

July 19, 2007

Huntley Summit Meeting Held at the Huntley housing development site

A meeting was held to discuss the environmental controls in place at this housing site, and to specifically address the viability of the proposed trench to be built on a 4.3 acres portion of this site. This small portion of the site has come back before the planning commission for a revised site plan and PUD amendment. It must be approved before this portion of the site can be built.

The summit was called by city councilors Kevin Lynch and Dave Norris, at the request of the Huntley Development Task Force.

Persons in attendance at the meeting, which began on site at 8 a.m. at concluded at 10 a.m. today, July 19, 2007:

Kevin Lynch, city councilor
Dave Norris, city councilor
Mike Osteen, city planning commissioner
Jim Tolbert, neighborhood planner for Fry's Spring, and head of NDS
R. L. Beyer, developer
Paul Beyer, his son, developer
Mr. Gaffney (Mike Gaffney's son) and another young man from Gaffney homes
Kay Slaughter, SELC (Southern Environmental Law Center)
Jim Taggart, engineer for the development site
Mike Quinn, city of Charlottesville engineer
Read Broadhead, zoning administrator, NDS (Neighborhood Development Services)
Khadija Abdur-Rahman, engineer, NDS
Adrienne Dent, Huntley Development Task Force
Michael Petrus, Huntley Development Task Force
Katie Kellett, Huntley Development Task Force
Andrea K. Wieder, Huntley Development Task Force

(Please note: Tolbert and Gaffney representatives left the meeting at 9 a.m. and did not follow the group down to the area where the trench is being considered.)

A brief review of this site

Granted Planned Urban Development (PUD) status in 2004, this is formerly the Dymond Property. The site was purchased from the Dymonds for \$600,000.

The PUD is 22.8 acres in size. Tom Hickman was the front man for

this site at neighborhood meetings and at planning commission meetings. There are no, repeat no, proffers associated with the granting of this PUD. There is one easement regarding the Rivanna Trail.

R.L. "Rick" Beyer, and now his son, Paul Beyer, are the major developers of this housing scheme. Ground was broken in 2004-05 and the granting of the PUD allows for 110 houses to be built on this site.

A portion of this property was sold to Mike Gaffney for development in 2006. Another portion of this PUD was sold by Tom Hickman to the Valente family in the spring of 2006 for \$600,000. Huntley Hall is located on the portion sold to the Valente family. Changes of ownership do not affect the overall PUD status of this property; the same rules that apply to the entire PUD apply to the parts, according to city of Charlottesville sources.

The Huntley Development Task Force has regularly reported on, photographed, and documented environmental problems at this housing site. They include: pollution of Moore's Creek (which is protected) by sediment-laden storm water from this site; poor and careless work habits; poor care of and neglect of the land and landscape; clear-cutting of the development site and taking down of heritage trees and trees shown on the approved site plans as located in tree-protection zones.

The present situation

A small portion of this large site has now come back before the planning commission for review. It consists of 4.3 acres of this site on which the newly-minted (Jan. 2006) Steep Slope Amendment will be applied. In order to proceed on this portion of the site a new PUD amendment and site plan amendment must be approved by the planning commission and by the city council and overseen by the staff at NDS.

In an effort to get the new site plan approved, the developers (Beyer and Beyer) have drawn up plans that show a trench (sometimes called a bio-filter, sometimes a swale) to run along part of this area. The thought is that it will allow water to be directed off the slopes, down into the storm sewers, and then released into Moore's Creek. The trench will be filled with water-filtering and other absorbent materials to control run-off, planted and maintained by some kind of agreement with the not-yet-established homeowner's association at this site. There is no final, concrete plan or agreement yet about the trench, nor any details about how the city/homeowner's association agreement would be reached, vis a vis deed restrictions or other such covenants. Nor is there any information about the duration of such an agreement, or its

enforcement.

Discussions about the general care and maintenance of this overall site began at the top of the development today. Once again the Task Force listed all the problems with run-off from this site, frustrations with city staff regarding site inspections and general environmental controls. Although we have an email from Jim Tolbert saying that a city staff committee decides things about the environmental controls at this site, he seemed to say otherwise today. Tolbert introduced Read Broadhead who he said would be in charge of this now. Broadhead is currently with the zoning office, and will join as erosion and sedimentation manager when he passes the certification for that position.

A lengthy discussion of the trench, and poor site practices lead to remarks from K. Kellett such as: why do you have tree-protection zones on the site plan and then just take trees down when they get in the way of building a house? Questions from A.K. Wieder about why the city did not insist on a sediment trap, in particular the one shown on page 17 of the original site plans, were shrugged off by NDS staffers. When pinned down, NDS referred to the fact that they consulted with Virginia State Department of Conservation and Recreation (DCR) for direction and oversight, and that DCR did not have any problems with the work at this site. K. Kellett remarked that DCR was newly vested with this responsibility and did not always know what was appropriate. This too was shrugged off by NDS staff.

We examined at length the trench drawing from the site plan amendment. All the same questions about this trench, its effectiveness, its position on the land, and its ability to control storm-run-off from this site were asked again and again. K. Slaughter asked questions about how calculations were done in general for run-off from this site.

Rick Beyer expressed a willingness to look into other solutions in order to deal with this 4.3 acre area; Paul Beyer, his son, said that they could just go ahead with the previous plan, and build by right, and not install anything at all - just build a retaining wall along the slopes. M. Petrus suggested that line of talk was not helpful at this point. There seemed very much to be a difference in opinion and attitude between the two Beyers, father and son, and it raises questions to the Task Force as to who is really in charge of this site.

We walked along the road, down to the area at the bottom of the hill, where we could see how the trench would sit, up there at the top of the hill. At present there is a line of trees on the slope and

it is about at this line of trees that the trench will run. The trees will be removed. The slopes will be altered to be not-so-steep. A trench is planned here.

A general discussion took place: how could this trench possibly help the site? It would empty storm water into the storm sewers, and the sewers would empty the water into Moore's Creek. And houses were going to be built all around, above and below the trench. How would it work? How long would it work? What about the houses at the bottom of the development (where we were standing)?

City councilors spoke of their concern about how the trench would be maintained, and by whom. They did not want to see the city have to go back to solve the storm water problems at this housing development in 10, or 20 or 50 years.

We also talked about what was happening at the bottom of the hill on which we stood: what about the flooding down there? A June 3, 2007 video was shot and narrated from this area and a copy of the video was handed to Read Broadhead. Mention was also made of the fact that it was now posted to the FSNA (Fry's Spring Neighborhood Association) website.

RL Beyer said he was really interested in finding other solutions to all this, other than the trench. City councilors also expressed such an interest. The Task Force suggested that Beyer consult experts in the field, such as David Hirschman and research other ways to solve the pollution from this site into Mores Creek.

Here is generally what was agreed

The Beyers will consult with David Hirschman and come back to talk to the Task Force and others about what they learn. They agree to address not only environmental issues near the steep slope area but throughout the development site, and will seek expert council to resolve these. All these matters will be talked over with the Task Force members.

The Task Force will send a list of areas at the Huntley site that are poorly engineered, inadequately protected and where sediment-laden storm water enters Moore's Creek, to the Beyers, to city staff, to planning commissions and to city councilors. The Task Force expects that these areas will be addressed.

