

**TOWN OF BLACK MOUNTAIN  
PLANNING BOARD**

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The Black Mountain Planning Board held its regular meeting on at 6:00 p.m. in Town Hall at 160 Midland Avenue, Black Mountain, North Carolina and electronically via Zoom.

**I. CALL TO ORDER**

The meeting was called to order with the following members present:

Pam Norton, Vice Chair  
Shawn Slome  
Kathy Phillips  
Chas Fitzgerald (arrived late)  
Rick Earley (attending via Zoom)

Absent:

Chris Collins, Chair  
Lauronda Teeple

Staff:

Jennifer Tipton, Senior Admin  
Jessica Trotman, Planning Director  
Jake Hair, Planner  
Ann Stearns, Town Attorney

The meeting was called to order at 6:00 p.m. and duly constituted and opened for business with a quorum of four (4) regular members.

**II. ADOPTION OF AGENDA**

Pam Norton made a change to the agenda to move election of officers to the August meeting. Jennifer Tipton noted that Anna Stearns had a small training PowerPoint for the board and it was decided to also add that to the August meeting. Rick Earley made a motion to adopt the agenda as amended. The motion as seconded by Shawn Slome and approved by a vote of 4-0.

**III. ADOPTION OF MINUTES**

Rick Earley made a motion to adopt the minutes of June 28<sup>th</sup> as written. The motion was seconded by Kathy Phillips and approved by a vote of 4-0.

**IV. OLD BUSINESS**

None.

**V. NEW BUSINESS**

**1. Old Toll Road Preliminary Plat Review**

Jennifer Tipton went over the items that had been corrected from the sketch plan review. Those items were correcting the setbacks, showing the sewer easement, adding measurements to the T turn-around, and correcting notes for the private drive and fire hydrant. Mr. Newman has elected to leave off the access easement to Brooks Cove Road. Chas Fitzgerald asked if the open space area would be an open lot and it was stated that it would not have to be its own lot and could just be marked as common area.

**Brad Howell, 34 Big Bear Trail**, did state that Buncombe County has approved the road name of Exum Lane.

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The Planning Board went through the major subdivision checklist and found that the preliminary plat meets all of the requirements. Kathy Phillips made a motion to approve the preliminary plat for the Old Toll Road major subdivision. The motion was seconded by Chas Fitzgerald and approved by a vote of 5-0.

**2. Village Way Preliminary Plat Review**

Jennifer Tipton went over the items that had been corrected from the sketch plan review. Those items include moving the buildable areas on two lots off of the proposed underground stormwater system, determining that the flood data is the most recent available and confirming that the existing greenway does not have an easement but that the developer will grant an easement for the greenway. The Planning Board went through the major subdivision checklist and found that the preliminary plat meets all of the requirements. Chas Fitzgerald made a motion to approve the preliminary plat for the Village Way major subdivision. The motion was seconded by Shawn Slome and approved by a vote of 5-0.

**3. Right-of-Way Closure Request – Alexander Street**

Jake Hair presented the right-of-way closure request for Alexander Street. All property owners abutting the section requested to be closed have signed the petition. The requested area is approximately 150 feet in length and 40 feet in width. The area currently is wooded and has a fence through a portion of it. The area is not identified on any town plans and does not have any utilities, drainage areas or stormwater control measures.

Anna Stearns explained that when developments are platted, there are roads that are also platted as an offering to the public for transportation use. The dirt underneath the area belongs to the heirs of the developer. There can be a release of interest in using the area as a street and if closed then both sides shift to the center of the road. Easements may be reserved within the closure area and while the property lines would still shift to the middle, the buildable area would only go to the easement line. No obstructions could be placed in the easement area. Several board members expressed concern over closing such a large section of right-of-way, particularly a front street that could potentially connect to another road. There was concern over emergency vehicles and Jennifer Tipton read emails from Fire Chief Scottie Harris and Fire Inspector Charlie Russell who are okay with closing the requested portion. Ms. Stearns also explained that the Town Council will have the final decision as the process for closing a right-of-way is legislative. The Town Council must find that the closure would not be contrary to the public and would not deny reasonable means of ingress and egress to the neighbors. Shawn Slome made a motion to deny the entire closure but to reserve a 20 foot easement in the center to provide width for future pedestrian and vehicular access. The motion was seconded by Kathy Phillips and approved by a vote of 3-2 with Rick Earley and Pam Norton voting against the motion.

**VI. PUBLIC COMMENT**

**Anna Marcel De Hermanas, 404 S Oconeechee Avenue**, addressed the Planning Board with her concerns regarding the cutting of trees for development, the percentage of land allowed for development, and water runoff. Ms. De Hermanas said she would like to see a plan addressing these issues. Ms. De Hermanas did provide her notes in writing and they are attached to and made a part of these minutes.

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Jessica Trotman spoke briefly to Ms. De Hermanas concerns. The stormwater requirement that the Town has is one of the strictest in the state. The requirement is for post-construction runoff which requires that the water infiltration be the same at the end of the project as it was before the project. The triggering activity is 5,000 square feet. Ms. Trotman did not recommend regulating lot coverage for building as it could come with unintended consequences related to property rights. Attorney Ron Sneed has advised the Town to not pursue a tree ordinance at this time as there is pending legislation in the General Assembly. Anna Stearns said that the session is expected to go to November and at that time there should be some guidance on how to proceed with a possible tree ordinance.

**VII. COMMUNICATION FROM PLANNING BOARD**

None.

**VIII. COMMUNICATION FROM STAFF**

Jessica Trotman announced that the RFP for the UDO (unified development ordinance) will close on August 10<sup>th</sup> and she will have an update at the August meeting.

**IX. ADJOURNMENT**

Shawn Slome made a motion to adjourn the meeting at 7:33 p.m. The motion was seconded by Chas Fitzgerald and approved by a vote of 5-0.

Prepared by:

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Pam Norton, Vice Chair

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Jennifer Tipton, Senior Admin