

**Town of Seven Devils**  
Planning Board Minutes  
Regular Meeting  
January 18, 2011

**Call to Order**

The Seven Devils Planning Board met on Monday, January 18, 2011, at Town Hall. Town Manager, Ed Evans, called the meeting to order at 5:30 p.m. Other members present were Bob Haugh, Butch McLean, George Ehlinger, Larry Fontaine, Barbara Williams, and Barry Isquith. Member Mike Tarlton was absent. Anne Fontaine recorded the minutes.

**Election of Chairman and Vice-Chairman**

Town Manager Evans opened the floor for nominations for Chairman. George Ehlinger nominated Butch McLean. Member McLean declined. Butch McLean nominated Bob Haugh. Barry Isquith seconded the nomination. No other nominations were made. Butch McLean moved that nominations be closed and Barry Isquith seconded that motion. Member Haugh was elected unanimously. Larry Fontaine nominated Butch McLean for Vice Chairman, seconded by George Ehlinger. No other nominations were made. Bob Haugh moved that nominations be closed, George Ehlinger seconded. Butch McLean was elected unanimously as Vice Chairman. The meeting was then turned over to newly elected Chairman, Bob Haugh.

**Adopt Agenda**

Butch McLean moved to accept the Agenda. George Ehlinger seconded the motion. The motion carried unanimously.

**Approval Minutes**

- October 18, 2010 Regular Minutes

Member Williams made a motion to approve the October 18, 2010 regular scheduled minutes as submitted. Member Fontaine seconded the motion. The members agreed unanimously.

**Citizen Comments**

No Comments

**Administrative Comments**

Town Manager Ed Evans noted there is not a lot to report, since there has not been a lot of action over the winter months. There were a couple of people inquiring about building permits and Manager Evans expects there may be two more building permits issued for new homes. There were a few permits issued for remodeling projects.

## **Old Business**

- A. Unification of the Zoning, Subdivision and Construction Ordinances – Report Ed Evans.** Manager Evans is hopeful the Unified Development Ordinance, three ordinances combined, will be ready for submission to the Planning Board at the next meeting. The three ordinances are being combined without omitting any ordinances, but by eliminating redundancies in the verbiage throughout the document. Manager Evans is hopeful that members will receive the packets about one week prior to the meeting. Evans also pointed out that there are several issues that need to be decided by the Planning Board prior to presenting the ordinance to the Town Council. It is suggested that all members come to the February meeting having read the Unified Development Ordinance and be ready to discuss and make final decisions so that the document can be presented to the Town Council at their March meeting.
- B. Status of Planning Board recommendations to Town Council on the Tree Protection section of the Zoning Ordinance – Report Larry Fontaine/Ed Evans.** There have been 75 hours of volunteer labor put into the marking of the trees, not including Manager Evans time. There will be more opportunities for volunteers. Arbor Guard was able to complete the tree inventory. If there is any tape left on trees, it can be removed. It appears that there will be approximately 600-700 trees in the study. NC Forest Resources Officer, Eric Muecke, has been assigned as a liason on this project and he has offered to come to participate in a meeting regarding the tree ordinance. Manager Evans has tentatively scheduled him to be present at the March Planning Board Meeting, if Arbor Guard has completed their study. At this point, we are waiting on Arbor Guard to complete their study and present their findings to the town. They will review the town tree ordinance and make recommendations for improvement. Arbor Guard has not given Manager Evans a timeline for completion but stated that they are aware of the grant timelines.

## **New Business**

None

## **Other Business**

- A.** Board Member Comments. Butch McLean noted that on the member roster, there are some mistakes regarding email addresses and telephone numbers, so he asked that each member review their information and update. Members updated their information verbally. Larry Fontaine commented regarding the conditional use permits for biking and zipline. He was questioning whether we are getting a copy or whether we are named as an "also insured" by Hawksnest. Manager Evans stated that we did receive a Certificate of Insurance, but he stated that Rob Angle, Town Attorney, states that the town cannot be held responsible for those activities. George Ehlinger also mentioned that there are supposed to be inspections performed. Manager Evans said he had followed up, but there are no national or state guidelines for certification of ziplines. The person who installed the zipline had, at the time of permit issue, agreed to perform inspections. However, the relationship between Hawknest and the installer have been severed so to his knowledge, no inspections have been performed. Manager Evans stated that the conditional use permit was issued for the conditions of building and opening and does not continue to have conditions for ongoing operation. The question came up about conditional use permits and how they are issued. Our Zoning Ordinance was not followed when the original permits were issued. The Town should have required a Text Amendment change to the Zoning Ordinance. It was treated as though it was a potential conditional use, when it was not listed as such. By issuing the conditional use permit, the Town effectively changed the ordinance. Hawksnest approached Manager Evans about expanding the Zipline. The Town Council made a recommendation that the Zoning Ordinance definition be broadened to include more activities and to review each new activity on a case by case. There will be a public hearing on February 14 on these changes.

## **Adjourn**

At 6:10 p.m. Member McLean made a motion to adjourn. Member Ehlinger seconded the motion. The members agreed unanimously. The meeting was adjourned.

---

Bob Haugh, Chairman

---

Anne Fontaine