

## **Meeting Minutes**

### **Chatham County Environmental Review Advisory Committee (ERAC)**

**June 13, 2019 - 6:30 p.m. (6:30 start)**

**Performance Building Conference Room**

#### **Present:**

**Staff:** Rachael Thorn, Watershed Protection Director

**Members Present:** Terry Schmidt, Terri Tyson, Madison Ponder, Ray Bode, Fran DiGiano, Mary Beth Koza, Sherri Stuewer, Elaine Chiosso, Jeanette Ragland, Farrell Moose (recording secretary)

**Guests:** Jeannie Ambrose, Mark Ashness CE Group

**1. Standardization of meeting minutes.** Ray Informed the group that meeting minutes will be standardized based on the minutes from January 2019 (shared document) All updates and reports from staff will be added as attachments.

**2. Approval of meeting minutes.** With corrections: January date has been mistakenly reapplied to our April meeting. Garbutt has been misspelled as Barbutt.

**3. Public Input** none.

#### **Board Adjourns as ERAC and reconvenes as the Watershed Review Board.**

**1. General Discussion about the practice of density averaging.** Rachael Thorn answers general questions regarding density averaging and its practice in Chatham Co.

- Sherri Stuewer: Is there a maximum allowable density on the receiving property with density averaging? Rachel Thorne: No, if the “average” on the two parcels falls below the standard.
- Farrell Moose: Are the calculations for the size of stormwater pond for the “receiving property” still based upon reg. regardless of the transfer? Rachel Thorne: Yes

**2. Mark Ashness from CE group presents case for density averaging for Carolina Meadows.**

- Carolina Meadows was founded in the 1980's as a full care facility for retirees. The parcel in question was purchased in 1995. Carolina Meadows seeks to add additional impervious surface to parcel 74450 by purchasing parcel 76251 and using density averaging to mitigate the stormwater runoff from the development. The request for the modification of the conditional use permit was presented to the CCBOC in fall of 2018. The “sending parcel” is downstream of the “receiving parcel” in the same immediate watershed of Cub Creek and Morgan Creek. Carolina Meadows has purchased an additional property on Mt. Caramel Rd. in order to create a stormwater device for the receiving property 74450. The stormwater runoff will be piped under Mt. Caramel Rd. to a stormwater pond on this site.

**3. Questions from the board**

- Elaine Chiosso: What does this type of transfer do to reduce or eliminate the type of vegetative buffers that would ordinarily precede stormwater devices? If more density would suggest the lack of pretreatment. Mark Ashness: The remaining vegetated property will be mowed lawn previous to inlet pipes. EC: I am concerned at the lack of vegetative conveyances previous to the stormwater pond. MA: This parcel is an upland area well away from existing waterways.
- Fran DiGiano: The question of density can be interpreted either as impervious surface or in the case of units per acre. MA: Carolina Meadows has an approved density of 750 units per acre so we could technically have put a taller structure in place.
- Ray Bode: Have the property owners adjoining the new stormwater pond on Mt. Caramel Rd. been notified of this development? MA: No, but the stormwater pond should release less than the current flow into Cub Creek.
- Sherri Stewart: There are existing flooding issues south of Cub Creek--will this project effect this problem? MA: No, this project should not effect this issue; we are miniscule when it comes to the drainage of Cub Creek.
- Terri Tyson: Will they need to remove trees on the Mt. Caramel property in order to build the stormwater pond? MA: The pond will be predominately in an open area, but some trees must be removed for its construction on either side of the pond.
- Terri Tyson: Will trees be removed to pipe the stormwater to the site? MA: The route is predominately lawn.
- Fran DiGiano: What is the most the pond could release in a stormwater event? MA: In a large event the pond will release no more than it receives ("3 in 3 out")
- Farrell Moose: Are the calculations for the size of stormwater pond for the "receiving property" still based upon regulations regardless of the transfer? MA: Yes, the pond will be built to receive the stormwater calculated for the new development.
- Ray Bode: You stated that you do not currently have any other wet ponds at Carolina Meadows? MA: We do have additional dry basins. RB: Who will do the maintenance on these devices? A staff member will do daily inspections and an engineer will do the quarterly. Rachel Thorne: County will be doing their own inspections.
- Farrell Moose: You mentioned that on the receiving parcel that there is an existing wetland--does this design take this into account? MA: This is a disconnected wetland and has been created by the grading of an adjacent parcel. We are buffering this area.
- Elaine Chiosso: Does Staff have any opinions or recommendations regarding this application? Rachel Thorne: Chatham Co. ability to utilize density averaging has been limited in the past. We are going to be looking at many hypotheticals involving the use of density averaging as we develop the UDO. From a Staff opinion standpoint however this application seems to meet the right criteria and be a successful use of the density averaging device and from a staff point of view I can recommend approval.
- Elaine Chiosso: I am not a fan of density averaging or any instrument that allows to not apply to a piece of property deed restrictions. Much science has proven to be necessary for water quality. I agree though that this application meets all the points of the tool. My other concern is the increased flooding that we are

seeing and I'm assuming you are not seeing this flooding at Carolina Meadows?  
Having stated that, I make a motion to approve this application.

**4. Ray Bode: A majority vote is required for approval. All in favor in show of hands. The application is passed unanimously.**

- Sherri Stuewer: I have concerns about averaging but understand its usefulness. I am concerned that the development density of the receiving should not be allowed to go above X (value) regardless of the sending parcel. Rachael Thorn: The receiving parcels in these situations are heavily scrutinized and the impervious surface would never be allowed to approach 100% and still meet the requirements of the instrument.
- Terry Schmidt: My main concern about the use of this device is that the sending parcel is not currently built upon. Although you have "averaged" the two properties you have still further impaired the drainage.
- Farrell Moose: I'd like to second Ray's point that going forward the County should look into some requirement in notifying the property owners downstream of these devices. It is rare that I see an older stormwater pond without issues in its drainage.

**Board Adjourns as Watershed Review Board and reconvenes as ERAC**

**4. Updates from County Staff**

**Rachael Thorn:**

- A construction accident on June 5 in Briar Chapel released as many as 500 to 1200 gallons of raw sewage into Pokeberry Creek. County Staff was present. There is some dispute about the amount of the spill. Video footage has been sent to DEQ. We have since been notified that there have been additional spills that we were not notified of.
- The coal ash recycling plant will begin blasting on 6-18. Update on the site has been provided as follows: We will begin clearing and grading the site in June. Stormwater devices will be installed and excavations will begin for foundations. Blasting will begin on June 18 and will last less than a month. Postcards have been provided to nearby residents. Grading and site work will take four months.
- The special study guidance document has been completed. The draft and been sent to the planning director and council. Both have signed off on the document and it is ready for the boards review in the coming month.
- New ERAC Members have been chosen. Jeannie Ambrose, Heather Holley, and Sarah Justice will be joining us next month.
- In next month's agenda we will be covering the watershed ordinance revisions about density averaging along with the erosion control ordinance revisions and some discussion about sampling in the Rocky River using the NC data hub and volunteers.

**5. Siler City NPDES permit has been issued**

- **Elaine Chiosso:** In our past meeting we stated our intention to respond to the Rocky River Heratige Foundation's request for further study of the Rocky River after the posting of the NPDES permit. We have committed to discussing this further but I do not believe we are prepared to discuss this tonight. We must first go back to the US Fish and Wildlife's letter and compare it to the permit issued in order to respond to the Rocky River Heritage Foundation. We should choose and date for this discussion and

invite a member of the Foundation to attend. **Ray Bode:** This meeting should be held after Rachael has had the opportunity to look at options regarding the permit and after we have discussed what type of recommendation we are considering making to the BOC. **Fran DiGiano:** In reading the permit I discovered that there is going to be monitoring required both above and below the outlet on Loves Creek. **Mary Beth Koza:** Am I wrong in reading that there are only vague requirements about what was going to happen in 2022? Let's reshare all documents. **Elaine Chiosso:** I will resend documents to the group.

#### **6. Further Board Discussion**

- Elaine Chiosso: The town of Pittsboro is exploring treatments for contaminants in drinking water; the town is currently dealing with some of the highest levels in North Carolina.
- Elaine Chiosso: The town of Pittsboro has passed a tree protection ordinance for Chatham Park.

**Motion to Adjourn by Jeanette Ragland seconded by Fran DiGiano.**