

**Buckingham County
Planning Commission
August 22, 2022**

At a regular scheduled meeting of the Buckingham County Planning Commission held on Monday, August 22, 2022 at 7:00 p.m. in the Peter Francisco meeting room, located within the Buckingham County Administration Complex, the following members were present: John Bickford; James D. Crews III; Stephen Taylor; Steve Dorrier; Ashley Shumaker; Joyce Gooden, Pete Kapuscinski, and Board of Supervisors' representative Danny Allen. Also present were Nicci Edmondston, Zoning Administrator, and E.M. Wright, Jr., County Attorney.

Re: Call to Order, Quorum Present, Invocation, and Pledge of Allegiance

Chairman Bickford called the meeting to order. Ashley Shumaker gave the invocation, Steve Dorrier led the Pledge of Allegiance and it was said by all who were in attendance. Chairman Bickford certified there was a quorum- six of eight members were present. The meeting could continue.

Bickford: Approval of agenda. Nicci any changes to the agenda?

Edmondston: No sir Mr. Chairman.

Bickford: Alright, do I have a motion to approve the agenda?

Gooden: So moved.

Dorrier: Second.

Bickford: All right. All in favor, raise your right hand passes. We have approval of a minutes for the July 25 meeting.

Commissioner Gooden moved, Commissioner Dorrier seconded, and was unanimously carried by the Commission to approve agenda as presented.

Gooden: Mr. Chairman, yes. I have a correction to the minutes.

Bickford: Yes, ma'am. Go ahead.

Gooden: I wasn't here at the last meeting. Okay. So in the meeting minutes it had me listed and I've already given that to the secretary.

Bickford: Okay. Thank you. Any other changes? revisions? Do I have a motion to approve with one revision?

Dorrier: I'll make motion with the one revision.

Bickford: Have a motion. Do I have a second?

Crews: Second.

Bickford: All right, all in favor of the minutes with the one revision raise your right hand. That passes. Alright, that brings us to our public comment period. Nicci do we have people signed up for the public comment?

Commissioner Dorrier moved, Commissioner Crews seconded, and was unanimously carried by the Commission to approve minutes with changes

Edmondston: Yes, sir. We have three individuals signed up. Teresa McManus.

Bickford: If you would please come forward, state full name and address, you have three minutes.

Teresa McManus: Teresa McManus district two 1059 Scotts bottom road. First of all, what I'd like to ask and I've asked the board of supervisors, this also is that, I would really appreciate it if you put your phones up on the ledge because people read their phones or play and you work for us for a couple of hours a month. And I find it very disturbing when people have their phones or are looking down. And we can't tell if you're paying attention to us or not. I think it is something that you need to do for us so that we know that at this time, you are paying attention to us. At route 24 and 60, where we have the Center of Virginia. I almost got killed there the other day might have been a good thing for you guys. Why don't we have a roundabout there? When you're coming down to 60 and you look to 24 It's a hard look. It would be a wonderful idea if you guys thought or went out and drove there and thought about that would be a great place for a roundabout. Okay, Pledge of Allegiance. Drives me crazy. When everybody says it, I brought it up the board of supervisors, I'm going to bring it up here. Have you ever read it? There's no comma, with one nation, comma, under God. It's one nation under God, comma. That's how it's supposed to be said. Listen to yourself. You don't say that. The only thing that I have to say tonight that is a little bit controversial is the Board of Supervisors is afraid of being sued by Aston Bay. Are you too afraid of being sued by Aston Bay? That's been brought up a couple times? Here's the deal. You have to follow the Virginia State law. But that doesn't mean you can't override the Virginia State law. If the Virginia State law states that we can have gold mines, you don't have to approve the gold mines. You're afraid of being sued. Here's the big thing. How about being sued and when the problems happen after the gold mine comes in? Boy, you really want that three minutes to go by quick. None of you want to talk about that. But if we have an

accident here with you can think you can guarantee not only will you be sued, there'll be repercussions.

Bickford: Who's next

Edmondston: Mona Banton

Mona Banton: I'm Mona Banton. I live at 355 Sharon church road in the Slate River District. My husband and I received the letter that you all were having the Dominion public hearing this evening. And of course you're not. We just got the letter, like last week. So now we didn't know that, that it was canceled. Although I heard it was in the paper. My husband, the last thing he said to me was, are we going? Yes, we are. So I rush home from Charlottesville, where I work and get here with the price of gas. So here we are, with no hearing, I would like to ask a question for the board, especially the representative for Slate River District. And I know you're not going to answer me, but I just want to ask the question and put it out there. How did you vote for the pipeline? Because that was in your backyard. And I know when they had the open house, you were very instrumental and telling me you know all about it, how making it sound like what a good idea was going to be for it to be behind my house. So I just want you to think about what the pipeline would have done in your backyard, because you don't live off of 20. We do. And I noticed there's some houses going up for sale. I don't know if that's the reason they're being sold or not. But anyway, we are opposed to it. And if the one on 60 has problems, why are you going to approve something that may have problems too. I think you're approving too much too quick. That stuff on 60 needs to be fixed before you ever open another one. And I just feel like Buckingham has become in a place for whatever misfit kind of thing that you think that it should have. I mean, I don't think we need all these solar farms because it's not benefiting me. The power is going somewhere else. It's going to Dominion to Albemarle wherever else it's not going to help me who's on Central Virginia. That's all I'd like to say. Thank you for listening.

Inaudible

Kapuscinski: I understand thank you.

Bickford: We have any other?

Edmondston: Yes sir one more and that is Donald Dorrier.

Donald Dorrier: Donald Dorrier 14536 Scottsville, Virginia. Good evening, three minutes is kind of quick for me. So I'm going to read rather than talk sometimes I get a little tied up when I get to talk and so I'm reading. So I'd like to talk about something different related to the pine side solar request we heard about noise and the erosion the safety the air pollution. So let's talk about something that we don't know about. And that's the chemicals in the in these panels. We heard last month from the Pine Sol rep that there are some toxic materials in the panels. These panels will be exposed to elements such as sun, rain, hail, and wind when these panels leak that material and some will, it goes into the groundwater. Remember, according to the SUP there will be over

179,000 panels. So some will leak upon installation due to improper seals when built. That's just the way it is. All 179 thousand will not be perfect. They are man made and susceptible to defects. Others will have cracks and damages over a period of time that can cause leakage of toxic materials that will end up in the ground. If you watch TV, you've seen many commercials talking about if you live near or in camp legion from 1953 to 1987 Please call the law firm of so and so. And you may be compensated for numerous different types of cancer, that toxic water causes during that time period. Remember that was 35 to 69 years ago. And now we are talking about toxic water caused during that time period. We do not know what toxics will spill into the nearby streams here. We do not know what types of cancer we may get. As a result of this. The law firms want to sue and get monetary settlements. But what about the people who have cancer due to this? What value do you have on their life? What good is the money for the founders of those who died from the cancer caused by these toxic waste? Even worse what about one sso sick they wish they were dead. We do not know what lies ahead with a solar farms we did not think led paint was harmful or asbestos on homes and buildings. What about round up chemicals. We now have multimillion dollar lawsuits. All these things took time, but somebody had to pay that price to be either terribly sick or die. Why do we even consider adding another major farm solar farm to the so close to the one now prude? Some residents will live within a half a mile of over 4200 acres of farmed exposure and some a couple 100 yards from it. Do they now have to sit and where will I get cancer from this? We cannot answer that question. If we could then why would we? Why would we use lead or asbestos or Roundup in the past? So now what do we really know about what's in these panels? Thank about campe legion And remember the solar panels that are made approved also affect the lives of residents represented. Is there a health more important than a tax revenue? Thank you for your time.

Bickford: Okay. I'll close the public hearing. We'll move to old business. First on the list of courses. Dominion energy, but that has been cancelled the public hearing tonight.

Edmondston: Yes. And, Mr. Chairman, there is one matter for you just to to vote on and accept or not accept but of course, the letter that was accompanied the packet and the documents for Dominions case 22 SUP 313. Dominion has asked for a request to suspend the consideration of their case. That's their official request at this time. I know the last time we had that request from an individual was earlier this year in January from Mr. Yoder. His proposed sawmill on Crump town road, you did make a motion to accept their request.

Bickford: Okay. Do the commissioners understand?

Kapuscinski: What is it again?

Bickford: They're asking dominion is to suspend their application, which means we won't have the public hearing they can come back in the future. And reinitiate the application.

Kapuscinski: They would do that through the planning commission. Correct?

Bickford: Correct. It will pick up from where we're at.

Edmondston: So when that when they or should they come back and their letter indicates that the company respectfully requested suspension of the county's consideration of the project until the company notifies the county of the company's desire to resume the zoning process. So should they come back and make a request to open the case once again, it will be here in the planning commission and their request on the floor would be for a public hearing at that time.

Kapuscinski: Did they talk to you at all about why they actually wanted this suspension? Did they talk to you personally at all?

Edmondston: They did not talk to me personally about this request. This is theirs. I received this that Monday evening and forwarded it to you. I believe it was the very next day.

Kapuscinski: Was there any conversation with any of the commissioner?

Bickford: I did talk to Felix but no he didn't comment on why they want to or why they chose to delay the public hearing and ask for the suspension.

Kapuscinski: I move that we accept this suspension the request.

Crews: Second.

Bickford: I have a motion and second to approve their suspension for this application. Any further discussion? All in favor, raise your right hand. Granted. Moves us to our public hearing case for David Whyko.

Commissioner Kapuscinski made a motion, Commissioner Crews seconded and it was carried unanimously by the commission to suspend case 22SUP 313.

Edmondston: Yes, sir. This public hearing is for case 22 SUP 316. landowner Karen Whyko and applicant Karen and David Whyko at 1904 Pattie road Buckingham. This case was introduced to you last month it is tax map 77 parcel 18 and it has 374.9 acres it is in the James River magisterial district. It is zoned a one and of course the applicant wishes to obtain a special use permit for the purpose of operating an Airbnb Bed and Breakfast campsite and events center to include but not limited to weddings, parties, celebrations, music events, concerts, file and photo shoots, film and photo shoots. I believe that what it should read yoga, horseback riding watersports, auctions, fishing, dinner parties, cooking classes, classes and wine tasting for up to 1800 Mr. Whyko is here with us this evening to address questions.

Bickford: Do any of the commissioners have questions for Mr. Whyko before the public hearing?

Kapuscinski: Yeah, I do. I thought we revised that to 1500.

Edmondston: So, yes, sir, Mr. Kapuscinski I went back to that previous conversation at the introduction. I believe that our supervisor Danny Allen had questions and comments as well. I went back to a case in February for Carl Burmaster. Because initially, it was stated that we should make the case similar to that changes were made to the Turner application which kind of results in the same nature of events for Mr. Whyko. That application went through with a limit of 1500 people for large events, no to exceed no more than four large events and anything over 300, not 200 for the Turners. So is that what you find suitable? If so Mr. Whyko may have some conversation and discussion around that, but it would be capped at 1500 people instead of his requested 1800. And then in Section M, it says applicant will be allowed to host up to four large events for attendance between 201 and 2000. It's actually 300 people in the conversation regarding whether or not Mr. Whyko would be able to accommodate weddings at less than 300. If you look specifically at conditions seven, this is actually for any musical or entertainment festival, a wedding would not typically fall under the definition of musical or entertainment festival.

Kapuscinski: Let me understand clearly we're still we're still talking 1500 We're talking two to 300 for a wedding...

Edmondston: 300.

Kapuscinski: We're talking 300 what was the thing up to 2000? I didn't understand that.

Edmondston: Mr. Burmaster that was originally taken for him he has 2000 for his cap. That was a different case prior to your decisioning Yes, your decisioning prior to your coming on to the planning commission.

Kapuscinski: Okay. But Mr. Whyko also agreed at the meeting from what I understand to those conditions, the conditions that we recommended Am I correct?

Edmondston: I'm not sure that there was an agreement I think there was discussion held over the number of events he may want to bring that back up this evening.

Kapuscinski: All right, well, Mr. Whyko if youll come...

Bickford: Well, let's just do this if we're going to make any conditions on this let's go ahead with a public hearing. Get that over and then we're going to have a discussion with Mr. Whyko and how we can address things. So if no other commissioners have any questions I'm going to open up the public hearing.

Dorrier: I had one. I noted that the entrance... has at the entrance been revised through vdot and taken care of? It said it has not been on my report.

Bickford: Mr. Whyko, would you come on forward to the podium, sir. If you would state your full name and my address.

David Whyko: David Whyko 1904 Pattie Road, Buckingham, Virginia. And I do believe that the vdot situation was taken care of. I don't remember the gentleman's name. It wasn't Snell. It was a different gentleman. You have it? Was it Edwards? Yeah. Yeah, in the paperwork, he, he signed off on it. But if I have two entrances to the property, the main property, and then I want to have the parking, which is on the other side of the road, right across the street from our one of our southern entrance. The main entrance to the house, which pictured on the lower part of the screen, the driveway that comes out that that fields, right, that field down here, if you're, that's going to be all parking, now walk across, out into the other driveway. And, and if it's a wedding, you'd have it at the gazebo overlooking the lake. And they're also going to have use of the bottom floor of my house as well for the bridal party or whoever to get ready, such as being fit for them. But like we said, it's not limited to weddings, I want to really concentrate on a lot of photoshoots Orvis hunting, you know, magazines that are coming out on a shoot usually six months prior to put it out for their catalog, because there's just a myriad of opportunity and shots to gather at that location. Richmond still does a lot of, you know, historical films and whatnot. And I've got 375 acres to recreate any civil war type stuff going on. But yeah, the parking the parking would be on the other side, the west side of my property, and they would just walk across the street are we're going to have to have some sort of transportation whether, you know, for elderly people to get across if need be as well.

Dorrier: It just says what it says a traffic impact statement is not required, but then it drops down and says entrance will be reviewed during the site plan. So one contradicting something I don't quite understand.

Edmondston: So they're staying in the v dot form, it is complete, what they're actually asking, what they're stating to you is that traffic impact study is not required, and that his final site plan which of course, at this time, the county does not require a form of site plan. So Mr. Whyko, should this permit be approved his first condition, which is adherence to local state and federal guideline, he will go back to vdot and work with them, he'll probably contact me, we'll set up a meeting with vdot possibly here at this location or zoom to ensure that what he's going to use if he needs any further engineered plans Vdot at that point before they'll issue him a land use permit from their office, he'll have to comply with their requirements. If he doesn't do that, then this permit will be null and void if he were to have approval at any point.

Whyko: I intend to, before every significant event, maybe more than even 50 people to be in contact with Billy Kidd and the fire department and vdot as well, to let them know exactly what's going on. On the premise that day. Nicci, would you mind explaining what you just said again, so about what I need to do in order to get the land use is that something that I would have to do every time?

Edmondston: so know what your entrance for ingress and egress for this proposed usage of the property if we go very to the back to the very beginning of this traffic impact is not required,

because vdot is stating that the traffic generated by the zoning change or development does not exceed normal thresholds. What vdot is asking you in their comments is interested will be reviewed during site plan submittal for v dot permit. So this lets you know for the application that nothing further as far as a traffic impact statement being required, but you will need to go back to v dot should you be approved by the county to obtain a land use permit for them to finalize and make formal your entryway and approve you for what is needed further.

Whyko: And that's something that'd be kept with the?

Edmondston: They'll issue that to you they'll let you know should you be approved for this then you wouldn't have to go back.

Bickford: Any other question from the commissioner before we do the public hearing? Okay, Mr. Whyko if you would sit down here. We're going to call you back up as soon as the public hearing is completed. Alright, do we have anyone signed up?

Edmondston: We do not have anyone signed up.

Bickford: Will you come back forward? So I'll close the public hearing there. And we will now proceed. Okay. Did you understand Mr. Whyko.

Whyko: What she just said? Yes.

Bickford: You got the entrance right? As far as what Pete is asking you now you're going to be 1500 Maximum.

Whyko: 1500 four times a season.

Bickford: Four main events that's right. At the we did raise the limit of the weddings to 300 Was there a limit? I'm sorry, Nikki was our limit on what no limit on how many of those rights it was just for the four main?

Edmondston: Four major in conjunction with any musical or entertainment festival.

Whyko: Now, weddings are one thing and the other the more times what happens if I run through my 1500 and I have another event coming up? That might be five or 600 That's not a wedding. Is that just I'm out of gas or is that something that I needed?

Bickford: Well, that would yeah, basically we're saying you're going to have four main events that exceed 300.

Whyko: So every other 300 or less? Yeah im okay with that,

Bickford: Any other?

Kapuscinski: No he clarified Thank you.

Gooden: I'm okay with the reduction too because I'm quite familiar with Pattie road. I live on Shelton store. So yeah, Hi, neighbor. So I'm excited about it. But the limitations for the traffic. I'm okay with that.

Bickford: All right. If no other questions for our applicant from commissioners here. Do we have a motion to move on?

Kapuscinski: Motion.

Dorrier: Second.

Bickford: Have a motion and a second to approve any further discussion? All in favor Raise your right hand. Whyko you're going to the Board next month.

Whyko: Thank you. God bless.

Commissioner Kapuscinski made a motion, Commissioner Dorrier seconded and it was carried unanimously by the commission to move case 22-SUP316 on to the Board of Supervisors.

Bickford: Thank you, sir. Brings us to our second public hearing case. Rodney and Terry Banks.

Edmondston: Yes, sir. This is case 22 SUP 317 Rodney and Terry Banks of 568 Mountain Vista Road in Scottsville. Their application today is to obtain a special use permit for the purpose of operating an Airbnb Bed and Breakfast and one dry campsite. The property information for this application is tax map nine parcel 69. It's two acres and it is located at 15681 South Constitution route Scottsville on the slate river magisterial district. I did look in the audience, I do see that Mr. And Mrs. Banks are here with us to help answer any questions and concerns that you may have.

Bickford: Okay. At this time, do any commissioners have any questions for the applicant before I open up the public hearing? No. Okay. We'll now open up the public hearing. Do we have anybody?

Edmondston: We don't have anyone signed up to speak?

Bickford: I'll close the public hearing. And we'll turn it back over to the commission. What is your preference?

Kapuscinski: When do you intend to start?

Inaudible

Kapuscinski: Okay, thank you.

Bickford: Other questions or do I have a motion.

Crews: I'll make a motion that we move this case on to the Board of Supervisors meeting next month.

Kapuscinski: Second.

Bickford: Have a motion to approve. Have a second. Any further discussion? All in favor, raise your right hand. Approved. I see that we have no new business at this time.

Commissioner Crews made a motion, Commissioner Kapuscinski seconded and it was carried unanimously by the commission to move case 22-SUP317 on to the Board of Supervisors.

Edmondston: We do not Mr. Chairman.

Bickford: That puts you on the spotlight for your report.

Edmondston: I don't have anything pressing or new for you this month.

Bickford: Commission matters and concerns. Commissioners have anything they need to bring in front of the board here.

Kapuscinski: We still scheduled for the public hearing for Mr. Lloyd next month?

Bickford: Correct Sir.

Edmondston: The meeting will be the fourth Monday at 7pm.

Bickford: And that will be seven versus six?

Edmondston: I don't remember there being any different.

Gooden: The same thing about will we have any kind of training or work?

Edmondston: Yes, the County Administrator and I are working on finalizing some of those details that will come out to you in the form of an email or txt just to make sure I'm able to reach.

Gooden: Awesome. Thank you.

Bickford: There are no other matters. Do I have a motion to adjourn?

Kapuscinski: So moved.

Dorrier: Second.

Bickford: Have a motion and a second to adjourn. All in favor, raise your right hand. We are adjourned. Thank you.

Commissioner Kapuscinski moved, Commissioner Dorrier seconded, and was unanimously carried by the Commission to adjourn the meeting.

There being no further business, Chairman Bickford declared the meeting adjourned.

ATTEST:

Nicci Edmondston
Zoning Administrator

John Bickford
Chairman