

From: Neal, Geoffrey <geoffrey@email.unc.edu>
Sent: Sunday, February 11, 2024 2:22 PM
To: Katie Kenlan <Katie.Kenlan@chathamcountync.gov>
Subject: Twice in one week

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Hi Katie,

Looking forward to hearing you this coming Wednesday at The Plant. It's been a long while!

Also planning on being at the meeting on 2/19 as there's stuff afoot in my backyard. Those of us along the back of the soon-to-be-built Sam's Car Wash received a brief notice by mail that a septic drainfield is being trenched into the buffer between the development and our creek. Curious if you have any additional info about this surprise, we're all concerned over this way about long term impacts to an already imperiled stream. Not to mention the whole cutting down more trees thing....

Hope you are well and enjoying this early fake spring!

Geoffrey

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From: Greene, Paige <Paige@FEARRINGTON.com>
Sent: Monday, February 12, 2024 10:44 AM
To: Jason Sullivan <jason.sullivan@chathamcountync.gov>
Cc: 'Neal, Geoffrey' <geoffrey@email.unc.edu>
Subject: Parcel #93106 modification

WARNING: This message originated from outside the Chatham County email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi, we received notification about the request to encroach the 300 ft. buffer. The letter says to contact you if we have any questions, which we do.

Do you have any other information that you can share? Below are our questions to start. Thank you in advance for your time.

1. What type of septic system is proposed for installation? Is this a closed-loop wash water recycling system? What is the capacity of the system? If this is a wash water recycling system there will be sludge generated - how will that sludge be disposed of? How will the recycled water be stored?

2. What will the inspection schedule for the system be? Who will have access to the inspection reports? What are the consequences for a failed inspection?

3. What percentage of live tree canopy and understory vegetation will need to be removed in order to accommodate the system?

4. What percentage of removal is allowed before the designation of "vegetative buffer" no longer applies?

5. What percentage of removal is allowable before system collapse becomes inevitable?

6. What environmental impact study was conducted in tandem with this system proposal?

7. Who will be monitoring the ground wells and where will that data be stored and how may it be accessed?

8. Will there be any monitoring of the adjacent stream?

9. Will there be any additional plantings around the perimeter of the drain field to offset the loss of vegetation. And will this planting be done on a 1-1 basis to offset loss?

10. What consideration was given to the remaining vegetation, specifically the trees left standing?

11: How has the trenching to install drain field lines been justified as it impacts remaining adjacent tree roots?

12. Will there be any additional above- or below-ground construction or disturbance within the 300' perimeter buffer at any point during the life of this business?

13. Has there been any noise level study done to compare current dB levels at the perimeter and into the adjoining neighborhood versus what those noise levels will be anticipated to be with the removal of a percentage of the existing buffer? Likewise has there been any thought to the light penetration in summer and winter from new construction with the current buffer and with a reduction in buffer biomass?

14. What permits were pulled, specifically through the Health Dept?

15. Is this septic system bonded? Who specifically will be responsible in the event of a system failure?



Paige Greene

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From: James Proper <jamesproper@carolina.rr.com>
Sent: Tuesday, February 13, 2024 6:01 PM
To: Lindsay Ray <lindsay.ray@chathamcountync.gov>
Subject: Opposition to Car Wash

WARNING: This message originated from outside the Chatham County email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please do not allow the new car wash to be built on NC 15-501 near the Food Lion and Briar Chapel community.

The runoff of dirty water from a car wash must not be allowed to enter streams and flow into Lake Jordan, the source of drinking, cooking, bathing and clothes washing for thousands of residents in Chatham County.

This is an insane idea seeking profits and tax revenue while poisoning humans and animals. An environmental catastrophe would result. Property values would decrease tremendously.

Thank you for your understanding and opposition to this car wash proposal.

Jim Proper
44 Ashwood Drive
Chapel Hill, Chatham County, NC
27516

Chatham County Commissioners,

Re :SXCW Properties II LLC to reduce and modify the Perimeter Buffer for Commercial Parcel #93106; BOC public hearing date 02-19-2024

My comments concern the process involved in the SXCW buffer waiver request, and the substantive non-planning issues and alternatives highlighted by the nature of request itself, both of which strongly argue against approval.

As a procedural matter, Mr. Sullivan has indicated to me that this request will bypass the planning board, which means that it will not have the same level of community scrutiny or opportunities for public input as it would otherwise have had during the original approvals for SD East.

This post facto circumvention of public oversight and diminished opportunity for the public and adjacent landowners to voice potentially competing interests is no small thing, as a matter of public policy. This waiver request is scheduled for a public hearing before the BOC today, on February 19, 2024. The SXCW waiver request is dated January 26, 2024- twenty-three days before the scheduled public hearing—and I am reliably told, by Mr. Sullivan, that notice to adjacent property owners was mailed on February 2, a mere seventeen days before the public hearing.

As a substantive matter, it should be uncontroversial to note that the CUP phased approval(s) for Briar Chapel, including the commercial areas for SD East and West, were predicated on the developer's assertions, disclosures and commitment that wastewater treatment services would be provided by an onsite wastewater treatment plant- not septic.

Here's the link to the CC Planning Department webpage for the original SD East preliminary plat application, dated 7/7/2017- almost seven years ago:
<https://www.chathamcountync.gov/government/departments-programs-iz/planning/rezonings-subdivision-cases/2017-items/briar-chapel-sd-east-preliminary-plat>

In addition, I am attaching two screenshots extracted from the application noted above: the cover page for the WWTP permits, and the first page of the letter from Old North State Water Company (ONSWC) providing the wastewater permit details. All of this pertinent information regarding the permit is a matter of public record, and has been long available to the applicant, SXCW properties.

The root problem revealed by this application is that the commercial parcel was sold to a party/owner whose proposed use for the property—a car wash-- is currently incompatible with the wastewater treatment plant's ability to process its discharge.

The problem of incompatibility of the applicant's proposed use is one that should have been addressed by the private parties- Newland, Old North State, and the owner-

applicant SXCW-- long before the current moment, seven years after the preliminary plat application. It's manifestly evident that one or more of the parties (or their agents) failed to exercise the appropriate level of professional diligence necessary to ensure that the parcel was fit for its intended use by the applicant. The courts already exist to adjudicate, resolve and remedy commercial disputes between private parties; this waiver asks the commissioners to usurp the courts' role in adjudicating a private party dispute; doing so would be detrimental to the public interest to maintain environmental buffers in Chatham County.

The commissioners are under no obligation to act as a proxy for the courts by allowing the use of the waiver process to resolve a private commercial dispute to the detriment of the public interest. The commissioners are not obligated to sacrifice environmental or planning standards, or the rights of the public or of the adjoining property owners in order to mediate a private commercial dispute.

The underlying technical problems presented in the waiver request also are not problems that the commissioners, the adjoining landowners, or the public are obligated to solve. It's not that ONSWC cannot process the discharge; apparently ONSWC is unwilling to do so due to additional regulatory requirements and costs. It's not that the property itself is unfit for any other commercial use that would in fact be compatible with the original approvals and the current onsite wastewater treatment plant. It's not that the parties don't have other available recourse if misrepresentations were made, or professional diligence or advice was lacking. Moreover, there are many other reasonable commercial alternatives for the use of the parcel that don't involve waivers and would comply with the original conditional use approvals. Selling the parcel is another alternative. **None of those many reasonable existing alternatives available to the applicant require county adjudication or waivers.**

It would be a terrible precedent to approve this waiver under the well-documented circumstances. The Board of Commissioners is simply not the right forum to mediate a private dispute concerning ONSWC's ability to provide wastewater treatment for a specific use. I urge the commissioners to reject the waiver request; the parties can resolve their private dispute in a different, more appropriate forum, and/or pursue the other reasonable commercial alternatives that already exist for the use of the property- including sale.

Approving this waiver would sacrifice the public interest and the public's confidence in the county's commitment to reasonable, rationale and reliably enforced environmental and planning standards. Please don't do that.

Respectfully,
Shelley Colbert
Baldwin Township

Attachments



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by
Newland COMMUNITIES

10. NCDEQ DWQ Wastewater Collection System Extension Permit (6/2/2017)

Briar Chapel -
SD East (Commercial)

Governor

MICHAEL E. REGAN

Secretary

S. JAY ZIMMERMAN

Director

June 2, 2017

Michael J. Myers, President
Old North State Water Company, LLC
4700 Homewood Court, Suite 108
Raleigh, NC 27609

Subject: Permit No. WQ0039251
Old North State Water Company, LLC
Briar Chapel – SD East
Wastewater Collection System Extension Permit
Chatham County

Dear Mr. Myers:

In accordance with your application received May 4, 2017, we are forwarding herewith Permit No. WQ0039251 dated June 2, 2017, to the Old North State Water Company, LLC (Permittee) for the construction and operation upon certification of the subject wastewater collection system extension. This permit shall be effective from the date of issuance until rescinded and shall be subject to the conditions and limitations as specified therein. This cover letter shall be considered a part of this permit and is therefore incorporated therein by reference.

Please pay particular attention to the following conditions contained within this permit:

- Condition II.1: This permit shall not be automatically transferable; a permit modification request for a name change must first be approved by this office.
- Condition II.4: Requires that the wastewater collection facilities be properly operated and maintained in accordance with 15A NCAC 2T .0403 or any individual system-wide collection system permit issued to the Permittee.

It shall be the responsibility of the Permittee to ensure that the as-constructed project meets the appropriate design criteria and rules. Failure to comply may result in penalties in accordance with North Carolina General Statute §143-215.6A through §143-215.6C, construction of additional or replacement wastewater collection facilities, and/or referral of the North Carolina-licensed Professional Engineer to the licensing board.

If any parts, requirements, or limitations contained in this permit are unacceptable, you have the right to request an adjudicatory hearing upon written request within 30 days following receipt of this permit. This request must be in the form of a written petition, conforming to Chapter 150B of North Carolina General Statutes, and filed with the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, NC 27699-6714. Unless such demands are made, this permit shall be final and binding.

