

**CHATHAM COUNTY PLANNING BOARD**  
**MINUTES**  
**July 10, 2007**

The Chatham County Planning Board met in regular session on the above date in the multi-purpose room of Central Carolina Community College, Pittsboro, North Carolina. A quorum was present to begin the meeting. The members present were as follows:

Present:

Chris Walker, Chair  
Sally Kost, Vice-Chair  
B.J. Copeland  
Karl Ernst  
Barbara Ford  
Warren Glick  
Clyde Harris  
Jim Hinkley  
David Klarmann  
Judy Sharman  
Delcenia Turner

Absent:

Planning Department:

Keith Megginson, Planning Director  
Jason Sullivan, Assistant Planning Director  
Lynn Richardson, Subdivision Administrator  
Kay Everage, Clerk to the Board

I. CALL TO ORDER: Chairman Walker called the meeting to order at 6:10 p.m.

II. APPROVAL OF AGENDA:

1. Ms. Turner requested that items B. 1. and 2. (Cedar Mountain Subdivision and Pennington North, Phase II) be removed from consent agenda for discussion.
2. Ms. Kost requested that item A. (June 5, 2007 Planning Board minutes) be removed from consent agenda for discussion.

Mr. Ernst made a motion; seconded by Ms. Kost to approve the agenda as submitted with revisions requested above. There was no discussion on the motion and the motion passed unanimously (9). (Note: Ms. Sharman and Mr. Harris had not arrived at this time.)

III. CONSENT AGENDA: Ms. Kost made a motion; seconded by Ms. Ford to approve the consent agenda with the removal of items A. and B. 1 and 2 as noted above. There was no discussion on the motion and the motion passed 7-2-0 with Kost, Ford, Walker, Copeland, Glick, Hinkley and Turner voting in favor of the motion; and Ernst and Klarmann voting against (9). (Note: Ms. Sharman and Mr. Harris had not arrived at this time.)

- A. Minutes:  
~~Consideration of a request for approval of Board minutes for June 5, 2007 Planning Board meeting. **Note: This item was removed from consent agenda for discussion – see item IV. A. below.**~~
- B. Preliminary Plat Approval:
1. ~~Request by Lewis Metty Development Co., LLC for subdivision preliminary approval of “Cedar Mountain Subdivision”, consisting of 65 lots on 163 acres, located off SR-1540, Jones Ferry Road and Cedar Grove Road (public), Baldwin Township. **Note: This item was removed from consent agenda for discussion – see Item V. B. 1. below.**~~
  2. ~~Request by Dan Sullivan for subdivision preliminary approval of “Pennington North, Phase II, consisting of 13 lots on 78 acres, located off SR-1716, Big Woods Road, and Ocoee Falls Drive (public), New Hope Township. **Note: This item was removed from consent agenda for discussion – see Item V. B. 2. below.**~~
- C. Final Plat Approval:
1. Request by Jesse Fearrington for subdivision final plat approval of “Monterrane, Phase III”, consisting of six (6) lots on 31 acres located off SR-1700, Mt. Gilead Church Road, Williams Township.
  2. Request by Windjam 23, LLC for subdivision final plat approval of “The Hamptons – Phase I”, consisting of 16 lots on 41 acres, located off SR-1700, Mt. Gilead Church Road, Baldwin Township.
  3. Request by Windjam 23, LLC for subdivision final plat approval of “The Hamptons –Phase III”, consisting of 23 lots on 41 acres, located off SR-1700, Mt. Gilead Church Road, Baldwin Township.

End Consent Agenda

Mr. Harris arrived at this time (6:15 p.m.).

- IV. A. MINUTES: Consideration of a request for approval of Board minutes for June 5, 2007 Planning Board meeting. (Note: This item was removed from consent agenda for discussion.)

Ms. Kost noted the following corrections to the minutes regarding the Lystra Road Subdivision:

- Page 105, paragraph 4 – omit the following language: “(resulting in a reduction of 10 lots)”.
- Page 106, paragraph 6 – revise language as follows:  
~~“Mr. Hinkley suggested that the applicant consider donating the bulk of this property (particularly land on the west side) to the Triangle Land Conservancy”.~~

Should read:

“Mr. Hinkley suggested that the applicant consider donating all of the property on the south side of the Duke Power line to the Triangle Land Conservancy”.

Mr. Glick made a motion; seconded by Mr. Hinkley to approve the June 5, 2007 Planning Board minutes as submitted with revisions noted above as well as a few minor word changes and typos pointed out to the clerk by Ms. Kost. There was no further discussion and the motion passed unanimously (10 members). Note: Ms. Sharman had not arrived at this time.

B. PUBLIC INPUT SESSION: Fifteen-minute time of public input for issues **not on agenda**. Speakers limited to three minutes each.

- Peter Theye, 1065 Boothe Hill Road, Chapel Hill, NC.

Mr. Theye stated that he is mad, frustrated, disappointed and feeling like the system is not working; and that he thinks the Planning Board and Planning Department are part of the problem and are not doing their job. He submitted for the record various materials regarding concerns relative to the Westfall development, i.e. Booth Mountain. (Copies of this material are filed in the Planning Department.) Mr. Theye voiced concern regarding violations to Herndon Creek by the Westfall development and he asked that fines and violations be posted on the Chatham County website.

V.

A. UPDATE ON WESTFALL DEVELOPMENT:

Mr. Megginson referenced the erosion and sediment control inspection report from Jim Willis, Chatham County Soil Erosion & Sedimentation Control Officer dated July 3, 2007 regarding Westfall. (A copy of this report was sent to the Planning Board and is on file in the Planning Department.) He stated that Mr. Willis was accompanied on the site visit by a Commissioner, personnel from the Division of Water Quality and Division of Land Quality; and that the report states that there are no violations of the erosion control laws.

Discussion followed.

Ms. Kost asked the following questions:

- What is the difference between turbidity and sediment in the water?

Mr. Megginson stated that Jim Willis recently gave a presentation to the Chatham County Commissioners addressing this specific point; that, especially in the Piedmont area and the eastern part of Chatham County (where there is very fine clay soil), particles get suspended and it takes awhile for them to settle out (often referred to as turbidity); that he understands that the erosion control program, in the Division of Environmental Health under the Health Department, look for actual particles that have left the property that have not been trapped by various devices.

- Is running utilities down Lystra Road monitored as part of this project?

Mr. Megginson noted that Jim Willis has stated that any disturbance from running utilities down Lystra Road is draining into the storm water ponds on the Westfall property.

Mr. Hinkley stated that he recently visited the Booth Mountain Road area for the second time; that the tree stumps that were noted on his initial visit are now gone; that a gorgeous forest on top of a mountain has been destroyed completely; that all tree vegetation and wildlife habitat is totally gone; that much of the property is without erosion control; that the desecration of this property has occurred under the watch of the Planning Department; and that somebody needs to be held responsible for this travesty.

Allison Weakley, Chair, Chatham County Environmental Review Board, stated that she specifically asked to receive an update from Jim Willis but was not provided a copy of his report; that she has repeatedly brought concerns to the Board regarding proper stream buffering on this site; that the beaver impoundment on the property has been drained but the 100 foot buffer is still not in place (and she would like resolution on this); that there are other streams on this site that could possibly not have been buffered; that John Dorney with NC DWQ visited the site with her a few months ago and she has asked Mr. Dorney to look into the fact that a stream was grated and replaced with a storm water pond; that she has not yet discussed this with Mr. Dorney since she has been out of town; that this is an on-going issue as well as other issues on this site (not just erosion control); that she would like an update on the sediment that went into the tributary of Herndon Creek along Lystra Road; and that she shares Mr. Theye's frustrations noted earlier tonight regarding enforcement issues. Ms. Weakley noted that she has been bringing various issues before the County since last year regarding Booth Mountain and there are still no resolutions on many of these issues.

Ms. Ford noted that there was no detailed information given from Jim Willis in his report referenced above and that she is unclear about sediment versus turbidity.

Ms. Weakley explained that at the entrance (at the Westfall site) off Lystra Road, there is visible and measurable sediment in the stream bed and on the flood plain of the stream leaving that entrance site.

Mr. Megginson stated that (organizationally) Jim Willis is an enforcement officer under Environmental Health who works for the Board of Health (not for the Commissioners or Planning Board); that the information on the report was received yesterday and was sent on to Planning Board members; that copies could be provided Ms. Weakley and others; that he is not aware of NC DWQ's specifics along the entrance of Lystra Road; that the Board was provided a history of the infield survey from S&EC that Mr. Theye alluded to earlier tonight (i.e. Sweet Pinesap, Carolina Ladle Crayfish, Large Witch Alder were not found); that information is on line regarding the center line of the streams; that a beaver impoundment was removed from the site and set-backs on each side of Herndon Creek are still not violated based on the most accurate information available. Mr. Klarmann asked if the County is required to notify NC DWQ about a problem or if the County takes action on its own.

Ms. Sharman arrived at this time (6:40 p.m.)

Mr. Megginson stated that Jim Willis sends NC DWQ copies of his reports; that when there is a discharge permit issued (that goes automatic with most erosion control permits) NC DWQ has the ability to investigate sites and issue fines; and that the County informs NC DWQ about problems that they might not be aware of. Ms. Weakley noted that it is often two months or more before NC DWQ is able to respond due to short staffing.

Mr. Glick asked what the Planning Board could do to ban this developer from future development in Chatham County. Kevin Whiteheart, attorney for Chatham County, stated that we do not have the right to ban a developer from developing in Chatham County; that the Planning Board has certain authority to make recommendations to the Board of Commissioners; that the Planning Department has enforcement authority over certain issues regarding violations of conditional use / special use permits; that Environmental Health Department has police power authority over certain drainage, sewerage, and septic issues; that the Fire Department has some police power violations that they can issue regarding access; and that there are other departments that have specific power.

Mr. Glick inquired if the Planning Board could determine, by evidence presented, improper behavior taking place at this development and terminate the development at this time. Mr. Whiteheart stated that this would need to come either through a determination from the Planning Department (in connection with advice from the county attorney) or the Board of County Commissioners; but that the Planning Board could make recommendations for such actions.

Ms. Weakley stated that part of the charge of the Environmental Review Board is to review State and Federal permits regarding developments; and that this review board would be doing this as soon as the logistics are determined.

Motion:

Mr. Glick made a motion; seconded by Mr. Hinkley that the Planning Board investigate this situation and depending on the results possibly recommend to the Board of Commissioners that the development be terminated. Discussion followed. Mr. Copeland stated that if the developer is creating a sedimentation problem there are ways to correct this and should be put in place.

B.J. Copeland, new Planning Board member:

Chairman Walker introduced Mr. Copeland who replaces Evelyn Cross on the Planning Board.

Motion to amend:

Mr. Hinkley inquired about the possibility of having a stop work order issued on the project immediately to allow time for the Planning Board to investigate what is occurring at the site. Mr. Glick amended his motion that the Planning Board request that the Board of Commissioners issue a stop work order immediately while an investigation of the project is pending; Mr. Hinkley seconded the motion to amend. Mr. Whiteheart stated that the authority is primarily invested in the Planning Department via the County Commissioners; and that he would review

the ordinance for further guidance while the Planning Board continues discussion.

Discussion followed.

Ms. Ford stated that the report submitted by Jim Willis (and referenced above) was inconclusive and not very detailed; and that tonight's discussion and continued information (from people who have visited the site numerous times) indicates that this issue has not been resolved as a result of this report being filed. She questioned where the Board would go from here as far as investigating.

Chairman Walker asked that the Board postpone review of this issue at this time in the agenda and continue the discussion (to try and resolve the issue) later tonight under Section VIII. New Business.

Discussion followed. Mr. Copeland questioned what further investigation is warranted since the report has been issued (although some Board members may not like the result of the report). Mr. Glick suggested a public hearing be held for citizens to voice their concerns. Ms. Kost stated that she is struggling with this issue; that Chatham County staff has investigated the site and reported no finding and have indicated that the proper sediment controls are in place; and that although she would like for work to stop on this site until further investigation is done, she is not sure that it is fair to the developer. Ms. Weakley noted that this is not just an erosion control issue, i.e. stream identification, stream buffers. Chairman Walker stated that investigations that our ordinances allow for now have been done. Mr. Megginson stated that Jim Willis makes regular site visits during dry and wet weather periods.

Mr. Whiteheart stated that the Planning Department is the agency or department responsible for enforcing violations, i.e. Subdivision Regulations Section 1.14, Sub-Section D., although the Planning Board could make recommendations to the Board of Commissioners. Mr. Megginson noted that the Board of Health is responsible for erosion control violations. Mr. Whiteheart stated that it would be appropriate for the motion to ask both the Planning Department and Environmental Health to take another look at the activities happening at the site to determine if there are violations or if something has possibly been missed.

Chairman Walker restated the amended motion, "to ask the Commissioners to issue a stop work order so an investigation can be undertaken".

*Withdraw motion and amendment to motion:*

Mr. Glick withdrew his motion and amendment to the motion.

*New Motion:*

Mr. Glick made a motion; seconded by Ms. Kost that the Planning Board recommends that the Planning Department and the Environmental Health Department reinvestigate the site to determine if there are existing violations at the site (soil, erosion control and conditional use permit for Booth Mountain). There was no further discussion and the motion passed 8-3-0 with all Planning

Board members present voting in favor of the motion, except Ernst, Harris and Klarmann who voted against.

Nick Robinson, attorney, was present representing McGregor Development Company, developer of the Westfall subdivision. Mr. Robinson stated that the developer anticipates and looks forward to the opportunity to be a part of any further questions on these issues; that there has not been an erosion control violation; and that all conditions of the permit have been complied with.

**B. PRELIMINARY PLAT APPROVAL:**

1. Request by Lewis Metty Development Co., LLC for subdivision preliminary approval of "Cedar Mountain Subdivision", consisting of 65 lots on 163 acres, located off SR-1540, Jones Ferry Road and Cedar Grove Road (public), Baldwin Township. **Note: This item was removed from consent agenda for discussion.**

Ms. Richardson asked if there were any specific questions regarding this request. She distributed copies of NCDOT approved road plans for the development.

Mr. Klarmann inquired about the proposed off-site septic systems.

Chuck Lewis, developer, was present. Mr. Lewis stated that he has not had any problems utilizing off-site septic systems in the ten years that he has used them; and that pipes are placed in order in a specific pattern in 3 foot ditches a minimum depth of 30 inches.

Mr. Hinkley asked what assurance would the Board have that this subdivision would not suffer the desecration that Cedar Grove has created, i.e. siltation and erosion; and that this development would be carried out in a sensible and environmentally sound way.

Mr. Lewis stated that there has been a learning curve involved with the first part of Cedar Grove into Cedar Mountain (four phases); that problems occurred with trying to establish banks with the rich drain of "Chapel Hill grit" as well as the drought; that various processes have been taken to correct these problems, i.e. additional silt fence and check dams; that Jim Willis visits the site at least once a week; and that there have been no violations issued. Ms. Richardson noted that a report was received from Jim Willis stating that the development is in compliance. (Note: A copy of this report is filed in the Planning Department.) Mr. Klarmann voiced concern regarding the need for additional silt fencing especially on the most severe slopes. Mr. Lewis stated that the three builders in the subdivision would be willing to install additional silt fencing especially on the down slope areas.

Scott Mitchell, environmental consultant, addressed stream buffers. Mr. Mitchell stated that he is certified by the Division of Water Quality to identify stream origins; and that features were identified during phase one environmental site assessment and were located and protected by State standards and requirements.

Ms. Ford voiced concern relative to Mr. Lewis' above comments regarding the first part of the Cedar Grove project being a "learning curve".

Motion to approve:

Mr. Klarmann made a motion; seconded by Mr. Ernst to grant approval of the road names Cardinal Crest Court, Blue Jay Court, Pheasant Court, Eagles Crest and Owls Nest and approval of the preliminary plat for "Cedar Mountain" with staff recommendation, with the following condition:

- Prior to recordation of the final plat, the developer shall install all of the supply lines for the off-site sewage treatment systems at one time, use only gravel less systems, have one contractor complete all of the work, and install the supply lines at least 30 inches deep.

There was no further discussion and the motion passed unanimously.

2. Request by Dan Sullivan for subdivision preliminary approval of "Pennington North, Phase II, consisting of 13 lots on 78 acres, located off SR-1716, Big Woods Road, and Ocoee Falls Drive (public), New Hope Township. **Note: This item was removed from consent agenda for discussion.**

Mr. Hinkley recommended that the applicant resubmit a new survey map that is more legible, i.e. lay of land, contour lines.

Ms. Richardson stated that she and Jason Sullivan walked the property last week; and that the property is a very gentle, rolling piece of land with no distinct contours.

Motion to postpone:

Mr. Hinkley made a motion; seconded by Ms. Ford to postpone this request until the developer submits a new map that is legible (darker topo lines) and to allow Board members the possibility of visiting the site. The motion failed 5-6 with Hinkley, Ford, Harris, Sharman and Turner voting in favor of the motion; and Walker, Kost, Ernst, Copeland, Glick and Klarmann voting against.

Motion to approve:

Mr. Klarmann made a motion; seconded by Mr. Ernst to grant approval of the road name 'Navillus' and preliminary plat approval of Pennington North, Phase II as submitted and as recommended by staff. Discussion followed. Ms. Ford stated concern regarding the letter from Jacquelyn Presley, Urban Wildlife Biologist, NC WRC included in tonight's agenda packet; that this is an area that probably should have been more carefully protected from the beginning; and that after reading said letter it is apparent to her that this request (and the other phase) should never have happened. The motion passed 6-3-2 with Klarmann, Ernst, Walker, Kost, Copeland and Glick voting in favor of the motion; and Harris, Hinkley and Turner voting against; and Ford and Sharman abstaining.

## VI. SKETCH DESIGN APPROVAL:



- A. Request by Sears Design Group, P. A. on behalf of Wade Barber, Jr. for subdivision sketch design approval of "Subdivision of Barber Lands", consisting of 48 lots on 59.54 acres, located off, SR-1859, South Langdon in Fearington, Williams Township.

Ms. Richardson reviewed the agenda notes for this subdivision request. She noted that staff recommends granting sketch design approval of "Subdivision of Barber Lands" with the following two (2) conditions:

1. Language on the preliminary and final plats regarding access to the McLean property shall read (subject to County Attorney approval) "Dedication of public right-of-way for possible future road connection and utility access for extension of county water lines". Said access to the McLean property is contingent upon any future subdivision plan submitted for the McLean tract providing adequate additional access to be approved by the Board of County Commissioners during sketch design review.
2. Prior to preliminary plat review, the developer shall have NCDOT review and recommend the necessary width of the dedication of right-of-way to the McLean property due to the acreage of the McLean tract and the number of potential lots that may be created in the future.

Ms. Richardson stated that one issue of concern to the developer and adjacent property owners is staff condition #1 stated above regarding access to the McLean property; that Justin Bullock with NCDOT has confirmed that South Langdon, Millcroft and Weathersfield are all currently built to collector road standards and is a higher standard than local standard roads, i.e. greater curb and turning radius; width of pavement; and that currently every access the McLean property potentially has is private including Big Hole Road.

Discussion followed.

Ms. Kost asked if the internal roads within Barber lands were private roads, would staff recommendation remain the same. Ms. Richardson stated that staff would have recommended private access to the McLean property if the internal roads within Barber lands were private. She noted that The Legacy and The Preserve both provide private access to the McLean property.

Adjacent Landowners spoke as follows:

- Uzal H. Martz, Jr., 1388 Bradford Place, Fearington Village  
Mr. Martz stated that he is Treasurer of Bradford Place Homeowners Association and is speaking on behalf of all residents of Fearington Village in opposition to the latest Planning Staff recommendation to add a "possible future road connection" from McLean into Barber Land. Mr. Martz distributed copies of his comments titled, "Statement of Uzal H. Martz, Jr. on behalf of Bradford Place and Fearington Village to the July 10, 2007 meeting of the Chatham County Planning Board" and map showing McLean land traffic flow. Copies are filed in the Planning Department. Mr. Uzal also distributed petitions (in opposition to the

proposed access to the McLean land signed by approximately 859 residents. These are filed in the Planning Department.

Mr. Martz's comments address the following three questions that need to be answered when applying the considerations of connectivity.

1. Is it really necessary for the McLean tract to have any additional access at all, let alone the staff recommended one through the Barber development and Fearington village to 15-501?
2. How should considerations of connectivity be tempered by its impact on the economic viability of adjacent developments?
3. How should considerations of connectivity be tempered by its impact on the character of existing communities?

Mr. Martz asked that the Planning Board reject providing any public vehicular access from McLean to Barber Land, and to approve the inclusion of emergency and utility access as outlined in the proposal.

- Charles Riddle, 1321 Langdon Place, Bush Creek area of Fearington Village

Mr. Riddle stated that he represents Bush Creek Town Homes (a small neighborhood of 40 homes on Langdon Place). He read his comments regarding opposition to providing access to the McLean property to South Langdon through the Barber development. Some specifics noted were:

- traffic (an absolute catastrophe for Langdon Place), and
- significant negative impact on much of Fearington Village, i.e. tranquil and serene community.

A copy of Mr. Riddle's comments (2 pages dated 7-7-07) is filed in the Planning Department.

- Arthur DeLuca, 42 Caswell, Fearington Village

Mr. DeLuca stated that he is a member of the Fearington Village Road Safety Committee. Mr. DeLuca read his comments titled, "Statement of Arthur DeLuca, On behalf of the Fearington Village Road Safety Committee, To the July 10, 2007 meeting of the Chatham County Planning Board". Copies of said comments were distributed to Board members and are on file in the Planning Department. He emphasized that it would not be wise or suitable to have the rural setting of Fearington Village (that was developed twenty six years ago) drastically changed by through traffic; and that this increased traffic would have no regard for the safety of Fearington Village.

- Rita Spina, 12 Matchwood, Fearington Village, Vice-President, CCEC

Ms. Spina stated that Fearington Village has always been in the lead of communities; that Fearington includes many things that citizens are asking for with today's major developments; that some specifics of Fearington are green fields, protection of trees, small and larger homes, and cluster town houses (all on various size properties) as well as a small internal village with all its well

known amenities; that an additional access road was added as the village grew (currently has 2 entrances and 2 exits); that the entire village has a speed limit of 25 MPH; that citizens of Fearington argued against the widening and extension of Jack Bennett Road several years ago that would have split the community in half; that today the Village of Fearington is being threatened by this proposed 60 foot public right-of-way access road from the abutting McLean land; and that additional traffic (creating a major thoroughfare through the community) is a major concern. Ms. Spina cited that CCEC, Judge Barber, the developer, and the residents of Fearington do not want this connectivity.

- Gayle L. Ruedi, 1386 Bradford Place, Fearington Village  
Ms. Ruedi thanked the Planning Board for their volunteer service on behalf of the citizens of Chatham and in support of the County Commissioners in their decision-making about land use in Chatham County. She distributed copies of her statement titled, "Comments for Planning Board Meeting 07/10/07, Re: Barber Property", that primarily focus on the stream buffering for the Barber property. Ms. Ruedie asked that the developer not only provide 100 foot buffers for perennial streams but also provide buffering from roads so that the character that has made the area so attractive is protected in perpetuity. A copy of Ms. Ruedi's comments is on file in the Planning Department.

No other adjacent landowners spoke at this time.

- Judge Wade Barber, Jr.  
Judge Barber, property owner, stated that he acquired this property in 1961. Some specifics noted were:

- Once the public right-of-way is dedicated, Chatham County does not have control over its use, i.e. possible industrial use of property, and
- Other than the McLean property (of 560 acres), there is approximately 1,000 – 2,000 acres of land in this area that might want to use this as access through the Village of Fearington.

Judge Barber reiterated that once public access is granted he knows of no way that Chatham County can insure that undesirable, negative use of the land would not be made. He gave a brief history of this tract as well as surrounding lands. He explained that this development is designed similar to "The Woods" section of Fearington.

- Jennifer Andrews, attorney, was present representing Peggy McLean Youngblood and the McLean Family Limited Partnership.  
Ms. Andrews stated that the proposed connection is something that a developer shall provide (as stated in Section 6.2 B (3) of the Chatham County Subdivision Regulations); that it is not her client's intention to inflict any negative impact on the Village of Fearington; that the property is proven to be landlocked; that it has been the history of this Planning Board to provide connectivity and stubs even where properties already have access, road frontage, 60 foot easements or flag lots; that there is not a pending plan for the McLean property; that she is trying to make the McLean tract viable; and that the proposed access would give the Planning Board the ability to plan for the future for the McLean tract.

Board discussion followed regarding Section 6.2 B (3) of the Subdivision Regulations that 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”.

Mr. Megginson stated that in most cases it has been recommended that a stub-out road be provided to large undeveloped properties (with potential development), i.e. Highland Forest. Ms. Ford cited that providing a stub-out is something that does not necessarily have to happen. Mr. Hinkley stated that there are no strong arguments for connectivity and the proposed stub-out would destroy the integrity of Fearington Village.

Judge Barber cited that there has been some land sale and public right-of-way purchase negotiations with Ms. McLean and Blue Green Corporation; and that there has been current activity on the property, i.e. soil surveying, engineering.

Ms. Andrews stated that Blue Green was interested in the McLean property for obvious reasons (it is connected to The Preserve); that Blue Green was trying to work out additional access through Big Hole Road; but that negotiations were concluded.

Mr. Megginson gave a brief history of the Big Woods area.

Ms. Weakley stated that the “Big Woods Significant Natural Heritage Area” is more important now than ever before because of the large amount of mature hardwood forests and the close proximity to vast water resources in the Bush Creek marshes and Jordan Lake, i.e. local regional significance.

Board discussion followed. Ms. Ford referenced page three, paragraph two of tonight’s agenda notes regarding staff’s review of the Natural Heritage Program. She expressed concern that staff’s recommendation did not reflect this critical issue and that there has not been an inventory of the Natural Areas and Wildlife Habitats of Chatham County since 1992. Mr. Ernst stated that environmental issues would be valid if this were a larger separate tract of land; but that this is only 60 acres in the middle of one of the largest developments in the State (Fearington Village). Ms. Sharman proposed 100 foot wide buffers (instead of the proposed 50 foot wide buffers along property boundaries) be considered. She asked that staff request recommendations from Jacquelyn Presley, Urban Wildlife Biologist, NC WRC. Ms. Kost stated that she was on the Planning Board during the rezoning of the McLean property; that she remembers the discussion regarding connectivity; that additional traffic is a major concern and she does not support the proposed stub-out; and that 100 foot buffers are very durable ?, i.e. topography, steepness of creek. Emergency access was discussed.

Motion to approve with 100 foot buffers - without proposed stub-out:

Mr. Glick made a motion; seconded by Mr. Hinkley to grant sketch design approval of "Subdivision of Barber Lands" without the proposed stub-out to the McLean property; and to provide a 100 foot buffer along the common boundary with Bradford Place.

Amendment to motion:

Ms. Kost made an amendment to the motion to provide a 45 foot emergency right-of-way (that could be gated) for emergency access, in lieu of a stub-out and including a utility easement. Mr. Ernst seconded the amendment to the motion.

Board discussion followed. Mr. Hinkley stated that he does not agree with the need for emergency access on a vacant piece of land when there is other access. Mr. Megginson addressed a gated emergency stub-out (i.e. not a public NCDOT road).

Call the question on the amendment to the motion:

Ms. Kost asked to withdraw her motion but since there was not a unanimous consent from the Board to do so. Mr. Ernst, Parliamentarian, called the question on the amendment in which 7 Board members voted in favor of (it was noted that Ms. Kost voted against).

Vote on amendment to motion:

The amendment to the motion failed 3-7-1 with Copeland, Ernst, and Harris voting in favor of the motion; Kost, Glick, Hinkley, Walker, Ford, Sharman and Turner voting against the motion; and Klarmann abstaining.

Discussion followed. Ms. Ford voiced concern regarding the Natural Heritage Program, the Big Woods Road Upland Forests area, the Natural Areas and Wildlife Habitats of Chatham County issues.

Amendment to motion:

Ms. Sharman made a motion; seconded by Mr. Harris to request an environmental assessment; that the Environmental Review Board review the assessment and that a report from Jacquelyn Presley, Urban Wildlife Biologist, NC WRC is received and reviewed by the Planning Board prior to preliminary plat approval. Mr. Megginson noted that the Board has until August 19, 2007 to take action on this request. The amendment passed 7 – 4 with all Board members present voting in favor of the motion except Walker, Copeland, Ernst and Klarmann who voted against.

Vote on original motion with amendment:

Chairman Walker stated that the emergency access / utility easement should be part of the motion and that he is unsure if final conditions are warranted as stated. The motion to approve the request, not including the proposed stub-out, including an environmental impact assessment and including 100 foot buffers along the common boundary with Bradford Place, passed 6-3-2 with Glick, Hinkley, Kost, Ford, Sharman, and Turner voting in favor of the motion; and Copeland, Harris, and Klarmann voting against; and Walker and Ernst abstaining.

- B. Request by Sears Design Group, P. A. on behalf of Fitch Creations for subdivision sketch design approval of "The Knolls at Fearington", consisting of 30 lots on 20 acres, located off SR-1817, Millcroft and SR-1859, South Langdon Place, Williams Township.

Ms. Richardson reviewed the agenda notes for this subdivision request. She explained that this is part of the Fearington Planned Unit Development (PUD); that the lots are proposed for town home lots similar to existing Weathersfield and Beechmast town homes; and that the revised map (dated June 15, 2007) indicates access off Millcroft.

No adjoining property owners spoke at this time.

Board discussion followed. Ms. Ford stated that she is very conflicted with this request since the same paragraph exists in these agenda notes (as with the Barber Land notes) regarding staff's review of the Natural Heritage Program and etc., i.e. environmental impact assessment. Ms. Sharman stated concern regarding the need for 100 foot buffers along the creek.

Dan Sears, applicant, stated that, since this is part of the PUD and there are designated rights, the developer cannot be required to go beyond 50 foot buffers along the creek.

Motion to approve:

Mr. Glick made a motion; seconded by Mr. Hinkley to approve the request with a requirement that an environmental impact assessment be prepared and reviewed by the Environmental Review Board prior to preliminary plat submittal; and with a request that the developer review the possibility of increasing stream buffers to 100 feet. There was no discussion on the motion and the motion passed 9-2-0 with all Board members present voting in favor of the motion except Ernst and Klarmann who voted against.

- C. Request by Harrison Pond, LLC on behalf of Kenneth E. Norwood, Mary Ann Norwood, Gail N. Felton and John Felton for subdivision sketch design approval of "Norwood Felton Subdivision", consisting of 51 lots on 106 acres, located off SR-1532, Manns Chapel Road, Baldwin Township.

Ms. Richardson reviewed the agenda notes for this subdivision request.

Adjacent Landowner:

- Don Knowles, Lamont Norwood Road

Mr. Knowles stated that he does not object to this request; that he would like to see attention to siltation during construction; and that he commends the developer for the proposed increased buffers.

Board discussion followed. Ms. Ford referenced memorandum from Jacquelyn Presley, Urban Wildlife Biologist, NC WRC included in the June 5, 2007 agenda packets. She stated that Ms. Presley has made specific requests that are not yet being met on the plat.

Nick Robinson, attorney, was present on behalf of Harrison Pond, LLC property owners, Kenneth and Mary Norwood and John and Gail Felton. Mr. Robinson stated that the plan provides buffers as stated in the proposed watershed amendments, i.e. 100 foot buffers on perennial streams; that a combination of larger lots and adequate buffering is more than ample for the development; and that the application of insecticides / pesticides is something that his client would consider as part of the covenant.

Board discussion followed regarding the gas line right-of-way and septic pumping. Mr. Robinson acknowledged that the gas line right-of-way would effectively serve as a buffer to Wilkerson Creek and that each lot would have its own septic site. Mr. Copeland asked about bridging over wetland areas versus a culvert.

Mark Ashness, engineer with the CE Group, Inc., was present representing the applicant. Mr. Ashness addressed Mr. Copeland's question regarding bridging over wetland areas. He stated that while he personally likes bridges, NCDOT does not; that for a public road, NCDOT does not want to assume the maintenance of a bridge or an arch pipe but rather require culverts.

Mr. Hinkley noted that a number of the proposed lots have very steep slopes (lots #36, 21, 20, 19, 18, 41, 40, and 39). He questioned if lots 18, 19, 20, 21 and 36 are buildable and how well septic systems would work on said lots. Mr. Ashness stated that there are adequate building areas on these lots; and that septic approvals would be necessary at preliminary and final application.

Motion to table:

Mr. Hinkley made a motion to table this request until the August 7, 2007 Planning Board meeting. The motion failed due to lack of a second.

Motion to approve:

Mr. Klarmann made a motion; seconded by Mr. Copeland to grant sketch design approval of "Norwood Tract" and approval of the development schedule as submitted and as recommended by staff. Ms. Sharman inquired if the developer would consider buffering as suggested by Jacquelyn Presley. Mr. Robinson stated that this would be considered as the application moves forward in the subdivision process (i.e. 200 foot buffers along Wilkerson Creek). The motion passed 10-0-1 with all Board members voting in favor of the motion, except Mr. Hinkley who abstained.

- D. Request by James E. Dixon for subdivision sketch design approval of "Fieldstone Subdivision", consisting of 27 lots on 83 acres, located off SR-1532, Manns Chapel Road, Baldwin Township.

Chair Walker asked if Board members had further questions / concerns regarding the Fieldstone requests. Ms. Ford stated that she and Ms. Kost visited the proposed property; that she and Ms. Kost discussed with the developer some things that are not shown on the plat map and things that the developer agreed to do dealing with creeks; and that further Board discussion is warranted.

Patrick Byker, attorney, was present representing the applicant. Mr. Byker stated that the developer would address these issues; that the plat map would be revised to reflect some of these issues; and that the revised plat would be submitted later this summer.

- David Hackney, adjacent landowner

Mr. Hackney stated that this is exactly the same subdivision that was supposed to be approved April of this year; that the subdivision deadline was not met; and that the agreement of resolution (by the request of this governing body) has been totally ignored.

Motion to postpone:

Mr. Harris made a motion; seconded by Mr. Ernst to postpone the Fieldstone Subdivision requests until the next scheduled Planning Board meeting and that this issue be the first item on the agenda for discussion. The motion passed 9-2-0 with all Board members present voting in favor of the motion, except Ms. Kost and Ms. Sharman who voted against.

E. Preliminary Plat Approval:

Request by James E. Dixon for subdivision preliminary approval of "Fieldstone Subdivision", consisting of 27 lots on 83 acres, located off SR-1532, Mann's Chapel Road, Baldwin Township. – See motion above to postpone.

VII. MOTIONS BY JIM HINKLEY:

Mr. Hinkley presented the following two motions:

*Motion #1. Text for a motion: To request the Board of County Commissioners to adopt policy to require Planning Department staff to conduct comprehensive field inspections and analyses before making recommendations on any and all and use applications to the Planning Board.*

"I move that the Planning Board recommend that the Board of County commissioners adopt a policy requiring the Planning Department to conduct comprehensive site inspections and analyses of any and all land use applications including: subdivision proposals of five (5) lots or more, zoning requests, and watershed protection matters prior to making recommendations to the Planning Board for consideration.

It is further recommended that the Planning Department be required to conduct timely site inspections and to monitor work at critical project development stages along with unscheduled spot checks throughout approval processes, i.e. in any and all land use applications:

- 1) To assure compliance with County Subdivision Regulations and with all additional stipulations and directives rendered by the Planning Board, Planning Department, Environmental Review Board, Water Resources Staff, etc. at the sketch plan, preliminary plat, and final plat stages;



- 2) To assure compliance with the County Zoning Ordinance zoning, rezoning, and conditional use provisions as recommended by the Planning Board and approved by the Board of county Commissioners; and
- 3) To assure compliance with all Watershed Protection Ordinance provisions.

Detailed findings of respective field inspections shall be reported to the Planning Board and, where appropriate, to the Board of County Commissioners”.

Mr. Hinkley stated that he offers to withdraw his motion (seconded by Ms. Turner) made during last month’s Planning Board meeting (June 5, 2007) and standing that states:

“As of this meeting on this date (June 5, 2007), the Planning Board no longer accepts staff recommendations on subdivision proposals unless and until staff has conducted comprehensive field inspections and analyses, and that all staff recommendations be based on said evaluations, in addition to merely meeting regulation and ordinance paperwork requirements”. (Note: A copy of Mr. Hinkley’s comments / motion is filed in the Planning Department.)

It was a unanimous consent by the Planning Board that the motion made by Mr. Hinkley during the June 5, 2007 Planning Board meeting is withdrawn.

*Motion #2. Text for a motion: To request the Board of County Commissioners to indemnify members of the Planning Board and other official representatives of the county.*

“I move that the Chatham County Planning Board recommend to the Board of County Commissioners that members of the Planning Board, and other official representatives of the County such as members of the environmental Review Board and respective investigative task forces, be indemnified: 1) to be able to make inspections of all and any land use applications without liability of injury and of approved trespass excluding the curtilage of homes and dwellings; and 2) to be able to inspect any land use applications where there are citizen complaints rendered or problems detected in respect to compliance with Chatham County ordinances and regulations, and stipulations set forth by the Planning Board and the Board of County Commissioners”.

Board discussion followed.

Vote on motion #1:

Mr. Glick seconded the motion. The motion passed 6-4 with all Board members voting in favor of the motion except Copeland, Harris, Ernst and Klarmann voting against.

Vote on motion #2:

Mr. Glick seconded the motion. The motion passed 9-2-0 with all Board members voting in favor of the motion except Ernst and Klarmann who voted against.

Commissioner Lucier stated that the Board of Commissioners would be discussing these recommendations.

**VIII. ZONING AND ORDINANCE AMENDMENTS: *Items A – F below will be rescheduled to another Board meeting, the date to be determined during this Board meeting.***

***Items from May 21, 2007 Public Hearing:***

- A. Request by Carter Crawford for Paul Austin to rezone approximately 17.37 acres of Parcel No. 73961 consisting of 77.62 acres located within an RA-40 (residential/agricultural) zoning district to Conditional Use Light Industrial, located at 245 Buckhorn Rd. (SR1921), Cape Fear Township.
- B. Request by Carter Crawford for Paul Austin for a conditional use light industrial permit for a multi-use building for uses including festivals, concerts, horse auctions, plays, and benefit sales on approximately 17.37 acres of Parcel No. 73961 consisting of 77.62 acres located at 245 Buckhorn Rd. (SR1921), Cape Fear Township.
- C. Request by Carter Crawford for Paul Austin for a conditional use permit acres of Parcel No. 73961 consisting of 77.62 acres, located within an RA-40 (residential/agricultural) zoning district, at 245 Buckhorn Rd. (SR1921), Cape Fear Township.

***Items from June 18, 2007 Public Hearing:***

- D. Request by David Amory, Chase Real Estate Services, on behalf of Sprint Nextel to locate a communication tower within Chatham County for the 2007 tower plan as follows:
  - 190 FT. monopole on NC 42 IN Corinth area 3
- E. Request by Brenton W. McConkey, Parker Poe Adams & Bernstein LLP, on behalf of Crown Castle International to locate communication towers within Chatham County for the 2007 tower plan as follows:
  - 199 ft. self supporting on NC 42 east of Corinth area 3
  - 199 ft. self supporting on west side of Big Woods Rd. near Hugh Stone's land area 3
  - 199 ft. self supporting on east side of Old Graham Rd. and north of Russell Chapel Rd. area 3 -
- F. Request by Micah E. Retzlaff, Excell Communications, Inc., on behalf of Verizon Wireless for collocation on the existing SBA 300 ft. lattice tower located on north US 421.

**Items for July 16, 2007 Public Hearing:**

- G. Public hearing request by Andrea Snyder for a conditional use rezoning from RA-40 Residential/Agricultural to CU-B1 Business District on approximately 1.137 acres, Parcel No. 82736 located at 587 Old Farrington Rd. (SR 2053), Williams township.
- H. Public hearing request by Andrea Snyder for a conditional use permit for a beauty salon on approximately 1.137 acres, Parcel No. 82736 located at 587 Old Farrington Rd. (SR 2053), Williams township.

**IX. NEW BUSINESS:**

- A. Discussion about request for a recommendation to the Board of County Commissioners about zoning additional areas of Chatham County specifically along major corridors.
- B. Planning Director's Report
- C. Planning Board Member Items

*1. Motion to appoint Delcenia Turner to the Affordable Housing Task Force*

Note: Items A., B., and C. above were not discussed tonight and will be rescheduled.

*2. Schedule a special Planning Board meeting to discuss the items listed above to be rescheduled.*

Following discussion, Mr. Ernst made a motion to postpone the balance of items on tonight's agenda until a special meeting is set for August 1<sup>st</sup>. Following discussion, Mr. Ernst amended his motion to change the date of the special meeting to July 31, 2007 and that the meeting is to begin at 6:30 p.m. Mr. Hinkley seconded the motion and the motion passed unanimously.

- X. **ADJOURNMENT:** Ms. Kost made a motion; seconded by Mr. Walker to adjourn the meeting. The motion passed unanimously and the meeting adjourned at 10:40 p.m.

\_\_\_\_\_  
Chris Walker, Chair

\_\_\_\_\_  
Date

Attest: \_\_\_\_\_  
Kay Everage, Clerk to the Board

\_\_\_\_\_  
Date