

STAFFORD COUNTY PLANNING COMMISSION MINUTES

December 1, 2010

The meeting of the Stafford County Planning Commission of Wednesday, December 1, 2010, was called to order at 6:34 p.m. by Chairman Gordon Howard in the Board of Supervisors Chambers of the County Administrative Center.

MEMBERS PRESENT: Howard, Fields, Rhodes, Hazard, Mitchell, Kirkman and Hiron

MEMBERS ABSENT: None

STAFF PRESENT: Harvey, Smith, Stinnette, Doolittle and Hornung

DECLARATIONS OF DISQUALIFICATION

Mr. Howard: Good evening. We'll start with item 1 on the agenda this evening is under unfinished business; it's the Patriot Ridge Preliminary Subdivision Plan. Mr. Harvey?

UNFINISHED BUSINESS

1. SUB1000017; Patriot Ridge - Preliminary Subdivision Plan - A preliminary subdivision plan for 16 single family residential lots on private well and septic systems, zoned A-2, Rural Residential, consisting of 23.12 acres located on the west side of William and Mary Lane, approximately 1,200 feet south of Decatur Road on Assessor's Parcels 31-67 and 31-68 within the Griffis-Widewater Election District. **(Time Limit: December 29, 2010) (History - Deferred at October 6, 2010 Meeting to October 20, 2010 Meeting) (Deferred at October 20, 2010 Meeting to November 3, 2010 Meeting) (Deferred at November 3, 2010 Meeting to December 1, 2010 Meeting)**

Mr. Harvey: Mr. Chairman, Natalie Doolittle will give the Planning Commission an update on the statuses of the plan.

Mrs. Doolittle: Good evening Mr. Chairman and members of the Commission. Item number 1 is a continuation of the discussion from the November 3rd meeting for the Patriot Ridge Preliminary Plan application. The plan proposes sixteen family residential lots on 23.12 acres zoned A-2, Rural Residential. At the last meeting, the Commission had questions and concerns regarding the street width, street connectivity and possibility of street improvements if other subdivision streets were connected to the proposed subdivision, and if "no parking" signs could be placed along the road prior to street acceptance. According to a response received from VDOT, the Road Design Manual, appendix B, allows for eighteen feet of pavement on a shoulder and ditch section road for traffic volumes of 0 to 400 average daily trips. A single-family home or lot, based on ITE trip generation, currently generates ten vehicle trips per day. This development is sixteen lots which equals 160 vehicles per day. Stafford County is designated as a suburban area for VDOT street acceptance purposes and a suburban area requires a connectivity index of 1.4. This development's connectivity equals 1.5 which meets connectivity requirements; therefore, an additional connection is not required. Regarding the possibility of street improvements if another subdivision were to later connect to Patriot Ridge, VDOT can only require improvements commensurate with the proposed development. Also according to VDOT's response, although not specifically mentioned in the VDOT manuals, "no parking" signs can be installed on a VDOT maintained roadway with installation in accordance with

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VDOT standards, at the County's discretion. As signage is typically shown on the roadway construction plan, the County may wish to include a note on the preliminary plan indicating "no parking" signs. The Commission also had questions and concerns regarding if a driveway could cross a drainfield. Since the November 3rd meeting, the applicant has revised the plan so that the driveway on lot 8 no longer crosses the reserve drainfield. And the note on the coversheet regarding the driveway crossing the drainfield has been removed. Before the meeting you were handed copies of the plan sheets that have been revised. And the revised driveway location is highlighted in yellow on lot 8. The applicant and engineer are here to answer questions and I believe Mr. Tommy Thompson of the Health Department should be arriving to answer questions that you might have about drainfields.

Mr. Howard: Thank you Mrs. Doolittle. I'll bring it back to the Planning Commission. Are there questions of any of the Commissioners for Mrs. Doolittle? Ms. Kirkman?

Ms. Kirkman: Yes, Mr. Chair, I have a number of questions. As you know, I was in today looking at a number of the materials related to this plan. And, since Mr. Thompson is not here, let's start with the issues around the streets.

Mrs. Doolittle: Okay.

Ms. Kirkman: Is William and Mary Road paved all the way to the subdivision entrance?

Mrs. Doolittle: No.

Ms. Kirkman: What's the surface cover right now of that road?

Mrs. Doolittle: I believe its gravel.

Ms. Kirkman: It's gravel. And basically, the response you got from VDOT was that if there were additional traffic from a future subdivision not part of this subdivision that, if it had been included in this subdivision, we could require wider streets but because it's not, we can't. And there's no way to retrospectively go back and require that; is that correct?

Mrs. Doolittle: Correct.

Ms. Kirkman: So, in the documentation that's in the file... let me just find this... there's a letter from an engineer in response to some VDOT concerns regarding the connections and streets in which the engineer, John L. Warren, states "per our meeting Mr. Hamrick was concerned with the required offsite grading easements necessary to connect to the Harris property". That's a property that's just adjacent to this... "after discussing this with my client, Mr. Keith Newport, he plans to acquire this property and will obtain all necessary grading easements at that time; therefore, we have no problem providing a street, Hector Lane, adjacent to lot 16 for future access from Harris property to Minerva Lane". So, my question is this. First off, if that street were included in this subdivision plan, it would create additional street segments and would this subdivision plan meet the connectivity requirements?

Mrs. Doolittle: I can't answer that unless we see what their proposed subdivision would be on Harris.

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Ms. Kirkman: So, right now the connectivity requirement, according to your report, was 1.4 and right now this subdivision, as presented, has 1.5. So with that close a margin would the addition of just one additional street segment mean that they could not meet that ratio?

Mrs. Doolittle: I'd have to...

Ms. Kirkman: Do the math?

Mrs. Doolittle: Yes.

Ms. Kirkman: Okay, thank you. And then also it raises a real concern I have about the safety of this project, given that it's clear the applicant intends to acquire... he and his representative has stated that he intends to acquire and build a road to connect. What does that mean for all the other requirements? For instance, the traffic impact analysis? I was looking at... I don't know if you did those calculations or who did them about whether or not a TIA was required on this project... but it looks like if they had just an additional few homes a traffic impact analysis would have been required for this project. Or, if the homes that were included in the minor subdivision had been included with this project, a traffic impact analysis would have been required. Do you have anything you can comment on that?

Mrs. Doolittle: No, I don't at this time.

Ms. Kirkman: Okay.

Mrs. Doolittle: Mr. Harvey might be able to add something, I'm not sure.

Mr. Howard: Mr. Harvey?

Mr. Harvey: Mr. Chairman and Ms. Kirkman, with regard to the traffic analysis information, that is provided by the design engineer and is reviewed by VDOT as they review the application. As Ms. Kirkman said, if they trigger the threshold, they will be required to do a traffic analysis and submit at the County and VDOT.

Ms. Kirkman: My concern though, Mr. Harvey, and perhaps there's something you can reference that would address this, is that what this applicant has done is taken what could be one large subdivision and divided it into three small parts; the first part being a minor subdivision, the second part being the subdivision that is in front of us now, and the third part being a subdivision that clearly is to come according to the applicant's own representative. So my concern is that by dividing it up into three small parts, in effect, the applicant has managed to circumvent many of the requirements regarding the width of the paving, as well as the traffic impact analysis and connectivity requirements.

Mr. Howard: So, you're asking Mr. Harvey a question...

Ms. Kirkman: Yes.

Mr. Howard: ... what are the differences between the two or...?

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Ms. Kirkman: Well, specifically, if these three parcels were combined and submitted as one subdivision application, would they in fact trigger many of these thresholds that they do not trigger now?

Mr. Harvey: They could possibly. And as you said, cumulatively it may trigger additional requirements in and of itself right now; the way it's presented it doesn't.

Ms. Kirkman: Okay, thank you.

Mr. Howard: And then, just as a follow-up for clarification, if those three minor subdivisions became a major subdivision, what would the differences be for the applicant? Obviously one is the street width, right?

Mr. Harvey: Correct, Mr. Chairman. VDOT has standards for street width and construction design based on traffic volumes. This typical street is for traffic volumes of 400 or fewer vehicles per day, which equates to forty single-family lots. So, as long as they didn't exceed a threshold of forty, they're okay with the current design standards. If they went above forty, they would have to upgrade the roads to a higher standard. I'm not certain what other VDOT requirements would be different if you went above the forty threshold. That may be something that an engineer can answer.

Mr. Howard: Right.

Ms. Kirkman: Mr. Harvey, would one of the requirements be also... well, two of the requirements, additional of the requirements that I'm concerned about are the requirements for a traffic impact analysis and the requirement regarding connectivity, which in this instance they meet when you look only at the subdivision.

Mr. Harvey: Correct. And VDOT reviews every plan that comes in just like we do. We look at what's presented to us and if it complies, it complies. The VDOT standards, as far as I'm aware of, do not look at a cumulative effect.

Ms. Kirkman: So by submitting this as three separate subdivision plans they've managed to circumvent the totality of the impact.

Mr. Harvey: It could be that they've not hit those thresholds by doing this. I'm not certain.

Mr. Howard: Right. It's a possibility but I don't think the County staff is aware, if that's an accurate assumption or not at this time.

Mr. Harvey: Mr. Chairman and Ms. Kirkman, I guess we can ask the applicant what their intentions are; if they have acquired or still plan to acquire the adjacent property. As shown on this plan, there is no provision to connect to that adjacent property.

Ms. Kirkman: Well, actually, as I stated, in a letter from the engineer who is representing the applicant, the engineer very clearly stated that Mr. Keith Newport plans to acquire this property. And, in fact, it appears that VDOT required... that VDOT waived some requirements for grading easements based on that representation. And certainly the applicant can speak to that, you know, if he wants to address that.

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Mr. Howard: Okay, we'll ask the applicant when they come up, that question. What their intent is with the adjoining property. Are there any other questions for staff?

Ms. Kirkman: Well, really, the next set of questions I have is regarding the drainfields and I don't know what we should do about that. Do we know for a fact that Mr. Thompson is planning on being here this evening?

Mr. Howard: Mr. Harvey, do we know with certainty that Mr. Thompson will be attending? Or was his response via that email the response?

Mrs. Doolittle: I haven't spoken to him or received an email from him this week.

Mr. Howard: Okay.

Ms. Kirkman: So, he's not here Mr. Chair.

Mr. Howard: Right.

Ms. Kirkman: Given that we don't have confirmation that he's going to be here, I guess I'll address these to staff.

Mr. Howard: Okay, and we'll see what they can answer and we'll see what they cannot answer.

Ms. Kirkman: So, we received a letter from the Department of Health saying that the soils work and the testing all met the requirements and this was good to go. And then, through discussion about the fact that the drainfield was in the driveway, the reserve drainfield was in the driveway, we had clarification from the Planning Director that in fact the Department of Health should not approve this because it's inconsistent and not compliant with our code, which is one of the things they are supposed to review for. So that led me to be somewhat concerned that there may be additional in areas of lack of compliance with the soils work and what our requirements are. So, as you know, you all provided me a copy of the soils work. And I want to go specifically... start with lot number 8 which is the lot where the easement, the driveway crosses across the reserve drainfield. And what we were presented with today is the solution for that was that the driveway was relocated. But when you go to the soils work which has a scale of one inch to sixty feet rather than one inch to a hundred feet, so you can get a better sense of the relationship of the drainfield to the lot, there was no way you can... our requirements are for a twenty foot wide width on a driveway. And on both sides of that reserve drainfield it essentially covers the entire width of the lot. So, did staff do anything to verify that in fact you can put a twenty foot wide driveway on that lot and not cross the reserve drainfield area?

Mrs. Doolittle: I'd like to ask Mr. Harvey a question, if that's okay.

Ms. Kirkman: Sure.

Mrs. Doolittle: Is the twenty feet for an ingress/egress or a single driveway?

Mr. Harvey: I know that the ordinance has a requirement for a minimum twenty foot wide width for an easement; I'm not certain, as far as our ordinance, if it has anything for a driveway width. Normally

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that's a building code issue for a single residential driveway. I'm not certain what it is; it may be something less than twenty feet. But we can verify what that is and check with the building official.

Ms. Kirkman: Sure. When I was in the office today, I was told in fact it was twenty feet because that's what the fire department requires in order to access residential buildings.

Mr. Harvey: We can verify what that minimum width is.

Ms. Kirkman: Then, my other concern is that we have plans from an engineer which have had modifications made, but none of the certifications from the engineer are dated beyond August 25th, 2010, which means either somebody just took a pen to paper or the engineer did not certify the drawings as is required by law. The next thing is that regarding the drainfields, the March 31st, 2010, letter from the Department of Health outlined numerous concerns about the soil work. And they go as follows: insufficient information provided regarding two existing overhead electric lines in proposed subdivision. Please provide details of the easements and restrictions. Insufficient information provided to show that each lot complies with local Subdivision Ordinance 22-118. And then they go on... the department cited Section 118(4)(c) when the primary area will disperse septic tank effluent the available area must be no less than 4,000 square feet. Section 118(4)(d) when the primary area will disperse secondary effluent the available area must be no less than 2,500 square feet. Section 118(4)(e) the reserve area must provide a hundred percent reserve in both capacity and planned area. Some lots do not comply with Section 22-118; others are unclear. The abbreviated designs must clearly define how each lot complies with each aspect of 22-118. Some of the drainfield area dimensions, as depicted in the abbreviated designs, appear to be overstated when compared to the survey plat after adjusting for slope. In most cases, it appears the evaluator has underestimated slope percentages based on survey plat with topo. This affects the minimum center to center spacing requirements in numerous instances. The abbreviated designs reference outdated Virginia Department of Health policies. For example, GMP number 147 has replaced GMPs 112, 114, 118, etcetera. Some of the proposed drainfield areas appear to be in concave landscape position. The depth of the soil profiles for lot 8 to 10 is inadequate. The evaluator needs to show existing and proposed features within 200 feet of the project boundary, especially for 31-66, 31-83A, 31-82, 31-F-4, 31-F-3. The onsite soil evaluator should meet with the Health Department. So, I have to tell you, I have yet... this is the first time I've seen a letter from the Department of Health that enumerates so many concerns about the soil work. And I want to know what was done to confirm that each and every one of these issues was addressed.

Mrs. Doolittle: I'd have to defer that to Mr. Thompson.

Ms. Kirkman: Okay. And to further elaborate on that, just to see what was done around some of these issues, I dug into some of the soil work. And, in fact, what it appears, and I hope the applicant can provide some clarification of this, is that what was done to meet the Department of Health concerns was that lines were simply redrawn on a piece of paper. And, in fact, when you dig down into the soil testing, the numbers on the soil testing look like the original numbers and they do not match the modifications that were made on the maps.

Mr. Howard: Mrs. Doolittle, do you know if the soil engineer actually met with the Health Department as requested in their letter?

Mrs. Doolittle: I can't confirm that.

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Mr. Howard: Okay, so we can ask the applicant that. Okay.

Ms. Kirkman: So were the questions regarding the...

Mr. Howard: Okay. So it sounds like we have a few follow-ups for the applicant and then I'm not sure if we'll get some of those other answers tonight in terms of the width of the driveway. Are there any other questions from any other Commissioners?

Ms. Kirkman: One of the comments from VDOT was that because there is a power line easement that crosses the proposed road, a quit claim deed would be needed from Dominion Power. Has that quit claim deed been obtained?

Mrs. Doolittle: I believe they would need that prior to approval of the construction plan.

Ms. Kirkman: So, what it says is that a quit claim will be required prior to the acceptance of the street into the state secondary road system. And my concern about that is we've ended up in the County in a couple of situations where we've got subdivisions where because of defects in the construction or design by the developer we've been unable to get those roads accepted into the secondary road system. And so this does not say anything about it being required prior to a construction plat. In fact, it seems to indicate that the whole thing could be built and the lots sold and we could end up once again with residents as we do have in a couple of sections in the Griffis-Widewater district in subdivisions with roads that cannot be brought into the secondary road system. So, again, do you know, has the quit claim deed been obtained?

Mrs. Doolittle: Not that I'm aware of but I'll defer to the applicant.

Ms. Kirkman: Thank you.

Mr. Howard: Okay, any other questions for staff from anyone? Hearing none we will now ask the applicant to come forward. Good evening; just states your names and address.

Mr. Moran: John Moran, I'm the engineer.

Mr. Newport: Keith Newport, Sunshine Home Builders.

Mr. Howard: Okay.

Mr. Moran: Which question would you like me to answer first? Okay, as far as the stub-out street, the plan was originally done... this goes back several years... with Nickens, Harris and this piece. When the new drainfield standards changed, we couldn't get any drainfields on Nickens. So we had a stub-out street going over to the Harris property. Okay, after going through VDOT and meeting with Clyde, he had problems with the easements, whether we would be able to even get the easements on there. That's where that note... how that note occurred or that response back to him. The steepness of the slope going in there made it really unable to build it without getting easements and so forth and allowed us to ask for the exception for the connectivity there, so we pulled that part off. As far as the total vpd count, it will never go over 400 because we can never get that many drainfields on the property.

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Ms. Kirkman: So, let me just clarify. Do you plan on building a street from Minerva over to the Harris property?

Mr. Moran: At this point, no.

Ms. Kirkman: Not at this point; at any time in the future.

Mr. Newport: Not anymore. I mean, it's not profitable for me to do anything like that at all because none of that soils fits any of the requirements anymore.

Ms. Kirkman: Well, VDOT apparently granted you a waiver on a grading easement based on your representation to them that you were going to acquire that property.

Mr. Newport: Their comment was I think on the road that was going to hit the Harris property for the grading of it. We're no longer doing that road so the comment no longer matters. Do you know what I'm saying? The road... the comment was strictly for the access road to the Harris property.

Mr. Moran: For Hector Drive, at the one point that it was going to happen. And it was VDOT's request to remove that as well. It met connectivity even with that road there.

Ms. Kirkman: So, at this point, you're position is that you do not have a contract on that property and you have no intention of acquiring it.

Mr. Newport: I have no intention of acquiring the property now, no.

Ms. Kirkman: Okay, thank you.

Mr. Howard: And then there were... Ms. Kirkman raised the question, since you are the engineer, past that October date did you recertify those plans?

Mr. Moran: Yeah, what I do with Mark who certifies them, since I wasn't changing all the sheets I had him re-date it back to the original date that it was submitted on. When he resigned them, he just dated it back so all the dates corresponded with all the sheets.

Mr. Howard: Well, her question revolves around some of the validity of the lot lines, as I understood it I thought.

Ms. Kirkman: Well, it's particularly around the location of the driveway which changes on a number of the sheets and could change potentially some of the calculations. And every other subdivision plan that I have seen in the Department of Planning and Zoning has the date of each modification listed on it and each time something is changed on the sheet, the engineer recertifies that sheet with the date of that change.

Mr. Moran: Okay, well the way I've done it in the past and the way he's done it is if I didn't change all eight sheets, there was three of them that didn't change, we just re-dated them... he signed them and dated them back to match the other three that were previously in. That's all we did.

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Mr. Howard: Well, you see the concern though, right? The obvious concern is there's been adjustments made to the plan and did an engineer sign off on those adjustments or not?

Mr. Newport: Yes, he did sign off.

Mr. Moran: Yes, he did sign off on them but he dated them back to when the original submission went into the plan.

Ms. Kirkman: I'm sorry, you're saying that an engineer can back date plans? Is that your position?

Mr. Moran: I'm not saying he's backdating...

Ms. Kirkman: You just said he was backdating.

Mr. Howard: Well, I think he's matching the dates on the plans.

Mr. Moran: I'm matching the dates on the plans is what I'm doing.

Mr. Newport: If I could say something here. I think we ran into a problem and I'm not sure where it was before, but one of the plans had... we followed that and someone had said no they all have to match, the dates all have to match.

Mr. Howard: Right, I think there'd be a higher level of comfort though if the date corresponded to the time of the change of the plan.

Mr. Newport: Right, but we deal with so many, you know, different changes all the time...

Mr. Howard: So do we.

Mr. Newport: Yeah, and when one policy, well we want to see this all dated the same date, it just gets... you know...

Mr. Howard: I think it's a fair question...

Mr. Newport: I do too, yes.

Mr. Howard: And I'm not sure that it's been answered. The other question in terms of the soil engineer meeting with the Health Department; did that occur?

Mr. Moran: I can't answer that one.

Mr. Newport: Yes, yes he did.

Mr. Howard: Do you know when that occurred?

Mr. Newport: I don't know the exact date but I know for sure that I was there because they did a Phase 2 study and the Health Department actually went out...

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Mr. Howard: So there was a Phase 2?

Mr. Newport: Yes there was.

Mr. Howard: Is there a copy of that Phase 2 anywhere?

Mr. Newport: The Health Department would have it.

Mr. Howard: Does county staff have that?

Ms. Kirkman: It wasn't in the file.

Mr. Newport: It's probably not something that they...

Mr. Howard: Phase 1 was there but not the Phase 2.

Mr. Newport: It's probably not given to the county.

Mr. Howard: Well, I was going to ask you the outcome of the meeting and I guess the outcome was a Phase 2 study.

Mr. Thompson: It's called a Level 2 Field Review (inaudible - speaking from the audience).

Mr. Newport: A Level 2 Field Review out on the site and I was present then, the AOSE was there and Carl Rudolph was there and Kathy with the Health Department was there also.

Mr. Howard: And the Health Department has a copy of that?

Mr. Newport: Yes.

Mr. Howard: Okay.

Ms. Kirkman: Mr. Chair, we have Mr. Thompson here.

Mr. Howard: Yeah, we have the Health Department here. We can... are we done with the applicant question? I didn't want to stop midway.

Mr. Moran: In the future I will have them just date it to the most current date then.

Ms. Kirkman: Well, typically what I have seen on every other plan that has come through when revisions have been made is that you often end up with sheets with different dates depending on when the last revision on that date... that sheet was.

Mr. Moran: Because see, sometimes when I get to this point it could be just one little comment that only affects one sheet. So instead of reproducing the whole sets all over again, big print costs, we revise the one sheet, insert it and he just dates it to match all the other sheets in the set.

Mr. Howard: Okay, we'll hear from the Health Department.

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Mr. Newport: I apologize if we have done that wrong.

Mr. Moran: Yeah, I mean, that's easy to do.

Mr. Howard: Thank you. We'll now hear from the Health Department. Mr. Thompson? We just have some follow-up questions sir. Ms. Kirkman?

Ms. Kirkman: Hello again Mr. Thompson. How are you this evening?

Mr. Thompson: I'm doing fine Cecelia.

Ms. Kirkman: Mr. Thompson, the soils work on this originally came to my attention because we had on the plan a driveway crossing through a reserve drainfield which is not compliant with our Zoning Ordinance, yet we still had a letter from the Department of Health saying this all complied with state and local ordinances. And, as a result of that, I began to look a little further into the soil work. One of my concerns was this letter dated March 31st, 2010, from the reviewer, Mr. Rudolph, and I have to tell you; this is the first time I've seen so many concerns enumerated about soils work. And I've reviewed a lot of these subdivision plans by now and been to your office several times on them. So, my first question is what did the Health Department do to confirm that each and every one of these concerns was addressed? For instance, did they go through the original soil work that was submitted and then the revisions to the soil work, and note what the changes were and that each of those changes met the requirements?

Mr. Thompson: Well, first off let me state that my purpose in being here tonight was to talk about, what I understood, and I thought the meeting started at seven, what I understood was talking about overhead utility easements.

Ms. Kirkman: Okay, that's a different project. That might explain your...

Mr. Thompson: Okay. I was not advised that I was prepared to come here and talk about Patriot Ridge and what the Health Department did. But I can generally tell you what we do on a Level 2 Field Review, we're obligated to check out at least ten percent of the lots that are proposed. If there's a hundred lots, we will go to ten lots and we will do soil studies, look at slope, look at all the factors concerned with the proposal for the ten percent of those lots. If it's ten lots, we'll do one lot. We'll do a thorough review of that one lot. That's what we do when we do a Level 2 Field Review. I did not bring any of that information with me because I didn't know that I was supposed to. But I can certainly answer any questions, you know; once I know what the question is I can go back and research and hopefully answer any questions that you have.

Mr. Howard: Were you onsite for this particular...?

Mr. Thompson: No I was not.

Mr. Howard: Okay.

Ms. Kirkman: Well, perhaps one you ought to be in a position to respond to is you signed a letter stating that these were... the soil work that had been submitted to you was in compliance with our

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local code and we've gotten clarification from our Director of Planning that, in fact, it was not in compliance with our local code. Can you explain how that happened?

Mr. Thompson: I can firmly tell you that if Carl Rudolph was involved with this project and that there was some proposed driveways over primary or reserved drainfield sites, I will say that he was not aware of that.

Ms. Kirkman: Okay. So you think perhaps that information was not given to him?

Mr. Thompson: Yeah. Carl is extremely thorough and I don't think something like that would get by Carl.

Ms. Kirkman: Is that... and, like I said, I was impressed with his letter of March 31st. I have yet to see something that thorough come out. So that's why I'm particularly concerned. Are, on the soil work and the plats that they submitted, are they required to include the location of driveways?

Mr. Thompson: Yes they are. Do you have a certain number of lots? Lot 12? Lot 16? Lot 22?

Mr. Howard: It was lot number 8.

Mr. Thompson: Lot number 8.

Ms. Kirkman: Well, this particular one was lot number 8 but, you know, I'm looking at... I just pulled the very first one for lot number 1 and there's no driveway located on it. And, you know, I'd have to go through it but I don't think there's any driveways located on any of these, which means there's a piece of information missing on the soil work; which would explain why your fellow didn't see it and why we got the letter. But it doesn't explain why the paperwork was accepted when it was missing a piece of required information.

Mr. Thompson: It could have been that if the road was here and the house was here and the drainfield was back here...

Ms. Kirkman: No, this is about a drainfield in front of a house.

Mr. Thompson: That's right; okay. That's cool.

Ms. Kirkman: And then the others are specifics around the plan, and you've said that you're not prepared to answer those questions tonight.

Mr. Rhodes: Would it not be helpful to share those questions again because he did ask (inaudible).

Mr. Howard: Right, if we could just go over the questions and then... if you can, you can; if not, we understand and we may ask you to come back at the next meeting.

Mr. Thompson: Okay, that's fine.

Ms. Kirkman: I would like to know what Mr. Rudolph, or whoever did the final review of this, did to go through the plan to confirm that each and every one of the concerns was addressed by making sure

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that the revisions were different than the original plan. And part of the reason why I'm particularly concerned about that is, based on my review of the plan... of the soil work, it looks like the only thing that got changed were lines on a piece of paper rather than the actual soil work itself. I also remain particularly concerned about lot number 8 because based on the finer scale that's available in the soil work versus on the plan in general, there is no way you can get a twenty foot wide driveway on either side of that reserve drainfield as the lot is currently constructed.

Mr. Howard: And we were still trying to qualify whether or not that twenty foot width is within the County's requirement.

Mr. Thompson: It must be at least twenty feet wide? Is that what you're saying?

Mr. Howard: That's what Ms. Kirkman is maintaining. I'm not sure we have the right answer to that though.

Mr. Thompson: Okay.

Ms. Kirkman: All I can say is when I inquired at the Planning Office when I was there today, that's what I was told.

Mr. Thompson: That seems reasonable for a width of a driveway.

Ms. Kirkman: And it was explained to me that that was due to fire department requirements, in order for the vehicles to get to the residence.

Mr. Howard: I know my driveway is only twelve feet and my home was built four years ago. So I'm not sure what that means.

Ms. Kirkman: Maybe the difference between the pavement and the right-of-way.

Mr. Howard: Could be.

Mr. Thompson: Okay. Is that it?

Mr. Howard: Thank you. Were there any additional questions from anyone of either the applicant or Mr. Thompson?

Ms. Kirkman: I'm not sure who to address this question to but I remain... even without the Harris property being developed, there's the other property adjacent to it... I remain concerned about the adequacy of the road infrastructure particularly given that William and Mary is a gravel road. And I'm not sure, and I think it would be helpful to see from staff, if the minor subdivision plan and this subdivision plan were submitted as one plan, what difference that would have made in terms of triggering some of the thresholds.

Mr. Howard: Okay, sure.

Ms. Kirkman: I think that would be helpful information to get from staff.

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Mr. Howard: Mrs. Doolittle, does that make sense? Okay. So you know what Ms. Kirkman's asking for? Great.

Ms. Kirkman: I think at this point, Mr. Chair, I'm going to make a motion to postpone to our next meeting in December. And we do have to dispense with this at that December meeting in order to...

Mr. Howard: Right, there's a time limit of December 29th, right?

Ms. Kirkman: Yep.

Mr. Fields: Second.

Mr. Howard: Motion is made by Ms. Kirkman to defer item 1, SUB1000017 Patriot Ridge Preliminary Subdivision, to the December 15th meeting; is that right?

Ms. Kirkman: Yes.

Mr. Howard: And seconded by Mr. Fields. Is there any discussion? Hearing none, we'll call for the vote. All those in favor signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Hazard: Aye.

Mr. Fields: Aye.

Mr. Mitchell: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed nay? The motion carries 7-0.

Mr. Newport: Can I say something?

Mr. Howard: It's unusual after the vote but...

Mr. Newport: I didn't want to interrupt you. I won't be here December 15th.

Mr. Howard: Alright. If you work with county staff, they can tell you how to request a deferral yourself on the issue. Thank you. Item 2 is not on the agenda which is the Mount Hope Estates Preliminary Subdivision Plan.

2. SUB1000107; Mount Hope Estates - Preliminary Subdivision Plan - A preliminary subdivision plan for 16 single family residential lots on private well and septic systems, zoned A-1, Agricultural consisting of 57.93 acres located at the end of Mount Hope Church Road, approximately 3,700 feet west of its intersection with Brooke Road on Assessor's Parcels 39-25

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and 39-46 within the Aquia Election District. **(Time Limit: January 26, 2011) (History - Deferred at November 3, 2010 Meeting to December 1, 2010 Meeting)**

Mrs. Hornung: Good evening Mr. Chairman, members of the Commission. Mount Hope Estates Preliminary Subdivision Plan was presented to you at the beginning of November Planning Commission meeting and there were several questions that were required of staff to answer. And I would just like to highlight these questions and what the response was from the research that staff had conducted. One of the comments were, please explain how the Health Department note regarding well monitoring will be enforced. Information from Dr. Rossheim should be available to you from Mr. Thompson. He said he would be meeting with him last week, or within the week of when we discussed it which was before Thanksgiving; so he should have some information regarding well monitoring. But when I did discuss with Mr. Thompson, how the Health Department addresses that is that before the Certificate of Occupancy... I'm sorry, before the Occupancy Permit for a house that has well and septic monitoring is conducted prior to that permit being issued. The idea for self-monitoring their wells is not enforced by the Health Department, but they of course are tested prior to occupancy. In discussing with the applicant and representatives, and Ms. Debrarae will probably explain that to you in further detail, but she did say that they have agreed to add a note that will follow to the plat that the wells will be monitored for leachate because that is not something that is automatically monitored by the Health Department. But if there is something with, which is also addressed later on in some other questions, related to taste, color and odor, then additional monitoring is required and they wouldn't get a permit until that's resolved. The other question is does the Health Department allow drainfields in electric utility easements and then how are they protected. We have Mr. Danny Hatch who is the onsite soil evaluator who can give you some more detail on that. But typically, when a drainfield is to be crossed by any vehicle, it's typically paved. That's one of the requirements but he can give you further valuation on that, as well as Mr. Thompson. The other question was, was VDOT aware in its review the subdivision plan at Mount Hope Church Road has an at grade rail road crossing. Yes VDOT did consider the condition of the road and the crossing during the review of this subdivision and prior to sending their approval letter dated September 2, 2010. In discussing some of the issues with that road and the crossing with VDOT, VDOT mentioned that the road and the rail road crossing were entered into the state system in 1945 and it was labeled on the highway transportation maps since 1950. We didn't find anything earlier than 1950. But at least in the 1950 highway map the road and at grade crossing were labeled. Also there is information from VDOT and some letters which I didn't obtain a copy because they were very difficult to read but if you would like I can try to locate a copy of those letters. But they did state that VDOT determined that the rail road crossing was updated between '90 and '92, because VDOT has asked the Board to include it into their secondary road system about 1985. So they were included at that time. Also when staff met on site with VDOT the original location of that road actually meandered near the church that is in that vicinity. And at the time when the guardrails were put in place and the crossing in the road was improved that road was actually straightened out. So if you are at that site you will see that the road is a cul-de-sac at that church and doesn't meander to the right and left again. It actually is a more straightened road. Another question was to explain the use of LID and stormwater management design. There is an email from our...one of our engine...one of the staffs engineers that discusses that the plans are required to incorporate LID to the maximum extent possible per the Section 3.7 of the Stormwater Management Concept Plan Ordinance as well as Section 5.1 in which they are required to include full LID, partial LID or limited LID is to be utilized on the site. And partial is...LID is permitted when it is not possible to achieve a full LID design. And another item to recall is that this subdivision, the roads and the stormwater management facilities were already in place. They had lost their vesting so they had to come back to have a renewed subdivision so the LID were an addition to the existing stormwater

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management facilities that are in place. So that they did meet...by adding the new LID facility they did meet the LID requirement. The other question which I do have some overall asked for explaining the...or showing the existing and future landfill cells in relation to the proposed lots. The applicant had FedExed a cover letter as well as two plan sheets of different graphics of the landfill cells and monitoring wells in relation to the subdivision. Also you would have received a copy of the landfill Civil War Park boundary in attachment 2. I do have those if we want to bring them up on the computer monitor. Copy of the landfill regulations 9VAC20-80-250 Sanitary Landfill is designated as attachment 3 to describe the landfill regulations. The provisions of the section apply to the siting, design, construction and operation, monitoring and closure of the landfill. The drawing that you have is the one that is from the engineer and the actually the engineer from the...the County's engineer from the landfill produced the graphics that you have showing the distances which are in excess of nine hundred feet from the subdivision to the landfill cells.

Mr. Howard: Do you have that also on the computer?

Mrs. Hornung: Yes I do.

Mr. Howard: Can we pull that up?

Mrs. Hornung: Sure, they are the two PDF files that are actually side by side.

Mr. Howard: I think that was a major concern of mine. I am sure other Commissioners had the same concern.

Mrs. Hornung: Enlarge the one to the left, exhibit 1. And you have...let's see maybe reduce it to twenty five percent. You see to the top of the screen that is the subdivision. You will see the utility...the Virginia Power utility easement and then the one long line that runs from north to south and then the dotted line, that distance is at least nine hundred feet from the subdivision to the bottom where it says Cell G Waste Limits Phase 2 Expansion. And I can also have the engineer from the applicant to

Mr. Howard: So there is no cell closer than nine hundred feet. Is that what you are saying?

Mrs. Hornung: That is correct from what I have from these.

Mr. Harvey: To the projected location of wells, correct?

Mrs. Hornung: Right, yes sir. And these wells that are located beyond the subdivision toward the landfill are the monitoring wells for the landfill.

Ms. Kirkman: And the Board was considering some action to I don't know if deed over is the correct word, but to give additional acreage in that area to the Civil War Park.

Mrs. Hornung: That is further...that is a little bit further north and I do have that graphic as well. That was also included originally the landfill Civil War Park was supposed to be about twenty five acres from the R-Board and...deeded or presented to the Civil War Park. But because of the subdivision regulations the...we couldn't subdivide it so it is going to be an easement and then with the future expansion of that Civil War Park which would be east of the Virginia Power easement which is from...

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if we are looking at the end of the cul-de-sac where the easement is to access that property it's east of the power line easement that you see here on this graphic. There was additional property that they wanted to incorporate in the overall total because there were additional fortifications, and the accessing to the other fortifications to the west. So that's the reason for the total Civil War Park becoming 45.6 acres I believe.

Ms. Kirkman: And that was approved?

Mrs. Hornung: Yes.

Ms. Kirkman: Okay.

Mrs. Hornung: And if you like we can bring that graphic up as well.

Mr. Howard: Yes why don't we just take a quick look at that. It is northeast of where the subdivision is right?

Mrs. Hornung: Yes.

Mr. Howard: Okay.

Mrs. Hornung: That's going to be in the Mount Hope folder, which is on the desktop. Sorry I was thinking...

Mr. Howard: Did you lose your mouse?

Mrs. Hornung: I looked at this from far away and thought that was the mouse.

Mr. Howard: It's like having a TV time out.

Mrs. Hornung: I am sorry.

Mr. Howard: And now a word from our sponsor. Go ahead, I am sorry. It's not there?

Mrs. Hornung: It's not there anymore. I am...

Mr. Howard: Okay.

Ms. Kirkman: I only asked because that seems to create some additional buffer between the subdivision site and the landfill. Is that correct? I don't have to see a graphic on it.

Mrs. Hornung: Yes ma'am.

Mr. Howard: I was more curious as to just comparing the size of the park to the subdivision before us.

Mrs. Hornung: Here we go. May I have the computer please? Okay this graphic is the current Civil War site boundary. Originally to the east, I am sorry to the west of the Virginia Power easement that was the area that was designated but then there is an additional fortification and so then having

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some...incorporating the easement to access these fortifications this additional property to the west...I am sorry to the east of the power line easement, that was incorporated. So you see this line that is blue and pink in some areas. That is the entire park boundary and you see toward the bottom is the end of the cul-de-sac and then that easement from the cul-de-sac accessing this boundary. And then at the bottom here, this is a buffer to the landfill I green. This blue in the middle is the stormwater facility that is on the landfill property. But most of the activity on the landfill is in this southern area. And you should also have a copy either in...

Mr. Howard: We do.

Mrs. Hornung: I think it was in the last staff report.

Mr. Howard: Right. Thank you. Okay are there any other questions for staff?

Ms. Kirkman: I wanted to clarify the Health Department testing that is done prior to the occupancy permit being issued, that's only around fecal coliform contamination correct?

Mrs. Hornung: I believe so, that is correct. But we can have Mr. Thompson and Mr. Hatch to confirm.

Ms. Kirkman: That is not what you are worried about from a landfill. What testing is required about the kinds of contaminants that you would get from a landfill?

Mrs. Hornung: Well the testing, from I understand that will be done, was to determine if there was any taste, odor or color problems and then there would be further testing.

Ms. Kirkman: The things that you are worried about from landfills are often the things you can't smell or taste.

Mrs. Hornung: Right.

Mr. Howard: It was really the contamination from the landfill, what...how would that be monitored was really the question.

Mrs. Hornung: The applicant said that they would do leachate monitoring.

Mr. Howard: Right, you mentioned that earlier on and that would be on the plat, but...

Ms. Kirkman: What exactly is...

Mr. Howard: Yes, what is that? Do you know scientifically what exactly they would be testing for?

Mrs. Hornung: Scientifically, no I do not. That would have to be a question for the Health Department.

Ms. Kirkman: Actually you know an array of organic and non-organic compounds that you are testing for. What has the applicant committed to test for?

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Mrs. Hornung: They had relayed to me they would do leachate testing.

Ms. Kirkman: I don't know what that means that is why I am trying to...

Mrs. Hornung: Right and we would have to ask the Health Department what particulars would be involved, what type of organics they would test when they do a leachate test. But the Health Department would not normally do that, but they could further explain to you what kind of testing that they do that is in addition to the normal testing if there is anything adjacent to it. I did not go to the last question which was the depth of the landfill cells and distance from the center of the proposed wells to the edge of the nearest cell. And their responses to those would be obviously the depth of the cells vary but the approximate distance is currently over two thousand and appears to continue to be over a thousand feet with the expansion. Also from what...the information that I received the potential for leachate contamination is minimal to non-existent and under subtitle D from CFR 40 and incorporated to the Virginia 9 VAC. Landfills are specifically engineered to protect the groundwater. A lot of this information did come from the superintendent/manager of the landfill for the County. The leach ate would be pumped from the bottom of the landfill into a tank which is pumped out periodically and then taken to a sewage treatment plant for clean up. He did say that the homeowners would realize certain sights and smells on rare occasions, but no more than what the current residents in the area experience. And then the landfill engineer believes there should not be any reasonable risk of water contamination from the leach ate. And that the future leach ate disposal units which serve the landfill are more than five hundred feet away from the nearest wells as required per the Virginia Code 9 VAC 20-80-250 A7, and you do have a copy of that. Also in accordance with DEQ regulations a minimum of five hundred buffers are required for containment areas and there have been no known problem in Virginia in regard to this requirement. And then of course the Health Department as we discussed would test for the presence of fecal coli form and it is also a required condition of approval prior to occupancy.

Mr. Howard: Mrs. Hornung, we are going to take a quick break from your topic.

Mrs. Hornung: Yes sir.

Mr. Howard: And open up the 7:30 public comment period. So I do apologize but we are at that magic moment. So we will now open up the Planning Commission public comment portion. There are no public hearings scheduled this evening. So anyone wishing to address the Planning Commission on any topic may do so by stepping forward to the podium. You have three minutes to speak to us when the green light goes on. When the yellow light starts to flash that gives you about a minute and when you see the red light that means your time is conclude and we ask that you stop your discussion and let the next person speak. We also ask that you state your name and address when you come to the podium. Any one wishing to address the Planning Commission may do so now. Thank you.

3. COM1000010; Comprehensive Plan Compliance Review - Miracle Valley Lane Sanitary Sewer Extension - A request for review to determine compliance with the Comprehensive Plan in accordance with Section 15.2-2232 of the Code of Virginia (1950) as amended, for the extension of gravity sanitary sewer outside of the Urban Services Area a length of 505 linear feet to serve two residences, located on the north side of Deacon Road and east side of Grafton Village Elementary School on Assessor's Parcels 54-132, 54-133A and 54-133B within the Falmouth Election District. **(Time Limit: July 4, 2010) (History - Deferred at May 19, 2010)**

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Meeting to June 2, 2010 Meeting) (Deferred at June 2, 2010 Meeting to October 6, 2010 Meeting) (Deferred at October 6, 2010 Meeting to December 1, 2010 Meeting)

4. Rappahannock River Overlay District and Potomac River Overlay District (Referred back by Board of Supervisors) **(Time Limit: October 6, 2010) (History - Deferred at June 16, 2010 Meeting to August 18, 2010) (Deferred at July 21, 2010 Meeting to September 1, 2010) (Deferred at September 1, 2010 Meeting to October 6, 2010 Meeting) (Deferred - Requesting additional time from Board of Supervisors)**
5. Discussion of Conditional Zoning (Proffers) **(Time Limit: January 3, 2011) (In Committee) (Requesting additional time from Board of Supervisors)**
6. Discussion of Privatized Liquor Sales **(In Committee) (Requesting additional time from Board of Supervisors)**
7. Discussion of Transfer of Development Rights (TDRs) **(Time Limit: January 3, 2011) (In Joint Committee) (Requesting additional time from Board of Supervisors)**

NEW BUSINESS

None

7:30 P.M.

PUBLIC PRESENTATIONS

Mr. Trimmer: Glen Trimmer, can you hear me?

Mr. Howard: Yes.

Mr. Trimmer: Glen Trimmer. I really had not planned to speak tonight but I wanted to get this in to respond to some other questions. The reason the boundary was changed, was original set aside for the landfill didn't meet Stafford's requirements like Andrea said, for the landfill. It also didn't allow for any access to the Civil War Park. So unless we had parachutes we had no way to get anybody in there. So we always knew we were going to have to add to it. So that is what lead to it being larger. As far as it being further to the northeast, where the park is...the area where the park is, is much further away. You don't have a contamination issue down there at all because the closest one to the park site, to the actual historic sites is the cell which it up where fort number three is. And that is way far away from this subdivision. So I just...you know Ms. Kirkman, I just wanted you to understand that the reason the boundary changes it's a very small piece was to get one more encampment in there. And that is a very important piece and that is less than four acres. The vast majority of that change in the boundary was simply to do what we always knew we had to do which was to allow access to the sites, so we could get our park visitors in there. Thank you very much.

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Ms. Kirkman: Mr. Chairman, since I was address specifically I just do want to respond. I had asked because I was looking for how this might increase the buffer between the proposed subdivision and the landfill. Not to comment in any way on the Civil War site.

Mr. Trimmer: It's no increase...

Mr. Howard: We normally do not have a back and forth during public discussion. But thank you Mr. Trimmer. I appreciate that. We will be after...we will stay after class and have that conversation.

Mr. Waldowski: My I have the computer please. Is this the ummm...

Mrs. Hornung: That is the mouse.

Mr. Waldowski: Left one, left key. Okay, thank you. Paul Waldowski. Tonight I am going to practice what I am going to do in a couple of weeks. So we will talk about Stafford County which you all know started in 1664. I am going to give you two analogies. A house blue print and a comprehensive plan, and you all know a general contractor and the Board of Supervisors are the ones who are in charge of getting the house done or a comprehensive plan passed. Now what is interesting is proffers come into play when you are building a real house. And that is how we as citizens wind up with storm ponds, private roads, parks, no street lights, no sidewalks, no water or sewer bill. That is why I come here. So you pass all this on to my favorite organization, an HOA which stands for Hopeless Organization. Okay let's go on. Now what Board of Supervisors and general contractors do, they hire sub-contractors. You see those dollar signs? We all know what the stipend has done for the Planning Commissioners. But I also love how we spent the money on the consultants, which is green in nature. And I like what Mr. Sterling called it, an academic exercise. Now you all went from three UDAs to nine and now I think you have eight that you passed at the last meeting. Now I have my shirt on and it's the rate of change so I won't get into differential equations we will just talk about the Pythagorean theorem, because in order to do a three foot by four foot by five foot corner stone that is how you build the first wall, the second wall and that means you get a good roof. That is if you are a sub-contractor that is pretty good. Now who lives in this house? The homeowners live in this house. Who is the one that has to shell out if that roof is no good? The homeowners. And who build this? The workers. Now here is where the analogy comes into play. You see you have a corner stone in the comprehensive plan, but it's incomplete. That is why it is yellow, so caution. Just like the light. Perfect timing. And that means that two of your walls have gone up incorrectly. Which means your roof is shaky and guess who is going to have to pay for it? The County citizens. And you even have a chart here which I will do with the eight purple people eaters, that is what I call the eight UDAs. And guess who did it, who are the workers? The staff. And from there Richmond didn't tell you that you had to pick eight UDAs. You could answer them with zero, because we have a different demographic, we have Federal Land like no other county in the Commonwealth. And you don't do something that roof is going to swell and eventually it is just going to fly away. Have a great holiday season.

Mr. Howard: Thank you. Anyone else wishing to address the Planning Commission may do so by stepping forward to the podium. Seeing no one advancing, I will no close the public comment period and ask Mrs. Hornung to come back to the podium again please. Thank you we were talking about the leachate contamination

2. *SUB1000107; Mount Hope Estates - Preliminary Subdivision Plan* - A preliminary subdivision plan for 16 single family residential lots on private well and septic systems, zoned A-1,

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Agricultural consisting of 57.93 acres located at the end of Mount Hope Church Road, approximately 3,700 feet west of its intersection with Brooke Road on Assessor's Parcels 39-25 and 39-46 within the Aquia Election District. (Time Limit: January 26, 2011) (History - Deferred at November 3, 2010 Meeting to December 1, 2010 Meeting)

Mr. Howard: Thank you we were talking about the leach ate contamination testing.

Mr. Fields: Mr. Chairman.

Mr. Howard: Yes Mr. Fields.

Mr. Fields: I have a question. Cell G is not...is cell G built and in operation right now? That is the one that is closest to the subdivision correct? Cell G of the landfill?

Mrs. Hornung: Can I have the computer please. (Inaudible) I am not certain, I would have to refer back to and contact the landfill superintendent to determine which cell is in operation. I am not familiar with the different cells.

Mr. Fields: Okay. I...well it has been a couple of years since I have been on the R-Board. I believe Cell E was the last one that we had built. So I am thinking that G has not yet been built. My question, I guess regards that if G is not actually built and in operation, what is the timing for the testing for leach ate from Cell G visa vie the subdivision. I mean you can certainly test...if this subdivision starts to be built before Cell G is in operation, obviously the testing is...should be fairly straight forward. It's only when Cell G has actually been in operation...probably been in operation for a while that the potential for leach ate build up would be significant to require the testing. So have we resolved how that works? How the timing works on that? Because it's...if it is just something that is done in construction of this, if this goes in before the cell does then that...the offer to do that testing is while I am sure well intentioned is somewhat meaningless. It is only meaningful to do that testing when that cell is in operation, which could be after this subdivision is built and the lots are sold. So can anybody answer that question?

Mrs. Hornung: It is possible maybe the engineer and the applicant might be able to answer that. I believe they met with Robert Hunley, the county's engineer for the landfill. I was not...

Mr. Howard: Is Cell G the one that is nine hundred feet from...

Mr. Fields: That is the one that's close.

Mrs. Hornung: That's the closest.

Mr. Howard: That is the nine hundred foot rendering that you showed us?

Mr. Fields: Yes, and like I say it has been a couple of years since I have been on the R-Board, but we were only up to E, I believe, last time. I know we are filling those things up faster than you would like but they...it takes a long time.

Mr. Howard: Yes.

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Mrs. Hornung: Yes Cell G is the closest. That is a phase 2 expansion.

Mr. Fields: Several acres. There is a lot of trash in one of those things. I will offer, just if I may. I don't mean to be...having been on the R-Board, Mr. Mitchell can chime in he was on as well. You know the leach ate...and I do want to get a good answer on the leach ate. You know the leach ate is got a specific, compared to the old landfill the leach ate has a specific whole system...mechanical system that collects it and then takes it to the landfill. So for the leach ate to leak I am assuming you would probably have to have some kind of a malfunction of that system by definition the very intense cap of the...the well is dug...the cell is dug, a great big hole in the earth. It's layered with a very impervious clay cap and then an actual plumbing system of pipes...pumps collecting...is put...installed at the bottom of it to collect leach ate and pump it to these tanks. So I am assuming that the leach ate contamination would involve a malfunction of that system as opposed to just the normal...landfills used to just leach that stuff into the soil. That is the problem. But we do need to answer that question about timing.

Ms. Kirkman: Mr. Chair, I have a (inaudible).

Mr. Howard: Yes Ms. Kirkman.

Ms. Kirkman: So just hypothetically if the testing were done and contaminates were in the water, then what?

Mrs. Hornung: Then they would...I would presume there would be mediation to clean those wells. Do something to reduce the contamination.

Ms. Kirkman: And the developer has long gone so who would be paying for that remediation? Which is quite expensive.

Mrs. Hornung: Possibly it could be the homeowner unless the landfill has something that they would be responsible for. I don't have that information on the specifics.

Ms. Kirkman: Thank you.

Mr. Howard: Along Mr. Fields question then, I am sure we are not going to get this tonight, but if staff could find out A – is Cell G operational, right? And B – If not when will it be operational? And then what is the engineering of one of those cells today verses ten years ago. You know what's changed. What dynamics have changes and how would that impact. I would have to believe we have further advanced some of the technology some of the science behind that, hopefully.

Mr. Fields: It is pretty thorough. If we have a follow up, I don't know whether it's a difficult...Mr. Hunley, who is the engineer for the R-Board, is a very, very knowledgeable, personable and thorough person. He is a...if we have...if we need the...if we feel like we need...

Mr. Howard: Why don't we ask him...

Mr. Fields: If staff can't come up with that, I am not sure where he comes from but...where he has to come in but he could answer...believe me we have all asked him those questions on the R-Board. He could answer any question about this landfill that you would ever want to ask.

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Mr. Howard: Okay.

Mrs. Hornung: I would be glad to invite him I believe he is in Henrico County, Ashland.

Mr. Howard: Oh that is a hike. Okay, if he can get up here that's great. If not those are some of the questions that we have.

Ms. Kirkman: Maybe he could write up something for us, if that would work.

Mr. Howard: Okay.

Mrs. Hornung: If he can come, what meeting would you like him to be present at? At the next one?

Mr. Howard: We have time on this, I am not sure how this is going to end up, but I would defer to the Commission...the will of the Commission here. Next, December 15th.

Ms. Kirkman: What do we have on the tap for December 15th?

Mr. Howard: An early meeting I was hoping.

Ms. Kirkman: What?

Mr. Howard: An early meeting, I was hoping.

Ms. Kirkman: I was thinking maybe none, but...

Mr. Howard: I am okay with that too.

Ms. Kirkman: But it depends on what we've got on tap.

Mr. Harvey: Mr. Chairman there would be anything that carries over from tonight's meeting and I believe there are two public hearings.

Mr. Howard: Oh we have two...who would do that?

Mr. Harvey: Excuse me, four public hearings, several Ordinances and a...sorry, thank you. One Ordinance a rezoning...

Mr. Howard: Alright so it is already set.

Mr. Harvey: A comp plan compliance and a CUP for a communication tower.

Ms. Kirkman: So, unlike the Board we will be meeting twice in December.

Mr. Fields: The Planning Commission never sleeps.

Mr. Howard: Eso es lo que es, Spanish for that is what it is. Okay.

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Mrs. Hornung: I will invite Mr. Hunley for the next meeting and if not try to have him prepare a letter in case he is not able to make it.

Mr. Howard: Great.

Mr. Mitchell: Mr. Chairman.

Mr. Howard: Mr. Mitchell.

Mr. Mitchell: We are talking about the next meeting and all the issues, but we have not listened to the...

Mr. Howard: That is exactly right, that is why I said I am not sure...

Mr. Mitchell: We have put the proverbial cart before the horse. If we could hear them I think it might give us a better rendition.

Mr. Howard: Mr. Mitchell, always on track. Are there any other questions for staff? Hearing none, we will now hear from the applicant.

Mrs. Hornung: Thank you.

Mr. Howard: Thank you.

Ms. Karnes: Mr. Chairman and members of the Planning Commission and staff, my name is Debrarae Karnes. I am here representing the applicant. I have Danny Hatch, the AOSE and the engineer as well as the builder's representative, Mr. Patel and we are here to answer any questions. I think I can give you a quick summary of the situation regarding the cells on the landfill. Mr. Fields was right Cell G is a future cell to be built within the next thirty years. That's the one that is within nine hundred and ninety feet of the nearest subdivision well. In the past month we have talked to the superintendent of the landfill and Mr. Hunley. And if I can briefly summarize their comments, they were that there is no realistic risk of leach ate reaching the subdivision wells from the landfill. That the cells are built with specialized containment devices and they do not have any reasonable expectations of any contamination at all anywhere. But even if that happened it would be caught, contained and mitigated well before any contamination occurred off site. We did...our offer to do water testing is a little different than what was represented. We believe based on all of our investigation, there is truly no risk of contamination of the wells. But because the issue was out there we offered to do water testing before issuance of the occupancy permit, simply because the Health Department required testing didn't include anything to do with leach ate. I have spent hours calling around trying to quantify what type of testing that would be because it didn't make any sense to just to say testing for leach ate. Because what is that and the answer I kept getting was, there is no problem. The superintendent, Mr. Mikel, of the landfill today said well why don't I give you our test. There is no problem. And I said there is a perception of a problem. I think the issue is really more, when you go back to the original comments of the Health Department, it was really more a situation of educating those future land owners the need to just keep an eye to make sure that the taste, the order or the color of the water does not change. As so we are open to making other commitments alternatively, depending on what the Planning Commission wants. But the offer on the table was to test at occupancy, I can't find anybody to recommend what those test would be though and I welcome any comments from Mr. Thompson. That

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is the issue in a nutshell. We also as I said before, have Mr. Hatch, who can answer question posed from the last meeting concerning the location of portions of the reserve drainfields in the Virginia Dominion easement. And we are also willing to answer any questions.

Mr. Howard: Alright, are there any other questions at the moment for Ms. Karnes? I guess Ms. Karnes, you spoke to your soil engineer about the leach ate or you spoke to...who did you speak to again?

Ms. Karnes: I spoke to Bob Hunley and I spoke to Andrew Mikel, I guess is the correct pronunciation, and I also had a brief discussion with Tommy Thompson although it is probably better to ask him yourself. He really couldn't tell me much other than the Health Department mandatory testing did not include testing for leach ate.

Mr. Howard: Right. There's other factors involved in, you know, in the potential contamination of ground water as it relates to landfill, right. So leach ate obviously is a big concern and I guess it could happen depending on the depth of the water table and I know there are other factors involved in that. I am not sure there is anyone here tonight that can help us understand from a percentage it sounds great. It sounds like we built some great cells but at the end of the day there are other factors that are environmental that have nothing to do with the construction of the well or how well the well operates. There are other environmental issues that can impact whether leach ate can contaminate ground water.

Ms. Karnes: I understand that. All I can report to you is the people I talked to did not consider it any type of risk at all. That was the information I was given.

Mr. Howard: Okay. Were they buying a house there?

Ms. Karnes: And that is why I described it as a perception problem more than anything else.

Ms. Kirkman: Ms. Karnes I would be a little more inclined...I would be more ready to hear there is some risk rather than absolutely no risk. I mean, you know that is what they said about deep water horizon, there is no risk at all and then look at what happened in the gulf. And I am sure if you did a Google search of leach ate from toxic waste dumps and other sites that you would find that there have been spills. In fact in Aquia Harbour we have been told that our treatment pumps are fine for the water and sewer system and we have had two or three incidents of human waste getting into the creek because of things that would never happen. So I would be more receptive to hearing that there is some minimal risk and here is what we are going to do to protect future homeowners than to hearing there is absolutely no risk at all.

Mr. Howard: Thank you Ms. Kirkman. So the question was can we have a soil engineer or Mr. Thompson can help us understand that a little bit further as well tonight. I think that would be helpful. So the question is can we have more information in terms of what other potential contaminants could there be and what else causes leach ate to leak other than some type of failure with the system itself? Are there other factors that help, in other words would prevent the contamination if the environment is X or there factors that can actually help leach ate...kind of allow it to seep out or leak out for some other reason? Whether if it is the soil or the water tables or some other factor from an environmental perspective that we just don't know enough on the Planning Commission to understand.

Mrs. Hazard: And Mr. Chairman.

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Mr. Howard: Yes Mrs. Hazard.

Mrs. Hazard: I mean I think it all starts when we went back to that note number five and perhaps Mr. Thompson can help us. But there is a note on here, it is recommended that the purchaser of these individual lots periodically test their water through an approved testing laboratory. To me that...I think that we have inferred that is a leach ate issue but I am not sure.

Mr. Howard: Right.

Mrs. Hazard: There is a reason that is on there and I am not sure of the full breadth of why they wanted that testing and perhaps we can get clarification on that because that has been clearly recommended.

Mr. Howard: Great. So Mr. Thompson, I am not sure, I know you are here to talk about that power line easement but if you can shed any perspective of light on the leach ate conversation we would appreciate that.

Mr. Fields: Or other type...or any environmental.

Mr. Howard: Right.

Mr. Fields: Any environmental contaminate to the wells.

Mr. Howard: Fair enough.

Mr. Thompson: Earlier today I sent an email to our Medical Director, Dr. Brooke Rossheim. He is fairly new to the Rappahannock Area Health District and I said what would be...what would the Health Department be requesting to test for? And his response and he called me just before I got here. He said Tommy, we would refer the matter to the Office of Drinking Water in Culpeper and maybe to DEQ to get their knowledge and expertise. Dr. Rossheim has a wealth of experience down in Charles City County with their landfill problem. They had coal ash and it was spread on a local golf course and a lot of the wells, the residential wells got contaminated.

Mr. Howard: Right, I remember hearing about that.

Mr. Thompson: So knowing that there could be a problem he wanted to consult with the Office of Drinking Water in Culpeper as far as recommendations, heavy metals, organics, you know what to test for. So I don't have the answer for you right now.

Mr. Howard: Okay, fair enough.

Mr. Thompson: The Health Department wouldn't do any of the testing. We...the Health Department does require a bacteria free water sample from a state approved lab for every residential well before it is put on line.

Mr. Howard: So Mr. Harvey, I think we are looking for some subject matter expertise in terms of what should we be asking. The applicant seems very willing to provide some type of testing or some availability of ongoing testing. But we just don't know what that should look like and I think we need

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some help from some subject matter experts. Whether it's the County level, State level or some other level.

Mr. Harvey: Mr. Chairman we certainly will work with Mr. Thompson to see if we can get information on what would be advisable. Because we would have to rely on the Health Department since they are the regulating authority.

Mr. Howard: Absolutely.

Mr. Harvey: We will also try to get somebody, either the Superintendent or Mr. Hunley, associated with the landfill to describe to the Commission how the cells operate. I know Mr. Fields did a very good description about the collection of leach ate. I know from taking the tour of the landfill myself, as they are building new cells and I got to see one under construction at one point in time. They put what I call a bladder or some sort of blanket that is impermeable at the base so there won't be any leach ate into the ground water. There may be some situations that for whatever reason that got torn or something maybe. I am not certain that is something that could be further described by the landfill superintendent on how they would deal with those types of...

Mr. Howard: Well I think there's other factors. One, the water table, what is the water table there. Some of the other factors are what is in the cells themselves? Are they bio-degradable items or not? And over what period of time do they disintegrate? And how do they disintegrate? All of that is a factor, I just don't know enough about it to...

Mr. Harvey: That would be perfect information for the Superintendent or Mr. Hunley to give a presentation to the Commission on.

Mr. Howard: Yes.

Ms. Kirkman: Mr. Chair, I think as part of that, what is helpful is sort of understanding the hydrology. I am assuming there are going to be deep drilled wells rather than the shallow surface wells. Since that is what most new construction is using.

Mr. Thompson: All new wells are deep drill wells.

Ms. Kirkman: Although the surface ones are in some ways safer, but we don't need to have that debate now. But in terms of the hydrology of what's the aquifer, would those wells be tapping into and how that relates to the potential contamination from the landfill.

Mr. Howard: Sure. Mr. Fields.

Mr. Fields: That is exactly my question. What is the water table there? I am assuming most of the contaminate...I am assuming...am I assuming correctly most of the potential...whatever the potential contamination, not necessarily leach ate or any potential would be in the ground water, the surface water table itself or is there a potential for interactivity with the aquifer...the deeper aquifer of things from the landfill, that you know of.

Mr. Thompson: I don't have much knowledge about landfills. I really don't We don't have the training.

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Mr. Fields: Okay.

Mr. Thompson: I have been there forty years and I have had no specific training on these types of issues. Jeff has taken a tour of the landfill and seen a cell under construction. So he has more knowledge than I do.

Mr. Fields: But where the landfill is located it is really the top...that is the recharge area of that aquifer. Right? So we are talking the newest part of the water in that aquifer, correct? Am I correct in that? In the geology of that? The water gets older as you get down the (inaudible) Potomac aquifer down to the northern neck and then down to Charles County the water get older and older and older, but it comes in right at the fall line. Am I correct? So I am assuming that there is some potential that that water in that aquifer has some inter-activity with the surface water or not? Do you know that answer?

Mr. Thompson: Don't have much background in hydrology, I really don't.

Mr. Fields: Alright.

Mr. Howard: But that is a good example of what we are trying to understand as we think through this.

Ms. Kirkman: Mr. Chair.

Mr. Howard: Ms. Kirkman.

Ms. Kirkman: Perhaps Mr. Harvey remembers, I never can quite...Draper Arden...Aden...Draper...

Mr. Fields: Draper Aden.

Mr. Howard: Aden.

Ms. Kirkman: Yes, Draper Aden, that study I think did a fairly extensive study of the hydrology of the county and maybe that may have some information in it.

Mr. Howard: Great idea. So we will get somebody from county staff to look through that and help us out as a reference.

Mr. Thompson: And we will contact DW and ask them about what types of samples would they recommend with a landfill nearby.

Mr. Howard: Okay. Will you also speak with Culpeper on that issue?

Mr. Thompson: Well that is the Office of Drinking Water in Culpeper.

Mr. Howard: DEQ, okay.

Mr. Thompson: ODW. Thank you.

Mr. Howard: Thank you.

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Mr. Thompson: Yes sir.

Mr. Fields: Did you want to ask him about the power line...

Mr. Howard: What about the power line easement. Mr. Thompson.

Mr. Fields: The actual thing you were here for.

Mr. Howard: Yes the thing we think you were prepared for.

Mr. Thompson: I am back. The State Health Department regulations do allow drainfield sites in overhead utility easements. There are...the company that has to put something in writing, the utility company and they have certain guidelines. Some of them say the drainfield have to be X amount of inches deep, they have to be so far away from the guy pole, the guy wire that comes down. And each permit that is issued, we recommend that the permit be a conditional permit so that anybody that purchases this property can see that the reserve drainfield site might be installed in a utility company easement. We also put a copy of the...of this matter with the operation permit to let any owner know when they have got an operation permit that their reserve drainfield site is located in an overhead utility easement. State regs do allow it if it meets the conditions of the utility company.

Mr. Howard: And they require that...it is required to be paved over? As I understood the letter. No?

Mr. Thompson: No that is one issue that the State Health Department Regulations say one thing about paving over a drainfield, they do allow it. The State regs allow it but there has got to be a thirty inch difference between the gravel and the, let me think about it now. Your drainfield has to be forty three inches deep if it is a conventional drainfield. You have got to have thirty inches from where the paving starts to the top of the gravel. Okay? The State Health Department regulations allow paving over drainfields, but the County regulations, when the Chesapeake Bay Act came out, Stafford County and King George County. Both of them have interpreted that you cannot have an impervious surface over a drainfield.

Mr. Howard: Yes that was one of the debates we were having.

Mr. Thompson: Right.

Mr. Howard: Okay.

Mr. Thompson: So in Stafford, whenever we review a subdivision or whenever we issue a construction permit we would not allow a driveway.

Mr. Howard: So the State technically allows for it and Stafford County, we say that we don't allow that?

Mr. Thompson: Right.

Mr. Howard: Okay.

Mr. Thompson: So we, you know we go along with the county.

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Ms. Kirkman: But that is related to the Ches Bay Act.

Mr. Thompson: Ches Bay Act.

Mr. Howard: Okay.

Ms. Kirkman: But if you could clarify. Here is what I don't understand about allowing drainfields in power line easements. Is they use heave machinery to keep those easements clear. And you perk tests are based on certain drainage rates in the soils and if the soil is compacted through those heavy machines, you no longer have a suitable reserve field. How is that addresses?

Mr. Thompson: I believe that there is a potential problem there. Perhaps Danny Hatch, the soil consultant that has proposed these reserve sites in the overhead utility easements can address that issue. But there is the potential of if there are heavy vehicles going over the reserve drainfield site, let's say the reserve drainfield site gets put in because the primary has malfunctioned, there is the potential for damage to the drainfield.

Ms. Kirkman: Or what may be a suitable reserve drainfield now may no longer be suitable in the future because of compaction.

Mr. Howard: In the future, right. Sure.

Ms. Kirkman: And then...one of the things that we have learned in some painful ways as my colleague from Rock Hill can attest is that they way in which a power company is utilizing an easement now may be very different than in the future. So what happens if the power company in the future says Oh we want to put a mini transformer station in this easement.

Mr. Thompson: They have that right to take that property and to do away with the drainfield site.

Ms. Kirkman: And where does that leave the homeowner?

Mr. Thompson: Well hopefully there would be another site. I have not been happy with the way the State Regulation allow that to happen. But that is just one of the regulations that we don't like that is there. Perhaps Danny could address that issue too.

Ms. Kirkman: Okay, thank you.

Mr. Thompson: Okay.

Mr. Howard: Thank you. We will go back to the applicant.

Mr. Hatch: Good evening Mr. Chairman and members of the Planning Commission. My name is Danny Hatch and I guess I will jump in about the easements.

Mr. Howard: Sure, go right ahead.

Mr. Hatch: As far as looking at the site, obviously that site has been cleared and you obviously are looking for disturbance. Any type of compaction or problem with the upper part of the soil or the

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permeable part of the soil. The three sites that are out there, let me grab my little notes here on that. In looking at these reserve sites in the easements and I will say that as we went through and looked at these particular lots, these three lots, lots 7, 9 and 10 were the only ones we needed to go into the easements because of lack of suitable landscape on the lots that were not in the easements. But knowing that we had the option to go into the easements and look for a reserve sites or even install sites, we were able to go in on lot 7 and that was numbered our site 28. These trenches are fairly deep, forty three inches deep and as we looked at these sites obviously we did not see soil properties that were compacted or prevented permeability of the wastewater being put into the soil and the soil, you know, allowing to treat it and dispose of it like we do on any drainfield. So this site here was deep. The Dominion Power states that they would like to see it as close to thirty six inches as possible. That is a recommendation it is not a requirement. I have talked with the folks there about that. So again we try to get then as deep as we can to take care of any future traffic that may come across these sites. Lot 9, site 27. This was a reserve site and this is a shallow place system. I will right up front with you. Due to the landscaping and the soil type we had there it will be a pre-treated system that will be put in as a reserve. So therefore we are asking the soil to get rid of it. What we would normally do on a situation like that is you would bring in top soil and put on top of it to protect it and obviously it is going to be maintain mode by the homeowner if indeed that system ever got put in. That particular site if you look right there on the plats, if you looked at my abbreviated design, I have an area that is about a hundred and twenty one feet but really I only need about fifty one and the biggest portion of that is out of the easement. There is a small portion that comes into the easement. On lot 10, site 26 again these trenches...these would be a system close to twenty eight inches deep again the soil there was suitable. It was permeable for today's regulations, County and State to put a reserve or a backup system in, meeting the one hundred percent reserve in there. These systems would not be paved over they would be put in natural cover if you will. One of the things that we try to pay particular attention to as we were selecting these landscapes in the easement is that they were not near the main traffic patterns of this easement. There is a dominant road that goes through there as far as big trucks getting to the towers and this type of thing. They would travel that particular dirt road or work trail that you see. These sites are well away from those areas, so if the system was ever put in on these and the homeowner is mowing and maintain these systems like the permit will require them to do there is really no need for the power company to be ripping through there with mowing equipment or to clear, or cutting down brush and that type of thing. Because we don't want trees growing on it we don't want to have them grown up like you would maintain any drainfield. Does that help clarify that?

Mr. Howard: Slightly, yes. Are there any questions?

Mrs. Hazard: Yes.

Mr. Howard: Mrs. Hazard.

Mrs. Hazard: I guess my first question would be have you had to go ahead and get that letter of approval from Dominion or any type of communication with them? I know we talked about the special permit, but generally there is a...

Mr. Hatch: Okay.

Mrs. Hazard: ...a letter of approval broadly as least to the developer. I know each case I know is individualized and usually it is Mr. Doorman is usually who I have ever dealt with. Just to get an idea of how that letter reads and I guess my follow on is though then, how does that impact to the

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homeowner later? And I guess that special use permit, I was just trying to understand how that...I have only seen like these letters of approvals between Dominion and the applicant, but my questions is how does that get further down to the homeowner?

Mr. Hatch: That is a good questions. And it is really between Dominion Power and the developer or the owner of the property. I did the leg work and the research behind it but I mean...I have not really looked at the agreement there. I know what their regulations say. I believe you all have a copy in front of you now. Yes, that is right out of the regulations. I would say with the conditional use permit Tommy was talking about that is going to make it very clear to the homeowner what exactly they are getting into. As with any conditional permit whether it is water saving devices or limited occupancy or whatever it is conditioned to it is very clear and I believe that is even recorded.

Mr. Thompson: We recommend recordation but we can't require it.

Mr. Hatch: You can't require that to be recorded. Okay, with the deed. Okay.

Ms. Kirkman: So part of my concern is exactly what is stated in here. Which is company shall not be liable for damages to the encroachment resulting from exercise of its easement rights. Which is a concern that has been raised about the equipment. Because even if the homeowner keeps their portion of the easement clear, there is a whole long easement that has to be kept clean and with access. And then there is also the ways in which the power company may utilize the easement in the future. I don't there is anything you as the AOSE can say about that.

Mr. Hatch: I know what you are saying but it is hard to predict everything that is going to happen down the road. Certainly these things are well marked, they are recorded they are not in the main artery of the easement if you will. Some of these...one of the reserves in fact is almost a two hundred percent reserve that we had to go into there in order to meet the County Ordinance as far as the minimum square footage. So in reality the primary and reserve will be put on the lot and this is almost like a third reserve that is in the easement.

Mr. Howard: Right and we are obviously struggling though with twenty five years, the homeowner sells the house...the house sold twice and you have the new occupant in there and they are totally unaware of what they just bought into. Maybe the bank does not even know. So there would be underwriters who are underwriting and funding the purchase of the home who are totally unaware of this huge expense that potentially is going to occur. I mean that is why we are having all of these questions. You understand that right?

Mr. Hatch: Absolutely. The huge expense, what are you referring to there?

Mr. Howard: Well if you have to redo your drainfield. Dig it up or it has to be moved. If the power company say you know what we are going to bury all the lines in Stafford County, the drainfields go away. Right? Because right now they are overhead and if they decide it is their easement they can do what they want.

Mr. Hatch: Right. Well my experience with working as a county staff myself in Fauquier County for many years and dealing with and sitting in these meetings like this. When you come through and bury them it actually...the buffers go down. These particular reserve sites again are on the edges.

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Mr. Howard: Yes they are not exactly where the power line is going over the property. You can see that from the rendering.

Mr. Hatch; Yes.

Mr. Howard: That does not mean that could not change someday.

Mr. Hatch: I understand.

Ms. Kirkman: Mr. Chair, just to point out we just got this letter, but if you read down in to the language. It says further on the company may at any time exercise its easement rights in a way that conflicts or interferes with the encroachment. Upon notice from the company the requestor will promptly modify, rearrange or remove the encroachment.

Mr. Howard: Yes the encroachment as defined by Dominion.

Ms. Kirkman: The encroachment is the reserve drainfield. That is what...

Mr. Howard: Well if...right. But they are defining whether they want that removed and at what conditions.

Ms. Kirkman: Right and apparently Dominion has the ability at any time to say, it's got to go.

Mr. Howard: Yes it is their property.

Mr. Fields: Mr. Chairman.

Mr. Howard: Mr. Fields.

Mr. Fields: To point out a couple of...just looking at the plat here also lot number 9 has two reserve drainfields and the access is split and the access...well one of the drainfields is not in the easement. Obviously the line from the home to the drainfield would cross right through the easement. That is the only way you could get to it obviously. Unless there is some magic pump that I don't know about that it gets sewage from you house to the...and I also want to point out that with all of these one of the concerns if anybody is listening on the Board or listening in the public or in the room is wondering why the excessive concern. Unlike many counties, Stafford has pump and haul. So the guarantor of last resort for all of these, for the developer and the homeowner is the County of Stafford.

Mr. Howard: Or the taxpayers.

Mr. Fields: Well the rate payers of the utility system. I guarantee the tax dollars don't pay for pump and haul. The rate enterprise fund of the utility systems pay for it. But the bottom line is the County in many ways...in some ways is capable of guaranteeing that, which is a unique situation because a lot of counties don't. Most counties don't guarantee pump and haul. We have been

a line under that easement to get the effluent from the house to the...the sewage from the house to the reserve drainfield that is on the other side of the easement. The county or Dominion comes along and says look we have got to do this thing, we have got to change some stuff you have got to move that out

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of there and you are on your reserve because your primary has failed, then the County comes in and picks up the tab for the solution.

Mr. Howard: Right, so...

Mr. Fields: That is part of why this so concerning.

Mr. Howard: That is why we are so....

Mr. Fields: Because ultimately it is the County because the county does unlike most counties, take responsibility for the down side of this. So can you explain to me how you get...that is different than a small encroachment easement. How about that line...that transmission line...or the line of...the sewage line that actually goes from the house across the easement to the reserve?

Mr. Hatch: On lot 9?

Mr. Fields: Yes. On lot 9, how does that work?

Mr. Hatch: Well obviously it would be pumped over there and you can certainly bury the conveyance line whatever depth is required. We go under major gas lines quite often and it is just you work with the gas company to make sure that you are under their appropriate depth. A lot of that can be done with the directional...you know boring so you are not tearing up a big trench. There are lots of ways you can do it and it is no magic depth where that conveyance line has to be. So you could go even as Mr. Howard was saying if the line was ever buried there you could certainly go underneath that to get to your reserve site. I really don't see that as a major problem at all. And I am very familiar with your pump and haul program here in Stafford County. Believe you me we try to get people off of it.

Mr. Fields: Sure I understand that.

Mr. Hatch: And as far as the reserve, obviously we are required to show these reserves on there and we are talking hypothetical. If the power company does this, if this happens. Also the technology in the wastewater industry is changing all the time. I mean it has changed dramatically in the last ten years. It has been our experience that a lot of times you can go in there and do things with the existing system. All these systems out here on this development except for one is a conventional drainfield. So we've always got the option of going in and putting pre-treatment...doing something to the original drainfield that in essence makes it a reserve or a back-up for that home. If we are going to throw out some future thoughts there. Certainly myself as a soil scientist and AOSE, if the system starts failing first you find out why it is failing. Is it because of not necessarily the soils or the design but abuse or use of the homeowner and how can we correct that and we have technology where you can rejuvenate or bring those fields back to life with treatment. So there are options at our disposal instead of just going directly to that reserve site.

Mr. Howard: All great answers by the way but the other concern is how does the homeowner know that this the risk that they are getting into and that is one of the other concerns that we have.

Ms. Karnes: And if I may Mr. Chairman, that is the one point I did not hear addressed. The applicant is willing to record the contract...the encroachment if you will with Dominion Virginia Power on

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record in the chain of title. So the new and the future homeowners and their mortgage companies will be on notice that the three reserve fields are in the easement.

Mr. Howard: Okay.

Mrs. Hazard: Mr. Chairman.

Mr. Howard: Mrs. Hazard.

Mrs. Hazard: I guess to follow on with that...with the part about especially number 15 when we talk about the drainfield lines shall be designated to support constant traffic crossing by heavy construction. But the requestor assumes responsibility for crushed pipes or any other damage to encroaching facilities. I guess my long term problem with that or concern is when this company is gone...

Ms. Kirkman: Yep.

Mrs. Hazard: ...and out of business in fifteen years when something happens, what happens to these agreements? And I just don't know, I mean these agreements may be signed every day. But to me if the developer has the responsibility, but even if they sell to the next guy and the next guy even before it gets to the homeowner. I just am trying to figure out and I appreciate putting it in the chain of title believe me it would be wonderful to see these things more often. But what happens when the current requestor is gone? What happens to the homeowner or certainly the homeowner will be holding the bag with it but then what does this really mean? I don't know. That is just sort of my thought out loud.

Mr. Howard: And the other thing and this question if for Mr. Smith. How do we force the applicant to...at the Planning Commission level what authority do we have to require the applicant to make sure there is a chain of title with what we just discussed. I don't think we have that authority.

Mr. Smith: Yes Mr. Chairman. I am not aware of any authority to force or require the applicant to do this.

Ms. Kirkman: Can the applicant volunteer to do it?

Mr. Howard: I think they have, but my...how do we know that they are going to do it?

Ms. Kirkman: Well then the question is not can we require them, it is how do we...if the applicant has volunteered to do it as part of the application what ability does the county have to enforce that?

Mr. Smith: Ms. Kirkman you raise a good point. If we don't...if the county does not have the authority to require or enforce it in the first place...if the applicant did want to get out of that voluntary obligation or promise there could be a problem with trying to hold them to it. But I do think the county would have a good argument that they had voluntarily entered into this agreement or made this offer to the county and should be held to it.

Ms. Kirkman: And then I guess I just wanted to say to the applicant...first of all I appreciate the applicant efforts to work with Friends of Stafford Civil War Sites. That mean a lot to us who live in the area so I want to express my appreciation for that. But it is hard to balance it with some of the

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concerns about both the potential well contamination and the drainfield issue being located in the power line easement. One solution that I think would go a long way towards addressing a number of these concerns is if you combined the three lots and only created two lots out of that total area you would have ample room for your reserve drainfields outside of the power line easement and so I hope the applicant would give that some consideration.

Mr. Howard: Any other questions for the applicant? Thank you very much. I appreciate it. Any other questions, follow up questions of staff on this item? Okay hearing none, there does seem to be some follow up questions that came up earlier in the discussion so Mr. Mitchell, this is in your geography I believe.

Mr. Mitchell: Mr. Chairman before anything is made motion wise. I would like to set the record straight on a couple of things. Left holding the bag. I have heard that and I have heard it for many years. Now many of you that have bought a new house, in my lifetime I have bought a new house, I do not live in a new house now. But years ago I bought a new house and in that new house I was given a one year warranty. A one year warranty. Did the developer leave? Well he is building other houses other places. I never had a problem but I think it is kind of unique that we single out one subdivision and say what if the developer leaves? Well, every subdivision the developer is going to leave. Unless he buys a house right beside you. Let me mention the pump and haul program. Pump and haul, Pete mentioned it as a very generous gift. Well it is not free. For the homeowner it is not free. He doesn't get it for free. He doesn't say hey county come do my pump and haul by the way you are footing the bill. The homeowner has to make a payment on it also.

Mr. Howard: Right, we subsidize it. The county subsidizes it.

Mr. Mitchell: Right. And then I...you know I thought at the last meeting I thought we had solved some of these questions, now tonight we come up with a whole new batch of questions. I don't understand how they are all emitting out at once. I don't know if it is a stalling maneuver on the Board's part. I don't know if it is just questions on the Board's part. I am not quite sure how the Board is looking at this. I understand getting more information, but I do not understand where we had all the questions. We had a whole series of question read to us and answers read to us and tonight we are asking for A, B, C, D and E. I really don't understand that Mr. Chairman. I am really not quite sure how the Board is trying to reflect this. Now let me talk contamination. A piece of meteorite could fall right dead center of the landfill from out of space.

Mr. Howard: Absolutely.

Mr. Mitchell: It could have all kind of contamination on it. It could fall in Aquia Harbour, it could fall in Vista Woods. Contamination could happen at any point due to anything. And you know what? I would like to know how many meteorites hit the earth on a given day. I saw it one time and it is in the thousands. So anyway I just think we are trying to over react into a what if, what if, what if. But you could say what if all the banks in America shut down. Where do you send your payment. There is a whole series of what ifs. So I am just a little concerned that we keep delaying it and delaying it. We delayed it for all the questions now we are here, now we have all the questions. I just take it from a strange perspective why we keep wanting to delay it. Why we keep wanting more info, more info, more info. Now if we delay it again what other question are we going to come up with you know at the next meeting? That is my concern Mr. Chairman.

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Mr. Howard: I appreciate your comments and there is eighteen hundred and ninety two meteorites that hit the earth every year and I would not send my payment to the bank if they went out of business.

Mr. Mitchell: (Inaudible) but if you go to pump and haul you will pay some money.

Mr. Howard: I hope to never go to pump and haul, but you never know. But in fairness...

Mr. Mitchell: Is your house a year old Mr. Chairman?

Mr. Howard: Is my what?

Mr. Mitchell: Is your house a year old?

Mr. Howard: It is four and I am on a septic system. But getting back to some of the points that you raised. I think it is fair to spend time on this. There is a couple of issues that are different for me with this subdivision than others that have come before us. One is the adjacency to the landfill so I just don't know enough myself as a laymen technical on this issue. I need to know more. My mind says you know what, spend some time and think through that a little bit and understand more of the potential issues for the homeowner and potentially the county. The piece about the septic tanks being on the easement for the power lines, again we don't always see that. I don't know that since I have been on the Commission I have seen that. So I think I have...I need to understand you know and I think other commissioners are in the same place. But I think that is all you are hearing. I don't think there is a stall tactic in place and I appreciate everyone's efforts. I think the applicant has done a very good job. I think Mr. Thompson coming here and speaking very intelligently on the entire issue only being prepared to speak on one. But he helped us understand other issues. I just think there are other issues that need...we just need to understand it. That is all. And Mr. Smith said it best, some of the issue we might be asking for, they are not in our purview to ask for anyway to ask for nor can we have the authority to make sure they do it. But it doesn't mean that we should not be thinking that way for the good of all the county.

Mr. Mitchell: Also Mr. Chairman, tonight he has volunteered to put this information on the plat. He has volunteered.

Mr. Howard: Yes that would be great.

Mr. Mitchell: This is being recorded.

Mr. Howard: Yes.

Mr. Mitchell: It is being recorded on DVD. It won't go away in fifty or a hundred years. The DVD will be there for several hundred years.

Mr. Howard: Well Blu-ray could come out.

Mr. Mitchell: I use Blu-ray quite a bit.

Mr. Howard: See.

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Mr. Mitchell: But I am saying if in a court of law, if he stated and did that he would put it on the plat.

Mr. Howard: Right.

Mr. Mitchell: I don't know what more. You know if they want him to stand up and raise his right hand and say do you swear to blah, blah, blah. I think again I think we are over reacting after he has already volunteered this information. So I just...

Mr. Howard: I appreciate the comment and I think, you know obviously we want the applicant to do that, they volunteered that and I am sure they will. They are a pretty reputable firm.

Ms. Kirkman: Mr. Chair? I was just wondering...

Mr. Howard: Yes Ms. Kirkman.

Ms. Kirkman: Because this issue has repeatedly come up in various context around different issues and I know we've established their limits to what the Planning Commission can require in the subdivision process.

Mr. Howard: Right.

Ms. Kirkman: But I think it would be really helpful if our attorney could spend a little time... not necessarily have it for us next time but, you know, when you can... do a more in depth look at once an applicant voluntarily offers something, and that becomes a part of the Planning Commissions' decision making process and making a vote to approve or deny, what kind of either contractual or enforcement obligations then are deemed to exist by virtue of that interaction. I'm not sure...

Mr. Howard: No, I think that's a fair question.

Ms. Kirkman: So, I think that would be helpful because this issue keeps coming up.

Mr. Howard: Sure. And luckily we've had several applicants that have come before us and agreed to do the best they can do with those situations about how enforceable is it.

Ms. Kirkman: And often the issue may not be the applicant, but then when they transfer the property, which happens at that point.

Mr. Howard: Absolutely; sure.

Ms. Kirkman: So, that would be really helpful.

Mr. Howard: So, Mr. Smith, at a future date we may ask you to come back and help us think through some of that.

Mr. Smith: I would be happy to do that Ms. Kirkman and Mr. Chairman. And again, I think the County has a... if they were to accept this commitment to do that, I think the County would have a strong argument that we could hold them to it. But I do acknowledge the concern that if the County, if

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we may not have the authority to require, they could argue that therefore we didn't have the authority to accept this commitment and, after that, enforce it. But I will look into the issue further.

Ms. Kirkman: That'd be great because I would love to see like it's been established in case law or there's been a Supreme Court ruling or something along those lines would be wonderful. Thanks.

Mr. Mitchell: When's our next meeting?

Mr. Howard: The 15th.

Mr. Mitchell: Mr. Chairman, I would like to submit one thing. I hope the six members of this Board can come up with a finality of their questions...

Mr. Howard: Seven. Oh, alright... gotcha.

Mr. Mitchell: Pardon?

Mr. Howard: You have no more questions as the (inaudible).

Mr. Mitchell: I have no more questions. I was about to make a motion but I'll stop.

Mr. Howard: No, no... go ahead; no, no, make your motion. I interrupted; I apologize.

Mr. Mitchell: Okay. My question, first of all Mr. Chairman, I would ask my other six members, my diligent friends that I've worked with now for several years, to come up with all the final questions, have them submitted in time and not bring the gentleman back again. I think he's worked well with the County. I think he's done a darn fine job. But I think we need to come to the finality of the questions. I don't think we... if we come next meeting and there's a stalling system, I'm going to vote it up or down. I'm not going to play with this issue. I think we need to get it finalized. There's two that's not going to vote for it anyway Mr. Chairman. So, I make a motion for SUB1000107, Preliminary Subdivision Plan, to be placed on the next agenda, which is the 15th.

Mr. Howard: So, you want to defer Mount Hope Estates, right, to the 15th?

Mr. Mitchell: Defer it, yes.

Mr. Howard: Is there a second?

Mrs. Hazard: Second.

Mr. Howard: Discussion? You have the first discussion. You're good? Okay. The seconder has the second option for discussion.

Mrs. Hazard: I think we want to get some questions answered so we should defer.

Mr. Howard: Okay; right. Any other comments?

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Mr. Fields: Make sure that we have the comments... the questions regarding the landfill... Mr. Hunley or Mr. Mikel or both would be good. I understand what you're saying Mr. Mitchell. I would offer, as we've referenced a couple of times, and I know you're being... I understand the point of view you're coming from. I would offer that... I might offer just in fairness to the five members who haven't served on the Board of Supervisors and particularly that haven't served on the R-Board, you and I probably have a... would obviously have an understanding of the landfill that these folks don't and I think they deserve a little bit of background on that. Because it is a whole different thing; just like knowledge of utilities, we take it for granted because we were on the Board of Supervisors and the Planning Commissioners don't always have that background.

Mr. Howard: Any other comments?

Mr. Mitchell: Mr. Chairman, and I firmly agree with Mr. Fields; seriously. Because Pete and I both served on the R-Board, we both had years on the R-Board, we learned a lot of things. And I'm the one that called for the drawing on the distance.

Mr. Howard: Yes.

Mr. Mitchell: I'm the one that called on the drawing.

Mr. Howard: I saw that in the notes.

Mr. Mitchell: So, we're talking a thousand feet, we're talking nine hundred ninety feet, we're talking a thousand sixteen feet; it would take fifty or sixty years if there was radioactive contamination sitting there to get all the way through a thousand feet. I'm just saying... the distances are important. Like I say, I do want the questions asked, I do want everyone on this Board to feel comfortable, I really do. I do want them to feel comfortable. And again, I ask sincerely, as one Planning Commissioner, please get your questions in. If you come to the meeting with additional questions, you know, they need to be answered there or, you know, it's the end of it.

Mr. Howard: Okay. Ms. Kirkman?

Ms. Kirkman: Well, Mr. Chairman, I want to say I think it's important that the Planning Commission do their due diligence because really what we're talking about is safety and the potential burden to future homeowners. And unfortunately, while it may not be the case in this instance, we have far too often had instances where developers of subdivisions have not fulfilled all of their responsibilities. And then either the homeowner or the County is left holding the bag. And so I think it makes sense to do our due diligence here and take the time that's allotted to us by law to thoroughly review these things. And of course we can't always anticipate every question because we don't have the material in front of us. And so I think, you know, reasonably so, we were looking for some answers today and sometimes answers raise more questions. And so I think it's our responsibility as Commissioners to really look into this to make sure that we're looking out for the interest of the future homeowners.

Mr. Howard: Right.

Mr. Mitchell: Mr. Chairman, I do believe in due diligence, I do believe in safety, and I do know in my heart there will be questions at the next meeting. I'm not asking you not to ask a question at the next meeting. Please don't misconstrue my statement.

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Mr. Howard: Yeah, I don't think anyone is.

Mr. Mitchell: But I'm just saying, if there's a major issue, a major question, please get it in in time and then again we can ask questions at that point. That's all I'm saying Mr. Chairman.

Mr. Howard: Thank you. Mr. Harvey, is it clear the question that we want to have answered?

Mr. Harvey: Yes sir, I'm clear on what you want.

Mr. Howard: Thanks. Alright, I'll now call for the vote, hearing or seeing no one else wanting to make a comment. All those in favor of Mr. Mitchell's motion which is to defer item 2, Mount Hope Estates Preliminary Subdivision Plan to December 15th signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Hazard: Aye.

Mr. Fields: Aye.

Mr. Mitchell: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed nay? The motion carries 7-0. Thank you very much. That brings us to item 3 which is Compliance Review of Miracle Valley Lane Sanitary Sewer Extension. Mr. Harvey?

3. *COM1000010; Comprehensive Plan Compliance Review - Miracle Valley Lane Sanitary Sewer Extension - A request for review to determine compliance with the Comprehensive Plan in accordance with Section 15.2-2232 of the Code of Virginia (1950) as amended, for the extension of gravity sanitary sewer outside of the Urban Services Area a length of 505 linear feet to serve two residences, located on the north side of Deacon Road and east side of Grafton Village Elementary School on Assessor's Parcels 54-132, 54-133A and 54-133B within the Falmouth Election District. (Time Limit: July 4, 2010) (History - Deferred at May 19, 2010 Meeting to June 2, 2010 Meeting) (Deferred at June 2, 2010 Meeting to October 6, 2010 Meeting) (Deferred at October 6, 2010 Meeting to December 1, 2010 Meeting)*

Mr. Harvey: Mr. Chairman, as you recall, this was a consideration for determining an extension of a sewer line in compliance with the Comprehensive Plan. The Planning Commission has deferred this application waiting on the adoption of the Comprehensive Plan, or whether or not the Comprehensive Plan would be adopted. The public hearing for the Comprehensive Plan has been scheduled for December 14 with the Board of Supervisors. Staff has contacted the application, which is the Utilities Department in this case. If the Commission is inclined to continue the deferral, the Utilities Department is fine with that. They're currently in the process of evaluating design matter so, if there is a deferral, it's not going to impact any construction or anything of that nature.

Mr. Howard: Alright, is there a motion for deferral?

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Mr. Hiron: Yeah, and can I ask, can we defer it until the first meeting in January just in case there's any sort of delay of the Comprehensive Plan public hearing?

Mr. Howard: If you want to make that motion, you can, yeah. I think we can time-wise, right?

Mr. Harvey: The applicant is willing to allow the extension of the time limit.

Mr. Howard: Okay.

Mr. Hiron: Because if the Comprehensive Plan does pass in its current form, it becomes... this issue becomes kind of moot to us, does it not?

Mr. Harvey: That is correct.

Mr. Hiron: Okay. Then I would move that we defer this... which one is it? COM1000010, until our first meeting in January.

Mr. Mitchell: Second.

Mr. Howard: Any discussion? I'll call for the vote. All those in favor signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Hazard: Aye.

Mr. Fields: Aye.

Mr. Mitchell: Aye.

Ms. Kirkman: Aye.

Mr. Hiron: Aye.

Mr. Howard: Aye. Opposed nay? The motion carries 7-0. That brings us to... really, that brings us to new business which there's none on the agenda. Planning Director's Report?

PLANNING DIRECTOR'S REPORT

Mr. Harvey: Thank you Mr. Chairman. There are a number of items that the Board of Supervisors addressed yesterday that reflect actions and recommendations that the Planning Commission had previously taken up. Specifically, they adopted Ordinance O10-29 which amended the definitions for medical and dental clinics, as well as medical and dental offices, and created new definitions for principle health care provider and other health care providers. As you recall, that was a suggestion that the Planning Commission had to bring our ordinances up to modern standards for what are health care providers in the County. Also, they adopted Ordinance O10-42 which allows signs for schools in A-2 zoning districts. They adopted O10-47 which allows for travel lane and paving waivers to be done in an administrative act with review of the site plan. They also adopted Ordinance O10-48 which eliminates the requirement for preliminary site plans. And they adopted Ordinance O10-46 which

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allows private access easements to be reviewed administratively through the minor subdivision process. Other similar related issues that don't necessarily involve the Planning Commission but you may find of interest is they changed the process for stormwater concept plans. Ordinance O10-51 eliminates stormwater concept plans for site plans. But, from the Commissions' perspective, stormwater concept plans will still apply to subdivisions. Those regulations still are in affect for preliminary subdivision plans.

Ms. Kirkman: Mr. Harvey, I have a question regarding that? So, but it won't apply to site plans, correct?

Mr. Harvey: Correct.

Ms. Kirkman: And when plans comes in under the TND, are those site plans or subdivision plans?

Mr. Harvey: It depends on how the project is proposed. If its individual lots for sale of homes on those lots, that would be a subdivision plan. If it's a condominium situation, that would be a site plan.

Ms. Kirkman: So, even if it's mixed use for the overall project, anytime in which there are individual lots sold, that's a subdivision and therefore a concept plan will be required?

Mr. Harvey: Yes, if they're doing a subdivision for townhomes or single-family homes.

Ms. Kirkman: Okay, thank you.

Mr. Harvey: And a preliminary subdivision plan would come through to review for the Planning Commission. And then also, the Board made adjustments to our fees reflecting those changes to the application forms... excuse me, those changes to those ordinances. Also, you'll find at your desk, the Board referred an ordinance to the Commission regarding the definition of residential family. It mainly pertains to state regulated group homes and it defines a residential facility that's licensed by the Health Department and also one that's licensed by the Social Services Department. So, staff would ask if you want us to put this on a future agenda for discussion.

Mr. Howard: Yes, I would think. Is that the will of the Commission?

Mr. Fields: Sure.

Mr. Howard: Okay.

Mr. Harvey: So, Mr. Chairman, we'll put it on the 15th, if that's okay.

Mr. Howard: Great; sure. Even if we can't get to it at least it's on there and we'll carry it forward.

Mr. Fields: I might suggest, Mr. Chairman, though staff might do that anyway... might have some people from Social Services or people in the field that serve the individuals affected by these things here to help us flush out our understanding of what we're trying to do.

Mr. Howard: And the potential impacts to them; yeah, that's a great idea.

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Mr. Fields: Right.

Mr. Harvey: We'll see if we can get somebody to assist us with that.

Mr. Fields: That'd be great.

Mr. Harvey: And that concludes my report.

Mr. Mitchell: Mr. Chairman, one quick question. I was reading the background report from changing the definition of a residential facility from a group home to an assisted living service. We have a group home here in Stafford County and it's for troubled teenagers. So, I don't know if we're mixing an apple and an orange when the Al Chaplin group home is for teenagers. And I'm not sure... if we change it to Al Chaplin residential facility and then they become assisted living people?

Mr. Howard: Yeah, that's a great point. I think that's what Mr. Fields was indicating. If we had some of the people that deal with this day to day to come in and explain to us what the potential impacts or implications are to them, we would certainly understand it. But I think that's a great callout.

Mr. Harvey: Yes, Mr. Chairman and Mr. Mitchell, we'll try to have folks to help us address that. This is a mandatory requirement that we adjust this pursuant to state code.

Mr. Howard: But not necessarily with the proposed language.

Mr. Smith: Mr. Chairman, I believe that the proposed language does mirror the state code which is mandatory language.

Mr. Howard: Okay; sounds like we should vet it anyway. County Attorney's Report?

COUNTY ATTORNEY'S REPORT

Mr. Smith: No report Mr. Chairman.

Mr. Howard: Thank you. Committee Reports; Mr. Fields, I don't think we have an update but if you want to... on the alcohol and...

COMMITTEE REPORTS

Mr. Fields: No, I think we reported out at the last meeting I believe.

Mr. Howard: Yeah, okay. And then the TDR group hasn't set a meeting date yet. I don't have a Chairman's Report today. And is there any other business from any member? Hearing none I will now adjourn the meeting. We are adjourned. Thank you.

CHAIRMAN'S REPORT

OTHER BUSINESS

APPROVAL OF MINUTES

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None

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 8:44 p.m.

Gordon Howard, Chairman
Planning Commission