chairperson Climer called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance to the Flag.

APPROVAL/ADJUSTMENT OF AGENDA: *Mrs. DiStasio motioned to approve the agenda as presented; seconded by Mr. Daniels and unanimously carried.*

APPROVE/ADJUST MINUTES: *Mr. Daniels motioned to approve the October 3, 2011 minutes; seconded by Mr. Truesdale and unanimously carried.*

PUBLIC COMMENTS: None were forthcoming.

TOWN CLERK’S REPORT: A copy of the report is hereto attached to these minutes.

OLD BUSINESS: None.

NEW BUSINESS:

1. **Discussion** to begin reviewing and making modifications to Section 16-4 Tree Protection for Undeveloped Property in the UDO. Formulate ideas/language for a more practical way of addressing clear cutting violations.

Mrs. Climer stated that a violation of UDO Article 16 had recently occurred. Mr. Nance noted that in his memo to the PZB that was included in their packets was a brief history of that violation. He noted that one of the first things to think about doing was to change the title from “Tree Protection for Undeveloped Property” to just “Tree Protection” as part of Section 16-4 mentions existing structures and the title is a bit misleading. He noted that the only problem is when you get to paragraph “H”– the paragraph refers to violators/violations. Mr. Nance noted that reviewing the removal of trees is difficult when stumps have already been removed or covered making it hard to accurately ascertain the extent and specificity of the violation. He went on to say that in the event a violation occurred when Town Hall was closed and the case went to court, staff would be asked how the trees were measured. Currently the ordinance reads

measurements are taken four and half feet off ground level with a certain diameter trunk. Without proof of measurement there would be a problem winning a case. He stated that he had reviewed dozens of municipal tree ordinances and almost all contained a per tree fine. Upon a questions posed by Mrs. Climer and Mrs. DiStasio, Mr. Nance explained the conditions under which a tree permit is required and the process taken by an inspector after a tree permit application has been submitted. Mr. Nance noted that the biggest problem is presented by a property owner that has taken trees down without a permit.

Discussion turned to the definition of caliper and diameter; he noted that the word diameter best suits the UDO language. It was noted that measurement of the stump might be more advantageous than measuring the trunk of a tree.

Mr. Nance addressed the question posed by Mr. Truesdale regarding the application process to remove trees that have fallen during or as a direct result of a hurricane.

Mrs. Climer suggested removing the four and half foot measurement and use stump diameter.

Discussion turned to violations with Mr. Nance noting that the way the ordinance reads currently, there needs to be proof. He stated that he would contact the Institute of Government for information and that they could consider a per acre fine with a specific fine based on an average number of tress and if less than an acre, the dollar amount would be half. Language addressing the issue could be formulated that the Institute of Government would be comfortable with.

Mr. Nance stated that what he was hearing that PZB members agreed that if trees were removed without prior Town approval, to use stump diameter and if stump size cannot be determined, there would some other type of yet to be determined fine. He stated he would begin drafting language for a change to the ordinance. There was consensus to change the title to "Tree Protection" and include "stump level". Ms. Southward addressed a question about the fee associated with tree permits; a fee is connected to a Development Permit.

Mr. Nance commented about how other municipalities negotiated fines associated with tree violations. He noted that such a technique could be added to Section 16-4. He will review language used in Brevard's ordinance. He noted that he would take the PZB direction and move forward.

PUBLIC COMMENTS:

Mrs. Climer recognized Mr. Charles Walton, who had some suggestions. He noted that the National Geotactic Survey has a satellite that takes picture of trees in an area and using a plastic cover, they can determine if ground has disturbed. He noted that they could probably determine the height of a tree. Mr. Nance noted that he had also thought about aerial photographs. An aerial photograph, taken in the recent past and in the winter when there is better visibility under the canopy, could be helpful when reviewing a possible violation. Mr. Walton was thanked for his suggestion.

2. **Discussion/Action** to make a recommendation to the Board of Commissioners on filling the vacant ETJ member seat on the PZB.

Following discussion, *Mrs. DiStasio motioned to recommend to the Board of Commissioners that Mrs. Clare Leary be appointed to fill the vacant ETJ member seat; seconded by Mr. Truesdale and unanimously carried.*

BOARD COMMENTS: None were forthcoming.

ADJOURN: *Mrs. Climer motioned to adjourn; seconded by Mr. Thomas and unanimously carried.*

(SEAL)

Chairperson Sonia Climer

Attest:

Kelley Southward, Town Clerk