

**Virginia: At a meeting of the Accomack County Planning Commission held on the 1st day of July, 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  
Ms. Tammy James  
Mr. Leander Roberts, Jr.  
Mr. Herb Thom  
Mr. Dave Vaughn

**Members Absent:**

Mr. George T. Parker  
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 7:05 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. No one was signed up to speak but Mrs. Lois Cooper wanted to make a statement. Mrs. Cooper wanted to thank the Planning Commission and Planning Department for all of their hard work. Mrs. Cooper especially thanked Norman Pitt, Environmental Planner, for the assistance he gave for the Habitat for Humanity project.

**3. PROPOSED PAINTER CONVENIENCE CENTER REVIEW:**

Mr. McGowan presented the staff report to the Planning Commission. Mr. McGowan stated that the staff reviewed the proposed convenience center location for consistency with the Comprehensive Plan, and finds that the proposed location is consistent for the following reasons:

1. The proposed site is designed as a Village Development Area on the Future Land Use Map, which allows “other public uses” as a secondary use.
2. The proposed location is zoned General Business.
3. The proposed location is convenient to existing population centers.
4. The proposed location is accessible by Route 614 intersects with Route 13, which has a traffic light.
5. The eastern property line contains RPA, which will create a buffer between the convenience center and existing land uses.

**On a Motion by Mr. Roberts, and Seconded by Mr. Thom, those present voted unanimously to approve the proposed Painter Convenience Center with two stipulations:**

- A. Provide landscaping to buffer the site from neighboring properties.**
- B. Provide a structure to collect liquid waste and wash water from the trash compactor.**

#### **4. OLD BUSINESS:**

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

Subdivision Extensions and Sewer System Maintenance: Mr. McGowan presented the responses to the Planning Commission from the County Attorney from the June 3, 2009 Planning Commission meeting.

**Subdivision Extensions:** “So long as the developer is holding an approval that’s still “live” and effective on July 1<sup>st</sup>, the statutory extension will apply to them automatically and they do not have to apply to David for an extension. Anyone holding an approval that will expire between now and June 30 must, however, apply for extension.”

**Sewer System Maintenance:** “Look at County Code Sec. 78-7.a., wherein it is clear that central water/sewer improvements are among those that should be secured by a performance agreement and acceptable surety. The performance agreement should be for a year, and would be renewable if the developer is making progress but is not complete in that time. The surety would not be released until the improvements are operable and have final approval from VDH.” A copy of County Code Sec. 78-7.a. is attached.

Chairman Hickman asked if we can require a performance bond for long-term maintenance of the the sewage treatment system. Mr. McGowan said he would check with Mr. Taylor.

**B. Baywitch Subdivision:** Mr. McGowan presented an update and additional information on the Baywitch Subdivision.

The revised Baywitch Subdivision application submitted on June 3, 2009, has been reviewed and was incomplete. I have sent the attached e-mail to the applicant’s agent requesting revisions. As further revisions are required, I do not anticipate scheduling Planning Commission review until August 5, 2009, at the earliest.

As requested on June 3, 2009, I asked the US Army Corps of Engineers (USACE) how long the Baywitch wetlands delineation is good for. Mr. Robert Cole of USACE informed me on June 10, 2009 that the wetlands boundary was confirmed in the field; however a Jurisdictional Determination (JD) was not completed. USACE expects to complete the JD by July 10, 2009.

As requested, I have forwarded your questions to the County Attorney regarding how construction of the sewage treatment would be guaranteed and if it would be bonded.

Mr. McGowan attached a correspondence that was received regarding the Baywitch Subdivision application.

**C. Draft Proffer Policy:** Mr. McGowan reported that the County Attorney is working on the draft Proffer Policy.

**D. Draft Public Utility Text Revisions:** Mr. McGowan reported that he is working with the County Attorney to prepare the Draft Utility Text Revisions to better manage sewage disposal systems in residential zoning districts.

## **5. NEW BUSINESS:**

**A. Discussion of Proffer Policy:** Mr. McGowan presented the Planning Commission a copy of the Spotsylvania Proffer Policy at the June 3, 2009 meeting for review and discussion. After a brief discussion, the Planning Commission agreed that the policy was too detailed for Accomack County. Accomack County needs a policy that fits the county. The Planning Commission requested Mr. McGowan to talk with Mr. Taylor, County Attorney, on designing a Proffer Policy suited for Accomack County.

## **6. OTHER MATTERS:**

Mr. McGowan distributed copies of the Draft Agricultural Zoning District Ordinance Amendment and the Draft Planned Unit Development (PUD) Ordinance. Mr. McGowan asked the Commission to review these documents and discuss them at the next Planning Commission meeting.

## **7. MINUTES:**

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

### **A. Minutes of June 03, 2009**

**On a Motion by Mr. Thom, Seconded by Ms. James, those present voted unanimously to approve the minutes of June 03, 2009.**

**8. NEXT MEETING:**

The next regular Planning Commission meeting was scheduled for 7:00 PM Wednesday, August 05, 2009.

**9. ADJOURNMENT:**

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

Chairman Hickman adjourned the meeting at 8:10 p.m.

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Phillip Hickman, Chairman

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Tonya Taylor, Administrative Assistant