

## **ACCOMACK COUNTY PLANNING COMMISSION MINUTES OF JANUARY 13, 2016**

At a meeting of the Accomack County Planning Commission held on the 13<sup>th</sup> day of January 2016, in the Accomack County Administration Building Board Chambers, Room #104, in Accomac, Virginia.

### **1. CALL TO ORDER**

#### **A. MEMBERS PRESENT AND ABSENT**

##### **Planning Commission Members Present:**

Mr. David Lumgair, Jr., Chairman  
Mr. Spyridon Papadopoulos, Vice-Chairman  
Mr. Brantley Onley  
Mr. Lynn Gayle  
Mr. Stephen Corazza  
Mrs. Angela Wingfield  
Mr. Roy Custis  
Mr. Leander Roberts, Jr.

##### **Planning Commission Members Absent:**

Mr. C. Robert Hickman

##### **Others Present:**

Mr. Rich Morrison, Director of Planning and Community Development  
Ms. Kristen Tremblay, Assistant Planner  
Ms. Jessica Taylor, Temporary Administrative Assistant  
Mr. Stewart Hall, Public Works Director  
Mr. Michael Mason, Finance Director  
David O. Matson, MD PhD  
Director, Eastern Shore Health District – Virginia Department of Health

#### **B. DETERMINATION OF A QUORUM**

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

### **2. ADOPTION OF AGENDA**

On a motion made by Mr. Papadopoulos and seconded by Mr. Corazza, the Planning Commission voted to adopt the agenda.

### **3. ELECTION OF 2016 PLANNING COMMISSION OFFICERS**

Mr. Morrison, Director of Planning and Community Development, opened the floor for nominations for Chairman:

Mr. Gayle moved, seconded by Mr. Roberts to nominate Mr. David Lumgair, Jr. as Chairman for 2016.

No other nominations were made. Mr. Morrison closed the floor for nominations for Chairman.

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**Mr. Morrison called for a vote and the Planning Commission voted unanimously to elect Mr. David Lumgair, Jr as Chairman for 2016.**

Chairman Lumgair opened the floor for nominations for Vice-Chairman:

Mr. Roberts moved, seconded by Mr. Corazza to nominate Mr. Spyridon Papadopoulos as Vice-Chairman for 2016.

No other nominations were made so Chairman Lumgair closed the floor for nominations.

**Chairman Lumgair called for a vote in favor of electing Mr. Papadopoulos as Vice-Chairman; the Planning Commission voted unanimously to elect Mr. Spiro Papadopoulos as Vice-Chairman for 2016.**

#### **4. PUBLIC COMMENT PERIOD (not a public hearing)**

Chairman Lumgair opened the floor for the public comment period and read the public comment period guidelines.

- **Carlene Zach**

Mrs. Carlene Zach of Pungoteague spoke to the Planning Commission regarding her concerns related to chicken houses. Mrs. Zach has received thirty five (35) signatures on a petition against chicken houses due to environmental concerns; the petition has been forwarded to Mr. Miner, the zoning department, and State Delegate Lewis.

Chairman Lumgair asked if there were any other citizens in attendance that would like to speak. No one opted to speak and Chairman Lumgair closed the public comment period.

#### **5. MINUTES**

##### **A. December 9, 2015**

1. Page 4, Mr. Papadopoulos stated that the final sentence on the page is unclear; Chairman Lumgair agreed and requested that the sentence be modified.
2. Page 10, Mr. Papadopoulos brought attention to the word ‘nuisances’ used in the sentence “Mr. Lumgair requested that staff research to find out what other counties do with such nuisances.” and Chairman Lumgair agreed that he did not say that or the word ‘nuisances’. Chairman Lumgair and Mr. Papadopoulos discussed if the word used was ‘nuisances or ‘instances’. Chairman Lumgair stated that he thinks the word used was ‘incidents’. Mr. Papadopoulos requested the correction.
3. Page 11, Mr. Papadopoulos requested that under the agenda item *Next Meeting* both dates be changed to reflect 2016 not 2015.

**On a motion made by Mr. Gayle and seconded by Mr. Corazza, the Planning Commission voted to approve the minutes of the December 9, 2015 regular meeting with amendments.**

*Mr. Custis opted to abstain as he was absent from the December 9, 2015 meeting.*

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Mr. Morrison recommended that the Planning Commission hear from Mr. Mike Mason, Finance Director prior to *Old Business* as the Poultry Related Concerns topic may be lengthy. Chairman Lumgair agreed.

### 6. 7:30 P.M. PUBLIC HEARING

#### A. **Capital Improvement Plan (CIP): FY 2017 – FY 2021**

Prior to the public hearing, the following were discussion points between Planning Commission members, Mr. Mason, and Mr. Hall:

Mr. Mason informed the Planning Commission that Mr. Stewart Hall, Public Works Director was in attendance should anyone have questions for him.

- Chairman Lumgair requested to keep the Derelict Building funds in the Capital Improvement Plan. Mr. Mason stated that he will add the Derelict Building funds back into the CIP and add to the list of changes provided to the Planning Commission in his memo.
- Mr. Papadopoulos asked Mr. Mason how priority is assigned to projects. Mr. Mason informed the Planning Commission that the Board of Supervisors sets the priority of projects using their own criteria. All projects will be listed in the Board of Supervisors upcoming Budget session; they will then assign priorities and funding.
- Mr. Custis asked Mr. Mason why the handicap ramp was deleted from the CIP. Mr. Hall stated that the project was funded; Mr. Mason agreed that the project had been funded last year, so it is not needed in the fiscal year 2017 budget.
- Discussion ensued between Mr. Papadopoulos and Mr. Mason about the Chincoteague Road Project. Mr. Mason stated that he can add a description to the project before it goes to the Board of Supervisors. Ms. Tremblay will draft a description for the Chincoteague Road.

Chairman Lumgair closed the conversation until the public hearing at 7:30 p.m.

- Mr. Papadopoulos inquired as to why there has been such a drastic drop in the budget in the last five (5) years. Mr. Mason explained that many of the projects have been on the budget for an extended period of time and have not been appropriated, so they have been carried forward; when projects are not given funding they are carried forward.
- Mr. Roberts and Mr. Hall discussed the Spider (a machine used to clean ditches) that belongs to Public Works. Mr. Hall explained that the employee trained on the machine received a promotion and they now have a new employee in training.
- Mr. Mason reviewed the North Landfill Cell Three (3) project and explained that funding for this project will cross over fiscal years and that is why the project is broken up.

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Mr. Morrison suggested that the Planning Commission move onto asking him any questions they may have on the *Queen Hive Rezoning by Emmett G. Taylor, Jr.* or he can provide an update on what happened at the previous Board meeting. Chairman Lumgair opted to allow time for the Planning Commission to ask questions or discuss the *Queen Hive Rezoning by Emmett G. Taylor, Jr.*

### **Chairman Lumgair opened the public hearing on the CIP: FY 2017 – FY 2021 at 7:30 p.m.**

No one signed up to speak on this matter. Chairman Lumgair invited anyone to speak that may not have signed up.

### **Chairman Lumgair closed the public hearing on Capital Improvement Plan (CIP) : FY 2017 – FY 2021.**

**On a motion made by Mr. Roberts and seconded by Mr. Papadopoulos, the Planning Commission voted to send the Capital Improvement Plan (CIP): FY 2017 – FY 2021 to the Board of Supervisors with Planning Commission’s former comments. All in favor.**

#### **B. Queen Hive Rezoning by Emmett G. Taylor, Jr.**

Prior to the public hearing Chairman Lumgair explained to the audience that this item is a reverse of the previous rezoning of property back to agricultural from a subdivided piece of property.

Ms. Tremblay gave a presentation reviewing the history of properties (tax map numbers 42-2-A & 42-2-A1) requesting to be rezoned from Residential (Res) to Agricultural (AG). She also explained that the future land use designation for these parcels is Agricultural.

Ms. Tremblay informed the Planning Commission that Mr. Taylor and staff have discussed the possibility that he may pursue a borrow pit if the property is rezoned.

Staff recommends that the Planning Commission hold the required public hearing. Following the hearing, and if the Planning Commission’s review is complete, consider approval of the requested rezoning.

### **Chairman Lumgair opened the public hearing on the Queen Hive Rezoning by Emmett G. Taylor, Jr.**

No one signed up to speak on this matter. Chairman Lumgair invited anyone to speak that may not have signed up.

Ms. Carlene Zach stood and spoke to express concern that as with the chicken houses this is going to seep into the bay. She states that while we are fighting for fresh water aquifers, this borrow pit will be dug. This is again salt water intrusion as holes will be dug into the land for the use of moving the land somewhere else.

Chairman Lumgair responded that this issue will be taken up with the Board of Zoning Appeals (BZA), if the application comes in; this is all speculation at this time.

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**Chairman Lumgair closed the public hearing on the Queen Hive Rezoning by Emmett G. Taylor, Jr.**

**On a motion made by Mr. Roberts and seconded by Mr. Onley, the Planning Commission recommends approval of the requested rezoning to the Board of Supervisors as depicted in the boundary survey entitled “Remainder of Parcel ‘A’ Queen Hive” developed by Shoreline Surveyors (which consists of sheet 1 dated October 20, 2015) for tax map numbers 42-2-A and 42-2-A1 from conditionally rezoned R (Residential) to AG (Agricultural).**

**The Planning Commission offers the following findings of fact and rationale to support its decision:**

- 1. The proposed rezoning is in accord with the Agricultural Future Land Use Plan designation.**
- 2. The applicant no longer intends to develop the parcels as a residential subdivision, and does not wish to retain the residential zoning (conditional) classification.**

### **7. OTHER MATTERS**

#### **A. Board of Supervisors meeting: Wednesday, January 13, 2016**

Mr. Morrison took the time to explain that staff had provided the Planning Commission with the same memo that was provided to the Board of Supervisors at their meeting earlier in the evening.

Discussion ensued regarding the memo to the Board of Supervisors.

*This document may be viewed at the Department of Planning and Community Development or online at: <http://www.boarddocs.com/va/coa/Board.nsf/Public>  
January 13, 2016 – Board of Supervisors Poultry Work Session Meeting 5:00 P.M.*

### **8. OLD BUSINESS**

#### **A. Poultry Related Concerns**

Mr. Morrison introduced David O. Matson, MD PhD, Health Department. Mr. Morrison informed the Planning Commission and audience that Dr. Matson was attending to discuss poultry related issues and health issues related to.

Dr. Matson informed the Planning Commission that he would be responding to questions submitted to him via email from staff:

1. Do you have any data, or opinions regarding the occupational concern (or otherwise) for people living and working in proximity to poultry operations that you would be willing to share? Additionally, is there any way to determine if one cohort of people is more at risk than any other? (Perhaps provide to the Planning Commission a brief explanation of the intake process and the lack of questions specifically related to the poultry industry?) Do studies confirming or denying this question even exist?

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2. Would you be willing to elaborate further on your earlier statement that there is no concern about the transmission of the current strain of avian influenza? (and that this does not preclude future strains from potentially presenting a problem?)
3. Similarly, are there any studies that suggest that if there are poultry operations in proximity to people that there is a higher chance of health issues? (i.e. Is there any actual statistical or epidemiological evidence that suggests that particulates or pathogens near poultry operations actually causes problems? Occupational or otherwise?)
4. During your research, have you encountered any information that suggests or confirms that there is any kind of linkage between a larger setback (distance from existing buildings or property lines) and particulates/pathogens? Do you have any opinions to share? Additionally, have you found any evidence beyond anecdotal that there may be a direct relationship between vegetative buffers and public health?
5. Are there any other items of importance that you feel the Planning Commission should be made aware of?

Dr. Matson explained the difference between relative and attributable risk and how it relates to public health concerns

Dr. Matson stated that two (2) representatives of DEQ are coming to the Shore on January 20 in the evening; one is a regional person and one is a central office person. Dr. Matson has spoken with the central office person and is content that he is familiar with the issue and that the Planning Commission may invite him to come.

Dr. Matson reviewed letters that he had located online from previous Planning Commission meeting minutes and provided his input on them. He also noted that his standard for data that he looked for was peer reviewed scientific publications; these meet the standard review by peers and the quality, relevance, and inherent compatibility.

Dr. Matson stated that he planned to keep his own opinion out of what he chose to say.

Dr. Matson did provide his insight in reference to the initial index letter from Johns Hopkins in September 2015. Dr. Matson expressed that Dr. Charles Lawrence shares a Noble Prize for his work relative to Land Mine issues; he does have stature. Also, the letter from another person of stature, former Deputy Secretary of Agriculture, who wrote a letter stating there are human risks associated with the poultry industry, farms and confined feeding industries.

Dr. Matson stated that for this issue, the Health Department is not the first agency; Virginia Department of Agriculture and Consumer Services (VDACS) and Virginia Department of Environmental Quality (DEQ) are the two (2) State agencies that have precedence and authority when there is not a known human disease occurrence from an animal interaction.

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Dr. Matson stated that as he noted in his email response, the Health District's observation of the process undertaken by the Planning Commission has been that it has been stepwise and exhibiting due diligence.

Dr. Matson noted, for the public record, that he does recommend everyone receive their Influenza Vaccine and to be vaccinated against Whooping Cough (Pertussis).

Chairman Lumgair allowed the public to have a question and answer period with Dr. Matson.

Mrs. Carlene Zach asked Dr. Matson how much of the feces (litter – as corrected by Dr. Matson) left behind in the chicken houses could affect the water table based on the ratio of land per number of chicken houses. The debris is filtered through layers of land. Have studies been done on the high risk of these large amounts of chicken houses per small area of land to our water table and is there already a risk to our water table?

Dr. Matson replied that there are risks, but he is not an expert on the topic, Virginia Department of Environmental Quality (DEQ) would know best and two (2) experts from DEQ would be in the area at the Community College on January 20, 2016.

Dr. Matson believes that the Planning Commission's proposed changes are prudent, achievable, feasible, and acceptable. Dr. Matson applauded the Planning Commission on the stepwise manner in which they came to the conclusions.

Dr. Matson walked the Planning Commission through charts that he prepared on setbacks and vegetative buffers. During this time, he confirmed that there is a reduction in asthmatic triggers (i.e. mold, animal dander and dust) over distance (setbacks). The effects of this reduction have diminishing returns after 600 feet, the further one moves from the source. The addition of a vegetative buffer contributes further to a reduction in asthmatic triggers by an additional 50%.

During this time Dr. Matson stated that the hope is that with setbacks and vegetative barriers that the chances of smelling it, being exposed to these things would be reduced. The modeling as well as the literature says this will be true.

Mr. Papadopoulos asked Dr. Matson if he had any other suggestions.

Dr. Matson suggested that the County should have a close, collaborative and cooperative relationship with those agencies that have authority over monitoring. The County should also have the closest relationship possible with the producers, those that regulate producers and the first responders.

Finally, Dr. Matson suggested that the Accomack County permitting process should require that

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there be an Accomack County authorized agent to grant access to the site for responders, in the case of an emergency situation.

Chairman Lumgair informed the public that phone numbers for emergency and non-emergency poultry related issues have been added to the County website under the Planning Department. Also, information from previous meetings related to poultry related issues handled previously may be found on the County website.

Discussion ensued between Dr. Matson and Planning Commission members at this time.

Mr. Onley stated that he recalls Sussex County, Delaware once having the highest concentration of poultry houses; was a study ever done on health problems in an area with that level of concentration?

Dr. Matson requested that staff email him the question so that he is able to look into this matter and respond back to the Planning Commission.

*Materials provided by Dr. Matson may be viewed at the Department of Planning and Community Development or online at: <http://www.boarddocs.com/va/coa/Board.nsf/Public> January 13, 2016 – Planning Commission Regular Meeting.*

Chairman Lumgair noted that it was 9:00 p.m. and discussed with Mr. Morrison that a work session would be a good idea. It was agreed upon to hold a work session so that staff may get further direction from the Planning Commission on recommendations and a final report to the Board.

Mr. Papadopoulos requested that staff draft a report prior to the work session. Discussion ensued and staff agreed to put together a draft of action items.

Mr. Morrison informed the Planning Commission that the Board of Supervisors, at their earlier meeting, moved the Planning Commission's recommended poultry ordinance to public hearing. The public hearing will be held on Wednesday, February 3, 2016 at Metompkin Elementary School at 6:00 p.m.

### **9. NEXT MEETING**

The next Planning Commission work session is scheduled for Tuesday, January 26, 2016 at 7:00 p.m. in the School Board Conference Room, Room 201, in Accomac.

The next regular Planning Commission meeting is scheduled for Wednesday, February 10, 2016 at 7:00 p.m. in the Accomack County Board Chambers, Room 104, in Accomac.

### **10. ADJOURNMENT**



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**On a motion made by Mr. Onley and seconded by Mr. Papadopoulos, the Planning Commission voted to adjourn the meeting and continue the Agenda at the next scheduled work session on Tuesday, January 26, 2016.**

The meeting was adjourned at 9:14 p.m.

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David Lumgair, Jr., Chairman

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Jessica Taylor, Temporary Administrative Assistant