

A regular meeting of the Westmoreland County Board of Supervisors was held Monday, April 10, 2023, in the public meeting room of the George D. English, Sr. Memorial Building, located at 111 Polk Street, Montross, Virginia. Those members present were Darryl E. Fisher, Timothy J. Trivett, Russ Culver and W.W. Hynson. Also present were Norm Risavi, County Administrator, Karen Lewis, Assistant County Administrator, Richard Stuart, County Attorney, Debra Whaley, Finance Director and Donna Cogswell, Executive Assistant. \*\* Dorothy Dickerson Tate was absent from meeting

### CALL TO ORDER

Chairman Fisher called the meeting to order at 6:04 p.m.

#### 1. APPROVAL OF MINUTES

Chairman Fisher stated that all members had received draft minutes of the regular meeting on February 13, 2023 and special meeting on March 22, 2023. Chairman asked if there were any additions or corrections to these minutes, if not, asked for a motion.

Upon motion by Woody Hynson, second by Tim Trivett and carried unanimously the Board approved the minutes for February 13, 2023 and March 22, 2023, as presented.

#### 2. APPROVAL OF ACCOUNTS PAYABLE LIST AND PAYROLL REGISTER

Chairman Fisher stated that all members had received a copy of the accounts payable list and payroll register. Chairman Fisher asked if there were any changes, if not, asked for a motion.

On motion by Russ Culver, second by Woody Hynson and carried unanimously with Woody Hynson, Russ Culver, Tim Trivett and Chairman Fisher voting "aye". The Board approved the accounts payable list and payroll register as submitted by the Finance Department for the month of March 2023.

\*Chairman Fisher noted that Dorothy Dickerson Tate was absent from today's meeting.

#### 3. APPROVAL OF APPROPRIATION INCREASE/DECREASE REQUESTS

Budget Resolution – Westmoreland County Public Schools excess balance in nonprofit school food service account.

Dr. Perry was present and recognized to discuss the enclosed Resolution regarding the excess balance in the nonprofit school food service account. Dr. Perry stated they had received a notice in November that the school system has an excess balance of \$622,784.38 and they are not to exceed an average of three months of expenditures. Therefore, the school is asking for the Board to approve a \$200,000.00 appropriation from the School Board Food Service Fund Balance to the FY 22-23 School Board Food Service Budget.

County Administrator noted that it appears the school is to prepare a corrective action plan (CAP). Dr. Perry noted that had already been done. County Administrator asked if he could get a copy of that. Dr. Perry said he would send it over to Mr. Risavi.

On motion by Russ Culver, second by Tim Trivett and carried unanimously with Woody Hynson, Tim Trivett, Russ Culver and Chairman Fisher voting "aye". The Board approved the Westmoreland County Public Schools Budget Resolution to appropriate \$200,000.00 from the School's Food Service Fund Balance (Fund 207) to the FY 22-23 School's Food Service Budget (Fund 207).

**Budget Resolution**

WHEREAS, Westmoreland County Public Schools has an excess balance in the nonprofit school food service account; and

WHEREAS, The Code of Federal Regulations, Title 7, Parts 210.14(a) and (b) require school food authorities to maintain a nonprofit school food service limiting net cash resources to an amount that does not exceed an average of three months of expenditures; and

WHEREAS, the excess balance must be spent down to be in compliance with the three-month limit;

NOW, THEREFORE, BE IT RESOLVED that the Westmoreland County School Board, does hereby request that the Westmoreland County Board of Supervisors appropriate \$200,000 from the School Board Food Service Fund Balance (Fund 207) to the 2022-2023 School Board Food Service Budget (Fund 207).

ADOPTED this 20<sup>th</sup> day of MARCH, 2023.

WESTMORELAND COUNTY SCHOOL BOARD:

ATTEST:

  
J. Ralph Fallin, Chair

  
Cassie Hill  
Clerk of the Board

4. VOTING LOCATION CHANGE – Washington-Lee High School (Old High School) to Westmoreland High School (New High School)

Dawn Jenkins, General Registrar, was present and recognized to discuss a possible voting location change from Washington-Lee High School to Westmoreland High School.

Mr. Risavi stated that Ms. Tate called him and stated she has had several calls regarding changing the voting location from the old high school to the new high school. Mr. Risavi said he then spoke with Dawn Jenkins and Dr. Perry regarding the request. He noted this change would not take effect until November 2023.

Ms. Jenkins stated there must be sixty (60) days before a change can be made, so if there was a June primary we wouldn't make it but as far as she knows there is no June primary. Therefore, this would take effect for the November 2023 election. Ms. Jenkins noted she is present today to answer any questions the Board may have about the process. She again stated you have sixty (60) days to make a location change before an election. After the change is advertised, there is an additional thirty (30) day period for public comment and then a public hearing is held regarding the proposed location change. After the public hearing, there is an additional thirty (30) days required for any further public comments. If there are no objections after the sixty (60) days the Board may make a motion to approve the change.

Ms. Jenkins asked that she and the Electoral Board be included in determining the changes regarding where the voting area will be at the new high school, where to enter and exit, who will be the contact and where the cage will be located.

County Administrator mentioned he thought after conversations with Dr. Perry about the location it was determined it was going to be near the music room. Dr. Perry agreed but then he wanted to clarify this would begin in November and not June. County Administrator said yes this would begin in November 2023. Ms. Jenkins added it would begin in November 2023 and then every election thereafter. She did state the change would not happen in June because that is too fast but again stated that she and the Electoral Board need to be part of that conversation about the location within the new high school. She also mentioned in 2024 there will be March, June and November elections and she didn't think the school would be closed during the March date but June and November the school would be closed.

Chairman Fisher asked what is going on in the old school. If we don't move do we need staff to clean and should we do something different at the old school.

Ms. Jenkins noted they did have to pay for prep in the gym at the old school and they did have communication problems trying to get into the building and ensuring adequate heating or ac was provided.

Chairman Fisher stated we should be on a track to transition out of the old high school building and noted we should be looking at moving the voting out of the old high school into the new high school sooner rather than later. Ms. Jenkins agreed and did mention that Ms. Tate received comments from voters about moving the location and that is why it was brought it to the Board for discussion.

County Administrator confirmed that this must be advertised once a week for two consecutive weeks and asked if there is a specific number of days after advertisement that the public hearing must be held. Ms. Jenkins said she didn't see a specific number of days after advertisement for the public

hearing. County Administrator then asked if there is a time limit from the second advertisement until the Board can vote on the change. Ms. Jenkins stated the only time period is fifteen (15) days prior to the general election. She stated we are way ahead of the election and what will happen is once the Board approves the change, she will prepare and mail location change notifications to all who are affected.

Chairman Fisher asked to clarify what action the Board would need to take today. As he understands it, the Board will authorize the registrar to initiate the process of changing the voting location from Washington Lee High School (old high school) to Westmoreland High School (new high school) and to authorize the County Administrator to begin the initial steps which include advertising and two public hearings for this location change.

After additional discussion, Chairman Fisher asked for a motion.

On motion by Tim Trivett, second by Russ Culver and carried unanimously with Woody Hynson, Russ Culver, Tim Trivett and Chairman Fisher voting "aye". The Board authorizes the registrar to begin the process of changing voting locations from Washington-Lee High School to Westmoreland High School. The Board also approves the County Administrator to begin the initial steps of implementing this change by advertising for two consecutive weeks in the newspaper followed by a public hearing and then advertising an additional two weeks followed by another public hearing.

Mr. Hyson wanted it documented that he suggests having more security at the school, especially if the schools are open while the poles are opened.

5. AUDIT – ANDREW P. GROSSNICKLE, CPA, CFE

Andrew Grossnickle with Robinson, Farmer, Cox Associates was present and recognized to discuss the County's Audit ending June 30, 2022. Mr. Gossnickle first noted the main bi-product of the audit process is the independent auditors report or the opinions of the financial statements. For the County there are three types of these reports.

First, Independent Auditor's Reports which is on the numbers and is the actual financial statement. For this report, the Board has received an unmodified (clean) opinion for the financial statements themselves. If you compare this opinion to last year's opinion, accounting legalese changed some, so it looks different but primarily is the same. It is highlighted in that opinion there was a Governmental Accounting Standards Board that impacted the County, primarily GASBY 87 dealing with leases. This change is highlighted in the financial statement.

Second, the other two type of auditor reports contained in the financial statement are compliance type reports, the first of which are the yellow book or government auditing standards report which are on internal controls and compliance related matters for governmental entities. This report is

where any material weaknesses in internal controls or significant deficiencies in controls is listed. There was one material weakness that was sighted which was some material audit adjustments in the school system. This was primarily due to receivables due from other governments like revenue on some of the larger grant programs.

Also, an additional letter was prepared .... Management Letter of Comments and Recommendations .... These are items not deemed to be a material weakness or significant deficiency but are things of internal controls that they would like to see management work on and improve. There are several comments and recommendations related to various internal controls for the County and School.

The last compliance type of report is referred to as the Uniform Guidance Report or the Single Audit Report. That is for a government or nonprofit or entity that expends over \$750,000 of federal awards in a given year is required to undergo a single audit. They pick major programs and test those for compliance requirements. The County by nature always receives one of those every year, for example, for June 30, 2022 the County spent (including the school) \$7.8 million of Federal expenditures and there they conduct and the single audit to ensure there were no weaknesses or significant deficiencies related to those controls.

Last Communication Letter is Communication with those Charged with Governance. This goes through whether they follow certain standard communications that need to be made. Must note at the end of the process if auditors had any disagreements with management and were there any significant management estimates, these are standard communications.

Mr. Grossnickle reviewed a few financial highlights for year ending June 30, 2022. Standards Board have required government to have two different accounting basis that are disclosed in their financial statements. One is on a full accrual basis, including all long term data so the residual on that basis is referred to as net assets or retained earnings. The net assets for governmental activities for year ending June 30, 2022 \$34.9M while business activities (water and sewer funds) had a total net amount of \$19.9 M and those were increases for the governmental activities were \$4.5M and slight decrease of \$400,000 for the enterprise (water and sewer funds).

Mr. Grossnickle next discussed the modified accrual basis. This is what you look at when you are basing decisions on the budget and other type things. Assets and Liabilities are reported on a balance sheet with the retained earnings being referred to as fund balance. On that basis, the general fund had a total of \$15.6M of fund balance at the end of June 30, 2022. The governmental funds combined which includes capital projects fund and a couple other smaller funds had a total of \$15.9M. The general fund increase in fund balance was \$508,164.00 and overall governmental funds decreased by \$16.9M driven primarily by projects which had a decrease of \$17.7M includes work on the high school.

The general fund came out budget to actual, the general fund had less revenue by less than \$1M driven by the federal revenues which were down by \$1.7M because those were budgeted up front for projects that will last more than a year. The expenditures were held within budget by \$8M and there are some capital projects included in there.

Overall, there is a savings of approximately \$3.9M-\$4M on the expenditure side.

Mr. Grossnickle stated if anyone has questions they think of later, they can reach out to staff and they can get a message to him. Mr. Grossnickle then opened it up to questions.

Mr. Trivett asked what page Mr. Grossnickle was on. He stated it was page 106 is the high level budget to actual and exhibit 12.

Chairman Fisher noted the overall opinion of the Audit is the County is in a good and positive position. Mr. Grossnickle stated the high level opinions were good and there is the one material weakness and internal control items that they would like to see improved but from a high level, unmodified opinion it is very good. The general fund being a primary fund of the locality we added increase to the fund balance keeping a healthy reserve still in the fund balance or essentially a rainy day fund and about ½ of that fund balance was unassigned (Mr. Risavi noted he said it was about 19%) and that is a good thing to have a healthy, unreserved fund balance for a rainy day.

Chairman Fisher asked if there were any other questions. With no other questions, Chairman thanked Mr. Grossnickle for his presentation and also thanked the staff for their participation in this long process.

**\*\* NEXT PAGE – AUDIT LETTER \*\***



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Communication with Those Charged with Governance

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To the Members of the Board of Supervisors  
County of Westmoreland, Virginia

We have audited the financial statements of the governmental activities, the business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information of the County of Westmoreland, Virginia for the year ended June 30, 2022. Professional standards require that we provide you with information about our responsibilities under generally accepted auditing standards, *Government Auditing Standards*, and Uniform Guidance, as well as certain information related to the planned scope and timing of our audit. We have communicated such information in our letter to you dated June 1, 2022. Professional standards also require that we communicate to you the following information related to our audit.

Significant Audit Matters

*Qualitative Aspects of Accounting Practices*

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by the County of Westmoreland, Virginia are described in Note 1 to the financial statements. As described in Note 1 to the financial statements, County of Westmoreland, Virginia changed accounting policies by adopting Statement of Governmental Accounting Standards (GASB Statement) Nos. 87, *Leases* and 92, *Omnibus 2020*. We noted no transactions entered into by the entity during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. The most sensitive estimate affecting the County's financial statements was:

Management's estimate of the useful lives of capital assets, which is based on historical information. We evaluated the key factors and assumptions used to develop these estimates in determining that they are reasonable in relation to the financial statements taken as a whole.

Management's estimate of other post-employment benefit and net pension liabilities and associated deferred outflows and inflows are based on the actuarial valuation performed by qualified independent actuaries. We evaluated the key factors and assumptions used to develop the estimated liability in determining that it is reasonable in relation to the financial statements taken as a whole.

The financial statement disclosures are neutral, consistent, and clear.

*Difficulties Encountered in Performing the Audit*

We encountered no significant difficulties in dealing with management in performing and completing our audit.

- Communication with Those Charged with Governance -

#### ***Corrected and Uncorrected Misstatements***

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are trivial, and communicate them to the appropriate level of management. Management has corrected all such misstatements. Material misstatements related to the school system detected as a result of audit procedures were corrected by management including adjustments to due from other governments and revenues.

#### ***Disagreements with Management***

For purposes of this letter, professional standards define a disagreement with management as a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audit.

#### ***Management Representations***

We have requested certain representations from management that are included in the management representation letter dated April 5, 2023.

#### ***Management Consultations with Other Independent Accountants***

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to the entity's financial statements or a determination of the type of auditor's opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

#### ***Other Audit Findings or Issues***

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the entity's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

#### **Other Matters**

We applied certain limited procedures to management's discussion and analysis and the schedules related to pension and OPEB funding, which are required supplementary information (RSI) that supplements the basic financial statements. Our procedures consisted of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We did not audit the RSI and do not express an opinion or provide any assurance on the RSI. Our responsibility with respect to the budgetary comparison information, which also supplements the basic financial statements, is to evaluate the presentation of the schedules in relation to the financial statements as a whole and to report on whether it is fairly stated, in all material respects, in relation to the financial statements as a whole.

We were engaged to report on combining and individual fund financial statements and schedules, supporting schedules, and the schedule of expenditures of federal awards, which accompany the financial statements but are not RSI. With respect to this supplementary information, we made certain inquiries of management and evaluated the form, content, and methods of preparing the information to determine that the information complies with accounting principles generally accepted in the United States of America, the method of preparing it has not changed from the prior period, and the information is appropriate and

- *Communication with Those Charged with Governance* -



complete in relation to our audit of the financial statements. We compared and reconciled the supplementary information to the underlying accounting records used to prepare the financial statements or to the financial statements themselves.

We were not engaged to report on the statistical information, which accompanies the financial statements but is not RSI. We did not audit or perform other procedures on this other information and we do not express an opinion or provide any assurance on it.

Restriction on Use

This information is intended solely for the use of the Board of Supervisors and management of the County of Westmoreland, Virginia and is not intended to be and should not be used by anyone other than these specified parties.

*Robinson, Farmer, Cox Associates*

Fredericksburg, Virginia  
April 5, 2023

- Communication with Those Charged with Governance -

6. TOWN OF COLONIAL BEACH/CORRESPONDENCE

Caryn Self Sullivan, Colonial Beach Council Member, was recognized and presented the following:

- The Community Easter Sunrise Service at High Tides was spectacular and the Tiki Hut sandbar was packed;
- There were two Easter egg events – one Town Hill and one in Eleanor Park;
- VA Osprey festival will be Saturday, April 15<sup>th</sup> on Town Hill, 9:00-4:00, famous speakers that will be speaking at the Fishery's Commission Building;
- Parks and Recreation Master Plan – Barry Dunn was the firm hired and presented the initial findings during a community meeting on Wednesday March 22<sup>nd</sup> at the community center;
- Stormwater Resiliency Plan kickoff was held with consultants (Barkley Group & Tetra Tech); and
- Parking update – Council approved new parking program changes, including new rates, new times and golf cart parking only spaces, and additional parking spaces; next meeting May 16<sup>th</sup>.
- 2<sup>nd</sup> Annual Juneteenth event on Saturday, June 17<sup>th</sup> and that will be followed by the Father's Day car show on June 18<sup>th</sup>.

7. TOWN OF MONTROSS/CORRESPONDENCE

- No one was present for the Town of Montross.

8. VIRGINIA DEPARTMENT OF TRANSPORTATION

A. David Beale, was recognized and presented VDOT's Monthly Report. After reviewing report, he opened it up to questions for the Board.

- Mr. Beale stated the temporary bridge on Monroe Bay Circle has been completed and he wanted to thank everyone for their patience and for everyone that assisted in getting that project completed. Mr. Trivett asked if it has been brought to his attention about the 11% grade and not sure if the ladder truck can go over. Mr. Beale stated they knew it would be a steep grade but they couldn't block the driveways on either side and did their best to minimize that. Mr. Beale said all they can do is try it before there is an emergency.
- Mr. Beale noted that with the plant mix schedule on Bowie Road, they have eradicated the thermos plastic, he noted he gets that question a lot, why do they take off the lines and then paint them right back and it is because the thermos plastic asphalt won't stick to the lines so they grind the lines off and put a temporary line down that the asphalt will adhere to and then once the thermos plastic asphalt has been completed they put the final lines down.

Mr. Beale asked if there were any questions.

- Mr. Hynson asked if anyone checked the ditches on Monrovia Road and Stoney Knoll going towards King George line – he is getting complaints about high standing water in the ditches. Mr. Wilkins stated that the road is lower than the ditch so that is the problem.
- Mr. Hynson wanted to thank Mr. Beale regarding the temporary bridge because he has received positive comments regarding the work VDOT has done on this bridge.

**\*\* NEXT PAGE – VDOT MONTHLY REPORT \*\***



Westmoreland County Board of Supervisors  
April 2023 VDOT Report

**Maintenance Activity Highlights**

Completed:

- Grading gravel roads countywide
- Litter removal (Rt. 205, Rt 3 4-lane)
- Slope repairs (Rt. 3)
- Shoulder repair (Pomona Rd, Roundhill Rd at Rt 205, Flat Iron Rd)
- Sweep curb and gutter and bridges
- Pothole patching countywide
- Monroe Bay Circle temporary bridge
- Sidewalk trip hazard removal
- Address work orders countywide

Upcoming:

- Repair stormwater basins Rt 3 (two more)
- Litter pickup (Bowie Rd)
- Slope repair Rt 202
- Grade gravel roads countywide
- Concrete ditch repair (Roundhill Rd at Rt 205)
- Address work orders countywide

**Pavement Schedule**

Plant Mix

Rt 664, Bowie Rd (Rt 3 to Breezewood Dr) **Under Construction**  
Rt 205, James Monroe Hwy (KG County line to Rt 3)  
Rt. 205Y, Colonial Ave (Rt 205 to End State Maintenance)

Surface Treatment Under Construction

Rt 600 Neenah Rd	Rt 603 Mulberry Ln	Rt 616 Tavern Run Rd
Rt 617 Gardy's Mill Rd	Rt 619 Chestnut Level Ln	Rt 621 Nomini Grove Rd
Rt 623 Finchs Hill Rd	Rt 627 Pierce Ln	Rt 628 Stoney Knoll Rd
Rt 629 Round Hill Rd	Rt 640 Grants Hill Ch Rd	Rt 644 Wild Sally Rd
Rt 658 Monroe Bay Cir	Rt 668 Taylor Town Rd	Rt 670 Griffith Corner
Rt 677 Ephesus Church Rd	Rt 691 Northernmost Rd	Rt 695 Edge Hill Rd
Rt 698 Grainery Rd	Rt 699 Pratts Pl	Rt 702 Tate Town Rd
Rt 706 Worrell Ln	Rt 713 Twilight Ln	Rt 714 Waughtel Dr
Rt 716 Lynch Point Rd	Rt 720 Johnson Town Rd	Rt 729 Springfield Beach Rd
Rt 765 Whitehall Rd	Rt 1050 Beulah Ln	

**Construction Projects**

SSYP:

Rt 735 Grannys Bar Rd; Summer 2023    Rt 652 Charles Way; Summer 2024  
Rt 685 Ashbury Rd; Summer 2025

Revenue Sharing:

Egret Ct; Summer 2023	Anchor Ct; Summer 2023
Deux Rue; Summer 2024	Holly Way Ph III; Summer 2024
Hickory Ln; Summer 2025	Birch Ln; Summer 2025
Woodmount Dr; Summer 2025	Pinewood Ln; Summer 2025
Lakeview Ln; Summer 2026	

Bridge:

Rt. 621 at Tidwells Marsh (replacement): Summer 2023  
UPC 118262 Rt. 205 over Branch of Rosier Creek; Scour Repair; TBD  
UPC 121539 Rt. 658 over Monroe Creek: Summer 2024

Contacts:

*VDOT Customer Service Center: 1-800-FOR-ROAD*

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- B. SSYP PRESENTATION – David reviewed the SSYP presentation and stated the secondary six year plan is for localities that receive more than \$100,000 in funding per year, the plan must be updated every year. This is the 2024-2029 and is only for the secondary routes (#600 and higher) and funding come from two different sources (tele fees and secondary roads). Once the plan is approved by the Board the County Administrator and Mr. Beale will sign off on it. The projects already in the plan:

- Granny's Bar Road, funding completed 2024
- Charles Way, funding completed 2025 and
- Asbury Road, funding completed 2026

The line items - county wide engineering and survey line and future unpaved roads is where they park the remaining funding in the out years and there is about \$170,000 in the engineering and survey line, and \$205,000 in the unpaved roads line. Roughly it is \$80.00 a foot for paving an existing, state maintained, gravel road. Typically the Board has used this funding to surface existing, gravel roads that are in the state system and that program is called rural rustic program. So, it must already be in the state system (not accepting privately or unmaintained roads) road cannot carry more than 1,500 cars per day, must be designated as a priority in the program; must be predominately for local traffic; and must have sufficient

roadway drainage or require only minor improvements. Mr. Beale then reviewed the list of roads that would meet the above criteria.

Mr. Beale noted that historically this funding, in just about all counties, is used to pave gravel roads but if there is a drainage project, turn lane, buy right of way, buy an easement for sight distance you can do these within this plan. Once presentation completed Mr. Beale turned it over to the Board to determine what roads to use.

Mr. Risavi asked about the Bevans Oyster Road (Skipjack Road) project estimated to begin in 2028 and his concern is the price has escalated significantly from a year ago. The amount started approximately \$550,000 and is now up to approximately \$855,000 which is a considerable increase. Mr. Beale confirmed this is trench widening project? Mr. Risavi said yes this would be a road widening including the two turns. Mr. Risavi then asked if it is possible to use revenue sharing in combination with any of the six year secondary plan funds. Mr. Beale said he needed to double check but didn't think that you can use it to match money. Mr. Risavi stated it would be used as the match amount, it would be used to bring down the cost of the project so the match amount would be less. Mr. Beale will check to see what is possible.

Mr. Beale gave the example, if it was an \$800,000 project and you are willing to come up with \$300,000 and used \$200,000 from the SSYP and VDOT would come up with the rest. Mr. Risavi stated that is correct. He mentioned that the Board does not have to add a project this year, the County has enough projects out to 2025. If they want to let the SSYP funds accumulate, apply for the Revenue Sharing and see if it is approved then money can be allocated from the SSYP funding to something more important.

At the conclusion of his presentation, Mr. Beale stated tonight is the work session and the Public Hearing for the SSYP will be at the May Board Meeting.



**Westmoreland County  
Draft Secondary Six Year Plan (SSYP)  
FY2024 – 2029**

April 10, 2023  
David L. Beale, P.E.  
Northern Neck Resident Engineer

Secondary System  
Westmoreland County  
Construction Program  
Estimated Allocations

Fund	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	Total
TeleFee	\$29,925	\$29,925	\$29,925	\$29,925	\$29,925	\$29,925	\$228,550
District Grant - Unpaved	\$57,779	\$67,520	\$68,352	\$68,352	\$68,352	\$68,352	\$390,306
<b>Total</b>	<b>\$87,703</b>	<b>\$97,445</b>	<b>\$98,277</b>	<b>\$98,277</b>	<b>\$98,277</b>	<b>\$98,277</b>	<b>\$637,956</b>

Board Approval Date

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Residency Administrator

Date

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County Administrator

Date







## RURAL RUSTIC ROADS

- The Rural Rustic Road program is a practical approach to paving Virginia's low-volume roads. It aims to keep traditional rural lane ambience, while improving road surfaces within the current right-of-way.
- Criteria:
  - **Must be an unpaved road already within the State Secondary system**
  - **Must carry no more than 1,500 Vehicles Per Day**
  - **Must be a priority (line item) in the approved SSYP if the funding source is from the secondary system allocations; if secondary allocations are not used it is not required to be in the SSYP**
  - **Must be predominately for local traffic; Board of Supervisors must make an effort to limit growth on roads improved under the program**
  - **Must have sufficient roadway drainage or require only minor improvements**
  - **For additional requirements, please reference the Local Assistance Division website; <http://www.virginiadot.org/business/local-assistance.asp>**



WESTMORELAND COUNTY UNPAVED ROADS						
ROUTE	NAME	FROM	TO	LENGTH (mi)	VPD 2021	SSYP
696	Westmoreland Park Roads	Route 247	2.40 Mi N Route 247	2.40	150	
735	Grannis Bar Rd	Route 679	Dead End	0.35	100	Y
652	Charles Way	Route 628	Dead End	0.62	80	Y
696	Ashburn Rd	Route 3	Dead End	0.37	80	Y
708	Jenkins Point Rd	Route 645	Dead End	0.25	60	
632	New Monrovia Rd	0.25 Mi N Route 205	1.01 Mi N Route 205	0.76	50	
653	Waverly Rd	Route 640	Route 624	0.55	40	
689	Erins Dr	Route 649	Dead End	0.50	40	
747	Halfbrook Ln	Route 729	Dead End	0.30	40	
734	Weavers Rd	Route 643	Dead End	0.35	30	
743	Kelly Ln	Route 622	Dead End	0.28	30	
602	Vault Field Rd	Route 601	Dead End	0.65	30	
733	Bull Neck Rd	Route 615	Dead End	0.75	30	
634	Meadow Lane	Route 3	Dead End	0.30	30	
636	Cottage Farm Rd	Route 634	Route 636	1.95	30	
762	Woods Rd	Route 610	Dead End	0.17	30	
601	Kings Mill Rd	Route 600	Route 602	3.00	30	
737	Walnut Farm Rd	Route 621	Dead End	0.18	20	
648	Stratford Hall Rd	Route 643	Dead End	0.40	20	
651	St Pauls Rd	Route 3	Route 621	0.43	20	
740	Pleasant Retreat Ln	Route 690	Dead End	0.15	20	
689	Old Park Rd	Route 3	Route 347	0.50	20	
719	Route 719	Route 202	Dead End	0.10	20	
721	Haywood Ln	Route 3	Dead End	0.35	20	
649	Deep Point Rd	Route 645 E	Dead End	0.40	20	
742	Foxhall Rd	Route 634	Dead End	0.60	20	
1403	Shore Ln	Route 1401	Route 1402	0.22	20	
1403	Shore Ln	W Route 1402	E Route 1403	0.18	20	
1402	Long St	Route 671	W Route 1403	0.20	20	
673	Cedar Field Rd	Route 621	Dead End	0.20	10	
717	Weavers Rd	Route 643	Dead End	0.45	10	
709	Meadow Dr	Route 645	Dead End	0.08	10	
648	Norwood Dr	Route 645	Dead End	0.10	10	
675	Mt Pleasant Rd	Route 612	Dead End	0.84	10	
700	Pine Rd	Route 701	Dead End	0.50	10	
1404	Cave Ln	Route 1402	Dead End	0.04	10	
1005	Sipourney Dr	Route 1003	Dead End	0.11	10	
642	Cloverdale Ln	Route 3	Dead End	1.00	5	
678	Harts Landing Rd	Route 625	0.76 Mi S Route 625 (@ Turnaround)	0.76	4	
<b>TOTAL Unpaved</b>				<b>21.34</b>		
<b>TOTAL &gt; 50 VPD</b>				<b>4.75</b>		





9. LAND USE CASE #2304-RZ-01

Darrin Lee, Planner was present to discuss the staff report regarding this proposed change in zoning district classification from agriculture to rural residential.

Mr. Lee stated this case is coming to the Board from the Planning Commission and their report noted there were a number of discrepancies but the vote was 4-1 to approve with written and notarized proffer to include berm landform near property. Mr. Lee then explained the property is between Monroe Hall and Oak Grove areas with several existing subdivisions near this site.

Mr. Lee then noted that the rezoning is to allow the development of the property with the construction of low density single family homes on interior non-waterfront lots. The property is currently zoned A-1 Agriculture which only allows for a primary structure and an accessory dwelling unit per parcel. Lots in A-1 zoning districts have a minimum lot size of 25,000 square feet with 100 feet of lot frontage required. Dwellings on A-1 properties must be located at least 75 feet from the center of any right-of-way with 15 foot side setbacks and a 20 foot rear setback.

Mr. Lee also noted that a rezoning to Rural Residential (RR) would allow the owner(s) to subdivide the property into larger lot sizes with a minimum 40,000 square feet. The lot frontage would remain at 100 feet but the front setback from any right-of-way would decrease to 40 feet. However, both the side and rear setbacks would increase to 20 and 40 feet respectively. These dimensions equate to 28-31 lots to be built on at a maximum capacity. Currently there are no other properties zoned RR in the County.

The topography of the property varies from gently sloped to moderate slopes at the northwest section of the property. The site has been mostly wooded over the last decade and was partially cleared as late as 2009. There is currently an old accessory structure on the property with signage that indicates that the site may have functioned as Broadfield Tree Farm at one time.

Mr. Lee explained that the National Wetlands Inventory states there is a riverine wetlands feature that runs through part of the property closest to the boundary line of Tax Map 5-49A. The agent is in the process of finalizing the delineation to determine Resource Protection Area buffers where applicable.

The majority of the properties within a 1-mile circular radius are A-1, Agriculture with scattered commercial and industrial sites. There is one residential general (R-1) zoning district (Part Royal Exchange) to the west near the intersection of Longfield and Pomona Roads. Other existing subdivisions include Broadfield and Walter Massey.

There are scattered commercial sites in proximity to the proposed project area. The dragstrip is located to the immediate south. Self-storage units, a stained glass studio and flooring company are located further south at the intersection of James Monroe Highway and Longfield Road. An auto shop is located across the road to the southwest of the site and well drilling business and church are located further west near the intersection of Eagle Vista Lane

No buffering was submitted with this rezoning request but should be considered given that there are commercial uses directly adjacent to the site. Typically, there is a 25 foot buffer with that is required between differing zoning districts and conflicting uses. In this case, if the property were rezoned it would be adjacent to A-1 zoned properties but would abut a grandfathered use to the south. Furthermore, the property should also maintain buffer distances from tidal wetlands, streams or other waterways (100 foot Resource Protection Area Buffer).

Mr. Lee discussed the noise that may or may not come from the race track. He provide a charge with different noise decibels and how that relates to this project.

Mr. Lee completed his presentation and turned it over to Jeff Howeth, engineer and surveyor for the project. Mr. Howeth noted that Mr. Vaughn had contacted several members of the Board to extend his apologies that he would be unable to make today's meeting, but the builder, Isam Farhart is also present to answer any questions.

Mr. Howeth noted there has been a lot of research and several discussions and changes to plans regarding the application. He noticed Senator Stuart was looking at the right-of-way issue. Mr. Howeth stated that John Davis owns the right-of-way that goes through Mr. Vaughan's property to

get to his property. They have proposed to do a VDOT public road but if Mr. Davis does not agree Mr. Howeth can run the public road to the edge of Mr. Davis' property or other solutions but only a

handful of lots on the southern end of the property is affected. Mr. Howeth said there were questions regarding wetlands and buffers and they are in the process of doing the delineation right now. What is required is all the environmental buffers, basically for sound control, but nothing that really needs to be talked about because the standard buffers are still in play and there are no variances being asked by Mr. Vaughan. Mr. Howeth continued that this is one of those land use cases, and does not want to use the work incompatible but if you are sleeping you don't want to hear a race car go down the dragstrip but most people are not sleeping at 4:00 p.m. There are ways that both things can live in harmony. Mr. Howeth then discuss the buffer that Chairman Fisher asked about earlier was just a wooded buffer and when discussed with the Planning Commission, Mr. Felt suggested a berm. They have offered a combination of the berm along with the vegetation and the berm does better than the 6-8 decibels and offered a combination and try to save everything they can and get the berm through there. Most of the evergreen trees will give a good sound barrier. Suggestion of walls and that will bounce the sound right back to the houses. Balance of what the rights are of the track owner, the rights of the owner of the property building the houses and the rights of the people that live there.

After the presentations, it was turned over to the Board for any questions.

Mr. Culver has concerns about the noise, mentioned the new homes built on Rt. 202 and the dump truck traffic. He questions that the dump trucks are only 90 decibels. Mr. Howeth stated the interior wall has a 20-30 decibel reduction but you will hear it inside the house.

Mr. Hynson has concerns about the noise and asked if they have work hard enough to reduce the noise. Mr. Howeth stated there will be a berm in place to reduce noise and the trees to reduce the noise. With the amount of buffering and construction regarding what there is now at the track and in his opinion the noise at the track is not so offensive. Mr. Howeth asked Mr. Hynson if he sees something that could make this situation better. Mr. Hynson noted his concern is with the buyers because they will not be showing the house during an event at the track. Mr. Hynson does not think enough has been done by everyone to make sure the noise is at a minimum. Mr. Howeth asked if an extra 100 foot of buffer or another 2 feet of trees would change his mind. Mr. Hynson said there are a lot of people involved in this decision so he cannot answer that.

Chairman Fisher asked the Board if anyone had any additional questions, if not, he would go to the public for comment on Case #2304-RZ-01. Chairman Fisher reviewed the guidelines for the public comment period and then opened the floor for comment.

Richard Wilkins – He believes the proposed buffer will not be adequate. Live about a mile and a half from the dragstrip and after Mr. Davis cut his timber and cleared the area of trees the noise was much

louder than before. The atmospheric conditions change how sound travel. The speakers on poles 30 ft in the air, the berm will not stop that noise.

Larry Thompson – Owner of the race track. Not opposed to building on the property but he is concerned about the noise five or six years down the road with 30 houses built on the property. He worries that once the racing starts at 3:00 or 4:00 and continues for several hours the people will start complaining. The race track was there before the houses and he asks that they respect his property also because he too is a tax payer. He believes the sound walls will be a better investment, not berms.

Joseph Waker – Owner/CEO Waker Foundation and JRW Lead Construction. He stated that we live in a society where change is coming but he does not think in this manner. The race track was already there and there is nothing wrong with building houses but do your research before you start to put together a project. It appears they have not done their due diligence as we look at all the variables regarding this project. Mr. Waker said they definitely will need to put up some type of wall if they are putting up houses. Once you start to remove vegetation the whole aspect of the project changes.

Larry Hinson – Concerned with the noise from music and speakers, only way to accomplish noise control is to sound proof the homes. The berms are a waste of time and money.

After the last speaker, Chairman Fisher again asked if anyone else from the public wanted to comment on this topic, no one else came forward and with that Chairman Fisher closed the public comment portion of the meeting and then came back to the Board for comments and/or vote.

Chairman Fisher noted that he thinks this matter is serious enough that it would warrant the vote from the full board and one member is absent. Chairman Fisher noted the Board does not have to take action tonight they can table it for later time or they can take action if they feel it is appropriate.

Mr. Lee asked the Board if he has presented enough information or are there any other items that need to be researched to answer any question they may have.

Mr. Stuart stated if the Board is opting to defer their vote it might be a good idea to have Mr. Howeth get more information on the right-of-way just so we understand where it is. Also, there is some concern about the wetlands delineation and that could affect the berm on the southern boundary.

Chairman Fisher noted he is thinking 12-14 ft berm and the trees across the top and the berm itself would be 100 ft wide. So the housing development would be down a ravine. In the process of looking at further information may be Mr. Howeth could put together the impact of a taller and longer berm on noise reduction. Chairman Fisher also stated we all need to look at every possible way to mitigate this noise more so for the Board looking out for the prospective homeowners.

Mr. Risavi noted that when beginning the O’Gara project they had to use a consultant specializing in noise reduction. He suggested that the Land Use Department look into some possibilities of getting a consultant with more expertise on noise.

Mr. Hynson believes a lot more information is need on all sides before a decision can be made.

Mr. Culver noted that the presentation didn’t cover options for the berms and he would like to see those before making a vote. He also agreed with Mr. Risavi’s comment regarding contracting a noise expert to minimize the noise and concurred that is a good idea.

Chairman Fisher asked for a motion after the discussion.

Upon motion by Woody Hynson, second by Russ Culver and carried unanimously with Woody Hynson, Russ Culver, Tim Trivett and Chairman Fisher voting “aye”. The Board agreed to defer this application for sixty (60) days and asked for additional information. First, more information regarding the right-of-way. Second, wait for results of the wetlands survey because it could affect the berm; and third, look at new berm location.

Chairman Fisher explained that when this matter comes back to the Board in 60 days there will not be another public hearing, it will be for the Board to hear information requested and to vote on the application.

**\*\* NEXT PAGE – LAND USE STAFF REPORT \*\***

**Board of Supervisors**  
**Staff Report**

Date: March 15<sup>th</sup>, 2023  
From: Darrin Lee, *Planner*  
Case #: #2304-RZ-01  
Site Address: Longfield Road, Colonial Beach, Virginia 22443  
Site Location: Between intersection of Longfield Road, Macedonia Lane and Brodfield Road  
Magisterial District: Washington Magisterial District  
Site Tax Map: 5-49H  
Owner/Applicant: Hawthorne Estates/J.L. Howeth PC  
Site Property Size: 51+/- acres  
Existing Zoning District: A-1, Agriculture  
Proposed Zoning District: RR, Rural Residential  
Utilities: septic system & private well for area  
Authority: Zoning Ordinance Article 10-3.9  
Project Description: Request for a change in zoning district classification from agriculture to rural residential  
Planning Commission: Monday, April 3, 2023 (1:30 p.m., George English Building)  
Recommendation: 4 - 1 vote to approve rezoning with written and notarized proffer to include berm landform near property line  
  
Board of Supervisors: Monday, April 10, 2023 (6:00 p.m., George English Building)

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**FINDING OF FACTS**

Project Description:

The purpose of the rezoning is to allow the development of the property with the construction of low density single family homes on interior non-waterfront lots. The property is currently zoned A-1 Agriculture which only allows for a primary structure and an accessory dwelling unit per parcel. Lots in A-1 zoning districts have a minimum lot size of 25,000 square feet with 100 feet of lot frontage required. Dwellings on A-1 properties must be located at least 75 feet from the center of any right-of-way with 15 foot side setbacks and a 20 foot rear setback.

A rezoning to Rural Residential (RR) would allow the owner(s) to subdivide the property into larger lots sizes with a minimum of 40,000 square feet. The lot frontage would remain at 100 feet but the front setback from any right-of-way would decrease to 40 feet. However, both the side and rear setbacks would increase to 20 and 40 feet respectively. These dimensions equate to 28-31 lots to be built on at maximum capacity. Lower building height restrictions would be applied with a decrease from the 45 foot allowance in A-1 to a 35 foot allowance in RR. Furthermore, accessory dwelling units are not allowed by-right in RR, but only by special exception. There are currently no other properties zoned RR in the county. The Rural Residential (RR) classification provides the opportunity for more dense development than Agricultural Conservation (AC) and Rural Conservation (RC) but less dense development than

Residential General (R-1), Residential Limited (R-2), Residential Neighborhood (RN), Residential Urban (RU), Residential General (R-3) and Townhouse, Condominium, Apartment (R-4).

Property History:

The property was referenced on a plat of survey drafted by J.Arthur Cooke in July of 1967 and Arthur Whittaker in December of 1977. A new road was constructed between the property in 1988. According to the property cards, a two story cinder block dwelling was also constructed on the property in 1988 but moved across the road in 2004. An exempt subdivision was created in August of 2021 from Tax Map 5-49 which also created the subject property now identified as Tax Map 5-49H. The property was more recently purchased by the current owner in December 2021.

Topography:

The topography of the property varies from gently sloped to moderate slopes at the northwest section of the property (closest to the Broadfield Road intersection. The slope range in this area is 2-10% slopes, while in the flatter areas there are approximately 1-2% slopes.

The site has been mostly wooded over the last decade and was partially clear as late as 2009. The aerial photography of the property shows that the property was completely clear] from at least 1967 to 1994. The site has been gradually forested from 2002 to its current form today. There is currently an old accessory structure (600-700 square feet) on the property with signage that indicates that the site may have functioned as Broadfield Tree Farm at one time (2009).

According to the National Wetlands Inventory there is a riverine wetlands feature that runs through part of the property closest to the boundary line of Tax Map 5-49A. The agent is in the process of finalizing the delineation to determine Resource Protection Area buffers where applicable. There are a number of different soil types on the property including Ackwater Silt Loam, Kempsville, Lumbee Loam, Leaf, Lenoir, Montross Silt Loam, Rumford, State Fine Sandy Loam and Teotum Loam. Nearly 45% of the property is classified as prime farmland according to the U.S. Department of Agriculture. The Virginia Department of Forestry FCV Model also identifies approximately 56% of the property having either high, very high or outstanding forest conservation value. More specifically, out of the 3 categories, 39% consists of outstanding value, 41% of very high value and 20 % of high value.

Access

There is an existing dirt/gravel cleared right-of-way that extends through the center of the parcel that serves as access to adjacent properties. According to the project agent, Longfield Road is the second highest volume road in the county. There is a new proposed entrance shown on the General Development Plan. There would also be an ingress/egress and utility easement provided on lots A, B and C. Staff sent a request to the Virginia Department of Transportation for preliminary comments on the proposed entrance and secondary road.

Surrounding Zoning and Development:

The majority of the properties within a 1-mile circular radius are A-1, Agriculture with scattered commercial and industrial sites. There is one residential general (R-1) zoning district (Part Royal Exchange) to the west near the intersection of Longfield and Pomona Roads. Other existing subdivisions include Broadfield and Walter Massey.

There are scattered commercial sites in proximity to the proposed project area. The dragstrip is located to the immediate south. Self-storage units, a stained glass studio and flooring company are located further



south at the intersection of James Monroe Highway (Route 205) and Longfield Road. An auto shop is located across the road to the southwest of the site and well drilling business and church are located further west near the intersection of Eagle Vista Lane.

Water/Sanitary System:

Septic systems are currently the most commonly used methods for waste disposal in this area. Individual septic systems and private wells or community water systems are listed as part of the utility requirements noted in Article 2-3.5.2. Surrounding subdivisions are currently being served by private wells and septic systems. Wells also require a 50' wellhead protection radius in accordance with Article 4-6.3.2.A (3). Lot width is a consideration that should be made for each lot if private wells are proposed during the time that a subdivision plat is prepared. The nearest community water system is in Placid Bay Estates which is 2½ miles to the southeast.

Public Safety:

The closest fire department and rescue squad is located 2 – 3 miles (4-6 minutes) south in Oak Grove. The second closest fire department and rescue square is located 5-6 miles (8-9 minutes) north in Colonial Beach.

Comprehensive Plan Considerations:

The property is not in a Primary (PGA) or Secondary Growth Area (SGA). The site is approximately 3 miles south (or 4 minute drive) of the Monroe Hall Growth Area (secondary) and 2 ½ miles north of the Oak Grove Growth Area (primary).

Since the rezoning of this property would allow for residential development there are a few considerations to note from the comprehensive plan. The guidelines and goals in the plan emphasize compatible uses and environmentally responsible development near the waterways and other ecological features. In respect to existing development in the area, it is fairly low density. To ensure that there are balances between residential and commercial uses certain requirements are necessary, such as vegetative buffering, fencing and other types of screening.

Buffering

No buffering was submitted with this rezoning request but should be considered given that there are commercial uses directly adjacent to the site. Typically, there is a 25 foot buffer with that is required between differing zoning districts and conflicting uses. In this case, if the property were rezoned it would be adjacent to A-1 zoned properties but would abut a grandfathered use to the south. Furthermore, the property should also maintain buffer distances from tidal wetlands, streams or other waterways (100 foot Resource Protection Area Buffer).

Concerns:

One of the main concerns is ensuring that there a parameters in place that protect future residents while also being able to balance legally zoned and grandfathered commercial activity in the area. Potential residents should be aware of abutting commercial uses and the adverse effects that can be associated with nuisances concerning noise, odors, lighting, traffic and other disturbances.

Planning Commission Work Session:

The Planning Commission provided comments and questions on the application. There were a number of discrepancies observed by the Planning Commission. [a] One point of discussion was the discrepancy between the number of lots proposed on the application (45) versus the number of lot shown on the plan (28-31). The agent(J.L. Howeth) addressed this question and referred to southern areas of the property that may be set aside for stormwater management and vegetative buffering. Drainage easements and stormwater management in the subdivision will be considered during the subdivision and permitting process. If those areas were not set aside, the maximum amount of lots that could theoretically be created would be approximately 45. [b] The Commission also noted that the property cards may be incorrect in reference to a house that was moved across the road. The property card correction was actually referring to the house being identified on the correct tax map rather than the physical location of the house being moved. [c] Other previous uses of the site involved a gravel pit.

Staff presented the facts of the case and noted that there were multiple calls from adjacent property owners inquiring about the details of the proposal. There were no written proffers submitted with the application at the time of the work session. Staff clarified and reiterated that septic systems are required under this specific zoning classification as opposed to connecting to the county sewer system. The majority of development in the area are on private wells but the RR zoning classification does not require private wells. The plan that was submitted with the application noted a public water supply under the general notes but the agent indicated that a certain numbers of users would be needed to make public water viable, otherwise private wells will be considered.

The adjacent property owner to the south (Tax Map 5-49A) listed a number of concerns with the proposed rezoning. Due to the noise levels generated by the existing use on his property, it would not be compatible without acoustic attenuation measures. It was suggested that a sound wall be erected to help mitigate the noise. Staff also mentioned that soundproofing of the houses would also help to alleviate the sound decibel level. The owner referred to studies in other areas with similar uses where vegetative buffering alone would not be sufficient in reducing noise levels, especially in the burnout area which is close to the boundary line. Details concerning suitable height, width, thickness and material for a sound wall were yet to be determined at the work session. The Planning Commission considered a berm structure instead of a sound wall to address the concerns about noise. It was originally suggested that a 12 foot berm be constructed close to the property line. However, after discussion between the owner, agent and Commission, the height was reduced to 6 feet. The location of the berm was also questioned by the adjacent property owner due to its proximity to the water feature that runs close to the property line. The berm will be required to be located outside of all protected areas regulated by the Chesapeake Bay Act and Army Corp. of Engineers. The concern was that the construction of a berm might also change drainage patterns and redirect stormwater onto his property. The owner mentioned that the existing use is grandfathered and that allowing a large number of houses to be built adjacent to the dragstrip facility would be inconsistent with the comprehensive plan, zoning ordinance and county codes.

In summary, the Planning Commission recommended that the case be approved with a written and notarized proffer from the applicant showing the dedicated 100 foot vegetated buffer and berm area pursuant to the revised conceptual site plan dated March 29<sup>th</sup>, 2023.

Attachments:

- Application and Plat
- Tax Map 5-49H
- Aerial photo of lot and surrounding area



Westmoreland County, Virginia  
LAND USE ADMINISTRATION

Building Official  
Zoning Official  
Planning Commission  
Board of Zoning Appeals  
Board of Building Appeals  
Wetlands Board

P.O. Box 1000

Montross, VA 22520

(804) 493-0120

March 13<sup>th</sup>, 2023

Virginia Department of Transportation  
Ronald Brooks  
1027 General Puller Highway  
Saluda, Virginia 23149

RE: Preliminary review request for Tax Map 5-49H, off of Longfield Road (Route 631).

Dear Mr. Brooks,

This is a request for a preliminary review of a proposed entrance for the property located at 38.222008, -77.020777 on Longfield Road, Colonial Beach, Virginia 22443. The proposed project is related to an upcoming rezoning request (Case#2304-RZ-01) that will be heard by the Westmoreland County Board of Supervisors on April 10<sup>th</sup>, 2023 at 6:00 PM. I am requesting to a preliminary review for the entrance type at this site and the requirements for this scale of residential development on Longfield Road.

Although this property has not yet been rezoned and is not yet in a position to formally submit permits, I am requesting preliminary comments and feedback on this project for the proposed development.

A pdf image is attached showing a conceptual plan for the project. I have also sent a physical copy to your mailing address. Please let me know if you are able to accommodate this request.

If you should have any additional questions, please contact me at 804-493-0120 or [dlee@westmoreland-county.org](mailto:dlee@westmoreland-county.org).

Sincerely,

Darrin Lee  
Planner



**PROPERTY OWNER**  
 HARTWOOD STREET REAL ESTATE, LLC  
 CO. ROBERT YARBON, REGISTERED AGENT  
 4001 TWIN BROS. DRIVE #201  
 FARMERSVILLE, VA 22615

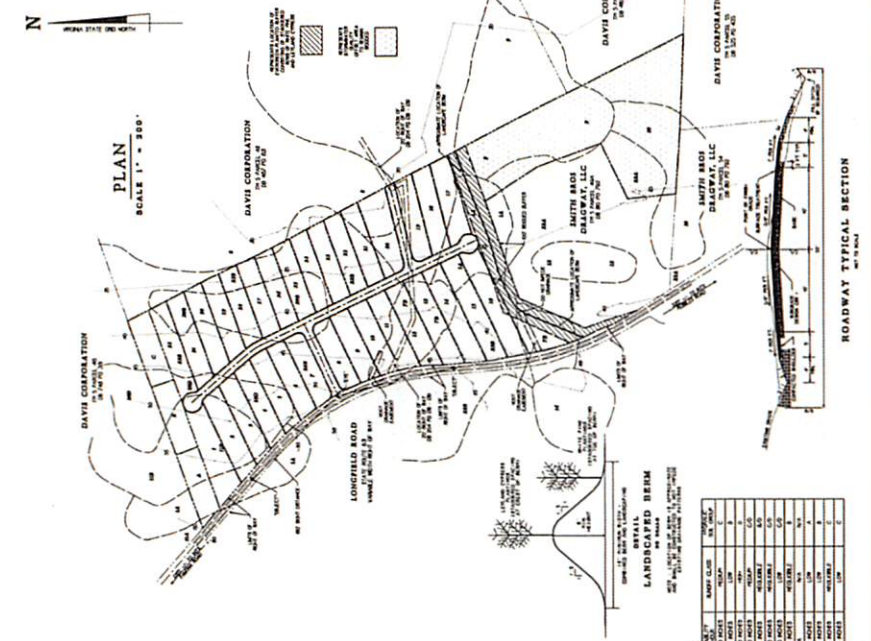
**SITE STATISTICS**  
 TAX MAP / PARCEL / PK  
 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

DATE: APRIL 10, 2023

APPROVED: [Signature]

AGENT: WITTHOLMANN COURT

MISS UTILITY : 811



**GENERAL NOTES**

1. ALL UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY. THE CLIENT IS RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION.
2. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
3. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY EASEMENTS AND RIGHTS-OF-WAY FROM THE ADJACENT PROPERTY OWNERS.
4. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY EASEMENTS AND RIGHTS-OF-WAY FROM THE ADJACENT PROPERTY OWNERS.
5. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY EASEMENTS AND RIGHTS-OF-WAY FROM THE ADJACENT PROPERTY OWNERS.
6. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY EASEMENTS AND RIGHTS-OF-WAY FROM THE ADJACENT PROPERTY OWNERS.
7. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY EASEMENTS AND RIGHTS-OF-WAY FROM THE ADJACENT PROPERTY OWNERS.
8. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY EASEMENTS AND RIGHTS-OF-WAY FROM THE ADJACENT PROPERTY OWNERS.
9. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY EASEMENTS AND RIGHTS-OF-WAY FROM THE ADJACENT PROPERTY OWNERS.
10. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY EASEMENTS AND RIGHTS-OF-WAY FROM THE ADJACENT PROPERTY OWNERS.

**SOILS TABLE**

SYMBOL	NAME	CLASS	DEPTH (FT)	PERCENT SAND	PERCENT SILT	PERCENT CLAY	UNSATURATED WATER CAPACITY (%)	PLASTICITY INDEX	LIQUIDITY INDEX	GROUP SYMBOL
1	CLAY	CL	0 - 1.0	60	35	5	15	15	15	CL
2	SAND	SW	1.0 - 2.0	85	10	5	10	5	5	SW
3	SAND	SW	2.0 - 3.0	85	10	5	10			

**Hawthorne Street Real Estate, LLC**  
**1433 New Monrovia Road,**  
**Colonial Beach, Virginia 22443**

**THE STATEMENT OF PROFFERS**

To: The County of Westmoreland, Virginia

Re: Rezoning of Parcel(s) TM 5-49H  
 (Tax Map Numbers – Attach Additional Pages If Needed)

Pursuant to Section 15.2-2296 of the Code of Virginia and Article 10 of the Westmoreland County Zoning Ordinance, Hawthorne Street Real Estate LLC (the "Applicant") does hereby voluntarily proffer, as the owner of record of the parcel identified on the Westmoreland County Tax Identification Maps as Tax Map 5, Parcel 49H which is subject to this rezoning request (the "Property"), that the development of the Property shall be in accordance with the following conditions:

Proffer 1: Owner agrees to construct an earthen 6' height berm generally along the common property line of

Proffer 2: Smith Brothers Dragway, LLC in accordance with location shown on the General Development Plan.

Proffer 3:

I hereby acknowledge that the Rezoning of the Subject Property gives rise to the need for these conditions.

(Attach additional pages if needed)

Property Owner(s), Agent(s), Contract Purchaser(s)			
<u>Hawthorne Street Real Estate LLC</u>			
1. <u>[Signature]</u>	<u>Robert L. VAUGHN, Jr.</u>	<u>Managing Member</u>	<u>4/5/23</u>
Signature	Name	Position	Date
2. _____	_____	_____	_____
Signature	Name	Position	Date

*\* If the Applicant is not the Property Owner, the Applicant must also submit a "Special Limited Power of Attorney" form (attached), which authorizes the Applicant to act on behalf of the Property Owner.*

STATE OF VIRGINIA  
 COUNTY OF WESTMORELAND, TO WIT:

This day 5<sup>th</sup> April 2023 personally appeared before me, Sherika McGinness, a Notary Public in and for the County and State aforesaid, swore or affirmed that the matters stated in the foregoing Statement of Proffers are true to the best of his (her) acknowledgement and belief.

Given under my hand this 5 day of April, 2023

[Signature]  
 Notary Public

SHERIKA M MCGINNESS  
 NOTARY PUBLIC  
 COMMONWEALTH OF VIRGINIA  
 MY COMMISSION EXPIRES NOV. 30, 2023  
 COMMISSION # 840085

My Commission expires: 11-30-2023



Westmoreland County, Virginia

Land Use Administration

P. O. Box 1000
Montross, VA 22520
Phone 804-493-0120 FAX 804-493-0804

Building Official
Zoning Official
Planning Commission
Board of Zoning Appeals
Board of Building Appeals
Wetlands Board

REZONING APPLICATION

(Amended March 26, 2014)

Case #: \_\_\_\_\_ Fee Check #: \_\_\_\_\_ Date Received: \_\_\_\_\_

Assigned Date for: Planning Commission: \_\_\_\_\_ Board of Supervisors: \_\_\_\_\_

Fee: (\$500 plus \$30 per acre or portions of: (Acres 51) x (\$30) = \$1530 + \$500 = \$2030

DEFERRAL FEE: Any deferral requested by the applicant will require an added 50% of the original fee (above) unless it is a result of a County error. Deferral Date: \_\_\_\_\_ Fee (50%): \_\_\_\_\_

To: The Honorable Board of Supervisors and Planning Commission
Pursuant to the Zoning Ordinance, the undersigned owners of the following described property hereby request a change in zoning district classification as described. We further request that this item be scheduled for consideration of the Planning Commission on \_\_\_\_\_, 20\_\_\_\_.
Additionally, I hereby authorize the Land Use staff, or assigns thereof, to enter upon the property during reasonable hours.

Tax Map Identification: 5-49H Acreage: 51+/- # Lots 32

Existing Zoning District: A-1 Proposed Zoning District: RR

Project Description: Broadfield Farms -- Residential Subdivision

Owner(s): Hawthorne Street Real Estate LLC

Address: 1433 New Monrovia Road

City: Colonial Beach State: Virginia Zip: 22443

Phone #: \_\_\_\_\_ Phone #: \_\_\_\_\_

Email Address: \_\_\_\_\_

Agent (if applicable): J.L. Howeth PC

Address: 1019 Elm Street

City: Tappahannock State: Virginia Zip: 22560

Phone #: 804-443-6367 Phone #: 804-241-4160

Email Address: jlhowethlc@gmail.com

(OVER)

**HAWTHORNE STREET REAL ESTATE LLC  
1433 New Monrovia Road  
Colonial Beach, Virginia 22443**

**TO WHOM IT MAY CONCERN:**

This is to confirm that Jeff Howeth and Isam Farhart have my express authority to speak on behalf of Hawthorne Street Real Estate LLC with regard to the application for rezoning/subdivision of the property located on Longfield Road, Colonial Beach, Virginia, Tax Map No. 5-49H, including making additional proffers.

Hawthorne Street Real Estate LLC

By: \_\_\_\_\_

Robert L. Vaughn, Jr.  
Managing Member

10. OLD BUSINESS

**Resolution – 2023 Northern Neck Regional Hazard Mitigation Plan** – need approval, received information from Mr. Davis that the Resolution could not be approved until FEMA approved it and they did approve it on March 30, 2023.

Norm Risavi reminded the Board that this plan is updated every five (5) years and it is a collaboration between several municipalities of the Northern Neck Region, including Chief Cease and Jerry Davis.

Chairman Fisher asked the Board for a motion. Upon motion by Tim Trivett, second by Woody Hynson and carried unanimously the Board approved the Resolution for the 2023 Northern Neck Regional Hazard Mitigation Plan.

**Westmoreland County, VA  
2023 Northern Neck Regional Hazard Mitigation Plan  
Adoption Resolution**

**WHEREAS**, the municipalities of the Northern Neck Region are most vulnerable to natural and human-made hazards which may result in loss of life and property, economic hardship, and threats to public health and safety; and

**WHEREAS**, Section 322 of the Disaster Mitigation Act of 2000 (DMA 2000) requires state and local governments to develop and submit for approval to FEMA a mitigation plan that outlines processes for identifying their respective natural hazards, risks, and vulnerabilities; and

**WHEREAS**, Westmoreland County acknowledges the requirements of Section 322 of DMA 2000 to have an approved Hazard Mitigation Plan as a prerequisite to receiving post-disaster Hazard Mitigation Grant Program funds; and

**WHEREAS**, the 2023 Northern Neck Regional Hazard Mitigation Plan has been developed by the Northern Neck Planning District Commission in cooperation with other Commonwealth agencies, local municipal officials, and the citizens of the Northern Neck Region; and

**WHEREAS**, a public involvement process consistent with the requirements of DMA 2000 was conducted to develop the 2023 Northern Neck Regional Hazard Mitigation Plan; and

**WHEREAS**, Representatives from Westmoreland County actively engaged and participated in the development of the 2023 Northern Neck Regional Hazard Mitigation Plan, attended meetings of the Hazard Mitigation Planning Committee, completed a Capabilities Assessment for Westmoreland County, and provided recommendations for mitigation activities; and

**WHEREAS**, the 2023 Northern Neck Regional Hazard Mitigation Plan recommends mitigation activities that will reduce losses to life and property affected by both natural and human-made hazards that face the County and its municipal governments.



**NOW THEREFORE BE IT RESOLVED** by the governing body for the County of Westmoreland that:

- 1. The 2023 Northern Neck Regional Hazard Mitigation Plan is hereby adopted as the official Hazard Mitigation Plan of the Northern Neck Planning District Commission and Westmoreland County; and**
- 2. The respective officials and agencies identified in the implementation strategy of the 2023 Northern Neck Regional Hazard Mitigation Plan are hereby directed to implement the recommended activities assigned to them.**

ADOPTED, this \_\_\_\_\_ day of \_\_\_\_\_, 2023

\_\_\_\_\_  
Darryl E. Fisher, Chairman  
Westmoreland County Board of Supervisors

ATTEST: \_\_\_\_\_  
Board of Supervisor's Clerk

2

**Appointment: Board of Building Appeals (District 5)**

Tim Trivett has nominated Eric Nelson as a member of the Board of Building Appeals for District 5. Chairman Fisher asked for a motion to approve the nomination for the Board of Building Appeals. Upon motion by Tim Trivett, second by Russ Culver and carried unanimously the Board approved the nomination for Eric Nelson, District 5.

**11. NEW BUSINESS**

Resolution – Helen A. Hinson (102 years old) – Chairman Fisher said that Supervisor Tate informed him that Ms. Hinson passed away but the Board would like to posthumously approve the Resolution. He then expressed condolences and prayers to the family on behalf of the Board of Supervisors.

Chairman Fisher asked for a motion to approve the Resolution for Helen Hinson. Upon motion by Russ Culver, second by Woody Hynson and carried unanimously the Board approved the Resolution recognizing Helen A. Hinson's anticipated 102 birthday on July 22, 2023.

**RESOLUTION**



**WHEREAS, Helen A. Hinson, respected resident of Westmoreland County, Virginia, will celebrate her 103<sup>rd</sup> birthday on July 22<sup>nd</sup> 2023; and**

**WHEREAS, Helen was married to Gus Hinson and they have three children, Joyce, Larry and Timothy, two grandchildren, and five great grandchildren; and**

**WHEREAS, Helen is a long time member of Nomini Baptist Church; and**

**WHEREAS, Helen worked for Robert Gawn at the store in Hague until 1964 and at that time she opened up her own restaurant in Kinsale known as Helen's lunch; and**

**NOW, THEREFORE, BE IT RESOLVED that Helen A. Hinson is honored and congratulated on this occasion to celebrate her life and extend warmest regards to her and her family.**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Darryl E. Fisher, Chairman  
Board of Supervisors  
Westmoreland County

**12. COUNTY ADMINISTRATOR'S COMMENTS**

Mr. Risavi noted he had no items to discuss other than scheduling a budget work session with the Board. The budget must be adopted by May 15<sup>th</sup>. Mr. Risavi asked if the meeting could be later this week. The Board agreed to Friday, April 15<sup>th</sup> at 5:00 p.m., therefore, this meeting will not be adjourned it will be continued.

13. PUBLIC COMMENT

Chairman Fisher explained the procedures for addressing the Board during the public comment period with a maximum time of 3 minutes. He stated that if you choose to frame your comment in the form of a question the Board has the right to answer now or to defer an answer. With that the Chairman opened the floor for public comment.

Richard Wilkins – Quote by Steven Corvey – “Our ultimate freedom is the right and power to decide how anybody or anything outside ourselves will affect us.” He is concerned by several things that are not happening in the County. Last month, he had to join the meeting via on-line and could only hear about 10% of what was going on. Please use the microphones. Publication that has been circulated not sure by who but Westmoreland County information was not updated. The County needs to say on these things. Also, he has asked time and time again but citizens need to be kept updated about road issues and Westmoreland County is not notifying citizens about accidents or road closures. Last weekend Colonial Beach Police Department had a post on Facebook regarding accidents in two different locations and to avoid these areas in Colonial Beach. He looked at Westmoreland County Sheriff’s Department Facebook page and the last thing posted was about receiving Girl Scout cookies in March. This is unacceptable. He spoke with VDOT about the Chevron signs that were destroyed and they picked it up but they inform him that the street signs are the County responsibility so he is letting the Board know that the Cedar Hill Road & Rt. 205 signs have been destroyed possibly by a tractor trailer and need to be replaced.

Chairman Fisher asked if anyone else from the public wanted to comment during this time. No one else came forward and with that Chairman Fisher closed the public comment portion of the meeting.

**CONTINUATION OF MEETING**

There being no further business to come before the Board at this time, upon motion by Woody Hynson, second by Tim Trivett, and carried unanimously, the Board will recess this meeting until 5:00 p.m. on Friday April 14<sup>th</sup>. The Board’s next regular meeting will be held on Monday, May 8, 2023 at 6:00 p.m. The meeting will be held in the public meeting room at the front entrance of the George D. English, Sr. Memorial Building.

Chairman, 