

**BLANCHARD, JENKINS, MILLER, LEWIS & STYERS, P.A.**

LAWYERS

ROBERT O. JENKINS  
PHILIP R. MILLER, III  
E. HARDY LEWIS  
M. GRAY STYERS, JR.  
KAREN KEMERAIT  
STEPHON J. BOWENS

1117 HILLSBOROUGH STREET  
RALEIGH, NORTH CAROLINA, 27603  
TELEPHONE (919) 755-3993  
FACSIMILE (919) 755-3994  
WEBSITE: [www.bjmls-law.com](http://www.bjmls-law.com)

December 22, 2006

**VIA E-MAIL and US MAIL**

Lynn Richardson  
Chatham County  
Land Use Administrator  
Post Office Box 54  
Pittsboro, NC 27312

***RE: Lystra Road Subdivision, located off SR-1721, Lystra Road,  
Williams Township***

Dear Ms. Richardson:

Our firm will be assisting the applicant in regard to the application for Sketch Design approval of the Lystra Road subdivision. I am writing to provide you with information about the steps taken by the applicant since the initial Planning Board hearing on December 5, 2006 and changes that have been made to the site plans in response to concerns from neighbors and the Planning Board. The revised site plans were provided to you at the end of the day yesterday by Mr. Kevin Hamak of the John R. McAdams Company..

First, in regard to issues relating to development within the Herndon Creek Natural Heritage Area, we have agreed to amend the site plans so that as much as possible of the development will be outside the Natural Heritage Area. Specifically, the cul-de-sac has been moved 150' away from, and the building area of lots 31 and 32 pulled completely out, of the Herndon Creek Heritage Area. Lots 36 and 37 have had their building area pulled out as far as possible but may still have as much as one half of the house footprint within the Heritage Area. The cul-de-sac at lot 48 was moved 50' further away from the perimeter lot line and the street along lots 50-52 was pulled up the hill further from the steeper slopes. Mr. Kevin Hamak will be at the January 2 Planning Board meeting to answer questions about this revision.

Also, I wanted to confirm the accuracy of the Traffic Impact Analysis. There apparently has been some concern that the traffic counts for the traffic study were collected on a day that the Chatham County schools were not in session and that the TIA did not include expected future development in the area. It is our understanding that the traffic survey for the analysis was conducted on March 28, 2006, a day that the Chatham

County schools were in session. Also, the Analysis has taken into account existing traffic, traffic from the proposed Lystra subdivision, and traffic from multiple proposed developments in the area, including Booth Mountain. Other questions about the study can also be addressed at the January 2 meeting as well.

Additionally, there has been an issue about whether historical structures are located on the property. Jane Pyle, with the Chatham County Historical Association, has been made aware of the possible existence of a cemetery on the property. However, Ms. Pyle believes that the cemetery was located farther to the east -- off the property. There are some piles of rock on the property that we do not believe are historical structures. We have, however, made Ms. Pyle aware of the existence of those rocks and asked her to provide an opinion as to whether the rocks are historical structures of any type.

As you are also aware, we have voluntarily agreed to protect the buffer of Herndon Creek in excess of the County's requirements. Specifically, we have agreed to a 100-foot undisturbed buffer from the creek and a 200-foot "no build" buffer from the creek.

We anticipate that other issues raised at the last Planning Board meeting will be addressed between now and January 2, and we will be prepared to report in greater detail about those efforts at the meeting.

If you have any questions or concerns, please do not hesitate to call me.

Very truly yours,

Karen M. Kemerait

Cc: Mr. Aaron Garner  
Mr. Bob Zumwalt  
Mr. Kevin Hamak  
M. Gray Styers, Jr, Esq.