

**Virginia: At a meeting of the Accomack County Board of Zoning Appeals, held  
in the Chambers of the Board of Supervisors on the 18<sup>th</sup> day of  
April, 2012, A.D.**

**Members present:**

Mr. Robert L. Nock, Chairman  
Mrs. Elizabeth Kerns, Vice Chairwoman  
Mr. Willie L. Holland, Jr.  
Mr. Harvey A. Drewer II  
Mr. Lynn P. Gayle

**Others present:**

Mr. David A. Fluhart, Zoning Administrator  
Ms. Gracie A. Milbourne, Recording Secretary

The meeting was called to order by Mr. Robert L. Nock, Chairman, at 10:04  
a.m. and opened to a public hearing on the following zoning matters:

**1). An appeal from Atlantic Town Center Properties, LLC of the Zoning  
Administrator's decision dated February 3, 2012 that the proposed Groundwater  
Recharge Basins are required components of the wastewater treatment system  
proposed by Atlantic Town Center Properties, LLC on property identified as  
County Tax Map# 43-A-20, off Nock's Landing RD, Atlantic VA**

Mr. Rich Morrison, Director of Accomack County Department of Planning,  
appeared before the Board to moderate this hearing. His opening remarks affirmed that  
the appeal was timely filed and discussed other issues regarding this appeal.

Mr. Mark R. Baumgartner, Attorney for the Atlantic Town Center Properties  
LLC, appeared before the Board and presented a handout with pictures for reference and  
discussion. He called Mr. Christopher (Chris) Carbaugh, President of Atlantic Town  
Center Properties LLC forward to - 1) provide a history of projects proposed by the

Atlantic Town Center Properties, 2) provide information regarding all official applications that have been submitted to the Planning Commission and Board of Supervisors, and 3) explain the wastewater treatment process.

Mr. Baumgartner called Mr. David A. Fluhart, Zoning Administrator, and questioned his decision regarding the treatment of wastewater. In summary, Mr. Fluhart maintained that 1) the recharge basins are a required component to complete the wastewater treatment process; 2) this proposed treatment facility is not a part of the Planned Unit Development (PUD) since the proposed site is a mile away; and 3) the proposal does not meet the definition of a *water and sewage disposal facility* according to the Zoning Ordinance. Mr. Baumgartner argued that 1) the wastewater would be treated already by the time it is discharged at the proposed site on Nock's Landing Road; and 2) the Department of Environmental Quality (DEQ) regulates the effluent and is not controlled by the County.

Mr. Mark Taylor, County Attorney, objected during the questioning of Mr. Fluhart to remind Mr. Baumgartner that the issue before the Board is not who regulates the wastewater, but whether the Recharge basins are a required component of the treatment process.

At this time, Mr. Nock accepted public comment from the audience. The following adjoining and neighboring property owners spoke in support of the Zoning Administrator's decision: Mr. Ron Wolfe- Accomack County Supervisor for District 2, Mr. John Waterfield, Mr. Bill Paige, Mr. Steve West, Mrs. Angela Wingfield, Mr. Lee Wingfield, Mr. William Starr, Mr. Herman Chesser, and Mr. Ronnie Thomas, while others stood in support. Those who spoke had concerns about the unknown

consequences of a wastewater treatment facility and asked the board to uphold the decision of the Zoning Administrator.

After a lengthy discussion, Mrs. Kerns made a motion to affirm the decision of the Zoning Administrator. Mr. Drewer seconded the motion. Ayes: Mr. Nock, Mrs. Kerns, Mr. Drewer, Mr. Holland, and Mr. Gayle.

Following the motion, Mr. Rich Morrison agreed to provide Mr. Baumgartner and Mr. Carbaugh information about the appeal process.

**IN RE MINUTES:**

Mrs. Kerns made a motion to approve the minutes of the April 4, 2012 meeting as circulated. Mr. Drewer seconded the motion. Ayes: Mr. Nock, Mrs. Kerns, Mr. Drewer, Mr. Holland, and Mr. Gayle.

**ADJOURNMENT:**

Mr. Drewer made a motion to adjourn at 11:58 a.m. Mrs. Kerns seconded the motion. Ayes: Mr. Nock, Mrs. Kerns, Mr. Drewer, Mr. Holland, and Mr. Gayle.

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Mr. Robert L. Nock, Chairman

