

Refuse and Development Issues on Center Lane Updated August 29, 2020

Introduction

Properties adjoining the south side of Center Lane between Union Street and Ellicott Street have been under development for many years. While the eastern section bordering Union Street and locally known as “Berrywood” has been completed and the units occupied for years, construction of the western portion bordering Ellicott Street is only partially completed and has seen little progress for years. This latter section has led to numerous inquiries regarding its expected completion date and the condition of the site. Additionally, numerous inquiries have also been received regarding the consistent presence of unscreened trash containers along Center Lane between Union and Ellicott Streets.

Current Situation and Planned Steps Regarding Unfinished Development

Once a site plan is approved and construction has begun, state law neither mandates nor allows the Town to require that construction be completed by a particular date. The Town can and does require that erosion and sediment from a construction site be managed in accordance with relevant laws and regulations. At the moment some of the plant growth on the site of the unfinished development exceeds the height limits allowed for “grass, weeds, and other foreign growth” under Section 92.20 of the Town Code. This growth, however, is an important component of the erosion and sediment control plan for the site and plays a significant role in stabilizing the soil and preventing it from flowing off the site during rain events. Consequently, it has been allowed to remain.

There is, however, no need for such excessive plant growth outside the property’s silt fence that borders Town streets and alleys. Consequently, the property owner is being notified that they must cut this growth in accordance with the Town code or the Town will do so and assess the cost to the property owner.

Current Situation and Planned Steps Regarding Unscreened Trash Containers

The Town Code does not allow trash receptacles to be adjacent to the street outside of a range of time that brackets collection hours. Outside of that range of time trash receptacles must be in the rear of a unit and/or screened. Several property owners have been notified that they are not complying with this requirement of the Town code. In one instance, three attempts to communicate with an HOA on the matter, including by a certified letter, have gone unanswered. Violations of this section of the code constitute a Class 3 misdemeanor. Occoquan’s Zoning Administrator plans to try to once more to communicate with the relevant property owners the need to address this issue. If unaddressed the Town will proceed with appropriate legal action.