

At a meeting of the Accomack County Planning Commission held on the 12th day of October, 2022, 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. Lynn Gayle  
Mr. Kelvin Pettit  
Mr. Leander Roberts  
Mr. Glen “Adair” Tyler  
Mr. C. Robert Hickman  
Mr. John Sparkman

**Planning Commission Members Absent:**

Mr. Roy Custis, Vice Chairman  
Mr. Brantley Onley

**Others Present:**

Mr. Mike Mason, County Administrator  
Mr. Rich Morrison, Deputy County Administrator of Building, Planning & Economic Development  
Mr. Paul Seltzer, Deputy Director of Building, Planning & Economic Development  
Ms. Shawnta McCain, Administrative Assistant II of Building, Planning & Economic Development  
Mr. Owen Lewis, Code Enforcement Inspector I of Building & Zoning

**DETERMINATION OF A QUORUM**

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

**2. ADOPTION OF AGENDA**

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

**3. PUBLIC COMMENT PERIOD**

Chairwoman Wingfield opened the public comment period.

There being no one signed up to speak, Chairwoman Wingfield closed the public comment period.

**4. MINUTES**

**A. September 14, 2022 Meeting Minutes**

**On a motion made by Mr. Gayle and seconded by Mr. Pettit, the Planning Commission voted unanimously to approve the September 14, 2022 meeting minutes with corrections.**

**5. OLD BUSINESS**

There was no old business discussed at this meeting.

## 6. NEW BUSINESS

### A. **Consider By-Law change – remote participation due to change in State Code**

The General Assembly changed some of the rules on the remote participation for commissioners; those items are listed in the By-Laws. The General Assembly requires that a motion be made with the intent to adopt the By-Laws after a waiting period of 30 days. The amendments may be formally adopted at the November meeting.

*On a motion made by Mr. Gayle and seconded by Mr. Roberts, the Planning Commission voted unanimously to intend to amend the By-Laws to conform to modifications made by the General Assembly regarding the remote participation and will consider amending the By-Laws once the 30-day waiting period is over.*

### B. **Discuss and consider setting public hearing regarding public streets in subdivisions**

Mr. Morrison gave a brief overview of the matter. This matter is being discussed by the Commission primarily because of a situation at Olde Mill Pointe subdivision; while this may not be the only residential subdivision in the County with private roads that were never dedicated or accepted by VDOT, this is the one being presented to the Board.

The roads in Olde Mill Pointe were supposed to be dedicated to the public; they were built to public standards but the conveyance did not happen. Mr. Morrison indicated that he signed off on the bond for the streets, but the actual conveyance did not happen the way it was supposed to. The chain of events order should have happened as follows: The developer constructs the roads to specifications, the County signs off or approves; then the County coordinates with VDOT to have the roads accepted and dedicated; but in this case, it did not happen. Instead, the developer conveyed the roads to the homeowner's association. There has been discussion that the homeowner's association did not know they were supposed to be public. The homeowner's association expressed that they do not want the roads to become public, which is why a gate was installed to block public access.

This case is different from private street concerns of the past, in which private streets were designed and constructed as private streets that were never intended to be public, whereas this situation the streets were intended to be public but the residents do not want them to be public. The provisions of the State Code allows this to happen, the ordinance amendments are different from the State Code; it gives a number of conditions that have to occur in order for a private street to be allowed.

In a past case in Eagle Sound, in which a conformance review was completed, the streets were to be public, which is why the 2232 review was completed. Pursuant to VDOT requirements, a minimum of three houses must be constructed on a road before it can be conveyed to the public. In Eagle Sound, there are streets without three houses; therefore they cannot become public. Over time, the streets begin to need maintenance, so whenever the third house gets constructed, VDOT may require additional maintenance and repair of the existing roads, which could be an expensive proposition. In the case of Eagle Sound, the homeowners discussed having the streets become private but they did not want to be responsible for the maintenance.

Discussion ensued regarding the proposed amendments and whether to schedule a public hearing or continue discussions at a later date.

Mrs. Wingfield inquired about the road being gated. Mr. Morrison stated that the residents requested a gated entrance to make the roads private. Mr. Roberts inquired how the road became gated. Mr. Morrison responded that the road was believed to be private and that it was mistakenly permitted by the County. The County permitted the request due to the fact that 80% of the residents signed a petition in favor of the street to be private. Mr. Morrison indicated that this is not a through street, the roads are built to public standards and the residents will be responsible for the maintenance of the roads.

Mr. Morrison indicated that he did not see any issues with the streets being private with the preconditions that are in the proposed ordinance amendments. Because the roads were built to public standards, the maintenance will consist mainly of snow and not pavement maintenance. As long as the residents keep up incrementally with maintenance issues, substantial maintenance will not be necessary for years to come. Therefore, no bonding requirement is necessary. From a historical stand point, the County has had issues with private roads not built to public standards and then falling apart not long after being built; this should not be an issue with Olde Mill Point.

Discussion ensued regarding how a road can be legally gated. There is a provision in state code that allows it, with conditions. Mr. Mason indicated he spoke to the board leadership and the board leadership was also concerned about gated public roads. It is important to remember that we are not talking about gated public roads, we are talking about gated private roads, which we already have in the County. Several other communities in the County have gated private roads. At the time that Olde Mill was approved it could have been a private road, but the public option prevailed.

***On a motion made by Mr. Roberts and seconded by Mr. Hickman, the Planning Commission voted unanimously to hold a public hearing on the proposed ordinance amendments at the November meeting.***

**C. Motion to confirm selection of Planning Commission members to participate in recruitment of Deputy County Administrator**

Mr. Morrison introduced Mr. Mike Mason, County Administrator, to speak on the recruitment of the Deputy County Administrator and the interim staffing situation. Mr. Mason stated that the County has engaged a third party to help in the development with the recruitment profile and getting that profile posted; not only to local websites and newspapers but also to organizations like the Virginia Association of Counties. The recruitment profile is now available on the County website as well as other various websites. Mr. Mason stated that the target date to start reviewing applicants for the position will be October 24, 2022, with an initial screening performed by a third party who will narrow it down based on qualifications and remit a list to the County; the County will select which applicants they want to interview. This is where the appointed member of the Planning Commission will serve on a panel to interview applicants.

These interviews will possibly be a three-day commitment. This position has a great deal of interaction with the commission, which is why we would like a board member present as part of the panel for the interview process. The County has taken steps to arrange for interim assistance; there is currently no time period on how long the recruitment process will take. In the past, the higher level of position, the longer it takes to fill the position, particularly in this labor market. Although this is not final, a third party has been engaged

to provide some limited assistance with the economic development matters and helping guide applicants through processes.

With regard to general planning and zoning related matters, the County is in the process of negotiating an agreement with The Berkley Group. This third party has been helpful in the past with planning and zoning matters and is very qualified. The County is in the process of arranging a temporary contract with The Berkley group to provide assistance and to be available to county staff as well as the Planning Commission. It is stated in the agreement that the assigned person will be required to attend Planning Commission meetings and possibly BZA meetings as needed. Outside of attending the PC meetings and BZA meetings, this position will predominantly be working remotely under this contract.

*On a motion made by Mr. Hickman and seconded by Mr. Sparkman, the Planning Commission voted unanimously to select Chairwoman Wingfield as the primary for the selection committee and Mr. Roberts will provide backup.*

**7. PUBLIC HEARING**

There was no public hearing scheduled for this meeting.

**8. SUBDIVISION AGENT REPORT**

There was no report presented.

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

There are 5 applications that has been received for the November 2, 2022 BZA meeting.

- A special use permit application request by Wells Gregoire pursuant to Accomack County Code Section 106-53(7), which permits Light Industry in the Agriculture District. The applicants are looking to continue using the auto repair business that is currently located on the property. The property is 19045 Lankford Hwy, Parksley, Tax Map #79- A-17A.
- A hearing initiated by Janice Sutton to request a Variance of thirty four (34) square feet pursuant to Accomack County Code Section 106-178(n)(1) which states the following size business signs shall be permitted by right only on the specific premises where the business is located, subject to other applicable provisions of this article. (1) One sign which shall not exceed 96 square feet. The applicant is proposing to place a doubled sided sign on the parcel, which totals 130 square feet. This parcel is located at 30532 Depot Street, New Church, is Tax Map #12A-A-24A and is zoned Agriculture.
- A variance application request by Harry Parker pursuant to Accomack County Code Section 106-57, which states the minimum frontage for permitted uses, shall be 150 feet at the setback line. The applicant is performing a family subdivision and the parent parcel does not have any frontage on a public street. This parcel is located at 30250 Back Road, Melfa, Tax Map #102-13-B.
- A variance application request by Robert Corbin pursuant to Accomack County Code Section 106-58(a), which states the minimum side yard for each main structure shall be 15 feet and the total width of the two required side yards shall be 30 feet or more. The applicant wants to replace the dwelling that was destroyed by fire with a new manufactured home. The parcel is located at 15357 Metompkin Rd, Tax Map #70-A-137.
- A variance application request by Heidi Ontiveros pursuant to Accomack County Code Section 106-57, which states the minimum frontage for permitted uses, shall

be 150 feet at the setback line. The applicant wants to build a new dwelling on the unimproved parcel, which does not have a frontage on a public street. This unimproved parcel is located on Gargatha Landing Rd, Tax Map #69-9-C1.

**10. OTHER MATTERS**

**A. Update on interim staffing and Deputy County Administrator search**

Discussed in the New Business section, tab “C”, by Mike Mason.

**11. NEXT MEETING**

The next Planning Commission Meeting is scheduled for Wednesday, November 9, 2022 at 7:00 p.m. in the Accomack County Board of Supervisors Chambers, Room 104.

**12. ADJOURNMENT**

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

The meeting was adjourned at 7:26 p.m.

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Angela Wingfield, Chairwoman

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Shawnta McCain, Administrative Assistant of Building, Planning & Economic Development