



PLANNING COMMISSION

Regular Meeting

Town Hall

March 1, 2011

At 6:05 p.m. in the Town Hall, Chairman Bruce Brinkley, having established a quorum, called to order the Regular Meeting of the Planning Commission. In attendance were Commissioners Dennis McCoy, Roger Munz, Joan Natali and Mike Strub. Commissioners Malcolm Hayward and Ben Lewis were not in attendance. Also present were Town Planner Tom Bonadeo and Town Clerk Libby Hume as well as one (1) member of the public.

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

PUBLIC COMMENTS

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

CONSENT AGENDA

Motion made by Joan Natali, seconded by Roger Munz and unanimously approved to accept the agenda format as presented.

The Commissioners reviewed the minutes for the February 1, 2011 Joint Public Hearing with the Town Council and the February 1, 2011 Regular Meeting.

Regarding the minutes from the February 1, 2011 Joint Public Hearing, Bruce Brinkley suggested that, in the second paragraph, it should read "Councilman Bruce Evans *officiated* the meeting..."

Regarding the minutes from the February 1, 2011 Regular Meeting, Mike Strub noted a typographical error on the first page under Reports, Item iii, where "land" should show "lane." Joan Natali noted that the language on the second page, under Wind Energy Ordinance, the first paragraph did not flow correctly. After some discussion, it was agreed that the language would be revised as follows: "If the Town did not have an ordinance in place, someone could state that their wind energy project met the Town's requirements and because we would not have any, could go directly to the DEQ for a permit..."

Motion made by Mike Strub, seconded by Roger Munz, to approve the minutes from the February 1, 2011 Joint Public Hearing with the Town Council and the February 1, 2011 Regular Meeting as amended. The motion was unanimously approved.

REPORTS

Tom Bonadeo reported the following: i) A Joint Permit Application had been received from Gamesa, a wind turbine company, to study two locations in the Chesapeake Bay just off Cape Charles. This study was in preparation to locate one wind turbine in the Bay for research and development of an offshore turbine to be on the market over the next few years. Tom Bonadeo distributed several maps and diagrams from Gamesa and pointed out the proposed locations of the wind turbine. Tom Bonadeo explained that the secondary location by Hungar's Creek may be removed since a portion of it was in the shipping lane. Roger Munz asked why the primary location was chosen since it had a depth of over 100' and a site of approximately 20' depth was a short distance away which would be less costly. Tom Bonadeo stated that the intent was to have over 100' minimum to mimic the depths of the offshore site. Due to Bayshore Concrete, this is also one of the only spots where electric power comes in so close to the shore. Tom Bonadeo

added that the bird studies would take approximately one year to gather the necessary information and if all goes well, the offshore turbine should be started in summer 2012 and the land-based turbine should be started in fall 2012. Mike Strub asked whether the turbine would impede the entrance into the Harbor to which Tom Bonadeo replied that the turbine would not pose a problem since large boats have to follow the channel into the Harbor; ii) VDOT was preparing a plan called VTrans 2035, Virginia's Long Range Multimodal Transportation Plan. Tom Bonadeo stated that the plan could be reviewed online and added that it was interesting reading and included information about the Eastern Shore, Route 13 and the railroad. Tom Bonadeo added that VDOT and its consultant believed that rail service would become more important as fuel prices rise; and iii) The Harbor Redevelopment Plan-Floating Slips were being installed and progress on the main dock was almost 90% complete and about 30% of the finger docks had been installed. Roger Munz asked whether anything was being done about the swells coming into the Harbor. Tom Bonadeo responded that the breakwaters reduced the swells/waves and concrete wave attenuators would be installed in the Harbor to further help with the swells/waves.

OLD BUSINESS

Corridor Overlay – Routes 184 & 642

Tom Bonadeo stated that the Commissioners would be reviewing the Corridor Overlay to include the two areas along Routes 184 and 642 as well as the area along Route 13 as discussed in the Annexation Agreement with the objective of working with the County Planning Commission and Board of Supervisors to incorporate features in our respective Comprehensive Plans and Zoning Ordinances regarding this area of joint concern. The area along Route 13 was also of concern to Cheriton and we plan to continue working with Cheriton in their boundary adjustment process. The Boundary Adjustment Sub-Committee met and the Cape Charles representatives informed the Cheriton representatives of Council's decision not to pursue a boundary adjustment at this time but expressed our support regarding their boundary adjustment request.

The Commissioners reviewed the information compiled by Tom Bonadeo regarding the area of study for the Corridor Overlay. Joan Natali stated that she would like to add that all new development be required to install underground utilities and added that there were some items discussed at the February meeting that were not included in this list. Tom Bonadeo would update the list adding the noted items and forward the information to the County.

Roger Munz asked about the billboards coming into Town along Route 184. Tom Bonadeo stated that the billboards were leased prior to the current ordinances and were grandfathered. Tom Bonadeo added that he thought the leases were auto-renewing but would check on it.

There was some discussion regarding Item 2d of the list which stated that the Town Edge created expectations for town services such as water, wastewater and transportation connectivity to the downtown area of Town. Joan Natali stated that in the past, the County had stated verbally that the Town Edge was the area for the towns to grow into. Did this mean that once this area was developed, the Town would take over the area or just supply services? The Commissioners were in agreement that if the Town were to supply services to the Town Edge, it should be compensated. If the area was not included as part of the Town, we would not be able to collect taxes. Roger Munz added that the Town could possibly charge a different rate for services. There was some further discussion and Tom Bonadeo stated that the objective was to get the ordinances for the Town and County in line regarding these issues.

NEW BUSINESS

Conditional Use Permit Application – 548 Madison Avenue – Home Occupation

Tom Bonadeo informed the Commissioners that an application had been received to operate a home business producing baked goods in the R-1 zone at 548 Madison Avenue. The R-1 zone allowed home occupations by conditional use permit. It was noted that this house was next door

to the Protos who were recently approved to operate a chocolate confectionary business. Similar to the Protos, this applicant would not be selling their goods from their house. The baked goods would be delivered to bakery subscribers and no large trailers would be delivering supplies so traffic would not be disrupted or increased. The character of the existing zoning district would not change as no evidence of a home based bakery would be apparent.

The Commissioners reviewed the criteria outlined in Article 4 of the Zoning Ordinance for operating a home business and it was determined that the application met all nine criteria.

Motion made by Roger Munz, seconded by Dennis McCoy and unanimously approved to schedule a public hearing preceding the April meeting to hear comments regarding this conditional use permit application.

ANNOUNCEMENTS

Bruce Brinkley stated that he was attending the Planning Commissioner Certification class next week. Mike Strub added that he was also attending. Tom Bonadeo informed them to keep their receipts and record mileage for reimbursement. Libby Hume stated that she would email them the travel expense form template.

Dennis McCoy stated that he attended his first Harbor Area Review Board meeting which was very interesting.

There were no other announcements.

Motion made by Joan Natali, seconded by Roger Munz and unanimously approved to adjourn the Regular Meeting of the Planning Commission.

Chairman Bruce Brinkley

Town Clerk