

**MINUTES
TOWN OF PITTSBORO
PLANNING BOARD MEETING
Monday, April 15, 2012, 7:00 PM**

ATTENDANCE

Members Present: Kenneth Hoyle, Raeford Bland, Karl Shaffer, Shannon Plummer,
John Clifford

Members Absent: Alfreda Alston, Rob Butler {Alternate}, Bob McConnaughey {Alternate}

Staff Present: Stuart Bass, Planning Director, Paul Messick, Town Attorney,
Ileana Platon, Administrative Support Specialist.

A. CALL TO ORDER

Chairman Hoyle called the meeting to order at 7:00 pm and asked for a moment of silence in respect for the violent occurrence in Boston today.

B. APPROVAL OF MINUTES

- **Approval of the minutes of meeting held on March 4, 2013 (Chair Hoyle)**
Mr. Bland was not sure of what he tried to say in his comment on page two and felt it did not have any meaning he asked for it to be removed.
- **Motion made by Mr. Shaffer to approve the minutes after corrected.
Seconded by Mr. Plummer.**
Vote: 5-0

C. OLD BUSINESS

None listed in the Agenda

D. NEW BUSINESS

- 1. SD-2013-01 Proposed Subdivision Development – Kensington Park**
*Action Recommended – Presentation & Discussion, Recommendation to
Town Board of Commissioners*

Mr. Hoyle stated that even though this is not a public meeting it is necessary to hear what a resident here today has to say.

Ms. McKinney said that she is unaware of what this subdivision is proposing and is concerned that they will take her property by building a street through it. Her property is towards the back of the subdivision and wondered if they will the town will pave a road from 15-501 into her property. She is also worried that this subdivision will increase the value of her property.

Mr. Bass stated that there are no plans to pave the road to which Ms. McKinney is referring to.

Mr. Hoyle said that they do not have any control of property values, but he assumes that it will. He also stated that traffic into the subdivision has no impact on her property since she has direct access from 15-501 and the owners of Kensington Park are accessing their property from Park Drive.

Mr. Bass began by stating that at the first meeting they discussed the concept design, absence of curb and gutter, and sidewalks on one side. The Board of Commissioners have also seen it and approved the allocation of waste water and based on the recommendations from the Planning Board, approved the concept design. Recommendation tonight is for conditional approval, accepting any comments or conditions the Planning Board may have and then forward them to the Board of Commissioners so we can proceed, complete and address these comments, detailed preliminary plat and all associated sign elements, all subject to final authorizations, reviews and approvals. He also wanted to introduce to the Board Fred Royal, who was hired last week as the Town's Engineer. Even though this was fast paced he was asked to review the plans and provide any comments.

Mr. Royal said he tried to back track the history of this project with Becky Smith at Hydrostructures P.A. and had some questions which were answered basically related to what do the regulations state and what is the developer proposing to do in addition to the regulations. He understands that there are a lot of questions about the history of flooding on Park Drive. The design does look like the intent is to meet the 100 year old storm, 24 hour rain fall event which is over seven inches in a 24 hour period. This is not required specifically by the Town's ordinances but never the less it is being done. He still has a few outstanding detail questions with the engineers about some hydraulics on the site to try to minimize scour and erosion as the water comes down the hill in four to six of their swells they are proposing to design. He also has a few questions on the culvert under the entrance way in the creek related to design storm and how does it look compared to other culverts along that segment. He understands that the homes that are currently there are subject to some flooding and obviously anything this developer can do to mitigate additional flooding is beneficial. He still has more work to do with Becky Smith to look at their revised plans which just came in today but he feels reasonably confident that they can meet were our final comments to that respect. Ordinarily there might be a flood plain mapped in a stream where it is being connected to but on this case there is no flood plain mapped. No one has done a study to figure out what is the equivalent 100 year flood elevation in terms of feet mean sea level.

Mr. Hoyle said that it may be out of the flood plain but by building 16 additional units up on that hill it will bring additional water down the street which could create flooding on Park Drive to which several residents present tonight can testify to. He asked Mr. Royal if he had any idea on how to minimize this instead of dumping all that water into the same culvert.

Mr. Royal stated that with all types of developments, minimizing soil disturbance and maintaining the vegetation is a good way to do it. This property has been timbered so there is not a big tree stand issue. Other issues that can help are minimizing road width and keeping storm water out of culverts, which this project does with swales instead of culverts, as well as the two storm water detention devices they are proposing that holds up to the 100 year storm event. There can be other minimizing measures.

Mr. Hoyle said that based on the history of flooding on Park Drive it should be required that the developer does everything needed to minimize any amount of flooding.

Mr. Shaffer had some questions for the Developers. On page 4 he addressed a ditch dead ending on a parcel that has a storm water structure on it and asked how is that going to be dealt with.

Richard Ladd with Triangle Construction Group said that last month they spoke a little about what this was about. They are not adding any more water to what is already going down to that creek. Pointing out to a map on display he stated that the green portion will drain into the large pond and the grey which has that ditch he spoke off is going to hit and get treated on that BMP.

Mr. Shaffer asked if that ditch will go all the way to the detention pond.

Mr. Ladd said it will go down all the way to the detention pond and that detention pond will be designed for the 100 year flood, at that time the water will be released into a hard pipe.

Mr. Shaffer continued to page 10 and asked if a parcel just due west of the entry road was a wetland or was that some work they would do for storm water control. The Developers stated that it is all stone now and it is just a pictorial representation.

Mr. Shaffer asked if the lots due west and due south from the major storm water detention structure on the southwest side are served by sewer or septic. The reason he asked is because the cut slope into the detention pond would and could impact preferential flow into septic lines if any are there. The response was that this would be researched. *{Billing records indicate that the properties are receiving water and wastewater services}*.

Mr. Plummer stated that he had a conversation with the Fire Chief and he expressed the desire from a fire fighting perspective to have a loop systems as far as supply of water lines even though it is not required in the code. He showed some interest to make the Planning Board explore some way to add it in the future to the ordinance.

One of the Developers said that it has been brought up to them and not knowing what is going to happen exactly and where the roads are they now need a water main easement. They will bring a valve and a blow off outside of the asphalt so that at any time in the future the city can have access within that 20 foot easement to put a water line that could connect back over to 15-501. This will be for future development but as far as the two cul-de-sacs they will not be looped or connected.

Mr. Hoyle asked if the radius of the cul-de-sac is adequate to accommodate a fire truck and if the Fire Department has looked at the plans.

Mr. Ladd replied that the radius is adequate for a Fire Truck and that the Fire Department had reviewed the plans.

Mr. Clifford asked if the end wall is on the property of the house to the left of the entrance because looking at page four it looks like it does.

Mr. Ladd said that all of their denuded area and any kind of grading activity would stop before any property line, again this is pictorial.

Mr. Clifford asked if that was the best location for the easement on the north side and what does it connect to.

Mr. Ladd stated that is was the easement the Commissioners requested for the water line.

Mr. Clifford then asked if they were controlling the impervious surfaces on this project. He also asked on the distance from the actual stream underneath to the entrance road.

Mr. Ladd said that their lots are larger than what is required in R-12 zoning. As Mr. Royal had mentioned their goal was to do an open swale with sidewalks, the swale is going to allow them to control and do less impervious area. This will help in the runoff and treating water. On the distance it would be 4 to 4 ½ feet.

Mr. Bland question was towards Mr. Bass or Mr. Messick. He wanted to know how they will resolve the cul-de-sac length to where it stays in sub division regulations. A cul-de-sac should be no more than 250 feet and this is three times that.

Mr. Bass said he is investigating that and doing some research. He needs to go back and research the history as best as he can.

Mr. Hoyle then said it can't be overlooked in terms of recommending this. This is wrong according to the ordinance. It would just open the door for other to come in and request another development with the same situation. This needs to be clarified before it goes to the Commissioners.

Mr. Bland read from the Town's Sub Division Regulations Section 6.3 which states;
Culs-de sac may be permitted only where topographic conditions and/or exterior lot line configurations offer no practical alternatives for connection of through traffic. Cul-de-sac, if permitted, shall not exceed 250 feet in length from the nearest intersection with a street providing through access (not a cul-de-sac). A close is preferred over a cul-de-sac.
If they are supposed to follow this what does it mean? It means that they have something that does not follow the ordinance.

Mr. Messick said he could offer another interpretation. The cul-de-sac this ordinance refers to is the one on the left which is the shortest. The one on the right although it ends in a circle is not a cul-de-sac by definition it is a non thru street. **Mr. Bass** said that this was the point he was trying to make. The short cul-de-sac connects to a street that is connected to Park Drive, in other words is connected to a street with access.

Mr. Bland's comment was that if you have a cul-de-sac connected to another cul-de-sac then the first is not a cul-de-sac. **Mr. Hoyle** then asked to define cul-de-sac.

Mr. Shafer read the definition of a cul-de-sac as a street with only one outlet and having an appropriate permanent terminal for the safety and convenient reversal of traffic.

Mr. Plummer said he could not read it any other way and is a very valid point.

Mr. Hoyle's suggestion is to continue to review what has been proposed then at the end of the Board's discussion and questions in regards to the gentlemen who are here, to table it until it has been clarified completely with some form of documentation. Otherwise it would be unwise to recommend it to the Commissioners.

Mr. Hoyle then said that the Developers made no mention in regards to the park requirements and asked if there are any dedications and are they planning on making a contribution? Mr. Ladd said it would be a contribution fee in lieu of the as prescribed in the Town's budget schedule.

Mr. Hoyle then asked if there is a stream in the location, he believes there is one and suggested they look at the USGS maps. He also asked if they had thought of any connectivity to Hillcrest Drive. The developers responded that it was discussed early in the planning with the engineering department and it is not possible with no direct connection of this property with Hillcrest Drive.

Mr. Hoyle stated that at the last meeting the Planning Board recommended sidewalk on one side but failed to indicate which side. Looking at where their sidewalks are proposed they are running on the left side of the drive, but there are more houses on the right hand side than on the left, there is a partial sidewalk on the left going to main cul-de-sac why not put it on the right hand side so you have more people using it?

Mr. Church could not remember why the choice was made but it may have been due to the water main line but it really does not matter which side, they do not have a preference.

Mr. Hoyle then asked about the 1.5 inches of pavement meet Town standards on the road. **Mr. Bass** replied that the Town's standards are based on the NCDOT.

Mr. Bland stated that they have received comments from residents and there are in the meeting tonight and would like to hear what they have to say.

Mr. Devinney resident of Park Drive stated that he is not against the subdivision but wanted to comment on the water. The main problem is that when the houses were built on the main street, the Town did not stipulate the size of the pipes that run underneath the driveways. All of the water problems are caused because of the pipes that run to Oakwood have not been cleaned properly. A great deal of the water dilemma is caused by the runoff from the Chatham Forest and Powell Place subdivisions specially when there is a heavy storm. One thing that really bothers him is Park Drive. When they built the four houses on Park Drive the street was completely blocked by construction personnel and heavy equipment and the edges of the road were damaged and nothing has been done to repair it. The entrance to Park drive is very dangerous and if more traffic goes thru that area the more dangerous it will become. Any large trucks on that road will block the flow of traffic. This is a real critical issue.

Mr. Seth Noble owner of the home on the left side of the proposed subdivision entrance had some thoughts and questions to echo. He and his neighbors are concerned with the flooding and are aware that something has to be done about it and in his opinion now is the best time to address the issue. He believes that the downstream area is not accepting what is being added from the other subdivisions previously mentioned. The pipes that actually run under Oakwood Drive are quite small and undersized and there are a lot of chokepoints, additionally his driveway is also a chokepoint. There are two 36 inch pipes underneath the driveways upstream from him and then there will be the addition of Kensington Park's water flow in front of his house and under his driveway which also has 36 inch pipes and that will be a chokepoint. He had a suggestion that possibly could be done is have the water come down from behind where there is an existing ditch instead of it coming in the front of his home where is could be choked. The other issue he has is that he sees a challenge with the water taking a 90 degree turn behind the property into the BMP well, it does not seem like it would be a long term run. Over all and bottom line there are downstream effects and issues that should be addressed and also the road issue.

Mrs. Marie Alvarez lives on the very corner of Park Drive and Oakwood Drive. Her property gets flooded all the time and the water in her back yard overflows to the street causing road closure. Her husband polices the culverts and cleans the debris then has to call the Public Works Department to pick up the waste. The deforestation up above will definitely aid the water problem down below even with an extra culvert.

Mr. Hoyle is quite aware of the water problem on Park Drive and asked Mr. Royal to work with the developers and the adjacent property owners in the project of choosing the correct pipe size.

Michael Lynn who also lives on Park Drive had a question for the Town by asking how would the increase of traffic impact Park Drive. Currently the road is quite narrow and it is not safe to walk since there are no sidewalks, he sees Kensington Park building sidewalks which will go

nowhere. **Mr. Bass** responded that there is a future sidewalk shown on the Town's pedestrian plan that was adopted.

Mr. Ladd said that the additional traffic and vehicles was another reason why they made the lots bigger therefore minimizing the amount of residents in the development. He then explained the different culverts around the area and their inconsistencies. He also provided an explanation to Mr. Nobles question to the 90 degree water drain.

Mr. Hoyle stated that going back to what Mr. Bland had to say and the definite impact of this project he believes it would be more appropriate to recommend tabling it until the issue of the cul-de-sac according to the ordinance has been resolved in which time it will be resubmitted.

Mr. Ladd asked if they could ask for a variance.

Mr. Hoyle he appreciated what they were asking for but said no.

Mr. Bland made motion to table this matter is clarified.

Seconded by Mr. Shaffer

Vote: 5-0

Mr. Shaffer made a request since Mr. Royal will be working on the size of the pipes for this development to also overview the issues with the rest of the area.

E. BOARD MEMBER CONCERS

None

F. REPORTS AND ANNOUNCEMENTS

1. Information Item, Rocky River Report

Mr. Bass said that it was just dropped off at the front counter as an information item and requested that it be delivered to members of the Planning Board.

2. Information Item, 2012 Planning Legislation

Mr. Bass said this was the information compiled by the School of Government on the Planning Legislation for 2011-2012.

Mr. Shaffer had a question on the implementation of Jordan Lake rule delayed for 2 years, from what point?

Mr. Bass said Pittsboro's program is going to be effective on July 1st. If the development occurs during that time it does not meet the criteria and gets counted against it.

Mr. Royal added that the Town will be liable for the additional nitrogen runoff between the point the law was written to the point the Town made it effective. If the Town delayed it any further there will be more nitrogen that the Town will be responsible for managing at its own cost. They are still writing the rules but once the rules are finally written those rules will come out for Lake Jordan; the Town will be responsible for them. It will be the allocation of nitrogen, pounds per year the rules are spilt out by water and waste water.

Mr. Shaffer then asked for an explanation of the last paragraph under water quality that reads *General statute 143 is amended to prohibit local governments from treating privately owned land within riparian buffers as public land.* What does this mean? **Mr. Bass and Mr. Messick** did not know and were not familiar with that statute.

Mr. Hoyle received an e-mail from the office of Tim Smith of Chatham Park asking him to announce that on Tuesday, April 16, 2013 and the following Tuesday, April 23, 2013 at 7pm at Chatham Mills they will gather to explain what they will be proposing overall on the 7,000 acre project.

Mr. Hoyle asked for motion to adjourn.

Mr. Bland made motion to adjourn, seconded by Mr. Clifford.

Meeting adjourned at 8:35 p.m.