

**NELSON COUNTY PLANNING COMMISSION  
MEETING MINUTES  
July 27, 2016**

**Present:** Chair Philippa Proulx, Commissioners Mike Harman, Linda Russell, Robert Goad and Tommy Bruguere (Board of Supervisors Liaison)

**Absent:** Commissioner Mary Kathryn Allen

**Staff Present:** Tim Padalino, Director of Planning & Zoning and Stormy Hopkins, Secretary

**Call to Order:** Chair Proulx called the meeting to order at 7:00 P. M. in the General District Courtroom, County Courthouse, Lovingsston.

**Approval of Minutes – June 22, 2016:**

**Commissioner Harman made the following motion:**

**I move that the minutes from June 22, 2016 be approved, draft July 8, 2016 and updated July 12, 2016. Commissioner Russell provided the second; the vote 4-0.**

**Public Hearing Items:**

**1. Review of Ag-Forestal District (AFD) Application #2016-01 / Mr. Marc Chanin:**

Mr. Padalino provided a brief summary of AFD application #2016-01, a proposed addition to the existing Greenfield AFD, which was received on May 31, 2016 and submitted by the property owner, Mr. Marc Chanin. Specifically, the applicant wishes to add two (2) parcels that are located in the Greenfield area of Afton. The two (2) parcels, consisting of a total of 13.88-acres, are further identified as Tax Map #13-10-3 (11.45 acres) and Tax Map #13-10-1 (2.43 acres).

Mr. Padalino noted that the application was initially forwarded to the AFD Advisory Committee for their review pursuant to State Code and County Code procedures. The AFD Advisory Committee met on July 19<sup>th</sup> and unanimously recommended approval, based on the fact that this would create a more consistent core of the existing AFD. He further noted that Mr. Chanin owns an additional property which is currently in the AFD.

Chair Proulx noted that the minutes from the AFD Committee provide clarification for Land Use Assessment (LUA); and that land use taxation is not automatic when a property is placed in an AFD. Mr. Padalino also noted that the clarification was provided by the Commissioner of Revenue, Mrs. Pam Campbell, who was at the AFD Committee meeting. He further noted that it seems the only benefit to the AFD designation, as it relates to the LUA, is that AFD properties receiving LUA taxation have their LUA automatically renewed every six (6) years, whereas a non-AFD property would have to be re-evaluated and re-designated for LUA every six years.

Joyce Burton: Ms. Burton noted that she has been involved with the creation of the Greenfield AFD. Mr. Marc Chanin was not able to attend the meeting. He had interest in adding these properties in the beginning, when the district was put together. However, for various reason, he felt as though he needed to “hold off” on doing so. She also noted that when Mr. Chanin contacted her about adding the parcels now, she indicated that they could. She further noted that she is very pleased with the support that the Planning Commission (PC) has given them in the past with regards to the Greenfield AFD, and they are hoping to continue to grow the district.

Chair Proulx then opened a public hearing at 7:06 p.m. No comments were made and the public hearing was closed.

**Commissioner Russell made the following motion:**

**The Planning Commission has received a request to add two (2) parcels totaling 13.88-acres to the Greenfield AFD, identified as Tax Map Parcels 13-10-1 and 13-10-3, owned by Mr. Marc Chanin. Having received a positive recommendation from the AFD Advisory Committee and having held a public hearing on this day, July 27, 2016, the PC recommends that the Board of Supervisor (BOS) approve this application, which is identified as #2016-01.**

**Commissioner Goad provided the second; and the Commissioners voted 5-0 in favor of the motion.**

**Other Agenda Items:**

Review of Class C Communication Tower Permit #2016-08 (Shentel):

Mr. Padalino noted that the applicant is Ms. Jessie Wilmer, Site Acquisition Specialist from Shentel. The application was received on May 17<sup>th</sup>. The PC received a preliminary introduction of the application at the June 22<sup>nd</sup> meeting and decided at that time to not conduct the optional public hearing, based primarily on the fact that the BOS will automatically hold a public hearing on the application, as required by ordinance.

Mr. Padalino showed maps of the subject property's location and characteristics. The parcel is identified as Tax Map Parcel #45-A-40, consists of approximately 160-acres, and is zoned Agricultural (A-1). It is located on the West and East side of Route 29 (Thomas Nelson Hwy). The west side of the property is currently the site of two (2) communication towers, (2) identified as CV221 "Polly Wright."

Mr. Padalino then showed excerpts from the Site Plan provided by the applicant. The request is to replace an existing 97.5' wood tower with a proposed 130' Class C steel monopole. It will include a landscape buffer between the equipment cabinets and Route 29. The top of the tower would be 126' above ground level and the lightning rod would top out at 130' above ground level (which is the maximum allowable height). It will be painted Umbra Brown, using industrial/marine coating paint. The antennas and associated equipment will be collar-mounted between 117' – 123' above ground level.

Mr. Padalino concluded by discussing the Site Plan Review and Comments; the balloon test details; and staff review and recommendation (as described in the Staff Report dated July 15, 2015 – see attached). He shared his assessment that the proposed tower would create significant visual impacts, due to the tower's height above the surrounding tree canopy as well as the site's prominence above the surrounding landscape. He then shared his assessment that the proposed equipment would only create marginal increases in coverage, based on the coverage maps provided by the applicant. He concluded by stating that he does not recommend approval of this Class C Communication Tower Permit. However, he recommended that the applicant consider co-locating on an existing nearby facility, or consider pursuing two (2) smaller towers in this area.

Commissioner Goad asked if the coverage maps were for Shentel only. Mr. Padalino indicated this would be the expected increase in coverage from Shentel coverage at the height shown in the Site Plan drawings. The Site Plans do not show any other co-location heights or equipment on them, and assumes these are for Shentel equipment only. Commissioner Goad also asked, where is this tower located in relation to the other two (2)

towers. Mr. Padalino noted that it will be very close to the other two (2) towers, almost in the same spot as the existing tower.

Mr. Bruguere stated that he can see where co-location can be a problem. If they co-located it would be below the tree canopy, and they are trying to get above the tree line. Mr. Padalino indicated that no materials have been submitted to show if the co-location option has been explored; he added that such documentation is a requirement listed in the Zoning Ordinance.

Jessie Wilmer, Shentel: Ms. Wilmer noted that Shentel is the provider of network coverage to Sprint. They are formerly nTelos. Sprint is working on providing updated coverage across Nelson County. They are proposing to replace Site CV149 (80' wood pole) and Site CV150 (75' wood pole) with a steel monopole (administratively) because the wood pole would not accommodate the equipment and it wasn't structurally sound. She also noted that by replacing the two (2) poles and increasing the height on CV221 (Polly Wright), it will give them the coverage needed. Along Route 29, there is an area 1/8-mile in length where the coverage is insufficient to the point that customers drop their calls. This causes Sprint customers to complain. If the tower height increase is not approved, they will still have to replace the tower because it will not accommodate the equipment; it's not structurally sound. The original approval (1999) was for 10' above the trees; a lot has changed in the telecommunications industry since then. Their antennas were only 4' tall at that time; now they are 10' tall with remote radio heads below those.

The Commissioners had the following questions/concerns/comments:

1. *Have you looked at two (2) smaller towers?* Ms. Wilmer noted that they could propose another tower but that would incur more expense (rent, utilities, roads, etc.). They did look at co-locating on these towers but did not provide the data because it would be below the trees. That data will be provided for the next meeting. They could also look at increasing the height on the tower in Lovington.
2. Mr. Bruguere noted that he feels it's important for communications not only for the Sheriff's Office but for Rescue Squads. There are multiple places along Route 29 that have drops and the patient is the one that's affected. He asked Mr. Padalino if anyone has complained about this particular site. Mr. Padalino indicated he had not received any complaints.
3. *Driving down Route 29, would service switch over to roaming or will it drop the call?* Ms. Wilmer indicated that because the coverage issues were for such a short stretch of road, the service wouldn't immediately change (switch over), because that only happens when you are out your service provider's network for longer periods of time. As a result, the calls simply drop.
4. *Is co-location possible with other providers?* Ms. Wilmer indicated that this tower would provide co-location opportunity for other carriers.
5. *What is the lowest height that would be possible to not drop a call?* Ms. Wilmer indicated that they could possibly go another 10' down. They could keep that one and propose another tower at a different site.
6. Commissioner Russell noted that she would personally prefer to see two (2) smaller towers versus one (1) larger tower because of the uniqueness and natural beauty of the County.
7. Commissioner Harman noted that he would like to see coverage improved on Route 29 because it's a vital access road. He thinks the two (2) smaller towers would improve the coverage.
8. *Could they look into doing two (2) smaller towers?* Ms. Wilmer indicated that a second site is not budgeted in this vicinity.

Mr. Padalino noted that there appears to be two (2) things during the overall discussion that might be useful to look into further. The first thing is the possibility of co-locating on the existing 114' tower (originally owned by Verizon), which is information that is required by the County's Ordinance. The second thing is to consider a

revised design: instead of the 130' tower designed to accommodate co-location below the Shentel/Sprint equipment, is it possible to explore a shorter tower that would not permit co-location (a single-carrier pole with less visual impact).

Chair Proulx asked if Ms. Wilmer could come back at next month's meeting with the above mentioned information. Ms. Wilmer indicated that she could.

Chair Proulx asked if there is a time limitation associated with application. Ms. Wilmer noted that the 6409 ruling applies and a decision would need to be made within ninety (90) days. Mr. Padalino noted that the Ordinance (Section 20-13-E) requires the County to evaluate the applicant's information about co-location as part of the review for a complete application; and the applicant has not provided any information which demonstrates the suitability of "alternative sites."

Mr. Padalino also noted that the applicant should add notes or graphic annotation regarding which trees will be removed or adversely impacted as required by ordinance. The Commissioners agreed they would review the complete application at next month's meeting.

Project Update: Rockfish Valley Area Plan (RVAP):

Mr. Padalino noted that County Staff and Thomas Jefferson Planning District Commission (TJPDC) have been working together on this project. This is not just a simple plan that will become just a static planning document; there are a lot of different components to it. He then provided a summary of the project team's progress on those various components:

- The project team has been convening an Ag-Working Group, as required by Dept. of Agriculture, who is funding the project. There have been two meetings and a third is scheduled for next Monday, August 1<sup>st</sup>.
- The project team has completed a summary of all the previous plans and existing studies that pertain to the Rockfish Valley study area.
- An inventory has been completed of all the zoning permits that pertain to the Rockfish Valley since 2002 (date of the previously approved Comp[rehensive] Plan). All rezoning, special use permit, conditional use permit, and site plan has been identified and mapped. He further noted that, additional analysis and mapping is still in process for that particular task.
- The team has completed a public survey, which was available both online and in paper format. Based on public feedback, the original deadline was extended by two weeks (July 1<sup>st</sup> to the 15<sup>th</sup>) to reach a wider audience. To further those goals of reaching the widest possible audience, paper copies were delivered to 16 churches or other religious institutions within the study area. In addition, survey flyers/announcements were delivered to gas stations; service centers; post offices; the library; the Rockfish Valley Community Center; and other locations within the study area. Mr. Padalino believes the survey was extremely successful.
- Mr. Nick Morrison and Mr. Wood Hudson have conducted stakeholder interviews with key stakeholders and community leaders, as a compliment to the public survey.
- The team conducted an Open House on June 28<sup>th</sup>. They presented initial analysis (including maps and data) and interim results of the public survey. Feedback was received during an informational question-and-answer session, organized around five (5) plan topics (Agriculture, Natural Resources, Economy, Community, and Transportation). The meeting also included some interactive activities and exhibits.

Mr. Padalino then provided a summary of remaining Phase I tasks:

- The project team is undertaking a business inventory and a tax revenue assessment. Ms. Maureen Kelley (Director of Economic Development) and Mrs. Pam Campbell (Commissioner of Revenue) are being very helpful with those two tasks.
- The project team is developing an asset inventory to identify the location of all of the study area's most valuable features and attributes.
- They are finalizing a land use analysis of each and every parcel in the study area, which will provide more detailed analysis than the zoning maps.
- They will be developing a SWOT analysis, which identifies the study area's Strengths, Weaknesses, Opportunities, and Threats. Throughout the entire project, they have been hosting a project webpage which contains project information, updates, public meeting information, and access to area plan files as they become finalized.

Mr. Padalino concluded by noting that the next steps are to convene the third Ag Working Group meeting next Monday (August 1<sup>st</sup>), and to present a progress report to the Board of Supervisors (BOS) at the August 9<sup>th</sup> meeting. Mr. Padalino then noted that some of the Phase II tasks include an ordinance review, code review, and a development of implementation techniques or a "tool kit" of strategic recommendations. Another public meeting will be held in early October. He concluded by stating that all of these steps are geared towards presenting recommendations to the BOS at their November meeting.

Mr. Wood Hudson and Mr. Nick Morrison (TJPDC): Mr. Hudson noted that they have been assisting the County (on contract) with the RVAP. This is an opportunity for the PC to engage the project team, should they have any questions, or feedback they may have received from constituents, or other input that may want to provide.

Mr. Morrison provided a presentation that summarized the community Open House meeting and the preliminary survey results. He showed a map of the study area and provided the following details: it is 103 square miles in size; the population is roughly 7,800 people; the median age is 51; major transportation networks throughout the area (Route 151, Route 6, and Route 664); and major industries and employment sectors (accommodations, service, agricultural, and tourism).

He noted that there were approximately 125 attendees at the Open House meeting. It was conducted as an open house style. There were five different stations that were manned with a staff member to answer questions. Phase I topics are Agriculture, Community, Transportation, Economy, and Natural Resources; those posters were included in PC packets. Using data matrix they were able to map results as follows:

- Agriculture: soil quality; land in agriculture (satellite imagery, not land use); and forest economic model (state-wide data set by Virginia Department of Forestry).
- Community: median income; median age; historic resources; and current zoning.
- Economy: labor force participation; utilities; and value of real estate.
- Natural Resources: land cover map; conservation land & habitat cores; steep slopes; and streams and wetlands.
- Transportation: traffic volume; truck traffic; and crash hotspots.

Mr. Hudson noted that, regarding traffic data counts, they have been in discussion with the research staff with the Virginia Department of Transportation (VDOT) about the accuracy of the traffic volume data. The vast majority of the traffic counts were taken mid-week; but this particular area of Nelson County has a unique patterning when it comes to traffic, with higher counts typically happening on the weekends and in certain seasons. They had an engineer take a look at the entirety of VDOT's traffic count records, and they were only able to find select counts that were taken on the weekends. He believes a partial weekend count was done in 2006, and another partial

weekend count done prior to the Route 151 study. This represents a “data hole,” and they are trying to figure out how this can be addressed. He asked if there is an opportunity for the County to put in a formal request to VDOT to do an additional study. Mr. Morrison noted that they hope to get a more accurate data count from VDOT.

Mr. Morrison concluded by showing slides of photographs taken during the Open House and discussed each of those. He noted that there was a total of 431 survey responses. Survey takers were mostly located in the 22958 and 22920 zip code areas. There were approximately thirty (30) questions on the survey. He provided information from some of those questions. The next steps will be to summarize all the final survey results; map and list the business clusters; work on the SWOT analysis; format strategies and recommendations from the SWOT analysis; format recommendations from the Ag-Working Group; help prioritize the strategies and recommendations; tax and code ordinance review; and create the report.

The Commissioners had the following questions/concerns/comments:

1. *On the Open House Meeting Summary, under Transportation, there is a comment regarding, “Route 6 and 151 intersection needs a traffic circle”, which Route 6 and 151 is being referenced?* Mr. Morrison noted that the comment was not specific to the exact frame of reference.
2. *Chair Proulx noted that there is a great deal of work that happens on Wintergreen that is not a part of Wintergreen. There all various companies that do cleaning, house repairs, etc. Is there a way to track that?* Mr. Hudson noted that if they are a business that is physically located in Nelson County, they hope to get that data as part of the analysis. They hope to be able to capture businesses that have a Business License in the County. They have also received access to a state-level data-set for all businesses licenses and where they are located. Ms. Maureen Kelley is currently looking into both of those.

## **2. Proposed Amendments to Zoning Ordinance Article 10 - (General Floodplain District FP): (referral made at 12/8/2015 BOS meeting; PC review continued from 6/22/2016 PC meeting)**

Mr. Padalino noted this is a continued review of the referred amendments regarding Article 10 – (General Floodplain District FP). A public hearing was held on June 22<sup>nd</sup>. At tonight’s meeting, the PC has to vote on formal recommendation to the BOS. The extended 100-day deadline for the PC to provide the BOS with recommendations is August 14<sup>th</sup>.

Mr. Padalino then noted that, the PC’s directive was to add a definition for Variance, which would be specific to Article 10 (and almost identical to the State model ordinance). He then read the following proposed definition: *“Variance: For the purpose of Article 10, a variance is a grant of relief by a community from the terms of a floodplain management regulation.”*

**Commissioner Russell made the following motion:**

**On January 27<sup>th</sup>, 2016 the Planning Commission received an official referral from the Board of Supervisors to amend Article 10 of the Nelson County Zoning Ordinance, entitled General Floodplain District (FP). After several work sessions with the Planning Staff; advice from Charley Banks, who is the National Floodplain Insurance Coordinator for the Virginia DCR; and Phillip Payne, County Attorney, a public hearing was held on June 22<sup>nd</sup>, 2016 with little public comment. Therefore, the Planning Commission recommends the draft amendments, dated July 14<sup>th</sup>, 2016 to the Board of Supervisors for their consideration. Further, the Planning Commission also recommends that the Board of Supervisors authorize the Planning Staff to schedule a floodplain workshop, chaired by Mr. Banks, which would be open to County residents. Commissioner Harman provided the second.**

Chair Proulx asked for any further discussion. Mr. Bruguere asked what the last portion of the motion was. Commissioner Russell and Chair Proulx provided details regarding the floodplain workshop as Mr. Banks had explained it.

With there being no further discussion, the PC voted (4-0) to approve the motion with Mr. Bruguere abstaining.

**Other Business:**

Mr. Padalino noted that the following:

1. The American Planning Association (APA), Virginia Chapter, just concluded its annual conference at Wintergreen. He noted that as part of the conference, he co-led a workshop called the “Community Assistance Planning Team.” The Village of Lovingson was the focus of the four (4) hour workshop, which was comprised of folks (professional planners) from all over the Commonwealth. They looked at place-specific issues in Lovingson, to try and come up with some “real world” strategies for how to “jump start” downtown revitalization. He further noted that, Commissioner Goad was in attendance as well as four (4) or five (5) other Lovingson residents. He concluded by noting that he thought it was very constructive and a good use of everyone’s time.
2. Major Site Plan #2016-05 “Quarry Gardens”: He noted that he will be meeting with Mr. Thieblot tomorrow afternoon to see if the application is “back on track” or still on hold, as the applicant had previously requested.
3. There will be two (2) applications that appear to be ready for public hearing, should the PC want to authorize it:
  - a. Conditional Rezoning #2016-01 for Old Hickory Buildings (old Mays store in Colleen). Applicants would like to rezone from Business (B-1) to Conditional Limited Industrial (M-1) for the purpose of manufacturing and outside storage of accessory structures (sheds). This application has been through the Site Plan Review Committee. Since then, revised Site Plans and a new set of application materials have been submitted.
  - b. Special Use Permit #2016-03 for John Bradshaw, Jr., who is seeking approval to conduct a residential use in the Business (B-1) District at the Bradshaw Building at the corner of Front Street and Main Street. Mr. Padalino noted that he waived the Site Plan requirements because it’s an existing building; it’s virtually built-out to the right-of-way; there’s no proposed additional construction; and no new parking spaces or exterior additions. Therefore, no Minor Site Plan was needed, and it did not need to go before the Site Plan Review Committee.

Chair Proulx noted that she was happy to go ahead with advertising for a public hearing for both applications.

**Board of Supervisors Report:** Mr. Bruguere did not have anything to report on at this time.

**Adjournment:**

Commissioner Harman made a motion to adjourn at 8:34 pm; vote 5-0.

Respectfully submitted,



Stormy V. Hopkins  
Secretary, Planning & Zoning