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Chowan County Planning Board Minutes

May 17, 2005

7:00 p.m.

Chowan County Court House

Roll call was taken: Roger Spivey, Jim Leggett, Craig Blanchard, Fred Smith, Jack Held and Lia McDaniel were present.

Staff Present: Elizabeth Bryant, Planning Director

Chairman Roger Spivey called the meeting to order.

The Chairman asked if there were any additions or corrections from the March 15, 2005 Meeting minutes. There being none, the minutes were approved as submitted.

New Business: Review Preliminary Plat for Tyner Acres Subdivision

Chairman Spivey: "At this time we will turn the meeting over to Ms. Bryant so that she may present our guests tonight (Perquimans Land Corporation). I would also like to say welcome."

Ms. Bryant: (Ms. Bryant passed out a larger version of the plat to the Board) "The Technical Review Committee met on April 18th to discuss the potential development and all the comments were favorable. The DOT recommended that the site distance at Center Hill Rd. and Perquimans Drive be included and also at the beginning of the circular drive. Mr. Toti who is the engineer made those changes to the preliminary plat. The Chamber of Commerce director was interested in the price range of proposed houses for the development. Mr. Whitehurst and Mr. Knight may be able to speak to that in their comments. The road name was ok for addressing purposes. The Recreational Department asked about open space requirements, and I addressed those. You will see that this the first development to include the buffer strip requirement that you passed a few months ago. They will have a section of open space on Center Hill Rd. and that will suffice for their recreational space. The Water Department had no problems; the Fire Department was pleased with the layout of the road pattern for the development. I want to read you a letter that I received today from the Albemarle Regional Health Services in regards to the soil survey. This is from Ralph Hollowell, the Health Services Director. I am going to read it word for word because I did not have time to include it in your packets."

To Whom It May Concern,

A single tract of land containing approximately 50 +/- acres was examined to determine the potential of the site to host on site waste water treatment systems. The site has been investigated by Albemarle Regional Health Services and was found unsuitable for the development of on site waste water treatment systems.

This site is characteristically flat & level. This topography is typical of the Coastal Plain. The slope appears to be less than 2% throughout. Surface drainage will need to be improved by having swales excavated along each property line. Soil from swales may be used in raising elevations for business pads and septic areas to create positive drainage.

The soils information necessary to develop design criteria for any land based waste water system must address the agronomic and engineering properties of the soil material. This information is gathered by literature and by examining the soil resources onsite. In support of this evaluation, soil profiles were examined by evaluating soil materials from a hand auger and to a depth of 66 inches.

The soil profiles indicate that there is a seasonal soil wetness ranging at or near the surface. The seasonal wetness was indicated by soil color patterns prevalent in the boring. The bright iron (red) stains on the soil materials and the gray colors prevalent throughout the profile suggest the presence of seasonal saturation. This seasonal saturation is especially common during the winter months when rainfall is high and evapotranspiration is low. These conditions encourage the retention of liquid in the soil and this interferes with the potential of the soil to receive and treat wastewater. The soil material encountered presents no major limitations for soil based waste water systems.

The following was determined:

- The site consisted of sandy loam soil.
- The site should have drainage improvements installed around it in order to lower the ground water table. Monitoring wells will then be installed by the local Health Department in order to determine that the water table has been altered.
- This must be completed before ARHS will give approval for any type of onsite sewage disposal systems.
- If the drainage has been found to be altered each lot must have a minimum of 24" fill with the system installed shallow-no more than 6" of cover. Also the house pad area must have an equal depth.

Once this has been completed the sites may be classified as provisionally suitable for onsite sewage disposal systems providing the above criteria have been met.

If I can be of further technical assistance please feel free to contact me.

Sincerely,
Ralph Hollowell

Ms. Bryant: “To summarize what Mr. Hollowell said, he was saying that there are some drainage improvements and some water table monitoring wells that need to be installed before the Health Department will release approval for septic systems for each lot. Normally when this happens, you will take into consideration what the Health Department says and make any approvals or denials contingent or related to that information. Just so everybody is clear, the preliminary plat process authorizes the developer to begin making site improvements. The development does not become official until final plat stage when it is recorded in the Court House in the Register of Deeds office and approved by the County Commissioners. If you were to choose to approve the preliminary plat it would authorize these gentlemen to hire someone to make the improvements that the Health Department says are necessary for them to monitor waste water and the capability of each lot to have its own septic system. They could begin working on road improvements. It would be staffs opinion that all of that could be done with no problem and at the final plat stage you would expect a full approval from the Health Department before it would be passed. At final plat time is when you need to know whether or not each lot is suitable for a septic system. You would not want to record an individual lot, as we have seen in Cape Colony that you can not put a septic system on. Do you all have any questions of me?”

Chairman Spivey: “Let’s allow Mr. Whitehurst to present this project to us and then we will see how you plan to address this problem and let us know what is going on.”

Mr. Whitehurst: “That is the first time I have heard that letter too, I have had a conversation with Ralph as Elizabeth presented to you, this is a 23-24 lot planned subdivision here in Chowan County. I represent 1 of 6 other members of the cooperation that own the land. In designing and pursuing this subdivision, it is our intention to allow nothing but stick built homes, with a minimum of 1,800 heated square feet. That is the minimum. There will be no doublewides, or singlewides. I do not know how this Planning Board feels about modular, we would like feed back from you whether or not you would consider allowing modular. We need a preliminary plat approval, and then we will move forward with walking the site and looking at the site, grading and clearing. I think that some of our drainage problems are a result of the logging out there. Without the blessings of the Health Department, we will not have a subdivision anyhow. We need a starting point to move forward, with preliminary plat approval we can begin to move forward with water line design and plans that need to be filed with the state. Mr. Knight do you have anything to add?”

Mr. Knight: “When we bought this property, we were originally going to keep it impartial. The hurricane came along and it almost wiped us out. It took all our trees down and since that point we have trees that fell over and stump holes filled up with water. We went in and tried to salvage what we could by logging which has left ruts filled with water. We would like to get in there and start this so that we can get it drained. With all the water on the site we will have mosquito problems come this spring and summer. We don’t want to have this problem. The only way we can precede is with some guidance from you all and then get the drainage and I feel like we will not have any problems with the Health Department once we get the property drained. It has set like that for three years in the water. Another thing I would like to add, our corporation is made up of four builders and all of us build

high end homes, we are in the building business not the mobile home business. I think we will build something that will be an asset to the neighborhood and I hope we will increase the tax value of Chowan County in the process.”

Chairman Spivey: “You have to overcome the problem with this water situation. Regardless of the taxes and increasing the value of the area. That particular area there, up the road behind Craig’s house there are some trailers and water stands there during the winter. This is a big problem; Mr. Whitehurst knows that because he is in the construction business. Where is your water outlet going to be?”

Mr. Whitehurst: “Paul Toti who is our surveyor on the project and he has done some preliminary topo but has not nailed it down. He said it appeared to him that most of the water is going to be draining back towards the state ditch. Craig you live there, do you agree with that?”

Mr. Blanchard: “It pretty much drains to the north.”

Mr. Whitehurst: “Mr. Toti says that when you walk on the property you begin to see it rise from the road back. I don’t know how this Board operates Mr. Spivey, if you could put a contingency in our preliminary plat approval, if approved tonight, stating that Ralph’s letter has to be addressed and the drainage problem has been done.”

Chairman Spivey: “If any of the Board members have any questions, now is the time to do it.”

Mr. Leggett: “This is 23 lots, is all of this being developed. How many acres are there?”

Mr. Whitehurst: “50 acres. We chose this design because of the subdivision regulations here in Chowan County. We could have put 40 lots and it would have been within regulation but with the cost to develop and what we feel the lots are worth, this was the best design.”

Mr. Leggett: “It will be 20 foot road?”

Mr. Whitehurst: “That is the DOT specification.”

Mr. Leggett: “That is the pavement width of the entire road. And 50 foot of right of way?”

Mr. Whitehurst: “Yes.”

Mr. Leggett: “The one point of access is on Center Hill Road, is that correct?”

Mr. Whitehurst: “Yes.”

Mr. Leggett: “How far from the intersection does that point access?”

Mr. Whitehurst: "Did Paul address that in the Technical Review?"

Ms. Bryant: "The intersection with Sandy Ridge and Center Hill?"

Mr. Whitehurst: "There are two houses and a store."

Mr. Leggett: "Then it would be several hundred feet correct?"

Ms. Bryant: "Yes."

Mr. Blanchard: "What kind of covenants are you looking at putting on these lots? Have you all discussed that yet?"

Mr. Smith: "No, we do not have a set of covenants written at this time. When we meet one will be a main interest to you all, we have a standard no junk cars, no loud noise after 10:00 and the standard minimum square footage of the house."

Mr. Blanchard: "Elizabeth has this type of approval been done before or is this something new?"

Ms. Bryant: "Approval contingent on?"

Mr. Blanchard: "Yes."

Ms. Bryant: "I believe that you all have, since I have been here you did approve a preliminary plat for Drummonds Point, the duplexes the developer had not gotten his full Corps of Engineers approval yet. And your approval was contingent on him receiving all state and federal permits. Preliminary Plat basically authorizes the developer to make improvements so that he/she might develop the property in this manner, but if the state and federal government, for whatever reasons, in this case the Regional Environmental Health Officers, find that the property or a certain number of lots are not developable, they can revise their plans and come back to you."

Mr. Held: "Where would the majority of the water eventually go?"

Mr. Whitehurst: "We are not looking at lakes. We have to get out and find out. That is something we have to look at."

Mr. Knight: "I don't think that Ralph is addressing water drainage problems, just that the site is such with the trees down and ditches are blocked or stopped up."

Mr. Leggett: "The parks and recreation department made comments about open space requirements and recreation. Has all that been met?"

Ms. Bryant: "We changed our development codes to require the buffer strip so that we would have limited access on our roads secondary and major. We did not simultaneously

adjust our open space requirement. It is fairly low. In a development this size the entire requirement for open space is met through that buffer strip. We felt at the time that we drafted the language for the buffer strip that it was more important right now to get driveways off the major roads than to bump up our open space requirement. That is something we will address in the new zoning study.”

Mr. Leggett: “So all the driveways will be accessed through the internal circulation?”

Mr. Whitehurst: “Yes.”

Mr. Held: “Where do you anticipate getting your prospective buyers from?”

Mr. Whitehurst: “With us having four local builders in our group, and I am not sure all four will go there, I expect a lot of the marketing will be local. There may be some out of area. There will not be a mass marketing campaign.”

Ms. McDaniel: “Will the lots will be from \$35,000 to \$40,000?”

Mr. Whitehurst: “Yes they have to be.”

Mr. Blanchard: “Elizabeth, who controls it once they start deciding how to drain the property?”

Ms. Bryant: “First line of review is the Regional Health Department. Anytime you disturb more than an acre of land the Division of Water Quality has to review your drainage plans. The Soil and Water Conservation Office, they are invited to the TRC meeting. If they see any effect on agricultural property they will take notice at that point.”

Mr. Blanchard: “We also have to have a storm water permit also, lot by lot.”

Chairman Spivey: “Are there any more comments or questions?”

Mr. Leggett: “Most of the traffic empties out on onto Center Hill Rd. Is that the most obvious route to Hwy. 32?”

Mr. Whitehurst: “If they are going north they may take Sandy Ridge Rd.”

Mr. Blanchard: “Before we approve the preliminary plat. We can require all the drainage approvals, Soil and Water, could that be done before we ask for approval of preliminary plat?”

Ms. Bryant: “You can, that is an option.”

Mr. Whitehurst: “If I can comment on that Craig, that ties our hands pretty tight because, with preliminary plat approval, it ties our hands on how much money we want to spend, are your rules going to change in the next 60-90 days by the time we can get some drainage

questions asked, will there be a moratorium in Chowan County. It really puts us in a real dilemma here.”

Mr. Blanchard: “My main concern, lots 1-6 all back up to existing home sites that already have drainage problems. We get a substantial rain, their lots are flooded.”

Mr. Whitehurst: “Is it lack of maintenance from DOT? Does anyone care for this area?”

Mr. Whitehurst: “I went by there the other day and noticed that there was no ditch there in front. I assume that the ditches are in the back and I assume our work will improve their problems and in result we should improve their drainage.”

(There was discussion about the ditches in the surrounding area of the proposed subdivision)

Mr. Whitehurst: “If you want a certified water line engineer we can offer that.”

Chairman Spivey: “You have heard the letter and you have heard the discussion, the floor is open for anyone wants to make a motion that we approve this preliminary plat with all the necessary items we have discussed about the drainage and right of ways for the drainage, if you want to include a statement from an engineer about the drainage at the site.”

Mr. Blanchard: “We can approve the preliminary plat with the stipulation of all the storm water approvals, water quality, and everything is checked before it advances or once we approve the preliminary plat they can start construction?”

Ms. Bryant: “No, they can’t start construction. This is not official until it comes back for final plat. This is just a paper in a file in my office that means nothing until it is recorded at the Register of Deeds office. They can begin to work on drainage, they can work on road improvements, but if they don’t get their Division of Water Quality, Health Department permits and if they don’t meet your final approval when they apply for final plat, then it just stops.”

Mr. Held: “If we don’t pass this, they can’t go any further into what they are doing.”

Mr. Whitehurst: “We just want permission to try to resolve these problems.”

Mr. Legget: “The reason that I addressed traffic concerns is because of the location to the Elementary School there. I did not want it to cause traffic problems or interact adversely with the school traffic. But because this is not a substantially large development it should not be that bad.”

Ms. Bryant: “I would like to comment on that, we have been told by DOT that the trip generation down Sandy Ridge Rd. by the schools is not high enough to warrant a flashing light. Maybe this development would help get a flashing caution light there.”

(Mr. Blanchard, Mr. Held and Ms. McDaniel all made positive comments about the development)

(Ms. McDaniel asked about contingency procedures)

Ms. Bryant: “You can make a contingency procedure that an Engineer certify this and any drainage plan. You can request that they show a drainage plan that is signed by a certified engineer.”

Ms. McDaniel: “I think we ought to go that way.”

Ms. Bryant: “You could make that a contingency of preliminary plat approval. A contingency for them to meet the requirements of Albemarle Regional Health Services, Division of Water Quality, and then require them to submit a drainage plan to my office that is certified by an engineer.”

Mr. Blanchard: “Can Soil and Water Conservation review also?”

Mr. Blanchard: “I make a motion that we accept the preliminary plat with the contingencies, Elizabeth can you help me with this?”

Ms. Bryant: “1. Albemarle Regional Health Services approval of drainage plan and septic system/ soil survey review. 2. Soil and Water Conservation review of drainage plan. 3. Division of Water Quality approval and 4. Engineer certified drainage plan. Is that everything or did you have more to add?”

Ms. McDaniel: “I second the motion.”

Chairman Spivey: “The motion has been made to second, is there any more discussion? (There being none) All in favor? (6-0) The motion is carried.”

Mr. Whitehurst: “Thank you. The next step will be going before the Commissioners?”

Ms. Bryant: “No, I will send you a letter stating what just happened and you are authorized to begin making improvements and all the requirements must be met and then once you are at the point that the improvements are installed you will request final plat approval. Then the Commissioners will give final plat approval.”

Ms. Bryant: “Next week Thursday, the Planning Board will meet 5:30 Yeopim Ruritan Club Building, Soundside Rd., with the consultants to have an orientation meeting on the zoning study. After that at 6:30 there will be a public informational session that you are invited and encouraged to attend same building and same location. We will hold another public information meeting on June 8th at the Crossroads Fire Department in the Northern end of the County. We would appreciate you attending as many of these as you can. We are getting ready to embark on a long and extensive journey.”

There being no further business before the Board, the meeting was adjourned.