

December 12, 2023

Dear Chatham Board of County Commissioners,

My name is Rick Burch, and my wife is Jennifer Hunt; our address is 5116 Beaver Creek Rd. New Hill, NC 27562 in Chatham County.

I am writing about our concerns with the proposed development ANFIELD ESTATES SUBDIVISION adjacent and behind our 10+ acre property. The developer purchased the 37+ acre property in November 2022. The developer then quickly developed 12 acres +/- into a Minor Subdivision named Goodison Park, the remaining 24 acres +/- is now the proposed ANFIELD ESTATES Major Subdivision.

We have several concerns with this proposal and have brought them to the attention of the Planning Board and the developer. We now bring them to your attention.

Originally the developer's environmental report by PIEDMONT ENVIRONMENTAL indicated only two ephemeral streams impacting the development, which have smaller setback buffer restrictions for the NCDEQ surface drip septic systems that are required on this property. After a Chatham County Watershed Department site review it was disclosed that the site has two INTERMITTENT STREAMS and several EXISTING WETLANDS that will require LARGER SETBACK buffer restrictions for the NCDEQ surface drip septic systems. When I brought this up after consulting with the NCDEQ office, the First Plat was once again revised. However, the DEVELOPER HAS NOT shown the property line setback requirements for NCDEQ surface drip septic systems of 50 feet on each lot in the most recently revised first plat. Those property line setback requirements may potentially impact the size and shape of the proposed lots. Lots 8 and 9 have already been changed from the very start of this process and may once again be impacted. According to the November 27, 2023 letter from PIEDMONT ENVIRONMENTAL Lot 5 is now the most limiting, with 12,400 sq ft of surface drip soils available. Accordingly in the Attachment 3 of the letter the example KSAT values would generate a required irrigation area of 11,172 sq ft. I have attached the letter. What drain field size would Lot 5 have if the drain field is adjusted with new property line setback requirements? Is the lot then unbuildable or will lot lines have to change and be submitted for approval?

The proposed subdivision is in the Jordan Lake Watershed, minimal lot size is 1.5 acres which happens to be the smallest lot the developer is planning. The United States Army Corp of Engineers (USACE) has a jurisdictional governmental authority. A Jurisdictional Determination (JD) by the USACE has been applied for and not yet completed. The JD may possibly indicate suspected additional WETLANDS in the northeast portion of the proposed subdivision on lots 11 and 10 and other areas. My discussions with the Chatham County Watershed Department, USACE, and a Planning Board member site visit all agree that until a final Jurisdictional Determination has been completed, the developer is taking a huge gamble proceeding with the proposed first plat even as revised. The USACE on 12/12/2023 indicated that the JD would not be scheduled until January 2024.

Storm water from the NCDOT pipe under Beaver Creek Rd flows directly onto the proposed subdivision property and is currently blocked from flowing downstream. I brought this to the board attention on October 3, 2023. The response from the developer was that the pipe appears to be silted in at the time and with little to no drainage onto our parcel 65045. A site visit on November 10, 2023 by a Planning Board member found contrary to the developer's statement that the culvert is functional and enters into proposed lot 11 where it is blocked from flowing downstream. His report that was submitted list in detail his assessment recommendation after his findings. Please see attachment. It wasn't until November 27, 2023 in a letter from CE GROUP that they state: "There were concerns about the existing NCDOT crossing pipe within Beaver Creek Rd ROW located at the northeastern corner of the property that do have merit." There is no pre-planned remedy showing the storm water management for lots 11 and 10 for flow to include drainage pipes or drainage swale. This could possibly impact the setbacks for impacted lots and once again lot sizes.

During the October 3, 2023 Planning Board public meeting I discussed the proposed shared driveway running along the property line. According to USA statistics the average household has a minimum of 2 vehicles, this driveway would serve on average 6 vehicles twice daily at a minimum. I have mature trees within 1 to 3 feet of the line that may have substantial root damage during the clearing and construction of this multi-family driveway. This damage could cause the death of the trees. I contacted the North Carolina Forest Service to learn about builder best practices for tree protection. That information which I have attached indicates a minimum of 25 feet non-disturbance area from the base of the size of trees located on my property up to 50 feet for best protection. Both the Planning Board and I have asked the developer to move the shared driveway over from the property line as little as 20 feet to allow a protective buffer to remain in place. The response from the developer is that the shared driveway location for lots 7,8, and 9 is "optimal" for them.

THE RESPONSE WASN'T THAT IT COULDN'T BE DONE. Remember that the developer first purchased over 37 acres, and the end result being a property line driveway running over halfway down and around my property. That is what is considered "optimal"? Let's be clear, it's only "optimal" so that the developer can place as many lots as possible with the bare minimum square footage required. This was also noted in the Planning Boards response.

On November 7, 2023 after extensive review and discussion the Chatham County Planning Board had a vote on approving the ANFIELD ESTATES Subdivision First Plat. The vote was 3 to 6, so the approval FAILED. The Chatham County Planning Board then voted to DENY approval of the ANFIELD ESTATES Subdivision First Plat. The vote was 6 to 3, the measure to DENY passed. I only had 3 minutes to speak at each of the 2 public meetings and I didn't submit any written material. The board had enough information to easily come to this conclusion.

The Chatham County Planning Board has a lot of concern with poor planning, omitted information, a defensive response to requirements brought forth, and a refusal to compromise. The Planning Board cites Chatham County Subdivision Regulations Sections 6, and 7, to include 7.1A,D AND E for Denial of the ANFIELD ESTATES Subdivision First Plat stating non compliance

and not suitable in their response letter. The Planning Board also found the Oct 19, 2023 email from Matthews to Tyson response unreasonable and believe that Chatham County Subdivision Regulation 7.4C give the BOCC authority to reject this First Plat.

I have great concern for this development since it is in the Jordan Lake Watershed which provides drinking water to millions of North Carolina residents. In my opinion, the developer has missed extremely important environmental safety items such as: NCDEQ setback requirements (no 50 -foot "each property Line" setbacks currently noted) on the revised First Plat. Thus possibly reducing the available drain field sq ft for each lot (particularly notable is lot 5), no storm water diversion plan from the NCDOT off-site water which now "have merit", no tree protection best practices for our property, lots 8 and 9 should be combined, going forward without the USACE Jurisdictional Determination. Any one of these items can result in having to again revise the subdivision plat, once you clear the trees they can't be put back. I ask the Chatham County BOCC to take time to fully look at this proposal and seek changes that are in the interest of all residents and our environmental protections. I ask that ANFIELD ESTATES subdivision in the current form proposed by the revised November 27,2023 First Plat be denied and further review and changes be made.

See Attachments:

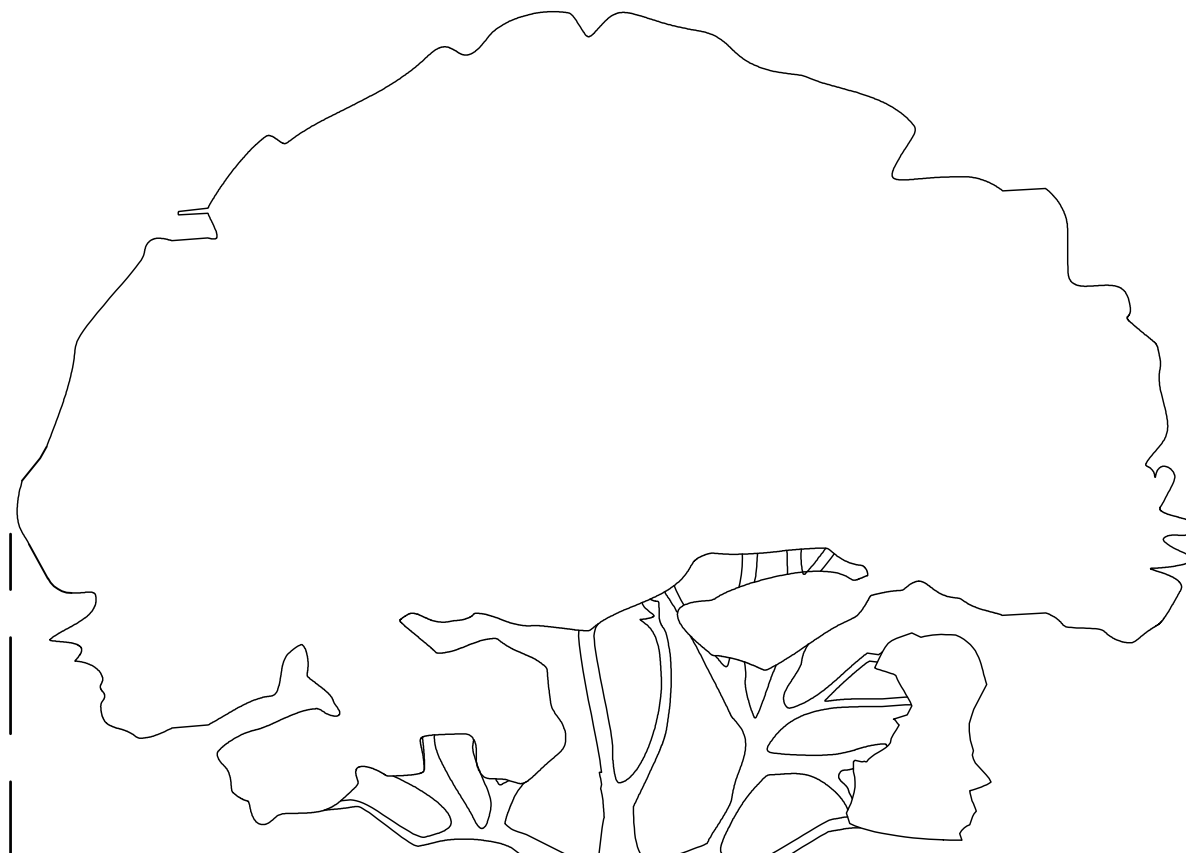
Planning Board Letter of Denial Dated November 20, 2023
Piedmont Environmental Letter Dated November 27, 2023
North Carolina Forest Service Builder Best Practices
North Carolina Environmental Quality Tree Protection Guidelines
North Carolina Department of Water Resources
NCDEQ Setback Requirements 15A N.C. ADMIN. CODE 2T.0606

Thank you,

Rick Burch
5116 Beaver Creek Rd.
New Hill, NC 27562
Chatham County

FENCE MATERIAL:
ORANGE, UV RESISTANT
HIGH TENSILE STRENGTH
POLYETHYLENE LAMINAR
BARRICADE FABRIC

DRIP LINE



ATTACH SIGN
TO POST

EDGE OF DISTURBED AREA

TREE
PROTECTION
ZONE
KEEP OUT

GRADE

4'
MINIMUM

2'
MIN.

4'
MINIMUM

1.33 lbs/LF STEEL POST

RADIUS AT LEAST
1.25 FEET PER 1 INCH
OF TREE DIAMETER

MATURE TREE PROTECTION ZONE RADIUS

TRUNK DIAMETER	GOOD PROTECTION	BETTER PROTECTION	BEST PROTECTION
8 INCHES	10 FEET	12 FEET	20 FEET
12 INCHES	15 FEET	18 FEET	30 FEET
16 INCHES	20 FEET	24 FEET	40 FEET
20 INCHES	25 FEET	30 FEET	50 FEET

NOTES:

1. Leave critical areas (such as flood plains, steep slopes and wetlands) with desirable trees in their natural condition or only partially cleared.
2. Select trees to be preserved before siting roads, buildings or other structures.
3. Minimize trenching in areas with trees. Place several utilities in the same trench.
4. Prohibit or restrict access to tree protection zones (TPZ). Post "Keep Out" signs on all sides of fencing and do not store construction equipment or materials in TPZ.
5. Monitor trees using a professional or train your staff to monitor tree health during and after construction on a regular, frequent basis.
6. Assign a crew member to weekly TPZ fence integrity checks. Repair and replace TPZ fencing as needed.

MAINTENANCE:

1. Prune any damaged trees. In spite of precautions, some damage to protected trees may occur. In such cases, repair any damage to the crown, trunk, or root system immediately.
2. Repair roots by cutting off the damaged areas and painting them with tree paint. Spread peat moss or moist topsoil over exposed roots.
3. Repair damage to bark by trimming around the damaged area, taper the cut to provide drainage and paint with tree paint.
4. Cut off all damaged tree limbs above the tree collar at the trunk or main branch. Use three separate cuts to avoid peeling bark from healthy areas of the tree.

[NCFS-Home](#) >> [Urban Forestry](#) >> Protecting Trees during Construction

Protecting Trees during Construction

Imagine your new house in a wooded setting. Now look three to five years into the future and notice some of the trees on the perimeter of that wooded area are starting to look sickly, branches are dying back or a whole tree is dead. This is not the scene you pictured those few years ago. What happened? Why are the trees dying? What disease is attacking your trees? What should you spray on the trees? Who do you call? How much is this going to cost?

Or imagine this. You've decided to get off the couch and tackle some of those landscaping and home improvement projects you've seen everybody else doing on television. So you put in a new sidewalk, a new retaining wall, a new deck, new landscaping, or a new whatever the project was. Now look three to five years into the future and notice some of the old trees near the new construction are starting to look sickly, branches are dying back or a whole tree is dead. What happened? Why are the trees dying? What disease is attacking your trees? What should you spray on the trees? Who do you call? How much is this going to cost?



These questions could have been avoided if the valuable trees had been protected during all of the construction activities. The valuable trees are the ones that you place a value on.

First, understand that a tree's roots develop and survive where there is adequate oxygen and moisture. Most active tree roots are in the top 3 feet of soil with the majority in the top 12 inches. And the roots typically grow outward to about three times the branch spread. So when roots are cut, extra soil is placed over them, constant vehicle traffic compacts the soil around them, or chemicals are spilled near them, the tree becomes stressed as it tries to adapt to the change in the root environment. Outward symptoms of this stress may not become apparent for a few years. Usually younger trees will adapt to changes more successfully than older trees and some species will adapt more successfully than others. Typically, root damage is not as evident as an obviously visible wound to the trunk or branches. Nonetheless, if protection measures are not taken around a valuable tree it may succumb to construction activity induced stress and become more of a liability than the valuable asset you had envisioned.

Things you can do to protect your tree assets before construction:

1. Take stock of the trees on site
2. Draw a base map
3. Prepare a tree protection plan (ask a Certified Arborist for assistance)
4. Communicate your plan to all involved (architect, builder, construction supervisor, planner, etc.)
5. Properly prune branches that may be in the way during construction
6. Erect Tree Protection Zone (TPZ) fencing

Things you can do to protect your tree assets during construction

1. Prohibit access to TPZ (no materials, vehicles or people inside TPZ at any time)
2. Monitor trees
3. Maintain integrity of TPZ fencing
4. Optimize tree health (water and properly apply mulch)

Tree Protection Zone

The TPZ is an area around the tree where construction and equipment use is prohibited. At a minimum it should encompass a radius of at least 1.25 feet for each inch of trunk diameter. For example, a tree with an eight inch diameter trunk (diameter measured at 4.5 feet above the ground) should have protection all around in at least a ten foot radius from the trunk. There is no conversion of inches to feet involved here, just a simple multiplication of the number.

Good - 8 (inches trunk diameter) x 1.25 = 10 (foot radius TPZ)
 Better - 8 (inches trunk diameter) x 1.5 = 12 (foot radius TPZ)
 Best - 8 (inches trunk diameter) x 2.5 = 20 (foot radius TPZ)

This page updated: Tuesday, February 28, 2017 13:31

RELATED RESOURCES

- [Construction and Tree Protection](#) (PDF)
- [Conserving Trees During Site Development](#) (PDF)
- [Preserving Trees in Construction Sites](#) (PDF)

Quick Links

- [Wildfire/Emergency Response Situation Report](#)
- [My Woodland Plan](#)
- [Burning Permits](#)
- [Dupont State Recreational Forest](#)
- [Dupont State Recreational Forest Master Recreation Plan](#)
- [Order Tree Seedlings](#)
- [Fire Weather](#)
- [Readiness Plans](#)
- [Educational State Forests](#)
- [N.C. Firewise](#)
- [Strategic Plan](#)
- [Forest Action Plan](#)
- [N.C. Forest Service Information Sheet](#)
- [North Carolina 2023 State and Private Forestry Fact Sheet](#)
- [Private Forestry Service Providers](#)







Information

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