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Swansboro curbs developers' rush

February 23, 2006
 DIANE MOUSKOURIE
 DAILY NEWS STAFF

SWANSBORO — The message to developers interested in building in Swansboro was made clear Tuesday night. Get in line.

In front of a packed Town Hall, commissioners decided that those developers who have already applied for sewer allocation would be placed in line according to the date of their original application. Those who have not would be placed at the back of the line.

Up to this point, the Board of Commissioners' "unwritten policy" was to defer or table most developers or property owners' requests with little or no promise of future allocations. Developers who have received allocations based on future availability were only granted a small percentage of what they requested.

Commissioners voted not to issue any more sewer flow allocations — promised or otherwise — until the town's wastewater treatment plant expansion project is completed by mid 2007 to nearly 2008.

At issue are state permits that dictate what the town's sewer system can adequately handle in one day. At this point, the maximum capacity equals 300,000 gallons daily. Actual daily usage over the past 12 months has averaged about 248,000 gallons, but that amount fluctuates, Town Manager Larry Faison said.

The actual flow could be higher or lower depending on usage and stormwater, he said. For example, a torrential rain could spike the system way over its permitted use.

The town must report usage to the state in monthly and annual reports. If the town were to exceed its permitted capacity, it would be a violation of its permit. That could result in a notice of violation from the state Department of Environment and Natural Resources and a hefty fine, Faison said.

Once the wastewater treatment plant expansion is complete, the town has been permitted to handle another 300,000 gallons of wastewater per day.

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At least 12 to 15 developers have already requested or been granted commitments of allocations, five made their requests at Tuesday's four-hour meeting.

So far, commissioners have outstanding commitments that grant 134,000 gallons of future sewer flow allocations at or near completion of the expansion project. That number represents only a percentage of what has been officially requested.

The expansion, which has yet to go through the bidding process, could take from 12 to 18 months to complete, he said.

In addition to curtailing any more sewer flow allocations, commissioners passed a resolution that would be adopted for each project. Those resolutions include a "sunset clause" that places an 18-month time limit on developers to complete the project or lose the allocation.

The resolution directly affects those developers who made their sewer allocation requests on Tuesday and any who apply thereafter, Faison said. It would not apply to those who had already received approval before the meeting.

Faison termed the sunset clause loosely as a "use it or lose it" policy that prevents any developer or land owner from banking sewer flow allocations.

Another requirement of the resolution requires developers to dedicate any project-funded utilities to the town. The design and construction of those are typically based on minimizing the developer's initial cost, disregarding operation and maintenance costs, expansion potential or service reliability, the resolution states.

In addition, the resolution requires developers to pay any impact fees attached to projects up front or no later than when building permits are issued.

"That's not the way it has worked out in the past," Faison said. "This is a move in the right direction."

Commissioners also raised the commercial impact fees that relate to future developments. The impact fee gives the town an outlet for recouping some of the money invested in construction of infrastructure. The fee is based on the number of daily usage in gallons.

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February 2006						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28				

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