

Virginia: At a meeting of the Accomack County Planning Commission held on the 7th day of May, 2009, 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 Fallon
Mr. C. Robert Hickman
Mr. George T. Parker
Mr. Leander Roberts, Jr.

Members Absent:

Ms. Tammy James
Mr. Herb Thom
Mr. E. Bryan Turner

Others Present:

Mr. James M. McGowan, Director of Planning
Ms. Tonya Taylor, Administrative Assistant
Mr. Robert Testerman, Land Use Planner

B. DETERMINATION OF QUORUM

There being a quorum, Chairman Hickman called the meeting to order at 7:15 p.m. The Commissioners agreed to follow the Agenda.

2. PUBLIC COMMENT PERIOD (Not a Public Hearing):

Chairman Hickman opened the floor for the Public Comment Period. Mr. Robert Wright and Mr. Milton Hill were signed up to speak. All persons signed up to speak wanted to withhold their comments and concerns until after the review of the Baywitch Subdivision application. Chairman Hickman and the Planning Commission agreed to receive public comments after the staff presentation and applicant presentation for the subdivision.

3. BAYWITCH SUBDIVISION REVIEW

Mr. Robert Testerman, Land Use Planner, presented the staff report for the Baywitch Subdivision Review, a 10-lot subdivision on 30.56 acres with one new public road and cul-de-sac along Route 3006, Harbor Dr., in Greenbackville, VA. The site is now in the Chesapeake Atlantic Preservation Area (CAPA), but the subdivision application was

submitted before the CAPA was initiated and adopted on the Seaside. Mr. McGowan noted that Lot 9 did not have the required 20,000 square feet.

Mr. John Poulson, attorney, spoke on behalf of the applicant. He felt that the Planning Commission was presented with information in a timely manner and have all the information needed to make a decision. Mr. Poulson submitted a document outlining the chronology of the Baywitch Subdivision application, which began with a draft sketch plan in October 2007. Mr. Poulson stated that he feels the project is vested and vesting is not a concern of the Planning Commission.

Mr. Fallon asked what the annual maintenance cost will be and if the sewer system will be maintained by the owner. Mr. John, Salm, the applicant's engineer, stated that he wasn't sure about the maintenance cost but the system would have secondary treatment with a drip disposal and a reserve disposal area.

Mr. Hickman recognized Mr. Robert Wright and Mr. Milton Hill of Greenbackville.

Mr. Wright asked how the subdivision had gotten past the Wetlands Board and it is in the Chesapeake / Atlantic Preservation Area. He owns property next to the proposed remote sewage treatment facility and asked how this is allowed. Mr. Wright asked the Planning Commission to not make a decision until more information is available.

Mr. Milton Hill stated that the sewage treatment plant is not a permitted use and needs a special use permit. Greenbackville is zoned Residential except for two properties. Mr. Hill asked if the County cedes right-of-way for private use, and expressed concerns about heavy trucks using the road and affecting the proposed sewer line.

Chairman Hickman asked Mr. McGowan to address the comments. Mr. McGowan stated that the applicant has a wetlands delineation confirmed by the Army Corps of Engineers. The proposed subdivision does not have development in the wetlands. The application process was begun in December 2007, and the County Attorney is checking on applicability of the Chesapeake / Atlantic Preservation Area. The final plat cannot be approved without Health Department approval for the sewage system. VDOT allows sewer lines in the right-of-way with a permit. Mr. McGowan would check on whether a Special Use Permit is required for the sewer system.

After brief discussion a motion was made.

On a Motion by Mr. Fallon, and Seconded by Mr. Robert C. Hickman, those present voted unanimously to table the decision on the Baywitch Subdivision until further information is received from the applicant and the County Attorney advises the Commission on the applicability of the Chesapeake / Atlantic Preservation Area requirements.

4. REVISED VILLAGE RESIDENTIAL DISTRICT ORDINANCE:

Mr. McGowan presented the revised Village Residential District Ordinance to the Planning Commission for discussion. The Planning Commission presented more suggestions for the ordinance to Mr. McGowan. The Planning Commission will continue reviewing the draft ordinance at the June meeting.

The Planning Commission requested Mr. McGowan to add the permitted used to the spreadsheet and include sketched charts when the ordinances are submitted to the Board of Supervisors to make it easier for them to understand the ordinances.

5. OLD BUSINESS:

A. Subdivision Agent Report: Mr. McGowan presented the Subdivision Agent Report.

The Planning Commission asked Mr. McGowan to ask the Subdivision Agent if he informs the County Assessor after approving a subdivision plat.

6. OTHER MATTERS:

Chairman Hickman asked Mr. McGowan to remind the County Attorney to prepare a draft Proffer Policy for discussion at the June 3rd meeting.

7. MINUTES:

The following minutes were presented for the Commission's review and approval:

A. Minutes of April 01, 2009

On a Motion by Mr. Roberts, Seconded by Mr. C. Robert Hickman, those present voted unanimously to approve the minutes of April 01, 2009.

B. Minutes of April 20, 2009

On a Motion by Mr. Parker, Seconded by Mr. C. Robert Hickman, those present voted unanimously to approve the minutes of April 20, 2009.

8. NEXT MEETING:

The next regular Planning Commission meeting was scheduled for 7:00 PM Wednesday, June 03, 2009.

9. ADJOURNMENT:

On a Motion by Mr. Roberts, Seconded by Mr. C. Robert Hickman, those present voted unanimously to adjourn the meeting.

Chairman Hickman adjourned the meeting at 9:00 p.m.

Phillip Hickman, Chairman

Tonya Taylor, Administrative Assistant