

NELSON COUNTY PLANNING COMMISSION
MEETING MINUTES
August 24, 2011

Present: Chair Philippa Proulx, Commissioners Linda Russell, Michael Tapager, Michael Harman, and Supervisor Connie Brennan

Staff Present: Fred Boger and Betty Fortune

Call to Order: Chair Proulx called the meeting to order at 7:30 P. M. in the Board of Supervisors meeting room, County Courthouse, Lovington.

Approval of Minutes – June 22, 2011: Commissioner Tapager requested a change of the word “complimentary” to “complementary” on page 3, and Commissioner Harman made a motion to approve the minutes as corrected. Motion was seconded by Commissioner Tapager, and motion passed 4-0, with Supervisor Brennan abstaining.

Approval of Minutes – July 27, 2011: Commissioner Harman made a motion to approve the minutes as presented. Motion was seconded by Commissioner Tapager, and motion passed 4-0, with Supervisor Brennan abstaining.

Special Use Permit #2011-006 – Central Virginia Wind Energy

Mr. Boger reported that Mr. Dan Boyle, representing property owner Barton Biggs, has submitted an application for a Special Use Permit to install a small wind energy system on property located at 4026 River Road, Faber, Tax Map #23-A, parcel 4. The property is approximately 175 acres in size and is zoned Agricultural, A-1. Surrounding properties are also zoned A-1.

The proposed tower will be a lattice design 140' in height. The extended height of the system will be 153', 6". The tip of the blades will be 129' at the low point rotation and they need to be 30' above the nearest obstacle, which, according to Mr. Boyle, are 100' tall trees. The length of a single blade is 11', 5" from the center of the rotor with a rotor diameter of 23'. The length of the system from the tip of the rotor to the end of the tail is 15', 7".

The tower base will be 21' x 21' and will be located 600' northeast of Mr. Biggs' house. The tower will have an 8' fence around the base to prevent climbing, according to Mr. Boger. Mr. Boyle does not state in the application if the fence will be chain link or wood.

The application indicated the blades are white in color. The nacelle is yellow and white with a yellow tail fin. The application does not state the color of the tower. A white and yellow color may not comply with Section 22-4(8) (c) of the Zoning Ordinance.

Mr. Boger added that the tower will be visible from River Road (Rt. 6) which is a Scenic By-way. The tower appears to be about 30' above the tree tops; however, the lower section will be screened by trees which are approximately 100' in height. Engineering drawings were submitted which appear to be satisfactory.

Mr. Boyle of Central Virginia Wind Energy said the tower will be approximately 40' above tree tops which is necessary in order to take advantage of the wind. The site of the tower is approximately 2000' from the road.

Commissioner Russell asked whether fencing was proposed. Mr. Boyle said they would remove foot pegs from 12' down which will prevent anyone from climbing the tower. No fencing is planned. No lighting is required, and the material of the tower will be galvanized.

The public hearing was opened, there were no comments, and public hearing was closed.

Commissioner Russell said the only question she had was the color; however, she didn't object to the proposed colors since the tower will be such a distance from the road. Commissioner Tapager agreed, noting that they did locate the tower well away from the road. Mr. Boger said that these towers may pose a possible threat to the bald eagle population and also to bats. Commissioners were not concerned about the threat because the request is for a single tower.

With no further discussion, Commissioner Russell made the following motion^[1]:

The Planning Commission recommends to the Board of Supervisors approval of Special Use Permit #2011-006 for Barton Biggs, represented by Dan Boyle of Central Virginia Wind Energy, to install a 140 ft. wind turbine on property located at 4026 River Road, Faber, Virginia, Tax Map #23-A-4, zoned Agricultural, A-1.

Commissioner Harman provided the second, and motion passed 4-0, with Supervisor Brennan abstaining.

Class II Communications Tower – AT&T CV397 – Waterworks Lane, Wintergreen Resort

Mr. Boger reported that Mr. Joe O'Conner has submitted a revised application for a Class I Communication Tower to replace existing wood tower #398 with a new metal tower on Waterworks Lane (Tax Map #11-A-2). The current tower is owned by AT&T and located near a ski lift. The proposed tower is a 78' steel monopole with a 2' lightning rod for an overall height of 80'. The tower & flush mounted antennas will be painted dark brown. The equipment shelter will be surrounded by an 8' board-on-board fence that will be allowed to weather naturally.

Mr. Boger added that the narrative submitted by Mr. O'Conner explains the purpose of the application. Since this is a replacement to be located in an area with existing towers, the majority being the same approximate height, Staff recommends approval of this application.

Valerie Long, attorney for AT&T, and Joe O'Connor were present to answer questions. Chair Proulx asked why a steel pole was being used rather than wood. Ms. Long responded that steel is more easily transported because it can be transported in sections, a wood pole requires a larger diameter, woodpeckers are a problem with wood, trees are saved, the fall zone is less since steel poles collapse within a smaller area, cable is concealed inside the pole rather than on the surface, and poles are smaller in diameter than wood poles would have to be.

Commissioner Russell asked about the timetable for removing the existing pole. Ms. Long said removal would take place within approximately 30-60 days after the new pole is activated.

The public hearing was opened, there were no comments, and public hearing was closed.

Commissioner Russell made the following motion^[2]:

The Planning Commission approves application #2011-001, together with plans dated 7/29/11 by O. Warren Williams, Jr. Professional Engineer for AT&T (CV398), pursuant to Section 20, Subsection 20-6-2, of the Nelson County Zoning Ordinance to construct a 78 ft. monopole metal communications tower with a 2 ft. lightning rod. The property is located on Waterworks Lane, Wintergreen Resort, Virginia, Tax Map #11-A-2, and zoned Residential Planned Community. The Planning Commission waives the landscape requirement in Section 20-7-5k of the Zoning Ordinance.

Commissioner Harman provided the second and motion passed 4-0 with Supervisor Brennan abstaining.

Other Business:

Discussion on Subdivision Ordinance: Commissioner Russell asked Mr. Boger to provide information about a proposed restriction on the number of driveways entering a public road. Mr. Boger reported that VDOT's standard is that if more than 3 lots are served by a single entrance onto a State road, a commercial entrance is required. Supervisor Brennan asked about circular driveways with two entrances. Mr. Boger said he would question VDOT on that issue. He suggested that the PC consider requiring that in subdivisions with lots less than 5 acres, any 3 or more lots fronting a public road would require one shared driveway for every 2 lots. Mr. Boger provided a copy of VDOT's site distance requirements. Commissioner Russell said she would like to see the issue of driveways resolved and asked Mr. Boger to investigate further and make a recommendation at the September meeting.

Comprehensive Plan Revision: Mr. Boger has received some comments from VDOT on the Comprehensive Plan transportation section. Chair Proulx suggested scheduling a work session to discuss this issue. October 5 or October 12 was suggested. Commissioners are to let Secretary know which date is convenient. Mr. Boger indicated that the representative from TJPDC who authored the section wants to be present.

Board of Supervisor Liaison Report – Connie Brennan: Supervisor Brennan reported the following:

- (1) The Board of Supervisors received Karen Firehock's report from the Green Infrastructure Center on Healthy Watersheds, Healthy Communities. Supervisor was impressed with the study.
- (2) The Broadband project is moving slowly. One company ~~has been~~ will be hired to work toward providing Broadband for County Offices, Health Department, Schools, Library, etc. along the main Broadband line. Other companies will handle all other subscribers working off the main line.
- (3) The Health Department building is still in limbo, with no decision made at this time regarding whether to build or rehabilitate.
- (4) Lovingson Health & Rehabilitation Center will be closing in approximately 3 years and moving to Albemarle County. There is a possibility that the County may want to consider purchasing the building.
- (5) The definition of Wildlife Rehabilitation Center was approved by the Board.
- (6) The Gladstone communications tower was approved by the Board.
- (7) No progress has been made on revisions to the Communications Tower ordinance.
- (8) It is anticipated that E911, Sheriff's office, and Courts will moved into the new County Courthouse Complex in October.
- (9) Some parts of the old jail will be saved.
- (10) Construction on Blue Ridge Medical Center is progressing. The back of the present building will be demolished, and the front will be retained.
- (11) Exception #11 for Mr. Lawrence Dewey, Jr. was denied by the Board.

Supervisor Brennan asked Mr. Boger if he had consulted with County Attorney Payne regarding the inconsistencies the Planning Commission perceived in the newly approved Va. Code Section 15.2-2292.1 relating to temporary family health care structures. Mr. Boger said he hasn't as of today.

Adjournment:

At 8:30 P. M., Commissioner Harman made a motion to continue the meeting on the date decided for the Comprehensive Plan work session, Commissioner Russell provided the second, and motion passed 5-0.

Next Meeting:

September 28, 2011

Respectfully submitted,

Betty Fortune, Temporary

Planning Commission Secretary

A RESOLUTION

TO RECOMMEND APPROVAL OF SPECIAL USE PERMIT #2011-006

FOR CENTRAL VIRGINIA WIND ENERGY

WHEREAS, Mr. Dan Boyle of Central Virginia Wind Energy, on behalf of Mr. Barton Biggs, has requested approval pursuant to Article 22, Section 4-1-1b, to install a 140 ft. wind turbine on property located at 4026 River Road, Faber, Virginia, Tax Map #23-A-4, zoned Agricultural, A-1;

WHEREAS, notice of public hearing was published in the Nelson County Times on August 4 and 11, 2011; and

WHEREAS, a notice to adjacent property owners was mailed on August 17, 2011; and

WHEREAS, the Commission has considered the Planning Director's report; and

NOW, THEREFORE, BE IT RESOLVED BY THE NELSON COUNTY PLANNING COMMISSION as follows:

The Planning Commission recommends to the Board of Supervisors approval of Special Use Permit #2011-006 for Barton Biggs, represented by Dan Boyle of Central Virginia Wind Energy, to install a 140 ft. wind turbine on property located at 4026 River Road, Faber, Virginia, Tax Map #23-A-4, zoned Agricultural, A-1.

Motion made by Commissioner: Linda Russell

Motion seconded by Commissioner: Michael Harman

Motion Passed: 4-0, Supervisor Brennan abstaining

APPROVED: _____

CHAIR

ATTEST: _____

Planning Commission Secretary DATE: August 24, 2011 _____

A RESOLUTION

TO RECOMMEND APPROVAL OF CLASS I COMMUNICATIONS TOWER

#2011-001 FOR AT&T

WHEREAS, an application has been submitted by AT&T for a Class I Communications Tower Permit, pursuant to Section 20, Subsection 20-6-2, of the Nelson County Zoning Ordinance to construct a 78 ft. metal monopole communications tower with a 2 ft. lightning rod, on property located on Waterworks Lane, Wintergreen Resort, Virginia, Tax Map #11-A-2, zoned Residential Planned Community, RPC; and

WHEREAS, notice of public hearing was published in the Nelson County Times on August 4 and 11, 2011;

WHEREAS, a notice to adjacent property owners was mailed on August 17, 2011; and

WHEREAS, the Commission has considered the Planning Director's report;

NOW, THEREFORE, BE IT RESOLVED BY THE NELSON COUNTY PLANNING COMMISSION as follows:

The Planning Commission approves application #2011-001, together with plans dated 7/29/11 by O. Warren Williams, Jr. Professional Engineer for AT&T (CV398), pursuant to Section 20, Subsection 20-6-2, of the Nelson County Zoning Ordinance to construct a 78 ft. monopole metal communications tower with a 2 ft. lightning rod. The property is located on Waterworks Lane, Wintergreen Resort, Virginia, Tax Map #11-A-2, and zoned Residential Planned Community. The Planning Commission waives the landscape requirement in Section 20-7-5k of the Zoning Ordinance.

Motion made by Commissioner: Linda Russell

Motion seconded by Commissioner: Michael Harman

Motion Passed: 4-0, Supervisor Brennan abstaining

APPROVED: _____

CHAIR

ATTEST: _____

Planning Commission Secretary

DATE: August 24, 2011

[\[1\]](#) Resolution – Central Virginia Wind Energy

[\[2\]](#) Resolution – AT&T