

## ACCOMACK COUNTY PLANNING COMMISSION MINUTES OF MARCH 12, 2014

At a meeting of the Accomack County Planning Commission held on the 12<sup>th</sup> day of March 2014, in the Accomack County Administration Building Board Chambers, Room #104, in Accomac, Virginia.

### 1. CALL TO ORDER

#### A. MEMBERS PRESENT AND ABSENT

##### **Planning Commission Members Present:**

Mr. David Lumgair, Chairman  
Mr. Spiro Papadopoulos, Vice-Chairman  
Mr. Leander Roberts  
Mr. Bob Hickman  
Mr. Alan Silverman  
Mr. Pete Onley  
Mr. Tony Picardi  
Mrs. Angie Wingfield

##### **Planning Commission Members Absent:**

None

##### **Others Present:**

Mr. Rich Morrison, Director of Planning and Community Development  
Ms. Kristen Tremblay, Assistant Planner  
Mrs. Hollis Parks, Administrative Assistant

#### B. DETERMINATION OF A QUORUM

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

### 2. ADOPTION OF AGENDA

**On a motion made by Mr. Roberts and seconded by Mr. Onley, the Planning Commission voted to adopt the agenda.**

### 3. PUBLIC COMMENT PERIOD (Not a public hearing)

Chairman Lumgair opened the floor for the public comment period.

No one signed up or requested to speak.

### 4. MINUTES

#### A. February 12, 2014

**On a motion made by Mr. Roberts and seconded by Mr. Silverman, the Planning Commission voted to approve the minutes of February 12, 2014.**

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### 5. OLD BUSINESS

#### A. **Planning Commission Communication to Board of Supervisors [2014 Activity]**

Ms. Tremblay presented a draft letter from the Planning Commission to the Board of Supervisors that staff prepared, which informs the Board what the Planning Commission will expect to see and work on for the remainder of 2014.

After a consensus by the Planning Commission, Chairman Lumgair agreed to sign the letter and staff committed to forwarding the letter to the Board of Supervisors.

#### B. **Village Residential Zoning District Modifications**

Ms. Tremblay briefly recapped what took place at the February 12, 2014 meeting; the Planning Commission requested that staff begin revising the existing Village Residential Zoning District text which will likely be renamed to Village Development. She informed the Planning Commission that staff is currently working on the Ordinance and that some information should be ready by the work session scheduled for March 25, 2014, if the Planning Commission wishes to hold it.

The Planning Commission agreed to hold the work session on Tuesday, March 25, 2014.

### 6. NEW BUSINESS

No new business to conduct at this time.

### 7. OTHER MATTERS

#### A. **Joint Land Use Study (JLUS) Update**

Mr. Morrison updated the Planning Commission on the Joint Land Use Study. He informed them that staff had to do some restructuring with the project team; staff is currently working on bringing in a new Project Manager that has a lot of JLUS experience.

Additionally, a key deliverable had been received but needed some refinement, which the consultants are currently working on. Staff anticipates the refined document to be submitted during the second week of April.

#### B. **Natural Gas Presentation to the Board of Supervisors**

Mr. Roberts asked staff about the presentation presented to the Board of Supervisors at its February 19, 2014 meeting regarding natural gas.

Mr. Morrison informed the Planning Commission that the natural gas company is hopeful to have natural gas in Accomack County by the end of 2015. He committed to

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sending the presentation from the meeting to the Planning Commission.

### **C. Comprehensive Plan Update**

Mr. Morrison informed the Planning Commission that the Board of Supervisors approved the Comprehensive Plan updates with only minor changes.

Mrs. Parks offered to update the Comprehensive Plan binders that the Planning Commission members currently have with the new Chapter 6.

## **8. 7:30 P.M. PUBLIC HEARING**

### **A. Town Center Utility Facility Conditional Use Permit**

Chairman Lumgair read the public hearing guidelines aloud prior to the public hearing.

Chairman Lumgair opened the public hearing.

Mr. Morrison presented a PowerPoint presentation regarding the Town Center Utility Facility Conditional Use Permit. He reminded the Planning Commission and informed the public that this Conditional Use Permit request is for the development of a central water and sewer facility to serve a by-right commercial development near the intersection of Thompson Road and Route 175/Chincoteague Road.

Ms. Tremblay presented a PowerPoint presentation and pointed out, on a map, where the proposed by-right development and water and sewer facility are proposed to be located.

Chairman Lumgair opened the floor for the applicant's attorney, Mark Baumgartner, to speak.

Mr. Baumgartner assured the Planning Commission that this facility is in conformance with the Comprehensive Plan and that this application is what the Planning Commission and Board of Supervisors have previously requested.

He went on to discuss more about the project; he stated that the facility will be visually buffered, the size of the plant will not change with future amendments, and that there are no adverse effects from the sewer facility.

The Planning Commission asked Mr. Baumgartner and the applicant questions about the solids, noise, and smell. Mr. Baumgartner and the applicant assured the Planning Commission that the dry solids will go to the Accomack County landfill, the plant will not be noisy, and the facility may smell like mulch.

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Chairman Lumgair then opened the floor to afford interested persons the opportunity to be heard or present written comments concerning the Town Center Utility Facility Conditional Use Permit. The following persons signed up or requested to speak:

- **Ronnie Thomas, Atlantic**

Mr. Thomas submitted written comments which addressed his concerns including the plant being so close to residences, noise, smell, chemical storage, etc. Mr. Thomas requested that the Planning Commission deny the request. A copy of Mr. Thomas' comments may be viewed in the Accomack County Planning and Community Development Department.

- **Steve West, Wattsville**

Mr. West voiced concern about drainage into Mosquito Creek.

- **Garrett Dickerson, Wattsville**

Mr. Dickerson lives on Thompson Road and he voiced concern with cross-contamination. He requested that the applicants provide some sort of plan to prevent this.

- **Robert Tittle, Greenbackville**

Mr. Tittle voiced concern of this plant being so close to residences, especially in the event of a spill.

Chairman Lumgair closed the public hearing.

Following the public hearing, concerns were raised by the Planning Commission regarding toxic chemicals being stored on-site, that the facility and drain fields will be owned by two separate entities, and the need for an emergency/disaster plan.

The applicant committed to creating an emergency/disaster plan listing out the steps in the event of a failure. The applicant also informed the Planning Commission that there will be no chemicals stored on-site.

Some discussion on the ownership of the proposed facility and drain fields took place. The Planning Commission agreed that it wanted one entity responsible for the wastewater treatment package plant and drain fields and/or language tying the two entities together.

Chairman Lumgair asked the Planning Commission if it wanted to limit the plant to 7,000 gallons per day (GPD) as recommended by staff or leave it at the requested 10,000 GPD. After some discussion, the Planning Commission agreed to keep it at 10,000 GPD, as requested by the applicant.

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Chairman Lumgair moved, seconded by Mr. Papadopoulos, to recommend approval of the Town Center Utility Facility to the Board of Supervisors with the following motion.

After careful consideration of the application, site plan, and the Planning Reports, the Planning Commission finds that the proposed plan satisfies the Conditional Use Permit Standards found in section 106-234(2) of the Accomack County Code. As such, the Planning Commission recommends that the Board of Supervisors consider approval of the Conditional Use Permit application, as requested, to allow for a central water and sewer facility as shown in an application filed on February 4, 2014, as depicted in the site plan package entitled "Town Center at Wallops Island Spaceport" developed by Atlantic Group & Associates, Inc. (Which consists of sheets C-101 and C-102 dated February 4, 2014) for tax map numbers 27-A-115 and 27-A-116 subject to the following conditions:

1. That this Conditional Use Permit is issued for a wastewater treatment facility of 10,000 gallons per day of treatment and disposal, and 4,000 gallons per day of water, and that when development on the property exceeds the above stated limits, an amendment or amendments to the Conditional Use Permit will be sought.
2. That the service area for the proposed utility facility is defined by the site plan as submitted.
3. That final site plan approval and all applicable permits from the County are obtained prior to construction.
4. That within six (6) months of approval, the applicant submits a detailed landscape plan including a maintenance schedule to ensure that there will be proper screening for the package plant and water tower.
5. That all applicable Health Department requirements are met.
6. That all other applicable Accomack County Ordinances and regulations are complied with and that all necessary permits are obtained.
7. That all other applicable state and federal permits are obtained.
8. That an emergency event plan or emergency operating procedure be developed outlining what is done in the event of an emergency or failure of the wastewater treatment plant and be submitted to Accomack County.

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**9. That a single entity be responsible for the ownership and operation of the wastewater treatment plant and required drainfield.**

**10. That the noise limit from the wastewater treatment package plant in normal operation be 65 decibels measured from any point of the property line.**

**Mr. Picardi moved to amend the motion to include that a statement be submitted to Accomack County from the applicant confirming that no chemicals will be stored on-site.**

**Chairman Lumgair accepted the amendment and another condition was added:**

**11. That a statement confirming that no chemicals will be stored on-site be submitted to Accomack County from the applicant.**

**The motion, as amended, carried with a 7-1 vote:**

**Ayes: Lumgair, Roberts, Papadopoulos, Hickman, Silverman, Onley, Picardi**

**Nays: Wingfield**

**Absent: None**

**9. NEXT MEETING**

There is a Planning Commission work session scheduled for Tuesday, March 25, 2014 at 7:00 p.m. in the School Board Conference Room, Room 201, in Accomac.

The next regular Planning Commission meeting is scheduled for Wednesday, April 9, 2014 at 7:00 p.m. in the Accomack County Board Chambers, Room 104, in Accomac.

**10. ADJOURNMENT**

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

The meeting was adjourned at 9:10 p.m.

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David Lumgair, Jr., Chairman

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Hollis Parks, Administrative Assistant