

**VIRGINIA:**

A meeting of the Lancaster County Board of Supervisors was held in the Administrative Building Board/Commission Meeting Room of said county on Thursday, March 27, 2014.

Members Present:    B. Wally Beauchamp, Chair  
                                 Jason D. Bellows, Vice Chair  
                                 F. W. Jenkins, Jr., Board Member  
                                 Ernest W. Palin, Jr., Board Member  
                                 William R. Lee, Board Member

Staff Present:        Frank A. Pleva, County Administrator  
                                 Don G. Gill, Planning and Land Use Director  
                                 Brian Barnes, Environmental Codes Compliance Officer  
                                 Crystal Whay, Building/Land Use Secretary

Mr. Beauchamp called the meeting to order at 7:00 p.m.

Mr. Jenkins made a procedural motion to table Consideration Item #2 until next month's meeting.

VOTE:	B. Wally Beauchamp	Aye
	Jason D. Bellows	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye
	William R. Lee	Aye

**PUBLIC INPUT**

Mr. Beauchamp reminded everyone of the five-minute limit on comments during the public input session.

Mr. Carl Smith, stated that he was present with other members of the Dymer Creek Environmental Preservation Association. He stated that the organization was

formed three weeks ago. He stated that a small group was in attendance, but that they have over 800 signatures on petitions against the proposed boat ramp. He stated that they appreciate the service of the Board and staff, but that the greatest concern is that the deliberations leading up to the acceptance of the land on February 27<sup>th</sup> were conducted under a veil of secrecy. He stated that there were no public hearings or public announcements and no requests for public input. He stated that the proposal has all of the earmarks of a back room deal. He stated that those deals come with a price, in that they erode the confidence and trust of the citizens.

Mr. Smith stated that his group is not “anti-boat ramp” and share the Board’s commitment for greater access to the water, but want to do it the smart way and in a way that leaves the community stronger. He stated that his group will make a proposal to give all citizens free access to all public and commercial ramps. He stated that the solution could be implemented immediately and less expensive than other options. He stated that their solution would leave money in the budget for what is really needed, which is a fishing pier.

Mr. Smith stated that there were several speakers that were to follow. He stated that they each have expertise in different areas and urged the Board to consider their comments.

Mr. Beauchamp asked Mr. Gill to give everyone a synopsis of the proposed project.

Mr. Gill stated that he would like to first address why public access is needed. He stated that Lancaster County has approximately 300 miles of tidal shoreline and 97 percent of that is privately owned. He stated that the vast majority of the remaining 3 percent is state owned, which makes it extremely difficult to acquire property for public access. He stated that Lancaster County has four sites at the present time, which are the 50 feet Westland Beach and the canoe/kayak launch site at the end of Windmill Point Road, two public ramps, one at Greenvale Creek and one at Belle Isle State Park, both being at the upper end of the County. He stated that the County owns about 10 acres at the headwaters of Taylors Creek, which has minimal water depth and would need to be cleared and have a longer access road. He stated that the County also owns 12 acres on VSH 3 between Lancaster and Lively, which was the site of the Chesapeake Nature Trail and also has minimal water depth. He stated that the County also has a 25-year lease on the Ashley Cove property as well.

Mr. Gill stated, that in 2002, a citizen’s advisory group for public access was formed and they identified 7 specific sites and 6 of those have been thoroughly researched. He stated that Lancaster County is last out of the 13 counties in the Northern Neck, Middle Peninsula and Eastern Shore for total number of access sites.

Mr. Gill stated that every update of the Comprehensive Plan since 2000 has stressed the need for additional public access. He stated that recently 5 parcels were presented to the Board of Supervisors for possible public access. He stated that 4 of those

parcels were “for sale” offers and 1 was a gift. He stated that the gift was the one that the County ultimately pursued. He stated that in November 2012, Reserve at Lake Chase approached the County with the potential for the property to help alleviate the lack of public access issue. He stated that they began their due diligence at that point to see if the property could be used for what the donor intended. He stated that in November 2012, Mr. Barnes went out in a boat and took depth measurements. He stated that in January 2013, the County met on the site with the Virginia Marine Resources Commission and the Department of Game and Inland Fisheries to see if a ramp was feasible at the site. He stated that they were told that it could be done, with required dredging and appropriate permits. He stated that after having conversations with the Army Corps of Engineers, they knew that the wetland mitigation would be minimal. He stated that the proposed project is a single 16-foot wide ramp and a 7-foot wide L-shaped courtesy pier and an upland parking lot. He stated that the site conforms to the objectives of the Comprehensive Plan. He stated that there is a specific objective to create a public access ramp in the eastern half of the County with direct access to the Chesapeake Bay. He stated that there is another specific objective to create a site in areas of high pier densities to allow boat owners the opportunity to get their boats in and out of the water. He stated that there is another objective to create public access sites where it can generate traffic to local businesses. He stated that the proximity of this site fulfills that objective.

Mr. Gill stated that prior attempts for public access, particularly during the last 7 years, have failed for various reasons. He stated that one of the reasons is that proposed sites are not in the right place or road access issues. He stated that he did not know if there will ever be a “right place”, if the County is the neighbor. He stated that another reason for prior failures is the costs associated with it. He stated that is why the County applied for the DGIF grant.

Mr. Gill stated that in May 2013, the County requested estimates for the project from Bay Design Group, who was already under contract for the Greentown/Gaskins Road Sewer Project, for budgeting purposes. He stated that the estimate for plan preparation was approximately \$17,000 and the estimate for actual construction costs was \$425,000. He stated that if the grant money of \$100,000 is factored out and the anticipated dredging contribution of \$49,500 is factored out and utilizing the existing road base in construction of the new road, estimated at \$86,000 is factored out, it brings the net construction costs down to \$189,900.

Mr. Gill stated that in June 2013, the Board of Supervisors approved \$17,000 in the FY 2014 Planning and Land Use budget for plan preparation and approved \$189,900 in the FY 2014 Capital Improvement Budget for actual construction costs. He stated that to date, the County has spent \$14,761.25 on plan preparation and no Capital Improvement money or grant money has been expended thus far.

Mr. Gill stated that in October 2013, with the assistance of the Northern Neck Planning District Commission, Lancaster County applied for a \$100,000 grant from the Department of Game and Inland Fisheries to assist with the construction of a boating access facility. He stated in December 2013, the Reserve at Lake Chase submitted and

had approved a subdivision application that created four lots. He stated that the first lot is over 6 acres and includes the house, the second lot is 10 acres and is opposite the existing house, the third lot is approximately 4 1/2 acres on the water and the fourth lot is approximately a 1 acre road lot. He stated that the last 2 lots were gifted to the County. He stated that the Reserve at Lake Chase paid all costs involved with the subdivision.

Mr. Gill stated that on January 3, 2014, the County was notified by DGIF that they were approved for the \$100,000 grant. He stated that on January 23, 2014, the Board of Supervisors accepted the deed of gift and that was the first action taken in an open meeting. He stated that all prior, private discussions involving acquisition of property for public use was conducted in accordance with closed session requirements of the Code of Virginia. He stated that they have been advised by the County attorney along the way. He stated that on January 27, 2014, the deed was recorded. He stated that there are no strings attached and the copy of the deed is in the Land Use office for review. He stated that the only cost of the property to the County was \$1,443.20 in closing costs. He stated that on February 26, 2014, the day before the Board of Supervisors' regular meeting, he personally notified four adjoining property owners and tried to notify the fifth owner, including two more attempts the following morning and then left a voice mail and the materials at his property. He stated that this is the same procedure that would be followed if a citizen applied for a private ramp and pier. He stated that the adjoining property owners would not be notified until the joint permit application was filed. He stated that the County has not filed their joint permit application yet, but has notified the adjoining property owners anyway.

Mr. Gill stated that on February 27, 2014 the deed of gift was presented to the Chairman of the Board of Supervisors by Mr. Bob Sowder. He stated that a joint permit application will need to be submitted to VMRC, Army Corps of Engineers and the Department of Environmental Quality. He stated that he had been advised by VMRC that the local Wetlands Board has no jurisdiction in this case. He stated that the Board of Supervisors would need to approve a Special Exception to dispose of the dredge spoils on site. He stated that they will also need to execute the DGIF Cooperative Grant Agreement to secure the grant funds. He stated that these things have not been done yet, because they are at the beginning stages of the project.

Mr. Gill stated that there have been many questions concerning the proposed project. He stated that questions regarding re-dredging, maintenance, costs and security have been asked. He stated that they did not have the answers to those questions, because they are at the beginning stages of the project. He stated that the perception is that it is a "done deal", but the reality is that they are at the beginning. He stated that he was anxious to hear the public concerns so he will know where their efforts need to be concentrated.

Mr. Beauchamp asked Mr. Gill how the concerns that are stated at the meeting would be handled.

Mr. Gill replied that Brian Barnes, the Lancaster County Environmental Codes Compliance Officer and he will take notes and have answers as quickly as possible. He

stated that their findings will be in the Planning and Land Use Office, once they become available.

Mr. George Simmons stated that he lived across the creek from the proposed site and has lived in the area his entire life. He stated that he thought the County was keeping secrets from the citizens. He stated that there are necessary government secrets, such as with the military and the CIA, that help protect citizens against terrorists. He stated that there is no place for county officials and private developers to acquire county land without citizens' knowledge. He stated that there should have been no secret grant applications or spending of tax dollars without the citizens' knowledge.

Mr. Simmons stated that the County put off making a public announcement about the land transfer and asked the local newspaper to delay writing about it. He went on to say that he had concerns about everyone involved, including Supervisor Bellows, Planning Director Don Gill and the Board of Supervisors.

Mrs. Delores Thomas stated that she lived across the creek from the proposed site. She stated that the water depth in the area is very low. She stated that her property has been in her family for generations and believed that she should have been given more notice about the proposed boat ramp. She stated that the boat ramp would be very close to her property and she does not want it. She states her family enjoys the water and nature and believes that the ramp will take all of that away. She stated that she is disappointed with the Board of Supervisors.

Mr. Bill Sullivan stated that he was a retired engineer with VDOT and wanted to present a slide show. He stated that he was concerned about the water depth and thinks it would be difficult to dredge the area and keep it maintained. He stated that he thinks there is too much mud. He stated that his concern is also what is under the mud, such as sand or clay. He stated that another concern of his was the dewatering of the dredge spoils and that future dredging would mean that the spoils would have to be transported, which would mean more costs.

Mr. Len Engstrom stated that he was a resident on Dymer Creek and had lived there for 10 years. He stated that he had been a Coast Guard officer and had experience with boating safety. He gave some statistics about boating accidents and stated that he was worried about the safety of Dymer Creek residents as well as anyone who would be using the boat ramp. He stated that the greatest number of accidents involve boats that are less than 22 feet in length and jet skis. He stated that he did not think that Dymer Creek is a safe place to navigate, especially for inexperienced boaters and he stated that Dymer Creek does not have enough room for a lot of boats at one time.

Dr. Don Davidson stated that he had been a resident for 15 years and he had trailered boats for about 10 years. He stated that when considering a boat ramp, water depth of the creek and water availability around the ramp should be addressed. He stated that he did not think either one had been attended to in the decision for the boat ramp. He stated that he had gone around the area to look at other ramps. He stated that those ramps

had water availability to maneuver, stand off and control the boats. He stated that the proposed ramp area only has 50 yards of water availability. He stated that was not feasible.

Dr. Davidson stated that the VMRC guidelines have not been considered with the proposed boat ramp. He stated that the ramp should be where there is at least 200 feet of water availability. He stated that he thought the proposed ramp was a ridiculous idea.

Mrs. Beth Kendrick stated that she was on the Audubon Board, did water testing for DEQ, did wildlife mapping for DGIF, and was a master naturalist. She stated that she was not speaking for any of those groups, but rather for the Dymer Creek Environmental Preservation Association. She stated that Simmons Cove and Dymer Creek have changed little in the past 60 years because of the lack of boat traffic and land disturbance. She stated that there is a myriad of plants and animals living in the coves.

Mrs. Kendrick stated that VIMS studies show that dredging destroys or forever alters the chemical and physical properties of the cove bottom and has ramifications for the entire ecosystem. She stated that the increased boat traffic, which would be the result of the proposed boat ramp, would not be good for the environment. She stated that Lancaster County needs a fishing pier, not a boat ramp.

Mr. Mickey Kendrick stated that he was the former Director of the Fairfax County Department of Recreation and Community Services and his experience comes from preparing and executing budgets at the local government level. He stated that after reviewing some of the requested documents that had been provided by the County, he found discrepancies in the cost of the ramp. He stated that the project had gone from \$307,000 to \$425,000 and this is an increase in what the County had told DGIF it would cost, when they applied for the grant. He stated that the project's costs continue to rise, including Bay Design's fees and the dredging costs. He stated that the County has not provided him with what the cost may be to dredge, which is inevitable.

Mr. Kendrick stated that Bay Design is on record as to not knowing what can be done to control the stormwater runoff. He stated that the proposed parking lot has increased as well. He stated that another question is why the County had a line item that was crediting them \$86,000 for the road construction and asked why the cost was not just reduced by that number. He stated that he was not provided any documentation explaining the methodology used to come up with that figure. He stated that he believed the County's costs were being artificially kept to a minimum. He stated that he thought monies would have to be set aside each year for a dredging reserve, as well as ramp maintenance and vandalism repair.

Mr. Dave Herndon stated that he has lived on Dymer Creek since 1941 and has been a boater for many years. He referred to the location of the boat ramp and the width of the dredged area of 40 feet and stated that a boat cannot be maneuvered in a 40 foot width.

Mr. Herndon stated that a fishing pier is what the people of the County want.

Mr. Jenkins stated that there was no fishing pier in the proposal and that one would not be appropriate at the proposed site.

Mr. Herndon offered other sites, such as Indian Creek and Antipoison Creek, that would be better suited for a ramp. He mentioned other sites which he stated would be good for either a ramp or a fishing pier. He suggested getting the public involved in finding sites and not do it in secrecy.

Mr. Jenkins stated that a fishing pier is a separate issue from a boat ramp. He stated that the County would not want a fishing pier beside a boat ramp.

Mr. Herndon stated that their suggestion is a county provided boat ramp coupon. He stated that this approach would instantly provide all trailer boaters with free ramp service to all boat ramps.

Ms. Margaret Socey stated that she does not live on Dymer Creek but was concerned about the ramp issue. She stated that she thought there were better ways to spend money, such as updating school facilities, providing teachers with better salaries, investing in affordable housing, donating funds to the fire departments and rescue squads and investing in a fishing pier. She suggested looking into the coupon system that has been mentioned.

Mr. Frank McGuire stated that he lives on Fleets Bay Road. He referred to the articles that he had read in the Rappahannock Record and stated that he did not understand about the DGIF grant being for boats 25 feet and under and for the Comprehensive Plan's objective of a ramp being close to the Chesapeake Bay. He stated that vessels of that size would not or should not be going out into the Bay because they would be too small for those waters.

Mr. McGuire stated that another issue is that Fleets Bay Road sits lower than Route 3 and he is worried about the traffic safety when citizens would be trailering their boats.

Mr. John Cardwell, a former Board of Supervisors member, stated that 30 years ago the County was looking for a public boat ramp and he knew how difficult it could be. He stated that he was also on the citizen's public access committee in 2002 and knows the County has researched the sites that the committee had suggested. He stated that he wanted to address zoning. He stated that the proposed parcel is zoned R-1 and is surrounded by R-1 properties and that private boat ramps are a permitted use in R-1, not commercial boat ramps. He stated that to zone the parcel, commercial, would be a blatant example of spot zoning.

Mr. Jenkins asked Mr. Gill to respond to Mr. Cardwell's comments.

Mr. Gill replied that a county sanctioned public facility is a by-right permitted use in any zoning district in the County.

Mr. Glenn Solt stated that he lives in Pennsylvania but plans to move full-time to the area after he retires. He has purchased a property on Dymer Creek. He stated that he has been involved in government for many years and thinks the boat ramp is a bad idea and the coupon method is a good idea. He stated that he thought that the Board knew it was a bad location and that is why they kept it secret.

Mr. Dana Gilmore stated that he lived on Georges Cove in Ocran. He stated that the County has a continuing disease called NIMBYism which has been going on for the 20 years that he has lived in the area. He stated that the County has been trying to achieve what the Comprehensive Plan has called for without success. He stated that one of the key facts that has been presented is the safety issue. He stated that if the Dymer Creek group is really serious about providing water access to all of the 11,000 citizens, they could work with the Board with coming up with another location, such as the land on Boys Camp Road. He stated that the County needs public owned, public access to the water.

Mrs. Donna Weiler stated that she is opposed to the boat ramp and lives on Dymer Creek. She asked about police protection for the area and how the roads would be improved. She asked about how the Chesapeake Bay Act would be followed with the proposed facility. She asked if anyone had done a core sample of what is to be dredged. She stated that she would like the answers to those questions.

Mr. Bill Warren, a District 5 citizen, stated that he supports the development of the site. He stated that the Dymer Creek site is better than other sites that have been looked at in the last 10 years. He stated that, once the site is developed, it would provide excellent fishing opportunities. He stated that he has visited the site and thinks it offers excellent potential.

Mr. Warren stated that if the site is developed as proposed, it will satisfy one of the County's primary objectives as stated in the Comprehensive Plan to provide access to water in the eastern part of the County near the Chesapeake Bay. He stated that the project is cost effective for the County and the \$100,000 grant is hard to pass up. He stated that the water depth is minimal, but is still within 500 feet of good water. He stated that there would be an excellent buffer area from adjacent properties because of the acreage. He stated that he thought it should be named for Fred Ajootian, who spent a lot of time and effort on public access.

Mr. Lloyd Hill, a District 5 citizen, stated that he commended the Board for taking steps to try to get public access for all citizens in the lower part of the County. He stated that he commended Mr. Gill for the job and due diligence that he had done as well. He stated that there will never be a perfect location and there is no better place or time than right now. He stated that all of the nearby counties have managed to take care of this issue and where there is a will, there is a way.

Mr. John Holt stated that he was a developer and lives on Dymer Creek. He stated that the boat ramp would not be safe because of the size of the creek and the amount of boat traffic that a ramp would bring.

Mr. Jim Merrill stated that he lives on Dymer Creek and is in opposition to the boat ramp. He stated that he agreed with the other speakers before him concerning such things as safety and the secrecy surrounding the proposal. He stated that he thinks the developer gave the County the land for his own benefit. He stated that he thinks the site will be more expensive than the County thinks for maintenance.

Mr. George Bott, a District 1 citizen, read a portion of the Declaration of Independence that states, " *we hold these truths to be self evident that all men are created equal and they are endowed by their Creator with certain unalienable rights, among them are life liberty and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.*" He stated that the Board is the government and we have given them the consent to govern us. He stated that there is a situation that deprives many of the County's citizens of their rights. He stated that on any given summer morning, evening or weekend, citizens that do not have waterfront property, fish and swim on private property, such as near the Merry Point Ferry. He stated that this is done because the access to over 300 miles of coastal shoreline is severely limited.

Mr. Bott stated that he was part of the 2006 review of the Comprehensive Plan, that was originally adopted by the Board of Supervisors in December 2000. He stated that another review was conducted in 2012. He stated that public input sessions were held for each chapter at Planning Commission meetings and the Board of Supervisors' meetings. He stated that few citizens participated in the review. He stated that these chapters are available for review on the County's website. He stated that the gift of land would help fulfill the Comprehensive Plan's objective of water access in the lower end of the County.

Mr. Bott stated that the Board of Supervisors is a fiscally conservative body and they do not spend money foolishly. He stated that future opportunities to have input will be available as the project has to go through several agencies. He stated that he supported the Board's effort on the boat ramp proposal.

Mr. Eddy Whichard, a District 1 citizen, stated that he was there to represent the Greenvale Creek Maintenance Association. He stated that his group was formed approximately 4 years ago to try to improve the entrance to Greenvale Creek with dredging. He stated that some fund raising was done in their community and the County also contributed some money to fund dredging and installation of a jetty. He stated that their current plan is to have another round of dredging this summer. He stated that they are obtaining bids for mechanical dredging and the spoils will be dewatered and transported to another site. He stated that he wanted the Board of Supervisors to know what their plans were and that they may be coming to the County for more funds.

Mr. Jenkins stated that he wanted to remind Mr. Whichard that the County's budget consideration is beginning for the upcoming fiscal year.

Mr. Charles Costello, a District 2 citizen, stated that he had been to all of the meetings dealing with the Comprehensive Plan. He stated that when he ran for office, part of his platform was public access to the water. He stated that he supported public access to the water, but was not sure about the proposed site. He stated that he liked the idea of the coupon method.

Mr. John Henley stated that it was a bad idea to have the boat ramp where it is proposed.

Mr. Joe Curry stated that he had been a resident of the County for 80 years. He stated that he had been on the Lancaster County Planning Commission and had also been with the Parks and Recreation Department and the County has been trying to have public access for many years. He stated that he had heard and seen what everyone was saying and showing and what it simply meant was "not in my backyard."

Mr. Curry stated that he had seen the groups come and go in the last 40 years and it is always the vocal minority, while the silent majority is forgotten. He stated that the people who cannot afford waterfront are forgotten. He stated that he wanted to be the conscience and told the Board that they are charged with taking care of the majority of the County's citizens. He stated that there are more people who need the ramp than those that claim they do not need it.

Mrs. Debbie Merrill stated that she lived on Dyer Creek and had heard a lot of things that she agreed with at the meeting. She stated that her group supports a public boat ramp and did want people to have access to the water, but it has to be sensible. She suggested a site on Boys Camp Road or Waverly Avenue as excellent locations.

Mr. Charles Hock stated that he lives on Antipoison Creek and that he had opposed the Antipoison Creek boat ramp proposal and he also opposes the proposed ramp now. He stated that people who live on the creeks have invested significant money in their waterfront properties. He stated that there is a tax base that supports the functions of the County. He stated that he is opposed to any type of public facility that would degrade the property values of those property owners. He suggested that the County work with a commercial area such as Windmill Point to provide a public boat ramp and not cause distress to the private waterfront property owners.

## **PRESENTATIONS**

There were no presentations.

## **VIRGINIA DEPARTMENT OF TRANSPORTATION**

None.

### **PUBLIC HEARING**

1. Application for Change of Zoning District Classification-G.C. Dawson estate (owner) and Eileen H. Lawson (contract purchaser)

Mr. Gill stated that the issue was an Application for Change of Zoning District Classification from R-1, Residential, General to C-1, Commercial (Conditional) by G. C. Dawson Estate, owner; and Eileen H. Lawson, contract purchaser for a 0.405-acre parcel described as Tax Map #34-222. He stated that the property is located at 20521 Mary Ball Road in White Stone in District 4.

Mr. Gill stated that the Planning Commission has forwarded this request to the Board of Supervisors with a recommendation to deny by a vote of 5-0.

Mr. Gill stated that the contract purchaser wishes to restore or rebuild the existing structure on this site to house two separate offices and use the remaining property for a seasonal garden center, but cannot do so under the current R-1 zoning. He stated that, as a result, the applicant seeks to rezone the parcel to C-1 Commercial. He stated that, to help her request, she has presented a signed and notarized proffer limiting the number of permitted uses from the C-1, Commercial District to nine possible ones to formalize this conditional rezoning request. He stated that the sale of the property is contingent upon a successful rezoning.

Mr. Gill stated that, although the Planning Commission has forwarded this request to the Board of Supervisors with a recommendation to deny, this request could easily be considered reasonable and appropriate, as nearby parcels have business or commercial uses. He stated that the parcel is adjacent to the former Wilson Trucking facility, which is an authorized non-conforming use on an R-1 parcel. He stated that it is also located within  $\frac{1}{4}$  mile of three commercial properties: another C-1 property in the county's jurisdictional limits as well as the White Stone Family Practice Medical Office Building in the White Stone Town Limits and the parcel adjacent to the White Stone Family Practice, which the White Stone Town Council rezoned to commercial in January to permit a car wash facility. He stated that the applicant parcel is also within a  $\frac{1}{2}$  mile of Lamberth's Building Materials, the Sandpiper Restaurant, the Country Cottage, Bonner's Florist and the many other businesses located at the southeastern edge of the White Stone Town Limits. He stated that, in the opposite direction, this parcel is located within  $\frac{3}{4}$  mile of Willaby's Restaurant and the River Landing Bed and Breakfast.

Mr. Gill stated that the Comprehensive Plan suggests that commercial activity be located in or near the towns and in or near traditional village areas and this parcel meets that criteria.

Mr. Gill stated that this parcel has an existing well and certification letter from the Health Department for a suitable drainfield as shown on the applicant's site plan sketch. He stated that the parking area shown on the site plan sketch also meets zoning ordinance requirements. He stated that the applicant will need VDOT approval for a low volume commercial entrance off of Route 3 and will have an engineered site plan prepared, but that final step will cost additional money and it would not be prudent for the applicant to expend that money if this first step of rezoning is not approved.

Mr. Gill stated that adjoining property owners have been notified and advertising conducted as required by law. He stated that to date, in addition to the 11 opposition phone calls received prior to the Planning Commission public hearing, he had received an opposition letter from Mount Vernon Baptist Church and a petition signed by 24 county residents.

Mr. Beauchamp opened the public hearing.

Ms. Eileen Lawson, the applicant, stated that she had some photographs for the Board to review. She stated that she lives in Middlesex County and lives 9 miles from the proposed property. She stated that she is a nurse and works in Richmond. She stated that she knows there is opposition from some of the residential neighbors, but would like to point out that Mary Ball Road is a main artery to the town of White Stone and it seemed like a natural progression that certain homes in the area would go from residential to commercial.

Ms. Lawson stated that the building that is on the lot has been there for awhile and it is an eyesore. She stated that she wanted a small business with minimal traffic and just a few parking spaces. She stated that the type of businesses she was thinking about were a garden center, insurance agency or a tax preparation office.

Ms. Lawson stated that the former trucking building that is next to the proposed parcel is very big and she could not imagine someone wanting to build a home beside it and that is probably why this parcel has not sold. She stated that she wanted to improve the area with her building and business. She stated that she appreciated the Board's consideration.

Ms. Geneva Dawson stated that she is a life long resident of the area and was born and raised in White Stone. She stated that she is the Executor of the G.C. Dawson Estate and the property has been for sale for awhile. She stated that because of the size of the lot, it has been difficult to sell it. She stated that the lot is beside the Wilson Trucking facility and there are residential and commercial properties mixed together on that stretch of road, just like in Kilmarnock. She stated that, after looking

at Ms. Lawson's plans, she thinks it would be an improvement for the property. She stated that she appreciated the Board's consideration.

Mr. Lloyd Hill, a District 4 citizen, stated that he owned property next to the proposed location. He stated that it seemed to him that time and again, citizens have to defend why they do not want their neighborhoods turned into a commercial zone. He stated that the Wilson Trucking building was placed in the area before there were zoning laws and would not be put there today.

Mr. Hill stated that the applicant does not even live in the County. He stated that there is a petition signed by approximately 98% of the people who live in the neighborhood, who oppose the application. He stated that he did not understand why it is not considered spot zoning. He stated that if this application goes through, then another one will and another one and it has to stop at some time. He stated that at some point in time, the County's expansion cannot always go into the black neighborhoods. He stated that there are other properties in White Stone that should be considered.

Mrs. Valerie Rich stated that she lived down the road from the proposed parcel. She stated that there were others in attendance that were against the application but because the public input session had been so long, they had to leave. She stated that the parcel is across from the church and down the street from her home. She stated that the applicant does not even live in the County, so she did not think she cared about their neighborhood. She stated that she felt the residents in her community were feeling like they were being moved out. She stated that she wanted her community to stay residential and there was already a flower shop in White Stone.

Mr. Charlie Costello, a District 2 citizen, stated that he agreed with the neighborhood's residents. He stated that he doesn't believe that more commercial parcels should go into the residential area. He stated that they should keep it residential for the people who live there.

Mr. Beauchamp closed the public hearing.

Mr. Jenkins asked about a site plan for the parcel.

Mr. Gill replied that the plan is a sketch at this point.

Mr. Jenkins asked Mr. Gill to explain the process of what would happen next if the application was approved.

Mr. Gill replied that the applicant would have to submit a site plan that would have to be reviewed and approved by the Planning and Land Use office.

Mr. Jenkins stated that it was his understanding that the concern was that the proposed commercial parking area would face the residential homes. He stated that

would be an intrusion on the residents. He stated that the Wilson Trucking facility and the abandoned house are both eyesores and probably not what the residents would like to have in their neighborhood. He suggested moving the parking area and adding landscaping to screen the residents from the parking area and the trucking facility. He stated that he thought the parcel would be hard to sell for a residential lot because of the proximity to the Wilson Trucking facility. He stated that he was trying to figure a way to have a win-win situation in a transitional neighborhood.

Mr. Lee stated that he disagreed with Mr. Jenkins on the issue. He stated that he wanted to give full disclosure and state that his great-niece lives behind the applicant's parcel. He stated that he had asked Mr. Pleva to check with the County Attorney and there is no conflict of interest.

Mr. Lee stated that the issue is not whether or not the building is an eyesore. He stated that the issue is whether or not to rezone the parcel to commercial zoning. He stated that the parcel is sitting in the middle of a residential area and even the parcel that the Wilson Trucking building sits on is zoned R-1. He stated that it does not have anything to do with what type of business goes there as far as he is concerned. He stated that he is against it and it could happen anywhere in the County. He stated that if it is allowed there, it could be allowed anywhere.

Mr. Beauchamp stated that it was his understanding that the former Wilson Trucking building had been leased to a construction company.

Mr. Gill stated that it had been leased.

Mr. Jenkins stated that it is basically a warehouse.

Mr. Lee made a motion to deny the Application for Change of Zoning District Classification from R-1, Residential, General to C-1, Commercial (Conditional) by G. C. Dawson Estate, owner; and Eileen H. Lawson, contract purchaser for a 0.405-acre parcel described as Tax Map #34-222 and located at 20521 Mary Ball Road.

Mr. Beauchamp stated that he wanted to comment that he did not want the Board to get a reputation of turning down businesses, but he agreed with the motion that the area is primarily a residential neighborhood and that he hoped Ms. Lawson would continue to look in Lancaster County and he wished her success.

VOTE:	B. Wally Beauchamp	Aye
	Jason D. Bellows	Aye
	F. W. Jenkins, Jr.	Nay
	Ernest W. Palin, Jr.	Aye

VOTE: 4-1

2. Application for Special Exception-Most Worshipful Prince Hall Grand Lodge of Virginia, Free and Accepted Masons, Inc.

Mr. Gill stated that the issue was an Application for Special Exception by the Most Worshipful Prince Hall Grand Lodge of Virginia, Free and Accepted Masons, Inc to expand/enlarge an existing authorized non-conforming club/lodge use to include six cabins and a bathhouse for youth summer camps on a 29.9687-acre parcel described as Tax Map #23-58 and the adjoining 2.058-acre parcel described as Tax Map #23-42A. He stated that these properties are zoned A-2, Agricultural General and are located at 1434 Good Luck Road in District 2.

Mr. Gill stated that on December 27, 2007, the Board of Supervisors revised the A-2, Agricultural General Zoning District and deleted the club/lodge permitted use from that district. He stated that as a result, the Masonic Lodge building that existed on this property became an authorized non-conforming structure and use. He stated that in December 2011, the Masonic Lodge had a boundary line adjustment approved in which they acquired additional acreage, so their property now exceeds 32 acres altogether.

Mr. Gill stated that Article 12-4-1 of the Lancaster County Zoning Ordinance allows for the expansion/enlargement of existing non-conforming structures or activities, with a special exception, if the setbacks of that zoning district can be met. He stated that the Masonic Lodge wishes to expand/enlarge their existing authorized non-conforming club/lodge use to include six cabins and a bathhouse for youth summer camps as explained in the narrative that was included in the Supervisors' packets. He stated that all required setbacks can be met. He stated that additional drainfield area will be required to accommodate the bathhouse and is not shown on the site plan, however the soils in this area are conducive to good septic percolation, particularly with such a large acreage to sample. He stated the applicant did not want to expend the additional funds to locate the drainfields if this special exception was not approved.

Mr. Gill stated that the Board of Supervisors can place conditions on a Special Exception to make it more specific. He stated that Article 13-3 of the Zoning Ordinance states: *These special exceptions shall be subject to such conditions as the board of supervisors deems necessary to carry out the intent of this ordinance. The special exception shall be approved only if it is found that the location is appropriate and not in conflict with the land use plan, that the public health, safety, morals and general welfare will not be adversely affected, that adequate utilities and off-street*

*parking facilities will be provided, and that necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values.*

Mr. Gill stated that adjoining property owners had been notified and advertising conducted as required by law. He stated that to date, there had been no response from the public.

Mr. Beauchamp opened the public hearing.

Mr. Walter Brown stated that he was on the Board of Directors of the Most Worshipful Prince Hall Grand Lodge of Virginia. He stated that in 2009, they purchased the lodge building from the local lodge. He stated that they have been looking for a place to hold their youth summer camps. He stated that the camps are for young men in the age group of 8-18, who they try to mentor and give alternatives to risky behaviors and street life. He stated that it is extremely expensive to host the camps and his organization's dream was to provide a place to host the camps on a permanent basis.

Mr. Brown stated that they are asking for the Special Exception for the purpose of expanding their operation in order to run their summer camps. He stated that he did not think it would pose a problem to any of the adjacent property owners. He stated that when they cleared some land, they kept a buffer between them and their neighbors. He stated that they are trying to do something that will not only help the youth in this County, but the youth in the entire state as well.

There was no more public comment.

Mr. Beauchamp closed the public hearing.

Mr. Lee stated that he had worked with Mr. Brown and thought that his program was well run and thinks their idea is an excellent one.

Mr. Beauchamp stated that he appreciated Mr. Brown's efforts and thought that his program was outstanding.

Mr. Palin stated that he thought it was in a good location, especially with the buffering that they had completed and the community shouldn't have any complaints. He stated that he thought the community would support their efforts and it is a value to the youth. He stated that there are youth that need mentoring and Mr. Brown's efforts are making that happen.

Mr. Palin made a motion to approve the Application for Special Exception by the Most Worshipful Prince Hall Grand Lodge of Virginia, Free and Accepted Masons, Inc to expand/enlarge an existing authorized non-conforming club/lodge use to include six cabins and a bathhouse for youth summer camps on a 29.9687-acre parcel described as

Tax Map #23-58 and the adjoining 2.058-acre parcel described as Tax Map #23-42A, that are located at 1434 Good Luck Road.

VOTE:	B. Wally Beauchamp	Aye
	Jason D. Bellows	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye
	William R. Lee	Aye

Mr. Brown stated that his organization hosts an annual cook-out and wanted to invite the community to their location on Saturday, August 9<sup>th</sup> around noon.

### **CONSENSUS DOCKET**

Motion was made by Mr. Jenkins to approve the Consensus Docket and recommendation as follows:

1. Minutes for February 27, 2014 Regular Meeting

Recommendation: Approve minutes as submitted

VOTE:	B. Wally Beauchamp	Aye
	Jason D. Bellows	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye
	William R. Lee	Aye

### **CONSIDERATION DOCKET**

The Board considered the following items on its Consideration Docket:

1. Approval of March 2014 Salaries and Invoice Listings

The motion was made by Mr. Palin to approve the salaries for March 2014 in the amount of \$240,238.99 and invoice listings for March 2014 in the amount of \$606,719.96.\*

\*Greentown/Gaskins \$13,400.50

\*Capital Improvement \$123,671.55

\*Loan Interest \$108,833.88

VOTE:	B. Wally Beauchamp	Aye
	Jason D. Bellows	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye
	William R. Lee	Aye

2. DGIF Cooperative Grant Agreement and Resolution of Support

The following item was tabled earlier in the meeting until next month's meeting.

The issue is the Adoption of a Resolution of Support and execution of the Cooperative Grant Agreement required by the Department of Game and Inland Fisheries to keep the \$100,000 grant funds available for the proposed Dyer Creek Public Boating Access Facility.

The next step in the \$100,000 DGIF grant process is the execution of the Cooperative Grant Agreement. The grant period is April 1, 2014 through October 1, 2015. Another requirement is a Resolution of Support from the Board of Supervisors stating that the County will develop and maintain the facility.

It is important to note that Section 11 of the Cooperative Agreement allows the grant to be terminated by either party, so if the required permit applications to VMRC or the Army Corps of Engineers are denied for any reason, the County can terminate the Agreement.

Adopting the Resolution and signing the Agreement simply keeps the \$100,000 grant funds available, so they can be used if and when the required permits are in place to build the facility. If the Resolution is not adopted and the Cooperative Agreement not signed, the grant funds will no longer be available to the County.

**BOARD REPORTS**

Mr. Jenkins stated that on April 12<sup>th</sup> from 10:00 a.m. to 3:00 p.m., the Mary Ball Washington Museum and Library will be sponsoring the 4<sup>th</sup> annual Court Days, which commemorates a lost tradition of the first session of the courts for the new year. He stated that there will be entertainment, concessions and historic interpretations. He stated that the admission is free.

Mr. Bellows referred to the public access issue and stated that he truly believed that the County is in the preliminary stages. He stated that he wanted to thank the staff for the work they have done. He stated that he wanted to let the public know that he wants to work with them on the issue and not against them. He stated that if the Dyer Creek site does not work, he thinks there are other sites that may and it will be nice to have everyone's expertise and cooperation along the way.

Mr. Jenkins stated that he would like to request to reconvene the finance committee. He stated that he was unable to attend the last meeting and had some additional information from Mr. Larson that he would like to analyze.

Mr. Beauchamp stated to let him know when Mr. Jenkins was available.

Mr. Lee stated that he would like to attend as well.

Mr. Pleva stated that he would coordinate with everyone and get a couple of dates from which to choose.

**COUNTY ADMINISTRATOR**

Mr. Pleva stated that he would be meeting with Mr. Robert Harper of VDOT next week. He stated that Mr. Harper would be advising him of the upcoming paving schedule and he would forward that information on to the Board.

**ADJOURNMENT**

Motion was made by Mr. Palin to adjourn.

VOTE:	B. Wally Beauchamp	Aye
	Jason D. Bellows	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

William R. Lee

Aye