

At a meeting of the Accomack County Planning Commission held on the 13th day of October, 2021, 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:

Mrs. Angela Wingfield, Chairwoman

Mr. Roy Custis, Vice Chairman

Mr. John Sparkman

Mr. Kelvin Pettit

Mr. C. Robert Hickman

Mr. Lynn Gayle

Mr. Brantley Onley

Mr. Leander Roberts

Planning Commission Members Participating Electronically:

Mr. David Lumgair

Planning Commission Members Absent:

Others Present:

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

Mr. Paul Seltzer, Deputy Director of Building, Planning, and Economic Development

Mrs. Stephanie Woods, Administrative Assistant of Building, Planning, and Economic Development

DETERMINATION OF A QUORUM

There being an in person quorum, Chairwoman Wingfield called the meeting to order at 7:00 pm.

Mr. David Lumgair attended the meeting electronically, per the Remote Participation Policy adopted at the previous meeting, Chairwoman Winfield inquired as to why Mr. Lumgair was participating electronically. Mr. Lumgair informed the Planning Commission that he was attending electronically due to medical reasons.

On a motion made by Mr. Sparkman and seconded by Mr. Onley the Planning Commission voted unanimously to allow Mr. Lumgair to participate in the meeting electronically.

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 as presented.

3. PUBLIC COMMENT PERIOD

Chairwoman Wingfield opened the public comment period at 7:02 p.m.

The following individuals were signed up to speak:

Mr. Douglas Buckley
Ms. Suzanne Morris
Mrs. Penny Buckley
Mr. Roger Matthews

Chairwoman Wingfield invited Mr. Buckley up to speak. Mr. Douglas Buckley from Accomac and a resident of Fox Grove, spoke to concerns in the development of Fox Grove. Mr. Buckley submitted a letter to the Commission along with a photo. Mr. Buckley stated that there are properties within Fox Grove with campers/travel trailers and also stated that there are people living in sheds. Mr. Buckley stated that there are four (4) lots with travel trailers on them, with one using a large generator continuously all day and night. Mr. Buckley informed the Commission that there are two (2) lots using campers without septic systems. Mr. Buckley stated that his letter included a list of residents in Fox Grove who are in support of reducing the use of travel trailers within the area. Mr. Custis inquired if there were covenants and restrictions for Fox Grove, and Mr. Buckley informed him that yes there are. Mr. Hickman inquired if the campers are being permanently occupied. Mr. Buckley stated that it varies, but that one is used permanently and another is used semi-permanently.

Chairwoman Wingfield invited Ms. Suzanne Morris to speak, and Ms. Morris stated that Mr. Buckley relayed all the information, she wanted to convey. Chairwoman Wingfield invited Mrs. Penny Buckley up to speak, and she also stated that Mr. Buckley relayed all the information she wanted to convey.

Chairwoman Wingfield invited Mr. Roger Matthews to speak. Mr. Roger Matthews from Accomac, stated that he is also a resident of Fox Grove and fears what effect the travel trailers will have on the property value. Mr. Matthews stated that he doesn't feel that allowing campers to be used for habitation on a permanent basis is good for the neighborhood or the County.

Chairwoman Wingfield closed the public comment period at 7:08 p.m.

4. MINUTES

September 8, 2021: *On a motion made by Mr. Roberts and seconded by Mr. Hickman the Planning Commission voted unanimously to approve the September 8, 2021 meeting minutes as presented.*

5. OLD BUSINESS

A. Continued discussion regarding Code Section 106-53(14) & 106-78(11), use of travel trailers outside of travel trailer parks.

Mr. Morrison gave an synopsis of the previous discussion on the use of travel trailers for habitation and restated that if there are travel trailers out there currently being used for habitation without a Special Use Permit (SUP) they are illegal. Mr. Sparkman inquired as to what is being done concerning the current illegal use. Mr. Morrison stated that staff responds to complaints as they come in, but at this time the department doesn't have staff to go out looking for the violations at this time. Mr. Morrison reiterated that this review is a request from the Board of Zoning Appeals (BZA) to assist in the approval process for this type of SUP.

Mr. Hickman clarified that the use of a travel trailer for camping is allowed. Mr. Morrison stated that camping with a travel trailer is considered camping and is allowed by right in a different section of the ordinance. Mr. Morrison stated that if the travel trailer is strictly recreational use where it is pulled in and pulled out after a weekend or week, for example, then they need nothing from the County. Mr. Morrison clarified that if the travel trailer is being left onsite all year for camping use or habitation it requires a SUP from the BZA. Mr. Gale agreed stating that if someone had an empty lot and wanted to park a travel trailer on it for any extended period of time, it requires them to get a SUP from the BZA.

Mr. Hickman expressed his confusion on the period of time the travel trailer is allowed to be used. Mr. Morrison specified the difference is living, if they are living in the travel trailer for a season or any period of time then it becomes a dwelling. Mr. Gayle inquired as to how an amendment to the ordinance is going to clean up what is existing. Mr. Morrison stated that that is a personnel issue within the department at this time. Mr. Sparkman inquired if the sheriff's department helps. Mr. Morrison stated that the sheriff's department handles non-zoning related items.

Mr. Lumgair inquired about potentially coordinating with the assessor's office for assistance with this matter as they are already out going to the houses yearly. Mr. Hickman stated that there must be a reason as to why there is an influx of travel trailers being use for habitation and need to see what the County can do to help. Mr. Morrison stated that the Commission needed to make sure to not blur the lines with what the BZA has asked assistance for and enforcement.

Mr. Morrison reiterated that the travel trailers in use without a SUP are indeed unlawful. Mr. Morrison stated that when the County enforces, it is typical that the person will come in and try to make what they have done legal instead of pulling the travel trailer out.

Mr. Gayle stated his agreement with the need to have the travel trailer properly inspected and stated that in the event of a fire destroying a home, a person could put a mobile home on the property without an SUP. Mr. Gayle stated that often the BZA will approve for the use of a travel trailer for habitation while a house is being built, but then the house is never built, and that it is an issue that ultimately creates more work for the zoning staff. Mr. Morrison stated that having the one (1) year backstop is really important, which allows the BZA to easily give a time limit without a fight.

Mr. Roberts inquired as to what happens when there are delays in construction of the new home due to unknown variants. Mr. Morrison stated that staff is on the front end of this, and that the issue is typically that the building permit is never applied for, but if someone is close to getting a final inspection completed, staff will work with the person to make sure they get their project completed if it runs a month or two past the year limit.

Mr. Gayle stated that the proposed amendments put "teeth" in the deal to assist the BZA with cases of this nature. Mr. Morrison stated that if an applicant would like to make a case to the BZA for an extension, they can, but it is definitely on a case by case basis.

Mr. Roberts recommended stating that the travel trailer cannot be put on site until the construction begins. Mr. Morrison informed the Planning Commission that the ordinance does allow for the use of a mobile home temporarily when a fire has destroyed a dwelling until the new dwelling can be built. Mr. Hickman inquired as to the difference between

placing a mobile home and utilizing a travel trailer. Mr. Morrison stated that it is because the mobile home is built for habitation whereas a travel trailer is not. Mr. Morrison stated that mobile homes have HUD stickers and travel trailers do not.

Chairwoman Wingfield inquired about adding the requirement for hookup to well and septic. Mr. Morrison stated that the BZA does a good job regulating the well and septic issue, and feels that it is best kept with the BZA. Mr. Onley stated that the ordinance doesn't speak to motor homes at all. Chairwoman Wingfield agreed, stating that it needs to be changed to RV and the type of inspection should be specified.

On a motion made by Mr. Gayle and seconded by Mr. Hickman the Planning Commission voted unanimously to schedule a public hearing for November 10, 2021 on proposed amendments with discussed changes to the Accomack County Zoning Ordinance, specifically Sections 106-53(14) and 106-78(11).

B. Continued discussion on potential Amendments to Article VIII. – Sign Regulations of the Accomack County Zoning Ordinance.

Due to time constraints the Planning Commission decided by majority consensus to continue the discussion on Sign Regulations at its November 10, 2021 meeting.

Mr. Morrison requested to give a brief teaser, stating that the following items are items to think about when reviewing the material:

- Regulate by Zoning District
- Maximum Size
- Separation Distances
- Distance from Town Limits

6. NEW BUSINESS

A. Consider scheduling a public hearing for November 10, 2021 for Review of Hampton Road Sanitation District (HRSD) proposal for consistency with the Comprehensive Plan pursuant to Virginia Code Section 15.2-2232.

Mr. Morrison informed the Commission that the HRSD project was sent out to bid and was awarded to a contractor. Mr. Morrison stated that the County Administrator, County Attorney, and himself have informed HRSD that they need a conformance review through Accomack County before construction can begin.

Mr. Morrison showed the map of the proposed layout that was originally brought before the Commission in 2019. Mr. Morrison then showed a new project map that was presented for bidding, noting that the routing had changed from going along Market Street to now cutting in front of Nandua Middle school and utilizing a series of backroads to get to the Onancock Treatment Plant. This change has been brought to HRSD as an issue and they have informed the County Administrator that they are working to get the routing back along Market Street as originally presented.

On a motion made by Mr. Roberts and seconded by Mr. Sparkman the Planning Commission voted unanimously to schedule a public hearing for a Comprehensive Plan review of the Hampton Roads Sanitation District proposal pursuant to Virginia Code Section 15.2-2232 for November 10, 2021.

7. PUBLIC HEARING

A. CUSEA-000222-2021: Accomack Northampton Electric Cooperative (ANEC) – Tax Map # 93-A-87B

A hearing initiated by ANEC to request an Amendment to the approved Conditional Use Permit (CUP) to allow for expansion of its facilities and operations (an addition to the existing building over the existing parking area, two new proposed buildings, a new concrete pad over the existing graveled area, and a new parking area) located at 21275 Cooperative Way, Tasley, Virginia, and zoned General Business. ANEC was granted the CUP in January of 2003 for the development of an area of more than five (5) acres pursuant to Accomack County Code Section 106-404(2).

Mr. Morrison gave a brief overview of the request from ANEC stating that the original CUP was approved in January of 2003. Mr. Morrison informed the Planning Commission that the Environmental Department has started looking at the proposed stormwater plan and that they have stated conceptually it looks good. Mr. Morrison informed the Planning Commission that the Amendment is required under the Zoning Ordinance Section 106-234(4), which states: “The issuance of a conditional use permit shall authorize the applicant to construct only such structure(s) or conduct only such uses as are specifically requested and made part of the permit. No deviations, expansion, or other changes whatsoever shall be made from the terms of the permit without the expressed written approval of the Board of Supervisors...”

Mr. Sean Hildebrant, CFO of ANEC Cooperative was invited up to speak on the request, stating the need for the amendment and expansion of the facilities. Mr. Hildebrant spoke to the history of ANEC and the growth that has occurred both in Accomack and Northampton Counties which has resulted in growth in the Cooperative and the need to expand the facilities to accommodate this growth.

Mr. James Beaver, the Project Architect was invited up to speak to the specific details of the building project. Mr. Beaver stated that the primary objective is to expand the warehousing and vehicle storage. Mr. Beaver gave a thorough breakdown of the proposed site improvement plans. Mr. Beaver stated that all the buildings being added will utilize the same materials as the current building to keep a cohesive look to the site.

Mr. Custis inquired as to how much more room there is to further expand if necessary. Mr. Hildebrant stated that ANEC is currently looking at several opportunities but nothing is concrete at this time. Mr. Hildebrant informed the Planning Commission that ANEC currently serves 36,000 meters in both Accomack and Northampton Counties and that they do a work plan every 5 years as the area continues to grow in order to best plan for the future.

Mr. Roberts inquired if the retention pond would be expanded from what is currently on the site. Mr. Beaver stated that they will primarily be using what is already on site, but will be adding to it to make up for the added gravel on site. Chairwoman Wingfield inquired if the application is approved, while it still needs landscaping and stormwater

plans, would they be able to start construction without those items approved. Mr. Morrison stated that no they would not. Mr. Morrison informed the Planning Commission that a land disturbance permit must be applied for before the building permit would be approved. Mr. Morrison stated that the landscaping plan should be easy, and that the landscaping and stormwater will be approved by County staff before construction beings.

Chairwoman Wingfield opened the public comment period for this public hearing. With no one being signed up Chairwoman Wingfield closed the comment period and the public hearing.

On a motion by Mr. Custis and seconded by Mr. Roberts the Planning Commission voted unanimously to recommend approval by the Board of Supervisors of application CUSEA-000222-2021 a request made by A&N Electric Cooperative (ANEC) for Tax Map # 93-A-87B to amend the previously approved Conditional Use Permit issued on January 13, 2003, for site improvements as depicted on the Overall Site Plan, Sheet CS-1, and the Site Improvements Plan, Sheets SP1A, SP-1B, SP-1C, dated August 16, 2021, with the following conditions:

- 1. A landscape plan will be submitted for review and approval to screen the new parking area.*
- 2. A land disturbance permit and any required stormwater permits be obtained from the Environmental Programs Department.*

The following reasons are offered in support of this recommendation:

- 1. The improvements shown on the plans satisfy all applicable Zoning Ordinance requirements.*
- 2. The original Conditional Use Permit was for development of a site greater than five (5) acres. The proposed improvements are an expansion of the original approval, and provide for improved operations for ANEC.*

8. SUBDIVISION AGENT REPORT

There was no report presented.

9. REPORT ON BOARD OF ZONING APPEALS UPCOMING HEARINGS

There is one application that has been received for the November 3, 2021 BZA meeting.

- A Special Use Permit application request by Anita Coburn pursuant to Accomack County Code Section 106-53(14) which allows for the use of travel trailers, located outside of travel trailer parks, which are to be occupied for habitation. Mr. Coburn would like to use a travel trailer for habitation on the property while a residence is being built. The parcel is at Tax Map # 78-A-111 located between 25296 & 25386 Parksley Road, Parksley, and is zoned Agricultural.
- Mr. Morrison informed the Planning Commission that the BZA continued the hearing on the request from Payne Poultry for variances in order to sell the poultry operation. Mr. Morrison stated the request has changed and is now to reactivate the non-conforming use of the operations.

10. OTHER MATTERS

- Mr. Morrison spoke to the Planning Commission concerning the shift in the type of activity Accomack and other areas are seeing. Mr. Morrison stated that before, people would call to verify what they could or couldn't do with a property, whereas now it seems people are doing without asking, and then trying to make what they have done legal. Mr. Pettit inquired if what was said about people living in sheds during the public comment period of the meeting is accurate. Mr. Morrison informed him that indeed it was. Mr. Pettit inquired as to the types of sheds being lived in, and Mr. Morrison stated that it is different types across the board both old and new.

Mr. Morrison informed the Planning Commission that unfortunately the department is not currently structured to handle this type of business. Mr. Morrison stated that the department does not currently have staffing to allow for someone to go out and look for potential violations at this time. Members of the Commission voiced the fact that someone is needed to go out and look for these types of violations, and could they reach out to the Board of Supervisors to assist in requesting more staff. Mr. Morrison stated that yes they could and that staff could draft a letter for the Planning Commission's review and approval.

On a motion made by Mr. Custis and seconded by Mr. Gayle the Planning Commission voted unanimously to draft a letter to go to the Board of Supervisors requesting more staff for enforcement cases.

- Mr. Morrison informed the Commission that though they discussed canceling all work sessions until further notice at their previous meeting, they only voted to cancel the September meeting, and that staff is recommending the Commission cancel all work sessions at this time and schedule any on an as needed basis.

On a motion made by Mr. Hickman and seconded by Mr. Gayle the Planning Commission voted unanimously to cancel all future Work Sessions until specifically dated.

- Mr. Morrison introduced the new Department Deputy Director, Mr. Paul Seltzer, to the Planning Commission, and informed them that he will be working to build a systematic plan for the removal of dangerous structures within the County.
- Mr. Morrison informed the Planning Commission that staff did receive the finalized application for the Townhome Development near Captain's Cove and that it will be on the November agenda for a first review.
- Mr. Morrison informed the Planning Commission that staff is still anticipating the application from the Battery Storage Company and anticipate it to be on the December agenda.

11. NEXT MEETING

The next Planning Commission meeting is Wednesday, November 10, 2021 at 7:00 p.m. in the Accomack County Board of Supervisors Chambers, Room 104 at 23296 Courthouse Avenue, Accomac, VA.

12. ADJOURNMENT

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

The meeting was adjourned at 9:03 p.m.

Angela Wingfield, Chairwoman

Stephanie Woods, Administrative Assistant of Building, Planning, & Economic Development