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Hanover County Board of Supervisors Meeting, Wednesday, April 23, 2025

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[00:00:07] 23rd video ready minute mr vice chair you ready it is now six o'clock and i will call the april

[00:00:52] 23rd handover county board of supervisors meeting to order as is customary we will begin with an invocation led by supervisor dibble and the pledge of allegiance led by mr davis supervisor dibble thank you so much mr chair thank you mr chair if you would please bow with me now heavenly father we thank you for this beautiful day and for this opportunity to come together as a community as leaders as administrators and as residents we pray for your guidance in our work

[00:01:27] tonight we ask that you clearly show us how to conduct our work in a spirit of unity and with fairness to others heavenly father we are saddened by the passing of pope francis a world-renowned shepherd of grace humility and mercy and i offer this evening one of my favorite quotes from pope Francis. What is the most important subject in life? To learn to love, end quote. His words remind

[00:02:03] us that love is louder than judgment, and compassion is the heart of true faith. We give thanks for Pope Francis' life, for his mission, and for his love of all people. Heavenly Father, we also pray for our first responders and for all who serve and protect our Hanover community.

[00:02:25] We pray for our families and especially our precious children. Keep them safe from harm, and may your blessings be upon all of them. We also ask your prayers for our leadership in the Commonwealth of Virginia and in our nation.

[00:02:43] Please be with them and guide them in their decisions. Heavenly Father, we are your humble servants. Please be with us as we move forward according to your will. And all this we ask in your Son's precious name. Amen.

[00:03:00] Amen. Would you join me in the place of the flag of our nation?

[00:03:17] Thank you, Mrs. Dibble and thank you, Mr. Davis next on the agenda Considerations of amendments to the agenda. Are there any amendments from board members seeing none? We will move on to Comment period I will begin with chair comments yesterday. I had the honor of traveling down to colonial heights and addressing to address the commonwealth transportation board

[00:03:57] and along with uh our vice chairman Mr. Sean Davis and Mr. Killduff was in attendance and so was our county traffic engineer Joe Vadunas I spoke in support of two local smart scale funding projects the first is at Interstate 95 and 54 that area is in need of an improvement Mayor Trevette from the town of Ashland was also in attendance and he spoke in support of funding for that project also

[00:04:32] and our commonwealth transportation secretary was complimentary of the regional partnership that Mayor Trevette and I had presented to the board showing county and local support from the town so that was nice also I spoke in support of some pedestrian improvements in the Atlee 301 area so hopefully those projects will score well and we can receive the funding that we need to advance these projects forward are there any other comments from board

[00:05:07] members Mr. Hudson thank you Mr. Chair just wanted to remind those in the Mechanicsville district and surrounding areas if you so choose to come out on Tuesday the 29th at the Mechanicsville branch of the Pamunkey Regional Library and for a town hall meeting with yours truly at 7:00 p.m. and we'll cover a myriad of topics that relate to the Mechanicsville district so that's all for me thank you Mr. Chair supervisor Floyd and then Pritchard thank you I just wanted to um thank you for speaking about the

[00:05:42] road issue at the Atlee and Combs intersection and being in support of finding a solution with getting the pedestrians across Atlee road from the Rutland area to the Kroger area safely that's definitely an important thing that I look forward to finding a solution to so thank you supervisor Pritchard thank you Mr. Chair and I will echo Miss Floyd's thank you for your work with the Ashland district I'd also like to thank you and Mr. Davis and Mr. Hudson and all the folks who were able to come out this

[00:06:21] past Monday and the last Monday to the celebration of the first eight black students to integrate Hanover County Schools the schools did an amazing job of working with Pat Hunter Jordan and the eight of those families the families not all of those folks are still with us but their families were great participants and the plaques are on the schools but they also gave plaques to the families and they were just wonderful so thank you any other comments from board members Mr. Badesky thank you Mr. Chair just a few updates that I wanted to

[00:07:00] share it's been a busy few weeks um just this week uh we had our community meeting for airport master plan on Monday we've got we had great feedback throughout the process but also on Monday want to thank everyone who participated we're still receiving feedback on that master plan also last night was a public hearing for the Atlee Cold Harbor route 360 roundabout project good feedback that

will continue to make that project impactful for the residents in the mechanicsville area and continuing to receive feedback on that particular project um i do want to share a few

[00:07:35] updates that are coming new work that has come out this week as well we just launched engaged hannah hanover it's an interactive online platform about a lot of different projects throughout the county it also is an opportunity for citizens to provide feedback and there's also a feature called hanover's talking about where residents can ask and seek answers on ongoing issues or questions throughout the county so please i want to encourage the residents to to check out engage hanover on our website more information on that's also in our social media and our newsletters did want to congratulate our emergency communications department they were recently

[00:08:15] notified they have received the association of public safety communications officials p33 certification this is the third certification accreditation that this department has achieved and this is in order to meet extremely high standards for public safety telecommunicators especially i want to thank senior supervisor training don drury for her work and and diligence in completing that process and gaining that recognition for our department i want to invite our community to tomorrow at 3 30. we will be cutting the ribbon on fire station 17

[00:08:52] and the building will be open for tours and and opportunities to learn about the new facility encourage our community to come out and participate in that process i do have some some news i need to share every once in a while we're notified of bad actors as it relates to email traffic and and i think a lot of our residents have heard between spam calls and emails the county's no different there was a bad actor that attached to the county's e-track it system and sent some of our applicants

[00:09:28] requests for wire transfer payments before scheduling planning public hearings let me assure you hanover county does not ask for anyone to send us wire transfers we only use methods that are in our public systems we've made certainly the sheriff's office is engaged in this and we're working to track it but this is one of those things that continued diligence when in doubt call us please we want to make sure no one gets the wrong information or makes an improper

[00:10:02] payment and last thing i have mr chair is something everyone looks forward to the hanover review will be in everyone's mailboxes late next week so thank you mr chair that's all i have today thank you for your comments mr bedesky any other comments from board members seeing none we will move on next is a presentation of proclamation building safety month 2025 mr richard gordon chief building

[00:10:31] official meet you down front sir inspections hvac the gas all the work that you all do in there

[00:11:07] whereas hanover county is committed to recognizing that our growth and strength depends on the safety and essential role that our homes buildings and infrastructure play both in everyday life and when disasters strike. And whereas our confidence in the resilience of these buildings that make up our community is achieved through the devotion of vigilant guardians, building safety and fire prevention officials, architects, engineers, builders, tradespeople,

[00:11:46] design professionals, laborers, plumbers, and others in the construction industry who work year-round to ensure the safe construction of buildings. And whereas these guardians are dedicated members of the International Code Council, a non-profit that brings together local, state, territorial, tribal, and federal officials who are experts in the building environment to create and implement the highest quality codes and standards to protect us in the buildings

[00:12:24] where we live learn work and play and whereas these modern building codes and standards include safeguards to protect the public from hazards such as hurricanes snowstorms tornadoes wildland fires floods and earthquakes and whereas building safety month is sponsored by the international code council to remind the public about the critical role of our communities largely unknown protectors of public safety our code officials who assure us of safe sustainable and affordable buildings

[00:13:02] that are essential to our prosperity and whereas game on the theme for building safety month 2025 encourages us all to get involved and to raise awareness about building safety on a personal local and global scale and whereas each year in observance of building safety month people all over the world are asked to consider the commitment to improve building safety resilience and economic investment at home and in the community and to acknowledge the essential

[00:13:37] service provided to all of us by local state tribal territorial and federal building safety and fire prevention departments in protecting lives and property now therefore be it proclaimed that hanover county does hereby complaint hereby proclaim the month of may 2025 as building safety month as and we encourage our citizens to join us as we participate in building safety month activity

[00:14:10] congratulations sir well thanks again mr gordon you know a lot of things go on in hanover county

[00:15:02] every day that we don't think about and realize you and your team are a big part of the backbone the success of hanover county so on behalf of the board please thank all your departments and your personnel we appreciate you very much okay next on the agenda is citizens time so i do want to be clear that citizens time is for those who wish to address the board on any matter that is not on the agenda for a public hearing so those who are here to speak to the ash cake landfill

[00:15:38] application that is later that's a public hearing that will be called later this is for citizens time for opportunity for members of the community to address the board on other matters that are not on the agenda for tonight so by show of hands who would wish who would like to speak to citizens time this evening to the board i'll see one sir please approach you know the rules sir you will have up to five minutes please state your name the magisterial district in which you live mr davis

[00:16:17] will keep the time you have up to five minutes good evening mr chair honorable board members i'm jack dyer from the beaver dam district and um quite honestly i'm just here briefly just to say thank you to this board um for your school board picks as you are aware dr lisa pennycuff was um elected to be the new permanent chair i mean superintendent of our schools which is going to be a huge beneficiary to our children all of our children and our parents and this board

[00:16:53] is a reason for that good decision and i think this body is and i thank you for that while i'm up here as most of you might know your school board's been on a hot seat for four years and and they've taken a lot of flack over the four-year period.

[00:17:12] There's one board member that's up for re-election, re-appointment, Steve Eikenberry. He's a good man, a good board member. I hope you give good consideration toward him, if you would, please.

[00:17:29] And Bob May, who's going to retire off, has been chair for the past two years, and he's been on four years of a hot seat as well. He needs to be commended for a good job. He's done a well job. Okay. Thank you again. appointed school boards do work for hanover county and thank you all thank you for your comments sir anyone else who would like to address the board at citizens time seeing none we will

[00:18:02] now close citizens time next on the agenda is the consent agenda mr davis chairman i hear no one wanting to pull anything from the consent agenda here no one wanting to move anything or men so therefore i move for approval of the consent agenda second there is a motion and a second

[00:18:40] any discussion seeing none all in favor of approving the consent agenda please indicate by saying aye aye any opposed none consent agenda has been approved okay next we will now enter into the planning public hearing phase of our board session for this evening mr andrew pompey deputy director planning department thank you for being with us sir thank you mr chair the first planning

[00:19:16] public hearing for the night is a request in the cold harbor district and this is a request for a special exception to allow an accessory family housing unit for a property on pamunkey crest drive pamunkey car strive and the subject property are in the eastern part of the county adjacent to the pamunkey river the property is outside the suburban service area the designated growth area within the county and is designated rural agricultural the property and surrounding properties are zoned a1 for an accessory family housing unit that particular use requires approval of a special exception by the board of supervisors again the property zone a1 as is the surrounding

[00:19:51] subdivision which is farmington this is an aerial view of the property as well as the existing house on the property the property itself is just over 10 acres again on the pamunkey river and on pamunkey crest drive the house is situated towards the rear of the property and then on a future slide i'll show you where the family accessory family housing will be located so again accessory family housing unit that's a secondary housing unit for a family member that requires special approval by the board of supervisors in this case the accessory family housing unit will be used by visiting relatives but if this request is approved any family member could use it for or as a full-time residence the

[00:20:30] design and location of the particular accessory family housing unit meets all the special use standards in section 26-280 the zoning ordinance and construction the unit has begun but a certificate of occupancy will not be issued unless or until this sc is approved this is the sketch plan showing the property itself where the existing home is located in orange towards the Pamunkey River and then closer to the road from monkey Crest Drive is where the accessory unit will be located adjacent to the driveway these are the elevations and floor plans for the accessory family housing unit it adheres to all the size limitations and limitations regarding the number of

[00:21:08] bedrooms there is one bedroom one bathroom within this particular structure again for our family member this is what the structure currently looks like and that farmington subdivision that surrounds the property again is zoned a one with lot six sizes ranging from five to ten acres the structure itself would be compatible with the character of the area which is rural residential and agricultural it appears like an agricultural outbuilding with colors and materials and a design similar to the main dwelling and there would be limited traffic impacts for this particular use these are the proposed conditions that were prepared

[00:21:44] by staff included in the staff report many of these conditions align with the use standards i mentioned previously in the zoning ordinance as well as some additional standards that are typical of accessory family housing units to ensure they blend with the surrounding area so the size would be limited to 864 square feet which is just under a quarter of the main dwelling the elevations and colors must be in conformance with the elevation submitted with colors that match the main dwelling as i showed in the pictures both the main dwelling the proposed structure are white creating some unity between the two

buildings the special exception will be valid for three years following approval or until the family member no longer resides in the unit adherence to building inspections and health department requirements was the standard for this type of use and then

[00:22:23] what's standard for all our special exceptions is the final condition adherence to development regulations that concludes staff's presentation we have some draft motions for the board to consider the applicant is here tonight and has some brief comments prepared um and i'd be happy to answer any questions the board may have as well so i do have a question mr pompey thank you for your presentation can you go back to the slide that shows the conditions number three i'd like to get clarification on that the special exception will be valid for three years following approval

[00:23:02] or until the family member no longer resides in the unit or on the or is it until the owner no longer resides on the parcel so this condition is standard aligns with ordinance requirements that three-year validity what happens is after three years the if this request were approved the the owner would get a letter verifying whether or not the family member is still using the accessory family housing unit and providing documentation to that effect if the family member is no longer using the unit typically they reside in the unit full-time in this case it would be

[00:23:39] a part-time situation if a family member no longer resides in the unit it cannot be permanently occupied it can be converted to a guest house per ordinance where someone can only use it for up to 90 days so that is what that is referring to per the use standards the owner has to live on the property so if the owner no longer if the owner owns the property no longer lives there the special exception would no longer be in accordance with the use standards so that the owner has to live on the property it has to be an owner occupied property in order to be eligible and meet the use standards for an accessory family housing unit

[00:24:15] so let me restate that back to so i'm clear on this so the special exception is valid for three years at the end of three years if the family member is still residing there the special exception is still valid so it could be valid longer than three years correct it would be eligible for renewal for another three-year period administratively by the zoning administrator and so that is uh an administrative review that's correct is that right okay sir that's all the questions that i have at this time any other questions supervisor pritchard thank you chairman

[00:24:54] mr chairman and mr pompey um when i was in ashland and since i'm still in ashland we we have quite a few accessory dwelling units that are intended for a mother-in-law or father-in-law or mother who is no longer able to fully function on their own and i love the idea of this what i want to understand is is let's say my mother came to live in this accessory dwelling unit and after three years she was no longer with us but my husband's mother was now infirm would I have to start all over with a new special

[00:25:31] exception per family member or it can just be it could just be renewed if it was still needed for that use if it was still a family member it could still be renewed doesn't necessarily have to be the the same family member but it is a family member you can continue to use it through that administrative review process when we get the letter sent to you every three years okay thank you so I thought of another question sir while you're still there this is being called an accessory family housing I just want to be clear for anybody watching which may be different than a accessory dwelling unit I'm not sure but I'm going

[00:26:10] to read a sentence from the executive summary and you can let me know if this sounds accurate to you this is a request for a special exception to permit an accessory family housing unit which

will be used by visiting relatives so the purpose of this is visiting relatives and family is that correct that's correct typically when we review these requests which we've reviewed several of these in the recent meetings the family member is living in there full time in this case the family member would not be living there their full time but will be occupying it on a regular basis but it could only be for a family member that's a specific

[00:26:49] term in our ordinance and specifically defined in the ordinance okay thank you any other questions from board members seeing none sir thank you we will now open the public hearing is the applicant present do you would you like to uh introduce yourself to the board you would come forward to the podium or thank you my name is danielle allen my husband and i reside at 9285 pamunkey crest drive i'm the applicant and um this is mr richard rhodes he's the general contractor that's

[00:27:29] building the garage part okay so you're here if uh any board members have questions is that right yes i'd be happy to answer any questions do any board members have questions at this time i have one you did state earlier today that your intention and your plan is to use this as an accessory family housing unit which will be used by visiting relatives is that correct yes is it also correct that you have no intention to use this as a short-term rental absolutely not okay thank you ma'am thank you very much okay mr rhodes any comments or

[00:28:08] anything to say i'm just here to answer questions as well seeing none thank you very much thank you okay we will now entertain those who would like to speak in support of this application is there anyone here who wishes to speak in support of this application seeing none is there anyone here who wishes to speak in opposition of this application seeing none we will now close a public hearing this is in the Cold Harbor

[00:28:44] district I have been to the site I've visited the site it's kept very clean and neat mr. Rhodes was there and he's on top of the construction the applicant was present and answered questions and it seems like a reasonable use for a 10 acre parcel i have heard zero opposition i did receive a phone call with questions and concerns i think between myself and staff that those questions have been addressed so can we get the

[00:29:16] motion i will be prepared to make a motion i move that the board of supervisors approve sc 2025-0002 as submitted with an additional condition that the applicant has already agreed to at no time will the accessory family housing unit be used as a short-term rental while this while this special exception is valid that is the motion second second there is a motion and

[00:29:48] a second any discussion seeing none all in favor please indicate by saying aye aye any opposed none congratulations ma'am the application has been approved mr pompey the next public hearing item is another request in the eastern part of the county but this one is in the mechanicsville district this is a request to permit an indoor recreation facility or event venue in the hanover square north shopping center which is on bell creek road near cold harbor road so again this is near bell creek road at the signalized intersection with cold harbor road there are

[00:30:27] several retail establishments in that area it's designated highway commercial which reflects the different uses that are occurring on site and in the bell creek road corridor this property was zoned os office service in 1987 with subsequent amendments most recently in 2003 and there are proffered conditions that govern the design and use of the site this particular use would adhere with those proffered conditions this is an overview of that particular shopping center again hanover square north there's the

old navy marshals and buffalo wild wings this particular use would go on the opposite end of the shopping center on the end unit within just over 2 000

[00:31:06] square feet you see the the site layout where it's located as well as an aerial view of the property again on the end unit there this event venue per the conditions would only allow indoor events customers can rent the space for gaming dining presentations corporate events or religious events the hours of operation which are governed by the staff proposed conditions will be sunday 8 a.m to 10 p.m monday through thursday 10 a.m to 10 p.m friday and saturday from 10 a.m to midnight catering service to be used for events and the maximum number of attendees for it will

[00:31:39] be based on building capacity with the average event ranging from 10 to 25 people again this property is designated highway commercial there are similar commercial and retail uses along the corridor with a residential subdivision behind that's designated suburban neighborhood residential that's established a division called walnut grove so staff is recommending five conditions based on the applicant's information providing the application and the character of the surrounding area the use would be for an indoor event venue per condition one the hours operation will be limited as i described in the previous slide condition three requires that all events be

[00:32:16] inside no outdoor events signage the applicant will be allowed to have a wall sign as forbidden the ordinance and one window sign and then the standard condition with all our special exceptions and conditional use permits will be compliance with development regulations the planning commission reviewed this request and recommended approval subject to the submitted sketch plan and conditions the vote was seven to zero and no one from the public spoke during that public hearing that concludes staff's presentation staff has prepared draft motions the applicant is here tonight but does not have a formal presentation planned either myself or the applicant would be happy to answer

[00:32:51] any questions the board may have thank you mr pompey any questions from board members does everyone mr stoneman thank you mr chair thank you for your presentation i just had one question on the um the allowable uh activities the gaming what what exactly does that mean um the applicant might don't answer that i was assuming card type games or or that kind of thing but he's coming down and can answer that question better than i good day chair and board my name is

[00:33:30] chris holloway i'm a resident of but kingsville um gaming is just like card games if anybody were to rent the place out play a guard game any type of games karaoke whatever they want to do it's really like a club for anybody to use for their fun that's all okay any other questions from board members for mr. Pompey supervisor Pritchard I hope I haven't missed something but I'm not concerned about anybody coming to play cards at your club but there wouldn't be any permanent installations of gaming machines like we're seeing it at gas stations and all that kind of stuff no

[00:34:08] this would be an event venue and event space for people to rent in that kind of gaming I think that's what mr. stone yeah yeah it's more people playing games those are becoming quite a problem I just wanted to make sure any other questions from board members thank you for your presentation sir are you the applicants are you do you wish to speak to the board I'm hoping that you know with this presentation today and with you guys I'm I'm hoping to get some some people that will rent the place at the end of the day I think this would be a

[00:34:46] great you know addition to the Mechanicsville community I live in Mechanicsville. I've had many kids have gone through the school district here and we'll have birthday parties. People don't want to

come to the house because of the deer frequent a house more than anybody else and they're scared to ride. There's not a lot of lights out here and I thought what a great idea to have a place where we can all use as a community to have birthday parties, celebration, graduations, so forth and so on and I think it's amazing. So again I just thank you all for the consideration. Club URVA Instagram. Anybody wants to use it I think it would be a good thing so any questions I'm willing to answer very good sir thank you any questions from board members

[00:35:24] seeing none I'd just like to know the approximate location because I live right up a road from well listen we'll we'll be happy to host you we are literally right behind Roma's you know so and again just to say like a picture of an event that's just yours nobody from the the public can be it's your spot it's your place to use for the day it's club you so I mean that being said you give us your pictures they'll go through all the screens and everything it's your spot for the day of the night. Did you say it was good for birthday parties? It is. It's great for birthday parties.

[00:35:55] It really is. I've got an eight-year-old, and I'm always struggling with what am I going to do for his birthday? So this is not the first time we've been open. We had a theme party with, I think it was a princess theme down in downtown Richmond. Listen, anything you want to do, whether it's Cruella DeVille with 101 Dalmatians or whatever, we're open for it.

[00:36:14] You just don't put anything on the walls, we're good for it. But yes, at the end of the day, Again, open to the community. Look us up. We'll open the website if we are to be approved this week, and you guys can book your events. Well, thank you. That concludes my questions. Anyone else? Thank you, sir.

[00:36:30] Yeah. Is there anyone here who would like to speak in support of this application? Is there anyone here who wishes to speak in opposition of this application? Seeing none, we will now close the public hearing.

[00:36:47] This is in the Mechanicsville District. Mr. Hudson. Thank you, Mr. Chair. These folks reached out to me to kind of give me an overview of what was going to be going on as far as the application. So we're excited to have you. And I'll be sure to share with my aunt's Bonko Club that they have one more place that they can try out.

[00:37:07] So with that, I move that the Board of Supervisors approve CUP 2025-00001 as submitted. Second. There is a motion and a second. Any discussion? Seeing none.

[00:37:23] all in favor please indicate by saying aye aye any opposed the application has been approved unanimously unanimously congratulations sir mr chairman mr davis mr chairman i just want to make note there's plenty of there's plenty of uh seating down front and of course there's some fill-in seating i see a number of folks who are who are standing certainly you're free to stand it's a public room but if you're more comfortable there's plenty of seating here uh on the front two rows so just wanted to make folks aware of that thank you mr chairman good point mr davis thank you very much mr pompey mccain xville area but it's in the henry district it's a request to

[00:38:02] rezone just under nine acres from a1 agricultural to ar6 agricultural residential to allow one additional building lot on rural point road just north of pole green road again in the henry district so this property is on the edge of the suburban service area 22 percent of the county is suburban service area the designated growth area and the remainder 78 percent is designated rural agricultural this is on the edge of that boundary with this side of rural point road where the project is located designated rural agricultural

and the opposite side designated suburban neighborhood residential again on the edge of that rural and suburban area the property is zoned

[00:38:41] a1 and all the adjacent properties are zoned a1 there are various residential zoning districts within the suburban service area along pole green road and rural point road in that area this is what the property looks like today there's an existing home on the property it's partially wooded and partially open along rural point road there is one other parcel not owned by the applicant between much of the property and rural point road this is the conceptual plan that has been submitted by the applicant and proffered it shows two lots the existing home would be on parcel b which is outlined on blue on the screen and then the new lot will be parcel a parcel a is

[00:39:17] just under three and a half acres parcel b is just over five and a half acres with the proffer conditions a conceptual plan there will be shared access from rural point road so per the proffer conditions the existing driveway to the existing home will be rerouted and reoriented to be shared access from rural point road there would be a hundred foot buffer along rural point road at parcel a and again this would be two lots some of the ar6 requests we reviewed recently have been family divisions this is not a family division this is a standard subdivision with one additional lot in terms of the surrounding area it is rural residential on the edge of our suburban service

[00:39:57] area with properties ranging in size from 1 to 62 acres in the immediate area in terms of community character rural point road in this area is a locally designated scenic road and proffers include the preservation of existing trees and a thoroughfare buffer on the newly created lot that's 100 feet wide again protecting that view shed from rural point road shared access will minimize conflicts along rural point road with that new driveway serving both lots the applicant has proffered seven conditions these are pretty standard for ar6 subdivisions adherence to the conceptual plan that i showed tree preservation trees that are five inch caliper above outside

[00:40:34] of building areas will be preserved brick or stone foundations for the new home the existing driveway were removed and relocated that shared access right away reservation along rural point road which is a major thoroughfare and then that 100 foot thoroughfare buffer that i mentioned the planning commission reviewed this request to the previous meeting there was one adjoining property owner that had questions regarding the conceptual plan and some of the features so shown after discussion the planning commission recommended approval subject to the proffers and conceptual plan with a vote of seven to zero that concludes staff's presentation i'd be happy to

[00:41:09] to answer any questions the board may have at this time thank you mr pompey any questions from board members seeing none thank you sir it's the applicant present did you say sir please state your name the district in which you live uh ed lamb uh district i live in is ashland this property is in henry district do you have any comments or statements you'd like to make to the board in support of your application no sir i'm just here to answer any questions that anybody may have

[00:41:45] any questions from board members for the applicant seeing none thank you sir thank you is there any oh we will open the public hearing we will open the public hearing the public hearing is now open is there anyone here who wishes to speak in support of this application seeing none is there anyone here who wishes to speak in opposition of this application seeing none we will close the public hearing this is in the henry district mr davis

[00:42:17] mr chairman i move for approval of rec 2025-0002 second there is a motion and a second any discussion seeing none all in favor please indicate by saying aye aye any opposed congratulations sir mr pompey so again this is another case in the mechanicsville area this particular request is in the cold harbor district this is a request to permit a short-term rental that's not in a

[00:42:53] dwelling that's not owner occupied within the high point farm subdivision which is zoned r2 so again this is in high point farms this area in the coverage of plan is designated suburban neighborhood residential recommending single-family dwellings primarily at densities of one and a half to three units per acre the subject property is zoned r2 as is much of the high point farm subdivision in the r2 zoning district which is one of our repeal districts a short-term rental that's not owner occupied requires approval of a special exception by the board of supervisors this is an aerial view of the property it's just under three quarters of an acre and there was a

[00:43:32] dwelling built on it towards macaulay lane that was built in 2022. so again the owner applicant is requesting permission to operate a short-term rental that is not owner occupied it's located within an existing single-family dwelling in the high point farm subdivision this special exception if it were approved would allow the property to be rented for terms of less than 30 days to transient occupants short-term rentals were addressed as part of a recent ordinance amendment that was approved in january previous to this ordinance amendment short-term rentals were not allowed this is the first short-term rental to be reviewed by the board of supervisors

[00:44:09] through the special exception process since this ordinance amendment was approved so again a non owner occupied short-term rental is allowed if the fn sc is approved by the board of supervisors and any of our agricultural and single-family residential districts there are specific use standards 13 of them that address certain issues that could be related to or caused by short-term rentals including parking noise and resolution of any complaints or issues that arise with guests this is the sketch plan that was submitted so the existing single-family dwelling would be used for the use again on macaulay lane there's a picture of the dwelling as well as the

[00:44:48] lot and where it sits on the lot again it's located within the high point farm subdivision the existing dwelling would retain its existing appearance per the proposed conditions and there are related use standards that not only align with the proposed conditions provide additional protection to the surrounding community some of these use standards include the requirement of off-street parking spaces to serve the use certain noise related ordinance requirements and the owner is required to register the short-term rental and must respond to complaints within 60 minutes if there are any complaints caused by the guest and their behavior on the

[00:45:25] property the community has submitted letters of support for this case which are included in the packet they indicate that the property is well maintained the applicants live next door to the subject property and are attentive to guests and it will help support the local economy staff is recommending six conditions these conditions would be in addition to any of the use standards that were approved and included within the ordinance so one short-term rental is permitted on the property with a maximum of eight guests if this condition these conditions and special exception were approved the exterior of the existing single-family dwelling must retain its residential appearance with neutral earth tone colors a planning inspection is required

[00:46:05] within 30 days of approval to ensure compliance with the use standards the use must comply with those use standards i mentioned all 13 of them that address different impacts and then the standard condition with all of our special exceptions compliance with all development related regulations that concludes staff's presentation i'd be happy to answer any questions the board may have at this time thank you for your presentation sir i do have a question in the application before me is there a declaration of restrictive covenants for this section of high point farms that those

[00:46:42] are included in the packet yes and you have reviewed those is that correct your staff has reviewed these restrictive covenants yes okay that's all the questions i have any other questions from board members thank you for your presentation sir we will now open to public hearing is the applicant present please approach ma'am state your name the district in which you live hi my name is vr costova and i live in the mechanicsville district um i've been before most of you a lot lot of times, so familiar face. I appreciate staff's professionalism and their time, and I just wanted

[00:47:21] to reiterate the fact that I live next door. I have two young kids. I'm highly motivated to keep only good guests. We do have, as owner hosts, the capability to vet and allow certain people and only certain people in our homes, so again, I'm there to do quality checks. I'm there to answer any questions complaints concerns um so mine is obviously a little bit of a special um situation being right next door but um again i appreciate everyone's time and professionalism and it's been a long process but we've made it through so thank you well thank you ma'am i do have a question sure

[00:47:57] you live next door so you live on macaulay yes okay so just so just for clarification you live the cold harbor district oh your your mailbox and address is mechanicsville i just wanted i thought you lived next door and that's why i asked cold harbor it is it is it is definitely cold harbor uh so i have another question for you have you reviewed a copy of the declaration of restrictive covenants for this section of high point forms okay and you're familiar with those yes okay i think that's all the questions i have thank you very much ma'am absolutely the public hearing is

[00:48:36] open is there anyone here who wishes to speak in support seeing none is there anyone here who wishes to speak in opposition seeing none we will now close the public hearing to the applicant you keep this property very clean and neat thank you very much it's very has a very professional appearance and as you're aware the board amended the ordinance to allow special exceptions under certain

[00:49:12] circumstances and i believe that you paid the money and you came here today to follow the process thank you very much for that some people would not do that and they would just do what they want and i speak both of those in favor of you um however i have been clear for over a year this is not against you we've had another case just a few blocks away uh where a short-term rental caused a lot of issues, just to say it nicely, and I was forced to deal with this question well over a year ago.

[00:49:51] I had residents calling, and one of the points that was made was we have protective covenants here, and I said, well, show it to me. Now, that's not High Point Farms. It's sleds run, but you know where that is, and I said, well, geez, you know, that is, you know, to me, that is a game changer in that particular case, so I had to deal with that, and so I've been consistent all along.

[00:50:16] that it's very difficult for me to be able to support short-term rentals in residential subdivisions that have protective covenants for residential uses only and i and i've said that i said that the night that we passed the ordinance another board member brought up the protective covenants we put that into motion

and it's very clear that the protective covenants must be provided and I see they're here so that's good but I will turn I will turn to the first page here of the protective covenants for this section of High Point

[00:50:54] Farms and I have protective covenants on about seven different subdivisions in Cold Harbor and some of them you know read differently it says here the lot shall be used for residential purposes my interpretation of the word residential is for residents people who live there residential purposes is for residents for people who live there the issue that I have with short-term rentals is it could be one night they don't live there that's just that's just my view so I'm not going to be able to support the request can we get the choices up on the screen please I'm not going to be able to support

[00:51:32] the request nothing personal against you you're a fine person and I believe you would do a very good job it's just not the right location for it so the motion is to deny SC 2025 - 0 0 0 0 5 second there is a motion and a second any discussion amongst board members no discussion all in favor of voting to deny please indicate by saying aye no any opposed no no okay madam clerk please pull the

[00:52:08] board. Ms. Pritchard. Aye. Excuse me. Ms. Floyd. No. Mr. Davis. Aye. Ms. Dibble. Aye. Mr. Stoneman. Aye. Mr. Hudson. No. Chairman Herzberg. Aye. Applications denied, ma'am. Okay, next on the agenda is the Ashcake Road landfill. I believe this is going to be a long public hearing, and so the board will take a 10-minute recess, 10-minute recess. We will reconvene at 7.02 in recess.

[00:52:48] are you ready lieutenant gardener okay the time is now 703 the board is back in session next is a

[01:04:26] public hearing mr pompey the next request is an amendment to an existing conditional use permit to revise the sketch plan to permit a construction debris landfill in an area that's currently used for a borrow pit at the ash cake road landfill which is on ash cake road at its intersection with johnson town road in the brown grove community this is the commerce of plan general land use plan this particular property and cup area is on the edge of the

[01:05:04] suburban service area part of the property is designated suburban neighborhood residential which is one and a half to three units per acre and part of the property is designated rural agricultural the rural agricultural area is noted in white in the map and then suburban neighborhood residential is noted in yellow there are a mix of zoning classifications the zoning districts in the area the subject property and several of the adjacent properties are zoned A1 agricultural. There are a mix of commercial, industrial, and residential zoning districts in this area. Some of the industrial districts are in the gray colors M2 and M3

[01:05:39] closer to the airport along Virginia Crane Drive. And there's a mix of industrial commercial zoning classifications along Lewistown Road and its intersection with Interstate 95, as well as some residentially zoned subdivisions in the area. This is an aerial view of the property where you can see the existing operations and the existing uses that are occurring in the area so again the existing use of the property which there's a current conditional use permit for is a landfill for construction and demolition debris which operates in accordance with the previously approved conditions this request is to amend a sketch plan to allow a new landfill on another portion

[01:06:17] of the site which is currently used as a borrow area when the existing landfill reaches capacity so again this is a conditional use permit that already exists and the applicant is looking to amend that to allow a new landfill on another portion of the site the original conditional use permit was approved in

1987. there have been some amendments since that time the most recent amendment in 2017. the last amendment request which is similar to what you all are reviewing tonight was reviewed and ultimately denied by the board of supervisors in 2022. the existing conditions the landfill currently operates on part of the property again and accords with that previously approved conditional use permit with the amendments.

[01:06:56] The landfill is the only construction, demolition, and debris landfill in Hanover County and only receives that particular type of waste. Some waste, such as concrete and stone, is ground for reuse. And right now it receives 165 tons of waste a day on average, but could receive up to 500 tons per day.

[01:07:12] Any conditional use permit requires submittal of a sketch plan and adherence to the sketch plan as the use operates. This is what's been submitted with this proposed amendment. can see the existing landfill on the west side of the property outlined in blue and the proposed landfill would be on the east side outlined in gray that includes an existing borrow area a portion of it another portion of the borrow area would remain the plan also notes some of the landscaping and buffering features that the applicant has proposed and are addressed in the conditions there would be a 100 foot minimum natural buffer along the perimeter of the site that's shown in green and then there are two berms which provide additional screening on the

[01:07:51] property those are outlined in red those berms on the north side of the property and the southeast part of the property near the proposed landfill would be 25 feet in height with additional plantings on top access would remain from the existing access point which comes to ash cake road at its intersection with johnson town road the applicant shows on the sketch plan and per the proposed conditions that the road the portion that's paved will be increased closer to the scale house so as i mentioned previously as seen on the zoning map and the aerials there are a mix of zoning districts and

[01:08:27] uses in the area the brown grove rural historic district is adjacent to the property on three sides there are residential properties within the historic district that are contributing structures along ash cake road and johnsontown road there are rural residential uses to the north and northwest in the mount herman farms and troy woods subdivisions there are large rural properties to the east industrial properties to the south along Virginia Crane Drive there's a mix of existing businesses and vacant properties that are zoned for commercial and industrial uses at the Interstate 95 Lewistown Road interchange which is nearby so potential impacts one thing that's unique about

[01:09:05] this conditional use permit amendment is that the use has already been established so some of the impacts have been seen and can be you know seen by the community visual impacts the landfill and associate operations are industrial in nature, noise. Nearby residents have commented that they hear machinery noise and backup beaters, dust and truck traffic, trucks entering and exiting the site, sometimes leave behind dirt and mud and debris along Ashcake Road. And then water quality, they're having concerns about well water quality because of leachate drainage from the landfill.

[01:09:36] There are some mitigation measures that are reflected in the sketch plan that has been submitted as well as the recommended conditions. These mitigation measures, which address again the visual noise impacts and some of the other impacts mentioned on the previous slide. Minimum 100-foot natural perimeter buffers are shown along the site. Those 25-foot tall landscape berms which we planted on top with mix of evergreen, assiduous trees, and shrubs provide additional screening and help dampen noise. A noise study must be conducted within 60 days of commencing operations to ensure that the use is

operating in accordance with the noise ordinance in the county. Paving along the access road will be extended to help prevent mud from reaching

[01:10:14] ash cake road right now it only extends a shorter distance it will be extended near the scale house and then public works and the department of environmental quality are required that monitoring wells around the landfill and its drainage system ensure leach does not contaminate groundwater historic resources the historical commission reviewed this request prior to it going to the planning commission because there are historic resources adjacent to and near the property again the brown grove rural historic district surrounds the landfill property on three sides there are a couple other sites that have historic significance in the nearby area

[01:10:48] so again the historic commission reviewed this request they recommended and indicated that the landfill will negatively impact brown grove rural historic district and its residential community if considered for approval the historic commission recommended the applicant be required to perform phase one environmental historic resource study and that recommendation is reflected in recommended condition number 15. in terms of the comprehensive plan as i mentioned this property is located on the edge of the suburban service area a portion of the property closest to ash cake road is designated suburban neighborhood residential with the remainder of the property designated rural agricultural due their industrial nature landfills are generally not compatible with

[01:11:28] uses recommended in suburban neighborhood residential rural agricultural areas are primarily intended for agriculture and forest related uses with some residential that's rural residential in nature and low density this this request does not align with those recommended uses the proposed sketch plan and recommended conditions address some of the design standards for the rural agricultural land use designation particularly when there are commercial uses it does show significant buffers as i mentioned minimum 100 feet as recommended between different uses of the transition from higher intensity to lower intensity uses brown grove that particular

[01:12:04] community is specifically referenced in several chapters of the comprehensive plan chapter 10 history and culture it recognizes brown grove rural historic district it has specific recommendations and design standards for that particular area chapter 7 active living list brown grove as pedestrian bicycle capital investment focus areas is one of the several areas throughout the county particularly in the suburban service area where pedestrian bicycle infrastructure is recommended the applicant in the required or recommended conditions show a sidewalk or pedestrian path along ash cake road to address that particular recommendation the conference of plan and then chapter 11 identifies brown grove as a historic and culturally sensitive

[01:12:41] community since it was divided by interstate 95 historically and impacted by industrial development public feedback the applicant did hold two community meetings one in november and one in february some of the feedback provided by attendees was opposition to industrial development in the area a preference for residential development and concerns regarding potential impacts related to water quality noise dust and trash on ash cake road community health impacts and some questions concerns about how the facility operates staff is recommending 28 conditions these conditions are divided or categorized into three groups some apply to the existing landfill some apply

[01:13:21] specifically to the existing borrow area that will be converted to a landfill if this request is approved and some apply to the entire site overall and most of these conditions are associated with the

approved cup as i go through the following signs filing slides the new conditions are bolded and they are also noted in the staff report note that if the current request is not approved the existing cup and associated conditions would remain in place the existing landfill recycling facility and borrower area could continue to operate in accord with the existing conditions

[01:13:57] this is again a request to amend that existing conditional use permit to allow the existing borrower area to be used for a new landfill area so the first category of conditions apply to the existing landfill itself again the new conditions are bolded and the only new condition in this particular section that's recommended is that the existing landfill once it reaches capacity be closed in accordance with the closure plan approved by the department of environmental quality the borrower area which would be converted to a new landfill if this particular request is approved

[01:14:33] the new conditions are 13 14 and 15 and 12 was revised to reflect the proposed berm height of 25 feet the new landfill will have a maximum height of 80 feet from existing grade the applicant would be required to get a permit from the eq to operate the landfill and provide it to the planning department and as i recommended by the historic commission a phase one environmental historic resources study would be conducted prior to commencement of the use these conditions applied to the entire site again bold our new conditions that would expand upon what was approved previously most recently in 2017 no liquids or hazardous waste

[01:15:12] would be accepted that access road as I mentioned we paved farther into the site to help reduce dust FAA form 7460 would be submitted which is standard for projects in this area close to the Hanover County Airport and that the applicant and the facility itself would comply with the county noise ordinance and a noise study be performed within 60 days of the new area operating.

[01:15:38] The site would only accept in-state debris. As I mentioned, the applicant has agreed to build a sidewalk or pedestrian path along Ashcake Road, and that's a new condition. The new landfill, if this request is approved, would only begin accepting debris and waste once the existing landfill is closed.

[01:15:58] and then the standard condition with all of our special exceptions and conditional use permits adherence to development regulations as this is an amendment to an existing conditional use permit the planning commission reviewed this request at a previous meeting 10 citizens spoke during the public hearing in support and 15 citizens spoke in opposition ultimately after hearing the public feedback and discussion the planning commission recommended approval with a vote of four to three some of the feedback was provided those in support indicated the landfill is a well-managed safe business that exceeds DEQ standards there are concerns about rising disposal costs if this facility closes because there are a limited

[01:16:38] number of comparable facilities in the region those in opposition expressed concerns regarding potential negative impacts to Brown Grove including traffic and noise concerns about possible discharge into a nearby Creek Campbell Creek is nearby the line of site exhibits that were submitted by the applicant indications as part of previous zoning cases that the landfill would not be expanding be expanded preference for residential development and then there were some comments that there could be another location in the county to support this type of use that concludes staff's presentation

[01:17:15] the applicant has a presentation planned as well i'll be happy to answer any questions the board may have at this time thank you mr pompey for your present presentation any questions from board members mr sternman so uh thank you mr chair thank you for your presentation mr pompey um so i do

have a question i know that um i got with you because there's a lot of um discussion about violations and stuff like that and we did request from deq to send to the county a list of those for the last five years that's correct were there were there any violations what

[01:17:52] what exactly did we receive back um and miss hunter did in-depth uh review and research with the eq and deq confirmed that currently the site is in compliance they have had letters of advisement submitted in the past for failure to address administrative requirements and some potential issues with contaminants but right now the site is currently in compliance with the eq requirements and one other question so um i guess you know have we do we have a list of complaints have we had a lot of complaints actually registered for this for this facility um right now in terms

[01:18:31] of zoning related complaints we do not have any active cases or violations that are being pursued in the past my understanding is there have been complaints about mud and debris on the road and there is a condition that was added over the course of time to require that that debris and mud be cleaned on a regular basis but i'm only aware of in the past the issues or concerns about the mud on the road all right thank you any other questions seeing none thank you sir we will now open the

[01:19:02] public hearing good to see you please state your name um before we go further i do want to uh make a couple comments about the process moving forward public hearings are limited to two hours total mr davis is going to track that time if we get up to two hours we may need a motion to extend it mr conlin you your team the owner of the parcel collectively you have 30 minutes that includes

[01:19:40] your rebuttal time sir so you can have 10 minutes and 20 minutes of rebuttal or 25 minutes of presentation collectively for your whole team and then five minutes of rebuttal but we will mr davis we'll be tracking that 30 minutes i know we have 20 minutes listed on the clock okay i'll be presenting attempting to present just in the 20 minutes and then i'll uh whatever i don't use i'll use for a rebuttal okay sir so thank you mr chair members of the board my name is andy condlin here on behalf of the applicant we have with me bob hundley from the arm group as well as nick moore who's the operations manager of the ash cake road construction and debris landfill which

[01:20:18] i'll designate as c and d landfill from here on as mr pompey has done a very good job about explaining the current operations currently under the green i just wanted to point out a couple of things on the left side with the c and d landfill which is current life is approximately at the end of the summer a little bit later is what they're anticipating to be able to use the recycling activities occur uh i don't know if i've got my recycling activities occur around the office and shop area those are ongoing and will continue to be ongoing regardless of the vote tonight and the borough area which is on the right side of this uh i'm showing where it says relocated

[01:20:58] operations has a lifespan of about 25 to 30 years is what the anticipation is to be able to continue depending upon construction activities as shown the entrances off of ash cake road that will stay here and then when trucks pull in they go to the scale house for inspections you can see the office and shop to the right of that when they pull into the landfill area again when they release their load they're inspected again as i said there's recycling areas and we have a hundred foot buffer around the entirety of the facility that's for the landfill and the recycling area you can see some of the growth of the area which we'll refer to again including that from ash cake and near lewistown

[01:21:36] road just to make sure around the same page regarding what a c d landfill takes you can see on the left side, on the top bullet points, all the items that can take, particularly for construction and

demolition debris, things that you have. Whenever you build a school or build a commercial outfit, a commercial tenant space, or build a house, you're always going to have certain debris.

[01:21:55] On the right side is all the things that you cannot take. One of the benefits of this particular site is that we do have extensive recycling activity. So currently, under the existing landfill, we have about 60% of our business and what comes into the landfill in the recycling area are coming from individuals from the immediately surrounding area in Hanover. The rest, the 40%, come from other areas in Richmond and other areas of Hanover County. We have a specific condition there to address that concern that was raised that says we cannot have any out-of-state residents, operators, contractors coming in. We can only

[01:22:31] check those that have out-of-state licenses as they come into the facility. We also have an active recycling program that shows on there including concrete that is crushed and converted into aggregate for various projects including by the county for the airport for roads and including the county route 301 transfer station we also have metal or steel that's taken off-site wood that's converted into mulch on-site and of course dirt used for fill or burning our proposal specifically as Mr. Pompey is described as move as relocating or moving the landfill from its current location to the adjoining area that's a smaller

[01:23:07] footprint it's about 30 acres there'll be 10 acres of continued borrow activity on the area below the relocated operations we'd like to say that it was the same impact as we exist today and probably even a less of an impact because of the revised conditions and the revised operations that are being proposed you can see this in a little bit more detail in the concept plan including the 950 feet of pavement that would go from Ash Cake to the Scale House Road and the 100 foot buffer surrounding as has already been pointed out surrounding the entirety of the property as well as the 25 foot berms many people will probably speak tonight and support about the

[01:23:46] importance of a C and D landfill not just for the area but this area specifically we're two tenths of a mile off of I-95 otherwise if this closes the operations will have to go to either the other three uh Land C and D landfills which are in pink one is in 623 landfill in Goochland the other two are in Chesterfield it's not just an increase in cost and traffic obviously but an impact in all areas of the county because as houses are built and all these improvements are made there is construction and demolition debris that has to go somewhere and that's where we provide for at the planning commission one of the topics of discussion was the county's

[01:24:23] comprehensive plan I believe this proposal is squarely in alignment with the goals and objectives of county county's comprehensive plan first the property is not within but it's adjacent to the Brown Grove Rural Historic District even though we're not in the district we have intentionally included many of the comprehensive plan recommendations in our conditions particularly for those from the Brown Grove Rural Historic District for example the historic commission recommended and so we've agreed to conduct a phase one environmental historic resources study added as a condition we provided for pedestrian amenities open space setbacks and

[01:24:58] bufferings all which are called for in the comprehensive plan and interestingly the county's general land use plan calls for part of the existing CND landfill to be in suburban neighborhood residential and part in the rural agriculture that's the existing but where we're proposing to relocate it the comprehensive plan calls for A1 zoning districts one of the uh excuse me rural and historic rural or agricultural designation one of the districts that's called for in that designation is A1 zoning one of the uses that's permitted in A1 zoning is a landfill has to go

[01:25:33] through a conditional use permit process but it's still a permitted use so by showing to the area by moving it entirely to the area that's shown as rural agriculture we're actually more closely aligning with the uses that are proposed by all the comprehensive plan in addition as you know the comprehensive plan is a guide it's a general recommendation as as to the growth of the county and it's a balance as almost every proposal includes components that are consistent with the comprehensive plan and components that are not aligned with the comprehensive plan i would suggests to you that there are many components including pedestrian amenities preserving wooded

[01:26:07] buffers promoting recycling increased setbacks in which we are actually in compliance with in line with the comprehensive plan in fact upon the passage of the county's comprehensive plan the county did not include this specific property in the suburban neighborhood residential nor did it include it in the brown grove rural historic district but instead designated as rural agricultural which calls for a1 which allows all landfills when you have a conditional use permit it specifically provides for addressing potential impacts and that's what we believe we have done so what we've done is i wanted to go over some of those that mr pompey has mentioned that we've

[01:26:47] heard about concerns both through letters and emails as well as the public hearings and the community meetings and there was a concern about being able to see the cnd landfill the existing one is 80 feet tall and you can't see that from any of the public right-of-ways this is actually further away from ash cake road and we believe you can't see it there were some questions about one of the exhibits so after the planning commission meeting we did a balloon test we're 1475 feet from mount herman farm subdivision we put a balloon test up at 80 feet and just to check we also put a balloon up at 198 feet in neither case could you see the balloon from any

[01:27:23] of the public right-of-ways even a balloon two and a half times that which the existing landfill and the proposed landfill will be, which is at 80 feet. And we've got a number of pictures that we've provided for to the staff as well to show that wherever you are, and obviously we didn't go onto anyone else's property, but we took pictures, multiple pictures, at all these locations in the public right-of-way.

[01:27:45] As has been described, in addition, we have a 100-foot buffer that exists with trees up to 100 feet in height that's surrounding the relocated area. The screening exists under the existing C&D landfill, the same screening will exist under the proposed cnd landfill and when we put up the balloons again that buffering alone you could not see the 198 foot tall balloon not not even the 80 foot tall and we're still adding berms that are a 25 foot berm and the condition condition number 12 specifically specifically provides for evergreen planting as approved by the county we're proposing

[01:28:21] to have a giant green arborvitae that reach a mature height of 50 or 60 feet throw that on top of a 25 foot berm and now you've got 85 feet 75 to 80 feet 85 feet in height and that's in addition to the 100 foot buffer with 100 foot trees i'm assuming everyone knows what a green giant arborvitae looks like but these are at 20 feet tall and they only continue to grow up to 70 to 80 feet in addition we've got substantial green areas we have 37 of the 96 total air acres on the right side are an open space and protection area and what this does is provide

[01:28:56] for not only distances from surrounding areas including, as you can see on top, Mount Hermon Farm subdivision at 1475, but also to the left, Ashcake Road, and to the bottom to Brown Grove Baptist Church. Those also provide for interior distances and setbacks, and you can see those listed surrounding

the property. So even though for the north we have a 100-foot buffer, we actually have a 364-foot setback when you add in the buffer and the birming before you have any land activity.

[01:29:24] one of the other issues was related to dust and not so much from the existing operations but from the truck travel particularly access into the site mr pompey covered this where we've agreed to in response to that to pave 950 feet of the entry road also we're going we've committed under the new conditions to clean up fallen soil or debris we already do that was an easy condition the applicants required by deq standards to continue to use water trucks and spray down drives and operating areas and at the end of the day there's very limited traffic particularly in the peak era peak hours that's what the tia will show but we have 11 a.m peak trips and 3 p.m peak

[01:30:04] trips on average and most of those 78 are coming from lewistown road again that proximity to i-95 is very important the other issue that came up was noise always an important issue and it's important to note that we found we asked the sheriff to go back to 2007 and they finally he they went back to 2007 they found no complaints being launched about the noise from this facility from the existing facility but despite that we've provided a number of conditions including limiting operations from 7 a.m. to 4 p.m. Monday to Friday I'd also point out that the comprehensive plan suggests under the Brown Grove Rural Historic District to limit hours of operation to reduce

[01:30:43] hours of operation that's exactly what we've done in this case again berms and buffers one of the unique things we've done is provide for a certified noise study within 60 days to provide for compliance with the county noise ordinance if not necessary mitigation measures are going to be required and if we can't do it then we aren't allowed to open up or we shut down we're also prepared to replace and if you'd like to we've drafted a condition about replacing all our equipment backup alarms with a lower decibel alarm that is osha compliant some of the standards are changing we have to comply with state and federal but currently we have the original beep up backup beepers that just that loud beep that goes up when they back up there's different ways we can do that and we're

[01:31:21] willing to look at that from that standpoint so again showing the extent of the buffering and berming on the property so clearly the issue that has been expressed the most is environmental and groundwater and i wanted to spend just a couple more minutes on that specifically so a c and d landfills obviously heavily engineered and regulated and design operation and ultimately its closure regulated by deq not epa but it's a state regulation in many ways including operations You referred to, and we talked about operations, in the last five years, DEQ has issued no deficiencies or violations with respect to the operations of this site.

[01:31:59] Zero. Zero deficiency violations with respect to the operations or reporting. And I have an email letter if you'd like to see it from DEQ specifically with that. With respect to the design, and let me point this out, we've talked about this a lot, these are designed specifically to allow for protection of the landfill and the surrounding areas.

[01:32:19] So what you see is not only liners that include the filter, but also other liners and the natural liners and the clay and the collection layers. But everything that when the rain falls, if it falls in the landfill, that's called leachate. All leachate is captured and put into the county sanitary sewer system.

[01:32:39] In 30 years of operation, in 30 years of data, we've never had a breach, never had a breach in the lining of the existing landfill. on top of that lining is 18 inches of gravel so it's not going to get pierced and it's never been pierced uh by this current operation we also have um with respect to the standards that

are required by deq we have stormwater basins which you can see in red circled in red because there's operations outside of the landfill i.e the recycling the office there's impervious surface we have to have

[01:33:15] storm water we have to per deq regulations monitor the outfall of all storm water so when rain falls anywhere other than the landfill it's captured by the stormwater facility just like every other commercial business storm water is required we also have groundwater monitoring wells which you can see circled in the yellow there and we have to uh as well these are tested their samples are taken and sent out for testing and over the last 20 years we've had over 575 tests and 10 deficiencies those deficiencies could be anywhere from a clerical error or and i'll go over some of those

[01:33:52] but this is for the basis this is really the basis of our operation and our maintenance of all the letters and statements three stood out that i want to address contamination deq warning letters and phase two monitoring as to contamination let me unequivocally say there has absolutely been no contamination from the existing cnd landfill in the 30 years of its operation when we read statements like evidence of contamination or excessive contamination or proven instances of groundwater pollution at the ash cake road landfill we absolutely do not agree and 30 years of data would back that up, that there has absolutely been none.

[01:34:30] Contamination or a violation of DEQ standards has not been shown in the monitoring wells and the stormwater outfalls, and no downstream watersheds have exhibited contamination for the C&D landfill. For example, there's been a lot of talk about the hazards of flooding.

[01:34:45] This is from the county's own system where it shows a 100-year flood plain within the channel of Campbell Creek that separates the landfill from Mount Hermon Farm subdivision. It's also proven true that there's been no violations or impacts of contamination or otherwise during flooding events such as Isabel, hurricanes like Isabel or Gaston.

[01:35:03] The monitoring data proved that as many suggested risks that have been raised from flooding are untrue and have never occurred. This includes the downstream watersheds. This is a simple explanation. Campbell Creek, as you can see, is 40 to 50 feet below both the C&D landfill on the right side and Mount Hermon Farms on the left side.

[01:35:25] When rain falls, it goes into the ground. It flows at an average rate of 155 feet a year. Each of those blocks is 100 feet. So on average, as the water hits the ground, not leachate, but when it hits the ground otherwise, it's flowing towards Campbell Creek, moving about a block and a half a year.

[01:35:44] That's why our monitoring wells are located specifically, maybe I don't, I can't figure out where that one is, but you can see monitoring wells at different levels and at different locations to pick up the flow of water. When there's a big water event, water's flowing from Mt. Herman Farms on the left side and the landfill on the right side and ultimately it goes to Campbell Creek.

[01:36:06] When it goes to Campbell Creek, it doesn't cross Campbell Creek, it flows down Campbell Creek to Meachumps, to the Pamunkey and ultimately to the Chesapeake Bay. I'll get one of the examples that we've provided for is that I wanted to address the warning letters in the phase two monitoring.

[01:36:27] When samples are taken in the groundwater monitoring wells or in the stormwater outfall, the more than 576 tests there's only been 10 deficiencies. Deficiencies can happen because there's a lack of water in the well or there's too much uh too much soil in the well with turbidity so that you get a higher sampling of the soil than you would otherwise. Sometimes the testing isn't done correctly or it's the testing

takes longer than is permitted by the industry standards and in the specific standards situation we had an increase of chloroform in an area that was proven to be surrounding an abandoned septic tank but whenever there is a noted deficiency or abnormal

[01:37:06] level the deq is obligated they have to issue a warning letter it's not a violation letter it's a warning letter that it means that you need to do either resolution of the issue or do further testing or provide an explanation as to why we're having that abnormal testing if the deq is not satisfied or it's not resolved they are obligated by law to issue a violation letter in 30 plus years we've received warning letters because there have been issues with respect to some of the testing we've never ever received from deq a violation letter in every instance deq has been satisfied

[01:37:42] with the additional testing and or the explanation that has been provided this is an example with bod levels which again we received a warning letter level letter the blue line is specifically with respect to the uh the standard that we have to meet for the gps standard you can see and we went back to 21 to show this that there's been a number of tests submitted and everything was fine then we had an abnormal result that was what was resulted we had to do additional testing not just for that but additional testing in the other area and found that specifically that there was it was resolved and the DEQ said no further action is needed we've also

[01:38:18] provided for baseline studies since 2021 we provided for testing on the area over on the right side specifically to provide for that no foreign materials have been introduced showing that naturally occurring cobalt and other metals are existing in the soils.

[01:38:35] So when we see some of these metals showing up in our tests, DEQ says what is happening and we've shown them that they're in the soils naturally. It's not because of the landfill, it's because it's naturally in the soils. But because of that, they say to us that we have to do phase two monitoring. Now phase two monitoring is not a, hey, you've got a violation, you've got to do all these things.

[01:38:53] Literally, phase two monitoring is a longer list of testing requirements of different materials and minerals and metals so we went from six we went from 20 some up to over 200 minerals that we had to test for and then what happened is after those 200 tests went through we found that they found that that many of the results were showing a benign impact showing from the soils that are happening otherwise and naturally occurring metals and this is exactly what they do is they've actually lowered us down to 63 we've gone from 200 down to 63 it's the process working when we have an abnormal result DEQ issues a warning letter and

[01:39:28] they asked us to respond they asked us in this case to do a phase two up the number of metals to test and we did and they've actually lowered the number of metals as we've gone through because it's been so benign not to waste everyone's time so an incomplete irregular report was found and after further testing it was done and then no further action was required no violation was noted so in conclusion at the end of the day the ash cake road cnd landfill simply as a business on ash cake road providing a needed service including recycling and borrow activities and doing it well meeting the high standards and operations and monitoring and its operations

[01:40:06] it's sensitive to the community and will continue to do so you'll hear many people support this application it's consistent with the county's comprehensive plan it comes to you with planning commission recommendation we will accept all the conditions that the staff has suggested as provided in the staff report we believe we've met all jurisdictional prerequisites for approval and ask you to follow the

planning commission recommendation and approve this cup request i'll be happy to answer any questions at this time thank you for your presentation sir any questions from board members mr mr stoneman yeah thank you mr sheriff uh thank you for your

[01:40:46] presentation mr conland uh you know i've been out to the site and you know i've listened to the the noise and i'm trying to address the concerns of our constituents and uh i was uh i was aware that there was going to be some retrofitting on the uh some of the equipment and uh can you can you expound upon that a little bit the sound that that makes uh because i'm understanding it's more of a white noise yeah the uh certainly not going to try to mimic the noise listen to it for sure from that standpoint but the idea is that i guess under the new uh standards from the federal and state they allow the operator to install these backup alarms that actually don't go as you said

[01:41:23] it's more of a white noise instead of that sharp beep it's uh actually my wife's car brand new hyundai has it on there that has a when you put it in reverse it actually has a lower tone that's able that doesn't travel as far but it obviously does what it's supposed to do for safety purposes and so that's something we can retrofit again we have to meet that standard of osha but these new these new alarms are able to do that so they just don't travel as far in that with the berming and the existing natural red vegetation that's even going to help further with respect to any of the noise that's existing on this site which we're already under the county ordinance but it's a It's a question of whether we can continue to do a better job, and we want to.

[01:42:00] One other question. Recycling is extremely important. Capacity issues exist throughout our region. Do you have any idea what percentage of the vehicles that come through the facility are actually headed toward the recycling? Well, there's a couple things.

[01:42:17] One is that some do both. As part of the inspections, not only are they looking for things that are not appropriate for the landfill that are not allowed to go in there, But they're also looking for recycling from that standpoint. I don't know if we have a percentage of vehicles that are specifically for recycling.

[01:42:34] I don't know if you have that number. Yeah, we actually have approximately, for example, of the concrete, we've got over 44,000 cubic yards of concrete that's provided.

[01:42:54] I don't know if we've broken that down into a percentage of vehicles. But certainly the wood, it gets picked out a lot of times when you have construction debris and demolition debris will have a lot of wood and that's what they do when they when they release the load to look through it and then pull out a lot of that wood from that standpoint so it's kind of hard to designate hey this is specifically for recycling or not but it's 31 we have 31,000 cubic yards of wood uh last uh 2023 uh 44,000 cubic yards of concrete and over 350 tons of steel you know i guess one one other question i know one of the um conditions um that are mentioned is

[01:43:28] the inspection of the loads i mean can you offer a measure of comfort you know that that you would be able to uh inspect those loads and make sure that uh you know only materials that are allowed in this site would be yeah there's actually two parts of that inspection and of course that's required at the deq again that's that operations from the last five years they come out and you know do spot inspections and we'll check our our operations when they come up to the scale house You know, a lot of landfills will charge by load or by weight, right?

[01:44:00] And particularly for this one, they're charging by load, but there's actually, for lack of better term, a catwalk or an area above that where the operator can go to look down in. So they don't, the truck stops, they register, they figure out a lot of return people. So they look through the load, they know what they're allowed to have and what they're not allowed to have, but they can see it from there.

[01:44:17] But again, that's just looking down at it. When it's actually released, they actually look through at that before the operator is allowed to leave. they look through it to make sure there's nothing else there if they don't see anything at that point again they're pulling out the recycling and they're moving it into the landfill at that point if they find something they immediately take it off site that's part of it so they're handling it to make sure it's not seen at that point so there's really three parts of the inspection that happens and uh so one last thing uh if you could help me appreciate uh deq's involvement uh in the inspections do i'm assuming they perform spot inspections or surprise type inspections could you

[01:44:54] elaborate on that a little bit tell me how many times uh much come up and talk a little bit about the inspections if you can i want to make sure you get the answer right on that hi bob hunley with arm group um deq typically inspects most facilities on a semi-annual basis so they typically come twice a year and those are the inspections that mr conlin's been speaking to with respect to the last five years having zero deficiencies so if they come out and do an inspection and don't find anything they issue a zero deficiency letter and i can honestly say that

[01:45:33] of the landfills that i've worked on in the last 35 years i haven't seen any of my other clients earn five years worth of zero deficiency letters so i it's it's just kind of unheard of so somebody to get that many zero deficiency letters so they come out twice a year they do a pretty thorough inspection she's usually there for several hours goes around checks records in the scale house checks records in the uh office and then goes and looks around the entire site and those are do you are they are they announced that they're coming or sometimes she tells you and sometimes

[01:46:10] she doesn't okay and so uh it's my understanding and i've done some a fair amount of research on this um as it's been in the pipeline for quite a while um landfills are highly regulated would you would it be a fair statement to say they're probably one of the most highly regulated i i believe after having worked on for this many years yes sir i would say we have a lot of regulations to deal with yes sir okay and they and they are diligent um so when you do have a violation it's my i mean my experience with them personally and you know uh through my study that they they do

[01:46:45] execute uh you know uh some type of um you know mitigation or something like that um immediately that you they would they would pretty much shut you down yes sir i as as i mentioned before i have other landfill clients that aren't nearly as perhaps as strict as diligent as mr. Moore and unfortunately I have had the opportunity to sit with them in DEQ offices related to some of their needs of remediation so I've been in those meetings and other facilities have received consent orders or that sort of

[01:47:22] thing so yes DEQ takes it very seriously all right so any other questions from board members thank you mr. chair i have a question for staff is this the appropriate time mr pompey actually my question is for miss hunter don't go anywhere mr connor because i'm gonna have a question for you myself miss hunter i've spent an awful lot of time with this comp

[01:47:55] plan and and mr conlin's contention that this is within um the appropriate uses under our comp plan designation differ significantly from my understanding can you address that please sure so the the comprehensive plan in this area the front portion is in the SSA and designated neighborhood

commercial the rear portion is out of the SSA so it's designated agricultural as most of the county that's outside of

[01:48:29] of the ssa during the comprehensive plan process we did look at this area and many of the areas many of the properties that had previously been designated industrial we did change to a residential in nature in this area thank you any other questions from board members mr conlin i have i'm trying to gain some better understanding of geography can you can you show up the can you

[01:49:05] the slide with the map with the what it had a map with a red circle around these parcels and it showed another area in blue I believe was the the Brown Grove district yeah sure that map right there yes sir so so the red circle is your area yes sir that's our property specifically okay so I could drive

[01:49:40] right to that but I'm not as familiar with the geography as people who live there and work there so i'm trying to understand right the blue dash what exactly is that blue that is the brown grove rural historic district that was part of the last comprehensive plan that was voted on and this property you know i i'm assuming i was involved in all the details of this area but this property was looked at as well as all the entire area was and as miss hunter has pointed out many of the industrial areas were included some were not many some were uh changed to a1 a designation somewhere so this is just showing because there has been during some of the community meetings that say you're part of the historic district and the answer is technically not but

[01:50:20] we still complied with a lot of those lists that we had are part of the brown grove historic district uh policies and goals and we meet those such as reduced hours increased setbacks enhanced buffers and things like that the pedestrian so we we took those to heart to say even if we aren't in there we're still going to meet a lot of the standards and that was really my basis that and the next argument with respect to um the rural agricultural you know the new landfills actually uh relocated landfill is actually not in the suburban neighborhood at all designation it's totally within the rural agricultural and that's this use is permitted in a1 which is a listed zoning

[01:51:00] designation and which this happens to be zoned for so i looked at this it's clearly in the white oh yeah there's no doubt about that mr pompey could you can you go back to the map okay mr can my question is about that map right there and so i have i've received 100 emails phone calls probably more is that map accurate the red circle is adjacent to the district not inside of it so i

[01:51:37] want to clarify one thing that mr conlin indicated this map is not a was not developed through the conference of plan planning process this is a map that was developed as part of the historic district's designation and listing on the state landmarks register as well as the national register of historic places so this map accurately shows that nationally recognized and state recognized historic district is parcel specific so the property is outside of the brown grove rural historic district as listed on the state landmarks register and the national register of

[01:52:15] historic places okay so if north is straight up what is above the red circle north where is mount herman farms on that that's mount herman farms directly north on that map and we have some other maps as well in the staff's presentation that show uh the different communities but mount hermann's farms mount hermann farms is directly north of the project okay i just wanted to make sure i understand thank you very much that's all the questions I have 100% right about this map I guess I was referring to the comprehensive plan does provide for as I said these goals and objectives with respect to properties that are within

[01:52:52] the Brown Grove and again we just sit we still meet those but technically not within that district I understand so are you saying that you've made it that you've made a thoughtful intent to be sensitive to the neighbors here yes as you know the ordinance we have to meet a comprehensive plan as a guide is a larger planning more comprehensive planning document and has a lot of suggestions goals and policies we try to meet all the ones that designate or that apply to us from that standpoint you know to again to try to

[01:53:26] be continue to be a good neighbor yes okay well thank you sir thank you okay next we will enter into our citizens who wish to speak in support and opposition i am going to read some rules before we get started on this these are board rules speakers who wish to address the board are requested to follow these guidelines each speaker is asked to give your name and the magisterial district in which you live if you are representing a business you can state the name of

[01:54:06] the business for tonight speakers will have up to three minutes the time will be kept by the vice chair. Speakers are asked to address their comments to the board, not the audience. The board does not permit any use of slideshows or other projected materials. However, speakers are invited to provide printed copies of any materials they have to the board. Handouts and other

[01:54:40] materials can be provided to the deputy county administrator. That's Dr. J. Brown right there at the table. So if you have handouts, please give the handouts over to Dr. Brown and he will ensure that the information will be distributed to board members and the board clerk. The board requests that the audience refrain from interrupting speakers during their recognized time. Now that means any speaker. That means other citizens, staff. It means other members of the board.

[01:55:19] So I'll read this again. The board requests that the audience refrain from interrupting speakers during their recognized time. Hear how quiet it is in here? I hope that's the way it is when someone has been recognized to speak.

[01:55:37] The board appreciates the public's input and cooperation during citizen's time. Okay, we will now open the floor for citizens who wish to speak in support of the application.

[01:55:53] Can we start with a raise of hands? Okay, someone will be first, and please approach, state your name, the district in which you live. You have three minutes. Others, we would request that you form a line so when the speaker is finished, you're ready to go.

[01:56:16] We want to keep this methodical and moving, and the question has come up, well, what about if a speaker is done and people want to clap? Well, that's not prohibited by board rules. It's just when someone starts to speak, the clapping should cease, okay?

[01:56:35] Sir, it's your time. Your name, district in which you live, you have three minutes. My name is John Snead. I currently do not live in Hanover County, but it's been my first 22 years here. I grew up, it's very dear to me, and still have a mother and two siblings that live here as well in the Stundley area.

[01:56:55] I own and operate a small business that holds C&D landfill. C&D, excuse me, into Ashgate Road Landfill, named Capital Waste Services. And we have been doing so over the past 20 years. I can't speak highly enough of the landfill and the staff, how it's run, all the feedback from our drivers, easy ingress, egress, so forth.

[01:57:22] It is a top-notch facility in its management and how it's run. And this landfill is desperately needed here in the county. It is needed throughout the entire metro Richmond area. So it's a bigger, to me it's much bigger than just simply Hanover County.

[01:57:43] The entire Richmond region is severely low on landfill space. And to lose another facility would just exacerbate the problem. It would severely increase costs for construction, demolition, debris going out, which is, I mean, we have a lot of things going on.

[01:58:04] There's a lot going on in Hanover. got has changed dramatically since uh since i was a kid as we all know uh and a lot more construction projects uh are coming our way and this material needs to go somewhere uh it is currently going to ash cake road landfill again top-notch facility we haul probably 250 loads a month on average in in there and most or all of it is coming from in and around hanover and the

[01:58:37] projects here. Homes, other commercial sites, and so forth. People doing their kitchens and putting a roof on. To lose this location would mean hauling that much further away, which doesn't help anybody. We burn a lot more fuel and put trucks on secondary roads and things like that. So we're in, you know, just just really increasing the probability for a major problem i liken losing this facility to like losing the hanover airport there's 30 seconds remaining thank you so much but if we were to

[01:59:17] suddenly close the hanover airport um you know it it does so much more than just serve the the residents here of hanover it is part of the metro richmond area a bigger picture reliever for uh uh richmond international as well so i urge you all to support the application here tonight it is strongly strongly needed thank you so much thank you for your comments sir next please state your name the district in which you live or the entity you represent you have three minutes

[01:59:49] hey i'm um i'm jack sneed i reside in uh chesterfield and um i i work for a um industry i work um with my dad as well um his business and um everything he said is absolutely right and i gotta say that it's the safest landfill i know of best run landfill i know of and as he said it's got to

[02:00:17] go somewhere all the stuff's got to go somewhere and um some notes here um and you know it's never um never overly crowded and i will also say that um i understand that there's lots of individuals that don't like the landfill being outside their neighborhood but respectfully the landfill was there before a lot of those homes were built if not most and um i also find it hypocritical that

[02:00:51] um people aren't really happy about getting outside outside stuff into hanover but that stuff's been going on for 25 years or more with Hanover like you know vice versa and if it's no longer in operation then industries like I work for will also have to raise prices for all their customers and we will have to start to haul all of our stuff to other landfills using many other secondary roads as was said and it's it's within Hanover but it will result in very unsafe situations

[02:01:27] i really really urge you to vote in favor of expanding ash cake thank you thank you for your comments next please state the name the district you live in or the entity you represent you have three minutes hello my name is sean cantrell i'm from beaver dam uh i work in the construction industry industry and as you all well know hanover county is expanding and the actual county itself is doing a lot of work and this landfill accepts county waste we need this landfill to keep

[02:02:04] everything in our county we don't want to be the county that spreads out their waste to other areas of the state so we definitely need this landfill thank you thank you for your comments next please

state your name the district in which you live or the entity you represent you have three minutes my name is barbie cox i'm the vice president sb cox incorporated a demolition

[02:02:34] company and a cnd removal business located in richmond i'm here to support ash cake landfill we use it we also have our own landfill so it is somewhat of a competitor to us but i am supporting it's the best run landfill in the richmond area without a doubt y'all had a question about the inspections i can testify that for sure if it's something in a truck that goes in there it's not

[02:03:09] supposed to be there it's going back in that truck i have experienced this um we haul a hundred loads of debris a week from hanover county the majority of this was going into this landfill i can't emphasize anymore as being a landfill owner they have the best operation in the richmond area thank you thank you for your comments next please state your name the district in which you

[02:03:45] live or the entity you represent you have three minutes i'm tom evans um south and a district for 60 years and i've been in construction and other businesses in hanover for 50 years we're a general contractor we create say in the in the ashton elementary school over 200 loads in that school alone and and we all try to recycle and do the right thing but it's there you've got to deal with it and so this is as everybody has said this is a well-run landfill and we strongly

[02:04:19] recommend that you approve the expansion of this landfill for it's needed for hannah's future needs and as barbie said i was standing on the yard one morning somebody was going to throw a tire in the dumpster and the truck driver rolled out and said don't throw that in the dumpster nick more will send me away so yeah he runs a pretty good operation thank you for your comments next please state your name the district in which you live or the entity you represent you have three minutes kenneth creasy i was a site contractor and we basically used nick's landfill throughout

[02:04:59] the generation we did site work for this project right here uh we could have spent thousands more dollars hauling this debris somewhere else we did the site work for the courthouse over there all the material the piping the excess dirt was hauled to nick also we basically had a utility contract with hanover county for 28 years that we hauled the pipe and the debris from the waterline

[02:05:36] breaks and so forth to nick moore and if out the landfill being here i don't know where you haul stuff to you know you have to go to masonic lane we basically with the utility contract it was paid about an hour so if we went to masonic lane we added three you'd have to add three to four hours to the bill thank you thank you for your comments next please state your name the district in which you live or the entity you represent. You have three minutes. My name is Scott Wallace. I'm a

[02:06:14] property owner in Cold Harbor, a business owner in Hanover. I live in Richmond. I run River City Rubbish, which is a very small C&D hauling company. We work predominantly north of the river. We're rich in metropolitan area. I would say I've actually looked through my records. I would say 75% of the loads that we carry to Ashcake Road landfill originate in Hanover County. We haul

[02:06:45] more loads out of Hanover County than we haul into Hanover County. This is a necessary service. I look at this more as a service-like power company. If you don't have it, we got to go down Ashcake Road. We got to go down 54. We got to go up 301. We got to go to all these places right now. We just jump off the highway, dump. We're back out on the highway. Thank you very much.

[02:07:15] Thank you for your comments. Next, please state your name, the district in which you live, or the entity you represent. You have three minutes. Hey, good evening. I'm James Rain, General Manager for

CD Hallway Services. I'm also Special Project Manager for CD Hall Construction and I'm representing CD Hall Companies as a whole who also holds properties in Hanover County.

[02:07:38] Just to reiterate everything said this evening, this is a very necessary service for Hanover County. As just said, the majority of our loads that are produced in Hanover County right now, unfortunately, are having to be carried elsewhere.

[02:07:56] So with Ashcake Grove, we use on a daily basis whenever we can, whenever they are open and accepting material, not only for C&D, but also for recycling. So, very necessary for not only the growth of Hanover County, but also the businesses that operate here.

[02:08:17] Thank you for your time. Thank you for your comments. Next, please state your name, the district in which you live, or the entity you represent. You have three minutes. Good evening. My name is Frederick Pryor. I represent the South Anna District.

[02:08:35] I'm the owner of Pryor-Hallin Construction Company. And we've been, since the landfill opened up in 1987 to now, that's almost 38 years. And I was a little younger man than I am now. And Nick Moore has been running that landfill and has done a terrific job.

[02:08:56] I just can't speak highly of him. And the landfill is just the best-run landfill in the area. It's better than 623. Mr. Cox's landfill is good, but this one is better. And I just would hate to see it close. Thank you again.

[02:09:11] I would like you to support it. Thank you for your comments. Next, please state your name, the district in which you live, or the entity you represent. You have three minutes. My name is Will Farmer. I've got a machine shop. I'm from the Henry District.

[02:09:28] I've had a machine shop for 50 years. I think I've known Nick Moore for 100, but he is quite the guy. And Troy was, most people don't realize it, but Troy was Troy's grandson.

[02:09:47] and that is Troy Ledbetter that started the industrial park and the airport. So the landfill, we've used it for years, and it's well-run, it's efficient, but it's more than that.

[02:10:04] It's the Ledbetter family. And I go back to 1978 with Troy Ledbetter, and I see that same way of doing business. And it's safe, and you've heard it over and over. But in Hanover Industrial Park, it's a service that many of our companies use.

[02:10:27] And it's a very important service. I hope you can pass this tonight. Thank you. Thank you for your comments. Please state your name. The district in which you live, you'll have up to three minutes. Good afternoon, Chairman, members of the Board. My name is Michael Flagg.

[02:10:42] I'm a Beaver Dam District Representative for over 60 years. I want to express my support for the application and expansion of the Ashcake Landfill. My support is due to the fact that this waste capacity is integral to our clean and healthy, vibrant community.

[02:10:58] A clean community requires access to convenient and effective trash services. Yesterday, we participated in Earth Day. It's an important remembrance of our stewardship responsibilities towards the planet and our future generations.

[02:11:13] A group assembled for many purposes, but quite a few labored to collect trash and cleaning up the streets and streams due to neglect of many who often properly dispose of their trash. They throw it

out, do the wrong things with it, and that's sometimes a crime of convenience.

[02:11:32] When people don't have a place to put it, they dump it on the side of the road. If we don't allow existing landfills such as Ashcake to expand, we'll be faced with a sure challenge in the future. Mr. Ledbetter summarized it really well at the Planning Commission meeting. After an inquiry of the Central Virginia Waste Management Authority, He stated that we only have about 14 years of regional capacity remaining for our localities.

[02:11:56] That's a really short window of capacity. After that, we're faced with long hauls to places like Charles City Landfill and Lunenburg, which is nearly 100 miles. Okay, think about four or five times just the transportation costs.

[02:12:11] And by then, the opportunity costs will be increased. Ashcake provided the variable resource, and I respectfully request your consideration for the entire community. Lastly, with my comments, I wanted to address something that really upset me at the Planning Commission.

[02:12:28] That was a young man that came forward from Mount Hermon Farms, and he talked about bathing his children in the bathtub. And he was nearly emotional, as though he felt like he was poisoning his children from a groundwater. And that's how he had felt from coming away from some of the statements that had been made about groundwater contamination.

[02:12:46] And based on my technical expertise, I hold a waste facility operator's license, professional engineer, lifelong engineer in the county, all sorts of groundwater experience with leak in landfills, treating leak in landfills. First of all, I can unequivocally say DEQ is going to be all over leak detection and require nature and extent surveys and monitor and determine the nature and extent.

[02:13:10] And then they will employ mitigative practices. It might include something like a slurry wall. There's 30 seconds, sir. to stop the pollution. But if you look at the groundwater flows from Mount Hermon Farms, they're disconnected geographically from this site.

[02:13:27] So the existing landfill, in my opinion, can never affect the groundwater in Mount Hermon Farms. And that gentleman should not be fearful of bathing his children at night. Thank you very much.

[02:13:43] - Chair recognizes Mr. Stoneman. - Sorry, if I could, with the chair's permission, I would like to ask Mr. Flagg if he could just respond a little bit more. feel like this is an important point um to to expound upon and i just want to give him a couple a couple of seconds just to because i know the fear is real and folks are very concerned and i did see that same video and i just want to make sure that um we emphasize that um you know the risk for groundwater contamination to mount herman farms and troy woods i know you wrote a letter and

[02:14:19] And I just want to see if you could just emphasize that, that these folks really, really, truly don't need to live in fear. Mr. Chairman, point of order. Mr. Chairman, point of order. Mr. Davis. Mr. Chairman, if Mr. Sturman desires to do that, that'll be a board inquiry to anybody and will not count towards the time of the applicant or opposition or support.

[02:14:45] The same questions could be asked of anyone on opposition or support and will be deemed as a board inquiry and won't have a time limit. Right. My understanding is board rules do allow for a board member to ask questions of a citizen who has addressed the board. And I think Mr. Stoneman's request is reasonable.

[02:15:04] Please ask your question, allow Mr. Flagg to answer, and then we need to move on. Mr. Stoneman, you have the floor. Thank you. Thank you, Mr. Chair. I just wanted to, you know, like I said, I know that time was short. And to clarify for myself, because this is one of the big issues, when you talk about the geographic, you know, and i think uh the applicant covered it as well but you know with your with your uh skill and expertise uh that that water is just it's not going to flow uphill to their their ground was because i know the comment was made about deep wells and and and the effect of that and i just

[02:15:40] i just wanted to clarify that for myself and for those that are listening um you know that that a lot of folks heard that comment that they should go to deep wells and and what what effect does the the shallow well going to have or the difference between a shallow well and maybe a deep well well in this region many of us and i live just north of mount herman farms i have a 35 foot deep well the bottom of it is a gravel layer four or five feet deep and that's where most of the water that you're pulling from resides it sits on top of a myocene clay layer that's very thick in the And the diagram Mr. Collins shows that myocene clay layer, 20 to 40 feet in depth.

[02:16:20] Below that is the deep aquifer, referred to as a Potomac aquifer. That's where if you dig a deep well, you go down into that aquifer. In some areas, like where the Taylor Complex is, that deep aquifer is contaminated by things like sulfur, high sulfur and iron, which makes it undesirable.

[02:16:38] In other locations, the well water is just fine in the deep aquifer. For many of us, we live off of the surface aquifer, and that's where we get our water. It comes straight from rainfall, infiltrates into that area, and it's utilized. Now, when you go down into the hillsides of these areas, go to Mount Hermon Farms, and I invite the residents to go down the hillsides and look in the little streams and valleys and the guts, and you'll see that gray marl, that hard pan material.

[02:17:08] That's that myocene clay. And what happens is the gravel layer emerges, and that's where you see little springs. Your springs emerge from the landscape as you get in the lower elevations, and they feed the creeks and rivers, and it's coming down the hill. So if you go across over to the landfill side, you would see the same types of things.

[02:17:26] Now, I've personally been on the eastern side of Mount Hermon Farms and see democene clay. I've not been on the southern side. But I just want those folks to know that their surface groundwater is not connected to, any way the same same geographical landscape as the landfill they're bigger threat and what everybody should do that's in these rc subdivisions they should have a water management plan with their neighbors they should not draw more water out of the ground than they have to because it's a limited pool and they also need to make sure their neighbors don't throw inappropriate things

[02:18:01] into the septic field because that's their potential source of contamination thank you thank you thank you very much okay thank you mr flag for your comments next please state your name the district in which you live or the entity you represent you have three minutes my name is brandy johnson and i work for river city rubbish i manage their office and dispatch we have a list of what can and can't go in every single landfill in the truck with the driver and the reason for that is nick more he will turn you away so quick if there is something in your load

[02:18:36] that is not allowed in there he is extremely strict when it comes to that and there are a lot of landfills we can operate out of but there's so much further away than ash cake and every one of my drivers will tell you ash cake is the safest it's the cleanest and it's the best brand thank you thank you for your

comments next please state your name the district in which you live or the entity you represent you have three minutes good evening uh my name is david armstrong i'm a resident of beaverdam district for over 50 years small business owner owner of tally and armstrong

[02:19:13] for the past 20 25 years we've done the significant amount of the repair in the town of ashen with their annual contractor and this landfill has helped keep the cost down for the resident and i mean this is other people have stated if we have to take this material the old sidewalk and debris another two hours possibly away versus a half hour going to the escape road landfill it's going to significantly increase costs to to the taxpayers and residents of town we also do a lot of work for hannah too same same there significantly increased cost thank you

[02:19:52] thank you for your comments is there anyone else who wishes to address the board in support of the application seeing none we will now switch over to anyone who wishes to speak in opposition the gentlelady will be first others please form a line behind her so we can be quick and efficient please state your name the district in which you live or the entity you represent you will each have three minutes hi my name is laurie o'toole and i'm a resident of the chickahominy

[02:20:28] district i'm here tonight to implore you implore you to vote no on the expansion of the ashcake landfill for far too long hanover county has dismissed the concerns regarding the health safety and civic integrity for the members of the historic brown grove community with continued encroachment of wegmans and other industrial activity in the area again you must not expand this landfill in this county as well as others throughout the country black communities have had

[02:21:02] to bear larger burdens of industrial development greater than other communities as well as with other communities there has been significant environmental justice failings with the building of the Wegmans site as well as this landfill. DEQ testing since 2021 has detected harmful levels of contaminants such as chloroform and cobalt in the surrounding groundwater. The landfill has also been cited for improperly reporting truckloads of illegal dumping. All this was cited in a recent

[02:21:37] Richmond Times Dispatch article. Finally, for those of you who have read the book by John Gresham, A Time to Kill, I would like to use some of the same words from this acclaimed novel. His book was about a black man who sought justice after his young daughter was assaulted.

[02:21:57] His attorney asked the jury to close their eyes as he summarized the horrific atrocities that befell the client's daughter. Then he said the words that I would like to reiterate here today. Imagine if this landfill was close to a white neighborhood such as Shelton Point or Hickory Hill. This landfill would never have existed near those communities. So I reiterate again why I'm here tonight. Do not neglect Brown Grove. It's been neglected before. Do not agree to expand the

[02:22:32] landfill. Do your job. Do the right thing for Brown Grove and vote no on the expansion of the landfill. Thank you. Thank you for your comments. Please state your name, the district in which you live. Good evening, Chairman Herzberg and Board Supervisors. My name is Bob Nelson. I reside in the Ashland District. In December 2002, the Hanover County closed a 35-acre landfill. Last June, the estimated remaining liability was still over \$1.4 million. The closed county landfill is adjacent to three parcels off Norman's Bridge Road. Last year, the board denied an unopposed

[02:23:12] solar facility involving those parcels. The issues raised were the same as here. If, like the solar facility, another landfill near the closed county landfill would be a no, then a second landfill opposed by

Brown Grove and Mount Hermon Farms should be a hard no. The board can have no faith in Ashcake Road landfill. The applicant covered up an employee's death in the landfill sump, unsafe, incompetent, and mismanagement, and an OSHA fine of \$34,000 was assessed.

[02:23:48] Mr. Courtney stated that Mr. Moore had no intention of converting the second borough pit into a landfill. A promise broken twice. Mr. Courtney presented a management succession plan to the board in August 22. Nothing has happened. Mr. Morris stated he can bind the borrow pit down to the water table. Not a word about reclamation. Storm and wetland, stream and wetland impacts and groundwater contamination are major cumulative concerns with two landfills. The proposed

[02:24:24] conditions do not address management changes or landfill sales. In March 2022, Mr. Flagg advised the board that the applicant's disposal fee was \$28 per ton, and his forecast was \$33 per ton.

[02:24:43] That was the lowest rate among the 13 landfills he surveyed, \$20 below the next lowest one. cut rate disposal fees are dangerous. They do not assure the millions of dollars that a closed landfill needs for long-term care. The applicant has no AAA bond rating. Approving this landfill multiplies concerns with decommissioning and funding. On the Central Virginia plan, it does not support a second landfill. I gave you a four-page paper on that.

[02:25:22] The problems here go well beyond the recent West Haven and Norman's Bridge cases. Discomfort and uncertainty are off the charts. Once again, unanimous denial is the required board response.

[02:25:39] I have copies of Mr. Flagg's presentation, the relevant parts of Mr. Flagg's presentation in March 22, and it was the subject of Mr. Davis' questions at the time. Take your name, the district in which you live. You have up to three minutes.

[02:26:02] My name is Robert French. I live in the Chickahominy District. Was not intending to speak regarding that letter I just provided, but I'll be happy to take questions if you guys have any questions regarding it.

[02:26:22] To speak to Mr. Hertzberg's comments earlier regarding the historic district, I was involved in helping the creation of that and helping map it out. And the landfill would have been originally a part of the district. However, the impacts had already occurred.

[02:26:39] The property was seen by the state as historic, but because of the nature of the industrial development, it was not included in the historic district because it's no longer considered historic. That does not mean that it doesn't have an impact on the surrounding community and the district.

[02:26:58] The issue before you tonight is a matter of public trust and good government. The landfill expansion is not compatible with the comprehensive plan that was adopted last year that many citizens throughout the county participated in.

[02:27:16] If you were to go out here and provide an exception already regarding that, it's going to be a breach of the public trust in that entire process. Ms. Wilnette Jackson noted like seven years ago in a public hearing regarding this that she was afraid that the borough pit, if approved, which it was, was eventually going to be converted into a landfill.

[02:27:41] The representative for the landfill made a public promise, not promise, but they made comments that they did not expect it to become a landfill, and the borough pit was approved based upon

that testimony. Again, this is a public trust situation.

[02:27:57] If you vote yes tonight for this landfill, you go back on the word at the prior board and their approval process for what occurred with the borrow pit. An analysis of the garbage coming to the landfill shows that approximately 34% of the debris comes from Hanover County.

[02:28:15] The vast remaining of it comes from the metropolitan Richmond area, as noted by some of the supporters here tonight who have business outside of Hanover County. who bring Richmond trash to Hanover County. Do we focus on Hanover County or do we focus on being the dumping ground for the remaining area around us?

[02:28:40] The proposed noise study is useless. It is a moment in time that is only after it's approved and not at the levels of what the landfill will be once it reaches a certain elevation height that exceeds the proposed berms.

[02:28:55] There's 30 seconds from answer. That are designed to mitigate the noise. Last, I want to talk a little bit about the letters of warning that the landfill has received. And I want to make it clear that it's all part of legal enforcement actions by the state.

[02:29:12] If you're in compliance as an entity, you don't get letters of warning. You don't get letters of violation. What's being presented to you is a whitewash because it's all part of the state legal compliance program.

[02:29:30] if you get that letter of warning you're out of compliance i thank you very much for your time tonight thank you for your comments mr french and thank you for clearing up the question that is very helpful the question i had please state your name the district in which you live you'll have up to three minutes hello my name is bees weckbrenner i live in the cold harbor district and i oppose the conversion of the borrow pits at the ash cake road landfill into additional landfill space this landfill owned by leadbetter incorporated has a history of broken promises and a failure to protect those who live near it. The landfill has been issued multiple warning letters

[02:30:07] from the Department of Environmental Quality, as stated already, and there are additional issues that remain unresolved, including water quality, dust, and noise complaints. For example, the well water quality is to be monitored by the corporation and reported to the Department of Environmental Quality, or DEQ, but the warning letters from the DEQ in the past, issued in 2001, 2017, 2018, and 2020 were all for a lack of monitoring reports or issues found in those reports.

[02:30:35] What has changed? Why should we believe that they will maintain their commitment when the facts of their history say otherwise? In addition, these issues are all primarily impacting the local historically African-American community of Brown Grove. Brown Grove was established during the Reconstruction era by families including formerly enslaved individuals. At the turn of the 20th century a vibrant community had emerged featuring hubs such as a centrally located baptist church a schoolhouse and a few general stores brown grove is not just an area to expand into it is their home and brown grove residents oppose this expansion when a survey was conducted in 2023

[02:31:12] 82.5 percent of respondents stated that the area of expansion should be used for residential lots and zero respondents supported industrial use in this area to continue this expansion is to continue to erase black history when the most recent expansion of the landfill to include these borrow pits was approved legal counsel representing nick moore the landfills manager and part owner of ledbetter

incorporated stated mr moore has no intention of coming back asking for or changing the borrow area into a landfill that is what happened to the original time back in 87 and 94 but that is not the intention at all at this point end quote to double back on these promises

[02:31:51] perpetuates a standard of continued disruption and a lack of integrity if they are not held to their word what is stopping them from continuing harm to this community while they face no consequences thank you for your comments next police station name the district in which you live or the entity you represent you have three minutes thank you um my name is shawnee burst um i live in brown

[02:32:18] Grove. And I disagree about what they're doing tonight. I heard one person say that homes in Brown Grove have not been there for long. I'm 71 years old. And the homes in Brown Grove have been there ever since I was born. And, you know, I disagree. I just disagree because

[02:32:55] Brown Grove is our home. And it always will be our home. And we don't want a lot of business come in there expand or anything so if y'all will agree say no thank you thank you for your comments please state your name the district in which you live you have up to three minutes chairman board members good evening my name is tim miller my wife and i live in the brown grove community beaver

[02:33:29] dam district northern property line of our farm is less than 300 feet from the southeast corner of the 96 acre tract of land proposed for the ash cake road landfill expansion that wetlands area in the southeast corner is emptied by a creek that traverses our property the envisioned hanover process completed a year ago in its ultimate outcome the hanover county comprehensive plan

[02:34:02] envisioned and laid the groundwork for a better future for brown grove one in which family homes and agricultural zoning would be preserved going forward the county staff presentation in the recent to the recent planning commission meeting noted that a new landfill would be contrary to the comprehensive plan and would both environmentally and historically endanger brown grove and

[02:34:31] surrounding neighborhoods on august 24th 2022 board denied the ash cake road landfill requests for expansion by a seven to zero vote four of you are on the board tonight the integrity or more appropriately lack of owing to the owners and operators was on display that evening it remains a critical indicator of the moral character of the applicants seven years ago

[02:35:08] when ash cake road landfill bought the adjacent 96 acre land parcel and sought approval for a conditional use permit as a borrow pit they made the commitment to the board they would they would not expand the landfill they have not stood by that commitment the us epa has stated that landfill liner barriers will ultimately fail while landfill sites remain threats for thousands of years it's

[02:35:39] more a matter of when not if liners will fail and the when for ash cake road landfill appears to be now since 2021 due to existence of excessively high levels of groundwater contaminants directly associated with construction and demolition debris the virginia deq instituted increased scrutiny of the groundwater monitoring being conducted at the landfill in april 2024 a warning letter to the landfill saying that the landfill quote may be in violation of state water

[02:36:19] control law. Lastly, I just want to say the expansion of landfill will also bring with it a significant new source in large truck traffic on Ashcake Road. It's already seeing high levels of non-compliant Wegmans tractor trailer use. During the school year, there are literally dozens of daily Hanover County school bus trips on Ashcake Road. That's time, sir. We urge the board to deny this expansion request. Thank you. Thank you for your comments. Hold on just a minute, sir. How

[02:36:55] many more people by a show of hands would like to address the board okay so I have a request from a board member for a break in some cases we just usually if it's just one person would go take a break on our own and come back but I don't think that should happen here I'm sure each board member wants to hear from every one of you with with the amount of time that I project I think it's a good time to take a break now I know you've been waiting sir as mr. chairman let's

[02:37:32] take a break now mr. Davis mr. chairman I move the board of supervisors extend the public hearing for at least one hour from the original scheduled time is there a second second all in favor of extending the public hearing for an additional hour please indicate by saying aye aye any opposed okay so the public hearing has been extended everyone's gonna have an opportunity to speak we're gonna take a 10 minute break so we're gonna come back at 8:00 847. Please be prompt board members. 847. Mr. Chairman. Mr. Davis. Mr. Chairman, the original

[02:38:06] public hearing started at 7 20 a.m. That means that public hearing will be extended to 10 20 a.m.

[02:38:13] P.m. P.m. Sorry. We're in recess. Okay. It is 847. 847. The board is back in session. Chair

[02:48:20] recognizes Vice Chair Davis. Mr. Chairman, for the for public information, a motion was made properly seconded and voted on that the public hearing would be extended for an additional hour it can be extended past that but the motion was for an additional hour the first time this public hearing started was at 7 20 p.m that means that this meeting is hereby extended to 10 20 p.m and again could be extended further if there's need thank you mr davis we will resume with citizens addressing the door of the board during the public hearing in opposition sir you are next

[02:48:59] please take your name the district in which you live you have up to three minutes correct thank you for having me okay is that any better okay i'll have to bend down a little bit oh like i said clay ellis beaver dam district thank you for uh having us uh before i retired one of my jobs i worked for 17 years for fortune 500 company i had a good part of that time i was their environmental manager i worked with the deq served on an advisory board for the deq i even worked with

[02:49:33] the EPA on several things. Everything from stormwater, air, water, everything. I'm not trying to say anything bad about the DEQ, but they're understaffed and overworked and have been for years. Two inspections a year, and I will tell him regardless of what he says, I've never went through an inspection by anybody that wasn't announced beforehand. One thing I'd like to ask, I'm a little confused. A number of people speaking before this thing say they have to go

[02:50:07] way far away to do anything similar but if i'm not correct uh if i remember correctly isn't giles creek uh recycling just a little way off on old ridge road and according to their website they uh recycle about 90 of the same things uh that this location does but anyway back to the thing they talk this kind of entombment is called a dry entombment and the applicant stated that they did propose when they do the boring, boring, however they want to call it, they dig down to

[02:50:45] the water line. Then they place all the layers of material and stuff like that. And I did a literature search a short time ago, and they say for those layers to try to prevent, the failure rated was from anywhere from three years on up. The question is not will it fail, the question is when it will fail. And, you know, they proposed a 30-year bond to cover some of this stuff. And I can tell you

[02:51:19] right now that that will not cover any remediation that's required. It never does. And when he talked about, previous person talked about water flowing into the creek, he may be right. It may not flow that way, but it will definitely flow back across the Brown Grove and that distance. And I can tell it doesn't always from my experience water doesn't always flow widely quite often it can be narrow and if they're getting all the way down to ground water

[02:51:53] level 30 seconds remaining sir certainly any leakage will get into the groundwater thank you that's all I have thank you for your comments please take your name the district in which you live you have up to three minutes good evening chairman Hertzberg members of board my name is Steve Harrison of the beaverdam district i am a former ashland planning commissioner and the retired director of the commonwealth's radiation control program and i say that because my decisions are fact-based and data

[02:52:31] driven the existing operations inspection rate of less than one of every 100 loads failed to meet state requirements period this alone validates our long-standing concerns about unauthorized waste from disposal of open unsecured dumpsters and trucks as i read the 2024 deq warning letter there were four consecutive monitoring periods that is two full years of non-compliance call it

[02:53:06] what you will as state regulators we use the term non-compliance versus violation the current landfill has repeatedly exceeded deq groundwater contamination limits and under-reported illegal dumping despite the prohibition of accepting hazardous material. In my tenure with the Commonwealth, I co-authored a study with DMME and DEQ on hazardous waste disposal. Another fact, liner integrity diminishes over time. This is supported not only by the National Academy of

[02:53:45] Sciences, but many other experts that point to the issue that leaching of forever chemicals can and will occur and topography does change. Now another thing if my neighbor whose property adjoins the landfill clear cuts the land for timber view to the operation would be unobstructed due to the absence of an appropriate buffer. I would like to share with you the view from

[02:54:16] his property of what I would see and this is standing on the edge of his property. On April 9th we understand there was a balloon test we saw no images of the balloon in the photographs that were shown we were there with a drone at one o'clock and saw no evidence of a balloon where was it landfill waste is supposed to remain within the berms and liner whether it be solid trash making it over the berm or leach it reaching campbell creek there's 30 seconds remaining sir

[02:54:55] the local groundwater aquifer downstream waterways or wetlands campbell creek cannot be assumed to be a permanent hydrologic barrier for the many reasons i emailed to you on april 12th and it's not appropriate for it to serve as one under any circumstances so i urge you to please deny this variance request thank you thank you for your comments please state your name the district in which you live you have up to three minutes donnie schmetti beaverdam district good evening chairman members of the board neighbors and friends yesterday was my youngest daughter's first

[02:55:31] birthday as we gathered around that tiny cake singing and laughing what do you imagine that we wished for what do you imagine the 600 families who have signed our petition to stop this landfill are wishing for tonight our wish is simple yet fragile a safe home and a secure future for our children I'm standing here tonight because this landfill isn't just a zoning issue it's a direct threat knocking at our doors endangering the lives that we've built we've been here before right here at this very podium promises were made assurance is given that no landfill would emerge from that borrow pit. Those assurances turned out to be

[02:56:10] empty words, hollow as the crater they now want to fill with waste. Our trust has been broken, not just once, repeatedly. Yet, despite the disappointments, here we are, united, hopeful, standing shoulder to shoulder, ready to believe in the power of truth one more time. Tonight, you're more than just elected officials to me. You're custodians of Hanover's legacy.

[02:56:35] Your decision tonight echoes beyond these walls. It will determine whether we honor or betray our fundamental responsibility, protecting one another. Think for a moment about families like mine, who closely followed the comprehensive plan when choosing their home, dreaming of safety, only to find themselves fighting to keep poison from their children's bathwater.

[02:56:59] Yes, that was me. Think about the grandparents or the heroes who served our country and community, who now must fight again, This time for something as basic as clean air to breathe in their twilight years. Imagine the moms and dads who right now are here missing bedtime stories and little league games because they believe so deeply in defending their family's right to a safe, healthy life.

[02:57:23] I know the opposition has slick presentations, balloons, expert attorneys and carefully chosen testimonials. But look around this room. We have something they can't fabricate. Unity, integrity, courage and an unwavering truth.

[02:57:39] We have undeniable evidence from experts who tell us plainly contaminants exist at the landfill now, as noted by Mr. Stoneman's question at the beginning of this meeting. That no liner is foolproof, no topography or creek or promise can guarantee protection forever. History has shown us painfully and repeatedly toxic consequences of broken landfill promises.

[02:58:01] How many lessons must we painfully relearn? There's 30 seconds remaining, sir. Just three short years ago, this proposal was unanimously denied. Since then, every person that I've spoken to has said, I wouldn't want it in my backyard. So ask yourselves honestly tonight, would you? Would you want a landfill in your backyard knowingly exposing your children or grandchildren to harm simply for someone else's profit?

[02:58:26] Hanover proudly champions three powerful words, people, tradition, and spirit. Look around tonight. You will never witness a more authentic representation of those words than the families gathered here defending our shared home with strength, dignity, and unshakable resolve. That's time, sir. this is your defining moment that's time long after tonight when your grandchildren ask what you did for your community what will you tell them it's time sir thank you thank you for your comments please state your name the district in which you live you'll have up to three minutes hi thank you all for your work because i know it's not easy my name is joanne blasek i live

[02:59:04] in the beaver dam district with my husband john and our family we moved to hanover for the very values promised in the hanover county comprehensive plan to preserve rural character protect the environment and prioritize the health and quality of life for citizens the land near us was labeled agricultural to stop industrialization that change was meaningful meaningful it protected neighborhoods like ours from projects like this landfill in 2022 this board unanimously voted no on the landfill expansion you told us you valued the health safety and the trust of hanover residents that decision

[02:59:41] gave our community hope and reinforced our faith in your leadership today only a few years later we are fighting again not against a simple expansion but against the creation of an entirely new landfill that could exist for 30 years or more let's be honest about history mr moore stood before this board

in 2017 and promised that the borrow pit would never be turned into a landfill he broke that promise and now at the very end of his career and any new promises he makes today can be voided the moment a new owner takes over if he disregarded the truth before how can we

[03:00:17] possibly trust what he says now this new landfill will accept the same construction debris it takes in now including non-friable asbestos a material that seems stable until crushed wet or ground releasing deadly fibers into the air those fibers don't disappear they stay in the environment they stay in our lungs and decades later they cause irreversible disease i know this firsthand sorry because of what happened to my husband john a retired new york city police sergeant a 9 11 first responder give me a second i'm sorry who served with honor trusting government agencies

[03:00:55] who told him the air was safe today john and many others live with chronic severe illnesses because of that trust i would not wish what he lives with on anyone especially not on the families and our children of hanover county we cannot we must not make the same mistake here campbell creek has been have been described as a natural barrier.

[03:01:15] However, due to the changing environment, the creek is almost non-existent today. Science in Hanover's own environmental studies show that drought, floods, or groundwater shifts could allow contaminants to slip through to residential wells. Natural protections are not permanent.

[03:01:31] Every day the landfill is open, heavy trucks clog our roads, bringing noise, damage, debris, and risks to the families that live here. And these aren't just local. I followed the trucks that are registered coming in from Glenallen, Richmond, and other counties, heading to Ashcake Road even though they could use the commercial landfill on Ashland Road there's 30 seconds remaining there the grinding of cement and dumping of debris is loud jarring and relentless this isn't the quiet rural life we were promised it's a disruption serving one man's profit at the expense of our community and in regard to no complaints I think the Hanover County Sheriff's Department has a lot more to do than to come to my house because I

[03:02:07] have noise in my backyard this landfill proposal is not just inconsistent with our comprehensive plan, it betrays it. It endangers the very future we believe Hanover would protect. You protected us before. Please protect us again. Vote no to this landfill. Protect our families. That's time, ma'am. Protect our water and protect our homes. Protect Hanover's future, please. Thank you for your comments.

[03:02:29] Please state your name, the district in which you live. You have three minutes. How are you doing? My name is Judson Smith. My sister and I are sole heirs to my mother's property, which is in the Beaver Dam District. I live in Midlothian. The red circle you were referring to earlier, the woods up at the top of that, that's in my property.

[03:02:47] All the way down to Perrin's Mill Pond Dam, which blew out in the Johnstown flood in the 1800s, as I recall. All the way up to Ashcake Road. I abut Mount Hermon Farms, Chiaroy Woods, and the landfill. A huge side on the landfill. I have not received any notification other than a neighbor that told me this was going on.

[03:03:10] I did not receive any, as far as I know, my mother did not receive any notification in regards to the landfill expansion. Wasn't that a requirement? Sir, this is not a question and answer.

[03:03:26] I feel I should have been informed of that. If y'all could find documentation, that would be great, but I've not been notified. I really hope you guys will do the right thing and vote no on this. A lot of

the woods there are my property.

[03:03:44] The 100-foot buffer they have I don't think that's their property some of it is but not most of it So keep that in mind. I could clear-cut the land if I wanted to I don't want to but I could so they need to have more of a buffer Thank you vote now. Thank you for your comments. Please state your name the district in which you live you have three minutes Hi, there's Sean Pottsman Beaver Dam district prepared remarks esteemed supervisor has been speaking today in opposition to the proposed ash cake Road landfill expansion because I believe the voices of of local hanover residents should always matter more than those of corporations

[03:04:21] i have lived in this beautiful county for four years i've met a lot of people and i've made a lot of friends and one characteristic i've found to be ubiquitous in every hanover citizen is the profound respect that everyone has for their environment in which they live the people of hanover always vigorously defend their right to self-determine the fate of their neighborhoods and the surrounding areas as this body well knows i believe this proposed expansion violates that hanover county spirit of self-determination as many people here can attest to but it's more than just abstract concepts at stake it's potable wells it's residential health it's property values and

[03:04:59] it's a community's history if this extension is approved it will signal to current and future residents of hanover that this county is willing to put outside corporate interests above those of the residents that call it home and i may have missed it but i don't recall a single supporter mentioning the magisterial district in which they live i wonder why i ask this board to stand in solidarity with your fellow hanoverians there is no need to despoil this community's environment on behalf of projects in henrico and richmond the people of brown grove have been historically denied their ability to determine the fate of the land in which they live this board rightfully

[03:05:36] began to reverse that trend and voted this project down three years ago and its members should show the same conviction here tonight thank you thank you for your comments name district in which you live three minutes hi i'm jacob schroeder from beaverdam i've come here tonight in order to express my serious concerns and reservations regarding the ash cake landfill i've lived in hanover county for the majority of my life in that time i've come to admire two things one the ability for hanover residents to determine what goes on in their own county and two the ability of the county to conduct good business and make good deals that benefit all of us i'm here to say

[03:06:14] i don't think the ash cake landfill is a good deal for hanover and i don't think it's good business for instance the deq has already warned the facility about exceeding groundwater contamination and citing it for improper reporting of illegal dumping groundwater contamination would be disastrous for hanover county residents who already very clearly remember the recent richmond water crisis considering the city will no longer be receiving federal assistance for that i'm terrified to think of what that could mean for hanover if something similar happened here due to this landfill expansion the deq already found that chloroform levels were six times higher than regulations permitted not to mention double the regulations for arsenic beryllium cadmium and cobalt deq even

[03:06:51] issued a warning letter one year ago that this facility would be in violation of the state water control law this seems like a headache for the county in the best case scenario and a disaster in the worst case this expansion has already been opposed by the board in the past and by residents as well this board has already made the right decision before i ask that you all please make the right decision again i see no

reason why this expansion should occur and i categorically oppose it thank you for your time thank you for your comments please state your name the district in which you live you have three minutes my name is jennifer corpus and i live in the mechanicsville

[03:07:26] district i'm speaking not just as a hanover resident but as a new homeowner i chose to buy in this county because i've seen how deeply the people care for each other and that same spirit of care and community service is reflected in the decisions made by this board which is why the landfill expansion was voted down before protecting hanover means protecting our property values our water land farms and neighbors that's why i'm urging you do not approve this expansion this facility has a long troubling record toxic chemicals like chloroform and arsenic have been

[03:08:00] detected repeatedly contaminated groundwater can travel from a few feet to several miles and we don't know how far it's moving here because the groundwater hydrology is unstudied beyond a few basic monitoring wells. The contents of this landfill will be here forever, toxic chemicals leaching into Hanover's soil and water for generations. This company has shown it can't be trusted. Here are a few of their excuses. They blamed an abandoned septic tank over 10 years old for consistent high chloroform levels between 2022 and 2024. They argued cobalt contamination

[03:08:37] is naturally high here. They had the allowable level raised and then exceeded that too. They dismissed other high contamination readings saying the water level was too low and blamed third-party labs for high contamination saying that samples were held too long or mishandled.

[03:08:55] An employee was killed on site falling into a pit and another hospitalized trying to save him. OSHA cited seven violations and they're not supposed to accept certain materials but in 2014 they didn't meet the basic requirement to inspect even 1% of truckloads. And in 2018, they didn't reject a single incoming load. And when asked, they said, we did, we just didn't record it. And now what are we seeing in the groundwater? Beryllium and thallium, which are chemicals from paints and sealants, which are materials they aren't allowed to take. If you're not rejecting loads and you're not documenting what's coming in, then let's be honest, you're

[03:09:33] probably accepting everything, and it's going into the water. And this is just what they got caught for. It's not a pattern of negligence. It is blatant disregard. They broke their word about turning it into a landfill. They cut corners, dodge responsibility, and then blame everyone else.

[03:09:51] This isn't only environmental risk. It's bad business. You've seen the trail of broken promises. You've read the DEQ warnings. You've heard their excuses. I know this board takes its responsibility to the community seriously. So please vote no on this expansion, protect our water, protect our homes, our farms, Hanover's future, and protect the trust my family placed in Hanover in you when we moved here.

[03:10:19] Thank you. Thank you for your comments. Please state your name, the district in which you live. You have three minutes. Sure, good evening, board members. I'm Kathy Buckley, and I live in Mount Hermon Farms, the Beaverdam district. I'm proud to say that my husband and I have lived in Hanover County for over 25 years.

[03:10:37] we've raised our three children here we've built our lives here i'm a registered nurse for bon secours and so is my daughter my husband and sons work with dominion energy we always have believed in giving back as a matter of fact my husband was instrumental in helping start the con mobile clinic in ashland i'm here tonight to ask you please vote no on the proposed landfill application on ash cake road

this proposal goes directly against the comprehensive plan we trusted to guide the county's future the land was meant for rural or neighborhood use not

[03:11:14] industrial waste over 600 residents have signed opposing this why because we believed in the plan and we believe you would stand by it in mount herman farms we rely on well water and i want to remind you that our neighborhood is part of that that red circle you look that that's touching our our neighborhood, our homes, okay? We rely on well water and many of our homes shallow wells.

[03:11:44] A landfill this close puts our water, our health, our families at real risk. Even the EPA says landfill liners fail over time. The toxins won't stay put. We'll be the ones suffering the consequences. And it's not just the water, it's the air, the noise. And yes, I can hear the noise readily in my backyard. My home is the furthest away from that landfill. The long-term health risks, respiratory issues, even cancer. These are not abstract fears. These are our lives. This

[03:12:21] isn't about whether the landfill owner is a good person or runs a good business. It's not about that. This is about protecting people. No landfill under any circumstances should be near where families live this was denied in 2022 and nothing has changed if more more landfill space is truly needed i think hanover county has maybe over 300 000 acres we can do better okay please stand with

[03:12:57] us not against us vote no on the landfill application thank you thank you for your comments state your name district in which you live you have three minutes good evening so i was not planning on speaking tonight so excuse me if i'm a little bit um off all over the place with my chicken scratch handwriting but my name is allison carlton i live in the beaver dam district um and some of these pictures as related to page 7 and page 22 all of a sudden seem a lot further away because my backyard basically backs up to campbell creek and land castle so we're basically about a thousand square feet or thousands a thousand feet from the proposed landfill so i would invite all

[03:13:37] of you to come over to my home on friday night if you'd like to come over and maybe listen to uh the noise in the background let's say around five o'clock after the time that they're supposed to be done with the um landfill time for let's have a good conversation but actually let's take a walk let's take a walk down the water down the creek down the creek um and let's go see the pond where the ducks used to used to hang out they're gone the beavers they're gone the minnows they're gone so my kids used my kids and i used to walk down there and it was very it was a lot of fun we used to walk through the trails and go down there all of those natural wildlife are gone so please

[03:14:13] i urge you to take a look at this water quality that is there and heavily if it is affecting it it's not good for our community it's not good for our homes it's not good for our children it's not good for ourselves and it's just um i urge like a a defer until we have a water test done and the noise too if we have a conversation on friday night it's tough to hear because there is a lot of construction that's going on in the background it's there it's present it's not just 95 because 95 normally stopped right let's be honest especially recently um and also why does hanover county have

[03:14:52] to be the dumping grounds for all of virginia i feel like there's over 300 000 acres of land that can be utilized in hanover or in the state of virginia it doesn't have to be in hanover county we have plenty of other space that can be in virginia that doesn't back up to private property that sits in our backyard so again i encourage you please hesitate please deny this request for the landfill expansion that's all thank you for your comments please state your name the district in which you live you have three minutes good evening my name is john lewis and i live in the

[03:15:25] beaver dam district and um i'm here tonight with my wife sue ann we are one of the original families to move into Mount Hermon Farms back in 2009. That subdivision was developed 42 lots of high-end custom-made homes. And to me, that's what you want going on out here in Hanover County. Let's get these landfills out to the country. I don't have any fancy drones or balloons, but I know when I live next to a landfill, I don't want to be there. And I don't think you're going to attract the kind

[03:16:01] of businesses you want here. You know, Hanover County is hot right now. We can select great businesses. They want to come here. Subdivisions like Mount Hermon Farms, people doing very well, contributing to society in a beautiful way. We drive in that neighborhood, we toot the horn at each other, and it's a great neighborhood. And I see this landfill operation, it's done. You know, he's had 30 years. He made profits. He helped the contractors. It's a mature business. If it were

[03:16:39] brand new today and that was just a bunch of trees, we wouldn't even be here tonight. No one would dare try to put a landfill where that spot is. So to me, this expansion is brand new. And I heard a lot of talk tonight about regulations. Well, guess what, folks? The aviation industry is very regulated. The planes are going down every week. So I don't trust all this water stuff. None of us want to live next to it. And I would think as a society, let's get them all out in the

[03:17:12] country. The contractors drive a few extra miles, they're going to charge us for it. But it's just common sense in my view. So I'm here to support my neighbors and Hanover County. I think we can do better than expanding with more landfills let's get a let's get a real business in there thank you thank you for your comments next you have please state your name the district in which you live you have three minutes good evening my name is gertrude jackson i'm in the bivitt beaver

[03:17:49] dam district sorry if i'm not really a public speaker normally you would have seen my sister will net here in her stead i'm here to say that our family has owned the property that will be directly impacted by the landfill being that it will be right behind our house basically it's going to be a thing of our family has had four generations on this property born and raised here

[03:18:25] raised my son here and hopefully at some point or another my grandchildren will be here but what i am the piece of land that our house is on is the last of the land that has been had been in our property in our um part of our property so if we vote to expand the landfill it would tower over our

[03:18:54] house and be the only view from our backyard um please let us enjoy the last of our inheritance in peace without having to look outside our windows into a landfill um please allow us to maintain the integrity of our historic community we have had enough things coming in our area

[03:19:26] we really do not need that expansion everything that comes along with it we've heard about the citations the violations concern is the health and safety of the people in the community that it's going to affect that's really all i have to ask is that you please vote no to the landfill application. Thank you for your time. Thank you for your comments. State your name, the district in

[03:20:05] which you live. You have three minutes. My name is Chris Coleman, Beaver Dam District. I just want to say thank you for opening up this whole meeting in a right way with prayer. So with that, I'll say righteousness exalts a nation, but sin destroys a people. I want to ask all of you, as we just celebrated Easter, which we call Resurrection Sunday. What was that about? A just man being

[03:20:41] tried as guilty, but was not. Pilate wanted to end the life of the Savior, but he went and washed his hands because he didn't want any part of the blood of a righteous man on his hands. So I want to ask

you, for all these men and women, do you want this on your conscience for not standing for

[03:21:16] righteousness. The word righteousness means right standing with God. We just prayed and opened up this meeting with God. His name is Yeshua Hamashiach, Jesus the Christ. Do you want this on your conscience? After hearing words when people say what they're going to do, but then

[03:21:46] they don't do what they say. Let your yes be yes and your no be no because anything else is of the evil one i ask you this also god is not mocked for whatsoever a man sows that will he reap for if you sow to the flesh of the flesh you will reap corruption but to the spirit everlasting life

[03:22:19] i like your clock here by the way 49 seconds and i close we're talking science there's one thing we're missing is gas gas is permeable like osmosis it just it defers when water evaporates it becomes a vapor, there's a process called me scattering. That's how we form clouds, condensation nuclei.

[03:22:49] There's 30 seconds remaining. Yes, sir. When a fog forms, that's a low stratus cloud. All of those vapors that come up out of that ground are what hovers in our neighborhood. So I ask you, righteousness to exalt a nation. Thank you for your comments. Take your name, the district in which you live. You have three minutes. My name is Anne Zweckbrunner. I am in the Cold Harbor District I was not planning on speaking tonight but I wanted to make sure that you all paid attention and saw how many of your

[03:23:27] constituents have come out against this and how many of the people that spoke in support of it were not from Hanover County I have heard from several of you in emails about the outside rabble-rousers coming in and causing problems I need you to see even if you're on a different side that you're being really hypocritical because the people in this community do not want this expansion.

[03:23:53] Thank you. Thank you for your comments. Take your name, the district in which you live. You have three minutes. Hello, my name is Patrick Kane. I live in Beaverdam District, Mount Hermann Farms neighborhood. I think this really boils down to one thing, risk versus reward. We heard that the DEQ requires one percent of the trucks to be inspected. I'm also a former math teacher. That means 99% do not have to be, and we're having a hard time getting 1% done by the way, 99% do not

[03:24:33] have to be inspected. That's pretty high risk. I also noticed the list of items that are out there did not include roofing materials. I would think that'd be a common material coming down when you tear down a building and have left over. That's called asphalt. That's a petroleum product. That's pretty hazardous. Also, siding built before 1980 had asbestos in it. 99% of these trucks are not

[03:25:09] required to be inspected. DEQ is overwhelmed. I also used to work in a company called First Call Environmental. It works here nationally. It's an environmental cleanup company. Worked there for two and a half years. I don't have percentages. I'm not going to throw out a percentage there because, again, I'm a math teacher. I know they count. But most are self-reported to the DEQ.

[03:25:35] That means somebody using the facility or the person at the facility is going to make the reporting when they're not inspecting 99 percent of the trucks that come in there. Risk versus reward who's accepting all the risk who's getting all the reward please take that into consideration thank you thank you for your comments take your name the district in which you live you have three

[03:26:09] minutes okay thank you lester dillow and i live in a beaver dam district tonight board you will be making a decision regarding the ash cake landfill it appears to me that there is just two positions here.

One is about commerce, cost, and convenience. The second is health, well-being, and quality of life. Which will you vote for tonight? My greatest concerns involve the

[03:26:46] environmental impact and the issues that the landfill will have. Proponents have argued that landfill is among the better ones operated however fundamentally a landfill is a landfill period with the risks associated with a landfill i have heard you say that it's an expansion it is a new land

[03:27:15] field creating a second level of exposure landfills do fail why do we want to double down on the residents in this area. I also noted that on the additional corners of their permit report it says that the closest residence is about 950 to 1100 feet from the landfill. However if you look at that map 50 percent of that wooded buffer is not owned or controlled by the landfill. It's owned by

[03:27:54] someone else who could decide to harvest that. Would you still have the sound buffer and would you still have the restriction of site should that half of that property would be taken down. The hours of operation are stated from 7 to 4, Monday through Friday, and we all know that things are subject to change. There could be an appeal made, I have an issue, something's going to happen, I hate to see us change the hours of operation later on. At the March 22, 2017 meeting,

[03:28:31] a citizen spoke about the concerns of approving the current operating borough, and she had concerns about that becoming a landfill. When she made that comment, the rebut by Scott Courtney representing the Ashcake landfill, and I'm going to quote, I'm going to quote, this is dealing with the borough area and the applicant, Mr. Moore, has no intention of coming back and asking to change the borough area into a landfill, period. This is not correct, period. He did say that did happen back in 87 and

[03:29:10] 94, but that is not the intention at this point. That's time, sir. Thank you. Thank you for your comments. State your name, the district in which you live. You have three minutes. Yes, good night.

[03:29:26] Thank you. Honorable Chairman and members of the board, thanks a lot for hearing us out this evening. So as we stand here today, tonight, at this meeting, Administrative Building, just to give us some perspective as to how close that landfill is to residents of the Mount Human Farms, of which i am one of them if we are here in this building towards 301 that repair garage that is what we're looking at this is how close this landfill is to residents in that area affecting

[03:30:01] three communities brown grove which has been there as we know for over 150 years who has fight who has fought this landfill from an inception okay when when we hear talk about well residents knew that the landfill was in existence and they still moved in. I for one didn't and I know some of my neighbours didn't as well. But what about the Brown Grove community? When are we going to show some respect and regard for that community? Right behind us is an exhibit that's given some

[03:30:40] regard by Hanover County of the Brown Grove community. Some of those members that come from that community have served in our forces, armed forces. So I think they deserve more. If this landfill is approved, just look at it, the existing landfill, you've got the proposed landfill, then to the right, you've got more favorable land that could be expanded. When I go through the Central Virginia Waste Management Authority papers and so on, some of them, most of these

[03:31:18] landfills within that area, okay, they start off, okay, this is my landfill, I'm applying for, you I'm going through the application process. Further down the road, you see amendments coming in. They want to expand.

[03:31:35] And most of them are given the approval. So the applicant here, he said that he wanted approval for a burrow pit, a burrow hole or whatever, to excavate material for road building and so on.

[03:31:52] And promising, he comes before this board, promising. Listen, I have no intentions of turning that into a landfill, just to come back a few years afterwards and breaking that promise.

[03:32:10] There's 30 seconds remaining, sir. I mean, this is unbelievable, frankly. The deciding body here, you come before, pleading your case, and then you break that promise, not only to them, but to the community. So if he has this other one that he wants to go to, then he may apply for another 30 years down the road.

[03:32:33] And these landfills, by the way. That's time, sir. Thanks very much, anyhow. Thank you for your comments. Take your name, the district in which you live. You have three minutes. I think I'm a game show.

[03:32:49] I need to watch that. My name is George Edmund Massey IV. I prefer Ned. I live in Beaverdam District, just maybe a couple thousand feet east of this. I've tasted the dirt, listened to the noise of the landfill for 30 years, more than 30 years.

[03:33:06] I have three questions for you. Is a landfill the highest and best use of this piece of property? The answer is no. Even your compliment says that. At the March 20 Planning Commission meeting, Chickahominy District Clifton Parker explained his expertise regarding landfills and then said that everyone living within a half mile, at least a half mile of the site, should have a deep well.

[03:33:39] That started me thinking. I counted the number of parcels in the drainage basin. I'm working off of a map. I don't know the scale is correct. But I came up with somewhere between 250 and 300 parcels of land, lots to acreage.

[03:33:57] If every one of them has to put in a deep well, that's at least \$30,000. \$30,000 times \$300 is \$9 million. What you're actually considering is whether the residents in this area are going to subsidize this landfill to this tune of \$9 million in order to have safe water.

[03:34:29] That's the actual question that's in front of you tonight. The next question, why are those 300 neighbors having to subsidize a landfill? What? Why? We've heard that the contractors say that, surprise, nothing man-made lasts forever.

[03:34:55] Nothing man-made lasts forever. Well, if they're going to continue to have a need and this landfill doesn't exist, I'm confident somebody is going to go buy a track of industrial land and put the landfill there where it belongs and not in our backyard. And the third is actually a statement.

[03:35:21] My grandfather grew up on a farm in Beaverdam. His father was a tenant farmer. He ultimately, when he was age of five, moved into the city of Richmond.

[03:35:37] Went on to own his own business, came very active in politics. He served in the House of Delegates in the Senate. I had a conversation with him when I was in college asking him, how do you make a good decision? He said, figure out which way you want to be wrong.

[03:35:54] That's time, sir. Thank you. Thank you for your comments. state your name district in which you live you have three minutes good evening i'm karen roundtree and i'm a beaver dam resident when i first heard of the new landfill proposal at the end of february i just didn't understand why we were back here when it was unanimously opposed in 2022 i watched and listened very carefully to that meeting

trying to figure out the why and besides the landfill owner still wanting to build it the reasons for the board unanimously opposing

[03:36:29] it still seemed very clear to me the residents did not want this and our board heard us and stood up for us something i and many others tonight are praying you'll do again in 2022 not one single person stood in favor of this many spoke against it at the march planning commission meeting only businesses stood in favor and again many spoke against it in fact there may be even more opposition to it in 2025 than it was in 2022 when our supervisor mr stoneman was kind enough to meet

[03:37:06] with us one-on-one a few weeks ago we were advised to come with a better argument than just not wanting to live next to a landfill so we've come here tonight with strong environmental arguments in our emails and our letters and i hope we are going to also give our experts a couple more questions as well tonight as we've given the opposition or rather those in favor of it um We've written letters showing you that this is certainly against Hanover's comprehensive plan, a plan that should be our guiding principle when making any and all land use decisions.

[03:37:39] We've stood alongside our neighbors in Brown Grove, begging you to keep the promises to them and to us, ensuring that there's no more industrialization in this area. And I think all of us residents would agree that it's still a pretty compelling argument to not want to live next to an 80-foot pile of waste, no matter how you dress it up. On this more than 300,000 acres of land in Hanover, surely we can find another place for this. We have not come close to exhausting those options. In 2022, a board member said, I am a strong proponent that

[03:38:17] all land issues should be decided by and approved by the citizens in our community. We represented the citizens, your values, your wants, and your needs. And while there are business here tonight asking you to vote in favor of this landfill, none will have their children and grandchildren drinking the water, breathing the air, and playing in the yards by this landfill.

[03:38:39] To say this is our only choice when absolutely no other options have been explored is simply wrong. To place this yet again in the middle of a residential area and telling us we just have to live with it because that's how it's always been is simply wrong. There's 30 seconds.

[03:38:55] running there to put businesses above money up to put businesses of money about the health safety and well-being of actual human beings is simply wrong surely we can do better and right now we have a choice and we beg you to make the right one tonight thank you thank you for your comments take your name the district in which you live you have three minutes hello i'm deshonda artist i'm in the bbdm district tonight i am here representing the hanover county naacp i'm the first vice

[03:39:28] president. I am speaking in opposition of this request to amend. First, just some questions to think of when making your decisions. Has there been any studies on possible contaminants from the landfill debris? Because we know that this can bring cancer, Parkinson's, and other diseases.

[03:39:56] When was the last time that the landfill submitted water quality monitoring results, and what were those results? When was the last time DEQ tested stormwaters and streams and what were those results? Approving this request would allow this industry to continue for another 25 to 30 years. This would not benefit the community, specifically the historic rural district of Brown Grove. And again, as someone else had stated, there is a museum exhibit across the parking lot

[03:40:34] at the Hanover Museum of History and Culture, displaying why Brown Grove is historic. And we should see that to know why this district should be protected.

[03:40:49] We fought hard for that. And other communities around the landfill are fighting for their community as well. We ask that you put the interest of Hanover residents over corporate interests.

[03:41:06] And we ask that you deny this request. Thank you. - Thank you for your comments. State your name, the district in which you live. You have three minutes. Ladies and gentlemen of the board, thank you for allowing me to speak and thank you for staying late so that everyone could speak. My name is Lee Blackburn. I live in the Beaverdam District. I've been a resident of Sherroy Woods since 1990. That's not why I'm here. I'm fortunate enough that if the landfill gets too loud or the groundwater becomes contaminated, I have the resources to move. Many of the people who live in the area do not have those resources, nor should

[03:41:44] they have to. In 1987, the board approved the Ashcake Road landfill located in the Brown Grove area. This called upon the Brown Grove residents to do their part for the good of the county. In 2017, the board approved an expansion of the landfill in the Brown Grove area. In securing the expansion, we know that the owners stated at the time they had no intention of further expansion. In 2017, this called on the Brown Grove residents to do more for the good of the county.

[03:42:16] In 2020, the board approved the Wegmans Distribution Center in the Brown Grove community. This once again called on the Brown Grove residents to do even more for the good of the community. Now the board has again been asked by the owner-operator of the landfill to approve an expansion, a doubling.

[03:42:38] This request is not ethically appropriate, given the past assurances of the owner-operator that they wouldn't ask for any expansion. and this request is not morally appropriate in that it would again and unduly put the residents of this community to do more than their fair share for the good of the rest of us. This request is wrong for Hanover County. I strongly urge you to deny it. Thank you for your comments. State your

[03:43:17] name, district in which you live. You have three minutes. My name is McKinley Harris. I'm from the Brown Grove community. I'm sure you all know that all the things and the hardships that the Brown Grove community has gone through. In the past 10 years, we've been up here fighting, trying to save this community. My daughter, she's performing a committee called the Brown Grove Preservation Group to try to save the Brown Grove community and make it healthy.

[03:43:58] We've gone through enough, and I hope you all realize that. There's been a whole lot of promises with this landfill. I travel that road every day. I guess Ashkake Road is probably one of the worst littered roads in Hanover County.

[03:44:19] I've seen the state, like the first part of March, the state cleaned the Ashkake Road. Within a week and a half, the road will back like that again. You know, I like to keep a clean car. Sometimes I have to turn around and go back because of all the mud is right there where the landfill is at.

[03:44:40] And I hope you all feel it in your heart to deny this landfill. Thank you. Thank you for your comments.

[03:45:00] State your name, the district in which you live. You will have three minutes.

[03:45:16] Hello. My name is Bonica Cotman. And good evening to our board members. I just want to say that this situation reminds me of when Wegmans came to town.

[03:45:35] Promises were made to Brown Grove in 1995 by our Board of Supervisors and when Wegmans came to town, it seemed like they were thrown out the window and Wegmans was given a blank check to our community. I heard someone say tonight that the landfill came before most of the homes and that simply is not true.

[03:45:54] Brown Grove has existed for 155 years as of today. This community came first. Now I want to ask each of you something. Would you support a landfill like this in your community? with where your children or your grandchildren live.

[03:46:10] We keep hearing that the landfill is outside of the historic district, and one supporter even wrote in and claimed that it doesn't affect the historic district at all. But that's 100% inaccurate. Everyone who uses that landfill has to drive through the Brown Grove community.

[03:46:26] Air homes, air families, it absolutely does affect us. Contractors and business owners speaking in favor of the landfill tonight don't have to live in air community. they don't have to live here they just want to keep dumping their waste where they don't have to deal with it in their communities and let me remind you just to remind people i know i've spoke up here before about my grandparents and great-grandparents um that came here uh after slavery and they settled on this land this land was given to them it was swamp land and no one

[03:47:01] else wanted it but they built the brown grove communities on their backs from nothing and left us this as a legacy. Two years ago, this board denied the landfill a permit, and we applauded you for it. We're simply asking you to stay true to your decision and say no tonight to the expansion. Eight years ago, the landfill stood before you at this podium and said they had no intention on using that borrow pit for construction debris. But here we are today. They fooled the

[03:47:40] Planning Commission, they fooled the Board of Supervisors, and they fooled the people of Brown Grove. And let's talk about another elephant in the room. The Ashcake Road landfill, they may, they're very nice people. And I can't say anything bad about Mr. Nick, because I've never, I don't have that experience with him. But there has been a lot of- There's 30 seconds remaining.

[03:48:06] Thank you. There have been a lot of things that have been going on behind the scenes within the Brown Grove community of if you do a favor, if someone does a favor for you, if someone helps you clean up your property, or if they give a donation, or if they allow your hunting club to hunt on your property, and you come back and ask for a favor and con to show a letter of support, that is, in my terms, manipulation, because you're asking for something.

[03:48:36] back you're not just doing this as a kind favor that's time okay thank you for your comments okay thank you very much take your name the district in which you live you have three minutes yes sir uh joe gray i'm from the beaver dam district i actually live in mount herman farms i'm a commercial developer and i own a commercial and residential construction company and we do not use the hanover on the ash cake landfill um why do we have a comprehensive plan if we're not going

[03:49:15] to stick to it that should be kind of the guideline i think it clearly defines in the thing it says land use designation suburban neighborhood residential rural agricultural landfills due to their industrial nature landfills are generally not compatible with uses recommended in suburban neighborhood resident

residential rural agricultural is primarily intended for agricultural or forestry related issues with some residential and this request supports none of those My point in basically saying that is, why do we have the plan if we're not really trying to stick to it?

[03:49:54] I know as a commercial developer, we're having to stick to that comprehensive plan as much as possible. Why haven't we had independent testing also? Their presentation is great. All of it sounds wonderful, but I would rather have an unbiased inspection, a third party that goes in and tests these.

[03:50:14] One side says this, one side says this. We need some independent testing to really know what we're dealing with here. Has the wetlands around the facility been tested? Has the Army Corps of Engineers been over to evaluate the wetlands? Several entities have complained.

[03:50:30] My point is not if it will happen. It's when, and it clearly already has. I've sent out each one of you several articles about environmental catastrophes that communities have had to deal with and they are left with. These landfills have a history of failing, and I've sent most of you these articles, which a simple Google search can pull them up for you, and you have them on the emails.

[03:50:59] Guided tours of the facility I'd like to address, and smooth presentations. I know if someone tells my wife they're coming over to our house, our house will be spotless. However, those announced tours, they really don't address the truth.

[03:51:16] They don't show the various materials laying around the grounds that I've witnessed personally. The gentleman said they're highly regulated. Correct. Why are they highly regulated? Because they're a landfill. They bring debris, waste, toxins, contaminants to the wonderful area of Hanover County.

[03:51:34] There's 30 seconds remaining. Yes, sir. Brown Grove is a community right across the street that's been pummeled by these guys. They've had to deal with the dust, the trucks, the meetings, trying to defend their homes, and they've been let down. I'm hoping the board will swing for them. I'll go right to my closing statement.

[03:51:50] And in closing, I hope that you guys vote in favor of the residents of Hanover County and deny the landfill. Would everybody raise their hand if you don't want this landfill in Hanover County? That's time, sir. Thank you for your comments. I'll leave on that note. Thank you, sir.

[03:52:06] State your name, the district in which you live. You have three minutes. Hello. Hello. My name is Renata Harris from the Ashland District, and I'm a resident of Brown Grove. In 2022, the Board of Supervisors made the right decision by unanimously voting against the landfill expansion.

[03:52:29] Nothing has changed, except Mr. Nick Moore's increased generosity in exchange for support amongst the community members, allegedly. I've heard from the Planning Commission member, Edmonia Iverson, that the community, Brown Grove, wants this landfill.

[03:52:45] This picture is an oxymoron. This is a visual of what she says that Brown Grove wants. and it's absurd. The community didn't want Wegmans or a junkyard, but they want a landfill. I am here today speaking because I don't need anything from the owner of the landfill.

[03:53:07] Others are against the expansion, but fear speaking out. But Mr. Stoneman, you heard the voices of concern at our community meeting, and I hope you all have read our letters of support from the residents and scholars at universities. At the planning commission meeting and tonight, Supporters of the landfill were businesses. They don't live in our community. Why should Brown Grove continue to bear the

burden of these industries? To make it convenient for businesses while the residents are inconvenienced? Brown Grove already endures more than its fair share

[03:53:42] of burden, accommodating trash from Richmond and Henrico. When the historic district boundaries were drawn by the Department of Historic Resources, the Brown Grove Preservation Group approve the map that you have seen today. Polluting sources like the landfill were excluded because they don't contribute to the value of the Brown Grove's history. The fact is the landfill is a direct threat to the Brown Grove Historic District. It alters the essence of what makes us historic.

[03:54:13] Does the landfill share a historic road? Yes, that means continued dust and traffic from the 80 to 100 trucks coming in daily on Ashkake Road since the entrance is in Brown Grove. When the trucks come through our community, the leftover debris that hasn't emptied out tends to fly out into our roads.

[03:54:29] It's cleared up by the landfill employees, but days later, it's back again. In Mr. Moore's words, they have eight employees monitoring 80 to 100 trucks a day, and I'm sure they do a thorough job of making sure that the contaminants are not in the back of those trucks. We aren't here to vote on Mr. Moore's character, but whether the landfill belongs in Hanover County's historic residential area. Brown Grove will have a new historic markers, roundabouts, and homes reflecting progress worth protecting. And that's change that you guys should be proud of. Please do

[03:55:06] not allow them to expand their pollution into our land. The landfill is not fit for your community. It's not fit for our community. So do you vote on behalf of the businesses or do you vote on behalf of the residents? Thank you. Thank you for your comments. State your name the district in which mr. chairman um kim washington bieberdam district but i have washington if you pardon me for one one moment mr chairman mr davis mr chairman thank you uh for

[03:55:43] public information a public hearing is embodied inside of a board meeting so right now the public hearing uh goes to uh 10 20 unless extended but there's also a requirement for board meetings to be extended if they go past 10 o'clock so with that mr chairman i move that the board of supervisors extend the board of supervisor meeting to 11 30 p.m as well as the public hearing if needed to 11 30 p.m on that motion all in favor of the standard of the meeting please indicate by saying

[03:56:21] aye all right meeting has been extended ma'am sorry for the interruption thank you please state your name and the district in which you live you have three minutes kim washington i do not live in hanover county i was born and raised in hanover county my parents are living in the beaver damage district i have two stories i already submitted a letter earlier okay the first story is a fictitious story in the village of oak haven a new industrialist named silas arrived promising prosperity and progress. He funded the local library, repaired the crumbling town square,

[03:56:57] and even established a scholarship program for bright young Oak Haveners. The villagers initially skeptical were quickly won by Silas's generosity and the tangible improvements he brought to their lives. Construction of an industrial landfill on the outskirts of Oak Haven, stating that he He created a structural industrial land field in Oak Haven, stating that it would create jobs and further boost the local economy.

[03:57:27] The villagers eager to maintain the newfound prosperity enthusiastically supported the project, despite the concerns of a few discerning voices who warned about the potential environmental

hazards. Silas Company Prosperity Industries began operations and the land field seemed to function as promised.

[03:57:48] However, over time, the villagers began to notice strange occurrences. Their wells started to taste metallic, their crops withered, and their livestock became sickly. The once vibrant river that flowed through Oak Haven became murky and lifeless.

[03:58:03] When the villagers finally investigated, they discovered that Silas' landfill was leaking toxic waste into the groundwater, contaminating their water source and poisoning their land. Silas, however, denied any wrongdoing, claiming that the problems were merely coincidence and that the villagers were being overly dramatic.

[03:58:25] This is my version of what could possibly happen to Brown Grove. It has not happened. Some of the things have happened. Brown Grove was a thriving community that boasts about their historic value in Virginia. This community housed with friendly neighbors and kinfolk, Enjoyed their humble and beautiful, lively trees, their lively lives, and everything they loved.

[03:58:54] They enjoyed cookouts, walking, and riding bikes. Grandfathers used to work on their vegetable garden, selling and trading with one another. Grandmothers also worked on their flower gardens, making sure their beautiful homes were just as beautiful on the outside.

[03:59:13] There's 30 seconds remaining, ma'am. Kids used to drink and play in the creeks. The land was plentiful, so plentiful that someone decided to put a landfill in the middle of it. Years have gone by and the people have passed on, but it's not until they realized cancer was the main disease that most households in common.

[03:59:36] While poisoning neighbors, Brown Grove is now a dusty, heavy traffic industrial site. That's time, ma'am. Thank you for your comments. Anyone else who would like to address the board and speak in opposition?

[03:59:58] So I made a note on my sheet here about an hour ago with two question marks and the phrase promise made. I have received some information about a promise that may have been made, may not have been made.

[04:00:14] What I'd like to do is recognize the county attorney and ask our county attorney to provide information on past comments made in 2017 about this borrow pit, etc. mr county attorney thank you mr chairman um as uh you indicated there have been a number of comments this evening about the public hearing that was before the board back in 2017.

[04:00:39] i did not catch the gentleman's name but there was one individual who came up and um i will say you quoted what scott courtney who is a representative for the applicant at the time stated and in essence i will try to quote what i've been able to discern from that meeting which i think is substantially similar the board actually has this meeting on the county's website and at that time mr courtney said quote dealing with the borough area the applicant mr moore has no intention of coming back asking for changing the borough area into a landfill

[04:01:16] end quote he then did reference the earlier applications in 1987 and 1994 but he then concluded his comments by saying quote but that is not the intention of this at all at this point end quote whether or not that is a promise um or not is up to the board to decide and what the impact that that that

comment had in the overall decision making process for the board uh and the appropriateness of the application before you is similarly um for the board to decide as to whether

[04:01:53] that was um a stray comment or was a solemn vow or somewhere in between is really for this board to decide i will say that comments made by an individual even the property owner back in 2017 is not binding in the in the sense that a property owner would not be able to come back and make a request for an application to change the zoning regulations for the property with that said however it is not just a stray comment the board is um is charged with taking into consideration the effect on the community and i think that that is certainly relevant the weight of that is up to

[04:02:32] the board but i do want to say that the representation that was made by one speaker i think is substantially accurate as to mr courtney's uh comments back in 2017. i hope that answers your question it does thank you sir okay we are still in a public hearing and i believe the applicant has approximately nine and a half minutes for rebuttal mr andy conlon floor is yours sir points with respect to the notice we certainly gave notice to the community meetings of course

[04:03:10] the county gave their notice and with respect to the supporters uh you did hear a number of supporters say they were from hanover specifically even beaver dam and a lot of the companies that may have been outside of hanover said they work in hanover again i think that's important to note with respect to the balloon test i can only say that we had someone as we notified folks in mount herman to let people know where it was as well as at the landfill and the balloon was up from 7 30 a.m until past 7 30 a.m the next day it was up for more than 24 hours uh with respect to the scott courtney quote quote is exactly right as the county attorney mr walter had commented on

[04:03:46] but that request specifically was for a borrower it was not for landfill and as he said it was not the intention at that time um you know it's unfortunate but that was not the promise the promise was that not the intention at that time we always have the right to come back and go through the public hearing process there's been a number of comments i talk about the conditions that was not a condition of the exist the approval back then but conditions are binding and enforceable by the county and we have to comply with them they mentioned something about the hours we can't just willy-nilly stop complying with the hours we have to comply with the hours and those are more restricted hours than exist today there are greater hours that we are able to have from that standpoint

[04:04:25] the question was raised about the 2022 comments what's different than the 2022 application obviously the there are we think there's a number of differences including relocating the operation on a smaller footprint of providing a pavement on the entrance the setbacks are greater the berms have been provided and are greater and enhanced with landscaping and specificity consideration for historic designations including the phase one requirement of the sidewalk pedestrian amenities open space the noise study things of that nature so we do think that there are additional conditions

[04:05:01] and differences that provide for accommodation for some of the impacts with respect to the comp plan i think we've already just described our position on there that it is a permitted use by the conditional use permit in a1 and as rural agricultural does identify a1 as an appropriate zoning designation but we understand and we're not dismissing the importance of brown grove by any means we understand the impact and that's why we've tried to come up with a lot of the conditions that we have and that's why we looked at the comprehensive plan the specific goals and objectives that are specifically for the brown grove area including open space and the retaining

[04:05:41] and existing trees but also supporting existing businesses supporting recycling activities right today we can do borrow activities we can do the recycling on this site and across the street at phoenix recycling for the concrete recycling facility that's part of the comprehensive plan as well so it's a balance and we understand that we believe we have met that standard by the conditions and the plan that's in front of you with respect to the sketch plan that we have

[04:06:08] I've described, I think, very specifically with respect to the warning letters, there's been, I will want to state unequivocally, there has been no warning letters with respect to receiving hazardous material or illegal dumping. We've received none of those. I don't know where that comes from.

[04:06:25] We've received none of that from DEQ. We don't know of any. There are a number of inspections that I'll describe in a second, but those warning letters are not a violation. They just occur when, as I described, it's a notice recognizing that there's an abnormality in the testing that we're required to be done.

[04:06:42] That abnormality can come from many reasons, as I also described. On each time, less than 10 occasions, DEQ has not issued a violation notice. They're required to if we don't respond correctly or we don't fix the situation or do additional testing that proves that that was an abnormality.

[04:06:58] In 30 years, they've never issued a violation. With respect to the 1%, that is a very specific reference to what's required. All loads, 100% of loads are inspected. As you already, as we've already heard, the loads, when they come in and they're tipped and the load is released, they go through an inspection at that time before the truck leaves.

[04:07:21] 1% is only the documentation that's required, and there was a deficiency at one time 11 years ago. In the last five years, as we've stated, there's been zero deficiencies, and that includes the necessary documentation that's been required. With respect to the decommission, we are required as to the existing landfill to have a \$2 million bond and continue monitoring for the minimum of 10 years or, if greater, as DEQ requires.

[04:07:51] So during that time, we have to, as long as leachate, as long as once it's capped, no more water is getting into that landfill, But as long as water is still coming out, we have to do the same monitoring that we're doing today. And it has to continue on for a minimum of 10 years, plus whatever else DEQ requires at that time.

[04:08:08] There's been a couple of references of trash. This is not a municipal landfill. It's not a sanitary landfill. We don't accept asbestos in any way. We don't accept hazardous material. I cannot state equivocally enough, there has been no contamination or groundwater contamination from this site.

[04:08:26] That's been proven in the last 30 years by the data we've provided. It's been proven by that no leachate has left this site other than to go into the sanitary sewer systems. No metals or other contamination from the C&D landfill have been found in the surrounding areas. We found some that because it's naturally occurring in the soil, DEQ has looked at that, and they agree with us.

[04:08:47] We have decades of data, third-party testing confirmed by DEQ. Finally, I'll repeat again, there's been no violation letters from DEQ. and this shows the process is working. This is how the process works. Sometimes the testing laboratory, third-party laboratory, they don't test it in time. Sometimes the wells are dry and sometimes they're just abnormalities. We have to account for that and sometimes we have to do

additional testing and that's what we've done. Inclusion, this is a good business for Hanover, for the area, but it's also this business has contributed to the Brown Grove community in

[04:09:23] numerous ways and will continue to do so. It's more than a landfill, it's a recycling facility and it is a borough area and it's providing a much-needed service this particular property is unique and it's a unique location not just off of 95 but also how we're able to monitor because of the hydro hydrological features as has been described by mr. flag and the map that I had provided I can pull it up again where if there were anything to happen and nothing has happened in 30 years because of the way the property sits it would be detected through the through the monitoring wells this has been proven over the last 30 years this comes to you with a planning commission recommendation planning commission

[04:10:01] recommendation that heard the same uh testimony from both supporters and opposition and the staff presentation uh that means something we'd hope that you would follow that and approve the cup request with that i'll be happy to answer any questions thank you sir any questions from board members mr stoneman all right i know that during some of the testimony it's been stated that um that the groundwater can be contaminated to the brown grove community and that's that's important to know what i've been seeing what i think i know is that the topography does not uh support that so

[04:10:39] that that's something i'd like to clear up could we bring up my presentation i don't think i've got the clicker here but i do have to click here you know that map that has the kind of creek in the

[04:10:56] middle thank you so this particular um exhibit uh describes in pretty good uh form what what we've

[04:11:33] been talking about on the right side is the proposed new borough area the proposed new relocated landfill where the existing borough area is but it's the same uh cross section that would apply to the landfill and you can see where um the different types of soils as you start from the top and as you go down you have uh clay and gravel but what they call blue marl clay is a very dense is that very bottom piece uh and that's where when you talk about deep wells as you can see on the left side is mount herman road those deep wells go beyond that and there's um little ability none really that allows for the water to get through that blue marl so as there's groundwater sitting

[04:12:12] it's either from uh that goes into the storm water ponds because it's not going into the landfill or if the landfill has a leak that is not detected and it comes through and is not the leachate's not going into the sanitary system that's going to go into the ground law it's going to go into the groundwater and the question is will it be caught and as has been stated as it goes through these groundwater monitoring wells are located specifically and designed. We have eight of them currently and we're only required to have four. We have a double number to be able to make sure that it catches it. Again, groundwater, as I thought until I learned, is not moving

[04:12:49] quickly like a creek underneath. It's moving on average. Sometimes it's actually four feet per year in the blue marl. Four feet in the bottom level. That's the most dense. It's averaging about a hundred and fifty feet total as you go through on the rest of the on the rest of the soils as you see so if groundwater if it becomes contaminated what's going to happen is it's the the ground what my ground water monitoring wells are our place to be able to pick that up so that they would then pick that water up if there's any contamination and then action remediation could happen at that point if we have to shut down we can shut down we can find the leak we have to be able to account for that and take that water

[04:13:29] and make sure it doesn't get to Campbell Creek at the end of the day as you can see Mount Hermon Farms is about 40 feet above Campbell Creek the water will naturally end up groundwater today if it once it hits the borrower area naturally goes into Campbell Creek once it's there it doesn't go across Campbell Creek it'll never go across Campbell Creek has been proven by high water events as I said like Gaston and other hurricanes but it goes down Campbell Creek and get picks up from there so it would never in any situation be able to get up back up as you can see that 40 feet difference between campbell creek bed because

[04:14:05] once it hits campbell creek it flows through oh apparently yeah just to your point which was specifically about brown grove so uh and i think there is another uh figure that he showed earlier in his presentation that shows the groundwater contours moving towards the groundwater contours in that area move towards ash cake from ash cake road towards there's there they are so so there is a display of groundwater contour lines the green curved lines or groundwater contour lines

[04:14:41] and as you can see from the purple line that's the direction of groundwater flow so ash cake road is down on the bottom of that of that figure campbell creek is up towards the top the groundwater is moving from the ash cake road area towards the creek not towards brown grove so i just wanted to make sure that that was made clear any other questions mr stone because anyone i want to get clear okay any other questions from board members thank you mr conlin not so quickly sir he's got

[04:15:20] away i have a couple yes sir questions this application before us does it request additional uses than the uses that are taking place now um no right now today we can operate the landfill on the existing location we can operate the borrower area on the area where the borrower we're trying to relocate and the recycling activities can occur we are not permitted per the conditions to uh if this gets approved to open up the relocated area until the uh the existing one

[04:16:00] stops so they'll never operate at the same time we have to stop operations and accepting in one before we can accept any other but it's the exact same uh exact same uses that are permitted today okay so you brought up when the current use stops now i know you can't say for sure because you don't know what's coming in for sure but based upon history you may have an idea what is is there a projected lifespan for the current area current one will probably be by the end of the summer early fall this year yes sir end of summer early fall so there's not a lot of time

[04:16:39] left and it takes somewhere between a year and a half to two years to get the new one approved through the permitting once we get this if we get this cup we still have to go through the deq permitting process and show them the designs all that has to get approved including the monitoring wells and all the topographical information hydraulic information once that gets approved then you have to construct and put in the liners as I just I showed in a previous one and do all the necessary construction for the layering and the lining that's required so it's going to be a year and a half to two years after this approval okay the hundred foot buffer yes sir have you reviewed the parcel to be sure that

[04:17:17] that is the hundred foot buffer is on the owner's parcel uh yes sir yeah it's one of the questions and i'm not sure if that uh person that mentioned that i think was talking about um i may be wrong but it was in the area that's above here that's where campbell creek rolls um i think that's uh ms nelson that owns that property this hundred foot from a survey we've had the survey this hundred foot buffer is on our property and we'll have a minimum of a hundred feet but we also have of course that berming so that adds 364 feet that we have that is set back the landfill activities proposed there's a 364 feet

[04:17:52] setback all entirely on our property per survey okay there's been some discussion about recycling concrete and metal where does the crushed concrete go after it's brushed for recycling does it stay on the site does it yeah it would stay on the site until it's used but it's also the Phoenix is across the street it's not on this site specifically it'll be taken from the site and brought across the street to that same at that operation and then when it's used for construction projects like road projects or like I said the airport and other transfer station okay well I think we can all agree recycling

[04:18:30] that's a good idea well it's and it's and it's a good form it's not just you know it's it's available but it's a good thing and with that from the county standpoint they've commented that it's a high quality the way that's done so it's really good for that purpose specifically for roads and tarmacs and stuff of that nature I'll just point out I don't think I've heard many citizens tonight opposed to recycling of the concrete or the metal right and that's an industrial area that's an industrial zone property across the street okay you know do you have any comment on the I want to hear from you I heard from the

[04:19:03] county attorney but the promise or whatever it was what was I don't want to call it that yeah well you have uh do you have anything to say about the statement that was made in 2017 by mr scott courtney to the 2017 board of supervisors sure that that particular comment was made that uh with respect to an application that was for the borough area they did not make an application for uh the landfill at that time it was expected that the landfill would continue on for a lot longer than it has currently there's been a up uptick in construction about 40 percent

[04:19:41] increase over the subsequent five years before then uh in the last five years so in the 10-year time frame there's been an uptick in the amount of loads that they've taken they've tried to slow it down by reducing their hours even further closing on specific days but scott courtney gave the information that were relevant was relevant to that application they were not asking for a landfill they were asking for the borough area and that's what he said at this time there's no intention to apply for a landfill we've done that before where sometimes we make commitments from a from a proffer standpoint this was not a condition it was a statement that was made and that's why we have a public hearing and come back to be able to say the circumstances have

[04:20:19] changed we still provide the protections we have that many more years of data that are provided for that we've shown that we've been in compliance with the deq requirements and that's why we think at this point given all the protections we provided that it's that it's relevant but you would acknowledge the statement was made 100 i'm looking at the language right here we went back and looked at the video and said nobody he didn't say that you know we promise he said it's our intention it's not the intention of this at all at this point it wasn't the intention was the application was for a borough area i'm not sure how you can is there going to be an airport we don't think there's going to be an airport there but you know we can always make application for

[04:20:56] that it would be something else um you know that's that was the intention at that time i do understand sir and we all know that people's intentions do change sometimes well that happens all the time doesn't it it does happen but um and that's why we go through this process that's why it's a public hearing process to talk about the merits of the application it wasn't the merits of the application at that time regarding a landfill and it is now and that's what we're presenting tonight okay that's all the questions i have thank you any other questions from board members mr stoneman so uh thank you mr chair uh there was a comment made about uh the noise on a friday night

[04:21:38] so can you speak to that i mean my understanding is hours of monday through wednesday at this time so what what what what would have been going on that would create noise uh from that facility or another facility maybe you know the answer is um there's a lot of activity still going on in the area that is an industrial activity that's currently permitted by right uh under the m1 2 and 3 zoning that's in specifically across the street um and i can't speak to that i obviously he wasn't out there sometimes those activities are occurring i don't think there's any hours limitations on those i haven't studied the conditions and the proffers of all those properties

[04:22:15] i don't think there are um and so they can operate and they do operate and that's happening so sometimes you know the landfill is close proximity uh that gets pointed to as in violation when in fact they're not even operating on friday so i'm not sure how that how that was happening okay thank you any other questions for mr. Conlon from board members mr. chair mr. Davis thank you mr. Cowan are your comments are you sure rebuttal over I'm this is a parliamentary question cuz I'm gonna clear the clock it wants to clear the

[04:22:50] clock unless there's any other questions okay I will now close the public hearing this is in the beaver dam district that will recognize beaver dam supervisor may I ask a point of clarification first please we will all have an opportunity for discussion correct there will be an opportunity for discussion i just want to make even if there's a motion and a quick second okay i just want to make sure okay i promise you any

[04:23:26] discussion all right well thank you mr chair uh and i just want to start by saying how much i appreciate all of the participation uh from the community um from the applicant uh willingness to share what they know and their expertise you know I've gotten to know a lot of you through the the town hall meeting and then the one-on-one meeting and you know I certainly do understand exactly what you're saying you know and as your

[04:24:04] supervisor of the Beavertdam district my job is to listen to the constituents hear their concerns and then kind of weigh those against the facts of the case in In this particular case, it's been very stressful, to say the least, because there's a lot of information out there.

[04:24:24] And it was repeated again tonight about facts of the landfill, the contamination in the water. And, you know, I just have to say, you better hope that some of these experts that did testify about the testing and the constituents that are located in those testing wells is not leaking.

[04:24:46] You know, what I was hearing from folks is that the landfill is leaking. And if that's the case, you should really be hoping that DEQ is on the scene looking for remediation. And, you know, and I'm not seeing that from DEQ.

[04:25:02] So I'm having to struggle with the facts of the case. And, you know, I have spent some time with the Brown Grove community. I've talked to some of the folks, and I know there's an idea that Mr. Nick or the applicant is buying off folks, and I just have to wonder about that because the stories that I've heard, he's been doing it for 30 years, and I don't know that he had that thought in his head that 30 years from now, I'm going to need those folks to vote for me.

[04:25:36] I think that he's generally been a good neighbor to the folks at Brown Grove, He's extended a helping hand, and I hear a lot of folks here tonight, you know, referencing the, you know, Brown Grove. And I just would like to ask how many have extended that helping hand to folks that need it.

[04:25:55] I think Mr. Nick has, you know, he's exhibited that he is a good neighbor. He's participated in the community for 30 years. and I know that not everybody probably is in favor of this but I know that there are a few that that are in favor of this this this landfill not that it's a landfill but it's it's some something that's been in the community they've gotten they've gotten I don't know if we use the term used to it but they've accepted that he's there and you know the idea that that the ground I now really I apologize for extending Mike flags time a little bit but I had to

[04:26:32] ask the question for clarification and I wanted to make sure that the citizens out there that are concerned genuinely about their groundwater that there is practically zero percent chance that that that those contaminants if they were leaking if the if the liners failed that this would get into their well water and it's unfortunate that a comment was made about deep wells and that that that brought on extra concern but i think that mr flag and others have testified to that that that's simply you don't have to go out and build a well this is a land use case

[04:27:10] i'm judging it on the merits and not on past comments or past you know events that have happened i'm really you know i wasn't here then and i'm only paying attention to what i hear today And so, you know, like I say, I do understand nobody wants to live near a landfill, but I can tell you that I live out in Beaverdam, and I live on a landfill, because the house was built in 1908, and I always wondered why I walked through the woods, and there's piles of trash everywhere, and that's what farmers did back then.

[04:27:47] They didn't take it to a landfill, they just dumped it. And I know for a fact that Mount Hermon Farms was just that, that the previous landowner used it for illegal dumping. And I say all that because if we don't provide for the contractors, the small business people, and some of the industries around convenient, affordable places that are responsible to drop that waste off, they're going to find a place and it's not going to be regulated.

[04:28:22] I have done a lot of research on this, and I know I hear the term simple Google search. A simple Google search will get you the top, you know, the top thing that people are asking the question. And usually that's going to be the most negative comments because that drives the most interest.

[04:28:39] And so having done more research than that, and I'm not negating, you know, the the burden that's been put on brown grove because of the types of development that have been put in that area I'm not gonna try to guess on the reasons why I know there's been a lot of suggestions and everything and in the yes they probably could be true and but I'm not gonna speak to that I'm just gonna say that what goes on in that facility and I asked this question when I met with the folks from Mount Hermon at the Dominion Innovation Center that

[04:29:12] what's your expectation? And I think what I feel like what people are saying to me is that when they shut this down, nothing's going to happen. It's going to go back to a pristine area. In fact, the operation is still going to continue. That's been clearly stated. There's still going to be an 80 foot mound of garbage there. And it's just going to be there and that's going to be there.

[04:29:39] and then the borough operation and the recycling, the trucks. So you're not going to remove the truck traffic off of Ashcake Road for this. They're still going to be coming in. It would reduce it somewhat. But, you know, I'm on the Central Virginia Waste Management Authority.

[04:29:55] It's one of the committees. And I've been on there. And like I said, I don't go to all the meetings, but I go to enough to know that it is a regional concern. And and I've heard tonight testimony about not

wanting trash from Richmond and other areas here.

[04:30:12] But what we're suggesting is to close it down, send it to somebody other county. So it's kind of contradictory in the thinking there is that, well, we don't want it in Hanover. So send it to Goochland or send it to Chesterfield or wherever. But, you know, and then, you know, I can just tell you that no matter where you try to put one of these things, there's going to be somebody living there.

[04:30:33] You're not going to find, you know, that area that's just going to be no one living there. Because I remember when they opened up the one in Henrico at Knuckles Road, wasn't a lot out there, but they have built all kinds of houses around there. And that area is really built up, and there's a landfill right in the middle of basically that area.

[04:30:53] So, you know, I know that it's not what everybody would want in their backyard. Probably nobody wants in their backyard, but it's been there for a long time. I know Brown Grove has been there much longer, and I'm an advocate for Brown Grove, and I know that it might not seem like that, but I just will tell you that your legacy, I think I remember him saying something about when the speaker's speaking.

[04:31:17] I would appreciate the respect, but the legacy of Brown Grove is going to be in some of the opportunities that are being provided, And I want to see Brown Grove Church grow. And I think that communities are built around the church.

[04:31:35] And I think that's going to be extremely important to make sure that the success of Brown Grove Church continues to grow. And then some of the monuments and things that are being able to put up a legacy for the schoolhouse across from the Brown Grove Church.

[04:31:53] That's going to be huge. And that's something that people can recognize decades and decades centuries. Now, if they come through there, they'll know that. But this community is going to grow and people are going to move out, people are going to move in, and it's going to change, even with the residential portion of it.

[04:32:09] And, you know, I think a lot of the issues and so so getting back to the land use for me, it's are there negative impacts and can they be mitigated? And I've done the research and I've looked at this project every which way I've come to.

[04:32:25] I've been on the fence the whole time, and I've just had to take a position one way or the other. And, you know, right or wrong. And I want to read something to you because this has really been weighing on me very hard for a long time.

[04:32:41] And I had a friend that he absolutely knows exactly what I'm going through with this. And he wrote me, see if I can find it here. Oh, darn. Yeah, I got a lot going on.

[04:32:58] All right, I found it. There it is. So anyway, I asked him to pray for me, and I've asked a lot of people to pray. And he sent me this, and it's the final sentence of John F. Kennedy's inauguration address.

[04:33:15] It said, with good conscience, our only sure reward, with history, the final judge of our deeds, let us go forth to lead the land we love, asking his blessings and his help. But knowing that here on earth, God's work must truly be our own.

[04:33:31] And, you know, I think what this says to me, and I think this is what he meant to say to me, was that a strong moral compass and a commitment to doing what is right are the most important rewards and

the basis for a lasting legacy. And so the decisions we make here tonight, they're our own.

[04:33:50] And so, you know, I am committed to doing what's right. I know that I've got a strong moral compass, and I've seen the work that Nick has done in the community, the benefits that he's brought. And I know that, you know, having that type of use across from me, I've been down in there, and, you know, you really, it just doesn't, I mean, I don't know how many of you have been down in the site, but you get down in there, and it does not feel like an industrial use.

[04:34:19] but even though it is i understand that but the the borrow pit is an industrial use the comp plan we're not we're not introducing a new industrial use into that community in that community so with that being said i'm going to have to go ahead and make my motion and allow my colleagues to make their comments and so i'm going to move that we approve cup 2024 00022 as submitted second okay so there is a motion on the floor and a second we will now

[04:34:52] go into board member comment times beginning with supervisor pritchard thank you mr chair um i can't begin to express my disappointment here but i feel as though nearly every zoning case we've had since january of this year has been either preparation or a rehearsal for the elements of this case in january we started the process of approving new houses and broke in brown grove that application was delayed and was at risk of denial because it was outside of the comprehensive

[04:35:32] plan and i'd like to note for mr conlan that the vote this time from from the planning commission was four to three it won by one vote which is decidedly less than the margin that it lost that it won by in the prior vote so if that's not quite the win that you want to present it as And while I significantly disagree with Mr. Conlon's assessment of how this plan fits the comprehensive plan, even if it did meet the potential use requirements, it would require a CUP.

[04:36:07] A CUP is not a box check. A CUP requires a serious assessment. Part of the assessment must consider its impact on the neighborhood. as for the young man who's been pointed out a number of times who noted the hypocrisy of the concern because of how long the landfill has been there the brown grove community i point out again has existed for over 150 years and i'd like to also note that no one was given any no brown grove

[04:36:43] citizen was given any consideration in the community's desire for the original building of that landfill several second we have heard several cases this year where people have argued for businesses that could only be legal through either a special exception or cup many arguments were made about how wonderful these businesses are and in each case the board acknowledged that the businesses probably were pretty good businesses unless you lived near them and in both cases the

[04:37:19] board voted that the concerns of the citizens who live near those businesses had to be paramount mr conlon says that this is simply a business a good business but it isn't just a business it's a business in a community a community that has already borne more than its share of imposition and finally i haven't had a single conversation about this landfill that didn't at some point address what a wonderful man nick moore is and by extension the leadbetters

[04:37:56] and i'd like to say i think mr moore is a really good man i suspect the leadbetters are too but that simply cannot be relevant to this case it doesn't matter if he's a great man or a terrible man because we're not voting on that we're voting on whether or not this landfill is appropriate for

[04:38:19] this community and and by every ethical ounce of my conscience it is not thank you for your comments any other comments from board members supervisor dibble thank you mr chairman um mr stoneman and i have had numerous conversations uh about this project and i sat on this board in

[04:38:55] 2022 i'm sorry my allergies are really uh bothering me and and i can say uh this proposal is far and above the proposal from 2022 it is significantly different the 950 foot of pavement should take care of all that dirt and dust that was getting onto ash cake road the buffers the berms the landscaping the addressing of the the noise from the trucks the backing up of

[04:39:34] the trucks and I've actually taken the time to take a tour with the professional engineer who is designing this mr. Bob Hunley took me on a tour and I went all over the landfill with him I looked at these monitoring wells and and looked at the property adjacent and there is a significant buffer there and it's a very mature buffer. I also was there when the balloon was up so whoever didn't think the balloon was up when it was I was

[04:40:06] there at 12 20 and the balloon was up so I don't know what to say about that except I was there I saw it actually alerted Mr. Hunley that I was going to see the balloon so that somebody might be there to make sure that I was in the right spot. I think that we have heard from DEQ and from

[04:40:38] the professionals that there have been no contaminations in 30 years, no violations from DEQ. I've also had numerous emails and telephone calls from folks that do live in this area that do support this project so when we look at this project it's not just this hearing tonight it's really almost four or five month project collecting information collecting comments and then finally

[04:41:15] making a decision um mike flag that spoke tonight regarding the wells he again is a professional engineer and um that's who we have to rely on but i think the elevations and the section speaks to that and if you can't read that then you need to rely on the uh professionals um what else do i have here and i and i do agree that this is consistent with the comp plan a landfill is

[04:41:52] allowed in an agriculturally zoned area so um but just i guess is something that um i just have to disagree with Ms. Pritchett on, but that's okay, because we are okay to disagree. But I do believe that, I mean, I don't think we would be here with this cup if it wasn't in accordance with the landfill. I think that, again, I haven't heard anything or seen any documentation that there are toxic chemicals on this site. So there just aren't. And with that

[04:42:31] being said it as mr stoneman said this is a land issue nothing more it's not a personal issue i also applaud the applicant for reaching out and taking a look at the brown grove historic suggestions within that historic district and making those concessions as that was not part of 2022 so with that being said i will obviously i've seconded this motion and i will support

[04:43:08] this landfill in the vote thank you for your comments ma'am any other comments from other board members okay seeing none i do have a few comments first of all i have received a lot of correspondence a lot of calls a lot of emails and if i did not respond to you it's because i just didn't have enough time, but I do appreciate the input from citizens. My view on a comp plan is

[04:43:43] this. I can view it either way. I can view it either way. I can make a case that this fits the comp plan. I can make a case that it doesn't. I will point out that the area is in the white, not the yellow. I had to really look at it close to see that, so it's controversial. It could be either way. I think there's different ways to

look at this. The number one way is this is a land use case. It's very difficult for me, I'm just speaking for myself now, to be able to vote on a case on

[04:44:20] wells and groundwater. I think what we vote on is the land use. I think if I was just managing the county, please everyone hear all my comments out because you may like one thing I say and you may not like the next thing. Please hear them all out. I think if I was managing the county, I would certainly understand the need for a construction debris landfill we've already we have most of us

[04:44:54] have probably already used something similar whether it's windows or siding that we threw away or we've been in a building that was replaced new and the the previous building was removed or maybe we attend a new school when the previous school was put into a construction debris landfill so i think from a county management perspective, there's a need here. I also think it's important

[04:45:25] to point out that this is already here. That's what makes the decision tough. If it wasn't and a prospective buyer came in and submitted the application, it would be an easy decision for me to say, no, this shouldn't go here. But it is already here. And I think that's an important point. While it's already here, this application is also a change of condition, isn't it? It's why

[04:46:00] we're here tonight. It is a change of geography and it's a change of land use. And so from my perspective, my final decision is going to come down to that. And because it's a change of condition, it's because it's a change of land use. And everything else that I look at on these decisions comes into play and one of the most important things to me has always been business is important we have to be sensitive to neighbors and this does move the location of the landfill

[04:46:39] and it does affect the neighbors that's important to consider i think it's also important to consider while the activity has been described to be for the most part the same that includes the truck traffic and there is a case to be made that this area has taken on this landfill for what 50 years and i i've heard enough to believe that the owner is a good person and he means well we've had three

[04:47:18] other years to explore other locations and there's a good chance that there's a better location out there i'm not convinced that this is the best location for it when i consider the broad perspective i believed coming here today this would be a split decision and that's turned out to be the case right and the planning commission was split and i have gone back and forth on this as i've looked at things there's been times i thought oh yeah it's already there it's just a

[04:47:56] continuation and i thought yeah that's something that i could probably support and then there's been times i've i've heard certain things and i thought oh there's no way i could support that And so I know Mr. Stoneman has, he said it, I heard him say it, he was on the fence for a while.

[04:48:14] And I came here today being on the fence. But I think I have heard enough today in considering all the information that I've heard. I cannot vote on wells. I cannot vote on that. I cannot vote on DEQ violations.

[04:48:32] But I can vote on a change of condition. and because it's a change of condition then this this land use application i have to consider the effects on neighbors and the impacts to the community and so i will not be able to support the motion that concludes my comments anyone else okay that's it we will now call for the vote there is a motion and a second on the floor to approve all in favor of approval please indicate

[04:49:12] by saying aye. Aye. No. All opposed, please indicate by saying no. No. Madam Clerk, please poll the board. Ms. Pritchard. No. Ms. Floyd. Aye. Mr. Davis. Aye. Ms. Dibble. Aye. Mr. Stoneman. Aye.

[04:49:36] Mr. Hudson. No. Chairman Herzberg. No. Motion is approved. Four to three. Okay. Next on the agenda is announcements. Any board member have announcements? Okay. Seeing none, we will move on agenda item 9 adjournment to 1 p.m. Wednesday May 14th for an employee recognition ceremony followed by the regular board of supervisors meeting beginning at 2 p.m. to

[04:50:13] be held in the boardroom of the admin building right here we are adjourned



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