

TOWN OF LITTLETON

PUBLIC HEARING

SPECIAL USE PERMIT FOR SAWMILL OPERATION

September 24, 2019

6:00 P.M.

The Littleton Town Board of Commissioners met for a Public Hearing, Tuesday, September 24, 2019, at 6:00 p.m. in the Littleton Town Hall to receive comments pertaining to the application for a Special Use Permit for a sawmill operation to be located at the corner of E. North Main and Hackett Street, parcel number 0700149 by Mr. Ashley Wilson.

Present were Mayor Owen Scott, Commissioners Don Spragins, Gerleen Pitchford, Ophelia Gould-Faison, Bonita Knight, Steve Barcelo and Town Attorney, Kris Gardner and Town Clerk, Ellen Eller. There were also twelve members of the public present. The sign in sheet is hereby incorporated into the minutes. Mayor Owen Scott called the meeting to order at 6:00 p.m. Mayor Scott immediately turned the meeting over to Mr. Gardner to give an overview of the process and what would be taking place during the hearing.

Mr. Gardner explained when a town considers a Special Use Permit there are NC General Statutes to be followed. The procedure is called a quasi-judicial proceeding, which is similar to being in court. The applicant will be sworn in and has the burden of proof to establish that all the factors for the permit have been satisfied. The applicant may call other witnesses to testify or provide information. After that anyone in the audience or staff may speak after taking the oath. They can either offer their own testimony or cross-examine previous witnesses. Then the Board of Commissioners will go through each factor to see if the applicant has shown each condition is satisfied and balance it with any testimony that has been presented in either support or against the application.

Mr. Gardner asked Mr. Clyde Johnston as the representative of the Planning Board to explain the Planning Board's recommendation. Mr. Johnston explained the Planning Board had several questions for Mr. Wilson which he answered. It was their recommendation to the Town Board of Commissioners to give Mr. Wilson a Special Use Permit.

Mr. Gardner said the Planning Board's recommendation was to approve the Special Use Permit. He stated the area at the corner of E. North Main and Hackett Street is zoned Light Industrial and is not in a residential district. However, the sawmill operation falls under zoning section 308.1 which requires a Special Use Permit and gives dimensional requirements for the lot to be used in Section 308.2. Mr. Gardner said it appears from the site plan presented by Mr. Wilson those conditions have been met. Mr. Gardner then read the General Conditions which needed to be met in Section 710.1 through 710. Mr. Gardner also read 710.2 which allows the Board of Commissioners to impose any additional reasonable conditions and safeguards they deem

necessary to ensure the permit will be complied with. Specific condition requirements were also read which requires the Board of Commissioners to consider the effect the sawmill operation would have on neighboring property and deny the permit if an adverse effect would be created.

Mr. Gardner said the Board could approve or deny the permit following presentation of all of the evidence. If more time was needed to think about it that was an option as well. He recommended the Board not make a final vote until the next meeting on October 8th. He stated the law requires a detailed set of findings of fact and conclusions of law. He would be responsible for preparing a detailed document which would not be completed this evening but would have to be approved at the October 8th meeting if the Board made a final decision tonight.

Mayor Scott then swore in Mr. Ashley Wilson who resides at 420 Kings Lane, who desires a Special Use Permit for his sawmill operation. Mr. Wilson gave some background on himself and his business. He informed the Commissioners he has a portable sawmill with a 23 hp motor which is like running a lawn mower. He uses it to cut slabs and made to order wood, his customers come mainly from the internet. He also has a tractor which has a 27 hp motor. He explained his site plan has the mill at the back of the property with log storage and finished products toward the front. The entrance to the property will be from Hackett Street. There will space for turn around on the property. A site plan is hereby incorporated into these minutes. Mr. Wilson held up a different site plan from what was submitted, but this was not handed to the Board or provided into evidence.

Mr. Wilson handed out a copy of the portable sawmill itself. He stated 17' lumber is the longest piece he could cut, with a diameter cut up to 35-40", but it is set up for 25" cuts. Mr. Wilson stated his business right now is cut to order. He does not have a lot of inventory. He informed the Board his hours of operation will be from 8-6 Monday through Saturday. He will put up fencing after he builds structures on the property. He wants to have his operation center fenced off and does not want to have the public wandering the property.

Commissioner Gould-Faison asked if he was wanting to start at this location and grow, or if he was going to grow and move on to another location. Mr. Wilson answered he desired to stay at this location and create a legacy for his family. He has one employee who helps him right now.

Commissioner Barcelo asked about buildings on the property. There are some buildings on the property, but they are not usable at this time. There is a shed on the property that the owner will have to remove items from. Commissioner Pitchford asked if he owned the property. Mr. Wilson stated he did not. However, he would be buying the property if he was issued the Special Use Permit.

Commissioner Gould-Faison asked to reserve the right for questions after public comments. Town attorney, Kris Gardner said she had that right. He reminded the Board they would be

going through the conditions once all public comments were concluded and Mr. Wilson had presented all his evidence.

Mayor Scott then went through each of the General Conditions starting with 710.1.2, access roads, entrances and exits. Mr. Wilson stated right now everything was cut to order with customer communication. Mayor Scott said the driveway was dirt right now and wanted to know if gravel would be added. Mr. Wilson said yes as time progresses. 710.1.3—Mayor Scott asked if there would be any off street parking for loading or trash. Mr. Wilson no, it would be put on the lot to get out of the way. 710.1.4 Mayor Scott stated this was mainly for the town but wanted to know if it had utilities. Mr. Wilson said it use to and it was accessible. 710.5 Mayor Scott asked if the property was all wooded. Mr. Wilson stated it was. He stated he had cut the grass and would get the landscaping like he wanted it and then hire someone to keep it that way. Mr. Gardner stated this was also one of the specific conditions and wanted to know if he could leave the trees along the road as a buffer so the operation is screened from the street. Mr. Wilson answered yes, he was setting up at the back of the property. 710.1.6 Mayor Scott reiterated the hours of operation would be from 8-6 Monday through Saturday. He also asked if the number of people utilizing the property would be 5 or less, mostly two at a time. Mr. Wilson said work wise that was correct. The wood be cut to order. 710.2 Mr. Gardner said these were additional conditions the Board might want to impose, and the Board would go through them at the end. He reminded them one thing they might want to look for was how high the wood be stacked and if it would be something children might want to play on. Mr. Gardner said the Board might want to limit the height of stacking and put a fence around it for safety. Mr. Wilson stated yes, he had a five- year old and it was a concern and with the acreage he would he have single layer logs. Mr. Gardner asked if they would be stacked at all. Mr. Wilson said, no not the logs. The square timbers he is cutting he will stack. He said they were square stacked with boards between them. They will be banded if they are cut into small boards. If they are larger, they will be there for easy access to pull.

Mr. Gardner then went through the specific requirements to consider the effect of the operation on neighboring properties. Mr. Gardner mentioned the buffering had been covered. He said a portion of the outside use shall maintain sanitary conditions which would be a typical requirement of the permit. He mentioned there had been no fire or health department concerns.

The floor was then opened for public comments. Mayor Scott swore in Mr. Edward R. Johnston II. Mr. Johnston asked the size of his property currently and what the size at the proposed site would be. Mr. Wilson stated he was working on a one- acre lot in a residential subdivision right now. He also said the new site would be 3 acres. Mr. Johnston wanted to now if there were any children in the area where his proposed site is located. Mr. Wilson stated Mrs. Myrick had grandchildren, but they were a quarter of a mile away. He said he had not gone door to door and did not know of other children in close proximity. Mr. Johnston informed him there were a large number of small children there. Mr. Johnston wanted to know what steps he would take for safety. Mr. Wilson said he would fence in the area where the sawmill is running. He would have the area closed off to the public until he had time to organize and get shelters. Mr. Wilson

said he wanted to run a sawmill, cut wood, and build up inventory. He hoped to retail on the site eventually if all went well.

Mrs. Martha Faulcon affirmed and said she had a letter to Mayor Scott that needed to be opened from the pastor at South Street Baptist Church. Mrs. Faulcon then read the letter out loud. The church is concerned about the noise the sawmill would bring to the area during the week. The noise would interfere with the regular services, funerals, and other activities they have during the week. The church is also concerned about increased traffic and large trucks which would add increase noise to the area. Mr. Wilson said he had already discussed not running on Sunday. He also stated the traffic is minimal and he could coordinate with his customers for pick up so they would not be a hindrance. The tractor or the mill would not interfere with services. Mr. Wilson said he was the one who picks up the logs, all he has is a pick up and a trailer, and there wouldn't be any 18 wheelers the next couple of years.

Mayor Scott swore Mr. Joseph Price, 105 Kirkland Street. Mr. Price was concerned about the noise and mosquitos coming. He was concerned he could not go outside of his residence. He mentioned there was a lot noise the other night. Mr. Wilson stated he had used a bush hog to help clear some of the area. Mr. Price also stated the town of Littleton needed a company that would bring more than a couple of jobs to the area.

Mayor Scott affirmed Mr. Willis Brinkley, 107 Kirkland Street. Mr. Brinkley stated everything he has heard was tentative and he didn't know what the future would hold. He had concerns about the noise. He questioned Mr. Wilson about other locations for the sawmill. Mr. Wilson stated where he was now working was not large enough and was in a residential area. Mr. Wilson had looked at other properties, but this location was the most convenient. Mr. Wilson defined convenient as the amount of space, the location, the opportunity for growth, and suitability. Mr. Brinkley was concerned because the operation is small today, but there would be no account for how big it could become. Mr. Brinkley's concern was older people in the area, children, a daycare that could become operational there, and noise from the saw eight to ten hours a day. Mr. Wilson agreed there would be noise. Mr. Brinkley wanted a visual of what his business would be like in five years. Mr. Wilson stated he would like to have a storefront, pavement, inventory indoors in a shelter, steady operation going everyday but Sunday. Mr. Brinkley asked him if he had a picture of what it would be like. Mr. Wilson he stated he did not have a concrete plan. He was just beginning his business. Mr. Brinkley asked if it was possible for Mr. Wilson to provide a plan before the Board voted. Mr. Wilson stated he was not sure how far his business was going to go. He said right now he just wanted to cut wood and provide for his family and to grow and help Littleton. Mr. Brinkley asked how Mr. Wilson would take into consideration the families that live in the area of the site right now. Mr. Wilson said he was empathetic and did not want any conflict. Mr. Brinkley said his business was small right now, but in the future 18 wheelers could be going down the road, the lot could become unsightly, and road maintenance could be affected. Mr. Brinkley said there were a lot of things that would be going down instead of improving the community. Mayor Scott stated it was his understanding the Special Use Permit would be issued for the site Mr. Wilson was presenting

today, and any future growth would require Mr. Wilson to present a new site plan. Town Attorney, Mr. Gardner, explained in theory if a Special Use Permit was issued it would be limited to the here and now and what would occur now and any expansion would be an amendment which would require going through the process again. Mr. Gardner said if a permit were issued, it would limit the operation to what was presented. If any deviation of the site was done, the permit would not be in conformity and would not be allowed at that point. Mr. Edward Johnston II asked how often that would be reviewed. Mr. Gardner said he doubted the town has a Code Enforcement Officer, so it would be when people complain. Commissioner Pitchford stated the town does not have a Code Enforcement Officer, but any enforcement was handled by the chief of police. Mr. Brinkley asked to have a copy of the codes before any decision by the Board was made. Mayor Scott said copies would be made available. Mr. Brinkley then stated right now Mr. Wilson would be using a pick up to bring product to his site, but it was possible in the future 18 wheelers or something much larger would be gaining access to the community. Mr. Brinkley was also concerned that Mr. Wilson's Hackett Street entrance has several other ways to be accessed and access would not follow the path Mr. Wilson requested now. Mr. Brinkley felt more transparency should be made available before an approval was given.

Mr. Edward Johnston II then wanted to make a statement about his feelings for the sawmill operation. He stated he is an adjacent property owner and had grown up in Littleton when there was a sawmill operation on the property. He said he knows what it is like and the traffic that was there. He felt the town was moving away from industry like this. He was concerned about the traffic and safety of children. He stated both of his sisters who could not be at the meeting were also against the sawmill operation. Mr. Wilson then wanted to make sure everyone knew that Mr. Johnston would be his competition.

Mayor Scott then swore in Mr. Gregg Wilson, 279 Kings Lane. Mr. Wilson stated he grew up in Littleton when the previous sawmill was in operation and he could not hear it unless he was outside. He said right now he is living less than 1000 yards from where his son is cutting and he doesn't hear it. He also stated he doesn't hear Mr. Johnston's sawmill which is just down the road from him, and he didn't believe the operation would have 18 wheelers on the road. Mr. Willis Brinkley spoke up and said it might not be that kind of operation today, but he was looking to the future. He said businesses grow. He applauds Mr. Wilson for wanting to have a business but the location is not suitable for those currently living there. Mr. Edward Johnston II stated three years ago he was not unloading 18 wheelers, but today he is.

Commissioner Gould-Faison stated she was concerned for the residents in the area. She said she was just thinking about herself listening to a saw from 8 in the morning until 6 in the evening six days a week. She said she understood you might not hear it if you were in your home, but a lot of citizens in the area tend to sit outside on the front porch or do yard work. She felt that was a lot to ask of the citizens in the area who had health issues and were senior citizens. She also mentioned the use of the church with funerals and services. She felt that was a long time during the day without a reprieve.

Commissioner Barcelo wanted to know how Mr. Wilson would deal with waste products and sawdust. Mr. Wilson said he would give away firewood. He also had a plan to buy a chipper as well. Commissioner Barcelo asked Mr. Johnston how he took care of his waste. Mr. Johnston said he cut it up for firewood, mulching sawdust, everything is wide open on 20 acres. He stated he was using all 20 acres at this time. Commissioner Barcelo asked Mr. Wilson to state his businesses name. Mr. Wilson's business is A.W. & Sons Forestry Products. Commissioner Barcelo asked Mr. Johnston to state his businesses name. Mr. Johnston's business is MorninWood Forest Products. Mr. Brinkley spoke again and asked if Mr. Wilson had thought about using the old fair grounds, which is out of the way. Mr. Wilson stated he had chosen this property for his business.

Mayor Scott swore in Carolyn Harmon, Church Street in Enfield, representing the Daily Herald. Ms. Harmon asked about safety issues on the property. She said she thought the property currently has old buildings and trash piles and wanted to know how it was safe for children now. She wanted to know if a business is different than abandoned property. Mr. Gardner said it just depends. One thing would be different, this would be a government sanctioned use of property that the town would be authorizing and it has specific guidelines so public health and safety are balanced.

Mr. Willis Brinkley was concerned about Mr. Wilson working on Sunday. He was concerned that at some point in time Sundays would be operational. Mr. Wilson said customers would pick up product on Sunday, but he would not operate the sawmill on Sunday. Mr. Brinkley said he was not just concerned about the noise but also the traffic.

Town attorney Gardner asked if there would be any burning of debris. Mr. Wilson stated there would not be. He also wanted to clarify that the driveway would be not be gravel or pavement, it would be unimproved. Mr. Wilson stated it is dirt and had been out of use for some time.

Commissioner Gould-Faison asked about odor. Mayor Scott asked if there would be any treatment with chemicals that could cause on odor. Mr. Wilson said no.

Mr. Gardner then told the Board they had some options. Option 1: Close the public hearing and table it so you can think about it more. Option 2: Keep public hearing open and table it to think some more and have follow up questions. Option 3: Go through each condition, take a tally to see if conditions have been met and if there are enough votes to approve it. Option 4: If there are votes enough to approve it, see if there any additional conditions the Board would like to apply.

Commissioner Spragins made a motion; seconded by Commissioner Barcelo to recess the Public Hearing for the next meeting and calendar this matter at the next meeting October 8th. Motion voted and carried.

Mayor Scott stated the public hearing was recessed and will be open again for question and comment October 8th at 6:00 p.m.