



Chatham County Planning Board Minutes December 7, 2021

The Chatham County Planning Board met in regular session on the above date and the meeting were as follows:

Present

Jon Spoon, Chair
Caroline Siverson
Eric Andrews
Jamie Hager
Alex West

George Lucier, Vice-Chair
Clyde Frazier
Allison Weakley
Bill Arthur

Absent

Brittany Harrison
James Fogleman

Planning Department

Jason Sullivan, Director, Kim Tyson, Subdivision Administrator, Angela Plummer, Zoning Administrator, Chance Mullis Planner II, Vance McNeas Zoning Official, and Dan Garrett, Clerk to the Planning Board.

I. CALL TO ORDER:

Chair Spoon called the meeting to order at 6:30 p.m.

II. VIRTUAL MEETING GUIDELINES:

III. DETERMINATION OF QUORUM:

Chair Spoon stated there is a quorum, 9 members present, Ms. Harrison and Mr. Fogleman were absent.

IV. APPROVAL OF AGENDA:

Approval of the Agenda - Chair Spoon 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:

Consideration of the November 2, 2021 Planning Board minutes. Motion made by Vice-Chair Lucier to approve the minutes, second by Ms. Siverson. The November 2, 2021 minutes were approved 6-0, Ms. Weakley, Mr. West, and Mr. Arthur did not vote because they were absent for the November 2, 2021 meeting. Consideration of the November 8, 2021 Planning Board special meeting minutes. Motion made by Vice-Chair Lucier to approve the minutes, second by Mr. Arthur. The November 8, 2021 minutes were approved 7-0, Ms. Siverson and Mr. West did not vote because they were absent for the November 8, 2021 meeting.

VI. 2022 CALENDAR:

Consideration of the 2022 Planning Board meeting calendar. There were no changes to the 2022 Planning Board meeting calendar. Motion made by Mr. Arthur to approve the 2022 calendar, second by Ms. Siverson. The 2022 Planning Board meeting calendar was approved 9-0, unanimously.

- Chair Spoon gave a brief overview of the agenda with the addition of a consent item. He informed the Planning Board members if they feel that the item should be discussed and placed on the regular agenda, they will do that. He also mentioned if a resident speaks about a consent agenda item during the public input session and a board member feels it should be on the regular agenda because of what was said, then they will move it to the regular agenda and discuss the item.

VII. PUBLIC INPUT SESSION:

There were no residents to speak at this time.

VIII. CONSENT ITEM:

1. Request by Dan Sears, P.A. on behalf of Fitch Creations, Inc. for subdivision **Final Plat** review and approval of **Ferrington P.U.D., Section X Area "D" Phase Three - Halifax**, consisting of 10 lots on 4.156 acres, located off Millcroft/SR-1817, parcel #18998.

Motion made by Vice-Chair Lucier to approve the consent agenda item, second by Mr. Arthur. Chair Spoon conducted a roll call vote, and the item was approved 9-0, unanimously.

IX. SUBDIVISION & ZONING ITEMS:

1. A quasi-judicial public hearing for a request by Baker Donelson on behalf of Cellco Partnership dba Verizon Wireless for a new telecommunications tower on Parcel No. 10843 located at 5914 NC 87 N. A waiver from the 199 feet maximum is also requested to increase the height to no more than 300 feet.

Ms. Plummer stated a quasi-judicial public hearing was held November 15, 2021. Planning staff presented the request and Attorney Joshua Rotenstreich, representative for the applicant, was also present and presented the request providing additional clarification of the propagation maps to support the request for the height restriction waiver up to 300 feet to gain more coverage in the area.

In reviewing and considering approval of a Special Use Permit, the Board must find that all of the findings of facts shall be supported. Per the Zoning Ordinance "In considering an application for a Special Use permit, 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 Special Use permit thereof should not be granted, such proposed permit shall be denied."

A community meeting was held September 1, 2021. Three residents attended the meeting, and no concerns were raised based on the community meeting report provided with the application. Planning staff received one phone call from a community member who was in favor of the tower. No concerns were brought forward at the public hearing.

The Technical Review Committee reviewed the request on November 17, 2021. No concerns were raised.

In granting a Special Use Permit, the Board of Commissioners shall make the following affirmative findings:

Finding 1 – The use requested is among those listed as an eligible special use in the district in which the subject property is located or is to be located. Wireless Telecommunication Towers of at least 199 feet but no more than 300 feet are allowed to apply for a Special Use Permit per the Zoning Ordinance, Section 10.13 and as required in the Wireless Telecommunications Ordinance, Section 2-3. **It is planning staff opinion this finding has been met.**

Finding 2 – The requested special use permit is either essential or desirable for the public convenience or welfare. This request will help fill coverage gaps where service does not currently extend. Propagation maps were included in the application that display areas where cell coverage is currently not available and how this tower will increase coverage. The

application also includes a waiver request to increase the tower height from a 199-foot tower to 264 feet to add more telecommunication coverage and capacity. **It is planning staff opinion this finding has been met.**

Finding 3 – The requested 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 increased coverage for the area will increase the safety and welfare of the community by providing additional coverage in the event of emergencies. There were photo simulations provided in the application that provide a view of the tower location from NC 87 and from area residences. The applicant has landscaping proposed around the compound that will reach a six-foot height at maturity as well as a six-foot-high fence with three feet of barbed wire for security purposes. The project will also provide a 100-foot fall zone which is 50% higher than required by ordinance. The tower will comply with all FAA regulations regarding lighting which means it will blink white during the day and red at night so as to not interfere with residents or wildlife but provide required safety for aircraft. **It is planning staff opinion this finding has been met.**

Finding 4 – The requested permit will be consistent with the objectives of the Plan Chatham comprehensive plan. Chapter 4, Utilities and Public Services, as well as Pg. 26 Utility Needs address high speed internet. In areas of the county where high-speed internet may not be readily available, citizens rely on cell phones to access digital information and services. In this rural area where there are many hills and valleys, cell coverage has been limited. This would also support the request to waive the height limit to 300 feet in order to capture more residential areas in and around this community where coverage does not exist. **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. A commercial driveway permit will be required from NCDOT. Electrical service will be needed to be provided by Duke Energy and permitted by the Chatham County Building Inspections Department. Any other required permitting for land disturbance shall be as determined by the Watershed Protection Department prior to any land disturbing activity. **It is planning staff opinion this finding has been met.**

Based on all five findings being met, it is planning staff recommendation to approve the request.

Ms. Plummer also stated the Planning Board has up to three meetings in which to make a recommendation to the Board of Commissioners to approve or deny the application. Should the recommendation be for approval, the following conditions shall be included.

Site Specific Conditions

1. A building permit shall be obtained and remain valid at all times within two (2) years of the date of this approval or the special use permit becomes null and void.
2. All conditions and requirements as set forth in the Wireless Telecommunications Ordinance shall be followed and approved by the appropriate departments prior to any land disturbing activity.

Standard Site Conditions

3. 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.
4. 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:

5. 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.

6. Continued Validity – The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditional listed above.
7. Non-Severability – If any of the above conditions is held to be invalid, this approval in it's entirety shall be void.
8. 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.

Planning Board discussion:

- Ms. Weakley asked if a stream delineation was conducted on this property, there is a stream and a pond near the tower site and there would need to be a Jordan Lake buffer around them. There was discussion about the tower location on the parcel in connection with the stream and pond. Mr. Sullivan showed the hydrology of the parcel on the GIS viewer. Ms. Plummer stated this project will need approval from the Watershed Protection department and will require buffers as needed around water features. Mr. Rotenstreich an attorney representing the applicant stated they will adjust the location of the tower as needed and comply with the ordinance. It was agreed that there could be a condition with the motion that Watershed Protection will conduct a stream delineation on the parcel.
- Ms. Siverson stated a few times during the year there is a festival that lasts about three days and during this time her cell service is dropped and asked if this new tower will alleviate that issue. Mr. Rotenstreich said it will help because an additional tower will offload some of the usage and create more capacity in the area.

Mr. Arthur made a motion to approve this item with the condition that the Watershed Protection department will conduct a stream delineation of the parcel, second by Ms. Siverson. Chair Spoon conducted a roll call vote, and the item was approved 9-0, unanimously.

2. Request by Warren Mitchell, P.E. on behalf of Dr. Wyndell Merritt for subdivision **First Plat** review and approval of **Pyewacket**, consisting of 92 lots on 128.39 acres, located off Jones Ferry Road, SR-1942, parcels #90267.

Ms. Tyson stated the Planning Board met November 7, 2021. Approximately four speakers provided comment during the public hearing. Concerns raised were noise pollution, light pollution, would like the project to be redesigned and entirely within Chatham County, community well water consumption affecting neighboring properties, Orange County not needing to review the project, increasing the density of housing in the area causing longer commute times, decrease in property value, increased traffic on Jones Ferry and whether a turn lane is needed, impact on the wildlife, can the project be connected to Morgan Ridge, and consider larger lots.

Mr. Warren Mitchell, P.E. was present and presented an overview of the proposed project. Board member discussion included if the community wells will have a holding tank, during the 24-hour pump test will the neighboring wells be monitored, where in the process was the project in Orange County and NCDOT, and septic in the natural space. Mr. Mitchell explained one or two 5,000 gallon holding tanks per community well will be in place. It is not a requirement to monitor neighboring wells, but it's a good idea for the community well that will be located near existing homes. Orange County wanted the proposed project to be processed as a major subdivision, but later it was determined the major subdivision process was not required. Mr. Mitchell agreed with the board, he didn't like the septic area located in the natural space, but stated the primary focus was to get the primary conservation areas in natural space. His previous layout to staff proposed 2/3rd of the primary with no septic areas in natural space. The board wanted to see the previous layout and wanted to know what the total acreage of septic fields in natural space and decided to propose the project to

December 7 meeting. Prior to November 2, 2021, county staff spoke with Orange County planning staff and determined the proposed project will need to be presented before Orange County for the approval of the public right-of-way, but not processed as a major subdivision.

Mr. Mitchell provided a cover letter dated November 19, 2021, per the cover letter 6.8 acres of off-site septic fields are located within natural space of the first plat submittal reviewed during November 2, 2021, Planning Board meeting. Per request of the Board, a second layout option for the proposed project has been submitted and titled First Plat Layout 3.

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. These properties are 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, passive recreation areas, and greenway trails. Conservation subdivisions are encouraged to protect nature resources while not disrupting agricultural practices. 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 some rare species 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.

Ms. Tyson also stated the Planning Department recommends granting approval of the road names Pyewacket Trail, Mathilda Place, Clementine Way, Maribelle Court, Wynona Place, Tabitha Way, Clarabelle Court, and Emma Court and granting approval of subdivision First Plat for **Pyewacket Subdivision** with the following conditions:

1. The following development schedule shall apply: Construction Plan submittal for Phase 1: 27 lots within 2 years of First Plat approval with Final Plat by December 31, 2023, Phase 2: 29 lots Final Plat by December 31, 2027, Phase 3: 18 lots Final Plat by December 31, 2030, and Phase 3: 18 lots by December 31, 2034.
 2. 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.
 3. The county attorney shall review and approve the contract and performance guarantee prior to final plat recordation.
 4. Final Plat shall provide the labeling of the riparian buffers
 5. Final Plat shall provide a note, "No building activities or land disturbance within the riparian buffer/wetland areas on lots 9,12,13, 3272, 73,82, & 83"
 6. Final Plat shall provide lots numbers in the community septic areas.
- Chair Spoon stated last month we looked at a couple iterations of the Pyewacket layout one of which utilized natural space for septic fields, but there was a preference by board members to revert back to a former map which encompassed all of the septic areas and kept them out of the natural space.
 - Mr. Mitchell showed the Planning Board members the two different plans and what was changed between the two and how the current plan does not have any off-site septic fields in any natural areas. In doing this revision the off-site septic has been reduced from 30 lots down to 24 lots. Mr. Mitchell also showed the inventory map as well and explained where the primary and secondary areas that the NC Natural Heritage Program identified. This project has high quality woods, and he would much rather protect what he can with a conservation subdivision rather than a conventional subdivision.

Planning Board discussion:

- Chair Spoon stated this is a good plan and it is better than the previous plan using natural space for off-site septic fields. Vice-Chair Lucier agrees that this version is more preferable. This project is 128 acres in Chatham and 10 acres in Orange where the entrance road comes through, are the Orange county acreage counted for your calculations or only the Chatham county part? Mr. Mitchell stated he is

counting all of the pink area on the map including Orange county as part of the conservation/open space.

- Vice-Chair Lucier stated the #5 condition states, “Final Plat shall provide a note, “No building activities or land disturbance within the riparian buffer/wetland areas on lots 9,12,13, 32, 72, 73,82, & 83”. This condition will have to change because that is for the previous version. Ms. Tyson stated that is correct, she wanted to see what version plat the Planning Board was going to make a motion on before changing it. If the board approves this version, she will make the appropriate changes.
- Ms. Siverson stated she is happy to see the wetland outside of the lot lines for lots 75 and 76 with this version of the plat. Mr. Arthur asked for some clarification for several off-site septic areas. Chair Spoon stated Morgan Ridge phase 2 will be touching Pyewacket and asked if there would be a border fence dividing them or will it stay as a natural corridor. Mr. Mitchell stated there will not be a fence at all and they would like to have a trail connecting to Morgan Ridge.
- Ms. Hager stated she is in favor of on-site septic and is glad for the changes made with the plat removing the off-site septic from the natural space. Chair Spoon stated this version preserves the natural space purely as natural space and has no septic use on it at all. Vice-Chair Lucier stated this is also consistent with the recommendation that we just had made to the commissioners about not having any septic fields in the natural space.
- Mr. Frazier stated the Watershed Protection director Ms. Thorn identified two issues, one being an issue with septic fields in natural space which this version takes care of. The other issue was a recommendation from the NC Natural Heritage Program for a 200’ buffer on Wilkerson Creek and the other streams. Mr. Frazier asked if Mr. Mitchell could explain the stream buffers. Mr. Mitchell showed the board members where the 200’ buffer is located with a red line and on the south side of the project there is a large buffer that is very close to a 200’ buffer.
- Ms. Weakley stated she was a conservation planner for the State working with the NC Natural Heritage Program and the recommendation for the 200’ buffer on the streams come from protection of aquatic species. The primary and secondary areas are supposed to be set aside first and riparian buffers are part of the secondary areas, the primary areas are what is concerning with this layout. Under primary areas that are supposed to be protected first include the Dry Basic Oak Hickory Forest and the NC Natural Heritage Program report you will see that it is an uncommon community, and, on this site, it is in excellent condition in the northern half. The southern half of the site is Dry Oak Hickory Forest which is a very common community in Chatham county so there is less concern for preservation of more common communities and more concerned about the Dry Basic Oak Hickory Forest. The Upland Pool area is also considered a primary area as well as a wildlife habitat between lots 74 and 75. Ms. Weakley stated during the site visit of Morgan Ridge she talked at length of the importance protecting Upland Pools for habitat that rely on it to nest and breed in the pool, but the rest of the year they are in the hardwood forest. It is important to have a greater emphasis on that connectivity with the Dry Basic Oak Hickory Forest.
- Ms. Weakley stated one of the primary purposes of the Conservation Subdivision Ordinance is to protect the natural space in particular large contiguous areas, and this plan has some continuity that

was not present in the previous plat, but when you added the cul-de-sac and took away the septic areas, it looks like you just traded septic areas for houses. Mr. Mitchell stated we removed the off-site septic fields out of the natural areas and the Conservation Subdivision Ordinance does call for the natural areas to be reduced, we do not have to have 32% natural space. Ms. Weakley stated she would like to see the primary areas given the highest priority as the guidelines state and the yellow area on the plat should not be considered part of the natural area designation. Mr. Mitchell stated he understands Ms. Weakley's concerns, but this layout is far better than a conventional layout and this has been a long project trying to make conservation work, isn't it better to save and preserve rather than a conventional subdivision. Ms. Weakley stated she is trying to follow the rules and what we do here sets a precedence of other decisions we make. Mr. Mitchell stated we would rather have a conservation subdivision over a conventional subdivision. Ms. Weakley stated that is her preference too, but this layout is not adhering to the primary purpose.

- Chair Spoon stated there are several board members that did not want to utilize natural areas for septic fields at all. The layout we are reviewing now will have some primary natural areas that will be back yards and will most likely remain untouched, that was the tradeoff we wanted to have in order to remove off-site septic from natural areas. Ms. Weakley stated she understands that and appreciates the board members that identified that as an issue and asked for the changes.
- Mr. Mitchell stated this project has taken over six months and Ms. Thorn is where Ms. Weakley is now, that is why we had brought forward the 4th version of this plat last month because it was preserving the most. This version is not perfect, but the areas in yellow are very nice and a fine line between primary areas. Regarding the Upland Pool, it does not have the same characteristics of Morgan Ridge phase 2 at all. It was not identified in the report, and it was created by an old driveway. The one in Morgan Ridge is clearly unique and took priority in preserving that natural space. Ms. Siverson stated she can confirm that statement, she was at the site visit and everything Mr. Mitchell is saying is true and accurate. This property is very nice and there is very little distinction between all the tree communities.
- Mr. Jim Baca a resident asked if the 200' buffer was applicable near the entrance road and the stream on the north side? Mr. Mitchell stated this new layout does give more natural space and the lots will not be bordering his property anymore. There will also be a fence installed for noise and Mr. Mitchell also agreed to plant landscape as a buffer as well.
- Vice-Chair Lucier stated this layout is clearly more preferable than the previous layout or a conventional subdivision, this does save open space and natural areas, it reflects some of the requests that we had asked at the last meeting, and we only have two meetings to discuss and tonight we need to make a decision.

Motion made by Vice-Chair Lucier to approve this item, second by Mr. Andrews. Chair Spoon conducted a roll call vote, and this item was approved 8-1, opposed by Ms. Weakley.

3. Request by Chad Abbot, P.E. for subdivision **First Plat** review and approval of **Ridgecrest Estates**, consisting of 30 lots on 49.41 acres, located off Hamlets Chapel Road, SR-1525, parcels #1798.

Ms. Tyson stated the request is for First Plat review and recommendation of Ridgecrest Estates Subdivision, consisting of 30 lots on 49.41 acres, located at the corner SR-1525 (Hamlet's Chapel Road) and SR-1532 (Mann's Chapel Road), parcel 1798. A vicinity map showing the property location is included in the agenda packet. Per the Subdivision Regulations, Section 5.2C(4), a Public Hearing shall be held at the first Planning Board meeting to receive comments on the proposed subdivision. Item (b) states that following the Public Hearing, the Planning Board shall review the proposal, staff recommendation, and public comments and indicate their recommendation for approval, disapproval, or approval subject to modifications. As stated above, the Planning Board has two (2) meeting to act on the proposal.

Roadways: Ridgecrest Estates Drive and Berg Drive are proposed to be built with a 20-foot-wide travel way and a 60-foot-wide public right-of-way and is to be state maintained.

Historical: The applicant contacted Sy Robbins, Chatham County Historical Association (CCHA) on July 22, 2021, via email correspondence. CCHA is unaware of any cemeteries on the proposed project, and it was requested of the developer to notify CCHA if any evidence of graves is discovered. The site location is adjacent to the abandoned Old Hillsboro Road and located in the general area of Pace & Cotton Mill and possible artifacts may be located on the site. If any structures, foundation, wells, etc. it is requested that the applicant notify CCHA. Mr. Robbins stated the Gattis family owned the property approximately 100 years and asked if the developer could name something after the family.

Schools: Notification of the proposed development was provided to the Chatham County School System. Mr. Chris Blice, Chatham County Schools Chief Operations Officer responded the school system was fine by email dated August 5, 2021.

General Environmental Documentation: The developer submitted the General Environmental Documentation and a letter dated August 24, 2021, from North Carolina Department of Natural and Cultural Resources Natural Heritage Program to Chatham County Land & Water Resources Division for review. The letter states "A query of the NCNHP database, 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."

Rachael Thorn, Watershed Protection Director, reviewed the information submitted. Ms. Thorn replied in a letter dated October 19, 2021 that the requirement has been met. Additional comments included any Allowable uses and Allowable with Mitigation uses in the protected riparian buffer will require a Buffer Authorization from Chatham County, all permits with wetland and stream impacts from NC Division of Water Resources and the US Army Corps of Engineers will need to be obtained prior to receiving approval from Chatham County for a Grading Permit and Land Disturbing Permit.

Community Meeting: A community meeting was held on March 26, 2021, on the proposed site. Approximately twelve people attended the meeting and items/issues discussed included:

- Entrance off Hamlet's Chapel Road due to the wetland
- Holding pond
- Working with property owner of parcel 1796

Technical Review Committee: The TRC met virtually on November 17, 2021 to review the First Plat submittal. The applicant, Chad Abbott, P.E. was present. Items discussed included that the project is proposed for thirty lots and NC Department of Transportation requested the removal of the proposed road connection of Ridgecrest Estates Drive to Hamlet's Chapel Road closest to the intersection with Manns Chapel Road. NCDOT staff also requested that the intersection of Berg and Ridgecrest Estates Drives be a "T" instead of a bulb. Both those modifications were made to the First Plat layout prior to mailing the Planning Board packets. The Chatham County Fire Marshal, William Judson, requested an emergency access between Hamlet's Chapel Road and Ridgecrest Estates Drive, which has also been accommodated on the revised layout. Discussion also included if lots 1 and 8 driveways could access Mann's Chapel Road instead of Ridgecrest Estates Drive to minimize impacts to buffer and reduce driveway impacts within the development. It was suggested lot 9 and 9A have connectivity, concerns with lot 8 driveway encroaching on lot 7 or will lot 7 and 8 have a shared driveway. Street lighting was discussed, and Mr. Abbott stated that none is proposed and that the builder will accommodate exterior lighting with each home. There was a question if the soil scientist checked to see if the neighboring wells are near any septic fields. It appears parcel 1796 has shed encroachments and a note will need to be added to the final plat addressing them. There was also a request to move the theoretical house site further from riparian buffers once individual permits are submitted.

Septic: A soils report and map were submitted to Thomas Boyce, LSS, REHS Environmental Health (now retired) and James Tiger, On Site Wastewater Supervisor, REHS, with Chatham County Environmental Health for review. Mr. Boyce

stated the preliminary lot layout met the requirements at this time. Mr. Tiger added that any shared supply line easement must comply with offsite rules including all weather access, provide a layout with house box to demonstrate the septic system will fit, and offsite rules will apply to the proposed project.

Water: Water will be public and provided by Chatham County Water Dept. for this development.

Encroachment: Parcel 1796 has sheds encroachments on lots 25 and 28. The following note shall be added to the final plat "Approval of the subdivision plat by Chatham County is limited to Subdivision Regulation approval and does not constitute approval of any possible zoning setback violations shown on the plat."

Road Name: The road names Ridgecrest Estates Drive and Berg Drive have been approved by Chatham County Emergency Operations Office as acceptable for submittal to the Board of Commissioners for approval. Emergency Operations requires the main entrance to the subdivision to be the same name of the subdivision. Ridgecrest Estates Drive is currently shown on the plat as the interior road and not the main entrance. Berg Drive and Ridgecrest Estates Drive will need to swapped on the final plat.

Water Features: Robert Turnbull with Terracon submitted the Riparian Buffer Review Application with a riparian buffer map to Drew Blake, Senior Watershed Specialist, for review. Mr. Blake and Mr. Turnbull completed an on-site riparian buffer review on June 23, 2021 to verify the consultant's findings. Mr. James Lastinger with the U.S. Army Corps of Engineers visited the site on June 1, 2021. Mr. Blake issued a confirmation letter of his findings dated July 20, 2021, confirming four (4) ephemeral streams, four (4) perennial streams, one (1) potential wetland, and one (1) mapped floodplain were identified. The four (4) ephemeral streams require 30-ft buffers, the four (4) perennial streams require 100-ft buffers, and the ten (1) wetland require 50-ft buffers from all sides landward. The Watershed Protection Department requested natural area markers be labeled and placed on the property 30'-50' apart with a minimum of two (2) signs per lot marking the riparian buffer area.

Stormwater and Erosion Control: Three stormwater devices are proposed, two devices will be placed in open space and one device is proposed on Lot 2. The devices located in open space are near Lot 22 and between Lots 19 and 20. Watershed Protection wasn't favorable of the driveway location on Lot 1. As part of the stormwater permitting process additional information will be provided to the Watershed Protection Department. A Stormwater Permit and Sedimentation & Erosion Control Permit will be obtained from the Chatham County Watershed Protection Department prior to Construction Plan submittal. No land disturbing activity can commence on the property prior to obtaining Construction Plan approval.

Site Visit: The site visit scheduled was November 16, 2021, various staff and board members attended. Pictures of the site visit can be viewed on the Planning Department webpage at www.chathamcountync.gov/planning, Rezoning and Subdivision Cases, 2021.

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. These properties are in an area of the county identified as Rural on the Future Land Use and Conservation Plan Map. The description for rural includes single family homes on large lots, low density development, mix use of agriculture, home-based and small-scale businesses, open space, greenway trails, protected lands, and conservation easements.

The proposed subdivision 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 no rare species 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.

Ms. Tyson also stated the Planning Department recommends granting approval of the road names Ridgecrest Estates Drive and Berg Drive and granting approval of subdivision First Plat for **Ridgecrest Estates** 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 county attorney shall review and approve the contract and performance guarantee prior to final plat recordation.
3. Final plat shall show the entrance road as Ridgecrest Estates Drive and the interior public right-of-way shall be shown as Berg Drive.
4. Final plat shall add a note that states "Approval of the subdivision plat by Chatham County is limited to Subdivision Regulation approval and does not constitute approval of any possible zoning setback violations shown on the plat."

- Mr. Chad Abbot stated they have been working with staff to meet the needs of the various departments as well as the ordinance. We have done our best to reduce and limit water feature impacts, but there is one driveway impact on a wetland. They were hoping staff and NCDOT would allow lot 1 and lot 8 to have driveway access from Manns Chapel road. The soils are sporadic on this property, and it took a lot of creativity to get the layout we have today, originally starting at 40 lots and now down to 30.

Public Input:

- Mr. Erik Berg stated the 5-acre parcel in the middle of this project has been in our family for 50 years and my wife and I have raised our family here for the past 30 years. I was surprised when I got the information for this meeting and saw how the map was laid out. In July Mr. Ricky Spoon had met with me and shared a much different map where we were going to be somewhat incorporated into the subdivision. As Ms. Tyson had mentioned, there was some dialog about having one of the ponds on our side of the property and property line adjustments for the shed encroachments. There was a plan in the past where I would have been able to buy some of the land from the land owner Mr. Al Bechtoldt, but that didn't work out because of the way he left the land to his heirs. I did have a conversation with Mr. Abbot yesterday about revisiting the discussion that had happened between myself and Mr. Spoon. I showed him the map that was shared in July, I had not heard anything from Mr. Spoon since then, so I do not know how well he represented the dialog that was going on with the investor and Chad Abbot. If there is a possibility to make that work out, I would appreciate it. Mr. Berg also stated the house was built in 1780 and there is a lot of history he would like to preserve. Mr. Berg thanked the Planning Board.
- Ms. Anna Berg stated she is the daughter of Mr. Erik Berg and has concerns about the historical implications of development. Over the past few years, we have found a lot of various artifacts from the original plantation home and the original development that used to be in this area. The old road runs through our property and then through the development and down to the creek. We have found a lot of things that I would consider important to the historical integrity of our neighborhood, and I am concerned about that being destroyed during the development. We have things like metal, belt buckles, tools, pieces of plows, stone foundation, and pieces of bridges, it would be a shame to destroy everything without taking it into account first.
- Ms. Kathy Dowd stated we have had several big rains in the past few years, and we are already having the creek crossing over Hamlets Chapel and backing up. When we add all of these houses and the trees being removed, what are they going to do when the creek crosses Hamlets Chapel road? We are going to keep having big rains, is there a plan to fix this and to handle the rain fall, where is all that water going to go?

Board discussion:

- Mr. Andrews stated he will have to recuse himself from this item's discussion.
- Vice-Chair Lucier asked if lots 1 and 8 having access to Manns Chapel road was no longer a viable possibility? Mr. Abbot stated the applicant would appreciate it, but not sure if staff found something in their ordinance that would prohibit that or not. Ms. Tyson stated she does not believe NCDOT will allow that because of the close proximity of the intersection to lot 1. We also do not have any subdivisions in the county that has driveways outside of the subdivision. Vice-Chair Lucier asked if that was a requirement in the ordinance. Ms. Tyson stated it is not found in the ordinance, but it may be a NCDOT requirement. Mr. Abbot stated if NCDOT would be open to allowing it, would that be something we would be able to do? It is understood about the proximity of lot 1 to the intersection, but lot 8 should be okay. If it is okay with staff or the county if we were to get the approval from NCDOT we would be agreeable to that and make our function and layout a lot better for those homes and the subdivision as a whole. Ms. Tyson stated we can ask NCDOT how they feel about lot 8. Vice-Chair Lucier stated it is a very long flag lot to get to the internal road. Chair Spoon suggested the road come up more towards the center of those 8 lots and have the lots fan out from there rather than trying to run these very long driveways. Lots 1 and 8 are not desirable and lot 1 will have a gravel service road next to Hamlets Chapel. Mr. Abbot stated on lot 1 they were trying to have the least impact on the wetland for that driveway.
- Chair Spoon asked how much piping will be required to get to the septic area for lot 19 to 19A? Mr. Abbot stated the piping will follow the road and then turn down lot 14 and both the pipes will run together and cross the stream in the same easement so there will only be one impact to that buffer. The distance is 1200' for lot 19 and it is flowing both up and down hill and a common pump can pump that distance easily with a 2" line.
- Chair Spoon stated he understands this has gone through a couple different developers with this project, have you made attempts to have some continuity for the discussions with the Berg's, it sounded like they had some interest in having one of the water features on their property and perhaps formally purchasing the property to not have any shed encroachments on lots 25 and 28. Mr. Abbot stated he had been made aware of the discussions between Mr. Ricky Spoon and Mr. Berg, but at the time we were well along into our design and the applicant was under contractual obligations to get things submitted and closed in a certain time. At the time there was no information on the property to the level which staff requires in order to make that part of our application, there were no environmental studies, no survey, no soils data on the property, and we were at a point where we had to move forward from a contractual standpoint with the property owners in regard to closing. Mr. Abbot stated he spoke at length with Mr. Berg and stated once the plat is reviewed and approved if there is a mutual benefit with a pond on their property and we shift property lines for the sheds to help them it would be something we would be interested in doing.
- Ms. Hager stated lot 1 seems to be a problem and lot 19 off-site septic is problematic for her as well, it is so far away and out of sight. Ms. Weakley stated she agrees and both of those lots are an issue for her as well, and there are many odd shaped flag lots. Lots 1, 2, 9, 10, 14, and 19 off-site septic are concerning because they are out of sight out of mind for those property owners. There is also concerns about the house sites for the lots bordering the riparian buffer, they are located right on the buffer. Also, the buffer on the wetland adjacent to lot 1 should be labeled 50'. Six out of the thirty lots have pretty extreme off-site septic and Mr. Drew Blake in Watershed Protection has said those should be minimized to the extent that they can be because they are problematic.

- Vice-Chair Lucier stated he agrees with Ms. Hager and Ms. Weakley, and it seems like there are just too many lots for this piece of property. It is forcing the home sites to be so close to the buffers, lot 1 is odd, and lot 8 would be better to have access to Manns Chapel road. There needs to be some kind of resolution with the Berg's otherwise his sheds will be located on lots 25 and 28. Mr. Abbot stated as far as a subdivision regulation there is nothing that can be done for the sheds, but with zoning it is an existing non-compliant, as long as it is not expanded to a pond, they are to remain there. When we have the construction drawings and final septic layout maybe the additional area can be shifted around to give a better buffer. Vice-Chair Lucier stated that looks like it could be an easy fix.
- Chair Spoon stated it sounds like there are a few concerns with the current layout and maybe we need to table this item for a month, and they can bring back a plat addressing these concerns and have a better understanding with the Berg's. It would be good to have a definite answer about the access for lot 1 and 8 from NCDOT.

Motion made by Vice-Chair Lucier to table this item until the January 4, 2022 meeting, second by Ms. Hager. Chair Spoon conducted a roll call vote, and this item was tabled until the next meeting with a vote of 9-0, unanimous.

X. NEW BUSINESS:

XI. BOARD MEMBERS ITEMS:

1. Update from the Planning Board liaisons.

- Vice-Chair Lucier stated the Pittsboro Planning Board is working on a request to rezone 212 acres in the industrial park from heavy industrial to mixed-use planned development.
- Ms. Siverson stated Siler City Planning Board is still working on their UDO.
- Ms. Weakley stated the Chatham Conservation Partnership steering committee will be meeting this week to discuss topics for the next year and the first meeting will be January 20th. Mr. Sullivan stated he will provide UDO information for the Partnership so they will have access to the current information.

2. UDO subcommittee discussion.

- Chair Spoon stated the UDO process is going to take a lot of time and effort to conduct correctly and as we have seen our agendas are full, it would not be a good idea to discuss UDO issues when we are fatigued. The UDO subcommittee would be made up of members of the Planning Board and would be able to commit the time required to assist the UDO process.
- There was Board discussion about other options such as special meetings as needed or having the UDO discussion on the regular meeting agenda. It was also discussed what kind of information the consultants needed from the Planning Board. Mr. Sullivan stated he had met with the consultants, and they will be providing an audit report around February and that will be the first opportunity to discuss and respond. Mr. Sullivan also stated this is going to be a methodical rollout with quick turnarounds because of the tight timeframe. Chair Spoon stated a smaller subcommittee might be more efficient.
- Chair Spoon asked the Planning Board to respond by December 21st if any board members were interested in participating in a subcommittee.

3. Discuss resuming in-person meetings.

- Chair Spoon discussed the possibility of going back to in-person meetings and informed the members that the Agriculture & Conference Center will be able to provide a call-in option to a conference speaker, but there will not be a remote meeting option so if you were to call in you would not be able to see what was being discussed.
- There was board discussion about in-person meetings and virtual meetings. At this time, it was determined to remain virtual for the next two meetings and then revisit the topic.

XII. PLANNING DIRECTOR'S REPORTS:

Mr. Sullivan reported on the following:

1. Minor Subdivision spreadsheet
2. UDO Update

XIII. ADJOURNMENT:

There being no further business, the meeting adjourned at 9:20 p.m.

Signed: _____ / _____
Jon Spoon, Chair Date

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