

**TOWN OF PITTSBORO  
PLANNING BOARD MEETING MINUTES  
Monday, June 17, 2015, 7:00 PM**

**ATTENDANCE**

**Members Present:** Raeford Bland, Oakley Bennett, Brian Taylor, Carolyn Elfland, Alfreda Alston, Wayne Herndon (Alternate)

**Members Not Present:** Bob McConnaughey (Alternate)

**Staff Present:** Roger Waldon, Interim Staff, Planning Department; Bryan Gruesbeck, Town Manager; Fred Royal, Engineer; Crystal Ours, Administrative Support Specialist

**A. CALL TO ORDER**

**Chairman Bland called the meeting to order at 7:00 pm**

**B. APPROVAL OF MINUTES**

**Ms. Elfland** stated that the minutes needed to be corrected showing Board member Bob McConnaughey being present at the meeting even though he was not needed.

- **Ms. Alston moved to approve the corrected draft of the minutes.**
- **Seconded by Mr. Taylor.**
- **Vote: Aye 6 Nay 0**

**C. OLD BUSINESS**

**Mr. Taylor** asked for an update on what is going on in Planning.

**Mr. Roger Waldon** introduced himself as a Planner who works for **Clarion and Associates**. We have been retained by the Town of Pittsboro to help manage the planning function of the Town. He and some of his colleagues are taking responsibility for the applications that come in, the review, staffing, the Boards and dealing with citizens and questions and all of the things the Planner does. The advertisement for a new Planning Director has gone out. It will probably be two months at the minimum before you have a new Planning Director in place, so you will be seeing a lot more of him at your next couple of meetings. They are in the Planning Department daily, usually from 9:30-3:00 every day, but his cell phone number is posted on the door in case anyone needs to call him.

**Mr. Bland** wanted to let Mr. Waldon know that the July meeting has been cancelled due to the holiday and the agenda items that needed to be addressed in June. The next meeting will be August 3<sup>rd</sup>, 2015.

#### **D. NEW BUSINESS**

➤ **SUB-2015-03**

**Davie Street Cottages**

*Action Needed – Discussion, Recommendation to Town Board*

**Mr. Waldon** said the applicant is here and Fred Royal is here as well to talk about the details and answer questions.

**Mr. Bennett** asked why the Board did not receive a full set of plans. These condensed plans are really hard to read.

**Mr. Waldon** said that there was some confusion in the transition and that was one of the things he wanted to ask tonight. Do you want to continue to receive full sets of plans in the future or some reduction?

**Mr. Bland** answered that yes they did want to receive the full sets because they frequently are getting the teeny ones like this and it makes it impossible to review. So, that is our perpetual request- that we get full size plans for whatever we need- whatever is coming forward.

**Mr. Waldon** apologized and said that if they want a full set of plans, then that is what they will get going forward.

Resident **Debbie White** asked if all adjacent property owners need to be notified before the Board acts upon this tonight.

**Mr. Waldon** replied that notifications were sent in the mail about this meeting and will be mailed again in advance of the Town Board's meeting.

**Ms. White** claimed that several of her neighbors had not received notification of this meeting. She received her notification, but it did not have her name on the envelope, just the street address.

**Mr. Waldon** said they looked at the county's property records and looked at adjacent properties and arranged for notifications to be sent to those properties and it sounds like that was...

**Residents** said "Not done".

**Mr. Gruesbeck** stated that Mr. Bass typically notifies property owners that are adjacent to the property and it sounds like it was done to some extent. It's just not clear as to who all is actually informed. The best he can do is find out exactly who was and wasn't. He does know the effort was made: whether or not Mr. Bass finished off that notification is not determined.

**Ms. Elfland** asked what the law is regarding notice. What does the law state?

**Mr. Waldon** said that it is not a legal requirement. It would be a legal requirement if it was a rezoning. This is just a procedure, and a good procedure, that the Town does.

**Ms. Elfland** said that in this case, the notice is not required, it is a courtesy. We can still move forward with this, we need to ensure that the neighbors are notified before the Commissioners make a decision.

**Mr. Gruesbeck** recommended that the Board review the materials tonight and engage in a discussion among the board, but treat this as an informational session. The staff can circle back and review the notification process and determine what extent that was, or wasn't, completed and go back and complete those legal requirements as necessary or at least ensure that they are completed in the fullest extent as necessary. But tonight, as long as we have everyone here, he would recommend that you move forward on the informational piece. Those that are in attendance can discuss the issue and we can formalize this agreement in the near future when it's appropriate.

**Mr. Bland** said he didn't mind discussing this but he would be reluctant to make a recommendation, mainly because he doesn't have all of the information, which is really readable

documents. We will go ahead with the presentation, but we are not going to make a decision about anything tonight. If you want a formal motion to table, he'd be delighted to make that, however, since you are here, we will go ahead with discussion and see what transpires.

**Mike Dasher** with **Orange Communities** said that it is proposed Pocket Neighborhood ordinance. We are proposing 9 single-family detached homes on the 2 vacant parcels on Davie Street. He is happy to answer any particular questions you may have. We have the full size set of plans that we can show you.

**Landon Lovelace** introduced himself as a principal at **Underfoot Engineering** and the civil site engineer for the project. He wanted to make it known that Mr. Dasher did go personally to all the adjacent owners and they held an open house and invited all the neighbors and had an information session. The adjacent owners were able to come in and ask questions. There were folks there that are present here tonight that voiced concerns and there were folks that showed up that were very supportive of the project.

Like Mike said, they are proposing 9 single-family homes. This is currently zoned R-10 and under the zoning ordinance, it's an allowable use as a Pocket Neighborhood. There are 20 parking spaces proposed, which is above the requirement for the ordinance. Per the ordinance, there are 19 required.

A Pocket Neighborhood is more pedestrian friendly, has smaller lots and smaller homes and centralizes around a community open space. You'll have the community space which is generally open public space and then as you go toward the houses, each of the individual units will have a small fence or a wall which is part of the requirement under the ordinance. That becomes kind of semipublic space and then obviously as you get into the home and the back yard, that becomes their own private space. It's different than a conventional subdivision in that you don't have the garage. You're not driving down the street and everybody pulling off into their garage and never knowing each other. There's community amenities planned in the open space and those are still to be determined but Mike is considering an open air shelter and picnic area. The community space will be very well landscaped.

From a utilities standpoint, there are existing utilities that have capacity to serve the site. There is an existing water line on Davie Street and existing sanitary sewer also on Davie Street in front of the project, both of which will be utilized for this project. There are a couple of considerations for stormwater management, obviously we've got to meet the Jordan Lake rules which deal with water quality and water quantity. We're proposing the use of low impact development, specifically a

bioretention area towards the front. You guys may have heard of a rain garden- it's the same thing. There is also an existing pond to the west back behind the property that catches a good bit of upstream area. If you drive out there right now, you will see during a good storm it comes flooding through there- it's kind of in a low lying area. There's a small ditch that flows through to a culvert that goes underneath Davie Street, which was installed some time ago. When it was installed, once we got the survey, we realized the pipe was supposed to be going under Davie and continuing to flow that way but it's actually backward. So during a storm right now there's water that ponds up on the west side of Davie Street because the culvert is incorrectly installed. Obviously, in going through plan review with Fred and addressing all the stormwater concerns, we're taking all that offsite water that will come from Thompson Street, Nooe Street and that area into the pond and used to flow through the site. We're picking that up and bypassing it through a pipes system and we've actually sized the pipes to handle a 25 year storm, which is above the typical requirement for Pittsboro, which is a 10 year storm. In addition, as part of the stormwater system improvements, that culvert that's laid backward will be properly laid this time so there's obviously not going to be flow that is going to be backing up and damming up against Davie Street.

He would also like to have clarification on whether or not proper notification was sent and whether or not people did get it, due to the fact that you've got a meeting that's not going to be scheduled in July and the hardship that causes for the developer. He would ask that you do hold an up-or-down vote tonight, contingent upon looking into that notification and deciding whether or not it was adequate. He believes that Ms. Elfland is correct- it's not a required notification, it's a courtesy. If this were a rezoning, it would be required. He doesn't think it's fair that the developer has to wait another two months to get an answer on something that has already been reviewed by all the Town staff, meets all the zoning ordinances and meets all the engineering requirements for the Town. He'll also open up for any questions that you've got.

**Ms. Elfland** asked Mr. Waldon if a Pocket Neighborhood is a use by right in R-10. Is it just a matter of if it meets the criteria?

**Mr. Waldon** answered yes as long as it meets the specifications.

**Mr. Lovelace** said it was also worth mentioning that Mr. Dasher is the one that actually worked with Stuart Bass and the Town 2 years ago to get the Pocket Neighborhood added to the ordinance.

**Ms. Elfland** said she can see how it's going to be visually very different than what's there now because there's a lot of low, one story homes and there is a lot of land around them, whereas these are going to be two story and that's it. How big are they? She noticed they had 7-three bedrooms

and 2-two bedrooms, but she also noticed that the square footage of the lots is only 2,000 to 2,200. What is the square footage of the homes?

**Mr. Lovelace** answered these will range from 1,300 to 1,900 square feet.

**Ms. Elfland** asked if they were on slabs or crawlspaces.

**Mr. Lovelace** said they would be on sealed crawlspaces.

**Ms. Elfland** wanted to know what's going to happen to the water in the 100 year storm.

**Mr. Bland** added that is the very lowest place on the street. His understanding is that was a stream that was through there and not just a ditch.

**Mr. Lovelace** said it's not a stream. We've got a stream determination from an environmental firm that states that it's not. It's a man-made outfall from a pond that was built.

**Ms. Elfland** asked if the pond was just stormwater retention.

**Mr. Lovelace** answered yes it is. This is at the upper part of the drainage area for that area, so it takes some runoff from Thompson Street, down to Nooe Street and then a little bit further west, but that's basically it. It's at the top of the drainage area, it's not at down at the bottom of the stream. He's not sure what the next street west of Davie Street is, but that's basically the high point that drains down into that pond. So obviously it is a concern, it's in a low spot, that's where the water goes now and that's why we've gone above and beyond to address how we handle all that flow that would be coming there and we bypass that flow.

**Ms. Elfland** is concerned that you get people that would buy these homes and right now you've got a piece of land with a bunch of grass that's 2 feet high and when it rains the pretty much channeled through a swale. Once you get these homes there, how are you going to deal with the water with a high intensity storm?

**Mr. Lovelace** said number one- they'll be on crawl spaces. One of the other things we looked at when going over the review with Fred was what do we do in those bigger storms. There is overland relief- the pipe is sized to flow full on a 25 year storm- it is a 30 inch pipe. Overland relief means that everything upstream is bypassed underground.

**Mr. Bennett** asked who was going to be responsible for that 30 inch pipe.

**Mr. Lovelace** said it would be the home owners' association's responsibility and public works takes care of water and sewer. Similar to what we did at Cornwallis Commons, which was the other Pocket Neighborhood. In setting up the homeowners' association, you have annual fees and dues that go into an escrow for any required maintenance, whether it be pavement, water, sewer, storm, so there's portions of the utilities here that are public on Davie Street and there are portions that are private. Once it comes into the site, the water line, sanitary services, and the stormwater are private. Those are all very typically the responsibility of the homeowners' association.

**Mr. Bland** said they are proposing to collect all the water on the back side of the lot on the west side through something that will direct the water downward.

**Mr. Lovelace** said it would go to the existing swale. Basically, rather than the water coming through the original ditch that's there, it'll be coming through a pipe. It would go into a pipe at the back of that lot, the west end of that lot, and proceed under the earth until it goes under Davie Street.

**Mr. Bland** asked Fred Royal to confirm that it is not a stream there.

**Mr. Royal** said that was correct. He met the environmental professional out there, who is also certified to look at streams like he is, and they both agreed it scored a low number. It hits 19, which means it's at least intermittent, and this scored approximately a 6.

**Mr. Bland** asked Mr. Royal to explain the integrity of dams on ponds and stuff like that. We're talking about how much water this could take. How do we determine that the dam is safe and going to be substantial for a long time?

**Mr. Royal** said that he didn't survey that pond, but he looked at it a couple of times. In his view, it's got a rim around it- it doesn't have a dam per say, as you see in larger reservoirs. It's got a hole in the ground with a small area where the water flows out through a pipe or over the land, so there is no dam that would fail. It would fill up and flow over, based on his observations. The pond is privately owned.

**Mr. Bennett** asked if the owner was present at the meeting, to which a couple of residents stated that they probably were one of the ones who did not receive notification.

**Ms. Elfland** asked if the size of the pipe that's coming out of this hole in the ground is enough to handle a 24 hour, 25 year storm.

**Mr. Lovelace** said everything that's upstream of there is for the 25 year storm. You don't use the 24 hour storm for peak flow, you use the 25 year storm.

**Mr. Bennett** asked if they are bringing in fill dirt and raising the elevation of that area.

**Mr. Lovelace** responded we are not bringing in fill dirt. Parts of the site we'll lower in elevation and parts of the site we'll raise in elevation. We balance the site with dirt that's there. The outsides of the site are higher and they flow down to the stream. We're basically taking some of that dirt and lowering the outsides and pushing that down into the middle and raising the middle up. There's no import fill that's being brought in. There's fill material that will need to be brought in for the bioretention area, but that's engineered soil, not fill dirt.

**Ms. Elfland** asked what they are doing to the trees. There are some very nice trees on that property.

**Mr. Lovelace** said that per the ordinance, you are required to save trees where feasible. There are a few existing trees out there and the site will be graded and the trees on the site, unless they are on the perimeter, will be gone. We're also calling to plant back a lot of new vegetation. A lot of large upper story trees, under story trees... he like trees as much as the next person. Unfortunately with the way that site is down in a low area right now, if you don't grade it then everyone in that site will be flooded. It's one or the other: either you grade the site to make it safe and get the stormwater to run to the front to a bioretention area and meet all the Town requirements and to do that, there's not a possibility to save the trees.

**Ms. Elfland** asked Mr. Royal to explain how all of the stormwater on this site works.

**Mr. Lovelace** began by stating the site is in the Jordan Lake watershed, so we have to meet the Jordan Lake rules, which again, there's a water quantity and a water quality rule. The quantity is the 1 year, 24 hour storm. The quality is removing 85 percent TSS and that sort of thing. For all the stuff that's on site within our project, everything will sheet flow to the bioretention area that's in front of the site. Bioretention is an engineer device that, if you didn't know what you were looking at, it just looks like a landscaped bed. It's basically mulch that's got plants in it. But underneath, there's under drains, there's a layer of filter media, that basically, as the water comes

down, it removes all the nasty stuff. The bioretention takes care of everything that's onsite. If we're putting new impervious on the site, we have to treat it.

**Mr. Royal** said our stormwater ordinance that was approved by our Board of Commissioners, does not address peak discharge above the 1 year, 24 hour storm. There was a conversation about that and it was decided to address it in the UDO process, which isn't here yet. And so, these gentlemen were not required to, say, detain the 25 year storm for that new parking lot and new rooftops because it's not in our ordinance. If it were, he would have made them do it. So, they're only detaining the volume of the difference of the 1 year, 25 storm today and the 1 year, 25 storm tomorrow.

**Ms. Elfland** asked what the volume is of the 1 year, 25 storm.

**Mr. Lovelace** said they are only required to detain the water quality value, which is the 1 year storm and that volume is about 3,000 cubic feet or so, which is what the bioretention site is for. The rest of the water is the off-site water that gets bypassed and it's basically taking it from a swale into a pond. We're meeting all of the Jordan Lake rules and all of the Town rules.

**Mr. Royal** said he would be happy to walk downstream and look at the condition. He's never been down there, but he always likes to make sure that a development isn't developing above an existing problem that couldn't be mitigated somehow- with our ordinance or without our ordinance.

**Mr. Lovelace** said that with the culvert still backwards, whoever wanted to build, even a single house on there, they are encumbered because the culvert is laid backward.

**Ms. Elfland** responded that if she lived across the street, she'd be benefiting right now because it's just backing up on the lot. She's concerned about the stormwater but she's also concerned about cutting all of the trees down. There are some very nice trees on the lot and the ordinance clearly says that you need to incorporate the trees to the extent practical and what you did was incorporate none and so, to her, she doesn't think that is a good faith effort toward extent practical.

**Mr. Lovelace** said it comes to an engineering decision on if you need to raise the site up, if you need to not have the swale stay there which would have everybody flood out. He read off the trees from the existing conditions plan- the 2 pecan trees, 2 sweet gum, and a lot of pine. There are 5 or 6 trees on the site. The pecan trees are beautiful and if there was any way to save them and still develop the site, then they would. It's just not possible. We've gone above and beyond, not what's

required by code, but in the planting plan we've gone above and beyond in replanting a number of upper story trees, under story trees and ornamentals.

**Ms. Elfland** asked about the big oak tree that the plan says you have to get an arborist to determine if there's going to be an impact.

**Mr. Lovelace** said that is an old tree that is off site. The arborist still needs to look at it and if he says that there's an issue with the surveying on our site within that root zone, then we have to look at what legal avenues can they take. If somebody's tree is off property but it comes onto your property, or if it doesn't go across...

**Mr. Bland** summed up that they have issues with trees, stormwater, and the low lying circumstances of, anything else?

**Mr. Bennett** wanted to know what they were doing as far as a buffer between existing property and the neighbor, including putting in trees. It looks like the back of the houses back up to the adjacent property.

**Mr. Lovelace** said they are proposing both a fence and plantings as well that would buffer that.

**Ms. Elfland** said that what she's hearing is that this is a use by right in this zoning district. That means they can do it as long as they meet all these standards, it's not a question of whether they can do it. When she drove by there, she thought wow, these are 2 story houses that are going to be packed really tight. This is going to be a real jarring thing to this neighborhood. But, it's use by right if they meet the standards. So what authority do we have? Can we say we don't believe they meet the standards to conserve existing trees? We're concerned about the water also. What are we allowed to say?

**Mr. Waldon** had a couple of observations he wanted to make. First, it is going to come back. The Town Manager did point out to him the sections in our subdivision regulations- he was thinking about zoning ordinances. In the subdivision regulations, there is a specified requirement of notice and it reads "the planning staff shall give notice by regular mail of the time and place of the preliminary plat to be reviewed by the Planning Board. Said notice shall be mailed prior to the date specified, mailed to the address of the sub divider and the adjacent property owners as specified on the plat." So, he knows that we sent to adjacent properties, he thinks it is correct that they did not mail to property owners. He thinks the suggestion that that re-notification through mail is accurate and correct.

When it does come back, he suggests they do a couple of things: We can ask the applicant to provide more information about the issues that concern the Board. We can ask Mr. Royal to walk the stream so we can be bringing you some more information, maybe some images, maybe ask the applicant to bring some depictions of how it will look when it is complete (but that's not required, it just might be helpful). The other thing he suggested they do is bring to you a staff memorandum about the question you've raised about use by right versus what flexibility is there to say "no, we don't like this because..." or what is it that the Town zoning and subdivision regulations say about what is by right and what isn't. He would imagine that memorandum might come back to you and say "these are things that as long as they meet these things, it's approvable and here are some things that you might want to with maybe some discretion about." Lastly, the final decision on this is the Town Board and they make the recommendation to the Board of Commissioners.

**Mr. Bland** asked Mr. Waldon if he was suggesting that they table this until this is done. Is that the most appropriate procedure right now?

**Mr. Waldon** answered yes. As the Town Manager suggested when we first started talking, he thinks that is correct. That would certainly allow us to give you full sets of plans.

- **Ms. Alston moved to table until the next meeting and with all the conditions that we discussed here and all the questions will be answered and we are provided with full sets of plans so we can see a little bit better and everybody be notified- whatever they need to do, everything needs to be done for the next meeting.**
- **Mr. Bennett Seconded**
- **Vote: Aye 6 Nay 0**
  
- **SUB-2015-04**  
**Riverstone Subdivision**  
*Action Needed – Discussion, Recommendation to Town Board*

**Mr. Waldon** asked the applicant to come up and begin describing the intent of the plans. Their recommendation is that you recommend approval to the Board of Commissioners with a couple of additional conditions: (1) Provide for a road extension and a second stub out to the adjacent property to the west, between lots 17 and 18; and (2) Provide another private access easement located in the buffer area south of Lot #1 for pedestrian access.

**Mr. David Lassley- Piedmont Land Design**, the land planners, civil engineers and architects; for this 97 acre development that is located just west of the Haw River on the North side of Highway 64 adjacent to some of the park land that is along the river. You may recognize the property- back in 2008 a subdivision was submitted for the property. It was called River Hawk Ridge. It went through subdivision approval process, was approved; however, it was not developed at the time. As we picked the project back up with the new developer, it was recognized that the property had never been rezoned to accommodate the 2 acre lots. So, we initiated a rezoning process this spring. We went through that process without opposition- it was rezoned, and now we are proceeding with the resubmittal of a subdivision for the property. The number of lots have not changed.

This is a unique area of Town. The reason is because the streets within this development are NCDOT streets, they're shoulder sections, we don't have curb and gutter, and we don't have Town water or sewer services- everything is well and septic. Yet, we are still in the Town's jurisdiction and subject to their rules and regulations. Because of that uniqueness and rural character that this subdivision takes on, we've worked with the staff through comments that they first raised- we addressed those comments.

One of the primary items that was brought up was providing a stub to the southern property. In the originally approved subdivision, there is a cul-de-sac that came down on the southern end and never stubbed to the adjacent property. These properties did not have access, so one of the things we wanted to do was remedy that and provide access to that property. We have met with that adjacent property owner and he's been very cooperative with us. One of the things we are doing is to provide safe fire apparatus turnaround for a hammerhead at the end of this street. He's allowing us to build that on his property so that when he develops the property, we're not messing up existing lots that are already developed and that can be removed with the continuation of that street. We have received the staff's recommendations, and as Mr. Waldon pointed out, there were two recommendations that the staff is making on the approval of this development. However, they are two items that they were taking issue to.

The staff was recommending that we take this cul-de-sac here and continue it with another stub to the adjacent property to the west. One of the primary reasons that we're objecting to that is there is a proposed roadway to come through here and this is really a boundary line separating medium density residential and this low density residential that we are over here. These developments take on a different character- a different look. This proposed roadway is just to the west of this development. One of the arguments would say "you need to provide a stub to their property because this property is landlocked and doesn't have access to a public right of way". In a normal

circumstance, he would agree with that- however, as you can see all the dark shaded parcels right there are all under a single ownership and they do have frontage on the road. And you could say “well, maybe he would sell one of these and then it would be landlocked”. If he sold this and it was his own property and he landlocked his own property, that wouldn’t really be that smart of a move. What we’re really concerned with is that if this roadway gets built through here and we have a stub coming out here that would come and tie in here, guess what this traffic coming right here, wanting to get right here is going to be doing- they’re going to be cutting right through this development, which is NCDOT roads, very low density, and ending up here out on 64. We’re not against interconnectivity and having neighborhoods be connected so you can get from one to another. Making it convenient for cut-through traffic is not good planning. We’ve brought a stub down here and, what he suggests, is that as these properties are developed, that this come in and there be a roadway that tie in here. People are not going to want to go through here, go up here and down and around, to get back to 64. We have to make it inconvenient for them. It still provides interconnectivity but it just is not a cut-through venue for them to go through the development. That was the basis of us not wanting to provide a stub at this location. We think it’s justified and we’d like to have your support in letting us proceed on with the approval as planned.

There was one other recommendation by the staff- to provide another access easement located in the buffer area south of lot 1 for pedestrian access. We’re already providing pedestrian access that is coming out in an existing trail that is already in the park land right here. The occupants and residents of the development can come out, get on this trail and get access to the park land in a location where there’s actually a trail. Our objection to trying to define and put an easement on this is that this is an HOA lot. It’s not a lot to be built on or anything- the homeowners have the access of the entire lot. We don’t need to put an easement on the lot that they already have access to. They can determine what they want to do with it- they can determine if they want a trail to come out over here, or over here, or no trail at all. Why do we need to define an easement when it’s their property to dictate what they can do with it anyway?

**Mr. Bland** said that if there’s no trail and no easement, any of the people there can still walk over and go down to the river.

**Mr. Lassley** said that it is open space for the development. There’s over 7 acres of open space with this development being provided, in addition to all the lots are a minimum of 2 acre lots. It is wooded- we hope to save a lot of trees.

**Mr. Bland** asked Mr. Lassley to tell them about the septic system.

**Mr. Lassley** said it's a basic septic system. We've had the county come out and determine all the areas of suitable soil- those are all of the shaded areas that we have here. Some of the lots are directly adjacent to their suitable soil area, some of them are not. For example, lot #2 will have a septic system where they come in and pump their effluent all the way through their own separate force main that comes up and goes and distributes their effluent on their field that's deeded to their property. We've tried to do a good job where it's all adjacent to their property, so they didn't have to cross another property or have another easement.

**Mr. Bland** asked Mr. Waldon to respond to the two arguments about the access to Mr. Eubanks' place and the pedestrian passageway.

**Mr. Waldon** said that our recommendation for the road stub-out is that there is a landlocked parcel and it makes sense, as this property is being developed, to provide access to that landlocked parcel. It's a very simple recommendation and that is the reason for it. For the pedestrian easement, there is, as he pointed out, a pedestrian access to the public lands there right at the top of the property. In thinking about pedestrian movements, it seems a little out of the way and inconvenient to access the public lands. A pedestrian easement to the south of lot 1 would be much more useable. We thought that would accomplish the objective of having access. The reason we would like to see an easement is to be sure there is that access- that there is not an action by the homeowners' association that would prohibit access.

**Mr. Lassley** said that would be guaranteed with their final plat and the final recordation of the subdivision and the HOA documents that would be accompanying that. We don't disagree- they think that's a good place for access too. However, defining it and putting a separate easement on top of a HOA is just a redundant activity and request.

**Mr. Waldon** said that other than those two things, their recommendation is that you recommend that the Town Board approve this because we think it meets all the Town's requirements.

- **Ms. Elfland made motion to recommend approval of this subdivision to the Board of Commissioners and we would note #1 that we do not agree with the staff's recommendation to turn the cul-de-sac into a stub at the end of the property and #2 if, contingent on the HOA stating that lot 1 will be undeveloped and provide pedestrian access, that we would not feel it necessary to also have an easement. But if the HOA agreement was not going to state that, then we would feel an easement would be good.**

- **Seconded by Mr. Herndon.**
- **Vote: Aye 6      Nay 0**

➤ **SP-2015-02**

**Chatham Park- Medical Office Building #2**

*Action Needed – Discussion, Recommendation to Town Board*

**Mr. Waldon** stated that the Board had already been looking at other components of this development. Just a reminder- this is part of the Chatham Park Planned Development District Master Plan and these individual site plans need to come before you with details for your recommendation and the Town Board of Commissioners' approval. In our staff review of this, our conclusion was that what's being proposed aligns with everything that was in the approved Master Plan and consistent with what actions that have already been taken by you and the Town Board in respect to Medical Office Building #1 and the Hospice site. Our recommendation is that you recommend approval to the Town Board.

**Mr. Culpepper** said that they are referring to two approximately 8,000 square foot buildings. These two buildings are just downhill from north 15-501. The site for the property was actually approved- the grading, the stormwater management was already approved when we did that Medical Office Building #1 because we knew this was coming. So the retaining wall, stormwater pond and road- all this was done already. We're just going in and putting these buildings on this basically prepared lot. The buildings are separated but there's a roof built between the two buildings and that's actually designed to catch water to go into a cistern to be used for irrigation on site. It's not part of the stormwater management- it is above and beyond stormwater management.

**Ms. Elfland** asked why they are doing two buildings instead of one this time.

**Michael Hining, MHA Works**, architect for the Medical Office Buildings, responded that we split the building in to two buildings to make it more interesting and we have a plaza in between the two that we are hoping will be used at a lot of times. It is a very large canopy that is raised up above the building so there's plenty of air flow and plenty of daylight that gets into it. The roof is designed to catch the water and it funnels it down into that plaza and runs across runnels, which will be granite blocks in the ground. The water goes through and it goes into a cistern in the middle. The cistern in the middle will collect that rainwater and it will have a level to it where there is fabric in there, and above that is planting and above that are plants. So you will have seat

walls and grasses or whatever else we can get to grow in there. There would be quite a bit of sunlight because this plaza is open to the east and the west. We think it's a unique way to handle stormwater. The canopy itself drains to the middle, that water is dropped down through downspouts to a certain point- about six feet off the ground- and then it freefalls into little basins that keep it from splattering and it collects that water. So, it's going to be very nice water especially during rains. It should be a very pleasant place to be. But, that's why we're doing this and you're going to see this in future buildings too. You're going to see something special in each of the buildings because we are trying to, instead of just buying a bunch of art to put out there, we're trying to spend a little bit of extra money on the building and come up with some art *in* the building as opposed to just plopping a sculpture out.

**Ms. Elfland** asked if it was going to be a problem if they had a big down pour.

**Mr. Hining** said that no, it's not. This will handle most everyday storms, the heavy ones, it will fill up and overflow, but you won't know it is overflowing. That overflow is all within that basin.

**Mr. Bland** wanted to know what happens to the water in the cistern.

**Mr. Hining** responded that they use it for irrigation, to keep those plants alive and we haven't really decided what to use it all for, we just ended up with it, so we're going to use it. All of these buildings in this complex are LEED certified- every one of them. People tell you that LEED doesn't cost money- but it does cost money. So there's extra money being spent to get these LEED certifications and he's very proud to say that their office is going to be in that first building and we're going for LEED certification even on our interior space. He's very excited about working on this project just because of the energy conservation issues that are being put into it.

**Mr. Bennett** asked if they were going to have electric car chargers in the parking lot.

**Mr. Hining** said that they were going to have them even though they no longer give you a LEED point. They eliminated that from certification but we're doing it anyway. And this building will pick up aspects of the first building. As a matter of fact, all of the buildings out there will speak to each other in some form or fashion based on materials- the same stone, the same brick- not the same design though and maybe not the same trim color. But you're going to tell that they're a campus of buildings, but they're not all identical- that's what we're after.

- **Ms. Elfland made a motion to recommend approval.**
- **Ms. Alston Seconded**

➤ **Vote: Aye 6    Nay 0**

**D.    BOARD MEMBER CONCERNS**

**None.**

**E.    REPORTS AND ANNOUNCEMENTS**

**None**

**F.    ADJOURNMENT**

- **Chairman Bland asked for motion to adjourn.**
- **Ms. Alston made motion to adjourn.**
- **Motion carried unanimously.**

**Planning Board meeting adjourned at 8:32 pm**

*Next Planning Board Meeting is scheduled for Monday, August 3, 2015*

*Crystal Ours*

**Administrative Support Specialist**