

**VIRGINIA:**

A meeting of the Lancaster County Board of Supervisors was held in the courthouse of said county on Thursday, February 23, 2006.

Present: F.W. Jenkins, Jr., Chair  
Peter N. Geilich, Vice Chair  
B. Wally Beauchamp, Board Member  
Ernest W. Palin, Jr., Board Member  
William H. Pennell, Jr., County Administrator

Others

Present: Clifton Balderson and Robert Harper, Virginia Department of Transportation; Charles Costello, Friends of Lancaster County; Jack Larson, Planning/Land Use; Robb Hoff, Rappahannock Record

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

**PUBLIC INPUT**

Access to Public Waters

Mr. Ajootian stated he was concerned with a serious situation which affects approximately two-thirds of Lancaster County who do not live on the water or have water access. The following communities have all provided their citizens with public access: Deltaville, Reedville, Northumberland, Middlesex, Mathews, and Richmond County. Lancaster County has not provided public access to water and a lot of our citizens have to travel to surrounding counties for public access to waterways. He stated the Board of Supervisors should face this problem now and do something about it, because all citizens should have access to the water. He said the county has a number of available possible sites to provide public access to the water and he would be more than happy to show the board available sites.

Mr. Palin stated he is totally in agreement with comments by Mr. Ajootian.

Mr. Geilich said this issue should be addressed with the Comprehensive Plan revisions.

Mr. Ajootian said this issue is currently in the Comprehensive Plan and you will find that strong language and recommendations already exist in the plan, however; nothing has been done. Because, this issue is already in the Comprehensive Plan he does not believe this will be handled any better in the revision of the plan.

#### Lancaster Primary School

Mr. George Henderson commended the principal of Lancaster Primary School, Mrs. Staples, L.P.S. staff, and Mr. Ernest Palin, Federal Program Director, for the primary school achieving the status of a National Title I Distinguished School. Mr. Palin thanked Mr. Henderson for his verbal commendation.

### **PRESENTATION**

None

### **VIRGINIA DEPARTMENT OF TRANSPORTATION**

#### Taylor's Creek Project

Mr. Balderson stated VDOT was actively seeking additional funding to complete the Taylor's Creek Project.

#### New Residency Administrator and Office

Mr. Balderson, Assistant Residency Administrator said VDOT has a new residency office building in Haynesville and a new Residency Administrator Sean P.

Trapani who replaces Carter White. The residency will now be known as the Northern Neck Residency.

#### VSH 695/Windmill Point Road Traffic Study

Mr. Geilich asked if a traffic study was done on VSH 695 Windmill Point Road. There will be a lot more traffic with the Windmill Point Project.

Mr. Balderson said he believes that study was done, however; he will check.

#### Hills Quarter Project and Pine Road Intersection

Mr. Palin said he has a concern about the Hills Quarter Project directly across the road from Pine Road where the refuse site is located. When coming from the refuse site toward VSH 200 Irvington Road, it appears as if the road continues. Can something be done at that intersection?

Mr. Balderson said they would address the matter.

#### VSH 675/Black Stump Road

Mr. Beauchamp stated the section of Black Stump Road connecting to James Jones Memorial Highway is continuing to be used. He said VDOT has placed barricades there and folks are still using this section of Black Stump.

Mr. Balderson said they would check to see what can be done differently.

### **PUBLIC HEARINGS**

1. Michael B. Callis – Application for Special Exception – Mr. Larson presented an application for an after-the-fact Special Exception by Michael B. Callis to have a professional office on property described as Tax Map # 15-95B which is located

at 8676 Mary Ball Road, VSH 3, in Lancaster, Virginia. The subject property is in Voting District 2.

Mr. Larson said Mr. Callis is an insurance agent who is utilizing the subject property for his office. His services are advertised. His letter of December 3, 2005, states his findings as the zoning administrator and directs Mr. Callis to submit an application for an after-the-fact special exception.

Mr. Larson stated there have been no complaints relating to the use of this property, and by all indications, use of it as an office has not created hardship for adjoining properties or other residentially zoned properties in the immediate vicinity. It is also consistent with the use as offices or businesses of several residentially zoned properties in close proximity that are doing so under a special exception or authorized nonconforming use status.

Mr. Larson said adjoining property owners have been notified, and advertising as required by law has been conducted. As of this date, staff has received one call from the representative of an adjoining property owner who expressed opposition to this request.

Chairman Jenkins opened the public hearing.

Hearing no public comments - Chairman Jenkins closed the public hearing.

Mr. Palin made a motion to Approve the Special Exception for Michael B. Callis to have a professional office on property located at 8676 Mary Ball Road in Lancaster.

VOTE:	F.W. Jenkins, Jr.	Aye
	Peter N. Geilich	Aye
	B. Wally Beauchamp	Aye

Ernest W. Palin, Jr.

Aye

2. Kaballero.Com, LLC – Application for Special Exception – Mr. Larson presented an application for Special Exception by Kaballero.Com, LLC to place data antennae on property identified as Tax Map #14A-4-29, Upper Lancaster Rescue Squad Incorporated, in Lively, Virginia which is in Voting District 1.

Mr. Larson said this is the second request for special exception consideration by Kaballero.Com to locate 80’ data antennae at locations within the County to improve its level of service. The proposed location of the Upper Lancaster Rescue Squad replaces the previously approved location at the Lively Pavilion owned the Upper Lancaster Volunteer Fire Department. Because that antenna could not provide the desired level of service, the new location at a higher elevation is proposed.

Mr. Larson said at the public hearing held in November for the previously approved locations, there was no opposition expressed to the proposed antennae. Rather, they were supported as being necessary to enhance internet service support within the County. Because they involve a thin antenna extended above a standard utility pole, they were not viewed as visually obtrusive

Mr. Larson stated adjoining property owners have been notified and advertising as required by law has been conducted. As of this date, staff has received no input from adjoining property owners or other interested members of the public concerning this request.

Chairman Jenkins opened the public hearing.

Hearing no public comments - Chairman Jenkins closed the public hearing.

Mr. Jenkins made a motion to Approve the Request for Special Exception for Kaballero.Com, LLC to place a data antenna on property at Upper Lancaster Rescue Squad Incorporated, in Lively.

VOTE:	F.W. Jenkins, Jr.	Aye
	Peter N. Geilich	Aye
	B. Wally Beauchamp	Aye
	Ernest W. Palin, Jr.	Aye

3. Kaballero.Com, LLC – Application for Special Exception – Mr. Larson presented an application for Special Exception by Kaballero.Com, LLC to place data antennae on property identified as Tax Map #35-108Y, Tabbs Creek Incorporated, at intersection of VSH643, Little Bay Road, and Old Point Road near White Stone, Virginia which is in Voting District 3.

Mr. Larson said this is the third request for special exception consideration by Kaballero.Com to locate 80’ data antennae at locations within the County to improve level of service. The proposed location of the Tabbs Creek Incorporated site will be at intersection of VSH643, Little Bay Road, and Old Point Road near White Stone.

Mr. Larson said at the public hearing held in November for the previously approved locations, there was no opposition expressed to the proposed antennae. Rather, they were supported as being necessary to enhance internet service support within the County. Because they involve a thin antenna extended above a standard utility pole, they were not viewed as visually obtrusive

Mr. Larson stated adjoining property owners have been notified and advertising as required by law has been conducted. As of this date, staff has received no input from adjoining property owners or other interested members of the public concerning this request.

Chairman Jenkins opened the public hearing.

Hearing no public comments - Chairman Jenkins closed the public hearing.

Mr. Geilich made a motion to approve the Request for Special Exception for Kaballero.Com, LLC to place a data antenna on Tabbs Creek Incorporated property at the intersection of VSH 643, Little Bay Road, and Old Point Road near White Stone.

VOTE:	F.W. Jenkins, Jr.	Aye
	Peter N. Geilich	Aye
	B. Wally Beauchamp	Aye
	Ernest W. Palin, Jr.	Aye

**CONSENSUS DOCKET**

Motion was made by Mr. Geilich to approve the Consensus Docket and recommendations as follows:

A. Minutes for January 24, 2006 and February 9, 2006

Recommendation: Approve the minutes

VOTE:	F.W. Jenkins, Jr.	Aye
	Peter N. Geilich	Aye
	B. Wally Beauchamp	Aye
	Ernest W. Palin, Jr.	Aye

**CONSIDERATION DOCKET**

The Board considered the following items on its Consideration Docket:

1. Northern Neck Chesapeake Bay Public Access Authority – Mr. Pennell stated in 2005, the Virginia General Assembly enacted legislation that permits the counties of the Northern Neck to form a Northern Neck Chesapeake Bay Public Access Authority. This legislation passed in 2002 which permitted the Middle Peninsula counties to enter into a similar agreement. The Middle Peninsula counties have created this authority and work is underway to improve public access to Virginia’s waters in the Middle Peninsula.

Mr. Pennell provided the Board of Supervisors with copies of the legislation passed by the General Assembly in 2005 permitting this Authority to be formed and information describing the Authority and the work that it will undertake to improve public access to Virginia’s waters in the Northern Neck.

Mr. Pennell said improved access to public waters has long been an element of Lancaster County’s comprehensive plan goals and objectives and it is expected to remain an important part of the county’s revised plan.

Mr. Beauchamp made a motion to Approve the agreement for Lancaster County to enter into a Northern Neck Chesapeake Bay Access Authority with the other counties of the Northern Neck, authorize the county administrator to execute the appropriate documents, and appoint the county administrator as Lancaster County’s representative on this authority.

VOTE:	F.W. Jenkins, Jr.	Aye
	Peter N. Geilich	Aye
	B. Wally Beauchamp	Aye
	Ernest W. Palin, Jr.	Aye

2. Approval of February 2006 Salaries and Invoice Listings



Motion was made by Mr. Geilich to approve the Salaries for February 2006 in the amount of \$169,107.51 and Invoice Listings for February 2006 in the amount of \$444,139.83.

VOTE:	F.W. Jenkins, Jr.	Aye
	Peter N. Geilich	Aye
	B. Wally Beauchamp	Aye
	Ernest W. Palin, Jr.	Aye

3. Windmill Redevelopment Associates, LLC – Request for Modification to Master Plan – Mr. Larson presented Windmill Redevelopment Associates, LLC, new owner and developer of Windmill Point, is requesting changes, viewed as major, to the master plan for properties identified as Tax Map 40-31, 41-4, 4A, 4B, 4J, 4K, 4L, 4M, 4N, and 41B-1. The Board of Supervisors approved the original master plan, dated March 12, 2003, along with related special exceptions, on March 27, 2003. The subject property is in Voting District 3.

Mr. Larson said the letter provided by Bill Kopcsak, counsel for the owners, dated February 8, 2006 summarizes the changes, or amendments, requested and are the points of consideration for the Board. He said he believed that the requested changes are reasonable, retain some of the public amenities that the Board previously indicated were essential to favorable consideration, and in some respects represent an improvement over not only the previous master plan but certainly existing conditions.

Mr. Larson stated the maximum height of 70' is consistent with the previously allowed maximum height. Parking space calculations appear to be accurate, and the request to reduce the minimum required parking to 2.25 spaces vice 2.5 is reasonable, especially since Article 13-6-1 of the Zoning Ordinance requires “space for the parking of two automobiles for each dwelling unit.”

Mr. Larson said the representation that the increase in total units is 12 (188 to 200) is inaccurate or at least misleading. The previously approved number of residential units was 148 and the previously approved hotel has 40 units or rooms. Mr. Kopcsak arrived at the 188 by adding the 40 hotel rooms to the residential units for a total of 188 “units”. He stated he believes that the correct statement of proposed change in density should be an increase of 52 residential units (148 to 200) with a reduction of 40 rooms associated with the hotel.

Mr. Kopcsak, Attorney representing Windmill Point Redevelopment Associates, LLC said they were requesting modifications to the existing Master Plan. The Lane Company is the new developer that will restore Windmill Point; this company has never left a project unfinished. He introduced Jeff Price, and Nea May Poole.

Mrs. Poole said they intend to create a community on the water. It will consist of four and five story buildings over parking with at least 50’ setback off the water. There will be a public boat ramp. They would like to increase the size of the restaurant to a capacity of 250 people so that it may be used for weddings, corporate events, banquets, etc. People do not have to be members to utilize the restaurant. They plan to establish a fisherman’s market to enhance the ambiance of the community. There will be a new state-of-the-art waste water treatment system installed.

Mr. Jenkins asked Mrs. Poole to explain the five levels over parking.

Mrs. Poole said on the original Master Plan the building height was 70’. The four and five stories buildings over parking will be kept at 70’.

Mr. Beauchamp said that one of the buildings was at 25’ setback.

Mr. Larson stated the original Master Plan required full mitigation, as would this one, and that some existing buildings were closer than 25’.

Mr. Beauchamp said he had concerns about the height of the building and asked if the boat ramp would be made available to the public and if charter boats would be allowed.

Mr. Kopcsak stated the boat ramp will be available to the public, there will be five commercial slips and they will put something in writing indicating that the buildings will not exceed 70’.

Mr. Pennell asked if the beach would still be available to the public.

Mr. Price said yes.

Mr. Caskie said the new state-of-the-art wastewater system will be able to handle 80,000 gallons per day and the discharge is in total compliance. There will be an on site manager for a couple months with a responsible and qualified person to respond immediately after that time. Department of Environmental Quality will have a public hearing to ensure everything is in compliance.

Mr. Geilich made a motion to Approve the Request for Modification to Master Plan for Windmill Redevelopment Associates, LLC with conditions requested in writing that the height of buildings not exceed 70’, 63’, and 63’.

VOTE:	F.W. Jenkins, Jr.	Aye
	Peter N. Geilich	Aye
	B. Wally Beauchamp	Aye
	Ernest W. Palin, Jr.	Aye

4. Reserve at Lake Chase – Preliminary Subdivision Plat Approval – Mr. Larson presented a request from Robert G. Sowder for approval of a 98-lot subdivision with the proposed name of “Reserve at Lake Chase”.

Mr. Larson said Mr. Sowder presented a preliminary sketch of his subdivision to the Board of Supervisors at its November 28, 2005 meeting. He proposed a subdivision of 117 lots at that time but was required to reduce the number of lots to address minimum lot-size requirements for the 800-foot Waterfront Overlay. Additionally, Mr. Sowder has changed the location of his proposed open or common space to place a portion of that space across VSH 3. This is a very positive change in that it provides an open space buffer on both sides of VSH 3 that did not exist before. Another positive feature of this subdivision is that the existing farmhouse and outbuildings would be retained as a 12.87-acre lot. Finally, the location of most of the proposed building lots is such that an intervening hill crest will screen structures to be placed on them from VSH 3.

Mr. Frank Burke, counsel for the owner, said Mr. Sowder has talked to the neighbors and will do a buffer on the south side. He has also submitted the following proffers:

1. At the entrance to the development along VSH 3, there are four areas of land, three on the West of VSH 3 and one on the East of VSH 3 that will be restricted to no further subdivision. Three of the parcels shall be retained as open space, or natural areas, with no construction, or other development to take place thereon. The fourth, Lot 98, will be permitted to have improvements or repairs, but only such improvements or repairs as are in keeping with, or conform to, the farmhouse aesthetic quality of the property. The acreage of these parcels totals 40.23 acres (12.87, 10.86, 2.36 and 14.24 acres respectively).

2. Along the Northern boundary of Lots 75 and 76, landscaping work will be performed, including an earthen berm and the planting of trees in order to provide a natural screen between said lots and the adjoining property owner.
3. Along the Southern Boundary of Lots 10 and 11, landscaping work will be done, including the planting of trees in order to provide a natural screen between said lots and the adjoining property owner.
4. The entrance to the subdivision will be constructed and landscaped in a fashion similar to the Bay Design Plan provided to the Board for the meeting this date.
5. The Declaration of Covenants for the subdivision will restrict lighting as follows: No excessive use of floodlights, mercury-vapor type night-lights, or similar lighting will be permitted within the subdivision. All decisions regarding lighting shall be under the control of the Environmental Control Committee and the Committee's decision regarding lighting matters will be final.

Mr. Geilich said the single family homes are modest in cost. The county could be looking at an increase of student enrollment.

Mr. Sowder stated that there has been a decrease in student enrollment and this would be good for the school system.

Mr. Geilich noted the open areas on VSH 3 and asked what guarantee the board would have that they remain open space.

Mr. Sowder stated it is deed restricted and it will never change. The Association is responsible for the upkeep of the open space.

Mr. Jenkins made a motion to Approve the Preliminary Subdivision Plat for Reserve at Lake Chase.

VOTE:	F.W. Jenkins, Jr.	Aye
	Peter N. Geilich	Aye
	B. Wally Beauchamp	Aye
	Ernest W. Palin, Jr.	Aye

### BOARD REPORTS

Mr. Geilich stated Mr. Jenkins, Chair has been scheduled for surgery on February 27, 2006 and we wish him well.

### Board of Social Services

Mr. Jenkins made a motion to appoint Douglas Anderson to the Board of Social Services to represent Lancaster County District 1 to fill an unexpired term ending April 30, 2008.

VOTE:	F.W. Jenkins, Jr.	Aye
	Peter N. Geilich	Aye
	B. Wally Beauchamp	Aye
	Ernest W. Palin, Jr.	Aye

### COUNTY ADMINISTRATOR REPORT

### Guide to Lancaster County Booklet

Mr. Pennell said Joan McBride; citizen who lives in Corrotoman By The Bay has researched and compiled “A Guide to Lancaster County Nonprofit Organizations ~ Community, Social Services, and Clubs”. It is a very informative booklet and we are hoping to have it uploaded to the county website.

Budget Work Session Scheduled

By consensus of the board, a budget work session was set for Tuesday, March 21, 2006 at 3:00 p.m. in the General District Courtroom.

**ADJOURNMENT**

Motion was made by Mr. Geilich to adjourn the meeting.

VOTE:	F.W. Jenkins, Jr.	Aye
	Peter N. Geilich	Aye
	B. Wally Beauchamp	Aye
	Ernest W. Palin, Jr.	Aye