



Nelson County Planning Commission
Meeting Minutes
February 26, 2025



Present: Commissioners Mike Harman, William Smith, Phil Proulx, Richard Averitt, and Gary Scott;
Board of Supervisors Representative Jessica Ligon.

Staff Present: Dylan Bishop, Director

Call to Order: Chair Harman called the meeting to order at 7:00 PM in the General District Courtroom,
County Courthouse, Lovingston.

Review of Meeting Minutes

Mr. Smith made a motion to approve the meeting minutes of November 20, 204 minutes. Dr. Ligon seconded the motion.

Yes:

Jessica Ligon

Phil Proulx

Mike Harman

William Smith

Abstain:

Richard Averitt

Gary Scott

Mr. Smith made a motion to approve the meeting minutes of December 18, 204 minutes. Dr. Ligon seconded the motion.

Yes:

Jessica Ligon

Phil Proulx

Mike Harman

William Smith

Abstain:

Richard Averitt

Gary Scott

Public Hearing

SUP #250019 – Banquet Hall in A-1 – 99 Morse Lane

Ms. Bishop reported that this is a request for a special use permit to allow a banquet hall use within an existing structure on property zoned A1-Agriculture in Arrington in the South District at 99 Morse Lane. She said the property is 3.275 acres owned by Crystal and James Harris. Ms. Bishop stated the property has an approved special use permit from 2010 for long-term indoor vehicle storage, which was approved by the Board in May 2010. Ms. Bishop said there are two existing warehouses on the property currently serving the storage garage use, and the applicants are proposing to convert a portion of one of the warehouses to be utilized as event space.

Ms. Bishop stated that a “banquet hall” is defined as a facility for hosting public or private events, including weddings, receptions, social events or parties, and workshops; used as a venue for social, cultural, recreational, or educational activities; and does not include lodging. She said the area is residential with some commercial and institutional uses such as the Heritage Center on the other side of Route 29, now home to the Health Department.

Ms. Bishop said zoning in the vicinity is A1-Agriculture and there are no floodplains on this property, which is accessed by an existing entrance on Morse Lane. Ms. Bishop stated that VDOT reviewed the request and determined the existing entrance to be sufficient for this proposed use. She said parking requirements in the zoning ordinance are met at one space for each 100 square feet of area used for assembly. She said the floor area of the proposed event space is approximately 4,100 square feet, which would require at least 42 parking spaces. Ms. Bishop stated the existing gravel parking lot has 50 spaces and there's additional parking available in the grass if necessary.

Ms. Bishop stated that there is existing septic and spring-fed water on the property, and the applicants secured Old Dominion Engineering to complete the capacity assessment. She noted that comments from the Health Department indicate they've been in contact and don't believe the proposal will add any additional load onto their existing septic system. Ms. Bishop stated that the applicant has also consulted a registered design professional to assess the building permit requirements to change the building use.

Ms. Bishop reported that the property is located in a rural area designated on the Nelson 2042 Future Land Use Map, where the core concept is to ensure the protection of the County's rural landscape and economy by maintaining open space, scenic views, and agricultural uses with compatible low-density residential uses. Ms. Bishop stated rural areas comprise the majority of the County, and alterations and retrofits to existing developments to enhance resiliency and conform to current standards is encouraged—however, expansion is not.

Ms. Bishop stated approval of special use permits should be based on the following factors: 1) The use shall not tend to change the character and established pattern of development of the area or community; 2) The use shall be in harmony with uses permitted by right in the zoning district and shall not affect adversely the use of neighboring property; 3) It shall be adequately served by public or private water and sewer; and 4) It shall not result in destruction, loss, or damage of any feature of significant ecological, scenic, or historical importance.

Mr. Harman asked the applicants to come forward and describe their project.

Ms. Crystal Harris stated that she and James Harris reside at 171 Morse Lane, which is adjacent to the property they are requesting a special use permit for. She said they currently have one portion of the warehouse closest to Morse Lane cleared out and functioning as a space for their own personal use, but they would like to start renting them out to acquire some more revenue.

Mr. Harman commented that it's a beautiful, well-maintained building, and he recalled the building's previous use for a storage area for military people who shipped out overseas.

Ms. Harris responded that they still store vehicles in their other warehouse.

Dr. Ligon said she also stopped by and did not see that this use would change the character of the road at all, and the Board is supportive of business in the South District.

Mr. Harman opened the public hearing. There being no public speakers, he closed the public hearing.

Mr. Averitt made a motion to approve SUP #250019. Mr. Smith seconded the motion.

Yes:

Jessica Ligon

Phil Proulx

Mike Harman

William Smith

Richard Averitt

Gary Scott

Other Business

- Battery Energy Storage Presentation by LightShift Energy

Ms. Bishop said that as staff reported at the Commission's January meeting, CVEC recently approached County staff regarding two proposed battery energy storage system (BESS) projects at their existing substations in Colleen and Piney River. She said they had some discussion about how to move forward, and the Planning Commission determined they'd like to see a text amendment to the solar ordinance to incorporate battery energy storage and requested that a presentation be made by the developer.

Mr. Ricky Elder, Director of Development at LightShift Energy, said he was joined by Gabby Mayer, lead developer for CVEC partner projects, and Ivan Fithian, a development engineer with LightShift. He also noted that CVEC Chief Operating Officer Bruce Maurhoff is present at the meeting.

Mr. Bruce Maurhoff explained that CVEC purchases its power independently and strives to manage those costs for its members. He stated that determinants in that billing have escalated substantially in recent years, with some doubling over the last seven years. Mr. Maurhoff said that just last year, one component of their billing increased by 10 times what it was in 2024. He stated that one way to manage those costs is to reduce the peak load, with battery storage being one way to do that.

Mr. Maurhoff said that CVEC is working with LightShift Energy to size a battery energy storage system (BESS) specifically designed to fit within CVEC's load at the two substations, with the purpose of charging during off-peak hours and discharging the battery to reduce their peak and save on power supply costs. He stated that the impact to CVEC and its members would be a reduction in power costs by millions of

dollars over the life of the project. Mr. Maurhoff said that given the way their rates work, those cost savings are passed directly to members; if costs decrease, the charges to members decrease as well.

Mr. Harman asked if the size would allow operation for something like 10 hours, or whether it varies.

Mr. Maurhoff responded that it is a four-hour megawatt system with the capacity to discharge for three hours.

Mr. Harman asked if having the batteries could be a benefit to members while CVEC is doing maintenance on their facilities.

Mr. Maurhoff replied that this type of battery system is not a battery backup system.

Mr. Elder stated that LightShift Energy is a utility-scale energy storage development company that owns and operates battery energy storage projects, with the company headquartered in Arlington and operating as a Virginia-based company. Mr. Elder said they take a holistic approach to developing these types of resources for the benefit of customers with the needs that Mr. Maurhoff mentioned.

Mr. Elder stated that this process is determined by the wheel, referencing the graphical representation, and said that the company has teams in place to identify customer needs for these facilities, develop projects, and ultimately build, own, and operate them. Mr. Elder said that LightShift Energy already has six operational projects, including one in Virginia in the city of Danville, which is a 10.5-megawatt, 24.6-megawatt-hour system. He said this system provides the same peak-shaving benefits as mentioned, saving the city of Danville millions of dollars each year on peak demand charges. Mr. Elder noted that the company has a large pipeline of projects, ranging from 2 megawatts to 200 megawatts, with about 4,000 megawatts in various stages of development, which his team is responsible for. He mentioned that Greenbacker Capital is their financing partner, a leading operating financing firm for these facilities.

Mr. Elder said that Danville Utilities is involved in a second project with LightShift, which received a special use permit for that in November 2024, and LightShift would save the city \$2.5 million on utility power bills next year due to the system's performance. Mr. Elder added that over the project's 20-year term, they expect to save Danville in excess of \$40 million.

Mr. Elder said he had been with LightShift Energy for 2.5 years and prior to that was with Dominion Energy for 17 years. Mr. Elder said he helped develop Dominion's battery storage development arm, managing acquisitions, project development, and technology selection for customers. Mr. Elder stated that joining LightShift Energy was a great opportunity to advance projects in Virginia and provide benefits to localities wherever possible.

Ms. Gabby Mayer stated that through their battery system solutions, they are able to significantly lower the cost of electricity by discharging during peak times and lowering costs for CVEC and all its members. She stated that other benefits of energy storage are improving grid resiliency, and although they are not currently providing backup capabilities with this, they have a project underway in Groton, Mass. with microgrid capabilities connecting to a school and supplying backup power to critical infrastructure.

Ms. Mayer said for Nelson County, the benefits include revenue from local taxes such as the M&T tax. She stated that under the siting agreement, Nelson County will also receive an additional revenue stream. She said that LightShift will also commit to donating \$10,000 to an organization chosen by Nelson County to highlight the importance of partnership. She stated that they also strive to collaborate with the local community, including utilization of local labor and services.

Ms. Mayer provided a general graphic image depicting battery storage containers, similar in size to shipping containers at about 20 feet wide and 9 1/2 to 10 feet in height, making them relatively small. She stated that the entire project area will be fenced for security and occupies a small footprint, which does not materially change the parcel or property in any way. She shared additional images of projects in Holden, Danville, and Groton. She said that these projects use various technologies but look similar to substations or other utility infrastructure, matching the existing environment.

Ms. Mayer stated that both the Colleen and Piney River sites are standalone battery storage and connect directly to the CVEC grid—with no additional solar or renewable energy components. She said that specifically for Colleen, the small white dots indicate the project's actual footprint, which includes only four battery containers and some inverters and technical infrastructure. She noted that the project's footprint is about 3,800 square feet, or less than a tenth of an acre, and the system's use as mentioned is primarily for peak shaving. Ms. Mayer said they recently met with Ms. Bishop to discuss the permitting process and agreed that the project qualifies as a minor site plan due to the small footprint. She clarified that both projects are 4 megawatts, with 3 to 4 megawatt hours or 3 to 4 hours of dispatch.

Ms. Mayer reported that for the Piney River site, located at 600 Tye Brook Highway, the project is the same size and also has a 4 megawatt, 4 hour duration, with standalone battery used for peak shaving. She noted that the only difference is not being attached to that substation, with location at the southeast corner of that parcel. She said this footprint is slightly larger at about 6,000 square feet, since it's not on the already existing concrete pad, but it is also less than a fourth of an acre. She mentioned that this also aligns with the minor site plan requirement, which is what Nelson currently has for its solar ordinance.

Mr. Elder stated that they were in the midst of the due diligence process, which essentially involved conducting studies required by their financing parties—typical items like a Phase 1 ESA, a cultural report, and wetland delineation, to ensure there were no risks from a use perspective on the properties. He said these were basic requirements that needed to be checked off and mentioned that the site work should be completed the following week. Mr. Elder said that after the site work, they would be ready to move forward and would cooperate and provide support for the ordinance amendment in any way possible. He said they felt comfortable proceeding with the site plan preparation effort for the minor site plan in parallel with the ordinance update, to maintain the COD expectation set by CVEC, which was eager to have the facility online as soon as possible to maximize cost savings.

Mr. Elder said that the overall process would likely allow them to complete the local permitting effort by the end of Q2, putting them in position to pursue the Virginia permit by rule process with the Virginia Department of Environmental Quality. He stated that this process would take about 60 to 90 days, which would move them into the mid to late portion of Q3. Mr. Elder said that at that point, they would be prepared to issue a notice to proceed for construction activities and equipment delivery to the site.

Mr. Harman asked if there were any other commercial uses that Nelson County should be aware of, or whether this is strictly for power companies.

Mr. Elder responded that LightShift is in final negotiations with them on the actual offtake agreement, and there will be an energy storage savings agreement (ESSA).

Ms. Bishop confirmed that this would come before both the Commission and Board for public hearing.

Mr. Scott said he gets the CVEC newsletter and has read some additional information on these, and he asked if LightShift was the manufacturer of the batteries themselves.

Mr. Elder responded that LightShift is not the manufacturer and is still working to evaluate the battery supplier they would utilize, and the current plan is to use a Trina solution. He said they have extensive experience working with Trina and have deployed multiple of their systems in the past.

Mr. Scott asked if there was any risk to neighbors with these facilities.

Mr. Elder stated that they are very safe pieces of equipment and are in self-enclosed enclosures with a myriad of safety devices and fire prevention systems to ensure that any incidents are contained.

Mr. Ivan Fithian of LightShift said that each container holds battery cells that are encapsulated and packaged together into racks, which are packaged together into racks, which go into containers that provide an additional layer of protection from water and other elements.

Mr. Averitt asked if their business model is for them to own and operate their facilities and triage the savings by harvesting energy from the grid at low power times and selling it back to CVEC at peak times—still at a rate lower than what they would otherwise be able to get that power for—with the units being theirs for the lifetime of the project.

Mr. Elder confirmed this and said that in an energy storage savings agreement, there is a component of the savings that ultimately will be reutilized by the customer, and there's a component of that savings LightShift will receive as well as long as they operate the projects as intended. He noted that there are corresponding penalties that will be associated for operational performance issues, reiterating that the first project was operational in October of 2022, and they've already saved them millions of dollars.

Mr. Harman asked if the savings would be passed onto the customers, ultimately.

Mr. Maurhoff explained that their energy rates work with a “power cost adjustment factor,” as shown on customers’ bills, so when CVEC pays more for energy than what is recovered in rates—which are set—they increase the power cost adjustment to recover the money they did not recover in their normal rates. He added that when they over-recover, that’s a credit on customers’ bills, so actual costs get passed onto members directly through the adjustment factor as well as actual savings.

Mr. Maurhoff said they have been exploring options for years on different ideas of how to control peak costs, and they’ve been looking at batteries for a number of years—starting in 2021 with looking seriously at RFPs for this technology. He said prior to that, they had done some feasibility studies, with the cost of batteries decreasing over time while safety features have been increasing. He also stated that customers would not see a rise in initial costs to offset project costs, as LightShift is the engineering, procurement, and construction entity for the project. He noted that LightShift is also responsible for maintaining performance for standards within that contract for the entire 20-year period.

Mr. Averitt asked whether the permits would run with the land into perpetuity, for a project that has a 20-year lifespan, and whether they are CVEC’s permits.

Mr. Elder answered that he was operating under the assumption that these would be permits LightShift would ultimately need to have under their name to have the permit path to operate the project long term. He said these essentially become critical grid infrastructure, and they assume at the end of 20 years, CVEC would want to do this for a longer period of time. He said that the likely approach would be for LightShift to remove old containers and replace them with new ones—but if that does not happen, LightShift is prepared to come in and decommission the facility and return it to greenfield.

Mr. Smith commented that he didn’t see much difference between this and a solar farm, which would eventually age out and need to be removed and replaced.

Dr. Ligon asked about safety and what their outreach has been to fire departments, emergency services, etc. in terms of education in the event something happens.

Mr. Elder explained that they generally start with fire mitigation and fire response plans, which are drafted in collaboration with local fire departments.

Dr. Ligon asked how community members who are not CVEC members will benefit from a project like this, as they are all going to have to see it and deal with its impacts.

Mr. Elder said there will multi-million dollar improvements and a siting agreement, but they could not guarantee that every single community member would benefit from this project.

Dr. Ligon asked whether the fire department and emergency services education was happening yearly, and whether that was in their siting agreement. She noted that turnover was high with a volunteer system, and Amherst also responds to Piney River.

Mr. Elder responded that it was not in the agreement now, but they could add it.

Mr. Harman asked what the next steps were for the project.

Ms. Bishop confirmed that staff would come back to them with an ordinance update.

Board of Supervisors Report

Dr. Ligon reported that the Board had a light meeting this month, but she did make them aware of this presentation, which would be done with two Supervisors later this week.

Mr. Smith made a motion to adjourn the meeting. Dr. Ligon seconded the motion.

Yes:

Jessica Ligon

Phil Proulx

Mike Harman

William Smith

Abstain:

Richard Averitt

Gary Scott

Respectfully submitted,



Dylan M. Bishop, CZA, CFM

Director of Planning & Zoning