

Town of Colonial Beach Planning Commission Minutes

Date: Thursday, July 17, 2014 – Town Center, 22 Washington Avenue

Time: 5:30 p.m.

Present: Kent Rodeheaver
Robert Busick
Robin Schick
Maureen McCabe
Ed Grant

Absent: Kelly DeJesus

Staff: Director of Planning and Community Development, Gary Mitchell
Planning Manager, Brendan McHugh

Item 1: Call to Order

Member Schick called the meeting to order at 5:37 p.m.

Item 2: Resignation of former Chairwoman Maureen Holt

Member Schick announced and recognized the resignation of former Chairwoman Maureen Holt. She thanked her for her service. Member McCabe suggested that the Town Council recognize her years of service. Mr. Mitchell explained that he will make a resolution for Town Council. Member Schick asked for a motion to ask for a resolution for Town Council to recognize the service of Maureen Holt for Planning Commission.

Member Schick called for a voice vote; it was unanimously resolved:

That the Planning Commission asks for a resolution for Town Council to recognize the service of Maureen Holt for Planning Commission.

Item 3: Vice Chair moves to Chair

Vice Chairwoman Schick ascended to Chairwoman. She then asked if there are any nominations for Vice Chairperson. Chairwoman Schick made a motion to nominate Member McCabe for Vice Chairperson. Member Busick seconded.

Chairwoman Schick called for a voice vote; it was unanimously resolved:

That Member McCabe ascended to the Vice Chairperson position.

Item 4: Approval of Minutes of June 2014 Meeting

Chairwoman Schick asked for a motion to approve the minutes from the June 5, 2014 regular meeting. Member Busick made the motion to approve the minutes. Member McCabe seconded.

Member Schick called for a voice vote; it was unanimously resolved:

That the minutes of the June 5, 2014 regular meeting be approved.

Chairwoman Schick asked for a motion to approve the movement of the September meeting to September 18, 2014. The meeting would include a work session. Vice Chairwoman McCabe seconded.

Chairwoman Schick called for a voice vote; it was unanimously resolved:

To reschedule the September meeting to September 18, 2014 and to include a work session.

Member Rodeheaver expressed his concerns with rescheduling. The Planning Commission agreed that after the summer, the meetings will be more consistent.

Item 5: Public Comment

Chairwoman Schick asked if there was any public comment on Planning Commission matters not on the agenda. Mr. Steve Cirbee submitted his application for the open position for the Planning Commission.

Item 6: Comprehensive Plan Updates and Process

Mr. Mitchell expressed that there are five sections (listed below) of the Comprehensive Plan that need to be addressed.

1. Chapter 2, demographic and economic information, which the staff can address.
2. Virginia Institute of Marine Science Living Shoreline Comp Plan Amendment. Mr. Mitchell explained that the Virginia General Assembly passed a law explaining that these policies need to be added to Comprehensive Plans.
3. The Virginia General Assembly passed a law that explains that a chapter in the Comprehensive Plan has to be dedicated to housing. Mr. Mitchell explained that the Northern Neck Planning District Commission has a Housing Assessment currently being performed in Colonial Beach. There is also a grant from Virginia Housing Development Authority to pay for the Housing Chapter that will be facilitated by the Northern Neck Planning District Commission.
4. Mr. Mitchell explained that the Town will have to hire a consultant for the Transportation Chapter in the Comprehensive Plan. He explained that this is also mandated from the General Assembly. He explained that the Town will have to budget for this chapter of the Comprehensive Plan.
5. Mr. Mitchell explained that the Safe Routes to School Plan was adopted by the Council five years ago. He explained that Phase One has been implemented, which covers an area around the old Elementary School off of Wilder Avenue. He explained that the Town is currently in the bid process of the program. He explained that bids should be advertised in December with work beginning in the Spring of 2015. He explained that there are three phases to the program. Mr. Mitchell explained the three phases. The three phases would all be grant funded.

Mr. Mitchell explained that if the items that were mentioned were incorporated into the Town's Comprehensive Plan, then the Town could entice developers through proffers to help participate in the development of those items.

Mr. Mitchell then explained the following Staff Report:

PLANNING & COMMUNITY DEVELOPMENT STAFF REPORT		
PROJECT NAME: Comprehensive Plan Amendment CPA-01-2014 Living Shoreline Policies and Design Standards		Planning Commission Meeting Date: July 17, 2014
Case Number: CPA-01-2014 Living Shorelines		Applicant: Town
Project Status		Owner: N/A
<input type="checkbox"/> Preliminary Sketch Application	<input type="checkbox"/> Rezoning	Location: N/A
<input type="checkbox"/> Preliminary Plat Use	<input type="checkbox"/> Conditional Use	Voting District: N/A
<input type="checkbox"/> Preliminary Final Plat Plans	<input type="checkbox"/> Concept Plans	Parcel Number: N/A
<input type="checkbox"/> Final Plat	<input type="checkbox"/> Text Amendment	Total Site Area: N/A
<input type="checkbox"/> Vacation	<input checked="" type="checkbox"/> Comp Plan Amendment	Site Area Developed: N/A
Existing Structures: N/A		CBPA: N/A
Flood Hazard: N/A		Additional Site Date: N/A
Current Zoning: N/A		
Action Request: Approval as presented	Staff: G. Mitchell	Date: 6-25-2014

Prior Actions / Case History

Rezoning: N/A
Conditional Use Permit: N/A
Variances: N/A
Subdivisions: N/A
Other Data: N/A

BACKGROUND:

As briefly discussed during the June Planning Commission meeting, there are several elements that need to be addressed in bringing our Comprehensive Plan up to date and to meet

requirements enacted by the General Assembly. The Living Shoreline policies requirement was enacted by the General Assembly in 2012, and it requires that localities when updating their Comprehensive Plans to include these policies therein. Attached to this Staff Report is the legislation and a few slides associated with the Living Shoreline policies and the Comprehensive Plan language (pp. 24-27).

DISCUSSION:

The Living Shoreline policies encourages to that efforts to prevent erosion is the shoreline be addressed using a soft shoreline protection as opposed to a hard shoreline protection techniques. Hard techniques are like bulkheads whereas soft techniques are like buffer zones and vegetation management and enhancing tidal marsh areas. Since the 1980s, interest arose in developing ways to preserve shorelines and use methods found in nature to address this issue. VIMS has been conducting research by looking at natural systems and manmade systems and developing a method that mimics natural shorelines in preserving shorelines and preventing erosion. Using these types of systems to reduce the impact and damage from storms and acts to filter out pollutants which improve the water quality of our rivers and bays.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission authorize staff to set a public hearing at the August Commission meeting to hear additional input from the Town's residents.

Chairwoman Schick explained that she wanted to start with the overall Comp Plan subject. She asked Vice Chairwoman McCabe to read the following paper:

PLANNING COMMISSION PAPER

AT THE REGULAR MEETING HELD THURSDAY, JULY 17, 2014 AT THE COLONIAL BEACH TOWN CENTER

The Colonial Beach Planning Commission has determined that the 2009 – 2029 Comprehensive Plan is still valid as a guiding document for the Town with the following updates being prepared and adopted over the next 18-months. The elements needed to be updated are the Demographic section in Chapter 1 (prepared by Staff); the Living Shoreline element as part of the environmental addendum (prepared by Staff); the addition of a Housing Chapter (prepared by Northern Neck Planning District Commission) as required by the 15.2-2200 of the Code of Virginia; and a Transportation Chapter (prepared by Staff, consultant, and Virginia Department of Transportation) as required by the 15.2-2200 of the Code of Virginia. Whereas, the Colonial Beach Planning Commission finds that public necessity, convenience, general welfare and good zoning practice would be served by the preparation of these Comprehensive Plan amendments (CPA-01, 02, 03, 04-2014);

And,

Now therefore it be resolved that the Colonial Beach Planning Commission hereby determines that the 2009-2029 Comprehensive Plan is still deemed to be valid provided the following updates are prepared and adopted within the next 18-months.

MOVED BY: McCabe **SECONDED BY:** Busick

	Aye	Nay
MS. SCHICK	x	
MS. MCCABE	x	
MR. GRANT	x	
MR. BUSICK	x	
MR. RODEHEAVER	x	

ADOPTED BY _____ TABLED FOR _____

Member Rodeheaver expressed that he believed that the Town was late on amending the Comprehensive Plan.

Mr. Mitchell explained the presentation by VMRC titled: “Living Shorelines: Implementing Senate Bill 964 General Permit and Integrated Guidance Development.”

Mr. Mitchell explained that the County inspects the Town’s bulkheads and shorelines and has already adopted the Living Shorelines Agreement. Member McCabe asked how the Town could advertise the program. Mr. Mitchell explained that the Planning Commission could recommend to the Town Council to put a link on the adoption. Mr. Cirbee voiced his concern with the lack of awareness with some of the regulations throughout the Town. He suggested mailers for any properties affected by some of the regulations. Member Rodeheaver read the following paper:

PLANNING COMMISSION PAPER

AT THE REGULAR MEETING HELD THURSDAY, JULY 17, 2014 AT THE COLONIAL BEACH TOWN CENTER

The Colonial Beach Planning Commission authorizes staff to advertise for a public hearing for the Living Shoreline Policies as presented. This Comprehensive Plan amendment is required by the Code of Virginia. Whereas, the Colonial Beach Planning Commission finds that public necessity, convenience, general welfare and good zoning practice would be served by the approval of the Comprehensive Plan amendment (CPA-01-2014);

And,

Now therefore be it resolved that the Colonial Beach Planning Commission hereby approves staff setting and advertising the public hearing for the Comprehensive Plan amendment for the August 2014 meeting.

MOVED BY: Rodeheaver **SECONDED BY:** Grant

	Aye	Nay
MS. SCHICK	x	
MS. MCCABE	x	
MR. GRANT	x	
MR. BUSICK	x	
MR. RODEHEAVER	x	

ADOPTED BY _____ TABLED FOR _____

Mr. Mitchell explained that the Housing Assessment Grant has already been started and the Town just received a grant from VHDA for the Housing Chapter in the Comprehensive Plan. Member Grant read the following paper:

PLANNING COMMISSION PAPER

AT THE REGULAR MEETING HELD THURSDAY, JULY 17, 2014 AT THE COLONIAL BEACH TOWN CENTER

The Colonial Beach Planning Commission is requesting staff, the Town Manager and Town Council to dedicate the resources to work with the Northern Neck Planning District Commission (NNPDC) to prepare a housing chapter for the Town's comprehensive plan as required by the Code of Virginia. Whereas, the Colonial Beach Planning Commission finds that public necessity, convenience, general welfare and good zoning practice would be served by working with the NNPDC to prepare the comprehensive plan amendment (CPA-04-2014) for the addition of a chapter on Housing as required by the Code of Virginia 15.2-2200;

And,

Now therefore it be resolved that the Colonial Beach Planning Commission hereby requests the staff, Town Manager and Town Council to dedicate the resources needed to have the NNPDC develop a housing chapter to be added to our comprehensive plan.

MOVED BY: Grant **SECONDED BY:** McCabe

	Aye	Nay
MS. SCHICK	x	
MS. MCCABE	x	
MR. GRANT	x	
MR. BUSICK	x	
MR. RODEHEAVER	x	

ADOPTED BY _____ TABLED FOR _____

PLANNING & COMMUNITY DEVELOPMENT STAFF REPORT

PROJECT NAME: Comprehensive Plan Amendment CPA-02-2014 Safe Routes to Schools	Planning Commission Meeting Date: July 17, 2014	
Case Number: CPA-02-2014 Safe Routes	Applicant: Town	
Project Status <input type="checkbox"/> Preliminary Sketch Application <input type="checkbox"/> Rezoning <input type="checkbox"/> Preliminary Plat Use <input type="checkbox"/> Conditional <input type="checkbox"/> Preliminary Final Plat Plans <input type="checkbox"/> Concept <input type="checkbox"/> Final Plat <input type="checkbox"/> Text Amendment <input type="checkbox"/> Vacation <input checked="" type="checkbox"/> Comp Plan Amendment	Owner: N/A	
	Location: N/A	
	Voting District: N/A	
	Parcel Number: N/A	
	Total Site Area: N/A	
	Site Area Developed: N/A	
Existing Structures: N/A	CBPA: N/A	
Flood Hazard: N/A	Additional Site Date: N/A	
Current Zoning: N/A		
Action Request: Approval as presented	Staff: G. Mitchell	Date: 6-25-2014

Prior Actions / Case History

Rezoning: N/A
Conditional Use Permit: N/A
Variances: N/A
Subdivisions: N/A
Other Data: N/A

BACKGROUND:

As the Commission may be aware the Town developed and received funding for the Safe Routes to Schools project via the Virginia Department of Transportation (VDOT) about 2-years ago. Currently we are in the design phase of the project with bid advertisements probably occurring in September-October. Construction of Phase 1 should begin this winter and into the Spring of 2015. Upon completion the Town will seek VDOT funding for Phase 2 to connect the current location to the high school. The plan was developed by it was not included as part of the 2009-2029 Comprehensive Plan. In order to demonstrate the Town's commitment to

walking and biking to school staff suggests that the Planning Commission adopt the Safe Route to School Plan as an appendix to the Colonial Beach 2009-2029 Comprehensive Plan.

DISCUSSION:

The Plan outlines the streets and right-of-ways where sidewalks and paths connect the entire town from Bluff Point to Downtown. This is supported by the existing Comprehensive Plan by the following Objective and Strategies:

Improved mobility by using alternative modes of travel, including pedestrians, bicyclists, golf carts, and public transportation (p. 3-12)

Plan and implement an integrated system of pedestrian and bicycle networks that build on the existing facilities, and seek funding for their implementation.

Improve and repair deteriorating sidewalks and ensure appropriate American with Disabilities Act (ADA) accommodations.

Based on the above statements in the Comprehensive Plan it is very vital that the Safe Routes to School Plan (SRTSP) is included as part of the Town's Comprehensive Plan. Adopting the SRTSP will further enhance and strengthen future grant funding and demonstrate the Town's commitment to providing alternative transportation modes for the citizens of Colonial Beach.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission authorize staff to set a public hearing at the August Commission meeting to hear additional input from the Town's residents.

Member Busick asked if there were any changes that need to be made because of the school fire. Mr. Mitchell said there was no need for the changes. Chairwoman Schick voiced that the sidewalks are needed regardless of the school location. Mr. Mitchell explained that the grant can only be used for that location.

Chairwoman Schick read the following paper:

PLANNING COMMISSION PAPER

AT THE REGULAR MEETING HELD THURSDAY, JULY 17, 2014 AT THE COLONIAL BEACH TOWN CENTER

The Colonial Beach Planning Commission authorizes staff to advertise for a public hearing for the Safe Routes to School Plan as presented. The comprehensive plan will enhance the opportunities for further grant money to complete the *Safe Routes to School Project*. Whereas, the Colonial Beach Planning Commission finds that the public necessity, convenience, general welfare and good zoning practice would be served by the approval of the comprehensive plan amendment (CPA-02-2014);

And,

Now therefore be it resolved that the Colonial Beach Planning Commission hereby approves staff setting and advertising the public hearing for the comprehensive plan amendment for the August 2014 meeting.

MOVED BY: Schick **SECONDED BY:** Busick

	Aye	Nay
MS. SCHICK	x	
MS. MCCABE	x	
MR. GRANT	x	
MR. BUSICK	x	
MR. RODEHEAVER	x	

ADOPTED BY _____ TABLED FOR _____

Item 7: Other Topics

Mr. McHugh explained the following paper:

MEMO TO: **Engineers, Surveyors, Builders, Contractors, and Real Estate Professionals**

DATE: **July 15, 2014 – UPDATE from Memo Dated 7-1-2014**

FROM: **Gary Mitchell, Planning Director**

RE: **Town of Colonial Beach Permit Procedures and Stormwater Mandates from the Commonwealth of Virginia**

Permit Procedures (Based upon per Article 2; Section 2-4, A & B)

1. The Town will not accept partial permit applications – the Town permit application, application fees, required signatures, notarized documents, bonds, plans, and any other state or federal permit(s) required shall be submitted at time of submission. If the package is incomplete then the Town will not accept the application package.
2. The removal of a portion of a house (i.e. deck, porch, etc.) and its replacement in exactly the same footprint and having exactly the same size, an existing survey may be utilized in conjunction with the permit application.
3. Any addition to a house requires a new survey.

4. Accessory structures less than 200-square feet requires a new survey or the owner may use an existing survey and draw-in the detached accessory building.
5. If an accessory structure is greater than 200-square feet a new survey is required.
6. Detached accessory structures must be 10-feet from the principal structure.

Stormwater Regulations:

Based on my discussions with DEQ and Charlie Wrightson of Westmoreland County the following points will be required for new and redevelopment of properties.

1. All new commercial development and redevelopment will be required to obtain a Stormwater Permit from the Commonwealth of Virginia – Department of Environmental Quality. No zoning/building permit by the Town will be issued for commercial development until the developer has obtained a stormwater permit from DEQ. A copy of the stormwater permit will be required to be submitted with the complete permit application.
2. Re-development is:
 - a. When a non-residential site and/or building undergoes renovations or alterations that are required to be constructed, or an accessory structure is placed on the property;
 - b. For residential structures which are demolished and a new home is constructed;
 - c. Re-development also includes when a residential structure adds or rebuilds a new deck, porch, shed or other addition to the home which has more than 2,500 square feet of land disturbance.
3. Land-disturbing activity means any man-made change to the land surface that may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands in the Commonwealth, **including, but not limited to, clearing, grading, excavating, transporting and filling of land** (Town Code Chapter 9, Section 9-1).
4. *Plan of Development (POD)*, for stormwater purposes, is any time when more than two (2) lots are created by some act of subdivision or a boundary line adjustment occurs that involves a pre-existing BMP facility or requires a new BMP facility (rain barrels, infiltration trench, bioretention, etc.).

State Permits Required:

5. A state permit **will be required** for any *Plan of Development* approved after **July 1, 2004** or when more than 2,500 square feet of soil disturbance occurs within a Chesapeake Bay designated area.
6. The state will not issue a state stormwater permit without you first obtaining a local erosion and sediment control permit. The Town will issue an erosion and sediment control permit that will enable you to obtain a state stormwater control permit. Please be advised that the local erosion and sediment control permit is **NOT** a land disturbance permit. No land can be cleared or soil disturbance occur until the State Permit has been issued.
 - a. The E&S permit requires a simple survey performed by a surveyor or engineer licensed by the Commonwealth of Virginia showing the following information:

- i. Boundaries of the parcel;
- ii. Limits of clearing;
- iii. Existing tree lines, driveways, sidewalks, structures, and any other impermeable surfaces;
- iv. Location of all erosion and sediment controls (silt fence, construction entrance, etc.);
- v. Existing or proposed culverts/drainage pipes;
- vi. Proposed house location with finished floor elevation;
- vii. Location of RMA or RPA

7. If a *POD* has been submitted and approved after **July 1, 2004**, then these types of developments will need a State Permit, with a stormwater pollution prevention plan for the development and on each individual lot. Also, stormwater management techniques must be shown on each engineered plan at time of development under the Chesapeake Bay Act. Developments that I know about which fall into this category are:

- Sunset Cove
- Potomac Crossing
- Riverfront Village * - there are 3 remaining lots which are subject to these provisions.
- Monroe Point * = all remaining lots are subject to these provisions.

Exempt from State Permit:

8. There is no requirement for a state permit for Re-development, **BUT** a stormwater pollution plan (engineered site plan) is required for any type of re-development as described above (Item 3). The plan must demonstrate that the impermeable surface is less than 36% and the phosphate load is 10% less than the current phosphate load. This requires an engineered site plan that addresses stormwater management.

9. If the *POD* was approved before **July 1, 2004** (i.e. Riverside Meadows) then no state permit is required. However, the stormwater management plan for the lot must demonstrate that the proposed new construction does not exceed 36% impermeable surface and demonstrate the phosphate load from pre-development is equal to or less than post-development. Therefore, each lot must have an engineered site plan.

10. If your project is not in a *POD* or the *POD* was approved before July 1, 2004, the site is less than 1-acre, the land disturbance is more than 2,500 square feet, the impermeable surface is less than 36%, and the post-development phosphate load equals or is less than the pre-development phosphate load – then only an engineered survey is needed.

11. Each lot affected by these regulations will be required to have a BMP agreement when the impermeable surface area is greater than 36% or the phosphate load exceeds the state minimum and/or post-development phosphate load exceeds the pre-development level. A BMP facility (i.e. rain barrels, bio-retention, infiltration trench, rain garden, etc.) then must be installed.

The BMP agreement shall be executed with a notarized signature and recorded in Westmoreland County Circuit Court Clerk’s Office. The plan(s) also must be recorded in the plat files of the Circuit Court Clerk’s office. The plan sheet size cannot exceed 18 by 24 inches. Evidence of this recordation (the agreement and the plan(s)) will be required to be submitted to the Town before the release of any zoning/building permit.

Mr. Mitchell explained that the paper was mailed to engineers and contractors and also advertised on the local television channel. Member Busick mentioned how he went to a BMP workshop through the Chesapeake Stormwater network. If people want to do the BMPs on their own, they can read this document. Member Busick explained that he would email the link to the Commission members. Member McCabe discussed her concerns with the erosion issues at Virginia Avenue.

Item 8: Adjournment

There was no further business. Chairwoman Schick made a motion to adjourn. The meeting was adjourned at 6:55 p.m.

Chairperson, Colonial Beach Planning Commission