

September 6, 2018

PRESENT: George A. Coyner, II, Vice Chairman  
 Daisy A. Brown  
 Thomas H. Byerly  
 Justine D. Tilghman  
 Sandra K. Bunch, Zoning Administrator and Secretary  
 James R. Benkahla, County Attorney  
 John R. Wilkinson, Director of Community Development

ABSENT: Steven F. Shreckhise, Chairman

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, September 6, 2018 at 8:00 A.M., in the County Government Center, Verona, Virginia.

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The staff briefing was held at 8:00 a.m. in the Board of Supervisors Conference Room. The staff reports for each request were reviewed on the Board's agenda. Copies of the staff reports can be found in the Community Development Department.

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**VIEWINGS**

The members of the Board of Zoning Appeals assembled at the Government Center and went as a group to view the following:

- **ANDREW CRUMMETT, AGENT FOR PENNWOOD D, LLC - SPECIAL USE PERMIT**
- **KRISTA PREVETTE - SPECIAL USE PERMIT**
- **GARY TETER, AGENT FOR JOLLETT SPRINGS MOBILE HOME PARK, LLC - VARIANCE**
- **ATLANTIC COAST PIPELINE, LLC - SPECIAL USE PERMIT**

At each location, the Board observed the site and the premises to be utilized. The Board also viewed the development and the character of the surrounding area.

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 Vice Chairman

  
 Secretary

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 James R. Benkahla, County Attorney  
 John R. Wilkinson, Director of Community Development  
 Michele L. Astarb, Subdivision Administrator

ABSENT: Steven F. Shreckhise, Chairman

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VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, September 6, 2018, at 1:30 P.M., in the County Government Center, Verona, Virginia....

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**MINUTES**

Mr. Byerly moved that the minutes from the August 2, 2018, meeting be approved.

Ms. Brown seconded the motion, which carried unanimously.

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**ANDREW CRUMMETT, AGENT FOR PENNWOOD D, LLC - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Andrew Crummett, agent for Pennwood D, LLC, for a Special Use Permit to have short term vacation rentals on property they own, located at 382 McKamy Springs Road, Middlebrook in the Riverheads District.

Mr. Andrew Crummett stated he is the agent for the property owner. He stated they would like to operate an Airbnb at the site.

Vice Chairman Coyner asked if this is the applicant's residence?

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Mr. Crummett stated this request is for the guesthouse. He said her permanent residence is the house next door.

Ms. Brown asked if the barn will go with the rental property?

Mr. Crummett stated no.

Ms. Tilghman asked if the pond is part of the property?

Mr. Crummett stated yes.

Vice Chairman Coyner asked if the rentals are weekly?

Mr. Crummett stated yes but the average is a two (2) night stay.

Vice Chairman Coyner asked if there was anyone wishing to speak in favor, or in opposition to the request?

Ms. Deborah Riley, 359 McKamy Springs Road, Middlebrook, has many concerns about this request. She has had issues for the last two (2) years from this short term rental. She showed the Board pictures of the parking area. She also has copies of ads advertising this site and another site up the road. She said there are issues of smoke from the fire pit coming into her house and guests have come onto her property. She said a lot of this happens on the weekend which is affecting her quality of life. She said the biggest issue is when people drive up and down the road as well as people drinking and being loud at the site. She noted there were children walking up along the road also. She said her dogs are barking in the evenings. She said the applicant is advertising for both houses. She provided the Board with reviews from guests that have stayed in the homes. She said it affects her because her dogs need to be confined. She said her quality of life and her family's quality of life have been impacted greatly. She has called Community Development on numerous times regarding this matter. She said they advertise that you can bring your own horses. She said horses can transmit disease and there is no mention in the ad of them having to be vaccinated. She said her horses are right across from the site. She has seen someone feeding her horses. She said now she removes her horses and puts them somewhere else when there are renters at the site. She is worried about them transmitting diseases to her horses.

Vice Chairman Coyner asked if there was anyone else wishing to speak regarding the request?

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There being none, Vice Chairman Coyner asked the applicant to speak in rebuttal.

Mr. Crummett stated he was not aware that the barn was advertised with the rental. He said they will make sure that is removed from the website. He said no one has ever brought their horses with the rental. He said the children walking up and down the road were the owner's family in from Israel.

Ms. Brown asked if he is the caretaker of the site?

Mr. Crummett stated no. He is the property owner's consultant.

Vice Chairman Coyner asked if there is another house being rented the same way?

Mr. Crummett stated no. He does not know what advertisements are online. He said the main house is not supposed to be for rent.

Vice Chairman Coyner asked if Mr. Crummett is the person who lines up the house being rented?

Mr. Crummett stated Ms. Anderson takes care of the Airbnb bookings and Mr. Hemp takes care of the grounds for the site. He said there is also a cleaning service used to get the house ready for the guests. He said no one except the owner and her family stay in the main house and it is not for rent.

Vice Chairman Coyner asked if the actual owner stays at this house often?

Mr. Crummett stated yes. He said the owner does travel quite a bit. She is a registered voter in Augusta County. He said this is her primary residence.

Vice Chairman Coyner stated we have had difficulty trying to communicate with the owner.

Mr. Crummett stated last year she has spent months at various locations. She works in international development. She does have a team of employees to take care of this. He said they have added to the rules that no one is permitted to feed the horses across the street.

Ms. Tilghman stated the house they looked at this morning is not the principal dwelling of the owner. She asked if the principal residence is up the road?

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Mr. Crummett yes.

Ms. Tilghman asked if they will only rent out the site to six (6) people?

Mr. Crummett stated he will make sure that it will be updated to only show six (6) guests.

Ms. Brown stated the primary residence is not being rented.

Mr. Crummett stated he is not aware of that house being rented.

Vice Chairman Coyner stated on the application it states that this short term rental out of the primary residence but now you state that it is not.

Mr. Crummett stated it is his mistake. She lives next door and it is all on one farm.

Mr. Byerly questioned the hundreds of acres on the advertisement.

Mr. Crummett stated at the other property it is a bigger farm and she could potentially open it up for guests to use. He said the only site they would like to move forward with is the guesthouse Airbnb.

Vice Chairman Coyner declared the public hearing closed. He does not feel this is needed in the area.

Ms. Brown said they visited the site today. She stated the application states that this property is her primary, residence but Mr. Crummett states the other house is her primary residence. She said they have been unable to get in touch with the property owner. She moved to deny the request.

Ms. Tilghman seconded the motion, which carried unanimously.

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**KRISTA PREVETTE - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Krista Prevette, for a Special Use Permit to operate a spa on property owned by Robert L. Whitson, located at 28 Hangers Mill Road, Churchville in the Pastures District.

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Ms. Krista Prevette stated she would like to operate a spa and be able to provide body and wellness treatments using the natural elements that exist on the property. She will package these products and sell them for retail use.

Ms. Brown asked what are some of the products that you use?

Ms. Prevette stated pawpaw nuts are being grown at the site already which will be used. She said all products on the back field can also be used.

Ms. Tilghman asked if the guests would stay overnight at the cottage?

Ms. Prevette stated no. She will use it daily and operate by appointment only. She wants to limit traffic. She will have an assistant to help her perform the services.

Vice Chairman Coyner asked if there was anyone wishing to speak in favor, or in opposition to the request?

Ms. Pam Carter, 2481 Parkersburg Turnpike, Swoope, Board of Supervisor for the Pastures District. She is in favor of the request.

Mr. Robert Whitson, 28 Hangers Mill Road, Churchville, stated he is the owner of the land. He said they are taking a holistic approach to their products that they use. He said his daughter has obtained the licenses to operate this spa. He noted the visits will be limited to only two (2) to three (3) per day.

Ms. Tilghman stated the Board visited the site today.

Vice Chairman Coyner asked if there was anyone else wishing to speak regarding the request?

There being none, Vice Chairman Coyner declared the public hearing closed. He said this is a beautiful piece of property.

Mr. Byerly stated this is a good fit for the area. He moved to approve the request with the following conditions:

**Pre-Conditions:**

1. Obtain letter of approval from Building Inspection.

- 2. Obtain VDOT approval and provide a copy to Community Development.

**Operating Conditions:**

- 1. Be permitted to operate a spa facility within the existing guest cottage and outside in the garden areas.
- 2. Be limited to one (1) employee.
- 3. Site be kept neat and orderly.

Ms. Tilghman seconded the motion, which carried unanimously.

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**GARY TETER, AGENT FOR JOLLETT SPRINGS MOBILE HOME PARK, LLC - VARIANCE**

This being the date and time advertised to consider a request by Gary Teter, agent for Jollett Springs Mobile Home Park, LLC, for a Variance from the Floodplain Ordinance in order to replace a fire damaged dwelling on property they own, located at 31 S. Jollett Lane, Grottoes in the Middle River District.

Mr. Gary Teter stated he would like to replace a fire damaged manufactured home with a larger home. He said the lot is situated in the floodplain.

Vice Chairman Coyner stated the Board visited the site this morning and saw where the applicant is planning on placing the manufactured home.

Mr. Byerly asked if this is a new manufactured home?

Mr. Teter stated it is newer than what was there before.

Vice Chairman Coyner asked if there was anyone wishing to speak in favor, or in opposition to the request?

There being none, Vice Chairman Coyner declared the public hearing closed.

Ms. Tilghman stated the Board has visited this park on numerous occasions. She said the owners have done a nice job of keeping the park clean and neat. She said the park

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has always been well maintained. She moved to approve the request with the following conditions:

**Pre-Conditions:**

- 1. Obtain a Floodplain Development Permit and submit a copy to the Community Development Department.
- 2. Obtain a Building Permit.

Ms. Brown stated there is no room outside of the floodplain. She seconded the motion, which carried unanimously.

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**ATLANTIC COAST PIPELINE, LLC - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Atlantic Coast Pipeline, LLC, for a Special Use Permit to have a contractor storage yard and outdoor storage of food trucks on property owned by Scotland Land Company, LLC, located on the north side of West Augusta Road, east of the intersection of West Augusta Road and Deerfield Valley Road, West Augusta in the Pastures District.

Vice Chairman Coyner stated the purpose of the hearing is the contractor storage yard and not about the pipeline.

Mr. Emmett Toms, Dominion, stated in previous locations considered near the Deerfield Post Office, it was determined that the land was in a Sourcewater Protection Area. He said they also looked at property on Route 42 which this Board determined that it was a high traffic area. He said this location is on a secondary road and in a rural area. He said they need to look at how the citizens will not be disrupted. He said they do have a laydown yard in Fishersville and this particular facility is 35 miles away from that location. He said if you turn this down this will be a daily trucking nightmare to get the pipe out there every day. He said a staging area would help so they do not haul every day to the site. He said they do not want to haul the pipe out to the site every day. He said if this is turned down, they will still use the roads but just bring the pipe in every day so you will have more parades of pipe coming to the area. He said they would like to have five (5) to six (6) food trucks rather than two (2) food trucks. He stated if they contain the food trucks at the site, it will eliminate any issues of trucks coming in and out of the area. He noted they previously proposed to store the gravel at the site and then take it to the



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landfill. He said they received approval from FERC to leave the gravel with the landowner instead of taking it to the landfill. He stated they will need to reclaim the land once the project is complete. He said they would need to abide by the Erosion and Sediment Control regulations from DEQ. He said there are a lot of workers in the area. He said if they do not have a yard at the site they will be running around the clock with trucks and he does not think that is what the citizens want to happen.

Vice Chairman Coyner asked if a two (2) year timeframe is realistic?

Mr. Toms stated they are going to try to get it done in two (2) years but may need an Extension of Time to reclaim the land. He hopes to have enough manpower to get it done in two (2) years. He said the nearest larger yard besides Fishersville is in West Virginia. He said they have a smaller yard in Highland County. He said to have pipes staged will be a better logistic traffic plan than going to the right-of-way every day.

Ms. Tilghman asked how much will this site serve?

Mr. Toms stated each site is designed to serve 30-70 miles. He said Highland and Bath Counties have contractor storage yards now.

Ms. Tilghman asked if those sites will serve the same mileage?

Mr. Toms stated no, it serves a smaller area. He said this request gives the County the opportunity to have some control with the safety and logistics for the project.

Mr. Mike Arnett, Field Engineer with the Atlantic Coast Pipeline, stated the site is at the intersection of West Augusta Road and Deerfield Valley Road. He said they will have three (3) proposed entrances. He said two (2) would be on West Augusta Road. He said one (1) would be off of Deerfield Valley Road. He said the site would house 250 employees daily. He said this would serve the pipeline going to the north. He said they have agreements with the landowners. He said that the Virginia Department of Transportation (VDOT) has used this property in the past. He noted they have site distance at all entrances. He said the roads have been bonded for maintenance. He said they have a statewide road maintenance agreement and they have pre-videoed the roads that they are going to use. He said those roads will be repaired on Dominion's dollar if there are any issues with the road. He noted Erosion and Sediment Control and Stormwater plans are under review by the Department of Environmental Quality (DEQ) and will be followed once returned to us.

Ms. Brown asked about the number of employees coming to the site daily?

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Mr. Arnett stated 250 employees will come to the site daily. He said they are expecting 250 vehicles at the site.

Ms. Brown asked is all 250 employees would leave to go do their jobs at the same time?

Mr. Arnett said of those 250, there would be approximately thirty (30) people who are management and administrative staff and will stay at the yard daily. He said approximately ninety (90) staff would leave in their personal vehicle that they came to the yard in. He said about 130 would leave the yard in a school bus to go to the right-of-way to work.

Vice Chairman Coyner asked if the arrival times would be staggered?

Mr. Arnett stated majority of personnel would arrive between 5:30 a.m. and 6:30 a.m. He said there is always a morning meeting before leaving to go out to the right-of-way. He stated any others may come in between 6:30 a.m. and 7:30 a.m. He said majority of the work will take place on the right-of-way between 7:00 a.m. until 9:00 p.m. weather and daylight permitting.

Vice Chairman Coyner stated during regular school bus hours, there would not be any interference with traffic.

Mr. Arnett stated the employees report before the school buses run in the morning to the storage yard area. He said a Traffic Impact Analysis has been done for the site.

Ms. Tilghman asked what is the number of cars leaving?

Mr. Gregory Supey, Dominion, stated the report shows the peak hour for adjacent streets from 5:30 a.m. until 6:30 a.m. and that is the reason why the numbers do not match. He said they do not leave during the peak hours of the adjacent streets. He said the other cars leave but not during those peak hours.

Ms. Brown asked how many trailers would be onsite?

Mr. Arnett said seven (7).

Ms. Brown asked where would your employees come from?

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Mr. Arnett stated they would come from this area but there will also be employees from other areas.

Ms. Tilghman stated they came from Churchville to this site today. She asked what direction would they be coming from?

Mr. Arnett stated they could come from either direction but he would expect the majority to come from I-81 and I-64. He said the contractor will set their heavy hauling routes through VDOT.

Ms. Tilghman asked if the majority of the vehicles will fall in the heaving hauling category?

Mr. Arnett stated no, only the ones hauling equipment and pipe.

Vice Chairman Coyner asked if they will have a fabrication shop onsite?

Mr. Arnett stated yes. He said minor fabrication work will take place in the yard.

Ms. Brown asked about how many times would the flatbed trucks come to the site?

Mr. Arnett stated ten (10) truckloads a day.

Ms. Brown asked what is the trailer length?

Mr. Steve Stuter, Construction Supervisor, stated the pipe joints are basically forty (40') feet. He said most of the welding will occur in the field out on the construction sites. He said this site is mainly a storage facility and a gathering point for personnel. He said there would be minor fabrication in the yard also.

Ms. Brown asked where would the pipe be trucked in from?

Mr. Stuter said the pipe is trucked in from Culpepper.

Ms. Brown asked if all of the pipes are the same size?

Mr. Stuter said the pipes are all 40' x 42". He said only three (3) can go on a load.

Ms. Tilghman stated a standard trailer is 53' so basically they would be 53' or less.

Mr. Stuter stated yes.

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Ms. Tilghman asked how much pipe do you anticipate storing at the site?

Mr. Stuter stated they would never exceed two (2) miles at the site at one time. He said there would be about 3,000 to 4,000 feet constantly in the yard.

Ms. Brown asked what kind of work will be done onsite?

Mr. Stuter stated stacking and securing the pipe, minor fabrication, and welding. He said fuel trucks would recharge themselves there. He said mechanics would stay there to repair any equipment.

Ms. Brown asked how much fuel will be onsite?

Mr. Stuter stated 25,000 gallons of anti-freeze hydraulic fuel.

Ms. Brown asked how do you prevent spills?

Mr. Stuter said they use fuel islands that sit on gravel and are self-contained. He said this is a standard piece of equipment.

Ms. Brown asked how many porta-johns will be onsite?

Mr. Arnett stated there will be 15-20 porta-johns onsite. He said they usually have one on a small utility trailer that will follow the crews to the right-of-way.

Ms. Brown asked if there would be screening at the site?

Mr. Arnett stated there will be a six (6') foot high chain-link fence with an opaque windscreen to cover the entire height of the fence.

Ms. Brown asked about the lighting?

Mr. Arnett stated the lighting on the poles will be 2,800 lumens with zero foot candles of impact to either of the roadways. He said they are directional and will shine back on the yard. He said there would be twenty-eight (28) lights.

Vice Chairman Coyner asked if there would be twenty-four (24) hour activity at this site?

Mr. Arnett stated there would be a twenty-four (24) hour security guard onsite.

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Ms. Brown asked if the gates will be locked?

Mr. Arnett stated yes. He said there would not be twenty-four (24) hour field work.

Ms. Brown asked if they would work until 9:00 p.m.?

Mr. Arnett stated during the summer months, if there is an opportunity to work, they will work until 9:00 p.m.

Ms. Brown asked if the employees are working until 9:00 p.m., how will they get their food for dinner?

Mr. Arnett stated they would get their food once they get back to the hotel or at their living accommodations.

Vice Chairman Coyner asked if there was anyone wishing to speak in favor of the request?

Vice Chairman Coyner stated the Board will allow everyone to speak if they wish, but we will time to only permit three (3) minutes per person.

Ms. Leslie Hewitt, 717 West Augusta Road, West Augusta, stated the pipeline is going through their property. She has granted Dominion permission to use the property for a staging area. She said Dominion has been very agreeable during the process and we feel sure that the field will return to the way it is now or better. She said we have allowed the property to be used in the past for VDOT projects. She understands the importance of staging areas in order for projects to be complete. She said they are in favor of the project as well as a staging area to allow for a timely completion of the project.

Ms. Brown asked how long is the lease for the property?

Ms. Hewitt stated two (2) years.

Mr. Luke Hewitt, 717 West Augusta Road, West Augusta, stated they have spoken with the community. He said Dominion has asked them to use their property. He stated this will help get the job done smoothly. He is here to help.

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Mr. Victor Ruleman, 457 Rocky Spring Lane, Deerfield, stated he rents the field in question. He is also in favor of the request. He said this will help to have less traffic on the road.

Vice Chairman Coyner asked now for those to speak that are in opposition of the request?

Ms. Gretchen Burgess, 40 Hewitt Road, Swoope, stated she has only been living here for three (3) years in the County. She felt safe in the area and this is a good place to raise kids. She said this specific staging area makes her feel unsafe. She said there will be 250 men not from this community suddenly invading our area. She said there has not been proper care taken for the consequences of that. She said there have been dangers with man camps. She said there has been increases with drugs, sexual assaults of women, etc. She would like to know if the County is prepared. She asked if they have rape crisis counselors on hand? She asked if the police are prepared to deal with 250 strangers in the community? She feels concerned about erosion. She said Dominion makes a lot of promises that do not happen. She said they were supposed to be done by now. She said they might have pipeline pieces rusting in the environment like other places where they have been delayed. She said they do not want this pipeline or this site. She does not want their workers, food trucks, fence, and promises.

Mr. Alex Sproul, 5715 Lee Jackson Highway, Greenville, stated there are homes in the area that will be affected. He is concerned about the views of Elliott Knob for homeowners. He stated this will create a 24/7 work zone in their front yard. He said this is not a happy situation. He said this will be subjective to constant traffic, workers coming and going, construction equipment, and light pollution. He said the idea of hunting will be limited.

Mr. James Sproul, 2317 Triton Drive, Richmond, stated he is opposed to this request. He is here to speak on behalf of the Garden Ridge Camp at 744 Augusta Springs Road. He said this is an inappropriate place for this type of use.

Ms. Eleanor Labiosa, 500 C Street, Apartment 215, Staunton, stated she is opposed to the request. She said we should stop tearing up the world for pipelines. She said Augusta County is where tourists come to enjoy the area. She said we do not have to get used to this because this is our home, please save it for us.

Ms. Kim Cunningham, 19 Turkey Top Circle, West Augusta, stated she lives directly across the street and is opposed to this request. She said all of the lights and noise will affect them. She is concerned about the contamination of the well. She said the rain will

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wash away the oils from the site. She is concerned about the bus situation. She said in this area there is no cell phone coverage. She said there will also be rock slides from the vibrations. She is also concerned about the wildlife in the area. She said this is a gorgeous location and all that she is going to see every day is that yard and they do not need it. She said you do not build a \$500,000 house and want to see that in your backyard.

Mr. Ernest Hamilton, 32 Lone Fountain Lane, Churchville, stated he is the Trustee at West Augusta Methodist Church. He stated they give them permission to use the right-of-way across the church.

Ms. Nancy Sorrells, 3419 Cold Springs Road, Greenville, presented a Power Point presentation to the Board. She said as far as she knows Dominion has not talked with any neighbors. She said this is a stalled project. She said currently it is on a federal stop work order from FERC for the entire project with the exception of three miles in West Virginia. She said there are two vacated permits from the project that were pulled by the court. She said they still need to get the permit from the National Forest and they are under review under the courts and they have not received final approval from the Department of Environmental Quality. She said they have not notified FERC of this new storage yard. She said they have to look at cultural and endangered species in the area and it must be approved by FERC. She said in the application they said the Erosion and Sediment Control and Stormwater Plan is pending but that is not true. She said that DEQ was going to check with Dominion. She noted that Dominion emailed DEQ and said that this project is not part of the pipeline but they have made application for the Special Use Permit. She said they are performing their due diligence on the yard but they told us that it was all pending. She said this is not part of the project so they should not even be here. She said this project should be denied until they get their ducks in a row. She said they should do everything that they need to do before applying. She presented the Board with a report on the water issues. She said the Comprehensive Plan says that this land is supposed to remain rural and that any development that takes place should be sensitive to the context of the agricultural areas. She said Dominion says that it is compatible because they are going to return it to what it is today but that means that is it incompatible. She noted two (2) years is not temporary. She showed the Board pictures from Dominion's other sites. She said 155 cars never seem to leave. She asked where is the contractor? She said the contractor needs to be answering these questions about traffic controls, karst, etc. She said they need Spring Ridge Construction to answer these questions.

Mr. Jon Tabb, 94 Stony Brook Road, West Augusta, stated he opposes this zoning change. He had issues about the meeting time being during the day and the signs on the

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property indicating the pending zoning matter. He stated there are issues with the traffic. He said the site development plan has a number of errors. He said the site plan shows building right up to the floodplain. He said that is not represented on this. He said it was never mentioned if they comply with the Chesapeake Bay Act. He stated there is nothing to contain the overflow from the sediment basin in a heavy rain situation. He said the equipment yard in the middle does not show a swale. He said any runoff or spill in the middle will go right into the river. He read 25-74I to the Board. He said Dominion will not build any permanent structures at the site. He considers office trailers and fuel containers structures. He asked if this would be permanent or temporary. He asked if the owners could say to Dominion to not bring the site back to what it is today. He asked if this has an expiration or does it continue? He asked how will they get rid of the gravel or are they going to keep it there? He said now they are not going back to General Agriculture but a pile of gravel. He said a fuel accident could cause the spill to go right into the river. He said the air quality will be affected and there is no mention of any study. He said there would be an impact to fire and to emergency services. He said there would be issues with lighting pollution. He said the generators at the site will create noise pollution. He said the traffic analysis study does not show any of the trucks. He said the analysis is only for two specific periods. He said there is not an impact study done at this site.

Ms. Susan Brooks, 566 West Augusta Road, West Augusta, stated she is in opposition to the request. She said "you do not know what you got until it is gone. They pave paradise and put up a parking lot." She found property on West Augusta Road. She said this is emotional to her. She said this will affect her organic gardens and her wildlife. She said this will create pollutants in air, lighting, and groundwater. She said Dominion calls this temporary but the destruction is permanent. She said there is a stop work order for the Atlantic Coast Pipeline.

Ms. Cindy Palmer, 19 Stony Brook Road, West Augusta, stated she found a mistake of the description. She said instead of it being on the north side of West Augusta Road, it is on the south side and instead of it being on the east side of the intersection, it is on the west. She never received a notice from the County and nor did Dominion reach out to her in anyway. She said no one else was contacted by Dominion. She is the second closest person to the yard. She said her home is 388' away from this property. She said from the eastern edge of the proposed yard her house is 388' away. She is separated from only 22' of roadway which is Route 629 and there is a property adjacent to her to the south whose home is 800' away from that. She said there are many homes in the area that will be affected. She said this will have impact on many homes and lives. She said they seem to think that we in the community do not matter. She said there will be fuel and oil spills into the creek. She said the wells will be affected. She noted there will be a forty (40') foot light tower and she is not sure a cloth privacy fence will help the citizens.



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She said they cannot say that they will not work 24/7. She said there will be increased traffic trying to get to work. She said Dominion will cross a bridge built in 1964 along Ramsey's Draft. She said the roads were not designed for this type of traffic. She has moved to the area for peace and serenity. She said the right for her to enjoy her property is in jeopardy. She noted this does not fit in the community and it does not belong there. She asked the Board to deny this site. She said they can find a place in an industrial area where the yard will fit in with the area.

Ms. Lois Home, 474 Glebe School Road, Swoope, stated Deerfield Valley Road is the only reasonable route for most folks. She said the traffic will be heavy once the pipeline is constructed. She said this is a narrow road and this will create bottlenecks and traffic. She is concerned about the issues with light, noise, and traffic because it will impact the homes at Deerfield Valley camps. She asked the Board to picture the storage yard in this rural area. She said this does not belong in Deerfield Valley.

Mr. Scott Ballin, 2158 Deerfield Valley Road, West Augusta, stated Dominion suggested that any disruptions are minimal and you heard today that is not the case. He said this will cause disruption to the lives and people living in Deerfield Valley as well as those passing through. He said many felt intimidated by Dominion. He said there are serious impacts to this request. He said this is about disruption of an agricultural community. He asked the Board to imagine a large parking lot filled with trailers, trucks, and equipment and lights. He said this is beautiful property and imagine what it is going to look like for two (2) years. He said it should not be destroyed. He said Dominion only sees profits. He said this is not as temporary as Dominion likes to claim. He said this will impact the Valley. He noted the land values will plummet. He stated this project is raping the forests and farmlands in the area and the Board has an opportunity and responsibility to the citizens and they should protect Augusta County. He said the application must be rejected.

Mr. Steve Velluto, 54 Valley Mill Road, Swoope, stated he is concerned about what is at stake. He said 250 cars will come into the site and will leak about three (3) ounces of fuel, oil, or some other chemical into the ground a day. He noted over the course of two (2) years there will be 117 barrels of chemicals leaking in the ground flowing into the rivers. He said there will be an issue with traffic. He does not want to endanger the lives of children with them trying to work the traffic issues out. He said Dominion acts as an advisor to the ACP. He noted Dominion does not own a majority stake in the ACP. He said if something goes wrong Dominion will throw their hands up.

Mr. Philip Khnopp, PO Box 610, Churchville, asked the Board to consider the Sullivan Report commissioned by the Augusta County Service Authority. He said Augusta County

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is the primary watershed throughout our state. He asked what will the impact of the industrial equipment on this rural non-industrial land. He cannot believe that there will not be any affects on the waterways. He cannot believe that the amount of traffic coming to the site will not damage the secondary road systems here at this location. He said there is no need for fossil fuel.

Ms. Bonnie Ralston, 3441 Deerfield Valley Road, Deerfield, stated she lives six (6) miles away from the pipeline. She said VDOT has reviewed this application but she has concerns of the weight of the trucks coming in and out of the site onto the roads. She said the construction trucks will tear up the already bad roads. She asked if the applicant will repair the roads as needed because once the road is damaged you cannot wait two (2) years? She also has concerns about the amount of traffic at the intersection of Deerfield Valley Road and West Augusta Road. She said there is a curve and there is not a very long line of site. She is concerned about safety when you add hundreds of vehicles into the intersection. She said this is out of character. She said this will turn a rural area into an industrial area. She said along with this request there will be contractor offices, fabrication, which is more than just a storage yard. She said a tall fence will not make this request compatible with the area. She said this location is a quiet rural area and there will be noise from the cars, trucks, and buses. She said there are homes near this proposed site. She said property owners do not have to be adjacent in order to be affected.

Mr. Ed Davis, 242 Stony Brook Road, West Augusta, stated he moved here for peace and quiet. He said there will be issues with light pollution, noise, and traffic. He is a realtor and has sold property in the area. He said if someone is looking for property with peace and quiet this area would not be adequate for them with this request. He said this will affect property and make it difficult to sell property in the area. He recommends it not be approved.

Ms. Ann Murray, 2075 Long Meadow Road, Waynesboro, stated this is an inappropriate place. She said the Board already sent them back to the drawing board before to go into an area where there are hotels. She thinks they should comply with that. She said this will affect the groundwater and the rivers. She said there is also the traffic issue and a danger to children and people traveling the roads. She said Interstate 81 has accidents almost every day and you can only imagine what will happen on these small roads.

Ms. Diana Woodall, PO Box 322, Dayton, stated the rural character of the County makes this area special. She said this new location is only six (6) miles upstream. She said Dominion thinks they do not need to have water and sewer and that no one needs to live on the property since it is temporary. She questions whether it will even be two (2) years.

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She said the ACP has encountered many legal obstacles. She said they have a stop work order from FERC. She said there may be additional delays as well. She said it could extend to three (3) or four (4) years. She said Dominion claims it will take care of any dust but how can they, when there is no water. She said the food trucks will need water. She said on rainy days they will have heavy trucks running from Culpepper. She said there could be mud slides from any rainy weather. She said to deny the permit.

Ms. Diane Korte, PO Box 977, Churchville, stated she is a retired Land Use Planner. She stated this proposal is totally inappropriate. She said this is a poor proposal and there are other places that this could go if the pipeline is going to be built. She stated it is inappropriate for this approval to be made prior to getting federal approval. She said if you give them any kind of approval, which I hope you will not, because it does not meet the conditions, but if approved this needs to stipulate that you cannot touch the property until they have all of their approvals in place. She said they do not have an Erosion and Sediment Control and that is ridiculous. She noted this is adjacent to a stream and in a karst topography. She said the plan does not conform to the Comprehensive Plan. She said this is not just a storage yard. She said this will be heavy industrial use and not a passive storage area. She said this is not something that VDOT has done at the site. She hoped the Board would vote no.

Ms. Mary Wilson, 980 Braley Pond Road, West Augusta, stated she is opposed to the project. She said this is a big deal to the community. She said they have a stop work order for the Atlantic Coast Pipeline. She said Dominion should go home and learn the meaning of the word stop.

Mr. David Copper, 1603 Ridgeway Drive, Staunton, discussed the history of the Shenandoah Valley. He stated the area is beautiful with all of the mountains, trees, farmland, and all of the wildlife. He said this whole process will destroy that for us, and our children, and their children.

Mr. Tracy Pyles, Jr., PO Box 774, Churchville, stated Augusta County is a rural area. He asked what roads will Dominion videotape? He said this is a dirt road and the County had the road paved several years ago under the Rural Rustic Road Program. He said there will be issues with the traffic. He said there will be an impact of the gravel not going back to the landfill. He said the reason for the gravel going back to the landfill is that now the gravel has been transformed from gravel to hazardous waste. He said the gravel will be contaminated and to let it seep into the groundwater is very inappropriate. He stated this will be 1,074 dump trucks of gravel on 17.9 acres of ground. He explained the history of the Rural Rustic Road Program. He said VDOT required the Board of Supervisors to do a resolution stating that the traffic will not be increased along the rural rustic roads. He

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said these are roads in low volume places with local traffic. He said this traffic is not local traffic or lower volume. He noted they do not know what is going to go on with the bridge. He asked the Board of Zoning Appeals to turn down this request.

Mr. Joshua Vana, 1630 Indian Trail Road, Keezletown, stated there is a stop work order for Dominion. He said this project is impossible for it to be built without destroying the area as well as the issues with water quality. He said ACP told you back in the spring that they would have their Erosion and Sediment Control in the next few weeks and it is September and they still do not have the approvals. He said Dominion cannot be trusted and they will tell you what you want to hear and they are not going to have any responsibility to follow up on it because they are a Limited Liability Company (LLC). He said this is not rural in character and not in the vision of Augusta County. He asked that they not be let in.

Ms. Dianna Sicilia, 527 Battlefield Road, New Hope, stated she is here to speak not only for herself but two landowners across the street at the address of 934 Deerfield Valley Road. She asked the Board not to reward this application because of all of the reasons previously mentioned and primarily because the ACP is not a done deal and they do not have the permits that they need. She said this is a rural area and it should not have an industrial use. She said the water and land needs to be protected.

Mr. Hugh Sproul, PO Box 28, Staunton, stated he owns the land across the road. He said the Board of Supervisors and staff have done a wonderful job of allocating land for agriculture and industrial uses. He said industry does not belong in this zoning. He asked that it not be messed up. He asked the Board to not approve this.

Vice Chairman Coyner asked if there was anyone else wishing to speak regarding the request?

There being none, Vice Chairman Coyner asked the applicant to speak in rebuttal.

Mr. Toms stated they are working on the Erosion and Sediment Control plan. He noted that you do not spend the money ahead of time to do those plans until you get the go ahead. He said this request is an opportunity to look at how we manage the traffic.

Ms. Brittany Moody, Project Manager, Dominion, felt that they did a good job about the site selection. She said the current pipeline that will be built goes right through this property. She said they are going to be there anyway. She said this site has been used in the past and returned to agriculture use. She said we feel that it can be put back to agriculture use just like it is today. She said they did submit a site plan which was

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required. She said the Erosion and Sediment Control Plan is forthcoming. She stated the fuel tanks are glass lined which has a double wall and it will be surrounded by concrete barriers. She said they will have Spill Control and Counter Measures Plan in place. She said that will help prevent spills and control spills should one occur. She said they will work with VDOT to make any repairs and maintain the roads before, during, and after construction.

Vice Chairman Coyner asked if all of the roads that will be traveled end up being repaired if needed?

Ms. Moody stated they have videoed and bonded all roads that they are going to use during construction not just the roads in front of the yard. She said they do have a karst mitigation plan in place and will utilize that. She said most of the pipe will be hauled from Culpepper directly to the right-of-way. She said they will have a maximum amount of two (2) miles per pipe stored there. She said there will be no generators. She said they will have electric at the site. She said post use, they will remove the stone, de-compact the soil, return the topsoil, and lime and fertilize the site.

Mr. Supey stated there will not be man camps. He said there will not be lights on 24 hours a day. He said they are here applying for a Special Use Permit to be permitted to use the land for storage, not for a site design.

Ms. Brown asked if anyone would be monitoring the intersection of the public roads?

Mr. Supey stated no.

Vice Chairman Coyner asked if the yard will be lit all night long?

Mr. Supey stated they can turn the lights off when there is no one onsite.

Ms. Tilghman asked what percentage of the pipe is left at the site?

Ms. Moody stated currently the pipe is stored in Culpepper. She said they only haul so much to the yard. She said they will also haul pipe to the right-of-way directly from Culpepper. She said they do not want to get behind with the project.

Ms. Tilghman stated the applicant will get a certain amount of pipe to be kept at the yard until it is used on the right-of-way.

Ms. Moody stated that is correct.

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Vice Chairman Coyner stated the gravel is proposed to remain onsite. He asked if the applicant will be putting the gravel through a cleaning process?

Ms. Moody stated no. She said the landowners have requested to keep the gravel. She said they will leave it onsite in a pile with Erosion and Sediment Control measures in place around the gravel.

Vice Chairman Coyner stated the gravel pile will be there when the applicant completes the job.

Ms. Moody stated yes. She said it will be in a pile on the property.

Vice Chairman Coyner said that he would not call that totally reclaiming the property if you leave that pile of rock there at the site.

Ms. Brown asked if the contractor is here today?

Ms. Moody stated SRC is comprised of four (4) different contractors. She said the contractor is Spring Ridge Construction. She said the contractor proposed to work in spread 4 is currently working in spread 3A. She said that contractor will move to spread 4 once we get ready to start in Virginia. She said currently they are in West Virginia.

Ms. Brown asked if the site in Culpepper is a storage yard also?

Ms. Moody stated that is not part of the project. She said it is an area that they store their pipes as it is being manufactured.

Ms. Brown asked where is the manufacturer of the pipe?

Ms. Moody stated in Pennsylvania.

Vice Chairman Coyner asked if there are problems who is responsible?

Ms. Moody stated we are responsible.

Vice Chairman Coyner declared the public hearing closed.

Ms. Tilghman asked if both these roads are rural rustic?

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Mr. John Wilkinson stated Deerfield Valley Road is not. He would be glad to check the list of Rural Rustic Roads. He noted the Board has the comments from the Virginia Department of Transportation in their staff report.

Mr. Byerly stated he has two rural rustic roads through his farm. He had traffic counts to actually trigger it being in a rural rustic road and after it was complete the traffic nearly doubled on the road. He said it would be interesting to find out if the County has any information on the traffic counts after the road has been deemed a rural rustic road.

Vice Chairman Coyner said he would expect that the traffic would increase with all of them.

Ms. Tilghman stated there is right and wrong no matter how you look at this. She is trying to look at this whether it is good for the County. She said a lot of the County is rural. She said the biggest stretch of rural is this Deerfield Valley. She said her feeling is that there is no "good place" in Deerfield Valley for a laydown yard simply because from one end of the valley to the other there is basically nothing but farming or homes. She said looking at the other side though, we need to look at which is going to be less intrusive on the County as a whole on the traffic. She said they have to look at what is the best location for the traffic. She is seeing a certain percentage of the pipe going straight to Culpepper and then to the right-of-way. She said leaving the gravel on the land, there could be contamination and you do not want that. She would not think the landowners would want it on their land. She said if it is left in a pile, you cannot reclaim the land fully. She does not think that we should be approving something for sure until we know what is going on. She stated the rural rustic roads were originally dirt or gravel and once you go in and pave, by definition, they are going to have more traffic on them. She said local traffic will use it more. She said as a Board we are not going to make this pipeline or stop it because that is not within our power.

Mr. Byerly stated this Board's responsibility is to see what is best for a situation that there is no perfect answer for, no matter where you put it. He said he looks at safety and he does not know another place that could be closer to the construction site which is so important for traffic and the movement of equipment. He said this site will only operate for two (2) years and it is temporary and then it will be gone. He said nothing is done at the construction site, dirt included until all permits are gotten. He said with the pile of stone, a bond should be placed and a deadline date given for the stone's removal.

Ms. Brown stated she would like more information on the following items: need to know that all of the permits are in place, more information from FERC, roads will be taken care of as they go along, the bridge being monitored, pollution in the water, if the applicant will

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be at the site longer than two (2) years, and where will the water come from in order to keep the dust down.

Vice Chairman Coyner stated the contaminated rock being left at the site is a major concern for him. He would like more information on the Rural Rustic Roads.

Mr. Byerly moved to table the request to the October 4, 2018, meeting in order to receive additional information regarding:

- 1. A removal date for the rock remaining onsite
- 2. More information regarding all pipeline approvals
- 3. Water pollution control
- 4. How will water be available to keep down dust
- 5. Rural Rustic Road policies and if there are any limitations on the roadway

Ms. Tilghman seconded the motion, which carried unanimously.

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**WANDA H. CARAWAY - SPECIAL USE PERMIT**

A request by Wanda H. Caraway, for a Special Use Permit to have a kennel and be allowed to breed 3-4 litters a year on property she owns, located at 427 Baynes Road, Waynesboro in the Wayne District. - TABLED AT THE JULY 5, 2018 MEETING

Mr. Byerly moved to bring the item forward.

Ms. Brown seconded the motion, which carried unanimously.

Vice Chairman Coyner stated this item was tabled in order to determine if the applicant had all of their vaccinations up to date for the dogs prior to the meeting.

Ms. Bunch stated the applicant did bring in records that the dogs were vaccinated on June 28<sup>th</sup>.

Vice Chairman Coyner stated all dogs are vaccinated. He stated the Board visited this site in July.

Ms. Tilghman asked how many adult dogs are at the home now?



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Ms. Wanda Caraway stated she has one (1) male that has been neutered and three (3) females will be spayed. She said all of the puppies have been placed in homes. She has thirteen (13) dogs onsite now. She does not want to breed all of the time. She sells the puppies so they can have extra money especially at Christmas time.

Ms. Tilghman suggested changing the recommended staff conditions to allow six (6) adult breedable dogs. She suggested a maximum of ten (10) dogs at the site with four (4) of those dogs being fixed. She said the applicant should find homes for the other three (3) dogs.

Vice Chairman Coyner stated the applicant should have six (6) months to reduce the number of dogs.

Ms. Tilghman moved to approve the request with the following conditions:

**Pre-Condition:**

1. Obtain letter of approval from Building Inspection.

**Operating Conditions:**

1. Maximum of ten (10) dogs kept at this site at any time and only six (6) breedable adult dogs be allowed onsite.
2. Dogs be kept inside from 10:00 p.m. until 6:00 a.m.
3. Be limited to no more than two (2) litters of puppies per year.
4. All dogs be confined within the fenced exercise area or inside the dwelling at all times.
5. Site be kept neat and orderly.
6. Animal Control to inspect the site every **six (6) months**.
7. Permit be issued for one (1) year and renewed if all conditions are met.
8. Applicant reduce the number of dogs to ten (10) within **six (6) months**.

Mr. Byerly seconded the motion, which carried unanimously.

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**MATTERS TO BE PRESENTED BY THE ZONING ADMINISTRATOR**

**JAMES POTTER, AGENT FOR REDEEMING LIFE MINISTRIES - EXTENSION OF TIME REQUEST**

A request by James Potter, agent for Redeeming Life Ministries, for a Special Use Permit to have a day care operation within a church on property it owns, located in the eastern quadrant of the intersection of Hammond Lane and Christians Creek Road, in the Beverley Manor District.

Ms. Bunch stated the applicants are working on getting their licensing for the day care operation.

Mr. Byerly moved to approved the one (1) year Extension of Time.

Ms. Brown seconded the motion, which carried unanimously.

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**RUSTY K. AND KARI G. DAVIS - EXTENSION OF TIME REQUEST**

A request by Rusty K. and Kari G. Davis, for a Special Use Permit to use an existing barn for weddings and special events on property they own, located at 106 Zion Church Road, Waynesboro, in the Wayne District.

Ms. Bunch stated the applicants need additional time to install the septic system. She said the applicants are ready to move forward to install the septic system after an October 12<sup>th</sup> wedding.

Ms. Kari Davis stated they are ready. She said they have the septic system lined up after their last wedding on October 12, 2018.

Vice Chairman Coyner stated the site looks great.

Ms. Tilghman moved to approved the three (3) month Extension of Time.

Ms. Brown seconded the motion, which carried unanimously.

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**STAFF REPORT**

17-55	William E. Sipe, Jr.
17-56	James Lee Kindig and Lucy K. Coyner
17-57	Brent J. Warren
17-58	Claude H. or Peggy G. Smith

Ms. Bunch stated the pre-conditions have not been completed for SUP#17-55. She said staff has sent a letter to the applicant asking if they would like to request an Extension of Time. She stated SUP#17-56 is in compliance. She stated the interior work is being done and the applicant is diligently pursuing the completion of the building for SUP#17-57. She said the tower is under construction for SUP#17-58.

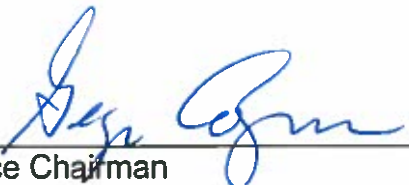
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Mr. Benkahla discussed the court cases with the Board.

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There being no further business to come before the Board, the meeting was adjourned.

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 Vice Chairman

  
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 Secretary

