

PRESENT: Justine D. Tilghman, Chairwoman
George A. Coyner, II, Vice Chairman
Daisy A. Brown
Steven F. Shreckhise
Sandra K. Bunch, Zoning Administrator and Secretary
James R. Benkahla, County Attorney
John R. Wilkinson, Director of Community Development
Beatrice B. Cardellicchio-Weber, Executive Secretary

ABSENT: Thomas H. Byerly

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, June 6, 2019 at 8:00 A.M., in the County Government Center, Verona, Virginia.

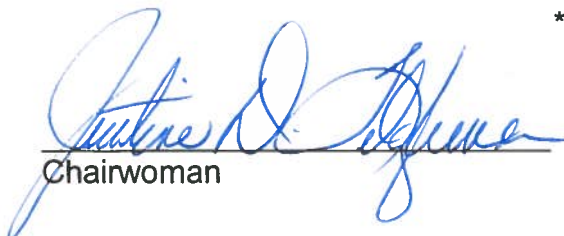
The staff briefing was held at **8:00 a.m.** in the Board of Supervisors Conference Room where the Board reviewed the staff report for each request on the agenda. Copies of the staff reports can be found in the Community Development Department.

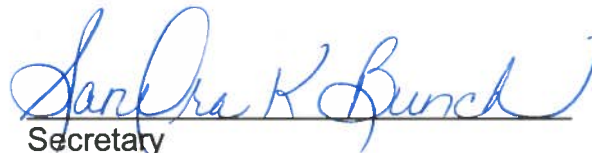
VIEWINGS

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

- **MICHAEL J. OR SANDA M. RACCA - SPECIAL USE PERMIT**
- **JOSEPH D. SHOMO AND SONNEE CARTER - SPECIAL USE PERMIT**
- **SANDRA L. MEYER, TRUSTEE - SPECIAL USE PERMIT**
- **DEBBIE C. HENDERSON, AGENT FOR D.M. CONNER, INC. - SPECIAL USE PERMITS**
- **CURTIS G. OR JANICE E. WILES - APPEAL OF A DECISION OF THE ZONING ADMINISTRATOR**

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.


Chairwoman


Secretary

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 Beatrice B. Cardellicchio-Weber, Executive Secretary

ABSENT: Thomas H. Byerly

VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, June 6, 2019, at 1:30 P.M., in the County Government Center, Verona, Virginia....

MINUTES

No minutes to be approved this month.

PHILIP A. WADE OR CANDACE M. WADE - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Philip A. Wade or Candace M. Wade, for a Special Use Permit to continue to have a motor vehicle repair and welding business on property owned by Hugh L., Jr., and Candace M. Wade, located at 1179 Buffalo Gap Highway, Swoope in the Pastures District.

Mr. Philip Wade stated his father and him ran an auto mechanic business there and he is requesting to add his name to this business to continue the auto repair.

Chairwoman Tilghman asked if his dad had a license there for a while?

Mr. Wade stated since 1982.

Chairwoman Tilghman asked if he is proposing any changes?

Mr. Wade stated no.

Chairwoman Tilghman asked if the applicant has read the conditions that state no junk or inoperable vehicles outside and that everything needs to be kept in the garage?

Mr. Wade stated yes.

Ms. Brown asked how close do you live from the business?

Mr. Wade stated seventy-five (75) yards away.

Chairwoman Tilghman asked if his mom lives at the house?

Mr. Wade stated yes.

Ms. Brown asked if he is the only employee?

Mr. Wade stated yes.

Chairwoman Tilghman asked if there was anyone wishing to speak in favor, or in opposition to the request?

There being none, Chairwoman Tilghman declared the public hearing closed.

Mr. Shreckhise stated this is a continuation of the business and we have had no issues, therefore, he would move to approve the request with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. All work be done inside the existing attached garage.
2. Hours of operation be 8:00 a.m. to 9:00 p.m.
3. No employees.

- 4. No Sunday work.
- 5. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
- 6. All inoperable vehicles must be kept behind the dwelling screened from public view by natural vegetation.
- 7. Site be kept neat and orderly.

Ms. Brown seconded the motion, which carried unanimously.

MICHAEL J. OR SANDA M. RACCA - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Michael J. or Sanda M. Racca, for a Special Use Permit to have firearm sales and gunsmithing on property they own, located at 1468 Keezletown Road, Weyers Cave in the Middle River District.

Mr. Michael Racca stated he would like to have an online business with no inventory or bulk onsite. He would like to buy and sell. He has to get this permit in order to get his federal license. He will not have any customers or firing at the site. He would like to do some minor gunsmithing.

Chairwoman Tilghman asked if he would be doing some repair work?

Mr. Racca stated yes.

Vice Chairman Coyner asked if customers would come to the site with firearms?

Mr. Racca stated yes, occasionally if they want one repaired.

Chairwoman Tilghman stated VDOT's comments state that no onsite sales are anticipated. She asked if he would sell online or at another gun store?

Mr. Racca sated yes.

Chairwoman Tilghman asked if there was anyone wishing to speak in favor, or in opposition to the request?

A citizen asked if they would be selling guns and discharging firearms onsite or test firing?

Chairwoman Tilghman stated there will be no test firing on premise. She said the applicant will not be allowed to do that. There being no further comments from the public, she declared the public hearing closed.

Vice Chairman Coyner stated they visited the site and have had several of these businesses in the County and have never had problems. He moved to approve the request with the following conditions:

Pre-Condition:

- 1. Applicant install a turnaround location per VDOT comments and provide a copy of the approval to Community Development.

Operating Conditions:

- 1. Be permitted to have firearm sales and gunsmithing within the existing dwelling.
- 2. No employees.
- 3. Applicant must reside on premises.
- 4. No test firing onsite.
- 5. Site be kept neat and orderly.

Ms. Brown seconded the motion, which carried unanimously.

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JONATHAN R. FRETWELL OR CRYSTAL D. WILFONG-FRETWELL - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Jonathan R. Fretwell or Crystal D. Wilfong-Fretwell, for a Special Use Permit to have a personal kennel on property they own, located at 547 Hundley Distillery Road, Churchville in the North River District.

Mr. Jonathan Fretwell stated he owns four (4) dogs and they have been fostering and would like to adopt another dog. He is requesting a permit for six (6) dogs. He does not breed the dogs.

Chairwoman Tilghman asked if they temporarily house rescue dogs?

Mr. Fretwell stated yes.

Chairwoman Tilghman asked if they plan on building another structure?

Mr. Fretwell stated the building does not meet the setback, so they are relocating the building.

Chairwoman Tilghman asked if there was anyone wishing to speak in favor, or in opposition to the request?

There being none, Chairwoman Tilghman declared the public hearing closed.

Vice Chairman Coyner stated there are a lot of kennels in the County. He said it is good to see the applicant getting the permit up front. He said they are not planning on breeding. He moved to approve the request with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Maximum of six (6) adult dogs kept at this site at any time.
2. Be permitted to construct a 10' x 12' kennel adjacent to the riding ring.
3. All dogs be confined within the designated area on the site plan or inside the dwelling.
4. Dogs be kept inside from 10:00 p.m. until 6:00 a.m.
5. Site be kept neat and orderly.
6. Animal Control to inspect the site **yearly**.

Mr. Shreckhise seconded the motion, which carried unanimously.

JOSEPH D. SHOMO AND SONNEE CARTER - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Joseph D. Shomo and Sonnee Carter, for a Special Use Permit to have weddings and special events on property owned by Joseph D. Shomo, located at 676 Haytie Lane, Swoope in the Riverheads District.

Mr. Joseph Shomo stated they were recently married and her name has changed to Sonnee Shomo. I appreciate the opportunity for you to consider our request. He has spoken with the neighbors and there will be opposition from some. He said they would like to change the recommended staff conditions for #3 to reflect no more than ten (10) per year and no more than two (2) per month and #4 to no more than one hundred fifty (150). He said it is a narrow dirt road and more than one hundred fifty (150) cars may be a bit much. He feels the neighbors would not want to contend with that and he would not blame them. He said they would like to have wedding venues and occasional special events.

Vice Chairman Coyner asked if they plan on having weddings in the house?

Mr. Shomo stated they do not plan to have the weddings inside the home. He said they will be outside (typically April, May, June, September, and October). He said there is an option for a tent as an alternative in bad weather.

Vice Chairman Coyner asked if someone resides there?

Mr. Shomo stated no. He lives on the hill. He said this is a working farm, and I am there every day.

Vice Chairman Coyner asked who will manage the operation and do they have experience?

Ms. Sonnee Shomo stated she will be taking care of this. She does not have any experience but she does have a history of catering services. She worked in a restaurant and organized special events.

Chairwoman Tilghman asked if they will use the house for the guests?

Ms. Shomo said they will offer a place for the bride to get ready for an event.

Vice Chairman Coyner asked if they will rent out to guests for the weekend?

Mr. Shomo stated no. He said that Ms. Bunch had told them there is a stipulation that someone needs to reside in the home in order to stay the night. He is aware of a number of vacation rentals by owner venues that folks do not live in the home.

Mr. Benkahla said that is the County Code.

Ms. Bunch stated their primary residence has to be in that home for a short term rental. She said some of the previously approved permits were done before the ordinance changed.

Vice Chairman Coyner asked where do you plan on marketing?

Mr. Shomo said through Facebook and other social media as well as a marketing group.

Vice Chairman Coyner asked where is your target market?

Mr. Shomo said a radius of 25-50 miles.

Vice Chairman Coyner stated he is concerned about folks coming from a different area that do not know and are totally unfamiliar with this area. He is concerned about an influx of 120 cars driving down the road.

Mr. Shomo said Staunton, Waynesboro, and Harrisonburg areas will be their bulk marketing efforts. He said once someone changes their status on Facebook to engaged, that is what gears the marketing and they plan to stay in that radius.

Vice Chairman Coyner asked if they will be there during events?

Mr. Shomo stated both of us will. He does not want anything done to the home and does not want it to deteriorate. He said they are doing this for extra income.

Ms. Brown asked if the building behind the house is used?

Mr. Shomo stated the smokehouse is a storage building and they are not using it for the venues.

Vice Chairman Coyner stated a septic system is required.

Mr. Shomo stated they will upgrade it to accommodate the house but do not want to spend the money if they only have two (2) events a year. He said yes, they know if they have seven (7) to ten (10) a year, they will revisit the bathroom facility.

Vice Chairman Coyner stated normally the Board gives an applicant two (2) years to do it. He said this will be a lot of activity on a small road.

Mr. Shomo said they are ok with reducing the number of guests and the number of weekends and that is why they reduced the number.

Vice Chairman Coyner asked if the applicant intends to do something this year?

Mr. Shomo stated he would like to but they are limited because the brides have already determined where they are getting married eighteen (18) months in advance.

Ms. Brown stated we were on the road this morning and it was tight and narrow.

Mr. Shomo stated you do have to squeeze over and it is a tight fit as well as challenging on the road.

Chairwoman Tilghman asked if there was anyone wishing to speak in favor to the request?

There being none, Chairwoman Tilghman asked if there was anyone wishing to speak in opposition to the request?

Ms. Luanne Leonard, 571 Haytie Lane, Swoope, read a petition signed by 25-28 people to the Board. She said the peak season is March – November. She said they reduced the number but it is advertised with a number up to 500 people. She said the people that live in the area know that you have to move over. She said this would be a safety issue on the road. She stated this area is in the Middlebrook Agricultural Forestal District. She purchased this property because of the seclusion in the area, lack of traffic, and no infrastructure being there. She stated this is a safety issue for the residents because of the traffic on the road. She said they have already advertised on the website and in Virginia Bride magazine that there is an open house on Sunday. She is concerned with them purchasing outside alcohol. She teaches at a school and has a horse business. She has a concern of them turning the home into a venue and creating traffic issues.

Vice Chairman Coyner asked if she is an adjacent neighbor?

Ms. Leonard stated yes.

Vice Chairman Coyner asked if the sound carries?

Ms. Leonard stated yes. She was ok with the prior weddings from their friends and family. She said the house and the property has a lot to offer. She said it would be less problems for the neighbors if they can do something that that will not cause these issues.

Ms. Susan Baldwin, 427 Haytie Lane, Swoope, stated she lives at the beginning of Haytie Lane. She said we believe this is not a good fit for the neighborhood. She said traffic alone is a big problem and it will change the character of the neighborhood. She said there are four (4) occupied homes on the road. She said they farm and have several farm fields along the road. She said this venue will be held during three days because there will be rehearsals, caterers, lawn care traffic, and people staying the weekend of the weddings. She is concerned about lights at night and concerned about protecting the dark sky. She does not have air conditioning and she sits on the porch all of the time. She said that she owns a vacation rental by owner that was approved a year and a half ago across the street. She limited her vacation rental. She does not allow events or parties because she wants to be fair to the neighbors at her vacation rental. She said they should offer something else other than a huge wedding venue, they can rent it out or use it for something else. She said VA Institute Way also feeds into it which is a narrow road and many people would be affected.

Chairwoman Tilghman asked how often do you rent your place?

Ms. Baldwin stated she has seven (7) nights in June, eight (8) in July, and two (2) in August that have been booked. She only has two (2) cars with possibly three (3) couples. She allows six (6) people. She said nothing large and she has never received any complaints.

Mr. Richard Landreth, 144 VA Institute Way, Swoope, stated this is a connector road that is followed by s-curves and drop-offs. He said there is an uphill steep drop on the right that he is concerned about. He said there will be about seventy-five (75) cars and trucks for vendors on VA Institute Way which will be 2-3 times the normal traffic that they get in a week. He noted it is an accident waiting to happen. He moved up here from Florida to enjoy the peace and quiet of the country and this would disrupt it totally.

Mr. Tom Engle, 51 Haytie Lane, Swoope, stated he agrees with the three previous speakers. He bought his property in 2011 because the quiet rural factor. He is concerned that this would significantly diminish the quiet rural area. He said with a wedding venue, it would create more traffic on Haytie Lane. He said the increased traffic will produce more noise, dust, and raise safety concerns. He said this is a very narrow gravel lane maintained by VDOT at a minimal visible standard. He said VDOT would have to do a lot more maintenance which will create more construction equipment and dust associated with it being maintained more. He said either way the residents lose. He said school buses could be impacted by the deterioration of the small narrow gravel lane. He urged the Board to deny the request even with the proposed changes.

Chairwoman Tilghman asked if there was anyone else wishing to speak regarding the request?

There being none, Chairwoman Tilghman asked the applicant to speak in rebuttal.

Ms. Shomo stated they have been working with a marketing company and they first started advertising tours to promote the wedding venue. She did not know what to expect for the amount of people and since then, they have done studies. She said social media and the website will be changed to what you approve. She said seventy-five (75) people is the average for a wedding in this area and it will not be as many people as what everyone is thinking. She said they both have full time jobs. She said this is an outdoor venue and it will not be in the heat of the season. She will operate weekends, therefore, the school buses are not an issue, on Saturdays mostly.

Mr. Shomo stated with the safety of the road, he acknowledges that adults will be responsible. He said these are not people coming from Washington DC and NYC. He said the target market is Staunton, Augusta, and Waynesboro and individuals have driven on roads similar to this. He said it is a narrow road. He said it would only be a couple times a year that traffic will increase. He said their clients would need to get a day permit for alcohol.

Vice Chairman Coyner asked if that is an option?

Mr. Shomo stated yes. He said with sound, he can have his own loud music if he wants to. He said he will be there if it gets too loud and they will be asked to turn it down.

Vice Chairman Coyner asked about the tent?

Mr. Shomo said that is the couple's responsibility. He said CVR will rent out tents and that is an option for them. He said it will be in the front or side yard.

Chairwoman Tilghman asked if everything would be done outdoors?

Mr. Shomo stated yes, all outdoors and it would be subject to the weather.

Chairwoman Tilghman declared the public hearing closed.

Vice Chairman Coyner stated the Board visited the site this morning. He said there is a farm lane going back to the site. He said this would not be a viable thing for a lot of traffic. He said they had problems with music and the disturbance of neighbors and a petition with folks who do not care for it. He feels that this is not the place for it.

Mr. Shreckhise stated he agrees with Mr. Coyner. He said 1-2 events would not be a big deal but the applicant would need to have enough of them in order to install the septic. He said vendors will need to come to the site also. He said there will be too much traffic for the business to be viable enough to justify a wedding business.

Vice Chairman Coyner stated he lives near a wedding venue and the character of the area did change. He moved to deny the request.

Mr. Shreckhise seconded the motion.

Chairwoman Tilghman stated VDOT gave us comments and they will not commit to any additional maintenance or upkeep on the roadway system to accommodate the events. She said this road is not in the six (6) year plan.

Ms. Brown stated she is concerned with the traffic increase. She said this will increase traffic on the farm road and there is not enough room for both vehicles to move over. She said there is a safety concern and there will be stress on the maintenance of the road.

The motion to deny carried unanimously.

SANDRA L. MEYER, TRUSTEE - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Sandra L. Meyer, Trustee, for a Special Use Permit to have weddings and special events within an existing barn on property she owns, located at 705 Knightly Lane, Mount Sidney in the Middle River District.

Ms. Sandra Meyer stated she is the trustee of the Meyer family farm at 705 Knightly Lane, Mount Sidney. She and her husband purchased the 1843 Belvidere Farm from the fifth generation McCue family in 2009 in the depths of the Great Recession. She said it was overgrown with weeds of every description. She said the manor house was in grave disrepair and the schoolhouse was falling down. They literally had to cut their way into both houses. She said at the time it was divided into five (5) and ten (10) acre parcels for further development and possible teardown. She said they have fully restored the manor house and the schoolhouse as the Board could see from the tour. She said they have worked hard to upgrade the farm ridding it of invasive species and improving the quality of the land. She said they are now restoring the large historic barn for agri-tourism events, primarily weddings. She said her husband will provide more detail on that in a moment. She said the issue of where they live has been questioned regarding the Special Use Permit. She said her primary residence for tax purposes is Fredericksburg. She said they split their time between several Virginia properties that they own. She said they purchased Belvidere Farm because their son, David Meyer and his wife, Linda Meyer, are located here. She said her oldest son is Victor Meyer and he is in the process of relocating here following his retirement from the Navy and they have recently purchased Marino's restaurant in Staunton and are renovating it and the next door residence to relocate here also. She said they have put several million dollars and a lot of hard work into Belvidere Farm and plan to submit it to the National Historic Registry for which it is eligible. She said by virtue of their investment and agricultural activities, they have been a material source of job creation in the area. She said they plan to faithfully restore the slave quarters as part of that process. She said they have done nothing but to improve the quality of life in this area.

Mr. Victor Meyer said he is currently employed as principal combat system engineer for the Navy Ballistic Missile Defense for the past twenty (20) years at the Naval Surface Warfare Center in Dahlgren. He said they are in the final stages of restoring our historic mortis and bank barn for use in weddings, no more than twelve (12) per year, two (2) per month over the warm months May – October. He has met with County planning and development staff, the Health Department, and VDOT and believe that we have met all of their requirements, including a traffic study and a provisional Special Use Permit application. He said their business plan is to offer their services at a price point at the top of the market where we expect to have only a few weddings a year. He said they are a 65 acre working farm zoned agriculture, 20.5 acres of the original farm and manor house, historic schoolhouse and barn, and three parcels in Belvidere Estates totaling 44 acres, which they purchased from Edward McCue as part of a boundary line adjustment settlement with previous owners. He said this was done specifically to provide integrity to Belvidere Farm, which now encompasses Old Belvidere Lane to the north and borders a private lane to the south as a buffer to our three (3) immediate neighbors who are about a quarter mile away. He said they own approximately 1,500' of road frontage on Knightly

Lane. He said they are aware of the comments voiced by neighbors concerning noise, traffic, and quality of life. He said they feel that these are hypothetical since there have been no weddings. He said they have had several blue grass band family parties in the barn with no noise and no complaints from neighbors. He said the traffic study showed that they meet all requirements even though a couple of vehicles were well outside the speed limit, which is the real problem to be addressed by law enforcement on Knightly Lane. He said his wife previously addressed quality of life. He read agri-tourism activities based on Virginia Code Section 3.2-6400. He also read the noun definition of culture. He said weddings are cultural events that combine all of these in a unique farm setting. He said Belvidere Farm is a working farm engaged in producing 61 acres of hay, two cuttings per year on average, and boxwood cuttings sold to a local vendor for sale in New York and Boston during the holiday season. He said they comply with Virginia Code Article 3.2-300 which is the right to farm. He said the Board observed the hay bales in our fields from them just completing the first cutting. He read Article 3.2-301 to the Board. He said Augusta County has a preference for agriculture as part of its heritage as a farm-friendly place. He said that was important to us in relocating here. He said as you are aware, farms and farmers are struggling as land developers and tariffs take their toll on one end and big-chain food companies drive down market prices down on the other. He noted the IRS requires that farms show a profit. He said farms are adapting by seeking new crops and new markets to stay in business. He said wineries and growing grapes, hemp farms, and agri-tourism are all being introduced to make ends meet. He is requesting that the Special Use Permit be approved so that they can provide a unique venue for those couples desiring a beautiful farm setting for their wedding. He said their demonstrated commitment to quality will ensure that events will be run smoothly with the strict observance of all noise and traffic ordinances. He said they are an asset to Augusta County and they need the Special Use Permit to continue their work.

Chairwoman Tilghman asked if the applicant lives in the house when they are here?

Ms. Meyer stated yes.

Chairwoman Tilghman asked if the house is open for the bride to use?

Ms. Meyer stated the guest house is open to the bride.

Chairwoman Tilghman asked if that is the old schoolhouse?

Ms. Meyer stated yes.

Vice Chairman Coyner asked where would the guests park?

Ms. Meyer stated in the field. She plans on installing a fence with a gate.

Ms. Brown asked if the guests are able to walk to the barn?

Ms. Meyer stated yes.

Mr. Meyer said there will be a separate entrance at the crest of the hill per VDOT. He said they will drive across the field and park next to the wedding venue. He said they have a lot of flexibility. He said these will be high end weddings and that is where we will market.

Vice Chairman Coyner asked if he planned on being there when the weddings are happening?

Ms. Meyers stated yes or their event planner will be. He said the event planner will be hands on and they will oversee the event.

Vice Chairman Coyner asked what area are you planning on targeting?

Mr. Meyer stated anyone who has money. He said possibly the Washington DC area. He does expect to see opposition. He wants to limit this to high end in order to see a return on his investment. He said the road is used by heavy vehicles. He can send a notice to anyone who has a wedding that they provide caution and that they please observe that this is a lane and they should drive accordingly.

Vice Chairman Coyner stated people from metropolitan areas are not familiar with these areas and rural roads. He said his concerns are the same for this request as the last. He said the environment of people will change who use the road every day.

Mr. Meyer said they will send a notice out. He said the character of the neighborhood is not a reason to turn down an application. He said it would need to be health or safety.

Chairwoman Tilghman stated being that this is a high end venue, do you expect that many events?

Ms. Meyer stated it will not be that many.

Chairwoman Tilghman asked if there was anyone wishing to speak in favor to the request?

There being none, Chairwoman Tilghman asked if there was anyone wishing to speak in opposition to the request?

Mr. Barry Hensley, 763 Knightly Lane, Mt. Sidney, asked the opposition to stand. He hoped that the Board read and considered the letter that was sent on May 13, 2019, signed by residents of Belvedere Estates and Knightly Lane. He said the opinion of these families is that the zoning request is ill considered and quite detrimental to the neighborhood. He said we fail to see any justification to place a business enterprise in a residential area, homes are there rather than farms zoned General Agriculture, much of which is protected by and allows for certain covenants and do not allow any type of endeavor other than agriculture, horse, sheep, and wineries. He said they object strongly to the request for twelve (12) venues a year, most likely in the summertime, which will bring up to two hundred (200) unknown persons seeking entertainment into our quiet serene neighborhood. He said they are quite concerned about noise pollution as well as increased traffic on the narrow country road this enterprise will bring. He said they are concerned about the safety as well as that of our children and grandchildren. He said they are concerned about absentee property owners and associated issues because the people do not live there. He said they are concerned about the change in lifestyle this endeavor will bring to all of us. He stated the residents of this neighborhood invested in their property in this neighborhood because of the privacy and serenity it affords. I hoped that if you resided in Belvedere Estates and/or Knightly Lane you might feel likewise. He asked how would any of you feel if during the summertime, two hundred (200) people came in the neighborhood to frolic, we hope you understand this. He would like the Board to deny this.

Vice Chairman Coyner asked where does Mr. Hensley live?

Mr. Hensley stated he lives next door, east of the property.

Ms. Melissa Smith, 579 Knightly Lane, Mount Sidney, stated she is against the zoning permit. She purchased the property in 2005. She lives alone. She stated the property is agricultural zoned and she wishes the area to remain agriculture. She said this is a wonderful, quiet, rural road. She said the land sits 100' higher than Dam Town Road and sound does travel. She said the Meyers do not live there daily. She noted the parties were loud previously and would last way after midnight. She stated there are obstructed bends on the road and it is hard to pass, school buses, agricultural equipment, big trucks, and ditches that are hidden by overgrown weeds and poor road frontage. She said these are not bends that drunk drivers should be on at night. She said the neighbors do not want to see a porta-john with the smell. She stated there will be amplified music and are concerned about that. She stated there will also be more litter and debris on the roads.

She lives 1,984' from the barn. The following chart shows some of the distances from her neighbors:

533 Knightly Lane	2,446'
581 Knightly Lane	1,761'
595 Knightly Lane	1,681'
127 Old Belvidere Road	1,734'
639 Knightly Lane	1,013'
664 Knightly Lane	963'
763 Knightly Lane	782'
735 Knightly Lane	695'
558 River Bend Road	1,195'

Ms. Smith stated most of the places live under 2,000' from the white barn.

Chairwoman Tilghman stated the Board visited the site today.

Ms. Shelley Miller, 137 Old Belvidere Lane, Mount Sidney, stated there are a lot of adjacent neighbors and she is less than a ¼ of a mile away from the barn. She bought the property in the County to be out of the way and in the country. She said this will change. She said they will rent to anyone that has money. She said they are being manipulated to be a party venue. She said small parties can be very loud. She can hear the saws from their work. She said two hundred (200) guests will be very loud. She did not know it up scaled to this degree. She cannot go to the neighbor's house and ask to have the music turned down at midnight. She said porta-potties will be unsightly. She likes to sit on her porch and she will see the barn. She noted the porta-john is not a good idea. She noted the Health Department states 100-200 guests but the request is for 200 people which is a concern. She said 100 or 200 people is a lot. She is concerned about the roads and the safety. She provided pictures of the road. She noted those that live there need to slow down because there are many deer in the area. She has cut down on running due to the traffic on the road. She does not like to have 200 strangers in the area especially with her daughters. She privately maintains her lane and is held to strict covenants. She is worried about property values. She said they own multiple plots and the noise would pertain to them as well even though the house is outside of it.

Chairwoman Tilghman stated legally it does not pertain. She said the Health Department has a minimum of one (1) porta-john per one hundred (100) people. She said it is temporary and they are picked up in a day or two and then picked up and moved. She said there would be two (2) for two hundred (200) people but could be more.

Ms. Miller stated there is a safety issue and added traffic along with the noise. She said since they have been working on the barn, she sees it lit up all of the time now. She said it detracts the peace that she bought her property for.

Mr. Stephen Wimer, 37 Craig Shop Road, Mount Sidney, stated he owns the property on Craig Shop Road and Knightly Mill Lane. He said by coming north, people will come in through Fort Defiance. He said if using a GPS, they will come in to the Weyers Cave exit and Knightly Mill Lane. He noted you would cross a one lane bridge if coming from Charlottesville. He said many people will be unfamiliar with the roads. He is concerned with the safety.

Ms. Claudette Obenschain, 664 Knightly Lane, Mount Sidney, stated their family has lived on Knightly Lane since the 1940s. She said they have maintained farming and have moved into the area knowing that this is an agricultural district for the peace and tranquility. She is concerned about the safety on the roads and noise. She sent in a letter to the Board. She is concerned about the quail habitat also. She hopes the Board oppose this venture in order to keep Knightly Lane as nice as we can possibly keep it.

Ms. Becky Tate, 779 Knightly Lane, Mt. Sidney, stated she is adjacent to the Hensley property on the opposite side of the property. She agrees with what all of the speakers have said. She has lived there since 2001. She has seen their website and it goes beyond wedding venues, music festivals, and it is an open invitation for whatever they plan on offering. She said the noise and sound does carry loudly to where she lives. She noted there will be traffic on Knightly Lane. She said there is farm traffic with large tractors and big trucks. She noted there are joggers and walkers in the area. She passed around pictures to the Board. She noted people will drink alcohol and beer and leave. She noted they have to face the obstacles that are out there. She said the three (3) photos show the rise in the road as well as the twists and turns. She said this is a safety issue especially with a crowd of people leaving the site at one time. She said this is not the type of venue that is needed in a residential area.

Mr. Robert Gordon, 887 Knightly Lane, Fort Defiance, stated he has seen that they have had parties. He asked how many venues will they need to get back the money? He said this is a ridiculous thing. He said his family has been there for quite some time. He hoped the Board would deny the request.

Ms. Angie Clinedinst, 735 Knightly Lane, Mt. Sidney, stated her property is 630' and is the closest to the barn. She bought the property in 2005 and her house was completed in 2006. She has school age children at the site and safety is her primary concern. Her three (3) young children play in the yard. She noted in January or February of 2018, she found two (2) ladies, guests of the Meyers from Washington DC and they were lost. She

said their guests being unfamiliar with the area is a valid concern. She hoped that the request be denied.

Mr. Richard Obenschain, 664 Knightly Lane, Mt. Sidney, stated he echoes the issues previously mentioned. He said there will be excess traffic and he is concerned about the narrowness of the road. He noted the events will be noisy. He said the entrance to the Meyers property is across from his home. He said they will need lights in the parking area and it will play into his front yard. He said the lights from the cars leaving or coming in will shine on him. He said he can hear the sound of a conversation on their front porch. He preferred the request be denied.

Chairwoman Tilghman asked if there was anyone else wishing to speak in opposition to the request?

There being none, Chairwoman Tilghman asked the applicant to speak in rebuttal.

Mr. Meyer stated the porta-potties are a non-issue. He plans to use a two (2) toilet trailer that is towed on and off the premises before and after an event. He will not use porta-potties. He said they will be male and female and ADA compliant.

Chairwoman Tilghman stated the Board has traditionally had the applicant establish the feasibility of the whole project before installing the septic system.

Mr. Meyer stated the barn is not part of Belvidere Estates and not part of their covenants. He said they removed the schoolhouse rental from the website. He does respect the peace and quiet and that is why he will run a quality operation. He said the concerns do not relate to health, safety, or general welfare in the legal definition. He does understand the agriculture flexibility of the area and there are a lot of uses under agri-tourism by right use of farms. He said he wants peace and quiet also but there needs to be a give and take. He said alcohol is an issue, not just a Belvidere Farm issue. He said he picks up litter on the road which has also been a historic problem. He said the residents are concerned about traffic and it needs to be enforced on the road by the police. He said speeders go by there 70 mph and no one is enforcing the traffic on the road.

Vice Chairman Coyner asked if there would be music inside the barn or outside?

Mr. Meyer stated in the barn and they will keep the barn doors closed and they will closely monitor it. He said no amplified music outside. He said everyone will be offsite by 10:00 p.m. He noted no health, safety or general welfare issue has been violated here. He noted the County has a noise ordinance that we adhere to.

Chairwoman Tilghman declared the public hearing closed.

Mr. Shreckhise stated the neighbors are greatly affected by this and they all have legitimate concerns. He said Mr. Obenschain will have lights shining on the lane when people turn down the lane and there will be more noise. He said Ms. Clinedinst will be affected by the music. He said this does affect people and their lifestyle and he is concerned about property values. He does not think this is the place for it. He noted there is a safety issue on that road especially with people that are unfamiliar to the road. He stated this is not the place for it.

Vice Chairman Coyner agreed with Mr. Shreckhise. He noted the road is not designed for this much traffic especially if people are unfamiliar with the area.

Ms. Brown stated the majority of the neighbors here spoke in opposition to the Special Use Permit. She said the issues are narrow roads, safety, noise, music, and the overall way of life for the neighbors. She noted noise and extra traffic could affect the quail habitat in the area. She said the road is narrow causing traffic to move over. She said the traffic is also shared with children, joggers, walkers, and animals traveling the road. She said this would not be compatible with the neighborhood. She moved to deny the request.

Vice Chairman Coyner seconded the motion.

Chairwoman Tilghman stated the concern here is safety and all of the neighbors points were valid. She said safety is important and she is concerned about the roads. She said the events can be well done but nothing is guaranteed. Her main concern is the roads. She said VDOT is not going to increase the width of the road. She said the events will not be done during school hours but she is worried about people driving at night on unfamiliar roads. She noted maybe they can use the property in such a way where there are not as many people coming to the site. She said possibly renting it out for the week.

The motion to deny carried unanimously.

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DEBBIE C. HENDERSON, AGENT FOR D.M. CONNER, INC. - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Debbie C. Henderson, agent for D.M. Conner, Inc., for a Special Use Permit to have a mining operation on property they own, located on the north side of Sycamore Path at the intersection of Gerties Lane and Sycamore Path, Stuarts Draft in the South River District.

Mr. James Brenneman from Stuarts Draft here to speak for the Conners. He said Conner Sand and Gravel has been a name familiar to the construction industry for sixty (60) years. He said they started selling sand in 1958 and about 1960 they started operation in the Shenandoah Acres area and they furnish sand for concrete people, brick layers, block layers and also furnish gravel. He said VDOT has taken a liking to their gravel. He said the last layer of asphalt for the Interstate needs to be skid resistant. He said they want a non-polishing gravel for that application. He said there are three (3) sites approved for this part of the State: Stuarts Draft, Piney River, and Ruckersville. He said it is very important to people like B & S Contracting when they are paving the Interstate to have a source of this gravel. He said in order to meet the local demand we need to expand. He said that is why we are here today. He said they purchased TM#91-9 which is what is there on the map and it contains 14.25 acres and we would like to use about 6 acres of it. He said a little less than half. He said they will leave a buffer of two hundred eighty (280') feet wide. He said your ordinance requires a two hundred (200') foot buffer. He said they are leaving two hundred eighty (280') feet of woods on this tract. He said we are also in the process of purchasing TM#91-7A (he showed the Board on the map where the parcel is and where they plan to operate from). He said there is an old cabin here and a house here. He said both have been vandalized. He said we plan to clean that up and operate on about 45% of this property and leave 55% as a buffer. He said there will be no crushing on these tracts and the material will be taken out and hauled off to the north to the existing equipment. He said there would be no trucks on Gerties Lane, Oak Lane, nor Sycamore Lane.

Chairwoman Tilghman said the applicant stated you will excavate 45% and 55% will not be excavated. Is that correct?

Mr. Brenneman said that is correct.

Chairwoman Tilghman asked if that 55% is up against the neighbors or on the other side? She is trying to picture where it is.

Mr. Brenneman showed the Board on the map where the 55% is. He said there are houses on many of the tracts and showed the Board on the map where Coles Campers

Subdivision is on the map. He said their operation started in 1960 and the Coles Campers Subdivision was platted in 1966. He said we were there six (6) years before that subdivision was started.

Vice Chairman Coyner asked if the little portion you are talking about buying, will that be mainly for buffer?

Mr. Brenneman stated no. He said if we don't buy that then he has to stay two hundred fifty (250') feet from that point which would put him back here (showed the Board on the map). He said by buying that he can come up to here and maintain his two hundred eighty (280') foot setback from here and a five hundred (500') foot setback from there and this operation over here has to stay two hundred (200') feet from this piece of property. He said if we buy it, then they have more material. He said it is more of a benefit to the neighbor than it is to us.

Vice Chairman Coyner stated the Board visited the site this morning and went up Gerties Lane and came down. He asked what depth are you going down?

Mr. Brenneman said in the neighborhood of fifteen (15) or more feet.

Vice Chairman Coyner asked if that is where the rock runs out or where the gravel stops or where you normally stop?

Mr. Brenneman said he never walked down in there to see what the condition of the soil is but he is sure they can take it out. He is sure Benny can answer that.

Mr. Conner said thirty (30') or thirty-five (35') feet.

Mr. Brenneman said his present use is running about an acre and a half in a year. He said this will give them a four (4) to five (5) year supply to meet the local need.

Vice Chairman Coyner stated you still have a long term challenge.

Mr. Brenneman said we do.

Ms. Brown asked if there are other areas beside this location that he can dig?

Mr. Brenneman stated it depends on the material. He said they have been coming in this direction and if over in here if they do not get as good as a material as we do on this side that is the reason they are tending to go in this direction because we are getting the quality material that we need.

Ms. Brown asked if different locations offer different materials?

Mr. Brenneman stated different quality of material. He said limestone quarries that we have in the area do not produce the non-polishing material that VDOT wants. He said we have a good source of stone in Augusta County. He said we are blessed with good quarries but it does not meet this particular application. He said our last layer of asphalt on the Interstate needs this quality of rock.

Vice Chairman Coyner asked if they have always needed this quality of rock or have they just changed to this recently?

Mr. Brenneman said he does not know when this went into effect. He said there is a gentleman here from B & S and he could probably address that for us.

Mr. Shreckhise stated the quarry operation that you have going on now has this five hundred (500') foot setback from the neighbors and the operating conditions suggested by staff has also mentioned this five hundred (500') foot setback. He asked what you are requesting reflect this five hundred (500') foot setback or are you requesting not to have this five hundred (500') foot setback?

Mr. Brenneman stated he is showing five hundred (500') feet from here to Coles Campers Subdivision, not five hundred (500') feet from these two (2) lots. He said if he moved this line over five hundred (500') feet from this line it would put me over about right here.

Mr. Shreckhise said it does not give you much to mine does it.

Mr. Brenneman said that is what we would have left to operate and it is a three cornered tract of land and small and it would not be feasible.

Ms. Bunch stated the five hundred (500') foot setback was approved in 2001 from Coles Campers Subdivision. She said that was in an operating condition from 2001. She said the five hundred (500') foot setback from Coles Campers would stay in effect. She said we have had other neighbors request that they be given a five hundred (500') foot setback as well that are not in Coles Campers.

Mr. Shreckhise stated this request is not reflecting that five hundred (500') foot setback from the new neighbors.

Ms. Bunch stated exactly.

Chairwoman Tilghman asked the gentleman to come forward and explain the rock to the us.

Mr. Frank Saul, B & S Contracting, 189 Luck Stone Road, Staunton, stated the rock that we require is primarily used in the final layering surface, it is a denser rock. He said it does not break down as much. He said it is a non-skid and you can stop better in wet conditions and even in dry conditions.

Ms. Brown asked what causes the potholes in the road, is it this type?

Mr. Saul stated potholes are completely separate. He said that can be environmental and water can get down into the asphalt and break up or it could be just the age of the road. He said that could also cause it. He said if you have very old roads and the asphalt that is inside that glues everything together is pretty much gone. He said it does not take much for a pothole to form. He said sometimes what is underneath the road itself fails and causes rutting and/or potholes to form. He said it is not just the rock we buy and put on the ground, it is a combination.

Chairwoman Tilghman stated this is the final layer of rock. She said you may put a different type or grade of rock underneath and then this is the top layer.

Mr. Saul stated this is what you add on. He said this is what you use for non-polish, like the gentleman said we do get a substantial amount of rock from them. He said 6-15,000 tons a year.

Chairwoman Tilghman asked when did they start using this top for the road?

Vice Chairman Coyner asked has it always been like that or a recent change?

Mr. Saul stated we have been doing this since the 1990s. He said it has been awhile. He stated by not granting this, we would have to turn around and truck all that rock elsewhere which will be an added cost to us and then in turn be an added cost to the communities that we serve and given the way tight budgets are, we really do want to continue using D.M. Conner to supply this final surface that we use.

Chairwoman Tilghman asked if they are using it on local roads or on the Interstate?

Mr. Saul stated we use it on local roads and Interstate.

Chairwoman Tilghman asked if the majority are used on our local roads? She does not know how big of an area, your company is large and not sure how big of an area you cover.

Mr. Saul stated we cover Augusta County area and go into Bath and Highland as well. He said they go very, very far.

Ms. Brown stated there are other places to get this rock at cost.

Mr. Saul stated correct. He said at a tremendous cost.

Chairwoman Tilghman asked if this top is what VDOT requires?

Mr. Saul stated yes. He said this type of surface mix, they do.

Chairwoman Tilghman asked if it is now required on almost all paved roads?

Mr. Saul said that proposal would depend on traffic count. He said Interstate yes. He said traffic counts more than 750 vehicles per day, yes. He said a lot of roads around here are primary roads, even some of the secondary roads meet that requirement.

Chairwoman Tilghman said a lot of roads would require it.

Mr. Saul said yes. He said we would be putting this mix down all over the place.

Chairwoman Tilghman asked if there was anyone wishing to speak in favor of the request?

There being none, Chairwoman Tilghman asked if there was anyone wishing to speak in opposition to the request?

Mr. Derek Hutchinson, 106 Gerties Lane, Stuarts Draft, which you guys passed the house this morning. He said there is a little bit of frustration within our community. He stated this is the third time we had to deal with this. He said the first time was in 2017 when D.M. Conner came before you for a Special Use Permit to mine the same piece of property, as far as he can tell roads have not stopped being paved in the two (2) years that they were not allowed to mine this property. He said last year, their agent from D.M. Conner came into our homes and talked with us and heard our concerns and those concerns fell on deaf ears. I hope that you will listen and understand what some of our concerns are as folks who live adjacent to this property. He said the Planning Commission comments have asked you guys to take a hard look and closely evaluate

the proximity of residential dwellings. He said one group that lives here, they want to mine less than one hundred (100) yards off of their back door. He said we are not talking about miles, not talking about dozens of miles, we are talking about two hundred eighty (280') feet from their back door. He said it is also important that in the staff report they still have concerns that the expansion of the mining operation within close proximity to residential dwellings and that is why he is here and that is why all of our neighbors are here. He said a couple of things to keep in mind, one is housing values is a concern that we have. He said there are many factors in housing values including the characteristics of the house or dwelling unit, size, age, lot size, number of bedrooms and bathrooms as well as the upkeep. He said in addition the houses proximity to amenities such as a lake or a pleasing neighborhood or dis-amenities for example like a landfill can have a substantial impact on price. I am going to cite a study by Professor Diane Hite who is an economist who has been published widely in the area of property values and impact analyst. He said in 1988 she did a hedonic pricing methodology to study the effects of a gravel mine on nearby residential value and I am not going to go on the whole thirty minute study but the basics of it, is that the closer you are to a gravel mine, the higher the impact it has on the pricing of your house. He said that is not what is so important, what is important is why it affects the pricing of your house. He said in the study she states the loss in property value results from the negative consequences of the mining operation and reflects the deterioration in the areas quality of life due solely to the operation of the gravel mine in other words, the loss in house value is a way to quantify dollars the deterioration in quality of life as capitalized in the price of the house, it captures the price reduction the homeowner will have to offer to a new buyer to purchase a property even if the homeowner does not wish to move as a result of the gravel mine, they will lose homeowner equity as the potential sale price of their house is less. He said it was reasonable in 2011 when he bought his property to assume, to have a reasonable expectation that future zoning changes or Special Use Permits would not adversely impact my property value because he has a 15 acre buffer behind his house between where his children play in the yard and the current mine but now we are going to close half of that buffer if you vote yes for this. He said the second thing, not only does he live in the house with my wife, but he also lives in the house with his five year old daughter and two year old daughter. I pulled the meeting notes from the last meeting and Mr. Benny Conner noted that the edge of this mine has 30'-35' cliffs and what happens if my five year old or two year old wander over those cliffs. Who will be responsible for that? Who can assure their safety? Who can assure the safety of my neighbors' children and grandchildren? He asked the Board to think about how it would impact your life, if you looked out your backdoor and two hundred eighty (280') feet is a pit mine with a 35' cliff. I am not home much in the day time and I had to take off of work to come and do this. He said we can hear it from where we live now. He said they can hear the equipment and see the dust and we have to deal with these issues. He said the last thing that he would bring up is just some of the comments of

this Board the last time we met in 2017, comments like the neighbors have endured a lot up there and this individual moved that the request would be denied based on the activity that is already there, the mining encroaching on the neighborhood and all the opposition to the mining operation. He said another gentleman stated that it would not be feasible to mine this with a five hundred (500') foot buffer and stated that if the tree buffer is decreased it will create additional noise and another person stated that this is a residential area. I want everyone to understand that the folks who stood up here and spoke in favor of it, the few that have, none of them have an address on Lake Road, Gerties Lane, or Sycamore Lane. He said they come to work for eight or nine hours and they go home. He said this is where we live, this is where our children play and this is where we are trying to build a life. I want the Board to understand how this will negatively impact our lives, the lives of our children, our grandchildren, even how it will negatively impact grilling on our back deck. He said the simple things in life that people take for granted. He said they change a lot if you have a mine 93.66 yards behind your house. I respectfully ask that you decline the SUP and if there is some imperial evidence that comes to light that this is an absolute necessity for the County of Augusta at a minimum there should be a five hundred (500') foot buffer from every residential dwelling including the two that are not attached to Coles Campers Subdivision.

Ms. Shayla Branch, 79 Gerties Lane, Stuarts Draft, her property is diagonal to where they are asking to extend this mining operation. I believe the gentleman spoke stating this may sustain them for three (3) to five (5) years, to me it is a temporary solution for a long term problem which affects us long term as residents of Gerties Lane. I think I speak for everyone when I voice my frustration and having to take off to come battle this once again after they have been told no before. I am not sure why the Conners thought it was a good idea to invest in a piece of land before they asked for permission to mine it, to me it does not make a whole lot of sense. She said as a resident of Gerties Lane, we have put up with a lot on that lane. She said the campground opened back up, it has expanded, and they are doing a wonderful job but we all have increased traffic due to that. She said they have campers, kids on bikes, golf carts, they are already enduring increased traffic without at some point them potentially gaining access on Sycamore Path which I suspect will be the next step in this. She said they do not maintain their current access road. I understands that the Board rode out there today, so if you see the entrance to their quarry it is horrendous to look at. She said there is gravel dumped everywhere, there are potholes, and it looks trashy on that entrance. She said if they are approved for this expansion, the cutting down of the trees will allow loud noise to our house as well as dust and dirt. She said the encroachment onto the homes allowing that dust, diesel exhaust from the machines, to reach our homes easier is a direct relation to a study that I saw that Health and Human Services did in January 8, 2014, that shows environment exposures to silica and diesel exhaust actually increases the risk of respiratory illnesses and heart disease and potentially decrease

our health from living across from this. She said the encroachment would affect the campers, people coming from out of town and out of state to camp at this campground and want to enjoy the beauty, and the views, and the animals will decrease. I think this directly affects that. She said it would decrease the property values I believe for everyone on our road. I am curious on the rules for land reclamation. I do not know if they have reclaimed anything that they previously mined and I believe that had to be done at some point but nothing has been done on that quarry since they have been mining since 1964. She said they blast for rocks and blasting causes sinkholes which we all know Augusta County has problems with and that has been a battle going on with the pipeline. She said it does affect wildlife, bears, and deer. She said everybody on Gerties Lane can attest to that. I am not entirely sure if anyone on Gerties Lane have wells but I do know that blasting can cause wells to collapse so the closer they come to those homes, if there are wells, they could potentially have their wells collapse. She said if they are allowed to expand, they should have testing for additional runoff, water testing, groundwater runoff, and surface water contamination due to the explosives and any spilled diesel fuels that they may use for this. I would like to address one more thing, I understand that they, someone with D.M. Conner, decided that myself or my husband would not come and contest this because she signs my husband's paycheck and I am not really sure why that was brought up but I feel that might be a little bit of bullying going on with some of the neighbors which we are not going to stand for.

Mr. Roy Simmons, 61 Gerties Lane, Stuarts Draft, stated he was here the last time they were here. He said the only thing that is different is that he sees in this whole thing is that D.M. Conner just brought in somebody that is a smoother talker to get through all of this. I built a home up there for one reason, to retire and enjoy life and ever since I built that home all I hears is noise, noise, noise. He said the closer they come, the more noise I hear. I worked my whole life to have what I have. I would like to see you all deny this request.

Ms. Melissa Golladay, 32 Sycamore Path, Stuarts Draft, stated her husband and her have lived in the house since 1998. She said her property and Tia, her neighbor, are the two that are not represented in Coles Campers five hundred (500') foot buffer as Ms. Bunch stated. She said first of all, we should get that five hundred (500') foot undisturbed tree buffer like our neighbors were given in 2001. She said right now our neighbor Clifford that lives in front of us, we are his five hundred (500') foot buffer. He does not have any undisturbed woods. She said the gentleman behind us sold his property to the Conners so they are five hundred (500') feet from our house now. She said they already have a problem with the dust. She said her husband is an electrical contractor and he is required to have a filter on his drill any time he drills through brick, stone, anything or OSHA will fine him. She said we are breathing in this dust on a daily

basis. She said they also stated that they would not crush rock near our property but when they cleared the five hundred (500') foot, they had the portable rock crusher right there. She said the portable rock crusher was there the other day when the mining guy was there. She said it was close to our property, so they are not following the guidelines. She said if you give them two hundred eighty (280') foot who is to say that they are not going to come a little closer and take the two hundred (200') foot. She said we raised our kids in this area and it is beautiful and I did not even know the rock quarry was back there but we were hoping to raise our grandchildren there. She said our son and daughter foster children, I fear for their lives and fear for our neighbor's children's lives. She said 3-5 years may give them financial gain but it will change the lives of everybody on Gerties Lane and Sycamore Path. I pray and hope that you guys do decline it and keep our serenity in our homes. She said I also has a pool that we are required to keep a fence around, there is a thirty (30') foot cliff with nothing. She said trees do not stop animals and kids. She said then you have Shenandoah Acres and all the campers coming from different states. I did write a letter to Ms. Bunch with some of the other concerns. She said these people wander the land and that is fine, it is beautiful land, but if they wander at night it is only a matter of time before somebody falls in that thirty (30') foot cliff. I am a forensic nurse and an operating nurse and do a lot of calls and work a lot of off shifts. She said you hear the beeping and the noise now and it is difficult for me to sleep. She said if they are two hundred eighty (280') feet from our property line which our house sits really close to the line, so they are going to be in our backyard. She said it is unfair and greedy. She said the other thing I want to point out is Ms. Henderson came on our property last year and she said "I do not know if this is legal or not, but can I offer you some money", no madam you sure cannot, we love our house and love our neighbors. She then said well if this does not happen, we are going to sell to a big company and they are going to dig deeper. My husband kindly responded and "we are going to fight them too". She said we are fighting for our homes and the safety of our family.

Ms. Nancy Sorrells, 3419 Cold Springs Road, Greenville, stated she lives just a few miles south of this. She brought up the following issues:

1. Close proximity to the other houses are a grave concern.
2. She spoke with John multiple times when she was on the Board of Supervisors about this. There is continuing hydrologic issues, flooding, water coming out of that place (on 608, Coal Road) at times when we do not have flooding anywhere else. There are continuing issues going on there.
3. Soil that makes this good for mining is also soil that is really bad. Where we live east of Greenville, it is not the lush limestone soil that you find in most of

Augusta County. This soil is sandy, acidic, and very little organic matter. When you disturb it, you cannot reclaim it. She said it does not reclaim and that is why that they have not reclaimed anything else that you see there. I can tell you that I have tried. Thirty-five (35) years of trying to grow grass in my front yard, you can't reclaim it. I see the stipulations that they will have to reclaim it within six (6) months. She said that is not going to happen because it is not feasible to happen. She said you will have ongoing erosion and sediment issues and stormwater management issues forever if you allow this to continue.

Mr. Clifford Knous, 11 Sycamore Path, Stuarts Draft, stated he is a resident where you turn back to go in there. He said last time he was reiterating the danger to his grandkids and great grandkids. He said previously to just give me seven (7) more years and now of course I am down to five (5) anyway. He said the last time they assured that they were going to have a buffer. I thought a sound buffer and then I won't hear, but I hear stuff now so if they have not made a sound buffer in all this time and it is getting louder and louder, and they are coming closer, it is going to be louder. He said at the last meeting they said that there was a loader and stated we do not load the trucks where they spill out, well he still does ride a motorcycle and he fights this every day. He showed the Board two (2) pictures where you all paid all of that money to put in the drain system, as you turn out of the lane, he said look at all of that gravel. He said there is all that nice gravel going into that sewer. He asked how long is that going to take before that is filled up.

Chairwoman Tilghman asked what street is this?

Mr. Knous stated Howardsville Turnpike where you turn on Lake Road. He said the more you put on the truck, the more money you make. He said everybody wants to make money but the County or somebody needs to clean that up. He said it took them 2-3 years to build that little piece of road there. He asked how long is that drainage going to last? He said another issue which this time he did not hear about it, was they were supposed to put somehow taper this ground off where you dig and make it where it is not noticeable. He said they did that in Waynesboro where they had the old dump and it is real nice now but in my mind if you are taking dump truck out, and dump truck out, and dump truck out of tractor trailers loads out of there at 6:50 a.m., some which he goes to work every morning, and he sees the tractor trailers lined up ready to haul this stuff, they have a hole there that they will never fill up. He said it will never be and this will be the same way. He said this is going to be a pit right behind his house and legally they are supposed to, but who is going to hold them to it. He said it seems like

when it is sold to someone and then they go bankrupt and then no one is accountable. I would like to stop it before it happens.

Ms. Tia Baker, 30 Oak Lane, Stuarts Draft, stated she is the property adjacent to where they want to dig one hundred (100') feet from her kitchen window. She said you guys drove down there today and you saw the end of Oak Lane, that is my drive and because it is not considered a public road, they do not have to have a safety berm or any type of sign that says do not go ahead. She said there is constantly people going down that road, teenagers, possibly Conner's residents hauling the mail down that road and if they do not go right they are going to go right over that edge. She said that thirty (30') foot cliff is planned to go straight across. I work from home and I can hear the beeping from 7:00 a.m. when they start to the rest of the day. I can hear it in my bedroom and can hear it from all places in the house. I have to keep the doors and windows closed because of the dust. She said the dust is permeated through the entire HVAC system. She said there is no way to get it out without cleaning. She said her concern is the five hundred (500') foot buffer that was granted to the Coles Campers. She said her plot was separated in 1988 but her residential permit was completed in 1998 so her house has been a residence since 1999. She said there are houses on those two properties but they are not included as residences right there. She said they were also there in 2001 and only Coles Campers was invited to this County hearing and I do not know why my property was not notified to be able to come and stand up for the property. She said Coles Campers was granted the five hundred (500') foot buffer, I am sure for many reasons, safety, sound, quality of life. I would ask today, at a minimum, I be granted the five hundred (500') foot buffer.

Chairwoman Tilghman said she wants to be sure, you go straight down the road and you are the house when you make the right?

Ms. Baker stated yes. I am not sure why we were not included in the 2001 zoning meeting. I am not sure why they are counting the five hundred (500') foot from behind her property. I understand that it is from Coles Campers but there is a reason why there is a five hundred (500') foot buffer in place. She talked about the safety and since it is a driveway and not considered a public road, there is no berm, no signs that say do not enter and they can go straight over, you guys saw that today. She noted those are her concerns.

Mr. Michael Benavitch, 26 Oak Lane, Stuarts Draft, stated he wrote the Board a letter that stated how he felt but he will say when he turns off Gerties Lane onto Oak Lane, he is looking at the sand pit down there. He said the leaves are on there now but you can imagine what it is like in the winter time. He said he is five hundred (500') foot now but as Tia said and the Golladays said, they are two hundred eighty (280') feet. He said it

is a cliff down there and I understand from the gentleman the mine bureau was there last week, Carolyn Bragg was with us, that we walked down there and looked at it, that it is straight down and I understand that because it is still an operating mine that they are not required to do anything. He said there is a cliff 30', 40', 50' down. He said down toward Sharon Conner it is even deeper. He said there is nothing there, but straight down. He said last week he road down to Sharon Conner's and he said there is a berm down there, pine trees down there and it has been there for a while. He said that is where Freddie and Sharon live, it sounds like Freddie wanted his privacy. He said we were up here two (2) years ago and you turned it down. He said this is straight down and they have done nothing for him. He said Benny and Debbie came to Tia last summer and other residents to ask how they feel about it and he was home and they had an opportunity to talk to him. He said if they were a good neighbor they would have said Mike there is a cliff down there and asked if we can plant you some pines and make it a little safer for you and everything but they did not even come talk with me. He said everybody that rejected it and did not do it then, that is what they are doing now. He said the forty (40) acres is his grandmother's home place. I have deep roots in Gerties Lane. He said his uncle bought it in 1969 and he has been there since 2005 permanently. I used to walk all the way to Shenandoah Acres in the woods. He said it is a cancer been eaten up to us. I took a petition that represents all but two (2) people on Gerties Lane. I did not spot one person that was in favor of this. He said all had concerns of noise, three or four had concerns that over time the bank might cave in and loose a house or building. He said some of them said between Shenandoah Acres, Sand and Stone, and D.M. Conner, that we have three (3) threats here. He said a couple people said that if this keeps on coming toward us, they may have to sell. He said everybody that he talked to on Gerties Lane that is why they moved to Gerties Lane because we are kind of offset from the rest of everybody, pretty much have woods in between us, and we value our privacy. He said don't nobody want to see this. He said when the Connors leave in the evening, they have a nice farm on Route 340 on the hill. He said they do not hear this. He said they lay down and don't think about us. He said he does not know Mr. Brenneman, he hears that he is a fine gentleman, an engineer, but I know where he lives in Lyndhurst with cornfields all around, back in the woods off of the road. He said he has a railroad track and the loudest noise he hears is a train that comes through at night which I would not mind. He said after the first time he talked with Sharon because she comes out near his house and she told me if Freddie had been living he would not be looking at that sand pit right now but that is one statement that tells me what they think of me, my neighbors, and Gerties Lane, they want all of the profit for themselves. He said with the traffic end of it where Shenandoah Acres comes and these sand operations and you have all of these heavy trucks coming in and out. He said the Acres has expanded to a point to where it looks like a trailer park (I think I put that in my letter) before you get to Gerties Lane, there are permanent campers there. He said we have to look at that, of course, there are leaves

now but it is year round now and getting to be all week long and it never stops between the big trucks and big campers. He said Lake Road is a small road and there are a lot of campers, a lot of children, and Garland Eutsler owns the Acres and before he got the last 187 campsites, he took me in his golf cart and at one point he could have 1,300 people at his campsite in a weekend. I am talking about the safety part, not only for our children but for the kids that might wander off and part of his new expansion is next to Acres Sand and Stone. He said if people want to call that camping that is their business but not mine. I did not come up that way and I do not think we should be here doing this because it is ridiculous. He said the gentleman from Gerties Lane is asking the paving company to pay for a special stone, we are going to pay the price for a special stone that goes on the road even the Interstate where people come from all over the United States. Our whole community is going to pay for that.

Mr. John Golladay, 32 Sycamore Path, Stuarts Draft, stated he is one of the houses that is directly involved in this. He said they want to mine two hundred eighty (280') feet from behind his house. He said before that land was sold we came here and it was the same thing and they failed. He said they bought the land and there goes my five hundred (500') foot buffer that we had from the last property owner. He said according to the last meeting, I thought they were included in the five hundred (500') foot buffer until this time when their lawyer found some loophole that we were not included. I would like to apply for that five hundred (500') foot buffer today. I want to make note of that because I think we should all be included in that including Tia my neighbor who is another one who is directly involved. He said they already dug less than three hundred (300') feet from her house which was totally against what you said last time and they did it anyway. He said they seem to do things the way they want to do it. He said they do it and ask questions later. He said when we changed insurance on our house, they used Google maps and saw that we had a swimming pool and they were getting ready to deny us for insurance until they saw the fence all the way around our pool attached to the house where you have to come up on the steps of the house to get to the pool so they granted it. He said here you have a rock quarry less than a football field behind our house with a thirty-five (35') foot drop straight down, not required to have a fence which is kind of "bs". I do not understand it. I was an electrician and worked in the mines, I know what they do, they do not reclaim none of their land. He said just like the other man said, they will sell out to somebody who nickels and dimes it and files bankruptcy and then you will have a big hole in the backyard. He said we do have concerns.

Chairwoman Tilghman asked if there was anyone else wishing to speak in opposition to the request?

There being none, Chairwoman Tilghman asked Mr. Brenneman to speak in rebuttal.

Mr. Brenneman stated the County requires a two hundred (200') foot setback. He said we have a minimum of two hundred eighty (280') feet. He said the five hundred (500') foot setback was an agreement between the Connors and the people in Coles Campers. He said the other houses that were built in behind Coles Campers Subdivision still have eighty (80') foot more buffer than what the County requires and it is wooded. He said there was mention made of blasting. He said these are loose rocks and do not do any blasting. He said we dig them out and haul them off to processing. He said somebody mentioned crushing at this end of the quarry. He said they do not move the crushing operation. He said we haul the stuff down to the crusher. He said you do not move a crusher around. He said no access from Sycamore Lane and Oak Lane, they are hauling material here to the crushing operating and processing. He said they are not going to haul it back because when it is sold it leaves and heads out of there. He said they are certainly not coming back through the subdivision with loaded trucks. He said noise, they are required to have beepers on the loader and when it backs up, it beeps. I do not like them either but it is a safety requirement that we have to meet.

Ms. Brown asked if they blast at the old location?

Mr. Brenneman stated no blasting.

Ms. Brown asked if they have ever blasted?

Mr. Brenneman stated no. He said these are loose rocks and they are not in limestone. He said they are not in bedrock. He said it is a mixture of rock and sand, big rocks, little rocks, we dig them out, and take them and process them. He said they do not blast.

Vice Chairman Coyner asked how big are some of those rocks?

Mr. Brenneman stated bigger than you can lift, a bushel basket.

Chairwoman Tilghman declared the public hearing closed.

Mr. Shreckhise stated he does not see a whole lot of difference from the last time when we denied this request. He said the law might require two hundred (200') feet but we required five hundred (500') feet for the interest and safety and also for the living conditions for the people who live close to the mine and having to put up with the noise and everything else, dust and whatnot, we felt that five hundred (500') feet even though the law required two hundred (200') feet. I think that is still necessary for a good quality of life, therefore, I would move to deny the request.

Vice Chairman Coyner seconded the motion so we can discuss it. I appreciate them trying to hold cost down, anybody does, but the quality of life and so forth, and safety of the people are important to. He said this would be a very short term fix over there, like someone said, would have a long term effect on them.

Chairwoman Tilghman stated five (5) years seems like a long time but not in the scope of that.

Ms. Brown stated we have to look at this permit and determine if this is compatible with the surrounding neighborhood. She said first of all the original mining business has been here for years, the surrounding neighborhood has endured this business for many years. She said they already have to listen to the beeping and crushing of the heavy machinery six (6) days a week until closing. She said they can't open their windows to get fresh air anytime due to the dust, noise, odor, fumes, and vibrations. She said the dust has silica in it which is dangerous and causes lung disease and cancer. She said putting this mine closer and taking away the tree buffer of the neighborhood would add more stress to the neighborhood and the campground. She said they would have to worry more about their children's safety, their health, and wellbeing and also the well water. She said their property values will be greatly affected, making it harder to sell if they chose to. She said this is not the only place to get this rock, yes it will cost more but the safety, the health of the children, the neighbors, water, land, the sound, and the campers at Shenandoah Acres are more important. She said we must be good neighbors to each other. She said her opinion on the Special Use Permit is that it is not compatible with the surrounding neighborhood.

The motion to deny carried unanimously.

DEBBIE C. HENDERSON, AGENT FOR D.M. CONNER, INC. - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Debbie C. Henderson, agent for D.M. Conner, Inc., for a Special Use Permit to have a mining operation on property owned by Garnett E. or Virginia Hope Johnson, located on the north side of Sycamore Path at the intersection of Gerties Lane, Stuarts Draft in the South River District.

Mr. James Brenneman stated since the first request was denied he cannot use this property. He requested the permit be withdrawn.

CURTIS G. OR JANICE E. WILES - APPEAL OF A DECISION OF THE ZONING ADMINISTRATOR

This being the date and time advertised to consider an appeal by Curtis G. or Janice E. Wiles to the Board of Zoning Appeals of a decision of the Zoning Administrator regarding the number of cats permitted on property they own located at 56 Flint Mountain Drive, Stuarts Draft in the South River District.

Ms. Sandy Bunch stated the Zoning Office was contacted in December 2017 by Animal Control from a complaint they received that the residence had fifty-two (52) cats. She said Animal Control visited the property but they were not invited in but they could see the number of cats on the property. She said her office sent letters regarding the number of cats stating that they cannot have more than seven (7) cats on property zoned residential. She stated the applicant received a notice of violation letter in December 2017, January 2018, March 2019, and April 2019. I was contacted by Ms. Wiles who stated that she had reduced the number of cats to seven (7) in February. I did an onsite visit and staff photographed twenty (20) cats on the property. Ms. Wiles was advised that the property is still in violation of the ordinance requiring her to reduce the number down to seven (7) and I was willing to work with her. She was contacted in April 2018 by Melissa Woodruff who said she was going to help Ms. Wiles find homes for them and in May by Diane Howell who was also going to help. She said that she has been working with Ms. Wiles since 2017. She did have an onsite visit. She said Ms. Wiles was in the hospital and they did find homes for twenty-five (25) cats. She said Ms. Wiles filed her appeal and she had twenty-three (23) cats at the home. She stated Section 25-54.1D accessory uses in single family residential limits the number of cats to seven (7) over the age of six (6) months and she still is in violation of the Zoning Ordinance.

Ms. Janice Wiles stated she and her husband are accused of being in violation of the Zoning Ordinance limiting the number of cats per household. She would like a chance to remove the cats before Animal Control comes in and takes them. She wished her she and her husband had known the ordinance when they purchased the home because she would have looked elsewhere. She said the realtor never said a word about restrictions. She asked how do people find out? She said do they just call planning and zoning. She said this information should be provided to all people who purchase property in Augusta County. She first learned when Animal Control knocked on her door and peered in the window and told them they were in violation. She would have moved to a more rural place. She was diagnosed with a serious heart issue and needed surgery and the thought of moving was put on hold and she was in the hospital for three (3) months for an infection. She finally was released last winter and was not well enough to consider the thought of moving. She will need to take care of cosmetic improvements to the house before selling. She is asking for additional time to list and sell her home or go to a more

rural area. She would like the cats to remain in the home because they are her beloved pets. She said they have been there for years and they are more like family and she has a strong emotional attachment to them. She said if Animal Control removed the cats they would be frightened, stressed and it would be especially bad for her senior cats and others that have health issues. She said they would be terrified to say the least. She said Animal Control tries to adopt out as many as possible but they cannot save them all. She said people will not adopt cats who are seniors. She would like to get additional time to sell the house and move. She mentioned that the cats will go with them and the issue will be gone. She said they are all indoor cats, with the exception of a few who go out a little each day. She said they are all either spayed or neutered, vaccinated, and given love. She asked how can these cats cause a problem to others in the neighborhood. She asked the Board to please allow them some time to sell the house and move away.

Chairwoman Tilghman asked if there was anyone wishing to speak in favor, or in opposition to the request?

There being none, Chairwoman Tilghman declared the public hearing closed.

Mr. Shreckhise stated it is not a question for extra time. He said that is irrelevant.

Ms. Bunch stated staff has been working with Ms. Wiles since December 2017. She stated she has sent letters and has tried to work with Ms. Wiles, and this is the first time she has heard from the applicant that she is planning on selling her house.

Mr. Benkahla stated the only thing the Board is voting on is if Ms. Bunch followed the law.

Vice Chairman Coyner moved to uphold the decision of the Zoning Administrator.

Mr. Shreckhise seconded the motion, which carried unanimously.

OLD BUSINESS

JOHN WILKINSON, AGENT FOR APPALACHIAN AGGREGATES - SPECIAL USE PERMIT

A request by John Wilkinson, agent for Appalachian Aggregates, for a Special Use Permit to reopen a closed quarry operation and manufacture crushed stone in conjunction with the Interstate 81 widening on property owned by Spottswood Farms, LLC, located on the east side of Interstate 81 in the Riverheads District. – TABLED AT THE MAY 2, 2019 MEETING

Vice Chairman Coyner moved to bring the item forward.

Ms. Brown seconded the motion, which carried unanimously.

Mr. John Wilkinson, agent for Appalachian Aggregates, stated they operate at seven (7) locations, two (2) in Virginia and five (5) in West Virginia. He said they acquired Pounding Mill Quarry last July. He has a permit with the Department of Mines, Minerals and Energy (DMME) for an active mine for this site. He said the original Special Use Permit was issued non-transferrable. He noted they do have a mine plan. He said in going forward, he does agree with the twenty (20) conditions already established by the Board. He said Pounding Mill had the Special Use Permit since 2003 at this site.

Vice Chairman Coyner asked if the applicant would like to change anything?

Mr. Wilkinson stated no.

Chairwoman Tilghman asked if the purpose of this is for the Interstate 81 improvements?

Mr. Wilkinson stated it looks like the project is moving forward subject to the gas tax in July.

Chairwoman Tilghman asked what part of Interstate 81 is being done? She thought they will need to obtain rock within a certain mileage.

Mr. Wilkinson said they do try and stay as close to the job as they can due to financial reasons.

Chairwoman Tilghman asked about restrictions?

Mr. Wilkinson stated this is limestone. He said this is basic road stone. He said there still will be a top stone from a different location.

Vice Chairman Coyner asked if they plan on going 20-30 miles in each direction?

Mr. Wilkinson stated probably fifteen (15) miles in either direction.

Ms. Brown asked if the gravel would be your base?

Mr. Wilkinson stated base stone used in the redi-mix, the asphalt is the final layer. He said the majority will be limestone.

Ms. Brown asked where would the top layer come from?

Mr. Wilkinson stated he is not sure.

Chairwoman Tilghman stated the improvements will certainly happen but do we know how soon?

Mr. Wilkinson stated from sources he heard next year.

Chairwoman Tilghman stated this is purely for Interstate 81 and nothing more. She said when this project is over, let's make it over.

Mr. Wilkinson said he does not know the timeframe or how far up and down the road he will go. He said it is determined by VDOT and he does not have a final date.

Vice Chairman Coyner asked once the project is complete, will you vacate the site?

Mr. Wilkinson stated yes. He said he will reclaim the property under the existing DMME mine plan. He will not sell to the public and it is up to VDOT if they want to take the excess stone.

Vice Chairman Coyner asked if they will have direct access to Interstate 81?

Mr. Wilkinson stated this is not a project that joins the quarry so there is no use to request that at this time. He said they will not be allowed to drive on the Interstate because no work is being done directly in front of our pit.

Chairwoman Tilghman asked because of the soil and the land it is very difficult to reclaim the property based on the last request. She asked if you can reclaim the land and how long will it take?

Mr. Wilkinson stated when they remove the topsoil, they store it, and then it is there for them to reclaim. He said they operate in fifteen (15) acre increments. He said the timeframe would be six (6) to ten (10) months and it is all spelled out in the mine plan.

Chairwoman Tilghman asked how much of the property will you use?

Mr. Wilkinson stated it is twice the size of the existing pit. He said they will have a portable crusher and additional stockpile areas. He said the pit will be fenced off.

Vice Chairman Coyner asked how long will it take to do a twenty (20) mile section?

Mr. Wilkinson said the initial money is for ten (10) years, this is a good start. He said they also have Stan Johnson who is a retired geologist, a blasting company representative, and the Division of Mines representative here today to answer any questions.

Chairwoman Tilghman opened the public hearing. She asked if there was anyone wishing to speak in favor, or in opposition to the request?

Mr. Martin Chittum, 20 Old B & O Road, Spottswood, stated he owns property in the area and he has concerns about his well. He is 700' from the quarry. He said according to Mr. Wilkinson and the DMME the well will be covered if something happens to it. He said going to the quarry it is one lane and very narrow. He said if and when it is used the visibility both ways is very limited. He said the setback is one hundred (100') feet and they are only one hundred twenty (120') feet from his property line. He does not want to see it any closer.

Ms. Nancy Sorrells, 3419 Cold Springs Road, Greenville, stated their soil is different and it can be reclaimed better. She does support Interstate 81 upgrades and it needs to be done. She said these things need to be nailed down in the language if Interstate 81 improvements actually happen. She said the work usually happens at night. She said the operation time should be limited and the requirements should be nailed down. She said the Special Use Permit should only be used for Interstate 81 (provide clearer language in conditions). She would like the Board to limit them for five (5) miles. She said VDOT has a list of concerns about traffic. She said they should always turn east and do not go on Old B & O Road. She noted a full traffic study should be completed. She asked how many employees will they have? She asked if the company would be interested in hosting a community meeting? She has concerns about odor, fumes,

vibrations, water issues, and the previous 9:00 p.m. hours of operation, blasting with citizens losing their wells. She said extended operating hours will impact the quality of life when people are outside in the village in the summer. She requested that the Board issue the permit only for a certain period of time or until the widening on Interstate 81 specified stretch is complete, whichever comes first. She said any blasting should be scheduled and there be more specific wording and work with the community to minimize the impact.

Mr. Robert Nordhausen, PO Box 431, Greenville, stated he owns the property at 238 Fauberitaville Lane and he does have a dog business there. He said he cannot explain to a dog that a chipper hammer is not an automatic weapon or an attack. He said the old quarry has been shut down because of water there and the old machinery is still there. He said there is a lot of water there and no studies have been done. He said there is no public access to water for miles around there. He said 20-40 wells can go out and they will be devastated if you approve the Special Use Permit. He noted DMME defines where the monitoring is. He said if his well goes dry and his neighbors goes dry and they are out of the circle, they are not responsible. He said they are not responsible for water quality or a sinkhole outside of the quarry. He said these are the worst case scenarios. He said there are far too many risks here than rewards. He said there is more than enough aggregate to do the job. He said they can truck their stuff to Raphine or Greenville Exit at 213. He said there is a commercial quarry in Lexington. He said water quality and sink holes are a major concern and this could be an engineering disaster because no studies about how much water there is has been done.

Mr. Mike Fauber stated he said there has already been a sinkhole there. He stated there are two springs within $\frac{3}{4}$ of a mile. He is concerned about the noise and the rock crushing running the springs dry, they have to be held responsible. He agreed with Mr. Nordhausen and at least conduct a study.

Ms. Linda Sacchieri, 557 Spottswood Road, Greenville, stated she is concerned about her privacy and quality of life, water quality, as well as the blasting. She noted traffic here on the road is terrible. She said the potholes are terrible. She is concerned about the traffic and road not being able to support it. She said the trucks will create a dangerous situation. She said kids play ball in the area and this will be a safety issue. She said there will be issues with water. She noted the sinkhole is a problem. She has horses and this is a disaster and needs to be studied more. She said they should have direct access on Interstate 81. She said it should be limited with the distance. She stated the big stone trucks can cause a lot of problems.

Chairwoman Tilghman stated the direct access onto Interstate 81 is out of our hands at this point. She said they all would prefer that but right in front of that area, they are not working on that stretch.

Mr. Gene Cash, 1167 Almo Chapel Road, Spottswood, stated there are farm machinery and tractors along the road. He said there are five different spots that have "s" curves and you cannot see anything coming. He said if they use dynamite and drilling, there will be livestock running through the fence. He did lose their spring 10-12 years ago because of rock. He can see the entire quarry and it has been closed for years. He said now there are all kinds of stuff going on and the road will not support it. He said when this starts there will really be a problem. He would appreciate it if the Board turned this down.

Chairwoman Tilghman asked if there was anyone else wishing to speak in favor, or in opposition to the request?

There being none, Chairwoman Tilghman asked the representative from DMME to speak.

Mr. Thomas Bibb, VA Division of Mineral Mining, stated they do have a current permit for this use. He said there has been no activity taken place since the early 2000s. He said they will need to comply with additional requirements. He quoted what is permitted under the State Admin Code 4VAC-25-31-130. He said they are required to provide us an operation plan, reclamation plan, and drainage plan. He read item #6 under that section (a and b). He said in those conditions it states they will need a hydrology study and look at the 1,000' perimeter of the permit. He said they look at what impacts they will have on the water table. He said they do look at water quality and they must obtain a discharge permit through DEQ.

Mr. Shreckhise asked if they will conduct a water study?

Mr. Bibb stated yes.

Mr. Benkahla asked if the hydrology study on adverse effects of water quality are standards that you impose now and on existing permits?

Mr. Bibb stated yes.

Mr. Benkahla asked if there is a water quality monitor?

Mr. Bibb stated DEQ will monitor the quality. He said DMME does spot checks.

Mr. Benkahla asked if old permits do not do the mining plan?

Mr. Bibb stated the mining plan has been there. He said they will need a reclamation plan, operation plan, and drainage plan.

Chairwoman Tilghman asked if you will look at the odds or chances of the personal wells being affected?

Mr. Bibb stated we do, typically it is a consultant. He said they will work with the Health Department and locate private wells and existing uses. He said since 1991 the Health Department has started documenting the wells and it is available.

Ms. Brown asked how big of an area do you look at for the wells?

Mr. Bibb stated it is site specific but about 1,000' but they may go further. He said with any blasting they have to meet regulatory requirements.

Mr. Shreckhise asked if this is a safe place to put a quarry?

Mr. Bibb stated you have other quarries similar in the Valley.

Mr. James Fauber stated he is speaking for his son who was not able to attend. He said they are using a spring but if the spring goes dry, who is responsible?

Chairwoman Tilghman asked how far is the property from the mine site?

Mr. Fauber stated half a mile away. He said there are two (2) springs there.

Chairwoman Tilghman asked if there were springs there originally? She asked if they did exist went Interstate 81 was put in?

Mr. Fauber said it did not affect them.

Chairwoman Tilghman asked if you would have to receive an agreement from someone?

Mr. Bibb stated it is not uncommon to see a Special Use Permit which provides typically some mechanisms for a resolution of water issues usually involving the operator and a third party consultant. He said there would be mitigation replacement if the quarry is found to be the cause of the factor. He has seen those documents in several counties and it is not uncommon. He said for reclamation, they will need to post a bond with us. He said they do not release the bond until the reclamation is completed which is typically two (2) years after final vegetation.

Chairwoman Tilghman asked when the site was used before was it reclaimed?

Mr. Bibb stated it may have been but that was before we started regulating quarries. He doubts it was under any permits. He said it was part of the original Interstate 81 and Virginia had no regulations at that time. He said now we have regulations.

Mr. Donald Smith, a blasting technician, stated they are regulated by DMME.

Chairwoman Tilghman asked if they would blast about three (3) times a week?

Mr. Smith stated he said that is too the extreme. He thinks two (2) times a week tops. He said there would be three (3) to five (5) shots per week and that is extreme.

Chairwoman Tilghman declared the public hearing closed.

Mr. Shreckhise stated sometimes there are agreements made of the wells/springs. He does not understand how that is done. He does understand the neighbors' concerns.

Chairwoman Tilghman asked if the applicant is familiar with these clauses?

Mr. Wilkinson stated the hydrology study is done first and it is part of the process to look at potential problems with the wells or springs. He said if they cause someone to lose their well, they need to drill the well.

Mr. Shreckhise asked who sets the parameter?

Mr. Wilkinson stated DMME. He said they will look at existing wells and then the parameter is determined at that time it may go well passed 1,000'.

Chairwoman Tilghman stated if they are on the edge, 50' or 100' off, they would need an arbitrator. She said it is not cut and dry.

Mr. Wilkinson stated he agrees.

Mr. Benkahla stated with this perimeter, do you still do arbitration even if they are in the perimeter? He asked if it makes a difference whether you are in or out?

Mr. Wilkinson said he does not know. He said they would have to prove the mine did it and it would be a legal liability. He said the study is viable and the spring is connected to the quarry, they are responsible in this area.

Mr. Benkahla said if the well goes dry in the perimeter, your operation is responsible in that area and outside if it is a different source.

Mr. Bibb stated he can furnish these documents of other Special Use Permits with this sort of language if you feel it is helpful.

Chairwoman Tilghman said that would be very helpful.

Vice Chairman Coyner stated there are a lot of unanswered questions. He said the Board needs some additional information.

Mr. Benkahla stated the Board can put language in the conditions that would hopefully mitigate any potential impact.

Chairwoman Tilghman stated the Board would like to really tie down the framework that they are allowed to mine in. She said the applicant should only use the site for Interstate 81 and for a certain mileage if it is reasonable.

Mr. Benkahla stated the Board cannot be too restrictive because it is a public highway.

Mr. Shreckhise stated the Board cannot tell them the route they need to take. He asked what would be the best route and whether we can dictate that?

Mr. Benkahla stated we can look into that.

Vice Chairman Coyner moved to table the request to the July 3, 2019 meeting.

Ms. Brown seconded the motion, which carried unanimously.

Chairwoman Tilghman stated in the conditions it states that a berm for Interstate 81 be completed so that the area could be properly screened. She does not feel that is necessary. She said they may want to look at maybe someone else's property that needs screening or use the money to do something better.

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JOHN WILKINSON, AGENT FOR APPALACHIAN AGGREGATES - VARIANCE

A request by John Wilkinson, agent for Appalachian Aggregates, for a Variance from the required setback for a mining operation on property owned by Spottswood Farms, LLC, located on the east side of Interstate 81 in the Riverheads District. – TABLED AT THE MAY 2, 2019 MEETING

Vice Chairman Coyner moved that the public hearing be carried over to the July 3, 2019 meeting. He said if the Special Use Permit is granted then they can have a public hearing at that meeting.

Ms. Brown seconded the motion, which carried unanimously.

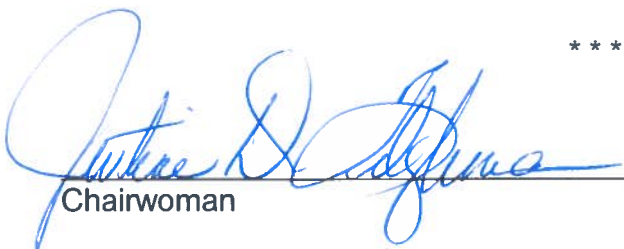
STAFF REPORT

- 18-36 Larry or Debra Harris
- 18-37 James Thomas Lowery
- 18-38 Stephen or Rosie Jett
- 18-39 Joel or Linda Snively
- 18-40 Garry or Walda Massie
- 18-41 Fort Defiance Realty, LLC

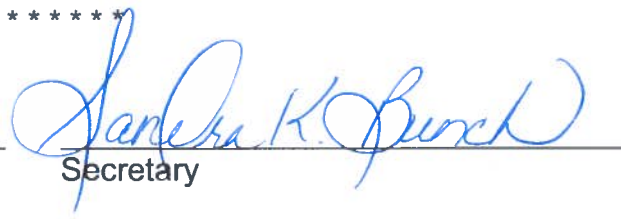
Ms. Bunch stated SUP#18-36 thru #18-38 are all in compliance of their operating conditions. She noted there were some inoperable vehicles during the inspection for SUP#18-38 and staff sent a letter regarding them. She stated SUP#18-39 and SUP#18-40 are both in compliance. She stated SUP#18-41 has not been issued, therefore, staff sent a letter asking if the applicant will need an Extension of Time.

Mr. Benkahla discussed the court cases with the Board.

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



 Chairwoman



 Secretary