

**Camden County Planning Board
Minutes**

September 16, 2015, 7:00pm

Historic Courtroom

Camden County Courthouse Complex

Members Present:	Absent:
Chairman Rodney Needham	
Vice Chairman Calvin Leary	
Fletcher Harris	
Ray Albertson	
Patricia Delano	
Michael Etheridge	
Rick McCall	

Call to Order & Welcome

Chairman Rodney Needham called to order the September 16, 2015 meeting at 7:00 PM.

Others Present at Meeting

STAFF PRESENT

Name:	Title:
Dan Porter	Director of Planning
Dave Parks	Zoning/Flood Administrator
Amy Barnett	Planning Board Clerk
John Morrison	County Attorney

OTHERS PRESENT

Name/ Residence:	Residence	Title:	Purpose / Representing:	Meeting Section:
Keith Knowell	Swamp Rd, Hertford NC	Applicant	Green Meadows Major Subdivision	New Business Item #1
Hollis Ellis	Office Sq Ln, Virginia Beach, VA	Agent for Applicant	Green Meadows Major Subdivision	New Business Item #1
Gary Grahn	Pudding Ridge Rd	Adjacent Property Owner	Oppose Green Meadows	New Business Item #1
Greg Stuart	Pudding Ridge Rd	Adjacent Property Owner	Oppose Green Meadows	New Business Item #1
Donna Stuart	Pudding Ridge Rd	Adjacent Property Owner	Oppose Green Meadows	New Business Item #1
Jack Ward	Taylor Leigh Dr	Adjacent Property Owner	Oppose Green Meadows	New Business Item #1
Jessica Tillman	Pudding Ridge Rd	Adjacent Property Owner	Oppose Green Meadows	New Business Item #1
Christy Hall	Pudding Ridge Rd	Adjacent Property Owner	Oppose Green Meadows	New Business Item #1
Faye Jensen	Taylor Leigh Dr	Adjacent Property Owner	Oppose Green Meadows	New Business Item #1
Warren Riggs	Pond Rd	Adjacent Property Owner	Oppose Green Meadows	New Business Item #1
E.B. Jones	Bunker Hill Road	Adjacent Property Owner	Oppose Green Meadows	New Business Item #1
Bruce Hall	Pudding Ridge Road	Adjacent Property Owner	Oppose Green Meadows	New Business Item #1

Consideration of Agenda

Chairman Rodney Needham called for consideration of the agenda.

Motion to approve the agenda as presented made by: Michael Etheridge.

Motion Seconded by: Vice Chairman Calvin Leary.

The motion was approved with Chairman Rodney Needham, Vice Chairman Calvin Leary, Members Fletcher Harris, Ray Albertson, Patricia Delano, Michael Etheridge, and Rick McCall voting aye, none voting no, none absent, and none not voting.

Consideration of Minutes: August 19, 2015

Chairman Rodney Needham called for consideration of the minutes from the August 19, 2015 meeting.

Motion to approve the minutes as written made by: Fletcher Harris.

Motion Seconded by: Ray Albertson.

The motion was approved with Chairman Rodney Needham, Vice Chairman Calvin Leary, Members Fletcher Harris, Ray Albertson, Patricia Delano, Michael Etheridge, and Rick McCall voting aye, none voting no, none absent, and none not voting.

Comments from the Public (topics not on the agenda)

None.

Old Business

None.

New Business

Item #1

Preliminary Plat Green Meadows Major Subdivision

Dan Porter gave a brief introduction for this item, and then introduced County Attorney John Morrison, who gave a brief presentation on the legalities involved with this item:

- The current issue before the Planning Board was heard at the last meeting, and is being reheard at this meeting.
- Prior to last meeting, notice was not fully sent out to adjacent property owners
- Some adjacent property owners were not afforded the opportunity to make their views known
- The Board, as an Advisory Board, went forward with hearing the Preliminary Plat of Green Meadows Major Subdivision anyway, which as an advisory board they are allowed to do.
- County Attorney feels that the issue with regard to notices not being fully sent out was a defect that needed to be corrected, for 2 reasons:
 - Notices were not sent out in a timely manner, which denied the right of adjacent property owners to have their views heard
 - Benefit for developer, when this goes before the Board of Commissioners
 - Question of "Has the applicant met all the requirements of the Unified Development Ordinance": if the applicant failed to notify all adjacent property owners as required, then the application would be incomplete and the answer to the question would be "no". As a result of that, the Board of Commissioners would be required to deny the permit.

- Stated for the benefit of those present:
 - Planning Board is an Advisory Body.
 - Only renders a recommendation to the Board of Commissioners
 - Board of Commissioners has no obligation to accept the Planning Board's recommendation
 - Very often, the BOC does accept the recommendations of the Planning Board as they specialize in land use issues
 - Planning Board's recommendation is not binding upon the Board of Commissioners
- Because this item has been previously heard, there is a question of fairness regarding the opinions that have been expressed by the Board.
 - Law is very clear
 - There is no conflict of interest because of previously having heard this issue
 - Since there were defects pertaining to the previous hearing of this issue, the issue is being re-heard De Novo.
 - De Novo is a legal term, latin, meaning to begin again, anew, start over
 - In this case, it is without giving deference to any information previously presented or heard on the matter.
 - Direction to the Board: Members of the Planning Board will make a decision based solely on the information presented at this meeting, and without any regard what so ever to what previously transpired.
 - Board members may recuse themselves if they feel that they have a conflict of interest. Conflict of interest would include things such as:
 - Being an adjacent property owner
 - Holding any financial interest in the property being considered
 - Have an unwavering opinion of the issue under consideration
 - If any Board member wishes to be recused, they can not simply recuse themselves, there must be a motion and a majority vote to recuse them.
 - Explained the difference between recusal and abstention:
 - Under the laws of the State of North Carolina, abstention is the same as a yes vote
 - Recusal is where you are taken out of the pool of voting membership, such that, for example, instead of there being 7 voting members, there are only 6.

At this time, County Attorney John Morrison asked the Planning Board Members if any of them felt they had a conflict of interest due to a biased and unwavering opinion of the matter under consideration. Hearing no answer from any members of the Board, he stated that the Board can assume there is no bias and continue with the meeting.

At this time, Dave Parks read through the Staff Report (included herein below) and described the item:

STAFF REPORT

**UDO 2013-08-04
Special Use Permit – Preliminary Plat
Green Meadows**

PROJECT INFORMATION

File Reference: UDO 2013-08-04
Project Name; Green Meadows
PIN: 01-7999-03-34-7305
Applicant: Green Meadows, LLC
Keith Nowell
Address: 987 Swamp Road
Hertford, NC 27944
Phone:
Email:

Agent for Applicant: CAE Inc., Hollis D. Ellis
Address: 321 Office Square Lane
Suite 101 A
Virginia Beach, VA 23462
Phone: (252) 562-0430
Email:

Current Owner of Record: Keith Nowell

Meeting Dates: TRC – June 4, 2014

Planning Board

Board of Commissioners

Application Received: 5/2/2014
By: David Parks, Permit Officer

Application Fee paid: \$1,800 Check #14920

Completeness of Application: Application is generally complete

Documents received upon filing of application or otherwise included:

- A.** Applicant acting as agent letter
- B.** 10 copies Preliminary Plat Green Meadows Major Subdivision – 9 lots
- C.** 1 copy of Construction Plans for Green Meadows Major Subdivision
- D.** DENR Erosion and Sedimentation Control Plan No. CAMDE-2009-007
- E.** DENR Stormwater Permit NO SW7131108
- F.** ARHS Perc tests on lots 1-9

PROJECT LOCATION:

Street Address: Adjacent to 137 Pudding Ridge Road

Location Description: South Mills Township

REQUEST:

Preliminary Plat approval Green Meadows Major Residential Subdivision – 9 lots

SITE DATA:

Lot size: Approximately 11 acres.
Flood Zone: X/AE
Zoning District(s): Basic Residential (R3-1)
Existing Land Uses: Vacant Land

Adjacent Zoning & Uses:

	North	South	East	West
Zoning	Basic Residential (R3-2)	Basic Residential (R3-2)	Basic Residential (R3-2)	Basic Residential (R3-2)
Use & size	House – 4 Acres	House – 4.3 acres	Farm land 45 acres House – 1.5 acres;	McPherson Estates 21 - .9 acres lots

Proposed Use(s): Single Family Dwellings

Description of property:

Property is located off Pudding Ridge Road in South Mills Township. Developer received an administrative approval for a 4 lot minor subdivision on lots that abut Pudding Ridge Road. Current zoning at the time required two acre lots. Remaining land (11 acres) was approved for rezoning to one acre lots on March 18, 2013.

ENVIRONMENTAL ASSESSMENT

Streams, Creeks, Major Ditches:

There is a lead ditch to the north of the property that drains to the north of McPherson Estates and on out to Joyce Creek.

Distance & description of nearest outfall:

Nearest outfall is Joyce Creek approximately 4,000 feet away

Soils:

Predominant: Tomotley (ToA) Severe: wetness, percs slowly

Other: Perquimans (PeA) Severe wetness; percs slowly

INFRASTRUCTURE

Water: South Mills Water – will require watermain extension approval by DENR

Sewer: Septic tank – perc tests attached

Traffic: Minimal increase of traffic flow on Pudding Ridge Road

Technical Review Staff at Preliminary Plat

Approve	Approve With Comments	Dis-Approve	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	(a) South Mills Water District
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	(b) Albemarle Regional Health Department (attached)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	(c) South Mills Fire Department
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	(d) Sheriff's Office (approved)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	(e) South Mills Post Office (See attached)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	(f) Camden Soil & Water Technician (See attached)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	(g) Central Communications (911) (attached)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	(h) Superintendent of Camden County Schools (See attached)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	(i) Transportation Director of Camden County Schools (See attached)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	(j) NCDOT
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	(k) Albemarle EMC
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	(l) Century Link – Info only.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	(m) Pasquotank EMS – No response

- **Streets:**

A. Are all streets designed to be place under State system? Yes

B. Proposed street name? Atkinson Court

C. Are any street names already being used elsewhere in the County? No.

- **Open Space:**

A. Is open space proposed? Yes. $11 \times .05 = .55$ acres required. Proposed +/-

B. Recreational Land: N/A

C. Will property owner restrictive covenants be needed? Yes.

- **Utilities:**

A. Does the application include a letter or certificate from the District Health Department regarding septic tanks? Yes.

B. Does the applicant propose the use of public sewage systems? No. Septic

C. Does the applicant propose the use of public water systems? Yes, with South Mills Water Association.

D. Distance from existing public water supply system: Adjacent to property.

E. Is the area within a five-year proposal for the provision of public sewage? No.

- **Landscaping:**

A. Is any buffer required? No.

B. Will trees be required along dedicated streets UDO Article 151.156? Yes.

- **Findings Regarding Additional Requirements:**
 - A. Endangering the public health and safety:** The application doesn't appear to endanger the public health and safety.
 - B. Injure the value of adjoining or abutting property:** The application does not appear to injure the value of adjoining or abutting property.
 - C. Harmony with the area in which it is located:** Proposed use is in Harmony with the area that it is located as there are Single Family Dwellings adjacent to the property.
 - D. Conformity with the Plans:**
 - 1. Comprehensive Plan**
 - Future Land Use Maps has land identified as Rural Residential with densities up to 1 dwelling unit per acre.
 - 2. Land Use Plan:**
 - Property located outside Core Village of South Mills.
 - Policy 9 states the county supports greater residential densities in areas that are accessible to water and/or sewer services. Water lines exist adjacent to property.
 - 3. Thoroughfare Plan:** Access is off Pudding Ridge Road
 - 4. Other plans officially adopted by the Board of Commissioners:**
 - E. Will not exceed the county's ability to provide public facilities:**
 - 1. Schools:** Development will create approximately 4 students (.44 X 9 lots). High School over capacity: **2014/2015 capacity: 570 Enrollment: 628**
 - 2. Fire and Rescue:** No response.
 - 3. Law Enforcement:** Approved by Sherriff's Office.

STAFF COMMENTARY/RECOMMENDATIONS:

Staff recommends approval of the Special Use Permit for Preliminary Plat Green Meadows Major Subdivision with the following conditions and modifications:

1. The applicant must strictly abide by all requirements of the Unified Development Ordinance of Camden County, North Carolina, and must also strictly comply with all other local, state, and federal ordinances, laws, rules and regulations as one or more ordinances, laws, rules and regulations may apply to this development.
2. The applicant shall complete the development strictly in accordance with the approved Preliminary Plat and specifications submitted to the Planning Office of Camden County, North Carolina, and contained in the file titled (UDO 2013-08-04).
3. Prior to any land disturbing activity, developer shall provide approved waterline extension letter from NCDENR Public Water Supply Section.
4. All lots shall be crowned to where the dwelling is located to an elevation at or above the 100 year flood. Those elevations shall be indicated on each lot on the final plat for each phase. No building permit shall be issued until such elevations are verified by a Surveyor or Engineer licensed to do business in North Carolina.
5. Landscaping in accordance with Article 151.156 shall be planted prior to submission of final plat for that phase.

6. Developer and or Home Owners Association shall provide Camden County certification by a licensed North Carolina Engineer of compliance with approved Drainage Plan for Green Meadows every five years starting from recording of Final Plat in the Camden County Registry of Deeds.
 7. Per Camden County Schools a School Bus Stop shelter required. Minimum specifications are listed in Camden County's Unified Development Ordinance Article 151.232(M).
 8. Per South Mills Post office/Area Post Master Community Mail Boxes shall be installed with Master Keys going to Post Office. HOA shall distribute keys to home owners.
 9. Home Owners Restrictive Covenants shall include the following information:
 - (a) All requirements (to include Maintenance and allowable built upon area) listed under NCDENR Stormwater Permit No. SW7131108.
 - (b) Maintenance requirements of the outfall ditch located on the most northern property line behind lots 1-4.
 - (c) The re-certification to the County of the approved drainage plan every five years.
 - (d) Property owners shall be responsible for the maintenance/upkeep of the School Bus Shelter and Community Mail Boxes.
 10. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this approval in its entirety shall be void and have no effect.
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Dave Parks described this item:

- Keith Knowell, of Green Meadows LLC, has applied for a Special Use Permit Preliminary Plat for Green Meadows Major Subdivision, total of 9 lots, located along Pudding Ridge Road in South Mills Township
- History of the property
 - Property was originally 18-19 acres
 - Zoning at the time was R3-2, minimum of 2 acres per lot for subdivision
 - A minor subdivision for 4 lots was done as there was some interest in the property, at the front of the property abutting Pudding Ridge Road
 - Went through the minor subdivision process
 - Administrative approval
 - Required a drainage plan, which was completed
 - After the minor subdivision was completed, Mr. Knowell applied for a rezoning for the back 9 lots of the property, to go from R3-2 to R3-1, one acre minimum lot size
 - Rezoning application went through about a year and a half ago, and was approved by both Planning Board and Board of Commissioners
 - After Rezoning, applicant applied for Sketch Plan Approval for the back 9 lots
 - Was also approved by Planning Board and Board of Commissioners
 - Next step in the process is the more technical version which requires a special use permit and is why we are here tonight.
- Showed the property on the map on the large screens for those present to see
- Property is 11 acres
- Current Zoning is R3-1, one acre minimum lot size

- Adjacent land uses are residential, woodland, and farm/agricultural
- Proposed use is for single family dwellings (SFD)
- Streams, Creeks, and Major Ditches
 - Lead ditch to the north of the property that drains to the north of McPherson Estates and then on out to Joyce Creek
 - Nearest outfall is Joyce Creek, which is approximately 4000 feet away
- Soils on the property are Tomotley (ToA) and Perquimans (PeA)
 - Soils impact the type of septic systems that can be placed, based on perc tests
- Comprehensive Plan and Future Land Use Map designate the area as Rural Residential 1 acre lots
- CAMA Land Use Plan has it designated as low density residential up to 1 acre lots as well
- Water will be supplied by South Mills Water Association
- Sewer Systems will be Septic Tanks
 - Perc tests have been completed on all 9 lots and results are included in the Board's information packets
- Traffic Impact: Minimal traffic increase along Pudding Ridge Road
- Technical Review Committee
 - South Mills Water - Approved contingent on applicant replacing water line from Bunker Hill Road up to subdivision with a 6" water line.
 - Albemarle Regional Health Department - Approved, Perc Tests completed
 - South Mills Fire Department - no feedback at preliminary stage, however they did approve the sketch plan stage
 - Sheriff's Office - Approved
 - South Mills Post Office - Approved with condition of community mailboxes
 - Camden Soil and Water Technician - Approved
 - Central Communications (911) - Approved
 - Superintendent of Camden County Schools - Approved with condition of Sheltered Bus Stop
 - NCDOT - Approved, roads to be built to NCDOT standards
 - Roads will be private roads until such time as houses are built and developer petitions NCDOT for roads to be accepted by the state
 - Albemarle EMC (electric company) - Approved
 - Century Link (information only) - Approved
 - Pasquotank EMS - Approved
- All streets are designed to be placed under the state system, and the street name will be Atkinson Court
- Open space is proposed
 - .55 acres approximately
 - Location of sedimentation pond
 - Location of bus shelter/bus stop
 - Location of community mail boxes
- Recreational land is not required for a development this small

- Restrictive covenants will be needed. Will be submitted (if approved) at final plat, and they will be reviewed by attorney to make sure all is in compliance.
 - Homeowners will be responsible for the bus stop and all the open space maintenance.
- Letter from Health Department regarding septic tanks is included in application
- Will be on septic tank systems, and South Mills Water
- Water supply is adjacent to property, there is a 4" water line running along Pudding Ridge Road, developer will be increasing size of water line to 6".
- Landscape plan will be required at final plat, no buffer is required as adjacent uses are wooded areas and residential
- Findings regarding additional requirements:
 - Does not appear to endanger public health or safety
 - Does not appear to injure value of adjoining or abutting property as there is similar housing adjacent to the proposed subdivision
 - Proposed use is in harmony with the area that it is located as there are single family dwellings adjacent to the property
 - Conforms with Comprehensive Plan and Future Land Use Maps, which call for rural residential with densities up to 1 dwelling unit per acre
 - Conforms with Land Use Plan
 - Property is located outside core village of South Mills
 - Policy 9 states the county supports greater residential densities in areas that are accessible to water and/or sewer services. Water lines exist adjacent to property.
 - Will not exceed county's ability to provide public facilities
 - Schools
 - Development will produce approximately 4 students (.44 x 9 lots)
 - Several years ago, the county hired Tischler and Associates to come up with a formula to estimate the number of students generated per household, .44 students per household is what they came up with
 - High School is currently over capacity with an enrollment of 628, capacity is 570 based on last year's figures
 - Fire and Rescue
 - No response, however did approve at sketch plan
 - Law Enforcement
 - Approved
 - Based on these conditions, the developer has met the requirements of the Unified Development Ordinance
 - Staff is recommending approval of the Special Use Permit for Preliminary Plat Green Meadows Major Subdivision with the conditions and modifications as listed in the staff report.
 - Development requires a drainage plan, Mr. Hollis Ellis (engineer) has submitted the plan in accordance with §151.400
 - Drainage plan has been reviewed by the county's third party engineer Greg Johnson to ensure it meets all the requirements of the ordinance

At this time, Dave Parks opened the floor for board comments/questions.

Michael Etheridge questioned the legality of the minutes of the preceding meeting, being that the same issue is being reheard that was heard and recorded in the minutes of August 19, 2015.

County Attorney John Morrison responded to this saying that the minutes from the last meeting are fine and are a record of what occurred at that meeting, and that the minutes of this meeting will reflect that the issue is being re-heard due to the circumstances regarding proper notice.

Rick McCall asked if the children residing in the 4 houses in front of the development will be required to utilize the bus stop that will be located within the development or will busses continue to pick those children up at their doors. Dave Parks responded saying that would be up to the school system.

At this time, Dave Parks asked if there were any further questions or comments from the Board, hearing none, he opened the floor for public comment.

Public Comments, Special Use Permit Preliminary Plat Green Meadows Major Subdivision:

Gary Grahn, Adjacent Property Owner, Pudding Ridge Road

- Read excerpts from an article on Nuisance Flooding from NOAA
 - <http://bigstory.ap.org/article/c41eb3c119f4417b88157483594a5723/more-coastal-nuisance-flooding-forecast-coming-months>
 - Copy of said article is maintained in Planning Board Clerk's office
- Retention pond mentioned by Mr. Parks does not show on the sketch, it shows an open area
- Erosion and sedimentation plans, and grading and drainage plans have not been presented to anyone for public view, but are available at the Planning Department and are dated June 2013 with the last revision occurring about 2014, and here we are talking about it now
- What consideration is being given to the known (or unknown) water table depth? And the 2 foot separation requirement from the retention pond bottom to the water table elevation?
- What effect is the flood zone on the northwest corner of lot 4 have on the ponds location? It shows on the sediment plan, but not anyplace else. A good portion of lot 4 is in the flood zone.
- What offset from the property line should be in place for the ponds placement?
- Are there 30 foot maintenance easements for the ditches, swales, and the pond? Doesn't show anywhere on the charts seen so far.
- What is the offset requirement from the retention pond or the flood zone on lot 4 for their septic system?
- Is there sufficient septic repair area on lot 4 considering the flood zone?

- Is there a retaining dam or emergency spillway for the pond?
- What safety or access provisions will be put in place for the pond?
- What is considered an acceptable discharge into a known flood zone, McPherson Estates, considering the pond capacity and outflow rate and taking into consideration the tributary area feeding existing improved ditch on the northern boundary?

Greg Stuart, Adjacent Property Owner, Pudding Ridge Road

- Lives across street from the front 4 lots which are in front of the development
- Was against it when it was just the first 4 lots
- Is also against the 9 lot development
- Against it because of drainage issues
- Pre-construction, property was attractive, now its not so pretty
- Yards were done poorly
 - Developer built, then didn't improve yards very well... threw out some grass seed when properties were sold, which was washed away by rain not long after, yards still don't have much in the way of nice grass
- Law supports either way
- Asking board to deny the permit

Donna Stuart, Adjacent Property Owner, Pudding Ridge Road

- Spoke about history of area as characterized as an area that frequently floods
- Major storm events exacerbate the flooding, specifically tropical storms and hurricanes
 - Such events have caused people she knows to be put out of their homes for extended periods of time due to flooding
- Has paddled a conoe down Bunker Hill Road after one such storm
- Has seen National Guard evacuating residents from McPherson Estates after flood event because there was no way to drive a car due to the amount of flooding
- Concerned about more than just houses
- Ditches in the area have in recent times had more water in them than she's ever seen since 1991 when she moved into her house on Pudding Ridge Road
- Has serious concerns about the number of homes planned and the impact that it will have on the surrounding neighborhood
- Asked board to deny permit

Jack Ward, Adjacent Property Owner, Taylor Leigh Drive

- Concerned about flooding
- Rain events in the last 6 weeks flooded his garage and he pumped 100+ gallons of water out of his garage
- Nuisance flooding since he bought his home in January of 2013 has continued to increase, putting his yard frequently under water
- Outflow of flood waters has not increased
- Serious issues with drainage ditches
- 7-10 days of standing water after major storm events
- Concerned about number of houses being planned
 - Will increase amount of impervious surfaces adding to flood potential
- Terminology on Stormwater Drainage Plan is that developer will make every reasonable effort...
 - Opinion is that is not good enough.
 - Feels that if a drainage plan is going to be required it should require that the drainage be planned to go all the way out to Joyce Creek bar none.
- Recent rain events have seen ditches full and no where for the water to go
- Definition of reasonable effort may differ between what Developer thinks is reasonable and what residents think is reasonable
- Wants language of drainage plan to reflect that the plan is completely executed and not just a reasonable effort.
- Wants ditches to be dug, cut, and drain all the way to Joyce Creek so that the water can drain away from the residential areas affected

Jessica Tillman, Adjacent Property Owner, Pudding Ridge Road

- Current home on Pudding Ridge Road is her first home
- Commented on landscaping, there are no trees yet in their yard as were promised when home was built
- Standing water every time it rains
- When drainage ditches were dug at back of the 4 lots at the front of the development, a large pile of dirt was left by the contractor and the homeowners were left to take care of it
 - Asked developer about pile of dirt, developer said it was county code to leave it there; asked the realtor about it and they said it was for landscaping. It has nothing to do with landscaping, feel that they were just lazy and not want to move it themselves
 - All but lot 4, owners have gotten equipment and have evened out the pile of dirt
- Grass seed that developer put in place, washed away with first rain
 - Owners are continually putting grass seed down in an effort to improve the landscaping, and yards are just now beginning to improve after 3 years of continuous work by the owners

- Schools - Student Generation Rate
 - Total of 9 children reside in the 4 houses that are in front of the proposed development
 - By the rate used by the county, 4 x .44 does not make sense when there are already 9 children there, and now the developer wants to put 9 more houses in place. There will be more than 9 x .44 children since there are already a real total of 9 children in the houses at the front of the development.
- 6 weeks ago, storm events saw the area under 18 inches of flood water
 - Ditches were full
 - What is going to happen when the retention pond fills up and floods over?
- Safety issues regarding retention pond
 - Will there be fencing around the pond? It only takes 2 inches of water for a child to drown, will there be protective baracades to keep children from playing in or around the pond?

Christy Hall, Adjacent Property Owner, Pudding Ridge Road

- Opposed to the development for many reasons
- Name of road is misspelled on plat... it is Pudding Ridge Road not Puddin Ridge Road. There is a 'g' on the end that is left off on the plat.
- Water lines are on the plat as 4" not 6" as has been discussed in the meeting thus far. Needs to be 6" to support the fire hydrants.
- Open Space
 - Read through §151.195
 - (A) All major residential subdivisions shall provide open space in accordance with the provisions of this section unless otherwise provided.
 - (1) Every major residential subdivision, except common open space subdivisions, consisting exclusively of lots that are intended for single-family use shall be developed so that at least 5% of the total area of the development remains permanently as open space.
 - Open Space is defined as: An area that:
 - (a) Is not encumbered with any structure unless the structure is for recreational purposes available and accessible to all residents of the subdivision or general public, including indoor tennis courts, swimming pool and other facilities;
 - (b) Is not contained within a street right-of-way or otherwise devoted to use as a roadway, parking area not associated with the use of open space or above ground waste disposal facilities;
 - (c) Is legally and practicably accessible to the residents of the development out of which the open space is taken;

- (d) Is not encumbered by underground septic lines, any part of a sewage disposal system or any above ground or below ground structure;
 - (e) May include farmland and tree farms;
 - (f) Is capable of being used and enjoyed for passive recreation, such as walking, jogging or being improved for more active recreational use;
 - (g) Does not include any CAMA wetlands; and
 - (h) Includes any part of any man-made or natural lakes or ponds provided they are completely surrounded by the development and under the ownership of the developer or homeowner's Association.
- Read through §151.196, Recreational Improvements To Open Space.
 - A portion of the required open space for residential subdivisions shall be improved for recreational use (such as ball fields, children's playground, swimming pools, tennis courts, and the like)
- Green Meadows Subdivision is 10.75 acres
 - Doing the math it comes to about .54 acres of required open space, the application actually says .55 acres
 - Must be designed as PROPER open space
 - There is no open space provided on the preliminary plat that supports the aforementioned ordinance
 - The .27 acres in the back corner that is listed as "open space for HOA" is actually an area set aside for "stormwater basin"
 - Comes from the erosion and sedimentation control plan and drainage report dated 10-10-2014 and 11-17-2014 respectively
 - The development in no way meets the open space requirement set forth in the ordinance
 - It is not at least 5% of the total area of the development
 - It is not for recreational purposes of the community
 - It is not practically accessible for the residents of the community
 - It is not capable of being used and enjoyed for passive recreation such as walking, jogging, or being improved for more active recreational use
 - It is not completely surrounded by the development, as Mr. Grahns property is on one side, and Mr. Riggs property is on another side of the proposed open space area
 - Therefore this area does not adhere to the open space ordinance set forth by the Camden County Code of Ordinances

- Bus Stop and Community Mailbox areas are not accessible for use as passive recreational areas and so do not qualify to be considered as open spaces
 - The Plan does not have .55 acres of open space
 - According to the staff commentary in the application "The applicant must strictly comply with all requirements of the Unified Development Ordinance of Camden County North Carolina".
 - The Open Space Ordinance has not been abided by in the preliminary plan, therefore respectfully request that the Planning Board not recommend this Special Use Permit Preliminary Plat for approval or respectfully request that they recommend denial.
- Read §151.232(M)
 - (M) *Bus stops.*
 - (3) A note shall be placed on the preliminary and final plat stating that the homeowner's association shall be responsible for the maintenance of the bus stops.
- Read excerpt from §151.233
 - Required Major Subdivision Submission Documents and Information:
 - Preliminary Plat must show the following information
 - Drainage calculations in order to comply with State Stormwater Regulations
 - Ownership of adjoining property
 - Development Information (excerpt from)
 - Location, width, and purpose of any proposed natural buffers
 - Pedestrian, bicycle, jogging trails, etc
 - Location of community water or community sewage disposal system
 - Location of ANY proposed ponds, or Stormwater Drainage Features, and the actual location and area
- According to staff commentary, the applicant shall complete the development strictly in accordance with the approved preliminary plan
- The following required information is not on the plan:
 - Ownership of adjoining property
 - 137 Pudding Ridge Road is listed on the plan as belonging to Quality Homes of Currituck, not to Christy and Bruce Hall
 - HOA responsibility for Bus Stop maintenance is not listed on the plan
 - Drainage calculations are not listed on the plan
 - Stormwater basin / retention pond is not listed on the plan, but is proposed

- If the applicant is held to develop the property according to the current version of the preliminary plan, the applicant would not be responsible for providing a stormwater basin as it is not a part of the preliminary plat as currently set forth
- Therefore respectfully request that the Planning Board not recommend this Special Use Permit for approval or respectfully request that they recommend denial.
- In the September 18, 2013 Camden County Planning Board meeting, Sketch Plan application for approval for this development the Planning Department Staff stated "with regards to drainage considerations, staff is asking that the 4 lots at the front of the property [along Pudding Ridge Road] which have already been sold be considered in the drainage plan for the project."
- The Planning Board stated in their decision "If approved, include the 4 lots in front of lots 5-9 when designing the drainage plan for the subdivision."
- According to the drainage report, for the proposed development, prepared by CAE Inc. and signed by Hollis Ellis, Agent for applicant, dated November 17, 2014, "This design prevents the need for modifying ditches on the existing lots including the outfall ditch. None of the existing ditches on the existing lots will have to be made any deeper or wider"
- Although Planning Department staff and the Planning Board stated that the front 4 lots must be taken into consideration for the drainage in the area, the aforementioned report does not take them into consideration for overall drainage in the area.
- Would like to know what the calculations were that concluded that the ditches did not need to be deeper or wider.
- All 4 of the front 4 lots have significant drainage issues which are a direct result of the drainage plans not being implemented properly
 - No swales or drainage ditches now, nor have there ever been any between the properties that drain even the smallest of rain water
 - Swales are virtually non-existent, creating flooding on all of the properties, and more specifically Ms. Hall's lot, of 137 Pudding Ridge Road
- Concerned that any drainage plan will not be implemented properly by the developer as the drainage plan for the front 4 lots was not properly implemented
- Showed the Board a photo of what was supposed to be a ditch between her property and her neighbor's property, no ditch was present
- Showed a photo depicting the level of flooding due to recent storm event. Water was so deep, concerned for safety of persons and pets.
- Given that the drainage report states that no modification of existing ditches is needed, concern is that no consideration will be given to the front 4 lots when planning the drainage for the area.
- No one has contacted Ms. Hall for input on swales or ditches for future drainage plans

- If the development is approved, Ms. Hall gives her permission and request that the swales and ditches on her property at minimum be made to the original drainage plan specifications as set forth when the development was proposed
- With regards to the 'Findings regarding additional requirements' section of the application:
 - Endangering the public health and safety:
 - Traffic will be doubled in the area by adding 9 more houses
 - Front lots house a total of 9 children who play outside, more traffic increases the danger to the existing children
 - There are no sidewalks, there are people who walk and ride bicycles along the road daily, more traffic means more danger to them also.
 - Injuring the value of adjoining or abutting property:
 - If this is approved, Ms. Hall believes it will injure the value of her property due to having road ways on 3 sides of her property
 - Harmony with the area in which it is located:
 - If approved, it will double the population in the area
 - More noise
 - More traffic
 - Less tranquil, Less Solice, Less peace and quiet.
 - Will not exceed the county's ability to provide public facilities:
 - Disagree with the county's student generation rate of .44 students per household, which is about 4 students
 - Feels it is more likely to be 20 students in reality
- Request that the Camden County Planning Board recommend denial of this Special Use Permit

Faye Jensen, Adjacent Property Owner, Taylor Leigh Drive, McPherson Estates

- Shares concerns
- Has had flooding in her yard ever since she moved in many years ago
- Septic system has to be pumped out every 6 months due to complications arising from flooding issues
- Has had to have additional lines added to septic system because of system's inability to process the amount of flood water over top of the septic drain field
- Has had nothing but problems with drainage
- Concerned that developers will do the minimum needed and then move on leaving home owners to deal with the on going problems
- Asks that the county make sure that the developer does what is right should this be approved.
- Asks that the Board not approve it

Warren Riggs, Adjacent Property Owner, Pond Road

- Has experience in development, having developed McPherson Estates back in the 1980's
- Most of the problem is the culvert that goes underneath Bunker Hill Road
- Culvert needs to be all the way to Joyce Creek
- Currently floods across the road
- Asked the NCDOT to dig out the culvert all the way to Joyce Creek on 2 separate occasions
- NCDOT Engineers said there was rock in the culvert under Bunker Hill Road which is why it backs up
- Dug a ditch along the line, but it still doesn't drain
- Feels that until the culvert is dug out all the way to Joyce Creek, there should not be any development
- Is concerned about the way that stormwater is supposed to drain according to the plans

At this time, Chairman Rodney Needham asked if there was any further public comment.

Dan Porter, Planning Director, asked Mr. Hollis Ellis to address some of the comments that have been about stormwater drainage.

Mr. Hollis Ellis, CAE Inc., Office Square Lane, Virginia Beach, VA, Engineer and Agent for the Applicant:

- Stormwater Management Plan was prepared in accordance to the Camden County and NC DENR regulations
- The outfall along the northern ditch goes through the swamp and then back beyond the McPherson Estates property, turns and goes out through the swamp, and then to Joyce Creek
- As Mr. Riggs mentioned, there is a problem at Bunker Hill, where the water can not flow beyond Bunker Hill, which is really what is causing all of the flooding problems
- At one time, there may have been a proposal to have the Corps of Engineers do some work on the Joyce Creek watershed, not sure where that proposal stands at present

Dan Porter commented on the Joyce Creek Corps of Engineers information that Mr. Ellis alluded to:

- Joyce Creek is maintained by the Joyce Creek Watershed Advisory Committee
- The committee is responsible for Joyce Creek and 2 of the other major tributaries that run into Joyce Creek.
- This is not one of those tributaries. This is simply a ditch that goes under Bunker Hill Road
- If the culvert is stopped up, we can get NCDOT to look into clearing out that culvert

- From the Joyce Creek side of Bunker Hill there appears to be a channel through the swamp where the culvert empties into, and there's an outfall that there is a bridge over for maintenance purposes of Joyce Creek
- The outfall that is planned runs North along the subject property, back along the back side of McPherson Estates, from that point the ditch takes a 90 degrees turn then runs to Bunker Hill

Mr. Hollis Ellis confirmed that what Mr. Porter stated was correct and added that the stormwater will spread out into the swamp and through the channel and will make its way out to Joyce Creek.

Mr. Porter asked Mr. Ellis to address the requirements that had to be met with regard to the stormwater modeling and how much area had to be taken into consideration.

Mr. Ellis provided the following information:

- The front 4 lots were taken into account into the calculations
- Since the lots were off-site, did not have permission to enter those lots to do any work (measurements, etc), it would have been trespassing
- When the stormwater plan was prepared, what was there existing was taken into account
- All improvements would be done down stream from that point on the subject property within the stormwater pond itself, when the water leaves the pond and flows down to Joyce Creek through and across Bunker Hill Road
- All requirements per the UDO are being met with regard to stormwater management

Vice Chairman Calvin Leary asked Mr. Porter whose responsibility is it to maintain the Bunker Hill Road culvert. Mr. Porter responded saying it was NCDOT's responsibility. Mr. Porter added that he's spoken with several people in an effort to have the culvert looked at and ultimately cleared. Mr. Ellis stated that he had reached out to NCDOT a few years ago to attempt to get the maintenance accomplished.

Mr. Porter added the following:

- There is a considerable amount of vegetation in the outfall ditch along the north end and around the property lines behind McPherson Estates
- Would like to require that the developer take all reasonable efforts to clean out that ditch and maintain it as part of the conditions of the Special Use Permit, however the State of NC does not give the County the authority to *require* this. The County can only *ask* that the developer make every reasonable effort.
- The county will do everything possible to get NCDOT to clear out the culvert.
- Also looking at the other side of Bunker Hill, at the impact of the channel and how to clear it out

- Probably is best that once the culvert is cleared out, that stormwater pool in the swamp before it goes out to Joyce Creek, rather than try to channelize it which would put it into Joyce Creek faster which would allow Joyce Creek to back up faster
- It's better if the water is allowed to spread out before going into the creek
- It was (and still is) a requirement of the stormwater plan for this development that they lood at the front 4 lots and determine the amount of stormwater runoff and rate of flow coming off of those front 4 lots.
- At the time the front 4 lots (a minor subdivision) were developed, a stormwater plan was also required for them. It was produced, submitted, stamped and sealed by the engineer for the developer, who said that it met the standards which were required.
 - The Planning Department staff are not authorized to have that reviewed by the County's engineer to see whether or not the engineer's calculations were accurate.
- With a major subdivision such as this, the developer is required to establish an escrow account with the County, and then the County pays a 3rd party stormwater engineer to review the stormwater plan to ensure that all requirements are being met and that all calculations are accurate
- The stormwater plan for this development has gone through 7 reviews, the current version is the 7th version
- One of the initial plans submitted did include doing work on the front 4 lots, however unless easements or letters of permission could be obtained from the homeowners there would be an issue regarding trespassing and it was taken out.
- After many revisions, the County's Stormwater Engineer did approve the plan
- The area does flood
- Runnoff rate (cubic feet of water running per second) of the water generated from the development and taking into consideration the existing and additional water running into the outfall ditch from an area beyond the development can not be any greater post development than it is pre development for a 10 year storm
- 10 year storm is about 5-6 inches of rain in a given time period
- State's requirement is that the pre and post rate be for a 1 year storm (which is about 1-1/2 inches), the County's requirements are for a 10 year storm
- County also requires calculations pertaining to the 100 year flood plain such that lots are crowned to a height that takes houses outside of the 100 year flood plain
- Developer was required to lood at 70 acres

Mr. Ellis commented about the 70 acres

- It is farmland on the north side along Pudding Ridge Road to within the curve that curves to the east about half way up and then to the farm field to the back and then back to the south.

Mr. Ellis added the following:

- Regarding every reasonable effort to obtain easements off-site for the purpose of obtaining permission to maintain stormwater drainage features: Keith Knowles (owner of the property) sent certified letters to several adjacent property owners, and received no responses.

Vice Chairman Calvin Leary asked Mr. Ellis to address the issues regarding open space.

Mr. Ellis provided the following:

- Stormwater pond is actually a *Dry Pond* as opposed to a wet pond
- No need for a fence with a dry pond

Rick McCall asked Mr. Ellis how long it takes for the water in a dry pond to dissipate.

Mr. Ellis replied that it depends on the type of storm, and it can take anywhere from 24-48 hours for the water to dissipate. Mr. Ellis added that with a wet pond, the water is there all the time and is usually at a depth of 10-15 feet deep. Dry ponds are more of a temporary pond, they are there when it rains but then drains away after the storm event.

Vice Chairman Calvin Leary reiterated that his question was about open space.

Mr. Ellis responded saying that the dry pond is labeled as open space because it is at most 2-3 feet deep during a storm event then after the water drains, it dries. It is an area with a gentle slope, and will require mowing of the grass.

Michael Etheridge asked Mr. Porter if a dry pond meets the county ordinances regarding open space.

Mr. Porter responded with the following:

- Wet ponds do not meet the requirements for open space
- Will have to check the ordinances to be able to cite the specific ordinance to answer this question, can not answer at this time
- Mail boxes and the school bus shelter are not in the right of way, they are located in common space, so meets requirements
- Recreational improvements are not required for a development of this size
- At the time of review, the dry pond, mail box area, and school bus shelter were considered open space

Dave Parks added that recreational improvements are only required on major subdivisions of 30 lots or more.

At this time, Chairman Rodney Needham asked if there were any further comments.

Mr. Warren Riggs, adjacent property owner, Taylor Leigh Drive, stepped back to the podium with further comments.

- The ditches on his property drains all of the water from the area
- Asked that the stormwater plan be sufficient so as to drain any water resulting from the development away from his property so that his property does not flood as a result of the development

Ray Albertson asked Mr. Riggs if he would allow the developer to come on his property for the purposes of maintenance of the ditches, should the development's Special Use Permit be approved.

Mr. Riggs expressed an unwillingness to allow anyone else to maintain the outfall ditch which is on his property. He stated that the State of NC wanted to maintain it at one time, but his concern with that was that once they (the State) take over the maintenance, they would control whose water is drained through that ditch.

Ray Albertson asked if Mr. Riggs would be willing to allow a 3rd party other than the State to perform maintenance.

Mr. Riggs continued to express unwillingness, and asked how the pond was supposed to drain, and was concerned about the water coming across his property on its way to the Joyce Creek watershed.

Mr. Ellis explained that there is a channel that runs along the north side of the subject property then ties into the ditch that runs into Mr. Riggs ditch and along the back side of McPherson Estates.

Mr. Riggs added that he owns 42 acres behind McPherson Estates, and this is where water flows across on it's way to Bunker Hill and on out to Joyce Creek.

Ray Albertson asked Mr. Riggs if it would help if his ditch was dug out. Mr. Riggs said no. Mr. Riggs stated that the only thing that would help would be to have the culvert under Bunker Hill cleaned out so that it drains properly. He added that the ditch on his property does not drain all the way to Bunker Hill, the ditch stops at his neighbor's property line. Water in the ditch eventually flows onto and across his property. Mr. Riggs added that if the proposed development causes McPherson Estates to flood in any way, he is totally against it.

At this time, Chairman Rodney Needham again asked if there were any further comments.

Ms. Christy Hall, adjacent property owner, Pudding Ridge Road, came back to the podium and made the following comments:

- Reiterated comments already made
- Requirements state that there has to be .55 acres of open space
 - Ms. Hall's math comes up with .54
- Retention pond in back corner is only .27 acres
 - According to the definitions, this does not meet the definition of open space
- If the bus stop shelter is included, still does not make up the .55 acres required
- Open space area is required to be "not encumbered with any structure, unless the structure is for recreational purposes"
 - Bus stop is not recreational purpose
 - Community mail box is not recreational purpose
- Definition of open space also states that it is "not contained within a street right of way or otherwise devoted to use as roadway, parking lot, etc."
- Regarding location of dry pond:
 - "Is legally and practically accessible to the residents of the development "
 - Stated that it is not accessible to all lots
 - "Is capable of being used and enjoyed for passive recreation such as walking, jogging, or being improved for more active recreational use"
 - Does not see the area as capable of being used for recreational use passive or otherwise.
 - It's a retention pond, wet, dry, or what have you
 - Does not fulfill the .55 acres required in any case
 - "includes any part of a manmade or natural lake or pond provided that they are completely surrounded by the development and under the ownership"
 - Showed on map where the proposed dry pond is not completely surrounded by the development
- Based on the above and comments already given, reasserted that the requirements for open space have not been met
- Gave her permission for any drainage improvements to be made on her property.

Jessica Tillman, Adjacent Property Owner, Pudding Ridge Road

- Concerned regarding difference between wet pond and dry pond
- Concerned regarding length of time Mr. Hollis stated it would take the dry pond to drain
 - 24-48 hours
- Stated that the ditches along the back sometimes take up to a week and a half to drain
- Questioned how is it that the pond is going to drain faster than the ditch?

Mr. Hollis Ellis responded to Ms. Tillmans questions:

- Stated that the problem is the drainage at the outfall
- Outfall is why there are drainage problems
- Not within the scope of the developer to clean out the outfall ditch

Ms. Tillman commented further:

- Concerned that the developer is saying there does not need to be a fence because the water depth will be less than 3 feet
 - It only takes 2 inches of water for a child to drown
 - There needs to be a fence
 - Amount of time for pond to drain makes no difference, with children playing outside, accidents can happen in a split second
 - There will be more children in the area if this goes through, safety for the children is paramount.
- Concerned over the potential for a mosquito breeding ground
- 2-3 feet of standing water until the pond water drains away

Mr. Hollis responded:

- That would be the situation regardless, it still would be 12 to 24 hours under optimal conditions for it to drain out
- Stormwater requirements need to be met regardless
- What is on the plan is there to meet the requirements, and is all that is required.

E.B. Jones, Adjacent Property Owner, Bunker Hill Road

- From the beginning of the property to Joyce Creek, it is a 6 foot drop, Joyce Creek is 6 feet lower than the subject property in terms of elevation.
- If you can get a ditch going to Joyce Creek, it will solve all the problems

Dave Parks asked Mr. Hollis if it was a 6" or a 4" water line going into the property. Mr. Ellis replied that it is a 6" waterline being extended from Bunker Hill Road to the entrance of the subdivision and then back into the subdivision itself in order to provide water lines for the fire hydrants. South Mills Water does not have the capacity at present to provide fire protection service for the subdivision, however, at their request, the hydrants are being placed in the event that there will be capacity in the future.

Donna Stuart, Adjacent Property Owner, Pudding Ridge Road

- Has owned home in South Mills since 1981.
- Has paid taxes for the Joyce Creek Watershed District ever since owning home.
- Flooding has been a major concern the entire time she's lived there and nothing has ever been done.
- Feels has been let down.

Dan Porter addressed Mrs. Stewart's concerns:

- Joyce Creek taxes are paid by homeowners in the area served by Joyce Creek
- Actual maintenance for which those taxes are paid is the Joyce Creek itself and 2 of the major tributaries (Cypress and Mill Run)
- There are a lot of other creeks and ditches within the service area that the Joyce Creek Watershed management organization is not responsible for
- All the other ditches and creeks run into those tributaries or into Joyce Creek, so the key is to keep Joyce Creek and those major tributaries clear and open
- The county has initiated a new stormwater program throughout the county with fees associated with it, with the county divided into 4 watersheds. Joyce Creek is part of the South Mills Watershed.
- South Mills Watershed budget is equal to the same amount that is generated by the taxes, money which goes into the maintenance of Joyce Creek and the 2 major canals
- The monies not required for maintenance of Joyce Creek and the 2 major tributaries is being made available for other small maintenance projects, which have been identified as places of improvement around the South Mills area.
- The fees do not generate a whole lot of money, and they have gone and cleaned out a few areas with this years fees paying for the expenses
- The area being spoken of here tonight is listed as one of the areas of concern and is on the list of places of improvement
- Would like to have the help of the developer and the property owners to address the problems associated with the outfall if possible
- Taxes that have been paid in years past for the Joyce Creek Watershed District go into the maintenance of the Joyce Creek and the 2 major tributaries. If those are not kept up, then everyone floods.
- More maintenance projects may be added as funds become available with the new stormwater program, but it does take time to generate those funds.

Keith Nowell, Applicant / Developer, Hertford, NC

- Is the developer
- Per the last meeting (sketch plan), approval was contingent on seeing what could be done to clean the canal out
- Sent out 3 certified letters to the landowners to see if he could go on their property(s) to clean out the ditch at his own expense and received resistance from 2 of the 3, and no response from the 3rd.
- At the culvert on Bunker Hill Road, it is a 30" culvert and there is probably 24" of dirt in it. This is the culvert that the state is responsible for.
- Did meet all the requirements of the Stormwater Engineer

Christy Hall, Adjacent Property Owner, Pudding Ridge Road

- Referred to UDO 151.233 which states that the location of any pond or stormwater drainage features must be shown on the plat
- Stated that the pond location is not shown on the plat
- Also stated that the plat says there is a 4" water line going into the subdivision and not a 6" one as stipulated by South Mills Water
- Acknowledged that Mr. Hollis is speaking from engineering aspects, those present who have spoken are speaking from the reality of what is happening in the area.

Jack Ward, Adjacent Property Owner, Taylor Leigh Drive

- Asked that the state be called upon to clean out the culvert that runs under Bunker Hill Road
- If culvert is not cleaned out it will continue to cause flooding issues for everyone
- Approval of this preliminary plat will only compound the issue if the culvert is not cleaned out first.
- Asked that no development be approved until the culvert issues are fixed
- Mr. Riggs' ditch does not go all the way to Joyce Creek, if the culvert is not fixed first there will be no where for the water to go.

Hollis Ellis, Engineer for Applicant, Virginia Beach VA

- Stated that the development will not create any additional problems or exasperate any existing problems that do not already exist
- Asked for approval of the preliminary plat

Mr. Porter asked Mr. Ellis if he, Mr. Knowell, or any of their crews walked the outfall. Mr. Ellis responded that Mr. Knowell has, as he has cleaned out a few of the ditches on his side of the property. Mr. Knowell added that he has walked it about ½ the way.

Mr. Porter stated that his understanding is that the outfall goes across Mr. Riggs property, down the property line of Mr. Jones and McPherson Estates. Mr. Ellis confirmed this was correct. Mr. Porter asked if there is a channelized ditch that goes from the outfall pond across to Mr. Jones property line. Mr. Ellis confirmed that there was a slight channel that goes back there, but that it is primarily the swamp that takes care of the water. Mr. Porter asked if the channel could be cleaned and maintained. Mr. Ellis said yes, but only if he has permission from the property owner to do it.

Patricia Delano asked if the Bunker Hill culvert had been fixed previously would this development be such an issue with regard to stormwater drainage. Mr. Porter stated that the area would still flood, Camden County is a flat county and any significant rainfall is going to cause areas to flood.

Rick McCall asked whose responsibility it is to fix the problems relating to stormwater drainage, is it the responsibility of the county or the property owner.

Mr. Porter responded that it is the private property owners responsibility and that the county has no authority in the matter until the private property owner applies for a development permit. Also, he stated that the state limits the requirements that can be placed on the developer, and that Camden County goes as far as they can go and pushes the envelope on the issue of stormwater drainage. The problems that exist with regard to this project are due to the drainage ways not being maintained for a long time. The maintenance of the drainage ditches is the responsibility of the private property owners, and they have not maintained them, particularly the ditch at the back of McPherson Estates, it is the property owners responsibility and they have not done that. That ditch does need to be cleaned so that it can drain and so that the water can reach the culvert under Bunker Hill Road and so that it can go out to Joyce Creek. There are no ditches that have been maintained in that area for probably 15-20 years, and that creates problems.

Michael Etheridge commented that there is no solution to the problem except improvement of the drainage ways, which is not the responsibility of the developer, who has stated he is willing to do the work of maintaining the drainage ways if he can get the permission of the property owners. Mr. Etheridge further commented that the job of the Planning Board with regard to this preliminary plat is to determine if the applicant has met all the criteria for approval of the preliminary plat so that he can move forward.

Mr. Porter stated that Ms. Hall did make a case with regard to open space and he would like the opportunity to check into that.

Rick McCall asked if the board could approve this contingent on the open space issue being looked into.

Mr. Porter responded that the board could approve, disapprove, or approve with conditions. County Attorney John Morrison stated that there was another option available to the board this evening and that would be to recess the meeting and come back at a time certain wherein Mr. Porter could present a report on both the culvert issue and the open space issue. Mr. Morrison added that the benefit of a recess is that it would be the same meeting as tonight, just a continuation of it, and there would be no need to re-advertise the meeting.

Vice Chairman Calvin Leary made a motion to recess the Planning Board's September 16, 2015 meeting until September 30, 2015 7:00 PM wherein they will reconvene and continue this agenda item with a report from Mr. Porter regarding both the culvert that runs under Bunker Hill Road and the open space issue on the preliminary plat. Ray Albertson seconded the motion. The motion passed with Chairman Rodney Needham, Vice Chairman Calvin Leary, Members Fletcher Harris, Ray Albertson, Michael Etheridge, Rick McCall, and Patricia Delano voting aye; none voting no; none absent; and none not voting.

The Planning Board stands in recess until September 30, 2015 at 7:00 PM where upon they shall reconvene to conclude this matter.

On September 30, 2015, 7:00 PM, Chairman Rodney Needham re-convened the Planning Board's September 16, 2015 meeting. All Board members present on 9-16-15 were also present on 9-30-15, as were staff members.

Dan Porter provided a recap of the issues that he was directed by the Planning Board to research, those being the open space issue and the cleaning of the culvert that runs under Bunker Hill Road.

- NCDOT has cleaned the culvert and it is now clear, has been inspected by Mr. Porter and is good to go
- Open Space
 - Looked at UDO with regard to open space, and the applicant had not provided a sufficient amount of open space.
 - Applicant has moved some property lines around to create more open space around the dry pond area and it now meets the UDO with regard to open space.
 - On the revised plan, the open space has been doubled from what it previously was
 - 1 acre minimum lot sizes are still on plan for all lots
 - 20 foot ingress / egress easement to the open space
 - Changed some names on the plans so they are more accurate
 - Plan now shows a 30 foot easement along the outfall ditch that runs behind lots 1-4

At this time, Chairman Rodney Needham entertained any questions from Board or public.

Vice Chairman Calvin Leary commented that Planning Director Dan Porter had accomplished both items that the Board directed him to do, and with that in mind Mr. Leary made the following Motion:

Motion: Approve Special Use Permit - Preliminary Plat Green Meadows Major Subdivision with the conditions as stated in the Staff Report.
Motion made by: Vice Chairman Calvin Leary
Motion Seconded by: Fletcher Harris

Discussion:

Dan Porter commented that there was a previous suggestion made by Ray Albertson (who is on the Joyce Creek Advisory Board) that the applicant make a reasonable effort to contact the property owners in McPherson Estates to offer to clean the ditches that run behind McPherson Estates. While this is not required, staff would like the applicant to make every reasonable effort to accomplish this.

Ray Albertson asked if there had been any update regarding this, and Dave Parks responded saying that the applicant had sent certified letters asking for permission to do this.

Dave Parks suggested amending the motion to include this. The amended motion is below:

Motion: Approve Special Use Permit - Preliminary Plat Green Meadows Major Subdivision with the conditions as stated in the Staff Report, and ask that the applicant make every reasonable effort to obtain permission from the McPherson Estates property owners to clean out and clear the ditches that run behind McPherson Estates in order to improve drainage in the area.

Motion made by: Vice Chairman Calvin Leary

Motion Seconded by: Fletcher Harris

Further Discussion:

Keith Nowell, Applicant / Developer, Hertford, NC

- Walked the ditch behind McPherson Estates and took pictures to present to the Board, a copy of which is in the Clerk's office
- Ditches behind McPherson Estates are almost completely clogged with tree debris
- On Taylor Leigh Drive, many of the driveway culverts are about 50% clogged
- The neighborhood of McPherson Estates has issues themselves with drainage due to the ditch and the driveway culverts as well and that's impeding their drainage
- Cleaning the ditch would be no problem as long as permissions can be obtained from property owners

Christy Hall, Adjacent Property Owner, Pudding Ridge Road

- Asked how the lines were moved to create open space while still maintaining at least 1 acre lots
- Contends that the open space still does not meet the definition of open space
 - Is located in the back corner of the development and is not practically accessible to all residents of the development
- Retention Pond still not listed on plat
- Is supposed to be capable of being used and enjoyed for passive recreation purposes such as walking, jogging, or being improved for more active recreation purposes

Vice Chairman Calvin Leary asked staff if §151.199 applies to the open space of this development.

§ 151.199 FLEXIBILITY IN ADMINISTRATION AUTHORIZED.

- (A) The requirements set forth in this subchapter concerning the amount, size, location and nature of open space to be provided in connection with developments are established by the Board as standards. Presumptively, this will result in the provision of an amount of open space that is consistent with generally recognized standards relating to the need for the areas. The Board recognizes, however, that due to the particular nature of a tract of land, or the particular type or configuration of development proposed or other factors, the underlying objectives of this subchapter may be achieved even though the standards are not adhered to with mathematical precision. Therefore, the permit issuing body is authorized to permit minor deviations from these standards whenever it determines that:
- (1) The objectives underlying these standards can be met without strict adherence to them; and
 - (2) Because of peculiarities in the developer's tract of land or the particular type or configuration of development proposed, it would be unreasonable to require strict adherence to these standards.
- (B) Whenever the permit-issuing board authorizes some deviation from the standards set forth in this subchapter, pursuant to division (A) above, the official record of action taken on the development application shall contain a detailed statement of the reasons for allowing the deviation.

Dave Parks responded saying that due to the size of the development (9 lots) the flexibility is warranted. Recreational improvements are only required for subdivisions of 30 lots or more. Since this is a 9 lot subdivision, it will be up to the home owners association to decide upon what kind of recreational improvements they would like to make, but they are not required of the developer.

Christy Hall continued her comments:

- The ordinances do not say a minimum number of lots that need to be in a subdivision before recreational improvements are required.
- Still contends that the proposed open space does not meet the definition of open space
- 151.199 would have to be justified in order to make an exception to the ordinance

Vice Chairman Calvin Leary stated that according to §151.199, the proposed open space does meet the the ordinance.

Dave Parks commented that the exception to the requirements for recreational improvements will be justified in the findings.

Ms. Hall made further comments:

- Buffer Strips:
 - Ms. Hall read from Ordinance 151.232, Design Standards and Criteria
 - (N) *Buffer strips.* Major residential subdivisions shall provide a 50-foot perpetually maintained natural or landscaped vegetative buffer along all perimeter property lines of the tract of land to be subdivided that abuts all non-residential uses. This buffer shall be permanently set aside as open space. Ownership and maintenance of the required open space shall be the responsibility of the developer and/or a homeowners association. A 6:1 sloped ditch shall be located on the property line adjacent to the buffer. The required buffer shall include a minimum of two rows of trees and shall meet the following criteria:
 - (1) At least 50% of the required trees shall be an evergreen species.
 - (2) Each tree shall be a minimum ten feet in height and shall have a minimum caliper of two inches (measured four feet above grade) at time of planting.
 - (3) Each tree shall be a species which can be expected to attain a minimum height of 40 feet and have a crown width of 30 feet or greater at maturity.
 - (4) Minimum spacing in each row shall generally be no wider than 50 feet between tree trunks.
 - (5) There shall be a minimum distance of 25 feet from the property line adjacent to the agricultural use and the first row of trees.
 - The property abuts 2 non-residential areas, the street, and Mr. Rigg's property
 - The plan does not support this ordinance either
 - There is not a 50 foot buffer on the street nor is there a 50 foot buffer at Mr. Rigg's property line
- Ms. Hall reiterated her opinion that bus stops and mailbox areas are not open space in that they can not be used for recreational purposes.

Dave Parks responded to Ms. Hall's statements saying that the surrounding properties do abut the majority of residential lots. Mr. Rigg's property is so narrow, in the area Ms. Hall spoke of, that the flexibility allows the deviation in the ordinance. So the buffer requirement does not pertain to this development.

Ms. Hall asked if the development was going to be allowed deviation from buffer strips on the front and back side of the property. Dave Parks answered saying that the deviation was allowed. Dan Porter added that the street is not a use that has to be buffered, there are set back requirements from the street that relate to building on the lots. Mr. Porter added that the buffer strips are intended to buffer commercial uses from residential uses. Ms. Hall stated that is not what the ordinance states with regard to the type of use. Mr. Porter stated that is the intent of the ordinance.

Ms. Hall stated that her last item of concern is that the stormwater pond is not listed on the plan and the ordinance states that all stormwater improvements must be listed.

Jack Ward, Adjacent Property Owner, Taylor Leigh Drive

- Does not understand why the stormwater must run through McPherson Estates when there is a state maintained ditch in front of Pudding Ridge Road
- McPherson Estates has enough drainage problems without routing drainage through their systems

Rick McCall asked Dan Porter if it was true that the county has some of the strictest ordinances and regulations with regard to stormwater and run off allowable by law. Mr. Porter confirmed this was correct.

Mr. Porter added that the run off that drains from the ditch in front of Pudding Ridge Road currently drains to the outfall ditch that runs behind McPherson Estates. It does not run through McPherson Estates, it runs to the outfall via the tail end of the subdivision and along the west side.

Rick McCall asked if it was true that the engineer for the county looked over the stormwater plan and certified that it meets all the criteria required, and that there was a recorded document stating the requirements have been met. Dan Porter stated that there is an emailed letter from the engineer stating that it has met the requirements of Camden's regulations, it's not a recorded document, at the time that the final plat is approved the drainage plan will be recorded at the Register of Deeds.

Rick McCall asked about the developer's responsibility with regard to cleaning out the ditches, and stated that the developer has offered to do more than what is reasonable to clean out the ditches and drainage ways that are not on his property. Dan Porter stated that if the developer can get permission, then he will be able to clean out the ditches.

Jack Ward continued his comments:

- Understands that the developer has requested to be able to go on others' properties to perform maintenance and cleaning activities with regard to the ditches
- The outfall ditch is on properties owned by 2 persons, and the property owners of McPherson Estates have no control over it.
- His ditch is well maintained, but he can't control the others
- If that outlet floods due to not being clear, his property will be impacted

Donna Stewart, Adjacent Property Owner, Pudding Ridge Road

- As of today (September 30, 2015) Joyce Creek has overflowed its banks due to recent rain event
- Decision made at this meeting will impact large group of land owners
- Additional homes means additional amounts of impervious surfaces
- Invited board members to drive down Pudding Ridge and Bunker Hill Roads during or shortly after rain event to see amounts of standing water

Rick McCall commented that the Planning Board has to follow the applicable laws and that their decision will be based on whether or not the developer has followed all the laws, rules, regulations, and ordinances in the preparation of his documentation / plans.

Donna Stewart continued her comments:

- The more homes built, the more it will impact all those living in the area
- Asked whose responsibility is it to ensure that development does not impact the current residents

Rick McCall echoed the question asked.

Dan Porter responded with the following:

- It is controlled through zoning.
- Zoning laws specify whether or not an area is residential or commercial, what sizes the lots should be, and what areas should be conservation.
- Mr. Porter then explained that the closest that the county has to a conservation district is agricultural which allows 1 house per 10 acre lot, and in fact the state does not allow minimum lot sizes any greater than that. General Use Districts are 5 acre minimum lot sizes.
- The property under consideration here was rezoned to R-3-1, which is 1 acre minimum lot sizes.
- If the proposed use is allowed per the zoning on the property, then that use can not be prohibited. You can not prohibit someone from using their property, property owners have private property rights.
- The Comprehensive Plan, which is a general guideline for development in the county, has this area recommended to be 1 to 2 acre minimum lot sizes
- Subdivision Standards are established to provide guidelines for meeting the zoning requirements for particular uses. There are a certain number of requirements that must be met for certain uses.
- The county is limited by the state as to what can be done where stormwater is concerned
- The county has exceeded the requirements of the state with regard to stormwater, Camden has probably the 2nd most strict requirements in the state for stormwater. Only Currituck is more strict.
- If a developer has met the requirements, then the permit can not be denied
- By law, there must be a pretty strong justification to stop development totally

Dave Parks added that the only portion of the property that is in the flood zone is in the back left hand corner of lot # 8, other than that the rest of the property sits outside of the 100 year flood zone. If the county were to restrict development here, it would have to restrict development in the entire county since most of the property is outside of the flood zone.

Warren Riggs, Adjacent Property Owner, Pond Road

- Owns the property that is between Mr. Jones property and the subject property
- Doesn't understand where the drainage is coming from
- The property he owns was inherited by his cousin many years ago and at that time the only ditch was a ditch in the back that went to Mill ditch and then to Joyce Creek
- There is no ditch on his property at present time

Hollis Ellis, Engineer for Applicant, Virginia Beach VA

- Have investigated the drainage way and verified that the ditch Mr. Riggs is talking about is outfalling along that northern property line going through the property behind McPherson Estates and then it makes a sharp turn to the left, which would be due south towards Joyce Creek.
- The issues that have been found are that the ditch is clean from Pudding Ridge Road down to that left turn heading south. Once it makes that left turn, it's all grown in, there are willow trees silted in, and water can't go anywhere
- Further investigation, riding into Taylor Leigh Estates, finds that most of the driveway culvert pipes, if not all of them, are at least 50% clogged.
- Sounds like most of these issues are a lack of maintenance over the years
- This is off site maintenance that Mr. Knowell (the applicant) is not responsible for
- Ask that the Board consider the issue of off site maintenance not being the applicant's responsibility in their deliberations when deciding this matter

Bruce Hall, Adjacent Property Owner, Pudding Ridge Road

- Purpose of meeting is to see if developer met all of the ordinances
- Has an issue with "intent of" the ordinances. Ordinances are in black and white and should mean what is written, and not be interpreted or read as "intents of"
- Board should know the ordinances
- If something is wrong with the plans, the time for correcting it is not at the meeting. If something is wrong with it, reject the plan and send it back to be corrected.

Faye Jenson, Adjacent Property Owner, Taylor Leigh Drive

- Spoke about 1st phase complaint about landscaping
 - Asked if developer will be held responsible to fix landscaping issues
- Asked Board to do what is right and in good conscience

Kieth Knowell, Applicant, Green Meadows Major Subdivision

- The first 4 lots were sold to the developer who built the houses.
- What ever the developer did after that was beyond Mr. Knowell's control
- Mr. Knowell is in the excavation business, and has offered to clean out the drainage ditches to the tune of \$25,000 out of his own pocket.

At this time, Fletcher Harris reminded the board that there was a motion on the floor, after which Chairman Rodney Needham called for a vote.

Motion on the Floor:

Motion: Approve Special Use Permit - Preliminary Plat Green Meadows Major Subdivision with the conditions as stated in the Staff Report, and ask that the applicant make every reasonable effort to obtain permission from the McPherson Estates property owners to clean out and clear the ditches that run behind McPherson Estates in order to improve drainage in the area.

Motion made by: Vice Chairman Calvin Leary

Motion Seconded by: Fletcher Harris

The vote was not unanimous, and so the Clerk to the Planning Board was asked to poll the Board. Below is the result of the roll call vote:

Fletcher Harris:	Yes
Ray Albertson:	No
Vice Chairman Calvin Leary:	Yes
Chairman Rodney Needham:	Yes
Michael Etheridge:	Yes
Rick McCall:	Yes
Patricia Delano:	Yes

By a vote of 6 to 1, the motion passed and Special Use Permit - Preliminary Plat Green Meadows Major Subdivision will be sent to the Board of Commissioners with the Planning Board's recommendation to approve with the conditions stated in the motion.

After the vote, Dave Parks outlined the next step for this special use permit for those present:

- Will go to Board of Commissioners and they will set a date for a Public Hearing
- Board of Commissioners will hold a Public Hearing, after which they will either vote on it or table it for more discussion.

Information from Board and Staff

- Dan Porter gave the following information:
 - This Monday, at the Board of Commissioners meeting, he will be presenting the Camden County Stormwater Drainage Manual
 - Public is invited to attend
 - Documents are available for public inspection both before and after meeting

Consider Date of Next Meeting - October 21, 2015

Adjournment

At 7:45 PM, Ray Albertson made a motion to adjourn the meeting. Michael Etheridge seconded the motion. The motion was approved with Chairman Rodney Needham, Vice Chairman Calvin Leary, Members Fletcher Harris, Ray Albertson, Michael Etheridge, Rick McCall, and Patricia Delano voting aye, none voting no, none absent, and none not voting.

Date: _____

Approved: _____
Chairman Rodney Needham

Attested: _____
Amy Barnett, Planning Clerk