



Accomack County Planning Commission

Angela Wingfield, Chair, District 2
Leander Roberts, Jr. Vice-Chair, District 8
John Sparkman, District 1
C. Robert "Bob" Hickman, District 3
Kelvin Pettit, District 4
Brantley "Pete" Onley, District 5
Glen "Adair" Tyler, District 6
Lynn Gayle, District 7
Berran Rogers, District 9

1
2 County Administration Building, Board Chambers, Room 104, 23296 Courthouse Avenue, Accomac, VA
3

4 Minutes for Wednesday, August 14, 2024 at 7:00 PM

5 6 7 **1. CALL TO ORDER**

8 **MEMBERS PRESENT AND ABSENT**

9 10 **Planning Commission Members Present:**

11 **Mrs. Angela Wingfield, Chairwoman**

12 **Mr. Leander Roberts, Jr., Vice Chairman**

13 **Mr. Robert Hickman**

14 **Mr. Brantley Onley**

15 16 **Planning Commission Members Absent:**

17 **Mr. Lynn Gayle**

18 **Mr. John Sparkman**

19 **Mr. Berran Rogers**

20 21 **Others Present:**

22 **Mr. Leander "Lee" Pambid, Deputy County Administrator**

23 **Chontese Ridley, County Planner I**

24 **Pamela Dix, Administrative Assistant II**

25 26 **DETERMINATION OF A QUORUM**

27 There being a quorum Chairwoman Wingfield called the meeting of Accomack County
28 Planning Commission to order at 7:00 p.m.

29 30 **REMOTE PARTICIPATION**

31 None

32 33 **2. ADOPTION OF AGENDA**

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

36 37 **3. MINUTES**

38 **Chairwoman Wingfield**

39 All right. Move on to the minutes of July 10. I noticed that every other page is missing in our
40 packet of the minutes. It was like all the odd pages.

41 42 **Commissioner Hickman**

43 Did you? If you look at the lines, the line goes from number 137 at the end of one page, all the
44 way up to like 180 at the beginning of the next page.

45 **Commissioner Tyler**
46 They're all correct online.

47
48 **Commissioner Hickman**
49 Well, mine wasn't online. I mean, right here, not on my line. Oh, and I was wondering if it was
50 my computer, but she said she had the same thing.

51
52 **Chairwoman Wingfield**
53 Did you check board docs, Mr. Tyler?

54
55 **Commissioner Tyler**
56 I'm looking at it right now. Okay, it's clean.

57
58 **Commissioner Hickman**
59 Mine were PDF I checked.

60
61 **Chairwoman Wingfield**
62 I can get them offline but would like to do those minutes next month.

63
64 **4. PUBLIC COMMENT PERIOD**

65 **Chairwoman Wingfield**
66 We'll open the public comment period. Is there anyone signed up? Mr. Ronnie Holden,
67 please come up and state your name and where you live, and you have four minutes.

68
69 **Mr. Ronnie Holden**
70 Good evening, my name is Ronnie Holden. I live at 26399, Redwood Road Onancock, and I
71 am coming very respectfully, but very disappointed that we would advertise this public
72 hearing, send notices out to all the people, and never tell us that it's been moved. That is so
73 grossly unfair and inappropriate, but we still want to speak on the fact that this is not the
74 right thing to even have a battery storage facility in the middle of a residential area. People
75 have bought their homes and raised the dangers and concerns of a battery storage facility, I
76 would ask that you go over there, and look at what's happening around the country. Those
77 facilities belong in an industrial area, not in a residential and we are very upset that they
78 would even think of trying to do that particular thing in a neighborhood that doesn't have the
79 means to fight you, but we are going to fight you, and it's not you, we know it's not you, it's
80 the facility that is trying to get it done. But this is wrong. We want all the people that are
81 opposed to this to please stand up. We are telling you, this does not belong in our
82 neighborhood, four and a half acres, or all the acres. And with us, you're going to try to look
83 and try to stick this facility right in front of people that have their homes, their lives, that live
84 there, and we know all the dangers and all the problems that come out of this facility. If it
85 ever catches fire, you can't even put the fire, all the toxic chemicals that are emitted,
86 groundwater can be affected. We do not want this facility in our neighborhood, and we need
87 to come back again we're coming back, but we have signatures and everything else that this
88 should not be. That should not even be an option. Shouldn't even been something that would
89 be brought up knowing the hazards and the dangers of this facility. I did have a written
90 speech, but I hold on to it.

91
92
93

94 **Chairwoman Wingfield**
95 Thank you very much. Sandra Fletcher, state your name and where you live. You have four
96 minutes.
97

98 **Ms. Sandra Fletcher**

99 My name is Sandra Fletcher, and I live at 7031 Neil Parker Road, if any of you all have taken
100 the time to come up to Withams and at the four way intersection, there's a brand new gray
101 house. I didn't build that house there for this. How can you put that in a residential area, we
102 have low income housing residents right there. It can't be done now for me, every time those
103 solar panels go up and down, I have nursed them later implants. I have all different types of
104 electronic implants in my body. Every time they tilt, I get a reaction from it. My reaction is
105 so bad that on December 4th, I'm having an eye transplant. We don't need it there. My uncle
106 is living with me, and my aunt lives very next door to me, I think there, and we have other
107 residents, but right across from me, on the side of me, is low income housing. The parents are
108 gone, but the ancestors are sick. The children are still there. We have children out there. We
109 have elderly out there. That's not the place to put that, and not behind my house, because
110 that's where it's going. Directly behind my house. The ditch is here and there's the woods, no.
111 And I'm like, Mr. Holden, I'm going to keep coming back and I'm going to say my piece. It's
112 bad enough we're dealing with those solar panels. We don't need this problem. We don't need
113 it. Thank you.
114

115 **Chairwoman Wingfield**

116 Thank you, Is it Andrew Duran, Dorn. Where you live?
117

118 **Mr. Andrew Dorn**

119 My name is Andrew Dorn. Property owner in Withams, Virginia. I reside in Parksley
120 Virginia. I was raised in Withams Virginia. My concern is we have these panels north east
121 and south of us currently, and now there's a proposal to put them right in the middle of our
122 neighborhood. I guess I would ask this board, which one of you wouldn't mind having them
123 in your neighborhood, right behind your house? This is wrong. It shouldn't be. We're going to
124 oppose it respectfully, and we hope that you hear us when we say that we're just not going to
125 allow this. It's not right. I don't need four minutes to say that. Thank you.
126

127 **Chairwoman Wingfield**

128 Thank you. James Fetterman, state your name and where you live. Thank you.
129

130 **Mr. James Fedderman**

131 James Fedderman, 32255, Keller Pond Road. Good evening committee and esteemed
132 residents, family and friends, and community members of Withams. I am Dr. James J.
133 Fedderman, born and raised in Withams, Virginia, I have traveled the world, but I will
134 always acknowledge Witham's and the Eastern Shore as my home. When conducting my
135 research, I was intrigued to know what this battery storage was really all about. But what I
136 learned was it does not need to physically be located in a community to benefit the
137 community. The answer is no. So, if the answer is no, why is the Withams community of
138 interest? I think of Chincoteague, Wachapreague, Assateague, Onancock Bay Creek, or even
139 the woods behind the Onancock somewhere else might be a favorable site for this battery
140 storage, just not Withams Virginia. Of all the research that I have conducted on my own, but
141 collaboratively consulted with others that suggest that battery storage can reduce air
142 population or pollution just as not just as smoking can reduce lung cancer, not smoking can

143 reduce lung cancer, or that clear air pollution is not a guarantee. What is the return on the
144 investment for the citizens of Withams? In my research, I have learned the possibility of this
145 project increasing jobs. That is not a good sound bite for me, because the request for the jobs
146 ask for individuals who have a software coding background that will not be found in
147 Withams Virginia. Actually, battery projects produce very low on-site jobs once installed,
148 they are operated off site. Even that sounds good until something goes wrong. It's flattering
149 and insulting to learn that policies can help encourage the creation of local jobs. Why do we
150 have to create policies for a battery site that shouldn't even be in a residential community? In
151 closing, I do not think many of the individuals making the decisions about this project really
152 know my community. For instance, batteries can create the potential for fire hazards down
153 the road called thermal runways, which is when overheating of one battery cell causes the
154 others to overheat and there is a fire. Why do I raise this? The love of Witham's community
155 is riding through, seeing the elderly members of our community who once fed me, and gave
156 me encouraging words or even \$1 or two to get me through because I was Mr. June and Ms.
157 Clara's son. All happened outside, under a tree, in the driveway, in their living room or in
158 their kitchen. With them is a residential community, not a complex industrial research center.
159 With this research center, industrialized or not, it is simply going to fatten the pockets of
160 global companies and absolutely do nothing for a single resident of the Withams community.
161 Several residential fires have happened that have displaced members of the Richmond
162 communities in years past, I can recall at least three residential fires, one that claimed the life
163 of my Uncle James Miles. I bring this up because the emergency response time averaged
164 between 15 to 30 minutes. Imagine the response time with a battery generated facility in the
165 middle of a residential community. I can only imagine the magnitude the severity of the
166 response for a battery fire should happen, and how it would impact the already marginalized
167 community. Here are the hearts and concerns of those who live there before you seek to
168 dismantle our community for profit, if it must be done, do it elsewhere, just not in Witham's
169 or our community. Thank you so much.

170

171 **Chairwoman Wingfield**

172 Thank you, Larry Rantz Jr.

173

174 **Mr. Larry Rantz**

175 Hi. My name is Larry Rantz, Jr. I live at 5190 Bull Becker Road. I own a house which was
176 my father's at 6451 Neil Parker Road, less than a quarter mile away from this. I was born and
177 raised on a farm, and I know what a battery like this in a tractor will do to you. I can only
178 imagine what these batteries in that facility will do, like I said, some kind of way. If it would
179 catch on fire the fumes, you can't breathe. What are these people here going to do if that
180 would blow up? We got our post office right in front of this property, we can't even get our
181 mail. I'm very disappointed, I was born and raised like I said, there Mr. Ed Groton owned
182 that property, it was always residential, and I think it should stay residential. I mean, I don't
183 know how these guys come in here bought it as a battery, LLC, I'm not for it. I'm totally
184 against it. I'm like, Ronnie Holden, and I'm like, Sandra, you know, I'll be at the next
185 meeting, and I'm 100% against it. And it hurts because this is a family community, a family
186 village, a lot of these people are not only my neighbors, they're like friends and family to me.
187 So, I don't think y'all should support this on behalf of these guys. I mean, it's going to hurt
188 these people. This isn't what Witham's needs. Thank you, guys, very much.

189

190 **Chairwoman Wingfield**

191 All right, thank you.

192 **Mrs. Charlene Rantz**
193 My name is Mrs. Charlene Rantz, I live at 5190 Bull Becker Road I'm his wife. I didn't grow
194 up in Withams, but I grew up around Withams. I really put my name down because I thought
195 someone was just going to be here that I could ask questions, and obviously, that's not so. I
196 also feel like even if this person, whoever the corporation, whoever's the head person knew
197 they wanted to push this back, somebody should have showed up to this meeting so we could
198 ask questions like, what if it does catch on fire? How big of a facility are we talking about?
199 How much are they going to store there? I would like to have real answers to these questions.
200 I'm assuming when we come back, someone will be here to answer those questions, or do
201 you all already have those answers? Do you know how big the facility is they're going to put
202 there? I guess you do. Is that so?

203
204 **Chairwoman Wingfield**
205 So, in public comment, you address the Planning Commission.

206
207 **Mrs. Charlene Rantz**
208 I didn't know. I've never been here.

209
210 **Chairwoman Wingfield**
211 Okay, I understand. I'm sorry.

212
213 **Mrs. Charlene Rantz**
214 Can you tell us how big a facility is? Four and a half acres? How big of a plant is this going
215 to be? Is it a plant? Is it just a building? What are we really talking?

216
217 **Chairwoman Wingfield**
218 I'm unsure.

219
220 **Mrs. Charlene Rantz**
221 If you're thinking, you're going to allow something like this, you have this information, don't
222 you? Doesn't somebody here?

223
224 **Mr. Lee Pambid**
225 Because they withdrew, not withdrew, because they deferred their application, we did not
226 send a staff report, because they are still working on that.

227
228 **Mrs. Charlene Rantz**
229 For it to get going to start with, for y'all to even decide, to even consider taking a community
230 that is a very old community.

231
232 **Mr. Lee Pambid**
233 I will provide a brief on what we have later on in the meeting, but right now, this is just a
234 public comment period. There will be a short brief later on in the meeting.

235
236 **Mrs. Charlene Rantz**
237 Then we can ask questions.

238
239 **Mr. Lee Pambid**
240 There's not going to be much to really answer at that time.

241 **Chairwoman Wingfield**
242 So public hearings and comments, you address the board or the Planning Commission, and
243 we ask the questions to the applicant.

244
245 **Mrs. Charlene Rantz**
246 Okay, thank you.

247
248 **Chairwoman Wingfield**
249 Thank you very much. All right.

250
251 **Commissioner Roberts**
252 Mrs. Rantz the meeting in October, not saying that it's going to be passed or not passed, but
253 the meeting in October would be the time for y'all to come back so the questions that you
254 may have, the questions you asked just a few minutes ago can be answered at that particular
255 time, because that's when the applicant themselves will be here to give us the information on
256 what they're planning on doing.

257
258 **Mr. Andrew Dorn**
259 Can the board force that on our community? I mean, I know we question the answer, and
260 we're telling you we don't want it.

261
262 **Commissioner Roberts**
263 We can't answer that question.

264
265 **Mr. Andrew Dorn**
266 Okay, that's what we're saying. Can you force it on us, Accomack County?

267
268 **Mr. Andrew Dorn**
269 Accomack County, Accomack County, can you force that in our community?

270
271 **Commissioner Tyler**
272 Mr. Pambid maybe you can explain the process.

273
274 **Chairwoman Wingfield**
275 All right, would anybody else who didn't sign up like to come up and speak? I'll close the
276 public comment period, and we'll move to new business. We have a request authorization of
277 public hearing for conditional use permit for Daniel Jordan to establish a wetlands off-site,
278 consent mitigation site.

279
280 **5. OLD BUSINESS**
281 No Old Business

282
283 **6. NEW BUSINESS**

284 **Ms. Chontese Ridley**
285 Good evening, everyone. Okay, first item you'll be hearing from us tonight, is going to be a
286 request for public hearing authorization for the Guardshore Wetlands Restoration Project,
287 which is CUSE000665-2024, we are requesting that this application be heard at the
288 September 11 meeting. This will be the first application of its type to be heard by the
289 Commission. This use is specified in county code section 106-5411, which is the wetlands

290 off-site, compensatory, mitigation sites. This is a new ordinance addition that was approved
291 by the Board of Supervisors at their May 17, 2023, meeting. This next slide is just definitions
292 from that code section 1061 these were also added to the ordinance by the Board of
293 Supervisors approval at that same May 17, 2023 meeting. It just goes over the wetlands off-
294 site, compensatory mitigation site definition. It also details and gives definition of the
295 permittee. Both of these definitions were given to you in your staff report, but if you needed
296 either one of these read into the record, I can do that as well. Okay, some background
297 information on the application and the applicant. The applicant is Mr. David Jordan. There
298 are two lots that he'll be working on; well, he's proposing to do this on those property owners,
299 or our Ms. Magdeline Colburn, she owns 53-A-149A. And Mr. Ryan Roberts, who owns 53-
300 A- 149A1 it is located at 23519 Guardshore Road in Bloxom. It's in election district four,
301 which is Supervisor Parks and Commissioner Pettit. The site is three acres. The current
302 zoning is agricultural, and the applicant is applying for a wetland, off-site, compensatory
303 mitigation site. The future land use recommendation is a conservation area. The current use is
304 single-family dwelling. That dwelling was destroyed in a fire earlier this year, in April,
305 vacant, wooded, and marsh. The proposed wetlands mitigation bank for off-site projects.
306 Again, section 106-5411, which was added to the ordinance last year. The adjacent zoning
307 for all sides all the adjacent properties is agricultural, and the adjacent uses are vacant,
308 wooded marsh, that's just an aerial of the location, which you can see, most of it is marsh
309 area. The applicant's goal here is to get this site back to its previous natural state. And again,
310 we are asking for authorization to bring this to the board at the September meeting for public
311 hearing.

312
313 **Chairwoman Wingfield**

314 Any other questions?

315
316 **Chontese Ridley**

317 We'll have more information of course, if you all approve to have the public hearing next
318 month.

319
320 **Chairwoman Wingfield**

321 Anyone want to make a motion?

322
323 **Commissioner Tyler**

324 I make a motion that we have a public hearing on the Wetlands Mitigation Bank.

325
326 **Chairwoman Wingfield**

327 We have a motion and second to have a public hearing on September 11. All in favor. Say aye.
328 Aye. opposed. Thank you.

329
330 **7. PUBLIC HEARING**

331 No Public Hearing. Hearing deferred to October 9, 2024 at the request of applicant.

332
333 **Chairwoman Wingfield**

334 Like to move on to other matters. An update on property and proposed ordinance amendments.

335
336 **8. OTHER MATTERS**

337
338

339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387

Mr. Lee Pambid

Let's go ahead and do this first. Lee Pambid, Deputy County Administrator for Community and Economic Development, we were supposed to have a public hearing tonight at the request of an applicant that was submitting for a rezoning from residential to industrial on Friday afternoon, at four o'clock, they request a deferral of the application for two months. So that did not give us enough time to notify everybody, as we had sent out notices earlier, per state law. We did put a notice on the county website, on the front page as a news banner that this was going to be deferred. So again, just before the close of business on Friday, they requested in writing, a deferral to the October 9 Planning Commission meeting. For the record the application number is REZ000657-2024. Again, no public hearing tonight at the applicant's request, and this briefing is going to be provided for informational purposes only, which means that I'll provide some information and no decisions will be made tonight regarding the application. They are requesting a rezoning from residential to industrial in order to enable a by right application for a utility distribution facility. What by right means is that they would not necessarily need to come back with a conditional use permit. I'll explain a little bit more why this is by right as opposed to conditional use permit. And you all recall from previous applications as recently as March and April, that if a conditional use permit is required along with the rezoning, those two applications can be heard consecutively in the same night. A Battery and Energy Storage Facility is what they're asking for. This is a much smaller scale than the Jupiter Scout energy project that you all heard in 2022 those applications, just for the record, are REZ000267-2021 and CUSE000268-2021, on tax parcel, 27A-103A. The Board of Supervisors heard those applications first on June 15 of 2022, they basically deferred that to July 20 of 2022, when they did decide to rezone the property and to approve a conditional use permit. Just for some understanding on what a utility distribution facility is in the zoning ordinance, it basically means pipes, poles and wires, transformers, minor relay stations, meters, pump stations, switching stations, antenna and other minor facilities for the distribution of utilities, again, a by right use in the industrial district. They requested a deferral because they wanted to basically touch up their application, I told them that their application did not really have enough information in there. In speaking with some of the other agencies, particularly public safety, we felt that we needed more information so they wanted to consider additional elements of their application. They wanted to provide a better application, better plans and materials. Some of the stuff that we received wasn't really clear to us, and some of it, quite frankly, wasn't legible. And they have agreed to again, defer that for 60 days while they give us, better application materials. We did recommend, back in March, when we did a pre application with them, that they model the application contents after the Jupiter Scout energy application, some of the things that we felt we needed more information on was sound attenuation, how much noise is going to be generated by this? We didn't get any we didn't get very good information on that, particularly public safety and fire. The Jupiter Scout energy project had a significant section in their application with regards to public safety and fire. There was also some questions about what buffering was being proposed, and then also the application that they submitted did not have a proffer statement, which we had some concerns about. And when we talked with their attorney, they agreed that on further review, a proffer statement would have been an appropriate thing to do. For those who are unfamiliar with proffers, basically, proffers are voluntary conditions that an applicant imposes on themselves to essentially Make a rezoning application more palatable both to the commission, to the elected officials, and to the community. They recognize that they need to do more public outreach, and we can expect to hear more from them on that in the next month, month and a half or so. This is some background information; this is a similar chart to what Chontese was just reading from again, the applicant, represented by Timothy Padgett is Battery Storage

388 Holdings LLC, and they are also the property owners. They are proposing their development
389 or their rezoning application on two parcels. Those are 26D-A-40 and 41 at the 28320 block
390 of Withams Road in Withams. This is in Supervisor Johnson's district, and also Commissioner
391 Hickman. Commissioner Hickman is here tonight, as well as Supervisor Johnson. The two
392 parcels total about 4.51 acres, and it's currently zoned residential. They are requesting rezoning
393 from residential to industrial, the future land use recommendation is agriculture, there is no
394 current use. It's a vacant parcel, wooded, a combination of pines and hardwoods. Again, the
395 proposed use is a utility distribution facility which a battery, energy storage system. The initial
396 plans show a 42 by 96 concrete pad. There are some wetlands present on the site. The adjacent
397 zoning is residential on all sides. The property to the south has some agricultural zoning as
398 well, but immediately adjacent to the property, it's all residential. The adjacent uses most of it
399 is vacant, wooded parcels, but on the opposite side of the street, we're talking about single
400 family residences as well as a post office. This is an aerial of the site, Withams Road is an east-
401 west corridor, and then north-south is Neil Parker Road. We do have the one resident here
402 tonight who was detailing some of her objections right here at the intersection of Withams and
403 Neil Parker Road, the four and a half acres is immediately to the east of her residence, again
404 immediately to the north and across the street is the post office. You can see here beyond the
405 post office and on both sides of the post office are our single-family residences. What we don't
406 see in this extent is a substation, I'd say, about a quarter to half a mile to the east. Then to the
407 west is the solar panel field I believe it was Ms. Fletcher, who mentioned that. This is a zoning
408 map that shows the combination of residential and agricultural. The orange is your residential
409 zoning, and the white is agricultural, the character of the neighborhood is of a generally low
410 intensity uses. When we go back to the aerial we do have some cultivation occurring on the
411 other side of Neil Parker Road. But then you also have all of these woods down to the south
412 and to the west, to the east. excuse me. This is the zoning map. This is the future land use map,
413 and the entire area is designated future land use as agriculture and residential is allowed in
414 agriculture. So, it's still an appropriate map to show. Where we go from here again, I
415 understand that there is a tremendous amount of frustration with not having the applicant here,
416 but they recognized their application needed some work, so at the last minute, Friday, right
417 before the close of business, they did submit a letter saying that they wanted to defer their
418 application for 60 days. I think that the alternative, which was to have a public hearing without
419 notice number one, would not be appropriate, but would also be illegal. But with that being
420 said, they're taking some time. I think that the residents would also have some time to gather
421 some additional, some additional comments. But that applicant, will be heard Wednesday,
422 October 9, at 7pm we do not have any, we don't, we're not aware of any other applications at
423 that time, but we, we know that there's going to be a significant amount of public comment at
424 that time. Again, no decisions are going to be made tonight. We elected to not provide the
425 applicants materials because they did not feel they were ready, so that's why there was a
426 minimal amount of information in your in your packet. This concludes my presentation at this
427 time, and I'd be happy to answer any questions that you may have.

428
429 **Commissioner Tyler**

430 Will they include in the aerial that they submit the substation so that we can see that distance?

431
432 **Mr. Lee Pambid**

433 We can certainly do that, as a matter of fact, if you want to do it. absolutely, yeah. If you're
434 interested in seeing that tonight, we can certainly do that.

435
436

437 **Commissioner Hickman**
438 I read somewhere that it was 637 feet back from Neil Parker Road to this property. Wasn't that
439 in something we read? It told how far off it was Neil Parker, and it told you it was on Withams
440 Road with the next feet back.

441
442 **Mr. Lee Pambid**
443 We customarily include. We try to write the notice in such a way that people can find the site
444 based off of the nearest intersection.

445 **Commissioner Hickman**
446 It just doesn't look like that much distance there.

447
448 **Chairwoman Wingfield**
449 Is the applicant required to re notify all the residents of the new date?

450
451 **Mr. Lee Pambid**
452 We're going to do that anyways,

453
454 **Chairwoman Wingfield**
455 Individually?

456
457 **Mr. Lee Pambid**
458 We're going to send out notices per state law, which is basically all the property owners that
459 are directly adjacent to the site. Chontese, do you remember how many letters we sent out? By
460 chance?

461
462 **Chontese Ridley**
463 Could have been maybe 20.

464
465 **Chontese Ridley**
466 We did 300 to 400 hundred mile radius. Yes, it's a residential area, so we did a 500-feet.

467
468 **Mr. Lee Pambid**
469 We will send those notices out again the same way that we did the first time.

470
471 **Commissioner Roberts**
472 In reference to the wetlands, will there be information?

473
474 **Mr. Lee Pambid**
475 There will be information, but just as a just going off of memory, they did a wetlands
476 delineation, if I can refer to the map here, but basically, the wetlands are covering the southern
477 portion of the site, and they will not be, should they be allowed to move forward; they wouldn't
478 be impacting the wetlands.

479
480 **Chairwoman Wingfield**
481 He said that the site would not affect the wetlands.

482
483 **Mr. Lee Pambid**
484 The wetlands are on the southern part of the site, and they will not be impacting the wetlands.

485

486 **Commissioner Tyler**
487 You made reference to the Juniper project. Has that expired?

488
489 **Mr. Lee Pambid**
490 I'll have to get back to you on that.

491
492 **Commissioner Tyler**
493 Because they never did anything right? I was just curious if they would have to start the process
494 all over again. There's some stark contrast between this project and that project, and I wanted,
495 I didn't know if that project had expired and they would have to come back to us again or not.
496 So if you let us know,

497
498 **Mr. Lee Pambid**
499 Yes, sir,

500
501 **Commissioner Hickman**
502 Mr. Pambid, would it be advisable for you to have a point of contact with the community there?
503 Heaven forbid that something like this should happen again in October, you could contact
504 someone. I realize this time you didn't have that information. So, you know, was difficult to
505 do, but in this case, maybe we could.

506
507 **Mr. Lee Pambid**
508 I think that'd be a great idea. If I could get a volunteer and just give me the name and the
509 contact information. Mr. Holden, can I contact you? All right? Can I get up with you after the
510 meeting? Get your contact information. Thank you.

511
512 **Commissioner Hickman**
513 And one other question I mentioned this last time, but do you know if these people have
514 contacted the power company about making connection? I mean, since that seemed to be the
515 big issue with the Juniper project, the cost associated with that, the hook up?

516
517 **Commissioner Hickman**
518 I will have to check with their representatives, that wasn't apparent in the application, or in the
519 materials that they submitted.

520
521 **Chairwoman Wingfield**
522 Any other questions? We don't do questions, only during public comment. We'll move on to
523 proposed ordinance amendments.

524
525 **Mr. Lee Pambid**
526 **Ordinance Amendments**
527 Yes, I'm going to this slide here, and basically, I just wanted to let you know that this is still
528 on the staff's radar. We apologize for not bringing you more details sooner, but as soon as we
529 see ourselves clear, I think we can give you some information on these two ordinance
530 amendments. We are talking about the definition of subdivision and certain subdivision
531 actions, and also the terms of validity. I'm not going to get too much into that we've talked
532 about this over the past couple of months. But the Board of Supervisors will be considering
533 the CAPA ordinance, which is the Chesapeake Atlantic Preservation Area ordinance, and then
534 the Poultry ordinance that you all had a public hearing on or public hearings on last month.

535 The Supervisors will be taking those under consideration for public hearings next month. So
536 that is an update on the ordinance amendments. We'll try our darndest to get you some
537 information in September on these two. And then you've already cleared these two off of your
538 workload. That concludes my presentation on this matter. Okay,

539

Chairwoman Wingfield

540 We have the review of the commissioner roster, sure.

541

Mr. Lee Pambid

Review of Roster

542
543 As far as the roster is concerned, you saw in your staff reports that four of you, your terms are
544 expiring at the end of the at the end of the year. What we wanted to do was to provide you all
545 some information on who and when that's going to be happening so this month and on through
546 September, we're just asking you to consider what you all want to do, and then that would give
547 the Board of Supervisors enough time in November and December to consider, you know, the
548 reappointments or new appointments if it's desired. But again, the following Commissioners
549 terms expire on December 31 of this year. Mr. Pettit, District Four, Mr. Only District Five, Mr.
550 Hickman in District Three, and Mr. Roberts in District Eight. You can also consider you know
551 what you want to do about the about the current officers as well, but this is for informational
552 purposes only. We're just asking you to keep the dates in mind. We didn't want that to sneak
553 up on us and also to sneak up on the Board of Supervisors. We want to give you enough time
554 to consider what your next moves are going to be, especially the four commissioners whose
555 terms are expiring at the end of the year. And that concludes my remarks on this. I can try to
556 answer any questions for you.

557

Chairwoman Wingfield

558 Okay, so we move on to staff report. Okay,

559

560 **9. STAFF REPORTS**

561 **Mr. Lee Pambid**

562 Staff reports are going to entail Subdivision Agent, Zoning Administrator and Deputy County
563 Administrator.

564 **Subdivision Agent**

565 standpoint, we don't have a whole lot to report. What I can say is that we will be meeting with
566 the developer of the of the coastal square and residences development here between Onley and
567 Onancock. We're actually going to be meeting with him tomorrow so that he can understand
568 what his next steps are going to be. And basically, his next steps are going to be submitting a
569 preliminary subdivision plat for review. You know, for the townhouses, the duplexes, those
570 are the only ones that are going to need a subdivision review.

571

Zoning Administrator

572 standpoint, we've got, well, first of all, they did not meet this month in September. The Board
573 of Zoning Appeals did not meet this month in August, excuse me, not September, and we're
574 still in August, but they will be meeting in September. They have a variance case, and they
575 also have a special use permit case, and these appear to be routine items.

576

Deputy County Administrator

577 We have been advertising for some vacancies, our Administrative Assistant position, and then
578 our Deputy Director position for Planning and Code Administration. We expect those

579

584 interviews to occur first part of September, the first couple of weeks of September, but we did
585 get several applicants for each position, and we're looking forward to knowing a little bit more
586 about those applicants through the interview process. And that concludes my staff report.
587

588 **Chairwoman Wingfield**

589 All right, anybody else, have any questions for staff?
590

591 **Commissioner Tyler**

592 I assume before October 9, we'll know if we're meeting here or with Metompkin.
593

594 **Mr. Lee Pambid**

595 That's a good question. We'll definitely consider the size of the crowd. I'll check in with Mr.
596 Holden to see if there are going to be more people. So we're a couple of months away from
597 that, but I'd say probably within three to four weeks of that, we would, we'd know, but I look
598 forward to keeping in contact with the community and letting you know what, what that
599 crowd's going to look like at that time. Question for you, sir, or for the commission in general.
600 Of course, I wasn't here in 2022, when you all considered the Jupiter Scout Energy rezoning
601 and conditional use permit. But that was a pretty big crowd.
602

603 **Commissioner Tyler**

604 That was pretty big crowd, okay? And there was some stark contrast. I mean, it was on
605 Chincoteague Road. Part of it was commercial, was none of it was industrial. There were some
606 by right, uses that were interesting, to say the least, it was a different. It was very different,
607

608 **Mr. Lee Pambid**

609 Right? Okay, I'll certainly be consulting with the County Administrator.
610

611 **Commissioner Tyler**

612 I know we need to consider everything individually. I mean, I don't want to make comparisons.
613

614 **Mr. Lee Pambid**

615 Sure case has got to be considered on its own correct facts and merits.
616

617 **Commissioner Roberts**

618 That one had a lot more community contact. Evidently, they haven't contacted or said anything
619 to this community about what that project is all about.
620

621 **Commissioner Tyler**

622 That applicant went to every neighbor, every neighbor several times, right? Every neighbor
623 several times.
624

625 **Commissioner Onley**

626 It was considerably larger than this one too.
627

628 **Mr. Lee Pambid**

629 Yes, sir, absolutely. But we'll be reporting back to the applicants on tonight's proceedings and
630 letting them know the initial temperature,
631

631
632

633
634
635
636
637
638
639
640
641
642
643
644
645
646
647
648
649
650
651
652
653

10. NEXT MEETING

The next meeting will be October 9, 2024 @ 7:00 p.m.

Chairwoman Wingfield

Our next meeting is September 11, 2024 everybody's ready to adjourn and motion, I make a motion we adjourn.

11. ADJOURNMENT

On a motion made by Commissioner Tyler and seconded by Commissioner Hickman, the Planning Commission voted unanimously adjourn the meeting at 7:55pm.

Angela Wingfield, Chairwoman Date

Pamela Dix Date
Administrative Assistant II, Building, Planning and Economic Development



Accomack County Planning Commission

Angela Wingfield, Chair, District 2
Leander Roberts, Jr. Vice-Chair, District 8
John Sparkman, District 1
C. Robert "Bob" Hickman, District 3
Kelvin Pettit, District 4
Brantley "Pete" Onley, District 5
Glen "Adair" Tyler, District 6
Lynn Gayle, District 7
Berran Rogers, District 9

1
2 County Administration Building, Board Chambers, Room 104, 23296 Courthouse Avenue, Accomac, VA
3

4 Minutes for Wednesday, September 11, 2024 at 7:00 PM

5 6 7 **1. CALL TO ORDER**

8 **MEMBERS PRESENT AND ABSENT**

9 10 **Planning Commission Members Present:**

11 **Mrs. Angela Wingfield, Chairwoman**
12 **Mr. Leander Roberts, Jr., Vice Chairman**
13 **Mr. Robert Hickman**
14 **Mr. Kelvin Pettit**
15 **Mr. Adair Tyler**
16 **Mr. Brantley Onley**
17 **Mr. Lynne Gayle**
18 **Mr. John Sparkman**

19 20 **Planning Commission Members Absent:**

21 **Mr. Berran Rogers**

22 23 **Others Present:**

24 **Mr. Leander "Lee" Pambid, Deputy County Administrator**
25 **Chontese Ridley, County Planner I**
26 **Pamela Dix, Administrative Assistant II**

27 28 **DETERMINATION OF A QUORUM**

29 There being a quorum Chairwoman Wingfield called the meeting of Accomack County
30 Planning Commission to order at 7:00 p.m.

31 32 **REMOTE PARTICIPATION**

33 None

34 35 **2. ADOPTION OF AGENDA**

36 *On a motion by Commissioner Sparks and seconded by Commissioner Onley, the Planning*
37 *Commission voted unanimously to adopt the agenda.*

38 39 **3. MINUTES**

40 On a motion made by Commissioner Hickman seconded by Commissioner Onley to adopt
41 August 14, 2024 minutes as written.

42 On a motion made by Commissioner Roberts seconded by Commissioner Tyler to adopt July
43 10, 2024 minutes as written.

45 **Chairwoman Wingfield**

46 We're moving on to the public comment period. Is there anyone signed up?

47
48 **4. PUBLIC COMMENT PERIOD**

49 No public comment.

50
51 **5. OLD BUSINESS**

52 **Mr. Lee Pambid**

53 It's not going to take very long unless you guys have some discussion.

54 Thank you. Madam Chair, members of the commission.

55 Lee Pambid, Deputy County Administrator for Community and Economic Development.

56 The purpose of tonight's presentation is essentially to just get the language in your hands.

57 We've been looking at this for several months, but we wanted to spread out the workload with

58 the several developments that you all have reviewed and acted on over the past several months,

59 in the spring, we had two other ordinance amendments earlier this summer. These are the other

60 two of the four we presented earlier this year. You've already done the CAPA Ordinance

61 revisions and the Poultry Ordinance revisions, the Board of Supervisors will be having their

62 public hearings on the CAPA and Poultry next month. Notices did not go out for the Board of

63 Supervisors public hearing, so that's deferred to next month so we can properly advertise.

64 What's left is going to be the definition of subdivisions, and certain subdivision actions, and

65 then we also have these terms of validity, which is essentially how long is a certain action or

66 plan good for. And that's why the language was put in your packet. Again. All I wanted to do

67 tonight was to get the draft ordinance finally in your hands for your review and then the staff

68 will probably take, some additional time and make some tweaks. When you come back next

69 month, there may be some tweaks that you may have, but this is an iteration, and once

70 everybody is satisfied with the language, then we can go ahead and request public hearings,

71 but the staff is not requesting public hearings tonight. As you look through the materials over

72 the next few weeks, and if have any questions, you don't have to wait till the meeting to ask

73 me those. You can always give me a call or drop me an email, and I'd be more than happy to

74 talk with you about those. So that concludes my presentation, and I can field any questions at

75 this time,

76
77 So with that being said for next month, if you recall, there was a battery storage public hearing

78 from August, and the applicant had requested deferral for 60 days, which means that they will

79 be coming to you in October. In addition to these items here, and this is just a discussion, you

80 will be having a public hearing next month if all continues on its current path. We haven't heard

81 from the applicant that they want an additional deferral, so we're assuming that we're going to

82 have a public hearing in October.

83
84 **6. NEW BUSINESS**

85 No new business.

86
87 **Chairwoman Wingfield**

88 Thank you. Open the public hearing on Conditional Use 000665-2024 David Jordan,

89 Guard Shore wetland restoration.

90
91 **7. PUBLIC HEARING**

94 **Ms. Chontese Ridley**

95 Good evening, everyone. So again, this is Guard Shore wetland restoration, CUSE-000665-
96 2024

97 The background information, the applicant is Mr. David Jordan. Property owners, Madeleine
98 Colburn and Brian Roberts, the location is 53-A-149A and 53-A-149-A1. It's election district
99 four Supervisor Parks and Commissioner Pettit, the total acreage for both parcels is 24.8 and
100 the bank area will be 2.89. It is zone agricultural, and future land use recommendation is a
101 conservation area. The request is for a, conditional use permit or a wetlands off-site,
102 compensatory mitigation site. The overlays are in the Chesapeake Atlantic Preservation Area
103 in the Special Flood Hazard Area nine BFE. The adjoining parcels are also zoned agricultural
104 and the adjacent uses are a single family, residential, vacant agricultural, and agricultural
105 undeveloped. Some more background on the parcel. They are located at 23519, Guard Shore
106 Road. This is the location where most of the bank will be. There was a home located on the
107 property that burned down earlier this year in April. All that construction predated the 1989
108 Bay Act, and the site pad and driveway were constructed by dredging tidal wetlands. This slide
109 here is just a breakdown of that 24.8 acres for the project. The proposed easement is 10.78
110 acres, again, with 2.89 of that being the bank, and then the rest will be wetlands preservation
111 and the buffer. All wetlands mitigation banks have to be approved and reviewed by the US
112 Army Corps of Engineers and their IRT review team. The applicant has been in touch with the
113 Corps and has been told before they will review his application but he has to gain approval
114 from Accomack County. What we have here at the top when we first had a project last year
115 that went before the BZA, which now has to come before the Planning Commission this is how
116 that process went. Pre-application, application, the IRT review, and the county's review usually
117 went hand in hand, but now that it's changed, so what you see going across the bottom is how
118 that process is now, and this is where we are in that process. Once this process has been
119 completed, if the applicant gains approval from the Board of Supervisors, he would then move
120 into the IRT review, which then goes to the JPA application, which will go before the
121 Accomack County's Wetlands Board, and so on. Plans and exhibits, all these maps were in
122 your staff report. The normal ones you're used to seeing. This is the aerial. This parcel is where
123 most of the bank creation will be and, the location of the home. Zoning map, showing that it's
124 in the agricultural district, future land use, conservation area, location of where the RPA is on
125 the property and around the property, flood map, soil map. This one may take a minute, so
126 while that's loading, I'll explain what it is. This is the proposed site plan. Once it does come
127 up, it's taken its time. I'll get Lee to zoom in, and then you can see the breakdown that I gave
128 earlier.

129
130 Well, it was your staff report. It shows the breakdown in the area and it shows the 2.89 bank
131 creation. There's another little over seven acres of preservation area, and then the buffer. So
132 we might come back and try it again later. The next few slides are some historical images from
133 the applicant. This is the 2024 aerial, here we have the 2010 aerial. Not much difference
134 between the two besides the fact that the home did burn down this year. And here we have an
135 aerial from 1967 before any dredging was done. And here's 1982 which is where the dredging
136 was done to create the driveway and the site pad. These were also submitted by the applicant.
137 These are some aerials after the home was destroyed by fire. And this is the home on fire.
138 Okay, so the next few images you will see are from our site visit. The condition of the home
139 that was there; showing from the road back to where that home once stood. The ponds that you
140 see here are in the dredge area. There are a few pictures of that area in here. These three
141 pictures are the front, left side, and right side which show the water in the ditches. This is the
142 beginning of one of the dredge ponds, and these ponds go back almost to where the home was

143 located. And there's a better image of how large one of those ponds is. This shows the driveway
144 from the house back out to the road.

145
146 And these images are the road on both sides, and this one is located directly across, so there
147 are no homes adjacent. Zoning Ordinance considerations, section 106-51 agricultural district
148 A, a statement of intent that the proposed location and proposed project are compatible with
149 our zoning ordinance. This slide you saw this last month when I requested the public hearing.
150 These are sections 106-5111 and the definition for wetlands off-site, compensatory mitigation
151 site, and section 1061 these amendments were added to the zoning code May of 23 by the
152 Board of Supervisors. It was heard by the BZA, now heard by the Planning Commission's.
153 Several sections in our comp plan support this project. I'm going to call out a few of those,
154 chapter four issues and concerns, soils. Chapter four issues and concerns, watershed resources,
155 and chapter five, goals, objectives, policies, and recommended actions. The soil condition on
156 the property is 100% hydraulic, it's not good for farming. The potential of growing any crops
157 there would not be viable. The applicant's goal is to restore the property back to its previous
158 natural state. More comprehensive plan recommendations, chapter six, future land use plan,
159 page 282, the county's target outcome for the conservation area in the long term is to have no
160 new development through regulations and conservation easements. The soil characteristics of
161 the property would not allow for farming, and the property has never been farmed, so that is
162 not something we see as an issue here. As always, this was advertised in the local newspaper,
163 we did have to expand our buffer about 1000 feet before we reached a household and we did
164 not receive any comments back positive or negative, so that's a good thing, and no zoning or
165 code enforcement violations are pending for either parcel. Staff findings are the proposed
166 mitigation bank is compliant with the provisions of both sections 106234 and section 1065411
167 this details the conditional use process and also the wetlands off-site compensatory mitigation
168 sites. The site has never been farmed due to its flood elevation and being 100% composed of
169 hydraulic soils. The Comprehensive Plan provides an overall statement in support of the
170 preservation of agricultural farmlands, wetlands, and environmentally sensitive areas. The
171 future land use recommendation also stated the conservation area in the proposed use is
172 compatible with that designation. Staff recommends approval of CUSE-000665-2024, a
173 conditional use permit for all off-site compensatory mitigation sites, as presented pursuant to
174 Accomack County code section 1065411, with the eight recommended conditions by staff. All
175 eight of these were in your staff report, if you need me to, I can go down all eight. Are there
176 any questions about those conditions?

177
178 **Commissioner Hickman**

179 I was a little confused and started in addition to the three already mentioned, I don't have that
180 in front of me, there were eight. These eight were added statements.

181
182 **Ms. Chontese Ridley**

183 I'm not sure. Here is the proposed motion, and I'll go on and read that into the record, the
184 Accomack County Planning Commission recommends that the Board of Supervisors approve
185 CUSE-000665-2024, a conditional use permit to construct an approximately 2.89 acre wetland
186 off-site, compensatory mitigation site, pursuant to Accomack county code section 1065411 for
187 tax map numbers, 53-A-149A and 53 A-149A1 with the eight conditions recommended by
188 staff.

192 **Commissioner Pettit**
193 Just to be clear, you made a statement earlier that the applicant was going to return the property
194 to its original state. Did that include the dredging and driveway and parking and the site plan
195 that was probably not allowed now, what was included in the return to the original state?
196

197 **Ms. Chontese Ridley**
198 The site plan that we couldn't get to come up, In that site plan, it showed in detail what was
199 being done in what acres. There's a portion where the house was he plans to restore the title
200 wetlands there and the rest of it is going to be preserved.
201

202 **Commissioner Tyler**
203 Are you pulling up the same thing?
204

205 **Ms. Chontese Ridley**
206 There it is. Okay, so this portion here is where the dredging was done, where the home was
207 located, and where the driveway once was. The applicant is proposing to restore this area, and
208 this is the bank location, and then the rest is going to be preserved, here in the orange is the
209 buffer. Did that answer the question?
210

211 **Commissioner Pettit**
212 I just want to define what you said, restore the era. Does that mean removing the debris, the
213 driveway, and the parking pad, and restoring it to the original is what I am trying to get at?
214

215 **Ms. Chontese Ridley**
216 I believe so, Mr. Jordan is here, so I'm sure he'll be able to go a little more into detail in that
217 question for you. But from what was explained to me, yes.
218

219 **Commissioner Sparkman**
220 Is that the compass with 2.88 as the number?
221

222 **Ms. Chontese Ridley**
223 Yes, Okay, let's see. The 2.8 is the area that he is going to restore and which will also be the
224 bank. The same area that was dredged, where the driveway, the pad for the home, and where
225 the previous home that burned down was.
226

227 **Commissioner Hickman**
228 The other seven were natural anyway,
229

230 **Ms. Chontese Ridley**
231 Yes.
232

233 **Commissioner Hickman**
234 Thank you.
235

236 **Ms. Chontese Ridley**
237 Welcome. Any other questions?
238
239
240

241 **Commissioner Onley**
242 Correct me if I'm wrong, I'm sure you will. I thought I remembered that any credits, wetland
243 credits had to be utilized within the county. Is that correct? That's correct.

244
245 **Lee Pambid**
246 Lee Pambid, Deputy County Administrator, it was determined that restriction was not legal, so
247 the language in the zoning ordinance does not restrict the location of where those credits can
248 be applied. It was discussed. You're correct, it was discussed, but it was not implemented.

249
250 **Commissioner Gayle**
251 Is it in the same watershed?

252
253 **Commissioner Onley**
254 Say that again Lynne.

255
256 **Commissioner Gayle**
257 The credits are applicable only in the same watershed. I assume would be Chesapeake Bay,
258 right?

259
260 **Commissioner Onley**
261 But that answers my question.

262
263 **Commissioner Gayle**
264 In other words, the western shore.

265
266 **Commissioner Tyler**
267 That was the argument in Northampton County. They were upset that people from across the
268 bay were going to be able to use land over here. It's cheap land so they can come here and buy
269 cheap land and turn them into wetlands banks.

270
271 **Lynne Gayle**
272 The underlying factor on that one was the fact that it was farmland taken out of production.

273
274 **Commissioner Tyler**
275 I still contend it should be a by-right use.

276
277
278 **Ms. Chontese Ridley**
279 So that's one good thing we have here. This was never in farm production. It will never be farm
280 production.

281
282 **Commissioner Gayle**
283 This is Frank Blake's home.

284
285 **Chairwoman Wingfield**
286 All right, does anyone have more questions for the staff? Does the applicant have a presentation
287 or would he like to speak?

288
289

290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338

Chairwoman Wingfield

You have ten minutes. State your name and where you live.

Mr. David Jordan

My name is David Jordan. I'm a professional engineer in Virginia. I have 14 wetland banks in Virginia. This is my first time doing tidal wetlands. And to answer some of your questions about how things are broken up into watersheds. Hydrologic unit codes are called but even in Accomack County, someone doing disturbances over here can't sell credits to the eastern part of the county. So, you can't impact wetlands on the eastern part of Accomack and sell over to Wallops Island, for instance. But in this case here, this site was originally part of about 220-acre parcel on the north side of Guard Shore Road. They carved out 10 acres, they built a house, or they built the property back in 1982 they dredged the material to build up the pad and the driveway it probably should have never been allowed. It wouldn't have been allowed in 1985 after the Bay act, but in doing so, they filed a permit for a two-bedroom conventional drain field. I was told it was a hunting lodge. They built an eight-bedroom house on a two-bedroom, conventional drain field. The house was on the market for a while but didn't sell. Don't know what happened, but it burned down in April. I'm interested in doing it, I want to restore it. That's what I do for a living. I want to restore it back into the wetlands it needs to be. It should always be a tidal wetland. It should never have been what it was it was probably a neat little house. But if you go out there today, those standing pools of water are they're brackish. If have to go out there and you're covered with these big green one-inch flies on your body about 20 seconds after you go out there in the site. There should never have been a house, it should never have a drain field. There are houses, cute little houses on the water. They're beautiful, but they don't have the pools of water standing and I want to convert it back to where it needs to be. And I think that it wants to be a wetland. There was no dirt taken, put on the property, or taken off. The material was all brought out of these pools to bring up these lots, the lot to build the house. I'll grade the area back. I'll fill in these pools and restore the vegetation like it needs to be. So anyway, any more questions I'd love to answer more questions about what I do, but I appreciate your approval on this, so thank you.

Chairwoman Wingfield

Thank you. Any questions about that?

Commissioner Hickman

I have a strange question. This thing is not directly related. I apologize for that. Is there a farm there, like, across that is raising cypress trees?

Mr. David Jordan

There's a development that was before this development. There's something to the south on Guard Shore Road. And that was, I looked at aerials. And that was done back in the 60s. On those, there are probably like 15 lots. I want to say there are only two houses on the 15 lots. The rest of them are vacant. I think someone owns most of those lots. But the weird thing is if you look at that road across there. It goes to the west and then wraps around to the south, and then the east at the end there's a dock with a small little boat house. I met the neighbor there's actually one house. The house is the fourth lot down on the right-hand side of that road, Herb and Stephanie. I met them. They were actually looking at this house before it burned down. And they're the ones that I spoke with they couldn't be here tonight, but they're fully supportive of what I want to do. They were all excited when I met them, about what I want to do to restore this area, so I don't know anything about the cypress trees down

339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387

Commissioner Hickman

There that just looks like cypress trees growing in it. Just past you this way, the south side.

Mr. David Jordan

I mean, it's a neat little road going back there. And if you've been to guard shore beach at the end, it's a neat little place, but it's not really a place for a house amongst all those wetlands. So thank you.

Chairwoman Wingfield

Thank you. Do we have anybody sign up for public comment? All right,

Chontese Ridley

before moving on to a motion. I did want to go back to this slide. So again, right now, we are at this step in the process. So the applicant, Mr. Jordan, still has a ways to go. Even after a decision is made here tonight, there is still the Board of Supervisors, and once they make their decision, hopefully for approval, he still has to go through an extensive review with the Army Corps of Engineers, then he'll go before the Wetlands Board, and they'll have to make a decision as well before he gets to start any type construction. With that being said, were there any other questions or anything that you all might have wanted explained?

Commissioner Onley

Will there be any positive or negative tax to the county?

Lee Pambid

I would say that it has to be reassessed for some sort of conservation or, quote, unquote, agricultural use, even though this is not agricultural, I fully acknowledge that it's very possible it's being currently assessed for residential.

Commissioner Onley

I understand would be very minimal, but in the process of setting a precedent for the future, there was a lot of controversy down at Exmore, it took a farm and turned it into a wetland, and the county got no could get no taxes from it. Is that correct?

Lee Pambid

I couldn't tell you exactly, how Northampton viewed the shift in use as it pertains to, as it pertains to Real Estate Assessment and the real estate taxes that we would garner from that. But what I can say is that this is a different situation that, you know, again, it's compatible with the future land use designation for conservation.

Commissioner Onley

I agree to all of that, except for the fact that somebody might come in here with a 25-acre thing, and credits are sold with somebody in Virginia Beach, and our county doesn't get any income from it.

Lee Pambid

This the entire purpose behind reviewing and deciding on these through the conditional use permit process, which was not done from what I understand in Northampton. So that is a lesson learned for Accomack County that we wanted to basically implement a process that involved

388 a lot of scrutiny, a lot of processes, a lot of review so that that kind of thing wouldn't happen
389 here. So again, there was no process in place, from what I understand, and I could have
390 misunderstood the situation in Northampton. But here we have a process by which it's got to
391 go through, first of all, a staff review, then it goes through a Planning Commission review,
392 then it goes through a Board of Supervisors decision that would be the extent of the land use
393 decision. The technical aspects of whether or not the wetland is actually going to work as a
394 force for good, for nature, we'll leave that up to the Corps of Engineers. But from a land use
395 perspective, we have implemented a process that involves several gates through which an
396 applicant has to step through in order to get that. The Board of Supervisors is the ultimate
397 decision maker, if they decide that it is not appropriate, then the conditional use permit will
398 most likely be denied. I'd like to think that the staff would identify that early on, as a factor in
399 its review and its recommendations. If it's decided, or if the staff feels like it is not an
400 appropriate thing to do, then you will most likely get a recommendation for denial of a
401 conditional use permit for an off-site wetlands mitigation site, setting.

402
403 **Commissioner Onley**
404 I'm concerned about setting a precedent that somebody could come back and say well you've
405 done it once why can't I?
406

407 **Lee Pambid**
408 I'll repeat my little speech about precedent. All of our cases are reviewed on a case-by-case
409 basis. What happened in the past on one site is not always going to be applicable currently for
410 a different site. You're welcome.

411
412 **Commissioner Gayle**
413 I will comment that this is a prime example of what we were trying to achieve. This is what
414 needs to be used for that purpose, not farmland.

415
416 **Ms. Chontese Ridley**
417 Yes. This property was never used for farming in most likely, can never be used for farming
418 because of the hydraulic soil.

419
420 **Chairwoman Wingfield**
421 Any more questions?

422
423 **Commissioner Tyler**
424 I have several comments, but I'll reserve the right now.

425
426 **Chairwoman Wingfield**
427 You want to make a motion. Anyone like to make a motion?

428
429 **Commissioner Tyler**
430 You got a question?

431
432 **Commissioner Roberts**
433 Can I hear your question?

434
435 **Commissioner Tyler**
436 No, it's just a comment.

437 **Commissioner Roberts**

438 Comment then.

439

440 **Commissioner Tyler**

441 The number of steps it takes for a citizen to grow marsh grass is absurd.

442

443 **Commissioner Pettit**

444 I move that we accept the motion from the staff as presented by the staff. The Accomack
445 County Planning Commission recommends that the Board of Supervisors approve CUSE-
446 000665-2024, that's a conditional use permit to construct an approximately 2.89 acres wetland
447 off-site compensatory mitigation site, pursuant to Accomack County code section 106-5411 to
448 tax map number 53-A-149A and 53-A-149-A1 with eight conditions recommended by staff.

449

450 **Chairwoman Wingfield**

451 I motion, second and a second, all in favor. Say aye. Aye. All opposed.

452

453 **Chontese Ridley**

454 Thank you.

455

456 **Chairwoman Wingfield**

457 Moving on to other matters, would the planning commission roster? There we go.

458

459 **8. OTHER MATTERS**

460 **Lee Pambid**

461 This is just an informational item we had mentioned last month about whose terms were going
462 to expire at the end of the year, December 31st that of course is the same information from last
463 month. I won't bother repeating that but our primary request is that if you do anticipate any
464 kind of changes in your status, if you don't want to be reappointed, or what have you, or if you
465 want to be reappointed, then we'll need to let the Board of Supervisors know. And what the
466 staff wanted to do, was to give them more heads up than had been afforded in the past. So
467 it may seem a little bit early, but in mid-October, let us know in writing, and we'll give the
468 Board of Supervisors some time, the individual supervisors for your various districts to get the
469 ball rolling on reappointments or get the ball rolling on identifying successors. So again, not a
470 whole lot to mention about that. It's the same information from last month. This is just the
471 second month of that two-month period that I had mentioned. And if you've got any questions,
472 I'd be happy to field them at this time.

473

474 **Chairwoman Wingfield**

475 All right, yeah, staff report.

476

477 **9. STAFF REPORTS**

478 **Mr. Lee Pambid**

479 **Subdivision Agent**

480 No report for Subdivison Agent.

481

482 **Zoning Administrator**

483 In the month of September, there was one variance case for a single-family dwelling in the
484 Onancock area, that variance was approved. It was a front yard setback variance, and there
485 were several environmental constraints there, primarily RPA and floodplain, and then they also

486 had certain site constraints that involved a well and the drain field. The Board of Zoning
487 Appeals approved a variance. In October, there is going to be one case for the Board of Zoning
488 Appeals that will also be a variance with similar circumstances at a different location, so there
489 will be some environmental constraints involved, the shape of the lot is unusual, it's a flag
490 shaped lot but for October one variance case for the Board of Zoning Appeals.

491
492 **Deputy County Administrator**
493 Primarily, the main thing that I've got to report is that we've held interviews for a Deputy
494 Director for the department, one of two that was on Monday. We're going to be shortening up
495 our list and then identifying who we would like for a second interview. And then later this
496 week, we'll be interviewing for an Admin Assistant. We're continuing to get staffed up, which
497 is very exciting for us and then once we get that we'll feel like we're going to get the ball rolling
498 on some very good initiatives at staff level. With our eventual move to the old library on Front
499 Street here in Accomac, we're really looking forward to the changes over the next year to 18
500 months. That concludes my presentation, and I can field any questions at this time.

501
502 **10. NEXT MEETING**

503 **Chairwoman Wingfield**

504 Our next meeting is October 9?
505

506 **Lee Pambid**

507 Yes, October 9. Again, you're currently scheduled to have one public hearing that's for the
508 battery storage in in Oak Hall, and then we also have some discussion on those two
509 ordinance amendments, if there's anything else the Planning Commission wants to discuss,
510 certainly let me know we can put that on the agenda as well.

511
512 **Chairwoman Wingfield**

513 Do you think the meeting will be here?
514

515 **Lee Pambid**

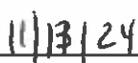
516 You asked that question last month, and we have not heard from any members of the public
517 on that. It very well may be here in this room, we're going to plan on it being here in this
518 room. Yeah. And if that changes, we will let you know.
519

520 **Chairwoman Wingfield**

521 Do any other commissioners have any questions?
522

523 **11. ADJOURNMENT**

524 *On a motion made by Commissioner Tyler and seconded by Commissioner Hickman, the*
525 *Planning Commission voted unanimously to adjourn the meeting at 7:55pm.*

526
527  _____ 
528 Angela Wingfield, Chairwoman Date

529
530
531 _____
532 Pamela Dix Date
Administrative Assistant II, Building, Planning, and Economic Development

