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ERM NC, Inc.

8000 Corporate Center Dr.
Suite 200
Charlotte, NC 28226
(704) 541-8345
(704) 541-8416 (fax)

RECEIVED
APR - 5 2013
DIOS SOLID WASTE SECTION

April 4, 2013

NCDENR – Division of Waste Management
217 W Jones Street
Raleigh, NC 27699

Attention: Mr. Edward Mussler

Re: Proposed Maysville C&D Landfill, Jones County
Site Suitability / Gamelands Update

Dear Ed:

Pursuant to our recent email exchange regarding the pending site suitability application for the above-referenced C&D landfill, enclosed please find a courtesy copy of Senate Bill 24. Assuming it becomes law, that bill in certain limited circumstances will apply a shorter alternative to the one-mile gameland buffer requirement in G.S. 130A-295.6(d)(2). We realize that you may not have had time to review this bill, which has now been ratified by the General Assembly and was presented to the Governor on April 3, 2013. We understand from Green Recycling's counsel that the Governor has 10 days from then to act upon it, so we are optimistic it will become law very soon. We will let you know if and when the Governor takes any action on the bill.

In the interest of time, and per your request, we want to go ahead and demonstrate that the alternative 500 foot gameland buffer provided for in the new G.S. 130A-295.6(2a) will apply, and the proposed C&D landfill will be in compliance with it. The Town of Maysville requested that Senate Bill 24 be introduced, and the bill was written with the intended purpose that the alternative 500 foot gameland buffer would apply to this proposed C&D landfill.

First, enclosed is a map that shows the proposed waste disposal unit is in excess of 2,000 feet, i.e., more than 500 feet, from the outermost boundary of the Crotan Gamelands. Also attached is a copy of the Croatan Game Lands Boundaries for reference. Under the new G.S. 130A-295.6(d)(2a), that alternative 500 foot gameland buffer will apply if three conditions are met. Each of those conditions, and their application, are addressed below:

(a) The waste disposal unit will only be permitted to accept C&D debris waste.

Application: Green Recycling is only requesting a permit to accept C&D waste at the landfill.

(b) The disposal unit is located within the primary corporate limits of a municipality, located in a county with a population of less than 15,000.

Application: The property was annexed into the Town of Maysville in July 2011. Enclosed is a copy of the minutes from the Maysville Board of Commissioners' July 7, 2011 meeting at which the petition to annex the property was granted, along with a copy of the Conditional Use Permit that board subsequently issued for the facility. Also enclosed is US Census Bureau data on Jones County, confirming its population is less than 15,000.

(c) All portions of the gameland within one mile of the disposal unit are separated from the disposal unit by a primary highway designated by the Federal Highway Administration as a U.S. Highway.

Application: As the enclosed map confirms, all the relevant gamelands are on the other side of U.S. Highway 17 from the proposed disposal unit.

Once Senate Bill 24 becomes law, we trust this is the information the Division needs to issue the site suitability letter. If you need any additional information please let me know.

Also, the meeting we had with Division representatives last fall was very helpful. Our client has requested that we ask for another meeting with the relevant permitting representatives to briefly talk about the permitting schedule going forward. Please let us know if such a meeting could be arranged in the near future. We do not believe it would be necessary for Mr. Matthews to attend, though he would be welcome of course.

Sincerely,

ERM NC, Inc.

David Wasiela, P.E.
Senior Engineer

Enclosures

Cc: James Maides, Green Recycling (w/ encl.'s)
Keith Johnson, Poyner Spruill (w/ encl.'s)

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

RECEIVED NC APR - 5 2013 SOLID WASTE

SENATE BILL 24
RATIFIED BILL

AN ACT TO AMEND THE GAMELAND BUFFER REQUIREMENT APPLICABLE TO SANITARY LANDFILLS FOR THE DISPOSAL OF CONSTRUCTION AND DEMOLITION DEBRIS WASTE UNDER CERTAIN CONDITIONS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 130A-295.6 reads as rewritten:

"§ 130A-295.6. Additional requirements for sanitary landfills.

...

(d) The Department shall not issue a permit to construct any disposal unit of a sanitary landfill if, at the earlier of (i) the acquisition by the applicant or permit holder of the land or of an option to purchase the land on which the waste disposal unit will be located, (ii) the application by the applicant or permit holder for a franchise agreement, or (iii) at the time of the application for a permit, any portion of the proposed waste disposal unit would be located within:

(1) Five miles of the outermost boundary of a National Wildlife Refuge.

(2) One mile of the outermost boundary of a State gameland owned, leased, or managed by the Wildlife Resources Commission pursuant to ~~G.S. 113-306.~~G.S. 113-306, except as provided in subdivision (2a) of this subsection.

(2a) Five hundred feet of the outermost boundary of a State gameland owned, leased, or managed by the Wildlife Resources Commission pursuant to G.S. 113-306, when all of the following conditions apply:

a. The waste disposal unit will only be permitted to accept construction and demolition debris waste.

b. The disposal unit is located within the primary corporate limits of a municipality located in a county with a population of less than 15,000.

c. All portions of the gameland within one mile of the disposal unit are separated from the disposal unit by a primary highway designated by the Federal Highway Administration as a U.S. Highway.

(3) Two miles of the outermost boundary of a component of the State Parks System.

...."

SECTION 2. This act is effective when it becomes law and applies to any application for a permit for a sanitary landfill for the disposal of construction and demolition debris waste pending on that date or submitted on or after that date.

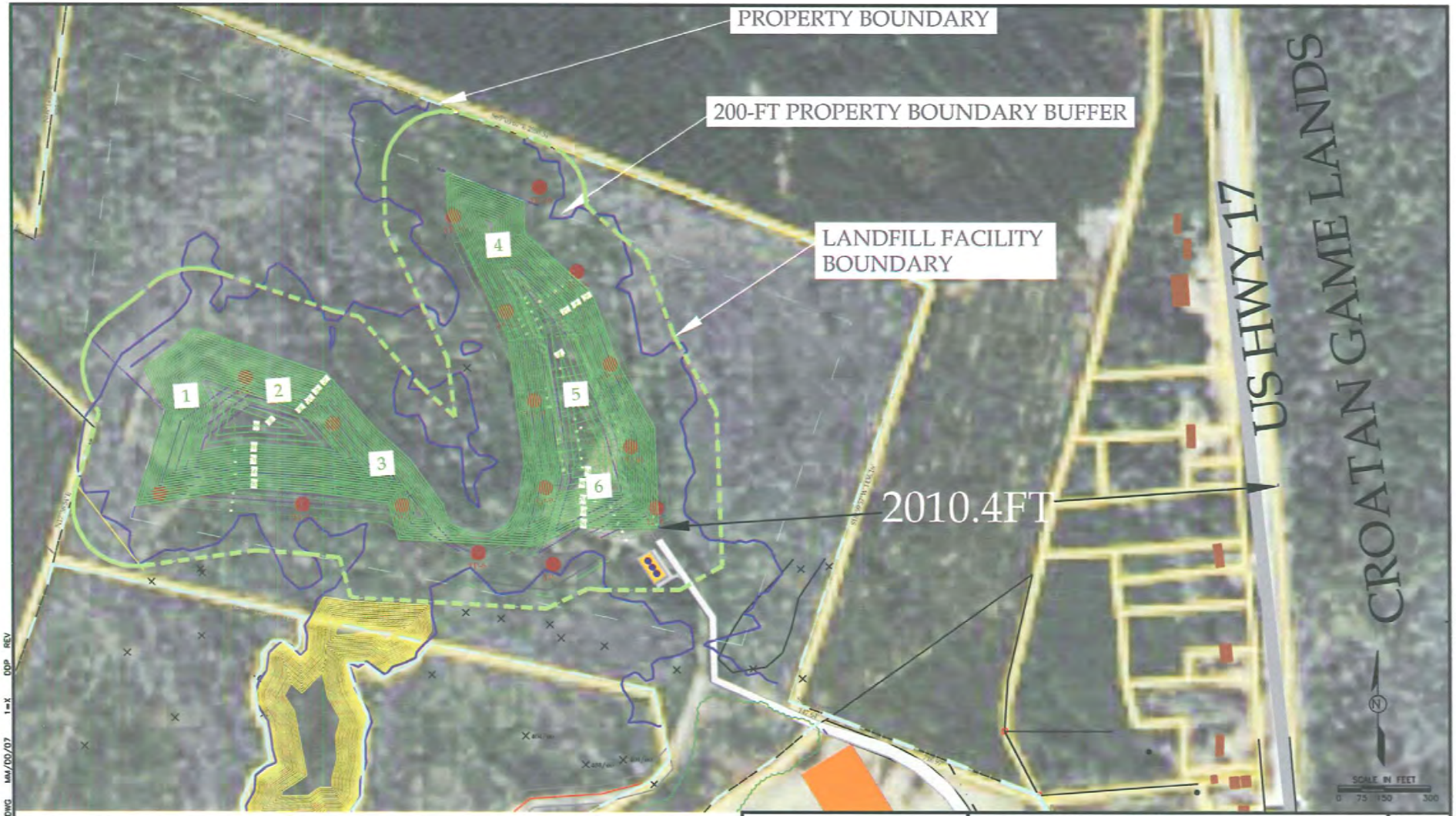
In the General Assembly read three times and ratified this the 3rd day of April, 2013.

s/ Daniel J. Forest
President of the Senate

s/ Thom Tillis
Speaker of the House of Representatives

_____
Pat McCrory
Governor

Approved _____.m. this _____ day of _____, 2013



THIS PLAN IS TO ILLUSTRATE BUFFER BETWEEN PROPOSED C&D LANDFILL LIMITS AND NORTH CAROLINA MANAGED GAME LANDS LOCATED IN CROATAN FOREST. THIS PLAN WAS DEVELOPED FROM PREVIOUSLY SUBMITTED 2000-FT SITE SUITABILITY CHARACTERIZATION STUDY.

ERM NC, Inc.

LICENSE # C-2206
ERM NC, Inc.
8000 CORPORATE CENTER DR.
SUITE 200
CHARLOTTE, NC 29226
(704) 541-9545

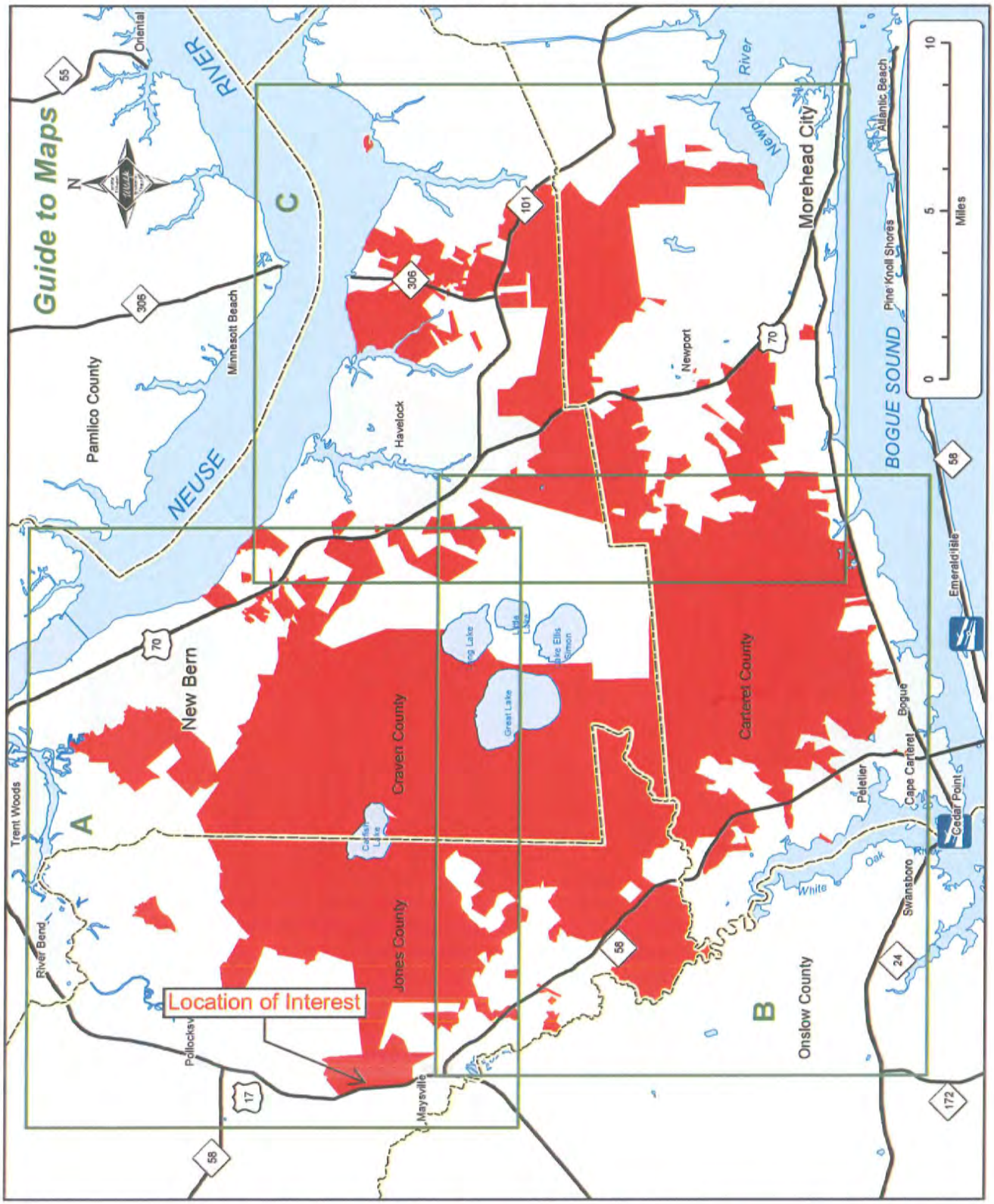
GAME LANDS BUFFER ILLUSTRATION
MAYSVILLE C&D LANDFILL
GREEN RECYCLING SOLUTIONS LLC
MAYSVILLE, NORTH CAROLINA

FIGURE 1

PROJ_NUM_SITE.DWG MM/DD/07 1=X DDP REV

CROATAN GAME LAND

U.S.D.A. Forest Service, N.C. Wildlife Resources Commission,
Carteret, Craven, Jones, and Onslow Counties (160,724 acres total)



Town of Maysville
Board of Commissioners
Regular Meeting
Thursday, July 7, 2011 at 7:00 PM

Present were Mayor James D. Harper, Commissioners Dan Ryan, Janet G. Baker, Bobby Flowers, David Chapman and Schumata Brown. Also present were Interim Town Manager Tom Hogg, Town Clerk Dale Gurganus-McCullough, Town Attorney Beth Faleris, and Assistant Town Clerk Lisa Stolar.

Others present were: see attendance sheet.

MEETING CALLED TO ORDER by Mayor James Harper at 7:00 PM

INVOCATION was pronounced by Commissioner Janet G. Baker

PLEDGE OF ALLEGIENCE by all in attendance.

MAYOR'S REMARKS

Mayor Harper thanked the citizens in attendance for coming to the meeting. He reminded that a comment period would be held at a proper time and asked everyone to remember that professionalism is paramount. He asked that all cell phones either be turned off or placed on vibrate.

MINUTES

Ms. Faleris made the following corrections to the June 2, 2011 regular meeting minutes. Rather than "The Planning Board would then have a separate public hearing" under the section "Conditional Use Application from Green Recycling Solution, Inc. the corrected statement reads "The Board of Commissioners sitting as the Zoning Board of Adjustment would then have a separate public hearing".

Commissioner Brown motioned that the June 2, 2011 regular meeting minutes be accepted with the proposed changes and Commissioner Baker seconded. Motion passed unanimously.

On the June 13, 2011 minutes for special meeting and workshop, Ms. Faleris corrected the date of the budget workshop from June 16 to June 21.

Commissioner Baker made a motion to accept the June 13, 2011 special meeting and workshop minutes with the corrections and Commissioner Baker seconded.

Motion carried by unanimous vote.

Commissioner Baker made a motion to accept the June 16, 2011 workshop minutes as presented. Commissioner Brown seconded and motion carried unanimously.

Commissioner Ryan would like to see not only the voting results for each motion but would also like the minutes to reflect which Commissioners cast opposing votes.

Commissioner Ryan made a motion to accept the June 21, 2011 special meeting minutes with the change of who cast dissenting votes. Commissioner Baker seconded. Motion carried unanimously.

ADOPTION OF AGENDA

Interim Town Manager Tom Hogg requested that three items be added to the agenda. The items included (1) a water and sewer resolution (2) the minutes from the June 30, 2011 special meeting and (3) a closed session following the regular meeting to discuss personnel issues.

Commissioner Baker made a motion to amend the agenda to include the three additions. Commissioner Brown seconded. Motion carried unanimously.

Commissioner Baker made a motion to accept the amended agenda with Commissioner Brown seconding. Motion carried unanimously.

On the June 30, 2011 special meeting minutes, Ms. Faleris noted that the time for adjournment of the meeting was recorded as 5:30 instead of the correct time of 5:40.

Commissioner Brown made a motion to accept the June 30, 2011 special meeting minutes with corrections and Commissioner Baker seconded. Motion carried unanimously.

Commissioner Baker made a motion to go into a public hearing. Commissioner Brown seconded and motion carried unanimously.

PUBLIC HEARING ON ANNEXATION PETITION BY WOODROW AND JOYCE LASSITER, I-1 INDUSTRIAL ZONING APPLICATION BY JAMES E MAIDES AND GREEN RECYCLING SOLUTIONS LLC'S FRANCHISE ORDINANCE

Commissioner Flowers recused himself from all discussion on the annexation petition, zone ordinance and franchise ordinance.

Mr. James Maides addressed the Board concerning the operation of a construction and demolition debris recycling and landfill facility known as Green Recycling Solutions, LLC. Town Planner Bob Clark and retired Planning Board Chairman Wayne Sayland

presented the report and recommendations of the Planning Board. In considering annexation, the Board saw that the location is remote from the town itself, and that any future annexation connected to the location would have to go through the petition process. The area was not zoned so a public meeting of the Planning Board was held on June 27, 2011. The Planning Board had to consider the potential uses for the area if it became zoned. They also had to consider what is in the area. This area is a remote location surrounded by woodland and forest with only a small portion being connected to Highway 17 and some homes. The traffic impact was another consideration. The Planning Board found the traffic situation consistent with local plans. The Planning Board voted to recommend approval of the conditional use permit, subject to the property being annexed, zoned I-1 Industrial District, and with conditions with a vote of 3-0 with one member abstaining. (*The report outlining the Planning Board recommendations and conditions is attached.*)

Commissioner Baker made a motion to exit the public hearing with Commissioner Brown seconding. Motion carried unanimously with Commissioner Flowers recused.

The regular meeting resumed at 7:29 p.m.

Commissioner Ryan made a motion to adopt an ordinance to extend the corporate limits of the Town of Maysville, North Carolina. Commissioner Baker seconded the motion and motion carried unanimously with Commissioner Flowers recused. (*Copy of Ordinance No. 2011-003 is attached hereto.)*

Commissioner Ryan made a motion to adopt an ordinance to amend the official zoning map of the Town of Maysville to apply I-1 industrial zoning to 58.2+- acres of annexed property located on the west side of U.S. Highway 17, approximately 1.4 miles north of Old White Oak River Road with Commissioner Baker seconding. Motion carried unanimously with Commissioner Flowers recused. *(Copy of Ordinance No. 2011-004 is attached hereto.)*

Commissioner Ryan made a motion to leave the regular Board session to go into a Quasi-Judicial Hearing on James E. Maides conditional use permit application with Commissioner Baker seconding. Motion carried unanimously with Commissioner Flowers recused.

The meeting moved into the Quasi-Judicial Hearing at 7:31 p.m.

QUASI-JUDICIAL HEARING ON JAMES E MAIDES CONDITIONAL USE PERMIT APPLICATION

Town Attorney Beth Faleris explained to the Board that the Quasi-Judicial hearing on the conditional use permit would have those witnesses providing information on the business in question sworn in as in a court of law. In the absence of a Zoning Board of Adjustment, the Board of Commissioners would serve as "Judge" over the proceedings.

The Attorney for James E Maides/Green Recycling Solutions LLC was Mr. Keith Johnson, who directed questions to the witnesses. Witnesses sworn in were John Parker of Parker and Associates of Jacksonville, NC, an engineering and consulting firm; Dave Wasella, a registered professional engineer from Charlotte, NC who will be the Sr. engineer for the recycling center and Richard Howard of Metal Tech Systems, a designer of solid waste recycling center facilities.

The witnesses gave the definition and workings of a C&D Landfill and Recycling Center. C&D stands for construction and demolition and deals only with that waste that is connected to the construction and/or demolition of a structure. No household waste will be taken into the facility. It would include vegetative yard debris. All waste will be delivered to the recycling center first. There the waste will be spread and inspected to identify and take out inappropriate waste to be delivered to the correct facility. The screening device is semi-automatic and the recovery rate for recycled materials is from 60-93%. There are very few of these unique facilities where landfill and recycling are performed at the same location within the state of North Carolina. Those existing facilities include Raleigh, Concord and Winston-Salem. These landfills serve as waste reduction projects. The facilities do not impact wetlands, endangered species or historical areas. The landfill will be at least four feet above the water table. Layered waste ten to twelve feet high would be covered with soil. Rain water is collected and tested to determine if treatment is necessary. A two hundred feet undisturbed buffer will be developed. No clear cutting of the area surrounding the facility will be done. Upon performing traffic analysis and review, it was determined that no further improvements should be made other than the proposed turn lanes on Highway 17 from either direction. The noise from the equipment meets OSHA regulations, although a noise decibel level could not be given. There have been no major catastrophes from the operations of these facilities. Evidence presented during these proceedings included Exhibit #1: the Site Map: showing the feet above sea level, that existing surrounding trees are above the proposed height and that the distance from the facility to the nearest home is 1,777 feet; Exhibit #2: a digital map showing the dimensions of the facility and location of the wooded area showing vegetation that will serve as a buffer; Exhibit #3: a Traffic Analysis and Review conducted by Ramey Kemp & Associates and Exhibit #4, the franchise agreement. Mr. Johnson made a motion to have the Board accept Exhibits 1-4.

Commissioner Ryan made a motion to accept Exhibits 1-4 with Commissioner Baker seconding. Motion passed unanimously with Commissioner Flowers recused.

After the evidence was presented, **Commissioner Ryan made a motion to close the evidentiary phase of the hearing with Commissioner Brown seconding. Motion carried unanimously with Commissioner Flowers recused.**

Ms. Faleris explained the state requirements considering the general findings for conditional use.

#1. Commissioner Ryan made a motion to find that the use will not materially endanger the public health or safety, if located where proposed and developed according to the plan submitted and approved. Commissioner Brown seconded and the motion passed unanimously with Commissioner Flowers recused.

#2. Commissioner Ryan made a motion to find that the applicant has met all the requirements and specifications of the Town of Maysville Zoning Ordinance regarding Conditional Use Permits within an I-1 Zoning Classification. Commissioner Brown seconded and motion passed unanimously with Commissioner Flowers recused.

#3. Commissioner Ryan made a motion that the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity. Commissioner Brown seconded and motion passed unanimously with Commissioner Flowers recused.

#4. Commissioner Ryan made a motion that in granting the Conditional Use Permit, the use will be in conformity with the general plans for the development of the Town of Maysville. Commissioner Brown seconded and motion passed unanimously with Commissioner Flowers recused.

#5. Commissioner Ryan made a motion that the proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use such facility, vehicular movement, noise, waste or fume generation, drainage, type of physical activity or hazardous-by-products or other materials on site. Commissioner Brown seconded and motion passed unanimously with Commissioner Flowers recused.

#6. Commissioner Ryan made the motion that the proposed use will not be adversely affected by the existing uses. Commissioner Brown seconded and motion passed unanimously with Commissioner Flowers recused.

#7. Commissioner Ryan made a motion that the proposed use will be placed on a lot of sufficient size to satisfy the space requirements of said use. Commissioner Brown seconded and motion passed unanimously with Commissioner Flowers recused.

Commissioner Ryan made a motion to accept the conditional use permit application for James E. Maides. Commissioner Baker seconded and motion carried by unanimous vote.

Commissioner Ryan made a motion to move from the Quasi-Judicial phase of the meeting back to a regular meeting. Commissioner Baker seconded and motion passed unanimously.

SECOND READING OF THE FRANCHISE ORDINANCE FOR GREEN RECYCLING

SOLUTIONS, INC.

Town Attorney Beth Faleris presented the second reading of the Franchise Ordinance for Green Recycling Solutions, Inc.

Commissioner Ryan made a motion to adopt an ordinance granting a franchise for operation of a construction and demolition debris recycling and landfill facility to Green Recycling Solutions, LLC. Commissioner Baker seconded and motion passed unanimously with Commissioner Flowers recused. (*Copy of Ordinance No. 2011-005 is attached hereto)*

NEW BUSINESS

Appoint Planning Board Members

The current Planning Board members are Wayne Sayland, Daniel Murphy, Alexander Rhodes, Crafton Yancey, Jr., Jeffrey Morris and Connie Maides. Mr. Sayland is not seeking another term; Mr. Murphy's term is expiring and he needs to be reappointed; Mr. Rhodes is rumored to be moving; Mr. Yancey, Jr. has become a regular member whose term expires July, 2013; and Ms. Maides is resigning before her term is set to expire in July, 2012. Only one application had been received from Mr. Albert Bracey. The Board needs to reappoint Mr. Murphy, and appoint possibly two new and one alternate member.

Commissioner Ryan made a motion to reappoint Mr. Murphy to the Planning Board with Commissioner Brown seconding. Motion carried unanimously.

Commissioner Ryan made a motion to accept the application of Mr. Albert Bracey and appoint him to the Planning Board. Commissioner Brown seconded and motion carried unanimously.

Commissioner Ryan made a motion to extend the application period for Planning Board members till the next meeting to be held on July 21, 2011. Commissioner Brown seconded and the motion passed unanimously.

Request to declare 1990 Ford F-100 truck as surplus property

Commissioner Brown made a motion to declare the 1990 Ford F-100 truck as surplus property. Commissioner Chapman seconded and motion passed unanimously.

Water & Sewer Resolution

Mr. Hogg explained that the resolution is required for a wastewater grant.

Commissioner Ryan made a motion to adopt a water & sewer rate resolution with

Commissioner Brown seconding. Motion carried by unanimous vote. *(A copy of the resolution No. 2011-005 is attached hereto.)*

OLD BUSINESS

Update on NCSTEP Program

Commissioner Ryan reported that the Maysville NCSTEP program's next meeting will be held on Tuesday, July 12, 2011 from 6:30 through 8:30 p.m. at Maysville Elementary School. At that time the group will consider strategies that will make an impact on the project.

Update on Golden Leaf Foundation

Commissioner Brown informed the Board that fourteen proposals were submitted to the Golden Leaf Foundation from Jones County and that seven were chosen to be funded. Maysville had two proposals submitted but neither was chosen to receive the Foundation funds

POLICE COMMISSIONER'S REPORT

Chief Baugus presented a copy of his monthly report to each Commissioner. The report gave information on upcoming training officers will be attending. The Police Department has purchased a patrol vehicle from the Bridgeton Police Department with funds from asset seizures from drug trafficking. The department is continuing to wok with other agencies on crime issues and is continuing with the Community Oriented Policy. On June 27, 2011 the department partnered with the state Highway Patrol and conducted a child's safety seat check point. Nineteen seats were given out and instructions given on how to properly fasten the seats and when to replace them.

MAINTENANCE REPORT/WATER SEWER REPORT

Commissioner Baker deferred to Interim Town Manager Hogg. Mr. Hogg reported that one wastewater blower was down leaving three to carry the load. These three were running well at this time. He is concerned that there are currently no guard rails or covers around open pits at the sewer plant. Mr. Hogg suggested that OSHA be called for a free inspection. The town would then have eighteen months to correct any issues discovered during the inspection. He also stated that a dumpster is needed at the same location for solid wastes. Addressing the I and I issue, he believes that continued smoke tests and inspections after rainy periods with follow-up repairs could make the current capacity sufficient for future expansion.

STREETS REPORT

Commissioner Chapman reported that stop signs are down near the school and at the corner behind town hall. He has had a request from a citizen for a speed bump on First

Street. Some pot holes have been filled. Commissioner Chapman stated that the trash issues on Second and Fourth Streets are better but still need attention.

ENVIRONMENT/BEAUTIFICATION REPORT

Commissioners Flowers reported that yards of the month for June included Jason Hawley of 606 Maple Avenue, Jonna Myers of 312 Mattocks Avenue, and Dianna Hawkins of 300 Mattocks Avenue. July's first yard of the month goes to Linda Ward of 706 Maple Avenue. Commissioner Flowers would like to see several ditch projects completed in the new fiscal year. He hopes that welcome signs on Highway 17 can either stay where they are or be relocated to other areas and the sign on Highway 58 that was taken down be relocated later.

RECREATION REPORT

Commissioner Brown reported that the July Fourth festivities conducted at Frost Park were awesome! He informed those attending that adult softball teams have been organized and games are currently being played at the park on Sunday afternoons.

PUBLIC COMMENT

Ms. Elaine White (801 B Street)

Ms. White stated that she had been complaining about ditches on her street and water up to her back door since 2006. She has been promised action during that time but the problem has not been addressed up until now.

Ms. Lois Simpson (115 White Oak River Road)

Ms. Simpson began by thanking town employees for their hard work and dedication. She is discouraged about the direction of the town and feels that the poor citizens will have to pay for the landfill/recycling center. Ms. Simpson believes that citations will be issued from this facility in the future.

Mr. Wayne Sayland (703 Mattocks Avenue)

Mr. Sayland is concerned about safety issues on his street. Trees are covering both the speed limit sign and the stop sign on Mattocks Avenue. Mr. Sayland has retired from the Planning Board and has attended his final meeting. He hopes that developers will not be allowed to change all the rules governing the town's zoning, annexation and franchise ordinances. Mr. Sayland would like for the town to enforce rules that concern clean-up and care for vacant properties.

Mr. Alan Ziemba (707 Seventh Street)

Mr. Ziemba had in his possession a copy of a work order from the water/sewer

department dated from back in May, 2011. He is concerned about water in his yard that has crossed the street. He feels that the ditches are sloped the wrong way and would like the problem to be addressed.

Fire Chief Michael Jordan

Chief Jordan had previously turned in a list of fire hydrants in town that needed attention and had marked the hydrants with the more serious problems. He asked about the status of the list. Interim Town Manager Tom Hogg replied that the list had not been addressed but he would see that it received immediate attention and that a report on the status of the list would be given at the regular meeting of the Board in August. Chief Jordan also inquired about the transfer of a vehicle from the Police Department to the Fire Department. He was told that further action would need to be taken by the Board before the transfer could be completed.

Commissioner Ryan made a motion for the Board to address the transfer of the car from the Police Department to the Fire Department at the workshop/special meeting to be held on July 21, 2011. Commissioner Brown seconded the motion and the motion carried by unanimous decision.

This concluded the public comment session.

Commissioner Ryan motioned that the regular meeting go into closed session to discuss personnel issues. Commissioner Brown seconded and the motion passed by unanimous vote. *The regular meeting ended at 9:25 p.m.*

As the closed session came to an end at 9:48, ***Commissioner Ryan motioned that the meeting go back into regular session. Commissioner Brown seconded and the motion passed unanimously.***

Commissioner Baker then moved that the meeting adjourn with Commissioner Brown seconding. Motion passed unanimously.

The meeting adjourned at 9:48 p.m.

These minutes were prepared by

_____

Assistant Town Clerk, Lisa Stolar

DECISION OF BOARD OF COMMISSIONERS
SITTING AS THE BOARD OF ADJUSTMENT
for the
TOWN OF MAYSVILLE

Applicant: Mr. James E. Maides

Property: 58.2 acres owned by Mr. and Mrs. Woodrow Lassiter, located on Hwy 17 North, portions of Tax Parcel ID Numbers 5423-62-9542-00 and 5423-54-4325-00, Maysville, North Carolina

Request: Conditional Use Permit to operate a Construction and Demolition Debris (C&D) Landfill and Recycling Center in I-1 zoning district as a permitted use under §7.07C of the Maysville Zoning Ordinance

Introduction

On May 24, 2011, Mr. James E. Maides submitted an application to the Town for a conditional use permit to operate a C&D Landfill and Recycling Center in an I-1 zoning district as a permitted use under §7.07C of the Zoning Ordinance of the Town of Maysville. After proper notice, the Board conducted a public hearing on the conditional use permit request at its July 7, 2011 meeting.

Mr. John Parker, Mr. David Wasiela and Mr. Richard Howard appeared and testified in support of the application for a conditional use permit. Mr. Bob Clark, Maysville Town Planner, and Mr. Wayne Sayland, Maysville Planning Board Chairman, appeared and testified on behalf of the Maysville Planning Board regarding the Planning Board recommendations.

The property for which the conditional use permit is requested is zoned I-1 (Industrial) and located on 58.2 acres on Hwy 17 North, Maysville, North Carolina, approximately 1.2 miles north of the intersection of Old White Oak River Road, and owned by Woodrow and Joyce Lassiter. With the signed consent of Mr. and Mrs. Lassiter, an application was submitted to the Town by Mr. James E. Maides requesting a conditional use permit for the site as permitted in §7.07C of the Zoning Ordinance in order to construct and operate a Construction and Demolition Debris Landfill and Recycling Center.

The following are incorporated into this decision by reference: (1) all maps, plats, documents, correspondence, and materials submitted to the Board at the July 7, 2011 hearing, including but not limited to, the exhibits submitted by the Applicant; (2) the Board's minutes from the July 7, 2011 hearing; and (3) the Town of Maysville Zoning Ordinance and Zoning Map.

Findings of Fact:

1. That the subject property is located off of Hwy 17 North, 1.2 miles north of the intersection of Old White Oak River Road, on 58.2 acres of property. **SEE Facility Plan, EXHIBIT 1.**

2. That woodlands, fields and wetlands surround the property. No wetlands will be impacted by the proposed site locations of the recycling center and landfill.

3. That the proposed site location of the recycling center is more than 1,000 feet from the nearest residential structure; that the proposed site location of the landfill waste limits is approximately 1,777 feet from the nearest residential structure; and that the minimum distance allowed between those two points, as required by the State, is 500 feet. **SEE Composite Map, EXHIBIT 2.**

4. That there will be a 200 foot buffer around the landfill as required by the State. This buffer is wooded, and cannot be disturbed under the State permit needed for the landfill. **SEE EXHIBIT 2.**

5. That the proposed road into the recycling center is approximately 200 feet, except at the connection area at U.S. Highway 17, from any nearest residence and will be paved to NCDOT standards from Hwy 17 North to the recycling center.

6. That the Maysville Planning Board recommended, and the applicant agreed, that additional buffering of the residential properties would be possible by construction of a permanent 6 foot high earthen berm and tree plantings reaching at least 20 feet high to give a solid screen; and that this buffer would be along the western property lines of the residential properties adjoining the subject property. The Maysville Planning Board recommended to this Board that the Applicant's Conditional Use Permit application be approved subject to the aforementioned conditions.

7. That the recycling center and landfill will be gated and fenced.

8. That the landfill area will contain equipment to collect any leachate that accumulates, which will then be treated and properly disposed of, as required under the State permit for the landfill. Thus, no leachate will be allowed to migrate from the site onto neighboring properties. There will also be groundwater monitoring wells around the landfill, as required under the State permit for the landfill.

9. That stormwater will be collected and properly treated on site for all facilities. Thus, no untreated stormwater will be allowed to migrate from the site onto any neighboring property.

10. That there will be no significant impact on traffic along Highway 17 from the proposed use. **SEE Traffic Report, EXHIBIT 3.**

11. That noise from the proposed use of the recycling center will not exceed OSHA requirements.

12. That the proposed use of the C&D recycling center and landfill would be subject to the conditions and requirements set forth in the Franchise Agreement entered into with the Town of Maysville on May 27, 2011. **SEE Franchise Agreement, EXHIBIT 4.**

13. That Section 7.07(C) (4) of the Maysville Zoning Ordinance permits C&D recycling centers and landfills as a permitted use in the I-1 zoning classification.

14. That the conditional use permit public hearing was posted at the site and notice and publication was complied with in accordance with the Zoning Ordinance of the Town of Maysville.

Decision:

The Board of Commissioners voted unanimously 4 to 0 as follows (with Commissioner Flowers recused from voting on the matter):

1. That the proposed conditional use of a C&D landfill and recycling center will not materially endanger the public health and safety, if located where proposed and developed according to the proposed Facility Plan and subject to the conditions set forth herein and in the Franchise Agreement.

2. That Mr. James E. Maides, the applicant, has met all the requirements and specifications of the Town of Maysville Zoning Ordinance regarding Conditional Use Permits within an I-1 Zoning Classification.

3. That the proposed conditional use of a C&D landfill and recycling center will not substantially injure the value of adjoining or abutting property.

4. That the proposed conditional use of a C&D landfill and recycling center will be in conformity with the general plans for the development of the Town of Maysville.

5. That the proposed conditional use of a C&D landfill and recycling center will not constitute a nuisance or hazard because of the number of persons who will attend or use such facility, vehicular movement, noise, waste or fume generation, drainage, type of physical activity, or hazardous-by-products, or other materials on site.

6. That the proposed conditional use of a C&D landfill and recycling center will not be adversely affected by the existing uses.

7. That the proposed conditional use of a C&D landfill and recycling center will be placed on a lot of sufficient size to satisfy the space requirements of said use.

In view of the above findings Mr. Maides' request for a conditional use permit as described herein was approved with the further conditions:

1. That the applicant complies with all the requirements of the Maysville Zoning Ordinance with regards to site plan submission and approval.

2. That the applicant install a buffer consisting of a 6 foot high earthen berm and adjacent tree plantings following along the westernmost property lines of the adjoining residentially developed properties fronting Hwy 17 and placement of a 6 foot high solid fence along the road entrance adjacent to Bradley Hill's residential property on the north and Mr. Lassiter's residential property on the south.

This the 4th day of ~~July~~ August 4th, 2011.

James Harper
Mayor

Appeal Rights:

If the applicant or other interested person with appropriate standing is not satisfied with the decision of this Board, the applicant or such person has the right to file an appeal to the Superior Court of Jones County within (30) days of the filing of this decision.

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Jones County, North Carolina

People QuickFacts	Jones County	North Carolina
Population, 2012 estimate	10,275	9,752,073
Population, 2010 (April 1) estimates base	10,153	9,535,471
Population, percent change, April 1, 2010 to July 1, 2012	1.2%	2.3%
Population, 2010	10,153	9,535,483
Persons under 5 years, percent, 2011	5.5%	6.5%
Persons under 18 years, percent, 2011	20.6%	23.7%
Persons 65 years and over, percent, 2011	17.5%	13.2%
Female persons, percent, 2011	51.7%	51.3%
White persons, percent, 2011 (a)	65.0%	72.1%
Black persons, percent, 2011 (a)	32.1%	22.0%
American Indian and Alaska Native persons, percent, 2011 (a)	0.7%	1.5%
Asian persons, percent, 2011 (a)	0.4%	2.3%
Native Hawaiian and Other Pacific Islander persons, percent, 2011 (a)	Z	0.1%
Persons reporting two or more races, percent, 2011	1.7%	1.9%
Persons of Hispanic or Latino Origin, percent, 2011 (b)	4.4%	8.6%
White persons not Hispanic, percent, 2011	61.1%	65.0%
Living in same house 1 year & over, percent, 2007-2011	87.8%	83.9%
Foreign born persons, percent, 2007-2011	3.7%	7.4%
Language other than English spoken at home, percent age 5+, 2007-2011	4.7%	10.6%
High school graduate or higher, percent of persons age 25+, 2007-2011	81.2%	84.1%
Bachelor's degree or higher, percent of persons age 25+, 2007-2011	12.5%	26.5%
Veterans, 2007-2011	1,002	743,377
Mean travel time to work (minutes), workers age 16+, 2007-2011	27.0	23.4
Housing units, 2011	4,853	4,362,740
Homeownership rate, 2007-2011	72.6%	67.8%
Housing units in multi-unit structures, percent, 2007-2011	2.7%	17.0%
Median value of owner-occupied housing units, 2007-2011	$93,800	$152,700
Households, 2007-2011	4,074	3,664,119
Persons per household, 2007-2011	2.44	2.50
Per capita money income in the past 12 months (2011 dollars), 2007-2011	$21,099	$25,256
Median household income, 2007-2011	$40,687	$46,291
Persons below poverty level, percent, 2007-2011	14.9%	16.1%

Business QuickFacts	Jones County	North Carolina
Private nonfarm establishments, 2010	148	218,104[2]
Private nonfarm employment, 2010	995	3,234,595[2]
Private nonfarm employment, percent change, 2000-2010	-17.2	-4.5[2]
Nonemployer establishments, 2010	518	640,686
Total number of firms, 2007	850	798,791
Black-owned firms, percent, 2007	S	10.5%
American Indian- and Alaska Native-owned firms, percent, 2007	F	1.0%
Asian-owned firms, percent, 2007	F	2.5%
Native Hawaiian and Other Pacific Islander-owned firms, percent, 2007	F	0.1%
Hispanic-owned firms, percent, 2007	F	2.7%
Women-owned firms, percent, 2007	S	28.2%

Manufacturers shipments, 2007 ($1000)	0[1]	205,867,299
Merchant wholesaler sales, 2007 ($1000)	41,227	88,795,885
Retail sales, 2007 ($1000)	31,806	114,578,173
Retail sales per capita, 2007	$3,171	$12,641
Accommodation and food services sales, 2007 ($1000)	1,192	16,126,939
Building permits, 2011	25	32,804

Geography QuickFacts	**Jones County**	**North Carolina**
Land area in square miles, 2010	470.71	48,617.91
Persons per square mile, 2010	21.6	196.1
FIPS Code	103	37
Metropolitan or Micropolitan Statistical Area	New Bern, NC Micro Area	

1: Counties with 500 employees or less are excluded.
2: Includes data not distributed by county.

(a) Includes persons reporting only one race.
(b) Hispanics may be of any race, so also are included in applicable race categories.

D: Suppressed to avoid disclosure of confidential information
F: Fewer than 100 firms
FN: Footnote on this item for this area in place of data
NA: Not available
S: Suppressed; does not meet publication standards
X: Not applicable
Z: Value greater than zero but less than half unit of measure shown

Source U.S. Census Bureau: State and County QuickFacts. Data derived from Population Estimates, American Community Survey, Census of Population and Housing, State and County Housing Unit Estimates, County Business Patterns, Nonemployer Statistics, Economic Census, Survey of Business Owners, Building Permits, Consolidated Federal Funds Report
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