

MINUTES
ORANGE COUNTY PLANNING BOARD
FEBRUARY 5, 2014
REGULAR MEETING

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MEMBERS PRESENT: Peter Hallenbeck (Chair), Cheeks Township Representative; Lisa Stuckey, Chapel Hill Township Representative; Herman Staats, At-Large, Cedar Grove Township; Paul Guthrie, At-Large Chapel Hill Township; Buddy Hartley, Little River Township Representative; Tony Blake, Bingham Township Representative; Johnny Randall, At-Large Chapel Hill Township; Andrea Rohrbacher, At-Large Chapel Hill Township; Maxecine Mitchell, At-Large Bingham Township;

MEMBERS ABSENT: James Lea, Cedar Grove Township Representative; Vacant- Eno Township Representative; Vacant- Hillsborough Township Representative;

STAFF PRESENT: Craig Benedict, Planning Director; Michael Harvey, Current Planning Supervisor; Jennifer Leaf, Planner I; Patrick Mallett, Planner II; Michael Kelly, Planning Technician; Tina Love, Administrative Assistant II

OTHERS PRESENT: Terry Boylan, David Lazzo, Judith Timyau, David Delgado, Cole King, David & Lisa O'Hara, Charles Porter, Gary Paschall, Terry Rishar, Chris Jones, Scott & Susan Tilley, Susan Heckman

AGENDA ITEM 1: CALL TO ORDER AND ROLL CALL

Pete Hallenbeck called the meeting to order.

AGENDA ITEM 2: INFORMATIONAL ITEMS

- a) Planning Calendar for February and March
- b) Quarterly Public Hearing – 7 p.m. on Feb. 24 @ Dept. of Social Services – draft legal ad attached

Michael Harvey: There is a change in the quarterly public hearing ad. The item for the proposed solar array off Mt. Sinai Road has been removed from the quarterly public hearing scheduled for February 24, 2014 at the request of the applicant. It is scheduled for the May quarterly public hearing.

**AGENDA ITEM 3: APPROVAL OF MINUTES
JANUARY 8, 2014 ORC SUMMARY
JANUARY 8, 2014 REGULAR MEETING**

Pete Hallenbeck: I have a couple of changes, the first is on page 21, line 131 to add Planning Board so that it reads "how the Planning Board would" and the second one is on page 24, line 260, put the word "something" before "I'm seeing" and strike the word some.

MOTION by Tony Blake to approve the January 8, 2014 ORC notes with changes and Planning Board minutes. Seconded by Maxecine Mitchell.

VOTE: UNANIMOUS

55 AGENDA ITEM 4: CONSIDERATION OF ADDITIONS TO AGENDA

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57

58 AGENDA ITEM 5: PUBLIC CHARGE

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Introduction to the Public Charge

61 The Board of County Commissioners, under the authority of North Carolina General Statute,
62 appoints the Orange County Planning Board (OCPB) to uphold the written land development
63 laws of the County. The general purpose of OCPB is to guide and accomplish coordinated and
64 harmonious development. OCPB shall do so in a manner which considers the present and
65 future needs of its citizens and businesses through efficient and responsive process that
66 contributes to and promotes the health, safety, and welfare of the overall County. The OCPB
67 will make every effort to uphold a vision of responsive governance and quality public services
68 during our deliberations, decisions, and recommendations.

69
70

PUBLIC CHARGE

71 The Planning Board pledges to the citizens of Orange County its respect. The Board asks its
72 citizens to conduct themselves in a respectful, courteous manner, both with the Board and with
73 fellow citizens. At any time, should any member of the Board or any citizen fail to observe this
74 public charge, the Chair will ask the offending member to leave the meeting until that individual
75 regains personal control. Should decorum fail to be restored, the Chair will recess the meeting
76 until such time that a genuine commitment to this public charge is observed.

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79 AGENDA ITEM 6: CHAIR COMMENTS

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82 **Agenda Item 7: Major Subdivision Concept Plan** – To review and make a decision on a major subdivision
83 concept plan application (Pleasant Green Woods, Phase IV), located off Pleasant Green Rd.
84 **Presenter:** Jennifer Leaf, Planner I

85
86

Michael Harvey reviewed the major subdivision approval process and steps

87
88

Jennifer Leaf reviewed the application

89
90

Pete Hallenbeck: We will now give the members time to ask questions.

91
92

Andrea Rohrbacher: What is the intent on clearing the site and preserving the site?

93
94

Terry Boylon: The site is heavily wooded and the intent is to only clear the right of way for the proposed road. The rest would remain wooded and the individual lots would be cleared as necessary.

95
96

Michael Harvey: In our ordinance, we have tree preservation guidelines and standards that do allow clearing of lots for house sites and septic and repair fields. There are still requirements that a percentage of trees be preserved on site. There will not be mass clearing. The presence of trees on the site will also help with storm water and nutrient reduction loads.

97
98

Terry Boylon: Yes, that is the case.

99
100

101 Pete Hallenbeck: Are there covenants on the deeds on these properties that would have additional limits or
102 restrictions on the percentage of trees that will be cleared.

103
104

David Lazzo: We have not established covenants but they are very likely to be almost identical to what is in Pleasant Green Woods now. It is in our best interest as the homebuilder to preserve the trees.

105
106
107
108

109 Pete Hallenbeck: At this point, since this is the concept plan, which is reasonable. As we move forward, those
110 covenants will be available.
111
112 David Lazzo: Yes sir, I am not sure what the rules are.
113
114 Michael Harvey: The preliminary plan application will require the applicant to file a preliminary set of covenants and
115 deed restrictions for our review and comment. That is one of the conditions that this Board will be looking for.
116
117 Paul Guthrie: This storm water lot, have you envisioned what the gallon capacity will be?
118
119 David Lazzo: For fire protection? No not yet, that could be smaller or larger, it is a placeholder at this point as to
120 where a good location is for that lot.
121
122 Paul Guthrie: Water and sewer, are you thinking about individual septic fields or a series of septic field that cover
123 more than one property.
124
125 David Lazzo: At this point, we are looking at individual septic fields.
126
127 Paul Guthrie: Are you thinking of individual wells or some form of joint well production.
128
129 David Lazzo: On individual lots.
130
131 Paul Guthrie: On each lot, you will have a well and septic field?
132
133 David Lazzo: Yes.
134
135 Paul Guthrie: This is something you may want to pay attention to depending on the types of soils there are.
136
137 Pete Hallenbeck: I assumed there were preliminary perk tests done?
138
139 David Lazzo: That happens in the next stage. There are preliminary soil profiles available that lead us to make
140 assumptions about the availability of septic soils. An actual survey by the health department will be done.
141
142 Michael Harvey: This project is based on 16 lots but there may be only 15 or 14 lots if there are no soils or there
143 may an alternation of the existing layout to accommodation additional soil areas.
144
145 Paul Guthrie: Do you have any information as to what depth you have to go and what flows you can get?
146
147 David Lazzo: Not at this time.
148
149 Herman Staats: *Reviewed location.*
150
151 Johnny Randall: It looks like the forest is about 30 years old. Has any type of natural area inventory been done on
152 this site?
153
154 Michael Harvey: Preliminary assessments have not indicated any natural or heritage sites. Obviously there will be
155 a more in depth investigation.
156
157 Tony Blake: The streams empty into the Eno?
158
159 Michael Harvey: I would say yes.
160
161 Tony Blake: It appears there is source stream on one side, is that a stream?
162

163 Terry Bolan: On the east side, that is spring fed.
164
165 Tony Blake: That would probably not be the one that fed the fire pond. The proximity of the road to this lot that is
166 sort of insert, does that meet all the setbacks? So that is okay.
167
168 Pete Hallenbeck: The diameter of the cul-de-sac was 96 feet which was nice to see.
169
170 Jennifer Leaf: Actually it is not 96 feet, there was a comment by the fire marshal that he would like for it to be.
171 They have what makes it looks like a Y here. That has been acceptable with the fire marshal.
172
173 Michael Harvey: On page 40 and 41 are the emails from the fire marshal.
174
175 Jennifer Leaf: There will be further engineering done at the preliminary plan stage.
176
177 Pete Hallenbeck: We have a request from the fire marshal for 96 foot radius and a proposal there is some cutouts
178 to allow a three point turn. That sounds good.
179
180 Lisa Stuckey: What happens with these cutouts, you can't put anything on them?
181
182 Michael Harvey: It is in the right of way.
183
184 Terry Boylan: It would actually be a concrete surface.
185
186 Tony Blake: Is there any proposed square footage of the houses?
187
188 David Lazzo: The minimum in Pleasant Green Woods, Phase III was around 2,800. Everything we plan is 2,800
189 feet or larger.
190
191 Pete Hallenbeck: Another fire related comment with regard to the 20 foot stretch that comes to the pond is to
192 continue it on through. There have been problems in the past with that. The distance from Pleasant Green Road to
193 the closest a house could get is almost 200 feet.
194
195 Terry Boylan: The shaded buffer is 65 feet; it is probably 200 feet between 150 to 200.
196
197 Michael Harvey: There will be a 100 foot building set back.
198
199 Paul Guthrie: What would be the likely timeline from now until the first occupied house?
200
201 David Delgado: This whole process to get out preliminary plat approval is going to likely take until September.
202 Maybe early Spring 2015.
203
204 Pete Hallenbeck: Are there comments from the public? You can make a comment tonight and also a written
205 presentation that will go into the minutes.
206
207 Charles Porter: I am the president of the Pleasant Green Woods Homeowners Association. I want to ask about the
208 covenants and the homeowners association, are you planning on joining or not? How do you plan to work with us?
209
210 David Lazzo: There has been no plan to be part of the homeowners just yet. Our covenants will closely mirror the
211 covenants in place for Pleasant Greens Woods, Phase III. We are calling it Pleasant Green Woods, Phase IV out
212 of convenience.
213
214 Charles Porter: If you don't join the homeowners association, would you plan on doing your own homeowners
215 association?
216

217 David Lazzo: If we are not part of the existing homeowners, we would set up our own.
218
219 Susan Huffman: When you say the runoff will go into the Eno River, it has to go through the pond that is bordered
220 by Rapids Lane homes on the west side in Pleasant Green. I have heard from the homeowners in the past that
221 drainage area at the end of the pond going into the river hasn't been kept open and it backs up into their crawl
222 spaces. If you decrease impervious by having more impervious and having more runoff going into the streams
223 leading into the Eno, you have to work on keeping that channel open or it will back up.
224
225 Pete Hallenbeck: The problem is that the water way that runs and feeds that pond is not cleared enough and the
226 pond backs up.
227
228 Susan Huffman: I think it is at the end where the pond dumps into the river.
229
230 Lisa Stuckey: Whose responsibility is that?
231
232 Pete Hallenbeck: At this point, we can take that comment and have the planning department be aware and look at
233 what they can do.
234
235 David Lazzo: The ponds are designed for the flow that runs off the property to be exactly as it is today.
236
237 Terry Boylan: This is a requirement by state law.
238
239 Susan Tilley: In addition to being concerned about Paper Birch as people who live on that road, we are very
240 concerned about sight lines for people coming around that curve. Has there been any thought to changing the
241 entrance to that neighborhood onto Pleasant Green which as opposed to Paper Birch?
242
243 Pete Hallenbeck: For my edification Paper Birch is not DOT maintained? But the plan is that it will be DOT
244 maintained?
245
246 Terry Boylan: It is in the process of DOT accepting that.
247
248 Maxecine Mitchell: Is Paper Birch Road a cul-de-sac?
249
250 Terry Boylan: Yes. As far as access onto Paper Birch that is the best location site distance wise. It would not have
251 been feasible to access the neighborhood from Pleasant Green Road. We would have to cross 130 foot buffer.
252
253 Pete Hallenbeck: You already have a crossing over that stream on Paper Birch and if you come in off Paper Birch
254 you would be using that. If you went to Pleasant Green, there would be a second crossing across that waterway.
255
256 Terry Boylan: Right.
257
258 Maxecine Mitchell: Is Willett a regular size road, private road?
259
260 Michael Harvey: State maintained.
261
262 **MOTION** by Maxecine Mitchell to approve Planning Director's recommendation. Seconded by Buddy Hartley.
263 **VOTE: UNANIMOUS**
264
265 Michael Harvey: *Introduced Michael Kelly, Planning Technician and Patrick Millett, Planner II who is taking Glenn*
266 *Bowles position.*
267
268
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270

271 **AGENDA ITEM 8: COMMITTEE/ADVISORY BOARD REPORTS**

272

273 a) Board of Adjustment

274 No Meeting.

275 b) Orange Unified Transportation

276 The OUTBoard meeting will be in two weeks.

277

278

279 **AGENDA ITEM : ADJOURNMENT**

280

281 **MOTION:** made by Lisa Stuckey to adjourn. Seconded by Tony Blake.

282 **VOTE: UNANIMOUS**

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Pete Hallenbeck, Chair