



# PLANNING COMMISSION

## Regular Meeting

### Town Hall

### June 9, 2014

At 6:00 p.m. in the Town Hall, Chairman Dennis McCoy, having established a quorum, called to order the Regular Meeting of the Planning Commission. In addition to Chairman McCoy, present were Commissioners Dan Burke, Sandra Salopek, Bill Stramm and Mike Strub. Commissioner Andy Buchholz arrived at 6:02 p.m. and Commissioner Joan Natali arrived at 6:23 p.m. Also present was Town Clerk Libby Hume. Town Planner Rob Testerman was not in attendance due to illness. There were no members of the public in attendance.

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

#### **PUBLIC COMMENTS**

There were no comments from the public.

Town Clerk Libby Hume read several comments which were submitted in writing prior to the meeting.

*Minda Vargas, potential future resident*

"I am looking to move to Cape Charles on my retirement. I intend to keep 4, up to 6, hens not only to help keep me occupied but also to provide organic, nourishing sustenance. There will be no roosters so any shrill crowing in the wee hours is not likely. There are now plenty of chicken coops on sale so my chickens will not be running rampant all over. Please allow your residents to keep chickens in their yard. It's a trend that's likely to stay since plenty of young couples are into it now."

*Libby Gray, 522 Tazewell Avenue*

"I'd like to support an ordinance permitting a small number (2-3) of backyard HENS, properly cooped and cleaned. There's no justification for denying residents of our rural town a prerogative they could enjoy in almost any city. It's educational for children, promotes hormone-free protein, and humane stock handling. There is not downside as long as the town provides a mean of redress/correction if residents do not abide by rules of coop cleanliness and manure disposal."

*Hazel Vargas, potential future resident*

"I'm for allowing chicken coops in the backyard, with limitations, of course. If I decide to buy a home in town, I would like to keep maybe 3 egg-laying chickens in my backyard for personal use. I heard that the town is considering an ordinance to allow this. How is that coming along? It's a shame not to allow this here, a rural town. Even NYC allows it."

#### **CONSENT AGENDA**

Dennis McCoy stated that he would like to add an item under New Business to discuss the June 30 Comprehensive Plan Meeting and July 1 Regular Meeting dates.

**Motion made by Mike Strub, seconded by Bill Stramm, to accept the agenda format as amended. The motion was unanimously approved.**

The Commissioners reviewed the minutes for the April 28, 2014 Comprehensive Plan Work Session, the May 5, 2014 Regular Meeting, and the June 2, 2014 Comprehensive Plan Work Session.

**Motion made by Bill Stramm, seconded by Sandra Salopek, to approve the minutes from the April 28, 2014 Comprehensive Plan Work Session, the May 5, 2014 Regular Meeting, and the June 2, 2014 Comprehensive Plan Work Session as presented. The motion was unanimously approved.**

## **REPORTS**

The Commissioners reviewed Rob Testerman's report. Mike Strub asked about the U.S. Army Corps of Engineers' (USACE) harbor dredging project. Libby Hume stated that, at their May 22<sup>nd</sup> meeting, the Town Council reviewed the current schedule from the USACE. Although the project was anticipated to be completed by April 2015, there was concern that any additional project delays could possibly push the construction time into Cape Charles' peak tourist season. The USACE requested a letter from the Town, for inclusion in their permitting process, confirming an amenable plan in case of a delay. The Council approved submitting a letter requesting that the Town beach site be completed first, and that in the event of delays, half of the beach would remain open at any given time. If purchased, the estimated cost of the sand was about \$1M based on 78K cubic yards.

## **OLD BUSINESS**

### **A. *Backyard Chickens – Discuss survey results***

The Commissioners reviewed the survey results and comments. There was much discussion regarding the code enforcement issues, the requirement for a permit and inspections, the variety of lot sizes in the Town, required setbacks, and the philosophy of people not asking whether certain things were permissible within the town limits.

Mike Strub stated that annual permits and inspections were necessary. Property owners would be required to provide a sketch of the coop and site plan as part of the permit process. It was suggested that written permission from the adjacent property owners be required as part of the permit process. Joan Natali added that there should also be complaint-driven inspections. There was also some discussion regarding reasonable fees and the Commissioners agreed that a fee in the \$15 range would be reasonable.

There was also some discussion regarding dogs chasing chickens. Libby Hume noted that a bill was currently being reviewed in the state legislature regarding law enforcement officers and individuals being permitted to shoot dogs that were witnessed attacking chickens and added that she would follow the legislation to see if it was passed.

Dennis McCoy suggested a 1-year trial with re-evaluation upon completion of the first year. Libby Hume stated that the City of Chesapeake did a 1-year trial, evaluated the number of complaints, etc., and recently approved continuation of allowing backyard chickens. Dan Burke stated that once it was allowed, it would be difficult to stop.

**Motion made by Dan Burke, seconded by Bill Stramm, to address adjacent property owners, side and back setbacks, permit fees, annual inspections and complaint-driven inspections in the ordinance language. The motion was unanimously approved.**

**Motion made by Joan Natali, seconded by Bill Stramm, to schedule a public hearing immediately preceding the July Planning Commission meeting to hear comments regarding the draft chicken ordinance as modified. The motion was unanimously approved.**

## **NEW BUSINESS**

### **A. *Flood Plain Ordinance***

The Town was required to update its Flood Plain Ordinance within six months of adoption of the new Flood Insurance Rate Maps (FIRM). Mr. Charley Banks from the Department of

Conservation and Recreation (DCR) provided the Town with a model flood plain ordinance which included the National Flood Insurance Program (NFIP) minimum requirements. As a Community Rating System (CRS) community, the Town was eligible for credit under the CRS program for enacting more restrictive floodplain management programs. The CRS program provided insurance premium discounts to policyholders in the community. The higher standards under the CRS program were also provided by the DCR. The Commissioners briefly reviewed the model flood plain ordinance and higher standards along with the preliminary FIRM for the Town. After some discussion, the Commission agreed to postpone further discussion and review of the ordinance until the July meeting when Rob Testerman would be in attendance to help answer their questions.

B. *Chairman Unavailable for June 30 and July 1 Planning Commission Meetings*

Dennis McCoy stated that he would not be available for the June 30 Comprehensive Plan meeting with Elaine Meil of the A-NPDC and the July 1 Regular Meeting.

After some discussion, it was agreed that Mike Strub would chair the June 30<sup>th</sup> Comprehensive Plan meeting and the July Regular Meeting was rescheduled for Tuesday, July 8.

**ANNOUNCEMENTS**

- There were no announcements.

**Motion made by Joan Natali, seconded by Andy Buchholz, to adjourn the Planning Commission meeting. The motion was unanimously approved.**

---

Chairman Dennis McCoy

---

Town Clerk