



## Chatham County Planning Board Agenda Notes

**Date: June 5, 2018**

**Agenda Item: VII-2 (Public Hearing) Attachment #: Previously Provided**

- Subdivision**     
  **Conditional Use Permit**     
  **Rezoning Request**  
 **Other:**

<b>Subject:</b>	Request by Peter Bellantoni, P.E. on behalf of Ideal Capital Group, LLC for subdivision <b>First Plat</b> review of <b>Bonterra Subdivision</b> , consisting of 22 lots on 31.495 acres, located off Mann’s Chapel Road, SR-1532, parcel #2532 and 2533.
<b>Action Requested:</b>	See Recommendation
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Major Subdivision First Plat Application and checklist</li> <li>2. Cover letter prepared by Peter Bellantoni, P. E., dated April 20, 2018</li> <li>3. Vicinity map</li> <li>4. Report from the Chatham County Historical Association</li> <li>5. Notification to Chatham County Schools</li> <li>6. Copy of Environmental Documentation Submittal</li> <li>7. Letter from North Carolina Department of Natural and Cultural Resources, Natural Heritage Program, dated January 19, 2018</li> <li>8. Community Meeting Report Form dated August 9, 2017</li> <li>9. Detailed Soil Scientist Report, Soils Map, and approval from Thomas Boyce, Chatham County Environmental Health, R. E. H. L., L. S. S.</li> <li>10. Road name approval from Chatham County Emergency Operations Office</li> <li>11. Riparian Buffer Report, dated October 13, 2017</li> <li>12. Corp of Engineers Jurisdictional Determination map dated 10/26/17</li> <li>13. First Plat titled ‘Bonterra Subdivision’, prepared by Pennoni Associates Inc., dated 4/20/18 (mailed previously for site visit)</li> </ol>

**Introduction & Background:**

**Zoning:** R-1  
**Water System:** Public Water  
**Sewer System:** Private on-site and off-site septic and repair areas.  
**Subject to 100 year flood:** No floodable area  
**General Information:** The subdivision process is a four (4) step process: Concept Plan, First Plat, Construction Plan, and Final Plat. The applicant has completed the community meeting and the Concept Plan review. The minimum lot size requirement for the project is 40,000 square feet of useable area. The Planning Board has two (2) meetings in which to act on the proposal.

**Discussion & Analysis:** The request is for First Plat review and recommendation of Bonterra Subdivision, consisting of 22 lots on 31.495 acres, located off Mann’s Chapel Road, S. R. 1532. A vicinity map showing the property location, attachment # 3, is included in the agenda packet. Per the Subdivision Regulations, Section 5.2C(4), a Public Hearing shall be held at the first Planning Board meeting to receive comments on the proposed subdivision. Item (b) states that following the Public Hearing, the Planning Board shall review the proposal, staff recommendation, and public comments and indicate their recommendation for approval, disapproval or approval subject to modifications. As stated above, the Planning Board has two (2) meeting to act on the proposal. The applicant has provided a cover letter, attachment # 2, with details of the project.

**Roadways:** The road is to be built as a 50 feet wide public right-of-way, with 18 feet wide travelway, and is to be a state maintained road. Per Justin Richardson, Assistant District Supervisor, Division 8-District 1, eighteen feet wide of pavement is acceptable although NCDOT prefers twenty feet wide and no right turn lane will be needed. Tom Bender, Chatham County Fire Marshall, stated he had no issues and/or concerns. A fifty foot wide right-of-way for possible future road extension is shown between Lots 12 and 13 to the adjacent property. This will be a dedication of right-of-way and the road will not be constructed by the developer of Bonterra.

**Historical:** The applicant contacted Bev Wiggins, Chatham County Historical Association. Ms. Wiggins corresponded by email and stated she wasn’t aware of any gravesites/cemeteries. Ms. Wiggins was provided photos, by the developer, of the ruins of a rock foundation and chimney. No additional historical information was received.

**Schools:** Notification of the proposed development was provided to the Chatham County School System. See attachment # 5.

**General Environmental Documentation:** The developer submitted the General Environmental Documentation and a letter, dated January 19, 2018 from North Carolina Department of Natural and Cultural Resources Natural Heritage Program to Chatham County Land & Water Resources Division for review. See attachments 6 & 7. The letter states “A query of the NCNHP database, based on the project area mapped with your

request, indicates that there are no records for rare species, important natural communities, natural areas, or conservation/managed areas with the proposed project boundary. Please note that although there may be no documentation of natural heritage elements within the project boundary, it does not imply or confirm their absence; the area may not have been surveyed. The results of this query should not be substituted for field surveys where suitable habitat exists.” Rachael Thorn, Environmental Quality Supervisor, reviewed and approved the information submitted.

**Community Meeting:** A community meeting was held on August 9, 2017 at Evergreen United Methodist Church, 11098 US Hwy 15-501N, Chapel Hill. Approximately sixteen people attended the meeting. Items/issues discussed included buffers along the creek, traffic, lighting, construction, whether the homes be on private or public water, buffers along perimeter, and what will become of the existing homes. The applicant addressed some of the concerns and explained that there will be buffers along the creek, a driveway permit must be obtained from NCDOT and that widening Mann’s Chapel wasn’t anticipated based on the traffic volume. Lighting will be along the proposed street and wouldn’t spill out to the adjoining properties. Regarding construction concerns, the applicant committed not to burn debris and anticipated construction to be an approximately two years. It was also noted that homes will be on public water. An adjacent property owner had safety concerns about an un-fenced pond and children coming onto the property; the developer cannot guarantee that someone wouldn’t cross the property line. It was also noted that the existing homes will be removed.

**Technical Review Committee:** The TRC met on May 16<sup>th</sup> to review the First Plat submittal. The applicant and developer was present. Items discussed included First Plat approval time frame, cul-de-sac radius, adequate soils, current homes on parcels, no land disturbance prior to construction plan approval, financial guarantee process, including the calculation of the stream separate from the buffer, stormwater control, abandonment of wells and/or septic for existing homes, waterlines and permits will be needed to demolish the existing homes.

**Septic:** A soils report and map, attachment #9, was submitted to Thomas Boyce, Chatham County Environmental Health, LSS, REHS, Chatham County Environmental Health, for review. Mr. Boyce stated that the report and map were adequate for a First Plat review. Lots 20-22 are proposed for septic systems south of the creek and the three systems will be bored under the stream. The developer stated that the homeowners for Lots 20-22 we will be required to enter into a contract with a certified operator and the certified operator will be required to perform a bi-annual inspections.

**Water:** County water is available and will serve the project.

**Road Name:** The road name Bonterra Way has been approved by Chatham County Emergency Operations Office as acceptable for submittal to the Board of Commissioners for approval. A mail kiosk is proposed to be located near Lot 20 in a turn out.

**Water Features:** Dan McCauley of Soil and Environmental Consultants, PA, submitted the Riparian Buffer Review Application along with a riparian buffer map, dated September 11, 2017, to Drew Blake, Chatham County Environmental Quality Inspector for review. Mr. Blake and Mr. McCauley completed an on-site riparian buffer review on October 13, 2017 to verify the consultant's findings. Mr. Blake issued a confirmation letter of his findings dated October 13, 2017.

Mr. Blake was provided a copy of the US Army Corps of Engineers Approved Jurisdictional Determination dated April 18, 2018. Section S03 through section S04, shown on the buffer map dated October 26, 2017, as an ephemeral, was upgraded to a perennial by the approved JD. Mr. Blake didn't revised his original confirmation letter because the buffer didn't exceed the perennial buffer shown on the buffer map. The October 13, 2017 letter states that there are one (1) intermittent stream, one (1) perennial stream, and one (1) wetland. Buffer authorizations and 404/401 permits will be obtained prior to Construction Plan submittal.

Mr. Blake reviewed an earlier version of the plat and stated the roadway needed to be a minimum of 50 feet from the intermittent stream. The roadway alignment was shifted 50 feet from the intermittent buffer.

The foundation and chimney ruins will not be removed and will remain in the buffer.

**Stormwater and Erosion Control:** A stormwater device is proposed and will be placed on private Lots 11 and 12. The developer is proposing to utilize the 10 Percent Rule provided in the County Stormwater Ordinance for areas that do not drain to the stormwater device. As part of the stormwater permitting process additional information will be provided to the Environmental Quality Department for the 10 Percent Option. If the criteria for the 10 Percent Rule is not met then additional stormwater devices would be required and shown as part of the Construction Plan application submittal. A stormwater Permit and an Erosion Control Permit will be obtained from Chatham County Environmental Quality prior to Construction Plan submittal. No work can commence on the property prior to obtaining Construction Plan approval.

**Site Visit:** Site visits were scheduled for May 15 and 23, 2018 for Planning Department staff and various Board members to attend. Peter Bellantoni, P.E. was present to walk the property with staff and Board members and discuss the project. Areas of the property viewed were the ephemeral, intermittent, and perennial streams, center line of the proposed road alignment, and ruins of stone foundation and chimney. Pictures of the site visit can be viewed on the Planning Department webpage at [www.chathamnc.org/planning](http://www.chathamnc.org/planning), Rezoning and Subdivision Cases, 2018.

**Plan Chatham Evaluation:**

Plan Chatham was adopted by the Board of Commissioners in November 2017 and is a comprehensive plan that provides strategic direction to address the most pressing needs in the county. This property is located in an area of the county identified as Compact Residential in the Conservation on the Future Land Use and Conservation Plan Map. The

description for Compact Residential includes development that is mix use of single family and/or multifamily units, community centers, recreational uses, amenities, churches, and schools complemented by a variety of open spaces.

Although the proposed subdivision is not a compact residential design it meets the adopted riparian buffer and stormwater control standards of the county. The developer also contacted the NC Natural Heritage Program to review their database for any rare species, important natural communities, natural areas, or conservation/managed areas within the project boundary and none were identified in their records. It should be noted that Plan Chatham is not intended to be used as a regulatory tool, but is a policy document. When reviewing subdivision applications the boards can use the plan as a tool to identify future regulatory changes.

**Recommendation:** The Planning Department recommends granting approval of the road name 'Bonterra Way' and granting approval of subdivision First Plat for **Bonterra Subdivision** with the following conditions:

1. The Final plats shall show the acreage of the stream on Lots 4, 5, 19, 20, 21, and 22 in the 'Lot Area Table'.
2. Approval of the First Plat shall be valid for a period of twelve (12) months following the date of approval by the Board of Commissioners and the Construction Plan approval shall be valid for a period of twenty-four (24) months from the date of approval by the Technical Review Committee or Board of Commissioners.