



**Chatham County Environmental Review Board
Meeting Minutes**

Meeting Date: June 17, 2010

Location: Dunlap Classroom

Board Members Present:

<input checked="" type="checkbox"/>	Tara Alden	<input type="checkbox"/>	Hal House (on leave)
<input type="checkbox"/>	Lin Andrew	<input checked="" type="checkbox"/>	Sonny Keisler
<input checked="" type="checkbox"/>	Catherine Bollinger	<input checked="" type="checkbox"/>	Allison Weakley
<input checked="" type="checkbox"/>	Raj Butalia	<input type="checkbox"/>	Vic D'Amato
<input type="checkbox"/>	Elaine Chiosso (Chair)	<input checked="" type="checkbox"/>	Steve Wing
<input checked="" type="checkbox"/>	Martha Girolami		

Present: George Lucier, Commissioner Liaison

Copy: Amelia Price
Fred Royal, Chatham County Environmental Resources Division

1. Approval of meeting minutes from May 20, 2010.

Tara Alden moved to approve. Motion seconded. All approved

2. Public input –

Peter Theye, Chatham County resident: Voiced concern with status of 401 permits. Mr. Theye said he sent a letter to NC DENR/DWQ and hasn't received a response. He then called DWQ with specific regard to the Briar Chapel development and has had no response.. Very concerned about sedimentation occurring in Briar Chapel and other developments. Thinks that the State lacks follow through with 401 permits and is concerned about follow-up. He has noted sedimentation occurring in perennial streams.

Allison Weakley explained that Chatham County must work with DWQ on permit issues as indicated in the County's by laws for the ERB. She said there is a huge lack of enforcement and that she has been very frustrated over the years. Allison indicated there needs to be much better oversight from the County. Recommends talking to the commissioners.

Tara Alden indicated that Mr. Theye's concerns had been discussed many times. Will have Fred Royal follow-up about complaints to DWQ.

Steve Wing said the State legislature needs to approve enough money to have proper enforcement.

Catherine Bollinger suggested that Briar Chapel needs to report to Fred Royal regarding their 401 permitting follow-up.

3. Staff report

a. Greater Triangle Stewardship Development Award Program

Fred Royal (absent) requested that Amelia Price present resolution to ERB for approval.

Catherine Bollinger noted a few grammatical changes. Amelia Price will follow-up with Fred Royal regarding minor corrections.

Tara Allen asked if anyone looked at the award guidelines to make sure they are consistent with ordinances. She asked if two hours of resources in/kind (i.e. County staff time) were enough? And, whose time would that be? Fred Royal's?

George Lucier said that applicants must meet ordinances as part of the award criteria.

Allison Weakley said she has been asked to be a judge and reviewed briefly the information she had on the criteria for the award program.

Martha Girolami requested that ERB receives feedback on how the award program is faring and who wins.

Catherine Bollinger moved to endorse award program. Tara Allden seconded. Program was passed unanimously.

b. NCDOT Draft Corridor Study – US 64

Ben Howell presented recent happenings regarding NCDOT's (North Carolina Department of Transportation) US 64 Draft Corridor Study.

Ben cited the 2006 draft study - Public comments on the study ends June 30; however, Chatham County has an extension until Sept 1, 2010 to provide comments.

George Lucier explained that the Chatham County Board of Commissioners sent a three-page letter to DOT last year indicating they thought the proposed US 64 improvements were a bad idea and should be abandoned. It's not that the board is against DOT — DOT has done a lot for Chatham County. They don't want US 64 turned into a superhighway because it's not to Chatham County's benefit. The Board of Commissioners needs input from other Chatham County boards and needs comments from ERB by July 15, 2010.

Ben Howell's presentation summarized the Chatham County portion of the study.

Note: The presentation is attached to the meeting minutes at the end of the document.

Highlights:

Presentation covered NC DOT improvements from US 1 to Pittsboro

- Presentation was crafted from former DOT presentations on the subject matter
- Wake County formed a stakeholder group to review study; Chatham County was not involved
- Last comments came in July 2009
- Chatham County put money into study
- Short term solutions includes 2500? feet on either side of corridor
- Long term solutions have significantly more impacts
- A “Council of Planning” will be formed for future plans of the corridor
- A Corridor Study team has been meeting once every two or three months
- Project contingent on funding
- Primary impact will be at intersections
- JB Mills house will not be sacrificed as long as it remains in a historical district and road will be designed around it
- Bridge improvements over Jordan Lake will consist of moving east bound lanes in to existing grass medians so roadway will include multi-use pathway
- North Chatham County Fire Station 16 – definite problem with location. Will add time to get to houses and add significantly to insurance for homeowners in the area. Long term solutions – DOT thinks there will be more fire stations
- Traffic counts currently range from 5,000 to 15,000 trips per day currently. Improvements will push trips up to 50,000
- Short term improvements (given funding) range from 5 to 20 years and include new “super” street design. DOT will continue to study super streets.
- Presentation contained tables indicating short- and long-term solutions

Catherine Bollinger would like to see air quality modeling. Ben Howell indicated that some has been done for this area.

George Lucier indicated that ozone levels will be lowered from .06 ppb to .07 ppb and that the County has responded to draft detailing reductions. Whole county is a non-attainment area.

Ben Howell discussed long term solutions regarding upgrading the corridor to a freeway. The portion in Wake County is more nebulous presently and the thinking is that “long-term” means by 2035, 2040 or much later.

George Lucier explained that one of the biggest sticking points is CAMPO (Capital Area Metropolitan Planning Organization) telling Chatham County what to do. CAMPO will need to get the Rural Planning Organization’s recommendations. George and Ben explained how MPOs (Metropolitan Planning Organizations) were funded and how they worked. George also explained corridor zoning and what has been done to date.

The presentation focused on environmental portion of study and Ben Howell will pdf the environmental chapter of the study and send to ERB members. Ben will make CDs that contain full study for ERB.

Allison Weakley inquired about when an Environmental Impact Statement might be initiated; Ben responded that it likely would not happen until further engineering is complete. Weakley noted that an EIS should be initiated before design so that potential impacts and alternatives can be considered in advance.

Board of Commissioners will receive complete black and white copies of study by June 24, 2010. Allison Weakley requested a full copy.

Tara Allden indicated the need for a subcommittee by first of July to help manage comments from the ERB. Elaine Chiosso had previously indicated she would lead the effort for the subcommittee.

Catherine Bollinger asked about level of detail concerning comments. George Lucier indicated that comments may be as detailed as anyone wanted.

c. WRB hearing – July 8, 2010 @ 6:30 p.m, Dunlap Classroom.

Noted and discussion ensued on Item 4.

4. Watershed Review Board (WRB) Procedures

Tara Allden incorporated changes from Jep. Tara noted that she had reviewed the WRB rules of procedures with Chatham County ordinances to make sure information was consistent.

Number for quorum needs to be clarified. Have to have quorum of ERB and then simple majority. Super majority requirement has been removed.

Jep needs to be at first meeting to help procedurally.

Discussion about public meeting and then having to reconvene as WRB. Questions arose regarding the July 8th meeting: is it a public hearing? Is it a WRB meeting? Is it both? The ERB was not sure about whether or not there was a separate public hearing scheduled in which they needed to attend.

Jason Sullivan is going to be the Watershed Review Board (Administrator) for the up-coming hearing.

Discussion regarding bifurcated role of Watershed Administrator(s): Fred Royal, Environmental Resources Division and serves as Watershed Administrator for technical cases; Jason Sullivan, Planning Division, serves for land use/zoning cases. Together these two staff positions constitute the watershed administrators as set by Chatham County Board of Commissioners.

Catherine Bollinger was not sure about reporting structure.

George Lucier indicated that the Planning Board used to set schedule for public meetings.

ERB members wanted to know when public hearing is and who needs to be present? Want to know what happens at a public hearing and who runs it.

George Lucier explained that the WRB is a quasi-judicial body and Chatham County staff needs to provide ERB direction. County attorney represents board. George explained that the public hearing and WRB can be one in the same so that all interested parties can be heard. George said that Jason Sullivan and Fred Royal need to get ERB appropriate information.

Raj suggested that Jep be given the WRB schedule for rest of year so that he will know when and if he needs to be at the meeting.

Steve Wing wanted to know why a WRB member would have to give a reason for abstaining. George Lucier explained that it had to do with State ethics laws. As a WRB member, you are obligated by state law to vote unless you are recused due to a conflict of interest, and the member states the conflict. Tara noted she would follow up on this question.

George recommends ERB meet with watershed administrators and County attorneys before the public hearing to better understand the WRB Rules of Procedure, Appeals, Variances. George said that ERB needs to know deadlines under which they're working; when they need to have the hearing by; who needs to attend, and what the date is they have to make a decision by.

There was a question concerning why there is a rush for the July 8th meeting. No one knew what the meeting was about. Depending on the subject of the public meeting, there may be legal reasons for dissemination of preliminary specific information. Depending on the subject of the meeting there may be attorneys present representing different sides.

Sonny Keisler moved to approve WRB Rules of Procedures, Appeals, Variances. Raj Butalia seconded. ERB approved unanimously.

5. Announcements, and updates from ERB member

a. Sonny Kiesler – Update on Rocky River efforts and Planning Board's response to Climate Change Resolution

Martha Girolami and Sonny Keisler attended the Planning Board meeting on June 1, 2010, where there was unanimous support of the resolution.

Allison Weakley attended the Agriculture meeting and said the Climate Change Resolution was very briefly introduced but wasn't discussed.

Sonny Keisler said that planning assumptions need to be taken into consideration and that ERB needs to push resolution. Continue to follow up. As for Rocky River the State is beginning to listen about problems. Rocky River will develop model for TMDLs. There was a 319 grant application submitted to NCDWQ to help clean up Rocky River, but they did not make first cut for funding priorities. Only 13 grants were funded.

b. Allison Weakley – NC Geologic Survey Geologic Mapping in Chatham

Allison Weakley said that she and Fred Royal met with the NC Geologic Survey (NCGS) Piedmont Mapping staff on June 14, 2010 regarding current geologic mapping being conducted by NCGS in Chatham County. Geologic mapping for the State is funded annually based on need. Allison provided a detailed account of how geologic mapping has helped identify areas with arsenic and radon in groundwater wells in both Orange and Chatham Counties, and how mapping can help establish a ground water monitoring well network. The Fearington quad is the only Chatham County quad mapped in detail for this year. Allison provided detailed maps and where arsenic and radon were found in wells in the County (based on NCGS data acquired through the DHHS) Allison has a copy of the presentation.

11. Adjourned

Next meeting:

Date: July 15, 2010

Time: 6:30 PM

Location: Dunlap Classroom