

**MINUTES OF  
FAUQUIER COUNTY BOARD OF ZONING APPEALS**

January 3, 2002

The Fauquier County Board of Zoning Appeals held its regularly scheduled meeting on Thursday, January 3, 2002, beginning at 2:00 P.M. in the Meeting Room of the Warren Green Building, 10 Hotel Street, Warrenton, Virginia. Members present were Mr. William Rider, Chairman, Mr. William Barr, Vice Chairman, Mrs. Margaret Mailler, Secretary, Mr. John Meadows, Mr. James Van Luven, Mr. Eugene Lofdahl and Mr. Maximilian A. Tufts, Jr. Also present were Mr. Paul McCulla, County Attorney, Mrs. Carolyn Bowen, Zoning Administrator; Ms. Holly Meade, Planner; and Carole L. Hensley, Office Associate III.

**ELECTION OF OFFICERS:**

Mr. Rider retired as Chairman of the Board. Mr. McCulla asked for a nomination for the office of Chairman. Mr. Tufts made a motion to nominate Mr. Barr for Chairman, Mr. Meadows for Vice-Chairman and Mrs. Mailler for Secretary. The votes were unanimous. On motion made by Mr. Lofdahl it was moved to close election of officers.

**MINUTES:** On motion made by Mr. Lofdahl and seconded by Mr. Tufts a motion it was moved that the December minutes be approved as submitted. Motion carried unanimously.

**LETTERS OF NOTIFICATIONS & PUBLIC NOTICE:** The Zoning Administrator, Mrs. Bowen stated that to the best of her knowledge, the cases before the Board of Zoning Appeals for a public hearing have been properly advertised, posted, and letters of notification sent to adjoining property owners. Mrs. Bowen asked Ms. Meade to read the Public Hearing Protocol.

**SPECIAL PERMIT #48621 WRIGHT BOAT SALES, ROY BOATWRIGHT (OWNER)  
and D & J FOREST BY PRODUCTS, APPLICANTS**

The applicants are requesting a special permit to recycle wood and green waste from land clearing projects by grinding it into mulch. The property is zoned Industrial-2 and is located at 5457 Lee Highway, Warrenton, VA, Scott District.

Mrs. Bowen stated that the Board made a site visit prior to the meeting and then reviewed the staff report. She stated that the applicants are requesting special permit approval to operate a mulch-producing operation on the property. The operation would produce topsoil and mulch from wood and green waste materials brought to this site from land clearing projects. The site is the former home of Beach's Sawmill operation.

Mr. John Rothfolk of D& J Excavating introduced himself as the applicant and stated he wished to address the numerous letters and concerns by saying he is willing to cooperate and work with all of these issues the best he can. He stated his company, D& J Forest By Products,

is requesting a special permit to recycle wood and green waste from land clearing projects by grinding it into mulch then landscaping as an end use.

Mr. Rothfolk stated that they would like to place the mulch in rows of up to 20 feet in height to allow for watering, turning and temperature monitoring. He stated that he would have a grinder, a screener, two loaders and a water truck on the site. He would also have an office on the property. He stated he planned to use the existing garage for storage and may park the blower trucks in the building overnight.

He stated that he would like to operate Monday through Saturday 6:00 a.m. – 6:00 p.m. and from 7:00 a.m. – 5:00 p.m. on Sunday. There could be 3-5 employees on the site depending on the time of the year. Mr. Rothfolk stated that his trucks would use Telephone Road not Route 29. He estimated there would be 1-2 trucks a day.

Mr. Rider asked if there were to be retail sales and Mr. Rothfolk indicated there would not be.

Mr. Rothfolk indicated after being asked that his grinder equipment would take trees up to 24 inches but most of the material was brush type. He further stated that he would use the spray trucks to keep the dust down.

Mr. Rider asked about the adjoining mulch site and Mr. Rothfolk said he was not affiliated with that property. Roy Boatwright, the property owner of both sites, stated that he was cleaning up the 6.6 acres tract and had purchased this property 3 months ago. He stated that the previous owners were removing the sawmill equipment and the two trailers on the site.

Mr. Rider inquired if the operation would blow mulch into a pile and Mr. Rothfolk stated yes. He further stated that the site would be covered with mulch to prevent runoff. Mr. Rider indicated his concern with runoff from the site.

Mr. Barr discussed the proposed hours of operation, pollutants from the machines and noise concerns. Mr. Rothfolk indicated that he had the standards from the manufacturer and they were in reasonable levels.

Mr. Lofdahl indicated that the nearby Church had services on Saturdays.

Mr. Rothfolk indicated that he was willing to be flexible.

Mr. Lofdahl inquired if it would be economically feasible to build a building to house the heavy equipment and was told it would not be.

Mr. Tufts asked about the land disturbance on the site and Mr. Boatwright indicated that fill material had been placed on the property to allow for the removal of the sawmill equipment.

Mr. Boatwright indicated that his property was not in the flood plain or contained any wetlands.

Mr. Meadows asked for justification of 20-foot high mulch piles when the Board of Zoning Appeals had placed a 13-foot maximum height condition on the adjoining property. Mr. Boatwright indicated Mr. Merckli's mulch was double grinded whereas this would be triple grinded.

Mr. Rider asked Mrs. Bowen if site plan approval was required and she replied yes such things as landscaping, lighting and runoff etc. would be required with that approval.

Discussion took place regarding the adjoining site and that the conditions had not been complied with. Mr. Boatwright indicated that he had not planted the trees because of work that the telephone company was doing but that he had expected to have them planted by the end of January.

The following persons spoke to the request:

William H. Berger, Snow Hill resident, presented a written statement in opposition, a copy of which is attached to and made a part of these minutes.

Douglas Larson, representing the Piedmont Environmental Council, read a letter in opposition, a copy of which is attached to and made a part of these minutes.

Conrad Miller, owner of property on Telephone Road, spoke in opposition to the request citing concerns with the junkyard look and traffic on the road.

Mr. Hickerson, Member of the Seventh Day Adventist Church located near the site, spoke in opposition citing noise concerns and the incompatibility of the use with the church property.

Reverend Garland Day, Pastor of the Seventh Day Adventist Church stated that he was concerned with noise on Sat. and Sun. interrupting the services held at the church, he was concerned about fire that dry mulch can produce, stagnant water and odor of mulch affecting quality of life.

Mr. Robert Greene, resident of Snow Hill and owner and seller of heavy machinery, read from a letter, a copy attached to and made apart of these minutes. He spoke in opposition of the request and on his experience with heavy machinery and their noise pollution. He stated his opposition to the request citing mainly noise concerns, specifically debris noise from tub grinders. He also expressed his concerns on silt issues and stated his opinion that this was not the proper location or place for this type of business.

Mr. Lofdahl asked what his experience in reducing noise level and noise control was? Mr. Greene responded that in Fairfax you would have to contain the noise in 20-40 foot soil berms. Mr. Greene also stated that the purchase of the berms to fit the size of the machines for this business cost-wise would not be practical.

Mr. Robert Tilner, resident of Snow Hill, spoke in opposition of the request citing concerns regarding the already existing mulch business that has violations, noise pollution and air

pollution. He was also concerned that the Snow Hill Homeowners were incurring costs due to the reassessments to their homes.

Darlene Norris, resident of Snow Hill, spoke in opposition of the request citing concerns of the odor of mulch emphasizing the deterioration of the quality of life and she had kids that had curious minds who might wander if there is no fence preventing intruders. She realized when she bought the house that the area was zoned Industrial but she insisted the smell would be a problem for the neighborhood.

Phillip Ramsey, resident of Snow Hill, read a letter, copy of which is attached to and made a part of these minutes, and spoke in opposition of the request citing concerns regarding the wetlands damaging property, control of termites and pests and significant tax revenue loss to the County.

Mr. Pete Jackson, resident of Snow Hill, read a letter, copy of which is attached to and made a part of these minutes, and spoke in opposition of the request citing concerns regarding the location not suitable, Mr. Boatwright's existing mulch site in violation, wetlands and water contamination, Telephone Road entrance does not exist, dangerous equipment for curious children to get hurt on and past problems with silt allegedly reported by the Health Department.

Ms. Leslie Wise President voiced her opinion on behalf of the Snow Hill Home Owners Association and read from a letter, copy of which is attached to and made part of these minutes. She spoke in opposition of hazardous traffic conditions on Route 29 and Telephone Road with heavy trucks slowing the speed of commuting cars and also spoke on ground water contamination.

Mr. Ross Seifert, representing partners of Mill Run Business Park, spoke in opposition stating that the business would be a detriment to property values and not compatible with clean industrial uses.

Mr. Francis Burns, Pepsi representative submitted a letter, copy of which is attached to and made a part of these minutes, spoke in opposition to the request citing concerns about traffic, access to Route 29 location to Business Park and also spoke on the importance of being a good neighbor.

Mr. Boatwright spoke in response to all of the speakers that were opposing the request and stated that he has holding tanks for run-off water and water has been reported clean so far. He stated he has put up berms and in process of cleaning up by end of the month and will get landscaping in place. He also stated he has tried and is trying to be a good neighbor and does not believe mulch odor is even going to be an issue. He asked for the Board to give careful consideration to his request.

Upon the motion made by Mrs. Mailler and seconded by Mr. Loftdahl, Motion was made to close public hearing.

**ADJOURNMENT** There being no further business before the Board, the meeting adjourned at approximately 3:54 P.M.

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William W. Barr, Chairman

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Mrs. Margaret Mailler, Secretary

Copies of all files and materials presented to the Board are attached to and become a part of these minutes. A tape recording of the meeting is on file for one year.

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