



**Chatham County Planning Board  
Approved Minutes  
September 3, 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  
Clyde Frazier  
Gene Galin  
Jon Spoon  
Franklin Gomez Flores

Caroline Siverson, Vice-Chair  
Cecil Wilson  
Allison Weakley  
Bill Arthur  
Emily Moose

Absent:

Jamie Hager

Planning Department:

Jason Sullivan, Planning Director, Kimberly Tyson, Subdivision Administrator, Angela Birchett, Zoning Administrator, Hunter Glenn, Planner I, 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 (10 members were present, Ms. Hager was 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 August 6, 2019 minutes. There were minor corrections by Board members and the August 6, 2019 minutes were approved. Motion was made by Vice-Chair Siverson to approve; second by Mr. Arthur. Motion passed with a vote of 9-0, Ms. Moose did not vote because she was absent from the August Planning Board meeting.
- VI. PUBLIC INPUT SESSION:  
There were three citizens signed up to speak. Chair Lucier asked to them to speak during the item on the agenda they came to speak about.
- VII. ZONING:
  1. A Quasi-Judicial public hearing request by Andrea Snyder for a conditional use permit revision to add multiple uses permitted in B-1, located on Parcel No. 82736, 587 Old Farrington Rd., Williams Township.

Ms. Birchett gave an overview of the staff notes and she stated the request before the Board is for a quasi-judicial public hearing that was held on the conditional use permit (CUP) revision request August 19 2019. Planning staff presented the application. At the public hearing, the applicant, Ms. Andrea Snyder, introduced herself to the Commissioners seeking multiple uses to be added to the current CUP. Commissioners had questions as to the intensity of some of the requested uses. Jason Sullivan, Planning Director, stated that some may be difficult for this property, but that if any changes to the currently approved site plan were to be done that the applicant/owner at that time may need to have another hearing for a revision to the CUP. No one else spoke on the matter. A rezoning to Conditional Use Business (CU-B1) with a CUP for a beauty salon was approved on this parcel on August 20<sup>th</sup>, 2007. There have been no zoning violations on this property.

Ms. Birchett stated in reviewing and considering approval of the CUP revision, the Board must find that all of the findings of facts shall be supported. Per the Zoning Ordinance, "In considering an application for a conditional use permit or revision to a CUP, the Board of Commissioners shall give due regard that the purpose and intent of this Ordinance shall be served, public safety and welfare secured and substantial justice done. If the Board should find, after public hearing, the proposed conditional use permit or revision thereof should not be granted, such proposed permit shall be denied." The property is currently zoned CU-B1 for a beauty salon. The property to the north is owned by the POA of Governors Village. The property to the south and west is zoned CU-NB for heating, plumbing, electrical, cabinet and similar shops. The property to the east across Old Farrington Rd is zoned R1 residential.

**Finding 1 – The use requested is among those listed as an eligible conditional use in the district in which the subject property is located or is to be located.** All of the fifteen proposed uses are permitted with the B1, Business, zoning district and are eligible to be added to the conditional use permit. **It is planning staff opinion this finding has been met.**

**Finding 2 – The requested conditional use permit or revision to the existing permit is either essential or desirable for the public convenience or welfare.** Currently, the only permitted use on the property is a beauty salon. The applicant contends that the request of additional permitted uses will provide the community with more choices for service, retail, trade, and health related local small business. Additionally, the applicant is not requesting any modification to the site plan, so any additional use would have to conform to the existing site plan or an additional CUP amendment would be required. **It is planning staff opinion this finding has been met.**

**Finding 3 – The requested permit or revision to the existing permit will not impair the integrity or character of the surrounding or adjoining districts, and will not be detrimental to the health, safety or welfare of the community.** The applicant proposes that there will be no change from its current state in any form which is visible to the public, with the exception of signage which will stay within the current permitted guidelines. There are no proposed changes to the landscaping or lighting, and no increased noise levels. The property is currently developed below the allowable built upon area (BUA) limit within the WS-IV Protected Area watershed district. Approximately .14 acres is BUA out of the approximate .41 acres that would be permitted without curb and gutter. **It is planning staff opinion this finding has been met.**

**Finding 4 – The requested permit will be or remain consistent with the objectives of the Plan Chatham comprehensive land use plan.** The use currently occurring on the property will cease and the property is proposed to be used for an accounting firm office, although other uses could occur if all 15 uses are approved. As stated in the Comprehensive Land Use Plan, the "Governors village area is one of the targeted 'preference areas' for town, neighborhood, community, or rural business growth". This property is situated for retail, professional service, trade, or health related small business. The property is located within a Compact Residential area on the Future Land Use and Conservation Map that was adopted as part of the comprehensive plan. The description for Compact Residential areas includes a "mix of detached and attached residential units complemented by a variety of open spaces. Mix of uses include single family detached and attached units and some multifamily. Community centers, amenities, recreational uses, schools, and churches may be part of the fabric." Although the property is not located within an area designated for commercial development the

comprehensive plan does provide guidance for properties that have previously been zoned for non-residential use. Strategy 4.4 under the Economic Development Plan Element reads “Permit existing commercial and industrial uses that area appropriately zoned to continue to operate, and allow for reasonable expansion, contingent upon meeting environmental and transportation requirements.” **It is planning staff opinion this finding has been met.**

**Finding 5 – Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary facilities have been or are being provided consistent with the County’s plans, policies, and regulations.** No changes are proposed aside from the change in use. All utilities, road access, landscaping and other required site specific details will continue to be in compliance with county regulations. **It is planning staff opinion this finding has been met. Based on all five findings being supported, planning staff supports the CUP revision request.**

Ms. Birchett stated in closing the Planning Board has up to three meetings in which to make a recommendation to the Board of Commissioners. The following conditions are provided for consideration if recommended for approval:

**Site Specific Conditions**

1. All existing conditions shall remain in effect, except as modified by this conditional use permit amendment.

**Standard Site Conditions**

2. The application, standards and adopted regulations of the applicable ordinances and policies, and the approved recommendations as provided for and/or conditioned, are considered to be the standards as set forth and shall comply as stated. Changes or variations must be approved through the Planning Department or other approving board before any such changes can take place. These include but are not limited to landscaping, lighting, signage, parking, building construction, etc.
3. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Land and Water Resources, Environmental Health Division, Building Inspections, Fire Marshal, etc.) shall be obtained, if required, and copies submitted to the Planning Department to the initiation of the operation/business.

**Standard Administrative Conditions:**

4. Fees - Applicant and/or landowner shall pay to the County all required fees and charges attributable to the development of its project in a timely manner, including, but not limited to, utility, subdivision, zoning, and building inspections.
5. Continued Validity – The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditional listed above.
6. Non-Severability – If any of the above conditions is held to be invalid, this approval in it’s entirety shall be void.
7. Non-Waiver – Nothing contained herein shall be deemed to waive any discretion on the part of the County as to further development of the applicant’s property and this permit shall not give the applicant any vested right to develop its property in any other manner than as set forth herein.

Board Discussion followed and some items discussed were as follows:

- Chair Lucier stated there are 15 uses that are identified to be allowed with the CUP revision and listed the 15 uses; office, business, professional, governmental, antique shops, gift shops, arts and craft fabrication and related uses, clothing shops, interior design shops, pottery handcrafted related retail, art supply retail sales, landscape design business, medical- clinic inpatient and outpatient care, lawn and garden shops, laboratory- dental, medical, optical, music store including repair and craft manufacture, optician and optical sales and service, and dwelling- single family- site built and modular. Ms. Birchett stated Chair Lucier was correct on the list of uses.

- Ms. Weakley asked about the medical- clinic inpatient and outpatient care, laboratory- dental, medical, optical uses with this property on a septic system. Ms. Birchett stated if those uses were to be located at the facility, they would have to go through Environmental Health for change of occupancy. It was discussed that this property has water and septic through Governor’s Village.
- Mr. Spoon asked if anyone spoke against this item at the public hearing. Ms. Birchett said no.
- Ms. Weakley stated if the property is on Governor’s Village waste water and the use was to change to medical, then they would need approval through Governor’s Village utilities. Ms. Birchett said yes.

Chair Lucier stated the laboratory use would be a concern for Environmental Health because of what could be flushed down the toilet or sink. The clinic inpatient and outpatient care use will be limited by the size of the facility at 1350 sq. ft.

Motion made by Mr. Wilson to approve this item; second by Mr. Galin. Motion passed unanimously, 10-0

2. A Legislative Public Hearing to consider County-initiated rezonings of 13 selected businesses in the formerly unzoned portion of Chatham County.

Mr. Glenn gave an overview of the staff notes and he stated that the request before the Board is to consider County-initiated rezonings of 13 selected businesses in the formerly unzoned portion of Chatham County. After nearly two years of discussion and study, on August 15<sup>th</sup>, 2016, the Chatham County Board of Commissioners voted to zone the formerly unzoned portions of the county to R-1 and R-5 residential. The Comprehensive Land Use Plan specifically supports “rezonings for businesses uses or properties made non-conforming by the extension of zoning in 2016.” (Land Use Policy #7, Strategy 7.2). Consequently, prior to the adoption of county-wide zoning, the Chatham County Planning Department sent a business listing form to every property owner in the unzoned portion of the county. Nearly 13,000 forms were mailed. The business listing form asked property owners to list any non-residential use of their land, so the Planning Department could properly document any non-conforming uses and prepare for future rezonings. The Planning Department received over 1,000 forms. Approximately 300 forms described non-conforming businesses, while the remaining 700 listed either agricultural uses of the land (which were exempted from zoning regulations via the bona fide farm exemption) or otherwise permitted uses, such as a residence. Aerial images of these 300 businesses were captured, as well, in order to further establish non-conforming status.

In addition to mailing and documenting business listing forms, Planning staff compiled tax and fire inspection records to determine if there were any other businesses in the formerly unzoned portions of the county. After combining tax and fire inspection records, along with the business listing forms, staff determined that 524 parcels in the formerly unzoned part of the county may contain non-conforming uses or businesses. In order to confirm that these non-conforming uses actually existed, staff performed site visits to each parcel, spoke with the property owners, and documented the current use of the property. After several months of visiting properties, the following observations were made by staff:

- 204 parcels appear to be eligible for rezoning to a non-residential zoning district
- 48 parcels are eligible for the issuance of a home occupation permit (HOP)
- 272 parcels are not eligible for rezoning or issuance of a home occupation permit

Mr. Glenn stated during the site visiting process, the interior of multiple parcels were inaccessible to staff due to “No Trespassing” signage, the presence of loose dogs, or physical barriers, such as locked gates, fences, or washed out roads. However, the tax data, aerial imagery, and some visual confirmation from the site visits allowed staff to recommend rezonings, issuance of HOPs, or maintenance of the status quo for these parcels.

Based on the observed use, staff determined which zoning classification would be most appropriate to consider to use for rezoning the property. Since many uses are permitted in multiple zoning classifications, staff recommended that the parcels be eligible for rezoning to the least intensive permitted zoning classifications possible. For example, if a use were allowed in both light and heavy industrial zoning district, then staff recommended that the parcel should be eligible to be rezoned to the light industrial classification. Furthermore, some uses are permitted in an R-1 or R-5 district with the issuance of Conditional Use Permit. It should be noted that many of the non-conforming uses on parcels eligible for rezoning do not occur across the entirety of the parcels. Many uses are limited to a single building or small portion of the parcel.

Mr. Glenn also stated after the inventory of businesses was completed, the next step was to meet with property owners eligible for a rezoning to determine if they wish to rezone their property, and if so, how much of the property they would like to rezone. Planning staff contacted property owners and scheduled these meetings. Additionally, planning staff coordinated with representatives from the Chatham County Tax Department, as the issue of changes in tax value was likely to arise. In addition, on March 1<sup>st</sup>, 2018 at the direction of the Board of Commissioners, Planning staff also sent a letter to 35 property owners who have vacant buildings on their property in the formerly unzoned portion of the county, offering them the opportunity to request a rezoning to any zoning district. These vacant buildings had been previously identified by Planning staff during site visits in the summer of 2017.

For the first round of business rezoning cases that were processed in early 2018, 52 parcels were requested by their owners to be rezoned, 20 parcels were requested to remain in their current zoning district, and 180 parcels' owners did not respond to the letter regarding rezoning. Out of 51 Home Occupation permit applications sent out to properties that qualified for an HOP, 17 have been completed and returned to Planning staff. Of the 52 properties considered for rezoning 49 were approved and 3 were denied. In late 2018, planning staff received requests to rezone an additional 17 properties. Of those 17 requests, 12 were approved and 5 withdrew their application (all 5 properties were contiguous and under the same ownership).

Mr. Glenn stated based on staff's prior conversations with the board, we contacted the property owners who had not responded to the offer to rezone their property and offered them one final chance to have their property rezoned at no cost to them. In this final effort to provide county-initiated rezoning to known non-conforming properties planning staff sent 162 letters to property owners. Staff received 26 responses, and requests to rezone 14 properties. A GIS web application has been created identifying the properties that have the potential for rezoning, and the list and maps of the 14 parcels requested to be rezoned has been included as attachments.

Before the August 19<sup>th</sup> 2019 Board of Commissioners meeting, Glen Dunlap, owner of 1005 Chatham Church Rd, withdrew his request to rezone a portion of his property. The current number of rezoning requests is 13 properties. Staff requested a public hearing at the June 17<sup>th</sup> 2019 Board of Commissioners meeting during Work Session. The public hearing was scheduled and occurred at the August 19<sup>th</sup> 2019 Board of Commissioners meeting. Staff presented a power point presentation giving a brief overview of the properties to be rezoned including the current use of the property. Prior to the Commissioners meeting staff received phone calls, emails, and written comments objecting to the rezoning of the Het Landhuis farm venue on Henderson Tanyard Rd on parcels 73009, 10670, and 78275. Those comments are available on the planning department website. At the meeting one neighbor spoke on behalf of the neighbors in opposition to the proposed rezoning. The chief concern of the neighbors is the variety of business uses that could locate on either side of the street in the future. The neighbors have explained they approve of the non-conforming use as a farm venue for weddings and special events, but are worried about future business uses on the land; uses that would be allowed by right in a Neighborhood Business district. There were no other public comments at the hearing. The Board of Commissioners agreed to send the matter to the planning board. The recommendation includes two consistency statements, one for approval and one for denial, and is the same language used in the prior two rounds of business rezonings.

In closing Mr. Glenn stated the Planning Board has up to three meetings to make a recommendation on the rezoning requests. A recommendation on consistency statements for rejection and/or approval is provided below.

**The request for the rezoning of the 13 listed parcels is consistent with the comprehensive plan of Chatham County, Plan Chatham, by supporting the diversification of the tax base and generation of more high-quality, in-county jobs to reduce dependence on residential property taxes, create economic opportunity and reduce out-commuting. Specifically, this request supports Land Use Policy #7, Strategy 7.2 which encourages support for “rezonings for businesses uses or properties made non-conforming by the extension of zoning in 2016.”**

**The request to rezone Parcel No \_\_\_ from R-1 Residential to \_\_\_ is not consistent with the comprehensive plan of Chatham County. It is not reasonable and the public interest is not furthered; and the rezoning would impair the integrity of the neighborhood and is inconsistent with the spirit of the Board of Commissioners goals.**

PUBLIC INPUT:

- Mr. David Proffitt of 956 White Smith Rd spoke and had a few comments. Mr. Proffitt stated he is here with a number of neighbors in opposition of the rezoning of the three parcels on Henderson Tanyard Rd. He moved to Chatham County 32 years ago within 600 feet of the properties being discussed. The main reason for the move and live in this area is because of the peace and quiet, low motor traffic and light pollution. Mr. Proffitt stated they like their neighbors and are in support of the primary use currently used on the property, including special events, weddings, and low key celebrations. Many of the neighbors are farmers developing hay fields and vegetable gardens. Mr. Proffitt stated when they saw the zoning request they looked up the different uses and what could change. The current grandfathered use is supported, but not in support of some of the uses on the list such as ABC stores, kennels, gym and fitness facilities, laundromat, hardware store, dry cleaners, drug store, and service stations. These uses are completely out of the character of what the property is being used for now. These are all uses that would detract from their residential farming atmosphere. Mr. Proffitt stated the zoning request introduces too many possible future uses that they do not want that close to their homes and farms. Mr. Proffitt stated he is hoping the Planning Board will turn this zoning request down.
- Mr. Peter Ross of 2232 White Smith Rd. spoke and had a few comments. Mr. Ross stated he lives about a half a mile away from the Henderson Tanyard Rd. properties and also feels the same way that Mr. Proffitt feels about this rezoning and asked the Board that this request be denied. Mr. Ross is okay with the way the property is being used currently and is in full support of the non-conforming use. Mr. Ross stated the neighborhood business rezoning would violate the environment in which they live.

Board Discussion followed and some items discussed were as follows:

- Chair Lucier stated given the public comments he suggested that the Board separate out these three parcels from the other zoning requests. Chair Lucier asked Mr. Glenn how much acreage was asked to be rezoned in these three parcels; 73009, 10670, and 78275. Mr. Glenn stated 15.8 acres was requested for rezoning out of 43 total acres.

Chair Lucier asked when this property was subdivided. Vice-Chair Siverson stated the larger parcel 10670 was subdivided according to the minor subdivision spreadsheet last November.

- Chair Lucier asked if there is any other zoning classification that would be more appropriate for this current use. Mr. Glenn stated that Neighborhood Business would be the only classification that would be appropriate as it is the lesser of the business districts. Mr. Glenn stated as he was speaking to the

different property owners while he was gathering information for the public hearing, most property owners did not want to change their current use, including this Henderson Tanyard Rd. property. They were just taking the opportunity for rezoning to Neighborhood Business while there is no cost to them and thinking about the future if they were to sell their property. Mr. Glenn stated it should be noted that all 43 acres will be non-conforming use and he could expand bigger than the current footprint and larger than the 15.8 acres proposed for rezoning to Neighborhood Business.

- Ms. Weakley asked what the .5 acres was representing. Mr. Glenn stated it is a cemetery and would not be rezoned.
- Vice-Chair Siverson asked if this property was either agricultural or rural area on the Land Use Plan. Mr. Sullivan stated this is in the agricultural area.
- Chair Lucier asked if the property owner was present at the meeting. Mr. Glenn stated the property owner is not present.
- Ms. Weakley confirmed that the use of the property was just weddings and events and was not considered a bona fide farm that is exempt. Ms. Birchett stated it is a bona fide farm.
- Chair Lucier stated one of the reasons for the county zoning is to give the neighbors the opportunity to speak up when they have legitimate concerns. Chair Lucier stated the neighbors here tonight are opposing this rezoning with good reason and recommends denial of this rezoning.
- Mr. Arthur asked if the owner has responded in any way to the objections from the neighbors. Mr. Glenn stated he is not planning on changing the use and there had only been six weddings there this year. Ms. Birchett stated he wants to continue to be a good neighbor and get along with everyone in the community.
- Vice-Chair Siverson stated she finds it curious that he subdivided and feels that is way too much land to be rezoning in an agricultural area and not the right place for a strip mall.
- Mr. Galin stated the Board has three meeting to vote on the rezoning and would like to hear from the property owner. Mr. Sullivan stated based on the conversations Mr. Glenn has had with the property owner that he would not attend an additional meeting. Chair Lucier stated the property owner was aware of the public hearing and the meeting tonight. Mr. Sullivan stated yes.

Motion made by Vice-Chair Siverson to deny the rezoning of parcels 73009, 78275, and 10670; second by Mr. Arthur. Motion passed, 8-2. Mr. Galin opposed and one no vote was an abstention as per Robert's Rules of Order.

Motion made by Vice-Chair Siverson to approve the inconsistency statement; second by Ms. Weakley.

**The request to rezone Parcels 73009, 78275, and 10670 from R-1 Residential to Neighborhood Business is not consistent with the comprehensive plan of Chatham County. It is not reasonable and the public interest is not furthered; and the rezoning would impair the integrity of the neighborhood and is inconsistent with the spirit of the Board of Commissioners goals.**

Motion passed, 8-2. Mr. Galin opposed and one no vote was an abstention as per Robert's Rules of Order.

- Chair Lucier stated there are still 10 other parcels that the Board needs to discuss.
- Mr. Spoon asked if diesel repair use only fits in Heavy Industrial zoning for parcel 65032 on Ed Clapp Rd. Mr. Glenn stated they are currently diesel repair shop right now, but when they did their business listing form back in 2017 they may have put another use that placed it into Heavy industrial. Mr. Sullivan has pulled up the zoning regulations on the screen for the Board members and staff to see the uses.

Vice-Chair Siverson asked if there had been any calls concerning this property. Mr. Glenn stated there was a call from the property owner across the street who was a little worried about Heavy industrial, but she is related to the shop owner and was reassured he was not planning on changing his current use as a diesel repair shop.

Ms. Weakley asked, why not stay a non-conforming use? Mr. Glenn stated they received the letter from the County to rezone to Heavy Industrial at no cost and wanted to take advantage of it. Chair Lucier asked what the perimeter buffer around the property is. Ms. Birchett stated 100'.

- Mr. Sullivan stated that diesel repair shop is allowed in the Light Industrial zoning classification. He stated it is okay to recommend down-zoning to Light Industrial but you couldn't do the opposite. Ms. Birchett stated that will have a 50' buffer, so still no room for expansion.
- Mr. Glenn stated he does not believe the owner will care if the rezoning is either Heavy or Light Industrial because he was just rezoning because it was offered by the County. Chair Lucier stated Light Industrial still gives them a lot of uses and options.

Motion made by Mr. Spoon to approve the rezoning of parcel 65032 to Light Industrial; second by Mr. Arthur.

- Ms. Weakley stated her reason for pause is because of the R-5 zoning and water supply around this property, however it is better for it to be Light Industrial over Heavy Industrial. Chair Lucier stated this property will be grandfathered and it is not like the Board is changing a Residential use into a Light Industrial. Ms. Weakley stated this decision solidifies this use. Chair Lucier stated it does solidify and this does what the Commissioners and the Planning Board recommended back when the County was rezoned. Existing businesses would have the opportunity to be zoned according to their current activity, and this is certainly consistent with their current activity. Ms. Weakley stated she understands, but she is also concerned about scope creep as well in the area around R-5.

Motion passed, 9-1, opposed by Ms. Weakley.

Motion made by Mr. Spoon to approve the consistency statement; second by Mr. Galin.

**The request for the rezoning of parcel 65032 is consistent with the comprehensive plan of Chatham County, Plan Chatham, by supporting the diversification of the tax base and generation of more high-quality, in-county jobs to reduce dependence on residential property taxes, create economic opportunity and reduce out-commuting. Specifically, this request supports Land Use Policy #7, Strategy 7.2 which encourages support for "rezonings for businesses uses or properties made non-conforming by the extension of zoning in 2016."**



Motion passed, 9-1, opposed by Ms. Weakley.

- Chair Lucier stated there are now 9 parcels left for rezoning and asked if there were any other parcels anyone wanted to pull out or discuss.
- Mr. Spoon asked if parcel 3242 is located on the main street in Bennett. Mr. Glenn stated yes and it is the same owner as the flower shop.
- Chair Lucier asked why this parcel was brought before the Board if it is vacant lot without an existing business. Ms. Birchett stated it is surrounded by Commercial zoning.
- Mr. Lucier asked Mr. Spoon if he wanted to pull this parcel out from the rest of the other 9 parcels. Mr. Spoon said no he would like to keep it with the rest of them.

Motion made by Mr. Spoon to approve the rezoning of the remaining 9 parcels; second by Ms. Moose. Motion passed unanimously, 10-0

Motion made by Mr. Spoon to approve the consistency statement; second by Ms. Moose.

**The request for the rezoning of the 9 parcels is consistent with the comprehensive plan of Chatham County, Plan Chatham, by supporting the diversification of the tax base and generation of more high-quality, in-county jobs to reduce dependence on residential property taxes, create economic opportunity and reduce out-commuting. Specifically, this request supports Land Use Policy #7, Strategy 7.2 which encourages support for “rezonings for businesses uses or properties made non-conforming by the extension of zoning in 2016.”**

Motion passed unanimously, 10-0.

- Chair Lucier stated that Mr. Glenn did a great job putting the rezoning package together for the Planning Board.

#### VIII. SUBDIVISION:

1. 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 this is a follow up from last month meeting. The Planning Board met August 6, 2019 to review the request. Mark Ashness, P.E. was present to answer questions. Also, present were several adjacent property owners. The staff report was provided followed by the Public Hearing required in the Subdivision Regulations, Section 5.2C(4).

Ms. Tyson stated there were several issues/questions discussed by the Planning Board at the August 6<sup>th</sup> meeting. Board members discussed the driveway serving lot 18 and the proximity to the Phillips property. Mr. Ashness stated before the community meeting the road ending with the cul-de-sac (Pine Wind Court) extended further and closer to Mr. Phillips' property, as a result of the community meeting the road (Pine Wind Court) was shortened and the cul-de-sac is no longer behind his property. A general discussion followed and board members asked if a conservation subdivision was considered, how the development ties in with the Chatham

Cary Joint Use Plan, multiple driveways, traffic on Martha's Chapel Road and Hwy 751, location of stormwater ponds, number of stream/wetland findings and types of stream crossings.

Ms. Tyson stated there are several lots with septic fields located across streams and/or wetlands, Mr. Ashness told the board in some areas the stream stops and only the buffer will be impacted, with Lot 39 the septic line will run along the edge of the right-of-way and stay outside the buffer and where it does cross the buffer it is less impactful. Some board members expressed concern about the "no practical alternatives" provision of the Jordan Lake buffer rules and that there was no need to cross the streams, wetlands, and buffers to install wastewater lines. Lots 22 and 23 have proposed septic lines crossing an ephemeral stream and an intermittent stream and would represent two stream crossings. The board ask if the developer would install the lines with a directional bore for Lots 22 and 23 so there would be only one septic crossing. They also asked if the developer would be willing to increase the perimeter buffer along Lots 4 and 18 an additional 20' for a total 50' perimeter buffer. Mr. Ashness agreed to both.

Ms. Tyson also stated after the Planning Board discussion they voted 9-0 to postpone discussion until the September 3, 2019 meeting to allow the developer time to revise the plat to show the 50' perimeter buffer along Lots 4 and 18 and show a directional bore for Lots 22 and 23. The revised plat shows a 50' perimeter buffer along Lots 4 and 18 and shows revised lot lines on Lots 22 and 23.

Attachment 14 in your packet is an email from Stephen Ballentine dated August 14, 2019. Mr. Ballentine included a photo that shows the road crossing the creek in Farrells Creek subdivision. He states the flooding problem occurs about once or twice per year. Mr. Ballentine expressed, "it's important that the proposed subdivision not send more drainage towards the location shown in the photo. Approximately 70% of the proposed subdivision drains to the location shown in the photo." Mr. Ballentine also commented it appears there's only two stormwater ponds in the portion of their neighborhood and at least half of their impervious surfaces from rooftops, driveways, and roads may bypass the stormwater ponds. The email also included that "the new development has two options for how to address this issue. Option 1 is to build more ponds on their property in order to capture and detain all of their impervious. Option 2 is to assist our HOA in installing a new culvert under our road in order to handle increased flows from their project. Option 2 might be the more economical choice."

Ms. Tyson stated 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.

In closing, Ms. Tyson stated 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.

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.

Board Discussion followed and some items discussed were as follows:

- Ms. Weakley stated the revised plan does not show the septic crossings and would like them identified. Mr. Ashness handed out the revised plan with the changes highlighted for the Planning Board.
- Mr. Ashness stated they changed the perimeter buffer from 30' to 50' as requested. He stated they have not changed any of the septic crossing locations except for lot 23 which is very similar to lot 39. Lot 23 has been enlarged and lot 22 slightly smaller, lot 23 septic line will follow the road shoulder and then 23 and 22 will have septic lines running close to each other crossing at the ephemeral stream with a directional bore. Mr. Ashness stated they have eliminated all crossing of intermittent streams outside of the road shoulder for the project.

Mr. Ashness also spoke about how they purposely designed for avoidance by having road crossings when streams have come together for a much lower impact. He stated in his professional opinion they have laid out the site to avoid impact to the greatest practical extent possible. The project as a whole, the lot sizes are averaging 4.5 acres per lot with shoulder and ditch section and four water quality ponds. The runoff from a project like this will be very minimal because of that. He also stated shoulder and ditch sections can have up to 36% impervious surface, but this project will only have up to 10% to 12% impervious surface.

- Chair Lucier stated the Board received a letter with concerns about runoff from Mr. Ballentine and asked Mr. Ashness how he would respond to that concern for the runoff. Mr. Ashness stated they have done other projects in the County that were slightly more dense than this project and when you run the hydrology, a situation like this where you have shoulder and ditch section without a concentrated flow, and the amount of open space they have on this project, pre-development and post-development really does not change for the project.
- Ms. Weakley asked how they are conveying stormwater from the ditch to the ponds. Mr. Ashness stated the ditches will spill to the pond locations and there may be an incidental point where they might have a pipe to get it into the pond if there was a concern for scour, but the intent is not to have any concentrated flow.

Ms. Weakley asked if these were wet ponds and if there was going to be enough water to keep them wet. Mr. Ashness stated they are wet ponds and the soil is very dense with minimal drainage and easy to retain water.

- Chair Lucier asked if this was an R-1 zoning. Mr. Ashness stated yes, it is R-1 in the Cary Chatham Land Use Plan. There was some Board discussion about the Cary Chatham Land Use Plan and how this development is most likely protecting Chatham and Jordan Lake from being annexed from Cary. Chair Lucier stated he supports this project and appreciates the changes that were made.

- Ms. Weakley stated she also appreciates the layout and understands by permit they have to reduce the impact as they develop this site, but wants to remind everyone that this is right on Jordan Lake and White Oak Creek where Cary's intake for water supply that Chatham County shares. Ms. Weakley also stated that lot 39 is not practical in its layout, most of it is wetlands and connect hydrologically. Mr. Ashness stated in that area the wetland goes subterranean and the Corps has been out and looked at it. He also stated on lot 19 they placed a voluntary buffer around two wetlands and the Corps said they didn't need to do because they were far enough apart, but they chose to do so anyway. Mr. Ashness stated he feels they have made many strides to reduce impact and agrees with Chair Lucier that this type of density is appropriate for this location and will create a barrier where Cary will not annex 4.5 acres lots.
- Ms. Weakley stated she understands his argument, her concern was the way lot 39 septic was laid out. Ms. Weakley showed the Board the path of the septic pipe from the dwelling to the septic field and how long it will be. She asked Mr. Ashness if they had thought of a different scenario because this is such a long pipe and if anything goes wrong with that pipe it will be draining into the water supply. Mr. Ashness stated this will be State inspected septic systems and will be inspected. He stated he is comfortable with this layout, but as the project is developed they may find more suitable soil for a better location of the septic field.
- Ms. Weakley appreciates the ephemeral stream crossing, but stated lot 23 and lot 22 is a similar situation where they will have a very long pipe as well. Mr. Ashness stated they can have a directional bore with a fused pipe with no joints if they feel more comfortable with that. Ms. Weakley asked if they will share the same pipe. Mr. Ashness stated they will not share a pipe, but the pipes will run very close to each other as they cross the buffer. Chair Lucier asked how deep the pipes will be buried. Mr. Ashness stated they will be 4' below grade. Ms. Weakley stated her issue is with lot 39 and lot 23 and also showing no practical alternatives, otherwise she is okay with the project.

Motion made by Mr. Galin to approve this item; second by Mr. Wilson.

Motion passed 9-1, opposed by Ms. Weakley.

2. Request by Garretson Browne, Project Manager on behalf of NNP Briar Chapel, LLC for subdivision **Preliminary Plat** review and approval of **Briar Chapel Phase 14**, consisting of 89 lots on 31.82 acres, located off Catullo Run, parcel #89624.

Ms. Tyson gave an overview of the staff notes and she stated that the request before the Board is for subdivision Preliminary Plat review and approval of Briar Chapel Phase 14, consisting of 89 lots on 31.82 acres. The proposal is for eighty-nine (89), four (4) unit townhomes with front load garages. There is on-street parking located within the phase. A portion of the project will have a greenway to SD West and there is a one hundred feet (100') perimeter buffer placed along the southern boundary.

Ms. Tyson stated the lots will be accessed by state maintained roads that will connect to Catullo Run. There are two (2) public roads proposed and three (3) areas for on-street parking. NCDOT has reviewed and approved the construction plans for Phase 14. The following road names have been approved by the Emergency Operations Office as acceptable for submittal to the Board of Commissioners for approval: Deardom Way (Road A) and Balfour Run (Road B). The applicant has submitted the approved agency permits, as required for a preliminary plat application which include Chatham County Erosion Control, US Army Corps of Engineers, NC Department

of Environmental Quality Division of Water Quality, NC Department of Environmental Quality Division of Water Resources, and Chatham County Public Utilities Department. The permits can be viewed on the Planning Department webpage at [www.chathamnc.org/planning](http://www.chathamnc.org/planning) Rezoning & Subdivision Cases, 2019.

County water is available and will be utilized. Per Larry Bridges, Public Works Administration Director, the plans have been approved. The lots will be served by a private waste water treatment plant and Newland Communities has received a Wastewater Collection System Extension Permit dated July 25, 2019 from the NC Division of Water Resources. Per the application there are no cemeteries or structures eligible for the National Register within the project area of Phase 14 nor any structures or cemeteries 50 years old or older. The stormwater best management practices are located outside the 10' no-build area, riparian buffers and special flood hazard areas. A note will need to be placed on the final plat stating the maintenance responsibility of the stormwater features. A copy of the Stormwater Plan was submitted to Morgan DeWit, Chatham County Watershed Protection, for review and was approved in a letter dated July 25, 2019. Approval of the plan by the Stormwater Administrator is required per the Compact Community Ordinance and the 2014 CUP revision prior to preliminary plat approval.

Ms. Tyson also stated there is one stream within the area of disturbance for Phase 14 and the required 50 foot per side riparian buffer and 10' no-build setback are shown on the plans. The stream is also located within common area. Adjacent to the proposed project are wetlands and special flood hazard areas, although there are no floodable areas within the developable area of Phase 14. Additionally, the Special Flood Hazard areas have been conveyed to the Briar Chapel Communication Association as shown on a recorded survey. The TRC met on August 14, 2019 to review the request. Chris Seamster, RLA, McKim & Creed was present to represent the developer. Issues discussed included possible road name change, greenway to SD West, on-street parking, labeling some public drainage easements private and Phase 14 being the last phase. It is staff opinion that the application meets the requirements of the Subdivision Regulations for preliminary plat review.

Ms. Tyson informed the Planning Board 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 14 will have 89 single family detached homes. Compact Residential allows community centers, amenities, recreational uses, schools and churches. Briar Chapel development has various amenities including parks, walking trails, club house and pool, along with schools either within the development or on adjacent properties. Compact Residential areas are to be connected by a system of local and collector streets. Phase 14 has public roadways connecting to the balance of Briar Chapel.

In closing, Ms. Tyson stated the Planning Department recommends granting approval of the road names Deardom Way and Balfour Run and granting preliminary plat approval of Briar Chapel, Phase 14 with the following conditions:

1. The final plat shall include the approximate location of the BMP using top of bank of existing feature (no pipes or risers); the BMP maintenance easement be labeled and shown as 'private' with a minimum of 10 feet clearance; and the location of the access to the stormwater easement from the public right-of-way.
2. A note shall be placed on the final plat stating the maintenance responsibility of the stormwater features.
3. The final plat shall state the width of the riparian buffers.

Board Discussion followed and some items discussed were as follows:

- Chair Lucier asked if this was the last preliminary plat for Briar Chapel. Mr. Browne stated yes. Chair Lucier also asked how many total lots they will have for the project. Mr. Browne stated they are 1 lot shy of their entitlement of 2650 lots. Chair Lucier stated that 300 of the lots will be designated for apartments and currently at 2349 lots. Mr. Browne stated correct.

- Mr. Spoon asked about the on-street parking and how many parking spaces will be provided. Mr. Browne state 11 parking spaces and the driveways will be longer with two car garages.
- Mr. Frazier asked how many units will be in the townhomes. Mr. Browne stated it is a mix of 3, 4, and 5 unit townhomes with 89 dwellings.
- Ms. Weakley stated the wetland buffer doesn't seem to follow the wetland line and asked if it is a 50' buffer. Mr. Sullivan stated Briar Chapel is not under current wetland requirements. Ms. Weakley stated according to the legend this is a buffer. Mr. Seamster stated yes it is with a 10' no build and part of Pokeberry Creek. Ms. Weakley asked what feature this buffer line is 50' from. Mr. Sullivan stated this buffer is already recorded on a prior phase plat. Mr. Seamster stated it is the edge of the wetlands. Ms. Weakley stated it is important and have as a condition to show buffer widths and what is being buffered so home owners up against the buffer knows what it is and has asked for this buffer to be shown on this plat.
- Ms. Weakley asked why there is a second crossing of the intermittent stream, why not come off of Briar Chapel Parkway so the stream didn't have to be impacted. Mr. Seamster stated there were some major topographic challenges because Briar Chapel Parkway is 30' or 40' higher in that direction. He stated because of the CUP they have the crossing of the ephemeral stream approved by the BOC back in 2014. Ms. Weakley asked if the stream is ephemeral or an intermittent stream. Mr. Seamster stated it is intermittent to a point and then turns into an ephemeral stream and that is where the crossing is located. Ms. Weakley stated the plat says where it ends, but the site plan doesn't say where it begins and it looks like it is being crossed twice. Mr. Seamster pointed out where the intermittent stream begins and stated the stream is intermittent from Pokeberry up to that point. Ms. Weakley asked if they can label it to help identify what is intermittent and what is ephemeral stream.

There was Board discussion about this stream and the labeling. Chair Lucier stated to Mr. Seamster that this stream needs to be relabeled so it is clear. Mr. Seamster stated he will do that.

- Mr. Spoon asked where Catullo Run leads out to. Mr. Seamster stated Catullo Run merges with Taylor Rd. by Chatham County Community College is being built. Mr. Spoon also asked about school buses in this phase. Mr. Browne stated there are 4 bus stops in Briar Chapel and there is not a designated bus stop for this phase. There was discussion of the different options to take children to school from this phase.
- Chair Lucier asked if there will be further improvements to Andrew Store Rd. Mr. Browne stated Chatham Grove development is doing some road improvements around their site. There was some discussion about the amount of traffic going down Andrew Store Rd. Mr. Sullivan stated this will be addressed with the long range transportation project.
- Mr. Galin asked about the wheelchair ramps and why are they located where they are. Mr. Seamster stated the wheelchair ramps are located every 200' with a 5' by 5' turnaround area on the sidewalk required by DOT.

Motion made by Vice-Chair Siverson to approve this item to include the relabeling the intermittent and ephemeral stream and to incorporate the recorded plat buffer; second by Ms. Moose.

Motion passed unanimously, 10-0.

**THE FOLLOWING TWO ITEMS ARE PUBLIC HEARINGS:**

3. Request by Ricky Spoon for subdivision **First Plat** review and approval of **Hobby Farm**, consisting of 11 lots on 12.91 acres, located corner of Mann's Chapel Road and Andrew's Store Road, SR-1532 and SR-1526, parcel #68308.

Ms. Tyson gave an overview of the staff notes and she stated that the request before the Board is for First Plat review and recommendation of Hobby Farm Subdivision, consisting of 11 lots on 12.919 acres, located at the corner of Mann's Chapel Road, S.R. 1532 and Andrew's Store Road, S.R. 1526. 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 road is to be built as an 18 foot wide travelway with a 60 foot wide public right-of-way and is to be a state maintained road. The applicant contacted Bev Wiggins, Chatham County Historical Association. Ms. Wiggins corresponded by email dated June 27, 2019 and stated if any structural remains are found to contact her. Notification of the proposed development was provided to the Chatham County School System. Chris Blice, Chatham County Schools Chief Operations Officer corresponded by email dated July 15, 2019 and stated there were no concerns.

Ms. Tyson stated the developer submitted the General Environmental Documentation and a letter dated July 8, 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, based on the project area mapped with your request, indicates that there are no records for rare species, important natural communities, natural areas, and/or conservation/managed areas within the proposed project boundary. Please note that although there may be no documentation of natural heritage elements within or near 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, Watershed Protection Director, reviewed and approved the information submitted.

A community meeting was held on June 4, 2019 on site (3267 Andrew's Store Road). Approximately eleven people attended the meeting. Items/issues discussed included a reduction in the speed limit, if the hardwood would be left, and buffers. The applicant addressed most of the concerns from the community meeting and revised the proposed plat to add a voluntary 20' undisturbed perimeter buffer along parcels 1671 and 73488 owned by Jimmy and Sheila Sturdivant. The developer proposes to place a 10' wide easement over the existing gravel driveway located at the back of Lots 1 and 2.

Ms. Tyson also stated the TRC met August 14, 2019 to review the First Plat submittal. The applicant/developer was present. Items discussed included moving the location of the fire hydrant and adding an additional fire hydrant, 20' easement to the public road for the two stormwater BMPs for maintenance, ensuring the timbering doesn't damage the useable soils for septic systems, HOA being responsible for BMPs, BMPs being on four private lots, whether the proposed BMPs are permanent or temporary, and 20' undisturbed buffer.

A soils report and map 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 1 and 2 are proposed to have off-site septic. County water is available and will serve the project. The road name Hobby Farm Road 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 between Lots 1 and 2.

Ms. Tyson informed the Planning Board that Robert Turnbull of Environmental Services, Inc. (ESI), submitted the Riparian Buffer Review Application along with a riparian buffer map, dated May 2019, to Drew Blake, Senior Watershed Specialist for review. Mr. Blake and Mr. Turnbull completed an on-site riparian buffer review on June 20, 2019 to verify the consultant's findings. Mr. Blake issued a confirmation letter of his findings dated June 21, 2019. No revisions to the findings made by ESI were required based on the on-site review. The June 21, 2019 letter stated one (1) intermittent segment was found and will require a 50-ft buffer from top of bank landward on both sides of the feature.

Mr. Jeffery Harbour of ESI also provided a letter to Mr. Blake dated July 12, 2019. Mr. Harbour stated "Further investigation throughout the property identified no other areas that would be subject to Section 404 or 401 jurisdiction or permitting requirements. The proposed site plan provided by the applicant shows complete avoidance of the stream near the southern boundary. It is our professional opinion that the project will not affect any jurisdictional wetlands or WOUS. As such, we believe that no Section 404/401 consultation with the U.S. Army Corps of Engineers or the NC Division of Water Resources is currently necessary." Mr. Blake was provided a copy of the US Army Corps of Engineers Approved Jurisdictional Determination dated August 21, 2019.

Ms. Tyson continued stating two stormwater devices are proposed and will be placed on Lots 1 and 2 and Lots 6 and 7 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. The developer is proposing to remove all soft wood (i.e. pines and some trees for the home site). No land disturbing activity can commence on the property prior to obtaining Construction Plan approval.

Ms. Tyson said site visits were scheduled for August 19, 2019 and August 20, 2019 for Planning Department staff and various Board members to attend. Ricky Spoon was present to walk the property with staff and Board members and discuss the project. Areas of the property viewed were the center line of the proposed road alignment, 20' undisturbed buffer, and 10' right-of-way easement. 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.

Ms. Tyson stated 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.

In closing, Ms. Tyson stated the Planning Department recommends granting approval of the road name Hobby Farm Road and granting approval of subdivision First Plat for Hobby Farm 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.
2. The Final Plat shall provide 20' access easement from stormwater ponds to public right-of-way.
3. The Final Plat shall provide 10' private easement around stormwater ponds.
4. The Final Plat title shall read Hobby Farm Subdivision.

Board Discussion followed and some items discussed were as follows:

- Ms. Weakley stated there were two maps in the packet, one map with a lot of detail, but the topography map does not have a lot of detail. She asked which plat would be recorded. Ms. Tyson stated the detailed plat would be recorded.
- Chair Lucier asked where the water line comes into the property. Ms. Tyson stated one water line will be coming from Manns Chapel and the other from Andrew Store Rd. Mr. Spoon stated that might not be exactly what will happen because they may only require one water line. The line coming from Manns Chapel may not be necessary if the water line from Andrew Store Rd is suitable flow for the project.
- Mr. Arthur asked what is meant on the map, areas of suitable soils and areas of unsuitable soils. Mr. Ricky Spoon stated that is for septic and unsuitable means the soil will not perk. Mr. Arthur asked, what is the plan for lots 1 and 2 with their unsuitable soils? Mr. Ricky Spoon stated the septic will be pumped across the road, but at this point they don't know if it is completely unsuitable soils yet. They may be able to use the primary field on the lot and the backup across the street. All the other lots are great lots, but lots 1 and 2 are questionable.
- Ms. Weakley asked if they are creating a drainage ditch all away around the perimeter. Mr. Spoon stated no it is just a flow path not a ditch. Ms. Weakley stated if you are not digging a ditch the plat should not state drainage ditch. Chair Lucier stated during the site visit you could see how it will flow. Ms. Weakley stated it is sheet flow and asked Mr. Spoon if an engineer drew the flow path to the pond. Mr. Spoon stated yes.
- Vice-Chair Siverson stated during the site visit Mr. Spoon stated he planned to mass grade, but then also stated he wanted to keep as many trees as possible, she asked what is going to happen. Mr. Spoon stated his plan is to have a soil and erosion control plan for each lot and clear a 50' by 80' area for the house site. He also stated the lot lines can change due to a large tree and they might be shifted to keep the tree. Vice-Chair Siverson asked if he was committed to saving the large beautiful trees. Mr. Spoon stated he will do his best, but he has in the past saved beautiful trees and when the house is sold they want the trees removed because they are afraid it will fall on the house. Mr. Spoon stated he will remove the large pine trees because they have shallow roots and it may fall.

- Mr. Jon Spoon asked how far the Hobby Farm entrance is from the corner of Manns Chapel and Andrew Store Rd. Mr. Ricky Spoon stated is about 300' to 400' away from the intersection and has been approved by DOT.
- Ms. Weakley stated the stormwater pond crosses lot lines and who will have ownership and maintenance responsibility for the pond. Mr. Spoon stated he has not figured that far ahead yet, he doesn't want a HOA, but it looks like that is what will need to be in place for the maintenance of the pond. Ms. Weakley asked if Mr. Spoon has considered putting the ponds on just one lot. Mr. Spoon stated yes. Ms. Weakley asked how this can be approved without knowing who will be responsible for the pond. It was discussed that this is the First Plat and it will be resolved before approval of the Final Plat. Mr. Sullivan stated the pond can cross lot lines as long as there is a maintenance easement and everything has to be in place before Final Plat will be approved at the TRC meeting.

Motion made by Vice-Chair Siverson to approve this item; second by Mr. Wilson. Motion passed unanimously, 10-0.

4. Request by Warren Mitchell on behalf of Morgan Ridge Partners, LLC for subdivision **First Plat** review and approval of **Morgan Ridge Conservation Subdivision Phase 2**, consisting of 36 lots on 80.25 acres, located off Jones Ferry Road, SR-1942, parcels #1435 and #69883.

Ms. Tyson gave an overview of the staff notes and she stated that the request before the Board is for First Plat review and recommendation of a conservation subdivision, Morgan Ridge Phase 2, consisting of 36 lots on 80.25 acres, located Jones Ferry Road, S. R. 1942. A vicinity map showing the property location is included in the First Plat booklet.

Ms. Tyson stated section 7.7 of the Subdivision Regulations, Conservation Subdivision – Alternative Standards for Development states in part “As an alternative to conventional layouts, Chatham County encourages the preservation of large, contiguous blocks of land.....When a project voluntarily preserves Conservation Space in accordance with this Section, a project can increase the number of units that would be allowed on the overall property by ten (10) percent. Calculations of the density bonus shall be based on the applicable underlying land use regulations(s) dictating allowable development density.” Section 7.7 J. states in part “conservation subdivisions proposed for the purposes of sustaining existing on-site bona fide agricultural operations are entitled to a five (5) percent increase in permitted density (this in addition to the ten (10) percent density bonus)....” Please read the entire Section 7.7, Items A – N for a complete understanding of Conservation Subdivisions. Also, please refer to the *Chatham County Conservation Subdivision Guidelines for Conservation Space Selection* which is available on the Planning Department webpage under Ordinances and Regulations. A conservation subdivision requires that a minimum of 40% of the project area be retained as Conservation Space. A minimum of 80% of such Conservation Space shall be Natural Space and a maximum of 20% of the Conservation Space may be Open Space.

The site plan includes the total number of lots allowed including the 10% density bonus allowance. The land required to be deducted when calculating the overall density within a Conservation Subdivision (i.e. special flood hazard area) is .11 acres. This area (.11 acres) was deducted from the total acreage of 80.25 acres to arrive at the net land available for the density calculation of 80.14 acres. Based on the net land area the lot yield would be 53.43 lots and would increase to 58.76 lots with the 10% density bonus. However, the

developer is proposing 36 lots, which is less than the number of lots allowed under the conservation subdivision option.

Ms. Tyson said of the total project area of 80.25 acres, 32.10 acres is required to be included in Conservation Space and the site plan indicates that 34.8 acres will be set aside. See the site plan for the breakdown and location of the Conservation Space. The area set aside for Conservation Space meets the requirement that 40% of the project area be retained as Conservation Space. 80% of the Conservation Space is required to be Natural Space. The Conservation Space Guidelines states "Natural space is unimproved land in its naturally occurring state, or preserved to regenerate to its naturally occurring state, unaltered by human activity, and preserved to maintain or improve the natural, scenic, ecological, cultural, hydrological, or geological values of an area." The site plan indicates that 31 acres of Natural Space will be provided, which exceeds the minimum 80% requirement or 25.68 acres.

A maximum of 20% of the Conservation Space may be Open Space. The site plan indicates that 3.8 acres of Open Space will be provided, which is less than the maximum 20% (6.42 acres) allowed under the conservation requirements. The 'Guidelines' state "Open space, as defined in the Subdivision Ordinance, allows amenities such as recreational uses and some non-intrusive common uses (e.g. when land application is not the preferred means of wastewater disposal, community septic systems are allowed in Open Space areas). Open space should be located as close to proposed development as practicable, taking into account considerations such as public safety and soil suitability." See Section 7.7 (D), Items 1 – 7 for allowed uses in Open Space related to Conservation Subdivisions. There are no amenities proposed for this site. All land disturbing activities associated with the Conservation Subdivision are subject to the full provisions of the Soil Erosion and Sedimentation Control Ordinance, regardless of the designated use or status of a given area.

Ms. Tyson also stated the roads are to be built as a 60 foot wide public right-of-way, with a 20 foot wide travelway, will be approximately 2400 feet in length, and are to be state maintained. Bev Wiggins, Chatham County Historical Association, corresponded to the applicant by email on April 29, 2019. Ms. Wiggins thanked the applicant for his efforts to locate a gravesite believed to be on the property. Ms. Wiggins would like to be contacted if any items of historical significance are discovered during the development of the site. Notification of the proposed development was provided to the Chatham County School System. See notification in the application booklet

The developer submitted the General Environmental Documentation and a letter, dated August 6, 2019 from North Carolina Department Environmental Quality Natural Heritage Program to Chatham County Land & Water Resources Division for review. "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, and/or conservation/managed areas within 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, Watershed Protection Director, reviewed and approved the information submitted.

Ms. Tyson informed the Planning Board that in the *Conservation Subdivision Guidelines for Conservation Space Selection* two maps are required to be submitted, a Fragmentation Map and an On-site Inventory Map. The Fragmentation map illustrates the project site and all land within one mile of its boundaries and is designed to assist the applicant in deciding where Conservation Space should generally be located to create connections with existing Natural Space, or allow future Natural Space connections on adjacent properties.

The On-site Inventory Map is used as the “primary decision-making tool for the applicant in selecting specific areas to include in Conservation Space, and the County in issuing approvals. Please review the ‘guidelines’, Item 2.1 and 2.2 for more details about the mapping requirements. The fragmentation map and on-site inventory map series are included as attachment #4. The County Watershed Protection Department staff has reviewed the maps and determined they are adequate to meet the submittal requirements.

Section 7.7 (F) of the Subdivision Regulations requires that the applicant identify the current and intended future owners(s) of the Conservation Space and who will be responsible for maintaining the area / facilities. Per the Draft Conservation Management Plan the Natural Space and the Open Space will be maintained by the Morgan Ridge Phase 2 Homeowners Association. Section 7.7 (G) requires that a management plan for the Conservation Space be submitted to and approved by the County. A copy of the draft plan has been provided by the applicant. Per Section (G) “Upon initial approval of the management plan by the County, changes to the plan shall be allowed only when approved by the County Board of Commissioners.” Section (H) requires that the Conservation Space shall be protected in perpetuity by a binding legal document that is recorded with the deed upon review and approval by the County. The applicant has provided a draft copy of the deed which will convey the Conservation Space to the third party (homeowners association) and has included a draft copy of the Declarations of Covenants and Restrictions. Prior to final plat recordation, the county attorney shall review and approve the form of the Management Plan, the Declaration of Covenants and Restrictions, and the deed for the Conservation Space.

Ms. Tyson stated a community meeting was held on May 22, 2019 at Opus Financial Advisors and several people attended the meeting. Items/issues discussed included high speed internet, septic fields close to Emily Lane, resisting stub out to Emily Lane, wells affecting the water table, larger buffer between resident(s) on Emily Lane and Lots 24 and 25, no natural area between Lots 11 and 12, and no construction traffic on Emily Lane. The developer provided responses in the community meeting report and noted they will contact AT&T and/or Spectrum for high speed internet, no connection to Emily Lane, moved the two proposed cul-de-sacs approximately 100 feet away from the common line with Emily Lane residents, propose a community well instead of individual wells, removed the common natural space access from the proposed cul-de-sac (Ivy Ridge Road), construction vehicles won’t be using Emily Lane, and no trespassing signs can be posted.

Ms. Tyson also stated the TRC met on August 14, 2019 to review the First Plat submittal and the applicant/developer was present. Discussion items included stormwater ponds need to connect to public right-of-way, will Lots 1, 1A, 3, and 3A be connected, will there be amenities, and cul-de-sac radius. A soils report and map were submitted to Thomas Boyce, Chatham County Environmental Health, LSS, REHS, Chatham County Environmental Health, for review. Mr. Boyce indicated that the report and map were adequate for a First Plat review. The information provided indicated that adequate soils are available for the proposed number of lots and a more detailed analysis will be conducted prior to submittal of the final plat. County water is not available. A community well is proposed.

The road names Ivy Ridge Road, Elm Tree Court, and Black Bear Court have been reviewed and reserved by Chatham County Emergency Operations Office as acceptable for submittal to the Board of Commissioners for approval. A riparian buffer report, dated August 22, 2018 was prepared by Stephen Ball, RF, PWS, and submitted to Drew Blake, Chatham County Watershed Protection Department, Senior Watershed Inspector for review. Mr. Blake and Mr. Ball completed an on-site riparian buffer review on September 10, 2018 to verify the consultant’s findings and a confirmation letter was provided. Two (2) intermittent streams, two (2) perennial streams, and four (4) wetlands were located on the properties. An approved Jurisdictional Determination dated November 28, 2018 is also included in the application booklet.

Ms. Tyson said the conservation subdivision option allows for greater flexibility in lot size and dimensional requirements (see Section 7.7K of the Subdivision Regulations for more detail). Lot sizes ranging from .75 to 1.25 acres. There are no amenities and one area designated for a mail kiosk in Phase 1. Residential lot setbacks will be the minimum allowed by the Subdivision Ordinance. The minimum setbacks are 5' from the front property line and the minimum required by NC State Building Code for the sides. This will provide the developer greater flexibility in laying out the lots once the more detailed soils analysis is complete. One stormwater pond is proposed and will be placed in open space. 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. The Chatham County Watershed Protection Department will issue the stormwater and erosion control permits for the entire project.

Ms. Tyson stated Planning Department staff and various Board members attended site visits on, August 20 and 22, 2019. Warren Mitchell and Wesley Lloyd were present to walk the property with staff and Board members and discuss the project. Areas of the property viewed included streams, wetlands, center line of the proposed road alignment, and conservation areas. 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 Conservation on the Future Land Use and Conservation Plan Map. The description for Conservation includes single family detached lots and attached units with overall very low density, greenway trails, and passive recreation areas.

In closing, Ms. Tyson stated the Planning Department recommends granting approval of the road names Ivy Ridge Road, Elm Tree Court, and Black Bear Court and granting approval of subdivision First Plat for Morgan Ridge Conservation Subdivision Phase 2 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.
2. The Final Plat shall provide a 20' wide private easement to from the public right-of-way to the stormwater pond.
3. Prior to final plat recordation, the county attorney shall review and approve the form of the Management Plan, the Declaration of Covenants and Restrictions, and the deed for the Conservation Space.

#### PUBLIC INPUT:

- Mr. Richard Paar of 396 Emily Ln spoke and had a few comments. He stated his property is directly abutting the southern property line of Morgan Ridge Phase II. When they purchased the mostly undeveloped 8.88 acre lot in 2011, they were drawn by Emily Lane's quiet, rural feel and the large, well-treed lots provided natural buffers between houses and a feeling of privacy and serenity pervades the neighborhood. They had both recently retired and were looking to build an age-in-place retirement home close to three grandchildren in Cary. The land to their north was held in a trust seemed to indicate delayed development --- later the county designation as a Conservation area boosted their hopes. They are both very concerned about man's impact on the global climate and sought to minimize their individual impact as much as possible by choosing an energy-efficient green building solar design. The resultant home is certified as a Gold Level Green Home and the National Association of Home Builders awarded it the 2012 Green Home Project of the Year.

Although the lot is just shy of 9 acres, the cleared area is less than an acre and a half - instead of large lawns, they have wildflower meadows. In the end, they created their own little oasis, a clearing in the forest where they relish the proximity to the natural environment. They have seen barred owls and red-shouldered hawks hunt their back yard. It is frequently possible to hear only the birds, the wind, and the wild without a single man-made sound. For them, the neighborhood has certainly delivered on the promise of privacy and serenity. It was this pursuit of their dream that brought them to Emily Lane; other dreams brought other residents. A retiring Cornell professor/ UNC alumni chose Emily Lane because he needed the space to erect an aviary to house his collection of falcons, owls and hawks. Now some 23 birds of 16 species (including a trio of 4-week-old Harris Hawk chicks) are US Fish & Wildlife Service authorized residents on Emily Lane.

Mr. Paar stated other dreams have included the space to keep other animals - chickens are popular with many, but they've also had ducks, goats, sheep, oxen, ponies, an emu and most probably others. They are a diverse group who have chosen to leave the oppressive densities of most suburban developments in favor of the peace, quiet, privacy, and lighter regulation to be found on large lots away from the crowds. Enter Morgan Ridge Phase II and suburbia comes crashing down on Emily Lane. Combined with Phase I, 52 homes are proposed to be built to their immediate north. This raises significant concerns, including: The topography of the land in the lower half of the Morgan Ridge property slopes to the south southeast directly towards Emily Lane - what will be done to manage the potential negative aspects of ground water drainage due to land clearing and road construction? The two proposed roads terminate in cul-de-sacs about 75' and 125' from Emily Lane property lines - where does that drainage go?

This development is going to add 52 new wells on the aquifer. Has the environmental impact of these new wells on the aquifer been investigated? What is the impact to the existing Emily Lane wells? Why is the minimum lot size in Phase II half of that of Phase I? Why are you trying to cram so many houses onto this property? But mostly, why does the Proposed Morgan Ridge Phase II Development have significant buffers to the east and west, but absolutely none to the south. The closest neighbor is approximately 600' away - if this goes through as proposed, they could wind up with as many as seven houses within half that distance. Include in that the septic fields of three of them - all within 300' of the property line. Looking at the northern boundary of the Emily Lane Neighborhood as a whole, there are thirteen Morgan Ridge lots that fall within 300' of their collective property lines. More than a third of the Morgan Ridge Phase II homes fall within one football field of Emily Lane properties. If we were a neighborhood of design and density similar to Morgan Ridge, this would probably not have as significant of an impact. But the differences between Emily Lane and Morgan Ridge are night and day, rural and suburbia.

Mr. Paar stated having the septic fields for a third of the homes within 300' of the Emily Lane property lines seems an apt metaphor for what the Morgan Ridge Proposal would do to our neighborhood. As stated in the 2017 Plan Chatham which guides development in the county, "Preserving rural character was identified as the most important goal during the planning process. Rural character means different things to different people. For some, it is clean water, forests, and wildlife. For others, it is scenic beauty or a lifestyle that includes privacy, peace and quiet." In keeping with the spirit of preserving the rural character of the county for the Emily Lane Neighborhood, Mr. Paar is requesting that a 150' natural tree buffer be set aside between the aggregated lot lines that form the northern border of the Emily Lane Neighborhood and the lot lines of the nearest proposed home sites. Mr. Paar thanked the Planning Board.

Board Discussion followed and some items discussed were as follows:

- Ms. Weakley stated she would like to recap what a Conservation Subdivision is and what the guidelines require. She stated the site visit was lovely and has a special forest on the property where species up on the ridge are not common in Chatham County. Ms. Weakley stated she appreciates the developer for willing to do the conservation subdivision on this site and the point of the conservation is to put the best of the best into the conservation part of the subdivision and then develop the less worthy for conservation.

Ms. Weakley stated what is required for a Conservation Subdivision per the guidelines is a fragmentation map and an on-site inventory map. She stated the on-site inventory map is the decision making tool for where to develop and where to have the conservation space. The conservation guidelines list the data required for this map on the Chatham County website, but also states specifically on-site investigation should be performed. The on-site investigation is required and that is how the primary and secondary areas are identified to be set aside. She stated this includes State Natural Heritage Areas and Natural Heritage Element Occurrences, NC Wildlife Action Plan, Upland Systems, Historic and Cultural Resources, (Upland Pool, Upland Depression Swamp Forest, and she believes there is Basic Oak Hickory Forest on the property.) Ms. Weakley stated the on-site inventory map should show those areas distinctly on the map and avoid development of those areas and develop on less conservation worthy areas.

Ms. Weakley stated first, an on-site inventory is needed and the guidelines are specific to be conducted by an environmental professional to identify the primary and secondary areas. Ms. Weakley made a recommendation that the Natural Heritage Program visit the site and it would be a free service for them to complete this survey. She stated they can delineate the areas that are most important and then plan around those areas. Ms. Weakley stated she spoke with Mike Schafale at the Heritage Program and he is willing to go out to the site and complete this survey for the developers next week. Mr. Mitchell stated to Ms. Weakley that would be helpful. He asked Ms. Weakley if she saw any rare or endangered species on the site visit. Ms. Weakley stated it was the natural communities that she was focused on and a rare species inventory would take something different like Mike Schafale to complete that inventory. Ms. Weakley stated she did not see rare species and she was not looking for rare species, but the natural communities which are unique.

Mr. Mitchell stated the forest is all of a unique variety. Ms. Weakley stated they did not walk the whole site and Mike Schafale can inform the developer what is there and then consider what to do with that information. She stated she saw Shagbark Hickory trees all over the ridge and those trees are not commonly seen in Chatham County on ridges. Mr. Mitchell stated those trees are not rare and he has investigated that after the site visit. Ms. Weakley stated they are not rare, but a conservation subdivision is not just for rare species, but also for high quality plant communities. Mr. Mitchell stated that is the whole site more or less.

- Mr. Mitchell asked to inform the Board why this location was picked and the logic behind it, but he is not against having some more analyses of the site because he does want to provide the best project. Mr. Mitchell stated Phase 1 is a conventional subdivision and ends at the northern end of the property which is currently under construction. He stated he was informed for Phase 2 they should approach it as a conservation subdivision. Mr. Mitchell said after reading the Comprehensive Plan it mentions Conservation Subdivisions. The Conservation Subdivision is to preserve the most precious features of the site and they believe the most obvious choice is the Upland Pool and the creeks to the northwest and southeast. Mr. Mitchell stated there was a zero buffer against Mr. Paar, but they have added a 100' buffer. Mr. Mitchell stated the septic systems are conventional and does go near Mr. Paar's lot.

Mr. Mitchell stated after they buffered the creeks they looked at the rest of the natural buffer they added to the northwest where the slopes were steeper. The ordinance considers steep slopes at 25% and greater, these slopes are anywhere between 12% and 18%. The lots are on the flattest section of the property at a 3% slope and the roads will be constructed on grade with no cut and fill. Mr. Mitchell stated they will not have to clear for any of the lots, only for the 60' Right-of-Way and the stormwater

pond. Builders do not want to clear cut because it is expensive. Mr. Mitchell stated the woods will be preserved on the lots and this plan has been in the works for a year, not just making quick decisions in a weekend. He believes this is the right location.

- Mr. Wesley Lloyd explained to the Planning Board how much cut and fill would be required for a 60' Right-of-Way on a 15% slope. It would be much more difficult to build a road with the terrain on that side of the property than utilize the flat area that already exists and have much less impact on the trees. Mr. Mitchell gave an example of a road in Briar Chapel and how much they had to cut and fill to make the houses level with each other and the road because of the slopes. He stated the area they picked is not only taking care of the natural space, but also the lots as well.
- Chair Lucier asked if the septic area will be totally cleared adjacent to the Paar property on lot 24. Mr. Mitchell stated no, not totally cleared they will leave all the trees they can. Mr. Lloyd stated he had installed septic systems for many years and they never clear cut the septic field because it just creates more work. Chair Lucier asked how big the septic field is on lot 24. Mr. Mitchell stated that field was big and feel that they can do some work with the consultant to lay the septic fields out and get them further from the Paar lot. Chair Lucier stated they might be able to trade off some of the natural space and connect the 5.8 acre and the 6.7 acre natural space by giving somewhat of a buffer to the Paar's by moving the septic field to the right. Mr. Mitchell stated he had the same thought and believe they can do that and make it happen. Chair Lucier stated that would create natural space for a few properties in that area. Mr. Mitchell stated that would be an improvement.
- Vice-Chair Siverson asked if they would consider not doing a public 60' Right-of-Way because the Land Use Plan would suggest alternative to large public roads widths in Conservation Subdivisions. Mr. Mitchell stated they would consider a smaller road, but not sure about it being private. He stated he will ask the DOT about putting in a smaller road.
- Ms. Moose asked what the benefit is to the water table and having a community well. Mr. Mitchell stated the community well was something they had thought about, but at the community meeting the neighbors brought up concern for the aquifer. He doesn't believe the neighbors were having problems, but wanted to make sure there wouldn't be any problems. Mr. Mitchell stated he had tried to get in touch with the State, but has not been able to. They felt with the well further away, as much as 600' separated by creeks should be a good location. Mr. Mitchell stated he is not sure if it is the best location, but he feels that it is better for the density than to have 36 separate wells. Mr. Arthur asked who is responsible for maintaining the well once it is built. Mr. Mitchell stated Aqua North Carolina, they are a private utility company. Chair Lucier stated they might have to do more than one well. Mr. Mitchell agreed.
- Mr. Arthur stated they are asking for three road names, but doesn't see three road names on the map. Mr. Mitchell stated they wanted to get three approved just in case, but they only needed two. Mr. Sullivan stated there is some competition for road names with Orange County and some names can be used by the time Final Plat is approved.
- Chair Lucier asked if there were any more comments. Ms. Weakley stated the Conservation Subdivision Guidelines specifically stated the steps to take to identify primary and secondary areas. Mr. Mitchell asked Ms. Weakley what was not provided. Ms. Weakley stated the primary and secondary



areas identified by an environmental professional. Mr. Mitchell asked if he had the primary and secondary areas listed, because he has the fragmentation map. Ms. Weakley stated they just have the Land Use data that is very generic and doesn't state specifically what the areas are that is being preserved. There was some Board discussion about other Conservation Subdivisions in the past.

- Ms. Weakley appreciates their interest in Conservation Subdivisions and their thoughtfulness about filling and grading, but the guidelines need to be followed. She also suggested the guidelines be updated for the UDO.
- There was some Board discussion about tabling this item for the developer to have the on-site inventory completed and to address the septic field location. Mr. Mitchell stated he agrees and will address the concerns.

Motion made by Mr. Arthur to table this item until the October 1, 2019 Planning Board meeting; second by Mr. Wilson.

- Mr. Galin asked what the process is to have the 60' Right-of-Way reduced in size. Mr. Sullivan stated DOT will have to approve the Right-of-Way and they will not approve anything below 18' wide. Mr. Mitchell stated he will call DOT and see what he can do. Mr. Lloyd stated less pavement means less cost, but he pointed out some of the frustrations that comes with a smaller road during construction.

Motion passed unanimously, 10-0

IX. NEW BUSINESS:

X. BOARD MEMBERS ITEMS:

1. Update from the Planning Board liaisons.
  - Chair Lucier stated the Pittsboro Planning Board did not have a meeting because it fell on Labor Day.
  - Vice-Chair Siverson stated she did not attend the Siler City Planning Board meeting.
  - Ms. Moose stated that Agriculture Advisory Board has completed work on the Voluntary Act District Ordinance and the next step is notifying property owners. There is also three new Board members.
  - Ms. Weakley stated Chatham Conservation Partnership's next meeting will be on October 17<sup>th</sup> 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 31<sup>st</sup>. 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 September 16th BOC meeting handout.*
3. *The UDO update.*

XII. ADJOURNMENT:

There being no further business, the meeting adjourned at 9:21p.m.

Signed: \_\_\_\_\_ / \_\_\_\_\_  
George Lucier, Chair                      Date

Attest: \_\_\_\_\_ / \_\_\_\_\_  
Daniel Garrett, Clerk to the Board                      Date