

Smithfield won't show Pierceville plans

By Stephen Faleski
Staff Writer

Smithfield officials have declined to release preliminary development plans for the former Pierceville homestead.

Former Smithfield Foods

Chairman Joseph W. Luter III purchased and razed the 1730s-era farmhouse at 502 Grace St. and the adjacent Little's Supermarket on Main Street last year. For the past 11 months, the

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50-plus acres have been vacant waiting for Luter to break ground on a development of unspecified size.

Joseph Luter IV, son of the former Smithfield Foods chairman, had written to Smithfield's Town Council last year that his father envisioned "a high quality development," including office space, multi-family housing "for all income levels," a "small boutique hotel," townhouses, single-family homes, assisted-living accommodations and, potentially, a walking trail built in conjunction with the Smithfield YMCA.

In August, Smithfield Planning Commission Chairman Randy Pack said he'd seen presentations showing "240-some apartments" proposed. But fellow Commissioner Julia Hillegass said in October that she had yet to see a site plan for Pierceville, citing that lack of information among her reasons for casting the sole vote against allowing the elder Luter to build duplexes at a smaller development he'd proposed for the corner of Washington and James streets.

The Smithfield Times sought the Pierceville plans via a Freedom of Information Act request on Oct. 21. Town Manager Michael Stallings replied the same day, stating per the advice of Town Attorney William Riddick III that "we have elected to withhold them based on section 2.2-3705.6 (3)."

That section of the Code of Virginia states voluntary information that is provided by a private business "pursuant to a promise of confidentiality from a public body" is excluded from the mandatory disclosure provisions of FOIA if "competition or bargaining is involved" and "disclosure of such information would adversely affect the financial interest of the public body."

"At this point, we have only presentations that contain some preliminary

plans," Stallings said. "No plans have been provided to us yet. There has only been one set of renderings that were provided to us."

Those renderings "were provided with the expectation of confidentiality as the project is still in development," Stallings added. At this time, they "are still considered proprietary and are working papers."

The particular FOIA exemption the town cited to avoid having to disclose the plans "has been used in similar situations where a development project is still in the development stage," said Megan Rhyne, executive director of the Virginia Coalition for Open Government — particularly when economic development incentives intended to attract commercial tenants are in play.

Rhyne argues in her blog that these types of incentive deals are usually negotiated behind closed doors — protected by FOIA exemptions — up to the moment they are announced to the public.

Pack, speaking to the Times by phone on Oct. 28, said he and Mayor Carter Williams have met with the project's development team "in a pre-application setting" on "two separate occasions now."

"There's less apartments now," Pack said. "We told them 240 were probably too many."

But since the Luters haven't filed any formal requests for permits, zoning changes or other matters that would come before Smithfield's Planning Commission and Town Council, "What I tell you is there today may not be there tomorrow," Pack said. "I think it's better to let the applicant get their full design done."

Pack, in addition to chairing the Planning Commission, serves as the Town Council's liaison to the advisory body. The reason he, but not Hillegass, was at those meetings also pertains to

open records laws.

"It would be illegal for the entire Planning Commission to see something in private and not have the public there," Pack said.

Per state law, meetings of planning commissions and town councils must be open to the public, with notice given at least three working days prior to the meeting date. State law defines the term "meeting" to mean a gathering of three or more members of a public body, physically or via electronic means.

According to Pack, any economic development incentives would fall under the purview of Isle of Wight County's Department of Economic Development. The county's economic development staff has attended meetings with the project's developers, Pack confirmed, at which there was talk of the site including a permanent home for the Smithfield Farmers Market.

If that were to materialize, most of the cost to build such a structure would still fall to Luter, Pack said. Beyond that, he knew of "nothing in play at this time" regarding incentives, nor of any competitive "bidding process."

In addition to the proposed permanent farmers market, the preliminary plans have shown a hotel, a "couple of restaurants" and "some commercial space," Pack said.

But as to how many attached and detached residences will be built on the stretch of land that doesn't front along Main Street, "I don't know what's going to go there ... I don't believe the developer knows yet."

The Smithfield Times spoke to Luter IV by phone on Nov. 1, but he too declined to go into specifics.

"Any conversation at this point is premature," Luter IV said. "We're still in the planning process."

Luter IV said he hopes to have a formalized plan presented and approved in 2022.

Development would add 500-650 cars an hour

By Stephen Faleski
Staff Writer

The 812 residences proposed for the Mallory Scott Farm development are predicted to generate

between 500 and 650 additional cars per hour traversing the intersection of Battery Park and Nike Park roads.

That's according to a May 7 traffic impact analysis the project's

Virginia Beach-based developer, Napolitano Homes, and the Virginia Department of Transportation conducted.

A previous proposal that went before Smithfield's Planning Com-

mission last fall showed 1,106 residential units. The revised 812-unit proposal, a 25% reduction, went back to the Planning Commission for another public hearing Tuesday, May 11, at 6:30 p.m.

At the previous hearing, held Oct. 13, 2020, John Napolitano, senior vice president of Napolitano Homes, argued the resulting

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population growth would be gradual over the next 10 to 15 years as the development reached its ultimate size.

According to Jason Fowler, an engineer with VDOT's Franklin Residency, the state agency uses the Institute of Transportation Engineers Trip Generation Handbook to predict the number of additional cars on local roads as a result of a proposed housing development. Per that calculation, a single family dwelling contributes about 10 trips per day.

No more than 100 homes are to be occupied by 2022, which translates to about 1,000 trips per day. Napolitano Homes' proposed proffer agreement stipulates up to 125 homes per year in subsequent years.

But the traffic figures

don't factor in internal capture reductions.

"This reduction assumes a vehicle would travel within the development to a certain destination and not contribute additional trips to the main roadways," Fowler said.

The development plans call for the creation of a roundabout at the intersection of Battery Park and Nike Park roads.

A 2006 rezoning allowed for the construction of 265 single-family homes on the property, but the 2008 recession caused that project to stall. A 2018 independent study commissioned by Isle of Wight County Schools estimated the 265-home project would have added 85 students to the county's school system.

Supervisors vote to move monument

By Stephen Faleski
Staff Writer

Isle of Wight's Board of Supervisors voted unanimously Feb. 18 to relocate the Confederate

monument that's stood outside the county's government complex for the past 115 years.

Where its new home will be and when it will move are still to be determined. Per state law,

localities that opt to remove such monuments must offer them for a period of no less than 30 days to battlefields, museums and the like.

The decision comes five

months after a Sept. 3, 2020 public hearing on the matter, which drew a nearly even split of speakers for and against removal, and on the heels of a Feb. 9 vote by Windsor's Town Council reject-

ing a proposal to move it to the town's cemetery.

Changes to state law, which took effect July 1 last year, now

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permit localities to remove, relocate, cover or contextualize any Confederate monuments they own. Since that date, a number of Hampton Roads localities have opted to remove them from public parks, thoroughfares and courthouse grounds.

County residents who had lobbied for the monument's removal from county grounds, among them local NAACP Chapter President Valerie Butler, argue it glorifies the Confederacy and white supremacy. Others who had lobbied for it to remain where it stands are of the opinion that removing it would be tantamount to erasing history.

"I'm glad it's over, and I'm glad that the Board of Supervisors made a decision that I feel that's on the right side of justice," Butler said, speaking on behalf of the NAACP after the vote. "Wherever they want to relocate it is fine with us as long as it's removed from the county property."

Moving the monument to Windsor's cemetery had been the No. 1 recommendation of an eight-member task force the county had formed last October for the purpose of evaluating potential relocation sites. The group's second choice had been moving the statue to the village of Walters on land currently owned by task force member Volpe Boykin, who said he'd be willing to grant an easement to any non-governmental organization willing to maintain the monument in perpetuity.

Even if Windsor had agreed to accept the monument, according to County Attorney Bobby Jones, Isle of Wight would still be mandated under state law to solicit proposals from other entities for 30 days. As such, Boykin declined to comment on the likelihood of the monument ending up on his property, stating he'd reserve his remarks for a time after the 30-day

window and final Board of Supervisors decision.

"Obviously, government's supposed to represent the people, and obviously generations change, so does government, in regards to monuments," said Windsor District Supervisor Joel Acree.

While he acknowledged that he'd been contacted by some who "would like to see it remain" and who have "their own interpretation of why it's there and what it means to them," "I don't want any citizen that I represent to be offended, particularly by items that sit on their property," he said, referring to the monument's current location on taxpayer-funded, publicly owned land. "Quite honestly, being born and raised here, I have to confess I never paid much attention to the monument, but it's been interesting during this course. It's definitely allowed me to reflect on, just, different parts of it."

Newport District Supervisor William McCarty, who had suggested during a Feb. 4 work session that "maybe, the government shouldn't be in the monument business," expounded that evening on his belief that the best way to ensure the monument is not destroyed on some future date when current board members are no longer in office is to, as Boykin once remarked, move it "off government property and out of government control."

"Times change; we don't know what the next 10 years, 20 years ahead of us hold," McCarty said. "In order to, regardless of what opinion is on historical data, whether we celebrate it or criticize it, the goal — and I think we heard this from the task force — was not to ever destroy anything ... I don't know that you can trust government to protect that which citizens hold dear."