

**MINUTES OF THE
SUMMERFIELD ZONING BOARD
SUMMERFIELD COMMUNITY CENTER
November 23, 2009
7:00 P.M. Public Hearing**

The meeting was called to order at 7:00 pm by Chair Nancy Hess.

2. IN ATTENDANCE:

Nancy Hess, Chair
Ken Dunham
Rich Lovett
Rick Burguieres
Kathy Rooney

Carrie Reeves
Chris Anderson, Town Planner
Blair Carr, Town Attorney
Carrie Spencer, Clerk

3. CONSENT AGENDA

Nancy Hess made a motion to approve the consent agenda with the following changes:

- The alternates will be seated on the board for discussion purposes.
 - The October 26, 2009 minutes will be revised to add Kathy Rooney to the attendance list.
- Mr. Dunham seconded, and the motion passed unanimously.

4. NEW BUSINESS:

Jordan Lake Rules: review of draft document: Stage 1 Adaptive Management Program

It was pointed out that the Appendices had changed since the document was mailed to the board as a read-ahead, so Mr. Anderson clarified what the document should include. Appendices A and D did not change. Members of the board should switch the titles for Appendices B and C, and add a website reference to Appendix B. He read the website reference to the board. The body of the text did not have any substantive changes from the submittal that the board received.

Ms. Carr explained that the Jordan Lake Rules has been a hotbed of discussion since its inception. Summerfield is not one of the larger producers of pollutants, and we do not have an MS4 (Municipal Storm Water Collection System) or a collector system for sanitary sewer. She suggested that we do not have a lot of development now, but must be concerned with future development. She added that Summerfield is ahead of the game with our current ordinances.

Ms. Reeves stated that the City of Greensboro has been working on this project for some time.

Mr. Dunham stated that we currently have a lot of issues with storm water discharge rates, and that our current ordinances would allow some areas to be paved entirely. It was discussed that Greensboro has more runoff than the discharge capacity can handle, and that we do not want to get into a situation like that. It was suggested that our current ordinances require more parking than really necessary, which causes additional runoff.

Mr. Lovett suggested that the Rules have been written to exclude the farming industry, even though they are one of the main contributors to the nutrient excess. There was discussion about home fertilizer use as a contributor.

Mr. Anderson stated that the primary objectives of the Stage 1 Program are the education program, and identifying the areas that are contributing to the nutrient load. He added that these objectives will be implemented over the next few years.

Ms. Hess stated that, with a current buffer of 100 feet, the Haw River is severely damaged to include overflowing its bank. Mr. Lovett stated that the Haw River flows into the edge of a dam before leaving the lake, and does not contribute much to the problem, so even if it is brought to pristine condition it more than likely will not help the situation.

Ms. Reeves suggested that now is the time to be proactive to fix problems that could be much more difficult to handle in the future. Mr. Lovett suggested that Summerfield should take a lead by using this opportunity to set the ordinance so that it addresses storm water runoff proactively, addresses the parking excess, and includes more green strategies as the Jordan Lake Rules are implemented.

Ms. Hess suggested that, with the town potentially accepting stream buffers and properties for trails and parks, it could create an obligation for the town to mitigate those properties to a higher standard. Mr. Lovett suggested the town consider offering those lands as an offset for projects that need wetland mitigation offsets credits.

Ms. Rooney commented on the description of BMP under “REQUIRED MEASURES”/ “1. PUBLIC EDUCATION PROGRAM”/” Best Management Practices (BMP)”. She expressed concern that the description is confusing, as BMP are referred to as websites, education, devices, and others. It was suggested that the heading change from “Best Management Practices (BMP)” to “Education of Best Management Practices”.

Ms. Rooney asked about privately owned BMP structures. It was explained that they are constructed because they are mandated, and not by choice. Ms. Carr added that planning for the actual BMP are site plan issues. Mr. Lovett suggested that since site plans are not a public process, storm water management should be addressed during the rezoning process as an opportunity for the public to discuss the BMP. Ms. Carr pointed out that unless all uses associated with a particular rezoning typically require BMP, the zoning hearing cannot address them. She suggested that the rezoning should only address such an issue in relation to its compatibility with surrounding properties. Ms. Carr suggested the board wait for another time to discuss the issue of what BMPs are and are not appropriate at the zoning –vs. - site plan stages.

Ms. Rooney asked about the retrofit program and whether the one BMP we have will be the only one we have or if we must identify a new one each year. Mr. Anderson referred her to the chart in the DWQ guidelines, that requires the town look for another one each year. It was agreed that funding the BMP will be an issue. It was clarified that the rain garden is the one BMP we currently own. The recently approved veterinary clinic was offered as an example of a BMP that could be used to satisfy the requirement. The opening sentence for the paragraph needs to be clearer. A good example for an area to improve is the Yost and Little development. It was suggested that the town could have to fund such improvements. There was discussion about changing ordinances to require that property owners fund the BMP, and that care has to be taken before burdening private property owners with retroactive funding. There was discussion about using older residential subdivisions as sources for BMP. There was a question if the paragraph in section 5 beginning with “For neighborhoods” is part of the same paragraph that begins “Criteria for properties...”. It was clarified that tonight’s meeting is to review this Stage 1 program which refers only to existing development.

Carrie Reeves suggested that the town should choose to implement a program to record and map the BMP inventory.

It was agreed that the state is asking for a basic plan of how the town is going to proceed, rather than line by line details of the plan. Ms. Carr suggested that Mr. Anderson should have a clear

understanding of what the board's recommendations are before he presents it to the Town Council on December 8. Mr. Lovett suggested that the board is asking to keep the document general. There was consensus that Appendix D should mimic the chart in the DWQ guidelines document page 8.

It was suggested that Appendix C be removed and sited as a footnote reference where applicable. This would allow room for the ordinance to change in light of the ongoing Comprehensive Plan process.

It was stressed that the document be kept as simple as possible, with just a basic framework to work under. Mr. Anderson reminded the board that the state will have 6 months to review it. There were questions about future BMP, how to identify them, and who pays for them. It was suggested that the council be made to understand potential financial obligations that could arise during the implementation of the Rules.

It was suggested that the document be shortened to better follow the requirements of the DWQ with very little comment beyond it. It was alternately suggested that the document already follows the DWQ guidelines.

Mr. Lovett made a motion that Mr. Anderson re-write the document in strict accordance with the document established by DWQ. Ms. Rooney offered a friendly amendment that he rather revise the current document with an eye to strict adherence with the DWQ, and Mr. Lovett accepted. Mr. Burguieres seconded the motion. During discussion of the motion, Mr. Burguieres made a second friendly amendment to remove Appendix C and change it to a footnote, change Appendix D to Appendix C, and mirror the table that DWQ provided. Mr. Lovett accepted. Ms. Reeves clarified that in keeping with the concept of strict adherence to the DWQ guidelines, the Table should be rewritten in accordance with what DWQ suggested. The motion passed unanimously.

5. OTHER BUSINESS:

Ms. Hess made a motion to cancel the December meeting of the Zoning Board due to lack of an agenda. Ms. Reeves seconded, and the motion passed unanimously. The January agenda will include the appointment of board Chair and Co-Chair for 2010, and the 2010 Submission Schedule. Ms. Hess suggested staff provide the board an updated roster after confirming that the information is current.

A. Business from the Planner

Mr. Anderson informed the board that the Comprehensive Plan Open House will be held in January.

Ms. Carr explained that the state has extended the expiration date for all permits to December 31, 2010. Ms. Reeves stated that driveway permits are not included in the extension.

Ms. Rooney made a motion to adjourn, Mr. Lovett seconded, and the motion passed unanimously. The meeting adjourned at 9:34.

Nancy Hess, Chair

Carrie Spencer, Clerk to the Board