



**Prince Edward County Planning Commission
Meeting Minutes
June 18, 2019
7:00 pm**

Members Present: John Pregelman, Chair John “Jack” W. Peery, Jr., Vice Chairman
 Donald Gilliam Preston L. Hunt
 Mark Jenkins Robert “Bobby” Jones
 Clifford Jack Leatherwood Whitfield M. Paige
 Cannon Watson

Absent: Teresa Sandlin

Staff Present: Wade Bartlett, County Administrator

Chairman Pregelman called the June 18, 2019 meeting to order at 7:00 p.m.

Approval of Minutes: April 30, 2019

Commissioner Peery made a motion, seconded by Commissioner Leatherwood, to approve the meeting minutes from April 18, 2019 as presented; the motion carried:

Aye: Donald Gilliam Nay: (None)
 Preston Hunt
 Mark Jenkins
 Robert M. Jones
 Clifford Jack Leatherwood
 Whitfield M. Paige
 John “Jack” W. Peery, Jr.
 John Pregelman
 Cannon Watson

Absent: Teresa Sandlin

In Re: Review of Board of Supervisors Actions

Mr. Bartlett reported the Board of Supervisors approved the Dominion Microwave Tower special use permit request. He said no one spoke during the public hearing held by the Board of Supervisors.

In Re: Special Use Permit – Joe Byler, Firewood Processing Operation

Chairman Pregelman announced this was the date and time scheduled for a Public Hearing on a Special Use Permit application to permit the operation of a Firewood Processing operation located at 419 Singleton Road, on Tax Map

Parcel 74-A-2, owned by Joe S. Byler. This is an A1, Agricultural Conservation District. Notice of this hearing was advertised according to law in the Wednesday, June 5, 2019 and Wednesday, June 12, 2019 editions of THE FARMVILLE HERALD, a newspaper published in the County of Prince Edward.

Chairman Pregelman reviewed the public hearing process. He then said the County has received a Special Use Permit application to permit the operation of a Firewood Processing operation located at 419 Singleton Road, on Tax Map Parcel 74-A-2, owned by Joe S. Byler.

The proposed facility will process and dry firewood to be wholesaled to a third-party operation for sale. The proposed operation will be a family-run operation that will include Mr. Byler and his three sons and operate from 7:00 a.m. to 6:00 p.m., Monday through Friday, and Saturday 6:00 a.m. to 12:00 noon.

The proposed operation will be located within a 40' x 104' building and utilize a diesel operated machine and associated equipment and generate three tractor trailer loads a week.

County staff went out to the property on May 15, 2019 at 10:00 a.m. and measured the sound levels of the equipment from various locations and offer the following information:

- Front of the property at the driveway: 36.7 db.
- Darlington Heights Fire Department (BBQ Pitt): 42.7 db. (Only could hear the lawnmower across the road)
- Approximately 300' across the road, grass was being cut and registered 58.4 db.
- Prince Edward County Convenience Center entrance located on Singleton Road: 35.6 db.
- Forty feet off of Singleton Road on the Hall property located across from the location: 35.2 db.
- Approximately 40 feet from equipment: 60.1 db.
- Two feet from the equipment: 84.5 db.

For comparison, normal conversation is 60 db., while a lawnmower is approximately 90 db. During the inspection, staff did not observe any loud sound from the equipment from the adjacent properties.

Chairman Pregelman opened the public hearing.

Gary Hall, Buffalo District, expressed his concerns regarding the proposed hours of the operation and questioned what is included in "other associated equipment." He also said he is concerned about the number of 90-ton trucks on Singleton Road and the noise associated with running machinery. Mr. Hall then asked if this business is permitted, would another business follow.

Chairman Pregelman stated this public hearing is just for the wood processing operation and anything else would require a special use permit application and public hearing.

Dallas Tinsley, Buffalo District, expressed his concerns and those of his surrounding neighbors regarding the noise level. He said he lives approximately a half-mile from the proposed operation and he could hear the machinery running on the day they were measuring the decibels. He stated Darlington Heights is a retirement community and people have moved there for the peace and quiet. He said the equipment is similar to a tractor and usually they cannot be heard; he asked if the mill processing equipment was run or just the motor on the day the testing was done. He also said he has concerns regarding the business increasing and needing stronger equipment, and asked what is in place to protect the community [from that happening]. Mr. Tinsley then asked if there is something in place to keep the operation from making too much noise; he said an existing saw mill has added a planer. He then expressed his concerns regarding tractor trailer traffic, and asked what the added revenue would be for the County. He questioned the community benefit for compensation for the noise if there is little to no revenue. He said the citizens in that area wish to keep Darlington Heights a quiet community.

Chairman Pregelman stated any special use permit may set limitations on size, noise levels, hours, or other parameters.

Tina Fox, Buffalo District, said the proposed operation is approximately one-quarter mile across the field from her residence. She said she moved to the area to retire and asked the Planning Commission to not allow this application. She said the noise eight hours a day, six days a week would ruin a lot of people's lifestyles.

Betty Tinsley, Buffalo District, said her family has lived in the area for hundreds of years and they enjoy the peace and quiet there. She said most of her neighbors are all retirees in the community now and they are there because of the quiet.

Wilkie Chaffin, Buffalo District, said he is about two miles from the proposed operation and asked if this is already operational, and if it isn't, how could they get decibel readings.

Chairman Prengaman said Mr. Byler was asked to run the equipment for decibel readings.

Mr. Chaffin stated the road is narrow and rough, he is concerned about the noise, and a church and the fire department are nearby. He said when there is an all-day function at the fire house, it could present a problem. He asked how this would work in the future and stated past projects evolved over the years.

Bob Timmons, Buffalo District, expressed his concerns regarding the hours of operation, stating 7:00 a.m. was too early to start. He said constraints need to be placed on the hours of operation. He then said testing should be done to establish a benchmark which is good to measure against in the future. He said there is a mill currently [near his residence] that hasn't gone through the [special use application] process and there is constant noise.

Joe S. Byler stated the equipment includes a log loader, a 66 HP firewood processor, and a chainsaw bar which uses the same motor; he said he could limit the hours of operation to 45 hours a week. He said setting three loads a week was a high estimate, and mufflers are on and would be kept on.

Commissioner Jones asked if the machinery will run constantly. Mr. Byler stated he expects to process [the wood] as fast as they can and shut the processor down, and wrap the wood in plastic. He said it would likely run most of the day and they would load the trucks out. The rest of the process is indoors.

Commissioner Hunt asked how the wood is dried. Mr. Byler said there will be fans and insulated trailers with a woodstove heating it; he said the wood is heat-treated to kill bugs.

Commissioner Jones asked if the power unit will be in the building. Mr. Bartlett explained the motor was outside when the tests were done, and it was revved up to its operating level at 1800 RPM.

Chairman Prengaman asked if the hours could be reduced. Mr. Byler said he could change from 7:30 a.m. to 5:00 p.m., Monday through Friday and it is not likely they would work on Saturday.

Mr. Bartlett said the tax revenue would not be significant and estimated annual revenue would be approximately \$420 in machinery tax and \$2,000 in real estate tax.

There being no one further wishing to speak, Chairman Prengaman closed the public hearing.

Chairman Prengaman reviewed the concerns: noise level, hours of operation, equipment being used, number of trucks, and increased traffic.

Commissioner Gilliam said a baseline for the noise needs to be set.

Commissioner Jones said there can be no additional equipment without an additional special use permit.

Chairman Prengaman said the hours can be changed to 7:30 a.m. to 5:00 p.m. and no Saturday and Sunday operation.

Commissioner Jones asked if any type of buffering help. Mr. Bartlett said the operation will be inside [a building] already and a natural buffer would take years to grow; he said insulation in the building would be better.

Commissioner Watson said that when the concrete and asphalt plant was being discussed, there was a room full of contentious people because of disturbing their peace and quiet. He said they were on a divided highway. He said he cannot imagine big trucks on [Singleton] road and questioned the viability of trucking on Singleton Road.

Commissioner Jones said that according to the application, there would be three trucks a week. Discussion followed.

Commissioner Hunt asked who would be responsible for fixing the road if the trucks damage it. Mr. Bartlett said VDOT is responsible for the road; VDOT would require Mr. Byler to put in a commercial entrance.

Commissioner Watson reminded the citizens that if the Planning Commission decides to approve the recommendation to the Board, the Board of Supervisors has the final say to approve or disapprove. He said if the citizens are not satisfied with the outcome, he said they can go to the public hearing that will be held by the Board of Supervisors.

Chairman Prengaman stated the purpose of the Planning Commission is to review any special use permits, zoning changes and everything relative to the entire county and then and make a recommendation for or against to the Board of Supervisors. The Board of Supervisors sometimes turns down a project.

Commissioner Peery asked if there is a staff recommendation on this proposed operation.

Mr. Bartlett said that staff didn't see that there was a great amount of noise, the traffic would only be three trucks a week and there are log trucks that travel the road already. He said decreasing the number of hours, operating inside the building, and limiting the decibels with the readings being held as a baseline would be a benefit. He said atmospheric conditions can change how sound carries and there is not a lot of natural buffer to dissipate the noise. He said from the readings taken, about 45-50 db. is a maximum. Discussion followed.

Chairman Prengaman reviewed the stipulations, to include no additional equipment other than the two pieces, hours of 7:30 a.m. to 5:00 p.m. with no work on Saturday or Sunday, noise level no louder than 45-50 decibels at the property line, three trucks per week, and exhaust directed into the woods.

Commissioner Hunt questioned if the sound would be measured routinely. Mr. Bartlett said the County has a complaint-based system; if a complaint is received, staff will investigate. He said they are currently looking into another mill that has not gone through the proper channels to operate. Discussion followed.

Mr. Byler stated his equipment would include a forklift that would also be used.

Commissioner Jones said all the stipulations must be included; he said the peace and quiet is important, but there is noise associated with making a living. He said the stipulations would relieve some of the issues.

Commissioner Jones made a motion, seconded by Commissioner Hunt, to recommend approval to the Board of Supervisors for the Special Use Permit application from Joe S. Byler to operate a Firewood Processing operation with the following conditions:

- No additional equipment
- Hours of 7:30 a.m. to 5:00 p.m. with no work on Saturday or Sunday
- Noise level no louder than 45-50 decibels at the property line
- Three trucks per week
- Exhaust directed into the woods
- Decibel level would have to be measured outside the building once the building is built with the machine running to get the true noise level
- Add natural buffer of fast-growing trees or shrubs

The motion carried:

Aye: Donald Gilliam
Preston Hunt
Mark Jenkins
Robert M. Jones
Clifford Jack Leatherwood
Whitfield M. Paige
John Prengaman
Absent: Teresa Sandlin

Nay: John "Jack" W. Peery, Jr.
Cannon Watson

In Re: Old Business

(None)

New Business

(None)

On motion of Chairman Prengaman, seconded by Commissioner Jones, and adopted by the following vote:

Aye: Donald Gilliam
Preston Hunt
Mark Jenkins
Robert M. Jones
Clifford Jack Leatherwood
Whitfield M. Paige
John "Jack" W. Peery, Jr.
John Prengaman
Cannon Watson
Absent: Teresa Sandlin

Nay: (None)

the meeting was adjourned at 7:49 p.m.

Next Meeting: July 16, 2019