

MINUTES

Northampton County Planning Commission

Tuesday, August 3, 2010

This was a regular meeting of the Northampton County Planning Commission held on Tuesday, August 3, 2010, at 7:00 p.m., in conference room #2 located in the temporary County Administrative Offices at the former Northampton County Middle School, 7247 Young Street, Machipongo, Va. The purpose of the meeting was to conduct regular business and a joint work session with the Town of Cape Charles Planning Commission to discuss the Town Edge (TE) District.

Those members present were Commissioners Roberta Kellam, Michael Ward, Marshall Cox, Robert Meyers and Chair David Fauber. Those absent were Commissioners Martina Coker, Vice-Chair; John Wescoat, Jr., David Kabler and Mary Miller.

Also present were Sandra Benson, Director of Planning & Zoning; Peter Stith, Long Range Planner, and Kay Downing, Administrative Assistant.

The agenda was reviewed and accepted with one addition to Committee Reports for a brief subcommittee status report related to temporary meteorological test towers. Motion to accept as amended was made by Commissioner Meyers and seconded by Commissioner Cox.

At this time the Chair of the Cape Charles Planning Commission, Joan Natali, established a quorum and called the town planning commission to order in joint session with the county commission. Others in attendance were Commissioners Malcolm Hayward, Ben Lewis, Dennis McCoy and Michael Strub. The member absent was Commissioner Roger Munz. Also attending were Tom Bonadeo, Cape Charles Town Planner; and Libby Hume, Town Clerk.

Commissioner Fauber stated that the TE District as adopted by the county encourages cooperation between incorporated towns and the county as future rezonings and development take place in areas adjacent to the towns. He noted that uses permitted within the Town Edge should be reviewed for suitability. It was his understanding that the Town of Cape Charles was open to working with the county to better determine how to implement and proceed with this process. He added that of special interest to the Town of Cape Charles is that the area located along Stone Road (SR 184) should remain an attractive entrance into the town.

Mr. Bonadeo agreed and added that the town updated its comprehensive plan several years ago and one goal was to adopt a S. R. 184 Corridor Overlay in order to maintain the roadway as a scenic entry into the historic district of town.

Ms. Benson gave a brief history of the Town Edge (TE) District that resulted in 2006 during the development of the Land Use Element of the comprehensive plan to comport with the Future Land Use Map. During that period the county steering committee met with representatives of each incorporated town to receive comments on the Town Edge concept. She explained that the steering committee did consider those comments submitted; however, what resulted did not expressly reflect what was suggested by each town, but input was considered and some revisions made. Based on town comments it was evident that Cape Charles was interested in preserving open space and maintaining a rural character along its TE District area. However, she noted that the county's vision of the TE District is more of a development area for future growth. She explained that tonight's meeting should focus on ideas of how to engage town citizens and locality residents within the TE District in order to go forward in the planning process.

Mr. Bonadeo noted that during original discussions with the county steering committee the focus was to coordinate efforts between the county and town in future rezonings within the town edge area. He added that the town's proposal to include the north side of Stone Road (S. R. 184) as part of the TE District was not to promote development in that area but to allow the town a say in any future rezoning proposed. He added that this area is now zoned A/RB and not TE as originally proposed by the town. The entrance into the town is unique since 7/8th of the town is surrounded by water. This entrance on Stone Road is the only area that leads to the historic district and can actually be developed. It was his recommendation that the roles of the county and town need to be determined when dealing with the TE District. He pointed out that the Cape Charles TE District abuts the Cheriton TE District and perhaps some input should be sought from Cheriton as well. Mr. Bonadeo then distributed an excerpt from the 1991 Annexation Agreement made between the town and county, specifically referring to Items 8 and 14. Those two items acknowledge concerns about the potential impact to existing businesses within the towns of Cape Charles and Cheriton caused by commercial development along S. R. 184 and its intersection with U.S. 13. It also addresses the opportunity to support the creation of a special zoning district along S. R. 184 into Cape Charles and along U. S. 13 within one mile of each direction of the intersection of U.S. 13 and S. R. 184. Mr. Bonadeo added that the development of the "Food Lion" shopping center on U.S. 13 has resulted in adverse commercial impacts to both towns. He expressed his opinion that the goals of Items 8 and 14 would be good to accomplish in concert with the county.

Ms. Benson noted that during original discussion with the steering committee no mention was made of the annexation agreement. Mr. Bonadeo agreed and noted that he had supplied the information tonight simply as a historical document.

Discussion followed and Ms. Natali noted that the town had defined the TE area when it revised the comprehensive plan in June of 2009.

Commissioner Fauber suggested that the town should determine uses to be allowed in its TE District area.

When asked how the town wished to proceed on the S.R. 184 matter, Mr. Bonadeo noted that one priority would be for the county to ratify the proposed S.R. 184 Corridor Overlay District.

When asked why the north side of S. R. 184 was not designated as TE Ms. Benson replied that it was a steering committee decision.

Ms. Benson stated that each TE District can have slightly different regulations due to the dynamics of each incorporated town.

During discussion it was suggested that the area around Old Cape Charles Road should be preserved as well since it does not have the natural open buffer of the railroad tracks as does the south side of Stone Road nor any agricultural fields to the north side. Mr. Bonadeo added that Bay Creek development buffers both sides of Old Cape Charles Road.

Discussion was held on Item 14 of the 1991 Annexation Agreement. Mr. Bonadeo noted that there is no authority allowing the town to make legal decisions related to development or rezonings in the TE area. However, the town can participate in the public hearing process as can any individual.

Mr. Bruce Evans, a resident of Cape Charles, expressed his opinion that given the current situation there is not ample time for the town planning commission to evaluate a rezoning proposal before county public hearings are scheduled.

It was suggested that county staff provide information to the incorporated towns on the same schedule as the county planning commission. Mr. Bonadeo also suggested that any preliminary information received by the county planning commission be forwarded to the towns as well. He also suggested that the Public Service Authority (PSA) may need to be involved.

Commissioner Meyers expressed his opinion that the PSA could change the dynamics and that the town should speak out about its vision for Stone Road and Old Cape Charles Road.

Commissioners Meyers and Kellam suggested that some sort of resolution or mandate be adopted by the Board to ensure continuity and validate the county's process for notifying incorporated towns about future development plans and rezonings in the TE District. Ms. Benson suggested that the comprehensive plan could be changed to emphasize this type of process as well.

Before concluding the joint session, Commissioner Fauber thanked all present for their participation. He noted that the next step would be to proceed with reviewing the S. R. 184 overlay district as suggested by Mr. Bonadeo. He added that Ms. Benson and Mr. Bonadeo would coordinate dates for TE public input meetings.

Motion to adjourn the Cape Charles Planning Commission meeting was made by Dennis McCoy and unanimously approved at 8:07 p.m.

Commissioner Fauber then called for a short break and the meeting was reconvened at 8:20 p.m.

Matters from the Public: none.

Consideration of Minutes

The commission agreed to defer consideration of the July 6, 2010 meeting until next month. However, the Chair noted one correction to page 8, the first line in the last paragraph, the first "the" should be deleted.

Unfinished Business

There was no discussion of procedural matters at this meeting. However, Commissioner Cox suggested that the commission meet in conference room #2 whenever circumstances allowed.

New Business: none.

Communications

Commissioner Ward reported that the Cheriton Planning Commission has scheduled a joint public hearing on the revised comprehensive plan with the Cheriton Town Council on August 28 and added that potential revisions to the boundary adjustment proposal may be discussed.

Commissioner Meyers reported that the Town of Exmore has resolved most of its sewer problems which had been an impediment to the TE planning and suggested that they may now be free to schedule another joint meeting.

Commissioner Kellam related that there was nothing new to report from the Town of Nassawadox.

Board action on zoning matters

Ms. Benson reported that the Board had approved Special Use Permit 10-07 for an inground pool in the Agricultural-Forestal District (AFD). She noted that due to time constraints the

Board did not discuss the commission's recommendation to revisit AFD ordinance language. She also reported that the Board approved the two AFD renewals for Bridgetown AFD and Happy Union AFD. However, the Board did not approve the proposed addition to Happy Union AFD filed by Dr. Boyer, but did approve the addition to the Mason Farm AFD filed by the Burger family.

The commission was informed by Ms. Benson that staff has been instructed by the Board to review new comments and concerns submitted by Mr. Joe Jordan of Lincoln Energy that he made during discussion of the Solar Energy District (SED) language. Ms. Benson noted that once staff comments are submitted to the Board they will be shared with the commission.

Commissioner Meyers stated that the SED language had been submitted to Richmond and that the Department of Forestry had positive feedback. Also, he reported that Mr. John Hunt, an engineer, had suggested some small changes could perhaps be made to clarify language related to accommodation of construction noise levels. Commissioner Meyers stated that he would forward Mr. Hunt's comments to staff.

Committee Reports/Presentations

There was no report from the Signage Subcommittee at this time. However, Ms. Benson informed the commission that the subcommittee but has begun work on the citizen survey.

At this time Ms. Benson distributed information related to proposed ordinance language accommodating temporary meteorological test towers also known as Met Towers. This information had been submitted to county staff and forwarded to the Wind Energy Committee members, Commissioners Kellam and Coker. This request to entertain such language is being made by Deborah Renz, Vice-President of Engineering and Construction for Delsea Energy of Toms River, New Jersey, with Cela Burge acting as the local agent.

Brief discussion followed and Ms. Benson noted that such devices do not comply with wireless communication tower regulations. Commissioner Kellam added that these Met Towers are generally used for at least two years of data gathering. Commissioner Meyers suggested that such data be shared with the county and that this matter be discussed again in September.

Director's Report

The August Director's Report dated July 27, 2010 contained the following information as submitted by Ms. Benson.

1. Public information meeting to discuss impaired waters: DCR staff has tentatively scheduled another public information meeting on Thursday, August 5, 2010, at 7:00 p.m. to discuss water

quality improvement planning for portions of Cherrystone Inlet and Kings Creek. The meeting will be held in Conference Room #2 at the former middle school.

At 10:00 a.m. on August 19, 2010, the Environmental Protection Agency will host another webinar on the status of the Chesapeake Bay TMDL (Total Maximum Daily Load) clean-up effort. Information about the webinar has been forwarded to you via email

2. Town Edge Planning: As you know, we will meet with the Cape Charles Planning Commission on August 3, 2010, to begin discussing the Town Edge adjacent to Cape Charles. **Please review Sections 2.3.2 – 2.3.2.3 in your Comprehensive Plan in preparation for the meeting.**

I have been advised by Mayors Estelle Murphy of Nassawadox and Bo Lewis of Cheriton that our request and accompanying information have been conveyed to their respective planning commissions. I have discussed with Mayor Jim Sturgis of Eastville the fact that you serve as the Eastville Planning Commission, and accordingly I would suggest that some potential meeting dates be identified for a meeting with the Eastville Town Council to discuss the Town Edge planning process.

3. Upcoming public hearings: At this time we have no public hearing items for your September 7, 2010, agenda, although there is one incomplete special use permit application pending.

The following information was reported verbally by Ms. Benson:

- (1) The county has not received any TMDL reports to date.
- (2) A summary of legislative changes that may affect the county will be forwarded to the commission.
- (3) The Board has adopted a revised fee schedule
- (4) The Board has asked staff to review the zoning ordinance Use Chart to consider what minor special uses could possibly be allowed by right.
- (5) The county, with support from the towns of Cheriton and Cape Charles, is considering a pre-application grant summary submittal related to planning issues in the Cheriton-Cape Charles areas
- (6) Preparation efforts are being made on the future Planning Academy with funding through the Coastal Zone Management Project.
- (7) Follow-up is planned with Laura McKay on the watershed project.

Adjournment

There being no other business the meeting was adjourned at 9:00 p.m. upon proper motion by Commissioner Cox and second by Commissioner Kellam.

Chair

Secretary