

**TOWN OF BOGUE
PLANNING BOARD MEETING
February 4, 2016**

The Town of Bogue Planning Board met February 4, 2016 at the Bogue Town Hall, 121 Chimney Branch Road in Bogue. Chairman John Goguen called the meeting to order at 6:30pm with the following members present: John Goguen, Michael Panzarella, Julie McSwain, Bobby O'Chat and Alternate Scott Leahy. Shirley Page was excused. Also present was Alternate Cecil Hurst, town Attorney Donna Boggs, military Attorney David Wunder and Town Clerk Elizabeth Sweeney.

Agenda

Michael Panzarella made a motion to accept the agenda. Bobby O'Chat seconded the motion. Motion approved unanimously.

Minutes

Julie McSwain made a motion to accept the January 7, 2016 minutes as written. Motion seconded by Michael Panzarella. Motion approved unanimously.

Citizen Comments

There were no citizen comments.

Old Business

Rezoning #3-2015, RA to IW, had been tabled at last meeting. Mr. Carl Edwards was introduced by Chairman Goguen. Edwards has a new location on the same parcel requesting for rezoning. He distributed documents to the board outlining his request and the changes he has made. The much smaller, new plan is to request rezoning of a 1.8 acre section of the same parcel, which will be outside of the CZ and CUZ1 cones. [Map attached and incorporated into these minutes] If approved, the parcel will be divided and obtain its own PIN. To address some of the board's concerns there will only be four storage units, having front entrances only, no water or sewer connections. The building will be 80'x50'. Mr. Edwards said the subdividing and rezoning falls into the town plan to have business on Highway 24. The last parcel on the west side heading east is B-1, then the military [Bogue Field] then the parcel requesting rezoning then the rest of Mr. Archie Page's property, that cannot be rezoned due to the AICUZ. There is more business on Hwy 24 than residential. This plan is a way to salvage a small parcel of the property for development. Mr. Edwards asked for the Board to consider his proposal and thanked them for listening. He offered to answer any questions.

Chairman Goguen asked the board to look at page 212 in the Zoning Chapter 15, 154.200 AICUZ. He read the section and asked Attorney Boggs for her interpretation of that highlighted sentence. Does it mean the entire parcel or can the parcel be divided.

154.200 (B) *Development within Clear Zone (CZ) and Compatible Use Zone 1 (CUZ-1).*

(1) Property located within the Clear Zone (CZ) and the Compatible Use Zone 1 (CUZ-1) is zoned RA (Rural Agricultural). **This area shall remain zoned RA to retain its rural agricultural character. Within the Clear Zone, no development shall be allowed.** Uses allowed within the Compatible Use Zone 1 are shown in subsection (2).

Atty Boggs replied, "shall" is mandatory there is no question of that. She referred to Chapter 10 (General Code of Construction), page 5 for definition of "Shall". If you are asking me if you take a portion of it to be rezoned I am not sure if you can rezone a portion of a single lot. Goguen asked: Is it spot zoning? Boggs answered: yes. Edwards said he was not asking for a portion of that property to be rezoned. I am asking for it to be divided into a separate lot and rezoned. He also argued it is not spot zoning in that other properties along Hwy 24 are business zoned.

Chairman Goguen introduced Attorney David Wunder to speak. Wunder argued that the property cannot be divided or rezoned. This was not an agreement between the town and the military. This ordinance was independent by the town. If the parcel was divided off before the ordinance that would be different. The owner currently can use it for agricultural purposes. When he bought the property he should have been aware of the proximity of the base with the AICUZ disclosure form. He pointed out the statement on the AICUZ map brochure that says the zones "...reflect the *current* noise contours and APZs, they are subject to modifications based on changes in the mission..." Wunder said soon there will be F35's which is not reflected in the current map. The noise and APZ contours may change. He urged the board not to approve this, and to keep it agricultural. He thanked the board and offered to answer questions.

Chairman Goguen asked each board member individually for comment. Bobby O'Chat said he would like to see the board follow the advice of our town attorney and keep it RA. Julie McSwain said one of the conditional uses in IW is "Wholesale storage and sale of fuel and petroleum products". She said if anyone decided to store these products it would be a problem for the Marine Corps. Also if they [Marine Corps] want to expand where they want to fly this would also have an effect on everyone. She said she did not feel it was a good idea to change the use. Michael Panzarella said he could not add to what has already been stated. He is against the use change. Scott Leahy said he has no questions.

Chairman Goguen asked for a vote but Mr. Edwards asked to speak. Mr. Edwards said Mr. Archie Page knew the area was RA and was aware of the "fly zone" but he was not aware it could not be divided and changed. He may or may not have been given the [AICUZ disclosure] form. Mr. Page thought it could be changed just not tall structures. Mr. Edwards asked Atty Boggs if it was a separate plot is that spot zoning. Her response was if it is subdivided it is not spot zoning, but it is not an easy answer. Edwards said he felt it was. He has been acquainted with 200 pieces of property being rezoned. McSwain said were any of those 200 pieces next to a military fly zone. Edwards said no, but this is about spot zoning. If you vote no to this you are saying Mr. Page cannot do anything with this property. Panzarella said no we are saying it is RA and he can farm it.

Goguen said there are also other safety issues with a storage facility. He asked each board member to answer yes-for the change or no-against the change. O'Chat, no; McSwain-no; Panzarella-no; Leahy-no; Goguen-no. Goguen asked for a **Motion** for a statement to the Town Council that the Planning Board reviewed the request and recommend disapproving the request to rezone. Scott Leahy made the Motion and Julie McSwain seconded. Motion was passed unanimously.

New Business

Goguen asked for discussion on a comprehensive plan for the town. He said we can have the ECC [East Carolina Council] come to a meeting to make suggestions and help write a plan for the town. Clerk Sweeney said everyone has in their packet an outline from a Planning Board meeting in 2006 for a town plan. Some of the items may not apply to Bogue. She also has copies of other local town plans for the board to review. Goguen asked for a discussion on whether to have the ECC come to a meeting and help with a town plan. Sweeney will call Monday to ask ECC to come to a Planning Board meeting on Thursday March 10 to help us with a comprehensive town plan.

Planner Report

Sweeney reported one zoning permit was issued since the last meeting for a pool at a residence in Hunting Bay. No other inquiries have been made.

Miscellaneous Reports/Announcements

Bobby O'Chat and Shirley Page need to be sworn in again since the Town Council officially reinstated them In January. O'Chat will be sworn in after the meeting. Ms Page will be done at a later date.

Adjournment

The next meeting will be Thursday, March 10, 2016. Michael Panzarella made a motion to adjourn the meeting. Motion seconded by Bobby O'Chat. Motion passed unanimously. Meeting was adjourned at 7:05pm.

_____ **JOHN GOGUEN, Chairperson**

_____ **ELIZABETH SWEENEY, Town Clerk**