

**Virginia: At a meeting of the Accomack County Planning Commission held on the 13th day of June, 2007, in the cafeteria of Metompkin Elementary School in Parksley, Virginia:**

**1. CALL TO ORDER:**

A. MEMBERS PRESENT AND ABSENT

**Members Present:**

Mr. E. Phillip Hickman, Chairman  
Mr. William A. Sprague, Vice-Chairman  
Mr. Jim Frese  
Mr. Robert L. Nock  
Mr. Leander Roberts, Jr.  
Mr. C. Robert Hickman  
Mr. Herb Thom  
Mr. E. Bryan Turner

**Members Absent:**

Ms. Stella Rohde

**Others Present:**

Mr. James M. McGowan, Director of Planning  
Mr. Mark Taylor, County Attorney  
Ms. Renee Rice, Temporary Secretary

B. DETERMINATION OF QUORUM

There being a quorum, the meeting was called to order by Mr. Hickman at 7:05 p.m. The Commissioners agreed to follow the Agenda.

Chairman Hickman introduced Mark Taylor, the new County Attorney, and welcomed him to Accomack County. Mr. Taylor stated that he was happy to be here.

**1. PUBLIC HEARING**

**A. Subdivision Ordinance Amendment:** Mr. McGowan stated that the Public Hearing is being held to afford interested persons the opportunity to be heard or to present written comments concerning an amendment to Chapter 78, Subdivision Ordinance, of the Code of County of Accomack Virginia. The amendment includes revised Virginia Department of Transportation requirements regarding private streets.

As required by Chapter 566 of the 2006 Acts of Assembly, Accomack County is required to amend the Subdivision Ordinance to comply with new requirements for subdivision plat and deed statements regarding private streets. A copy of the Public Hearing Notice and Draft Subdivision Ordinance Amendment, May 8, 2007, were distributed with the meeting materials.

**OPEN PUBLIC HEARING:**

Chairman Hickman opened the Public Hearing. No one was signed up to speak. Mr. Hickman asked if anyone in the audience wished to speak. No one in the audience came forward to speak.

Mr. Turner stated that he wanted to reword the proposed amendment to require owners of private roads to maintain them. Mark Taylor, County Attorney, stated that this could not be done at this time and suggested the Commission act on the proposed amendment. Mr. Taylor and Mr. McGowan would come up with a proposal to manage the roads in private subdivisions.

**Mr. Turner made a Motion, Seconded by Mr. Thom, to request Mr. Taylor to prepare a proposal to require maintenance of private roads in subdivisions. The motion was passed unanimously by those present.**

**CLOSE PUBLIC HEARING:**

**Mr. Thom made a Motion, Seconded by Mr. Nock to close the Public Hearing. The motion was passed unanimously by those present.**

**Mr. Roberts made a Motion, Seconded by Mr. Thom, to recommend to the Board of Supervisors that the Subdivision Ordinance Amendment be approved as presented. The motion was passed unanimously by those present.**

**3. PUBLIC COMMENT PERIOD: *(Not a Public Hearing)***

Audrey Leonard said, "Keep up the good work."

**4. STAKEHOLDER GROUP COMMENTS:**

Bruce Holland stated that the Comprehensive Plan says that 80-90 percent of the land in Accomack County is zoned Agriculture. Not all of this land is being used for farming. Mr. Holland estimates that 45% of land zoned as agricultural is really marshland. He wanted to be sure that this is pointed out because, if you take away for marshes, forestry, and housing, only about 30 percent of land zoned Agriculture has farm crops.

Chairman Hickman added that houses are usually built on farmland instead of wooded areas.

## **5. OLD BUSINESS**

**A. Five-Acre Affordable Subdivision Concept:** Mr. McGowan reported that, as requested by the Commission, Milton Herd and Sharon Pandak have reviewed the Five-Acre Affordable Subdivision concept. Ms. Pandak prepared a letter on this, as well as a letter on affordable housing. These letters are Privileged and Confidential Attorney-Client Communication and were distributed prior to the meeting to the Planning Commission and Board of Supervisors.

**Mr. Turner made a Motion, Seconded by Mr. C. Hickman to table the discussion on the Five-Acre Affordable Subdivision Concept until Mr. Taylor, the new County Attorney could review the proposal. The motion was passed by those present with a vote of 7-1. Opposed: Jim Frese**

**B. Monthly Subdivision Report:** Mr. McGowan stated that David Fluhart, Subdivision Agent, had submitted the Monthly Subdivision Report for review. As requested by the Planning Commission, Mr. Fluhart added the Parcel Number, Route Number, and Road Name for the subdivisions in the report, which was distributed with the meeting materials.

Mr. Thom expressed concern that developers are being automatically granted an extension on their subdivision plans. Mr. McGowan stated that the developer has to show that he is actively working on the plat in order to get an extension. If they have not done anything in a year, then the extension should not be granted. Mr. Thom wanted to know who is overseeing this besides Mr. Fluhart. Mr. Taylor stated that the Board of Supervisors appointed Mr. Fluhart as Subdivision Agent and that they oversee his work.

**C. Comprehensive Plan Update:** Mr. McGowan reported that Milton Herd gave a presentation on the Comprehensive Plan Update at the May 22, 2007, Planning Commission Work Session. The Planning Commission reviewed the Draft Future Land Use Map and made additional revisions, which were distributed with the meeting materials. The Planning Commission also reviewed the revised Draft Chapter 6 and received copies of the Draft Executive Summary. The Joint Work Session on the Comprehensive Plan scheduled for May 22<sup>nd</sup> had been cancelled by the Board of Supervisors because the plan update is not yet complete.

**D. Agricultural and Forestal District Advisory Committee:** Mr. McGowan reported that the Agricultural and Forestal District Advisory Committee met on May 23, 2007. At the meeting, the Committee reviewed and made recommendations to continue or modify the Bell Neck, Cashville, Greenbush, New Church, and Wattsville Agricultural and Forestal Districts. The Agricultural and Forestal District Advisory Committee requested the Planning Commission to schedule a Public Meeting for 7:30 PM on Wednesday, July 11, 2007, to review those districts.

**Mr. Turner made a Motion, Seconded by Mr. Thom to schedule a Public Meeting for 7:30 PM on Wednesday, July 11<sup>th</sup>, 2007, to review the Bell Neck, Cashville, Greenbush, New Church, and Wattsville Agricultural and Forestal Districts. The motion was unanimously passed by those present.**

Mr. McGowan said that the next Agricultural and Forestal District Advisory Committee meeting is scheduled for 10:00 AM on Wednesday, June 27, 2007, in the Accomack County Board Chambers, and continued his report as follows.

**Request to Review Agricultural and Forestal Districts** On April 18, 2007 the Board of Supervisors voted to request the Agricultural and Forestal District Advisory Committee to begin review of the following Agricultural and Forestal Districts 90 days before the following renewal dates:

9/1/2007 Bell Neck, Cashville, Greenbush, New Church, and Wattsville

10/19/2007 Hack's Neck, Hallwood, and Parramore Island

1/1/2008 Mutton Hunk

**Public Hearing on Agricultural and Forestal District Review** The Board of Supervisors held a Public Hearing on May 16, 2007 and subsequently voted to continue, with modifications, the Atlantic, Craddockville, Leemont, Painter, Scarborough's Neck, and Shields Agricultural and Forestal Districts.

**Agricultural and Forestal District Ordinance** On May 16, 2007, the Board of Supervisors held a Public Hearing on the Draft Agricultural and Forestal District Ordinance and subsequently adopted the ordinance. The ordinance was adopted as advertised as an enabling ordinance. A copy of the approved ordinance and fee schedule was distributed with the meeting materials. Individual Agricultural and Forestal Districts can now be linked to the A&F Ordinance as the districts come up for review. The Board will have to notify landowners and hold a Public Hearing before applying the new ordinance to an A&F District.

**E. Legal Opinion on Extensions for Subdivision Applications:** Mr. McGowan reported that, as requested at the May 8, 2007 Commission meeting, land use attorney Sharon Pandak has prepared an opinion regarding extensions for subdivision applications. Ms. Pandak believes that the Planning Commission does not have the authority to consider and grant extensions for subdivision applications. The Subdivision Agent, David Fluhart, has the authority. However, the Board of Supervisors could grant this authority to the Commission.

**F. Planning Commission Meeting Date Change:** Mr. McGowan stated that as decided at the May 8, 2007, Planning Commission meeting, beginning in September 2007, Planning Commission meetings will be held on the first Wednesday of the month. Work Sessions will be scheduled, as needed, on the third Monday of the month. The schedule change will allow better communication and follow-up with the Board of Supervisors, since there will be two

weeks between the Planning Commission and Board meetings. A revised schedule was presented to each Planning Commissioner.

**G. Review of Draft Comprehensive Plan Executive Summary:** The Planning Commission reviewed and discussed the Draft Comprehensive Plan Executive Summary, which was distributed at the May 22, 2007 Planning Commission Work Session.

Chairman Hickman stated that he wanted to be sure that the Draft Comprehensive Plan has wording that recommends no intensive development in the NASA-Wallops Island Flight Facility launch zone and airport safety zone.

Mr. Bob Hickman stated that he had some changes that he would give to Mr. McGowan at the end of the meeting.

Other Commission comments included the following:

1. Concern about the wording “huge potential” on Page one, Paragraph one.
2. Need another Residential zone.
3. On Page 4, Item 3, Affordable Housing, change “maintain” to “encourage”.

**H. Scheduling of Ground Water Presentation:** Mr. McGowan reported that, as requested at the May 22, 2007 Commission Work Session, he has arranged for consulting hydrogeologist Britt McMillan to give a ground water presentation at the June 26, 2007 Planning Commission Work Session.

**I. Scheduling of DCR Stormwater Ordinance Presentation:** Mr. McGowan stated that, as requested at the May 8, 2007 Commission meeting, the Department of Conservation and Recreation (DCR) will give a presentation to the Planning Commission on the Model Virginia Stormwater Management Ordinance at the July 11, 2007 meeting.

## **6. OTHER BUSINESS:**

**A. Central High (Middle) School:** Mr. McGowan reported that the County is talking to a business interested in locating at the Central Middle School property near Painter. The proposed use is cabinet making and furniture manufacturing, retail sales, a restaurant, and a vocational school. Since these uses are allowed under the General Business zoning district, the property would need to be rezoned to General Business. Based on the proposed uses and the adaptive reuse of an existing building and site, a Conditional Use Permit would not be required. In order to be consistent with the Comprehensive Plan, the Future Land Use Map should also be amended to designate Commercial land use in this area.

Mr. Miner asked Mr. McGowan to present this information to the Board of Supervisors for the June 20, 2007 Board meeting and request them to consider scheduling a Joint Public

Hearing for July 18, 2007. A memorandum and draft maps showing the proposed Future Land Use Map and Zoning Map amendments were distributed to the Commissioners.

The Commission discussed U.S. Route 13 safety concerns regarding ingress and egress at the Central Middle School property.

**Mr. Thom made a Motion, Seconded by Mr. Frese, to recommend that the Board of Supervisors review the plans submitted in 2006 for the Central Middle School property and require the following provisions for U.S. Route 13 safety as conditions of sale:**

**1. Remove the southern median break and turn lane, add a left turn lane to the northern median break, and build a right turn lane for the main entrance.**

**OR**

**2. Remove both median breaks, build a right turn lane for the main entrance, and build a reverse frontage road that connects to Route 620, Elmore Road.**

**The motion was approved unanimously by those present.**

**Mr. Thom made a Motion, Seconded by Mr. Nock, to schedule a Planning Commission meeting for 7:30 PM on July 18, 2007, in anticipation of the Board of Supervisors scheduling a Joint Public Hearing on the proposed Central Middle School property. The motion was approved unanimously by those present.**

**B. Newspaper Article on Growth:** As requested by Mr. Miner, Mr. McGowan distributed copies of a newspaper article on Easter Shore growth.

**C. Sewer Study:** Chairman Hickman stated that he would be interviewed regarding sewer needs in the county and wanted input from the other Commissioners. Bob Hickman stated that there should be no discharge into creeks. Mr. Frese stated that the decision to discharge into creeks should be left up to the Health Department.

**D.** Mr. McGowan stated that the new Land Use Planner, Rob Testerman, a recent graduate of Virginia Tech, would start on Monday, June 18<sup>th</sup>.

## **7. MINUTES:**

**On a Motion by Mr. Thom, Seconded by Mr. Turner, those present voted unanimously to approve the minutes of April 24, 2007.**

After the above motion, Mr. Frese stated that there was a change he would like to make.

**Mr. Thom made a Motion, Seconded by Mr. Turner, to readdress the minutes that were previously approved. The motion was unanimously passed by those present.**

**Mr. Frese stated that there needed to be a change to Agenda Item #6. 5-ACRE AFFORDABLE SUBDIVISION CONCEPT as it reads that Mr. Gene Wayne Taylor was not present to discuss the concept and it made it seem that Mr. Taylor was scheduled to speak when that was not the case. Mr. Frese suggested the following wording be added to the beginning of the first sentence “Due to a mix-up in scheduling...”**

**Mr. Thom made a Motion, Seconded by Mr. Frese to the make the changes suggested and to approved the minutes with said changes.**

**On a Motion by Mr. Turner, Seconded by Mr. Thom, those present voted unanimously to approve the minutes of May 8, 2007.**

**8. NEXT MEETING:**

Mr. McGowan stated that the next regular Planning Commission meeting is scheduled for 7:00 PM on Wednesday, July 11, 2007. The next Planning Commission work session is scheduled for 7:00 PM on Tuesday, June 26, 2007.

**9. ADJOURNMENT:**

**On a Motion by Mr. Turner, Seconded by Mr. Thom, those present voted unanimously to adjourn the meeting.**

Chairman Hickman adjourned the meeting at 8:10 PM.

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E. Phillip Hickman, Chairman

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James M. McGowan, Director of Planning