

Raid
4/10/03



Town of Oriental Application for
Special Use

NONREFUNDABLE Permit- Fee \$500.00

Date Received: 4-6-2003

Fee Paid: 500.00 PK #2766

APPLICANT: AXL LLC
ADDRESS: 1718 Lupton DR, Oriental, NC 28571
PHONE: _____ CELL: _____ FAX: _____ EMAIL: _____

PROPERTY OWNER: Applicant
ADDRESS: see above
PHONE: _____ CELL: _____ FAX: _____ EMAIL: _____

PROJECT CONTACT PERSON: Jennifer Pawlikowski
ADDRESS: above
PHONE: _____ CELL: _____ FAX: _____ EMAIL: _____

PHYSICAL LOCATION: 1216 Lupton St.

GMO ZONE OF THE PROPERTY: R-1 rezoning to MU-1 pending

INTENDED USE OF PROPERTY: boat yard

PREVIOUS USE OF PROPERTY: boat yard

DOES THIS PROJECT INVOLVE A CHANGE IN USE? YES NO
IF YES, DESCRIBE HERE: MORE traditional boat yard use.

DOES THIS PROPERTY INVOLVE A COMBINATION OF USES? YES NO
IF YES, DESCRIBE HERE: _____

HAS THIS LOT BEEN REPLATTED IN LAST 12 MONTHS? YES NO IF YES, WHEN? _____

NO. PARKING SPACES AVAILABLE: not limited

SQUARE FOOTAGE OF STRUCTURE: N/A SQUARE FOOTAGE USED FOR BUSINESS: _____ NUMBER OF PARKING SPACES REQUIRED: _____ WILL OFFSITE PARKING BE UTILIZED? YES NO IF YES, WHERE AND NUMBER OF SPACES? _____

WILL SIGNS BE ERECTED OR MODIFIED? NO If yes, please complete a sign permit application.

DOES THIS USE COMPLY WITH COVENANTS/HOA covenants restrict structures not use. RESTRICTIONS? _____ (attach copy)

ATTACHMENT(S): Change of Use Form Sign Permit Site Plan or Survey Parking Landscape Plan Other: _____

I certify that all of the above information and that contained in the attachments hereto is true and accurate to the best of my knowledge and that all work will comply with state and local codes, laws and ordinances. The Town of Oriental will be notified of any modifications to the approved plans prior to the change being done. I understand that any place modifications may require a new application in compliance with the Town of Oriental. Growth Management Ordinance, and failure to report such changes may result in permit revocation. I certify that I am the property owner or that I am authorized to act on the property owner's behalf.

Jennifer Pawlikowski
Applicant Signature

4/5/03
Date Signed

Town of Oriental
Special Use Permit Application
1216 Lupton Street
Proposed Conditions

Re: AXL, LLC Application for a Special Use Permit

TO: Town of Oriental Planning Board and Town Board of Commissioners

In connection with its application for a rezoning of 1216 Lupton Street (the "Lot") from R-1 to MU, and its application for a Special Use Permit, the applicant requests the following restriction under Section 216 of the Growth Management Ordinance ("GMO"):

A Special Use Permit permitting the Lot to be used as a Commercial Boat/Ship Yard is issued to the applicant, and attaches to the title of the land, but subject to the following requirements and restrictions as authorized by Section 216 of the GMO:


1. No structure used commercially is permitted on the lot other than the existing and replacement docks.
2. The only commercial use permitted on the lot is Commercial Boat/Ship Yard as specified in Section 251.40 of the GMO, but as further restricted herein.
3. Only the following boat yard activities are permitted on the Lot:
 - a. Storage of boats,
 - b. Movement of boats by travel lift or trailers,
 - c. Placement of boats on stands,
 - d. Vehicle parking as an appurtenance to the operations on 1218 Lupton St.,
 - e. Maintenance and repair services,
 - f. Boat painting and refinishing,
 - g. Refitting and rigging,
 - h. Canvas and sail work, and
 - i. Docking facilities for marine craft.

4. All boatyard activities permitted in this Special Use Permit must be conducted in conformity applicable environmental laws and regulations.
5. All boatyard operations on the Lot must conform to the Town's sound level regulations.
6. The owner of the Lot will place and maintain an opaque fence, or a hedge, at least five feet high on or near the common boundary with 1214 Lupton Street within six months after the issuance of this Special use Permit. If a hedge, the plants will be of the type that will be expected to grow to five feet of height within three years of planting.
7. The Special Use Permit with the restrictions provided herein will be signed by the applicant to be recorded at the Pamlico County Register of Deeds Office to have the effect of a restrictive covenant on the Lot enforceable by the Town.

Respectfully submitted.

AXL, LLC
M & J Marine, LLC, d/b/a Sailcraft Service
Jennifer and Michael Pawlikowski

By:


Jennifer Pawlikowski

May 19, 2023

EJ Mitchell
1213 Lupton Drive
Oriental, NC 28571

Re: SailCraft Services Boat Yard Expansion Noise Monitoring

EJ:

As requested, Stewart Acoustical Consultants (SAC) has performed noise measurements at the properties adjacent to 1213 Lupton Drive. This letter summarizes the measurement methodology and results.

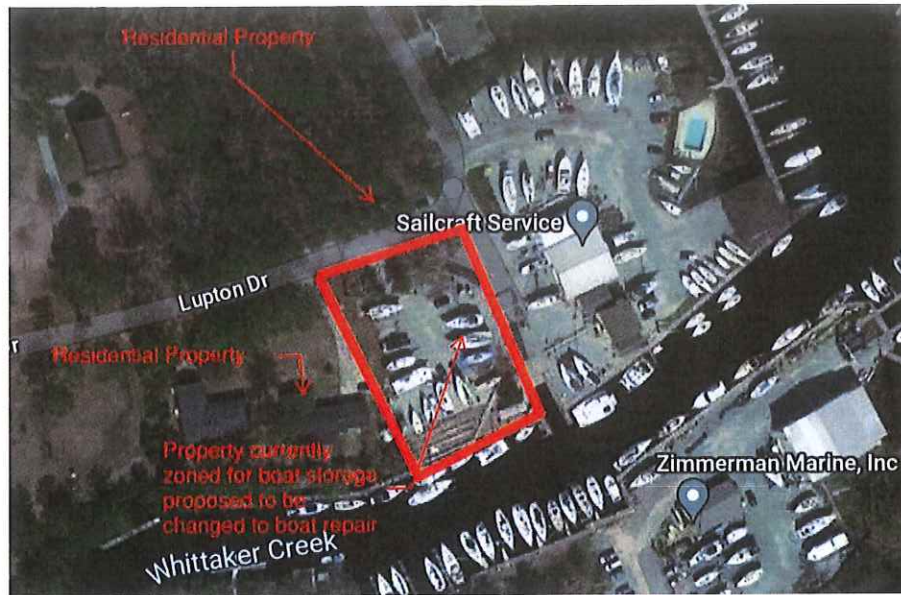
Proposed Project Description

There are two wooded residential lots to the east of 1213 Lupton Drive. To the south of the property is a boat yard storage area associated with Sailcraft Services. Further south there is a boat ramp. There is a marine crane that operates to move the boats to the boat ramp and to various storage and repair areas within the Sailcraft Services area.

Ambient noise for the wooded residential lots is controlled by activity at the existing Sailcraft Services facility, including sanding, spray washing, hammering, tones generated by wind blowing through the masts, and operation of the marine crane. Wildlife activity including bird song and squirrel movement, as well as local traffic also contributes to the ambient noise levels. Sailcraft Services operates between 8:00 am and 5:00 pm on weekdays. It is closed on the weekend.

The project being evaluated is changing the zoning of the property to the south of the residences from a boat storage facility to a boat repair facility. There is also a residential property directly west of the Sailcraft Services. Even though this property is currently owned by Sailcraft Services, since it is zoned as residential, it is important to consider this property as a noise sensitive receptor for future ownership possibilities. Figure 1 below documents the area proposing a zoning change.

Figure 1 – Project and Surrounding Area



Noise Criteria

The City of Oriental Code of General Ordinances Article II – General Nuisance, Section 1 "Loud Noise" provides a general limit to disturbing noise:

"It shall be unlawful for any person, or group of persons, regardless of number to willfully to make, continue, or cause to be made or continued, any unreasonable loud or disturbing noise in excess of the limits for such noise established in this section."

There are specific noise limits for sound amplification equipment documented in Section 2 – Noise Disturbance Prohibited:

"...it shall be a violation to operate or allow the operation of sound amplification equipment so as to create sounds registering more than 65 dBA +/- 2dBA between the hours of 9:00 am to 9:00 pm or 60 dBA +/- 2 dBA between the hours of 9:00 pm and 9:00 am as measured at an exterior portion of the dwelling unit of a person alleging a complaint.."

Section 3 – Noises Expressly Prohibited limits mechanical devices operated by compressed air:

"The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of the above Section, but said enumeration shall be not deemed to be exclusive, namely:

...(b) The use of any gong or siren upon any vehicle, other than police fire or other emergency vehicles.

... (c) The use of any mechanical device operated by compressed air, unless the noise created thereby is effectively muffled and reduced, or used to give notice of time to begin or stop work, or as a warning of danger.

...(h) The creation of loud and excessive noise in connection with loading or unloading any vehicle.

...(m) Repair/service facilities or filling station in any residential district so as to cause loud or offensive noises to be emitted there from between the hours of 9:00 pm and 7:00 am."

Currently the marine crane uses a warning alarm while it is operating. This alarm is tonal in nature and is disturbing to the adjacent residential properties. OSHA requires sound generating alarms in Title 29 CFR 1926.601 (b)(4), which states:

"No employer shall use any motor vehicle equipment having an obstructed view to the rear unless:

- (i) The vehicle has a reverse signal alarm audible above the surrounding noise level or:
- (ii) The vehicle is backed up only when an observer signals that it is safe to do so."

Sound Measurements

SAC used two NTI Audio Solutions XL2 sound meters to document the ambient noise levels. Measurement locations are documented in Figure 2 below.

Figure 2 – Noise Measurement Locations



Detailed measurements are located in Appendix B. A brief explanation on sound and the metrics used is included Appendix A. Table 1 below provides a summary.

Commented [JG1]: Do you want to reverse sentence on Appendix B to follow sentence on Appendix A?

Table 1 – Summary of Ambient Sound Measurements

| Monitor Location | 24-Hour Sound Level | Quietest Recorded Leq between 8:00 am and 5:00 pm Friday |
|------------------|---------------------|--|
| 1 | CNEL 50.7 | 48 dBA @ 2:00 and 3:00 pm |
| 2 | CNEL 53.1 | 49 dBA @ 2:00 pm |

Commented [JG2]: Probably should have a sentence or short paragraph in Appendix A explaining Community Noise Exposure Level.

Measurements show the existing ambient conditions are appropriate for a residential community. There are periodic times when a power washer, sanding and hammering can be heard at measurement location 1. Construction activities at the house at 1212 Lupton Drive were also audible at both locations throughout the daytime on Friday. The backup warning alarm of the marine crane was clearly audible Friday at 2:27 pm until 2:37 pm.

Commented [JG3]: Do you want to label where 1212 Lupton is on the Aerial for the reader?

General Discussion

The City Code does not provide information to help with zoning decisions. Noise impact to residential properties should always be considered when evaluating appropriate zoning. A boat yard repair property would generally be considered an Industrial zoned property. Generally, to help reduce noise impacts, Industrial Zones do not share property lines with Residential Zones.

The current zoning provides a sound buffer between the residential properties. Repair activities are required to be further from the residential properties and the immediately adjacent areas are used for boat storage. Repair noise sources documented at the existing repair area included power washing, hammering, and sanding. The backup alarm of the marine crane was also documented. Pushing these noise generating sources closer to the residential properties conflict with appropriate zoning for noise sources.

Current repair activities are conducted within and near the structure that is approximately 150 feet from the corner of Lupton Drive and Tosto Circle. Allowing the proposed project to change zoning would move repair activities to within 50 feet of the residential property to the north and immediately adjacent to the residential property at the west.

The resultant ambient noise depends on the activities at the boatyard among the other ambient noise sources. As repair, washing, and moving the boats around the yard increases, the ambient noise levels would increase. Without a detailed schedule of the existing conditions, and the anticipated future conditions it is difficult to provide a specific value to the anticipated ambient noise increase.

There are several factors that provide strong evidence the proposed project will result in an increase in ambient noise levels. First, the repair activities are moving closer to the residential properties. The residential property line to the west is shared with the proposed project. Residential properties are less than 50 feet from the proposed project's property line to the north. By decreasing the distance between the noise source and the noise sensitive receptors an increase of at least 5 dB can be anticipated without acoustical

mitigation, assuming the same activities within the boatyard. Additionally, with an increase of area where repairs are conducted, we can anticipate an increase in repair activity. If operations are anticipated to double, a 3 dB increase in sound contributed by the boatyard can be expected.

Some of the sections of the City Code of Ordinances apply to the existing operations at the board yard.

Sirens are specifically restricted by the City Code. OSHA does not require the signal alarm to be of any specific nature. Thus, to comply with the City Code of Ordinances, piercing tonal sirens shouldn't be used. White noise backup alarms have been shown to be able to comply with the OSHA requirements of providing an audible alarm above the surrounding noise level and are significantly less disturbing to adjacent properties because there is no audible tone to them. To comply with the City Code of Ordinances, the warning siren on the marine crane should be changed to a white noise alarm.

Although the boat yard uses a water compressor for the pressure washers, it is a similar noise in nature to an air compressor, and consequently sound reduction measures, such as performing the power washes behind a sound wall should be employed when the compressor is in use.

This summarizes our comments at this time. Should you have any questions, please feel free to contact me.

Sincerely,

STEWART ACOUSTICAL CONSULTANTS



Aaron Bétit, Principal Consultant
member of NCAC, ASA

Appendix A – General Discussion of Sound and Metrics Discussed in this Report

Noise Background

Noise is measured on a logarithmic scale of sound pressure level known as a decibel (dB). The human ear does not respond uniformly to sounds at all frequencies, being less sensitive to very low (<200 Hz) and high frequencies (>20,000 Hz) than to medium frequencies that correspond with human speech. In response, the A-weighted noise level (or scale) has been developed. The A-weighted scale corresponds better to a human being's subjective judgment of sound levels. This A-weighted sound level is called the "noise level" referenced in units of "dBA". All sound levels discussed in this report are A-weighted.

Human Perception of Noise

The human perception of noise can vary greatly from person to person. In addition to the individual sensitivity to noise, factors that influence individual responses include the intensity, frequency, and time pattern of the noise; the amount of background noise present prior to the intruding noise; and the nature of human activity exposed to the noise. Community noise levels are generally considered low when ambient levels are below 45 dBA, moderate in the 45 to 60 dBA range, and high above 60 dBA.

Sound Propagation and Attenuation

In general, sound from a source spread out as it travels away from the source, and the sound pressure level diminishes with distance in accordance with the "inverse square law." Individual sound sources are considered "point sources" when the distance from the source is large compared to the size of the source. Sound from a point source radiates hemi spherically, which yields a 6 dB sound level reduction for each doubling of the distance from the source. If the sound source is quite long in one dimension the source is considered a "line source". Sound from a line source radiates cylindrically, which typically yields a 3 dB sound level reduction for each doubling of the distance from the source. Larger objects radiate sound in more complex patterns but ultimately transition to 6 dB per doubling of distance after approximately 4 times the larger dimension.

In addition to distance attenuation, the air absorbs a certain amount of sound energy, and atmospheric effects (wind, temperature, precipitation), and terrain/vegetation effects also influence the sound propagation and attenuation over large distances from the source.

Sound Power Level (PWL) and Sound Pressure Level (SPL)

The Sound Power Level is a measure of the quantity of sound energy radiated by a source, producing a Sound Pressure Level at some distance may be heard at a receptor location. The sound pressure level at the receptor location is affected by how the sound power is radiated and distributed (point source, line source or area source).

Sound Measurements

Instantaneous sound levels are measured with "fast" or "slow" time weighting. Fast corresponds to a 125-millisecond time constant. Slow corresponds to a 1 second time constant. The slow time weighting was developed to better mimic a human ear's reaction

to changes in sound pressure level. The fast response can be used levels are changing rapidly. To evaluate environmental noise sound levels are generally averaged over a period of time. If there are instantaneous events, maximum noise levels are often used instead.

Percentile Sound Levels (Ln)

Sound can also be described with specific percentages of a period of time to better document human reaction. Percentiles allow the consultant to document both the instantaneous noise events, as well as the consistent ambient noise levels. 1%, and 10% levels are used to indicate higher intermittent levels from the average value and 90 or 99 % are used to indicate the steady part of the sound. "Fast" or "slow" response is chosen as part of all these measurements. These measurements are labeled L% so the level exceeded 90% of the time would be labeled L90.

Equivalent Sound Level (Leq)

The equivalent sound level, Leq, is the level of a constant sound which has the same sound energy as does the time-varying sound over the same period of time. The time interval over which the measurement is taken should always be specified.

Appendix B – Sound Measurements Reported Over Hourly Periods

Location 1

| Start | Duration | LASmax [dB] | LAeq [dB] | L 10.0 % [dB] | L 50.0 % [dB] | L 90.0 % [dB] |
|---------------------|----------|-------------|-----------|---------------|---------------|---------------|
| 2023-05-12 07:00:00 | 0:30:24 | 75.9 | 49.2 | 51.1 | 43.7 | 37.8 |
| 2023-05-12 08:00:00 | 1:00:00 | 65.6 | 48.5 | 51.0 | 44.7 | 37.9 |
| 2023-05-12 09:00:00 | 1:00:00 | 67.6 | 54.2 | 57.8 | 46.7 | 39.0 |
| 2023-05-12 10:00:00 | 1:00:00 | 75.9 | 57.7 | 59.9 | 45.4 | 41.0 |
| 2023-05-12 11:00:00 | 1:00:00 | 69.3 | 50.2 | 51.4 | 43.6 | 39.7 |
| 2023-05-12 12:00:00 | 1:00:00 | 67.4 | 47.7 | 48.6 | 42.3 | 38.4 |
| 2023-05-12 13:00:00 | 1:00:00 | 66.7 | 47.7 | 48.3 | 40.8 | 37.2 |
| 2023-05-12 14:00:00 | 1:00:00 | 71.1 | 54.2 | 57.6 | 44.5 | 39.2 |
| 2023-05-12 15:00:00 | 1:00:00 | 64.3 | 47.8 | 50.0 | 43.3 | 40.3 |
| 2023-05-12 16:00:00 | 1:00:00 | 79.4 | 52.2 | 50.7 | 43.7 | 40.2 |
| 2023-05-12 17:00:00 | 1:00:00 | 65.4 | 47.0 | 48.8 | 43.1 | 40.3 |
| 2023-05-12 18:00:00 | 1:00:00 | 63.3 | 45.7 | 48.3 | 42.6 | 39.8 |
| 2023-05-12 19:00:00 | 1:00:00 | 63.3 | 43.1 | 44.9 | 40.2 | 37.0 |
| 2023-05-12 20:00:00 | 1:00:00 | 60.9 | 41.1 | 42.2 | 37.5 | 34.8 |
| 2023-05-12 21:00:00 | 1:00:00 | 61.3 | 37.0 | 36.9 | 34.5 | 32.1 |
| 2023-05-12 22:00:00 | 1:00:00 | 59.4 | 35.1 | 34.5 | 32.2 | 31.1 |
| 2023-05-12 23:00:00 | 1:00:00 | 59.4 | 35.5 | 32.9 | 30.6 | 28.8 |
| 2023-05-13 00:00:00 | 1:00:00 | 37.9 | 29.2 | 30.0 | 29.1 | 27.9 |
| 2023-05-13 01:00:00 | 1:00:00 | 33.8 | 28.5 | 29.6 | 28.3 | 27.3 |
| 2023-05-13 02:00:00 | 1:00:00 | 38.0 | 27.6 | 28.1 | 27.0 | 26.4 |
| 2023-05-13 03:00:00 | 1:00:00 | 31.7 | 26.8 | 27.5 | 26.6 | 26.1 |
| 2023-05-13 04:00:00 | 1:00:00 | 39.8 | 27.4 | 29.2 | 26.8 | 25.7 |
| 2023-05-13 05:00:00 | 1:00:00 | 55.1 | 43.6 | 48.8 | 37.2 | 28.1 |
| 2023-05-13 06:00:00 | 1:00:00 | 63.5 | 45.7 | 49.1 | 39.1 | 33.9 |
| 2023-05-13 07:00:00 | 1:00:00 | 73.5 | 54.5 | 55.2 | 40.1 | 34.5 |
| 2023-05-13 08:00:00 | 1:00:00 | 71.4 | 48.0 | 48.9 | 41.1 | 36.1 |
| 2023-05-13 09:00:00 | 0:51:07 | 80.2 | 54.5 | 47.7 | 42.8 | 38.4 |

Location 2

| Start | Duration | LASmax [dB] | LAeq [dB] | L 10.0 % [dB] | L 50.0 % [dB] | L 90.0 % [dB] |
|---------------------|----------|-------------|-----------|---------------|---------------|---------------|
| 2023-05-12 07:00:00 | 0:20:38 | 79.6 | 57.6 | 59.7 | 52.2 | 49.0 |
| 2023-05-12 08:00:00 | 1:00:00 | 71.9 | 54.4 | 58.6 | 50.6 | 48.1 |
| 2023-05-12 09:00:00 | 1:00:00 | 72.0 | 53.7 | 56.5 | 50.7 | 48.1 |
| 2023-05-12 10:00:00 | 1:00:00 | 66.4 | 53.0 | 56.2 | 50.3 | 47.5 |
| 2023-05-12 11:00:00 | 1:00:00 | 68.8 | 51.9 | 54.3 | 49.1 | 47.1 |
| 2023-05-12 12:00:00 | 1:00:00 | 78.4 | 53.5 | 54.0 | 48.9 | 46.7 |
| 2023-05-12 13:00:00 | 1:00:00 | 78.3 | 51.9 | 52.7 | 47.6 | 43.0 |
| 2023-05-12 14:00:00 | 1:00:00 | 63.4 | 49.1 | 51.8 | 46.1 | 40.6 |
| 2023-05-12 15:00:00 | 1:00:00 | 69.5 | 51.9 | 54.7 | 49.3 | 47.0 |
| 2023-05-12 16:00:00 | 1:00:00 | 85.3 | 57.4 | 57.2 | 50.2 | 47.5 |
| 2023-05-12 17:00:00 | 1:00:00 | 69.4 | 52.8 | 55.7 | 49.9 | 44.8 |
| 2023-05-12 18:00:00 | 1:00:00 | 70.3 | 51.2 | 53.5 | 47.7 | 44.0 |
| 2023-05-12 19:00:00 | 1:00:00 | 63.1 | 45.2 | 47.1 | 42.9 | 40.4 |
| 2023-05-12 20:00:00 | 1:00:00 | 60.5 | 43.2 | 44.3 | 39.5 | 37.1 |
| 2023-05-12 21:00:00 | 1:00:00 | 60.8 | 38.5 | 39.1 | 37.2 | 36.4 |
| 2023-05-12 22:00:00 | 1:00:00 | 59.2 | 38.0 | 38.7 | 37.0 | 35.9 |
| 2023-05-12 23:00:00 | 1:00:00 | 61.6 | 38.0 | 37.5 | 36.0 | 34.2 |
| 2023-05-13 00:00:00 | 1:00:00 | 38.5 | 34.3 | 35.1 | 34.1 | 33.6 |
| 2023-05-13 01:00:00 | 1:00:00 | 38.7 | 34.2 | 34.9 | 34.1 | 33.7 |
| 2023-05-13 02:00:00 | 1:00:00 | 40.6 | 34.1 | 34.7 | 33.8 | 33.4 |
| 2023-05-13 03:00:00 | 1:00:00 | 39.5 | 35.2 | 35.8 | 35.5 | 33.9 |
| 2023-05-13 04:00:00 | 1:00:00 | 39.1 | 34.8 | 35.9 | 34.4 | 33.9 |
| 2023-05-13 05:00:00 | 1:00:00 | 58.0 | 42.7 | 46.4 | 39.9 | 34.4 |
| 2023-05-13 06:00:00 | 1:00:00 | 72.4 | 52.5 | 52.2 | 42.7 | 38.5 |
| 2023-05-13 07:00:00 | 1:00:00 | 72.5 | 52.0 | 53.9 | 48.5 | 39.6 |
| 2023-05-13 08:00:00 | 1:00:00 | 70.7 | 51.2 | 53.0 | 49.2 | 47.2 |
| 2023-05-13 09:00:00 | 0:44:11 | 69.4 | 51.2 | 53.2 | 49.3 | 47.1 |



ORIENTAL PLANNING BOARD MINUTES

Wednesday, May 17, 2023, 3:00PM
Oriental Town Hall – 507 Church Street, Oriental, NC

CALL MEETING TO ORDER AND ESTABLISH QUORUM: At 3:00PM, Chair Rahm called the meeting to order. Members present: Chair Rahm, Members Stone, DeWeese. VC Quigley and Member Crothers had excused absences. LUA Miller present and recording.

APPROVAL OF THE AGENDA: Member Stone makes a MOTION to approve the agenda. Member DeWeese seconds. 3-0.

MINUTES: Chair Rahm thanks LUA for the extensive Minutes. Member DeWeese makes a MOTION to approve the April Minutes. Member Stone seconds. 3-0.

PUBLIC COMMENT:

- **Mr. Whitford for the Pawlikowskis:** Offers a list of conditions. Fence/Landscaped border between 1214 and 1216.
- Commissioner Roe speaks proxy for Ms. Mitchell – full time resident immediately across from the property in question. Requests Board consider her letter (PB has). Biggest concern is the quietness of neighborhood. Speeding, lights, noise.

OLD BUSINESS

- **SUP request:** Sailcraft (Jennifer and Mike Pawlikowski) is asking for the adjacent lot at 1216 Lupton Drive, recently rezoned from R-1 to MU be granted a Special Use Permit to operate a boatyard on the property. The Pawlikowskis have offered conditions to be considered to be imposed with the SUP.
- Chair Rahm notes all concerns, but also notes time can't stand still and things need to progress responsibly. Several things going on at once in the area, including construction on the same street. Commends the Boatyard for making this known to their employees.
- Chair prefers vegetative border instead of fence.
- Lighting that shines downward and does not leave the property would be a good recommendation. Mrs. Pawlikowski notes there are no plans to increase lighting.
- Member Stone notes presence of pump station on the corner.
- Chair Rahm asks about speeding. LUA Miller notes that traffic (speeding) issues are a Town enforcement/ Ordinance change/adjustment for the Board to take up separately.
- LUA asks if there is access onto the water side of the property- noting if not, vegetative buffer could be recommended there also- there is a dock and access.
- **Vegetative screening to be 5 ft tall within 3 years.**
- LUA notes the noise ordinance is what it is- already subject to that. Could note DIYers would be responsible for violation. Violations would be issued to property owners, but owners could pass on.

- Mrs. Pawlikowski said they are very strict on blackwater violations. All kinds of preventative measures in place. Notes 3 employees live on boats there- don't allow violations.
 - Chair Rahm adds any security lighting must be contained to the property (not shining into other properties).
 - Commissioner Overcash asks about docks- any structure would need to conform to current GMO at the time of request. Parking requirements, landscaping, height limits, etc.
 - Manager suggests increased activity on that lot have to be compliant with BMPs of boatyards according to CAMA and DEQ.
 - Several questions included regulating the existing MU in addition to the new MU. Can't do that.
 - Member DeWeese still has issues that we cannot completely regulate any discharge into the creek. Asks about regulating the Sailcraft Marina lot- can't do it. She also asks for signage that designates which properties are which and numbers to call if there is a problem. LUA notes we cannot require signage displaying the mapped properties.
 - Chair notes that people with issues should contact the office to have problems corrected.
 - Suggestion for Sailcraft to post phone numbers for contact if there are issues.
 - LUA makes sure Police do have off hours contact numbers- Oriental PD does.
 - Chair notes all good thoughts- certainly not all go into the SUP recommendation. We have addressed Ms. Mitchell's concerns adequately.
 - Mrs. Pawlikowski asks about timing in the meeting. LUA notes the Public Hearing for the budget goes first. This would go second.
- **Comprehensive Plan:** Surveys complete. Direction from Chair. Member DeWeese has been summarizing the responses from the survey to see percentages and trends. Letters to Representatives pushed back the Comp plan. Emphasis on maintaining what we have instead of bringing in more, affordable housing have been noted often. We did online survey, paper survey- all kinds of options- over 230 responses received. Board open house last spring also informed the Plan.

April 19, 2023 Minutes Member Stone makes a MOTION to accept the Minutes from 4/19/23. Member DeWeese seconds. 5-0.

- Manager has secured someone to re-type that document- when we add the new census, recommends that we simply add and not remove previous.
- Still need input from the Commissioners and asked them to get feedback from their assigned volunteer Boards with input. Previous- original creation- went pretty much door to door to get questions answered.

NEW BUSINESS

- **Inn at Oriental: recombination platting as condominiums.** Attorney has advised that this does not have to go through Planning, but LUA felt like we needed a record somewhere. When previously subdivided, we advised them it could not be broken back apart because the one would now be nonconforming. Both our attorney and their attorney have agreed that this is the legal recombination.

- **A new question about** building additional on that lot has to be answered by the attorney. LUA will send to the attorney immediately after the meeting. LUA believes that you cannot add to the smaller building and make the setbacks from NOT common area to common area boundary. Portion behind the smaller structure is already impervious. Potential buyer asks questions about additional building. LUA reiterates she will contact the attorney for the additions.
- **Compliance Forms**
 - NONE
- **Letters to Representatives concerning legislation in the NCGA.** The Planning Board has drafted letters to our representatives as directed by the BOC to address zoning issues in the proposed bills. Information from the Town Board, LUA, and others taken into account in our response- most are zoning issues. Mayor Pro Tempore White notes it needs to go to both Senator Sanderson and Representative Kidwell.
- **SUP** request for Short Term Rental at 407 High St. Need to forward to BOC for Public Hearing. Member Stone makes a MOTION to forward a request to the Town Board for a Short Term Rental. Member DeWeese seconds. 3-0. There was a question of the zone. Form DOES ask for it- applicant did not fill out. LUA will correct. Notes- most people do NOT know what zone they are in. Mayor Pro Tem White asks if the fee is to be raised. LUA answers that it is not- it is the fee to amend the GMO map that will be raised in the proposal the Town Board has- which still may not cover the costs, but will come closer.
- **Development at IceMan property.** Dr. Bob approved planting in the back after the Planning Board required in the front. Had this discussion last week. Chair recommends that the Board pursue revocation of the SUP if the planned planting is not accomplished. Chair notes placement is important to avoid being taken out by trailered boats (primary users).
- **Compliance Forms**
 - NONE

NON-AGENDA ITEMS / PUBLIC COMMENT:

- **STRs:** from research to craft letter to representatives- we do not have a good number of STRs in town. Govt software was cost-prohibitive. Member DeWeese asks if non-government-approved software is acceptable. We would run any potential new software through our IT consultant, but the LUA believes as long as the software does not access the Town's server to complete their work, it should not be a problem. LUA explains the problem- funds forwarded, but the State required paperwork does NOT accompany-ever. No accurate count on how many rooms available, how many rented by month, etc. One of the proposed bills requires that manager/owner must be within 50 miles of the property when rented. Concerns for many empty houses used JUST for short term rentals while we don't have affordable housing for those who work here. Chair Rahm found 23 STRs in our own realtors. Changes every month- people cruise away for months at a time.

ADJOURN: Member Stone Makes a MOTION to adjourn. Member DeWeese seconds. 3-0 at 5:33PM . **Next Meeting scheduled for June 21, 2023, 3PM.**

Planning Board Recommendations on Sailcraft SUP request

The Planning Board recommends approval of the permit, according to the following:

86.1.4.1 The requested permit IS within its jurisdiction according to the table of permissible uses. Section 9.250

86.1.4.2 The application is complete

86.1.4.3

86.1.4.3.1 DOES comply with the requirements of this chapter

86.1.4.3.2 The Planning Board has been presented no evidence and therefore does not have an opinion on whether the project endangers public health or safety.

Additional evidence may be presented to the Board of Commissioners at their Public Hearing.

86.1.4.3.3 The Planning Board has been presented no evidence that the property value of adjoining/abutting properties will be devalued.

Additional evidence may be presented to the Board of Commissioners at their Public Hearing.

86.1.4.3.4 The Planning Board has been presented no evidence that the proposed project will not be in harmony with development and uses in the area.

Additional evidence may be presented to the Board of Commissioners at their Public Hearing.

86.1.4.3.5 The Planning Board finds that the proposed project will be in general conformity with the Land Use Plan and CAMA plan, adopted by the Board of Commissioners.

Additional evidence may be presented to the Board of Commissioners at their Public Hearing.

The Planning Board recommends that the Board of Commissioners attach the conditions indicated as a condition of approval:

- The applicant to be compliant with all CAMA and State Laws, and Best Management Practices including, as pertinent to operations, but not limited to: [BMP Manual Forms and Documents | NC DEQ](#), and
- Any overhead (security-type) lighting to be installed be directed downward and at a height and direction that does not shine beyond the parcel boundaries, and

- That a vegetative buffer that will grow to five (5) feet in height within three (3) years of planting, be installed and maintained on the 1216 side of the 1216/1214 Lupton Drive property line.

Julie Rahm, Oriental Planning Board Chair

Reviewed and updated 5/17/23