

**NELSON COUNTY PLANNING COMMISSION
MEETING MINUTES
December 19, 2012**

Present: Chair Philippa Proulx, Commissioners Linda Russell, Michael Harman, Emily Hunt and Supervisor Connie Brennan. Mary Kathryn Allen was absent.

Staff Present: Fred Boger, Tim Padalino, Melissa Thompson

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

Approval of Minutes – September 26, 2012: Approving of the minutes was deferred for revision until the January 23, 2013 meeting.

Special Use Permit, # 2012-004 Joe L. Brown

Consideration of an application by Joe L. Brown to allow for placement of a manufactured doublewide home at 892 Lonesome Pine Road, Shipman, VA., further identified as Tax Map # 69-A-52.

Mr. Padalino presented the staff report for SUP permit #2012-004 saying that Mr. Brown's home had burned and that his family had been staying with his son. Mr. Padalino stated that the family was in need of a home because his son's home was too small for three additional people to reside for any length of time. He stated that Mr. Brown had hoped to replace the burned dwelling with a single wide manufactured home. However, the property is zoned R-1 (Residential) and a single wide manufactured home is not allowed in this district. Due to the forthcoming holidays the earliest the Planning Commission could hear the request for a SUP was the January meeting. Mr. Boger recommended that the Browns' contact the Board of Supervisors for guidance.

Ms. Jamie Dooley with Clayton Homes of Bedford contacted the Tommy Harvey, Chair of the Board of Supervisors and explained the Browns' situation. After visiting the property, Supervisor Harvey contacted the other Supervisors and asked for their input. Four supervisors spoke with staff in favor of allowing the Browns to install a double wide manufactured home prior to Planning Commission approval of SUP.

Staff supports approval of this request because eight Special Use Permits have been approved for double wide manufactured homes in close proximity to the Browns' property thus the character of the area will not be significantly impacted.

Commissioner Hunt asked what had happened to the burned structure. Mr. Padalino stated that the site was already cleared when he and Mr. Boger went to visit. Chair Proulx asked if staff knew the date of the fire. Mr. Padalino believed it was late October to early November.

The public hearing was opened and no one came forward to speak. The public hearing was closed.

Chair Proulx called for discussion and Commissioner Harman stated that he believed that in light of the applicant's situation the right decision was made by staff.

The following motion was made:

The Planning Commission recommends to the Nelson County Board of Supervisors approval of Special Use Permit # 2012-004 allowing Joe L. Brown to place a doublewide manufactured home on property at 892 Lonesome Pine Road, Shipman, VA, Tax Map # 69-A-52.

The motion was made by Commissioner Harman and Commissioner Hunt offered the second. The motion passed 4-0 with Supervisor Brennan abstaining.

Chair Proulx stated that she would like the Commission to have a conversation at a later date concerning how to handle emergency situations.

Elk Rock Orchard Subdivision

Mr. Padalino presented the staff report stating that the applicant has submitted a Preliminary Plat to divide properties containing 80.86 acres in 16 lots. The property is located on Howardsville Turnpike, Afton, VA., further identified as Tax Map Parcels # 2-A-1C, 3-A-82C and 3-A-82D. He stated that the properties are zoned A-1 (Agricultural). Notes from the Site Plan Review on December 14, 2012 were shared by staff as follows: 1) Matt Clark, VDOT (Virginia Dept. of Transportation) confirmed that it had accepted a commercial entrance plan earlier in the year. 2) David Thompson, Building Official, requested the applicant provide additional information regarding requirements for emergency vehicle access (specifically "fire apparatus") related to lots 7 & 8. Mr. Padalino reported that as of November 29, 2012 Mr. Thompson indicated that there are no outstanding problems with the proposed location per his continued review of the Virginia Statewide Fire Protection Code. 3) Alyson Sappington, Thomas Jefferson Soil & Water Conservation District (TJSWCD) confirmed that a full Erosion & Sediment Control Plan would be necessary and that the proposed development would also require a Virginia Stormwater Management Program (VSMP) permit issued by Virginia Dept. of Conservation and Recreation (DCR). In addition, due to the steep slopes present across several lots – such as Lots 7-12 which border the Blue Ridge Parkway, and possibly others—Ms. Sappington advised the County to require site-specific Erosion and Sediment Control Plans for steep slope lots during the Building Inspections permitting process (instead of allowing "Agreements in Lieu of Plans" when acquiring building permits). These individual "lot" plans should be submitted by the lot owners at the time they intend to build homes on those lots, and might have limited areas of disturbance.

Mr. Padalino stated that a letter had been received from the applicant requesting an exception to the requirement that fire protection be provided on-site for a subdivision containing 15 or more lots, as required by Section 4-5b of the Nelson County Subdivision Ordinance. He stated that the applicant had spoken with Supervisor Harvey regarding the use of an existing dry hydrant rather than creating a new storage system. Supervisor Harvey would prefer utilizing a pond and dry hydrant already in place near the proposed subdivision as the pond is a more reliable source of water.

Brian Ray, Roger Ray Associates, LLC, introduced Mike Boggs as one assisting with plans for the proposed subdivision since 2008. He stated that because there is no water on the property using the neighboring dry hydrant and pond is practical. Discussion centered on how best to implement Ms. Sappington's recommendations. Chair Proulx stated that she would like to see a note on the plat concerning those additional requirements. Supervisor Brennan suggested the plat read additional E & S "may be required". Commissioner Russell suggested that Ms. Sappington's recommendation could be required on some plats.

Mr. Padalino noted that following the Site Plan review meeting, the applicant has been proactively communicating with County staff and neighboring landowners and that they would continue to do so. Mr. Padalino further stated that County staff recommends that the application for Preliminary Subdivision Plat be favorably reviewed and approved.

The public hearing was opened and no one came to speak. The public hearing was closed.

Supervisor Brennan asked if there had been a meeting with the officials of the Blue Ridge Parkway. Mr. Boggs stated that he had traveled to Ashville to meet with the superintendant and that there are no issues.

The following motion was made:

The Planning Commission approves the application by Mountain Land Company for Preliminary Site Planning dated October 10, 2012, revised November 30, 2012 to subdivide parcels 2-A-1C, 3-A-82C and 3-A-82D located on Howardsville Turnpike, Afton, VA. The Commission also recommends that the Board of Supervisors approve the exception to the Subdivision Ordinance 4-5b to allow for an off -site dry hydrant.

The motion was made by Commissioner Russell and Commissioner Harman offered the second. The motion was passed 4-0 with Supervisor Brennan abstaining.

Class III Communication Tower Permit # 2012-004

Mr. Padalino presented the staff report for consideration of an application by the County of Nelson to allow for the construction of a 110 foot AGL (Above Ground Level) communication tower with a 4 foot lightning rod for a total of 114 feet. He stated the tower will be located on property owned by the County of Nelson at 961 Tan Yard Road, Roseland, VA, Tax Map # 55-A-26. The location is a collection site and also had an old school on the property which has been abandoned. Mr. Padalino further stated that the County is requesting special exceptions: Sections 20-8-2 and 20-7-2e to permit the proposed communication tower to be located within the view shed of a designated Scenic By -Way i.e. Patrick Henry Highway, Route 151. Mr. Padalino stated that this would be the final tower in the project funded by the BTOP (Broadband Technology Opportunities Program) grant and the Dept. of Commerce and could serve 422 address points. He stated that an E & S plan will not be necessary because an existing gravel road on flat ground would only need to be widened 15 feet.

Mr. Padalino addressed the fall zone requirement. Susan Rorrer, Information Systems Director, stated she had spoken to Judy Bentley, Icon Engineering, who said the tower will be shifted to meet the fall zone requirement. Ms. Rorrer also spoke concerning the need for landscaping. Supervisor Brennan stated that there is a possibility that the building on the property could be taken down. Commissioner Russell stated that she would be willing to leave the approval of landscaping plan to the County Planner. Chair Proulx and Commissioner Hunt agreed. After discussion of a letter from Steve Carter, County Administrator concerning approvals of required agencies it was determined that the only approval letter missing was from the Dept. of Historic Resources. Ms. Rorrer indicated that the letter was forthcoming. Ms. Rorrer then presented the Commission with a picture of the proposed tower.

The public hearing was opened and no one came forward to speak. The public hearing was closed.

Commissioner Russell stated that she was very disappointed in how reflective the recently installed towers are and that she was in favor of painting this tower. Ms. Rorrer stated that painting cost is approximately \$4,000.00 and that the tower will dull over time.

The following motion was made:

The Nelson County Planning Commission recommends approval of a Class III Tower Permit# 2012-004 to allow the County of Nelson to construct a 114' tower on county owned property identified by Tax Map # 55-A-26 on Tan Yard Road in Roseland, Virginia. The Commission further recommends that the BOS grant a special exception from Sections 20-8-2 and 20-7-2e to allow the tower to be located within the view shed of a Virginia Scenic By-Way. A landscaping plan is required along the side facing the school which may be approved by the County Planner at a later date. To clarify, the commission is approving the tower with only a 3.5' microwave dish within the top 10' of the tower. Any additional arrays or equipment will require a new application. This recommendation is conditional on: 1) equipment cabinet will be 23" x 45.2" x 21.5" and buff in color 2) the tower will be painted a color approved by the County Planner. The basis for this approval can be found in the site plan drawing of 4 pages by J. Michael Bowers of Icon Engineering dated 11/15/12 and a 6 page application with 4 page addendum dated 11/26/12 submitted by Icon Engineering, an email from Judy Bentley of Icon Engineering to Tim Padalino which addresses the equipment cabinet and the County's application with a 4 page letter from Steve Carter, County Administrator.

Commissioner Russell made the motion and Commissioner Harman offered the second. The motion passed 4-0 with Supervisor Brennan abstaining.

Other Business

Tim Padalino reported the following:

1. The National Park Service announced the RTCA (Rivers, Trails & Conservation Assistance) grant has been awarded to the County for a technical assistance program. This was an competitive grant program. It's not for funding of the Blue Ridge Tunnel project but, will give the County access to a National Park Service staff person who specializes in trail funding, trail building & extension. He stated that this is a good development for the Blue Ridge Trail project.

2. VDOT announced that they are soliciting new proposals for what used to be called the Transportation Enhancement Program. This was the program that funded the majority of the Tunnel project thus far. Mr. Padalino stated that the County will be putting together a Phase I funding request of \$750,000.00.
3. There has been no contact from the Federal Transit Administration concerning a \$2,000,000.00 proposal submitted for the Blue Ridge Tunnel project. Details on the grant are expected in January.

Supervisor Report- Connie Brennan

1. New stop light on Route 29 is in place.
2. The speed study on Rt.6 between 29 & 151 has not been started.
3. The Courthouse Mitigation Project will be installed in January.
4. New Courthouse signage will be installed in January.
5. There will be a new polling place in Shipman-Carriage House at Oak Ridge
6. The Registrar's office will be moved, location to be determined in January.
7. Health Dept. has moved to Blue Ridge Medical Center
8. Broadband project is almost finished- Blue Ridge Internet Works has been hired as network provider
9. Reassessment is moving along
10. Dept. of Social Services passed at 100% in the Foster Care Audit
11. Attended with Supervisor Harvey a meeting with Nelson Co. Community Development Foundation at Pippin Hill to discuss a Nelson Co. needs assessment
12. At next BOS meeting will propose a resolution in support of retaining the ban on uranium mining. The Farm Bureau also stands behind the ban.
13. The JABA study on the need for an assisted living facility is not complete.
14. There is discussion about Thomas Jefferson Planning District Commission changing it's boundary
15. A town hall meeting was held with Supervisor Harvey. Supervisor Brennan was unable to attend due to the flu.
16. There is a contract on High Top Tower
17. Massies Mill Community Center now belongs to the County
18. The Heritage Center contract to change ownership is still pending.
19. There is a new water tank at Wintergreen allowing for more snow to be made
20. Jefferson Building work is on hold
21. VDOT is looking for ways to use funds not used for speed limit control
22. The outside of the Magistrate's building has been completed.
23. Norwood Historic District still in process
24. An Animal Officer has been hired
25. The County is advertising for a recycle coordinator
26. VDOT and Supervisor Harvey are working on cleaning up the Afton overlook
27. Christmas Bonuses were given to County employees

Adjournment

Commissioner Harman made the motion to adjourn the meeting at 8:58 P.M.

Next Meeting: January 23, 2013

Respectfully submitted,

Melissa M. Thompson, Secretary
Planning & Zoning

**A RESOLUTION
TO RECOMMEND APPROVAL OF SPECIAL USE PERMIT #2012-004
FOR JOE L. BROWN**

WHEREAS, Joe L. Brown has requested a Special Use Permit #2012-004 for placement of a manufactured home, to be located at 892 Lonesome Pine Road, Shipman, Virginia, Tax Map #69-A-52; and

WHEREAS, notice of public hearing was published in the Nelson County Times on November 29 and December 6, 2012; and

WHEREAS, a notice to adjacent property owners was mailed on December 4, 2012; and

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

WHEREAS, on December 19, 2012 the Planning Commission held a public hearing to consider the Special Use Permit; and

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

The Planning Commission recommends to the Nelson County Board of Supervisors approval of Special Use Permit # 2012-004 allowing Joe L. Brown to place a doublewide manufactured home to be located at 892 Lonesome Pine Road, Shipman, VA, Tax Map # 69-A-52.

Motion made by Commissioner: Michael Harman

Motion seconded by Commissioner: Emily Hunt

Motion Passed: 4-0, Supervisor Brennan abstained.

APPROVED: _____
CHAIR

ATTEST: _____
Planning Commission Secretary

DATE: _____ **December 19, 2012**

**A RESOLUTION RECOMMENDING APPROVAL OF A
CLASS III COMMUNICATIONS TOWER PERMIT #2012-004
FOR COUNTY OF NELSON**

WHEREAS, County of Nelson has submitted an application for a Class III Communication Tower Permit, pursuant to Article 20, Subsection 20-8 of the Nelson County Zoning Ordinance to construct a 114 foot monopole communications tower; and

WHEREAS, the proposed communications tower site is located on property owned by County of Nelson, 961 Tan Yard Road, Roseland, VA, Tax Map # 55-A-26; and

WHEREAS, a notice of the required Public Hearing by the Nelson County Planning Commission was published in the Nelson County Times on November 29 and December 6, 2012; and

WHEREAS, a notice to adjacent property owners was mailed on December 6, 2012; and

WHEREAS, on December 19, 2012, the Nelson County Planning Commission held the required public hearing on said application; and

WHEREAS, the Commission has considered the Planning Director's report and comments from the applicant and citizens;

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

The Nelson County Planning Commission recommends approval of a Class III Tower Permit # 2012-004 to allow the County of Nelson to construct a 114' tower on county owned property identified by Tax Map # 55-A-26 on Tan Yard Road in Roseland, Virginia. The Commission further recommends that the BOS grant a special exception from Sections 20-8-2 and 20-7-2e to allow the tower to be located within the view shed of a Virginia Scenic By-Way. A landscaping plan is required along the side facing the school which may be approved by the County Planner at a later date. To clarify, the commission is approving the tower with only a 3.5' microwave dish within the top 10' of the tower. Any additional arrays or equipment will require a new application. This recommendation is conditional on: 1) equipment cabinet will be 23" x 45.2" x 21.5" and buff in color 2) the tower will be painted a color approved by the County Planner. The basis for this approval can be found in the site plan drawing of 4 pages by J. Michael Bowers of Icon Engineering dated 11/15/12 and a 6 page application with 4 page addendum dated 11/26/12 submitted by Icon Engineering, an email from Judy Bentley of Icon Engineering to Tim Padalino which addresses the equipment cabinet and the County's application with a 4 page letter from Steve Carter, County Administrator.

Motion made by Commissioner: Linda Russell

Motion seconded by Commissioner: Michael Harman

Passed: 4-0, Supervisor Brennan abstained

APPROVED: _____

Planning Commission Chair

ATTEST: _____
Planning Commission Secretary

Date: December 19, 2012