



EDENTON-CHOWAN
PLANNING AND INSPECTIONS DEPARTMENT

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Chowan County Planning Board

August 31, 2006

Chowan County Courthouse

Broad Street

7:00pm

MINUTES

Chairman Spivey called the meeting to order. He then asked for a moment of silence. Ms. Bryant then noted that Lia McDaniel, Jack Held, Roger Spivey, and Kathy Williams were present.

Chairman Spivey asked if there were any additions or corrections to the February 21, 2006, March 21, 2006, May 17, 2006, June 20, 2006 and August 15, 2006 meeting minutes. (there were none) Chairman Spivey declared the minutes approved as submitted.

Chairman Spivey noted the item on the agenda, **Review of Preliminary Plat for 224 Lot Subdivision at Drummonds Point Road.**

Ms. Bryant said on August 15, 2006, Mr. Bragg presented the preliminary plat, at that time there was some information that was submitted that the Planning Board felt they needed more time to review. She said subdivision covenants were also recommended by staff that needed to be made by the developer before the Board took any action. She said the developer is present to present the changes. Ms. Bryant then read into record a letter submitted by Peter Rascoe.

August 31, 2006

Re: Riversound Subdivision Preliminary Plat

Dear Chairman Spivey and Members of the Planning Board

My apologies for not being able to attend your meeting tonight. I have prepared this letter to memorialize my legal review of the Waterfront Group NC, LLC's request for approval of its proposed Preliminary Plat for Riversound Subdivision. Since the last meeting of the Planning board, the developer has submitted requested corrections for its proposed plat and for the proposed restrictive covenants. Based on a continuing review of all documents, it is my opinion that the developer's application meets the legal requirements of Chowan County's subdivision ordinance with regard to submission of the Preliminary Plat. I am sure County Planner Elizabeth Bryant will have further comments,

observations, and recommendations regarding her review of the submitted documents as well. If, based on your consideration of the application and based on the County's subdivision ordinance, then the developer is entitled by law to review approval of the Preliminary Plat.

If the Board does approve the developer's proposed Preliminary Plat, it is my recommendation that the approval be contingent on at least the following specific conditions:

1. As a condition of Final Plat approval, applicant/developer must have been issued all required federal, state, and other local permits and approvals required for the development as proposed.
2. As a condition of Final Plat approval, applicant/developer shall have executed and recorded the declaration of protective covenants in the same form and with the same conditions as proposed and approved by the Planning Board.
3. As a condition of Final Plat approval and as recommended by the Chowan Soil & Water Conservation District and the U.S. Natural Resources Conservation Service, applicant/developer shall have executed and recorded a conservation easement over at least those portions of the proposed subdivision which have been delineated and recognized by the U.S. Army Corps of Engineers as regulated wetlands and which are adjacent to Middleton Creek and the Yeopim River. This conservation easement shall be granted to a qualified third-party entity not controlled by the applicant/developer or by the subsequent property owners of the subdivision. At a minimum, the conservation easement shall prohibit any activity which may result in the filling of the wetlands as that term is defined by federal statutes and regulations administered by the U.S. Army Corps of Engineers.
4. The Preliminary Plat is approved on the condition that the necessary area to be used for the maintenance and operation of the subdivision's wastewater collection vacuum station (as shown on Sheet 10 of Preliminary Plat), is properly delineated with a metes and bounds legal description as a part of Section "U" of the subdivision Preliminary Plat.
5. As a condition of Final Plat approval, all components of the subdivision's potable water system, including those components connecting to the existing County owned water system, will be professionally engineered under seal and be approved by the Chowan County's engineer as sufficient and in conformance with the standards of Chowan County and the State of North Carolina.

These recommended contingencies should come as no surprise to the applicant/developer as we have discussed each with its representative and he has consented to the wording.

For your considerations, please understand that, as required by the County's ordinance, the proposed restrictive covenants do set up a legally sufficient mechanism for the levy of assessments to maintain and operate the streets, utilities, and common areas of the proposed subdivision. The Riversound Property Owners Association, Inc. will have other legal authorities as well, in including the right to maintain the appearance of privately owned lots and the right to a Control of the homeowners association shall be by the developer until such time as the developer's votes number less than a majority of all votes. The developer retains three votes every lot it continues to own as compared to one vote for each new owner. As there are 224 lots, the developer would relinquish control of the association when 169 lots of the 224 lot subdivisions are sold. The developer could voluntarily relinquish control sooner if it is so desired. However, remember that regardless of such a turnover date, all improvements as shown in the developers application will still have to be completed, or sufficiently bonded, before Final Plat approval.

Again, my apologies for not be able to attend you meeting tonight. I am available tomorrow morning if any follow-up inquiries are necessary.

Sincerely,

Peter Rascoe

County Attorney

Ms Bryant then introduced Mr. Larry Bragg and his engineer Keith, from Shield Engineering. She said that all requested changes from the previous meeting are included in the packet. She said all contingencies and requirements of the Chowan County Subdivision regulations have been addressed and met through the development plan.

Mr. Bragg said he appreciated the Board holding a special meeting to review the changes. He said the comments submitted by Mr. Rascoe are exactly what they have discussed and he stated he was in agreement with all stipulations. He said he has nothing further to add, he said there have been no other changes than those requested by the Planning Board and staff.

Chairman Spivey asked if the Board had any questions.

Mr. Smith asked for clarification on utility location, proximity to the lots and system technology.

Mr. Bragg addressed and the engineer, Keith addressed the location questions. He said Tract U (Utility) is a utility area.

Keith said Phase II has not been planned because they are waiting on the exact location and dimension of the ponds based on the permit.

Mr. Smith asked if the sewage treatment is brand new and if there is any like this in the area.

Mr. Bragg said it is state of the art technology, he said that there is several in use all over the country.

Ms. Bryant said that Sandy Point has proposed very similar technology.

Ms. Williams asked what will happen in the event of system failure and stated her concern about overflow of the ponds.

Keith said the system will require maintenance and a licensed operator is required by the state. He said the operator may go for an hour or two but as the development builds out there may be a need for a full time operator or a couple of operators. He said with regards to overflow, the ponds are not inflow. He said there will be no surface water flow. He said the capacity of the ponds is designed for a 100 year storm.

Mr. Bragg further discussed the use of the treatment ponds. He said the state wants him to build recreational areas around the ponds. He said the state wants walking trails around the ponds. He said the State does not require fencing just signage around the ponds.

Mr. Smith asked about treatment of solids.

Keith said the solids are taken out at the treatment plant. He said very few solids will get to the vacuum system.

Mr. Held asked about fee for tapping into the sewer.

Mr. Bragg said that has not been decided, but he feels that there will be some fee. He said the operation will be given to a qualified utility.

Ms. Bryant reminded the Board that the homeowners must hook onto the sewer system no individual septic systems are allowed.

Mr. Bragg said no individual wells are allowed.

Mr. Held asked when the roads and infrastructure will be installed.

Mr. Bragg said as soon as possible, especially the roads, he said he is contracting through Barnhill Construction.

Mr. Held asked about locations of other subdivisions that the developer has done.

Mr. Bragg noted the pictures on the website, TN, GA, Fl and the mountains of NC. He said the mountain development in Ashe County along New River called "River Song", "Cannaway", "Hartwood Forrest" in Caldwell County the closest town is in Lenior, NC. Mr. Bragg said he is excited about River Sound.

Ms. McDaniel said she was concerned about the wetlands, but feels the developers have addressed those questions.

Ms. Williams asked about the gates being open during the day for mail carriers and UPS. She said she noted no storage tanks for fuel on the lots. She asked if someone chooses to use gas for heating, will they be allowed to have a tank.

Mr. Bragg said yes they are allowed to have an LP tank or gas packs. He said the gates are shut all day but the set carrier for the route will have a code to access the gate. He said there is also a construction entrance.

Ms. McDaniel asked if rescue will have a code for the gates.

Mr. Bragg said yes but sirens may also activate the gates.

Ms. Williams clarified that the utility road will be gravel but will be maintained.

Mr. Bragg said yes.

Ms. McDaniel asked if the homeowner fees will be high.

Mr. Bragg said the developers expect the development to remain nice.

Chairman Spivey asked for any further questions (being none) he asked for a motion on the application.

Mr. Smith moved that the Planning Board recommend approval of the Preliminary Plat with the five suggested conditions from staff.

Mr. Held seconded the motion.

The motion carried unanimously (5-0).

Ms. Bryant reminded the Board that the next meeting of the Planning Board will be for a recommendation on the Chowan County Zoning and a possible application from a cell tower company.

There being no further business the meeting was adjourned.