

## **Lynn Richardson**

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**From:** Dan LaMontagne  
**Sent:** Friday, August 31, 2012 8:33 AM  
**To:** Lynn Richardson  
**Subject:** RE: Briar Chapel, Phase 6 North, Sections 1 & 2 / stormwater pond & easement

Lynn,

You asked: What does a 'stormwater feature' consist of?

I interpret a 'stormwater feature' to include the engineered structural components of the stormwater BMP and inspection and maintenance easements or access areas. This includes any dams or embankments required to impound water for a wet pond. Furthermore, the maintenance and inspection of these dams and embankments are specifically included in the Operations and Maintenance (O&M) plans and agreements for a wet pond and are essential to the long-term function of the BMP. These O&M agreements, as approved by NC DENR DWQ, also require that shrubs and trees that are observed as starting to grow on the dams or embankments must be immediately removed.

You also asked: whether or not a stormwater feature is allowed in a riparian buffer other than what is allowed in regard to an ephemeral stream in Section 9.1, Riparian Buffers, of the CCO?

The CCO specifically prohibits stormwater features in riparian buffers, except in limited circumstances, in ephemeral buffers only. The CCO only allows this if low impact techniques or other controls are used to meet or exceed the pollutant removal performance of a fully functioning riparian buffer. I believe that this provision was intended to allow, on a limited basis, discharges from stormwater BMPs into ephemeral buffers.

Please let me know if I can be of further assistance.

Dan J. LaMontagne, P.E.  
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Chatham County  
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**From:** Lynn Richardson  
**Sent:** Thursday, August 30, 2012 1:15 PM  
**To:** Dan LaMontagne  
**Subject:** Briar Chapel, Phase 6 North, Sections 1 & 2 / stormwater pond & easement

Dan, as we discussed this morning, Briar Chapel is proposing to have a stormwater pond easement and maintenance area intrude into a perimeter buffer. See the attached Wet Pond construction plan. The definition of a perimeter buffer in the CCO is "Land that either obscures or significantly softens the external view of the compact community from adjacent properties." One question we had for you was what does a 'stormwater feature' consist of? As I understood from you, a stormwater feature includes the pond itself and other devices along with the dam and easements for the purpose of grading, construction, and maintenance. The Wet Pond construction specifications submitted by the developer's engineer states "Please note that no trees/shrubs of any type may be planted on the proposed dam embankment (fill areas)." No revegetation plan for the buffer has been submitted with the application. Since, per the construction plan, no trees are allowed to be planted on the dam embankment, it is staff's opinion that there will be a loss of existing wooded area which currently obscures or softens the external view of the compact community and, therefore, does not meet the intent of the required perimeter buffer as stated in the CCO. A further question is whether or not a stormwater feature is allowed in a riparian buffer other than what is allowed in regard to an ephemeral stream in Section 9.1, Riparian Buffers, of the CCO. Please let me know if I have understood correctly, your explanation of what is a stormwater feature. Any additional guidance you can give us will be appreciated. Thanks.