

BRADSHAW & ROBINSON, LLP

ATTORNEYS AND COUNSELORS AT LAW

HALL-LONDON HOUSE

128 HILLSBORO STREET

POST OFFICE BOX 607

PITTSBORO, NORTH CAROLINA 27312

PATRICK E. BRADSHAW
NICOLAS P. ROBINSON
ANDREW T. SLAWTER

(919) 542-2400

FAX 542-0496

robinson@bradshawrobinson.com

May 22, 2015

James Crawford, Chairman
Chatham County Board of Commissioners
80-A East Street
Pittsboro, North Carolina 27312

Via Hand Delivery &
Electronic Mail

RE: Briar Chapel: Request for Compact Community Ordinance (“CCO”) Waiver to Ratify Previously Installed Drainage Structures and Minimal Grading

Dear Board of Commissioners:

This letter serves as a formal request by NNP-Briar Chapel, LLC for a Waiver under the CCO to ratify the location of two previously installed drainage pipes and outlets, as depicted on Attachment 1 (the “Pipes”).

The Pipes were installed approximately ten years ago in accordance with approvals from DENR prior to delegation of the erosion control process to the County. The as-built locations of the Pipes encroach on a ten foot no-build zone in one case and on the no-build zone and buffer in the other case. Upon joint review, it is the opinion of the NNP engineers and the County Staff that, based on the length of time the Pipes have been in place, it would do more harm than good to the applicable buffers to extricate the Pipes and re-install them outside the buffer(s).

As I am sure you recall, the Compact Communities Ordinance (“CCO”), Section 15, authorizes the Board of Commissioners to adjust, modify, reduce or waive requirements of the CCO. There is a reasonable nexus between the request and the impact of the compact community.

In addition, NNP seeks to obtain this waiver because it has a pending erosion control application for the Boulder Point Drive extension that is being held in abeyance until this waiver is approved. Depending on a DOT determination, the Boulder Point Dr. Extension may require a minimal amount of grading within the buffer area (the shaded area shown on Attachment 2). This waiver includes a request to approve a waiver to allow this modest amount of potential grading within the buffer area as shown and described in Attachment 2.

Letter to Board of Commissioners

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Based on the foregoing, the enclosed proposed Order of the Board of Commissioners allowing the relief requested is submitted to the Board of Commissioners for a vote at its meeting of June 15, 2015. This is to request of the County Manager that the request be placed on the Commissioners Agenda for their meeting on June 15, 2014.

Please let me know if you have any questions or concerns regarding the above.

Very truly yours,

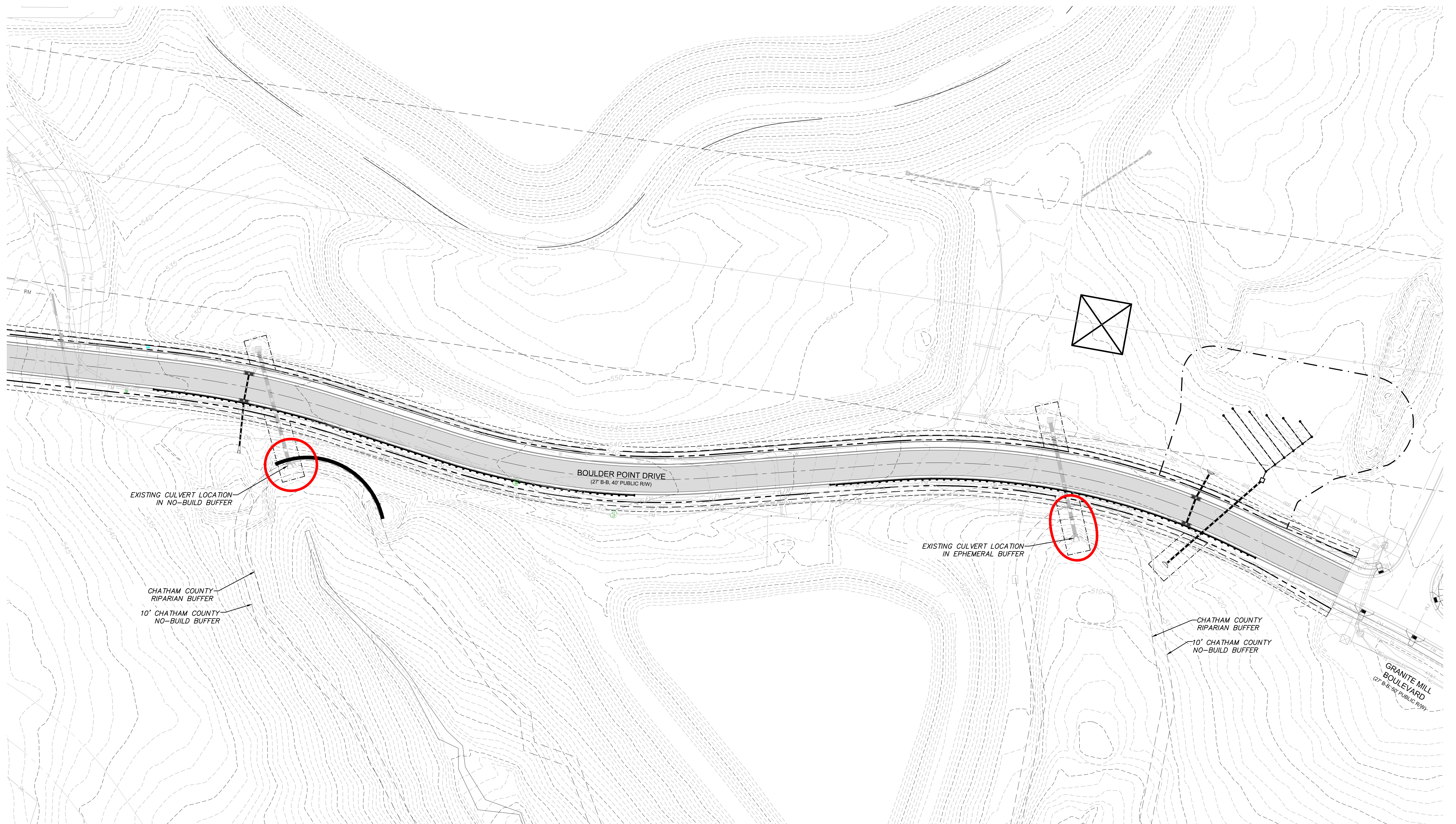
A handwritten signature in black ink, appearing to read 'N. P. Robinson', with a long horizontal flourish extending to the right.

Nicolas P. Robinson

NPR:amm

Enclosure

c: Charlie Horne, County Manager
Jason Sullivan, Planning Director
Lee Bowman



Subject: Boulder Point

From: Chris Seamster <cseamster@mckimcreed.com>

Date: 5/27/2015 12:12 PM

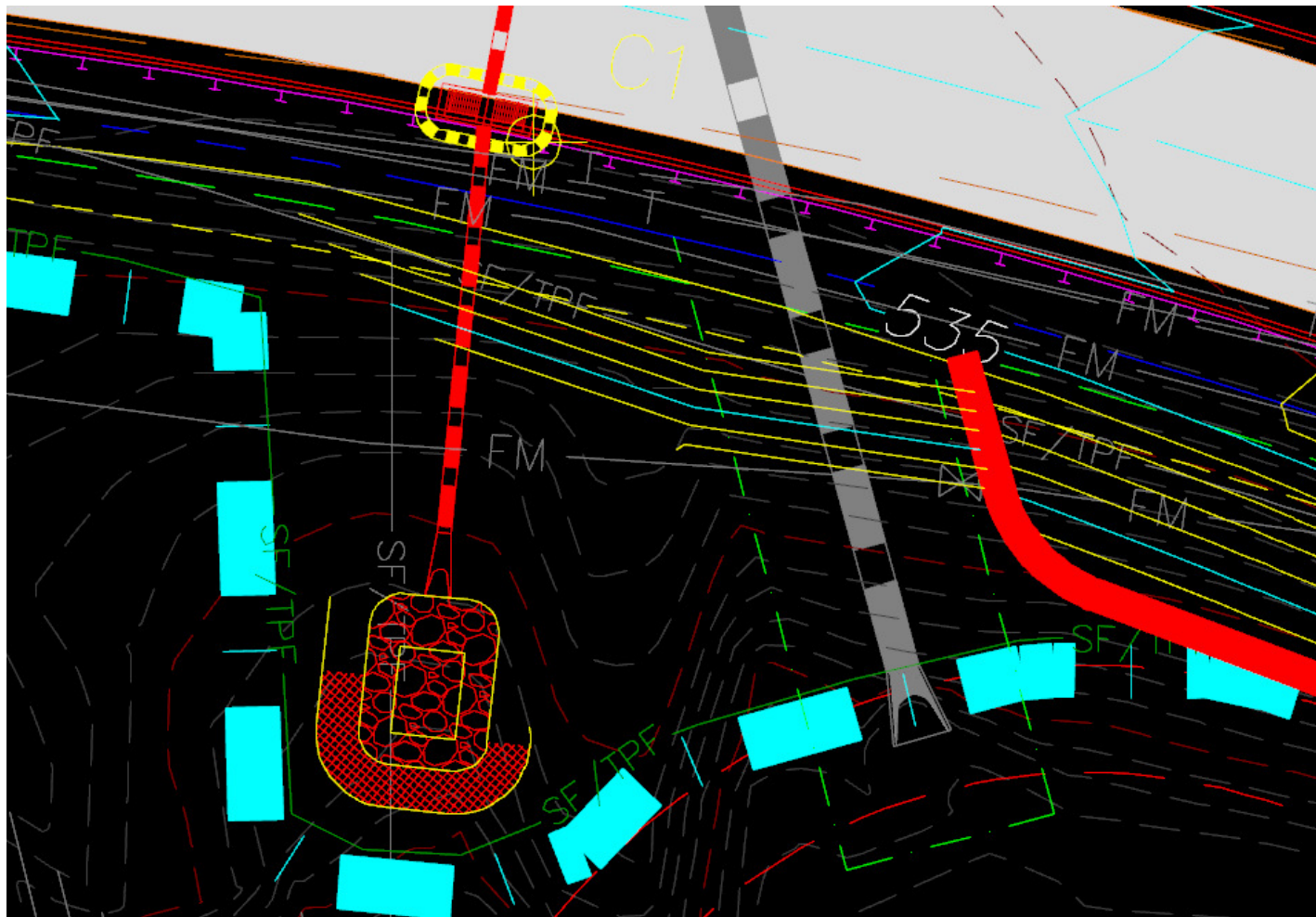
To: Justin Richardson <jtrichardson@ncdot.gov>, "Jeffrey B. Loflin PE (jloflin@ncdot.gov)" <jloflin@ncdot.gov>

CC: Gareth Avant <GAvant@mckimcreed.com>, "Lee Bowman (lb Bowman@newlandco.com)" <lb Bowman@newlandco.com>

Jeff,

Good talking to you yesterday. I worked on re-grading that bank on that western stream buffer at Boulder Point to get that wall off of that existing 36" RCP storm pipe. I think I have managed to get it to work with 2:1 grades. We may need to rip rap the slope or at least put some geotechnical fabric on it, but it will work. Hopefully this alleviates your and Hydro's concern about the retaining wall. I confirmed with you that the material was RCP and that we had sent calculations for those pipes which you forwarded to Hydro.

Let me know if you think this works or if you have any other questions. Thanks!



Chris Seamster, RLA | Regional Manager-PDNR
Tel 919.233.5261 ext 190 | Cell 919.539.5464
1730 Varsity Drive, Suite 500 | Raleigh, NC 27606
cseamster@mckimcreed.com | <http://www.mckimcreed.com>



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