



February 9, 2018

## **Comments on 2/5/18 Chatham Park Stormwater Revisions**

### **General Concerns:**

1. There have been multiple rounds of changes to the Stormwater Element and manual, with the watershed scoring system ("Exceptional Design") never being subject to a public hearing. These are significant changes which should require another Public Hearing to provide more information to the public and to hear their concerns.
2. Given the complexity of the conditions at Chatham Park wouldn't it make sense for the Design Manual and point system to be reviewed by engineering consultants, hired by the Town of Pittsboro?
3. Stormwater, Tree Protection and Open Space Additional Elements are intertwined in their ability to protect natural resources and water quality in Chatham Park. Preserving more natural areas, riparian buffers, and existing tree canopy will provide better stormwater management through slowing down stormwater flow and infiltrating it into groundwater. These three additional elements should be considered together. The impacts to water, air quality, wildlife and habitat loss, and climate change as 8000 acres of mostly forested land is to be turned into urban/suburban development will be felt for generations to come.
4. The US Fish & Wildlife Service letter to the Town of Pittsboro on May 22, 2014 and again on October 24, 2017 had comments on the CP Master Plan in relation to protection of endangered species and habitat, especially for the Cape Fear shiner. Is Chatham Park meeting the 200 ft buffer requirement on perennial streams and 100 ft on intermittent streams that flow to the Haw (in addition to the 300 foot buffer on the Haw main stem)? We do not believe that the revised Stormwater Additional Element will meet the condition of zero hydrograph change. This has not been addressed in any of the revisions. For new development draining to the Haw River exceeding 6% imperviousness, the developer is required to include stormwater controls designed to replicate and maintain the hydrographic condition at the site prior to the change in the landscape. These conditions were put on Pittsboro's NPDES expanded wastewater discharge permit and our understanding is that they are binding, regardless of the current discharge.
5. Climate change is creating larger storm events and flooding. Designing for the 10 year storm event in a landscape of impervious surface will create major problems in the future as more 100 year and even 500 year floods occur. Chatham Park says their urban density does not have room for larger stormwater design. Chatham Park should lower the density or overall number of houses and commercial area, so there is less impervious surface. The consequences of flooding

from very large storms could result in catastrophic damage to life and property, both within and adjacent to Chatham Park.

6. The Stormwater Design Manual includes a point system for “exceptional design”. Points should not be awarded for meeting existing requirement, but only for things that are above and beyond requirements in local and state regulations. In several categories large numbers of points are awarded for following minimal environmental standards. Developers can meet the threshold required for site approval by picking from a variety of tools and protective methods - but this does not take into account the special features of places within Chatham Parks. Steep slopes, "grand trees and groves" significant natural areas (as defined by the state), wetlands or headwaters would benefit from specific protections that would not be required under this system of awarding points.

## Specific Concerns:

### 1. Stormwater Additional Element

The Stormwater Additional Element is posed as a watershed based approach, but it is not clear how such an approach is being implemented. Many of the compliance points are within Chatham Park property boundaries and thus do not include the entire extent of a watershed. What is the planning approach to be implemented to tie in each Stormwater Control Measure (SCM) as it relates to a small area plan? How does each small area plan fit into its sub-watershed other than by tallying design compliance at compliance points?.

### 2. Chatham Park Stormwater Design Manual

- a) Under section "D. Compliance Points" "Compliance with the Stormwater Standards may be met onsite or on a sub-watershed level., except that for nutrient loading standards may be met at the boundary of Chatham Park." What does this mean? Nutrient standards will only be measured outside of the boundaries? How will inspectors track the source and identify the issue?
- b) Under Section E - "Critical Environmental Resources" the language has been changed to eliminate the following words in bold: "Any questions regarding measurement, delineation, or qualification of an area as a Critical Environmental Resource shall be directed to the Chatham Park Stormwater Program **Administrator. Any adjustments from the standards described above are subject to approval by the Chatham Park Stormwater Program Manager and the Town of Pittsboro Stormwater Administrator Manager.** What then, would the exact role of the Town be?

### 3. Chatham Park Stormwater Exceptional Design Evaluation

- a) Is there are reason that most of the language has now been removed that described the value and rationale for the Exceptional Design criteria? These descriptions provided important information for both developers and concerned citizens. The explanation given (in the "Summary of Revisions since November 2017" ) is that "Unnecessary language has been deleted" We do not agree that it is unnecessary, and think it is in the Town's interest to include it.

- b) It appears that points can be traded off within subwatersheds. For example, property values may be higher on the river bank or on slopes, in critical habitat areas. What will keep CPI from developing in these higher value areas and conserving land that may not be as fragile? Undeveloped land that can offset overbuilding on a site is not required to be put into permanent conservation. This could mean that early land customers are rewarded at the expense of later ones.
- c) It appears that the subwatershed point system would mean that issues of turbidity and other environmental impacts may not be penalized at the source of the problem, but be seen downstream where the nutrient and sediment accumulate at the sub-watershed discharge points.
- d) There seems to be no timeline requirement for totaling the average points for exceptional design. What will keep CPI from cutting trees and losing points, but writing new tree planting into their 10, 20/or 30 year plans? If the points are averaged within basins, CPI should have to meet their minimum point goal in real time, not incorporating future plans into the averaged points within a subwatershed.
- e) Under "Site Stabilization", it should be made clear that the authority for approval and enforcement of sediment and erosion control lies with the local S&E program which is under the administration of Chatham County. Have the appropriate staff in Chatham County reviewed and approved this language? We do not agree that the use of chemical flocculants should be awarded points, but we believe points should be awarded for many other successful SCM's such as tire wash stations at all exits, hydromulch for immediate stabilization, and super silt fence along buffers and at the toe of steep slopes. Better yet, these should be required for all construction in Chatham Park.
- f) There are many specific pieces of the point system that we think should be change or improved. For example, the wetland point system is difficult to understand and does not seem to award points for providing an undisturbed buffer around the wetland (as Chatham County requires) in order to avoid sediment and other impacts during construction. Steep slopes adjacent to riparian buffers are not adequately protected. We would also like to see the slopes map overlaid with soil types, in order to see the likelihood of eroding slopes and banks. Some environmental protections are awarded too few points (such as ephemeral buffers) or points are given for doing what the law requires.

In closing, we believe that there are still major concerns about how Chatham Park will manage stormwater. The Exceptional Design point system is confusing, complicated and could result in lower outcomes than desired. We urge the Town of Pittsboro to hold a new public hearing on the Stormwater Additional Element and Design Manual, and to consider hiring a consultant to help the Board of Commissioners make decisions based on a full understanding of the impacts and consequences of this issue. These impacts will be felt not only future residents of Chatham Park, but the adjacent landowners, and the larger Pittsboro community.

Sincerely,

Elaine Chiosso  
Executive Director

Emily Sutton  
Haw Riverkeeper