

## Accomack County Planning Commission Minutes of February 8, 2012

Virginia: At a meeting of the Accomack County Planning Commission held on the 8<sup>th</sup> day of February 2012, in the Accomack County Administration Building Board Chambers, Room #104, Accomac.

### 1. **CALL TO ORDER:**

#### **A. MEMBERS PRESENT AND ABSENT**

##### **Planning Commission Members Present**

Mr. E. Phillip Hickman, Chairman  
Mr. George Parker, Vice-Chairman  
Mr. Leander Roberts  
Ms. Toni Trepanier  
Mr. C. Robert Hickman  
Mr. Alan Silverman  
Mr. Tony Picardi  
Mr. Pete Onley  
Mr. David Lumgair

##### **Members Absent:**

##### **Others Present:**

Mr. Rich Morrison, Director of Planning and Community Development  
Mr. Michael Mason, Finance Director  
Mr. Stewart Hall, Director of Public Works  
Mr. Robert Testerman, Land Use Planner  
Ms. Hollis Fate, Administrative Assistant

#### **B. DETERMINATION OF QUORUM**

There being a quorum, Chairman Hickman called the meeting to order at 7:00 p.m.

### 2. **ADOPTION OF AGENDA:**

**The Planning Commission voted unanimously to adopt the agenda with the following changes:**

- Conduct "New Business" after "Public Comment Period"
- Conduct "Old Business" after "Minutes"
- Under New Business, A., it reads, "Staff recommends that the Planning Commission schedule a Public Hearing on this matter at its March 14, 2012 meeting" and it should read, "Staff recommends that the Planning Commission schedule a Public Hearing on this matter for its March 14, 2012 meeting."
- Mr. Morrison would like add some discussion to "Other Matters".

Mr. C. Robert Hickman arrived at 7:05 P.M. for the meeting.

### 3. **PUBLIC COMMENT PERIOD** (Not a public hearing):

Chairman Hickman opened the floor for the public comment period.  
No one signed up or requested to speak.

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**4. NEW BUSINESS:**

**A. Zoning Ordinance Amendment: Section 106-239 of the Accomack County Zoning Ordinance**

Mr. Morrison presented what the Board of Supervisors asked the Planning Commission to review.

Mr. Parker is concerned about the language; he was curious on what “avoid waste” meant.

Mr. Morrison replied that “waste” could vary from situation to situation. He gave the Planning Commission an example and the reason why this ordinance amendment came about. A property in New Church had a leaky roof and it began deteriorating the inside of the house and the owner was not able to obtain a building permit to fix the leaking roof because he/she had not paid their taxes.

Mr. Robert Hickman raised the concern that the word “waste” refers to something physical. He thinks that this emergency would be more constituted in a health or safety issue as opposed to a physical value of something. For example, if a roof is leaking and causing mold in the house or if the building is going to collapse.

Mr. Lumgair also raised a concern of what will happen to ensure the person(s) will pay their taxes after they obtain their building permit.

Mr. Picardi thinks that the language of the resolution is inadequate.

Ms. Trepanier’s opinion is that the County is trying to avoid a lawsuit by proposing this change. For example, if somebody has a building and their roof is leaking and they are denied a building permit to fix the roof due to delinquent taxes and substantial damage occurs to the building, that person can possibly sue the County for denying them a permit.

**On a motion made by Mr. Parker and seconded by Mr. Roberts, the Commissioners voted unanimously to schedule a public hearing on this matter for its March 14, 2012 meeting.**

**5. PUBLIC MEETING:**

**A. Davis Wharf Agricultural and Forestal District Review**

Mr. Lumgair abstained from the discussion.

Mr. Testerman presented a Planning Report and a map to the Planning Commission and requested that following the public meeting, the Commission consider recommending continuing the Davis Wharf Agricultural and Forestal District with modifications of properties within the district, as recommended by the Agricultural and Forestal District Advisory Committee to the Board of Supervisors.

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**On a motion made by Mr. Roberts and seconded by Ms. Trepanier, with the exception of Mr. Lumgair, the Commission voted unanimously to recommend continuing the Davis Wharf Agricultural and Forestal District with the modifications of properties within the district, as recommended by the Agricultural and Forestal District Advisory Committee to the Board of Supervisors.**

**6. 7:30 PUBLIC HEARING**

**A. Capital Improvements Plan**

Mr. Lumgair recommended dividing the Wallops Research Park into two funding avenues; one for the runway extension and one for roads, etc.

**On a motion made by Mr. Silverman and seconded by Chairman Hickman, the Commission voted unanimously to divide the Wallops Research Park into two funding avenues; one for the runway extension and one for the roads, etc.**

**On a motion made by Mr. Parker and seconded by Mr. Silverman, the Commission voted unanimously to recommend that the Board of Supervisors approve the Capital Improvements Plan with the change of dividing the Wallops Research Park into two funding avenues; one for the runway extension and one for the roads, etc.**

Chairman Hickman closed the Public Hearing.

**7. OTHER MATTERS:**

**A. Rules and Procedures**

Mr. Morrison informed the Planning Commission that he did some research on basic public hearing rules and procedures in other counties. He handed out rules and procedures from three different counties for the Planning Commission to review.

**B. Board of Supervisors Public Hearing**

Mr. Morrison asked if the Commission would like to send a formal representative on behalf of the Planning Commission to go to the Board of Supervisors Public Hearing on the proposed zoning ordinance text amendment submitted by Atlantic Town Center Properties, LLC.

**On a motion made by Mr. Roberts and seconded by Ms. Trepanier, the Planning Commission voted unanimously to send Chairman Hickman and Vice-Chairman Parker to the Board of Supervisors Public Hearing as representatives for the Planning Commission.**

**8. MINUTES:**

**A. January 11, 2012 Minutes**

**On a motion made by Mr. Parker, the Planning Commission voted unanimously to approve the minutes of January 11, 2012.**

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**B. January 17, 2012 Work Session Minutes**

On a motion made by Mr. Silverman, the Planning Commission voted unanimously to approve the work session minutes of January 17, 2012 with the following change:

- On page 2, the last statement before #3 reads, “Chairman Hickman suggested that a park with space for different sports (basketball, soccer, baseball, etc.) be considered prior to a beach park.” It should read, “Chairman Hickman suggested that a park with space for different sports (basketball, soccer, baseball, etc.) be considered in conjunction with a beach park.”

**C. January 24, 2012 Work Session Minutes**

Mr. Parker moved, seconded by Mr. Phillip Hickman to approve the work session minutes of January 24, 2012 and Mr. Silverman amended that a specific comment Mr. Robert Hickman made during the meeting be included in the minutes. Mr. Parker seconded Mr. Silverman’s amendment. The Planning Commission voted unanimously to approve the work session minutes of January 24, 2012 with the following added:

- “Mr. C. Robert Hickman suggested having special use permits go before the BZA and conditional use permits continue to go before the Planning Commission and Board of Supervisors.”

**9. OLD BUSINESS:**

**A. Residential Zoning Ordinance Amendment Discussion**

The Planning Commission continued discussion of a more recent version of the Draft Accomack County Residential “R” Zoning District Amendment dated March 1, 2011.

Sec. 106-77. Uses permitted by right.

Discussion began on number (12) *Small wind energy systems, as defined, on lots one acre or greater in size.*

Mr. Robert Hickman recommended moving this item from Sec. 106-77. Uses permitted by right to Sec. 106-78. Special exceptions – Special use permits.

**Mr. Parker moved, seconded by Chairman Hickman to leave number (12) *Small wind energy systems, as defined, on lots one acre or greater in size* as written.**

**Vote (5-4):**

**Ayes: Phillip Hickman, Parker, Onley, Picardi, Lumgair**

**Nays: Roberts, Trepanier, Robert Hickman, Silverman**

Sec. 106-78. Special exceptions – Special use permits.

Discussion began on item number (20) *Small wind energy systems, as defined, on lots less than one acre in area.*

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Mr. Silverman moved, seconded by Ms. Trepanier to remove item number (20) *Small wind energy systems, as defined, on lots less than one acre in area* from the ordinance.

Vote (7-2):

Ayes: Roberts, Trepanier, Silverman, Phillip Hickman, Parker, Onley, Lumgair

Nays: Robert Hickman, Picardi

Discussion began on item numbers (21) *Large wind energy systems, as defined, on lots greater than five acres in area* and (22) *Large solar energy systems, as defined, on lots greater than five acres in area*.

On a motion made by Mr. Picardi and seconded by Mr. Silverman, the Commission voted unanimously to remove item numbers (21) *Large wind energy systems, as defined, on lots greater than five acres in area* and (22) *Large solar energy systems, as defined, on lots greater than five acres in area* from Sec. 106-78. Special exceptions – Special use permits and add both items to Sec. 106-79. Conditional uses/permits.

Sec. 106-84. Height regulations.

Discussion on item number (5) *Small wind energy systems ~~towers~~ shall not exceed a height of 65 feet on a parcel of less than one acre, or a maximum height of ~~80~~ 100 feet on a parcel of five acres or more. Small wind energy systems ~~towers~~ shall be set back ~~one foot~~ one and one-half feet from adjacent property lines for every one foot of tower height.*

Mr. Parker moved, seconded by Chairman Hickman to change item number (5) to read, “Small wind energy systems shall not exceed a height of 65 feet on a parcel of less than five acres, or a maximum height of 100 feet on a parcel of five acres or more. Small wind energy systems shall be set back one and one-half feet from adjacent property lines for every one foot of height.”

Mr. Silverman amended that the words wind, energy, system and height be capitalized throughout the item. Mr. Silverman’s amendment did not pass.

Vote on the original motion (8-1):

Ayes: Roberts, Trepanier, Robert Hickman, Phillip Hickman, Parker, Onley, Picardi, Lumgair

Nays: Silverman

**10. NEXT MEETING:**

A work session is scheduled for Tuesday, February 28, 2012 at 7:00 P.M. in the Accomack County Board Chambers, Accomac

The next regular Planning Commission meeting is scheduled for Wednesday, March 14, 2012 at 7:00 P.M. in the Accomack County Board Chambers, Accomac.

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**11. ADJOURNMENT:**

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

Chairman Hickman adjourned the meeting at 9:20 p.m.

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E. Phillip Hickman, Chairman

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Hollis Fate, Administrative Assistant