

# PLANNING COMMISSION MEETING

## A G E N D A

TOWN OF CHINCOTEAGUE, VIRGINIA

March 13, 2012 - 7:00 P.M. – Council Chambers - Town Hall

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

PUBLIC PARTICIPATION

AGENDA REVIEW/DISCLOSURES:

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1. Election of Officers
2. Approval of the January 10, 2012 meeting minutes
3. Old Business
  - Report on Town Council Public Hearing for Zoning Map Amendment
  - Update on Wastewater Advisory Committee
4. New Business
  - Discussion Items
    - Church Street Parking Restriction – Recommendation to Council (J.Potts)
    - Survey of vacant deteriorating properties with recommendations for their restoration to a viable use (S.Papadopoulos)
  - Information Items (no action)
    - Silver Sails – Resubdivision of Lot 1 and Lot A
    - Powerpoint presentation regarding ESVA LiDAR Project (W. Neville)
    - Robert Reed Downtown Park – review of LWCF grant application
5. Commission Members Announcements or Comments  
*(Note: Roberts Rules do not allow for discussion under comment period)*

ADJOURN



## By-Laws Chincoteague Planning Commission

### ARTICLE 1 – OBJECTIVES

- 1-1. This Commission, established in conformance with the resolution adopted by the Chincoteague Town Council \_\_\_\_\_, 2004, has adopted the following Articles in order to facilitate its powers and duties in accordance with the provisions of Title 15.2, Chapter 22, Article 2 of the Code of Virginia.
- 1-2. The official title of this Commission shall be “The Chincoteague Planning Commission”.

### ARTICLE 2 – MEMBERS

- 2-1. Said commission shall consist of seven (7) members, one of whom shall be a member of the Town Council, and the remaining six (6) hereafter referred to as appointed members. Such members shall be residents of the locality and be a minimum of 50% owner of real property.
- 2-2. The term of the council person shall in all cases correspond to their tenure of office.  
Of the other members first appointed, one (1) shall be appointed for a term of one (1) year, one (1) shall be appointed for a term of two (2) years, one (1) shall be appointed for a term of three (3) years, and one (1) shall be appointed for a term of four (4) years, from and after the effective date of this resolution. Their successors shall be appointed for terms of four (4) years. Any vacancy in membership shall be filled by an appointment by the Council and such appointment, in the case of an appointed member, shall be for the unexpired term. Any appointed member may be removed by the Council for inefficiency, neglect of duty or malfeasance in office, provided that such removal may be made only after a public hearing at which said member is given an opportunity to appear and be heard on the charges against him.

- 2-3. The term of a Commission member shall expire on December 31 at which meeting his successor's term of office shall begin.

### ARTICLE 3 – OFFICERS AND THEIR SELECTION

- 3-1. The officers of the Planning Commission shall consist of a Chairperson, a Vice-Chairperson and a Secretary.
- 3-2. Nomination of officers shall be made from the floor at the regular January meeting each year. Election of officers shall follow immediately.
- 3-3. A candidate receiving a majority vote of the entire membership of the Planning Commission shall be declared elected. Such candidate shall take office immediately and serve for one (1) year or until his/her successor shall take office.
- 3-4. Vacancies in office shall be filled immediately by regular election procedures.

### ARTICLE 4 – DUTIES OF OFFICERS

- 4-1 The Chairperson shall be a member of the Commission and shall:
  - 4-1-2 Preside at all meetings.
  - 4-1-3 Rule on all procedural questions (subject to a reversal by a two-thirds (2/3) majority vote by the members present.)
  - 4-1-4. Be informed immediately of any official communication and report same at the next regular meeting.
  - 4-1-5. Carry out other duties as assigned by the Commission.
- 4-2. The Vice-Chairperson shall be a member of the Commission and shall:
  - 4-2-1. Act in the absence or inability of the Chairperson to act.
  - 4-2-2. Have power to function in the same capacity as the Chairperson in cases of the Chairperson's inability to act.
- 4-3. The Secretary shall:
  - 4-3-1. Keep a written record of all business transacted by the Commission.
  - 4-3-2. Notify all members of all meetings.

- 4-3-3. Keep a file of all official records and reports of the Commission.
- 4-3-4. Certify all maps, records, and reports of the Commission.
- 4-3-5. Give notice of all hearings and public meetings.
- 4-3-6. Attend to the correspondence of the Commission.
- 4-3-7. Prepare and be responsible for the publishing of advertisements relating to public hearings.

## ARTICLE 5 – SUB-COMMITTEES

- 5-1 At such times that the complexity of duties facing the Commission shall require the advice of standing committees, the following shall be appointed by the Chairperson to serve as needed:
  - 5-1-1. A Comprehensive Plan Committee. It shall coordinate the work of the other committees as it progresses and relate it to the overall program and keep the comprehensive plan developing in a realistic and reasonable manner.
  - 5-1-2. A Land Use Committee. It shall initially determine, and then continue to maintain an inventory of land uses. This committee shall also be responsible for the preparation of land use maps.
  - 5-1-3. A Subdivision Committee. This committee should draft subdivision regulations and any subsequent amendments. They shall examine all applications for major subdivisions, receive the reviews of the staff pertaining to them, and make recommendations to the Commission.
  - 5-1-4. A Zoning Committee. This committee should draft zoning ordinances and/or any subsequent amendments. They shall review all applications for rezoning or special use permits. When authorized by law, they shall hold public hearings, receive the views of the staff pertaining to the issue, and make recommendations to the Commission.
  - 5-1-5. A Street, Traffic and Parking Committee. They shall study the location, relocation, opening, closing or widening of streets, alleys, right-of-ways and limited access thoroughfares as well as control and expediting of traffic and provision for adequate parking. This committee shall initiate pertinent action and make recommendations to the Commission. Public and private hearings may also be conducted.
  - 5-1-6. A Capital Improvements Committee. They shall study the economics of capital improvements as it relates to the use of land to be made by the Town. This may be done independently or in conjunction with affected governmental agencies.

Such study shall include need, priority of need, cost financing, joint use and participation, location, and relative status either within or without the views of the staff relative to the issues and make any recommendation deemed pertinent to the Commission are further duties of the committee.

- 5-2. Special committees may be appointed by the Chairperson for purposes and terms approved by the Commission.
- 5-3. The Chairperson shall be an ex officio member of every committee.

## ARTICLE 6 – MEETINGS

- 6-1. Regular meetings of the Commission shall be held on the second Tuesday of each month at 7:00 p.m. excluding the months of July and December. When a meeting falls on a legal holiday, the meeting shall be on the day following unless otherwise designated by the Commission. Such meetings must be held in a public building.
- 6-2. Special meetings shall be called at the request of the Chairperson or at the request of a quorum of the membership.
- 6-3. All regular meetings, hearings, records, and accounts shall be open to the public.
- 6-4. A majority of the membership of the Commission shall constitute a quorum. The number of votes necessary to transact business shall be a majority of the entire membership. Voting may be by roll call, in which case a record shall be kept as a part of the minutes.

## ARTICLE 7 – ORDER OF BUSINESS

- 7-1. The order of business for a regular meeting shall be:
  - 7-1-1. Call to order by Chairperson.
  - 7-1-2. Roll call.
  - 7-1-3. Determination of a quorum.
  - 7-1-4. Invocation.
  - 7-1-5. Pledge of Allegiance.
  - 7-1-6. Public Participation
  - 7-1-7. Review of Agenda.

7-1-8. Reading of Minutes.

7-1-9. Old business.

7-1-10. New Business.

7-1-11. Adjournment.

7-2. Parliamentary procedure in Commission meetings shall be governed by Roberts's Rules of Order, Revised.

7-3. The Planning Commission shall keep a set of minutes of all meetings, and these minutes shall become a public record.

The Chairperson shall sign all minutes, and at the end of the year shall certify that the minutes of the preceding year are a true and correct copy.

## ARTICLE 8 – HEARINGS

8-1. In addition to those required by law, the Commission, at its discretion, may hold public hearings when it decides that a hearing will be in the public interest.

8-2. Notice of special hearings shall be published once a week for two successive weeks in a newspaper of general circulation in the area not less than five (5), nor more than twenty-one (21) days before the time of public hearing.

8-3. The case before the Commission shall be summarized by the Chairperson or other member delegated by the Chairperson. Interested parties shall have the privilege of the floor. Records or statements shall be recorded or sworn to as evidence for any court of law, only after notice is given to the interested parties.

8-4. A record shall be kept of those speaking before the hearing.

## ARTICLE 9 – CORRESPONDENCE

9-1. It shall be the duty of the Secretary to draft and sign all correspondence necessary for the execution of the duties and functions of the Planning Commission.

9-2. All official papers and plans involving the authority of the Commission shall bear the signature of the Chairperson and Vice-Chairperson.

## ARTICLE 10 – AMENDMENTS

10-1. These rules may be changed by a recorded two-thirds (2/3) vote of the entire membership of the Commission subject to approval from the Town Council after thirty (30) days notice.

# 2011 Planning Commission Members

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RAY ROSENBERGER, Chairman

7297 SUNSET DRIVE

CHINCOTEAGUE VA 23336 (757) 336-6037 therrs@verizon.net

MOLLIE CHERRIX, Vice-Chairperson

4052 SUNNYWOOD DRIVE

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STEVE KATSETOS

5300 MEADOW DRIVE

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GENE WAYNE TAYLOR

4515 DEEP HOLE ROAD

CHINCOTEAGUE VA 23336 (757) 894-3008

TRIPP MUTH, Town Council

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SPIRO PAPADOPOULOS

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CHINCOTEAGUE, VA 23336 (757)336-2926 sgpchinco@yahoo.com

JEFF POTTS

7217 OAK RIDGE PLACE

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## PLANNING COMMISSION MEETING

10 January 2012

### MINUTES

#### Members Present:

Mr. Ray Rosenberger, Chairman  
Mrs. Mollie Cherrix, Vice Chairperson  
Mr. Tripp Muth, Councilman  
Mr. Gene Wayne Taylor  
Mr. Steve Katsetos  
Mr. Jeff Potts  
Mr. Spiro Papadopoulos

#### Members Absent:

William Neville, Planning Director

#### CALL TO ORDER

Chairman Rosenberger called the meeting to order at 7:00 pm.

The invocation was provided by Chairman Rosenberger, followed by the Pledge of Allegiance.

#### PUBLIC PARTICIPATION

Three members of the public were present. There was no public comment.

#### AGENDA

Commissioner Katsetos moved to approve the agenda, seconded by Commissioner Papadopoulos. The motion was unanimously approved.

1. Approval of the November 8, 2011 minutes.

Councilman Muth moved for approval of the minutes, seconded by Vice Chairperson Cherrix. The motion was unanimously approved.

Approval of the 2011 Annual Report

Commissioner Papadopoulos moved for approval of the minutes, seconded by Councilman Muth. The motion was unanimously approved.

2. Old Business

• Pony Penning Sales Permit Ordinance Amendment

Chairman Rosenberger stated that the Planning Commission advertised and held a public hearing (November 8, 2011) on the proposed amendment of

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Zoning Ordinance Section 2.127 – Pony Penning Sales. There were no comments on the matter.

Planning Director Neville spoke to the Commissioners about the proposed relocation of certain permit rules and requirements from the Zoning Ordinance definitions to Chapter 18 of the Town Code. Commissioners discussed several changes and questions from the last meeting. Mr. Neville suggested that the Commission should only take action to approve the revised language of the definition, and the other issues would just be recommendations to send back to the Ordinance Committee who are responsible for changes to the Town Code Chapter 18.

Commissioner Taylor asked that the proposed amendments to the Town Code sections suggested by Administrative Staff and the Planning Commission should be attached as a recommendation.

Chairman Rosenberger asked for a motion to recommend approval of the proposed revision to Zoning Ordinance Section 2.127. Commissioner Taylor made the motion, seconded by Commissioner Potts. The motion was unanimously approved.

- Draft Design Resource Book

Chairman Rosenberger introduced the item of old business and noted that he has taken several photographs of residential architecture around the Town that may help to represent the ‘local character’ discussed at the last meeting.

Commissioners discussed different traditional architectural styles and the approach taken by Ocean City MD and other communities to establish design guidelines that reflect the character of the surrounding neighborhood. Mr. Neville stated that he had not finished putting together a draft document that incorporates local images for Commission review.

Commissioner Potts raised the question whether the draft design guidelines should only apply to commercial structures. Chairman Rosenberger commented that the idea is to provide examples of building and design principles that reflect the character of Chincoteague Island and not to regulate an exact solution.

Councilman Muth suggested that the examples reviewed by the Commission still go into more depth and detail than what he envisions for a guideline. Chairman Rosenberger asked that staff continue to work on this project.

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- Work Plan 2012

The Planning Commission Work Plan from 2011 was presented by staff with the suggestion that it should be updated for 2012 and attached to the Annual Report. Mr. Neville encouraged more detail to be added to turn bullet items into projects. Commission discussion included:

- The status of Town Council review of the Comprehensive Zoning Amendment and Zoning Map was discussed. Future work on individual sections of the Zoning Ordinance will be placed on hold until the new Map and Districts are adopted. Commissioners discussed several of the outstanding issues that will be presented at the Town Council workshop and public hearing.
- Economic development issues were discussed. Commissioner Papadopoulos suggested an evaluation of the difference in monthly sales tax revenue between Main Street and Maddox Blvd businesses to better understand how the bridge relocation or other programs affect the two business districts at different times of year. Chairman Rosenberger mentioned the importance of adequate parking. Commissioners discussed the potential saturation of any one type of business (t-shirts as example) and what could be done to encourage a balance to meet the needs of residents.
- Commissioner Taylor discussed the need for affordable housing along with the good and bad aspects of the current economy.
- VDOT plans to complete an update to the Urban Area Plan completed in 2002. Commissioner Papadopoulos suggested holding off on new traffic counts until the Church Street/Chicken City Road intersection is completed in order to evaluate possible changes in traffic patterns.
- Hazard Mitigation studies were recommended by Mr. Neville as a possible priority along with Economic Development projects for the Commission this year. Commissioner Taylor added the State emphasis on soft shorelines and how that could help on South Main Street parcels to strengthen the Island against storms and sea level rise.
- Broadband was identified as a possible source of action for the Commission to site new cell towers or coordinate with the County to promote new businesses in the Enterprise Zone.
- Land ownership boundary review needs to be studied relative to State ownership of marshland and National Seashore boundaries to manage loss of land/shoreline from erosion, tidal changes, etc

Chairman Rosenberger requested an update on the activities of the Beach Access Committee and the Refuge Planning Team. Mr. Neville presented a summary of the December 21<sup>st</sup> meeting with Refuge officials where many of the Town's concerns were addressed for Alternative B. Commissioner Papadopoulos inquired about the FWS economic impact study. The draft report will be reviewed and if necessary the Town will hire a consultant to prepare a separate analysis for the Town.

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## 3. New Business

- Review of Wastewater Advisory Committee Status Report

Commissioner Papadopoulos reported on the Committee activities and an upcoming meeting with Mr. Burbage/Sunset Bay Utilities to discuss excess capacity available in his private treatment facility and the possible extension to certain downtown businesses that have failing septic systems.

Councilman Muth requested additional information to be shared with Town Council and the downtown businesses as soon as it is available.

Commissioner Papadopoulos requested additional information regarding the status of the Downtown Main Street revitalization. Chairman Rosenberger reviewed the plan for phased improvements on the west side of Main Street between Bridge Street and Church Street to reconstruct the sidewalk and add new street lights. Construction is planned for this Spring and will be completed before Memorial Day.

## 4. Commission Members Announcements or Comments

Commissioner Potts requested that the prior discussion about on-street parking restrictions along Church Street in front of the Opportunity Shop should be brought back up for a possible recommendation to Council. His recommendation is to allow only 2 parallel parking places (1 loading, 1 handicap) in front of the building with no other parking allowed from west of the house heading east to the Catholic Church parking lot. Left handed parking on the wrong side of the street should be clearly restricted and enforced.

Chairman Rosenberger stated that every year the student government recommends a change to improve public safety and prevent accidents by restricting parking along this section of Church Street. This issue will also need to be addressed along Maddox Boulevard in the vicinity of the ice cream stores.

Chairman Rosenberger welcomed Commissioner Papadopoulos on his reappointment to the Planning Commission.

## ADJOURN

Councilman Muth moved to adjourn the meeting, seconded by Commissioner Potts. The motion was unanimously approved.

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Ray Rosenberger, Chairman

# Planning Commission Work Plan - 2012

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## ■ Zoning District Conformance with Comprehensive Plan 2010

- Historic Downtown (based on C-2)
- Resort Residential (new mixed use master planned development)
- Neighborhood Commercial (based on C-1)
- Commercial Corridor (possible overlay district)
- Resort Commercial (based on C-1 plus new PUD option for redevelopment of R-3)
- Prepare revised zoning map, district regulations and hold public hearings

## ■ Economic Development

- What can the PC do to support the downtown merchants in promoting the Main Street area and the new Maddox Boulevard corridor? Complete an economic survey and study of Town businesses, address needs to accommodate Broadband facilities

## ■ Hazard Mitigation

- Improve map information and analysis of areas impacted by storm and high tide events
- Prepare plans for shoreline stabilization (new State Requirement?)

## ■ Other Priorities of the Comprehensive Plan

- Transportation and Parking – VDOT update to Urban Area Plan, complete parking study
- Community Facilities and Services – Update the comprehensive plan as necessary to include new community facilities (Island Activity Center)
- Housing – prepare recommendation to allow accessory rental homes on larger lots as affordable housing
- Capital Improvement Plan - Update to Bike Trails
- Architectural Design Guidelines

## ■ Ordinance Review

- Storm water Draft Regulations – coordinate with Clark-Nexsen consultant to prepare a draft ‘fill ordinance’ and drainage standards/regulations if approved by Town Council
- Sidewalk and Lighting Policy/Subdivision Regulations
- Wastewater treatment systems – review Zoning, Land Subdivision and Development Ordinance to address current WAC planning for advanced septic systems, private treatment system expansion, service areas, design criteria, bonding, useable yard area, setbacks, screening, etc.

## ■ Commissioner Priorities

- Proffer study and guidelines - research and prepare report with assistance from Town Attorney
- Coordination with Accomack County Planning – monitor County review of the Atlantic Town Center PUD application and other areas of common interest. Recommend comments from the Town if appropriate and necessary.
- Capital Improvement Program, review and plan for the Council’s 5 year budget priorities

## ■ Town Council Priorities

- Beach Access/Maddox Campground – review National Seashore boundary issues
- Wastewater Advisory Committee Study
- Landscaping standards



## STAFF REPORT

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To: Planning Commission

From: Bill Neville, Director of Planning

Date: March 13, 2012

Subject: Zoning Map and District Update  
Town Council Outstanding Issues

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- ❖ **Town Council Public Hearing was held on February 6, 2012 and the record was kept open for written comments for 25 days.**
  - ❖ **A summary of the comments received is presented for possible Town Council action to accept or modify the proposed Zoning Map and District Regulations**
  - ❖ **Outstanding Issues were forwarded to a Town Council Workshop meeting on March 15, 2012**
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The following outstanding issues will be considered by the Town Council on March 15th:

- 1) Commercial zoning of salt marsh areas surrounding the Island
  - a. 88 acres east of Maddox Campground
  - b. 20 acres at south end of Marsh Island
- 2) R-4 Resort Residential District – existing campground use expansion permitted by right
- 3) Proposed zoning district boundaries along North Main Street
  - a. R-2 District along North Main Street
  - b. Reconsider proposed expansion of commercial zoning along east side of North Main Street
- 4) Landowner requests for proposed zoning changes
  - a. Rauth – Request to revise the R-3 zoning district regulations so that Public Piers and Boat Ramps would require special permit approval

- b. Ullmann – Request to include Redman Cemetery in the POS Parks and Open Space zoning district along with other cemetery parcels on the Island
- c. Potts – Suggestion that the existing Fire House on the corner of Main Street and Cropper Street should be included in the proposed C-2 commercial district
- d. Conklin – Request that an existing seafood business/former barber shop building on Ridge Road to be included in a commercial zoning district
- e. Meals/Seaman – Suggestion that existing subdivided lots on Bay Street currently in residential use should be included in the Resort Commercial District
- f. Neeley – Suggestion that several parcels along the east end of Ocean Boulevard currently in residential use should be zoned to the R-2 district in order to preserve the residential character of the street.

Each of these issues will be presented for a possible decision by Town Council to accept the Planning Commission recommendation or modify portions of the Draft Zoning Map and District Regulations, as presented at the February 6<sup>th</sup> public hearing, prior to taking action on the Comprehensive Zoning Amendment.

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**The Planning Commission is invited to attend the Town Council Workshop on March 15<sup>th</sup> at 5pm.**

# Reference Copy for Planning Commission



## STAFF REPORT

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To: Mayor Tarr and Town Council

Through: Robert Ritter, Town Manager

From: Bill Neville, Director of Planning

Date: March 1, 2012

Subject: Zoning Map and District Update  
Summary of Public Hearing Comments

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- ❖ **Town Council Public Hearing was held on February 6, 2012 and the record was kept open for written comments for 25 days.**
  - ❖ **A summary of the comments received is presented for possible Town Council action to accept or modify the proposed Zoning Map and District Regulations**
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A description of the planning process for adoption of a new Town of Chincoteague Zoning Map was included in the February 2012 Public Hearing Staff Report. Please refer to that document for more information about the following issues:

- 1) Commercial zoning of salt marsh areas surrounding the Island.
- 2) R-4 Resort Residential District uses permitted by right if contiguous to an existing campground, mobile home or travel trailer park use.
- 3) Proposed zoning district boundaries along North Main Street
- 4) Landowner requests for proposed zoning changes

Each of these issues is presented for a possible decision by Town Council to accept or modify portions of the Draft Zoning Map and District Regulations, as presented at the February 6<sup>th</sup> public hearing, prior to taking action on the Comprehensive Zoning Amendment.

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# Reference Copy for Planning Commission

## PUBLIC COMMENT

### 1) Commercial zoning of salt marsh areas surrounding the Island

Two speakers and 11 written comments have requested use of the RC Conservation district on the Island to protect natural features and water quality, particularly the salt marsh areas located on either side of Beach Road leading to Assateague Channel. One landowner has requested that a privately owned salt marsh area located at the south end of Marsh Island should not be rezoned.

- A) 88 acres of marsh land are currently zoned R-3 Residential and are reported to be under contract to the USFWS. The proposed Zoning Map was prepared to illustrate the C-4 Resort Commercial recommendation of the adopted 2010 Comprehensive Plan.
- B) 20 acres of marsh land are currently zoned C-1 Commercial. The proposed Zoning Map was prepared to illustrate the R-3 Mixed Use Residential recommendation of the adopted 2010 Comprehensive Plan

**PC recommendation:** Forward this issue to the Town Council showing the recommended land use from the adopted Comprehensive Plan as it was advertised for public hearing. The Planning Commission has generally applied the following approach and principles:

- Apply the RC Conservation district only to parcels that are in public ownership and/or are under permanent conservation easement
- Retain the existing zoning for parcels in private ownership unless otherwise shown in the Comprehensive Plan
- Apply zoning districts that follow property lines not natural features
- Recommend the appropriate zoning district that does not significantly change a property owners permitted uses or zoning district standards when the public has objected to the recommendations of the Comprehensive Plan. (example – Resort Commercial use along North Main Street was revised to Resort Residential)

**Staff recommendation:** Maintain a consistent, ‘comprehensive’ approach that would propose (A) to retain its existing R-3 residential zoning until or unless it is purchased by the USFWS, and (B) to retain its existing C-1 commercial zoning while allowing the remainder of Marsh Island to be mapped as R-3 Mixed Use Residential based on its existing land use.

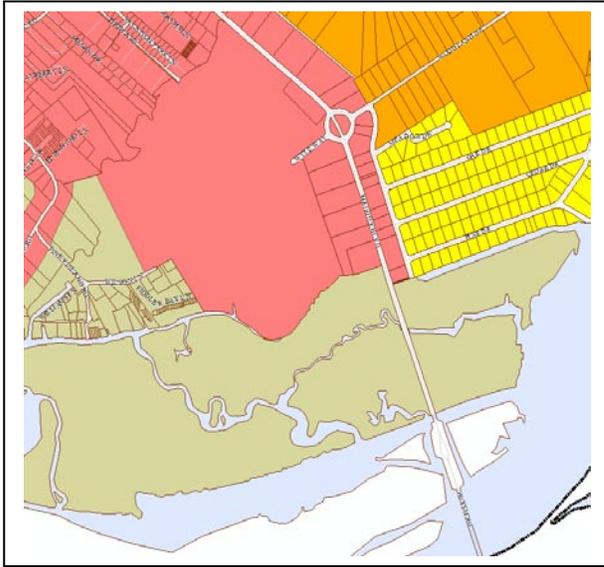
Motion: To accept the proposed zoning of marsh lands surrounding Chincoteague Island as recommended by the adopted 2010 Comprehensive Plan land use map, or

Motion: To modify the proposed Zoning Map as described in the Staff recommendation

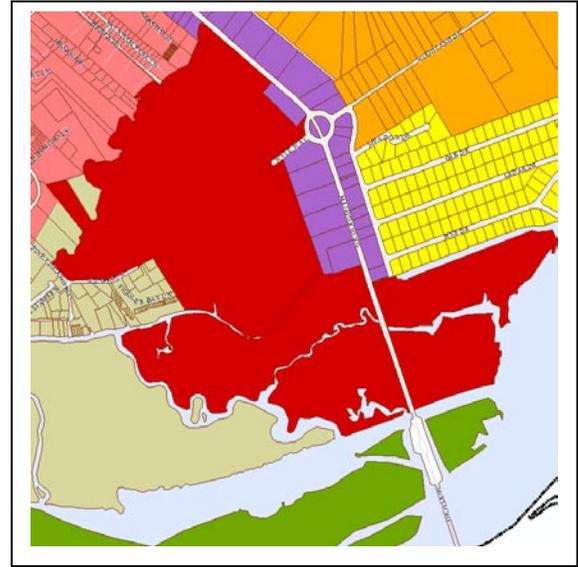
*<See following Map Exhibit>*

# Reference Copy for Planning Commission

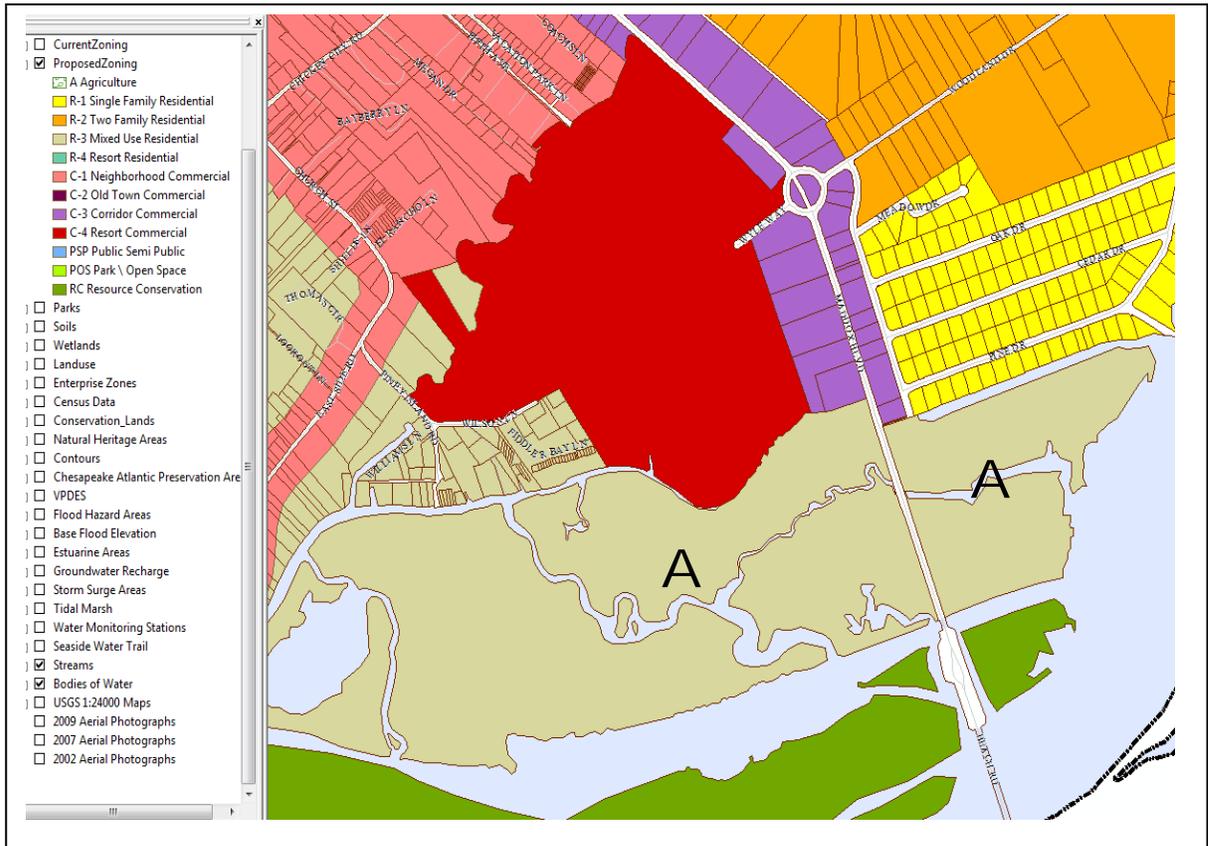
## Zoning Topic Worksheet – C-4 Commercial District (Marsh land)



Existing Zoning Districts



Public Hearing Draft Districts



Alternate Draft Zoning Districts

# Reference Copy for Planning Commission

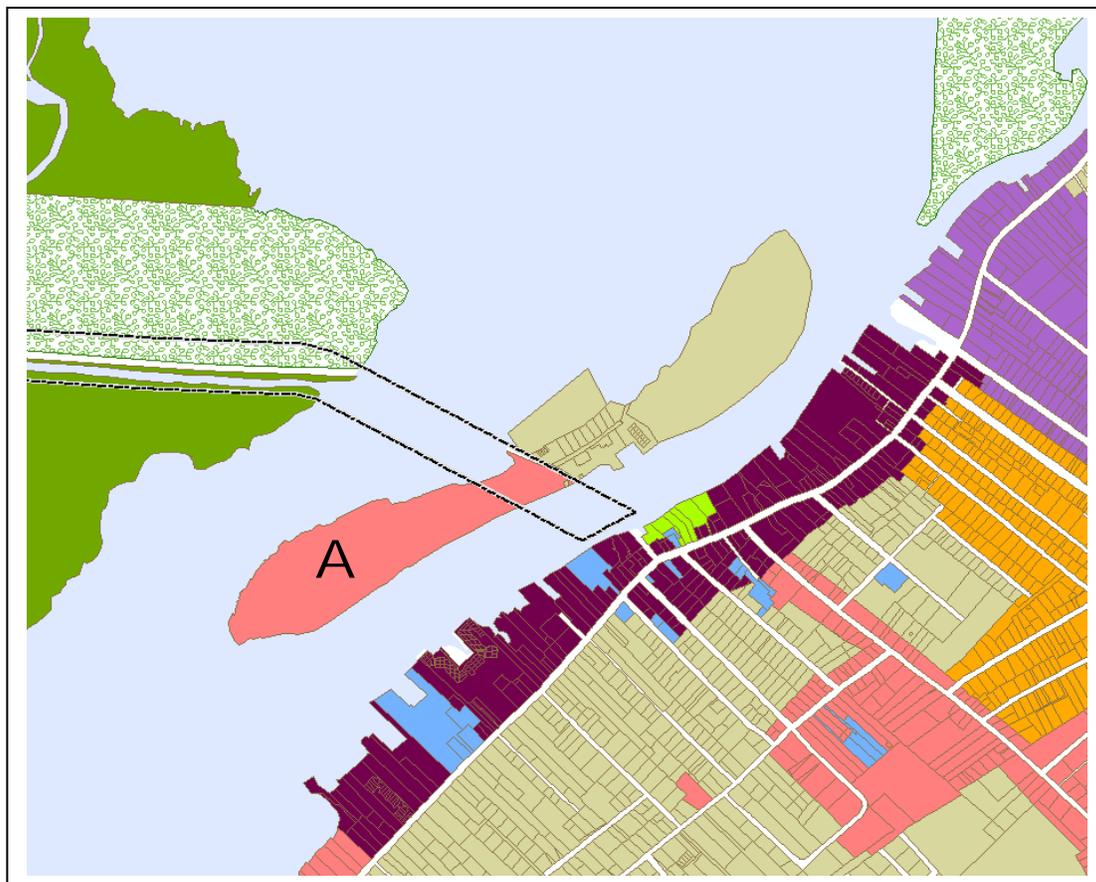
## Zoning Topic Worksheet – R-3 Residential District (Marsh Island)



Existing Zoning Districts



Public Hearing Draft Districts



Alternate Draft Zoning Districts

# Reference Copy for Planning Commission

## PUBLIC COMMENT

### 2) **R-4 Resort Residential District uses permitted by right if contiguous to an existing campground, mobile home or travel trailer park use**

Concern for the possible expansion of commercial uses in the Resort Residential and Resort Commercial districts has been expressed by property owners at the north end of the Island. This led to a revised Zoning Map that reduced the size of the proposed C-4 Resort Commercial district.

One property owner of an existing campground (C-4) has requested that adjacent property currently under the same ownership (R-4) should be allowed to develop as an expansion of the campground use without having to obtain a special use permit.

**PC recommendation:** Within the proposed R-4 district, new Campground and Camper/ Travel Trailer Park uses will continue to be permitted by Special Exception/ Special Use Permit approval. Existing Campground uses may be expanded as a permitted use on a contiguous parcel.

*Sec. 3.10.25 – Campgrounds, camper/travel trailer parks.  
Expansion area for campground use may be permitted if contiguous to an existing campground or camper/travel trailer park.*

Additional public comment has been presented with a concern for the potential traffic impact to North Main Street if all of the ‘contiguous’ undeveloped land (approximately 80 acres) was to be developed as a campground.

**Staff recommendation:** The potential development of 80 acres as any one of the permitted uses in the R-4 district will have implications for the surrounding neighbors and public infrastructure. Campgrounds are supported by the Comprehensive Plan land use policies. Staff supports both proposed motions.

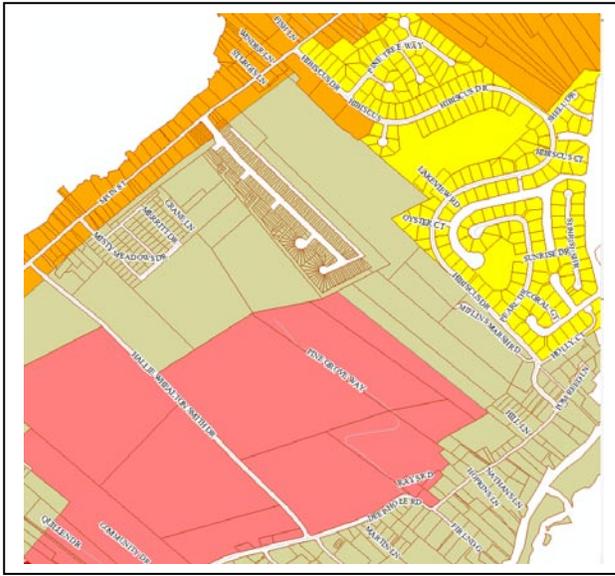
Motion: To accept the proposed R-4 district amendment as proposed by the Planning Commission, or

Motion: Modify the proposed Ordinance Section 3.10.25 to limit expansion area to no more than a 100% increase in land area of the original permitted use.

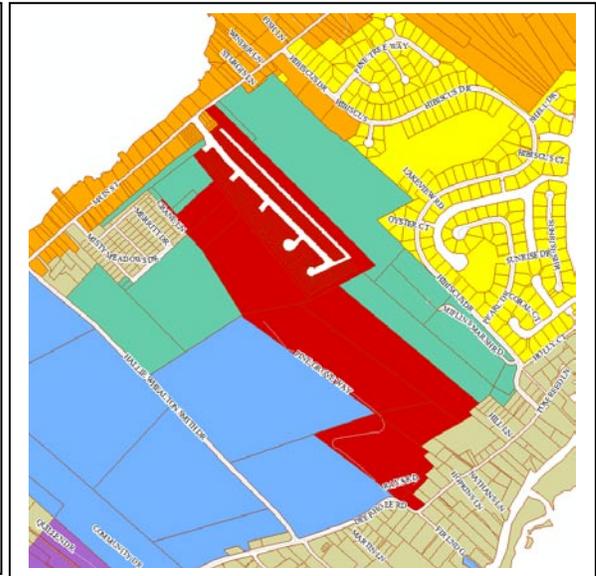
*<See following Map Exhibit>*

# Reference Copy for Planning Commission

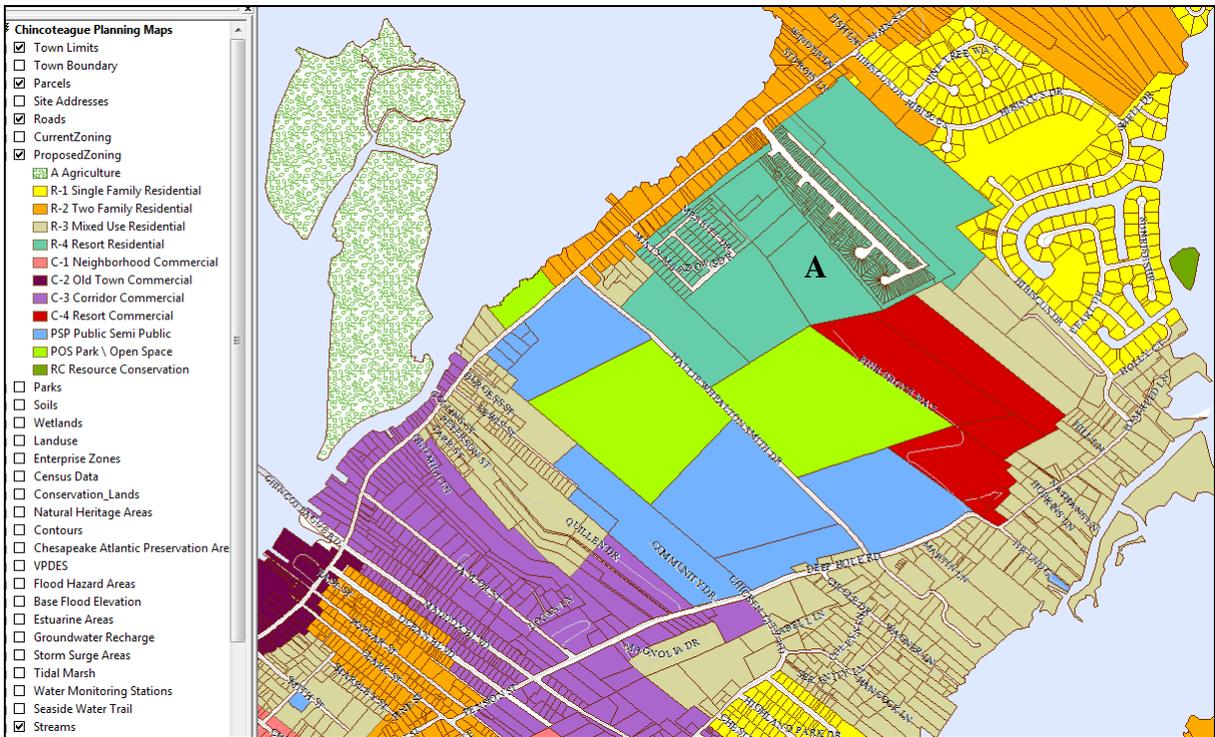
## Zoning Topic Worksheet – R-4 Resort Residential District (North)



Existing Zoning Districts



Public Hearing Draft Districts



Alternate Draft Zoning Districts

# Reference Copy for Planning Commission

## PUBLIC COMMENT

### 3) Proposed zoning district boundaries along North Main Street

One property owner has proposed the amendment of both existing and commercial zoning districts along Main Street north of the Island Motor Inn to a residential district. Five written comments have been received, both for and against the zoning of existing 'Island Village Subdivision' lots to the R-2 zoning district.

**PC recommendation:** Maintain the R-2 zoning along the Main Street frontage to a depth of approximately 125 feet and map the remainder of the 'Island Village' property to the R-4 district.

The Planning Commission has not reviewed the proposed residential zoning amendment for lots to the north of Island Motor Inn, however, this proposal would not be consistent with the following principles adopted for this project:

- Propose zoning districts that align with the adopted 2010 Comprehensive Plan land use map.
- Retain the existing zoning for parcels in private ownership unless otherwise shown in the Comprehensive Plan
- Recommend the appropriate zoning district that does not significantly change a property owners permitted uses or zoning district standards.

**Staff recommendation:** Staff supports both motions

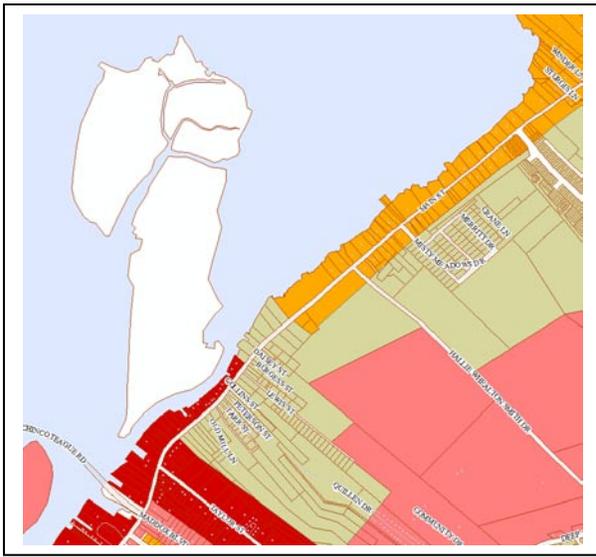
Motion: To accept the proposed Zoning Map amendment as recommended by the Planning Commission, or

Motion: To modify the proposed zoning of the Island Village subdivision so that all lots are included in the R-4 Resort Residential district.

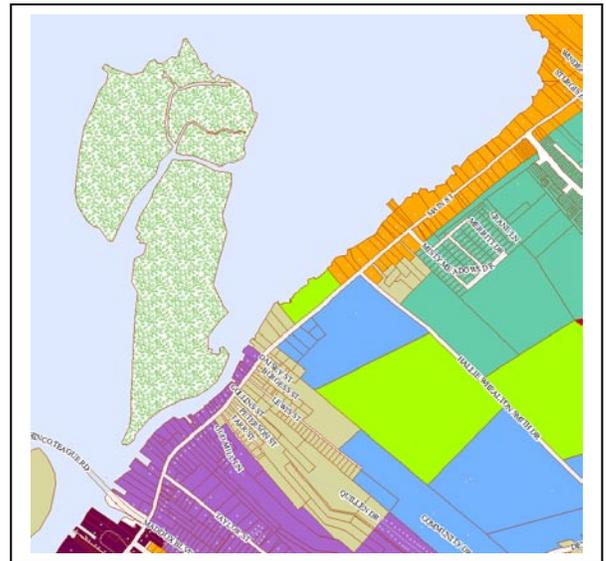
*<See following Map Exhibit>*

# Reference Copy for Planning Commission

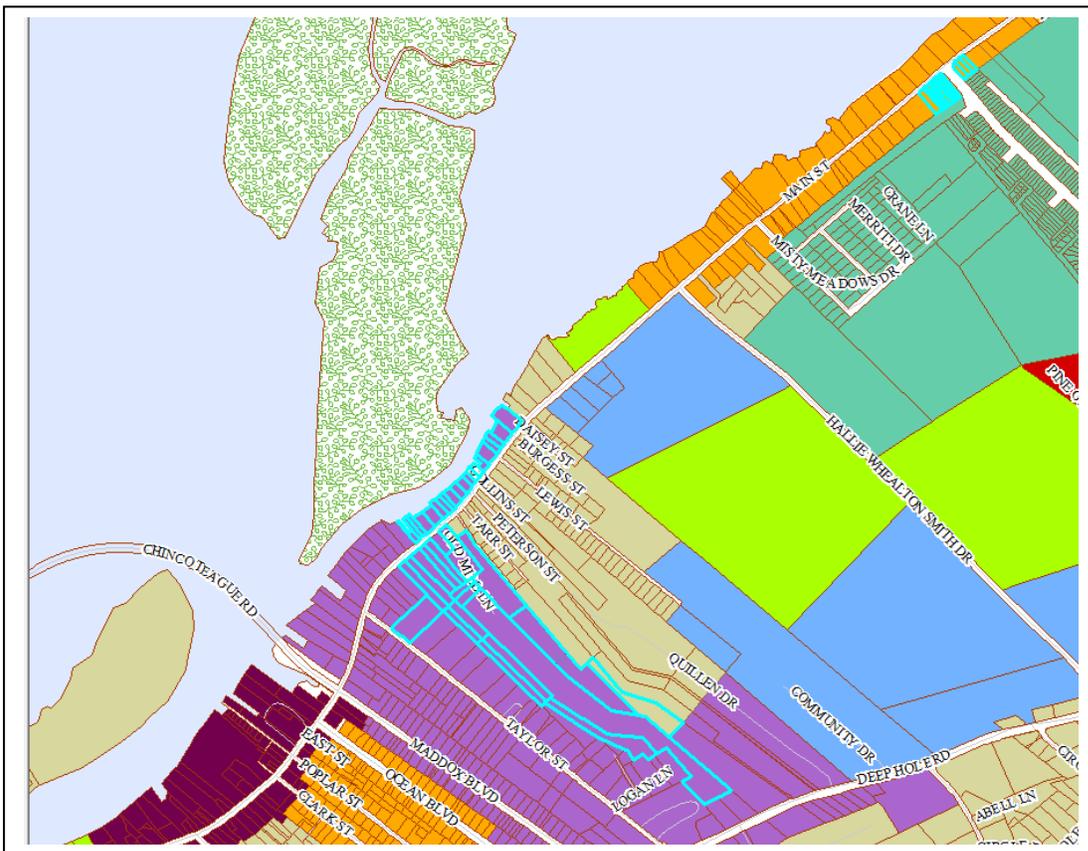
## Zoning Topic Worksheet – North Main Street Districts



Existing Zoning Districts



Public Hearing Draft Districts



Alternate Draft Zoning Districts

# Reference Copy for Planning Commission

## PUBLIC COMMENT

### 4) Landowner requests for proposed zoning changes

Individual landowner requests and suggestions for changes to the proposed Zoning Map and Zoning Districts have been evaluated on whether they meet the intent of the comprehensive zoning amendment. Lot specific proposals were not generally encouraged at this time unless there was an error, or if the proposed change could improve on the implementation of the Comprehensive Plan.

The Town Council may wish to consider the following requests in more detail prior to taking action on the overall amendment.

- A) Rauth – Request to revise the R-3 zoning district regulations so that Public Piers and Boat Ramps would require special permit approval
- B) Ullmann – Request to include Redman Cemetery in the POS Parks and Open Space zoning district along with other cemetery parcels on the Island
- C) Potts – Suggestion that the existing Fire House on the corner of Main Street and Cropper Street should be included in the proposed C-2 commercial district
- D) Conklin – Request that an existing seafood business/former barber shop building on Ridge Road to be included in a commercial zoning district
- E) Meals/Seaman – Suggestion that existing subdivided lots on Bay Street currently in residential use should be included in the Resort Commercial District
- F) Neeley – Suggestion that several parcels along the east end of Ocean Boulevard currently in residential use should be zoned to the R-2 district in order to preserve the residential character of the street.

**PC recommendation:** These issues were generally not considered by the Planning Commission because they were parcel specific or because they have been submitted recently as a result of the Town Council public hearing.

**Staff recommendation:** Maintain a consistent, ‘comprehensive’ approach that implements the Comprehensive Plan and adopts the Zoning Map as presented in the public hearing. Only (B) or (E) above could be accomplished as a ‘correction’ to the Zoning Map prior to adoption.

Motion: To accept the proposed comprehensive zoning amendment as presented at the public hearing, or

Motion: To modify the proposed Zoning Map including specific corrections including \_\_\_\_\_.

# Reference Copy for Planning Commission

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**ERRORS/CORRECTIONS:** Final corrections to the proposed Zoning Map and Zoning Districts as a result of Town Council motions or as listed below will become a part of the final document.

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- Remove Town zoning from inside the Route 175 right of way
  - Add existing boundary line of the Assateague Island National Seashore to the Zoning Map
  - Amend the map legend to note the existing Floodplain Overlay District that applies to the entire Island
- 

**OUTSTANDING ISSUES:** Several involve a broader policy decision by Town Council, these issues will be presented by Staff at the Council meeting and may need to be resolved prior to final action.

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- Consider a grandfather clause that clearly establishes the status of existing uses, zoning with conditions, and any exceptions (if any) to the applicability of new zoning map boundaries and zoning district standards.
  - Route 175 Right of Way/Annexation Boundary
- 

**PROPOSED ACTION:** Consider public comment at the regular Council meeting, or a Council workshop, to take action on any final revisions and prepare the Comprehensive Zoning Map and District Amendments for a vote at the next regular Town Council meeting.

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Following review of this staff report, the Town Council and the Public may have questions or comments that can be resolved at the regular Council meeting or during a Council workshop.

- Maps illustrating the Current Zoning and Proposed Zoning, and Redline Changes to the Zoning Ordinance are available in the lobby and on the website for public review prior to the Town Council meeting.
- A Summary of Public Comment from 2012 is attached.



## STAFF REPORT

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To: Planning Commission

From: Bill Neville, Director of Planning

Date: March 13, 2012

Subject: Update on Wastewater Advisory Committee (WAC)

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❖ **Town Council heard an update from the WAC and voted to send a letter in support of the proposed Sunset Bay Utilities sewer service area.**

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### **Wastewater Advisory Committee Update**

Vice Chairman Mike Tolbert reported that they met March 1<sup>st</sup>, 2012. He advised that there were a few members from the DEQ Regional Office in attendance. They explained the regulations, permitting process and discussed methods of disposal with the Committee. The Committee is still in the process of reviewing the information. They will conduct a survey by phone and in person the businesses along Main Street and Maddox Boulevard. He also stated that they met with Mr. Burbage with Sunset Bay along with his sewer plant operator. Vice Chairman Tolbert advised Council that they have quite a bit of extra capacity in the Sunset Bay sewer plant. The Committee has been looking into using that extra capacity by determining interest of the businesses along Main Street that would like to be considered.

Vice Chairman Tolbert stated that the service area is very narrowly defined within the property of Sunset Bay, just south of the American Legion. He stated in order to allow the expansion of the service area to the downtown businesses Council would need to write a letter. He explained the area to be considered for expansion.

There was brief discussion.

Mayor Tarr stated that if Council decides to move forward the DEQ doesn't have any problems. He also stated to do this the Town would have to submit a letter.

Councilwoman Conklin motioned, seconded by Councilman Muth to write a letter supporting the expansion of the service area. Motion Carried.

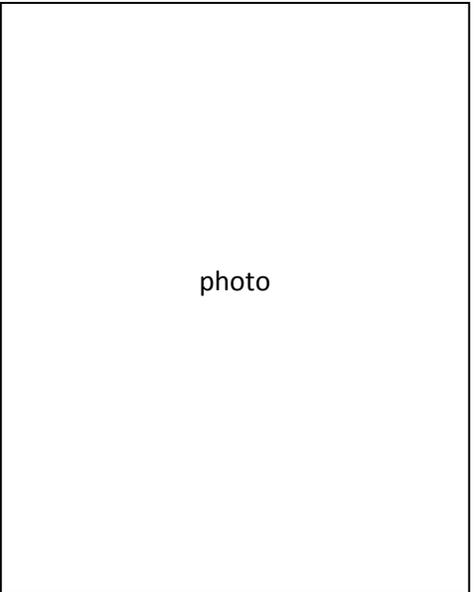
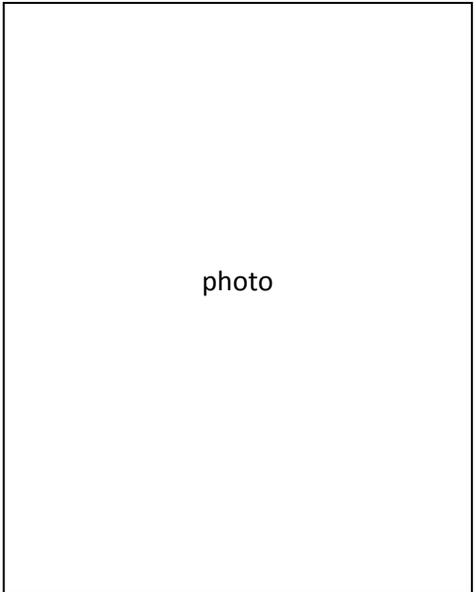
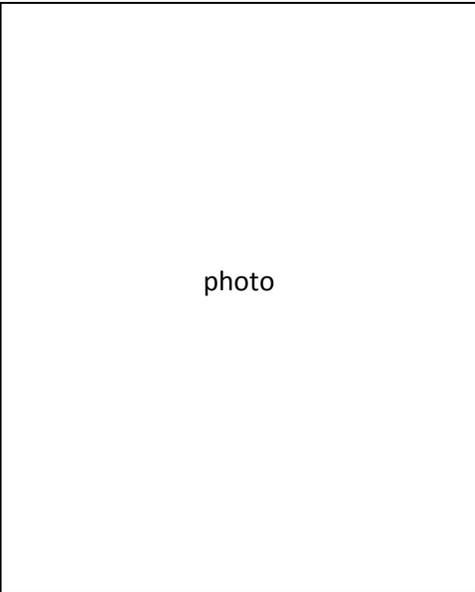
Ayes: T. Howard, Richardson, Muth, Conklin, Jester

Nays: None

Absent: J. Howard



PROPOSED CHURCH STREET PARKING RESTRICTION





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Accomack County Health Department  
P. O. Box 177 / 23191 Front Street  
Accomac, VA 23301  
(757) 787-5880 Voice  
(757) 787-5841 Fax

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January 4, 2012

Silver Sails, LLC  
11119 Adkins Road  
Berlin, MD 21811

**CERTIFIED MAIL #70111570000122926994**

Re: Administrative Denial of Application with Supporting PE/AOSE Documentation  
Health Department ID # 11-100-0431  
Tax Map: 3-A3((22))1  
Located at: Lot 1A 1B Silver Sails  
Chincoteague, VA 23336  
Subdivision: Silver Sails, LLC Lot 1A & 1B

Dear Silver Sails, LLC,

On December 5, 2011, the Accomack County Health Department received your application for a sewage disposal system which included supporting documentation from ARTHUR NIELSEN, PE/ ROBERT C. SAVAGE, AOSE. After reviewing the application and the supporting documentation for the above referenced property, I regret to inform you that your application is incomplete. This means that the local health department cannot process your request unless you correct the application defects.

Your application is denied for being incomplete for the following reasons:

- The application did not include a survey plat of the sewage system and property lines could not be properly identified.
- After speaking with the Chincoteague Zoning Administrator it was determined that lots 1A & 1B have not been approved through their office.

Since I do not have enough information to complete work on your application, I am issuing an administrative denial. In accordance with VDH policy, you can submit one corrected new application within 90 days from the date you receive this letter and avoid paying additional fees. This fee waiver applies only one time. If you submit a new application and the defects are not corrected, or new defects appear, then the fee waiver will not apply to future applications. Please be certain that your next application fully complies with the Sewage Handling and Disposal Regulations, the AOSE Regulations, and applicable VDH policies so that you can avoid paying additional fees. If your application cannot be corrected within 90 days, a new application and a

new fee will be required to re-initiate work on this site.

Should you have additional questions, you may call me at (757) 787-5880.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ashley L. Thornes', followed by a horizontal line.

Ashley L. Thornes  
Environmental Health Specialist, Sr.

Site and Project Information Accomack County Tax Map# 30A\_22\_1 lots 1A and 1B

Owner: Silver Sails LLC  
Project ID: 11-100-0431  
Design flow: 600 gpd (new construction)  
Received Date: 5 Dec 2011(received JJA 13 Dec 11)  
Due Date: 26 Dec 2011

Design Engineer: Tom Nielsen, P.E.  
EHS: Ashley Thornes  
VDH Environmental Engineer Consultant: John Aulbach, P.E.

Design Summary: 4 Bedroom duplex with Bio-Coir treatment and UV disinfection, pump approximately rated at 39 gpm at 10 ft TDH. LPD dispersal to an above ground sand mound with a primary footprint of 378 ft<sup>2</sup>. LPD lines are installed within chambers (as a construction method only) on 12 inches of sand and have a 4 inch cover. Design hydraulic loading rate of <1.5 gpd/ft<sup>2</sup>. Depth to SHWT is 0 inches and free water at 25-30 inches with an estimated design perc rate of 15 mpi as reported by Nielsen and Savage. Depth to SHWT identified by LHD is 0 inches with free water at 22 inches after a Level II review. Reviewed IAW COV 32.1-163.6.

Design Effluent Limits: TL-3

Discussion: NONE

Review Comments and Resolution:

NONE

Outstanding Issues: NONE

Recommendation

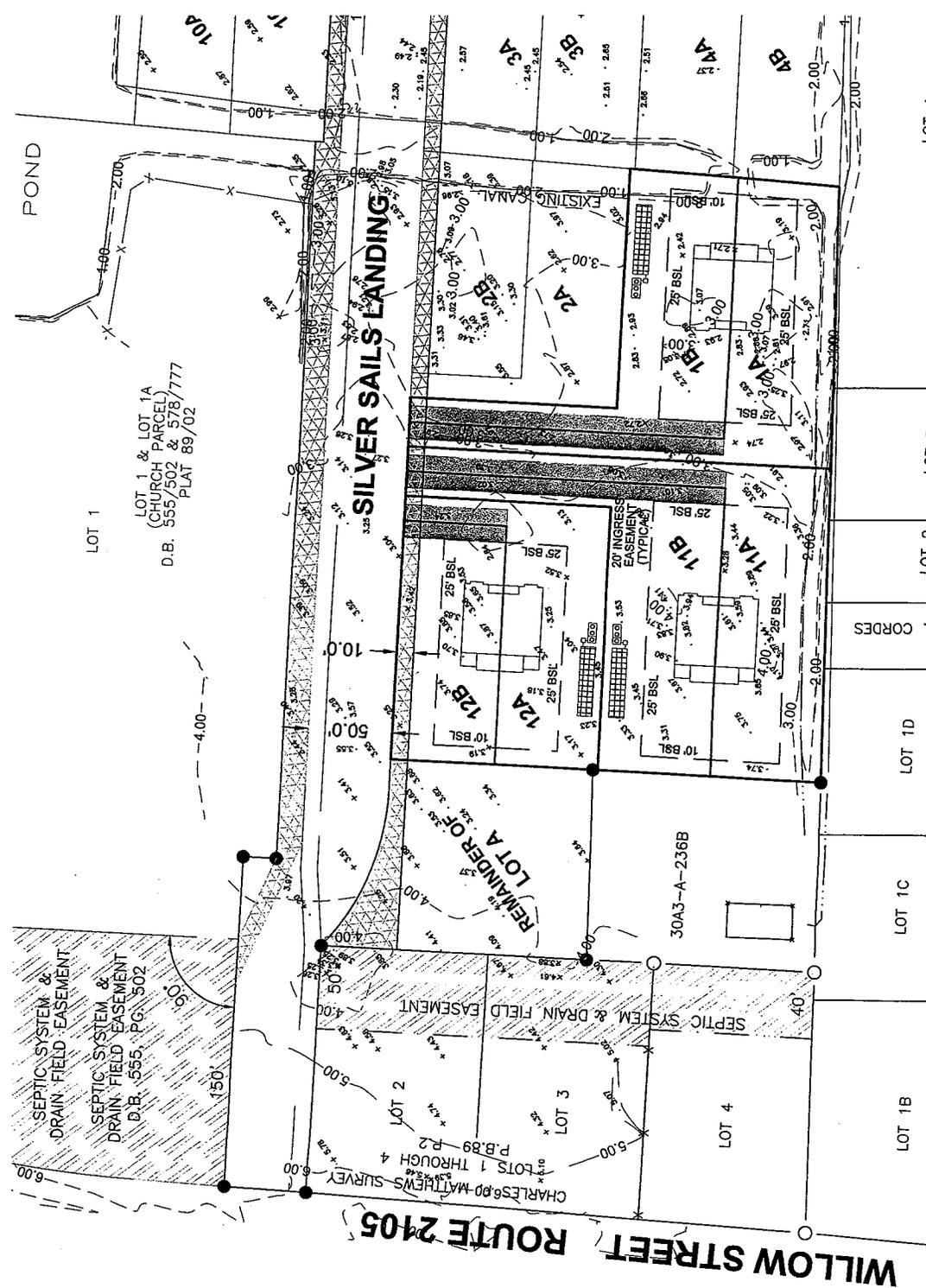
Approve

Deny

Return

Justification: The design seems to generally conform to standard engineering practice and any deviations are minor and should not have a significant impact.

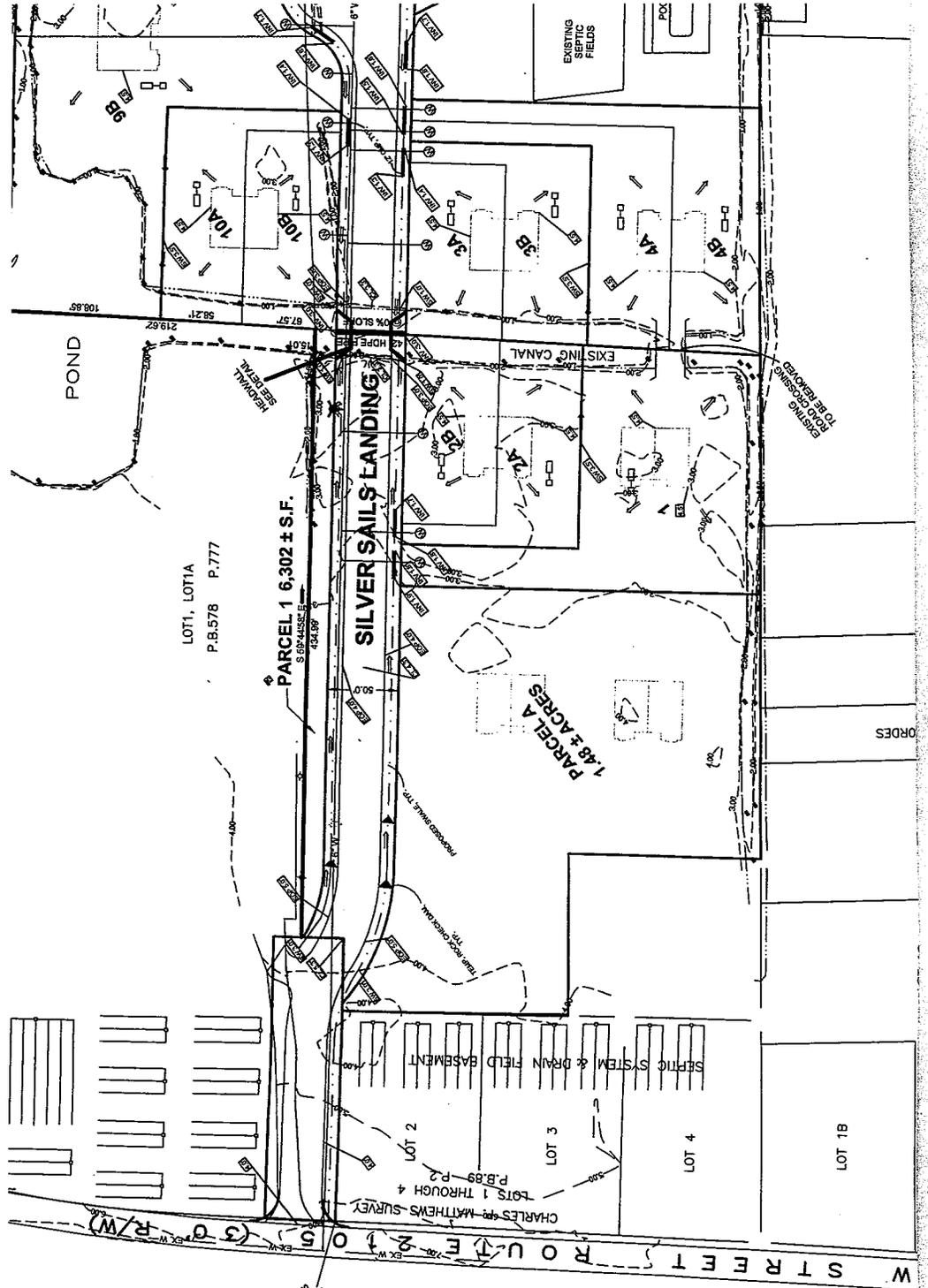
Date: December 21, 2011



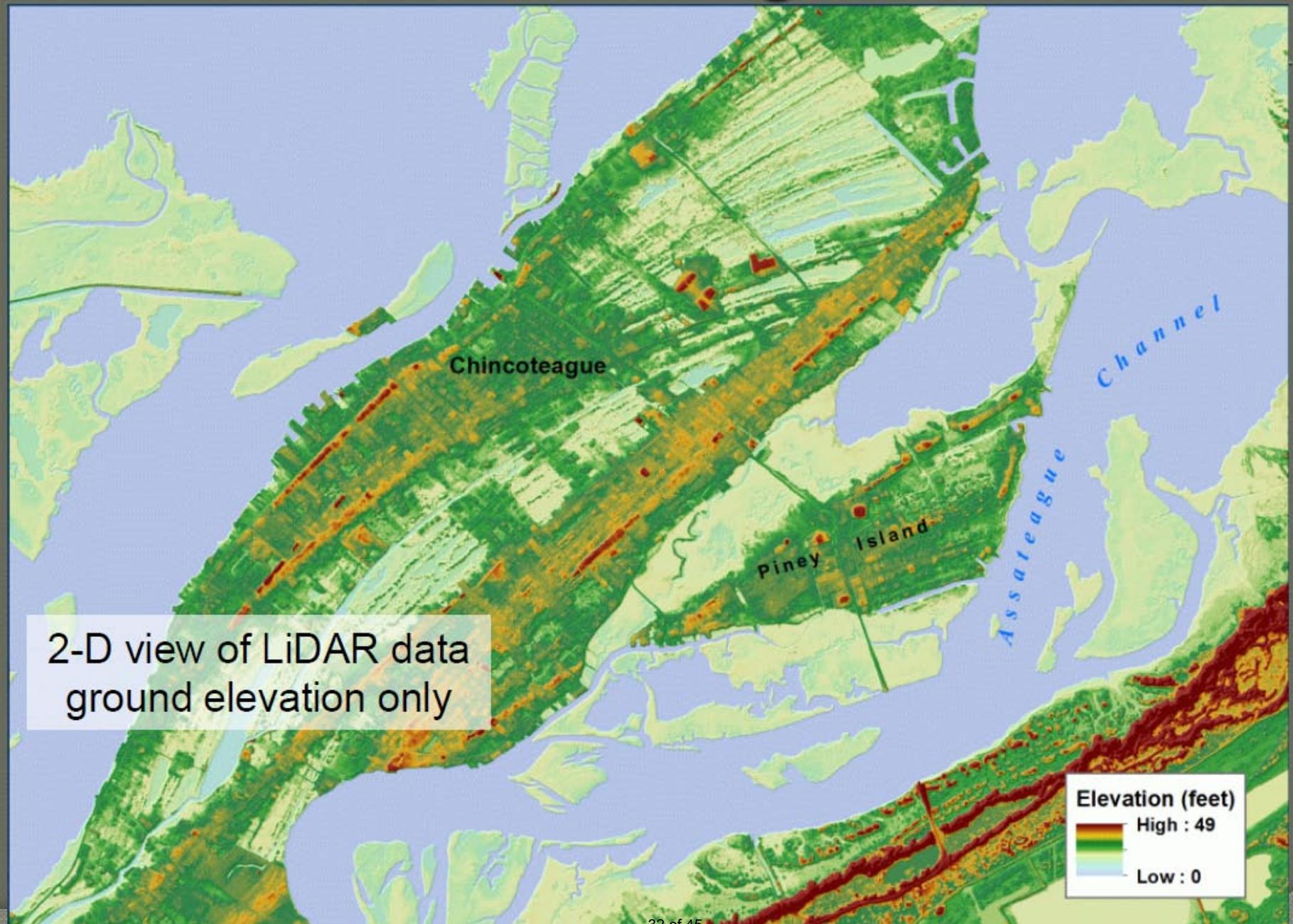
LOT 1 & LOT 1A  
(CHURCH PARCEL)  
D.B. 555/502 & 578/777  
PLAT 89/02

SEPTIC SYSTEM &  
DRAIN FIELD EASEMENT

WILLOW STREET  
ROUTE 2105



# Chincoteague





# 2012 Land & Water Conservation Fund Application

**You should read the 2012 Land & Water Conservation Fund Manual before completing this application.**

## A. Applicant Information

Sponsor Name: Town of Chincoteague  
Project Name: Robert N. Reed Downtown Waterfront Park Annex  
Contact: Robert G. Ritter  
Title: Town Manager

Address: 6150 Community Dreive

Chincoteague Island Virginia 23336

City

State

ZIP Code

Phone: (757)336-6519

E-mail Address: rritter@chincoteague-va.gov

Grant Request: **\$XXXXXXXXXXXX**

Name and address of person to receive notification of Preliminary Application status if different from contact:

## B. Legislative Information

US Congressional District: 02 Legislator Name(s): Scott Rigell  
Virginia Senate District: 02 Legislator Name(s): Ralph Northam  
Virginia House District: 100 Legislator Name(s): Lynwood Lewis

## C. Basic Project Information

1. Please select project type:

Acquisition  Development  Combination

2. Please list the element (s) to be assisted by the LWCF program:

Site work, dredging??? pergola, covered structure with grills, historic interpretation and parking

3. What is the current  or future  name of the park? Robert N. Reed Park  
Indicate if name is current or future by checking appropriate box.

4. Indicate the total number of acres of the park: **0**

5. Indicate the number of acres that will be placed under the protection of the LWCF program:

**0**

5a. If the number of acres to be protected will be less than the total acreage of the park, explain:

**X** acres already protected **X** to be annexed

6. Will this project provide access to state waters? Yes  No

6a. If yes, what type of access (boating, fishing, swimming, etc)? boating, fishing

6b. What is the name of the body of water? Chincoteague Bay

7. Does this proposal represent the creation of the first public park within the locality? Yes  No

7a. Does this proposal represent the first LWCF protected park within the locality? Yes  No

8a. Who will hold title to the property assisted by LWCF? Town of Chincoteague

8b. Who will manage and operate the site(s)? Town of Chincoteague

8c. What is the sponsor's type of ownership and control of the property? Please check:

- Fee simple ownership  
 Less than fee simple. Explain:

9a. Describe the nature of any rights-of-way, easements, reversionary interests, etc. to what will be the Section 6(f) park area.

There is a 10' wide easement provided for public access to businesses abutting the proposed park boundary CHANGE THE 6F BOUNDARY SO EASEMENT IS NOT INCLUDED.

9b. Does the applicant understand that a Section 6(f) conversion may occur if private or non-recreation activities occur on any pre-existing right-of-way, easement, leased area if they are included in the 6(f) area?

Yes  No

#### D. Project Location Information

1. Provide GPS coordinates for the entrance to the Park: Lat: Long:

2. Zip Code for park location: 23336

3. Provide driving directions to project site from 203 Governor Street, Richmond, VA 23219

Take Rt. 64 east to Exit 282, Rt. 13 N. Cross the Chesapeake Bay Bridge Tunnel and continue north approximately 85 miles to Rt. 175. Turn right on Rt. 175 and continue approximately 10 miles, crossing the bridge to Chincoteague. At the foot of the bridge, turn right on Main street and continuing XXX miles to Bridge Street (first paved road to the right). The proposed project area is on the right.

#### E. Purpose and Need

1. In the space provided, give a brief narrative describing the purpose and need of the proposal.

The proposal calls for the development of XXX acres purchased by the Town of Chincoteague in XXX as an annex to the adjacent Robert N. Reed park to ensure the area would remain open space for public use. The proposed is to provide additional access to state waters, creation of additional green space for various recreational activities, expanded picnic facilities, HISTORIC INTERPRETATION? additional access to Robert N. Reed park, including handicapped parking. The development of this property is a part of a larger plan the will continue to extend public

recreation use in this area in future phases.

2. *What alternatives were considered to the proposed action?*

The Town purchased this property in XXX when it became available for sale to extend public use and open space. The property contains approved septic areas and could potentially have been purchased for private use, therefore restricting public access to state waters. Once purchased, the only options available were to develop the property to provide additional recreational activities or leave the property as an undeveloped lot which could be used for parking for the existing park and the downtown commercial district.

2a. *Why is the proposed course of action the best choice?*

Providing additional recreational activities through the development of this lot is the highest and best use of this property. Not only will it expand the present opportunity for recreational activities, it will serve as a link to additional spaces to be developed for recreational activities in the future (proposed fishing pier).

## F.

## 2007 Virginia Outdoors Plan

1. *Indicate in the space provided to what extent the proposed project meets needs identified in the 2007 Virginia Outdoors Plan? Be sure to include page references. The 2007 Virginia Outdoors Plan is available online at [http://www.dcr.virginia.gov/recreational\\_planning/vop.shtml](http://www.dcr.virginia.gov/recreational_planning/vop.shtml)*

The 2011 Outdoor Demand Survey Public concluded "Support is very strong for public access to open spaces and outdoors recreational opportunities, as well as for public expenditures to make those opportunities available". The Survey's four most frequently mentioned activities were "walking for pleasure", "visiting historic sites" and "visiting parks. The proposed project responds to these issues by creating recreational opportunities and historic interpretation at the site of the historic swing bridge, now demolished.

The Town supports the 2007 Virginia Outdoor Plan (VOP) premise that "The integration of parks and open space into a locality's comprehensive plan is critical to improving quality of life. This project directly implements strategies in the comprehensive plan. "As appropriate, continue to improve the "Robert N. Reed Downtown Waterfront Park" facility and fishing pier to enhance downtown's relationship to Chincoteague Bay and promote downtown visitation." (P. 3-7)

By developing the proposed site in the heart of downtown, the Town addresses the VOP recommendation that "local government should provide close-to-home recreation activities to meet changing trends in recreation." (CH 1 P.8) as well as the VOP assertion that "Demonstrating the connection between economic benefit with outdoor recreation and land conservation remains an important issue. (CH1 P. 3) Development of the proposed project site is supported by the findings cited in VOP Chapter 5: Economic Benefits of Recreation, Recreation and Open Space.

The VOP states a 39% preference for developed parks, 59% for providing places to explore and enjoy natural and cultural heritage and 50% of Virginians felt the most needed outdoor recreation opportunities include public access to state waters (CH2 P.21). This project addresses all of these important identified issues.

2. *Is the project a specific recommendation of the 2007 Virginia Outdoors Plan? To be considered specific the project must be referenced by name in the regional section for the project area, please give page number, item number and quote the reference.*

*Example: If the project application is for the acquisition of property in the Winterpock area of Chesterfield County for a regional park, the project would be a specific recommendation of the existing VOP. The response to this question would be:*

*Yes, see page 530, item 68: "Chesterfield County should acquire and develop a regional park site in the Winterpock area to serve the fast-growing Spring Run community and the south-western quadrant of the county".*

No

## **G.**

## **Combination Proposals**

*If the proposal involves acquisition and development, answer the Development Proposal section **and** Acquisition Proposal sections of this document below.*

## **H.**

## **Development Proposals**

*1. For existing parks, briefly describe the facilities currently available to the public.*

This project proposes improvements to an undeveloped lot adjacent to Robert N. Reed Park that was purchased by the Town for the purpose of preserving public access and creating additional opportunities for public recreational activities. The project will extend the use of the existing park and expand the area available for public use. It also provides a continuous connection needed for future phases of the park expansion.

Facilities currently available to the public in Robert N. Reed park include: transient recreational boat slips, multi-use open space, covered pavilion, picnic facilities, walking paths and seating and cultural/historic interpretive panels.

*2. If the proposal involves renovation of facilities, which facilities will be renovated? Give the age of the facilities, the extent of the renovation and why the renovation is needed.*

None of the existing facilities will be renovated as part of this project.

*3. Indicate the number and type of resources that will be made available with assistance from the Land & Water Conservation Fund.*

The project proposes development and construction activities consistent with the environment, type and character of the site and identified recreational needs of residents and tourists.

Resources to be made available include:

multi use green space for general recreational activities - The project will extend the amount to waterfront area available to the public for scenic viewing, fishing and other general outdoor recreation activities

picnic facilities - The project will expand the opportunities by providing a 10X12 covered area equipped with grilling facilities and additional handicap accessible picnic furniture

boating and fishing - The project will expand opportunities for boating and fishing/crabbing by dredging an existing slip that has filled in over the years to the point that it is now unusable.

access - The project will provide 4 - 6 parking spaces including handicap accessible spaces. These spaces are intended to provide close parking for picnicking, fishing and scenic viewing on the proposed site. These facilities will be located on Bridge Street and will not impact the amount of recreational space available on the site. VDOT is currently in the process of completing transfer of the ownership of Bridge Street to the Town.

cultural/historic interpretation - The project will provide historic and cultural interpretation related to the historic bridge and gateway to Chincoteague. The Town has obtained several artifacts from the historic swing bridge as it was torn down and intends to display and provide interpretive panels for these items at the foot of the bridge site.

4. *As a result of this project, describe **new** types of outdoor recreation opportunities and capacities that will result and the anticipated short and long term public benefits.*

Project activities will create the opportunity for outdoor cooking provided by the grills and covered picnic facility. It will also create a new opportunity for recreational access by dredging the existing boat slip on the property. In its current condition the slip only allows for water view. When the project is completed, it will create new opportunities for fishing and recreational and transient boating for motorized and sail boats. Project activities will create new public access by land and water, including handicap accessibility to the park facilities. Other project activities will focus on improvements that have proven to meet the public's need for recreational facilities based on public input and the use of the existing park.

5. *Explain any existing non-recreation and non-public uses that will continue on the project site(s) and describe any that are proposed for the future that may occur within the 6(f) boundary.*

The property purchased for this project contains a 10-foot easement to provide emergency vehicle and other access to the rear of commercial buildings adjacent to the project area on Main Street . This area is not within the 6(f) boundary and no LCWF funding will be spent on the easement area.

6. *When will the project be completed and open for public use?*

The project can be completed within 2 years of funding and contract award. Certain elements are construction ready because , permits are in hand or no permits are required and activities will be carried out by Town forces. Other activities will require procurement prior to design and construction.

**I. Acquisition Proposals**

**Applicants submitting proposals for acquisition must read the acquisition requirements in the 2012 Land & Water Conservation Fund Manual.**

1. *How many acres will be acquired with assistance from the Land & Water Conservation Fund?*
2. *What is the estimated purchase price of the property?*
  - 2a. *What is this estimate based upon?*
3. *Indicate the types of existing resources and features of the site and the quantity (acres, number of feet, etc):*
  - a.  Wetlands      Present:  Quantity:      Not Present:  Unknown:
  - b.  Waterfront      Present:  Quantity:      Not Present:  Unknown:
  - c.  Beachfront      Present:  Quantity:      Not Present:  Unknown:
  - d.  Forested areas      Present:  Quantity:      Not Present:  Unknown:

e.  Open/Clear areas Present:  Quantity:  Not Present:  Unknown:

f.  Existing utilities Present:  Quantity:  Not Present:  Unknown:   
(underground or above)  
Indicate type and location:

g.  Historical resources Present:  Quantity:  Not Present:  Unknown:   
Indicate type and location:

h.  Unique features Present:  Quantity:  Not Present:  Unknown:   
Indicate type and location:

i.  Contamination Present:  Quantity:  Not Present:  Unknown:

j.  Other: Describe:

4. Indicate how and when the site will be made open and accessible for public outdoor recreation use (signage, entries, parking, site improvements, allowable activities, etc) once the property is acquired.

5. Describe development plans for the proposed public outdoor recreation use within the next three (3) years.

5a. If development will be delayed for more than one year from the date of the acquisition, explain why immediate acquisition is needed.

7. Explain any existing non-recreation and non-public uses that will continue on the project site(s) and describe any that are proposed for the future that may occur within the 6(f) boundary. If the project is a combination project and you answered this question in the development section of the application you may answer see H.5, above.

8. When will the project be completed and open for public use? If the project is a combination project and you answered this question in the development section of the application you may answer see H.6, above.

## J.

## Operation & Maintenance

1. Describe the management, operation and maintenance of the park and its facilities. Outline the support staffing dedicated to the management and operation of the park. For parks to be created, indicate the number of support staffing that will be provided to operate and maintain the park. In both scenarios, clearly indicate who is responsible for each action and how frequently the action occurs.

Once completed, the Town of Chincoteague will own and operate and maintain the park and provide security. It will be open to the public year round. Operation of the Town will be under the guidance of the Town's Park's and Recreation Committee which regularly reports to the Council. Chincoteague is well equipped to maintain a facility of this sort. They have a public works department of 15 employees including full-time park attendant staff. They currently operate and maintain Veterans' Memorial Park, (LWCF project) Robert N. Reed Downtown Waterfront Park (LCWF project), two nature trail areas

purchased with Virginia Land Conservation Foundation funds and developed with Town funds and four public boat ramps. All facilities are which is well maintained and improved regularly. NEED MORE HERE FROM HARVEY

## **K.**

### **Accessibility**

*1. All projects must be accessible to (and usable by) disabled citizens. The intent is to enable disabled citizens to participate in outdoor recreation activities in a way that parallels as closely as possible participation of non-disabled citizens. Describe how this proposal addresses this requirement. If the proposal does not address accessibility, explain why.*

The project will provide accessibility improvements to enable disabled citizens to participate in outdoor recreational opportunities provided on site. Accessible spaces will be provided in close proximity to fishing and picnicking and general recreation areas. All boardwalks and pathways will meet ADA requirements and be free from impediments to wheelchair access. At least one grill constructed as part of this project will be at a height that is wheel chair accessible. The project will provide access to the existing ramp and floating dock to ensure that disabled citizens have access to boating opportunities.

## **L.**

### **Planning Process**

*1. Describe the planning process that led to the development of this proposal. You must address:*

*a. How the interested and affected public was notified and provided an opportunity to be involved in the planning for the Land and Water Conservation Fund proposal.*

The proposed project area has always been an area of public interest, even though until 2011, it was privately owned. Improvements to this property were discussed as part of the original 2002 master planning process that created the Robert N. Reed Park as part of the Town's downtown revitalization process. When the park was created, an easement was obtained to extend the boardwalk along the edge of this property. Development options for the proposed project area during the 2009 were once again considered in the public input sessions for a master plan for streetscape design.

In preparation for this application a steering committee was formed and met with representatives from Land Studio, PC on the project site to discuss the strengths and constraints inherent to the property. The Town then held two advertised council sessions dedicated to the park design and invited the public to participate. Merchant groups and property owners were individually notified. Additional public comment was solicited by posting the rendering and proposed project elements on the Town website prior to submission of the proposal.

*b. Who was involved and how were they able to review the proposal, including any state, local, federal agency professionals, subject matter experts, members of the public and local Indian Tribes.*

The primary public involvement in preparation for the LCWF application came from project area stakeholders including property and business owners along Main Street, members of non-profit organizations, regional planning organizations and members of the Town's Planning Commission, Parks and Recreation Committee, Council and staff. These stakeholders worked with Land Studios, PC to develop a vision for the area and prioritize and locate components of the project. Concepts from the 2002 and 2009 planning efforts were reviewed and the public helped the Town evaluate their relevance to today's perceived needs. Public comments were used to prioritize perceived recreational/access needs and to determine along with Council input the proposed project elements.

The Department of Conservation and Recreation, US Fish and Wildlife, Department of Environmental Quality and Department of Historic Resources have been invited to comment on the proposed activities through the environmental review process.

- c. *Describe any public meetings held and/or formal public comment periods including dates and lengths of time provided for public input into the planning process and/or comments on the completed proposal.*

The initial public meeting to solicit public input was held on February 28, 2012 and lasted approximately two and one-half hours. The public reviewed earlier planning efforts as well as four concepts presented by Land Studios and chose elements to be explored further based on perceived recreational and access needs.

Land Studios incorporation evaluated all public input in relation to physical restraints of the project area and presented a concept drawing at the second public input meeting which was held on March 1, 2012. During this three and one-half hour meeting, comments from all stakeholders regarding the desirability and the potential positive and negative impacts of various elements. The design consensus resulting from this public process is described in this application. The public was given additional opportunity to comment on the application through the Town's website.

2. *What information was made available to the public for review and comment? Did the applicant provide written responses addressing received comments? If so, include the responses as an attachment to this application.*

All public comment on this project was received in the form of input during the design sessions. No additional public comment was received.

3. *If the proposal has not been made available to the public during the planning process, does the applicant understand that a 30 day public comment period will be required for compliance with the National Environmental Policy Act?*

Yes  No

## M.

## Environmental

1. *Describe how the project helps promote environmentally responsible activities. Indicate the use of native plant materials for landscaping, drip or treated effluent irrigation, energy efficient lighting, recycled material use, minimizing removal of existing forested areas and vegetation, reduction of impervious surfaces, balancing of natural and active areas, etc.*

The project helps promote environmentally responsible activities by developing facilities including the multi-use green space that encourage low-impact recreational activities such as picnicking, fishing, walking, scenic/nature viewing and outdoor play. Trash receptacles will be provided to encourage environmentally responsible behavior. The project enhances the Town's ability to provide its residents with a livable, walkable community and provides close to home recreational activities which reduces automobile use.

During site development, there will be no need for removal of trees or other vegetation. The lot is fairly bare. Site development activities will take place in such a way as to avoid soil erosion and pollution of state waterways. The sitework schedule will be set to avoid times when potentially endangered species are known to be nesting within the 3 mile radius. No additional impervious areas will be created for parking or other facilities. All parking will take place on the existing paved area of bridge street. Due to the strategic placing of park improvements the largest portion of the project area will be green space.

Landscaping will be with native materials consistent with those in the existing park which will reduce the amount of water usage and maintenance required and increase the project's sustainability.

2. Has any environmental scoping been conducted for this proposal?

Yes  No

2a. If yes, indicate with whom the scoping was conducted, the environmental resources analyzed and the identified resource impact issues.

Based on the public input received during the development of the project, the Accomack-Northampton Planning District Commission (A-NPDC) conducted a preliminary environmental review using the Statutory and Other Checklists used in HUD's NEPA process. Assessment of the need for compliance in each area was determined using the websites provided by HUD's Environmental Specialist in the Planning and Development Division. Assessment was made by staff completing HUD's environmental training.

A finding of no significant impact is anticipated pending comments from the Department of Conservation and Recreation, US Fish and Wildlife, Department of Environmental Quality and Department of Historic Resources. Similar undertakings as part of previous federally funded projects in the immediate area have been found to be compliant with federal regulations. A copy is included in the attachments.

3. List all the required federal, state and local permits/approvals needed for the proposal and explain their purpose and status.

HARVEY

3a. If no permits are needed for the proposal, please explain why.

4. If no environmental scoping has been conducted for this proposal does the applicant understand that environmental review to satisfy the National Environmental Policy Act, Historic Preservation Act, and Endangered Species Act, will be required? Also, projects located in the Coastal Zone Management Area will be required to obtain Federal Consistency Determinations.

Yes  No

## N.

## Unmet Needs

1. As part of the annual reporting requirements associated with the Land and Water Conservation Fund the Department of Conservation and Recreation is required to provide the dollar value of unmet recreational needs within Virginia.

*In order to provide a more accurate estimate for Virginia we are requiring that each applicant provide the total funding needed to acquire, develop, and rehabilitate public outdoor recreation resources that were not met in 2011. This estimate should include all unmet public outdoor recreation needs (not including operation and maintenance costs).*

*Provide the dollar estimate below for the unmet needs for your locality/ agency/ park authority and give a short explanation of how you developed your estimate. Indicate in the explanation how much funding was needed for acquisition, new park development, park renovation and/or rehabilitation and new developments at existing parks.*

JACK/ROB

## O.

## Five Minute Sales Pitch

1. *The Land and Water Conservation Fund is a highly competitive grant program. In a typical grant cycle funding request are triple the amount of available funding. In the space provided, indicate why this proposal should selected for funding over other projects, particularly those may be similar in nature.*

Recreational activities are at the heart of Chincoteague's lifestyle and tourism industry. Chincoteague's year-round population is approximately 4,500 but in the summer over 1.5 million people visit the area for day trips and vacations. Funding this project in the heart of downtown Chincoteague provides the Town with a valuable recreational asset and DCR with the widest possible exposure for the LCWF program as well as the greatest potential use of recreational facilities created through it. The Town has a proven track record of stewardship of DCR funds and facilities.

**P.**

### **Preliminary Application Attachments**

***The following items must be included with the Preliminary Application:***

- Location Maps** - Provide maps that show:
  - Locality within Commonwealth of Virginia
  - Jurisdiction within the locality
  - Site of Park within locality
- Concept/Site Plan** – Identify which elements are to be assisted by LWCF
- Deed** (Acquisition proposals do not need to include with the Preliminary Application)
- Two copies of the 6(f) boundary map** (Acquisition proposals should include a map showing the area to be acquired by LWCF and the number of acres to be protected). Refer to the 2012 Land and Water Conservation Fund Manual for details regarding the 6(f) boundary map.
- Acquisition projects must include property tax assessment** to support the estimated purchase cost. (Be sure to read the requirements for acquisition in the 2012 Land & Water Conservation Fund Manual)
- Project Timeline** – Careful consideration should be taken in providing the tasks and time associated for each in this outline. The timeline submitted will be used to create the milestones for the project and its progress over the life of the grant should it receive formal approval.
- Copies of responses submitted on comments received during any public commenting period.**
- Governing Body Resolution**
- Application Signature Page**

Q.

## Budget Information

Provide a budget estimate of the Land & Water Conservation Fund proposal.

The budget estimate must provide a complete estimated cost of the project. Estimates should include cost increases that may occur during the construction period.

If the LWCF assisted elements are a component of a much larger proposal, your estimate must consider only the elements that will receive federal assistance.

List the projected cost of the proposed element(s), give the priority rating of the element, and itemize the percent of total project cost for each activity.

The priority rating indicates how important the development of that particular element is to the overall project and will be taken into consideration during any requested changes in scope of work for the project. **Projects providing public access to waters of the U.S., must list those elements as the number 1 priority.**

Percentage of Total Project Costs is the amount of a particular venue divided by the sum of construction and non-construction costs.

Notes:

The sponsor must have the funding currently in place to complete the project. The Land & Water Conservation Fund is a 50-50, matching, reimbursement program. **All cost are incurred by the grantee prior to receiving reimbursement (whether partial or in full).** The program requires that 20% of the award be held back until all LWCF elements are 100% complete.

**No costs are eligible for reimbursement until after approval by the National Park Service and a Project Agreement between DCR and the grantee is formalized.**

The sponsor must have funds in place to start construction on the project no later than 5 months from signing the project agreement with DCR.

A completed example budget estimate is included in the appendices of the **2012 Land & Water Conservation Fund Manual.**

If you need more space you may re-create the form below to add as many rows as. However, be sure to include all the requested information if you create and use your own form.

## Land & Water Conservation Fund Preliminary Application Signature Page

"On behalf of the Project Sponsor, \_\_\_\_\_

I hereby certify the information contained in the attached application is true and correct. I understand this application will be rated on the basis of the information submitted and the submission of incorrect data or an incomplete application can result in this application being withdrawn from consideration for funding."

"I hereby certify the applicant will comply with all applicable local, state and Federal laws and regulations."

"I hereby certify the availability of funding for the total project costs as represented in this application."

"I hereby certify that the applicant understands that the LWCF program reimburses at 50% and that documentation supporting expenditures must be submitted for verification in order to receive payment, whether partial or in full. Further, it is understood that 20% of the grant award must be held back until the project is 100% complete."

"I hereby certify that the property will be placed under Section 6 (f) (3) protection of the Land & Water Conservation Act and will have wording to such effect placed in the deed of the property."

Signed this \_\_\_\_\_ day of \_\_\_\_\_

By \_\_\_\_\_

Title \_\_\_\_\_

Attested by \_\_\_\_\_

The LWCF Preliminary Application is due no later than **4:00 pm on March 19, 2012.**

Deliver 4 complete copies of the Preliminary Application plus one complete electronic version to DCR no later than 4:00pm at 203 Governor Street, Suite 326, Richmond, Virginia 23219.

Postmarks, faxes and email submissions will **not** be accepted.

**Applicants are responsible for effecting delivery by the deadline above; late submissions will be rejected without consideration.**

