

**Town of Hertford – Planning & Zoning Board of Adjustments
July 31, 2023 - 7:00PM**

Board Members Present: Sara Winslow, Milton Long, Gracie Felton, Rhonda Waters, Joe T. White
Board Members Absent: Marvin Sutton, Andrew Almodova
Staff Present: Janice Cole, Sarah Nixon, David Forsythe
Town Council Present: None
Public Present: Ed Nixon Jr, Ed Nixon, Barbara Nixon, Chicago Eure

This meeting was held in person at the Hertford Community Center and was called to order at 7:00 PM by Chairman Sara Winslow.

Chairman Sara Winslow delivered the invocation.

The Pledge of Allegiance was recited.

Approval of Agenda

Board Member Milton Long made the motion to approve the agenda. Motion was seconded by Board Member Rhonda Waters.

Vote was 5-0 to approve the agenda.

Approval of Minutes

Board Member Gracie Felton made the motion to approve the May 15, 2023, minutes. Motion was seconded by Board Member Milton Long.

Vote was 5-0 to approve the minutes.

New Business

Consider a Request for Rezoning 602-604 West Grubb Street from R-8 to C-2

Zoning Administrator, Janice Cole stated that this was a request for rezoning, and stated that this rezoning initially comes before the Planning and Zoning Board, all advertising requirements were met. If this Board plans to make a recommendation to the Town Council, it must be done so within 30 days. Mrs. Cole stated that this rezoning includes 4 parcels, 3 of them are for Mr. Houses' request, the 4th parcel belongs to the Town. These parcels are currently zoned Residential and are in the middle of a Residential area. The property was previously used as a Commercial property, probably before the Zoning Ordinance passed that made all surrounding properties Residential.

Mr. Henry House introduced himself as the owner of Carolina Moon Bakery. Mr. House stated they have outgrown their facility on Market Street, and are looking to utilize part of this new property for manufacturing their baked goods. Mr. House has ideas on what he would like to see

for the other parts of the building. Maybe a food service, dining area, catering kitchen, convenient store, mini market, etc. Mr. House is not interested in selling cigarettes and beer, but selling staples that the neighborhood can benefit from, on that side of Town.

Mr. House stated the first goal is to stabilize the building. Mr. House does not want to change the façade of the building but wants to make the building presentable.

There was a brief discussion on the past uses of the property, and that having something on that side of Town for the residents who do not have transportation, is a good idea.

Ms. Cole stated that the small parcel that is on Woodland Avenue belongs to the Town. The Town owns multiple properties and would like to start putting them to use or be able to pass these lots on to someone who will put them to use. If the zoning was going to be approved for this request, it makes sense to also have the zoning for this parcel approved as well, so it is consistent with the rest.

Board Member Milton Long asked if the building is beyond saving, is there a plan for that.

Mr. House replied the foundation appears to be sound, the floor is very soft, but the thought is the floor beams are usable, but will be replaced if not. There is one minor leak on the roof. The windows that were removed will have to be rebuilt. The ceiling has been exposed to the elements, there will be a permanent or drop ceiling put in. Once everything is finalized, that's when the work will begin.

The main entrance for the building will be from the Grubb Street side. There may be a door put in on the Woodland Avenue side of the building along with a parking lot, depending on other future businesses using the building. Parking for employees on the Perry Street side.

Lighting will be added outside, and some landscaping.

Closing on this property is pending on the rezoning of this property.

Chairman Sara Winslow asked if anyone in the audience had anything to say on this.

Mr. Chicago Eure asked if Mr. House was planning on hiring contractors to complete the work. Mr. House stated that they will complete some things themselves, but some things they are not able to do themselves, then he will hire someone to take care of those. Mr. Eure stated that once a building changes from its original use, an engineer has to be hired since it is a commercial property, just as some advice.

Board Member Rhonda Waters made the motion to recommend to Town Council to rezone 602-604 West Grubb Street and adjacent properties from residential to commercial. Motion was seconded by Board member Gracie Felton.

Vote was 5-0 to recommend to Town Council to rezone the properties from residential to commercial.

Consider a Request for Rezoning for Don Juan Road (former Apricot) from C-2 to R-6

Mrs. Cole stated that we have received a request from Anlauf Engineering for the rezoning of this property from commercial to residential. Anlauf Engineering has also provided us with what they want to do with this property, which is a subdivision with 119 lots. There are many considerations with this subdivision, such as infrastructure. Mrs. Cole explained that this Board has 30 days to make a recommendation to the Town Council, if there is no recommendation then the Town Council will automatically decide.

Mr. Joe Anlauf introduced himself and stated that he was here tonight on behalf of his client to request that this property be rezoned from C-2 to R-6, for a subdivision with 119 lots, including required roads and sidewalks. Mr. Anlauf stated this property has been brought before the Board in the past for a different use, but that was now perceived well. The use now will be a single-family residential subdivision.

Chairman Sara Winslow stated that by looking at the plat, she noticed part of the property is in the FEMA flood zone, and quite a few of the lots are on the border or in that zone. There are Federal and State permits that will be required. Chairman Sara Winslow stated there is a significant cost and impact to the Town of Hertford when it comes to the infrastructure, including water and sewer, roads, electric. There are roughly 43,000 gallons of sewer a day going into the Town's sewer plant already.

Mr. Anlauf responded that these are all issues they will have to investigate. This is something that can be customer based and the customers help fund the upgrades.

There was a discussion on the Town's city limits.

Board Member Milton Long asked if the Town was in a position to assume and pay for that much upgrade to the infrastructure.

Mrs. Cole responded that this is all something that would have to be considered. The Town Council had been advised that this request was being brought before the Board. There is something called system development fees that can be passed on and shared with the subdivision.

Mr. Anlauf stated that he knows these fees will be on the developer.

Board Member Joe White asked if a recreation space had to be provided, or if it would just be an open green space.

Mr. Anlauf responded that there is potential. He knows there are sidewalks that are required, so those will be in there. If the Board wants to require a playground, or recreation area, then it will be added.

Board Member Rhonda Waters asked what the minimum size lot would be. Mr. Anlauf responded that the minimum size is 6,000 square feet, but some lots are larger.

Board Member Joe White asked were there setbacks that have to be met.

Mrs. Cole responded that yes, they have to meet the same setbacks as other R-6 zoned lots.

Board Member Rhonda Waters asked how covenances get established for a subdivision.

Mr. Anlauf responded that was best answered by an attorney.

Chairman Sara Winslow stated that with the 29 acres, that 119 lots seem quite excessive, maybe some lot could be done away with, and a green space added.

Mr. Anlauf responded that changing the design around some would be ok.

Chairman Sara Winslow asked if there would be some sort of trees planted around the perimeter.

Mr. Anlauf responded that if the ordinance doesn't have a buffering requirement, but if the

Board wants to see trees as a buffer, they are willing to do that.

There were no more questions or comments from the Board. Chairman Sara Winslow asked if there were any questions from the audience.

Mr. Nick Nixon stated that he owns 60 acres adjacent to this property. His concern with this was, with being a retired firefighter, is how quickly fires spread. Mr. Nixon made a comment about the water line that is in place for current residents, is already broken and having issues, can it support this new subdivision. Lastly, if there was a way instead of having it as R-6, could the lots be bigger.

There was a brief discussion about the added traffic this subdivision would bring to already deteriorating roads.

Board Member Joe White asked what the projection was for the houses to be full.

Mr. Anlauf replied with it depends on the housing market and the economy.

Mr. Anlauf responded to Mr. Nixon's lot size comment and stated it all comes down to the money. But they are flexible in doing what the Planning Board says.

Mr. William Eure asked about the selling of the lots or building on the lots.

Mr. Anlauf replied with the developer is a builder, but he may also sell the lots. It just depends on the money.

Mr. Nick Nixon asked about what types of houses will be built, will they all be the same.

Mr. Anlauf replied that the development will make sense at the price point.

Mr. Nick Nixon asked if the Town had any say.

Mrs. Cole replied with yes.

There was a brief discussion on street sizes within the subdivision.

Board Member Gracie Felton stated she thinks this proposal is a good idea, but the homes may be too close together, maybe the lots should be a little bigger.

Chairman Sara Winslow stated she understand this is all conceptual, but there are so many unknowns. Chairman Sara Winslow agrees with the lots being too small.

Board Member Rhonda Waters made the motion to make no recommendation, to defer any action to the Town Council.

Chairman Sara Winslow asked if there was any discussion on the motion, there was none.

Vote was 5-0 to make no recommendation, to defer any action to the Town Council.

Solar Energy

Mrs. Cole stated this was being brought before the Board because there is no policy in regard to solar energy, and it is an issue that is coming before us. Public Services Director, David Forsythe, gave a brief presentation on solar energy and how it is handled in surrounding towns. Mr. Forsythe suggests that we allow the homeowners to mount solar panels on their home, but they are not allowed to connect into the Town's electrical grid.

Board Member Milton Long made the motion to have an ordinance drafted on solar energy. Motion was seconded by Board Member Gracie Felton.

Vote was 5-0.

Subdivision Regulations

Mrs. Cole stated that there was nothing to add at this time, but we do have some time to work on this.

Announcements/Other Business

There was a brief discussion on the Board meeting to start updating and revising some of the ordinances.

Adjournment

Board Member Rhonda Waters made a motion to adjourn the meeting. Motion was seconded by Board Member Milton Long.

Vote was 5-0 to adjourn.

Meeting was adjourned at 8:25 PM.

Chairman Sara Winslow

Secretary, Sarah Nixon

Date