

Lewis, Anderson, Phillips  
Greene & Hinkle, PLLC

Attorneys at Law

SUSAN H. LEWIS

J. DICKSON PHILLIPS III

CHRISTINA GOSHAW HINKLE

CHELLIE MARTIN JOINES, ASSOCIATE

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BRIAN C. JOHNSTON, ASSOCIATE

BARBARA D. ANDERSON, OF COUNSEL

HERMAN F. GREENE, OF COUNSEL

JANET G. HALL, STAFF ATTORNEY

VIA HAND DELIVERY

Members of the Chatham County Planning Board  
Pittsboro, NC

Dear Planning Board Members:

I write on behalf of Thomas Robert Marriott and Alice Banks Yeaman, adjoining landowners to the proposed "Shively Tract" subdivision. Marriott and Yeaman oppose approval of the sketch design for the Shively Tract on a number of substantive grounds, including those referenced below. Should the Board nevertheless approve the sketch design, Marriott and Yeaman request that the Board order an environmental impact statement pursuant to Chatham County Subdivision Regulations section 5.2.A.(1). At a minimum, the Board should at its August 1, 2006, meeting defer consideration of the sketch plan as untimely submitted - less than 23 days prior to that meeting.

The proposed Shively Tract is described in the Planning and Zoning staff notes as separate from the adjoining Bluffs subdivision, the sketch design for which this Board approved in May, 2006. However, the Shively Tract and The Bluffs share common owners and are physically contiguous; indeed, the Shively Tract would be accessible only over a proposed road through The Bluffs. Therefore, the two subdivisions should be considered together in assessing the need for an environmental impact assessment.

Chatham County's subdivision ordinance permits this Board to order an environmental impact statement whenever "the Board deems it necessary for responsible review due to the nature of the land to be subdivided, or the peculiarities in the proposed layout". [Subdivision Regulations §5.2.A.(1)] This ordinance is authorized by the North Carolina Environmental Policy Act, which also requires that a county adopt standards for ordering such a study. [N.C. Gen. Stat. § 113A-8(c)] It appears Chatham County has not adopted such standards, however, and therefore standards could be sought in regulations defining when an environmental statement is required in other circumstances. A full discussion of such standards is beyond the scope of this letter. The following conditions, however, are present in connection with this proposed project and would under analogous state regulations require this Board to order an environmental impact assessment:

The Shively Tract and The Bluffs (hereinafter the “Developments”) have a potential for significant adverse effects on wetlands, surface waters, forest lands, and areas of local, state or federally recognized scenic, recreational, archaeological or ecological value; or could threaten species identified on the Department of Interior’s or the state’s threatened and endangered species lists [15A NCAC 01C.0306]:

- a. The proposed Developments border the Haw River, which in Chatham County contains state-designated impaired, nutrient sensitive waters. In addition, the Developments are in close upstream proximity to the Haw River Arm of Jordan Lake, which is of particular concern in connection with a proposed new state management plan that will require new nutrient reduction strategies;
- b. The terrain is steep and crossed by a number of streams, both perennial and intermittent, that flow into the Haw or into tributary streams in close proximity to the Haw. Not all such streams are indicated on the sketch plan;
- c. Indeed, a substantial part of the Developments, including essentially all of the Shively Tract, are located within the special flood hazard setback area within 2500 feet of the Haw;
- d. Federally and State listed threatened and endangered species have been identified in the area, pursuant to the applicants’ submission for The Bluffs, and therefore the property should be studied as providing habitat for these species; [Environmental Statute Report, April 6, 2006];
- e. A known archaeological site exists on the property. This site was apparently located by the applicant’s consultant but dismissed as insignificant [Report of Environmental Services, Inc. April 2006];
- f. A wetland exists in the area of proposed lots 122 and 123 in the Shively Tract but has not been delineated;
- g. Waste water for the Developments is proposed to be handled by the private Buck Mountain Water Reclamation Facility, but the capacity of the system requires further analysis. To our knowledge, the only lots currently permitted for that system are lots in Chapel Ridge which have received a special flow reduction rate of 250 gal/day per lot, whereas the state minimum design criterion is 120 gal/day per bedroom. The conditions for such reduced flow may well not pertain for the Developments, which contain much larger proposed lots. This issue requires further study due to the serious environmental implications of authorizing a development or series of developments without adequate wastewater capacity.

For the foregoing reasons, among others, Marriott and Yeaman respectfully request that the sketch design for the Shively Tract be denied on its merits. Alternatively, they request that the Board act pursuant to its authority and responsibility to order an environmental impact statement pursuant to the Chatham County Subdivision Regulations.

Sincerely,



J. Dickson Phillips, III

cc: Mr. Charles Eliason, Chair  
Mr. Mark McBee, Vice-Chair  
Mr. Paul McCoy  
Mr. Martin Mason  
Ms. Mary Nettles  
Ms. Evelyn Cross  
Ms. Sally Kost  
Mr. Chris Walker  
Mr. Clyde Harris  
Mr. Cecil Wilson