

MINUTES
PLANNING & ZONING COMMISSION
MONDAY, AUGUST 18, 2008 @ 6:00 P.M.
EDGEWOOD COMMUNITY CENTER
#27 E. FRONTAGE ROAD

1. CALL TO ORDER.

Commissioner Schober called the meeting to order at 6:04 P.M.
All Commissioners were present. Ms. Karen Mahalick was also present.

2. APPROVAL OF PREVIOUS MINUTES.

ACTION: Commissioner Wilhite made a motion to approve the Commission minutes of August 4, 2008. Commissioner Fulwiler seconded the motion.

All Commissioners voted aye. The motion carried.

3. CONTINUATION OF RAVEN'S ROOST SUB-DIVISION.

Ms. Mahalick stated that she had requested that the Engineer make a visit to the site to ensure that the pond was built as designed and that it was functioning. The Engineer met with the adjoining property owner, Mr. Conde and Mr. Jones.

Mr. Williams stated that another Engineer designed and signed off on this pond and that it is installed very close to the plan but that he would not sign off on another Engineers work.

Mr. Williams discussed his understanding of Mr. Conde's issues with the pond and the current drainage plan which drains onto Mr. Conde's land where it historically flowed as a sheet flow previously; now the water was concentrated through the pond drainage's outlet pipe.

Mr. Williams discussed two solutions that would remedy the problem; 1) move the spillway and culvert to the east side of the pond or 2) earthwork to direct the outlet flow to the east by virtue of swales.

Commissioner Fleming asked about the time rate for drainage and whether moving the spillway would allow the pond to drain faster?

Mr. Williams stated the pond would drain at the same rate.

Mr. Williams described how swales could be designed to fix the problem; the pond would drain in the 24-hour period if it were built as designed. He also stated that the pond was a full foot lower then designed.

Mr. Jones stated that he did not feel it was a mosquito trap and any mosquito's that did lay eggs would not survive because there was not any organic material for them to eat. He also stated that he could bring in enough dirt to bring the pond bottom level with the pipe and that it would then drain within the 24-hour period.

Ms. Mahalick asked if there was gravel in the bottom of the pond.

Mr. Jones stated that there was not.

Ms. Mahalick asked if gravel was a part of the design.

Mr. Williams stated that it did not appear to him that gravel was indicated on the pond.

Commissioner Schober asked Mr. Jones if the pond as it is now would drain in 24 hours.

Mr. Jones stated that he did not know.

Mr. Conde stated that his first choice to a solution was to direct the water into the ditch along 344 and his second choice was to raise the level of the pond.

Ms. Mahalick asked about the effect on the release of water if rip-rap was placed on the inside of the pond.

Mr. Williams responded stating that the rocks get silted over as time goes on and that would likely be the case with this pond and his opinion the rock makes it more difficult to maintain.

Commissioner Fleming asked if the floor of the pond bottom is best as it is.

Mr. Williams stated that the rock poses a maintenance problem in the long run.

Commissioner Fleming asked about the issues with directing the water to 344.

Ms. Mahalick stated that it would have to go through DOT and the conditions would be up to them.

Commissioners asked about what the cost of moving the spillway vs. creating swales.

Mr. Williams explained that the swales would be considerably less expensive.

Ms. Mahalick asked about the possibility of using something similar to a concrete highway barrier and angle it at the outlet to slow the water.

Mr. Williams stated that would probably work but would not be very attractive. He also described a means of accomplishing the same thing with dirt as opposed to a concrete barrier.

Mr. Jones discussed the flow rate and direction that the water used to follow and stated that he felt that he could correct the problem fairly easily with the use of a bobcat.

Commissioner Schober asked if Mr. Conde would allow a swale to be placed on his property.

Mr. Conde replied that he would go along with it but would not be very happy with it.

Mr. Williams discussed the issue that the utilities may pose if Mr. Jones had to do work in the Highway right-of-way.

Mr. Jones stated that he felt he was getting into a situation that was going to cost him a lot more money and he did not feel this was fair, as he had already spent money by providing a design and building according to approved drawings.

Commissioner Fleming stated that according to what the Engineer said the pond was not built to the specs in regards to drainage time.

Mr. Jones stated that he could fix the problem and that holding water was not the critical issue.

Commissioner Fleming discussed compliance with the Ordinance and that he did not feel it was met.

Ms. Mahalick stated that the plan is in substantial compliance and that Mr. Conde has a valid concern however the Ordinance does not allow for the Town to create any more of a hazard. She also stated that the Engineer has presented two solutions although Mr. Conde does not like the idea of having a swale on his property.

Ms. Mahalick stated that there should be some additions to the disclosure statement and the recommendations would be that the other lots in his subdivision all submit ponding for water harvesting plans for their square footage as this will decrease the amount of water that goes over to Mr. Conde's property.

The Commission at this point needs to let Mr. Conde know what it is that he needs to do to get his property in a protected situation and to let Mr. Jones know what he needs to do to get his plat finalized. She also stated that if Mr. Conde was not satisfied with the Commission's decision then he has the avenue to appeal it to the Town Council.

Ms. Williams stated the plans that were developed for the subdivision did not divulge that it was going to discharge onto a lot with a homeowner the burden to provide this documentation falls on the Developer and the Engineer hired by the developer.

Commissioner Chemistruck stated that he feels the pond should have been placed back 20' from the property line.

Mr. Williams discussed one of the solutions and why he chose the area that he did stating that the water had to be angled gently as a tight turn would not work.

Commissioner Schober asked how high would the berm be?

Mr. Williams stated a foot to a foot and a half would be sufficient.

Mr. Conde stated that this would work for him but he wanted it understood that this could have been avoided if the pond had been installed to the east to begin with.

Mr. Jones expressed his concern with the amount of excavation would cause him to run into the utilities and that DOT would not approve of moving the swale to the east.

Mr. Williams clarified that this would not happen and that DOT would not be impacted if Mr. Jones and himself worked together to fix the problem.

Ms. Mahalick asked if Mr. Jones had reseeded the pond area as per the Ordinance.

Mr. Jones stated that he was planning to take care of this.

Ms. Mahalick restated the 3 scenarios that could be considered to correct the problem as these:

1. Moving the outlet to the Eastern center point of the Pond.
2. To create a swale that meets the swale on the inside property line along the Eastern area of Mr. Condes property.
3. To create a triangular swale/berm area from the outlet pipe to the third contour noted on the Topo survey for Ravens' Roost subdivision dated 8-18-08 by Dennis Engineering and that the area impacted be reseeded.

Ms. Mahalick stated the she would recommend that the disclosure statement include the lots on the southern boundary area will require ponding upon building permit.

ACTION: Commissioner Fleming made a motion to require the following changes to the Ravens' Roost development.

1. To level the drainage pipe with the floor of the pond per the Engineers comments.
2. That scenario number 3 be implemented and the area be reseeded when appropriate.
3. That a disclosure statement be issued to homeowners regarding water collection. The homeowners shall be required to provide for ponding or water harvesting as per their impact at the time of building permit.

Commissioner Wilhite seconded the motion.

All Commissioners voted aye. The motion carried.

Mr. Jones asked when he could record.

Ms. Mahalick stated that the Mylar could be submitted by the 8th of September.

Mr. Jones stated that he would have to wait until he was back in town to move forward.

4. DISCUSSION ON GRADING AND DRAINAGE.

Ms. Mahalick requested that the Commission take some time to review this item and then discuss it at the next meeting.

Commissioner Fleming asked for clarification on what the Ordinance was lacking at this point.

Ms. Mahalick stated that it lacks a regulation that stipulates a maximum discharge rate and it also lacks any kind of point of discharge statement.

Commissioner Fleming stated that one of the problems of the previous issue was that they did not have the initial information of the neighboring properties provided in the plans.

Ms. Mahalick stated that the Planning Commission did not have information regarding the point of discharge or adjacent properties that would be impacted and that does not always come until there is an approved preliminary plat and they submit a grading plan. She also stated that this does not mean that the office and the Engineers in the future will not make site visits to see what the impact is.

Commissioner Fleming asked how this scenario could be prevented.

Ms. Mahalick stated that a site visit would be made by the Engineer as a part of the approval of the grading plan.

Commissioner Fleming asked if it could be a part of the approval procedure for the Commission to make a site visit as well.

Ms. Mahalick stated that it could.

Commissioner Wilhite stated that there are many different ways to deal with the grading and drainage issue and some of them are very expensive.

Commissioner Schober stated that it would be a good idea for the Commission members to look at some of the information on the Internet relating to cisterns and drainage issue costs in other areas.

Mr. Bassett asked if it would be possible to present the grading and drainage plans to the Commission as part of the approval process.

Ms. Mahalick discussed some of the grading and drainage of other subdivisions as an example of some of the problems that can arise.

Commissioner Schober asked for clarification of the preliminary application and if there could be an additional step added that would require the Grading and Drainage plan submittal before the final approval.

At this time there was some discussion about the wording for the ordinance and whether or not to make it a default that grading and drainage come before the Commission or the Town staff.

Commissioner Schober suggested that there be a stipulation for ponds that they be placed at a greater distance inside the property line.

Ms. Mahalick stated that this could be made a requirement.

Ms. Mahalick asked the Commission to take a look at the Grading and Drainage from a lay persons perspective and decide where there is a need for changes to make it more clear what is being required.

5. ADJOURN.

ACTION: Commissioner Chemistruck made a motion to adjourn the meeting. Commissioner Fleming seconded the motion. All Commissioners voted aye. Commissioner Schober adjourned the meeting at 8:15P.M.