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Jan 21 2020

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July 30, 2019

Mike Dasher, Chairman
Chatham County Board of Commissioners
80-A East Street
Pittsboro, North Carolina 27312

Via Hand Delivery &
Electronic Mail

RE: Request for Compact Community Ordinance ("CCO") Waiver for Fearrington Utility Easement

Dear Board of Commissioners:

This firm has been engaged by Old North State Water Company ("ONSWC") to assist in formally requesting a waiver to allow a 30' utility easement within the 300' perimeter buffer between the Briar Chapel SD-East commercial area and Fearrington Village. ONSWC seeks this waiver with the joinder and consent of:

1. NNP Briar Chapel, LLC as the holder of the Conditional Use Permit subject to the CCO;
2. Liberty Healthcare Properties of Chatham County, LLC, the owner of a portion of the property over which the easement will run;
3. Mr. William Thomas Ferris, owner of the Fearrington Village lot over which a portion of the easement will run;
4. Fearrington Homeowners Association, Inc.;
5. Mr. R.B. Fitch as developer of the Fearrington Village Subdivision; and
6. Fitch Creations, Inc. as the owner of the land upon which the Fearrington wastewater plant is situated.

Location and Description of Waiver/Easement Area: See green crosshatched area on Exhibit 1 attached hereto. The run of the easement is specifically designed as a "Z" shape so as to prevent sightlines between Fearrington Village and the SD-East commercial site. The approximate full routing location of the easement is shown on Exhibit 2. The total amount of space taken up by the portion of the easement within the 300' buffer is likely to be less than a one-third of an acre.

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Purpose of Waiver/Easement Area: The purpose of the easement area is to allow wastewater utility lines to efficiently interconnect the Briar Chapel and Fearrington wastewater treatment facilities. ONSWC is the owner of the Briar Chapel wastewater treatment facilities and will soon be the owner of the Fearrington wastewater treatment facilities. This interconnection will facilitate treatment of Fearrington wastewater to the significantly higher standard of the Briar Chapel plant and will also allow for discharge of effluent treated to a much higher standard through the Fearrington discharge permit.

Consent and Support: ONSWC has sought and obtained the consent and support for the requested waiver of the impacted parties as indicated by the signatures below and the letters attached.

As I am sure you recall, the CCO, Section 15, authorizes the Board of Commissioners to adjust, modify, reduce or waive requirements applicable to the compact community. Given the design, consent and benefits of the requested easement, there is a reasonable nexus between the request and the impact of the compact community, all of which have been addressed through the design of the easement area.

Based on the foregoing, the enclosed proposed Order of the Board of Commissioners allowing the relief requested is submitted to the Board of Commissioners for a vote at its meeting of August 19, 2019. **This is to request of the County Manager that the request be placed on the Commissioners Agenda for their meeting on August 19, 2019.**

Please let me know if you have any questions or concerns regarding the above.

Very truly yours,

Nicolas P. Robinson

NPR:amm

Enclosure

c: Dan LaMontagne, County Manager
Jason Sullivan, Planning Director
Lee Bowman

EXHIBIT 1

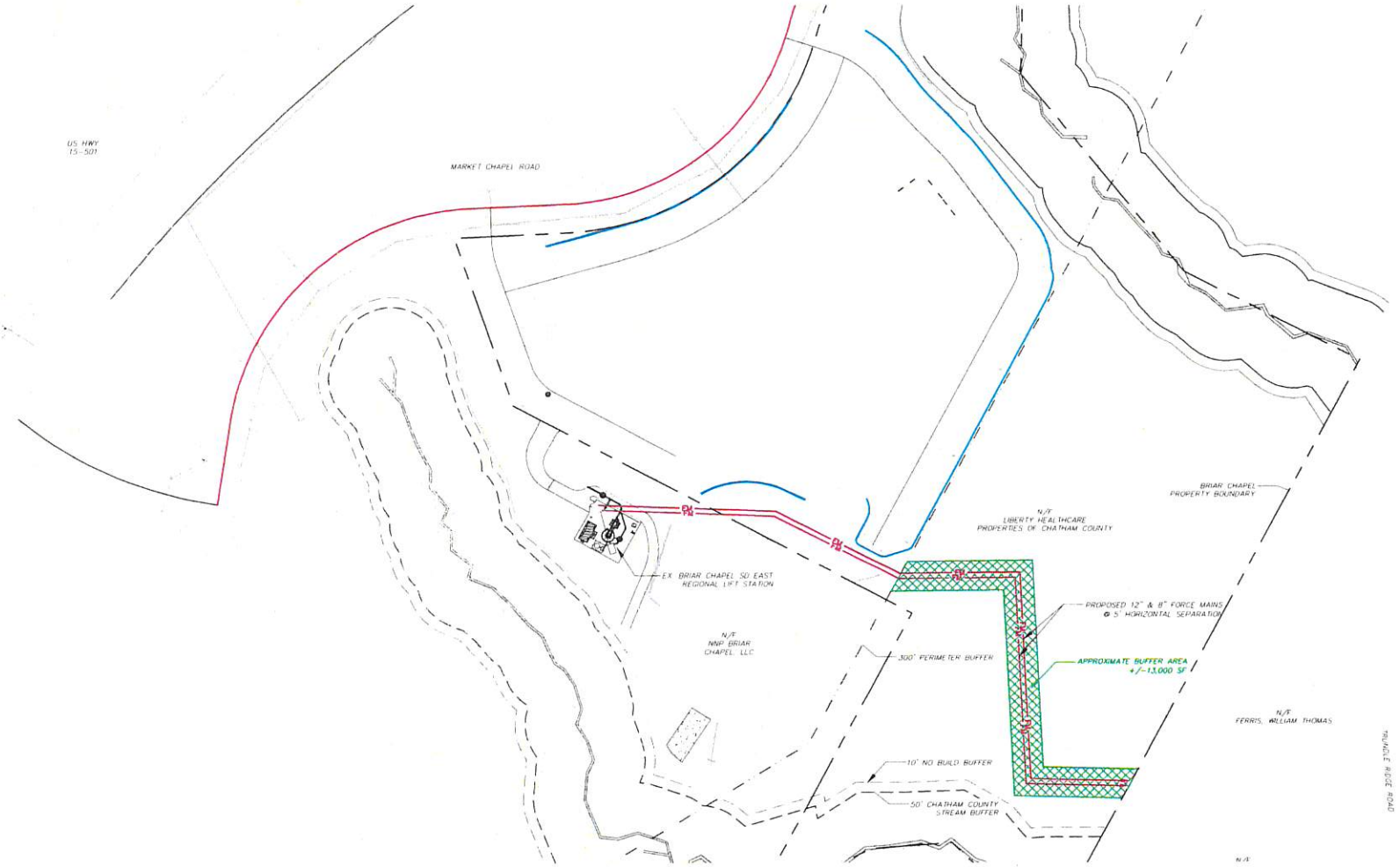

EXHIBIT 1
FEARRINGTON/BRIAR CHAPEL FORCE MAIN INTERCONNECTION THROUGH 300' PERIMETER BUFFER

McKIM&CREED
July 24, 2019

SCALE: 1" = 50'
0 50 100 150

NORTH

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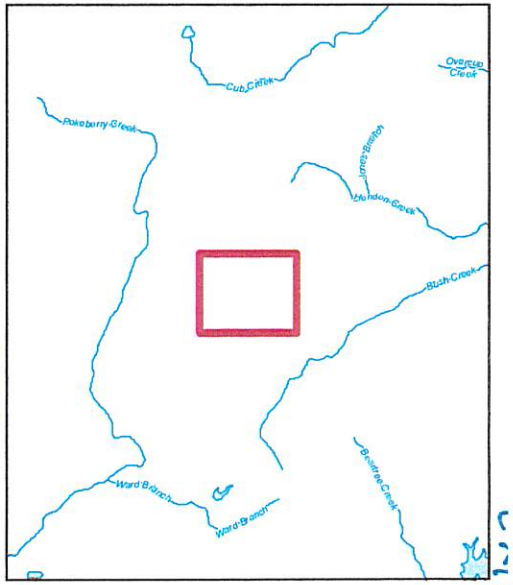
Proposed Routing



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Date: 7/9/2019
Time: 11:14:17 AM

CHATHAM COUNTY
NORTH CAROLINA

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Jan 21 2020

July 26, 2019

Mike Dasher, Chairman
Chatham County Board of Commissioners
80-A East Street
Pittsboro, North Carolina 27312

Re: Request for Compact Community Ordinance ("CCO") Waiver for Fearrington Utility Easement

Dear Mr. Dasher.

This letter is to confirm that NNP-Briar Chapel, LLC supports and consents to the CCO perimeter buffer waiver requested by Old North State Water Company, LLC for the purposes of connecting the Fearrington Village system to the Briar Chapel wastewater system. We have reviewed the proposed request and fully support the approval of the waiver for the same. Also, we agree that time is of the essence and respectfully request that this matter be placed on the Board of Commissioners agenda for its meeting on August 19, 2019.

Sincerely,

Mike Sciscioni
Vice President

July 17, 2019

Jason Sullivan

Chatham County Planning Director
12 East Street, P.O. Box 1809
Pittsboro, NC 27312

Dear Mr. Sullivan,

I am writing to support a waiver for Old North State Water Company (ONSWC) to install a wastewater pipeline through the 300-foot buffer located directly behind my property at 76 Trundle Ridge Road. This project would provide significant benefits to my home, the Fearrington Village Community, and the surrounding environment.

In order for ONSWC to access the buffer area, I have granted a utility easement through my property. This easement will enable ONSWC to install the pipeline through my property and eventually connect the Briar Chapel and Fearrington systems. Once this process is complete, I will be able to access the newly connected wastewater system. I look forward to the opportunity to no longer rely on my septic system for wastewater treatment and disposal. This is a benefit that will hopefully be shared throughout Fearrington Village once the system is fully installed and operational.

In closing, I fully support Chatham County granting a waiver to allow a wastewater pipeline within the 300-buffer adjacent to my property. The waiver, along with my granting of a utility easement, will lead to a new wastewater pipeline capable of providing a much-needed upgrade to the wastewater needs of my home and Fearrington Village.

Sincerely,

William Ferris

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599 Fearrington Post
Pittsboro, NC 27312
Phone:919-542-1603
Fax:919-542-1543

FEARRINGTON
HOMEOWNERS ASSOCIATION

office@fearringtonfha.org | www.fearringtonfha.org

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Jan 21 2020

Mike Dasher
Chairman
Chatham County Board of Commissioners
80A East Street
Pittsboro, NC 27312

July 26, 2019

Dear Mr. Dasher:

I am writing to confirm that the Fearrington Homeowners Association supports and consents to the Compact Community Ordinance buffer waiver requested by Old North State Water Company. As you know, this waiver is to allow a 30' utility easement within the 300' perimeter buffer so that wastewater utility lines may efficiently interconnect the Briar Chapel and Fearrington Village wastewater treatment facilities.

We are mindful of the timeline for this project and therefore respectfully ask that this matter be placed on the Agenda before the Board of Commissioners at their meeting on August 19, 2019. Thank you.

Yours sincerely,

J. Andersson

Judith Andersson
President

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FEARRINGTON VILLAGE

FITCH CREATIONS, INC

July 11, 2019

Jason Sullivan
Chatham County Planning Director
12 East Street, P.O. Box 1809
Pittsboro, NC 27312

Dear Mr. Sullivan:

The purpose of this letter is to express our support, as the developer of Fearrington Village and the owner and operator of its wastewater system, for a waiver allowing Old North State Water Company (ONSWC) to install pipelines within the property buffer located west of Fearrington Village, between it and Newland East.

The construction of two pipelines to and from Fearrington Village will interconnect the wastewater systems of both communities. One of the pipelines will be installed to carry wastewater generated at Fearrington Village to the Briar Chapel Wastewater Treatment Plant. The second of the pipelines will carry highly treated water recovered from wastewater back to the discharge point located on the northern edge of Fearrington Village. The water recovered from the wastewater will exceed the standards established in Fearrington's discharge permit issued by the North Carolina Department of Environmental Quality.

We believe the combination addresses important issues like meeting the new, stricter Jordan Lake nutrient regulations, repurposing/replacing the aging Fearrington WWTP, and facilitating capital improvements by spreading the cost over a larger customer base. For further information, enclosed is a copy of the communication we sent Fearrington residents in October 2017 sharing plans for combining the two wastewater systems. The communication did not result in *a single complaint or question*.

We understand the path through the buffer is being engineered to minimize land disturbance and will be designed to also serve as a nature walking trail for the enjoyment of Fearrington residents.

Thank you for your time and we encourage the county's support of ONSWC's request to construct, operate and maintain these wastewater facilities that will serve these growing communities.

Best,

R.B. Fitch

Fitch Creations Inc.
2000 Fearrington Village | Pittsboro, NC 27312 | P: 919.542.4000 | F: 919.542.4020 | www.fearrington.com

FEARRINGTON VILLAGE

FITCH CREATIONS, INC

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Jan 21 2020

October 5, 2017

Dear Fearrington Utilities customer,

About five years ago, a utility executive approached me with an idea – to combine Fearrington's wastewater system with the one he was managing at Briar Chapel. This would allow Briar Chapel's state of the art facility to treat Fearrington's wastewater, taking advantage of new treatment standards, expertise and cost efficiencies. As we kept talking, I grew to value Mike's extensive operating experience, his industry reputation and personable manner. Mike serves as president of Raleigh-based Old North State Water Company, LLC ("ONSWC") and Envirolink, Inc.

Last year, ONSWC acquired the wastewater system at Briar Chapel. Effective January 1, 2018 and pending state approval, Fearrington Utilities will also be transferred to ONSWC to create one system serving both communities. ONSWC has agreed to maintain the current rate level for Fearrington Utility customers for at least two years.

In the past few years, Fearrington Utilities has been particularly challenged by its aging facility and by the rules enacted in 2009 to improve the water quality of Jordan Lake. This transfer allows us to avoid spending substantial capital investment to upgrade the plant to address both issues, which would have resulted in significant rate increases to our customers.

When we started developing Fearrington in 1976, the first homes relied on septic systems, but within a few years homes were connected to a central wastewater system. The system offered a more reliable and consumer-friendly alternative to septic. It was also a commitment to the future of our village. Similarly, this transfer is a commitment to the future of our village. Our private system should be entrusted to a professional utility, and I believe Mike and his team are best equipped to do this.

The attached information sheet may answer many of the questions you may have. The North Carolina Utilities Commission will also give the public the opportunity for feedback regarding this transfer and will mail you further information under separate cover.

Best,

R.B. Fitch

Fitch Creations Inc.

2000 Fearrington Village | Pittsboro, NC 27312 | P: 919.542.4000 | F: 919.542.4020 | www.fearrington.com

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Information Sheet
Transfer of Fearrington Utilities to ONSWC/Envirolink

How will the sale impact your wastewater rates?

Completing the required improvements to renovate and replace our aging plant and to address the nutrient issues would have required approximately a $2 million capital investment. This is far higher than the cost of the course of action we have chosen, that of transfer and connection. This approach will minimize existing and future rate impacts on our customers.

At present, Fearrington residents pay $259.97 annually for wastewater service. ONSWC is committed to maintaining this rate level for at least two years after closing, at which time it has the right to seek approval for a rate increase from the Utilities Commission.

How will this transaction benefit customers?

This merger brings both immediate and long term benefits to residents of Fearrington:

1. ONSWC's expertise managing community wastewater systems, from testing, treatment, monitoring, and reporting to addressing ever changing regulations and technology, will bring improvements in reliability, compliance and efficiency.

2. Separating the system from the developer and increasing the customer base means the system will be on an even more secure footing for the future.

3. We'll have the satisfaction of knowing Fearrington's nutrient discharge levels will drop and will meet environmental regulations designed to improve the water quality of adjacent Jordan Lake.

4. Customers will have the convenience of paying monthly (instead of annually) and can establish auto pay with ONSWC.

What will be owned by ONSWC?

All wastewater improvements owned by Fearrington Utilities such as gravity sewer lines, pump stations, force main lines and the treatment facility will be conveyed to ONSWC. The Fitch Creations-owned land on which the treatment facility and several pump stations are located will be leased to ONSWC.

Any legal easement on your property pertaining to wastewater will be assigned to ONSWC. You do not need to do anything for this change to occur.

What are the Jordan Lake rules?

The State of North Carolina has been concerned about nutrient levels in Jordan Lake for many years, specifically concerning the adverse effects of too much phosphorus and nitrogen on aquatic life and the quality of our drinking water.

While it is recognized that the source of nutrients largely comes from non-point sources, such as lawn fertilization, agriculture, and stormwater runoff, sewer utilities from Greensboro to Fearrington Village are being asked to reduce the amount of nutrients we add to the lake.

The NC Department of Environmental Quality offers information on the Jordan Lake rules at http://www.jordanlake.org/web/jordanlake.

How will the two systems be combined?

ONSWC will interconnect the wastewater systems that serve Fearrington Village and Briar Chapel by constructing a pump station at the site of our treatment facility off Beechmast Road and a force main pipe to transport wastewater from there to the Briar Chapel facility. The force main will be installed outside Fearrington's boundaries.

Once it passes through the Briar Chapel facility, treated water will continue to be sprayed at designated open space areas at Briar Chapel and released via the Fearrington discharge point at Bush Creek (with significantly more nutrients having been removed than before).

Much of the infrastructure necessary for the interconnection has already been built to accommodate commercial development on the Briar Chapel parcel abutting Fearrington.

What are the operating advantages of the Briar Chapel wastewater facility?

Fearrington's wastewater facility has grown piecemeal over decades, in response to our community's steady growth. By contrast, Briar Chapel's was installed using the latest technology and practices. The facility uses state of the art technology in aeration, pumps, mixers, screens, ultraviolet applications and more. The facility also produces reclaimed water which is repurposed as irrigation in approved locations throughout the community.

How will billing and customer service change?

Pending regulatory approval later this year, Fitch Creations, Inc. will start moving wastewater assets to ONSWC including sharing its customer list and account numbers. You do not need to do take any action.

You may be accustomed to paying your annual sewer fees prior to January 1st of each service year. Please do not do this for 2018; instead wait for a statement. ONSWC will mail you your first statement. You will have the option of direct billing and auto pay.

After January 1st, 2018, contact ONSWC regarding any wastewater customer service issues. As before, homeowners own and are responsible for maintaining the sewer line from their home to the street connection.

What does the sale mean for Fearrington's growth?

ONSWC will set aside sufficient treatment capacity to allow Fitch Creations, Inc. to continue to build out Fearrington as per longstanding plans. This transfer removes a constraint, allowing us to focus on what we enjoy doing the most – building and improving our community.

Fitch Creations, Inc. through its facilities in the Village Center will become a wastewater customer like you, with a vested interest in excellent customer service and value.

What was the sales price?

We are giving the system to ONSWC (well, for one dollar). ONSWC will incur the recurring costs to maintain the system and the immediate costs to meet the Jordan Lake rules.

Tell me more about the new utility.

Mike Myers is President of Old North State Water Co. and Envirolink, Inc. ONSWC/Envirolink is a full-service utility management company that specializes in providing water, wastewater, and public works services to municipalities, counties, industrial, and private clients in North Carolina. Learn more here: http://www.envirolinkinc.com/

ONSWC holds wastewater assets and its sister company, Envirolink, Inc., provides system operations, maintenance and management.

Previously, Mike served in engineering and management roles with two publicly traded water utility companies. He possesses in-depth knowledge of master planning, design, startup, and operation and maintenance of water and wastewater treatment facilities. Mike received his BS and MS degrees in Food, Agricultural, and Biological Engineering from Ohio State University. He and his family live in Wake Forest.

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