



**MINUTES**  
**Planning Board Meeting**  
**Tuesday, October 1, 2024**  
**Burgaw BOCC**  
**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  
Tucker Cherry, Current Planner  
Taylor Davis, Current Planner  
Lee Duncan, Resilience 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 7:00 pm.

**2 ROLL CALL**

**3 INVOCATION**

**4 PLEDGE OF ALLEGIANCE**

## 5 ADOPTION OF AGENDA

Motion to approve agenda made by Mr. Beaudoin, 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.

## 6 ADOPTION OF MINUTES

Mr. Beaudoin made a motion to approve the September 4 and September 9, 2024, minutes, seconded by Mr. Teachey.

*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.

## 7 PUBLIC COMMENT

Adam Moran, Long Range Planner Pender County addressed the Board. Mr. Moran went over Comprehensive Land Use Plan for growth and development within the county

over the next 20-30 years. Mr. Moran stated there was a meeting scheduled at Heidi Trask High School on October 3 regarding the new plan and asked the public to come out and give their input. Mr. Moran also mentioned that they could take the survey online if they chose.

## **8 PUBLIC HEARINGS**

### **a) REZONE 2024-69**

Daniel Adams, Planning and Community Development Director, presented the staff report.

Farnell Shingleton, applicant, on behalf of Farnna Holdings, LLC, owner, is requesting a approval of a Conditional Zoning Map Amendment to rezone 1.5 acres of an approximately 9.2-acre tract from the PD, Planned Development, zoning district to a conditional zoning district.

The proposed request would permit an enclosed boat storage facility. The subject parcel is located on the west side of US Highway 17 approximately 0.2 miles north of the intersection of US Highway 17 and Christian Chapel Road in the Topsail Township and may be further identified by Pender County PIN 3282-20-2545-0000.

## **PUBLIC COMMENT**

Susan Keelin, attorney representing the applicant Farnna Holdings LLC, owned by Mr. Farnell Shingleton addressed the board. My job is to convince you that the reasonable thing to do is to recommend this District zoning to the Board of Commissioners. This proposal furthers the goals of the Pender 2.0 comprehensive land use plan. First, it fills an existing need of the community. Many homeowners' associations will not allow boats and trailers to be kept in driveways and yards. The building itself would span about 36 ft wide so the only frontage of the building on Highway 17 would be about 36 feet. The proposed use would have very limited traffic. There is going to be a maximum of 23 Bays with limited noise and limited to no light impacts. The parking area will be gravel stone so the impervious surface will be minimized. Code 53113 which is used to indicate the staff proposed denial of this request because it is a storage unit. There is no NAICS code for enclosed boat storage. These enclosed boat storage facilities are in demand. Covered boat storage in this location fills an existing need, has minimal impacts on traffic and drainage, is not in an environmentally sensitive area, and is compatible with surrounding uses. This proposal supports the following policies: 5., 5.1, 5.1 e, 5.1 H, and 5.1.

Mr. Jordan asked if the length of the building was known. Ms. Keelin replied 230 ft. Mr. Jordan inquired if the property was 1.5 acres with Ms. Keelin responding yes.

Mr. Jordan stated the boat storage facility that you're describing looks like it is explaining exactly what is written, you are renting or leasing a space for self-storage whether it is individual compartments or not, different individuals are coming there to retrieve goods. Ms. Keelin responded that her perspective was that when the average person hears the word self-storage facility, they are not thinking of an enclosed boat facility they are thinking of a place where they store furniture or use when moving.

Mr. Gruntfest asked if the cell tower was on the applicant's property. Ms. Keelin replied yes, not on the 1.5 acres but the surrounding acreage. Mr. Gruntfest asked how long the tower had been there with Ms. Keelin responding 20 years.

Mr. Teachey asked if there was a reason that the front corner was chosen and not further back where it would not be right on the road. Mr. Keelin responded yes. The depth or length of the building, 230 ft would not accommodate the turnaround for the access to the cell tower if it was pushed back any further. Ms. Keelin asked Mr. Adams how much the front set back was. Mr. Adams replied, 25 ft in addition to the 15ft easement.

Mr. Beaudoin asked if the Pluris sewer line run on that side of the road. Ms. Keelin responded it does. Mr. Beaudoin asked how far it was set back off the actual pavement of the road. The applicant responded it was within 15 ft.

Mr. Gruntfest inquired if there were conditions whether it be the state or counties that set what can be around a cell tower from a safety standpoint.

Mr. Adams stated he believed the County has some conditions. For example, a new cell tower in the County has a fall radius. Mr. Thurman stated the County has allowed some modifications because there are some towers designed to collapse downward. If there was an engineer certifying the design was supposed to collapse on itself, the County has allowed some more flexibility on that.

Mr. Pitts asked Mr. Adams, this is being proposed as a boat storage facility but how would the County keep somebody from running a business out of one of the units. Mr. Adams replied the way that we would enforce that is through our code enforcement process. If the County received a complaint or became aware that someone was running or operating a business out of one of those units, the County would begin the enforcement process essentially for a land use that is not permitted.

Ms. Keelin stated the applicant was willing to add a condition that specifies the applicants or owners' cooperation.

Mr. Beaudoin questioned if this conditional rezoning was specific just for boats and trailers. Mr. Adams responded that is correct. Mr. Gruntfest asked if it was spelled out as storage and not maintenance or any other type of activity. Mr. Adams replied yes.

Mr. Buchanan stated Mr. Adams had mentioned that a major portion of the denial recommendation was due to the Future land use map and specifically line items that say

storage facilities are inappropriate for this area. Mr. Buchanan questioned when the future land use map was adopted by the County. Mr. Adams responded 2018.

Mr. Buchanan asked if Mr. Adams remembered why that was inappropriate for that area. Mr. Brantley replied to Mr. Buchanan that he did recall the comp plan talking about wanting to direct storage facilities to more industrially oriented areas rather than General business.

Mr. Gruntfest noted part of what the Board must always consider is the best use of a piece of land and in considering where we are with housing development and whether someone would want to safely live that close to a cell tower. Legally this seems like something that fits a fair use and does serve the County adjacent to a landscaping business. There are neighbors to the north certainly that it is going to impact.

Mr. Beaudoin questioned, because it is boats, and boats pulling in and off the highway is there any kind of breakdown lane requirement. Mr. Adams stated the project did not require a traffic impact analysis, but it would require a driveway permit from DOT since it is connecting to a DOT Road and something like that would be reviewed as part of the driveway permitting process.

Mr. Buchanan inquired about the capacity on that section of Highway 17. Mr. Adams stated It is 37,000. Mr. Gruntfest said it is 7,000 cars a day overcapacity. Mr. Buchanan replied we are 7,000 over capacity and talking about pulling trailers in and out of the property.

Mr. Buchanan replied my concern is the future Land use map. Being that this is not appropriate for this area, this is obviously a corridor that is sensitive to the community and requires a driveway permit. I am a little concerned with trailers coming in and out of Highway 17 on one of the worst parts of Highway 17 currently.

Mr. Adams stated to answer the capacity question, the number of vehicles as of 2022 is 44,000 on this stretch of Highway 17 and the capacity is 37,232 vehicles per day coming out.

Mr. Buchanan questioned if other than White Bridge was there another access point being put in as across Highway 17 access point. Mr. Beaudoin asked the applicant if they had considered doing a transitional kind of breakdown lane to pull into the facility. Ms. Keelin replied not yet because if the DOT were to recommend that as a requirement it certainly would be at that time but keep in mind that we're talking about 23 three maximum boats and trailers. The likelihood of all 23 coming at the same time is highly unlikely and the number of times that people will be coming to their boats is not going to be every day.

Mr. Gruntfest asked if the median project was going to impact this. Mr. Adams replied no, the median project does not go this far south.

Mr. Buchanan questioned if the line across the driveway was a gate. Mr. Adams responded yes. Mr. Buchanan asked how far the gate was off the Highway 17 right-of-way. Ms. Keelin replied 144 ft is how far the gate is from Highway 17. Mr. Buchanan inquired about the black line across the driveway with Mr. Beaudoin responding that it is a culvert pipe.

Mr. Beaudoin stated that one concern he had was the turn in had room for maybe two trucks with trailers and was concerned that someone would be hanging out in the traffic on Highway 17. Mr. Beaudoin stated he liked it better without the gate although he understands the need for the gate.

Mr. Buchanan stated the traffic was a major issue for him and that there needs to be a lot more thought about egress and ingress. He thought that during the comprehensive plan process there was a lot of public push back on storage units on Highway 17 because of the aesthetics of it and people just did not want storage on Highway 17. It is consistent with the policy, and I am going with denial.

Mr. Pitts said he understood the storage component of it, but he thought boat storage was severely needed and there were waiting list in several locations. The 140 feet off the highway way that is significantly more than one that is already existing in Hampstead and if the building is only 30ft deep, a trailer and a truck coupled to it aren't going to be anywhere close to that length. Mr. Jordan stated that a boat and a trailer are probably 60 ft.

Mr. Pitts stated he would love to see something there that generated sales tax, but boat storage is also needed.

Mr. Gruntfest stated it was unlike the other unsightly storage units that have been permitted in the stretch of Highway 17. Mr. Jordan responded yes, but you have to consider when they were put there, and this was implemented in 2018.

Mr. Gruntfest replied he was hung up on the fact that he would feel comfortable living next to a cell tower for one. There is a landscaping business right next door that has noise, dust, and a of different things on a regular basis. Mr. Buchanan stated he did not think that the future land use map says it must be residential. Mr. Gruntfest stated he understood that.

Mr. Pitts stated it did show IT on two and a half sides of the property with the balance being General Business.

Mr. Beaudoin asked Mr. Adams if that was a gate with a chain link fence attached that is going around the whole perimeter of the boat storage. Ms. Keelin responded that it was a chain link fence. Mr. Beaudoin inquired if it was all the way around with Ms. Keelin replying yes and to clarify it is black aluminum. Mr. Pitts inquired if the applicant would be agreeable to doing some screening within the gate that is operable. Ms. Keelin asked Mr. Pitts to clarify what he meant by screening. Mr. Pitts responded with the slats that they generally put into the chain link fence so you cannot see anything. Mr. Smith inquired if they meant the gate or the entire fence with Mr. Pitts responding anything that would face Highway 17. Mr. Gruntfest noted that there will be trees and buffers. Mr. Pitts said he was thinking the gate especially as that would be visible from the road. Mr. Gruntfest noted that the proposed pond was going to take up a huge portion of what you would see coming south.

Mr. Gruntfest inquired regarding the language for the screening. Mr. Adams replied, language could say slats that provide screening consistent with black aluminum such as black slats that are consistent with the color of the fence. Mr. Buchanan added they would need to be maintained.

Mr. Gruntfest made the motion to approve the conditional zoning map amendment to make a finding that while the proposal is inconsistent with the neighborhood mixed use future land use category it furthers the goals of Pender 2.0 comprehensive land use plan because it serves a purpose to the community, it does mitigate certain traffic uses, and if the applicant is willing to create decorative black screening that would reduce anything that you could see from Highway 17 and maintain it. Mr. Pitts inquired it that would be in addition to the staff proposed conditions. Mr. Beaudoin replied yes.

Mr. Thurman inquired if it would clarify that it will only be used for storage, not repair or maintenance and for the storage of boats and trailers only. Mr. Adams responded yes.

Mr. Jordan asked if they needed to add anything about the color of the building. Mr. Pitts asked if it could be left up to staff. Mr. Adams responded earth tones would be likely.

Mr. Pitts seconded the motion. Mr. Jordan stated they had three to three, so the motion does not pass.

*Motion to Deny*

|                      | <b>For</b> | <b>Against</b> | <b>Abstained</b> | <b>Absent</b> |
|----------------------|------------|----------------|------------------|---------------|
| Delva Jordan         |            | X              |                  |               |
| Damien Buchanan      |            | X              |                  |               |
| Jeffrey Pitts        | X          |                |                  |               |
| Margaret Mosca       |            |                |                  | X             |
| John Gruntfest       | X          |                |                  |               |
| Jeff Beaudoin        | X          |                |                  |               |
| Norman (Ken) Teachey |            | X              |                  |               |
|                      | 3          | 3              | 0                | 1             |

NOT CARRIED.

b) REZONE 2024-71

Daniel Adams, Planning and Community Development Director presented the staff report.

Stroud Engineering, PA, applicant, on behalf of B Squared, LLC, owner, is requesting approval of a conditional zoning map amendment to develop a wastewater treatment facility on a ten-acre parcel in the Rocky Point Township.

The subject property is located approximately one mile west of US Highway 117 near the intersection of Ashton Road and McCrary Road, and approximately one mile south of Ashton Road. The property can be further identified by Pender County PIN 3235-09-3918-0000.

Mr. Buchanan stated in the presentation it mentioned the description of the rural agriculture designation and asked where did that definition come from. Mr. Adams replied that it came from the Pender 2.0 Comprehensive Land Use Plan. Mr. Buchanan noted that septic tanks were also referenced is that also from the future land use comprehensive plan. Mr. Adams replied yes. There is a zoning district as referenced in the UDO called Rural Agricultural and then there is a future land use category that is referenced in the comprehensive plan called rural agriculture. What was read earlier was a statement from the UDO about the Rural Agricultural Zoning District which says developments in this District should rely predominantly on individual Wells and septic tank systems for domestic water supply and sewage disposal. That is a description of the RA zoning District in the UDO and then in the comp plan it says expansion of centralized water and sewer system systems within this future land use category are discouraged unless necessary to protect Public Health when existing systems fail.

Mr. Buchanan inquired when the UDO was drafted and adopted. Mr. Adams responded 2010. Mr. Buchanan asked for clarification that the Future Land Use Plan was drafted and adopted in 2018. Mr. Adams responded yes. Mr. Buchanan questioned if this property was recently rezoned. Mr. Adams responded yes in the past few years it was rezoned from RP residential performance to RA. Mr. Buchanan requested the definition of RP. Mr. Adams stated that the residential performance district is intended to allow a variety of residential uses and densities and limited commercial activities as well as agritourism. Existing or new Agricultural and farm uses shall be allowed on undeveloped land prior to development.

Mr. Buchanan asked if the applicant was to request a rezoning to RP would staff be in favor of that. Mr. Adams responded that it would be inconsistent with the future Land use plan. Mr. Buchanan stated because they were RP previously, they had a wastewater treatment plant approved through a special use permit process and asked when was that approved. Mr. Adams stated in 2009, Stoud Engineering was the applicant, but I believe it was a different entity that owned the property and did have a special use permit approved for a wastewater treatment facility on this site. Mr. Buchanan inquired when the special use permit expired. Mr. Adams stated 2011

Mr. Pitts asked Mr. Adams if the County was going to make any sewer improvements. There is a little bit of sewer in Rocky Point, do they have any plans to increase that capacity at the County level. Mr. Adams responded that his understanding of sewer availability in this area was that it is essentially reserved for commercial development along Highway 117.

Mr. Thurman stated the issue the County has is that the line goes under the river, and the County installed a pipe there once and the cost of doing that again would be very

expensive. The County has capacity but is holding it for the anticipated commercial development basically along Highway 117. At some point the County may need another school and having the ability to get it to a force main has some advantages.

Mr. Buchanan questioned if sewer was as accessible in the RA zoning district. Mr. Adams answered yes. Mr. Buchanan asked if that changed the lot dimensions of a new development compared to RP. Mr. Adams responded in RA it does not, there is no lot size reduction in RA for having Water and Sewer availability. In RP there is. A minimum lot size can be reduced by-right from 15,000 ft to 12,000 square ft with the availability of water and sewer.

Vince Burgess, property owner addressed the Board. Mr. Burgess stated he had the property rezoned with the intention to keep the acreage agriculture in perpetuity. This has been a farm for 50 years. New legislation supported by Brent Jackson that is now law specifically exempts him for having to ask for permission so long as the use of what he intend to do is greater agriculture than any other thing. Around 5,000 houses are proposed less than four miles from this site a with a treatment plant six times the size of what is being proposed. Jimmy Fentress with Stroud Engineering, a group from Stanford, and a group from NC State investigated how to make agricultural lands sustainable but also serve the community. One of the issues is not only are they aware that wastewater can be a problem, but they are also aware drinking water being an issue. Mr. Burgess went over the Bonafide farm definition. The intent here is to plant yellow poplars and sod and use effluent treated to a higher standard and create a carbon sequestration process that can be done with or without zoning. The property would contain two possibly three houses for that track. One of the conditions is a matter of public health. Sewer and water testing has been done on over 1,000 acres and the test results show the water there is contaminated with fecal matter. The individual wells have not been tested but I brought a study done by the United States Geological Survey. Our mission or goal is to create something that will work overtime and perhaps even join the County so we can solve a problem that plagues mankind right now. Rocky Point has a seasonal high-water table. These are the same levels that drinking water is drawn from. You have a septic tank, soil absorption, rain comes down. The only break in that impermeable layer is wells, and the water runs down it. Those wells are contaminated if they are below 280 ft. What we want to do is reduce the carbon footprint by utilizing the farm for sod and poplar tree effluent. There is a twofold purpose here: we take the surface water, by installing the wastewater treatment plant and ensuring that fluids are treated. The new subdivisions will also be treating while reserving the water table that is around them and avoiding any more density development. There are immense amounts of CO<sub>2</sub> in the air. Under carbon sequestration you capture that back with the hope of sustaining it over time. We also use sod for sequestration. Basically, you water it and you convert it. When you convert it, it locks into the carbon and then over time you hope it sustains itself and it is then trapped. A reason to have the facility is that it protects the water table from unfiltered septic tanks, membrane treatment plants remove nano particles from effluent and treated effluent can be used for Biologic Carbon Sequestration using Sod and Poplar tree farming. Formal membrane treatment plants that use nano treatment have water

that is drinkable quality. We also had soil test done by the state and the soil is poor quality. Poplar trees are often used because they grow quickly and absorb large volumes of water. Not only would they help with absorbing the effluent, but they would manage the storm water better than asphalt, concrete, and other surfaces. Drinking water quality fluid is used for irrigation, Pluris and Aqua say effluent coming out of this is drinking water standard. A 40-acre plot consumes 1,086,172 gallons of water per irrigation event. If you just expose it and use it for irrigation you get rid of it and you control flooding. The wastewater treatment plant is 10 acres that does not include the 800 acres we own around it where we intend to utilize the effluent. The treatment plant is 1,000 yards away from anyone or any house. The treatment plant in Rocky Point which operates like this is in a neighborhood called Avendale.

Mr. Gruntfest made a motion for a 10-minute recess with Mr. Buchanan seconding. All in favor.

Mr. Burgess continued, we toured several places and tried to address any impacts that they would have. Here is a study from the United States Geological Survey called Groundwater and the Rural Homeowner. This shows where the government comes down on the issues that affect rural homeowners that is requiring rural homeowners to use well and septic. When we drilled our well there was contamination in the water. Rainwater does get into aquifers and there are 3600 known water contaminants, and the average water test has three components they are looking for which leaves about 3597 untested ones. This area does not have access to water and sewer because of the density that exists in the area. Some people paid for water or sewer and never got it. Pender County needs reverse osmosis, they need to address the water problem. By bringing services to the area, we have solved two issues. We have served the mass who pay the most bills, but we have taken care of the minorities who are always overlooked. Pender County pays Cape Fear Public Utility Authority \$300,000 a year for sewer capacity that is not used. Eventually shallow wells will either be contaminated with the wastewater and the runoff, or they will be contaminated with salt intrusion. The United States Geological Survey states the most common water problem in Rural Water supplies is bacterial contamination from septic tank effluent. A recent nationwide survey by the EPA and Cornell found that contamination of drinking water by septic effluent is one of the foremost water quality problems in the nation. The reason I brought up the second use, which does not require the County's consent, is Barnyard runoff. Barnyard waste does the same thing. It is untreated, lays on the ground, rain comes and gets in the water table and seeps down in the wells. This is from the United States Environmental Protection Agency and North Carolina DEQ.

Mr. Burgess stated that another problem is pesticides. A lot of pesticides and a lot of fertilizers do not biodegrade. They sit there so when the rain comes, and the runoff happens and enters the aquifer where shallow wells are drilled, and they are drinking the water. Most of the old wells are galvanized pipe, you cannot even use it because of the zinc. What you have is a synergy of untreated waste, untreated storm water, and of water that enters the well casings, goes down into the aquifer and comes back up through these faucets. I do not have the 3600 contaminants common in water because

it cost \$500 to \$750,000 to get that comprehensive level of testing but we know six are there and we know fecal matter is in an area where there is no residential development. We are going to test the ditches soon. One specific thing this type of effluent problem becomes acute in an area underlain by a shallow water table aquifer where a septic fluid discharges into the water that is used by many homeowners. Pender County produced the soil maps, and it shows you where that is impermeable. One of the recommendations in the current UDO is sewer and well water in these areas. Without testing you are endorsing that anybody that builds a house there that is what they should use, and you do not make the services available for another option.

The Clean Water State revolving fund was created under the federal Clean Water Act. The County could get a 0% interest loan because it is a green project. Green project being the trees, sod, and the fact that chemicals would not be used. The County could create the money to put reverse osmosis right next to it and make clean water and serve that Community and do it at a rate that does not choke them. A USGS study in 2023 stated a septic tank could produce bacteria in the water. Pesticides and fertilizer seep into the soil and can eventually end up in water drawn from a well. Also, a well might have been placed in land that was used for something like garbage or chemicals.

Mr. Gruntfest asked Mr. Burgess how long a sod farm was viable. Mr. Burgess said if it is done right it can be regenerative. Mr. Gruntfest stated you mentioned the soil is not in good condition. Mr. Burgess responded correct and that comes from the fact that bad storm water dilutes the minerals that are good for sod, trees or anything. Pines are highly acidic; it has been mostly pines, and they do a poor job of managing water. You can regenerate the soil, and we could do that because our interest in it was the effluent for the carbon sequestration.

## **PUBLIC COMMENT**

Jesse Pierce, 12582 Ashton Road, addressed the Board. Mr. Pearson stated he is concerned with the detrimental impact to the residents with the proposed wastewater treatment facility. Sod Farm operations within our County and neighboring counties, do not require a wastewater treatment facilities spraying 500,000 gallons of treated wastewater a day on the soil which is not well drained and will simply cause additional runoff leading to issues. No amount of planted vegetation will prevent or slow down the 500,000 gallons of water a day let alone the grounds would be saturated and unable to cut. Mr. Burgess stated in a community meeting both tonight and previously that he does not believe he needs the Planning Board's approval, the County Commissioner's approval or the Community's approval. He can and will do what he wants on his land and as he mentioned again tonight, he hopes to build this sewage plant and hopefully have the County take it over. Should the tax and citizens then become responsible for something we clearly do not want. The County would have to pay an excess cost for the plant if they were to purchase it or lease it from him, again should we pay for that. I am simply asking for you to look after the residents and not investors. Do not let investors take priority over our residence when the investors make all their profit, they

walk away from Pender. We the residents are then stuck to live with the aftermath so please I ask you to do what is ethically and morally right for the residents, protect us from harm. Say no to the wastewater treatment facility and yes to the residents.

Melissa Pierce, 12582 Ashton Road, addressed the Board. Ms. Pierce stated she has been a member of this community for over two decades. She stated attempting to industrialize a residential Community with a waste treatment facility will negatively impact the community, causing environmental contamination, depletion of natural wildlife, and creating flood issues to name a few. The goal with this facility is to accumulate excessive profits that will benefit one person and his family when zoning land for industrial activity. Things taken into consideration are how it will affect the environment, traffic flow, pollution levels, and noise. Our land cannot handle thousands of gallons of water, it floods as it is. Adding this extraordinary amount of water per day will cause devastating effects. Mature trees planted in the ground can take up to 11,000 gallons of water from the soil in one single season. This waste treatment facility will be dumping thousands of gallons of water per day. The time frame of a poplar tree to reach its full maturity takes 5 years. The idea of planting trees to absorb the amount of water from his facility paints a picture of an unrealistic solution. This waste treatment facility needs to go in an area already zoned for industrial use. I ask each of you to deny this land rezoning as it will negatively affect hundreds of taxpaying citizens of Pender County and benefit one person and his family that does not reside in this County.

Janice Worrell, 12490 Ashton Road, addressed the Board. Ms. Worrell stated she was opposed to the rezoning and the construction of this wastewater treatment facility. She stated concerns about wildlife, vegetation, creeks, rivers, the list just goes on and on. As far as the contamination and the devastation we already have severe draining and flooding issues. We have spent numerous back breaking hours putting down 4ft round culverts to try and handle the water. We have been told that there is not going to be any sludge this is going to be drinking water. It contains heavy metals, pathogens, organic pollutant, and pfas. All of this is dangerous to human life, animals, plants, and land. I ask you tonight to please oppose this facility for the sake of the community, Rocky Point.

Maurice Worrell, 12490 Ashton Road, addressed the Board. Mr. Worrell requested a vote to deny the conditional rezoning request. Some of his concerns were private water well contamination, runoff, odor, health safety, and potential accidents associated with it. Most of the odor, bacteria, and viruses will remain from the point of origin until the treatment process is completed. Even then all the hazards will not be eliminated. We visited the Scotts Hill facility and noticed canals along the side of the road to the facility covered with green slime and full of sludge. Several residents indicated there is always standing water in the irrigation site, and they hear the noise of the motors running 24/7 as well as sprinkler noise. They indicated they do smell bad odors coming from the facility. For the proposed facility the canal ditches from Ashton Road toward the proposed wastewater treatment facility are already full and another 500,000 gallon per day will likely put it over at the banks. Another concern is we do not want this green

slime to run off on to our property, or the vapors associated with the vaporization process. Wastewater contains a lot of bacteria as well as viruses that can be transferred to nearby soils. It is my understanding that medications and waste cannot be removed. Wastewater treatment facilities use chemicals that may not only produce foul odors but can cause health problems. Residents may experience problems selling their property along with the decrease of property values. 500 gallons per day in one year will produce 182.5 million gallons of sludge.

Harold Fields, 11501 Ashton Road, addressed the Board. Mr. Fields stated he had shown some pictures of flooding when a hurricane comes.

Bobby Williams, 12150 Ashton Road, addressed the Board. Mr. Williams stated the staff was asked by a board member to obtain answers to some of the concerns raised at the September 9th meeting. These included wetlands, industrial use, cleanliness of water, spillage discharge, runoff odor, and health of the community. Have these answers been obtained, if so where are they available to the public. One last thing I would like to mention about the September 9th meeting, the Board determined it to be a good idea to visit the site at Maple Hill to get a better understanding of waste treatment. The Maple Hill facility is rated at 42,000 gallons per day the proposed Ashton site is rated at 500,000 gallons per day. We also need to know that the 500,000 gallons a day will be phased in over a period. Does this mean the proposed 10 acres for the site will handle 500,000 gallon or will more land be needed to accommodate this growth. Tonight's question is do we need a waste treatment plant. The 2020 census reported the County's population was just over 60,000, 2022 estimate is close to 66,000 the average increase of 4.6 a year, which means by 2030 we are going to have about 82,000 people in this County. These sites need to be located close to the Highway 17 corridors where available land is becoming non-existent to excessive overbuilding and questionable planning by earlier Boards.

James Wilson, 624 McCrary Road, addressed the Board. Mr. Wilson stated he agreed with everybody and everything that was said.

Kim Johnson, 12360 Ashton Road, addressed the Board. Ms. Johnson stated that she is a fifth-generation landowner. My family has been good stewards of the land. It came to our attention a few months ago that there was a rezoning proposal request made by B Squared for a conditional rezoning permit. After the meeting took place there is a petition with over 500 signatures opposing the facility. We do not have to have the facility; we already get dumped on and yes there are some infrastructure issues that need to be addressed as a County.

Holly Taylor, 13923 Ashton Road, addressed the Board. Ms. Taylor stated that per the application there was reference to no wetlands for the GIS referencing the NWI and DCM but when you looked at GIS you see wetland reference for both NWI and DCM. The vast majority of all the surrounding and vacant property had wetland classifications and for the current zoning it should be less than the likelihood of any large developments or large density growth. Where is the waste coming from, will there be

pipes brought in, will it be trucked in. Ashton Road is poorly maintained, and the DOT is constantly filling potholes. Most likely, the waste is going to come from outside the immediate area so the increased waste and water discharge will be higher than what we can handle. Any additional filtration of the system will be outweighed by the disadvantage of excess discharge. The area already has flooding concerns, and it is not suitable for single residents' discharge. We have seen, since Florence, that this County has very strong limitations for runoff water. We have seen in the largest rainstorms in Brunswick County the number of contaminations, sewer spills, pipe breakages, and the amount of contamination from their new sewer systems. The secondary concern is the ability to truly filter and clean the water. I understand cleanliness to meet or exceed NC DEQ or DNHR standards but that does not give us much comfort when we have been poisoned by pfas for 20 plus years with our safe water. The National Institute of Health stated cancer rates in our health services area are rising. There cannot be a guarantee that medicinal discharge will be removed from the treatment process. The treatment discharge will very likely include waste from radiation, chemotherapy, gene and cell therapy, as examples of just oncologic waste alone. We have no way of knowing what medicines are going into our waist and what issues that will cause for creeks, streams, humans, and wildlife.

Douglas Storms, 1242 McCrary Road, addressed the Board. Mr. Storms stated that McCrary Road was not even mentioned in the paperwork, and he concurred with everyone but would request that Pender County test their well water to disprove him.

Joseph Williams, 12164 Ashton Road, addressed the Board. Mr. Williams stated one of the biggest issues is the community does not need this. He has his own well and does not need a waste management system to clean his water. He already has that set up. We do not want it to be here. This is a residential Community we do not need a plant in there, our water is fine.

John Hodgson, 13127 Ashton Road, addressed the Board. Mr. Hodgson stated he was a retired physician and practiced in Internal medicine for 35 years. During that time, he served on the Board of Health. His property is on Ashton Road, it is a tree farm that backs up the West border. It is defined by Kelly's Creek which if it gets a little rain it floods. It floods a lot and sometimes it floods to the point where Ashton Road is underwater at a couple of points. He urges for a full environmental impact study before approving this plan. One big question is where all this water is going to come from. I don't think there's a Wastewater Treatment Plant built anywhere that does not decrease property values. They emit a lot of bad odors, create noise, a lot of light 24 hours a day, and traffic. We do not want to see it expanded. At some point, we're all going to be asked to pay the cost of having these pipes run in front of our properties, to pay the cost of them whether we ever intend to hook up to them or not. The landowner must pay the cost for the pipes for the water and sewer. None of us want that. In the long-range plan for Pender County, if Pender County identified the need for a wastewater treatment plant, then let us all come together to find the best place for it that has the least environmental impact and the least impact on the citizens.

Jimmy Fentress, Stroud Engineering, 102 Cinema Drive Wilmington North Carolina, addressed the Board. Mr. Fentress stated he was the author of this application. He was approached by Vince Burgess to try to take the water from the Falls Mist project to the proposed sod farm for irrigation. He told him that there had been a prior wastewater treatment plant special use permit on the property that he owned and that they could try to resurrect the special use permit they had which was a 500,000 gallon a day plant for that property. He has been involved with the property since 2006. He has approved Wetland maps for the entire Davis Farms, that's 3700 acres. He has worked with DAVE Resource Group in preparing the application for the wetland mitigation bank that is beside of Vince Burgess's property. A good portion of pipe is already in the ground that is a pressurized sewer. It could go under the river to Cape Fear Public Utility Authority, or it could be connected to wherever. This will be the most buffered wastewater treatment plant in the area. There is no development proposed all around this. We proposed to rezone only the 10 acres and leave the rest rural agriculture for him to do his sod and tree farming. Development is coming to Rocky Point. Development will occur in front of these lines adjacent to these lines and the best way to prepare for it is to provide services in advance. There is not 500,000 gallons of water out there waiting to be delivered to Vince Burgess when he gets his plan up and going. 500,000 gallons a day is 3/16 of an inch on 100 acres. He has 800 acres and proposing to vegetate it and provide vegetative uptake for the water from the very treated wastewater treatment facility. It is only going to get worse as time goes on and more people move here. If we do not get them in place in preparation for these people coming, it is going to be septic tanks feeding everybody's wells.

Jonathan Worrell, 1282 McCrary Road, addressed the Board. Mr. Worrell stated he has lived here for more than 15 years. He opposes a treatment plant at this location. Here are the reasons why you should vote no; The proposal is so vague that they had to hold a community meeting to explain its characteristics. B Squared stated that the remainder of their property would be the discharge/drain field. That equals 800 acres not 10 acres. This means the drain field would be directly in residents' backyards, less than 100 yards and would be 225 yards from his well. The next point is the contamination of ground drinking water, we do not have County water in this corridor of Ashton, McCary, or Stony Road. There are no plans to run County water and there has been none for 15 to 20 years, even though the residents paid for it. Groundwater is our only source of water, and we do not want it contaminated by pharmaceuticals and detergents that do not get filtered out in the membrane process.

Shawana Rivas, 11959 Ashton Road, and 11937 Ashton Road addressed the Board. Ms. Rivas stated she cannot put her home on the property because she cannot have a well as it is too wet. They are saying that this is just going to cover that 10-acre plot, but it says here that the wastewater treatment facility was approved and rezoning request for approximately 3500 acres would follow. Mr. Burgess did not speak about the membrane filing, that can happen with this type of water treatment facility and the replacement cost is astronomical.

Wanda Wilson, 11885 Ashton Road, addressed the Board. Ms. Wilson stated she is against the waste management treatment plant. The Planning Committee needs to work on giving them clean water via the hookup that was already paid for 20 years ago. They do not need excess water dumped in our community when the County is already telling us that the land is wet. Too wet to have septic tanks put in or approved. A wastewater treatment plant is not progress for the Ashton Community. No one can control where this water is going to go. What will happen to our drinking water once we have a water spill. What will happen to our food, trees, and the food that we grow in the ground. Put this in an industrial park. We have been dealing with water for a while, but we are still trying to progress by following the Planning Commissioners when they tell us to set the tank and have deep wells.

Michael Rector, 5241 US Highway 117 South and 361 Double Eagle Road, addressed the Board. Mr. Rector stated as we talk about groundwater sooner or later the EPA is going to come in and decide they want to test everybody's well. Once they do, they start contaminating wells, then they begin to charge us to put pipelines in. Right now, it cost \$5,300 to have a water meter connected to the road so I could connect my house and then tack on a monthly fee. Once our water becomes a problem then the septic tank becomes an issue. The next thing you know we are paying to put in pipelines to run sewage to this plant. If the wastewater were trucked in, a 40ft long tanker trailer can hold about 6,000 gallons of water. To run 500,000 gallons of water to that plant a day would require 80-83 tractor trailer trucks. The roads and infrastructure in that area is already crowded. My proposal is that we do not accept this water treatment plant.

Joe Bordeaux, 443 Stony Road, addressed the Board. What Mr. Burgess was talking about is pumping the water on someone's grass and that is going to be nothing but a whole lot more water, it's going to be wet. There is a problem over there now. There are so many things that say what cannot be done. They live in Wilmington and are just throwing stuff out there and expecting us to believe it.

## **DISCUSSION**

Mr. Jordan asked Mr. Adams to explain the approval/denial process. Mr. Adams responded the Planning Board is an appointed board, and they serve as a recommending body. The decision tonight is a recommendation, and the final decision will be made by the Board of Commissioners in November if a decision is made this evening.

Mr. Jordan stated the gentleman earlier had referenced the list of questions that we had addressed at the September 9<sup>th</sup> meeting and asked if the information was available.

Mr. Buchanan stated that water runoff was the number one issue, contamination of health-related issues, how could this project impact Health, specifically drinking water. Those are the two main issues.

Mr. Jordan stated that several of the Board members did visit the facility on Sidbury Road. He stated he thought they had a very well-run establishment on 28-acres. He did not know about the capacity, but the effluent discharge was extremely low. What might work in one place might not work somewhere else. He added that when he was there, he did smell very little odor when he first got there and one other time after that.

Mr. Buchanan stated that they need to know exactly what this plant would look like. It's a membrane plant, are there differences from what this one is going to be to the Pluris plant on Sidbury Road. There are some questions around odor.

Mr. Fentress stated the plant proposed is very similar to that at Blake Farm. Mr. Buchanan inquired what was different about this plant. Mr. Fentress stated they have not gone into the fine detail of the design without getting a discretionary approval from the County. We can only say if it is a condition of approval then that is what we would be bound to do.

Mr. Buchanan asked if the County had the conditions for denial as well as approval. Mr. Adams responded yes.

Mr. Buchanan inquired if it was a membrane plant. Mr. Fentress replied it is a membrane plant and that is one of the conditions of the approval that we have agreed to.

Mr. Buchanan stated Mr. Fentress was before the Board several years ago discussing a similar proposal just down the road at the Falls Mist property. Mr. Buchanan stated that project is inside the development. Mr. Fentress replied correct. Mr. Buchanan asked how far the buffer for that treatment plant/spray fields was from housing. Mr. Fentress responded 25. They are not spray fields, that development is designed to have drain fields.

Mr. Buchanan inquired if there were any other plants in the area that have these small HOA run treatment plants. Mr. Fentress replied we are not proposing to run the Falls Mist plant with an HOA.

Mr. Buchanan inquired if this was a district plant that you could run sewer from all over the place. Mr. Fentress responded they would solicit private utilities. They have been in discussion with several private utilities towards developing a developer's agreement to operate that plant.

Mr. Buchanan stated basically you are saying it is not just a small neighborhood, this is something that is going to bring sewer in from other areas to treat. Mr. Fentress stated yes.

Mr. Buchanan inquired what the byproducts of the membrane treatment aspect of the plant are. Mr. Fentress stated the plant would render a sludge from the heavier metals that were treated out of the water. No different than any other wastewater treatment

plant in the area. Mr. Buchanan replied so two byproducts is basically the sludge, which is in contaminant and then water, effluent. Mr. Buchanan stated he believed Pluris had an aquarium that they run their effluent through to show if anything happens to those fish, they know they have a problem. Mr. Fentress replied that is correct.

Mr. Buchanan inquired about the sludge. He wanted to know how it was contained, treated, and managed. Mr. Fentress responded it is put into holding bins and trucked off, or we have proposed to and would rather use it on site. It can be used as a land application. You can get a permit to apply it to the land and you can grow nonfood product. Mr. Buchanan inquired if it would be treated prior to putting it on soil. Mr. Fentress responded it is the product of the treatment process so there's no further treatment. Mr. Buchanan inquired if it would be dry or remain wet. Mr. Fentress stated it is dried out. Mr. Beaudoin stated it was like big chunks of clay. Mr. Buchanan stated when they dry it out it is better because it keeps the odor down. Mr. Jordan questioned if it gets wet again does it have a foul smell. Mr. Fentress responded there are field application, land application sites all around this community, all around this region. Mr. Buchanan stated do you know legally, if we approve this conditional rezoning, that these spray fields would be permanently attached to this this project. Mr. Fentress stated it would be by easement onto the adjacent properties where they are proposed to be irrigated. Mr. Buchanan inquired if in the event the ownership transfers, and they do not want to run a sod farm, what happens. Mr. Fentress noted the easements would run with the land, it would be a requirement. Mr. Buchanan noted that the applicant referenced Bonafide farms. Mr. Fentress stated farming does have special exemptions. Mr. Buchanan asked Mr. Fentress to explain a Bonafide farm. Mr. Fentress stated a Bonafide farm is committed to farming, whether it be agriculture or silviculture. If they operate in accordance with a forestry management plan or an agricultural plan that they have filed with the County, then they have certain tax exemptions.

Mr. Thurman stated that the tax exemption is a totally different program than Bonafide Farm. If you are talking about tax deferral that is a totally different program with totally different requirements. A Bonafide Farm does not wipe away everything in the statutes. The question would be is a wastewater treatment plant a farm activity. Mr. Buchanan stated being a Bonafide Farm does give the owner tremendous latitude when it comes to local zoning issues or regulations. Mr. Thurman agreed. Mr. Buchanan inquired if the treatment of farm animals was acceptable. Mr. Thurman responded yes, the difference is that wastewater that is being treated, is not generated on the property.

Mr. Buchanan questioned is that for what is being proposed. Mr. Thurman stated in this case they are talking about a bunch of houses that would generate the wastewater. A single-family residential use is not a Bonafide Farm. One of the few restrictions on a Bonafide Farm is if you build a single-family residential unit, it still must meet residential building code, and it can only be occupied by the owner, operator, or lease of the farm.

Mr. Beaudoin asked Mr. Fentress if they were piping or trucking in the wastewater. Mr. Fentress replied piping. Mr. Beaudoin, stated so all those surrounding developments that you showed us where all the new homes are going, are those the ones you are

looking to service. Mr. Fentress replied, potentially but there is already sewer in the area. We would like to work with the County towards connecting the system that is in the ground to this plant.

Mr. Gruntfest stated they had toured Pluris off Sidbury and the material goes into a big open top clarifier or holding tank. Is that what you guys are envisioning or are you envisioning a holding pond. Mr. Fentress responded a tank and added that 500,000 gallon a day is not that big.

Mr. Buchanan asked Mr. Burgess to elaborate more on the phases that were referenced. Mr. Burgess stated the idea was to originally just use the fluid for a sod farm, which is defined specifically in the Bonafide Farm usage. When I said, regardless of what your decision is, if Pender County does not want to be involved, we will still do our sod and tree farm and will generate that water that nutrient base from somewhere. Phase two came when I found the water in the area had issues. Phase two would be to put a reverse osmosis plant there. The Falls Mist plant will be run by private developer. The 5,000 houses 6 miles away will be run by a private developer. The standards for a private developer to run one and for a Pender County DEQ to run one are vastly different. We basically would want Pender County to do it, and we would give them a solution to getting rid of effluent in a better way than dumping it into the rivers. This was a chance for Pender County in phase two, to build them a water plant that will provide them the water they need.

Mr. Buchanan stated one of the main issues was water runoff flooding. Mr. Buchanan added that Mr. Fentress referenced 500,000 gallons over so much acreage and asked him to explain that in more detail, as to how that would work. Mr. Fentress stated 5,000 gallons is about 68,000 cubic feet. 100 acres is about 4.4 million square feet. If you take that cubic feet and divide it by the overall acreage you will end up with 3/16 of an inch. In 100 acres, 500,000 gallons would equate to 3/16 of an inch. The intent of disposal method, because of the poor soil, is a vegetative uptake of the cover crop. The sod and poplar are there to assimilate the water, to use the water. 3/16 of an inch on 100 acres, we have 800 acres so that's tremendously less and we would probably be looking for water to irrigate more cover crop than 100 acres. Mr. Buchanan stated you are going to be rotating that water discharge over the farm, over a period. Mr. Fentress responded yes.

Mr. Beaudoin questioned what the primary nutrient or chemical to treat the sod to make it grow. Mr. Fentress stated all the pollutants are essentially removed from the wastewater treatment plant. Mr. Beaudoin inquired what else do you add to it to have the sod grow nice and green. Mr. Burgess stated good soil. We are trying to find and see the economic viability of using an AI generated laser that could run across the sod and that specifically identifies and zaps weeds so we could be close to zero chemicals and trying to create a super compost to do it all. What we are trying to do is a naturalist non-chemical approach to the sod to keep the runoff. Mr. Beaudoin stated he knew you had to over fertilize the sod for it to take the liquid/water. Mr. Burgess responded yes. Mr. Beaudoin questioned what was the primarily chemical. Mr. Burgess said on

this one we would have to apply a lot of lime before we get started because the soil is so acidic. They have a gridded GPS system where they test soil grids and as you run the fertilizer across it would apply specifically what it needed, what would be consumed by it. This would be a phased system. Mr. Beaudoin stated the sludge, the hard chunks was a bit of an issue for him. If you are hauling it off it is a very specific thing to get rid of that and treat it too. Mr. Beaudoin stated if it is such low-lying land, and it is already sort of wet in certain areas even if you spread that out you are defeating your argument. Mr. Burgess stated he was not necessarily comfortable with that either. One of the things they would look at is how they would handle that. Mr. Beaudoin stated he had a long conversation with Pluris about that and they ship theirs off somewhere else.

Mr. Pitts inquired at 500,000 gallons a day how many homes that would serve. Mr. Fentress replied at 500,000 gallons a day would serve about 1300. Probably more because they reduced the daily flow allowance for single family homes. It is probably more than that, but by old standards 360 gallons a day per home. Mr. Pitts replied that would be just under a fifth of the capacity of what we need in Rocky Point currently. Mr. Fentress stated each of those facilities have already permitted their means of wastewater treatment so this could also serve properties that are abutting the existing lines that are already along Highway 117, Highway 133, and Carver Road. Mr. Pitts stated it is not hard to imagine that there is going to be some more commercial growth with four or five thousand more homes coming to the area as well. Mr. Burgess stated it is planned. It is part of Lane's Ferry.

Mr. Buchanan asked Mr. Beaudoin, when you referenced the sludge treatment you recommended, if that was a condition, what would that look like. Mr. Beaudoin responded no sludge treatment on site, you must do exactly what Pluris is doing. Mr. Buchanan stated, or the sludge must be shipped out. Mr. Beaudoin stated it was quite a process how Pluris got rid of sludge. They send it to some area that is tens of thousands of acres and it kind of defeats the argument of putting that stuff right back out on the land.

Mr. Burgess stated he did not disagree but the issue with the community was the trucking. If you truck it out, could it be done at night, would it be noisy, where would it come out. Mr. Beaudoin stated if you are treating 500,000 gallons how many trucks a week would it be. Mr. Fentress replied two trucks a week. Mr. Jordans state that lined up with Pluris.

Mr. Fentress stated he had Army Corps signed wetland maps for the entirety of the Davis farm. Mr. Buchanan stated that unfortunately the GIS map shows a shade of wetland through the middle of the property. Mr. Fentress stated the Army Corps super seeded all that. Mr. Beaudoin questioned if they did a formal delineation on it and Mr. Fentress replied yes. Southern Environmental Group did and since then DAVE Resource Group has been involved with the landowner to the south of Mr. Burgess with a wetland mitigation bank. Which is putting the land in conservation in perpetuity and affecting the land so that it behaves as wetlands.

Mr. Buchanan asked Mr. Beaudoin if he had investigated the sludge containment facility or storage at Pluris. Mr. Beaudoin replied yes, it was like a big tank, and they would open one side of it, and could take it and ship it out. The initial collection tanks give off odor. Mr. Buchanan inquired if it was the earthy smell or the rotten egg. Mr. Beaudoin replied he did not think it was that bad when he was out there. Mr. Buchanan stated when he was out there it was earthy. Mr. Beaudoin stated it was not overwhelming.

Mr. Buchanan inquired what was being proposed when it came to the sludge containment is it something you have not gotten to with the proposal. Mr. Fentress replied not in detail, but the proposal would be for it to be fully contained, whether it be a tank or a concrete vat. Mr. Buchanan asked would you propose a concrete vat. Mr. Fentress replied a concrete tank.

Mr. Buchanan asked Mr. Beaudoin if Pluris said anything about overflow or having too much of the discharge, sludge to get rid of it. Mr. Beaudoin replied no if there was an unusually high volume it would be three trucks instead of two for a week. In fact, one was there shipping stuff out and he did not notice any unusually strong odor.

Mr. Buchanan stated the easements you referenced for the spray fields are not a condition. If there are easements that are going to be run with this approval they should be listed on an approval or a condition. Mr. Fentress stated the plant would also be permitted through the state division of Environmental Quality and they are very strict on requiring the disposal to be linked to the treatment. The easements would be a requirement of the sewer permit from the State. Mr. Beaudoin questioned if it would be up to the applicant as to where they would place those easements. Mr. Fentress responded yes, and it would be based on the flow at the time. Probably would not permit 500,000 gallons a day to start. It would probably be less than 100,000 gallons a day. Then we would need to provide easement on the farm use that would assimilate the 100,000 gallons a day. That would become a part of the permit and must be recorded and be on record with the County Register.

Mr. Beaudoin inquired if the thought was to leave some land on the perimeter so he could develop it into houses. Mr. Fentress responded no but they do not want to plant the whole place at one time. It would be cost prohibitive.

Mr. Gruntfest stated to Mr. Adams we have heard repeated residents say they paid for things that they have not been able to use, can we ask the County Commissioners what is going on with this.

Mr. Thurman replied the County financed its initial water system for Rocky Point. They got USDA funding for it and to do that the County had to show a couple things. One, a survey was done and showed that people had failing wells. Two, they got signups at a substantially below Market amount, example \$155. The County used that and at that time all water came from Wallace. The JP Stevens plants closed, and Wallace inherited these wells that must be rotated because they had so much water, and they want to keep them flowing. The water system is not part of the overall County it is an Enterprise

fund. It must pay for itself, in fact the County cannot make a profit off it under state law, the count is not supposed to use Enterprise funds. It is supposed to be a break-even operation. There are reasons, one of which is financial. There has to be enough people on a stretch to justify it. The density has not been deemed sufficient to put it there.

Mr. Gruntfest stated at the very least people are owed an explanation and their money back with interest. Mr. Thurman stated he thought the standard was to give their money back. Mr. Williams replied the County made a promise they would run the water, and he expects the County to keep their promise. Mr. Gruntfest apologized for the distraction. Mr. Jordan replied he understood but the Board had no authority on the issue.

Mr. Buchanan stated when an individual needs to get a mortgage and are going to use an FHA, USDA, or a VA loan, which are government insured loans, one of the requirements is to measure the distance between the septic field and the well. If it is less than 100ft you do not get the loan. If water or sewer are accessible at the road front you must tap into that system unless there is a hardship. Sewer is one of the greatest inventions of mankind. Speaking with other professionals and the utilities, their number one desire of wastewater treatment is a public utility something that is answerable to the community. The worst treatment of human waste is a septic system because it gets in the groundwater. Next best would be an HOA. We have several of those around here but those can potentially fail because HOAs do not manage them. The second best is something that is managed and run but it is district run, it has a specific focus on this one aspect and not something that's tied to an HOA.

Mr. Pitts stated he agreed with that. There is a reason that in the very first paragraph from the Department of Health and Human Services it talks about the detriment of onsite septic systems and how bad they are affecting people's health.

Mr. Buchanan made a motion to approve the conditional zoning map Amendment and to make a finding that while the proposal is inconsistent with the rural agricultural future land use category it furthers the goals of Pender 2.0 comprehensive land use plan because, number one, it is a major investment of infrastructure which the public desperately needs in Pender County, it supports the agriculture economy, which is the number one tax base of our County, and it should hopefully create the clean drinking water and help eliminate septic tanks in the future. I am open-minded the seven conditions would be added to that motion in addition to any waste sludge must be removed and disposed of offsite. While on site any waste sludge must be fully contained through concrete storage facility. Easements for the spray fields will be provided to the County after discussion with DEQ. I'm open to any additional conditions.

Mr. Pitts wanted to clarify offsite was off the easement that is nowhere on those 800 acres. Mr. Buchanan replied yes, offsite.

Mr. Thurman stated in addition to the effluent, storage, it just says we will satisfy the state requirements related to inclement weather storage of effluent and sludge. Mr. Buchanan asked the amendment to be accepted. Mr. Beaudoin said he would add, will be stored in a tank. Mr. Buchanan stated one of his conditions was a fully contained concrete storage tank for sludge containment. Mr. Beaudoin stated concrete or metal. Mr. Buchanan asked for this amendment to be accepted.

Mr. Adams asked to clarify the amendments. He stated any sludge must be taken off site. Mr. Buchanan added and professionally treated through a permitted process or whatever process is required, fully contained concrete or metal tank for sludge storage on site and not in a pond, easements to the spray fields shall be provided to the County, and then condition six should be amended to say and effluent storage and sludge.

Mr. Beaudoin seconded.

Mr. Jordan stated this comes before the County Commissioners on November 18.

*Motion to Approve*

|                      | <b>For</b> | <b>Against</b> | <b>Abstained</b> | <b>Absent</b> |
|----------------------|------------|----------------|------------------|---------------|
| Delva Jordan         |            | X              |                  |               |
| Damien Buchanan      | X          |                |                  |               |
| Jeffrey Pitts        | X          |                |                  |               |
| Margaret Mosca       |            |                |                  | X             |
| John Gruntfest       |            | X              |                  |               |
| Jeff Beaudoin        | X          |                |                  |               |
| Norman (Ken) Teachey | X          |                |                  |               |
|                      | 4          | 2              | 0                | 1             |

CARRIED.

c) Text Amendment

Lee Duncan, Resilience Planner, presented the staff report.

Pender County Planning & Community Development, applicant, is requesting the approval of a Text Amendment to the Pender County Flood Damage Prevention Ordinance. Specifically, the request is to update language in the Ordinance and adopt the FEMA Preliminary Flood Insurance Rate Maps. Once adopted, the Preliminary Flood Maps will become the Effective Flood Maps used for regulatory purposes

Mr. Duncan stated individuals within the national flood insurance program get a 15% discount on their premiums based on the County adopting these maps and enforcing current regulations. Mr. Buchanan stated that is the reason we should be voting for this. Mr. Duncan replied correct. If the County does not adopt these new maps as of January

17th, 2025, it will be suspended from the national flood insurance program. This means people would not be able to get federally backed flood insurance nor would they be able to get federally backed mortgages for development within the regulated flood zones.

Mr. Buchanan stated he thinks the maps are flawed and are not a great measurement. In fact, there are many AEs that became VEs that never flooded and vice versa. You are saying that if we do not do this then we get penalized and as a duty to the community we are basically being forced by the federal government to vote on something we do not think is accurate.

Mr. Duncan stated that the maps had been around for 10 years. Mr. Teachey questioned if the map came out and was incorrect, is there a way to appeal it. Mr. Buchanan stated the appeal process has ended.

Mr. Jordan questioned if you were in a flood prone area are you required to have flood insurance by the map. Mr. Duncan replied if you have a federally backed mortgage you must have it or if your mortgage company requires it.

Mr. Beaudoin stated he heard that Federal Flood Insurance had backed out of large portions of Florida. Mr. Thurman stated yes there are faults, but we do not have a choice. Mr. Teachey stated that part of downtown Penderlea was in a flood zone and had never flooded. Mr. Duncan pointed out that Pender County had also bought out numerous homes that were not in flood zones because of flooding. Mr. Jordan stated you are saying houses flooded that were not in the flood zone, but some did not flood that were in a flood zone. Mr. Duncan replied potentially.

Mr. Jordan stated that Mr. Thurman was saying if we do not approve this text amendment then those people that have flood insurance in Pender County will not have flood insurance. Mr. Thurman added that there would be people who would be unable to sell their homes because their only market would be cash buyers.

Mr. Buchanan questioned if any one any board were affected by the map change did they have to vote on it. Mr. Jordan replied that you could abstain from voting. Mr. Duncan stated that the County could pay for their own flood study. Mr. Beaudoin questioned whether Federal flood insurance was available when a private insurance company does not want to insure. Mr. Duncan replied it is, but you could also have the choice.

Mr. Beaudoin questioned what percentage of the County was mandatory Federal flood where no other private insurer is going to insure them. Mr. Buchanan replied there is only a handful of CBRA zones that are in Onslow County on the island. There is only one section on the island that is not insurable that is North Topsail. Mr. Brantley stated in the CBRA zones you cannot get Federal flood insurance, but your only option would be to do private flood insurance which could be a lot more expensive. Mr. Buchanan replied yes, it is three times as much.

Mr. Beaudoin stated he could see the Federal Government wanting to expand the zones because it would bring more people in to pay the premiums, to pay out the claims. Looking at the map it expanded greatly for what is now in a flood zone. There are more and more claims coming with more significant storm events and they must pay out.

Mr. Duncan stated the biggest expansion is due to the base flood elevation increasing. What they are saying is, what used to be a 100-year event is now a 50-year event, what used to be the 500-year event is now the 100-year event.

Mr. Pitts made a motion to approve based on the reasons put forth in the statement. Mr. Buchanan seconded the motion.

*Motion to approve*

|                      | <b>For</b> | <b>Against</b> | <b>Abstained</b> | <b>Absent</b> |
|----------------------|------------|----------------|------------------|---------------|
| 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 next meeting was Wednesday November 6<sup>th</sup>, in Hampstead.

Mr. Buchanan made a motion to approve the location with Mr. Beaudoin seconding the motion.

*Motion to approve*

|                      | <b>For</b> | <b>Against</b> | <b>Abstained</b> | <b>Absent</b> |
|----------------------|------------|----------------|------------------|---------------|
| 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.

November 6, 2024, at 7:00 p.m.  
Pender County Hampstead Annex  
15060 US Highway 17  
Hampstead, NC 28443

## 11 ADJOURNMENT

Mr. Gruntfest made a motion to adjourn with Mr. Jordan 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 11:16 pm.