

**Ann and Sledd Thomas**  
**220 Rock Ridge Road**  
**Pittsboro, NC 27312**

August 18, 2014

Dear Members of the Chatham County Planning Board, Planning Department Staff, and Board of Commissioners,

Thank you for this opportunity to share our concerns regarding NNP-Briar Chapel's Conditional Use Permit Revision. We are surrounded by the development on three sides and live off of Andrews Store Road. Our concern is that the current regulations appear silent when it comes to issues of water turbidity.

The staff of Briar Chapel has been working with us over the past six years to resolve turbidity run off and sedimentation issues in our one acre pond which is fed by a creek running downhill from the development. An area around a culvert on Briar Chapel property serves as the headwaters of our pond. Prior to development, the headwaters were essentially a forest floor, feeding a back yard stream and pond. Due to recent earth moving and a major soil "waste" fill project, our pond has resembled the photo shown below since early fall last year; and in years past when earth disturbance in the development and above our property was significant. This photo below of our pond was taken on Monday, August 11, 2014. The photo on the right was taken in the fall of 2012 when earth disturbance was very limited.



Sediment has been an issue, but we cannot fairly determine its cause. Issues of turbidity are easier to pinpoint; please see following photos. Turbidity takes around 30 days to settle out in the summer, but months during the winter when the water is colder. Having our pond turbid six months at a time is disheartening. Most recently from it has been from September 2013 through today. The turbidity count prior to the last rain event on 8/9/14 was 22.92. On 8/12/14, after three or four days of rain, the count was up to 224.



We have been working diligently and in good faith with the Briar Chapel staff, as they have with us. We have kept staff members of the Chatham County Land and Water Resources Division and North Carolina Division of Water Resources up to date on our issues and concerns.

We write to express our concern about expansion of residential units in the development. While an increase from 2389 to 2500 seems small, we are one example of how residents downstream are impacted. Our pond is basically a catch basin for the erosion and turbidity issues that result from such earth disturbance.



The photo above was taken on Saturday Aug. 9<sup>th</sup>, 2014 around noon under the power line; the rain had not really fully come on yet. This photo shows erosion occurring above the silt fence.



This photo shows a drain piping water and run-off from below the silt fence onto the rocky area within the swale. This picture also shows the west end of the culvert; turbidity is evident.

The following photograph shows the east end of the culvert, and the turbid colored water that drains, through and around the check dam and over the flock log, into the culvert feeding our pond.





If you look closely, you can see water on both ends over topping the flock log. (The flock log is green and has wooden stakes holding it in place.)

The following picture is an example of an area where the silt fence has failed, thereby allowing erosion below the silt fencing. Fortunately the grass in this area has not yet failed.



We hope these examples illustrate how the turbidity from the open fill area under the transmission lines directly pours into our pond. These photographs demonstrate the rapid buildup of water volume that may tear or overcome the silt fencing, check dams and flock logs. The culvert then funnels large volumes of water into the storm drain so rapidly that bank collapse downstream becomes unavoidable, thus creating sedimentary run off.

I hope you can appreciate that our pond has been greatly affected, not to mention our out of pocket expenses for monitoring, cleaning, and future dredging. The worry is the worst. We cannot help wanting clear pond water.

A few years ago when we had this same problem, Briar Chapel helped to stop it by stabilizing and seeding this same area. Today on August 18<sup>th</sup>, 2014 we drove past the fill area on the Briar

Chapel site. They have repaired the silt fence and put what appears to be a final grade on the fill site; plus they have seeded and 'strawed' the area. It looks good and we hope it holds during this week of predicted rain. There are future plans for more construction above and around this culvert and fill area, including both road and dwellings. We do not know how our pond will be affected if at all in the future.

We hope you agree that this is enough and more than any neighbor should have to endure. We know that Briar Chapel is following the rules set by various regulatory bodies, but as a family impacted by the development we are frustrated by the months of pond turbidity and sedimentation issues.

During our discussions with Briar Chapel, we have both worked hard to keep lines of communication open as well as to be good neighbors. For that we are appreciative.

If the water quality regulations, specifically with regards to turbidity, sheet flow, storm volumes are relaxed, we would be most concerned about any increase in development. Should the regulatory standards be increased so future run off and turbidity are moderated or stopped, we would be open to their expansion.

In closing, we thank both the development and municipal parties involved in speaking with the Thomas Family. We have learned that Briar Chapel has met and exceeded their original permitted regulatory standards concerning run off. These standards appear silent with regard to how to handle, or moderate issues such as turbidity or large rain events that produce 3, 4, 5 inches of rain in a short period of time. We wish that our property and our pond did not fall into this regulatory gap in terms of specific performance standards of what is too much turbidity, and when there too much or what needs to be done to stop it. We think having a scenic, private recreational pond stay turbid for 30-35 days, let alone 5-6 months at a time is too much. Therefore we ask that you consider these unregulated impacts as you make your decision relative to this permit revision as well as other development projects. We would like relief from the issues that create turbidity in our pond.

Thank you,



Slédd and Ann Thomas

