Minutes

Northampton County Planning Commission

March 19, 2014

This was a work session of the Northampton County Planning Commission held on Wednesday, March 19, 2014 in the board chambers at the County Administration Building located at 16404 Courthouse Road in Eastville, Va.

Those present were Chairman Dixon Leatherbury, Michael Ward, Roberta Kellam, and Jaqueline Chatmon, Hank Heneghan, Sylvia Stanley. Absent from the meeting was Martina Coker (joined via phone). Also attending were Charles McSwain, Director of Development and Peter Stith, Long Range Planner, Melissa Kellam, Zoning Administrator, and Nyoka Hall, Office Manager.

The Chair called the meeting to order at 7:00 p.m. and established a quorum present.

Review and acceptance of Agenda

The Chair, requested the agenda be revised to include item 3a, procedural matters and to also proceed with reading through two letters that were received. The agenda was accepted as amended upon motion by Commissioner Kellam and seconded by Commissioner Chatmon, and unanimously carried.

Item 3a Procedural Matters

The Chair read two letters into the record regarding Commissioner Ward's written statement to the Cape Charles Wave on March 3, 2014, regarding proposed zoning changes and his alleged actions being in violation of Section 2.5 of the planning commission bylaws regarding conduct befitting a commissioner. The letters requested the Chair make a ruling on Commissioner Ward's actions and to submit a corrective statement to the Cape Charles Wave. The letters were authored by two Planning Commissioners and R.H. Meyers. The Chair stated the Commissioner Ward's comments on the Cape Charles Wave website addressed procedure and not the actual content of the matter and he is not in violation of any rules.

Review of Proposed Zoning Ordinance

The Chair suggested proceeding by breaking the work into three large segments instead of having a page by page review in order to complete review in the one hundred days allotted. Focus will need to be on big issues like the Special Use permits, Chesapeake Bay Act, and then the minor changes. Commissioner Kellam questioned how to handle Section 15.2-2284 of the code and the need for studies. Commissioner Coker suggested utilizing a consultant, referencing Mike Chandler as a resource to aid the Commission in their review. Peter Stith, Long Range Planner noted a scope of work would need to be provided to the Board. The Chair also noted the need to present the request to the Board of Supervisors to approve the expenditures in addition to possibly needing to submit an RFP. There was additional

conversation on the matter and then consensus was gained to further research obtaining a consultant and presenting the request to the Board of Supervisors.

Questions were then presented to Staff regarding the responses received regarding the proposed zoning changes. Chairman Leatherbury noted the removal of the CBPA from the Seaside and inquired about what other regulations would be in place. Melissa Kellam, Zoning Administrator noted that Erosion and Sediment Control, Stormwater, Wetlands and Floodplain and Coastal Primary Sand Dune regulations. The Chair then asked if lined up and a comparison was taken, what would then be missing. Kellam noted that the CBPA buffer would be replaced by the shoreline setback against the conservation district on the Seaside. Chairman Leatherbury, then inquired if there were any materials that were available for a lay person with understanding and Ms. Kellam, added that a chart could be drafted, which was acceptable to the Chair. Commissioner Ward asked if the 100 foot buffer achieve the goal to achieve the 75% reduction. Ms. Kellam noted that it's one of the tools that assists and achieve the full reduction independently. Commissioner Kellam noted that Professor Schwarzschild was present and requested that he speak regarding his expertise in the area of nutrient removal. Mr. Schwarzschild was given permission to address the Commission by the Chair and noted that VIMS was a great resource and should have been consulted about this matter and proceeded to offer contact information for the organization.

Commissioner Kellam stated that she didn't understand the Commercial and Industrial Uses in the residential zones and it appears that the districts that were drawn up lacked purpose. Ms. Kellam noted that these districts came from the old zoning which used R-20 districts and other R districts as well as using historical data. Commissioner Coker noted that the format was not being consistent with other localities. Most residential districts do not permit such uses. What was the purpose of allowing intensive non-residential uses in a residential district. Ms. Kellam stated that the intention was to create opportunities, which was done at the direction of the Board. The Commission can make recommendations for change.

Commissioner Kellam inquired as to whether the Board of Supervisors directive in writing. Ms. Kellam responded that there were memos sent to staff. Copies of those can be provided to the Commission. Commissioner Kellam also expressed concern over the neighborhood plans that had been submitted by Sylvan Scene, Bridgetown, and Treherneville and questioned as to whether they were considered. Charles McSwain, Director of Development noted that there were a number of changes submitted at the first public information session and the Board received those directly after the session. Commissioner Kellam followed up noting that community concerns need to be addressed. Also, Oyster and Willis Wharf's visions should be maintained and added to the ordinances. Concerns were also raised about the PUD as a land use tool and MHP zoning should be MHP and not PUD. Performance standards should be considered to determine a PUD. Mr. McSwain noted that staff would rather be directed by the Board of Supervisors.

Commissioner Ward asked what would make the setback better. Ms. Kellam noted that vegetation would increase its effectiveness, therefore making it a buffer. After a bit of conversation it was determined that additional research would need to be done to make a clear determination in the matter

Commissioner Kellam inquired about single family dwellings and their exemption from Stormwater, if less than 1 acre. Ms. Kellam noted that, if the property were in a CBPA zone a single family dwelling doing 2500 square feet to 1 acre of disturbance would require a stormwater permit. If the CBPA were removed from the seaside this requirement would then go away. Commissioner Kellam than asked how agricultural land became residential and what criteria was used to do so. Ms. Kellam noted that a dominant portion of those parcels that were zoned existing subdivision were agricultural lands that were subdivided and turned into subdivisions. Peter Stith added that the history, surrounding area, and lot size along with use of the property were taken into consideration when rezoning. The chairman requested a list of the criteria be provided to the commission.

Peter Stith Presented the spreadsheets and data collected from the citizenry regarding the proposed zoning changes. This information is a starting point and you are encouraged to make notes and changes as you see fit. Commissioner Kellam asked when acceptance of comments would stop as there has to be a cut-off point. Mr. Stith, referenced the legal determination that although the public hearing has closed comments can still be received. The chair noted that comments could be reviewed up till the last work session in May. Staff is keeping a file of comments received after March 11th.

The Chair reviewed those items that have been requested for staff to provide for the next meeting, those items being the directive from the BOS, a side by side of the CBPA vs. other appropriate codes, background on categorizing of various zoning districts and how they came to be, scope of work for consultant, determine if a RFP is required, draft of Oyster and Willis Wharf zoning district adapted to the same format as the proposed code. All present were in consensus with the proposal.

The Chair then moved on having each commissioner take the top 7 comments to research and obtain changes if any. It was agreed that items 7-15 of the categorized commentary sheet would be reviewed for next meeting.

The Chair then inquired if there was an agenda for the joint meeting with the Board of Supervisors. Mr. Stith noted that there will be discussion about the annual report at 5pm and an agenda will be sent out.

A motion for recess till Monday March 24th, 2014 at 5pm was made by Commissioner Ward and was seconded by Commissioner Chatmon at 9 p.m.

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Chair Secretary