



CITIZENS FOR A BETTER EASTERN SHORE SHORELINE

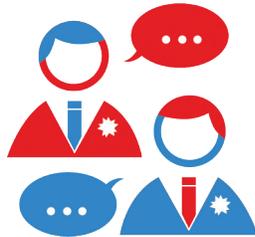
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2021 CBES Candidate Forum Moved to *ShoreFacts*

For over 20 years, CBES has conducted Candidate Forums for all local (federal, state, and county) elections, to afford citizens on the Shore the opportunity to hear from candidates on key issues, to help them make well-informed decisions when they vote. CBES, which is a 501(c)(3) nonprofit organization, does not support or oppose any candidate for office.

The CBES Board of Directors has worked diligently for the past few months to bring a Candidate Forum to the Shore before Election Day. Candidates for the contested elections for Delegate and 2 Northampton Board of Supervisors' seats had agreed to participate. However, with the number of COVID infections going up again, CBES has decided not to hold an in-person meeting; instead, a special *ShoreFacts* will be published in mid-October, containing the candidates' responses to key questions. Look for it in your mailbox and/or inbox!

Local Government Works...

...But It Works Best With Community Participation

By Mary Miller

Local county and town governments generally operate just like state and national governments. Among other mandated duties, the Town Councils and Boards of Supervisors set policies, produce budgets, arrange for revenue resources, and allocate funds. Using interpretations and recommendations from Zoning Administrators and Planning Commissions, elected officials also enable applications of land-use regulations. Aside from paying property taxes and voting for local officials, residents have minimal contact with government officials and employees – when things are running smoothly. And generally, residents expect their elected officials to keep things running smoothly.

From time to time, there are major community outcries – usually about a controversial decision impacting neighborhoods or the whole town/county. And more often than not, these outcries concern land use, planning, and zoning. It's usually 1 of 2 things: opposition to the Zoning Administrator's or to the Board's or Council's interpretation of the ordinance; or, the interpretation is correct, but the adopted regulations have failed to accurately reflect community consensus. Land-use decisions are based on the locality's Comprehensive Plan (the Plan) and Zoning Ordinance (the Ordinance) – and those documents are based, to a large extent, on community input.

It Starts With the Comprehensive Plan

For many property owners, the first exposure they have with the concept of planning, zoning, and land use is when the earth movers come rolling down the street and start clearing land for something they didn't know would be permitted in their neighborhood.

Long before those earth movers come down the street, the local Planning Commission should have a series of public meetings to hear how residents want their community to develop over the following 20 years. This public input, along with surveys and studies of preferences and trends, then results in the adoption of the locality's Plan. This effort would be the public's first chance to help create a guideline for future development.

The resulting Plan ensures that changes would not be "made suddenly, arbitrarily, or capriciously, but only after a period of investigation and community planning. The Plan

See Government, cont'd on p. 2

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Government, cont'd from p. 1 becomes one of the key sources, if not the key source, of guidance on every legislative zoning decision made by elected officials and staff.”*

Words are important. The need for internal consistency within the Plan is critical for long-term decision-making. Without consistency, Zoning Administrators, Planning Commissioners, and elected leaders face conflicting directives; citizens are confused about the policies and standards the community has selected, including permit approvals and zoning changes; and prospective businesses are wary of the lack of clarity.

If residents, business owners, educators, housing advocates, public safety representatives, the tourism industry, environmental groups, and other communities of interest do not take advantage of this state-mandated opportunity for input into their community’s plan for development, they squander the best chance for their voices to be heard.

The Zoning Ordinance

Virginia gives wide latitude to localities in establishing an Ordinance, and the community gets additional chances to provide input as the Ordinance is amended. The Plan is

the blueprint, and the Ordinance is the mechanism for confirming the community’s goals.

The community-generated Plan guides the Ordinance in establishing legal regulations for land-use development. “The Planning Commission, the Zoning Administrator, and the governing body **must** be guided by the

“When an Ordinance is unambiguous, the governing body’s intent is determined only from what the Ordinance says, and not from what anyone thinks it should have said.”*

purposes of the Comprehensive Plan itself in creating/amending a Zoning Ordinance and reaching land-use decisions.”*

If a community wants zoning that maintains traditional single-family residential or mixed-use neighborhoods, it ought to be a Plan goal. If multi-family housing is also a goal, zoning might indicate neighborhoods for both 1- and 2-family homes and/or multi-unit apartments where infrastructure and transportation are available. If environmental protection is a high zoning priority, strategies for this goal need to be stated extensively in the Plan. If highway commercial zoning is expected to produce revenue in a tourism economy, then a limited, highway travel-related business, commercial zone can be designated in the Plan. If industrial uses are expected to exist near residential areas, specific definitions for light and heavy industrial operations ought to be a zoning strategy. The Plan’s Future Land Use Map (FLUM) designates specific areas for residential, commercial, agricultural, waterfront and industrial development, as well as for infrastructure such as roads, utilities, communication lines, etc. Zoning districts should match the designated FLUM locations.

As important as consistency in wording is in the Plan, specificity

in wording is equally important in the Ordinance. A clearly worded Statement of Intent for each Zoning District adds clarity for government officials, staff, and the general public. “It must be assumed that the governing body chose, with deliberation and care, the words it used when it adopted the Ordinance at issue.

When an Ordinance is unambiguous, the governing body’s intent is determined only from what the Ordinance says, and not from what anyone thinks it should have said.”*

Public Participation Matters

Town and county governments have adopted land-use documents they need for making planning and zoning decisions. Those documents work best when residents and property owners have helped to write them.

* Quotes, analysis and content in this article are based on the published comprehensive review of the roles of government, the public, and the courts in land use matters: <https://www.albemarle.org/government/county-attorney/resources/land-use-law-handbook>

Ed. Note: *Although required public notices are published in the local newspaper, it is helpful to review pertinent documents and timelines for the various public bodies. To access meeting agendas for Accomack County, go to <https://www.boarddocs.com/va/coa/Board.nsf/> then click “Enter Public Site.” Next, select “Meetings” from the menu at the upper right of the page; the next page lists each public body’s meetings. Clicking on the date and name will take you to agendas, minutes, etc. For Northampton, go to <https://go.boarddocs.com/va/northco/Board.nsf/Public#> and select “Enter Public Site.” Next, go to the dropdown menu in the upper right (default is Board of Supervisors) to select the desired public body’s meetings, e.g., Planning Commission, BZA, etc., then select the date to find information for a specific meeting.* 

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Update on the Proposed Eastern Shore Rail Trail

By George Mapp, CBES Representative to the Eastern Shore Rail Trail Working Group

The dream that many of us have for a recreational trail along the old railroad may eventually come true, due to the good work of key stakeholders.

At the federal level, Champe Burnley, of the Virginia Bicycling Federation, and David Brickley, of the Dahlgren Railroad Heritage Trail, partnered with the Accomack-Northampton Transportation District Commission (ANTDC) to work with the agency that manages railroads, the Surface Transportation Board (STB), to get permission to “railbank” the corridor. This allows localities to repurpose the corridor as a recreational trail and keep it open for key infrastructure such as broadband, electric power, natural gas, and sewer lines. The “bank” part means that, at any time, the STB can repossess the corridor.

At the local level, in 2019 the Boards of Supervisors from both Shore counties approved resolutions of support.

In the 1990s, the 2 counties formed the ANTDC in order to buy the railroad from Pocomoke to Cape Charles, ending via railcar barge at Little Creek. The 10-mile Kiptopeke Branch from Cape Charles to the Chesapeake Bay Bridge-Tunnel (CBBT) was bought by The Nature Conservancy (TNC) from the Penn Central Railroad in 1987.

Potential Rail Trail Sections

There are now 3 potential trail sections: the northern part, from Hallwood to Pocomoke; the middle part, from Cape Charles to Hallwood; and the southern part, from the CBBT to Cape Charles.

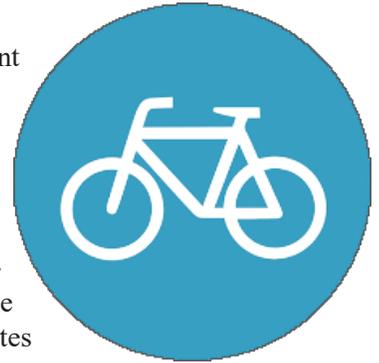
The northern part is still an active railroad, in part due to the needs of NASA Wallops. It is lightly used, and consequently is a good candidate for “rail with trail.”

The southern part, between the CBBT and Capeville, has 5 miles of built trail, the Southern Tip Bike and Hike Trail. TNC is working with its partners, including Northampton County and the Accomack-Northampton Planning District Commission (A-NPDC), to complete the last 5 miles of the trail.

The 50-mile (middle) part is getting the most attention these days. At Canonie, the private corporation owned by the ANTDC, Spencer Murray (former Northampton Supervisor) and Jim Outland (railroad manager) are working diligently towards preparing that section for the conversion. They are selling off the railroad’s Little Creek property and researching titles to sell the Cape Charles rail yard. They are assessing proposals for removing rails, ties, and signals, which should begin soon. They are also working with the Hampton Roads Sanitation District (HRSD) on the right-of-way for a sewer main between Nassawadox and Onancock.

Planning and Funding

The Virginia Department of Transportation (VDOT) recently completed a planning and engineering study to enable the Rail Trail group to pursue grant funding. VDOT has recommended an alignment for the path, developed cost estimates for construction and maintenance, and provided options for a management structure. To elicit public feedback during the pandemic, VDOT conducted an online survey: 90% of the 3,400 respondents said they would use the trail



VDOT estimated \$27 million for trail construction, \$3 million for an optional parallel soft trail for runners and equestrians, \$16 million for removal of track and signals, and \$2,000 per mile per year for trail maintenance. Track removal has begun, and may pay for itself from sales of the aging but still high-quality Bethlehem steel rails.

What all this means is that the railroad south of Hallwood is very nearly shovel-ready – enough planning and engineering have been completed that once funding is in place, construction can begin promptly.

There are currently 2 challenges: funding and trail ownership. In Governor Northam’s budget for 2022, \$10 million have been earmarked for trails. The Commonwealth Transportation Board will allocate these funds, and the Eastern Shore Rail Trail Working Group is hopeful that a grant will be awarded to the Shore.

There were recent setbacks on 3 VDOT (SMART SCALE) funding requests for Accomack County and the towns of Cape Charles and Onley. All 3 scored low on VDOT evaluation criteria, which include a cost/benefit analysis as well as a weighted average of factors such as safety, accessibility, economic development, land use, congestion, and environmental mitigation. However, we plan to consult experts, revise and re-submit. Like preparing a resumé, more emphasis on key points that may not be obvious to the applicant, may yet win the day.

Equestrians have taken an interest in the trail, particularly the portions off Route 13, like the 15 miles between Machipongo and Capeville. Preliminary VDOT plans include an optional, parallel soft-surface trail for walkers, runners, and/or equestrians. Whether to include it in the initial construction is to be decided by the “ultimate

See **Rail Trail**, cont’d on p. 4

Rail Trail, cont'd from p. 3

shared-use path owner.” If not built in the first phase of construction, it could be added later.

Taking Ownership

Our Eastern Shore trail will need an agency to own, manage, and maintain it. The most likely candidates are the ANTDC, the Virginia Department of Conservation and Recreation (making the trail a linear state park), or VDOT. VDOT owns the 50-mile Virginia Capital Trail between Jamestown and Richmond.

Cat Anthony, Executive Director of the Virginia Capital Trail Foundation and president of the Virginia Trails Alliance, has proposed that Virginia set up an Office of Trails, modelled after Florida’s Office of Greenways and Trails. It should have an annual budget and sufficient staff to shepherd the trail projects to completion. There are several trails currently in the works:

- Birthplace of America Trail, which will connect historic sites – First Landing State Park in Virginia Beach near the CBBT, Yorktown, Fort Monroe, Jamestown, and Williamsburg
- Fall Line Trail, a 43-mile rail trail between Ashland and Petersburg
- Shenandoah Valley Rail Trail, a 50-mile trail from Broadway to Front Royal, proposed as a State Park
- Eastern Shore Rail Trail, running the length of Virginia’s Eastern Shore; at 70 miles when completed, it will be the longest rail trail in Virginia

The Eastern Shore Rail Trail Working Group was formed in 2020 to promote trail development, and includes members from A-NPDC, TNC, Accomack County, Northampton County, ESVA Chamber of Commerce, Eastern Shore Public Library, and CBES. The group has sponsored 2 bike rides, 1 in Capeville and 1 in Crisfield, to bring together stakeholders on an informal basis. We have recently printed pamphlets (rack cards) to distribute to the public. Our goal is to facilitate the development of the trail here on the Eastern Shore of Virginia, and to consult with trail advocates and stakeholders in Maryland.

Questions, Comments?

Email: info@easternshorerailtrail.com

CBES ES Rail Trail page: <http://cbes.org/es-rail-trail.html>

Rack Card: <http://a-npdc.org/wp-content/uploads/2021/09/FINAL-ESVA-Rack-Card.pdf>



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Fundraising _____ Candidate Forums _____

Administrative _____ Where needed _____

Send to CBES, PO Box 882, Eastville, VA 23347
Join online at www.cbes.org

Virginia Special Session

Secures More Funds for Clean Water

By Whitney Pipkin

Reprinted with permission from Bay Journal, August 20, 2021

Virginia lawmakers, in a special session in August, funneled significant portions of federal funds from the American Rescue Plan Act toward projects that will help curb pollution in the Chesapeake Bay. Virginia received roughly \$4.3 billion from the act.

State lawmakers approved spending \$100 million on continued improvements to wastewater treatment facilities. In addition, \$125 million will go toward curtailing raw sewage overflows from combined sewer systems in Alexandria, Richmond, and Lynchburg. The cities have been building costly storage solutions to reduce overflows into the Potomac and James rivers, and have regularly asked the state for funding to reduce the impact on ratepayers.

Another \$75 million will go toward repairing, upgrading, and improving septic and sewer systems that leak pollution into streams in other parts of the state. Some of that funding will be available as grants to homeowners at or below federal poverty guidelines.

Infrastructure improvements have helped Virginia make huge leaps toward achieving its Bay cleanup goals since 2010. The state plans to get most of its remaining pollution reductions from farm operations — an effort advocates say will require an even larger infusion of funds.

Through separate funding mechanisms, Virginia legislators also approved an expansion of a key agricultural cost-share program. Farmers will be able to receive state cost-share money to pay for not only permanent but also temporary, portable fencing that keeps livestock out of waterways. Portable fencing is often used by farmers who practice rotational grazing, which has other benefits for water quality. The program will pay farmers \$250 for each charger to run electrical fencing and 30 cents per linear foot of portable fencing.

Virginia's Soil and Water Conservation Districts called the measure "a huge step forward in supporting practical and inexpensive options for protecting the water" on farms. Maryland this year increased its cost-share rate for fencing from 87% to 100% to help achieve agriculture pollution reduction goals, but its program does not cover portable fencing.



NASA Goddard Space Flight Center from Greenbelt, MD, USA, CC BY 2.0, via Wikimedia Commons



Fried Apple Caramel Cake

It's hard to forget those lovely European single-layer, complex, and sweet dessert cakes, the ones with no fancy icing, just layers of flavor. Each small slice is equally delicious with an espresso or champagne. Each bite is layered with the flavor of the cake, a soaked-in syrup or liqueur, and the fruit or nut topping. Cakes are baked, then flipped carefully to present bottom layers on top. One complicated recipe after another – finally decided to try for simplicity. A few pantry staple shortcuts resulted in a simple but flavor-layered cake.

- Peel and core 2 apples and slice thinly with mandoline.
- Melt 1 tbsp butter in sauté pan, add 1 tbsp brown sugar and apple slices, toss, and simmer 5 to 6 minutes until apples soften.
- If you have a favorite spice cake recipe, use ½ recipe for one layer, or use ½ of a boxed mix, adding a bit more cinnamon or allspice and salt. Follow package or recipe directions, but use 2 eggs.
- You can make your own caramel sauce in about 10 minutes: <https://bellyfull.net/caramel-sauce-recipe/> or use a purchased sauce.
- Thoroughly butter a glass 9" or 10" pie plate.
- Spoon a generous layer of caramel sauce on bottom of plate, then spread apples evenly over the sauce.
- Pour batter evenly over apples, making sure to cover the fruit.
- Bake as directed – usually 350° for about ½ hour – until toothpick comes clean out of center of cake.
- Let cake rest about 10 minutes, then carefully invert on a large plate. Topping will set up as it cools.

Reprinted with permission: *The Kitchen Hive*. <https://www.talkrealnow.com/>



RECYCLING CORNER

Food Waste

Around the world, we throw away 40% of all the food we grow, amounting to 2.5 billion metric tons a year. That has a huge carbon footprint, accounting for 10% of all greenhouse gas emissions (twice the emissions from all the cars in the U.S. and Europe). An estimated 21% of all fresh water, 18% of arable land, and 19% of fertilizer is used to produce food that never gets eaten.

In the U.S., consumers account for 43% of that food waste. If we were able to “rescue” just 15% of that waste, we could save enough to feed 25 of the 42 million Americans who face food insecurity each year.

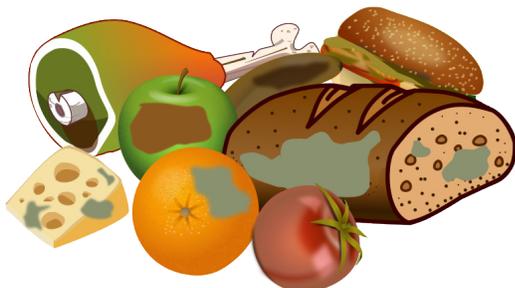
While food is wasted at every stage of the supply chain, we can start with simple things we can do at home:

- Donate nonperishable items to the local food bank.
- Educate yourself on how to store food properly – you can extend the shelf life of some foods with the right packaging. For example, a cucumber will stay fresh for up to 14 days in plastic, vs. 3 days unwrapped.
- Go online to find recipes that combine the ingredients (especially leftovers) that you have on hand.
- Look for recipes that use items you’d normally toss, like broccoli stalks.
- If you have the room, compost all non-animal waste (eggshells are OK) to keep food waste out of the landfill. (Compost emissions are mainly carbon dioxide, while landfills emit methane, a more potent greenhouse gas).
- Read those expiration dates with a grain of salt – unopened canned goods can last for 18 months after their dates, crackers and pretzels 3 months, honey and water bottles indefinitely. For more info, check <https://www.webmd.com/a-to-z-guides/features/do-food-expiration-dates-matter#1>.

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VOLUNTEERS NEEDED

CBES needs more smiling faces to help on the day of the Bike Tour, Saturday, October 23. Choose from a variety of tasks, meet some really swell folks, and be part of the oldest, most popular Bike Tour on the Shore. Already volunteering? Please ask a friend or two to join in the fun.

Contact Mary Ehmann, BTW Bike Tour Coordinator: cbesbiketours@gmail.com, 967-787-7895 or sign up online at <https://www.signupgenius.com/go/10c0f4daeab22a3fbc52-cbes>

For a healthy outdoor event, CBES is taking all COVID precautions so you can volunteer care-free.



Artwork by Bethany Simpson

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Keeping Track

General Assembly Adds More Protection for Cyclists

As we prepare for CBES Annual Bike Tour on October 23, it's important for everyone to remember to "share the road."

Cycling is on the rise across the country, with a 23% increase from 2006, to 48.88 million in 2019. Unfortunately, fatalities are also increasing: 871 bicyclists were killed on U.S. roads in 2018, the deadliest year since 1990. The good news is that Virginia ranks 38th in per-capita deaths (based on 2010-2012 data), with 11 average deaths a year from 2010 to 2019. There were 2 cyclist deaths on the Shore (both in Accomack County) from 2010 to 2019, with 13 bicycle crashes in Accomack County and 4 in Northampton County from 2010 to 2014.

Although Virginia already had some protections on the books for cyclists, the General Assembly enhanced these during their 2021 Session (see September 2021 *ShoreLine* for a summary of this and other actions). HB2262, the Bicyclist Safety Act, includes the following provisions:

- Requires motorists to change lanes when passing a bicyclist if the lane is not wide enough to pass at least 3 feet to the left
- Removes the limitations on cyclists riding 2 abreast
- Establishes a work group for the State Police to review allowing bicyclists to treat stop signs as yield signs

Notably, there is no statewide helmet law in Virginia; local counties or municipalities can require this (§46.2-906.1), but none on the Shore have done so. As always, CBES recommends the use of bike helmets, and requires all riders to wear a helmet during the Annual Bike Tour.

New Regulation to Encourage Use of Surficial Aquifer

As reported in the January 2020 *ShoreLine* ("Next Steps for New Groundwater Regulation"), SB1599 directed the Department of Environmental Quality to "adopt regulations providing incentives for the withdrawal of water from the surficial aquifer, rather than the deep aquifer, in the Eastern Shore Groundwater Management Area."



Following an initial public comment period, a Regulatory Advisory Panel was formed, including members of the Eastern Shore Groundwater Committee and representatives from agriculture, poultry farming, and drillers. The draft regulation was finalized in October 2020, and the State Water Control Board authorized a Public Comment period at their December 2020 meeting.

Incentives provided by the regulation include using a general permit (rather than an individual permit) for withdrawals of 300,000 gallons a month or more from the surficial aquifer (less than 80 feet deep), a simplified application form, and an automated method for calculating the area of impact, which should shorten the application process.

The Public Comment period runs from August 30 to October 29. Comments can be emailed to Lilith.Tromblay@deq.virginia.gov. Further information is available at <https://www.deq.virginia.gov/permits-regulations/public-notices/water/water-quantity>. The text of the proposed regulation is available at <https://townhall.virginia.gov/l/viewstage.cfm?stageid=9195>.

ESVBA: Lower Residential Rates

The Eastern Shore of Virginia Broadband Authority (ESVBA) will hold a hearing on October 28, at 2:00 PM, concerning new proposed residential rates. The hearing will be held at their offices at 4174 Lankford Highway in Exmore. The change will make permanent the doubling of connectivity speeds initiated at the beginning of the pandemic, and make them symmetrical, to meet the FCC's

definition of broadband. Existing customers will automatically be upgraded to the new tiers for the same monthly amount. This will actually provide a savings for some customers – for instance, those paying \$85.99/month for 50/25 Mbps (download/upload speed) under the old rates could switch to \$59.99/month for 50 Mbps symmetric under the new rate structure when they renew their contract.

The current and proposed monthly rates are:

Bandwidth		24-Month Contract	12-Month Contract
Existing Rate Structure	Proposed Rate Structure		
10/5 Mbps	25 Mbps symmetric	\$39.99	\$45.99
25/12 Mbps	50 Mbps symmetric	\$59.99	\$69.99
50/25 Mbps	100 Mbps symmetric	\$85.99	\$99.99
100/50 Mbps	200 Mbps symmetric	\$149.99	\$175.99

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Are you a civic-minded individual with a desire to help make the Shore a better place? Are you a good communicator, and a good writer? If so, please consider volunteering to contribute to *ShoreLine*. The publication provides information on events, issues, and initiatives of interest to CBES members and the broader general community, along with occasional editorial opinions and comments. The *ShoreLine* Editorial Board selects or writes, edits, and publishes material that is consistent with the core beliefs, goals, and objectives established by the CBES Board of Directors. Past issues of *ShoreLine* are published on the CBES website at www.cbes.org.

For more information, please email *ShoreLine* editor, Sarah Morgan, at savoystudio@gmail.com.

Community Calendar*

**NOTE: For current status of public meetings, go to the appropriate website or contact by email or phone.*

Accomack County 757-787-5700

www.co.accomack.va.us

- 1st Wed **Board of Zoning Appeals**
10 AM, Accomac
- 2nd Wed **Planning Commission (PC)**
7 PM, Accomac
- 3rd Tues **School Board**
6:30 PM, Accomac
- 3rd Wed **Board of Supervisors (BOS)**
5 PM, Parksley
- 4th Tues **PC Work Session**
7 PM, Accomac
- 4th Thur **Wetlands Board**
10 AM, Accomac

CBES and Other Activities

- 1st Wed **VIMS Public Seminar**
7:30 PM, Wachapreague
- 3rd Tues **ES Ground Water Committee**
10 AM, Accomac or Machipongo
- 3rd Tues **CBES Board Meeting**
7 PM, Eastville or Belle Haven

Northampton County 757-678-0440

www.co.northampton.va.us

- 1st Tues **Board of Zoning Appeals**
10 AM, Eastville
- 1st Tues **Planning Commission (PC)**
6 PM, Eastville
- 2nd Tues **Board of Supervisors (BOS)**
6 PM, Eastville
- 2nd Thurs **School Board Work Session**
6 PM, Machipongo
- 3rd Wed **Wetlands Board**
Meets as needed, Eastville
- 3rd Wed **PC Work Session**
2 PM, Eastville
- 4th Tues **BOS Work Session**
5 PM, Eastville
- 4th Thurs **School Board**
6 PM, Machipongo

For membership and other
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www.cbes.org