



Chatham County Planning Board Approved Minutes December 5, 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
Jon Spoon
Bill Arthur
Tony Gaeta
Allison Weakley
Gene Galin
Jim Elza
Jamie Hager
Brian Bock
Emily Moose

Absent:

Other: Brian Taylor, Town of Pittsboro Liaison

Planning Department:

Jason Sullivan, Planning Director
Paula Phillips, Clerk to the Planning Board
Lynn Richardson, Land Planner II/Subdivision Administrator

I. INVOCATION AND PLEDGE OF ALLEGIANCE:

Mr. Galin delivered the invocation and afterwards everyone stood and recited the Pledge of Allegiance.

II. CALL TO ORDER:

Chair Lucier called the meeting to order at 6:30 p.m.

III. DETERMINATION OF QUORUM:

Chair Lucier stated there is a quorum (all 11 members were present)

IV. APPROVAL OF AGENDA:

Approval of the Agenda

V. APPROVAL OF THE MINUTES: Chair Lucier asked for consideration of a

request for approval of the October 3, 2017, October 17, 2107 Special Meeting and November 7, 2017 minutes.

Chair Lucier asked the board members if everyone was okay with the proposed revisions by Ms. Weakley to all 3 months of minutes, there were no objections. All minutes were approved. November 7, 2017 minutes Mr. Spoon, Mr. Gaeta and Ms. Moose were not present for this meeting.

VI. PUBLIC INPUT SESSION: None

VII. SUBDIVISION:

1. Request by L Request by Kirk T. Metty, PE., President, Lewis Metty Development, Inc. on behalf of Cedar Mountain Subdivision for a twelve (12) month extension of the preliminary plat deadline to extend the deadline from January 16, 2018 to January 16, 2019.

Ms. Richardson read the notes and reported that there have been two 24 month extension requests from the developer to extend the preliminary plat expiration date. The requests were approved by the Board of County Commissioners in 2013 and 2015. The reason for this request is the developer does not anticipate receiving approval of the septic sewer permits in time to meet the December Planning Board deadline. He has filed septic improvement permit applications with Chatham County for the remaining 12 lots. He has met the infrastructure threshold. She indicated that Mr. Metty is present to answer any questions.

Board discussion followed and some of the items discussed were as follows:

- o If approval is granted will you have the work completed in twelve months?
- o What is tonight's update and is it possible meet the submittal deadline at this point?
- o Why has it taken so long to install the off-site septic lines?
- o What are the consequences to the developer if the extension request is not granted and the preliminary plat approval expires?
- o None of these 12 lots border a creek

Mr. Metty stated that the remaining 12 lots will be completed within 12 months; that the installation of the off-site septic lines had been completed, however, he still would not have the septic improvement permits in time to meet the December Planning Board submittal deadline; that the reason it had taken so long to complete the installation was that they ran into some rock issues that resulted in having to expand the easements and the condition required him to use one contractor for all the work. He noted that all the physical work has been completed and that information along with the as-builts had been submitted to Mr. Boyce. Mr. Metty said at this point he is just waiting on Environmental Health to review, approve and issue the permits.

Ms. Richardson stated that if the extension request is not granted and the preliminary plat approval expires and the completion of the remaining 12 lots will have to follow the current subdivision process. Mr. Metty stated that if the extension is not granted, that would put them in a financial/economic jeopardy to have to go back and start a new process in order to complete the remaining 12 lots. Mr. Sullivan said it could set them back a year or more and could require stormwater controls.

Motion made by Mr. Elza to approve the request; seconded by Mr. Gaeta. Motion passed unanimously

1. Request by Fitch Creations, Inc. for subdivision Final Plat approval of **Fearrington – Section X – Area C – Richmond Close**, consisting of 21 lots on 18.281 acres located off SR-1813, East Camden and SR-1817, Millcroft, parcel #18998.

Ms. Richardson read the notes and indicated that an updated Financial Guarantee letter was received today and it states that the project is 98% complete. She stated that R.B. Fitch, Developer, Dan Sears, Sears Design Group, and Alan Keith, P. E, Dielh & Phillips, were present for questions.

Board discussion followed and some items discussed were as follows:

- o Appreciates the voluntary buffers
- o The intermittent stream at Bush Creek is not connected and hydrology does not work like that.
- o The developer said that the Corp delineated the streams and signed the map and they were going by their calls and that there is an Open Space at the end of that area.
- o Volunteer stream buffers are shown on the plat, but there is no note stating what is allowed within the buffer.
- o Can a note be added to the plat to state that the voluntary stream buffers will follow the current Chatham County Watershed Protection Ordinance requirements?
- o Mr. Sullivan stated that the inter 50 foot stream buffer along Bush Creek was a required buffer and is regulated by the Jordan Lake Buffer rules and that Planning staff has been told by Environmental Quality staff that voluntary buffers are not regulated by the JLBA rules.

Chair Lucier stated that the developer has done what they are supposed to do and we cannot formerly require them to do that, they would have to volunteer to do that. The developer stated that the project has followed the regulations that are in place. Chair Lucier added that it is clear looking at the map that the developer intends on honoring the 100' voluntary buffer. He also added that this should have been something that was discussed earlier in the Preliminary Plat stage.

Motion was made by Mr. Elza to approve the request; seconded by Mr. Galin

Motion passed 10 to 1

Ms. Weakley opposed and stated that she wants some clarity on what a voluntary stream buffer is and her request to add a note would allow property owners to know what they could and could not do.

7:45 P.M.

VIII. Zoning –No Items

7:45 P.M.

IX. NEW BUSINESS:

X. BOARD MEMBERS ITEMS:

1. Discussion of UNC School of Government guidelines on prayer at local government meetings – **See Attachment**

Chair Lucier spoke about the Board of Commissioners have stopped prayer and they now have a moment of silence. He said that he did not have all the details about that and said others could add to it if they wanted. Some of this was based on the Rowan County case, it was said they weren't doing it properly because they were asking for participation from non-board members. He continued to say that the Planning Board has given the invocation and clearly it is done not in any way to advocate for a particular religion or criticize another religion. It's a call for the board to work together. It is done with a common purpose and good will in a way to benefit the long term success of Chatham County. Chair Lucier said that he would like to see what the board thinks and said that it's not something we have to do, we can continue to do it in the same way.

Board discussion followed and some points noted were as follows:

- Has there been a complaint received?
- UNC School of Government makes a statement in the beginning with the innovation and that may be enough
- It is only a consideration not a requirement
- The board does not require people to stand
- A moment of silence may be good
- People that don't want to participate can just stay seated
- One believes in Separation of Church and State, was glad we were having this discussion and believes in fair treatment
- Nothing wrong with a contemplation

Mr. Gaeta made a recommendation as an Attorney that he would like to read the attachment carefully and suggest some guidelines. One suggestion might be at the beginning of the meeting the Chair say something like, if anyone present would like to leave the meeting prior to the invocation, you are welcome to do so.

After the boards discussion Chair Lucier stated it was decided that Mr. Gaeta will put together a list of suggestions for a written policy to bring back to the January 2018 Planning Board meeting. In the meantime the invocation is not suspended and they will continue to do so.

