

Meeting Date/Time: January 26, 2016; 6:00 pm

Members present: Julie McClintock; Sally Hoyt; Stefan Klakovich; Steve Bevington; Michele Drostin; Tom Grizzle; Phil Post; Jean Yarnell; Ed Harrison (Council liaison)

Members absent: Carson Stuart

Staff: Chris Roberts; Chris Jensen; Matt Sullivan; Barry McLamb; Judy Johnson; Sue Burke

Guests: Alena Callimanis; Martha Mersereau

Agenda Item	Discussion points	Motions/Votes	Action
Meeting called to order	Ms. McClintock called the meeting to order.	N/A	Meeting began at 6:03 pm in Meeting Room B at the Town Library. A quorum was present.
Introductions	Ms. McClintock welcomed guests to the meeting and asked everyone to introduce themselves.	N/A	N/A
Announcements	Ms. McClintock noted that this is Michele Drostin's last meeting as Ms. Drostin is moving to Maryland.	N/A	N/A
Agenda Review	Ms. McClintock suggested that the Merin Rd. SUP application discussion and the Eno-Haw Regional Hazard Mitigation Plan move to #1 and #2 on the agenda.	N/A	N/A
Approval of Meeting Notes from December 8, 2015	None	A motion to approve the December 8, 2015 meeting notes was made by Mr. Post and seconded by Mr. Grizzle. It passed unanimously.	N/A
Petitions	Ms. McClintock noted that Ms. Mersereau and Ms. Callimanis were at the meeting to present their concerns about the proposed Merin Rd. SUP project and suggested that they be heard during that discussion.	N/A	N/A
BOARD BUSINESS			
Merin Rd. Special Use Permit (SUP)	Mr. Harrison stated that this SUP application is before the Town Council. Mr. Harrison is disclosing his attendance at tonight's meeting and is an interested party to the Board's discussion. The Merin Rd. SUP application was on the Town Council's agenda at the January 20, 2016 meeting as a public hearing. At that meeting, the Town Council requested that the Stormwater Advisory Board provide feedback on three issues – steep slopes; stormwater management; and erosion control.		

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<p>Merin Rd. Special Use Permit (SUP) (cont.)</p>	<p>Planning staff provided an overview of the project. The site is located on the north side of Homestead Rd. at Seawell School Rd., west of Merin Rd. The Burch Kove development is across Homestead Rd.</p> <p>The site is approximately 27 acres. 61-62 single family homes and 9-10 townhomes (affordable housing component) are proposed. The developer has requested a modification to the steep slope requirements.</p> <p>The steep slopes requirements limit the amount of disturbance to no more than 25% of those areas with slopes greater than 25%. There is approximately 7,000 sq. ft. of steep slopes onsite; the developer is proposing to disturb approximately 5,000 sq. ft. (or 71%). Staff showed a PDF of the plan sheet depicting the steep slopes. The steep slopes are scattered around the site.</p> <p>A Board member asked whether the Town Council could require retaining walls. Staff distributed a copy of an email sent to the Town Council from the Town Manager, dated January 20, 2016, responding to questions about the project from Council members. One of the questions concerned steep slopes. The Manager's response observed that Town staff has noted the steep slopes and the developer's proposal to construct 3:1 slopes around the stormwater management structures, perimeter, and buffers; and has indicated to the developer that if 3:1 slopes cannot be achieved at the Final Plan permitting stage then retaining walls will need to be constructed.</p> <p>A Board member noted that the grading plan did not match the site plan and the grading plan did not appear to include any grading on the individual lots. Planning staff responded that the plans were revised after the access to/from Merin Rd. was eliminated. Stormwater staff noted that detailed grading plans were not usually provided at the SUP application stage but were required at the Final Plan submittal. The Board member stated that without looking at the most recent plan set, it is very difficult for the Board to provide comments on the project.</p> <p>A Board member asked how much impervious area was proposed for the site. Planning staff responded that it was less than 40%.</p>	<p>Steep Slopes</p> <p><i>The Board has concerns about the steep slopes and the variance to the steep slopes requirements but cannot make a recommendation about the variance until a proper grading plan, including the lot grading, has been provided.</i></p> <p>Motion made by Mr. Post; Ms. Yarnell seconded the motion. It passed unanimously.</p> <hr/> <p>Stormwater Management [This recommendation refers to the last sentence in Stipulation 35 on page 246 of Agenda #2 on the Council's January 20, 2016 agenda]</p> <p><i>The Board recommends that the last sentence in Stipulation 35 be deleted.</i></p> <p>Motion made by Mr. Bevington; Mr. Klakovich seconded the motion. It passed unanimously.</p> <hr/>	

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<p>Merin Rd. Special Use Permit (SUP) (cont.)</p>	<p>Planning staff stated that there are no internal setbacks with an SUP application vs. a major subdivision application.</p> <p>Ms. Alena Callimanis is an 18-year resident of the area and presently lives in Camden Place, which is downstream of Burch Kove and the proposed development. Ms. Callimanis showed pictures of flooding and siltation that have occurred along a stream that goes to Bolin Creek during the Burch Kove construction. Ms. Callimanis was also concerned about the siting of the westernmost stormwater management pond. It is adjacent to the Glenbrooke stormwater pond and she is concerned about the impacts to the lower pond and stream if the upper pond failed.</p> <p>Ms. Mersereau also lives in Camden Place and has observed flooding and sediment during heavy rains, especially since the start of the Burch Kove construction. Ms. Mersereau has contacted Steve Kaltenbach, Orange County Erosion and Sediment Control, and Town staff after observing sediment in the stream. Both agencies have responded to her calls and Mr. Kaltenbach has required the contractor to take remedial action after inspections of the construction site.</p> <p>Ms. Mersereau also asked about the erosion control bond – who controls the bond and what would trigger the use of the bond?</p> <p>A Board member asked staff which stormwater requirements this project would have to meet. Stormwater staff responded that the requirements in Section 5.4 of the Land Use Management Ordinance (LUMO) were applicable and include water quality, rate control (post-development peak rates cannot exceed pre-development peak rates) for the 1-yr., 2-yr., and 25-yr. design storms; and volume control for the 2-yr. design storm. Recent guidance from the NC Division of Energy, Mineral and Land Resources advises that, as a result of S.L. 2015-246, Sections 2(a) and 2(b), local governments cannot implement the Jordan Lake stormwater requirements. Those local governments responsible for implementing MS-4 NPDES permits (which includes the Town of Chapel Hill) are still responsible for post-construction stormwater management requirements, which Section 5.4 of the LUMO addresses.</p>	<p>Erosion and Sediment Control</p> <p><i>The Board recommends that the developer provide a phased grading plan to limit the amount of denuded area consistent with the three subbasins on the plan.</i></p> <p>Motion made by Mr. Klakovich; Mr. Post seconded the motion. It passed unanimously.</p> <p><i>The Board recommends that the erosion and sediment control basins be designed for the 25-year, 24-hour storm.</i></p> <p>Motion made by Ms. Yarnell; Mr. Grizzle seconded the motion. It passed unanimously.</p>	

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Merin Rd. Special Use Permit (SUP) (cont.)	<p>A Board member asked why the last sentence in Stipulation 35, Page 246, of the Council agenda item was included – <i>“If the stormwater regulations change as a result of legislation approved by the General Assembly, the applicant shall conform to the applicable regulations.”</i></p> <p>Planning staff responded that the sentence was added at the request of the developer. Stormwater staff referred to the state guidance just mentioned concerning local governments with MS-4 NPDES permits and post-construction stormwater requirements. Stormwater staff asked to respond to the question about erosion control bonds. The purpose of the bond is to be able to stabilize the site in the event that a fiscally responsible party no longer exists (i.e., the developer folds). The bond is not used for offsite remediation. Staff also noted that the erosion and sediment control measures are designed for a specific rain event – the 10-yr., 24-hr. storm. The recent rain events have been characterized by heavy rains occurring over a short period of time.</p> <p>The Board concluded its discussion and made a series of recommendations.</p>		
Eno-Haw Regional Hazard Mitigation Plan	<p>Matt Sullivan, the Interim Fire Chief, provided updates on three items.</p> <ul style="list-style-type: none"> • Introduced the Town’s Emergency Management Coordinator, Barry McLamb. Chief McLamb is the Town’s point person for natural disasters. • 12/23/15 and 12/30/15 flood responses – Staff distributed a summary of the two December flooding events. The 12/23 event caused some isolated flooding along the Bolin and Morgan Creek corridors. The 12/30 event caused a flash flooding warning to be issued by the National Weather Service. The Camelot Village and Brookwood Condominiums experienced flooding and the Fire Department conducted voluntary evacuations. Chief McLamb will be setting up a meeting with tenants and owners to discuss flooding issues and solutions. 	N/A	N/A

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Eno-Haw Regional Hazard Mitigation Plan (cont.)	<ul style="list-style-type: none"> The Town's Hazard Mitigation Plan expires in June 2016. The NC Division of Emergency Management made resources available to assist local governments. A consultant worked with staffs from Orange County, Durham County, and Alamance County to develop a regional hazard mitigation plan. The plan identifies specific mitigation activities for each local government. The plan is scheduled for the February 8, 2016 Town Council meeting. Two new mitigation activities have been identified for Chapel Hill – install back-up systems for critical Town infrastructure, and install quick connect hook-ups to power traffic signals. <p>A Board member asked if the University participated in the plan. Chief Sullivan responded that UNC did not participate initially but are now.</p>		
Workshop Summary and Key Points - Tools of Watershed Management	Ms. Drostin provided a brief overview of the NC Watershed Stewardship Network that sponsored the "Tools of Watershed Management Workshop" held in December. The Network is a collaborative effort of watershed agencies throughout the state. The first workshop was held at the Botanical Gardens; three additional workshops are being scheduled.	N/A	N/A
ADJOURNMENT	N/A	A motion to adjourn was made by Mr. Klakovich and seconded by Ms. Drostin. It passed unanimously.	Meeting adjourned at 7:56 pm.