

# **Chatham County Environmental Review Board Meeting March 19, 2009**

## **Meeting Minutes**

Meeting called to order at 6:40 p.m.

ERB members present: Martha Girolami, Catherine Bollinger, Steve Wing, Tara Allden, Mike Dunn, Jim Willis, Sonny Keisler and Elaine Chiosso (Chair)

Staff present: Fred Royal, Environmental Resources Director, Wendy Paschal, Administrative Assistant, Jep Rose, County Attorney

### Approval of Meeting Minutes

Catherine Bollinger moved to approve minutes from previous meeting; seconded by Martha Girolami; vote unanimous.

### Staff Report

Fred Royal reported on the Status of the NE Big Woods Park, the Z. Smith Reynolds Grant Application for a Comprehensive Conservation Plan and the 2009-2010 BOC goals.

### Watershed Review Board

Jep Rose advised the Board regarding their Quasi-Judicial responsibilities and legal issues. Two main duties of the WRB:

- 1) To Hear and determine appeals on Fred Royal, the Watershed Administrator. Jep asked Fred if he knew what his duties were as the Watershed Administrator. Fred's duties are to issue the watershed permits before construction begins and one after construction is finished (occupancy permits). Examples of appeals heard by the WRB could be value or boundary decisions made by the Watershed Administrator. No discussion of the issue at hand is to be discussed with any of the involved parties and the Board may not instruct or discuss with the Watershed Administrator the issuance of any permits. If you are visiting the site and someone inadvertently mentions something to you about the conditions you would need to disclose to the WRB that information and let them know if you are still able to make an unbiased decision or if you need to recuse yourself from the hearing. You could stay and hear the evidence but you could not vote.
- 2) Decisions on variances, when someone is seeking relief from a provision in the ordinance. There are major and minor variances. A major variance is a complete waiver from any compliance. Major variances are decided by the state with recommendations from the WRB. But minor variances will be decided by the WRB.

Rules of Procedure for conducting meetings will need to be adopted for quorum requirements, voting requirements, conflicts of interest, etc. Anyone speaking before the WRB needs to be under oath. Steve asked if there was an appeal on decisions made by the WRB. Jep said that any appeal would go to Superior Court. Examples of appeals to Superior Court would be procedural irregularity (i.e. witnesses not under oath, wouldn't allow questions), determined that there was bias on the part of the WRB, or that you grant a variance that should have been major variance in which the WRB didn't have the authority to grant.

Subcommittee members to draft the Rules of Procedure are Tara Allden, Sonny Keisler and Fred Royal.

The generally acceptable way to swear in is by placing the hand on the Bible. Elaine would administer the oath.

WRB would want to limit the witnesses to people that have a direct link to the appeal.

Jep said to keep in mind that the information Keith sent out was Rules of Procedure of a Board of Adjustment which is different than a watershed review board. He further stated that there is no case law for a watershed review board.

If WRB hears a case and a decision is made the party cannot come back 2 months later unless substantial changes are made.

#### EA Reviews

Catherine Bollinger recommended that the ERB endorse the Camp Maranatha Environmental Assessment as written. Seconded by Steve Wing. Vote unanimous.

#### Threatened Streams Presentation

Catherine Deininger reported to the ERB on the progress of the 3 year study conducted by the Haw River Assembly and NC State on water quality/pollution sources of Pokeberry Creek and Dry Creek, both located in Chatham County. The project began in Nov. 2006 and will end Oct. 2009. The reason for the study was to see what impact/effect large developments have on the 2 creeks.

#### Climate Change

Discussed what information ERB wanted from Mr. Schlesinger during the teleconference on April 16<sup>th</sup>.

This is something that the ERB is learning about. Elaine Chiosso stated that the ERB is going to find resources and make recommendations. She passed out an article about impacts of global warming at a more regional level from the EPA. On a local level

climate change would be talking about impacts, preparedness and responsibility. The responsibility part is acknowledging that we all have a part and what can we do at the local level to reduce climate change. (i.e. Green building, the county buildings themselves being more energy efficient and the use of vehicles in the County).

Martha Girolami stated that the general public has no real consensus on the really radical things we might have to do if things go as badly as it could. Do we want to work where we can probably get more incremental change or do we want to introduce more drastic change and how the County could survive.

Sonny Keisler handed out to the board articles about climate change and stated that Martha's point on incremental change is well taken.

Tara Allden asked if the board should coordinate with Green Building Task force and that Lyle has written something about a carbon free Chatham. Elaine said that we will ask them to join us and give them some time to ask some questions.

Steve Wing commented that ultimately people are responsible for climate change or other environmental issues that we address and in the case of environmental issues its wealthy people that are the primary people responsible but it is low income people who are more susceptible to the effects. He further stated that as we talk about policies in our county we run the risk of losing a lot of the people of the county being on board unless we really have the interest of people in mind. He suggested we talk about who will be impacted and what it will mean for our children and future generations and that the human part of it be a real part of our focus. He said that ultimately if we don't focus on that we'll lose what we will need as popular support for any kinds of policies the county could implement.

Catherine Bollinger said that she agreed. She worries the average Chatham person, especially land owners, believe that it is their manifest destiny right to do whatever they want to their land because it is their land. And to try to explain to some of those guys that clear cutting their land is not just going to pay their taxes this month but it's also enormously changing the local climate, and possibly the world, is a very hard concept for them to grasp. But there are ways to reach them. As an example she said that she was lecturing to a group in Chapel Hill the other day and told them it takes 200 years for a piedmont forest to reach maturity. This statement helped the group understand that when you erase a forest it takes 200 years to get it back

Tara Allden said perhaps we could get an energy audit program started, and training local people to do those.

Updates

ERB would like to discuss with CCP how they might help the ERB gather baseline information as a springboard to watershed planning.

### Adjournment

Martha Girolami moved to adjourn the meeting at 9:00 p.m. Catherine Bollinger seconded the motion. Vote Unanimous.

Next meeting is scheduled for April 16 at 6:30 p.m. at the Dunlap Classroom