

MEETING HELD AT CHATHAM COUNTY HISTORIC COURTHOUSE

**MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
REGULAR MEETING
MONDAY, NOVEMBER 24, 2014
7:00 PM**

Mayor Terry called the meeting to order and asked for a moment of silence.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance was led by Commissioner Farrell.

ATTENDANCE

Members present: Mayor Bill Terry, Mayor Pro Tem Pamela Baldwin, Commissioner Jay Farrell, Michael Fiocco, Bett Wilson Foley and Beth Turner.

Staff present: Manager Bryan Gruesbeck, Clerk Alice F. Lloyd, Attorney Paul S. Messick, Jr., Planner Stuart Bass, Engineer Fred Royal, Chief of Police Percy Crutchfield, Finance Officer Nancy Emslie, Police Lt. Troy Roberson, Police Sgt. Marc Houston and Police Officer Chris Kibler.

CONSENT AGENDA

Motion made by Commissioner Foley seconded by Commissioner Farrell to approve the consent agenda as submitted changing the public hearing date to January 12, 2015. The consent Agenda contains the following items:

1. Approve minutes of the November 10, 2014 regular meeting.
2. Set Public Hearing for Rezoning Request for Hughes Property on January 12, 2015. (REZ 2014-02)

Vote Aye-5 Nay-0

REGULAR MEETING AGENDA

Motion made by Commissioner Fiocco seconded by Commissioner Baldwin to approve the regular agenda as submitted.

Vote Aye-5 Nay-0

CITIZENS MATTERS

None

PUBLIC HEARING

Motion made by Commissioner Fiocco seconded by Commissioner Turner go into public hearing.

Vote Aye-5 Nay-0

REZONING REQUEST – PITTSBORO FORD. (REZ-2014-03)

Planner Bass stated Boyette Nelson, LLC is proposing to rezone approximately 1.3 acres adjacent to the existing Pittsboro Ford dealership from R-A (Residential-Agricultural) to C-2 (Highway Commercial).

Planner Bass stated staff recommends approval of the proposed rezoning. The subject parcel is located in an area adjacent to current C-2 zoned property. The location is in proximity to US Business 64 and is subject to a relative high traffic volume compared to other locations within the community. It is a reasonable location for a commercial use and would be suitable for those uses permitted within the proposed district. The proposed rezoning is reasonable considering the size of the tract, the potential impact to the surrounding community and its specific location. The proposed rezoning is consistent with the current Land Use Plan and other applicable adopted plans, policies and documents.

Public Comments:

Jimmy Schwankl – 1285 Thompson St – owns adjoining property and has concerns about increase in noise, lights and wondered if there was a lesser zoning that would work. He would like for it to remain residential. Mayor Terry directed Mr. Schwankl to contact the Town Manager or Town Manager for answers to his questions.

Father Joseph Madden – 1283 Thompson Street said his property is contiguous (behind) and his principal concern is about the easement (gravel road) to get to their property. If zoning is approved he wants to make sure the legal easement remains itself.

Commissioner Baldwin asked Mr. Nelson since the property is not in town if it is rezoned would he consider annexation.

Mark Nelson said he would.

Commissioner Baldwin said the board received a letter from a neighbor requesting a natural border be put up between this property and hers. Mr. Nelson said he has spoken with her and he agreed to plant cypress trees where she would like them.

Mr. Nelson said he will widen the easement and they will have easy access in and out. He would also maintain the easement and maybe at some point pave it if the neighbors want that.

The Board received a letter from an adjacent property owner Shirley Gunter Moore requesting that Mr. Nelson be required to plant a row of quick growing cedar/cypress trees on his side of the property line to help eliminate noise and lights from shining onto her property.

**REZONING REQUEST – CHATHAM PARK PDD REZONING. (REZ-2014-02)
(STUART BASS) (LACY REAVES – APPLICANT)**

Planner Bass reported that Preston Developers have purchased 46.615 additional acres of land and would like it added to the Planned Development District. He stated a new Master Plan has been submitted with some changes and to incorporate the newly purchased land in the PDD zoning.

Lacy Reaves - 150 Fayetteville Street, Raleigh he is here on behalf of Chatham Park Investors.

Mr. Reaves said this is a zoning request, requesting approximately 7,043 acres be zoned PDD. A portion was zoned PDD earlier this year. He said this is a new zoning case that includes property that was not a part of the original PDD zone. It also has a new Master Plan with some new important provisions. Those provisions deal with phasing and defines to a greater extent the additional elements and provides a procedure for adoption and approval of the additional elements.

They respectfully ask for approval of this case.

Mayor Terry asked for clarification about the request. Attorney Messick said if the Board chooses not to approve this request the rezoning that was approved in June would still stand.

Attorney Messick said this is not an amendment to that plan adding the additional 45+ acres. This is a new rezoning request for the entire 7,043 acres.

PUBLIC COMMENTS:

Kathleen Hundley read the following:

My name is Kathleen Hundley; I live at 136 Rocky Falls in the Southeastern corner of Chatham County.

The land area of an estimated 7-8,000 acres that Chatham Park has acquired as its outlying perimeter has historically been and still is a rough forested area with steep slopes, rocky heights and huge, ancient trees. This area has abundant wild life as well as its rough terrain. The impact that construction will introduce will be mammoth, influencing an exodus of wild-life and a stripping of natural tree cover. The slopes will encourage water to carve ruts and gullies and will enlarge existing ephemeral streams and, as forest coverage is stripped, the result will absolutely and inevitably leave destruction to what is now a protected mass of wild forest and what most likely will become naked land.

This description is not far-fetched; it is a realistic picture of what construction typically does to rural forested areas. To understand the damage to this expanse of area that Chatham Park will create requires an Environmental Impact Study that will include the entire acreage as well as the section of the whole earmarked for major construction of buildings, roads, parking lots and other types of building activity. Chatham County and existing residents living in the wide area deserve an unbiased report of the change that is inevitable.

An EIS was recommended many months ago when the Chatham Park project was first considered. It was voted down then, and now that an opportunity has arisen, another effort to insist on an EIS has been made possible. I urge the Pittsboro Board of Commissioners to require this environmental tool to give a true picture of what and how the environment will be changed for good.

Debbie Wakefield – 384 Rainy Day Farm Drive, Sanford (Chatham County) – stated her concerns have to do with construction traffic.

Sonny Keisler – 3006 River Forks Road, Sanford, NC read the following into the record:

My name is Sonny Keisler. I live at 3006 River Forks Rd, down on the Rocky River. I have attended all of the public hearings concerning Chatham Park. I also have read summaries of emails and letters sent to the Town of Pittsboro. Based on this, it appears to me a clear majority of people have sent the Pittsboro Board of Commissioners a simple message.

Approve the Chatham Park Master Plan ONLY after you have made sure Chatham Park Investors will protect the Chatham County Commonwealth. To do this you must not rely on Laissez Faire governing.

However, to date, the Pittsboro Board of Commissioners has turned a deaf ear to this popular request. It has approved the Chatham Park Master Plan without ensuring full protection of our commonwealth and it has relied on laissez faire governing when approving the master plan.

In short the Pittsboro Board of Commissioners has failed to protect our commonwealth including (1) our environmental resources such as Jordan Lake and the Haw River and (2) our social resources such as our sense of community and our rural heritage. Instead the Board has chosen to reply on the laissez faire governing philosophy and both impose minimum regulations and assume private parties will make decisions that are best for Pittsboro and Chatham County. My guess is this laissez faire approach and the abandonment of our common resources will continue.

As such, it probably will be up to other governmental units to protect the commonwealth. These other units might be one or more judges or it might be another local government that steps in to protect what the Pittsboro Board of Commissioners refuses to protect.

Ed King – 118 Baldwin Farm Road stated he is concerned about long term development in Chatham County. He would like to see the highest priority to be what's needed the most. He asked that having a Plasma Arc Plant be investigated.

Kim Campbell – 124 Ruby Red, Moncure asked that it move forward in a thoughtful way.

Mike Campbell – 124 Ruby Red, Moncure – stated he lives close to Jordan Lake and appreciates the solitude as it is. He asked to please do the environmental study that was mentioned earlier.

Mike Watkins – 400 Prince Creek read the following prepared statement:

Let say you buy an acre of land for 10-12 thousand dollars.

Then you have it rezoned to be more developer friendly.

That acre is now worth a little more – maybe even twice what you paid for it.

But... spend another 15 or 20 thousand to put in water, sewer and a road. Doesn't take long. What's that acre worth now?

By Briar Chapel standards, anywhere from 100 to 270 thousand – and we haven't built a home, office block, or even a hospital.

Now apply the same principle to over 7000 acres. That is a truly awesome profit model – a model tried and tested over time by Preston Development.

In 2007, when Preston took control of a planned River Oaks community from Toll Brothers, the Triangle Business Journal commented “Preston usually builds water and sewer infrastructure and roads and then sells the parcels to other commercial and residential builders.”

Making profit's good but not when what remains behind is no promised coordinated, master planned community of exceptional design and innovation but, that to a PDD rezoning, an almost entirely deregulated developer free-for-all across 27 different sites – each one going to the highest bidder.

Ask yourself....

Why is the Master Plan so vague with zero citizen input?

Why wave every major decision down to the Site Plan Level?

Why is their population growth projection 3 times higher than others?

Why insist on an initial 2 years of virtually unconstrained development?

Perhaps to put just enough infrastructure in place to maximize both acreage and appeal for those prospective bidders?

Will these bidders set aside large, contiguous spaces as natural conservation areas? At \$100,000 an acre?

Are the new owners going to give up space for schools or an inch they don't have to for stream buffers?

Are storm-water and erosion measures or transition boundary setbacks going to be any better than the absolute minimum required?

At \$100 thousand an acre? I imagine not!

That's why they have to be locked in to the PDD Master Plan.

Does this version fix that? ...Sorry, no!

A new final paragraph of the plan explicitly paves the way to sell us out by adding ... “As used herein, the word “Applicant” includes Chatham Park Investors LLC and its successors and assigns, including successor owners of Chatham Park PDD or applicable portions thereof.”

Commissioners – please rethink the Chatham Park PDD.

Despite what they may have threatened, they’re not going anywhere until that fabulous profit model starts to kick in. Then ... they may well be harder to find!

Liz Cullington – 390 Rocky Hills Road read the following prepared statement:

There’s a body of opinion out there, out here, that this hearing allows the opportunity for the Town to put right the deficiencies of the plan approved on June 9th. I earnestly hope so. Besides the lack of adequate conservation areas, there’s still an inappropriate and inadequate stormwater system funding mechanism, and there’s still sneaky wording regarding the developer’s own Development Review Committee being the only entity to interact with the Town regarding Chatham Park development plans.

But there is also more to this revised plan than you might realize.

Chatham Park Investors are making changes to the text, particularly on pages 40-47 that appear to weaken, not strengthen the plan, and to undermine previous commitments made to the Town. What’s more, by coming in with a revised plan requiring a new vote, they are shifting the deadlines in the plan by at least 7 months, and in fact, each time they tweak the plan that two-year period is going to keep moving off into the future.

You must amend the text in multiple places to reflect the Board’s expectations of the developer, on which you based your earlier approval. The plan should require the deferred plans and a development agreement titled to the June 2014 plan, with those plans preferably to be provided first. The reference to deadlines linked to “final, non-appealable approval” must refer to that, not this or future versions, because it appears that what we thought was final wasn’t any such thing, and may never be.

There’s a significant text change about the phasing plan, for instance, which was supposed to be provided up front, and which CPI agreed to provide within two years. But the new language does not require a phasing plan as such, but just more about “we’ll do what we want when we want, when we can. Since the timing and pace of development is neither described nor limited in that section of the Master Plan, the new language would mean that those aren’t required in the future phasing plan either.

Similarly, the many other missing, deferred plans would now only have to elaborate on what is already in this plan, rather than be the more comprehensive plans that we all expected them to be. These include the important but deferred plans for transit, open space, public facilities, water and sewer, and the stormwater manual.

And with the potentially ever-vanishing deadline, they may not be produced any time soon. This is surely not what the Board intended or expected back in June.

The revised plan (page 47) says that these delayed additional plans may have to go to public hearing or might be negotiated in a Development Agreement. As I've said before, the Town mustn't be put in a position where they have to approve whatever plans are submitted as leverage to get what the Town needs from the Development Agreement.

Unfortunately, many members of the past and present planning board only signed off on Chatham Park (twice) because they thought they would have ultimate control over subsequent site and subdivision plans, but this new version adds quite clearly that the maximum residential units and other square footage can't be reduced unless the developers agree. (Page 47-48)

I urge you examine these proposed changes very carefully. You have many choices.

One is to simply refuse to approve this new plan and to reaffirm the June plan, but to edit the text to tie the deadline to final approval of that plan.

You can approve the additional acreage but not the text changes, but include a similar fix for the deadlines.

Whatever you do I hope that you will not approve this new plan as presented. If you do, there's a risk that those deferred are not going to be what you have expected, and on which you based your June vote to allow Chatham Park to proceed. I do not believe that you expected them to merely repeat the vague statements in that plan about all those critical issues.

As a minor point, the text of the plan should list the same exact acreage as the land use tables. Both the old plan and this one seem inconsistent.

Robin Mundt – 275 Pleasant Spring Rd, Pittsboro – stated we live in an amazing community. She said once the trees are gone you can't go back and repair the damage. She knows development is coming but how much is enough. It doesn't have to be done the way it's planned.

Peter Theye – 1065 Boothe Hill Road stated this proposed development is larger than any development Chatham County has ever considered. He said he is concerned about protecting ground water. He said the Town should adopt Chatham County's Riparian Buffer Ordinance.

Jo Sanders – 270 Burnette Circle – serves on the Board of Directors of Haw River Assembly. She hopes the board received a letter from Haw River Assembly. Read the following into the records:

The Haw River Assembly appreciates this new chance to address issues concerning Chatham Park. The sheer size and scope of the Master Plan development by Chatham Park Investors raises many serious concerns about its impact on waters, and important conservation areas close to the Haw River and Jordan Lake. This newest rezoning request gives the Town of Pittsboro the opportunity to go back and require Chatham Park Investors to fix some important deficiencies in the Master Plan.

Section 5.1 of the Planned Development District Ordinance has this language to consider in this re-zoning request: *“In return for greater flexibility, planned developments in this district are expected to deliver communities of exceptional design, character and quality that preserve critical environmental resources and provide open space amenities.”*

We do not think that the current Master Plan for Chatham Park will deliver the design or protections needed to preserve critical environmental resources, or to provide open space amenities. We urge you to consider these recommendations and concerns:

- An Environmental Impact Analysis of the entire Chatham Parks acreage must be done now. The developers should be required to map and plan for protection of the streams, wetlands, steep slopes, flood plains and Significant Natural Heritage Areas on their land before any building begins. The developers cannot design and deliver protection of the most critical environmental resources by doing it piecemeal during small area plans.
- If the proposal is to use Jordan Lake as the source for drinking water for Chatham Park, then the Master Plan needs to spell out in detail exactly how the stormwater and wastewater will be treated coming from this enormous development. Right now there is a very real threat that Chatham Park will add considerably to the pollution in this already impaired reservoir. What is the water conservation strategy for Chatham Park?
- To truly protect these critical environmental resources -- and the Haw River and Jordan Lake --at least 30% to 40% of the land should be set aside for conservation. We urge you to adopt the Pittsboro Land Use Plan riparian buffers of 2000 feet for land along the Haw River in Chatham Park.
- Pittsboro needs to require very low density for lands developed near both the Haw River, and Jordan Lake, no less, than 5 acres per dwelling.

Without an Environmental Impact Analysis, a conservation plan and more information about roads, water and wastewater infrastructure, how can we truly say what the capacity of this land is for development, without sacrificing natural resources that are important for all of us?

These are critical questions for a massive project that will impact our entire region. Chatham Park is an unprecedented development --no Master Plan community this big has ever been built before in NC. The stakes are very high. These forests and streams that will be laid waste to bulldozers are part of a large un-fragmented area that provides clean air and water for all of us, and habitat to both familiar and increasingly rare plants and animals. Is this the right place to build a city of 55,000 people and 22 million square feet of commercial buildings?

Without better protections in place to protect these critical environmental resources we will see a repeat of the pollution problems so familiar to all of us during the years of unbridled development in Chatham County prior to 2008, when there were massive plumes of sedimentation, and degraded aquatic ecosystems in our streams.

We urge you to consider the improvements to the Master Plan that were recommended by the Lawrence Group planning consultants and in numerous comments by local residents. Make use of the excellent information and recommendations in the Triangle Land Conservancy's Southwest Shore Conservation Assessment <http://triangleland.org/assets/images/uploads/SWshorereportsm.pdf> Please review the Chatham Park Conservation slide show and other information on the Pittsboro Matters website <http://pittsboromatters.org/water/cpconservation/>

The Pittsboro Board of Commissioners has the authority to make important changes to this massive development that will impact all of eastern Chatham County, as well as surrounding counties and the hundreds of thousands of people who depend on Jordan Lake for drinking water. There is still time to make the important changes that will make this better – and to create a community *“of exceptional design, character and quality that preserve critical environmental resources and provide open space amenities”*.

Holly Fraccaro – CEO, Homebuilders Association for Durham, Orange and Chatham Counties. She said they would like to go on record in support of any thoughtful and well planned development whether it's Chatham Park or any other Chatham County community. This support is on the condition that developers make an effort to engage local builders and sub- contractors. They request the board make that a condition of this development.

Kelly Creed – 221 Hanks Chapel Road – stated her property is in the middle of this rezoning. She has done some research and she still doesn't understand the rezoning. He said she will contact staff for clarification. She asked the Board to consider what effects this will have on people that have been here a long time and plan to stay here.

Bob Hornik – Pittsboro Matters attorney - said he wanted to reiterate this is an entirely new application including the 7,043 acres. He wants the board to understand what a powerful tool this is. You have the opportunity to oppose everything. You can take the whole 7,043 acres and rezone it less extensive than has been asked for. You can do it unit by unit, you have that opportunity.

Mr. Hornik said everyone in the room knows Chatham Park is going to happen, but the fears they have is insufficient details. He said the board have a chance for a do over. He asked that they take the opportunity to look over all the aspects of the plan, require more detail and then ultimately approve the plan.

Dee Reid – 590 Old Goldston Road read the following statement:

I'd like to take a minute to talk about an extraordinary place, where some 60,000 people can live, work and play. It's called Chatham County.

Its county seat is an amazing historic village center. It's called Pittsboro.

We're fortunate to be surrounded by sustainable farms, artist studios and pristine forests. Many of us draw our drinking water from a scenic but endangered river, or a recreational lake, where we can kayak, fish and swim.

We're a proud and diverse community of natives and newcomers. Our neighbors include entrepreneurs, crafts persons and hard-working people of all kinds: chefs, bakers, dishwashers and farmers; potters, painters, writers, and musicians; teachers, nurses, carpenters and auto mechanics; police officers, fire fighters, therapists and EMTs.

Within 5 minutes of my home, I can be hiking in the woods around the Town Lake, or bagging fresh greens at the marketplace, or licking an ice cream cone at S & T's.

It's no wonder that when people visit Pittsboro, they sometimes stay for the rest of their lives, as I did nearly 40 years ago.

Now we have a new neighbor called Chatham Park.

As currently proposed, their master plan would radically transform our tiny village into a new city of 60,000 people, surrounded by 22 million square feet of shops and high-rise office buildings. To picture this keep in mind that our giant Southpoint mall has only 1.25 million square feet of shops.

What keeps me awake at night is trying to figure out how Chatham Park is going to cram a city the size of Chapel Hill between our village and the banks of the Haw River and Jordan Lake. And then add business occupying the space of 17 major shopping malls.

And how will Chatham Park fulfill its vision to be an "extraordinary" place to "live, work and play?" They have set aside very little acreage for parks, and they have made zero commitment to finance new schools and affordable housing.

What will be done to alleviate Chatham Park's likely impact on our air, forests and drinking water, our roads, police and historic downtown?

And, as neighboring cities across the booming Triangle compete for water allocations from Jordan Lake, we still don't know if there will be enough for Chatham Park, and the developers don't seem to know how they will handle their new city's sewage.

These are basic issues that are typically addressed in a master plan, and have been for many much, much smaller developments across the Triangle. Yet they are not adequately addressed in either the original or revised master plan for Chatham Park.

Now we have a second chance to strengthen the master plan once and for all.

Let me be clear: The debate is not: Chatham Park vs. No Chatham Park. For most of us, it's about incorporating customary and reasonable conditions into the master plan that would help Chatham Park become the extraordinary place it hints of in its vision statement, worthy to become part of the extraordinary place all of us call Home.

It's up to all of us to make this happen: our elected officials, the developers, and everyone who cares about our extraordinary community, to work together to make sure Chatham Park is done right. Let's begin now.

Jeffery Starkweather – 590 Old Goldston Road read the following statement:

We are constantly reminded of the importance of catering to the economic value of the property rights of this one outside corporation that owns 7,000 acres. Instead I want to talk about the rest of us, some 8,000 people living on 25,000 acres, also in Pittsboro and its ETJ. The reasonable concerns of the rest of us have been ignored. Moreover, this master plan hands over our property rights and quality of life to the whims of this one property owner – Chatham Park Investors. There are three important sustainable development principles being ignored that I want to highlight.

The first is the absence of a comprehensive design, upfront, for the entire community, a basic principle of smart growth. Instead, this plan allows a piecemeal development of this property through 27 small areas, without providing any defined development character. For example, the master plan that only requires 35% of homes be located within $\frac{3}{4}$ of a mile from a Village Center is a recipe for sprawl. Transit engineers state that most people will walk only a $\frac{1}{2}$ mile from their residence to a transit stop.

Second is the desire for flexibility that the developers have argued justifies requiring only minimal impact assessments as each of these 27 small area plans are proposed. Developer flexibility is also used to justify allowing them to develop when and where they want based only on market conditions. However, in exchange for flexibility, developers are normally required to meet objective development principles and standards and to implement their plan with significant citizen input.

A planning expert said that flexibility is a virtue *when it increases the participation of diverse groups and provides equal opportunities to people. But it is not as a virtue when it provides unfair development rights and profits to property developers while disregarding the public interests and rights.* Unfortunately, that is what flexibility means here.

Finally, even if this development is planned comprehensively under the principle of guided flexibility based on objective standards, there is still something critical missing – expert assessments of the environmental, socio-economic, transportation and fiscal impact of the overall development. This is the only way negative cumulative and indirect impacts can be addressed. Pittsboro’s current zoning ordinance allows the town to require environmental and economic impact assessments for a subdivision of just 50 residences. Shouldn’t similar impact assessments be required for 22,000 residences?

In 1962 Racial Carson started the modern environmental movement with her famous science book, *Silent Spring*. Her conclusion is exactly what we face today. *We stand now where two roads diverge. The road we have been traveling is deceptively easy, a smooth superhighway on which we progress with great speed, but it ends in disaster. The other fork of the road – the one “less traveled by” – offers our last, our only chance to reach a destination that assures the preservation of our earth and, I would add, community. The choice, “Carson wrote,” after all, is ours to make.*

Joe Jacobs –747 Rock Rest Road stated he had concerns about how close development can come to the river.

Lyle Estill – 4479 Pittsboro Moncure Road – said he came tonight to say stop the burning. He said the air quality is bad while they are burning.

Jessilyn Davis – 25 Danbury Court – said she moved back here from California, about eight months ago because Chatham Park was going to happen. She just wants to make sure it's done smart because she has seen that happen before.

Paul Konove – 1459 Redbud read the following into the records:

My name is Paul Konove. I live across the Haw River from the Chatham Park Investors land. I am a builder experienced in sustainable development and building, I am also presently a board member of the Home Builders Association of Durham, Orange and Chatham County. My comments tonight are my own thoughts.

This meeting is an opportunity to re-think your approach, accept previous incorrect decision making, learn from mistakes made and look again closely at the revised Master Plan—only this time with serious intent at incorporating the Lawrence Group's Report primary recommendations that include among many other items to follow the Southeast Shores Assessment recommendations, require traffic impact analysis, incorporate green and sustainable design practices and not the least to get a better deal on issues related to schools, fire, and other town needs and services.

Although Chatham Park Investors are adding a few acres to the overall development, and their publicity explains that this is the only reason for this re-zoning public hearing, the people of Pittsboro should know that the reason for this rezoning is in my opinion most likely because of a procedural issue brought up by Pittsboro Matters in their lawsuit. This issue will benefit the Town in their future negotiations and decision making in regards to Chatham Park Development. With the lawsuit in mind the opportunity in hand for you is to re-negotiate the proposed Master Plan in order to promote further what has been occurring in Pittsboro and Chatham County over the last 30 years or so. That is to definitively support not only the issues I mentioned previously, but also expand the opportunity for recreation and parks, local businesses – including builders, farmers, artists, the list goes on.

I urge you not to blindly accept this new Master Plan as the next best thing to sliced bread but to add items that will benefit Pittsboro as much as possible than to provide benefits essentially only to Chatham Park Investors. If you do this, you would not miss out on the opportunity that has been provided you by the Pittsboro Matters lawsuit.

Thank you for your consideration.

Jesse DeGraff – 70 Old Chestnut Crossing, Moncure stated he supports many of the comments made tonight. He wants us to protect our environment, water and lakes. He stated density has a real impact.

Eric Scammon – 1495 Gum Springs Church Rd., Moncure said he feels the plan is not clear enough and that more detail is needed before you proceed further.

John Buss – 21 Fox Chapel Lane stated the Board should seize the opportunity to require more details and clarity of the plan. He asked that they reconsider the Lawrence Group Report recommendations.

Brooke Massa read from a prepared statement:

Thank you for the opportunity to provide comments on the proposed PDD Master Plan for Chatham Park (October 31, 2014 version). As the state agency responsible for the conservation of fish and wildlife resources in North Carolina and the management of the Jordan Lake Game Lands adjacent to the proposed Chatham Park development, the NC Wildlife Resources Commission (NCWRC) has a vested interest in the rezoning request submitted by the Preston Development Company.

The NCWRC submitted 3 sets of comments for the original and updated plans (dated July 22, 2013, June 24, 2013, and May 19, 2014). Some of NCWRC's comments have been addressed through Preston Development Company's revision process, however, the comments dated May 19, 2014 still provide recommendations for the most current plan that will enhance the conservation of natural resources, wildlife, and provide improved access to the outdoors for the residents of Chatham Park and Pittsboro. These comments are reiterated below.

In addition to these previously submitted comments, we recommend that Board of Commissioners remove the new statement on the bottom of page 47 of the October 31, 2014 version of the Master Plan, which provides the developer with the power to decide whether or not future ordinances that change the maximum number of residential units and/or the maximum amount of square footage for non-residential development will apply to Chatham Park. In December of 2012, the Board of Commissioners provided a Resolution of Support for the Chatham Conservation Partnership to explore ordinance options to protect natural resources. This is an ongoing project and we're currently working with the Town to bring together diverse stakeholders, including the Preston Development Company, to review such ordinances and make recommendations to the Board on them. If the group determines that limiting density in sensitive areas is needed to meet the conservation needs of the Town, then it should be the Town which determines where these density limitations apply.

We encourage the Board of Commissioners to review the NCWRC's previous comments and recommendations prior to making a decision on the rezoning. In addition, the NCWRC would like to provide support for the following recommendations provided by the Lawrence Group and endorsed by the Board of Commissioners:

- The PDD Master Plan should consider incorporation of the 11 principles and buffer widths recommended in the Southwest Shore Conservation Assessment as aspirational goals with the specifics to be considered as each small area plan is developed.
- Amend the map in areas 1.1 and 1.3 to reflect the adopted land use plan for the preservation of this area in a very lightly developed state. Before approval of CP PDD Master Plan.
- Given Chatham Park's presence within a protected watershed, a goal of 30% of the total land area should be considered for protection as conservation areas including steep

slopes, riparian buffers, natural heritage areas, and otherwise ecologically sensitive land. As an alternative calculation, considering mapping all of the ecologically sensitive areas and then add an additional 5-10% as a minimum standard.

According to the Board of Commissioner's recommendations, it is desired that the Preston Development Company present these revisions in the PDD Master Plan for Chatham Park before plan approval, the NCWRC has found that the recently submitted Master Plan inadequately addresses these recommendations. NCWRC welcomes the opportunity to assist the developers and the Town of Pittsboro in protecting natural resources and wildlife in the proposed Chatham Park development.

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

Land Use Elements

River Transition Zone

The River Transition Zone and Zone 1.1., 1.2, and 1.3 contains high quality natural plant communities that support many plant and wildlife species. The NC Natural Heritage Program has named this area a Significant Natural Heritage Area due to the exceptional quality of the ecosystem in these areas. The NCWRC, like the Board of Commissioners, support the Lawrence Group's recommendation that the Land Use Element for these zones should be amended to preserve this area and keep it in a lightly developed state. The revised Chatham Park Master Plan fails to protect this area. The Master Plan calls for this area to be developed at a density ranging from 4 dwelling units/acre to 1 dwelling units/acre. The majority of residential zoning in the neighboring Town of Cary is ~1.08 dwelling unit/acre. Suburban sprawl is one of the top threats to wildlife in the state. Minimum lot sizes of 1 acre will create forest fragmentation and will degrade the habitat value of this area for plants and wildlife. Densities of 1 dwelling unit/ 30 acres is the density needed to protect wildlife. However, if housing units are clustered, and contiguous natural areas are protected, it is possible to accommodate residential development at higher densities in these areas and still protect the integrity of the ecosystem. We recommend that development within these zones be limited to conservation developments that set-aside areas with the most sensitive resources for protection; development within these zones should be clustered to reduce the amount of roads, stream crossings, and other infrastructure developments. At least 30% of the development should be set-aside for protection. Natural area set-asides should be contiguous between developments. Chatham County has a conservation subdivision ordinance that is proving to be successful at protecting sensitive resources and building high quality residential developments. Pittsboro should consider adopting this ordinance and making conservation development by right within the River Transition Zone.

Transportation Elements

Greenways

Greenways, as currently proposed, are missing an opportunity to provide secondary benefits as wildlife corridors. In order to be effective corridors for wildlife:

- Greenways must remain in natural, native vegetation;
- They should be at least 300' wide and have nodes of natural areas of at least 1000' wide to provide breeding habitat.
- Greenways should be at least 100' away from streams to protect riparian and aquatic habitats.

Parks, Greenways, Recreation and Open Space Elements

The NCWRC, like the Board of Commissioners, support the Lawrence Group's recommendation that '30% of the total land area should be considered for protection as conservation areas including steep slopes, riparian buffers, natural heritage areas, and otherwise ecologically sensitive land. As an alternative calculation, considering mapping all of the ecologically sensitive areas and then add an additional 5-10% as a minimum standard.' The revised Chatham Park Master Plan fails to meet this recommendation. 2,138 acres should be identified as protected natural area open space prior to plan approval. As stated in previous comments, the following areas should be considered to be included in this open space:

- To widen forested stream buffers to 200 feet on each side of streams within sub watersheds with federally listed species (i.e., Cape Fear Shiner).
- To expand protection of the Pittsboro Wilderness Significant Natural Heritage Area, in the northern half of the development, especially in between the state park lands (expanding the buffer on the Haw River) and adjacent to any identified small wetlands serving as amphibian habitat by creating natural area parks.
- To create a 150 yard buffer (or as wide a buffer as possible) of natural, undeveloped open space along the border of the NCWRC Jordan Lake Game Lands in Sections 2.2, 2.3, 3.4, 3.5 and 3.7. A 150 yard buffer along the game lands in these sections is equal to approximately 167 acres. Maintaining this buffer will help facilitate prescribed fire management on game lands, which will protect Chatham Park from wildfires.
- Please consult the Southwest Shore Conservation Assessment, Chatham County, NC document for additional, site-specific recommendations.

Additional Elements

Master Landscaping Plan

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

Master Open Space Plan

The Master Open Space should inform the small area plans. It should provide the detail that allows the community to understand how open space will be provided by this development. Small Area plans should not 'further refine' the Master Open Space Plan; they are too small to ensure that natural resources and wildlife considerations are protected at the landscape scale, which is necessary for their long-term conservation.

Small Area Plans

Rare and Endangered Species

The procedure to submit small area plans that identify Significant Natural Heritage Areas, mature, upland hardwood forests, and sub watersheds with federally listed aquatic species will help the Planned Development District is to ‘preserve critical environmental resources.’ However, it is important to include all federally and state listed species in these small area plans. As of today there are no listed terrestrial species within the proposed Chatham Park development, however, it is conceivable that over Chatham Park’s build-out there will be listed terrestrial species in the future that will need to be protected. It is also important to identify rare species habitat, as these are often species of special conservation concern that may become listed in the future.

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

1. The applicant should provide text and/or maps that identify the rare plant and animal species’ habitat within the small area plans.
2. The developer should adopt practices that protect and minimize degradation to the habitats of these species.
3. The perennial streams in the sub watersheds of Cape Fear Shiner should be required to have a 200 foot native vegetation buffer on them (see Figure 1). The sub watersheds of the Cape Fear Shiner take up a good portion of Chatham Park. These buffers should be maintained and/or restored with natural vegetation. This will help prevent run-off and sediment from entering the streams and degrading their habitat.

Lastly, we are in agreement with the Lawrence Group and the Board of Commissioners, that ‘The PDD Master Plan should consider incorporation of the 11 principles and buffer widths recommended in the Southwest Shore Conservation Assessment as aspirational goals with the specifics to be considered as each small area plan is developed.’ The Planning Board should reserve the right to approve or not approve small area plans based on whether or not these principles are considered in the small area plan. Certainly, not all these principles will be applicable to every small area plan, but they should all be considered.

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

Harvey Himberg – 823 Rushing – stated he has worked in the environmental field most all of his adult life and he has never seen a development of this size not have an Environmental Impact Study done. He said an Environmental Impact Assessment needs to be on a development of this scale.

Moya Holstein – 41 Wood Road said the Board is in the position they can determine the rules of engagement, it should not be by Chatham Park.

Lisa Randall – 68 Brookridge Court said she would like to know how they want the property zoned. If it is a PUD it will allow them to have the power to build what they want where they want it in their 7,000 acres.

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

Vote Aye-5 Nay-0

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

Vote Aye-5 Nay-0

Motion made by Commissioner Fiocco seconded by Commissioner Baldwin to reconvene the meeting.

Vote Aye-5 Nay-0

OLD BUSINESS

SITE PLAN REVIEW: VKB BUILDING. (SP-2014-08) (STUART BASS)

Planner Bass went over the staff analysis and reported the plans have been reviewed in accordance with the Town's applicable development ordinances by the appropriate departments. The proposal is to construct a one story commercial building totaling 17,248 square feet. Staff recommends approval of the proposed request, subject to issuance of a Stormwater Permit and authorization by the Town Engineer. The Town Planning Board reviewed this plan at its November 3, 2014 meeting and is forwarding this plan with a positive recommendation for approval.

After questions and discussions a motion was made by Commissioner Fiocco seconded by Commissioner Foley to approve the site plan subject to issuance of a Stormwater Permit and authorization by the Town Engineer.

Vote Aye-5 Nay-0

NEW BUSINESS

REQUEST EXTENSION OF MUPD ZONING FOR PITTSBORO PLACE (516 INDUSTRIAL DRIVE) AND EXTENSION OF WATER AND WASTEWATER CAPACITY ALLOCATION FROM PITTSBORO PLACE PARTNERS 1, LLC.

Manager Gruesbeck said the applicant has requested an extension of MUPD zoning for a period of five years and 15,000 gpd of wastewater allocation for a similar length of time.

Manager Gruesbeck said it is not before the board for a decision tonight. He will be meeting with the applicant again to discuss options.

The board agreed the property has been sitting there for a long time with very little activity and they would need to know if they have any plans and what is the time frame for starting.

CAPITAL PROJECTS REPORT

MANAGER'S UPDATE ON CAPITAL PROJECTS

Manager Gruesbeck discussed the FYI items.

Manager Gruesbeck advised the Board they could use the police golf cart to carry the candy during the Christmas Parade on December 7, 2014. He said the Christmas lights have been installed on the trees downtown (they have discussed the trees downtown that do not have power to them).

Commissioner Foley said at one time the County Commissioners had said they would help with the Christmas Decorations – maybe we should ask them.

FY 2014-2015 FINANCIAL REPORT AS OF OCTOBER 31, 2014

Ms. Emslie went over the financial report as of October 31, 2014. Our audit will be submitted to LGC by December 1, 2014 and Jay Sharpe, Auditor will make a presentation at the December 8, 2014 meeting.

Ms. Emslie said she would go into more detail with the water and sewer analysis at the next meeting.

Mayor Updates

- EDC – Joint Elected Officials Meeting tomorrow at CCCC multipurpose room @ 7pm
- RPO
- Solid Waste
- Fairground Association
- PBA/Downtown – Meet and greet was held last week.

COMMISSIONER CONCERNS

Commissioner Farrell said it is his understanding that the dump truck is out of service. This is the time we provide leaf pickup. He wanted to know if maybe we can rent a dump truck or look at getting a new dump truck with an automatic transmission. Manager Gruesbeck said this is the first he heard of it not being in operation and he will check with Mr. Poteat.

Commissioner Foley said she has been asked about when the three lanes between Pittsboro and Powell Place will be done. Manager Gruesbeck said it is not something NCDOT is funding next year.

Commissioner Fiocco said the landscape islands downtown is still collecting and damming stormwater. Manager Gruesbeck said they identified a couple that can be repaired but they had not done it yet.

FYI –

1. Jordan Lake Partnership Western Intake Feasibility Study. (October 2014)

2. NCDOT/North Carolina Transportation Network – Presentation to Chatham County Board of Commissioners re: Strategic Transportation Corridors.
3. MEMO – FY 2014-2015 First-Quarter Payment from ABC Board.
4. Duke Energy Press Release and Presentation Slides re: Coal Ash Storage in Chatham County.
5. Water and Sewer Fund Analysis.

ADJOURNMENT

Motion made by Commissioner Fiocco seconded by Commissioner Turner to adjourn at 9:36 p.m.

Vote Aye-5 Nay-0

William G. Terry, Mayor

ATTEST:

Alice F. Lloyd, CMC, NCCMC
Town Clerk