

# Chatham County Environmental Review Committee (ERC)

## Meeting Minutes

Meeting Date: January 3, 2013

Location: Dunlap Classroom

### Committee Members Present:

Jerry Cole

Mary Beth Koza

Lin Andrews

Delonda Alexander

Vic D'Amato

Robert Soots

David Mattison

Dan LaMontagne County Director of Environmental Quality

Natalie Landry County Environmental Inspector

**Guest** – Jennifer Burdette Burdette Land Consulting Inc.

Vice Chair Jerry Cole called the meeting to order at 6:35 pm

**1: Approval of meeting minutes of November 5, 2012** Draft minutes were reviewed and approved. Motion for approve by Bob Soots and seconded by Delonda Alexander. Motion passed unanimously.

**2: Selection of recording secretary** – Mary Beth Koza

**3: Introductions:** Dan LaMontagne introduced his newest member of staff, Natalie Landry (Environmental Inspector). Natalie described her current role and past experience as a NPDES Construction Standard –Buffer Regulations inspector and her work in New Hampshire.

**4: Public Input** – there was no public input.

### **Adjourn ERC meeting and reconvene as Watershed Review Board**

The Request for No Practical Alternative Determination Gentry Subdivision (AKA Pennington South) was presented by – Jennifer Burdette Burdette Land Consulting Inc. to the group. See following description:

## Request for No Practical Alternative Determination Gentry Subdivision (AKA Pennington South)

***ERAC needs to convene as the WRB to review the project and make a finding of fact as to whether a “no practical alternatives” determination is met. The WRB shall grant an “Authorization Statement” upon a no practical alternatives determination.***

The Watershed Protection Ordinance under section 304 I 1. states:

Persons who wish to undertake uses designated as “allowed” under subsection (F)(5) above, or as “allowed” or “allowable with mitigation” under subsection (J)(3) below, shall submit a request for a “no practical alternatives” determination by the Watershed Review Board or its delegated authority. The applicant shall certify that the criteria identified in subsections (a), (b) and (c) below are met. The Watershed Review Board or its delegated authority shall review the entire project and make a finding of fact as to whether a “no practical alternatives” determination is met. The Watershed Review Board or its delegated authority shall grant an “Authorization Statement” upon a “no practical alternatives” determination. The procedure for issuing an Authorization Statement shall be based upon meeting all of the following criteria:

- (a) The basic project purpose cannot be accomplished in a manner that would cause less land disturbance, preserve aquatic life and habitat, and protect water quality;
- (b) The use cannot be reduced in size or density, reconfigured or redesigned to cause less land disturbance, preserve aquatic life and habitat and protect water quality; and
- (c) Best Management Practices are used to cause less land disturbance, preserve aquatic life and habitat and protect water quality.

The Director of Environmental Quality respectfully submits these “findings of fact” as to whether a “no practical alternatives” determination has been met by the Applicant for uses designated as “Allowable with Mitigation”. The request is for a “Utility, non-electric, other than perpendicular crossing with impacts to Zone 1”. It is important to note that the applicant has received 401 and 404 certifications from the NC DWQ and the ACOE for the proposed impacts and has received acceptance of the mitigation funds from the Ecosystem Enhancement Program (EEP). The Applicant’s Request follows the findings of fact.

1(a): The applicant has adequately provided evidence that the project purpose, the installation of an off-site water line within and adjacent to the Highway 64 right-of-way, cannot be accomplished in a manner that would cause less land disturbance, preserve aquatic life and habitat, and protect water quality based on site and engineering constraints. The applicant has gone through a thorough and iterative process with the guidance of several agencies to avoid Zone 1 of the riparian buffer. Due to the

presence of bedrock and the regulations of working within the right-of-way, a non-perpendicular crossing of the water line is unavoidable.

1(b): The applicant has adequately reduced the size of the impact to Zone 1, including several reconfigurations and redesigns. The applicant has also reduced the waterline construction easement from 20 to 10 feet wide to minimize the impacts to the riparian buffer.

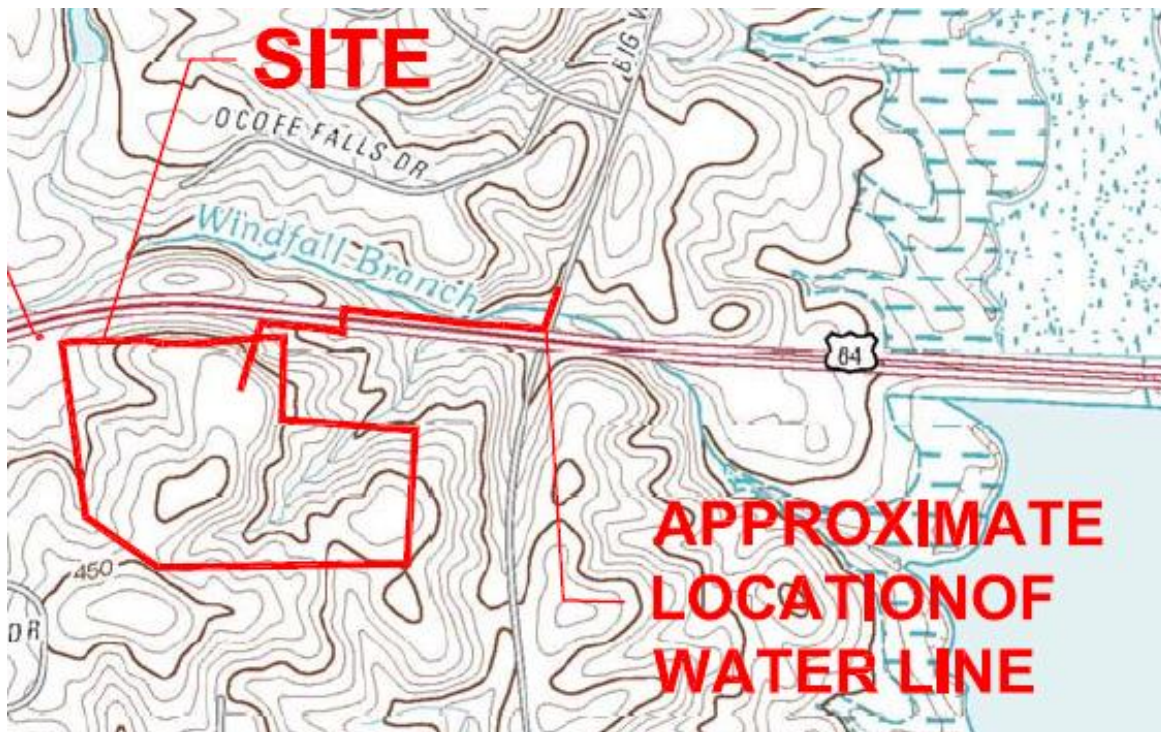
1(c): The best management practices shown on the plans meet required erosion control and sedimentation guidelines and go beyond the minimum regulations by requiring inspection and repair of erosion control devices on a daily basis.

**Request from Applicant as required by Section 304(l).**

2(a): Applicant: Jennifer A. Burdett, Burdette Land Consulting, Inc., 10212 Creedmoor Road, Raleigh, NC 27615. 919-841-9977.

2(b): Activity: The purpose of the project is to complete development of the property (Gentry Subdivision) into a single-family, residential development. Specifically, this request involves a proposed water line situated within and adjacent to NCDOT right-of-way. This is an off-site waterline to serve the project.

2(c): Location: Gentry Subdivision (AKA Pennington South) is located on the south side of US Highway 64, approximately 2,000 feet west of Big Woods Road (SR 1716), near Jordan Lake in Chatham County.



**Figure 1 Site Location Map**

2(d): Plan Showing Location & Dimension of Buffer Disturbance:

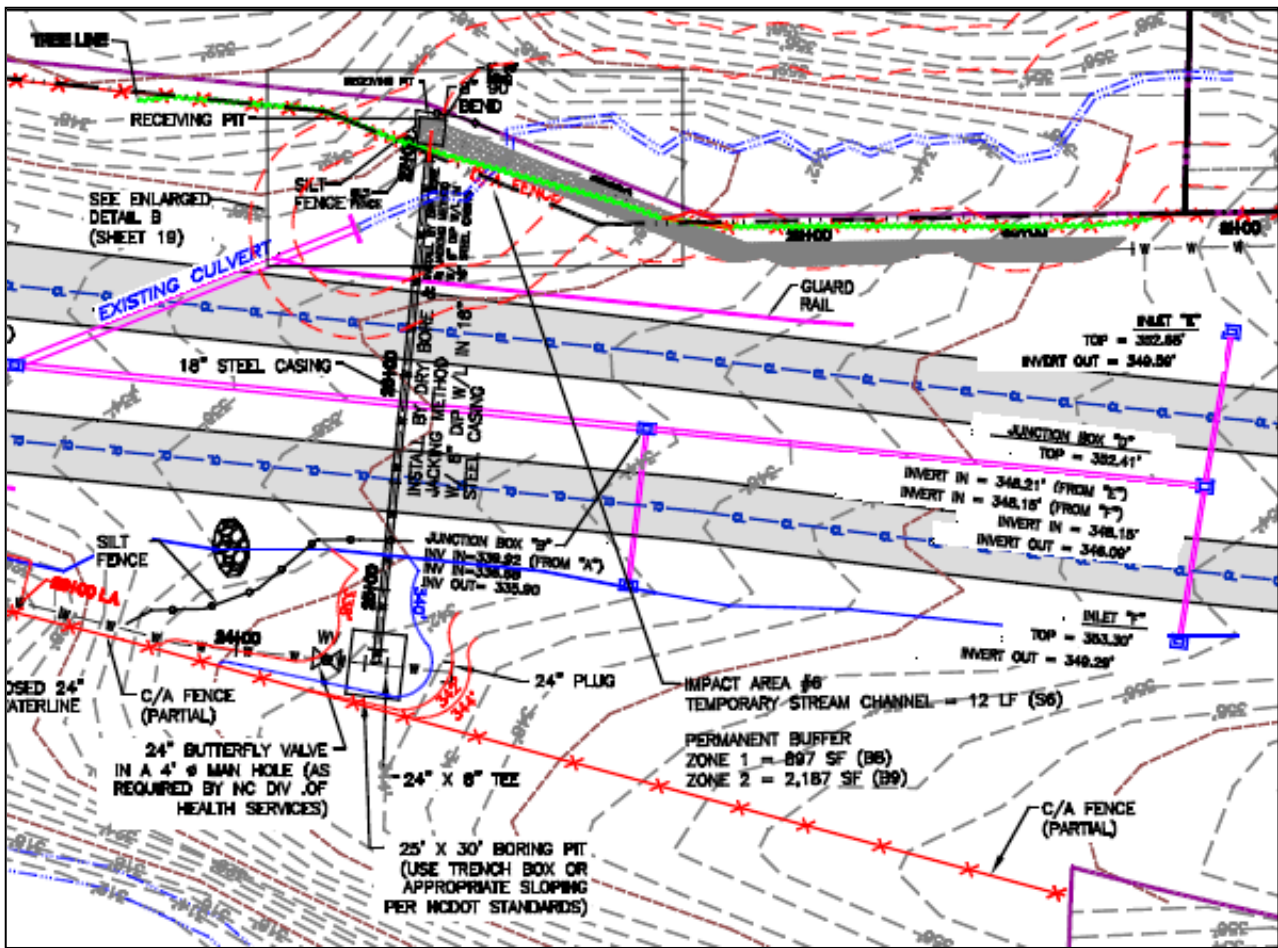
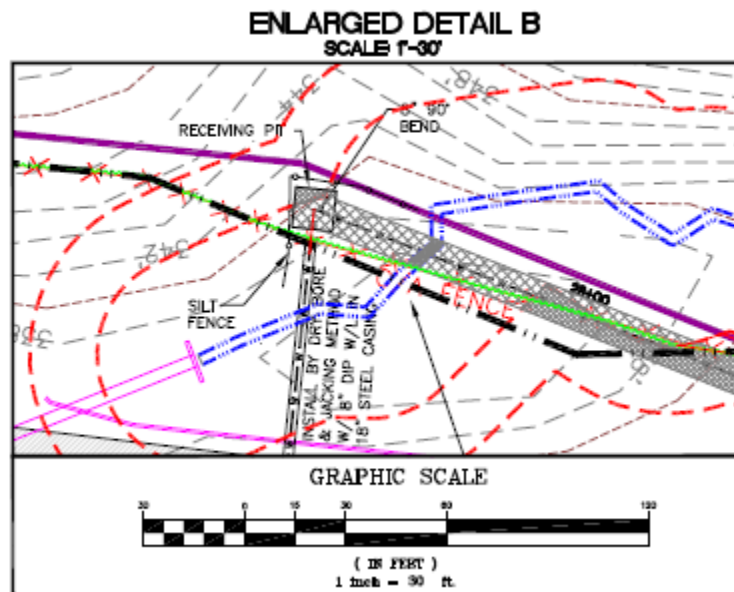
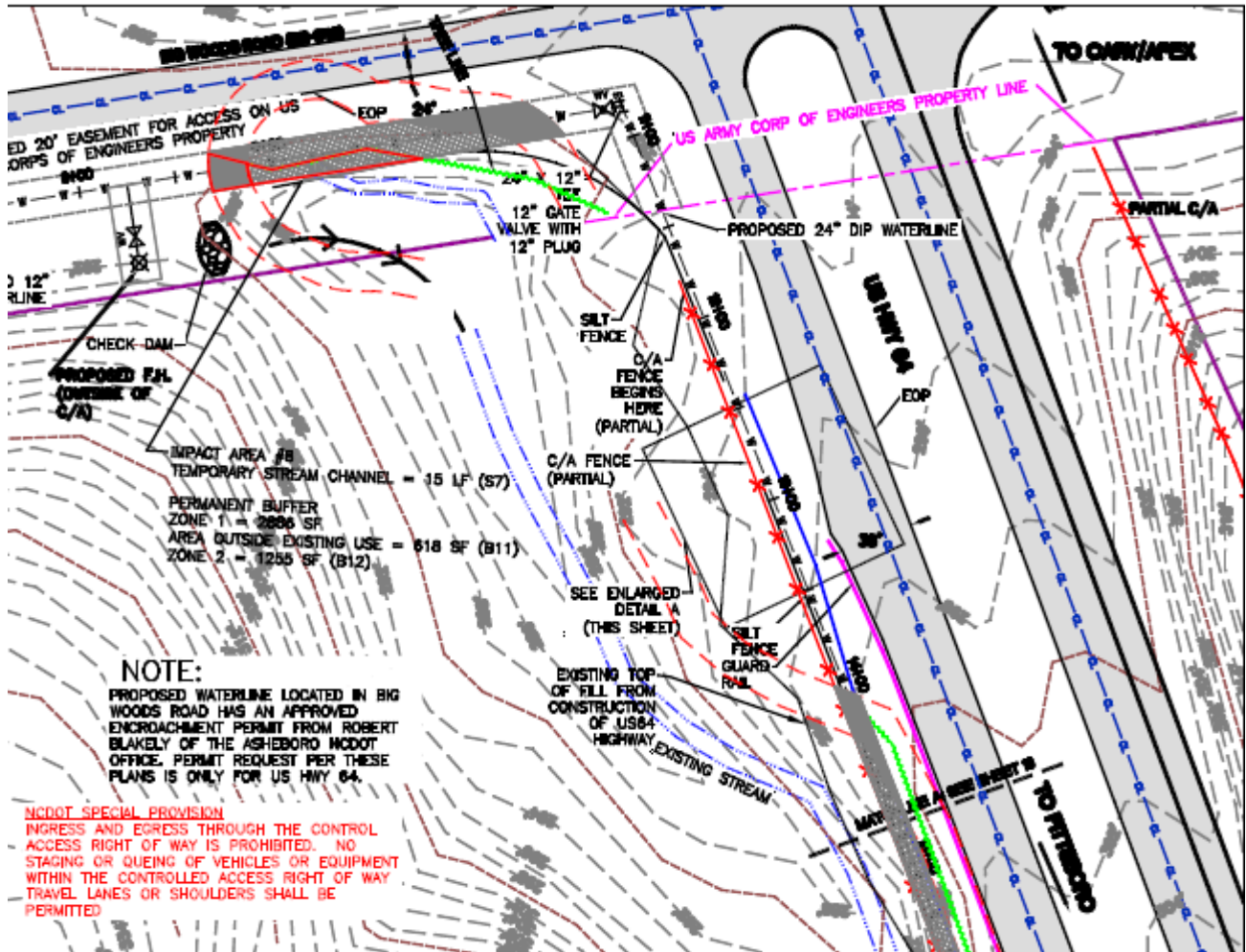


Figure 2. Drawing shows 897 square feet of impact (#6) in Zone 1 from a non-perpendicular waterline crossing & receiving pit (does not include impacts within existing highway use which is Exempt.)





**Figure 3. Drawing shows 618 square feet of impact (#8) in Zone 1 from a non-perpendicular waterline crossing & receiving pit (does not include impacts within existing highway use which is Exempt.)**

2(e): Explanation of No Practical Alternative: Initial field review indicated that the area in the direct vicinity of the Big Woods Road and US Hwy #64 intersection was primarily a bedrock base. NCDOT will not allow the open cut of the US Hwy #64 roadway, and boring through rock was cost prohibitive. It was determined that the location of the bore needed to be moved to a more western location and hopefully in a fill section that would avoid the bedrock. After several design iterations which included review by the Chatham County Public Utility Office as well as the Central Encroachments Office and NCDOT, a final bore location was selected which was a compromise in allowing +/-300 linear feet of dual pipe in the right-of-way and in a location shallow enough for the Public Utilities to reach if maintenance was required. A further consultation with NCDWQ and Chatham County Environmental Quality staff resulted in the relocation of a fire hydrant outside the riparian buffer avoiding 30 linear feet of stream and 800 square feet of Zone 1 buffer impacts. The construction easement was also reduced from 20 to 10 foot wide to minimize the unavoidable non-perpendicular impacts to Zone 1 of the riparian buffer except

where a 20-foot easement was required on USACE owned property. The total amount of buffer impact requested through this No Practical Alternatives request is 1,515 square feet. To satisfy the buffer mitigation required (multiplier of “3”), the applicant has gained approval from NCEEP to provide 4,545 square feet of riparian buffer restoration.

2(f): Best Management Practices: The engineer has stipulated the required best management practices associated with this activity on the plans. Silt fence will be installed along the edge of the construction limits and maintained as noted on Sheet 5 of the application to avoid additional land disturbance, preserve aquatic life and habitat, and protect water quality. Check dams will be installed in ditches. In addition, the engineer has noted on the plans that all erosion control measures will be checked and repaired on a daily basis.

**Note to Environmental Review Advisory Committee from Staff.**

Please note that the Applicant has also requested Allowable impacts through an application to staff for the same project. The Allowable impacts are listed below.

Buffer Impact number and permanent (P) or temporary (T)	Type of Impact
B1-P	Impact Area #1 existing road crossing modifications Zone 1
B2-P	Impact Area #2 septic line crossing Zone 1
B3-P	Impact Area #2 septic line crossing Zone 2
B4-P	Impact Area #3 septic line crossing Zone 1
B5-P	Impact Area #3 septic line crossing Zone 2
B6-P	Impact Area #4 perpendicular extension of existing road crossing Zone 1
B7-P	Impact Area #4 perpendicular extension of existing road crossing Zone 2
B9-P	Impact Area #6 non-perpendicular waterline crossing & receiving pit Zone 2

**Jerry Cole moved to approve, second MB Koza. The Motion was passed unanimously.**

## **Adjourn Watershed Review Board and reconvene as Environmental Review Committee**

### **Report on MEC Meetings December 18 & 19, 2012**

Vice Chairman - Jerry Cole provided a two page summary concerning the MEC Meeting held on December 18 & 19, 2012. He also stated the next meeting is scheduled for January 24 & 25 and he plans to attend.

### **Update from County Staff:**

Dan LaMontagne provided the group with a short description of the water line map of the county and stated he would provide the link for the meeting notes.

Here is a link to the water line map for the county.

<http://www.chathamnc.org/Modules/ShowDocument.aspx?documentid=9508>

If you would like to zoom closer on specific areas, you can go to the GIS web site below and click on the drop down under Public Works/Utilities and check the layer for Waterlines.

<http://www.chathamgis.com/mapguide/ChathamGISWeb/>

The roster of the Committee was distributed and noted that Steve Meads had resigned.

### **Adjournment**

Next meeting tentative date is March 21, 2013 at 6:30 pm. Mr. Cole motion to adjourn, which was seconded by Mr. Soots and the meeting was adjourned at 8:00 pm.