



**TOWN OF WEDDINGTON
REGULAR PLANNING BOARD MEETING
WEDNESDAY DECEMBER 18, 2024 – 7:00 P.M.
WEDDINGTON TOWN HALL
MINUTES
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1. Call to Order

Chairman Manning called the meeting to order at 7:00 p.m.

2. Determination of Quorum

Quorum was determined with all Board members present: Chairman Travis Manning, Vice Chair Amanda Jarrell, Board members Manish Mittal, Chris Faulk, Nancy Anderson, Rusty Setzer, and Bill Deter. Manish arrived at 7:02.

Staff present: Town Planner Greg Gordos, Town Administrator/Clerk Karen Dewey, Town Attorney Karen Wolter, Deputy Grant Wrenn,

Visitors: Chad Emerine, John Amon, Gayle Butler, Debbie Moffat, Jamie Pratt, Steve Pratt, Stephen Siegfried, Jack Braman, Leah Braman, David Cusumano, Erin Cusumano, Bob Williams, Kim Topalian, Jami Bartolucci, Alan Bartolucci, Chris Huysman, Perry Isner, Melissa Emerine, Joyce Plyler, Curtis McDonald, Stephen Houser, Bridget O'Brien, Eileen Fellmeth, Steve Fellmeth, Barb Schick, John Drazal, Houghton Lewis, Joanna Lewis, Christopher Neve, Orla Sydlowski, Vic Sydlowski, Peter Balletta, Michael Moffat, Jac Joubert

3. Conflict of Interest Statement: *In accordance with state law, it is the duty of every Board member to avoid conflicts of interest. Does any Board member have any known conflict of interest with respect to any matters on the agenda? If so, please identify the conflict and refrain from any participation in the matter involved.*

Chairman Manning read the Conflict of Interest Statement and polled the board members. No Board member had a conflict of interest.

4. Approval of Minutes

A. November 25, 2024 Planning Board Regular Meeting

Motion: Board member Anderson made a motion to table approval of November 25, 2024 Planning Board Regular Meeting Minutes until the January Planning Board Regular Meeting

Second: Board member Setzer

Vote: The motion passed with a unanimous vote.

5. Public Comments: *Individuals are allowed 3 minutes to speak and must only comment on current agenda items. A maximum of 30 minutes is allocated to the Public Comment Period. The time limit may be extended at the discretion of the Chairman.*

Chad Emerine 953 Eagle Road: Mr. Emerine commented that application is incomplete, and the plan has changed since the last community meeting. Mr. Emerine expressed that the area is the most environmentally sensitive in town. He asked that the open space be placed in a land conservancy. He commented on concerns in the Bromley, Enclave, and Luna subdivisions storm run-off and tree save.

John Ammon 744 Skytop: Mr. Ammon commented on the grinder pump use around lakes and how it is not for septic. He commented on septic plans and possible changes and figuring out total lots with septic. Mr. Ammon asked how wastewater is moved to septic off site.

Janie Pratt 916 Woods Loop – Ms. Pratt stated her opposition to the Deal Lake Development. She distributed a position statement submitted for record. Ms. Pratt commented on the traffic analysis being done while Weddington Christian Academy was on a holiday and how it undermines the conclusions for level of service. She asked for an accurate and comprehensive traffic impact analysis.

Steven Siegfried 1037 Baron Road: Mr. Siegfried commented on perc tests and believes the septic plan is complicated. He stated his fear that Toll Brothers will come back with a different wastewater plan.

Charlie Bondurant 646 Brandy Court: Mr. Bondurant expressed his concern about the exposure of lakes and Twelve Mile Creek focusing on the septic plan and stormwater.

Jack Braman- 963 Woods Loop: Mr. Braman expressed his concerns regarding the stormwater and wastewater jeopardizing lake and natural surroundings and the night sky pollution. He commented on Chairman Manning's reply to his wife's email and he believes it showed clear bias. Mr. Braman respectfully requested that Chairman Manning recuse himself from the process.

Debbie Moffat 936 Baron Road: Ms. Moffat commented on previous versions of the project and current plan being too vague. She stated that this will have severe impacts on her family. Ms. Moffat expressed that the beauty in the area will be changed. She commented on trees being vital to the viewshed and wildlife and to protect the ecosystem. Ms. Moffat stated her belief that the application is incomplete.

Erin Cusumano 1431 Weddington Hills Drive: Ms. Cusumano stated that she had attended the community meetings and they were held for a different plan than what is being presented tonight. She stated that she has questions about septic, trees, traffic, and the Rea Road extension.

Bob Williams 1440 Weddington Hills Drive: Mr. Williams commented on future homeowner hidden maintenance costs with the panel block septic. He stated environmental concerns.

Kim Topalian 130 Bluebird Lane: Ms. Topalian commented on the Rules of Procedure and the completeness of the application from Toll Brothers.

Joyce Plyler 1046 Bromley Drive: Ms. Plyler commented on corporate incentives and the developer caring more about the bottom line than the environment and future of the community. She stated that her HOA

dealing with mess that Toll Brothers left behind. Ms. Plyler stated that HOAs are undercapitalized and when major capital expenses are due, they are not able to fund them. She stated her concern with the HOA changing the covenants.

Barbara Schick 205 Dornoch: Ms. Schick commented on recent experience with a developer and the aggressive pace of residential construction. She stated her concerns that the Town is not holding Labella or Beechwood accountable and that town has limited resources to answer concerns.

6. New Business

A. Discussion and Possible Recommendation of an application by Toll Brothers requesting Conditional Zoning Approval for the development of a 62-lot Conventional Subdivision located at/near 610 Weddington Road.

The applicant presented the project: Bridget Grant, Land Use Consultant with Moore and VanAllen. Collaborating with Kimley Horn, McKim and Creed, ESE Consultants, and Wetland & Waters, Inc. Anna Deal Morgan, representing the current property owner gave a background on the Deal family history in the Weddington community (submitted for the record).

Ms. Grant presented the plan: 167 acres zoned as RCD. December 2023 first submittal. Reviewed iterations of plan. Septic will be on lots with additional fields for maintenance. There is no encroachment on the eagle protection radius. Buffer, greenspace.

Ryan Switzer with Toll Brothers. Gave overview of the project. Ms. Grant summarized the changes made since 2023.

Mr. Gordos reviewed the staff report.

The applicant, Toll Brothers, is proposing the development of a new residential subdivision of 62 homes on approximately one acre lots. It is located on two sides of Weddington Road (NC-84) with the majority of homes located to the south of the street. Aero Plantation subdivision is located to the south (zoned R-80). Stratford on Providence and Lochaven is west and Weddington Hills is east of the subject property. Three entrances onto Weddington Road are provided: all right-in, right-out as reflected in an approved TIA. The subdivision was previously proposed as a conservation subdivision with greater than 50% open space. After receiving feedback in community meetings, this was abandoned for the current proposal with larger lots and fewer homes. The southwest corner of the site is adjacent to a lake and is environmentally sensitive with a noted eagle's nest located there. From application, there have been three significant revisions with lot count reduced from 93 to 82 to 70, and with a 4th and final revision down to 62. This last change lies outside the 660' buffer around the eagles. The site plan as submitted meets all requirements for cul-de-sac length, lot size, thoroughfare buffer, open space requirements, and maximum density. Wastewater systems are under the jurisdiction of N.C. Department of Environmental Quality and Union County, but that does preclude ensuring they are approved by all regulating agencies as demonstration of due diligence and as a condition for approval. It is the recommendation of staff that the request for Conditional Zoning to allow for the development of a 62-Lot Conventional Subdivision located on Weddington Road, known as Deal Lake, be recommended for approval with conditions: Union County Environmental Health approval of the proposed lots for septic tanks and wells.

Mr. Gordos listed concerns: the long cul de sac, environmentally sensitive areas, recommendation of a landscaped earthen berm in the buffer, the applicant provide approved septic plan from Union County Environmental Health, a tree survey/save plan completed before clearing on site.

Board member Anderson asked that the email received from the Town Attorney to the Council and forwarded to the Planning Board be read into the record:

Good morning everyone -

I understand there has been some concern regarding whether Toll Brothers application is "complete" for purposes of proceeding with the Planning Board meeting on Wednesday. Below are my comments:

- 1. The planning administrator has the discretion to determine if an application is "complete" for purposes of moving that application forward through the development process. Greg has determined that the application is complete.*
- 2. At this phase of the conditional zoning process, the developer is required to provide the town with a "sketch plan" for the project. This plan does not include - nor is it intended to include - the in-depth engineering/technical detail that will be required if the project is approved and built.*
- 3. Greg has determined that all information was timely provided.*
- 4. While there have been general statements that the application is incomplete, Greg has only received comments from a citizen that points out 2 areas:*
 - a. Drainage, Stormwater management and wetland protection plan: The sketch plan includes the storm water ponds, the drainage easements (showing the direction of flow) and the high points on the property. This information satisfies the application requirement for a sketch plan. Additionally, the applicant has received preliminary information from the Army Corp related to wetlands. All of this information will be more thoroughly engineered and put through a rigorous review process should the development be approved. However, the information provided is sufficiently complete for the CZ process.*
 - b. Union County Environmental Health approval of septic/wells. The information submitted by the developer indicates they are going to use the Engineer Option Permit process - which by law does not require approval by Union County. Along with identifying that option, they have provided soils report and identified the types of systems/lot they intend to use. As we have discussed, state law prohibits us from enforcing ordinances related to waste water systems that have been approved by the state. In this instance, requiring approval from the County is no longer legally required by the developer if it chooses to proceed under the EOP process - They are required to provide notice to the county before and after construction - which happens much further into the construction/design process. While we may have some legal arguments on this one, Greg has managed to gather sufficient information from the developer to thread the needle between the Town obtaining detail on the septic plan prior to planning board and the developer "consenting" to a condition that they obtain approval from the county as the process moves forward.*

Finally, I believe there is quite a bit of confusion about the difference in required detail between a preliminary plat and a sketch plan. Bill Deiter (sic) called me yesterday to ask me these same questions and I was able to walk him through the difference between the two and why the sketch

plan is intentionally less detailed than a preliminary plat. So you all understand, if the sketch plan is approved, every developer STILL needs to submit and have reviewed and approved the much more detailed engineered and construction plans and preliminary and final plats, all of which must comply with the UDO and all state and local building codes.
I hope this helps - I'm happy to answer any questions or discuss this further.

Board member Faulk commented he would like to see the TIA done during an active school day. Stream buffers on jurisdictional waters, eagle radius recommendation at 330 feet, the project gives a 660-foot radius.

Board member Mittal commented the 660-foot radius takes care of the fish and wildlife requirements.

Board member Setzer commented this project has met UDO requirements, recommends TIA done during peak hours on a school day and tree survey.

Board member Jarrell asked if homes would be all custom or spec. Mr. Price responded there will be a few spec and some upscale

Board member Mittal commented: the plan meets the UDO, agreed that the TIA should be redone. He asked if the soil perc had been done.

Mr. Price responded that there has been a preliminary soil analysis. The plan shows designated fields that will support each lot.

Board members commented on the septic plans: the engineer option permit for onsite and offsite systems.

Laura Reed with Kimley Horn commented on the TIA: they looked at how does road operate without the site and with the site in the future and what is needed to mitigate impacts. The March 7th provided the existing analysis only. The future year analysis used NCDOT traffic forecasts around NCDOT projects planned. Based on forecast volumes from NCDOT. The TIA was approved through LaBella in initial format and revised format.

Board member Deter commented on the history of working with Toll Brothers and that a completed tree survey should be a condition to be brought back and shown to PB. He asked about the septic plan. Board and applicant discussed septic plans and soil disturbance in depth.

Board member Faulk asked about hidden costs for future homeowners and if Toll is open to setting funds aside to protect homeowners for first few years. Applicant commented that they are amenable through bylaws and CCRs. Applicant affirmed that the septic systems are individual. Mr. Price commented that Toll Brothers waits for 100% homeownership in a development to turn HOA over. Ms. Wolter commented that the town can ask that document be provided prior to final plat approval. Board member Anderson expressed her concern for the contamination of the lake and asked if the current HOA monitors the water quality. A resident responded that they do.

Board members discussed turbidity testing of the existing ponds, a required tree survey, and the road stub to the north. Staff will review conditions with Ms. Wolter.

Chairman Manning asked about grading and phasing the build. Mr. Price responded that they approach the project with select clearing and grading, not mass grading. Chairman Manning asked about streetlights and the lighting ordinance. Mr. Gordos responded that the town doesn't require streetlights. Mr. Price stated that Toll will adhere to the town policies and ordinance.

- Motion:** Board member Faulk made a motion to forward an application by Toll Brothers requesting Conditional Zoning Approval for the development of a 62-lot Conventional Subdivision located at/near 610 Weddington Road to the Town Council with a recommendation for approval with the following conditions:
- Applicant shall provide a landscape plan that includes an earthen berm in the roadway buffer.
 - Applicant shall conduct a tree survey and create a tree mitigation plan to be approved by Town staff prior to obtaining grading permit.
 - Applicant shall obtain approval of septic system from the County by either 1) confirmation that notice of EOP submittal was approved/acknowledged by the County; or 2) County approval septic system/plan.
 - Applicant shall construct internal streets with curb, gutter, and sidewalk with planting strips.
 - Applicant will ensure that neighborhood CCRs gives HOA authority to require/enforce performance and maintenance of privately-owned septic systems.
 - Applicant will monitor lakes downstream of project throughout construction and until post-construction obligations are completed. Applicant will conduct testing for turbidity, take all action necessary to maintain lakes in their current condition and to repair/mitigate any damage caused by applicant.

Second: Board member Setzer

Board member Setzer commented that he is not happy with this moving through. The board is bound with what they have to work with in the UDO. Until it is revised the board is limited.

Motion: Board member Deter made a motion to amend the motion on the table to suspend the rules to allow the residents to state their additions to the development conditions.

Second: None. The amendment to the motion dies.

Vote: The original motion passes with 5 votes in favor, one opposed. Board members Faulk, Anderson, Jarrell, Setzer, and Mittal in favor. Board member Deter opposed.

Chairman Manning called for brief recess at 9:33 p.m.

Chairman Manning called the meeting back to order at 9:40 p.m.

B. Discussion and Possible Recommendation of Text Amendment 2024-10 Section D-917A.Q Tree Requirements (New Tree Ordinance)

Motion: Board member Anderson made a motion to table Discussion and Recommend Text Amendment 2024-10 Section D-917A.Q. Tree Requirements to the next regular meeting.

Second: Board member Jarrell

Vote: The motion passed with a 5-1 vote: Board members Faulk, Setzer, Anderson, Mittal, and Jarrell in favor. Board member Deter opposed.

C. Approval of 2025 Meeting Calendar

The Board members discussed moving the November and December regular meetings to the week before the regular schedule to avoid holiday interruptions.

Motion: Board member Mittal made a motion to approve the amended 2025 Regular Meeting Calendar moving the November and December meetings to the week before the regular meeting schedule.

Second: Board member Anderson

Vote: The motion passed with a unanimous vote.

7. Old Business

A. Discussion and Possible Recommendation of Text Amendment Section D-917A.D(2)(c). Lots in Floodplains

Mr. Gordos explained that he met with Mayor Bell and Councilmember Smith to discuss the standards for development on lots in floodplains. Mr. Gordos will provide three options to cover what is wanted without infringing on property rights.

The board members briefly discussed SB382 that was approved by the General Assembly last week with Ms. Wolter.

Motion: Board member Setzer made a motion to table text amendment to section D-917A.D(2)(c) Lots in Floodplains until staff drafts options.

Second: Board member Jarrell

Vote: The motion passed with a unanimous vote.

B. Discussion and Possible Recommendation of Text Amendment 2024-09 Section D-917A.J. Cul-de-sacs

Mr. Gordos introduced the subcommittee drafted language. It was proposed to eliminate change length from 1200 feet or 16 units to shall not exceed 500 feet. Dead end streets designed to be permanently closed is prohibited. A sign is required if stubbed road is for future possible extensions. Closes are permitted on private streets. However, that may not solve issue as private roads are required to be built to public standards. The text includes language around monitoring gates and yearly updates. That isn't a priority so that language is removed. Board member Deter stated that Knox locks were included in discussion for gates.

Board member Anderson asked what the concern with cul-de-sac length is and who is responsible for monitoring maintenance of. The Board discussed maintenance of the gated connections and requirements to keep it accessible. The Board discussed cul-de-sac length. Board member Faulk stated that with conditional zoning, applicants can ask for something different, but this puts the standard in the UDO. Board member Deter explained that nearby towns prohibit cul-de-sacs except in specific instances. Board members continued discussion of cul-de-sac length and safety concerns.

Motion: Board member Deter moved to recommend approval of UDO text amendment to section 917A.J. Cul de sacs to the Town Council.

Second: Board member Faulk

Vote: The motion passed with a 5-1 vote. Board members Faulk, Deter, Mittal, Jarrell, and Setzer voted in favor. Board member Anderson opposed the motion.

8. Update from Town Planner and Report from November Town Council Meeting

Report from December Town Council meeting. Council approved the 2025 Regular Meeting calendar and the 2025 Holiday calendar. They heard a presentation from the Rahma Center for a conditional zoning application for religious use at 7112 New Town Road and directed staff to enter into contract negotiations with LaBella for site planning for the park property. The January Council meeting will include a public hearing for the conditional zoning application for 13700 Providence Road for the two additional office buildings

9. Board member Comments

Board member Deter: We're just commenting to each other. The crowds left. I thought obviously this was a very hot topic that we covered. We had some people get nasty. Nancy understands people do that and it doesn't help their cause (Board member Anderson: But that does not excuse their behavior) No it doesn't, and I agree 100%. I thought there were some very thoughtful comments and then there were the usual cut and paste comments. I throw those out and take the thoughtful ones. Looking forward to addressing the tree ordinance at the next meeting.

Board member Mittal: I think it was good plan- it took a year to come to this board. When I look at the UDO, this checks all the boxes. They heard concerns from the community and those concerns were answered. It should be a good plan. I appreciate everybody coming-it was hard for me to get in because I was late.

Board member Jarrell: I agree with everything everyone said. It was heated in here a little bit. I hated it for the property owners. It's got to be tough to be them. I hope people on the outside watching realize that's not what Weddington is like. I think Toll has been working on this over a year and has done a lot to tweak and come to an agreement to bring something we like. I appreciate them doing that work for us. I'm excited to do the tree ordinance. I think it is important but not at 10 o'clock. Merry Christmas. Town Hall looks amazing.

Board member Setzer: I appreciate staff and council being here tonight. Appreciate all you do and thank you Jim for sticking around. I like the fact that this board is functioning, and discourse is civil with each other. Nothing should be unanimous. Happy Holidays. Safe Holidays

Board member Faulk: I'll echo the same. I do not condone representation of Weddington like that to anybody that comes forth just because there's disagreement. I feel bad for the landowners.. Something else said that Rusty touched on. The lady Kim thinks our boards are split. I don't believe that to be true. I would love to see if there's a way we can have a retreat where we can talk about what the goals are. There's a better way to get what Weddington wants and what Council wants and what planning board wants. I'm looking for something to bridge that gap. I thank Karen for coming with her elegant words. Happy Holidays.

Board member Anderson: I do not have too much to add. I appreciate the Board's patience with me because there are a lot of things here that I am not a subject matter expert. I get frustrated with some residents that think they are subject matter experts. But they are not, and they think that we can somehow change the legal and we can just on a whim go by feelings and not facts. As we have all seen there are some people that show up at every meeting. That I just want to say to them are they ever in favor of anything, Is there anything they're happy about? I just get frustrated with constant negative stuff directed at century old landowners. Our families have been friends for generations and for people to treat them like that.

Chairman Manning: It's always a hassle to go last on these comments because you all steal my thunder. I thank Karen Wolter for being here. That was a huge help. I was nervous this afternoon. Mayor Bell has goodies for everybody in the back, don't forget them. On public comments. I hope I did a decent job trying to keep the crowd in check. The Deal family - I feel bad for them. I don't know why I would need to recuse myself as one of the public commented. I read Mr. Nesbit's book. I wasn't trying to be confrontational; I was just giving some history of the land. Merry Christmas and Happy New Year. I will end it and I will say this and mean it with everything I have. I don't think Weddington deserves you, Greg. You are a stand-up planner You take heat like nobody I've ever seen.

Board member Anderson: I have one more comment Mr. Chairman I know your term is supposed to be coming up and I am personally asking you to reapply. You've done a great job since I've been here. Board members Jarrell and Faulk agreed.

10. Adjournment

Motion: Board member Deter made a motion to adjourn the December 18, 2024 Regular Planning Board Meeting at 10:16 p.m.
Second: Board member Jarrell
Vote: The motion passed with a unanimous vote.

Approved: January 27, 2025

Hello, my name is Anna Deal Morgan. I am here on behalf of the Deal family, specifically my 90-year-old father and 86-year-old aunt, who due to health issues with their respective spouses are unable to be here tonight.

I would like to share a little of our family history in the Weddington community. Our family has farmed and been teachers, church and civic leaders in Weddington for over 100 years. We have loved the land, worked the land and been good stewards of it. At one point my grandfather and great uncles owned over 2000 acres.

These 2000 acres are where many of you now live, Lake Forest, Hunting Creek, Weddington Hills, Skycroft and others. It is where the 3, A rated Weddington schools and the Optimist Park are located.

After all these years of continuing to try and farm our remaining land – which is at issue this evening the reality is the community has evolved to the point that it is not feasible to farm the land for multiple reasons such as the difficulty of moving the necessary farm equipment on suburban roads, the proliferation of deer who eat and destroy crops, and our family's own personal reasons. .

The family has come to the realization that transitioning our 175 acres into a neighborhood for 62 families is the best course for us, the land, and the community. We will retain our historic farmhouse and 20 surrounding acres. In no way would we agree to a neighborhood, contiguous to our historic home place (where my father and aunt were born) that was not ecologically and aesthetically acceptable. The exclusive Deal Lake community being presented this evening exceeds all ordinances applied to existing neighborhoods and we believe will raise the value of all property.

It is unfortunate that our family name has been misrepresented in social media and print with vulgar emojis and misleading information has been shared about wildlife protection and state of the art septic solutions. Regarding the eagles, their nest is on our private property. It is documented in the wildlife study that the Aero Plantation airstrip is a greater threat to the eagles than residential homes. Further, new, state of the art septic systems are far less of a risk to the eagles and the lake than the 50-year-old systems on lots adjoining the lake.

We have been perplexed at the viciousness of the misinformation campaign directed at Toll and our family. I'm sure that flagrant disrespect for private citizens' good names and the fundamental American right to own and sell private property is not a true reflection of this family-oriented community. We can only assume this campaign is due to a handful of citizens

expecting that our family maintain our property, which is adjacent to theirs, to standards of their choosing and their interpretation at our expense. Their use of eagles and fictitious septic issues to attempt to derail the legal sale of private property for the development of 62 \$1.3M homes on 175 acres with significant protection of wildlife and woodlands raises this question.

In closing I ask this thoughtful community to listen to the facts from the professionals vs. slanted social media posts full of misinformation. I reiterate the careful evaluation our family has made. We believe our Deal ancestors would be happy to see the thriving family community Weddington is today. We are proud of our contributions to that community and believe that the future Deal Lake neighborhood will be a contributing part of that community. Thank you for your attention and time this evening.

The Aero Plantation community adjoins the proposed Deal Farm development on the east and south property lines of the subject. In addition, about 80% of the lakeshore on the southwest side of the subject property abuts Aero Plantation's lake, which is used by Aero residents for recreational canoeing, paddleboarding and fishing.

The Aero Home Owners Association's Board of Directors represents 102 families on 475 acres, of which 90 acres (20%) is common property. All would be adversely impacted by the subject development. The Board of Directors, on behalf of these owners, expresses opposition to the proposed Deal Farm concept plan for the following reasons:

1. Septic system pollution. From the first community meeting, Aero residents have voiced strong concerns about groundwater pollution from community wastewater treatment plants or shared septic systems in close proximity to our lake and to the wells of adjoining homeowners. The current plan shows some lots with panel block, an engineered system that concentrates effluent in a series of connected chambers and then into the dirt. These systems are typically employed (a) on small lots because they use less area and (b) where soils do not drain adequately. The site plan shows remote drain fields will collect waste from multiple lots, thereby concentrating the effluent. In contrast, traditional drain fields filter waste through gravel beds over a larger area so the effluent can be dispersed, rendering it less noxious. Aero strongly opposes all alternative septic treatments and urges the Town to permit only proven, conventional, on-site septic and drain field systems serving individual lots. The risk of failure is too great, and the consequences of failure too dire to allow unprecedented technologies so close to our lake. Should a failure occur, allowing raw sewage to flow or seep into our lake, Aero's first remedy would be to sue the Deal Farm HOA. Litigation would be expensive for Aero homeowners and the cost of a remedy could easily run into hundreds of thousands of dollars. No HOA, certainly not Aero or Deal Farm, is likely to have the financial wherewithal to address a catastrophic failure, either in the near term or decades into the future. If not the HOA, then whom? Even if the Deal Farm HOA could and would pay it, the situation would pit neighbors against neighbors. Prevention is the far better course.
2. The CZ application is incomplete. After a year in the application process, the requirements of the Unified Development Ordinance Appendix 2 have not been delivered, including but not limited to the Union County septic approval, the stormwater management plan and the wetland protection plan.
3. The R-CD Conventional Sketch Revised for Eagle Boundary & Septic dated May 2024 contains inconsistencies. The Site Assumptions state first an assumption that on-lot septic will be utilized on the west side of Weddington

Road (see Site Assumption #1.) Then, up to 15 lots may share septic fields and up to three lots may share one common septic field (see Site Assumption #3.)

4. The site plan itself is conceptual and subject to change during final design, and includes numerous caveats. Soil testing and feasibility hasn't been provided. Data obtained from Union County and NCDOT is considered preliminary and subject to field verification and survey. Wetland identification is preliminary and may change. The required Alta survey and perk tests have not been performed. The developer hasn't performed much of the normal due diligence for a project of this scope, presumably because it is expensive. If site development begins and subsequent discrepancies arise, it will be incumbent on the Town, and possibly adjoining neighbors, to compromise to allow development to proceed. The alternative would be a failed or abandoned development -- a material economic drag on the entire Weddington Road corridor from our Town Business District to Wesley Chapel. Again, prevention, through normal approval channels with all required deliverables in advance of commencement of construction, is the prudent course.
5. Environmental/Wildlife. Our shared lake is the centerpiece of Aero's common property. The lake is fed by Mundy's Run from the west via the Lockhaven community, and flows through two privately owned and maintained dams, exiting into Mundy's Run as a stream flowing southeasterly out of Aero. This watershed, and specifically the lake, has provided a home to a reproducing pair of **eagles** with two **eaglets** hatched in the spring of 2024. Eagles have been roosting here for as long as some of our oldest residents can recall. In addition, a **blue heron** and **osprey** fish here daily. A pair of **peacocks** nest on the Aero side within site of the Deal Farm property. **Swans** have graced our lake for many years, and **geese** migrate through Aero each spring and fall. Residents and invited guests enjoy fishing often, but our policy is catch-and-release. Boating is restricted to small electric trolling motors under three horsepower. Aero residents, at their own expense, carefully protect Aero's heritage as a wildlife sanctuary; hunting or killing all animals, including birds, is forbidden. This legacy is now threatened by the development of the northwestern shore of our primary lake without adequate protections. Given the delicate balance of the ecosystem near the lake and above it along Mundy's Run, we ask for an environmental survey. The survey should assess the planned Rea Road extension impacts on Mundy's Run. As well, the study should evaluate the 218 acres adjacent to the Deal Farm and the 60 acres where Empire Homes proposes a residential development, as these will both will affect Mundy's Run. Aero's lake is highly vulnerable to upstream developments on Mundy's Run because construction silt and stormwater will flow into our lake.
6. Stormwater pollution. Stormwater runoff and overflows will unquestionably migrate into our lake. The concept plan shows five stormwater control ponds on the south side of Weddington Road, all positioned along the outside boundaries where the water will drain or overflow into Aero's lake. Other than the existing pond at the northwest corner of the subject, there are no interior stormwater control mitigations.
7. Light/viewshed pollution and destruction of tree canopy. Aero does not utilize street lighting and opposes it at the Deal Farm project to protect our night skies and wildlife. If constructed, the Deal Farm project should add a buffer of natural plantings to preserve our view. The destruction of the tree canopy should be replaced as required by the new standards currently under consideration, if adopted and in place at completion of build-out. Pine trees should be saved wherever possible, including outside the federally protected 660' zone for the bald eagle's nest. In addition, rare tri-colored bats were discovered near the lake. Their habitat must also be protected. The Town should require evidence of the requisite permits from the U.S. Fish and Wildlife allowing work near the eagles and tri-colored bats.
8. Traffic. A traffic impact analysis (TIA) dated April 2024 contains several omissions and numerous unsupported assumptions rendering it unreliable. The LaBella scoping document from January 2024 stipulates that if project build-out occurs before completion of (1) the Rea Road extension from Providence to Weddington Road, and (2)

widening of Weddington Road from Providence Road to Wesley Chapel, then a new TIA is required. Build-out is expected in 2029, and the current NCDOT estimate of completion of these roads is 2032-3 (per their website).

9. Burden on schools. Can our schools continue to absorb growth from new communities that are under construction, planned and in the pipeline?

Given the many wonderful attributes of life in Weddington, Aero expects continued growth and development in our Town. We welcome such growth under conditions that balance available services and existing infrastructure without sacrificing quality of life. For the reasons above, Aero opposes the progression of development of the Deal Farm concept plan until adequate assurances are available that our natural environment and lake health are protected and the adverse traffic and school impacts will not jeopardize our quality of life.

The McLeod family supports the Deal family in their right to sell their property in the town of Weddington , for the best use, that benefits their family and our community.. This family has for generations been pillars of the community even before the town existed.

Respectfully, I request my comments be read and placed in the public record.

Best Regards,
Carole McLeod

Please READ the following statement into the public record as a citizen comment regarding the DEAL LAKE - Toll Brothers project, Wednesday December 18, 2024 as we will not be able to attend.

We Don and Barbara Sinclair reside at 1000 Heritage Acres Drive, Weddington NC.

The Propst family has a long history in Weddington as they have been here since the 1800s and have a legal right to dispose of their property.

We support the Propst family's right to sell their property which will be developed into a beautiful neighborhood that will only enhance the beauty of Weddington

