



MINUTES
Planning Board Meeting
Monday, September 9, 2024
Burgaw Board of Commissions Room
7:00 PM

MEMBERS PRESENT:

Delva Jordan, Chairman
Damien Buchanan, Vice-Chairman
Jeffrey Pitts
Jeff Beaudoin
John Gruntfest
Norman "Ken" Teachey

MEMBERS ABSENT:

Margaret Mosca

OTHERS PRESENT:

Daniel Adams, Planning Director
Justin Brantley, Deputy Planning Director
Taylor Davis, Current Planner
Adam Moran, Long Range Planner
Tracy Sholders, Administrative Specialist
Trey Thurman, County Attorney
Members of the Public

1 CALL TO ORDER

Chairman Delva Jordan called the meeting to order at 7:09 pm.

2 ROLL CALL

3 INVOCATION

4 PLEDGE OF ALLEGIANCE

5 ADOPTION OF AGENDA

Mr. Buchanan made a motion to approve and amend the agenda by moving item 7.2, REZONE 2024-71, to the top of the agenda. Mr. Beaudoin seconded.

Motion to approve

	For	Against	Abstained	Absent
Delva Jordan	X			
Damien Buchanan	X			
Jeffrey Pitts	X			
Margaret Mosca				X
John Gruntfest	X			
Jeff Beaudoin	X			
Norman (Ken) Teachey	X			
	6	0	0	1

CARRIED.

6 ADOPTION OF MINUTES

None

7 PUBLIC COMMENT

None

8 PUBLIC HEARINGS

a) REZONE 2024-71

Mr. Jordan stated that applicant had requested the case to be continued until October 1, 2024. However, with the community turn out, we would like to hear your concerns. Everyone will be limited to 1 ½ minutes so that everyone can be heard.

Mr. Buchanan clarified that the case was continued until October 1 and the board would not be making a decision tonight. At the normal hearing in October, you will be given 3 minutes to speak. We are asking you to keep it short tonight to address your concerns

to help us understand what we need to research, and to give feed back to the applicant to provide further information to help answer any questions you may have at the next meeting.

Mr. Buchanan made a motion to continue the case until October 1,2024 at 7 p.m. in Burgaw. The motion was seconded by Mr. Pitts

Motion to approve

	For	Against	Abstained	Absent
Delva Jordan	X			
Damien Buchanan	X			
Jeffrey Pitts	X			
Margaret Mosca				X
John Gruntfest	X			
Jeff Beaudoin	X			
Norman (Ken) Teachey	X			
	6	0	0	1

CARRIED.

PUBLIC COMMENT

Sharon Mathis, 109 Timber Trails, stated she was concerned about the water runoff. We have had contaminants in our well water. The wastewater from the facility will not be clean enough for animals and crops.

Melissa Pierce, 12582 Ashton Road, stated Mr. Burgess the owner of BSquared wants to industrialize the community and does not live in the community or Pender County. He wants an income property at the community's expense. He is using land that is residential and agricultural for an industrial purpose that will negatively impact the community. This will not only affect the present residents but many generations to come. It will also impact the wildlife that surrounds the area.

Jessie Pierce, 12582 Ashton Road, stated he has a lot of concerns. He has been battling 8 years with his driveway due to runoff, recently putting in two four ft culvert pipes 50 ft long and replacing a bulkhead for the 6th time. This would impact the wildlife in the area.

Janice Worrell, 12490 Ashton Road, stated she is opposed to the project. The area already floods, and she has spent a lot of money to fight the flooding. Adding another 500,000 gallons per day would be devastating to the property, vegetation, wildlife, creeks, rivers, and ocean.

Maurice Worrell, 12490 Ashton Road, stated his main objection to the facility is the smell. The facility would be within 3 miles and the smell gets worse during hot and humid conditions. Per the Pender County GIS system, the area is wetlands, and the soils are considered poorly drained.

Sally Martin, 5645 US Hwy 117 S, stated she and her husband have run a day camp at their farm for over 49 years. They attract kids from Pender County as well as surrounding counties with over 1000 kids a year. The kids enjoy hiking to the waterfall (creek) on the property and wading in it. The concern is about the effects on the waterfall and plant life.

Summer Strong, 408 Reaford Road. Ms. Strong responded that she grew up going to the farm at 5645 US Hwy 117 S. This project would affect a lot of kids in this county and the surrounding counties that visit the farm. In this area, the amount of flooding during storms is awful, they do not need gallons and gallons of water dumped on them.

Kim Johnson, 12360 Ashton Road. Ms. Johnson stated she has spent money on her ditches due to the overflow of water that is already coming from Ashton Road. Spills can happen regardless of the capacity of the plant. This would destroy residential and wildlife quality of life. We are not in favor of the land being used as an income property from an outsider of our county. We have industrial parks and designated zoning areas for this type of development.

Harold Fields, 11501 Ashton Road. Mr. Fields stated he was against the project. At 500,000 gallons a day that is 186 million gallons of water a year that would be turned on to Ashton Road. All through the land there are canals, and water will seep into those, and breed mosquitoes.

Bobby Williams, 12150 Ashton Road. Mr. Williams said you can see his mailbox from the road that this property is going to be used for. All water from the old railroad tract all the way down to Kelly comes down through Ashton Road. The last storm we had; my yard was ankle deep in water. The saline produced by reverse osmosis seeps into the water and destroys the ground and crops.

Joseph Williams, 12164 Ashton Road. Mr. Williams stated the individual who purchased this land did not do their due diligence. He wanted to put homes there and that would not pass so now he wants a wastewater facility. This is a residential area and there are other areas more suited for this.

James Wilson, 624 McCrary Road. Mr. Wilson stated everyone should be considered and the applicant should consider it being in his backyard. His concern is about the generations to come. This type of situation is going to make people sick. The application should be denied.

Jonathan Worrell, 1282 McCrary Road. Mr. Worrell stated his home is one mile away from this site. His biggest concern is the contamination of ground drinking water. There is not access to City water here. A second concern is the location on two types of poorly drained soils. A third concern is the proposal states it is needed to water a SOD farm. You do not need a wastewater treatment facility to water SOD. Growth is inevitable in Pender County, but the County should not privatize for profit.

Samantha Worrell, 1282 McCrary Road. Ms. Worrell stated her ditches are filled with trash and debris from people dumping. The area floods already from rain. They have been tearing the trees down and now they are not there to soak up the water. She is concerned with the facility being privately run. The roads in this area are already bad. If we want to focus on the future, we need to focus on the infrastructure and schools.

Tommy Jones, 12337 Ashton Road. One of his main concerns is beavers. They love rushing water and will dam up the existing creeks and potentially flood the surrounding timber. When you dig down you run into water and clay. Water does not run off clay. Water runoff does not produce oxygen in the water, rain does. This is why the fish drowned during the different storms. The infrastructure for this project is not there. We are not prepared for the growth that is trying to come to this side of the County.

Judy Moore, 1276 Ashton Road. Mr. Moore stated her family has lived on their land for four generations and have worked diligently to protect the land. This is not needed in a residential area.

Abbey Jones, 12283 Ashton Road. Ms. Jones stated she strongly opposed this plant for many of the same reasons as her neighbors. There is a stop sign at the end of Ashton on 117 that has had multiple accidents. There are new homes being built at this end of the road which will increase traffic. The highway infrastructure is not there to handle what would be associated with this plant. Another concern would be the decrease in property values.

Micheal Rector, 361 Double Eagle and 5241 US Hwy 17 S. Mr. Rector stated both his properties are within a mile from the property. He contacted the County about taking his well out and they wanted over \$5,000 to put a meter. His concern is if the wastewater and underground water seeps over into his well, the County is going to condemn it and force him to pay the \$5,000 fee and a monthly water bill. Then at some point the County will come back and say the septic tanks are no good and he must connect to city sewer. This creates a process where citizens are being charged for services they really do not need.

James Smith, 11665 Ashton Road. Mr. Smith stated he has lived here his whole life. He have a well on his property that is about 100 ft from the property line being talked about. Concerned with the ground water as well as the flooding.

Douglas Storms, 1242 McCrary Road. Mr. Storms stated he lives about a mile from this property and has a shallow well. A water filtration system was researched and was going to cost \$4,000. Having a well drilled would cost around \$5,000. In 2003-2004 someone from Pender County came out and said water would be going down the road in 2 to 3 years and if he hooked up then it would be cheaper. As of today, there is still no water. How do we trust the County to keep their word.

Shawana Rivas, 11959 Ashton Road. Ms. Rivas stated the area is too wet to perc, so her home has sat on her lot for 2 years. In the last 10 years, she has spent \$15,000 moving the well because it keeps sinking because the land is too wet. Her children have asthma. To put this next to where people live is atrocious. The owner only wants to make money, and it should not be at the cost on her children's health or anyone else's.

Wanda Wilson, 11885 Ashton Road. Ms. Wilson stated the wastewater facility would be her next-door neighbor. Over 20 years ago, she paid for water to come through and she still does not have water. Health reasons are what is of most concern.

Thurman Johnson, 2649 Penderlea Hwy. Mr. Johnson wanted to know if the facility had to be built here, could it not go somewhere else.

Patricia Koluch, 125 Spring Chase Lane. Ms. Koluch stated that what bothers her the most is the lack of transparency. We need to investigate when the water is cleaned, what can be removed. What is not taken out, will be washed into the land. Urine and feces from humans cannot be filtered for any medication and would be flushed on the land. There is poison in her well and she is now fighting breast cancer. In 2022 she was advised that 2,000 people were diagnosed with cancer in Pender County.

Larry Justice, 11369 Ashton Road. Mr. Justice noted that his biggest concern was what kind of background does the guy who is going to do this plant have. Does he know anything about a treatment plant, does he have a chemical background. This plant will decrease land value, it will hurt everything.

Mike Exley, 13600 Ashton Road. Mr. Exley stated the main thing he was concerned about is the discharge. The water would need to be sterilized in some way to rid it of the waste. Effluent was mentioned, is that going to kill the creek. Would this sustain life in a watershed. The watershed there flows into creeks and rivers. Is this facility going to kill our area.

Greg Wesley Everett, 4274 US Hwy 117 S. For the next meeting we need to know how many water treatment plants are in Pender County and where they are located. If this is built, it should be built in an uninhabited area.

DISCUSSION

Mr. Buchanan asked staff to direct questions to the applicant and ask them to provide answers. The concerns heard are the industrial use, discharge and cleanliness of the water, runoff and flooding, and health. Everyone is concerned about the affluent and what is in it. He believes this plant is not like the one referenced on 23rd street in Wilmington. It sounds like it is like the Pluris Plant in Hampstead. The applicant needs to provide specifically how it works, the odors it would create, the cleanliness of the water, how it impacts groundwater, spillage, beavers and traffic.

Mr. Teachey wanted to know if the applicant would provide a plan on how they propose to get the water away. Mr. Adams stated he would ask them to provide that. Mr. Teachey said beavers can ruin some farmlands by backing up creeks. They need to address that also. Mr. Adams replied that he will ask them the plan for discharging the affluent.

Mr. Jordan stated a lot of the concerns are about the property being wetlands. This ½ million gallons per day that is to be discharged, would it be discharged on the wetlands. Mr. Jordan asked for clarification that the site was a 10-acre site. Mr. Daniels replied yes. Mr. Jordan asked if the 10-acres was where they want to build the facility, not where they would be dumping the ½ million gallons a day. Mr. Daniels replied, it would be discharged outside of those 10-acres.

Mr. Jordan explained to the public that this case would come back before the board again at the October 1st meeting. We encourage you to come to that meeting and speak. He advised the public that they would have the full 3 minutes or 5 minutes if representing a group.

Mr. Daniels explained the paper they received earlier was to promote the Comprehensive Land Use Plan for growth and development within the county over the next 25 years. This vision is set by the people in this room. Mr. Jordan added that eventually there would be a survey online that you can complete regarding Pender County's growth. Mr. Jordan wanted clarification on the meeting dates. Mr. Moran went over the 10 meeting dates and their locations. Mr. Jordan wanted to know if the information was on the County website. Mr. Moran replied yes.

Douglas Stormes, 1242 McCrary Road. Mr. Stormes wanted to know if a representative from the company that is knowledgeable about what is going on would be at the October 1st meeting.

b) REZONE 2024-70

Hardison Building, Inc., applicant and owner, is requesting the approval of a Conditional Use Zoning Map Amendment to rezone two parcels zoned Rural Agricultural (RA) and one parcel Residential Performance (RP) to a conditional zoning district. The purpose of the rezoning is to allow for a gas station with convenience store.

The subject properties consist of approximately 5.46 acres and are located at 8929 NC Highway 53; at the southeast corner of Shaw Highway and NC Highway 53, in the Holly Township and may be further identified by Pender County PINs 3351-98-7498-0000, 3351-98-6391-0000, and 3361-08-0499-0000.

Samuel Potter, attorney representing Hardison Building. Mr. Potter said that Mr. Hardison's vision is that the property is located between Maple Hill and Burgaw and, there are no gas stations. There is a boat ramp off Shaw Highway. This location is strategically located with about 5300 cars at peak hours. A gas station is not a destination, it mostly for the people driving by that it would attract so we believe the real-life traffic impact would be relatively insignificant. The sight could currently be developed residentially bringing in more students to an already overcrowded school system.

Mr. Jordan inquired about the elevation height of the fill valves.

Luke Menius, Stroud Engineering, 102D Cinema Drive. Mr. Menius stated the condition that staff is requesting is for the finished floor, mechanical equipment, HVAC, everything that would shut the place down to be filled to an elevation of 23.6. This is a 2 ft freeboard above the 100-year flood zone. The preliminary map is 21.6. With a finish floor of 23.6 you will end up with the areas in the parking lot approximately a foot lower. Those caps are sealed off, if it goes under water, it will not take on any water. The fuel tanks are vented up above the canopy. There is no negative impact with fuel having the whole parking lot under water. Currently the effective flood rate is 16.6 for the nearest 100-year flood zone. The preliminary is 17.8 and we are still 3-4 feet above that 100-year flood zone. The topography is anywhere between 20-22 feet of elevation on the site. This is well above any known flood events. During Floyd, Tommy Batson reported Carson Smith used this intersection to land a helicopter. During Florence it was reported that there was about a foot of water on the site. With the fill we are proposing the finished floor would still be high and dry during a Florence level event.

Mr. Jordan asked if the receptacles were sealed. Mr. Menius responded yes.

PUBLIC COMMENT

Roy Joyner, 4640 Croombsbridge Road. Mr. Joyner stated Hurricane Florence elevated water level was over 25 ft from the reading on the Burgaw Bridge. The Holly Shelter area has 57.23 dedicated to environmental conservation which includes natural heritage areas with exceptional importance. This site sits almost in the middle of all this according to Pender 2.0. The area is Rural Agricultural and has hardly any commercial. This would be detrimental to the natural environment. His concern is the impact on the following areas: soil water, fossil fuel contaminates, river, agricultural, well water, natural areas, and coastal wetlands. In approximately 8 miles each direction, there is a gas station. This area has no county water or sewer infrastructure.

Doug Kenan, 380 Orchid Road. Mr. Kenan stated a similar proposal was brought forth about 10-years ago and the community has the same concerns now. One of the concerns at the time was the houses around the area would be subject to light pollution. Another concern is the speed for traffic in this area on a 2-lane road is 55 mph. He is not aware of another gas station in Pender County on a 2-lane highway with a 55-mph zone. They are on 4-lane highways. During Hurricanes Floyd and Florence, there was a lot of water in the area. Flooding gets close to this area every 5-6 years. Emergency resources are 8-10 miles away from the site. The area is surrounded by residential and game lands that were set aside for enjoyment.

Robert C. Kenan Jr., 380 Orchard Road. Mr. Kenan Jr. provided copies of his presentation and evidence of opposition. His property is next to the game lands and his family has owned the land for about 50 years. Mr. Hardison owns land all around our property. One of the first things to be noted is the applicant never signed the application as the owner. Second, the zoning of the property is RA and RP per GIS. RP zoning, per the table of permitted uses, does not allow gas stations. Third, the 500-year flood, these are more common than before. The flooding from Hurricane Florence was up to the stop sign on Shaw Hwy. Research for all the primary roads in Pender County shows that there is not a gas station located anywhere within the 500-year flood plain. Fourth is the traffic in this area is horrendous and there are no turning lanes. Finally, we ask when making your decision you look at Section 3.3.5 as well as section 3.3.9 of the UDO. When you look at that, you will understand why, as a community, we are concerned with biodiversity. A commercial site there would destroy the neighborhood.

Blake Thomas, 8848 NC Hwy 53 E. Mr. Thomas stated he lives across from the property and his main concerns are flood, traffic and crime. During Hurricane Florence, there was 6 ft of water at the stop sign on Shaw Hwy. A Freedom of Information Request from the Pender County Sheriffs Office for the Scotchman at 53 and 50 intersections was 200 pages long with calls for the Sheriffs Department to go out. In the 2-years that he has lived there, there have been 8-9 vehicles in his ditch. A gas station would make the traffic worse and bring crime to the area. There is a gas station 8 miles in either direction.

Todd Price, 8663 NC Hwy 53. Mr. Price stated his property is within 500 ft on the same side as the property. He purchased the land in the middle of nowhere because he wanted to be away from traffic and congestion, as well as the quality of life. Developments make taxes go up.

Mr. Gruntfest stated he pulled the property in question up in GIS and it is mislabeled. The corner is RP. Mr. Adams replied it is not RP it is zoned RA. The label on the tax card says RP. The zoning map is the official zoning as shown on GIS. Mr. Gruntfest inquired how that would be corrected and how long it would take. Mr. Adams stated he would reach out to the Tax Department in the morning to get that corrected.

Mr. Jordan explained to Mr. Thurman that the package provided by Mr. Kenan Jr. had the name of Mr. Greer on the deed. Mr. Greer contacted Mr. Jordan today for some

pricing for the Eastwynd Development in Hampstead and Mr. Jordan let him know that he was on the Planning Board. When the name Hardison Building Group appeared, he was not aware that this was affiliated with Mr. Greer. Mr. Jordan was inquiring if due to this he should recuse himself from this case. Mr. Thurman asked what Mr. Greer's involvement was with this parcel. Mr. Kenan Jr. stated he was listed on the deed and that in January of 2024 Mr. Greer sold the property to Hardison Building Corporation and has no ownership of the property. Mr. Buchanan asked the applicant to confirm that Mr. Greer had no ownership of the property. Mr. Potter replied that is correct, Mr. Greer owned the property and sold it to Mr. Hardison. Mr. Thurman asked for clarification that there was not a contingent sale, that it was a straight sale. Mr. Potter replied that is correct. Mr. Thurman advised Mr. Jordan that since Mr. Greer did not have any ownership, there would be no conflicts of interest.

Mr. Buchanan stated this case reminds him of the case on Little Kelly. Where you have a growing area and the market saw a need. The traffic on Hwy 53 is bad. Shaw Hwy is growing and creating more traffic. There are issues with flooding in this area that needs to be considered. That road is where they put the "don't go any further" signs during major storms. Is it a benefit for the gas station to be there versus the flooding and impact it could have.

Mr. Thomas pointed out that the remaining 6 ½ acre lots that are zoned RP were owned by Mr. Hardison. If this is approved, it would be easier for Mr. Hardison to have those other lots rezoned as well.

Mr. Jordan commented on the stop sign picture stating it looked like more than a foot of water. That is very concerning. This meeting was postponed due to flooding from Tropical Storm Debbie. He stated that he is concerned about environmental impacts.

Mr. Pitts inquired as to what government agency would be charged with dictating if a gas station could go there or not based on flooding. Mr. Adams responded the County regulates flood zones. The County does not prohibit development in flood zones, there are extra standards that must be met. Mr. Pitts replied there was a lot of flooding in the picture but not sure if they could prevent everything that flooded during Florence from being developed. Mr. Pitts asked if the County would deny a residence there stating if it might flood. Mr. Pitts said if they build above the base flood elevation and meet all the criteria, it would be allowed. This case is the same, they are building above the flood elevation.

Mr. Beaudoin stated out of curiosity, if the 500-year flood event from Florence was at 25.1 freeboard, why would it be that and not 23.6. Mr. Menius explained that the 25 ft is only applicable in certain parts of the water for a certain distance up stream. Mr. Beaudoin stated you are saying there is an area in this area at 23.6 ft but other points in the area could be 30 ft. Mr. Menius explained that further downstream the lower the elevation and the further up the stream the higher the elevation because of the land slopes. Mr. Menius stated he would figure out the elevation to the bottom of the stop sign in question.

Mr. Buchanan noted that the responsibility of the Planning Board was to interpret and follow the policies and when things are inconsistent with the policies then they try to see if it makes sense. While he does think there is growth in this area, he is not sure this site is appropriate primarily due to the flooding.

Mr. Jordan wanted to clarify that this case would come before the Board of Commissioners. Mr. Adams replied yes and explained to the public that the Planning Board is a recommending body and the Board of Commissioners have the final decision.

Mr. Buchanan made a motion to deny the application. Mr. Gruntfest seconded the motion.

Motion to deny

	For	Against	Abstained	Absent
Delva Jordan	X			
Damien Buchanan	X			
Jeffrey Pitts	X			
Margaret Mosca				X
John Gruntfest	X			
Jeff Beaudoin	X			
Norman (Ken) Teachey	X			
	6	0	0	1

CARRIED.

10 NEXT MEETING DATE

Mr. Adams advised that the next meeting would be October 1 in Burgaw at 7 p.m. with 2 cases potentially. Mr. Buchanan made a motion for the October meeting to be 10/1 with a workshop at 6 p.m. and the meeting starting at 7 p.m. Mr. Pitts seconded the motion.

Motion to approve

	For	Against	Abstained	Absent
Delva Jordan	X			
Damien Buchanan	X			
Jeffrey Pitts	X			
Margaret Mosca				X
John Gruntfest	X			
Jeff Beaudoin	X			

Norman (Ken) Teachey	X			
	6	0	0	1

CARRIED.

October 1, 2024, at 7:00 p.m.
 Burgaw Board of Commissioners Room
 805 S. Walker Street,
 Burgaw, NC 28425

DISCUSSION

Mr. Buchanan inquired if a representative from Pluris could be present at the next meeting to explain how the facility works.

Mr. Gruntfest wanted to know if there are requirements downstream where that much water was to be introduced that they would have to invest money to alleviate it. Mr. Buchanan noted that was a great question to be investigated. Mr. Pitts said they were talking about spraying it onto the sod farm.

Mr. Jordan inquired if this is a privately owned business, does the state oversee that. Mr. Beaudoin stated the Utilities Commission must oversee all of them. They can be privately or publicly owned but are still subject to the Utilities Commission. Mr. Thurman noted that a publicly owned wastewater facility was not subject to the Utilities Commission. Mr. Beaudon questioned if it was public. Mr. Thurman stated no. They are called public utilities but are privately owned. True public utilities like Pender County Utilities, are not subject to the Utilities Commission. We have had numerous approaches to build wastewater facilities and have Pender County operate it because the rates that get charged then are not subject to the Utilities Commission approval. Mr. Beaudoin replied that is interesting. Mr. Thurman stated it was subject to the Board of Commissioners. Mr. Beaudoin asked if Pluris was subject to the Utilities Commission. Mr. Thurman stated yes.

Mr. Teachey stated that the sewer plant on 23rd street that was mentioned is an older plant and the new ones are different. Mr. Buchanan stated it is a different type of plant.

Mr. Gruntfest stated when we talk about the needs of the local community and what is convenience one day is an inconvenience another day. No one purchased property there with the understanding that a wastewater facility would be built there. Mr. Buchanan noted there was sewage plant approved there through a special use permit in 2009 and expired. Then he down zoned it, and RP allows for a special use permit for a wastewater treatment facility. It was approved at one point. Mr. Gruntfest questioned if that was why there was a small section of RP in the middle of RA. Mr. Adams replied the ten acres was divided from the larger track a few months ago.

Mr. Jordan stated he would like to know if any of the area is considered wetlands.

Mr. Adams stated he took notes of the concerns of the board and have sent them to Mr. Potter as a guide for him to have prepared for the next meeting.

Mr. Buchanan suggested that the applicant have someone present that can explain what they are proposing.

Mr. Adams stated if any of the members were interested in touring the Pluris facility, he would be willing to reach out and set up a tour. Most of the Board stated yes, they wanted to visit.

11 ADJOURNMENT

Mr. Buchanan made a motion to adjourn with Mr. Teachey seconding the motion.

Motion to approve

	For	Against	Abstained	Absent
Delva Jordan	X			
Damien Buchanan	X			
Jeffrey Pitts	X			
Margaret Mosca				X
John Gruntfest	X			
Jeff Beaudoin	X			
Norman (Ken) Teachey	X			
	6	0	0	1

CARRIED.

Adjourned at 9:21 p.m.