

## Minutes

### Northampton County Planning Commission

August 7, 2012

This was a regular meeting of the Northampton County Planning Commission held on Tuesday, August 7, 2012, in the Board chambers located at 16404 Courthouse Road in Eastville, Va.

Those present were Chair Martina Coker, Vice-Chair Michael Ward, Dixon Leatherbury, Mary Miller and Severn Carpenter. Members absent were Roberta Kellam and John Wescoat, Jr.

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

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

The agenda was reviewed and accepted unanimously 5 to 0 upon motion by Commissioner Leatherbury and second by Commissioner Carpenter.

#### **Public Hearings**

- A. **Public Hearings: Special Use Permit 2012-03:** The Northampton County Board of Supervisors, contract purchaser, has filed to locate a waste collection site on the north side of Courthouse Road approximately 1/3 mile from its north intersection with Lankford Highway. The property, described as Tax Map 58, double circle A, parcels 13 and 14, is zoned A/RB Agriculture/Rural Business District and contains approximately 4.35 acres of land. (ex parte communications)

The Chair asked for a show of hands from commissioners who had visited the property related to this matter. A majority of hands were displayed. Also, no ex parte communications were declared.

Katie Nunez, County Administrator, stated that the application would complete the need to provide the last waste collection facility in order to serve District 4. She added that the facility would be completely fenced and staffed. Considerable time and effort has been spent defining the need for this type of facility which requires about 5 acres of land to accommodate the equipment and large truck traffic. She also noted that Courthouse Road is maintained by the state and can handle the vehicular traffic. This location is centrally located, easily accessible and has no drainage issues.

Bruce Jones, county attorney, explained how the property was acquired. A Certificate of Take has been recorded with the Circuit Court and funds deposited to the court that reflect the appraised value. Therefore, the county has taken ownership of the property. Once identified, heirs of the land will receive those funds. He noted that during the title search not all heirs

were found or identified and no clear land title could be obtained. Therefore, the county followed the condemnation process as allowed by law.

The Chair called for public comments.

Price Clarke, whose family owns adjoining property, stated her opposition noting that the facility would devalue family land; that the location would be a detriment to tourism, the Historic Town of Eastville and other nearby historic buildings; that it has the potential to impact two local restaurants in the immediate vicinity due to possible rodent issues and odors; and there is a property line dispute related to this parcel according to 3 different surveys. (See attached.)

Shawndra Willis, an heir of the property, not only agreed with Ms. Clarke's comments but was opposed because of legality issues regarding the Certificate of Take and the will.

Rick Hubbard, Board of Supervisor representative for District 4, stated that he had spoken with several property owners in the immediate vicinity. He read a letter of opposition from Kathy Peirson, owner of the Yuk Yuk's and Joe's Restaurant, who considered the proposed facility a detriment to the neighborhood and her business. (See attached letter.)

Mr. Hubbard stated that Wayne Bell of Bethel AME Church, while not opposed to the facility, stressed that a dense vegetated buffer should be installed and maintained. Mr. Hubbard also stated that the owner of Yanni's Market to the west also desired to see the facility adequately screened.

Mr. Hubbard then stated his own opinion that the facility must be well-buffered due to its close proximity to the Town of Eastville, Courthouse Road and so many other establishments.

Mr. Jones added that the county had attempted to acquire the land from the Willis family but so many relatives could not be located thereby preventing delivery of a clear title. He acknowledged that there was a property line issue that will be resolved between the 3 surveyors.

Ms. Willis stated that the county had threatened the family with eminent domain due to issues with the will and no clear title. Therefore, the county decided on condemnation.

Nancy Mulligan of the Eastville Town Council stated that council has no objection to the facility but stresses that it should be heavily buffered from view and that it not face Courthouse Road.

Commissioner Miller asked if problems with the will bequeathing the land to family would be an issue with the court process. Mr. Jones responded no, that not all heirs are known but once they are identified they would receive their share of proceeds paid to the court by the county.

The Chair asked if the facility would work on 4 acres if boundary line issues reduce the size of the property. Ms. Nunez replied yes, noting that the Bayview site is only 2 acres and is functional; however, there is no expansion space. Four acres would be adequate and still leave

room for expansion if needed in the future. She stressed again that this is the best site for a District 4 collection facility.

Commissioner Ward asked if the future land use map identified this particular area for waste disposal. Mrs. Thornton reported that this location appears to be partially within a designated waste disposal area on the map.

Commissioner Ward also asked about buffer requirements. Ms. Nunez stated that the county always meets current standards dictated by the county ordinance in order to be good neighbors. However, it is impossible to shield the entrance and exit area. Noting the comments expressed tonight, she stated that the county would adequately address those concerns.

Commissioner Leatherbury noted that existing crape myrtles are depicted on the facility site plan but nothing else as far as vegetation or landscaping. Ms. Nunez explained that the site plan submitted is preliminary and will be updated.

Mrs. Thornton noted that conditions can be recommended by the commission since this is a special use permit application.

Referring to a map she had requested from the county administration office, Commissioner Miller stated she was curious as to why the Board selected this site for eminent domain and not others depicted on that map. Ms. Nunez replied that this specific site is being presented for consideration and the issue before the commission is not if the Board should have picked other locations.

There being no other comments the public hearing was closed.

Commissioner Miller observed that no speaker had expressed unreserved support for the proposed project. She was concerned that county funds had already been spent and that land close to the site would be devalued. She stated that she could not support the proposal since there appeared to be other potential locations available.

Commissioner Leatherbury stated that his business is located about ¼ of a mile from the Bayview facility and that he has never been aware of odor issues, but there are some landscaping issues. Unfortunately, this is one of those “not in my backyard” issues. The facility itself is not a detriment other than a mental one of having it at that particular location.

The Chair noted that she uses the Cheapside facility which is well buffered. After measuring distances between existing collection sites she determined that there is a gap of approximately 14.7 highway miles between facilities which can be alleviated with this new facility.

Commissioner Miller also stated that re-sale values should be considered for the subdivision across the street and the nearby restaurant. Property owners have the right to safeguard the value of their properties.

The Chair noted that the county now has 2 facilities in District 3 and none in District 4.

Commissioner Ward noted the concerns expressed from the two nearby food service providers, but to his knowledge there has been no problem with stray animals at the Wardtown location. He also expressed his opinion that the proposed location is much better than the previous location just beyond the town's southern boundary on Courthouse Road.

When asked, Ms. Nunez acknowledged that the previous green box site at the southern end of Courthouse Road had numerous problems with feral cats, stray dogs, rodents, litter, etc. She added that there such issues are non-existent within the newer waste collection facilities today.

Commissioner Miller expressed her opinion that more suitable locations are available in the area including industrial land near the southern end of Eastville. She stated that it was premature to accept this location until legal issues are settled and all other location options are exhausted.

Mrs. Thornton reminded the commission that its responsibility is to consider land use qualifications for this specific site only.

Commissioner Miller moved to recommend denial of the petition based on concerns about property re-sale values, its location at the entrance to Eastville, and the concerns of food service owners. The motion failed for lack of a second.

Action:

Motion was made by Commissioner Leatherbury to recommend approval of the special use permit with the condition that all required buffering be opaque vegetative screening.

During subsequent discussion, Commissioner Miller read Section 154.105 (i) of the county zoning ordinance related to refuse site screening and voiced concerned that buffer requirements as required by the zoning ordinance would be inadequate to ensure proper screening.

The Chair referenced the Solid Waste Management goals stated in the county comprehensive plan noting that the Cheapside waste convenience center is well-maintained and well-buffered. She also mentioned the need for dark sky lighting.

There was further discussion regarding the amount of truck traffic expected to be generated, and Ms. Nunez stated that 18-wheel vehicles already travel through Eastville to serve the County Complex.

The motion was restated and second was then made by Commissioner Carpenter. The motion carried on a 4-1 vote, with Commissioner Miller opposed.

Before leaving the meeting Mr. Jones was asked by Commissioner Ward to address the legality of allowing site plans to be reviewed by a planning commission. Mr. Jones expressed his opinion that most plan reviews are conducted by administrative staff for legal purposes, but when submitted as part of a special use permit a commission can review. However, Mr. Jones asked Commissioner Ward to submit his inquiry in writing if possible for further investigation.

The second public hearing was called to order.

- B. **Zoning Text Amendment 2012-09:** The Northampton County Planning Commission intends to amend the Northampton County Code, Chapter 154 Zoning Code, **§154.003 Definitions, (C) Specific Definitions** in order to revise the definition of **Bed & Breakfast** to read, “A single dwelling unit, other than a motel, hotel, rooming or boarding house, or inn, occupied by the owner of the unit or a resident manager where up to nine (9) separate sleeping rooms are provided in the primary dwelling or in accessory structures on the property, for compensation, to overnight transients and a morning meal is usually offered as part of the lodging charge. Any transient occupation of less than thirty (30) days shall not be considered in calculating development density for the parcel.” (ex parte communications)

Cela Burge, agent for Occohannock Family Farm LLC, read written comments in opposition to the proposed zoning text based on current density requirements of 20 acres for every dwelling unit and the definition of an accessory living unit. Therefore, based on density requirements, two dwellings cannot legally exist on a parcel having less than 40 acres in the A/RB District. (See attached.)

Pam Barefoot stated that a Bed & Breakfast (B&B) can be operated within her home, but not in her accessory building. She expressed her opinion that it should not be an issue where B&B accommodations are located whether in the house or in an accessory structure.

There being no other public comments, the hearing was closed.

Commissioner Miller commented that it was not the commission’s intent to allow another dwelling unit on a property but a B&B in an accessory structure that would provide sleeping rooms.

Mrs. Thornton stated that previous discussion was held about density restrictions in the A/RB District. She noted that a B&B is allowed in a primary dwelling and there was discussion about allowing that use in an appropriate accessory structure located on the same premises. She added that an opinion from the county attorney was requested but that no reply has been received to date.

Commissioner Miller read the definition of a dwelling unit. However, Mr. Stith noted that the revised definition no longer includes, “The presence of electrical power shall constitute the ability to provide permanent cooking facilities.” She then suggested that if an accessory structure is not permanently occupied then it should not be construed as a separate dwelling unit. Commissioner Miller stated that the text does not define cooking facility nor does it stipulate what constitutes the ability to provide a permanent cooking facility.

Commissioner Ward expressed his opinion that this matter should be tabled, reconsidered, and redrafted then suggested that this problem may stem from too much land being zoned Ag in inappropriate areas.

Ms. Barefoot asked if consideration was given to the Albemarle County ordinance that allows a B&B in a home and by reviving its definition of B&B to allow the use in an accessory structure as well. It was her hope that the same type of amendment would apply to Northampton County.

The Chair noted that an accessory structure cannot contain cooking facilities. Noting the concerns about density, she suggested that perhaps the definition could be changed to allow sleeping space, a stay requirement of less than 30 days and to prohibit cooking facilities.

Ms. Burge stated that a garage apartment is considered a dwelling when a bath and microwave are provided; therefore, accommodating an accessory structure as a B&B use does not appear to meet zoning regulations based on density. She added that the State Uniform Building Code safety regulations must also be considered when converting an accessory structure to accommodate sleeping quarters. It was her opinion that a dwelling unit still exists whether it is occupied on a short-term basis or year round.

Referring to the definition of housing for agricultural workers in association with an agricultural operation, Commissioner Miller noted that sleeping quarters are required and does not have to meet density requirements. She added that facilities for agricultural workers include an option for providing cooking facilities. However, Mrs. Thornton stated that a guest house must satisfy density requirements according to the zoning ordinance. She then suggested that the zoning text amendment be tabled until a legal opinion is received from counsel

Action:

Commissioner Miller moved to postpone further consideration of this matter pending legal guidance as had been requested by staff. The motion was seconded by Commissioner Ward and carried unanimously 5 to 0.

The Chair called to order the third hearing.

- C. **Special Use Permit 2012-04:** Pamela Barefoot & James M. Green have applied to operate a B&B in an accessory structure located on 7.828 acres of land at 6235 Osprey Lane. The property, zoned A/RB Agriculture/Rural Business District, is described as Tax Map 13, double circle A, parcel 51 in the Salt Works area. (ex parte communications)

Mrs. Thornton explained that this application is contingent upon a favorable recommendation of Zoning Text Amendment 2012-09. The hearing may proceed, but no recommendation can be made at tonight's meeting.

Ms. Barefoot stated that the pool cottage is approximately 500 square feet and located on 8 secluded acres. She would like to offer the space to rent which would be ideal for parents whose children attend Camp Silver Beach. She noted that some campers are special needs children whose parents like to stay nearby in case of an emergency.

Rhonda Marsh, Director of Development for Camp Silver Beach, spoke in support of the petition. Noting its close proximity to the camp, she expressed her opinion that Ms. Barefoot's

property would be an ideal place to accommodate camper's parents desiring to stay in the immediate vicinity.

No other public comments were offered.

The Chair noted that since this petition is contingent upon approval of Zoning Text Amendment 2012-09 on which the commission was unable to formulate a recommendation tonight, this public hearing would continue at the September 4, 2012, regular meeting, which will be noticed as required.

Mrs. Thornton informed the applicant that the Board's public hearing on this matter has been duly advertised for next Tuesday and would still be held in all likelihood. However, no Board action will occur until a recommendation is received from the commission.

The last hearing was called to order.

- D. **Special Use Permit 2012-05:** David N. Griffith has applied to operate a Live/Work Unit on property located at 26438 Lankford Highway in the Cape Center area. The property, containing 32,670 square feet of land, is described as Tax Map 98, double circle A, parcel 45 and is zoned EB Existing Business District. (ex parte communications)

Mr. Griffith presented his petition and explained that he had rented the structure not realizing that residential use is not permitted in the Existing Business District. He expressed his hope that the real estate market would improve to the extent that his realty office could be reopened. In the meantime, the live/work unit would keep the building occupied and still be used as a place to store business items.

There was no public comment offered.

Commissioner Leatherbury expressed his opinion that no disservice would occur to the community by allowing a live/work unit to operate on this property which also ensures that the building will remain occupied.

Commissioner Miller noted that the original intent of the live/work unit was to afford people in a residential area the opportunity to operate a commercial venture in their home. The applicant has presented the same concept only reversed. Therefore, she had no objections.

Referring to staff comments, the Chair noted that the proposed use meets with the objectives of the comp plan, specifically Part 1, Section 4.3.2 promoting low to moderate income workforce housing and Part 1, Section 3.5.1 supporting existing businesses.

### Motion:

Commissioner Leatherbury moved to recommend approval of SUP 2012-05 as submitted to the Board of Supervisors. Second was made by Commissioner Carpenter and carried unanimously 5 to 0.

**Matters from the Public:** none.

A five minute break was taken at this time.

### **Consideration of minutes**

The minutes of the July 17, 2012 meeting were unanimously approved 5 to 0 with the following revisions: (1) page 6, third paragraph, change "5" to "4" and insert "as home schooled students"; fourth paragraph, third sentence, change "an unnamed statistician" to "a statistician"; fifth paragraph the first sentence be changed to read, "Commissioner Miller expressed her opinion that statistics may appear to depict 40 percent poverty levels in some circumstances. Therefore, poverty statistics can be broken down according to circumstances as a starting point to use in the comp plan as a correction of this number or for mitigation. Then such a broad percentage number would not be depicted."; and the last sentence should include "the Community Housing Committee had concluded that" before the word "poverty"; (2) page 7, first full paragraph, first sentence, delete the words, "which includes government grant money in his opinion"; and in the last sentence replace the words, "the population earns" with the words, "per capita income is attributable to"; and (3) page 8, last paragraph, fourth sentence, the date "May 15<sup>th</sup>" should be "May 30<sup>th</sup>"; insert a new sentence after the fourth sentence, "The Chair said that overall there was support for information in the visions statement, although concern had been expressed about the lack of definition of clean water and about the use of expression, 'where appropriate', concerning provision of services."; in the fifth sentence, change the date of "June 15<sup>th</sup>" to "May 30<sup>th</sup>". Motion to approve the minutes as corrected was made by Commissioner Carpenter with second by Commissioner Leatherbury.

### **New Business**

The commission then briefly discussed Eastville's comp plan review information. Mrs. Thornton noted that the information has been submitted to the town council as well. Councilperson Nancy Mulligan added that her brief review of the materials accurately depicts public information received to date. She noted that the information would be considered by Council in the near future.

Commissioner Miller stated that the issue of speeding within the corporate limits has been discussed numerous times during regular council meetings but was not mentioned at the public comp plan meeting.

August 15<sup>th</sup> was scheduled as the commission's work session on the county's comp plan.

## **Unfinished Business**

No procedural matters were discussed.

Discussion on Zoning Code §154.111 related to agricultural ponds draft language was deferred due to the absence of Commissioner Kellam.

Mrs. Thornton then distributed an additional copy of the June 18<sup>th</sup> materials related to the comprehensive plan review including the response from the Comprehensive Plan Advisory Committee (CPAC).

The Chair noted that she has drafted a written response to the CPAC questionnaire submitted to the commission. It was her hope that the commission would review and discuss this written response at the work session. She stressed that all groups need to work effectively together in order to move ahead with this update.

The Chair noted that she would communicate with Jeff Walker concerning a definition for “clean water” as mentioned during former public discussion.

Mrs. Thornton stated that staff would redraft some of the introductory material along with the vision statement.

The Chair expressed her opinion that it appears to be some confusion over what the vision is and what it does versus what the goals of the comp plan are. The vision is comprised of general comments while the other part of the plan relates public input and is followed by goals and objectives formulated from public input and data.

Commissioner Miller suggested that it should be explained why the phrase “where appropriate” was used in connection to infrastructure. Also, an explanation of how infrastructure and services are provided may be in order as well. However, Mrs. Thornton disagreed with Commissioner Miller’s insistence that the phrase “where appropriate” was necessary. It was Mrs. Thornton’s opinion that “where appropriate” was intended to infer that the “powers that be” do not see infrastructure services as being suitable for all people or all areas of the county. She stressed that various public groups have strongly objected to the use of that phrase in order to make it perfectly clear that citizens have the right to expect services. Commissioner Miller stressed that the comp plan should not raise unnecessary expectations when it comes to providing such services due to economic and fiscal realities and suggested that this matter be discussed again on August 15<sup>th</sup>.

Commissioner Ward noted that the phone survey results related to the comp plan update would be released soon. Mrs. Thornton stated that CPAC will discuss the survey results at its next meeting on Thursday at 9:00 a.m.

## **Communications**

It is noted for the record that certain town planning commission agendas and town council agendas had been forwarded electronically to the commission.

## Director's Report

The Director's report follows as distributed at the meeting.

1. Cape Charles cooperative planning update: *I have been advised by the Town Manager that town staff will contact me to discuss this matter.*
2. Town Edge Planning: *There is nothing new to report regarding this matter at this time.*
3. Board/Town Action on Zoning Matters: *Zoning Text Amendment 2012-06 pertaining to Low-Impact Commercial Uses is still pending; staff has been asked to provide additional comments prior to the Board of Supervisors' September 11, 2012, meeting. The Board has requested that the approval process for micro-businesses be further simplified if possible.*
4. Comprehensive Plan Review: *A work session intended to be devoted to the comp plan review has been scheduled for August 15, 2012. This evening we are providing duplicate copies of the materials previously distributed in June but which you have not yet discussed.*
5. Eastern Shore Healthy Communities Coalition Walkability/Livability Workshop: *As you may recall, a few weeks ago I forwarded information pertaining to a multi-site workshop being hosted by the Eastern Shore Healthy Communities Coalition (ESHCC). Commissioner Coker and I attended the Cape Charles workshop as well as the wrap-up session to discuss next steps to advance the concepts of walkability and livability in both Eastern Shore counties. I am attaching the bios of the consultants and a copy of their handout describing recommended steps for project success and providing funding resources. They evaluated Exmore and Cape Charles in Northampton County, and reports will be produced for each site. Once that information is available it will be provided to the Commission.*

The Chair elaborated more fully on the Walkability/Livability Workshop for the benefit of the commission. She noted that the diabetes rate and other health related issues need to be addressed to improve the overall health of county residents.

Commissioner Miller noted that the Eastville Town Council will meet with county staff on August 9 to discuss the county complex identification sign.

## Recess

Motion to recess until 7:00 p.m. on Wednesday, August 15, 2012 was made at 9:30 p.m. by Commissioner Miller and seconded by Commissioner Carpenter. The motion carried unanimously 5 to 0.

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Chair

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Secretary

Good evening, Ms. Coker and Members of the Northampton County Planning Commission.

My name is Price Clarke and I am a native of Eastville and my family owns the property on the Northside of the Willis property being considered for a waste collection site. As an adjacent property owner, I am opposed to the proposed special use permit. Having a trash site next to our property will certainly devalue it. But the concern I have here tonight goes beyond what affects me personally.

I think this proposed waste collection site is a poor choice for those who have worked so hard to get travelers to explore the historic town of

Eastville, rather than just bypass it on Route 13. After all, Eastville is the county seat of Northampton with the oldest continuous court records in the U.S. I have a shop in Eastville and can tell you that daily there are numerous visitors from out of state that stop, walk around town, maybe eat at the Eastville Inn and then journey on. Does Northampton County want to greet all these visitors, or as the case may be, bid them farewell, with a trash collection site coming or going?

Actually, one of the historic sites listed in this self-guided tour of Eastville is within a couple of city blocks of the trash site. I'm speaking of the

Bethel A.M.E. Church which was built in 1901 and is in the Guinness Book of World Records. Then how about the Freemason Hall immediately adjacent to the trash site? That is definitely historic and has recently been refurbished and improved. And then there are the two eating establishments within a stone's throw of the trash site. Not only is a waste site not appetizing (think odor), but I would think it would add to any rodent or pest problem in the area.

It would seem to me, that with the County's current debt load and proposed tax increase, the County should look to put the waste collection

center on property it already owns, like in the county complex area. But then maybe the county does not want this waste site in their "back yard"? Well, neither do we.

Please vote no for this special use permit. I think that if an individual county resident was making this proposal, you would deny it. Stand up to the County administration.

Priri Clarke  
8/7/12

Rec'd 8/7/12

# Yuk Yuk & Joe's

Restaurant & Bar

PO Box 791 / 15617 Courthouse Rd

Eastville, VA 23347

757-678-7870 / office & fax 757-678-7669

[www.yukyukandjoes.com](http://www.yukyukandjoes.com)

August 7, 2012

Board of Supervisors

We have given this matter a lot of thought. No matter how long I think about it, we are not in favor of a convenience center on our main road in to town. In between two restaurants. I tried to think of how many people it may bring to us because they were dropping off their trash. Maybe pick up a pizza or sandwich. But the cons out weight the pros. Will there be smells, flies, rodents, cats, raccoons, and god knows what else?

We are looking to Eastville to bring tourist to our town. To do things that will bring people in and out of our town. Business is a numbers game. To make it we need to make our town a destination. A trash site right on the main road is not what I had in mind!!

I have been self employed 24 years 12 of them in Eastville. We are looking forward to when we can sell

our business. What will this trash site do to our property value?? We ask you, how excited would you be if this was your restaurant? Or location of your business?

I understand that we need a facility like this. I for one have had many people use my dumpster, they have dropped off TV's and other large items that we have had to dispose off. But we do not want it on the main road!!!

I also feel like this is a done deal. You have invested in surveys, engineered plans of the site. We hope that in the plans there has been allotted space for buffer and plenty of it. I don't want to see it or smell it.

One thing that worries us is not how well this site is managed now, but what will happen when all of you are gone and all eyes have been diverted to the next project? Who is going to make sure that this doesn't become a smelly eyesore in years to come?

Thank you,

A handwritten signature in cursive script, appearing to read 'Kathleen E. Peirson', written over a printed name.

Kathleen E. Peirson

Joseph E. Peirson

Yuk Yuk & Joe's

Northampton County Planning Commission Public Hearings  
August 7, 2012



I. ZTA 2012-09 Objection

- A. A bed and breakfast by the current definition provides two of the essential elements of Northampton Co.'s description of a dwelling unit: sleeping/living, eating/cooking, and sanitation facilities. When those essential elements are found in an accessory structure on a property, they constitute a dwelling unit. A dwelling unit is a component of the density calculation according to the Z. O. (See Definitions, "Dwelling Unit" and "Accessory Living Unit" §154.003)
- B. The changes proposed in the definition of bed and breakfast, i.e. "Any transient occupation of less than thirty (30) days shall not be considered in calculating development density for the parcel.", nonetheless create a dwelling unit by the Zoning Ordinance's own definitions of a "dwelling unit" and "accessory living unit". (see citation above)
- C. This objection is raised more particularly when a bed and breakfast is proposed in an A/RB zone in which the parcel is less than 20 acres. Two dwelling units are not permitted in the A/RB zone without violating the density of 1 dwelling unit/20 acres as set out in Appendix B of the Z. O.

**So, to make a definition to allow an accessory dwelling to exist on less than 20 acres is to legislate a change in the ordinance which is *void ab initio* in that it is null from the beginning – 2 dwellings cannot legally exist on a parcel less than 20 acres zoned A/RB, even with a SUP, without violating the density for that zone established in Appendix B of the Zoning Ordinance.**

- D. This zoning text change to allow an accessory dwelling to have use as a b & b is an end-run around the density requirements of the Z.O., and can't be properly enacted without changing the density language in the Appendix by the proper notice and hearing procedures.
- E. Finally, from a public policy standpoint, it is noteworthy that under the current density requirements in A/RB, a private property owner with less than 20 acres cannot have a garage apartment for guests nor an accessory building to accommodate family stays, elderly or disabled parents/family, or other private residential uses NOT INCLUDING of course, any possible rental opportunities. Yet, this proposed definition change would circumvent the density requirement to allow a bed and breakfast in that accessory structure.

**We respectfully ask you to reject this zoning text amendment and not recommend it to the BoS.**

