

At a meeting of the Accomack County Planning Commission held on the 9th day of August 2017, at Accomack County Board of Supervisors Chambers, Room 104, in Accomac, Virginia.

1. CALL TO ORDER

MEMBERS PRESENT AND ABSENT

Planning Commission Members Present:

Mr. David Lumgair, Jr., Chairman
Mr. Stephen Corazza
Mr. Brantley Onley
Mr. Roy Custis
Mr. Leander Roberts, Jr.
Mr. C. Robert Hickman
Mr. Lynn Gayle
Mrs. Angela Wingfield

Planning Commission Members Absent:

Mr. Spyridon Papadopoulos, Vice-Chairman

Others Present:

Mr. Rich Morrison, Director of Planning and Community Development
Ms. Kristen Tremblay, Assistant Planner
Ms. Jessica Taylor, Administrative Assistant

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. Corazza and seconded by Mr. Onley, the Planning Commission voted to approve the agenda.

3. PUBLIC COMMENT PERIOD (not a public hearing)

Chairman Lumgair opened the floor for the public comment period.

4. MINUTES

A. May 23, 2017

On a motion made by Mr. Hickman and seconded by Mr. Custis, the Planning Commission voted to approve the May 23, 2017 work session minutes.

B. May 10, 2017

On a motion made by Mr. Roberts and seconded by Mr. Gayle, the Planning Commission voted to approve the May 10, 2017 meeting minutes.

5. 7:30 P.M. PUBLIC HEARING

A. A & N Electric Cooperative (ANEC) Conditional Use Permit Application – Tax Map # 93-A-87B

This matter was postponed at the July 12, 2017 meeting at the request of ANEC.

Ms. Tremblay reminded the Planning Commission that this item was postponed to allow ANEC time to work towards finding a wastewater treatment solution for the office trailer after the expiration of its Health Department permit for a pump and haul wastewater treatment system. She explained that while staff has been in contact with ANEC, denial is recommended as:

1. The Virginia Department of Health has provided no written confirmation that the proposed solution to wastewater treatment on the site is approved or approvable.
2. A site plan has not been provided which addresses wastewater treatment following the expiration of the pump and haul wastewater treatment.
3. A pump and haul system is not a typical system.

Chairman Lumgair opened the public hearing and the following persons spoke:

1. **Bill Prettyman**, Virginia Beach – Mr. Prettyman told the Planning Commission that he was opposed to the application as he sold the land to ANEC and represents the adjoining property owner, General Farms & Land (GF&L). Mr. Prettyman expressed that ANEC has negatively affected the area due to constant disturbance to impervious surface which has in turn caused damage to the GF&L property. He stated that on multiple occasions he has attempted to communicate with ANEC to resolve this to no avail. Mr. Prettyman provided staff with a letter and pictures of his complaints.
2. **Ken ‘Abe’ Ward** – Mr. Ward stated the he was in attendance to support GF&L’s, the adjoining property owner, complaint. He stated that he has visited County offices multiple times to retrieve a copy of the ANEC Stormwater plans and has been unable to receive a full set. He expressed that this drainage issue is by-design and needed to be addressed.

Mr. Morrison responded to each of the speakers to expressed that while the complaints are understood, Stormwater issues are not handled by the Planning Commission; however, he will have staff communicate the concerns to the Environmental Department. Discussion ensued related to the area of land that had been disturbed when ANEC placed the office trailer on the property.

Mrs. Wingfield asked staff to confirm whether or not the pump and haul system had already been installed; staff confirmed it had.

ANEC then provided staff and the Planning Commission with documents that had been requested by staff. Staff responded that while documents had been provided during the meeting, there was not time for staff to review the documents and consider a recommendation. Staff also noted that due to the time this application has taken, the

earliest that the Board of Supervisors would hear this matter would be September 2017 and the pump and haul permit expires in May 2018; ANEC has request the Planning Commission to approve the amendment to the CUP for three (3) years, which far exceeds the pump and haul permit.

The Planning Commission heard from Mr. Butch Williamson, CEO of ANEC. He stated that his goal is to improve the current work area for employees. In doing this, procedures were not followed, but in no way had he attempted to circumvent the system by placing the office trailer on the property without the proper permits; there was a miscommunication between his employees. He also noted that ANEC will work with GF&L on the drainage issues.

When asked why ANEC would choose to not connect into the existing sewage system, Mr. Williamson responded that it was not a feasible option. He also informed Mrs. Wingfield that the pump and haul was installed just after the office trailer was.

Mr. Corazza expressed his discontent with ANEC's decision to not only place an office trailer on the property without proper approval, but that at no point did ANEC immediately remove the trailer once they were notified that the trailer was not allowed on the property without approval. In addition, as one of the highest entities in the County and well respected by citizens, ANEC disregarded County guidance and did not offer an apology or accept full responsibility. Mr. Corazza expressed his concern with the lack of planning ANEC's part to ensure they had all information and procedures during this process. He also noted that it did not seem rationale for a corporate entity to take three (3) years to remodel its office space.

Mr. Onley echoed the issues presented by Mr. Corazza and stated that it seemed ANEC disregarded the proper route to seek approval. He also expressed that it did not seem reasonable to have a trailer on the property and pay rent when they are unable to use it.

Mr. Kelvin Petit, ANEC, explained that he made the mistake as he found an upscale trailer at a reasonable rate and took advantage of the opportunity. He stated that his assistant had contacted the Building and Zoning office and was informed they would only need a building permit (Mr. Morrison explained that if the employee was not given proper information to identify the property that may have been the case for a general question, but this property has a Conditional Use Permit). Mr. Petit stated that the pump and haul is only a temporary solution and ANEC had chosen to not use the existing sewage due to the cost.

At this time, the Planning Commission heard from Mr. Jimmy Bundick, Bundick Well and Pump, of what his company has designed as a permanent installation, which would be low cost for maintenance and functional for the proposed use.

The Planning Commission expressed that it would like a completed plan and approval from the Health Department for the proposed solution. Mr. Morrison clarified with the proposed option from Bundick Well and Pump, the pump and haul would be replaced with the permanent solution. Mrs. Winfield suggested tabling this item until a final plan has been provided. Discussion ensued.

On a motion by Mr. Lumgair and seconded by Mr. Hickman, the Planning Commission recommended approval of the A & N Electric Cooperative (ANEC) Conditional Use Permit Application for Tax Map # 93-A-87B to install a temporary office trailer for up to five (5) years, to the Board of Supervisors, provided staff receives all required approvals and a completed site plan. Staff will not place the item on the Board of Supervisors agenda until Health Department approval has been given and staff is able to make a satisfactory presentation the Board. ANEC is unable to use the temporary office trailer until the Board approves the application and the trailer must be removed at the end of the five (5) year period.

The motion passed with a 7-1 voted with Mr. Corazza opposed.

6. OLD BUSINESS

A. Subdivision Ordinance Amendment – Private Roads and Streets

Ms. Tremblay reviewed her discussion with VDOT and findings related to private roads and VDOT's 'Rural Roads' Program. She highlighted the following conditions that must be met before VDOT will consider accepting a private road into its program:

1. The width of the roadway should be 24 feet wide, unless 'no parking' signs are in place, then the roadway may be 18 feet wide.
2. VDOT will not accept a dirt road, but may accept a 'tar and chip' material.
3. The road must have at least three (3) occupied residences on the road.
4. Private roads need to be 20 years old before being considered for the program.

The Planning Commission discussed the options for size and thresholds by zoning district. Mr. Morrison suggested the ordinance remain at the current requirement of three (3) acre parcels in a large lot subdivision within the Residential Zoning District and five (5) acres in the Agricultural Zoning District. He also suggested that the Planning Commission place a 'cap' on the number of lots allowed within a large lot subdivision before requiring a road built to VDOT standards or requiring a conditional use permit, which would then come before the Planning Commission for a case by case review to set a requirement for road maintenance requirements.

Mr. Morrison reference the Village Development Ordinance requirements noting that under that zoning, a rezoning and maintenance agreement are required; if all requirements are met, it is a by-right use.

Mr. Morrison will work with Cela Burge, County Attorney to discuss the process to require a conditional use permit for private roads. The Planning Commission considered placing a cap of 10 lots for the threshold as 10 seems to be the threshold in other ordinances. Chairman Lumgair recommended considering private road specifications and requiring the right-of-ways to be consistent with VDOT requirements for width.

It was noted that the County Fire Code will need to be reviewed for its requirements.

Mr. Roberts suggested they consider what incentives may be offered to developers for constructing public roads within subdivisions.

Mr. Corazza suggested that staff tweak the subdivision ordinance to make it consistent with other County ordinances.

7. NEW BUSINESS

Comprehensive Plan - Review of the demographics, employment, and development.

The Planning Commission opted to hold discussion on this matter until a later date.

8. OTHER MATTERS

1. Mr. Morrison reviewed the application and permitting process within the Building and Zoning Office.
2. Mrs. Wingfield confirmed with Mr. Morrison that staff would relay the allegations by GF&L to the Environmental Programs staff.
3. Mr. Custis inquired as to what the process is within the Building and Zoning Department when a building is placed on a property without proper approval. Mr. Morrison stated that discussion is ongoing on the matter.
4. Mr. Corazza asked in the County staff has a monitoring process for Conditional Use Permits and a schedule to inspect each. Mr. Morrison stated that unfortunately, due to lean staffing, the monitoring is 'catch as catch can' and monitoring general onlly occurs once a complaint has been received.

9. NEXT MEETING

The next regular Planning Commission meeting is scheduled for Wednesday, September 13, 2017 at 7:00 p.m. in the Accomack County Board Chambers, Room 104, in Accomac.

10. ADJOURNMENT

On a motion made by Mr. Onley and seconded by Mr. Corazza, the Planning Commission voted to adjourn the meeting.

The meeting was adjourned at 9:11 p.m.

David Lumgair, Jr., Chairman

Jessica Taylor, Administrative Assistant