



Chatham County Planning Board Approved Minutes August 7, 2018

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:

Carolina Siverson, Chair
George Lucier, Vice-Chair
Jon Spoon
Allison Weakley
Tony Gaeta
Brian Bock
Bill Arthur
Clyde Frazier

Absent:

Gene Galin
Emily Moose
Jamie Hager

Planning Department:

Jason Sullivan, Planning Director
Kimberly Tyson, Planner II/Subdivision Administrator
Daniel Garrett, Clerk to the Board

- I. INVOCATION AND PLEDGE OF ALLEGIANCE:
Mr. Gaeta delivered the invocation and afterwards everyone stood and recited the Pledge of Allegiance.
- II. CALL TO ORDER:
Chair Siverson called the meeting to order at 6:30 p.m.
- III. DETERMINATION OF QUORUM:
Chair Siverson stated there is a quorum (8 members were present and 3 absent). Mr. Galin, Ms. Hager, and Ms. Moose are absent.
- IV. APPROVAL OF AGENDA:
Approval of the Agenda- Chair Siverson asked the board members if there were any issues with the Agenda. There was not and it was approved.

- V. APPROVAL OF THE MINUTES: Chair Siverson asked for consideration of a request for approval of the July 10, 2018 minutes with a few minor proposed changes. There were no objections by board members and the July 10, 2018 minutes were approved.

Motion was made by Vice-Chair Lucier to approve; seconded by Mr. Gaeta.

Motion passed 6-0

Mr. Spoon and Mr. Arthur did not vote on the minutes because they were absent during the July 10, 2018 Planning Board meeting.

- VI. PUBLIC INPUT SESSION: There were no citizens signed up to speak.

- VII. SUBDIVISION:

1. Request by Lee Bowman, Project Manager, on behalf of NNP Briar Chapel, LLC for subdivision preliminary and final plat approval of **Final Right-of-Way Dedication Plat, Property of Chatham County for NNP-Briar Chapel** and for subdivision final plat approval of **Final Plat for Briar Chapel, Phase 13 – Section 1 & 2**, consisting of 38 lots on 15.76 acres located off Great Ridge Parkway, parcels #80418, #86285, and #2617.

Ms. Tyson gave an overview from the staff notes and reported that the request before the Board is for final plat approval of 38 residential lots on 15.76 acres and for preliminary and final plat approval of right-of-way dedication at the intersection of Great Ridge Parkway and Mann's Chapel. The preliminary plat for Briar Chapel, Phase 13 Sections 1 & 2 consisting of 43 lots was approved by the Board of Commissioners on December 18, 2017. Final plat for Phase 13, Sections 1 & 2 is for 38 lots due to a change in the lot segmentation. The lots front Great Ridge Parkway with private alleys.

She continued to report that the NC Department of Transportation required that a right turn lane was needed on Mann's Chapel Road to Great Ridge Parkway resulting in the addition of the preliminary/final request as part of the Phase 13 application submittal. The Board of Commissioners voted on May 21, 2018 to approve the right-of-way dedication and temporary construction easement on parcel 88014 at the intersection of Mann's Chapel and Great Ridge Parkway. The parcel was dedicated to Chatham County by Newland Communities and contains a water tank.

Ms. Tyson informed that the Technical Review Committee met on July 18, 2018 to review the request. Staff discussion included right-of-way dedication, accessing the homes by alley, and residential parking. Tom Bender, Chatham County Fire Marshal had concerns about the fire apparatus coming off the private alleys because a fire truck may not be able to turn down the alleys. Mr. Bender forward an email dated July 18, 2018 stating that the area does meet the scope and intent of the NC Fire Code. However, it would be Mr. Bender's recommendation that the two access point radius be evaluated to possibly accommodate the fire department access.

She continued to report that the subject property is located in an area designated as Compact Residential which allows a mix of detached and attached residential units complemented by a variety of open spaces. Phase 13 Sections 1 & 2 will have 38 single family detached homes and 11.231 acres of common area.

Ms. Tyson ended by saying that the Planning Department recommends granting the request for a financial guarantee and granting final plat approval of **“Briar Chapel Development Phase 13, Section 1 & 2” and Final Right-of-Way Dedication Plat, Property of Chatham County for NNP-Briar Chapel, LLC** with the following condition:

1. The final plat not be recorded until the county attorney has reviewed and approved the form of the financial guarantee.
2. The final plat not be recorded until staff has received certification from the engineer that the roadway is accessible to emergency vehicles.

Ms. Tyson informed that the developer, Garretson Browne and Chris Seamster were available to answer questions.

Board Discussion followed and some items discussed were as follows:

- Vice-Chair Lucier asked, if the homes on these lots will be townhomes? Mr. Browne stated that they will be a mix of 26 foot and 32 foot lots and single family homes. Vice-Chair Lucier asked, what will the space between the lines? Mr. Browne answered, the building code is 6 foot clear, so there will be a minimum of 6 foot clear and in some cases it will be more.

Vice-Chair Lucier asked, how many parking spaces are there going to be? Mr. Seamster stated, there will be 10 spots on the north section and 18 spots on the south section, 28 parking spaces total. Vice-Chair Lucier asked, so there are 38 lots and only 28 parking spaces? Mr. Seamster stated that there is a rear driveway associated with every lot that is typical

throughout Briar Chapel and all the homes will have an accessory garage with two spaces for the residents and then there are an additional 28 parking spaces for overflow.

Ms. Weakley asked for confirmation that there will be no parking on the parkway. Both Mr. Browne and Mr. Seamster replied, there will be no parking on the parkway.

- Vice-Chair Lucier asked, how does this impact the Great Ridge Parkway development by Half Dollar Road? Mr. Browne replied, that will be seen in Phase 12, this Phase is on the west side of Half Dollar and anything in Phase 12 we be on the east, the opposite side of the road. This will not effect that intersection.

A board member asked, will the access to the Parkway be through the alley? Mr. Browne and Mr. Seamster both replied, that is correct.

- Ms. Weakley asked, what changed between the original approval and this approval? Mr. Browne responded saying, they reduced the lot count in Sections 1 and 2. He said there are two pods, the northern most pod would have been all 26 foot lots and they were switched to all 32 foot lots. That was the adjustment because of builder demand.
- Ms. Weakley stated she believed that there is a FEMA floodplain down at the southern stormwater pond, is that correct? Mr. Seamster answered, yes. Ms. Weakley then stated she thought it is important to show floodplains on the final plat. She asked Mr. Sullivan to gain access to the GIS application on the Chatham County website to show important information such as, streams and floodplain data. She commented on two floodplains and asked if the stormwater pond was completely out of the floodplain, because it doesn't look like it is?

There was some discussion about the location of the stormwater pond and the FEMA floodplain location, utilizing the GIS application and the final plat. Ms. Weakley asked if the floodplain can be shown on the plat so it can be clear that the stormwater pond and associated maintenance are separate from the FEMA floodplain. Mr. Seamster stated that the stormwater pond is not in the floodplain and that the GIS application is not as accurate, he thought the design for this phase was completed prior to

the flood map updates, but there is a 50 foot buffer shown on either side of that on our map.

Ms. Weakley stated, without knowing completely about the location of the stormwater ponds and associated maintenance to the FEMA floodplain, she did not feel comfortable voting on this item. Vice-Chair Lucier suggested that it be a condition to have the floodplain shown on the final plat. Mr. Sullivan stated that there can be a condition to show the floodplain on the final plat. Chair Siverson and Vice-Chair Lucier agreed that a condition would be better added, than to postpone the vote. Mr. Seamster stated he will go back to the office and overlay the plans and confirm the 100 foot buffer.

- Mr. Spoon asked, have they had the opportunity to address the Fire Marshal's concerns? Mr. Seamster stated yes, there was discussion in the TRC meeting about the alleys and that none of the alleys in Briar Chapel were really designed to facilitate fire traffic. During the TRC meeting, there was discussion about the size of the lots and the alley connections from Great Ridge Parkway. The main concern during the TRC meeting was about the radius of the alleys. After the TRC meeting, Mr. Seamster went to North Chatham fire station and met with Chief Strowd. However, he could not provide an exact radius he would like to have.

Mr. Seamster stated that both Fire Marshal Bender and Chief Strowd did not think the area ladder truck would ever be used to access the rear alleys. Mr. Seamster continued, stating that Chief Bender later called him in the office, clarified and apologized because he misunderstood what was said in the TRC meeting. He thought the homes were going to be attached town homes. Mr. Seamster said, Chief Bender was going to send Ms. Tyson an e-mail stating that everything was ok.

Mr. Seamster said, that he left the plans with Chief Strowd to see if he had any other concerns. Mr. Seamster stated that Chief Strowd called him a week later and he did not have a radius increase, but he did have a request for no parking signs on the short alley connection that runs between buildings. Mr. Seamster stated that is something they can definitely accommodate.

Mr. Spoon asked, will there be no fire trucks in the alleys or the rear area?
Mr. Seamster stated that was correct and that the fire hydrants would be used in that area.

- Ms. Weakley stated that on sheet 1 it shows the easements from stormwater ponds completely out of the stream buffer and the 10 foot no build zone, but on sheets 2 and 3 it shows small parts of the stormwater easement within the 10 foot no build zone. Mr. Seamster stated, they can take that out of it. Sometimes the easement lines for the ponds are more arbitrarily shaped around just to encompass it, not necessarily meaning work will be occurring right up to that line. He continued saying, it is all common area and maintenance easement for access to the pond so we can fix that.

Mr. Sullivan stated, that staff sometimes sees the maintenance easement in the 10 foot no build zone and they make sure it is outside of the required mandatory buffer. On the construction plans the staff makes sure there is no permanent structures that remain in the 10 foot no build zone, but staff has seen the maintenance easement in the 10 foot no build. He continued saying the pre-2008 regulations did allow for grading, but no permanent structures in that area.

- There was a short discussion about what should or could be shown on the final plat. Mr. Seamster stated that the code doesn't require them to show the outline of the pond within the maintenance area, but it had been requested over the years and that is why they show it on the final plat.

Vice-Chair Lucier made a motion to approve this item with the two conditions as noted in the request and to add an additional condition stating the floodplain be shown on the final plat and the stormwater ponds and the associated maintenance area should not be located in the floodplain; seconded by Mr. Gaeta.

Motion passed unanimously 8-0

2. Request by Sears Design Group, P. A. on behalf of Fitch Creations, Inc. for subdivision Preliminary Plat review and approval of **Ferrington P. U. D., Section X, Area "D" – Montgomery**, consisting of 16 lots on 7.6 acres, located off SR-1814/West Camden, SR-1817/Millcroft, SR-1812/Weathersfield parcel #18998.

Ms. Tyson gave an overview from the staff notes and she reported that the request before the Board is for preliminary plat review and approval of Section X, Area "D" – Montgomery, consisting of 16 lots on 7.6 acres in Phase 1 and includes the connection to Weathersfield (S.R 1812). A revised Sketch Plan was approved for the remaining undeveloped areas of Ferrington Village on July 17, 2017 and a copy of that plan is available on the County website under Supplementary Items. Administrative approvals were granted for adjustments to 'Area D' and a minor re-configuration of the parklands and roadways in relation to the layout on the 2017 Sketch Plan. A new wetlands classification was also completed this year by the Army Corp of Engineers and a copy of the wetlands survey signed by Andrew Williams, Regulatory Project Manager USACOE, dated June 29, 2018 is provided on the county website.

She continued to report the roadways were slightly reconfigured from the Sketch Plan and West Camden is proposed to be completed up to Weathersfield. Additionally, there is no stream crossing in this area. The streets Halifax, Montgomery Place, Pamlico, Granville, Cabarrus and West Camden are proposed to be public, state maintained roads. The Road Plan Approval for Section X, Area D, dated June 22, 2018 issued by NCDOT has been provided.

Ms. Tyson informed that the road names Montgomery Place, Halifax, Forsyth Row, Pamlico, Cabarrus, Buncombe Row, Granville, West Camden and Orange Row have been approved by the Chatham County Emergency Operations Office as acceptable to submit for approval by the Board of County Commissioners.

She continued to report that Ferrington is subject to the 1994 Watershed Ordinance which required a 50 foot riparian buffer along perennial and intermittent waters not within 2500 feet of rivers. An ephemeral feature located in the open space of Phase 1 area has a voluntary 30' buffer.

Ms. Tyson also stated a new wetlands classification was completed early this year by the US Army Corp of Engineers and the new wetland survey was signed and dated June 29, 2018 by Andrew Williams, Army Corps of Engineer, Regulatory Project Manager.

She continued to say, the TRC reviewed the request on July 18, 2018. Larry Bridges, Public Works Director, said he had no concerns with the reconfiguration of the road as long as the utilities shifted with the road. Mr. Bridges stated the 40' x 50' public drainage easement and multiple public easements shown on the plat are private drainage easements. Other county staff were present and there were no issues noted.

Ms. Tyson concluded by saying the Planning Staff recommends granting approval of the road names Montgomery Place, Halifax, Forsyth Row, Pamlico, Cabarrus, Buncombe Row, Granville, West Camden and Orange Row for approval of Preliminary Plat as submitted with the following conditions:

1. The multiple public drainage easements be replaced with private drainage easement.
2. The final plat shall have the spelling of 'Montgomery' changed to 'Montgomery'.

Ms. Tyson said the developer, Mr. Sears and Mr. Keith are available for questions.

Board discussion followed and some items discussed are as follows:

- Vice-Chair Lucier asked, what is a public drainage easement opposed to a private drainage easement? Mr. Sullivan stated, that they have several of these areas in Fearington. The DOT determines what drainage easement is public or private. Mr. Sullivan refers to Mr. Keith to answer the question. Mr. Keith stated that it has to do with maintenance, a public easement is attached to the Right of Way and that implies that DOT would maintain it. He continued by saying, the DOT doesn't want to maintain anything if they don't have to. So the DOT wants the drainage easement to transition to private easement as soon as it can to put the maintenance on someone else, outside of the Right of Way.

Mr. Bock asked, would that change condition number 1 on the item? Mr. Sullivan stated that if that is the case, then condition number 1 can go away.

- A board member asked, how long does Fearington get to use old standards? Mr. Sullivan stated, until their project is complete. Mr. Spoon asked, is there a time limit to complete the project? Mr. Sullivan stated that the original approval of the project is dated in 1974 or 1975 and they have been continuously developing. There have been certain rules that have been State mandated through the years that they have to comply with, like the 1994 Watershed Protection Rule, which became mandatory state wide.

The Jordan Rules came in, certain parts are required and certain parts are not.

Mr. Sullivan continued saying the overall project approval, as it relates to county regulations, there are certain things that are grandfathered in based on the 1974, 1975 approval. Some things that are not grandfathered would be Soil & Erosion Sedimentation Control, that's a new program that the county started and they do have to comply with that regulation. It depends on the type of regulation that has come into place and whether or not the aspects are grandfathered.

- Ms. Weakley stated that she appreciates them for providing voluntary buffers. It is in the developers and the home owners' best interest to have the voluntary buffers, because with all of the public drainage areas that are coming into where an ephemeral stream is located. Eventually over time the ephemeral stream isn't going to be ephemeral anymore.
- A board member raised the question of public safety and the walking path along Millcroft. He stated he understands the Planning Board cannot require sidewalks, but apparently there was a fatality when one of the residents of Fearrington was getting their mail. Mr. Gaeta said that is what the e-mail stated from a concerned resident. Mr. Gaeta asked is there a safe walkway along Millcroft?

Mr. Sears stated that yes, there is a pathway and it develops further as land is developed. Mr. Sears stated that the pathway will be developed with the street. The preliminary plat drawing is specific for the reviewers of all the agencies, and no agencies approves the sidewalks in this review. There is a gravel path there now and will be developed as the project builds out.

Mr. Sullivan stated that most of their pathways are outside of the Right of Way and are in the common areas. If the pathways were in the Right of Way, they would have to get an encroachment agreement with the DOT, but because they are in the common areas, they have greater flexibility of installation after they laid out the lots.

- Ms. Weakley pointed out that on sheet C1 it shows Montgomery as Phase 2. There is some confusion because it says Phase 1 on the bottom of the sheet, but Phase 2 on highlighted projected phase. Mr. Sears stated that is incorrect and it will be corrected.
- Ms. Weakley stated that she has a question about the new wetland survey. She stated that she assumed it was required because the former wetlands survey and permit had expired. Mr. Sears confirmed, yes. She stated that this is Jordan Lake watershed and on the conservation planning application with the GIS there is a layer that can be displayed called soil streams and it shows a soil stream in the location of the wetland in section J.

Mr. Keith stated that there are little pockets of wetlands in several places. He stated that they are not proposing any disturbance in any of those locations. Ms. Weakley asked about the area in section L. Mr. Sears stated that this is an overall plan, but that is many years away and has not been approved. Mr. Sears stated they will stay away from the wetlands.

Mr. Sullivan stated that the US Army Corps has identified a new wetland in this location that will require them to make modifications because of a federal requirement. Mr. Keith stated that the sketch plan was done with the old wetlands survey. In the interim, they had expired. He stated they have been working with the Army Corps for two years to get the maps signed. Mr. Keith stated that what you are seeing will have to change to accommodate the new survey.

Ms. Weakley had concerns because what is shown on the soil survey is that this wetland is documented as a soil stream, which is coming down and joining with this other wetland. She stated that it is shown as an isolated wetland, but is it in fact part of this whole drainage system that is identified on the soil survey map as a stream. She also asked, has there been an updated stream determination to look at whether or not that wetland may also be a stream and is it all connected? She stated that stream determinations expire every 5 years in general. Ms. Weakley also stated, that if DWR came out and did a stream determination, they would use the soil survey maps to show where the approximate location of where the stream is and then they would determine whether or not it's an intermittent, perennial, or ephemeral stream. Mr. Sears stated that they had the Army Corps approval. Ms. Weakley stated that is different from the Jordan Rule. She said that is a state rule not a federal rule.

Ms. Weakley asked Mr. Sullivan, if an updated stream determination was completed and is the wetland a stream and is it connected to this lower stream? Mr. Sullivan replied that they would have to follow up with the Watershed Protection department.

Ms. Weakley just wants to know for sure if this is a stream or not. Mr. Keith stated, the only impact would be a road crossing. Ms. Weakley stated that is important to know, because you need a permit to impact that stream. Mr. Sullivan confirmed that is something they will follow up with the Watershed Protection department. He stated that if it is deemed a stream and if there is a connection between the wetland and newly identified wetland from the Army Corps, then the worst case, there would have to be a buffer authorization from their office for the road impact.

Ms. Weakley stated that if it is determined to be subject to Jordan Rules it would have to be a mandatory 50 foot buffer. She stated that we should have due diligence and find out whether or not that wetland is perhaps a perennial or intermittent stream based on Jordan Rules because then it would be subject to a 50 foot buffer.

Mr. Sullivan stated that the only thing that they really need to confirm is if a buffer authorization is required for the road crossing. Ms. Weakley confirmed, a verification of the stream? Mr. Sullivan stated yes, and that they will be working with the Watershed Protection department on that.

Vice-Chair Lucier asked, should that be made a condition? Mr. Sullivan stated yes, it should be a condition.

- A board member asked if there is currently enough capacity for waste water treatment to accomplish this project, or is there going to be construction for expansion? Mr. Keith stated, no. They are planning as they go and it is kind of a moving target. Mr. Spoon asked, if they needed a few more phases to know for sure? Mr. Keith stated correct or that a flow reconciliation can be performed. Generally, it has to reach 80% before they start thinking about waste water treatment expansion. He stated that they already have an authorization construction plan. Ms. Weakley asked if that was with Briar Chapel. Mr. Keith stated he was not going to comment on that. He stated that it is still pending.

- Vice-Chair Lucier asked, how should the additional condition be written? Mr. Sullivan stated that the condition should read, “Determine if a buffer authorization is needed where West Camden Road crosses an area identified on the NRCS Soil Survey map and whether a 50’ buffer applies pursuant to the Jordan Buffer Rules.”

Motion to approve this item with 2 conditions, the removal of Condition 1 and replace Condition 1 with determine if a buffer authorization is needed where West Camden Road crosses an area identified on the NRCS Soil Survey map and whether a 50’ buffer applies pursuant to the Jordan Buffer Rules, was made by Vice-Chair Lucier; seconded by Mr. Bock.

Motion passed unanimously 8-0

3. A Legislative Public Hearing request by the Board of Commissioners to adopt revisions to the Chatham County Flood Damage Prevention Ordinance.

Mr. Sullivan gave an overview of the staff notes and he reported on April 19th, 2018, FEMA provided the County Manager with a notice that final flood hazard determinations had been made by the agency (letter is included as an attachment). FEMA received no requests for changes in the flood hazard determinations made in the preliminary Flood Insurance Study (FIS) and proposed FIRM, which were published on October 16, 2014 and July 7, 2016. Four (4) FIRM panels that are partially located in both northeast Chatham County and southeast Durham County were revised. According to Milton Carpenter, the NFIP Planner from NCDPS, none of the revised flood hazard areas of the FIRM panels were located within Chatham County. Though there were no revisions to any flood hazard areas within Chatham County, Chatham County is still required to amend the FIS effective date in the Flood Damage Prevention Ordinance to October 19, 2018 to remain eligible for the National Flood Insurance Program. October 19, 2018 is the new effective date for the revised FIS and reflected in Section B of the Flood Damage Prevention Ordinance.

He continued saying this change to the Flood Damage Prevention Ordinance will not impact how Chatham County currently regulates flood hazard areas. The day-to-day floodplain administration of Chatham County should remain the same. A public hearing on this item was held during the June 18 Commissioners meeting and no public comment was provided.

Mr. Sullivan concluded saying, Planning staff recommends adoption of an amendment to Section B of the Flood Damage Prevention Ordinance to change the effective date to October 19, 2018.

Board Discussion: No board discussion on this item.

Motion made by Ms. Weakley to approve the request; seconded by Mr. Bock.

Motion passed unanimously 8-0

VIII. ZONING: No Items

IX. NEW BUSINESS: None

X. BOARD MEMBERS ITEMS:

1. Update from the Planning Board liaisons.
No updates noted.

PLANNING DIRECTOR'S REPORTS:

Mr. Sullivan reported on the following:

1. *Minor Subdivisions/Exempt Maps* - Information was included in tonight's agenda packet for your review.

Small spelling correction on Exempt list item.

2. Anne Lowry, Chatham County Environmental Health Director, will provide a presentation about environmental health regulations for well and septic system permitting during the September 4th Planning Board meeting.

- A board member asked, if there was anyway there could be a synopsis of different types of septic systems that Ms. Lowry deals with and the requirements for those? Mr. Sullivan stated he would ask Ms. Lowry about that request.

3. *Each Planning Board member received a safety vest and Mr. Sullivan requested that all members please wear the safety vest during site visits.*

