

## **..TITLE**

Vote on a request to approve Sheryl-Mar Company, LLC for subdivision First Plat approval of **Brookside at Fieldstone**, consisting of 13 lots on 20 acres, located off Mann's Chapel Road, SR-1532 and Fieldstone Lane, Baldwin Township, parcel #80775.

## **..ABSTRACT**

### **Action Requested:**

Sheryl-Mar Company, LLC for subdivision First Plat approval of **Brookside at Fieldstone**, consisting of 13 lots on 20 acres, located off Mann's Chapel Road, SR-1532 and Fieldstone Lane, Baldwin Township, parcel #80775.

### **Introduction & Background:**

*Brookside at Fieldstone is to be considered a stand-alone subdivision but is accessed by the same roadway that serves Fieldstone Subdivision. Brookside at Fieldstone is reviewed under the current Subdivision Regulations.* Fieldstone Subdivision received sketch plan approval in 2007 for 27 lots under the pre-2008 Subdivision Regulations. Phase One received final plat approval for 14 lots in 2011 and Phase Two received final plat approval for 13 lots in 2012.

**Zoning:** R1  
**Watershed District:** WSIV-PA  
**Water Source:** Public, Chatham County  
**Septic:** On-site septic and repair areas  
**Floodable Area:** No  
**Minimum Lot Size:** 0.918 acre  
**Average Lot Size:** 1 acre

The subdivision process is a four (4) step process: Concept Plan, First Plat, Construction Plan, and Final Plat. The applicant has completed the Concept Plan review along with the community meeting.

### **Discussion & Analysis:**

This request is for First Plat review and approval of Brookside at Fieldstone, consisting of 13 lots on 20 acres located off Mann's Chapel Road, SR-1532 and Fieldstone Lane. A vicinity map showing the property location is included in this packet, attachment # 2. Per the Subdivision Regulations, Section 5.2 C (4), during a First Plat review, the first Planning Board meeting shall include a Public Hearing to receive comment on the proposed subdivision. Item (b) states that following the Public Hearing, the Planning Board shall review the proposal, staff recommendation and public comments and indicate their recommendation for approval, disapproval or approval subject to modifications. The Planning Board has two (2) meetings to make a recommendation on the request.

**Community Meeting:** A community meeting was held on May 30, 2015 at the existing Fieldstone Lane cul-de-sac. The purpose of the meeting is to receive input from the community on the project. Five (5) people attended the meeting. A copy of the

community meeting report is included in this packet, attachment #3. The only question raised was whether or not there would be a future road connection to the east. David Ballentine, Civil Designer, Ballentine Associates, P.A. was present to represent the developer. Mr. Ballentine stated that the roadway connection was shown based on Section 7.2 (3) of the Subdivision Regulations which requires connectivity to large tracts with future development potential; that the roadway is not being built at this time; and that the recording of the final plat will establish the dedication of public right-of-way for possible future use.

**Roadway:** The roadway serving the lots will be an extension of Fieldstone Lane and will be built as a public, state maintained road. The roadways in Fieldstone, Phase 1 have been accepted by NCDOT for maintenance and the developer is in the process of having the roads serving Fieldstone, Phase 2 accepted by NCDOT for maintenance. The road plan approval from NCDOT for the road extension will be provided with the Construction Plan submittal. The creek crossing was completed in 2009 and was permitted through NCDENR and the U.S. Army Corps of Engineers. See attachments # 4 & 5. *Section 7.2 (3) of the Subdivision Regulations states "Where necessary to provide public street access to adjoining landlocked property or connectivity to large tracts with future development potential, proposed public streets shall be extended by dedication of right-of-way to the boundary of such property".* The developer has complied with this requirement as shown on the First Plat by a dedication of public right-of-way to parcel #2612, owned by Twin Lakes Golf Course, Inc. The proposed dedication of public right-of-way, however, is situated such that connectivity to parcel #2612 is not feasible without the adjacent property, parcel #2613, also being developed. (see attached GIS map). The developer stated that the two parcels are currently owned by members of the same family. The right-of-way dedication is shown to the adjoining property, but will not be constructed until and unless the adjoining property is developed in the future.

Access to Twin Lakes Golf Course is by a private easement off Willow Way, SR-1584. A portion of the paved easement encroaches onto the subject property at various locations along the back of the proposed lots. The developer has stated that he will provide an easement over the encroachment areas.

**Road Names:** The road name 'Fieldstone Lane' has been approved by the Emergency Operation Office to be extended to serve Brookside at Fieldstone. The lot numbers will be revised on the Construction Plan and Final Plat to Lot 1A, 2A, etc. to avoid confusion when septic permits and building permits are issued.

**Septic:** The lots will be served by individual on-site septic systems and repair areas. A soil scientist report and map was prepared by Soil & Environmental Consultants, PA, dated October 20, 2013. See attachment #6. The report discusses the general location

of potentially useable soils for on-site subsurface wastewater disposal, but does not constitute or imply any approval or permit as needed by the client from the local health department. Thomas Boyce, Lead Chatham County Soil Scientist, has reviewed the report and stated that it is adequate.

**Water:** County water will be utilized. The Utility Plan, attachment #12, shows the proposed water line extension from Fieldstone Subdivision. A Water Plan Permit and Authorization to Construct will be provided with the Construction Plan submittal.

**Stormwater and Erosion Control:** One stormwater pond is proposed for the site and is located within the common area. A Stormwater Permit will be obtained from Chatham County prior to submittal of the Construction Plan along with an Erosion and Sedimentation Control Permit.

**Environmental Documentation:** Section 6.2 A of the Subdivision Regulations states "Any proposed subdivision of forty-nine lots or less shall be required to submit Environmental Documentation to the County. The Environmental Documentation shall include the information required by the General Environmental Documentation Submittal Form developed by the Environmental Quality Department." Ballentine Associates, P.A. prepared the documentation, attachment #7, and forwarded to the Environmental Quality Department for review. Rachael Thorn, Lead Erosion and Sedimentation Control Officer, has reviewed the report and stated in an e-mail that it is complete. The attachment includes the General Environmental Document along with supplemental information as required unless already provided in the packet, i.e. wetland report. A full copy of the GED can be viewed on the Planning Department webpage at [www.chathamnc.org/planning](http://www.chathamnc.org/planning), Rezoning and Subdivision Cases, 2015, Brookside at Fieldstone, General Environmental Documentation.

**Riparian Buffers/Wetland/Common Area:** On August 1, 2007, the NC Division of Water Quality conducted a site visit to review two stream features located on the subject property to determine their intermittent/perennial status and to identify their origin points. This on-site review was conducted prior to the preliminary plat submittal for Fieldstone, Phases I & II and expired five years from the date of the report. In 2009, the Army Corps of Engineers conducted an on-site review for the road crossing. On July 29, 2015, Soil & Environmental Consultants, PA conducted an on-site Wetland Delineation and Stream Evaluation. See attachment # 8. A copy of the report was provided to Chatham County. Wetlands are present on the property and are located within the riparian buffers. The origin points of the intermittent/perennial water features as identified by NCDWR and S&EC were different. On October 7, 2015, Stewart Pickens, Chatham County Environmental Quality Inspector, visited the site to review the findings in the S&EC report. See attachment # 9. Mr. Pickens agreed with the stream delineation and origin points as identified by S&EC. Riparian buffers of 50 feet to 100

feet per side, measured from the bank of the stream landward, are shown. The area between the stream and the road right-of-way will be Common Area to be deeded to the Brookside at Fieldstone Homeowners Association.

**School Notification:** The developer has notified the Chatham County School system regarding the proposed development and provided a vicinity map and site plan. See attachment # 10.

**Historical Review:** There is a cabin located on the property which was built around 1850. The site plan shows the location of the cabin within Lots # 8/9. The cabin is to be deconstructed and relocated to a farm in Virginia by Blue Ridge Timberwrights, which specializes in working with reclaimed materials. The cabin will be rebuilt as close as possible to its current state in the new location. Members of the Chatham County Historical Association and Planning Staff were provided an on-site visit in 2012 to view the cabin and take pictures. Staff revisited the site during the site visit provided by the developer on December 8, 2015 and took additional pictures. See attachment # 11.

**Site Visit:** Per Subdivision Regulation requirements, two site visits to the proposed development are required. The site visits were held on December 8<sup>th</sup> and December 10<sup>th</sup>. Planning staff along with Jim Crawford, County Commissioner, attended the site visit on December 8<sup>th</sup> and walked the property with the developer's consultant, Dave Ballentine. Mr. Ballentine provided information on the road location and took staff to the cabin site. Caroline Siverson, Planning Board member and Diana Hales, County Commissioner attended the December 10<sup>th</sup> site visit. The site is wooded and has some substantial old trees that the developer has stated may have to be removed for safety reasons.

**Technical Review Committee:** The TRC met on December 15, 2015 for staff review of the First Plat. The developer, Jim Hodgin, along with Dave Ballentine, Civil Engineer, were present to answer questions and give an overview of the project. Staff discussed with the applicant: creek crossing previously completed, water connections/extensions, stub-out to adjacent property, riparian buffers, erosion control, road name, relocation of the cabin, etc.

The Planning Board met on January 5, 2016 to review the request. Dave Ballentine, Ballentine Associates, P. A, was present to represent the developer. Staff gave the staff report above after which a Public Hearing was held. Several property owners from Fieldstone, Phases 1 & 2 were present to express their concerns regarding the proposed dedication of right-of-way to the adjoining property. See signed petition, dated January 5, 2016 on the Planning Department webpage. The property owners stated that they did not object to the extension of Fieldstone Lane and construction of 13 new homes, but expressed their concerns that future construction of a public, state

maintained road to the adjacent property would “materially alter the character and safety of our neighborhood”. Several property owners stated that they had purchased their properties because the roadways in Fieldstone ended in cul-de-sacs with no through traffic and that “eventual construction of a public road on that right of way will turn our safe road into a primary means of ingress and egress for patrons of the public golf course and any future development on Parcel #2613. The net result of creating this new public right of way will be to materially alter our neighborhood, increase the danger to our children, and negatively impact upon the value of our property.” The property owners requested that the approval of the development be conditioned on the removal of the dedication of public right of way to Parcel #'s 2612 and #2613. The Public Hearing was adjourned. Board discussion followed. Mr. Ballentine answered questions from the board members regarding stormwater and removal of large trees and stated that the developer provided the 50 foot wide public dedication of right of way due to the requirement in the Subdivision Regulations, but, would be glad to remove it, if the Planning Board and Board of Commissioners required it to be removed.

Mr. Gaeta made a motion; seconded by Mr. Bock to remove the public right-of-way (stub out). Motion passed 8-3.

Mr. Lucier made a motion; seconded by Mr. Gaeta to approve the First Plat with the absence of the right-of-way. Mr. Arthur asked Mr. Lucier to remove the ‘absence of the right-of-way’ from the motion and Mr. Lucier removed that portion. There was no further discussion and the motion passed 10-1.

**Recommendation:**

The Planning Department recommends that the 50 foot wide dedication of public right-of-way to the adjoining parcel #'s 2612 and #2613 remain to provide for future connectivity to large tracts with future development potential and to provide increased access for law enforcement and emergency vehicles as required by the Subdivision Regulations; recommends granting approval of the extension of the road name ‘Fieldstone Lane’; and recommends granting approval of the First Plat as submitted.

The Planning Board recommended, by a vote of 8-3 to remove the 50 foot wide dedication of right-of-way to Parcels #2612 and 2613.

The Planning Board recommended, by a vote of 10-1 to approve the extension of the road name Fieldstone Lane and to approve the First Plat.