

A regular meeting of the Westmoreland County Planning Commission was held on March 6, 2023, in the George D. English, Sr. Memorial Building, Montross, VA. Those members present were John Felt, Lewis Thompson, Elwood Carey, Kyle Schick, and James Coates. Beth McDowell, Zoning Administrator and Darrin Lee, Planner was 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. Chairman Felt turned the meeting over to Beth McDowell, Zoning Administrator.

### **PRIOR MINUTES**

Chairman Felt asked if the members received and reviewed the minutes for the January Meeting. There being no revisions Mr. Thompson moved to approve the minutes as presented. Mr. Coates seconded and the minutes were approved with unanimous vote.

### **COMMISSIONS' CONCERNS**

Mr. Coates expressed concerns about the Colonial Beach Dragway's event the previous weekend. Concerns regarding capacity, sound disturbances, zoning guidelines, and safety were addressed. Mr. Coates also addressed Panorama road accumulating trash.

**CASE#2303-PA-02** - C & F HOMES LLC (AGENT BRADY FRY), 10940 PATRIOT HIGHWAY, FREDERICKSBURG, VA 22408 REQUEST A PLAT APPROVAL FROM THE PLANNING COMMISSION. THE PROPERTY IS LOCATED AT THE CORNER OF HUNTSMAN WAY AND CYPRESS DRIVE, CABIN POINT SUBDIVISION, MONTROSS. TM 25B1-1-44 & 45, COPLE MAGISTERIAL DISTRICT

Ms. McDowell presented research and findings for the property of the proposed project. Chairman Felt opened the meeting to public comment. Mr. Schick noted that any setbacks for the property were to be a priority for the applicant. There being nothing else, the public portion was closed.

Mr. Schick moved to approve **Case# 2303-PA-02** with the staff recommendations. Mr. Carey seconded and **Case #2303-PA-02** was approved unanimously with the following conditions:

1. The final plat shall be in conformance with the 'Plat Showing Division on the Property of Fred Smith' designed by J. L. Howeth and dated October 31, 2021.
2. This plat shall be granted approval for six (6) months from the date of the Commission's determination. The applicants are required to obtain all applicable permits, receive the Platting Agent's signature on the subdivision plat, and have the approved subdivision plat recorded within this time period. Should the owner fail to complete the process within six months, this Subdivision Plat shall be declared null and void.

**CASE# 2303-CBAE- 01** - RUSSELL & CAITLIN GAGE, 859 HARBOR VIEW CIRCLE, COLONIAL BEACH, VA 22443 AND AGENT SHORELINE SERVICE AND DESIGN LLC, 214 MARSHALL AVENUE, COLONIAL BEACH, VA 22443 REQUEST A CHESAPEAKE BAY ACT EXCEPTION TO BUILD A TIMBER BULKHEAD. THE PROJECT IS LOCATED AT 859 HARBOR VIEW CIRCLE, COLONIAL BEACH. TM 6-140, WASHINGTON MAGISTERIAL DISTRICT

Mr. Lee presented research and findings about the property. After Board comments, Chairman Felt opened the meeting for public comments. There being none the public portion was closed.

Mr. Schick moved that **Case#2303-CBAE- 01** be approved with Staff recommendations. Mr. Thompson seconded and **Case#2303-CBAE- 01** was approved with the following conditions:

1. Longevity of Structure: The Commission should consider the materials to be used in respect to long-term implications of installing a hard structure along the lower section of the bank. This could include ensuring that marine grade material is used that can resist the weather elements.
2. Living Shoreline: While the current position of the structure is upland and in the jurisdictional limits of the Planning Commission, the installation of a hard structure may restrict the future ability to create a living shoreline in this area. The average water depth along the shoreline varies from 2 -5 feet but there is a large fetch exceeding 1.5 miles to the east. This may be a disqualifying factor for establishing a living shoreline under the current conditions.
3. Plant Survival: Confirm that the plantings are in area where they can thrive and will not have an adverse impacts on the property. The (a) location of the drain field should be noted before any work is started. Trees with aggressive root system near the drain field should be avoided. Furthermore the Commission should ensure that the plants selected will have a (b) high survival rate in the upland bank environment but should also consider that new plantings may need to be installed if the site ever experiences infrequent inundation.
4. Site Drainage: Ensure that the any diverted water resulting from the structure is captured and properly managed on-site. This may be addressed on the plan showing how water flows through and/or around the structure and that it will not affect any neighboring properties. There should be an analysis of how current stormwater runoff impacts from the house and driveway flow to the lower sections of the bank, as this may contribute to the current erosion. The installation of structural best management practices may help to alleviate this concern. Sheet 2 of the plan is a section view looking west. It will need to be determined if this along is adequate for drainage or if anything else additional is needed.

With the Commission's approval of the request, staff recommendations are as follows:

1. The proposed development shall be in general conformance to the Plans designed by James Beck of J. Beck & Associates, dated December 2022.
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.

**OTHER MATTERS:**

NONE

**ADJOURNMENT**

There being no other business to come before the commission, Mr. Thompson moved that they adjourn. Mr. Coates seconded, the motion carried by unanimous vote with the meeting adjourning at 2:11 p.m.

---

Chairman