



PLANNING COMMISSION

Regular Meeting

Town Hall

June 7, 2011

At 6:00 p.m. in the Town Hall, Vice Chairman Dennis McCoy, having established a quorum, called to order the Regular Meeting of the Planning Commission. In attendance were Commissioners Malcolm Hayward, Roger Munz, Joan Natali and Mike Strub. Chairman Bruce Brinkley and Commissioner Ben Lewis were not in attendance. Also present were Town Planner Tom Bonadeo and Town Clerk Libby Hume. There were no members of the public in attendance.

A moment of silence was observed followed by the Pledge of Allegiance.

REGULAR MEETING PUBLIC COMMENTS

There were no comments from the public nor any written comments submitted prior to the meeting.

CONSENT AGENDA

Tom Bonadeo explained that he had several items to add to the agenda under New Business as follows: i) New item 6B was a Zoning Ordinance text change for the definition of "Agriculture;" and ii) New item 6C was a review of information received from the State entitled "Aircraft Intermittent Use Operations Area Guidance Bulletin" regarding helicopter related questions and concerns.

Motion made by Joan Natali, seconded by Mike Strub to accept the agenda format as amended. The motion was approved by unanimous consent.

The Commissioners reviewed the minutes for the May 3, 2011 Regular Meeting.

Mike Strub noted typographical errors on the first page under Reports and the second page under New Business-Review of Home Business Conditional Use Permit. Dennis McCoy noted a typographical error on the third page, second paragraph.

Motion made by Roger Munz, seconded by Joan Natali, to approve the minutes from the May 3, 2011 Regular Meeting as amended. The motion was unanimously approved.

REPORTS

Tom Bonadeo reported the following: i) The Harbor Redevelopment Plan Floating Slips have been installed and put into service over the Memorial Day weekend. They have been a huge success. The water line had been installed and connected and was in the process of testing. Also, the broadband conduit had been installed as well; ii) The next project at the Harbor was the bath house and a Design-Build contract was planned. The Town Council was expected to authorize this at their next meeting. Joan Natali asked whether a laundry would be included in the bath house Tom Bonadeo explained that this portion of the project included bathroom and showers only and a laundry was planned for a future phase; iii) Land Studio would be providing the design work for the next phase of the Trail which would continue out north Peach Street and Washington Avenue. The majority of the project would be paid through grants but the Town was responsible for a 20% match. The FY 2011/2012 budget included matching funds for the design and construction plans only. The construction of this phase would be done in FY 2012/2013; iv) The Wastewater Treatment Plant construction was moving along but was approximately 75 days behind schedule. There were penalties for late completion as well as weather and equipment related delays to be negotiated; v) The new force main on Mason

Avenue was completed but a leak was found during the testing process. The next section would be Fig Street and the final piece was the gravity line on Mason Avenue near the beach and pump station; vi) The Historic District Review Board reviewed five applications, four significant remodels and one new building, at their May meeting; and vii) The beach was in good shape this year. The volleyball court was moved off the bathing beach into an area that would allow beach cleaning and sun bathers without interference. Mike Strub asked about a recent article in the Eastern Shore News regarding a Cape Charles citizen's concern regarding damage to the dunes caused by the relocation of the volleyball court. Tom Bonadeo stated that he believed her concerns were unfounded. The Town collected the sand to do this and the dunes were not disturbed. A volleyball court was on the beach last year as well as the bleachers and was used in past years as much as the other areas of the beach were used for sunbathing. Tom Bonadeo added that the individual may have all the facts now because he had not heard anything more about it since the May Council meeting.

Malcolm Hayward asked whether the water was getting better and added that he had some bad water recently. Tom Bonadeo stated that he had not heard any complaints regarding the water and added that the water at his house was exceptional. Malcolm Hayward stated that his water smelled like sulfur and the dishwasher was leaving a film on his dishes. Tom Bonadeo explained that the smell was more likely caused by the hot water heater and the dishes were a softening issue and suggested Malcolm contact Dave Fauber, Director of Public Utilities. Tom Bonadeo added that the Town would be connecting the two new wells later this year which should considerably improve the water quality.

Joan Natali informed Tom Bonadeo that the website provided on his Planning Commission Staff Report for the Northampton County Planning Commission agendas and minutes were out of date. The latest minutes available on the page were January and February 2011 and no agendas were available. Tom Bonadeo stated that he had received the June agenda via email and added that he would forward it to the Commissioners.

OLD BUSINESS

Sign Ordinance Review

Tom Bonadeo stated that the sign ordinance had been around for several years and in need of review. There were some administrative problems such as permits and permit numbers as well as zoning clearances. Tom Bonadeo distributed copies of the Sign Regulations (Section 4.1 of the Zoning Ordinance) and reviewed various areas. There was some discussion regarding the billboard along Route 184 coming into Town, banners, sandwich boards, lettering on buildings, etc. Joan Natali asked whether Watson's trailer was considered a sign. Tom Bonadeo stated that it could be considered a sign but the Town allowed trailers to be on the street and recommended addressing it as a vehicle regarding parking vs. as a sign. The Commissioners went on to review various photographs of signage both in compliance with the ordinance and not in compliance.

Tom Bonadeo asked the Commissioners for ideas regarding the State of Intent. After further review, a letter would be sent to the Town Council regarding sign issues. Malcolm Hayward suggested obtaining input from the business owners. Malcolm Hayward added that he would like to review Chincoteague's ordinance and added that he had heard that Chincoteague's had different regulations for the summer months.

Joan Natali stated that she had downloaded Portsmouth's ordinance and read several sections which sounded more positive and recommended using Portsmouth's ordinance as a prototype. Joan Natali stated that she would email the PDF file to everyone. Tom Bonadeo added that a Word version would be nice to convert into a letter to Council to adopt a proactive ordinance over the current version which had a negative tone.

Tom Bonadeo stated that once the ordinance had been modified, a brochure would be developed for the citizens to summarize what was permissible, etc. This was a busy time for signs throughout the Town. Unfortunately, most people did not realize that a permit was required and the majority of the signs throughout Town were illegal. Tom Bonadeo added that he had talked with Heather Arcos in the past regarding having a central location in Town for business owners and residents to place notices / signs for upcoming events in Town.

There was some discussion regarding miscellaneous signage such as “Beware of Dog,” or “Keep Off the Grass.” Tom Bonadeo read in the ordinance that permits were not required for these types of signs.

After further discussion, Tom Bonadeo stated that he would get input from Town Council regarding their interest in modifying this ordinance to make it more proactive.

NEW BUSINESS

Home Occupations – Streamline the Process

Tom Bonadeo stated that in recent months, several applications for simple home-based businesses were received. These applications were costly and time consuming with little value except to follow the rule. As agreed by the Commissioners at their last meeting, staff had developed a checklist for home-based businesses that would allow administrative approval of some applications in the form of a zoning clearance which was the same process required for fences, sheds and numerous other items in the ordinance. The checklist would be used only for those businesses and zones where allowed and the process would not change the list of specific businesses that were allowed as home-based businesses. At the end of the checklist was an Affidavit for Permit Authorization, which was currently used for building permits, for the applicant to affirm that the answers to the questions were correct. The Commissioners reviewed the draft questionnaire which was developed from the list of requirements listed in the zoning ordinance which were the same criteria used for the staff work on the recent Conditional Use Permit (CUP) applications.

Joan Natali suggested the following: i) That an area be added on the checklist for the applicant to write in the type of home occupation being requested; and ii) #8 of the checklist should not be numbered since it was not a requirement but the line for the Zoning Administrator to mark his approval.

There was some discussion regarding what would happen if, after approval, the applicant broke the rules or if complaints were received from neighbors, etc. Joan Natali stated that complaints may be subjective and suggested that complaints be addressed with the applicant. Tom Bonadeo stated that the process would be the same as for CUPs. If complaints start coming in or the applicant did not abide by the requirements, the zoning clearance could be revoked. Tom Bonadeo reminded the Commissioners that a CUP went with the property once activated so in actuality, this process was better because zoning clearances could be revoked.

Discussion continued regarding various types of businesses and which types would be approved by this process and which types would require the CUP process.

Tom Bonadeo stated that he would revise the ordinance for review at the next meeting and if the Commissioners were in agreement, a public hearing could be scheduled for August.

Text Change – Definitions – Agriculture

Tom Bonadeo explained that after a recent zoning inquiry, it was discovered that the definition for “Agriculture” in the Zoning Ordinance needed clarification. Tom Bonadeo further explained that in the R-E zone, non-commercial agriculture was a permitted use and the intent of the zones stated that it was a rural-like setting. In the R-1 and other R zones, “Agriculture” was not a

permitted use and it could be concluded that gardening and horticulture were not allowed. The Commissioners reviewed the current definition and agreed that “horticulture” and “gardening” should be removed.

There was some discussion regarding chickens, geese and pigs as pets, but it was agreed that they were still to be considered as fowl and livestock, which was consistent with the Code of Virginia.

Motion made by Joan Natali, seconded by Roger Munz, to approve the text change removing the words “gardening” and “horticulture” from the definition of “Agriculture” in the Zoning Ordinance. The motion was approved by unanimous consent.

Review of Helicopter Ordinance from State

Tom Bonadeo distributed the *Aircraft Intermittent Use Operations Area Guidance Bulletin* which was drafted by the Virginia Department of Aviation in response to questions and concerns from localities and citizens of the Commonwealth. Tom Bonadeo asked the Commissioners to review the document for consideration and discussion at the July meeting. In the past, Mr. Richard Foster had a helicopter which he landed on the Bay Creek property and Mr. Steelman, who owns property going into Cheriton, installed a helicopter landing pad and planned to start crop dusting by helicopter and possibly offering rides at some point in the future.

OTHER BUSINESS

Tom Bonadeo distributed a draft Cape Charles National Historic District Incentives brochure and explained that the Town planned to develop brochures on a variety of topics.

Roger Munz commented on the past weekend’s activities surrounding the Kalmar Nyckel visit at the Harbor stating that many visitors came to the Harbor to see the ship but there was not a very good turnout at the Park for the Elizabethan Festival and it probably would have been better if it could have been held at the Harbor vs. the Park. Roger Munz asked whether there was any place at the Harbor to hold future events of this type. Tom Bonadeo responded that the Town was looking at repurposing an area at the Harbor for events.

Roger Munz added that a portion of the bulkhead in the older portion of the docks at the Harbor was in disrepair and falling in. Tom Bonadeo stated that there were plans in place to redo most of this area.

ANNOUNCEMENTS

There were no announcements.

Motion made by Joan Natali, seconded by Roger Munz, to adjourn the Regular Meeting of the Planning Commission. The motion was approved by unanimous consent.

Vice Chairman Dennis McCoy

Town Clerk