

DRAFT

MINUTES
TOWN OF PITTSBORO
PLANNING BOARD MEETING
Monday, December 4, 2013, 7:00 PM

DRAFT

ATTENDANCE

Members Present: John Clifford, Kenneth Hoyle, Raeford Bland, Steve Barker, Bob McConnaughey

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

A. CALL TO ORDER

Chairman Clifford called the meeting to order at 7:00 pm

B. APPROVAL OF MINUTES

- **Motion made by Mr. Hoyle to approve the minutes of November 2013.**
- **Seconded by Mr. Barker.**

C. NEW BUSINESS

1. SD-2012-02

Cornwallis Commons, Pocket Subdivision

Action Needed – Discussion recommendation to Town Board

Mr. Bass stated that this is a subdivision proposal based on the design that is specified in the Pocket Neighborhood amendment to the zoning ordinance that was approved last year. The concept plan for this particular development was presented in 2012, during the text amendment process to allow this type of development.

Pocket Neighborhoods are clustered groups of neighboring homes or apartments gathered around a shared open space, a garden courtyard, a pedestrian street or a series of joined backyards.

The Town Board of Commissioners voted to approve a request for wastewater allocation on November 13, 2012.

Hydrostructures, PA has reviewed the plan and provided comments. The Fire Marshall and Fire Chief, Town Engineer and Utilities Director have also reviewed the plans. Revisions were made based on the comments provided. The layout shown and planned improvements are acceptable.

Staff Recommendation is for approval and forward to the Board of Commissioners. The Applicant and Engineer are present to answer any questions.

Mr. Clifford stated that they just received the Pocket Neighborhood amendment for the zoning ordinance a few minutes ago which hinders somewhat in being up to speed on what the ordinance is. However, if the other members are not opposed he would like to at least start the conversation and see where it leads

Mr. Hoyle agreed with Mr. Clifford and suggested that maybe they could answer some questions. Otherwise they would be unable to come up with a final conclusion due to just receiving the final copy of the ordinance.

Mr. Bland stated that his question is not mainly on the development but on how to get to the development. He said that he has been there twice this week and as he drove down Cornwallis it becomes a dirt road. It was somewhat confusing trying to figure out the streets and locations. He would like to know who owns what and who is responsible for what, how construction and residents are going to get there and what shape the road is going to be in when that happens.

Mr. Bass said that ultimately the solution is for the Town to take over the road, but there are some issues, in that part of the road is owned, operated and maintained by the NC Department of Transportation. The State would willingly give that portion of the road to the Town which would shift the responsibility of the maintenance to the Town. However, there is an issue of annexation in that portion of the road because it is outside the city limits. He has an appointment with Mr. Messick in the morning to see what that involves and whether or not that has to happen before the Town takes over the road. His understanding is that this has been an issue for a number of years. Last year he went to DOT about this and asked if they had any plans for improvements and paving and they said no.

Mr. Bland stated that since that is the only way to get into this planned development it is an issue that needs to be solved first. He would be reluctant to say that this development is a good thing but the location is awkward. How can they send it to the Commissioners when it is not adequate?

Mr. Hoyle recalls this being discussed at a Commissioners meeting and there was no resolution of it. **Mr. Bland** then asked what the procedure would be. **Mr. Plummer** stated that ultimately the State pays for upgrading the road; paving would be done once the Town takes it over.

Mr. Clifford then said that at the last meeting Mr. Messick was very clear that there are some legal hurdles involved. It has to be annexed and then there are right of ways, it is not a small deal and it would take some time to resolve. The fact is that no one will touch that road until this Pocket neighborhood is done.

Mr. Royal stated that Mr. Messick was going to do some legal research into the annexation issue since the right of way issue is pretty much a no brainer. In the mean time it will just remain a public road.

Mr. Dasher, Applicant of the development stated that he would eventually pave the section in front of his property, ideally if the timing worked out it would all be paved at one time, if the Town would take care of the legal end of it.

Mr. Clifford asked if he would be willing to pave to Acorn Park Lane since that is where the State maintenance ends.

Mr. Dasher replied that he would be willing to work with the Town.

Mr. Bass said that Mr. Royal had discussed cost with a contractor, no bids just figures.

Mr. Plummer asked how long this stretch was.

Mr. Royal said it is about 700-900 feet.

Mr. Hoyle stated that according to their proposal it states that the project will make improvements only to East Cornwallis Road but it does not specify how far.

Mr. Lovelace, Project Engineer said that the project proposes improvements on the project's frontage. Part of the entry road belongs to the Town the other is DOT. They would improve the entrance and it would meet DOT standards, it is a gravel road, it may not be fully paved out to the Town's standards but it would be a passable road and residents from Potterstone would still use it as a secondary access. This project widens along the main road frontage and the applicant is willing to work in paving the entire road but the legal hurdles need to be solved. In reference on how narrow the road is Mr. Lovelace said that this would be another issue. In the short term vs. the long term what would potentially be to the east of the road, would this be a road that

would pop through and connect to future projects and if so it would certainly be worth improving.

Mr. Bland stated that all of Cornwallis needs to be paved somehow or another and without discussing the legal mess it is just the polite thing to do. The Town needs to figure this out.

Mr. Lovelace explained that the project only consists of ten units, but there are two more units that are not a part of the project, one is built and occupied and the other is under construction.

The Board's concern was the condition of that road once the heavy equipment starts going into the site and how will it affect the neighboring residences.

Mr. Clifford asked if there was any way to re-gravel that area.

Mr. Dasher's concern was how much gravel it would take and where could they obtain that much gravel and once it is done would DOT approve of it.

A resident from Potterstone Village brought up a question in regards to what would happen to the power lines. He lives on Old Post Road and is worried that the power lines would be moved closer to his property.

Mr. Lovelace explained that they would come in and out at the same point they do now, they are just moving the section that is on the property.

Mr. Clifford asked where the sewer easement would be in relation to the power line poles.

Mr. Lovelace explained that the existing sewer easement is towards the back and they will use the existing power line easement to get back to the sewer easement. The Town and Duke Energy are satisfied with the plan.

Mr. Hoyle asked about a statement in the proposal that says they are building another private sewer system and requesting a waiver from the Town quote "Standard is being requested that would allow for the 6" service lines to tie directly into the 8" main with a wye"

Mr. Lovelace explained that there was a preliminary plan that was submitted and approved prior to this one that was done by another Engineer but they are not coming in with construction drawings. The current plan is that the Town maintained 8" public sewer line will tie to the existing sewer outfall and run up along the northern portion of the developed area. The original plan had it tied to the main outfall and had 8-9 manholes all throughout the site. Unfortunately, on the site there is a huge rock outcropping that has a boulder as big as the room protruding out

of the ground which meant the sewer lines had to go around it. This new concept would allow for two less manholes that would otherwise stick to 2-3 feet from the ground along a pedestrian corridor and focal point of the community space along the northern portion of the site adjacent to the Roberson Creek corridor and natural area. This would also allow for two less manholes for the Town to maintain. This proposed design has been discussed with John Poteat and Becky from Hydrostructures and they were both in support. Coming from that line there is another sewer system that services each lot and then just ties into the public main.

Mr. Hoyle asked Mr. Lovelace to explain the other sewer system.

Mr. Lovelace explained that Service Size is a sewer service. If you have a sewer main down the middle of a road you have a service that goes off to a house and the sewer from the house goes directly into the main. For example all throughout Pittsboro there is a public main in the middle of the street and it stays public until it ties into the property line. Their concept is the same except instead of having just one house it will have 3 houses on one line. This allows less manholes and less maintenance. The request for a waiver is that the public portion of the line would be on the Town of Pittsboro and the private portion of the line would be privately owned by the homeowners and they would have to maintain anything that is above the public system. There is a problem with the Town's Utility Ordinance. The minimum size that the State allows is a 6" service line but the Town does not allow tie into a 6" service line right into a main, it has to go to a manhole. Their request is for the two services tying into the main line not to have a manhole. There is a discrepancy between what the Town of Pittsboro and State allows.

Mr. Plummer questioned if any of the Townhome's in Town were under this system.

Mr. Bass stated that one of the challenges with this project was the design features that make the pocket neighborhood what it is and having to reconcile the sewer system, where our public sewer system begins. It is somewhat unconventional and it's never been done in Town.

Mr. Hoyle asked that if this was approved and in the future instead of three homes someone wants to do the same for twelve homes would that be acceptable?

Mr. Royal replied that it would be evaluated on a case by case scenario.

Mr. Lovelace explained that the state says if it is a private line it has to be 6", typically any sewer service in Pittsboro is 4" and if it is 6" it must be tied to a manhole. Pittsboro is the only one with that requirement any other municipality will allow to tie a 6" line to a main line. If the waiver is not approved all they would do is add 2 manholes to the line but it would create more work for the Utilities Department and for residents because they will stick 3 feet off the ground on a walking trail.

Mr. Hoyle stated that he does have a problem with the waiver because if it is allowed then it opens the door to other projects requesting more quantity of homes using this concept.

Mr. Bass said that the Service Size does not change. The Town is trying to have a clear demarcation between the private and public system and the logic behind it is to avoid maintenance in the tight spaces of a pocket neighborhood.

Mr. Bland and Mr. Plummer have no problem with the waiver.

Mr. Hoyle requested more information on the Site Amenities that state the project includes a variety of on-site-features and amenities intended to enhance both the functionality and sense of community.

Mr. Dasher explained that the idea of the entire concept is to enhance the community. The houses will face each other. In addition to the prominent open spaces there is also some shared community features. They also have some areas set aside for potential community garden space. The main garden will have benches for gathering.

Mr. Hoyle asked if the house that is already existing is part of this project and what is the average square footage of the homes in the Pocket Neighborhood.

Mr. Dasher stated that it is not. There are two lots that have already been subdivided. Technically the Pocket Community will be in the back. The average square footage of the homes is approximately 1500 to 2000 square feet.

Mr. Hoyle wanted to know why it is necessary to build the retaining walls.

Mr. Dasher explained that the site slopes pretty significantly towards the creek. They will work the grading out such so that when they get into floodplain and buffer area they will keep the grade as it is but trying to work the grade from Cornwallis to that point in a way that is functional and buildable requires a wall. The other walls are by the parking lot and will have stairs for access.

Mr. Hoyle asked where the handicapped parking spaces would be located.

Mr. Dasher said that handicapped parking has not been designated but they can be located in the front.

Mr. Lovelace explained that since these are individually owned lots it would not be required to provide ADA accessible spaces. To collaborate on the issue of the retaining walls he said that the existing grade from Cornwallis down to the stream is quite steep. Up in the front it needs to meet maximum grade on the road requirements so fire trucks and emergency vehicles can get down. The whole point of a pocket neighborhood is to get residents to park on top and walk into the community but if the existing slope remains steep it is not feasible for walking, carrying groceries, etc. Basically, the walls are there to kind of help terrace and flatten it out so it is usable. The Fire Marshall only requires one hydrant; the fire trucks would park on the street and still have accessibility to reach all the homes.

Mr. Bland requested information on the stream buffering.

Mr. Dasher explained they are meeting the Town's required buffer of 50 feet on Roberson Creek. The center line of the property runs along the center line of the creek and in most places it is at least 100 feet away from the top of the bank which is twice as much as is required. As for storm water, keeping the sensitive vegetation and a repairing buffer is an important part of this project. The Jordan Lake rules call for a defused flow which means water should not be shot out of a pipe into the buffer, their plan is three bio-retention cells, also known as "rain gardens", into the community open space areas, as well as a level spreader with vegetated filter strips near the northern portion of the developed area in the Robeson Creek corridor. The benefit from using these practices is many-fold. First, it mimics natural hydrology by capturing and treating run-off near the source rather than piping it to a larger pond. Second, the features are landscaped and integrated into the project so that they become an integral part of the space. Most people don't even know that they are storm water devices.

Mr. Plummer stated that they are not only meeting but exceeding the requirements.

Mr. Dasher stated that they are also respecting the FEMA flood plain along that section of Roberson Creek.

Mr. Hoyle asked if Karen Hall who has worked immensely on Roberson Creek has seen this Project and **Mr. Royal** replied that he would make sure he shows it to her.

Mr. Hoyle asked that if approved by the Commissioners on the next meeting when they would commence the project. He also asked if they would retain as much as possible the trees on the property.

Mr. Dasher said they would like to start in the Spring. On the issue of the trees given the proximity of the houses and the slope it will be difficult; but a small portion would be left as is.

Mr. Hoyle also asked if there would be sidewalks proposed.

Mr. Dasher replied that a big portion of the Pocket Neighborhood is pedestrian oriented. There will be trails and sidewalks throughout the site. He also wants to work with Paul Horne on getting an area dedicated as a greenway.

Mr. Hoyle stated that he sees some major concerns. One is in regards with the sewer, the other is Roberson Creek. The concept is good but before any final approval for the Commissioners is done he would like see this reviewed by Karen Hall.

**Motion made by Mr. Hoyle to table until the next meeting.
Seconded by Mr. Barker**

Mr. Clifford stated that the motion remains but he wanted to discuss a few things. He was also going to make a motion and maybe they can tie both motions together. He has some concerns as well. There a few people that were mentioned and are not here tonight like John Poteat and Becky from Hydrostructures, their presence would have made him feel better. He would like to get their input on the sewer issue and the opinion of Karen Hall on Roberson Creek. He also wants to feel more comfortable about the Power Company allowing a public sewer on this power easement, he see a safety issue but if John Poteat feels it is right he would like to hear it from him.

Mr. Hoyle wanted clarification on the issue of the street/road.

Mr. Bland agreed and said that this matter with the street has been going on for two years and it is about time something gets done. He also wants the sewer pipe size ordinance reviewed. The feeling is that this project speaks about neighborhood a lot but the reality is that the neighborhood is much larger than just this site; it also includes a part of Potterstone Village. He understands that a dirt road is acceptable but somehow it does not fit.

Mr. Clifford said that they all agree that the Pocket Neighborhood is a good project but they just want to be crystal clear on some of the items that are vague. He understands that some of these things are out of the Applicant's control but the road has been in the front and center and what they want is for it to stay front and center and does not get lost in the shuffle. From a business perspective as a home owner GPS devices are bringing traffic into that road, the problem is that it is a good road for the first mile and then it turns into a dirt road.

Mr. Dasher asked if folks in Potterstone would be willing to possibly help with the road.

Mr. Clifford said that they were in the last Town Meeting and did a presentation and the Town staff is looking at it.

Mr. Hoyle repeated the motion to table until the next meeting with items to be addressed as the road, concern of the wavering of the sewer, the easements and Roberson Creek.

Mr. Clifford added that if they could have a representative from Hydrostructures present at the next meeting and some kind of assurance from Karen Hall it would give the Board a chance to refresh their memory on the Ordinance itself.

Mr. Plummer said that his only issue is the road specifically, when the Applicant is making such an investment the road should be figured out before selling any homes.

VOTE: 5-0

D. OLD BUSINESS

None

E. BOARD MEMBER CONCERNS

Mr. Bass stated the Powell Place Partners met yesterday and approved the design and guidelines for their sign.

Mr. Hoyle asked if it was within the Town's Ordinance.

Mr. Bass replied that he has not had a chance to review it in detail but he has worked with this sign company before and has not had any issues.

F. REPORTS AND ANNOUNCEMENTS

Mr. Bass wanted to inform the Board that a Flood Map meeting will be held on December 17 at the Chatham County Agricultural Building. It will be an open house format from 4:00-7:00 PM. Representatives from the State office will be there to review the new and revised Flood Maps for the Town of Pittsboro's planning area and which has affected ninety-six properties. He has sent out letters to those property owners and it is also posted on the website.

He also wanted to advise that the Town is working to complete the draft application for the Jordan Lake Partnership allocation which is due next month.

G. ADJOURNMENT

Mr. Clifford made motion to adjourn.

Seconded by Mr. Barker

Meeting adjourned at 8:21pm

Next Planning Board Meeting is scheduled for Monday, January 6, 2014 at 7:00pm