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MINUTES
BOARD OF ADJUSTMENT
NOVEMBER 9, 2015
REGULAR MEETING

MEMBERS PRESENT: Samantha Cabe (Chair)
Karen Barrow (Vice-Chair)
Matt Hughes, Alternate Member
Barry Katz
Susan Halkiotis

STAFF PRESENT: Michael Harvey, Current Planning Supervisor
Patrick Mallett, Planner II
James Bryan, Staff Attorney
Anne Marie Tosco, Staff Attorney

AGENDA ITEM 1: CALL TO ORDER

Samantha Cabe called the meeting to order

AGENDA ITEM 2: CONSIDERATION OF ADDITIONS TO AGENDA

There were no additions to the agenda.

AGENDA ITEM 3 ELECTION OF VICE CHAIR

Chairperson Samantha Cabe called for an election of Vice-Chair for the Board of Adjustment.

MOTION made by Barry Katz to nominate Karen Barrow as Vice-Chair. Seconded by Matt Hughes/Susan Halkiotis.
Vote: Unanimous

Samantha Cabe: Welcome Karen as our Vice-Chair person. The next item of business is the Public Charge and I will ask Vice-Chair person to read that public charge.

Karen Barrows read the public charge

The Board of Adjustment pledges to the citizens of Orange County its respect. The Board asks its citizens to conduct themselves in a respectful, courteous manner, both with the Board and with fellow citizens. At any time should any member of the Board or any citizen fail to observe this public charge, the Chair will ask the offending person to leave the meeting until that individual regains personal control. Should decorum fail to be restored, the Chair will recess the meeting until such time that a genuine commitment to this public charge is observed. All electronic devices such as cell phones, pagers, and computers should please be turned off or set to silent/vibrate.

The Board of Adjustment is a quasi-judicial administrative body established in accordance with the provisions of local regulations and State law to perform specified functions essential to the County's planning program. Action(s) taken by the board are based solely on competent, substantial, and material evidence presented during a previously scheduled and advertised public hearing on a specific item. As detailed within Section 2.12.2 of the UDO the Board chair reserves the right to exclude evidence and testimony that is deemed: 'incompetent, irrelevant, immaterial, or unduly repetitious' and therefore fails to reasonably address the issues before the Board of Adjustment. While it should be noted there is no time

1 limit on the presentation of evidence, the Chair asks that the presentation of evidence be consistent with established
2 policies, rules of procedure, and acceptable levels of decorum to ensure a fair and equitable hearing for all parties.
3

4 **AGENDA ITEM 5: A-2-15 – Class B Special Use Permit application proposing the development of a retreat**
5 **center on an approximately 22 acre parcel of property off Morrow Mill Road (PIN 9729-**
6 **50-7168):**
7

8 In accordance with Section(s) 2.7 *Special Uses*, 5.2.1 *Table of Permitted Uses*, 5.3.2 *Application of Use Standards – Special*
9 *Uses*, and 5.7.4 *Standards for Camp/Retreat Centers* of the UDO. Ms. and Mr. Kara and Chris Brewer have submitted a Class B
10 Special Use Permit application seeking a permit to develop a retreat center on an approximately 22 acre parcel of property further
11 identified by Orange County Parcel Identification Number (PIN) 9729-50-7168.

12 The parcel, currently listed as being owned by Southeast Property Group LLC, is zoned Agricultural Residential (AR) and has
13 frontage along both Morrow Mill Road (SR 1958) and Millikan Road (SR 1959). There is no physical street address currently
14 assigned to this parcel (hereafter 'the property').

15 As detailed within the application the applicant wishes to develop a retreat center, called The Barn of Chapel Hill, allowing for the
16 holding of weddings, corporate retreats, and other similar special events within a 4200 square foot historic barn proposed to be
17 relocated onto the property. Development of the property will also include 150 parking spaces to accommodate event attendees,
18 outdoor parking lot lighting, and landscaping. The proposal calls for the main entrance, to be used by event attendees, off of
19 Morrow Mill Road with a secondary entrance of off Millikan Road to be used by staff, event organizers, and emergency service
20 personal.
21

22 Samantha Cabe: The next matter on the agenda is the review of Case A-2-15 a Class B Special Use Permit (SUP) Application
23 proposing the development of a retreat center on approximately 22 acre parcel of the property off Marrow Mill Road and the first
24 matter that needs to be addressed under that agenda item is my disclosure that I have a conflict in this matter that I have a
25 personal relationship with one of the neighbors who lives within a 500 foot radius of the proposed development so I will be
26 recusing myself from this hearing and will not be running the meeting. Do I need to do anything else?
27

28 James Bryan: Not if there is no objection.
29

30 Samantha Cabe: Is there any objection to that? Then I will turn the meeting over to our Vice-Chair Karen Barrows and I have
31 been advised that it is best for me not to remain present.
32

33 *Samantha Cabe left meeting*
34

35 Michael Harvey swore in the following individuals:
36

Elizabeth Hilborn	Tim Smith	Amanda Ekholm	Michael Ekholm
Joe D. Smith	Doris Ray	Clayton Lloyd	Stephanie Bohling
Brian Allen	Judy Howard	James Howard	Sharon Campon
Greta Carswell	Vicki Boggs	Rhett Maconeson	Rene' Quadt
Samantha Segall	Margaret Wilkman	Alici Wilkman	Chris Durham
Richard Drake	Janice Frantz	Elman Frantz	Windy Curtis
Jim Curtis	Noral Stewart	Nancy Ogleslay	Laura Stratfield
John McCall	Melanie Gerard	Wallace Williams	Bob Flynn
Jenny Marion	Wally Williams		

37
38 Michael Harvey: I am Michael Harvey with the current planning division and I have been sworn. I want to do some
39 housekeeping items with you. You have a couple of things at your place, specifically to assist you in keeping track of witness
40 testimony, evidence, and information submitted for the record. I will call your attention to this sheet (Mr. Harvey held up a form)
41 this is here for your convenience. There is no mandated requirement that you use them. We just think that it might be beneficial.
42 Use of this form was recommended by the county attorney's office a year ago and we found them to be invaluable so we put them

1 in your place (for your use). I believe they are self-explanatory but if you have any questions, I'll be more than happy to answer
2 them. At this time, we are here for a hearing for a Class B Special Use Permit (SUP) application. Staff would like to enter into the
3 record the abstract that has been prepared including the property vicinity map on page 10, the application which is on pages 11
4 thru 36, the notification materials on pages 37 thru 66, staff comments, pages 67 thru 79, the SUP finding of fact on pages 80 thru
5 86 and under separate cover a copy of the North Carolina General Statutes (hereafter NCGS) 153A-340B from pages 87-90.
6 NCGS 106-581.1 pages 191, a brochure produced by the North Carolina Department of Agriculture pages 92-116 and then 11 by
7 17 copy of the sight plan. I'd also like to ask the board to enter copy of the unified develop ordinance for the record as well as a
8 copy of the 2030 Orange County Comprehensive Plan. That requires a motion.

9
10 Karen Barrows: Is there a motion to enter this material into the record?

11
12 **MOTION** made by Matt Hughes to enter the material into the record. Barry Katz seconded.

13 **VOTE:** Unanimous

14
15 Karen Barrows: And you're closed.

16
17 Michael Harvey: Before Pat begins, Pat Mallett of my staff will be doing the lion share of the presentation this evening on the
18 specifics (of the case). There are a couple things that I want to state from the beginning.

19
20 We are here because staff has determined this proposal requires a Class B Special Use Permit in order to operate. As you will
21 note from the abstract as well as some information provided within the notification materials, there has been some concern in
22 discussion over the properties current status as a farm. Your charge tonight is not to review, interpret or make a decision on this
23 properties status as a farm as defined by the general statute (State of North Carolina General Statutes). That's not your charge
24 this evening. In fact, you all don't have any authority to make that determination. The staff doesn't technically even get to make
25 that determination. Whether or not this property is or is not a farm is not material to the discussion that is about to occur. Whether
26 or not this project can be considered part of a farming operation is also not material to the discussion that is about to occur. It is
27 likely the applicant has the ability to develop an agritourism operation on a farm, which can include a wedding venue, without
28 permits from the County as same is exempt from our review and permitting authority.

29
30 What I will state is that a retreat center is allowed in this zoning district where this property is located subject to this permit being
31 issued. You will be hearing testimony this evening both for and against this application. You will be basing your decision with
32 respect to the issuance of this permit solely on the competent material evidence and sworn testimony entered into the record as to
33 whether or not this project meets the standards of the Unified Development Ordinance.

34
35 Before I ask if there's any questions that allow us to proceed I have another piece of housekeeping to do. I have had a relationship
36 with Mr. David Rooks who's representing several adjacent property owners for approximately ten years. That relationship actually
37 pre-dates my employment with the County. His firm has done legal work for my family, his firm has done legal work for me. I will
38 state for the record that David and I have not had any specific conversations as they relate to the specific aspects or merits of this
39 case. We have discussed this hearing in terms of what information was going to be provided, i.e., does he have a power point
40 presentation, does he need any special consideration to have information presented at this hearing, and so on. We have not talked
41 about the specifics of the case.

42
43 Barry Katz: Is this an appropriate time to also state that I have a very slight, but real relationship with David Rooks as well? I have
44 known David probably thirty years in his law firm, maybe longer. I can't even remember what the original issues were but, it may
45 have had something to do with Orange County as I was chair of the democratic party for some years, years ago. Other issues,
46 David also represented my neighborhood in a hearing such as this, about two years ago, where we opposed the development of
47 property adjacent to our neighborhood. So he represented us in a circumstance similar to what he has now. I have not spoken to
48 David or seen David since then, or have I had any discussions of substance with him on any subject since then and it's a surprise
49 to see him here.

50
51 Karen Barrows: Thank you for that.

52
53 Michael Harvey: If there's nothing further I'd like to turn over to Mr. Mallett who's going to present staff's abstract.

1 Patrick Mallett: The Board would like to turn...

2
3 Karen Barrows: Excuse me, is it possible for someone else...

4
5 Michael Harvey: You can move up to the wall, but obviously and I apologize for the cramped quarters but this is what we have to
6 work with.

7
8 Patrick Mallett: Ok so as Mr. Harvey mentioned my name is Pat Mallett, I'm a Planner II with current planning and have been the
9 primary staff person working on this case. As Michael mentioned, there's a large abstract that has been entered into the record.

10
11 Michael Harvey: Pat, I'm sorry, have you been sworn?

12
13 Patrick Mallett: I have been duly sworn.

14
15 Michael Harvey: Thank you.

16
17 Patrick Mallett: Thank you for the reminder. This is the fairly standard format that we use for SUP. It includes site analysis,
18 information about the property, the application as provided by the applicants, notification materials for both the neighborhood
19 information meetings that is now required with SUP's of all types, the staff comments from all departments and the findings of facts
20 required for the SUP detailed within the UDO. And then there are various attachments, most important obviously is probably the
21 site plan. And I'm just going to walk you through this, and then I believe both sides of the aisle have some presentation materials
22 that they want. And I'll, of course, answer any questions that you have.

23
24 So this is the site plan that was submitted, this version was updated with some additional clarifications and additional documents
25 on October the 21st. It covers all of the site requirements that staff and UDO requires. First sheet is obviously the cover sheet. The
26 second sheet shows the conditions of the property. It shows large significant trees, suitable soils, frontage along Morrow Mill and
27 Millikan Road. It's a 21.9 plus acre site plus or minus .2 acres. Largely wooded, by the way. This is the overall site plan with a blow
28 up detail of the entry points along the public streets. The proposal is for a barn facility or barn like structure to be constructed that
29 would support, theoretically, up to 250 person retreat facility. Total allowable occupancy will be dependent on some building code
30 and occupancy issues that may drive that number up or down, but basically they're committing to no more than 250 people. They
31 have enough parking spaces, off street parking spaces here to support that number. There will be ADA accessibility for the site. A
32 solid waste feature (dumpster) and then a service drive here. This driveway here is the drive that I believe in intended to be open
33 to public. This would be a service entrance for staff.

34
35 This is an enlarged copy of the barn, the parking, how the ADA the handicap parking works and solid waste collection area.

36
37 This is an illustrative showing the landscape plan and how it complies with the landscape requirements around the parking areas.
38 This is a blow up that shows both the lighting and how the lighting diminishes once it leaves the parking area of the barn. These
39 circles, these outer circles I believe represent 0.5 food-candle limit consistent with the ordinance. This blow up which was one of
40 the revisions that they made with our last submission, illustrates the buffers that are required as well as the building setbacks
41 required by ordinance for the structure. Those revisions, by the way, did not change the size, location or nature of what was going
42 on in here with the original submittal. These are detail sheets, they're fairly standard. They cover all of the technical minutia per se.
43 Same thing here, these details cover erosion controls and stormwater features for the project.

44
45 This is a graphic illustrating the barn. The side, front and side view, obviously. Another view, side and front of the barn. This is
46 what they call a cross section. It's too scale, this shows as you're looking at the site and its features married with existing and
47 saved vegetation and then the barn as it relates to the property and the property lines. Same thing, different cross-section, barn
48 facility side view here. I would note that the typographic changes on this property are pretty slight. There's not much fall occurring
49 across the property. You can see that as evidenced in the cross section. This is a black line version, I believe the applicant's got a
50 color version of this and there's a graphic propped up against the wall over there. But this is what is typically referred to as a
51 rendering. It's the same site plan, they just take out all the details and cover it up so it's more understandable. This is the graphic
52 to fix the proposed barn structure to the closest adjacent structures. I believe that is the last element. We're just going to go over to
53 the layout sheet for the rest. And as I said there are other attachments in here that pertains to processing the case but I think with
54 that I'm willing to answer any questions or go through any of the specifics of the abstract materials and then turn it over to the

1 applicant.

2

3 Karen Barrows: Thank you Pat. Do the Board members have any questions for staff at this point about this application? Moving
4 on, we could listen to the applicant. We present to you.

5

6 Sharron Linn: Members of the Board, planning staff, everyone that could be here tonight, my name is Sharron Linn, I represent
7 the applicant Kara Brewer and I have been sworn. So we're here to show you our evidence tonight that Kara's application for a
8 Class B SUP is in complete compliance with Orange County UDO. Our experts will demonstrate by confident substantial and
9 material evidence that Miss Brewers application has complied with UDO Section 2.7 on SUPs as well as the specific standards set
10 forth from the camp and retreat center under UDO Section 5.7.4. We believe that building the barn for use as a local wedding and
11 event venue maintains public health safety and general welfare. The use of a renovated, historic barn on the property and
12 surrounding land not only maintains but enhances the value of each of those properties. And the location and the character of the
13 barn is in harmony with the rural areas surrounding. The finished barn will be a beautiful aspect to the community. We do not
14 believe it will negatively impact the surrounding neighbors in any way. Kara has tried to address the neighbors' concerns in every
15 reasonable way prior to this hearing. We believe that Kara's project will raise the value of surrounding properties.

16

17 Unknown: Would you speak up a bit? We can't hear you.

18

19 Sharron Linn: Sorry. We believe that Kara's project will raise the value of surrounding properties. And when it's not being used for
20 business purposes Miss Brewer hopes the barn will serve as a gathering place for everyone in the community. I'd like now to
21 introduce Tim Smith, the senior engineer of this project.

22

23 Tim Smith: Thank you Sharon.

24

25 Sharron Linn: Before you start your presentation Tim I just wanted to ask you a few questions, if you could take a seat first. Tim
26 can you tell us about your background and qualifications for your role in this project?

27

28 Tim Smith: Sure, my name is Tim Smith. I live at 1107 Tupelo drive, in Hillsborough. I'm a professional land surveyor and a
29 professional engineer, civil engineer and I work with Phillip Post and Associates in Chapel Hill. I've been working with Phillip Post
30 and Associates for 30 years, so I've been in the area quite a long time and I've been in Hillsborough for 38 years in this community
31 so I have a lot of history here. I first came in contact with Kara, she approached us to help her, assist with the application for siting
32 her event center barn at this property.

33

34 Sharron Linn: I'd like to now qualify Mr. Smith as an expert in the site planning, surveying and design. And I have copies of his
35 resume...

36

37 Karen Barrows: Do we need to enter that into evidence?

38

39 Tim Smith: While you're doing that, I'd also like to enter into evidence two things. One is a copy of my power point presentation
40 file that I'll be doing over here shortly. Second is a list of proposed conditions offered by the applicant. Kara has come up with
41 some conditions that she would like to impose upon herself with this application that she feels would benefit the community and
42 the concerns that were raised at the neighborhood meeting. So, I'll offer both of these for the record. Do I need to pass them
43 around or...?

44

45 James Bryan: If I may we will pause for better housekeeping, I believe Michael is serving as his secretary of the Board so just to
46 clarify to everybody, anything presented to the Board has to be given to him, that's going to be kept into the record and if we could
47 just ask Mike if he doesn't shout out what he's labeling these exhibits are for continuity sake.

48

49 Michael Harvey: So Tim Smith's credentials is going to be exhibit one, applicant exhibit one. The power point presentation will be
50 applicant exhibit two. And then the SUP conditions will be applicant exhibit three.

51

52 Tim Smith: Pat, thank you for introducing the project. A lot of the slides I have in here are similar or the same as what he showed
53 you. I just want to go through my presentation to discuss the design process that you went through to meet the requirements to

1 meet the site plan and the SUP as well.
2

3 So I'll just... This is the property; I know most everybody here knows where the property is. For the members of the Board, it's on
4 Morrow Mill Road and it's near the intersection of Millikan Road and as we discussed and I'll show you further in the presentation
5 we're proposing to have the main entrance off of Morrow Mill Road and what we call the service entrance off of Millikan Road. As
6 you can see, from the aerial abstract the site is mostly wooded, there's a lot of hardwoods on the property as well as pines.
7 There's two areas, one to the east and one to the west that were previous pasture, some of that still is, some has grown up in
8 small pines at this time, these two areas right down in here. We'll adjust that later as we get into the landscape and buffering plan.
9 So as Pat said this was the existing conditions map that we're required to show, we did three surveys to locate all the substantial
10 trees within the area of the barn and the proposed site. It does show the proposed septic field area. We had a soil scientist do a
11 detailed analysis of the soils on the property to determine number one, if there's going to be suitable soils there for this facility- no
12 suitable soils, no facility. So they found that the areas shown here is suitable for a conventional system, just like you would have at
13 your houses. There was additional soil area found for other types of alternate systems- lower pressure pumps and so forth. But
14 we're focusing on what is going to be the conventional system of this area. So at this point, we have preliminary approval from
15 Orange County Department of Health. We have not submitted the application yet for the septic permit from Orange County, that
16 will come later, but we feel confident with the soils testing that was done. As Pat mentioned, it shows the separation of the
17 proposed barn from the houses that the closest residence nearby. Most of those are well over 600-700 feet and beyond, some up
18 to over a thousand feet away. But these are the closest existing residences that are within the residence of the proposed project.
19

20 This is the rendering that Pat talked about, it's the same site plan. It just gives you an idea as does the aerial image that you saw
21 of the existing trees that will still be saved on the property. The property is about 22 acres. This project itself being located in the
22 center of the property will preserve almost all of those wooded areas. We're only disturbing in total for the whole project about 4
23 acres. So we'll be retaining the majority of these existing woods that are on this property.
24

25 As Pat mentioned, this is just a detail of two entrances. One from Millikan Road, one from Morrow Mill Road. These are both state
26 roads with DOT. So we would meet the requirements of NCDOT for connecting to the state road of these two locations. And the
27 overall site plan to your right just kind of blends all that information together- the site plan, the septic area, the barn and our two
28 drives that connect to the property. Same thing that Pat showed you, this is detail site plan of the parking areas of the barn.
29 Related to the two entrances and the access to the property and the proposed 250 maximum occupancy, and that's Kara's
30 maximum she's talking about, she's not after anything more than that. And depending on how the septic works out it could
31 potentially be less. But based on that proposal, average daily traffic trips will be somewhere in the area of 66 to 163 cars per
32 event, just depending on the size of the event, how many people attend and those conditions that would affect that.
33

34 This is just a detail, still the same plan, shows our grading for the site. The parking areas, the drives, would all be gravel. No
35 asphalt. All the drives and parking would be gravel just to maintain the rural character. There will be for the handicap parking spots
36 right at the front of the building needs, obviously, the paved concrete surface, to meet ADA requirements for accessibility. As well
37 as the sidewalks that come from the parking lot into the barn itself. As well as the septic site for the property, it would also require
38 a well, so we're still going to propose a well at this location. And then the solid waste and recycling facility here, that Orange
39 County solid waste would provide services to. They have also reviewed the plans and given preliminary approval of our solid
40 waste management plan.
41

42 On these two it does show on the right here the lighting which as Pat mentioned meets the ordinance requirements for not
43 dispersing any light off the property. In this case it's going to be well contained within the property. There'll be no light even
44 anywhere near the property line so I'll get into that in just a little bit in some more detail. Second thing, as we showed on the
45 original overall aerial, these two areas where there was kind of no trees we would be installing (vegetative) buffer along the
46 perimeter at these locations to meet the requirements of the ordinance for a 30-foot buffer.
47

48 One thing I'd like to mention is that during the neighborhood information meeting, of course we heard a lot of concerns, one in
49 particular from a gentleman, Mr. Ray that lives across the street from a proposed entrance was regarding concern of headlights of
50 cars leaving at night, shining into his house, and so that is a real concern. I tried to call Mr. Ray, I did call Mr. Ray and talked to
51 him. At that point, they had already contacted Mr. Rooks and so he just referred to me to talk to David about that, I did not but, we
52 were then and still are now will to meet with Mr. Ray and discuss the location of the drive and look at the conditions on the
53 property, which I have done myself at night, I've looked at that. And it is a valid concern. So I just want to reiterate that we're still
54 open to meeting with Mr. Ray to look at that. We still have flexibility to adjust the location on that drive that would best suit
55 minimizing those impacts, as well as offering potentially some additional bumper plantings along his property that would help

1 shade any potential car lights.
2

3 So we're still hoping for a condition being implemented with the approval of the permit that would allow us to work through that
4 solution. Now back to the lighting, I just want to clarify that these light fixtures as required by the county ordinance would be what's
5 called a full cut-off fixture and the illustration on the left shows that, so all the lighting from these light fixtures from the parking lot is
6 a down light, there's no light projecting up to the night sky, there's no light projecting out towards neighboring properties, they're all
7 full cut-off fixtures that put the light down to where it's needed only and then at the illumination foot candles would be dispersed as
8 ... and in this case as I mentioned it would be well before the property lines. Just as an example, if you drive around the country at
9 night and in your neighborhood as well, a lot of people have these, what we call area lights or security lights or yard lights which
10 Duke Power provides, and people have them for keeping their yard and their house area lit at night which provides some safety
11 and so forth but a lot of those fixtures, although they may not be a real high illumination, they don't disperse the light just down like
12 this does. You can see if you drive around that it disperses light *cough* in some cases. So I just want to emphasize the fact that
13 the lighting on this property at the center of the lot is going to all be projected down with no light being pushed off anywhere else.
14

15 Now these are the sections that Pat showed, just wanted to show there again, the project is located there in the center of the
16 property. There's still going to have a lot of these wooded areas preserved all around on both sides coming from Morrow Mill Road
17 and Millikan Road, so you'll be preserving- which Kara wants to do herself, I mean she wants to preserve its character for the barn
18 and the country aspect of this facility so just want to illustrate that those trees on both directions will be preserved and the barn will
19 be situated in the middle of the property. You've seen the abstract elevations of the barn, it's in the packs that you have, members
20 of the Board. What Kara's doing is just assembling a barn from upstate New York, an 1800's era barn. Moving the timber frame of
21 that barn down here and reconstructing it here on this site, which I've seen pictures of the existing barn, we don't have them in
22 here but it's a beautiful structure. The craftsmanship from the 1800's is phenomenal and to be able reuse that back here on this
23 site is just a really good thing. So that's my presentation. Questions now or later?
24

25 Karen Barrows: Are there any questions for Mr. Smith at this point?
26

27 Barry Katz: I have a question... When you showed the color of a diagram of the site and you have listed there for us that there
28 are other substantial potential septic area and I'm just wondering, you don't know how large your septic area will be within that?
29

30 Tim Smith: I do, the area that's shown if at all meets Orange County's approval when applying for the permit would be less
31 required. So that kind of yellowed out area there, but I don't have the number in my head.
32

33 Barry Katz: But tell me, if you put a septic field in there will you be taking all the trees down?
34

35 Tim Smith: It will be spot cleared; it won't be mass cleared. You can put a septic field in without clearing all the trees.
36

37 Barry Katz: And they'll still stand after you do this?
38

39 Tim Smith: It depends on the species; I mean it'll have to be done carefully.... A big large tree...
40

41 Barry Katz: So essentially, as far as large standing trees which would be consistent with the character of what appears to be the
42 wooded area, that would be kind of lost in that particular area, right?
43

44 Tim Smith: In that particular area, yeah. But as you can see we still have some.. right down to the road.
45

46 Barry Katz: Yeah, and off to the east though it's fairly thin as far as over here to the east.
47

48 Tim Smith: Yeah, it is, and that's where we've shown on our landscape buffering plan we're going to have to put in additional
49 plantings to meet that buffer.
50

51 Barry Katz: I don't recall what those plantings consisted of. Do you happen to know what you're putting in there?
52

53 Tim Smith: I don't think... the schedule in here, let's see.

1 Barry Katz: This would be along the perimeter?

2

3 Tim Smith: Yeah.

4

5 Barry Katz: You have two different areas?

6

7 Tim Smith: Yeah, they are plants that meet the ordinance. That's all we have. It's a 30-foot type B buffer.

8

9 Barry Katz: I understand. So will it fill then with plants? Or a single row of plants or..?

10

11 Patrick Mallett: No, it's typically at least two rows, if not three. A mix of canopy, shrubs....

12

13 Tim Smith: Red oaks, red maple, birch, holly's, so it's intended to make a buffer.

14

15 Barry Katz: And those plants are actually consistent with the local vegetation?

16

17 Tim Smith: Yes.

18

19 Barry Katz: And you are going to continue to talk to Mr. Ray if he has any particular concern....

20

21 Tim Smith: Yes

22

23 Barry Katz: About traffic? And I assume we're going to be hearing more about the traffic. Then, that's all the questions I have.

24

25 Matt Hughes: Building off of Barry's first question about trees and the septic insulation that's going to be put in, when you said that there were only going to be 4 acres of disturbed trees....

26

27 Tim Smith: That includes the septic field.

28

29 Matt Hughes: That would include. Ok, that's my only question.

30

31 Karen Barrows: Thank you Tim.

32

33 David Rooks: If I may ask the witness a couple questions...

34

35 Karen Barrows: Ok.

36

37 David Rooks: Tim, if you would go back to your..... If you be good enough to locate where on Morrow Mill Road your exit would be or your driveway access?

38

39 Tim Smith: On Morrow Mill?

40

41 David Rooks Yes sir.

42

43 Tim Smith: That would be right about this side of that D.

44

45 David Rooks: Ok, and where on Morrow Mill Road is the Ray household?

46

47 Tim Smith: The Ray household is right here. That's some out building but his house is right here.

48

49 David Rooks: And would you agree that left turning traffic out of that driveway is going rake across the Ray's household?

50

51

52

1 Tim Smith: That's correct. That's the concern, yes.

2

3 David Rooks: And what can be done to prevent left turning traffic from illuminating their house at 11 o'clock at night?

4

5 Tim Smith: Well, that's what we want to look at. We're still open to possibly moving this further down to this side possibly, where
6 left turning traffic would not be.....I don't think so, it's a concern and there is some wiggle that needs to be done to mitigate what
7 would best solve that concern.

8

9 David Rooks: And your plan shows while it's soon to be a service entrance or a second access way from the rear.

10

11 Tim Smith: Yes, off Millikan.

12

13 David Rooks: Off Millikan. Would you locate for the Board where that entrance is?

14

15 Tim Smith: Yes, that entrance is right about here.

16

17 David Rooks: And I'm correct that there are, I think I see, four houses right there? Three houses right together?

18

19 Tim Smith: Well there's three off of... yes.

20

21 David Rooks: And what, if anything, you find you can do to protect those houses from illumination from traffic departing at night?

22

23 Tim Smith: Well the service entrance is going to be very sparsely used. During events there could be a little more Now, that
24 being said, we are still open to working solutions to minimize that as well. The service entrance is not absolutely required, I mean
25 needed, we provided it as a second access to the property for safety reasons, for ingress and egress. And you know, during the
26 majority of the time at all that service entrance will just simply not be used.

27

28 David Rooks Thank you Tim, that's all I have.

29

30 Sharron Linn: Tim, I have a few questions. Can you explain to us to how any noise coming from the barn itself can be mitigated?

31

32 Tim Smith: Yes, that's been a discussion also. It's actually one of the emissions as Kara has offered on the application. So there
33 will be no amplified outdoor music except for wedding ceremonies and no amplified outdoor music at all after 8 PM. Obviously, if
34 there's weddings here there's going to be music for after the wedding. All that type of music will be inside the facility, there'll be no
35 outdoor music following a wedding, as far as a reception. So the containment of the music itself will be inside the structure itself.
36 And the outdoor music, what Kara's trying to convey here is that it will be very limited during a service. You know, a service is not
37 a rock and roll concert. She's trying to impose that on herself because she's concerned about your concerns from noise from
38 music.

39

40 Sharron Linn: And how will the barn affect any traffic patterns in the neighborhood.

41

42 David Rooks: I'm going to object; I don't think this witness has come to testify as to traffic matters.

43

44 Karen Barrows: Do you agree James?

45

46 David Rooks: I think he's a licensed engineer and surveyor, I'm not sure he has established any expertise with respective matters
47 of traffic.

48

49 James Bryan: Let me walk the Board through this in just a minute, but see if the applicant's attorney wants to address that at all.
50 What was your other question?

51

52 Sharron Linn: We can withdraw it, that's fine. Ok, well, one more question for you Tim. In your opinion what will be the overall
53 impact of building this barn on Kara's property.

1 Tim Smith: It's a pretty broad question but, overall impact obviously, there will be some impact. It's a facility being placed on a
2 vacant piece of property that wasn't there before. It's a facility that is not a residence, as some of these other locations are but, and
3 I can say my professional opinion, I've done a lot of projects and a lot of applications for a variety of uses and businesses,
4 residence, churches. In this case, I think the overall impact will be fairly minimal. There will be impacts, I'm not going to say there's
5 not. With regard to traffic, obviously there's going to be some more traffic. With regards of concern of lighting, there can be
6 concerns, we're addressing them per what the ordinance requires. We are addressing all of the items required for this SUP
7 according to the ordinance and meeting those requirements.

8
9 (multiple people talking)

10
11 Susan Halkiotis: I just wanted to follow up on the discussion about the headlights and the houses that are across the street from
12 each of the entrances, actually. On the sheet that you gave us showing the trip generation summary, I'm assuming that 66-163
13 trips is cars, or vehicles. So 66-163 vehicles may be at night, with headlights.

14
15 Tim Smith: Yes.

16
17 Susan Halkiotis: Ok, so the other thing that you mentioned a while ago is looking at perhaps how to bumper those exits on
18 Millikan and Morrow Mill and one of the things that you listed was maybe even planting trees on the Ray's property, where I'm
19 assuming on the other properties as well. What kind of trees would be planted? Not that the Ray's would allow this but I'm just...

20
21 (multiple people talking)

22
23 Tim Smith: We haven't gotten into the full details, it would be something, not trees, it would be more of a hedge. Something that
24 would screen the car headlights. Obviously a few trees is not going to do that. We'd have to do some more plantings that would
25 provide more of a screen for that. And so far, until it was brought up tonight, we've been most concerned about the main entrance
26 where the majority, almost all of the cars will be coming and going, the service entrance we just haven't addressed it specifically as
27 a concern, but it could be a concern.

28
29 Susan Halkiotis: Well, from the map it's difficult for me to tell what Ray's house and the other houses look like from the road. At
30 this point are they open view from the road?

31
32 Tim Smith: Well I was going to say the houses on Millikan are, it's pretty open field type grass. The Ray's property, they do have
33 some existing kind of ... in the front and some larger trees in the front yard and so forth. So there are some things there, probably
34 not enough to fully screen what we're talking about so we would be open to discussing with a meeting with them to talk over what
35 could best be done as far as moving the drive and/or adding some screening plantings.

36
37 Barry Katz: And as far as the elevation and everything, the Ray house

38
39 Tim Smith: It's pretty level..... Same down at Millikan Road, there's not a lot of grade change.

40
41 Barry Katz: So, as far as the headlights at night, represent something's that a different character than what exists now. That
42 seems to be a real concern, as far as that goes. Now, I just wanted to ask you about the acoustic element to all of this. Now, you
43 mentioned of course that there'll be music within the barn. Is there been any work done on what the decimal level will be under
44 certain circumstances at the margins of the property so that there would be some consideration about whether or not there in fact
45 is some concern about the acoustics. Has there been any work done on that?

46
47 Tim Smith: I'm not the best one to answer that question as far as the work that I've done with the applicant, Kara, we have not
48 discussed that in particular.

49
50 (multiple people talking)

51
52 Barry Katz: Now, one of the views of the barn showed a set of stairs that went up to a second floor. The barn itself, I assume on
53 the inside, the barn is one story, I mean it's big and open. And then, on one end it has a second floor for like an office or
54 something.

1 Tim Smith: There's a balcony, a small balcony. I think if you dive into her vision statement and business plan there is images that
2 show.....
3

4 Barry Katz: Yeah, because I'm just wondering on what could mitigate any kind of acoustics within the building so that it doesn't
5 leak out. Number one and number two, whether or not, in fact, it's necessary if you have a dance band playing in there, what is it
6 going to be like? Will it affect the rural character at the margins of the property? It would be an interesting question to have an
7 answer to.
8

9 Tim Smith: If we could hold that question...

10
11 Barry Katz: I'm just raising it up, even if you ever wanted to answer that question....(multiple people talking) If somebody can
12 address that question, it's one of those questions I'd like to see answered.
13

14 Sharron Linn: Just one more question Tim. In your professional opinion do you think Kara's use of the land would be harmonious
15 with the surrounding area?
16

17 Tim Smith: Well as part of the SUP....
18

19 David Rooks: I'm going to object, that's calling for an opinion on the ultimate question. (Inaudible) that's the question for this
20 Board to answer. It's not Tim's question to answer.
21

22 James Bryan: Ma'am, Sharon, (inaudible), let the opposing counsel say what he wishes to say and then I can walk the Board
23 through the decision.
24

25 Karen Barrows: Sharron... What's your pleasure?
26

27 Sharron Linn: I was just wondering his professional opinion, if it would be harmonious, but if it's not a question.....
28

29 James Bryan: So, I'm trying to think of the best way for this Board, having new members, and in the interest of time, making it as
30 short as possible.
31

32 So, what happens is that there's going to be two things to consider: One, is the general rules of evidence are going to be applied,
33 but we have considerable leeway than the traditional court of law. You've got another layer of it is that he's being kind of presented
34 as an expert witness so if you're going to get an opinion from anybody it has to be an expert opinion. And those opinions that are
35 offered have to be what they (the speaker) are experts in. Now, with the leeway that you have you've got one thing, a considerable
36 thing that you have is to take the objection under consideration, allow the evidence to be heard and then determine whether you're
37 going to base any decision upon it later in deliberations. That is a great tool for this Board because it speeds things up and you
38 don't have to rule on everything as it goes. This one, I advise the Board it's kind of a fine line. I don't think that this Board is going
39 to be basing the decision on that, on solely this testimony. I advise that you pre-safe and allowing it to be heard and then giving it
40 it's due consideration.
41

42 Karen Barrows: Is that ok with Board members?
43

44 Board Members: Mm-hmm.
45

46 Karen Barrows: Ok.
47

48 Sharron Linn: In your expert opinion, will Kara's use of this land be harmonious with surrounding areas?
49

50 Tim Smith: As I've said before, I've been in this business a long time, I've done a lot of applications for various types of projects,
51 various uses. In this instance, my professional opinion would be based upon the statement of justification that has been submitted
52 qualifying the answers to the findings that are required for this SUP, with regards to public health, safety and welfare, impact on
53 property values in harmony with area, the premise of water, sewer and waste disposal, adequacy of emergency services, vehicular

1 access, that it is in harmony with this community, based on these findings.

2
3 David Rooks: Madame Chairman just for the record, I specifically renew my objection and move to strike the expressed opinion
4 on value. By statute the applicant is not entitled to do that.

5
6 James Bryan: Yeah, so if I may, one of the things also for the sake of speed, if you allow things in is because a lot of times you
7 don't know what they're going to say until they go ahead and say it. And it is very proper to object afterwards. Typically, attorney's
8 usually save that for the arguments at the end so that you guys have heard lots of testimony and then when goes right before
9 deliberation the attorneys will say, "Hey, you know, this is from our side what you should use. Don't use this from their side."
10 Expert witnesses as I explained, it has to be an expert, you qualify them through their education and experience. The statutes
11 specifically call out property value, but you have to be an appraiser or something like that to give land value. So, take that into
12 consideration.

13
14 Karen Barrows: Thank you. Objection duly noted. Anything else?

15
16 Barry Katz: Karen I have a question. This is going to come up, I know, more and more about Mr. Ray's house and whether or not
17 he's inconvenienced by this. My recollection is that Highway 54 is to the north and this is why you're talking about left turns at night
18 and headlights. Because basically, people are going to be heading towards highway 54, Right?

19
20 Tim Smith: Morrow Mill Road connects to 54, basically on both ends. So, there's access on both directions so we don't anticipate
21 everybody to make one movement there.

22
23 Karen Barrows: Anything else Sharon?

24
25 Sharron Linn: No

26
27 Karen Barrows: Anyone else to speak for the applicant?

28
29 Sharron Linn: Yes, now I'd like to introduce Kara Brewer, who is the property owner and manager. Kara, can you introduce
30 yourself and tell us a little bit about your background and Project?

31
32 Kara Brewer: Sure. My name is Kara Brewer. I am the owner of the property on Morrow Mill. Currently, my husband and I own a
33 rental property business in Chapel Hill.

34
35 Karen Barrows: Were you sworn in Kara?

36
37 Kara Brewer: I was.

38
39 Karen Barrows: Ok, excellent.

40
41 Kara Brewer: My background is public relations. I previously worked for the school of pharmacy as a public relations manager. I
42 also worked for a non-profit in Durham doing PR, event planning, marketing and that sort of thing. So, for me, this project I have a
43 unique set of skills involve property management, as well as marketing and event planning so that's helped me as I planned this
44 project and will also help me in the future as I move forward in the project.

45
46 Sharron Linn: I'd like to qualify Kara as an expert in event and property management and marketing. She asks that her resume not
47 be entered into the evidence because of.....

48
49 David Rooks: I think you need to qualify her; I mean.... I'm not hearing her qualified as anything but as having a rental property
50 business. I've not been hearing a basis for her to be an expert in event planning.

51
52 Sharron Linn: I can also add more questions to ask her about her specific background, if it's ok with the Board. Kara, where did
53 you go to college?

54

1 Kara Brewer: ... UNC, got a degree in journalism.
2
3 Sharron Linn: And you also worked at UNC? School pharmacy?
4
5 Kara Brewer: That's correct.
6
7 Sharron Linn: And while you were working at the school pharmacy you were the public relations manager there?
8
9 Kara Brewer: Mm-hmm.
10
11 Sharron Linn: You were responsible for website development, state national , planning and committing school wide events
12 sponsored by the dean's office there?
13
14 Kara Brewer: Yes, ma'am.
15
16 Karen Barrows: I think the audience is having a little trouble hearing... (multiple people speaking)
17
18 Sharron Linn: I can also enter her bio that's she's provided into the evidence if that's easier.
19
20 David Rooks: If I may see it, yes.
21
22 Michael Harvey: How about I go make copies before we....
23
24 Karen Barrows: Is there anything else, Sharron?
25
26 Sharron Linn: Can I qualify her as an expert after I ask her questions or would it be..?
27
28 Karen Barrows: I guess we'll have to wait and look at the bio and such for her if that's ok.
29
30 James Bryan: If I may, this is one of those scenarios that we're all just sitting here, might as well allow testimony and then if you all
31 decide not to go ahead and not consider, unless there's objections to that.
32
33 David Rooks: There's been housing foundational management in her bio that wasn't mentioned before so I'm ok with that.
34
35 James Bryan: Great, no objections.
36
37 Michael Harvey: As a general reminder we need to speak up.
38
39 Sharron Linn: Kara, how long have you been researching about wedding planning and wedding venues?
40
41 Kara Brewer: Sure, so I first started my business plan for this project about 3 1/2 to 4 years ago. That is when I started doing
42 some initial market research into local wedding venues. It's actually because I had helped plan several weddings for family and
43 friends, and as we were looking for different venues it's actually hard to find an available venue in Chapel Hill. The few that are
44 available book very quickly and book very far into advance, which is the case. I, after doing some of this market research about 2
45 years ago I first met with Mr. Harvey just to initially talk with Orange County planning about my plans and to be sure that I work
46 with them along the way to make sure that everything I was doing was in compliance with Orange County regulations, so I did start
47 the conversation with Orange County very early in the process, that was important to me to make sure that we were working
48 together on this project.
49
50 Sharron Linn: And can you tell us a little bit about your property on Marrow Mill Road?
51
52 Kara Brewer: Sure. As Tim mentioned, it is 22 acres. Which does allow me to put the barn in the very center of the property, it's
53 specifically what I was looking for when I was looking for a property and wanted something large enough and give me the space to
54 do so. The fact that there are substantial trees around the property I think is amazing. I love all the hardwoods on the property,

1 we'll keep as much as we possibly can intact, so that's very important to me.

2
3 Sharron Linn: And can you tell us just a little bit about your project, the barn?

4
5 Kara Brewer: Sure. So the actual project itself when I first started thinking about this project, originally when I was looking for a
6 location I was hopeful that maybe I could find an old structure or old barn in Chapel Hill that I could renovate. However, there just
7 wasn't anything like it that met my criteria. So, probably about a year, year and a half ago now, I met with Heritage Restorations.
8 Heritage Restorations is a company based out of Texas and what they do is they find old barns and they take them down and they
9 rebuild them on their clients' property. So in my conversations with Heritage the work they do is absolutely beautiful. I went down
10 to Texas to see some of their barn homes and barn event centers and they've just been really helpful during the process. They
11 have an in-house architectural staff, who were very helpful as we were planning the barn, they made a lot of great suggestions
12 because they've done this sort of thing before. My barn in particular is from Marcy, New York. It was built in the early 1860's, so
13 the process that occurs is that on my property I put down my foundation. Heritage takes down the barn and then they come to the
14 property and they put the historic barn frame on top of the foundation so, what they are able to salvage is just this really beautiful
15 antique, very heavy timber frame that go up into the foundation. And then the new portion is stilted on that so there is new kitchen
16 and bathrooms in the back. I think there was a question earlier about a loft area; yes, there is a loft area that's use is specifically
17 for the bridal party, to get ready and that will not be in use during events.

18
19 Michael Harvey: If I can interrupt real quick. The bio has been supplied to the Board and Mr. Rooks. It is applicant exhibit 4.
20 Thank you.

21
22 Sharron Linn: And Kara, why did you choose this specific property as the site?

23
24 Kara Brewer: Right, so I had looked at probably, over the course of 2 years, 20-30 properties. Walking different ones. When we
25 came across this particular property, it's just a beautiful property. And like I said, the size itself was very important to me, the fact
26 that it is 22 acres, it allows for me to have very private events in the middle of the property and that was important to me. It's
27 important to clients and also I think that will benefit the neighbors as well.

28
29 Sharron Linn: And what kind of events do you expect to be hosting.

30
31 Kara Brewer: Sure. Primarily weddings and wedding rehearsals on Friday and Saturday nights. I am wanting to give back to the
32 community as much as possible so I do want to do a lot of fundraisers and charity events. I have a lot of connections for my work
33 with UNC, to both non-profits and charity organizations. And so that is very important to me, I've already been in contact with
34 several, so we're already planning that aspect of it. Additionally, because the use is so low and it will be empty most of the time,
35 80-90 percent of the time, if there's a community group, a youth group, a school group that needs a space during the day, I'm
36 more than happy to donate the space to them as well. So there's a lot that can be done with this type of venue.

37
38 Sharron Linn: And can you just tell us a little bit about how often you expect to be holding events at the barn, like weddings...?

39
40 Kara Brewer: So, wedding season is primarily from May until October, so it does run about six months. And during that time I do
41 expect to have 1 – 3 events per week on the property. Off season, which is November through April will be less on the ... where
42 there isn't anything going on. There was be the occasional winter wedding, perhaps early spring wedding. When, the barn isn't in
43 use for weddings and wedding related events, that's when I anticipate that we could do more charity and more fundraising events
44 on Friday or Saturday night when it isn't being used for weddings. During the off season, there'll be weeks where there's nothing
45 going on, there'll be a few weeks where there's one or two events per week.

46
47 Sharron Linn: And what are the barn operating hours?

48
49 Kara Brewer: The barn is only in operation during events. If there's a potential client that does what to view the property they would
50 have to contact me and I would have to show them the property, so it would be by appointment only.

51
52 Sharron Linn: And earlier I think you wanted to address the acoustics coming from the barn..?

53
54 Kara Brewer: Sure, yeah. So the purpose of the barn and the reason why the barn can hold 200-250 people is because we want to
55 contain everyone within the barn. Doors are shut, windows are closed, proper insulation, windows and doors are all new so that

1 during these events everything, all the sound, is contained within the barn. There's no outside amplified music.

2
3 Sharron Linn: And how have you tried to address the neighbors' concerns up until now?

4
5 Kara Brewer: So we had the neighborhood informational meeting and, from what I could gather, what I did was we did the propose
6 list of conditions which you all have. Also, at the neighborhood informational meeting I'm more than available, I'm happy to sit
7 down and happy to meet with anybody. I'm happy to try to address and concerns in any way that I can. I'm more than willing to do
8 that, I think it's very important to do so, with this permitting phase and even beyond, during the construction days and during the
9 operational phase as well. It's important to keep an open line of communication to address concerns before they become issues.

10
11 Sharron Linn: And can you tell us a little bit about the similar venues that are located near....?

12
13 Kara Brewer: Yes. There are two similar venues located less than 5 miles from the property. There's the Barn of Valhalla and also
14 Rigmore House. So this type of permitted use is not at all unusual for the area.

15
16 Karen Barrows: Are there any questions for Kara from the Board?

17
18 Matt Hughes: You haven't really clarified regarding concerns over the sound. The sound would not be contained within the
19 building. Even though it will occur within the building but there will be some leakage and I just wondered if this is something you,
20 any kind of documentation about how far you might hear any sound from this building.

21
22 Kara Brewers: Well I don't currently have documentation with me today, however, I have visited many different event barns with
23 the specific intent of being there during these events, with the specific intent of finding out how far sound travels, and like I said, I
24 don't have exact numbers for you, I don't have expert testimony but you walk twenty feet away from the building and you can't
25 hear anything.

26
27 (multiple people talking)

28
29 Barry Katz: From what I gather, I know you said you didn't have expert testimony, but what would contain the sound, from what I
30 gather from what you said would be the insulation of the building, as well as the newer windows and doors. And those windows
31 and doors would be graded in a way that would contain sound, but these other event barns that you've been to have these types
32 of installations in place to help...?

33
34 Kara Brewer: Well, I don't even know if the other barns do so. Farrington is a great example of a barn, I know it isn't a new barn so
35 I'm not sure how up to date they are. We don't know much of what they do but they keep their sound contained, obviously, (too
36 quiet).

37
38 Barry Katz: Again, we're talking about this issue of sound, because it could be an important issue. Whether, in fact, it is or not, I'm
39 not certain. But, I would assume that the solid part of the building with the insulation would do a fairly good job of containing sound.
40 But, you have a lot of glass, you have the potential for sound leakage from those areas where there's glass. Is it possible to
41 arrange vegetation, on the outside of these windows, not directly outside but at some distance so that they would create some kind
42 of sound buffer? Potentially, from where the greatest risk of sound leakage could come from?

43
44 Kara Brewers: I am happy to put in any type of....

45
46 Barry Katz: Well, I mean, I don't know. I just...

47
48 Kara Brewers: And again, just the natural, the trees that are currently in place, that also provides a bit of buffer as well.

49
50 (Unknown Board of Adjustment Member): So, what's the minimum distance from the barn to the nearest house?

51
52 Kara Brewers: I don't have in front of me, I know it's about

53
54 (Unknown Board of Adjustment Member): Six or seven hundred feet. Well, ok, so we may hear more about what that distance is
55 later on.

1
2 Karen Barrows: Any other questions for Kara? Hearing none, does the applicant have other presenters?

3
4 Sharron Linn: Yes. I'd like to now introduce a Mr. John McCall, who is the appraiser for the property.

5
6 Karen Barrows: Would you state your name and...

7
8 John McCall: I am John McCall, I'm a real estate appraiser. I live in Chapel Hill. I've been appraising property, primarily residential
9 and land here in Orange County, Alamance County, Chatham County, Durham County for the last 30 years.

10
11 Karen Barrows: Have you been sworn?

12
13 John McCall: I have been sworn.

14
15 Karen Barrows: Ok, thank you.

16
17 Sharron Linn: I have copies of his resume and appraisals.

18
19 Michael Harvey: This will become applicant exhibit 5.

20
21 Sharron Linn: John, can you tell us about your background and qualifications?

22
23 John McCall: As I said, I've been appraising real estate in the area, in the research triangle market. My son works with me now;
24 he's just recently been certified. We appraise almost any type of residential property, small subdivisions. I've done some
25 teaching..... And I primarily, I just love real estate. And I've been emerged into myself, I've done subdivisions. I've built homes, but
26 I'm not a builder, I'm just an appraiser but, I am very familiar with this area and I have a good friend that lives off of Millikan that I
27 spend a lot on the river down there. I just got called in by Kara to help with this.

28
29 Sharron Linn: I'd like to qualify Mr. McCall in property appraising.

30
31 David Rooks: No objection.

32
33 Sharron Linn: John, how would the completion of the barn affect both the property value of Kara's (too quiet).

34
35 John McCall: It's kind of like with the noise. My grandfather used to say if I knew where and when I was going to die, I'd be a
36 hundred miles from there that day. And he wasn't. It's awfully hard to anticipate. What I try to do is look at existing uses. Kind of
37 the same thing Kara did with the noise. And I would take the last four years, a two-mile radius around existing wedding facilities, I
38 chose and we didn't talk about it, I'd forgotten about the one you were talking about that I always see on 54 out there by White
39 Cross, Rigmore. But anyway, that Carriage House, the Rock Quarry and Valhalla, and basically I ran four years of stats and these
40 are just, you know, statistics, like anything else. What an appraisal is, an appraisal is an opinion of value. It's an opinion, at the end
41 of the day and that's what expert witnesses I guess are doing in here, is giving you our opinion.

42
43 You don't have to agree with it, but it's my opinion and you're going to hear it. But I went through the last four years and as you
44 can see when you look at the numbers, they're doesn't seem to be anything that jumps out that looks as though there would be
45 any diminution in the value of the adjacent properties. This is a two-mile radius from each one of these facilities and they tend to
46 be reflecting, they go up and down, but they're pretty consistent all the way through. And the last page, the second page of it is the
47 stats within two miles of where the subject's going, where the barn is going. And the only thing you can discern from that is the
48 property values within two miles of where the barn's going, they're per square foot value is about twenty bucks a foot lower than
49 the stuff but, that doesn't really have any bearing because location is such a driving part of real estate.

50
51 Apart from the Carriage House, it's off of Jones Ferry Road. Aqueduct, it's off of Mount Carmel Church. Rock Quarry's right on 54.
52 And Valhalla is just off 54. But, you know, to be able to sit here and say what the impact of value is going to be on this, you have to
53 actually have something that you can test. The theory of appraisal is based on mass payers and what I think the property owners
54 adjacent to it are worried about, there are three forms of depreciation- physical, there's functional; if you go walk through one
55 bedroom to get to another bedroom. Physical is you need a new roof. External is the third one. There have been solar farms

1 people were fighting, there have been hog farms people don't want next door. Out of those two, I'd take the solar farm. But, the
2 hog you know, agricultural uses can sometimes impact neighboring values when you get down into the north part of Moore County
3 where they have a lot of chicken houses and they're doing a lot of chicken production, wind up having odors that leave the
4 property and go onto adjacent properties. Like the noise that you're worried about going onto, that's a form of an externality, a form
5 of depreciation brought onto the property that the property did not create and that can diminish values but, looking at these
6 wedding venues, I hadn't been to one not too long ago. I think the Carriage House. You know, it's interesting to be that they're that
7 viable and that they're out there and it seems like a fairly benign use of land to me as far as you know, I don't want next door to it
8 and I don't have to deal with it, I don't have a placard that they agree or disagree with.

9
10 The reality is, is that it's pretty hard to say that this, and in my opinion I think this use of 20 acres, the simplest thing for it to be
11 would it to be two, ten acre lots. And somebody could come in and drop in two modular homes, they could sell those and then you
12 would have an exit off to Millikan and an exit off to the other way and those headlights would still probably be coming from those
13 houses too (everybody talking at once). I mean, I'm just saying somebody's got to ingress and egress and it just seems to me that
14 I have no idea that that's on Tim's end of the world but, typically one of the other things that I can guess has to be brought up and
15 I'll go ahead and say it is that exposure is a big part of real estate. People, in order to buy real estate, need to know where it is and
16 I think that often times, I've always known where Morrow Mill is and Orange Chapel Clover and all of those but that's because I'm
17 a real estate appraiser. I'm out there in the field. A lot of people that probably would never venture down there, which I'm sure a lot
18 of people here would prefer to keep it that way is that going to a wedding venue or something like that and it's going to expose the
19 nearby properties to more traffic, which tends to be better for marketing and marketability.

20
21 Sharron Linn: So what are the general trends in the property values in these similar properties that have been transformed into
22 these wedding venues?

23
24 John McCall: There's no discern what change in value over the last four years, if say a wedding venue was creating problems, like
25 I know the Daniels lives out by the Carriage House from out there. He's got the big pond you see across from Mill Oaks when
26 you're driving down Jones Ferry Road. So, he's got a body of water in the venues, and the other side of it, I guess the east side of
27 that. And you know, what you would look for is that property values in and around some of these would start to diminish and there
28 would be some discernable event. And I have not even heard a comment, and I'm out there pretty much daily talking to agents and
29 talking to people in the market, whether they be buyers or not and you know, what I get, I have not heard a whole lot. I haven't
30 heard anything about a wedding venue being a problem as far as people living next door to it. And you know, I would've thought
31 that areas, not here but, like Chatham County, Shakori. And Shakori doesn't seem to have really put a big negative impact on
32 properties down there. I mean, I can show data showing that the lot values have been better, but anyway, we're talking about this
33 property, and in my opinion the barn is not going to impact the nearby values.

34
35 Sharron Linn: That's all the questions.

36
37 Karen Barrows: Anyone from the Board have questions for John?

38
39 Barry Katz: I have a question. Page two, there are statistics within two miles of wedding venues. Is two miles your typical statistical
40 area from a location that you consider?

41
42 John McCall: It was just pulled out of the air. I just figured because Alamance County is about within two miles I thought, I just
43 thought it seemed like a good radius you could do. And also, if you go much more than two miles from Aqueduct you're in town.

44
45 Barry Katz: I'm not thinking more than two miles; I'm just thinking whether less than two miles will be of some significance
46 more..

47
48 John McCall: ...The data gets pretty sparse, you know. And, there were 28 ok for by the Carriage House, there were a total of 28
49 sold listings during 2011-2012. There were 30 listings sold 2012-2013 in that two-mile radius. So sometimes if your data gets to
50 where it's three houses, one's a million dollars, one's a hundred grand and one's...

51
52 Matt Hughes: Yeah, that's not enough statistics...

53
54 John McCall: Yeah, and then this really isn't.. I mean, these numbers are just here to see if there was any kind of, at first glance, if

1 there was a trend. I haven't appraised the barn; I haven't appraised the property out there. I was only coming in as a consultant to
2 give my opinion as to what I felt like the impact would have on the neighboring values and on the....
3

4 Barry Katz: Right, you qualified what you based your opinion on and you've given us your opinion.... That's fine.
5

6 Karen Barrows: David...
7

8 David Rooks: John, did you actually find any contiguous properties? Contiguous to a wedding barn facility, to incorporate into your
9 study?
10

11 John McCall: No, I did not.
12

13 David Rooks: And are you aware the standard you're testifying to is whether the used will maintain or enhance the value of
14 contiguous properties?
15

16 John McCall: I was, for the contiguous properties, yes, I understand that but I did not uncover anything.
17

18 David Rooks: So, you found no evidence, one way or the other, with respect to contiguous properties.
19

20 John McCall: That's true. One way or the other.
21

22 David Rooks: Thank you very much.
23

24 Karen Barrows: If there are no other questions for John, thank you. Anything else Sharron?
25

26 Sharron Linn: Yeah, I just have one more witness. I'd like to introduce Miss Gerard, the realtor.
27

28 Melanie Gerard: Hello.
29

30 Karen Barrows: Could you state your name again and tell us...?
31

32 Melanie Gerard: Melanie Gerard.
33

34 Karen Barrows: And have you been sworn Melanie?
35

36 Melanie Gerard: I have been affirmed.
37

38 Karen Barrows: Ok.
39

40 Sharron Linn: Mel, could you tell us about your background, and qualifications and your role in this project?
41

42 Melanie Gerard: Yes, I've been a realtor since 2000 and I started my own company in 2011 so broker in charge there. I have one
43 other agent under my license at my firm. Kara and I became acquainted through a mutual friend, and she told me what she was
44 looking for and I live in Chatham County but, I've done most of my work... Well, my work is split between Orange and Chatham
45 County. I wanted her in Chatham, so we looked a lot there. Lest there's lots of rule of property and lots of unrestricted property
46 there. We looked over the course of maybe a year and a half, almost two years of different things. And when this property came up
47 it fit the budget requirement, it fit, it was bigger, the partial was bigger than what we had hoped for. Or thought we could afford at
48 the time, it had lots of trees and it was perfect for being able to isolate the venue, in a way that would not, in our opinion, negatively
49 impact other property owners.
50

51 Sharron Linn: I'd like to qualify Melanie as an expert in real estate and realty services.
52

53 David Rooks: I'm going to object, but we'll just defer any further moving on it until later. I'm not sure what's she an expert in.
54

55 Melanie Gerard: Well, I have had a real estate license, for 15 years.
56

1
2 Karen Barrows: Ok.

3
4 Sharron Linn: We also have her resume.

5
6 Karen Barrows: Ok.

7
8 Sharron Linn: Can you tell us why you decided to show Kara this particular property?

9
10 Melanie Gerard: Well, like I mentioned, it was the size of the property that fit the requirements of the budget. It was unrestricted, it
11 was not in a subdivision that had restrictive or protective covenants, however you want to view them. That was basically the
12 criteria. It was beautiful, it was not particularly hilly or where it being topographically it wasn't you know, erroneous and the location
13 was suitable to her needs.

14
15 Sharron Linn: And what are some of the advantages that this property has for with the project?

16
17 Melanie Gerard: Well I mean; I think that would just be repeating myself. I think that it's pretty plain as to why we chose the
18 property. I mean, everybody's going to agree that it's beautiful out there and it's large and unrestricted.

19
20 Sharron Linn: And how does this kind of wedding venue, in your experience as a realtor, generally affect property values?

21
22 David Rooks: I'm going to object, not qualified as an expert on property values. You have tenure I took objected to it.

23 Sharron Linn: Ok well, how do you think building the barn will impact selling or showing a neighboring property?

24
25 Melanie Gerard: I think when people have decisions to make when they're going to buy property. Whether they're going to be in a
26 subdivision that's got restrictions or whether they want to live in an unrestricted area. And in unrestricted areas, lots of things can
27 happen. And people move out there thinking I don't want somebody to tell me what my house color should be or if my garage door
28 can be open. They want the freedom to be able to do what they want to do without somebody telling what to do. That has a flip
29 side, which can bring a hog farm next to your property, or a shooting range, or a dog kennel. And those are the things that impact
30 neighboring properties in a negative way. When I'm showing properties, if we know about something we talk about it. It's on the
31 property disclosure as obnoxious, you know, influence on a property. But, I work in Chatham a lot and Faarrington Barn doesn't
32 have any problem. And I've lived in Silk Hope and I've lived across the street from Shakori Hills and I can tell you they have a very
33 good working relationship with their neighbors. I've lived it, I've been there and I know about it very personally so that I can
34 definitely feel confident in my opinion on that. So, to me, there's going to be a noise ordinance I'm assuming that would control the
35 noise and I haven't been to any weddings where there's been Motley Crue playing, it's usually tasteful music and people aren't
36 blasted out of the barn.... When I go to a nice wedding event, it's a tasteful event and the music is generally at a level where
37 people can still talk in the same room and dance and have a good time, without having their ears blown out.

38
39 Sharron Linn: So in your opinion as a realtor, the general public opinion for this type of venue *too quiet*

40
41 Melanie Gerard: I would say good. Because of could go there and what could... on the properties there if you don't have
42 restrictions on them. So, if you do not put covenants on your property or restrict to choose it, anything can happen... And this is to
43 me, a known quantity. Obviously, there are known issues that you have to address with the headlights and things like that. I mean,
44 I just think it would be a beautiful thing to come across.

45
46 Sharron Linn: I don't have any more questions.

47
48 Karen Barrows: Ok, does the Board have any questions for Melanie... If not, Mr. Rooks...

49
50 David Rooks: No questions.

51
52 Karen Barrows: Ok, so that wraps up your presentation Kara. Thank you.... Mr. Rooks.

53
54 Michael Harvey: Karen, if I may suggest, before Mr. Rooks begins it may be beneficial to take a couple minute bathroom break.

1 Karen Barrows: We will adjourn for five minutes.

2
3 (The meeting was adjourned for 5 minutes)

4
5 Michael Harvey: Thank you for your patience, we are ready to begin.

6
7 Karen Barrows: Mr. Rook,

8
9 David Rooks: Yes, Ma'am?

10
11 Karen Barrows: Would you have things to present?

12
13 David Rooks: I do... (quiet discussions) At this point we would call Dr. Noral Stewart. If you would Dr. Stewart, briefly inform the
14 Board about your education background?

15
16 Noral Stewart: Yes, my name is Noral D. Stewart, 7330 Chapel Hill Road, Raleigh, North Carolina.

17
18 David Rooks: And have you been sworn in?

19
20 Noral Stewart: Yes, I have... I received my education in acoustics through the department of mechanical and aerospace
21 engineering at North Carolina State University. Bachelors, Masters and PhD. I have been consulting, starting part time in the late
22 1970's and full time since 1981. Consulting in acoustics and noise control exclusively. I have been, I am a member of the
23 Acoustical Society of America, in fact, a fellow of the Acoustical Society of America. I've been very active in the development in the
24 ASD on standards and acoustics and they have recognized me as the only, currently actively practiced acoustician that has been
25 recognized as a fellow of ASPM. I am a past president of the national counsel acoustical consultants. Our national/international
26 trade association. I'd say I've been consulting for 35 years or so, in various areas of acoustics, noise control, building acoustics,
27 environmental noise, some degree of industrial occupational noise. I've been before this Board at least three times previously in
28 this room. May be all new faces, I understand there's been turnover so maybe nobody remembers me. But, I've been here,
29 primarily, on behalf of applicants that has uses that are potentially a problem that I had to assure the Board that they have done
30 their homework to control the sound. And thus, I have been asked to come here to discuss it tonight.

31
32 Michael Harvey: Mr. Rooks, I'm sorry, can I interrupt for a moment? This for your records, is OP1.

33
34 David Rooks: Madame Vice Chairman I will tender Dr. Stewart on what is an expert in acoustics. And if he has been so received I
35 would ask him to testify to whether he's had an opportunity to view the property or the project in question here or other properties
36 and formed any opinions that he wishes to share with the Board.

37
38 Noral Stewart: Yes, Mr. Rooks, I have visited the neighborhood. I've made some measurement to the sound in the
39 neighborhood, I've reviewed the submitted materials for the project. This is a very quiet community, it's a remote area. We
40 measured sound levels on Saturday evening in the 30's, that is, 30-40 dB A, decibels. Occasionally, below 30. But, steadily below
41 40 except perhaps when a car goes by if you're near a street, near a road. It's a very quiet community. The kind of place where if
42 you've got something that's going to make a lot of sound, that sound's going to stand out. We like to take things, one of the things
43 that we do would be to figure out activity that's going to have some loud sound to it, we try to steer it towards a place that's got
44 some noise already there so the intended plan being to cover it up. This is not that the case. In our experience over the many
45 years, we've dealt with a number of types of buildings that have music in them. Churches, night clubs, and wedding bands, where
46 you're playing loud music. And if the building is not carefully constructed that sound can get out, especially the base. There's also
47 some issues with sound outside- I'll come back to that base issue in a little bit- but, before forgetting, I want to mention that any
48 time you're generating a sound outdoors in a quiet area like this, it's going to be heard for some distance. That may not be heard
49 enough that you understand everything but sound will carry to where it can be heard. I was pleased to know that the facility is
50 primarily in the middle of the site, that's a good factor. As opposed to sometimes we see people play things right on the edge. I
51 was pleased to hear earlier that the outdoor music would be restricted to just the wedding ceremony, if I understood that correctly.
52 But, we do have the factor of music in the building. We've had a number of experiences with that type of situation, where the base,
53 the thump, thump, thump, gets out. It's not that difficult to control the higher frequency, higher pitch party music but, the base-
54 unless you really are careful and really know what you're doing- can easily get out. And part of that is that a lot of the things that

1 are done normally to try to control the higher frequency part of the sound actually make the building weaker down in the base
 2 range. A common example of this is when you build a wall that's got a cavity in it, like your common stove wall. Whenever you do
 3 that, you're creating a situation down at the low base frequencies where that wall has a frequency of which it tends to vibrate and
 4 will pass sound through. Now, above that frequency it does a better job of blocking the sound.

5
 6 So you can improve the sound blockage from speech and higher frequency sound but, you've weakened it down at that base
 7 range. So, if you don't do something like that and you've just got, say, a solid piece of material. Well, heavy masonry is great but
 8 I've not heard anything about heavy masonry here. I do see a tin roof, a metal roof, I don't know what's under that roof. I don't
 9 know if there's a ceiling down there, a heavy ceiling with a big air space that would help out or not. I don't know, I haven't seen any
 10 evidence to show me what has been done to assure that the base is contained in this building. When you do a cavity construction
 11 with a set of large cavity, if you make your layers of material heavy enough and you make your cavity big enough you can shift that
 12 resonance down to a very low frequency that's below the frequency of the music. That's what you have to do if you're going to do
 13 that kind of construction. You're two basic options are that or very heavy construction. One or the other to block that base. We
 14 have experienced cases, one of the case of a church where the music from that church was loud enough that it was literally
 15 shaking the walls of homes nearby, 300-500 feet away. It can be a difficult problem, I'm not saying that they haven't, don't or won't
 16 be able to control it. I think it can be controlled, if you do the construction right. But, I haven't seen any evidence presented, to
 17 show me that they've got control of the situation. And my fear is that what you will have is, in the evening, the neighbors hearing
 18 the constant thump, thump, thump. Which can be, you've probably heard these boom cars that go by sometimes, maybe not quite
 19 as bad as some of them, but persistent through the evening. And, with regard to this kind of thing is really, can be irritating. We get
 20 calls from neighbors of these types of facilities and of churches and other facilities that have music too, that have these problems.
 21 Some of these things don't happen all the time, they're not continuous. Like this would be primarily Friday and Saturday. And if
 22 somebody comes to buy a house in the community, they come look at it on a Thursday afternoon, they have no idea what's
 23 happening on Friday or Saturday.

24
 25 So we always get these calls too, from the people who have bought something next to something that's a problem and that's the
 26 story, "It wasn't there when I came to, I had no idea it was there". Still, they hear it. So it's a difficult situation but, my main thought
 27 on the whole thing is I don't see the evidence and I've come here before on behalf of applicants I've had to show what was being
 28 done to contain the sound. And I haven't seen that demonstrated here tonight. The local ordinance, noise ordinance, has some
 29 measured level limits in it, that you have to meet. With the distances involved in this case, it's possible they would probably need
 30 those. But, those are limits that are intended for broadband, sort of, steady sounds, that are non-distinctive, that sort of blend in
 31 like traffic and so forth. When you get distinctive sounds that are attention getting, and music is very much a sound that is intended
 32 to get your attention and to convey information. Those kinds of sounds tend to be a disruption and an interference to people, if
 33 they simply hear. Especially hear it clearly. That's just the experience that we have and it's something that's recognized in the
 34 acoustics community. That is more of a signal to noise ratio where the noise is the background sound and the signal being clearly
 35 heard over it. The ordinance further says that it prohibits any sound which is substantially incompatible with the town and location
 36 where created, which is perceived by a person of ordinary sensibilities as interrupting normal peace and calm to receiving land.
 37 This is an area where the land is peaceful and calm. That may be attractive for a venue like this but, the venue itself is disturbing
 38 that peace and creating a different environment. And, as I say, I think it could potentially be done in a way that it's more compatible
 39 but, I don't see the evidence presented to demonstrate that it's being done.

40
 41 David Rooks: That's all the questions that I have.

42
 43 Karen Barrows: Further members of this hearing? Matt?

44
 45 Matt Hughes: When you evaluated this permit, or this proposal, what evidence did you evaluate to come to your conclusion?

46
 47 Noral Stewart: First of all, my visit to the site, which told me what was there and so forth. And then, the evidence in the packages
 48 that I was provided, which I've gathered there may be some additional details in some of the stuff that was submitted to you that I
 49 may not have had in my package. But what I saw in my package showed me no details of the construction of the building other
 50 those exterior drawings that showed metal roof, of ---- siding. It didn't show me the full construction of the wall or the full
 51 construction of the roof, what the details of the window construction were and so forth. So it did not provide me the evidence to
 52 show that they've done their homework, to properly control things. I did not take the position that I had to, myself, prove that it
 53 wouldn't work. But, my position is that they have not proved that it will.

1 Matt Hughes: And, for a project like this, is someone of your expertise able to advise the construction of a building like this to
2 minimize the disturbances?
3

4 Noral Stewart: Yes, we do it all the time.
5

6 Karen Barrows: Any other questions?
7

8 Noral Stewart: It's tough when you've got the base, but it can be done. They may not like what you tell them sometimes, but it can
9 be done.
10

11 Barry Katz: I'm trying to figure out, to understand... The Ambien is 30 decibels.
12

13 Noral Stewart: The end range is between 30 and 40.
14

15 Barry Katz: What would that be comparable to, so I have some idea of what that sounds like?
16

17 Noral Stewart: It's a very quiet, I would call it a very quiet rotation. Most of the time when you're in buildings like this the air
18 conditioning system are somewhere around 40 dB A. Some places they may be a little louder, some places a little less.
19

20 Barry Katz: Do you have any speculation about what this base sound would be 600 feet away?
21

22 Noral Stewart: It really depends on how the building is built and how loud the band played, or the music is amplified and so forth. It
23 could be very variable. My experience in communities like this, that kind of distance, I have on multiple occasions been able to
24 hear the thump of base at that kind of distance. It depends on, again, the construction of the building and the level the music is
25 being played.
26

27 Barry Katz: Just, for completeness, the wedding season is more or less the spring and the summer, during those times do you
28 think the normal Ambien sound at night, of the night sounds, would have any mitigating effect on the base sounds.
29

30 Noral Stewart: Not really. What happens, one thing that does happen, it'll be summer and you get on into late spring and into
31 summer and into fall, you get insect noise. And insects can be quite loud, but their sound is up at the very high frequencies. It's a
32 hissing. That does not cover up base. I've got plenty of evidence of that. In fact, I had difficulty measuring sometime so I did a
33 major study when ----- amphitheater in Raleigh, some 25 years ago, I spent many a night out there trying to measure and having to
34 use sophisticated instruments to filter out the insect so I could measure music.
35

36 Barry Katz: I asked you for completeness. All right.
37

38 Karen Barrows: Susan...
39

40 Susan Halkiotis: I want to follow up on Barry's question and on your explanation about the base and how really depending on the
41 buildings construction it can exacerbate the perception of the base. So what about, I think that there may also be outdoor music,
42 up until 8 pm. And how does the base sound when we're not talking about being inside a building but, being outside.
43

44 Noral Stewart: Outdoors, if it was the same kind of broadband music, you would hear, you would be getting more of the higher
45 frequency sound. Now, even outdoors the conditions that are present such as the atmospheric and ground attenuation and trees
46 and all of that, tend to have more effect on the higher frequency sound than on the base. So, as you get some distance away you
47 start hearing the base and the rest of it's been knocked down. I would tend to expect that music played outdoors, live music or
48 amplified music played outdoors, would still be heard as music. Not just the base, at 500 or 600 feet. Maybe even further. And
49 especially in a situation like this where you've got a quiet background. I've been in situations where the music we were able to
50 measure 45 or 50 dB A but, the background was so quiet you could still hear it clearly. So, the important thing I heard, I hope it's a
51 commitment, that outdoor music would be primarily a wedding ceremony, and not a big concert or something. Because I was very
52 concerned when I saw just an 8 o'clock deadline, you could have any kind of music outdoors, that was pretty much a concern to
53 me.
54

1 Matt Hughes: I have another question. Again, for completeness, your opinion on 600 or 800 feet away, you would have the sound,
2 the base sound. Most people at night, in the country, are not outside. They're in their houses. (audience protests) I just want to
3 hear what he has to say. Please. And these signs are not helpful at all. So would you still be hearing...
4

5 Noral Stewart: Yes, and in fact it might even be more noticeable indoors. Number one, just like the sound can go through the walls
6 of the barn, homes are typically not designed to block this kind of sound. They're not anticipating this low frequency base sound.
7 So it goes through into the house. Secondly, in the house the walls have blocked everything else so the only thing that's getting in
8 is the base, essentially, so it stands out more. Then another thing is, that due to the dimensions of the typical rooms in houses,
9 those rooms have resonances. And they can amplify that base to where it might actually be louder inside than outside. I have
10 experienced that. And, it's both with music and industrial noise. I remember an industrial client situation with a strong tone around
11 a hundred hertz that was louder inside the neighbors' house than it was outside. So, that's an important point. And this is the main
12 thing that we find really is most disturbing to people is, they're ready to go to bed and thump, thump, thump. It's an irritant. And, it
13 takes care to control it.
14

15 Karen Barrows: Any other questions from the Board? If not, does the applicant have questions?

16
17 Sharron Linn: So if the building is carefully constructed was the noise, the large cabin construction or if Kara consulted with an
18 acoustical consultant, the sound might not travel?
19

20 Noral Stewart: It's conceivable that it could be built in a way that can contain the sound. I would have to caution you, it's not easy
21 and you may not like some of the things you will be told. But, if you can follow the advice of someone who is experienced and
22 knowledgeable then controlling low frequency base sounds we've had to it. I mean, I've mentioned a church that was shaking the
23 walls. We had to re-design that church to contain the sound.
24

25 Sharron Linn: What kind of music produces these low frequency base sounds?
26

27 Noral Stewart: Most any music has a strong degree of base in it. Now, you could exercise some control with, perhaps, the control
28 equalization on the loud speakers to tone it down some, if you can get the musicians to do it. Some are more willing to do it than
29 others. But, that may be a part of a solution. But, in order for the music to be balanced, one of the things that drives it is drums. If
30 you've got any music that's got a live drum set, drums are naturally loud. The other musicians have to be loud to keep up with the
31 drum, so that they're not drowned out by the drum. So, one thing you can do is prohibit live drums. And, use electronic drum sets.
32 That can help the musicians to control it to a lower level. But, that's one of the things in the bag of tricks to help out. It doesn't
33 necessarily mean you can't pay some attention to the building, but it can be one thing to help.
34

35 Sharron Linn: So it sounds like this low level base can be controlled.
36

37 Noral Stewart: If you know what you're doing, it's difficult, it's tricky. Architects get pulled all the time because they think they know
38 what they're doing and they're controlling the higher frequency sound and they're making the base control worse. Because you
39 have to approach it in a different manner. It's a different set of rules when it comes to controlling the base than controlling the rest
40 of the sound.
41

42 Karen Barrows: Any other questions? Ok, carry on.
43

44 David Rooks: Chairman, I would at this point, like to excuse Dr. Stewart so he can go on home.
45

46 Karen Barrows: Ok.
47

48 James Bryan: Before that happens, we haven't addressed one housekeeping matter about whether is multiple parties or whether
49 everybody opposition is comfortable with Mr. Rooks as their spokesperson.
50

51 Karen Barrows: Good point.
52

53 David Rooks: Well, let me tell you what I'm planning to do and maybe that will answer your question. I'm planning to call maybe six
54 or seven witnesses, each having been requested to testify three minutes or less. And then at that point I would tender to you a
55 group who are here to testify, if you wanted to hear them, some of them may still want to testify. But, I was planning only to use a

1 few witnesses and then tender the rest.
2

3 James Bryan: We'd still need, if I may, is there anybody in the audience that is in opposition to this, that is uncomfortable with Mr.
4 Rooks being their spokesperson.
5

6 Unidentified Individual: I'm not uncomfortable, but I have no idea what he's going to say so I can't very well say what is –as you
7 said before, I don't know what he's going to say.
8

9 James Bryan: That's fair enough. So, just as a reminder to the Board, and the public as well. So, this is a fair trial standard, where
10 dealing with this like a court of law, the thing that we're most concerned about as a Board is due process rights and that includes
11 the party, all the parties which maybe the applicant, adjoined neighbors and maybe even other people. Is there anybody else like
12 this individual? If not, then we can just surmise that there are –interrupted-
13

14 Unidentified Individual: I think this is difficult because Mr. Rooks, though we love him, does not live in our neighborhood. He's not
15 been a member of our neighborhood and you've hired him to represent us but, for us to not be able to share with you why this is
16 not in harmony, I wonder how that plays out...
17

18 David Rooks: I think... My proposal is that we call the ones we're planning to call and then allow anyone that wants to testify to
19 testify. I would tender them, and as many that want to testify can testify. I'm not going to try to control who testifies. Beyond the
20 ones, specifically, that I'm calling. I don't know the rest of the folks and what they're plans are.
21

22 James Bryan: So madam chair, that brings up a whole slew of other issues with, we're going to reach some issues with relevancy
23 and redundancy and there's going to be some heartache later on. But, we can address that later on. The point here is that before
24 that individual goes all the parties have to have a right to question him. So, right now we've got one, two, three parties. Does
25 anybody else wish to declare themselves a party to this? Speak now...
26

27 Unidentified Individual: What do you mean by that?
28

29 Unidentified Individual: Are you asking this because you want to know if anyone has questions for the witness? Before he leaves?
30

31 James Bryan: Yes.... Well, and that's one right to the party. The parties have rights as well. Parties can call witnesses. If you're
32 not a party, you can't just come up here and speak. Now, there is a party that says he's going to call everybody and we'll get to
33 that when we get it but, that's how it is.
34

35 Karen Barrows: May I ask if maybe the correct thing to do at this point is to ask if there's anybody who has any questions for Dr.
36 Stewart, so he can go or not go.
37

38 Wallace Williams: I have one.
39

40 James Bryan: Just to be clear that there's going to be other witnesses and we're going to have to go through this, every single
41 time and plus, the applicant might object to these people being parties. You can't just declare yourself a party.
42

43 Wallace Williams: Do I need to ...
44

45 James Bryan: Let us resolve this, first out, what the Board wants to do.
46

47 Karen Barrows: So James, are you suggesting that Dr. Stewart should stay for a bit so that...?
48

49 James Bryan: I suggest that he stays in the room until we figure out how many parties are here tonight. We have a standing, right?
50

51 Karen Barrows: We have a standing.
52

53 David Rooks: Their appraiser's already gone. He's long since gone. I think we're going around in a circle of nothing here. I think
54 you ask the folks if there's anybody else who has a question for him, for Dr. Stewart. If they have a question for Dr. Stewart they
55 can ask the question, otherwise he can go.

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James Bryan: That would be ok.

Karen Barrows: Good, I think that makes sense.

James Bryan: If the Board is comfortable with it, we can continue on the premise that all the parties here are present and they are all waving any objection to this and we will go witness by witness and have questions by questions. Ok, is that what the Board and party please?

Karen Barrows: Sounds fine, I'm ok with that. Let me ask, are there folks who specifically would have a question for Dr. Stewart?

Wallace Williams: I do.

Karen Barrows: We have a few. I'll start with you, if you'd like to come up and introduce yourself and tell us if you've been sworn. And then you can ask your question.

Wallace Williams: I have not been sworn.

Karen Barrows: Well then, where's our bible? If you'd put your hand on the bible sir.

Wallace Williams: My name is Wallace Williams and I live at 7714 Shakori Ridge Drive in Chapel Hill which is off of Millikan Road which is approximately 2 miles away from where she plans to...

Karen Barrows: Do you confirm that the testimony that you're about to give is the truth and the whole truth?

Wallace Williams: I do.

Karen Barrows: Ok, thank you.

Wallace Williams: So, my question is about once or twice a year, I live about at least a mile from most churches but about once or twice a year, I can hear their parties as if they're right next door and I can actually hear them talking. So....

-inaudible-

Noral Stewart: And why it may only be once or twice a year and so forth?

Wallace Williams: Well, they only have the parties once or twice a year.

Noral Stewart: Ok, yes, I've seen situations in very quiet communities where activities like that have been heard as much as a mile away. One of the things about sound, in on regard, might have heard of the inverse square rule/law in high school physics, which basically says that the sound decreases about 6 dB for every doubling of distance. Which means that once you start getting a thousand feet away or so, you have to go another thousand feet to get another 6 dB and then you got to go another two thousand feet to get another 6 db. So it doesn't drop off very rapidly and that's especially the lower frequencies. Higher frequencies will drop off more rapidly due to what we call atmospheric absorption. That tends to kill down so you do tend to hear more of the lower frequency sound over long distances. But, a couple of things that affect what you hear at different times. You ever went out in the early morning, around sunrise? You hear things that are far away that you don't hear in the middle of the day. What is happening there is what we call a temperature inversion effect, which causes the sound that starts off going up to curve back down on you. And you hear those things from far away, I remember a few years ago an acoustician friend of mine, we were about a mile and a half from I40 and he was hearing it out in a very quiet area and he was surprised and I said, "No John, you can do it. When you've got those conditions early in the morning.". Those conditions can occur at other times. Most commonly they're overnight or early in the morning. The can occur in the evening also. Especially after sunset. So, that's the time that sound's going to be heard over distance, beyond a thousand feet or so, the strongest is those types of things. Now, beyond that, there can be what we call focusing effects. Where on the rare occasion you'll get that sound that's traveling up and being bent by the atmosphere, focused in such a way that at some particular location, some distance away, it's all focus there and it's particularly loud for a few minutes. A few minutes later it's gone. That's the kind of thing you really can't predict, you can't hold anybody reliable for it or anything, it's

1 sort of like an act of God. Thunderstorm or something, but that kind of thing can happen also. It's rare, it's not very long lasting,
2 moves one place to the other but that's a focusing effect. We basically tell people you've got to be aware of the temperature
3 inversion effect and plan for it and so forth, the focusing effect is something that nobody can plan for.
4

5 Karen Barrows: Ok. Sir?
6

7 Rhett Macomson: I have not been sworn.
8

9 Karen Barrows: Ok, if you could state your name?
10

11 Rhett Macomson: My name is Rhett Macomson. I live at 7315 Goldmine Road which is just at the corner of Goldmine Road and
12 Morrow Mill, I'm probably about a mile to a mile and a half from the proposed location or the barn. My specific question....
13

14 Karen Barrows: Can I swear you in please? Ok, Rhett. Can you affirm that the testimony that you're about to give is the truth and
15 the whole truth?
16

17 Rhett Macomson: Yes, Ma'am.
18

19 Karen Barrows: Thank you.
20

21 Rhett Macomson: I built my house at Morrow Mill and Goldmine Road about 8 years ago. For what everyone in this room did, the
22 peace and quiet. It's been discussed at length. Unbeknownst to me at the time I was moving into an area where graced by the
23 UNC research station and in the summertime as the moon goes down, those dogs down at the research station start barking. I can
24 hear them 2 ½ miles away. My particular question is, in relation to a dog barking at 2 ½ miles –and I don't know what decibels and
25 this type of thing, that noise will carry. And I've had instances where neighbors have had parties out in their back at least a mile
26 from my house. And I've heard the loud music, so I'd like you to address the specifics of how a dog bark that far away I can hear
27 with my windows open, obviously. If I close them I don't hear them, until the dogs next door start barking. So, that's my question.
28 Just to give some sort of comparative sound. I think it was addressed earlier if you could give us some relation to that.
29

30 Noral Stewart: Yes, a dog bark, like music, like sirens is one of those distinctive sounds. It's a sound that has distinctive
31 characteristics, concentrated right around a thousand hertz. Primarily, some dogs more down like 500 hertz, but it's a very narrow
32 concentrated sound. And a dog bark is something that we've all learned to hear, it's the kind of thing that's sort of a danger sign.
33 With a lot of these signs that are particularly important, that are part of the fear or flight type of syndrome. They're things, sirens,
34 gun shots, dog barks, things that can potentially be a danger so your body reacts to them. The concentration of the sound of a
35 narrow frequency range, like a siren, makes the sound very noticeable even in a very quiet environment. Even if it's not the loudest
36 sound. You might have a situation where a sound like that, I have a meter here and I'm measuring the overall sound level and
37 when that dog barks, that needle doesn't move because the overall sound level is more than that dog barking but that dog bark is
38 the loudest thing right in its frequency range and it stands out. And you hear it and you notice it. And in a particularly quiet
39 community, yes, you can hear some dog barks a long way off. My previous appearances here have been primarily about dog
40 barks and one of the things we've have to ensure is, it will not be heard at night, and so forth. So yes, and at night, with
41 temperature inversion effect typically starts around sunset, goes through the night until a little while after sunrise and its strongest
42 around sunrise, next strongest around sunset. Stronger in the winter than in the summer, but still there in the summer. But, that
43 means that the time you've got to really watch out for sound propagation is around sunset and just after sunset and around sunrise
44 in the morning. Those are the times that it's going to be heard over longer distances.
45

46 Karen Barrows: Thank you. Is there someone else that had a question for Dr. Stewart?
47

48 Bob Flynn: I have not been sworn. My name is Bob Flynn; I live at 7108 Akin Trail in Chapel Hill.
49

50 Karen Barrows: Thanks Bob. Would you put your hand on the bible? Do you affirm the testimony that you're about to give is the
51 truth and the whole truth?
52

53 Bob Flynn: I do. I've done lots of development and I'm confident that you can build that building to hold sound.
54

55 Noral Stewart: It can be done.

1 Bob Flynn: It can be done; you won't like the cost.

2
3 Noral Stewart: Yeah, that's what I was saying.

4
5 Bob Flynn: My experience in development and managing buildings is if you approve this, once the building is built and you've
6 mitigated that problem... The neighbors, all of us, will be subject to the sounds of day to day operation. So my question to you is,
7 what is the decibel level of a garbage truck entering the property and dumping a ten-yard dumpster and what is the sound of the
8 delivery truck entering the property and what is that continuous sound of a hundred cars coming and going?

9
10 Noral Stewart: I don't know if I can off the top of my head answer your questions, exactly. I can tell you about certain things such
11 as a heavy truck, like a tractor trailer truck moving on the highway at say 55 mph, at 50 feet away. The sound level is going to be
12 somewhere around 85 dB A at 50 feet. And, that's going to drop off with distance, at 100 feet it's maybe going to be 6 dB less, at
13 200 feet it's going to maybe be another 6 dB less. But, large trucks are much noisier than cars, just going by general rules of
14 thumb, when we do road noise calculations, a box truck, a general delivery truck, the kind of truck UPS drives or the trucks that
15 just have two axels. Those are about 10 decibels louder than a car. So they're perceived to be twice as loud as a car. A heavier
16 truck, like a tractor trailer is, if I remember correctly, about 10 decibels louder than that. It's very much louder. Garbage trucks tend
17 to be more like the heavy trucks. I've done some measurements of things like dumpsters and so forth but I would hesitate to try to
18 recall the numbers off the top of my head. But, of course that can be a loud event. We just don't know how many of those kinds
19 of events are going on and so forth. I haven't worried too much about them, but that could be some extra part of what would be a
20 concern to the neighbors.

21
22 Karen Barrows: I have one question Dr. Stewart. I heard you say something about temperature inversion and things can be louder
23 when the sun goes down and, if these events are happening, presumably, in the evening is that-

24
25 Noral Stewart: That's right at the worst time, matter fact. Now the evening is. There's two things really that make it worse. One is
26 the temperature inversion situation and the sound is going to travel more strongly than it would in the middle of the afternoon.
27 Especially affecting places that are more than 500, 600, 1000 feet away. If you get within 200-300 feet away it's not a very
28 significant effect. But once you start getting out close to a thousand feet and that's a very significant effect and for greater
29 distances, a very significant effect. The other things in the evening is sometimes things gets quieter in general in the evening from
30 other sources around that might be some distance off, that you might otherwise hear, but the bigger factor in the evening is the
31 inversion as opposed to the common perception of just other things getting quieter. Another factor though is, that it's around the
32 time that people are going to bed, the most sensitive hour of the day. I always have to tell all my clients this. The most sensitive
33 hour of the day is that hour when somebody is crawling into bed. Because at that time they've turned everything off in their house,
34 it's gotten very quiet. What they're going to hear is whatever is outside. And if they go to bed and there is something that is coming
35 in that's irritating them and they have trouble going to sleep, not necessarily because it's so loud that it physically would wake
36 them up or keep them from sleeping if they were asleep but, it irritates them because, "Hey, why are they doing this to me?", they
37 get irritated and then they can't go to sleep. It just compacts things. So, I have to advise my clients, you got to be very careful
38 about evening hours when people are trying to go to bed. More so than 3 o'clock in the morning because they're already asleep
39 then, unless they wake up. But, when they're trying to go to sleep, that's a period when they can get most irritated.

40
41 Karen Barrows: Thank you. Any other questions for Dr. Stewart?

42
43 Wallace Williams: I have one other question.

44
45 Karen Barrows: Ok Wallace.

46
47 Wallace Williams: Ok so, this occurred about a month ago out at Valhalla the town gave them a fireworks permit and, we're
48 inside our home and our windows are closed, we have a log cabin, and windows are closed but we could hear this loud noise and
49 there was fog that night too. And it sounded like World War III had started so we called 911 and they told us what was going on.
50 My question is, we have a second floor bedroom and that kind of raises you up and sound travels in a straight line so what kind of
51 impact can I expect to get from this facility? Hopefully, they would never have fireworks but... I trust that you will never have
52 fireworks but I can't trust that you'll never sell the property.

53
54 Noral Stewart: Well, that what you said there was fog, a fog is a condition that can create an inversion even in the middle of the

1 afternoon. So, having that in the evening was probably complicating to a strong inversion. There may have been some focusing
2 going on. That's the kind of thing, I was at another hearing a few weeks ago, about a quarry and the quarry applicant was saying
3 we will not blast at 7 o'clock in the morning because of temperature inversion. Well, good. Are you going to start up the rest of your
4 machinery at 7 o'clock in the morning? Another question. And, are you going to take care of it so that you can. Yes, the specifics
5 that may have done a particularly bad evening with the fireworks. I just don't know, I've been there, I have had somebody else
6 mention it to me, I remember now. But, I don't know whether they plan fireworks, it's not been mentioned but, in a case where
7 somebody's not expecting it, particularly, I live in Raleigh, I know when the state fair is going on, there's going to be fireworks. So if
8 I hear a boom I know what it is, I know at 9:45 in the evening if I hear a boom I know what it is. But, if I was closer to it and it came
9 as a sudden surprise it might be another matter.

10
11 Karen Barrows: Thank you. Okeydoke, thanks for your time. Do you have other...?

12
13 David Rooks: I do, at this point we would call Amanda Ekholm.

14
15 Amanda Ekholm: I'm Amanda Ekholm, and this is Michael Ekholm. We've both been sworn in.

16
17 Karen Barrows: Ok.

18
19 Amanda Ekholm: And we live at 1002 Map Ridge Drive. Which is on the map. Directly across the street. So, we are on the service
20 entrance side as are these three houses, our neighbors are all right now. This is our house. Our yard goes all the way up to
21 Millikan Road where our kids play in the yard right here and right across Millikan Road is the service entrance, the septic field and
22 the barn. So, we are looking at it. It is right across the road from us. We are looking at it and our kids are playing next door to it. So
23 that's where we are on the map. We've heard a lot of testimony and official numbers and things like. This is our family that we're
24 talking about, and our neighbors' families and we're here to represent the families. This is something that will turn our lives upside
25 down. This affects us all and we will all bear the burden of this irresponsible proposal. Like the other families here we have a lot to
26 lose, we chose this area for a reason. We moved here ten years ago we were starting our family, we were living in Phoenix,
27 Arizona and in Phoenix, Arizona the backyards were small, they were the size of a postage stamp, they were fenced in by
28 cinderblocks, the houses were right close together, there was noise, traffic sirens, everything the city brings, crime. And, we knew
29 when we started having kids that's not where we wanted to raise our kids so, we looked everywhere. We looked high and low for
30 where we wanted to move, where we could have a safe environment for the kids that was quiet and it was beautiful and it was safe
31 and serene and we would have gone anywhere and we came out here and visited and fell in love, and decided to move out in the
32 county so that we could have that experience for our kids. And we were told by the real estate agent at the time that Orange
33 County really restricts its building and that that would most likely stay the way it is, that Orange County doesn't build much and that
34 we would be assured to have a serene area. So, we did, we chose it, we left family behind, my sisters behind, cousins behind. We
35 did not move for a job, we did not move for family, we moved for this reason, we moved here for the reason for our kids to grow up
36 in that area. So we've been there for 10 years now, in this quiet neighborhood that we love, and we would have never looked at
37 that home if that center had been there. We would not have even gone out there with the realtor to see it, knowing it was there
38 would have been enough for us to go look somewhere else and that's something that concerns us for other people that are
39 interested in that area, that they would be deterred to having to live next to an event center. Especially people with young kids. So
40 we have been there for 10 years now and have been loving it. Our kids have grown. I have pictures I wanted to show you as well,
41 of our yard. This is our view from our porch, it's just more up close shot than the map is. So that's looking off of our porch.
42

43 Michael Harvey: Ma'am I'm sorry, are you intending to enter these into evidence?

44
45 Amanda Ekholm: Oh, so who do I give those to?

46
47 Michael Harvey: Just go ahead and pass them around.

48
49 Amanda Ekholm: Ok, so, this is our daughter playing in the yard and across the road is where the septic field, service entrance
50 and barn would be, right here. And this is where she plays. And this is our house in relation to Millikan Road. And these are the
51 other homes that are next to us. This is the cul-de-sac, Map Ridge is like a little gravel drive. Millikan Road's like right here.
52

53 Michael Harvey: For the record, the pictures are going to be listed as Op 2.
54

1 Amanda Ekholm: So our little girl, Clara, is in one of these pictures, playing in her yard where she usually is, we have outdoors
2 kids, we planned the sign that way, we want them outside, she's always playing in the yard right there, right across the road, right
3 across Millikan. Her sandbox is out there, their trampoline is out there, she brings the dog out there with the ball, throwing the ball
4 to the dog. People walk up and down Millikan all the time with their dogs, walking their dogs, she runs out to the road, all three of
5 our kids do and stop to talk to neighbors, without a care in the world. She doesn't know a stranger. So, this is why we live there,
6 this is what we wanted for her and this is what we've provided for them and this is what this barn stands to take away from us. So,
7 with the presence of hundreds of strangers across the road, this would all have to change. She, we would have to keep a watchful
8 eye out for her, we'd have to keep her closely guarded because of the possibility of misconduct with public, you're inviting
9 importing the public right next door that doesn't exist there right now. It would change our lives and the way we live and the way
10 our children play. And there's no condition that can be placed on an SUP that would take care of the problem with hundreds of
11 people, we're within 500 feet and there's no condition that can replace, there's no bush, there's no tree. It takes --- the problem of
12 hundreds of people being imported into our neighborhood that are not there right now. Our little boy, is also always in the yard, our
13 middle son, he has had an extensive medical history. He was diagnosed with a brain tumor, has had three subsequent cranial
14 surgeries afterwards. He's monitored regularly at UNC by his pediatric oncologist, but much of his physical therapy has to do with
15 that yard. That yard is his physical therapy. He needs to be on the trampoline, he needs to have freedom to be running and playing
16 freely. We had physical therapists that came to our home and home nurses for a long time and they told us to stop going to UNC
17 in a class room size physical therapy room because our yard was as good as it could be provided for physical therapy. Because of
18 the way his tumor was he needed stimulation, he needed impact, he needed to move his body, to regenerate basically connection
19 in his brain. And that's what physical therapy does and that's what our yard provides. The noise, the traffic, the public threat being
20 there would intrude and it intrudes in Logan's continued recovery, as well as environmental issues, that are conducive to good
21 health. Possibly and likely, smoking, car exhaust, pollutants, we're next to the septic field, of hundreds of people. Noise pollutants,
22 lost sleep, with a boy, for anybody, but with a boy with health issues is absurd. Lost sleep leads to a run-down immune system and
23 this can't happen to a boy that has basically come back from the brink of death. There is no condition that can be placed on this
24 SUP that would include and provide safety for our yard and our kids to live the life that they're living right now and have for the last
25 ten years. Or that would help with the continually environmental pollutants. The threats, those threats and intrusions don't exist
26 there right now, and the noise levels- we've talked a lot about those, our kids go to bed at 8 o'clock at night. We're up at 5 am to
27 go to school and work. Obviously, we would hear talking, shouting, party noises of all kinds, you can see that we're right across
28 the street. DJ music, live bands, fireworks. We also heard the fireworks at Valhalla, we called 911, we did not know what they
29 were, we call 911 thinking the gas station miles away was exploding, we heard boom, boom, boom, boom, and saw orange in the
30 sky in the distance and the 911 operator told me that they've had 30 calls that night, as far as Alamance County. And I can only
31 imagine across the street what that would sound like. And the fire marshal called me back and said that they had a permit. That
32 they can apply for a legal permit and they would have to show the special pyrotechnic what they wanted, they needed to have a
33 fire marshal there and a special permit and it was all within their rights, and they had the legal rights to do that. And it didn't have
34 anything to do with Valhalla, they just had the legal permit through the fire marshal.
35

36 Karen Barrows: Thank you for bringing this to our attention. I think we get the jest of what you're objecting to here, in the interest
37 of time. Thanks for coming up.
38

39 Amanda Ekholm: Sure.
40

41 David Rooks: Stephanie Bohling and Brian Allen?
42

43 Stephanie Bohling: We have both been sworn in.
44

45 Karen Barrows: Thank you.
46

47 Brian Allen: My name is Brian Allen, this is my wife, Stephanie. We live at 2900 Morrow Farm Lane. Which is right over there. So
48 we received the certified letters, notifying us of the informational meeting. I meant to have preface of what I was going to say, I just
49 kind of convened that I've known and worked with Chris, Kara's husband, since 1998. I was invited to their wedding, I went, Chris
50 came to ours. Chris is, he's technically a manager of mine at work, so this might be the most awkward moment of my life but that's
51 ok. We sit about five feet away from each other every day, but the first time I heard anything about this proposed event site is
52 when we received the certified letter in late September. When Chris finally did speak to me about it, he apologized for not having
53 said anything in the, I guess, six months purchasing the land, he also knew that I wouldn't be a big fan of it. I can only say that that
54 was a pretty huge understatement. My wife and I moved to the Morrow Mill community about a year and a half ago, to realize a
55 dream of living once again in a pristine countryside setting. I was born and raised in Vermont, my dad and grandfather were dairy

1 farmers. Stephanie's from Kansas, she comes from generations of mid-western farmers. We fully understand and appreciate the
2 true nature of farm life, I know we don't think our ten acres qualifies us as farmers, we love maintaining our garden, egg laying
3 chickens and flock of guinea hens and we very much value our goal of stewards of the land. We dream this would be the final
4 move of our lives, we're that happy with the area. I have an incredibly hard time understanding how we, the residents of Morrow
5 Mill, are to be convinced of this proposed event barn would not only have zero negative impacts on our way of life but will
6 somehow enhance our community. It's the word I just really can't get over, enhancing. Each and every event, as Amanda was
7 saying, will introduce up to 250 strangers to our tightly knit neighborhood, 150 vehicles on our country roads, many driving at night
8 after having consumed alcohol. I like to go for runs, I like to bike, sometimes we don't get home 'til after dark because we work so
9 late when I get some exercise, the thought of so many cars and the potential danger will make us reconsider. How's that
10 enhancement? In addition, the noise levels we've talked about. General disorderly behavior is not something that can be avoided.
11 My wife and I love to sit out on our back deck, we've done so with other neighbors, too. The sun goes down, enjoy the sounds of
12 the forest and country surroundings we've worked so hard to attain. All that will be changed by this proposed project. Chirping
13 crickets will be replaced by the sound of base, which I learned a lot about tonight. And the enjoyment of falling asleep with our
14 windows open will be taken from us. Again, I don't understand how that can be considered enhancement, or harmonious. If you
15 spend any time at all driving through Morrow Mill area or talk with the residents there, we're proud to call it home, you'll quickly
16 discover that this area is in no need of enhancement. It's truly a unique and special place to live and its uniqueness will not benefit
17 at all from this proposal. If anything, it will negatively and permanently change the lives of dozens of people who cherish the area
18 for its rural splendor and not it's money making potential. It's because of all these things I'm whole heartedly against this proposal.
19

20 Karen Barrows: Thank you Brian. Thank you Stephanie, for coming up.

21
22 David Rooks: Margaret Wilkman.

23
24 Margaret Wilkman: Thank you, I've been sworn.

25
26 Karen Barrows: Ok.

27
28 Margaret Wilkman: My name is Margaret Wilkman, my sister and I bought the property on Morrow Mill Road, in August of 1999.
29 We have lived there for the past 15-16 years. Never in the time we have lived there have 150 cars gone by our house at any time
30 of the day or night. This would be a major change. This proposal is not in harmony with the neighborhood, it adds no value to the
31 neighborhood, and it certainly doesn't increase our well-being or the well-being of our animals. Thank you for your time and
32 attention.
33

34 Karen Barrows: Thank you.

35
36 David Rooks: Elizabeth Hilborn?

37
38 Elizabeth Hilborn: I have been sworn in. I'm Dr. Elizabeth Hilborn. I'm a licensed veterinarian in the state of North Carolina and I
39 am Board certified in preventive medicine, a public health specialty. I've been practicing in public health for over 20 years, I'm
40 here to testify about the potential adverse effects of this venue on the neighborhoods' public health and safety. I'd like to point out
41 that this neighborhood is very unique, not only is it quiet and many neighbors have talked about this, but it's attracted a large
42 concentration of horse farmers and other domestic livestock facilities. There are over a dozen horse farms and domestic livestock
43 facilities within 1 ½ miles of this proposed venue. It's really important to understand that horses are prey animals, and they
44 respond to disruptions in their environment with fight or flight responses. If they're enclosed in stalls, or barns, they may strike out.
45 If they're out in a larger space they may run, run through fences, injuring themselves or others. Run into traffic. We had a really
46 good example of the effect of environmental noise on a horse farm adjacent to this site. The horse barn included a thorough-bred.
47 Now, thoroughbreds are known to be more sensitive animals, flighty. The instance that happened at the barn at Valhalla, the
48 fireworks on the night of Saturday September 26th. Loud repetitive noises. The horses spooked, they raced all over the pasture
49 making deep grooves in the pasture, sliding around and the thorough-bred attacked the other horse. Injuring it to the point where it
50 needed medical attention. I'd like to point out this is adjacent to the facility. A sensitive horse like that could react again like that in
51 the future, in that manner to loud episodic noises. Being startled by lights, other activity. Adjacent to the proposed site is also a
52 domestic livestock facility. This poultry operation produces eggs for the family. It's well established in veterinary literature that
53 poultry production is decreased with environmental stress. Noise, chronic stress reduces egg laying and increases early mortality
54 among the birds. I'd like to move away from the livestock itself, into the public health aspects. When horses are frightened they

1 can lash out. It's very fortunate that night, when the fireworks occurred, that there were no people in the vicinity. Because people
2 can be severely injured by horses. There's no controlling them when they're having the fight or flight response. So, if horses are
3 ridden when these noises occur or if they're being handled or cared for within their stables people can be injured or killed. The
4 neighborhood of Morrow Mill and Millikan has very light traffic. People routinely walk along the roads, their kids ride their bikes on
5 the roads, people ride horses along the roads, people walk their dogs, day and night. It's a very quiet venue. And to introduce this
6 level of traffic and noise into that, I am concerned that there's the potential for the public health impact of injuries, from people
7 being struck by cars, children, dogs, horses dart into traffic. With an unaccustomed volume of traffic, if someone from outside of a
8 rural area doesn't know you can't honk, you can't flash your lights, you can't yell out the window at somebody riding a horse. The
9 local people know this, and that's why there are so many horse farms and people are comfortable riding but, this may change if
10 this venue's approved. So, I just want to give my professional opinion about the impacts of the public health if this venue's
11 approved.

12
13 Karen Barrows: Thank you for coming forward. Do you have any questions.

14
15 Sharron Linn: Yeah. When you were talking about the poultry production were you talking about a chicken farm, or just the
16 chickens that the neighbors are raising.

17
18 Elizabeth Hilborn: So poultry production is defined by any sort of egg layer operation. It can range from a few hens in a back yard
19 where people get their daily eggs for their own use all the way up to a huge chicken house that contains multiple poultry. So it's a
20 broad term.

21
22 Sharron Linn: And to the best of your knowledge, the horses that you talked about that were being spooked. They were spooked
23 after hearing the fireworks near Valhalla?

24
25 Elizabeth Hilborn: There's a temporal correlation the horses were spooked the evening of the fireworks.

26
27 Karen Barrows: Thank you Elizabeth.

28
29 David Rooks: Doris and Thomas Ray?

30
31 Doris Ray: I have been sworn in, but I guess he hasn't. My name is Doris Ray and my husband is Thomas Ray and we live at
32 7319 Morrow Mill Road. Which is directly across from the property that was talked about earlier at the beginning. We're directly
33 across from the proposed barn of Chapel Hill. We are a little bit different from some of the others. It's good to see that we do have
34 a lot of young people in our community but, I grew up in this community so I have a lot of family history in this community on
35 Morrow Mill and Millikan Road. Thomas and I bought our home in 1962. So you can tell that we're one of the older ones in this
36 area. We raised two boys, who are here tonight to support us and we have five grandchildren that we enjoy, or we did until they
37 grew up so much, enjoyed having them in our back yard and our front yard playing around, never thinking of traffic and safety. We
38 just enjoyed the quiet community. We've seen our road grow, our community grow. When we first built the roads were all dirt, there
39 were no telephones, so we have seen a lot of growth in this community. But it's all been with beautiful homes, horse pastures,
40 dairy farmers around. It's been very quiet. We never have a lot of noise, we never hear noise, very seldom, as she said earlier, we
41 see people walking, jogging, riding horses. And we all feel safe in the community. Thomas and I have now retired, and we are
42 close enough to the highway that when we sit in our living room or when we sit on our front porch in our rocking chairs we enjoy
43 seeing the neighbors walking and jogging and riding their horses, waving at them. I'm afraid that this will not happen if the barn if
44 built there. Now, according to the site plan, as you all know, the road is almost directly in front of our driveway. According to Mrs.
45 Brewer, she proposes to have 150 parking spaces to accommodate 250 people. And I believe her vision, at our first meeting, was
46 to have to, I think she said night one to three events each weekend. Between May and October. Now that could be 300 cars
47 coming in and out of the driveway in one weekend. And those car lights coming out after dark would be directly on our house. Our
48 living rooms and our bedroom windows both face Morrow Mill Road. So we would have the light coming directly into our windows
49 and on our house. This is a concern to us, the noise would be a concern and of course, just knowing that these drivers coming out
50 We know that most of the time there's alcohol. We would hope none of the drivers would consume the alcohol but, that is a
51 concern to us with that many cars coming out of the driveway. How many would have consumed alcohol. Now we have a lot of
52 teenagers in our community. I have grandchildren that drive up and down Morrow Mill and Millikan, and we want to keep this as
53 safe as we can for our teenagers and our young adults. For all of us, as a matter of fact. We would like to keep this area safe and
54 yet we know that there's service vehicles. There are going to be catering trucks, and garbage trucks entering Millikan Road and
55 exiting Millikan Road and that's fairly close to a curve on Millikan Road. And that could be very dangerous. I have family on

1 Millikan Road, as well as Morrow Mill. So, Thomas and I both have been very stressed over this. Since we got our first letter in
2 August. We thought a lot about it and as much as we've been stressed over this now I can't even imagine how much more
3 stressful we will be if this does happen. We've enjoyed our quiet, rural community for 53 years and I'm hoping that it will continue
4 to be quiet, as it has been in the past.

5
6 Karen Barrows: Thank you for coming up Doris.

7
8 David Rooks: Gleta Carswell

9
10 Gleta Carswell: My name is Gleta Carswell, I've been sworn in. Do I get to show you where I live? So this is our property. The
11 east side adjoins the proposed event center. This is our house, this is my barn, there's my horse, that tiny little dot and this
12 property line is the fence line of the pasture. And you'll have to forgive me, I'm nervous and I don't usually talk in front of people. I'll
13 try to make it as quick as I can. So, I'm one of those people. Well actually, I want to tell you why we moved here, I want to tell you
14 what we like about living there and I want to tell you what we feel will happen if the proposed event center is built there. So, I'm
15 one of those little girls that grew up wanting a horse. Well as you can tell, it took a long time before I actually managed to do that.
16 But, eventually we did. So we started looking for property, specifically, for rural property with horse barns that was quiet and
17 peaceful. Everything we've heard tonight was exactly what we were looking for. And we fell in love with that piece of property. And
18 we believed that Orange County was a stable and supportive county for these kind of environments and we suspected that it
19 would stay that way. So we pretty much invested the biggest investment of our life, to build a house there and to put our barn there
20 and move our horses there. My horse was one that was hurt. And I am also one of those people that sits outside at night and
21 listens to the crickets and the coyotes and takes out the telescope and looks at the stars and I can't tell you how many nights that
22 I've laid out on a quilt watching meteorite showers. So some of us actually do hang out at night a lot. It's been a beautiful
23 experience; we love living there. But I have to tell you that if I had been looking for this property and that event center had already
24 been there, as a person with an equine population to look out for, I never would have even looked at this property. So, I feel like
25 other people with the same sensibility that I have would feel the same way about this house now. We love where we live, it's a
26 beautiful place to live, it's a wonderful community, everyone has been very supportive and accepting. And at the heart of what the
27 proposed event center is, it's a commercial rental space, that's going to have parties with drinking, it's going to generate noise, it's
28 going to generate traffic. It's just the entrancing nature of what it is. So, I would love to see the community stay as it is. And I'd
29 especially like to thank those people that came tonight to support us and encourage us. We really appreciate it, your support has
30 been the one bright spot of this experience and we're very proud to be a part of your community. And we really want it to stay that
31 way. And I think other people have said things much more eloquently as I could. I thank you and I hope you will pay attention to
32 the concerns of the residence and consider this in your decision. Thank you very much.

33
34 Karen Barrows: Thank you for coming up.

35
36 Rene Quadt: My name is Rene Quadt, I live at 2700 Millikan Road. I've been duly sworn. Gleta has shown where I live. The
37 previous speaker lives there as well.

38
39 Karen Barrows: Have you been sworn in?

40
41 Rene Quadt: I have been duly sworn in. I agree with what the previous speaker has said. I would like to add a deep personal
42 reason why I've moved to this property. My wife was killed by a drunk driver and I've tried to get as much distance between myself,
43 bars and traffic as I possibly could. I thought I'd found that in this neighborhood. It's quiet, I walk the dogs and I can be absolutely
44 secure and safe. Unlike other venues in this neighborhood, this venue would put people that possibly had been drinking directly on
45 country roads. That is a distasteful difference of this event center versus other centers in the area. Miss Brewer has proposed a
46 number of measures that would alleviate that. Those seem to be inadequate. During the information meeting, she clearly stated
47 that the responsibility for containing drunk drivers on the property was the responsibility of the caterers. That seems inadequate.
48 Having a shuttle service in place on face value seems a good idea. However, people will drive. And the fact that there are 150
49 parking spaces indicates that clearly the last assertion of Miss Brewer that the price point of this rental facility would prevent
50 excessive behavior strike me as very off. I think rich people get as drunk as poor people. But, what I'm trying to get across to is
51 that I have this feeling of security and safety in this neighborhood, and that will be broken with this event center. Thank you.

52
53 Karen Barrows: Thank you for coming up Rene.

54
55 David Rooks: That is all the evidence that I intend to do so I want to make some brief closing remarks at the end. At this point I'll ask

1 everybody else who was prepared to testify, or who would testify and wishes to tender your testimony as corroborating that has
2 already been said, if you would stand and raise your hands.
3

4 James Bryan: Please stand up.
5

6 David Rooks: Thank you. I'm sorry, we have two more witnesses. Nancy Oglesby.
7

8 Nancy Oglesby: I know it's late and I appreciate you hearing me speak. My name is Nancy Oglesby and I live at 6518 Green Rise
9 Road in Hillsborough and I have been sworn. I live next to Maple View Agriculture Center, which is another party venue in our
10 county and I am opposed to populating the rural buffer with party venues. Places that have large parties that serve alcohol and
11 have loud music are not in harmony with the orange county way of life. They should be placed in cities or towns where they can be
12 supervised by law enforcement and won't disturb rural residence. So I live next to a party barn that was really active for about 6
13 months in 2008-2009 and since then, for reasons I don't fully understand, they've pretty much stopped doing a lot of their parties.
14 But, I'm going to share with you what it's really like to live next to them, because it's not all these pretty pictures and what's in print
15 on the application. It's not really what you live. When the parties spill over to the outside, the music was so loud that even with all
16 of our windows closed we could still hear it clearly inside our house.
17

18 Sharron Linn: Can I make an objection? Are you an interested party in this case?
19

20 Nancy Ogleby: I live in Orange County and I'm a resident and I believe that I have a right to speak about development in the rural
21 buffer.
22

23 James Bryan: So, if you understand that as an objection to standing that I'll advise the Board as to what standing is. To be a party
24 to have a standing you need to either be an adjoining property owner or suffer special damages. Special damages is most, 99% of
25 the time, is going to be property value. That your property value is lowered because of this. It cannot be that you are the position
26 as anybody else in the community, it must be special damages, it must be proven.
27

28 David Rooks: But the witness is not being, is not an opponent. The witness, the standing of this witness is really irrelevant. This
29 witness is here to testify as to her observations of a similar facility elsewhere in the county. Where she is a resident, living close
30 by. That evidence has bearing on this facility.
31

32 Sharron Linn: So, is she an expert?
33

34 David Rooks: No. She is making a factual observation, living where she does next to another event facility.
35

36 Susan Halkiotis: I just have a question about a consistency point and that is that we allowed questions of the acoustical expert
37 and we didn't confirm that they all had standing. And, just the question that I'm asking; is this different?
38

39 Sharron Linn: And I'd like to clarify that we did, we only weighed the objections to allow any questions to be asked to Dr. Stewart
40 because he was leaving. We were not waiving any objections to other disinterested parties from testifying.
41

42 Karen Barrows: I think what we've typically done, is allow people to speak and then we'll take it for that value. If that's ok.
43

44 James Bryan: Yeah, if I may just, it's sort of a question... So, when an objection is raised just because it hasn't been objected to
45 before is not a final determination. You all can factor into it. You have a lot of leeway so you could say, "Hey, are you a party?",
46 "Hey, is this relevant?" or you could continue to go on about well, let's hear what you have to say and then at deliberations see
47 whether it's relevant.
48

49 Karen Barrows: Go ahead Nancy.
50

51 Michael Harvey: Before we continue, I think it needs to be clarified, this particular parcel property's in the agricultural residential
52 general use zoning district, not the rural buffer zoning district.
53

54 Karen Barrows: Thank you.

1
2 Nancy Oglesby: Thank you for hearing me. So, with the music so loud that we could hear it inside our house, the only way to
3 escape was to leave our home. And we have horses and they became agitated and with all the loud noise next door, there were
4 occasions when it was not safe to ride. And since no one lived on site at times when alarms went off at night it takes a long time to
5 get somebody to come out and turn them off. Having an absentee landlord next door is not a good neighbor. And there was a time
6 when the sheriff's deputy came over to our house to discuss a noise complaint but, they said that there was nothing that they could
7 do. Once when they had a sweet 16 party several of the teens at the party got bored and left the party and walked around the
8 neighborhood and they showed up on our front porch at 10 am because they thought they remembered that they knew someone
9 that lived there. And so we realized that there was little or no supervision of teens and that people attending parties seemed to be
10 free to walk around surrounding neighborhoods late at night. And that is not in harmony with the rural Orange County way of life.
11 Also, during that general time, on prom night for one of the local high schools some teens or somebody sneaked over and
12 vandalized some farm equipment that was between our neighborhood and the party barn property. This caused a huge uproar with
13 the farm accusing people in the neighborhood of having done it, even though law enforcement said that they suspected it was
14 done by teenage prom goers. Which showed us that we're all more vulnerable to vandals because the party barn was attracting
15 teens to the area in a party like atmosphere. Also, our neighborhood was required by our insurance policy to increase our
16 coverage since we now had people coming to the ponds that we jointly owned with the party barn property and if someone from
17 the party barn had drowned in the pond, even though we didn't invite them, we could be sued also. So this is an additional cost
18 that we continue to pay. When people from our neighborhood called 911 to make noise complaints we were told by the deputies
19 responding that there was nothing that could be done. Although we were later told by a lawyer that the deputy was supposed to
20 have used a decibel meter to measure how loud the music was and whether it complied with the law. We never heard of this being
21 done. People learn not to call 911 to make noise complaints because it didn't do any good. We did call the people who owned the
22 property to complain but that was not effective. When parties are held and hundreds of cars drive down country roads that are
23 normally quiet it's dangerous for bike riders and pedestrians during the day and for anyone at night, especially when the alcohol is
24 served. Also, our realtor has told us that when we sell our house we're required to reveal to potential buyers all which she called
25 material facts about the property. Including that we're within a certain number of feet within a party barn, and some buyers will not
26 be interested in a house that is close to an event center. And she tells us that reducing the potential pool of buyers...

27
28 Sharron Linn: Objection, this is hearsay.

29
30 Nancy Oglesby: She actually testified at the hearing so she's in the minutes of the hearing.

31
32 Karen Barrows: We understand, it's hearsay. We've been hearing hearsay. Thank you.

33
34 Nancy Oglesby: So anytime you reduce the pool of buyers for a house that means that a house is more likely to be on the market
35 longer and sell for a lower price than it would've otherwise. And I'd last like to add that having lots of outdoor lights and parking
36 areas, patios or outside of buildings, it's very disruptive to nearby neighbors that live out in the country. We live here because we
37 like the solitude, quiet, peace and natural beauty that the rural buffer has to offer. It doesn't matter what you call it, whether you
38 call it a farm or a barn or an event center or whatever. Large, loud parties with their night club like atmosphere built on the cities
39 and towns away from private homes where the roads and the police that are used to them and equipped to deal with them, can
40 deal with them. So please, don't ruin the rural Orange County way of life for all of us. Thank you.

41
42 Karen Barrows: Thank you Nancy.

43
44 David Rooks: And now, my last one is Laura Straitfield.

45
46 Laura Straitfield: I have been sworn. My name is Laura Straitfield and I live at 3141 Morrow Farm Lane. My road ends across from
47 the corner of Millikan and Morrow Mill Road. And I am here tonight for a number of concerns. Trying to follow this issue I want to
48 thank the planning department for being forthright and sharing information and documents so that was very helpful but, I am
49 concerned about hearing at the neighborhood information meeting for the very first time that this property was bought and that our
50 neighbors first learned about this property being proposed for a development by certified letter, felt very out of character for our
51 community where we know each other, we keep at prized of one another's safety. We let each other know if there's somebody in
52 the neighborhood we don't recognize and today I sat out on Morrow Mill Road thinking about all of that was at stake. And for 20
53 minutes I sat, facing Millikan and Morrow Mill and didn't see a single car. So it's that quiet, that as neighbors we walk down the
54 center of the road, as folks have said. All weekend long. My children have friends who come from Chapel Hill, not only bikers
55 come out but people come out to watch the eclipse, watch shooting stars, to listen to peepers on our back porch and my kids have

1 friends who camp out all different times of the year because in town you can't do that. It's too noisy, it's not safe. So, I feel that our
2 family also has a lot at stake, as others have said. In trying to follow this, I was concerned about a couple things about the plan
3 and in the plan we heard that it's a 250 capacity building and there's a veranda outside that also has seating. In the plan it says
4 that 200 people can sit indoors and it shows seating areas outdoors and so I'm concerned about the potential for parties that spill
5 over. I have been to a wedding at Valhalla where the doors are supposed to stay closed and people spent the entire time trying to
6 make sure the doors stayed closed and it was impossible to keep the doors closed because people do go in and out at outdoor
7 parties. Especially in a beautiful place. So I am skeptical about the capacity of this building to retain sound. On September 26th my
8 son was awakened out of bed. He was here tonight because he very agitated about this potential project. He thought that there
9 were guns going off outside of our window and our walls were shaking and we're 4 miles from Valhalla and they had permitted
10 pyrotechnics as you all heard. So, I'm concerned about the sound and when I followed up to inquire about it I received records of
11 fireworks going off, there were calls from 25 different folks and I have ... to enter into the record. I have a public record here of
12 complaints about Valhalla, that were requested to compare sound coming from events at Valhalla for the last 2 years, compared to
13 sounds coming from the proposed property for the last 2 years and the only complaints that I saw in here, and you all can look,
14 were sounds coming from Valhalla to the Morrow Mill neighborhood. Whereas at Valhalla there were a number of complaints over
15 the last 2 years about loud noise. In trying to follow this project and learn about what would take place, I found that it was hard to
16 know whether deadlines were being followed and so as a citizen trying to follow something and I really do try to do my homework,
17 there were deadlines that were missed. This is the Board of adjustment calendar that I know you all have but, I'm concerned that
18 this property developed as it is, to me there are a lot of unanswered question about what will be there. We heard tonight, that the
19 property will be 80-90% empty for a good time, particularly during the week, but at the neighborhood informational meeting and in
20 the pamphlet that you all have it says that there will be university and corporate events throughout the week. So, I'm not clear
21 about how much activity will be there and it doesn't assure me to hear 80-90% empty. And there is a dispute between the
22 applicant and the builder and architect of another facility that we've become aware of from when I inquired with the county why
23 deadlines were missed. Apparently there was some sort of dispute about ownership or use of the plans. My family has really
24 benefitted from living in this community, I've very proud of these folks who've maintained it. We looked at properties recently, with
25 my neighbors Billy Ray, and she showed me where her grandfather lived. Four families who have been here for many years. The
26 Rogers', the Smiths', the Taps', and the Thompsons', I hope I'm saying this correctly. There are 40 descendants of those folks,
27 living along Morrow Mill and where it ends at Millikan and Orange Chapel Clover Garden. And those folks are directly responsible
28 for keeping this green and beautiful. And at great cost, through you know, depressions, recessions and attempts at an airport and
29 a land fill. These folks have maintained these beautiful properties that don't have fences along them, don't have no trespassing
30 signs along the road and I feel all this will be at risk if we have to protect ourselves from all the traffic and disturbances and
31 potential drunk driving at night.

32
33 Karen Barrows: Thank you Laura.

34
35 Sharron Linn: I'd like to state for the record that Mr. Hill is also not an interested party.

36
37 David Rooks: At this point I have nothing further, except the desire to make a statement.

38
39 Karen Barrows: Ok, so I'm sure the applicant has a statement for us, a closing statement.

40
41 James Bryan: If I may, Madam chair, if there's any other party that wants to present a witness, we have to ask.

42
43 Karen Barrows: Is there anyone else that would speak to the Board?

44
45 Joe Smith: Yeah, I would like to. I'm Joe Smith. I have a farm at 7805,

46
47 Michael Harvey: Mr. Smith, I'm sorry, have you been sworn?

48
49 Joe Smith: Yeah.

50
51 Michael Harvey: Thank you, sir,

52
53 Joe Smith: I have a horse farm at 7805 Morrow Mill Road. It's about 1800 feet from this. It's somewhere right in this area,
54 right here. And as Beth has spoken, I board approximately from 12 to 14, 15 horses. And I'm very concerned about what would

1 happen if we had an incident like these fireworks out in the middle of the night, of the week. That these horses would've been
2 injured big time. They'd run through fences, they don't stop, they slide, they do everything. So that is my big concern there. You
3 know, the noise that's going to come from there, there's going to be noise. And also, the people that ride these horses, when they
4 come get them out they ride them up and down the road and it's going to be really dangerous. And people, they have small kids on
5 some of the horses and I'm just very, very concerned about that. And at this time, the lady ahead of me, I'm one of the original
6 people that live up there and I just want to see a show of hands of the ones that grew up on this place out here, on these roads,
7 just raise your hands so they can see. How many people that's here.

8
9 Karen Barrows: Thank you Mr. Smith. Are there others that would speak?

10
11 Clayton Lloyd: I'd like to take two minutes. Clayton Lloyd. Would you like me to come up here?

12
13 Michael Harvey: Yes, sir, so the microphone can catch you.

14
15 Clayton Lloyd: I'm Clayton Lloyd, I live in what's called Lloyd town. Lloyd Town Road that runs into Morrow Mill. My ancestors
16 been there, first was 112 years ago. 1902 my great grandfather came and we've been farming it ever since. My grandfather and
17 father, me and my brother. We farm what we call Lloyd Town Farm. And we're just across the creek. We was a dairy farm, we just
18 sold out last June but, we still got a great lot of crops, we farm about 700 acres, 13 different farms, 9 of them are on Morrow Mill.
19 Of course, you can't see all that from the road, but there's that many different farms and we're on the road quite a bit. They range
20 from 3 acres to 200 acres. With 20 foot wide combine. Just at times of the year but, from about March 'til it'll be Christmas this
21 year 'for we get through with everything with the rain we've had. But, my concern is vehicles on the road and the exit traffic. Right
22 now if we were going from field to field, neighbors know you're out there. It's been there all their life, they know, they look out for
23 you. We've had two accidents, luckily nothing severe over the years, where people would fly by equipment in a double lane and
24 run into the tire of the tractor. And, luckily it didn't kill any, just bounced off and kept going. But with this extra traffic on the road,
25 I'm just afraid for the safety of the people and for everybody that works for us. But, that's my main concern.

26
27 Karen Barrows: Thank you Clayton for coming up. Is there anyone else?

28
29 Wally Williams: I'd like to. I'll try to make it short. My name's Wally Williams, I have been sworn in. I'd like to talk a little bit more
30 about the traffic that is currently on the roads. Currently we have vehicles, tractors, moving hay or whatever they're doing and most
31 of us that live out there on farms, we love it there and we know that they do this and so it doesn't really bother us and we don't get
32 upset when you have to go around them. Sometimes I'll follow them for about a mile but, I don't know that these people that come
33 out will want to do that. Secondly, with this number of people coming up we don't know. They are going to be seeing what's out
34 there and some of them are not probably going to, I mean most of them might be savory but, some of them are not going to be and
35 they might realize that this is a pretty quiet place and they might decide that they want to come out here and see what they can
36 get. And that's a big concern. We don't have police within 2 miles of us, we have to wait and call 911. When I've called 911 and
37 they say call us if you have a problem and even if this goes in, call them if you have a problem because they said they'll take the
38 calls. So, I think I've said just about everything I've wanted to. So, I think I've said just about everything I've wanted to. Other than
39 the fact that I really respect the farmers in the area, really appreciate you being there and the rest of us are residents who were
40 built there. Oh, there was one other thing. While we were building our home, we built it ourselves, a log cabin, we passed one
41 home that was being constructed and suddenly it wasn't being constructed anymore and we were wondering what's going on and
42 we still don't really know but, we noticed that it was to be sold. The thing is, you may buy this now and say that you're going to do
43 what you're going to do but, we can't rely on you even finishing the project, really. I hope you, for your own sake but, I can't rely on
44 the fact that you're going to be there and you won't sell it to somebody else who won't do what you're saying you're going to do.
45 So, thank you very much.

46
47 Karen Barrows: Thank you Wally. Is there anyone else?

48
49 Richard Drake: Yes, please. I'm Richard Drake. I've been sworn in. Probably reiterate a good bit of what's already been said
50 but I think they're points that are very valid. I thought I'd come tonight and talk about technical stuff, I've been involved with
51 commercial construction for 30 odd years and continue to work for consulting engineering firms so I understand very well what the
52 gentleman earlier was talking about when he talked about sound. And it's inevitable that there will be issues with sound.
53 Particularly for the neighbors that are the closest. I'm the new comer to the community. I've only been here since 1979. I think
54 when I moved to Morrow Mill Road, if I counted right earlier there are either 12 or 13 people between where I live at 9314 and

1 where the party barn's going to be. We've heard from a number of them. There are obviously a lot more people there now, they're
2 in the room for the most part. They're the ones that I slow down for when their kids are riding down the middle of the road, didn't
3 have to do that before. They're the ones riding horses on the side of the road. They're the ones that are out walking and running,
4 the ones that are out riding their bikes. Morrow Mill Road is a major bike route for rides out of Chapel Hill and Hillsborough. It's not
5 at all unusual for groups of 20-50 bike riders to come down Morrow Mill Road. Just about every Saturday and Sunday, you'll have
6 a large group of bikes. Orange County's already experienced a number of issues with traffic and bikes. I suggest that, if the party
7 barn goes in and the traffic increases as we would expect it to there will be more problems. I don't really think you want that. I
8 would suggest to you that this is not at all a compatible activity for this community. It is truly an agriculture and residential
9 community. What you're considering tonight is a full blown commercial activity. There's not farming. My barn has farm machinery,
10 and horses and hay and other agricultural products in it. This is not a barn, it's a full blown commercial event center with potential
11 for a commercial kitchen. I don't see how you color it any other way, I do not see it as an appropriate activity for this community. It
12 is unlike anything else that exists out there right now. As has been evidence by comments you've heard tonight.

13
14 Karen Barrows: Thank you Richard.

15
16 Richard Drake: I don't want to be terribly redundant but, there are a number of issues that have been expressed. I want to be sure
17 you heard...

18
19 Karen Barrows: We have heard them..... If you're just going to repeat ...

20
21 Richard Drake: Be sure. I don't think any of you would like this in your community.

22
23 Karen Barrows: Thank you coming forward.

24
25 Richard Drake: I'm not sure I would move into a place where none of my neighbors wanted me there.

26
27 Karen Barrows: Thank you. Is there anyone else that wishes to speak?

28
29 Jenny Marion: My name is Jenny Marion, I'm on 3030 Morrow Farm Lane. I just want to bring up something that nobody else...

30
31 Karen Barrows: Have you been sworn in Jenny.

32
33 Jenny Marion: Not yet.

34
35 Karen Barrows: Would you put your hand on the bible please? Do you swear the testimony you're about to give or the comments
36 are true and accurate?

37
38 Jenny Marion: And I know that I'm a little bit out of the range of the 500 feet but, everybody on my street has to go out that
39 opening, it's maybe 600 ft. away. And one of my concerns, that I haven't heard anybody bring up yet is it only takes one misplaced
40 cigarette butt that isn't all the way out before there's a fire out there and it there's nobody there at night to see it, it can be a danger
41 to all of us. I mean, everybody on Morrow Farm Lane knows there's only one way in and out. If that area caught fire on a dry,
42 summer night; I think we'd be in big trouble. I mean, I'm concerned about that. I mean, there's not going to be anybody out there
43 monitoring, making sure that that's not happening.

44
45 Karen Barrows: Thank you Jenny. Is there anyone else that wishes to speak? If not, would the applicant like to have closing
46 comments?

47
48 Sharron Linn: Yes. So first I wanted to address some of the specific concerns. I think we heard a lot of concerns about fireworks.
49 We have that in our conditions, offered by the applicant, no pyrotechnics of any kind will be used on the property. There will be no
50 fireworks going off and spooking horses. This was in our most recent signed proposed conditions on the website and as to the
51 driving and safety issue, if you turn to page 77 of your packets we do have correspondence with Sheriff Charles Blackwood
52 and he did say that the proposed project off Morrow Mill Road would not create an adverse effect to our law enforcement
53 operation. Nor would we need to create any policy or procedures as a result of the project being approved and he said as with
54 other similar venues in the county we generally don't receive an increased number of calls as a result of their operations. And I'd

1 like to point out that there are 2 other similar venues in the area, so it is not a completely unique type of venue. There is also I think
2 a slight miscommunication about the parking spots, I think Tim might be able to, it's 125 not 150 and that is actually a condition
3 of the SUP application and not something that is within the control of Kara. So these are all the things that I wanted to address.
4 And I would just like to say that, you know, Kara has worked diligently to make sure that her project meets all the requirements of
5 the Orange County UDO and she's shown that her application complies with the general standards and conditions set forth for the
6 class B SUP, so she is entitled to this SUP. And operating as a wedding event and venue will maintain the public health and safety
7 and general welfare. We would argue that it enhances the value of the surrounding properties and that the location and character
8 is in harmony with the surrounding rural area. I mean, the application is also in compliance with section 2.7 and the specific
9 standards set forth in 5.7.4 so all of our submitted materials, extra testimony and presentation shows by competent, substantial
10 and material evidence that Kara's application meets all the standards and we request that the Board approve her application for
11 the SUP.

12
13 Karen Barrows: Thank you Sharon. David?

14
15 David Rooks: And I know that, vice chairman, you already know all this but, you have 3 new members here. The actual, general
16 conditions from the ordinance that you will have to vote on....

17
18 Michael Harvey: David is that an existing exhibit?

19
20 David Rooks: It is.

21
22 Michael Harvey: And these are the findings this Board will have to make after hearing the evidence....

23
24 Michael Harvey: And this is OP4. For the record.

25
26 David Rooks: As you know, the burden is on the applicant to prove to you that it is met the version on all three of these. It is up to
27 the opponent only to show that they've missed the burden on only one of these. If we can show only that they're failed to meet the
28 burden on any one of these that you must deny the permit. I would submit to you that they have failed to carry the burden on any
29 of them. And that all three of these general findings should be resolved in favor of the opponents. I'll start with the first one, the use
30 will maintain or promote the public health, safety and general welfare. That's what all this testimony about noise and light and dirt
31 and disruption and drunk drivers was about. It goes directly to demoting the general public health and safety, of the general
32 community. The second finding is, and this is, you may remember a specific question I asked to John McCall, is that the use will
33 maintain or enhance the value of contiguous property. Now, in his testimony he didn't say that, and when I asked him if he had
34 examined anything about whether the use would maintain or enhance the value of the contiguous properties, he said he didn't
35 know. So, there is no evidence presented by the proponents that this project is built as proposed, would enhance or maintain the
36 value of these properties. For that reason, alone, they should lose. And then the final finding is C: the location Kara could use to
37 develop according to the plans to fit it would be in harmony with the area where it is to be located. Well, that's all evidence that's
38 come from the opponents, has been exactly the contrary of that. It's absolutely inconsistent and absolutely out of harmony with the
39 area in which is it located. So, I would urge the Board to make a negative finding on all three of the general findings, that's not
40 supported by substantial evidence.

41
42 Karen Barrows: Are we finished? We've heard testimony, closing arguments.

43
44 James Bryan: Yeah, I would do a final call to see if there's anybody.

45
46 Michael Harvey: The staff has some things to go over with you.

47
48 Karen Barrows: Excellent.

49
50 Michael Harvey: I have a couple statements that I'm going to let Pat review the script with you. The script is on pages 80-86. The
51 first comment to remind the Board is that if you approve the SUP any condition that's imposed runs with the property. What does
52 that mean? That means that if Kara sells that barn to me, I have to abide by the same conditions in perpetuity, until the SUP is
53 actually abandoned or otherwise modified by this body. There's been a lot of talk tonight about conditions. It is my
54 recommendation to you all that before you begin deliberation if you all have any questions about conditions you ask the applicant

1 now. As a general reminder, once you close the hearing, you cannot ask staff or anybody else questions, except your duly
2 appointed Board attorney. Staff will be unable to answer questions, provide feedback, provide general guidance. The applicant
3 cannot offer comment and any one in opposition or in support can also not offer comment. With that being said, unless you have
4 any specific questions of me, I'm just going to turn over to Pat and let him review the script.
5

6 Barry Katz: I have a question. And this may not be relevant to this, because you touched on it. The question of whether this land is
7 designated agricultural. Because if it's designated agricultural the use for agro tourism is having a wedding then as a legitimate
8 reason for putting in this venue. Is it possible that the applicant could have simply put this up based on the permissible use without
9 going through this permit?
10

11 Michael Harvey: Based on the current wording of state law, and if the applicant demonstrates there is an actual farm on the
12 property and the proposed venue is connected with the marketing of same, the answer is yes. I will have to remind the Board as I
13 indicated at the onset of this meeting we determined this use required the SUP.
14

15 Barry Katz: You decided?
16

17 Michael Harvey: Yes, that was our determination.
18

19 Barry Katz: Your determination was not appealed.
20

21 Michael Harvey: And I think you'll see; I'll call your attention to the actual application packet itself from 11-36 the applicant states in
22 a couple occasions that they wanted to go through this process because they thought it was equitable. And it's not to sway any of
23 your opinions, that's just fact.
24

25 James Bryan: Alright.
26

27 Karen Barrows: One thing that came up during the discussion was there were going to be some conditions in addition to the ones
28 that staff had recommended. If I remember correctly? Self-imposed?
29

30 Sharron Linn: There is a statement of self-imposed conditions within your packet. I don't know what page it's on.
31

32 Michael Harvey: That's attachment 3 of what's been provided this evening. Applicant exhibit 3, excuse me I'm sorry.
33

34 Michael Harvey: And those conditions read as follows: events will be required to end at 11 pm with all food and drink service and
35 music ending at that time. The building will remain open following that time as needed for cleanup and break down of equipment
36 and furnishings. Number two, no amplified outdoor music, except for wedding ceremonies and outdoor amplified music at all after
37 8pm. Addition 3, proper liquor alcohol licenses shall be in place for all events, if alcohol is being served. The barn of Chapel Hill
38 will work compliance to properly plan for the use of free and/or discounted shuttle/car service during events. And condition 4,
39 pursuant to NCGS 14-410, no pyrotechnics shall be allowed on the property. NCGS 14-414 defines pyrotechnics to be and include
40 all kinds of fireworks and explosives, which are used for exhibitions or amusement purposes. That's the recommended and
41 proposed conditions, requested imposed conditions.
42

43 Patrick Mallett: Ok so, in your abstract attachment 5 the last attachment is what is -inaudible- as you'll see on page 80 it goes
44 through the general findings with both sides, described in detail. In terms of the general findings that are required by the UDO.
45 There's one, two and three and then the specific findings that is, 1-4. Turn to, starting on page 81, this sort of takes them off point
46 by point. The items in green are the application components, namely outlined in section 2 2.2 and 2.7 of the UDO. All of those
47 items were met. And, by the way, some of you may know this but this really indicates that they submitted something to meet that
48 requirement. It doesn't speak to the quality of what was submitted, this means you go to the dance it doesn't mean to get a dance.
49 Notification requirements, those are the items in tannish/pinkish on page 81 all of those items were met. Specific standards,
50 outlines on page 82, those cover waste disposal, safety, vehicular access, those are namely covered with attachment 4 of the
51 abstract. Which I believe is the second one in the application. Its comments provided by various Orange County departments.
52 Starting up on page 83, standards for camper and retreat center. Those are the large part numerated in UDO section 5.7.4. Those
53 cover the site plan requirements, the standards of evaluations and various performance standards for camp/retreat centers. That'll
54 run through to page 84. And on page 85 we have the specific findings that I believe you'll need to read out point by point. That are
55 numerated in UDO section 5.3.2 to a, b and c. Then on page 86, if approved, these are findings or conditions that would be

1 conditions of approval typical for any type of use of this nature. That's on 86 and that concludes section 5 so I think you're going
2 to want to go through the points on page 85 and then go from there after you deliberate of course.
3

4 Michael Harvey: Just as a reminder, we don't make recommendations on those three findings because their based on the
5 evidence material... and testimony entered into the record so, those are your decisions and issues to weigh based on what you've
6 heard tonight.
7

8 Karen Barrows: Is that it Pat?

9
10 Patrick Mallett: That's it.

11
12 Karen Barrows: Thank you.

13
14 Susan Halkiotis: I might have a question. Just to go back about this agro-tourism, mostly because I'm new.... So explain again
15 about this project could have been pursued as an agro-tourism project, I'm looking in the general vicinity for an answer.
16

17 Michael Harvey: As we outline in the abstract there is an argument that can be made that a farm can engage in an agro-tourist
18 activity as part of the common acceptable everyday use of a farm parcel of property. When we first met with Kara, we obviously
19 had indicated based on the information we had she needed to go to the SUP process. She agreed and has further obviously
20 indicated she has a responsibility to go through that process. Now, can an argument be made that a farm can have a wedding
21 venue as an agro-tourist activity, the answer's yes. But, I want to caution everyone here as I indicated at the onset of this meeting,
22 the Board of Adjusted doesn't have the legal ability to determine whether or not a parcel property should or should not be
23 considered a farm. That's State law. And, the Board of Adjustment should not determine or comment on the appropriateness of an
24 agro-tourist activity being considered part of a farm operation.
25

26 The State has granted the county of Orange and other counties certain powers. They have also eliminated certain responsibilities,
27 for lack of better way to put it. And one of them is regulating farm activities. Like it or not, an agro-tourist operation, which the State
28 has indicated, includes a wedding venue. It is a legitimate, recognized agro-tourist activity. The applicant however, at staff's
29 determination is going through a regulated process with this Board.
30

31 Karen Barrows: Does that help you Susan?

32
33 Susan Halkiotis: Yes, it does.
34

35 Matt Hughes: I just am trying, I'm learning on the job, why did staff make that recommendation to the applicant?
36

37 Michael Harvey: It was our determination that we questioned whether or not there was any farm activity on the property, that
38 warranted it being classified as such.
39

40 Matt Hughes: Just by the nature of that land of that land does it get any kind of tax break for the woods or anything?
41

42 Michael Harvey: I can't testify to that because I'm not an expert when it comes to tax administration but I will tell you, and it's in
43 your packet, that this property is a farm through the issuance of a farm number by the USDA.
44

45 Karen Barrows: That help you Matt?
46

47 Matt Hughes: Yes. Can I ask the applicant a question now?... Well we had Dr. Stewart, the acoustical engineer, testify and he was
48 clear that you had an opportunity to hire Mr. Stewart or someone else to make clear at this time, at this hearing, to defend your
49 position as far as the sound is concerned, right? We understand that in good faith you've made certain conditions to try and
50 minimize the noise, I'm wondering whether or not you've considered actually hiring someone to document what you intended to
51 do, to document it.
52

53 Kara Brewer: Sure, obviously I wish that I had. I'm happy to work with anyone with any kind of expertise in sound. I don't want
54 sound to travel anymore that anyone does for this particular project. So, I'm more than willing to look into any ways to stop that

1 from happening.

2
3 Matt Hughes: But, for the purposes of this hearing, this was not something that was accomplished.

4
5 Kara Brewer: Right, I was under the impression that because sound is controllable it doesn't specifically speak to me meeting the
6 requirements of this SUP application. And there's nothing in there, specifically, that says I have to do certain things to alleviate the
7 sound. Now, I do have to follow Orange County sound ordinances which of course I will do, but other than that I'm not aware, and
8 feel free to correct me if I'm wrong, but there isn't anything else that I would do. If so, I'm more than happy to do it.

9
10 Michael Harvey: There's no standard in the UDO requiring that the applicant meet a certain noise thresh hold, there's a noise
11 ordinance enforced by the sheriff's department. But, there is no SUP provision that says thou shalt hire a sound expert and show
12 us that there will be no sound issues. Having said that and without belaboring a point and putting words in anybody's mouth you
13 have obviously heard concerns that have been expressed by those in opposition or some several people in opposition and that
14 has to be weighed and that has to be part of a deliberation and obviously you're trying to ask questions to seek additional
15 guidance from the applicant so....

16
17 Matt Hughes: And the testimony we heard, certainly from Dr. Stewart and from the people who live in contiguous properties and
18 whatnot, this is all material and relevant. I mean, can you advise us regarding this. We heard from a veterinarian who talked about
19 some public health issue related to this.

20
21 Michael Harvey; I don't think it's appropriate for the staff to make a value judgement of the viability of purported expert
22 testimony... And the reason being is because, quite honestly, it would be argued, because I would argue it, that how the heck does
23 a planner an expert in land use planning question what a sound engineer or veterinarian or anybody else does... I think,
24 unfortunately, you've hit at what James had articulated at the beginning of the hearing and what I attempted to articulate at the
25 beginning of the hearing, this is a quasi-judicial process where you're going to hear evidence, some of it contradictory and you
26 have to weigh the validity of that evidence as you move forward in the process.

27
28 Matt Hughes: I was seeing how far I could get some advice from you..

29
30 Michael Harvey: Well, without shirking my responsibilities but at the same time, recognizing my limitations I think that as we
31 identified in the abstract you have provisions of the County Comprehensive Plan that lends credence to this application
32 being approved, you have comments that we've identified in the abstract where concerns have been identified where residents
33 where it doesn't meet the county ordinances. From our stand point the applicant has met their burden with respect, complying with
34 the specific development standards. That is, we have a site plan that shows set-backs, that shows buffers, that shows lighting. We
35 have comments from other county departments indicating we do not believe this will have a negative impact on their ability to
36 provide service. Advertise requirements were met. Whether or not there is a need for the applicant to address the acoustical
37 engineering concerns, I think that goes to the heart of your question, it's been responded.

38
39 Matt Hughes: Alright, so that's why page 85 is for us?

40
41 Michael Harvey: Correct.

42
43 Matt Hughes: I have a question for you sir, David.... One of the things that several people have brought up, the witnesses that
44 testified brought up, involved traffic and the impact on the impact on Morrow Mill Road and Millikan Road. I'm just curious, you
45 brought in a sound expert, but why not someone regarding traffic and looking at what is, I guess one of the things that I'm trying to
46 figure out, especially since there's been testimony about other similar facilities in rural Orange County... What traffic would like
47 there as it could possibly relate to this that, that would have been something I would have been interested in.

48
49 David Rooks: And if we had an unlimited purse.

50
51 Matt Hughes: Fair enough.

52
53 Susan Halkiotis: And so, I think we must be hooked up with electrodes here because my question had to do with traffic, and why
54 we get reports from other county agencies with regards to safety and fire and the sheriffs' response, but traffic wasn't specifically

1 addressed.

2
3 Michael Harvey: Because the NCDOT did not respond to our request.

4
5 Barry Katz: It seems to me that this kind of intermittent traffic is not something that the DOT is going to make a traffic finding on
6 that would materially affect this. The question of the traffic has to do with, if it has anything to do with the quality of the life and the
7 health and safety of the people that use that road. Because it could be intermittent, heavy traffic. And also, of course there would
8 be some occasional, like UPS type trucks and disposal trucks going on there that aren't there, in an area where there are, it's
9 evidently a large bike route where people are used to doing things a certain way. Having said that, everybody in this room has to
10 realize that everything's changing in Orange County, Orange County's not staying the same. It's all changing, everywhere. I've
11 been here 45 years, I wish it was like it was then, but it's not anything like that. So, things do change, but this really speaks to the
12 traffic to the health and safety issue.

13
14 Michael Harvey: Let me also state that the Orange County UDO does have thresholds where formal traffic impact assessment
15 are required to be done. This did not meet those thresholds, which is why the applicant was not required to produce one.

16
17 Barry Katz: And how far from that threshold was the application?

18
19 Michael Harvey: Yeah, that may actually be a better question answered by Mr. Smith or another member of the applicant
20 team. I will say the threshold per the UDO was 800 cars/trips for a 24-hour period.

21
22 James Bryan: If I may, there's a few things that I'll offer, just because this is a new Board and is a very long meeting. So, it seems
23 to be where the big attention is with the last three standards. There was some question raised about the acoustics and stuff like
24 that so just so the Board knows their prerogative that the Board has the prerogative that they have subpoena power so, if you
25 want to hear somebody or something to make a decision, it's very unusual but you could ask/say, "Hey, bring me somebody".
26 Another prerogative you have is to grant a continuance. This is a very late meeting, it's very common for a Board to say, "We're
27 tired, we're going to go another day for our own sake, or because there's more evidence that we want to hear". Parties can ask for
28 a continuance and say, "I would like to have somebody available" to come before you. But, that's all the Boards prerogative, you
29 don't have to do any of that. Now, harmony is one of the ones that we've heard about and is sometimes very difficult for a Board
30 to get a grasp on it. I'm not going to do a great job but hopefully I can nudge in the right direction of what to consider. First is that
31 all of these start with a rebuttable presumption, so the Board of county commissioners established all the zoning, they say, "These
32 are our zoning districts, these are uses, this is what can go in here" and by saying that you can apply for a SUP, that's the first
33 rebuttable presumption. Now, the first burden is upon the applicant. They have to give some confident material, substantial
34 evidence, that says, "Yeah, that's true" and the opponents say, "No, you haven't met your burden" or something to the contrary. So
35 for harmony there was a case out of Guilford where the Board rejected a use, said that there's insufficient evidence of harmony.
36 That was overturned because the courts said, "No, you've got that rebuttable presumption that there was some sort of plan in
37 place". Another case came out of Pine Bluff and that case was about this nebulous objection that they were saying this will change
38 the area. And that one was so – that it could be applied to virtually any development and those were the key words that the court
39 was saying that it could be applied to anything. So, it has to be something more specific than that. Has to be specific to this
40 development. So those are the kind of things to keep in mind.

41
42 Barry Katz: I request... as far as what we've heard from numerous people is what the character of this area is, very much about
43 what this character is. And that's a particular circumstance when we're faced with general statutes that the county and the state
44 have put forward. How much weight can we or do we put on the particular circumstances? These would be whether or not the
45 applicant has met the standards issued by the county and issued by the state.

46
47 James Bryan: I'm not sure I've got a good answer for you. So, a practical answer. Let me start with a practical answer. First, you
48 ask staff point to me in the comprehensive plan what we expect for this area and then once you have that, then you ask the
49 applicant, "show me that it's harmonious" and they're going to give you something. And then, you're going to have the opponent
50 saying, "It's not harmonious because of this... ". It has to be something more than nebulous and then it's a weight, a balancing act.

51
52 Barry Katz: Ok, I wouldn't dispute that the applicant has met the obligations, the legal obligations of the state and the county. I
53 believe that. But, that's not what we're here to evaluate then, it goes further. And, this is another of the issue.

1 James Bryan: What it would be is the Board's vote, do you think that this is harmonious with the area? Let me also go over again,
2 I've mentioned this but it's worth repeating that you can only consider fit evidence. Fit evidence is substantial, competent material
3 evidence. Substantial is that which a reasonable mind would regard as sufficiently supporting a specific result. So basically, are
4 they saying something of substance, is it more than just speculation. Competent evidence is where you're talking about, is it an
5 expert talking about an opinion or... so if they're giving an opinion, they best be an expert. If it's anything else then they must have
6 seen it with their own eyes, tasted it with their own mouth, heard it with their own ears, that type of thing. And then material
7 evidence is relevant to one of these questions.

8
9 Karen Barrows: So I think Barry, what happens is if the Board wants to finish this up tonight, we get all our questions answered,
10 close the public hearing and then we discuss this ourselves. Having said that, do Board members feel like they're ready to close
11 the public hearing, or is there anything else?

12
13 Barry Katz: Ok.

14
15 **MOTION** made by Matt Hughes to close the public hearing. Susan Halkiotis seconded.

16 **VOTE:** Unanimous

17
18 Karen Barrows: Let me just ask one thing James, since it's only four of us tonight, do we have to be unanimous?

19
20 James Bryan: No, it's going to be a majority tonight.

21
22 Karen Barrows: If we could have quiet please, we're about to deliberate. So we have, if you're looking at page 80, we have
23 requirements for the applicant from page 81 2.2 to page 4 down to 5.7.4 a to b. My suggestion is they've been on it so if we
24 wanted to clump all that together as a motion and approve it then that's out of the way and we come to the three findings on
25 page 85.

26
27 **MOTION** made by Matt Hughes clump together and approve that the requirements for the applicant from page 81 2.2 to
28 page 4 down to 5.7.4 a to b have been met. Susan Halkiotis seconded.

29 **VOTE:** Unanimous

30
31 Karen Barrows: So, let's look at page 85 and talk about that.

32
33 Barry Katz: Question, are we going to talk about each of these individually and vote individually before we go to the next one?

34
35 Karen Barrows: Yes.

36
37 Barry Katz: Ok.

38
39 Karen Barrows: So to that end, we could look at use will or will not maintain public health safety, general welfare...

40
41 James Bryan: If I may, for the new Board members; for each of these it's also helpful to be as specific with the findings of fact
42 before making a determination for each of these. So, you'll notice on the previous pages the.... Published in the newspaper, the
43 supporting evidence, staff already listed out for you. It's though staff testimony and the staff testimony is that there is a legal ad
44 published in the News of Orange on October 28th and November 4th. So that's the level of specificity that you'd like. The more
45 specificity you can give the better, I know it's late and you're tired but, the more you can give the reasons why something is met or
46 not met, the better.

47
48 Barry Katz: Well, a lot of discussion from the people opposed regarded: for instance, there was testimony from the veterinarian
49 about public health, related to the animals and potential risk to people who might be associated with those animals if there was in
50 fact noise of startling type that exceeded the boundary of the property, where testimony regarding safety and general welfare to
51 the character of the community and how the Morrow Mill Road is used. What its current use is and whether or not the traffic that
52 would come on would materially affect the potential safety. That was brought out with the idea that people coming to the area, for
53 these events, would not be familiar with the area and might not anticipate the kinds of activities that happen on Morrow Mill. That
54 would include agricultural type machinery driving on there, children playing on there, joggers and the fact that it's a common bike

1 route both from Hillsborough and Chapel Hill. People would, there is the potential for people coming during the day and perhaps
2 early in the evening creating some risk for people. Now, what I need to know from you is this the kind of material relevant concerns
3 that were brought up or is this considered hearsay?
4

5 James Bryan: So, when they said, "I walk..." Forgive, I don't remember testimonies... All of this is just made up. But if they said,
6 "Look, I jog on this street" that's not hearsay. If they say, "Generally this is an area that people jog in" that becomes less
7 substantial because that's an opinion, why did you form that opinion? If you say that I say two joggers every day, that's typical,
8 that's more in the realm of, that's substantial. And remember that, all of this has to be to this particular use, not just to any
9 development that would go in here. So, why this particular use, more than any other...
10

11 Barry Katz: This particular use would be inviting different groups of people on each event to come and experience Morrow Mill
12 Road for the first time, arguable, maybe for the second time. But, it seems consequential. It's not a regular use that these people
13 would be experiencing this road. So that you could put up a sign, you know- children playing or whatnot but, people have to be
14 cognizant that there are risks involved in putting traffic, let's say, from towns onto rural roads like this, where they've driven 20-30
15 minutes and their near their destination. There was, of course, brought out, issue of health and safety potentially people drinking
16 alcohol and leaving the premises, creating some risk. I don't know, that's more hearsay, probably. But, there's something there
17 that concerns me about this particular use with the exposure of new people all the time to this particular rural area that strikes me
18 as increasing, or enhancing the risk of the residents around this area, around this venue.
19

20 Karen Barrows: I think the comment from Elizabeth, as you mentioned to the health safety and welfare of the animals, she has
21 obviously some expertise in that area. Something to think about.
22

23 Barry Katz: She pointed out the health of the animals and also the risk that if people were around, particularly around horses that
24 get spooked. That is something. So, maintain... Well, it's not going to promote the public health but, will it maintain the public
25 health. I have reason to doubt that it will maintain the public health, that it will expose the people there to additional risk that not
26 every development would expose them to. If this was two 10-acre lots, people put houses on there and went back and forth on a
27 regular basis, everybody would know what was going on. But, this is a case of, maybe 50 or maybe 100 cars coming there and
28 leaving there and they're not sensitive to what that area particularly is. And, we got an earful about what this particular area is and
29 I believe that these people have an extremely quiet and safe place, that's extraordinary. It may not stay that way but, this, to me,
30 actually suggests that there is some... I have some concerns about the public health and safety.
31

32 Karen Barrows: Susan?
33

34 Susan Halkiotis: I have those same concerns Barry. Which is why I ask about the number of trips and is a nice way of saying up to
35 163 cars. And, 163 cars in an area that's quiet and I think that's a material fact, has a huge impact. I think that we had parents
36 speak to the fact that they had children ride bikes and play nearby and we had horse farm owners speak to the fact that some of
37 the horses that are Boarded on his farm are ridden on the road and so those are, as I understand it, are material facts. And so I
38 don't want to belabor that point but, given the language that we're working with, which is, maintain or promote, I don't see that it
39 promotes public health or safety and, I too, am concerned that it doesn't maintain.
40

41 Barry Katz: Theoretically, the applicant could have anticipated this and had some plan to mitigate this, if there was some
42 possibility. But, there is no plan to mitigate this anticipated risk. And you and I agree on this that there is some risk.
43

44 Karen Barrows: Matt, what are your feelings?
45

46 Matt Hughes: Well, I think that, as it relates to safety, in the things that we have discussed here, particularly as relates to alcohol
47 and fireworks, I understand the concerns that folks have, having gone through the process of getting a liquor or alcohol license,
48 which I'll never do, ever again... Not my wedding, it was for another event... that was a very special process, I know the amount of
49 liability that comes with that and the responsibility that comes with that. Of course, we know that bars don't always adhere to that...
50 I'll just leave that there but, I think that is a responsibility for the venue and for the clients they work with so that's not as much of a
51 concern for me as well as the fireworks because, both of these are part of the proposed conditions. Where I do have concerns, are
52 where, what we were just talking about, about people participating in their recreational activities, during the day, particularly. But,
53 also at night. It sounds like there's a lot of, it's not just a community but it's a community of people who interact with one another
54 during all times of the day and have gatherings, and so getting into a car, or walking it seems like more likely to visit with folks in
55 the community may be inhibited, or safety may be in danger if folks are having to navigate increased traffic flow. Particularly, I

1 think, on the weekends. Maybe not so much during the week but certainly during the weekend. So I would have a concern as it
2 relates to that.
3

4 James Bryan: If I may, for my clarification, the Board is going to take a Board vote so you don't have to individually agree with
5 everything, as long as the Board does. But for Matt, am I understanding you're in agreement with the previous statements about
6 the... you mentioned increased traffic, but Barry mentioned a particular clientele that is not a repeat customer that perhaps, a
7 school Monday through Friday, same people, and church every Sunday but it's the same people every Sunday, would you agree
8 with that concern?
9

10 Matt Hughes: Yes.

11
12 Karen Barrows: Is there any further discussion on this point or do we feel ready to entertain a motion?
13

14 **MOTION** made by Barry Katz that the applicant has not met the standard of 5.3.2 a. to a. based on our discussion.
15 Susan Halkiotis seconded.

16 **VOTE:** Unanimous
17

18 Karen Barrows: Yes. And we're up to section 5.3.2 a to b.

19 Barry Katz: This is property values.
20

21 Susan Halkiotis: I had concerns about the sheets that we were given, the data that was collected from other similar venues, with
22 regard to sales and the 2-mile range was of concern. But, the other thing, and perhaps I'm the ignorant one here, but the other
23 concern that I had was I didn't know the age or how long those venues had been in place. So one might argue that if at some point
24 they may have affected property values. You know, you don't know if they're all older than 2 years, I think that was the date range,
25 you'd expect that that's not oranges and oranges when you're introducing a new venue into a rural community. So, I
26 questioned the appropriateness of that data being introduced to prove that property values would be maintained or enhanced. I
27 don't think that they'll be enhanced and I suppose that it's like any other situation when you're speaking in general terms about
28 property values of contiguous property or 2 miles, whatever it is. If you know of one piece of property that's not going to be
29 maintained or enhanced, then the rule is shattered. And I don't believe that anyone living across the road from the Morrow Mill
30 Road entrance is going to have their property value maintained or enhanced. And I haven't seen this property, I've only seen the
31 evidence that we've been presented with but, I have seen houses that have had buffers built to try to protect from headlights
32 shining directly into the home and that's really hard to do in an attractive way, or in a way that would enhance the property. Which
33 is why I asked that question. So, that's the one piece of property I'm looking at when I consider this question.
34

35 Barry Katz: Well, the other three properties, I think there were three that came off the other entrances. Same issue. Maybe not as
36 dramatic because of the level of traffic but there could be some issue there. But, Mr. McCall was very competent guy and he
37 gave honest testimony, he basically said you know, within 2 miles he had no documentation for properties adjacent so, there is no
38 evidence. This was the point, that he knew there was no evidence, he gave what he could give and that would be equivocal, the
39 evidence he gave. But, it's not pertinent to this, it would have taken a miracle for him to find it comparable. And he didn't.
40

41 Karen Barrows: There was no evidence of the value of the contiguous property and he admitted that... Matt? What are you
42 thinking?
43

44 Matt Hughes: Well I certainly understand in that point, I know it's been raised before, not being able to find something that's
45 comparable. I guess, in my mind, I think you could go either way. Ok so, there's no evidence that it has decreased property value,
46 there's not evidence that it's been maintained or enhanced. I think someone could go either way in saying this use is ok and I think
47 you could go the other way in saying that it's not. And, I'm not comfortable to borrow a phrase of passing something and we'll find
48 out what happens. That doesn't jive with me; pass it and we'll find out what's in it. So, I'm not entirely comfortable saying that these
49 folks' property values will be maintained at the worst and enhanced at best.
50

51 Barry Katz: These property values would have to disclose the fact that they were at the location of where they are and what the
52 ingress and egress would be as a material factor in value of the house when someone wants to purchase it.
53

54 James Bryan: I would probably urge towards not to consider that fact. You've got enough facts that you've mentioned and that's

1 probably unnecessary.

2
3 Barry Katz: Ok, I see, it's more hypothetical. Thank you.

4
5 Karen Barrows: Is there further discussion or are we prepared to make a motion?

6
7 **MOTION** made by Barry Katz that we find that for section 5.3.2 a to b that the applicant has not met the criteria of maintaining
8 or enhancing the value of contiguous property based on the absence of conformity testimony. Susan Halkiotis seconded.

9 **VOTE:** Unanimous

10
11 Karen Barrows: So we're up to the last section 8.3.2 a to c. The harmony issue.

12
13 Barry Katz: Well I'll say this, it's in compliance with the plan. The physical development, there's no question about that. That's why
14 we're here. But the location in character. This is the rural character of this particular community. And whether this event facility is in
15 with that character. From everything that we've heard, alright I guess we have to talk about, this is where we can talk about the
16 acoustics. There is no documented evidence that they will be able to maintain the sound within the venue. We've heard concerns
17 regarding how the sound, if it gets out of the venue, can affect the community nearby, the adjacent properties and others. Both
18 humans and animals. And we've heard the fact that being indoors does not help, necessarily, in minimizing the noise. So, I say
19 that the applicant has failed to, at this hearing, to demonstrate that they could control the sound within the venue and that means
20 that they've put the community at risk of changing its character. You're talking about 30 decibels lower than the sound of the air
21 conditioning in your house, that's very quiet. Putting in a potential base sound, intermittently would be disturbing and it would
22 alter the character. Well, there were testimony regarding the fact that people use this land, use Morrow Mill to bike and several
23 children play on it, people ride their horse on this road, and again people coming to this venue on an individual occasion I feel
24 would not be prepared to be as careful as they would need to be with the existing community as it is now. So I don't think that
25 that's in character. This place may be beautiful and it may be hidden but that's not enough to be within the character of this
26 community.

27
28 Susan Halkiotis: I think that this was my second concern, safety of course being first, when we began gathering data tonight. Was
29 especially that base sound and I think that anybody, I live in the country and anybody that's ever heard that is sensitive to how well
30 that sound carries. And I live a half a mile of a main road and occasionally we're startled thinking that maybe someone's in the
31 driveway. So I'm sensitive to that and just at how disruptive it is. So, I don't know where we go from here, I know what some of the
32 information we've been given says but, that's something that I think really needs to be addressed because I know what kind of
33 impact it has, and I know what kind of impact it can have if you've got children and families and you need to go to work in the
34 morning and so forth so... again, this was my second most sensitive topic.

35
36 Karen Barrows: Matt?

37
38 Matt Hughes: Sound is an interesting thing. I grew up not too far from here, just a few roads away and I remember in high school
39 how both Cedar Ridge and Orange both managed to play a home game at night and I could hear both of their marching bands. I
40 lived close to the center of town and I thought, well that's a very strange thing. So when Dr. Stewart was here that certainly
41 resonated with me because it was at night, seemingly I wouldn't hear anything else from those schools any other time of the day,
42 then again I should be in school so I wouldn't. But also, growing up, visiting grandparents that lived in the country, where you could
43 hear the highway at night but couldn't hear it in the day so I understand that piece particularly if things were going on at night. I will
44 say that I think that this event space could possibly be in harmony with the setting. I could see where there could be a great allure
45 in that and I understand that the people have a lot of investment, emotional and financial, on both sides and that's something I saw
46 here today but, I think with this community as sparsely populated as it is where you see so little traffic, it would dramatically change
47 the environment. Maybe not necessarily the actually environment but certainly in terms of what people are used to on a daily basis
48 and I think that this would not be in harmony in where we're talking about.

49
50 Barry Katz: This harmony is aggravated by the discontinuity of the events- people live in a certain way then, all of a sudden,
51 there's something happening. They don't know that something's happening, they have the risk of encounters in an unpredictable
52 manner for a community like this it makes it even more of a risk and less in harmony.

53
54 Karen Barrows: I agree with that I've heard but my only concern is this is an allowable use for the state government so if that's true

1 then....

2

3 BarryKatz: Well you know, again, it's two parts. There's two phrases. That first phrase which has been submitted; be in harmony
4 with the area in which it is to be located, rather than just, again, noticing compliant. The area in which it's going to be located, what
5 the heart of this whole thing is, I think it's a great idea to have an event space, whether we need another one in this area is
6 something for other people to decide. But locating it in this area creates some turmoil and risk for this community that it wouldn't
7 for every community but it does for theirs.

8

9 James Bryan: If I may... I heard about, Karen, you saying it's allowable use and just to clarify it's not permitted by right, it's
10 permitted based upon the SUP which is a rebuttal presumption so, they carry the burden... And also, one thing we have not
11 spoken about, I haven't heard, is the potential for conditions. Now, the applicant has offered some but if the Board can think of any
12 conditions so, for instance, sound; I think it'd be unreasonable hearing about that Pine Bluff material if you would say you must
13 contain all sound and if I hear you that's not good, because that eliminates all development. So it has to be some level that you
14 allow. And then, you can put conditions so if you believe that there may not have been evidence to support any condition like this
15 but you might ask the applicant or the opponents what decibel level is allowable, let's say 50 is allowable, that could be a condition
16 that at your borders it cannot pass 50 decibel level. Same thing for if it's weekly events, discontinuity, stuff like that- you could say
17 nothing after 8pm, nothing this or that. So, something to consider.

18

19 Barry Katz: But you're asking a group of perhaps 250 people to come to an event and comply their partying, they're going to
20 comply with everything, they're going to stay within doors, they're not going to go outside, they're not going to.... And different
21 people each time. What are you going to do after they do it, shush them?

22

23 James Bryan: So, it's a good question.

24

25 Barry Katz: You know, it's a hypothetical. This is the whole thing. On paper this looks great.

26

27 James Bryan: Right, and that's what you have to consider though is on paper. There is a concern about this particular applicant vs.
28 when they sell it to the next person. What you have to consider is not the applicant at all, and only on paper, because that's what's
29 going to be enforced. It's sort of the same thing, do you think it's attainable, that's not the question. The question is if attained
30 would it comply within the rules, and what happens is you've got a parcel, you've got a use that has a SUP, if granted, and then
31 they have to comply with it. So, if they've got, let's say a buffer, you have to plant these trees, if those trees get uprooted the next
32 week, the planning staff, the zoning administrator issues what they call a notice of violation. You are not in compliance with this
33 and then, he could pull the permit and you're not allowed that use any more so, that sort of addresses that concern.

34

35 Karen Barrows: That's given somebody goes around and sees the trees been uprooted and does something about it. That's
36 problematic as well. But yeah, got your point.

37

38 Barry Katz: I can't come up with conditions that I would propose.

39

40 Susan Halkiotis: Do we need to respond to that, individually, about conditions?

41

42 James Bryan: No.

43

44 Karen Barrows: So how are folks feeling about this finding?

45

46 Barry Katz: Well, so far we've gone through these three. Oh, do we have to vote on this one?

47

48 Karen Barrows: Yes.

49

50 **MOTION** made by Barry Katz that that on section 5.3.2 a to c that the applicant has really not met the conditions that we would
51 find favorable, I move that we reject the applicant's meeting this criteria as far as it being within character, certainly the sound, has
52 multifaceted risks of not meeting the harmony, as well as again the traffic issue that was raised and they're depending on the
53 behavior of individuals that come and go, to comply with that character and I say they cannot meet these conditions, for this
54 particular location. Susan Halkiotis seconded.

1 **VOTE:** Passed 3-1 (Karen Barrows)
2
3 Karen Barrows: I am in opposition for the reason I said.
4
5 Karen Barrows: So, it appears then we're to the point of motion to deny this SUP at this time.
6
7 **MOTION** made by Barry Katz to deny the SUP. Susan Halkiotis seconded.
8 **VOTE:** Unanimous
9
10 Karen Barrows: Thank you for your time, thank you all for coming.
11