

At a meeting of the Accomack County Planning Commission held on the 11th day of September, 2019, at the Accomack County Board of Supervisors Chambers, Room 104, in Accomac, Virginia.

1. CALL TO ORDER

MEMBERS PRESENT AND ABSENT

Planning Commission Members Present:

Mr. Roy Custis, Vice Chairman

Mr. Lynn Gayle

Mr. David Lumgair

Mr. James Arnold

Mr. Brantley Onley

Mr. C. Robert Hickman

Mr. Kelvin Pettit

Planning Commission Members Absent:

Mrs. Angela Wingfield, Chairwoman

Mr. Leander Roberts

Others Present:

Mr. Rich Morrison, Deputy County Administrator of Building, Planning, and Economic Development

Mrs. Katie Nunez, Deputy Director of Planning and Zoning

Mrs. Stephanie Woods, Administrative Assistant to the Deputy County Administrator Supervisor Grayson Chesser

Mrs. Ava Gabrielle Wise, Planning and Zoning

DETERMINATION OF A QUORUM

There being a quorum, Vice Chairman Custis called the meeting to order at 7:00 pm.

2. ADOPTION OF AGENDA

On a motion made by Mr. Gayle and seconded by Mr. Hickman, the Planning Commission voted unanimously to adopt the agenda.

3. PUBLIC COMMENT PERIOD

Vice Chairman Custis opened the public comment period.

There being no public comments; Vice Chairman Custis closed the public comment period.

4. MINUTES

August 14, 2019: *On a motion made by Mr. Hickman and seconded by Mr. Lumgair, the Planning Commission voted unanimously to approve the August 14, 2019 meeting minutes as presented.*

5. NEW BUSINESS

No new business was discussed.

6. PUBLIC HEARING

No Public Hearing was held.

7. OLD BUSINESS

A. Continued Coastal Resiliency Discussion

Mr. Morrison began by reviewing and presenting the position statement by the Planning Commission on New Development (construction). Stating, “The Planning Commission (County) is willing to continue to allow new construction in vulnerable areas, provided that people who are looking to build/buy property in vulnerable areas are put ‘on notice’ about the risks and consequences of building and/or buying property in vulnerable areas.” Mr. Hickman verified that this is related to individuals build a house, and stated that it would be a different scenario if a developer wanted to come in and develop a hundred lots on a parcel. Mr. Morrison agreed that that is a good point and that the Planning Commission will need to revisit it. Mr. Lumgair agreed with the position statement breaking it down saying that it is stating that it puts the issue in the owners hand and they can handle it how they want.

Mr. Morrison reviews the rules and regulations that are already in place in vulnerable areas. There are CAPA & RPA setback requirements, the County Floodplain Ordinance, and the health department approvals for well and septic systems. Mr. Morrison stated that the health department’s general practice is to try to put the septic at the highest point on the property. Mr. Lumgair inquired about pump & haul systems. Mr. Morrison stated that the health department would allow pump & haul systems as/if the septic system fails. Mr. Morrison showed a cross section of a property that staff had developed as a visual on water level rise. Mr. Morrison pointed out how water level rise will affect the property and items on it such as, accessory structures, vehicles, and other home items. Mr. Morrison also stated that the Health Department like the Building Department is strictly permitting, they don’t monitor the septic systems. Mr. Lumgair stated that Mr. Morrison has definitely shown the Planning Commission infinite ways that things could go wrong, and then inquired about potentially having a conditional certificate of occupancy requiring regular inspections. Mr. Morrison stated that unfortunately the department could not put conditions on a certificate of occupancy.

Mr. Morrison stated that residents in vulnerable areas should be able to see the water level as it rises on their property and make decisions accordingly. Mr. Morrison informed the Planning Commission that he spoke with the Virginia Institute of Marine Science (VIMS) and according to VIMS, if the current trends continue with 50-100 new houses constructed within the next 10 years, there should be no serious impacts for the bay.

Mr. Lumgair stated that they may need to add in something concerning erosion. Mr. Morrison agreed that that is a good point. Mr. Morrison stated that what seems to happen is as the hardened shore line erodes it causes the soft earth behind it to erode at a much faster rate. Mr. Custis inquired if the department would consider the height of the land if not in a flood zone if a developer were to come in today. Mr. Morrison informed him that staff would not at this time. The department is looking to focus on vulnerable areas. Mr. Morrison stated that he would tell the developer to look at the road networks however to make sure that that would not interfere with their development.

Mr. Pettit stated that staff and the Planning Commission need to be cognizant of presumptions that are made concerning what will happen or what people in the community will do. Mr. Hickman agreed and engaged Supervisor Chesser concerning an area in the county that the community seemed to have abandoned many years ago. Supervisor Chesser

stood and addressed the Planning Commission stating that the older people will “hang in there” because their roots in the area are too deep. Supervisor Chesser stated that younger people will come and maybe build a second home but will not come to live permanently. Supervisor Chesser informed the Planning Commission of changes he has seen to the County first hand due to the sea level rise. Supervisor Chesser stated that raising houses is just a feel good exercise but not a permanent solution, and that we the County needs to do our duty to warn the people in the community of what is coming.

Mr. Morrison stated that this is all specific to non-storm events, just water level rise and incoming tides. Mr. Morrison stated that the Planning Commission needs to discuss and decide on a model to use for future planning and that the rate of water level rise does seem to be increasing. Mr. Arnold inquired if the County has their own Tidal Measurements. Mr. Morrison informed him that VIMS has measurements in Kiptopkeake and Wachapregue. Mr. Arnold stated that the County could borrow electronic buoys from the Coast Guard and use them to get their own data.

8. SUBDIVISION AGENT REPORT

Nothing to report on at this time.

9. REPORT ON BOARD OF ZONING APPEALS UPCOMING HEARINGS

Mrs. Nunez stated that there is one potential application for the October 2, 2019 meeting. It is a CAPA application to build within the RPA and Environmental is reviewing it for completeness before moving forward.

10. OTHER MATTERS

Mr. Hickman inquired if there were any updates on CUP-2018-001. Mr. Morrison informed him at this time that there are no updates.

11. NEXT MEETING

The next Planning Commission work session is scheduled for Tuesday, September 24, 2019 at 7:00 p.m. in the Accomack County School Board Office Conference Room, Room 201, Accomac.

The next Planning Commission regular session is scheduled for Wednesday, October 9, 2019 at 7:00 p.m. in the Accomack County Board Chambers, Room 104, Accomac.

12. ADJOURNMENT

On a motion made by Mr. Hickman and seconded by Mr. Pettit, the Planning Commission voted unanimously to adjourn the meeting.

The meeting was adjourned at 8:19 p.m.

Roy Custis, Vice Chairman

Katie H. Nunez, Deputy Director of Planning & Zoning