

Chatham County Environmental Review Committee

Meeting Minutes

Meeting Date: January 19, 2012

Location: Dunlap Classroom

Committee Members Present:

Vic D'Amato	Martha Girolami
Steve Meads	Delonda Alexander
Lin Andrew	Jerry Cole

Also Present: Dan LaMontagne, County Director of Environmental Quality
Chris Hopper, Environmental Officer, Dep't of Environmental Quality
John Alderman, President, Alderman Environmental Services, Inc.
Elaine Chiosso, HAW Riverkeeper
Sonny Keisler, Rocky River Heritage Foundation
Allison Weakley, Citizen, NC Natural Heritage Program
Judith Ferster, Orange/Chatham Sierra Club

Mr. LaMontagne called the meeting to order at 6:35 pm. Mr. Cole agreed to keep the Minutes.

1. The Committee considered the draft minutes of the meeting of December 15, 2011. Ms. Girolami requested that the last sentence of the 4th paragraph of the draft minutes be deleted. The Committee agreed to the deletion. After a motion to approve the minutes was made and seconded the minutes of the meeting of December 15, 2011 were approved unanimously.
2. Ms. Girolami moved that Mr. D'Amato be elected Chairman of the ERC for the year 2012. The motion was seconded by Ms. Alexander. The motion was passed unanimously.
3. Mr. Meads moved the Mr. Cole be elected Vice-Chairman of the ERC for the year 2012. The motion was seconded by Mr. Andrew. The motion was passed unanimously.
4. Mr. D'Amato moved that the ERC adjourn and convene as the Watershed Review Board (WRB). Mr. Meads seconded the motion and it was agreed unanimously.

5. The Watershed Review Board (WRB) heard several presentations from the public including:
 - A presentation from Mr. John Alderman highlighting the value of ephemeral stream buffers in preserving hydrological processes and water quality in local watersheds.
 - A presentation by Mr. Keisler on the value of seeps, springs, and wetlands, noting that undisturbed natural settings enhance the value of real estate. He contended that current buffer requirements should be increased, not decreased or eliminated.
 - A presentation by Ms. Weakley, founding Chair of the Chatham County Environmental Review Board (now ERC), about the scientific basis of the current regulations. It was her view that protections for seeps, springs, and ephemeral streams should be preserved.
 - Ms. Chiosso presented further arguments that, based on her experience and background as member of the ERB, that current protections of seeps, springs, and ephemeral streams should be preserved.
6. Mr. LaMontagne and Mr. Hopper repeated the presentations that they had provided to the Board of Commissioners (BOC). The presentations were in response to a request by the BOC that Environmental Quality staff bring our definition for ephemeral streams more in line with what the State is finding. Based on their review of the regulations, data collected at the origin of numerous Piedmont ephemeral streams by the NC Division of Water Quality (NCDWQ), and their knowledge about the criteria for scoring streams, they made two recommendations:
 - Defer to US Army Corps of Engineers Definitions as they pertain to seeps and springs: Seeps and springs should be identified, per definition, as wetlands and streams.
 - Defer to NC Division of Water Quality Data as they pertain to ephemeral streams: Ephemeral streams should be identified from their average point of origin (10 points) based on data provided by NC Division of Water Quality.
7. In consideration of these recommendations the BOC accepted that seeps and streams should be regulated as wetlands and streams. However, the BOC concluded that streams should be regulated as ephemeral streams only if they are scored as 15 or above.
8. The Dept. of Environmental Quality asked the WRB for its recommendation on the two issues, which could be presented to the BOC at its next meeting.
9. The WRB discussed whether or not inclusion of seeps and springs as wetlands or streams would be adequately protective of these features.

Staff suggested that the words “seeps and springs” be added to the revised ordinance’s definition of “wetlands”. Based on assurances given in Corps of Engineers guidance on protection of wetlands (including seeps and springs), and rewording the ordinance’s definition of “wetlands” to include seeps and springs, Mr. Mead moved to support the BOC’s recommendation to remove the redundancy in the existing ordinance. Mr. Cole seconded the motion and it was approved by a vote of 5-1 with Ms. Girolami dissenting. Staff agreed to circulate the exact rewording of the ordinance to the WRB.

10. The WRB discussed the adequacy of the Staff’s recommendation of 10 as the minimum score for a feature to be considered an ephemeral stream for regulatory purposes. Referring to the NCDWQ data on the scoring of ephemeral streams, Mr. D’Amato contended that a score of 5.5 seemed to represent a better point at which to begin protecting ephemeral features. Mr. Cole contended that the Staff has expertise in these matters and was comfortable in recommending a level of 10.
11. Mr. D’Amato moved that the WRB recommend a score of 5 as the minimal level for protecting ephemeral streams. Ms. Girolami seconded the motion. The vote was 3 in favor (D’Amato, Girolami, Alexander) and 3 opposed (Cole, Mead, Andrew).
12. As a compromise, Ms. Girolami moved that the WRB recommend a score of 7 as the minimal level for protecting ephemeral streams. Mr. D’Amato seconded the motion. The vote was 3 in favor (D’Amato, Girolami, Alexander) and 3 opposed (Cole, Mead, Andrew).
13. Mr. Cole moved that the WRB recommend a score of 10 as the minimal level for protecting ephemeral streams. Mr. Mead seconded the motion. The vote was 3 in favor (Cole, Mead, Andrew) and 3 opposed (D’Amato, Girolami, Alexander).
14. Mr. Cole suggested that the BOC set a level not less than 10, noting that the BOC had recommended a level of 15. Mr. D’Amato agreed in concept but wanted to convey to the BOC that the WRB had agreed that the level should be from 5-10, but not to exceed 10.
15. Direction received from the NC Division of Water Quality was to add “Drainage of a pond in a natural drainage way provided that a new riparian buffer that meets the requirements of Section [304] of this rule is established adjacent to the new channel” as an exempt activity in the ordinance’s table of uses. Staff explained that DWQ had issued this direction to all local governments in the Jordan Lake Watershed and that Chatham County was directed to make this change. Upon a motion made

by Mr. Cole and seconded by Mr. Andrew, it was unanimously agreed to add the requested language.

16. The County Attorney requested a change in the definition of Lot be made while the ordinance is undergoing updates. This change in text would be: "Lot: a parcel of land occupied or capable of being occupied by a building or group of buildings devoted to a common use, together with customary accessories and open spaces belonging to the same. A parcel of land occupied or capable of being occupied by a building or group of buildings devoted to an approved use, together with customary accessories and open spaces belonging to the same, is a "Lot" under this Ordinance irrespective of whether the parcel has multiple zoning classifications". Upon motion made by Mr. Cole and seconded by Mr. Andrew, the requested change was approved unanimously.
17. It was moved, seconded and agreed that the WRB adjourn and that the reconvene as the ERC.
18. The ERC was advised that the next meeting of the BOC will be held on February 20, 2012. Therefore, unless there is a reason to do so, the ERC will not meet again until March 15, 2012.
19. The meeting was adjourned by the Chairman at 8:45pm.

Jerry Cole
ERC Vice Chair