

MINUTES  
TOWN OF PITTSBORO  
BOARD OF COMMISSIONERS  
REGULAR MEETING  
TUESDAY, NOVEMBER 12, 2013  
7:00 PM

Mayor Randolph Voller called the meeting to order and called for a moment of silence.

Mayor Voller asked Mayor Elect Bill Terry to lead the Pledge of Allegiance. Mayor Elect Bill Terry led the Pledge of Allegiance.

**ATTENDANCE**

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

Staff present: Manager Bryan Gruesbeck, Clerk Alice F. Lloyd, Attorney Paul S. Messick, Jr., Planner Stuart Bass, Chief of Police Crutchfield, Parks Planner Paul Horne and Engineer Fred Royal.

**CONSENT AGENDA**

Mayor Voller said that item number two on the consent agenda needed to be pulled because it was an item Commissioner Farrell asked about and he had some more questions about it and that the date of the public hearing on item number three is changed to December 9, 2013 because of publication notice requirements.

Motion made by Commissioner Fiocco seconded by Commissioner Foley to approve the consent agenda with the above corrections.

The Consent Agenda contains the following items:

1. Approve minutes of the October 28, 2013 Regular Meeting.

Motion carried 4-0

2. Remove from agenda for further discussion with Commissioner Farrell the contract with Summit Engineering to provide survey and design services for NC HWY 87 sidewalk extension.

Motion carried 4-0

3. Set Public hearing for Rezoning Request (REZ-2013-03) from 227 East Salisbury St. (C-2 to O&I) for December 9, 2013 at 7:00 p.m.

Motion carried 4-0

4. Approve Capital Project Ordinance for CMAQ East Street Sidewalk Extension.

Motion carried 4-0

5. Approve Budget Amendment to *Section VI. General Fund Fees and Charges for Service.*

Motion carried 4-0

6. Approve proposal for pavement condition survey from US Infrastructure of Carolina Inc. and authorize Town Manager to execute a contract.

Motion carried 4-0

### **REGULAR MEETING AGENDA**

Mayor Voller asked since the room was so crowded if the board would move the two new business items first.

Motion made by Commissioner Fiocco to amend the agenda to put New Business in front of Old Business, seconded by Commissioner Baldwin.

Vote Aye-4 Nay-0

### **CITIZENS MATTERS**

Elizabeth Cullington – 390 Rocky Hills Rd, Pittsboro, NC stated in her written comments she sent to the board she mentioned the petition and included the text so she wanted to hand in the signatures she had gotten so far.

The written comments are as follows:

I am contacting you to urge you to simply vote NO on PDD rezoning for Chatham Park and to reject the current revised Master Plan.

Many of us believe the developers should create better plans for the use of their various land parcels, and that the current plan is too large, too vague, and threatens our water and our quality of life, and is unsuitable for this area.

Any new plans should clearly spell out what is to be built when, so that impacts on our schools, roads, and on Town and County services can be clearly seen, and should be limited in size, and more detailed.

Any new plans should be also be more protective of the region's drinking water supply (the Haw River and Jordan Lake), should preserve important natural areas, provide more open space for future residents, and should ensure compatible land uses with neighboring properties.

Any new plans must include a reasonable amount (no less than 15%) of affordable housing as specified in the request by Chatham Habitat for Humanity, but preferably more to meet this area's housing needs.

I urge you to amend the Town's ordinances to ensure that future developments will meet these goals.

Although I have been unable to put in the time to collect many petition signatures, almost everyone I approached agreed with similar statements, in petition format, even people who had already signed the Pittsboro Matters petition.

I am attaching an updated list of remaining problems with the Plan, and reasons why this rezoning should be rejected, including my original unresolved concerns up to problems with the developers' current "reply" and revised plan. I agree with virtually all the criticisms of the Project raised by Pittsboro Matters, though I believe the rezoning should be rejected at this time as further time, negotiation and public involvement is not apparently going to produce sufficient, or any, change in the project. (The "reply" produced 10/21 seems to bear that out I believe.)

*Liz Cullington, 390 Rocky Hills Road, Pittsboro NC 27312*

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**I. DEVELOPERS' FAILURE TO CONFORM TO PDD REZONING PROCESS**

**Application Still Incomplete**

The Town has requested several things that the developer has refused to provide or doesn't want to provide for two years. Some are things that the current zoning ordinance unfortunately doesn't specifically require as part of the application but which the Town is fully entitled to request.

However, the developer has even failed to supply all the of those elements required for a PDD rezoning in the ordinance.

1) A phasing plan is specifically required. Such a plan does not have to be accepted as submitted, and the developer can also request changes as development proceeds. The Zoning Ordinance spells out this and other requirements for the rezoning application at 5.8.3 (p. 95) and 5.8.5 (p.96) and states that changes in that phasing plan/timeline require approval by the Town at 5.8.10 (p.98). Without such a plan the Town would not be able reject site or subdivision plans on the grounds that they are coming too thick and fast. Nor could the Town have any remedy if the developers fail to produce balanced plans, in which new housing (with it's financial demands on the town) is not offset by new commercial or business development, or other amenities. For the developers to be confident that they can accommodate so many housing units and GSF of other development in the various planning sections would indicate that they already have the equivalent of small area plans, if not more detailed plans than that.

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.

2) A buffer plan is also required. A statement that there is no plan does not meet the requirement for a plan. (!) (This rather indicates that in two years the Town would be presented with an Affordable Housing Plan that boils down to no affordable housing, in terms of what is being requested).

3) Development standards and design guidelines? Again, essentially missing, even though this is a key feature of the trade off involved in a PDD rezoning. The only standards are what won't be standards (no minimum lot size, or setbacks, no maximum building heights, etc.

### **Failure of Applicant to Make Required Revisions**

The PDD zoning district prescribes that "*The Town Board of Commissioners may recommend revisions or additions to a proposed PDD Master Plan, or to a proposed amendment to a PDD Master Plan, that promote the intentions of the Planned Development District.*" (PZO p.95)

So the developer's "reply" document of October 21 (and the "revised" Master Plan) are somewhat shocking, as if the October 1 formal list of information requests and Master Plan changes were mere suggestions. There has been zero response to public concerns. This raises red flags about what the future relationship between the Town (government) and Chatham Park would be. Clearly there is to be no relationship with the Town as a community.

In several instances the "reply" document deliberately twists what was requested in order to do something different, or does less than requested. In many instances they simply say, "no, not gonna." In other instances they want two years to elapse before complying (providing requested plans) and even then don't want to make a firm commitment.

One of the most annoying and somewhat sneaky refusals is regarding the Town's request that open space include at least 560 acres composed of significant natural heritage area, steep slopes, and mature hardwood forest in min 75 acre sections.

Preston's reply (p.6): "All of these areas may be part of the required Open Space. Proposed Open Space shall be identified in the required Small Area Plans." Or they may not be, and by the time each Small Area Plan is submitted those forests could be gone.

If these areas aren't identified and set aside by firm commitment and the Master Plan and rezoning are approved, there would be no way to impose these requirements later. After all, the reply and the revised Master Plan appear to indicate that the developers consider Parks, Recreation, and Open Space to be fluid categories such that even private recreation facilities can count toward open space. The Revised Master Plan now states that "Natural areas" that can count towards "open space requirements" are stream buffers or a conservation easement. However, it appears that the developers have done the only conservation easement they plan to, for now.

In other instances the Town's request has not only been refused, but that refusal has been written into the Master Plan as a revision, for example in response to a requested revision that would retain Town authority to review and change future proposed setbacks, buffers, and so on.

In the case of the seven requested "additional elements" (e.g. Phasing Plan, Affordable Housing Plan, Stormwater Manual etc), the Town requested them now, but the Revised Master Plan says it would be two years before they would even be submitted, maybe.

Maybe they should be required to go away and resubmit their rezoning request in two years if they are not ready. For a group that was in such a hurry, it's puzzling they won't provide more info on where they plan to start!

Most puzzling is their response regarding a Development Agreement (p.7). All along it seemed like the possibility of a Development Agreement was being held out as where all troubling details would be hashed out. The Town has not in fact insisted one be negotiated prior to approval of the rezoning, even allowed two years to complete it, but the developer's reply implies they are being extorted in some way, and just refuses. (It really seems like they now simply would rather not bother with it especially since it turns out the Town might not just sign whatever Chatham Park offers, after all.)

In response to the Town's request for a requirement for preliminary Small Area Plans, prior to site/subdivision plans, the developer has added text to the Revised Master Plan, pretty much as asked, but added some text that is ambiguous at best, dangerous at worst: "*All such plans shall be acceptable to the Town...*" (revised Master Plan p.39). It doesn't say that Small Area Plans have to be prepared in an acceptable manner, it seems to say the town has to consider them acceptable, like it or not (as well as approve in timely fashion).

### **Delays in Compliance, but not Development?**

What's most disturbing is that nothing in the Master Plan prevents site plans or subdivision plans from being submitted during the two-year period before deferred plans are submitted, including plans that are required by the ordinance, those the developer is proposing to replace requirements in the Zoning Ordinance, or which the Town has requested.

### **Failure of the Master Plan to meet the requirements of a PDD**

On p.15 of the Town's Zoning Ordinance it is specifically stated that "higher densities" can be allowed in a PDD "when such increases are supported by superior design" and "*In return for greater flexibility, planned developments in this [PDD] district are expected to deliver communities of exceptional design, character and quality that preserve critical environmental resources and provide open space amenities.*

*"Such communities incorporate creative design in the layout of buildings, open space, and circulation; assure compatibility with surrounding land uses and neighborhood character; and provide greater efficiency in the layout and provision of roads, utilities, and other infrastructure."*

a) The zoning ordinance for a PDD does not mention higher density overall, but clustered uses to preserve some natural area.

b) The ordinance doesn't specify that "critical environmental resources" only be those within the project area, thus the purpose is to protect all critical environmental resources that could be impacted by the development.

Construction of the high density of the entire development would destroy all the environmental resources of the entire 7,000 acres, including critical ones, with the exception of two tiny areas, the stinking creek "conservation area" and a buffer along the Haw River that can contain utilities and greenways.

As a presentation by the Haw Assembly pointed out (at Pittsboro Matters forum 10/29), the state plan to protect Jordan Lake never anticipated and doesn't include this massive new city so close to the Lake that would be a large source of point source pollution (treated wastewater discharge) and "non-point" pollution, runoff.

c) The Master Plan contains no design standards (even though these are also specified in Note 15 (p.78) in the Ordinance.

d) Not only does the Master Plan not "assure compatibility with surrounding land uses and neighborhood character" it does the complete opposite. The revised plan does not even incorporate the sensible revisions presented by Prince Creek residents that would reduce, though not eliminate the impacts on that neighborhood.

e) The disparate and scattered tracts presented as "Chatham Park" are accompanied by an extremely inefficient sprawl of roads and utilities.

f) Many of the sections and proposed uses in Chatham Park would be perfectly possible under other zoning categories, such as MUPD, Office/Institutional, Light Industrial, Neighborhood or Highway Commercial or the higher density Residential zoning.

g) In spite of the fancy presentations, the actual Master Plan contains nothing that can be considered innovative for the period 2014-2044.

h) As others have noted, the Master Plan doesn't prohibit gated communities, which seem completely at odds with the goals of a PDD district to create a self-contained and integrated community, as does the lack of a commitment to provide any, let alone an adequate amount of truly affordable housing in the mix.

### **Phasing Plan and Economic Impacts**

a) It appears that major commercial development doesn't come until there is a concentrated population of a certain level to sustain it. Mr. Culpepper has admitted that housing has to come first.

b) When housing comes before commercial, office etc., the net effect on local budgets is negative until build out, if that ever occurs. Housing requires town services and advance funding for new school construction.

c) Chatham's current mixed use PDs (Briar Chapel, Powell Place) have had to build housing first. Briar Chapel has abandoned its Town Center in favor of all outparcel highway commercial development, sometime in the future. Powell Place's Town Center hasn't started yet. (This is also possibly a reflection of the inability of small scale businesses to compete these days.)

d) Reston VA didn't start to construct any of its town center until several decades after it's housing and office blocks, it is still not complete.

e) It's also notable that while "build-out" of Reston is still ongoing (i.e. town center still in process), the bulk of its population growth occurred in the first decade, not spread out over 30 years.

#### *Historical populations*

*Census Pop. %±*

1970 5,722 —

1980 36,407 536.3%

1990 48,556 33.4%

2000 56,407 16.2%

*Source: US Census via Wikipedia*

## **II. PROBLEMS WITH THE "CONCEPT"**

### **"Clean-Tech Cluster"/RTP 2.0 (etc)**

In their promotional video they claim all 7,000 acres are available for the new RTP, in fact R&D planning areas represent a mere 12% of the project (865.4 acres) with 160 acres leased to Strata Solar for 30 years (a project unlikely to produce many permanent jobs for that period). So there's actually only 705.4 acres, or 10%, for R&D.

But examining the Table of Permitted Uses for Chatham Park, the requested uses for the "R&D" areas are so broad that the Town would have no guarantee that any acreage would be held open for decades for such "clean tech" etc companies to move in. Nothing in the Master Plan would prevent the developers from selling or leasing all those acres to whichever customers/tenants they can find. The Town would have zero input into who or what comes, or when.

For "clean-tech" companies truly serious about their carbon footprint it remains to be seen how attractive this proposed development would be given the nature of the development as a whole, or rather, it's lack of nature, lack of real innovation, and lack of development or building standards.

The fact that the investors were able to acquire large tracts of land during a period of low prices doesn't automatically make this a suitable location for such a project anyhow.

## **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 most of the 7,100 acres and nothing in the plan indicates any sustainable features with the single exception of some limited re-use of treated wastewater, a feature that may be driven by expediency as much as anything else, and leasing 160 acres to a solar farm. That might offset some of the project's power use, but there is nothing proposed to compensate for the loss of those intact forests and habitat, or the potential degradation of Jordan Lake.

Preston has not committed to any building standards or development standards, even though those are required by Pittsboro's ordinance, let alone green or LEED building, which is an area in which they appear to have zero known experience.

## **Preston Has No Experience for Such a Vast and Diverse Project**

Preston Development has only produced 10,000 houses in almost 30 years. Much of the profits have come from successful land speculation. 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. Nor is it clear if any of those projects were developed where municipal sewer was not available.

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). While they have retained and presented design professionals, the work of these designers is singularly absent from the more binding text of the Master Plan and their continuing involvement with the project is not guaranteed to be used or to continue after rezoning is approved.

## **Pressure from Developer/Costs etc.**

The developers cite their money spent and that "the clock is ticking" but they acquired these parcels over many years, with the bulk of the acreage purchased during the financial crisis and housing collapse, and their potential profits on the value of the land, if rezoned to high density, completely dwarf the funds claimed as spent to date. In fact, since the housing market has improved, their investment has probably increased in value without rezoning.

Preston Development Company's website includes among their projects a mere 275 acre project in Knightdale which they spent 18 months getting approved. (Knightdale Station, approved by town January 2013 but now called Myers Lake.)

In spite of the pressure to approve now, the developers are in no hurry to provide requested plans.

Chatham Park Investors have also claimed they need the entire rezoning to even start the medical office near Northwood because the current zoning doesn't provide enough area, but the proposed site and design (as re-posted on the site of one of the project's design firms) indicates that there is plenty of room with current zoning. <http://blake-field.com/wp/current-projects/>

### **III. SETTING UP FUTURE PLANNING PROBLEMS**

#### **Site Plans/Subdivision Plans**

The Planning Board's vote to recommend C.Park rezoning appeared heavily dependent on future review of site plans or subdivision plans. However, the densities requested for the various areas, and the exemption from height limits, set back requirements, buffers, and so on, mean that while those reviewing site plans may not like the layout, there would be little wiggle room to rearrange elements on the plan, and little authority to require adjustments.

#### **Density Double-Dipping**

An apparently hidden problem arises from the fact that the "Activity Centers", with their own nonresidential development maximums (in GSF), are not geographically defined planning areas, but are overlaid on other sections with their own allocated maximums of housing units or housing units and non-residential GSF.

This means that the density of the overlaid districts can't be known until Site Plans are submitted, except we know that they are going to be higher than it's possible to calculate now. (However, see *Residential Density Table-Revised at the end*). If the Town were to approve rezoning and some version of the Master Plan that entitles the developers to currently requested totals of housing units and GSF, there would be no Town authority to reduce those numbers on a site plan or subdivision plan.

It also means that at this point the Board can't fully know what it is being asked to approve.

#### **"Activity Centers"**

1) It appears that the Town wanted to be assured that the "activity centers" were people-centered rather than automobile oriented wastelands, and that housing would be concentrated around them. However, the revised Master Plan, now adds that these concentrated commercial areas are totally undefined in size, only limited by the requested gross square feet. (p.9)

This poses a risk that these areas could be the same old outdated and undesirable wastelands of low rise superstores with acres of empty parking--the total opposite of the design concepts presented by the developers in their presentations to the public and the Town board, design concepts that are nowhere contained in the actual Master Plan (either version).

2) Verbal statements by the developer have tried to create the impression that "Activity Centers" would be small-scale "villages" and Mr. Culpepper told the planning board in July that the most remote one nearest to Jordan Lake would likely just be a convenience store, bait shop etc. but

even that smallest Activity Center has many more allowed uses than that, and requested commercial etc. development equivalent to three Walmart supercenters (*see Non-Residential Density Table, at end*).

3) Residential units (apartments above stores/offices) are a permitted use in the activity center portion of some or all underlying planning sections, but they have no such units assigned in the Land Use Summary Table. So either that use wouldn't be invoked, or the number of housing units would be greater than that declared.

4) The developers have rejected the Town's request to include the decent sized public parks the Town requested, in favor of a mere total 2 acres of "commons" (which could perhaps be accumulated by a number of paved restaurant/bar/store patios). (Revised Master Plan, p.9)

### **Buffers/Neighbors/Incompatible Uses**

The issue of incompatible uses is not merely one of aesthetics. For instance, "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. All versions of the plan fail to consider the impacts of various uses on both project neighbors and residents, and it appears that once site plans are submitted, the Town will not be able to challenge specific uses.

The Master Plan states (p.10) that "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." However, the Land Use map indicates that dissimilar uses are planned for every part of the project boundary, even if only much higher density housing.

In such cases, the developers only want to buffer by distance or otherwise, such 'dissimilar uses' for and from existing homes etc., not from the property line. Such a provision threatens to devalue other people's developed AND undeveloped property. A person is entitled to the full use and privacy of their property, not just the actual home if there is one. Tall office buildings looming over your property would destroy your privacy and might deprive your property of sunlight. Buffering in all cases needs to be from the project boundary, not simply from existing buildings, and should be based on the current zoning of the adjacent property and the rights of the neighboring owners to build or sell (and not just to C.Park).

The Town has requested that the Plan be amended to require "detailed boundary transition treatments" with site or subdivision plans for any development within 500 feet of the boundary, with those treatments subject to a public hearing (not apparently the plan itself). Yet the developers don't even want to do that, and sneakily claim that this is a concern about land uses normally requiring a special use permit (which it's not, it's about proximity). So currently, the Revised Plan says no hearing unless the proximate land use is of SUP type.(Revised Master Plan, p.10)

Also, it would appear that the failure to provide a buffering plan (or to ensure adequate buffers, whether within the project or from neighboring properties, developed or not, is a violation of Article XVII of the Town's zoning ordinance (p.188) regarding protecting impacts on neighbors from light, noise, dust, fumes etc.

### **Highway and Bypass Development Exemption**

The revised master plan still exempts Chatham Park from the "Major Transportation Corridor overlay district regulations," though other property owners (and PDDs) would still have to comply. (Revised MPp.33, at #8). Not only does this mean that future applicants might ask for exemption also, it would be a real poke in the eye to businesses that have complied.

## **IV. MAJOR STORMWATER ISSUES AHEAD**

### **A Sneaky End Run Around Stormwater Standards**

The Pittsboro Zoning Ordinance allows for an applicant to develop under the High Density Option, but only if the specific stormwater requirements will be met, in sections 5.5.10 , 5.5.11, 5.5.12, 5.5.13 (pp. 83-89). This includes but is not limited to standards for design, maintaining land cover vegetation, stormwater retention ponds, inspection and maintenance and a performance surety bond. This bond has to be 1.25 the cost of the entire project and cannot be prorated.

However, in both versions of the Master Plan, one of the items in the "Development Standards" section (on p. 33 #6) seems to say that if/when the Board approves the Master Plan that High Density Option approval is automatically granted, without meeting the associated stormwater requirements, or posting the bond.

*"6. §5.5.10, Approval of the PDD and PDD Master Plan for Chatham Park grants approval for Chatham Park to develop under the High Density Option."*

The Master Plan states "stormwater control measures ... systems and treatment practices" will be as stated in the Plan (not in the relevant part of Pittsboro Ordinance(s). The Master Plan states that stormwater systems would be "regional" rather than for each lot. "Regional" systems are systems for two or more lots, but there does not seem to be an upper limit. This would not guarantee adequate stormwater control for this dense project,

But even these lower standards might not apply since the developers reserve the right to use "variances and/or lesser standards and/or offset payments that may be granted, adopted or accepted by the Town of Pittsboro or other applicable governmental entity." (p.17)

(This "other applicable governmental entity" might be DENR since the Plan goes on to describe their (NCDWQ) low impact development (LID) permitting standards.)

### **Low Level and Delay for Alternate Stormwater Maintenance Funding**

Rather than the performance bond required by the Pittsboro ordinance, the Master Plan would only provide post-construction funding for stormwater infrastructure through Property Owners Association assessments. This fund would be the only source for the subsequent inspection, maintenance, repair, or replacement of any stormwater feature.

The Plan says that this fund held by the Property Owners Association need only be funded up to 15% of the original construction cost, and that not until 5 years after the first certificate of occupancy is issued.

The Property Owners' fees would probably only start to be collected when new homes are sold, as there is no provision in the plan for the developers to tax themselves for this purpose.

Apparently it never has to be funded to 100%, let alone the 125% represented by the bond required in Pittsboro's Ordinance, which would be an upfront funding mechanism

### **Ambiguity re Responsibility**

The Master Plan is not crystal clear about whether state stormwater rules are to be invoked, but state rules (at 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 if this current Plan is to be considered. Right now the developers could saddle the town with all the responsibility and none of the funding.

### **Errors and Risks re the High-Density Option, 70% Coverage Max.**

Although the revised plan deletes the specific reference to 70% coverage (p.33 at #5), nevertheless, development under the "high density option" in both NC regulations and the Pittsboro ordinance, allows 70% coverage with engineered stormwater controls but is not available for development within the WSIV-CA (critical area) of the watershed, only the WSIV-PA (protected area).

Thus this cannot apply to the project as a whole, and even with engineered stormwater controls, the proposed densities for the lowest density areas near the Haw and Jordan Lake (Residential East) are too high, being in the critical area, with 3+ houses per acre.

And in the case of the most southern of these three "Residential-East" areas (area 3.7) it is overlaid by half of an activity center so that it's residential density would be even higher than the developer has stated, as is the case for all such overlain sections. (*See "Activity Centers" discussion here and also Residential Density Table. Revised, at the end.*)

Under Pittsboro's Zoning Ordinance (p.79) the WSIV-CA (critical area) parts of the watershed cannot have higher than 2 homes per acre density, and 24% lot coverage whether residential or non-residential development (in Chatham Park every area contains some of both).

The seemingly very high 70% coverage cap is supposed to be only in WSIV-PA when specified engineered stormwater controls are in place that meet detailed requirements, that assume that the remaining 30% of a lot or small project will be used for that purpose. (I've been informed that virtually all Chatham Park acreage outside the "critical area" watershed area is within the "protected area.")

However, applying an average 70% lot coverage to 7,000 plus scattered acres, in different drainages and with differing land uses and densities, would allow many areas to be close to or at 100% lot coverage, leaving inadequate area for stormwater management even under routine rain events. Under Pittsboro's zoning ordinance the only area currently allowed 100% coverage is the immediate downtown.

In addition, if a maximum 70% coverage is applied to the entire project, site plans could be submitted with higher lot coverage in the absence of detailed plans for the remaining sections of the project.

### **Proposed "Regional" Stormwater Systems**

The Master Plan states that stormwater systems would be "regional" rather than for each lot. "Regional" systems are systems for two or more lots, but there does not seem to be an upper limit stated in the plan as to how "regional" these systems would be. This would not guarantee adequate stormwater control for this dense project.

### **No innovative stormwater measures**

Given the 70% overall lot coverage and the proposed high density land uses, it is hard to imagine that anything but the most innovative stormwater management systems would be adequate. As noted in my written comments submitted for the public hearing of 7/22/13, there is evidence that impervious areas above 10-20% damage water supplies and fish populations.

The Master Plan's lack of development standards means no guarantee that porous pavement materials would be used for roads, parking lots, sidewalks or greenways. If the developers were serious about a "sustainable development" they would commit to implementing innovative standards such as those developed for western Washington state.

Just one example from this 1,035 page, 5-volume manual is "*new construction BMPs [best management practices], such as vegetated spray fields next to construction projects that are sprayed with muddy water so that the water soaks into the ground.*"

Article (includes link to manual): <http://daily.sightline.org/2013/07/15/the-skinny-on-washingtonsnew-stormwater-bible/>

While the conceptual drawings for "North Village" (off the bypass, not 15-501) show green roofs, there are no such water retention standards (or building standards) in the Plan.

*Research by Eleftheria Alexandri and Phil Jones at the at the University of Cardiff in the UK modeled the effect of green roofs in nine cities around the world—including Montreal, London, Mumbai and Brazilia—and indicated that green roofs would cool the climate in all of the cities, with the greatest effects in the hottest cities. (According to the model, if the buildings in Riyadh, Saudi Arabia had green roofs, the temperature during the hottest month would drop a shocking 9.1 Celsius or about 16 degrees Fahrenheit)*

*As for water, in one EPA study, green roofs retained over 50 percent of total precipitation over the course of a year, and over 95 percent in summer months. Comparing runoff between a typical asphalt roof and green roofs found that green roofs raised ph (a benefit to counteract acid rain) and appeared to remove atmospheric nitrate.*

<http://blogs.ei.columbia.edu/2010/07/13/no-more-pavement-the-problem-of-impervious-surfaces/>

## **V. WATER & SEWER ISSUES AND COSTS**

### **Water Supply**

As the Master Plan states (p.12), the town's aging, 2MGD treatment plant would need replacement, renovation or expansion when its 2011 demand is doubled (1.2 MGD). Chatham Park's anticipated water demand is projected as 4.4 MGD and that is based on the potential re-use of some treated wastewater in non-residential buildings up to 2 MGD.

Somehow the developers expect that the Town will obtain an additional allocation from Jordan Lake (requiring a new treatment plant in a different location, with associated line infrastructure). They do not seem to have concerns that this water source is where all the project's contaminated runoff and treated wastewater will go. No extra funding is offered.

It isn't going to be possible for the Town to meet the large upfront capital costs of current plant expansion/replacement, or a new plant and infrastructure through setting aside Chatham Park water sales revenue and connection fees as the developers suggest (Revised Master Plan p.16). Water capacity has to be in place before buildings are constructed, not many years after occupants turn on the taps.

### **Wastewater (Sewer) Systems**

**Discharge & Permitting:** Chatham Park's proposed independent/private wastewater collection and treatment system, to be "decentralized and phased" is projected to have to handle 4.8 MGD "average daily flow" which is far less than the peak flow amount.

As the Master Plan notes (p.14), Pittsboro's planned new (but unfunded) WWTP (3.22 MGD) is located uphill ("upgradient") of most of Chatham Park and wouldn't have the capacity to serve the development as well as the Town's current and future needs outside of Chatham Park. If a

new plant were to be relocated it would require restarting the EIS process from scratch, adding years and extra cost.

Since there is no guarantee that Chatham Park's treated effluent will reach the projected total of re-use capacity, or that re-use would increase, at least 2.8 MGD would have to be released to the Haw, and directly or indirectly to Jordan Lake.

The developers appear to have no permit for such releases and apparently don't plan to get one but instead use the town's discharge allocation. The developers note that the Town has a new NPDES discharge permit to the Haw (of 2.47 MGD) in addition to its current permit for Robeson Creek discharge (0.75) (equal to the proposed single 3.22 MGD discharge from a new plant). On page 16 of the Revised Master Plan (as in the earlier version) they state:

*"If necessary or practical, excess treated effluent not utilized for beneficial reuse could be discharged to the Haw River utilizing a portion of the capacity of the Town's new NPDES permit. The decentralized nature of the wastewater system will allow for proximity to the Haw River at the potential discharge point(s), minimizing size and scope of infrastructure. These discharge points could be utilized during periods of low reuse demand."*

There are almost too many questions about this to count, however:

- a) If the Town's proposed new WWTP site is too centralized and "upgradient" to serve Chatham Park, then how would its discharge point be any more convenient?
- b) The sewer map indicates that only two of six proposed treatment facilities discharge to the Haw. How is discharge to tributaries of Jordan Lake to be permitted? (All proposed Chatham Park treatment plants are located where development areas drain to a creek.)
- c) If Chatham Park utilizes Pittsboro's NPDES discharge permit, then how could Pittsboro use that allocation to build its new treatment plant?

[Note: according to Town Engineer, a discharge permit allocation is based on annual average.]

**Wastewater Overflows:** 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 any excess stormwater would end up. This is yet another reason why the developer's failure to identify the type of treatment system to be used is a significant defect in their plan, as is their attempt to bypass required stormwater requirements.

## **Re-Use Water**

It remains unclear whether the developers are committing to pay for the construction, operation and maintenance of any re-use water infrastructure. They say that "would depend on who will be operating the wastewater reclamation facilities." (Revised Master Plan p.17)

## **VI. PUBLIC SERVICES AND AMENITIES**

### **Schools**

Because Chatham voters rejected the land transfer tax, new school funding still has to come from the impact fee on completed new housing units, the time when new schools have to be ready, rather than planned.

The Master Plan used Chatham's current 0.45 students per household factor in estimating the need for twelve new schools. However, Chatham's population has more elderly people (and relocating retirees) than would buy into Chatham Park and the demand on schools would be more like that in comparable areas and similar developments, such as Cary, Reston or its surrounding county, Herndon, VA.

Herndon's family size in the 2010 US census was 3.54 (*Source: Wikipedia, Herndon County*). Even considering some of those family members as adult children or live-in grandparents, but also the increasing preponderance of single parents, it's questionable that Chatham Park would only have less than half a child per household on average. Thus possibly more than 12 new schools would be needed, and possibly not spread out over 30 years, but over 15 years, especially with the lack of an agreed phasing plan.

The Master Plan on p. 22 suggests some of the new required schools could be built within the PDD. School sitting within a development is a marketing plus for developers, and it increases the chances that future school districts would give that development's residents priority in attending those schools.

However, the Plan fails to commit to two important things regarding new schools. Firstly, that the Board of Education should be allowed to purchase land at its pre-development price if it seeks school sites within the Chatham Park group of tracts.

Secondly, that the Board of Education be allowed to negotiate the selection of any site at the earliest possible stage, before small area plans for instance, and not simply be presented with a limited choice of sites, or just one, as this risks the BOE being put in a take-it-or-leave-it position with sites that would involve higher development and/or construction costs (steep slopes, more blasting, etc.) or proximity to incompatible uses.

### **Parks and Greenways**

1) The park "planning areas" on the Parks map indicate that many residents will have no nearby park, and those in the mixed use areas will have none. The revised plan spells out that park or open space area for a specific area need not be within that area.

2) The Revised Plan assigns only "park and rec space", rather than open space to residential development, and rather than increasing the allotment as the Town requested, has added an increment for GSF of non-residential development. However with 236 acres of public park already identified, the first 7,866 housing units need no further park allocation.

3) Among other things, greenways are supposed to be trails that supplement sidewalks for pedestrian access by cutting through areas that roads don't go, but the Master Plan contains no development design standards that these be incorporated at the neighborhood level.

4) The Land Use Summary Table and Master Plan (p.9) state that up to 10% of residential section acreage can be designated by the developer for those non-residential uses listed for that section in the Table of Permitted Uses, uses far more broad than those mentioned in the text.

However, only the two Tables just mentioned show that the four identified public park areas can also have up to 10% of their acreage as, not just parkland, parking or soccer fields etc., but used for libraries, fire stations etc. Thus, the only large parks identified would be smaller than declared.

5) Worst of all is that "quarrying and other extractive industries" are permitted uses in all planning sections of the project, including parks, (with the exception of the three lower density Residential-East sections close to the Haw and Jordan Lake, where it appears that the more expensive larger homes might be located (since one of these areas can have a golf course and airstrip (or heliport)). The footnote on that same table stating that fracking will however not be permitted appears to be unenforceable under current circumstances but particularly if other "quarrying or extractive industries" are permitted uses. This is a use normally requiring M-2 (Heavy Industry) zoning, but the zoning ordinance was not updated to list which uses were permitted in a PDD.

Has anyone asked who will own the mineral rights on all 7,000 acres?

6) Both versions of the Master Plan suggest 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 for stormwater control, for conservation of springs and wetlands or intact forest, etc., and as part and of its marketing appeal, but rather designed for extremely small housing developments.

### **Sidewalks/Bike Lanes/Walkability**

1) The first Master Plan only committed to sidewalks (or greenways), bicycle lanes and transit stops along "public streets" (p.24), leaving unanswered if some residential streets are to be private, and failing to guarantee adequate sidewalks and safe pedestrian crossings etc. in commercial areas. (As others have noted, the Plan does not exclude gated communities.)

However the revised Master Plan (p.26) has reduced that commitment:

*"Multi-modal alternatives including sidewalks, bicycle lanes, and transit stops shall be*

*incorporated unless exceptional circumstances exist or are not recommended by the Transportation Planning Analysis."*

2) At its public presentation (Chatham Mills) the development team made the claim that the (7.1) area off 15-501 would allow employees of the medical facility to live nearby and walk to work. (When I asked if nurses' aides could afford to live there I received a blank stare.) In fact any doctors relocating might need homes, not apartments (Area 7.1 has no detached housing) and lower paid employees might well prefer to retain a house (with yard) than squeeze their family into an apartment.

3) Much of the residential area in the southern portion is too remote for walking to anywhere. Most jobs in the scattered commercial sites in the southern area is unlikely to pay enough to support purchase of a new home (or upscale condo rent).

4) While the developers have talked about live-work-play community, housing tied to employment mostly went out with the end of the plantation, or mill village, and many residents will still be driving out to jobs (or driving in), and also driving to shop, not necessarily always at the closest location.

### **Roads and Power Lines**

A PDD development is supposed to provide and build it's own roads. Chatham Park is hugely dependent for access on new roads, road extensions and road widening at public expense on an accelerated schedule.

This would have impacts far beyond the project borders through land condemnation, increased traffic etc.

The zoning ordinance doesn't require submittal of a power supply infrastructure plan, but new power lines to serve the various tracts that make up Chatham Park would subject various neighboring residents or property owners to new power line easements on their property. Since power supply has to come from existing infrastructure, and take the most direct route, only some lines would parallel existing or proposed roads (whether internal or external). The project area falls within two service areas, Duke Energy and Central Electric Membership Corporation (co-op) based in Sanford from where lines come.

The Strata Solar Farm, to be located north of the Moncure-Pittsboro Road in "R&D" area 4.1, would sell power to CEMC, so it would be a partial offset rather than direct power supply. It is also on a 30-year lease and developers state that after that the site could be developed.

### **TABLE 1. RESIDENTIAL PLANNING AREAS DENSITY, CHATHAM PARK (Revised)**

#### **RESIDENTIAL**

Plan Area	Res Acres	Dwelling Units	Gross Max Density	Lot Size Acre
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			per acre	
1.1	393.6	1575	4.9	0.2
1.2	391.2	1565	4.9	0.2
1.3	136.9	275	2.5	0.4
1.4	84.0	670	9.8	0.1
<b>2.1</b>	<b>593.4</b>	<b>1780</b>	<b>&gt;3.7</b>	<b>&lt;0.3</b>
2.2	1201.3	3005	3	0.3
2.3	226.9	570	3.1	0.3
<b>2.4</b>	<b>209.2</b>	<b>1675</b>	<b>&gt;9.9</b>	<b>&lt;0.1</b>
3.1	327.9	820	3.1	0.3
3.3	186.9	750	4.9	0.2
<b>3.4</b>	<b>512.1</b>	<b>1280</b>	<b>&gt;3.1</b>	<b>&lt;0.3</b>
3.5	212.2	530	3.1	0.3
<b>3.6</b>	<b>102.3</b>	<b>820</b>	<b>&gt;9.9</b>	<b>&lt;0.1</b>
<b>3.7</b>	<b>251.2</b>	<b>630</b>	<b>&gt;3.1</b>	<b>&lt;0.3</b>
4.4	281.4	2815	12.3	0.08

**Boldface** = RESIDENTIAL WITH Activity Center Overlay and thus unknown density but greater than calculated above

RESIDENTIAL MIXED USE --all have Activity Center overlay and thus unknown density but greater than can be calculated

<b>4.2</b>	<b>131.6</b>	<b>1315</b>	<b>&gt;12.3</b>	<b>&lt;0.08</b>
<b>5.1</b>	<b>298.4</b>	<b>2985</b>	<b>&gt;12.3</b>	<b>&lt;0.08</b>
<b>6.2</b>	<b>196.6</b>	<b>1475</b>	<b>&gt; 9.2</b>	<b>&lt;0.1</b>

*All Residential and Residential-Mixed Use areas both allow up to 10% of the gross acreage to be nonresidential use, original maximum residential density here calculated based on 10% non-residential use, and 10% for common roads and infrastructure as required by the Pittsboro zoning ordinance.*

Revised: Nov. 5 2013

## TABLE 2. NON-RESIDENTIAL

### GROSS SQUARE FOOTAGE IN WALMARTS\*

\*North Chatham Walmart is 148,400 square feet

Area Type	GSF as how many Walmarts
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
"Activity Centers"	
A	13.5
B	10
C	8
D	3
E	3

Ms. Cullington asked to read the text of the petition into the record. It reads:

To the members of the Pittsboro Town Board

We the undersigned residents of (some says Pittsboro or ETJ others say Chatham County) urge you to vote NO on rezoning 7,120 acres around Pittsboro for the massive “Chatham Park” mega development and to reject the current Master Plan.

We believe the developers should create a better plan for the use of their various land parcels, and that the current plan is too large, too vague, and threaten our water and our quality of life, and is unsuitable for this area.

Any new plans should clearly spell out what is to be built when, so that impacts on our schools, roads, and on Town and County services can be clearly seen, and should be limited in size and more detailed.

Any new plans should also be more protective of the region’s drinking water supply (the Haw River and Jordan Lake), should preserve important natural areas, provide more open space for future residents, and should ensure compatible land uses with neighboring properties.

Any new plan must include a reasonable amount (no less than 15%) of affordable housing as specified in the request by Chatham Habitat for Humanity, but preferably more to meet this areas housing needs.

We urge you to amend the Town’s ordinances so that future development will meet these goals.

Amanda Robertson, 244 Prince Creek, Pittsboro, NC stated she was present to give an update on Pittsboro Matters signatures on the petition as well as to report on the citizens forum they held.

Ms. Robertson said they now have over 600 supporters that have been submitted to the Board. Ms. Robertson said everyone may not know the text of the petition so she read it as follows:

As residents, business operators, farmers, non-profit employees and board members of the greater Pittsboro area who work, live or shop in Pittsboro and/or will be affected by the proposed 7120 acre, 55,000 resident Chatham Park Development, we are asking you to do the following before approving this development: 1) Slow down the review process; 2) Bring in outside

independent planning experts with experience evaluating similar large planned developments and  
3) Keep the review process open to the public and seek community stakeholder input into all aspects of the review and revision of proposed development plans.

Ms. Robertson stated the citizen's forum was organized by the Pittsboro Matters steering committee. It was held at Pittsboro Roadhouse on October 29, 2013 at 7 p.m. They estimate about 140 attendees to this event.

She said the agenda included individuals who spoke on summarized issues around larger focus areas that include water quality & supply, wilderness, downtown & local businesses, local farms, traffic & air quality and affordable living. After these folks got up and spoke they opened it up to comments and concerns from those present.

The public was able to come up and share their concerns in an open way. Many people got up and spoke. Several people got up and spoke about their concerns around schools. Generally, these were focused on how the impact of this development would impact our local schools. So they added another focus area that was around the local schools.

They followed this with a break out session in two different meeting groups. This was a discussion on these issues so they could talk with the individuals (& others) that spoke on each issue.

Ms. Robertson said they requested volunteers to participate in individual taskforces. They had volunteer cards that allowed them to check different areas and provide their contact information.

They will be having separate meetings over the next month with these individual focus groups.

She said they will pull together recommendations and have a follow up meeting with these taskforces where they will put together a citizen's report to submit to the Town Board in early January.

Ms. Robertson said on a personal note she wanted to congratulate Commissioner Fiocco, Commissioner Baldwin and Mayor Elect Bill Terry. She knows how much work it takes to do what they (the board) are doing because working with Pittsboro Matters steering committee and trying to grab onto issues it takes a lot of energy and it is very stressful. She said they meet every week.

Ms. Robertson said that Pittsboro elected you and it doesn't mean we wash our hands of taking care of these things too. They would like to help, please take their help. Let them help they want to. This is a big issue and she hopes they will be given them the opportunity to participate, to hear their report in January and to continue working with the Board in the future.

Jeffery Starkweather, 590 Old Goldston Road made the following presentation for the record:

I had originally planned to come before the board to give you a report on Pittsboro Matters' standing-room only Citizen's Forum and my conversations with hundreds of Pittsboro voters in

the process of dropping off campaign literature for the Tuesday's winners, as well as outside the polls on Election Day.

But then I reviewed the agenda for tonight's meeting and was shocked to see Chatham Park on the agenda for the first time since August 24 despite the fact that Pittsboro Matters has appeared at every meeting and have not been put on the agenda. This appears to be as a result of a request by Chatham Park lobbyist Philip Culpepper to jettison your agreement back on October 10 to address the issue of revising both the development review process and the proposed master plan through an expanded subcommittee that included volunteer representatives of Pittsboro Matters. As you know, we submitted three names of folks Pittsboro Matters felt had the local and professional knowledge and experience to best represent the diversity of our supporters. They are still waiting to be contacted for the next meeting of the subcommittee.

In response to this request by Mr. Culpepper, let me be clear what most of the citizens I have talked to desire. The town needs to accept that this process was begun with a seriously flawed legal and policy planning instrument for reviewing and approving a proposed 7,100 + acre, 55,000 population RTP development in Pittsboro planning jurisdiction – the Planned Development District, authored by Mr. Culpepper originally. The subcommittee did propose an alternative two-year, two-step review process. Mr. Culpepper stated during the public hearing on PDD ordinance that it would be followed by a development agreement, but there is nothing in this ordinance that provides for that. It is way past time the town hired, at the expense of the developer, a planning, environmental, and legal team to review the current PDD ordinance and any alternatives and give the town some guidance on the best way to proceed in the review of proposal that is clear, legally defensible, and protects the interests of the town, its citizens, and area residents. The subcommittee could get started now working on these issues and get assistance once these experts have been hired.

Now, I am sure we will hear complaints about why were the citizens so late bringing forward their complaints against this development. Or that the developers have spent millions and been working on this for years. Let me respond by addressing the following points that I have detailed below from town and planning board minutes, documents and local newspaper articles, but which I will clearly not have time to give during this input session, unless, of course, you want to ask me about them: 1) Citizens were not informed about this ordinance until after the public hearing had been completed; 2) The developers brought forward the ordinance knowing it violated specific provisions of the land use plan passed about four months earlier – utilizing citizen input and the environmental assessment to help design the development; 3) this ordinance was not properly vetted by legal and planning experts, the board relied on the legal assurance of the developer's lobbyist, and it clearly gives more flexibility to the developer, is based purposefully on vague and legally unenforceable standards, and provides no clear guidance on the rights of the parties and steps to final approval of this development. Moreover, even after the official public hearing on this development my conversations with hundreds of area residents indicated they knew little about the size, scope and implications of the Chatham Park proposal until they were informed by Pittsboro Matters.

In addition to those three points, I would add in support of the need to re-think the review process.

First, I do not see legally this board can be acting on Culpepper's response to subcommittee comments when those comments were never discussed or approved by the full board in an open meeting.

Second, given the elections results, especially in the Mayor's race, given the clear differences between the winners and losers, discussing this now before Mayor Bill Terry has been sworn in and is able to preside over this discussion seems a bit of an insult to him and the voters of this town.

Although I have read studied the land use plan, Planned Development District (PDD) ordinance, the proposed master plan and its revision, and all the documents put forth by the town and citizen input statements, I was not familiar with history of what process was followed to approve the clearly flawed PDD ordinance and whether area residents were given a reasonable opportunity for input. Thus, I have spent the last two days reading the formal agendas and minutes of the Pittsboro town board and planning board for the last two years. I have also been reviewing every issue of the Chatham News-Record during that time.

The lead story on the front page of the January 3 issue of the Chatham News reads "*Public Hearing set for Pittsboro ETJ expansion.*" That referred to the announcement of a January 28 county public hearing, since the county commissioners had the authority to do that at the request of the town. When this expansion was formally presented to the Pittsboro board it was accompanied by a legal memo from attorney Paul Messick and legal summaries from David Owen of the Institute of Government and one from the NC League of Municipalities. It was approved on February 25, 2013. It was at that time adjacent property owners in the ETJ were finally informed of this action has been taken that would greatly affect their property rights. On March 11 of this year the proposed PDD ordinance was presented to the board and a public hearing set for March 25. The agenda for this meeting did not even indicate that the PDD had any connection to Chatham Park. There were no news item in the Chatham News-Record announcing a public hearing on this critical ordinance. As a result, there was only speaker at the public hearing – you guessed it, Chatham Park lobbyist/planner Phillip Culpepper. Let me add a personal note. I keep up with such things more than most lay citizens in the county. In fact, during this time period I was working pretty intensively with Pittsboro Town planner Stuart Bass and other county area planners and engineers on EDC land use committee assigned to evaluate and make recommendations on various land use development scenarios for the county. I knew nothing about this hearing until I read an article buried on page 8-A of the March 28, year Chatham News-Record. The lead Pittsboro article on the front page announced that "Pittsboro named certified N.C. retirement destination. Folks who took the effort to read the article about the PDD hearing would not have been alarmed, since it reported essentially a love fest between Culpepper and the board about how great this ordinance was. Ironically, I attended part of the meeting on April 8 when PDD was unanimously approved without discussion, but was not there for this vote. I was there to update the board on the county scenario planning process and to request for annexation to obtain a secure long-term source of drinking water. This item was not on the agenda but was approved just after I left the meeting.

Now, I just happened to have read the Pittsboro Land Use plan cover to cover as part of my preparation for the county land use committee participation, but at the time I was not focusing on the seemingly benign Chatham Park review process. The last action item of the land use plan

approved in October 2012 states: “*Work with the developers of Chatham Park to develop an area plan with public process and design charrette that builds on the Southwest Shore Assessment (October 2008). Determine specific alignment of proposed roadway improvements within Chatham Park.* I do not recall my specific reaction to this item, but it certainly would have assured me I would have nothing to worry about the process for designing Chatham Park. But clearly, developer lobbyist Culpepper, who attended every town board and planning board meeting and has inserted himself in attempting to influence every town planning document, was aware when he presented his draft PDD ordinance in February of this of both these specific requirements of the land use plan. The General Statutes of North Carolina state that “zoning ordinance shall be compliance with the comprehensive land use plan.” Regardless of whether slick attorneys can argue that these are just recommendations to implement the plan rather than the plan itself, Culpepper’s action to push for this PDD ordinance clearly is violation of the spirit of what the town board promised the citizens concerning Chatham Park’s design. To me, just this violation is enough to hire experts to re-think our process for reviewing Chatham Park.

I am not going to specifically address all the flaws of the PDD. Attorney John Graybeal and I expressed a number of our legal concerns during the second public hearing. Also, it would take too long and this should be saved for the subcommittee discussions. But I would point out two disturbing aspects of the March 25, 2013 public hearing on this ordinance that I gleaned from its minutes. The minutes of the hearing take up less than three pages, and I recommend them to anyone who contends this ordinance was adequately vetted. First, Culpepper makes it clear that he is proposing this ordinance. Secondly, and more disturbingly, Culpepper, who is not an attorney, appears to be acting as the legal authority on the ordinance for the town board. He answers questions about whether the ordinance provides flexibility for both parties - it doesn’t - and about buffers, possible use changes and other matters. Interestingly, he let the cat out of the bag concerning one issue that everyone agreed was a problem at the August 24 work session – the lack of objective standards to hold the developer accountable for final approval. When asked what he learned from other developments, Culpepper replied “going too far nailing down a standard at the beginning of the process.” A great lesson for developers, but unfortunately not for local governments and residents.

As I have said, I have talked to hundreds and hundreds of town residents and area residents about the development, making it clear at the start that Pittsboro Matters does not support or oppose the development, we just want to make sure it is the best quality development possible and does not destroy what we all love about our friendly small town. I believe such an opening brings about more honest responses from area residents than if I were advocating for or against the development. While most have heard of Chatham Park, they know virtually nothing of its scope or size. When I provided the acres and projected population figures, the most common response it receiver was, “you have got to be kidding.” In addition, no person I have talked to was aware that the proposed thoroughfare plan designed to accommodate this massive development calls for bypass/parkway that would start with four lanes but could be expanded to six. I also did not know this. Again, this provokes an additional shocked reaction. Many folks think it is already passed or a done deal. But when told that the town of Pittsboro has the power to shape this development or even deny it, since it is a rezoning, and that Pittsboro Matters is working to give citizens a voice, they readily sign our petition.

Let me conclude by reminding the board of Pittsboro Matters' mission. While we reject a solely top-down, outside developer driven technical engineering plan for this development, we also have rejected "just say no" protest politics. We are instead attempting to promote what some call "civic democracy," that would include the town's professional staff and outside independent experts, but utilizes them as resources for the elected officials, area residents, local activists, community leaders, business owners and operators and other stakeholders in coming together to create local answers to development design issues in a place we, the residents, know best and that we all love. Please, listen to the voters and area residents who are asking you to re-think both the review process and the proposed master plan for Chatham Park. We want to participate in designing the development, not protest to stop it. But if area residents are denied that participation, I know this county well enough to know there will be a Big Protest movement whose results none of us can predict.

Mr. Starkweather provided the following for the Board also.

#### Missing from the PDD and Chatham Park master plan

Pittsboro Matters believes that designing and building a community is more than a physical engineering exercise. A community is its character, which in turn is the diversity and creative of its people. Many of the elements of planning we feel are missing from the proposed plans for Chatham Park listed below focus on the importance of people planning.

- Evidence of citizen input and design charrette to utilize the Southwest Shore Environmental Assessment in designing the overall land use layout of the community (e.g. Action Step of the Pittsboro Land Use Plan)
- Utilization of the Environmental Assessment in designing the community
- Vision statement with objective measurable goals
- Environmental Impact Assessment
- Traffic Impact Assessment
- Fiscal Impact Assessment
- Socio-economic Impact Assessment – affordable housing, quality of life, aesthetics, retail business analysis, public services, employment and income, and demographics
- Provision for a development agreement (local ordinance required) between the developer and the town that contractual binds the parties
- Marketing study demonstrating demand for projected businesses and residential development
- Project financial analysis – showing projected revenues, expenses, current investments, future investment plan for 30-year implementation, expected profits
- Economic and business development and recruitment strategic plan and analysis, that includes encouraging utilizing local employees, local business and local sourcing of raw materials, food and products
- Town authority to determine which open space, recreation, cultural and civic facilities and other amenities will be public, as opposed to private
- Prohibition of gated residential communities

- Strategic activities and facilities plan for how they will carry out their promise to support, promote and sponsor cultural activities, the arts, and recreation in their development, as well as the existing town
- Design standards
- Water or sewage treatment infrastructure plan and solutions
- Plan for it will develop a community that is economically, racially and socially integrated, not only within the town but also with the existing town
- Strategy for minimizing displacement of long-time residents and local businesses due to increased property values, property taxes and rents caused by this development
- Community sustainability plan, including addressing climate change mitigation and adaptation
- Provision of working, urban and community farming and gardening
- Buffer plan
- Utilization of Chatham County stream buffer rules

Mayor Voller said he had a couple of questions for Mr. Starkweather. Mayor Voller said the first speaker alluded this is not a protest against the development and it seemed like the second speaker was talking about trying to get involved in making the best possible development. He asked Mr. Starkweather if he could summarize what that would be.

Mr. Starkweather stated they have asked the town to hire experts... Mayor Voller said he is not talking about process he wants to know what the finished project will look like.

Mr. Starkweather said he don't think he feels arrogant enough to be stating that his final project should be the project for the community. That is why you have a process. Most communities grow up organically like Pittsboro. All kinds of individual decisions one by one.

He said we have a different situation here where we are actually planning a town that is 10 times the size of Pittsboro all at one time. The way to deal with that is some of that organic process is to have a process that involves people with all different type backgrounds, different stakeholders and experts guiding us. He is not going to say... He believes in the idea of sustainability, smart growth, protecting the environment, providing jobs, making sure it's an intergrated community, he believes all kinds of things.

But he is not going to sit here and be arrogant enough to say he can design this development by his self. That's why they are trying to come as citizens and make the process involve everybody including the developers. Of course they have to make money and he understands that. And they have the final say. If they don't like what's done, but they are asking for a process.

He said this board approved a Land Use Plan. In that Land Use Plan was this specific provision. Before this PPD ordinance was presented and before the Master Plan was presented everyone should have known that this is what you committed to do for the citizens and that has been bypassed.

Mr. Starkweather said it seems to him that should be the starting point. Plus as a lawyer he has a lot of serious problems about the complexity of the approval process for this. He appreciates

Commissioner Fiocco and Baldwin suggestion about the two step process. He had thought about one himself. He don't know how that will work, it's complicated.

That is why he thinks we should get some experts that have dealt with something of this size to help guide us.

Mayor Voller said he only has a few more meetings. He has been living with the idea that this was coming to Pittsboro for quite a long time. In his mind everything that is being said is a good idea about having a good process and all and he will endorse that. But he feels at some level people are going to have to get on board with the idea something is going to happen, whether it happens tomorrow or thirty years from now. So, that is why he is asking the question, what is the ultimate vision?

Mr. Starkweather said he has been on the EDC for quite a while. He was a supporter of the concept of some type RTP type development in Chatham that would combine residential and commercial. He supports that concept. He supports the concept of us supporting our rural areas. He did do considerable reading about these type developments and some of the problems they have.

He said we need to make sure those don't happen, which is terrible traffic, sprawl all around and expensive places to live. One of the reasons he felt good when he was on the EDC board was – there was this proposal that they were going to use this environmental study to make this an environmentally centered thing that would protect vital resources. He assumed that was going to happen and from his understanding it never did happen.

He said so if you want to be specific that would be one. He is not saying that we have to 100% follow every recommendation. He said if the Mayor was asking him for a concept he would say the concept at large would be like a conservation subdivision. That is how he would start the design.

Mr. Starkweather said they realize something is going there. That's the reason they say they are neither for nor against the project.

He said he doesn't know any town that received a request of this size that would have it rezoned in less than two years. In Chapel Hill it would probably be ten years. UNC North had a three year citizen's input process and that is no way near as big an application for Chapel Hill as it is for us. They (Pittsboro Matters) have not asked for 3, 5, 10 years, so he thinks they are being overly reasonable.

John Wagner – 210 Jessamine Lane, Pittsboro said he is preparing some written materials that he will submit later.

He said without addressing anything specific on the agenda he would encourage the board when dealing with developments that are thousands of acres to take time and bring in experts and allow the community to give more input regardless of which development it is. They need to be thought through more carefully.

He said huge developments need to have experts brought in that know not only about the environment but also how large developments can be done without interrupting a rural community.

Jeff Gannon said he is a local business owner and builder. He is glad the issue of final vision was brought up and that questioning of process was brought up.

As a builder he would never dream of a client coming to him saying they have this piece of land – give me a house – and he showed up at their place and he gives them a house. He would meet with the client to find out what they wanted and they would collaborate together to come up with a product. The end result would be a house that inpasses anything that they could envision and that he would envision. Collaboration is better than each of us as individuals could create. The process should have due time and given through consideration.

He is present because he is afraid this project is not being given its due thoroughness. He is in line with the belief that growth happens and growth is necessary. He wants to insure that the growth is to the betterment of Pittsboro and Chatham County and our community. He is in support of thoroughness, process and experts.

Mayor Voller stated Mr. Gannon for the work he done while remodeling the Small Street B & B which is a great business here in town.

Sonny Kessler – 3006 River Fork Rd, Pittsboro said he has three points tonight.

1. Do the owners of Chatham Park plan to act as the developer over the 20-30 year lifespan of the project. Or do they plan to get the land rezoned and sell as much as they can and bow out a fast as they can. Given the fact the owners are senior citizens and have a trail record of rezoning and selling he thinks the Pittsboro Board of Commissioners would be well advised to have a well conceived development agreement in place before any other action is taken. That should bind anyone that buys this land not just the original owners.
2. We are repeatedly told that climate change will be the dormant force shaping our future in the balance of this century. This includes the 20-40 year development period of Chatham Park. He stated report and report tells us this and these reports are real. He asked why do the national renown consultants with Chatham Park not honor the word global warming or climate change in their master plan.

Because the obvious reality of global warming and climate change are ignored in this master plan. He thinks it is fair to say Chatham Park Master Plan is much like the emperor's new clothes, it is largely imaginary until a real master plan one that plans for the real world and one that we all will face whether we like it or not. He said until a master plan is developed that fully acknowledge climate change and global warming he thinks this board would be well advised not to approve any master plan until that is done.

Paul Konove – 1459 Redbud Road, Pittsboro congratulated those re-elected and the Mayor Elect as well. He stated we have a wealth of talented people here in the area. One of them in

particular Liz Cullington who spoke earlier has done much research on topics and she really sees what's going on.

Mr. Konove said he knows Ms. Cullington sent the board a document earlier about one of the issues before the board this evening. The kinds of things she does is find incomplete issues, inconsistent data and new information that is in documents. There are two examples that were slightly mentioned in her documents. She talks about Reston development in Virginia where initially the housing was completed in the first decade or so of the development. He said still to this day the commercial part of that development is still being built out. So it is not necessarily true the commercial space will happen first and pave the way for other issues.

He said she is the kind of person that does research and finds inconsistencies or questions that need to be addressed in terms of looking at various issues that come up in town as well as the Chatham County area.

Additionally, it was talked about that some projects don't get approved very quickly. She found out that Preston development for example is doing only a 275 acre project in Knightdale and it took eighteen months before it got accepted and passed. So with that in mind the last town meeting there was a commendation made for a well known musician. He thinks at some point and time in the near future someone like Liz Cullington should be recognized for the capabilities she has, as well as others in the community.

## **NEW BUSINESS**

### **PRELIMINARY PLAT REVIEW: POWELL PLACE, PHASE 2-D REVIEW (STUART BASS)**

Linda J. Bienvenue – sent the following email to Planner Bass on November 1, 2013.

Dear Mr. Bass,

I am writing to you today in connection with the upcoming proposal by Powell Place Development Company being presented before the planning board this coming Monday, November 4, 2013. As a resident of Powell Place, whose home sits further back in the development, I would like to note that we are already having traffic flow problems with Millbrook Drive.

I have no problem with the new proposal, as a matter of fact, I think it is much better than the "cluster-home" format in the original Master Plans; however, I must request that the board consider establishing a "No Parking" rule on BOTH sides of Millbrook Drive. As it stands right now, parking is prohibited on one side only. When residents of Millbrook Drive park in front of their homes, they do not seem to take into consideration the difficulties in traffic flowing by their poorly parked vehicles. The actual By-Laws of Powell Place restrict these residents to parking behind their homes in the alley ways constructed for that purpose. Unfortunately, these rules have been laxly enforced.

Please bring this before the board for consideration, as this is a really important issue since the new phase will be adding more traffic ingress and egress to Millbrook Drive. It will not take very long before there is an accident or a child hurt or killed due to the inability to see clearly with the parked cars on Millbrook.

Thank you for your attention to this matter.

Linda J. Bienvenue  
31 Cobble Ridge Drive  
Pittsboro, NC 27312

Planner Bass reported that The Developer has submitted a Preliminary Plat for review and consideration. The proposed development is for 34 lots for single family dwellings located in the Powell Place Mixed Use Planned Development (MUPD).

The property is zoned MUPD and this development section totals 12.22 acres. Lot sizes range from 6,163 square feet to 13,416 square feet. The average lot size is 8,331 square feet.

Hydrostructures, PA has reviewed the plan and provided comments. The Fire Marshall and Fire Chief have also reviewed the plan. Revisions were made based on the comments provided. The layout shown and planned improvements are acceptable and meet the terms and requirements of the Town's ordinances.

Please note that this plan represents a new design to a section that was previously approved in 2006, but never constructed.

Planner Bass said it is staff recommendation that the request be approved. The Planning Board recommended approval also.

Mayor Voller asked about the letter from Linda Bienvenue. He asked if her concerns had been addressed. Planner Bass stated her concern was about signage and they had talked about it at a staff level. Commissioner Foley said as a resident of Powell Place Linda is absolutely right about the parking.

Mayor Voller said it has been a continual issue with parking. Commissioner Foley said she thinks this is a separate issue because where Linda is talking about is further down the street where the development is going to be. So she thinks it is two separate issues but it needs to be addressed.

Mayor Voller asked Manager Gruesbeck what the town could do to work on this issue. Then he asked Mr. Terry if he would like to comment on it since he lives in Powell Place.

Bill Terry said this may be your final opportunity to deal with the fact that Millbrook Drive was probably approved too narrow in the initial site plan.

He said a potential engineering solution would be that on the north side of the road take out the

grass island between the curb and sidewalk, move the fire hydrants over to the other side of the sidewalk and widen that road from the traffic circle at the entrance all the way down to the bridge. He said that would give you some relief to your traffic problem.

Commissioner Foley said there is parking behind some of the houses if they would park there it would take care of the problem. Commissioner Baldwin asked if that would take care of the guests.

Commissioner Fiocco stated as he recalls this project was a Master Plan and it designated different types of roads that would be constructed through the development. There were different styles, different widths and different accommodations. He said this particular road was designed with the idea that a narrow road with parking on one side would accommodate the parking and would be a traffic calming, so that it would slow people down.

Commissioner Fiocco said he thinks it is in keeping with the original thinking of the Master Plan. But he also thinks if the Town deems this a safety issue we can modify that roadway to disallow parking. He thinks there are issues associated with that because lots of folks have probably purchased their property thinking they have guests parking on the road, permitted that way by the Master Plan.

Bryson Powell, 2800 Chelsea Drive, Durham stated obviously they have fielded many calls and comments about this road. It has been a hot topic since it was installed a couple of years ago. He said as Commissioner Fiocco eluded to, the purpose of that road (they have put that road in many developments throughout the Triangle) is it is a traffic calming measure. Having on street parking makes people think about it and slow down.

Mr. Powell said he would suspect if you were to move on street parking you would start getting complaints about the raceway it becomes. He understands the issue and thinks it is worth some dialogue. He said perhaps we can all sit down and come up with a good solution.

He said he would hate for the on street parking to go away. He agrees with the notion that many of those folks bought the houses knowing they had on street parking for guests and themselves.

He said most people are using their garages for storage (which is what's done these days) and that is why they are parking on the street. He personally thinks it is doing its job.

Mr. Powell said he is before the board tonight for approval of the preliminary plat for Phase 2D. He said that what was originally approved for that area was 60 alley accessed very narrow cottage style homes. They are requesting that they go from 60 units to 35 units. He wanted to thank the board for moving this agenda item up.

Commissioner Fiocco asked Planner Bass if this was keeping with the master plan.

Planner Bass said as he stated it is a revision but within the plan itself single family residences are permitted.

Commissioner Fiocco asked if the stormwater management was accommodated by the two ponds. Mr. Powell said actually by the one pond that is already in place.

Mayor Voller asked Mr. Powell what he thought about the parking. Mr. Powell said he thinks it is working as a traffic calming method as it was designed. He said this is the way it has been done in several of their projects like Meadowmont and Falls River.

Commissioner Baldwin asked what he would propose to correct the problem. Mr. Powell said he would propose to sit down and look at creative solutions. Like he just said he thinks it is acceptable the way it is. Maybe you can do strategic areas where you can't park because of site lines.

Commissioner Fiocco asked if the roads provided here are they designated as on street parking as well. Mr. Powell said no they are not.

Mayor Voller asked how many residents were there now. Mr. Powell said 200 residents and 48 additional units at Powell Springs.

Motion made by Commissioner Fiocco seconded by Commissioner Foley to approve the project as designed.

Commissioner Baldwin wanted to add something about parking. Commissioner Fiocco said there is no parking on the project. Commissioner Foley said it is actually separate because the traffic issues are beyond this.

Vote Aye-4 Nay-0

Commissioner Fiocco asked Mr. Powell if he would please poll the people living along that street and ask them their opinion on the importance of that parking for them and report that back to the board. Mr. Powell said he could.

Commissioner Foley asked if they had any interests in the commercial sites. Mr. Powell said they have a prospect for the hotel site as well as the large commercial area out front.

Commissioner Fiocco said he would make his request in the form of a motion.

Motion made by Commissioner Fiocco seconded by Commissioner Baldwin that Mr. Powell survey residents along roadway to question the value to the parking – whether they value them highly or are willing to do without them and to please report the results back to the board within a month's time.

Commissioner Foley said it should also include safety issues. She feels that people that drive on that road should weigh in also.

Vote Aye-4 Nay-0

Mayor Voller said one of the residents had come before the board asking about a back entrance. Mr. David Richter was present and stated he met with the HOA and they didn't want it opened up. He had agreed to abide by what the HOA's decision was, so he dropped it.

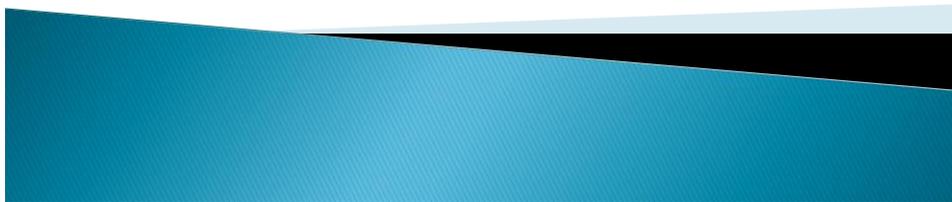
**POTTERSTONE VILLAGE/EAST CORNWALLIS ST. ENTRANCE (ROD BEATSON)**

Mr. Rod Beatson introduced Ms. Sharon Mason, President of Potterstone Village Homeowners Association . They were present to go over the following power point/information.

Ms. Mason asked that the residents from Potterstone present to please stand. She went over the power point presentation.

## **E. Cornwallis St.**

Potterstone Village Entrance



## Situation

- ▶ Potterstone now Built Out- 192 Homes
- ▶ East Cornwallis St. is the Closest Entrance to Town- By 0.7 miles
- ▶ Entrance used by GPS
- ▶ Visitors & Potential Retirees Will Use this Entrance
- ▶ E. Cornwallis St. Entrance now VERY IMPORTANT

## Entrance TO Villas



## East Cornwallis St.



## Single Lane



## Problems

- ▶ 0.1+ Miles Unpaved
- ▶ Narrow, Gravel, Dirt, Cement Powder
- ▶ Deep Ditches
- ▶ Safety Hazard
- ▶ Health Hazard
- ▶ Negative Image (Visitors & Retirees)

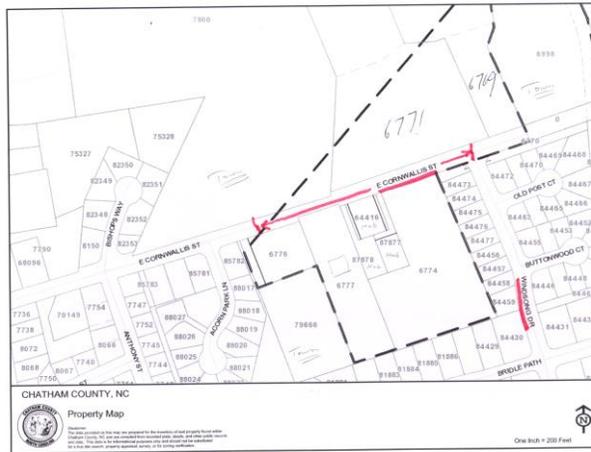


## Problems

- ▶ No Maintenance in Years
- ▶ Unkempt Appearance
- ▶ Outside of Town Jurisdiction
- ▶ Overlooked but Important
- ▶ Paving Promised but Has Not Happened



# Outside Town Jurisdiction



## Possible Solutions

- ▶ Persuade State to Improve
- ▶ Town Take Over Maintenance and Improve

## Benefits

- ▶ **Correct Significant Health & Safety Issues**
  - ▶ Enhance Potterstone/Pittsboro Image
  - ▶ Especially for Potential Retirees
  - ▶ Increase Property Values/Taxes
- 

## Request

- ▶ Please Respond to Potterstone Petition/Survey
  - ▶ 85% of Affected Homes Participated
  - ▶ 90% of these Signed the Petition for Town Action
  - ▶ Have E. Cornwallis St. Paved and Improved
- 

### **East Cornwallis St. Entrance to Potterstone Village**

**The Potterstone Village HOA was recently presented with a petition requesting that it approach the Town to cause E. Cornwallis Street to be improved.** The petition was circulated

to those residents most affected by the dust, noise and safety aspects of E. Cornwallis Street. It was presented to 47 houses. 43 of the houses, representing **91.5% of those participating, signed the petition. In addition the HOA posted a survey on its website** asking for residents' input. **We received 40 of 45 (89%) votes requesting the HOA to take the matter up with Town of Pittsboro.**

□ **The residents of Potterstone Village are very concerned about the unpaved nature and the appearance of the one lane gravel (dirt/powdered cement) road and circle leading into the Villas entrance of Potterstone Village.** – (The presentation includes photographs of the area.)

□ This 0.1+ mile unpaved portion of E. Cornwallis Street, in its current state, **poses a safety hazard** to vehicles, pedestrians, cyclists and emergency vehicles. – It is too narrow, with deep side ditches.

Mayor Voller asked if that portion is covered by Powell Bill. Planner Bass said it is not, it is a NCDOT road. Mr. Bass stated he met with NCDOT a year ago in Asheboro and asked the representatives if there were any plans to do work on the street. They said no, but they would be willing to give it to the Town.

Mayor Voller asked if NCDOT gave the town the road the folks there could still stay out of the town correct. Attorney Messick said you can't have a town street that is not in town.

Ms. Mason continued the presentation:

□ The road also **poses a health hazard** created by the large, highly visible dust clouds as vehicles drive along it. The dust also takes its toll on automobiles and the houses themselves.

□ The unpaved part of E. Cornwallis Street, together with the unkempt appearance of its edges **promotes a very negative image** as people drive down E. Cornwallis to approach Potterstone. We believe the image of Pittsboro is suffering as a result of people driving down E. Cornwallis Street to enter Potterstone Village at Windsong Drive.

□ Although the E. Cornwallis entrance has been regarded as the “back entrance” to Potterstone, **modern day GPS most often brings visitors, including realtors with potential buyers, to Potterstone via this entrance.**

□ The affected Potterstone houses are mainly in the Villas – **houses that favor retirees.** With the RetireNC-Pittsboro campaign commencing it becomes doubly important to present an attractive approach to the Villas.

□ **The driving distance** from the north side of Potterstone **to 15/501 is 0.7 miles shorter using the E. Cornwallis Street entrance.** This and the previous point makes the E. Cornwallis Street approach and entrance to Potterstone just as important and possibly more important than the other entrances.

The current state of this part of E. Cornwallis Street and the circle is **detracting from the house values** of Potterstone and hence the **City tax base**.

We understand that there is an area of land not under the jurisdiction of the Town that includes E. Cornwallis Street from where the unpaved part starts to just before the circle (please see the presentation) - **We have not witnessed any maintenance of this area in a number of years.**

In order to eliminate the safety and health problems caused by this part of E. Cornwallis, to improve the image of the Town of Pittsboro and to maintain and improve the house valuations in and around Potterstone, **we believe it would be in the interest of the Town to either:**

1) **Persuade the State to pave and maintain E. Cornwallis Street** and its surrounds in its area of jurisdiction or

2) **Acquire responsibility for the part of E. Cornwallis Street not currently under its jurisdiction to bring the road (and the circle at the end of it) up to Pittsboro standards**

**We were first promised that E. Cornwallis Street would be paved** following the 3M pipeline installation **several years ago**. This did not happen. **Later, Mayor Voller** addressed the Potterstone HOA and **stated that the road would be paved**. We believe now is the time to do that.

We understand that budgets are tight and that there are limited funds for competing projects but this seems always to be the case. This part of Cornwallis has been starved of funding for many years. **With Potterstone built out and exciting new developments contemplated for the Town, now is the right time to correct that omission. The Town of Pittsboro can expect to benefit by:**

1) Showing Pittsboro and Potterstone residents that its **tax dollars**, which have increased significantly over the past few years **are being put to work effectively**.

2) **Visitors to Pittsboro and the Potterstone Village (including retirees)** brought down E. Cornwallis Street by GPS systems or by their own navigation, will **arrive and leave with a positive image of the Town**.

3) **An increase in house values** leading to an **increase in tax revenues**.

**We, respectfully, ask the Bd. Of Commissioners to act now to bring E. Cornwallis Street up to Pittsboro standards.**

Commissioner Baldwin asked what process should be followed. Attorney Messick said you should contact the owners of the property and tell them how better off they will be if their property was annexed into the town limits. The right-of-way needs to be re-aligned it is not wide enough in some places. So you would have to negotiate a right-of-way agreement with the property owners that are affected by it. He said that's the way to start.

Mayor Voller said for the record it is true that this goes all way back to the 3M project. When Mr. Hobbs from Hobbs & Upchurch discussed the project he told the board that there would be

money left to do it and somehow at the end of the project there wasn't any. He said it was never connected to the approval of May Farms/Potterstone. That was something the board members asked at the time if it could be done while they were doing the work. The board had hoped it would be done but it didn't because there was no money left in the budget.

Mayor Voller said that budget was funded through grants, loans and a partnership with the County. There was also a connection from Magnolia Trace that would connect to May Farm/Potterstone that never was made going back to Mr. Phelps. Mayor Voller said this area should be studied.

Commissioner Foley said the road is very dusty. And because of the increase of residents in that area it needs to be taken care of.

Commissioner Baldwin said she agrees. She asked Mr. Gruesbeck what he needed at this point. Manager Gruesbeck said he would like to talk with Mr. Messick a little bit more. It appears that legal counsel is saying we need to approach property owners that are not currently in town about annexation.

Commissioner Fiocco said it appears from the map passing east from the doughnut hole it looks as though there is another boundary that represents town limits. He is wondering if Cornwallis goes from in town to out of town & back in town and back out. He asked if NCDOT maintains that road the entire length of Cornwallis or does it follow that pattern. He said he would like to know that.

Rod Beatson said there is a sign that says state maintenance ends here. Mayor Voller said staff will be working on this.

Motion made by Commissioner Foley seconded by Commissioner Baldwin to take a five minute break.

Vote Aye-4 Nay-0

## **OLD BUSINESS**

### **CHATHAM PARK PLANNED DEVELOPMENT DISTRICT MASTER PLAN DECISION AND REVIEW PROCESS**

#### **CHATHAM PARK REVISED MASTER PLAN – DEVELOPER COMMENTS**

Mayor Voller asked that number one and number two be combined into one discussion point. Mayor Voller asked who would like to comment from Chatham Park to the board.

Tim Smith, 100 Weston Estates Way, Cary, NC stated he is one of the principals of Preston Development and Chatham Park. He said he appreciates the Mayor and Board of Commissioners allowing them to be on the agenda tonight.

Mr. Smith said as they know Chatham Park submitted their application about seven months ago. They have been to numerous meetings with your committee and staff and other people. He said they are here to ask if the board has any further questions for them.

He said he would like to make just two comments. One thing they keep hearing is they will get carte blanche on approvals but everything they will be doing in this project has to come back through the Commissioners just like the subdivision plans you did tonight. Everything they do will come back so they do not have carte blanche. He just wanted to point that out.

The second point which may not be advertised enough but they are putting in a 20 mega watt solar farm (Strata) which will be the biggest solar farm in North Carolina and will handle power for 2,400 homes. They also have proposals from other groups to come in and put in solar power.

Mr. Smith asked the board formally if they have any questions for him tonight that he can answer here in the public, if not he will sit down and close this portion of the meeting.

Mayor Voller asked that he speak to what his vision is for the project.

Mr. Smith said it is going to be a sustainable community. People can live work and play in the same area. He said they have numerous people interested in moving offices, manufacturing facilities and research facilities and they want to provide them a place to live and work so it will be very sustainable.

Mr. Smith said it is going to be a 30-40 year project and they want to do the best job they can. It will have strict architectural controls, strict controls on runoff and they are going to be a mode community for the clean tech cluster.

Commissioner Fiocco said he mentioned they had been in the process for seven months. He just wanted to let him know where we (the board) stand right now as he understands it. He said that is that staff members, a group of others from the community such as fire, police school district folks, Commissioner Baldwin and himself got together to issue a response back to the master plan. Subsequently you have responded to that and they are in the process of reviewing that response and they will be issuing another response back to you and hopefully we are getting closer to a place where the town and you the applicant can be comfortable with a master plan that achieves the goals of both the town and the developer. He said that is where he understands we are. So they are working through the process.

Mr. Smith thanked them for their time and energy on it.

Mayor Voller stated he would say something on behalf of the developer for the citizens of the Town. He said whether he agreed with everything Mr. Culpepper said over the years, it is true that Mr. Culpepper who is a planner and who is very concerned about the success of this project and have probably attended more meeting perhaps than he has.

He said and Mr. Culpepper knows it was an effort to try to understand how you could intergrate this in the community given the size and scope of the project.

Mayor Voller said he knows from what the citizens have sent in, people have a general fear for what they think this is going to be and what it means to the county. He said there is a level of distrust about the process in general. Because in his time here we have had people that were supposed to build a bowling alley, movie theater and various other things that never happened. He said as a policy maker up here when he sat through fifteen hours of public hearing for Pittsboro Place but nothing has ever been built there. He said that so people can understand he has been here on the side when he doesn't know how many project were claimed to be built and we haven't seen them.

Mayor Voller said he don't think this particular group falls into it because they want to build it and they have the ware about to build.

Mayor Voller pointed out the site beside Horton School and over by the bio-diesel plant (Pittsboro Place). Mayor Voller said he knows this group wants to build a project that will change this town. But this change does not mean its going to be a bad thing, it just means we are going to have to get our mind around it.

Mayor Voller said it is important that the group here tonight work with the citizens and that the citizens work with them. He said his time and reputation on getting these groups together in the community for the future and he would hate to see it ripped ashunder because we couldn't get along and we missed an opportunity to try to make a greater and better Pittsboro as opposed to us bogging our self down in fighting. He doesn't want to see that happen.

Mayor Voller said in 1997 when he and his father came here to build there hadn't been any building in fifteen years and they were told not to build here. He said that because Pittsboro is not the town today that it was in 1997. People around the State are taking notice of us. If we do this right we will be the envy of not only the State of NC but the entire southeast in the country. If we don't do it right and we don't work together it will just be another missed opportunity.

Commissioner Foley asked Mr. Smith if he would like to respond to anything he heard tonight from members of the community. Mr. Smith said they heard their concerns and appreciates their comments and concerns. He said they (Chatham Park) have not been as outspoken as they have at every meeting. He said they want to do a quality project that would be the envy of the world not only to the southeast and they have the capability and that is what they want to do.

Commissioner Baldwin thanked Mr. Smith for listening to what the people have to say. She said she hopes they want to do the best thing for Pittsboro, the residents of Chatham County and the State with this project. Commissioner Turner said she would underscore the comments and thanked everyone.

Mayor Voller stated yesterday was Veterans Day and every year his Dad would come here wanting us to do a resolution. He said he thinks his father would like to have seen us do something good for this town and he would like to see something good happen for this town. He would not like to see it dissolve when he passes it on to Bill.

Mayor Voller said he is sitting at home with his fathers ashes. He wants to put them somewhere besides Chatham Forest. He wants to put them somewhere he would be proud of.

He asked everyone in the room to figure out how we can work together to have something that we can embrace and find a way to move forward.

**TOWN OF PITTSBORO, NC STORMWATER MANAGEMENT ORDINANCE FOR  
NEW DEVELOPMENT AND REDEVELOPMENT IN THE JORDAN LAKE  
WATERSHED (FRED ROYAL)**

Mr. Royal said this is the Town of Pittsboro's opportunity to go ahead and adopt a Stormwater Ordinance for New Development and Redevelopment in the Jordan Lake Watershed. This ordinance is required because of Jordan Lake Rules implemented by the State of North Carolina to manage nutrients that go into Jordan Lake. Jordan Lake is a regional drinking supply and it's likely going to be part of the Town of Pittsboro drinking water supply in the years to come.

He said this ordinance is based on the State model.

Motion made by Commissioner Fiocco seconded by Commissioner Turner to adopt the Town of Pittsboro, NC Stormwater Management Ordinance For New Development and Redevelopment in the Jordan Lake Watershed.

Vote Aye-4 Nay-0

**TOWN OF PITTSBORO, NC STORMWATER MANAGEMENT ORDINANCE FOR  
NEW DEVELOPMENT AND REDEVELOPMENT IN THE JORDAN LAKE  
WATERSHED IS RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE,  
PAGES**

Commissioner Fiocco said a key component to the ordinance is all the other documents that you talked about will reflect the policy of the Town. So he would definitely like for those to be presented to the board and he would like the opportunity to truly understand exactly how this ordinance is reflected and implemented.

Mr. Royal said he will get that information to the Board. Mayor Voller asked what the estimated time when the Town will be drinking from Jordan Lake is. Mr. Royal said 2030.

**CAPITAL PROJECTS REPORT**

**MANAGER'S UPDATE ON CAPITAL PROJECTS**

**PROJECT: Hillsboro St Water Main Transmission Line Replacement Project**

**UPDATE:** NCDOT contractor – ST Wooten started to provide striping on Hillsboro Street during the over the weekend. Wooten are proceeding on the basis that the Town will not be installing decorative cross walks.

### **Park Street/Thompson Street Storm Water System Improvements**

**UPDATE:** Storm water control in the swales along parts of Park Street (generally between Hillcrest Drive and Circle Drive) and Thompson Street (generally between Chatham Forest Drive and Fire Tower Road) have been challenging during high-energy rainstorms. Staff has met with the contractor to establish proper storm water control measures. As a result of this meeting, the contract price may have been reduced by approximately \$5,233 by looking at alternatives to the original design. For example culvert will be used on Thompson Street in front of the private residence rather than more costly intensive grading and restoration. Staff is waiting for a contract from Foushee before work begins.

### **PROJECT: Soil Erosion/Sedimentation and Storm Water Ordinances for New Development**

**UPDATE:** The Board will review the Storm Water Management Ordinance for New Development and Redevelopment in Jordan Lake Watershed during the November 12 agenda. Language has been developed for the soil erosion ordinance and is being reviewed by Chatham County Staff.

### **PROJECT: Annual Town Audit**

**UPDATE:** Staff continues to provide materials for the auditor as they complete their work and prepare to submit the document to the State by December 1. The auditors will be making a presentation of the audit in advance of the audit's submission to the State at the next meeting.

### **PROJECT: Waste Water Treatment Plant - Generator Replacement Project**

**UPDATE:** Staff has ordered the generator and Shuler, the low bidder, will begin by building the concrete pad at the WWTP in the next couple weeks. Within a month the electrical transfer switch will arrive; within two (2) months the generator should arrive. The anticipated date for completion is mid-February.

### **PROJECT: East Street Sidewalk Extension**

**UPDATE:** The Board will review a budget adjustment to cover planning, design, permitting and construction on the November 12 agenda.

### **PROJECT: Energy Audit at Water Treatment Plant (WTP) and Waste Water Treatment Plant (WWTP)**

**UPDATE:** Waste Reduction Partners (WRP) completed an audit of WTP and WWTP facilities on August 27. There is no cost to the Town for this service because it is funded by the State. WRP is looking at electric usage, water efficiencies (e.g. "non-revenue water"), water loss and other possible system improvements. WRP will submit the report to Town Staff for review by early November. The WWTP report arrived on October 11 and is under review by Town Staff.

**PROJECT: Haw River Raw Water Intake**

**UPDATE:** The Town received a letter from DENR stating that the maximum withdraw capacity could be 8.91 MGD. However, the Town may not need this amount from the Haw River exclusively.

**PROJECT: Waste Water Treatment Plant Capacity Expansion**

**UPDATE:** Staff received feedback from DENR on the Town's ability to increase WWTP capacity from .75 MGD to 1.249. Staff will be bringing a proposed process and recommendation for the application to the Board in the near future.

**PROJECT: NC 87 Sidewalk Extension**

**UPDATE:** The Board will review a bid from Summit Engineering for design work for a sidewalk extension south from 64 to Pittsboro Elementary School Road on the November 12 Board Agenda.

Manager Gruesbeck said this was pulled from the consent agenda tonight until he can have further talks with Commissioner Farrell.

Mayor Updates

- EDC – Dianne Reid said that the chicken plant assets were sold.
- RPO
- Solid Waste – Commissioner Turner said they meet again in December
- Fairground Association
- PMA/Downtown – Commissioner Fiocco said he received a proposal from the designer that we asked to do the work (Pocket Park) and he needs to forward that on to the board. He said it is very thorough and under budget. He said he is looking forward to getting started. Commissioner Turner asked if the land has been donated to the town yet. Commissioner Fiocco said it is not yet the town's.

Mayor Voller mentioned a donation from Chatham Arts Council for the Pocket Park. Commissioner Foley said it is a mosaic created by local children and it would be very symbolic for Judge Vernon because she was a juvenile lawyer.

**COMMISSIONER CONCERNS**

Commissioner Fiocco said he has asked on several occasions for an update on Alpha Install and he didn't know if we have ever receive a report on how many jobs they have created and he thinks they have taken one or two draws on the project.

Dianne Reid said they were to create sixteen jobs and they have to keep them for six months. They have not met that requirement yet. Commissioner Fiocco asked when the six months would be. Ms. Reid said April 2014.

Manager Gruesbeck said they have received two draws. Their last draw was shorted \$10,000 since the transfer of funds to Commerce. They are trying to find out why. Mayor Voller asked Ms. Reid to provide a report to the Board.

Commissioner Turner said during the courthouse rededication she spoke with Judge Carl Fox and he emailed her over the last couple of weeks. He has been making cheesecakes for local municipalities and he would like to bring cheesecake to the Town Board. Mayor Voller said why not have him do it on December 9, 2013 during the swearing in ceremony.

Commissioner Fiocco asked that a letter be prepared for the board to sign to Jerry Gambill the property manager for the old car lot. Thanking him for allowing us to use the lot for our Antiques Fair.

Commissioner Foley said we are going to be getting a distillery in Pittsboro in 2014.

Mayor Voller asked that a letter be sent to the Board of Education commending them for a good smooth election process.

### **CLOSED SESSION**

Motion made by Commissioner Foley seconded by Commissioner Turner to go into closed session pursuant to GS 143-318.11(a)(3) to consult with the Attorney regarding potential litigation.

Vote Aye-4 Nay-0

Motion made by Commissioner Baldwin seconded by Commissioner Turner to go out of closed session.

Vote Aye-4 Nay-0

### **ADJOURNMENT**

Motion made by Commissioner Fiocco seconded by Commissioner Foley to adjourn at 9:45 p.m.

Vote Aye-4 Nay-0

FYI -

1. Memo: Financial Summary
2. Letters (2) from The Rural Center regarding grants.

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Randolph Voller, Mayor

ATTEST:

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Alice F. Lloyd, CMC, NCCMC  
Town Clerk