Northampton County

Comprehensive Land Use Policy Review…
…an In-Depth Analysis of County Ordinances

By Mary Miller

Northampton County Supervisors wanted a long, hard look at the county’s Ordinances; they allocated $7,500 to pay for a professional review. And they got their money’s worth. The Berkley Group, a Virginia-based government consulting firm, produced a 65-page review and analysis, including 30 pages of suggested actions to increase compliance, clarify language, remove conflicts and redundancies in and between the Zoning Ordinance and Map, as well as the Subdivision Ordinances, and to establish compliance with the Chesapeake Bay Preservation Act (CBPA).

Over half of the suggested actions involve ensuring compliance with state and federal statutes, as well as the CBPA, by updating County documents, which apparently have not been brought up to date on a regular schedule. In defense of the Planning Office, previous Planning Commissions have eaten up Staff time for the past 6 years as draft after draft of the Comprehensive Plan and Zoning Ordinance were rewritten – both without sufficient public input, and both of which require do-overs.

Comprehensive Land Use Policy Review…Some Recommendations

Bringing County land use documents into compliance with state and federal regulations and statutes is, by far, the most constant recommendation throughout.

The rest of the Policy Review addressed possible changes to make county documents more accessible, more readable, and more easily understood by property owners, contractors, and builders. This is a tall order for legal documents, but the Review recommends the following:

- Update Zoning Ordinance definitions to clarify uses and terms, and to reduce the need for interpretation by the Zoning Administrator
- Remove extraneous or outdated terms
- Ensure that every land use permitted in the county has a definition
- Create clear, concise use and design standards throughout
- Create a universal “short-term rental” definition with specific conditions
- Consolidate Accessory Uses and Dwellings regulations into a separate Ordinance section
- Consolidate District setbacks for structures and other uses into a separate Ordinance section or chart
- Require private roadways be built to VDOT standards
- Consider the county’s Zoning Map as the primary implementation tool to achieve the policy objectives of CBES

See Land Use, cont’d on p. 2

CBES 2nd Annual PICNIC @the BARN
Celebrate Shore Livin’ & CBES 31st year
Sunday, June 2, 4-7PM
A relaxing, fun afternoon at Cherry Grove Farm’s century-old barn on the peaceful banks of Cherrystone Creek near Eastville
Enjoy a Catered Picnic and Live Music
LIMITED TICKETS $25 until 5/20 or until Sold Out!
All Welcome – CBES members and non-members!

Advanced ticket sales only. Questions: info@cbes.org or 757-678-7157

MORE DETAILS or to PURCHASE TICKETS: www.cbes.org

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the Comprehensive Plan
- Include a narrative with the Comprehensive Plan’s Future Land Use Map (FLUM) to include proposed uses in relationship to the CBPA’s requirements
- Include locations of commercial and recreational fisheries, erosion issues, potential water pollution sources, and waterfront access areas in the FLUM

Other Recommendations Suggest the Need for Community Input

While the Review focuses on improvements to county Ordinances, many recommendations would require revisions to the Comprehensive Plan to avoid arbitrary changes without public support:

- Permit bio-mass facilities – this was widely opposed by residents as a stand-alone operation. State Code permits this activity By Right as part of an agricultural facility.
- Consider creating a Planned Unit Development District (PUD) – this option was also widely opposed by residents as not necessary. The county already has 134 platted subdivisions, with over 3,000 lots, outside the towns. There are several thousand more undeveloped lots in Bay Creek. Furthermore, the county’s population is projected to decline over the next 20 years.
- Allow multi-family units as a By-Right Use to “expand the ability of developers to build affordable multi-family units” – no mechanism exists to require developers or private property owners to build “affordable housing,” and this Use, By Right, in established single-family enclaves, was not widely supported by the community.

Recommended Changes That May Involve Technical as Well as Legal Questions

- Consolidate current and 2 previous Zoning Ordinances into 1 document. Currently, the 2 previous ordinances are included as appendices. The stated purpose is to eliminate confusion – but consolidation could create a very large document that might not provide the desired goal.
- Consolidate Zoning Districts – the use of 3 Zoning Ordinances to protect the property rights of parcel owners, especially in the 134 subdivisions, is the legal rationale for the large number of Districts. Subdivisions were previously created all over the county, whether or not the FLUM, or the underlying zoning, supported them. Consolidation may require extensive legal review.
- Create a proffer process: changing regulations at the state level to restrict or eliminate proffers has created legal confusion and has led many localities to refuse to negotiate with developers to avoid legal action. Regulations are changing and being legally tested.

As Northampton County moves forward on a review of the Comprehensive Plan, and outside professional planning help is provided, this Land Use Policy Review should be a source of help and technical analysis for the Planning Commission. Outreach by the Commission to the community for widespread public input on these recommendations will provide the necessary insight to assess the support of the county’s residents. The report, delivered in January, is available at the County office.

Volunteer for Clean the Bay Day

CBES is pleased to support the 31st Annual Clean the Bay Day on June 1, 2019, organized each year by the Chesapeake Bay Foundation. This year, the Eastern Shore has six clean up sites for folks to choose from. Waste Watchers is sponsoring a cleanup at Guard Shore Beach. Burnham guides will be sponsoring the Onancock Creek clean-up. Virginia Eastern Shore Land Trust will be cleaning up Savage Neck Dunes. The Nature Conservancy is sponsoring the Oyster harbor clean-up. And finally the Town of Cape Charles is sponsoring the clean up of the town beach and Friends of Kiptopeake State Park will clean up their beaches. To learn more, visit the Chesapeake Bay Foundation web site at the following url: https://www.cbf.org/events/clean-the-bay-day.

All ages are welcome, though children do need to be with a supervising adult at all times. Long pants and closed-toed shoes are required; gloves, trash bags, and trash removal are provided. We hope you can join us!
The New Landscape in Recycling

By Sue Mastyl

A plastic shopping bag was seen floating at the bottom of the Mariana Trench.
A dead 15-foot Cuvier’s beaked whale was found in the Philippines with 88 pounds of plastic waste in its stomach, some of it beginning to calcify.

Although 25% of our recyclables is contaminated, according to the National Waste & Recycling Association. Part of the contamination is a phenomenon known as “wishful recycling” – we want things to be recyclable, even if they aren’t. Processors tell stories about bowling balls, license plates, lawn mowers, clothing, hoses, batteries, Christmas lights in the recycling bin – all of which has to be removed by hand and can jam up machinery. Even within categories of items that can be recycled, such as plastics, there is contamination from items that don’t meet the processor’s criteria (e.g., putting a #5 bottle in the bin, even though we can only accept #1 and #2).

Recycling Locally

We reviewed the basics of recycling in a ShoreFacts insert in our April 2016 issue, with updates on acceptable materials in June 2018 and September 2018. Most notably, glass is no longer accepted in Accomack convenience centers. Although the stated reason is economics, it also appears that with single-stream recycling, the glass gets broken during processing and contaminates the other materials (paper, plastics) as they are sorted and baled.

We can add one update for plastic bags and overwrap: TFC Recycling no longer takes these; bags collected at Northampton convenience centers are going to the landfill, while Accomack is searching for a processor for plastic bags. Food Lion and WalMart do collect them; Food Lion’s are delivered to Trex, which turns them into decking and benches, and WalMart’s are delivered to their recycling center along with other plastics.

What More Can We Do?

So what can responsible consumers do? First, adhere closely to the materials that are acceptable at the convenience centers – and make sure that everything is clean and dry. Second, remember the original mantra of “reduce, reuse, recycle” – which has now been expanded to “refuse, reduce, reuse, recycle, rethink” (as well as “repurpose,” “repair,” “refill,” “reinvent”). Rather than mindlessly accepting products and packaging, and assuming that recycling will solve the problem, we need to stop and think about each material we’re using as consumers.

Refuse – we all need to be mindful of packaging and other materials, and refuse:

- What you don’t need.
- That freebie (pen, calendar, magnet, T-shirt) unless you’ll really use it.
- Styrofoam or other leftover containers – bring your own container to the restaurant.
- Those plastic shopping bags – bring your own canvas or other reusable bags (keep them in your car, or small foldable bags in your purse).
- Single-use plastic water bottles – bring your own water bottle and refill during the day with filtered water.
- Single-use plastic or paper cups – bring your own hot or cold drink cup.

Reduce – take time to think about packaging and consumption; use less, without waste:

- Buy in bulk or larger containers; buy concentrated or compact products.
- Avoid using produce bags.
- Look for products with minimal packaging.

China has tightened its contamination standard for recycled materials to 0.05%, and will stop importing all recyclables by 2020.

Municipalities around the country are sending some or all of their recyclables to the landfill or the incinerator.

We’ve all been taught to recycle as much as possible, and recycling rates have risen to 35% of municipal solid waste. With the news about the ubiquity of plastic in the environment, this seems more important than ever. And yet, in the current market, recycling may not be achieving its intended purpose.

Although the reasons for the tightening of the recycling market are complicated, part of it can be traced back to us, specifically in the form of contamination. It takes time and manual labor to sort these materials, and until now China’s low-paid workforce handled this for us. Now that China is not taking our recyclables, a lot are ending up in other Asian countries. Last year, Malaysia became the world’s largest importer of plastic recyclables (hundreds of millions of tons). Much of it ends up in unlicensed dumpsites, which may eventually be burned or left to rot in the tropical heat and humidity.

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Refuse – we all need to be mindful of packaging and other materials, and refuse:

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- Single-use plastic water bottles – bring your own water bottle and refill during the day with filtered water.
- Single-use plastic or paper cups – bring your own hot or cold drink cup.

Reduce – take time to think about packaging and consumption; use less, without waste:

- Buy in bulk or larger containers; buy concentrated or compact products.
- Avoid using produce bags.
- Look for products with minimal packaging.
Recycling, cont’d from p. 3

- Avoid printing documents, and use both sides of the paper when you do need to print.
- Use cloth napkins instead of paper, and cloth rags instead of paper towels.
- Unsubscribe to unwanted magazines and junk mail.
- Resist buying products that you don’t need and won’t use.

Reuse – the most effective way to reduce waste is not to create it in the first place:
- Buy reusable products such as rechargeable batteries, plastic or glass leftover containers, and reusable water bottles and drink cups.
- Reuse shopping and gift bags, boxes, bows, and wrapping paper.
- Reuse glass jars for leftovers or pantry storage.
- Pass on magazines, catalogs, and books to friends, hospitals, libraries, schools, and nursing homes.
- Pass on gently used clothing to thrift stores and consignment shops, and patronize these shops for your needs.
- Pass on used household items in good condition at the “leave-or-take” location at each convenience center.

Recycle – recycling turns our materials into new products, and makes sense because it saves landfill space, saves money, saves energy, saves natural resources, and reduces air and water pollution:
- Recycle only those items listed as acceptable.
- Make sure all items are clean and dry, with no food residue or plastic bags.
- Recycle all electronics at the convenience center in Painter.

Rethink – Re-examine the choices you make every day:
- Could I borrow this from someone? Can I reuse something I already have?
- Do I need this extra packaging to carry this to my car?
- Do I need this? Will I use it? What did it take to make it, and where will it end up?

Sources: Too numerous to list here; SL will publish a complete list of sources, along with an updated chart of acceptable materials for both counties, on the website, www.cbcs.org.

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As is so often the case on the Eastern Shore, the story of Sundial Books began with the owners’ visits, then a deep desire to stay. Jonathan and Jane Richstein owned a second home on Chincoteague, and said that the more time they spent there, the more determined they became to remain.

Jane, a former school librarian, and Jonathan, a former owner and manager of music stores, decided that a bookstore would be a good fit. Shortly before Thanksgiving 2006, the owner of a used bookstore on Chincoteague called to say that she was ready to retire; she offered to sell her inventory and transfer her lease.

This was an unexpected opportunity; the Richsteins decided to take it. They named the new venture Sundial Books and expanded their vision to include not only used books, but also new books, new and used CDs, gifts and local artwork.

According to the owners, “We wanted to create the kind of bookstore that we would like to visit – a comfortable space with character, a welcoming atmosphere, a solid and eclectic collection of books, music, and local art, plus opportunities for conversations. We also wanted to be open year-round to enable us to serve local residents as well as visitors. Our ideas seemed to align well with the culture and atmosphere of the Shore.”

Their biggest challenge came during their 2nd year in business, when the landlord told them he was thinking of selling the property and might not renew their lease. As it turned out, a larger building two doors down was also for sale, which they thought would make a great bookstore. They obtained an SBA loan and the rest is history. Taking that leap really allowed them to expand the bookstore into the kind of place they had envisioned.

Their advice to others wishing to start a business on the Shore? Talk to other business owners and use local resources; e.g., a local artist designed their logo and their fixtures were made by a local craftsman. Be sure to have resources for the inevitable unexpected costs, and be prepared to have seasonally variable income. Also, they feel that volunteering with local organizations is important to develop relationships in areas of importance to the vitality of the community.

Sundial Books can be found at 4065 Main Street on Chincoteague Island. Jonathan and Jane Richstein would be glad to see you!
The variety of housing options in Northampton County has seen dramatic changes over the past 20 years. Historically, towns had a mixed landscape of large houses, mid-size 2-story houses, bungalows, cottages, subsidized housing, and apartments over commercial spaces. Villages, hamlets, and other residential enclaves out in the county were, and still are, a mix of mostly owner-occupied farm houses, old and new 2-story homes, 1-story ranch-styles, bungalows, double-wides, and mobile homes – mostly surrounded by farm fields. Large, widely spaced homes along the creeks and shorelines were traditional. Over 70% are now occupied on a full-time basis; others have become weekend/vacation homes and short-term rental units.

What Has Changed?

Large investments in planned residential communities and subdivisions, including Bay Creek, have changed the dynamics of how and where residents live. About 80% of the county’s housing stock is single-family homes. But the increasingly significant differences among those homes – size, construction, and location – have affected the availability and affordability of moderately priced single-family housing. Recent figures indicate that the median value of owner-occupied homes in the county is about $162,500; in Cape Charles, the median figure reportedly is $314,500.1

In many areas of the U.S., those starter homes are more and more in short supply, and have upward pressure on their prices, while 5-bedroom, 4,500 sq. ft. homes are readily available.2 Candace Taylor, writing in the Wall Street Journal (March 21, 2019), attributes part of this change to “the great senior sell-off.” As Baby-Boomers downsize from their 4- and 5-bedroom homes of 10-20 years ago, and Millennials start looking for starter homes, the competition for the mid-price, mid-size homes increases. Recent figures indicate that the median value of owner-occupied homes in the county is about $162,500; in Cape Charles, the median figure reportedly is $314,500.1

What’s “For Sale” in the County?

Around $150,000, until recently, could buy a family-sized rural home in the county – complete with yard, and sometimes a garage or barn, in a small town, village, or hamlet, in a small rural neighborhood, or along a country road. A mortgage might be around $950/month, plus insurance and taxes. There were usually homes at that price, and even lower, on most realtors’ property listings.

A mid-April check of those listings demonstrates how things have changed. A large mid-Atlantic firm listed 65 properties in and around Cape Charles. Only 2 of them were listed below $150,000, and only 2 more were listed below $200,000. A mid-size Shore firm did a little better – of the 29 properties listed in Northampton County, 6 of them were under $150,000. A Northampton County realtor listed 23 properties – but with only 4 under $150,000.

Can Supply Be Increased?

The obvious answer is yes – with construction of more mid-sized or small, moderately priced homes. But that’s not what’s being built. While family size has shrunk over the past 70 years, the average size of a new home today is over 1,000 sq. ft larger than it was only 40 years ago.3

One solution might be the “tiny house movement” – an effort to get homeowners interested in smaller homes of under 1,000 sq. ft. Some very tiny houses are less than 400 sq. ft. Although it’s an intriguing idea, the actual construction and marketing have challenges. The International Residential Code is one of several building codes adhered to by localities. Not only is overall size regulated, but so are the sizes and configurations of rooms, numbers of windows, doors, ceiling heights, and electrical and plumbing requirements. Local zoning requirements often have minimum building size restrictions.

But an even larger roadblock to smaller-house construction is this: “builders are putting up few starter houses because they can’t make a profit amid high labor, material and land costs.”4 Affordable housing for low- to very low-income families, housing which usually requires subsidies, has been an ongoing problem for most localities, including Northampton. Now workforce housing, which has already been in short supply, appears to be an increasingly serious issue for the county. The lack of mid-price, mid-size housing will affect everything from economic development potential, to teacher recruitment, to attracting retirees who are looking to downsize to a quiet rural community.

1 Long & Foster, a mid-Atlantic real estate firm
2, 4 Trulia, a real estate research firm
3 www.wsj.com/articles/a-growing-problem-in-real-estate-too-many-too-big-houses-11553181782
Hardship Guidelines for Septic and Well Permits: Comment Period Open

By Sue Mastyl

As described in the July 2018 ShoreLine (“Privatization of Well and Septic Services from Department of Health”), Bill HB888 was passed in 2018 “to direct the Department of Health (DOH) to take steps to eliminate evaluation and design services for onsite sewage systems and private wells provided by the Department,” and instead require these services to be handled by Authorized Onsite Soil Evaluators (AOSEs). Unfortunately, there are only 2 ASOEs on the Shore, which will not be enough for the workload; in addition, many on the Shore will not be able to afford the increased fees for these services.

The Bill mandated that DOH establish Hardship Guidelines by July 1, 2019, for situations where DOH may continue to “serve as a provider of last resort,” based on the availability of properly licensed providers as well as the cost of private-sector services. The second draft of these guidelines was made available to the Eastern Shore Ground Water Committee as part of their meeting packet for April 16 (http://www.a-npdc.org/wp-content/uploads/2019/04/GWC-Packet-DRAFT4.19.2019.pdf), and is expected to be posted on www.townhall.virginia.gov by June 1. Since the guidelines have to be finalized by July 1, we are urging anyone with concerns or questions to submit their comments now. Comments can be submitted to https://redcap.vdh.virginia.gov/redcap/surveys/?s=EHTPXLP4AP. Jon Richardson, Environmental Health Manager, Eastern Shore Health District (757-302-4271; jon.richardson@vdh.virginia.gov), is also collecting comments locally.

Farmers Market Hours

The 2019 hours for the local farmers markets:

Cape Charles Farmers Market – Tuesdays, 3:00 to 6:00 PM, May 21 through October 29  (757-331-1008; 757-607-6483)

Chincoteague Island Farmers and Artisans Market – 9:00 AM to 1:00 PM; Saturdays, April 27 to October 26; Wednesdays, June 12 to August 28; Tuesday, July 23 (757-381-7733)

Onancock Market – open every Saturday, 9:00 AM to noon, May 4 through November (757-710-2028)

Parksley Farmers & Artisans Market – open year-round Monday through Saturday, 10:00 AM to 5:00 PM (757-894-3268)

2019 Bike Tour Design Revealed

The 27th Between the Waters Bike Tour has a spectacular new design, thanks again to the generosity of popular Shore artist Bethany Simpson. This year’s work provides a colorful tribute to the farmlands that surround us, along with a nod to the heritage of the railroad that grew towns such as Bloxom, Parksley, Onley, Nassawadox, Cape Charles, and Exmore – the 2019 Bike Tour’s host town. The design is used on the event’s professional bike apparel, commemorative t-shirts, and various promotional materials. Simpson donates 100% of the funds raised by the painting raffle to CBES.

“I’m so honored to do this for such a great cause,” Simpson said. Her work is also featured at the LemonTree Gallery in Cape Charles.

The annual Bike Tour is CBES primary fundraiser, and due to the popularity of the event, brings over a thousand eager cyclists and their friends to the Shore each October. Comments from past participants have been overwhelmingly positive, citing the outstanding hospitality and friendliness of Shore service providers and residents each year.

The CBES 27th Between the Waters Bike Tour is Saturday, October 26. A perennial sellout, those cyclists interested in participating are strongly encouraged to register now at www.cbes.org.

For a chance to WIN the 2019 Between the Waters Painting, purchase tickets at www.cbes.org.

Thanks to Our Bike Tour Sponsors! Care to Join Them?

2019 Presenting Sponsors

PENDER & COWARD

TOWN OF EXMORE: Host Town

Sponsors

Current Reflections Gallery
Jones Zittrain Wealth Management Group, Merrill Lynch

SPONSORSHIP OPPORTUNITIES AVAILABLE info@cbes.org
Draft Bay Watershed Implementation Plan Released

By Sue Mastyl

As described in the October 2018 and January 2019 editions of ShoreLine, stakeholders have been working since last fall on the draft Chesapeake Bay Phase III Watershed Implementation Plan. The actions outlined in the plan, if fully implemented, will enable Virginia to meet its commitments to reduce nutrient and sediment pollution into the Bay by 2025. On April 5, Governor Northam released the final draft of the plan, noting that “Our plan identifies the additional deliberate, focused, and science-based actions necessary to meet our shared goals, and will serve as the road map for addressing pollution and cleaning up the Bay.”

The public comment period is open through June 7. The full plan is available at https://www.deq.virginia.gov/Programs/Water/ChesapeakeBay/ChesapeakeBayTMDL/PhaseIIIWatershedImplementationPlanning.aspx. Comments can be addressed to chesbayplan@DEQ.Virginia.gov.

Key elements of the plan include:

- Expand the Poultry Litter Transport Program from 6,000 tons to 89,000 tons per year, and expand it to include the Eastern Shore
- Expand reporting requirements for poultry litter transport
- Increase implementation of Nutrient Management Plans to 85% of all cropland acres
- Increase incentives for forest buffers
- Increase tax credits for best management practices (BMPs) and conservation equipment
- Bundle BMPs into single cost-share contracts to increase reporting of BMPs
- Increase the Stormwater Local Assistance Fund
- Expand septic pump-outs
- Promote living shorelines more aggressively to prevent erosion and limit runoff

The impacts of climate change could make it even harder to reach 2025 goals; the computer model for the Bay estimates that additional reductions of 9 million pounds of nitrogen (1.7 million for Virginia) and 500,000 pounds of phosphorus (193,000 for Virginia) will be needed. These additional reductions have been accounted for in the new plan for Virginia.

Ed. Note: Some readers have a more in-depth grasp of current challenges to the health of the Bay than others, but it is incumbent upon ALL who value it to share their views. Your comments are important!
Community Calendar

Note: Please verify times and places prior to traveling to meetings.

**Accomack County**

- 1st Wed: Board of Zoning Appeals
  - 10 AM, Accomac
- 2nd Wed: Planning Commission (PC)
  - 7 PM, Accomac
- 3rd Wed: School Board
  - 6:30 PM, Accomac
- 3rd Wed: Board of Supervisors (BOS)
  - 5 PM, Accomac
- 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
- 3rd Tues: CBES Board Meeting
  - 7 PM, Eastville or Belle Haven

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

For membership and other CBES information: www.cbes.org

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**Don’t Forget to Vote!**

The primary election is Tuesday, June 11. This is the Democratic primary for the State Senate seat, with candidates Lynwood Lewis and Willie Randall.

Deadline to register to vote, or to update an existing registration, is Monday, May 20. Deadline to request an absentee ballot to be mailed to you is Tuesday, June 4.

Remember, all elections matter, and every vote counts – including yours!