

**Madison County Planning Board**  
**Special Meeting Minutes** ~~(SECRET)~~ TSD  
**Date: 4/21/22**  
**Location: Marshall Public Library**

**6:30 PM: Madison County Planning Board Special Meeting:** Called To Order by Chair Jered Silver  
**Members in Attendance:** Jered Silver (Chair), Sue Keener, Mary Rice, Jackie Ball, Daniel Rice  
**Absent:** Allan Wyatt (Vice Chair-excused), Kevin Morton (excused), Josh Norton (excused)

\* Quorum was confirmed with a minimum of five (5) Voting Members in attendance.

**I. Welcome and Overview:**

Terrence Dolan, Madison County Director of Planning & Zoning, welcomed the audience to the Planning Board-required hearings for North Side Estates and for the Morlin Acres Drive Sub-Divisions' Sketch Plan Approvals.

The March 3, 2022 Planning Board Meeting Minutes were deferred by Terrey Dolan as they are solely for the Roam Farm Final Hearing, and they shall now be heard for approval by the Board at the scheduled May 17, 2022 Planning Board Mtg. As well, the approval by the Board of the Final Order for Roam Farm Vacation Rental Complex was delayed until the May Planning Board Mtg.

**II. The proceedings began for the two sub-divisions:**

Terrey Dolan noted for the audience and for the Board that despite the official legal notice for this hearing was serving to approve the Preliminary Plats for both sub-divisions, it was later realized the first step must be for the "Sketch Plan Approval" only. If the Sketch Plans are approved by the Board, the Preliminary Plats may then be (potentially) approved at the next scheduled Board Meeting (i.e. May 17<sup>th</sup>).

Both proposed communities were duly posted with the required Site Zoning Signage, and were legally-noticed in *The News Record* (Madison County), in both the April 6<sup>th</sup> and April 13<sup>th</sup> Editions.

**A. North Side Estates**

This property is comprised of two 10.7 acre (side by side) adjoining parcels, located along the north side of US 19, and just easterly of Upper Bailey Branch Road. Mr. Frank Rogers was there to represent the project as the developer who is hoping to finalize the purchase of the two tracts. The min. one acre-sized thirteen (13) home site sub-division possesses its required NCDOT Driveway Permit. Terrey Dolan walked the Board through a series of exhibits prepared for the Board. County Attorney, John Noor asked T. Dolan a series of Pre-Development questions, as is required for Sketch Plan Approval. The requirements were all met, according to T. Dolan. Two Pre-Application Mtgs were held with the applicant and their engineer.

Mr. Rogers testified that the homes will be built on "fee simple", independently-owned homesites, and the present plan is for using HUD-coded (federally-approved) double wide mobile homes constructed on the lots. All homes shall be at least 1,500 sq. feet in size (living space), and all shall have skirting and under-pinning. The homes shall be brought in and remain on their wheeled-chassis). Each home shall require its own potable well and septic system, meeting the Madison County Environmental Health Dept. standards and all required permitting. Per Section 7.6.1 of the Madison County Sub Division Control Ordinance, the requirements for the initial Sketch Plan were reviewed. Both John Noor and Terrey Dolan noted this sub-division is separate and distinct from a

Mobile Home Park (MPH), which has a separate set of criteria to evaluate, under the County's Land Use Ordinance. Typically, a mobile home park has singular park ownership, and does not involve separately-owned lots for each mobile home. Mr. Rogers indicated there shall be asphalt shingles and vinyl siding for each unit. As well, each unit shall be built to FHA Loan Building Code standards. He further noted that each unit shall be built upon a foundation of a series of 40 pier pilings.

Having no other questions or discussion by the Board, the only general public for this project was presented by the adjacent SW Parcel Corner neighbors, Dorothy and Cody Baker (residing at 2055 US 19 Hwy, Marshall, NC 28753). They expressed their continued concerns of the possibility of an (existing) erroneous parcel segment survey line for North Side Estates' Lot #1, which abuts their assumed property line, (resulting in an approximately .2 acre discrepancy that decreases the Bakers' property holdings). It was noted by John Noor that this type of dispute or issue is outside the realm and scope of the Planning Board's required duties. Terrey Dolan re-iterated that he would attempt to meet the engineer (Mike Anderson, Carolina Engineering) onsite prior to the May 17<sup>th</sup> Hearing, but the Bakers must obtain the services of a surveyor to confirm their survey line issue on way or another. He stated that all reviewed county deed records (and the County GIS data) reflect the same boundary/lot lines as proposed by the Project Applicant for North Side Estates. Further options were briefly discussed to possibly remedy this issue for the Bakers.

Hearing no further comments from the general public or the Board, Chairman Jered Silver made a ***Motion to Approve with Conditions*** the Sketch Plan for North Side Estates. The first issue was a request for the assistance of the staff to attempt to resolve the Baker Family-disputed property boundary line, along Lot #1. As well, he also requested that a staff review of *single family homes vs. mobile homes in the R/A Land Use District* be conducted, and have staff (or our legal representative) report back at the May 17<sup>th</sup> Board Mtg. Daniel Rice seconded the Motion, with the Vote being 5-0 to ***Approve with Conditions***.

#### **B. Morlin Acres Drive Estates**

This residential subdivision is proposed for 34 single family homesites, (one acre or greater) community at the southerly end of the existing Morlin Acres Drive. The current 19 home subdivision along each side of Morlin Acres Drive is in no way affiliated with the proposed (independently-owned) 44.5-acre parcel that comprises this Sketch Plan request. The required NCDOT *Driveway Permit* and a separate NCDOT *Permit to Connect* to the existing Morlin Acres Drive (i.e. a NC State Road-SR 1619) is approved and in-hand by the applicant.

Terrey Dolan walked the Board through the site plan exhibits he had provided to them. Again, Attorney John Noor interviewed T. Dolan about the project's required Pre-Application Mtg. process (Section 7.5.1, Madison County Subdivision Control Ordinance), and confirmed that all procedures were followed correctly for Sketch Plan Submission. He reported that numerous phone calls, e-mails and two Pre-App Mtgs. occurred with the engineer, Wyatt Edsall of Brooks Engineering (Asheville) and the developers. Mr. Dolan confirmed a county staff (periphery) site visit, and noted a remaining +/- 1.2 acre homestead outparcel (Nash Residence) remains, that is completely surrounded by this property. Legal access is provided to the Nash's home site, through the site planning of this subdivision. Some site plan adjustments included a swap of proposed site buffer lands to better buffer off the Nash Residence from the proposed individual lots of the community.

Wyatt Edsall, P.E. for Brooks Engineering spoke and briefly presented the proposed +/-45 acre site plan to the Board. He corrected Terrey Dolan in that only .1 acre is actually jurisdictional wetlands, while the remaining parcel bisecting creek is deemed as "jurisdictional stream" that flows periodically through the parcel, to the south. He noted that the NCDOT has issued the fully-

required permits for the subdivision and the internal roadway shall only be a "Private Road ROW". Board members asked about deed restrictions and covenants, and Mr. Edsall replied that a Property Owners Association shall be created. The community will have deed restrictions and covenants that shall be recorded into the public records at the Madison County Register of Deeds Office. He further mentioned that developers may purchase one or more lots, and there is a possibility of having some "spec homes" available for purchase.

Hearing nothing further from the applicant's representative, Jered Silver then proceeded to permit general public comment:

- Clint Parker (135 Grass Fields Dr.): Recognizes the "right of use" for an individual's property. Noted traffic safety concerns and excessive speeds (over the posted 25 mph) by Morlin Acre Drive drivers. Also noted children routinely play in the street.
- Michelle Abbejay (146 Morlin Acres Drive): Stated 34 homesites is too much for their only community road to handle. Children safety was noted, and mentioned the school bus schedule every afternoon at 3:30 PM & 4:00 PM (along the Nash residence to the south)
- Jim Hop (119 Grassy Fields Dr.): He noted he does not formally live within the Morlin Acres Community, but indicated there are multiple Fed Ex and UPS runs every day and there are children playing in the road. Noting Mr. Hop's address, as well as Mr. Parker's, Terrey Dolan polled the audience how many folks in attendance lived along Grassy Fields Drive or Burnette Grade, (to the south of Morlin Acres). A few raised their hands. He then requested that those residents please review their property surveys for any noted and recorded legal access to their respective homes. It was his suspicion that Grandview Road may be the *actual legal access* to serve the homes along those two roadways; but since it remains as an un-improved grade, (that for a matter of convenience), all of these 5 or 6 homes has simply utilized the improved Morlin Acres Drive, historically.
- Karen Henderson (289 Morlin Acres Drive): Concerns about light pollution and extra noise from this new community.
- Leroy Sawyer (396 Morlin Acres Drive): Feels Morlin Acres Dr. is currently below State NCDOT Standards. Wants a sensible traffic load. Noted that water quality and water pressure is now pretty good and wants to ensure it remains that way.

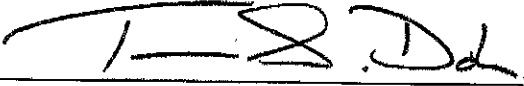
Hearing no further comments from the general public, Chair Jered Silver asked for a Motion from the Board, hearing none, he then made a **Motion to Approve the Project Sketch Plan with Conditions** (the one being the required review of the min. 100 foot long curve tangent by staff). Seconded by Board Member Sue Keener.

**Vote was 5-0 to Approve the Sketch Plan with Conditions.**

Having no further business to discuss, the Chair asked for a **Motion to Adjourn**; so Moved by Daniel Rice and Seconded by Jackie Ball. Vote 5-0.

Meeting concluded at 8:55 PM.

Signed: \_\_\_\_\_

  
Terrence S. Dolan, CZO  
Madison County Planning & Zoning