

Town of Mills River
Minutes of the Planning Board
Tuesday, March 16, 2021

The Town of Mills River Planning Board met on Tuesday, March 16, 2021, at 6:30 PM in the Mills River Town Hall. Board members present were: Sherri Hill, Jim Foster, Cheryl Janoski, James Cantrell, Wayne Carland, and Heath Wiggins. Ryan Perry and Mary Ann Osby attended via Zoom. Jeff Moore was absent (excused). Staff present were Town Manager Daniel Cobb, Planner Alan Steinbeck and Tax Collector/Deputy Town Clerk Aurelie Taylor.

Chairperson Sherri Hill called the meeting to order and led the Pledge of Allegiance.

There were no additions or adjustments to the agenda

Approval of the Minutes

Cheryl Janoski made a motion to accept the minutes of March 2, 2021. James Cantrell seconded the motion and the motion passed by unanimous verbal assent.

Public Comment:

The following is the text of a public comment read by Melissa Rayfield at the January 5, 2021 Planning Board meeting via Zoom. Ms. Rayfield wished the text to be included in minutes and submitted them for inclusion at this meeting:

I am devastated that the home I have always felt the safest in now feels foreign. The mountains that we have always seen from my porch for a lifetime are now obscured by homes that portray a false sense of opulence, which can only be viewed as egregious to anyone who grew up here. It is not that there are new neighbors, but that they are disrespectful to a fault. Big Hills Construction and Mills River Crossing cannot be trusted to do what they say they will do, or do what is asked of them

This began when town council approved this project to proceed. They hired a local man Jeff Tacy who owns Franny's Farmacy in Leicester, who claimed that they would build homes that cost 300 thousand dollars to accommodate the local need for homes, employ local workforce, be respectful with noise, lights and plantings. Mr. Tacy laughed walking out of that meeting saying how easy that was to get it passed. He no longer worked for Big Hills Construction directly following that meeting. They began this relationship with the town based on a lie. They have not kept any of the above mentioned line items. They are selling the homes for up to 900 thousand dollars which excludes our local workforce, no one on the job site speaks English, the construction is daily including holidays, the lights are so bright that typical curtains cannot deflect them, and they have planted trees that at maturity will remove all sun from any adjacent property. They have built these homes twice the size to which they were permitted. We asked the town for three months to help us get them to clean up the trash that has been sitting in this Phase II area behind us. Daniel Cobb asked them to clean up the area multiple times and it has only gotten worse. How do we hold people accountable that simply do not care about the repercussions.

I tell you these things because it was only brought to my attention in December of 2020 that I should have been speaking to the planning board about these issues and we are uncertain if this board is aware of the above mentioned grievances. We have reached out to three town managers, two town planners, and numerous times to the town council over the years and was unaware that this was the appropriate board to speak to about these changes in our community. We were not informed that Big Hills Construction and Mills

River Crossing had submitted a plan to amend the adjacent property in June of 2020. We were informed one week ago that the availability to appeal this ended 30 days from that approval.

Big Hills construction and Mills River Crossing has been told by Daniel Cobb that they are not allowed to proceed with the advertised basketball courts and tennis courts in the proposed sports fields that were approved by the board. They are to be left green and natural. As you can see they have been less than compliant in the past and we feel that they might proceed with the advertised amenities in this area without taking the appropriate measures. What was approved already is a walking path that will accommodate 52 homes and north of 100 people. This path is 71 feet from my back door and 20 feet from my garden. If they were to install a tennis court or basketball court it would be within feet of these numbers. The noise from usage of these amenities and the potential light pollution would make us feel unwelcome in our community. We beg you all to ensure that my family home is protected from this in the future and we are able to salvage some semblance of what life used to be like here in Mills River.

Thank you for your time
Melissa Rayfield

Ms. Rayfield also emailed public comment for this meeting, shown below:

Dear Planning Board,

My family and I have a few questions regarding how we are informed about decisions made by the town which directly affect us.

1. Explanation of requirement of town to inform adjacent properties owners of change of use. Henderson County requires both a written letter to adjacent property owners as well as posted signs to alert of a change of use within a plan, which allows for an appeal.

What should constituents of Mills River expect from the town?

2. Who should we ask questions of this caliber, in what format should they be asked, and what is deemed an appropriate time to receive a response?

We are trying to understand why we were not informed of a potential change of use when we had requested and stated our concern about the change prior to it being made, both in person and via email with response. The town was aware of our concerns before approval of the change of use and still did not allow us the opportunity to appeal. We were not advised of the process even when we requested it months prior to the decision. We expressed our concerns about potential amendments to the adjacent property in January of 2020 in writing with a response from Daniel Cobb and met with him in February of 2020 to discuss our concerns with potential amendments to the adjacent property. In May of 2020 there was a request for a change of use, by Mills River Crossing and we were not notified or given the opportunity to appeal the decision that was made by the board in June of 2020. We were not informed that the planning board made these types of decisions, therefore our attendance was to the town council meetings and communication with the town manager. In the minutes from the approval meeting of June 2020 it states, "The community area includes sports fields, a playground, and gazebo. After a few questions, Jim Foster made a motion to approve the amendment to Phase II of Mills River Crossing (MS-17-01). His motion was seconded by Ryan Perry and the motion carried by a vote of seven ayes."

3. Was the planning board apprised of our concerns prior to their decision in this matter?

4. How do constituents express concerns that will affect them to the town, so that they have the opportunity to have due process with an appeal?

We expressed concern about the potential changes to the adjacent property in August, September and October of 2020 without knowledge that a decision had already been made. We were never informed of the decision that was made by the planning board until December of 2020 when we alerted the town to the fact of advertised ammeties. We have currently been told in writing that Mills River Crossing has not been approved to build a tennis court or basketball court.

5. How will we be informed about a request of change of use, so that we have the opportunity to appeal?

6. Can we request an appeal to the decision made in June of 2020?

A response via email would be appreciated.

Thank You,

Melissa Rayfield, Robert Hendrickson and Connie Babcock

There was no in person public comment.

Old Business:

A. Banner Farm Road Special Use Permit – SUP-21-01

Chairperson Sherri Hill explained the purpose of this item; the previous meeting was considered the “preapplication conference”, and while the procedure was somewhat out of order, this meeting is being held to send the Planning Board’s recommendation of additional conditions to Town Council. There was much discussion about the roles of Planning Board and Town Council in the Special Use Permit timeline and what Planning Board’s tasks were at each stage of the process.

Chairperson Hill asked the applicant whether they have completed the design for the sewer system as required by Town ordinance found at 154.082(A)(9). The applicant (represented by Devin Staley, Blue Ridge Engineering) indicated that they were in ongoing communication with MSD and the NC DOT, but had not completed engineered plans for the sewer system due to cost. Ms. Hill pointed out that since completed sewer plans were required to accompany the application, that it was her opinion that the matter should be tabled until the documents are presented.

Jim Foster made a motion to table the Banner Farm Rd. Special Use Permit until the application was completed.

This began a discussion on the financial burden for applicants and how much investment might be required for an application that may be denied. There were more questions about the proposed sewer line, questions about traffic and the DOT’s involvement, and statements about the necessity of tabling the item. The role of Planning Board in this process was brought up

Jim Foster withdrew the motion.

Jim Foster made a motion to take no action on the Special Use Permit SUP-21-01. After more discussion on the process, the sewer system, other possible conditions, as well as the ordinance requirement of an investment risk before approval of applications, Wayne Carland seconded the motion and the motion passed by unanimous verbal assent.

There was more discussion of the process of approval for special use permits and the ordinances outlining the process. Affordable and workforce housing was brought up, and Rick Moore (Moore & Son Site Contractors) passed out an email he received from John Bryant (Henderson County Public Schools) which mentions that the public school system actively and strategically prepares for student enrollment trends and the statement that workforce housing is a critically important factor in teacher recruitment and retention. Mr. Moore requested that Planning Board members list their concerns so that any adjustment to the application can be made before presentation to Town Council. Workforce housing was mentioned and discussed, as well as the need for a turn lane on Banner Farm Road and enough parking space for family's cars.

Additional Items

The Grand Opening of the Mills River Park Ball Field will be held on Sunday, March 21, 2021, at 2pm at Mills River Park.

A gentleman who arrived at the meeting well after public comment was closed stood and requested to address the Planning Board. Chairperson Sherri Hill explained that the time allowed for public comment was finished, requested that he respect the order of the meeting, and invited him to come to a future meeting and express his views at a more appropriate time.

As there was no further business to discuss, Jim Foster made a motion to adjourn the meeting. James Cantrell seconded the motion and the motion passed by unanimous verbal assent.

Respectfully submitted,

Aurelie Taylor
Tax Collector/Deputy Town Clerk