

**MINUTES OF THE  
PLANNING COMMISSION MEETING  
TOWN OF CHINCOTEAGUE, VIRGINIA  
JUNE 13, 2023 - 7:00 P.M. – Council Chambers**

**Commission Members Present:**

Mr. Ray Rosenberger, Chairman  
Mr. William T. McComb, Jr. Councilman  
Mr. David Britton  
Mrs. Mollie Cherrix  
Mr. Michael Dendler  
Mr. Robert Shendock

**Commission Members Absent:**

Mr. Steve Katsetos

**Staff Present:**

Mr. Mark Bowden, Building and Zoning Administrator  
Mr. Michael T. Tolbert, P.E., Town Manager

**Call to Order**

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

**Invocation**

Councilman McComb offered the invocation.

**Pledge of Allegiance**

Chairman Rosenberger led in the Pledge of Allegiance.

**Public Participation**

Chairman Rosenberger opened the public participation.

Town Manager Tolbert read the Rules for Public Comment.

- Mrs. Tammy Riley, 4460 Williams Lane, advised they are in attendance to see if the Committee is reviewing the matter of building on marshland.
  
- Ms. Denise Bowden, 6519 Rosedale Drive, thanked the Planning Commission for listening to the concerns over the last 30 days. She commented that it was put on the agenda to move this matter further along.

**Approval of the Minutes**

**Councilman McComb motioned, seconded by Mr. Shendock to approve the minutes of the May 9, 2023 meeting. All present were in favor and the motion was carried.**

**Consider Changes to Resource Conservation Zone**

Town Manager Tolbert reviewed the proposed R-C District Changes. This allows Council to approve construction within the R-C District. The project would require review and approval of

the Planning Commission and approval from Council. Council could revoke the permit if it's not adhered to. He continued reviewing the uses permitted by right.

Chairman Rosenberger strongly supports the conditional use portion of this. He stated that times, opportunities, and initiatives are changing. He added that Town Manager Tolbert did a good job.

There was discussion where the Commission agreed on minor changes.

**Councilman McComb motioned, seconded by Mr. Britton and Mr. Shendock to approve the proposed Resource Conservation Zone with the agreed changes. All present were in favor and the motion was carried.**

Chairman Rosenberger hopes this progresses well and meets the needs.

#### **Consider Inclusion of Additional Area in Resource Conservation Zone**

Town Manager Tolbert reviewed the map and stated that in light of the R-C District, the Commission could rezone the marsh as R-C. He asked if they would like to recommend to Council to rezone those pieces of marsh to the R-C District.

The Commission concurred.

Mr. Shendock feels they should look at this comprehensively and protect both salt and freshwater marsh.

There was further discussion, and the Commission would also like to make all marshes inclusive.

**Councilman McComb motioned, seconded by Mr. Shendock to include the 2 areas of marsh: Eastside and the south end of the Island from R-3 to R-C District. All present were in favor and the motion was carried.**

#### **Review HRSD Comments of Comprehensive Plan Additions**

Chairman Rosenberger asked if there were comments on the Comprehensive Plan additions.

Town Manager Tolbert advised that he received the comments from HRSD this afternoon. He stated he will have a report at the next meeting.

Chairman Rosenberger asked if the Town was ok with the response time.

Town Manager Tolbert advised the Town is fine, the hangup is the master agreement. He added that the addition to the Comprehensive Plan has to be in place before they start approving hookups.

There was a brief discussion about charges and fees.

### **Review Ordinance for Feather Flags**

Chairman Rosenberger stated that this was addressed, and at that time he felt that it was fair to everyone.

Building and Zoning Administrator Bowden stated there is no definition to flag poles. He advised that there is also no definition to feather flags.

Chairman Rosenberger stated that they were essentially temporary and only put out when the business was open. He added that there is a question of dynamics.

Building and Zoning Administrator Bowden explained that there should be something so it can be enforced.

Mr. Shendock recalled the rationale of the feather flags where one of the flags fell on the sidewalk and into the roadway. The idea was to allow something like this but mount it securely. There was a safety and location aspect. He added that if it was a permanent flagpole it would have to meet setbacks of 10'.

Chairman Rosenberger asked if Building and Zoning Administrator Bowden could enforce the existing ordinance.

Building and Zoning Administrator Bowden he could not without a definition of a feather flag. He added that there should be a definition of a permanent flagpole. He asked if a feather or swoop flag could be put on a flagpole.

Town Manager Tolbert explained the enforcement and the need for clarification of a flagpole.

There was lengthy discussion of permanent flagpole definitions, placement, number, size, etc. There was no decision, but the Commission will continue with this matter at the next meeting.

Town Manager Tolbert asked about enforcement in the interim.

Chairman Rosenberger feels he should enforce the current code.

### **Announcements or Comments**

Mr. Shendock stated that things have to change but they want the change to be good and beneficial to most people. It takes a careful hand to research and guide through this.

Chairman Rosenberger thanked Town Manager Tolbert for what he has done for the potential location for the charging station. He feels that by putting it downtown it will keep people in that area. He stated that Town Manager Tolbert met with the Resiliency Committee. He asked when they will come up with a game plan.

Town Manager Tolbert stated that he has the same concerns. He added that when they said it was project based and secured funds the Town would participate. There aren't clearly defined projects and goals for the defined projects. He added that they will meet once a quarter.

**Adjourn**

**Councilman McComb motioned, seconded by Mr. Shendock to adjourn. All present were in favor and the motion was carried.**

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Chairman, Mr. Ray Rosenberger