

## Chatham County Environmental Review Advisory Committee

### Meeting Minutes

**Meeting Date:** August 8, 2013

**Location:** Dunlap Classroom

Committee Members Present:

Vic D'Amato     Dave Mattison  
Bob Soots        Mary Beth Koza  
Jerry Cole

**Also Present:** Dan LaMontagne, County Director of Environmental Quality  
Warren Mitchell, Civil Engineer, Consultant to U-Haul of Chapel Hill  
Bob Smedberg, U-Haul of Chapel Hill

Chairman D'Amato called the meeting to order at 6:30pm. Mr. Cole agreed to keep the minutes.

**1. Approval of meeting minutes from July, 11, 2013**

Following a motion by Jerry Cole, seconded by David Mattison, the minutes of the meeting of July 11, 2013 were approved unanimously.

**2. Selection of the recording secretary for the meeting minutes**

Mr. Cole agreed to take the minutes.

**3. Public Input**

There was no public input

**4. Adjourn and convene as Watershed Review Board**

Following motions by Ms. Koza, which were seconded by Mr. Soots, the Environmental Review Advisory Committee voted to adjourn and convene as the Chatham County Watershed Review Board.

**5. Meet as Watershed Review Board to discuss U-Haul Site on Vickers Road request to expand built upon area**

The members of the Board introduced themselves to Messrs. Mitchell and Smedberg, who represented U-Haul of Chapel Hill. U-Haul of Chapel Hill has requested approval of a plan to allow two non-contiguous properties in the same watershed to be treated as a single contiguous property for purposes of compliance with the impervious surface requirements of the Chatham County Watershed Protection Ordinance. This requires that one of the properties remain sufficiently undeveloped so as to meet the average impervious surface requirement for the combined properties. This is permitted under NC Session Law 2012-200. Approval of the request by the local Watershed Review Board is required to ensure that both properties considered together meet the standards of the Watershed Protection Ordinance and that potential future owners have a record of how the watershed regulations were applied to the properties.

Mr. LaMontagne provided background for the request and, together with Messrs. Mitchell and Smedberg, described the two properties to be combined and the planned changes. Both properties are owned by Amerco Real Estate Company, which provides real estate and development services to U-Haul Company. The first property is an 11.05 acre parcel on Vickers Road, adjacent to US 15/501. Currently, the property is being used as a self-storage, truck rental, and boat and RV parking facility. While there would be no change in the uses, improvements to the facility are planned which would increase the impervious surface to 49%. Current regulations allow up to 36%. The second parcel is 4.78 acre vacant lot located adjacent to SR 1521 Charlie Perkins Road, near Russell Chapel Road. When the lot to be improved is combined with the vacant lot, the calculated combined impervious surface would be 34%, which would meet the required 36% maximum.

In order to assure that the Charlie Perkins Road property remain undeveloped in the future, Amerco Real Estate Company has suggested that it record a "Declaration of Restrictive Covenant" which would bind future property owners to the requirement that the property remain vacant.

A draft "Declaration of Restrictive Covenants", prepared by lawyers for Amerco was reviewed by the Board. It was noted that the size of the Charlie Perkins Road property, described by U-Haul, is smaller than that described in the "Declaration". This discrepancy may be explained by the existence of a small parcel on the opposite side of Charlie Perkins Road, also owned by Amerco, which may have been included in error in the draft "Declaration. Mr. Cole expressed concern about a proviso in the draft "Declaration" making the restrictions subordinate to rights of holders of existing easements and rights of way affecting the Charlie Perkins Road Property. It was noted that there is an existing electric utility power line easement across the property. Mr.

Cole questioned if it would be possible to prevent the owner of the easement from making improvements which would add impervious surface to the parcel. Ms. Koza questioned the language in the draft "Declaration" describing how the restrictions could be modified or rescinded. She recommended that language be inserted to ensure that the restrictions would be perpetual.

Mr. Cole made a motion to approve the application, with the proviso that the draft Declaration of Restrictive Covenants be reviewed by Chatham County legal counsel to assure that the size of the parcel is properly described and that the 36% maximum impervious surface is achieved, regardless of the rights of easement owners, that the restrictions be made perpetual, and that the property be maintained in its natural vegetated state. Mr. Mattison seconded the motion and it was approved unanimously.

**6. Reconvene as ERAC**

Following motions by Ms. Koza, which were seconded by Mr. Soots, the Watershed Review Board voted unanimously to adjourn and reconvene as Environmental Review Advisory Committee.

**7. Updates from County Staff**

Mr. La Montagne reviewed the recent legislation of the NC General Assembly as it pertains to Chatham County environmental concerns. He noted that several of the proposed provisions which would have limited local environmental authority were not enacted, but that the ability of local authorities to enact new regulations may be impaired. In general, with a few exceptions, the final legislation was acceptable from local environmental standpoint. One objectionable change was the change in the definition of "built-upon" land as to not include covering with gravel. Gravel, when used as a roadway, becomes compacted and is not fully permeable. Therefore, this will weaken impermeable surface requirements.

**8. Announcements and updates from ERAC members**

Ms. Koza expressed concern about the size, scope, and potential environmental impact on the County from Chatham Park, a very large, 7000 acre, mixed use development which falls under Pittsboro's Extra Territorial Jurisdiction. It was pointed out that the developers of Chatham Park have already suggested environmental regulations for the development, including stream buffers, some of which are less stringent than the Chatham County regulations. It was pointed out that this development could have adverse environmental effects on Chatham County. Ms. Koza suggested that the ERAC Annual Report should include reference to the possible adverse effects of the development of Chatham Park.

It was agreed that Vic would bring it to the BOC's attention during his report. Mary Beth agreed to follow the project for the committee if so desired by the BOC.

**9. Time and place of next meeting.**

September 12, 2013 Dunlap Classroom

**10. Adjournment**

Jerry was gone and I forgot who made motion and second?