

**Lindsay Ray**

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**Subject:** FW: 17-2063 Presentation on Green and Sustainable Building Practices in Briar Chapel.  
02/20/2017

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**From:** MColbert [miccolbert@att.net]  
**Sent:** Monday, February 20, 2017 9:00 AM  
**To:** Diana Hales; Karen Howard; James Crawford; Walter Petty; Mike Dasher  
**Subject:** 17-2063 Presentation on Green and Sustainable Building Practices in Briar Chapel. 02/20/2017

Commissioners,

I'm submitting comments (below) on the following matter:

[17-2063 Presentation on Green and Sustainable Building Practices in Briar Chapel.](#)  
**Attachments:** [Chatham County Work Session 2-20-2017 V1](#)

Newland, as a developer, attempts to focus the county's attention on the economic benefits of new home building and sales, and its role in developing a "green" community. Absent from the Newland presentation as attached is any discussion of post-development costs and administrative burdens to the county and its citizens, particularly with respect to environmental compliance, infrastructure, and health and safety issues associated with expansion of Briar Chapel. It's a sales pitch, of course, and I want to provide a different perspective, as a concerned BC homeowner and citizen of Chatham County, for your consideration.

I want to describe for the commissioners how Newland's questionable oversight, management and communication with respect to the Briar Chapel Community Association (BCCA) ends up shifting additional administrative burden and expense to the county for community services that Newland promised to deliver via the BCCA, in accordance with the BCCA covenants that align with the county's regulations and CCO requirements for the compact community.

As you know, Newland (as the HOA "declarant") controls the BCCA through its appointment of three Newland employees to the HOA Board, which has five members. The Newland supermajority hired United Community Management to manage the HOA in 2014. Mary Hurand has oversight for United Community Management staff at Briar Chapel (based on emails I have received from her directly, and her presence at various meetings). Mary Hurand is apparently married to Keith Hurand, the Newland executive to whom the Newland employees on the BCCA board report. In my opinion, that's a neatly circular conflict of interest that all but ensures that the BCCA board's oversight

of United Community Management is constrained by the financial interests of the Hurands, in addition to the financial interests of their employer Newland.

As a result of those relationships, homeowners have limited effective means to influence the BCCA, or to protect their interests and property rights, except to contact governmental entities and elected officials, primarily those in Chatham County.

For over two years, United Community Management has failed to monitor and enforce relevant BCCA covenants for numerous environmental, health, and safety compliance issues that also fall within the purview of county government: things like uncontrolled runoff, native plants, impervious surface restrictions, appearance standards, etc. for contractors, individual residences, and large common areas. The Newland Board members provided inadequate oversight with respect to United Management's failures to monitor and enforce compliance standards that are also required by the CCO. Management failures- in oversight, action and communication- thus resulted in many residents contacting the county (and state) directly for additional services that have included complaints about trash, construction debris, unpermitted work, poor pool cleanliness, food inspections, signage issues, and animal control, to name just a few.

I understand very well that the County can't enforce private covenants. However: when the Newland-controlled BCCA fails to execute its responsibilities to enforce its CCO-aligned CC&Rs, that failure results in community noncompliance with county regulations and the CCO itself. That inaction then creates additional financial and administrative burdens to the county and its taxpayers. That's the not-so-hidden additional cost to the county for Newland's questionable oversight of the day-to-day management of the BCCA, and that is something I believe is of critical importance for your consideration in evaluating Newland's "green" assertions with regard to the BC community.

Newland needs to be held to account for its continuing management role, as well as its development role, in the Briar Chapel community in any honest assessment of how "green" its plans are in fact. Standards without post-development compliance are meaningless.

My greatest fear is that Newland's post-development failures to ensure BCCA compliance with the county's requirements and regulations will result in county government and BC residents alike holding a very expensive bag to remediate an environmentally hostile and potentially ungovernable compact community-- especially after Newland collects its money and leaves.

Thank you for your consideration of my comments.

Sincerely,  
Shelley Colbert

Briar Chapel homeowner  
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