



## Chatham County Planning Board Agenda Notes

**Date: November 12, 2024**

**Agenda Item: VII-2**

**Attachment #: 2**

- Subdivision**
         
  **Special Use Permit**
         
  **Rezoning Request**  
 **Other:**

<b>Subject:</b>	Request by Douglas Cooper, P.E. on behalf of Hamlets Reserve, LLC for subdivision <b>First Plat</b> review of <b>Hamlets Reserve</b> , consisting of 39 lots on 110.28 acres, located off Hamlets Chapel Road, (SR-1525), parcels 1795, 68866, 61669, 2102, and 1900.
<b>Action Requested:</b>	See Recommendation
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Major Subdivision Application</li> <li>2. Preliminary plat titled "Hamlets Reserve First Plat Chatham County, NC" dated September 27, 2024.</li> </ol> <p style="text-align: center;"><b>The following items may be reviewed on the website</b>  <a href="https://www.chathamcountync.gov/government/departments-programs-i-z/planning/rezonings-subdivision-cases/2024-items/hamlet-s-reserve-first-plat">https://www.chathamcountync.gov/government/departments-programs-i-z/planning/rezonings-subdivision-cases/2024-items/hamlet-s-reserve-first-plat</a></p> <ol style="list-style-type: none"> <li>3. Vicinity map</li> <li>4. Chatham County Historical Association Comments</li> <li>5. Email correspondence dated September 23, 2024, with Chatham County Schools</li> <li>6. General Environmental Documentation (GED), approval letter dated September 25, 2024</li> <li>7. Soils Report dated June 26, 2024 and Environmental Health email correspondence dated September 18, 2024</li> <li>8. NCNHP Report dated September 3, 2024</li> <li>9. Riparian Buffer Report dated January 28, 2021</li> <li>10. Approved Road Names from Chatham County Emergency Operations Office dated October 17, 2024</li> <li>11. US Army Corps Notification of Jurisdictional Determination dated August 26, 2021</li> <li>12. Copy of Community Meeting Report dated August 23, 2024</li> <li>13. Adjacent Property Owners</li> </ol>

**Introduction & Background:**

**Zoning:** R-1  
**Water System:** Public  
**Sewer System:** Private on-site

**Subject to 100-year flood:** Flood on property

**General Information:** The subdivision process is a four (4) step process: Concept Plan, First Plat, Construction Plan, and Final Plat. The applicant has completed the community meeting and the Concept Plan review. The minimum lot size requirement for the project is 40,000 square feet of usable area. The Planning Board has two (2) meetings in which to act on the proposal.

**Discussion & Analysis:**

The request is for First Plat review and recommendation of Hamlets Reserve, consisting of 39 lots on 110.28 acres, located off Hamlets Chapel Road, S.R. 1525. Per the Subdivision Regulations, Section 5.2C(4), a Public Hearing shall be held at the first Planning Board meeting to receive comments on the proposed subdivision. Item (b) states that following the Public Hearing, the Planning Board shall review the proposal, staff recommendation, and public comments and indicate their recommendation for approval, disapproval, or approval subject to modifications. As stated above, the Planning Board has two (2) meetings to act on the proposal.

**Roadways:** The road is to be built as a 26-foot-wide travel way with a 60-foot-wide public right-of-way.

**Historical:** The applicant received comments during the Concept Plan Technical Review Committee meeting. The Chatham County Historical Association asked for a buffer around the cemetery, if fencing will be placed around the cemetery, will the cemetery be on a separate parcel, who is responsible for the upkeep of the cemetery, and would like for the cleanup to be done under the supervision of a consultant familiar with best practices to avoid damage.

**Schools:** Notification of the proposed development was provided to the Chatham County School System.

**Trail Easement:** The developer and County Parks and Recreation staff are discussing the possibility of a trail easement dedicated to the county along Wilkinson Creek.

**General Environmental Documentation:** The developer submitted the General Environmental Documentation, and a letter dated September 3, 2024, from North Carolina Department of Natural and Cultural Resources Natural Heritage Program to Chatham County Land & Water Resources Division for review. The letter states "A query of the NCNHP database, indicates that there are no records for rare species, important natural communities, natural areas, and/or conservation/managed areas within the proposed project boundary. Although there may be no documentation of natural heritage elements within the project boundary, it does not imply or confirm their absence; the area may not have been surveyed. 'Potential Occurrences' table summarizes rare species and natural communities

that have been documented within one-mile radius of the property boundary. The proximity of these records suggests that these natural heritage elements may potentially be present in the project area if suitable habitat exists.” Taylor Burton, Senior Watershed Specialist, reviewed the information submitted. Ms. Burton replied in a letter dated September 25, 2024, that the requirement has been met. Additional comments included any Allowable uses and Allowable with Mitigation uses in the protected riparian buffer will require a Buffer Authorization from Chatham County, all permits with wetland and stream impacts from NC Division of Water Resources and the US Army Corps of Engineers will need to be obtained prior to receiving approval from Chatham County for a Grading Permit and Land Disturbing Permit. GED approval letter can be viewed online <https://www.chathamcountync.gov/home/showpublisheddocument/70333/638651003667100000>

**Community Meeting:** A community meeting was held on August 19, 2024, at Bradshaw, Robinson, Slawter, & Rainer, LLP (Hall-London House) located at 128 Hillsboro St., Pittsboro. Approximately thirteen people attended the meeting. The attendees had concerns with the following additional concerns may be viewed online

- Stormwater along the creek
- Beaver community on creek; migratory pattern of birds
- What type of septic systems
- Any other road outlet besides Hamlets Chapel Road
- Right-of-way connection to Dotson property
- Concerns about traffic/turn lane
- Construction traffic on Hamlets Chapel Road
- Location of sediment basin/stormwater detention basin
- Will stormwater pond release below or above beaver dam? Does the stormwater system also involve an intake mechanism? Type of stormwater pond construction materials? Compaction of basin?
- Consider implementing HOA rules regarding beaver dam removal
- Will there be limits on tree clearing and/or covenants to maintain forest
- Swamp land maintenance
- Baseline water testing in Wilkinson Creek
- Number of lots and average size; projected square footage of houses
- Consider Haw River Assembly monitoring of water in the creek
- Consideration of plant species inside and outside the wetland areas. Allow groups to survey and remove/relocate some plant species
- Take note of land formerly owned by African American families. Old homesite on northern end of property
- Fire hydrant installation
- Will solar panels be allowed
- Encourage native species planting where revegetation occurs
- Additional voluntary buffer possible
- Consider limits on lawn chemicals
- Consider ecologist recommendation for stormwater treatment
- Request for soils survey

**Technical Review Committee:** The TRC met on October 23, 2024, to review the First Plat submittal. Mr. Douglas Cooper, P.E. and Kenric Barnes with Bateman Civil Survey Company and Nick Robinson, Attorney were present. Mr. Cooper gave a brief overview of the project. Mr. Cooper stated there will be NCDOT roads, with public water and individual septic. Most of the lots are one-acre with larger three-acre size lots at the back of the project.

Staff discussion included:

- Discussion about a trail easement along the stream, possibly being dedicated to the County.
- The water main will need to be an 8" pipe or as needed to meet the required fire flow. Request the water main goes to the stub out where there may be future development.
- Fire hydrants need to be located 500' apart with valves located 1000' apart.
- NCDOT stated subdivision plan review and driveway permit will be required at construction plan, mark driveway in the field, and notify NCDOT for sight distance inspection.
- NCDOT would like to see a cul-de-sac instead of a T-turnaround by lots 28 & 29
- Show line of sight at the intersection with Hamlets Chapel Road, show 10x70 sight distance triangles at all internal and external intersections.
- Use 20' pavement width for shoulder sections.
- NCDOT stated, if there is going to be development on the adjoining property within a year a "T" is okay, but if it is going to be longer a cul-de-sac would be preferred. Planning staff stated it might be a while before there is development of the adjacent property.
- Is the cemetery on its own lot? Will there be a fence around the cemetery? Nick Robinson stated this will be maintained by the HOA and they can provide a protection plan in writing.
- If there would be any proposed infrastructure for pedestrians to access the mail kiosk. Mr. Cooper said there would be a sidewalk in front of the mail kiosk.
- Any streetlight a photometric plan and the specifications on the light fixture. A separate permit will be needed for subdivision sign.

**Septic:** A soils report was completed by Agri-Waste Technology, Inc. (AWT) on June 26, 2024, and October 9, 2020 per the soils report. James Tiger, REHS Chatham County Environmental Health Onsite Water Protection Program Supervisor reviewed the soils report. Mr. Tiger stated in the email dated September 18, 2024, he can't provide much, the proposed septic location/area (and system type) isn't shown on individual lots with proposed house boxes, driveways, water lines, etc. The soils report suggests highly variable soils on the property with system types ranging from conventional to pretreatment drip. Several proposed lots appear to be undersized to support septic installation when considering house, setbacks from property line, wetland, stream buffers, SCM setback and cemetery on lots 1, 9, 10, & 39). Permitting will depend on usable soil, available space, topography, bedroom count and final site development plans. It's a possibility several lots will require additional work by an LSS/PE to permit.

**Water:** Chatham County public water

**Road Name:** The road name Hamlets Reserve Drive and Ophelia Drive has been approved by Chatham County Emergency Operations Office as acceptable for submittal to the Board of Commissioners for approval.

**Water Features:** Kim Hamlin with Sage Ecological Services, Inc. (Sage) completed a site visit on January 22, 2021, and identified twenty-one (21) surface waters within the review area that were potentially subject to riparian buffers. Kim Hamlin, with Sage completed the on-site riparian buffer and Watershed Protection staff confirmed the findings of Sage personnel. A confirmation letter dated January 28, 2021, stated four (4) perennial streams, four (4) intermittent streams, and thirteen (13) wetlands, beaver impoundment. A 30-ft buffer from top of bank landward on both sides of the feature for all ephemeral streams, a 50-ft buffer will be required beginning at the flagged boundary and proceeding landward on all wetlands, a 50-ft buffer from top of bank landward on both sides of the feature for all intermittent streams, and a 100-ft buffer from top of bank landward on both sides of the feature for all perennial streams. On-site determination expires five years from the date of the riparian buffer report. The Jurisdictional Determination has been submitted to the Army Corp of Engineers.

**Stormwater and Erosion Control:** There are two (2) proposed stormwater devices and as part of the stormwater permitting process additional information will be provided to the Watershed Protection Department during the permitting process. A Stormwater Permit and Sedimentation & Erosion Control Permit will be obtained from the Chatham County Watershed Protection Department prior to Construction Plan submittal. No land disturbing activity can commence on the property prior to obtaining Construction Plan approval.

**Site Visit:** Site visits were scheduled for October 28 and November 1, for Planning Department staff and various board members to attend.

Pictures of the site visit can be viewed on the Planning Department webpage.

<https://www.chathamcountync.gov/home/showpublisheddocument/70563/638660668198717443>

**Plan Chatham Evaluation:**

Plan Chatham was adopted by the Board of Commissioners in November 2017 and is a comprehensive plan that provides strategic direction to address the most pressing needs in the county. This project is located in a rural area of the county on the Future Land Use and Conservation Plan Map. The description for rural is low density development comprised of single-family homes on large lots or in conservation subdivisions with some commercial buildings designed to protect function and form of rural character. Pastures, farms, and forests dominate the landscape. Mix use includes agriculture, large lot residential, supporting service uses, and home-based and small-scale businesses. The proposed conventional subdivision meets the adopted riparian buffer and stormwater control standards of the county. The developer also contacted the NC Natural Heritage Program to review their database for any rare species, important natural communities, natural areas, or conservation/managed areas within the project boundary and rare species were identified in

their records. It should be noted that Plan Chatham is not intended to be used as a regulatory tool but is a policy document. When reviewing subdivision applications, the boards can use the plan as a tool to identify future regulatory changes.

**Recommendation:**

The Planning Department recommends granting approval of the road name Hamlets Reserve Drive and Ophilia Drive granting approval of the First Plat for **Hamlets Reserve** with the following conditions:

1. Approval of the First Plat shall be valid for a period of twenty-four (24) months following the date of approval by the Board of Commissioners and the Construction Plan approval shall be valid for a period of twenty-four (24) months from the date of approval by the Technical Review Committee or Board of Commissioners
2. The county attorney shall review and approve the contract and performance guarantee prior to final plat recordation.
3. The Final Plat shall show cul-de-sac radius.
4. Remove lot numbers from the SCMs and cemetery areas and areas shall be shown as open space.
5. The Final Plat shall provide cul-de-sac in place of T-turnaround.