



*City of Boiling Spring Lakes*  
9 East Boiling Spring Road  
Boiling Spring Lakes, NC 28461

---

Maggie Della Badia 910-363-0025 • Fax: 910.363-0029 • E-mail: mdellabadia@cityofbsl.org

**Planning Board**  
**November 15, 2016**  
**7:00 P.M. ~ City Hall**

**CALL TO ORDER:**

The regular monthly Planning Board meeting was held at City Hall on November 15, 2016  
Chairman Bill Clark called the meeting to order at 7:00 p.m.

**ATTENDANCE:**

**Members Present ~**

Chairman ~ Bill Clark Bill Sraver Gene Fioravante Jeremy Sexton Nancy Crawford  
1<sup>st</sup> Alternate Tim White

**The Board welcomed Tim White as newly appointed 1<sup>st</sup> Alternate.**

**Members Absent ~** None

**Staff Present ~** Maggie Della Badia ~ Administrative Assistant

**Guest ~** Cape Fear Council of Governments: Wes MacLeod

**AGENDA ~**

Bill Clark noted the Planning Board did not receive a written report from the TRC Committee.  
He explained the board may talk about the RV site review but cannot make a decisions to  
forward it to the Board of Commissioners. The Board members agreed to discuss it.

**A motion was made by Bill Sraver and Seconded by Nancy Crawford to approve the  
November 15, 2016 agenda with the change of the site plan approval to a general  
discussion.**

**Motion Carried 5-0**

**MINUTES ~**

**A motion was made by Gene Fioravante and Seconded by Jeremy Sexton to approve the  
October 11, 2016 meeting minutes.**

**Motion Carried 5-0**

## **PUBLIC COMMENT ~**

### **Veronica Combopiano – 146 Forest Lane**

Mrs. Combopiano commented the Board of Commissioners and Planning Board have been discussing chickens in the city for months. The wording of fowl vs chicken was a concern of the Board of Commissioners. She further explained there are residents of Boiling Spring Lakes that are not pleased with the rules and regulations that are being put in place. Mrs. Combopiano asked that the Planning Board minutes be kept up to date on the website so they are current and citizens are aware of what is being discussed at the most recent meetings.

Bill Clark explained part of the process is for items to go to the Board of Commissioners then they set a public hearing and after a Public Hearing is held they can vote on the item.

### **Ronald Combopiano ~ 146 Forest Lane**

Mr. Combopiano stated he did not understand why someone on the Board of Commissioners did not ask to change the word fowl to chickens.

We just had a presidential election suggesting people would like change. Part of that change is less government and less regulation. This would include all government not just Federal Government. When you are reviewing the UDO, some of what the public wants is less regulation. He stated he has spoken to hundreds of residents and has signatures from over one hundred residents to have less restriction in the UDO as to what people can and cannot do with their property. Examples he gave are the percentage of land they can build on, where they can build on their property and what they can do with their property. This includes longtime residents and new residents. The main two comments he heard when talking to citizens were: they moved here because there was no HOA and when they moved here there were a lot less restrictions.

## **OLD BUSINESS ~**

### **1. Chickens in the City ~ Returned from the Board of Commissioners**

Bill Clark explained the Board of Commissioners did not approve the proposed ordinance. Some reasons given were: it was too broad, it needs to be narrowed down and they shouldn't be in all districts.

Nancy Crawford stated during the Board of Commissioners meeting Section B was not clear what size a lot should be, ten thousand or ten thousand four hundred square feet under a single ownership. A citizen mentioned if he had a pair of ducks and they had babies he would be out of compliance. A citizen stated guineas and peacocks are domestic fowl.

Nancy Crawford explained it has been suggested to her to replace the wording of domestic fowl with chicken hens.

Bill Clark explained the Board of Commissioners would like to have the ordinance address only chickens no other domestic fowl and consider what residential districts they should be allowed in. After discussion the Board agreed to change the verbiage from domestic fowl to chicken hens.

Bill Sraver suggested making the minimum lot size fifteen thousand square feet instead of ten thousand four hundred. The Board agreed to keep the minimum ten thousand four hundred.

Commissioner David Crawford attended the meeting. He explained there are residences in the city that have chickens. Whatever is in the ordinance is what needs to be enforced.

This was proposed to be put in the code of ordinances and the UDO. The board agreed this will only be in the UDO and not include it in the code of ordinances. Bill Clark explained the Planning Board will notify the Board of Commissioners they should eliminate General Code Chapter 3 Animal Section 3-108 that was suggested.

The board agreed chicken hens should be allowed in R-1, R-2, R-3 and R-5.

### **Revised Proposal**

#### **Article 6.4 C. Keeping of Chickens (Hens)**

Chicken Hens are permitted in the following zoning districts ~ R-1, R-2, R-3 and R-5 and must be maintained as follows:

Tracks shall consist of at least ten thousand four hundred square feet under single ownership or control and include a single family residence as a principle structure.

Chicken hens shall be kept as an accessory use.

Chickens must be contained in a secured fence enclosure at all times.

The enclosure shall have a minimum of at least ten square feet of area for each chicken hen.

No enclosures shall be erected or maintained within the front or side yard within twenty-five feet of any property line or within thirty feet of another residence.

The enclosure shall be kept clean, sanitary and free from accumulations of excrement and objectionable odor.

No more than eight such chicken hens shall be kept or maintained per lot.

There will be no discounting for chicks.

Roosters shall be prohibited.

Outdoor slaughter of animals shall be prohibited.

Production shall be limited to that of the personal consumption of each residence.

Violation is standard.

**A motion was made by Bill Sraver and seconded by Jeremy Sexton to approve the new draft and forward it with an action plan to the board of commissioners.**

**Motion Carried 5-0**

### **NEW BUSINESS:**

#### **1. Site Plan Review Case Number 2016-02 ~ Boiling Spring Lakes RV Park**

Bill Clark stated ~ The Planning Board does not have enough information to move forward with this tonight. They do not have a TRC report.

- Bill Sraver moved to table this item.

Allen Serkin stated the UDO doesn't require a formal TRC review. The TRC is required if requested by the UDO Administrator or the City Manager. He recommended the Board go through the site plan to determine if there are elements that need to be reviewed by other departments. Under the section that defines the TRC it states the TRC may include ~ a list of titles. If information is needed from another department it will have to be provided.

Bill Clark explained in Article 12 ~ Development Review Process states the TRC review is required. He further explained 12.6.4 (A) states ~ following complete review by the Planning

Staff and TRC it is then forwarded to the Planning Board before it goes to public notice. We cannot forward it tonight for approval without information from the Police and Fire Departments, Public Services Director and Building Inspector.

Allen Serkin explained the TRC can include just the UDO Administrator. It can be interpreted that the staff report could constitute a TRC Report. Typically, the TRC is there if the staff needs additional expertise from them. The Fire Department was contacted for review of this site plan. Bill Clark explained the UDO states the TRC should meet and give a written report, he wants to make sure the Planning Board is not overstepping its bounds by giving a formal approval. Allen Serkin explained the powers and duties of the TRC is to review if the UDO Administrator requests it. Procedures referenced in Article 12 would incorporate a TRC review if one is requested by the UDO Administrator.

Allen Serkin stated ~ Section 3.4 The Powers and Duties of the TRC. The TRC shall review all applications if requested by the UDO Administrator or the City Manager, a TRC review was not requested.

Josh Mihaly the developer of the site plan explained he is representing Mr. Stiller. It was their understanding there was a TRC review. A concept review plan was submitted a few months back to the Cape Fear Council of Governments. There was an informal review and we received comments. Then a formal site plan that met a majority of the technical requirements of this project was submitted. Mr. Mihaly stated we submitted it properly and received comments back from the Health and Fire Departments. It was our understanding this was ready to go before planning for recommendation. Bill Clark explained a TRC shall review but a meeting was not held. Mr. Mihaly explained this is not a construction plan at this time. It is a proposal for an RV Park in C-1 which is a permitted use but requires the approval of the Planning Board. The thought being if we received approval from Planning Board and Commissioners at that time we would come back with full construction documents and that would probably go to TRC for full technical review prior to releasing a building development permit to construct the project. Bill Clark explained it should go to the TRC then the Planning Board.

Bill Clark suggested the board look at approving the site plan with some contingencies. Allen Serkin stated he is unsure if Wes McLeod circulated this to other agencies that have not provided comments. He wouldn't want the applicant to be harmed for that purpose. The applicant provided a significant number of changes. The Fire Department requested a change for the turnaround radius of vehicles. That has been addressed as well as all the requirements of the UDO.

Bill Clark explained as long as it can be contingent upon the TRC down the road or with the stated approvals. Allen Serkin explained the Building Inspector did not provide any comments on the plan for this meeting. Bill Clark suggested the Planning Board could hold a special meeting for this review. Allen Serkin stated the Fire Department had three main concerns. A forty foot turn around was not sufficient for their vehicles, they requested two additional fire hydrants and interconnects of the Brunswick County waterline for Leeds Road and Highway 87 creating a loop. The new site plan addresses these and an email to the Building Inspector from the Fire Department confirms the new turnaround is sufficient for access in case of a fire. The revised site plan from 11-11-2016 includes the changes requested by the Fire Department. **Herby incorporated as part of these minutes. Attachment A**

Allen Serkin suggested the Board make their approval contingent on any outstanding items being addressed prior to the Board of Commissioners meeting.

Allen Serkin referenced a list in the Staff Report he provided. **Hereby incorporated as part of these minutes. Attachment B** Allen Serkin made the following comments regarding the notes on the site plan:

Note #18 ~ Typo “area” should be “are”.

Notes # 12 & # 24 ~ Are the same.

Notes # 26 & # 27 ~ Requesting a waiver of sidewalk requirements. This should be removed as a variance cannot be requested by a note on a site plan.

**A Motion was made by Jeremy Sexton and Seconded by Bill Sraver to approve the plan as submitted with changing the word “area” to “are” in item number 18 general notes, deleting items 26 and 27, and final approval contingent on the recommendations 1 through 5 as presented by The Cape Fear Council of Governments dated 8 November 2016.**

**Motion Carried 5-0**

**The Board took a short break. Chairman Clark called the meeting back to order and resumed with the agenda items.**

## **2. Review of UDO Article 1**

Nancy Crawford noted ~ Page 1.3 clerical error. Page 1.6 / 1.1 states shall be regulated as use determined by the UDO administrator and questioned what the recourse would be if you do not agree with the administrator. Allen Serkin explained any decision by the UDO Administrator can be appealed to the Board of Adjustment. Nancy Crawford explained other areas it has this stated but not here. Allen Serkin explained by state statute any administrative decision is appealed to the Board of Adjustment.

## **3. Review of UDO Draft Article 2**

Allen Serkin will request Section 2.3 ~ Required Lots show a reference to the dimensional standards table.

Bill Clark recommended in Section 2.7 Fees ~ the word “reasonable” be stricken to just make it read “fees”.

Allen Serkin will ask the Building Inspector to review the section on page 27.

## **OTHER BUSINESS: ~**

**A motion was made by Bill Sraver and Seconded by Gene Fioravante to forward the chicken ordinance to the Board of Commissioners.**

**Motion Carried 5-0**

## **NEXT MEETING AGENDA ITEM'S:**

### **1. UDO Review ~ Draft Articles 3 & 4**

**ADJOURN:**

**A motion was made by Bill Sraver and Seconded by Gene Fioravante to adjourn the meeting at 9:05 PM.**

**Motion Carried 5-0**

**Respectfully Submitted by,  
Maggie Della Badia ~ Administrative Assistant**