

A regular meeting of the Westmoreland County Planning Commission was held on December 3, 2018, in the George D. English, Sr. Memorial Building, Montross, VA. Those members present were John Felt, Lewis Thompson, Elwood Carey, and James Coates. Beth McDowell, Zoning Administrator and Darrin Lee were also present.

CALL TO ORDER

Chairman Felt called the meeting to order at 1:33 p.m. The roll was called and a quorum was declared.

PRIOR MINUTES

Chairman Felt asked if everyone had received a copy of the September and October 2018 minutes. He then asked if there were any additions or corrections. Mr. Thompson moved that the minutes be approved as submitted. Mr. Coates seconded the motion; it carried with a unanimous vote.

COMMISSIONS' CONCERNS

The Planning Commission again noted that there were road issues on Longfield Road, state route 631, with potholes. Pomona/628 to Maple Grove, between Pomona and 205 south of Colonial Beach and Stoney Knoll, also state route 628, between 205 and Monroe Bay Circle-658 was re-surfaced but is now very rough.

CASE# 1812-SE-07 ~ REQUEST BY JAMES R & MARY FOGG, 6 MISSION DRIVE, NEWNAN, GA 30263 AND WALTER MCLEOD/VSF SOLAR 2 LLC, P.O. BOX 1622, BOWLING GREEN, VA 22427-FOR CONSIDERATION OF A COMMISSION PERMIT AND A SPECIAL EXCEPTION APPLICATION IN ACCORDANCE WITH THE ZONING CODE REQUIREMENT FOUND IN ARTICLE 10, SECTION 3, SUBSECTION 12, FOR THE DEVELOPMENT OF A SOLAR FARM. THE PROPERTY IS DESCRIBED AS NEW MONROVIA ROAD, TAX MAP 3, LOT 12 AND TAX MAP 6, LOTS 4 & 5, WASHINGTON MAGISTERIAL DISTRICT. (IF APPROVED THE APPLICANT ALSO REQUESTS A ONE-YEAR SUBSEQUENT EXTENSION OF THE ABOVE SPECIAL EXCEPTION.)

After closing public comment and on a motion by Mr. Coates, seconded by Mr. Carey and carried unanimously, the Planning Commission moved to recommend approval of Case# 1812-SE-07 to the Board of Supervisors with the following conditions:

1. The Special Exception is approved in general accordance with the Conceptual Development Plan, designed by Beam Renewable Energy LLC and dated October 24, 2018.
2. In accordance with Article 6-7.3(5), existing vegetation along New Monrovia Road may be preserved as part of the landscape area along the right-of-way. If the preserved vegetation is removed at any time during the operation of this facility, a landscape area in accordance with Article 6 shall be planted.
3. In accordance with Article 6-7.5, existing vegetation along the property lines may be preserved as part of the transitional screening area between conflicting uses. If the

preserved vegetation on land abutting a residential lot is removed at any time during the operation of this facility, a landscape area in accordance with Article 6 shall be planted. Existing vegetation shall also be maintained within 100-feet of a stream and/or delineated wetlands; removal of any vegetation within those limits shall only occur with the approval of the County LUA staff and with proper replanting in accordance with Chesapeake Bay Preservation Act standards.

4. Fencing of at least seven (7) feet in height topped with an additional foot of angled barbed wire shall be installed and maintained along the outside of the facility area.
5. Within one (1) year from the date that the facility ceases electricity generation for a continuous twelve-month period, all infrastructure and appurtenances directly related to this use shall be decommissioned and removed. A plan for decommissioning shall include recycling to the extent practical of all above-ground improvements, including solar collectors, cabling, all electrical components, metal posts, and racking.
6. Any expansion of this use beyond the terms provided herein shall require amendment to this Special Exception approval.
7. In accordance with the provision of Article 10-3.12 (11) of the Westmoreland County Zoning Ordinance, the activity shall begin within 730 days of the approval of this Special Exception by the Board of Supervisors. This includes the request for an additional year of initial approval. Prior to the start of the activity, construction permits must be sought and granted.
8. This Special Exception and all conditions listed herein shall run with the land but may be revoked by the County of Westmoreland or its designated agent for failure by the applicant or its assigns to comply with any of the listed conditions or any provision of Federal, State or Local regulations.
9. No additional or future development will be permitted on the property except in compliance with all the applicable codes.

CASE # 1812-CBAE-08~ REQUEST BY FRANK AGNOS, 10472 COURTNEY DRIVE, FAIRFAX, VA 22030 AND BAYSHORE DESIGN, P.O. BOX 339, KINSALE, VA 22488- FOR A CHESAPEAKE BAY ACT EXCEPTION TO ALLOW CONSTRUCTION OF A NEW HOME INTO THE RESOURCE PROTECTION AREA. THE PROPERTY IS LOCATED IN THE CABIN POINT SUBDIVISION, SECTION 1, LOT 20 AS SHOWN ON ZONING MAP 25B2, COPLE MAGISTERIAL DISTRICT.

After closing public comment and on a motion by Mr. Carey, seconded by Mr. Thompson, and carried unanimously, the Planning Commission moved to approve Case# 1812-CBAE-08 with the amended conditions; to combine elements of the original landscaping plan presented by the applicant with the alternative plan also presented by the applicant to increase the number of tree units on the property, as well as repairing the rip-rap revetment prior to obtaining construction permits for the house. The following conditions will also apply:

1. The proposed development shall conform to the Site Plan designed by Bayshore Design, LLC., dated October 17th, 2018.
2. Any changes made to the approved site plan or construction on site or failure to abide by these requirements or conditions will result in the immediate revocation of this approval.

3. This Exception to the Chesapeake Bay Act shall be granted approved for 365 days from the date of the Commission's determination. The owner is required to obtain all applicable permits within this time period. Should the owner fail to obtain these permits, this Chesapeake Bay Act Exception shall be declared null and void.
4. The site development shall be completed within two (2) years from the date of which the permit shall be issued.
5. No additional development will be permitted on the property except in compliance with the Zoning Ordinance.
6. The owner or his agent shall furnish to the Westmoreland County Land Use Administration certification by the Clerk of the Circuit Court of the Deed Book number and page number upon which the Chesapeake Bay Act Exception and all conditions have been recorded. The Deed Book number and page number must be placed on all copies of the CBAE approval prior to giving validation to the Building Official for issuance of a building permit.
7. The CBAE shall become effective one day after the Westmoreland County Land Use office receives notification of recordation.

CASE # 1812-CBAE-09~ REQUEST BY DAVID W & MINA CROSON, 846 NORTH GLEBE ROAD, MONTROSS, VA 22520 AND BAYSHORE DESIGN, P.O. BOX 339, KINSALE, VA 22488-FOR A CHESAPEAKE BAY ACT EXCEPTION TO ALLOW ENCROACHMENT INTO THE RESOURCE PROTECTION AREA. THE PROPERTY IS LOCATED IN THE GLEBE HARBOR SUBDIVISION, SECTION 1, LOT 296 AS SHOWN ON ZONING MAP 26K2, COPLE MAGISTERIAL DISTRICT.

After closing public comment and on a motion by Mr. Coates, seconded by Mr. Thompson, and carried unanimously, the Planning Commission moved to approve Case# 1812-CBAE-09 with the following conditions:

1. The proposed development shall conform to the Site Plan designed by Bayshore Design, dated October 17th, 2018
2. Any changes made to the approved site plan or construction on site or failure to abide by these requirements or conditions will result in the immediate revocation of this approval.
3. This Exception to the Chesapeake Bay Act shall be granted approved for 365 days from the date of the Commission's determination. The owner is required to obtain all applicable permits within this time period. Should the owner fail to obtain these permits, this Chesapeake Bay Act Exception shall be declared null and void.
4. The site development shall be completed within two (2) years from the date of which the permit shall be issued.
5. No additional development will be permitted on the property except in compliance with the Zoning Ordinance.
6. The owner or his agent shall furnish to the Westmoreland County Land Use Administration certification by the Clerk of the Circuit Court of the Deed Book number and page number upon which the Chesapeake Bay Act Exception and all conditions have been recorded. The Deed Book number and page number must be placed on all copies of

the CBAE approval prior to giving validation to the Building Official for issuance of a building permit.

7. The CBAE shall become effective one day after the Westmoreland County Land Use office receives notification of recordation.

ADJOURNMENT

There being no other business to come before the commission, Mr. Coates moved that they adjourn. Mr. Thompson seconded, the motion carried by unanimous vote with the meeting adjourning at 3:15 p.m.