

Town of Summerfield  
Birkhaven Phase Six Subdivision Report  
Staff report: Julie A. Reid, Interim Town Planner

**Owner:** Dorothy Gilmore (contract pending)

**Applicant:** Combs, Incorporate (Kevin Combs)  
P.O. Box 790  
Oak Ridge, NC 27310

**Location:** The proposed site is approximately one half mile south on Birkhaven Drive Road from Oak Ridge Road, then right on Braelands Drive, then right on Briardenn Drive. The current road dead ends into the subject property. Guilford County Tax Parcel 0149857.

**Parcel Size:** 25.001 Acres

**Number of Lots:** 17 lots

**Zoning:** Existing AG-Agricultural in a Watershed III Protection Area  
Pending rezoning RS-40 Residential in a Watershed III Protection Area

**Source of Water and Sewage Treatment:** The lots will be served by on-site wells and septic tank systems on each lot

**Submittals:**

The required submittals include the Preliminary Plat with all required data, Environmental Inventory, Street Data, a Watershed Development Plan, a utility layout plan and Erosion Control Plans. The initial submittal was incomplete. The second submittal had most of the required documents. The surveyor has indicated his desire to submit Erosion and Sedimentation plans during the construction plans phase instead of at the time of the preliminary plat. All fees have been received.

**Environmental Features:**

The Primary Conservation Area identified on the plat includes slopes in excess of 15%. A stream and required buffer are also shown.

The soils map submitted in the environmental inventory appears to be incorrect. Both the Guilford County GIS (copy of map attached) and the North Carolina Extension services soils survey show a different set of soils. I have attached a chart showing the restrictions for septic tank systems. Approximately one third of the land in this request have Ch-Chewacla soils, McE2 and MaE-Madison Soils and slopes of 15% or greater.. These soils have severe restrictions for septic tank absorption fields. An additional small area contains Wh-Wehadkee soils which also have severe restriction. This small area will be partially covered by roads. The remaining soil types do have a moderate restriction for septic tank

absorption fields. This means it will take more area to distribute the effluent for the four bedroom houses planned.

Floodplain: The property is not located in Special Flood Hazard area as determined by the Federal Emergency Management Agency and shown on NC FIRM Panel 3710782900J dated June 18, 2007.

Topography: The site is characterized by wooded rolling slopes on the western portion of the site and steeper slopes exceeding 15% on the eastern portion of the site sloping down to a stream.

Protected Natural Areas and Wildlife Habitats: No protected areas of wildlife habitats have been identified on this site.

Archaeological and Historic Sites: No Archaeological and Historic Sites have been identified on this site.

Woodlands : Three general areas of existing tree stands exist, alternating from Evergreens in the western portion of the site, then transitioning into hardwoods for the eastern part of the site. One stand of pines is centered at the west edge of the primary conservation area and is surrounded by hardwoods.

Farm land: There is no evidence of past or present agricultural activities on the site.

Scenic Roads: There is no designated scenic by-ways located on this property.

Plan Review – Engineering: The plans submitted are under review at this time by the Town’s consulting engineer.

Transportation: In the previous five phases of Birkhaven, there a number of street connections left open at the perimeter of the subdivisions. All such connections should provide a temporary cul-de-sac to enable emergency vehicles to turn around without backing up. There does not appear to be a plan for alignment of streets in this area. A plan should be established prior to the incorporation of additional stub outs for new roads or should incorporate new roads within the boundaries of the development.

A plat has been attached showing the existing stub outs in red. It does show the existing streams in blue and contour lines in brown. Additional stub outs should be included, but a plan for the future alignment of roads needs to exist before such dedications are determined.

## **Comments**

The preliminary plat indicates 4.104 acres of open space in a primary conservation area. **It does not encompass the entire primary conservation area.** This primary conservation contains slopes of greater than 15%, poor soils with trees and undergrowth stabilizing the slopes. It also contains a stream and the required stream buffers.

Two additional parcels are designated for open space **and common area.** The area of these parcels are 1.082 acres and 1.143 acres. These two areas do not serve either a primary or secondary conservation area. The designation of common area would not be appropriate if these lots are used for placement of

off-site sewage drainage fields for one or more houses. The two lots shown as open space and common areas also have an 80 foot utility easement across them. The use of this land is restricted.

The need for off-site sewage drainage fields can be eliminated by careful evaluation of the existing soils and rational lot design. The soils map submitted in the environmental inventory appears to be incorrect. Both the Guilford County GIS (copy of map attached) and the North Carolina Extension services soils survey show a different set of soils. I have attached a chart showing the restrictions for septic tank systems. Approximately one third of the land in this request have Ch-Chewacla soils, McE2 and MaE-Madison Soils and slopes of 15% or greater.. These soils have severe restrictions for septic tank absorption fields. An additional small area contains Wh-Wehadkee soils which also have severe restriction. This small area will be partially covered by roads. The remaining soil types do have a moderate restriction for septic tank absorption fields. This means it will take more area to distribute the effluent for the four bedroom houses planned. Approvals for on-site sewage systems will need to be approved by the Guilford County Public Health Department. Adjustments to lot lines may be required to maintain the sewage system on the lot it serves.

#### Primary Conservation Area

The Summerfield Development Ordinance states "(E) Disturbance Limitations: Subdivisions should be ***designed to prohibit disturbance***, other than previous trails not to exceed 5' in width, ***within all required primary conservation area open space*** dedication and to avoid or limit disturbance in secondary area. "

"1) Primary Conservation Areas. Because they represent sensitive environmental features and/or significant cultural resources considered unbuildable in a legal or practical sense, Primary Conservation Areas are the first type of open space designated on a subdivision plan to satisfy the minimum open space requirements. Because of their sensitive nature, ***there is to be no observable disturbance of any area designated as a Primary Conservation Area*** on a Master Sketch, Subdivision Plat, or Site Plan."

Homeowners Associations and individual property owners generally do not understand the purpose of restricting development in conservation areas and may do considerable harm to these areas. Funds would not be available to remedy such damage. It is prudent to place all primary conservation areas in an dedicated open space classification. Soil disturbing activities such as home building should not be allowed in the primary conservation areas. There should not be inclusion of primary conservation areas within individual lots.

Three lots have a portion of the Primary Conservation Area within their boundaries.

Addressing will occur after the final approval of the preliminary plat.

#### **Items needing revision, addition or deletion.**

Please indicate by cross hatching any lot not yet evaluated for septic tank installation and add required note to plans "No certificate for sewage treatment has been issued for this lot".

Correct the approval certificate by removing the word "Oak Ridge" and inserting the word "Summerfield".

A preliminary review by the Guilford County Erosion and Sedimentation revealed that a grading permit is required. The owner/developer is advised to consult with his/her engineer and submit the requirements to secure a grading permit from Guilford County prior to land-disturbance activity.

Once the erosion control plan and grading permit packet is submitted for review, a more extensive review will be done by the County Soil Erosion Control Section.

Indicate who will be the owner or receiver of the open space. If this is a Homeowner's Association, please submit a draft of the agreement to be filed.

Will Birkhaven Six belong to the same homeowner's associate as Birkhaven 1-5?

**Suggested motion:**

**Denial:**

I move that the application for the Preliminary Plat Approval for Birkhaven Subdivision Phase Six be (denied). The reason for this action is: \_\_\_\_\_

**Conditional Approval:**

I move that the application for the Preliminary Plat Approval for Birkhaven Subdivision Phase Six be given conditional approval. Conditions that must be met prior to an unconditional approval are \_\_\_\_\_.

**Approval:**

I move that the application for the Preliminary Plat Approval for Birkhaven Subdivision Phase Six be (approved). The reason for this action is: \_\_\_\_\_

**Change in Preliminary Plat submittal**

I move that the application for the Preliminary Plat Approval for Birkhaven Subdivision Phase Six be returned to the developer for amendment. The amendments required are \_\_\_\_\_.  
The reason for this action is: \_\_\_\_\_