

At a meeting of the Accomack County Planning Commission held on the 10<sup>th</sup> day of November, 2021, at the Accomack County Board of Supervisors Chambers, Room 104, in Accomac, Virginia.

**1. CALL TO ORDER**

**MEMBERS PRESENT AND ABSENT**

**Planning Commission Members Present:**

Mrs. Angela Wingfield, Chairwoman

Mr. Roy Custis, Vice Chairman

Mr. John Sparkman

Mr. Kelvin Pettit

Mr. C. Robert Hickman

Mr. Lynn Gayle

Mr. Brantley Onley

Mr. Leander Roberts

**Planning Commission Members Absent:**

Mr. David Lumgair

**Others Present:**

Mr. Mike Mason, County Administrator

Mr. Rich Morrison, Deputy County Administrator of Building, Planning, and Economic Development

Mr. Paul Seltzer, Deputy Director of Building, Planning, and Economic Development

Mrs. Stephanie Woods, Administrative Assistant of Building, Planning, and Economic Development

**DETERMINATION OF A QUORUM**

There being a quorum, Chairwoman Wingfield called the meeting to order at 7:01 pm.

**2. ADOPTION OF AGENDA**

Mr. Morrison requested to flip items 8A and 8B as long as there were no members of the public signed up to speak during either public hearing.

**On a motion made by Mr. Hickman and seconded by Mr. Gayle, the Planning Commission voted unanimously to adopt the agenda with the proposed change.**

**3. PUBLIC COMMENT PERIOD**

Chairwoman Wingfield opened the public comment period at 7:05 p.m.

The following individuals were signed up to speak:

Mr. Laurence Berger

Ms. Linda Reece

Mr. William Leslie

Mr. Chuck Cox

Ms. Sue Gross

Chairwoman Wingfield invited Mr. Berger up to speak. Mr. Laurence Berger from Captains Cove in Greenbackville, spoke to his concern with the request for scheduling a public hearing for the Mariner Farm applications. Mr. Berger stated he feels a public hearing should not be scheduled until after the 1<sup>st</sup> of 2022 to allow members of the community to properly review the materials.

Chairwoman Wingfield invited Ms. Reese up to speak. Ms. Linda Reese of Captains Cove in Greenbackville, read a letter that was submitted to the Planning Commission prior to the meeting on behalf of Mr. Chuck Ward who was unable to attend the meeting.

Chairwoman Wingfield invited Mr. Leslie up to speak. Mr. William “Bill” Leslie from Captains Cove in Greenbackville, informed the Planning Commission that he personally used as many outlets as necessary in order to reach out to members of Captains Cove to inform them of the application as some do not live in the area full time. Mr. Leslie showed the Planning Commission a stack of emails from various residents of Captains Cove speaking against the Mariner Farm applications.

Chairwoman Wingfield invited Mr. Cox up to speak. Mr. Cox stated he will pass as he was planning to “piggy back” off of what Mr. Leslie said.

Chairwoman Wingfield invited Ms. Gross up to speak. Ms. Gross from Captains Cove in Greenbackville, spoke to concerns of public safety and EMS, stating that she is not opposed to the new development but that she feels the community needs more time to evaluate the requests that have been submitted.

Chairwoman Wingfield closed the public comment period at 7:20 p.m.

4. **MINUTES**

October 13, 2021: *On a motion made by Mr. Hickman and seconded by Mr. Sparkman the Planning Commission voted unanimously to approve the October 13, 2021 meeting minutes as presented.*

5. **Resolution Recognizing Service and Contributions of Commissioner David Lumgair, Jr.**

Chairwoman Winfield read into record the resolution of appreciation as shown below for Mr. David Lumgair, Jr. Mr. Morrison spoke to some of the big items that Mr. Lumgair presided over and expressed his appreciation of his leadership.

*On a motion made by Mr. Roberts and seconded by Mr. Gayle the Planning Commission voted unanimously to adopt the resolution as presented.*

**RESOLUTION OF APPRECIATION**

**WHEREAS**, David Lumgair, Jr. was appointed to the Accomack County Planning Commission on January 18, 2010; and

**WHEREAS**, he served as Chairman of the Planning Commission from January 8, 2014 to December 12, 2018; and

**WHEREAS**, Mr. Lumgair used the knowledge and skills he gained over a lifetime to provide valuable insight and guidance to the Planning Commission; and

**WHEREAS**, his attention to detail, consistency, and keen insights have led to improved Planning Commission decisions and recommendations; and

**WHEREAS**, he was the Chairman of the Planning Commission at a time when several large development proposals were reviewed and acted on by the Planning Commission; and

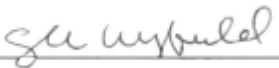
**WHEREAS**, he was the Chairman of the Planning Commission when the Joint Land Use Study was completed and amendments were made to the Poultry Ordinance; and


**WHEREAS**, Mr. Lumgair has been a committed member of the Planning Commission for nearly twelve years and during that time has provided leadership and a steady voice in decision making; and

**WHEREAS**, the Accomack County Planning Commission wishes to recognize David Lumgair, Jr. for his contributions and service; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Accomack County Planning Commission does hereby express its genuine gratitude and appreciation for Mr. Lumgair's years of service on the Planning Commission and will miss his presence at meetings; and

**BE IT FURTHER RESOLVED** that the Planning Commission wishes Mr. Lumgair and his family sincere best wishes in their future endeavors.

  
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Mrs. Angela Wingfield, Chairman  
Accomack County Planning Commission

  
\_\_\_\_\_  
Date

**6. OLD BUSINESS**

**A. Continued discussion on potential Amendments to Article VIII. – Sign Regulations of the Accomack County Zoning Ordinance. (If time permits.)**

This item was not discussed at the meeting as time did not permit.

## **7. NEW BUSINESS**

### **A. REZ-000218-2021: CCG Note LLC – Tax Map # 5-A-1**

Consider scheduling a public hearing for December 8, 2021 on a request to rezone 24.4 acres of land from Residential to Village Development. The property is located at 37332 State Line Road, Greenbackville, VA. The application seeks rezoning to construct 142 townhomes and future commercial development.

This item was discussed in tandem with Item 7B – CUSE-00219-2021. Mr. Morrison introduced the project to the Planning Commission giving a brief overview of the requests. Mr. Morrison also reviewed the application process for these types of requests. Mr. Morrison explained that the parcel is outside of the Captains Cove development and that the Captains Cove covenants will not apply. Mr. Morrison stated that there are some items missing from the application but that it is not unusual at this stage in the process nor is it unusual to schedule a public hearing with items missing and to receive them prior to the public hearing.

Mr. Chris McCabe was invited up to speak as a representative for CCG Note LLC. Mr. McCabe stated that they have commissioned the traffic study and that they have received feedback from the Greenbackville Fire Department. Mr. McCabe verified that the water and sewer will be provided by Aqua who currently serves Captains Cove as well. Mr. McCabe stated that the residents of this community will not be able to use any of the amenities within Captains Cove without an agreement with Captains Cove. Mr. McCabe expressed the need for workforce housing with the County and hopes that this project will serve the County in that capacity. Mr. McCabe read from the feasibility study, speaking to the need for housing in the area of the planned project. Mr. Roberts stated that they need to look at the proffers and work with Staff to continue to develop them.

Mrs. Wingfield inquired about the commitment from the sewer provider and the maintenance of the sewer system. Mr. McCabe stated that the sewer will be supplied by Aqua which currently services Captains Cove. Mrs. Wingfield inquired about the unbuilt lots within Captains Cove and if this project will cause any issues, and inquired if someone from Aqua would come before the Commission to speak. Mr. McCabe stated that all of the sewer planning would lie with Aqua and that he would reach out about having a representative come to speak with the Commission. Mrs. Wingfield inquired about sewer and the definition of sewer and the requirements by the Village Development Regulations. Mr. Morrison stated that staff will look into it and get an answer to the Commission concerning the issue. Mr. Morrison stated that the Village Development Regulations simply state that water and sewer need to be provided. Mr. Morrison read from the 2014 Comprehensive Plan Amendment in relation to Village Development.

Mr. Gayle inquired as to what Captains Cove is zoned, and Mr. Morrison informed him it is zoned Residential. Mr. Gayle inquired if the townhomes would be multi-story and Mr. Morrison stated that yes they will. Mr. Morrison reminded the Planning Commission of the 100 day requirement when reviewing applications like this and that in the past they have asked for more time from the Board of Supervisors as required. Mr. Roberts stated that just because it goes to public hearing doesn't mean that the application is going to go anywhere at that time. Mr. Onley agreed stating that after the Planning Commission makes a recommendation it has to go before the Board of Supervisors.

Mr. Hickman inquired if there is enough information at this time for the requests to go before public hearing. Mr. Morrison stated that he has spoken with Mr. McCabe

concerning the items that are still needed and that he can speak to when they will be received. Mr. Roberts stated that if staff doesn't receive the necessary items in time then it doesn't go before public hearing. Mr. McCabe stated that they will have the fiscal analysis and the emergency services analysis by the public hearing but stated he is still waiting on information from the Board of Education and that he should have that by Friday. Mrs. Wingfield inquired about the traffic study. Mr. McCabe stated that it has been commissioned and hopes to have it back as soon as possible. Mr. Morrison stated that they will need that piece prior to the public hearing.

Mr. Roberts stated that during the public hearing is the time for the public to comment on any concerns it may have with the applications. Mr. McCabe stated that they are aware that if all the information is not received in time there will be no public hearing. Mr. McCabe stated that there will be several members from the team present to answer any questions and concerns present at the public hearing. Mr. Pettit stated that the process needs to start somewhere. Mr. Custis verified that for the public hearing, the public will receive any and all information prior and that they will have a chance to speak and ask questions during the public hearing, and Mr. Morrison stated yes staff will ensure that happens.

*On a motion made by Mr. Pettit and seconded by Mr. Roberts the Planning Commission voted to schedule a public hearing for its December 8, 2021 meeting to review the CCG Note LLC application to conditionally rezone parcel 5-A-1 from Residential to Village Development with Chairwoman Wingfield, Mr. Cutis, Mr. Onley, Mr. Pettit, Mr. Gayle, Mr. Hickman, and Mr. Roberts voting for, and Mr. Sparkman voting against.*

**B. CUSE-000219-2021: CCG Note LLC – Tax Map # 5-A-1**

Consider scheduling a public hearing for December 8, 2021 for a Conditional Use Permit pursuant to Accomack County Code Section 106-534(12) for the construction of a 142 Townhome Mixed Use Development on parcel number 5-A-1 located at 37332 State Line Road, Greenbackville, VA.

This item was discussed in tandem with Item 7A – REZ-000218-2021, please see notes above.

*On a motion made by Mr. Pettit and seconded by Mr. Roberts the Planning Commission voted to schedule a public hearing for its December 8, 2021 meeting to review the CCG Note LLC application to obtain a Conditional Use Permit to construct a mixed use development with Chairwoman Wingfield, Mr. Cutis, Mr. Onley, Mr. Pettit, Mr. Gayle, Mr. Hickman, and Mr. Roberts voting for, and Mr. Sparkman voting against.*

**C. Review Letter to Board of Supervisors concerning Code Enforcement Staffing.**

Mr. Morrison stated that staff drafted the letter for the Planning Commission per its request at the October meeting and that staff will do as the Planning Commission wishes. Mr. Gayle stated that as a member of the Board of Zoning Appeals (BZA) as well, the drafted letter is something that the BZA would support.

*On a motion made by Mr. Roberts and seconded by Mr. Gayle the Planning Commission voted unanimously to accept the drafted letter as presented and for it to be sent to the Board.*

## **8. PUBLIC HEARING**

### **A. Agricultural & Residential Ordinance Amendments in regards to the use of Recreational Vehicles (RV's) within the County.**

A proposed amendment to the Accomack County Zoning Ordinance to modify the Agricultural District Section 106-53(14) and the Residential District Section 106-78(11) to tie the use of travel trailers (RV's) for habitation to the construction of a dwelling on a property; and to amend Section 106-1 Definitions: Travel Trailer to include (but not limited to) Recreational Vehicles (RV's) and Motor Homes.

Mr. Morrison gave an overview of the proposed amendments to the ordinance. Mr. Morrison stated that the proposed definition change takes the ambiguity out of what a travel trailer is. Chairwoman Wingfield opened the public comment portion of the public hearing, and with no one signed up to speak, closed the public comment portion of the public hearing.

*On a motion made by Mr. Sparkman and seconded by Mr. Gayle the Planning Commission voted unanimously to recommend that the Board of Supervisors consider amending Sections 106-53 (14) and 106-78(11) (Special Use Permits-Travel Trailers) of the County Zoning Ordinance in accord with the Board of Supervisors initiating resolution.*

*While reviewing the travel trailer regulations, the Planning Commission, discovered that the current definition of travel trailer does not capture similar types of vehicles such as motor homes and other recreational vehicles. Therefore the Planning Commission recommends amending Section 106-1, Definitions – Travel Trailer as follows:*

*Travel trailer means a portable structure ~~built~~ built on a chassis, and designed to be used as a temporary occupancy for travel, recreation or vacation, including but not limited to, recreational vehicles, motor homes, camper trailers, campervans, and similar vehicles and trailers being less than 36 feet in length.*

*The following reasons are offered to support the amendment:*

- The amendments were requested by the Board of Zoning Appeals and add standards and criteria.*
- The amendment to the definition of travel trailer reflects the current usage and types of vehicles used for the purpose.*

### **B. Review of the Hampton Roads Sanitation District (HRSD) Eastern Shore Sanitary Sewer Transmission Force Main Project for consistency with the Accomack County Comprehensive Plan pursuant to Virginia Code Section 15.2-2232.**

The Accomack County Planning Commission will complete a review of the Eastern Shore Sanitary Sewer Transmission Force Main Project for consistency with the Accomack County Comprehensive Plan pursuant to Virginia Code Section 15.2-2232. The Eastern Shore Transmission Force Main project (portion located in Accomack County) is a sewer force main from the Accomack/Northampton County line to the Onancock Sewage Treatment Plan. The location, character, and extent of the force main will be reviewed by the Planning Commission.

Mr. Morrison opened the review informing the Planning Commission that it is required by Virginia Code Section 15.2-2232, and that the public hearing was requested by the Board of Supervisors. Mr. Morrison gave an overview of the project, and stated that per the Comprehensive Plan sewer is encouraged especially in towns and high development areas.

Mr. Phil Hubbard with HRSD was invited to speak and gave a brief history of the project, stating that their role is to provide sewer via the force main. Mr. Hubbard presented the updated plan for the placement of the line from Nassawadox in Northampton County to Onancock in Accomack County. Mr. Hubbard reviewed the HRSD expansion policy stated that the expansion of the force main is not about development and that development is the responsibility of the individual County.

Mr. Hubbard stated that HRSD has a pretreatment and pollution prevention program that he reviewed with the Commission. Mr. Hickman asked for clarification of the size of the force main. Mr. Tim Curney, the engineer, stated that a 12" pipe was originally recommended by the study that was done in 2017, but that it made more sense to place an 8" pipe. Mr. Custis inquired if HRSD will have staff within the County. Mr. Hubbard stated that yes there will be HRSD employees at the pump station as first responders for emergencies.

Mrs. Wingfield inquired about the footprint size of the pump that is being put in in Exmore, stating that it looks large. Mr. Curney stated that is the footprint of the whole site which will primarily have facilities underground, it is not the footprint of the building itself. Mrs. Wingfield inquired if there will be sludge drying on site. Mr. Hubbard stated that there are not intentions for sludge drying, but if it is done it would be done at the Onancock Plant.

Mr. Gayle inquired if there had been any communication with the Rails to Trails project. Mr. Hubbard stated yes there has been and that he is on the Rails to Trails Committee. Mr. Hickman inquired if there is a maximum number of tie-ins for the force main. Mr. Hubbard stated that they would not let individual houses tie-in, however they could tie-in to an existing pipe, but not the force main directly. Mr. Sparkman inquired if the project was planned with anticipated growth in the area. Mr. Hubbard stated that they got population numbers from the ANPD-C to determine the size of the pipe.

Chairwoman Wingfield opened the public comment portion of the public hearing, and with no one signed up to speak, closed the public comment portion of the public hearing.

***On a motion made by Mr. Roberts and seconded by Mr. Gayle the Planning Commission voted unanimously to find that the Eastern Shore Force Main project – Phase 1 location, character, and extent are in substantial conformance with the***

*Comprehensive Plan, provided that the connection to the Town of Wachapreague is made and recommends favorable consideration by the Board.*

*The finding is made based on the following facts:*

- 1. The proposed force main routing follows the RT. 13 Corridor, providing future access to Towns and Village Development Areas which currently have no access to a wastewater treatment facility.*
- 2. The northern portion of the project is centrally located within the Central Accomack Utility Area where sewer availability exists and growth is encouraged.*
- 3. The 2014 and 2018 Comp Plan amendments support wastewater availability in the Central Accomack Utility Service Area and Village Development Areas and Towns.*
- 4. The 2008 Comp Plan speaks to wastewater service in Towns and directing growth to Towns. The Town of Wachapreague desires the ability to secure wastewater treatment.*

**9. SUBDIVISION AGENT REPORT**

There was no report presented.

**10. REPORT ON BOARD OF ZONING APPEALS UPCOMING HEARINGS**

There is one application that has been received and one continuation for the December 1, 2021 BZA meeting.

- A Special Use Permit application request by James Elder pursuant to Accomack County Code Section 106-53(14) which allows for the use of travel trailers, located outside of travel trailer parks, which are to be occupied for habitation. Mr. Elder would like to use a travel trailer for habitation on the property while a residence is being built. The parcel is at Tax Map # 91-A-106 located at 26409 Mount Nebo Road, Onancock, and is zoned Agricultural.
- Continuation of the request by Payne Poultry for relief for the re-use of the property as a confined poultry operation. The property is located at Tax Map # 42-A-27 located at 32080 Nocks Landing Road, Atlantic, VA and is zoned Agricultural.

**11. OTHER MATTERS**

Mr. Morrison informed the Planning Commission that there was Code Enforcement that went out to Fox Grove in response to the citizen complaint and that there were five (5) violation letters that went out.

**12. NEXT MEETING**

The next Planning Commission meeting is Wednesday, December 8, 2021 at 7:00 p.m. in the Accomack County Board of Supervisors Chambers, Room 104 at 23296 Courthouse Avenue, Accomac, VA.

**13. ADJOURNMENT**

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

The meeting was adjourned at 8:49 p.m.



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Angela Wingfield, Chairwoman

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Stephanie Woods, Administrative Assistant of Building, Panning, & Economic Development