

At a meeting of the Accomack County Planning Commission held on the 16<sup>th</sup> day of May 2018, 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. Lynn Gayle

Mr. Brantley Onley

Mr. Leander Roberts, Jr.

Mrs. Angela Wingfield

Mr. Kelvin Pettit

Mr. James Arnold

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

Mr. Roy Custis, Vice Chair

Mr. C. Robert Hickman

#### **Others Present:**

Mr. Rich Morrison, Deputy Administrator of Planning and Community Development

Ms. Jessica Taylor, Administrative Assistant

Ms. Amanda Paoletti, Assistant Planner

Mrs. Katie Nunez, Deputy Director – Planning & Zoning

### **DETERMINATION OF A QUORUM**

There being a quorum, Chairman Lumgair called the meeting to order at 6:30 p.m.

## **2. ADOPTION OF AGENDA**

**On a motion made by Mr. Roberts and seconded by Mr. Gayle, the Planning Commission voted to amend the agenda as presented.**

## **3. NEW BUSINESS**

### **A. CUP-2018-003: Town of Chincoteague Municipal Well**

**Joint Public Hearing with the Board of Supervisors on an application for a conditional use permit to install/drill up to four (4) wells (depth will be determined by State permitting agencies responsible for public water systems) and a 100 feet equipment shelter/pump house pursuant to Accomack County Code 106-54 (6) Public water and sewer facilities. The new wells will supply the Town of Chincoteague with public water, but not intended to expand the Town's water resources. These wells are intended to replace the existing wells that are currently located 1 mile north of this parcel. This 30-acre property is zoned Agricultural and located on Chincoteague Road, 1/4 mile East of Atlantic Road.**

Mr. Morrison first took a moment to apologize to all adjoining property owners for a date error in the notification letter which led to multiple persons traveling to the Planning Commission meeting on May 9<sup>th</sup> instead of the joint hearing on May 16<sup>th</sup>. He then thanked each of those persons for receiving the information and their understanding of the error and staff's effort to correct it as quickly as possible.

Mr. Morrison gave a presentation to the Board of Supervisors reviewing the request received from the Town of Chincoteague and introduced Mr. John Poulson, attorney representation for the Town of Chincoteague's application for questioning.

Mr. Morrison, Mr. Poulson, and Supervisors discussed:

- The distance between the current well location and the proposed is one mile.
- Department of Environmental Quality (DEQ) would handle mitigation with the applicant and be able to address the concern of neighboring wells.
- The well field is benign in the realm of Land Use.

Mr. Poulson requested that he be allotted 10 minutes of speaking time as an attorney. Mr. Poulson make the following points:

- This application and approval only allows the Town to move to State level for review, all mitigation and technical concerns would be discussed once the State has received the application and reviewed which would be an extensive review process; however, the Town has met all County Zoning Ordinance requirements;
- The proposed equipment shed would be approximately 100 square feet; and
- The property will continue to be used as farmland.

Mr. Jim West, Town Manager of Chincoteague discussed reviewed the process the Town had followed to address the contamination and thanked NASA for its efforts and utilization of its land. He explained that the Town has heard citizen concerns and the plan presented is only conceptual as the Town is awaiting approval from the County prior to moving forward with its State application and investment. He also noted that continuing to utilize the wells at NASA would lead to issues as it is only a short-term fix and the other option would be to use an expensive filtration system.

The Planning Commission discussed the following with staff and the applicant:

- Confirmed that the current easements and right-of-ways would not be infringed by the permanent well as the test well has, Mr. Poulson confirmed that deeds and plats would be pulled to avoid that occurring;
- Chincoteague discuss with NASA and Fire Department how to handle crashes on this property and whether or not foam would be used;
- Cone of depression;
- Protection of right-of-way and easements on the property;
- Communication between the Town and adjoining property owners;
- Increase of traffic to site; Mr. West expressed that the traffic would be minimal and only to check the wells.

Chairman Lumgair opened the public comment period.

The following persons spoke in favor of the application:

1. Jeremy Eggers, NASA, on behalf of Bill Wrobel
2. Nancy Matthews

The following persons spoke in opposition of the application:

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|-------------------|---------------------------------|
| 1. Arshun Leonard | 5. Michelle Walker              |
| 2. Steve West     | 6. Joe and Karen Beacon         |
| 3. Kenneth Justis | 7. Eddie Savage                 |
| 4. David Walker   | 8. Brian Cunningham (via email) |

These persons expressed their concern with land of details, wells, land disturbance, visual appearance, land value, traffic, infringement of access.

Chairman Lumgair closed the public hearing.

Due to many citizens expressing concern on issues related to technical issues and mitigation, Mr. Morrison explained the DEQ process and explained that this matter would go to public hearing again through the State and these concerns would be able to be addressed at that time; the Planning Commission and Board of Supervisors can only address the land use of this application.

**On a motion made by Mr. Arnold and seconded by Mr. Gayle, the Accomack County Planning Commission recommends approval of CUP-2018-003 for a Conditional Use Permit for the Town of Chincoteague for Parcels 28-A-73B & 25-5-1 thru 6 pursuant to Accomack County Code Section 106-54(6) with the following conditions:**

- 1. That substantial construction occurs within 30 months of the date of approval of the CUP.**
- 2. That once a final plan is developed for the location of the equipment/pump house, location of wells and water main that it be forwarded to the to the Accomack County Planning department.**
- 3. Maintain a 15 feet setback from right-of-way and easements located on the parcel.**

**The Planning Commission finds that the CUP standards in Section 106-234 (2) are satisfied and that the issuance of the CUP is in general accord with the Comprehensive Plan of current adoption and moved to forward the application to the Accomack County Board of Supervisors for approval.**

**4. NEXT MEETING**

The next regular Planning Commission meeting is scheduled for Wednesday, June 13, 2018 at 7:00 p.m. in the Accomack County Board Chambers, Room 104, in Accomac.

**5. ADJOURNMENT**

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

The meeting was adjourned at 9:00 p.m.

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David Lumgair, Jr., Chairman

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Jessica Taylor, Administrative Assistant