

**Board of Supervisors Meeting  
December 8, 2011  
5:00 P.M.**

**NORTHUMBERLAND COUNTY, VA**

The meeting was convened for the regular monthly meeting of the Northumberland County Board of Supervisors that was held at Northumberland Courts Building, on Thursday, December 8, 2011

Present:        Ronald L. Jett. – Supervisor  
                  Richard F. Haynie – Supervisor  
                  Joseph Self, Sr. – Supervisor  
                  Thomas H. Tomlin – Supervisor  
                  James M. Long – Supervisor

W. Leslie Kilduff, Jr. – County Attorney  
Kenneth D. Eades – County Administrator  
Luttrell Tadlock – Assistant County Administrator

**RE: INVOCATION**

Reverend David Jett, Lighthouse Baptist Church led the invocation.

**RE: PLEDGE OF ALLEGIANCE**

Supervisor Self led in the Pledge of Allegiance.

**RE: APPROVAL OF MINUTES FOR NOVEMBER 10, 2011**

Upon motion by James M. Long duly seconded by A. Joseph Self, Sr. the Board voted unanimously to approve the minutes from the November 10, 2011 meeting. The vote on the motion was as follows:

Ronald L. Jett – YEA	A. Joseph Self, Sr. - YEA
James M. Long – YEA	Richard F. Haynie – YEA
Thomas H. Tomlin – YEA	

**RE: APPROVAL OF AGENDA**

Upon motion by A. Joseph Self, Sr. duly seconded by Richard F. Haynie., the Board voted unanimously to approve the agenda for today's meeting. The vote on the motion was as follows:

Ronald L. Jett – YEA	A. Joseph Self, Sr. - YEA
James M. Long – YEA	Richard F. Haynie – YEA
Thomas H. Tomlin – YEA	

**MR. DAVE BROWN, NORTHERN NECK RESIDENCY ADMINISTRATOR**

Mr. Brown introduced Mr. Todd VanLandingham as the new Superintendent of the Lottsburg Area Headquarters. Chairman Jett congratulated him and said it has been a long time coming.

Supervisor Tomlin asked for some type of signage in Wicomico Church coming out of Rt. 609 on Rt. 200. Mr. Brown responded that they were reviewing that intersection.

Superintendent Vanlandingham announced that the snow contractors are all ready.

**RE: MR. CLINT STABLES, SUPERINTENDENT OF SCHOOLS**

Mr. Stables announced there was a band concert at 7 p.m.

He said they have begun the beginning steps of the budget process. On the January 9<sup>th</sup> meeting, the School Board will discuss the budget sessions for the 2011-2012 budget. They plan to have the budget adopted by their March 26<sup>th</sup> meeting. Mr. Stables gave the Board a short overview of the preliminary information with a projected revenue loss from the state and federal funds. He noted the loss of the Federal ARRA funds in the amount of \$177,164 and the VA DOE cuts of 3%-6%. He has also received word that the increase to the Virginia Retirement System could be between 4 and 8 percent.

**RE: APPROPRIATIONS**

Upon motion by James M. Long duly seconded by A. Joseph Self, Sr., the Board voted unanimously to approve a special appropriation for the following:

- \$ 5,033.83 – E-Rate (EBear) Reimbursement
- \$ 106.99 – YMCA reimbursement for summer custodial services
- \$ 18,552.43 – RCC Workforce – reimbursement for summer youth
- \$ 7,795.41 – Hurricane Irene – County applied for Disaster relief

The vote on the motion was:

- |                        |                           |
|------------------------|---------------------------|
| Ronald L. Jett – YEA   | A. Joseph Self, Sr. - YEA |
| James M. Long – YEA    | Richard F. Haynie - YEA   |
| Thomas H. Tomlin – YEA |                           |

**RE: BUILDING PERMIT REPORT**

Month of November	2011	2010
Total construction cost for the month	\$ 2,113,135.00	\$ 2,948,339.05
Total Bldg. Permit Cost for Month	\$ 3,754.84	\$ 4,773.88
Total Zoning Permit Cost for the Month	\$ 1,770.00	\$ 3,000.00
Total Levy Fee for the Month	\$ 72.09	\$ 92.47
<i>Total Construction cost year to date</i>	<i>\$ 25,116,406.43</i>	<i>\$ 29,338,457.13</i>

**RE: NORTHERN NECK REGIONAL HAZARDOUS MITIGATION PLAN RESOLUTION**

Mr. Eades explained to the Board that Mr. Phillip Keyser and Curtis Albrite had been working on the regional hazardous mitigation plan and they have received a letter from FEMA with its approval.

Upon motion by A. Joseph Self, Sr., duly seconded by James M Long, the Board voted to adopt the following resolution:

**RESOLUTION**

**NORTHERN NECK REGIONAL NATURAL HAZARDS MITIGATION PLAN**

**WHEREAS**, the Disaster Mitigation Act of 2000, as amended, requires that local governments develop and adopt natural hazard mitigation plans in order to receive certain federal assistance, and

**WHEREAS**, a Mitigation Advisory Committee (“MAC”) comprised of representatives from the counties of Lancaster, Northumberland, Richmond, and Westmoreland; and the towns of Colonial Beach, Irvington, Kilmarnock, Montross, Warsaw, and White Stone were convened in order to study the Northern Neck Region’s risks from and vulnerabilities to natural hazards, and to make recommendations on mitigating the effects of such hazards on the Northern Neck Region; and

**WHEREAS**, the Northern Neck Planning District Commission has updated the plan in accordance with regulations promulgated by the Virginia Department of Emergency Management and the Federal Emergency Management Agency; and

**WHEREAS**, the efforts of the MAC members, in consultation with members of the public, private and non-profit sectors, have resulted in the development of a Natural Hazards Mitigation Plan for the Northern Neck Planning District including Northumberland County.

**NOW THEREFORE, BE IT RESOLVED** by the Northumberland County Board of Supervisors that the portions of the Northern Neck Regional Natural Hazards Mitigation Plan applicable to Northumberland County is hereby approved and adopted for Northumberland County. A copy of the plan is attached to this resolution.

The vote on the motion was:

Ronald L. Jett – YEA	A. Joseph Self, Sr. - YEA
James M. Long – YEA	Richard F. Haynie - YEA
Thomas H. Tomlin – YEA	

**RE: FEMA – HURRICANE IRENE**

Mr. Eades informed the Board that he had received some response back from FEMA on the claims from Hurricane Irene. He stated that they have filed for \$111,035.00 and have already received information back that the overtime for the Sheriff’s office will not be reimbursed. He continued to say they may appeal the denial.

**RE: ESSEX COUNTY LEGISLATIVE DINNER**

Mr. Eades told the Board that we receive an invitation from Essex County to attend their annual legislative dinner. He asked the Board member to let him know by January 2, 2011 if they plan to attend.

**RE: APPROPRIATION – SHERIFF OFFICE POLICE CAR**

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long, the Board voted to appropriate the following:

- Claim reimbursement for repairs to 2009 Ford Crown Victoria  
3102-3004 - \$2,484.76
- Reimbursement from Wicomico Auto Body for replacement light bar and striping on a 2009 Ford Crown Victoria  
3102-3004 - \$ 465.00

The vote on the motion was:

Ronald L. Jett – YEA	A. Joseph Self, Sr. - YEA
James M. Long – YEA	Richard F. Haynie - YEA
Thomas H. Tomlin – YEA	

**RE: APPROPRIATION FOR ANIMAL SHELTER FUNDS**

Upon motion by Richard F. Haynie, duly seconded by James M. Long, the Board voted to appropriate the following for the Animal Shelter:

- \$2400.00 from line item 10-286 to 10-3501-1004

The vote on the motion was:

Ronald L. Jett – YEA	A. Joseph Self, Sr. - YEA
James M. Long – YEA	Richard F. Haynie - YEA
Thomas H. Tomlin – YEA	

**RE: HENRY LANE HULL RE-APPOINTMENT TO THE NORTHERN NECK PLANNING DISTRICT**

Upon motion by Thomas H. Tomlin, duly seconded by A. Joseph Self, Sr., the Board voted to re-appoint Mr. Henry Lane Hull to the Northern Neck Planning District Commission.

The vote on the motion was:

Ronald L. Jett – YEA	A. Joseph Self, Sr. - YEA
James M. Long – YEA	Richard F. Haynie - YEA
Thomas H. Tomlin – YEA	

**RE: MR. WILLIAM KLING – REAPPOINTMENT TO THE NORTHUMBERLAND COUNTY PLANNING DISTRICT COMMISSION**

Upon motion by Richard F. Haynie, duly seconded by A. Joseph Self, Sr., the Board voted to re-appoint Mr. William Kling to the Northumberland County Planning District Commission. Mr. Kling’s appointment will expire on January 10, 2016.

The vote on the motion was:

Ronald L. Jett – YEA	A. Joseph Self, Sr. - YEA
James M. Long – YEA	Richard F. Haynie - YEA
Thomas H. Tomlin – YEA	

**RE: BLUFF POINT – DISCUSSION ON CONDITIONS THAT WERE PRESENTED 12/07/2011**

County Administrator Eades recapped the conditions that were presented to the Board the previous night and then went through the revisions that were made.

\*Assistant County Administrator, Tadlock passed out the revised conditions to the members.

Supervisor James Long stated that his intentions are not to take away land from anyone or try to condemn land for this project, especially the church property at the intersection.

**RE: VOTE TAKEN ON BLUFF POINT PLANNED UNIT DEVELOPMENT**

Upon motion by James M. Long, duly seconded by A. Joseph Self, Sr. the Board voted on the Bluff Point Planned Unit development project. The motion was made to approve the planned unit development with the conditions that are below.

Supervisor Tomlin stated it would have been nice to have had the revisions the previous night. The problem is one person stated something then and doesn't mean it now. So the question is, did you mean it then or do you mean it now. Mr. Tomlin referenced the action taken in 2007 on the Conservation Zoning District changes. He said the primary bulk of the project is in the Bay Harbor Area which is C-1 zoning. He said it is obviously going to be a 4 to 1 vote. He continued to say that the PUD is not consistent with the Comprehensive Plan and questioned the water quality, traffic study and referenced another project (Double D at Tibithia) that was voted on previously. He said this will set a standard and nothing seems to make a difference. He said go and vote and approve it.

Supervisor Self said this Board has been involved in this project for over 18 months, we all have worked diligently to make a sound decision, and we have not taken this decision lightly. He said he appreciated all the input and has valued the comments. He referenced the consultants input and he feels this will have less obligation to the County than the by-right plan and will benefit the county. He continued to say this is only giving the developer the go-ahead and that he still has a lot of approvals by other agencies to receive.

Supervisor Richard Haynie said he agreed that this has been a long process and tiring for the Board, staff and everyone. He said he has mixed feeling on the request. If you look at it from the point of view that it is allowed, it may create jobs and not be a tax burden. If the by-right plan is done, it would be a burden to the county. He said hopefully the PUD is the best choice and overall gives his support.

Chairman Jett said what he wanted to say, has already been said and he too has put a lot of thought into the decision and has tried to keep an open mind throughout with all of the information that was given. He feels that based on the information, the PUD is the best way to go.

Supervisor Long said he supports the PUD 100 percent. Young people are walking around needing jobs and kids are ending up in a courtroom and this touches his heart. He said he has weighed all suggestions and

people are looking for employment and this is the biggest reason for his decision. He said it will be good for the county.

The vote on the motion was:

Ronald L. Jett – YEA	A. Joseph Self, Sr. - YEA
James M. Long – YEA	Richard F. Haynie - YEA
Thomas H. Tomlin – NAY	

The Planned Unit Development was approved with the following conditions:

### **BLUFF POINT; PLANNED UNIT DEVELOPMENT**

The Bluff Point Planned Unit Development (the “Bluff Point PUD”) request is located in the Northumberland County, Virginia (the “County”) near Kilmarnock off Bluff Point Road and Jarvis Point Road, and more particularly set forth in the application made by Bluff Point Holdings, LLC (the “Developer”) dated February 8, 2010 (“Submittal”). The Bluff Point PUD is further described on tax map numbers 54 (1) 56, 54 (1) 56A-Y, 52 (1) 76, 54 (1) 61, 54 (1) 1, 52 (1) 75, 52 (1) 76, 53 (1) 3, and 53 (1) 1. Conditions for the Bluff Point PUD are as follows:

#### **I. General Conditions:**

The Bluff Point Development PUD consists of approximately 898 acres and will consist of:

- 530 residential units (consisting of single-family and multi-family units)
- 90 room inn including separate cabin units
- 34,000 square feet of commercial space
- Oyster house
- 98 slip marina and dry stack storage with 130 spaces
- Spa facilities
- Private club facility
- Recreation center
- 7 acre farm
- Sixty Five (65%) percent open space
- Recreational facilities, i.e., swimming pools, tennis courts
- Water and Wastewater Plants

- A. The Bluff Point PUD shall be developed as delineated on the preliminary development plan (attached hereto as Exhibit “A through F”). The Bluff Point PUD Preliminary Development Plan incorporates by reference the terms of these PUD Conditions and the Developer’s statements made in the related application and public hearing, which collectively set forth the Developer’s written plan of development for the Bluff Point PUD, and which are intended to clearly demonstrate that the PUD shall fulfill the applicable policies of the County.
- B. The Developer shall develop the Bluff Point PUD in five phases. The Developer shall provide the County with a surety bond in a form approved by the County and in an amount for each phase prior to construction of that phase. The bond amount shall be based on the actual costs for the infrastructure improvements for that phase and include a fifteen percent (15%) inflation and re-contracting factor. Phasing maps, specifying the projected infrastructure and amenities of each phase are attached as Exhibits “G through Q”. Partial releases of the financial guaranties may occur based upon completion of individual components of the items requiring the financial guaranty. A disclaimer must be included in

the declaration of covenants and restrictions that the developer is bonding only that phase of infrastructure and is not guaranteeing completion of the infrastructure beyond that phase.

- C. No more than two (2) years after approval by the Northumberland County Board of Supervisors on the Bluff Point PUD Preliminary Development Plan, the Developer shall submit a Final Development Plan for the Project to the Northumberland County Administrator's Office for compliance with this special exceptions permit. Within one (1) year after approvals are obtained by both the Virginia Marine Resources Commission (VMRC) and the Virginia Department of Environmental Quality (VDEQ), phase one construction must begin. Phases one (1) through five (5) of the Bluff Point PUD shall be completed within fifteen (15) years from the date of the last approval from VMRC and VDEQ.
- D. The proposed project allows for development of the Bluff Point PUD as a residential/commercial use in a manner that warrants flexibility in the application of land use controls for Northumberland County consistent with the intent of the zoning ordinance. The location and size of all building units, lots, roads, project entrances, recreation/open space and other areas shown on the Bluff Point PUD Preliminary Development Plan is approximate and subject to modification as depicted on the Final Development Plan and the Final Engineering Plans, provided the modifications do not constitute a Major Amendment to the PUD. (A Major Amendment is defined as modifications to the plan that are significant enough to alter the effects of the properties within the development or surrounding properties from what was presented and approved). The reduction of residential units does not constitute a Major Amendment whereas the reduction or enlargement of the commercial submittals would be considered a Major Amendment. Should the regulatory agencies deny the Developer the right to construct the marina, dredge a channel into Barnes Creek, or construct a wastewater treatment plant as proposed, the Developer must obtain Board of Supervisors approval for a modified PUD.
- E. The Developer shall place sixty five percent (65%) of the land area into open space in one or more protective easements to preserve such space in perpetuity as open space prior to completion of the Bluff Point PUD. The easement shall be recorded in the land records of the County prior to the time of completion of that phase in which the open space is located. The easement shall include all areas governed by the resource protection area and any stated voluntary additions to the resource protection area. The easement shall run with the land and shall be held by a non-profit entity which may be a homeowner association, state entity (i.e., Virginia Outdoors Foundation), the Northern Neck Land Conservancy or a combination of such entities.
- F. The Developer shall provide certain utility services and access considerations to the lot owners of the adjacent subdivision known as Marnock Shores per a letter of agreement attached as Document 1. The Developer shall also have additional capacity in their waste water treatment plant to accommodate the Indian Creek Country Clubhouse if they desire to connect to the system upon terms mutually agreed upon.
- G. No county building, zoning or land disturbing permits shall be issued until all necessary regulatory approvals for the marina, utilities and roads has been approved for that phase.

## **II. Specific Conditions:**

- A. Recreational Amenities, Open Space and Common Areas.
  - 1. Recreational amenities, open space and common areas shall be provided for the project. The location of recreational areas is indicated on the Bluff Point Preliminary Development Plan. All common area, open space and recreational facilities for the project shall be included in the Final Development Plan of the Bluff Point PUD.

2. Any active recreational facilities and accessory structures in the Bluff Point PUD shall be subject to site plan approval by the County Zoning Administrator and shall be constructed as noted within the Final Development Plan.
3. The homeowners association, property owners association or non profit corporation (the "Association"), after acquiring title to the common areas and recreational amenities within the Bluff Point PUD, shall adopt rules and regulations governing the use of the same by the residents and guests of the Bluff Point PUD. The Developer shall have no obligation to maintain or improve the recreational amenities, open space or common areas after conveyance to the Association, subject to fulfillment of the recreation and open space requirements set forth herein. However, the developer shall not convey any common areas, improvements or recreational amenities to any Association until all improvements are constructed and approved by Northumberland County.
4. The recreational amenity areas and related maintenance and use restrictions shall be evidenced by recorded deed restrictions or recorded Declaration(s) of Covenants and Restrictions (collectively, the "Covenants and Restrictions") as recorded in the land records of the County. All privately owned recreation/open space shall continue to conform to its intended use as shown in the Final Development Plan and Final Engineering Plans for the Bluff Point PUD.

B. Administration of Community Space and Facilities:

1. If the Developer elects to administer common open space through an Association, such organization shall conform to the following requirements.
  - a. The Developer shall establish the applicable association or nonprofit corporation prior to any Final Development Plan approval for the Bluff Point PUD.
  - b. Membership in the Association shall be mandatory for all property owners within the Bluff Point PUD governed by such entity.
  - c. The Developer may elect to form separate and/or multiple Associations for the Bluff Point PUD. If so, the Developer shall establish a master Association for the Bluff Point PUD that shall be responsible for the maintenance of any roads, master drainage improvements, and such other improvements serving the Bluff Point PUD as a whole, subject to these PUD Conditions. All improvements including roads, master drainage facilities, dredging, storm sewers, and utilities shall be completed and approved by the County before being transferred to any Association.
  - d. The applicable Association shall; (i) manage all common areas, recreational and open space and recreational facilities that are within the lands that are subject to the jurisdiction of such association or nonprofit corporation; (ii) provide for the maintenance, administration and operation of such portions of the Bluff Point PUD and any other lands located within the Bluff Point PUD that is not publicly or privately owned; and, (iii) secure adequate liability insurance governing such areas owned or operated by such association or nonprofit corporation.

C. Stormwater Facilities:

1. The Bluff Point PUD shall be served by a stormwater system, which shall adhere to the low impact development practices and said system shall be conveyed to the Association by deed and/or easement for maintenance and operation by the Association.
2. All County permits for stormwater facilities shall be obtained by the Developer prior to Final Development Plan approval. The Developer shall obtain an operating permit for all such stormwater facilities prior to transferring such facility to any Association.

D. Residential Development Standards:

1. The Bluff Point PUD shall include not more than three hundred sixty two (362) single family residential lots and one hundred sixty eight (168) multi-family units. Below are the site development standards for the residential area:

- (a) Maximum height: Forty-five feet (45')
- (b) Minimum lot size: None (not required in clustering)
- (c) Minimum lot width: None (not required in clustering)

2. Minimum Required Yard Setbacks:

- (a) Front: Twenty-five feet (25') from the edge of the street right of way.
- (b) Side yard: Ten feet (10')
- (c) Rear yard: Twenty feet (20')

- E. Commercial buildings cannot exceed forty-five feet (45') in height and do not have a required minimum setback, side yard, lot size or width except for Chesapeake Bay Preservation Area requirements.

F. Parking:

1. Off-Street Parking & Loading: Residential development within the Bluff Point PUD shall be subject to the applicable off-street parking and loading required for such use, pursuant to Article XV, Section 148-126 of the County Zoning Ordinance.

G. Signage:

1. The Bluff Point PUD may have project identification signage at each external entrance. External entrance project identification signs shall not exceed one hundred (100) square feet on each face. All project signs shall be designed as monument style signs or integrated into or mounted on landscape features such as a wall or fence. All lighting of signs shall be sign mounted or ground mounted units projecting onto the sign. The signs at the project entrance may be single faced or double faced.
2. The location of signage shall be delineated on a site plan submitted to the County Zoning Administrator for approval.
3. Traffic and street name signage must be reflective. However, any applicable VDOT/Northumberland County standards for sign face, elevations, etc. shall be maintained, by the Developer and/or Association as appropriate, for such traffic and street name signage consistent with the provisions set forth in this paragraph. Individual 911 house number plates must meet Northumberland County standards.

H. Construction Standards:

1. Except as specifically provided herein, all development in the Bluff Point PUD shall be in accordance with all applicable County, State and Federal laws, rules and regulations, including, without limitation, the County's Land Development Standards (i.e., erosion & sediment control, wetlands, etc.).
2. Except for any existing overhead utility lines all utilities within Bluff Point PUD shall be located underground unless such utility may not be placed underground because of wetlands.

3. An Environmental Compliance Official shall be employed by the County during the entire period of construction of the Bluff Point PUD and the Developer shall bond this position each year and reimburse the County for the salary.
4. The marina facility shall participate in the Virginia Clean Marina Program. Maintenance of boats at the marina shall only be minor maintenance on site (i.e., fluid changes, engine tune ups, and similar activity). Bottom painting, structural repairs or renovations and major engine work shall not be permitted at the marina.
5. All buildings must conform to the Northumberland County Floodplain requirements and an evacuation plan submitted to and approved by the County Emergency Services Director.

I. Wetlands:

1. All nontidal wetlands within the Bluff Point PUD which are not included in the Resource Protection Area designation shall be protected with undisturbed buffers of native vegetation. Such buffer shall: (i) be located between any developed area and such wetlands; (ii) have an average width of fifty (50) feet and a minimum width of twenty-five (25) feet; and, (iii) allow pedestrian access ways of no more than twenty (20) feet wide through the wetland buffer.
2. The exact boundaries of wetlands and wetland buffers indicated on the Bluff Point PUD Preliminary Development Plan shall be subject to a final determination on the Final Engineering Plans for the Bluff Point PUD consistent with the above requirement. If the buffer requirements are revised to be less restrictive prior to final approval of the Final Development Plan, the Developer may provide the newly defined wetland buffer by administrative amendment so long as the buffer conforms to all federal, state and local laws, rules and regulations.
3. A 200 foot Resource Protection Area shall be provided along the shoreline of Chesapeake Bay for the Hotel Inn, Inn Cottages and Bay Cottage Neighborhood. All other RPA areas shall have a 100 foot buffer as designated in the Chesapeake Bay Preservation Area Ordinance.
4. Homeowner guidelines governing restrictions on individual lawns and yards and the use of fertilizers shall be provided and enforced by the Association.
5. Any dredging and beach sand nourishment must comply with all federal, state and local laws, rules and regulations. The initial dredging of Barnes Creek shall be completed by the Developer and after the initial dredging any future maintenance dredging shall be the responsibility of the Association and the developer while a member of the association.

J. Temporary Uses:

1. Temporary sales offices, including modular units, not to exceed two (2) units at any one time, for the sale of lots, shall be permitted within the Bluff Point PUD until all residential lots are sold. The Developer shall indicate with a note on any site plan submitted to the County Zoning Administrator for approval the location of said units.
2. The Developer, or its designated successor, assign or designee, shall be required to maintain a copy of the approved Final Development Plan and PUD Conditions in any sales office located within the Bluff Point PUD and available for review by landowners and prospective buyers.
3. The siting of temporary construction trailers shall be allowed on the Bluff Point PUD during construction. The temporary construction trailers must be removed within thirty (30) days after completion of the improvements for which the construction trailer is used.

K. Alterations:

1. Changes in the location of the road(s), project entrances, stormwater system improvements, and to the boundaries, size and configuration of lots and Recreation/Open Space areas, as depicted on the Bluff Point PUD Preliminary Development Plan to accommodate environmental, permitting and design factors, conditions and requirements of the Developer shall be permitted, so long as (1) the change does not constitute a Major Amendment to the PUD, and (2) the integrity of the original application is maintained for the applicable phase of development.

L. Ownership and Maintenance:

1. The Bluff Point PUD and related uses and facilities associated therewith, shall be owned, maintained and or operated as follows:
  - a. Any areas associated within the development (including but not limited to, amenities, recreation/open space areas, signage, landscape, stormwater systems, etc.) shall be managed through an Association.
  - b. To ensure that all of the recreation and open space areas, described in these PUD Conditions and depicted in the approved Bluff Point PUD Preliminary Development Plan for any phase of the Bluff Point PUD, shall be used as intended, the Covenants and Restrictions described above shall contain provisions consistent with the terms of these PUD Conditions and any deed from the Developer to any purchaser in the Bluff Point PUD shall incorporate such Covenants and Restrictions by reference to the Covenants and Restrictions in each deed.
  - c. Such deed restrictions created by the Covenants and Restrictions shall run with the land in order to protect both present and future property owners within the Bluff Point PUD. The deed restrictions created by the Covenants and Restrictions shall prohibit the partition of any open space areas.

M. Access:

1. Access to and from the Bluff Point PUD shall be provided as shown on the Bluff Point PUD Preliminary Development Plan.
2. The location of all project entrances, accesses and roadways may change based on environmental, permitting and design factors, conditions and requirements of the Developer, so long as the proposed changes do not constitute a Major Amendment to the PUD pursuant to the provisions set forth in these requirements. The Developer shall finalize the location of all external project entrances, accesses and roadways during the Final Engineering Plan approval for the applicable phase of development.
3. Each dwelling unit or other permitted use shall be provided access, either directly or indirectly, by a public right-of-way, private vehicular or pedestrian way or commonly owned easement.
4. County employees shall be permitted access on, over and across privately owned roads, easements and common open spaces in order to perform basic County services such as fire and police protection, emergency service needs of PUD residents, and site inspection by Code Enforcement departments to monitor adherence to County regulations and the conditions contained herein. If any road is gated, the gate shall automatically open in response to a “yelp” electronic siren for emergency personnel.
5. The extension of Jarvis Point Road into the commercial development area, which is not currently in the Secondary System of Highways, shall be constructed to Virginia Department of Transportation standards and required to be brought into the secondary system of highways from the end of Jarvis Point Road to the Hotel Inn and Spa. Also, the main roadway off of Bluff Point Road into the central

area of residences that connects to the Jarvis Point Road shall be constructed to Virginia Department of Transportation standards and brought into the secondary system of highways. All costs required to bring the roads into the State Secondary System of Highways including, if necessary and only in the most extreme circumstance, the costs of any possible condemnation shall be the responsibility of the developer. All internal roads into the residential areas may remain private, but must meet the Virginia Department of Transportation standards for the secondary system of highways including but not limited to, alignment, sight distance and drainage.

6. All internal roadways shall be stabilized and hard surfaced. All roadways shall be maintained by the developer until the two main roads are brought into the secondary system of highways and all other roads are completed and transferred to an established Association. The developer or an established Association shall maintain these private roads at the level stipulated in Paragraph 7 below. The Covenants and Restrictions shall specify these maintenance obligations to the Association. Maintenance of the roadways shall ensure the utilization of said roads by Northumberland County Emergency Vehicles in conjunction with the Emergency Services Director. Said determination shall be binding upon the Developer and the Association, and they shall undertake any and all corrective maintenance actions to address the Emergency Services Director's determination. If the Developer or the established Association does not agree with the determination, they may appeal that determination to the Board of Supervisors. The Board of Supervisors shall set a hearing within thirty (30) days and receive testimony and render a decision, which shall be binding.
7. Roadway improvements for the Bluff Point PUD shall be subject to the following:
  - a. Interior roads shall be hard surfaced and the developer agrees to provide an approved drainage system and stabilize the roadway ditches as required by the Northumberland County Erosion and Sediment Control Ordinance. These improvements shall be completed in conjunction with the phasing schedule indicated on the Preliminary Development Plan. Additionally, no Certificates of Occupancy shall be issued on home sites which front on unimproved road segments. These improvements are subject to review and approval by the Northumberland County Building and Zoning Department during Final Development Plan review.
  - b. All roads shall have sufficient access for fire and rescue vehicles as determined by the Emergency Services Director.

N. Notification:

1. The Developer shall incorporate into the Covenants and Restrictions notification to all property owners that they are living in a Planned Unit Development (PUD) and shall state that the County does not: or operate any infrastructure within the Bluff Point PUD.

O. Traffic:

1. The Developer shall provide the following as per agreement with Virginia Department of Transportation:
  - a. Prior to any building permits being issued for residences in phases 4 and 5 or, regardless of the phase, when an aggregate of 390 residences have been built, the Developer shall conduct a signal/turn lane warrant study for the intersection of Routes 608 and 200. Should such study indicate that either a traffic signal or turn lanes are warranted for the intersection, the Developer shall post a financial guaranty for the estimated cost, including the 15% inflation/re-contract factor, to complete the intersection improvements. In the event a traffic signal or turn lanes are not warranted at that time for the intersection, a financial guaranty in a form approved by the County, shall be posted by the Developer and remain in place during the earlier of a period of ten

(10) years or the completion of such improvements. During the time that the financial guaranty is in effect, the County shall monitor the intersection, with assistance of the Virginia Department of Transportation, and require any necessary improvements, as stated above, if warranted. If, during that time it is determined that there is insufficient right of way for installation of any turn lanes, the financial guaranty shall include the cost of any possible condemnation of land necessary. (Condemnation is not the preferred method of acquiring right of way and shall only be used in the most extreme circumstance )

- b. A turn lane on Rt. 669 (Bluff Point Road) shall be installed for the main Bluff Point entrance. The construction of this turn lane shall take place no later than phase two after site plan approval.
- c. A turn lane on Rt. 608 (Jarvis Point Road) shall be installed at the time of construction on the Jarvis Creek Area of the Bluff Point PUD no later than phase four.

P. Water and Wastewater:

1. The Developer shall demonstrate to the County that the hydrogeologic conditions shall provide an adequate water supply for the Bluff Point PUD by performing aquifer testing (transmissivity and storage coefficient) pursuant to the Virginia Department of Environmental Quality guidelines for wells located within a Groundwater Management Area. In the event the testing determines that the aquifer, due to the proposed water withdrawal, will experience: (1) impacts to existing wells with in an Area of Impact defined by at least a one foot water level decline or greater in the aquifer and/or (2) a drawdown of existing water levels greater than 80% of the pre-pumping aquifer level, the County Board of Supervisors shall hold a public meeting to reconsider the water withdrawal and any mitigation proposed. The Virginia Department of Environmental Quality will conduct an impact and risk analysis on the results of the aquifer test that will aid the County Board of Supervisors in deciding whether the aquifer can sustain the proposed use by the Bluff Point PUD.
2. The Developer shall have the proposed waste water treatment plant approved through the applicable State Regulatory Bodies, including, without limitation, the Virginia Department of Environmental Quality, as applicable, and submit copies of the following to the County with respect to the waste water treatment plant: preliminary engineering report, full set of plans, full set of specifications, copy of a treatment plant operations and maintenance manual, copy of a pump station operations and maintenance manual and set of engineer's design calculations (including pump curves, if applicable). The wastewater plant shall have a zero discharge into the Chesapeake Bay or its tributaries.

### **III. SUCCESSOR AND/OR ASSIGNS**

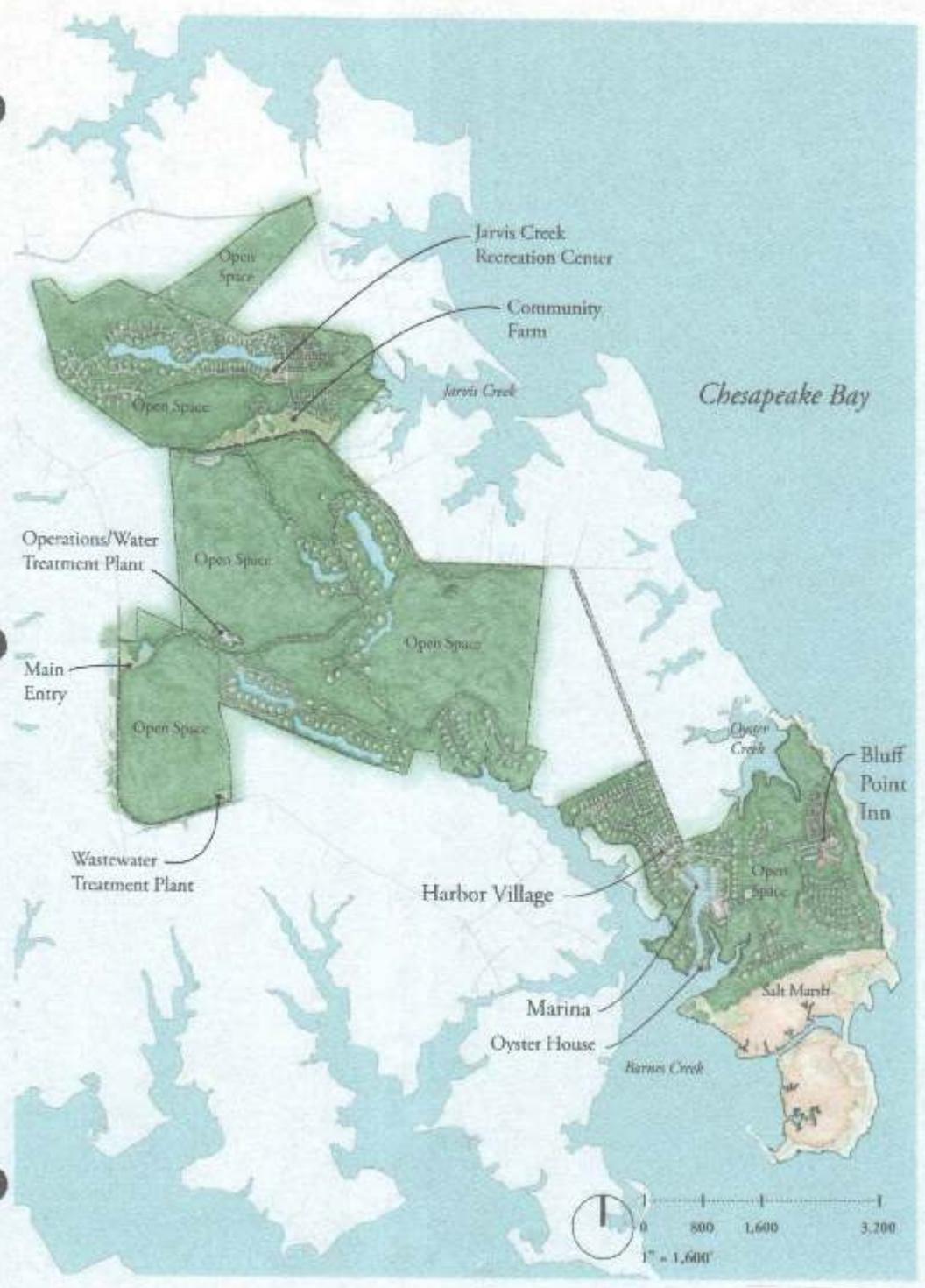
- A. These PUD Conditions set forth herein shall be binding on any successors or assigns of the Developer and shall run with the land. The Developer shall notify the County Administrator of any sale, conveyance, agreement, and/or assignment of any kind whereby the Developer relinquishes control of the PUD or transfers controlling interest in the corporate entity or changes the limited liability company. Further, it shall be the obligation of the Developer to provide to the County Administrator a signed acknowledgment of the Bluff Point PUD conditions by any successors or assigns or transferees of the acknowledgment of these PUD Conditions, and the acknowledgment that they are bound by these PUD Conditions. The acknowledgment does not pertain to individual lot sales within the Bluff Point PUD. It shall be the Developer's obligation to inform each and every purchaser of individual lots of these PUD Conditions.

### **IV. ANNUAL MONITORING**

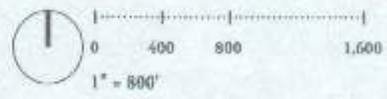
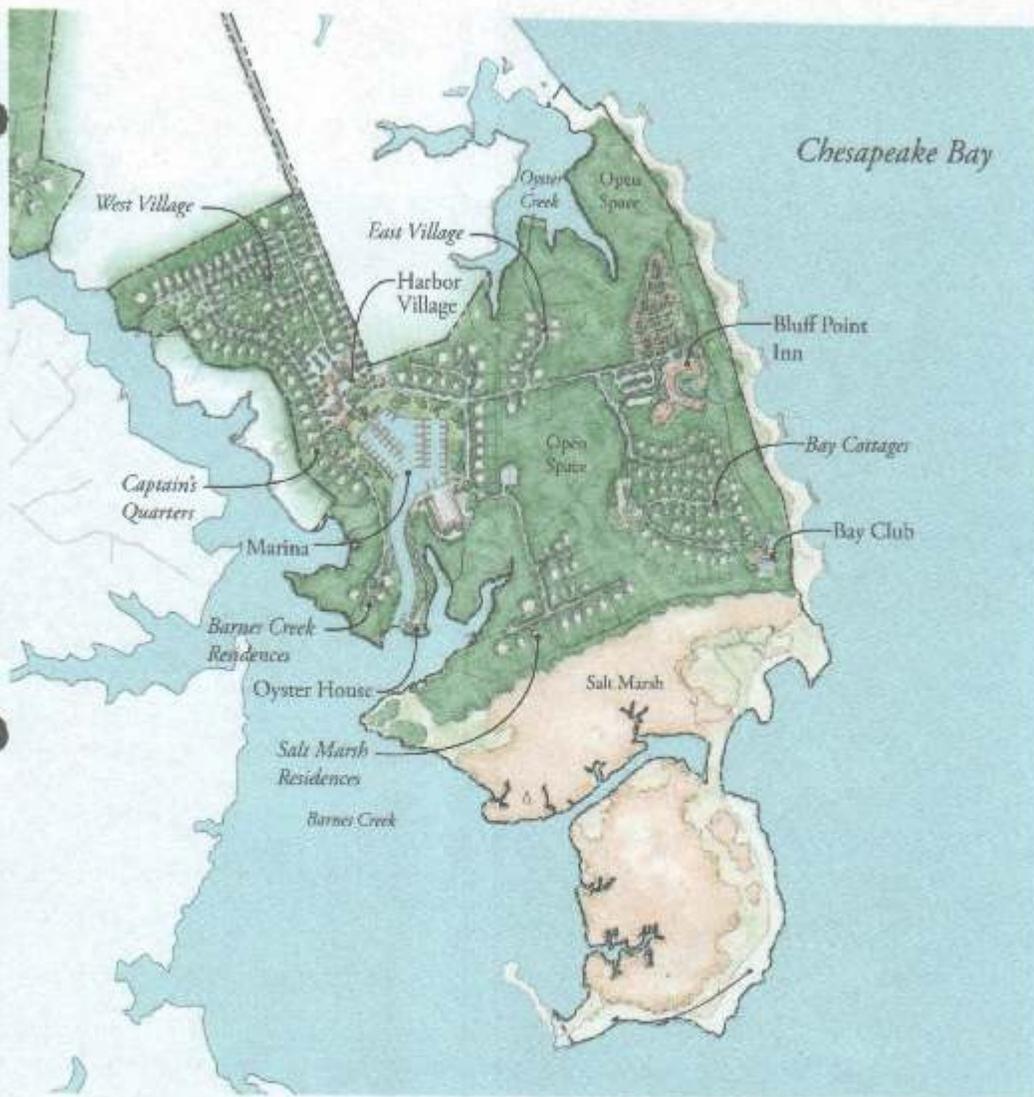
- A. The Developer or its successors or assigns shall provide an annual monitoring report to the Zoning Administrator in a form required by the County until the Bluff Point PUD has completed its last phase. Such report shall be due no later than March 1 of each year.

## **V. TERMINATION**

- A. Upon noting that one of these PUD Conditions has been violated, the County Zoning Administrator shall issue a written notice of violation to the Developer. The notice shall inform the Developer (i) which condition or conditions have been violated, (ii) the nature of the violation, and (iii) that the County Board of Supervisors shall hold a public meeting at which it shall review the violation and these PUD Conditions, if the Developer does not abate the violation within such time period as may be set by the County Zoning Administrator, which shall be no less than thirty (30) days from the date of the notice. Upon holding such a public meeting, the Board of Supervisors may terminate all or a portion of this Bluff Point PUD as to all or a portion of the Property. No action taken pursuant to the provisions of this section shall in any way limit the County's right to pursue any other remedy at law or in equity against the Developer.



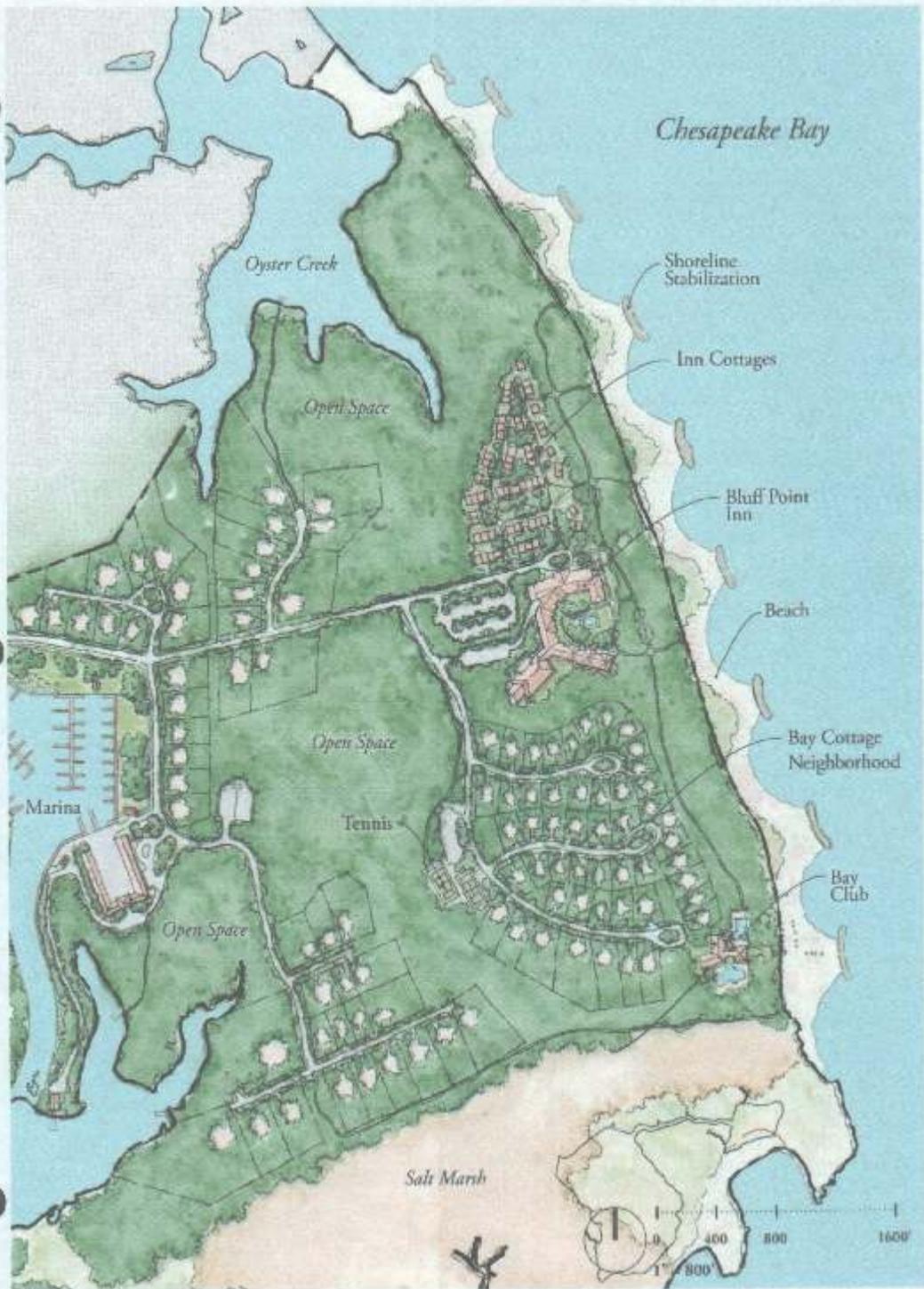
Master Plan, Exhibit A



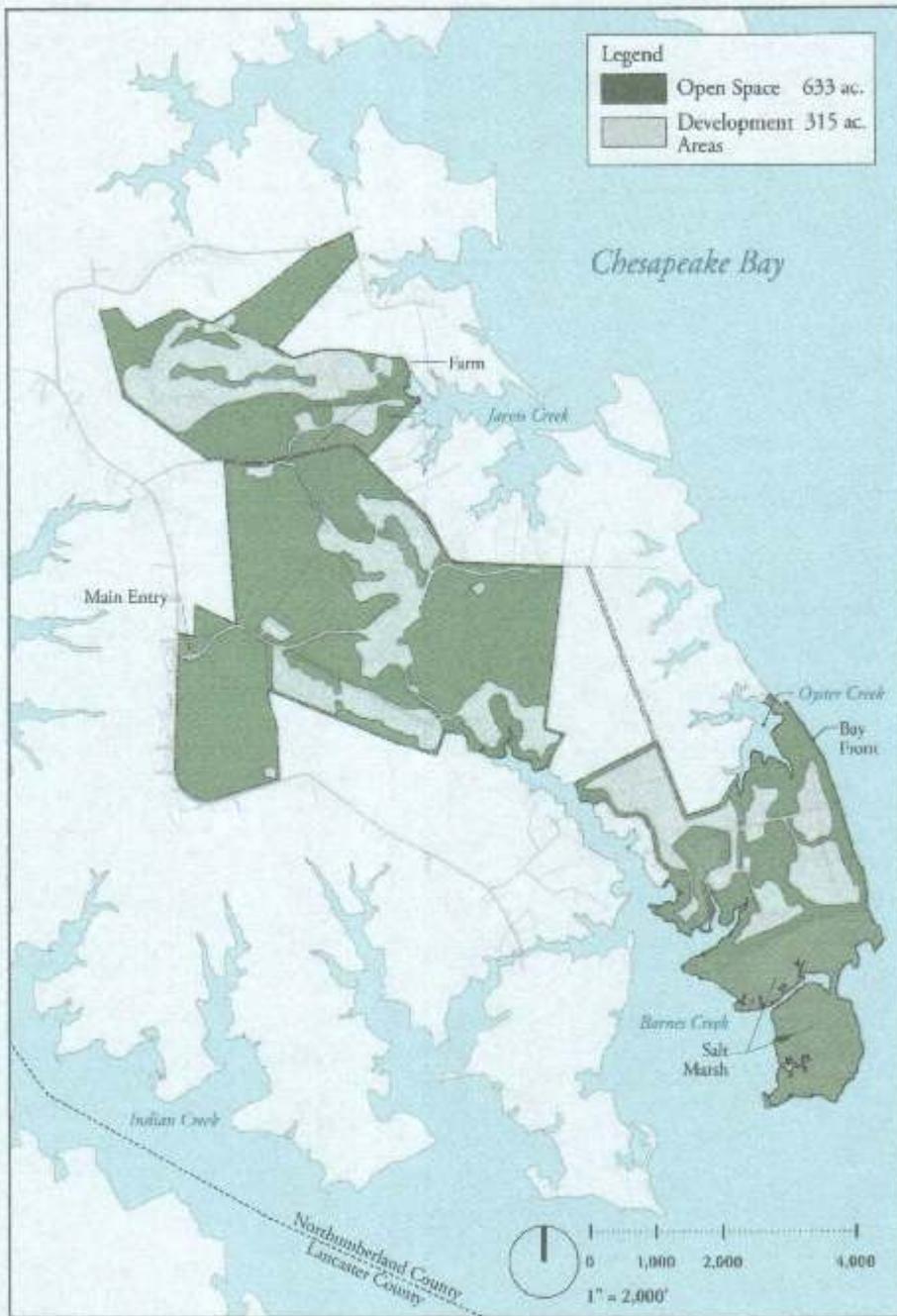
Bay and Harbor Master Plan, Exhibit B



Bluff Point Inn and Spa Plan, Exhibit D



Bay Club and Cottage Plan. Exhibit E



Open Space Plan, Exhibit F

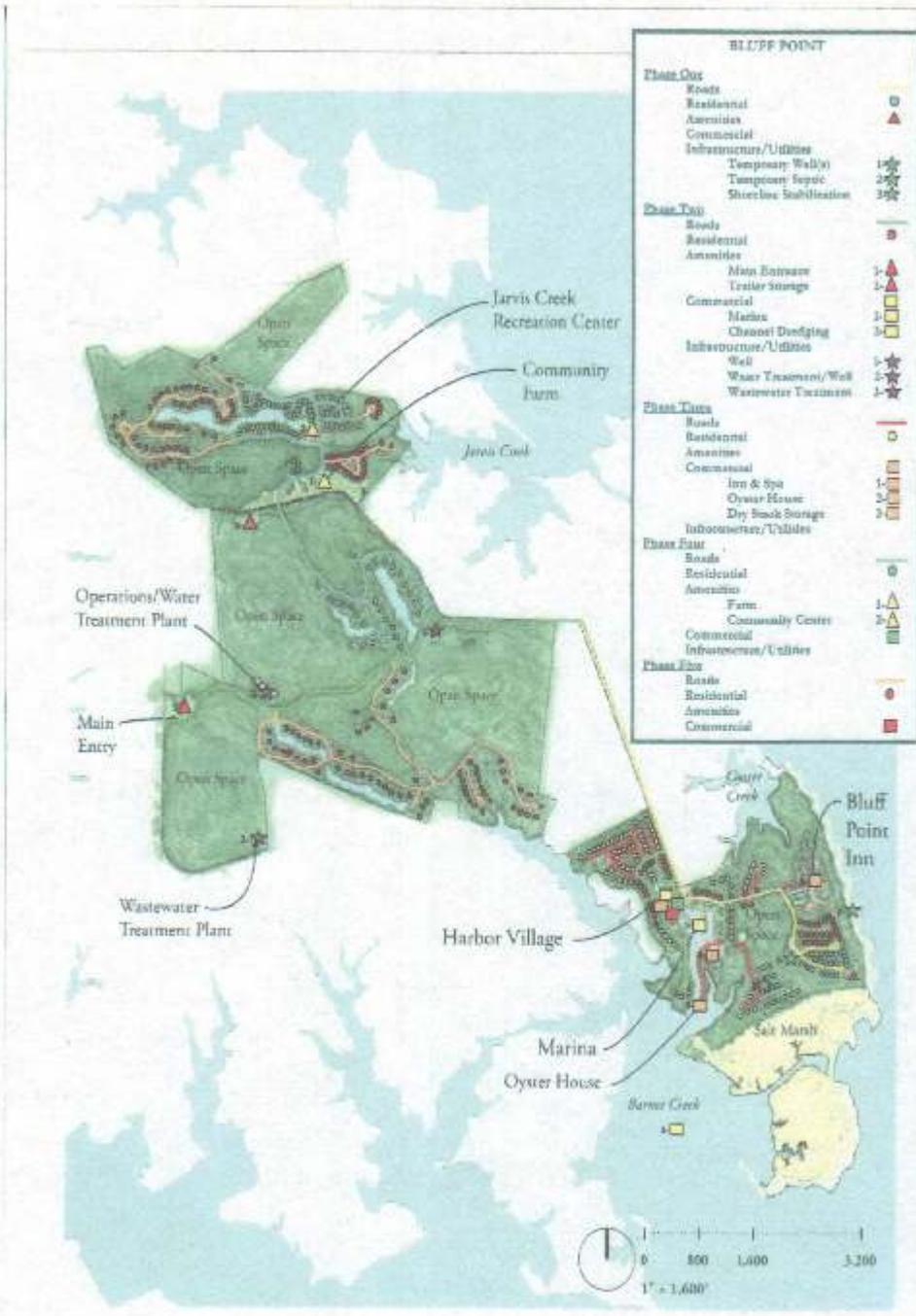


Exhibit G

**Bluff Point**

Phasing Worksheet

Phase 1	Bonding	Description	Units
Site Plan			
<b>Residential Units</b>			
<b>BAY COTTAGES</b>			25
<b>Required Infrastructure</b>			
Shoreline Stabilization		Construction of Breakwaters Offshore	
Roadways		Upgrade to Monarch Shores Drive to Bay Club Area, construction of Bay Club neighborhood streets	
Utilities		Electric, Phone, Cable	
Potable Water		Wells to service approx 25 Bay Club Homes until permanent water system is constructed	
Wastewater		Interim Septic System to service approximately 25 Bay Club Homes and Bay Club Facility until permanent wastewater system is constructed	
<b>Committed Amenities</b>			
Bay Club			
Clubhouse		P&B - F&L to be completed at a later date. Clubhouse only bonded at this phase.	
Swimming Pool(s)			
Tennis Courts			

**Exhibit H**

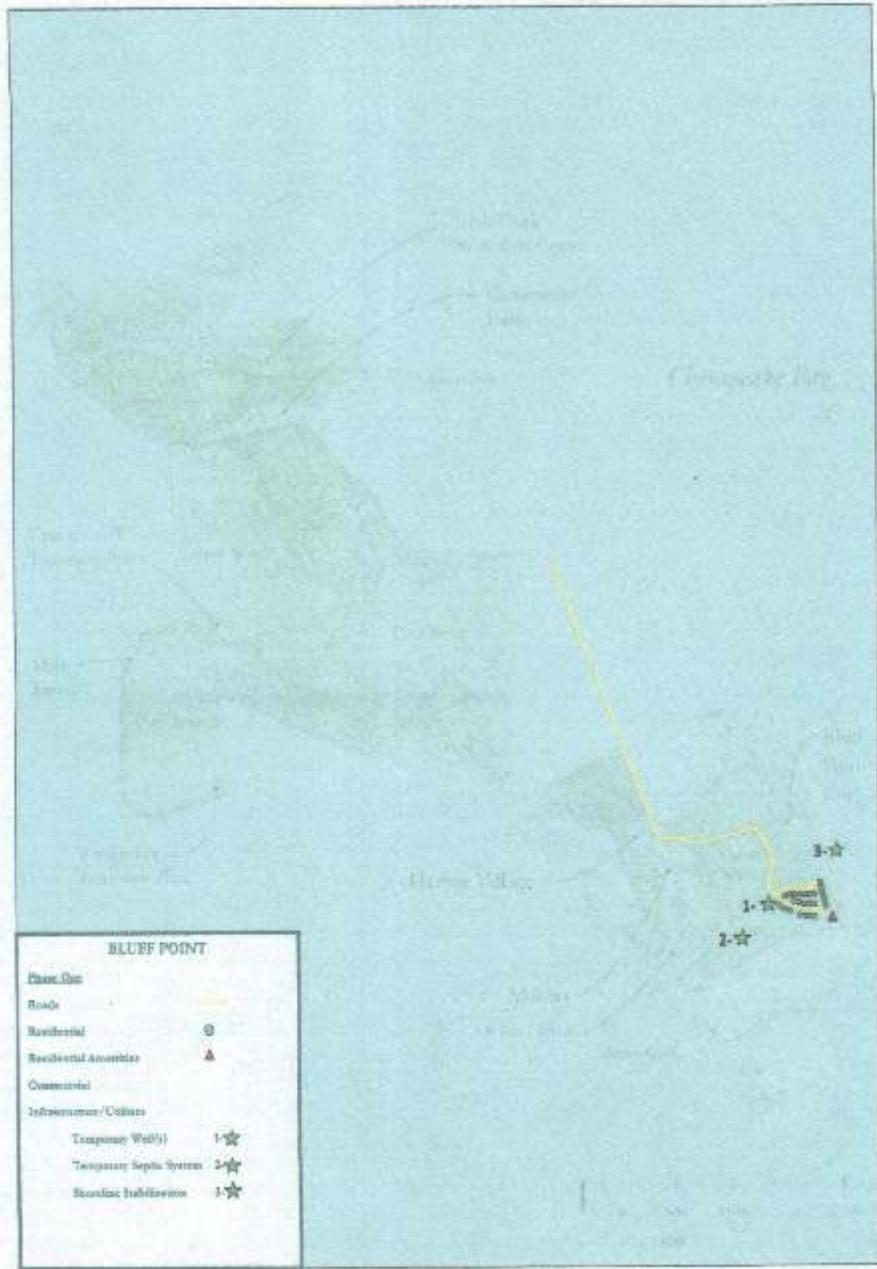


Exhibit I

**Bluff Point**

Phasing Worksheet

Phase 2

Phase 2	Bonding	Description	Units
Site Plan			
Residential Units			
BAY COTTAGES & RESIDENCES			20
EAST VILLAGE RESIDENCES			5
WEST VILLAGE RESIDENCES			4
MULTIFAMILY - VILLAGE			36
MULTIFAMILY - MARINA			44
Required Infrastructure			
Marina			
Harbor Basin		Marina Basin , 30 Wet Slips and Marina Restroom	38
Channel		Berrows Creek Channel Dredging	
Shoreline Stabilization		Beach Nourishment and Dune Feature	
Roadways		Main Entry Road including Rt. 669 turn lane into Main Entry	
Greeting Station		Located at Rt. 669 and Bluff Point Main Entrance	
Utilities		Electric, Phone, Cable for Phase Two	
Potable Water		Permanent Water System and lines serving Phase Two	
Wastewater		Permanent Wastewater Treatment Facility and lines serving Phase Two	
Commercial			
Harbor Village			
General Store			
Sales Center			
Committed Amenities			
RV Storage			

**Exhibit J**

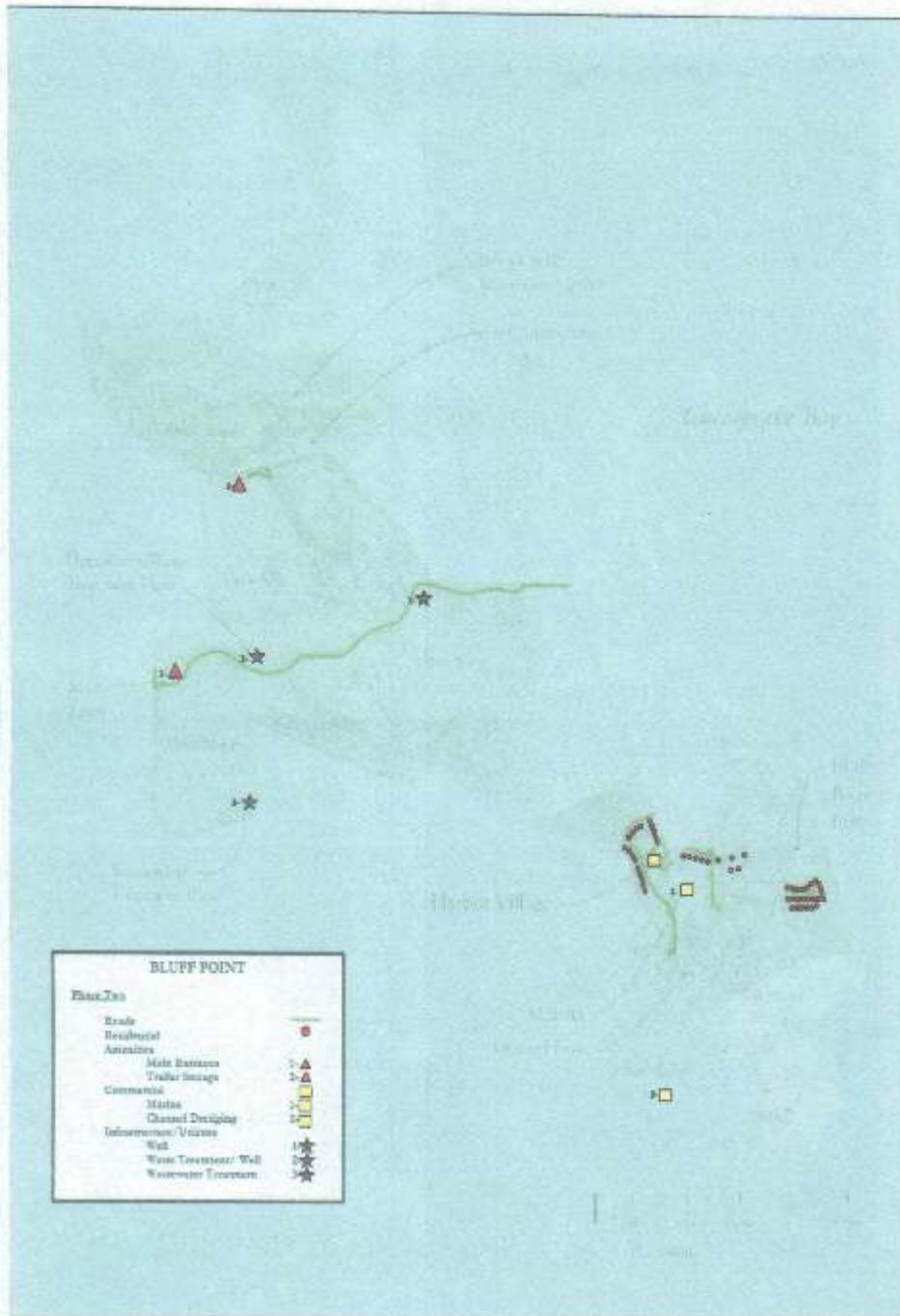


Exhibit K

**Bluff Point**

Phasing Worksheet

Phase 2

Site Plan

	Bonding	Description	Units
Residential Units			
BAY COTTAGES & RESIDENCES			
EAST VILLAGE RESIDENCES			6
WEST VILLAGE RESIDENCES			47
MULTIFAMILY - MARINA			40
MULTIFAMILY - VILLAGE			8
SALT MARSH RESIDENCES			
BARNES CREEK RESIDENCES			
Commercial			
Inn & Spa			
Harbor Village			
Chapel			
Retail			
Harbor Village Restaurant			
Required Infrastructure			
Marina			
Dry Stack Storage			130
Fuel Dock			
Pumpout Facilities			
Oyster House			
Roadways		Construction of neighborhood walkways for Phase Three	
Utilities		Electric, phone, cable	
Potable Water		Construction of neighborhood piping for Phase Three	
Wastewater		Construction of neighborhood piping for Phase Three	
Committed Amenities			

**Exhibit L**

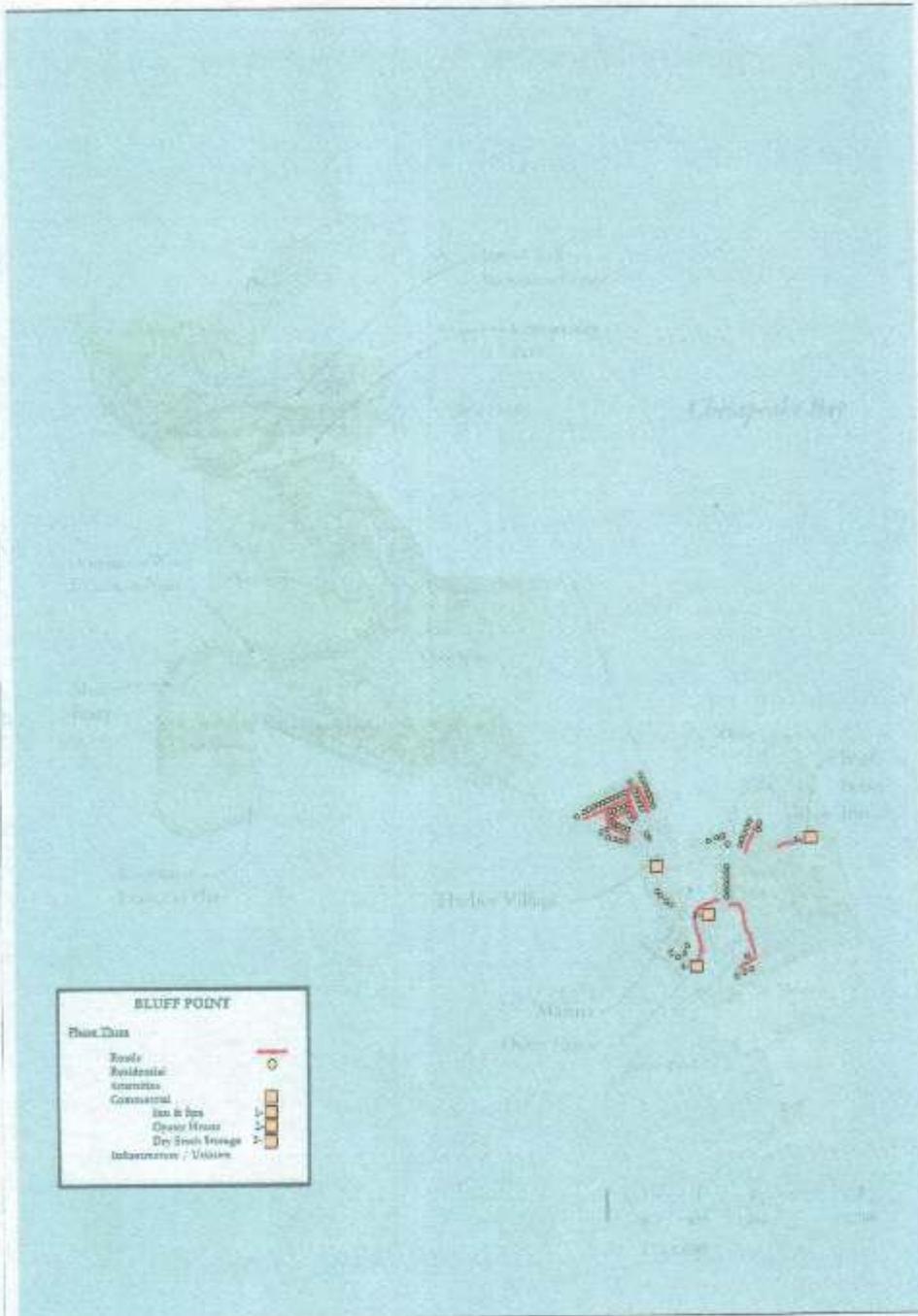


Exhibit M

**Bluff Point**  
 Pricing Worksheet  
 Page 4

Site Plan	Counting	Description	Units
<b>Residential Units</b>			
BAY COTTAGES			
EAST VILLAGE RESIDENCES			
WEST VILLAGE RESIDENCES			
SALT MARSH RESIDENCES			20
BARNES CREEK RESIDENCES			4
CENTRAL AREA RESIDENCES			25
JARVIS CREEK AREA			40
JARVIS CREEK AREA - FARM			11
JARVIS CREEK AREA MULTIFAMILY			40
<b>Commercial</b>			142
Retail			
Postal Center			
Community Education Center			
<b>Required Infrastructure</b>			
Roadways		In-Lane Neighborhood Roads, Left Turn Lane on to Jarvis Point Road (and/or alternate road movement located in the vicinity of Barnes Creek)	
Utilities		Electric, Phone, Cable	
Potable Water		Piping to neighborhoods for Phase Four	
Wastewater		Piping to neighborhoods for Phase Four. Increase in capacity if needed for treatment plant.	
<b>Committed Amenities</b>			
<b>Jarvis Creek Community Center</b>			
Community Pool			
Tennis Courts			
Community Clubhouse			
Farm			

**Exhibit N**



**Bluff Point**

Phasing Worksheet

Phase 5

	Bonding	Description	Units
Site Plan			
<b>Residential Units</b>			
BAY COTTAGES			
EAST VILLAGE RESIDENCES			
WEST VILLAGE RESIDENCES			
SALT MARSH RESIDENCES			
BARNES CREEK RESIDENCES			
CENTRAL AREA RESIDENCES			53
JARVIS CREEK AREA - FARM			24
JARVIS CREEK AREA MULTIFAMILY			
JARVIS CREEK AREA RESIDENCES			53
<b>Commercial</b>			
Retail			
<b>Required Infrastructure</b>			
Roadways		Creation of neighborhood roads for Phase Five	
Utilities		Electric, Phone, Cable	
Potable Water		Piping to neighborhoods for Phase Five	
Wastewater		Piping to neighborhoods for Phase Five	
<b>Committed Amenities</b>			

**Exhibit P**

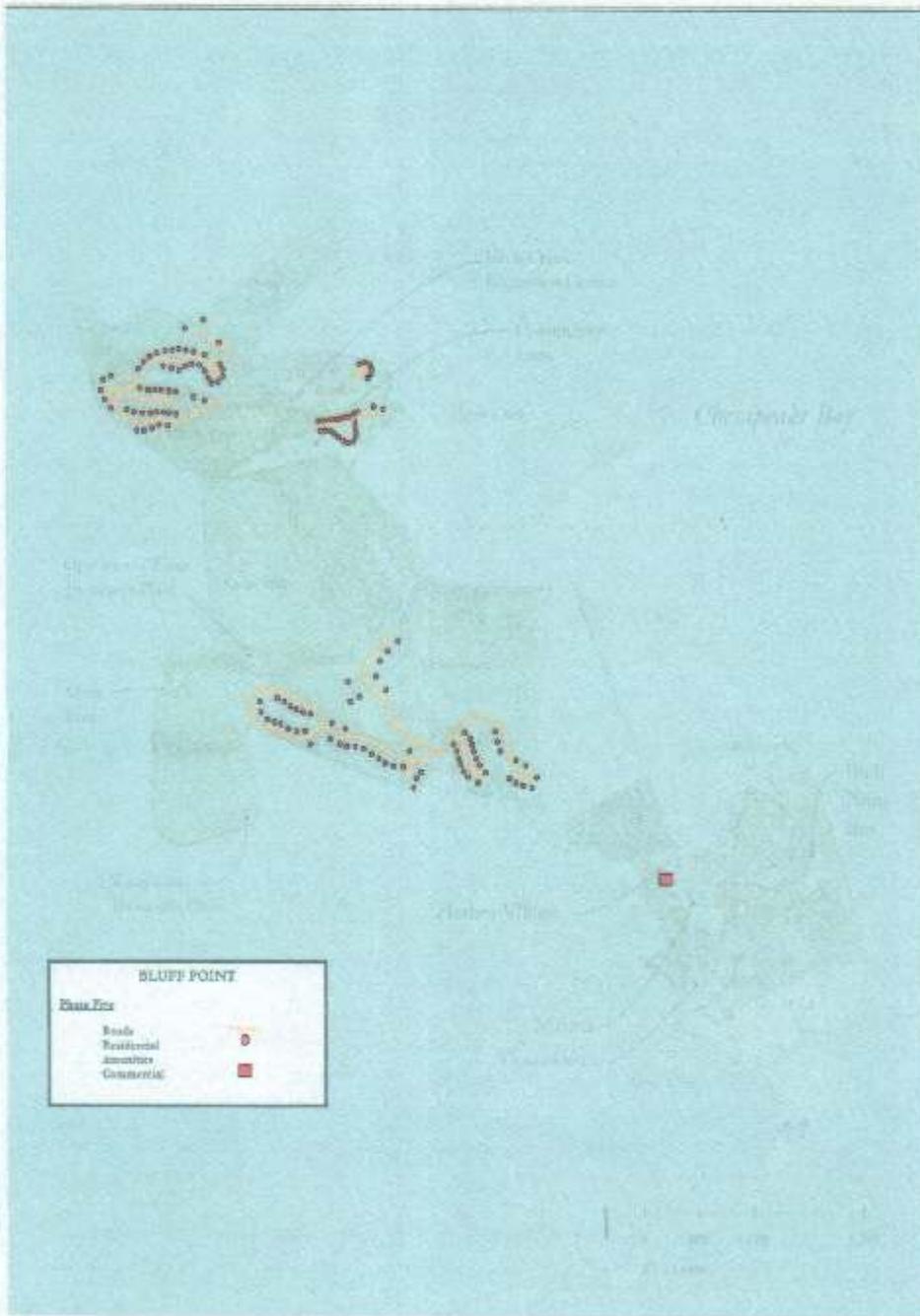


Exhibit Q

To: Northumberland County Board of Supervisors  
From: Bluff Point Holdings LLC  
RE: Submittal Modification - Marnock Shores Subdivision  
Date: March 12, 2010

As a result of discussions between Bluff Point Holdings LLC and Marnock Shores lot owners, Bluff Point Holdings LLC hereby modifies its Submittal Plan as it relates to Marnock Shores as detailed below. Bluff Point Holdings LLC and the Marnock Shores lot owners who have executed this modification agree as follows:

1. Wastewater Water

- a. Connection to the Bluff Point wastewater system will be made available to each Marnock Shores lot owner.
- b. Bluff Point will incur 100% of the cost of laying the main line, and providing the connection points on the main line. The main line will run the full length of the Marnock Shores subdivision with the exact location to be determined based on system engineering plans.
- c. Each individual Marnock Shores lot owner is responsible for selecting their own contractor and for paying for all connection expense from the main line into their homes. Provided however, Bluff Point will reimburse lot owners up to \$1,500 to cover documented expenses of connection by a licensed and insured plumbing contractors, provided the connection is made within one year of wastewater service first being available.
- d. Usage rates and user agreements will be the same as for Bluff Point residents and will be the sole responsibility of each individual homeowner. If homeowners chose not to connect to the Bluff Point potable water system a homeowner will install, at its expense a water meter on their personal water system to calculate wastewater usage. (This is the standard way of determining wastewater usage.) Bluff Point must be provided access to read the meter.

2. Potable water

- a. Connection to the Bluff Point potable water system will be made available to each Marnock Shores lot owner.
- b. Bluff Point will incur 100% of the cost of laying the main line, and providing the connection points on the main line and meters. The main line will run the full length of the Marnock Shores subdivision with the exact location to be determined based system engineering plans. The individual lot meters will likely be on each respective lot.
- c. Each individual Marnock Shores lot owner is responsible for selecting their own contractor and for paying for all connection expenses for hooking up to the Bluff Point water system from the main line into their homes. Licensed and insured plumbing contractors must be used for all work.
- d. Usage rates and user agreements will be the same as for Bluff Point residents and will be the sole responsibility of each individual homeowner.

3. Marnock Shores Road Access

- a. Marnock Shores homeowners have requested that Bluff Point create a more direct access to the Marnock Shores community. The attached rendering dated March 1, 2010 shows the location of a revised access road for Marnock Shores. The final site plan might show a shift of the road to align with the opposite side of the parking lot.
- b. Once the new access road is completed the existing access road connection will be closed and abandoned.
- c. The 30' wide road easement, located in front of each lot, will be deeded to one or more Marnock Shores lot owners or a homeowners association, should they create one. Road maintenance for this roadway will continue to be the sole responsibility of Marnock Shores lot owners pursuant to an existing road maintenance agreement. If such roadway is deeded, Bluff Point will be granted a utility easement for water and wastewater systems within such 30' roadway.

4. Club Membership

- a. Each of the 19 lot owners of Marnock Shores Community will have the option of joining the Bluff Point Club, should a club be created in the future. It is understood there maybe more than one class of membership and each lot owner may elect the type of membership to join.
- b. The option to join the BP Private Club will be limited to a period of no more than 18 months after memberships are first offered.
- c. If a Marnock Shores lot owner exercised their right to join the Bluff Point Club and are in good standing, sell their Marnock Shores residence, the purchaser will have the right to join the Bluff Point Club under the same structure as a resell purchaser of a residence in Bluff Point.

5. Privacy

- a. Bluff Point agrees to build an 8' high privacy fence on its property adjacent to the to the existing 30' road easement.
- b. Upon 100% approval from all Marnock Shores lot owners or as agreed to by the required majority if a homeowners association has been created, Bluff Point agrees to install, at its expense, a remote controlled gate separating the two communities.

6. Riparian Rights

- a. Bluff Point owns various oyster leases under existing docks of Marnock Shores and adjacent to undeveloped lots.
- b. Bluff Point agrees not to contest repairs to existing docks and new docks for the undeveloped lots.

*Thomas A. Douglas*

Bluff Point Holdings LLC

March 12, 2010

Dated

\_\_\_\_\_

Lot Owner: Lot # \_\_\_\_\_

\_\_\_\_\_

Dated

**RE: APPROVAL OF CHECK REGISTER**

Upon motion by James M. Long duly seconded by Richard F. Haynie, the Board voted unanimously to approve the check register, as submitted. The vote on the motion was as follows:

Ronald L. Jett – YEA                      A. Joseph Self, Sr. - YEA  
James M. Long – YEA                      Richard F. Haynie – YEA  
Thomas H. Tomlin - YEA

**RE: BOARD COMMENT PERIOD**

No Comments were given

**RE: CLOSED MEETING**

Upon motion by James M. Long, duly seconded by Richard F. Haynie, the Board voted unanimously to convene into closed meeting to discuss a contractual matter as permitted by Virginia Code Section 2.2-3711 (A) (7) to discuss a contractual matter on the reassessment contract. The vote on the motion was as follows:

A. Joseph Self, Sr. – YEA                      Ronald L. Jett – YEA  
Richard F. Haynie – YEA                      James M. Long – YEA  
Thomas H. Tomlin – YEA

**RE: OPEN MEETING**

The Board convened back into open session upon motion by A. Joseph Self, Sr., duly seconded by Richard F. Haynie, the Board voted unanimously that in the closed meeting just concluded, nothing was discussed except the matters lawfully permitted to be so discussed under the provisions of the Virginia Freedom of Information Act cited in the motion. The vote on the motion was as follows:

A. Joseph Self, Sr. – YEA                      Ronald L. Jett – YEA  
Richard F. Haynie – YEA                      James M. Long – YEA  
Thomas H. Tomlin – YEA

**RE: MOTION AND CERTIFICATION OF CLOSED MEETING**

A motion was made by A. Joseph Self, Sr., duly seconded by Richard F. Haynie, the Board voted unanimously to certify the closed meeting:

WHEREAS, The Northumberland County Board of Supervisors, herein Board, has convened a closed meeting on this date pursuant to the affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act: and  
WHEREAS, 2.1-344.1 of the Code of Virginia requires a certification by this Board that such closed meeting was conducted in conformity with Virginia law;  
NOW THEREFORE, BE IT RESOLVED that the Board hereby certifies that, to the best of each member’s knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board specifically a contractual matter.

The vote on the motion was passed by a roll call vote as follows:

Ronald L. Jett – YEA	A. Joseph Self, Sr. - YEA
James M. Long – YEA	Richard F. Haynie - YEA
Thomas H. Tomlin – YEA	

There was no action taken after the closed meeting.

### **PUBLIC HEARINGS**

#### **RE: REQUEST BY RYAN HUNTER CRANDOL FOR A SPECIAL EXCEPTIONS PERMIT TO ALLOW AN ESTABLISHED HUNTING CLUB AT 632 GEORGETOWN ROAD NEAR BROWN'S STORE**

Zoning Administrator Shirley described the request for a Special Exceptions permit. He noted that he had received one letter of comment on the request from Jane Williams who is an adjoining property owner of the prospective hunt club and she expressed her support for its approval.

Mr. Crandol, applicant, spoke on his behalf and explained to the Board why they wanted to put a hunt club on the property. He said this is already an established club in the county but had to move its location because of the sale of its property.

Supervisor Tomlin asked if there were dog pounds on the property. Mr. Crandol said yes, across the road and it will be moved 200 yards off the road on a 17.5 acres piece of land.

Public Hearing Open

No comments were given

Public Hearing Closed

Mr. Shirley read the following suggested conditions:

1. A roster of all members of the hunt club must be submitted annually to the Zoning Administrator prior to the opening day of deer season;
2. The hunt club shall have a water sewerage disposal system for the submitted roster approved by the Northumberland County Health Department;
3. There shall be a vegetated buffer of 200 feet from adjoining residences and 100 feet from all property lines;
4. Three off-street parking spaces shall be provided for every four members of the hunt club;
5. Dogs may be kept on the property during the firearms deer hunting season and then only when members of the hunt club are present to hunt. Dogs must be removed from the property at all other times;
6. The property shall be kept free of all trash and debris and all deer carcasses, entrails, etc., must be disposed of properly;
7. All exterior lighting shall be so arranged as to reflect light away from adjoining properties;
8. No firearms may be discharged on the property; and,

9. The kennel which is currently across the highway will be placed on this tract and situated at least 200 yards from the highway.

Upon motion by James M. Long duly seconded by A. Joseph Self, Sr., the Board voted to approve the request with the recommended conditions.

The vote on the motion is as follows:

Ronald L. Jett – YEA

Thomas H. Tomlin – YEA

A. Joseph Self, Sr. – YEA

Richard F. Haynes – YEA

James M. Long – YEA

**RE: REQUEST BY MARK SCERBO, OWNER, AND EDWARD VON BERGEN, APPLICANT, FOR A SPECIAL EXCEPTIONS PERMIT TO ESTABLISH A FERRY PORT AT 369 CHURCH LANE IN LEWISSETTA THAT WILL RUN BETWEEN LEWISSETTA AND ST. MARY’S COUNTY, MD.**

Zoning Administrator Shirley described the request to establish an Automobile Ferry in Lewisetta. Mr. Shirley said he had received one comment in writing from Mr. William Allen objecting to the project.

Mr. Von Bergen, applicant, spoke on the request saying he has been in this business for years and his original plan was to have a ferry to go from Reedville to Crisfield, Maryland but wanted to try a shorter route first. The ferry would run from Lewisetta Marina during the spring through summer and be named “The Cumberland”. He said he could not wait another year to make this request and he requested that the Board make this go through quicker than normal. He is asking for no financial help from the county. Mr. Von Bergen referenced a 2 to 3 million dollar study on the need of a ferry in the area completed by VDOT.

Public Hearing Open

Mr. Jim Dize said he had no personal interest in this request but just thinks it would be good to have and with no cost to the county. It will expand interest in the county and bring in a lot of good.

Ms. Debra Dize also spoke in support to this to help the local economy.

Mr. Dick Saxer stated from an Economic Commission standpoint it has a beneficial prospect to create jobs in the county. He said he did have some concerns with the vehicle guidelines.

Ms. Ginny Estell asked the applicant to explain a little more about the size and amount of people that can ride. Mr. Von Bergen said it can carry 200 people with a max of 50 cars. He estimates it will carry 25-30 cars every two hours. It can also transport big trucks.

Mr. Ted Brooks who lives at 27 River Road said the Scerbo family is fine people and this would probably be an asset but is bothered by the additional traffic in the small area. He said he’s not opposed but is just not sure Lewisetta is the place for it.

Mr. Dave Bryan said it would be a wonderful thing for the Northern Neck and with the proper signage, it’s a no brainer. The marina already brings in traffic and this would be good for tourism.

Public Hearing Closed

Mr. Shirley informed the Board that as of this day, he has not received an overall site plan and the Virginia Department of Transportation has not reviewed the site. Mr. Shirley recommended the Board requiring a site plan to make a decision therefore, he recommends tabling this request until the necessary paper work is given and the site is reviewed by VDOT.

Mr. Von Bergen stated he just wants a condition permit for now. Supervisor Tomlin questioned the site if approval is allowed as conditional. Supervisor Self stated that St. Mary's County's laws are different and this is in their critical areas.

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long, the Board voted to table the request pending receipt of a complete site plan for the proposed project and a review by the Virginia Department of Transportation.

The vote on the motion is as follows:

Ronald L. Jett – YEA

Thomas H. Tomlin – YEA

A. Joseph Self, Sr. – YEA

Richard F. Haynie – YEA

James M. Long – YEA

Mr. Von Bergen said he didn't want to go through the cost of those documents if it's just going to get turned down. It was brought out that the applicant was developing a site plan for St. Mary's County, Md. and it could take up to six months for any approvals.

**RE: AMENDMENT TO THE ZONING ORDINANCE TO CHANGE THE DEFINITION OF TOURIST HOME.**

Assistant County Administrator Luttrell Tadlock described the proposed amendment to the zoning ordinance. He said the Planning Commission has reviewed this at the November 17<sup>th</sup> meeting and does not recommend its adoption of the proposed language.

Public Hearing Open

Cass Cazenski representing the Tides of the Chesapeake opposes the proposed language and agrees with the Planning Commission.

Mr. Tad Bass also from the Tides of the Chesapeake said this is a safety and security issue and the infrastructure needs to be re-thought. He said the recommendation from the Planning Commission is appropriate.

Mr. Pat Boone explained he is the reason why all this has been brought up. He has been renting his house for 5 years and has had no problems. His house is located on 2 acres and has a tight lease for the renters. He would like to be able to continue renting.

Mr. Jim Dize said he used to be a zoning administrator in Richmond and he warns the Board to be careful on how much restrictions can be put on a resident.

Mrs. Debra Dize agreed with Mr. Dize and is concerned with the intent of the matter.

Mr. Robert Zneck recommends keep the current amendment the same.

Public Hearing Closed

Supervisor Self recommends having a work session on the matter.

Mr. Shirley spoke up and requested the Board to either go along with the Planning Commissions recommendation or make a change because there is a request that is in limbo over this matter.

Supervisor Haynie suggests following the Planning Commission's recommendation.

Supervisor Tomlin said if that is so, the request would have to go back to the Planning Commission.

Upon motion by Thomas H. Tomlin, duly seconded by Richard F. Haynie., the Board voted to accept the Northumberland County Planning Commissions recommendation and not change the language at this time.

The vote on the motion is as follows:

Ronald L. Jett – NAY  
A. Joseph Self, Sr. – YEA  
James M. Long – YEA

Thomas H. Tomlin – YEA  
Richard F. Haynie – YEA

Chairman Jett said he just doesn't think anything has been accomplished.

Mr. Boone spoke up and asked for a short term conditional use for his situation because right now he's not allowed to rent and this has been dragging on.

**RE: PUBLIC COMMENT PERIOD**

Ms. Pamela Collins asked if the Bluff Point project had already been voted on. Chairman Jett said it had and they had a work session last night.

Mr. Boone asked for a meeting to be set up with Mr. Eades.

**RE: ADJOURNMENT**

Upon motion by A. Joseph Self, Sr., seconded by Thomas H. Tomlin, the Board voted to adjourn. The vote on the motion was:

Ronald L. Jett – YEA  
A. Joseph Self, Sr. – YEA  
James M. Long – YEA

Thomas H. Tomlin – YEA  
Richard F. Haynie – YEA

---

Kenneth D. Eades, Clerk