

## Jason Sullivan

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**From:** Lynn Richardson  
**Sent:** Wednesday, August 29, 2012 3:21 PM  
**To:** Jason Sullivan  
**Subject:** FW: FW: Briar Chapel , Phase 6 North, Sections 1 & 2  
**Attachments:** Perimeter Buffer Covenant.pdf

FYI

Lynn W. Richardson  
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**From:** Nick Robinson [<mailto:robinson@bradshawrobinson.com>]  
**Sent:** Wednesday, August 29, 2012 3:11 PM  
**To:** Lynn Richardson  
**Cc:** Lee Bowman; Grant Livengood; Chris Seamster; Sanchez, Mike; Doug Brown  
**Subject:** Re: FW: Briar Chapel , Phase 6 North, Sections 1 & 2

Hello Lynn,

I was able to meet with Lee, Mike Sanchez and Grant Livengood regarding the comments below as to Phase 6 N, Sections 1 and 2. I'll call you but I wanted to give you a reply in writing as well for your files. Here are our assembled responses from the team. I think we are essentially in agreement as to all items except the 100' perimeter buffer issue but, if it is handled just like Phase 5 N was, we'll be fine.

To make our response clearer, I have taken the liberty of numbering the issues you raised below. Our responses will correspond to the numbers below.

1. Good point. Some are maintained by DoT and others are not. We'll mark the DoT maintained areas as "public" and the others as "private."
2. You are correct. We'll re-label as "N. Serenity Hill."
3. That's the way we have done it before (including on Great Ridge Parkway), in part because those are two separate roads for DoT purposes.
4. Yes, we will number the open spaces but they will be referred to as "common areas." (Trying to keep that consistent going forward).
5. They did include the vicinity map on the construction drawings but will add it to the preliminary plat cover sheet.
6. Will revise Flood Plain note to make it clear that Phase 6 North does not contain special flood hazard area.
7. This one has some history and we have to respectfully disagree that the 100' buffer must remain undisturbed. The CCO does not say that. Nor does it say that easement, grading and maintenance access areas

must be outside the 100' perimeter buffer. As the email you attached indicates, a question about use of the perimeter buffer first arose in November of 2007 when Phase 5 N was first proposed. The question raised by Kevin Hamak at that time was whether "stormwater devices" or structures (not easements, grading or maintenance access areas) could be allowed in the 100' perimeter buffer. The language of Section 9.2 of the CCO does not prohibit easements or grading in the buffer or even stormwater structures but, instead suggests how to soften visual impacts with vegetative plantings, berms, topographic features, etc. It is also important to note that Section 9.1 (relating to uses within riparian buffers) specifically excludes "stormwater features" (but even that exclusion has some exceptions). So, we disagree that Section 9.2, without saying so explicitly, can be interpreted to impose a prohibition in the perimeter buffers that is more strict than is expressly imposed in the riparian buffers. Briar Chapel has voluntarily agreed to keep stormwater structures out of the 100' perimeter buffer but not grading, easements and maintenance access.

Our prior experience with this language is consistent with the above interpretation. You may remember that the Phase 5 N plat was never finalized in 2007/08. In late 2010 and mid-2011, Briar Chapel came through with the preliminary and final plats for Phase 5 N. As you may recall, grading and stormwater pond easements were allowed in the 100' perimeter buffer in Phase 5 N. So, all we are asking for here is the same treatment as before which is well within the language and intent of CCO Section 9.2.

8. Yes, we will number the stormwater pond.

9. The recorded restrictions are attached.

Thanks.

Nick

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**From:** Lynn Richardson [<mailto:Lynn.Richardson@chathamnc.org>]  
**Sent:** Thursday, August 23, 2012 2:48 PM  
**To:** Sanchez, Mike; Lee Bowman  
**Cc:** Jason Sullivan  
**Subject:** Briar Chapel , Phase 6 North, Sections 1 & 2

Mike/Lee: we had the Technical Review Committee meeting Wednesday and staff has reviewed the preliminary plat submittal for Phase 6 North,

Sections 1 & 2. We have the following comments / issues /questions with the submittal:

1. --the map shows "20' public Storm Drainage Easements". These easements should be labeled as private instead of public. From my review I see 22 references to public easements.
2. --the map states Serenity Hill Circle, but, should say 'N. Serenity Hill Circle'.
3. --Why is the parkway labeled as North and South?
4. --It is my understanding that the 'Open Spaces' are now being numbered. I don't see that the open spaces have been numbered in Phase 6.

5. --There is no vicinity map shown.

6. --The Flood Plain note says “a portion of this property is located in special flood hazard area.....” Is that statement referring to Phase 6 or to the larger parent property? I don’t see that there is floodable area in Phase 6. If the note is referring to the parent tract, please change the statement to make that clear.

7. --The bigger issue of concern is that the stormwater pond easement is shown to intrude into the 100 foot wide perimeter buffer and the grading plan shows grading within the buffer and it appears from looking at the grading plan that a roadway for maintenance purposes for the stormwater pond will be located within the buffer. An e-mail on November 8, 2007 from Jason to Kevin Hamak, Jeremy Finch and others states that the perimeter buffers are to remain undisturbed. See attached. When we met for the pre-application review, the map provided to staff shows the pond pulled away from the edge of the perimeter buffer allowing area for grading and maintenance outside of the buffer. Sheet C-4 also shows a portion of a storm drainage easement extending into a perimeter buffer. The preliminary plat will have to be revised to move all easements/features outside the perimeter buffer as the buffer is to remain undisturbed.

8. --Should the stormwater pond be numbered?

9. --Provide a copy of the recorded deed restriction for the buffer.

Let me know if you have questions. Planning Board agenda notes have to be written before the end of next week, so the perimeter buffer issue should be addressed as quickly as possible.

Lynn W. Richardson

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