

BLANCHARD, MILLER, LEWIS & STYERS, P.A.
LAWYERS

PHILIP R. MILLER, III *
E. HARDY LEWIS
M. GRAY STYERS, JR. *
KAREN K. KEMERAIT
STEPHON J. BOWENS

CHARLES F. BLANCHARD
DEBORAH K. ROSS *
OF COUNSEL

1117 HILLSBOROUGH STREET
RALEIGH, NORTH CAROLINA, 27603
TELEPHONE (919) 755-3993
FACSIMILE (919) 755-3994
WEBSITE: www.bmls-law.com

* Certified Superior Court Mediators

April 30, 2008

Chatham County Board of Commissioners
Chatham County, North Carolina
12 East Street
Pittsboro NC 27312

*RE: Chatham County
Parker Springs Subdivision
Preliminary Plat Application*

Dear Chatham County Board of Commissioners:

In anticipation of your meeting next Monday, May 5, and consideration of the preliminary plat of the Parker Springs subdivision, I wanted to highlight the efforts and a number of the changes to the subdivision plan that have been made since your approval of the Sketch Design last January, and to further respond to the report of the Environmental Review Board (ERB) in greater detail. We sincerely believe that these changes address the issues that have been raised by the Planning Board and the ERB. This information supplements the Summary that I had provided to you on March 14, a copy of which is also enclosed with this Letter.

Parkers Creek

1. Prior to the sketch design approval, the applicant had agreed to double the required buffers along Parkers Creek so that it would be protected by a 100-foot buffer on both sides of the stream. The sketch design identified eight lots along Parkers Creek, and lot lines for most of those lots were to have been extended directly to the center line of the creek, as allowed by the Chatham County ordinances.

A. Since then, all lot lines have been pulled back to the edge of the 100-foot buffer and the entire 200-foot width of the buffer will be owned by the HOA and not by individual lot owners.

B. The lot labeled "Lot 41" of the approved sketch design bordering Parkers Creek on the south – which would otherwise have allowed construction of a house and required grading closest to Parkers Creek – has been completely moved and relocated elsewhere in the subdivision.

C The lot labeled as "Lot 38" on the approved Sketch Design (and labeled "Lot 37" in the first draft of the Preliminary Plat), otherwise bordering Parkers Creek on the north and containing some of the steepest slopes in the subdivision has been moved and relocated elsewhere in the subdivision.

D The one road crossing in Parkers Creek has been reviewed and approved by both the DENR Division of Water Quality (DWQ) and the US Army Corps of Engineers. This road alignment has been adjusted to cross the stream in a perpendicular direction and at a straight section of the creek to minimize the impact of the crossing.

E DWQ and US Army Corps of Engineers both approved the crossing of Parkers Creek and the sizing and location of the culvert, below the level of the stream bed, consistent with the permitting requirements for 404 Permits under the Clean Water Act, 33 U.S.C. 1344, and 401 Water Quality Certification.

F Parker Springs received permission from NCDOT to design streets to generally follow the natural contour of the properties and to minimize cut and fill grading for the roads. That design for the streets will minimize the amount of coverage over the culverts at crossings which, in turn, will limit the amount of earth fill that will have to be placed in those areas on either side of Parkers Creek.

Stormwater Management and Slopes

2. As noted above in 1.A., 100-foot buffers, outside any individual lots, will be preserved along both sides of Parker Creek, and there will be no impervious surfaces (except for approved street crossings) within 50-foot buffers along all delineated intermittent and ephemeral streams. In addition, since the Sketch Plan Approval:

A. The street labeled Newcastle Court has been significantly re-configured to avoid a stream in the southeast corner of the property. Specifically, it was re-aligned to minimize stream impacts by centering on valley section that contains no stream or wetlands. The approved sketch design would have resulted in at least one street crossing and at least three driveway crossings. All have been eliminated in the Preliminary Plat plan. (This new configuration also minimizes the impact on this water feature by the adjacent Cooper Tract development by Contentnea Creek.)

B. Two of the lots shown on the Sketch Plan – 38 and 41 – which happened to have some of the steepest slopes -- have been relocated elsewhere. Therefore, two fewer homes will be built on lots bordering the Parkers Creek buffers on areas that have slopes.

C. The relocation of Lot 38 allows the lot lines between lots 33 and 34, between lots 34 and 35, and between lots 35 and 36, to be rotated approximately 25 feet counter-clockwise around the cul-de-sac at the end of Parker Springs Way. These changes allow for an additional 25-feet (for a total of 75-feet) buffer on the west (steeper) side of the intermittent stream north of Parkers Creek.

D. Having now finalized the street layout, Parker Springs LLC has projected that the impervious surface percentage of the entire subdivision will not exceed 12%. This percentage is so low, that it does not fall under any Chatham County or state stormwater management requirements.

E. However, Parkers Springs LLC has decided to treat stormwater in accordance with NCDWQ approved Best Management Practices (BMP) Manual, in a V-ditch or grass swale and rather than using curb-and-gutter in order to minimize concentrated flows. Discharge points have been designed in a way to ensure pipe flows will be minimized and sheet flow utilized. There will be no pipe flow discharge points within the 100-foot buffers of Parkers Creek.

F. The relocation of lots 38 and 41 reduces the impervious-surface percentage in the proximity of Parkers Creek, and allows for more room for stormwater dispersal on the west (steeper) side of the intermittent stream north of Parkers Creek.

G. None of the regulatory permitting agencies – DWQ, US Army Corps of Engineers, nor the Department of Transportation – have found the terrain to be impediments to the issuance of required and necessary permits and compliance with all applicable requirements.

H. The Chatham County Public Health Department, Soil Erosion Control Office, has approved the erosion and sedimentation control plan for the subdivision and issued a Land-Disturbing Permit certifying that the plan is in accordance with all applicable statutory and regulatory requirements.

Historical Preservation

3. Mr. Ammons met on-site with Jane Pyle and Jim and Beverly Wiggins of the Chatham County Historical Association to address how to preserve the cemetery on the property. The cemetery located on the property is being protected as Parkers Springs has created a lot designated as open space or common space for the cemetery. The stone foundation on the property will also be protected as it will be included in the area for open/common space.

Soils Determination and Septic Layout

4. Extensive soil borings and analysis has been performed on the property since the approval of the Sketch Plan and work has been conducted to locate the precise location of the septic fields for all fifty lots in the subdivision. At the time of Sketch Design, it was anticipated that 11 homes would utilize subsurface “drip” septic systems, and a total of 19 systems would be “off-site.” After further evaluation and the discovery of better-than-anticipated soils, it was determined that no subsurface drip systems will need to be utilized, and with the revised configuration of the lots and roads, only 15 off-site systems will be required.

This analysis of the soils indicates that the soils on the property will easily support conventional or low-pressure septic systems for at least 50 homes in compliance with all local and state permitting requirements, and Thomas Boyce, Chatham County Soil Scientist, has reviewed the soil scientist report and found the information adequate for preliminary design. Furthermore, the analysis of the soils indicates that there are additional suitable soils on the property that are not proposed for use for the septic system, if needed in the future. At the request of the Planning Board, the Final Plat will designate the specific areas of the off-site fields associated with each lot.

The revised septic layout prepared by Licensed Soil Scientist and Professional Engineer Scott Mitchell of Mitchell Environmental, PA indicates the approximate locations of the septic fields for each lot and how the off-site fields will be utilized by the designated lots. The layout also indicates where the houses can be located on each lot to comply with all setback requirements and avoid the location of the septic fields, as required by the Sketch Design conditions.

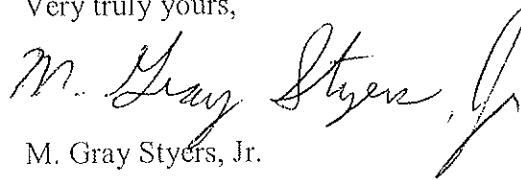
Specific Responses to ERB Comments

5. A point-by-point response to the Draft ERB Subcommittee Comments is included with this letter. The black text is the same as previously provided to Chatham County Planning Department on March 4. The blue text has been added in light of the additional analysis and text contained in the EIA Addendum. The green text denotes new information that results from the relocation of the lot identified as "Lot 38" in the Sketch Design or "Lot 37" in the Preliminary Plat application maps.

Please note that the EIA Addendum references, and includes as attachments, *inter alia*, (1) NC DOT review and approval of all roads within the subdivision, including 14 conditions; (2) NC Division of Water Quality 401 Water Quality Certification, with 9 Additional Conditions; and (3) US Army Corp. of Engineers Section 404 Permit under the Clean Water Act, 33 U.S.C. 1344, with Permit Conditions and 23 pages of Nationwide Permit Conditions. These permits impose significant limitations and mitigation requirements on the Applicant to address potential environmental impacts and were considered in the EIA Addendum in concluding that the subdivision, as now designed and reflected in the Preliminary Plat, would not create any significant adverse environmental effects. While members of the Planning Board and the ERB expressed their disagreement with the adequacy of these permit conditions and the conclusions reached in the EIA and EIA Addendum, their opinions cannot legally serve as a basis for denying the Preliminary Plat under well-established and long-standing principles of North Carolina law.

Thank you in advance for your consideration of the Preliminary Plat. We look forward to talking with you further at your meeting Monday morning.

Very truly yours,



M. Gray Styers, Jr.

Enclosures

Chatham County Board of Commissioners

April 30, 2008

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Cc: Ms. Lynn Richardson, Chatham County Planning Department
Richard J. (Jep) Rose, Esq.