

The scheduled meeting of the Beaufort County Development Review Team was held on Wednesday, September 16, 2009, in the Executive Conference Room, the Beaufort County Administration Building at 100 Ribaut Road, Beaufort, South Carolina.

#### **MEMBERS PRESENT**

Ms. Hillary Austin, Zoning Administrator  
Mr. Arthur Cummings, Building Codes Director  
Ms. Delores Frazier, Assistant Planning Director  
Mr. Robert Klink, County Engineer

#### **MEMBERS ABSENT**

None

#### **STAFF PRESENT**

Mr. Tony Criscitiello, Planning Director  
Mrs. Lisa Glover, Zoning Analyst III  
Mrs. Audra Antonacci-Ogden, Codes Enforcement Supervisor  
Mr. Timothy Ogden, Fire Marshall  
Ms. Judy Timmer, CRB Coordinator

**1. CALL TO ORDER:** Mr. Criscitiello called the meeting to order at approximately 11:10 a.m.

*Mr. Criscitiello explained, that the members of the Development Review Team reviewed each item independently and provided their comments to the Zoning Administrator.*

#### **2. REVIEW OF MINUTES:**

Mr. Criscitiello stated, that the minutes will be adopted at the next scheduled meeting.

#### **3. OLD SEABROOK SUBDIVISION (FINAL) – REVISIT**

Mr. Klink explained, that the applicant was proposing to have each storm water management system individually engineered at the time the house was built; the Development Review Team did not like that concept, because it did not meet the intent of the ordinance. Mr. Klink stated, that he met with the applicant, and they decided to have their own storm water management system, which is an infiltration system and detention system. The system will be installed with some piping, necessary to make it work; which will be part of the Certificate of Compliance for the infrastructure, and the system will all be in place like a regular storm water system.

Mr. Criscitiello asked Mr. Klink, "How do the trees on the individual lots, correspond with the installation of the individual systems?"

Mr. Klink stated, that it depends on how the Development Review Team wants to handle the situation. Mr. Klink stated, that if the trees are an issue, he would recommend that the Natural Resource Planner and/or Zoning Administrator get involved in the decision.

Ms. Frazier stated, that the Development Review Team would need a tree removal plan for the installation of the systems.

Mr. Criscitiello asked, "If the trees are removed to install the system, would there be on-site mitigation for the removal of the specimen trees?"

Ms. Austin answered, "No". Ms. Austin stated, that if the Development Review Team allows for on-site mitigation it would be hard to keep track of the trees; once the property owner purchase the lot, they could remove the trees without the county even knowing it.

Ms. Frazier asked, that since the system comes with a 10 year warranty, is there any maintenance concerns regarding this system?

Mr. Klink stated, that there is an incentive to maintain the system so it wouldn't clog.

Ms. Frazier asked Ms. Austin, "Did you get revised Covenants and Restrictions?"

Ms. Austin stated, that she received the revised Covenants and Restrictions, but there are still some changes that have to be made to the document.

Ms. Frazier stated, that the Development Review Team had an issue last week regarding the long term protection of the forest resources on the conservation easement property; she and Hillary agreed that the applicant could put a statement in the Covenants and Restrictions, which would not allow any timbering or building of a one-acre pond within the protected resource area.

Ms. Austin stated, that there are still some issues with the driveways and the location of the septic drain fields and how they are recorded on the plat. Ms. Austin stated, that there are also issues with the tree removal and tree reforestation fund in regards to the handling of mitigation of specimen trees being removed.

Ms. Frazier stated, that with the approval of the on lot drainage systems, per Mr. Klink's recommendation, there is no need for the board to review the project again. There are still some outstanding issues with the Covenants and Restrictions and the tree removal for the on-lot system; and speaking with Dhec about the septic systems, she doesn't feel this project need to come back to the Development Review Team. Ms. Frazier stated, that she's willing to approve the project, subject to the applicant resolving all concerns.

Ms. Austin stated, that she's okay with approving the project, subject to the applicant resolving some concerns, but she would like to know that the applicant understands, that if there are any specimen trees being removed for the drainage system, the applicant would be paying into the tree reforestation fund; there will be no on-site mitigation.

Mr. Steve Andrews along with Mr. Ryan Lyle with Andrews and Burgess stated, that he would like to clarify that Dhec has designated the septic fields. Mr. Andrews asked the board, if there is a conflict with the trees, is the only thing he have to do, is pay into the tree reforestation fund, instead of the board denying the removal of the trees?"

Ms. Austin informed the applicant, that if he submits a tree protection/tree removal plan, and it is determined that he cannot meet the tree protection zone, then the tree would have to be removed, and he would have to pay into the tree reforestation fund of \$140 per tree.

**MOTION: Ms. Austin made a motion to approve the project, subject to the applicant revising the Covenants and Restrictions to address the natural resource protection area in the County's conservation easement; there will be no timbering or one-acre ponds being built in that area. The ZDA shall review the tree removal/protection zones for the drainage systems, to see if there are any specimen trees needing to be removed; if there are specimen trees, there will be no on-site mitigation for the trees, and the applicant shall pay into the tree reforestation fund, at a minimum of \$140 per tree. The ZDA shall review the septic tank permits to ensure the access to the lots and the location of the septic systems are correct on the plats. Ms. Frazier seconded the motion. The motion passed unanimously (FOR: Austin, Cummings, Frazier, Klink).**

#### **4. ERNEST DRIVE MINE (SPECIAL USE/CONCEPTUAL) – REVISIT**

Ms. Frazier stated, that the applicant submitted a copy of the revised plan, showing the truck routing on the property; and the Fire District requested that the Development Review Team add a condition on the permit, which states that the applicant has to maintain the road on the property in passable condition to accommodate emergency vehicles for the life span of the project. Ms. Frazier stated, that the end-use plan will not be tied into the subdivision, and at final submittal the applicant shall submit a revised end-use plan that meets the requirements of the zoning ordinance. Ms. Frazier asked Mr. Baisch, "Will the wetland delineation letter be submitted prior to the Zoning Board of Appeals meeting?"

Mr. Greg Baisch with Ward Edwards answered, "Yes, we are trying to get that letter prior to the Zoning Board of Appeals meeting".

Ms. Austin stated, that the applicant shall submit a letter from Dhec, which states that the mining permit is still active.

Mr. Baisch stated, that Dhec reviews the mining permit every five years, and even if Dhec updated the permit, the permit would be grandfathered.

Ms. Frazier asked the applicant to get something in writing from Dhec addressing what he just informed the board.

Ms. Austin asked Mr. Baisch, "Are you removing the trees in the berm?"

Mr. Baisch answered, "Yes".

Ms. Frazier asked Mr. Baisch, "Will the berm be vegetated?"

Mr. Baisch answered, "It will be grass stabilized vegetated".

Mr. Criscitiello asked Mr. Baisch, "What about the length of time for mining activity, associated with the 802 construction and the Sanders Brother efforts to get the sand out for that project; is that a one-year effort?"

Mr. Baisch stated, that he believes it might be fairly quick, but they only have two years.

Mr. Criscitiello stated, that if Hwy 802 project is finished prior to two years, then a new permit would be required.

Mr. Baisch stated, that his mining permit is good for any state road projects.

Ms. Austin stated, that if the two years are up, and there are no other SCDOT road projects, then the applicant would have to get a new mining permit from Dhec.

Ms. Frazier stated, that since the excavation might be going on after the Hwy 802 project is completed, the applicant shall submit something in the contract between the property owner and the Hwy 802 construction contract that says, they are responsible for reclamation of the project. Ms. Frazier stated, that the applicant shall submit the estimate for the cost of the reclamation prior to final submittal.

Mr. Criscitiello asked, "Does that bond include the road, or only the mine?"

Ms. Frazier answered, "It includes only the mine".

Mr. Criscitiello asked, "What if the road is damaged during the construction of the mine?"

Ms. Austin stated, that if something happens to Ernest Drive, the applicant would have to fix the road; the reclamation bond does not include the damages to the road. Ms. Austin stated, that since Sanders

Brothers is not the applicant for this project, they will not be responsible to fix any damages to the road; the applicant would be responsible to fix any damages to Ernest Drive.

**MOTION: Ms. Frazier made a motion to conceptually approve the project, subject to the applicant submitting the wetland delineation letter and the letter from Dhec, stating that the mining permit is still active, prior to the Zoning Board of Appeals meeting. The applicant shall submit a new end-use plan, which shows the layout of the subdivision and meets the zoning requirements without any variances being needed. The applicant shall submit an estimate for the cost of the reclamation; a condition shall be placed on the permit, which states that if the dirt is not going to any SCDOT road projects, then the applicant would be required to submit a new mining permit, and the haul road shall be maintained in passable condition to accommodate the emergency vehicles for the life span of the mine. Mr. Cummings seconded the motion. The motion passed unanimously (FOR: Austin, Cummings, Frazier, Klink).**

## **5. BEAUFORT COUNTY – SOCIAL SECURITY OFFICE (CONCEPTUAL)**

Mr. Criscitiello read into the record the staff recommendation letter, dated September 9, 2009.

Mr. Michael Brock with Ward Edwards explained to the board, that he reviewed the recommendation letter, and is awaiting a letter from the applicant regarding the number of parking spaces. Mr. Brock stated, that currently the property is under parked for their current site, so they are expecting to grow and have 16 employees, and on a given day they could have up to 32 clients/customers within an hour at a time. Mr. Brock stated, that since their submittal, they updated the land plan, which have a couple additional parking spaces.

Mr. Criscitiello asked, "How much additional parking is the Development Review Team allowed to approve?"

Ms. Austin answered, "Up to 20 percent, if the additional area has a pervious surface".

Ms. Frazier stated, that the applicant could possibly do an employee parking allowance. Ms. Frazier read into the record, Section 106-2892 (c), which states, "When an applicant for development can demonstrate that the parking standards do not provide sufficient employee parking, the applicant may submit a list of employees for each shift, which shall be evaluated by the DRT. The DRT may allow up to one additional parking space per two employees not to exceed 50 percent of the total required parking spaces according to table 106-2892 (a)".

Ms. Austin asked Mr. Baisch, "How much parking spaces are you proposing?"

Mr. Baisch with Ward Edwards answered, "44 parking spaces".

Ms. Frazier stated, that the applicant shall submit a parking analysis from the Social Security Office.

Ms. Austin asked Mr. Baisch, "What is the size of the building?"

Mr. Baisch answered, "6,300 square feet".

Ms. Timmer stated, that according to the parking allowance, the parking cannot exceed 38 spaces.

Ms. Frazier stated, that if additional parking is needed, the applicant may request a variance through the Zoning Board of Appeals.

Ms. Austin stated, that the applicant shall revise the plans showing 38 parking spaces, instead of 44 parking spaces.

Ms. Frazier stated, that if the parking is not working once the building is built, the applicant might have a hardship to go before the Zoning Board of Appeals for a variance to get additional parking spaces.

Ms. Austin addressed item number 2 and 3 on the recommendation letter, which stated, "2) Applicant has proposed tree protection zones that are less than the required radius of one foot for every inch of dbh. For these trees, the applicant must submit an arborist report that details the protection techniques that will be used to ensure the trees will not be injured as a result of construction. 3) A 50-foot wide naturally vegetated buffer is required adjacent to the Shadow Moss Subdivision. If limited or no vegetation exists, the bufferyard shall be planted in accordance with Section 106-1680 of the Zoning & Development Standards Ordinance. The landscape plans will be reviewed by the Corridor Review Board".

Mr. Brock stated, that they will take care of items 2 & 3 on the recommendation letter.

Ms. Frazier stated, that the applicant shall submit an arborist report, which details what need to happen before and after construction, in order to protect the trees. The applicant shall also submit a re-vegetation plan at final submittal.

**MOTION: Ms. Frazier made a motion to conceptually approve the project, subject to the applicant revising the construction plans, reducing the parking spaces to 38. The applicant shall submit an arborist report, and a re-vegetation plan at final submittal. Mr. Klink seconded the motion. The motion passed unanimously (FOR: Austin, Cummings, Frazier, Klink).**

*The meeting adjourned at approximately 11:55 a.m.*