

The Recorder

Inclusive, independent, indispensable.

Planners slam pipeline permit applications

|January 31, 2018

BY JOHN BRUCE • STAFF WRITER



Dominion employees were present to answer planning commission questions and comment about the construction storage yard applications. (Recorder photo by John Bruce)

MONTEREY — Citing numerous errors and inadequacies, the Highland County Planning Commission on Jan. 25 voted to set one public hearing, but tabled two other land-use applications for Dominion to establish proposed Atlantic Coast Pipeline construction lay-down material storage yards.

Dominion calls them “satellite” yards, even though there would be an estimated 30 big-rig trips in and out six days a week.

Staff recommended planners proceed with a public hearing on rezoning applications for a proposed storage yard south of Monterey, in the former location of Jack Mountain Village, which was a worker camp for the Bath County Pumped Storage Station project decades ago.

But zoning administrator Joshua Simmons noted there were numerous errors in the applications, particularly with respect to incorrect mailing addresses and partial omission of surrounding landowners.

McDowell yard tabled

Citing errors, the Virginia Department of Transportation's demand of a traffic study and unanswered questions about the application for a McDowell storage yard, planners tabled considering the rezoning and conditional use permit applications.

Prior to hearing from Dominion staff at the meeting that VDOT demanded a traffic study at the McDowell site, county attorney Melissa Dowd told planners that staff did not yet have VDOT permits for either property, and recommended there was enough information to move forward with the rezoning applications for both properties, but not for the conditional use permit for the McDowell property.

"We recommend you not set a public hearing on the conditional use permit," Dowd said.

Planner Randy Richardson questioned whether it was appropriate to move forward on considering a conditional use permit without first knowing which way the county is going to go.

"It's sort of like putting the cart before the horse," Richardson said. "It doesn't give the public an opportunity to comment."

Dowd reported Dominion, from a legal standpoint, has executed a memorandum of options agreement with the property owners involved — applicant Karl Mey, who owns the Jack Mountain Village land, and applicants Joe and Robert Neil, who own the land in McDowell.

Dominion purchased at least 23 total easements so far from Highland landowners. Only 10 of those are for pipeline location; the others are for associated access roads.

Dowd handed out drawings of the Highland easements Dominion had secured so far. She estimated the company would need 5-10 more to build the pipeline, and there could be several more for associated access roads.

The Federal Energy Regulatory Commission gave Dominion permission to begin timbering by non-mechanical means, Dowd said.

"That gives us an idea of where things are," commission chair Casey Thaler said.

Dominion announced last week that North Carolina had issued a water quality certification, and West Virginia approved an erosion and sediment control permit.

Dominion external affairs manager Emmett Toms told planners timbering was allowed until the end of March because of bat nesting. "We're trying to keep critters from building nests," Toms said.

Access roads forever

Brittany Moody, Dominion engineering project manager, said the two yards are planned as satellite yards and would not be extremely active. They would be used to store 42-inch diameter pipe.

The major lay-down yards are in Morgantown, W.Va., and Culpeper, Va.

Employees would not meet at the satellite yards every day.

The reason for the access roads is to move winch excavators up and down steep slopes, Moody said.

Planner Dean Beverage asked if the access roads would be in place forever.

Moody replied the roads would be kept in place for maintenance purposes. She described them as 12 to 15 feet wide store roads. Unless landowners insist, “we want to keep them permanent,” she said.

Richardson asked if the 40-foot sections of pipeline for installation in Highland would be trucked in from the west.

Moody responded most of them would be from Morgantown.

Toms said the next closest lay-down yards would be Culpeper and Clarkesville.

So, in theory, the pipes could be transported on all county roads, Richardson said.

There is a state statute providing for Dominion to videotape the roads before and after construction, Toms said. “A lot of people are concerned about tearing up the roads,” he said, adding the pavement would be returned to previous or better condition.

Dominion engineer Min So said the videotaping in Highland has been completed.

Richardson asked whether anyone has requested that VDOT do a countywide traffic study. Min replied studies were limited to construction yard entrances.

Route 678 worries

Beverage said some Highland roads are extremely small, like Route 678 (Bullpasture River Road) and asked what measures Dominion would take.

Some areas would have flagmen, Moody replied. “There will be some shortcuts.”

Toms said Dominion has worked with VDOT to avoid times when school buses are running.

“Route 678 concerns us quite a bit,” Beverage said.

Richardson estimated there are up to 200 commuters. “If I’m late to work one or two times, that’s fine. But three or four, I’m fired,” Richardson said. He noted a tractor-trailer incident closed U.S. 250 four hours recently. “Do you have a plan?” Richardson asked.

“We’ll have to accommodate to make sure we don’t hold people up,” Toms said.

“We’re currently working on best times,” Moody added, noting the contractor will continually make adjustments.

Richardson asked whether Dominion would have contact with drivers. “Cell phones don’t work here,” he said.

Moody said the company is working on possibly using satellite phones and radios.

Richardson asked whether truck traffic could be suspended during the Maple Festival and the county fair.

“We would stage ahead enough to try to avoid that,” Toms said.

Richardson questioned whether the yards would be fenced.

Min replied fences were not on the plan; Toms said there would be 24- hour security. Vandalism might require fences, he said.

Dark skies, water concerns

Richardson asked about impacts to dark skies, and Min replied night-time lighting would be temporary. On followup, Richardson asked if Dominion would be willing to comply with the county zoning ordinance with respect to outdoor lighting. Toms said it would.

Beverage asked about the source of water used for dust control on the gravel lay-down yards. Moody replied the water would be drawn from a public supply or a permitted source.

Richardson wondered whether the planning commission could ask VDOT to do a county-wide road study.

Dowd noted there are two or three passing zones between Monterey and McDowell. If there are 20 to 30 trucks using the entrance, they would be interfering with the passing zone where people might need to get around a poultry rig or a logging truck.

Of the construction timetable, Richardson said he read that the project has already faced delay.

Moody said that wasn’t really true. She said current plans would be to work 10-hour days, six days a week. “If we do fall behind, we may work Sundays,” Moody added.

The only exception would be stream crossings, where work could overflow into nights and Sundays, she said.

Thaler asked about trash. Moody said trash would be the contractor's responsibility, and the contractor would take trash to an approved site for disposal.

Toms said the bigger issue on the Mey site in Monterey was to get VDOT approval for a turning lane.

Thaler wondered what would happen to the McDowell yard after Dominion is finished.

Moody said the site would be returned to its original state, gravel would be removed, and top soil returned.

Also, the Dominion representatives assured Thaler they were aware of the flood plain in back of the site along Crab Run.

'Numerous inadequacies'

"My question is based on numerous inadequacies in your application," Richardson said. "What guarantee do we have we will have the proper information?"

"For our purposes, this is the most adequate information," Min replied.

"You're telling us (you're working) different hours than on the application," Richardson said.

Min said if the planners need to limit the work time, "it's up to you to limit it. We're trying to give you the best information so you guys don't come back and say you lied to us."

Dowd reminded the commission it can add conditions. "You can put parameters on the rezoning."

She said the issue is to notify surrounding landowners. If the county doesn't have a final application notice, then it is not being fair to the public. She said planners have a site plan sufficient for the public to have information, but it is critical the planners have information from VDOT to make a final recommendation to the board of supervisors.

Min said Dominion is working on getting information from VDOT on traffic and stormwater management.

Richardson repeated his request for VDOT to do a broader study.

Simmons said he would look into it, and noted earlier VDOT did not seem inclined to doing a countywide study.

Thaler asked how large the yard signs would be. Min said Dominion could easily provide that information.

Dowd noted the signs would be subject to the county sign ordinance because they would be placed beyond the 30-day limit for temporary signage.

“We have a lot of information we’re waiting for,” Thaler said.

The planners voted to move forward on the Mey property rezoning to set a public hearing 7:30 p.m. Feb. 22, on the condition there is VDOT approval.

On the Neil property, Richardson said supervisors need to say they are going to rezone before a conditional use permit is considered. He moved to take the rezoning to public hearing, but not the conditional use permit. His motion died for lack of a second.

Beverage said the Neil property “has a lot of questions on it. We think we should table the rezoning, and the conditional use permit (awaits) more information. This site has more impact than the other site with traffic, safety, and welfare of people on Route 678 who want to see clarification.”

The planners voted to table the applications on the Neil site.

Beverage said he was not happy with a construction storage yard entrance near the Ralston property. He added he has received more comments from McDowell area residents than from those around around the site south of Monterey.