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Vote on a request by Peter Bellantoni, P.E. on behalf of Ideal Capital Group, LLC for subdivision **First Plat** review of **Bonterra Subdivision**, consisting of 22 lots on 31.495 acres, located off Mann's Chapel Road, SR-1532, parcel #2532 and 2533.

..ABSTRACT

Action Requested:

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Introduction & Background:

Zoning: R-1

Water System: Public Water

Sewer System: Private on-site and off-site septic and repair areas.

Subject to 100 year flood: No floodable area

General Information: The subdivision process is a four (4) step process: Concept Plan, First Plat, Construction Plan, and Final Plat. The applicant has completed the community meeting and the Concept Plan review. The minimum lot size requirement for the project is 40,000 square feet of useable area. The Planning Board has two (2) meetings in which to act on the proposal.

Discussion & Analysis:

The request is for First Plat review and recommendation of Bonterra Subdivision, consisting of 22 lots on 31.495 acres, located off Mann's Chapel Road, S. R. 1532. A vicinity map showing the property location, attachment # 3, is included in the agenda packet. Per the Subdivision Regulations, Section 5.2C(4), a Public Hearing shall be held at the first Planning Board meeting to receive comments on the proposed subdivision. Item (b) states that following the Public Hearing, the Planning Board shall review the proposal, staff recommendation, and public comments and indicate their recommendation for approval, disapproval or approval subject to modifications. As stated above, the Planning Board has two (2) meeting to act on the proposal. The applicant has provided a cover letter, attachment # 2, with details of the project.

Roadways: The road is to be built as a 50 feet wide public right-of-way, with 18 feet wide travelway, and is to be a state maintained road. Per Justin Richardson, Assistant District Supervisor, Division 8-District 1, an eighteen foot pavement width is acceptable although NCDOT prefers twenty feet wide and no right turn lane will be needed. Tom Bender, Chatham County Fire Marshall, stated he had no issues and/or concerns. A fifty foot wide right-of-way for possible future road extension is shown between Lots 12 and 13 to the adjacent property. This will be a dedication of right-of-way and the road will not be constructed by the developer of Bonterra.

Historical: The applicant contacted Bev Wiggins, Chatham County Historical Association. Ms. Wiggins corresponded by email and stated she wasn't aware of any gravesites/cemeteries. Ms. Wiggins was provided photos, by the developer, of the ruins of a rock foundation and chimney. No additional historical information was received.

Schools: Notification of the proposed development was provided to the Chatham County School System. See attachment # 5.

General Environmental Documentation: The developer submitted the General Environmental Documentation and a letter, dated January 19, 2018 from the North Carolina Department of Natural and Cultural Resources Natural Heritage Program to Chatham County Land & Water Resources Division for review. See attachments 6 & 7. The letter states "A query of the NCNHP database, based on the project area mapped with your request, indicates that there are no records for rare species, important natural communities, natural areas, or conservation/managed areas with the proposed project boundary. Please note that although there may be no documentation of natural heritage elements within the project boundary, it does not imply or confirm their absence; the area may not have been surveyed. The results of this query should not be substituted for field surveys where suitable habitat exists." Rachael Thorn, Environmental Quality Supervisor, reviewed and approved the information submitted.

Community Meeting: A community meeting was held on August 9, 2017 at Evergreen United Methodist Church, 11098 US Hwy 15-501N, Chapel Hill. Approximately sixteen people attended the meeting. Items/issues discussed included buffers along the creek, traffic, lighting, construction, whether the homes will be on private or public water, buffers along perimeter, and what will become of the existing homes. The applicant addressed some of the concerns and explained that there will be buffers along the creek, a driveway permit must be obtained from NCDOT and that widening Mann's Chapel Road wasn't anticipated based on the traffic volume. Lighting will be along the proposed street and wouldn't spill out to the adjoining properties. Regarding construction concerns, the applicant committed not to burn debris and anticipated construction to be an approximately two years. It was also noted that homes will be on public water. An adjacent property owner had safety concerns about an un-fenced pond and children coming onto the property; the developer cannot guarantee that someone wouldn't cross the property line. It was also noted that the existing homes will be removed.

Technical Review Committee: The TRC met on May 16th to review the First Plat submittal. The applicant and developer were present. Items discussed included First Plat approval time frame, cul-de-sac radius, adequate soils, current homes on parcels, no land disturbance prior to construction plan approval, financial guarantee process, including the calculation of the stream separate from the buffer, stormwater control, abandonment of wells and/or septic for existing homes, waterlines and permits will be needed to demolish the existing homes.

Septic: A soils report and map, attachment #9, was submitted to Thomas Boyce, Chatham County Environmental Health, LSS, REHS, Chatham County Environmental Health, for review. Mr. Boyce stated that the report and map were adequate for a First Plat review. Lots 20-22 are proposed for septic systems south of the creek and the three systems will be bored under the stream. The developer stated that the homeowners for Lots 20-22 will be required to enter into a contract with a certified operator and the certified operator will be required to perform a bi-annual inspections.

Water: County water is available and will serve the project.

Road Name: The road name Bonterra Way has been approved by Chatham County Emergency Operations Office as acceptable for submittal to the Board of Commissioners for approval. A mail kiosk is proposed to be located near Lot 20 in a turn out.

Water Features: Dan McCauley of Soil and Environmental Consultants, PA, submitted the Riparian Buffer Review Application along with a riparian buffer map, dated September 11, 2017, to Drew Blake, Chatham County Environmental Quality Inspector for review. Mr. Blake and Mr. McCauley completed an on-site riparian buffer review on October 13, 2017 to verify the consultant's findings. Mr. Blake issued a confirmation letter of his findings dated October 13, 2017.

Mr. Blake was provided a copy of the US Army Corps of Engineers Approved Jurisdictional Determination dated April 18, 2018. Section S03 through section S04, shown on the buffer map dated October 26, 2017, as an ephemeral, was upgraded to a perennial by the approved JD. Mr. Blake didn't revised his original confirmation letter because the buffer didn't exceed the perennial buffer shown on the buffer map. The October 13, 2017 letter states that there are one (1) intermittent stream, one (1)

perennial stream, and one (1) wetland. Buffer authorizations and 404/401 permits will be obtained prior to Construction Plan submittal.

Mr. Blake reviewed an earlier version of the plat and stated the roadway needed to be a minimum of 50 feet from the intermittent stream. The roadway alignment was shifted 50 feet from the intermittent buffer.

The foundation and chimney ruins will not be removed and will remain in the buffer.

Stormwater and Erosion Control: A stormwater device is proposed and will be placed on private Lots 11 and 12. The developer is proposing to utilize the 10 Percent Rule provided in the County Stormwater Ordinance for areas that do not drain to the stormwater device. As part of the stormwater permitting process additional information will be provided to the Environmental Quality Department for the 10 Percent Option. If the criteria for the 10 Percent Rule is not met then additional stormwater devices will be required and shown as part of the Construction Plan application submittal. A stormwater Permit and an Erosion Control Permit will be obtained from Chatham County Environmental Quality prior to Construction Plan submittal. No work can commence on the property prior to obtaining Construction Plan approval.

Site Visit: Site visits were scheduled for May 15 and 23, 2018 for Planning Department staff and various Board members to attend. Peter Bellantoni, P.E. was present to walk the property with staff and Board members and discuss the project. Areas of the property viewed were the ephemeral, intermittent, and perennial streams, center line of the proposed road alignment, and ruins of stone foundation and chimney. Pictures of the site visit can be viewed on the Planning Department webpage at www.chathamnc.org/planning, Rezoning and Subdivision Cases, 2018.

June 5, 2018 Planning Board Meeting

A public hearing was held and neighboring property owners expressed concern about boring under the stream; widening the stub-out to Mr. Don Medlin's property; proposed grading of the cul-de-sac near Mr. Medlin's property; whether blasting will occur to remove the boulders on the property; whether there would be a buffer along the property line between parcel 68688 owned by Shelton Gene and Linda Lloyd and lots 20-22; whether the trees and vegetation would be removed along lots 20-22 for the septic supply lines; and safety concerns of the pond on neighboring properties. The public hearing was closed and the Planning Board discussed the items brought up by neighboring property owners with the developer. Discussion of Bonterra Subdivision was postponed at the June 5, 2018 Planning Board meeting to give the developer time to discuss these issues with the neighbors and determine if they could be resolved

On June 15, 2018, the developer met on-site with Mr. Don Medlin and Mr. and Mrs. Gene Lloyd. Mr. Medlin had concerns about the grading of the cul-de-sac and the

developer agreed to review the proposed grading with Mr. Medlin during the Construction Drawing process. Mr. and Mrs. Lloyd's concerns were clearing of trees and vegetation along their property line. The developer has proposed a 20' undisturbed buffer along the property line to the riparian buffer and the developer shifted the septic supply lines. Mr. Thomas Boyce, Chatham County Environmental Health Inspector stated in an email dated June 25, 2018 "the changes made to the supply line areas are acceptable", Attachment #14.

There was email correspondence between Linda Lloyd; David Lazzo, Developer; and Anne Lowry, Chatham County Environmental Health Director. Mrs. Lloyd had questions about the septic appearance, size, location of each system, and if the three septic lines will converge into one larger pipe to be bored under the stream for Lots 20-22. Mr. Lazzo stated in the email dated June 21, 2018 that Lots 20-22 will have their own septic tanks and drain fields. The septic systems are to be traditional and normally only the access lid is exposed above ground. They do not converge into one pipe and once the pipes crosses the stream each will go directly to their designated septic field. Mr. Lazzo also stated the stream is "no more than 18 inches across so the crossing shouldn't be problematic"(see Attachment #15 for the email correspondence).

Mrs. Lloyd asked if the County required the systems to be inspected. Ms. Lowry stated, "per current North Carolina septic system rules, the local health department is required to inspect any septic system requiring a pump one time every five years. Septic systems with multiple pumps are required more frequently and required to have a private certified subsurface system operator contracted to manage the system". Mrs. Lloyd also had concerns about boring under the stream and Ms. Lowry stated that North Carolina septic system rules address stream crossing in 15A NCAC 18A..1950(h) (see Attachment #15).

The developer added a 20' wide access easement between lots 16-17 and lots 18-19 and increased the southerly end of the cul-de-sac from 50' to 66' to the adjacent property to the south, per request by Planning Staff. A revised layout and cover letter were provided by the project engineer and included in the packet (see attachments 16-18).

July 10, 2018 Planning Board Meeting

The Planning Board resumed discussion of the First Plat request and discussion included if the mature trees will remain, how will the 10% stormwater option worked and when a determination would be made on whether it would apply, and questions about the proposed stormwater pond on lots 11 and 12. The developer stated they will work with the builder or builders and believe the mature trees are a marketing item for the lots. The Watershed Protection Department will determine if the ten percent option will apply based additional analysis of the drainage that will be submitted by the developer. The project engineer also explained that the one proposed stormwater pond will collect

stormwater from a small portion of the project and access to the pond will be through an easement. The Planning Board by a vote of 9-0 recommended approval of the First Plat.

How does this relate to the Comprehensive Plan:

Plan Chatham was adopted by the Board of Commissioners in November 2017 and is a comprehensive plan that provides strategic direction to address the most pressing needs in the county. This property is located in an area of the county identified as Compact Residential in the Conservation on the Future Land Use and Conservation Plan Map. The description for Compact Residential includes development that is mix use of single family and/or multifamily units, community centers, recreational uses, amenities, churches, and schools complemented by a variety of open spaces.

Although the proposed subdivision is not a compact residential design it meets the adopted riparian buffer and stormwater control standards of the county. The developer also contacted the NC Natural Heritage Program to review their database for any rare species, important natural communities, natural areas, or conservation/managed areas within the project boundary and none were identified in their records. It should be noted that Plan Chatham is not intended to be used as a regulatory tool, but is a policy document. When reviewing subdivision applications the boards can use the plan as a tool to identify future regulatory changes.

Recommendation:

The Planning Department and Planning Board by unanimous vote recommend granting approval of the road name 'Bonterra Way' and granting approval of subdivision First Plat for **Bonterra Subdivision** with the following conditions:

1. Approval of the First Plat shall be valid for a period of twelve (12) months following the date of approval by the Board of Commissioners and the Construction Plan approval shall be valid for a period of twenty-four (24) months from the date of approval by the Technical Review Committee or Board of Commissioners.