



TOWN OF CARRBORO
NORTH CAROLINA
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September 26, 2019

Mr. Tony Merritt, Member/Manager
Tik, LLC
3200 Damascus Church Rd.
Chapel Hill, North Carolina 27516-8055

**Re: Notice of Land Use Ordinance Violations – 3200 Damascus Church Road (Orange County
PIN: 9777 36 7019)**

Dear Mr. Merritt:

This letter is to follow up my August 14, 2019 letter to you regarding the above-referenced matter. This is also to follow up on the meetings and correspondence we have had with Katelin Merritt and Patrick Shillington, your engineer, about these issues. There are two issues raised in my previous letter which must be addressed, and one additional issue we need you to address. All issues are discussed below.

Please know that the Town acknowledges and respects that you are actively operating a gravel mine on your property, under a valid mining permit issued and regulated by State of North Carolina Department of Natural Resources Mining Division. The town has no intention or desire to interrupt in any way your ability to successfully operate the mine consistent with your current mining permit. The town is only interested, as you will read below, in bringing the portion of your property outside of the boundaries of the current permitted mine into compliance with applicable Town of Carrboro Land Use Ordinance (LUO) regulations as quickly as possible.

First, we have determined that there is a protected ephemeral stream running along a portion of your southern boundary, see red, outlined portion on attached map. Under Town regulations (LUO Section 15-269.2) there is a 30 foot wide protected buffer around such streams. When you extended the gravel drive westward along the southern boundary line onto the portion of your property that is no longer subject to the State's mining permit, part of the stream buffer was disturbed. **A professional survey must be conducted in order to determine which portions of the road are located within the stream buffer.** Upon determining by survey where the buffer area is in relation to the gravel drive, any disturbed portion of the stream buffer in that area needs to be restored and the functionality of the drainageway in the area which was impeded, causing ponding on the adjacent property, must be restored. **You must provide the Town with a survey and remediation plan within 30 days of the date of this letter, then commence remediation work within 14 days of the town approving your remediation plan.** The survey must identify (i) the location of the gravel drive, (ii) all utility poles installed in the gravel drive, (iii) the mining area boundary (i.e., identify the area on your property which is now subject to the State mining permit), and (iv) the ephemeral stream and buffer area.

With regard to discussions with your engineer about whether a pipe may be included as part of the remediation plan, please read and consider LUO Article XVI, Part III, Water Quality Buffers, found here: <https://nc-carrboro.civicplus.com/DocumentCenter/View/698/Article-XVI-Floodways-Floodplains-Drainage-and-Erosion-PDF>. The pertinent portion of the Article begins on page 42. More specifically still, LUO Section 15-269.5, beginning on page 48, cites allowable uses and disturbances within a stream

buffer. **The remediation plan must either completely remove the road from the buffered area in favor of restoring a natural waterway conveyance or be found as an acceptable use or disturbance under the cited section.**

Next, you must **immediately** cease all grading, filling and excavating on the portion of your property no longer subject to the State mining permit . Such land disturbing activities are not allowed on property zoned Watershed Residential (WR) such as yours pursuant to LUO Section 15-146. The only land disturbing activity allowed on that portion of your property is activity required by Orange County as a condition of the Soil and Erosion Control permit for that area.

Finally, the town needs to revisit the matter of a Certificate of Compliance having not been issued for relocation of a construction trailer on the property. A building and zoning permit were issued in June 2000 for this relocation, and a septic system permit was issued as well in October 2002. An electrical inspection was completed on the service but no building inspections were done and a Certificate of Compliance has never been issued. Orange County Environmental Health must certify that the septic system installation has been completed to their satisfaction as well. Also it is evident that additional structures have been located on the property as well, for which the town has no evidence of a permit application being filed. The town is very interested in working with you to bring all such structures into compliance. Absent a Certificate of Compliance and certified approval of the septic system, you cannot lawfully continue to occupy the structure. **This issue must be addressed within 30 days of this letter.**

Your failure to take action as described in this letter within 30 days may result in the assessment of civil penalties per LUO 15-114 and/or other enforcement action authorized by law. This letter represents the town's final determination regarding this matter. You have the right to appeal this determination to the Board of Adjustment within 30 days of receipt of this letter, pursuant to LUO Section 15-91.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Marty Roupe', written in a cursive style.

Marty Roupe
Development Review Administrator

cc: Katelin Merritt (k.merrittsgravelpit@gmail.com)
Patricia McGuire, Planning Director
David Andrews, Town Manager
Robert E. Hornik, Jr., Town Attorney
Pat Shillington, Engineer