

**CHATHAM COUNTY PLANNING BOARD
MINUTES
January 4, 2005**

The Chatham County Planning Board met in regular session on the above date in the auditorium of the Cooperative Extension Building in Pittsboro, North Carolina. A quorum was present to begin the meeting. The members present were as follows:

Present:

Charles Eliason, Chair
Jeff Austin, Vice-Chair
Jennifer Andrews
Angela Brown
Clyde Harris
Mark McBee
Caroline Siverson
Winifred Smith
Chris Walker
Cecil Wilson

Absent:

Planning Department:

Keith Megginson, Planning Director
Jason Sullivan, Planner
Lynn Richardson, Land Use Administrator II
Kay Everage, Secretary to the Board

6:30 P.M. Meeting of the Public Information Committee and other interested Planning Board members and citizens.

7:00 P.M.

- I. CALL TO ORDER – Chair: Chairman Eliason called the meeting to order at 7:00 p.m.

- II. APPROVAL OF AGENDA: Chairman Eliason noted that, 1.) Chris Walker has asked to discuss an issue with Board members, and 2.) some Planning Board members have requested that tonight's meeting be changed to 10:00 p.m. instead of the 11:00 p.m. scheduled adjournment time.

The Board discussed pulling the Williams Pond requests from tonight's agenda to allow for an earlier adjournment as requested above. Mr. Walker made a motion; seconded by Ms. Smith, to approve tonight's agenda with the following changes:

- the meeting be adjourned at 10:00 p.m.; and
- the Williams Pond requests (Item VI. D., E. & F.) be moved to next month's Planning Board Meeting [February 1, 2005]. The motion passed unanimously.

Mr. Walker asked that his item for discussion be scheduled after the consent agenda and prior to the sketch design review. It was the consensus of the Board that this item be added to tonight's agenda as requested.

III. CONSENT AGENDA:

A. Minutes: Consideration of approval of minutes for December 7, 2004 Planning Board meeting.

Chairman Eliason stated that there has been requests for clarification (from some Board members and citizens) regarding the December 7, 2004 Planning Board minutes. Jeff Austin provided the following details.

Mr. Austin stated that some concern has been noted as to the way in which his motion was documented in the minutes; that as it is stated on page 160 of the December 7, 2004 Planning Board minutes (points 1, 2, and 3) that it was solely his intent to include these three items as his motion; that he may not have been as descriptive in the ultimate detail behind it; but that what he was looking to accomplish was a balance between the adjoining landowners concerns over undisturbed natural buffers and those desires and needs of the developer; that he thought creating 150 foot natural undisturbed buffer was a good step in a direction to accomplish that; that the 150 feet is made up of the original 50 foot buffer that was common property of the Booth Mountain development (designated as their perimeter buffer), plus 100 feet of those designated lots on the east and west sides of the development (lots 2 thru 16, 50, 52 thru 58); that there were lots 26 thru 79 that his intent was that the original 50 foot of that perimeter buffer, as proposed by the developer, be coupled with 100 feet at the rear of those lots thus creating 150 foot natural undisturbed buffer; that the 100 feet that is from the rear of those lots belongs to the lot owner still; that in combination with this he also made a condition to create a no-build setback; that the no-build setback is 175 feet from the front of the lot back to the rear of the last vertical structure on the property; that during last month's Planning Board meeting he and the developer scaled off (using the large plat map) the suggested buffer along with the building setbacks to insure that there was a mathematical solution to giving the lot owner a place to put the house; that those two things are accurate with the exception of lots noted and are stated in the minutes on page 160 as he intended them to be; that the other item he included was the addition of common, preserved areas in three additional wet-weather ravines between lots 59 and 60, 64 and 66 and lot 77 as it goes towards lot 87; and that what he asked for (in the way of a wet-weather ravine buffer) was a minimum total width of 50 feet or up to a maximum of 100 total feet width of natural undisturbed buffer. Mr. Austin stated that the minute's stand as submitted and that no revisions are warranted regarding his motion as explained above.

Mr. Megginson noted on page 156 of the December 7, 2004 minutes (first paragraph under Item VII. B. Request by MacGregor Development Co.) that the minutes are somewhat unclear as stated, "That information received that occurred after the public hearing was not sworn information". Mr. Megginson suggested that the minutes state, "That information received from the Brough

Law Firm, Landis, Inc. and Ryan Turner of TetraQuest Environmental Consultants occurred after the public hearing and was not sworn information". He noted that the minutes seemed confusing as to whether the revised plat or plan or this other material was being referenced.

Motion to approve minutes:

Following discussion among the Board, Ms. Andrews made a motion; seconded by Mr. McBee to approve the December 7, 2004 Planning Board minutes as submitted with revised language to page 156 as noted above. The motion passed unanimously.

Request to remove "Cedar Grove, Phase II" from Consent Agenda.

B. Preliminary Plat Review:

Request by Chuck Lewis on behalf of MAC Development, LLC for subdivision preliminary plat approval of "**Cedar Grove, Phase II**", consisting of 11 lots on 35 acres, located off S. R. 1540, Jones Ferry Road, Baldwin Township. (See discussion below: III. B.)

Chairman Eliason stated that it has been requested that this item be taken off Consent Agenda for discussion. It was noted that the application would be reviewed after Mr. Walker's comments and before sketch design review.

Consent Agenda Item:

C. Miscellaneous Requests or Required Actions:

Request by Michael A. Neal, Engineer, on behalf of **Strowd Mountain Subdivision** to improve an existing private easement to a state maintained road.

Mr. Wilson made a motion; seconded by Ms. Andrews to approve the Consent Agenda (Strowd Mountain Subdivision request) as submitted. The motion passed unanimously.

End Consent Agenda:

Chris Walker's Comments:

Mr. Walker clarified his position regarding public input to the Planning Board, and asked for clarification regarding Board policy, i.e. accepted protocol. (See copy of Mr. Walker's comments attached entitled, "Clarification for 4 January 2005 Planning Board Meeting".)

Chairman Eliason stated that he appreciated Mr. Walker's comments; that there never has been or never will be any limit to the public in its ability to offer any information or concern to the Planning Board; that there was no intention at last month's meeting for there to be limited information to the Planning Board; that it is true that the Board has gone back to a somewhat more stringent protocol when there is a public hearing on a given project; that the citizenry, affected by a given project, be allowed to have a point of access for clarification; that priority is given to immediate and adjacent landowners; and that there is also an allowance

for Planning Board members to query the developer or applicant on information to have a better understanding of the project under specific discussion.

Ms. Andrews, Parliamentarian, stated that the above clarification by Mr. Eliason is her understanding of the Planning Board process; that procedures are noted on the agendas; that public comments are at the discretion of the Chair; and that the Board has a new chair (elected by Board members) with a different policy than the previous chairman.

Mr. Walker referenced the November Planning Board minutes. He stated that there was specific discussion (with reference to Briar Chapel and Booth Mountain) about whether any additional input, outside of what had been heard at the public hearing, would be allowed; that the Board agreed not to consider additional material on those two issues; that citizens expressed concern to him afterwards that it appeared to them that we might be saying that anything that is offered to us after the public hearing has taken place is not admissible on future projects.

Ms. Andrews reiterated that testimony that doesn't come in at the public hearing is not sworn. Discussion among the Board followed. Mr. Megginson stated that both the Briar Chapel and Williams Pond applications consist of three different parts; that there is a text amendment, a zoning district change, and a conditional use permit request; that the first two do not require factual information/comments; but that a conditional use request requires sworn testimony. Mr. Megginson expressed the importance of being more vigilant on following procedures due to legal issues.

Mr. Walker was concerned about the mechanism for hearing a crucial item that surfaces through citizen input, Planning Board investigation, or some other source, and that affects the project and did not come up at the public hearing. Mr. Megginson stated that the Board of County Commissioners could consider having another public hearing on a particular item. Ms. Andrews noted that the Planning Board is a recommending body and that the Planning Board makes no final decisions – only recommendations to the County Commissioners.

Mr. Harris noted that (with the Briar Chapel application) there has been ample opportunity through the three forums and hearings for adequate input and discussion. Mr. Walker noted that he is talking about the general principle (and not just Briar Chapel) and what testimony can be introduced. He stated that this could apply to a project that has had only one public hearing with only two weeks for people to prepare information; and that he is referring to what procedure, if any, Board members or citizens have in getting into the discussion a vital piece of information that was either overlooked or somehow discovered after the public hearing.

Ms. Brown stated that she understands what Mr. Walker is stating; that tonight's meeting needs to move forward; that it almost seems like this discussion is attacking one person; and that her recommendation would be that, if there is something that is highly weighted and has not been discussed before, then that particular material should be sent to the Commissioners for their action.

Ms. Brown noted that it is important that additional information be shared with the other side so that they may prepare a counter if necessary.

Chairman Eliason stated that there is a difference between an application that goes through the process of a public hearing and one that does not; that there will always be an opportunity for adjacent property owners to address the Board during a Planning Board session on a project or application that does not go through public hearing; and that this has always been the way the Board functions.

Mr. McBee summarized the above discussion. He stated that there has been no change to procedures by the Board; that a document came out at the eleventh hour the night before the deliberation of the Planning Board (i.e. information received from The Brough Law Firm, Landis, Inc. and Ryan Turner of TetraQuest Environmental Consultants); and that said material was a sworn testimony type document that the Planning Board was not legally able to address.

Ms. Andrews made a motion; seconded by Mr. Harris, to end this discussion and to move on with tonight's Planning Board meeting. Ms. Siverson stated that, given the criteria discussed above, Planning Board members should be attending all public hearings. Chairman Eliason agreed and stated that it is up to individual Board members to improve public hearing attendance. Ms. Andrews stated that, now that the new Chair has summarized the process and has it the way it is suppose to be, more effort will be made by Board members to attend public hearings. Chairman Eliason asked that Board members notify Mr. Megginson if they cannot attend a scheduled public hearing. He stated that it has been noted that the Planning Board possibly was or was not under quorum (in terms of attendance of Planning Board members representing the Watershed Review Board) at a recent Board of Commissioners meeting regarding the Williams Pond request. He cited that it was not understood by Board members that this was a requirement during this specific meeting for Board members to attend.

Mr. Megginson explained that the Watershed Protection Ordinance states that, if you are sitting as the Watershed Review Board on an issue, that you have to have attended the public hearing in order to vote on that particular issue. He stated that this does not mean that you cannot enter into the discussion; but that only those members that have attended the public hearing can vote on that particular item.

Chairman Eliason reiterated his comments regarding outstanding questions on a project. He stated that, if it is a project that comes through normally and has not gone to public hearing, and there isn't enough information available to Planning Board members for each member to be comfortable in the vote or the decision of the evening, and that there is a need for additional information so that a Planning Board member can be comfortable in that vote or decision, that the item needs to be tabled. He noted that if it is a project that has gone through public hearing, that all information is intended to be delivered at the public hearing, and that

Board members are suppose to base their decision on the information presented at the public hearing.

Chairman Eliason thanked Mr. Walker for his comments. He stated that the County has changed and that the Board has not had to deal with the magnitude of issues that are currently before the Board. He noted discussions like tonight will allow us to grow as a Board.

At this time, it was the consensus of the Board to end this discussion and to move on with tonight's agenda.

III.

B. PRELIMINARY PLAT REVIEW:

Request by Chuck Lewis on behalf of MAC Development, LLC for subdivision preliminary plat approval of "**Cedar Grove, Phase II**", consisting of 11 lots on 35 acres, located off S. R. 1540, Jones Ferry Road, Baldwin Township.

Ms. Richardson reviewed the agenda notes for this subdivision. She stated that the request was initially on tonight's consent agenda but was asked to be removed from the consent agenda and placed on the regular agenda by an adjacent property owner; that the design has not changed since reviewed by the Board on September 7, 2004; and that the issue of concern is regarding a 10'x70' sight triangle (as shown on the plat map) that the developer is negotiating purchasing from Cedar Grove United Methodist Church, landowner; that the access would be used as a secondary access to off site septic areas, if needed.

Walter Atwater stated that he is a member of Cedar Grove United Methodist Church and that church members are not sure as to what the church would be giving up.

Chuck Lewis, developer, stated that his plans are to deed the church a triangle of land in return for a sight easement that is 70 feet long and 10 feet deep; that his attorney has mailed the church a sample easement stating that this is an easement agreement that will allow the church to retain ownership of the land but that no structure would be allowed within the sight easement; and that no parking of cars be allowed that would block the sight easement.

David Atwater stated that he is chairman of the trustees of Cedar Grove United Methodist Church. Mr. Atwater noted that the information received from the developer did not show the location of the easement. Mr. Lewis explained that he could not show the easement on the map until the land has been obtained from the landowner. Mr. Austin suggested that the church seek legal council for representation to make sure that the land trade for easement with the developer and his attorney is properly prepared with clear definition of the easement (i.e. what your rights are, what you're giving up). Mr. Lewis stated that legal papers were mailed to Rev. Lee Edwards over a month ago. Ms. Brown suggested that

the developer use a different color pen and draw the proposed easement on the map to be used if the church actually seeks legal council.

Discussion among the Board followed. It was noted that The Department of Transportation (D.O.T.) would require the developer to issue a roadway connection permit and within that permit the developer would have to show a drawing that includes the proposed sight triangle. Mr. Lewis reiterated that this easement would not be used for anything other than access; that it is a dirt road that would be used to get machinery in and out for septic fields; and that once septic fields are installed there would not be any traffic. Ms. Richardson noted that staff has not recommended a condition in tonight's agenda notes since this is a D.O.T. issue and that this is not the main entrance to the proposed subdivision, only a secondary entrance for machinery only. Ms. Andrews suggested that the developer have his attorney follow up with the church members so that they understand what is going on.

Ms. Andrews made a motion; seconded by Mr. McBee to grant preliminary approval of the plat as submitted and as recommended by the Planning Department with the following condition:

1. Prior to final plat submittal, all required creek crossing permits from the Corps of Engineers and NCDENR, Division of Water Quality shall be submitted to staff.

The motion passed unanimously.

IV. SKETCH DESIGN REVIEW:

- A. Request by John M. Stone and Mary Ann McQuiston for a variance from the Subdivision Ordinance, Section 6.2, Rural Roads, D (1), Private Road, (3) [f] and a request for sketch design approval of **“Survey for John M. Stone and Mary A. McQuiston”**, consisting of two (2) lots on 15.3 acres located off S.R. 1941, Seaforth Road, New Hope Township.

Ms. Richardson stated that this is a two-part request; that the first part is for a variance from the Subdivision Regulations (Section 6.2 regarding rural/private roads); that the variance would need to be approved before the second part of the request (for sketch design approval of the applicant's tract in New Hope Trails into two lots) could continue; and that the applicant is requesting a variance from the current slope requirement of 10% for the 350 foot section of roadway that currently has a slope of 13%. Ms. Richardson reviewed tonight's agenda notes that detail the history of the proposed property. She explained that the Subdivision Regulations have changed over time thus warranting staff's reasoning for approval of the request (with three conditions noted in tonight's agenda notes).

Discussion among the Board followed. It was noted that the present slope does not exceed requirements of D.O.T. and that the proposal does not present an unsafe or hazardous situation with the roadway in terms of slope percentage.

John Stone, applicant, was present. Mr. Stone stated that there has not been a hazardous situation thus far and that the road has been properly maintained.

Karen Martin, adjacent property owner (stated that she and her husband live in Phase I), voiced concerns regarding the maintenance of the road. She stated that the homeowners have spent large amounts of money resurfacing the road; that the road is currently full of potholes; that she is not against the subdividing; but that the road needs to be brought up to standard.

Dorothy Leapley, adjacent property owner, spoke in favor of the requests. She stated that restrictive covenants create a road maintenance association; that once this property is subdivided the new subdivision property owner will then have to pay an additional road maintenance fee; that she has lived at her current residence since 1997 going in and out of the 13 degree grade; and that she had had no trouble even when meeting the garbage trucks.

Ms. Andrews made a motion; seconded by Ms. Siverson to grant the variance request and the sketch design request as submitted and as recommended by the Planning Department with the following three (3) conditions:

1. The road improvement be made to the Phase I roadway that serves lots 3 and 4, and then turns northward serving lots 9, 10, 11, 12, 13 and 14 consisting of additional crush and run stone being placed on the roadway to bring the depth of crush and run stone to a minimum of 4 inches.
2. The Phase II roadway be upgraded to the county private road standards for the distance necessary for Lots 6B1 and 6B2 to front on the County standard roadway by a minimum of 30 feet.
3. Prior to final plat review, the roadway improvements be certified by a licensed engineer, architect, contractor or, surveyor.

The motion passed unanimously.

V. MISCELLANEOUS REQUESTS or REQUIRED ACTIONS:

- A. Request by George Farrell, Jr. for a site plan review for Kunal Enterprises, LLC, property located off Hwy. 64 E., New Hope Township.

Ms. Richardson reviewed the agenda notes for this request. She noted that, based on recommendations by the Appearance Committee, the landscape plan has been modified to provide for 10-foot tall trees (vs. 8-foot); and that there shall remain or be established a 20 foot vegetative buffer around the property. Ms. Richardson stated that there was also a concern raised by the Appearance

Committee about buffering between the existing house on the property and the balance of the property.

George Farrell, applicant, stated that the purpose of leaving the existing house on the property would be to allow for a caretaker to live there for security reasons and does not prefer buffering.

Discussion among the Board followed regarding landscape buffering along the east side of the proposed property and requiring that all buffer areas around the property be undisturbed.

Jean Fish, adjoining property owner, voiced concerns regarding, 1.) buffering, 2.) existing easement located on the western portion of her property, and 3.) erosion control. She stated that the developer has taken out an access road across the subject property that she once utilized to get from her residential property to the home place property to the east; and that she no longer wishes to have the existing perpetual easement on her residential property in place. Ms. Fish noted that she is working with Debbie Barbee with NCDENR, State Erosion Control Division regarding the fishpond on her property that has become real muddy from the recent land disturbance.

Mr. Farrell stated that he has an erosion control permit; that his grading contractor has taken care of the things that Ms. Barbee has recommended; and that silt fencing has been added.

Discussion followed regarding the perpetual easement. Ms. Fish stated that her attorney has presented the necessary forms to Mr. Farrell regarding her desire to vacate the easement. She noted that her attorney has not yet received the required signatures. Mr. Farrell stated that he does not want to give up the easement because of future development, i.e. installation of septic system. Ms. Fish explained that the easement initially served her sister who no longer lives on the property. It was the consensus of the Board that the easement situation is a legal issue to be resolved between Ms. Fish and Mr. Farrell.

Mr. Wilson made a motion; seconded by Ms. Andrews to grant approval of the site plan as submitted with the following two (2) conditions:

1. There shall remain or be established a 20 foot vegetative buffer around the property (details of areas to be landscaped are shown on sheet C-3 Landscape Buffer Plan).
2. On the east side of the property, along the boundary with Ms. Jean Fish and Ms. Linda Phillips there shall be an opaque vegetative buffer with trees planted a minimum size of ten (10) feet tall.

The Motion passed unanimously.

At this time (8:45 P.M.) Chairman Eliason called for a 10-minute break.

VI. ZONING AND ORDINANCE AMENDMENTS:

Items from October 7, 2004 Public Hearing:

- A. Request by M. Gray Styers Jr. on behalf of Briar Chapel for an amendment to Section 6.1 of the Chatham County Compact Communities Ordinance. The amendment with a map specifies where compact communities are allowed.

Mr. Megginson referenced materials previously copied regarding the proposals. He stated that most of the material addresses the conditional use application scheduled to be discussed later in tonight's meeting; and that staff has available, for anyone interested in reviewing, all the materials listed on the three-page list of exhibits received during the three public hearings (listed as attachment one (1) on tonight's agenda notes attachment#5). Mr. Megginson reviewed the agenda notes for this request. He stated that the request is for an amendment to Section 6.1 of the Compact Communities Ordinance and that staff has received the proposed language and maps (see attached). He cited that if it remains the intent of the Planning Board to allow a compact community in the general area (as noted on above referenced maps) then it is necessary for the property to be zoned for said use, i.e. compact community conditional use district.

Discussion followed. Chairman Eliason stated that during the initial work on the Compact Communities Ordinance (CCO) there was a map that did show this area east of Hwy. 15-501 as part of the performance within the Compact Communities Ordinance. Mr. Walker referenced staff agenda notes dated December 7, 2004 (attachment #10 - Introduction and Background) that states, "The Board of Commissioners was informed of the discrepancy but the situation was not rectified prior to the adoption of said ordinance". Mr. Walker asked, 1.) why this discrepancy was never rectified, and 2.) were the Commissioners not in agreement or not concerned about it? Mr. Megginson stated that there was a question at that time about whether the issue would have to go back through the public hearing process.

Commissioner Bunkey Morgan stated that it was assumed that the proposed property was included in the CCO map area initially.

Ms. Andrews stated that the request is consistent with the Land Use Plan.

Ms. Andrews made a motion; seconded by Mr. Austin to grant approval of the revised text (with the map that includes the portion east of Hwy. 15-501 within the project area) as submitted. The motion passed 7-3 with Andrews, Austin, Brown, Eliason, Harris, McBee, and Wilson voting in favor of the motion; and Siverson, Smith, and Walker voting against.

Ms. Brown asked for clarification as to what the Board is charged with relative to this application. She noted that the Board has reviewed the entire Compact Communities Ordinance. Chairman Eliason stated that basically the Board's charge is to make sure that the application in the project meets the Compact Communities Ordinance (CCO); that what the Board has just done is clarified the boundaries of the project to be within the compact communities area; but that the

majority of the Board's work is to look at the technical application and to make sure that it does meet the requirements of the CCO. Mr. Megginson explained that this is a three-part request; that the first part is a text change; that the second part is zoning district change; and that the third part of the application is a request for a conditional use permit for a planned residential development.

- B. Request by Mitch Barron on behalf of Newland Communities for a zoning change of numerous parcels consisting of 1,589 acres from RA-40 district to Compact Community Conditional Use District. The property is located in the vicinity of US 15-501 N., Manns Chapel Road, and Andrews Store Road.

Mr. Megginson stated that this part of the application request is for a zoning district change; that the specific land area is indicated on the property map; that this request is to change various parcels from RA-40 to compact community conditional use district; and that in order to provide some consistency (with the overall plan) it is staff's recommendation that all parcels as requested and as shown on the proposed map be approved for a compact community conditional use district (changed from RA-40 zoning).

Chairman Eliason stated that the request is consistent with the ordinances we now have in place and asked if there was a motion from the Board.

Ms. Andrews made a motion; seconded by Mr. Austin to grant approval of the request as submitted to change the zoning district from RA-40 district to Compact Community Conditional Use District. Discussion followed. Ms. Smith voiced concern regarding access, i.e. pedestrian crossing from Hwy. 15-501. It was the consensus of the Board to include Ms. Smith's concerns in the discussion of the PUD request scheduled next on tonight's agenda. The motion passed 7-3 with Andrews, Austin, Eliason, Brown, Harris, McBee and Wilson voting in favor of the motion; and Siverson, Smith, and Walker voting against.

- C. Request by Mitch Barron on behalf of Newland Communities for a Conditional Use Permit for a planned residential development, on approximately 1,589 acres in the vicinity of US 15-501 N., Manns Chapel Road and Andrews Store Road. The request consists of 2,389 dwelling units, commercial & office space, church, charter school, county facilities (sites for a school, elevated water tank, 911 provider, fire station, sheriff's office, and library), community water reclamation facility, storm water quality treatment and detention system, recreational spaces, hiking and biking trails, and open space. The proposal provides for developer funded off-site roadway improvements.

Mr. Megginson reviewed the agenda notes for this request.

Board members identified the following topics for discussion:

- Sandra Tripp property

- Roadway connections to adjoining subdivisions
- US 15-501 pedestrian access
- Walkability of town center (commercial)
- Affordable housing
- Educational impact fees
- Public safety (fire, police)
- Bennett Mt. (lots and road, natural heritage area)
- Odor control for wastewater plant (water collection basin)

Discussion followed.

Sandra Tripp property

Sandra Tripp, adjacent landowner was present. Mr. Megginson used the large plat map to indicate the location of Ms. Tripp’s parcel. Ms. Tripp stated that her major concern is that the proposed main entrance to the development runs right along her property line; that if the road is necessary she requests a 100 foot perimeter buffer all along her property line; that the original plan did not indicate a proposed road close to her property; that fencing would be acceptable but landscaping along the east side would be preferred; and that although helpful, the fence does not dismiss the need for a 100 foot perimeter buffer (still requested by Ms. Tripp as an adjacent property owner). Mr. Megginson stated that The North Carolina Department of Transportation (NCDOT) did explore moving everything away from Ms. Tripp’s land, but that the existing creeks, drainage areas and wetland features would not warrant moving intersections.

Mitch Baron, applicant, stated that plans have changed since the initial preliminary review with NCDOT; that buffering is not an ordinance requirement in this type situation; that the proposed road provides for a 4-way intersection; and that planting trees and installing fencing would not be a problem (along the Tripp property).

The Board discussed staff’s recommendation #13 in tonight’s agenda notes that states, “At the time of construction of the road entering Briar Chapel next to the Tripp property, a six-foot opaque fence shall be erected along the east side of Ms. Tripp’s property, consistent with NCDOT regulations, ~~and landscaped on the side facing Ms. Tripp’s property to the extent allowed by Ms. Tripp~~”. Following discussion, it was the consensus of the Board that language above (noted with “strickthrough”) be revised to read, “and landscaped on the developer’s side of the fence to the extent desired by Ms. Tripp”; and that recommendation #13 (with revised language) is consistent with NCDOT requirements.

Roadway connections to adjacent subdivisions and properties

Mr. Megginson stated that the proposed master plan indicates three (3) existing roads as follows: Half Dollar Road, Persimmon Hill Road, and Creeks Edge Road; that the proposal does not provide connections to any of these three roads; that all three roads are different in nature; that staff has recommended connection to Half Dollar Road and Creeks Edge Road; that connection to Persimmon Hill Road is not recommended by staff at this time but would be

required in the future if lots are proposed in the section of land adjacent to Persimmon Hill Subdivision or if future traffic studies show that a connection is warranted; and that all three neighborhoods do not want connection. Mr. Megginson distributed pictures (provided by citizens) showing the turn around of the road covered with water during two different occasions, i.e. Pokeberry Creek. It was the consensus of the Board to discuss those roads that staff has recommended a connection.

James McGurk, stated that he is a resident of Chatham Development and that he is opposed to an access connection with Half Dollar Road and the proposed development. Mr. McGurk voiced concerns regarding traffic. He stated that there is already a problem with speeding on Willow Way and Dollar Road.

At this time (10:00 P.M) it was the consensus of the Board to end tonight's discussion and to schedule a special meeting to finish the review of the Briar Chapel application. Board members set the special meeting for Monday, January 24, 2005 to begin at 6:00 P.M. Mr. Megginson stated that staff would confirm a meeting place and send a reminder to Board members.

Items from November 15, 2004 Public Hearing: - These items (D., E., & F.) have been tabled for review during the February 1, 2005 Planning Board meeting – see page 163 approval of agenda.

- D. Request by attorney Nicholas P. Robinson on behalf of Bynum Ridge, LLC for amendments to the Chatham County Watershed Protection Ordinance Sections 303 (A) and Section 600. The proposed amendments would allow single-family cluster developments located within more than one watershed to share density in the different watersheds without exceeding the maximum allowed in the combined watersheds.
- E. Request by Bynum Ridge, LLC for a Conditional Use District (CU-RA-90) on 650 acres (presently 242 acres zoned RA-5 and 408 acres zoned RA-40) on the south side of SR 1711, Bynum Ridge Road.
- F. Request by Bynum Ridge, LLC for a Conditional Use Permit for a Planned Unit Development, Williams Pond Residential Community, consisting of 185 lots on 650 acres, located on the south side of S. R. 1711, Bynum Ridge Road, Baldwin Township.

Items for January 18, 2005 Public Hearing: - Information packets were distributed to Board members during tonight's meeting.

- G. Request by Bradshaw & Robinson, LLP on behalf of Governors Village Commercial LLC for a modification to the existing Conditional Use Permit for the Governor's Club Planned Unit Development to add 18.95 acres to be developed as 49 single family residential lots, located off SR-1726, Old Fearington Rd, -- and to revise the existing Conditional Use Permit to change the approved land use for the East Dossett parcel (+/- 11 acres) from commercial to 76 residential town homes, located off S. R. 1008, Mt. Carmel Church Road, Williams Township.

- H. Request by Callie S. Meadows for a Conditional Use Permit for a privately owned camp ground specifically for campers, travel trailers, and recreational vehicles/motor homes on three (3) acres, located off S. R. 1920, Ellis Road, Cape Fear Township.
- I. Request by David Webster for a revision to the existing B-1 Conditional Use District with Conditional Use Permit for day care and other various uses, to retain the existing uses and add Veterinary Clinics and Hospitals with dog runs or equivalent facilities – and other various uses, on 2 acres, located off SR-1712, East Cotton Road, Baldwin Township.
- J. Request by E. Wesley Lloyd for a Heavy Industrial Conditional Use District with Conditional Use Permit for Mulch – grinding, screening (sifting and separating of particles), mixing, blending, processing and dyeing of mulch and Recycling industries that do not include the storage and/or processing of hazardous waste, specifically for the recycling of construction and demolition materials, on 5.38 acres, located off SR-1544, Jones Ferry Road, Baldwin Township.
- K. Request by the Chatham County Planning Department for revisions to Sections 10.6, 10.7, and 15.5 of the Chatham County Zoning Ordinance and Attachment A of the Chatham County Watershed Protection Ordinance regarding campgrounds and RV parks.

VII. NEW BUSINESS: - ***This topic was not discussed.***

- A. Planning Director's Report
 - 1. RC & D Representative [Central Piedmont Resource Conservation & Development Area, Inc.]
- B. Planning Board Member's Reports

VIII. ADJOURNMENT: The meeting adjourned at 10:15 P.M.

Charles Eliason, Chair

Date

Attest:

Kay Everage, Secretary to the Board

Date