

**CHATHAM COUNTY PLANNING BOARD
MINUTES
February 6, 2007**

The Chatham County Planning Board met in regular session on the above date in the auditorium of the Cooperative Extension Building in Pittsboro, North Carolina. A quorum was present to begin the meeting. The members present were as follows:

Present:

Chris Walker, Interim Chair
Sally Kost, Interim Vice-Chair
Evelyn Cross
Karl Ernst
Barbara Ford
Clyde Harris
Jim Hinkley
David Klarmann
Judy Sharman
Delcenia Turner

Absent:

Warren Glick

Planning Department:

Keith Megginson, Planning Director
Jason Sullivan, Assistant Planning Director
Lynn Richardson, Subdivision Administrator
Kay Everage, Clerk to the Board

6:00 P.M.

I.

- A. CALL TO ORDER: Mr. Megginson stated that the format for tonight's meeting would be somewhat different than was posted on the agenda; that the Board of Commissioners has been reviewing various boards and committees that the Commissioners are responsible for; that the Commissioners have assigned different Commissioners to serve as liaisons to these boards and committees; that George Lucier, Vice-Chairman of the Board of Commissioners was assigned to be the liaison between the Planning Board and the Commissioners; that the Board of Commissioners made some changes to the ordinance that established the Planning Board during their regular Board meeting yesterday (Monday, February 5, 2007); and that Commissioner Lucier is present to give the introduction regarding said changes.

Welcome and thanks to incoming and outgoing Board members:

Commissioner Lucier welcomed the six new Planning Board members present tonight (Karl Ernst, Barbara Ford, Jim Hinkley, David Klarmann, Judy Sharman and Delcenia Turner). He noted that the seventh new member, Warren Glick, is currently out of the country but would be attending next month's Planning Board meeting.

On behalf of the Board of Commissioners, Commissioner Lucier thanked the new Planning Board members for their service. He stated that one of the things he has learned since becoming Commissioner is that we need to rely heavily on our advisory boards; that the Planning Board is not an easy job; that he served as Planning Board Chair for two years; that Planning Board members work under public pressure and scrutiny; that members receive criticism (much undeserved); and that the Commissioners rely heavily on the Planning Board recommendations regarding planning and zoning issues. Commissioner Lucier thanked the former Planning Board for their service to Chatham County. He stated that the fact that the former Board had a different philosophy about implementation of the Land Use Plan (Land Conservation and Development Plan) should not detract from their commitment and dedication to Chatham County. Commissioner Lucier personally thanked former Planning Board members, Charles Eliason and Paul McCoy, for their service to Chatham County and for attending tonight's meeting.

Changes to the ordinance that established the Planning Board:

Commissioner Lucier stated that one change to the ordinance was the term that a Planning Board member would serve; and that a Board members term would now run concurrently with the term of the Commissioner that appointed that particular Board member, as explained below.

- appointees nominated by Commissioners Cross and Barns would serve two (2) year terms (Evelyn Cross, Clyde Harris, Sally Kost and Chris Walker);
- appointees nominated by Commissioners Thompson, Lucier and Vanderbeck would serve four (4) year terms (Jim Hinkley, Delcencia Turner, Barbara Ford, David Klarmann, Ernst and Sharman; and
- full Board appointment (Warren Glick, the 11th Board member) would also serve a four (4) year term.

Note: All appointees nominated are effective with the ordinance change.

Commissioner Lucier stated that there are currently 43 advisory boards in Chatham County representing approximately 900 people; that the Commissioners do not intent to control these boards or to influence what is done; that as liaison to the Planning Board he would help with communications from the Board of Commissioners to the Planning Board and vice-versa; that he also serves as liaison to several other boards and therefore would not be able to attend all Planning Board meetings; but that as liaison to the Planning Board he would make every effort to attend any requested meeting.

Some expectations of the Board:

Commissioner Lucier stated the following expectations that Commissioners expect of the Planning Board:

- ✓ Rigorous review of applications for development and conditional zoning in relation to the lawfully established ordinances and zoning regulations of Chatham County.

- ✓ Be consistent with the vision of the Land Use Plan and to apply the principles contained in it.
- ✓ Propose revisions to the Land Use Plan when necessary in order to address changing conditions in Chatham County.
- ✓ Propose new and amended ordinances based on the Land Use Plan
- ✓ Work with Siler City, Pittsboro, Goldston, and Town of Cary and with neighboring governments to seek common solutions to regional problems and issues.
- ✓ Communicate effectively with the Chatham County Board of Commissioners and the citizens of Chatham County on planning and zoning issues including the development of strategies for enhancing public dialogue.
- ✓ Prepare reports to the Board of Commissioners stating the reasons for any recommendations that can be considered major and/or controversial.

Priorities on Planning and Zoning:

Commissioner Lucier stated some current priorities of the Board of Commissioners on planning and zoning are as follows:

- ✓ Enactment of amendments to the Watershed Ordinance to increase protection of the rivers and streams that are essential to the future of Chatham County.
- ✓ Review and recommend revisions to the process for receiving public comment on planning and zoning issues to insure that all voices are heard and considered.
- ✓ Enact a lighting ordinance that recognized yet protects against the consequences of our explosive growth.
- ✓ Propose amendments to the subdivision ordinance consistent with our growth and the challenges associated with that growth.
- ✓ Work with the Major Corridor Ordinance Task Force and the Economic Development Corporation to stimulate economic development in Chatham County.
- ✓ Work with the Environmental Review Board (yet to be established) to insure that residential and economic growth is accomplished in harmony with our natural resources.

In conclusion, Commissioner Lucier suggested that Board members elect an interim Chair and Interim Vice-Chair to serve for a few months to give the Planning Board time to adjust to working with each other.

B. ELECTION OF PLANNING BOARD OFFICERS:

Interim Chair:

Ms. Kost nominated Chris Walker to serve as Interim Chair for a period of four (4) months. Ms. Turner seconded the nomination. There were no other nominations made. The vote was unanimous.

Interim Vice-Chair:

Ms. Cross nominated Karl Ernst to serve as Planning Board Interim Vice-Chair (for a period of four (4) months).

Ms. Turner nominated Sally Kost to serve as Planning Board Interim Vice-Chair (for a period of four (4) months).

There were no other nominations and Mr. Hinkley requested that the nominations be closed. The vote was 4-6 (as listed below) in favor of Ms. Kost to serve as Interim Vice-Chair.

<i>voting for Mr. Ernst</i>	<i>voting for Ms. Kost</i>
Ms. Cross	Ms. Turner
Mr. Harris	Ms. Ford
Mr. Klarmann	Mr. Hinkley
Mr. Ernst	Ms. Sharman
	Mr. Walker
	Ms. Kost

Mr. Megginson stated that this time period is consistent with previous Planning Board elections (i.e. July).

Chairman Walker thanked everyone for the support. He welcomed members of the public as well as the new Board members. At this time, Board members introduced themselves.

Chairman Walker stated that the Board of Commissioners has made their expectations clear; that the Commissioners and public expect good service and courteous behavior from the Planning Board; that he hopes to have spirited but civil debate in getting all the issues covered; that he wants anyone who wishes to speak be allowed to do so but some time limits may be necessary to keep the meeting moving; that he encourages all members to ask for additional time if needed in order to make good decisions on issues presented ; that he encourages members to read the current Planning Board Rules of Procedure and the Code of Ethics (i.e. these are posted on the website) that are controlled by the Planning Board (i.e. for possible alterations); and that the ordinance that established the Planning Board is controlled by the Commissioners.

II. APPROVAL OF AGENDA: Chairman Walker suggested the following changes to tonight's agenda:

1. leave minutes on consent agenda;
2. move the two preliminary plat approvals (Item III. B. 1. and 2.) off consent agenda to allow new Board members to hear the discussion (and that these be reviewed after Item V. "Staff Presentation of Subdivision Review Procedure";
3. sketch design requests (Item VI, A. and B.) be heard but consider tabling a vote tonight to allow new Board members another month for review; and
4. Item VII. A through H are issues from January 16, 2007 public hearing and items A-F are ordinance changes that the Commissioners have already made in their budget – vote on these; Items G and H regarding watershed issues - remove from the agenda until next month to allow new members additional time for review.

Mr. Hinkley made a motion; seconded by Ms. Sharman to approve the agenda as submitted with the above four (4) changes. There was no discussion on the motion and the motion passed unanimously.

III. CONSENT AGENDA:

A. Minutes:

Consideration of a request for approval of Board minutes for January 2, 2007 Planning Board meeting.

~~B. Preliminary Plat Approval:~~ Note: These two items have been removed from consent agenda for discussion. (See Item V. B.)

~~1. Request by MAC Development, LLC for subdivision preliminary review of "Cedar Grove Subdivision Phase V (Lots 29-35) on 23 acres, located off S. R. 1540, Jones Ferry Road and Cedar Grove Road, Baldwin Township.~~

~~2. Request by Harrison Pond, LLC for subdivision preliminary review of "Harrison Pond", consisting of 42 lots on 74 acres, located off S. R. 1532, River Forest Road, Baldwin Township.~~

Ms. Cross made a motion; seconded by Mr. Harris to approve the consent agenda as amended. It was noted that copies of the minutes are included in tonight's packets and are also posted on our website. There was no discussion on the motion and the motion passed unanimously.

End Consent Agenda

IV. PUBLIC INPUT SESSION: Fifteen-minute time of public input for issues not on agenda. Speakers limited to three minutes each.

The following citizens signed up to speak but their comments were delayed until the various issues of concern were discussed later in tonight's agenda.

Julia Cleaver, Jeff Dotson, David Botts, Mark Botts,
and Betsy Kraus.

V.

A. STAFF PRESENTATION OF SUBDIVISION REVIEW PROCEDURE:

Mr. Megginson stated that there are different capacities that the Planning Board serves on; that as the Watershed Review Board members take action with approval or disapproval on various requests, appeals, variances, and etc; that recommendations are made to the Board of Commissioners as the Watershed Review Board in their advisory capacity; that Board members make recommendations to the Board of Commissioners regarding zoning and subdivision requests; that the process for each is different; that the subdivision regulations set out the requirements for development of land, i.e. lot size, watershed district, zoning; that staff sends notification letters to adjoining landowners regarding potential development for sketch and preliminary review; that landowners are invited to the Planning Board meetings to inform the Planning Board of the physical or unique characteristics of the land and any

impact the development would have on them; that the subdivision process is three (3) steps – sketch, preliminary, and final; that sketch is basically a paper map, soil survey; that other agency reviews are submitted at preliminary, i.e. road plans, commercial driveway permit, more detailed soil survey, Corp of Engineers permit, and etc.; that after final approval the applicant can record the plat map and sell the lots; and that minimum standards regarding health, safety and welfare need to be met for subdivision approval.

Chairman Walker stated that sketch design review usually generates the most discussion among Planning Board members; that preliminary requests are often listed on the consent agenda but can be asked to be removed for discussion (by the Board or a citizen); and that final approval can also be pulled from consent agenda if there is a question.

Ms. Kost inquired about the following:

- a. requirement for requesting an economic impact assessment for major subdivision requests; and
- b. meaning of language from the Subdivision Regulations that states, “Harmony with the character of surroundings” (i.e. Section 5.2 Additional Sketch Design or Preliminary Plat Information, A. Impact Assessment, (1) Environmental, j.)

Mr. Megginson stated that the Legislature somewhat addresses the language noted above (item b.); that he would go into more detail about this during the Planning Board training; that people may interpret “the surroundings” as the way the existing land is actually used; that sometimes 5 acre lots are developed within an area that allows 1 acre lots; that this is not in character with what the developed land is but rather the zoning district requirements; and that he would furnish the Board with more information from the Statutes.

B. PRELIMINARY PLAT APPROVAL: Ms. Richardson introduced herself to the new Board members. She stated that she would review highlights from the agenda notes; that Board members could stop her at anytime with questions or concerns or submit them after her presentation; and that Board members are welcome to contact her with questions or concerns after reading the agenda notes each month.

1. Request by MAC Development, LLC for subdivision preliminary review of “Cedar Grove Subdivision – Phase V (Lots 29 – 35) on 23 acres, located off S. R. 1540, Jones Ferry Road and Cedar Grove Road, Baldwin Township.

Ms. Richardson reviewed the agenda notes for this request that is a continuation of Cedar Grove Phases I – IV. Ms. Richardson used the overview map to show the various sections, roads, and features of the property, i.e. off-site septic systems (lots 32, 34 and 35), temporary turn-a-round for emergency vehicles; and that staff recommends approval of the request as submitted.

Discussion followed.

Mr. Klarmann voiced some concern regarding the proposed off-site septic systems.

Chuck Lewis, developer, was present. Mr. Lewis stated that pumping of the off-site septic systems (for lots 32, 34 and 35) is a long way; that there are no distance limitations; that 2" PVC line is used under the road and buried five feet deep; that this is not impacted by the road or the traffic; and that the area is all within a utility easement.

Mr. Hinkley inquired about, 1.) the maximum footage (length) for a cul-de-sac, and 2.) the possible control or access to surrounding lands. Ms. Richardson stated that Chatham County does not have a maximum length for a cul-de-sac; and that if surrounding properties are large tracts with development potential or landlocked tracts a dedication of right-of-way is usually recommended to those adjacent properties. Mr. Hinkley asked if there was any guarantee that a developer would have to assure that a future road would be planned at the end of the proposed cul-de-sac. Ms. Richardson stated that we cannot guarantee that the land across the creek would be developed (i.e. left as common open space or larger than 10 acre tracts that we would not regulate) and therefore we could not assure that a future road would be planned. Mr. Hinkley asked if there are provisions for fire and police protection relative to very long cul-de-sacs. Ms. Richardson stated that several years ago staff met with Tom Bender, Chatham County Fire Marshal and NCDOT to develop the existing standards; that these standards exceed NCDOT standards for the size of the cul-de-sacs that allow emergency vehicles the ability to turn around and not have to back up. Mr. Hinkley was concerned about the need for additional access should there be a blockage somewhere on the road that leads to the cul-de-sac. Ms. Richardson used the overview map to explain that this particular subdivision does have a loop road, a portion of which is private, and a dedication of public right-of-way to an adjacent property owner, but it was possible that the area across the creek could become blocked in the event of a storm and downed trees. She noted that this circumstance happens occasionally and that the Subdivision Regulations have no limits on the length of cul-de-sacs.

No adjacent landowners spoke.

Chairman Walker stated that staff certifies by recommending preliminary approval that conditions have been met and if the Board is not comfortable voting tonight additional time for review of the application could be requested.

Motion to approve:

Mr. Harris made a motion; seconded by Ms. Cross to grant preliminary approval as submitted and as recommended by staff.

Discussion followed. Mr. Hinkley asked that the Board consider tabling this request since he could not vote on the application consciously since he has not had enough time to review the request.

Motion withdrawn:

Mr. Harris withdrew his motion.

Motion to table:

Mr. Hinkley made a motion to table the request until next month's Planning Board meeting to allow additional time for review. Discussion followed. Mr. Klarmann made a motion to approve the request as submitted. The motion died for lack of a second and also because there was a motion on the table that had not been disposed of. Ms. Kost seconded the above motion by Mr. Hinkley to table the request. Discussion followed. Mr. Hinkley inquired if staff provides the Board transportation to the various proposed subdivision sites. Mr. Harris asked that discussion be directed back to the motion on the table. The motion to table the request passed 7-3 with Hinkley, Kost, Walker, Ford, Harris, Sharman and Turner voting in favor of the motion; and Cross, Ernst and Klarmann voting against.

At this time, the developer (Chuck Lewis) asked if there was any information that he could bring to the Board next month to be better prepared.

Discussion followed. Chairman Walker encouraged Board members to visit the site if possible. Mr. Hinkley suggested some minor modifications to the proposed plat map, i.e. road names, inset showing the county with the proposed area noted. Mr. Megginson stated that sketch design requires a vicinity map; that in the past staff provided the Board (included in the agenda packets) a county map indicating the vicinity of the various issues on the agenda; and that staff would prepare these for the monthly Planning Board packets.

Note: The Board revisited this issue later in tonight's meeting and approved the request. – see additional notes following the 5-minute break on page 26.

2. Request by Harrison Pond, LLC for subdivision preliminary review of "Harrison Pond", consisting of 42 lots on 74 acres, located off S. R. 1532, River Forest Road, Baldwin Township.

Ms. Richardson reviewed the agenda notes for this request. She used the large overview map to indicate where Manns Chapel Road crosses over Hamlet Chapel Road and becomes River Forest Road and the adjacent Harrison School property.

Nick Robinson, attorney, was present representing the applicant. Mr. Robinson stated that all requirements of the ordinance have been met; and that he requests that the Board act upon this favorably as submitted.

Discussion followed. Ms. Kost stated that the Subdivision Ordinance allows the Board to require sidewalks or trails connecting the schools when a proposed development is within a mile of the school. She inquired if there were any plans or provisions to provide this access.

Mr. Robinson stated that the project developer looked at the possibility of whether or not it would be feasible to put a sidewalk on the development's side of the road; that the grade falls off significantly from the roadbed that would present a huge undertaking; that this was not a requirement at sketch design;

that the question regarding some other kind of trail that would access the school property is one that also was not required; that this would have to be addressed with the school; and that the developer has contractual obligations with regards to delivering lots in a particular form that did not contemplate doing this.

Mr. Megginson noted that typically NCDOT does not like sidewalks within their right-of-way.

For clarification, Commissioner Lucier asked if this property is adjacent to the east side of the school where the baseball and soccer fields are located. Mr. Robinson noted this location on the large overview map.

Mark Ashness, Civil Engineer, CE Group, Inc. was present representing the applicant. Mr. Ashness stated that when the school was built a pond was filled in near the existing baseball and soccer fields leaving a low area between this recreation area and the Harrison Pond property; that the rest of the area was left wooded; and that there has been concern about children walking through wooded school property.

- Julia Cleaver, 295 River Forest Road

Ms. Cleaver stated that she is an adjoining property owner; that she has had children at the school for the last nine (9) years; that she has been involved with the school; that she is concerned with the neighborhood children not being able to walk to the school because of safety for the children; that she lives only two tenths of a mile from the school and if there had been a sidewalk her children could have been walking to school; that trails need to be safe and children should be able to walk to school; that there is a way for trails to be provided; that she has talked with some school officials and they are in support of this access for the students; that there is currently a traffic problem at the school site; that River Forest Road doesn't have a school warning sign to caution drivers; that she is concerned with the speed limit and the lack of signs; and that this should be an opportunity as a way to emphasize some positive things. Ms. Cleaver noted that she has copies of the proposed natural trail available if anyone is interested.

Mr. Robinson stated that if the school system contacts the developer with an interest in a trail to extend across the school property to this property that possibly some provision could be provided if approved by NCDOT. He reiterated that there are pending contractual obligations regarding lots.

Mr. Ashness stated that the applicant has reviewed the possibility of a sidewalk; that it would be very expensive to put a sidewalk right along the right-of-way on school property; and that the school may elect to build a trail that goes inward away from the road into their property.

Chairman Walker stated that since sidewalks and/or trails were not requested at sketch the Board cannot retro-fit any conditions requiring them at this time. He noted that he appreciates the applicant's willingness to work with the school system on this issue.

Mr. Hinkley inquired if there were plans to put sidewalks in the proposed subdivision. Mr. Ashness stated that traffic did not warrant sidewalks and there are no plans at this time for them. Mr. Klarmann asked who did the soils work and how septic fields were found on some of the smaller lots. Mr. Ashness stated that soil evaluations were done by a soil scientist (Kerry Joe Johnson, LS RS, on behalf of John Gray, JDG Consultants); that the Health Department has been at the property and reviewed all the sites; and that final permits are expected within the next 45 – 60 days.

Ms. Kost was concerned that the historical structure on the property (the Page house) was not identified at sketch design and that something be done so that this would not happen again. Ms. Richardson stated that staff has a section on the major subdivision application that asks, "Name and date of contact with Chatham County Historical Association"; and that the major subdivision review checklist has a listing that states, "Confirmation from Chatham County Historical Association/Jane Pyle/542-3603"; that in this instance, as soon as the developers actually owned the property they contacted the Chatham County Historical Association to visit the site; and that it did take a few months to get everyone on board with what the process was.

There was no further discussion.

Motion to approve:

Mr. Ernst made a motion; seconded by Ms. Cross to grant approval of the proposed road names "Harrison Pond Drive", "Milton Court", and "Sweet Pine Circle" and to grant subdivision preliminary plat approval as submitted and as recommended by staff with the following conditions:

1. The final plat shall include a 20-foot wide utility easement to the adjoining Hawfields subdivision for future possible extension of the county water line.
2. A note shall be placed on the final plat stating that all lots fronting on SR-1532, River Forest Road, shall be accessed from the interior roadway and shall not have driveway access onto SR-1532.

There was no discussion on the motion and the motion passed unanimously.

5 Minute Break

Following the break, Chairman Walker stated that tonight is the first meeting for several Board members; that it is his first time to serve as Planning Board Chair; and that during the break some Board members requested that a previously discussed item be revisited for consideration, i.e. Item V. B. 1. Cedar Grove Subdivision.

Item V. B. 1 (Cedar Grove Subdivision) - revisited

Ms. Cross made a motion; seconded by Mr. Ernst to reconsider the Cedar Grove Subdivision request. There was no discussion on the motion and the motion passed unanimously.

Motion to approve:

Mr. Harris made a motion; seconded by Mr. Ernst to grant subdivision preliminary design approval of "Cedar Grove, Ph V (Lots 29 – 35)" as submitted and as recommended by the Planning Department. Discussion followed. Ms. Kost stated that she had planned to vote for the previous motion (for approval that was withdrawn) but out of courtesy to the new Planning Board members that had not had sufficient time for review she voted to table the request. Ms. Kost asked if any Board member still had concerns. Mr. Hinkley stated that he did not have concerns but that he did not have enough information to conscientiously vote; but that after further discussion he thinks that this request should be approved (to be consistent). Mr. Ernst called the question. The vote on the motion for approval was unanimous.

VI. SKETCH DESIGN APPROVAL:

- A. Request by S & S Partnership for subdivision sketch design review of "Larkspur", consisting of 27 lots on 46 acres, located off S. R. 1526, Andrews Store Road, Baldwin Township.

Ms. Richardson reviewed the agenda notes for the request.

Charles Eliason, surveyor, was present representing the applicant. Mr. Eliason stated that soils are marginal on this property; that he expects to have either an alternative system or no system on lots 27, 1 and 2; that the developer may not build on these three lots if suitable soils are not found or if they do not allow the developer to achieve some sort of storm water management plan to protect adjacent landowners; that to compensate, some lots would be refigured and a common buffered area would protect adjoining landowners; that if there is suitability to locate development sites on lot 27 one of the lots at the end of the cul-de-sac would be made smaller and lot 27 would be used for a vegetative buffer from the roadway and also open area; that due to some topographical considerations the proposed entrance may be moved slightly to the west to compensate for the Cardinal Pipeline utility; that the developer has clustered lots in groups of four to try to create a certain sense of community; that some lots have road frontage while others have more seclusion; that all wetlands would be buffered for protection; and that cul-de-sacs on the private easements would be at a 55 foot radius for emergency access.

Board discussion followed.

Mr. Klarmann asked if the easement that goes off the main road would have to be paved 50 foot back off the paved road. Mr. Eliason stated that there are no current requirements that have to be followed; that after sketch plan approval more in-depth site work would be done; that if marketing numbers prove substantial it is anticipated that the entirety of the easements would be paved.

Ms. Cross asked if the developer had permission to go across the pipeline with two of the easements. Mr. Eliason stated that Cardinal Pipeline has a process that you go through to cross their utility; that there are also requirements that have to be followed; and that a final roadway design that shows anticipated grading and how crossing of the utility is established would have to be submitted

to Cardinal Pipeline and approved before preliminary approval phase. Ms. Cross inquired how the developer proposed to ditch the stream on lots 12 and 13. Mr. Eliason stated that a joint driveway would be required down the lot line to serve both homes; that the buyers may want the homes closer to the cul-de-sac; that there would be one single crossing of the blue line stream; and that there would be a storm water management plan in place.

Ms. Kost inquired if there were any regulations regarding setbacks from a gas pipeline or any other concerns regarding safety. Ms. Richardson stated that staff talked with Cardinal Pipeline about this issue during the review of another subdivision (off Tobacco Road) that had a pipeline through the property; that staff was informed that as long as the structure is off of their right-of-way; that some limited landscaping was permitted within the easement; that Cardinal Pipeline requests to be contacted prior to any earth disturbing activities (see language in condition #1 in tonight's agenda notes); but that there were no setbacks for structures off that easement.

Mr. Hinkley noted that there were no stub-outs to any adjoining properties shown on the proposed survey map. Mr. Eliason stated there would be a stub-out along the curb area (to the IS Holdings, LLC adjacent property - between lots 9 and 10) to echo the pipeline corridor and to go along the wetland area; that sometimes landowners do not want connectivity; that things are in place to supply this; and that there is a consideration to minimize impervious surface area on the project. Mr. Hinkley inquired about the Zoning Ordinance requirement that all lots have frontage on public streets. Ms. Richardson explained that there can be private easements coming off public roadways to serve four lots (3 lots approved by staff and 4 lots approved by the Planning Board); that the developer is requesting four lots off these private easements; and that easements are required to be at least 100 feet away from each other.

Ms. Ford asked if the developer plans to pave the cul-de-sac on the private easement of lots #5 and #6. She noted that the cul-de-sac is really close to the stream and could be a concern. Mr. Eliason stated that there is a possibility that this would be paved; that there is a 50 foot buffer along the stream; that there is no water at the cul-de-sac point; that the cul-de-sac is 50 or 60 feet away from the actual stream; that the lot lines could change before preliminary application; and that he would address this issue at that time. Mr. Eliason stated that 20 feet asphalt is the standard and is proposed for roads within this project.

The following landowners spoke:

- Jeff Dotson, 274 Mockernut Road, Pittsboro, NC

Mr. Dotson welcomed new Planning Board members. He asked that this request be tabled until next month to allow the new members additional time to review the application. Some of his concerns were:

- density on steep slopes
- additional impervious surface
- access along easement
- additional impacts, i.e. storm water runoff, and
- a more cooperative plan.

- David Botts, 289 Forest Light Ln., Pittsboro, NC

Mr. Botts stated that his 10 acres (that he plans to build a house on later this year) borders two sides of Wilkerson Creek. Some of his concerns were:

- Further runoff from this proposed development into Wilkerson Creek
- Plant and wildlife
- mud from heavy rains
- increased level of sediment and pollution into the creek
- property value
- storm runoff onto Linchen Trail, and
- trash.

Mr. Botts stated that he understands the rights of landowners to develop their land and to cash in on their investment; and that he believes it is our responsibility as landowners to be stewards of land and to reduce our impact on the environment.

- Mark Botts, 111 Indian Orchard Road, Pittsboro, NC

Mr. Botts stated that his specific item of concern is regarding the easement along the west side of the proposed development. He referenced section 6.2, B. (2) of the Subdivision Regulations regarding rural roads that states,

“Existing streets which terminate at or adjoin a subdivision boundary shall be deemed a part of the subdivision”.

Mr. Botts stated that Linchen Trail meets this definition (i.e. deemed a part of the subdivision) even though Linchen Trail would not be used for access; and that the right-of-way to use Linchen Trail to access the proposed property is attached to the title of the land; and that this issue has not been addressed. Mr. Botts noted some additional concerns as follows:

- watershed protection
- density
- harmony with the neighborhood
- wildlife protection, and
- habitat protection.

Chairman Walker asked Mr. Megginson to respond to Mr. Bott’s remarks regarding the legal status of Linchen Trail. Mr. Megginson stated that there are provisions for access to the State maintained road for all the lots being developed and that whether or not they have legal access to the private road or choose to use it is a private matter. Mr. Eliason stated that there is a nonexclusive use by the developer and owner for rights to the road; but that the developer elected to abandon the use of this right-of-way.

- Betsy Kraus, 680 Lichen Trail, Pittsboro, NC

Ms. Kraus stated that her residence is approximately one mile off the road; that she likes having space and privacy; that some of her concerns are:

- runoff
- impact on Lichen Trail, and
- impact on Wilkerson Creek.

Ms. Kraus distributed pictures showing impact on Wilkerson Creek from recent rains. Ms. Kraus stated that nine (9) developments (500 lots / 600+ acres) have

already been approved along Wilkerson Creek. She referenced Article 400, Section 401. from the Watershed Ordinance that states,

”No activity, situation, structure or land use shall be allowed within the watershed which poses a threat to water quality and the public health, safety and welfare. Such conditions may arise from inadequate on-site sewage systems which utilize ground absorption; inadequate sedimentation and erosion control measures; the improper storage or disposal of junk, trash or other refuse within a buffer area; the absence or improper implementation of a spill containment plan for toxic and hazardous materials; the improper management of storm water runoff; or any other situation found to pose a threat to water quality”.

Ms. Kraus stated that this requires action at the Planning Department level and that she would like to see a storm water plan that addresses the issues and the impact on Lichen Trail. Ms. Kraus request that the plan presents specific measures for managing runoff both during construction and in the landscaping of the lots so that the impact of Lichen Trail and Wilkerson Creek watershed would be minimal.

Note: Ms. Kraus distributed written copies of her concerns and also copies of the pictures of Wilkerson Creek referenced above. These are filed in the Planning Department.

- Jeannie Ambrose, 675 Lichen Trail, Pittsboro, NC

Ms. Ambrose distributed copies of her personal statement that is filed in the Planning Department. Ms. Ambrose stated that she would like to be included if the Planning Board visits the proposed site.

- Wallace Ambrose, 675 Lichen Trail, Pittsboro, NC

Mr. Ambrose stated that he recognizes the developer’s right to develop this land; that some of his concerns have already been addressed; that had landowners been given an opportunity to discuss the proposal with the applicant/developer sooner (before the planning stages had gotten to this point) his questions could have already been answered; that the winding extent of Lichen Trail passes from relatively steep very rocky hill tops to valleys that contain both wet-weather and near constantly running creeks; the extensive topographical areas suggest that the plan for 27 lots is too dense for the conditions; that many of the lots would have steep hillsides or protected creek beds that severely limit the availability of desirable house sites or necessitate building driveways over creeks; that runoff (both short term and long term) is a concern; that access rights should not be given to owners bordering Lichen Trail; that living close to Lichen Trail could also be a concern to the new homeowners, i.e. lights and noise from traffic; that natural screening is requested between these houses and the road to reduce lighting and noise and also protect children and pets from potential danger on the roadway; and that many of the above concerns might be addressed by reducing the number of lots in the development.

- Dale Morter, 615 Beaver Dam Road, Pittsboro, NC

Mr. Morter stated that his son, Christopher Morter, owns adjoining property off Andrews Store Road; that a specific concern is the water serving his son's property; that his son purchased the property in early 1998 and his 1200 foot well went dry in December 1998, 6 months after he purchased the property and after functioning good for sixteen years; that he believes this was a result of the construction of the pipeline; that a second well was drilled (200 feet) that lasted about a year; that his son increased the well by an additional 100 feet; that the underground water is extremely fragile and fickle; that his son is concerned that additional development would cut off his water supply; and that he would like the developer to address his concerns.

- David Brannigan, 2102 Andrews Store Road, Pittsboro, NC

Some specific concerns noted were:

- additional wells (27) to be drilled outside his property
- septic systems
- rocky areas on lots 1, 2,3 and especially lot #4
- need site specific testing to assure lots would perk
- runoff, and
- affect on his well from potential blasting

Mr. Brannigan stated that he and other adjacent landowners are not trying to block or stop the development; that anyone interested could walk his property; that landowners are willing to talk with the developers to mitigate some of the problems anticipated; and that he asks that the Planning Board table this request to allow additional time for review.

- Schell Simpson, 2155 Andrews Store Road, Pittsboro, NC

Mr. Simpson distributed a hand-out of his written comments regarding the impact of the proposed development on his property. Some specifics addressed are as follows:

- slopes
- erosion
- water runoff
- flooding
- water, and
- waste disposal systems.

A copy of hand-out titled, "Kelly Hanner & Schell Simpson, Property/homeowners 2155 Andrews Store Road, Pittsboro, NC 27312, Deed Book 605/page459, Residents of 14 years, Phone 919-542-0743, Concerns regarding Larkspur Subdivision Development Plans impacting our property", is filed in the Planning Department. Attached to this material is comments from Allison Weakley on the proposed development dated 1/29/07 (with map attached illustrating some of her points).

- Laura Martin, 2102 Andrews Store Road, Pittsboro, NC

Ms. Martin stated some additional concerns as follows:

- change in the atmosphere and the general quality and character of her property
- artificial lighting from the proposed development

- environmental impact and loss of wildlife habitat
- proposed introduction of 27 new septic systems in an area with highly variable, marginal , unsuitable soils and extreme bouldery sections; and the accumulative affect of the septic systems on her well water quality
- difficulty predicting the soil quality using normal testing procedures as reported in the soil report and the unpredictability of the soil quality even when testing has been done, and
- existing location of her (drinking water) well and the proposed property.

Ms. Martin asked that the request be postponed so that adjacent landowners could possibly meet with the owner/developer to discuss their concerns and recommendations. Some of her recommendations are as follows:

- require septic systems that exceed the requirements for the number of bedrooms in the house on each lot – may require larger lot size
- double required distance from wells to septic fields
- minimize visual impact of construction, houses, and light pollution
- limit size of explosives used within given distance from current adjacent wells and structures
- move private easement and cul-de-sac on lot#4 further from adjacent property owners to provide buffer.

A copy of Ms. Martin's concerns and recommendations are filed in the Planning Department.

- Greg Isenhour, IS Holdings, LLC, PO Box 5159, Chapel Hill, NC

Mr. Isenhour stated that he owns adjacent land to the east of the proposed property; that he is in support of the subdivision; that it is a good use of the land; that he is a developer and realizes the rights to the use of the land; that ordinances are already in place, i.e. lot size, frontage, watershed; that regulations are in place, i.e. storm water, impervious surface, screening; and that the developer is bound to follow the ordinances and regulations. Mr. Isenhour cited that the proposal meets the regulations and he encourages the Board to approve the development.

No other landowners spoke.

Mr. Eliason stated that he agrees with the comments of the above landowners; that he is aware of the extremely bouldery areas (lots 1, 2, 3, and 4); that suitable soils are doubtful for lots 1 and 27; and that blasting is cost prohibited and is not under consideration. Mr. Eliason noted that soil and erosion control plans would be in place to protect wetland areas at preliminary plat submittal.

Board discussion followed.

Chairman Walker stated the following options that the Board has:

continue discussion but take no action tonight
continue discussion and take action tonight, or
table the request to allow additional time for review.

Following discussion, it was the consensus of the majority of the Board that additional time is needed for, 1.) developer to address the landowners concerns, and 2.) Planning Board review. It was noted that the Planning Board has 65 days to make a sketch recommendation to the Board of Commissioners.

Mr. Eliason stated that he is comfortable having the request tabled to allow additional time to work with the Planning Board and adjacent landowners regarding comments and concerns voiced earlier tonight; and that it is very likely that the proposed lots for the project would be decreased at preliminary plat submittal.

Motion to table:

Mr. Ernst made a motion; seconded by Ms. Sharman to table the request for one month. There was no discussion on the motion and the motion passed unanimously.

B. Request by ENT Land Survey, Inc. for subdivision sketch design review of "Arcadia", consisting of 13 lots on 57 acres, located off S. R. 1536, Lamont Norwood Road, and Baldwin Township.

Ms. Richardson reviewed the agenda notes for this request. She noted that after agenda notes were distributed staff received an E-mail from Dolores Hall, State Historic Preservation Office, with the following statement:

"The Arcadia subdivision may have some Native American sites on the broad ridge east of the creek, but we have nothing recorded there at present. If we got the project for review, we would likely recommend survey of the area east of the creek".

Ms. Richardson stated that this is something the Board might want to consider.

No adjacent landowners spoke.

Steve Yuhasz, land surveyor and attorney, was present representing the owner and developer. Mr. Yuhasz stated that, in preparation of the preliminary plan for the previously approved sketch plan, additional soils suitable for septic systems were found than originally anticipated; that the three (3) additional lots allowed the developer to offset cost of a public road rather than a private road; that this subdivision represents these additional lots and upgrade from a private road to a system of public roads; that he has contacted Dolores Hall regarding the possibility of some Native American sites on the property; and that the developer is willing to have an archeological survey done at the appropriate time.

Board discussion followed.

Mr. Klarmann asked if there was adequate area to provide for a line of sight easement (10 x 70) at the entrance onto Lamont Norwood Road. Mr. Yuhasz stated that the 60 foot easement would be sufficient but that NCDOT would make that decision and would be shown on preliminary plat. Mr. Klarmann inquired if there are plans for an easement to landlocked properties of lots 3 and 4. Mr. Yuhasz stated that a 50 foot right-of-way is shown for Dorian Drive; that if there is a possibility for significant traffic on Dorian Drive as a result of an extension (that is planned between the common lot lines of lots 3 and 4) this might be increased to a 60 foot right-of-way.

Mr. Hinkley stated that it would be appropriate to have a stub-out (or extension) from the cul-de-sac over to the Blanch Norwood property. Mr. Yuhasz stated that one reason for the design is that there is an existing pipe crossing of the creek at the location of the joint driveway area (lots 10 and 11); that no further disturbance of the creek is necessary to obtain access to those two lots; that any extension of a public road across the creek would require noticeable construction within the creek; and that a stub-out in this area is unwarranted.

Ms. Ford inquired about the proposed road within the development (Arcadia Lane) accessing Lamont Norwood Road. Mr. Yuhasz stated that this is an existing gravel road approximately 12 – 14 feet wide and that the 60 foot strip was left for a possible future roadway.

Ms. Kost stated that at the time this was originally approved (June 19, 2006) by the Commissioners for sketch design there were a couple of conditions that are not recommended at this time. These conditions are as follows:

“A Voluntary Agriculture district certificate shall be placed on the preliminary and final plats”;

“The driveway crossing of the creek shall be constructed to accommodate emergency vehicle access, i.e. weight and width of vehicles”.

Mr. Yuhasz stated that the voluntary agriculture district note was placed on the second revised sketch plan (dated January 8, 2007); and that the project engineer has inspected the existing pipe and found it to be adequate for emergency vehicle traffic.

Regarding a stub-out to the Hazel Hine property, Mr. Yuhasz stated that access is proposed along the common lot line area between lots 3 and 4.

Following discussion, it was the consensus of the majority of the Board to be consistent and allow additional time for review of this sketch design application request. Mr. Hinkley reiterated his concern that Board members visit the property.

Motion to table:

Ms. Cross made a motion; seconded by Ms. Ford to table the request for one month to allow additional time for new Board members to review the application.

There was no discussion on the motion and the motion passed 8-2 with Cross, Ford, Harris, Hinkley, Kost, Sharman, Turner and Walker voting in favor of the motion; and Ernst and Klarmann voting against.

VII. ZONING AND ORDINANCE AMENDMENTS – Items from January 16, 2007 Public Hearing:

Mr. Megginson stated that items A – F listed below are text amendments to the civil penalty part of various existing ordinances; that currently our ordinances state that if you are in violation and have received a warning letter and the violation is not corrected a second letter is sent and penalty charges begin, i.e. \$50.00/day; that this process is repetitive in most cases; and that the text amendment would change the civil penalty from a flat fee to a graduated scale.

Mr. Sullivan stated that the only comments received were from the county attorney; that the attorney suggested that additional provision be added; that after a certain period of time the penalty would automatically revert back to \$50.00/day, i.e. time cap; that the attorney was concerned that if the penalty began at \$100.00 and it had been ten years since the first violation a judge might not consider this favorable if it went to court; that staff does not want to be too aggressive; that this is a way to try and catch repeat offenders; and that this is something that the Board might want to discuss.

Motion to table items A – F:

Following discussion, it was the consensus of the majority of the Board to table this issue to allow additional time for feedback from the county attorney and review of other ordinances. Ms. Kost made a motion; seconded by Ms. Cross to table Items A – F until next month's Planning Board meeting. There was no discussion on the motion and the motion passed unanimously.

- A. Proposed text amendments to the Chatham County Communications Tower Ordinance to Section 6-5, Remedies. The purpose of the amendment is to change the civil penalty from a flat fee to a graduated scale.
- B. Proposed text amendments to the Chatham County Junkyard Ordinance to Section 9, Enforcement Provisions. The purpose of the amendment is to change the civil penalty from a flat fee to a graduated scale.
- C. Proposed text amendments to the Chatham County Mobile Home Ordinance to Section 19, Penalty for Violations and Section 6.2(A), Mobile Home Lot Size. The purpose of the amendments is to change the civil penalty from a flat fee to a graduated scale and increase the minimum lot size requirements.
- D. Proposed text amendments to the Chatham County Off-Premise Sign Ordinance to Section 107.00, Enforcement. The purpose of the amendment is to change the civil penalty from a flat fee to a graduated scale.

- E. Proposed text amendments to the Chatham County Subdivision Regulations to Section 1.14, Prohibited Acts, Enforcement, and Penalties. The purpose of the amendment is to change the civil penalty from a flat fee to a graduated scale.
- F. Proposed text amendments to the Chatham County Zoning Ordinance to Section 19, Penalty for Violations. The purpose of the amendment is to change the civil penalty from a flat fee to a graduated scale.

Items G – H listed below were tabled earlier tonight and will be discussed during next month’s Planning Board meeting. See Approval of Agenda (Item II. 4.)

Recess as the Planning Board and reconvene as the Watershed Review Board.

- ~~G. Proposed text amendments to the Chatham County Watershed Protection Ordinance to Section 106, Remedies. The purpose of the amendment is to change the civil penalty from a flat fee to a graduated scale.~~
- ~~H. Request by the Chatham County Board of Commissioners to receive citizen input on proposed text amendments to the Chatham County Watershed Protection Ordinance. The amendments include the following: amend Section 304, Buffer Areas Required, to increase stream buffer widths along perennial streams, intermittent streams, and unclassified streams countywide and to prohibit additional uses within those buffers; amend Section 501 (C) & (F), Watershed Administrator and Duties Thereof and Section 503 (C), Changes and Amendments to the Watershed Protection Ordinance to correct references to state agencies.~~

Adjourn as the Watershed Review Board and reconvene as the Planning Board.

VIII. OLD BUSINESS:

IX. NEW BUSINESS:

A. Planning Director’s Report

- *New Board members information*

Mr. Megginson asked that new Planning Board members fill out the information sheet included in their packets and return to the clerk as soon as possible. Mr. Sullivan stated that members should note any information that they DO NOT want posted on the website.

- *Other Boards that request Planning Board participation*

1. Resource Conservation and Development District (RC&D)

Mr. Megginson stated that this organization meets quarterly in Graham, NC during the day, (typically on a Wednesday at the Graham Library); that sometimes Chatham County receives grant monies from this organization; and that they are looking for participation from the Planning Board since our previous Planning Board member is no longer on the Board.

2. Chatham County Affordable Housing Task Force

Mr. Megginson stated that this organization would like to have a representative from the Planning Board to serve on this committee; and that the meetings are usually monthly on a Friday morning from 9 am – 11 am.

Mr. Megginson stated that he would provide Planning Board members additional information on these organizations.

- Joint Chatham/Cary Meeting

Mr. Megginson stated that a joint meeting of the Board of County Commissioners and the Town of Cary is scheduled for February 20, 2007 at North Chatham Elementary School at 7:00 p.m. to discuss the joint land use plan for the eastern part of the county (east of Jordan Lake and north of Hwy. 64); that there is information on our website about the two plans as well as some citizen comments previously received; and that this is the first meeting of the two boards to discuss said plans.

- Training for new Planning Board Members

Mr. Megginson stated that he would be sending an E-mail to Board members in the next few days to set a date for training for new members. He noted that all members are welcome to attend.

- Planning Board Packets

Mr. Megginson stated that normally agenda packets are distributed on the Thursday before the Tuesday meeting; that some packets are delivered; that some members prefer to pick their packets up at the Planning Department; that we do not have a Planning Department vehicle; that two staff members live in Siler City; and that members can also use the website for research since all materials are usually posted by Friday afternoon.

B. Planning Board Member’s Report

- E-mail

Chairman Walker asked that everyone be watchful when sending E-mails since some Planning Board members have not posted their E-mail addresses for public use.

X. ADJOURNMENT: There being no further business, Mr. Harris made a motion; seconded by Ms. Cross to adjourn tonight’s meeting. There was no discussion on the motion and the motion passed unanimously. The meeting adjourned at 10:20 p.m.

Chris Walker, Interim Chair

Attest:

Date

Kay Everage, Secretary to the Board

Date: _____