

March 3, 2003

Dear Town of Chapel Hill,

I hereby petition the town for a variance from the Town ordinance requiring burying of power lines.

As a resident and property owner of Chapel Hill, I have a vested interest in the town's beauty as well as how actions impact property values. I strongly support the council's efforts to establish and enforce provisions that protect the beauty of the town, and specifically support the principles and goals of the related Land Use Ordinance provisions designed to retain and enhance town's physical beauty and economic value.

However, in this specific case – in which I intend to upgrade my **pre-existing** overhead power service from 100 to 200 amps – the new Land Use Management Ordinance requiring the burial of power lines would not serve its goals, and moreover inherently cannot be followed, since two requirements – a) burial of the power lines and b) full rehabilitation of surface disruptions – are mutually exclusive in this case.

The ordinance states in Section 5.12.2:

All utility lines other than lines used only to transmit electricity between generating stations or substations shall be placed underground, and **all surface disruptions required for installation shall be rehabilitated to the original or an improved condition.**

Yet in this specific case, placing the power line underground would inherently conflict with the requirement that “all surface disruptions required for installation shall be rehabilitated to the original or an improved condition,” as burial would require digging a trench into the **soil within the critical root zone of at least two mature, tall trees,** causing irreparable surface disruption that can be expected to greatly shorten the lives of these precious trees..

Moreover, Section 5.7.5 of the Land Use Management Ordinance, which “shall apply to all public **and private** lands within the Town planning jurisdiction,” states:

It shall be unlawful to ... **disturb any tree or the soil within the critical root zone of any tree;**

On the contrary, it would threaten, rather than preserve and enhance, the town's beauty. In this particular case, aside from discouraging an upgrade to more safe, reliable power, this ordinance requiring buried power lines:

Conflicts with the principles of the town's tree protection ordinances, another key to preserving the town's beauty. A Duke Power engineer who visited the site

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indicates burying the lines would threaten at least two mature trees and that they would require a waiver of liability for damage to these trees.

Would diminish, rather than enhance, the beauty of the area, as the conversion of the existing overhead power line to a buried line would threaten at least two healthy, mature trees. The burial requirement would mean digging a trench that would go through mature trees roots, which would weaken the trees – tall trees that can be seen from a great distance. Affect only a very short stretch of line, adjacent to my home (and visible only to myself and two neighbors who support this petition). All of the more visible existing utility poles would remain, regardless of burial at this final short stretch from the last pole to my home. Aside from the trees, burial also threatens to diminish the beauty of the landscape. Would fail to provide the desired benefit in terms of any significant reduction of the chance of a power outage, as most of the power line will remain overhead.

Would lead to undue hardship for a resident with an existing home – not new construction – who lives in a neighborhood in which virtually every home's power lines are overhead.

Therefore, I request a variance that allows an upgrade of my existing electric service without requiring the conversion of my existing overhead lines to buried lines.

**SUMMARY MINUTES OF A REGULAR BUSINESS MEETING
OF THE CHAPEL HILL TOWN COUNCIL
MONDAY, AUGUST 28, 2000, AT 7:00 P.M.**

Mayor Rosemary Waldorf called the meeting to order at 7:00 p.m.

Council Members present were Flicka Bateman, Joyce Brown, Pat Evans, Kevin Foy, Lee Pavão, Bill Strom, Jim Ward, and Edith Wiggins.

Staff members present were Town Manager Cal Horton, Assistant Town Managers Sonna Loewenthal and Florentine Miller, Town Attorney Ralph Karpinos, Assistant to the Manager Bill Stockard, Planning Director Roger Waldon, Housing Director Tina Vaughn, Transportation Planner David Bonk, Finance Director Jim Baker, Interim Transportation Director Scott McClellan, Parks and Recreation Director Kathryn Spatz, Engineering Director George Small, Fire Chief Dan Jones, Stormwater Engineer Fred Royal, and Town Clerk Joyce Smith.

Item 1 – Ceremonies (none)

Item 2 – Public Hearings (none)

Item 3 – Petitions by Citizens and Announcements by Council Members

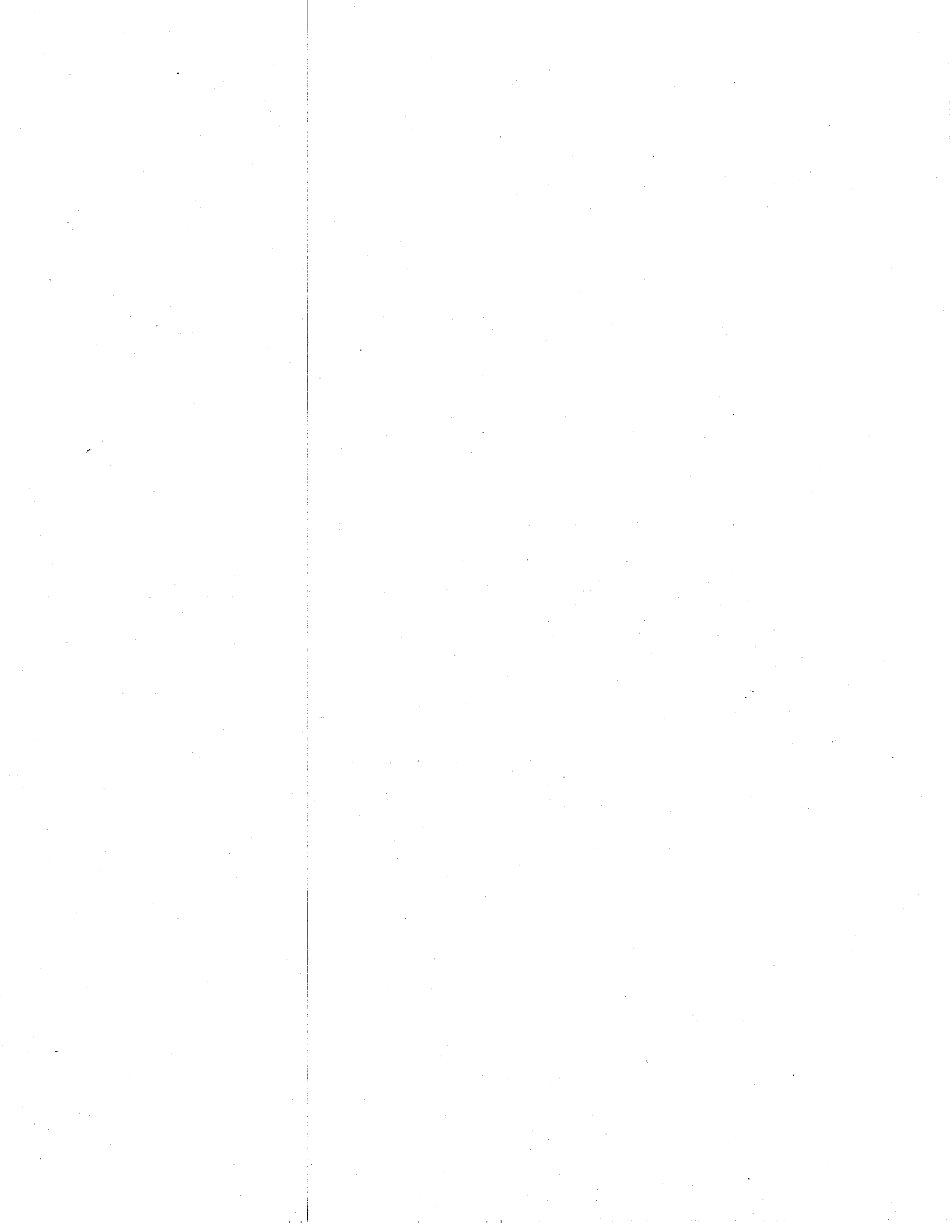
3b. Petitions

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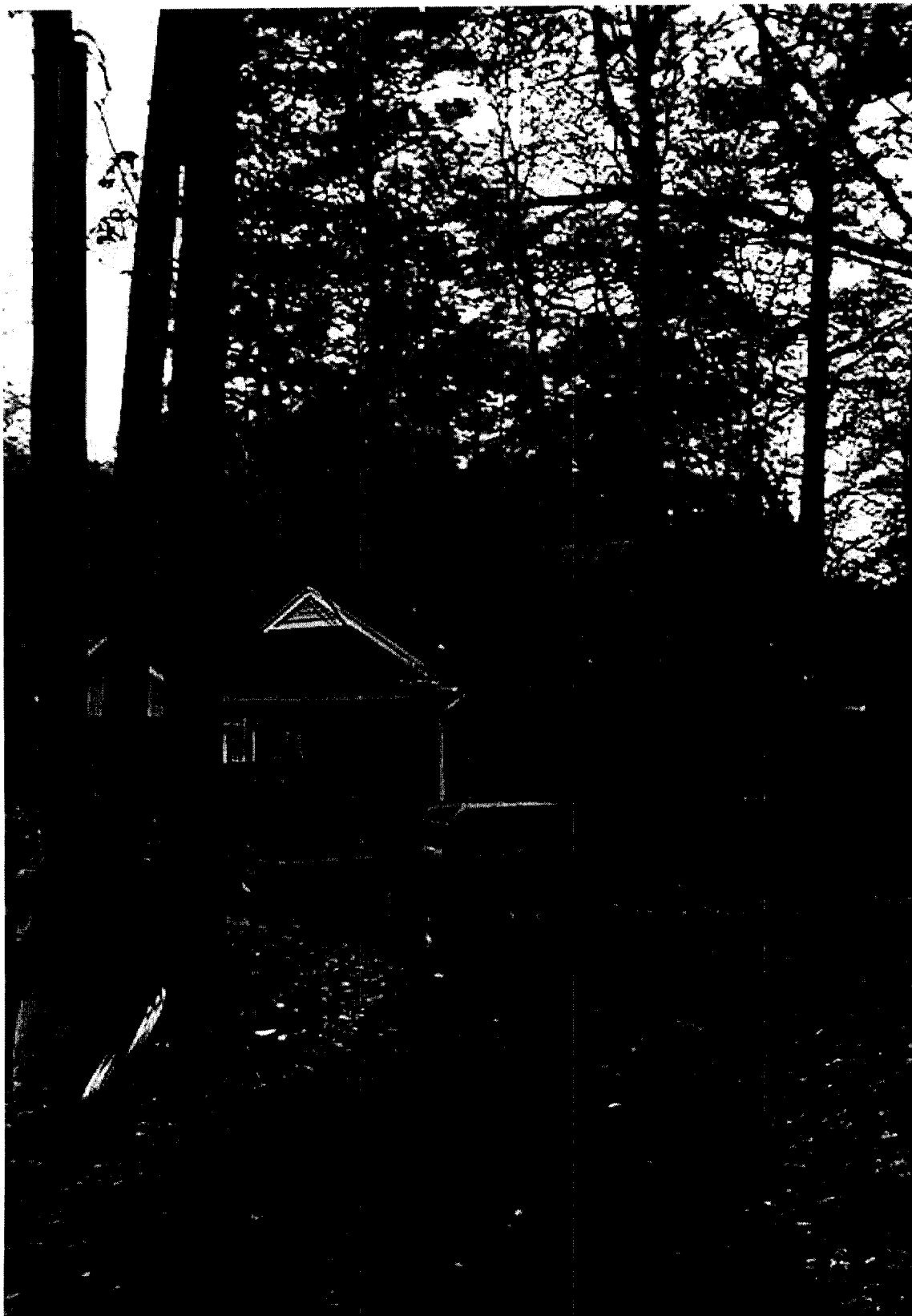
7. Petition for a variance from the Town ordinance requiring burying of power lines.

Robert Reece requested a variance from the ordinance requiring burying of power lines because he had upgraded his amps from 100 to 200. He said the main problem was that the requirement would mean digging a trench which would go through three mature trees roots, which would weaken the trees. Mr. Horton said there was a provision which gave the Manager flexibility in certain circumstances.

COUNCIL MEMBER EVANS MOVED, SECONDED BY COUNCIL MEMBER STROM, TO RECEIVE AND REFER THE PETITION TO THE MANAGER. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0)



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