

Minutes  
Regular Meeting  
Northampton County  
Planning Commission  
November 4, 2009

This was a regular meeting of the Northampton County Planning Commission held on Wednesday, November 4, 2009, in the former circuit courtroom located at 16404 Courthouse Road in Eastville, Va.

Those present were Chair David Fauber, Robert Meyers, Michael Ward, James Lackie, Mary Miller, Roberta Kellam and Martina Coker. The members absent were Marshall Cox and Thom Shockley.

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

The meeting was called to order at 7:05 p.m. by the Chair and a quorum established.

The agenda was then reviewed and accepted.

**Public Hearings:**

The following are staff comments on pending Agricultural & Forestal District applications from Ms. Benson to the Commission which are included as part of the record.

*Virginia Code §15.2-4306 sets forth factors to be considered by the Planning Commission and the Agricultural & Forestal District (AFD) Advisory Committee in evaluating applications for land to be included in AFDs. Those factors are as follows:*

- 1) the agricultural and forestal significance of land within the district or addition and in areas adjacent thereto;*
- 2) the presence of any significant agricultural lands or significant forestal lands within the district and in areas adjacent thereto that are not now in active agricultural or forestal production;*
- 3) the nature and extent of land uses other than active farming or forestry within the district and in areas adjacent thereto;*
- 4) local developmental patterns and needs;*
- 5) the comprehensive plan and, if applicable, the zoning regulations;*
- 6) the environmental benefits of retaining the lands in the district for agricultural and forestal uses; and*
- 7) any other matter which may be relevant.*

*Generally speaking, the AFD Advisory Committee focuses on factors #1 and #2 and to some extent on factor #3. Factors #4 and #5 are related, in that the adopted comprehensive plan and zoning regulations are assumed to reflect local developmental patterns and needs, including the long-range plan for each area. The environmental benefits of retaining lands for agricultural and forestal uses (factor #6) is well documented: such lands provide air quality benefits, areas for wildlife habitat, water quality protection*

*(forested land, particularly), and aesthetic value through the preservation of attractive viewsheds. Factor #7, other relevant matters, is not one for which any criteria have been established.*

*These comments will address primarily factors #4 and #5. Lands which are zoned Agriculture/Rural Business are depicted on the adopted Future Land Use Map in the comprehensive plan as Rural/Agricultural Areas, indicating that these areas are planned to remain in rural/agricultural uses, of which forestry would be a component. Inclusion of land in such areas in AFDs would be consistent with both the purpose and intent of AFDs as set forth in both the Virginia Code and the Northampton County Agricultural and Forestal Districts Policy adopted August 11, 2009, and subsequently amended on August 25, 2009. Parcels for which other types of uses are planned and anticipated in the future, however, have different zoning designations with which the goals of AFDs may not be compatible. Several parcels in the applications under consideration are zoned something other than Agriculture/Rural Business, as described below.*

*1. Proposed Addition to Elkington AFD: Parcel 68-A-45 (Floyd U. Robbins, owner) is located in three (3) different zoning districts, two (2) within Northampton County and one (1) within the Town of Eastville. The portion of the property within the corporate limits of Eastville is zoned Residential-20. The Virginia Code provides in §15.2-4305 that an AFD may be located in more than one locality, and it is necessary that application be made to each locality involved and that each governing body approve the AFD. At the time of this writing, the Town of Eastville does not have an AFD process in place. Aside from that issue, approximately half of the county portion of the parcel is zoned Agriculture/Rural Business, while the other half is zoned Town Edge-1.*

*2. Proposed Addition to Happy Union AFD: Parcel 13-A-52 has received preliminary subdivision plat approval so has been accorded Existing Subdivision-Agriculture-1 zoning.*

*2. Proposed Addition to The Hermitage AFD: Parcel 91-A-11 (Karl G. Wagner, Jr., owner) is located in the Town Edge of Cape Charles and is zoned Town Edge-1 (TE-1). Property to the east, west, and north of this parcel is also zoned TE-1, and there is an Existing Subdivision adjacent to the north; property south of the subject parcel is zoned Agriculture/Rural Business.*

*3. Proposed Addition to The Hermitage AFD: Parcel 84-A-51 (Robert A. Scott, owner) is located in the Town Edge of Cheriton and is zoned TE-1. Other lands zoned Town Edge lie south of the subject parcel, which is immediately adjacent to the southwestern edge of Cheriton's corporate boundary. Hardee's, which is zoned Town Edge-Commercial General, lies southwest of the subject parcel, other lands zoned TE-1 lie to the south, and to the west is land zoned Commercial.*

*4. Proposed Addition to The Hermitage AFD: Parcel 83-7-A (Ballard Brothers Fish Company, owner) is the site of Cherrystone Aquafarms and is zoned Existing Business. Cherrystone Campground to the north is also zoned Existing Business; land to the east is zoned Agriculture/Rural Business.*

*6. Proposed Custis Farms AFD: A portion of parcel 16-2-D owned by Philip and Barbara Custis is zoned Existing Business. Parcel 16-4-B, under the same ownership, is zoned Waterfront Village-1.*

*7. Proposed Magotha AFD: Part of the road frontage of parcel 113-A-1 owned by H. H. Scott, Jr. is zoned Village-2. The AFD Advisory Committee recommended approval of including this property excluding that portion for which a subdivision has been approved. Please note that the Advisory Committee did not have correct information, and the parcel under consideration has not been subdivided.*

*8 Proposed Savages Neck AFD: Part of parcel 56-A-99 owned by Candace S. Nottingham is included in the Smith Beach Existing Cottage Community District.*

*To the end that AFDs provide open space and viewsheds, the areas zoned Town Edge and Existing Cottage Community may be suitable for inclusion in AFDs, although in some of those areas more intense agricultural activity may not be appropriate. The Waterfront Village-1 District is essentially agricultural in nature, although such areas are considered expansion areas for the village districts. Depending upon the use, there may be areas on the developed parcels that will not be accorded tax relief by the Commissioner of the Revenue; however, it does not appear appropriate to include in AFDs property zoned Existing Business, Existing Industrial, or Village-2 (primarily residential). In the past approval of inclusion in AFDs for properties in other zoning districts has been contingent upon rezoning to the agriculture district.*

The Commission then conducted thirty-two (32) public hearings on proposed new Agricultural & Forestal Districts (AFDs) and associated applications for additions to those potential new districts and sixteen (16) public hearings on proposed additions to existing AFDs. Aside from several landowners and agents representing landowners, the planning commission concurred with all recommendations of the AFD Advisory Committee with respect to approval of all applications filed, as well as those recommendations regarding shifting some properties from one AFD to another except as noted in specific applications as follows. The commissioners, in their review, noted the agricultural, forestal and environmental significance of all parcels listed in each application when making their decisions in order to assure that criteria for AFD status had been satisfied.

Unless otherwise noted no comments were made by the applicants or the public even though solicited by the Chair during each public hearing.

**(a) Aspenwood AFD:** Frank Dickinson has applied to create a new district containing approximately 303 acres of land in the Capeville area. The district is on the east side of Seaside Road just north of Capeville.

The only public comments received were from William Denny, who spoke in opposition to AFDs. Mr. Denny expressed several concerns including how the tax burden is shared in the county, whether the AFD program actually helps farmers, and how agricultural land is maintained, with specific reference to lack of mowing.

Motion was made by Commissioner Kellam to recommend approval of the application. Second was made by Commissioner Coker and carried.

**(b) Bayford AFD:** Curtis S. Jones, Jr., Elizabeth S. Jones, Estate, Fern Point Ltd. Partnership, Debra Walker, Janie Scott & George Walker, III, have filed to create a new district containing approximately 444.39 acres. The district is located on the north and south sides of Bayford Road near its terminus and partially on Denwood Road.

**Proposed additions to Bayford AFD:** (1) William & Elizabeth Neal have filed to add 12.56 acres of land having frontage on Cherokee Point Road and Bayford Road.

(2) Sallie Woodson Scott, Julian Scott, Paul Roatch, Stephen Scott et al have filed to add 230.05 acres located on the northern side of Bayford Road on Overlook Road.

Motion was then made by Commissioner Meyers to recommend approval of Bayford AFD to the Board which was seconded by Commissioner Miller. The motion carried.

**(c) Bayview AFD:** Bayview Corporation has filed to create a new district containing 361.73 acres located on the west side of Lankford Highway and Plantation Creek Lane near Dalbys.

There were no comments received from the applicant or the public.

Motion to recommend approval of the application plus all additions was made by Commissioner Lackie and seconded by Commissioner Kellam. The motion carried.

**(d) Brickhouse Farm AFD:** Ronald Bailey, Jr., Alice Rawles, Sallie Black, Ida Thibodeaux, The Frances E. Parsons Revocable Living Trust, Yaros Family LLC, Kate Scott Jacob, Elizabeth Jones, Kenneth Jones, John Jones, Wayne Downing, Elizabeth Dodd, Kendall Kellum, and Louis Rock have filed to create a new district containing approximately 1,074.51 acres of land. The district parcels are located from bayside to seaside with frontage on Lankford Highway, Seaview Road, Seaside Road, Culls Drive and Poplar Grove Road.

**Proposed Addition to Brickhouse Farm AFD:** Marion S. Scott has filed to add 146.92 acres of land located the east side of Seaside Road and along Riverside Farm Lane in the Seaview area.

Kate Jacob, an applicant, stated that AFD status will help keep the land under cultivation and will help defray the significant increase in their real estate taxes. There being no other comments the hearing was closed.

Referring to the staff report that over half of parcel 85-A-60 owned by Louis Rock is zoned Existing Industrial, Ms. Benson clarified that his entire parcel must be included in the AFD and not just a portion. However, she noted that a portion of a property may qualify for land use taxation rates while other portions may not even though the complete parcel would remain under the AFD ordinance and all restrictions would apply.

Motion was made by Commissioner Meyers to recommend approval of the application and the addition. Second was made by Commissioner Coker and the motion carried.

**(e) Brookwood AFD:** Benjamin W. Mears, III, Price Clarke, Mariah Pollard, James Essic, Arthur & Linda Bennett, Brooks Barnes, Beatrice Ashby, Catherine McCarthy, Ray & Joyce Newman, Ruth Hogg, E. A. Underhill et als, and Donald Brennan have applied to create a new district containing approximately 959.29 acres. The district is located in the Wilsonia Neck area with frontage on Duckington Lane, Wilsonia Neck Drive and the west side of Lankford Highway and near the terminus of Jacobus Creek Road.

Mr. Dixon Leatherbury, agent for Beatrice Ashby, asked for a favorable recommendation. There being no other comments the hearing was closed.

Motion was made by Commissioner Lackie to recommend approval of the application since it meets the criteria. Second was made by Commissioner Kellam and carried.

**(f) Caserta AFD:** The Mary Cowling Moses Trust has filed to create a new district containing 200 acres of land located in Old Town Neck with frontage on Jarvis Lane and Oak Grove Drive.

Colin Cowling spoke on behalf of his sister, the applicant, noting that the land was in agriculture production.

Motion to recommend approval of the proposed Caserta AFD was made by Commissioner Kellam and seconded by Commissioner Meyers. The motion carried.

**(g) Custis Farms AFD:** Phillip & Barbara Custis have applied to create a new district containing approximately 465.33 acres north of Nassawadox with frontage on the east and west of Lankford Highway and the east and west sides of Seaside Road.

**Proposed Additions to Custis Farms AFD:** (1) Maudene Sherman and Robert Poulterer have applied to add 80.32 acres of land located between Seaside Road and Lankford Highway and abuts the core.

(2) Ballard Bros. Fish Co. has applied to add 158.59 acres of land that has frontage on the east side of Seaside Road plus frontage on Walkers Ridge Road and is located near Willis Wharf and Oakland Park.

(3) William & Elizabeth Smith have applied to add 65.445 acres of land located between Lankford Highway and Seaside Road and abuts the core.

No comments were received.

Motion to recommend approval of the application plus additions was made by Commissioner Meyers. Second was made by Commissioner Miller and the motion carried.

**(h) Dalbys AFD:** Charles & Christine Tankard, Rawlings Scott, Smith-Wessels Living Trust, Maria Rachal, Ann Thomson, and the Carissa Colleen Wilkins Trust have applied to create a new district located on the east and west sides of Lankford Hwy. and on the north and south sides of Arlington Road and the west side of Seaside Road. The property is located in the area known as Cape Center.

**Proposed Addition to Dalbys AFD:** Bruce & Sally Richardson have applied to add 46 acres located on the south side of Arlington Road.

Motion to recommend approval of the application plus addition was made by Commissioner Coker and seconded by Commissioner Lackie. The motion carried.

**(i) Deerpath AFD:** Betty Lou Charnock, Susan Dixon, Arthur Upshur, Levin & Shirley Gregory, Russell Miles and Giles Upshur, III, have applied to create a new district located on the north and south sides of Wilsonia Neck Drive, on the west side of Jacobus Creek Road and along Solitude Trail and Natchez Drive.

Motion to recommend approval was made by Commissioner Lackie and was seconded by Commissioner Meyers. The motion carried.

**(j) Edgehill AFD:** Zieger Floral, Inc., Benjamin W. Mears, III, Price Clarke, Mariah Pollard, Clyde Nordstrom, and Lorenzo & Kim Savage have applied to create a new district located east of Eastville. The parcels have frontage on Rose Bud Lane, Seaside road, and Indian Village Drive.

Motion to recommend approval was made by Commissioner Kellam and seconded by Commissioner Miller. The motion carried.

**(k) Farmers Delight AFD:** Rawlings Scott, Kemper Goffigon, III, Elizabeth Goffigon and the Howard R. Parks Family Trust have applied to create a new district containing 261.99 acres. The parcels have frontage on both the east and west sides of Lankford Highway and frontage on the north and south sides of Plantation Drive. The district is located near Dalbys.

**Proposed Additions to Farmers Delight AFD:** (1) David & Virginia Long have applied to add 133.91 acres having frontage on the north and south sides of Plantation Drive.

(2) William Carpenter and Peggy Fromme have applied to add 26.07 acres having frontage on the north side of Plantation Drive.

Motion to recommend approval of the application plus additions was made by Commissioner Coker. Second was made by Commissioner Meyers and the motion carried.

**(l) Fern Point AFD:** Fern Pont Ltd. Partnership and Curtis H. Jones, Jr., have applied to create a new district containing approximately 382.59 acres. The district has frontage along both Bayford and Bayside Roads west of the Franktown area.

**Proposed Addition to Fern Point AFD:** Lloyd & Sharon Bjorlo and Fred & Lisa Scheer have applied to add approximately 106 acres located along Lankford Highway and Cabarrus Drive.

There was brief discussion of these small lots being included in the application. Motion to recommend approval was made by Commissioner Meyers along with the proposed addition. Second was made by Commissioner Miller and carried.

**(m) Greens Creek AFD:** The Terry Family Trust Agreement has applied to create a new district having 508.12 acres of land. The district has frontage along Willis Wharf Road and Marsh Lane located in the Willis Wharf area.

**Proposed Addition to Greens Creek AFD:** Anne Tankard has applied to add 175 acres of land located on the east side of Seaside Road with frontage on both side of Marsh Lane.

Heather Lusk, agent for the applicant, clarified that one parcel listed in the newly proposed AFD application is owned by Mr. James Gregory.

Commissioner Lackie moved to recommend approval of the application plus proposed addition. Second was made by Commissioner Coker and the motion carried.

**(n) Hare Valley AFD:** Roy Custis, Paul Custis, and Chicki Jo Jester have applied to create a new district of 241 acres. The district is located along Milton Ames Drive on the west side of Hare Valley

Motion to recommend approval was made by Commissioner Coker and seconded by Commissioner Meyers. The motion carried.

**(o) Hungars Creek AFD:** Walter Parks, Jr., Greg Etheridge, Catherine McCarthy, Beatrice Ashby and Stevenson Homeplace LLC have applied to create a new district containing 456.71 acres. The district is located along Johnstontown Road with frontage also on Bayside Road west of the Birdsnest area.

Dixon Leatherbury, agent for Beatrice Ashby, asked for a favorable recommendation from the Commission.

Motion to recommend approval was made by Commissioner Kellam. Second was made by Commissioner Lackie and the motion carried.

**(p) Locust Grove AFD:** Preston Scott has applied to create a new district containing 242 acres of land located on the east side of Seaside Road located between Seaview and Capeville.

Motion to recommend approval was made by Commissioner Meyers and seconded by Commissioner Miller. The motion carried.

**(q) Magotha AFD:** Anna Ruth Heath has applied to create a new district containing 442.80 acres located on the east side of Lankford Highway with frontage along Seaside Road, Harmony Lane, Martins Landing Road and Magotha Road. The property is located in the areas known as Townsend and Magotha.

**Proposed Addition to Magotha AFD:** Howard H. Scott, Jr., has applied to add 92.77 acres of land located in Townsend having frontage on the north side of Townsend Drive and frontage on Seaside Road and Magotha Road.

As noted in the staff report the AFD Committee's reference to subdivided road frontage was not based on accurate information; the parcel under consideration has not been subdivided, and the Planning Commission recommended approval of the addition as filed as well as the application establishing this AFD. Motion was made by Commissioner Miller and seconded by Commissioner Coker.

**(r) Mapp Machipongo Farm AFD:** Thomas Mapp, Jr., Robert Mapp and Sarah McElroy have applied to create a new district containing 290.80 acres. The district is located along Bayside Road in the Wilsonia Neck area near Machipongo.

Motion to approve was made by Commissioner Lackie. Second was made by Commissioner Meyers and carried.

**(s) Milford Farm AFD:** Kemper Goffigon, III, Cary Cridlin and W. C. Cridlin, Jr., have applied to create a new district consisting of 262.21 acres of land located on the east side of Seaside Road with frontage on Milford Drive. The district is located just south of the Seaview area.

Motion to recommend approval was made by Commissioner Kellam and seconded by Commissioner Meyers. The motion carried.

**(t) Newsted AFD:** John Nottingham, Sr., Kemper Goffigon, III & Family Trust and Phyllis Haigh have applied to create a new district adjacent to the northern boundary of Cheriton with frontage on the east and west sides of Lankford Highway.

**Proposed Additions to Newsted AFD:** (1) IBH LLC has applied to add 120.50 acres of land located on the south side of Sunnyside Road and the west side of Seaview Road between Cheriton and Oyster.

(2) Dale Goffigon Gould and Haley Goffigon have applied to add 117.19 acres of land located adjacent to the west portion of the core and on the east side of Oakland Farm Road and north side of Cherrystone Road in the Cherrystone area.

Motion to recommend approval of the new district plus proposed additions was made by Commissioner Meyers and seconded by Commissioner Miller. The motion carried.

**(u) Outten Farm AFD:** Carl Sanders and Evelyn & Batista Madonia have applied to create a new district containing 622.65 acres of land. The property is located in the Wilsonia Neck area with frontage on the east side of Jacobus Creek Road and along Wilsonia Neck Drive.

**Proposed Addition to Outten Farm AFD:** Hiawatha Wyatt, Jr., has applied to add approximately 25 acres of land located at the intersection of Wilsonia Neck Road and Duckington Lane.

Motion to recommend approval of the new district plus the one addition was made by Commissioner Meyers and seconded by Commissioner Kellam.

**(v) Plantation South AFD:** Paige Beary, Alice Curling and Elizabeth Starkey have applied to create a new district containing 322.43 acres of land located in the area known as Arlington just north of Cheapside. The district has frontage on Arlington Road, Custis Tomb Road and Wheat Lane.

**Proposed Additions to Plantation South AFD:** (1) George & Joan Sharp have applied to add 145.48 acres of land located on Edgewater Farm Lane north of Arlington Road.

(2) William W. Dixon has applied to add approximately 142 acres of land located adjacent to the southern portion of the core along Arlington Road and Wheat Lane.

E. P. Curling, speaking on behalf of Alice Curling, stated that the land has been farmed for decades and asked for a favorable recommendation.

Motion to recommend approval of the new district as well as the two additions was made by Commissioner Coker and seconded by Commissioner Lackie. The motion carried.

**(w) Pony Neck AFD:** Deane Lewin has applied to create a new district containing 492.59 acres located along the west side of Seaside Road and extending to the northbound lane of Lankford Highway and north to Fairview Drive. The district is located just south of the area known as Seaview.

Deane Lewin stated that the land has been farmed for several generations and asked for a favorable recommendation.

Motion to recommend approval was made by Commissioner Kellam and seconded by Commissioner Meyers. The motion carried.

**(x) Savages Neck AFD:** Cecile Turner, Robert Scott, The C. A. Turner, Jr., Family Ltd. Partnership, Mary Sturgis, Candace Nottingham, and THS Family Ltd. Partnership have applied to create a new district containing 897.72 acres located in the Smith Beach area with frontage on Savages Neck Road and Toms Lane.

**Proposed Addition to Savages Neck AFD:** Samuel Tankard, David Tankard, Jr., Mary Pack and Anne Tankard applied to add 80.7 acres of land located on the west side of Savage Neck Road and partially served by Tankard Beach Lane.

Mr. C. A. Turner, III, agent for several of the original AFD applicants, asked for a favorable recommendation.

The Commission voted to recommend approval including additions as submitted with a modification to include 50.62 acres owned by James Hopper and George Jamieson that was originally submitted as an addition to Elkington AFD. The motion was made by Commissioner Meyers and seconded by Commissioner Coker.

**(y) TB Road AFD:** Susan Nottingham, Linda Dunton, W. E. Dunton, Paige Ames, Suzanne Ames, and Susan & Spencer Nottingham have applied to create a new district containing 215.93 acres located on the north and south sides of TB Road south of Wardtown.

**Proposed Additions to TB Road AFD:** (1) Virginia O. Savedge has applied to add 38 acres of land located north of the core on Miles Wharf Road.

(2) Edward Gosline, Jr., J. B. & Margaret Moore and Carole Floyd have applied to add 172.82 acres located along Occohannock Neck Road and Broadwater Road just west of Exmore.

(3) The Howard R. Park Family Trust has applied to add 17.47 acres located north of the core with frontage on the north side of Occohannock Neck Road near the Wardtown area.

Mr. Spencer Nottingham asked for a favorable recommendation as the application to create TB Road AFD appears to meet all criteria.

The Commission voted to recommend approval of TB Road AFD including additions as submitted. Motion to approve was made by Commissioner Lackie and seconded by Commissioner Meyers.

**(z) Turner-Hurtt AFD:** Howard Turner, Mary Schoolfield, J. C. Barr, Kathleen Doherty, John S. Turner, Tyson Turner, and the Gilberte Hurtt Trust have filed to create a new district containing 425.50 acres located south of Sunset Cove Road southward along Wardtown Road. The district is northwest of the Hare Valley area.

**Proposed Additions to Turner-Hurtt AFD:** (1) Charles Renner and William Renner have applied to add 67 acres located on the eastern side of Wardtown Road just north of Rogers Drive and adjacent to the core.

(2) Ronald & Julie Kubernac have applied to add 40 acres located on the north side of Milton Ames Drive to the east of the core.

(3) Richard Tankard has applied to add 24.25 acres located north of Milton Ames Drive, served by private access and northeast of the core.

(4) Britton Enterprises, Inc., has applied to add 131.47 acres of land located adjacent to the core on the west side of Wardtown Road with frontage also on Field Road and Holly Grove Road.

(5) Violet Fleming, Gloria Walker, Percy Spady, Ellen Pettigrew (heirs of Ellen Smith) and Moses Wilkins, Jr., have applied to add 52.55 acres of land located to the east of the core with frontage on the north and south sides of Milton Ames Drive.

Motion to recommend approval of Turner-Hurtt AFD plus all proposed additions was made by Commissioner Meyers and seconded by Commissioner Coker. The motion carried.

**(aa) Walker Bros. LLC AFD:** The Revocable Trust Agreement of Thomas D. C. Walker, William Wade Walker and Martha S. Walker and Walker Bros. LLC have applied to create a new district consisting of 467.41 acres of land located in the Wardtown area. The district has frontage on the north side of Occohannock Neck Road extending west along Morleys Wharf Road to Occohannock Creek.

**Proposed Additions to Walker Bros. LLC AFD:** (1) Lipman & Lipman, Inc., has applied to add 468.94 acres of land located west of the core with frontage on the north side of Occohannock Neck Road extending westward to both sides of Creek View Road.

(2) Sue Davis has applied to add 20.63 acres of land located adjacent to the core on the west side of Morley Wharf Road extending to Occohannock Creek.

The Commission voted to recommend approval of Walker Bros. LLC AFD including additions as submitted. The motion was made by Commissioner Meyers and seconded by Commissioner Kellam.

**(bb) Webb Island AFD:** James A. & Marilyn C. Doyle Trust, John & Sandra Perkins, Jerry Martin and Mike Knaub, Demitrious Hionis and Nichols Hionis, and the Webb Island Partnership #1 have applied to create a new district containing 469.19 acres of land. The district is located on the east side of Seaside Road and has frontage on the north and south sides of Webb Island Drive.

Jerry Martin stated that some parcels are under cultivation while others are forested. He noted that some land is leased which helps to perpetuate agriculture activities.

Webb Island AFD was recommended for approval by the Commission upon motion by Commissioner Kellam and seconded by Commissioner Miller.

**(cc) Weirwood AFD:** Campbell Field, Inc., W. R. Snyder, Jr. for Lucille Snyder, James Douglas, Jr., and Jane Moore have applied to create a new district consisting of 513.46 acres located on both the north and south bound lanes of Lankford Highway extending to Bayford Road, Cabarrus Road and Giddens Drive. The district is located in the Weirwood and Birdsnest areas.

**Proposed Additions to Weirwood AFD:** (1) Janet Stone has applied to add 55.5 acres of land located east of the core and east of Seaside Road with frontage on Harrington Lane.

(2) Kuzzens, Inc., has applied to add 270.06 acres of land located east of the core and east of Lankford Highway extending to Seaside Road. The proposed addition has frontage on the south side of Red Bank Road as well.

(3) Claudia Dorsch has applied to add 35.27 acres of land located on the west side of Lankford Highway with frontage also on Birdsnest Drive and south of the core.

After reviewing aerial maps of the area, motion to approve Weirwood AFD plus all additions was made by Commissioner Meyers and seconded by Commissioner Kellam. The motion carried.

At this time the Chairman called for a short break. Immediately after the break, the remaining public hearings were conducted as follows. The commissioners, in their review, noted the agricultural, forestal

and environmental significance of all parcels listed in each application when making their decisions in order to assure that criteria for AFD status had been satisfied.

**(dd) Woodland AFD:** Willis Dickinson, Charles Dickinson and Frank Dickinson have applied to create a new district consisting of 468.12 acres located in the Cheapside area that has frontage on both sides of Arlington Road and extends to Capeville Drive.

**Proposed Addition to Woodland AFD:** Karl & Margaret Wagner have applied to add 91.92 acres of land located west of Cheapside with frontage on the north side of Sand Hill Drive.

Motion to recommend approval with the proposed addition was made by Commissioner Coker and seconded by Commissioner Meyers. The motion carried.

**(ee) Woodside AFD:** Hazel Gladden, Forrest Gladden, III, Beatrice Leatherbury for A. T. Leatherbury (dec'd.), Catherine McCarthy for Anne Lovell, and Dixon Leatherbury have filed to create a new district consisting of 530.24 acres located near Machipongo. The district has extends from the east side of Lankford Highway to east of Seaside Road with frontages along James Allen Drive and Machipongo Road.

**Proposed Addition to Woodside AFD:** Lipman & Lipman, Inc., has filed to add 219.29 acres of land located adjacent to the core on the north side of Machipongo Drive and extending to Seaside Road.

Dixon Leatherbury was present to answer any questions and asked for a favorable recommendation.

Woodside AFD was recommended for approval including additions as submitted with a modification to add 78 acres owned by Ann Gorman et als that were originally submitted as an addition to Jacobus Point AFD. Motion was made by Commissioner Meyers and seconded by Commissioner Coker.

**(ff) Yerdley AFD:** Denard Spady and Dora-Weston Wilkins have applied to create a new district consisting of 333.1 acres located in Old Town Neck with frontage on Old Town Neck Road and served by Yerdley Drive and Barlow Creek Lane.

Motion was made by Commissioner Lackie to recommend approval of Yerdley AFD which was seconded by Commissioner Meyers. The motion carried.

Commissioner Kellam voiced her concern that earlier motions and votes taken by the commission may not have referenced all of the proposed additions to an AFD and also that some motions may have given the impression to be approving instead of recommending. Therefore, she moved to clarify that all prior motions included proposed AFD additions when applicable and that all motions were intended to recommend approval to the Board. The motion to clarify was seconded by Commissioner Miller and carried unanimously.

The Commission then continued the public hearings as scheduled for the fifty-seven (57) applications filed for additions to the following existing districts:

**(gg) Church Neck AFD:** (1) Lee Nottingham, Elizabeth Nottingham, and Elizabeth Whitehead have filed to add 177 acres located on the north and south sides of Church Neck Road east of Vaucluse Subdivision.

(2) R. A. Resky and Maryanne Resky have applied to add 48 acres located south of Church Neck Road on Sparrow Point Road with frontage on Hungars Creek and east of Vaucluse Subdivision.

Motion to recommend approval to the Board of all additions to Church Neck AFD was made by Commissioner Lackie and seconded by Commissioner Coker. The motion carried.

**(hh) Concord AFD:** Linda Brady and Betty Ewell have applied to add 166 acres located north of the core. The property has frontage on Creekview Road and frontage on Occohannock Creek.

Motion to recommend approval was made by Commissioner Meyers and seconded by Commissioner Kellam. The motion carried.

**(ii) Elkington AFD:** (1) Floyd Robbins, John Robbins, Margaret Elliott and Edward Robbins have applied to add 105.62 acres of land. One parcel is located at the intersection of Tankard Beach Lane and Savage Neck Road with frontage on the Chesapeake Bay. Other parcels are located on the east side of Courthouse Road in and adjacent to Eastville and some frontage on Stumptown Road.

(2) James Hopper and George Jamieson have applied to add 50.62 acres adjacent to the core and located south of Savage Neck Road on Hopper Lane.

(3) The Harry D. Wilkins, Jr., Living Trust U/A has applied to add 164.46 acres of land located on the north and south sides of Savage Neck Road east of Smith Beach and adjacent to the core.

(4) Garrison & Elizabeth Brown, JLA LLC, Lauren Brown and Daniel Brown have applied to add 136.3 acres located in Savages Neck on the east side of Savage Neck Drive with frontage on Kirwan Hall Lane.

All proposed additions to Elkington AFD except Item (2) were recommended for approval as submitted upon proper motion by Commissioner Meyers and second by Commissioner Coker.

A motion to modify the proposed Savage Neck AFD to include as an addition the 50.62 acres owned by James Hopper and George Jamieson was made by Commissioner Meyers and seconded by Commissioner Coker. The motion carried to modify additions to the proposed Savage Neck AFD.

**(jj) Glebe AFD:** (1) Carolyn Outten Gruber has applied to add 72 acres of land located on Bayside Road and east of the core in Church Neck.

2) James A. Stuart, Jr., Karl Stiegelbauer, Sara Stuart and Mary Stuart have filed to add 87 acres of land located adjacent to and east of the core. The property has frontage on the northwest side of Church Neck Road.

Herman Walker, agent for his family who are the applicants, asked for a favorable recommendation.

Motion to recommend approval was made by Commissioner Kellam and seconded by Commissioner Lackie. The motion carried.

**(kk)Happy Union AFD:** (1) Bonnie & Donnie Miles have applied to add 12.98 acres of land located on Johnson Point Lane and Creek Court with frontage on Nassawadox Creek near Salt Works.

(2) The Smith Living Trust and the Occohannock Family Farm LLC have applied to add 210.18 located on Salt Works Road, Osprey Lane and James Wharf Road with frontage on Nassawadox Creek.

Wayne Lee Smith stated that the family property has been farmed for a very long period and asked for a favorable recommendation.

Mary Jane Dodson, speaking for the Occohannock Family Farm LLC, stated that their property is actively farmed and has mature woods even though the property has been subdivided.

Commissioner Kellam asked if the Advisory Committee was aware of the subdivision of land when this application was considered. Mrs. Downing replied yes and also noted that Happy Union AFD has only one year left before its ten-year review period. Ms. Benson added that the subdivision plat was prepared as a plan of development with the intent to do a conservation easement.

Commissioner Ward stated his opinion that this application is the only one that truly meets the intent of an AFD by conserving subdivided land.

Motion to recommend approval of all Happy Union AFD additions was made by Commissioner Meyers and seconded by Commissioner Coker. The motion carried with Commissioners Miller and Kellam opposed.

**(II) Herncliff-Pembroke AFD:** (1) Carl Sanders, III has applied to add 149.19 acres of land located east of the core. The property is located on the west side of Courthouse Road just south of Old Town Neck Drive and north of Eastville.

(2) Benjamin W. Mears, III, Price Clarke and Mariah Pollard have filed to add 236.95 acres of land located east of the core. The parcels have frontage on the north side of Old Town Neck Road with one parcel also having frontage on Courthouse Road north of Eastville.

(3) Evelyn & Batista Madonia have filed to add 242.73 acres of land located just east of the core with frontage on the south side of Old Town Neck Drive.

(4) The C. A. Turner, Jr., Family Ltd. Partnership and Cecile M. Turner have filed to add 215.95 acres of land located east of the core with frontage on the north side of Old Town Neck Road near the intersection of Courthouse Road.

C. A. Turner, III, spoke on behalf of Turner Family and Cecile Turner asking for a favorable recommendation.

Motion to approve all additions to Herncliff-Pembroke AFD was made by Commissioner Lackie and seconded by Commissioner Miller. The motion carried.

**(mm) Holly Brook AFD:** (1) The C. A. Turner, Jr., Family Ltd. Partnership has filed to add 202.01 acres of land located west of the core. The property has frontage on the west side of Lankford Highway with frontage also on Kendall Grove Road north of Eastville.

(2) Benjamin W. Mears, III, Price Clarke and Mariah Pollard have filed to add 112.32 acres of land located adjacent to the northern portion of the core with frontage on the west side of Seaside Road south of James Allen Drive.

C. A. Turner, III, agent for the owners, asked for favorable consideration and noted a map correction to the original Holly Brook AFD core map.

Motion was made by Commissioner Coker to recommend approval of all additions to Holly Brook AFD which was seconded by Commissioner Meyers. The motion carried.

**(nn) Jacobus Point AFD:** (1) Ann Gorman, Virginia Horgan, Ernest Outten, Jr., William Prettyman and Mark Newman have applied to add 78 acres located south of the core with frontage on Bayside Road and Lankford Highway in Machipongo.

(2) Mark & Lynne Raymond have filed to add 141.7 acres located on Harmantown Road west of Bayside Road with frontage on Holloway Lane and adjacent to the core.

(3) William T. Hastings, Jr., by Madelle Hastings has applied to add 74 acres located northeast of the core on the east side of Bayside Road in the Johnsontown area.

(4) David & Cathy Riopel have applied to add 57.8 acres of land located northwest of the core on Holloway Lane past Harmantown Road.

(5) Evelyn & Batista Madonia have applied to add 73.26 acres of land located east of the core on the east side of Lankford Highway in the Machipongo area.

(6) Ernest Gibb, Jr., and Edward Gibb have applied to add 70 acres located southeast of the core with frontage on the west side of Lankford Highway south of Sylvan Scene.

(7) The William S. Hudgins Rev. Living Trust and The Carolyn B. Hudgins Rev. Living Trust have applied to add 102 acres of land located adjacent to the core with frontage on both Harmantown Road and Bayside Road.

(8) Herman B. Walker, Mary Walker and Mary H. Stuart have filed to add 87.61 acres located north of the core in the Bridgetown area. The property has frontage on both Bayside Road and Church Neck Road.

(9) H. Allen Floyd, Jr., H. Allen Floyd, III, and Elizabeth F. Spencer have filed to add 132.8 acres located north- east of the core with frontage on both Johnsontown Road and Treherneville Drive.

All additions to Jacobus Point AFD were recommended for approval as submitted with the exception of 78 acres owned by Ann Gorman; Virginia Horgan; Ernest Outten, Jr.; William Prettyman; and Mark Newman located south of the core with frontage on Bayside Road and Lankford Highway in Machipongo. Motion to recommend approval of additions as modified was made by Commissioner Coker and seconded by Commissioner Kellam.

Motioin was made by Commissioner Coker to modify additions to the Woodside AFD by including 78 acres owned by Ann Gorman; Virginia Horgan; Ernest Outten, Jr.; William Prettyman; and Mark Newman since it is contiguous to the proposed Woodland AFD core. The motion to modify was seconded by Commissioner Kellam and carried.

**(oo) Jamesville AFD:** (1) The Teru A. Loring Trust has filed to add 112.46 acres of land located on Occohannock Neck Road and southeast of the core in the Jamesville area.

(2) The David B. Tankard Family LLLP has filed to add 77 acres of land located to the east of the core. The land has frontage on Sturgis House Road and Occohannock Neck Road.

(3) George Thomas Webb and being trustee for David Webb has filed to add 217.10 acres of land located at the intersection of Sturgis House Road and Occohannock Neck Road and adjacent to the core.

Motion to approve all three additions to Jamesville AFD was made by Commissioner Lackie and seconded by Commissioner Meyers. The motion carried.

**(pp) Mason Farm AFD:** (1) Michael and Patricia Rouke have filed to add 101.66 acres of land located west of the core. The property has frontage on both Bayford Road and Hallidon Drive west of Franktown.

(2) Laura Nottingham, Spencer Nottingham, Laura Savage and Alfred Nottingham have filed to add 56.80 acres located north of the core with frontage on Severn Lane near the headwaters of Warehouse Creek.

All of the proposed additions to Mason Farm AFD were recommended for approval upon proper motion by Commissioner Kellam and second by Commissioner Lackie.

**(qq) Old Plantation AFD:** (1) Daniel & Lenae Long have filed to add 49.5 acres of land located just north of the core on Jacobia Lane on the west side of Lankford Highway in the Dalbys area.

(2) Scott Properties, Inc. has filed to add 42.224 acres of land located adjacent to the core and has frontage on Holly Dale Drive and Lankford Highway.

Both proposed additions to Old Plantation AFD were recommended for approval upon proper motion by Commissioner Meyers and second by Commissioner Coker.

**(rr) Picketts Harbor AFD:** (1) Margaret B. Kellam has filed to add 61.92 acres of land located on the east side of Arlington Road and adjacent to the core just north of Kiptopeke.

(2) The SHC Davis Trust #1 (JoAnn Blair-Davis & Michelle Davis, Trustees) has filed to add 84.29 acres of land located adjacent to the core on the south side. The property is located on the west side of Arlington Road and abuts Butlers Bluff Subdivision.

(3) David & Virginia Long have filed to add 399.86 acres of land located adjacent to the core on the east side. The property extends from Capeville Drive south to Townsend Drive on the west side of Lankford Highway just south of Cape Center.

(4) The W. T. Nottingham, Jr., Revocable Trust has filed to add 225.77 acres of land that abuts the core on the north side of Picketts Harbor Road and is southwest of Cheapside.

(5) Charles and Claiborne Dickinson have filed to add 56.39 acres of land located south of the core and has frontage on Butlers Bluff Drive just north of the Kiptopeke State Park.

(6) Denard Spady and Dora-Weston Wilkins have filed to add 27 acres located south of the core and has frontage on Arlington Road just north of its intersection with Kiptopeke Drive.

All six additions proposed for Picketts Harbor AFD were recommended for approval upon motion by Commissioner Meyers and second by Commissioner Miller.

**(ss) Point Pleasant AFD:** (1) Charles Dickinson and Frank Dickinson have applied to add 130 acres of land located north of the core and has frontage on the east side of Seaside Road north of Wise Point.

(2) Denard Spady and Dora-Weston Wilkins have applied to add 108 acres of land located on the south and north side of Bulls Drive with frontage on the east side of Seaside Road just north of Wise Point.

Both proposed additions to Point Pleasant AFD were recommended for approval upon motion by Commissioner Coker and second by Commissioner Meyers.

**(tt) Seaside AFD:** (1) Robert and Sarah Colson have applied to add 155.35 acres of land that has frontage on both Simpkins Drive and the west side of Seaside Road in the Simpkins Siding area.

(2) Alvin C. Mapp has applied to add 67.27 acres of land located south of the core and is located on the west side of Seaside Road in the Cobbs Station area.

(3) Willis Dickinson has applied to add 106 acres of land located to the west of the core and has frontage on both sides of the railroad right-of-way in the Simpkins Siding area.

(4) Ray and Joyce Newman have filed to add 119.35 acres of land located adjacent to the core with frontage on the railroad right-of-way, the west side of Seaside Road and the terminus of Indian Walk Lane near Eastville.

(5) Robert & Sylvia Allison have applied to add 111 acres of land located south of the core with frontage on the east side Seaside Road and frontage on the south side of Lebanon Drive in the Cobbs Station area.

(6) The Samuel T. Nottingham, III, Trust and The Susan R. Enzastiga Trust have filed to add 182 acres of land located south of the core and has frontage the east side of Seaside Road and frontage on the north side of Lebanon Drive in the Cobbs Station area.

C. A. Turner, III, agent for those applicants listed in Items (5) and (6), stated that all acreage had been farmed continuously and meets the criteria.

Motion to recommend approval of all six additions to Seaside AFD was made by Commissioner Meyers and seconded by Commissioner Kellam.

**(uu) Sheps End AFD:** (1) A. J. Ferebee, Michelle Ferebee and Janice Maedler have filed to add 41.36 acres of land located west of the core and has frontage on the north side of Birdsnest Drive west of Lankford Highway. The property is located in the Birdsnest area.

(2) John H. Floyd (by Louise Floyd) has filed to add 127 acres of land located adjacent to and near the core. The parcels have frontage on the east side of Seaside Road and Red Bank Road and are located in the Red Bank area.

(3) Carlton Dunton, Jr., Peter Kafigian and Jane Kafigian have filed to add 138.09 acres of land located south of the core on the east side of Lankford Highway. The property has frontage on the south side of Treherneville Drive as well as Sylvania Farm Road.

(4) Richard Tankard has filed to add 30.26 acres of land located north of the core in the Red Bank area. The property is located between Red Bank Road and Courser Farm Lane.

All four proposed additions to Sheps End AFD were recommended for approval upon proper motion by Commissioner Kellam and second by Commissioner Miller.

**(vv) The Hermitage AFD:** (1) The Leonard G. Oden Revocable Living Trust, The Virginia B. Oden Revocable Living Trust and Jefferson Dental Laboratories have filed to add 157.55 acres of land located north of the core and has frontage on the north and south sides of Cherrystone Road and frontage on Huntington Lane. The property is located in the Cherrystone area.

(2) Denis and Mary Lee Wood have applied to add 98 acres of land located adjacent to the core and has frontage on Wilkins Drive in the Cherrystone area.

(3) Karl G. Wagner has applied to add 101.99 acres of land located south of the core with frontage on Parsons Circle and Carr Lane. The property is located near the southwest intersection of Parsons Circle and Lankford Highway.

(4) Major Ltd., A Va. Corp., has filed to add 172 acres of land located adjacent to the core and has frontage on Wilkins Drive in the Cherrystone area.

(5) Robert A. Scott has filed to add 147 acres of land located east of the core and has frontage on the east and west sides of Lankford Highway and some frontage on South Bayside Road. The property is located in and near Cheriton on the south boundary area.

(6) Ballard Bros. Fish Co., has filed to add 152.87 acres of land located adjacent to the core and has frontage on both the north and south sides of Townfield Drive in the Cherrystone area.

C. A. Turner, III, agent for the applicants of Items (1) and (5), noted that a subdivision plat had been put to record on these properties; however, as with Ms. Dodson there is no intent to develop said parcels but to continue farming and forestry activities only.

It was noted that Item (6) contained land zoned EB Existing Business for a working aquaculture business which is given the same considerations and status as any agriculture activity according to the Code of Virginia. Motion was made by Commissioner Meyers to recommend approval of all six additions proposed to The Hermitage AFD which was seconded by Commissioner Coker. The motion carried.

## **Recess**

At the conclusion of the public hearings motion was made by Commissioner Miller to recess the meeting until 7:00 p.m. on Thursday, November 5, 2009. The motion carried by a six to one vote with the meeting recessing at 10:07 p.m.

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Chairman

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Secretary