

Minutes of the Chatham County Environmental Review Advisory Committee (ERAC) Meeting, April 14, 2016

Attendance

Committee members:

Present: Ray Bode, Jerry Cole, Fran DiGiano, Mary Beth Koza, Dave Mattison, Terry Schmidt, Sherri Stuewer, Vic D'Amato

Absent: Elaine Chiosso, Luke Groff and Graham Swift

Guests: Diana Hales, Chatham County Board of Commissioners Liaison to ERAC; Warren Mitchell; Nina Lloyd, Wesley Lloyd; Jeannie Ambrose

Staff: Dan LaMontagne, Chatham County Public Works Director; Brian Burkhart, Environmental Quality Director; Jason Sullivan, Planning Director

Call to order

6:30 PM by Chairman Terry Schmidt for meeting to begin following the published Agenda

Introductions of all in attendance

Recording Secretary

- Fran DiGiano was designated by chairman, Terry Schmidt, as recording secretary for the meeting

Approval of minutes of the March 24, 2016 meeting

- Sherri Stuewer moved to accept the minutes, Jerry Cole seconded the motion and all members of committee voted to approve the motion.

Public Input

- Sherri Stuewer moved and David Mattison seconded the motion to adjourn as ERAC and convene as Watershed Review Board (WRB). The motion was approved unanimously.
- Jason Sullivan asked for recommendation on a request from Jim Staples of Opus Financial Advisors for a text amendment to Attachment A of the Chatham County Watershed Protection Ordinance to add the following permitted use:
"Office-Business and Professional no larger than 4,000 sq. ft. gross and Events Center Limited with no more than 4,000 sq. ft. gross."
- Nina and Wesley Lloyd were present to explain that they purchased a property on Manns Chapel Road that was formerly operated as a bed and breakfast and want to convert to above noted uses. They clarified that 4,000 sq. ft. gross refers to the combined area of the Office-Business and Professional space and the Events Center Limited space.
- County staff explained the existing guidance: 1) Event Centers are limited to less than 5,000 sq. ft.; 2) Stormwater Ordinance exempts "any residential or non-residential development or redevelopment that disturbs <20,000 sq. ft. and is not part of a larger common plan that disturbs >20,000 sq. ft."; 3) Watershed Protection Ordinance sets a Built Upon Limit of 12% of property area to control stormwater runoff; and 4) Watershed Protection Ordinance-Attachment A is a list of permitted uses for non-residential development that has evolved over time as land owners have come forward to seek approval for them.

- In subsequent discussion, ERAC members agreed that the text amendment to Attachment A of the Watershed Ordinance should not include “4,000 sq. ft.” as the building’s footprint because the Built Upon Limit (12%) stated in the ordinance applies to all permitted uses and thus makes specification of building footprint size irrelevant.
- Jerry Cole moved and Mary Beth Koza seconded a motion to approve a text amendment to Attachment A that adds the following two permitted uses without specification of building footprint: 1) Office-Business and Professional and 2) Events Center Limited. All members of committee voted to approve the motion.
- Jerry Cole moved and Vic D’Amato seconded a motion to adjourn as WRB and reconvene as ERAC. The motion was approved unanimously.

ERAC Annual Report for 2015

- Sherri Stuewer moved and David Mattison seconded a motion to approve of the ERAC Annual Report for 2015. The motion was approved unanimously.

Finalize SolarBee Resolution

- With correction of one minor typo in last line (“of for” replaced by “for”), the Resolution was passed by consensus and will go forward to the BOC for approval at their April 18th meeting and subsequently to send to State government.

EIA Reviews

- Golf Cart Guys. Sherri Stuewer suggested that we ask for screening plants in the buffer area. Dan LaMontagne said we cannot require but can insert request as a comment in the EIA. He also noted that the sulfuric acid from golf cart batteries should not be an environmental problem because of a well established protocol for storing batteries to prevent leakage of sulfuric acid. A motion was made by David Mattison and seconded by Vic D’Amato to approve the EIA. The motion was approved unanimously.
- Extra Garage IV. With the specification that the EIA clarify that fuel storage will be above ground, a motion was made by David Mattison and seconded by Vic D’Amato to approve the EIA. The motion was approved unanimously.

Updates from County Staff

- Legislative Changes. Dan LaMontagne noted that all County staff will present updates to the BOC at their April 18th meeting on 2015 legislative changes and implications for locally adopted ordinances and regulations. He explained that 1) State guidance will increase threshold for requiring an EIA from 2 to 10 acres; 2) changes to buffer requirements remains very unclear and County attorney advised to do nothing in hopes that clarification of these requirements will be taken up again by Short Session beginning on April 25th. While 2015 Session Law implies elimination and/or relaxation of buffers, according to state DEQ staff, Chatham County can have a stricter rule than State mandated in Jordan Lake watershed because the lake is a public water supply.
- Coal Ash – Air, Water and Biosolids. Brian Burkhart explained that two weeks of air quality monitoring had been completed. Quarterly, split sampling with Charah will begin in May. Monthly chemical analysis of ash will also start. Composite samples are taken of leachate arriving at the Sanford WWTP in tanker trucks and chemical analyses are done by Charah. About 25,000 gallons per day of leachate are delivered. The total wastewater flowrate at the Sanford WWTP is 4-5 million gallons per day. Therefore, the resulting dilution factor of leachate is extremely large.

Status of County Comprehensive Plan

- Terry Schmidt noted that the Phase I draft report will be presented at the BOC meeting on April 18th by the project consulting firm, LandDesign. Land use will include “emerging industrial use”, notably hydraulic fracturing for oil and gas and mine reclamation (i.e., using coal ash for reclaiming). Environmental issues are included in the draft report.
- Diana Hales noted that public hearings will begin in June. A long lead time is necessary because of public notification procedures. The current draft of Comprehensive Plan is very broad brush start that will need subsequent specifications. An essential element yet to be addressed is a Land Use Map to accompany the Plan. She explained that discussion of zoning needs to start well before 2018 when the Comprehensive Plan is to be completed. She also expressed concern about how to deal with mineral rights. Extinguishment of ancient claims is a very difficult issue to resolve. Land owners claiming to reestablish mineral rights will need to pay county taxes on those rights. DEQ is proposing legislation on how to deal with real estate records to trace claims far back in time.

Adjournment

- A motion to adjourn was made by Mary Beth Koza, seconded by Fran DiGiano and approved unanimously. The meeting was adjourned at 8:30 PM

Next meeting will be May 12th at 6:30 PM.

Fran DiGiano, May 6, 2016