



**Chatham County Planning Board
Approved Minutes
August 6, 2019**

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
Clyde Frazier
Cecil Wilson
Gene Galin
Allison Weakley
Jon Spoon
Bill Arthur
Franklin Gomez Flores

Absent:

Jamie Hager
Emily Moose

Planning Department:

Jason Sullivan, Planning Director
Kimberly Tyson, Subdivision Administrator
Janie Phelps, Zoning Official
Dan Garrett, Clerk to the Planning Board

- I. INVOCATION AND PLEDGE OF ALLEGIANCE:
Mr. Wilson 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 (9 members were present, Ms. Hager and Ms. Moose were absent.)
- IV. APPROVAL OF AGENDA:
Approval of the Agenda - Chair Lucier asked the board members if there were any issues with the Agenda. There were no objections and the agenda was approved.
- V. APPROVAL OF THE MINUTES:
Chair Lucier asked for consideration for approval of the July 9, 2019 minutes. There were no objections by Board members and the July 9, 2019 minutes were approved. Motion was made by Mr. Flores to approve; second by Vice-Chair Siverson. Motion passed with a vote of 8-0, Mr. Spoon did not vote because he was absent from the July Planning Board meeting.

VI. PUBLIC INPUT SESSION:

There was one person signed up to speak, but asked to speak after the first item on the agenda.

VII. SUBDIVISION:

1. Request by Dan Sears, P.A. on behalf of Fitch Creations, Inc. for subdivision **Final Plat** review and approval of **Ferrington P.U.D., Section X Area "D" Phase One - Montgomery**, consisting of 14 lots on 8.792 acres, located off Milcroft/SR-1817, E. Camden/SR-1813, and Weathersfield/SR-1807 parcel #18998.

Ms. Tyson gave an overview of the staff notes and she stated that the request before the Board is for Final Plat approval of Ferrington, Section X, Area "D", Phase One, Montgomery. Montgomery received preliminary plat approval for 15 lots from the Board of County Commissioners on May 6, 2019. Since the preliminary plat approval of Phase One Montgomery the number of lots in this phase has been reduced by one. Attachment #2 in your packet shows the approved preliminary plat lot lines in red and the revised lot lines in black. The lot reduction doesn't change the overall approved unit total of the P.U.D and the lot that has been removed will be reallocated in a future phase. The roadways in Area "D", Phase One, Montgomery and Milcroft are proposed to be constructed as NCDOT public, state maintained roads. The final plat request is being submitted with a request for a financial guarantee for the completion of required infrastructure. As of the submittal date, the engineer, Alan Keith, P.E., certified that the project was 41.7% complete and that the roadways are accessible to emergency vehicles. An updated cost letter may be submitted prior to final plat recordation. Staff recommends that the request for a financial guarantee be granted.

Ms. Tyson also stated Ferrington is subject to the 1994 Watershed Protection Ordinance which requires a 50 foot riparian buffer along perennial and intermittent water features not within 2500 feet of rivers. Ephemeral features were not required to be buffered. The developer has provided a 30 foot voluntary buffer along each side of a creek, running along Lots 4609-4614. The property lines for the lots adjacent to the water features go to the center of the streams. A 50 foot wide perimeter buffer has been placed within the lots along the common boundary line of the adjoining properties of MRLD, LLC. The preliminary plat includes a condition that "the final plat shall not show duplicate lot numbers within Ferrington P.U.D." and this condition has been met. The Technical Review Committee met on July 17, 2019 to review the request. There were no concerns from staff.

Ms. Tyson stated in closing that the Planning Department recommends granting approval of the request for a financial guarantee and recommends granting approval of the request for final plat approval of Ferrington Section X, Area "D", Montgomery as submitted with the following conditions:

1. The plat not be recorded until the county attorney has approved the contract and the form of the financial guarantee.

Board Discussion followed and some items discussed were as follows:

- Ms. Weakley thanked the developer for the 30' volunteer buffer on the ephemeral streams. She did ask about any restrictions for the 30' buffer because they are within the lots, such as will they remain vegetated. Mr. Sears stated the buffer shall remain the way it is with no clearing.
- Chair Lucier stated the only clearing would be downed or dead trees, but nothing beyond that. Chair Lucier asked if that will be part of the homeowner Covenants. Mr. Sears stated yes.

Motion made by Mr. Galin to approve this item; second by Mr. Arthur. Motion passed unanimously, 9-0

2. Request by Dan Sears, P.A. on behalf of Fitch Creations, Inc. for subdivision **Preliminary Plat** review and approval of **Ferrington P.U.D., Section X Area "D" Phase 2 & 3 - Montgomery**, consisting of 11 lots on 5.12 acres in Phase 2 and 10 lots on 4.24 acres in Phase 3, located off Millcroft/SR-1817, E. Camden/SR-1813, and Weathersfield/SR-1807 parcel #18998.

Ms. Tyson gave an overview of the staff notes and she stated that the request before the Board is for preliminary plat review and approval of Section X, Area "D" Phases 2 & 3 – Montgomery, consisting of 11 lots on 5.12 acres in Phase 2, 10 lots on 4.24 acres in Phase 3 and Phase Two of Millcroft. A revised Sketch Plan was approved for Section X, Area "D" on February 18, 2019. See Attachment #4. The proposed project has open space by lots 4615, 4616, 4626 and 4627. As part of this phase, a section of Millcroft will be constructed up to Phase 3 of the residential project. County water is available and will be utilized. The Water Main Extension Permit and the Authorization to Construct, dated May 9, 2019 issued by NC Department of Environmental Quality (NCDEQ), Division of Water Resources have been provided.

Ms. Tyson stated sewer service is provided by the Ferrington private wastewater treatment plant. Alan Keith, P.E., Diehl & Phillips, P. A. has provided a letter stating that the plant has sufficient capacity to serve Section X, Area D. Mr. Keith's letter also states that "Fitch Creations, Inc. has Authorization to Construct an expansion to the wastewater treatment plan from the North Carolina Division of Environmental Quality". The Wastewater Collection System Extension Permit, issued by the NCDEQ, Division of Water Resources, dated May 10, 2019 has been provided. The main roadway in Phase 2 & 3, Millcroft, is to be constructed up to Phase 3. The cul-de-sac streets, Forsyth and Halifax, are proposed to be public, state maintained roads. The revised Road Plan Approval for Section X, Area D, dated May 30, 2019 issued by NC Department of Transportation has been provided. Additionally, there is no stream crossing in this area. The road name Forsyth, Halifax, and Millcroft have been approved by the Chatham County Emergency Operations Office as acceptable to submit for approval by the Board of County Commissioners.

Ms. Tyson continued stating Ferrington is not subject to the Chatham County Stormwater Ordinance. Soil Erosion and Sedimentation Control was approved April 16, 2019. Ferrington is subject to the 1994 Watershed Ordinance which requires a 50 foot riparian buffer along perennial and intermittent waters not within 2500 feet of rivers. There are no streams located within Phases 2 & 3. There are open space areas beside lots 4615, 4616, 4626, and 4627. Trails are located within the open space. The open space area will be transferred to a homeowners association. Phases 2 & 3 are located adjacent to private property owned by MRLD, LLC and a 50' wide perimeter buffer is shown on the preliminary plat. The TRC reviewed the request on July 17, 2019 and there were no concerns from staff.

Ms. Tyson stated in closing the developer has provided two sets of full construction plans which are available in the Planning Department if you would like a copy for review. The Planning Staff recommends granting approval of the road names Forsyth, Halifax, and approval of the Preliminary Plat as submitted.

- Chair Lucier asked Mr. Steen if he would like to speak to the Planning Board.
- Mr. Steen of 604 Ferrington Post spoke and had a few comments. He stated he has been a resident of Ferrington for 16 years and is a wonderful place to live. He had a question, but wasn't sure if it was relevant to the items being address tonight. He asked what was going to be done with the open space in section ten which is about 5 acres of pasture. Mr. Steen stated he was a former member of the FHA in Ferrington, but he is just asking as a homeowner and wanted to know if the homeowner association was going to be responsible for the pasture.

- Chair Lucier stated the open space is not part of this application, but Chair Lucier asked the developer if they wished to respond to the question.

Mr. Fitch stated he would address that open space later.

Mr. Sullivan stated there is a preliminary plat that covers part of that area currently, but Mr. Fitch was saying they will be modifying that area and staff is aware there will be some revisions at some point in the future.

Board Discussion followed and some items discussed were as follows:

- Mr. Spoon asked about the traffic circle on Milcroft and if the road will be paved. Ms. Tyson stated they will be changing the traffic circle and the road will be paved. Mr. Sears stated there is an emergency access to the property south of Farrington, required by the P.U.D. for needed utilities and emergency vehicles.
- Mr. Arthur asked about Area “D” and future development of Area “G” and how many homes will be built in those areas in total. Mr. Sears stated there will be 87 homes in those areas, which is on 100 acres. Mr. Sullivan pulled up the Master Plan for the Planning Board to see the different areas.

Mr. Spoon asked the developer about the areas in alphabetical order and if that is the sequence they will be developing. Mr. Sears stated not necessarily, Area “K” has already been developed.

- Ms. Weakley asked if they proposed mass grading on this site. Mr. Sears stated they had projects on flat land with tight lots where there was mass grading, but these lots are larger and the only clearing will be for the streets and house site, no mass grading.

Motion made by Vice-Chair Siverson to approve this item; second by Mr. Wilson. Motion passed unanimously, 9-0.

3. Request by Mark Ashness, P. E. on behalf of Marthas Investment, LLC for subdivision **First Plat** review and approval of **Folkner Branch Subdivision**, consisting of 40 lots on 186 acres, located off Marthas Chapel Road, SR-1752, parcels #17850 and #70380.

Ms. Tyson gave an overview of the staff notes and she stated the request is for First Plat review and recommendation of Folkner Branch Subdivision, consisting of 40 lots on 186 acres, located off Martha’s Chapel Road, S. R. 1752. A vicinity map showing the property location, attachment # 2, 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 meetings to act on the proposal.

Ms. Tyson stated the road is to be built as a 50 foot wide public right-of-way, with a 20 foot wide travelway, and is to be a state maintained road. William Judson, Chatham County Fire Marshal, stated he had no issues and/or concerns. The applicant contacted Bev Wiggins, Chatham County Historical Association. Ms. Wiggins corresponded by email and stated she didn’t need additional information unless evidence of human habitation was found. Should old roads be located, she would like to be notified. Notification of the proposed development

was provided to the Chatham County School System. The developer submitted the General Environmental Documentation and a letter dated April 29, 2019 from North Carolina Department of Natural and Cultural Resources Natural Heritage Program to Chatham County Land & Water Resources Division for review. See attachments 5 & 6. The letter states "A query of the NCNHP database indicates that there are records for rare species, important natural communities, natural areas, and/or conservation/managed areas within the proposed project boundary. The 'Potential Occurrences' table summarizes rare species and natural communities that have been documented within a one-mile radius of the property boundary. The proximity of these records suggests that these natural heritage elements may potentially be present in the project area if suitable habitat exists." Rachael Thorn, Watershed Protection Director, reviewed and approved the information submitted.

Ms. Tyson continued stating a community meeting was held on May 2, 2019 at Hyatt Place Hotel, 7840 NC Hwy, Durham. Approximately twenty people attended the meeting. Items/issues discussed included proposed wells impacting groundwater, street lights, perimeter buffers, construction traffic entrance, potential project timeline, average house size, stormwater runoff into adjacent properties, driveways next to adjacent properties, and additional traffic to Martha's Chapel Road. The applicant addressed most of the concerns at the community meeting and revised the proposed plat to add a voluntary 30' perimeter buffer around the entire project. The developer proposes to pave 100' of Vincent and Angela Cacace driveway and add landscaping as a buffer. The additional buffer, driveway paving, and landscaping are voluntary and cannot be required by the county.

Ms. Tyson also stated the TRC met July 17, 2019 to review the First Plat submittal. The applicant and developer weren't present. Items discussed included location for septic area on Lot 6, driveway widths, shared driveways, turning radius of Lots 2-4 for fire truck access, and if there will be a pond that firefighters could access. The County Fire Marshal, William Judson, had concerns with the driveway widths and turning radius on Lots 2-4 and asked if the shared driveways need to be separated. Chief Strowd, North Chatham Fire Department, asked if the subdivision would have a pond for the firefighters to use. A soils report and map, attachment #9, was submitted. The lots are proposed to be pretreatment surface drip and/or pretreatment spray irrigation septic systems. The systems proposed are systems that have to be approved by the NC Department of Environmental Quality and Chatham County Environmental Health Department isn't required to review.

Ms. Tyson stated County water is not available and each lot will have a private well. The road name Folkner Branch Lane and Pinewind Court have 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 on an open space lot between Lots 1 and 5. Steven Ball of Soil and Environmental Consultants, PA, submitted the Riparian Buffer Review Application along with a riparian buffer map, dated July 18, 2018, to Drew Blake, Chatham County Watershed Protection Inspector for review. Mr. Blake and Mr. Ball completed an on-site riparian buffer review on January 10, 2019 to verify the consultant's findings. Mr. Blake issued a confirmation letter of his findings dated January 23, 2019.

Mr. Ball and Mr. Blake met onsite with Andy Williams, US Army Corps of Engineers, on January 10, 2019. An email dated May 26, 2019 from Jean Gibby, Chief Raleigh Field Office US Army Corps of Engineers, states she concurs that the wetland delineation map provided to her represents the limits of the of US Army Corps of Engineers regulatory authority pursuant to Section 404 of the Clean Water Act. Ms. Gibby provided an email instead of a jurisdictional determination and staff deemed that was acceptable for the First Plat submittal. Any additional Corps permits must be obtained prior to submittal of the Construction Plan application. S&EC personnel identified sixteen ephemeral stream segments, six intermittent streams, two perennial streams, and twenty-two wetlands. Some modification were made based on the on-site meeting and were agreed to by all parties. The riparian buffer report states twelve ephemeral stream segments, nine intermittent stream segments, two perennial stream segments, and twenty-two wetlands.

Ms. Tyson also stated four stormwater devices are proposed and will be placed within open space in the subdivision. As part of the stormwater permitting process, additional information will be provided to the Watershed Protection Department. A Stormwater Permit and Sedimentation & Erosion Control Permit will be obtained from the Chatham County Watershed Protection Department prior to Construction Plan submittal. No land disturbing activity can commence on the property prior to obtaining Construction Plan approval. Site visits were scheduled for July 18 and 24, 2019 for Planning Department staff and various Board members to attend. Mark Ashness, P.E. was present to walk the property with staff and Board members and discuss the project. Areas of the property viewed were the wetlands and intermittent stream, and center line of the proposed road alignment.

Ms. Tyson continued stating 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 identified as village center and rural on the Future Land Use and Conservation Plan Map. The bulk of the proposed project is rural and the description includes rural low density development, single homes on large lots, public open space, greenway trails, agriculture, home-base/small businesses, and two-lane roads. Folkner Branch is designed for single family homes with a minimum lot size of 2 acres and maximum of 9.96 acres. 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.

Ms. Tyson stated in closing the Planning Department recommends granting approval of the road name Folkner Branch Lane and Pinewind Court and granting approval of subdivision First Plat for **Folkner Branch Subdivision** with the following conditions:

1. The Final Plat shall show the acreage/square feet of the stream/feature, total usable acres, and total acres including buffer on Lots 1-12, 14-23, 31, 37-40.
2. The Final Plat shall show the cul-de-sac with a 40' radius, edge of pavement.
3. The Final Plat shall show the riparian buffer widths.
4. Approval of the First Plat shall be valid for a period of twelve 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 months from the date of approval by the Technical Review Committee or Board of Commissioners.

Public Hearing Comments:

- Ms. Carla Reed of 35 Chapel View Dr. spoke and had a few comments. She stated directly across from the proposed entrance to the property is a small 100 year old home that she owns and some of the property along Martha Chapel Rd. Ms. Reed has an extreme concern for the increased volume of traffic that will be a result of the proposed subdivision. She has witnessed several accidents on Marthas Chapel Road involving cars going through her vinyl fence into her horse pasture. Ms. Reed stated there is potential for bottle necking as people are to slow down to enter the property and increased accidents. She also stated there is a bus stop for children near the proposed entrance of Folkner Branch and a second bus stop at the entrance of Chapel View Farms. In the current situation, she sees people coming down Marthas Chapel Road way too fast and can hear collisions as they try to enter onto NC Hwy 751. Adding 40 more homes to this area, she wants to make sure people are aware of the impact this will cause with a single entry and exit point to the neighborhood. Ms. Reed stated she is in favor of having beautiful, large subdivisions like this proposed plan, but she would like to suggest for the developers to consider some kind of landscaping so people will be aware there is an entrance to a neighborhood. Ms. Reed also stated that Marthas Chapel is a cut through road to Hwy 751 and she

feels it is her duty to highlight the concern for human safety. Personally, she would like the developer to consider building a buffer much like they are doing for the neighboring property driveway for her property as well to reduce the noise aspect and control the aesthetics of that area. In closing she stated the house is an historical house and the property should be retained and preserved.

- Mr. Adam Phillips of 480 Farrells Creek Rd. spoke and had a few comments. He stated his concern is about Pine Wind Ct. and how close it is to their adjoining property.
- Mr. Stephen Ballentine of 385 Farrells Creek spoke and had some comments. He stated he had provided an e-mail to staff addressing his concerns. In his neighborhood Farrells Creek, they have a private road that has a history of flooding problems. He stated about 2/3rds of the Folkner Branch subdivision appears to be draining towards the private road culvert. His concern is for increasing stormwater flowing into that culvert and any kind of financial assistance would be appreciated so one day they can replace the culvert to a larger culvert. Mr. Ballentine asked if there could be a 50' buffer with Leyland Cypress trees located by the driveways for lots 17 and 18 and maybe shift the cul-de-sac to create a larger buffer. He stated they are happy to see a high end neighborhood coming to the property with covenants and a HOA. Mr. Ballentine stated he is in favor of this neighborhood and is asking for them to work with them on some of these issues. Mr. Ballentine thanked the Planning Board.
- Ms. Judy Gookin of 1749 Hollands Chapel Rd. spoke and had a few comments. She stated her concern is about the stormwater and wastewater runoff because she resides downhill from three properties in Folkner Branch. During the wet season water literally bubbles up from the ground because the land doesn't perk well at all. Ms. Gookin stated she has the County inspect her septic twice a year and she had been told that under current regulations her septic probably would not be approved on her property.

Chair Lucier asked, what is the regulated distance between well and septic field? It was determined that it is 100'. Ms. Gookin stated her well is 10' away from the property line. Chair Lucier stated if that is the case then the septic field would have to be at least 90' away from the property line.

- Mr. Eric Tomhave of 44 Dry Creek Ct. spoke and had a few comments. He asked the developer if there were any plans for equestrian activities on the property. Mr. Ashness stated there are some properties large enough to accommodate equestrian, but he is not sure if they will allow it. Mr. Tomhave stated a lot of people in Chapel View have horses and would like the developer to consider some equestrian trails. He also stated he has concerns about the traffic as well. The posted speed limit on Marthas Chapel is 45 mph, but people are normally going 60 mph. He mentioned that three people were killed this year on 751 as a result of someone passing bicyclists. Mr. Tomhave asked if the developer would consider widening the road and putting in a bike lane for safety. Marthas Chapel and Hwy 751 intersection is very dangerous. Mr. Tomhave thanked the Planning Board.
- Mr. Phillip Foote of 117 Hogan Farm Rd spoke and had a few comments. He stated watershed buffers are wonderful, but his concern is that all the pesticides, fertilizer, and engine oil that drips will end up in Jordan Lake which is a drinking water supply. He stated the more homes that are places on branches of Jordan Lake is going to worsen the problem. Mr. Foote stated this would be a great project if it only had 20 homes being built. He also mentioned light pollution from the street lights and how people come out to Jordan Lake for the dark nights to look at the stars. Mr. Foote also mentioned the traffic issues

and the speeding that people are doing on these curvy roads. Mr. Foote reiterated his concern about the pollution draining into Jordan Lake and how people 30, 40, 50 years ago came to this area to leave the city, now the city is coming to them and there doesn't seem to be any help. Mr. Foote thanked the Planning Board.

Board Discussion followed and some items discussed were as follows:

- Mr. Spoon stated he agrees with Mr. Phillips and his concern about the driveways near his property. He asked Mr. Ashness if he could discuss any options. Mr. Ashness stated there was a good attendance at the community meeting with good questions and concerns. He stated he appreciates the concerns that the citizens had been raising and he will address those concerns starting with the driveways. During the community meeting there were some additional roads and the cul-de-sac extended much further and was a lot closer to the Phillips property. Mr. Ashness stated as a result of the community meeting they shortened the cul-de-sac and have two lots sharing a driveway. He explained that there is not four driveways, but a single driveway for two lots then a gap and another driveway shared by two lots. It was specifically set up that way to reduce vegetation impact.

Chair Lucier asked what the distance would be from the driveway. Mr. Ashness stated 50' distance. Rather than having another road with a large cul-de-sac for emergency vehicles they went with the shared driveway approach.

Mr. Spoon asked if that could be accomplished by a single driveway. Mr. Ashness stated if they were to try that, there would have to be some kind of turnaround mechanism that is required, which can be quite large. Mr. Ashness stated in his option this is the least impactful route.

Ms. Weakley asked Mr. Ashness if they had spoken to the Fire Marshal about what is required for a four person driveway. Mr. Ashness stated they are aware of what is required by the Fire Marshal and what is being proposed is allowed by the County. With three or more lots there needs to be a turnaround or a cul-de-sac.

- Chair Lucier asked how this development ties in with the Chatham County and Cary Joint Use Plan and if this development would have to be approved by Cary. Mr. Sullivan stated with this development there would just be a notification, in compliance with the Plan.

Mr. Ashness asked Mr. Sullivan what the ratio is for house per lot. Mr. Sullivan stated it is 1 house per 1 acre lot. Mr. Ashness stated the soils in this area would not allow for that and this development has an average of just under 4.5 acres per lot. Mr. Ashness stated he was looking at this project back in 2006 and they were proposing a school to be built on this property with water and sewage and 180 lots. Mr. Ashness believes this is a very traditional development and 4.5 acres per lot is not an impactful project. He also stated that he spoke with Mr. Kitchen with NCDOT and asked him specially if there needs to be a turn lane and NCDOT responded that there does not need to be a turn lane based on the traffic on Marthas Chapel Road. Mr. Ashness stated 40 homes does not generate significant traffic.

- Mr. Spoon asked if they had considered a Conservation Subdivision for this property. Mr. Ashness stated they did not because their client has other projects in this area and feel that they are doing well and also feel that this project with 40 large lots will do well also.

- Mr. Galin stated he has experience traveling down Hwy 751 and Marthas Chapel and he understands the citizens' concerns about traffic near the development entrance. He confirmed that NCDOT does not require a turn lane for the entrance. Mr. Ashness stated he was correct, a turn lane is not required. Mr. Galin asked wouldn't the neighbors and the future 90 people living in the development appreciate having a turn lane? Mr. Ashness stated as people travel this road they will know a subdivision entrance is coming up rather than a single driveway. He also stated at the end of Marthas Chapel all vehicles have to come to a complete stop at Hwy 751 so they should be slowing down. Mr. Ashness stated it is nice to have a turn lane, on a development off of Hwy 751 they did put a turn lane because traffic is eight times greater on Hwy 751, but also the adjacent property owners were willing to put in a turn lane. At the community meeting Ms. Reed stated she would not give a foot of her property to put in a turn lane across the street. Mr. Ashness stated he can appreciate that because of the historic house on the property. He stated if NCDOT required the turn lane, they would put them in, they indicated that they would not need turn lanes at this location.
- Mr. Arthur asked about the suggestion about having a visual entrance so people know there is a neighborhood coming up. Mr. Ashness stated sometimes there is a sign informing of a neighborhood and they would be happy to discuss that with DOT. He stated they were not anticipating putting any kind of extravagant entrance, but more of a simple entrance, they are open to suggestions that will influence a common factor at the entrance
- Chair Lucier asked how far the entrance of Folkner Branch to NC Hwy 751 is. Mr. Sullivan measured and it is 1400' feet, approximately ¼ of a mile.
- Vice-Chair Siverson asked if lot 4 had road frontage. Mr. Ashness stated that lot 4 is a little greater than 60' wide and 30' of it is a perimeter buffer. Ms. Weakley stated if someone is pulling into the subdivision and lives on lot 4, they have to take a quick right turn into their driveway and then if someone lives on lots 2 and 3 will take the really quick next right into their shared driveway. Mr. Ashness stated yes, lots 2 and 3 are approximately 140' down the road from the entrance point. He stated lots 2 and 3 will share a 15' paved driveway and lot 4 will have its own 15' paved driveway.
- Chair Lucier stated he was surprised by the amount of wetlands on the property, 22 wetlands, 16 ephemeral streams, 6 intermittent streams, and 2 perennial streams. Mr. Ashness stated this particular area of the County the soils are Triassic in nature so there is a tendency to have a high water table. He stated the site has a general roll all through the property and it seems that a lot of the wetlands were created when the land was timbered many years ago. Some of the wetlands are a result of logging decks and land rutted out with water held in those locations. Mr. Ashness stated the Army Corps came out in January and that month was very wet and probably the worst time to have Army Corps come out to make stream and wetland calls and that is the delineation being used.

Ms. Weakley stated she looked at the field sheets for the ephemeral streams and they may not rate high on geomorphology such as a defined channel, but many of the ephemeral streams had evidence of hydric soils and had base flow. Mr. Ashness stated in January he is sure that was the case. Ms. Weakley stated her point is, there is a connection to ground water and they stay wet most of the year.

- Chair Lucier asked where the stormwater ponds will be located. Mr. Ashness showed the Planning Board the four locations of the stormwater ponds on the map and stated they are located in open space. Chair Lucier stated there is roughly 18 acres of open space, having 10 acres of roads and 8 acres of open space, with 168 acres for lots. Mr. Ashness stated correct.
- Chair Lucier stated there are a couple lots where the septic field is located, crossing ephemeral stream or wetland will be required. Mr. Ashness stated yes, but what they tried to do in lot 39 instead of crossing the large wetland, the septic line would run along the edge of the right-of-way and stay outside of the buffer, and where it does cross the buffer it is the least impactful. Mr. Ashness also stated there are some features where the stream stops, so there is only a buffer impact. They specially designed it so they may have to cross a buffer, but not an impactful area and only a few where there is an ephemeral crossing. Chair Lucier asked if there was any off site septic. Mr. Ashness stated no. The septic systems are going to require State inspections and these septic systems are at a much higher level quality than the past systems.
- Ms. Weakley stated in section 304 of the Watershed Protection Ordinance regarding utility crossing, “utility crossings are allowed in the riparian buffer only where no practicable alternative exists.” She stated this is an undeveloped property and alternatives exist. She wanted to point that out because it is a very important part of the Watershed Protection Ordinance that was wrote into the Rules years ago for this reason to encourage the development not to cross Riparian buffers, streams, or wetlands unnecessarily. Mr. Weakley stated there will be an ephemeral stream crossing, an intermittent stream crossing, and a wetland crossing, not to mention the other buffer crossings to get to the septic field.

There was some Board discussion as to what lots had water features and buffers to cross for the septic field. Ms. Weakley stated lot 22 will cross an ephemeral and a buffer, lot 23 will cross an intermittent channel and buffer, lot 37 and 38 will cross a wetland buffer outside the wetland, and lot 39 will come along the road and cross the wetland and buffer. Mr. Ashness responded stating lot 22 crosses an ephemeral buffer, lot 23 does cross an intermittent stream per the current plan, and the others do not cross anything other than a buffer itself. He stated lot 39 is in a fill shoulder of the road that will have a permit. Ms. Weakley stated it is still crossing the wetland.

Ms. Weakley stated her point is, there is a no practicable alternative bar that she believes needs to be met to confirm there are no practicable alternatives for crossing these streams, wetlands, and buffers. She stated she has not heard a good argument as to why it is necessary. Ms. Weakley stated this is where she stands on this part of the development and every part of this development will drain into Jordan Lake and the water intake of White Oak Creek.

Mr. Ashness stated there is on average of 4 acre lots with shoulder and ditch section which generally creates sheet runoff on the lots, is that less impactful than other types of developments. Ms. Weakley stated this is not as much as a concern for her as the septic crossings of the streams, wetlands, and buffers because the streams and wetlands are hugely important for mitigating impacts directly to Jordan Lake.

- There was some Board discussion about the Chatham County Cary Joint Use Plan and a 400’ buffer with public utilities. It was determined that it would not apply because there was not public utilities being brought to the development. It was also mentioned the section of the Joint Plan was revised.

- Ms. Weakley asked what types of crossing are being proposed. Mr. Ashness stated that is part of the construction process, but he would anticipate culvert crossings for the roads. There was some Board discussion about the different road crossings and impacts.
- Mr. Ashness stated this development is conforming to the subdivision regulations such as lots need to be at least 1.5 acres in size and this is clearly exceeded and meets all of the criteria of the of the subdivision ordinance that will allow them to get approval for the First Plat and move on to the construction drawing phase and seek the other permits. Ms. Weakley stated in her mind they have not met the no practicable alternative bar for crossing streams and wetlands. Mr. Ashness stated when the construction drawings are submitted, they have to show avoidance and the process on how the roads will be laid out. There was some discussion between the developer and the Planning Board and how important the Planning Board recommendations are to the BOC, the development of Chatham County, and the Planning Board takes their positions seriously.
- Mr. Spoon stated he is generally in favor of this development and likes the lot sizes, but asked if there is a way to have a guaranty for some kind of 50' vegetation buffer for lots 15, 16, 17, and 18. There was some Board discussion about the distance of the driveways and the existing 30' buffer. Chair Lucier asked Mr. Spoon if he would like to make that a condition. Mr. Spoon said yes, or at least if it is disturbed new plants will be planted with something natural as a screen. Mr. Ashness stated he believes the client will not have any issue with providing that buffer. He stated there will be restrictive covenants in the subdivision and does not see any issue with having that 50' buffer.

Mr. Sullivan stated if we add the buffer as a condition it would be an unenforceable condition because it is not tied to a standard regulation. If the developer puts the buffer on the plans the staff will ensure it is on all the plans to Final Plat, but if years from now someone disturbs the buffer that is where there will not be any enforcement. Mr. Ashness stated there is adequate width in that area and will put a 50' perimeter buffer along those driveways.

- Chair Lucier stated he is struggling with this because of the septic crossing of streams and wetlands, there are 4 lots where there is crossing, lots 22, 23, 38, and 39. Mr. Ashness stated that lot 39 will follow the road in the shoulder and when it turns, lots 38 and 39 split a wetland buffer. He stated that spot was picked specifically so a wetland would not be impacted.

Ms. Weakley asked if it was going to be a directional bore. Mr. Ashness stated he can't speak to that, but it is certainly a possibility. Ms. Weakley stated there should be no practical alternatives shown before there is a decision.

- Mr. Ashness stated to Chair Lucier about lots 22 and 23. On lot 22 there will be an ephemeral stream crossing and on lot 23 an intermittent stream crossing. Mr. Ashness stated he believes the client will be fine with that being a directional bore under those crossings to limit the impact. Ms. Weakley asked if the septic systems will require pumps. Mr. Ashness stated yes and a directional bore is basically a fused line with no joints and very safe.
- Mr. Arthur asked a general question, how many more times can the Board approve subdivisions with well water and septic and what does that do to the water table and runoff. Chair Lucier stated anytime

there is development there will be some runoff, up to 80 to 90 percent will be captured, but this development is relatively flat at least. Mr. Ashness stated they are only clearing the road way and where the stormwater ponds will be. Mr. Ashness stated about the wells and water table, developers are putting in deeper wells of 600' to 700' deep with large water capacity. He also stated today homes are using much less water, an average of 120 gallons a day.

- There was some Board discussion about the location of the Chatham County Cary Joint Land Use Plan. It was determined that it comes right up to the property. Mr. Wilson spoke about the original project of 180 homes and the public utilities that were to reach this area. He said he had spoken to lifelong residents in the area and informed them that this was only a 40 home development and not the 180 home plan they had heard about years ago and that is why they are not present at the meeting tonight.
- Ms. Diana May had a question from the audience. She asked if it was true that a developer could come in and build a 180 house neighborhood if they had water and sewer. Chair Lucier stated yes, but they can't now because the land doesn't perk. There is public water and sewer close and it would not take much of an extension to reach this area. If a developer could talk to Cary and Chatham County to agree to extend the water and sewer, than yes you could have 180 houses or close to it.
- There was Board discussion on where the members stand on this item.
- Chair Lucier reiterated the request for the perimeter buffer of 50' along the driveway for lot 18, if the developer was to include the 50' buffer on the application would that then be enforceable to regulate. Mr. Sullivan stated if the developer were to incorporate the 50' buffer into the notes and provided a submittal attachment before it goes to the BOC that would be sufficient. Mr. Ashness stated they would be happy to do that and will also ensure it is placed in the restrictive covenants as well.
- Chair Lucier also mentioned the directional bore request for lots 22 and 23. Mr. Ashness stated yes, they will add that as well.

Mr. Sullivan stated that he believes a condition about the voluntary buffer should be enough to cover any legal issues and not complicate things in the future. Chair Lucier confirmed with Mr. Sullivan that a condition could be added that the applicant will provide a voluntary 50' buffer. Chair Lucier stated that should be submitted by the developer on some type of paper. Mr. Ashness stated it would show up on the exhibit that they would provide to staff before it went to the BOC.

- There was some Board discussion about how to incorporate the voluntary buffer into the motion.
- Chair Lucier spoke about the condition for the directional bore for crossings in lots 22 and 23. Mr. Ashness stated he is okay with the directional bore for all crossings even in the split on lots 38 and 39.
- Ms. Weakley asked what stream was also subject to Jordan Lake Buffer Rules and not just local buffer rules, plus they need to show no practical alternatives, which is a high bar. She does not want their vote to show they approve this First Plat without calling out the no practical alternative in crossings. Ms. Weakley stated she still does not feel comfortable voting to approve the First Plat without really showing no practical alternative, so they can meet the bar of the local and Jordan buffer rules.

Chair Lucier asked Ms. Weakley if she was not comfortable with the directional bore. Ms. Weakley stated the first step is to avoid impacts and no practical alternative. Mr. Ashness stated for lot 23 the lot line can be moved so both lots 22 and 23 will have a shared impact crossing at the ephemeral stream, this will eliminate the intermittent stream crossing.

- Chair Lucier asked Mr. Ashness if they would be willing to place a 50' buffer for lot 4 just like the 50' buffer for lot 18 driveway. Mr. Ashness said they would not have issue with doing that 50' buffer as well.
- Mr. Arthur asked if the right thing to do is to ask Mr. Ashness to come back with a new plat with the changes discussed tonight. Ms. Weakley stated she agrees.

Chair Lucier stated there have been three main changes to the plat, the 50' perimeter buffer on lot 4 and 18, and lots 22 and 23 will share a septic line at the ephemeral stream crossing. Mr. Wilson also stated that those changes will be made and the corrections will be submitted to the BOC meeting.

Chair Lucier stated he feels the Board would like to table this item until next meeting and see the changes on paper before they vote. There was some Board discussion on how everyone feels about the changes and if the developer should return next month. Mr. Ashness stated he is willing to work with the Planning Board either way. Ms. Weakley stated she would like to see no practical alternatives and the changes on the plat before she will vote on this item.

Motion made by Mr. Spoon to table this item until next meeting with a new plat showing the changes discussed; second by Mr. Arthur.

Motion passed unanimously 9-0.

VIII. ZONING:

1. A legislative public hearing request to consider amendments to the Zoning Ordinance to require a conditional use permit for assembly occupancies in residential zoning districts and revise the list of uses that are eligible for a height exception as recommended by the Planning Board.

Mr. Sullivan gave an overview of the staff notes and he stated this is a follow up from last month meeting. They had made it through half of the recommendation. The first part which changes the table of uses to require assembly occupancies in residential district a CUP and will be before the BOC on the 19th of August. The second part was to remove monuments and observation towers from the height limit exception. The Planning Board could not reach a recommendation and requested the staff to research neighboring jurisdiction height restrictions. Mr. Sullivan stated research was conducted by planning staff to find comparable jurisdictions across the nation and evaluate their standards for places of assembly. Jurisdictions were chosen based on being similar in rural character, size (amount of land), and population and it was provided in their packet. The Board discussion included whether it was necessary to amend Section 8.8 since the prior action to require a

conditional use permit could address the concerns that have been raised about monuments. Other members commented that monuments weren't limited to assembly occupancies and could be located anywhere in the county. Members also discussed whether other activities should be removed from the list of exceptions including flag poles.

Mr. Sullivan stated something that staff had been discussing internally that might be a problem especially about flag poles. When the staff is reviewing a building permit application in a residential district, staff is looking at setbacks for the structure and the description for building height it says no more than 60'. If you were to go to the definition of building in the ordinance it says, "Any structure having a roof supported by walls or columns constructed or used for residence, business, industry or other public or private purposes." Mr. Sullivan stated flag poles don't have roofs or supported by walls. He stated staff spoke to the County Attorney about this and about adding monuments to the list of table of uses. Mr. Sullivan explained if the Planning Board would want to do that, there would need to be a public hearing held for that item. It was discussed with the County Attorney that there will need to be an amendment to the definition of structure to be much broader. The staff will be bring this back to a future meeting to discuss the amendment to the definition of structure and adding structure to each of the zoning districts.

Mr. Sullivan stated if the Board is still interested in striking the word flag poles from the list of height exemptions that is okay, the staff is still going to move forward with the amendment of the definition of structures.

Board Discussion followed and some items discussed were as follows:

- Chair Lucier asked the Planning Board how they feel about removing the word monuments from the height exception list in section 8.8. Mr. Wilson asked if some of the concern was for any proposed items. Chair Lucier stated some of the concern was a 200' monument in a residential district that could cause property value issues and tourist issues.
- Mr. Spoon asked if it could be structured where a monument can only be a certain height, but if you request a CUP permit to go higher and then be evaluated. Mr. Sullivan stated then monument would have to be a use on the table of uses.
- Chair Lucier stated his recommendation is to vote on monument and observation towers, then have a discussion about the flag poles. Mr. Spoon stated he is ready to vote on all three. Chair Lucier stated he is comfortable with voting on all three as well, he just wanted to see where the Board was with this item.
- Mr. Frazier stated the main objection he has heard about the monument is that nobody wants to look at it and he doesn't feel comfortable about that. He stated he has a neighbor that has some pretty strange structures on his property and it is okay. Mr. Spoon stated the difference is when the monument is vertical it becomes a part of their property too and they have to see it all the time. Ms. Weakley stated it will literally cast a shadow on your property.

Mr. Frazier stated he would rather look at a monument than a water tower, a cell phone tower, or a smoke stack. Chair Lucier stated this is in a residential area and there would not be a smoke stack in a residential area. Vice-Chair Siverson stated she understands what Mr. Frazier is saying, but a 200' monument is invading your space. A couple Board members stated 200' is as high a 20 story building.

- Mr. Spoon stated the neighboring jurisdictions have gone through a lot of development and made a rule for this item and now is the time for Chatham County to have this rule.
- Mr. Galin had a question about the height limits on building in neighboring jurisdictions where it has a build height limit such as 60', but then says not to exceed 75', what does that mean? Ms. Phelps stated it is referring to something like steeples. The building can be 60' then the steeple can't go above 75'.

Motion made by Mr. Spoon to remove the words monument, observation towers, and flag poles from the height limit exemption list; second by Mr. Arthur.

Motion passed 8-1, opposed by Mr. Frazier.

Motion made by Mr. Wilson to approve the consistency statement; second by Vice-Chair Siverson.

The proposed amendments are consistent with the adopted comprehensive plan, Plan Chatham, under the Land Use Plan Element, Land Use Policy 5, Strategy 5.1 which reads “Encourage context sensitive development design. This type of design includes elements such as architectural features that resemble historical structures and local vernacular, site design that reduces impacts on historical structures, working landscapes and viewsheds from public roadways, integrated open space, and preservation of unique natural features such as heritage trees and mature forests.”

Motion passed 8-1, opposed by Mr. Frazier.

IX. NEW BUSINESS:

X. BOARD MEMBERS ITEMS:

1. Update from the Planning Board liaisons.

- Chair Lucier stated the Pittsboro Planning Board had one item on the agenda about the concrete plant off of Pittsboro and Moncure Rd. The Board recommended denial because the silo was too high and closer than they would like to residential area.
- Vice-Chair Siverson stated there was not a Siler City Planning Board meeting.
- Ms. Weakley stated Chatham Conservation Partnership’s had their meeting in July with about 60 people in attendance for the first evening meeting. The next meeting will be on October 18th and the topic is “Mushrooms”. Ms. Goldston will lead them on a field trip and most likely be a day time meeting. Ms. Weakley also mentioned the Eno-New Hope Landscape Conservation Plan will have the final report out on August 31st. She stated that the report could be useful for the UDO process.

XI. 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.
2. *Upcoming Public Hearing items for the August 19th BOC meeting handout.* Mr. Sullivan stated that there will be 13 properties.
3. *Mr. Sullivan stated the staff is working on some minor zoning and subdivision ordinance amendment that will be providing to the Commissioners soon.*
4. *Waiver request from Briar Chapel for waste water connection for Fearington Village.*
5. *The UDO contract has been approved and Ms. Russell is working on a presentation for September BOC meeting. There is also going to be an internal tour with Chad.*

XII. ADJOURNMENT:

There being no further business, the meeting adjourned at 8:49 p.m.

Signed: _____ / _____
George Lucier, Chair Date

Attest: _____ / _____
Daniel Garrett, Clerk to the Board Date