



Chatham County Planning Board Minutes January 3, 2017

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:

George Lucier, Chair
Caroline Siverson, Vice Chair
Bill Arthur (arrived at 6:38 p.m.)
Brian Bock
Jim Elza
Tony Gaeta
Gene Galin
Jamie Hager
Emily Moose
Jon Spoon
Allison Weakley

Absent:

Other: Diana Hales, County Commissioner Liaison

Planning Department:

Jason Sullivan, Planning Director
Lynn Richardson, Subdivision Administrator
Kimberly Tyson, Clerk to the Board
Kay Everage, Acting Clerical Assistant

- I. INVOCATION AND PLEDGE OF ALLEGIANCE:
Chair Lucier delivered the invocation and afterwards invited everyone to stand and recite the Pledge of Allegiance.
- II. CALL TO ORDER:
Chair Lucier called the meeting to order at 6:31 p.m.
- III. DETERMINATION OF QUORUM:
Chair Lucier stated a quorum was present to begin the meeting (10 members were present at this time).

Chair Lucier introduced our two (2) new Planning Board members as follows:

Jamie Hager - Ms. Hager stated that she has lived in Chatham County since 2006; that she currently resides in the Bynum area; that her background is in residential construction (14 years) and prior to that was with Habitat For Humanity (2 years).

Jon Spoon – Mr. Spoon stated that he is a small business center director for Chatham County; that his parents met teaching at Jordan Matthews High School in Siler City, NC; that he attended Northwood High School and has been here his entire life; that he has a law degree from North Carolina Central University; and that he is excited to serve on the Planning Board and to be a part of the work being done for Chatham County.

IV. APPROVAL OF AGENDA:

No changes were proposed to the agenda. Mr. Gaeta made a motion; seconded by Ms. Moose to approve the Agenda as submitted. There was no discussion and the motion passed unanimously.

V. PUBLIC INPUT SESSION:

B.J. Copeland, former Planning Board Chair stated he was in attendance tonight for two reasons:

- (1) To see who in the world would be found to replace him on the Planning Board. Mr. Copeland stated that he perceives that task was done pretty well; and
- (2) To publicly acknowledge the wonderful Planning Department staff. He stated that the employees are confident, hard-working, friendly, and helpful to all who visit the department; and that they are just plain nice folks. Mr. Copeland thanked staff for all the work they do and noted that Chatham County is lucky to have them.

The clerk noted that the following two (2) citizens signed up to speak at this time regarding the Cedar Mountain, Phase 3A request (Item VI. 2.):

John Parks, 479 Emily Lane, and
R.J. Wirth, 849 Emily Lane.

Chair Lucier stated that Mr. Parks and Mr. Wirth would be recognized when this subdivision request is reviewed later in tonight's agenda.

VI. Subdivision:

1. Request by Lee Bowman, Project Manager, on behalf of NNP Briar Chapel, LLC for subdivision Preliminary Plat review and approval of SD West, consisting of 9 non-residential lots, on 29.20 acres, located off Taylor Road, SR-1529, and US 15-501 N, parcels #18911 and #86288, Baldwin Township.

Ms. Richardson reviewed the agenda notes for this request. She referenced 2014 revisions to the Conditional Use Permit, Item #5 Commercial Uses noted in tonight's agenda notes that states: *"The commercial component of the development shall be limited to 510,000 square feet in the locations shown on the Revised Master Plan, and the commercial uses allowed within the development shall be all those uses now allowed or later added as allowed in December, 2008 Zoning Ordinance under Section 10.13 Table 1: Zoning Table of Permitted Uses under the Zoning District denominated as "O/I", "B-1", "NB", "CB", and "RB". Irrespective of whether such uses are shown as permitted or as requiring a conditional use permit, all such uses shall be deemed allowed as of right*

within the Briar Chapel development. Applicant has agreed to this specification of allowed uses in order to bring clarity to the scope of allowed commercial uses with the express agreement of the County that the district-specific restrictions regarding maximum size of buildings and setbacks shall not apply. Signage for the commercial uses shall comply with the Design Guidelines from the original 2005 approval and the signage provisions set forth in the Chatham County Zoning Ordinance in effect on February 15, 2005 (original approval date). Commercial components of the Briar Chapel Development shall be accessible via public sidewalks, greenways, paths or trails". Ms. Richardson noted a greenway to connect Briar Chapel to SD West is under design by another designer and they are working with NCDOT to gain approval; and that staff recommends that the design of the greenway be completed and necessary permits be obtained prior to final plat submittal.

Ms. Richardson explained that the request before the Board is for preliminary plat approval of nine (9) non-residential lots and two (2) stormwater pond lots on 29.20 acres located off Taylor Road, S. R. 1529 and US 15-501, Baldwin Township, parcel #18911 and #86288. She stated that the request is for approval of the lots only and that uses proposed are not known at this time; that the Appearance Commission reviewed a preliminary perimeter landscaping plan on 9/23/2015 to allow the developer to start grading the site; and that plans for the specific uses will be presented to the Planning Department for review of the lighting plan; signage; and parking prior to obtaining a building permit. She noted that a revised landscaping plan may have to be submitted to the Appearance Commission for review and approval based on review of the individual site plans; and that permitted uses are uses listed in the 2008 Zoning Ordinance list of permitted uses in the O/I (Office and Institutional); B-1 (Business); NB (Neighborhood Business); CB (Community Business); and RD (Regional Business) districts. Ms. Richardson pointed out the stormwater pond area on the large plat map.

Roadways: Ms. Richardson stated that SD West Commercial lots will be accessed off both Hwy 15-501 and SR-1529, Taylor Road; byway of a private easement; that an Encroachment Agreement and Commercial Driveway Permit have been issued for each entrance as part of the superstreet widening project for Hwy 15-501; that a copy of the Encroachment Agreement and Right-of-Way Encroachment Agreement for Curb and Gutter, Pavement Widening and Storm Drainage is included with the preliminary plat submittal; that the internal roadway serving the lots is a variable width (30 foot wide minimum) private right-of-way; and that maintenance of the private roadway will be the responsibility of the developer and/or a homeowners association.

Road Name: Ms. Richardson explained that the road name 'Ballentrae' has been approved by the Emergency Operations Office as suitable to submit to the Board of Commissioners for approval.

Site Plan: Ms. Richardson stated that the pre-2008 Subdivision Regulations states in part in Section 6.4 C (3) *"Properties reserved or platted for commercial, institutional or industrial purposes shall be adequate in size to provide for the type of use and development contemplated.....Land subdivided for commercial, institutional or industrial use shall follow the major subdivision procedure with preliminary plat review by the Board of County Commissioners. Land shall not be platted for commercial, institutional or*

industrial purposes unless the subdivider can demonstrate the following to the Board of County Commissioners:

- *A site arrangement that prevents undue interference with through traffic.*
- *An integrated parking area.*
- *An insulation against any adverse effect on any present or future adjacent residences...*
- *A parcel size sufficient in area to allow future expansion.*
- *A plan that demonstrates that the first ½ inch of storm water runoff will be managed on site, if more than six (6) percent of the lot area is covered with impervious surfaces such as buildings, parking, and drives.”* She noted that Attachment # 4 (in tonight’s agenda packet) is a general site plan prepared to demonstrate that the proposed lots will have adequate access and internal traffic flow; and that there is sufficient area for parking. She explained that the viewshed buffers (ranging in width from 50 ‘ to 200’ wide) will insulate against any adverse effect on present or future owners; that the parcel size will allow for future expansion; that a Stormwater Management Plan for SD West, dated October 28, 2016 has been approved by NC Division of Water Quality; that the maximum impervious surface allowed for SD West per the Impervious Surface Summary submitted by the developer is 637,005 square feet / 14.62 acres; that the maximum impervious surface area for Briar Chapel for both the residential and commercial development, is 24% overall; and that the cumulative coverage for the overall development will be approximately 21.38% based on the Impervious Surface Summary. She reiterated that the Appearance Commission reviewed and approved the perimeter landscaping plan on 9/23/2015; and that prior to obtaining building permits on any of the lots, the owner/developer will present a specific site plan for review by the Zoning Administrator for review of the lighting plan, signage, and adequate parking for the proposed use(s).

Permits: Ms. Richardson stated that other agency permits required for preliminary plat approval have been received.

Water/Sewer: Ms. Richardson stated that county water is available and will be utilized; that sewer service will be provided by the Briar Chapel WWTP; that a permit dated November 3, 2016 was received from NC Division of Water Resources for the wastewater collection system extension; that a county water line was required to be relocated for the project; and that a permit dated 11/10/2016 was obtained from NCDWR for the SD West Water Main Relocation along with the Authorization to Construct, dated 11/14/2016.

Historical / Archaeological: Ms. Richardson stated that per the application, there are no cemeteries or structures eligible for the National Register within the project area of SD West nor any structures or cemeteries 50 years old or older.

Conditional Use Permit Stipulations: Ms. Richardson reviewed the Conditional Use Permit (CUP) Stipulations referencing Conditions #11 and #14 as follows:

Condition # 11, Parking and off-street loading areas - She stated that the 2014 CUP revision that states in part *“Future submittals for preliminary subdivision plat approval will designate park-and-ride parking spaces (such as additional spaces in proposed parking lots above the minimum number required for retail or office uses) and*

transit stops, pedestrian and bicycle facilities, and traffic calming devices, as reasonable and necessary to accommodate then-existing multi-modal transit needs at those locations.” Ms. Richardson stated that per the cover letter (attachment # 2 in tonight’s agenda packet), and the CUP Stipulation Update, attachment # 3, Briar Chapel will continue to work with County officials to determine a mutually agreed upon location for the parking spaces and a park and ride shelter facility; that Briar Chapel understands the number of parking spaces to be in the range of 12-18 spaces; that Chatham Transit has requested 18-20 parking spaces; that per an e-mail from Anna Testerman, Executive Director of Chatham Transit, dated December 20, 2016, Ms. Testerman stated “...after meeting with the developers and much discussion I agreed on 20 spaces plus the bus shelter”; and that staff recommends that the issue be resolved prior to final plat submittal.

Condition # 14, Public Facilities, Item (g), of the 2014 CUP revision states in part *“Applicant shall subject one of the commercial lots within SD North, SD East or SD West to a reservation of 5,000 square feet of shell space, to be constructed and provided to the County at no cost or charge to the Count, for the Chatham County Sheriff’s Office for a satellite office (the “Reservation”). Because timing, size and potential commercial developers or tenants are unknown at the time of approval of this amendment to the Conditional Use Permit, the selection of which commercial lot shall will be subjected to the Reservation shall be entirely in the discretion of Applicant. Applicant, however, shall make good faith efforts to reserve said space within the agreement to convey the first lot located within the portion of SD West located north of Taylor Road”.* Ms. Richardson stated that per the cover letter, attachment # 2, and the CUP Stipulation Update, attachment # 3, “The County and NNP Briar Chapel, LLC are currently in the process of addressing the substation square footage reservation in the context of a contract to convey the first SD West lot to Chatham County for the CCCC Health Sciences building site; that the county has not reached an agreement with the developer regarding this issue; and that staff recommends that the issue be resolved prior to final plat submittal.

Water Features: Ms. Richardson stated that the subject property has two water features, one within Parcel B (pond lot) and one within a portion of the viewshed buffer along the common boundary with Herndon Woods and Taylor Road; and that staff recommends that the final plat state the width of the riparian buffers and 10’ no build.

Viewshed Buffers: Ms. Richardson stated that the subject property borders Herndon Woods, Taylor Road (SR-1528), and US 15-501; that viewshed buffers have been provided as required by the Compact Community Ordinance. Section 9.3; that the CCO requires a 100 foot wide viewshed buffer along all roadways, but allows a reduction to 50 feet if it is determined that the impact of the compact community is adequately mitigated by community design, topography, etc.; that the developer requested and received a reduction of the viewshed buffer to 50 feet along Taylor Road and US 15-501; and that the developer has also agreed to provide a 200 foot wide viewshed buffer along the common boundary with Herndon Woods.

Stormwater Features: Ms. Richardson stated that there are two lots designated as pond lots, Parcel A (5.2 acres), and Parcel B (2.7 acres); that the maintenance access easement for the stormwater feature on Parcel A was shown to encroach into the viewshed buffer along Taylor Road; that the viewshed buffer along Taylor Road has been reduced from 100’ to 50’ feet as allowed in the Compact Community Ordinance; that the

CCO states “Viewshed buffers shall be utilized in order to minimize the impacts of compact communities on pre-development roadway views”; and that since the viewshed buffer has been reduced along Taylor Road, staff recommends that the maintenance access easement for the stormwater feature on Parcel A be designed such that it will not encroach into the viewshed buffer in order to lessen the impacts on adjacent property.

Fire Department Review: Ms. Richardson explained that prior to a building permit being issued for a structure on a lot, that the Fire Marshal will review and approve the plan which will include fire hydrant placement and emergency vehicle access to the structure.

Technical Review Committee: Ms. Richardson stated that the TRC met on December 14, 2016 to review the request; that Lee Bowman, Chris Seamster, and Garretson Brown were present to answer questions on behalf of the developer; and that the TRC discussed the park-and-ride lot and bus shelter, shell space for Sheriff’s Office, relocation of the waterline, and the viewshed buffers.

Recommendation: Ms. Richardson stated that the Planning Department recommends granting approval of the road name, ‘Ballentrae’ and recommends granting preliminary plat approval of Briar Chapel, SD West as submitted with the following five (5) conditions:

1. The design of the greenway from Briar Chapel to SD West be completed and necessary permits be obtained prior to final plat submittal.
2. Condition # 11 of the 2014 CUP revision regarding designation of park-and-ride spaces and the bus shelter be resolved between Chatham Transit and NNP Briar Chapel, LLC prior to final plat submittal.
3. Condition 14 (g) of the 2014 CUP revision regarding reservation of 5,000 square feet of shell space, to be constructed and provided to the County at no cost or charge to the County, for the Chatham County Sheriff’s Office for a satellite office (the “Reservation”) be resolved between Chatham County and NNP Briar Chapel, LLC prior to final plat submittal.
4. The final plat shall state the width of the riparian buffers and clearly designate the 10 foot no-build.
5. **The stormwater feature and associated easement on Parcel A be designed such that it will not encroach into the viewshed buffer in order to lessen the impacts on adjacent property.

**Ms. Richardson noted that staff received a revised site plan today prior to the Planning Board meeting that shows the stormwater access maintenance easement to be outside of the viewshed buffer which staff thinks is a better design; and that condition #5 would be changed to read that this easement be shown on the revised site plan.

Lee Bowman, Project Manager and Garretson Brown, Construction Manager, NNP Briar Chapel LLC; Chris Seamster, Regional Manager, McKim & Creed; and Nick Robinson, attorney, were present representing the development. It was noted that Anna Testerman, Executive Director of Chatham Transit was not present at tonight’s meeting.

Board discussion followed. Ms. Weakley voiced concern that issues, as noted in staff conditions be resolved. Ms. Richardson stated that these issues would need to be resolved before final plat submittal and approval. Some specifics noted by the Board were:

- a. specific site for Chatham County Sheriff's Office satellite office
- b. greenway design / necessary permits
- c. Chatham Transit park-and-ride spaces / safety
- d. proposed uses (retail, office, medical, 200 apartments)
- e. access
- f. parcel B (only pond and landscaping)
- g. 50' buffering along Taylor Rd
- h. future development
- i. lack of information

Mr. Robinson addressed these specifics. He stated that the very first lot is to be conveyed to Chatham County for the purpose of constructing a health science education building for Central Carolina Community College; that negotiations are on-going regarding lot layouts and potential users; that Lee Bowman has had numerous conversations with Chatham Transit; that Chatham Transit representatives proposed 20 park-and-ride spaces versus the developer's proposed 12-18 spaces; and that the incentive is to resolve the issue pending final plat submittal and approval.

Motion to table - Mr. Elza made a motion, seconded by Ms. Weakley to table this request until next month's meeting to allow additional time to resolve the various noted issues. Discussion followed. Mr. Robinson stated that it would be damaging to postpone the request; and that preliminary plat approval is needed to keep the process continuing for the proposed development. Ms. Weakley was concerned that the developer has not disclosed uses for these proposed lots; that preliminary plat approval would give the developer ability to construct infrastructure; and that at this point the developer should have some idea of proposed uses. Mr. Bock stated that if the Board tables the request for 30 days that we should at least have the courtesy to say what issues we want the developer to address. Chair Lucier stated that given the writings in the Compact Communities Ordinance and initial discussions with Chatham Transit that Briar Chapel commit to at least 18 parking spaces for the park-and-ride proposal. ***Mr. Bowman stated that at least 18 was fine.***

Motion to table- failed

The motion to table the request until next month's Planning Board meeting failed 2-9 with Elza and Weakley voting in favor of the motion; and Gaeta, Galin, Arthur, Bock, Hager, Lucier, Moose, Siverson and Spoon voting against.

Motion to approve - passed

Mr. Gaeta made a motion; seconded by Mr. Galin to approve the request as submitted with staff proposed five (5) conditions with modifications to staff **condition #2 - subject to a minimum of at least 18 parking spaces for the transit be required; and condition #5 - with modification to condition #5 that the stormwater access and maintenance easement be as shown on the revised site plan received 1/3/17.**

Discussion followed concerning ample parking for the 5,000 square feet of shell space

for the Sheriff's satellite office. Mr. Sullivan stated that the builder will have to show sufficient parking or staff would not approve it. Ms. Weakley reiterated that park-and-ride parking spaces are designated at preliminary and not final plat request. Chair Lucier noted that Mr. Bowman accepted a minimum of 18 spaces in earlier discussion above. There was no further discussion and the motion passed 9-2 with Gaeta, Galin, Arthur, Bock, Hager, Lucier, Moose, Siverson and Spoon voting in favor of the motion; and Elza and Weakley voting against. The five (5) conditions are as follows:

1. The design of the greenway from Briar Chapel to SD West be completed and necessary permits be obtained prior to final plat submittal.
 2. Condition # 11 of the 2014 CUP revision regarding designation of park-and-ride spaces and the bus shelter be resolved between Chatham Transit and NNP Briar Chapel, LLC prior to final plat submittal. **That a minimum of 18 parking spaces for the transit be required.**
 3. Condition 14 (g) of the 2014 CUP revision regarding reservation of 5,000 square feet of shell space, to be constructed and provided to the County at no cost or charge to the County, for the Chatham County Sheriff's Office for a satellite office (the "Reservation") be resolved between Chatham County and NNP Briar Chapel, LLC prior to final plat submittal.
 4. The final plat shall state the width of the riparian buffers and clearly designate the 10 foot no-build.
 5. The stormwater feature and associated easement on Parcel A be designed such that it will not encroach into the viewshed buffer in order to lessen the impacts on adjacent property. **That amended easement be as shown on the revised site plan received 1/3/17.**
2. Request by Lewis Metty Development, Inc. for subdivision Revised Preliminary/Final Plat approval of Cedar Mountain, Phase 3A, consisting of 16 lots on 39.65 acres located off Jones Ferry Rd, SR-1540 and Cedar Grove/Cedar Mountain Road, Baldwin Township, parcels #'s 1611 and 1721.

Ms. Richardson stated that this item was tabled during the December 6, 2016 Planning Board meeting; that several residents were present at said meeting to state their concerns; that the developer was not present but was requested to be present at tonight's meeting (or a representative); and that due to questions raised by the Board and residents, the Board tabled the request. Some issues of concern were:

1. Existing roads in Cedar Grove Subdivision not yet accepted for maintenance by NCDOT.
2. Mr. Cody Porter, 615 Emily Lane, parcel #79958, was concerned about the loss of privacy for property owners off Emily Lane due to construction of the emergency access road.
3. Where within the 50' right of way was the emergency road built. Mr. Porter was concerned that the road was built adjacent to his rear property line instead of in the center of the road.
4. Mr. and Mrs. John Parks, 479 Emily Lane, parcel #75530, stated that the emergency access road was constructed across their private property and intersects Emily Lane. Mr. Parks stated that their property does have a 75' wide

access and utility easement that was placed on the property prior to their purchase of the property.

5. The Parks requested that a chain or a gate be installed across the emergency access road at the common boundary between their property and Cedar Mountain Subdivision. The Parks further suggested that the same be installed at the beginning of the road with a sign stating that the road was for emergency access only.
6. The Board had questions regarding the off-site septic areas and their long term maintenance.
7. Leslie Bunce, 1733 Cedar Grove Rd., parcel #88902, stated she was concerned about the future construction of the balance of Cedar Mountain Road regarding trespass on her property, run-off from the construction, and burning of brush being left unattended.
8. Whether additional locations for road stub-outs were considered during the sketch design process.

Ms. Richardson noted that a revised survey was included in tonight's packet to address an oversight by the surveyor who inadvertently did not include one of the 16 lots as noted on the application. Lot #28 has been included with the revised survey and is located near the cul-de-sac of Eagles Crest.

Some details from Ms. Richardson's December 6, 2016 Planning Board agenda notes are noted as follows: ***Cedar Mountain Subdivision received sketch design approval from the Board of County Commissioners on July 17, 2006 for 65 lots with the following two (2) conditions regarding emergency access:***

1. ***The emergency access easement be widened to a minimum of 50 feet and be labeled as "50 foot wide dedication of public right-of-way and emergency vehicle access".***
2. ***The emergency vehicle access shall be constructed to a minimum standard of a 16 foot wide, all weather travel surface. A note shall be placed on the preliminary and final plat detailing the standards to which said access is constructed and future upkeep and maintenance responsibilities; and that these conditions will be completed when the next phase of the subdivision is presented for review and approval. (Staff stated to the Board that construction of the emergency access road was a condition of approval required by the Board of County Commissioners at the initial sketch design and not a voluntary action by the developer).***

Cedar Mountain Road is an extension of Cedar Grove Road. The two subdivisions do not have interconnecting roadways to adjoining properties and this necessitated the requirement for an emergency access roadway to be built to an adjoining property.

Preliminary plat approval for 65 lots was granted by the Board of Commissioners on July 6, 2007. To date 34 lots have received final plat approval. On 9/21/2015, the developer received an extension from the Board of Commissioners to extend the deadline for final plat submittal to January 16, 2018. If a final plat for the remaining 15 lots is not received by January 16, 2018, the subdivision approval will expire unless another extension request is granted by the Board of Commissioners.

The request before the Board is for a revised preliminary plat / final plat approval. The reason for the revised preliminary plat is due to a reduction in the length of Eagles Crest by 50' and flattening the curve on the same road. A revised roadway plan was submitted to NCDOT and approved on August 15, 2016. A new erosion control permit was obtained from Land and Water Resources on March 30, 2016 prior to any land disturbing activity on the site.

The request is being submitted along with a request for a financial guarantee for completion of the required improvements. The developer is required to complete a minimum of 40% of the required improvements prior to a final plat submittal and the roadway has to be accessible to emergency vehicles. Per the cost estimate letter dated November 7, 2015, by Samir W. Bahho, PE, the improvements are more than 40% complete and the roadways are paved and accessible to emergency vehicles. An updated cost letter may be provided prior to final plat approval. Staff recommends the request for a financial guarantee be approved.

The lots are served by on-site and off-site septic systems and repair areas. All off-site septic areas are considered a non-contiguous part of the main lot. The off-site septic areas are served by 30 foot wide utility easements. In 2007, a condition of preliminary plat approval stated "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." Septic improvement permits for each lot have been approved by Thomas Boyce, Chatham County Soil Specialist and Lead Soil Scientist. Prior to final plat recordation, Mr. Boyce will verify that the supply lines have been installed as required. The installation of the septic tanks and individual drain fields will be the responsibility of the individual property owners.

The Technical Review Committee met on November 16, 2016 to review the submittal. There were no concerns / questions.

The Planning Department recommends granting final plat approval of Cedar Mountain, Phase 3A with the following conditions:

- 1. The plat not be recorded until the county attorney has reviewed and approved the form of the contract and financial guarantee.*
- 2. 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. The Chatham County Environmental Health Department will inspect and approve the installation prior to final plat recordation.*

Ms. Richardson stated that following the December 6, 2016 Planning Board meeting staff added a condition #3 as follows:

- 3. The developer shall install a locked gate or chain across the emergency access roadway at the common boundary of the Cedar Mountain Subdivision and parcel #75530 and provide emergency personnel with a key.*

Mr. Chuck Lewis, Developer and Mr. Samir Bahho, Project Engineer, were present.

Board members discussed the existing emergency access road.

Public Input:

- **John Parks, 479 Emily Lane** - Mr. Parks stated that in addition to last month's comments he voiced concern regarding liability issues where this roadway opens up onto his property before it meets Emily Lane (i.e., people walking, riding recreational vehicles)
- **R.J. Wirth, 847 Emily Lane** - Mr. Wirt voiced concern regarding the negative impact this road has on his property (i.e., well-being, standard of living, property value).
- **Dr. Thomas Porter, 615 Emily Lane** – Mr. Porter stated that this road (designed in 2006) does not belong there; that he used to have 100 acres for deer hunting; that he values privacy a great deal and that was one of the reasons for moving there; that he is concerned for the safety of his family as well as his dogs; that he encourages Board

members to take a ride on this road; that a Humvee or Sherman Tank in bad weather (icy like we had this past week-end) could not get down the road and make the existing corner; that the \$50,000 cost to the developer was for a road that doesn't do any good; and that current property owners have had no input. Some specifics noted were: appropriate signage, discourage public usage of the road, planting buffers, reappraisal of their land, and to encourage better communication.

Mr. Lewis stated that the access road is 'dedicated to the public'; that one way to be good neighbors would be to install a gate; that he understands the privacy issue of the property owners; that the road is a 50 foot right-of-way and has to be 16 feet of gravel passable in all weather conditions; and that property owners might consider adding buffers along their property lines, i.e., fence, trees. Installing a new gate (the initial cattle gate was stolen) and signage (that the road is closed to emergency vehicles only) were further addressed.

Mr. Samir Bahho, Project Engineer for the development stated that he has petitioned NC DOT to take over Cedar Grove Road but that several items need to be corrected prior to this happening. Mr. Lewis noted that NCDOT would revisit the property after the winter months; and that there is no Home Owners Association.

Discussion followed and some specifics noted were:

- a. Planning Board could recommend that the roadway be changed from public to private when that section of road is before the Board for approval
- b. sympathetic to landowner's privacy within our growing county
- c. possibly relocate access road further into property away from adjoining properties
- d. install privacy landscaping (developer partner with landowners)
- e. privacy fences
- f. install gate

Motion to approve - passed

Mr. Gaeta made a motion to approve the request as submitted with staff recommendation with condition three (3) rewritten to read as follows:

The developer shall install a locked iron gate across each end of the emergency access roadway and provide emergency personnel with a key for each gate; that appropriate signage be installed at each end of the access road to indicate that the use of the road is for emergency personnel only and that the developer be encouraged to plant suitable plantings to create a privacy barrier along the length of the access road.

Ms. Siverson seconded the motion and encouraged Mr. Lewis to have a conversation with Leslie Bunch (1733 Cedar Grove Rd., parcel #88902) about her concerns regarding trespass, run-off and brush burning.

Further discussion: Ms. Weakley reiterated the question about the road maintenance issue and inquired if this would likewise be reviewed at a later phase. Mr. Sullivan stated that this is an issue on all subdivisions; that there is a gap between when the Built-to-Standards letter is issued and when DOT accepts the road for maintenance; but

that we could certainly ask for an updates from the developer at said time. Ms. Weakley stated that residents of Bobcat Point (off Henderson-Tanyard SR 1559) cannot sell their homes because of all the potholes in the subdivision's road.

The motion passed unanimously (11 Board members). The three (3) conditions are as follows:

1. The plat not be recorded until the county attorney has reviewed and approved the form of the contract and financial guarantee.
2. 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. The Chatham County Environmental Health Department will inspect and approve the installation prior to final plat recordation.
3. The developer shall install a locked iron gate across each end of the emergency access roadway and provide emergency personnel with a key for each gate; that appropriate signage be installed at each end of the access road to indicate that the use of the road is for emergency personnel only and that the developer be encouraged to plant suitable plantings to create a privacy barrier along the length

VII. NEW BUSINESS: There was no discussion.

VIII. BOARD MEMBERS ITEMS:

1. *Upcoming meeting* - Ms. Weakley reminded the Board of the following meeting:
Chatham County Conservation Partnership
January 19, 2017 at 9 a.m. – Noon
Agriculture and Conference Center, Pittsboro NC (new facility on Hwy.64 W.)
2. *Chatham Transit* - Mr. Galin stated that the Pittsboro Express no longer stops at Fearington.
3. *GIS Website* – Ms. Moose complimented staff on the new GIS system. She stated that it is so much easier to manage. It was noted that the initial website can still be accessed.

XI. PLANNING DIRECTOR'S REPORTS:

1. *Minor Subdivisions / Exempt Maps* - Mr. Sullivan stated that an update would be included in next month's packet.
2. *Comprehensive Plan Update* - Mr. Sullivan stated that the Steering Committee Meetings are scheduled for February 21, 22, and 23; that some specific locations have not been set but that meetings will be held in Pittsboro, Silk Hope Ruritanian, and Chatham Central High School; that staff will be preparing materials; and that hopefully at next month's Planning Board meeting we will have some information.
3. *Election of Officers* – Mr. Sullivan reminded the Board that election of officers would be held at next month's meeting since elections are held every February.

4. *Industrial Zoning* – Mr. Sullivan stated that during last month’s Planning Board meeting the Board discussed and voted on industrial zonings and changes to the conditional use permit; that in preparing Commissioner notes, staff was not clear if the Board adopted the Consistency Statement; that from staff notes the final Board action taken was to send to the Board of Commissioners (9-1 vote); that the question is – **did this vote include the Consistency Statement**; and that if not action would need to be taken tonight.

Motion to approve – passed

Mr. Arthur made a motion; seconded by Mr. Gaeta to approve the Consistency Statement discussed during last month’s Planning Board meeting. There was no discussion and the motion passed 9-0 since Mr. Spoon and Ms. Hager were not part of last month’s discussion.

5. *Planning Board Minutes* – Mr. Sullivan stated that due to various staff issues some minutes are outstanding but should be submitted for approval soon.

XII. ADJOURNMENT: There being no further business the meeting adjourned at 9:08 p.m.

_____/_____
George Lucier, Chair Date

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