

At a meeting of the Accomack County Planning Commission held on the 8th day of February 8, 2023, 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. Leander Roberts, Vice Chairman  
Mr. Lynn Gayle  
Mr. Kelvin Pettit  
Mr. Brantley Onley  
Mr. Glen “Adair” Tyler

**Planning Commission Members Absent:**

Mr. John Sparkman

**Others Present:**

Mr. Paul Seltzer, Deputy Director of Building, Planning & Economic Development  
Ms. Maxie Brown, Interim Zoning Administrator of Building, Planning & Econ. Development  
Ms. Margaret Lindsey, Director of Finance  
Ms. Shawnta McCain, Administrative Assistant II of Building, Planning & Econ. Development

**DETERMINATION OF A QUORUM**

There being a quorum, Chairwoman Wingfield called the meeting to order at 7:00 p.m.

**REMOTE PARTICIPATION**

Commissioner Robert Hickman, located in the Florida Keys, requested to participate in the meeting electronically due to being away with his family.

*On a motion made by Commissioner Gayle and seconded by Chairman Roberts, the Planning Commission voted unanimously to allow Commissioner Hickman to participate remotely.*

**2. ADOPTION OF AGENDA**

*On a motion made by Commissioner Gayle and seconded by Chairman Roberts, the Planning Commission voted unanimously to adopt the agenda.*

**3. PUBLIC COMMENT PERIOD**

Chairwoman Wingfield opened the public comment period. Mr. Christopher Newman of Drummondtown Road, spoke about the importance of preserving three (3) historical buildings located in Accomac. Mr. Newman also noted there is a sycamore tree on Back Street that is 400 years old and that St. Parish would be celebrating its 400 years in Accomack County in ten years.

Mr. Newman stated that Drummondtown has the most historical buildings of any town in VA except for Williamsburg. He mentioned three buildings of importance, the first being the Debtor’s Prison, which needs a lot of help and restoration. It is one of the oldest buildings in Virginia. Mr. Newman suggested that those who have not visited the Debtor’s prison do so.

He stated that for the last eight (8) years, he and a group have been taking care of the grounds around the Debtor's prison and has recently cleaned out the building. The second building mentioned was the Bailey Memorial Hall, which was the old Drummondtown Baptist church, which was moved down to School Street in 1912. The third building mentioned was the old Accomac Primary School. Mr. Newman stated that they are currently trying to save the beautiful Accomac Primary School, which was built in 1932. Mr. Newman stated that the historical group is about preservation, art and history and they just want to save the beautiful buildings, especially the school and Debtors prison. Mr. Newman suggested that the school would be a great cultural center if the County does not demolish the building. He stated that the County did damage to the inside of the building during the last 25 years. Mr. Newman stated his historical group had visions for the town and hopes to revitalize the town and hold on to the history.

*There being no one else signed up to speak, Chairwoman Wingfield closed the floor for public comment.*

**4. MINUTES**

• **January 11, 2023 Meeting Minutes**

*On a motion made by Commissioner Onley and seconded by Commissioner Gayle, the Planning Commission voted unanimously to approve the January 11, 2023 meeting minutes as presented.*

• **January 24, 2023 Work Session Meeting Minutes**

*On a motion made by Vice Chairman Roberts and seconded by Commissioner Gayle, the Planning Commission voted unanimously to approve the January 24, 2023 meeting minutes as presented.*

**5. OLD BUSINESS**

There is no old business at this time.

**6. NEW BUSINESS**

There is no new business at this time.

**7. PUBLIC HEARING**

**A. PROPOSED CAPITAL IMPROVEMENT PLAN (CIP) FOR FISCAL YEARS 2024-2028**

The Planning Commission held a public hearing on a proposed CIP to establish priorities for the 5-year CIP plan, which outlines the projected capital project needs. This CIP plan will include a summary of the projects, estimated costs, schedule and recommended source of funding for each project where appropriate. The CIP plan will prioritize the ranked projects in each year of the CIP plan.

Cara Burton was called up to speak and was sworn in. Ms. Burton is from Parksley, VA and here as a citizen of Accomack County. Ms. Burton made comments on the information listed in the CIP, on page 56, which addressed the Debtors Prison. She requested that the CIP include a statement that the County will develop a plan to maintain the historic building and requested that language be added that the County would be open to having a 'Friends of the Debtors Prison', as a support organization to assist volunteers in raising funds for the prison. Ms. Burton also suggested making the Debtors prison accessible to the public again because the current access is limited. She also requested that the County have minimal involvement with a citizen's group and perhaps create a MOU. Ms. Burton

mentioned that she wasn't sure if there was a HVAC system and if it does not have one, that it be added to the CIP. This is important because the County and the school system has drawn a lot of controversy related to the historic site. Ms. Burton mentioned that coming in 2026 will be the Semiquincentennial of the United States, and would be a great opportunity for tourism here.

Ms. Burton also addressed the CIP, page 53, which involves the Fire Suppression System in the County Clerk's office. She noted the Clerk's office holds some of the oldest records in the Country and that the records need to be protected. She stated that most municipal buildings that have court records, like the Clerk's office, have Fire Suppression Systems.

Ms. Burton also commented on the CIP, page 42. She noted, as a member and representative of the Eastern Shore Virginia Rail Trail Working Group, there has been discussion about work related to VDOT and transportation in the Onley or Tasley areas. She noted her support for biking safety and biking trails and that she was in full support of these items.

Commissioner Pettit questioned Ms. Burton regarding who should actually own the Debtors prison; the society or other entities, and who may be interested in owning it. Ms. Burton commented that her thoughts are not to change the ownership, as the prison has always been in the ownership of Accomack County and that it is not uncommon for municipal properties to have a friends group for support. She stated that the public parks and the Eastern Shore Public library have friend groups and that their role is to partner with the owning entity to help raise funds and act as a 501 C(3) to apply for grants that the County may not be eligible for. She stated that the friends groups would provide the volunteers that could help keep it open.

Mr. Christopher Pote was called up to speak and was sworn in. Mr. Pote, located in Hopeland Way in Bloxom, reiterated Ms. Burton's comments regarding the Debtor's prison being an asset to the community. He spoke on her comment about the 250<sup>th</sup> anniversary and mentioned that there were many grants being made available by private institutions and governmental institutions that would help support a project refurbishing. Mr. Pote mentioned that he is the manager of the Heritage Center at the new library in the Eastern Shore Virginia Heritage Center that is being completed in Parksley and that he would like to offer his professional assistance. He stated that he is a certified archivist and would gladly lend his time to the County. Mr. Pote raised his concerns about the Fire Suppression System in the Clerk's Office, stating that some of the oldest records in the Country are held there it is important to keep those records. He mentioned the Nasa Ferry Dock and the potential demolition, noting that the demolition should be documented both photographically and on paper so that could be kept for preservation purposes.

Mr. Christopher Newman of Drummondtown in Accomac was called up to speak and was sworn in. Mr. Newman added that there has been various groups in the town that have raised money to keep it open. He mentioned that he is currently a part of a local group of about fifteen (15) people and they are willing to help with saving the building to keep that history alive.

Commissioner Gayle asked if the request was to not add funds to the CIP or to request funds for public improvements. Margaret Lindsey, Director of Finance, stated that she noted all the comments and would convey them to the Board. She stated that if there was

anything specific, whether its dollar related or not, the Commission traditionally has constructed a letter or memo that will be forwarded to the Board for consideration.

*On a motion made by Commissioner Gayle and seconded by Commissioner Pettit, the Planning Commission voted unanimously to recommend approval of the CIP Plan, noting citizen concerns for the preservation of historic properties to be passed on to the Board of Supervisors.*

## **B. CHAPTER 106 OF THE ACCOMACK COUNTY CODE: Proposed Wetland Mitigation Bank Ordinance Amendments**

The Planning Commission conducted a public hearing on proposed ordinance amendments to allow wetland mitigation banks subject to securing a conditional use permit in the Agricultural, Residential, Industrial, General Business, Limited Business, Rural Residential and Village Development Districts. Additional language is also proposed to update the list of zoning districts and overlay districts in Section 106-31 and a new Section 106-33 to clarify that uses not listed as permitted or conditional are prohibited.

Ms. Brown gave an overview of the background/chronology of events. She stated that the Board of Supervisors initially referred this item to the Commission in November of last year. The Board requested that the Planning Commission begin discussion on amendments that would allow wetland mitigation banks subject to obtaining a conditional use permit.

December 14, 2022: The Planning Commission met and discussed proposed amendments and requested additional information to be reviewed at its January meeting.

Staff gathered additional information and met with representatives of the Virginia DEQ and US Army Corp. of Engineers via a zoom meeting. Both representatives were very helpful and agreed to allow the County to comment on the applications they had already received for wetland mitigation banks in the County. They also explained that the state and federal laws do not supersede the local ordinance. However, the criteria or “checklist” used by the state and federal agencies encourages but does not require that in-kind or similarly comparable properties to be used for wetland mitigation banks; their emphases is on selecting sites that achieve the most wetland “credits”. Therefore, upland farmlands are not necessarily protected under state and federal laws.

January 11, 2023: The Planning Commission continued discussion of the amendments and voted to schedule a public hearing at its February 8, 2023 regular meeting.

As noted in the staff report, there were several key issues identified as important topics that occurred during discussion of the proposed amendments:

- Taxation of wetland mitigation banks: Based on information provided by the County Assessor and County Attorney, taxation of wetland mitigation banks is a matter to be determined on a case by case basis, and dependent upon whether the bank is encumbered by a conservation easement under the Virginia Conservation Easement Act. If so, the wetland bank will be assessed using “open space” land use values. If the wetland bank is not encumbered by a conservation easement established under the Virginia Conservation Easement Act, then it will be assessed at its fair market value.
- Comprehensive Plan considerations: As part of reviewing a Conditional Use Permit application for the establishment of a wetland mitigation bank, the Comprehensive Plan

provides an overall statement of support for preservation of agriculture, farmlands, existing wetlands and mitigation of impacts. As part of reviewing any future applications, the Commission may take into consideration the preservation of certain types of farmlands as well as other relevant comprehensive plan policies and objectives.

Commissioner Hickman questioned whether all districts would be subject to allowing wetland mitigation banks subject to securing a conditional use permit. He questioned whether the residential district would lead to problems with mosquitos. Although there was conflicting language in the packet, Ms. Brown replied that all districts that would allow wetland mitigation banks, including Rural Residential, subject to securing a conditional use permit. Commissioner Hickman responded that he would like to see it removed from the Residential district. Commissioner Tyler responded that the idea was to require a CUP no matter what district it is in. So if it is in residential, rural residential, even a farm or business district, the Commission wants oversight on wetland mitigation banks. It would not be eliminating or adding any districts, it would become before the Commission and the Board no matter which district.

Mr. Ben Willis was called up and was sworn in. Mr. Willis stated that he is currently managing a pending title wetland mitigation bank. Mr. Willis stated he does not have any first-hand knowledge of the projects that prompt the ordinance but at first glance, he understands why this is being done. He stated that some of the information is confusing because most of what he is hearing about the site does not match up with the site selection guidelines he is familiar with. Mr. Willis stated that he wished he knew what the Commission wanted earlier; however, he felt his project would meet or exceed all perimeters. Mr. Willis said he did not see the proposed ordinance until two (2) days after he submitted his prospectus.

Mr. Tim Gallock was called up and was sworn in. Mr. Gallock spoke as a member of the Wetlands Board of Accomack County. Mr. Gallock stated that he understands this is a case by case basis, but asked if a wetlands delineation was needed from someone before it would be considered or if it would be a requirement. Mr. Gallock stated that this may have been discussed with the Army Corp of Engineers but he is not privy to that conversation; however, it may be something to consider in the future.

Mr. Gene Savage was called up and was sworn in. Ms. Savage stated that there is a group who is trying to put in a berm around a peninsula right behind her within a quarter of a mile of her property. She stated that they are planning to mitigate more than a couple of acres and they are planning to dig out the marsh across from her and put in a thirty (30) foot berm around that peninsula and mitigate what they tear up on another property next to her on a low area near the Frog Stool Branch. She expressed concern that they were allowed to do this and disturb the marsh thereby changing the whole flow and push all the water that is being blocked off onto to her property.

Mr. Bo Lusk was called up and was sworn in. Mr. Lusk stated that he does not fully understand mitigation banks but is speaking because he works for the Nature Conservancy as a Coastal Scientist. Mr. Lusk stated that the Nature Conservancy project in Northampton County is run by another office of the Nature Conservancy in Richmond that does this type of work all over the state for the Virginia Aquatic resources trust fund -- which is run by the Nature Conservancy, the Corp of Engineers and the Department of Environmental Quality. Mr. Lusk stated that he feels that both counties on the Eastern Shore should have some sort of oversight as to what types of projects are allowed and some sort of way to

comment on them. Mr. Lusk mentioned that he is supportive of the Counties coming up with some sort of a way to have this oversight but on the other hand, he would not like for that oversight to be too onerous. He stated that as a big organization who has access to big funds, they could probably handle getting the types of permits that would be needed from the Counties, but it may hurt smaller projects and that Accomack County would need some banks put in place to handle some offsets.

Ms. Brown stated that it is going to be important as this moves forward to consider each application on its own merits and to use the same criteria in the comprehensive plan. Whether the recommendations are made based on prime farmlands or other distinctions that may be made, each application should be considered equitably.

Chairwoman Wingfield suggested adding some guidelines before moving the ordinance forward. Commissioner Gayle suggested sending it to the Board of Supervisors and letting them consider guidelines. Mr. Seltzer stated Staff can begin working on guidelines and come up with guidelines before the next meeting to present for the Commission's input. Commissioner Pettit stated that he respects what land owners want to do with their properties but at the same time does not want the County to regret not doing enough. Commissioner Pettit agreed with discussing guidelines to make sure they are considering both sides and to achieve the goal of protecting farmlands and other properties that are conducive to such a project. Commissioner Tyler felt it should be a by-right use and does not agree with putting the issue off until the next meeting. Vice-Chairman Roberts indicated that the Board of Supervisors can adjust it as they go along.

***On a motion made by Commissioner Gayle and seconded by Vice-Chairman Roberts, the Planning Commission voted unanimously to recommend that the Board of Supervisors consider amending the following ordinances:***

- 1. Section 106-1 (Definitions), Section 106-54 (Agricultural District- "A"), Section 106-79 (Residential District- "R"), Section 106-128 (Industrial District- "I"), Section 106-404 (General Business District- "B1"), Section 106-427.1 (Limited Business District- "B-2"), Section 106-504 (Rural Residential District- "RR"), and Section 106-534 (Village Development District- "VDD"), to define and allow wetland mitigation banks subject to securing a conditional use permit.***
- 2. Section 106-31 (Districts Enumerated) and Section 106-33 (Permitted and Conditional uses) to update the list of zoning districts and overlay districts and clarify that uses not listed as permitted or conditional are prohibited.***

## **8. SUBDIVISION AGENT REPORT**

There was no report presented.

## **9. REPORT ON BOARD OF ZONING APPEALS UPCOMING HEARINGS**

There are seven (7) applications that have been received and scheduled for the March 1, 2023 BZA meeting:

### **A. VAR-000458-2023: Paul Martin – Tax Map #41-A-73 & 41-A-74**

A hearing initiated by Paul Martin to request a Variance of 96 square feet pursuant to Accomack County Code Section 106-178(n)(1-3) which allows a total of 160 square feet of signage. The applicant wishes to replace the existing signs on the parcel with 2-8' x 8' double sided signs. These parcels are located at 11224 Lankford Hwy, Temperanceville. They are Tax Map #41-A-73 & #41-A-74 and zoned Agriculture.

**B. SUSE-000459-2023: Robert Barb Sr. – Tax Map #69-A-28A**

A hearing initiated by Robert Barb Sr. to request a Special Use Permit pursuant to Accomack County Code Section 106-53(2) which permits Camping facilities, including travel trailer camps. The applicant wishes to use a travel trailer during hunting season. This unimproved parcel is located on Fletcher Rd, Nelsonia. It is Tax Map #69-A-28A and zoned Agriculture.

**C. SUSE-000460-2023: Tammy Vreeland – Tax Map #28B-3-4**

A hearing initiated by Tammy Vreeland to request a Special Use Permit pursuant to Accomack County Code Section 106-53(14) which permits Travel trailers, located outside of travel trailer parks, which are to be occupied for habitation. The applicant wishes to dwell in the travel trailer while they construct a dwelling on an adjoining parcel. This parcel is located at 8039 Fleming Rd, New Church. It is Tax Map #28B-3-4 and zoned Agriculture.

**D. SUSE-000461-2023: Donald Chapman – Tax Map #53-A-79**

A hearing initiated by Donald Chapman to request two (2) Special Use Permits; 1. A SUP pursuant to Accomack County Code Section 106-53(2) which permits Camping facilities, including travel trailer camps. The applicant wishes to use a travel trailer for occasional camping. 2. A SUP pursuant to Accomack County Code Section 106-53(27) which permits a use of land not specifically listed as a use permitted by right or by special exception-special use in the agricultural district regulations, which is clearly similar and compatible with the uses listed therein. The applicant wishes to build an accessory structure on this unimproved parcel. This parcel is located on Winterville Rd, Bloxom. It is Tax Map #53-A-79 and zoned Agriculture.

**E. VAR-000463-2023: W. Chase Byrd – Tax Map #100-4-A**

A hearing initiated by W. Chase Byrd to request a Variance of 150 feet pursuant to Accomack County Code Section 106-57, which states the minimum frontage for permitted uses shall be 150 feet at the setback line. The applicant wishes to construct a new dwelling on this parcel. This unimproved parcel is located off Warehouse Rd, Melfa. It is Tax Map #100-4-A and zoned Agriculture.

**F. SUSE-000464-2023: Ruperto Gonzalez – Tax Map #79-A-32A**

A hearing initiated by Ruperto Gonzalez to request a Special Use Permit pursuant to Accomack County Code Section 106-53(7) which permits Light Industry (as defined in Section 106-1). The applicant wishes to convert the existing building into an auto/tire repair shop. This parcel is located at 19336 Lankford Hwy, Parksley. It is Tax Map #79-A-32A and zoned Agriculture.

**G. VAR-000467-2023: Harry Parker – Tax Map #77-A-104B**

A hearing initiated by Harry Parker to request a Variance to County Code Section 106-55 which states the minimum lot area in the district shall be five (5) acres. The applicant wishes to perform a lot line adjustment on an adjoining parcel that will remove area from this parcel. This unimproved parcel is located off Greenbush Rd, Greenbush. It is Tax Map #77-A-104B and zoned Agriculture.

**10. OTHER MATTERS**

- Ms. Brown noted the following upcoming rezoning application: Conditional rezoning request submitted by MCAP Eastern Shore Land, LLC to rezone Tax Map #85-2-2A from AG to Village Development District (VDD) to develop a 40-unit senior housing.
- Commissioner Gayle brought up the issue of illegal or nonconforming lots and suggested that an ordinance amendment be considered to address the matter. Discussion ensued.
  - o The Board expressed support in pursuing ordinance amendments to address this issue. A suggestion was made that plots with signatures will not need a variance and plots without signatures will require a variance.

**11. NEXT MEETING**

The next Planning Commission meeting is Wednesday, March 8, 2023 at 7:00 p.m. in the Accomack County Board of Supervisors Chambers, Room 104.

**12. ADJOURNMENT**

**On a motion made by Commissioner Tyler and seconded by Commissioner Gayle, the Planning Commission voted unanimously to adjourn the meeting.**

**The meeting was adjourned at 8:07 p.m.**

---

Angela Wingfield, Chairwoman

---

Shawnta McCain, Administrative Assistant II of Building, Planning & Economic Development