

**NELSON COUNTY PLANNING COMMISSION  
MEETING MINUTES  
October 26, 2016**

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

**Absent:** Commissioner Linda Russell

**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, Lovingston.

Chair Proulx announced that Rezoning #2016-03 has been postponed until March (at the applicant's request).

**Approval of Minutes – August 24, 2016:**

**Commissioner Allen made the following motion:**

**I make a motion that the minutes for the August 24, 2016 Nelson County Planning Commission be approved (as written); the vote 3-0 with Commissioner Goad and Mr. Bruguere abstaining.**

**Public Hearing Item:**

**1. Rezoning #2016-03 – AG Small, Jr. and CW Small:**

As referenced above, Rezoning #2016-03 has been postponed until March (at the applicant's request).

**Other Agenda Items:**

**Major Site Plan #2016-11 – Evans' Cabins:**

Mr. Padalino noted this was the Final Major Site Plan for Evans' Cabin. The Planning Commission (PC) members had previously reviewed the Preliminary Major Site Plan and provided comments to the applicant.

Mr. Padalino provided an overview of Site Plan Review Committee members' respective updates regarding the project. Those comments are as follows (details described in the chart dated October 26, 2016-see attached):

- Virginia Department of Transportation (VDOT) – Finds the plan satisfactory.
- Virginia Department of Health (VDH) – Has issued Construction Permits for two (2) private septic systems on the property: the cabins' system and the residential system.
- Thomas Jefferson Soil & Water Conservation District (TJSWCD) – Has reviewed the plan and deems it ready for approval.
- Virginia Department of Environmental Quality (VDEQ) – Will be reviewing the revised Stormwater Management Plan, and the draft "Stormwater Management Facility Maintenance Agreement".
- Planning & Zoning (P&Z) – Final County approval of a Site Plan requires that the applicant provides documentation of DEQ's approval of the Stormwater Management Plan. The plan conforms to all the guidance and input in the preliminary review comments during the review of the Preliminary Major Site Plan.

Mr. Bruguere questioned Mr. Jeff Kessler's (VDOT) comment regarding *"I will be happy to sign the final plan set once the other agencies are satisfied"* and wants to know what VDOT had to do with the other agencies. Mr. Padalino noted that he was not sure, and thought perhaps it was more of a disclaimer, but should be a question for Mr. Kessler.

David Collins – 1188 Berry Hill Road, Nellysford: Mr. Collins noted that he is the Engineer for the Site Plan and has been working with DEQ. He noted that they will need to have a deeded drainage easement. He also noted that DEQ's comments were "paper-work type" and he believes the project should be receiving an approval soon. He further noted that DEQ has asked him to turn in rain-fall amounts. The remaining items are the draft maintenance agreements and recording of the easement. Mr. Collins noted that his clients hope to start construction the first part of November (if possible).

Chair Proulx asked Mr. Collins if there is anything in his experience with regards to Mr. Bruguere's question about VDOT's comment. Mr. Collins noted that he agrees with Mr. Padalino. He believes they "reserve the right" in case there are changes made to a plan that may affect them.

**With no further discussion, Commissioner Harman made the following motion:**

**I make a motion to recommend that the Planning Commission approve the Final Major Site Plan #2016-11 (Evans' Cabins), contingent on DEQ approval. Commissioner Allen provided the second; and the Commissioners voted 5-0 in favor of the motion.**

Mr. Collins asked if one of the Commissioners' or the Planner (Mr. Padalino) would sign the plan. Mr. Padalino noted that the final approving authority in Major Site Plan cases is the PC. However, the PC just moved, seconded, and voted to approve the plan. He also noted that he is the Agent on behalf of the County and could sign the plan when DEQ's condition is met.

**Other Business:**

Mr. Padalino indicated that he had been in communication with Mr. F. P. Phillips and **he Mr. Phillips** does want to move forward with his application. He has received approval from the EPA (through DEQ) for an injection-well for the processed wastewater from the brewery operations. **He Mr. Padalino** noted that he will be meeting with Mr. Phillips on Friday Nov. 4<sup>th</sup>.

Chair Proulx asked if Mr. Phillips would need a new application. Mr. Padalino stated that he does not think so.

Mr. Bruguere asked if Mr. Phillips had a year to move forward with the current application. Mr. Padalino stated that there is no clear time limit on the applicant for this type of a situation. He also noted that there were outstanding review comments on some of Mr. Phillips' original application materials which need to be addressed before the process can move forward, such as revising the zoning information on the Site Plan. He further noted that he may ask Mr. Phillips to submit a new application form as an addendum to the existing file, but that no new application fee would be required.

Rockfish Valley Area Plan (RVAP): Mr. Padalino noted that another public meeting ("Listening Session") will be held on Tuesday, November 1<sup>st</sup> from 6:30-8:30pm at the Rockfish Valley Community Center (RVCC). It was publicized on the County's website, RVCC's newsletter, and flyers.

**Board of Supervisors Report:** Mr. Bruguere noted the following:

1. The Board reversed the PC **decision** recommendation regarding the tower site and voted to approve the tower.
2. The Board decided to hold a work session on the (proposed) amendments for "Temporary Events."

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3. A public hearing will be held for a temporary tower on Wintergreen at the next meeting.
4. The (proposed) amendments to the Floodplain Ordinance are on hold at this time. Chair Proulx asked if anyone had reached out to Mr. Charley Banks regarding the educational meeting. Mr. Padalino noted that he has not reached out to him.

**Adjournment:**

Commissioner Harman made a motion to adjourn at 7:23 pm with a second provided by Commissioner Allen; vote 5-0.

Respectfully submitted,



Stormy V. Hopkins  
Secretary, Planning & Zoning