

BOARD OF ALDERMEN

ITEM NO. D(1)

AGENDA ITEM ABSTRACT

MEETING DATE: February 21, 2012

TITLE: Revisit the Baldwin Park Garden Expansion, Rain Catchment and Signage Proposal

DEPARTMENT: Recreation and Parks, Public Works, Planning	PUBLIC HEARING: NO
ATTACHMENTS: A. Resolution B. Baldwin Park Garden Expansion Aerial In relation to water quality buffers	FOR INFORMATION CONTACT: Anita Jones-McNair – 918-7381 Wendell Rodgers – 918-7371 George Seiz – 918-7427 Patricia McGuire – 918-73237

PURPOSE:

The purpose of this item is for the Board of Aldermen to review the Baldwin Park garden proposals, staff report and establish whether the gardeners can move forward with the garden expansion proposal, rain catchment plan and signage request.

INFORMATION:

On January 17, 2012, The Baldwin Park Gardeners presented proposals which included expansion of the current garden perimeter, placement of the cistern and shed, garden signage and installation of rainwater catchment system. At that time, staff provided a few points for the Board to consider:

- Along the edge of the proposed expanded garden site is a steep slope and stream buffer that should be considered.
- As a matter of practice the Town has not funded signs for citizen driven projects. In the past, donated funds have been used to pay for the signs for these types of projects.
- The garden items left outside of the fence currently create safety and liability issues. These supplies have been outside of the fence for over a month and Staff requests that smaller items be placed inside the fence as soon as possible.
- OWASA staff had not evaluated the proposal to cross the OWASA easement.

Town Staff, OWASA and NC League of Municipalities reviewed the requests to determine their impact on Baldwin Park. This report will cover each consideration individually. On February 7, 2012 the Board of Aldermen discussed the proposal and staff report. During that meeting the Board voted to grant a 30 feet north expansion, tour the site and defer the garden proposal until the February 21, 2012 meeting.

Since the last meeting staff revisited the site and estimated/flagged the distance from the stream to the current garden and expansion proposal. An aerial map was also developed to estimate stream buffers and proposal locations. Excerpts from the staff report are shown as italic text below. Additional information is also provided for consideration.

Expansion of current garden perimeter

The gardeners requested 2,160 additional feet for the garden which would accommodate 18 new garden plots. If granted the expansion, the additional space is more than 50% of the original garden. The stream restoration and storm water management project and the community garden have greatly impacted the open and useable space of this 2.5 acre park.

The Land Use Ordinance establishes water quality buffers on streams in town. The buffer on the stream to the west of the garden is 100 feet wide. It is a two tier buffer, with the nearest 50 feet receiving more protection than the 50 feet farther from the stream. The minimum buffer required by the Jordan rule for streams such as this one is 50 feet total with a more protected zone within 30 feet of the stream. Extending the garden as has been proposed will create a larger footprint at that edge, and perhaps some/more area within 30' of the stream.

Should the Board decide to allow the gardeners to expand the garden, staff recommended a 25-30 feet expansion to the north end of the garden while maintaining the current 25 feet buffer between the fence and the stream instead of the 45 feet requested. Additionally, staff recommends utilizing the existing space in the current garden to add needed plots.

Staff also recommended maintaining the appearance of garden by using the same materials as those used in the original construction of the garden perimeter and fencing. This would help maintain the uniformity and durability of the garden.

The additional 15 feet requested will place the fence in a tree drip line, possibly damage the root system, limits room for park maintenance and impacts further open and useable space.

Placement of cistern and shed

The cistern and shed were left outside the fence and the gardeners requested that they stay outside the northwest corner of the fence. Because of its function retaining rainwater, the cistern appears to be an allowable activity within the water quality buffers on the site, so long as it is located outside of Zone 1. The shed is not an allowable activity within the water quality buffers. Staff will work with the garden members to identify appropriate locations for both structures in accordance with the Town's water quality buffers.

Staff recommended that the shed should be locked when gardeners are not in the vicinity and the cistern should have a locking valve so that it is secured when not in use.

After further review and hearing financial concerns from the gardeners, staff recommends the cistern be placed at the northwest corner of the pavilion directly on the ground with a locking valve installed. Hoses will run from the cistern to the garden when water is needed. This location will eliminate liability and financial constraints. Staff notes that further examination of the water quality buffers at Baldwin Park has revealed that the majority of the garden is located within the buffers associated with streams on the east and west sides of the park property. The geographic information has been updated with the recently relocated stream segment location and a map created depicting the location and size of the existing garden and requested expansion. A triangle of approximately two by three feet in the southeast corner of the garden appears to lie outside the buffer area. Another area to the east of the southern corner of the garden appears to fall between the water quality buffers from the streams on the east and west sides of the park, its dimensions/configuration do not appear to be sufficient to support the footprint of the shed that has already been installed on site. It appears that any other location

outside of the garden would place the shed either in a buffer or too close to the basketball court. A map depicting the vicinity, with the 2010 aerial photography as a base view, existing and proposed garden area, water quality buffers and the sewer line easement has been prepared. The two lots that make up Baldwin Park are outlined. Matthieu Campbell mentioned that variances had been granted to allow structures within the buffer in the neighborhood recently. The Board of Adjustment has granted variances for two properties on Broad Street recently (these properties are also outlined on the map); Mr. Campbell's property at 406 Broad Street was one of the two. The variance was requested because a shed had been constructed within the water quality buffer and an addition to the existing home was desired. Variances may be issued based on a determination that an owner has been deprived of all reasonable use of property by the Town's regulations. The standard is a difficult one and based on the information available, would not seem to be met in this case. The fee for a variance is \$350.

Garden signage

The Carrboro Parks Project requested that the town pay for a garden sign which includes a list of donors and contact information. The cost is approximately \$200. We recognize and appreciate the Carrboro Parks Projects past and current fundraising efforts. Staff noted in the January 17th abstract that as a matter of practice the Town has not funded signs for citizen driven projects. In the past, donated funds have paid for the signs for these types of projects. The town has accepted donated funds and used the funds to purchase and/or install various amenities such as recognition signage. Any signage proposed for the garden must comply with Land Use Ordinance provisions. In previous situations, signs containing references to commercial supporters of a project could not meet the LUO definition of a sign (i.e. commercial messages could not be visible from a right-of-way). Signs that have been installed in association with other park projects have been reviewed by Town staff and this step will be needed in this instance as well.

Staff recommended the Carrboro Parks Project and the Baldwin Park Gardeners continue their fundraising efforts to purchase a sign. Recently staff shared the Nourishing North Carolina One Garden At-A-Time grant opportunity with the gardeners. This grant is a cooperative effort between Blue Cross Blue Shield (BCBSNC) and the North Carolina Recreation and Parks Association (NCRPA). We will continue to share opportunities. The Recreation and Parks Department can facilitate purchase and installation of the sign after receiving the donated funds.

Installation of rainwater catchment system

The gardeners would like to use volunteers to install gutters on the pavilion, trench and install PVC piping across the park to hook up to the cistern near the garden.

Staff requested a risk opinion from the League of Municipalities to determine whether volunteers should complete installation and trenching in the park. We were informed that the volunteers are not covered under workers compensation because they don't work for the Town or under general liability insurance because it is used for injuries to people or property caused by the negligence of the insured. Based on this information using staff or general contractors would be a protected direction to consider.

The addition of gutters to the shelter can be considered an improvement to an existing structure maintained by the Town, and therefore Public Works will install the gutters and downspout at

Town expense. The gutters will help reduce erosion caused by water draining off the drip edge of the roof, and reduce splash/spray entering the interior of the shelter during rain events. Also, with the work being performed by either Public Works crews or a contractor hired by Public Works, staff questions concerning liability and proper installation will be addressed. Public Works staff will work with Baldwin garden representatives to coordinate the installation and connection of the downspout to other piping or water storage units.

The trench work and location proposal was given to OWASA for comment. Staff also met with an OWASA staff member onsite. The gardeners propose digging a 12" deep trench to bury the PVC in connecting to the cistern. OWASA confirmed the proposed route to make the connection would cross the OWASA sanitary sewer easement and that they may need to access this easement with equipment that weights 18,000 lbs. PVC pipe may have a problem supporting this weight. Ductile iron pipe or at minimum a 6" steel casing pipe enclosing the PVC across the 30' easement is recommended. Additionally, marking tape should be placed 6" above the pipe during installation. Public Works and OWASA will also need to review final plans and the timeline for the installation. Once the plan is approved, OWASA will issue a letter of encroachment to the gardeners. OWASA also requires a sign be attached on the pavilion after the work is completed notifying the community and others that a buried water line is present.

Staff recommended the installation of the water line connecting to the cistern be done by licensed contractors and the gutters and downspouts by Public Works.

The above process will no longer be needed if the staff recommendation is approved.

FISCAL IMPACT

The total fiscal impact listed is based on staff recommendations. Gutter and downspout installation is approximately \$450.

RECOMMENDATION:

Town Staff recommends that the Board of Aldermen adopt the attached resolution.