



Chatham County Planning Board Minutes January 5, 2016

The Chatham County Planning Board met in regular session on the above date in the Agriculture Building Auditorium, Pittsboro, North Carolina. Members present were as follows:

Present:

B. J. Copeland, Chair
Cecil Wilson, Vice Chair
Bill Arthur
Brian Bock
Stacey Curtis
Jim Elza
Tony Gaeta
Gene Galin
George Lucier
Caroline Siverson
Allison Weakley

Absent:

Other: Diana Hales, County Commissioner Liaison

Planning Department:

Jason Sullivan, Planning Director
Lynn Richardson, Subdivision Administrator
Hillary Pace, Planner II

- I. INVOCATION AND PLEDGE OF ALLEGIANCE:
Mr. Copeland, Chair, delivered the invocation and afterwards invited everyone to stand and recite the Pledge of Allegiance.
- II. CALL TO ORDER:
Chair Copeland called the meeting to order at 6:30 p.m.
- III. DETERMINATION OF QUORUM:
The clerk stated a quorum was present to begin the meeting (10 members were present at this time).
- IV. WELCOME: Chair Copeland welcomed new board members Allison Weakley and Jason Sullivan introduced two (2) new Planning Department employees Dylan Paul and Cara Coppola.
- V. APPROVAL OF AGENDA:
No changes were proposed and the agenda was considered approved as submitted.
- VI. APPROVAL OF CONSENT AGENDA:

Minutes: Consideration of a request for approval of the December 1, 2015 Planning Board minutes.

Minor changes to the minutes and minutes stand approved.

VII. PUBLIC INPUT SESSION:

Fifteen-minute time of public input. Speakers limited to three minutes each.

Phil Ewing, 560 Valley Lane, Pittsboro, NC
Jesse Chavis, 3020 Mellwood Dr. Durham, NC
Thomas Toms, 382 Valley Lane, Pittsboro, NC
Leroy Kelly, 2528 US 64 Hwy, Apex, NC
Emmanuel Diliberto, (didn't state address)

VIII. SUBDIVISIONS:

1. Request by Chatham Capital, LLC for subdivision First Plat review and approval of Sunset Grove, consisting of 55 lots on 107.82 acres, located off Mt Gilead Church Road, SR-1700, parcel #'s 17425, 17440, & 17441.

The Planning Board met on December 1, 2015 to review the request. Staff did not give a staff report at the 12/1/15 meeting. A Public Hearing was held. Several residents from the adjacent Monterrane Subdivision were present and spoke during the public hearing. They had concerns which included water pressure in Monterrane and whether some residents may experience decreased water pressure due to the interconnections with Sunset Grove; lighting; tree protection; privacy; setbacks from property lines; possible flooding due to proposed roadway crossing Parker's Creek, drainage onto adjacent properties; monitoring of septic systems; and not receiving any written answers from the developer to the questions posed at the Community Meeting.

Mr. Ashness spoke at the 12/1/15 meeting to address some of the questions/concerns raised by the property owners.

The Planning Board discussed the request and the concerns expressed by the adjacent property owners. Mr. Lucier stated that he had not had an opportunity to read the EIA and Ms. Curtis asked if the peer review comments and ERAC comments on the EIA had been addressed. Mr. Ashness stated that the comments had not been addressed at that time. The First Plat request was tabled. The Board asked Mr. Ashness to provide responses to the peer review and ERAC comments; provide a confirmation from Larry Bridges on the water pressure in Monterrane, provide a drainage map, and address the concerns regarding lighting and tree protection. The request was tabled until the January 5, 2016 Planning Board meeting.

At the January 5, 2016 meeting, Ms. Richardson gave the staff report from the December 1, 2015, Planning Board meeting. This request is for First Plat review and approval of Sunset Grove Subdivision consisting of 55 lots on 107.82 acres, located off Mt. Gilead Church Road. A vicinity map is included in this packet, attachment # 3.

Per the Subdivision Regulations, Section 5.2 C (4), during a First Plat review, the first Planning Board meeting shall include a Public Hearing to receive comment on the proposed subdivision. Item (b) states that following the Public Hearing, the Planning Board shall review the proposal, staff recommendation and public comments and indicate their recommendation for approval, disapproval or approval subject to modifications. If the Board recommends disapproval or approval subject to modifications, the necessary reasons or modifications will be specified in the minutes of the meeting. The Planning Board has two (2) meetings to act on the proposal. A Trustee of the Haw River Baptist Church has also signed the major subdivision application because the church and the developer have agreed on a land exchange that will allow the church property to be contiguous and provide some additional property for the development.

Community Meeting: A community meeting was held on April 7, 2015 at Haw River Baptist Church. The purpose of the meeting is to receive input from the community on the project. Twenty-eight residents attended the meeting. The developer and the engineer have provided answers to the 10 questions in a separate e-mail to staff as follows:

1. No additional buffers planned in Sunset Grove beyond County setback standards
2. Road stub removed
3. Soils have been evaluated by a licensed professional
4. Limits of buffer have been confirmed by County matching our delineation
5. The new cross connections with Monterrane and extension on Mt Gilead Road will help water pressure greatly
6. Limits of buffer have been confirmed by County matching our delineation
7. NCDOT has approved entrance location. Turn Lane will be determined at construction drawing phase
8. We anticipate home sizes to range from 2500 SF – 5000 SF
9. Lighting to meet County Lighting Ordinance
10. No walking trails

Infrastructure: The roadway will be built to public, state road standards. A Commercial Driveway Permit and a Road Plan Permit will be obtained from NCDOT by the developer prior to Construction Plan approval. A public roadway connection has been provided to the adjoining properties of Phillip W. Corn and Contentnea Creek Development Company to provide for interconnectivity if these properties are developed in the future. The Contentnea Creek Development Company has an approved subdivision plan to develop 43 residential lots. The final plat submittal for Contentnea Creek/ Cooper Subdivision has been extended to 6/20/2017.

Road Names: The following road names have been approved by the Chatham County Emergency Operations Office for review and approval by the Board of Commissioners:

Sunset Grove Drive, Newcastle Court, Bayard Court, Parkers Crossing, and Westview Lane.

Septic: The lots will be served by individual septic systems. A soil scientist report and map was prepared by Timmons Group, dated October, 2015. Thomas Boyce,

Chatham County Lead Soil Scientist, reviewed the report on November 6th and stated that the report was adequate. Provisionally suitable soils for various types of systems are shown on the First Plat. All the lots will have on-site systems.

Water: County water will be utilized. A proposed water line layout is included on the First Plat. The developer proposes to extend the county 8" water line from Red Gate Road along Mt. Gilead Church Road to the development and shows an internal water line layout with 8" lines except one cul-de-sac with a 6" line. Larry Bridges, Public Utilities Director has meet with the engineer to review the proposed waterline plans. There is a utility easement shown on the First Plat to the adjoining properties of Phillip W. Corn and Contentnea Creek Development Company for future water line extensions. As stated above under 'Infrastructure', the Contentnea Creek Development Company has an approved subdivision plan to develop 43 residential lots. The final plat submittal for Contentnea Creek/ Cooper Subdivision has been extended to 6/20/2017. Two utility easements have been provided to Monteranne Subdivision which will provide better water pressure and flow for the residents within the subdivision. A Water Plan Permit will be obtained from Chatham County and NC DENR prior to Construction Plan submittal.

Stormwater and Erosion Control: Three water quality ponds are proposed for the site. A Stormwater Permit will be obtained from Chatham County prior to submittal of the Construction Plan along with an Erosion and Sedimentation Control Permit.

Environmental Documentation: Due to the number of lots being 50 or greater, the developer was required to submit an Environmental Impact Assessment for peer review. The EIA was prepared by the Timmons Group and dated July 6, 2015. The EIA was peer reviewed by Froehling & Robertson, Inc. and comments/questions from the peer review were received July 31, 2015. The Chatham County Environmental Review Advisory Committee also reviewed the EIA and provided comments/questions back to the developer. A copy of the EIA along with the peer review comments and the ERAC comments can be found on the Planning Department webpage. An EIA is not a regulatory tool, but serves to provide additional information about the impacts of a project and possible alternatives to those impacts.

Riparian Buffers: The Timmons Group completed the riparian buffer review of the property and furnished the report to Chatham County. On October 21st Stewart Pickens, Chatham County Environmental Quality Inspector visited the site to review the findings. Mr. Pickens concurred with the findings from the Timmons Group except for streams E & F in the buffer report which were located on the additional property obtained from the Haw River Baptist Church. The Corps of Engineers had previously reviewed the streams and wetlands on the parent tract, but had not reviewed the property to be obtained from Haw River Baptist Church. On November 13, 2015, Mr. Pickens met on site with Scott Mitchell, P.E. LLS, Timmons Group, and the Corps of Engineers for the Corps review of the streams and wetlands on the property to be obtained from the church. Based on the Corps review, Stream E is classified as an ephemeral feature and Stream F is classified as an intermittent feature. It was also determined that the wetland originally identified by the Timmons

Group on Lot 54 did not score as a wetland and should not be buffered as such. Stream and wetland buffers are shown on the First Plat and range from a 30 foot per side ephemeral buffer to a 100 foot per side perennial buffer.

School Notification: the developer has notified the Chatham County School system with a map of the proposed development.

Historical Review: The applicant has corresponded with the Chatham County Historical Association. In 2013, Bev Wiggins with the Historical Association visited the property with Fred Ward, Consultant for the developer, to visit the cemetery site and take pictures of the grave stones. Since September, the developer hired a professional archaeological company, TRC Solutions, to perform a thorough cemetery delineation. It was determined that there are 12 graves. The developer plans for the cemetery to be part of Lot 39 as shown on the First Plat; plans to leave the cemetery in a natural state, plans to protect the cemetery with a recorded easement, and has considered placing a fence around the cemetery. Also, during construction, the area will be protected with fencing to avoid any disturbance to the cemetery area. Per information from the Historical Association, this is a family cemetery for the Ellington and Knight families and has at least one grave of a Civil War soldier, George Farrington Ellington. There will be a 10 foot wide access easement from the public road to the cemetery site. Correspondence between the developer and Ms. Wiggins is posted on the Planning Department webpage. There is also a chimney and old house site near the cemetery.

Site Visit: Per Subdivision Regulation requirements, two site visits to the proposed development were arranged and attended by the developer and the engineer. Board of Commissioners, as well as the Planning Board, was invited to attend the site meetings on November 4, 2015 and November 5, 2015. The developer's engineer, Mark Ashness, met with staff and several Planning Board members to walk the property and visit the cemetery. The property is wooded with rolling hills. Those attending were able to visit the cemetery and see the various stream features.

Technical Review Committee: The TRC met on November 12, 2015 for staff review of the First Plat. The developers along with the engineer were present to answer questions and give an overview of the project. Staff discussed with the applicant: water connections/extensions; riparian buffers; septic; land exchange with church; Army Corps of Engineer visit to review wetlands on additional land; roadway extensions; placement of fire hydrants; road names; possibility of turn lanes; and the cemetery.

Mr. Ashness provided responses to the 12/1/15 Planning Board questions as follows:

Water Pressure: Mr. Ashness provided Larry Bridges, County Utilities Director, with a fire flow water model to shift one of the interconnections further east to tie into an existing utility connection in Monterrane Phase 3. After studying the model, Mr. Bridges stated "it is clear that the looping of Sunset Grove's waterline and keeping

the interconnections at the same location is the best solution for not only Sunset Grove but also the residents of Valley Ln. (Monterrane).”

Peer Review and ERAC comments on EIA: Natalie Landry, with the Timmons Group, has provided responses to the peer review comments and the ERAC comments. Ms. Landry also provided revised Appendices 1, 2, and 6. The Environmental Quality Department has reviewed the responses and revised appendices and stated that the responses are complete. The revised appendices along with a complete revised EIA can be viewed on the Planning Department webpage.

Lighting: Mr. Ashness stated in an e-mail dated December 10, 2015, that lighting within the project will conform with the County regulations requiring full cut-off fixtures for street lights.

Tree Protection: Mr Ashness stated that there will be restrictive covenants that will have limits on turfed area along with requirements for landscaped/wooded areas and that the lots will not be mass graded.

Drainage: Mr. Ashness provided a drainage map showing some drainage to the north toward Monterrane, some towards the south to the property of John Roach, and the majority of the site draining to the east and Parker’s Creek.

Board discussion followed.

Mr. Mark Ashness, P.E., Scott Mitchell, and Sarah O’Brien, Developer, were available for questions. Ms. O’Brien addressed the question about the covenants, stating she had examples of some of their previous subdivision covenants and Sunset Grove’s covenants will be similar. They plan to have Architectural Review Board (ARB) where the developer will serve as the ARB until the last lot is sold. Mr. Ashness addressed the questions asked from board members about grading, water quality ponds, buffering, and cemetery on a private lot. Ms. Weakley had questions regarding the following items: phasing, grading plans, topography, soils, water quality ponds and how they are to be maintained, wetland and stream impacts, type of stream crossings lighting, natural areas, rare species, and impacts on Parkers Creek and Jordan Lake.

Motion - Passed:

Mr. Wilson made a motion; seconded by Mr. Bock to approve as submitted.

Board discussion followed.

Motion passed by vote of 8-3 (Weakley, Elza, and Siverson against).

2. Request by Sheryl-Mar Company, LLC for subdivision First Plat approval of **Brookside at Fieldstone**, consisting of 13 lots on 20 acres, located off Mann’s Chapel Road, SR-1532 and Fieldstone Lane, Baldwin Township, parcel #80775.

Ms. Richardson reviewed the agenda notes for the first plat approval of Brookside at Fieldstone located off Mann's Chapel Road. Brookside at Fieldstone is to be considered a stand-alone subdivision but is accessed by the same roadway that serves Fieldstone Phases 1 and 2. Brookside at Fieldstone is reviewed under the current Subdivision Regulations. Zoned R-1, in a WSIV-PA watershed, public water available, on-site septic systems, and minimum lot size .918 acre with an average of 1 acre. The subdivision process is a four (4) step process: Concept Plan, First Plat, Construction Plan, and Final Plat. The applicant has completed the Concept Plan review along with the community meeting. The developer has done the concept plan and community meeting.

There are two (2) meetings for the board to review the project and make recommendation. Community meeting was held on May 30, 2015 at the existing Fieldstone Lane cul-de-sac. Five (5) people attended the meeting. The only question raised was whether or not there would be a future road connection to the east. David Ballentine, Civil Designer, Ballentine Associates, P.A. was present to represent the developer. Mr. Ballentine stated that the roadway connection was shown based on Section 7.2 (3) of the Subdivision Regulations which requires connectivity to large tracts with future development potential; that the roadway is not being built at this time; and that the recording of the final plat will establish the dedication of public right-of-way for possible future use.

The roadway serving the lots will be an extension of Fieldstone Lane and will be built as a public, state maintained road. The creek crossing was completed in 2009 and was permitted through NCDENR and the U.S. Army Corps of Engineers.

Subdivision Regulations states "Where necessary to provide public street access to adjoining landlocked property or connectivity to large tracts with future development potential, proposed public streets shall be extended by dedication of right-of-way to the boundary of such property". The First Plat shows a dedication of public right-of-way to parcel #2612, owned by Twin Lakes Golf Course, Inc. The proposed stub-out is situated such that connectivity to parcel #2612 is not feasible without the adjacent property, parcel #2613, also being developed. The developer indicated that the two parcels are currently owned by the same family, however, different ownership is indicated in the tax system. Access to Twin Lakes Golf Course is by a private easement off Willow Way, SR-1584. A portion of the paved easement encroaches onto the subject property at various locations along the back of the proposed lots. The developer has stated that he may provide an easement over the encroachment areas and will address this at the Planning Board meeting.

The road name 'Fieldstone Lane' has been approved by the Emergency Operation Office to be extended to serve Brookside at Fieldstone. The lot numbers will be revised on the Construction Plan and Final Plat to Lot 1A, 2A, etc. to avoid confusion when septic permits and building permits are issued.

The lots will be served by individual on-site septic systems and repair areas. A soil scientist report and map was prepared by Soil & Environmental Consultants, PA,

dated October 20, 2013. Thomas Boyce, Lead Chatham County Soil Scientist, has reviewed the report and stated that it is adequate.

County water will be extended from Fieldstone Phase 2 to serve the thirteen (13) lots. One (1) stormwater pond is proposed for the site that will be located in the common area. Section 6.2 A of the Subdivision Regulations states "Any proposed subdivision of forty-nine lots or less shall be required to submit Environmental Documentation to the County. The Environmental Documentation shall include the information required by the General Environmental Documentation Submittal Form developed by the Environmental Quality Department." Ballentine Associates, P.A. prepared the Environmental Documentation. Rachael Thorn, Lead Erosion and Sedimentation Control Officer, has reviewed the report and stated in an e-mail that it is complete. A Wetland Delineation and Stream Evaluation was prepared by S&EC, dated July 29, 2015.

The developer has notified the Chatham County School system regarding the proposed development and provided a vicinity map and site plan.

There is a cabin located on the property which was built around 1850. The cabin is to be deconstructed and relocated to a farm in Virginia by Blue Ridge Timberwrights, which specializes in working with reclaimed materials. The cabin will be rebuilt as close as possible to its current state in the new location. Site visits were held on December 8, 2015 and December 10, 2015 planning staff and commissioners attended.

The TRC met on December 15, 2015 for staff review of the First Plat. The developers, Jim Hodgkin, along with Dave Ballentine, Civil Engineer, were present to answer questions and give an overview of the project. Staff discussed with the applicant: creek crossing previously completed, water connections/extensions, stub-out to adjacent property, riparian buffers, erosion control, road name, relocation of the cabin, etc.

It is planning staff opinion that the First Plat meets the requirements of the Subdivision Regulations and recommends granting extension of the road name 'Fieldstone Lane' and granting approval of the First Plat as submitted.

Adjourn Regular Meeting for Public Hearing

The following Citizen Signed Up for Public Hearing:

Elizabeth Walters, 302 Fieldstone Lane, Pittsboro, NC, had concerns about the roads.

Aaron Lemmon 40 Linda Lee Circle, Pittsboro, NC, had concerns about the roads.

Will Davis 17 Clarence Lane, Pittsboro, NC, had concerns about the roadway and volume of traffic.

Kathleen and Richard Stickane, 305 Fieldstone Lane, Pittsboro, NC, stated from the audience they echoed the previous speakers.

Kelly Culver, 65 Linda Lee Circle, Pittsboro, NC, concerns with the access point.

Robin Kosh, 90 Fieldstone Lane, Pittsboro, NC concerns about the easement.

The property owners stated that they did not object to the extension of Fieldstone Lane and construction of 13 new homes, but expressed their concerns that future construction of a public, state maintained road to the adjacent property would “materially alter the character and safety of our neighborhood”. The property owners requested that the approval of the development be conditioned on the removal of the dedication of public right of way to Parcel #'s 2612 and #2613. A signed petition was submitted.

Public Hearing Closed

The Planning Board discussed the subdivision request and the concerns expressed by the adjoining property owners. Mr. Ballentine, Civil Designer, addressed questions from board members about stormwater and large trees. Mr. Ballentine stated that the developer provided the 50 foot wide public dedication of right of way due to the requirement in the Subdivision Regulations, but, would be glad to remove it, if the Planning Board and Board of Commissioners required it to be removed.

Motion - Passed:

Mr. Gaeta made a motion; seconded by Mr. Bock to remove the public right-of-way (stub out). Motion passed 8-3 (Arthur, Copeland, and Elza against).

Motion - Passed:

Mr. Lucier made a motion; seconded Mr. Gaeta to approve the first plat with the absence of the right-of-way. Mr. Arthur asked Mr. Lucier to remove the ‘absence of the right-of-way’ from the motion and Mr. Lucier removed that portion. There was no further discussion and the motion passed 10-1 (Mr. Elza against)

X. NEW BUSINESS: None

XI. BOARD MEMBERS ITEMS:

Chair Copeland reminded board members that next month will be electing Chair and Vice-Chair.

XII. PLANNING DIRECTOR’S REPORTS:

1. *Minor Subdivisions / Exempt Maps* - Mr. Sullivan stated that this update was included in tonight’s agenda packets.
2. Update on zoning the unzoned areas.
3. Upcoming Board of Commissioner’s public hearing on January 19, 2016
4. Ms. Pace gave a update on Comprehensive Plan

XIII. ADJOURNMENT: There being no further business the meeting adjourned at 9:06 p.m.

_____/_____
B.J. Copeland, Chair Date

Attest: _____/_____
Kimberly J. W. Tyson, Clerk to the Board Date