

MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
MONDAY, MAY 22, 2006
7:00 P.M.

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

ATTENDANCE

Members present: Mayor Randolph Voller, Commissioners Max G. Cotten, Pamela Baldwin, Clinton E. Bryan, Jr., Gene T. Brooks and Chris Walker.

Other staff present: Town Manager Sam Misenheimer, Clerk Alice F. Lloyd, Attorney Paul S. Messick, Jr. and Planner David Monroe.

AGENDA APPROVAL

Motion made by Commissioner Bryan seconded by Commissioner Walker to approve the agenda as presented.

Vote Aye-5 Nay-0

CONSENT AGENDA

Motion made by Commissioner Bryan seconded by Commissioner Walker to approve the consent agenda.

- Minutes of May 8, 2006 Board of Commissioners special meeting.
- Street light request at public park on Credle Street – Pittsboro Kiwanis Club.
- Implement collection of the PEG Capital Fee from cable subscribers.
- Call for Public Hearing for budget review FY06-07 to be held on June 12, 2006 @ 7:00 PM

Vote Aye-5 Nay-0

CITIZENS MATTERS

Commissioner Brooks stated he received a request from a citizen for the Town to implement some type policy where we could use a fire hydrant or something when people are hooking up to a water line or whatever and mud gets in the line, that the hydrant can be used for flushing the line.

Interim Manager Misenheimer stated they would be addressing this situation tomorrow.

Commissioner Brooks stated he had received a request from Billy Hughes that the Board look at requiring new developments to install gray lines within their development that can be used for irrigation on individual properties not just on golf courses. It saves a lot of water and also a lot of wastewater from going into the streams. It works in Colorado. He would like the town to implement some type study.

Mayor Voller stated we do have a purple pipe program which the staff is pretty much versed in. He thinks it is an excellent suggestion.

Planner Monroe stated it is currently in the subdivision ordinance. The town applied for a grant to install a reuse line to Community College. The owner of the car wash is interested also.

Commissioner Brooks stated the residents on Old Sanford Road have been expressing interest for many years for water in their neighborhood. He would like for the Town to revisit this issue again. He would like for a letter to be written to the County that this needs to be done.

Interim Manager Misenheimer said this could be included in our master planning process.

Commissioner Cotten stated he thought the County was supposed to do it.

Commissioner Bryan would like to see us do something.

INSURANCE PRESENTATION

Mr. John Gasiorowski of Independent Benefit Advisors made a presentation for health, life and dental insurance.

The board requested that Mr. Gasiorowski provide the cost analysis for providing employees with two times their salary for life insurance coverage.

After the presentation a motion was made by Commissioner Brooks seconded by Commissioner Walker to use Blue Cross/Blue Shield as the health and life insurance carriers (currently United Healthcare and The Standard) and to continue our dental coverage with Guardian. Vote Aye-5 Nay-0

COPY OF PROPOSALS FOR HEALTH, LIFE AND DENTAL INSURANCE IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 327-332

PUBLIC HEARING

WHITE MOUNTAIN SUBDIVISION

White Mountain subdivision public hearing.

SUBMITTED COMMENTS:

Re: water wells: I've consulted with a variety of experts in this field. Below is a list of individuals I spoke to get their opinions regarding the concern expressed by some adjacent property owners about their wells being negatively impacted by the new water wells at White Mountain. This list includes everyone that I spoke with about this matter. No opinions have been omitted.

EFFECT OF WATER WELLS ON EXISTING ADJACENT WELLS

Data:

- 74 proposed new wells on 201 acres of land
- Average of 1 well every 2.7 acres of land

Talked to:

Chad Leinbach, Hydro-Geologist
Don Blackwell, Owner Piedmont Wells
Hal House, Water Resource Specialist
Chatham County Environmental Health Dept., Kim Warren
NC Water Resources
Attorney, Luke Marchetti
Attorney, Patrick Bradshaw

Left messages for:

Elaine at Haw River Assembly
Don Wells at Soil & Environmental Consultants
Two other geologists

Notes from conversation with Chad Leinbach:

- Does not expect any negative impact that 74 wells will have on other wells in the area. (Is he willing to carry the liability insurance on his conclusion?)

To put it in perspective:

Kim Warren indicated there is no minimum requirements on well yield but the state general rule of thumb is: 1 gal per person, per minute, plus 1 gal per minute general use.

For a four bedroom house, assuming 5 people per household, that is 6 gallons per minute. There are houses in the area that have current yields of only .5-1.5 gallons per minute. Assuming that 50% of the water ends up in the septic (See Septic requirement below) and 50% to other (watering lawn, washing car, etc.), that amounts to a demand of 67,200 gallons per day for the subdivision.

I have done a lot of work with RCAP (Rural Carolina Assistance Project); they work to install running water and sewers in family's homes in NC that can not afford it. This organization is made up of waterworks personnel throughout the state (and yes over 65,000 or more families have no running water and sewers in the state). In working with these professionals I have been educated on the problems of ground water depletion in areas where the demand of the communities are greater then the capabilities of the aqua filter. This is major problem in the coastal areas where population has jumped drastically; they continually have to re-drill existing wells deeper, because of the "DRAW DOWN" in the water table, creating a "CONE OF DEPRESSION" in the water table. In our area the water that supplies the aqua filter must pass thru Granite to replace the "CONE OF DEPRESSION", the problem is the PERMEABILITY.....

PERMEABILITY: ability of rock or sediment to transmit water.

General permeability and porosity characteristics of common rocks and sediments.

- GRAVEL: high porosity; high permeability
- SAND: high porosity; medium permeability
- MUD: high porosity; low permeability
- GRANITE: very low porosity; very low permeability
- FRACTURED GRANITE: low porosity: very high permeability

In addition, septic sizing on a four bedroom, it requires a system to handle 480 gallons per day, at ~70 houses, that equals 33,600 gallons or 4491 cubic feet of sewage each day..... That's enough waste to fill a 50 foot round pool ~3 feet deep or to cover the 201 acres with almost 1" of swage per day!!!!

- See attached letter (No attached letter).

Notes from conversation with Don Blackwell (who has 45 years of experience installing water wells)

- Don just installed 90 wells in a subdivision of ½ acre lots in North Raleigh. All had their own wells drilled and there wasn't a problem with one well negatively affecting another. (Nice touch, but North Raleigh's geology is not relevant here. Otherwise I could add the point that Apex which is 4 times closer, has properties that have 2,3, and even 4 wells drilled, all dry!! Redbud which is closer, has well that commonly exceed 1000' and have low flow.)
- "In the 45 years I've been installing wells only 5 or 6 times have I tapped into another well's water vein"... "You will definitely not have a problem with

adjacent wells if you're putting 74 wells on 200 acres." – Don Blackwell, Owner, Piedmont Wells (Unless Don has a sonar imaging system or superman x-ray vision, it's a little hard to see that it's the "Same Vain", this is simply an option and everyone has one.)

- Sometimes wells are 40 feet apart and they don't affect each other's performance. (Just got off the phone with Kim Warren and she confirmed that this is **non conclusive**, since no one goes back and does an updated yield or static water level test after the well is completed. Most people would never know if they were affected unless they just plain old run out of water. Having replaced countless pumps and expansion tanks, most people are clueless about how a well even works. Most of the time the pump failure is do to an expansion tank failure months and in some cases years before, causing the pump to short cycle, and the home owner never knew it there was a problem!!! Stop by a plumbing supply house in a heavy well use area and ask how many pressure switches they sell, you may be surprised, I see countless ones laying around in the pump houses, most of them are still operational. It's an attempt on the home owner to solve the problem.
- Don't forget - the majority of the water is recycled back into the ground via the septic system. A lot of people forget about that and that the water doesn't disappear and need to be replaced, but the majority of it is actually going right back into the water table. (That is not true, since a large percentage of waste water is disposed of through evaporation. Going to this method allowed the land behind me and to the east to perk and I now have neighbors I was told could not happen when I bought.

Summary of conversation with Kim Warren

- Kim permitted all of the wells at Bobcat Point subdivision in Chatham County (over 100 wells)
- She has not had any complaints from home owners nor adjacent property owners that their well has been negatively affected by the wells at Bobcat Point

I talked to Kim this morning (5-17-06), she did recall your question, but only recalls leaving you a voice mail response and never talked with you directly.

Kim is not responsible for the section of the county where the proposed subdivision is, therefore she confirmed that the geology could be different and like the example about with Apex verse North Raleigh is not a relevant comparison. She also stated that there are a number of wells in Bobcat point that are very low yield, however since there is no minimum requirement on the wells they are allowed to continue..... We also had a discussion on the term "Negatively Affected" and she agreed with my above statement that most people would not have a clue. What I do know and she agreed, is that in our area it is mainly granite which is extremely dense and water is slow to move through it to the aqua filter. During a drought is when the impact would be felt!!! In our area during these times, we see the manganese deposits appear in our toilets, which indicates and she agreed a lowered water table.....

Summary of conversation with Hal House:

- Recommended I speak with local hydro-geologist, Chad Leinbach

Summary of conversation with Patrick Bradshaw:

- Existing home owners don't have any more of a legal right to the water than new home owners
- White Mountain follows all of the zoning, density, laws, rules, and regulations of the Pittsboro Subdivision Regulations and Ordinance. This also relates to right to dig water wells and install septic systems (as long as they are approved and permitted by the Chatham County Dept of Health) on the property.

Summary of conversation with Luke Marchetti

- In agreement with comments from Bradshaw

Joe, I hope this is helpful. Feel free to contact me with any additional questions.

Thanks,

Nathan Wieler

May 15, 2006

All of White Mountains neighbors moved out here because they value peace and quiet and privacy. Subdivisions are a good idea for in town folks who want lots of neighbors. We don't, and this development proposal never took this into account. Our world here will forever be changed with the density that Nathan has planned in this project. There will be over 70 leaf blowers whining and mowers mowing, and fewer stars that can be seen because of the lights. There will be more traffic, more runoff into Robeson Creek and therefore the lake. There will be the sounds of ongoing construction to listen to rather than wildlife. These are the things not taken into account when you planned a project with this much density.

It just boils down to the fact that some of us like open spaces and lots of forests to be left. **That is why we moved out here.**

Up until this proposed project, the development has been slow and with numbers of acres per home and so the rural nature of the area has been preserved. Nathan has chosen to change that and put a large subdivision in our sweet spot. I'm hoping that the design of this development, at the very least, has planned a deep buffer of trees along Hanks Chapel.

Nathan can't expect his neighbors to not resent it if he doesn't develop this with less density and much sensitivity to the rural environment. Would that put less money

in his pockets? Absolutely but sleeping well at night and carrying the respect of your nearby community is a very valuable thing. It is something that sustains us. It's about honoring the community that you have chosen to live in.

What he plans to do may be legal, but that doesn't make it a good decision. Administrative officials may not be able to do anything to adjust this plan. But Nathan can, and I'm asking that he search his soul before deciding on this amount of density. It can still be developed, but in a way that respects others needs for a rural atmosphere. It is not too late to rethink and to create a situation that would have his neighbors truly grateful for his honor.

Cathy Holt

Good evening Commissioners:

My name is Wilbur Moore, my address is 4144 Gum Springs Church Road, Pittsboro.

I don't have any problems with the White Mountain Development which has been proposed south of Pittsboro. I believe it should be approved. I own property near that area and have lived there for over fifty years. I have seen many changes in that time including a number of new neighbors. Some of these folks have moved to our neighborhood in the last couple of years. Recently, one neighbor told me she opposed the development because they would not give her assurance that her well would not go dry. My comment to her was, "When you moved here, did I ask you to insure that my well would not go dry. Since you are opposed to other people mowing in, when a piece of property goes on the market, why don't you buy it and pay the taxes. Then I can look at it." She admitted that she had not thought of it in that way.

Chatham County finally has grown enough that we don't have to drive forty or fifty miles to go out to a good restaurant. However, we could definitely use a bigger choice of restaurants. We now have a fairly good choice of grocery stores and even a Lowes Home Improvement Center. And yes, we can drive to these stores on paved roads. Even paving our road was opposed by some because it would increase traffic. None of these conveniences would have happened until there were enough homes to provide enough customers to support them.

Constructive development is positive for Pittsboro and Chatham County. I would like Chatham County to have enough shopping centers that I would never need to shop outside the county. Just think of the tax revenue that would provide. This won't come about until we have the population to support these centers. Again I support the White Mountain Development.

Thank you for hearing my comments.

Wilbur L. Moore

PUBLIC COMMENTS:

Sam White – 45 Maverick Farm Road – indicated he has several concerns but what he wonders most is ; “What are the property rights of long term land owners”. He said he owned this land before any of the new residents who now live there and said none of them ever offered to guarantee his well when they were digging theirs.

T. C. Morphis, Attorney for the Whitted’s stated when the Planning Board considered the project, it failed to adequately consider the unique environmental and geologic qualities of the White Mountain property, as required by Subdivision Regulation Section 6.1(A).

He further stated that proper notification was not given to the adjoining property owners. He cited Section 4.6 which states notice of the meeting shall be mailed ten days prior to the date of the public hearing. The letter to property owners was dated April 25, 2006 and the meeting was on May 1, 2006.

He stated Gunter Circle far exceeds the permissible length for cul-de-sacs, as required by Subdivision Regulations Section 6.3.(a).

He stated to his knowledge, no contact has been made with the U. S. Army Corps of Engineers and no permit or letter has been issued by that agency, as required by Subdivision Regulations Section 4.4.(b)(2).

Mr. Morphis stated the density of the project is too high. More specifically, the “Adjusted Tract Acreage” was improperly calculated per the requirements of Pittsboro Zoning Ordinance Section 5.4.1, Note 14, and Subdivision Regulations Section 6.1(A).

Attorney Morphis presented the board with a handout which is recorded in the Book of Resolutions.

Cathleen Whitted – 3440 Hanks Chapel Road, 51 Beech Hill Rd. – I would like to point out how the preliminary plan of the proposed White Mountain development is out of harmony with the character of its surrounding community.

Excluding our own main property of approximately 31 acres, on which we have a home we built to be carried out of, either to an old age home or the funeral parlor, and another large tract of approximately 60 acres, there are 8 nearby tracts that contain single family houses.

The average size of each of these lots is approximately 8.9 acres. Furthermore, included in those lots, (to the North of our 31 acres) are a house which we own on 8.9 acres, and 2 tracts personally owned by Mr. Wieler of 5 and 7 acres, each containing a house, that due to covenants, can never be subdivided. In addition, less than ½ mile down Gum Springs Church Road is the Eagles’ Ridge development with an average lot size of 6.5 acres.

I would like to respond to a comment made at the meeting on May 8th regarding the fact that the property was zoned RA-2 when we purchased our land. Yes, we knew our property and the surrounding property on the west side of the road was zoned RA2 in 1992 when we purchased the land. However, that was before “lot averaging to determine yield” was created in October 1999. And with the rugged topography of our land and surrounding land, no one thought that anyone could realistically subdivide the land into lots 2 acres or less, especially after the watershed boundaries were set. A big question that has now surfaced is “why is the east side of the road zoned RA5 and the west side RA2?”

All of us moved to this beautiful area for privacy, peace and quiet, and love of the wildlife. 66 houses in Phase I and II will certainly destroy the character of this area forever. A subdivision with less density would better complement the surrounding community.

Turner Whitted – 3440 Hanks Chapel Road, 51 Beech Hill Road – Stated you have heard from Mr. T. C. Morphis that the submission of plans for White Mountain subdivision are not in compliance with the Town’s ordinances and that the plan itself does not comply with the Town’s ordinances. For instance, as he has pointed out, the calculation of allowable density for Phase I and II of the subdivision does not account for such things as areas unsuitable for building due to past dumping. We can attest to the presence of such dumping in the past. That’s just one of many flaws in the planning.

Overall, we conclude that these many deficiencies in the plan and the process of its submission constitute reversible error – grounds for rejection of this proposal in its current form by the Town Commissioners.

However, my main reason for asking to speak to the Commissioners is my concern for the damage that the high density of development will cause to my own property and to the neighboring environment, especially Roberson Creek and Jordan Lake.

The topography of this neighborhood is steep and complex. That is part of its appeal, but also the key to its unique vulnerability.

As you can see from a cursory examination of a topo map, our land would serve as a funnel for drainage from 11 lots of the proposed subdivision.

The fact that this drainage is all directed at Roberson Creek should alarm all of us, especially those who have been charged with protecting this threatened resource.

Lot elevations in this plan run as high as 440 to 450 feet MSL. As you know, the nominal level of Roberson Creek where it joins Jordan Lake is 216 feet. For the land in question, this drop of approximately 220 feet occurs over distances as short as 750 feet.

Slopes in a number of regions of the plan exceed 30%.

Larger areas of the plan (see topo map overlay) drain through narrow ravines on our land over distances of approximately ½ mile before emptying into Roberson Creek.

Aggregate slopes over than ½ mile distance are about 7% to 8%.

However, across our land the slope of these drainage paths is in the range of 14% to 16%.

In other words, it's our land that would be most severely eroded.

We have conservatively measured distances to the center of Roberson Creek at its normal level. Anyone who has driven across the creek at rainy times of the year has seen the creek spread out across the flood plain at the base of this planned development.

That means that not only are the distances shorter than we've measured, but any polluting substances which may have diffused into the flood plain are going to be swept directly into the creek.

These features are not typical of the Town's urban areas or in any of the rural areas surrounding the town.

The physical features of this neighborhood are unique and do not lend themselves to "standard" methods of study, evaluation, or approval.

The Commissioners must apply additional scrutiny under these circumstances.

We have heard assurances from the developer that sedimentation and erosion control may be added after this plan is approved.

This simply is not adequate. Nature, as we all know, has a way of outwitting manmade controls.

The only way to properly and safely develop this land for the long term is to increase the size of the lots and stay out of Nature's way.

Joe Suprick – 464 Providence Church Road – stated he has concerns about the additional traffic on Hanks Chapel/Gum Springs Road which are dangerous roads with blind spots, hills and winding curves. He feels a municipal or private septic system would be the only way to insure regulations compliance. His major concern is well water – he currently has two wells because one of them is low volume and commonly runs out of water. He stated the roadways are under the Highway Patrol and Sheriff's Department and they are rarely seen on the roads, therefore the speed limit is never enforced.

Catherine Deininger – 124 Goldberry Lane - Haw River Assembly read the following:

The Haw River Assembly would like to offer comments on the proposed White Mountain Development off of Hanks Chapel Road. We are a non-profit citizen organization dedicated to the protection of the Haw River watershed. Our membership and volunteers include many residents of the town of Pittsboro and those living in its ETJ.

My concern as always is for water quality in the Robeson Creek watershed, which will be effected by more development. At least one tributary of Robeson Creek through ephemeral streams. I and other members of the Robeson Creek Watershed Council (RCWC) met with Mr. Wieler last week to discuss the preliminary design that was created for the Town's review. We talked about ways the plan could be improved so that it would minimize the impact on water quality. In particular we talked about how this development could use design principles for low impact development (LID).

Mr. Wieler plans to work with NCSU Water Quality Group to look at ways LID design strategies can be used to reduce runoff from the White Mountain development. Up front attention to details such as incorporating open community space into the development, reducing the total length of residential streets, using vegetative open channels for stormwater, reducing street width, catching stormwater in bioretention areas along residential streets and parking areas, etc. will make a huge difference in the impact this development will have on the Robeson Creek watershed. Use of LID will also create a development that will be attractive and a joy to live in due to its attention to preserving the natural elements of the site.

As you know, the Department of Water Quality (DWQ) created a total maximum daily load (TMDL) for Total Phosphorus for Robeson Creek requiring a 71% reduction in point and non-point pollution sources. Currently, DWQ is in the final stages of creating Jordan Lake watershed nutrient strategy requirements that Pittsboro and other municipalities within the watershed will be expected to meet for both new and existing development. To meet these reductions in nutrients, I strongly suggest that the Town needs to start creating its own storm water controls for new developments. When a new development comes before you with a proposal, there should already be requirements in place that they have to meet to help reduce the over all impact that they will have on these already impaired waters. Robeson Creek and Jordan Lake.

We offer these comments in the spirit of wanting the best for Pittsboro's future. Thank you for providing this opportunity to voice our concerns.

Fran Savarin – 255 Providence Church Road - Said that she cannot make sense of why the east side of Hanks Chapel Road is zoned RA5 requiring five acre lots and the west side is zoned RA2 allowing two acre lots. She said she felt that the topography in this area demanded lower density and felt that none of the nearby residents would have any

problem with this development if the lots were in the five to ten acre size. Her question to Mr. Wieler is “why not reduce the density?” She said she was just hoping for a compromise.

Diane Brauner – 4039 Gum Springs Church Road - Indicated that her main concerns are the affects this development would have on Robeson Creek, the Haw River and Jordan Lake. This is an environmentally sensitive area and a transition zone. She is concerned that the way the plan is depicted and presented it does not clearly show the proximity to Robeson Creek. She reminded the Board that they had imposed a moratorium on subdivisions because of the problems with waste water discharge and that the primary current discharge was in the Robeson Creek. She indicated that all the stormwater flow in this area is toward Robeson Creek and referred to Ms. Deininger’s remarks about the Division of Water Quality’s Jordan Lake nutrient load study. She cited articles in the Chatham Record reporting fish kills in March caused by algae bloom.

Roger Leguillow – 149 Providence Church Road - indicated that he is concerned with runoff, water and traffic concerns just like his neighbors but he is in favor of this development because it is low density. He is in favor of the Low Impact Design strategies Mr. Wieler and his team are seeking to employ. He said he feels this is a good buffer from the next development that is going to come down the road.

Ingrid Wieler went over her prepared comments – 3246 Hanks Chapel Road:

My name is Ingrid Wieler. I am Nathan's wife and a neighbor of White Mountain. Those who know us, know that we care deeply about Pittsboro, its people, its diversity and its character. White Mt. is a project which we think reflects this commitment.

White Mt is located on Hanks Chapel Rd and borders Nathan's and my property. This is in the Town of Pittsboro jurisdiction. Both Nathan and I agree that Hanks Chapel Rd is one of the most interesting and beautiful roads in Pittsboro. It is already a "destination" and tourist attraction being home to the Carnivore Preservation Trust, Orchid Greenhouses and boat and canoe ramps.

Nathan's team has worked hard to take care that White Mountain would not detract from the rural, "vacation-like" atmosphere of this road. Nathan never considered requesting the property be rezoned to anything less than its 2 and 5 acre minimums. Besides the large average lot size, the land plan today leaves intact many trees including a buffer along Hanks Chapel and neighboring properties, as well as a green space which not only preserves the current rural beauty of the property, but which was carefully thought out to encourage a sense of community and local identity.

Of course, the White Mountain development was duly approved by the town planning board. This approval was based on extensive due diligence performed by Nathan and his team as well as compliance with applicable ordinances and regulations.

Nonetheless, I would like to recognize the concerns of the neighbors including the fear that some wells might dry up, that traffic conditions may become dangerous, that run-off may affect residents' enjoyment of their property, and, finally, that new neighbors might disturb those who had the good fortune of moving here first. These are concerns of everyone, but are purely speculative.

Although not required, Nathan and his team have listened to, considered and addressed many of these speculations in private meetings with the neighbors, in the last board of commissioners meeting and here.

I would just like to reassure these residents and the board that board approval of this project does not in any way demand or imply that property owners waive any of their rights. Should a resident of White Mountain run his leaf blower at 2 a.m. every morning or cause some other kind of disturbance, residents have available to them ways to pursue appropriate remedies. This is why we have property, trespass and nuisance laws.

Many of us neighbors have self-described large lots between 5 and 10 acres. One neighbor, with a virtual fortress of solitude of nearly 40 acres expects the land around them to serve as additional buffer by restricting the rights of neighboring property owners. This is unfair and unrealistic. Speculations about potential problems are not sufficiently backed up with evidence that should prevent other property owners from proceeding in a reasonable, diligent and lawful way to develop their property.

When we bought our properties, we knew that the residents who came before us, their lawmakers and elected officials, who had the foresight to see the possibility of development of the Town of Pittsboro, applied 2 acre minimums to the area. This 2 acre minimum took into account the environment and the fact that the area is not serviced currently by well and septic.

You should support Nathan's proposal because it will bring carefully planned development in compliance with existing laws and regulations to the Town of Pittsboro. Nathan's proposal will serve the community and the goals we all have in common. This is a great community and thank you for this forum.

Nathan Wieler – 3246 Hanks Chapel Road - went over the following comments:

THANKS. Board & Neighbors.

CREATOR AND NEIGHBOR.

SUMMARY ON WHITE MOUNTAIN

I'd like to thank the Board for your attention and for allowing me to speak about White Mountain. I'd also like to thank the neighbors for coming and for sharing your input and suggestions throughout this process.

I'm not just the creator of this project but I'm also a neighbor. Therefore, I have more than just a business interest in making sure that White Mountain is a great project and a great neighbor.

I'd like to point out four reasons that I'm excited about White Mountain.

(1) **THE PROJECT EMBRACES GOOD WELL-THOUGHT OUT DESIGN:** Like many people in this room, I'm concerned about growth in our community. As Pittsboro continues to grow, I want the growth to be attractive, diverse, and embrace good design. White Mountain is an example of smart, well thought out design, and will be an attractive addition to Hanks Chapel Road and Pittsboro. We've come up with this design as a result of many iterations and studies of the property. The plan has been developed by a group of talented and experienced professionals including landscape architects, residential architects, engineers, builders, environmental groups, soil scientists, as well as original property owners and homeowners. We've taken into account many variables - traffic, water, waste water treatment, neighbors, zoning, location, aesthetics, community design, water runoff, environmental impact, and more. We are all very proud of this design.

(2) **IT PRESERVES THE NATURAL AREA AS WELL AS ITS RURAL CHARACTER** – Like many of you, I moved to Pittsboro and Chatham County because I love the beauty of the land and the area, like the proximity of the location to other parts of the Triangle, and enjoy the people in the community. As you see in the plan we submitted, our land design preserves the rural character of the area and the natural environment through its road buffers and green space. The design maintains the integrity of the reasons I moved to this area in the first place.

(3) **OUR DESIGN CREATES A BUFFER FROM HIGHER DENSITY DEVELOPMENT THAT IS COMING OUR WAY:** Rather than wait until the property next to us was developed by someone else that would rezone it, bring infrastructure, and put a lot more density on it, I wanted to do a project that would be low density and a good neighbor. Hence White Mountain has one section where there is an average of 5.9 acres per lot and another section where there is an average of 2.35 acres per lot.

(4) **I BELIEVE WHITE MOUNTAIN WILL ATTRACT BUYERS THAT WILL MAKE A POSITIVE IMPACT ON PITTSBORO:** I am thrilled about the recent opening of the Chatham Marketplace in Pittsboro. I would like to see more new options like this in Pittsboro, more restaurants, more arts activities, and more projects that embrace great architecture & design, and create and attract diversity in the community. I

believe the existence of White Mountain and the future homeowners at White Mountain will help create more attractive options in Pittsboro that as a result will make a positive impact on our community – economically, socially, and environmentally.

I'd also like to address four concerns that I've heard from other property owners in the area.

(1) DENSITY – First, I think it is important that everyone remember that this property is located in the Town of Pittsboro Jurisdiction. The property is a 5 minute drive from downtown Pittsboro. Property in the Town of Pittsboro is going to be developed because a lot of people want to live close to town. Our proposed density of 5 acre and 2 acre lots is not high density. With other developments coming this way, I don't think it will be long until even the people that right now think our project is high density, will view White Mountain as low density.

(2) 74 WELL & SEPTIC SITES –

The wells at White Mountain are not going to cause the neighboring wells to dry up. There is no way that I can guarantee this, but after talking to a variety of professionals, it seems very unlikely that the wells at White Mountain will have a measurable impact on neighboring wells. I heard this concern for the first time three weeks ago and looked into it right away. I do not want to be the neighbor that dried up everyone's wells, including my own well. I contacted Don Blackwelder, owner of Piedmont Wells, and a well contractor for 45 years; he told me that in the thousands of wells he has dug over 45 years that only 5 or 6 times has one well negatively impacted another. He told me that in his opinion the new wells at White Mountain will not have a negative affect on neighbor wells.

I also spoke with Chad Leinbach, hydro-geologist in Chatham County who wrote a letter that I submitted at the last meeting saying that although wells in the same aquifer must affect each other in some way; it is unlikely that the impact could be measured considering the distances between well locations. He also mentioned that the majority of the water pumped out of the ground will be returned or recycled into the ground. He said the recycling of the water on each lot will insure the recharge to the aquifer is occurring in addition to the normal recharge from precipitation.

Kim Warren from the Chatham County Dept. of Health, who permitted all of the wells for Bobcat Point, said that she has not received any complaints from property owners in the Bobcat Point area that their well has been negatively affected by new wells at Bobcat Point and she has no reason to believe that their wells are being negatively affected.

Regarding septic tanks, every septic system is permitted by the Chatham County Health Dept and requires an initial area and a repair area in order to

approve the septic site for long term use. Just like everyone else, we will need to receive Dept of Health approvals before any septic permits are issued at White Mountain. We did look into a community septic system, availability of sewer, and other waste water treatment options. Our soil scientist determined that since we have good perking soil at White Mountain, individual septic sites is the best solution.

Municipal sewer and water are not available at this location. We did evaluate the economics of bringing town water to the site and found it to be more than double the cost of using individual wells.

Additionally, based on the overarching concern about Density, I believe most of the neighbors now prefer the property to be developed using well & septic systems to prevent higher density.

- (3) **WATER RUNOFF INTO CREEKS AND INTO THE LAND OF ADJACENT PROPERTY OWNERS:** We are maintaining buffers along the creeks. We are also going to provide a minimum 30' buffer along the property lines of the Brauners', Whitteds', Savarin, and Bost families. As our engineer Samir Bahho will explain, our subdivision plan does not use curb and gutter but instead uses grassy swales to control water runoff. Finally, before construction begins on the property, we will submit plans for Grading and Sediment and Erosion Control that will require approvals before construction begins. Water runoff will be controlled in a responsible manner.
- (4) **IMPACT ON THE ENVIRONMENT:** During every step of this process we've wanted to create a beautiful and functional community that is friendly to the environment. We wanted to preserve green spaces, not to disturb creeks and wetland areas, allow walking areas, preserve trees, and develop safe roadways. We've used time honored design principles like roads along ridge tops and buffers along creeks. We hired a landscape architect known for his attention to preserving the land to lead the design process. We've consulted with and will continue to consult with environmental specialists to seek their input on the project.

I would also like to mention that there are always a variety of environmental issues to consider when doing a project, and one important environmental issue that has not been raised by any of the neighbors is sprawl. Without going into a lot of detail on the various issues of sprawl, there are many environmentalists that would agree having all 5 acre lots and 40 families living on the 200 acres is not a better environmental solution than 74 families living on the same 200 acres.

On the issue of environmental impact, we believe that 74 educated and environmentally responsible people can live on 200 acres and have a positive

impact on the environment. In order to foster this type of attitude among home owners we are going to institute covenants that require a mandatory “Orientation Session” where the first set of home owners attends an educational session about living near Robeson Creek and Jordan Lake. We are working with the Haw River Assembly and NCSU Water Quality Group to implement this.

As growth of Pittsboro continues, it is important that we have good examples of communities to point to as examples for future development. I believe White Mountain can be and will be one of those examples. Thank you for your time and consideration of this project.

**By NATHAN WIELER
MAY 22, 2006**

Earl Lewellyn, Traffic Engineer – John McAdams – said he performed the Traffic Impact Analysis for this project. He said that the projected traffic volume is approximately 500 vehicles per day. He projects that this development would add 89 peak hour trips to the traffic volume. It is his judgment that the Level of Service on Hanks Chapel would remain at an A if this plan is developed. He said that in all the years he had been doing traffic studies he had never seen a project that resulted in a Level A even after build. In his experience projects this size are not normally required to do a traffic study. The analysis did result in a realignment of the primary road into the development to line up with Providence Church Road. When questioned he said he felt that the speed limit should be reduced based on a speed study by DOT.

Samir W. Bahho, PE made the following comments:

Erosion Control: The purpose of implementing Erosion and Sedimentation Control plan is to keep area under development from eroding and use best management practices to prevent erosion and sedimentation from migrating to nearby water courses and adjacent property. Best management practices function to keep sedimentation within construction area. Storm water running over denuded area shall be confined in sediment traps to separate sediment particles from running storm water before it is released outside the construction area. Water velocity will be slowed to non erosive velocity through check dams, temporary seeding and mulching. Combination of sediment traps, sediment basins, check dams and applying mulch and seed tend to confine sediment in place.

Erosion control plan is required by law for any development that disturbs one acre or more. Plan shall be prepared, reviewed by State of North Carolina Department of Environment and Natural Resources, Division of Land Quality and permitted. Division of Land Quality will monitor compliance to erosion and control plan through inspectors employed by the agency. Compliance to the plan is enforceable through warnings and hefty fines amounting to \$5,000 per day.

There is another water quality permit needed for the project and will be applied for. NPDES permit is required to cover non point discharge sources. This permit is to monitor migration of contaminants from construction sites. Per NPDES permit, owner or his representative is required to monitor the site after every rain and make sure no sediment or contaminants like oil, chemical or hazardous materials are contained within construction site. Owner or his/her representative will be required under the law to monitor and report any contaminant that escaped the site of construction. Owner shall be required to remove and mitigate any sediments or contaminants over permissible limits.

All runoff from roads under construction will be diverted to erosion control best management practices to treat sediment before water is released outside construction area.

Roads proposed for this subdivision are ribbon pavement with grassed shoulders and runoff conveying ditches. Shoulders will be stabilized with grass. Ditches are treated with combination of grass, matting or rip rap stone to control velocity of water in the ditch and prevent erosion. Grassed ditches are proven to clean water from contaminants as demonstrated through engineering experiments. Runoff will slowly run from the ditches to natural waterways. No concentrated water flow from the road will be running over ground to neighboring properties.

Sheet flow runoff generated over open and wooded areas will continue course as it is now to its natural destination. There will be minimal increase from roof of house. The increase, based on total property of 147 acres and 74 houses, is less than 3%. However, sheet flow runoff generated by house roofs will be running through naturally wooded front yards and back yards that tend to slow and absorb water in the ground and extract contaminants from it.

Wetland Issues:

There are two considerations of wetland addressed on subdivision property. The first consideration is the deduction of wetland from area calculation for density determination. This issue is addressed in a different report addressing density included in the records.

Second consideration is impact on wetland by cutting or filling. Filling in wetland area is under Army Corps Jurisdiction and regulated by permits. The Army Corps has on record several Nationwide Permit Applications to address minor impacts. Nationwide permit application applying to residential and commercial subdivisions is #39. Nationwide permit application instructions #39 characterizes impact by area. Area below 0.1 of an acre does not require a permit. Permit #39 instruction in paragraph I, page 2 states "For discharge causing the loss of 1/10 acre or less of water of the United States, the permittee must submit a report, within 30 days of completion of work, to the District Engineer that contains the following information: (1) The name, address and telephone number of the permittee; (2) location of work; (3) A description of work; (4) type and acreage of the

loss of waters of the United States; and (5) The type and acreage of any compensatory mitigation used to offset the loss of waters of the United States.

Wetland that will be impacted by construction of roads on the subdivision is approximately 300 sq. ft. Wetland area was delineated by professionals in the field of identifying and delineating jurisdictional wetland. Area of identified impact and delineated is very minimal compared to 0.10 acre (4356 sq. ft.)

In previous dealings with the Army Corps of Engineers staff in Raleigh Office they refused to look and respond to permit applications that have impact of 0.10 acre or less. In one of the subdivisions I worked on recently (specifically at preliminary review of 77 lots in Chatham County), Corps of Engineers staff responsible for reviewing permits submitted for Chatham County told me when I submitted permit application for impact less than 0.10 acres not to expect any response and that he had no time to look at such application and he would not waste time answering to impact that does not require prior approval. Chatham County Planning Department Staff and County Planning Board were very understanding of the situation in approving preliminary design of subdivision plat.

During design phase, nationwide permit application #39 shall be prepared and submitted to the Army Corps of Engineers. After completion of road construction, a report will be submitted to the Corps of Engineers containing information as outlined in the application instructions.

Patrick Bradshaw Comments:

1. Property is zoned RA 2 and RA 5. Use of the property for single-family detached homes in those districts is permitted as of right under the zoning ordinance.
2. The applicant has not requested a re-zoning and has proposed a subdivision of property entirely in keeping with the existing zoning. So the only question is whether the plat meets the requirements of the Subdivision Regulations.
3. The RA 2 and RA 5 zoning districts are the two least dense zoning districts in the Town's jurisdiction. Section 5.1 of the Zoning Ordinance describes the RA5 district as follows: "This district is defined as one to provide land primarily for very low density residential development in environmentally sensitive or transitional areas while permitting continued agricultural use. These areas are located outside the urban growth area, as designated on the Zoning Map. Public water and sewer is not expected to serve these areas in the near future. Minimum lot size is three acres; however lots created must average five acres in size." The RA 2 district is described as follows: "This district is defined as one to provide land primarily for very low density residential development in rural areas while permitting continued agricultural use. These districts are located in areas where public water and sewer service is not expected in the near future. The minimum lot size is two acres."

4. A key element in both districts is the absence of public water and sewer facilities. Surely it is not appropriate to deny subdivision based upon the absence of public utilities in zoning districts that exist because those utilities are not available. Section 7.1 of the Town's Subdivision Regulations provides that unless a subdivision lot is within a stated proximity to existing public water and sewer lines it must contain adequate space for a septic system and private water supply system to be approved by the County Health Department. This property is more than twice as far from the existing lines as the distance within which connection to the public system is required. If the Town wants to amend its Subdivision Regulations to require that all subdivision lots created in the Town's jurisdiction must be connected to public water and sewer, there is a process for amending the ordinance, and I'm sure many property owners would want to be heard on that. But it cannot be done arbitrarily in response to this subdivision application.

5. It is very likely that at some point in the future public utilities will be available in the general vicinity. At that time, there will be little or no justification for maintaining the current zoning and the pressure from landowners to increase the zoning density is likely to be substantial. Those who are interested in keeping density in the area low should welcome this project at this time. By developing these 200 acres in accordance with the current zoning, the applicant is essentially conserving this property from more dense development later.

6. The owners of this property, like the owners of nearby property, are entitled by well-settled State law to the reasonable use of the ground water under their property in connection with their use of their property, and they are entitled by State law to reasonable use of their property even though it affects run-off. At these low densities, the effect of any run-off would be minimal in any case and will be further ameliorated by required sedimentation and erosion control measures subject to approval of the Town and State regulators.

7. The Town Planning Board, finding that this application satisfied the requirements of the Regulations, recommended its approval. Two weeks ago the Town Attorney advised the Board that if the White Mountain subdivision plat satisfies the requirements of the Subdivision Regulations, the landowners and the applicant are entitled to have the plat approved. The Town Planner said that in his opinion the plat meets the requirements of the Subdivision Regulations. I concur with those conclusions and request that you approve the preliminary plat as your ordinances and applicable law require.

Jeff Vaughn, Soil Scientist – indicated that he did the analysis of soils suitability for septic systems and delineated the wetlands. No permit is required for disturbing the wetlands because careful planning resulted in less than one tenth of an acre of disturbance in the wetland. In this proposed development approximately three hundred square feet of wetlands would be disturbed. He said he spent two weeks on site taking soil samples and

assessing the suitability of the soil to support septic systems. He noted that three permits are required for a septic system:

- System design;
- Construction authorization; and
- Permit to operate

The County Environmental Health Department will be fully involved in the permitting and inspection of the systems. He noted that the purpose of the regulations is to protect the public health and preserve well quality.

Motion made by Commisisoner Brooks seconded by Commissioner Walker to go out of public hearing. Vote Aye-5 Nay-0

Motion made by Commissioner Cotten seconded by Commissioner Walker to send this to the Planning Board for further consideration and to bring it back to the Commissioners June 12, 2006 meeting for action. That property owners be notified that this is sent back to the Planning Board for discussion and that no public comment will be received at the Planning Board meeting.

Vote Aye-5 Nay-0

ALL HANDOUTS PRESENTED ARE RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 333-365

OLD BUSINESS

CONTRACTS WITH HOBBS, UPCHURCH & ASSOCIATES

Contract for administrative services – Hobbs, Upchurch & Associates.

Agreement to furnish professional engineering services/Town of Pittsboro 0.600 mgd Wastewater Treatment Plant modification – Hobbs, Upchurch & Associates.

Agreement to furnish professional engineering services/Town of Pittsboro 3M reuse force main and storage tank – Hobbs, Upchurch & Associates.

Motion made by Commissioner Brooks seconded by Commissioner Walker to approve the above three contract/agreements with Hobbs, Upchurch & Associates.

Vote Aye-4 Brooks/Bryan/Walker/Baldwin
Nay-1 Cotten

A COPY OF THE CONTRACT/AGREEMENTS WITH HOBBS, UPCHURCH AND ASSOCIATES IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 366-388

IMPROVEMENTS – COMMUNITY BUILDING

Consideration of award of roofing contract for improvements of Pittsboro Community Building.

Commissioner Brooks requested that we notify the descendents of Mr. Gregory (who deeded the building to the Town) that we are doing renovations to the building and ask if they are interested in making a contribution to the renovations.

Interim Manager Misenheimer stated the quote is for shingles instead of metal roofing. The bids came in at \$8,975 which is under the \$10,000 that was budgeted.

Commissioner Cotten asked if these were architectural grade shingles. Interim Manager Misenheimer said they were.

Interim Manager Misenheimer stated he has been in contact with 3M and they may be able to donate some shingles.

Motion made by Commissioner Brooks seconded by Commissioner Walker to approve up to \$10,000 for the community building renovations.

Vote Aye-5 Nay-0

NEW BUSINESS

Discussion of Belmeade Subdivision.

Planner Monroe stated the developers of the proposed Belmeade Subdivision have approached the town with a subdivision plan. The problem posed by this plan is that approximately 20% of the proposed development site is within the ETJ of Pittsboro, the balance is in Chatham County's jurisdiction.

There are three options available:

- The Town can review that portion which lies within its ETJ and the County can review the rest;
- The Town can cede development review to the County;
- The Town can petition the County to expand the ETJ and proceed to conduct the entire review if granted that request by County Commissioners.

The problem with the first option is that the jurisdiction line bisects twenty proposed lots and some stream buffer. There is also a floodplain depicted on the proposed plan and the town and the county have different regulations regarding development within the floodplain. Additionally, a portion of the development would be subject to Soil Erosion/Sediment Control review by the town (reviewed by our engineer and permitted

and inspected by the state), while the majority of the plan would be subject to Chatham County's review and inspection.

There is no real downside to the second option.

The only affect of the third option is that the developer would have to await initiation of the review until/if the County Commissioners approve amending the ETJ boundary.

Commissioner Cotten stated we should give it to Chatham County.

Mayor Voller stated it is in our ETJ, mostly land with road frontage.

Planner Monroe stated the Town could annex, provide water, police and trash services to the area.

Mr. Pat O'Neill stated they proposed 136 lots with homes ranging from \$400,000 to \$700,000.

They were asked their feeling about annexation.

Pat O'Neill stated this is their 8th project in the County. Annexation without sewer makes no sense. If sewer were available it would be a main consideration.

Staff reported that Chief Griffin has serious concerns about the lack of water in the area.

Motion made by Commissioner Walker seconded by Commissioner Baldwin to send to the Planning Board for recommendation.

Vote Aye-5 Nay-0

LATE CHARGE

Request for refund of late charge on water bill of Beverly Rogers for the month of April 2006.

Motion made by Commissioner Walker seconded by Commissioner Cotten to deny the request for a refund of late charge.

Vote Aye-5 Nay-0

ROBESON CREEK WATERSHED

Robeson Creek Watershed Restoration Proposal grant application to DWQ for EPA Section 319 Funding – NC Cooperative Extension, North Carolina State University (NCSU), and the Haw River Assembly (HRA).

Karen Hall stated the Town's \$50,000 in service match can be accomplished by in kind services as it was in the previous project.

Motion made by Commissioner Brooks seconded by Commissioner Walker to approve the grant application to DWQ for EPA Section 19 Funding – NC Cooperative Extension, North Carolina State University and the Haw River Assembly.

Commissioner Brooks asked Ms. Hall if the old hatchery on 64 will be tied into this project. (Including East Chatham Rescue)

Ms. Hall stated it would. Vote Aye-5 Nay-0

A COPY OF THE GRANT APPLICATION IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 389-419

PARKS AND RECREATION COMMITTEE

Recommendation by Parks and Recreation Committee to consider optioning on property adjoining Town Lake Park Property.

Interim Manager Misenheimer reported that Sarah Carr would like for the Board through the land use plan to begin protecting the areas around the lake by purchasing property.

Commissioner Cotten made by motion seconded by Commissioner Bryan to refer this matter to the Park and Recreation Committee.

Mayor Voller stated we have limited resources.
Vote Aye-5 Nay-0

CLOSED SESSION

Motion made by Commissioner Walker seconded by Commissioner Bryan to go into closed session pursuant to GS 143-318.11(a)(6) to consider qualifications of a candidate for Town Manager.

Vote Aye-5 Nay-0

APPOINTMENT OF TOWN MANAGER

Motion made by Commissioner Walker seconded by Commissioner Bryan to approve a contact with and appoint Sam Misenheimer as Town Manager at a salary of \$65,000 a year, a \$600.00 monthly car allowance and a temporary \$700.00 month housing allowance (6 months).

Vote Aye-4 Brooks/Bryan/Walker/Baldwin
Nay-1 Cotten

**A COPY OF THE CONTRACT WITH SAM MISENHEIMER IS RECORDED IN
THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 420-427**

Staff Reports

- Update of current HUA projects in Chatham County
- Summary of Town of Pittsboro water and wastewater capacities
- Zone text page number association

FYI

- CD quotes – 5/11/06
- Letter to Clinton Taylor – David Monroe
- Letter from Chatham County Arts Council
- Thank you note from family of Robert Gray

COMMISSIONER CONCERNS

None

ADJOURNMENT

Motion made by Commissioner Cotten seconded by Commissioner Bryan to adjourn.
Vote Aye-5 Nay-0

Randolph Voller, Mayor

ATTEST:

Alice F. Lloyd, CMC, Town Clerk