



February 26, 2009

Craig Benedict, Director of the Planning Department
Orange County, North Carolina
306F Revere Road
PO Box 8181
Hillsborough, NC 27278

Dear Craig:

It has come to the attention of our Bingham Township Community that Dennis Howell, d.b.a. West 54, LLC, is building a road into the proposed site for the Waste Transfer Station (WTS), known as Site 056 on Hwy 54 West. It would appear to me that this may be in violation of several aspects of the Orange County Ordinance. The road has been cut in along the property line, leaving no buffer with the adjoining property, the road connection has not been permitted by NCDOT, and Mr. Howell does not have an approved subdivision plan.

Attached is a copy of a letter from NCDOT denying a driveway permit application for Howell's project known as the Midway Subdivision. The letter was sent to Michael A. Neal, PE the engineer and applicant acting on behalf of Dennis Howell.

Is it not a violation of the Ordinance to commence land clearing for a subdivision without prior approval of the subdivision plans? Would this not fall under the tree protection ordinance as well?

It has been my experience that a major driveway (or roadway) connection for a use such as the proposed WTS, with its associated traffic volumes and slow moving trucks, would dictate a properly engineered intersection with Hwy 54, including; 1) a right turn lane into the site, 2) left turn lanes from both directions, 3) an adequate amount of vehicle storage in all the turn lanes, 4) at least 600' of tapered approaches in each direction (10 feet per MPH) to the beginning of the storage lanes, 4) an analysis of the storm water runoff from the new intersection, 5) an erosion control plan that appropriately addresses the entire extent of the land disturbing activities to construct all of the required improvements, 6) buffer requirements with adjoining properties, and 7) an analysis of the impacts of the proposed driveway connection and improvements to the inbound and outbound traffic to/from Morrow Mill road and local businesses. It would seem to me that the erosion control permit does not include the full scope of land disturbing activity.

Residents fear that Mr. Howell is using the WTS site to pursue commercial development that otherwise would not be permitted. Many believe that Mr. Howell may have a privileged status because the WTS site has been selected by the County Commissioners. Some even suspect that Mr. Howell has already received tacit approval for commercial zoning for in exchange for his cooperation, and the road cut has been allowed at this time to create a pre-existing condition to be leveraged for zoning approval at a later time.

As you know I have been in this business for many years and my clients have been consistently held to a higher standard than this. Please advise at your earliest convenience about the County's position on this matter.

Warm regards,

cc County Commissioners, Chuck Edwards, PE NCDOT
Orange County Voice

Michael M. Hughes, PE



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES PERDUE
GOVERNOR

EUGENE A. CONTI, JR.
SECRETARY

January 27, 2009

ORANGE COUNTY

Michael A. Neal
Michael A. Neal & Associates, PLLC
105 West Corbin St., Suite 201
Hillsborough, NC 27278

Subject: Driveway Permit – Midway Drive Located on NC 54

Dear Mr. Neal:

Our office has reviewed the plans for the Midway Drive private subdivision road. The plans provided shows insufficient information to adequately review for issuance of a Driveway Permit. I must inform you that the proposed driveway access on NC 54 has been denied. Please find enclosed the Driveway Permit Application and the check in the amount of \$50.00, Check # 1012. *NCDOT Policy on Street and Driveway Access to North Carolina Highways* Page 14, section A, General, paragraph 1 states that "All applications for PERMITS **shall** be accompanied by complete and detailed site plans. Prior to issuance of this Driveway Permit please provide detailed site plans indicating the land use and the internal layout of the proposed site. Please refer to the *NCDOT Policy on Street and Driveway Access* Page 14, section B, Site Plan, for information that **must** be included in the complete and detailed site plans.

Sincerely,

A handwritten signature in black ink, appearing to read "C. N. Edwards, Jr." with a stylized flourish at the end.

C. N. Edwards, Jr., PE
District Engineer

Attachments

CNE/DJJ

cc: J.M. Mills, PE, Division Engineer