



Mathews County Planning Commission

Wednesday, April 21, 2021 at 7:00 PM

MINUTES

1. CALL TO ORDER

AT A REGULAR MEETING OF THE PLANNING COMMISSION OF MATHEWS COUNTY, VIRGINIA, HELD IN THE MATHEWS COUNTY HISTORIC COURTHOUSE ON April 21, 2021 AT 7:00 PM.

Planning Commission

Members Present:

Tim Hill, Chair
David Rollins, Vice-Chair
Doug Wilton
Billy Cook
Brian Russell
Paul Hudgins, Ex-officio

Members Absent:

Danette Machen
James Robinson

Also Present:

Thomas D. Jenkins, Director of Planning & Zoning
Heather Thomas, Planning, Zoning & Wetlands

THE MEETING WAS CALLED TO ORDER BY THE CHAIRMAN OF THE PLANNING COMMISSION, FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

2. PLEDGE OF ALLEGIANCE

3. INVOCATION

Rev. Julia Forrest, Antioch Baptist Church, provided the invocation.

4. ROLL CALL OF PLANNING COMMISSION

MR. JENKINS CALLED ROLL AND ESTABLISHED THAT A QUORUM WAS PRESENT.

5. PUBLIC HEARINGS

5.A. Proposed Amendment to the Mathews County Comprehensive Plan regarding utility scale solar facilities

Mr. Jenkins read the report to the Planning Commission found in the agenda packet. Mr. Rollins asked Mr. Jenkins to explain utility sized solar facilities compared to residential. Mr. Jenkins stated that this would not exclude any of the onsite generation that homeowners are increasingly installing

and is not the intent of this comp plan language to address that. Mr. Wilton asked whether the comp plan has anything about solar or not. Mr. Jenkins stated that it does not currently have anything, positive or negative. Mr. Wilton asked whether addressing the solar farms in the comp plan would protect the county from solar farms and if the developer would go straight to Richmond and bypass Mathews county. Mr. Jenkins stated that there would be nothing to rely on, whether negative or positive, should a developer come to the county with a request and they would be subject to all county ordinance. This would require a conditional use permit.

Mr. Hill asked if there were any speakers in favor: there were none. Mr. Hill asked if there were any speakers opposed to this amendment; there was one.

Speaker David Jones, 10344 Buckley Hall Road. Mr. Jones stated that most of our county is in a flood zone and if we were to have a major flood here it would create problems for the surrounding properties. He is not supportive of a solar farm and stated we do not have the property to do it. He noted that it takes 25 acres to facilitate a farm and has zero benefit for the county. He suggested they take a look at our flood ordinances before considering the facilities and making their recommendation to the board.

Mr. Hill asked if anyone else wanted to speak and if there were any further comments. Mr. Jenkins stated he had no comments. Mr. Rollins asked to add one more marker on the supportive side should it be approved, in that should the facility become inoperable the financier would have to remove it. Mr. Hill called the public comment section to close.

Mr. Cook made a motion to support section 2 of the proposal, not in support of solar facility and asked that Mr. Jenkins read that section again. Mr. Wilton seconded it.

The vote was 4-1 as follows: Mr. Hill – aye; Mr. Rollins – aye; Mr. Cook – aye; Mr. Wilton – aye; and Mr. Russell - Nay

- 5.B. 4-CUP-20: Request from William H. Shewmake on behalf of Mark T. Motley Trust for a Conditional Use Permit per Section 175-7.3 of the Mathews County Zoning Ordinance to allow an aviation facility (helipad). The parcel is known as Tax Map is 11A2 (A) 12. The property is in the Rural (R2) zoning district.

Mr. Hill called the public hearing open at the request of Mr. Shewmake, on the behalf of Mr. Motley. Mr. Jenkins went over the logging of the land versus land disturbance and stated the applicant has provided revised provisions. Mr. Shewmake was called up to speak. Mr. Cook asked Mr. Jenkins why the lot did not need a land disturbance permit. Mr. Jenkins answered that there is an exemption in the erosion and sediment regulations about site regeneration. Mr. Shewmake introduced himself as well as Mr. Motley and Mr. Ray, a helicopter pilot. He discussed the importance of the helipad in relation to emergency landings and read letters of support from Mathews Volunteer Emergency services as well as the Fire Station. Mr. Shewmake stated they had listened to the neighbors and came up with suggested conditions of their own. He passed them out to the Planning Commission and went over them.

Speaker Sunny Ray, retired Marine helicopter pilot, currently flying with Heloair. Mr. Ray stated he sees the helipad as an asset to the community. He noted it will be a known site, clear of obstacles with FAA certification and Virginia Department of Aviation approval as well. Mr. Rollins asked about the letter from the rescue squad and the controls they mentioned. Mr. Ray answered that he thought they were talking about lights and how they can key up the mic to turn on the lights. Mr. Rollins asked how a pre-inspection of the landing will be done. Mr. Ray said that a helicopter pilot does a high recon of any hazards and then comes by again at a lower altitude to

check landing conditions as well as monitoring while landing. He also discussed the process emergency landings take. Mr. Rollins asked whether someone would be there when a non-emergent landing is happening to inspect prior to his arrival. Mr. Ray stated probably not. Mr. Rollins asked if the FAA would come out and advise them. Mr. Ray answered that is a probability but they will not come out to spend their time or money unless the county is approving it. Mr. Wilton asked if Mr. Ray would be the pilot. Mr. Ray stated he was not and that another pilot that is well qualified will be flying it. Mr. Wilton asked if Mr. Motley was flying the helicopter over the west or the east. This was deferred to Mr. Motley.

Mr. Russell asked Mr. Motley about the decibel noise level of the helicopter that Mr. Motley will be flying. Mr. Motley stated he did not know right then. Mr. Wilton asked if Mr. Motley was a certified pilot. Mr. Motley stated he was. Mr. Wilton asked about his approach and departure lane. Mr. Motley discussed his approach and departure. Mr. Wilton asked questions on the new conditions offered by Mr. Motley. Mr. Motley asked they take in consideration the conditions which were changed based on the neighbors comments. Mr. Motley discussed appearance of storage building, grass planting and tree plantings. Mr. Rollins asked that whatever the landing pad is, that it would be ready for any emergency helicopter. Mr. Motley stated it would. Mr. Hill asked why not use the field by the civic center. Mr. Motley stated that he thought it was a great suggestion if you installed a landing pad with lights but that you would most likely receive push back from the surrounding neighbors as he has. Mr. Russell asked what he was going to use it for, noise level and road impact. Mr. Motley stated it would be for personal use and discussed road conditions. Mr. Russell listed adjacent property owners, asked if Mr. Motley had spoke with them, what the consensus was and whether they signed the petition. Mr. Motley stated he had spoken with as many as he could and some of them had signed it. Mr. Cook asked about personal use, sound levels and road conditions. Mr. Motley answered about his use, where to find sound levels and how the road would be maintained. Mr. Cook inquired about who owns the right of way. Mr. Motley stated they had tried to research that for themselves and they could not find an answer. Mr. Rollins asked if Mr. Motley could state for the record that the helicopter would not exceed hazardous noise levels if standing on the road. Mr. Motley stated that it would not and the evergreen plantings would help as well. Mr. Hudgins asked about the setbacks and location of the helipad. Mr. Motley discussed location and possibly building it further back per a neighbors request. Mr. Hudgins asked whether the helicopter had a spot light and if it would be shining for an extended period of time. Mr. Motley asked that they keep in mind that there will be no night time landings but the helicopter does have a landing light to signify landing. Mr. Ray added that it is a FAA regulation that you have to have external lighting in an unapproved landing sight to illuminate the landing spot.

Mr. Hill asked if there were any other questions and then called speakers for the helipad. There were none. He then called for speakers against.

Speaker Susan Jones, 32 Old Farm Rd, expressed her opposition to the project. She stated that it is a quiet residential road that will be disturbed by the noise, dust and has safety concerns as well. Mrs. Jones said there is a possible eagles nest in or near her property and is a, department of game and inland fisheries, violation to land or takeoff within 1000ft. She also stated Mr. Motley had spoken with her husband previously and that his friends would also be able to use the helipad.

Speaker Estella Collins, 306 Old Farm Rd, stated she concurs with everything Mrs. Jones had said. She expressed her concerns about increased costs for the county and homeowners.

Speaker Steve Beebe, 311 Cherry Point Rd, stated he did sign an approval initially and would like his name removed from it. He discussed the location of the helipad being close to his property and how the current emergency location is more central.

Speaker David Hudgins, Hudgins Parcel, stated there are other areas that support Mr. Motley's request where a private vehicle could be waiting and the request was incompatible with their area. Mr. Cook asked how many years had Mr. Motley had been flying there. Mr. Hudgins answered with zero.

Speaker Terry Calloway, 136 Old Farm Rd, stated she lives directly adjacent to the Motley property and is opposed to the helipad. She discussed her concerns about safety, distance to the helipad and the use of the helipad by friends of Mr. Motley. She stated that the the use of emergency landings was a cover to further his personal gain. She asked the commission

Speaker Kathy Jones, 23 Old Farm Rd, stated she is directly adjacent to the Motley property. She noted that her family and herself have been coming to Gwynn's island for 45 years to enjoy the beauty and tranquility which will be disrupted by this. She asked if they would want a helicopter landing while their children were playing. Mrs. Jones ended by asking the commission to please deny this request.

Speaker Linda Rice, 218 Old Farm Rd, stated she had been there for 58 years. She said they have to consider the noise level and weight of the EMS helicopter as well. She explained that she has grandchildren playing on the road so she is against this request. She thanked the commission for listening.

Mr. Hill asked if there were anymore speakers for or against the helipad.

Mr. Shewmake came back up to speak. He stated that they have tried to minimize this as much as possible. He went over the distance, evergreen plantings and noise comparisons. He stated not only is this for personal use but Mr. Motley is doing what it takes to make this a very valuable commodity and public service. He asked how important is it to land on a pad versus a field during inclement weather. He noted that there were concerns about fuel spills but there would be no fuel stored at this site. He went over the conditions of flight times and the number of landings, stating that any friends of Mr. Motley would count against the twelve landings. He doesn't think there is any reason to suggest Mr. Motley should do anything to the road. He asked they take in consideration the professionals telling them this is important and invaluable then compare that to the impact there might be. He believes they have been as conscientious as they could when looking at the conditions.

Mr. Motley repeated the question Mr. Cook had asked the speaker, Mr. Hudgins, on how many times Mr. Motley had landed the helicopter. He believes that is a great example of the non disruption and noise level the 15-20 times they have landed in that area before this has become an issue. He would appreciate the commissions support and believes this is a great thing for the county. Mr. Cook asked how far the helicopter would fly on one tank of gas. Mr. Motley stated right at three hundred.

Mrs. Jones came to the mic to state that Mr. Motley asked her husband and brother in law if his friends could land their helicopters in their field. She said that was the only time there had been landings while she was there. Mr. Jenkins stated there were no other staff comments and now that they have ended their public hearing they have 70 days to provide a recommendation to the board of supervisors. Upon receiving your recommendation the board has one hundred days to consider

the matter. Mr. Jenkins asked if they do recommend this to the board that they include the conditions either staff proposed, suggested by Mr. Motley or some combination and modification thereof. Mr. Wilton asked if they would have time to discuss and look over all the conditions. Mr. Jenkins stated they could make a decision tonight or table for 30 days. Mr. Russell asked for clarification that if the neighbors have complaints on whether Mr. Motley is following the conditions, what would be the avenue for them to complain and who would investigate these claims. Mr. Jenkins read the following condition from the staff report: *This permit may be revoked by the County of Mathews or its designated agent for failure by the applicant or it assigns to comply with any of the listed conditions.* Mr. Russell asked who would be responsible to follow up on the complaints. Mr. Jenkins stated he would. Mr. Russell then asked whether he would be able to take up a complaint without justifying it. Mr. Jenkins stated that was true which is why Mr. Motley and the staff have both added the flight records be included. Mr. Cook made a motion to lay this over for 30 days to do research. Mr. Wilton seconded this. The vote was 4-1 as follows: Mr. Hill – aye; Mr. Rollins – aye; Mr. Cook – aye; Mr. Wilton – aye; and Mr. Russell - Nay

Mr. Jenkins asked if there were any further recommendations for staff. Mr. Rollins asked if they could receive a general set of rules for Helicopter operations from the FAA.

6. APPROVAL OF MINUTES

6.A. March 16, 2021 Planning Commission Meeting Minutes

Mr. Rollins stated he had spoke with Heather about changing committee to commission. Mr. Rollins made a motion to approve. Mr. Cook seconded it. All in favor. The vote was as follows: Mr. Hill – aye; Mr. Rollins – aye; Mr. Cook – aye; Mr. Wilton – aye; and Mr. Russell - aye.

7. PUBLIC COMMENT PERIOD

There were none.

8. COMMITTEE REPORTS

Mr. Russell discussed the progress of the radio safety system.

9. UNFINISHED BUSINESS

Mr. Jenkins stated no unfinished business

10. NEW BUSINESS

Mr. Jenkins stated no new business. Mr. Russell asked they look at the comprehensive plan and think about adding language about helipads and aviation facilities.

11. OTHER MATTERS

Mr. Rollins gave an update on the county owned properties Mr. Cook and him are working on as well as the State Water Access Guide. Mr. Rollins asked Mr. Jenkins about signage and cost. Mr. Jenkins went over the process with VDOT for obtaining signs.

12. REVIEW OF BOARD OF SUPERVISOR ACTIONS

There were none

13. NOTICE OF VARIANCE AND APPEAL

Mr. Jenkins stated there were no notice of variance and appeal.

14. ADJOURN

**THERE BEING NO FURTHER BUSINESS, ON A MOTION BY MR. RUSSELL AND
SECONDED BY MR. WILTON, THIS MEETING WAS DECLARED ADJOURNED AT 9:25
P.M.**