

At a meeting of the Accomack County Planning Commission held on the 11<sup>th</sup> day of January, 2023, at the Accomack County Board of Supervisors Chambers, Room 104, in Accomac, Virginia.

**1. CALL TO ORDER**

**MEMBERS PRESENT AND ABSENT**

**Planning Commission Members Present:**

Mrs. Angela Wingfield, Chairwoman  
Mr. Leander Roberts, Vice Chairman  
Mr. Lynn Gayle  
Mr. John Sparkman  
Mr. Kelvin Pettit  
Mr. Glen “Adair” Tyler  
Mr. Brantley Onley

**Planning Commission Members Absent:**

**Others Present:**

Mr. Paul Seltzer, Deputy Director of Building, Planning & Economic Development  
Ms. Maxie Brown, Interim Zoning Administrator of Building, Planning & Econ. Development  
Ms. Shawnta McCain, Administrative Assistant II of Building, Planning & Econ. Development  
Mr. Owen Lewis, Code Enforcement Inspector I of Building, Planning & Zoning

**DETERMINATION OF A QUORUM**

There being a quorum, Chairwoman Wingfield called the meeting to order at 7:00 p.m.

**REMOTE PARTICIPATION**

Commissioner Hickman, located in Florida, requested to participate in the meeting electronically due to being away with his family.

*On a motion made by Chairwoman Wingfield and seconded by Commissioner Sparkman, the Planning Commission voted unanimously to allow Commissioner Hickman to participate remotely.*

**2. ELECTION OF OFFICERS**

Ms. Maxie Brown opened the floor for nominations for Chair, Mrs. Wingfield was nominated with no other nominations being made.

*On a motion made by Mr. Roberts and seconded by Mr. Tyler, the Planning Commission voted unanimously to elect Mrs. Wingfield to remain Chairwoman for the 2023 calendar year.*

Chairwoman Wingfield opened the floor for nominations for Vice Chair, Commissioner Roberts was nominated with no other nominations being made.

*On a motion made by Commissioner Pettit and seconded by Commissioner Tyler, the Planning Commission voted unanimously to elect Mr. Roberts as Vice Chairman for the 2023 Calendar year.*

**3. ADOPTION OF AGENDA**

*On a motion made by Commissioner Roberts and seconded by Commissioner Tyler, the Planning Commission voted unanimously to adopt the agenda with changes.*

**4. PUBLIC COMMENT PERIOD**

Chairwoman Wingfield opened the public comment period. There being no one signed up to speak, Chairwoman Wingfield closed the public comment period.

**5. MINUTES**

**December 14, 2022 Meeting Minutes**

*On a motion made by Mr. Roberts and seconded by Mr. Tyler, the Planning Commission voted unanimously to approve the December 14, 2022 meeting minutes as presented.*

**6. NEW BUSINESS**

**A. 2023 Capital Improvement Plan (CIP)**

Presentation by Mrs. Margaret Lindsey, Director of Finance followed by a question and answer session, and possibly scheduling a public hearing.

Mrs. Margaret Lindsey, Director of Finance, presented an overview. The Capital Improvement Plan, known as the CIP, is a long-range planning tool used to schedule anticipated capital projects and coordinate how they will be funded. Typically, the CIP will cover a five (5) year period; however it is subject to change as the needs of the community change and as funding opportunities present themselves. Projects eligible to be considered in the CIP are those which will have a life of at least (3) years and a minimum cost of \$50,000 per project.

Mrs. Lindsey also noted that the CIP provides a guide in the acceptance of proffers by providing a listing of community projects to choose from to ensure capital projects support the County's Comprehensive Plan. In addition, the CIP anticipates the capital needs of the community and assists with the issuance of bonds or other financing alternatives as needed. Capital projects typically include, but are not limited to, facility construction, renovation or significant repairs, major equipment purchases, infrastructure including information technology and software with related implementation costs.

The Planning Commission's role has been to ensure the projects proposed are consistent with the Comprehensive Plan. It is the Board of Supervisors that will adopt the CIP as part of the yearly budget process. The Commission may want to consider communicating which projects it feels are the most important from the perspective of the Comprehensive Plan.

CIP Totals from prior year approved CIP:

- Total Projects \$29,988,782
  - o School Division \$5,465,100
  - o Public Works \$2,313,190
  - o Library \$4,956,427

Current CIP as drafted

- Total Projects \$23,445,130
  - o School Division \$1,321,900
  - o Public Works \$6,959,700
  - o 911 Commission \$10,149,000 (doesn't include grant revenue funding)
  - o VDOT projects \$2,624,000
  - o Public Safety \$715,000

- Miscellaneous others \$1,675,530

Commissioner Gayle questioned if there was any information in the presentation about the Accomack Primary School development or use. Mrs. Lindsey stated that there was no information at this time and that part of it is based on the schools funding that they have set aside and in part waiting for the second study (the engineering study) which is underway before anything comes forward at this point. Mr. Stewart Hall, Deputy Administrator, gave an overview stating that there is a firm that is working with the School Board on a contract to do structural analysis of the bones of the building, and then create a feasibility report on how much it would cost to get the structure of the building back in shape. Mr. Hall stated that there are estimates on the renovations needed so that the School Board would be in a better position to determine if it's worth renovating or if it would be better to demolish and opt for new construction.

Commissioner Roberts questioned the projected life of the landfill. Mr. Hall stated that there is almost forty (40) years of capacity already planned out and that additional property is available. Mr. Hall mentioned the opening of a new cell, Cell 7, which has about eight and a half (8.5) years on that one cell and that there are four (4) more right beside it. Mr. Hall also stated they a contract for a closure of the last cell, Cell 6A.

Mr. Hall made a few comments on forwarding projects for the coming year that they are hoping to get approved. There has been a request for many years about making repairs and improvements to the parking lot at the County building and the parking lot across the street at the 911 center. Other projects include the Social Services parking lots, and repair to a few docks and ramps.

***On a motion made by Commissioner Roberts and seconded by Commissioner Gayle, the Planning Commission voted unanimously to hold a public hearing on the proposed 2023 Capital Improvement Plan at the February 8, 2023 meeting.***

## **7. OLD BUSINESS**

### **A. Chapter 106 of the Accomack County Code: Proposed Wetland Mitigation Bank Ordinance Amendments:**

A continued discussion regarding draft ordinance amendments to allow wetland mitigation banks subject to securing a Conditional Use Permit in the Agricultural, Residential, Industrial, General Business, Limited Business, Rural Residential and Village Developments Districts. Additional language is also proposed to update the list of zoning districts and overlay districts in Section 106-31 and a new Section 106-33 to clarify that uses not listed as permitted or conditional are prohibited.

Ms. Brown provided a recap from the December meeting, stating the Commission requested some additional information. Ms. Brown stated that she hoped the additional background information, definitions, etc. on this matter demonstrates why the local ordinance is important. Staff also met with representatives of the Virginia DEQ and the U.S. Army Corp of Engineers via zoom meeting.

Some of the highlights from the zoom meeting are as follows:

- Local regulations and ordinances must be adhere to (state and federal regulations do no supersede). The Planning Commission and the Board of Supervisors do have a say in where Wetland Mitigation Banks can be created and will be subject to the ordinance amendments as approved.

- The U.S. Army Corp of Engineers use a Site Selection Criteria checklist that is in your packet in helping them identify appropriate site selection for Wetland Mitigation Banks.
- With regard to using farmland or prime land for Wetland Mitigation Banks, DEQ and the Corp. Guidelines indicate that in-kind or comparative sites may be used but are not required to be used. Therefore, uplands may be used; both farmlands and other “sites” – sites that achieve the most wetland “credits” obtained through wetland restoration is key for state and federal selection criteria. That being said, a CUP for a tidal wetland bank could also serve to protect upland farmlands.
- The Army Corp. of Engineers has received four (4) applications for Accomack County wetland mitigation sites. County staff has been invited to review applications received and has been put on a mailing list to receive notifications of future public hearings.
- Lastly, under the current ordinance amendments, all Wetland Mitigation Banks will be subject to obtaining a Conditional Use Permit (CUP). – All, meaning tidal, non-tidal and stream wetland mitigation banks – The Commission will need to determine if the ordinance is to remain as is or whether there is any benefit to removing tidal wetlands from the CUP process. In order for tidal credits to be obtained a non-tidal or upland area or “site” must be converted to tidal. Enhancement of current tidal wetlands does not give credits. Therefore, it is staff’s recommendation to require tidal, non-tidal and stream wetland mitigation banks all be subject to a CUP, which will give the Commission and the Board of Supervisors as much oversight as possible.

Ms. Brown indicated the DEQ and Corp. of Engineers indicated they would respond to any questions, but were not available to attend night meetings. Ms. Brown stated that staff would answers any questions and research any item needed and report back at the Commission’s work session scheduled for January 24, 2023.

Ms. Brown suggested that the Planning Commission hold the Public Hearing at the February 8, 2023 meeting. Ms. Brown also stated that the Commission is not be required to take action at that time; however, the Commission is subject to the one hundred days in order to report its findings to the Board. Commissioner Roberts stated that it was hoped that one of the representatives would be able to come in and give the Commission more information about the mitigation banks. Ms. Brown responded that they are unable to attend any night meetings but could possibly set up another zoom meeting with the staff. Chairwoman Wingfield asked if the representatives were opposed to a day meeting. Mr. Seltzer responded that it was mentioned but a zoom is what could be scheduled; even with Northampton County, the meetings were held via zoom and information presented through staff.

Chairwoman Wingfield inquired for a wetland mitigation bank to work, you would need a non-tidal, non-wetland and make it wetlands for it to actually receive credit; and whether one could take a wetland and improve it for credit. Mr. Seltzer explained that to get a tidal wetland, it must either be a non-tidal or an upland area to get tidal credits. To get non-tidal credits, there can be no wetlands - it has to be a newly established wetlands to get credits.

***On a motion made by Commissioner Tyler and seconded by Commissioner Roberts, the Planning Commission voted unanimously to further discuss the Proposed Wetland Mitigation Bank Ordinance Amendments at the January 24, 2023 Work Session.***

*On a motion made by Commissioner Tyler and seconded by Commissioner Gayle, the Planning Commission voted unanimously to hold a public hearing for the Proposed Wetland Mitigation Bank Ordinance Amendments at the February 8, 2023 meeting.*

**8. PUBLIC HEARING**

There was no public hearing scheduled for this meeting.

**9. SUBDIVISION AGENT REPORT**

There was no report presented.

**10. REPORT ON BOARD OF ZONING APPEALS UPCOMING HEARINGS**

There are three (3) applications and a continuance that has been received for the February 8, 2023 BZA meeting.

- **SUSE-000428-2022: Willie Taylor – Tax Map #75D-3-33**

A continuous hearing initiated by Willie Taylor to request a Special Use Permit pursuant to Accomack County Code Section 106-78(5) which permits Docks and areas for the receipt, storage and shipment of waterborne commerce. The applicant wants to use his improved parcel for the occasional receipt and storage of waterborne commerce and equipment. This parcel is located at 20392 Canvasback Lane Onancock. It is Tax Map #75D-3-33 and zoned Residential.

- **SUSE-000455-2023: Carol Moran – Tax Map #111-A-25**

A hearing by Carol Moran to request a Special Use Permit pursuant to Accomack County Code Section 106-403(7) which permits Residential uses, including single-family dwellings, not as an accessory to an approved use. The applicant wishes to use one of the existing buildings on the parcel for a single-family dwelling. This parcel is located at 32308 Lankford Hwy, Painter. It is Tax Map #111-A-25 and zoned General Business.

- **VAR-000450-2022: Pandora Strand – Tax Map #92-A-60**

A hearing initiated by Pandora Strand to request a Variance pursuant to Accomack County Code Section 106-56 which states, Structures on all public rights-of-way shall be set back 50 feet or more from the edge of the rights-of-way. The applicant wishes to place a 26’x26’ modular home on this legal non-conforming parcel. The unimproved parcel is located on Gaskins Rd. It is Tax Map #92-A-60 and zoned Agriculture.

- **VAR-000453-2023: Robert Cutler – Tax Map #27-A-21A**

A hearing initiated by Robert Cutler to request a Variance of 224 square feet pursuant to Accomack County Code Section 106-178(n) which permits 160 square feet of total signage area. The applicant wishes to replace the non-conforming sign that was destroyed with an identical sign. This parcel is located at 6372 Lankford Hwy, New Church. It is Tax Map #27-A-20A1 and zoned General Business.

**11. OTHER MATTERS**

- Commissioner Gayle asked about a discussion from the previous meeting about the matter of Mr. Prettyman’s property; Ms. Maxie Brown stated that the case is going to the Board of Supervisors. Commissioner Gayle stated that it is obvious that a sale was being facilitated but it was brought to his attention that Mr. Prettyman owed roughly \$29,000 in

back taxes on that property. Chairwoman Wingfield stated that it would be paid when the property is sold.

- Commissioner Sparkman asked about the hiring decision for the Deputy County Administrator to replace Mr. Rich Morrison. Mr. Seltzer stated that it was announced that Mr. Lee Pambid has been hired and will start February 20, 2023.

## **12. NEXT MEETING**

The next Planning Commission Meeting is scheduled for Wednesday, February 8, 2023 at 7:00 p.m. in the Accomack County Board of Supervisors Chambers, Room 104

## **13. ADJOURNMENT**

*On a motion made by Commissioner Onley and seconded by Commissioner Roberts, the Planning Commission voted unanimously to adjourn the meeting.*

The meeting was adjourned at 8:20 p.m.

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Angela Wingfield, Chairwoman

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Shawnta McCain, Administrative Assistant of Building, Planning & Economic Development