

Minutes
Recessed Meeting
Northampton County
Planning Commission
November 5, 2009

This was a recessed meeting of the Northampton County Planning Commission held on Thursday, November 5, 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; and Peter Stith, Long Range Planner.

The meeting was called to order at 7:00 p.m. and a quorum established. The Chair then called for continuation of the November 4, 2009 agenda.

Matters from the Public.

Janet Sturgis, a resident of the Franktown area, posed questions concerning solar energy as follows.

I wish to pose the following questions/concerns/comments to the representative(s) of Lincoln Renewable Energy LLC and the Commission, concerning the proposed solar energy plants.

Do you have data from studies for possible EM pollution and its possible effects on avian, human etc life, as certainly, a number of high tension electrical lines would be modified/added.

Will groundwater be used or affected in any way other than for routine use such as drinking and waste water for onsite employees? Will any water be used for heat exchange, etc? What is the projected daily water use?

What effects would the construction/operation/maintenance of this facility have on migratory birds, endangered species, our burgeoning aquaculture industry etc. from "light pollution" runoff, groundwater pollution etc.?

I question in particular the need for the implementation of BMP's and other environmental management tools as set forth in the Chesapeake Bay Act. I would like to hear specific data as it relates to permeability issues of materials, possible toxicity and engineering design used in this project.

How would the construction, operation and maintenance effect commercial/military/private aviation? Would current flight patterns have to take a more "bayside" tack? Would our aerospace industry be adversely affected?

Would heat produced by this project adversely affect the all important microclimates here on the Eastern Shore? A fraction of a degree in thermal increase could have effects on ground moisture/precipitation.

Is there data measuring potential "heat leakage" into the ground/atmosphere/aquifer?

We do get tropical weather and severe winter storms here. How windproof are these systems and how do they stand up to torrential rains?

I also have concerns as to what would happen to the rezoned parcels if this company folds, the funding runs out, it is not proven profitable, etc. Will we see large developments or even farms of communication towers or dishes germinate?

We certainly need jobs here in Northampton County. My concern is that this project may not be right for us, as a community.

And as a parting question, how did you find us? Were you approached by someone or did you send out prospectors?

Respectfully,

Janet Sturgis

Franktown, Va.

Tom Zieger spoke in favor of solar energy being good for the county noting that no water is required, no services are needed and that grasses underneath a solar facility would catch stormwater and prevent runoff.

Consideration of Minutes.

The minutes of October 6, 2009 were approved with typographical corrections made to pages 6 and 8 and with one correction to page 9, Item 6, the word "of" should be inserted after "adoption". Motion to approve as corrected was made by Commissioner Meyers and seconded by Commissioner Lackie.

Unfinished business was deferred to the December 1st meeting.

Unfinished Business.

A. Continue discussion/action on adopted By-Laws (*defer to December 1, 2009*)

1. language to manage inquiries on pending matters
2. verify the code authorization concerning special meetings

New Business.

A presentation by Velocitel was conducted on a proposed zoning text amendment (ZTA 09-04) for solar development. Mr. John Jones with Lincoln Renewable and Ms. Jessica Brunton spoke on behalf of Velocitel. Mr. Jones acknowledged that this is a new technology and then detailed how the project would be constructed. Six to eight-foot high poles would be required and solar panels would be tilted toward the sun. He explained that the proposed project is a single-access tracking design and the panels would rotate throughout the day with rows running north to south. He noted that 128 acres of land

would produce approximately 8 (eight) megawatts of electricity and utility companies are required to buy renewable energy from "somewhere". He added that the cost of solar energy has come down so it is now more competitive with wind energy. Also, solar energy can be delivered during day light hours, the peak of highest usage. He noted that this area is an ideal location due to its sunny climate and flat topography. Mr. Jones also explained that it takes approximately 3 to 6 months to construct such a project which would provide some jobs; however, only several jobs would be required when in full operation. He added that once a year the panels would be cleaned with pressure washing and that rain does much of the cleaning throughout the year. He also noted that only a minimal amount of impervious area would result on the project acreage. Once constructed the poles and panels would be approximately ten feet tall. During this time it was noted that the zoning text amendment would require a special use permit so site specific questions can be asked and answered on a proposed project once such a permit is filed. Mr. Jones also stated that no expected impacts on air traffic are anticipated. No chemicals are used to clean the panels which are only replaced in case of breakage which is rare. He added that the life span of a panel is approximately 30 years. Such panels are constructed to withstand 120 miles per hour winds. Areas close to existing substations and power transmission lines are ideal. In addressing

During the question and answer session Mr. Jones provided other information. He noted that a minimum of 100 to 200 acres of land is needed for this type of solar energy project.

Commissioner Ward voiced his concern about potential toxicity of a site since the Environmental Protection Agency (EPA) recommends building solar project on superfund sites. Mr. Jones stated that there is no expectation of chemical release if a panel breaks. However, Commissioner Kellam noted that arsenic and cadmium are used in production. Mr. Jones expected that to be a concern if a production facility was being proposed; however, that is not the case in this proposed zoning text amendment.

Commissioner Miller asked if there were alternatives to replace the silicone insulation.

Commissioner Meyers voiced his concern about security for such a facility given its size.

Commissioner Ward stated his opinion that the proposed project described is an industrial use and could fit within the public facility/utility definition of the zoning ordinance. He also asked how bird droppings might affect a panel's performance.

Commissioner Kellam voiced her concerns about public safety as well as environmental and ecological protections. Ms. Brunton replied that state and federal environmental regulations were being researched.

Commissioner Coker asked if security lighting for the project area would be required. Mr. Jones stated that no intrusive lighting would be used if lighting is deemed necessary.

Mr. Jones also noted that a certain amount of minimal grading may be necessary in preparing the site and that grass would be planted and maintained throughout the site.

When asked about tax revenue, Ms. Benson stated that the panels would be taxed the personal property rate and that real estate taxes would apply as well unless the Board adopts any other type of legal policy allowed.

Commissioner Meyers asked the applicant to address stormwater runoff concerns caused by high volume storms.

It was noted that the public hearing on the zoning text amendment would be held by the Planning Commission on December 1, 2009.

The commission then considered Variance 09-08 filed by James Zabita to construct a new dwelling in the village of Oyster. During discussion it was noted that more information was needed related to the sewage construction permit.

Motion was made by Commissioner Miller to recommend that the proposed home be relocated to the west to be less intrusive into the seaward 50 feet of the resource protection area (RPA) buffer. After further discussion the motion was withdrawn.

Motion was made by Commissioner Meyers to recommend to the Board of Zoning Appeals that other options be explored after review of a completed site plan in order to minimize encroachment. Second was made by Commissioner Lackie and the motion carried unanimously.

Communications.

Commissioner Ward reported that the Town Council of Cheriton is exploring its own AFD program policy.

It was reported that the Town Council of Eastville is also considering an AFD policy along with a town farm zoning district.

Commissioner Kellam reported that she has not received any new information or minutes from the Town of Nassawadox.

Commissioner Meyers reported that the Town Council of Exmore is exploring grant options to finish infrastructure and that they are not ready to begin the Town Edge District planning process with the county at this time.

It was noted that the Town of Cape Charles would hold its ribbon cutting ceremony on its upgraded waste water treatment plant.

Board Action on Zoning Matters.

Committee Reports.

There were no committee reports.

Director's Report.

Ms. Benson noted that the Commission will need to consider several items referred back from the Board on several zoning ordinance and map amendment matters. These will be discussed in December and scheduled for public hearing in January 2010. The Commission will also need to discuss the development of a Town Edge work plan that the Board has requested.

Ms. Benson also informed the Commission that the Town Council of Eastville has signed an agreement with the County to retain county planning staff for the town's zoning matters.

Adjournment

There being no other business, the meeting was adjourned at 9:40 p.m. upon proper motion by Commissioner Meyers and second by Commissioner Lackie.

Chairman

Secretary