

King and Queen County  
Board of Supervisors Meeting

Regular Scheduled Workshop/Presentation Meeting

Monday, September 26, 2011

7:00 P.M.

“Minutes of the Meeting”

Chairman Simpkins called the regular scheduled meeting to order, advising that all members of the Board were in attendance.

**JOINT PUBLIC HEARING WITH PLANNING COMMISSION**

Chairman Simpkins opened the joint public hearing with the Planning Commission, asking that the Planning Commission be called to order to consider the following:

- (1) **Zoning Text Amendment ZA11-01, Article 4, Permitted Uses** – including asphalt manufacturing in the Industrial zoning district by approved conditional use permit under the Industrial Uses.
- (2) **CU11-02 and SP11-05 – Branscome, Inc.** – request for approval of a conditional use permit and Level three site plan to allow for an asphalt manufacturing facility – Rt. 360, Richmond Tappahannock Hwy, Newtown District.

**PUBLIC HEARING**

**ZONING TEXT AMENDMENT ZA11-01, ARTICLE 4, PERMITTED USES – ASPHALT MANUFACTURING**

County Administrator Thomas Swartzwelder verified proof of publication of public hearing being advertised in the Rappahannock Times and the Tidewater Review in the September 7<sup>th</sup> and 14<sup>th</sup> issues and in the September 21<sup>st</sup> issue of the Country Courier.

Donna Sprouse, Clerk to the Planning Commission and Assistant Zoning Administrator, provided background information on the zoning text amendment, after which Mr. Buddy Lee, Branscome Representative who was present provided a power point presentation on the proposed operation. Mr. Lee advised that the plant is portable and can be picked up and moved in 10 days to another location.

Chairman Simpkins questioned the hours of operation of which response was made that typical operation is 6:00 a.m. – 6:00 P.M., and that there are times when there is a need for night work, and that it was very rare for any Sunday operation.

The floor was open for public comment. Mr. Simpkins asked that each one please come forward stating their name and the district in which they reside and to please limit their comments to three minutes.

The following citizen was present:

- (1) Cindy Johnston, Walkerton expressed opposition as she felt the plant would have health and environmental impacts, where chemicals would be released in the air causing health conditions.

After hearing comments from citizens and questions asked by the Board and Planning Commission, the public hearing was closed and referred to the Planning Commission for their recommendation.

The Planning Commission recommended approval of the Zoning Text Amendment ZA11-01, Article 4, Permitted Uses including asphalt manufacturing in the Industrial Zoning District by approved conditional use permit under Industrial Uses.

A motion was made by Mrs. Morris and seconded by Ms. Alsop to accept the recommendation of the Planning Commission for approval.

Mr. McDuff noted that some of the Board Members actually visited an asphalt plant and that a lot of information was received and research done to see what affects the plant would have.

Mr. Simpkins advised that he, Mrs. Morris and Mr. Swartzwelder toured the plant and observed the operation for about an hour which the layout looks like the one proposed for King and Queen. The noise level was not an issue, commenting that the only noise that you could hear was that of the beeping from a piece of equipment when backing up. Mr. Simpkins also advised that they observed the stack as it operated and saw nothing coming out of it other than some steam that would rise to about 10 feet and then dissipated. Mr. Simpkins further expressed that he felt it was a very efficient, quiet and clean operation.

AYES: J. L. SIMPKINS, S. C. ALSOP, J. M. MILBY, JR., D. M. MORRIS, M. W. MCDUFF  
NAYS: NONE

**PUBLIC HEARING  
CU11-02 AND SP11-05 – BRANSCOME, INC.**

Chairman Simpkins opened the public hearing for the request submitted by Branscome, Inc., for approval of a conditional use permit and Level three site plan to allow for an asphalt

manufacturing facility – Rt. 360, Richmond Tappahannock Hwy, Newtown District, County Tax Map Parcel No. 1625-44L-343A8 and 1625-44L-343A9. Upon approval, the 2 parcels will be consolidated into one parcel. Said property is currently owned by Marriott School, LLC.

Donna Sprouse provided the background information, advising that the property is presently zoned Industrial and located along an Economic Corridor along Rt. 360 and in an existing Industrial Business Park. Mrs. Sprouse further advised that staff recommends approval with the following conditions:

- Branscome, Inc. shall abide by all federal, state and local laws and regulations. Where there is a variance or difference between federal, state and local laws, ordinances, regulations or any conditions required by this approval, the most stringent will control. Any and all copies of federal, state or local permits and/or inspections shall be provided to the County whenever requested.
- Parcels currently identified as County Tax Map No. 1625-44L-343A8 & 1625-44L-343A9 shall be consolidated into one Industrial zoned parcel prior to any permits being issued/approved.
- All buffers and setbacks will be maintained in accordance with the King & Queen County Zoning Ordinance. Additional plantings of evergreen trees shall be planted to assist with site preservation, noise reduction and visual screening on an as needed basis as determined by the County.
- Noise levels at shared residential property lines shall not exceed 85 dba with the exception of back up alarms on machinery & vehicles.
- Dust shall be controlled at all times. A watering method shall be reviewed and approved by DEQ.
- An approved BMP maintenance agreement must be filed and recorded in the King & Queen County Circuit Court Office before construction may take place.

The floor was open for public comments:

Cindy Johnston, Walkerton - Commented that all the chemicals are odorless and asked that the Board think about the people and their health.

Robert Ranson expressed that he was a property owner across from where the plant is being constructed and expressed his main concern was if Essex did not want this plant, why do we. He was concerned about the tenants in his house and what it was going to do to the property value and asked the Board to think about if it was going in their backyard.

Jerry Taylor, Essex County and a property owner of about 160 acres in King and Queen within a mile of where the plant is going to be, questioned how many monitoring wells would be placed to check the water levels. Mr. Taylor further commented that there use to be a Brake Shoe Plant there and questioned how far it was going to be from that location.

Mr. Simpkins responded that it was maybe 300 – 400 yards.

Mr. Taylor advised that the Brake Shoe Plant use to dump bags of asbestos there, he knows, because he worked there. How much research has been done to check the water or soil? Mr. Taylor commented that he does not know where the plant is going to be vs. where the Brake Shoe Plant was, and asked that the County think about this and further expressed concerned of what the value of his property would be.

After hearing all comments, the public hearing was closed and referred to the Planning Commission for a recommendation.

The Planning Commission recommended approval of the conditional use request and the Level 3 site plan subject to the 6 conditions recommended by staff being included. (Listed above)

A motion was made by Mrs. Morris and seconded by Mr. McDuff to accept the recommendation of the Planning Commission approving the conditional use and level 3 site plan request submitted by Branscome, Inc., including the 6 conditions specified by staff, to operate an asphalt plant.

Chairman Simpkins commented that he did not have any knowledge of any test wells being on the property and that there would be very little excavating done, basically lot clearing. Nothing has to be dug out other than a retention pond and removal of some trees. Use of Asbestos is the first he has heard of that. There is no waste product that comes from the Asphalt process.

AYES: J. L. SIMPKINS, S. C. ALSOP, J. M. MILBY, JR., D. H. MORRIS, M. W. MCDUFF  
NAYS: NONE

**IT IS ORDERED THAT THE BOARD BE ADJOURNED:**

A motion was made by Ms. Alsop and seconded by Mr. McDuff to adjourn:

AYES: J. L. SIMPKINS, S. C. ALSOP, J. M. MILBY, JR., D. H. MORRIS, M. W. MCDUFF  
NAYS: NONE

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J. Lawrence Simpkins, Chairman

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K. Diane Gaber, CMC  
Deputy Clerk of the Board