

CHATHAM COUNTY PLANNING BOARD

MINUTES

March 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
Warren Glick
Clyde Harris
Jim Hinkley
David Klarmann
Judy Sharman
Delcenia Turner

Absent:

Planning Department:

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

- I. CALL TO ORDER: Chairman Walker called the meeting to order at 6:00 p.m. He welcomed everyone and noted that Mr. Warren Glick, new member Planning Board, was present. Chairman Walker stated that the format of tonight's agenda has been changed somewhat in order to move things along more quickly; and that issues anticipated as being non-controversial and fairly quick to settle would be reviewed first.
- II. APPROVAL OF AGENDA: Ms. Cross made a motion; seconded by Mr. Ernst to grant approval of tonight's agenda as submitted. There was no discussion on the motion and the motion passed unanimously.
- III. CONSENT AGENDA: Chairman Walker stated that proposed text amendments listed below (Item III. C. 1 – 6) were discussed during last month's Planning Board meeting; that the Board did not have issues about the amendments but asked staff to research the penalty period and present a proposal of when fines could begin again; and that all these amendments have the same language stating a six (6) year term before penalties on a fine would begin again.

Ms. Cross made a motion; seconded by Ms. Kost to approve the consent agenda as submitted. Discussion followed. Mr. Hinkley asked that Item III. B. (final plat approval of "The Cottages at Stonegate, Phase 3") be removed from consent agenda for discussion. The Planning Board unanimously approved the consent agenda as submitted with the removal of Item III. B. as noted above.

- A. Minutes:
Consideration of a request for approval of Board minutes for February 6, 2007 Planning Board meeting.
- ~~B. Final Plat Approval:
Request by Pittman Korbin, Inc. for final plat approval of "The Cottages At Stonegate, Phase 3", consisting of 8 lots on 64 acres, located off SR-1535, Gilmore Road, and SR-1534, Poythress Road, Baldwin Township.
Note: This item was removed from consent agenda for discussion. See Item VI. B. below.~~
- C. ZONING AND ORDINANCE AMENDMENTS – *Items from January 16, 2007 Public Hearing and February 6, 2007 Planning Board Meeting:*
1. 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.
 2. 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.
 3. 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.
 4. 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.
 5. 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.
 6. 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.

End Consent Agenda

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

- Cynthia Crossen, 1116 Marshall Rd., Pittsboro, NC

Ms. Crossen voiced concern regarding the timing of notification letters to adjacent landowners. She stated that in her pursuit of getting information about “The Glens” she received her letter sometime during the week of February 19, 2007; that she then called the Planning Department and expressed concern about the existing streams and stream designations on the proposed property (and had also expressed these concerns in July, 2006); and that she suggests that the Planning Department consider giving adjacent landowners more lead time.

- Jeff Dotson, 274 Mockernut Rd., Pittsboro, NC

Mr. Dotson voiced concern about future planning for northern Chatham County. He stated that some issues were raised during review of the Briar Chapel application; that sprawl versus rural character was discussed; that inadequate infrastructure (particularly schools) was a concern; that these considerations are more critical now that Briar Chapel is under construction as well as the multitude of relatively dense developments and proposals in the vicinity; that there are approximately 10,000 new homes already approved but not yet built in the area; and that the Land Use Plan states;

“The vast majority of the land within the county—460 square miles—will be in areas designated for agriculture and rural development. Ensuring that the pattern of development that occurs in these areas preserves the rural character of the county may be the single greatest determinant of what kind of place Chatham County becomes a generation from now”.

Mr. Dotson stated that he would like to see a Planning Board that makes recommendations to the Board of County Commissioners based on preserving the rural character that many landowners moved to Chatham County to enjoy and based on sound planning of infrastructure resources; that density is a major concern; and that as a citizen of Chatham County he is interested personally in finding ways to assist in the creation of a balanced long-term vision for Chatham County.

There were no other requests to speak at this time.

V. ZONING AND ORDINANCE AMENDMENTS - *Items from January 16, 2007 Public Hearing and February 6, 2007 Planning Board Meeting*

- A. 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.

Ms. Cross made a motion; seconded by Ms. Kost to recess as the Planning Board and reconvene as the Watershed Review Board. There was no discussion on the motion and the motion passed unanimously.

Chairman Walker explained that the Planning Board would only be considering Item A. tonight since the Commissioners have forwarded Item B. to the Environmental Review Board.

Discussion among the Board followed. Regarding the proposed text amendments approved earlier tonight on consent agenda, Mr. Ernst suggested that if an individual is given a civil penalty fine and then found not to have been in violation, that some kind of remedy be provided. Mr. Megginson explained that the Zoning Ordinance has a built in appeal period. There was no further discussion.

Mr. Ernst made a motion; seconded by Ms. Cross to grant approval of the proposed text amendment to the Chatham County Watershed Protection Ordinance, Section 106, Remedies as submitted. There was no discussion on the motion and the motion passed unanimously.

Mr. Glick made a motion; seconded by Mr. Hinkley to adjourn as the Watershed Review Board and reconvene as the Planning Board. There was no discussion on the motion and the motion passed unanimously.

~~B. 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.~~

Note: The Commissioners have forwarded item B. to the Environmental Review Board which has their first meeting March 8, 2007 at 7:00 p.m., at Central Carolina Community College, Conference Room, Building 2, Pittsboro, NC.

Items for upcoming Public Hearing:

Mr. Megginson stated that items C., D., and E listed below are issues for the March 19, 2007 public hearing; that we are waiting comments from the county attorney regarding the Lighting Ordinance; that any revisions would be posted by Thursday of this week; that the re-zoning request is regarding land along the river that was zoned heavy industrial several years ago; that numerous property owners have voiced concern to have this area rezoned to residential since they would never use their property for industrial use; and that the county has initiated the rezoning of this property (that excludes existing property utilized as heavy industrial).

C. Public Hearing request by the Chatham County Board of Commissioners to receive citizen input on proposed text amendments to the Chatham County Zoning Ordinance to include a section to regulate outdoor lighting. The amendments include standards for outdoor lighting, establish lighting

design review and enforcement procedures, and establish a amortization schedule for vehicular canopies.

- D. Public Hearing request by the Chatham County Board of Commissioners to receive citizen input on proposed text amendments to the Chatham County Communications Tower Ordinance to Article II, Permits and Article III, Application Submission and Review Process. The purpose of the amendments is to change the time allowed for construction of a communications tower after the approval of the tower location plan.
- E. Public hearing request by Chatham County to rezone approximately 533 acres on SR 1972 (Pea Ridge Rd) from Heavy Industrial (H-Ind) to Residential Agricultural (RA-40).

VI. A. STAFF PRESENTATION OF SUBDIVISION REVIEW PROCEDURE:

Mr. Megginson gave a brief presentation on the subdivision review process. He stated that this is a three step process, 1.) sketch, 2.) preliminary, and 3.) final plat review; that sketch design is basically a paper review of the proposed plan; that the Board would review the sketch plan to see if the lot size would work for what is proposed; that staff reviews the various ordinances (watershed, zoning and subdivision); that a general soils map is prepared to see if the design would work for the zoning and regulations of Chatham County; that adjoining landowners are notified of the proposal and are encouraged to voice comments and/or concerns regarding any unique features on their land or the proposed land that the development would impact; that preliminary submittal requires various other agency review and approval (i.e. if county water is being utilized engineered drawings are submitted and reviewed and then sent to the State for approval); that engineered plans for roads are submitted to staff as well as erosion control plans, wastewater treatment plans, and soils maps for individual septic areas (that meet Environmental Health approval), and possibly others; that adjacent landowners are notified again for preliminary plat review; that if all agency approvals are in order and preliminary is approved by the Commissioners the developer can begin constructing the subdivision (building roads, installing water lines and etc.); that the last phase of the process is final approval; that if everything is in order (various engineer certifications, approval from NCDOT and the county if water lines are in) and final approval is granted the developer can record the plat map and begin selling lots; and that a financial guarantee is provided to the county to finish things if not done by the developer.

B. FINAL PLAT APPROVAL

Request by Pittman-Korbin, Inc. for final plat approval of "The Cottages At Stonegate, Phase 3", consisting of 8 lots on 64 acres, located off SR-1535, Gilmore Road, and SR-1534, Poythress Road, Baldwin Township

Mr. Hinkley asked the following questions:

- *Has the subdivision been approved in accordance with the Land Use Plan?*

Ms. Richardson stated that the subdivision has been approved in accordance with the Chatham County Land Use Plan.

- *Is the subdivision zoned?*

Ms. Richardson stated that this proposed subdivision is zoned RA-40.

- *How would the land be described, i.e. steep, hilly, rocky, and/or flat?*

Ms. Richardson stated that staff has not walked this property; that with the limited personnel in the Planning Department staff cannot visit every proposed property site; that at the sketch design level the developer is required to provide a topographical (topo) map of the proposed property; and that this map was provided as required. Ms. Ford stated that she has seen the property and that the property is not as steep as some of the other proposals.

- *Is it certified that all the improvement have been put in?*

Ms. Richardson stated that a financial guarantee has been received for the completion of the public and private roadways.

- *Who is the review officer?*

Ms. Richardson stated that the review officer is located in the Chatham County Tax Department (i.e. one of the tax mappers) and that the review officer signs the plat map and then the map is taken to Register of Deeds for recordation. Ms. Richardson noted that the review officer contacts the Planning Staff if there are questions or concerns regarding the map.

Discussion followed. Ms. Ford was concerned about wetlands on the property and that the Watershed Protection Ordinance currently does not require buffers along wetlands. Mr. Hinkley asked if there were plans to require buffers along wetlands. Mr. Sullivan stated that the Watershed Protection Ordinance does not have a section regarding the buffering of wetlands. Mr. Ernst inquired if the Wildlife Resources Commission has made any kind of statement regarding buffering of wetlands. Ms. Richardson stated that nothing directed to this proposal has been received but that Jacquelyn Presley has many times mentioned buffering wetlands. Ms. Sharman stated that, according to a report from the North Carolina Wildlife Resources Commission, they are recommending 100 foot buffers along each side of perennial streams and 50 foot buffers along each side of intermittent streams and wetlands.

There was no further discussion. Ms. Kost made a motion; seconded by Ms. Sharman to grant approval of "The Cottages At Stonegate, Phase 3" as submitted and as recommended by staff, with the following conditions:

1. A note is placed on the final plat stating that access to Lots 21, 22, 23, 24, 25, and 26 will be provided by the internal public roadway only.
2. A note is placed on the final plat stating the maintenance responsibility for the private easement, Cala Lily Court.

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

VII. MISCELLANEOUS REQUESTS or REQUIRED ACTIONS:

- A. Request by Nicolas P. Robinson for a revision to Condition # 2, of Chapel Ridge, Phase I regarding sidewalks from Hwy 87 to the clubhouse recreation area.

Ms. Richardson reviewed the agenda notes for this request. She stated that staff recommends granting the request to revise condition #2 of Chapel Ridge, Phase One to eliminate the construction of the sidewalk from NC Highway 87 to the clubhouse / recreation area and to place a condition on the Parks at Meadowview that the trail system be installed substantially as depicted on the "Community Trail Master Plan", prepared by CE Group, Inc. dated February 8, 2007 and that the entire trail area shall be completed prior to final plat approval , and to add "for the final phase" of The Parks at Meadowview.

Nick Robinson, attorney, was present representing Jordan Lake Preserve Corporation and The Parks of Meadowview, LLC. Mr. Robinson used the large overview map to show areas of existing sidewalks and the proposed sidewalk areas proposed for elimination. He stated that when the sidewalk (from the recreation area out to the new NC Highway 87) was originally suggested as a condition it was unsure at that time whether some land was to be dedicated to Chatham County for a park; that the Recreation Advisory Board declined the land in lieu of a recreation fee thus the idea of a connectivity to a park area was eliminated; and that the proposed revisions would be a better substitute than originally planned.

Discussion followed. Ms. Kost inquired if there were other sidewalks in the Chapel Ridge development other than the sidewalk than runs from NC Highway [old] 87 to the recreation area; and if there are sidewalks in The Parks at Meadowview.

Fred Ward, Jordan Lake Preserve Corporation, stated that there are sidewalks along all the other main roads in Chapel Ridge. Mr. Robinson explained that when Chapel Ridge was originally approved the only access was off Old Graham Road; that at preliminary, connectivity to NC Highway [new] 87 was added and at that time the sidewalk suggestion was made; and that since that time The Parks at Meadowview has been designed and has a trail system.

Jason McCoy, The Parks at Meadowview, stated that there are sidewalks throughout The Parks at Meadowview along the roads in addition to a trail system.

Mr. Robinson explained that the sidewalk to be eliminated is from new Hwy 87 into Chapel Ridge; that there was never a condition on The Parks at Meadowview development for a sidewalk on this road but rather on the Chapel Ridge development; that the genesis of the requirement to the sidewalk on this road was that there would be a park in that area someday; that the park got eliminated since the county did not want it; and that since that time the entire trail system was created and approved as part of The Parks at Meadowview. Mr. Robinson explained that the idea is to eliminate some unnecessary impervious

surface and replace it with a guarantee of an environmentally friendly trail in the exact same location except that it would not extend out to new Hwy 87.

Board discussion followed. Some specifics noted regarding the walking trail extending out to new Hwy 87 were:

safety (especially for children),
sidewalk going nowhere,
spray areas on south side of road,
future commercial development, and
additional schools a potential.

Chairman Walker asked if it would be prudent to not complete the trail now but to indicate one (on the plat map) if there is a need in the future. Mr. Robinson suggested that the Board could include this as a condition (that the developer be willing to consider extending the trail to NC 87 if deemed necessary by the Planning Board); and that between now and the Commissioners' meeting the issue could be resolved. Ms. Kost noted that she does not want to totally eliminate connectivity to NC Hwy 87. It was consensus of the majority of the Board that a sidewalk was not necessarily needed out to NC Hwy 87 but that the trail system should not totally be eliminated for a future possible avenue. Mr. Hinkley suggested that a note be placed on the plat map indicating that the area is dedicated as future greenway to NC 87. Mr. Robinson suggested the following proposed language be added to the condition:

“At the discretion of the Planning Board, the trail may be extended from its westernmost point to NC 87 if deemed necessary by the Planning Board in the future”.

Mr. Robinson noted that the Board may want to put a time limit on this.

Mr. Hinkley inquired if it would be practical to ask staff to compose a statement that meets the spirit of tonight's discussion regarding a trail out to new Hwy 87 and make sure it is provided for on the plat map.

Mr. Robinson asked for a 5-minute break to allow him time to confer with his clients.

5-Minute Break:

Mr. Robinson stated that the plat map would be reconfigured (for the March 19, 2007 Commissioners meeting) to show a potential trail out to new NC Hwy 87 to be installed at the discretion of the Planning Board. It was the consensus of the majority of the Board that Mr. Robinson prepare appropriate language (as a condition) and forward to staff for the Commissioner agenda notes.

Board discussion continued regarding proposed conditions. Ms. Richardson reiterated the addition of language in condition #1 to add, “prior to final plat approval **for the final phase of** The Parks at Meadowview”. Ms. Kost noted

condition #2 would state that “the developer would show a proposed trail extending from the main trail out to NC 87”.

Ms. Kost made a motion; seconded by Mr. Ernst to adopt staff recommendations to grant the request to revise Condition # 2 of Chapel Ridge, Phase One to eliminate the construction of the sidewalk from NC Highway 87 to the clubhouse / recreation area as recommended by staff; with an additional requirement that the developer install an additional trail from the westernmost portion of the main trail to NC Hwy 87 if directed by the Planning Board at a future time; and that the Planning Board shall notify the developer to install the trail not later than ten years from March 19, 2007. There was no discussion on the motion and the motion passed unanimously.

The two (2) conditions read as follows:

1. The Parks at Meadowview shall install a trail system substantially as depicted on the “Community Trail Master Plan”, prepared by CE Group, Inc, dated February 8, 2007. The entire trail area shall be completed prior to final plat approval for the final phase of The Parks at Meadowview.
2. The developer will install an additional trail from the westernmost portion of the main trail to NC 87 if directed by the Planning Board at a future time. The Planning Board shall notify the developer to install the trail not later than ten years from March 19, 2007.

VIII. PRELIMINARY DESIGN APPROVAL:

- A. Request by Community Properties, Inc. on behalf of Hilda McBane for subdivision preliminary design approval of “The Glens” (fka McBane Property Subdivision), consisting of 109 lots on 159 acres, located off SR-1520, Old Graham Road, Hadley Township.

Ms. Richardson reviewed the agenda notes for this subdivision. She stated that the County Commissioners approved sketch design for 109 lots on July 17, 2006 with two conditions (as listed in tonight’s agenda notes); and that these conditions have been met.

Nick Robinson, attorney, stated he was present representing the developer and Ms. Hilda McBane (property owner). Mr. Robinson stated that he would address any questions or concerns of adjacent landowners.

The following adjacent landowners spoke:

- Cynthia Crossen , 1116 Marshall Rd., Pittsboro.
Ms. Crossen stated that she has lived on her land for thirty years. She used the overview map to show her adjoining property. Ms. Crossen distributed photos taken recently and within a few hours after a rain. She explained that the photos give a picture of the significant amount of water draining from The Glens development; that each photo shows a different stream (of the three streams originating on The Glens property); and that her concern is that these ephemeral and/or intermittent streams are adequately protected from pollution. (Note:

Copies of these photos are filed in the Planning Department.) Ms. Crossen voiced concern about:

- increased storm water runoff
- creeks need to be buffered
- require and environmental impact study
- need for a storm water plan, and
- impact created from this development.

- Elaine Chiosso, Executive Director, Haw River Assembly

Ms. Chiosso stated that approximately 2,000 houses are planned for this area and that none of the developments received the proper scrutiny that they should have had at the time they were approved. Some of her main concerns regarding this proposal were:

- sediment damage to creeks
- cumulative impact on water quality in Dry Creek and Haw River
- Drinking water supply, and
- Wetlands.

Mr. Robinson stated that there was extensive review of all of the above concerns by the engineers and landowners at the time the initial plan was presented; that since that time the developer has received all the required permits to allow for preliminary plat approval, i.e. erosion control and etc.; that there have been several meetings on site with Jim Willis, Chatham County Soil Erosion & Sedimentation Control Inspector; that this project would have an overall maximum impervious total surface percentage of under 12%; that the Watershed Protection Ordinance in many cases provides a maximum impervious surface of 36%; that there are numerous protections built into the construction and design of this subdivision, i.e. storm water runoff; that this project has eighteen (18) temporary filter basins to prevent sediment from leaving the project during the construction period; that the project would have four (4) phases, i.e. 25-30 lots per phase; that additional measures are being used (beyond what is required) to reduce sedimentation and storm water runoff and to minimize erosion; and that an environmental impact assessment was not required for this preliminary plat submittal. Mr. Robinson noted that the stream referenced by Ms. Crossen is not shown on the USGS map and is not required to be buffered.

Board discussion followed regarding impervious surface, erosion control plan and the protection of Dry Creek (i.e. increase buffering to 100 feet).

Hilda McBane's daughter spoke on behalf of her mother. She stated that her parents purchased this land in the early 1960's; that they have lived on this land for 44 years; that her parents were mill workers and also farmed the land for several years; that due to health reasons her father had to let the farm go and the land began to grow up; that her father sold 25 acres of the land before his death; that his intentions were to supplement their retirement; that her mother is now living on Social Security; that it would be very helpful if this project could proceed to provide her mother a supplemental income; that the developers are doing the best they can to protect the environment; that she understands Ms. Crossen's concerns; and that she hopes this project can proceed.

10 Minute Break:

Mr. Robinson stated that the developer is willing to provide 100 foot buffers from the bank of Dry Creek, although not required.

Discussion followed regarding buffering wetlands and/or streams. Mr. Megginson stated that anything shown on the USGS quad sheet as an intermittent or perennial stream is required to be buffered unless it is determined not to be a stream. He noted that the Army Corps of Engineers determines wetlands and not streams.

David Gainey, Wetland Specialist, Soil & Environmental Consultants, PA [S&EC] was present representing the applicant. Mr. Gainey stated that there is a line on the USGS quad map; that interaction between the North Carolina Division of Water Quality (NCDWQ), the Army Corps of Engineers (the Corp) and non-buffered basin is that the Corp verifies that the site is considered jurisdictional (if not considered jurisdictional then the NCDWQ does not have jurisdiction because it is not in a buffered basin); that he visited the site and determined that all the streams were close on the NCDWQ sheet (between #15-#18 with the beginning for a stream being a #19); that these are shown as marginal errors on the plat map; that the Corp does not have the man-power to delineate these wetlands; and that the Corp verifies delineations made by S&EC.

Board discussion followed. Ms. Ford voiced concerns regarding, 1.) erosion control, 2.) need for an environmental impact study, and 3.) cumulative affects on the entire area. She inquired if there was recourse for requiring an environmental impact study or sending the request to the Environmental Review Board for review.

Chairman Walker referenced Section 5.2 A. (1) of the Chatham County Subdivision Regulations that states,

“Pursuant to Chapter 113A of the North Carolina General Statutes, the Planning Board may require the sub-divider to submit an environmental impact statement with the preliminary plat if this development exceeds two acres in area, and if the Board deems it necessary for responsible review due to the nature of the land to be subdivided, or peculiarities in the proposed layout”.

Mr. Megginson stated that an environmental impact statement needs to be requested at sketch design review to be submitted with the preliminary plat; and that this was not done for this subdivision request.

Ms. Turner stated that every major subdivision should be required to submit an environmental impact statement.

Commissioner Lucier stated that the Environmental Review Board will meet for the first time on Thursday (March 8, 2007); that the initial thing they will be charged with is to develop the minimum requirements for requiring environmental

impact statements; that the Environmental Review Board will also serve to review environmental impact statements (to provide peer review); that the time to request an environmental impact statement is at sketch design review to be presented at preliminary plat submittal [as indicated in Section 5.2 A. (1) of the Subdivision Regulations]; and that the Planning Board could ask the Environmental Review Board to review this request and submit their comments prior to the next Planning Board meeting.

Mr. Megginson stated that the Planning Board has 60 days to send a recommendation to the Commissioners.

Board discussion followed. Some specifics noted were as follows:

Mr. Ernst:

- option not available at this point to require an environmental impact statement
- possible 10 foot buffer along each side of the wetlands
- drainage areas (approximate flow estimates in peak periods and are systems sufficient for estimated peak)

Mr. Robinson stated that the engineer and storm water control assistant estimates peak flows and designs and creates the structures required in order to contain them; that this was done by the engineers in coordination with the erosion control inspector; and that measures that will be taken are sufficient and in some cases exceed ordinance requirements.

Rodney Oldham, engineer with Withers & Ravenel, stated that plans have been reviewed and approved by Chatham County as well as NCDOT.

Ms. Kost:

- pleased with the 100 foot buffers along Dry Creek
- point scale for what makes a stream – need to protect and buffer these further if possible

Mr. Glick:

- consider an environmental impact study

Ms. Sharman:

- #5 of the Land Conservation & Development Plan states, “Ensure the long-term quality and availability of groundwater and surface water resources”.
- cumulative impact of this development on the area, especially creeks and rivers.

Mr. Hinkley:

- submitted written comments (see attached)
- insist that an environmental impact statement be made on this sensitive area
- require an environmental impact study (full blown study) done by an independent group not associated with the applicant
- General Statutes 153A – Planning Board and County Commissioners are called upon to protect the health, safety and welfare of Chatham County (the people and land)

- turn down the request if an environmental impact statement and study are not received
- importance of the Haw River Assembly to this project (great resources and very dedicated people)

Ms. Turner

- require an environmental impact statement (from every major subdivision)
- compassion of Chatham County residents in preserving the natural resources of our county

Mr. Klarmann

- suggests a pond to alleviate runoff as noted above by Ms. Crossen
- Ms. Crossen stated that she considered this several years ago but was told by a representative from the Agriculture Extension Agency that there was too much water and that to build a pond would be a danger.

Mr. Harris

- Mr. Robinson has addressed his concerns.

Ms. Ford

- Old Graham Road – increased developments and traffic
- Tonight’s notes state that “the developer has notified Dr. Ann Hart”, but doesn’t comment on any reply from Dr. Hart.

Mr. Robinson stated that the subdivision checklist has a line item that states, “Chatham County Schools’ Road Comments (if new roads)”; that, although not required, he sends a letter to the school superintendent with notification of major subdivision applications (listing lots and acreage) and ask their comments on the roadways; and that he seldom receives any response.

Ms. Richardson stated that Planning Department staff also sends notice to the school system (Mr. Paul Joyce) regarding new projects coming before the Planning Board; that each month a development team review meeting is held consisting of various departments (Environmental Health, Public Works, Building Inspections, etc.) to discuss upcoming projects; and that the school system is informed of this meeting and to also let them know that all the information is on our website.

Commissioner Lucier stated that the School Board recently (about two weeks ago) passed a resolution that stated that they wanted information on any new developments so that they could submit comments back to the county about the impact of that development on the school system.

In conclusion, Mr. Robinson stated that this application complies with all regulations (and exceeding some) and every condition placed at sketch design; and that the Planning staff has determined that it is in compliance with everything required.

Chairman Walker stated that Board remarks indicate that more guidance is needed relative to requiring an environmental impact statement; that later in

tonight's meeting the Board would be discussing various committees (as well as the Planning Board) to look at our ordinances and try to give them more clarity and more guidelines; and that we cannot change rules in mid stream.

Mr. Megginson stated that the Planning Board has 60 days (from tonight) to act on this request; that the developer evaluated streams by using criteria from the State; and that if the Board wants more assurance about the determination of the particular stream that showed on the USGS map the developer could contact the Division of Water Quality.

Mr. Robinson stated that this issue was discussed at sketch design and that staff recommended a condition (#3) that stated:

"Staff shall receive, prior to preliminary plat submittal, a verification letter from the U.S. Army of Corps of Engineers or Soil & Environmental Consultants regarding status of blue line stream shown on sketch map".

Mr. Robinson stated that this condition was satisfied before the recommendation of the Planning Board was forwarded to the Commissioners' July 17, 2006 meeting.

Mr. Hinkley reiterated his concern that an environmental impact assessment be done. He asked that Mr. Robinson reconsider his conclusion.

Mr. Robinson stated that all requirements have been fulfilled.

Motion to approve:

Mr. Harris made a motion; seconded by Mr. Ernst to grant approval of the road names, "**The Glens Drive**", "**Greenwood Court**", "**Baywood Court**", "**Sumter Court**", "**Wynwood Drive**", "**Barclay Court**", "**Stanton Drive**", "**Southwood Court**", "**Weatherly Court**", and "**Loftin Court**", and approval of the preliminary design for "The Glens" as submitted and as recommended by staff. Discussion followed. Mr. Harris amended his motion to include the following condition:

- The final plat shall show a 100 foot stream buffer along Dry Creek.

Mr. Ernst seconded the motion. Mr. Ernst stated that the developer has shown responsibility and professional confidence with approval of the plans. The motion passed 6-5 with Harris, Ernst, Klarmann, Cross, Kost and Walker voting in favor of the motion; and Ford, Glick, Hinkley, Sharman and Turner voting against.

IX. 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. *Note: The applicant has requested that this issue be postponed until the April 3, 2007 Planning Board meeting; and that this postponement not be counted in the sixty-five day review period.*

Ms. Kost made a motion; seconded by Ms. Cross to postpone subdivision sketch design review of "Larkspur" as requested by the applicant (until the April 3, 2007

Planning Board meeting) and that this postponement not be counted in the sixty-five day review period. 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.

Motion to approve:

Mr. Hinkley made a motion; seconded by Ms. Cross to approve sketch design approval of “Arcadia” as submitted and as recommended by staff; and to include a stub-out to the Hines property.

Discussion followed.

Ms. Richardson stated that tonight’s agenda notes include a condition for a stub-out to the Hines property and that staff has added the following language to this condition (#1): “(between lots 3 and 4) and shall be provided in a location suitable to meet the NCDOT requirements for construction of a public, state maintained roadway”.

Steve Yuhasz, ENT Land Surveys, Inc. stated that he represents Bruce Curtis, landowner. Mr. Yuhasz suggested that the condition states that the stub-out is between lots #3 and #4. Mr. Hinkley agreed.

Ms. Ford stated that she recently walked the property. She used the overview map to show wetland areas and culvert that she detected.

Mr. Yuhasz stated that the topo shows lots #6 and #7 being sort of flat; that the culvert crosses the road to the northwest; that there is drainage along the northeastern line of lot #13; that the drainage area was not identified as a stream or wetland; and that he would review the possibility of moving the crossing along lot #6.

A vote on the motion to grant approval of the request, as stated above by Mr. Hinkley and seconded by Ms. Cross, passed unanimously. The one (1) condition is as follows:

1. The preliminary and final plats shall show a dedication of public right-of-way to the adjoining property of Hazel Hine / William C. Partin in a location best determined by the developer and surveyor / engineer (between lots 3 and 4) and shall be provided in a location suitable to meet the NCDOT requirements for construction of a public, state maintained roadway.

Board discussion regarding items remaining on tonight’s agenda for review: Chairman Walker stated that there were four (4) subdivision sketch design requests remaining on tonight’s agenda for review (items C – F listed below). Other than the applicant / developer, no landowners requested to speak regarding the “Bailey Property” and “Williams Subdivision”. There were several landowners present to speak on the “Terrell’s Ridge and “Lystra Road”

subdivisions. Board members discussed a time limit for the balance of the tonight's meeting. Some specifics noted were:

- attempt to adjourn by 10:00 p.m.
- possibly set an additional Planning Board meeting later this month
- 65 days for the Board to make a decision
- postpone some of the requests to allow for sufficient time for presentation, review and comments
- subdivisions postponed tonight to be first on next month's agenda for review

Motion to defer items E and F:

Ms. Kost made a motion, seconded by Ms. Sharman to defer review of items E & F (Terrell's Ridge and Lystra Road) until next month's Planning Board meeting (April 3, 2007); that these items be listed on the agenda directly after consent; and that items C & D (Bailey Property and Williams Subdivision) be reviewed tonight. The motion passed 10-1 with all members voting in favor of the motion except Ms. Cross who voted against.

- C. Request by Chatham Development Corp. on behalf of Herbert & Anita Patterson Bailey for sketch design approval of "Bailey Property", consisting of 44 lots on 229 acres located off US Hwy 64 W, Hickory Mountain Township.

Ms. Richardson reviewed the agenda notes for this request.

Board discussion followed regarding proposed private roads. Ms. Richardson stated that the Subdivision Regulations allow private roads when the development meets the required lot size requirements (3 acre minimum / 5 acre average) as this project does; that public roads would allow smaller lots (1 / 1-1/2 acre lots); and that it is the developer's choice since allowed by the regulations. Mr. Hinkley inquired about the three (3) private stub-outs to properties and what this would mean for abutting properties (i.e. would these properties have access into a private road subdivision). Ms. Richardson referenced language from the Subdivision Regulations regarding dedication of right of-way by private road that states, "The future disposition of said right-of-ways is left to the discretion of the owners of the development". Ms. Richardson explained that adjacent property owners would have to negotiate with the owners of the development in order to use the private access. Mr. Hinkley questioned the purpose of the private stub-outs if they do not guarantee public access. Ms. Richardson stated that this provides a possible future connectivity and that there are larger adjoining lots with development potential. Mr. Klarmann questioned whether the developer's private covenants could establish how the future use of the dedication of private right-of-way would be negotiated. Ms. Richardson explained that the county does not regulate private covenants.

Kevin O'Neal, Chatham Development Corporation, stated that he is a Chatham County resident; that one of the reasons for utilizing private roads is that with these types of developments, unless there is a time commitment that owners have to build within a certain period of time, the roads do not get taken over by

the State and they run down in maintenance; that this would not be a gated community; and that the private roads would be built to State standard.

Mr. Megginson gave a brief history of the utilization of private roads in the county. He stated that the Board has always allowed them over the years.

Discussion followed regarding, 1.) expense to build public roads, 2.) connectivity to other properties, 3.) stream buffering, and 4.) linear wetlands.

John Blackman with S&EC defined linear wetlands.

Board discussion followed. Mr. Hinkley reiterated that it is not a good policy to have a subdivision this large with private roads; and that the stub-outs do not make sense (free access to properties). Ms. Kost inquired as to whether the subdivision would be gated. Mr. O'Neal stated that it would not be gated. Mr. Glick questioned whether the land is sufficient to support an individual on-site well for each lot. Mr. O'Neal stated that the land is rolling and that soils are good which allows the flexibility of the owner to place the house in an area to meet the county requirements.

Motion to approve:

Ms. Cross made a motion; seconded by Mr. Harris to grant sketch design approval of "Bailey Property" as submitted and as recommended by staff. There was no discussion on the motion and the motion passed 10 -1 with all Board members voting in favor of the motion except Mr. Hinkley who voted against.

D. Request by Polk Sullivan, LLC on behalf of James Lowell Williams for subdivision sketch design approval of "Williams Subdivision", consisting of 10 lots on 54 acres, located off SR-1711, Bynum Ridge Road, Baldwin Township.

Ms. Richardson reviewed the agenda notes for this subdivision request. She distributed copies of staff revised conditions regarding a 60' private right-of-way and a 20' utility easement to the adjoining Pace Family Properties.

Nick Robinson, attorney, was present representing the developer. Mr. Robinson stated that the revised conditions, as stated in Ms. Richardson's hand-out and referenced above, are acceptable.

Discussion followed regarding contour of the land, environmental impact statement, and private stub-outs. Mr. Robinson stated that an environmental impact statement for this size subdivision would be overkill. Ms. Richardson stated that the Chamberlain and Carson properties have access off East Cotton Road and are not landlocked.

Motion to approve:

Mr. Ernst made a motion; seconded by Mr. Klarmann to grant sketch design approval of "Williams Property" as submitted and as recommended by staff; with language change to the conditions as noted above by Ms. Richardson. Discussion followed. Ms. Ford stated concern regarding the cumulative affect of

this development and Mr. Hinkley reiterated his concerns regarding private stub-outs.

The Motion passed 9-2 with Ernst, Klarmann, Walker, Kost, Cross, Glick, Harris, Hinkley, and Sharman voting in favor of the motion; and Ford and Turner voting against.

The two (2) conditions are as follows:

1. A reservation of a single, sixty foot (60') private right-of-way shall be designated to the adjoining Pace Family Properties and shown on the preliminary and final plats. The future disposition of said right-of-way is left to the discretion of the owners of the development.
2. A single, twenty (20') utility easement in favor of Chatham County shall be designated to the adjoining Pace Family Properties and shown on the preliminary and final plats

Note: Discussion of the following items (E. and F.) has been deferred until next month's Planning Board meeting as noted above.

~~E. Request by Chatham Landholdings, LLC for sketch design approval of "Terrell's Ridge Subdivision", consisting of 106 lots, located off SR-1540, Jones Ferry Road, and Baldwin Township.~~

~~F. Request by Dornoch Group for subdivision sketch design approval of "Lystra Road Subdivision", consisting of 69 lots on 144 acres, located off SR-1721, Lystra Road, Williams Township.~~

X. OLD BUSINESS:

XI. NEW BUSINESS:

A. Planning Director's Report

1. *Piedmont Conservation Council*

Mr. Megginson stated that the Board needs to appoint a member to represent the Planning Board on this committee; that Charles Eliason held this position when he was on the Planning Board; and that the Council meets quarterly in Graham, NC on a Wednesday morning (approximately 10:00 a.m.). Mr. Klarmann expressed an interest in serving on this council. Mr. Ernst made a motion; seconded by Ms. Cross to appoint Dave Klarmann to represent the Planning Board on the Piedmont Conservation Council. There was no discussion on the motion and the motion passed unanimously.

B. Planning Board Member's Report

1. *"No Trespassing Signs on Property"*

Mr. Ernst asked what access Planning Board members have relative to properties having "No Trespassing" signs posted.

Discussion followed. Mr. Megginson stated that Board members do not have the right to go onto these private properties without permission. The Board discussed

the possibility of adding a permission check box on the "check list" used by staff for major subdivision applications. Mr. Megginson noted liability issues and that this would need to be discussed with the county attorney. Ms. Kost stated that the approach taken with the Planning Board in the past has not been very efficient and that this Board is interested in seeing what they are voting on. Mr. Ernst suggested that staff look into this issue with the county attorney and report back to the Board next month.

2. Old Graham Road

Ms. Kost expressed concern regarding the growth pressures currently being experienced along Old Graham Road and NC 87 (new). She stated that the Board needs to begin looking at the possibility of zoning this land; that she thinks there will be a lot of pressure for commercial development to support these houses; and that staff come back to the Board next month with a process on how to start to embark on this.

3. Rules of Procedure to conform to changes in the Ordinance Establishing a Planning Board

Chairman Walker stated that as seen tonight there is a lot of interest in looking at existing ordinances for possible revisions; that the Commissioners have asked the Planning Board to do this; that this would be a large undertaking; that within the next couple of months the Board would probably need to appoint committees (of Planning Board members) to begin reviews; that suggestions would be forwarded to the Planning Board for consideration before sending revisions on to the Commissioners; that he has asked Ms. Kost and Mr. Hinkley to assist him in reviewing the Planning Board "Rules of Procedure" and "Code of Ethics".

4. Compensation for Board members

Mr. Hinkley stated that within the last month he has driven approximately 80 miles looking at proposed developments; and that some sort of compensation for Board members might be something to consider.

XII. ADJOURNMENT: There being no further business, Mr. Harris made a motion; seconded by Mr. Klarmann to adjourn tonight's meeting. There was no discussion on the motion and the motion passed unanimously. The meeting adjourned at 10:10 P.M.

Chris Walker, Interim Chair

Date

Attest: _____ Date: _____
Kay Everage, Secretary to the Board