

Charleston Village Homeowners' Association

Special Meeting Held on May 1, 2017 to discuss development off of Holt Road, adjacent to Charleston Village property

Charleston Village Clubhouse

Meeting Attendees

Board Members

Bob Nagel

Gary Laramée

Tim Ruff

Dave Senko

Alex Corvin

Other HoA Representatives

Henry Jones, HoA attorney

Representatives of Taylor Morrison, developer of the proposed neighborhood

Steve Leach

Two other representatives were present, but their names weren't obtained. One of these representatives was the Real Estate Broker involved in the transaction.

Homeowners in Attendance

Linda Fisher

John Fisher

Rich Pomecantz

Patrick Warren

Kim Warren

Stan Jackson

George Pilkington

Dana Pilkington

Denise Messer

David Messer

Jack Bowen

Tim McKinney

Debbie McKinney

Sue Carr

Stephen Jackson

CVHoA Minutes

Thomas Hull
Bryan Carr
Michael Bingham
Karen Bingham
Frank Tarantino
Bernice Sonstraem
Tom Henke
Roseann Henke
Eric Deans
Jennifer Deans
Rodger Stzothien
Nicholas Colapietro
Chris Mendez
David Froning
Greg Conway
Bill Iori
Amy Iori
Shearise Huizanga
Henry Schwetzke
Lucille Smith
Matthew Hamilton
Sara Hamilton
Georgia Martin
Robert Gadd
Tatyana Sherer
Ed Pierzga
Michele Pierzga
Rodney Overton
Patrick Wade
Katee Sissler
Brooks Depro
Meghan Holmes
Hee Lee
Narayanan Balu
Lisa Page
Bryan Page
Bob Schmedding
Elizabeth Schmedding
Wanda Hanley
Steve Gaines
Marilyn Jackson
Allen Kalbarezyk
Mike Walker

The meeting was called to order at approximately 7 PM by HoA board president Bob Nagel.

Introduction

- The members of the board introduced themselves, then the meeting was kicked off by discussing the purpose for the meeting, explaining the location of the property to be discussed, and emphasizing that the purpose of the meeting is to provide information to the community.
 - The property being discussed is a 10-acre parcel adjacent to Holt Road that borders homes along Battlewood and Templeton Gap. Charleston Village owns approximately one third of a pond that is shared with this property. This meeting will also discuss a 3.75-acre property adjacent to the 10-acre parcel that Charleston Village owns.
- The board emphasized that the community, not the board, will decide what to do in this situation. That decision will be made on a later date, not at this meeting.
- A member of the audience asked how, specifically, any decision on the issue will be made.
 - The board explained that they aren't able to answer that question yet as it will require discussing the issue after this meeting, but that further communication will be sent out to the neighborhood to discuss the matter.
- The board clarified that, while the developer is interested in purchasing the 3.75-acre area of land (two separate parcels totaling 3.75 acres) that Charleston Village owns, they are already under contract to purchase the adjacent 10-acre parcel that we do not control

Developer Presentation

- Steve Leach started his presentation by introducing himself and the company that he represents.
- Steve explained the planned site layout for a first scenario, the location of the shared pond, and the location of the sewer manhole at the end of Ironsides Drive (behind homes).
- Steve explained that the original conversation with the HoA board started with a request to obtain an easement to tap into the existing sewer line and then continued into a discussion around obtaining an easement from Charleston Village to drain the shared pond, remove the dam and grade the soil down to a natural slope, and build a storm water retention structure in part of the area currently occupied by the pond.
- Steve explained that most of the shared pond is located on the 10-acre parcel that Charleston Village does not control, but that most of the dam for the pond is on Charleston Village property.
- Steve explained that, after the initial conversation with the HoA board, he learned from the Town of Apex planning department that when Charleston Village was built it wasn't subject to the town's current universal development ordinance, and therefore the 3.75-

acre undeveloped parcel that Charleston Village owns isn't required to be set aside as reserve conservation area. This led Steve to proposing a second scenario.

- The second scenario proposed would include the purchase by the developer of the 3.75-acre parcel from Charleston Village. This scenario eliminates the need to obtain any easements from Charleston Village, but still includes drainage of the pond.
- The proposed purchase price for the 3.75-acre parcel would be based on the number of lots built on the purchased parcel and according to Steve would range from \$180,000 to \$225,000.
- This second scenario would include an additional 20 feet of buffer space between the development and Charleston village in the sections of the new development that would occupy the current 3.75-acre parcel.
- Steve went on to explain the current state of the shared pond, that there is no proper drainage outlet structure, and that there is a stream flowing over the top of the dam.
 - Steve also explained that there are trees growing on the dam, which weaken the dam through the process of roots growing through it.
 - Steve also noted that water is now seeping out through where the original drainage outlet structure was, further weakening the dam.
 - Steve's assessment of the dam is based on the opinion he obtained from an environment engineer, but that no formal report/inspection has been performed.
- Steve explained that if the pond dam were to fail, it could cause the lower pond to fail and potentially impact homes downstream.
- Based on the opinion that Steve obtained, the repairs required to ensure proper functioning of the dam would cost an estimated \$150,000.
- Steve explained that in the first scenario where he does not purchase the 3.75-acre parcel but still drains the pond, a storm water retention structure would be built in place of the pond. This structure would be built to the Town of Apex's standards, but specific details about this structure won't be available until he goes through the planning process with the Town of Apex.
- Steve described the homes that he plans to build on the property. These will be single family detached homes, priced from the low \$300,000s, targeted at buyers aged 55 and older. The lot size of each home would be around 7000-8000 square feet (less than a quarter of an acre), and the homes would be between 2000 and 3000 square feet.
- There was a question from a homeowner about the proposed sewer easement, and what would happen if the HoA does not grant it. Steve answered that the Town of Apex would likely obtain the easement for the developer if we do not grant it.
- Steve noted that, before tapping into the existing sewer line, the Town of Apex will require him to perform a full sewer capacity study to ensure the sewer could support the additional load.
- A homeowner asked how we can be assured that, while Steve is currently proposing age-targeted single family homes, he won't change the plans to include something like townhomes after we have made a decision. Steve's answer was that we'll essentially have to take him at his word, and that the Town of Apex would be unlikely to approve

anything like townhomes. Henry Jones (our attorney) also pointed out that we can write anything into a contract to bind the developer to a specific plan.

- A homeowner asked what the proposed timeline for the development is. Steve answered that the planning process with the Town of Apex will likely take 12 to 15 months, and that the full process will likely take 15 to 18 months.
- Steve explained that the final counts of homes in both proposed scenarios are not yet finalized and depend on the planning and storm water analysis processes. He estimates that scenario one would be roughly 38 homes, and scenario 2 would add an estimated 5 homes.
- A homeowner asked how the proposed development would affect property values. Steve noted that the proposed homes will be single family, detached, and similar in size to Charleston Village.
- A homeowner asked about the appearance of the proposed storm water retention structure. Steve noted that the specifics of it aren't yet planned, but that during the construction/grading process it won't be pretty. The water within it will be muddy, and there won't be much vegetation. Once the grading process is nearly complete, the vegetation will be planted and after a couple of months the structure will look more natural.
- A homeowner asked whether Charleston Village will be compensated in any way in scenario 1. Steve answered that he has proposed to pay the neighborhood a total of \$7,500 in exchange for obtaining the sewer easement and the easement to drain the pond.
- A homeowner asked whether there are any existing protected areas on either of the properties being discussed. Steve answered that there are none.
- A homeowner asked about the proposed sizes of the lots/backyards, and referenced markers for a land survey that was performed. Steve didn't provide a comment on the size of backyard, but stated that he was not responsible for the survey that was performed.
- A homeowner asked about whether the proposed development would have formal age restrictions. Steve answered that it would not.
- Steve noted that the buffer space between the development and Charleston Village is something that could be negotiated.
- A homeowner asked what the developer would do if Charleston Village doesn't sell our property to them and doesn't allow them to drain the pond. Steve answered that there is a roughly 50/50 chance that they'll still develop the parcel.

Steve ended his presentation/Q and A session at approximately 8 PM. Steve and the other developer representatives left the meeting after this.

Neighborhood Discussion/Open Forum

After the developer left, there was an open discussion between the homeowners, the HoA board, and the HoA's attorney, Henry Jones. This session started at approximately 8:02 PM.

- Henry Jones started the discussion by stating that granting a sewer easement requires signatures from two thirds of homeowners.
- Henry also noted that there is regulation on record that would govern how we proceed with this property, but that it applies to HoAs formed after 1999 and therefore doesn't apply to us. He recommended getting signatures from 75% of homeowners before making any decisions.
- A homeowner asked about any potential liability to the HoA if we do sell the property, for example from lawsuits from homeowners whose property values were affected by the sale. Henry answered that this is probably a realistic risk.
- A homeowner asked what the neighborhood or a homeowner can do if the development occurs and then we experience storm water runoff issues. Henry answered that there is little that we could do.
- A homeowner asked how, specifically, we would go about voting on the issue and whether we could vote at this meeting. Henry answered that it requires prior formal notification about what exactly will be voted on, and thus can't be voted on at this meeting.
- A homeowner asked what the neighborhood's current liability is concerning the pond/dam. Henry answered that the HoA is responsible for maintenance of the pond, and is thus potentially liable for issues that arise from it.
- Henry explained that the process for approval of the sale would require a full planning process to develop a specific document outlining what will be done. This document would then be signed by homeowners.
- Henry explained that if Charleston Village votes to not grant the developer any of their requests, the only thing the Town of Apex can force is the sewer easement. The town cannot force us to sell the property or allow the developer to drain the pond. Forcing the sewer easement would require the town to go through a fairly involved process, and would likely take quite a while.
- The board ended the meeting by thanking the neighbors for attending, apologizing the short notice for the meeting, and stating that we'll further communicate with the neighborhood as the decision-making process progresses. The board also stressed that the HoA always needs more volunteers.

The meeting adjourned at approximately 8:30 PM.