

**PLANNING COMMISSION**  
**Regular Session**  
**October 4, 2005**  
**7:30 P.M.**

Chairman Tom Bonadeo called the Regular Session of the Cape Charles Planning Commission to order at approximately 7:30 p.m. on October 4, 2005. In addition to Chairman Bonadeo present were Commissioners Karen Jolly Davis, Bruce Evans, and Cela Burge. Absent were Ken Kuttler, Eileen Cobb and Joan Natali. Also present were Town Planner Jason Pruitt, Town Clerk Joy Pelletier and one member of the Public.

All observed a moment of silence and all recited the Pledge of Allegiance.

**Public Comments**

There were no members of the Public who wished to speak.

**Consent Agenda**

**Motion made by Karen Jolly Davis, seconded by Cela Burge and unanimously approved to accept the agenda format.**

**Motion made by Cela Burge, seconded by Karen Jolly Davis and unanimously approved to accept the minutes of September 6, 2005 – Public Hearing, minutes of September 6, 2005 – Regular Session as amended and September 12, 2005 – Recessed Meeting as amended.**

**Old Business**

*Proposed Revisions to Zoning Ordinance – Section 3.12, Planned Unit Developments*

Jason began this item by presenting an E-mail from Don MacLennan that indicated Bay Creek's agreement to rezone and purchase the STIP property had expired. It asked the initial request for rezoning the property be withdrawn. Chairman Bonadeo agreed the Commission should continue on course with the proposed revisions to Zoning Ordinance – Section 3.12 Planned Unit Developments. Town Planner Jason Pruitt summarized the accomplishments to that point. Brief discussion continued.

**Motion made by Karen Jolly Davis, seconded by Bruce Evans and unanimously approved to forward the proposed revisions of the Zoning Ordinance, Section 3.12 – Planned Unit Development to Town Council with recommendation.**

Further discussion by the Board resulted in a consensus that due to the numerous changes made the General Public should have the opportunity to again comment on those changes.

**Motion made by Karen Jolly Davis, seconded by Bruce Evans and unanimously approved to rescind the motion made to forward recommendation to Town Council.**

Cela Burge opened further discussion on Section 3.12 J.

**Motion made by Cela Burge, seconded by Karen Jolly Davis, and unanimously approved that the Planning Commission support staff recommendation to move sections J2 (2) and (3) for consideration of subdivision ordinance and leave the language as it is there now in PUD section.**

**Motion made by Karen Jolly Davis, seconded by Bruce Evans and unanimously approved to hold a new Public Hearing on the proposed revisions to Section 3.12 of the PUD Ordinance at the next regular Planning Commission meeting, November 1, 2005.**

#### Accessory Buildings

Tom Bonadeo briefly clarified the differences between accessory buildings and accessory apartments and how our current Zoning Ordinance did not allow accessory buildings to be used as dwelling units. He indicated other Historic Districts allowed “accessory apartments” under certain conditions by a conditional use permitting process.

**Motion made by Cela Burge, to approve the revised language specified in items specific in Jason’s report as these items and restrictions dealing with accessory buildings are those with which the Planning Commissioners agree on with the Historic District Review Board. The motion was seconded by Karen Jolly Davis and unanimously approved.**

**Motion made by Karen Jolly Davis, seconded by Cela Burge and unanimously approved to move the proposed revisions to the Zoning Ordinance in regards to Accessory Buildings to Public Hearing on November 1, 2005.**

Jason Pruitt synopsized his research into what criteria was used to determine contributing structures in relation to the historic significance of the Town. Additional sources of information gathering were offered. The Commissioners also discussed adding accessory apartment language to the Zoning Ordinance as a future topic.

#### 551 Mason Ave.

Mr. Pruitt explained that Martin Shaefer had submitted an application for demolition of this property. Mr. Shaefer had met most of the criteria for approved demolition. The application would be presented at the next Town Council meeting. A general discussion of demolition by neglect followed.

#### 213 Mason Ave

Jason Pruitt indicated due to an oversight, the application for the replacement window had not been referred to the Historic District Review Board for their approval. The new window was similar in size to the original, but did not meet all the criteria as stated by the Historic Guidelines. Mr. Pruitt explained the application would be referred to the Historic District Review Board for discussion at their next meeting. Additional discussion followed.

**Bruce Evans moved to send a letter to Historic District Review Board letter expressing the Planning Commission’s concern and their recommendation. Cela Burge amended the motion with Mr. Evan’s concurrence to state: under section 8.18, where their review is**

**required, to look at Section 3 D (November 1, 2005) of that section dealing with or any change any alteration of exterior architectural style including dormers, window sashes, or anything that is going to change the outside of the building for substantial alterations and further review the intent language of the guide. The motion was seconded by Karen Jolly Davis and passed unanimously.**

The Commissioners asked Mr. Pruitt to draft a letter to the HDRB and the Realtor to be E-mailed to the Commission for approval prior to mailing.

Cela clarified that this situation was not caught in building permit process and there was no zoning clearance asked for because it dealt with the façade of the building. ~~When a member of town staff makes a mistake does not make the rule not apply. The ordinance is still there. Making the error does not mean the applicant does not have to adhere to the ordinance or the code. A mistake does not make the rule any less appropriate or viable.~~ An error by Town staff does not negate the ordinance (November 1, 2005).

### Comprehensive Plan

Jason brought forward the draft of Natural Conditions. Detailed discussion included adding a comment on the crater exploration, shellfish grounds, DEQ ground water levels, septic tanks, underground storage tanks, deep wells, and shoreline erosion. Mr. Pruitt then summarized the type of information other Town departments could provide for help in completing the Comprehensive Plan. Detailed discussion was held over wells and ground water.

### **New Business**

- A. None

### **Announcements**

#### A. Northampton County Comprehensive Plan Public Input Session

The local input session will be held on October 12, 6–9pm. The location had changed from the Council Chamber to the Trinity Methodist Church Social Hall.

#### B. Yorktown Trip

The trip was scheduled for October 17, 2005. The plan was to leave the Municipal Building at 8:30 a.m. with transportation and lunch provided by the Town.

Additional discussion was held concerning the county's proposed revisions dealing with agriculture and revising the setbacks for livestock and poultry from 2500 feet to approximately 300 feet and possibly even lower with permission from the neighboring residents. Further discussion was held on proposed changes concerning wells and septic tanks moving the septic tank as far back as 25 feet from the lot line rather than the current 5 feet. Doing so leaves room for only a two bedroom septic tank on the lot prohibiting development.

A question had been raised regarding the State Code requirements on notifying neighboring jurisdictions of text changes in zoning ordinances. It was interpreted this requirement applied only to zoning map changes and not text changes. Also discussed was a State Code allowing a County to impose an historic overlay on the entrance road to historic areas. Further discussion

indicated we wanted to encourage the County to put together and impose an overlay on the entrances to Eastville and the 184 corridor. The last item covered was a recharge area overlay prohibiting building impervious items over the recharge area.

**Motion made by Karen Jolly Davis, seconded by Bruce Evans and unanimously approved to adjourn the meeting.**

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Chairman

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Town Clerk