

*January 16, 2014*

**VIRGINIA:** At a Regular Meeting of the Hanover County Planning Commission in the Board Auditorium of the Hanover County Government Building, Hanover County, Virginia, on Thursday, January 16, 2014 at 7:00 P.M.

**PRESENT:** Ms. Claiborne R. Winborne, Chairman  
Mr. Larry A. Leadbetter, Vice-Chairman  
Mr. Jerry W. Bailey  
Mrs. Edmonia P. Iverson  
Mr. C. Harold Padgett, Jr.  
Mrs. Ashley H. Peace  
Mr. Randy A. Whittaker

**STAFF**

**PRESENT:** Mr. David P. Maloney, AICP  
Mr. Dennis A. Walter  
Mrs. Betty S. Gray

**Roll Call**

Chairman Winborne called the meeting to order at 7:00 P.M. All members were present.

**Welcome and Pledge of Allegiance**

Ms. Winborne welcomed everyone to the meeting. Mr. Leadbetter led the Pledge of Allegiance.

**Consideration of Agenda Amendments by Action of the Commission**

There were no changes to the Agenda.

**Citizens' Time**

*Citizens' Time is limited to 20 minutes, and each speaker shall be allotted 5 minutes.*

Ms. Winborne explained Citizens' Time. She then asked if anyone wished to address the Commission.

Mrs. Patty Thomas, Mechanicsville District resident, said she wished to share information regarding the proposed development at the intersection of Pole Green and Bell Creek Roads. She said knowing this development will have a direct impact on her property she would present proffers that she

*January 16, 2014*

would like to see implemented that would help protect her land, home, pond and the downstream water ways. (Mrs. Thomas gave a handout which is filed with the case file) She asked that the proffers include: 1) A vegetative buffer, most sources recommend 100 feet. If a wet delineation is done the exact size of the buffer beyond the wetland area can be determined; 2) a tall fence to be constructed around the pond as her personal liability will be increased. This will also serve to protect her privacy and safety; 3) provide a sediment retention pond during construction; 4) Sediment basin. Its efficiency for sediment can be enhanced by using baffles and surface skimmers which release top water from the basin and control the outflow of sediment. Using Flocculants, a chemical where particles of sediment floating around actually coagulate like flakes and come together in large clusters, which makes it more difficult for contaminants to leave the basin; 5) PAM is a construction site stormwater runoff control chemical used in land disturbance. It is in the Virginia Erosion and Sediment Control Regulations, is economical and federally approved as non-hazardous; 6) Use Porous Asphalt; and 7) Soil testing to determine the best methods to deal with for stormwater runoff. She said in the 2007 Comprehensive Plan update this property was changed from 1 to 4 units per acre to 4 to 8 units per acre and then in the 2012 Plan three acres of property was designed for commercial use. She expressed concern with the amount of concrete and asphalt this project will use. She said the Comprehensive Plan indicates that the natural resources will be preserved in environmentally sensitive areas. And she believes her pond and property qualify. She asked that thought and consideration be given to the impact this development will have on her property.

Ms. Winborne thanked Mrs. Thomas for her comments. No one else addressed the Commission.

Mr. Leadbetter read the following statement.

*January 16, 2014*

“I would like to offer facts in this public meeting as clarification to recent comments that have been made to the public. This is in particular reference to an email sent from George Moore with HHHunt to Hanover County Officials in reference to the Comprehensive Plan. A suggestion has been made to the public that the process for the Comprehensive Plan was not transparent and open concerning this particular email.

As part of the Comprehensive Plan process, the public is encouraged to share their thoughts, views, opinions and concerns either by attending one of the many public or community meetings, by phone, email or letter. At no time was the public comment opportunity restricted in any way. Mr. Moore was exercising his right to submit input on the Comprehensive Plan just as many others did; and we thank everyone that took time to be a part of this process.

The job of the Planning Commission is to give consideration to these comments received as part of the Comprehensive Plan process. Discussion on any of these comments can be initiated at a meeting by any Planning Commissioner. After considering all the input, the Planning Commission makes a recommendation to the Board of Supervisors. The Board of Supervisors makes the final vote on the Comprehensive Plan. This is a summary of the process.

To set the fact straight for the public, this is the timeline concerning the referenced email from Mr. Moor: He submitted his recommendations by email. Planning Director David Maloney informed Mr. Moore his request would need recommendation from the Planning Commission. At our June meeting, all Planning Commissioners received a copy of Mr. Moore’s email as well as any other citizen input that had recently been submitted. As the South Anna Planning Commissioner, I shared with Mr. Moore that I was not in support of this request; and no support was generated from other Planning Commissioners. As a result, the request was not discussed and was not incorporated in our

*January 16, 2014*

recommendation to the Board of Supervisors. Therefore, the request never became part of the Comprehensive Plan.

It is regrettable that misinformation can be spread to the public as fact creating an impression that something other than a completely open and transparent process took place. This email from Mr. Moore is part of the Comprehensive documents file kept at the County. These documents are readily available to the public.

Anyone can come into the Planning Department and ask to see the public comments file on the Comprehensive Plan. It did not take a special FOIA request as has been suggested to make this email available to the public. Distortions of the facts do not further the cause of open government and potentially many have an adverse effect by suppressing public comment.

This Planning Commission is committed to a transparent working relationship with all the citizens, applicants, interested parties and staff. These are the facts.”

Larry Leadbetter  
South Anna District Planning Commissioner  
Phone: (804) 338-5999

Mr. Leadbetter asked his fellow Commissioners to give their consensus on his comments in order that Mr. Maloney may distribute them to the Hanover Press, and he requested that his comments be recorded verbatim in the minutes. He thanked Madam Chairman for the opportunity to make his comments.

Ms. Winborne thanked Mr. Leadbetter and said she appreciated his comments and thoughts. She advised that it has certainly been her understanding that it is a long standing position that Hanover County has taken very seriously the concept of an open process to the public with public access to records and if anyone has any concerns to the contrary then they need to express them to someone and they will be taken care of. She asked if any Planning Commissioner wished to make any comments.

*January 16, 2014*

Mr. Padgett felt Mr. Leadbetter's comments were very appropriate and agreed entirely with him. He agreed that the comments should be submitted to the newspaper.

Ms. Winborne asked if it was the consensus of the Commission to adopt Mr. Leadbetter's comments as a reflection of the Commission's comments, and for Mr. Maloney as Secretary to the Commission to take care of submitting these comments to the editor of the local newspaper to be published. There was a consensus. She asked if Mr. Maloney was in agreement to do this.

Mr. Maloney answered yes ma'am.

There was no one else to speak; therefore, Ms. Winborne closed Citizen's Time.

### **EXPEDITED PUBLIC HEARINGS**

Ms. Winborne announced that the Commission was going to try something a little different to help streamline their meetings. Normally this is the time the Chairman would read the Rules of Order; however, since the Rules are now printed on the back of the Agendas she would not read them but rather call everyone's attention to items 2-6 where it speaks to the time limits of addressing the Commission. She said if this is agreeable with her fellow Commissioners she would like to try this for a few months and see how that goes.

Ms. Winborne announced that all the cases on tonight's agenda are expedited, which means there has been little or no public opposition to the requests, and the application has moved through the County process and it is understood that the applicant is in agreement with the staff recommendations. She asked if there was anyone present that would like to speak in opposition to any of the three cases. No one spoke.

*January 16, 2014*

**C-29-03(c)** **ROYAL DOMINION HOMES (MOUNT HERMON FARMS)**, Requests an amendment to the proffers approved with rezoning request C-29-03(c), Arthur L. Traylor, Jr., on GPINs 7799-32-7838 and 7799-32-0714, zoned RC(c), Rural Conservation District with conditions, and located on the south line of Mount Hermon Road (State Route 656) at its intersection with Campbell Creek Road (State Route 1071) in the **BEAVERDAM MAGISTERIAL DISTRICT**. The proposed zoning amendment would amend the cash proffer. (PUBLIC HEARING)

Mr. Maloney briefly presented this request for cash proffer amendment. The property is zoned RC, Rural Conservation and is located on Mount Hermon Road. The applicant is seeking to replace the existing cash proffer with a transportation impact proffer in the amount of \$2,306. Staff recommended approval subject to the submitted proffers.

**C-39-05(c)** **ROYAL DOMINION HOMES (HICKORY HILL)**, Requests an amendment to the proffers approved with rezoning request C-39-05(c), Hickory Hill, L.L.C., on GPINs 7890-61-3804 and 7890-52-7082, zoned RC(c), Rural Conservation District with conditions, and located on the north line of East Patrick Henry Road (State Route 54) approximately 2,000 feet east of its intersection with Goddins Hill Road (State Route 798) in the **BEAVERDAM MAGISTERIAL DISTRICT**. The proposed zoning amendment would amend the cash proffer. (PUBLIC HEARING)

Mr. Maloney briefly presented this request for cash proffer amendment. The property is zoned RC, Rural Conservation and is located on East Patrick Henry Road. The applicant is seeking to replace the existing cash proffer with a transportation impact proffer in the amount of \$2,574, which is consistent with the County's Transportation Impact Proffer Methodology. Staff recommended approval subject to the submitted proffers.

Ms. Winborne opened the public hearing for both cases and asked if the applicant was present and in agreement with the staff recommendations. The applicant from the audience indicated yes, she was in agreement. Ms. Winborne asked if there was anyone present who wished to speak in favor of or in opposition to these requests. Seeing no one come forward, she closed the public hearing for both cases.

*January 16, 2014*

Upon a motion by Mrs. Iverson, seconded by Mr. Leadbetter, the Planning Commission voted **UNANIMOUSLY TO RECOMMEND APPROVAL OF C-29-03(c), AM. 4-13, ROYAL DOMINION HOMES (MOUNT HERMON FARMS) SUBJECT TO THE FOLLOWING PROFFERS DATED DECEMBER 18, 2013:**

1. The Property Owner, for himself, his successors and assigns, agrees to pay Hanover County prior to issuance of a Certificate of Occupancy for the Property, the amount of Two Thousand Three Hundred Six and 00/100 (\$2,306.00) per single family unit built on the Property. The funds shall be used for the purpose of completing off-site road improvements relating to the development allowed by the rezoning and included in the Business and Residential Development Road Improvements Transportation Policy, adopted March 13, 2013. In the event funds are paid and are not used for such improvements, the County shall return the funds paid to the Owner or his successors in title.
2. Exterior foundation of houses shall be of brick or stone construction unless the house is constructed of synthetic stucco (DriVit) in which case the foundation may be of like material. Above the foundation exterior of the houses shall be constructed of brick, stone, synthetic stucco (DriVit), premium vinyl siding or concrete-based siding material (Hardi Plank).
3. Minimum house size shall be 2,500 square feet. Minimum floor area shall not include garages or breezeways in any category. Floor area shall be measured along the exterior walls of the structure.
4. There shall be no removal of trees of five-inch (5") or larger caliper in the required rear and side yard area of each building lot, as defined by the Zoning Ordinance, with the exception of dead or diseased trees. This, however, shall not prevent the removal of trees necessary for construction of improvements, driveways, utility easements, drain fields, drainage facilities, wells, swimming pools, or basketball or tennis areas. In addition, this shall not prevent the removal of trees for open areas in the Common Open Space areas as shown on the Conceptual Plan. No trees five inches (5") in caliper or greater may be cleared in the remaining area of the Common Open Space with the exception of clearing necessary for the installation of utilities.
5. The Property Owner agrees to dispose of or stabilize all fill material located on the Property in compliance with all applicable federal, state, and local guidelines and regulations. The Property Owner shall also provide a Groundwater Risk Analysis as recommended in the memo prepared by the County's Environmental Consultant EEE on May 5, 2004, to determine the potential for any risk to groundwater and well contamination. The Property Owner shall submit a remediation plan ("the Plan") and Groundwater Risk Analysis or Groundwater Sample Analysis with the construction plans for the project. The Plan shall indicate the steps the Property Owner will undertake to properly dispose of, remediate, or stabilize the areas of unconsolidated fill or contamination. The Plan and the Groundwater Risk Analysis or sample shall be submitted to Hanover County no later than one year following rezoning. The Plan shall include cost estimates for the removal and disposal of any necessary material, the

*January 16, 2014*

stabilization of the consolidation fill areas and, should the results of the Groundwater Risk Assessment or sample indicate a risk to human health or the environment, the remediation of ground water and/or contaminated soils in accordance with applicable guidelines and/or regulations. The Plan shall be reviewed by the Department of Public Works. The Property Owner agrees to modify the Plan as required by the Department of Public Works. The Property Owner acknowledges that the Department of Public Works shall only approve the Plan if the Plan meets all federal, state, and local requirements and guidelines, and the Plan results in the complete remediation of the conditions and eliminates the risk to human health or the environment resulting from the fill activity.

All remediation work described herein shall be bonded as a subdivision improvement in an amount determined by the Department of Public Works to be adequate for the completion of the remediation work. The location of all fill areas on the Property shall be shown on the final record plat for the Property. No building permits shall be issued by the County until all remediation work has been completed on the Property.

Should any unidentified fill material be discovered on the Property during the design or construction phase, the owner shall dispose of this fill material in conformity with all federal, state, and local statutes, regulations, and standards.

6. The Property Owner agrees to dedicate twenty-five (25') feet of right-of-way from the centerline of Mount Hermon Road (State Route 656) to the Property for future road widening free of cost to the County, upon request of the County or VDOT.
7. The Property Owner shall build the internal road to VDOT standards and specifications for residential subdivisions and the internal roads shall be dedicated to VDOT for maintenance and acceptance into the State highway system.
8. The Property Owner shall provide an ingress and egress easement as shown on the Conceptual Plan to the owner of GPIN 7799-11-7150. A deed of easement shall be recorded prior to or concurrently with recordation of the Subdivision Plat.
9. The Property Owner, his successors or assigns shall have developed a timber management plan for the timber located on the Preservation area and the Common Open Space areas as shown on the Conceptual Plan titled "Mt. Hermon Farms, Beaverdam District, Hanover County, Virginia, Conceptual Plan" by Resource International, LTD., dated December 15, 2003, (herein referred to as the "Timber Plan"). Said Timber Plan will be delivered to the Hanover County Planning Office prior to construction plan approval. Any thinning of timber recommended by the Timber Plan to be done immediately will be carried out prior to issuance of any building permits. The Owner, his successors or assigns reserve the right to cut, thin or otherwise remove timber from the said Common Open Space and Preservation Area as the Timber Plan and any of its amendments may recommend.
10. The Property Owner shall provide a drilled deep well upon each lot. Should production from the deep well prove inadequate for requisite household use with respect to either quantity or quality, a shallow well may be used.

*January 16, 2014*

The vote was as follows:

Mr. Bailey	Aye
Mrs. Iverson	Aye
Mr. Leadbetter	Aye
Mr. Padgett	Aye
Mrs. Peace	Aye
Mr. Whittaker	Aye
Ms. Winborne	Aye

The motion carried.

Upon a motion by Mrs. Iverson, seconded by Mr. Padgett, the Planning Commission voted **UNANIMOUSLY TO RECOMMEND APPROVAL OF C-39-05(c), AM. 2-13, ROYAL DOMINION HOMES (HICKORY HILL) SUBJECT TO THE FOLLOWING PROFFERS DATED NOVEMBER 1, 2013:**

1. Cash Proffers. The Property Owner, for himself, his successors and assigns, agrees to pay Hanover County, prior to the issuance of a Certificate of Occupancy for the Property, the amount of Two Thousand Five Hundred Seventy-Four and 00/100 (\$2,574.00) per single family unit built on the Property. The funds shall be used for the purpose of completing off-site road improvements relating to the development allowed by the rezoning and included in the Business and Residential Development Road Improvements Transportation Policy adopted March 13, 2013. In the event funds are paid and are not used for such improvements, the County shall return the funds paid to the Owner or his successors in title.
2. Dwelling Size. The minimum dwelling size shall be 2,000 square feet for a one-story dwelling and 2,500 for a one and one-half or two story dwelling. Minimum floor area shall not include garages or breezeways in any category. Floor area shall be measured along the exterior walls of the structure.
3. Tree Preservation. The required rear and side yard area of each lot, as required by the Zoning Ordinance, along with a minimum of 50 feet front setback shall be selectively cut with no cutting of trees of 5-inch caliper or greater to be allowed. Additional clearing may be allowed (i) when said areas may be used for driveways, wells, drainfields, drainage and utility easement when necessary for dwelling or all other outbuilding construction and/or (ii) when required by the County of Hanover, and then only to the minimum extent necessary, except when cutting is permitted in accordance with approved grading plans, issued by the Public Works Department. The foregoing shall not prohibit the removal of dead or diseased trees. In addition, trees may be cut wherever necessary to establish required storm water detention, or drainage facilities.
4. Homeowners Association. Prior to the conveyance of the first lot, the Property Owner shall cause to be formed a Homeowners Association in which membership will be required of all lot

*January 16, 2014*

owners. The Homeowners Association shall be charged with maintenance of the common areas, the street lights, the signage, the sidewalks, and the pedestrian trails. Control of the Homeowners Association shall be relinquished by the Property Owner when 75 percent of the lots are developed and owner occupied, but nothing contained herein shall prevent the Property Owner from retaining architectural control until all lots are developed. All common areas shall be conveyed by the Property Owner, subject to the further provisions hereof, to the Homeowners Association upon its formation. The Property Owner may reserve the right to enter upon the common areas to install utilities and to complete the improvements contemplated by these proffers.

5. Architectural Control. An architectural control committee shall be created by restrictive covenants applicable to the Property which shall be filed by the Property Owner prior to recordation of the subdivision plat. House plans shall be approved by the architectural control committee prior to the issuance of a building permit by Hanover County, and all applications for building permits shall be accompanied by verification by the architectural control committee or its representative that the requested structure has been approved.
6. Cemeteries.
  - A. Should a grave or cemetery, not reflected on the Conceptual Plan, be discovered at any point in the development of the subject Property that cannot remain in its current location and must be relocated, the Property Owner shall remove and relocate the human remains from the cemetery through the permit procedure administered by the Virginia Department of Historic Resources. The Property Owner shall be responsible for all costs and expenses associated with the cemetery removal or relocation.
  - B. The Property Owner agrees to grant ingress and egress easements for the purpose of accessing the cemeteries located on the Property to the families of those interred in said cemeteries.
  - C. The Property Owner agrees to employ an Archeologist to study the Slave Cemetery shown on the Conceptual Plan to determine the boundaries of the cemetery. The Property Owner agrees to build a fence around the boundary of the cemetery and place a suitable marker identifying the cemetery.
7. Dedication of Right-of-Way – Patrick Henry Road (State Route 54). The Owner agrees to dedicate 50 feet of right-of-way from the centerline of Patrick Henry Road (State Route 54) to the property for future road widening, free of cost to the County, upon request of the County or VDOT.
8. Dedication of Right-of-Way – Providence Church Road. The Owner agrees to dedicate 25 feet of right-of-way from the centerline of Providence Church Road to the property for future road widening, free of cost to the County, upon request of the County or VDOT.

January 16, 2014

9. Transportation Improvements. Transportation improvements to be constructed in accordance with VDOT standards and specifications:
  - A. SR54/West Access Driveway (Plantation Way). The southbound access driveway shall be configured to include at least one inbound and one outbound lane. The southbound approach shall be STOP controlled and constructed in accordance with *VDOT Road Design Manual: Appendix B, Subdivision Design Guide and the Minimum Standards of Entrances to State Highways*. A left turn land shall be provided with 200 feet of storage length and 200 feet of taper.
  - B. SR54/East Site Driveway (Wickham's Crossing). The east access driveway shall be configured to include a shared left/right-turn lane. The configuration shall be configured to include at least one inbound and one outbound lane. The southbound approach shall be STOP controlled and constructed in accordance with *VDOT Road Design Manual: Appendix B, Subdivision Design Guide and the Minimum Standards of Entrances to State Highways*. A left turn land shall be provided with 200 feet of storage length and 200 feet of taper.
  - C. I-95 Southbound Off-Ramp/SR54. A left turn lane shall be provided for westbound SR 54 to southbound I-95 with 150 feet of storage length and 75 feet of taper.
10. Manor House, Preservation.
  - A. The current historic structures including the manor house and associated dependencies including approximately 50 acres as shown on the Conceptual Plan will be sold as a subdivision lot to a person or entity that exhibits the desire to preserve and or restore the historic structures, subject to subparagraph B below.
  - B. An open-space preservation easement that conforms to the standards designated by the Virginia Board of Historic Resources shall be recorded to preserve the historic, architectural, archaeological and cultural resources located on the portion of the Property comprising approximately 50 acres including the manor house, family cemetery and the majority of the historic outbuildings. This lot is depicted on the Conceptual Plan. The timing of the recordation of this easement shall not be dependent on the approval of recordation of any subdivision plat.

The vote was as follows:

Mr. Bailey	Aye
Mrs. Iverson	Aye
Mr. Leadbetter	Aye
Mr. Padgett	Aye
Mrs. Peace	Aye
Mr. Whittaker	Aye
Ms. Winborne	Aye

*January 16, 2014*

The motion carried.

**C-13-13(c) SANDRA B. AND MICHAEL A. JALBERT**, Request to rezone from A-1, Agricultural District to AR-6(c), Agricultural Residential District with conditions on GPIN 8717-58-3801, consisting of approximately 4.86 acres, and located in the southeast quadrant of the intersection of Shannondale Road (State Route 1763) and Georgetown Road (State Route 651) in the **HENRY MAGISTERIAL DISTRICT**. The subject property is designated on the General Land Use Plan Map as Agricultural. The proposed zoning amendment would permit the creation of one additional building lot for a gross density of one (1) dwelling unit per 2.43 acres. (PUBLIC HEARING)

Mr. Maloney briefly presented this request to rezone to AR-6(c), Agricultural Residential District, which would permit the creation of one additional lot. The property contains 4.86 acres and is located in the southeast quadrant of the intersection of Shannondale Road and Georgetown Road. Property is designated as Agricultural on the General Land Use Plan Map. Staff recommended approval subject to the submitted proffers.

Ms. Winborne opened the public hearing and asked if the applicant was present and in agreement with staff recommendations. The applicant from the audience indicated yes, he was in agreement. She asked if anyone wished to speak in favor of or in opposition to the request. Seeing no one come forward, she closed the public hearing.

Mr. Bailey asked Mr. Maloney what the required side yard setbacks were.

Mr. Maloney answered that the minimum side yard setback is 25 feet.

Mr. Bailey advised that he had received an email from Ms. Gayle Webster, an adjoining property owner, who expressed some concerns with the request. One of her concerns is with someone building a house directly on the property line and obstructing her view. He felt because there is a tree buffer between the proposed house and Ms. Webster's house and because of the side yard setback requirement, he did not believe there was any concern with the proposed house being too close to her. He said her second concern is with someone coming in and cutting all the trees down; however, Mr. Jalbert has proffered not to cut down any trees 5-inch caliper or greater with the exception of dead,

*January 16, 2014*

hazardous, or diseased trees; therefore, he felt this concern has been addressed. Ms. Webster's third concern was regarding her being part of the Shannondale Estates Subdivision and there being a Homeowners' Association which has restricted covenants. She wanted to know if the person who purchases that lot would be required to be part of the Shannondale Homeowners' Association. Mr. Bailey said he checked with the County and Mr. Jalbert is not part of that subdivision, so he did not see any reason that the proposed lot should be required to be a part of the subdivision. He asked that Ms. Webster's email be kept in the case file because she was not able to be present tonight to express her concerns. He believed all of her questions and concerns have been addressed.

Mr. Maloney advised that as a procedural matter when correspondence is received by the staff on any request it is kept in the case file and distributed to the Commission and Board of Supervisors.

Mr. Bailey made a **MOTION** to recommend approval of C-13-12(c), SANDRA AND MICHAEL JALBERT subject to the proffers dated December 13, 2013.

Mr. Padgett **SECONDED**.

Mr. Padgett asked if the Commission could require them to be in the Homeowners' Association or if that is outside the Commission's purview.

Mr. Maloney advised they could recommend a proffer that they join the Homeowners Association but that is contingent upon the Association agreeing to make them members of that Association. In the alternative to the extent there are deed restrictions and covenants that apply to design, setbacks and those issues as to how property is developed, the Commission could recommend a proffer that substantially similar deed restrictions and covenants be recorded with lot 2. And in that instance technically they would not be part of the owner's association but the applicable deed restrictions and covenants should that recommendation be made would then render the lot development substantially to similar to the surrounding subdivision.

*January 16, 2014*

Mr. Padgett asked if Shannondale Road is maintained by VDOT.

Mr. Maloney replied yes it is a public road.

The Planning Commission voted **UNANIMOUSLY TO RECOMMEND APPROVAL OF C-13-13(c), SANDRA B. AND MICHAEL A. JALBERT SUBJECT TO THE FOLLOWING PROFFERS DATED DECEMBER 13, 2013:**

1. Conceptual Plan: The property shall be divided in substantial conformity with the conceptual plan attached, titled "Conceptual Plan for a two lot division of GPIN8717-58-3801 located at the Southeast Corner of Georgetown and Shannondale Road in Henry District Hanover County," dated October 3, 2011, and prepared by Goodfellow, Jalbert, Beard, and Associates.
2. Tree Preservation: Existing trees of 5 inch caliper or greater on the Property shall not be removed with the exception of dead, hazardous, or diseased trees or parts thereof. This shall not prevent the removal of trees necessary for the construction of improvements, fencing, driveways, drainfields, or drainage facilities. Suppressed and overcrowded trees may be thinned out to improve forest health and/or provide vistas. Any additional clearing for forestall health purposes shall be conducted under the guidance of the Department of Forestry, and such guidance shall be submitted to the Hanover County Planning Department prior to implementation of the recommended forestry practice.
3. Access: No lot shall have access to the existing 20' right-of-way that runs along the southern boundary of the Property.
4. Contribution for Road Improvements: The Owner, for himself, his successors and assigns, agrees to pay Hanover County prior to issuance of a Certificate of Occupancy for the Property, the amount of Two Thousand Three Hundred Six and 00/100 (\$2,306.00) per single family unit built on the Property. The funds shall be used for the purpose of completing off-site road improvements relating to the development allowed by the rezoning and included in the Business and Residential Development Road Improvements Transportation Policy, adopted March 13, 2013. In the event funds are paid and are not used for such improvements, the County shall return the funds paid to the Owner or his successors in title.
5. Dedication of Right-of-way: The Property Owner agrees to dedicate thirty (30) feet of right-of-way from the centerline of Georgetown Road (Route 651) to the property for future road widening, free of cost to the County, upon request of the County or VDOT.

*January 16, 2014*

The vote was as follows:

Mr. Bailey	Aye
Mrs. Iverson	Aye
Mr. Leadbetter	Aye
Mr. Padgett	Aye
Mrs. Peace	Aye
Mr. Whittaker	Aye
Ms. Winborne	Aye

The motion carried.

### **Miscellaneous**

#### **A. Approval of Minutes**

Upon a motion by Mr. Padgett, seconded by Mrs. Iverson, the Planning Commission voted unanimously to approve the draft minutes of the December 12, 2013 meeting.

#### **B. Report and Update: RRPDC Regional Initiatives and Legislative Positions Meeting of January 7, 2014 – Harold Padgett**

Mr. Padgett gave a summary of the Richmond Regional Planning District Commission Regional Initiatives and Legislative Positions Meeting he attended on January 7, 2014, and gave out handouts from the meeting, one was the Legislative Positions and the other was Executive Summary of the RRPDC. 2014 Legislative Positions:

Funding Local Government: They oppose legislation and regulations that impose mandates upon local government without providing adequate funding to implement those programs. They oppose any attempt to eliminate existing local funding sources, such as BPOL (Business Professional Occupational License) and M&T (Machinery and Tools) taxes. They support providing counties, cities, and towns with equal taxing authority. He said the strange way this rule works in Virginia is the Town of Ashland, which is a fraction the size of the County can do things the County cannot do because they have more authority on certain taxing matters. And the County has pointed out the

*January 16, 2014*

inequity of this for years but so far without success, but it is on there again as a reminder and hopefully one of these days they will deal with it.

Transportation: They support the extension of high-speed rail from Washington, D.C. to Richmond, including Main Street Station.

Growth Management Tools: They oppose attempts to restrict local government's authority to regulate local land use through zoning laws and comprehensive planning.

Environment: They support the protection and enhancement of Virginia's natural resources through environmental regulations and programs that are based on well-researched scientific foundations; identify specific, quantifiable goals; and provide adequate funding for implementation.

He said there are 33 members on this committee. The nine jurisdictions of the Richmond Region are: Town of Ashland, County of Charles City, County of Chesterfield, County of Goochland, County of Hanover, County of Henrico, County of New Kent, County of Powhatan, and City of Richmond.

The RRPDC supports the MPO (Metropolitan Planning Organization) which deals with transportation issues. Hanover pays dues equal to .60 per citizen. A couple of years ago in going through the budget he discovered that Hanover was paying for Ashland and Ashland was paying for Ashland and so they had some meetings with them and resolved it by getting a credit for about \$21,000. It had been over 15 years Hanover had been overcharged. He said they meet the second Thursday at 9:00 a.m. of each month downtown and invited the Commission members to go sometime.

### **C. Schedule March CIP Presentation and Public Hearing**

Mr. Maloney stated that the Commission's Rules stipulate that the public hearing is to be held the second Thursday in March, which will be March 13<sup>th</sup>. The Commission does have the discretion of

*January 16, 2014*

an alternative date for the public hearing; however, if the Commission agrees to make a modification then staff will advertise that public hearing for March 13<sup>th</sup> at 7:00 p.m.

There was a consensus among the Commission members to set this date for the public hearing on the CIP.

Mrs. Winborne stated that last year they each took a particular departmental CIP to review. She volunteered to do the schools again this year and invited any interested commissioner to team up with her. No one else expressed an interest in any particular area, so she said they would figure that out before the meeting. She asked if Mr. Maloney would send them a reminder of the March 13<sup>th</sup> public hearing, and also to let them know when Mr. Leadbetter's letter has been sent to the newspapers and to whom it was sent to.

Mr. Maloney agreed he would notify them by way of e-mail.

#### **ADJOURNMENT**

There being no further business the meeting was adjourned at 7:43 P.M.