

**TOWN OF BOGUE
PLANNING BOARD MEETING
April 4, 2019**

The Town of Bogue Planning Board met April 4, 2019 at the Bogue Town Hall, 121 Chimney Branch Road in Bogue. Member Michael Panzarella called the meeting to order at 6:36pm. Roll Call was taken by the Clerk with the following members present: Michael Panzarella, Shirley Page, Bobby O'Chat, and alternate Rick Dougherty. Excused absent: John Goguen; unexcused: Scott Leahy. [Mr. Leahy sent a text at 6:40pm; he was at work and not able to attend.] Also present was Clerk Elizabeth Sweeney, Town Attorney Donna Boggs, and military liaison Rhonda Murray.

Agenda

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

Minutes

Shirley Page made a motion to accept the February 7, 2019 minutes as written. Motion seconded by Bobby O'Chat. Motion approved unanimously.

Citizen Comments

None

Old Business

The certified letter to remove the propane filling tank and apparatus from the Bogue RV property had been sent by Attorney Boggs to the business and to Mr. Shipp. Attorney Boggs said she received a phone call from an attorney in PA for Mr. Shipp and sent the attorney our ordinance by email. At this time it does not appear Mr. Shipp has taken action to comply. The date it must be removed by is May 7 after which fines will start. Attorney Boggs will send a letter stating the fines on or near the deadline if it has not been removed.

New Business

The July 4 meeting date was discussed. Shirley Page made a Motion to cancel the July meeting; motion was seconded by Rick Dougherty, passed unanimously.

Planner Report

~3 permits since Feb meeting: 2-residential accessory replacing storm damaged buildings; 1-storage building for business property.

~Request by Chris Stroud of Barnhill Contracting to create a DOT Borrow Pit on property owned by W. Archie Page, the field at Northeast end of Bogue on Hwy 24, PIN 5395.0343.7413.000. No borrow pit or mining use is in the ordinance (allowed or not). Property is zoned RA and partially in APZ-1, AICUZ ordinance states "shall remain RA", is a borrow pit a use we want to allow here? [Note: Mr. Stroud did not attend the meeting. This information was from phone calls to the clerk.] Clerk Sweeney said Mr. Stroud explained they would dig out the sand and other material to be used for construction of the Havelock bypass. At the end of the extraction a pond would be created in the hole. There are state

regulations pertaining to permits for mining and he would get all permits before start of work. Maps were reviewed and the board discussed the request. Shirley Page said if it is not in our ordinance then we should put it in there, that it is not allowed. It was asked what recourse Mr. Page had if this was denied. He could appeal to the board of adjustment. Attorney Boggs was not sure if a variance [conditional use] would be given because it is not in keeping with the surrounding properties. The town is a residential and agricultural community. Clerk said mining is not an agricultural use and the excavated material will not be used for farm purposes.

Bobby O'Chat said there is a creek along the south side of Hwy 24 and the area floods in storms. He is concerned that putting a pond there will add to flooding and washing out the road. Boggs said it is creating a potential nuisance of mosquitoes, liability responsibility. Who would maintain it? Panzarella agrees with O'Chat on the flooding potential.

Rhonda Murray said there are FAA regulations of ponds near airports. A pond becomes an attraction for many birds. We are on the sound, there are many birds already but when the waters are rough they will flock to a pond. In training exercises this would cause interference. Another military concern is any lighting added to the area during the mining operation.

Shirley Page noted that we should add it to our ordinance that it is not allowed. Clerk Sweeney noted we could put in a statement that unlisted uses should be treated as the most similar use allowed.

~County land use plan update information was given to the board. The plan was written in 2005, adopted in 2009, certified in 2010, and a copy delivered to Bogue in April 2011. The data from 2005 is used in the plan. There will be more opportunities for the public to have input in the update. Meeting dates will be on the county website and clerk will email the board. Bogue will still be a part of the plan. A copy of the plan is posted on the county website and clerk found the town copy today. Please review it to offer suggestions for the update and participate in any public meetings the county holds regarding the plan.

Discussion on Bogue Code of Ordinance Chapter 30 – Combined Planning Board/Board of Adjustment,

“§30.07 Miscellaneous Powers and Duties,

(A)The Planning Board may conduct public hearings as may be required to gather information for the drafting, establishment and maintenance of the comprehensive plan. Before adopting any plan, it shall hold at least one public hearing thereon.”

It is not clear if this refers to only the comprehensive plan or every plan that we may be a part of. Such as the hazard mitigation plan, or economic development plan, etc.

~The current rezoning application has a discrepancy on the number of days to submit it prior to the regular meeting date. The application has 10 days and the ordinance, §154.046 (A), has 21 days. A brief discussion brought up good reason to keep it at 21 days. The application will be corrected.

~A map of the draft emergency evacuation zones was given to the board. This is a draft only and is a part of a new public outreach the county and state are working on for CC Emergency Services plan. It will be several months before it is final.

Miscellaneous Reports/Announcements

A reminder to visit the Newport Pig Cooking event this weekend was made by Michael Panzarella.

Adjournment

Motion to adjourn was made by Michael Panzarella, seconded by Bobby O'Chat, approved unanimously. Meeting adjourned at 7:15pm.

_____ SCOTT LEAHY, Chairperson

_____ ELIZABETH SWEENEY, Town Clerk