

The Smithfield Planning Commission held its regular meeting on Tuesday, February 11th, 2020 at 6:30 p.m. at the Smithfield Center.

Members present:

Randy Pack – Chairman

Charles Bryan – Vice Chairman

Mike Swecker

Julia Hillegass

Thomas Pope

Lilton Marks

Members absent:

Michael Torrey

Staff members present:

John Settle

William H. Riddick, III

There were approximately eleven (11) citizens present. Chairman Pack welcomed everyone to the meeting. All in attendance stood for the Pledge of Allegiance.

Chairman Pack introduced Rev. Lilton Marks as the newest Planning Commission member replacing Bill Davidson who served for eleven years.

Election of Chairman and Vice Chairman:

The Town Attorney explained that at the first meeting of the year elections are held for Chairman and Vice Chairman. He opened nominations for Chairman of the Planning Commission. Mr. Swecker nominated Randy Pack. Dr. Pope seconded the nomination. There were no other nominations. All in favor of Randy Pack for Chairman were to say aye, opposed to say nay.

On call for the vote, six members were present. Dr. Pope voted aye, Mrs. Hillegass voted aye, Dr. Marks voted aye, Mr. Swecker voted aye, Vice Chairman Bryan voted aye, and Chairman Pack voted aye. There were no votes against the nomination. The nomination passed.

The Town Attorney opened the floor for nominations for Vice Chairman. Dr. Pope nominated Charles Bryan. Mr. Swecker seconded the nomination. All in favor of Charles Bryan for Vice Chairman were to say aye, opposed to say nay.

On call for the vote, six members were present. Dr. Pope voted aye, Mrs. Hillegass voted aye, Dr. Marks voted aye, Mr. Swecker voted aye, Vice Chairman Bryan voted aye, and Chairman Pack voted aye. There were no votes against the nomination. The nomination passed.

Community Development & Planning Director's Report:

Mr. Settle welcomed Rev. Marks to the Planning Commission. He informed the Commissioners that the final draft of the 2019 Isle of Wight County Comprehensive Plan was adopted by the Board of Supervisors at their January meeting. The plan will be available online

soon. Mr. Settle read a Resolution of Appreciation from Town Council for Bill Davidson's term on the Planning Commission. The resolution was delivered to Mr. Davidson at the last Town Council meeting.

Upcoming Meetings and Activities:

Tuesday, February 18th, 6:30 PM – Board of Historic & Architectural Review Meeting

Monday, February 24th, 6:30 PM – Town Council Committee Meetings

Tuesday, February 25th, 6:30 PM – Town Council Committee Meetings

Tuesday, March 3rd, 6:30 PM – Town Council Meeting

Tuesday, March 10th, 4:00 PM – Pinewood Heights Management Team Meeting

Tuesday, March 10th, 6:30 PM – Planning Commission Meeting

Public Comments:

The public is invited to speak to the Planning Commission on any matters, except scheduled public hearings. Please use the sign-up sheet. Comments are limited to five (5) minutes per person. Any required response from the town will be provided in writing following the meeting.

Mr. Herb DeGroft – 15411 Mill Swamp Road. Mr. DeGroft stated that he was the Chaplain of the VFW Post. He also puts out the Community Breakfast signs. He explained that he has put the signs on the periphery of the town. He explained that it is not as effective due to the speed at which people are passing the signs. He asked the Planning Commission to look at the sign ordinance again from the standpoint of non-profits. He believes it should be simpler with non-profits able to leave the signs up for seven to ten days. The current ordinance is complicated.

There were no other public comments.

Planning Commission Comments:

There were no Planning Commission comments.

Entrance Corridor Overlay (ECO) Design Review (After-the-Fact) – 1402B S. Church Street, AOO Ventures, LLC, c/o Anna Chapman, applicant:

On or before January 29th, 2020, the applicant erected a storage shed at the property in question. This shed was relocated from the applicant's previous location at 1012 S. Church Street (TPIN 21A-32-000N). The shed currently faces S. Church Street but the applicant indicated that they want to turn the shed around to face the rear of the property. Town staff recommends approval under the following conditions:

- (1) The siding of the shed must be painted a grayish-blue color with white trim to match the color scheme of the adjacent primary building.
- (2) The shed must be moved from its current position (boxed in red on the attached illustration) to the position boxed in blue on the attached illustration - this is so that the shed can be brought into compliance with Smithfield Zoning Ordinance (SZO) Section 2.P.6, which states:

Accessory buildings on lots in commercial and industrial districts which abut a residential district shall be located a minimum of fifty feet (50') from such residential district line.

Mr. Settle explained that the applicant sent a revised illustration showing that she preferred to relocate the shed in the area immediately behind the commercial building on the right-hand side of the property.

The applicant, Anna Chapman, lives at 364 S. Church Street. She explained that she moved to the 1402 S. Church Street location so she would have a better space for work. She explained that moving the shed to the front of the building would block the delivery entrance, the dumpster would have to move, and part of her parking would be affected. She stated that she would like to move the shed up to the back door instead which puts it thirty feet from the property line to the door. It makes it usable for getting materials in and out of it and into the back door. She stated that she did not mind painting it to match the building.

Mr. Settle reminded the Planning Commission that to request this exception the applicant would need to apply for a Special Use Permit called a Waiver of Yard requirements. Dr. Pope asked if the shed would have to move at all if she applied for a Special Use Permit. Mr. Settle explained that staff advises people to not go the after-the-fact route for a Special Use Permit. However, she could leave it in the current location and apply for a Special Use Permit and possibly have it granted.

Ms. Chapman explained the after-the-fact part. She sent Mr. Settle and Joseph Reish an email on December 19th, 2019 requesting a permit to move the shed over to the new location. Her lease expired on December 31st. She needed to move it by the end of the month. She believes it is not her fault since she requested the permit on December 19th.

Mr. Settle explained that a zoning permit and a special use permit are two different things.

Dr. Pope asked if it could be moved behind the building and be in compliance. The applicant stated that was an option; but it would be a lot further away from her space. She would have to move materials across the parking lot to get to them. The applicant prefers to have the shed at her back door. Dr. Pope stated that she will need to have a Special Use Permit since the shed does not meet the fifty-foot requirement.

The Town Attorney stated that this is an unusual property because it has two commercial buildings on the lot. One is all the way in the back. He stated that it is difficult to apply a modern zoning ordinance over a commercial district that has evolved over a period of fifty years. It is not the applicant's fault or the town's fault either. The applicant can move her shed or file for a Special Use Permit. If the applicant decides to apply for the Special Use Permit, the Planning Commission would continue the current application until next month. She would amend her application and the Special Use Permit would have to be advertised.

Dr. Pope asked the applicant if she was opposed to leaving the shed in the location as it sits today. She stated she was not opposed to it since it would save her money by not having to move it. Dr. Pope stated that it has a bright red roof. If the applicant paints it to match the building, the red roof would really stand out. He believes it would be better to leave it unpainted even though it does not match the building. He stated that the red roof with blue siding and white trim would make the red roof stand out even more. He does not think it should be painted. He believes keeping it in its current location is preferable.

Vice Chairman Bryan stated that the Planning Commission needed to be careful with Special Use Permits and not be too lenient since it opens doors for others.

Ms. Hillegass made a motion to table the application for consideration at the next regular Planning Commission meeting, or until the applicant has submitted the materials necessary for a complete special use permit application. Mr. Swecker seconded the motion. Chairman Pack called for the vote.

On call for the vote, six members were present. Mrs. Hillegass voted aye, Mr. Swecker voted aye, Dr. Pope voted aye, Dr. Marks voted aye, Vice Chairman Bryan voted aye, and Chairman Pack voted aye. There were no votes against the motion. The motion passed.

Site Plan Amendment & ECO Design Review – 401, 451, & Lot 10 N. Church Street, Smithfield Foods, Inc., c/o Jason Reale, applicant:

Mr. Settle explained that the applicant wishes to make three (3) improvements on the premises:

- (1) The addition of approximately 3,500 square feet of concrete to the existing asphalt driveway in order to cover areas currently surfaced in a dilapidated gravel bed. This is proposed to remedy an ongoing problem with trucks off-tracking while turning left off of the driveway to access a loading area to the rear of the building at 401 N Church St.
- (2) The installation of a drop inlet, discharge pipe, and riprap outfall beneath the asphalt driveway where it makes a hard bend to the left in the approach to Ivy Hill Cemetery- this is proposed to remedy an ongoing drainage problem at the cemetery.
- (3) The applicant has volunteered the planting of approximately twenty-one (21) Crape Myrtle trees on twenty-five foot (25') centers along the northern side of the driveway to match the existing trees along the southern side of the driveway.

Town staff notes that the plans reference the installation of an “Aspen” style EP Henry cast stone wall along the rearmost portion of the outer edge of the proposed additional driveway area, similar in appearance to other stone structures located onsite. The applicants have indicated that this improvement will not be a part of this project. Town staff recommends approval as submitted.

The applicant, Mr. Jason Reale, has a business address of 111 N. Church Street. He stated that they are trying to get trees in the ground before the heat of summer. They are trying to improve the entrance view of the Ivy Hill Cemetery. He was available for questions.

Dr. Marks asked about the location of the pavement. The applicant explained that it would be close to the corner of the wooden fence before you pass through the entrance to the cemetery.

With no further discussion, Dr. Pope made a motion to approve the application as presented. Mr. Swecker seconded the motion. Chairman Pack called for the vote.

On call for the vote, six members were present. Mrs. Hillegass voted aye, Mr. Swecker voted aye, Dr. Pope voted aye, Dr. Marks voted aye, Vice Chairman Bryan voted aye, and Chairman Pack voted aye. There were no votes against the motion. The motion passed.

Public Hearing: Special Use Permit (SUP After-the-Fact) – 865 W. Main Street, SB Cox Ready Mix, Inc., c/o Gordon Holloway, applicant.

On or before Monday, August 12th, 2019, the applicants installed a private well on the premises. Because the property is located within the Heavy Industrial (I2) zoning district and is occupied by non-residential uses, this action conflicted with the Smithfield Town Code (STC) Section 82-85, which reads: *Where a public water supply is available in the Town, it shall be unlawful to connect a . . . commercial structure to a private well or other water supply, except as may be approved by the Town Manager on a temporary basis, or by approval of a Special Use Permit (SUP) in accordance with the provisions of the . . . [Smithfield] Zoning Ordinance (SZO).* At no point had the Town Manager approved the use of the well on a temporary basis, nor were private wells permissible in the I2 zoning district, pursuant to SZO Article 3.L. Consequently, the applicants applied for a text amendment to allow for the addition of Section 3.L.C.34 to the SZO, which was to read: *Private wells for the purpose of batching and mixing concrete.* At its Tuesday, January 7th, 2020 meeting, the Town Council approved the applicants' after-the-fact text amendment. The applicants are now applying for a SUP pursuant to SZO Section 3.L.C.34 in order to retain, connect to, and utilize their well for the purpose of batching and mixing concrete. The applicants have indicated that they intend to leave the cement plant connected to the Town's water system but admit that continued use of Town water at the cement plant will be minimal. They have also indicated that two water connections exist at the property in question. Town staff recommends that the Planning Commission report favorably on this application to the Town Council, under the condition that the applicants maintain both of their connections to the Town's water system.

Chairman Pack stated that the text amendment has been changed. The applicant is now applying for a Special Use Permit.

Mr. Gordon Holloway, the applicant, lives at 205 S. Church Street. He explained that he has learned a lot through this process. The two main factors driving the desire for the private well are finances and that water in Smithfield is needed more for residential use than for mixing

concrete. He does not need processed water for mixing concrete. He only needs clean water. He was available for questions by the Planning Commissioners.

Chairman Pack opened the public hearing. No one was signed up to speak for or against the application. He asked if anyone would like to speak. Hearing none, he closed the public hearing.

Ms. Hillegass stated that everyone has heard the information and understands the applicant's intention. She made a motion to recommend approval to Town Council. Mr. Swecker seconded the motion. With no further discussion, Chairman Pack called for the vote.

On call for the vote, six members were present. Mrs. Hillegass voted aye, Mr. Swecker voted aye, Dr. Pope voted aye, Dr. Marks voted aye, Vice Chairman Bryan voted aye, and Chairman Pack voted aye. There were no votes against the motion. The motion passed.

Discussion Item – SUP – Comprehensive Plan Amendment & Official Zoning Map Amendment (Rezoning) – 803 S. Church Street, Ted & Polly Boothe, c/o Nicholas Hess & Derek Joyner, applicants.

The applicants are proposing to operate a tasting room and restaurant at the property in question. The existing improvements onsite entail two (2) paved entrances on S. Church Street, a paved driveway and parking area (believed to be the remnants of the old S. Church Street), a deteriorated gravel driveway and parking area, an approximately seventy (70) square foot storage shed, a freestanding sign, connection to a private well, connection to the public sewer system, and an approximately 750 square foot commercial building dating to 1931 and known historically as the Red Point Service Station. The applicants wish to improve the site by closing one (1) of the entrances on S. Church Street with a series of raised flower beds, expanding the paved driveway/parking area by a total of three (3) spaces located south of the building, restoring and expanding the dilapidated gravel driveway and parking area and dedicating four (4) parking spaces along the northwest side of the building, relocating the existing storage shed to a position at the back of the property, connecting to the public water system, and constructing an approximately 410 square foot patio to the rear of the primary building. The desired use for the property would be classified as a “fast food restaurant without drive-through facilities”. The only zoning district in which this use is permissible is the Highway Retail Commercial (HRC) zoning district, pursuant to Smithfield Zoning Ordinance (SZO) Section 3.I.B.4. Because the property is currently zoned Residential Office (RO), it became apparent that an application to amend the Town's Official Zoning Map (OZM) would be necessary (this is often referred to as a “rezoning”). The most essential Town publication to consult during the rezoning process is the Town's Comprehensive Plan, specifically the Future Land Use Map (FLUM). The entirety of the property in question on the FLUM is designated as remaining RO in the future, which accommodates the current zoning as RO. Consequently, the proposed rezoning conflicts with the FLUM, and a Comprehensive Plan Amendment is necessary. This application's conflict with the FLUM is lessened when examined within the context of the Comprehensive Plan itself. The applicants, in their attached narrative, direct the readers' attention to the following: *The property*

in question is located within the John Rolfe Planning Area, which was identified in the 2009 Comprehensive Plan as an area in which a dynamic commercial center could be expected and should be encouraged in the future. Additionally, the same Plan changed the future land use category for this particular area from ‘Residential Office’ to ‘Residential Office Transitional,’ highlighting the encouragement of commercial growth within this area. A successful conditional rezoning of the adjacent property (805 S Church St) nearly two decades ago to the same zoning district sought by this application was one of the earliest steps in narrowing the commercial gap on S Church St between Red Point Dr and Talbot Dr. The applicants’ argument is thorough and well-founded. The RO-zoned properties along S. Church Street between Red Point Drive and Talbot Drive are currently occupied by a mixture of residential and non-residential uses of varying levels of intensity. Additionally, the Town Council’s approval of the conditional rezoning application for 805 S. Church Street (TPIN 21A-01-485) on Tuesday, May 2nd, 2000 was arguably the first major step in this direction. The proposed general development plan submitted for the rezoning of the property features a number of new improvements which conflict with several standards contained in Article 8 of the SZO- the Town’s parking and loading standards. Consequently, the applicants have applied for a Special Use Permit (SUP) for a waiver of parking and loading requirements pursuant to SZO Section 3.I.C.30 for relief from the following standards:

- 8.B.6(a): The use of gravel as a parking lot surface.
- 8.B.6(b): The use of gravel as a parking lot surface.
- 8.C.1(b): A reduction in the minimum required parking lot travel way width from twenty-four feet (24’) to a width ranging from 16.3’ to twenty feet (20’)- individual lane widths are reduced in kind from twelve feet (12’) to a range of 8.15’ to ten feet (10’).
- 8.E.18: The reduction of the minimum number of required parking spaces from eleven (11) spaces to seven (7) spaces in total.
- 8.F.2.a: The waiving of the requirement of a dedicated, fifteen foot (15’) by twenty-five foot (25’) loading space.
- 8.H.1: The waiving of the requirement of a dedicated, thirteen foot (13’) by eighteen foot (18’) handicapped parking space.

This application has resulted in requests for comments from several agencies outside of the Smithfield Community Development & Planning Department.

- Smithfield Police Department (SPD) Enclosure 1
- Virginia Department of Transportation (VDOT) Enclosure 2
- Smithfield Volunteer Fire Department (SVFD) Enclosure 3
- Isle of Wight County Stormwater Division Enclosure 4
- Isle of Wight County Schools (IWCS) Enclosure 5

Isle of Wight County Planning & Zoning Enclosure 6
Smithfield Engineering & Public Works Department Enclosure 7
VA Dept. of Historic Resources (DHR) (Awaiting Comments) Enclosure 8

In an effort to expedite the site plan review process immediately following the rezoning, comprehensive plan amendment, and SUP application processes, the Community Development & Planning Department offers the following comments to the applicants:

- (1) The applicants must indicate how they intend to manage refuse generated onsite. All refuse management plans must be compliant with SZO Section 3.H.2.
- (2) The applicants must submit a signed letter to the Town, in which they guarantee that no trees will be removed from the site as a part of this project, pursuant to SZO Section 3.R.D.6.
- (3) One of the parking spaces in the parking area south of building must be moved to a position immediately southwest of parking space four (4) in the parking area located northwest of the building. The remaining two (2) spaces in the parking area located south of the building must be relocated to a position at least ten feet (10') from the lot line shared with 805 S Church St, pursuant to SZO Section 3.R.H.1.b.
- (4) One (1) of the applicants' proposed parking spaces should be a dedicated handicapped parking space, pursuant to SZO Section 8.H.1. It would be prudent for the applicants to substitute their waiver request from this standard with one for relief from SZO Section 8.H.5, effectively reducing the required handicapped parking space width from thirteen feet (13') to nine feet (9').
- (5) Town staff calculates that approximately eight-hundred (800) square feet of the site is currently covered by tree canopy, which is two-hundred (200) square feet shy of the required 1,002 square feet, or ten percent (10%) of the overall site area, pursuant to SZO Section 9.C.2.a. Consequently, a tree planting(s) compliant with SZO Section 9.C.3 should be planted in the extreme southern corner of the property, in the area located between the proposed parking spaces, the existing pavement, and the lot line shared with 805 S Church St, pursuant to SZO Section 9.D.1.a. This planting(s) should, at maturity, provide enough tree canopy coverage to bring the property into compliance with SZO Section 9.C.2.a. A landscaping bond for this planting(s) must be submitted to the Town prior to the issuance of a zoning permit, pursuant to SZO Section 9.G.

The entirety of the rezoning application can be viewed in the pages immediately succeeding this staff report. The purpose of this discussion item is to discern whether or not the

Planning Commission is ready to proceed to a public hearing in March of this year, and/or if there are additional items that Planning Commissioners would like to see included in the application before proceeding.

Nick Hess lives at 223 S. Church Street and Derek Joyner lives at 15765 Breezy Hill Lane. The applicants stated they are planning a tasting room for local breweries and wineries in the Hampton Roads area. They will not be having any bar hours. They are repurposing an historic building that has been several businesses before. The applicants are available for questions.

Ms. Hillegass asked what the capacity was in the building. Mr. Hess stated that it was 23.64 as its sits right now. It may go down to 21 after adding kitchen equipment in the building.

Vice Chairman Bryan asked if they had any concerns about the possibility of a bike trail in front of the property and would it impact their parking. Mr. Hess stated that they hope the bike trail will be there. It will not impact the parking.

Dr. Marks asked the applicant about the limited parking spaces. Mr. Joyner explained that they were in negotiations with the property owners directly behind them to purchase more space for parking or obtaining permission to park in the rear also. The applicants believe the parking will be adequate for the proposed business.

Mr. Settle explained that VDOT made a condition of a parking/access easement to cover both properties. It would basically ensure that an agreement would be in place for parking.

Chairman Pack asked the applicant if the Health Department was okay with well water for a restaurant establishment. He also asked why the applicants would not be required to access town water. Mr. Settle explained that the applicants have agreed to hook up to the town's water system.

Chairman Pack reminded everyone that this is a discussion item only. No action is needed at this time.

Discussion Item – Smithfield Zoning Ordinance Article 3.G Text Amendment – 903 S. Church Street, Ritter Properties, LLC, c/o Matthew Cunningham, applicant.

On Friday, January 31st, 2020, town staff received a service request to mark for utilities at the property in question. The service request indicated that the applicant was preparing to install a well on the premises. Smithfield Town Code (STC) Section 82-45 addresses wells with the following language: *Where a public water supply is available in the Town, it shall be unlawful to connect a residential or commercial structure to a private well or other water supply, except as may be approved by the Town Manager on a temporary basis, or by approval of a Special Use Permit (SUP) in accordance with the provisions of the . . . [Smithfield] Zoning Ordinance (SZO).* The Town Manager has not approved the use of the well on a temporary basis. Additionally, the property in question is located within the Residential Office (RO) zoning district, in which only irrigation wells are permissible, pursuant to SZO Section 3.G.B.9. Both the applicant and the

property owner have indicated that the proposed well is to be utilized for mixing pesticides and washing commercial lawn care equipment. The applicant believes that the proposed well should be classified as an irrigation well, which is a use that is not specifically defined in the SZO. In the absence of clarity, Town staff consulted the Virginia Administrative Code (VAC), which defines the term “irrigation” in at least two locations:

4VAC50-85-10: *The application of water to land to assist in crop growth.*

9VAC25-740-10: *The application of water to land for plant use at a rate that undesirable plant water stress does not occur.*

Town staff subsequently determined that the proposed well could not be classified as an irrigation well. Consequently, the applicants are applying for a text amendment to allow for the addition of Section 3.G.C.21 to the SZO, which would read: *Private wells for the purpose of mixing pesticides and washing commercial lawn care equipment.* If approved, the applicants would then have to apply for a SUP in order to install and use the well. Town staff encourages discussion among the members of the Planning Commission before proceeding to a public hearing and decision at a later meeting. Town staff obtained the average monthly water usage for the property is 37,250 gallons. The town receives approximately \$380.00 per month for this property. The average water customer for the town is a single-family detached dwelling occupied by four people with average monthly water usage of 7,500 gallons. This property would be considered a high water user.

The applicant, Matthew Cunningham, explained that he went through the proper procedures to drill a well at the request of the property owner. They applied for a Class 4 well with the Department of Health. They became aware of an issue with the Town of Smithfield when they requested to mark utilities to begin drilling. The proposed well would not be hooked up to a structure. The water would be used for non-domestic use only. A Class 4 well is defined as any private well constructed for any purpose other than a source of drinking water. Class 4 wells are commonly referred to as irrigation wells. The proposed well would not be used for domestic use or hooked up to any existing structure. The applicant would like the Planning Commission to give their interpretation of the code for irrigation wells. He wants to move forward with drilling the well for Mr. Ritter.

The Town Attorney explained that the town has a municipal water system. Policy states that if you are in the Town of Smithfield everyone must connect to it whether it is residential, commercial, or industrial. We made an industrial decision tonight that was well thought out in a previous application. Staff discussed setting a precedent for others and had concerns about it. The town has restrictions on ground water withdrawal permits. The policy has reasons behind it involving the DEQ and the Health Department. Permits are necessary from the Planning Department.

Mr. Cunningham stated that he understood the reasons for the policy; but believes a well that is not attached to a structure should not be an issue.

Mr. Settle, Community Development & Planning Director, asked if it would be connected to a spigot. Mr. Cunningham stated that it would not be connected to any existing spigots. It would be connected to a frost-free hydrant. Mr. Settle asked if the hydrant would be permanently attached to the ground. The applicant stated that it would. Mr. Settle explained, in that case, the hydrant is considered a structure according to Article 13 Section B of the Zoning Ordinance. Mr. Cunningham explained that he has never seen this issue in other localities. The Town Attorney asked if someone can drop a well anywhere they want to in other localities. Mr. Cunningham explained that if it was a residential property you can hook up a well to the outside spigots of the home. You cannot hook it up for use inside the home. You cannot put it in the sewer system; but you can use the well for anything other than domestic use. You can wash cars, fill swimming pools, supply open loop geo-thermal systems, and irrigation. The Town Attorney agreed for residential purposes; but asked about commercial properties. Mr. Cunningham explained that anyone can use a well on commercial property with the proper permit from the Health Department. Mrs. Hillegass stated that you have to have permits. Her concern is that there are a lot of private landscape companies. She stated that this was definitely not an irrigation well and she was not comfortable with it.

Vice Chairman Bryan asked the applicant how they proposed containing the runoff from the pesticides. Mr. Cunningham explained that the main thing the well would be used for is filling up tanks. Pesticides would be mixed up off site and not at the well location. Chairman Pack stated that the process does not change whether they fill tanks with well water or town water. The applicant stated that it is a convenience to get to a site and have your own water. Sites do not always have it available. Vice Chairman Bryan asked if there was any agency that assures compliance with disposal of pesticides. The applicant stated that they have a Pesticide Commercial Applicator's license. The state monitors them every two years. The Town Attorney stated that these licenses are highly regulated. He stated that the applicant is not disposing of pesticides onsite. He is just mixing it. The applicant wants to get his water from a well and not the town's water system. He is a reputable, local businessman. The only question for the Planning Commission is if he can sink a well to fill his tanks and wash his equipment off. He is licensed and in compliance for pesticide control. The applicant stated that for commercial uses there are threshold requirements. The threshold is 300,000 gallons a month, which will never be used by this business.

Dr. Pope stated that his issue with the application is that the town water system is a self-supporting system. It is not supposed to be financed by the Town Council. The more customers that pull out the less money there is to maintain the system. He did not agree with the concrete company getting approval for the well. Water rates will have to go up if more customers divert usage from the system. It could impact it in the next couple of years. The applicant did not believe that every other landscape company would want to make the investment for a private well since it is a large investment.

The owner of the property stated that the well saves him in time and labor and the cost of the water from the town system. He had thought that irrigation wells were allowed and would not

be a problem. Mr. Cunningham stated that he has been well drilling for fifteen years. This is the first time there has ever been an issue. A Class 4 well falls under the umbrella of anything other than domestic use. They would like to be able to move forward and put the well in.

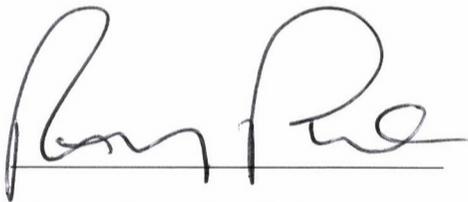
Mrs. Hillegass asked if the applicant would be impacted by stormwater regulations and required to have a wash pad. Mr. Settle stated that he would consult with Isle of Wight County Stormwater Management. He is not aware of any stormwater regulations that would be applicable in this case. He reminded the Planning Commission that since this is a discussion item they can ask for information from the applicant before the public hearing next month.

Approval of the Tuesday, December 10th, 2019 Meeting Minutes:

The Town Attorney recommended approval of the minutes as presented. Mrs. Hillegass made a motion to approve the minutes. Mr. Swecker seconded the motion. Chairman Pack called for the vote.

On call for the vote, six members were present. Mrs. Hillegass voted aye, Mr. Swecker voted aye, Dr. Pope voted aye, Dr. Marks voted aye, Vice Chairman Bryan voted aye, and Chairman Pack voted aye. There were no votes against the motion. The motion passed.

The meeting adjourned 8:05 p.m.



Mr. Randy Pack - Chairman



Mr. John Settle – Community Development
& Planning Director