



**CHATHAM COUNTY
BOARD OF COMMISSIONERS
AGENDA ABSTRACT**

ITEM NUMBER:
MEETING DATE:
10-20-08

PART A

Subject: Request by Sears Design Group, P. A. on behalf of Wade Barber, Jr. for subdivision preliminary plat approval of “**Henderson Place**” (fka Barber Lands), consisting of 45 lots on 60 acres, located off South Langdon, S. R. 1835, Williams Township.

Action Requested: See Recommendations.

- Attachments:**
1. Major Subdivision Application.
 2. Copy of sketch design map.
 3. Sketch design approval letter, dated July 17, 2007.
 4. EA Peer Review Recommendation for Barber Subdivision, dated June 19, 2008
 5. Letter from R. B. Fitch and Wade Barber, Jr. dated, July 24, 2008.
 6. Letter from Wade Barber to Fred Royal dated April 8, 2008.
 7. Map of subject property submitted at October 7th Planning Board meeting by applicant.
 8. Enlarged map of southwestern corner of property submitted at October 7th Planning Board meeting by applicant.
 9. Preliminary plat titled “Henderson Place”, prepared by Diehl & Phillips, P. A., dated July 10, 2008.

Submitted By:

Keith Megginson, Planning Director

Date

County Manager Review:

Charlie Horne, County Manager

Date

This abstract requires review by:

County Attorney

Date Reviewed

Finance Officer

Date Reviewed

Budget Officer

Date Reviewed

PART B

Re: Henderson Place

Introduction / Background / Previous Board Actions:

Zoning: RA-40 Water Source: Chatham County
Watershed District: WS-IV-Protected Area Sewer Source: Fearington WWTP
Within 100 year flood: No

The subject property is currently not part of the Fearington Planned Unit Development, but may be made a part of the overall Fearington development in the future. The Board of County Commissioners approved the sketch design, consisting of 48 lots on July 16, 2007. Attachment # 3 is a copy of the sketch design approval letter. Per the sketch design letter there were two conditions of sketch approval as follows:

- 1. The applicant shall prepare an environmental impact assessment and have it reviewed by the Environmental Review Board prior to preliminary plat submittal.**

During the sketch design discussion, the developer volunteered to provide an EIA for review by the ERB. This condition has been met. *The applicant was to submit the assessment for review by the ERB, but was not required to comply with the recommendations of the ERB.* See the letter from Wade Barber to Fred Royal, dated April 8, 2008, attachment #6. The EIA was submitted to the ERB for review in April, 2008. A copy of the EIA may be viewed on the web site at www.chathamnc.org, then click on County Government, County Boards and Committees, Environmental Review Board, Barber. The EA Peer Review Recommendations for Barber Subdivision, dated June 19, 2008 are included in this packet, see attachment # 4. Per Dan Sears, Sears Design Group, the developer received these comments around July 10th. As noted in the ERB recommendation, dated June 19, 2008 the developer made several changes to the plan after the sketch design approval as follows:

1. Reduction in number of lots from 48 to 45 total, resulting in conservation of 3 acres of open space for stream protection in the northeast corner of the site.
2. Overall decrease in impervious surface by eliminating a road section and 3 lots.
3. Change in the designation of "community park" to "open space".
4. Road realignment to avoid steep slopes.
5. Removal of lots from proposed 50' buffer along stream on eastern boundary of site, resulting in conservation of 1.8 acres.

The ERB, however, strongly encouraged the developer to make the additional recommendations as stated in Attachment # 4 as follows:

1. Consider all recommendations from NC Wildlife Resources Commission (NCWRC) – both the letter dated August 14, 2007 from J. Presley Wallace and in the NCWRC Guidance Memorandum.
2. Adopt the current stream buffer regulations for Chatham County (Section 304 of the Watershed Protection Ordinance, adopted January 2008)

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Introduction / Background / Previous Board Actions:

3. Design stormwater management facilities, using the most recent NC Division of Water Quality (NCDWQ) Stormwater Design Manual, to maintain current hydrology of site,
4. Consider clustering of homes in order to preserve a larger percentage of the existing mature hardwoods on site.
5. Reduce overall impervious surface to 10% or less as recommended by NCWRC and other sources to lessen impact to streams.
6. Preserve the hardwood forest in the southeast section of the property.
7. Reduce grading on steep slopes (15% or greater),
8. Resolve the question of jurisdiction of public drainage easements for all discharge points and streams.

See attachment # 4 for entire text.

As noted, the developer has made several changes to the preliminary plan which the Planning Board stated were positive improvements, however, the project does not strictly adhere to the recommendations of the ERB.

Condition # 2 of sketch design was:

- 2. The applicant shall provide a 100 foot buffer along the common boundary with Bradford Place.**

This sketch design condition has been met. The buffer has also been voluntarily extended south of Bradford Place along the entire eastern property line.

Issues for Further Discussion and Analysis:

The developer is requesting preliminary approval of 45 lots (reduced from 48 at sketch design) to be accessed by a public, state maintained roadway. The roadway design has been revised eliminating a section of road and reducing impervious surface coverage. See attachment # 2 for the original road and lot layout. With the reduction of three (3) lots and their respective house sites, and the elimination of a portion of public roadway, the overall impervious surface coverage is reduced and is estimated to be 10-15% of the total area (including house sites). Other agency reviews have been received as follows:

NCDWQ	Wastewater Collection System Extension	April 23, 2008
NCDOT	Public Road Plans	May 24, 2008
NCDOT	Commercial Driveway Permit	May 15, 2008
CHATHAM COUNTY	Erosion Control Letter of Approval	May 12, 2008

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Issues for Further Discussion and Analysis – cont.

NCDENR	Water Main Extension Construction Authorization	May 28, 2008
U. S. ARMY CORPS OF ENG	Notification of Jurisdictional Determination	May 8, 2008

The above permits may be viewed on the Planning Department web site at www.chathamnc.org, then click on Departments and Programs, Planning, Rezoning and Subdivision Cases, 2008, Henderson Place, prel. A letter from Alan Keith, Diehl & Phillips, P. A. certifying that the Fearington wastewater treatment plant has capacity to serve the Henderson Place Subdivision along with Millcroft and The Knolls can also be viewed on the website.

Chatham County Emergency Services has approved the road name 'Henderson Place'.

This subdivision was approved under the 1994 Watershed Protection Ordinance requirements. The developer had the Corps of Engineers and NCDWQ visit the site to determine streams that required buffering under their regulations. Those streams are shown on the preliminary map. The stream in the northwest corner of the property and the stream along the Bradford Place property line were identified by the Corps of Engineers as perennial stream channels and are buffered with a 50 foot wide water hazard setback / vegetative stream buffer measured from the top of bank landward as required by the 1994 Watershed Protection Ordinance. See note # 5 on the plat regarding the northwest corner of the property. Along with the standard 50 foot stream buffer, the developer has provided an additional 50 foot wide 'stream protection building setback' along the Bradford Place property line. *The additional 50 feet is not deducted from the useable lot area, but is to be a no build area and is to remain natural and wooded for a total width of 100 feet. See notes 6 & 7 on the preliminary plat.* The 100 foot wide no build setback has been extended along the entire eastern property line. As shown on the preliminary plat, lot lines have been pulled out of the water hazard buffer area in the northwest corner resulting in 3.01 acres of open space. The balance of the property has a 50 foot wide perimeter setback that does not allow structures and is to remain naturally wooded and will be regulated by the private covenants. The standard county setback for structures from a rear property line is 25 feet and is not required to remain wooded. The private covenants / restrictions will be more restrictive than county regulations.

Fred Royal, Chatham County Environmental Resources Director, visited the site on two different occasions, July 7 and July 17, for the purpose of identifying surface waters under Section 304 of the revised Watershed Protection Ordinance. The Chatham County tax parcel database appears to be incorrect in regard to the lot boundaries. The southern property line appears to be too far north and an area on the east shown as part of the parcel belongs to the adjoining tract. Mr. Royal contacted the developer to request another site visit with a consultant from S&EC to review the 'drainage easement' shown along the southern boundary on the preliminary plat and to verify the stream locations and calls he made during the earlier visits. Mr. Royal visited the site

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Issues for Further Discussion and Analysis – cont.

again on August 4, 2008 and **confirmed that the stream near the southernmost boundary of the property is classified as an intermittent/ephemeral stream.** A copy of the July 7th and August 4th, 2008 *Surface Waters Maps*, prepared by Mr. Royal, can be viewed on the Planning Department webpage under Henderson, prel. The map shows approximate locations of several ephemeral streams and the perennial/intermittent stream along the common boundary with Bradford Place. Actual locations are flagged in the field. **Wade Barber, applicant /developer has had S&EC conduct another field review of the southernmost stream and addressed the Planning Board during the October 7th meeting as to those findings and his proposal for protection of the stream.** Per Mr. Barber, S&EC concurs with Fred Royal that the water feature in the southwestern portion of the property is an intermittent /ephemeral stream. Attachments 7 and 8 are maps submitted by Mr. Barber at the Planning Board meeting detailing how he proposes to protect the intermittent portion of the stream. Mr. Barber proposed a 50 foot wide “Voluntary Stream Protection” buffer along both sides of the intermittent portion of the stream. This buffer is to remain as a natural, undisturbed buffer, but is not to be deducted from the useable area of the lots. No buffer is proposed on the ephemeral portion of the stream. After discussion by the Planning Board, the Board expressed their appreciation to Mr. Barber for his continuing efforts in complying with the revised watershed protection ordinance.

There are two collapsed old rock chimneys located on the site and, according to the developer, a former structure that was destroyed about 40 years ago. Attachment # 7 shows the approximate location of the two (2) fallen chimneys. One appears to be located on Lot # 9 and one is located in the proposed road right-of-way near Lot # 9. Bev Wiggins with the Chatham County Historical Association sent an e-mail to Dan Sears dated May 3, 2007 stating that they would like the opportunity to evaluate the site for artifacts before the area is disturbed. The developer did notify the Historical Association during the sketch review, but a site visit was not made at that time. **Staff recommends that the Historical Association be able to visit the site prior to land disturbance.**

There are three areas totaling approximately eight (8) acres of open/common space shown on the preliminary plat. The location of the common areas has been revised since sketch design. See the preliminary plat for locations of open space. The open space areas will be conveyed to and owned by the property owners association. See Note # 8 on the preliminary plat.

There are several extended drainage easements labeled as “public road drainage easement”. *In speaking with Justin Bullock, NCDOT, he stated in an e-mail “that NCDOT will request a public drainage of sufficient length and width to maintain any drainage structures or culverts that will be accepted for maintenance along the maintenance of the road itself. The easement will be long enough to repair the structure without encroaching on private property to perform routine maintenance. Also, we would like to be able to remove any blockages that may inhibit water flow beneath our roadway, in an effort to prevent anything that would compromise our roadway or its structures. We will not necessarily assume maintenance of any extended “road drainage maintenance easement” or anything of the like because it would appear that*

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NCDOT would maintain the drainage area for some undetermined length.”

Chatham County currently does not accept “public drainage easements” for maintenance. *It is recommended that the developer consult with NCDOT again to determine the width and length of “public drainage easement” required by NCDOT and labels the map accordingly.*

Recommendation: *The plat displays the necessary information and meets the requirements of the Subdivision Regulations with the required approvals of other agencies* The Planning Department and Planning Board (by unanimous vote) recommend granting approval of the road name ‘Henderson Place’ and recommends granting preliminary plat approval with the following conditions:

1. Prior to any land disturbing activity, the Chatham County Historical Association, be allowed to visit the site to document any evidence of historical nature.
2. The developer shall consult with NCDOT to determine the width and length of “public drainage easement” requested by NCDOT and label the balance of the drainage easement “private”.