

MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Monday, April 14, 2014. This meeting was held in the Dare County Board of Commissioners meeting room located at the Dare County Administrative Building, 954 Marshall C. Collins Drive, Manteo, NC.

CALL TO ORDER 6:00 pm

MEMBERS PRESENT Elmer R. Midgett, Jr., Chairman John Finelli
Michael Barr Dan Oden
Beth Midgett
Richard "Ricky" Scarborough, Jr.

MEMBERS ABSENT David Overton

APPROVAL OF MINUTES

There being no corrections or additions to the minutes of the March 10, 2014 meeting of the Dare County Planning Board, Michael Barr made a motion to approve the minutes as submitted. Beth Midgett seconded this motion.

Vote: Ayes – Unanimous

PUBLIC COMMENT

Chairman Midgett asked if anyone in attendance wished to speak regarding Yolanda Collins' conditional use permit application. No one came forward and Chairman Midgett advised those in attendance that we would proceed with Ms. Collins' application before returning to the Public Comment portion of the meeting.

OLD BUSINESS

-None-

NEW BUSINESS

Yolanda Collins, Conditional Use Permit Application, Child Care Home, Roanoke Island

Ms. Collins was in attendance at the meeting.

Donna Creef addressed the board. Ms. Collins lives at 113 Cross Court on Roanoke Island. She previously operated a licensed family child care home at this site but let the license expire and now wants to renew her license with the state and with Dare County. Ms. Collins submitted her application and statement of occupancy. She lives at the end of Cross Court, there is not much traffic, she has sufficient area to accommodate cars, adjoining property owners have been notified, and a sign has been posted at the site. No comments have been received.

Chairman Midgett asked Ms. Collins what her hours of operation will be. Ms. Collins replied 8 a.m. through 5 p.m., Monday through Friday. Beth Midgett asked if she anticipates ever needing weekend hours and Ms. Collins said no.

John Finelli made a motion to recommend approval of the conditional use permit application for Yolanda Collins subject to the conditions stated by staff with the hours of operation being 8 a.m. through 5 p.m., Monday through Friday.

Michael Barr seconded the motion.

Vote: Ayes – Unanimous

PUBLIC COMMENT

The public comment portion of the meeting resumed at 6:08 p.m. All participants spoke regarding the conditional use permit application by Commercial Ready Mix Concrete. Chairman Midgett advised those in attendance that speakers would be limited to three minutes each.

Louise Hoar, a North Carolina resident and Outer Banks homeowner, said she has not been able to find information about the possible concrete batch plant and is concerned that many people do not know about this issue. She witnessed a similar operation in Washington, NC where the plant was located at a distance from residents but the 24-hour operation caused disruption including bright lights, large trucks, air pollution, and damage to road surfaces. Ms. Hoar is concerned about problems resulting from concrete dust, truck fumes, noise, traffic (especially during peak times), diminished summer rentals, and diminished business for local establishments. She asked if other alternatives have been considered.

Leslie Robinson lives on Laughing Gull Lane. This area includes year-round residents, rental houses, a campground, and the only affordable housing units on the island. Ms. Robinson is concerned about dust, the inadequacy of chain link fencing, increased truck traffic, and noise. She found information that recommends locating plants away from areas with high winds and covering the piles of sand, aggregate, cement, and conveyor belts. Ms. Robinson believes the plant should be located in Rodanthe.

Jean Lewis and Chandra Gupta own property on Laughing Gull Lane. Chandra Rutledge spoke on their behalf, reading portions of their letter sent to Donna Creef. She spoke of the following concerns: no buffer zone between the plant and their property; both silos will be visible from their deck and living room; noise; health issues caused by inhaling dust and chemicals; absence of required permits; the amount of dust produced, most notably crystalline silica dust; truck

traffic; the impact of a hurricane on the site; runoff; noise containment; and violations of the noise ordinance. Jean Lewis and Chandra Gupta request that the Planning Board reject the conditional use application and provide an alternate location in a non-residential area.

Shannon Killham read a letter from Kara Earley, a resident on Laughing Gull Lane. Ms. Earley said she received no notification about the proposed plant and was informed about it by a neighbor. Additional concerns expressed by Ms. Earley included toxic fumes, truck noise, dust, and lung impairment. Ms. Earley recommends the facility be located at a different location.

Chandra Rutledge and her husband bought property on Hatteras Island to live near the ocean. Living beside a concrete factory will subject them to toxic dust and loud trucks. She asked the board to consider the quality of life for area residents, the ill effects the plant will have, and make a better choice than this.

Barry and Sally Stripp own property on Sea Isle Hills Drive in Waves. Mr. Stripp said he agrees with the previous comments. His main concerns are air pollution, noise pollution, and traffic. Other businesses in the area are not industrial. Mr. Stripp's faculty positions have included Professor of Environment and Occupational Health at the University of Pittsburgh and Professor of Environmental Medicine at the University of Rochester. He specializes in inhalation toxicology. Mr. Stripp is concerned about particulate pollutants being released into the atmosphere. The industrial application should not be located in this residential area.

Matt Nuzzo is the co-owner of REAL Watersports and a resident of Hatteras Island. Mr. Nuzzo said there have been a significant number of accidents at the bend in NC 12 at the proposed site. Two of his friends died in an accident at this location. There is increased pedestrian traffic because many families enjoy the bike path recently constructed in Waves. Mr. Nuzzo asked the board to consider this very seriously because of the danger due to increased traffic.

Laura Vroman is the retail manager at REAL Watersports and lives at Lance's Landing. All 21 units are filled by local, working residents. If the plant is located at this site, Ms. Vroman and many of her neighbors plan to find new housing due to dust, industrial equipment, high intensity lighting, and noise. Dare County assisted in the development at Lance's Landing and with the new bike path but will lose what has been gained if a concrete plant is placed here.

Donna Peele works as the manager at Waterman's Retreat (14 Luxury condos rented nightly) located across NC 12 from the proposed site. They have worked very hard to make Waterman's Retreat, Waterman's Bar and Grill, and REAL Watersports a showcase. Ms. Peele does not want her guests to leave with memories of a concrete plant after being subjected to the noise of trucks

entering and leaving the plant 24 hours a day and having their nights disturbed by the lights and operation of the plant.

Natalie McIntosh, Director of Operations at REAL Watersports, is responsible for recruiting and maintaining a year-round staff as well as seasonal employees. They have about 70 employees during the peak season. Most live at Lance's Landing, on Laughing Gull Lane, or on Midgett Way. The noise, dust, truck traffic, and all other detrimental effects of a concrete plant will impact their quality of life. Ms. McIntosh believes there is a better solution that will meet the needs of this project without harming the previous improvements to housing, businesses, and the bike path. She asked the Planning Board to reject this request and seek an alternate site.

Thomas Kogut is the General Manager of REAL Watersports. He is married, has a two year old son, and lives on Laughing Gull Lane. The homes on Laughing Gull Lane and at Lance's Landing will be adversely affected if the concrete plant is allowed at this site. He is concerned about the dust, debris, night-time operation, loss of home value, loss of tax revenue, residents moving away, pollution, negative health effects, lights, noise, and heavy commercial traffic.

Anne Vroman is happy with the moderately priced housing that is provided at Lance's Landing. She understands S-1 zoning is meant to be less restrictive than other zoning but feels she should not need to suffer from the noise, lights, pollution, and adverse health effects from the proposed plant. She believes placing the concrete plant at this site would have noxious (physically harmful or destructive), harmful (likely to be damaging), and deleterious (harmful, often in a subtle and unexpected way) effects on the surrounding community. She said a site needs to be found that will have considerably less adverse effects on our community.

Trip Forman moved to Hatteras in 1991, is a full-time resident, and purchased property in Waves in 2003. He developed three businesses: REAL Watersports, Waterman's Retreat, and Waterman's Bar and Grill. Mr. Forman provided copies of the Dare County Code of Ordinances, Chapter 155 Zoning Code, Section 22-27.1, S-1 Special District with the following paragraphs highlighted: (a) Intent; and (f) Dimensional Requirements for Industrial Development sub-paragraphs (2), (4), and (7). He said the proposed plant does not comply with the requirement of buildings, storage, or processing areas being at least 75' away from a residential structure. Based on a picture provided with the proposal, and calculating cement silo height based on the cement truck in the picture, the silo is approximately 45' which does not comply with the allowed maximum of 35' above the lowest ground grade. Mr. Forman said the noise, lighting, pollution, additional commercial traffic, and adverse health effects associated with the proposed plant are not in compliance with Section F (4), which reads "No industrial use shall be permitted which has noxious, harmful, or deleterious effects on other development." He asked the Planning Board and Board of Commissioners to rule against allowing the plant at this site.

Asa Gray owns property adjacent to the proposed site and has a small campground there. He said a concrete plant will destroy his business. He told the board the pond at the proposed site floods onto his property every time it rains. Mr. Gray said a chain link fence will not be adequate. He asked that other sites be considered.

Rich Conti lives in Waves and asked if producing concrete at the plant in Buxton has been considered. He is concerned about a possible "piggy-back" use if this is approved, like a macadam plant. Mr. Conte has not seen any evidence of a traffic study at the proposed site. The culverts, ingress and egress will not be able to accommodate 18-20 ton concrete trucks and there are drainage issues. Additionally, visitors to our area pass on the right. Mr. Conte asked if high intensity lighting and noise are acceptable under the proposed conditional use permit.

Debbie Owens moved to the Outer Banks in 2010 just before Hurricane Irene. She is concerned about the pollution the proposed plant will bring because the site is subject to winds, storms, flooding, and hurricanes. Ms. Owens is also concerned about concrete dust in the air.

Michael Duel lives in Connecticut and recently purchased a house directly behind this proposed site. He and his wife are afraid they will lose the rental income they are relying on to meet the mortgage payment. He said visitors will choose to go elsewhere if this location is approved.

John Griffin lives a mile south of the proposed site. He said the impact of the plant will be much larger than the local neighborhood and that people from Rodanthe to Salvo will have cement dust in their yards, on their laundry and everywhere else.

Betty Gray is a lifetime resident of Hatteras Island. She has been in business in the Rodanthe, Waves, Salvo area for 54 years. She asked the board to consider all of the issues that have been expressed this evening and not permit a concrete plant to be constructed in our tri-villages.

Trip Forman provided written petitions opposing the proposed permit to Donna Creef.

The public comment portion of the meeting closed at 6:55 p.m.

NEW BUSINESS

Commercial Ready Mix Conditional Use Permit Application, Group Development, Waves

The following were in attendance representing the applicant: Michael Strader of Quible Engineering; Starkey Sharp, Attorney; Tim Newsome, Commercial Ready Mix; Forest Fisher, Project Manager, Parson's (DOT Contractor); Bob Swope, Swope and Associates.

Dare County Planning Director Donna Creef addressed the board. The site has been zoned S-1 since 1987. The abutting property owners were notified of this application and meeting as required by Dare County ordinance and a sign was posted on the property. A chain link fence was proposed but Ms. Creef asked for a different fence to deal with noise and dust. Ms. Creef handed copies of the revised site plan to the board members.

Michael Strader of Quible Engineering spoke next. He is the civil engineer of record for the proposed concrete mixing plant. Commercial Ready Mix is applying for a conditional use permit as a group development under section 22-31 of the Dare County Zoning Ordinance. The group development consists of the existing Dare Building Supply site, the proposed batch concrete plant and mobile office, and also the on-site manager.

The proposed lot coverage is under 15%. The proposed new coverage is less than 10,000 square feet and will be directed to the existing, man-made wet pond located on the property. No stormwater permit is required per NCDENR. The proposed limit of disturbance is 0.35 acres so no soil erosion and sedimentation control permit is required. The wastewater system has been reviewed and approved by the Dare County Health Department. The applicant plans to connect to the Dare County water system and this has been reviewed and approved by the Dare County Water Department. The Dare County Fire Marshal has reviewed and approved the proposed development.

Commercial Ready Mix Products (CRMP) is a member of national concrete organizations and is NCDOT certified and tested to confirm regulatory compliance. The proposed plant is brand new and customized specifically for this project. The plant does not exceed the 52' height limitation. The applicant proposes to install the latest, most durable dust collectors available which use reverse air technology to prevent the effects of dust pollution. The dust collectors have been engineered by dust control specialists, have a 99.9% efficiency rating, and an automatic recycle system. A copy of the air quality permit has been submitted to NCDENR and is pending. The proposed stockpiles will be wetted-down to alleviate the potential for movement of dust particulates. A sound level report has been issued by an acoustic engineer. The applicant is agreeable with the recommendation to install broad-band backup alarms on the mixing trucks and the equipment. According to the sound level report, there does not seem to be much benefit from installing a 10' high fence to reduce noise levels however the applicant is agreeable to adding a visual barrier to the fence if acceptable to the Planning Department. NCDOT has performed a cursory review and they do not have any further recommendations.

Donna Creef asked Mr. Strader to expand on the topic of water runoff at the site. Mr. Strader clarified that no contaminants will be stockpiled on the property, just sand and aggregate stone. There is a proposed wash-out area that has been designed and approved by all of the required

regulatory agencies. After delivering the concrete, the trucks return to the plant site and wash out the drum. The residue creates a slurry which is removed from the plant site. Ms. Creef asked what regulatory agencies designed and approved the wash-out area. Mr. Strader said he will provide that information at a later date.

Chairman Midgett asked if the main wash-out is being performed at the bridge site or periodically during the day. Mr. Newsome replied that the truck chute will be washed at the bridge site but the drum will be washed out at the plant and at the end of the day only.

Mr. Barr asked if the pond flooding has been investigated, if the pond has an outlet, and what happens if the pond gets full. Mr. Strader said the pond does not have a defined outlet. Ms. Creef asked if the pond drains to the sound or to a canal or ditch. Mr. Strader said it functions as a wet pond. Mr. Sharp said his understanding is the pond was on the existing site and is a stormwater retention pond. The improvements being done at the site will not increase the water going into the pond but if there is a problem, the applicant will address it.

Ms. Creef asked Mr. Strader to address the public comment about an EPA Federal Stormwater Management Permit. Mr. Strader said CRMP won't have any issues meeting the federal requirements. Ms. Creef asked what the federal requirements are. Mr. Strader said he has a copy of the application, CRMP will be submitting it, and a copy will be sent to Ms. Creef.

Beth Midgett asked what type of products will be stored on site. Mr. Strader said raw materials associated with making concrete, including stockpiles of sand and aggregate. Mr. Finelli asked if other materials, such as cement and fly ash, would be contained in silos. Mr. Strader said yes.

Mr. Finelli asked how high the piles of sand and aggregate will be. Ms. Creef said she specified 15' high in her draft comments. Ms. Creef asked if there would be some type of concrete barrier used to surround the stockpiles and help contain them. Mr. Strader said CRMP would like to install something like that. Ms. Creef asked how far the stockpiles will be from any residential structures in any direction and said they will need to meet the 75' separation referenced in the S-1 zoning.

Donna Creef said many public comments expressed concern with the windy conditions. Mr. Strader said the stockpiles will be wet to assist with containment. Mr. Finelli asked if tarps could be placed over the stockpiles at the end of the day. Mr. Strader said yes.

Mr. Barr asked about the impact of traffic on NC 12, including trucks entering and leaving the site, potential spillage of gravel or sand during transport, and the weight of the vehicles. Mr. Barr asked if Mr. Strader has investigated traffic counts or if a traffic study has been performed. Mr. Strader said they have not performed a traffic study but there has been a dialogue with both the

district office and local DOT representatives. NCDOT will investigate options of adding traffic controls, such as the addition of turn lanes. As of today they have not recommended any further improvements. Mr. Sharp said DOT traffic engineers will determine what curb cuts are needed and things of that nature while state law requires trucks to have a cover over the material they are delivering. The rules and regulations will be followed.

Mr. Sharp said this site was previously a lumber yard with a lot of truck traffic. Scott Midgett, Dare Building Supply owner, provided Mr. Sharp a count of 130 vehicles per day when the business was in operation. Scott Midgett told the board that during the first six months of 2013, Dare Building Supply averaged 103 transactions per day. Mr. Sharp said a lumber yard is not a residential use and has heavily loaded diesel trucks arriving and leaving the site. The lumber yard was there for a long time and was in operation when most of tonight's speakers purchased their properties or built their businesses.

Mr. Sharp said this site will support a concrete plant to build the Pea Island Bridge and CRMP has already been hired for that project. This plant will likely be used to build the Rodanthe bridge also. DOT has specifications for the concrete. It must be delivered within a certain period of time from when it leaves the plant due to temperature reasons among other things. It cannot be transported from Buxton or Nags Head. The plant needs to be located in the tri-villages area. This is a permitted use in this zone. When the two bridges are finished, the concrete plant will be disassembled and leave. CRMP will use state of the art equipment and address the concerns of those in the area. Crystalline silica is a result of cutting concrete, not manufacturing concrete. Fencing can be provided as required however there is existing vegetation on the south side adjacent to Laughing Gull Road and we need to determine if the applicant should remove the vegetation to provide the fence. Noise studies indicate the noise will not be out of the ordinary compared with other industrial uses and other similar uses that are there. Fences don't stop noise but can help with the lighting. We proposed putting slats in a chain link fence but will consider whatever is necessary to reach the goals the county requires.

Mr. Sharp said the plant will not operate 24-hours a day. There will be occasions when it is too hot during the day to allow the concrete to be delivered at the temperature required by the specifications. Then it would operate at night. Chairman Midgett asked if night operations could be avoided using a chiller or by some other means.

Beth Midgett asked about the specifications regarding the temperature of the concrete and what to expect regarding night-time pours. Mr. Fisher said specifications require the concrete to be 75° at the time of placement. The temperature of the concrete increases the longer the water is mixed with the cement. They presented proposals to the state to have the specification waived or changed but have not received a waiver at this point. Beth Midgett asked if there is a way to cool

the concrete when it is delivered and are there going to be times CRMP will ask to pour at night because of air temperatures. Mr. Newsome said there will be a chiller at the plant site but in July, August and September, the temperature can't be achieved with the chiller.

Mr. Finelli asked if there is a corresponding air temperature that will necessitate night-time pours. Mr. Newsome said there are a lot of variables. Mr. Finelli asked if there are other alternatives, such as using ice in the mix. Mr. Newsome said the chiller is used in lieu of ice and uses water at 36°-38°. Mr. Finelli asked what air temperature would prevent pouring concrete during the day. After discussion, Mr. Newsome responded he believes air temperatures above 85° would be in question.

Beth Midgett asked if there are lighting restrictions at the bridge site because of turtle nesting. Mr. Fisher said yes. Beth Midgett asked if the lighting restrictions will limit the night-time pours. Mr. Fisher said they will be able to work within the specification but it will be more difficult.

Ricky Scarborough asked how often stockpiles will need to be replenished and how many pours per day is their goal. Mr. Newsome said it could be expected that 200-300 yards of concrete could be poured which would require 20-30 mix trucks per day. The raw material will be delivered every day to replace what has been used.

Beth Midgett asked if refueling will take place on site. Mr. Newsome said there will be fueling on site which will be approved by the Fire Marshal.

Donna Creef spoke next. NCDOT was provided a copy of the site plan and they will provide comments, if requested, when the county approves the site plan. A sound level study, provided at her request, states the traffic sound should be consistent with what occurred at Dare Building Supply. Ms. Creef pointed out that Dare Building Supply did not operate after 5 p.m. The draft conditional use permit recommends a 10' tall fence and a limitation for a level of 60 decibels when 50' from the property line. The sound level study says the base-line measurements at the Waves site indicate this decibel level would be impossible to comply with. The fence will help prevent lights from shining on surrounding properties and may help with dust levels. The lights on the silos will be lowered to a level of 25'. The normal working hours of operation are recommended as Monday through Saturday, 7 a.m. through 8 p.m. There is a statement that if a pour starts that cannot be finished by 8 p.m., business would cease by 10 p.m. Language to address extended hours during June, July and August is included in the draft but can be modified as determined by the Planning Board. Stormwater and runoff from wash-down activities and clean-out areas for the trucks is recommended to be retained on site. The draft conditional use permit includes language prohibiting staging of equipment on NC 12 or adjacent right-of-ways, streets, or any other properties. The temporary construction office and the travel trailer for the on-site manager will

both need to be removed within 30 days after completion of work. A performance bond will be in place to assist with dismantling the plant should the plant be abandoned. The silos will not be more than 52' high. Piles of aggregate and sand will be kept wet.

Mr. Newsome plans to include new back-up alarms on their equipment that will help address the noise issue and we may want to include that as a condition.

Ms. Creef said she received a copy of the April 11 memo to Mr. Newsome from Betsy Huddleston at the Division of Air Quality acknowledging receipt of the air quality permit application. Ms. Creef said there will not be a building permit issued until all other supplemental permits are acquired.

Ricky Scarborough asked what the plans are for the Dare Building Supply building currently on the site. Mr. Sharp said CRMP does not plan to use the building and Dare Building can enter into an agreement with a tenant to use the front building. Ms. Creef said any change to the ingress, egress, or parking layout at the site would require a review by the county.

Mr. Finelli said the Dare County noise ordinance prohibits certain noise disturbances between the hours of 10 p.m. and 7 a.m., and on weekends and holidays. There is a provision where there Board of Commissioners can issue a permit exemption for that. Mr. Finelli said he has a problem with night-time hours. He does not believe there is adequate information to determine what is involved or if night-time pours are necessary. Mr. Finelli is not comfortable making a recommendation that violates the county noise ordinance to this extent until he gets more engineering data on concrete and air temperatures. Bob Swope said night-time pours are a standard practice. He believes constant air temperatures of 80° may trigger pouring at night-time. The stockpiles become heated, the temperature of the water used is 36°-40°, and a 3,800 pound yard of concrete uses about 180 pounds of water. You can't use enough chill water in the mix to bring down the temperatures of all the ingredients. Chairman Midgett asked what is done elsewhere with a situation like this. Mr. Swope said the solution is to pour at night.

Beth Midgett expressed concerns about the night-time pours in a residential district. Ms. Midgett wants the bridges very much but the night-time pour issue is extremely difficult and is not in compliance with the noise ordinance. She feels CRMP knew this when bidding the job but came into the meeting trying to pressure the board by saying if we want the bridge, we have to accept this. Mr. Sharp said he thinks that is really unfair. Ms. Midgett replied she thinks so too.

Mr. Sharp said the S-1 zoning in this area allows this use with conditions. CRMP is asking the board to place the conditions they feel comfortable placing on this proposal and if the board can't approve night operations, that's understood.

Mr. Barr said keeping the stockpiles sprayed and moist will help keep the temperature down and asked if they can be sprayed all the time. Mr. Barr said an engineer could design some type of system to address the water runoff and it would certainly help keep the aggregate cooler. Ms. Creef said there is recycling equipment that can be used when spraying the aggregate and there are management practices that are familiar in the concrete industry to address this.

Chairman Midgett asked about maintenance of trucks and equipment and waste products from procedures such as oil changes. Mr. Newsome said no maintenance will be done on site for the trucks.

Mr. Finelli said he thinks one of the requirements under draft condition 2 should be that the stockpiles of sand would be covered with a tarp when not in use. Ms. Creef told Mr. Finelli that in addition to modifying condition 2 to include tarps, it also needs to be modified to reference the 75' separation from any residential use as required in S-1 zoning. This also needs to be shown on the site plan.

Chairman Midgett asked if concrete dust will be a problem when filling the silo. Mr. Newsome said most dust is created when mixer trucks are being loaded and the dust collector collects the dust, recycles it, and puts it back into the silo. The dust collector is also used when a delivery truck unloads cement.

Mr. Oden said he wants bridges built on Hatteras Island and wants to be able to do what is allowed in the zoning ordinance. He does have a problem taking a position against all of the people who have good reasons to be opposed to this site. It doesn't sound like there will be any way to avoid working at night because of NCDOT specifications.

Mr. Finelli said he agrees with Mr. Oden and he would feel obligated to vote for this because it is S-1 zoning and does allow industrial uses but at the same time he does not feel obligated to recommend that the Dare County noise ordinance be violated.

Mr. Barr said this is an acceptable use in S-1 zoning but there are questions we don't have answers to.

Donna Creef reminded the Planning Board they are making a recommendation to the Board of Commissioners and Mr. Sharp has asked the Planning Board to make their recommendation so this process can move forward. They plan to have those answers for the Board of Commissioners. Mr. Sharp said that is correct.

Ms. Creef began to address specific changes to be included in the recommended draft conditional use permit as detailed below to reflect the Planning Board's discussion with the applicant and public input.

Condition 2 needs to add a 75' separation from any residential structure; all aggregate materials stored on the site shall be kept moist at all times; the overall height of the stockpiles shall not exceed 15'; tarps will be secured to cover stockpiles at the close of business and during the times they are not operating; drive aisles will be kept wet; and barriers will be used if necessary to keep stockpiles from migrating as well as maintaining compliance with the 25' distance from the property line and 75' distance from residential structures.

Regarding condition 3, Ms. Creef asked if the state monitors the site for compliance with the air quality permit on a regular basis or if it is complaint driven. Mr. Newsome said it is a random test, the state shows up unannounced and provides a written report of the visit. Ms. Creef will add language to reflect that a copy of any testing or monitoring that occurs in association with the air quality permit will be submitted to Dare County.

Regarding condition 7, stormwater and runoff, Ms. Creef said the board previously discussed adding the requirement of an engineered stormwater plan demonstrating compliance with the pond, stipulating that the runoff will be contained on-site, and including recycling of the wash water and runoff water.

Conditions 12 and 13 may need to be re-worded to reflect the timely removal of any temporary construction office or travel trailer by having a removal time coordinated with the end of the term of the lease.

Ms. Creef said we can add the condition that all equipment used at the site that is required by OSHA standards to have a backup alarm shall be fitted with a broadband backup alarm.

The discussion returned to fencing, noise, and hours of operation.

Mr. Finelli said he has no problem with proposed draft condition number 4 regarding fencing and noise and we should leave it as it is.

Condition 6 addresses hours of operation and the last sentence allows night-time pours. Beth Midgett recommended removing the last sentence from condition 6. Ms. Creef asked if the board would like to leave the sentence prior to that which allows the completion of a continuous pour that has commenced but is not completed by 8 p.m. to continue until complete but cease by 10 p.m. Mr. Barr said he would be happy with leaving the hours as Monday – Saturday from 7 a.m.

until 8 p.m. Mr. Finelli said he is okay with the sentence allowing completion by 10 p.m. because it is in compliance with the noise ordinance. Ms. Creef clarified that the Planning Board is recommending the removal of only the last sentence of condition 6.

Mr. Scarborough asked how long the lease agreement is for. Mr. Sharp said the lease is expected to last through the duration of building both bridges, however long that will take. Ms. Creef said the contract for the Rodanthe bridge has not been awarded but CRMP plans to pursue that project also.

Mr. Barr made a motion to recommend for approval the granting of this conditional use permit based on the conditions as revised. Mr. Finelli seconded the motion.

Vote: Ayes – Two
Nays – Four

For: Barr and Finelli

Against: Beth Midgett, Elmer Midgett, Scarborough, and Oden

OTHER BUSINESS

None

ADJOURNMENT

There being no further business before the Dare County Planning Board, a motion to adjourn was made by Beth Midgett and seconded by Ricky Scarborough.

Vote: Ayes – Unanimous

The meeting adjourned at 8:55 p.m.

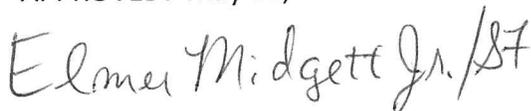
Respectfully Submitted,



Sharon L. Flatt

Planning Board Clerk

APPROVED: May 12, 2015



Elmer R. Midgett, Jr.

Chairman, Dare County Planning Board