

1. DEVELOPMENT FENCELINE CONTAINS NO SIGNIFICANT TREES - MIXED PINES & YOUNG HARDWOODS - NO TREES OVER 18IN DIAMETER THERE IS AN AREA OF BROWNED TREES & DEAD BRANCHES WITH SOME STANDING DEBRIS AND MESSY GRASS AREAS AT CLODDMAN DR. FLOODWAYS ON SITE.

2. THERE IS A 2' REP CURB UNDER SWANSEA CONCRETE INTERMITTENT STREET AND A 18" BUFFER EXCEPT IN PERMITS WITHIN THE 26X54 BUFFER EXCEPT IN CONJUNCTION WITH SEC1 15-76W

3. THE LOT OF SEC1 15-76W IS 104' BY THE TOWN OF CARROLL AND THE LOT SURFACE IS COVERED IN GRASS CLOSER THAN 20' TO THE NEAREST EDGE OF THE DESIGNATED STREAM BUFFER AREA.



## TOWN OF CARRBORO

## LAND USE PERMIT APPLICATION

DATE: 8/31/06

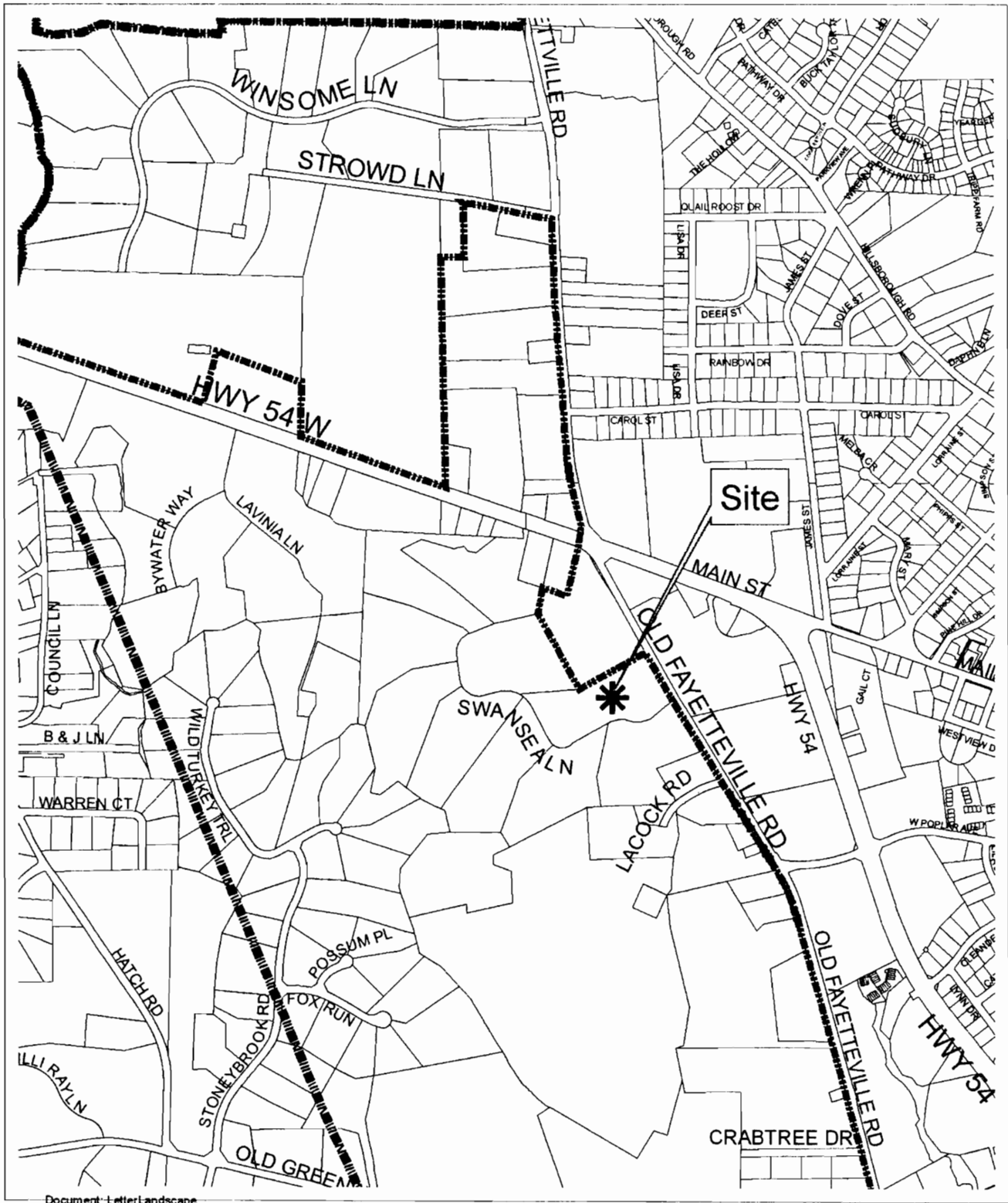
FEE: \_\_\_\_\_

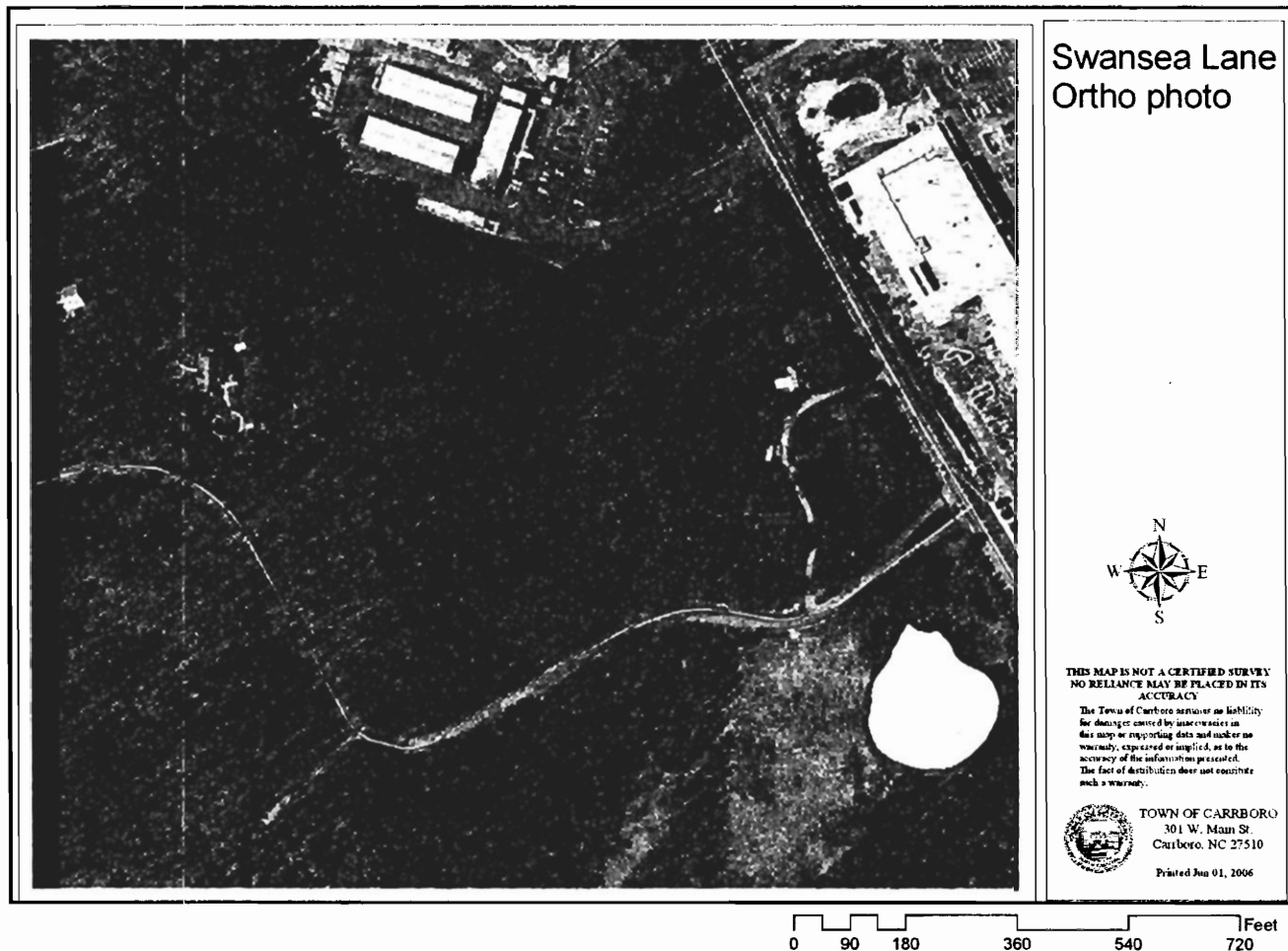
APPLICANT: <u>Philip Marshall</u>	OWNER: <u>Same</u>
ADDRESS: <u>605 OLD FAYOTTEVILLE RD</u>	ADDRESS:
CITY/STATE/ZIP: <u>CHAPEL HILL NC 27516</u>	CITY/STATE/ZIP:
TELEPHONE/FAX: <u>360 1832</u> FAX:	TELEPHONE/FAX: FAX:
LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: <u>Same</u>	TAX MAP(S), BLOCK(S), LOT(S): <u>7. 114.. 1</u>
PROPERTY ADDRESS: <u>Same</u>	PROPOSED LAND USE & USE CLASSIFICATION: <u>RESIDENTIAL / UNIVERSITY LAKE WS.</u>
PRESENT LAND USE & USE CLASSIFICATION: <u>RESIDENTIAL / UL WATERSHED</u>	LOT AREA: <u>5.04</u> Acres <u>21,9542</u> Square Feet
ZONING DISTRICT(S) AND AREA WITHIN EACH (including Overlay Districts): <u>WR 10.23 AC (TOTAL)</u>	<u>5.14 AC 223,898 S.F.</u>
# OF BUILDINGS TO REMAIN: <u>2 (DWELLING &amp; SHED)</u>	GROSS FLOOR AREA: <u>1947</u> square feet
# OF BUILDINGS PROPOSED: <u>1 NEW DWELLING</u>	GROSS FLOOR AREA (of proposed building or proposed addition): <u>4000 SF. MAX</u> square feet
NAME OF PROJECT/DEVELOPMENT: <u>MINOR SUBDIVISION, LOT 1, MORGAN GLEN</u>	

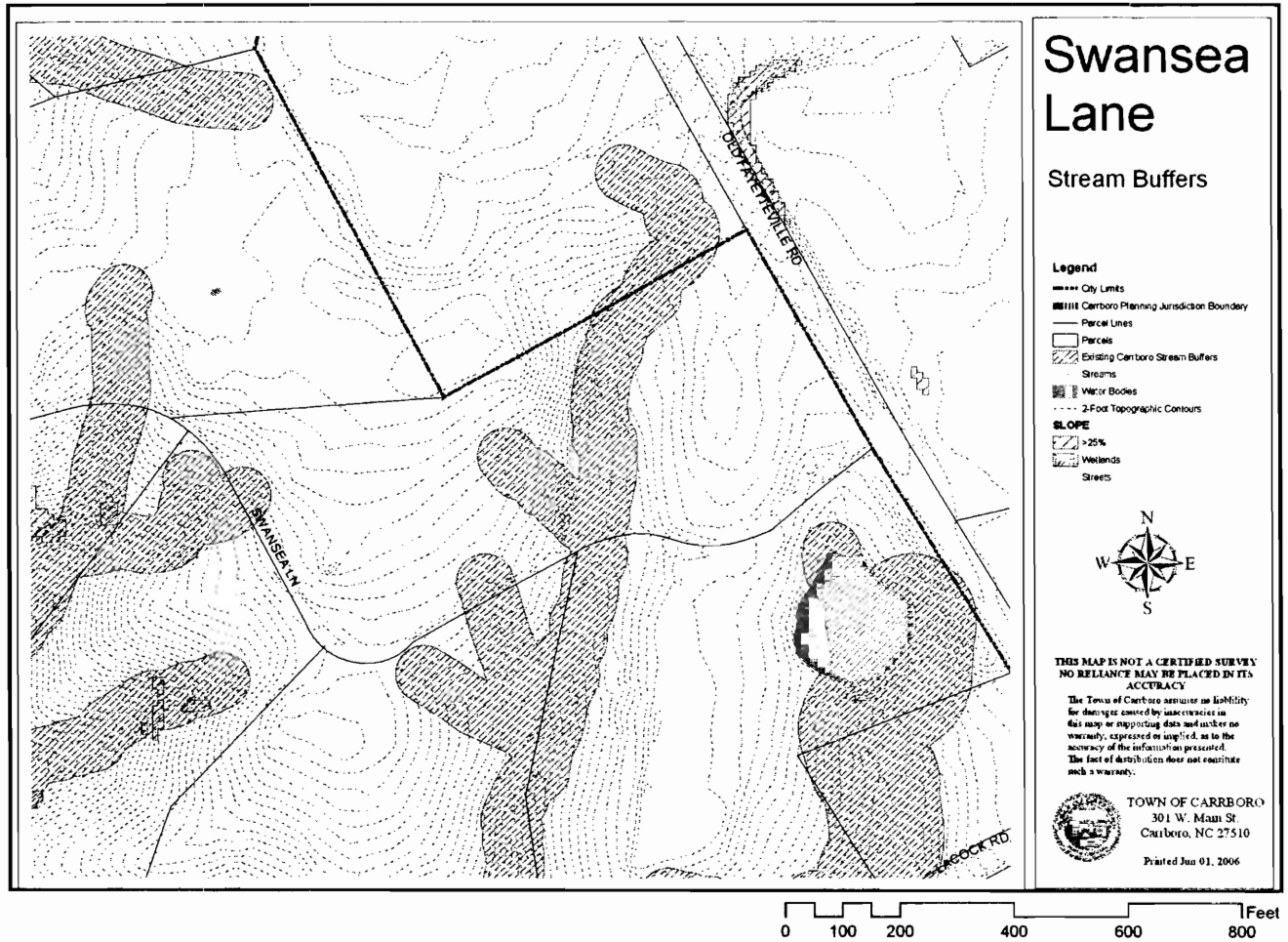
TYPE OF REQUEST	**INFORMATION REQUESTED (Refer to Attached Key)
<input checked="" type="checkbox"/> SUBDIV. FINAL PLAT	1, 18, 19, 21, 23, 31, 33, 34, 36
<input type="checkbox"/> CONDITIONAL USE PERMIT (CUP)	1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 34, 35, 36
<input type="checkbox"/> CUP MODIFICATION	SAME AS CONDITIONAL USE PERMIT (CUP)
<input type="checkbox"/> SPECIAL USE PERMIT (SUP)	1, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 34, 35, 36
<input type="checkbox"/> SUP MODIFICATION	SAME AS SPECIAL USE PERMIT (SUP)
<input type="checkbox"/> ZONING PERMIT (Project)	1, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 29, 30, 32, 34, 35, 36
<input type="checkbox"/> ZONING PERMIT (Building) Residential Infill & Additions	9, 10, 22, 24, 34, 36 (also see "Building Permit Review - Residences Only" checklist)
<input type="checkbox"/> SIGN PERMIT	1, 10, 13, 14, 17, 20, 36
<input type="checkbox"/> VARIANCE	4, 5, 10, 20, 29, 34, 36 Attachment A
<input type="checkbox"/> APPEAL	4, 5, 36, Attachment B
<input type="checkbox"/> SPECIAL EXCEPTION	1, 4, 5, 8, 10, 20, 35, Attachment C

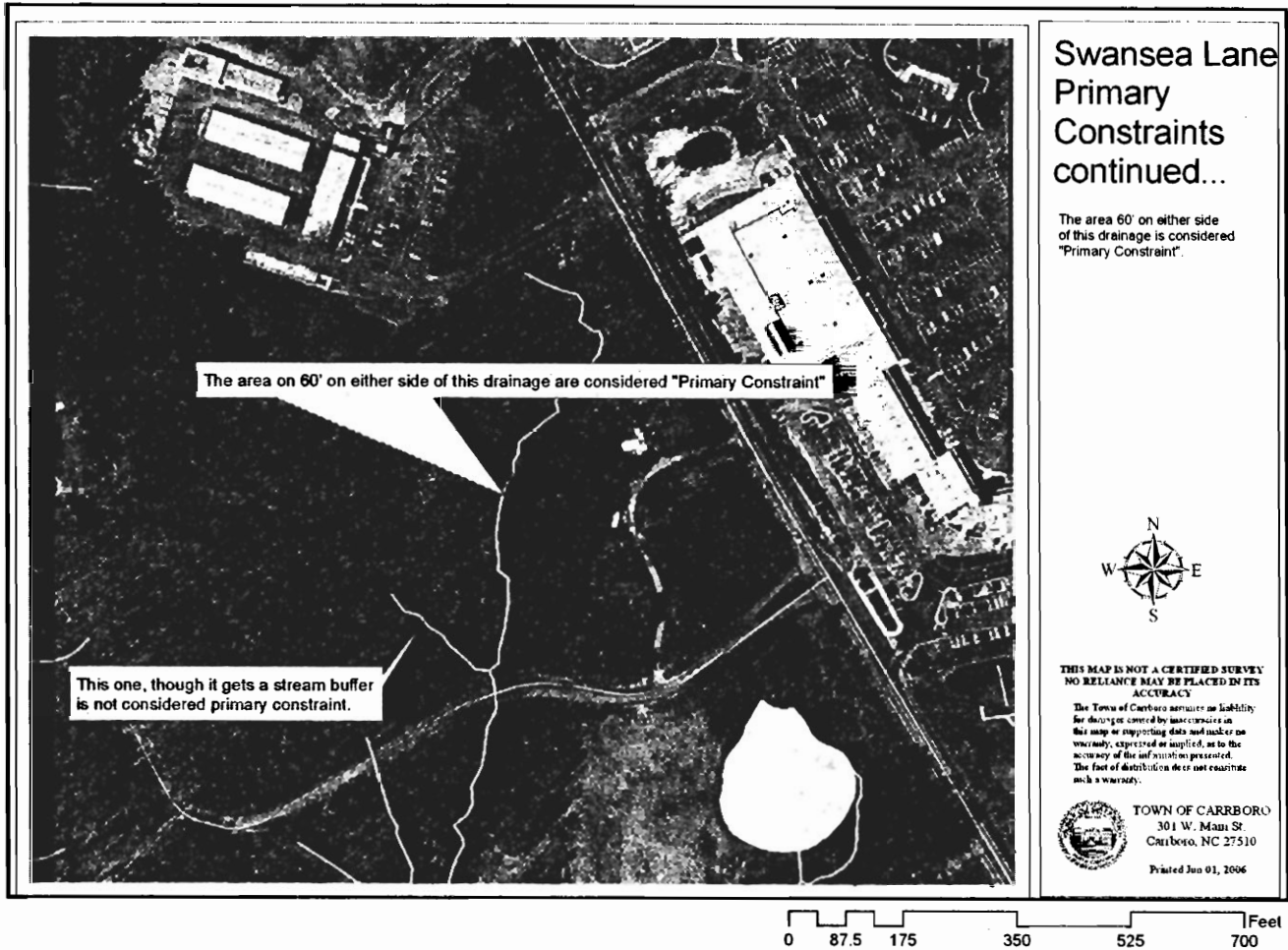
APPLICANT: Philip Marshall DATE: 8/31/06OWNER: SAME DATE: 2

# Vicinity Map









Mar. 23. 2007 9:05AM

No. 3543 P. 2

**Sungate Design Group, P.A.**

ENGINEERING • LANDSCAPE ARCHITECTURE • ENVIRONMENTAL

915 Jones Franklin Road • Raleigh, NC 27606 • Phone 919.859.2243 • Fax 919.859.6258

March 23, 2007

Ms. Jane L. Tuohy  
Zoning Division  
Town of Carrboro  
301 West Main Street  
Carrboro, NC 27510

Re: Sixth review of the CUP for Swansea Lane WR Subdivision.

Ms. Tuohy,

We have completed our review of the CUP Plans for the Swansea Lane WR Subdivision that was submitted to our office on March 20, 2007. *The following comments have either been satisfactorily addressed or can be addressed during the Building Permit application.*

- 1) Need to provide a Truth in Drainage Statement. The statement should address both the quantity and quality of stormwater. State the pre and post construction discharges, the percentage of impervious area for your site, total acreage of the project site, acreage being developed, size of the watershed, and how you are not increasing the amount of Stormwater from the project site. Also, state percentage of contaminant reduction, how it is being achieved, and the source of information. Keep the statement simple and straightforward. The Truth in Drainage Statement needs to clearly state how the Town of Carrboro LUO concerning Stormwater Quality and Quantity is being met. Need to provide supporting calculations and documentation.

1<sup>st</sup> and 2<sup>nd</sup> Review: This comment has not been satisfactorily addressed.

3<sup>rd</sup> Review: Since the last review, Sungate has contacted the NC Board of Professional Engineers and Land Surveyors. We were advised that the "Truth in Drainage Statement" should only be prepared by a Professional Engineer, not a Land Surveyor.

4<sup>th</sup> Review: As stated in the original comment, both pre and post construction need to be addressed. Also, the Report needs to be stamped with the Professional Engineer's seal.

5<sup>th</sup> Review: As stated in the original comment, the Truth in Drainage Statement needs to clearly state how the Town of Carrboro LUO concerning Stormwater Quality and Quantity is being met. The 5<sup>th</sup> submittal shows an increase in the quantity of stormwater, but does not explain how this increase will be mitigated. The 5<sup>th</sup> submittal does not address Stormwater Quality (the previous submittal had a section which discussed the existing stormwater quality, but this section was not included in the 5<sup>th</sup> submittal).

Mar. 23. 2007 9:06AM

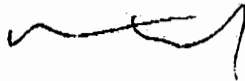
No. 3543 P. 3

6<sup>th</sup> Review: OK; This comment has been satisfactorily addressed.

- 2) Need to show existing and proposed (if any) contours.  
OK; Contour mapping showing the property boundaries has been included with the Truth in Drainage package. Prior to the Building Permit being issued, a Plot Plan showing the location of the house and driveway along with existing and proposed contours will need to be submitted for review.
- 3) The stream buffers shown on the plan do not match the stream buffers shown on Carrboro's GIS mapping. Streams that require buffers need to be field surveyed in order for the buffers to be correctly shown on the plan.  
OK; Mary Ayers, PLS has submitted a letter stating that the streams have been field surveyed.
- 4) Will a drive pipe be required? Need to show. Provide supporting calculations.  
Based on my conversation with Carrboro Zoning, this comment can be addressed during the Building Permit application.
- 5) Driveway: Need to provide information showing type of material to be used for the driveway. Will there be a turn-around or parking pad? Need to show.  
Based on my conversation with Carrboro Zoning, this comment can be addressed during the Building Permit application.

If you have any questions or need further information, please contact Will Hines at 859-2243.

Sincerely,



W. Henry Wells, Jr., PE



SDG 



## ATTACHMENT F

February 27, 2007

Zoning Division  
Town of Carrboro Planning Department  
Sent by email to: [jkleaveland@townofcarrboro.org](mailto:jkleaveland@townofcarrboro.org)

Re: Market Garden CUP request for 605 Old Fayetteville Road

This letter is to answer your questions clarifying our request to include permission to operate a market garden as part of the Conditional Use Permit for the subdivision of Philip Marshall's and Caroline Wallner's property.

**1. Will you have animals (how many, what kind)?**

Although we don't have any immediate plans for animals, we would like to be able to have a small number of poultry (20 or less) and small ruminants (2-6 sheep or goats) if needs arose in the future. They would be fenced in on the west side of the existing driveway, farthest from neighbors and the low-lying portions of the property.

**2. Will you have equipment (what kind (s))?**

We would primarily use a rototiller, with a tractor needed a couple of times per year. Our organic gardening practices minimize soil disturbance and outside inputs whenever possible.

**3. Will you have employees (how many)?**

No.

**4. Will you conduct on-site sales?**

We would sell primarily through local farmers markets, but we would like the permission to conduct on-site sales 1-2 days per week in the summer. Customers would use the driveway on Old Fayetteville Road, not the one on Swansea Lane.

**5. Are you striving for the "use-value" tax exemption?**

No. Use value taxation requires 5 acres in active horticultural production. We are planning to use only  $\frac{1}{4}$  -  $\frac{1}{2}$  acre on the west side of the driveway for our market garden.

**6. Will you be taking trees down for this use?**

No. We will be utilizing the existing open area west of the driveway. We may remove a couple of saplings for additional sunlight on the edges of this field, but we will maintain a visual buffer from the roads and not be clearing any new areas.

We have recently moved to Carrboro after 10 years of small-scale farming in Alamance County. We hope to be able to continue this on a much smaller scale at our new home. We feel that our vision for the property fits perfectly with the Farmland Preservation Element of Carrboro's *Vision 2020*, which encourages small farms and organic farming in the transition areas along the edge of town.

Please let me know if you need any additional clarification. Thank you for your consideration.

Sincerely,

Gerry Cohn  
Matzah Rising Farm  
605 Old Fayetteville Road  
Chapel Hill, NC 27516  
919-370-4098  
[gcohn@nc.rr.com](mailto:gcohn@nc.rr.com)

Dear Mr Kleaveland,

I am writing to state some concerns regarding this application for a CUP by Mr Philip Marshall and Ms Carolyn Wallner.

In the Covenants, Conditions and Restrictions pertaining to the Morgan Glen Subdivision in which 605, Old Fayetteville Road is situated, Article 2 states that "no lot shall be used except for single family residential purposes ". This CUP application requests permission to use the property for an agricultural business. Under the existing covenants, drawn up on March 15, 1988, this is not allowed. Furthermore, the impact of traffic relating to this proposed agricultural business would impact residents living in Swansea Lane since there is no parking available on the Old Fayetteville Road. Moreover, Swansea Lane is a single track road unsuitable for dealing with roadside parking and excessive traffic.

I also have concerns about the size of the trees to be removed in this proposed project. The covenants (Article 6) stipulate the protection of mature hardwoods over 12" in diameter. Clearing trees for a home building site is one thing, but clearing a lot with the purpose of preparing a market garden contravenes the covenants. I suggest that you walk the land in question and measure the diameter of the trees. The covenants are a legal document protecting watershed sensitive land close to the local water supply-- which is also home to unique natural resources, fauna and flora. Morgan Creek, which runs through the subdivision, is monitored by the Triangle Land Conservancy. We are not talking about any building lot but a unique natural resource of which the homeowners of Morgan Glen are the stewards. By buying the property, they have agreed to be in compliance with the covenants and to be responsible stewards of the land.

I suggest that you and the Board view both the relevant covenants relating to the Morgan Glen subdivision to which this CUP is subject to,

Sincerely,

Nerys Levy.

Hi all,

I reviewed the CUP request filed by Phillip and sent to us by Jeff Kleaveland of the Town of Carrboro and had the following thoughts based on my review.

Has the applicant or Town seen or reviewed the restrictive covenants for Morgan Glen Subdivision (Book 712, Page 494, Orange Co Registry)? I ask, because there are certain restrictions in the covenants which the requested use will or might violate.

First, the application contains a request for a business use. However, Article 2 of the covenants strictly limits the use of a lot to residential purposes.

Second, the covenants create building setbacks of 100 feet from the front line of a lot and 75 feet from and interior side or rear lot line. The survey attached to the application does not show these setbacks. It is unclear given the subdivision setbacks whether the "new" lot contains space sufficient to accommodate a building site.

Third, I question the accuracy of the survey which depicts the lack of any trees of 18 inches or greater within the site. Having walked the property many times, I know there are some HUGE hardwoods in that area. However, I cannot state with certainty they are in the site area. I think the homeowners should check the area to insure this is or is not the case.

Thanks for your time. Chuck

Charles H. Thibaut  
Northen Blue, LLP  
The Exchange At Meadowmont  
1414 Raleigh Road  
Suite 435  
Chapel Hill, NC 27517  
(919) 968-4441  
(919) 942-6603- fax

# TOWN OF CARRBORO



## CONDITIONAL OR SPECIAL USE PERMIT WORKSHEET

### I. COMPLETENESS OF APPLICATION

- ☐ The application is complete  
☐ The application is incomplete
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### II. COMPLIANCE WITH THE ORDINANCE REQUIREMENTS

- ☐ The application complies with all applicable requirements of the Land Use Ordinance  
☐ The application is not in compliance with all applicable requirements of the Land Use Ordinance for the following reasons:
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- 

### III. CONSIDERATION OF PROPOSED CONDITIONS

If the application is granted, the permit shall be issued subject to the following conditions:

1. The applicant shall complete the development strictly in accordance with the plans submitted to and approved by this Board, a copy of which is filed in the Carrboro Town Hall. Any deviations from or changes in these plans must be submitted to the Development Review Administrator in writing and specific written approval obtained as provided in Section 15-64 of the Land Use Ordinance.
2. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.

### IV. GRANTING THE APPLICATION

- ☐ The application is granted, subject to the conditions agreed upon under Section III of this worksheet.

**V. DENYING THE APPLICATION**

- ☐ The application is denied because it is incomplete for the reasons set forth above in Section 1.
- ☐ The application is denied because it fails to comply with the Ordinance requirements set forth above in Section II.
- ☐ The application is denied because, if completed as proposed, the development more probably than not:

**1. Will materially endanger the public health or safety for the following reasons:**

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**2. Will substantially injure the value of adjoining or abutting property for the following reasons:**

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**3. Will not be in harmony with the area in which it is to be located for the following reasons:**

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**4. Will not be in general conformity with the Land Use Plan, Thoroughfare Plan, or other plans officially adopted by the Board of Aldermen for the following reasons:**

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