MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
REGULAR MEETING
MONDAY, JULY 22, 2013
7:00 PM

Mayor Randolph Voller called the meeting to order at 7:06 p.m. and asked for a moment of silence.

Pledge of Allegiance was led by Commissioner Farrell.

ATTENDANCE

Members present: Mayor Randolph Voller, Commissioners Pamela Baldwin, Jay Farrell, Michael Fiocco, Bett Wilson Foley and Beth Turner.

Staff present: Manager Bryan Gruesbeck, Clerk Alice F. Lloyd, Attorney Paul S. Messick, Jr., Planning Director Stuart Bass, Parks Planner Paul Horne and Engineer Fredric Royal.

CONSENT AGENDA

Mayor Voller stated staff has requested that a close out public hearing on the Hillsboro Street Transmission Line Project be scheduled for August 12, 2013 at 7:00 p.m.

Commissioner Fiocco stated he wanted the minutes to reflect the first time he saw the comments from Attorney David Harris was when he read the minutes. Mayor Voller said the comments were submitted to Ms. Lloyd at the meeting for the record.

Motion made by Commissioner Fiocco seconded by Commissioner Foley to approve the consent agenda with the above addition to the June 24, 2013 and to schedule a close out public hearing on the Hillsboro Street Transmission Line Project for August 12, 2013 at 7:00 p.m..

The Consent Agenda contains the following items:

1. Approve minutes of the June 24, 2013 Regular Meeting with the above addition.

   Motion carried: 5-0

2. Authorize staff participation on the Chatham County Economic Development Corporation (EDC) – Conceptual Land Use Plan Infrastructure Committee.

   Motion carried: 5-0

3. Schedule a public hearing on the Close Out of the Hillsboro Street Transmission Line Project for August 12, 2013 at 7:00 p.m.

   Motion carried: 5-0

Motion made by Commissioner Baldwin seconded by Commissioner Turner to approve the regular agenda as set forth.

Vote Aye-5 Nay-0

REGULAR MEETING AGENDA

Citizens Matters

NONE

Mayor Voller stated that he has served as Mayor of Pittsboro for almost eight years. It has been an honor serving the citizens of this town. He will not be seeking re-election.

Mayor Voller said this is probably the most important thing this time has to do is to discuss and come to grips with this project we are going to discuss tonight (Chatham Park). He said this is pretty much going to formulate a template for where Pittsboro/Chatham County will be going in the future.

Mayor Voller stated his personal view on this project is that it bears an awful lot of examination and we need to take it very seriously. He said we have a group of people that are coming forth with a tremendous project that we need to look at and understand and figure out how this is going to integrate into town/county and our future.

Mayor Voller requested that everyone be respectful to their neighbors. Mayor Voller said the board would not be voting on it tonight, they are going to take their time and evaluate the project. The Town has been working with the developers for the last six or seven years.

Motion made by Commissioner Fiocco seconded by Commissioner Foley to go into Public Hearing.

Vote Aye-5 Nay-0

PUBLIC HEARING

REZONING REQUEST FROM CHATHAM PARK LLC FROM RA-2, RA-5 TO PDD. PROPOSED PLANNED DEVELOPMENT DISTRICT MASTER PLAN, CHATHAM PARK, LLC

The following comments were received prior to the public hearing:

Dear Town of Pittsboro Board of Commissioners,

I am writing you today as a concerned resident of Pittsboro. The Commissioners are being asked to approve a joint document for Chatham Park that includes the Master Plan and PDD. As an individual who has experienced first-hand the benefits of affordable housing, I sincerely hope that you will not adopt a Master Plan for a 7,000 acre development that does not include an affordable housing requirement.

My family and I are the owners of a home built by Chatham Habitat for Humanity. Since moving into our new home our lives have significantly improved – we are able to save money, focus more on our education and health, and our pride in our neighborhood has grown. The availability of an affordable housing option through Habitat allowed my family, and over 40 others in Pittsboro and over 100 in the County, to move into a much healthier, more stable living environment – please remember all of the families in Pittsboro and Chatham County who have not yet had this chance when considering your vote on Monday evening.

Please do not vote to rezone the 7,000 acres until affordable housing has been addressed in the Master Plan. Thank you for your consideration and your commitment to do what is best for all Pittsboro residents.

This letter was submitted by the following people:

Mayra Ponce – 47 Acorn Park Lane
Sherry Goldston – 11 Bishops Way
Tahleyah Seymour – 11 Bishops Way
Shandra Goldston – 11 Bishops Way
Sharon G. Thompson – 11 Bishops Way
Enedina Pizif –
Resident at – 31 Bishops Way
Leonila P. Aguilav Halez – Cornwallis Rd
Carlos Rosada – 95 Acorn Park Lane
Olivia Alonzo – 18 Lee Street
Azalia Iturrolde – 92 Acorn Park Lane
Robert E. Alston – 11 Bishops Way
Shalena Pugh – 94 Acorn Park Lane
Louis Perez – 95 Acorn Park Lane
Clementina M. Vasquez – 55 Acorn Park Lane
Noemi Plata – 33 Acorn Park Lane
Jina Blasko –
Kelly Dalton – 76 Eastwood Street
Yvonne Craven – 97 Anthony Street
Belinda Michelle Lassiter – 82 Eastwood Street
Laura Marsh – 104 Anthony Street
Rodrigo Catalan – 40 Alston Street
Jovanni Catalan – 40 Alston Street
Alfonso Catalan – 40 Alston Street
Azucena Hurtado – 40 Alston Street

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Carlos Gomez – 55 Anthony Street
Edward Austin – 37 Alston Street
Jesus Mario Rodriguz – 45 Thelma Sugg Lane
Javier Benitez – 100 E. Cornwallis Street
Patricia Nettles – 370 East Cornwallis

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CHATHAM COMMUNITY DEVELOPMENT CORPORATION, INC

July 18, 2013

Dear Mayor Voller and the Pittsboro Commissioners:

I am writing you today as President of the Chatham County Community Development Corporation, a non-profit organization focused on building a prosperous and sustainable future for all people in Chatham County, including those typically underserved and overlooked. Affordable housing is a key strategy for our organization and we believe that the proposed Chatham Park presents both a critical opportunity and a huge responsibility for the Town of Pittsboro – to ensure that this development provides significant housing for low- and moderate-income families. Consequently, the CCDC is very concerned that there is no mention of affordable housing in the project's Master Plan and proposed Planning Development District (PDD).

We urge the Pittsboro Board of Commissioners to take the following actions:

1. Ensure that effective plans for affordable housing have been addressed in the developer's Master Plan before approving their rezoning request. A minimum requirement should be that 15% of all residential units in Chatham Park are affordable to people earning 80% of median income or less and that at least a quarter of those units are affordable to those who earn 50% of median or below. Both resident-owned and rental housing should be included.
2. Negotiate a Development Agreement with the developer that clearly spells out their responsibilities for complying with affordable housing requirements and that reflects both best practices in the affordable housing field as well as a deep understanding of the needs and challenges of Chatham County.
3. Slow down this approval process to ensure that the town is fully considering the implications of Chatham Park for all citizens, has adequate expertise and fully gives the public opportunities to participate in these very important decisions.

The Chatham CDC would be happy to help the Town develop appropriate affordable housing language for both the Master Plan and Development Agreement. We look forward to hearing from you.

Sincerely,

Carl Thompson, Sr.

Carl Thompson, Sr.
President

DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS

B. EVERETT JORDAN DAM AND LAKE
POST OFFICE BOX 144
MONCURE, NORTH CAROLINA 27559

July 18, 2013

Mayor Voller and Board of Commissioners
Town of Pittsboro
PO Box 759 - 635 East St.
Pittsboro, NC 27312

Dear Mr. Voller and Board of Commissioners:

Thank you for the opportunity to comment on the proposed Chatham Park Planned Development District Master Plan. Portions of the project adjoin Federal property under the stewardship of the US Army Corps of Engineers at Jordan Lake along Stinking and Robeson Creeks.

Federal property in this area is leased to the State of North Carolina and is managed by the North Carolina Wildlife Resources Commission (NCWRC) as game lands. Game lands are open to public hunting and fishing by licensed individuals in accordance with all NCWRC fishing, hunting, and trapping regulations.

On residential buildings adjacent to Federal property we request that the residents be notified of activities that may occur on game lands such as hunting, forest management activities, and other recreational activities. One suggestion is to post signs adjacent to the game lands that notify potential occupants that hunting is allowed on game lands. Another way to protect the natural area and permanent wildlife lands is through the use of buffers.

Typically when development occurs adjacent to natural areas and permanent wildlife management lands we recommend that a buffer of at least 100 feet of undisturbed vegetation be left along the boundary whenever possible. Buffers provide aesthetic benefits to adjacent private landowners and screen their property from changes on public lands that may result from forestry practices such as prescribed burns or timber harvests, and from public recreational activities. Additionally, buffers increase safety for landowners adjacent to public hunting areas as well as help protect water quality and minimize runoff from adjacent properties.

The waters of Jordan Lake and surrounding Federal Lands are managed for public drinking water supply, fish and wildlife habitat, natural resource based public recreation, and flood storage. Development of adjacent property can adversely impact these project purposes by decreasing the minimum flow from any streams on the property, increasing the volume or rate of storm water discharge from the property, increasing the sediment or nutrient loads leaving the property, and adversely impacting wetlands. Again, we recommend that a 100-foot buffer of undisturbed vegetation be left adjacent to the boundary to help protect water quality. Other steps should also be taken to avoid adverse water quality impacts including the incorporation of storm water retention/detention structures into storm water planning and by avoiding or minimizing impacts to wetland areas on the property.

We appreciate the opportunity to comment on this proposed development adjacent to public lands. If we can provide any additional information, please contact Francis Ferrell at the Jordan Lake Visitor Assistance Center (919) 542-4501 extension 28.

Sincerely,

BANAITIS.CAROL.M.1230402937

Digitally signed by BANAITIS.CAROL.M.1230402937
DN: c=US, o=U.S. Government, ou=DoD, ou=PKI, ou=USA, cn=BANAITIS.CAROL.M.1230402937
Date: 2013.07.18 14:47:02 -04'00'

Carol M. Banaitis, R.F.
Operations Project Manager

Blanche J. Hamlet – Pittsboro sent the following written comments:

Dear Mayor and Board Members,

My name is Blanche Hamlet. I have lived in Pittsboro since 1930.

My family has been involved in the community as my father, husband, and brother all served as Mayor.

I cannot be at the public hearing so I am writing you this letter in support of Chatham Park because we need the jobs.

Amanda and Tony Robertson submitted the following written comments:

Dear Mr. Bass,

I received a letter informing my husband and I of a town meeting regarding a development project that has been submitted by Preston Development for property that is adjacent to our property in Prince Creek. I attended this meeting last night with several of my neighbors. I had hoped to learn more details about this development project. Instead, it quickly became apparent that several meetings had already taken place where Preston Development has presented their project plans. The meeting last night was simply affording the public a forum to share concerns about this development.

I regret that my husband and I were not informed about the earlier meetings held by Preston for the community. As I stated, my husband and I own a home in Prince Creek, and our property is adjacent to this development property on two sides. We purchased our home on 11 acres just over two years ago.

I have gone to the town website, and also to Preston's site, to view maps and further details about roads and specific information on development that is planned around our property. I cannot find maps or specifics regarding plans for the property adjacent to ours, and there are also several bad links to information on this project on the town's website.

I know that several of my neighbors, also in attendance at last night’s meeting, had also not previously known about these earlier meetings.

I'd like to understand why we would receive a formal notice from the town in the U.S. mail about an opportunity to share concerns with town commissioners about this project, but would not be similarly informed about earlier meetings where Preston would share their plans? How could we be expected to form an opinion on the matter, positive or negative, without also having the opportunity to learn the specifics about the project? I spoke with one neighbor who did attend a previous meeting and he said he saw information on the "Chatham Chat".

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Apparently, a website where citizens share information and opinions with each other. My husband and I do not feel the "Chatham Chat" is a sufficient way to inform the Pittsboro community about development that will directly impact the value of our property.

I formally request that a meeting be held to inform residents, particularly those adjacent to this "proposed" development project, of the specifics of the project and that we be given an opportunity to ask questions of the developers and city leaders before moving forward.

Thank you for your consideration.

Sincerely,

Amanda and Tony Robertson
244 Prince Creek
Pittsboro, NC 27312
919/542-3525

Barbara Lorie submitted:

I also deeply concerned about the waste that is incurred with any type of building. We all know the waste stream is overtaxed with detritus from building materials unused. Preston has made no mention of what they plan to do with building material waste once construction begins.

Also, what does Preston intend to do with all waste once their entire project is finished. Our county cannot begin to handle the waste from something so vast. We are at odds now with just the 56,000 population that live in Chatham now? Barbara Lorie

Liz Cullington submitted:

Supplemental comments on Chatham Park rezoning
Liz Cullington, 390 Rocky Hills Road, Pittsboro 27312 ETJ resident

1. Timeline for approval

At the 6/24/13 hearing Mr. Culpepper stated "The clock is ticking." However, Section 10.4.3 of the PZO which also applies to PDD rezoning, states that "The Board of Commissioners is not required to take final action on a proposed amendment within any specific period of time…." and the Board is mandated to consider the impact on the public at large and not advantages or disadvantages to the applicant. The applicant can't complain about costs as they've been sitting on the land for years. Most importantly however, that pressure on the Town and Planning boards for such a massive development shouldn't become a ticking clock until the application is complete.

Mr. Culpepper also claimed that the rezoning and the Master Plan were different issues, but the PZO states "The PDD and the PDD Master Plan shall be treated as a single item when acted on by the Board of Commissioners." (PZO 5.8.3 p. 95)

2. Incomplete application

The Pittsboro Zoning Ordinance (PZO) at 5.8.3 (p.95) lays out the elements of a PDD rezoning submission via a Master Plan. Many crucial required elements are lacking in the submission.

a) The PZO requires a "plan for development phasing within the PDD" (PZO 5.8.3(16), and also 5.8.5 The developers have a route for the flexibility they are asking for in the ordinance, for both major and minor changes.

b) The "general plan addressing stormwater" required by PZO 5.8.3(9) is just a vague description, claim for exemption from standards and the watershed restrictions, and no map (re-use water map is not for stormwater but for treated wastewater).

c) There is no boundary buffer plan as required by PZO 5.8.3(14) "showing transition treatments between the proposed PDD and adjacent properties" other than statements in the plan to the effect that buffers will be minimal or not provided, nor will setbacks.

d) The Chatham Park Master Plan doesn't fulfill 5.8.3.(13). While several public parks and a conservation area are identified, all are at the outermost edges, and one is essentially separate, but the remaining vast areas within both halves of the lobster shaped PDD have zero recreation area identified. The PZO requires that recreation areas inside the PDD be provided and their locations identified. The plan also lacks standards for these open spaces as required by the PZO. These areas are to include both active and passive uses (PZO 5.8.7.A)

e) The "summary of gross density" of proposed uses required by PZO 5.8.3(5) (also Note 11. p.33) is missing and has to be calculated using what information has been provided. I am submitting tables to indicate the relatively high and very high densities that are proposed for the residential areas. See pages 7 and 8 of this submission.
(The applicant has reserved 10% of the residential acreage for non-residential land uses, which I deducted, but the ordinance allots 10% to roads and infrastructure and I used a smaller adjustment.)

3. Proposal fails to meet the requirements for a Planned Development District (PDD)

The total acreage of the PDD submission is not a single discrete unit and in a number of aspects fail to meet the goals and requirements for a PDD rezoning in the Pittsboro ordinance.

a) Planning area 7.1 north of the bypass is not contiguous with the rest of the development, area 5.3 north of Thompson Street is totally separate. The remainder of the proposed PDD areas don't comprise a single integrated planning unit. Of the whole requested allocation for dwelling units by area, barely a third are in the northern half, with

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about two thirds in the southern half.

b) The Chatham Park Master Plan (CPMP) does not meet the requirements of 5.8.8.B for "Perimeter Boundary Transitions" as "dissimilar land uses" are proposed with no transitional uses or guaranteed significant buffers.

c) Where is the quality urban design the PDD district was created for, and which the developers have hinted at they would provide? The land use map indicates a number of scattered activity sites that appear to be shopping centers, not little faux village centers with small stores, park or square, and residential units. These A through E areas have zero residential units assigned.

d) The PDD zoning is also supposed to allow higher densities but only "when such increases are supported by superior design or the provision of additional amenities." The Plan not only doesn't have standards, it specifically says there will be none, and there are no amenities featured. The ordinance lays out the requirement for overall PDD development standards at note 15 p. 79. The ordinance has no provision for a PDD with no standards.

e) The PDD zoning was designed for projects that couldn't be developed under other zoning categories (p.16) , however, many areas of the PDD appear to have uses compatible with other zoning categories, MUPD, Office/Institutional, Light Industrial, Neighborhood or Highway Commercial or the higher density Residential zoning.

4. Density, watersheds, underlying zoning

a) Chatham Park wants to replace lot coverage limits with an overall build/paved over 70%, which means large areas of the project could be 100% impermeable, regardless of the underlying watershed district (according to the many exemptions they have claimed). Extending the "only 70%" to the entire assemblage of discrete tracts is no protection at all.

b) In fact it's hard to see how even that could be achieved since only 667 acres of open space is identified in the plan (a mere 9.3%*), with the remainder densely developed. That open space is less when the 10% acreage of non-residential uses is considered.

c) Many areas have such high density of development it's hard to see where the rest of the impermeable area is to come from, as it would require 2,130 acres even if 70% overall is to be permitted. (See my calculated density tables, pp. 7-8 here.)

d) Scaling up any percentage of coverage limits from lot size to a development or even part of a development doesn't have the same effect on how water behaves because the water molecules don't conveniently scale up in parallel. Lot limits assume a lot is all within the same drainage.

e) Even residential areas closest to the Haw and Jordan Lake have extraordinarily high

density compared to their current zoning. (See Cullington submitted density tables) There is no one acre lots anywhere in the PDD, let alone larger ones, not even any half acre lots. Not far from the lake is an "Activity (Commercial?) Center" with a surrounding high density area with 8.91 homes per acre.

f) Whatever lower limits and changes the Town requires in the Master Plan must also address whether such limits apply to the section being developed. It is pretty clear that many of the proposed areas would have a higher than 70% built upon area and are not surrounded by adjacent less built/paved over area of the PDD, such as 7.1, and all of the 4, 5 and 6 areas.

g) As currently written, p.32 of the plan exempts Chatham Park from the requirement that "No main building and permitted accessory building shall occupy more than forty (40%) of the lot area in any zoning district, with the exception of the C-4 district." (PZO Section 3.2 p. 8).

h) That 70% maximum coverage for the entire PDD would replace not only other zoning densities, but also the overlay watershed district density if the language on CPMP p. 32 is approved.

i) Regardless of claiming exemption from the watershed overlay district, the developers still want to claim "The High Density Option" for the entire development, though without meeting its requirements. That option is not available for the critical area of the watershed (WSIV-CA). In the WSIV-PA area high density development still has to conform to overall underlying (low) density restrictions. As Ms. Deininger stated at the 6/24/13 hearing, allowed density for new developments also depends on existing development and lot coverage. The watershed districts apply coverage limits at the lot level, not at the overall PDD level nor at the planning area level.

j) Excess lot coverage within the PDD that is also within the watershed overlay districts could thus deprive other property owners of their ability to build or expand.

5. Weak buffers from water and none from neighboring properties

a) Stream buffer provisions in the CPMP don't ensure that the minimal stream buffers identified will be the area that is not disturbed by construction, but merely the area that is not build or paved over. (Developers have stated that some greenways may be paved where they substitute for sidewalks.)

b) Greenways identified are minimal for the massive acreage. There isn't a single greenway in the entire northern half. Some greenways in the southern half appear to parallel streams identified on the water bodies map for part (or even most) of their length.

c) The plan proposes either distance buffers or planted screening where dissimilar uses are proposed next to adjoining property owners, not both, with no minimum standard, but

only considers distance from any building on the adjacent property, not distance from the property line (CPMP p.10).This is particularly of concern where very tall buildings (no height limit!) could be constructed in Mixed Use, R&D, or Res-Mixed Use areas. With no setbacks these buildings could block light (and destroy privacy) in established residential neighborhoods (and areas zoned residential). There is no mention of buffering by distance or vegetation or both for particular uses that would spill light pollution, noise, or dust/ fumes etc. onto neighboring properties.

6. Serious stormwater problems

a) The Master Plan doesn't commit Chatham Park to current "Best Management Practices" regarding stormwater control, systems and treatment, since the plan says these will be "subject to and/or utilizing variances and/or lesser standards and/or offset payments that may be granted, adopted or accepted by the Town or other applicable governmental entity…" (CPMP p.17).

b) As noted in my oral comments, the Plan exempts Chatham Park for standards of design for stormwater systems, and the use of retention ponds.

c) Under the plan and its claimed exemptions, "regional stormwater systems" would have to be in place before development, but complete stormwater systems wouldn't have to be completed until lots are sold (or "ownership is transferred"). (CPMP p. 19)

d) The repair and maintenance fund for stormwater systems held by the Property Owners Association need not be funded up to 15% until 5 years after the first certificate of occupancy is issued. The developers should be required to fully fund for each section and be rebated as dues accrue.

e) If stormwater only has to be designed to "control and treat" 1" of rainfall there will most certainly be flooding and excess runoff from and within the PDD.

7. Transportation

a) Access to and from the development depends on road construction, widening or extension including some on the Town's (TIP) plan but many more not even on the drawing board, but all of which appear to be not yet funded. In addition, potentially affected landowners and residents may be totally unaware of these impacts of the development.

b) However, the Pittsboro Zoning Ordinance appears to expect that interconnectivity and access be provided by the developers, not the taxpayers: "In general, the proposed development shall provide for connectivity of land uses through a network of roadway improvements and pedestrian sidewalks and/or trails and/or bicycle facilities." It does not say someone else has to do that from the outside. Usually owners of landlocked properties have to purchase easements from willing sellers, not have their friends at DOT condemn the land for it, and the taxpayers to pay for it. One reason is that a PDD is designed to be

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a more contiguous and coherent area than Chatham Park.

c) There is no commitment for sidewalks except along "public streets" (p.24) which raises the question of whether some interior roads in the residential areas are to be both private roads and lacking sidewalks.

8. Drinking water/sewage capacity

a) The plan states that "utility infrastructure shall not be required before it is needed to service property subject to the PDD master plan" but advance planning and funding for treatment capacity (and major distribution lines) surely is. The plan only identifies average demand at build out, not peaking demand.

b) Because currently the plan only anticipates reuse water from wastewater in nonresidential construction, the excess over re-use would be greatest from early residential construction, which is why the phasing of the project and the lack of committed timeline in the plan is such a critical deficiency.

c) The developers aren't even committing to pay for construction and maintenance of the reuse water system (CPMP p.17)

9. Additional open space and parks deficiencies

a) Public park areas identified in the Plan can have 10% of their acreage for nonresidential use (way more than required for parking lots etc.).

b) The language in the plan regarding the allocation of open space states "The total amount of land area provided for park/open space shall be based upon the number of actual building permits for all residential dwelling units." (CPMP p. 28) The town has to insist on this language being changed. Firstly, replace the word "all" with "each" as we cannot depend on all 22,000 units being constructed and cannot wait up to 30 years for the developers to set aside some land that won't be paved or built over.

c) The plan suggests payment in lieu of open space or parks, but this provision was not designed for such a large project that would be expected to use open space as part of it's marketing appeal, rather for extremely small housing developments.

d) The plan allots up to 10% of park acreage for non-residential uses, not just to allow parking lots, swimming pools and athletic fields, but also fire/EMS stations and even a library. (See CPMP Land Use Summary Table, and the CPMP Table of Permitted Uses)

e) The plan proposes that private recreational facilities count toward open space, but don't specify whether or how much vegetated, or paved, or that it be open air.

f) The plan on p.31 suggests that maintenance of such open space may be handed over to the Town but if this is desired it should not occur until there is adequate road access for

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maintenance and supervision, for access by the public, access for fire, police and EMS vehicles, and assurance that increased revenues will cover costs. If greenways or parks are deeded to the Town that acreage would be removed from all tax base. Much of the southern part of the PDD is outside the Town tax base and not presently liable to Town taxes.

g) All the public parks identified are too remote to be considered town facilities for town residents. Unfortunately those areas closest to central Pittsboro appear the least likely to have even a pocket park but that remains to be seen in more detailed plans.

10. Other problems in the details

a) In the permitted land uses table for Chatham Park. quarries "and other extractive industries" are permitted in every single planning area, and type of area, even public parks and the stinking creek conservation area, with the exception of the three residential areas (Residential-East classification) closest to the Haw or Jordan Lake. (And, in spite of the developer's claims that "fracking won't be allowed, this extraordinary permitted use "by right" is going to make that feeble promise worse than useless.)

b) Although there is no requirement to submit a power supply plan, the power needs of the scattered areas of the proposed PDD would require some additional power lines, some of which could require either condemnation or forced easements on property owners outside the PDD. Since power supply has to come from existing infrastructure, and also be looped, only neighborhood distribution lines would possibly parallel existing or proposed roads (whether internal or external).

c) The plan on p. 22 suggests some of the new required schools could be built within the PDD but is not committing to donate land (unlike what other Chatham developments have proposed or done). Equal important, however, is the fact that school sitting within a development is a marketing plus for developers, and ensures that future school districts could give that development's residents priority in attending those schools.

d) There seems little difference between the "Residential-Mixed Use" and "Residential" areas, since both can have up to 10% of their acreage in non-residential use. However Residential-Mixed Use areas can have a broader range of business and other uses, and appear designed for rental apartments, condos and dense townhouses, as do the "Parkway" areas.

e) Walkability: The developers have made a point of some sort of medical center in Planning Area 7.1, and how people working there could walk to work. However there's no guarantee from the developers that any housing there could be affordable for lower paid workers, and there is no housing provided for better paid employees who would prefer and could afford a family home with a yard. Much of the residential area in the southern portion is too remote for walking to anywhere, although biking might be very possible. Work in the scattered commercial sites in the southern area is unlikely to pay enough to support purchase of a new home.

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TABLE 1. PLANNING AREAS DENSITY, CHATHAM PARK

RESIDENTIAL

Area	Dwelling Units	Gross Max Density units acre* per acre*	Lot size Max acres Non-res
1.1	1575	4.45	0.2
1.2	1565	4.45	0.2
1.3	275	2.23	0.4
1.4	670	8.86	0.1
2.1	1780	3.33	0.2+
2.3	570	2.79	0.3
2.4	1675	8.89	0.1
3.1	820	2.77	0.3
3.3	750	4.46	0.2
3.4	1280	2.6	0.3
3.5	530	2.78	0.3
3.6	820	8.91	0.1
3.7	630	2.79	0.3
4.4	2815	11.2	0.07

RESIDENTIAL MIXED USE

4.2	1315	11.1	0.09
5.1	2985	11.13	0.08
6.2	1475	8.34	0.1

** Gross Max Density calculated by taking total acreage less the maximum of 10% acreage for non-residential use, divided by maximum Dwelling Units (DUs). The gross maximum density implies an overstated lot size because that acreage would also have to include acreage for internal roads, ROW including sidewalks if any, stream buffers, and easements for any and all sewer lines, wastewater reuse lines, and any higher voltage power lines.*

TABLE 2. GROSS SQUARE FOOTAGE IN WALMARTS* (Non-Res areas)

Area	Type	GSF as Walmart
3.2	R&D	3.2
4.1	R&D	39.7
4.3	R&D	39
5.2	R&D	10
5.3	R&D	72
6.1	R&D	17.5
7.1	Mixed Use	26

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"Activity Centers"**

A	13.5
B	10
C	8
D	3
E	3

**North Chatham Walmart is 148,400 square feet*
*** Use not stated but appears likely to be commercial*

Citations for Oral Comments at Chatham Park rezoning hearing 6/24/13
Liz Cullington 390 Rocky Hills Road, Pittsboro 27312 ETJ Resident

_____
Abbreviated references: Chatham Park Master Plan (CPMP) Pittsboro Zoning Ordinance (PZO)

1) **Timeline/Phasing**: Huge scale up requires a timeline, PDD appears to require timeline because changes require approval (5.8.10), and the zoning ordinance at 5.8.3(16) specifically requires that the Master Plan include "a plan for development phasing within the PDD."

2) Numerous references in the Chatham Park Master Plan effectively removing compliance with **overlay district watershed** requirements. CPMP p.32 at #5 & 6. On the same page references to amending Sections 4, 5 and 6, Section 5 includes the watershed overlay districts.

3) Master Plan exempts Chatham Park from the density, setbacks, building height etc. limits in the town's **major highway corridors** rules (CPMP p. 32, Section VII at (8).

4) Claim for high density option p. 32 CPMP, re 5.5.10 of PZO (p.82)

5) **Avoiding retention ponds etc**. Automatic approval by their terms under 5.5.10 of PZO without meeting its requirements; one of those requirements is compliance with 5.5.11 (PZO pp.83-84) regarding stormwater structure and system construction including retention ponds.

John M. Alderman submitted:

Dear Ms. Lloyd:

During the past 30 years, I have worked in the public and private sector as an environmental scientist. Currently, my work area extends over the eastern half of the United States. My clients include some of the largest utility companies in America, US Fish and Wildlife Service, US

Forest Service, various state wildlife agencies, NCDOT, SCDOT, universities, local governments, conservation organizations, and numerous others.

I have only one recommendation for Pittsboro concerning the proposed Chatham Park Development: If completed as planned, this development will permanently and significantly alter Pittsboro, its ETJ, Jordan Lake, and other areas within Chatham County. There will be numerous direct, indirect, and cumulative impacts from the proposed development.

Pittsboro needs to hire independent environmental scientists to 1) critically review all development related documents, 2) provide a report listing all instances within the documents needing additional explanations, justifications, and references, and 3) provide recommendations for the documents to better address direct, indirect, and cumulative impacts.

If Pittsboro follows this recommendation, to ensure no conflict of interest, I will not be involved in the environmental scientist review process.

Sincerely,

John M. Alderman, President
Alderman Environmental Services, Inc.
244 Redgate Road
Pittsboro, NC 27312
919-542-5331 (O)
919-444-9576 (M)

Steve Carr submitted:

7/19/2013

Hello Good Commissioners and Mayor

I am writing in regards to the proposed designation of Chatham Park as a PDD.
While this makes sense in that it may be very difficult for any development of this size to proceed without granted freedom from zoning restrictions it does bring up the question of what the town will receive from this bargain and how it will affect the existing commercial well being of 'Old Pittsboro'.

Also there are questions of fairness and commercial advantage this acquiescence will grant Chatham Park over existing property and any new development outside of their zone. As a local developer, business owner, and resident I would like to see a fair reciprocal commitment from Chatham Park to the town and its existing commerce.

Chatham Park should buy the town downtown land for a parking garage and pay to have it built with the proceeds from parking going to the town. Like the municipal parking garages you see in Chapel Hill and Ashville (those come to mind).

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Also it would be nice for some type of fees that could go into a general town fund for landscaping and beautification of all existing commercial areas. (sidewalks, lighting, plants, mini gardens, etc.- thus making our existing commercial areas more attractive)

Zero setback and the provision for Chatham Park, in time, to deviate from the current zoning parking requirements we must meet will be significant advantages.

For example I have a building in a C-2 zone and recently wanted to expand it by 1200 sq feet for a small bicycle shop. I could not act on this due to parking requirements. It may be worth reevaluating all existing commercial zonings and adopting flexibility within the parking requirements to give existing commercial property an equal chance. I do not mean have no oversight or expectation of quality development but a very clear zoning double standard will be a tough burden and demoralizing to the commercial pioneers whom you currently represent. I realize this may not be technically a zoning double standard but it will effectively be one if Chatham Park can hand out C-4 zoning at will (no parking requirement and zero setback).

I am not opposed to Chatham Park being granted PDD status if we ensure there is fairness to the existing town and we receive a great deal from them. We are in the driver's seat as they have bought the land and need us (the town) to grant them access to develop it. Please be cautious, smart, and do not be afraid to ask for a good deal.

Best and thanks
Steve Carr

433 W Salisbury St
23 Rectory St
89 Hillsboro St
The City Tap, Carr Amplifiers, General Boy Real Estate

Tracy Lynn submitted:

Dear Mr. Bass,
I am writing you today as concerned citizen. The Commissioners are being asked to approve a joint document (Monday) for the Chatham Park rezoning that includes the Master Plan and PDD. The documents that were made available to the public in May did not disclose a process for public review and to date, only one public input session has taken place. The Planning Board refused to accept public comments at their last meeting and has recommended that the rezoning be passed up to the Commissioners to vote on. Updated comments from that board, or from the Planning Department, have not been published to my knowledge.

The documents (Master Plan and PDD) fail to include a number of important measures that protect Pittsboro's best interests. If the Commissioners approve this document, they are committing to a vague understanding of the impacts that the new development will impose upon our community. One issue is that of affordable housing. I understand that a Development Agreement will outline how that might be phased in, but the Master Plan and PDD make

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absolutely no mention of it, thereby absolving Chatham Park from implementing housing that meets our current and future demand for it.

Inclusionary zoning is practically illegal. The Master Plan and PDD *must* address this important issue. If we do not make demands for all levels of workforce, middle, and low income affordable housing in the new Pittsboro ETJ, we are doing a disservice to the community, and our future. I ask that the Town slow the process down and consider hiring an outside consultant who can help us establish procedures for input that is fair and reasonable, without preventing Chatham Park from moving forward with some of their projects.

A task force of experienced professionals in the housing and services industry has assembled to review Development Agreement language specific to affordable housing and has consulted with the UNC School of Government on these issues. We would enjoy the opportunity to support the Planning Department in a way that you deem fit, so that we may all engage in the discussion about the critical need for housing as the Town of Pittsboro grows, exponentially.

Housing must be clearly described in the Master Plan/PDD with specifics outlined in the Development Agreement. Thank you for your attention to this very critical matter.

Sincerely,
Tracy Lynn
57 Thelma Sugg Lane
Pittsboro, NC 27312
919-533-6704
tracylynnconsulting@nc.rr.com

Gary Simpson submitted:

Greetings,

I will be out of town and unable to attend the public hearing on Chatham Park. However, I ask the Commissioners and Mayor to refrain from voting on the rezoning request until Pittsboro has both (a) much more specific information concerning the project and (b) a thorough environmental analysis preferably conducted by Pittsboro and financed by Chatham Park Investors.

Thank you,
Gary Simpson
82 Cynthia Lane
Pittsboro, NC 27312

Bob McConnaughey submitted:

Dear Ms Lloyd:

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This graph compares estimated impervious surface areas in 20 major US cities. It's the same graph in two different graphic formats as I don't know which one the software you use is "happiest" with.

Thanks in advance,
Bob McConnaughey
129 Small St. North,
Pittsboro, NC 27312

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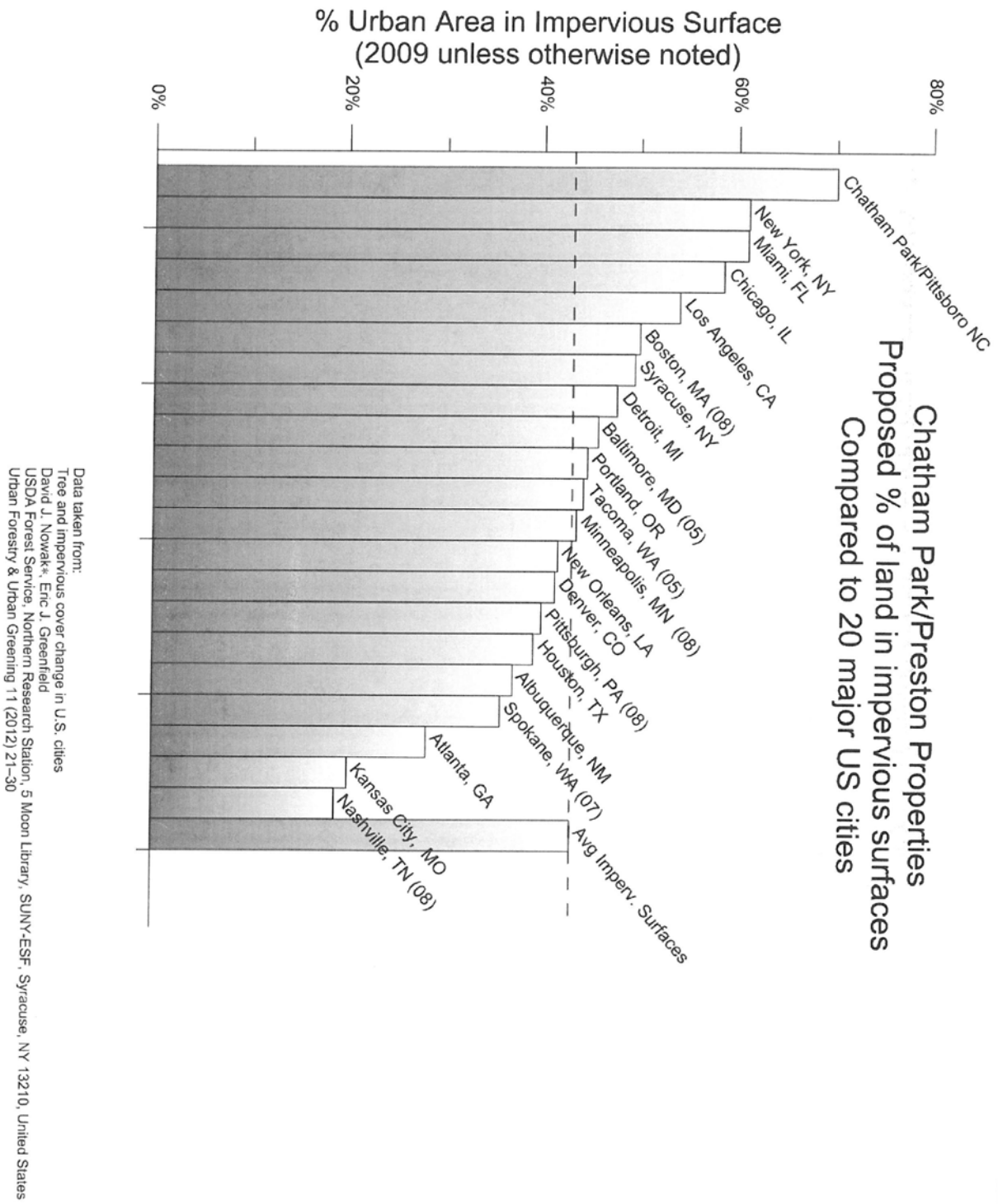
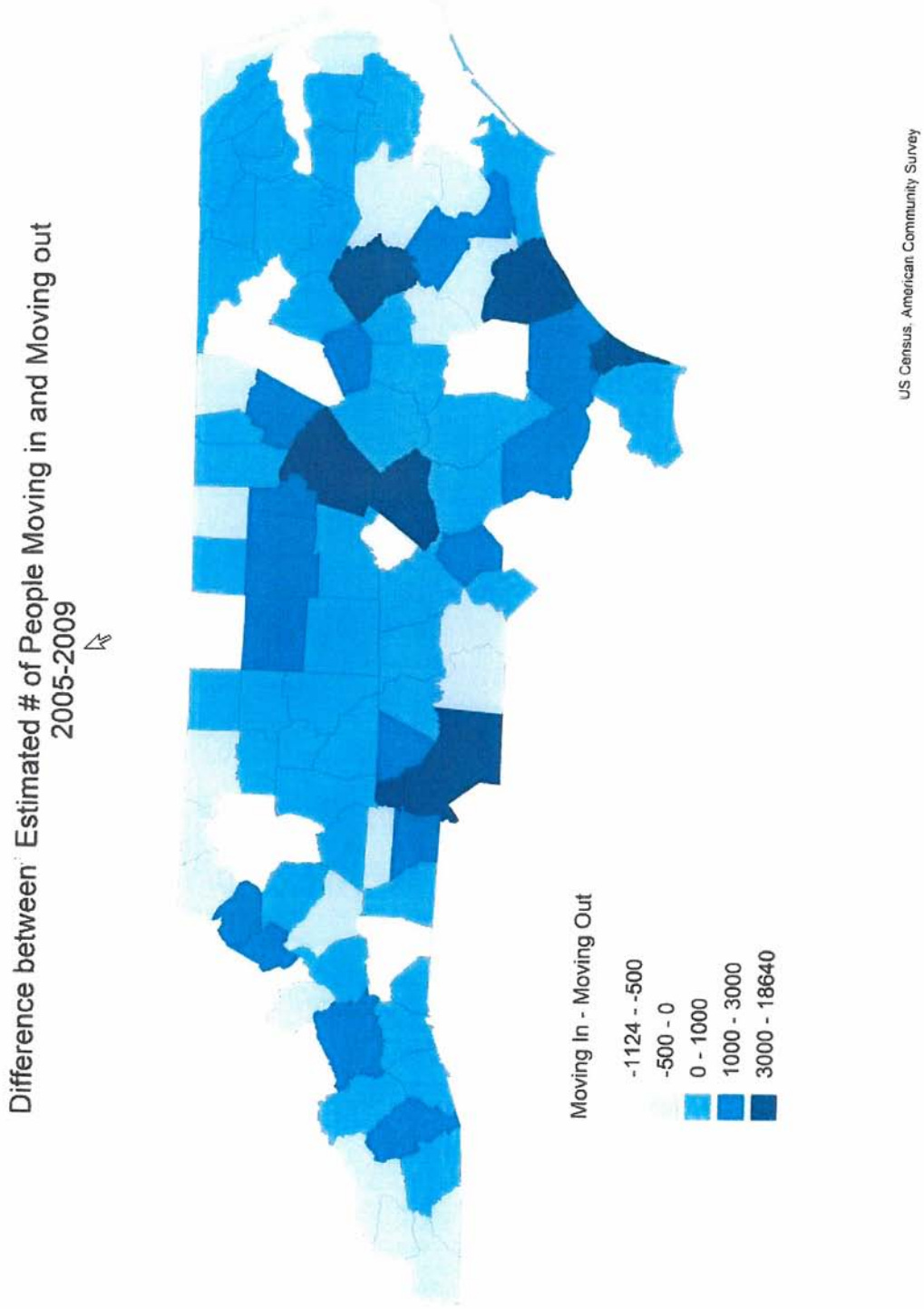
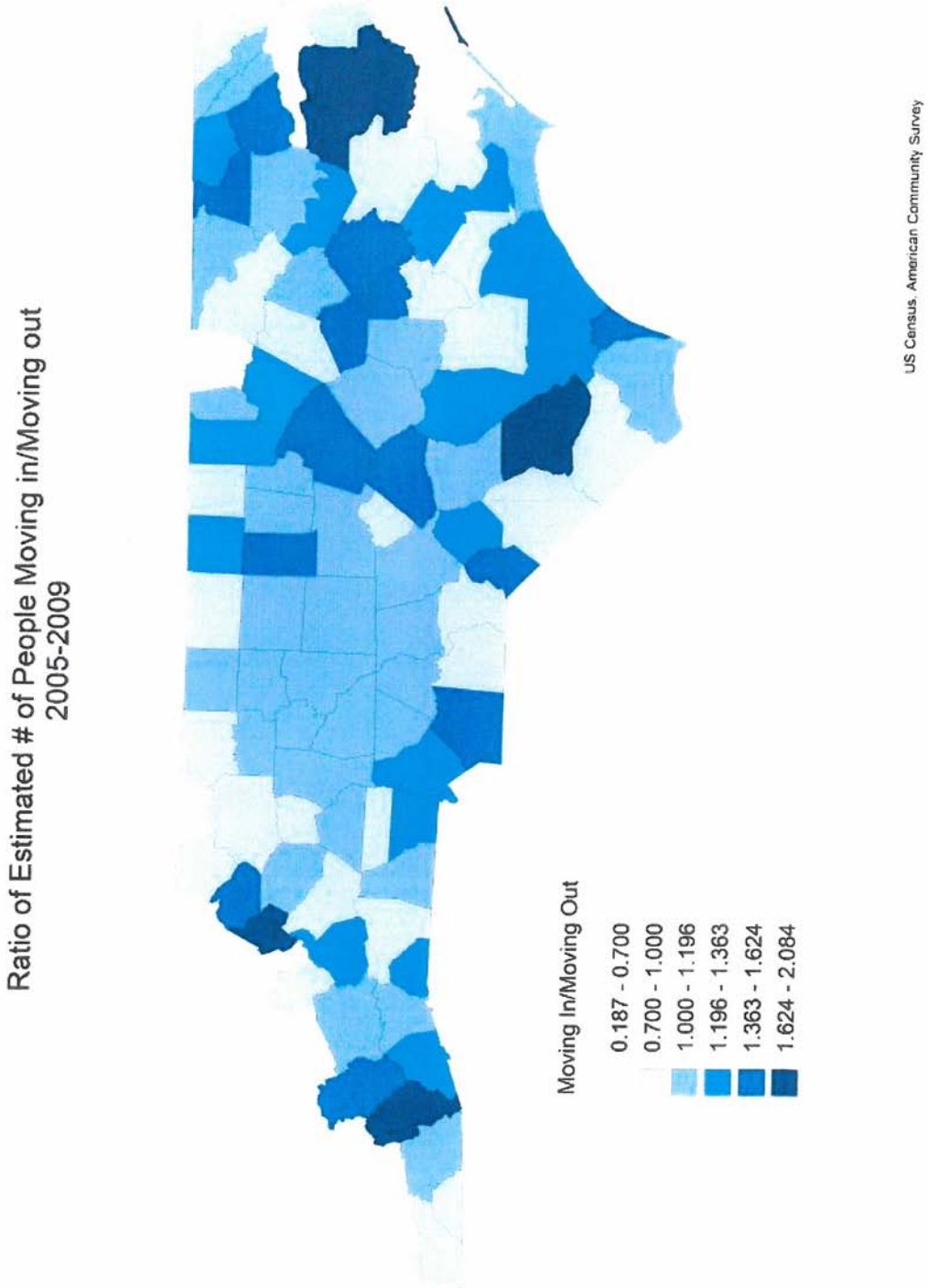


A couple more graphics… in this case maps showing net migration streams in and out of NC counties between 2005-2009.


Difference between Estimated # of People Moving in and Moving out
2005-2009
Moving In - Moving Out
-1124 - -500
-500 - 0
0 - 1000
1000 - 3000
3000 - 18640
US Census, American Community Survey



Pittsboro Parks and Recreation Advisory Board submitted:

The Pittsboro Parks and Recreation Advisory Board has reviewed the Parks Section of the proposed Chatham Park Master Plan and ask that the Town Commissioners, Mayor, and staff consider the following recommendations:

- We feel as though greenways are infrastructure associated with the multi-modal transportation system described within the document. As such, major greenways and side paths need to be funded like roads, via the developer, not through recreation fee in lieu funds as currently proposed.
- As proposed, "*In cases where the greenways parallel a public street right-of-way, the greenway may be constructed within the public street right-of-way as a multi-use trail in place of a sidewalk.*" We applaud this, but since there would already be a requirement to build the sidewalks, we don't feel as though recreation fee in lieu funds should be used to fund these paths.
- Private recreation facilities should not be used to satisfy public park requirements. A private pool, for instance, not open to the general public, wouldn't serve the recreational needs of the public at large. Funds used to develop these facilities should not count toward meeting Town recreational requirements. Perhaps the land area for these facilities could be counted toward meeting recreation requirements, in part or in whole, at the discretion of the Town.
- All proposed park or recreation areas would need to be approved by the Town and meet the suitability requirements of the current subdivision ordinance, or an alternative agreed upon standard.
- NCDOT's Complete Streets Design Guide Manual, not just Complete Streets referenced as a broad concept, should be the minimal standard throughout the entire development.

We know that it is the desire of the Town and developers to have the highest quality community. We appreciate the heavy emphasis given to parks and greenways in the public presentations at the Chatham Mill provided by the developers and their consultants. We feel that this emphasis is reflective of the important role that parks and recreational opportunities play in creating communities of exceptional quality. The Pittsboro Parks and Recreation Advisory Board believe that these recommendations will enhance both the development and the Town of Pittsboro. Thank you for your consideration.

Miriam Pollard – 58 Johnston Street, Pittsboro. Ms. Pollard said the Village of Cooperstown remains with the character and charm of times past. There are no national chains or franchises in the town and all the locally owned restaurants, shops and accommodations are dedicated to the comfort of the local town and the traveling public. Ms. Pollard proposed that this be what people say about Pittsboro 100 years from now.

Ms. Pollard said she is not opposed to Chatham Park and she is not opposed to growth. However, she would like to know who will control the growth. She knows there is a void of several thousand jobs here and that Chatham Park will be a temporary Prom Queen.

Ms. Pollard said many of her friends in construction have been out bided by people that don't have papers to work in this country and she is not disparaging anyone but she would propose that there is 40% set aside for people that are from the town (that have a residence here).

Ms. Pollard stated local residents have been recently disenfranchised by the commercial chains. (Walmart, Lowes) She would like to restrict the location of nation's chains in a percent for the next 50 years.

Ms. Pollard asked that they look at the big box studies.

Ms. Pollard said when she goes to Cary she doesn't know where downtown is. She remembers when she knew where downtown Cary was. She always wants to know where downtown is and she is afraid if we don't have some really committed folk looking at Chatham Park you can etch out the downtown.

Ms. Pollard said she remembers when we had Halls Dept. Store, Baldwin-Stout, a drug store, etc. in downtown. She said she doesn't want to watch downtown die again so when she is 100 years old she wants to read the Village of Pittsboro retained its character and charm of time past, there are no national chains or franchises in Pittsboro and all the local owned restaurants and shops accommodates its town and the traveling public.

David Scott – 501 Eddie Perry Road, Pittsboro. Mr. Scott read the following comments on behalf of Chatham Habitat for Humanity.

Mayor and Board of Commissioners. As advocates for and builders of affordable housing in Chatham County. Chatham Habitat for Humanity believes that Chatham Park represents a unique opportunity to further address the issue of affordable housing in the Pittsboro area.

Given that the Master Plan submitted by the developer is the legal basis for the PDD rezoning request we are surprised and disappointed that it makes no mention of affordable housing.

With the tremendous size of this project and the anticipated thirty year build out, a Chatham Park development without significant affordable housing would be a tremendous blow to the future of affordable housing in Chatham County. In addition, Chatham Park is certain to drive up property values in the eastern half of the county and thus will lower the availability of affordable housing in the Pittsboro area.

We strongly support the mixed use aspect of Chatham Park that will bring new jobs to the Pittsboro area. However, without affordable housing in the mix, it will only be the affluent newcomers who will benefit from shorter commuting times, while those in lower paying jobs would likely be commuting from western Chatham to jobs in Chatham Park.

Therefore we request the following:

1. That the Town of Pittsboro follows its Land Use Plan adopted in October 2012, specifically Section 5:9 which stresses the importance of affordable housing.

2. That the Town Board include a provision for affordable housing in Chatham Park as a condition of the PDD rezoning approval, and such provision be part of the subsequent Development Agreement.

3. Specifically, we ask that 15% of all living units, or their equivalent, in Chatham Park be affordable housing units, with one third of those units (5) designated for residents making under 50% of local median household income, and two thirds (10%) designated for residents making under 80% of local median household income. Other specifics can be worked out as part of the Development Agreement, and we believe there are creative ways to meet these goals, including public/private/non-profit partnerships. Our proposal is based on what other North Carolina municipalities have required of large developments in regards to affordable housing.

We appreciate the fact that the developer, or their representative, has stated that they are committed to developing a project where people can live close to where they work, and that the project will provide living spaces affordable to the people who have the jobs being created by the commercial and institutional sector of the project. We are asking that this assurance be made specific as part of the PDD rezoning approval and as part of the subsequent Development Agreement.

We thank the Pittsboro Town Board for their thoughtful attention to this very important matter.

Pierre Lauffer – 350 Moon Meadow Lane, Pittsboro. Mr. Lauffer made the following comments:

"Dear Board of Commissioners,

I am writing you as concerned citizen of Chatham County. The members of the Board of Commissioners are being asked to approve a joint document proposed by Chatham Park that includes the Master Plan and Planned Development District (PDD). The documents were made available to the public in mid-May and a process for public review has not been made clear. The Planning Board has not accepted public comments and has recommended, with very little discussion as to the technical viability of the Master Plan, that the rezoning be passed up to the Commissioners to vote on.

Really, it all comes down to a question of control. As stated many times during the board meetings, a PDD does provide for flexibility in deciding how a development may be created allowing for variances from the local zoning laws. That flexibility though should not rest totally in the hands of the developer who will benefit the most from not following local zoning laws. Currently, the Town of Pittsboro is at a "cross roads." Choose wrongly, the Town's administration will travel down a road toward losing control of their future and not ensuring sustained economic development.

The Master Plan fails to include a number of important measures that protect Pittsboro's best interests. If the Commissioners approve this document, they are committing to a vague understanding of the impacts that the new development will impose upon our community. In

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some cases they have totally ignored that what specifics they have presented in the Master Plan could result in huge impacts to the environment (such as proposing to locate a waste water treatment facility adjacent to Stinking Creek Easement). Some of the impacts that need to be addressed include:

- Town's Historical/Cultural Character
- Infrastructure Capacity
- Environmental
- Education
- Economic
- Affordable housing

The Master Plan and PDD *must* address these important issues. It is our region and if we do not make demands on how we want to develop the new Pittsboro ETJ, we are doing a disservice to the community, and our future.

There is an easy solution to this problem. I ask that the Town slow the process down for one year. The Town has budgeted for the development of a Unified Development Ordinance (UDO) in next year's budget. The UDO would provide the Town the framework for how the town wants to develop. The town's administration would possess the "ammo" necessary when discussing with Preston Development how to develop the PDD. Please note that there is nothing preventing Preston Development from breaking ground now- whether the Master Plan is agreed to or not. There is nothing driving them from going anywhere else to develop. The only thing that does take place in agreeing to the Master Plan NOW is that the Town of Pittsboro will be handing Preston Development the right to develop unhindered. When developing the Town's UDO please consider hiring an outside consultant who can help us establish procedures for input that is fair and reasonable, without preventing Chatham Park from moving forward with some of their projects.

I would enjoy the opportunity to present how we can move forward with the UDO to ensure that the Town of Pittsboro can remain in the driver seat when deciding its future. Please feel free contact me at any time."

Mr. Lauffer said he is afraid Chatham Park will turn Pittsboro into another Cary.

Susan Levy – 650 Two Mule Rd., Pittsboro:

To Mayor Voller and members of the Town of Pittsboro Board,

I am a resident of the Pittsboro ETJ and a former member of the Chatham County Affordable Housing Task Force. The members of the Task Force, of which Mayor Voller was a member, collectively spent many years working on the issue of affordable housing in Chatham County, and made formal recommendations to the County Commissioners to promote a range of affordable housing options for all who want to live here.

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I became aware in the past month of the potential adoption by the Town of rezoning and Master Plan of the 7,000 acre Chatham Park. When I reviewed the Master Plan, I was surprised to see that it contains no mention of affordable housing. It is my understanding that in adopting the rezoning, the Town will also be approving the Master Plan. I sincerely hope that the Town will not adopt a Master Plan for a 7,000 acre development that does not include an affordable housing requirement.

One of the main points that came out of the Affordable Housing Task force's work was the understanding of how difficult, if not impossible, it is to create affordable housing in much of the county. The lack of zoning and infrastructure in most of the county precludes the density required to realistically create new units of affordable housing: "Chatham County and its municipalities have limited zoning, subdivision and other land use regulation tools that provide flexibility and incentives for the private market to include affordable housing, mixed-use development, and integrated housing."

We now have the opportunity in Pittsboro and its ETJ for dense, mixed use development that will easily accommodate a range of affordable housing options. The developers have said that they want affordable housing because they will need workers for the UNC Health Care facility as well as other businesses, and ideally those workers will not have to commute long distances. Why then is there no mention of affordable housing in the Master Plan? I understand that there will be a development agreement that will address a range of issues in greater detail, but without any reference to an affordable housing requirement in the Master Plan, there appears to be no obligation for the developers to address or fulfill an affordable housing requirement.

I urge the Town Board to seize this opportunity to secure affordable housing for future generations of Pittsboro residents. The rush to pass the rezoning is certainly understandable from the perspective of the developer, but I question whether it is in the interest of the Town to move ahead so quickly with approval of a rezoning and Master Plan that will have such an enormous impact on all of us who call Pittsboro and Chatham County home. There is surely time to address the issue of affordable housing, as well as the issues raised by other speakers at the public hearing, before a vote is taken to approve the rezoning and Master Plan.

Please do not vote to rezone the 7,000 acres until affordable housing has been addressed in the Master Plan. A minimum requirement should be that 15% of all residential units in Chatham Park are affordable to people earning 80% of median or less, and that a third of those units are affordable to those who earn 50% of median or below.

Patricia Nettles – 370 E. Cornwallis Rd, Pittsboro. Ms. Nettles stated Chatham Habitat for Humanity has been instrumental in her having a home for her family. She said as a single parent with three children it has meant a lot for her family because she never thought she would be able to afford a home.

Ms. Nettles said she really supports Habitat for Humanity's request.

Sonny Keisler – 3006 River Fork Rd., Sanford.

Sonny Keisler stated because he spoke at the last public hearing he will keep his comments brief. Last time he highlighted the overriding importance of climate change and the failure of Chatham Park to address climate change.

The next night, President Obama made a major national address highlighting climate change as the defining problem of the 21st century and the need for local and state governments as well as the federal government to do everything possible to head off catastrophe. Just a few days earlier, James Hansen – the nation's foremost climate scientists – said unless we get off carbon fuels by 2030 – only 17 years from now … we will create a …" "different, practically uninhabitable planet".

So here in Chatham we need to do all we can to help stave off an uninhabitable Chatham County. As such, the Pittsboro Board of Commissioners should require Chatham Park to do all it can to combat climate change. Actions it could take include the following.

- Forest Cover: Because forests help cool the environment and are key elements in the hydrologic cycle, Chatham Park should be required to produce a master plan that maximizes forest protection. This probably will require more clustering and higher density development.
- Building Design: All buildings should incorporate maximum renewable and energy efficiency components including both active and passive solar design and maximum insulation.
- Environmental Impact Analysis: Chatham Park should be required to address climate change including the extent to which it will increase both local temperature and precipitation variability. In this regard, Chatham Park should be required to demonstrate that it will be carbon neutral and will have a zero carbon foot print.
- Transportation: Chatham Park should be required to provide charging stations for electric cars.

Summary: Chatham Park says in its 2012 promotional video … "Our philosophy is if it is worth doing, you do it right – otherwise just leave it alone". Given this, he thinks Pittsboro would be well advised to require Chatham Park to do it right and create a 21st century development that has a zero carbon foot print. Otherwise Pittsboro should tell Chatham Park to … just leave it alone.

Tim Keim – Chatham Forest, Pittsboro:

My name is Tim Keim. I am here representing the Friends of the Rocky River. Because Chatham Parks is within two miles of the Rocky River watershed, we can be sure it will have large indirect impacts on the Rocky River. For this reason, we raise these questions.

(1) We first ask is the demand for the mixed-use development proposed by Chatham Park as great as we are led to believe. In its 2012 promotion VIDEO, Chatham Park states … "the Research Triangle Park is down to its last few hundred acres … we do not see us as being in competition". However, in an email we received yesterday from the Research Triangle Park Vice President for Business Development, we are told "While I cannot speak for those representing Preston Development, I certainly believe that RTP

will remain an active, progressive and highly desired mixed-use/R&D global location for many, many years to come". Given the new RTP 50 year development plan we think the Pittsboro Board of Commissioners should closely examine the Chatham Park business plan … because the last thing we need in Chatham County is another failed development.

(2) **The second question concerns the preferences of Chatham residents living within five miles of Chatham Parks … perhaps 15,000 to 20,000 people.** We have been presented information describing Chatham Park as a mixed use, high tech community of 55,000 people resembling Silicon Valley and the Research Triangle. We ask, is this what Chatham area residents want. To answer this question, we think the Pittsboro Board of Commissioners should ask Chatham Park to finance a study conducted by Pittsboro that would ask residents within five miles of Chatham Park whether they approve of the proposal. Area resident preferences should determine what type of project is approved. After all, rezoning is not an entitlement.

(3) **The third question concerns the best use of the land Chatham Park describes as being "pristine".** We are sure Dr. Goodnight and Dr. Sall, both billionaires, could take their 7,656 acres and do what another mega-rich Cary resident has done. This latter person, operating under the corporate name of "130 of Chatham LLC" has purchased over 10,000 acres largely in the Rocky River watershed. He is managing his properties as conservation properties and has stated he will never develop his land. Dr. Goodnight and Dr. Sall could do the same and leave as their legacy a pristine forested area that served as a world class educational and recreational magnet and a forested area that - in our age of global warming – would help keep Pittsboro cooler and more livable. By contrast, the high-tech mixed-use Silicon Valley, RTP proposal will act as a heat island that will only make sure hotter and probably direr.

(4) **Our fourth question concerns the 2008 Southwest Shore Conservation Assessment prepared by the Triangle land Conservancy and the UNC Institute for the Environment.** The Chatham Park Master Plan largely ignores this study. We find this troubling because the Chatham Park promotional video with its aerial views highlights the pristine beauty of this land and implies this beauty will be available for people who will work and live on this land. As such, we ask the Pittsboro Board of Commissioners to require a first class assessment of all Chatham Park impacts on the socioeconomic and natural environment of the both site and greater Pittsboro with Chatham Park financing the study and Pittsboro undertaking the study.

(5) **Our fifth question is simply … why does Chatham Park repeatedly say in its 2012 promotional video … "this property is ready to develop right now"?** Even as we speak tonight 18 months later Pittsboro has not approved the rezoning request or the Master Plan. Does this mean Chatham Park views the Pittsboro Board of Commissioner as a rubber stamp?

(6) **Our six question concerns the ability of Pittsboro's small staff to adequately evaluate Chatham Park.** It seems obvious to most observers that Pittsboro needs to have far more resources if it hopes to do more than rubber stamp Chatham Park.

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(7) **Our seventh question asks does rezoning mean approval of the Master Plan.** If it does, then the rezoning should not be approved until a much more detailed and conservation oriented master plan is provided.

(8) **Our eighth question asks when Chatham Park will agree to have the entire area annexed by Pittsboro.** We think Chatham Park should be required to agree for the entire area to be annexed within a year or less after rezoning approval. This will help Pittsboro acquire the funds it will need to evaluate and monitor this massive project.

(9) **Our ninth question asks why has the projected population of Chatham Park increased from 20,000 when first proposed and then to 30,000 and now to 55,000?** Will the proposed population continue to increase to perhaps 100,000 people? We think the Pittsboro Board of Commissioners should look closely at this question because in the 21st century as global warming undermines our quality of life, population growth will mean more problems and less prosperity.

(10) **Our final question concerns the socioeconomic impacts of Chatham Park.** How many jobs will Chatham Park guarantee for existing area residents and what types of jobs will they be. How many lower income property owners living near Chatham Park will find themselves unable to pay their property taxes and then be forced to sell and leave the area? Who will pay for new fire stations and schools … existing residents or Chatham Park? Will Chatham Park mean downtown Pittsboro will become like downtown Siler City and evolve into a small town slum?

In summary, we think those of us who live in greater Pittsboro need to set the terms for rezoning of the pristine land that Chatham Park will destroy.

Thank you.

Kathleen Hundley – 136 Rocky Falls, Sanford read a prepared statement:

I am Kathleen Hundley at 136 Rocky Falls and I will modify the comments I made on June 24, which are on file. The following concerns are primary, not inclusive, of what are seen as vital considerations to be made prior to any approval granted.

The more the citizens of Chatham County learn about the proposal to rezone to accommodate Chatham Parks, the more there is to learn. Consequently, more time is needed to understand the ramifications of the changes that will take place in Chatham County as a whole when development of Chatham Parks is begun,. We ask for a hold on your vote to rezone for a period of 2 years, which is the amount of time asked for in the Chatham Parks Master Plan for finalizing their specific developmental plan. Contrary to the statement made in the Chatham Parks video distributed 18 months or so ago, at this point, neither Chatham Parks nor Chatham County is ready to proceed with the mammoth project.

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There has emerged a question about the law regarding what is included when rezoning is approved. Does approving the request to rezone include approving of the Master Plan as it is today? And does approval of those elements also approve the developmental contract Chatham Parks will have with individual contractors? Those questions must be resolved before any further considerations are made.

First of all, in addition to the impressive work done by Triangle Land Conservancy (TLC) in their Southwest Shore of Jordan Lake Conservation Assessment, an inclusive Environmental Impact Study (EIS) is necessary to understand 1) the changes that will result with the development of Chatham Parks and 2) how the long-term results of those changes will affect the entire 7,600 acres and beyond, not just Pittsboro. Of primary concern is what the amount of water required by Chatham Parks will take from Jordan Lake when added to the existing usage by cities in Central North Carolina, and what contingency sources of water outside of Jordan Lake will support total usage during drought such as was experienced a few years ago.

Regarding treatment of stormwater runoff, the current Master Plan states that, quote, "stormwater management will control and treat the runoff generated from all surfaces by one inch (1") of rainfall based on a one-inch, one-year storm surge and will control stormwater runoff so that there is no net increase in peak flow leaving the site of new development from the predevelopment conditions for the one (1) year, 24 hour storm event for that site" end of quote. That estimate obviously is not sufficient and does not take into consideration the increasing evidence of climate change and resulting wide range of weather that we are experiencing and that is predicted to increase over the next few years. Also, since Jordan Lake is the major source of water for the project, its water quality must be protected by all means available, primarily an optimal minimum of 30 foot buffers, as opposed to the 100 foot buffers noted in the Master Plan, along the entire lake shoreline and rivers to retard run-off velocity and to filter pollutants that are found in that run-off.

Because the topographic acreage of Chatham Parks encompasses mature forests that provide oxygen, create shade that reduces heat, retains moisture and provides an atmosphere that supports physiological and psychological quality of life, every effort must be made to retain mature trees in the residential and business park areas of Chatham Parks. For the same reasons, clearing expanses of existing forest must be as limited as possible in the overall land use of the developing community so as to retain a high level of undisturbed forested land in the 7600 acres of the planned Chatham Park.

As you can see, considering only these primary concerns, more time is required to thoroughly research and understand the implications of all concerns. Thank you for your careful consideration of this proposed community and for giving time for adequate knowledge of the ramifications to Chatham County and its residents.

Deepa Sanyal – 319 Baneberry Close, Pittsboro. Ms. Sanyal read the following into the record of the meeting:

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"Re-envision Preston Development's Chatham Park as a true Conservation Development that takes in the natural landscape and ecology of a site and facilitates development while maintaining its most valuable natural features and functions.

The Triangle Land Conservancy's (TLC) *Southwest Shore Conservation Assessment* which includes Preston Development's land holding, references several Conservation Developments around the country, two of which seem most relevant to Chatham Park:

- The 20,000 acre Palmetto Bluff, in SC has 6500 acres in managed forest and 350 acres in conservation easement - 34% in conservation. http://www.palmettobluff.com/

- The 11,000 acre Harmony, in FL has 7,700 acres set aside as open land - 70 % in conservation. www.harmonyfl.com/harmonypreserve.hlml

Both Palmetto and Harmony have also invested in ongoing conservation research and management and partnered with conservation organizations to provide environmental outreach and education and solicit public input throughout the development process. A proposal for Chatham Park.

To accomplish the re-envisioning of Chatham Park as a true Conservation Development:

1. Incorporate TLC's 11 Conservation Recommendations into the Chatham Park Master Plan. The recommendations, if implemented, would protect water quality, conserve critical lands and habitats, create a system of trails connecting Chatham Park to cultural assets and natural areas, utilize prime agricultural soils for small farms and protect scenic views.

2. Incorporate TLC's recommendations for stream buffer widths (e.g., a 1000 ft. minimum along the Haw River) into the Chatham Park Master Plan. Stream buffers can help protect water quality, link conservation areas and provide wildlife corridors, trail options and protect new residences from burning and hunting areas.

3. Amend the Chatham Park Land Use Map to indicate the recommended hubs and corridors conservation areas as per the "Conceptual Open Space Plan" in the TLC Assessment.

4. Re-calibrate Residential, Mixed Use and Research & Development Uses on the Chatham Park Land Use Map based on the amended Land Use Map showing the 10 conservation sites. The 2,400 acres of conservation sites make up 31% of Chatham Park's 7656 acres. A small compromise for conserving critical segments of a significant contiguous wildlife habitat area. Harmony has conserved 70% of its developable land.

TLC's Recommendations Overlap and are Mutually Reinforcing. For example: preserving riparian corridors would not only help protect wildlife habitat and linkages but provide opportunities for recreational trails as well. Avoiding sensitive areas such as steep slopes can protect water quality and scenic views.

DRAFT

TLC's Recommendations are Versatile. Incorporating TLC's recommendations in the Master Plan would:

- Ameliorate residents' concerns with, among others, insufficient buffers, permeable surfaces and open land; and inadequate water quality and supply as per the current version of the Chatham Park Master Plan.
- Comply with Conservation Development, Sustainable Development and Smart Growth urban design models
- Comply with Chatham County's citizen *selected Rural Preservation with Targeted Employment* Conceptual Land Use Plan.
- Be in keeping with the natural world that underpins the lives and habitats of all living things.

To Preston Development, please reach out to the Triangle Land Conservancy for help in shaping language that reflects their recommendations for inclusion in the Chatham Park Master Plan.

To the Town of Pittsboro Commissioners, please slow the PDD rezoning process so that Preston Development is able to take the time to:

- Undertake an Environmental Impact Study and review process for Chatham Park
- Respond to requests for changes and additional information in the Master Plan.
- Re-structure a Master Plan that addresses all concerns and reflects a balance among economic development, natural resources and quality of life for all *and* is a plan for the 21st century"

Amanda Robertson – 244 Prince Creek, Pittsboro. Ms. Robertson read the following into the record of the meeting:

"To: The Town of Pittsboro Commissioners, Mayor Voller, and Town Clerk Lloyd,

From: Homeowners - Prince Creek Community, Pittsboro, NC

RE: Proposed Chatham Park Planned Development

Regarding the proposed Chatham Park Planned Development District Master Plan, the residents of the Prince Creek Subdivision in Pittsboro have the following observations and requests to put forth for your consideration prior to approval of a PDD plan for Chatham Park.

Our concerns fall into the following areas and are further described, below:

1. Proposed Adjacent Mixed Use Residential
2. Proposed Adjacent Sewer Pump Station
3. Encroachment and Security
4. Proposed Activity Center A, Stormwater Management

Prince Creek Description

Prince Creek is a community of ten residences with average lot size of 10 acres on a combined approximate 115 acres of land located west of and adjacent to what is designated in the proposed plan as *Activity Center A*, south of and adjacent to 196 acres designated "mixed use residential" (use type 6.2), and north of and adjacent to 71.5 acres designated in the proposed plan as "research and development" (use type 5.3).

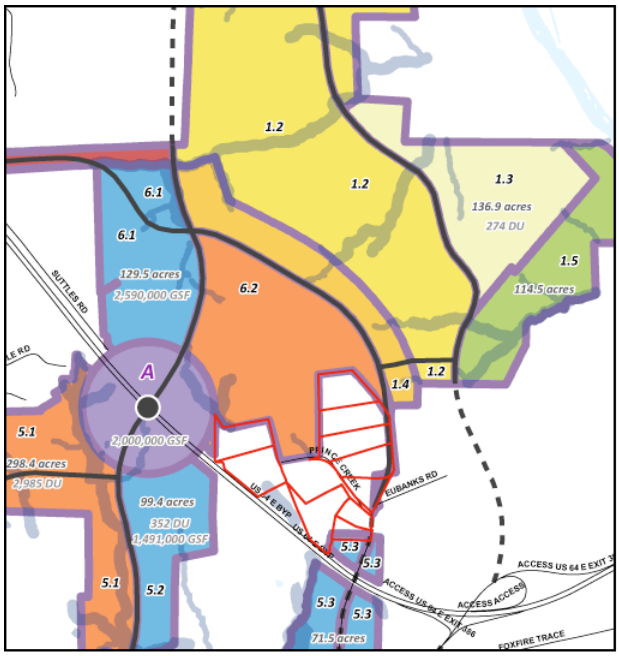
Prince Creek is characterized by a rich forest of native, old growth hardwood trees and wildlife, streams, small ponds, and fields for grazing horses and ponies. It helps support the abundance of wildlife plants and animals identified in and compiled by Ed Corey in the Southwest Shore Conservation Assessment of Chatham County. Several of these special and rare bird species and amphibians have been identified on a regular basis by local residents. Prince Creek is accessed by a gravel road off of Eubanks Road, maintained by the residents. All dwellings are on individual wells and septic systems.

Single family homes in Prince Creek range between approximately 1,800 and 5,000 square feet with home values ranging $300,000 to in excess of $600,000. The Prince Creek community was established in the late 1980's with today over 80% of the original residents still in place. Quality of life, the beauty of the surrounding land, the solitude and wildlife, and the local Pittsboro community all contribute to the property and experiential value for these homeowners.

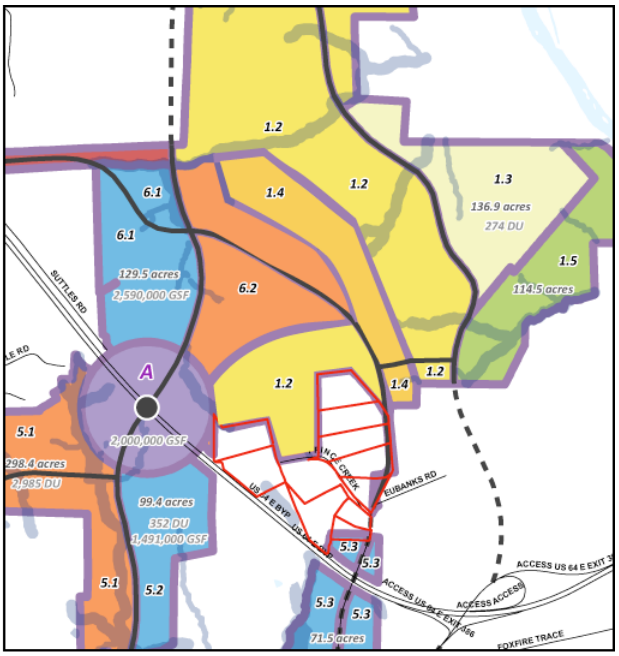
Item 1: Proposed Adjacent Mixed Use Residential

On page 3 of the proposed PDD plan, the developers have requested the Town of Pittsboro afford them greater flexibility in zoning standards and regulations such that they can "assure compatibility with surrounding land uses and neighborhood character." While understanding the intent of the statement, this is not the case as the proposed plans relate to the Prince Creek Subdivision, which is surrounded on all sides by the proposed plan. Chatham Park proposes surrounding these large acreage homes with a mixed use residential on the north, west and east sides, which includes residential units such as apartments, condominiums, and townhomes, as well as an allowance for uses such as fitness centers, game rooms and bowling alleys. Their proposal indicates an area of 196.6 acres for 1,475 dwelling units (See: Land Use Summary Table). With 10% allocated to "non-residential uses (Page 9, Land Use Elements), this amounts to an average of .12 acres per DU. According to Land Use Elements (Page 9, Item 4), "development within the PDD will avoid . . . the placement of land uses that are dissimilar to those adjacent at the perimeter of the PDD." Yet, the proposed adjacent development could not be more dissimilar to the Prince Creek Subdivision.
Proposed Solution:

Given the limited number of existing dwellings adjacent to the northern development area of the Chatham Park project, and the scale of this project on the whole, we feel a more appropriate location for Mixed Use Residential could be identified that would not directly place high occupancy land uses adjacent to the residential properties of Prince Creek. Placement of single family homes with a modest lot size of 2 or more acres would be more similar to adjacent property uses and we believe would help to maintain the quality of life for all residences. Below is a comparison of proposed mixed use residential alongside a reallocation of land use.



Proposed Plan depicting mixed use residential beside Prince Creek subdivision outlined in red.



Proposed Plan changes, moving part of the mixed use residentail to the north of the Eubanks extension, changing adjacently zoned property.

Item 2: Proposed Adjacent Sewer Pump Station

Plans as currently submitted, provides for a sewer pump station to be installed beside Prince Creek Road, on Chatham Park property that juts into and between the Prince Creek properties on top of or beside an existing identified Stream Buffer. This decision clearly does not respect current residences, existing "neighborhood character," or the home values in Prince Creek. Installation of a sewer pump station likely poses additional risks for the existing stream buffer in this same area. Reference *Stream Buffers* map and page 6, Site Analysis Elements, "Buffers shown are one-hundred (100) feet on either side for streams shown as perennial on the USGS topographic map." The purpose and intent of the Riparian Buffer Protection Ordinance is to " . . . protect the water supply uses of Jordan Reservoir and of designated water supplies throughout the Jordan watershed, and provide additional watershed protection and preserve existing riparian buffers throughout Pittsboro's planning jurisdiction." (Section 2, Riparian Buffer Protection Ordinance, Town of Pittsboro, February 14, 2011)

Proposed Solution:

We propose relocation of the proposed sewer pump station away from existing residences of Prince Creek. The proposed Chatham Park development consists of 7000 plus acres of undeveloped land. With the appropriate planning and use of this land, placement of these types of facilities can easily be accomplished without directly impacting current residents on adjacent properties.

Item 3: Encroachment & Security

Most Chatham County residents are familiar with the results of deer overpopulation. Crops

devastated, plants and shrubs browsed to extinction, fruit and other small trees defoliated or mutilated to head height. Not to mention the life threatening risks associated with unsolicited incursions from unlicensed hunters, increased incidence of deer tick-borne disease, among others. Prince Creek owners have literally experienced all of these threats over the years The planned development areas which surround the Prince Creek subdivision are densely wooded and a haven for deer. Developing those areas must necessarily drive those deer into the nearest and only remaining wooded area, Prince Creek itself.

The Master Plan makes no mention of any provisions to protect existing owners from encroachment of this nature. Plans to move or cull deer population, provide barriers to animal (and human) incursion, etc., would be options for serious consideration and resolution prior to commencing development.

Proposed Solution:

We request development of a plan of action with submittal to the Pittsboro community outlining how encroachment and security concerns will be addressed.

Item 4: Proposed Activity Center A

Stormwater Management:

An overlay (attached) of the "Topography", "Slopes greater than 20%", and "Land Use" maps provided with the Master Plan document illustrates that the proposed North-South Boulevard crosses at the head of an existing stream approximately 700 ft NE of the US 64 Bypass. This stream runs south along a deep gully, flanked largely by >20% slope, for some 750 ft. before flowing into the Prince Creek subdivision. Following a natural stream bed it crosses four Prince Creek lots before exiting under US 64 bypass.

Today, the upstream is entirely undeveloped yet heavy rains occasionally cause minor flooding and erosion in some of those lots. This, it must be stated, is not helped by the rather casual approach to storm water run-off exhibited by the D-O-T in the earlier building of the bordering bypass.

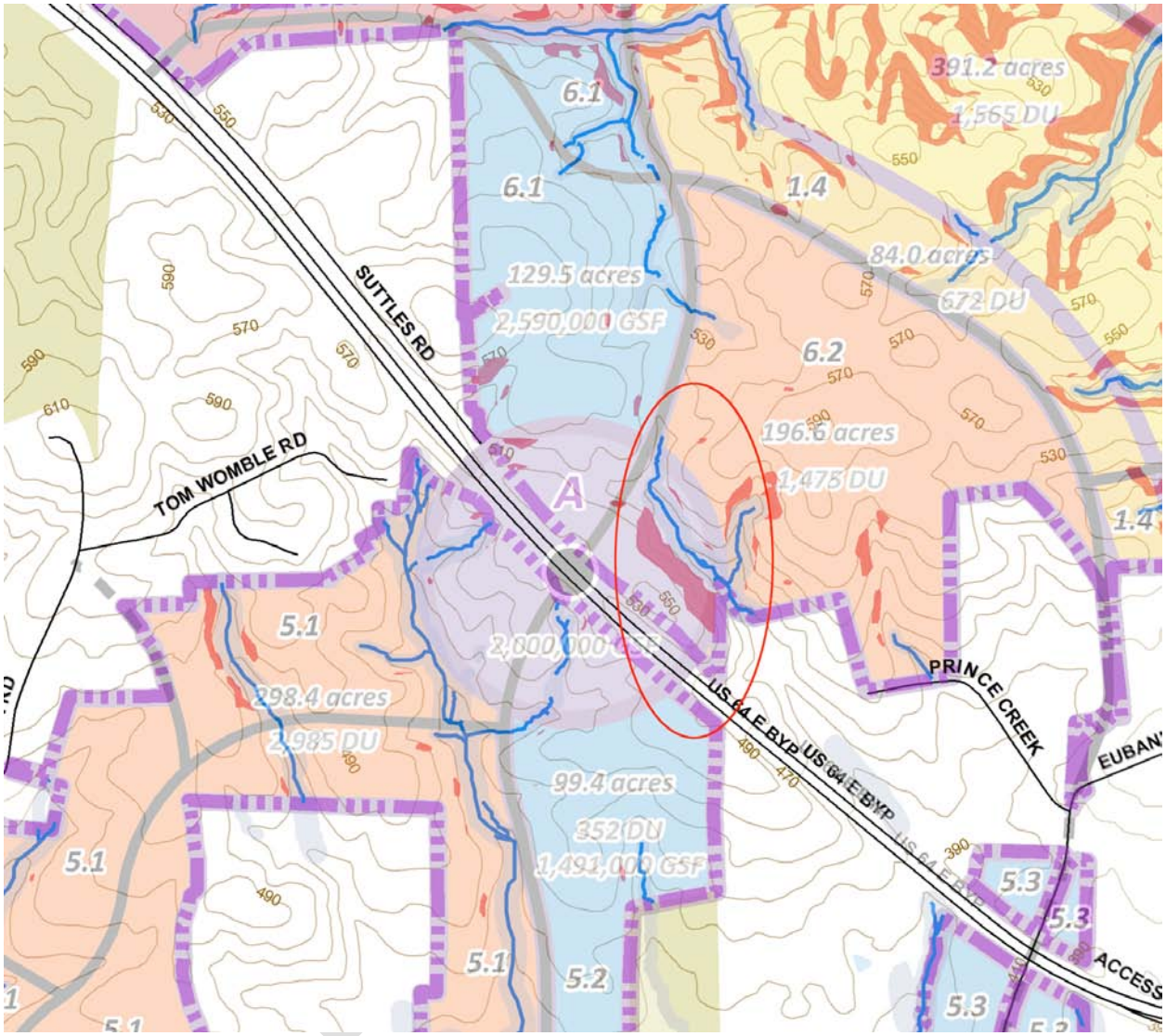
Without stringent stormwater controls, the large areas of impervious development and associated landscape re-grading required by this new intersection will inevitably inundate lower portions of these lots, not just with flood water but also the multiple kinds of debris and trash commonly found along any road side today. Home owners have already experienced forms of this pollution – again from the existing bypass.

Proposed Solution

We support the Chatham Park Stormwater Management "Best Management Practices" section of the plan which calls for controlling stormwater runoff so that there is no net increase in peak flow leaving the site of new development from the pre-development conditions for the one year, 24 hour storm event for that site.

DRAFT

While the plan discusses a “Master Stormwater Manual”, it remains unclear on whether such peak flow metrics actually exist for the pre-development conditions and who would be responsible for establishing them should they not yet exist. It would also follow that, to be of any value, these metrics must be developed and be published a minimum of one year prior to any work commencement on Activity Center A



Conclusion

Prince Creek and the Pittsboro community are a great place to live. The small town atmosphere, the natural environment of the surroundings, and the close proximity to services, recreation, and entertainment all lead to a highly desired quality of life. We believe that with careful planning, direct community engagement, and open communication with mutual problem solving that the planned development can be accomplished and maintain or enhance the quality of life we have all grown to love.

We appreciate your careful consideration of the items expressed above by the Prince Creek residents."

Sarah McRae – Chatham Conservation Partnership & US Fish & Wildlife Service read/submitted written comments:

DRAFT

CHATHAM
CONSERVATION
PARTNERSHIP

http://chathamconservation.wikispaces.com/

July 18, 2013

Board of Commissioners
Town of Pittsboro
PO Box 759 - 635 East St.
Pittsboro, NC 27312

RE: Comments on the proposed Chatham Park Master Plan

Dear members of the Board of Commissioners,

The Chatham Conservation Partnership (CCP) is a collaboration of local, state and federal government agencies, non-profit organizations, businesses, universities, and individuals who work together on natural resource conservation programs and issues in Chatham County. The CCP was formally established in 2007 by charter among our membership (including the Town of Pittsboro) and provides a forum for ideas and shared information to better protect important natural resources in Chatham County. The mission of the CCP is to develop and implement strategies for a community conservation vision that builds awareness, protection, and stewardship of Chatham County's natural resources.

The CCP has created an innovative new tool, the Comprehensive Conservation Plan, to help with land protection and development decisions in Chatham County. This plan is the first of its kind created for a county in North Carolina, and serves as a model for other communities in the state. The Plan can be viewed online at http://bit.ly/CCPplan.

This Conservation Plan and the associated GIS data layers (found on the County's GIS site at http://www.chathamgis.com) provide an important and comprehensive resource for the Town of Pittsboro in its land use planning, policy, and development review efforts as it gives detailed information about the county's valuable natural assets and their documented location on the landscape: biodiversity and wildlife habitat, water resources, nature-based recreation, and productive working lands (farmland and forestlands). The Plan also provides information on recommendations that the Town may wish to consider for conservation of important natural resources.

In addition, the NC Forest Service recently received approval of grant funding from the US Forest Service REDESIGN Grant Program to assist the Town of Pittsboro by providing the following deliverables that can help the Town by providing tools to assist in decision-making and public outreach regarding important natural resources within the Town's jurisdiction:

- Up-to-date publically accessible GIS database of natural resources, forest canopy analysis, and ecosystem services analysis

- Development of a public forum webpage for feedback on developing conservation recommendations for land use planning and education in urban forestry issues
- Review of existing ordinance and zoning language with regards to natural resources with recommendations for compatibility and clarity
- Options for model ordinance and zoning language that address tree canopy and forest cover, natural resources, and conservation design
- Economic impact analysis and ecosystem services assessment for the Town
- Public meetings with the Board of Commissioners and residents to introduce, update, and respond to feedback on mapping and ordinance products
- Creation of an urban forestry module with canopy analysis data, ordinance language addressing urban forestry planning and management, and incorporation into the NC Wildlife Resource Commission's Green Growth Toolbox
- Partner dissemination of the project through news releases, website updates, presentations of process and results, incorporation into NC Forest Service Urban Forestry grant process and workshops, and development of the project as a case study for the state and other municipalities

In particular, the REDESIGN grant provides funding to develop a tree canopy analysis and ordinance language options for the Town. Chatham Park Investors specifically mention their commitment to helping the Town develop a tree protection plan in their proposed Master Plan, and the REDESIGN project could assist in this effort and provide needed expertise from members of the CCP, including the NC Forest Service. The Town approved support of the REDESIGN grant application via resolution on December 10, 2012, and members of the CCP steering committee are partners on the grant.

In summary, the CCP offers to assist the Town of Pittsboro with the use and interpretation of the Chatham Conservation Plan and associated GIS data for planning, policy, and development review, and also in helping the Town tailor countywide information and data that has already been developed so that it is more relevant for use by the Town.

Please do not hesitate to contact the CCP Steering Committee chair, Sarah McRae, at (919) 856-4520 x16 or sarah_mcrae@fws.gov if you have questions or would like further information. We look forward to providing our assistance to the Town.

Sincerely,

The Chatham Conservation Partnership Steering Committee

Sarah McRae
U.S. Fish and Wildlife Service

Debbie Roos
N.C. Cooperative Extension

Allison (Schwarz) Weakley
N.C. Natural Heritage Program

Catherine Deininger
Robeson Creek Watershed Council

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Raleigh Field Office
Post Office Box 33726
Raleigh, North Carolina 27636-3726

22 July 2013

Town of Pittsboro
Attn: Board of Commissioners
PO Box 759
Pittsboro, NC 27312

RE: Comments on Chatham Park Planned District Development (PDD) Proposed Master Plan

Dear Board of Commissioners:

The U.S. Fish and Wildlife Service (Service) has reviewed the Chatham Park PDD Proposed Master Plan application dated May 3, 2013. Chatham Park Investors LLC is requesting that the Town of Pittsboro (Town) amend the current zoning on the property known as "Chatham Park" to the Town's PDD zoning district. A request for zoning to a PDD requires the applicant to submit a PDD Master Plan. This letter is submitted in accordance with the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661-667d), and the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531 et. seq.), to be used in your public interest review relative to the protection of fish and wildlife resources.

As proposed, the PDD property contains approximately 7,120 acres and lies between the Town of Pittsboro and the waters of the Haw River and Jordan Lake. The Master Plan provides a brief overview of the site (primarily maps of parcels, topography, water bodies, wetlands, floodplains, stream buffers, and historic structures) and a broad explanation of the future vision of the property (including maps of future land use, utilities (water, wastewater, reuse water) and stormwater infrastructure, public service amenities (police, fire, schools), transportation plans, parks and open space, and other items like tree protection, signage, lighting, parking and landscaping. Also included is a brief section on proposed development standards and regulations. In its current form, the Master Plan does not provide enough information or consideration for the highly significant natural resources that could be impacted by a project of this magnitude. At this point, we strongly encourage the Town to request the applicant to make provisions for the significant natural resources in the area of the Chatham Park Development.

The proposed development project will impact tributaries that flow into the Haw River in the upper Cape Fear River basin. These streams drain directly to occupied habitat of the federally endangered Cape Fear shiner (*Notropis mekistocholas*). In addition, the federal at risk species yellow lampmussel (*Lampsilis cariosa*), brook floater (*Alasmidonta varicosa*), and Septima's clubtail dragonfly (*Gomphus septima*) are also present in this area. We are concerned with impacts of a project of this magnitude on the sensitive species in this area, particularly the Cape Fear shiner. Because the Cape Fear shiner is present in low numbers and the range of surviving

populations are restricted, this fish species is vulnerable to threats to its habitat such as land use changes, chemical spills, road construction, stream channel modification, changes in stream flows from hydroelectric power, impoundments, wastewater discharges, increases in agricultural runoff, and other projects in the watershed. It should be noted that the Haw River, and the bluffs and levees along the river corridor, are considered highly significant Natural Heritage Areas by the State of North Carolina. These areas are recognized for their rarity, ecological function in the landscape, and unique natural resources that they support. The importance of the habitats these areas provide for fish and wildlife makes protection from habitat degradation essential.

Streams and wetlands provide important habitat and have inherent aesthetic, recreational, educational, ecological, and economic value. Residential and commercial development projects can result in stream piping and placing fill in aquatic resources, thus resulting in significant negative impacts to downstream areas and can eliminate fish and wildlife habitat. Impervious surfaces reduce the infiltration of stormwater and associated pollutants, as well as the dissipation of stream energy. Existing uses by wildlife can be lost and future opportunities to improve aquatic diversity may be precluded. Changes in land use from a primarily forested area to an urban landscape can exacerbate channel degradation and sediment impacts to stream ecosystems due to increased stormwater runoff and elevated flooding. Water availability and wastewater discharge considerations (especially location, amount, and quality of effluent) for this large of a development will need extensive analysis, especially since a large portion of the wastewater generated from this project will be discharged directly into occupied habitat for a federally endangered species (Cape Fear shiner).

The Service is concerned that without detailed natural resource-focused planning (particularly related to natural open space) and wildlife-friendly zoning, the secondary and cumulative impacts associated with increased development in this area (particularly Residential Areas 1.1, 1.2, 1.3, and 1.5 indicated on the Land Use Plan map) could result in significant degradation of aquatic habitats or extirpation of listed species. We anticipate that cumulative and secondary impacts of development will result in stream bank instability and other stream morphology changes, increased sediment loading, changes in substrate characteristics, modified aquatic food resources, changed stream temperatures, increased nutrient loading, increased toxicant loading, changed fish communities, and reduced complexity of benthic habitats. These anticipated changes are known threats to sensitive aquatic species. We strongly encourage the applicant to work with Town planning staff to address issues of secondary and cumulative impacts.

The Service has prioritized natural resource protection in Chatham County for many years, and we have developed partnerships and collaborated on several projects that have developed information that can be used by the Town to protect the natural resource values of the area, while still allowing for economic growth and development. We hope that the following list of resources will be valuable tools that will be used by the Town as you consider the implications of development on the scale presented in the Chatham Park Master Plan:

- The Chatham Conservation Partnership (CCP) is a collaboration of local, state and federal government agencies, non-profit organizations, businesses, universities and individuals who work together on natural resource conservation programs and issues in Chatham County. The CCP has created an innovative tool, the Comprehensive Conservation Plan, to help with land protection and development decisions in Chatham County. This plan is the first of its kind created for a county in North Carolina, and serves as a model for other communities in the state. The Plan can be viewed online at http://bit.ly/CCPplan. This Conservation Plan and the associated GIS data layers (found on the County's GIS site at http://www.chathamgis.com) provide an important and comprehensive resource for the Town of Pittsboro in its land use planning, policy, and development review efforts.
- Triangle Land Conservancy (TLC) assembled a team of experts from government agencies, nonprofit organizations, and interested citizens to conduct a conservation assessment of the southwestern shore of Jordan Lake with funding from The Cannon Foundation. In 2008, members of the group made 20 site visits to study the area and met as a team over a course of six months to develop geographical and policy recommendations. TLC's resulting report describes the landscape and provides a detailed list of recommendations to protect the most significant natural areas in the Southwest Shore area. (http://triangleland.org/assets/images/uploads/SWshorereportsm.pdf)
- The North Carolina Wildlife Resources Commission (NCWRC) has compiled information and ideas to address issues of secondary and cumulative impacts, found in the "Guidance Memorandum to Address and Mitigate Secondary and Cumulative Impacts to Aquatic and Terrestrial Wildlife Resources and Water Quality" (NCWRC 2002; http://tinyurl.com/SCIaquaticspecies).
- Another NCWRC effort provides information on conserving priority terrestrial species and habitats, found in the "Conservation Recommendations for Priority Terrestrial Wildlife Species and Habitat in North Carolina" (NCWRC 2012; http://tinyurl.com/ncwrcterrestrial).
- The NCWRC's Green Growth Toolbox is a technical assistance tool designed to help communities conserve high quality habitats alongside new homes, workplaces, and shopping centers. The toolbox can help the Town plan for growth in a way that will conserve your natural assets—fish, wildlife, plants, streams, forests, fields, and wetlands. (http://www.ncwildlife.org/Conserving/Programs/GreenGrowthToolbox.aspx)
- NCWRC and the NC Forest Service have grant monies available for the Town's use to help develop tools to assist with decision-making and public outreach regarding important natural resources within the Town's jurisdiction, including (but not limited to): 1) review of existing ordinance and zoning language with regards to natural resources, and recommendations for compatibility and clarity; 2) options for model ordinance and zoning language that address tree canopy and forest cover, natural resources, and conservation design; and 3) economic impact analysis and ecosystem services assessment for the Town. (Contact Brooke Massa (brooke.massa@ncwildlife.org) for more information).

- The Service has developed landscape conservation planning tools, with financial assistance, that the Town could consider implementing. Habitat Conservation Planning (http://www.fws.gov/endangered/esa-library/pdf/hcp.pdf) can provide conservation for listed and at-risk species while also permitting actions that could result in incidental take of a species. The Service also works with public and private partners to proactively conserve at-risk species (such as the brook floater or Septima's clubtail dragonfly), thus hopefully preventing the need to list them under the Endangered Species Act. (http://www.fws.gov/southeast/candidateconservation/).

The Service appreciates the opportunity to provide input during the planning stages for this project. It is not clear what the Town's timeline is for completing its review of this project. If a decision is imminent, we would recommend that the Town deny approval of the plan due to the lack of adequate information regarding potential impacts to natural resources. However, if the Town and the applicant are interested in engaging in discussion with the Service and other stakeholders, we believe it may be possible to design the project in such a way to further conservation of listed and other at-risk species. Our staff is available to assist the Town as considerations are made for protecting fish and wildlife resources in your jurisdiction. If we can be of further assistance, please contact Sarah McRae at sarah_mcrae@fws.gov or 919-856-4520x16.

Sincerely,

Pete Benjamin
Field Supervisor

Kate Ladd – 53 Juleann Lane, Pittsboro read the following comments:

The Chatham Park property surrounds her back yard. Her property is only ¼ acre and the Chatham Park property is about 20 feet from her back deck. Chatham Park property line is only 18 feet from the back corner of her house. When she moved here 8 years ago she realized that the property could eventually be developed. She planted a row of evergreens along the back of her property to buffer this eventuality. However she had imagined a residential development similar to hers of Chatham Forest, with homes on at least a quarter acre. This is a residential area, most of the lots on Thompson Street are larger than hers, all single family homes and a church.

The Chatham Park proposal calls for all the rezoning to be treated as a single item. There seems to her to be a big difference between the zoning out in the county from the zoning right in town. They also stated that their development is going to "have compatibility with surrounding land uses and neighborhood character".

Area 5-1 is proposed to be mixed use. That means that there could be 10 houses and a commercial property on every acre. The land in area 5-1 is 298 acres. So with their proposal (.08 acres per residence) there could be 300 dwelling units and 30 commercial properties right behind her quiet little back yard.

According to the plan, a residence can include a bed and breakfast, a group home, a condo, a town house, multi-family residences, and residences above commercial buildings.

Commercial properties can include bowling alleys, fitness centers, auditoriums, cemeteries, fire stations, hospitals, schools, parking lots, service stations, car washes, dry cleaners, funeral homes and crematoriums, hotels and motels, shopping centers, and many more. There is no minimum lot size, size for setbacks, or maximum building height. All this does not suggest compatibility with the existing neighborhood.

The plan also includes a road from Thompson Street directly up to the area called the activity center, which is all nonresidential. It seems to her that this would be a major access road from downtown Pittsboro to the activity center, both for construction and later for traffic. Construction vehicles, lights, mud there will be lots of mud. The property is uphill behind her house and when there is a heavy rain her yard floods. There is often also flooding on Thompson Street at the bottom of Fire Tower Road.

She also mentioned stewardship of the in-town property that they own (Chatham Parks). Chatham Parks must be responsible for maintaining their property and removing threats to neighboring properties. The property behind my house has become a jungle of invasive vines and dead trees. She said a tree did fall from that property and crashed through her roof and into her bathroom about six years ago. She is very concerned that it could happen again.

Ms. Ladd presented the Mayor with a picture of the vines, especially the wisteria invading her yard and garden. She asked that Chatham Park please clean up their property and establish themselves as the good neighbors that they have said they want to be.

DRAFT

Kathy Maboll – Juleann Lane, Pittsboro. Ms. Ladd said she was sick but had the same concerns she did.

Lil Royal – 400 River View Dr, Pittsboro, NC. Ms. Royal said she supports what David Scott (Chatham Habitat for Humanity) said earlier.

John Alderman – 244 Redgate Rd, Pittsboro, NC stated he worked as an environmental scientist in the public and private sector. He owns a small company called Alderman Environmental Services, Inc. in Pittsboro.

He said he would first like to look at Jordan Lake which has 96 million gallons per day of effluent flows into Jordan Lake. He doesn't know of too many other areas in the country that would drink water from a supply of water that receives 96 million gallons of effluent per day from all different communities. Plus, there is all this stormwater that flows into Jordan Lake on a regular basis.

Contrast that with 17 million gallons per day that goes into Falls Lake, there is quite a difference between Jordan Lake and Falls Lake. Bottom line Jordan Lake is highly polluted and yet people in Wake County consider Falls Lake to be highly polluted.

Mr. Alderman said we need to look at how Raleigh faces similar situations. A 26 acre commercial development was proposed recently with their Falls Lake Watershed Area – Chatham Parks in nearly 300 times larger than that development. Two-thirds of those 26 acres were put into conservation for stormwater management. It resulted in a document that he gave to the Mayor (but he said it could be found online). It is 80 pages of environmental scrutiny by the Raleigh staff.

Mr. Alderman said bottom line is the town has a very serious pollution problem on our hands in the future unless things are done properly.

He said in 1981 they put two wells on their land. In 2004 the wells went dry and he had to hook onto the county water line so this is a concern of his.

Mr. Alderman asked the board to take the time, put in the effort to address this issue thoroughly. He stated he sent recommendations through email that are a little lengthier than what he is saying tonight. (The comments are listed at the beginning of the minutes)

Mr. Alderman stated the town needs an environmental assistance put together to assist the board and staff in reviewing this project. He said he would not be involved in such an effort because he is recommending it. We need environmental professionals asking questions and getting sound answers.

Kenneth Jackson – 84 Lynn Oak Dr, Pittsboro, NC read the following comments:
I'm not opposed to all growth and development for Pittsboro and Chatham County, but I would like to see it occur in a way that doesn't overwhelm Pittsboro and all that is currently unique and wonderful about it. This is a small town where people know each other, with a mix of long

established families and more recently settled residents such as my wife and I, and by and large we get along pretty well. We have working people, local entrepreneurs and small business owners, teachers, doctors, lawyers, fiddlers, and funeral home directors. We have a vibrant community of talented artists, nurtured in no small part by Chatham Arts. I'd probably not be off the mark in saying that we all love this town, we have pride in it, and we want a good future for it. However, I am very concerned that this planned development and its ripple effects will rob Pittsboro of what makes it unique, and will transform it from a small, quiet, interesting town into a bustling, urbanized locale full of traffic, widened roads, Starbucks, and big box stores. I dread the prospect of seeing Pittsboro become yet another Anywhere, USA--another Cary.

While I admit to being favorably impressed by--and I even welcome--some aspects of Preston's vision for this development, I believe it is much too big to be given an immediate go-ahead to proceed in to. I understand the fear of missing out on what some may see as a grand opportunity, yet I must say that what I fear more is that the future of Pittsboro is about to be wholly determined not by the current residents of our town, but by Preston Development. I think we the people of Pittsboro deserve more than two months to study this proposal, consider its implications, and voice our concerns before giving it the green light. I understand that the city of Chapel Hill would require six months of consideration for anything remotely like this. I urge the commissioners to take that cue and to not immediately grant Preston Development the Planned Development District (PDD) they seek for the entire 7 thousand + acre parcel, but allow least four more months of study and public comment.

I do understand that Preston Development has been working on this for a long time, and is chomping at the bit to begin--but Pittsboro does not belong to them, it belongs to us, and this is much too big a deal to be rushed through.

Chad Jemison (Triangle Land Conservancy) – 514 S. Duke St, Durham, NC **–** read the following prepared statement from Triangle Land Conservancy:

Triangle Land Conservancy appreciates the opportunity to submit comments on the proposed Chatham Park Master Plan. For the past five ears TLC has worked closely with multiple partners at the federal, state and local level to provide support and guidance towards protecting the critical natural resources of Chatham County. To date, TLC has helped conserve over 5000 acres of land in Chatham County. The important natural resources of this area remain an important priority for TLC's work.

TLC appreciates that Chatham Park proposes to "preserve critical environmental resources and provide open space amenities." TLC is thankful that this is one of the first statements in the submitted master plan and hopes that Chatham Park will prove to be a development of exemplary environmental design; well known for its natural assets and innovative conservation of key areas.

In 2008, TLC worked with multiple partners though the Chatham Conservation Partnership to draft the Southwest Shore Conservation Assessment. The assessment was conducted at the request of the developers. TLC raised private funds in order to draft an independent unbiased assessment. The report notes that "Ideally, much of the undeveloped land on the Southwest

Shore Wilderness would be protected as an intact nature preserve – one that protects the large road less areas and connects the Haw River State Natural Area to Jordan Lake and the Deep River Corridor." This wilderness area is one of the largest remaining un-fragmented areas in the six-county Triangle Region and helps protect Jordan Lake, the areas second largest drinking water supply.

TLC knows that housing and jobs, as well as the environment are important components of the Town of Pittsboro. Any development will likely fragment this area, but well designed development could help conserve key conservation lands. These lands will be an asset for both the development and the greater Triangle Region. Our assessment provides specific details on areas to conserve and green design measures that could be taken to help protect the quality of Jordan Lake. We hope that the Town of Pittsboro will use this assessment to help guide their review of the project. We would like to highlight a few key recommendations based on this assessment and the submitted master plan:

- Protect the drinking water of Jordan Lake by decreasing the impervious surface cover of the site and by buffering streams. Limit impervious surface. Density and clustering can be used to achieve the designed number of units while minimizing impacts. At a minimum we hope that streams and 100 ft. buffers on all perennial streams.
- Protect trail corridors and the major tributaries of Jordan Lake. Protect 300 ft. buffer along Robeson and Stinking Creek to accommodate potential trails, wildlife and to help protect water quality.
- In addition to these Haw State Natural Area and that Haw River Significant Aquatic Habitat. This width will help create a linear State Natural Area of national significance that serves as an amenity for the development and the State of North Carolina. Area 1.1 on the land use map should be extended to show this designated natural area. In addition, extend the area of 1.5 to protect a 1000 ft. buffer along the river.
- TLC would also like to see strategic conservation of critical environmental areas, 10 of these areas, or about 2000 acres owned by Chatham Park have been highlighted in the Southwest Shore Assessment. The Haw River Slopes Connector, the Robeson Creek Conservation Area and the Jordan Lake Conservation Area are of top importance. These high priorities are designated in the attached map. Through cluster development, innovative design and open space set aside these areas could be protected and serve as important amenities for the site. In area 1.3 of the map, additional space should be designated to protect the Pittsboro Wilderness area. At minimum, an additional 100 acres should be added to the park in this area. Along Robeson Creek, a linear park should be designated. This park could provide a greenway connection and wildlife corridor and should be at least 300 ft. in width. In the southern area, sections E, 3.6, and 3.7 the activity center should be moved to avoid disturbing the sensitive Natural Heritage Area. A designated southern park should be shown and set aside. Clustering and open space set aside can help promote conservation of more open areas adjacent to the Jordan Lake Lands.

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- The Town of Pittsboro should work with the developers to go beyond basic open space requirements to protect the area and by not allowing development to meet open space requirements through fee-in-lieu payments, greenway construction, or private park facilities as noted on pg 28 of the Master Plan Document. To meet the needs of a walk-able and livable community, open space should be set aside within the development. This open space will provide important green space and ecosystems services. In addition the green space will help add to the character and value of the development. In order to capitalize on the benefits of this open space however, it should be delineated and set aside from the start. The best designed communities around these assets to take advantage of views and access.

TLC and many partners have invested significant time and resources into drafting the conservation assessment as well as towards conserving important areas of Chatham County. As this development proceeds we hope partners can work together to insure that we continue to protect the cultural, historic and environmental values of this area and the greater region.

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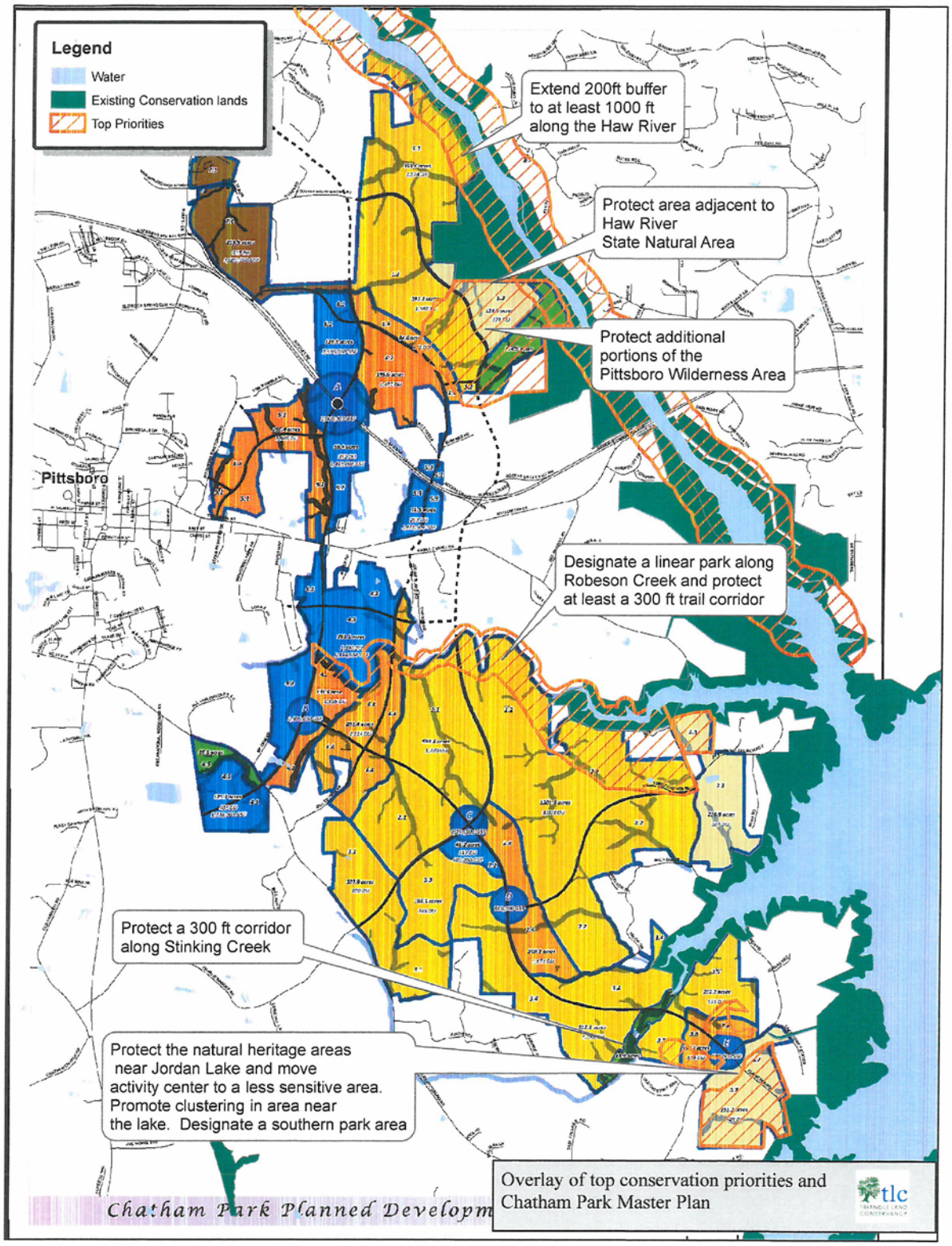
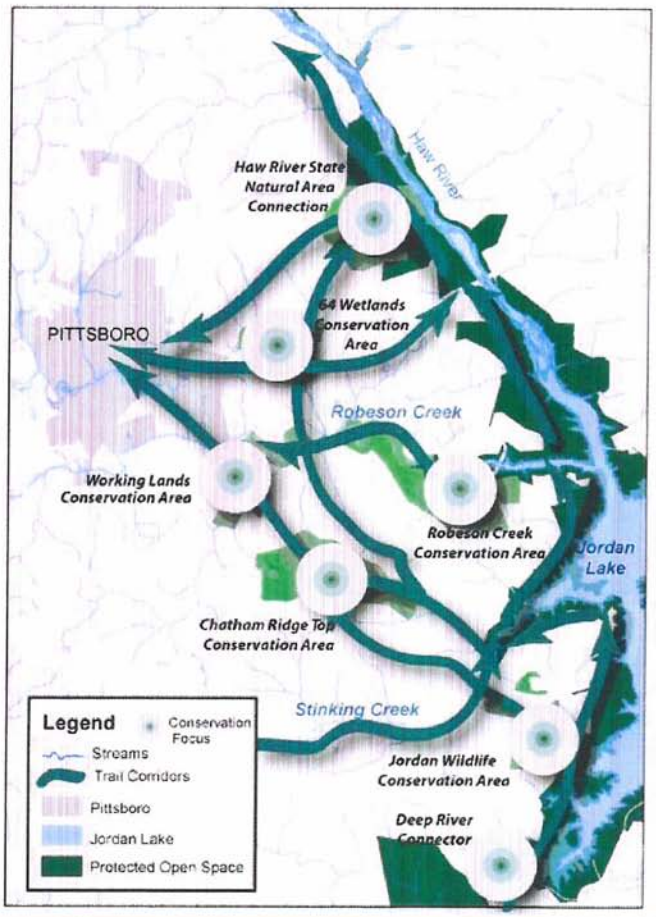

Legend
Water
Existing Conservation lands
Top Priorities
Extend 200ft buffer to at least 1000 ft along the Haw River
Protect area adjacent to Haw River State Natural Area
Protect additional portions of the Pittsboro Wilderness Area
Pittsboro
Designate a linear park along Robeson Creek and protect at least a 300 ft trail corridor
Protect a 300 ft corridor along Stinking Creek
Protect the natural heritage areas near Jordan Lake and move activity center to a less sensitive area. Promote clustering in area near the lake. Designate a southern park area
Chatham Park Planned Developm
Overlay of top conservation priorities and Chatham Park Master Plan
tlc

Executive Summary

In order to set the stage for developers to implement these strategies, TLC suggest that the Town of Pittsboro

- Develop and implement a local stormwater ordinance to minimize stormwater runoff.
- Implement and develop infrastructure systems that can support the use of reclaimed water.
- Revise subdivision ordinances to allow for the implementation of Low Impact Development practices.
- Adopt more stringent buffer regulations to protect the streams and water resources of this area.

In addition to this series of recommendations TLC has identified several key conservation areas and corridors. These areas will protect most of the significant natural areas in the southwest shore and allow for wildlife passage. The areas are detailed in the report and a conceptual diagram of these areas is shown to the right.



	Area Name	Total Acres	Preston Acres*	Culture And History	Natural Heritage	Water Quality	Riparian Corridors	Wildlife Habitat	Working Lands	Recreation	Scenic Views	Connectivity
1	Haw River Slopes/State Natural Area Connector	450	375		✓	✓	✓	✓		✓	✓	✓
2	U.S. 64 Wetlands Complex	150	110			✓	✓	✓				✓
3	Robeson Creek Conservation Area	900	450	✓	✓	✓	✓	✓	✓	✓	✓	✓
4	Chatham Ridgeline Conservation Area	550	550		✓	✓		✓		✓	✓	✓
5	Jordan Lake Wildlife Conservation Area	260	260	✓	✓	✓	✓	✓		✓		✓
6	Working Lands Conservation Area	175	175	✓				✓	✓		✓	✓
7	Trail Corridors	Suggested 300 ft width				✓	✓	✓		✓	✓	✓
8	Haw River Corridor	Suggested 1000 ft portection area on each side		✓	✓	✓	✓	✓		✓	✓	✓
9	Deep River Connection	300	0		✓	✓		✓		✓	✓	✓
10	Army Corps of Engineers Game Lands	100 ft minimum buffer and 1/4 miles buffer around burn areas			✓	✓		✓			✓	✓

Various strategies can be used to protect these lands including acquisition by North Carolina State Parks, conservation easements, public and private trail corridors, county or municipal parkland, and or private conservation areas managed by homeowners and future developments.

Although this assessment has looked at potential conservation lands, it has not focused on the built environment. In order to truly develop an innovative "green community" the protection of water quality, natural communities, wildlife, working lands, cultural resources, and recreation areas needs to be extended to the site design on individual buildings and their interiors. By no means is this assessment meant to be a comprehensive guide to "green development." TLC hopes that if development progresses in this area it will build on the recommendations provided in this report and truly be a model of innovative sustainable development and conservation.

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George Lucier – 9 Redbud, Pittsboro stated he would like to begin by saying this concept proposed by Chatham Park is a good one mixing research institutions, companies at the forefront

of technology, organizations, institutions with residences. He believes RTP would have done better than it has done if they had incorporated that concept 52 years ago when it started.

Mr. Lucier said as most of you know Chatham County is becoming increasingly a bedroom community. Chatham Park offers an opportunity to change that which is a good thing. But he also agrees with many of the comments tonight but he didn't want belabor them tonight regarding affordable housing and environmental issues that the development may pose.

He stated we are blessed with an abundance of natural resources and it is important to protect them.

Mr. Lucier said there was one point he did want to make and that is that Chatham Park should have a significant involvement with the Community College. With the promise that they will bring high paying jobs with good benefits to Chatham County. The job of the community college is to train our citizens to get those jobs. So it seems like to him it would be a win-win situation for everybody.

Mary Phyllis Horn – Creekside Circle said she agrees with a lot of the environmental talks tonight and she thinks that is extremely important.

Ms. Horn said when she moved to Pittsboro there was so much land heavy with trees going up to Chapel Hill it took much longer to get there, but she loved those trees. She said trees are the lungs of this planet and that she cringes at the thought of this going in because it will wipe out most of the trees.

Ms. Horn said we need to be standing up for those that cannot speak for themselves. The trees, bears, deer, etc. can't speak for themselves. If there is to be development here it needs to have lots of "wild" places. She said wild places are what help sustain this planet.

Ms. Horn said she goes along with TLC and others. She would ask that they allow habitat for animals.

Jeffrey Starkweather went over some of his comments from the following document:

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Statement of Jeffrey Starkeather, 590 Old Goldston Rd. Pittsboro, 27312

concerning proposed Chatham Park rezoning and master plan.

Town of Pittboro public meeting- July 22, 2013

I consciously moved to Pittsboro 41 years because I wanted to live, work and raise a family in a small town, similar to the unique California small town where I grew up located in a valley twelve miles from the beach in the Santa Barbara area. I did not want or plan to live in a town of 60,000, a choice I made as a city and regional planning and social work graduate student at UNC-Chapel Hill when I chose to escape Chapel Hill for the forests and hills of Chatham County and Pittsboro. I rejected the suburban residential life primarily offered around Chapel Hill and chose instead to live a slower paced life in the country and re- experience the same type of friendly small town quality of life I grew up in.

However, like all things, especially if you live long enough even in the same place, we have to adjust to changed circumstances beyond our control, which can be either be positive or negative depending on how communities and local leaders respond. I grew up seeing how poorly leaders responded in California with massive sprawl and stuck in traffic highways. The town in Northern California where I lived for the first six years of my life was had about the same population as Siler City when our family moved from there. It now has over 100,000 residents. When I served on the Chatham planning board from 1986 to 1992, it became clear that as the Triangle grew outward Chatham would experience the same deadly residential suburban sprawl that I experienced as a youngster in California. We needed to come up with an alternative development strategy. That strategy is the smart growth, sustainable development strategy that I and many others in the county have been fighting to implement for more than a decade. With this development, Pittsboro has an opportunity to make that a reality.

Thus, I support the concept of a sustainable mixed-use smart growth community that Chatham Park has articulated in its previous public presentations. Their publicly stated community concept is compatible with the smart growth strategy of our current county land use plan and the **"Rural Preservation with Targeted Employment Growth"** scenario recommended by the Chatham County Economic Development Corporation land use committee which I was a part of and which was recently approved unanimously by the county commissioners. But like all conceptual plans, the devil in the details.

Based on my reading of the town's PDD ordinance, the proposed Chatham Park Master Plan, and professional environmental evaluations and assessments of this, I do not see that Chatham Park Partners has delivered on the details needed to implement their stated sustainable development concept and goals, nor do I see that the town has been provided the leverage

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needed to make sure that the best aspects of these sustainable community concepts are actually implements, especially protecting our environmental resources, including water quality in the Haw River and Jordan Lake.

This development will result in a town larger than Chapel Hill and determine the quality of life in Pittsboro, its surrounding area and all of Chatham County for the next 50 years. It will have more than nine times the population as Briar Chapel. We cannot afford to get this wrong. The town board has the most leverage now it will ever have in negotiating the best development possible. Town and ETJ residents, all residents of Chatham, citizen groups and town boards need substantially more time to review, give input and revise the proposed master plan. We also need more time to obtain considerably more detail about the proposed development and its phased implementation process from the developers and have them provide answers and information concerning the many unanswered questions or missing information.

Review and approval of rezonings for large scale developments much smaller and less impactful than Chatham Park would take years in most quality communities in the Triangle. Detailed professional developed environmental, fiscal/economic, transportation and socioeconomic impact assessments would be required. In fact, the county required Briar Chapel to provide environmental, fiscal and transportation assessments and charged the developer the cost of the county hiring professional peer review consultants to advise the county. We should require such impact statements and developer financed peer reviews before approval of what would be considered the master plan development agreement. I believe it reasonable to expect such a review and approval process will incorporate maximum citizen and community input. That this could take up to a year to complete seems more than reasonable given the size and likely massive new town development...

The developers will argue that they have been working on this for a number of years, invested millions, worked closely with town staff, and made a number of presentations. I do not believe this constitutes the type of extensive citizen involvement in developing the 30-40 year plan for a community of 55,000 people that we need here in Pittsboro to make sure this new city is the type of city the people of this area want. More importantly, we have a real world test of such a citizen input process that the developers have failed.

The developers have stated in many conceptual presentations that they plan to develop a sustainable "green" development that preserves and enhances the outstanding environment features of this area. They talked about how they wanted to locate near Pittsboro because the town residents support environmental protection, sustainable farming, arts, small town businesses, culture and a small town friendly atmosphere. The PDD ordinance and master plan promises that in exchange for greater flexibility given by the town they will be provide a higher quality development that provides extraordinary environmental protection. How do we know

they will follow up on their promises? If their track record up to this point is any indication, not very well unless the town have mechanisms in place to give it leverage to hold their feet to the fire.

I am referring specifically to the **Southwest Shore Conservation Assessment** that the developers commissioners with **Triangle Land Conservative** and other environmental groups to assess the environmental resources of the area and make recommendations of which and how they should be protected. Among their recommendations was the specific protection of nine key environmental sensitive and valuable areas through the use of innovative sustainable land use and conservation strategies. For example, the tools and concepts incorporated into conservation subdivisions, performance-based and feature-based zoning systems could be used to design the same number of commercial and residential units while preserving these areas. Additionally, as incentive to adopt such environmental protective land use strategies, research from across the country has demonstrated that protecting important and eco-system needed environmental resources actually enhances the economic value of mixed use and residential communities.

Unfortunately, the recommendations of this commissioned environmental study were completely ignored. There was no attempt to work collaboratively with this group of local environmental experts to work how the development could both protect and enhance these environmental resources and enable the developer to have the business and residential densities it desires.

If it failed its first voluntary test, what assurance do citizens have that what appears to be a one-sided, developer friendly PDD ordinance and flexibility focused master plan will result in the type of quality environmentally friendly and economically prosperous? Thus, we need the town to utilize the leverage is still maintains to upgrade this proposed master plan and the process for its implementation to give us the expected extra environmental, social and community benefits we expect for providing the substantially developer greater density and flexibility.

Clearly, the town has limited resources compared to the developer in reviewing the proposed plans and negotiating a development agreement. One way to better balance this resource disparity is the requirement of impacts statements and developer finance poor reviewers.

Another way to address this resource imbalance would be for the town to require annexation as a part of the rezoning. This would provide both parties three significant benefits: a) financial means for the town to provide the proper review and evaluation of proposed detailed site plans and monitoring and inspection of the development as it proceeds; b) capital to finance and construct needed infrastructure in advance of it reaching the limits of current town and county service capacity including building schools before they becomes significantly overcrowded, and

the ongoing financial resources for the town to take over and maintain the water, sewer, transportation, recreation, parks and other infrastructure needed for the development; and c) lock in annexation and prevent unpredictable and unworkable legislative changes in annexation and ETJ statutes from impacting this development.

The master plan is wholly inadequate in providing the town necessary information to approve it, fails to address significant environmental, infrastructure, land use, design and other necessary planning details and makes no attempt to commit the developer to provide extra environmental protections, design standards, quality community standards, recreation and open space in return for the greater density and flexibility this zoning designation allows. Additionally, the submitted master plan does even provide all the detailed elements required by the PDD ordinances, including: utility plan, boundary buffer plan showing transition treatments, proposed land development standards/ regulations and plan for phasing. Instead, providing needed details concerning waste water, water, stream buffers, storm water, stream buffers, design standards for different types of communities and commercial areas, storm management, schools, transportation, recreation and green space, tree protection, signage, parking and loading, lighting and landscaping plans, the just they just provide general written descriptions of the types of plans intend to consider and/or develop. Finally, the master plan does not address affordable housing nor does it outline how citizen and community groups will be provided effective input into the development of their detailed plans.

I am submitting written comments with more detailed concerns about the master plan, as well as what I consider deficiencies in the PDD ordinance that should be address and alternative processes the town could consider for reviewing and approval an overall development agreement.

In conclusion, I believe the master plan presented is wholly inadequate and missing substantial needed details and the residents of the town, the ETJ, Chatham County, citizen groups and the town board deserve impact statements from the developer and substantially more time to review this rezoning request.

Appendix

Some of the other deficiencies and lack of necessary information I took from the reading the plan include the following:

1) In numerous places the master plans states is will be governed by existing regulations contained in the subdivision and zoning ordinances or overlay ordinances, unless exemptions or variations are allowed by town. This is part of their desire to have maximum flexibility. However, nowhere do they provide any details or mechanisms whereby they will provide added

quality or environmental measures or protections in exchange for this flexibility. This needs to be spelled out.

2) They provide no environmental, fiscal/economic, transportation and socioeconomic impact evaluations or studies that would demonstrate specifically how this master plan will result in such high density development and still protect and enhances these impacts of the town and area. Nor, does it indicate they will provide such impact analysis and assessment at a later approval state of the development.

3) Riparian buffer protection: They indicate they will follow the town's stream buffer rules unless exempted by the town. Since this is supposed to be a conservation sustainable development and allows for much greater mixed use and residential density in walkable communities, shouldn't this plan provide even greater riparian buffers that traditional developments?

4) Private ownership, maintenance and control of recreation and open space. This master plan give nearly completed discretion to developers to determine which areas of recreation and open space will be public and which private. I am concerned that we could have essentially a high end residential area with private recreation, open space and amenities that are not equally available to the existing residents of the town. The more private recreation and amenities provided and turned over to homeowners' association for control, not only the more unequal the community will become but the less incentive the new residents, who will eventually represent an the vast majority of the town residents, will have little or no incentive to support public town managed recreation, open space and other quality of life amenities. These should be decisions of the town board, not the developers.

5) No inclusionary housing provisions provided.

6) Waste water: Beyond direct and indirect pollution run-off problems, I am concerned about what appears to be a proposed decentralized spray irrigation waste water system for this massive development of 55,000 and major industries and hundreds of businesses. Secondly, it appears they want to retain private control of such a system and possible turn it over to be operated by a private company, such as the Aqua America. The town should retain control of the sewer system of its. Moreover, the town should determine the best way to provide sewer services. I am all for re-use water wherever possible but it seems the more environmental protective approach would be to contract with the City of Sanford to treat and dispose of the substantial portion of the town's wastewater. Regardless, I do not see how the town can approve this massive development without working out the details of wastewater treatment to its satisfaction. Moreover, there are economies of scale in a citywide system that can provide the much needed wastewater for expanding our downtown and other town business and industrial sectors.

7) Water: The master plan fails to detail an actual financing and phasing plan for providing water to this massive development. It assumes water will be provided a new regional facilities from Jordan Lake. None of plans for this new regional water treatment facility, including its finances, have been developed and agreed upon the hope for regional partners. What happens if this regional partnership collapses?

8) High density option for 70 per cent impervious area allowed. The high density option is normally designed for urban areas. Based on the very general land use map provided with the master plan, it appears that much of the residential areas of more like suburban development, where the high density option is not normally allowed. I think the town should consider requiring something like the feature-density approach, that provides density maximums based on land characteristic and proposed use factors set out in advance in a guidelines which the develop can always request a variance from where they can present factual information justifying this request.

9) Among the missing detailed plans, the master plan put off until some unspecified date the presentation of a set of development standards/regulations, buffer boundary plan, landscaping, lighting, parking and loading, signage and tree protection.

10) I do not see where the developers have engaged in a community and citizen group input process in developing their plans, nor do I see in the master plan for the type of extensive citizens engaged process that such an innovative and flexible new city needs to reflect the values and knowledge of the local community.

Additionally, in my opinion, the **PDD ordinance** needs to be strengthen and clarified. Many of the sections and provisions are one-sided. The ordinance, as I read it, does not provide a mechanism for the town to require the developer to provide higher quality development in exchange for the flexibility the ordinance provides. Here are some of my concerns

A) Specific provisions appear to be one-sided. For example, in section 5.8.3 it lists a series of elements that plan "shall" include and allows the applicant to choose to include additional elements but doesn't give the same right to the town. In section 5.8.7(c) the application/developer is given complete authority to determine which recreation and open space areas shall be public and which private. That should be a joint decision, if this is to be a true partnership.

B) The amendment sections are not clear. Can either the town or applicant seek amendments or does the town just vote on proposed amendments requested by the developers?

C) Also, I have serious problems giving the power to make amendments to the plan under section 5.8.10(b) solely to the hired town manager. All changes should be voted on by the town board, the only persons accountable to the town residents.

D) Additionally, I understand there is an approved major transportation infrastructure plan approved by DOT, but certainly not a detailed automobile, bicycle, pedestrian and transit plan for the entire development, whose impact could have significant traffic and environmental impacts both within and beyond this development, for which a transportation impact study should be required. Yet, section 5.8.6 inexplicably precludes any traffic impact analysis.

E) The PDD ordinance does make clear what constitutes the development agreement(s) between the town and the developer.

F) Finally, if the town wants to give the developer two years to develop the missing land use, infrastructure and design details for approval by the town while still having their property rezoned, then the PDD ordinance needs to be revised to allow that.

Finally, I expect that the developers will putting maximum pressure to get their master planned approved so that they can better market their development. Given the severe inadequacies of the plan and the need for additional time to review and revise it, I propose two alternative time lines and processes for reviewing this rezoning request

a) Review and revision of proposed Master Plan as part of rezoning this property under the existing PDD ordinance: If we are going to approve a master plan as part of the actual rezoning, then a much greater detailed master plan should be required from the developer , including the applicant providing detailed environmental, transportation (revise PDD and require detailed multi-model transportation design), fiscal/ economic, and social impacts evaluations to be peer reviewed by consultants paid for by the developers. This was what was required for the much smaller Briar Chapel development. I believe it would be reasonable to allow up to a year for citizens and the town to review, evaluation, provide input into a proposed master plan before it received final approval. I am assuming this master plan will serve as the overall development agreement between Chatham Park and the town.

b) Revise PDD ordinance to create two step rezoning approval process: However, If the developers feel they need to obtain the rezoning much sooner than that to market their development to potential businesses and employers, then I would suggest the town revise the PDD process as follows, assuming your attorney says this is legal and protects the interests of the town. The Town amended change the PDD ordinance to require a more conceptual master plan document to be approved by the town at the time of the rezoning. The town would then give the developers two years to present detailed plans about all the aspects of the development (e.g. design standards, residential community standards, recreation,

environmental protections, transportation, waste water, water, etc.) that will specifically state what design, community resources, environmental and other amenities beyond those currently required by town land environmental ordinances the developer will provide in exchange for the much greater density and land use flexibility allowed under this novel and new zoning category. Of course, this would clearly require the same impact analysis provisions stated above. I would also recommend requiring that the developers engage local citizens and citizen groups in developing and providing feedback on these detailed plans (e.g. charrettes) as opposed to having paid consultants from outside the state develop these plans and then present them formally for the citizens to respond solely at public hearings.

Greg Lewis – 76 Lauren Rose Land and the owner of Pittsboro Roadhouse. Mr. Lewis said like most small business owners they have risked everything they have to start and support their business. At the Roadhouse they support local artists, painters, musicians and citizens through jobs. He would like to be sure that Chatham Park work in conjunction to create a plan for downtown. He would like to see them do something to help and support downtown – something to preserve and protect the town itself.

Mr. Lewis said he would not like to see Chatham Park go in and everybody just drive around downtown Pittsboro and then there is nothing left. He would like to see them support the local businesses that have been here for many years.

He would like to see the developers help uplift downtown, help beautify downtown and help offset the cost of creating the downtown improving the sidewalks, improving the parking, the roads and to help promote the historic aspects of downtown.

He would also like for them to create walking maps and just to promote downtown with everyone out there. He would also ask that they limit the big box stores that would go into Chatham Park.

Mark Hoffman – 811 Winterhill Dr., Apex, NC. – Mr. Hoffman requested that he be the designated representative for the Carolina Canoe Club (over 1,000 members) at future meetings. He said his comments tonight are in addition to the ones he made at the June 22, 2013 meeting.

He would like to speak on Perimeter Boundary Transitions which reads Perimeter Boundary Transitions must be addressed in the PDD Master Plan. While there are no buffers or transitions areas required between land uses within a PDD, such transitions are required between land uses along the perimeter boundary of a PDD and dissimilar land uses on properties adjoining the perimeter boundary of a PDD. These boundary transitions may include buffers, specific compatible land uses, and/or other transitions and may be varied over their length and/or width to meet the desired intent of this requirement.

To transition between dissimilar land uses along the perimeter of the PDD, three methods may be applied either singularly or in combination. First, development within the PDD will avoid, not prohibit, the placement of land uses that are dissimilar to those adjacent at the perimeter of the PDD. (Mr. Hoffman said this basically says they can do whatever they want.) Second, if a dissimilar land use is to be placed at the perimeter of the PDD, the impact of that use will be mitigated by establishing a reasonable distance between the dissimilar land uses. For example, if an office building is to be placed near the perimeter and a single-family home is adjacent, the distance between the structures will be established that mitigates the impact on the neighboring home. The third method is to maintain existing vegetation or to plant additional vegetation that will buffer the dissimilar uses. All three of these methods will depend on how dissimilar the land uses are and the specific site conditions.

Mr. Hoffman stated those three techniques are adequately inappropriate to integrate smell, sound and lighting. So, he would like to see those three things addressed in that. The three listed basically address site and use issues but definitely fail in the area of small, sound and light.

Elaine Chiosso – 1076 Rock Rest Road, Pittsboro, NC. Executive Director, Haw River Assembly and Haw River keeper went over the following report:

To: Mayor Randy Voller, and Members of the Pittsboro Town Board of Commissioners

Additional Comments on Chatham Park
Planned Development District Master Plan and Re-zoning Request

"Spreading southwestward from the banks of the Haw River and the shore of Jordan Lake lies an undeveloped wilderness of more than 10,000 acres. Just a few roads and a scattering of homes break up this forested landscape dotted with the remnants of previous settlement: old family cemeteries, stone walls, and home sites. Laying within the Cape Fear River Basin and draining into Jordan Lake--the second largest drinking water supply for Triangle area communities--the Southwest Shore Wilderness is one of the largest remaining unfragmented areas in the six-county Triangle region. Within this setting, Preston Development Company has assembled nearly 6,500 acres of land with plans to develop a large, mixed-use project--the largest project in Chatham County's history. The Preston property extends from Bynum in the north to just shy of the Deep River in the south and is characterized by rolling hills, steep ravines, upland forests, open water, wetlands and floodplains"

Southwest Shore Conservation Assessment, 2008

At the time the report quoted from above was published, Chatham Park did not yet have a name, and was fewer acres than it is today. When I think about development proposals I find it is always helpful to have a sense of place – and to consider all of what might be lost, in order to decide what might be gained.

These comments are an additional response to those I sent earlier, having now had more time to study the numerous documents concerning the Chatham Park PDD Master Plan. Thank you for extending the time the public has had to comment, and for continuation of the public hearing.

The Planned Development District Ordinance states in Section 5.8.3 that the application for rezoning to a Planned Development District and the Master Plan shall be treated as a single item when acted on by the Board of Commissioners. I do not believe that this rezoning request for Chatham Park as submitted is in the best interests of the people of Pittsboro, the ETJ or for the thousands of people in Chatham County who think of Pittsboro as their home town for shopping, dining, schools, churches, health care, and more. As Haw River keeper, I am especially concerned about what will happen to the waters of Jordan Lake, the Haw River and the many creeks that will be impacted by this enormous development. I think the language in the PDD Ordinance is not protective enough of the town's interests for what will happen to this land and how it will develop. I do not see either the details or the intent in the Master Plan for the kind of innovative land planning, design and layout that the PDD was intended for.

DRAFT

The PDD ordinance gives 6 points that spell out the benefits of this special zoning district. Taking these points one by one raises many important questions that I hope the Town of Pittsboro will take time to address before moving forward with this approval process.

1. Reducing or eliminating the inflexibility that sometimes results from strict application of zoning and development standards or regulations that were designed primarily for individual lots;
The developers of Chatham Park would certainly benefit from the flexibility of the PDD and to not being held to Pittsboro's regular standards and regulations. But what does Pittsboro get in return? The Master Plan lays out a density of 70% impervious surface - the equivalent of urban density in a landscape that is currently mostly used and zoned for residential, rural and agricultural. The current zoning for this area shown on the developers map for residential use is for minimum lot sizes of 1 to 5 acres per dwelling unit. The Master Plan would create 22,000 new housing units – perhaps 10 times more than what could be done at full build-out under current zoning. What is the benefit to Pittsboro of such a huge population that will surely swallow up its current identity, cultural uniqueness, historical significance and political structure?

(2) Allowing greater freedom in selecting the means to provide access, light, open space, and design amenities;
Looking at the Master Plan it would appear that these "freedoms", due to the sheer numbers of people, vehicles and buildings proposed, would create more traffic, more light pollution, and a very minimal amount of open space and unknown design amenities. Again, what is the benefit to Pittsboro? Does it really make sense to try to connect the properties above and below Hwy 64 as a continuous Planned Development District? In actuality there is really no connection between these two areas except for a conceptual road.

(3) Allowing greater freedom for a broad mix of various land uses in the same development;
The Master Plan shows the kind of commercial development along highway corridors and sprawling residential growth that is typical of regular development. Where is the innovation and the need for this to be a PDD? Where is the affordable housing going to be so that this development will be inclusive of a broad mix of people? Where is the working farmland that could take advantage of Pittsboro's world class sustainable agricultural programs at the Community College? This would be an innovative use that would also be very place based, recognizing Chatham County's long and proud agricultural history. Working sustainable and organic farms with local food would be a great asset to the new and old residents of this future city.

(4) Promoting quality urban design and environmentally sensitive development by allowing development to take advantage of special site characteristics, locations, and land uses;
There is extremely little in this Master Plan that takes advantage of the very special site characteristics of this piece of land. Where is the connection of this plan to the *Southwest Shore Conservation Assessment* that was done for this land with the encouragement of the developers in 2008 by the Triangle Land Conservancy, the UNC-Chapel Hill Institute for the Environment and many scientists and planners from local, state and federal agencies and organizations including the Haw River Assembly? This very detailed report used boots on the ground to get

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first hand information of the landscape, cultural history, streams, plants, animals and geology of this very special land between the Haw River and Jordan Lake. Excellent recommendations were made in the report on how to best protect the most valuable ecological places on this land when developing it. It is really a blueprint and a gift to those who are trying to plan what is best for our area. At the very least we would have expected to see large conservation areas of undisturbed natural forest and habitat with development clustered away from the sensitive riparian buffers and significant natural areas. The Master Plan shows only about 234 if the total 7120 acres to be dedicated to something called Park/Institutional. Although additional greenways are proposed, this will be basically a landscape of impervious surface and a great loss of the existing forest, wildlife habitat and of course, the wildlife itself. The stream buffers proposed meet the minimums required by Pittsboro for development so close to Jordan Lake, but pale in comparison with Chatham County's much more protective buffers of all streams including the smaller headwaters, springs and buffers around wetlands. Did the Chatham Park developers ever create an overlay map of the excellent "Conceptual Open Space Plan" Figure 31 of the *Southwest Shore Conservation Assessment* with their property? It does not appear that they used this Assessment, otherwise the Master Plan would look quite different. Is it possible for the Town to do an overlay map?

(5) Encouraging quality urban design by allowing higher densities when such increases are supported by superior design or the provision of additional amenities;
Why is it assumed that urban design and high density – basically a new city bigger than either Pittsboro or Burlington – is a desirable use of this land between Pittsboro, Jordan Lake and the Haw River? Pittsboro's own Land Use plan map of future land use did not envision this as the preferred scenario. Pittsboro has long understood that it has a very special role to play in the stewardship of these waters used and enjoyed by its residents. The Master Plan does not place those stewardship roles as a priority, even though Jordan Lake and the Haw River are a tremendous asset to not just Pittsboro and Chatham County, but the greater Triangle area as a whole. They would be taking an existing natural amenity of our area and creating something that would look a lot like Cary.

(6) *Advancing public health, safety and general welfare*
This is the point that I think is most lacking in this Master Plan. How does Chatham Park advance our public health, safety and general welfare? As Haw River keeper I have not yet seen a major development built that did not have Notices of Violation for sediment and erosion control or other water quality standards– and sending tons of mud into nearby streams, the Haw River and Jordan Lake. This has been true of Briar Chapel, Chapel Ridge, Amberly and on and on. The Haw River Assembly has been fighting the pollution that comes from the polluted stormwater, impervious surfaces, roofs, lawns and roadways for over 30 years. This pollution is why Jordan Lake is on the EPA Impaired Waters list. So are parts of the Haw River and Robeson Creek. I see nothing in the Master Plan's stormwater section that would increase water quality by building a high density development of this size near these waters. This is not a small matter to those 300,000 people who drink water from Jordan Lake or the over 1 million people a year that use it for recreation. How will Pittsboro meet nutrient reductions for Jordan Lake with new inputs from a development this size. The enormous amount of impervious surface they are proposing cannot be mitigated on site, especially in times of heavy and protracted rainfall.

And how does it advance the general welfare of those who call Pittsboro home? What will happen to historic Pittsboro communities, and especially historic African American communities who are adjacent to this huge new mega-development. How will historic Pittsboro co-exist with something twelve and half times bigger than it is? Will there be environmental justice issues when we look at who will be impacted by the burden of new roads and pollution caused by the project?

Is this a new city being built or an enormous expansion of Pittsboro. Is it a private development or is it truly public in the way a city is?

How will a development of this size affect the total carbon footprint and climate change when such a large tract of existing forest is cut down? How will it affect our own microclimate in eastern Chatham County with so much new roofs and pavement?

How will the Town be protected from a failure scenario if one arises, in terms of abandoned infrastructure, or difficulties selling properties. How will the Town's interests be protected when land is flipped to subsequent developers? How will environmental protections ordinances apply in the future to vested interests? Should Pittsboro require bonds posted for infrastructure guarantees? We need look no further than up the road in Chatham to see the lingering effects of unsold and foreclosed development land. And what about the eventual size of this? Chatham Park has contracted to purchase 536 additional acres once owned by Townsend just south of the US15/501 and Pittsboro-Moncure Rd. intersection. This means Chatham Park will now be 7,656 acres in size.

And finally – water use. The Master Plan is not specific enough about where the source drinking water will come from, and it seems that information – for a new population of perhaps 50,000 or more people, should be known upfront. Same with the wastewater. The Haw River Assembly has long fought against wastewater effluent being dumped into the Haw River near Hwy 64 – at a permitted site just upstream from what will be Chatham Park. We would welcome a truly innovative water reclamation and reuse project that the Plan discusses. But we believe more specifics need to be in place in order for there to be confidence in these ideas. And where will sludge extracted from wastewater be applied? What lands will be used for that?

When we consider the enormity of this project, and so many unanswered questions, we would recommend the following steps be taken next:

1. Require an Environmental Impact Statement to be prepared by the Chatham Park developers with peer review of the EIS before the rezoning request is considered. Use the existing *Southwest Shore Conservation Assessment, 2008* for the valuable information it contains.

2. Following the results of the EIS, ask for a revised version of the Master Plan that will better address the many questions raised here and by others before any decision to re-zone is made.

3. Allow enough time for in-depth understanding of this project and further input by citizens whose lives will be impacted, forever, by a project of this magnitude.

I urge you to allow enough time to get this right – and to help guide new development that is fit for the 21st century and the many challenges that we will be faced with. We cannot solve the issues of sustainable energy, food and water and the changes climate change will bring with 20th century thinking.

Again, thank you for your consideration of these comments and the many questions raised.

Sincerely,

Elaine Chiosso

Haw River keeper and Executive Director, Haw River Assembly

Graphs attached were the same as TLC.

Jessamine Hyatt said she just wanted to speak simply from her heart about the proposed development of Chatham Park. She said many of her feelings have already been addressed by others who have spoke before her especially those speaking for conservation and affordable housing.

Ms. Hyatt said she would like to add a special emphasis on protection and conservation of Chatham's farmland.

She said she would just come right out and say she does not like the proposed project at all and that she is not opposed to development as such but this project is too big and out of character for this county. She believes it will ruin the Chatham County we love.

Ms. Hyatt said she understands that Chatham County needs to shift its residential to commercial tax ratio, that it needs more employment opportunities and that it needs to prepare for the growth pressure from counties to the north and east.

Ms. Hyatt said she believe Preston Development has good intentions. Nevertheless, Chatham richness is its rural character and its many working farms. Chatham County farms and its groundbreaking sustainable agriculture have helped put this area of NC on the map for its outstanding local food scene.

She stated that EDC had done a survey where citizens gave their top two growth scenarios they would like for Chatham County. The top two were conservation and farmland preservation. This area does not need another RTP or Cary.

Ms. Hyatt asked that the board not move so quickly on approving over 7,000 acres at one time. It is handing over too much too fast. She would ask that they allow more input and consider first approving a small part of the project with the ability to adjust the requirements as it moves along.

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She feels it will be irresponsible to the citizens of Chatham County to hand over all 7,000 acres at once.

Brooke Massa – 1102 Taylor, Durham, NC entered the following comments into the record.

Pittsboro Board of Commissioners Public Hearing on the PDD Master Plan for Chatham Park

July 22, 2013

Further comments submitted by The NC Wildlife Resources Commission

Thank you for the opportunity to provide additional comments on the proposed PDD Master Plan for Chatham Park. These comments are intended to provide additional information to supplement the comments provided by NC Wildlife Resources Commission (NCWRC) on June 24, 2013. The PDD Master Plan for Chatham Park states a desire to provide 'exceptional design, character and quality that preserve critical environmental resources and provide open space amenities.' We commend the developers for setting this laudable goal. However, as currently described, the Plan does not have an adequate strategy to ensure that critical environmental resources are, in fact, preserved at build-out. Chatham Park has great potential to be a shining example of how to protect natural resources while building an innovative community. NCWRC would welcome the opportunity to assist the developers and the Town of Pittsboro in realizing this potential.

The following recommendations are intended to provide information to help ensure that Chatham Park can achieve compact growth and minimize impacts to critical environmental resources. Our recommendations are based on the best available science from two habitat conservation guidance documents: *Habitat Conservation Recommendations for Priority Terrestrial Wildlife and Habitats in North Carolina* (2012) and *Guidance Memorandum to Address and Mitigate Secondary and Cumulative Impacts to Aquatic and Terrestrial Wildlife Resources and Water Quality* (2002).

Summary of Comments:

- We recommend that 100 foot and 50 foot stream buffers are maintained or restored as forested buffers.
- We recommend that streams within sub watersheds that contain federally listed aquatic species have 200 foot forested buffers, see Figure 1. These can be used as greenways.
- We recommend that rare species, isolated wetlands, and game land boundaries are included as critical environmental resources.
- We recommend that at least 2,330 acres be set-aside as open space, providing recreation opportunities for residents, with environmentally sensitive areas permanently protected and maintained as natural area open space reserved for passive recreation.
- We recommend that more use is made of Section V. on page 49 of the *Southwest Shore Conservation Assessment Chatham County, NC* to identify priority natural open space and greenways. Our recommended conservation areas are contained within this map.

- We recommend that less than 20 acres per Park Planning Area be dedicated to urban recreation parks in order that more natural open space is directed towards priority natural areas.
- We recommend that the applicant provide information on minimum and maximum densities and percent of built-upon area planned for different sections of Chatham Park so that the Town has a clearer idea of how the development will look at full build-out.
- We recommend that conservation subdivision standards be applied throughout Chatham Park, or at least in the portion of Chatham Park that is north of Highway 64 and those areas on the eastern side of the development, where rare species and natural plant communities are located.

In addition to these comments, we have attached the first chapter of the Green Growth Toolbox handbook that provides information and references on the social, environmental, and economic benefits associated with nature-friendly communities.

Site Analysis Elements

Rare and Endangered Species

One of the intentions of the Planned Development District is to 'preserve critical environmental resources.' There are rare species and habitat present on and adjacent to this PDD area. As currently proposed, the PDD Master Plan for Chatham Park will fall short of the measures needed to conserve these sensitive resources and we recommend that fish and wildlife habitat be specifically addressed in the Master Plan. The segment of the Haw River adjacent to the development has one of the few populations in the world of Cape Fear Shiner, a federally listed endangered fish, and it also supports Yellow Lamp mussel and Brook Floater, two species of freshwater mussel that are both state listed endangered species and federally listed species of special concern, meaning that they may be listed as endangered in the future if their situation continues to worsen. In order to conserve these aquatic species, we recommend 200 foot stream buffers on either side of streams and creeks in the watersheds that feed into the Haw on Figure 1. Along this length of river, one can also find the Septima's Clubtail, a dragonfly species that is another federally listed species of special concern. In addition to these wildlife species, there is at least one federally listed endangered plant species along this section of the Haw River. Most of these species are aquatic and development within the watershed will impact their habitats through increased run-off and other impacts. We recommend that adequate habitat conservation measures for these species be included in the Master Plan. By voluntarily conserving a portion of habitat for at-risk species, the developer will help to reduce the need for these species becoming federally listed.

The following recommendations will help protect the habitat of rare and endangered species within and adjacent to Chatham Park:

1. The applicant should provide text and/or maps that identify the rare plant and animal species within the watersheds that they are proposing to develop as a Planned Development District and recognize these as critical environmental resources that are worthy of protection.
2. The streams in the sub watersheds of Cape Fear Shiner should be required to have a 200 foot vegetated buffer on them (see Figure 1). The sub watersheds of the Cape Fear

Shiner take up a good portion of Chatham Park. These buffers should be maintained and/or restored with natural vegetation. This will help prevent run-off and sediment from entering the streams and degrading their habitat.

Game Lands and Hunting Opportunity

In addition to the presence of rare and endangered species, Chatham Park is adjacent to Jordan Lake Game Lands, one of the very few publically accessible places left in the Triangle where people can hunt. Hunting brings economic benefits to Pittsboro, and the game lands should also be considered a 'critical environmental resource' that should be preserved for future generations. This is particularly relevant because most of the boundary of Jordan Lake Game Lands will experience development encroachment pressures. This will reduce the ability for sports people to hunt, especially in areas where game lands are not wide, such as those adjacent to Chatham Park, and could lead to potential conflicts between hunters and residents. We recommend that the applicant provide a map that identifies the game lands and provides text that recognizes the importance of maintaining the viability of adjacent game lands for hunting. In order to reduce conflict between hunters and property owners, the Wildlife Resources Commission recommends that habitable structures be placed at least 150 yards back from the game land boundary. Wider buffers of natural vegetation will enhance the habitat value and the ability of game land managers to conduct timber operations and controlled burning (see comments submitted 6/24/13 for more information on controlled burning). This recommendation is consistent with the Perimeter Boundary Transitions section of the Land Use Elements, which states that the impact of a dissimilar land use at the boundary of Chatham Park will be mitigated 'by establishing a reasonable distance between dissimilar land uses.' These buffers should be kept in natural vegetation and should be made as wide as possible.

Significant Natural Heritage Areas

Much of the northern half of Chatham Park is located in a Significant Natural Heritage Area (SNHA) called the Pittsboro Wilderness. Significant Natural Heritage Areas are field surveyed and determined by biologists to contain multiple rare species and/or high quality natural communities. The Pittsboro Wilderness is mostly contiguous, road less, forestland, including Dry-Mesic Oak-Hickory Forest (Piedmont Subtype) and Mesic Mixed Hardwood Forest (Piedmont Subtype). Forests of this size and type are relatively rare in the Piedmont and provide habitat for many species of wildlife. Biologists have found this area to be important for protection in order to conserve biodiversity at the state and local levels. There is no mention in the Master Plan that Chatham Park will be built on a Significant Natural Heritage Area, however, this is another example of a critical environmental resource that the Planned Development District should aim to preserve. In order to protect some of the integrity of the SNHA, we recommend that the applicant include this information in their Site Analysis Element section of their application and provide specific measures to help protect this resource. We provide recommendations on how to protect this resource in the Parks, Greenways and Open Space Elements section below and in previously submitted comments on conservation developments.

Small Wetlands

According to the *Southwest Shore Conservation Assessment Chatham County, NC*, there are isolated small wetlands (i.e., seeps and springs) in Chatham Park that are important habitat for amphibians, like salamanders and frogs. These species require *both* intact wetlands and adjacent

upland forest in order to satisfy all parts of their life cycle. Many amphibians are rapidly disappearing from the Piedmont as their habitats are destroyed or degraded through development and pollution. Often these small wetlands are not included in GIS datasets on wetlands and must be field identified. In order to protect their habitat, it is recommended that the applicant identify small wetlands as a critical environmental resource in their Master Plan and commit to identifying and protecting isolated wetlands and a 750 foot buffer of adjacent forest in development agreements.

Stream Buffers

Under current local ordinances, only the first 30 feet of stream buffer is required to be a no-touch zone of natural vegetation. However, wider no-touch zones of natural vegetation will provide benefits to the many wildlife species that use riparian areas for dispersal and/or as habitat. We recommend that the full width of the required stream buffers (100 feet for perennial streams and 50 feet for intermittent streams) be maintained (or restored) as no-touch zones with natural vegetation.

Land Use Elements

Mixed Use

Suburban sprawl is one of the top threats to wildlife in the state. Pittsboro's Land Use Plan emphasizes the importance of developing compact, walkable communities and the Planned Development District is intended, in part, to encourage mixed land uses. The Wildlife Resources Commission encourages mixed use, high density development to reduce sprawl and the overall footprint of developments. In the Master Plan, there are only 259.3 acres of development classified as 'Mixed Use' (only 3.6% of Chatham Park) and a total of 626.6 acres classified as 'Residential Mixed Use' (8.8% of Chatham Park). Residential-Mixed Use Development will only have up to 10% of land in non-residential uses. Parkland will make up some of the non-residential use in these areas. Thus, under the current Master Plan very few acres of Chatham Park are to be Mixed Use. Much of the development will be 2 – 3 dwelling units/acre - very similar densities to what is found in suburban sprawl. We recommend that the applicant demonstrate or summarize how the Master Plan will result in a sufficient mix of uses so as to encourage compact communities with access to retail services and research and development centers within Chatham Park. Access to these amenities within Chatham Park will reduce the development footprint outside of Chatham Park and ensure less suburban sprawl.

Parks, Greenways, Recreation and Open Space Elements

Amount of Park/Open Space

We commend the applicant for committing to 1/33rd of 1 acre of open space per dwelling unit and also for *not* counting stream buffers as meeting this open space requirement. This will help to ensure that open space will be included in this urban community. However, more robust conservation of sensitive resources and more recreation opportunities for residents could be achieved by using a greater ratio, resulting in more open space. If Chatham Park is fully built out to 22,000 development units, 667 acres of open space is proposed. This is only 10 percent of the site, not counting the stream buffers. We recommend that 35 percent of the site be set aside

as open space, this would be approximately 2,330 acres (including stream buffers), equal to a ratio of ~1/10th of 1 acre of open space per dwelling unit.

Currently, approximately 8.5 miles of greenways and 160.4 acres of public parks are proposed to be placed in sensitive environmental areas. Only 44 acres, the protected Stinking Creek Conservation Area, is ensured to be left as natural open space. In order to protect as much of the Pittsboro Wilderness Significant Natural Heritage Area as possible we recommend that currently planned parks in this sensitive area be maintained as natural area parks reserved for passive recreation use only.

1. We recommend that the Master Plan identify at least 1,668 more acres as potential open space for when Chatham Park is built-out to 22,000 development units or more.
2. We recommend that small wetlands and stream buffers are targeted for greenways in order to free up space for more conservation of the SNHA and the game land buffers.
3. In order to more fully address protection of critical environmental resources, we recommend that small parks of less than 20 acres in size be placed within Park Planning Areas and that the remainder of open space be placed as follows (recommendations listed in order of priority):
    1. To widen forested stream buffers to 200 feet on each side of streams within sub watersheds with federally listed species (i.e., Cape Fear Shiner, see Figure 1)
    2. To expand protection of the Pittsboro Wilderness Significant Natural Heritage Area, in the northern half of the development, especially in between the state park lands (expanding the buffer on the Haw River) and adjacent to any identified small wetlands serving as amphibian habitat by creating natural area parks.
    3. To create a 150 yard buffer (or as wide a buffer as possible) of natural, undeveloped open space along the border of the NCWRC Jordan Lake Game Lands in Sections 2.2, 2.3, 3.4, 3.5 and 3.7. A 150 yard buffer along the game lands in these sections is equal to approximately 167 acres. Maintaining this buffer will help facilitate prescribed fire management on game lands, which will protect Chatham Park from wildfires.
    4. Please consult the *Southwest Shore Conservation Assessment, Chatham County, NC* document for additional, site-specific recommendations.

In addition to these prioritized areas for open space conservation, it would be very beneficial to wildlife if these priority natural area parks were connected via wide forested corridors through which wildlife can move between protected areas. Greenways could be planned to connect these areas for people as well. In our previous round of comments, we recommended that greenways be at least 330 feet wide; however given the limited amount of open space currently proposed for this development, we realize that wide greenways are not as important as the above listed priorities. Wide greenways should be reserved for paths that connect natural areas and not for paths that connect developed areas. This will free up open space for larger protected park areas. We recommend that the applicant revise the current Park and Open Space Plan to show these priority areas for parks and corridors.

Qualifying Park/Open Space

The applicant specifies that parks in Chatham Park will be consistent with 'national park planning standards' for neighborhood and community parks. We recommend that the applicant provide a reference for these standards or clearly explain the standards they will be following, so

that the Town and the public can understand these standards and provide input on this aspect of park planning. We recommend that open space be primarily intended for natural area parks and passive recreation in order to protect critical environmental resources.

Development Standards/Regulation Elements

Amendment Procedures

The PDD Master Plan for Chatham Park states that only those ordinances in the 'Town's Zoning Ordinance, as amended on April 8, 2013 and the Town's Subdivision Regulations, as amended on April 8, 2013' are applicable to the Chatham Park Planned Development District and PDD Master Plan 'except as they may be amended by this document or by procedures established by this document.' The procedures outlined in the Master Plan to make amendments are not readily apparent. Instead, the plan describes some circumstances that may allow for amendments, such as increasing the number of dwelling units per planning area. Ordinances established in April of 2013 may be inadequate to address environmental problems that may arise in the future. We recommend that the applicant include text in the Master Plan that details a clear procedure for amending the approved Master Plan so that the Town can enforce regulations to better protect environmental resources in the future.

High Density Option

The Chatham Park PDD will be utilizing the high density option available under the Watershed Protected Area Overlay, but the Land Use Element map included in the Master Plan does not make it clear where dense development will occur. It is recommended that the applicant provide information on minimum and maximum densities and percent of built-upon area planned for different sections of Chatham Park so that the Town has a clearer idea of how the development will look at full build-out. According to research on transit-oriented development, densities of 7-15 dwelling units/acre are necessary for significant transit use. We encourage the use of high density development and that it is sited outside of sensitive environmental areas.

Additional Elements

Natural Resources Conservation and Management Plan

Given the ecological value of the land on which this development will take place, including its importance to drinking water supplies in Jordan Lake and the Haw River, we recommend that a conservation plan be drafted according to our recommendations outlined above. Triangle Land Conservancy's *Southwest Shore Conservation Assessment Chatham County, NC* and the *Chatham Comprehensive Conservation Plan* provide great resources to help develop this conservation plan. The conservation plan should identify priority conservation areas where conservation developments, with set asides of at least 35% contiguous natural open space, are the development design standard. We recommend that the applicant prioritize the conservation of streams within sub-watersheds with federally listed species (i.e., Cape Fear Shiner, see Figure 1), a natural area buffer surrounding NCWRC Jordan Lake Game Lands in Sections 2.2, 2.3, 3.4, 3.5 and 3.7, and the Pittsboro Wilderness Significant Natural Heritage Area, in the northern half of the development. Open space designated in this part of the development should be contiguous with currently protected lands and proposed public parks. Development applications for developments within these sensitive priority areas should require a survey to identify rare species

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and wildlife habitat. The NCWRC is willing to conduct these surveys for the developer at no cost, as staff time and resources permit.

Development of a Conservation Subdivision Ordinance

We recommend that there be an option to develop conservation subdivisions in sections adjacent to priority conservation areas, particularly sections 1.3, 1.1, 2.3, and 3.7. NCSU Cooperative Extension provides a resource on how to design conservation subdivisions that can be downloaded at http://www.ces.ncsu.edu/forestry/pdf/ag/ag742.pdf.

Master Landscaping Plan

Landscaping in Chatham Park should prohibit the planting of non-native invasive species and limit the use of insect resistant plant species. The plan should identify and encourage the use of native plants that support pollinators.

Thank you for the opportunity to provide input on the PDD Master Plan for Chatham Park. I will be glad to meet with you to further explain these recommendations and their rationale, and to help incorporate them into the PDD Master Plan for Chatham Park. Our work is non-regulatory and we are happy to be assistance to you with this and other development plans in the future.

Sincerely,

Brooke Massa, Piedmont Land Conservation Biologist

For more information, please contact:
Brooke Massa
Piedmont Land Conservation Biologist
North Carolina Wildlife Resources Commission
Office: (919)707-0054
Cell: (919)630-3086
brooke.massa@ncwildlife.org

The following report was submitted by Brooke Massa.

Section 1. The Green Growth Toolbox

PROJECT OVERVIEW

Land Use Planning Methods to Conserve Priority Habitats

Wildlife and plant species are our canaries in the coal mine. Their abundance and diversity indicate the health of our natural resources. Hundreds of North Carolina wildlife species are declining in population. Most are declining due to loss of habitats. Habitats are the natural areas that our communities depend on for clean water and protection from flooding or drought among other benefits. The Green Growth Toolbox

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is a technical assistance tool designed to help North Carolina's counties, towns and cities grow in ways that maintain priority wildlife and habitats.

The Toolbox includes how-to information on the following topics.

A. **The Justification and Benefits of Green Growth.** —Provided in this section.

B. **Using Conservation Data**— in land use planning activities. Detailed information is in Section 2.

C. **Understanding Habitat Conservation Recommendations and Best Practices**—and how to use them in each level of the planning process. Detailed information is in Section 3.

D. **Green Planning**—to create land use plans that will enable conservation of your community's natural assets. Detailed information is in Section 4.

E. **Greening Incentives and Ordinances**—methods for encouraging conservation and structuring local ordinances and standards to conserve, buffer and connect important habitats as growth occurs. Detailed information is in Section 5.

F. **Greening Development Review and Site Design**—by using conservation data to review development proposals and applying wildlife friendly development practices to site design. Detailed information is in Section 6.

What are **conservation data?** Conservation data are information about the conservation status and location of important wildlife and plant species and their habitats. The conservation data in this toolbox are based on the N.C. Conservation Planning Tool. They are in a Geographic Information System (GIS) format of maps representing priority wildlife habitats.

How it Works

The Green Growth Toolbox consists of a handbook, packaged GIS dataset, training workshop and technical assistance. All resources are available for download from our website. www.ncwildlife.org/greengrowth

This project is a cooperative, non regulatory effort led by the Wildlife Diversity program of the North Carolina Wildlife Resources Commission in collaboration with organizations featured in the acknowledgements.

Training Workshops and Presentations to Governing Boards

The Green Growth Toolbox is introduced to local government staff and advisory boards through a daylong training workshop. Brief presentations can also be delivered to town councils, boards of commissioners, and other decision-making bodies. Local government

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officials or planning staff who want to use the Green Growth Toolbox should request a training workshop.

Technical Guidance

Local government officials and planning staff who have participated in the Green Growth training workshop are eligible for individualized technical guidance on the following topics:

- integrating the Green Growth dataset with your community's GIS database
- creating habitat and natural resources maps for local planning
- non-regulatory review of conservation plans, land use plans, ordinances, policies and development designs
- incorporating habitat conservation into
  - land use plans
  - policies and ordinances and
  - development review and site design
- developing habitat management plans for parks and open space.

North Carolina contains more leapfrog development than any other state. *1*

Why Green Growth?

North Carolina's Challenge

North Carolina is facing unprecedented population growth and inefficient land development patterns that are putting pressure on the health of our natural resources.

Suburban sprawl is generally defined in the literature as areas with 0.33 to one development unit per acre. Exurban or rural sprawl (areas that are becoming suburban) is generally defined as having one development unit per one to 20 acres.

Land Development Outpaces Population Growth

- According to the U.S. Census Bureau, North Carolina is consistently among the top ten fastest-growing and most populous states in the country. *2*
- Between 2000 and 2010, our population grew by 18.5%; and the population is expected to increase from 9.5 to 12.4 million by 2030. *3*
- This population growth is fueling patterns of land development that threaten our environment, health, quality of life and wildlife habitat. Instead of concentrating development in town and city centers, our communities are spreading outward and using land less efficiently, which is also more costly to tax payers. *4*
- Over one acre of land is developed for each new resident in North Carolina and the rate of land development has been growing faster than the rate of population growth. *5* Our major cities are developing over five times more land per new resident than in the 1970s. *6* The N.C. land mass is 34.5 million acres on which we also accommodate agriculture and natural areas as well as development.

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• In fact, North Carolina contains more sprawl regions: the Triangle, the Triad, and the Charlotte metro area, than any other state. *7*
• On average over 100,000 acres of forests and fields are developed each year *8*—an area the size of Winston Salem and High Point combined.
• Over 30% of streams sampled for water quality are classified as impaired and do not meet standards for safe drinking water or their best use. *9*

The Status of Our Wildlife Species and Habitats

• Of more than 1000 wildlife species found in North Carolina, 38 are already federally endangered or threatened, and 101 species are state endangered or threatened. *10*
• North Carolina contains eight of the 21 most endangered ecosystems in the United States—including spruce-fir forests, longleaf pine forests, and forested wetlands. *11*

Examples of Impacts to Wildlife and Habitat from Development Patterns *12*

Our state's natural areas and wildlife habitats are reduced and fragmented by roads and other development making them unavailable to our wildlife and rare plant communities.

• Many songbird species are steadily declining with the loss of large areas of forests of 75 to 500 acres or more in the United States. Predation by feral and domestic cats and collisions of songbirds with tall structures during migration are also a major factor.
• Amphibians and reptiles in NC have been shown to experience almost 100% mortality than crossing roads with over 2000 cars per day (1.4 cars per minute).
• Bald eagles13 and colonial nesting waterbirds14,15 often abandon their nests when development takes place during the nesting season within 330 feet or more, when development activities can be seen from the nest.
• Tiger salamanders, Carolina gopher frogs and Bachman's sparrows are examples of fire dependent species. Without regular low-intensity fires in their longleaf forest habitat, they will become extinct. Because of this and other reasons, contiguous stands of natural longleaf pine forest that are > 2,000 acres in size are needed.

What is **habitat?** Habitat is the natural environment that plants and wildlife need to survive. Streams, forests, rock outcrops, beaches, wetlands and fields are all types of habitats. Many wildlife of conservation concern have unique habitat needs and are declining due to loss of habitat.

What is **prescribed fire?** Most plant and wildlife species actually need occasional brush and forest fires. Fire clears out thick vegetation growth allowing new and healthier vegetation that provides better food and habitat. Occasional well controlled burning conducted by professionals is used to maintain fire disturbance for habitat management. This is called "prescribed fire." Prescribed fire also protects our communities from wildfires that happen due to woody fuel build-up from lack of occasional fire. For more information see the N.C. Prescribed Fire Council at www.ncprescribedfirecouncil.org.

The Increased Need for Safeguards: Climate Change and Sea Level Rise

• North Carolina experiences more billion dollar climate and weather disasters than 43 other U.S. states, and these events have been increasing in recorded frequency since 1980. *16*
• According to the State Climate Office of North Carolina (led by N.C. State University), the evidence of Global Climate Change is compelling and we can expect extreme weather events to increase in the future. *17*
• Sea level in NC is reported to have risen 13 inches over the last century. Many independent studies show that the rate of NC sea level rise increased 2 to 4 times over the last century. *18*
• The N.C. Coastal Resources Commission Science Panel concluded by consensus that a 3.3 foot increase in N.C. sea level is likely by 2100. *19*
• Climate change will likely cause increases in flood events and droughts in parts of our state.

Kemp et al. 2009. Reconstructed measured sea level along North and South Carolina. "Relative sea level (m MSL)" in graph is meters of mean sea level relative to the present. In 1900 sea level was about 0.32 m (13 inches) below present. The rate of sea level rise increased in the last century 2 to 4 fold over the rate from 1600 to 1900. *21*

Division of Coastal Management 2011. North Carolina coastal elevations from 0-6 feet. All areas in blue (up to 3 ft.) would be submerged by 2100 if sea level continues to rise at observed rates. Inland flooding from storm surge would also increase with increased sea level and stronger storm events. *22*

How Will Climate Change Affect Wildlife? *20*

Patterns of development that fragment or isolate habitats will make it more difficult for many species to adapt to changing conditions.

• Increased severity and frequency of flood and drought events will alter the structure and availability of habitat and water in streams and wetlands. This will likely reduce wildlife survival.
• Coastal habitats, such as beaches, dunes, and marshes, will be lost or altered by rising sea level, increased storm surge, and salt water intrusion.
• Because of climate change, plants are flowering and fruiting outside of the typical growing season which impacts wildlife and pollinators that no longer have available plant and insect food at the right time of year.
• Plant communities in high elevation habitats may be severely altered if temperatures exceed the tolerances of those species. Worldwide, some wildlife species are shifting their geographic ranges due to climate change.
• As habitats are altered or lost it is more difficult in the face of climate change for wildlife and plants to relocate to areas with more suitable climatic conditions.

The Land Use Planning Gap

A critical gap in land use planning underlies these problems. Many communities in North Carolina lack adequate access to and training on how to interpret and use biological data, and how to incorporate habitat conservation strategies in local and regional planning.

The Green Growth Solution

The Green Growth Toolbox bridges the land-use planning gap by providing recommended land use planning measures that will conserve valuable biodiversity and habitat without preventing necessary growth.

The Critical Role of Land Use Planning

Land use planning will play a critical role in helping to safeguard our communities and make them more resilient to extreme weather events. Likewise, land use planning can help to make wildlife habitats and populations more resilient to the common threats we may face.

GREEN GROWTH PAYS DIVIDENDS—BENEFITS TO COMMUNITIES

Green Growth is a way to encourage wildlife habitat conservation while developing communities. It means more centralized growth that also conserves habitat and biological diversity while building homes, roads, businesses and shopping centers.

The N.C. Wildlife Resources Commission and its partners encourage you to put the Green Growth Toolbox to work to benefit local wildlife, habitats, communities and economies. Green Growth will pay dividends for generations to come—dividends that our children, grandchildren, and great-grandchildren will need and enjoy.

Ten Ways Green Growth Benefits Communities

BENEFIT #1 Better health all around: Green Growth leads to healthy ecosystems and healthy communities.

The streams, rivers, soils, plants, and animals in North Carolina's counties, cities, and towns are part of complex ecosystems upon which our lives depend. Healthy ecosystems function well because they have more wildlife and plant species to support our web of life. When a community's biological diversity is maintained, healthy ecosystems support human health and the negative effects of disturbances are minimized. For example, without enough trees on the edge of streams, our waterways die because all stream life including fish depend on tree leaves for the base of their food chain. Without forested streams and aquatic life that naturally break down pollutants and harmful bacteria, our waterways pose risks to human health.

Natural areas benefit our health in other ways as well.

- Research at East Carolina University found that NC communities with access to natural areas have lower rates of obesity. *23*

• Spending time experiencing nature is commonly shown to reduce stress and depression, *24,25* the leading causes of lower economic productivity. *26*
• Richard Louv's book, *Last Child in the Woods* demonstrates that some growing childhood behavior problems and obesity are linked to spending less time in nature. *27*

What is **biological diversity?** Biological diversity (or biodiversity) is the entire diversity of life—including individual species, habitats and entire ecosystems—in a given area.

BENEFIT #2 Economic returns: Green Growth helps communities maintain ecosystem services, which can have significant economic returns.

Natural ecosystems provide people with trillions of dollars of "free" services— flood control, water and air purification, crop pollination, groundwater recharge, and climate regulation.

• One study estimated the value of these ecosystem services worldwide at $33 trillion per year—about the same as the world's gross domestic product. *28*
• Natural stormwater management, water filtration and air purification provided by nature preserves, stream buffers and trees in Charlotte and Mecklenburg County are valued at over $4.4 billion in avoided stormwater construction and $ 64 million in annual air purification. *29*
• New York City does not need to filter most of its drinking water because it receives most of it from the Cat skills which is over 60% forested. This saved tax payers over $8 billion in construction costs and $300 million in annual operating costs of a water filtration plant that is not needed. *30,31*
• In North Carolina, natural parks in Mecklenburg County generate five times more economic benefits (annually valued at $15 million) than they cost.32 Public lands in NC generate four times more economic benefit than their acquisition cost. *33*
• North Carolina National Wildlife Refuges provide $166 million per year to NC in ecosystem services. *34*
• Bats contribute between 4 and 53 billion dollars per year to US agriculture by feeding on insects that are harmful to crops. Native non domestic insects contribute 57 billion dollars per year to agriculture through pollination, predation and nutrient cycling. *36*

What are **ecosystems & ecosystem services?** An ecosystem contains one or many types of habitat. An ecosystem is a natural system of all wildlife and plants that depend on one another for survival. Interactions among species and their environment in an ecosystem help to create human benefits as well. Through predation and uptake of nutrients, wildlife and plants clean our water and keep our forests, soils, fields and crops healthy. Forests and wetlands provide flood control and help to prevent drought. These benefits among others are called ecosystem services, which make up our natural life support system?

If ecosystems that provide these services are degraded, communities will need to spend an unreasonable amount of money to engineer and restore these services.

• Research shows us that protecting quality ecosystems, which possess the highest levels of biodiversity in a given area, ensures that the widest range of ecosystem services is maintained. *37*

BENEFIT #3 Environmental safeguards: Green Growth practices help your community mitigate damages from natural disasters, flooding, drought and changes in climate.

Flooding, wildfires, drought and other natural disasters cost tax payers exorbitant amounts of money to clean up. Communities can avoid many expensive outcomes by protecting wildlife habitat in hazard prone areas, which reduces the effects of natural disasters.

- Communities in NC and across the country are conserving natural floodplains in order to avoid loss of life and expensive flood prone property buybacks. NC receives $160 million on average annually in federal flood assistance. *38*
- for every dollar spent on prescribed fire to improve wildlife habitat and protect against wildfires, $2.14 was saved in wildfire fighting and property damage reduction. *39*
- Southern pine beetles cause up to $38 million of economic loss annually in NC.40 Woodpeckers have been shown to feed on up to 63% of adult southern pine beetles in forests, significantly reducing infestation. *41*

Green Growth Helps Minimize Drought Problems

Sprawling development exacerbates drought conditions. Impervious surfaces force water to flow out of a region rather than recharging groundwater.

- Between 1982 and 1997, the Triangle (Raleigh-Durham-Chapel Hill) lost between 9.4 and 21.9 billion gallons of water to runoff from impervious surfaces.
- Similarly, the Charlotte metro region lost between 13.5 and 31.5 billion gallons, and the Greensboro region lost between 6.7 and 15.7 billion gallons. *42*

By minimizing sprawl land and its impervious surfaces, communities can better avoid losing water and reduce the effects of future droughts.

BENEFIT #4 Streamline the permitting process and avoid environmental conflicts: The Green Growth Toolbox can help developers and your community avoid conflicts and environmental permit delays.

Public administration research demonstrates that environmental policies that reduce uncertainty, actually enhance economic growth. With less uncertainty companies are more likely to invest.*43*

Use of the methods included in the Green Growth Toolbox can help your community proactively address endangered species issues. The Green Growth Toolbox can also help developers put sound conservation measures in place before the environmental review process, such as wetlands permitting, is initiated. While use of The Green Growth Toolbox cannot guarantee a permit outcome, when conservation measures are in place ahead of time permits take less time.

BENEFIT #5 Attract new-economy businesses: By preserving high-quality and attractive green spaces, Green Growth can draw workers and businesses of the new economy to your community.

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Today's marketplace is global, and information technology companies are key drivers of today's new economy. *44*

- In national and regional surveys, new economy companies rate natural amenities and environmental quality ahead of housing costs, cost of living, commuting patterns, schools, and public safety in making decisions about where to locate. *45*
- Greenways attract recreation related businesses and improve quality of life. *46* Grand forks, North Dakota restored the natural floodplain to prevent flooding and built a greenway to enhance economic development. Cabella's specialty retailers located a store near the greenway and doubled their retail sales expectations. Each greenway event generates $2.7 million in economic activity. *47*

BENEFIT #6 Increase prosperity: Incorporating Green Growth practices into development site design can increase property values, produce more profitable developments, and increase the economic competitiveness of a community.

It is important to buffer sensitive habitats from development with parks and natural areas so that development does not occur directly on the edge of a sensitive habitat. Buffering sensitive habitats with greenways and parks near development can make property more desirable and increase prosperity.

- In Apex, North Carolina, homes in the Shepherd's vineyard development adjacent to the American Tobacco Trail sold for $5,000.00 more than other homes in the neighborhood. *48*
- In Brown County, Wisconsin, lots adjacent to the Mountain Bay Trail sold faster and for an average of 9% more than similar property located away from the trail. *49*
- Homes within walking distance of natural parks sell for up to 20% more.50 Larger parks are better for property values even in rural areas. *51*

Conservation developments are cheaper to build than more conventional subdivisions. *52*

- In South Carolina, the costs of developing a 96-acre parcel in a conventional pattern were $10,000 more per lot than the cost of a conservation subdivision. *53*
- Analyses of recent major conservation subdivisions demonstrates an overall savings of 36% versus conventional subdivisions.
- Low impact development techniques to manage stormwater are dramatically and consistently less costly in the short and long term due to less need for construction, maintenance and wastewater management. Savings range from 15 to 80%. *55*

Minimizing habitat impacts does not stop development.

- Ten years after small wetlands conservation bylaws were passed in Massachusetts the rate of land conversion from wetland to residential uses decreased. However, there were no decreases in housing units, housing values or housing density in those communities. *56*
- 76% of homebuyers do not regard having a lawn as a very important feature. *57*
- 91% of homebuyers in the Charlotte NC region consider environmentally friendly

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community features and landscaping to be important. *58*

Adopting a Green Growth approach, therefore, can lead to more profitable developments and a competitive residential housing market in your community.

The Cost of Sprawl

Studies on Cost of Community Services have shown that sprawl is far more expensive than compact development combined with protection of natural areas.

If communities around the United States concentrated growth in city centers, it would save taxpayers the following amounts ANNUALLY through **2025**:

- **$110 billion in road infrastructure,**
- **$12.6 billion in water/sewer infrastructure, and**
- **$4.2 billion in other public service costs.** *61*

Did you know that most residential development in North Carolina actually cost local governments more than what is covered by property taxes?

For example:

- **Residential development in Alamance County contributes 68 cents to the county for every dollar of public services used. That's a 32 percent average LOSS to the county.**
- **On the other hand, farm and forestland in Alamance County contribute $1.69 to the county for every dollar of services used. That's a 69 percent gain!** *62*

BENEFIT #7 Generate tourist income: Green Growth can help communities create responsible nature-based tourism opportunities.

Tourist dollars tied to nature-based recreation contribute substantially to North Carolina's economy. In 2011, 37% of North Carolinians participated in wildlife-related recreation (primary purpose was wildlife sport or viewing) and $3.3 billion was spent by residents and visitors for this purpose. This is an increase of over 50% in spending from 2006. *59* Thirty percent of overnight visits in NC are for nature-related activities. *60* Protecting high quality natural areas is a good investment in your community's tourism economy and the Green Growth Toolbox can help you identify the most valuable areas to protect.

BENEFIT #8 Reduce costs to taxpayers and local government: Green Growth can help local governments keep taxes low by reducing the cost of community services. Strategically conserving important natural areas and concentrating development in county, town and city centers can provide big cost savings for communities.

- Spread-out residential and low density development far from town centers requires more expensive utility construction, maintenance and emergency services that need to extend over greater distances. *63*
- 78% of homebuyers in the Charlotte area consider travel costs to be important. *64*

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• for every 10% increase in forest and managed grassland cover in a watershed, water treatment costs decrease by 20%. *65*
• Stream restoration in NC costs $1.2 million for every mile of stream. *66*
• Alternatively, the Green Growth approach of concentrating residential development in town and urban centers can help minimize these costs.
• By using hazard prevention policies that conserve wetlands, floodplain and surrounding upland habitat, fewer homes and businesses will require associated emergency services.

BENEFIT #9 Respond to public demand and promote your community: Green Growth helps local governments properly respond to citizens' conservation interests and this helps to attract new residents and businesses.

North Carolina citizens rank environmental protection as a high priority. In a 2005 public opinion survey, North Carolina residents felt it was very important to protect wildlife resources, even if it meant regulating land development.

• Of residents surveyed, 89% responded that it was very important that wildlife and natural areas exist in North Carolina for enjoying and experiencing nature. *67*
• In this same survey, citizens reported they were concerned that sprawl and overdevelopment will negatively impact North Carolina's wildlife. *68*

Successful local bond referendums also show citizen support for habitat protection.

• Nine NC towns and cities have passed bond referendums totaling over $220 million to conserve land from 2005 to 2011. *69*

BENEFIT #10 Exemplary leadership: Leave a natural, economic and cultural legacy for future generations.

Our quality of life, our economy and our history come from and depend on the natural world. Using a Green Growth approach coupled with protection of property rights and effective economic development tools will comprehensively address the challenges of the future and enhance economic development. A Green Growth approach will help to leave a legacy for future generations that honors the responsibility to steward our wildlife, natural resources, economy and cultural heritage.

Resources for Conducting a Green Growth Benefits Analysis

For more on how your community can analyze the benefits of habitat conservation see:

• Cost of Community Services studies by N.C. State University and Dr. Mitch Renkow www.cals.ncsu.edu/wq/lpn/cost.html

• Charlotte and Mecklenburg County Urban Ecosystem Analysis by American forests

http://charmeck.org/city/charlotte/epm/Services/LandDevelopment/trees/TreeCommission/

• NatureServe vista is a free ArcMap 10 Extension based on CommunityViz that measures the benefits of conservation decisions for land use planning www.natureserve.org/prodServices/vista/overview.jsp

• Ecosystem Services in Cecil County's Green Infrastructure is a county local government example www.ccgov.org/dept_planning/Docsforms.cfm

• National Ecosystem Services Partnership, Duke University http://nicholasinstitute.duke.edu/initiatives/national-ecosystem-servicespartnership

• United States Business Council, Ecosystem Services http://usbcsd.org/case-studies/biodiversity-and-ecosystem-services-casestudies/

• American Rivers, Natural Security Community Case Studies www.americanrivers.org/initiatives/pollution/green-infrastructure/solutions/natural-security-case-studies-1.html

GETTING STARTED—TEN KEY STEPS TO GREEN GROWTH

How can your community get started with the Green Growth Toolbox?

1. Find out if Green Growth training workshops are offered in your region. If you work for a local government, then sign up! Contact us at: greengrowth@ncwildlife.org

2. Visit our website at www.ncwildlife.org/greengrowth. Download the Green Growth Toolbox GIS data package, and begin using it in land use planning projects.

3. Establish a Conservation Commission or Environmental Review Board to help guide your community's Green Growth efforts.

4. Hire or assign a staff member to help implement and administer Green Growth projects in your community.

5. Develop a jurisdiction-wide strategic conservation plan. Work with conservation partners listed in Appendix B of the handbook to do this.

6. Meet cooperatively with neighboring municipalities, counties, and regional planning organizations to cooperatively craft Green Growth strategies.

7. Amend your comprehensive plan to include Green Growth maps, goals, and strategies appropriate for your community.

8. Streamline and enhance zoning and development ordinances to protect important

species, habitats, and ecosystems without hindering growth.

9. Start using Green Growth data to review development proposals, and encourage developers to create wildlife-friendly development projects.

10. Establish a land acquisition fund, and partner with your local land trust to purchase the highest quality natural areas in your community.

Communities across the country are realizing the benefits of conserving valuable ecosystems through innovative land use planning.

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Joe Glasson – 11408 Gov. Drive said he is present on behalf of Economic Development Corporation (EDC) Board of Directors. He said he is not here to amend anything he said at the June 24, 2013 meeting but to add to it.

Mr. Glasson said last Monday EDC presented to the Chatham County Board of Commissioners a conceptual land use plan to be able to provide strategic direction for Chatham County over the course of the next 25 years. He said they took the first 5 years of all capital improvements of all towns, county, board of education as well as Chatham Park and put them on a map to show what Chatham County would look like in five years from today.

Mr. Glasson said 173 folks gave information on the survey targeted employment centers the top two choices were conservation preservation and remaining agricultural. Those targeted employment centers would be around Siler City and Pittsboro as well as the two mega sites that probably part of our citizens don't know about yet. But it has been publically announced we may be the first state certified site in all of NC in Western Chatham County. He said there is another one going on in eastern Chatham that may not progress as quickly as the one in the west.

Mr. Glasson said they have spent a lot of time talking with the principles of Chatham Park to be able to look into the future to see what they see and how they see this community and beyond. Chatham Park wants an economical sustainable and environmental substinable PDD.

Basically, what they have done up to now is not only speak it but start to act it. The EDC Board of Directors feel very strongly you should take this input and make whatever key adjustments you think are necessary and move forward in this matter. They are aware the developers have invested 200 million dollars already. The developers would like to see this move on with a sense of urgency not so much as to try to get other people or to try to railroad anyone but they have a lot of cost in the bank right now and they need to move forward with this project.

Mr. Glasson said the Chatham County Economic Development Board of Directors support moving on with this project.

David Richter – 30 Dunmore Lane, Pittsboro. Mr. Richter said he has read everything on the website and there is a lack of details in the proposal and the approval of a zoning ordinance that succeeds an awful lot of power to Preston Development and takes power away from the board who are supposed to represent the citizens and Pittsboro's interest.

Mr. Richter said Pierre Lauffer spoke very well about the need to slow it down. Mr. Richter said there is no need to approve this zoning request at this point. He asked why are we approving one zoning request for 7,000 acres and why can't it be broken out in phases.

Sarah Weil – 106 Lindsey St., Pittsboro. Ms. Weil left the meeting earlier but left the following comments which were read in the record by Mayor Voller.

Dear Commissioner and Mayor:

Please don't turn Pittsboro into another Cary.

Her concerns:

What will this do to our taxes?
Destroying wildlife habitat
Further polluting Haw River/Jordan Lake/Rocky River
What about affordable housing?
Increasing population
Increased congestion (traffic)
Decreasing forests
Decreasing quality of life for area (visually less appealing)
Please keep our rural areas.

Bill Terry – 92 S. Freeman Drive, Pittsboro. Mr. Terry made the following comments:

Talking Points for July 22, 2013 Public Hearing on Chatham Park Rezoning Request
(Bill Terry, 92 South Freeman Drive, Pittsboro, NC 27312)

1. I want to open my remarks by thanking one of our ETJ Citizens, Liz Cullington, for her very thorough review of the proposed Chatham Park Rezoning. Ms. Cullington clearly spent a great deal of time reviewing the Town's planning documents and the Chatham Park proposal. She produced the kind of detailed and well articulated analysis that should be very helpful to the

Board of Commissioners in considering this item. In addition to extending my thanks to her, I want to publicly encourage and invite her to seek a seat on the Town Planning Board when one becomes available in December of 2013. I hope she will pursue that suggestion.

2. While my own review of the Chatham Park Rezoning proposal is nowhere near as comprehensive as Ms. Cullington's, I do want to offer some comments and observations. My first comment relates to the monumental scope of the proposed development. At build out this project will add a town larger than Chapel Hill to the east of Pittsboro. I strongly urge the Board to take the scope of this undertaking into account when deciding what will constitute appropriate due diligence in the review process for this proposal. If a similar request were to come before the Town of Chapel Hill or similar sized North Carolina town, it would be routed to a long list of stakeholders for an opportunity to conduct a thorough review and submit comments and recommendations. The stakeholders might include:

a. Internal to the Town:
    i. Planning Department
    ii. Town Attorney
    iii. Finance Department
    iv. Engineering Department
    v. Inspections Department
    vi. Public Works Department
    vii. Transportation Department
    viii. Fire Department
    ix. Police Department
    x. Parks and Recreation Department
    xi. Stormwater Management Department
    xii. Office of Sustainability
    xiii. Planning Board
    xiv. Bicycle and Pedestrian Advisory Board
    xv. Public Arts Commission
    xvi. Community Design Commission
    xvii. Greenways Commission
    xviii. Historic District Commission
    xix. Parks and Recreation Commission
    xx. Sustainability Committee
    xxi. Transportation Board
b. External to the Town
    i. Orange Water and Sewer Authority
    ii. Chapel Hill Carrboro City Schools
    iii. Duke Energy
    iv. PSCN Energy

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v. Orange County
vi. Chapel Hill Chamber of Commerce

The review and collation of the comments of all of these agencies would fall upon the Town's Planning Department and the process could take a year or more to complete. Based on my review of the applicant's proposal, the Town is being asked to forego any kind of thorough review of the proposal and expedite the approval so that the developer can get started on this massive undertaking. I strongly urge the Board of Commissioners to reconsider what due diligence looks like for this proposal and to take appropriate steps to begin the due diligence process on the Town's schedule and not on the developer's schedule.
With one staff engineer, and a Planning Department of two, you should expect the Town staff to become quickly overwhelmed by the tasks of giving this proposal a thorough review. For comparison, Chapel Hill has an engineering staff of about 9 full-time employees, and a planning staff of about 18 full-time employees. You should give serious consideration to hiring a consultant to manage this review process and requiring the developer to reimburse the Town for the costs association with the review.

3. Utility and Stormwater Elements. I have serious concerns about the utility systems portion of the applicant's proposal. They do not seem to have a solution for how the Town will satisfy the demand for 4.4 mgd of potable water and they do not offer any substantive ideas on what to do with 4.8 mgd of wastewater. In fact, their utility system maps do not even show the pipe runs for the Town's proposed new 3.22 mgd Wastewater Treatment Plant. The application seems to hang on the hope that some new technology will emerge before there is a need to handle the projected wastewater flows; that is simply not good enough. If Preston Development is serious about working with the Town, they need to come to the table with some meaningful contribution to helping the Town achieve what has been the number one stated priority of the Board of Commissioners for over six years, the construction of a new 3.22 mgd municipal wastewater treatment plant.

4. Public Service Elements. The applicant's master plan is incomplete with respect to public service elements in that it only deals with Fire, Police and Schools. At a minimum, it should also address growth of:

i. Planning Department
ii. Engineering Department
iii. Inspections Department
iv. Public Works Department
v. Transportation Department (the master plan calls for buses)
vi. Parks and Recreation Department

The analysis of the growth of the Police Department suggests that the Town's police force will grow from 12 full-time employees to about 168. If you extrapolate this growth rate across the entire Town staff, the number of Town employees will grow from about 44 to about 616, which is consistent with the size of the town staff of the Town of Chapel Hill. The applicant's master

plans does not adequately address land banking for the public facilities that will be needed to support a population of about 60,000 at build out, nor does the developer offer to bear any of the expense that will be a direct result of the execution of their plan. Failure to plan accordingly for the staff expansion needed to support the kind of exponential growth suggested in this application could result in the Town being continuously a year or two behind the growth curve, which would be a virtual guarantee of 30 years of mediocre municipal service delivery.

5. I urge the Board of Commissioners to take all of the time you need to give this proposal a very thorough review and to proceed with caution. Take the time that you need to hire the appropriate consultants and seek comments and recommendation from other stakeholders outside of the Town government: Chatham County Government, Chatham County Schools, PSNC, Progress Energy, Chatham County EDC, Chatham County Chamber of Commerce, NCDOT and NC Wildlife Resources Management. Finally and most importantly, please resist the temptation to let the developer make their number one priority become your number one priority.

Jason Wlesch – 840 N. Langdon Place in Pittsboro. Mr. Wlesch stated he is an Environmentalist by profession and where he came from (NY) they would not have considered a project of this size without an Environmental Impact Study had been done.

Mr. Wlesch mentions the Love Canal incident. He stated years later it was stated the Love Canal would be "national symbol of a failure to exercise a sense of concern for future generations". He said that should be kept in mind because years from now people will be looking back to see how good of a job you did or didn't do and we should keep that in mind.

Mr. Wlesch said as many speakers have said it has the potential to profoundly affect what is going on here and what happens down the road. He would encourage the board to do what each of the other speakers have encouraged you to do which is to take your time, gather information, rely on the expertise of the people in the room and others that should be brought to the table to evaluate this very, very important project.

John Graybeal – 3396 Alston Chapel Rd. Pittsboro. Mr. Graybeal read the following prepared statement.

Needless to say, this is a huge project that, if realized, will have a major impact on Pittsboro and Chatham County. Now that the Master Plan (or "Plan") has been presented and citizens have been invited to pay close attention to it, it is essential that the Town provide adequate time and resources for the many problems posed by the Master Plan to be addressed.

You need to know first and foremost that the draft Master Plan that you now have is woefully inadequate. It has a long list of failings both large and small. Among the large deficiencies, it fails adequately (1) to address the huge threat this project poses to the Haw River and Jordan Lake and (2) to describe where residences and businesses will be located and how they will be clustered so as to protect existing trees, vegetation and environmentally-sensitive areas. The Master plan needs much additional work and that effort will require substantial additional time.

1. But you face a large procedural problem arising from the facts that Chatham Park wants the rezoning (to a Planned Development District ("PDD")) soon and that the PDD Ordinance seems to state that granting the rezoning automatically includes adoption of the Master Plan. Section 5.8.3. If this is the interpretation of the Ordinance that Chatham Park insists upon, you may need to defer action on the rezoning until the Master Plan is fixed. This is the situation both because of the major deficiencies of the existing Plan and because the PDD Ordinance also provides that, once approved, the Master Plan becomes the governing document for the entire project. Section 5.4.1(a).

But you may also have the option of granting the rezoning but on the express condition that it does not include adoption of the Master Plan and obtaining a clear agreement from Chatham Park to that effect. This possible option exists because of the poor wording of the Ordinance, which says in Section 5.8.3 that the "PDD and the PDD Master Plan shall be treated as a single item when acted on by the Board of Commissioners." That language is vague and unclear. Specifically, it does not clearly say that granting of the rezoning automatically includes adoption of the Master Plan, although that was presumably the intent of the drafters. However, if this option were to be followed, it would require a clear agreement from Chatham Park to that effect.

A third option would be to amend the Ordinance so as to make it totally clear that approval of the rezoning does not include adoption of the Master Plan. If Chatham Park refuses to agree to the understanding just described, Pittsboro's options are either to defer the rezoning until the Master Plan is adequate or to amend the Ordinance.

2. Matters that should be listed as "major" problems with the Master Plan include the following (and others have pointed out more):

   A. As noted above, the threat to the Haw River and Jordan Lake is massive. This arises both from the proposed "decentralized" wastewater system (required to handle 4.8 mgd of wastewater) and from runoff of all kinds including fertilizer, pesticides, stormwater and other. Protections of the streams and the Lake in the area is either not addressed or is addressed inadequately. The proposed wastewater system probably needs complete revision and conversion to a sewer system that might necessitate an arrangement with Sanford.

   B. The Master Plan provides no concrete assurance that residences and commercial uses will be adequately clustered so as to protect trees, vegetation and environmentally-sensitive areas. The PDD Ordinance provides "flexibility" to the developer but only "in return" (Section 5.1) for a project "of exceptional design, character and quality that preserves(s) critical environmental resources and provide(s) open space amenities." The Master Plan reflects the "flexibility" that the developer believes it has but it fails to provide the many qualities that are required "in return." Closely connected to these issues is the fact that the Plan contemplates that the project may consist of 70% impervious surface. Such a high level of impervious surface is wholly inconsistent with a conservation development.

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C. Water: The Master Plan states that the project at build out will require a water supply of 4.4 mgd. It also describes Pittsboro's water system the supply of which is wholly inadequate to meet Chatham Parks' needs. The Plan then concludes with no plan but, in effect, merely a hope that the water supply will be adequate: It states: "It is anticipated that the Town of Pittsboro's water system will provide potable water for the Chatham Park PDD and will have sufficient capacity to meet Chatham Park PDD's initial needs." P.12. Note the reference to "initial needs."

D. Affordable housing: the Plan appears to make no reference to this important requirement. It clearly requires revision and the inclusion of a clearly-stated requirement for affordable housing in Chatham Park (as opposed to the in-lieu system).

E. Climate change/global warming: with the realization that the world (including Chatham County) is facing a massive climate change shift, the Master Plan should have a special section to describe many ways the project will be designed to reduce and control carbon dioxide (CO2) emissions, in particular. There are many features that need to be on this list, including charging stations for electric cars, use of passive and active solar designs both for residences and commercial uses, requirements for wide use of solar panels, white roofs, strong insulation standards, no chimneys, benefits/preferences for hybrid and electric and for white or silver automobiles and requirements for energy-saving appliances and low-flow toilets. LEED standards should also be specified for schools and other public buildings. All of this, and more, is needed in addition to the proposed solar farm on the property.

3. There are many other problems with the Master Plan, which have been and will be identified by others.

Liz Cullington – 390 Rocky Hill Rd. Pittsboro. Ms. Cullington said she email comments earlier this evening and she has a few others since listening to everyone tonight. The email she sent earlier this evening is as follows:

Chatham Park rezoning: 7/22/13
Liz Cullington, 390 Rocky Hills Road, Pittsboro 27312 ETJ resident

I appreciate the opportunity to comment further on the Chatham Park rezoning and am submitting comments additional to those made earlier, while attempting to repeat those points.

Updated Density Table
I am submitting as an attachment a revised estimated density table for two reasons, the earlier one omitted one residential area, but more importantly the density was underestimated by me because the zoning ordinance requires a 10% deduction for roads and other infrastructure, particularly relevant to higher density development. This shows that densities exceed those allowed under the Town's watershed ordinance from which Preston wants to be exempt.

It should also be noted that the overall density proposed for Chatham Park is significantly

higher than that of New York City (as well as many other US cities, if not all). Bob McConnaughey of the Planning Board has worked with a reputable academic database and put those figures into an understandable graph
.

How Preston gets to 70% and hidden costs to the Town (& taxpayers)

Neither the Master Plan, nor comments by Preston Development's various consultants have made it crystal clear what they are asking for in order to build at a very high density and what the language of the Master Plan means as it relates to watershed districts.
On page 32 of the plan it states that approval of the rezoning and master plan "grants approval for Chatham Park to develop under the High Density Option."

However, it turns out that they are not talking about the section of Pittsboro's ordinance that they reference here (5.5.10) which in fact does not allow the density or built over area Preston is planning, but rather state rules. State rules don't normally over-ride more protective town or county rules, and certainly didn't when this plan was written and filed, but if the Master Plan is approved in its current form, that is what would happen. (Which is why on the same page there's the clever little line that replaces Pittsboro's watershed/ density rules with a single line that Chatham Park can build and pave up to 70%.)
However, there's a gigantic and expensive catch for the Town here, if only the state rules would apply: those state rules (in 15A NCAC 02B 0216(E)) state that if a local government allows this high density option with stormwater controls, then that local government must assume ownership, operation, maintenance, and replacement costs for that entire stormwater system.

While Preston's Master Plan states that all these responsibilities will remain with the Property Owners Association for Chatham Park, this discrepancy needs to be resolved before the final revision to the Master Plan and Development Agreement, especially if the Board is actually willing to exempt Preston from Pittsboro's watershed ordinances.
Thus the Town has a financial as well as social interest in that stormwater system being designed to handle more than 1" of rainfall at a time, because the Town could end up having to pay to totally replace and expand that system, and/or be liable for its failings, indeed could be liable for approving it, surely, if it's inadequate.

If Chatham Park were to remain under the Town's watershed rules, the Town has greater authority to determine whether it will be adequate (5.5.1(B)). It could require larger lots and/or lower density in protected and critical areas (WSIV-PA, WSIV-CA), and prevent the construction of new roads in critical areas, as the ordinance requires, but this would require revisions to the wording of the Master Plan, and the planned densities.
(It continues to puzzle me why Preston thinks there is no future market for homes on somewhat larger lots than proposed, particularly on the proposed wooded property, close to Jordan Lake, and far from Cary. I thought buyers of million dollar homes liked their privacy.)

Under state rules the 70% built-paved area cannot apply to critical area, even with engineered storm water controls, though they do allow up to 50%, under the High Density option. However, it is unclear to the observer how Chatham Park's planning areas relate

to these requirements and no map of critical areas is provided.

In addition, the Town cannot rely on state water quality rules and enforcement alone, because state rules, DWQ funding and enforcement are all now undergoing such radical shifts that it is impossible to know what that means going forward. Besides what the General Assembly does, the Governor and new head of DENR are attempting a drastic reorganization and downsizing of DENR. I've been told that virtually all of the Chatham Park project lies within the WSIV-PA (protected area) watershed.

Stormwater System and Wastewater System
It should be considered of grave concern that the Master Plan and maps fail to account for what is to be done with stormwater, which is not part of the re-use plan. With such dense development, there is going to be a lot of it at times, with the potential for it to contain pollution beyond the "nutrient" (nitrogen etc.) that Preston plans to address re credits or offsets. In addition to nitrogen and phosphorus from landscaping (there are to be no large farms), stormwater can carry petroleum/diesel, lubricating oil, antifreeze and coolant, dirty diapers and plastic litter, and all the other detritus that gets into stormwater. Thus nutrient credits cannot compensate for poor design and inadequate storm water management.

State rules require that wastewater systems be designed to prevent overflows of untreated or inadequately treated water, whether those plants normally release treated water or not (15A NCAC 02B.0216). This is a grave danger in Preston's proposed plan for Chatham Park because the proposed wastewater treatment "facilities" are all at low points where the property meets a creek, which is also where the inadequately restrained stormwater would end up, I assume.

The high density proposed, and the questionable plans for both wastewater and stormwater, promise serious further degradation of Jordan Lake, which is both a major water supply resource and a major recreation area for fishing and swimming.

"A 2003 study from the University of Connecticut indicated that the percent of impervious land in a watershed was significantly related to all water characteristics his team examined. Some studies suggest that paving over anything above 10 to 20 percent of the landscape is bad for the water; others put the concentration much lower for fish populations, for example….."New technologies allow for porous pavement surfaces that let water to percolate below the surface. Examples include pervious concrete, porous asphalt, and porous turf."http://blogs.ei.columbia.edu/2010/07/13/no-more-pavement-the-problem-of-imperviousssurfaces/

Need for independent expert review--and slower approval process
I fully endorse those commenter's who have urged the Town to take more time and to seek additional independent resources to review this project. While the Board relies on it's Planning Board for more normal, smaller, more limited projects, in this case the scope of the proposal appears to have rendered the Planning Board incapable of grappling with the many details, aspects and ramifications of the project. Independent consultations should

include the environmental impacts, the financial costs to the Town, a traffic analysis to be paid for by Preston Development once they have provided a timeline, legal ramifications of the Master Plan wording and referenced or applicable rules and ordinances, etc. to name just a few areas.

Even the Town staff think that there are a number of unresolved issues regarding timelines, drinking water supply, applicability of current and future Town ordinances, lack of detail on natural area preservation, public services and roads, and so on.
Preston is attempting to pressure the Town for a quick approval and on several occasions Philip Culpepper for Preston Development has raised the issue of the developer's costs. But Preston has been patient in acquiring land, part of it from financially distressed projects, and picked up another 500+ acre bargain in Siler City just last week at the Omtron bankruptcy auction, so clearly they aren't hurting.

But more relevant is the fact that on their website they say that a project in Knightdale (NC) -- a 835 acre mixed use subdivision on 275 acres -- "has been in planning stages for more than 18 months with the Town of Knightdale and the YMCA."* A project of this gigantic size and scope should take at least as long as a year or maybe two. The past years don't count because we didn't have a clue about what they actually planned to do, and in fact, still don't have enough information.

**Knightdale Station, approved by town January 2013 but now called Myers Lake.*

Failure to preserve environmental resources
The plan text, maps and tables indicate such high density of both residential and nonresidential development that there is currently no way that the Town can be assured that any "environmental resources" at all, will be preserved or protected, although that appears to be one of the main purposes of a PDD zoning. Sadly this is not because Preston Development doesn't know what they have.

Chatham is apparently the first county in the state to have a comprehensive conservation plan assessment, covering geology, soils, significant natural heritage areas, and a system for prioritizing the most important. In addition to that, Preston has had the South Shore (of Jordan Lake) assessment for the projected Chatham Park area since 2008, a study that Preston specifically requested. Some of us may be surprised that one of the more significant forest areas in the project are actually north of 64, not just south of it. Preston has apparently not talked to the involved conservationists for the last three years. Now we see why.

Beyond the "public park areas" that Preston has identified, and on which they reserve the right to build athletic fields as well as other buildings, pavement etc., there is zero preservation of any natural area since the "community park" areas (for residents rather than the public) would be clubhouse/pool, playground etc.

What is most disturbing in its way is that video of Catherine Deininger praising Preston's co-operation, taken back during that period, is part of Preston's promotional video even

though her and other conservation's recommendations have been mostly totally ignored. This just seems further evidence of why the Town Board needs to deal with Preston and this application with more than usual diligence regarding the Master Plan wording, the projected extremely high maximum densities, and the lack of specific details.

Traffic analysis
Just because the zoning ordinance appears (amazingly) to not require a traffic analysis, doesn't mean that the Town can move forward responsibly without one. In addition I recall Preston Development saying that one was only required for a project that would trigger 1,000 vehicle trips per day. How does this project not qualify? Once again the lack of a timeline/phasing plan makes moving forward virtually impossible (or extremely dangerous).

Timeline/Phasing
In verbal comments, Preston Development has now started floating "up to 40 years" but their promotional video says the entire 7,100 acres is ready for development right now, even implying all approvals are in place!

Tim Smith: ""everything has been done so that this property is ready to develop right now." Bubba Rawls: they have taken the ball all the way down the field and that "there are not many things left that this project is missing to be able to go and start and develop the project. and NC Dept of Commerce "trying to steer people to us right now." And later "all the legwork's done, let's get going."

If I were a member of the Town Board I'd be offended by this arrogant assumption of approval, as I'd be offended by the promotional video that totally ignores Pittsboro except for a passing reference to how accommodating it's been.
Indeed some aspects of the details that Preston has provided so far would indicate that they are much further along than they want us to believe. If they know where roads and sewer lines are going to go, it's a good bet that they have site plans ready to go for at least some, if not all, of the project. After all they seem to think that they can accommodate an enormous number of "dwelling units" and have laid out exactly how many and roughly where. That wouldn't be possible without a draft site plan. *(See below about Chatham Park's planning progress.)*

In arguing for the creation of this new zoning category Philip Culpepper for Chatham Park apparently said that it would provide 'a level of certainty to the neighbors of Chatham Park' …'this is so people know what's coming and the amount of what's coming.' (Chatham Record). Yet it is impossible for neighbors to have any certainty if they don't know the when. As one example, development of those areas that have access of Thompson Street need to know when the Town is going to have to widen that street and take half of their front yard, and when it's going to become an entirely different place to live, and they need to know that if that means they will need to sell up and move.
This is also an important issue for the Town and its taxpayers since residential development doesn't pay for itself.

Need for time limits and deadlines as well as time line
After Preston Development produces a time line/phasing plan, and before a Development Agreement can possibly be contemplated, the Board needs to consider some "book-end" time limits for the project even if these have to be renegotiated later. This would involve requiring that certain aspects or areas of the project not begin development until after a certain date, and possibly negotiating how the residential and non-residential areas are going to be phased in.

Preston has no experience for such a vast and diverse project
On their website I could not find a Preston project that was over a few hundred acres, and only one that was mixed use, otherwise just shopping areas or dense residential projects with a communal pool, clubhouse etc. It is not clear how many, if any, of those projects were developed where municipal sewer was not available.

In their promotional video they admit that there has never been a development this big in the area. It's not enough to have deep pockets to manage this. And in fact it now turns out that Preston has solicited and involved “outside investors” in the project so that the patient long-term approach may now be replaced by the need for quick returns.

Preston Development has only produced 10,000 houses in almost 30 years. Everything indicates to me that they are simply not the people to create a 21st century RTP. They also have no record of so-called "new urbanism" (which appears to be one of the goals of the questionable PDD district). High density maybe. They are neither Newland nor East-West Partners. *(More re design partners and outside investors below)*

High density is Preston's business model
Investigating the Preston website's listing of past and current projects one finds that all* of them feature tiny lots, simply lots big enough to accommodate the house, garage and driveway so that medium sized homes are on about a tenth of an acre, somewhat larger ones on just under a third of an acre. Larger homes can have five car garages.**

In only a couple of cases are useful site maps easily found but they indicate that Preston normally builds as densely as allowed with a small acreage active recreation area for residents (pool, clubhouse, playing field). High density urban and townhouse development can involve close to 80% or higher lot coverage as indicated by the only site plan that indicates actual building footprint.+
**Carolina Colours is a larger lot development near the coast designed and developed by others, assumed by Preston very recently.*
***from site plan and new homes available listings on development website for South Lakes, Fuquay Varina*
+from Prestondev.com for Cotten development in Morrisville.

RTP 2.0? Not so much
In its promotional video Preston says that RTP only has 100 acres left "but we have 7,000 acres" although the actual acreage zoned for "R&D" is only 865.4 acres, a mere 12%. RTP was for one thing, and long term, which is why there is still 100 acres after

almost 50 years (and of course tremendous infill potential so that 100 acres is a very questionable figure).

In the Table of uses we find so many commercial and other potential uses in those R&D areas that it is extremely questionable if Preston Development would hold R&D land open if they have another interested tenant, customer, developer or whatever. In fact it seems that the "R&D" area off the new 64 bypass interchange is to be medical office park.
As noted on WUNC (State of Things, 7/11/13) and elsewhere, new tech companies don't want the old RTP model and are putting their operations into existing, larger downtowns like San Francisco or Detroit, and their employees don't want to live in suburbs.
http://www.wunc.org/post/triangle-tenants-brace-themselves-section-8-cuts

However, such an influx of better paid employees into a new area can both price out existing residents, an effect that Chatham Habitat has noted, and threaten the eclectic culture that made these areas attractive to start with. It's already happening elsewhere.
http://www.alternet.org/culture/san-franciscos-unique-character-crumbling-wealthytechies-take-over?paging=off

Designers, outside investors, phasing, site plans and concept v product
I have been trying to figure out what the reference to Preston Development Blakefield LLC or Blakefield LLC on p.1 of the master plan referred to. I didn't find out until the day of this 7/22/13 hearing. (http://blake-field.com/wp/current-projects/chatham-park/)
One of the deficiencies in the filing is the lack of a phasing plan, yet it appears from the designer that was hired that such a plan exists. In addition, this designer shows a much more detailed "concept" site plan for the area off the new 64 bypass than is included in the rezoning materials/master plan.

However, Blakefield also says that they were hired to develop a planned community to attract outside investors, something we haven't heard about at all, and those investors may want higher density, lower cost, quicker returns and greater profits than they saw coming from Blakefield's concept plan, or plans. It explains Preston's Chatham Park video. (When Preston did their public presentation in April, they did not show these plans for "North Village" only the Haw River bluff overlook park.)

However, while Blakefield describes this "North Village"/Hwy 64 area (or that area to the Haw) as Phase One to be started first, it also appears that Blakefield's association with the project is to end with the "launch" of Phase One, whatever constitutes "launch." It is not clear whether the densities planned by Blakefield are lower than those requested in the Master Plan, and what the relationship is between whatever Blakefield did and what Preston plans to do.

For one thing, we don't know if Blakefield also planned the overall layout, but only developed more detailed ideas for Phase I, nor what if anything Preston plans to do with that work. We do know that they paid for a conservation survey of their property and planned project area and ignored it, so there's no reason why they might not have had hired a top-notch designer, even if they aren't going to use much of his work.

I believe that this explains the total disconnect between the PR and the Master Plan, because there may be a three way tension (or more-ways), that explains the conflicts between “sustainable green development” and high density with no standards or preservation, and the conflict between RTP 2.0 and what appears to be just another undistinguished but extraordinarily dense development of expensive homes, shops and offices.

The board needs to get to the bottom of these issues, and the public deserves more transparency.

Need for affordable housing
I fully endorse the request by Chatham Habitat for Humanity and the Chatham Development Corporation for a significant allotment of the proposed housing units for affordable housing, at least 15% of the total. As others have noted, this needs to include affordable housing and moderately priced housing for less affluent seniors. However, a greater proportion of the housing units need to affordable in the market sense.
This lack was one of the first defects with Chatham Park I detected back in April when Preston Development made a couple of public presentations at Chatham Mills, prior to submission of the Master Plan etc. At that presentation a speaker talked about how employees of the "medical center" in Planning Area 7.1 could walk to work, but when I questioned him whether nurses' aides could afford to live there I received no response. In fact, in their promotional video one of the Preston principals says "we make top dollar because we build quality." (Though in fact they aren't actually homebuilders but seem to assign different portions of the development to different homebuilders for the detached homes in their developments. In my experience the only people who can live in tiny spaces are some among the very young or the very elderly, and it seems unlikely to me that anyone who actually owns a home of any kind, would trade it for a rental apartment or condo with no yard.

Pittsboro's need for shopping
I understand people's complaints about what you can and cannot buy in Pittsboro, but I'm not sure how many people understand the following:

a) Pittsboro has a lot of area that's zoned for commercial development already, that hasn't been developed because of lack of retail interest.
b) The more disparate areas that are planned the harder it is to attract commercial tenants because they want to see which area will take off and which won't.
c) These days’ large stores and chains can undercut small business but those stores don't come until there's a big enough concentrated population.
d) Once those larger retail businesses do come they usually replace existing businesses and jobs (often with lower pay etc.) so that the total effect on jobs is not all gain, nor all gain for the tax base.

So we cannot have more shopping without both more traffic and more houses, and the housing would have to come first, which as the Chatham EDC noted, doesn't fully fund its demand on town services. It appears that a medical office park is more likely than

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department stores in the short term. There is also the possibility that WalMart may come before other stores (near the bypass possibly) which would have a negative effect on existing businesses, drug stores, food stores, numerous small businesses, even Lowes Home Improvement. Some of us would actually prefer to occasionally go further to shop than to live in a dense area with heavy traffic, all the time.

Proposed Land Uses

Quarries, mining, and thus probably drilling are allowed virtually everywhere even in Parks (just not the 3 residential areas closest to Haw River and Lake, which somewhat boggles the mind. Good luck not getting fracked, in that case.

Which raises the question who will own the mineral rights once the various parts of the property are developed? Preston has a relationship with homebuilder D.R.Horton who held onto mineral leases, but more importantly, the MEC's Compulsory Pooling Study Group has made it clear how difficult it can be for a home-buyer to find out the entire history of mineral rights involving their property, and for tracts ever owned by Weyerhaeuser or other large timber companies, mineral rights have been severed and can be expensive and time consuming to restore.

While Preston says they have no plans for golf courses, those are allowed in areas 2.1 and 2.2.

General warehouses are allowed in Residential-Mixed Use areas even though such facilities could be operating outside of 8-5 business hours and be a source of noise and traffic for residents, as well as posing traffic dangers to children.

Curiously Preston doesn't include in the Master Plan the actual location of the Strata Solar project even though it's not an actual secret and an application has already been filed with the Utilities Commission. The N&O reported on April 6 that the location is east of the Moncure Pittsboro Road at Charlie Brooks. It is thus 160 acres of planning area 4.3, slightly less than half of its 393 acres, so for 30 years half of that area won't be intensively job-producing. http://www.newsobserver.com/2012/04/06/1983384/strata-solar-proposes-to-build.html

A 'green and sustainable development'? Hardly

One of the Chatham Park principals at the presentation at Chatham Mills on April 23rd said they planned a "sustainable, green development". This is not reflected in the proposal at all. The project appears to involve razing virtually all of the 7,100 acres but nothing in the plan indicates any sustainable features with the single exception of re-use of some of the treated wastewater, a feature that may be driven by expediency as much as anything else. Preston has not committed to any green building standards, an area in which they appear to have no experience.

Although Preston has stated in various places that the solar farm would power the development at build-out, it appears that this farm will have to be replaced by build-out if development is really to take 30 years, but more importantly, will not power any of the

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development directly, but would sell electricity to NC Electric Membership Corporation probably through the local electric co-op out of Sanford, so it will be in the way of an offset, helping offset peaking summer and daytime demand for the part of the development that falls within that co-op's service area.

For companies truly serious about their carbon footprint it remains to be seen how attractive this arrangement will be given the nature of the development as a whole, or rather, it’s lack of nature.

Walkability
This shouldn't have to be repeated, but housing and employment aren't and can't be tied, that went out with the plantation and the mill village. The plan as presented is not remotely like Briar Chapel or Powell Place, and the Board should not put too much weight on this factor. While infill in Pittsboro may be a desired goal, Preston Development is not offering a piecemeal approach by which that would occur without the complete razing of thousands of acres of fine forest for dense residential sprawl and shopping centers most of the way to Moncure.

In the “North Village” medical park, we have no assurance of affordable housing for lower paid employees, and better paid employees may not want to move house or might be located somewhat further out, beyond walking distance. In planning area 7.1 to include the UNC Medical Office Building (not hospital, see Blakefield website) both the least paid and most paid employees don’t seem to be provided with appropriate housing, affordable for the first, lower density residential for the second, that would be within walking distance, should they actually want to, or be able to, relocate.

Jordan Lake view shed
One of the reasons why people like to come from far away to put their boats into Jordan Lake is that, whether you catch any fish, you can't see houses, and other reminders of the workaday/weekday world of bosses, customers, spouses, traffic and all the rest.
Among the many revisions that the Master Plan needs are those that would preserve (not plant) forested buffers between the development and the view from the Lake (in addition to or combined with those that the Corps of Engineers is asking for).

Building height, generally
Building height needs to be strictly limited where it could impact the Lake's view shed, and ideally building should not occur on ridges visible from the Lake. It is also sad to think of that beautiful view at the first turn off to Pittsboro being built over.

I have noted my concerns about unrestricted building height before and strongly urge the Board that you not approve a blanket lack of building height restriction. As part of what would appear to be a glaring need for a detailed (and expert) review and revision of any Master Plan for either the entire Chatham Park assemblage or any portion thereof, the Board can insert language that allows you to approve taller buildings, at the site plan stage, on a case by case basis, so that the actual impact on neighbors and neighboring properties, the Haw River, Jordan Lake and other considerations can be properly

examined.

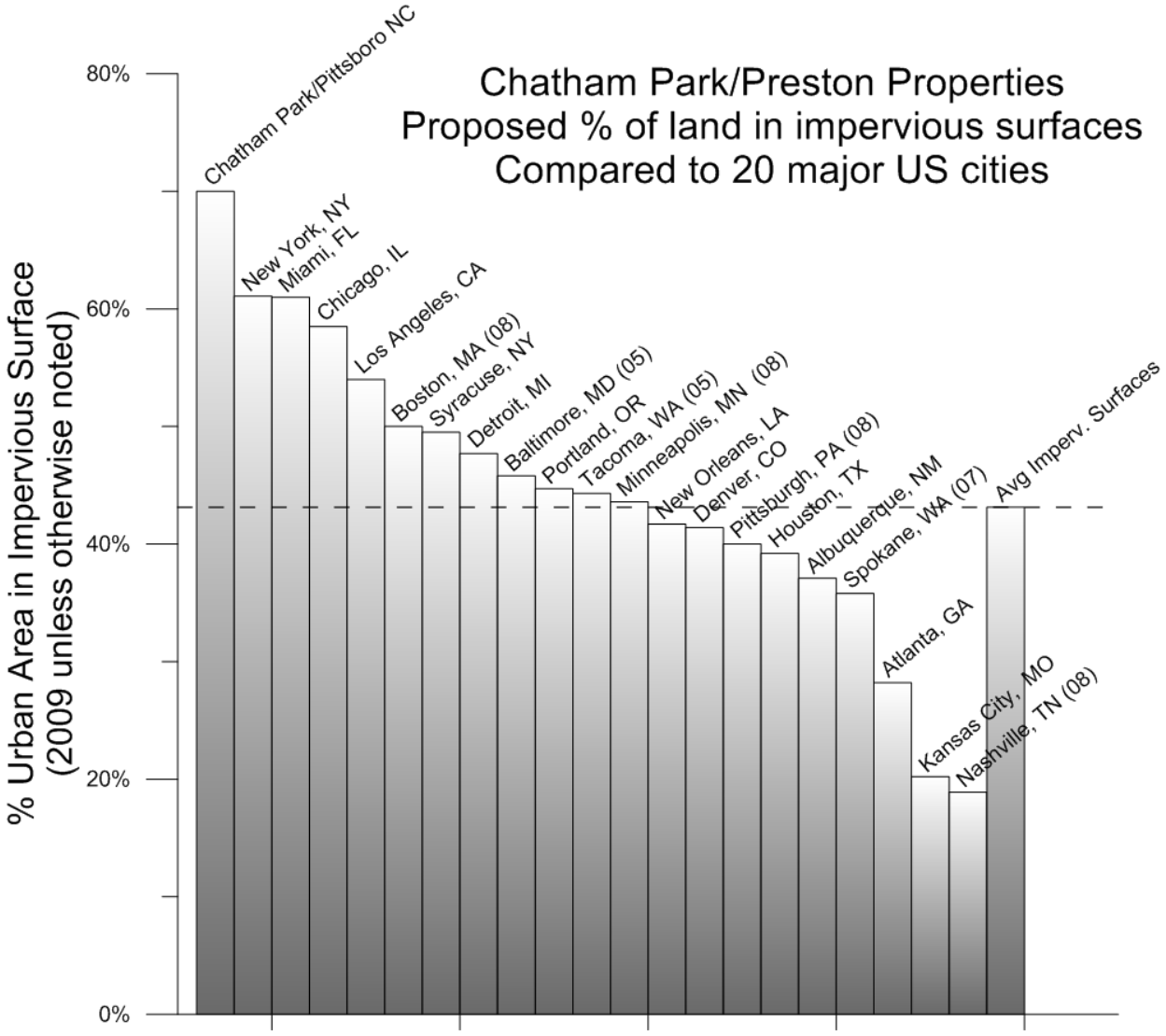
Attachments

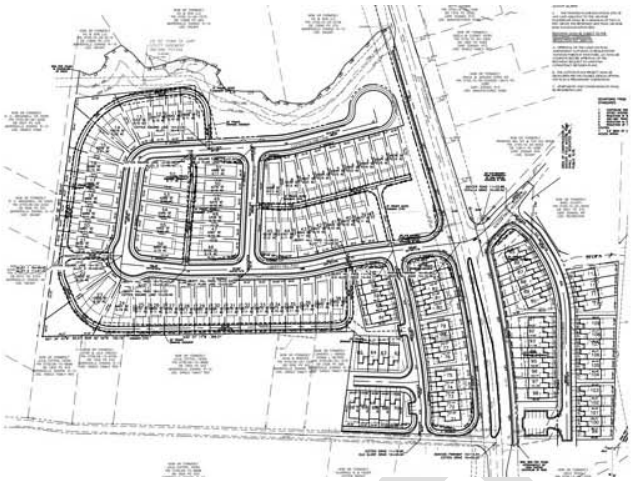
I. Updated Density Table

II. Site map for Preston Development's "Cotten" project in Morrisville

III. Site map for Preston Development's "South Lakes" project in or near Fuquay-Varina.

IV. Density comparison with US cities





Ms. Cullington said she would recommend to anyone present that has not looked at the plan and maps to go to http://pittsboronc.gov and click on Chatham Park Master Plan and all the documents talked about tonight are there. You can also find the minutes of the last hearing to see what comments have been made.

Ms. Cullington asked if the board would still be accepting comments after this hearing. Mayor Voller said we are still taking comments.

Ms. Cullington said she found the Blakefield website and they mentioned they were hired so that Preston & Chatham Park Investors could attract some outside investors. Ms. Cullington said this may explain the disconnect between what she thought we were going to get and what we have been offered these incredibly high densities. This development is as clustered as you can get so that any preservation that goes on is going on elsewhere not on this property. She said that this would have been a nice 7,000 acres to offset some dense building somewhere else.

John Adams – 1300 Langdon Place. Mr. Adams said he has an urban planning background. His key point is the Board of Commissioners has as your first prime interest the charm of Pittsboro and they must protect it. He said everything they do on any of this or anything else has to have that as the first caviar of anything and then the public health and safety of this community.

Mr. Adams said there are so many uncertainties that he couldn't help to start writing down the studies that you need to get into for anything this massive. This is overwhelming and to Pittsboro it is highly demanding.

Mr. Adams asked did they realize why they came here and bought up this property. He said it is because they didn't have to do these studies that are demanded in other locales, in other urban areas.

Mr. Adams said they are establishing an urban area here. There isn't any doubt about that and you must maintain this always. It is the forefront of what the town is faced with.

Mr. Adams said he can't imagine they came in with the approach to rezone this when they have a very vague Master Plan. He feels this property should be annexed into the Town.

He said the board must maintain control over this development.

One of the things you should seriously have as a caveat is that they be annexed into Town then you have the control for the necessary studies that have to be done. Do not give up the control you have.

Hazel Errett – 33 Hawk Spiral Way Pittsboro. Stated she is young and she noticed there were not anyone here tonight speaking that was around her age. She said her concern is that she didn't hear about this plan until a week ago and feels it should have been advertised better. She said she asked around and no one she asked knew about the rezoning. She stated she don't want Pittsboro to become another Cary. The charm of Pittsboro is something that she loves.

Mayor Voller stated that we had both candidates present tonight that are running for Mayor. Bill Terry the former Town Manager and Bill Crawford. Mayor Voller said he does appreciate the fact that Mr. Terry took leadership and got up and spoke at both hearings. The other candidate has been here and failed to say a word which concerns him because this is the single biggest issue going to be affecting Pittsboro, the County and the probably the region and that our community has to come together and work with the developer and everyone in the room to figure out how this is going to happen. So anyone in leadership should speak to this issue including the people on the board.

Motion made by Commissioner Baldwin seconded by Commissioner Farrell to go out of public hearing.

Vote Aye-5 Nay-0

Motion made by Commissioner Baldwin seconded by Commissioner Fiocco to take a five minute recess.

Vote Aye-5 Nay-0

Motion made by Commissioner Fiocco seconded by Commissioner Farrell to go back into the meeting.

Vote Aye-5 Nay-0

OLD BUSINESS

DRAFT WATER AND SEWER LEAK ADJUSTMENT POLICY

Manager Gruesbeck said In previous meetings you discussed a situation involving a water customer who received an abnormally high water bill. This customer, Ms Torbert, received an abnormally high water bill and has requested that the Town assume costs associated with her water bill, as read on 5/29/13. She is also requesting that the Town assume the cost of a plumber who checked for leaks in her private system. The plumber determined that at the time of his

visit, he could not determine a cause for the lost water. She is not aware of the cause of the leak and assumes it is due to a faulty Town water meter.

Commissioner Fiocco said they postponed this at the last meeting because there was another possibility that they needed to investigate regarding the high water bill. He understands we have done that and public works doesn't think that is an issue. So he would like to move forward with a policy.

Commissioner Fiocco said he thinks we need a policy in place. Unfortunately he doesn't think the rest of the board has the policy tonight. Manager Gruesbeck said he didn't include it in this package. It was included in the June 22, 2013 packet.

Commissioner Fiocco said the policy that he is prepared to endorse he modified the calculation where the customers average water and sewer bill over 12 months would be calculated and the amount of the water and sewer bill would be deducted from the high bill and then the difference would be multiplied by 25% which would be added to the customers average bill and that would be the amount they would have to pay.

Commissioner Fiocco said when they calculate that they found out it was pretty equitable and that it really provided the vast majority of relief to the person that had the unaccounted for leak, but didn't completely forgive them the cost, so the town was able to recoup some of the lost of water and it seemed to be more equitable than the calculation that was proposed where the previous calculation had the possibility of charging the customer less than their average bill on a low flow leak amount and on a very high amount they had to pay virtually all the overage and the other modification is that customers should receive one adjustment per year instead of the two that were proposed.

Commissioner Fiocco stated he thought he had provided the mark up to Manager Gruesbeck. Manager Gruesbeck said they have it.

Manager Gruesbeck said that all assumes you can indicate that the resident is able to identify the cause/nature of the leak and they are taking corrective actions to ensure it doesn't happen again. If the resident can't pinpoint the cause/nature of the leak this policy doesn't offer forgiveness on that.

Commissioner Fiocco said he thinks that is the intent of the policy to provide that forgiveness regardless whether you can find the leak or not so that is what he thinks we should do.

Manager Gruesbeck said if that is what you are proposing it is different from what staff had proposed. Commissioner Fiocco said that is what he proposes.

Mayor Voller said the question is how do you apply it? Would it be retroactive to some folks that came before the Town in the last year that had similar situations or would you be willing to do so.

Attorney Messick asked where you would draw the line.

Commissioner Foley said she brought it up in the first place and that is what got it moving.

Manager Gruesbeck asked how far we are going to go back on that.

Mayor Voller said he thinks it would be reasonable to consider the Wilson family who brought this up with the board in the last six months.

Mr. Arnold Torbert made the request that "eyes" be put on the meter when they are being read.

Manager Gruesbeck stated on 5/31/13, Staff removed the water meter in use during the large reading and tested it to ensure that it was not the cause of an inaccurate reading. According to the subsequent test, the water meter was in working order. Nonetheless, a new working water meter was also installed at her residence.

Commissioner Fiocco made a motion to approve the policy with the changes mentioned earlier, seconded by Commissioner Foley.

Vote Aye-5 Nay-0

The policy reads as follows:

Town of Pittsboro
Water and Sewer Charge Adjustment Policy
Effective_____

1. When a water leak exists for a customer that has water and sewer service, and the leak is such that the water from the leak does not go into the Town sewer system, an adjustment will be made to the water and sewer charges per the adjustment calculation described below. Release of such charges is for significant leaks only. Fifty percent (50%) increase ~~of~~ or more over Normal Use is considered a significant leak. The adjustment amount is calculated as follows: the customer's average water and sewer bills over the past twelve months are calculated and the amount of the average water and sewer bills are deducted from the high bills. These differences are then multiplied by twenty-five percent (25%) and added to the customer's average water and sewer bills. ~~The amounts that are calculated are deducted from water and sewer charges on the high bill.~~

2. When a water leak exists at a location that is not connected to Town sewer and the leak is such that water from the leak does not go into the Town sewer system, an adjustment will be made to the water charges per the adjustment calculation described below. Release of such charges is for significant leaks only. Fifty (50%) increase or more over Normal Use is considered a significant leak. The adjustment amount is calculated as follows: the customer's average water bill over the past twelve months is calculated and the amount of the average bill is deducted from the high bill. This difference is then multiplied by twenty-five percent (25%) and added to the customer's average bill. The amount that is calculated is deducted from the water charges on the high bill.

3. Normal Use will be determined by average monthly water and/or sewer use based on past twelve (12) months sewer usage. If twelve (12) month sewer use data is not available, fewer months of data may be used.

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4. Customers may receive only two ~~(2)~~ (1) adjustment~~s~~ per fiscal year.

5. A customer may request an adjustment within sixty (60) days from the date billed if the customer can provide a plumber's invoice, receipt for repair parts, or other proof that a repair has been made.

6. Payment schedules are available upon request.

7. Leak adjustments are not provided for leaking faucets, toilets, air-conditioning cooling towers, ice-makers and faucets left on for an extended time. The items mentioned here are examples and do not represent a complete list of problems to be considered ineligible for a leak adjustment.

8. The Town of Pittsboro does not reimburse customers for any plumbing bills, property damage, or other expenses related with a water leak or sewer problem.

9. Sewer charges may be waived for customers purchasing water for swimming pools no more than once (1) per year. Customers must verify their place of residence – residents of the Town of Pittsboro shall be charged normal water rates; customers from outside of the Town of Pittsboro shall be charged two (2) times the residential rate. Contractors unable to provide proof of residence shall be non-residential rates.

A COPY OF THE WATER AND SEWER ADJUSTMENT POLICY IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 170-171

Mayor Voller asked if the board wanted to go back and give an adjustment to the Wilsons. Commissioner Foley said her parents were the original ones that got this started.

Commissioner Messick said you can't make a policy retroactive. Commissioner Foley said that is what we would be doing for the Torbert's. Attorney Messick said no action has been taken on the Torbert's and he would assume they haven't paid their bill. Attorney Messick said it's arbitrary to go back because you don't know how far to go back whether it's one year, two years or ten years.
Commissioner Foley asked if she needed to be excused because of a conflict of interest since this is parents. Attorney Messick said she did not because she wouldn't gain anything from this.

Commissioner Turner said we have a policy in place going forward. Commissioner Foley said that policy won't cover the Ms. Torbert either then. Commissioner Fiocco said they tabled Ms. Torbert's.

Commissioner Baldwin said she knows if we go back that others will come forward for an adjustment also.

Mayor Voller said to bring this back to the next meeting with the Wilson's history.

Motion made by Commissioner Fiocco seconded by Commissioner Turner to table the rest of the agenda until next meeting.

Vote Aye-5 Nay-0

WORKSESSION

Motion made by Commissioner Fiocco seconded by Commissioner Baldwin to schedule a work session as suggested by Manager Gruesbeck on Chatham Park at the August 12, 2013 regular meeting.

ADJOURNMENT

Motion made by Commissioner Fiocco seconded by Commissioner Baldwin to adjourn.
Vote Aye-5 Nay-0

TABLED ITEMS

#1 North Carolina Forest Service - Redesign Grant Update (Brooke Massa)

#2 Main Street Façade Grant Program Update (Paul Horne)

CAPITAL PROJECTS REPORT

1. Manager's Update on Capital Projects.

Mayor Updates

- EDC
- RPO
- Solid Waste
- Fairground Association
- PMA/Downtown

Commissioner Concerns

FYI -

1. June 2013 Financial Report
2. Pittsboro ABC Board Performance Audit Report

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_____
Randolph Voller, Mayor

ATTEST:

_____
Alice F. Lloyd, CMC, NCCMC
Town Clerk

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