

# **Allstadt's Corner**

---

## ***Community Impact Statement***

Developed by  
Dr. and Mrs. James Gibson

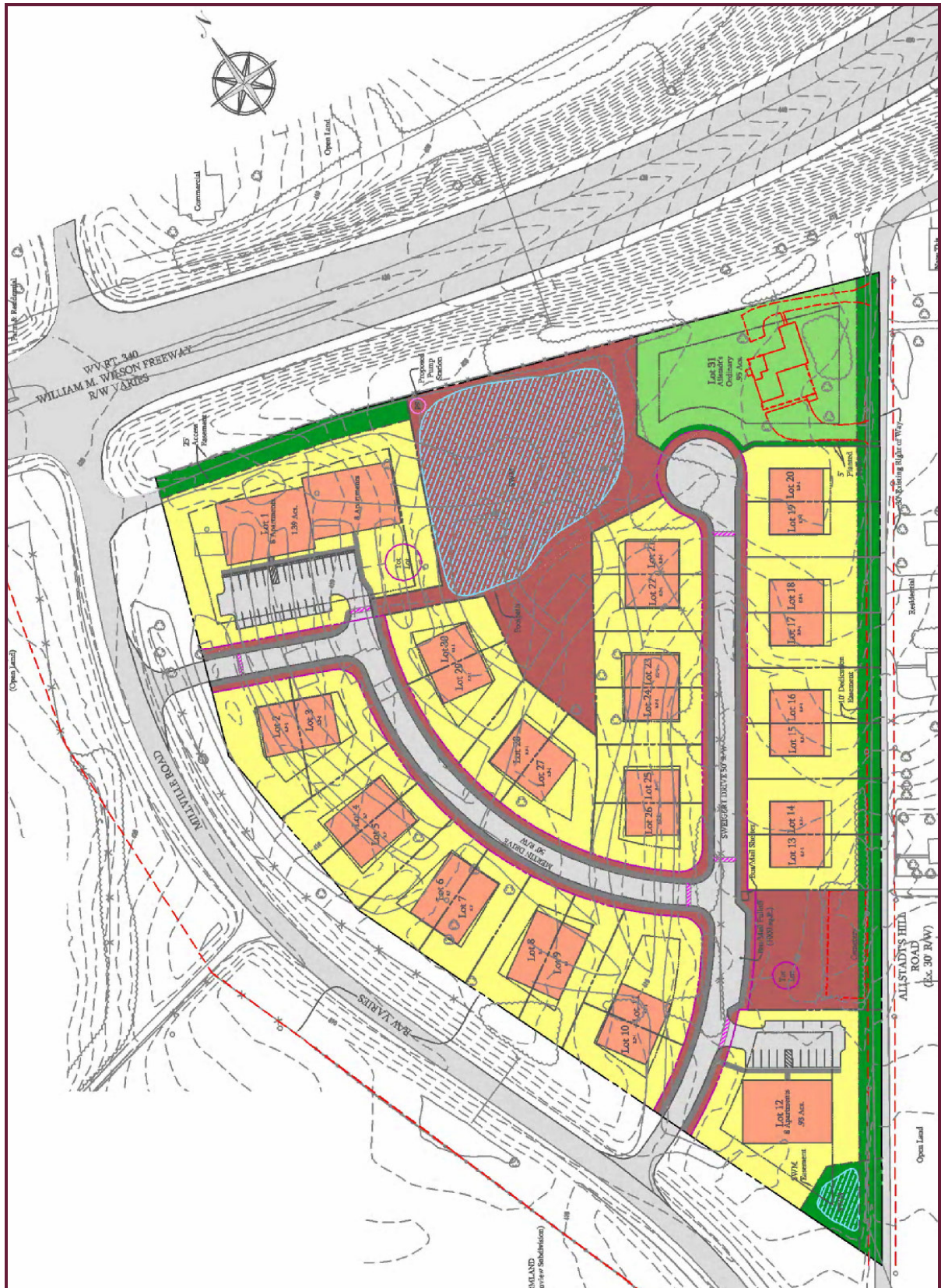
### **A Residential Subdivision**

Harpers Ferry District  
Jefferson County WV

Prepared for  
**The Jefferson County Planning Commission**

Submitted to  
the Jefferson County Planning Commission  
for Public Hearing: June 8, 2007

**Prepared by  
Dewberry  
Ranson WV**



## **SUMMARY**

---

### **Allstadt's Corner, a Residential Subdivision**

Allstadt's Corner is located within the Residential Growth Zoning District located to the west and south of the municipalities of Harpers Ferry and Bolivar. It fronts Millville Road near the intersection of U.S. Route 340 and the Millville Road, approximately one mile from the towns of Bolivar and Harpers Ferry. The owner intends to preserve the "Allstadt Ordinary", located in the northeast corner of the parcel. It will continue in its present residential use. Public water and sewer lines are currently located on the property. Water will be provided by Jefferson Utilities and sewer will be provided by the Jefferson County Public Service District.

The development is located on a 12.97 acres parcel currently occupied by the Harpers Ferry Flea Market, the Wilt Fruit Stand and the "Ordinary". Two small apartment complexes, each two stories high, one containing eight apartments and the other sixteen apartments are proposed at the northwest and southwest corners of the property. Both are accessed from the internal roads within the subdivision. Twenty eight villas (duplex units) are proposed in 14 individual buildings. The villas adjoin the internal road network and the community parklands.

The site has two entrances, both off of Millville Road. The entrance to the southwest (Sweitzer Drive) joins the northwest entrance (Mertin Drive) to form a loop. Sweitzer Drive ends in a cul de sac near the "Ordinary". Sidewalks along both streets will provide a walkable community linking the apartments and villas. Recreational areas will be provided at the apartment units and within the open land. Storm water management facilities will be located within the open land and on the lot for the smaller apartment complex.

Children residing in the development will attend Shipley Elementary School, Harpers Ferry Middle School and the Jefferson High School complex at Shenandoah Junction. The proposed development will have minimum impact upon existing roads due to its small size of 52 new dwelling units.

## **TABLE OF CONTENTS**

---

<b>Summary</b>		<b>2</b>
<b>General Description</b>		<b>4 - 24</b>
<b>Physical Impacts</b>		<b>25 - 33</b>
<b>Social Impacts</b>		<b>34 - 44</b>
<b>Economic Impacts</b>		<b>45 - 47</b>
<b>Exhibit 1</b>	<b>Site Location</b>	<b>48</b>
<b>Exhibit 2</b>	<b>Topography</b>	<b>49</b>
<b>Exhibit 3</b>	<b>Soils Map and Soils Information</b>	<b>50 - 57</b>
<b>Exhibit 4</b>	<b>Wetlands Map &amp; Definitions</b>	<b>58 - 59</b>
<b>Exhibit 5</b>	<b>Sink Hole Map</b>	<b>60</b>
<b>Exhibit 6</b>	<b>Geologists Report by Specialized Engineering</b>	<b>61 - 72</b>
<b>Exhibit 7</b>	<b>Proposed Covenants</b>	<b>73 - 81</b>
<b>Exhibit 8</b>	<b>Market Study by the Hawthorn Group</b>	<b>82 - 90</b>
<b>Exhibit 9</b>	<b>Letters from Agencies</b>	<b>91 - 110</b>
<b>Exhibit 10</b>	<b>Map &amp; Historic Inventory Information</b>	<b>111– 118</b>
<b>Exhibit 11</b>	<b>Historian’s Report by David Berg (paginated separately 1-40)</b>	<b>119 – 162</b>
<b>Exhibit 12</b>	<b>Highway Problem Areas</b>	<b>163 - 164</b>
<b>Concept Plan for Allstadt’s Corner</b>		<b>in rear pocket</b>



## **General Description**

---

### **1. Name, address of Owner/Developer**

#### **Owner & Developer:**

James & Barbara Gibson  
201 Needwood Farm Lane  
[Harpers Ferry WV 25425](#)  
Phone: 304 267 6059 (Business)

### **2. Name, Address of Contact Person(s)**

James Gibson  
201 Needwood Farm Lane  
[Harpers Ferry WV 25425](#)  
Phone: 304 267 6059 (Business)

Annette G. van Hilst, RA, Senior Land Planner  
Dewberry  
P.O. Box 35  
Charles Town, West Virginia 25414  
Tel: 304 725 4572 FAX: 304 725 6896

### **3. Tract Size, Shape, Location**

The site proposed for the subdivision according to the tax map contains 12.97 acres and is Parcel 39.1, Harpers Ferry District, Map 9. The Deed for the property is at DB913 P642a in the Land Records of Jefferson County.

The entire parcel is roughly triangular. The southwestern boundary is Millville Rd. (WV Route 27) and the southeast boundary is Allstadts Hill Road (WV Route 27/2). The northeast boundary is U.S. Route 340. The northwest corner of the property is approximately 90 feet southeast of the intersection of Millville Road and U.S. Route 340.

The property is in the Residential Growth District surrounding Harpers Ferry.

According to the Zoning Ordinance, allowed uses (Section 5.4b) include single family homes, duplexes, apartments, multifamily units (apartments) and condominiums

The intersections closest to the proposed entrances on Millville Road are Millville Road (WV Route 27) and U.S. Route 340 located approximately 300 feet to the north of the northern proposed entrance (Mertin Drive) and Allstadt's Hill Road (WV Route 27/2) and Millville Road. (WV Route 27) located approximately 320 ft south of the southern proposed entrance (Sweitzer Drive)

See Exhibit 1 for Site Location at page 48.

#### 4. Project Design

The proposed subdivision will be a mixed residential use community containing multifamily housing and “villa” type units. All the new lots will face the internal roads.

Two multifamily lots are proposed:

- One Multifamily lot will contain eight 2 bedroom. units. It is located in the southern portion of the property and accessed from Sweitzer Drive. It will contain residential parking and a small Storm Water Management Area (SWM). The tot lot will be located in the adjoining open area.
- The other Multifamily lot is located in the northern portion of the property and will contain sixteen 2 bedroom units. It will be accessed from Mertin Drive and contain residential parking and a tot lot. A graveled access to the proposed pump station and the main SWM will run to the rear of the building (next to the US Route 340 embankment).

Twenty-eight duplex lots, each containing a “villa” (half a duplex), located along Mertin and Sweitzer Drive, are proposed. Each of these units will contain three bedrooms and have its own garage. Garages will be either one (2 units) or two car garages (26 units) and parking will also be available on the driveway of each unit.

Two common open areas containing parkland are proposed:

- The open land in the northeast portion of the site (1.66 acres) will be accessed from two paths, one at the cul de sac on Sweitzer Drive and the other located off of Mertin Drive near the Multifamily lot (Lot 1) in the northwest of the site. This open area will contain a recreation area of .71 of an acre for recreation and the major storm water management facility for the subdivision.
- The other open land is located in the southeast portion of the site (.44 of an acre) and contains an existing cemetery. It will be reached by the sidewalks along Sweitzer drive. Of this area, .32 of an acre will be available for recreation and will contain a tot lot..

After creation of the subdivision, a parcel containing .95 of an acre (the Residue Parcel) will remain (Lot 31). This lot contains the Allstadt Ordinary (“Ordinary”), a building listed on the National Register of Historic Places. The current owner undertook major rehabilitation and restoration work of the “Ordinary” in 1984. As part of that work, the “Ordinary” was converted into three one bedroom rental apartments (its current use). This existing use predates enactment of the Zoning Ordinance in 1988.

The “Ordinary” is reached from Allstadt’s Hill Road. The “Ordinary” consists of two two-story structures joined by a one story wing and by porches. The oldest portions predate 1800. Two graveled drives with parking serve the building complex. Current plans call for the “Ordinary” to remain as is with added buffering (landscaped evergreen plantings) on the southwest and southeast sides of the property where it adjoins the proposed subdivision. Access to the “Ordinary” will remain from Allstadt Hill Road. A variance from the requirement that all lots must be accessed from the subdivision roads will be sought to allow continued use of the existing entrances to the “Ordinary” in order to maintain the historic setting of the “Ordinary” (whose setting has already been partially altered due to the construction of the embankment for US Route 340 on the northeast side of the “Ordinary”).

All the new lots will face paved roads (Sweitzer and Mertin Drives) with curb, gutter and sidewalks constructed to County standards and located within a fifty foot wide right of way. Vehicular access to the residential subdivision will be from Millville Road via two proposed entrances. A school bus stop and mailbox location will be located on Sweitzer Road approximately 260 feet from its intersection with Millville Road

Approximately 1600 linear feet of paved road (Mertin and Sweitzer Drives) and the cul de sac will serve the residential subdivision. Storm water management will be provided on site in two locations, the major SWM area in the open area and a smaller SWM area located on Lot 12 (the 8 unit multifamily lot) with the exact locations to be determined at Preliminary Plat stage.

See the Concept Plan located in the rear pocket of the folder

##### 5. Number, Approximate Size, Location of Lots

The following lots will be created:

- Two multifamily lots, one containing eight apartment units (Lot 12) and one containing sixteen apartment units (Lot 1). Each of these lots will contain parking areas. The large lot (Lot 1) will contain a tot lot.
- Twenty-eight duplex lots containing twenty-eight individual duplex units (villas) in fourteen individual structures
- Two open space lots, one containing the storm water management area and parkland, the other containing parkland, a tot lot and the existing cemetery.
- One residue lot containing the existing Allstadt's Ordinary, an existing three unit apartment building.

Below is a table indicating lot sizes etc.

Type	No. of units	Smallest lot size	Largest lot size	Average lot size	Net total lot area	Net Density	Parking required	Parkland required	Gross density
<b>Duplex</b>	28 DU (28 lots)	7,524 sq. ft.	13,556 sq. ft.	8945 sq. ft. per DU	5.75 acres	4.85 DU per acre	Driveway or 28	4% or .23 acres	
<b>Multi-family</b>	24 DU (2 lots)	40,925 sq. ft.	60,807 sq. ft.	50,529 sq. ft.	2.32 acres	10.34 DU per acre	1.50 spaces per unit or 36	10% or .23 acres	
<b>Allstadts Ordinary (3 unit existing building)</b>	3 DU (1 lot)	NA	NA	41,382 sq. ft.	.95 acres	3.16 DU per acre	1.50 spaces per unit or 5 (5 existing spaces)	4% or .04 acres	
<b>Total</b>	55 (on 31 lots including 3 existing units)	7,524 sq. ft.	60,807 sq. ft.	12,674 sq. ft. (31 lots total)	9.02 acres	6.1 DU per acre	69	7% or .63 acre	4.24 units per acre

Below information on Parkland, Open Space and Parking provided:

<b>Parkland provided</b>	<b>.71 acres on north side of property + .32 of an acre on southern side of property for a total of 1.03 acres of Parkland</b>
<b>Open space provided</b>	1.66 acres, including SWM on north side + .44 acres, including cemetery on south side for a total of 2.10 acres of open space including two park land areas, one SWM area and a cemetery.
<b>Parking Provided</b>	Multi-family Lot 1 = 28 Multi-family Lot 12 = 15 Duplexes (2) 1 garage space & 1 driveway space for 4 spaces Duplexes (26) 2 garage spaces & 1 driveway space for 78 Ordinary= 5 existing parking spaces <b>130 Total Parking spaces including garages and 5 existing parking spaces</b>

Regarding the subdivision requirements for parkland and parking, the proposed development exceeds the requirements for both parkland and parking.

Regarding Zoning requirements, the property is located in the Residential Growth Zone. The following tables details the requirements of the Zoning Ordinance at Section 4.16 (Buffers & distance requirements) and at Section 5.4b (height & yard requirements)

	setback			Parking setback			Buffers
	<i>Front</i>	<i>side</i>	<i>rear</i>	<i>Front</i>	<i>side</i>	<i>rear</i>	
<b>Multifamily</b>	25	12	30*	15	12	15	NONE
<b>Duplexes</b>	25	25 (exterior only)	30*	NA	NA	NA	NA
<b>Residue</b>	25	12	30	15	12	15	NA

	Minimum lot area required (MLA)	Minimum lot area provided	Average provided	Area per Dwelling unit required (ADU)	Area per Dwelling unit provided	Average provided	Maximum height
Multifamily 1 (8 unit)	20,000 sq. ft.	40,925 sq. ft.	NA	2000 sq. ft. per DU	5115 sq. ft. per DU		40 ft.
Multifamily 2 (16 unit)	20,000 sq. ft.	60,807 sq. ft.	NA	2000 sq. ft. per DU	3800 sq. ft. per DU		40 ft.
Duplexes	3200 sq. ft	7524 sq. ft.	10,669 sq. ft. lot area	7500 sq. ft.(smallest lot)	7524 sq. ft.(smallest lot)	8945 sq. ft	40 ft.
All new units		Based on net lot area for all duplexes and multifamily units (30 lots), the average lot area is <b>11,717 sq. ft.</b>		<b>6760 sq. ft per DU</b> based on net residential acres (9.02 acres-.95 acres). <b>10,069 sq ft. per DU</b> based on gross area developed of 12.02 acres (12.97-.95)			
Residue	existing						

The proposed development at Allstadt's Corner meets or exceeds all the requirements of the Zoning Ordinance with regards to setbacks, parking, minimum lot area and area per dwelling unit.

See the Concept Plan located in the rear pocket of the folder.



## **6. Topography**

The site is generally in the shape of a bowl with a natural divide running parallel to Allstadts Hill Road. The higher land is located mainly near the surrounding roads and the land generally slopes away from the natural divide, US 340 and Millville Road to a low point located at the base of the US 340 embankment where a storm water pipe is located.

The high point is a small hill at 424 ft. elevation located within the cemetery enclosure (near Allstadt's Hill Road). The low point is at the storm drain pipe at below 400 ft. elevation (below the US 340 embankment).

Following the boundaries of the site and starting at the NW corner (closest to the intersection of US 340 and Millville Road), the elevation is 410 ft. From this point, the boundary slopes in a southerly direction to approximately 404 ft. elevation (midway down Millville Road) and from there it slopes up to a small hill at 418 ft.+ elevation and then to about 412 ft. at the South corner (closest to the intersection of Millville road and Allstadt's Hill Road). Along Allstadts Hill Road going NE, the land slopes to a high point of 422+ ft. and then to the East corner of the property to 406 ft. Along the embankment (supporting US 340) going west, the land slopes to the storm drain pipe at below 400 ft. and then slopes back up to the NW corner.

See Exhibit 2 Topography at page 49.

## **7. Soil and Drainage Characteristics**

The soils found at the project site consist primarily of Thurmont Gravelly Loam, approximately 71% of the site. All the soils are well drained. They are somewhat limited with regards to construction of roads, foundations and landscaping.

The information on the following pages is from the National Cooperative Soil Survey U.S.A:

## Map Unit Description (Brief, Generated)

Jefferson County, West Virginia

[Minor map unit components are excluded from this report]

**Map unit:** RpC - Ryder-Poplimento complex, 8 to 15 percent slopes

**Component:** Ryder, channery silt loam (40%)

*The Ryder, channery silt loam component makes up 40 percent of the map unit. Slopes are 8 to 15 percent. This component is on hillslopes on karst. The parent material consists of loamy residuum weathered from limestone and shale. Depth to a root restrictive layer, bedrock, paralithic, is 24 to 40 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches is low. Shrink-swell potential is low. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 2 percent. Nonirrigated land capability classification is 3e. This soil does not meet hydric criteria.*

**Component:** Poplimento, silt loam (35%)

*The Poplimento, silt loam component makes up 35 percent of the map unit. Slopes are 8 to 15 percent. This component is on hillslopes on karst. The parent material consists of clayey residuum weathered from limestone and siltstone. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches is moderate. Shrink-swell potential is high. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 1 percent. Nonirrigated land capability classification is 3e. This soil does not meet hydric criteria.*

**Map unit:** ThC - Thurmont gravelly loam, 8 to 15 percent slopes

**Component:** Thurmont, gravelly loam (65%)

*The Thurmont, gravelly loam component makes up 65 percent of the map unit. Slopes are 8 to 15 percent. This component is on mountain slopes on mountains. The parent material consists of loamy colluvium derived from quartzite. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches is moderate. Shrink-swell potential is low. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 1 percent. Nonirrigated land capability classification is 3e. This soil does not meet hydric criteria.*

**Map unit:** Uu - Urban land-Udorthents

**Component:** Urban land (55%)

*Generated brief soil descriptions are created for major soil components. The Urban land is a miscellaneous area.*

**Component:** Udorthents (40%)

*The Udorthents component makes up 40 percent of the map unit. Slopes are 0 to 35 percent. Depth to a root restrictive layer is greater than 60 inches. Available water to a depth of 60 inches is very low. Shrink-swell potential is low. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. This soil does not meet hydric criteria.*

### Map Unit Description (Brief, Generated)

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions in this report, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

The Map Unit Description (Brief, Generated) report displays a generated description of the major soils that occur in a map unit. Descriptions of non-soil (miscellaneous areas) and minor map unit components are not included. This description is generated from the underlying soil attribute data.

Additional information about the map units described in this report is available in other Soil Data Mart reports, which give properties of the soils and the limitations, capabilities, and potentials for many uses. Also, the narratives that accompany the Soil Data Mart reports define some of the properties included in the map unit descriptions.

Below information regarding suitability of the various soil type for development:

### Roads and Streets, Shallow Excavations, and Lawns and Landscaping

Jefferson County, West Virginia

[The information in this table indicates the dominant soil condition but does not eliminate the need for onsite investigation. The numbers in the value columns range from 0.01 to 1.00. The larger the value, the greater the potential limitation. The table shows only the top five limitations for any given soil. The soil may have additional limitations]

Map symbol and soil name	Pct. of map unit	Local roads and streets		Shallow excavations		Lawns and landscaping	
		Rating class and limiting features	Value	Rating class and limiting features	Value	Rating class and limiting features	Value
RpC:							
Ryder, channery silt loam	40	Somewhat limited		Somewhat limited		Somewhat limited	
		Frost action	0.50	Slope	0.37	Slope	0.37
		Slope	0.37	Depth to soft bedrock	0.26	Depth to bedrock	0.26
				Cutbanks cave	0.10	Gravel content	0.05
Poplimento, silt loam	35	Very limited		Somewhat limited		Somewhat limited	
		Shrink-swell	1.00	Slope	0.37	Slope	0.37
		Low strength	1.00	Too clayey	0.28		
		Frost action	0.50	Cutbanks cave	0.10		
		Slope	0.37				
ThC:							
Thurmont, gravelly loam	65	Somewhat limited		Very limited		Somewhat limited	
		Frost action	0.50	Cutbanks cave	1.00	Gravel content	0.40
		Slope	0.37	Slope	0.37	Slope	0.37
Uu:							
Urban land	55	Not rated		Not rated		Not rated	
Udorthents	40	Not rated		Not rated		Not rated	

## Roads and Streets, Shallow Excavations, and Lawns and Landscaping

Soil properties influence the development of building sites, including the selection of the site, the design of the structure, construction, performance after construction, and maintenance. This table shows the degree and kind of soil limitations that affect local roads and streets, shallow excavations, and lawns and landscaping.

The ratings in the table are both verbal and numerical. Rating class terms indicate the extent to which the soils are limited by all of the soil features that affect building site development. "Not limited" indicates that the soil has features that are very favorable for the specified use. Good performance and very low maintenance can be expected. "Somewhat limited" indicates that the soil has features that are moderately favorable for the specified use. The limitations can be overcome or minimized by special planning, design, or installation. Fair performance and moderate maintenance can be expected. "Very limited" indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected.

Numerical ratings in the table indicate the severity of individual limitations. The ratings are shown as decimal fractions ranging from 0.01 to 1.00. They indicate gradations between the point at which a soil feature has the greatest negative impact on the use (1.00) and the point at which the soil feature is not a limitation (0.00).

"Local roads and streets" have an all-weather surface and carry automobile and light truck traffic all year. They have a subgrade of cut or fill soil material; a base of gravel, crushed rock, or soil material stabilized by lime or cement; and a surface of flexible material (asphalt), rigid material (concrete), or gravel with a binder. The ratings are based on the soil properties that affect the ease of excavation and grading and the traffic-supporting capacity. The properties that affect the ease of excavation and grading are depth to bedrock or a cemented pan, hardness of bedrock or a cemented pan, depth to a water table, ponding, flooding, the amount of large stones, and slope. The properties that affect the traffic-supporting capacity are soil strength (as inferred from the AASHTO group index number), subsidence, linear extensibility (shrink-swell potential), the potential for frost action, depth to a water table, and ponding.

"Shallow excavations" are trenches or holes dug to a maximum depth of 5 or 6 feet for graves, utility lines, open ditches, or other purposes. The ratings are based on the soil properties that influence the ease of digging and the resistance to sloughing. Depth to bedrock or a cemented pan, hardness of bedrock or a cemented pan, the amount of large stones, and dense layers influence the ease of digging, filling, and compacting. Depth to the seasonal high water table, flooding, and ponding may restrict the period when excavations can be made. Slope influences the ease of using machinery. Soil texture, depth to the water table, and linear extensibility (shrink-swell potential) influence the resistance to sloughing.

"Lawns and landscaping" require soils on which turf and ornamental trees and shrubs can be established and maintained. Irrigation is not considered in the ratings. The ratings are based on the soil properties that affect plant growth and trafficability after vegetation is established. The properties that affect plant growth are reaction; depth to a water table; ponding; depth to bedrock or a cemented pan; the available water capacity in the upper 40 inches; the content of salts, sodium, or calcium carbonate; and sulfidic materials. The properties that affect trafficability are flooding, depth to a water table, ponding, slope, stoniness, and the amount of sand, clay, or organic matter in the surface layer.

Information in this table is intended for land use planning, for evaluating land use alternatives, and for planning site investigations prior to design and construction. The information, however, has limitations. For example, estimates and other data generally apply only to that part of the soil between the surface and a depth of 5 to 7 feet. Because of the map scale, small areas of different soils may be included within the mapped areas of a specific soil.

The information is not site specific and does not eliminate the need for onsite investigation of the soils or for testing and analysis by personnel experienced in the design and construction of engineering works.

Government ordinances and regulations that restrict certain land uses or impose specific design criteria were not considered in preparing the information in this table. Local ordinances and regulations should be considered in planning, in site selection, and in design.

*The soils information was obtained from the*



Tabular Data Version: 3  
Tabular Data Version Date: 02/01/2007



See Exhibit 3 for soil map and additional soil information on pages 50 to 57

## **8. Existing Natural or Man-Made Features**

### **Natural Features:**

The parcel is developed, currently being used as a flea market, a fruit stand and a residential rental. It contains some open land, mainly located in the southeast portion of the site along Allstadt's Hill Road. Some scattered trees are located through out the site. Most of the parcel is currently in commercial use.

Trees in these soils are typically different varieties of Oak, Yellow Poplar, Black Walnuts and Black Locusts. Rocky areas are located within some of these wooded clumps and fence rows. The site contains small scattered woodlands along the US Route 340 embankment, around the Allstadt Ordinary, and scattered along the divide running parallel to Allstadts Hill Road. Scattered trees are also located on site as are several vegetated fence rows.

One sinkhole has been identified as being on the property according to the Jefferson County Planning Commission sinkhole map or the NRCS map. A site inspection by Specialized Engineering noted that there are no sink holes on the property.

See the NRCS map is shown on Exhibit 5 at page 59 and the Report(Exhibit 6) by Specialized Engineering at pages 60 to 71.

All of the site is located in Zone C and is not in a designated flood plain as shown on FIRM Community Panel No. 540065 0036C.

According to the Wetlands Map at Exhibit 4, there are no wetlands on the site.

See Exhibit 4 Wetlands Map and describers definition at pages 58 and 59.

### **Manmade Features:**

Below the manmade features are discussed individually in relationship to the existing uses.

Within the confines of the site, dirt and graveled tracks, parking areas and a large sign are located along the northwest portion of the parcel. These are the remnants of its former use as a drive-in movie theater (currently used as the Harpers Ferry Flea Market). See the photos on the next page.

Also several small buildings that were part of the drive-in are located in this area. A graveled parking lot is located in the western corner serving the Wilts Fruit Stand, two graveled entrances serve the flea market with a parking area located at the southernmost entrance and two graveled drives in the northeast corner serve the Allstadt Ordinary. A wooden fence creates a small front yard for the "Ordinary". Other farm type fences are located on two sides of the property, to the northeast (along the embankment) and to the west (along Millville road). A remnant of a fence row separates the current flea market from the open land containing a small family cemetery.



Sign



Flea market

### Harpers Ferry Flea Market

An existing small family cemetery surrounded by a stone wall is located in the southeast portion of the site (adjoining Allstadt Hill Road). It is to remain



View from Allstadt's Hill Road



View looking east

### Cemetery

A septic field and well exist for the flea market, as well as a septic field and well for the "Ordinary".

Electric and telephone lines and poles are located along Allstadts Hill Road, with service lines and poles crossing the site. They serve the "Ordinary" and the Flea Market as well as the houses on the other side of Allstadts Hill Road

No manmade ponds or quarries exist upon the property.

The existing manmade features on the property related to the current flea market and fruit stand operations are to be removed. The cemetery and surrounding wall, the fences and the well and septic disposal system related to the Allstadt Ordinary are to remain. The cemetery and its surrounding wall will become part of the open space and be deeded to the Homeowners Association for continued maintenance. The septic system and well related to the Allstadt Ordinary will remain part of that property and be maintained by the owner of that property.

## 9. Existing Structures

The property contains the following structures:

- **Wilts Fruit Stand**

This wooden and block building is located in the northwest corner of the site. It is to be removed.



Fruit stand from Flea Market



Fruit Stand from Millville Rd.

- **Harpers Ferry Flea Market**

Two concrete block structures (the snack bar and the dilapidated structure, both part of the former drive in theater) are located in the northern portion of the site. Also several open sheds (3) with dirt floors are on the site as well as several small storage sheds.



Dilapidated structure & small shed



Shed typical (3 on site)





Snack Bar building



Looking down on Snack Bar

**Flea Market Buildings**

- **Allstadt's Ordinary**

This building, consisting of adjoining structures joined by a common roof and listed on the National Register of Historic Places contains three one bedroom apartments. The following description (on the next three pages) is provided. It describes the building prior to the rehabilitation done by Dr. and Mrs. Gibson.

Allstadt House & Ordinary		HISTORIC PRESERVATION CERTIFICATION APPLICATION-- PART 1	NPS Office Use Only
Property Name	US Rte 340 & County Rte 27		Project Number:
Property Address	James G. Gibson		
Owner Name/Social Security or Taxpayer ID Number			
5. Description of physical appearance:			
<p>The John Allstadt House &amp; Ordinary is located on US Rte 340 just off the intersection with Jefferson County Route 27, two miles west of the Harper's Ferry National Historic Park. The complex of buildings consists of the Allstadt House, which is a two story, four bay, rectangular building of stuccoed brick nogging construction, with a one story wood frame and siding addition forming an "L" shape. Adjoining the main house is a coursed rubble stone house, three bays deep and two stories high. Other features on the site consist of a large bank barn of stone and wood frame and the Allstadt Cemetary.</p> <p>The Allstadt House is situated close to the stone house in a nearly flat yard filled with old trees and overgrown shrubs. The "L" shaped main house measures 16 ft. by 32 ft. and the ell, 27 ft. by 12½ ft. It began originall as a one and a half story, four bay building with a gabled roof and central brick chimney serving two fireboxes, now of Rumford design. There was a one story detached kitchen, which no longer exists. This house was constructed</p> <p>Date of Construction: <u>C. 1790 &amp; c. 1830</u> Source of Date: <u>Jefferson County records &amp; books.</u> (cont.)</p> <p>Date(s) of Alteration(s): <u>c. 1830</u></p> <p>Has building been moved? <input type="checkbox"/> yes <input checked="" type="checkbox"/> no. If so, when? _____</p>			

**Page 1 of description**



This sheet: ☒ continues Part 1 ☐ continues Part 2 ☐ amends Project. NPS Project Number: \_\_\_\_\_

5. Description of Physical Appearance: (Continued)

circa 1790 or earlier and is intact, being the ground floor of the present two story residence. Entrances are on the gable ends and there are only two rooms, both well finished and nearly identical. Both have very fine period mantels. These mantels are Georgian with heavy molded mantel shelves over a long flat panelled frieze. The firebox openings are accented with an architrave molding with a quirked ovolo as the backband. The effect is very fine. Both are flanked by the connecting door between the two rooms and a two tiered, panelled four door recessed cupboard. These are situated back to back. Both rooms are highlighted by a fancy molded chair rail. Door and window trim have an inner edge bead and a quirked ovolo backband.

The small one story kitchen located on the west side of the house was attached by a later addition to the main house, thus giving the house the "L" shape. This was probably done circa 1830, when the second full story was added to the house. The enclosed two flight winder staircase that led to the loft was also opened at that time and a Federal period balustrade added. This balustrade consists of a newel post with neck molding and hand knob. Under the molded handrail are two square-in-section spindles per step.

The second floor has two bedrooms and a hall. The one fireplace has a Federal period mantel with a finely molded shelf edge over a series of bed moldings. The plain frieze is flanked by plain end blocks over plain pilasters. This mantel is a nice representation of its era, even though it is not fancy.

An enclosed winder stairs lead to the attic of pegged rafters. The original chimney top is evident with a drip mold, which is now an interesting detail on the extended chimney. The original construction mode of stuccoed brick nogging was also utilized when the second floor was added. The resulting two story, four bay, central chimney building is a nice representation of the Federal period. The windows are double hung with 6 over 6 sash, surrounded by trim which is beaded and has a quirked ovolo backband.

Owner's Signature \_\_\_\_\_ Date \_\_\_\_\_

**Page 2 of description**

5. Description of Physical Appearance: (continued)

The two story, three bay stone building was constructed c. 1830 and measures 19½ ft by 26 ft. Originally a two tiered entrance porch was located on the south side. Barge boards highlight the gabled ends and a corbelled brick cornice decorates the north facade. The inside end chimney serves two large open fireplaces, one on each floor. The windows are double hung, 6 over 6 sash and all jambs are splayed. The interior trim is very plain, including the mantels. All doors are heavy board and batten. There are two rooms on each floor. The attic space is finished as a single large plastered room under the eaves and is accessible by a ladder. The most striking characteristics of this building are its excellent proportions, solidity and plainness.

The large stone barn is 64½ ft. by 41 ft. and also dates from the 1830 period. The barn served a dual purpose since it was both a farm building and the stalls were also outfitted with heavy iron bars that can be pinned inside to keep the tavern customers' horses secure. The board and batten stall doors are solid and the top half is not hinged. These doors are set on strong iron strap type hinges. Hugh chamfered columns support the barn jetty overhanging the stall entrances, which is an impressive and decorative feature. This barn was used by the public, and therefore it reflects that in its design.

The Allstadt Cemetary is located at the southern boundary of the property along County Route 27. The cemetary is surrounded by a rubble stone wall.

**Page 3 of description**



**Historic photo of the “Ordinary”**

**Allstadt House and Ordinary \*\*\*** (added 1985 - **Building** - #85000767)

Jct. of U.S. 340 and CR 27, Harper's Ferry

Historic Significance: Event, Architecture/Engineering  
Architect, builder, or engineer: Allstadt, Jacob, Et al.

Architectural Style: No Style Listed

Area of Significance: Architecture, Military,  
Exploration/Settlement,  
Politics/Government, Commerce

Period of Significance: 1750-1799, 1800-1824, 1825-1849,  
1850-1874

Owner: **Private**

Historic Function: Domestic, Funerary

Historic Sub-function: Cemetery, Secondary Structure, Single  
Dwelling

Current Function: Domestic, Funerary, Vacant/Not In Use

Current Sub-function: Cemetery

**Listing from National Register website**





**Photo of restored “Ordinary” (approximately the same view as the historic photo)**



**Photo looking north Restored “Ordinary”**



“Ordinary” from field, across Allstadt’s Hill Road



“Ordinary” (near 340 embankment)



“Ordinary” from Side, note embankment & truck

**Photos of the “Ordinary”, taken 3/9/07**

The “Ordinary” with its outbuildings is to remain as a separate property. All other structures are to be removed.

For more information on the “Ordinary” see Exhibit 11, Historian’s Report starting after page 119

**10. Existing Easements, Right of Way**

According to the tax maps for Jefferson County (Map 9, District 4), an existing easement for Allstadts Hill Road currently runs along a portion of the existing property. This easement measures 30 feet in width.

One set of electric wires and poles is currently located on the site paralleling Allstadts Hill Road. It belongs to Allegheny Power. According to Alleghany Power, their easements are 20 feet wide. There are electric service and telephone lines and poles on the property. No recorded easements were found specifically for these lines.

According to the Deed for the property (DB 913 P642a), the property is subject to the following:

1. utility easements of record,
2. the rights of tenants in possession in August 1998,
3. and to the rights of the State of WV to any portion of the land that may lie within the boundaries of any public roads.



A search of the Land Records found the following utility easements:

1. DB 530 P529, dated July 20, 1984 from Pole 646, NW for 110 ft. underground to the electrical service entrance to grantors house (the "Ordinary") to Potomac Edison Company (now Alleghany Power).
2. DB 407 P532 dated May 5, 1976 to allow installation of 4 anchor guys caused by a relocation of electric wires due to a road construction project to Potomac Edison Company (now Alleghany Power). The location cannot be determined from the description.
3. DB 442 P50, dated May 17, 1978 for an electric line to a service pole for an OL light to Potomac Edison Company (now Alleghany Power). The location cannot be determined from the description.
4. DB779 P667 dated April 15, 1994 for a distribution line running for 1049 ft NW (appears to be for the property on the western side of Millville Road that originally included the property in question. It does not affect this site) to Potomac Edison Company (now Alleghany Power).

Tenants in possession in August 1998 included the following:

1. The Harpers Ferry Flea Market.
2. The Wilt Fruit Stand.
3. The residents of the Allstadt Ordinary (three one bedroom apartments).

Current tenants (2007) are the Harpers Ferry Flea Market, the Wilt Fruit Stand and the residents of the Allstadt's Ordinary (none of whom were in possession in August 1988). All of the tenants currently lease on a month to month basis.

The rights of the State of WV are described in the following documents in the land records:

1. DB 465 P742 Circuit Court Order of January 24, 1980
2. DB317 P116 Notice of Lis Pendens dated June 15, 1970
3. DB318 P500 Circuit Court Order (not dated, but 8/5/70 noted)

All the above describe the same two items:

1. Tract No. 1 Non controlled access right of way being the relocated right of way for WV Route 27 and containing 5.51 acres.
2. Tract No. 2 Temporary Construction easement that extinguished once the road improvement project was completed.

The current survey of the property takes into account the state rights of way and none are presently upon the property.

A search of the Land Records of Jefferson County was conducted by this office in February, 2007 and no other rights of way or other presently existing easements were found.

## **11. Existing Covenants and Restrictions**

The owner has stated that there are no covenants currently in force with regards to the property. A search of the Land Records of Jefferson County was conducted by this office in February 2007 and no existing covenants were found.

## **12. Approximate Size, Etc., of Areas to be Dedicated**

The two proposed streets (Sweitzer and Mertin Drives), sidewalks and the cul de sac and all other structures located within the rights of way will be dedicated for maintenance and upkeep to the Homeowners Association (HOA). This includes entry signs, a school bus shelter, centralized mail

box area and vehicle pull off area for the shelter and mail boxes located near one of the entrances to the subdivision (exact location to be determined at preliminary plat stage). This will encompass approximately 1.85 acres dedicated to the HOA.

Land will be set aside in an easement for a future dedication to the West Virginia Division of Highways to allow for the eventual widening of Allstadts Hill Road from an existing thirty feet wide right of way to a forty feet wide right of way. This easement will entail a strip ten feet wide on the northwest side of Allstadts Hill Road where it adjoins the property as well as the 15 ft. within the existing right of way. Total land included in this right of way and future dedication will be approximately .64 of an acre.

Open land including both areas of parkland, the cemetery and the main SWM area will be dedicated to the HOA. The main open area, located in the central portion of the development; surrounded on two sides by housing and on the third side by the embankment for US 340 encompasses 1.66 acres and will contain a walking trail. Within this area, .71 of an acre will be set aside for dedicated parkland available to all the residents and .95 of an acre will be in a SWM dry pond. A second open area, located off of Sweitzer Drive in the southeast portion of the development; bounded on two sides by roads, on the other two sides by the 8 unit apartment complex and a villa lot, will contain dedicated parkland and the existing cemetery located on the property (.44 acre). Within this area .32 acres will be set aside for dedicated parkland including a tot lot, but not including the .12 of an acre in the cemetery. Total parkland will be 1.03 acres. All the open land containing 2.10 acres, including the parkland, the major SWM facility, the cemetery and other open lands will be dedicated to the HOA.

The storm water management areas are to be located in the open area and on the southern multifamily lot. Both will be located within SWM easements. Storm water drainage easements will be provided to protect all storm water management areas including the dry ponds, any drainage swales not in open areas or on roads and other areas on any lots that may contain alluvial soils. Easements will be provided where necessary to access the SWM areas. These easements will be determined at preliminary plat stage. All SWM easements and access easements to the same will be dedicated for upkeep to the HOA.

Additionally, all easements over individual lots for storm water management and natural drainage protection will be dedicated to the Homeowners Association.

See the Concept Plan located in the rear pocket of the folder for general locations.

### **13. Intended Improvements**

#### **SUBDIVISION ROADS:**

As previously stated, two streets will be constructed for the subdivision. The streets will be constructed within a fifty feet wide right of way and will be paved streets with curb and gutter with sidewalks on either side. They will meet the requirements of Section 8.2.a of the Subdivision Ordinance.

#### **SUBDIVISION STORM DRAINAGE:**

Storm drainage is proposed to consist mainly of curb and gutter and storm drain inlets leading to drainage swales designed to direct storm water towards the SWM facilities (dry ponds built in

accordance with County requirements). Primary drainage will be to the larger facility located within the open lands of the subdivision. Secondary drainage will be via swales to the smaller SWM facility. All storm drainage will be designed in accordance with Section 8.2.c and Table 8.c.1 of the Subdivision Ordinance and be located within storm water management easements when not located on open land or within street rights of way.

### IMPROVEMENTS ON THE INDIVIDUAL LOTS:

#### Multifamily lots:

Each of the multifamily lots will contain parking areas, sidewalks between the parking area and the apartment buildings, tot lots and any required landscaping. The multifamily lots will be improved with two story apartment buildings, one lot containing eight apartments and the other sixteen apartments. All apartments are proposed to contain two bedrooms each. Parking and parkland shall be provided as shown below:

<b><u>Type Housing</u></b>	<b><u>Parking required</u></b>	<b><u>Parking provided</u></b>	<b><u>Parkland required</u></b>	<b><u>Parkland provided</u></b>	<b><u>Other</u></b>
8 unit apartment complex (Lot no. 12)	12	15	7% (.07 of an acre.)	As part of overall development, <b>1.03 acres of parkland provided,</b> exceeds requirements.	Tot lot provided in parkland next to the lot.
16 unit apartment complex (Lot No. 1)	24	28	10% (.14 of an acre)		Tot lot provided on site

#### Villa (duplex) Lots

Twenty-eight lots will be created. Fourteen villa type buildings, each containing two residential units will improve these lots (2 lots per villa). Each lot will have a curb cut for a future driveway. Each individual residential unit is proposed to contain three bedrooms and a garage.

The 28 villa units are located on 6.8+ acres for a net residential density of just over 4 units an acre. The Zoning Ordinance at Section 11.3 requires duplex units to have driveway parking. Parking and parkland will be provided as shown below:

<b><u>Type Housing</u></b>	<b><u>Parking required</u></b>	<b><u>Parking provided</u></b>	<b><u>Parkland required</u></b>	<b><u>Parkland provided</u></b>
28 villa units	Driveway only	2 garage Spaces for 26 units + 1 driveway Space = 78 spaces 1 garage space + 1 driveway space for 2 units = 4 spaces <b>Total villa parking provided: 82 spaces</b>	4% (.23 of an acre.)	<b>Total parkland provided is 1.03 acres</b>

### **Residue Lot**

The residue lot containing the Allstadt Ordinary will remain in its existing use and remain as is. No improvements are proposed. 5 existing parking spaces are located on two existing driveways. A variance will be sought from the Subdivision Regulations prior to Preliminary Plat approval to allow the existing historic entrances to remain.

### **14. Intended Land Uses**

The proposed land uses are as follows:

- **Residential uses:**
  - Two multifamily residential lots with a total of 24 dwelling units to be constructed within the building setback lines as required by the Jefferson County Zoning Ordinance.
  - Twenty Eight duplex lots to contain 14 villa units, each containing two dwelling units to be constructed within the building setback lines as required by the Jefferson County Zoning Ordinance.
  - One existing building presently containing three dwelling units is to remain as is.
- **Other Uses:**
  - Recreational open space to be available to all the residents of the subdivision, including dedicated parkland.
  - SWM areas located within the open space.
  - Existing cemetery located within open areas.

### **15. Intended Earthwork**

Earthwork for this subdivision will include grading to construct the streets and sidewalks within the subdivision, parking areas for the multifamily units and the storm water facilities as well as any necessary grading for the multifamily parking areas. In as much as possible the streets will follow natural contours, though some cut and fill may be necessary.

Earthwork is expected to consist of cut and fill operations within the street rights of way and the creation of the storm water management facilities. In order to minimize construction costs, earthwork should be balanced. Any excess earthen material will be spread and compacted where possible without disturbing the natural lay of the land. Approximately 20% of the overall site will be graded as part of the site development for the subdivision. This includes all the streets, parking areas for the multifamily lots and storm water management facilities, but not the actual building sites.

As part of the earthwork, all appropriate measures including silt fences, check dams and sediment traps in accordance with County, State and Federal regulations will be taken.

If blasting becomes necessary in order to construct the streets and other site improvements, it will be done in accordance *NFPA495: Explosive Materials Code 2006*. as regulated by the State Fire Marshall's Office.

## **16. Proposed Covenants and Restrictions**

Proposed Covenants are found at Exhibit 7 on pages 73 to 81.

## **17. Tentative Schedule**

Once approval has been received from all governing bodies, clearing for the subdivision streets and SWM areas should start within 90 days (3 months) from recordation. Rough grading and clearing of the site for site improvements should occur within 180 days (6 months). Proposed phasing for development of the subdivision is as follows:

- Phase 1: starting at month 9 after recordation:
  - i. Construct entrance signage
  - ii. Construct the main SWM facility
  - iii. Install water and sewer lines and construct Mertin Drive and the first section of Sweitzer Drive (to the intersection with Mertin Drive)
  - iv. Construct parking improvements and other site improvements for the two apartment complexes
  - v. Construct the 24 multifamily units and 14 individual villa units
- Phase 2: starting at month 18 after recordation
  - i. Install water and sewer lines and construct Sweitzer Drive from intersection with Mertin Drive, including the cul de sac.
  - ii. Rough grade for 14 villa units
  - iii. Complete site improvements, including parklands.
- Completion within forty eight months from the start.

## **18. Market, Feasibility Study**

A market study by the Hawthorne Group is attached. According to the report *“This region of Jefferson County has and continues to suffer a lack of product. The proposed development, Allstadt's Corner, will not have a negative impact on the region. It is apt to be absorbed rapidly even in the present 'leveling market'. I forecast a short marketing time for this product and suggest the product can be premarketed, thus developing a waiting list for these housing units.”*

See Exhibit 8 at pages 82 to 90.

## **19. Project Cost**

Development costs include construction, engineering, surveying, planning, Planning Commission fees, Impact Fees and Health Department fees and site development will total approximately \$2,000,000.

## **20. Funding Sources**

The project will be funded privately using local lending institutions and investors.

## **PHYSICAL IMPACTS**

---

### **1. Earthwork**

Only those portions of the subdivision where the streets, parking areas or storm drainage facilities are to be constructed will be stripped as part of the land development. The remainder of the subdivision will be left in its natural state until building construction starts on the individual lots..

It is anticipated that approximately 20% of the site may be stripped of surface vegetation to construct the streets, parking areas and storm water management facilities.

Grading is expected to occur mainly along the route of the streets. It should be balanced. Since there is always the possibility that non-ripable limestone may be in the path of a cut, blasting may be required. If blasting does become necessary, it will be done in accordance *NFPA495: Explosive Materials Code 2006*. as regulated by the State Fire Marshall's Office.

The street construction and parking lot construction may modify slightly the natural drainage patterns on the site. Storm water will be routed through curbs and gutters through storm inlets to drainage swales leading to the storm water management facilities. During construction, storm water runoff will be controlled by strategically placed stone check dams, sediment basins and silt fences.

### **2. Conversion of Farmland**

The property is zoned Residential-Growth, the areas designated by both the adopted Zoning Ordinance and of the adopted Comprehensive Plan for the majority of planned new growth within the County.

Most of the property is currently used for a flea market, a fruit stand and as a small three unit residential rental property. However, approximately eight acres are currently classified as farmland (for tax purposes) although only about 4 acres are actually in pasture or truck farming (the eastern portion of the property along Allstadt's Hill Road).

Based on the above, there will be a loss of farmland, comprising at between 4 to 8 acres of land or one third to two thirds of the site. We note however that the zoning for this parcel is Residential Growth and the intent of both the adopted Zoning Ordinance and of the adopted Comprehensive Plan is to target growth into areas near existing communities (Harpers Ferry and Bolivar) and into areas zoned for growth (the Residential Growth zone).

### **3. Wildlife Population**

Based on information currently available to the Wildlife Resources Center at the West Virginia Division of Natural Resources, there are no known endangered species within the project area. It is possible that the Madison Cave Isopod (a threatened species) might exist in sinkholes. A site inspection has revealed that no sinkholes are located on the site. The site consists principally of Tomstown Dolomite, a formation not prone to sink holes because of its hardness.



According to the 1973 Soils Survey of Jefferson County, soils are classified as well suited, suited, poorly suited or not suited for specific types of wildlife. Wildlife is specified as openland wildlife, woodland wildlife and wetland wildlife. According to the Survey, the soils found on the site are well suited for both openland and woodland wildlife (Currently listed as Thurmont Gravelly Loam and previously listed as Frankstown Shaly Loam, Braddock Gravelly Loam and Huntington Silt Loam). None of these soils are suited for wetland wildlife.

“Openland wildlife refers to birds and mammals that normally live in cropland, meadow, pasture and areas overgrown with grasses, weeds and shrubs. Examples are bobwhite, quail, ring necked pheasant, mourning dove, cottontail rabbit, meadow lark, killdeer and field sparrow. Woodland wildlife refers to birds and mammals that normally live in wooded areas. Examples are ruffed grouse, white-tailed deer, squirrel, raccoon, wood thrush, warbler, and vireo.” Other animals and birds may also be found on the site including groundhogs, opossum, field mice, robins, red tailed hawks, wild turkeys, etc.

Because most of the site has been in non-farm use for at least the past 50 years, the wildlife that is on site is those species that can live in close contact with human activity. This can include groundhogs, field mice, robins, sparrows and other common birds.

See Exhibit 9 Letters from Agencies for the letter from DNR at page 92, and information on the Madison Cave Isopod at page 93.

A letter was sent on February 15, 2007 to the Fish and Wildlife Service (at page 94). No response has been received to date.

#### **4. Groundwater and Surface Water Resources**

##### **General:**

According to the Jefferson County Health Department there are no water contamination sites within 1000 ft. of the site. Letters have been written to the WVDNR & the WVBPH to request information regarding any other reports of contamination.

See Exhibit 9 for letters from the Jefferson County Health Department, the WVBPH and a copy of the letters to DNR at pages 96 to 100

There are no wetlands, marshes, ponds or quarries on the site.

##### **Ground Water Resources:**

Regarding ground water, the most current study is “Fracture Trace Map & Single Well Aquifer Test Results in a Carbonate Aquifer in Jefferson County WV” done by McCoy, Podwysocki, Crider and Weary, USGS in 2005. “Geohydrology, Water Availability and Water Quality of Jefferson County, WV” by the USGS, 1991 was the main source used to date for information.

The subject property according to the map in the 2005 study is mainly underlain by Dolomite and Dolomitic Marble. Figure 2 in the 1991 study indicates the area as underlain by the Tomstown Formation. In the northwest corner of the site , it is underlain by interbedded red shale, mud stone, sand stone and dolomitic limestone of the Waynesboro Formation. Both are carbonate rock.

Below is the description from the 2005 study:

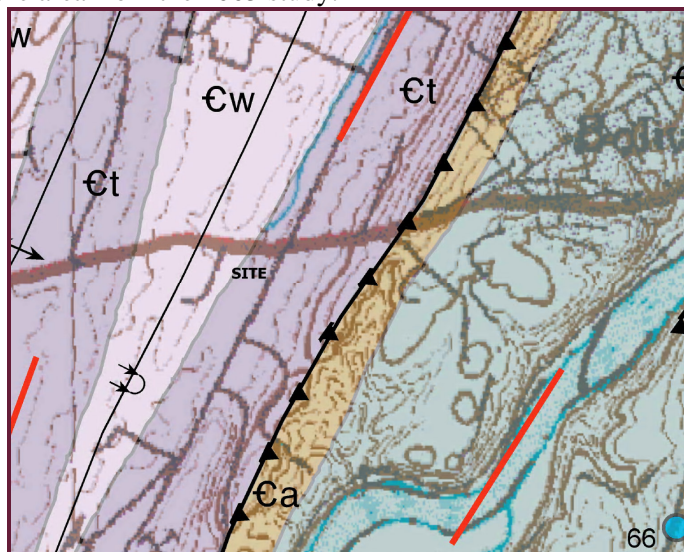
## DESCRIPTION OF MAP UNITS

€w	<b>Waynesboro Formation (Lower Cambrian)</b> -- interbedded dusky red shale, mudstone and argillaceous sandstone; light-gray sandstone, and light brown sandy, dolomitic limestone and dolomite; laminated limestone, sandy limestone and, interbedded light-olive-gray shale; light-gray, fine-grained sandstone, and medium- to dark-gray, sandy, dolomitic limestone. Thickness about 825 ft
€t	<b>Tomstown Formation (Lower Cambrian)</b> -- Medium-light-gray to medium-gray saccharoidal dolomite and dolomitic marble containing thin layers of sericite. Poorly exposed. Thickness about 1175 ft
€a	<b>Antietam Formation (Lower Cambrian)</b> -- light-olive-gray to olive-gray, medium- to coarse-grained, medium-bedded, locally ferruginous, micaceous, silty metasandstone interbedded with very-fine-grained, silty metasandstone to sandy metasiltstone. Thickness about 800 ft
€h	<b>Harpers Formation (Lower Cambrian)</b> -- Dark-greenish-gray to brownish-gray, fine to very fine grained, laminated to massively bedded, chlorite-muscovite-quartz phyllitic metasiltstone. Magnetite-rich sandy metasiltstone, fine-pebble conglomerate, and thin-bedded metasandstone found locally. Thickness about 2400 ft

Regarding Tomstown Dolomite, the following description from McCue, J. B., J. B. Lucke, and H. P. Woodward "**Limestones of West Virginia**," *West Virginia Geological Survey Report 12*. 1939. 560 pp. describe the Tomstown Dolomite of this region as follows:

“The Tomstown Dolomite, approximately 1,000 feet thick, is mainly a light blue-gray to white tough fine-grained splintery dolomite that is medium-bedded and weathers to a dark-brown color; some true limestone members and some shaly zones also occur in the formation ... Exposed only in Jefferson County, it contains an important belt of low-silica dolomite, the composition of which approaches the correct proportions of calcium and magnesium in a theoretically pure dolomite. This rock is well suited for certain types of furnace lining, and has been worked from several large quarries.”

Below is the map of the area from the 2005 study:

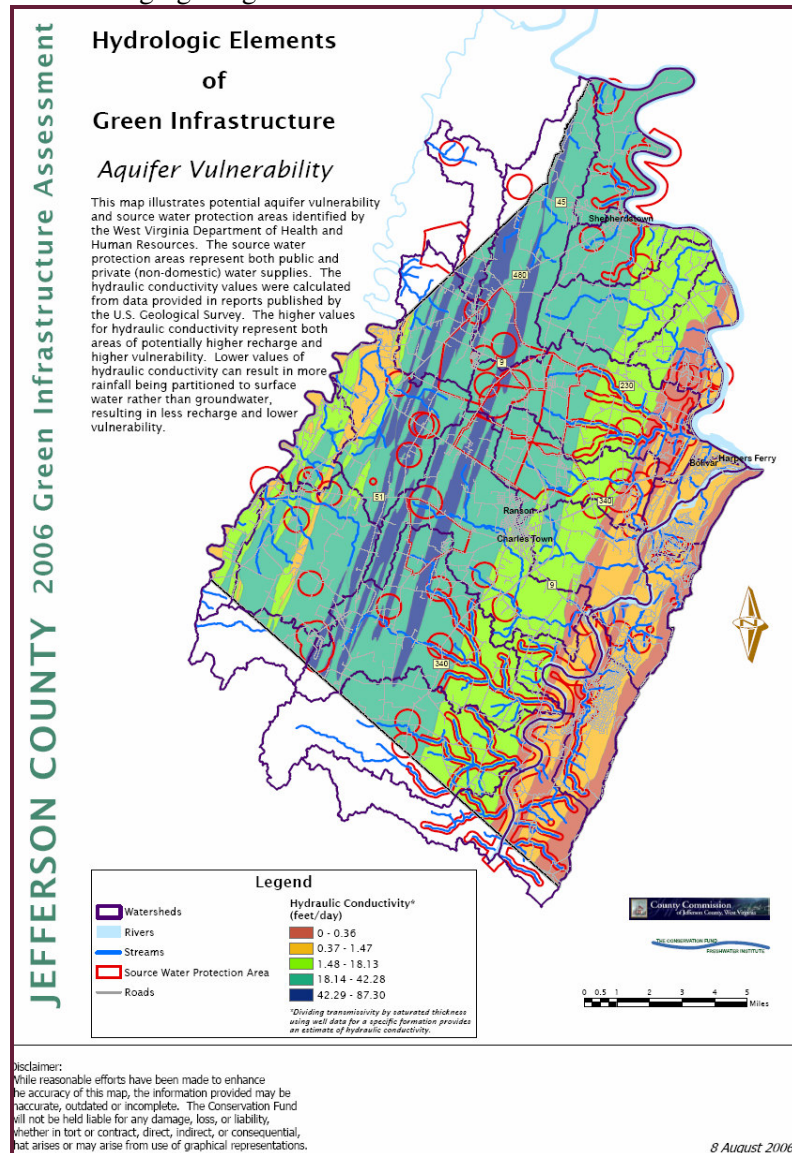


Bold black lines with teeth indicate thrust faults (teeth indicate direction of upper plate); thin black lines indicate folds and red lines are strike-parallel fracture trace. The blue circles indicate tested wells and dot size is proportional to transmissivity values.

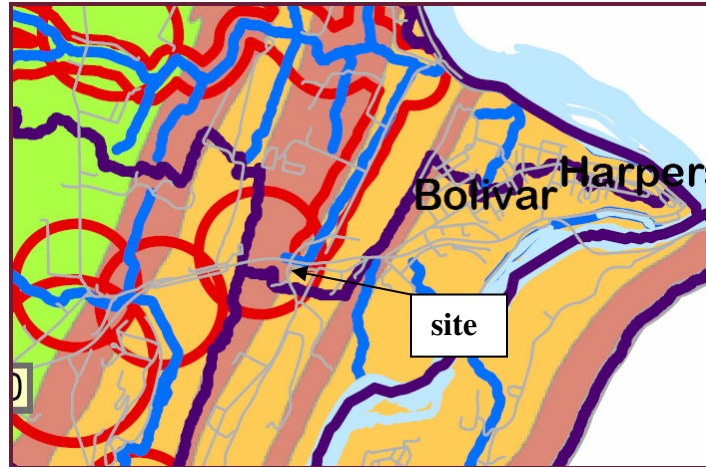
The portion of the parcel to be developed has no fracture traces or faults located on it. An overturned anticline runs to the west of the site and a thrust fault is located to the east at the approximate high point of the ridge between the site and the Shenandoah River. (Confirmed by telephone with Twyla Carr of the Division of Water & Waste Management, WVDNR).

No ground water will be removed from the site since it will be served with public water. In addition, storm water runoff from the site will be treated for both quantity and quality in accordance with the requirements of the Subdivision Ordinance (Section 8.2c).

Also according to the "Green Infrastructure Study undertaken by the Freshwater Institute in 2006, the following map (next page) shows that the site is in an area where rainfall will mainly remain on the surface as opposed to recharging the groundwater.



Looking more closely at the map, the site is located in a source water protection area. See the next page:



A portion of the site is within the source water protection area for CW Shipley School and the major portion of the site discharges (via a culvert at the property low point) to the Elks Run and Elks Branch area (located to the north of US 340), part of the proposed source water protection area for the Harpers Ferry Water System.

From the *DRAFT Source Water Assessment and Protection Plan for Harper's Ferry Water Works, Jefferson County*, September, 2006 the following information was obtained:

***“C.W. Shipley Elementary School (PWSID# WV 9919017):*** This is a Non-Community and Non-Transient category system. The system serves a population of 385 consisting of students and staff. The system has two groundwater wells actually (not one indicated in WVBPH 2003 SWAP Plan); one is used as a primary well and the other well is used as a secondary well. The pumping rate is 60 gallons/minute. The wellhead protection area is 288 acres which is based on 2000 feet fixed radius delineation. The well is in the Valley and Ridge geologic setting and has moderate risk susceptibility. The PCS inventory indicates the presence of junkyards, abandoned wells, underground storage tanks and utility substation transformers in the wellhead protection area and these sources have a higher threat level to contaminate groundwater.

...

***Elks Run & Elks Branch:***

The ZCC is a corridor along streams within the WSDA which is 1000 feet from each bank of the principal stream and 500 feet from each bank of the tributaries draining into the principal stream. The length of the stream is based on a five hour time of travel. The ZCC was calculated by WVBPH using a mathematical model that accounts for stream flows, gradient, and area topography. With regards to the ZCC, a buffer zone of 1000 feet is provided for Elks Run (following cojoining of Elks Branch and Elks Run). WVRWA has extended the ZCC in headwaters of Elks Branch as there are several springs in the headwaters. These springs were not included in the original delineation. This is based on information obtained from

*USGS and USDA. The redelineated area is more than the original delineated area of 524 acres."*

At preliminary plat stage, best management practices and all necessary steps as required by the WVDEP will be taken to ensure that run off from the site does not negatively impact the noted source water protection areas.

#### **Surface Water:**

There is no surface water on the entire parcel, though most of the property drains to a low point near US 340 where a culvert is located. This culvert runs under US 340 and drains into an unnamed intermittent tributary of Elk Run. The major drainage is to the north through the culvert under US 340 and flows towards Elk Run, a little less than a mile away. The minor drainage is to the southwest along Millville Road and flows towards the Millville Quarry, approximately 200 ft. away, and eventually the Shenandoah River

If any areas on site are identified at the preliminary plat stage as wetlands, appropriate steps, including buffers will be provided to ensure that any identified wetlands on site are not harmed.

See Exhibit 4 Wetlands Map for surface water sensitive areas within one mile of the site at page 58.

#### **Storm Water Management:**

Storm water will be controlled upon the property through the use of closed section streets with inlets and storm drains emptying into drainage swales located so as to channel drainage towards the main dry pond and the secondary dry pond. Actual design of the storm water management facilities will occur at preliminary plat stage and will meet the requirements of Section 8.2.c and Table 8.c.1 of the Subdivision Ordinance. Because the property is located within a wellhead protection area, the storm management facilities will be constructed in accordance with the requirements of the WVDEP Wellhead Protection Program.

In addition, erosion and sediment control will include installation of temporary perimeter sediment and erosion control devices to prevent any runoff unto any adjacent properties. Interior sediment and erosion control devices shall be utilized to stabilize the site including the use of temporary check dams during construction in graded drainage swales, silt fence below graded slopes, seeding and mulching of all disturbed areas, installation of a construction entrance, construction of storm water management ponds as temporary sediment basins during construction and the placement of inlet protection devices at all inlets as they are constructed.

#### **5. Visual and Land Use Compatibility**

The property is located in the Residential Growth District. It is currently being used as a fruit stand, flea market and a three unit residential use. Surrounding land to the south (the Benview site on the other side of Millville Road and the undeveloped area from the intersection of Millville Road and Allstadt's Hill Road to the existing houses) is also zoned Residential Growth. The residences on Allstadt's Hill Road and the parcel located south of Millville Road and east of US Route 340 are all zoned Residential, Light Industrial, Commercial. The Residential Growth District allows various forms of residential units ranging from single family lots to multifamily lots. The Residential Light Industrial, Commercial use allows most uses except for heavy industrial uses. The proposed use of a mixed residential community is compatible with the surrounding zoning categories.



Allstadt's Corner has an overall density of 4.24 units per acre. This density is similar to most single family development on water and sewer within the Residential Growth Zone where individual lots can be as small as 6000 sq. ft. each. A major portion of the site will be retained in open space, including the storm water management area. The 14 buildings each containing two duplex units that line the edge of the property, both along Allstadt's Hill Road and along Millville Road will be similar in size to new freestanding single family units and the two story multifamily units by being located at the corners of the site will also fit into the surrounding area.

Though presently, there is no new development in the area, except for the Professional Offices on the other side of US Route 340, and existing development is principally older single family homes and a commercial enterprise (Whitewater Rafting Company) along Allstadt's Hill Road, with the rest of the area mainly being open fields and farms, the County's Comprehensive Plan and the adopted Zoning Map clearly identifies this area as a growth area with residential and light industrial uses allowed. These uses allow densities much greater than the one proposed for Allstadt's Corner.

A rough calculation indicates that the existing parcel (retaining the .95 acre Allstadt's Ordinary parcel and its existing use) could be developed with either 52 single family homes or 149 townhouses or 261 multifamily units. This would create an overall density (including the three existing residential units) of 4.24 units per acre for a single family subdivision or 11.72 units per acre for a townhouse subdivision or 20.35 units per acre for a multifamily subdivision. The plan for Allstadt's Corner retains a 4.24 unit per acre density, comparable to a single family residential subdivision while preserving more open space and providing a different mix of housing types than the typical development in Jefferson County.

The density proposed for Allstadt's Corner though higher than the surrounding present density is in accordance with the County's zoning map and actually is much lower than what could be implemented upon the site. Additionally, we note that the current use, a flea market and fruit stand are not necessarily compatible with surrounding proposed residential and light industrial uses.

To the north of the property is US 340, a dual lane highway located on an embankment. Some existing trees are located on the embankment. The embankment is the property of the WVDOH. Located on the other side of US 340, is the Shenandoah Professional Center, a renovated 1870s to 1880 building and its associated parking areas. It is a commercial use. Beyond the Professional Center is open land.



NW corner of the site



NE corner of the site

View looking north



To the east of the property is Allstadts Hill Road and across it are three single family residences and some open land. The proposed development near the three existing houses will be the villa type units. The proposed eight unit multifamily building will be across from the open land zoned for Residential Growth. If buffers are required, they shall be provided in accordance with Section 4.16 of the Zoning Ordinance for multifamily use. The existing Allstadt's "Ordinary" will remain at the NE corner of the property.



Houses across road  
Trees along road, house behind trees  
**View Looking south from the center of the site towards Allstadts Hill Road**

To the west, across Millville Road, a state road located within a wide right of way belonging to the WVDOH, are two parcels of land, the one closest to US 340 is a large farm field. A tree line is currently located along part of the eastern end of this field (near Millville Road). This field is currently owned by the US government (NPS) and future use is unknown. The other parcel is the site for the proposed Benview subdivision, a single family residential community to be built in the near future. Because of the wide right of way for Millville road, the property lines for these two parcels are at least 150 ft. distant from the Allstadt's Corner property lines. As a consequence there is a clear visual break between the properties. The proposed uses adjoining Millville Road are the two multifamily lot and the villa lots. If buffers are required, they shall be provided in accordance with Section 4.16 of the Zoning Ordinance for multifamily use.



Looking towards Millville Rd.  
SW corner of the site looking west  
**View looking west**

The proposed uses in general are compatible with the surrounding existing uses and will in general be more compatible with the surrounding existing and proposed uses than the existing flea market and

fruit stand that generate non local traffic when they are open. The proposed uses are residential, as are most of the surrounding existing and proposed uses.

The proposed development of Allstadt's Corner will create a residential community that is provided with public water and public sewers. Storm water will be managed on site. Currently none of the surrounding uses are on public utilities and there is no storm water management on the site or on any surrounding sites.

## **6. Sensitive Natural Areas**

### **Sinkholes:**

One sinkhole is identified on the property according to both the Comprehensive Plan for the County and the NRCS. However, both survey of the property and a site inspection by Specialized Engineering has not found any sink holes on the property. A Karst Study has been conducted by Specialized Engineering and it is attached.

See Exhibit 5 Sink Hole Map at page 60 and the Geologist's Report at Exhibit 6, pages 61 to 76.

### **Other Sensitive Areas:**

No other sensitive natural areas appear to exist within the confines of the site. If any are discovered during construction, best management practices of sediment and erosion control will be implemented to ensure that those areas remain undisturbed.

### **Conditions of channels and banks of streams on the property or within 500 ft. of the discharge point from the property:**

The only channels located along or near the property are the road side ditches constructed as part of the relocation of Millville Road. These are grassed swales maintained by the WVDOH. A culvert is located at the intersection of Allstadt's Hill Road and Millville Road. This culvert collects drainage from a small portion of the site and directs it to the roadside swale on the other side. These swales are well maintained. There are no constructed swales along Allstadts Hill Road though a portion of the drainage on this road also runs towards the culvert described above. Drainage running east along Allstadt's Hill Road and the drainage for the rest of the property runs to a 200 ft. long culvert under US 340. This culvert is maintained by the WVDOH and drains into an intermittent stream shown on the USGS mapping located on the northern side of US 340. However a site inspection in March 2007 did not show any signs of an intermittent stream and no signs of erosion were seen in the field located to the west of US Route 340, bordered by Bakerton Road.

## SOCIAL IMPACTS

### 7. Demand for Schools

Based on information provided by the Jefferson County Schools (JCS) as part of its impact fee analysis, there are 0.64 children for each single family residential unit in the County, .233 children per apartment unit and .067 children per duplex (single story) unit. We have further broken these numbers down, using the total count of school age children per the JCS (2<sup>nd</sup> month count 2006-07 school year).3917 elementary school students, 1781 middle school students and 2374 high school students for a total of 8072 students in the school system. Applying these percentages to the number of children for each individual type of units, we can assume a school age distribution as follows:

Housing Type	Child housing per unit from impact fee report	Elementary School (49%)	Middle School (22%)	High School (29%)
Single family	0.64	0.31	0.14	0.19
Town home	0.382	0.19	0.08	0.11
Duplex	0.067	0.03	0.01	0.02
Apartment	0.233	0.11	0.05	0.07

Based on the creation of 24 apartment units and 28 duplex units in the subdivision, the maximum impact on the school system of this property at this time would be 52 additional dwelling units. We have used this number in our calculations below.

	School children per 28 duplex units	School children per 24 apartment units	Total school children
Elementary School	(28 x 0.03 = 0.84) or 1	(24 x 0.11 = 2.64) or 3	3.48 to 4 children
Middle School	(28 x 0.01 = 0.28) or 1	(24 x 0.05 = 1.20) or 2	1.48 to 3 children
High School	(28 x .002 = 0.56 or 1	(24 x .007 = 1.68 or 2	2.24 to 3 children
Total	1.68 to 3 children	5.52 to 7 children	7.2 to 10 children

3 to 4 Kindergarten through Fifth Grade students would attend Shipley Elementary School (current enrollment of 439 children (10/06 figures), SBA capacity of 357.

According to the *State of the Schools Report 2005* prepared by JCPS: “space needs and retention of teachers are issues facing Shipley”.

Currently Shipley Elementary School has 2 classrooms in 2 portable buildings.

2 to 3 Sixth Grade through Eighth Grade students would attend Harpers Ferry Middle School (current enrollment of 472 children (10/06 figures), SBA capacity of 326.

According to the *State of the Schools Report 2005* prepared by JCPS, “The issues related to growth and in particular, the large number of portable classrooms continues to be a major concern at HFMS.”

Currently 12 portable classrooms in 7 buildings (one rest room facility) are located at this school.

3 Ninth through Twelfth Grade students would attend the Jefferson High School complex (current enrollment of 2374 children, SBA capacity of 1949 for both the 9<sup>th</sup> grade building and the high school). Total enrollment in both buildings is currently 2,374. The SBA capacity for the 9<sup>th</sup> grade building is 600 and 1349 for the 3 year high school for a total of 1949).

*According to the State of the Schools Report 2005 prepared by JCPS, "JHS is the largest high school in WV...JHS operates on a departmental basis and is involved in a major renovation project at the main campus building. The auditorium has been completed with work to begin soon... to relieve crowding. With the completion of a new high school, the current JHS 9<sup>th</sup> grade complex will become a middle school, with the ninth grade being split between the renovated JHS and the new high school."*

JHS currently makes use of 20 classrooms in 8 portable buildings.

We note that for every residential unit built, no matter who resides in it, an impact fee will be paid to mitigate any impact of additional school age children on the Jefferson County School System. It is anticipated that the construction of duplex homes and apartments on this parcel will pay a total of Three Hundred Forty Thousand Forty Eight Dollars (\$340,048) in impact fees based on the impact fee schedule (effective on 4/1/06), no matter who resides in the development. These funds will be used by the Board of Education to provide capital improvements to the school system to offset the impact of new development in the County.

According to our calculations the number of school children generated by this development could range from 8 to 10 children. This number of children will have a minimal impact upon the school system. Furthermore, the opening of the new high school in 2008 will allow for the redefining of school districts and the freeing up of space at both the middle school and high school level.

A letter was sent in January 2007 (using 2006 enrollment figures) to the JCBOE regarding the school impact.

See Exhibit 9 at page 102 for the letter to the JCBE

## 8. Traffic

In accordance with Section 7.1 (b) 8. of the Subdivision Ordinance the subdivision will generate the following trips:

	Peak Hour generation 0.7 for apartments 0.6 for duplexes (used TH no.)	Average daily traffic 6.0 /DU for apartments 7.0 / DU for duplexes (used TH no.
Apartments (26)	18.2	156
Duplex units (28)	16.8	196
<b>Total</b>	<b>35 Peak Hour Generation</b>	<b>352</b>



The subdivision will generate a total of 352 trips per day. The projected peak hour traffic will be 35 trips per hour.

The West Virginia Department of Highways has 2 pertinent traffic counts on roads in the vicinity of the proposed development. A count on Bakerton Road south of the proposed subdivision recorded 450 vehicles per day. A count on US 340 just west of its intersection with Bakerton Road recorded 28,500 vehicles per day. All these counts were done in 2005.

In accordance with Section 7.1 (b) 8 of the Subdivision Ordinance when Peak Hour generation is less than 150 trips per hour, the Subdivision Ordinance does not require either a traffic count or a traffic study. None were done.

Based on the definition of “key intersection” in the Subdivision Ordinance, the nearest key intersection is Bakerton Road and US Route 340 at the northern corner of the subdivision.

There are no roadway “*problem areas*” identified in the Comprehensive Plan that are located in an area approximately one mile away from the site. The closest problem areas are the US 340 Bridge on the Shenandoah River that has been replaced since these areas were identified and the single lane road underpass under the CSX railroad line on Bakerton Road.

See Exhibit 12 for Highway problem areas at pages 163 and 164.

## **9. Demographic Impact**

According to the U.S. Census Bureau, American Fact Finder Table QT-H2 tenure, household size and age of householder: Census 2000, 100% data, for Jefferson County the average household size is 2.54 persons per household, therefore this subdivision will add (52 x 2.54) 133 persons in the subdivision to the County.

## **10. Health and Emergency Medical Facilities**

Local doctors and other medical services are located in Ranson and Charles Town. Jefferson Memorial Hospital in Ranson, approximately 5 miles from the site, has adequate facilities to provide a broad range of medical services and meet the emergency needs of the residents. EMS services are provided by the County's Emergency Medical Services located in Ranson. Also located in Harpers Ferry is the Harpers Ferry Family Medicine Center, part of the WV University Medical School system providing comprehensive medical services.

See Exhibit 9 Letters from Agencies for letter from Jefferson Memorial Hospital at page 101.

A letter was sent to the Jefferson County Ambulance Authority and a response received.

See Exhibit 9 Letters from Agencies for the letter from the Ambulance Authority at page 109.

## **11. Fire**

The development lies within the fire district that is served by the Friendship Volunteer Fire Company in Harpers Ferry. The property is located 2 miles away from the Friendship Fire Company Headquarters in Harpers Ferry. Driving the speed limit and obeying all traffic signals, it took 5

minutes to arrive at the intersection of Allstadts Hill Road and Millville Road from the fire station (driven at 1 p.m. on a Friday afternoon). A letter was sent and a response was received. As requested by the Fire Company, prior to completing Preliminary Engineering Plans for the project, copies of the draft plans will be provided to the Fire Chief of Friendship Fire Company for his comment and upon completion of the plans, he will be provided with a set of plans showing the Fire Hydrant locations within the development.

See Exhibit 9 Letters to Agencies for copies of the letter from Friendship Volunteer Fire Company at page 108.

## **12. Police**

The West Virginia State Police and the Jefferson County Sheriff's Department both have jurisdiction at the development site.

See Exhibit 9 Letters from Agencies for letters from the Sheriff and from the West Virginia State Police at pages 106 and 107.

## **13. Trash Removal**

Apple Valley Waste. will provide trash removal.

See Exhibit 9 Letters from Agencies for the letter from Apple Valley Waste at page 110.

## **14. Electric Service**

The Allegheny Power Company will serve the site.

## **15. Telephone Service**

Frontier Communications will provide phone service to this site.

## **16. Water and Sewer Service**

The two proposed multifamily lots and the twenty eight duplex lots to contain 28 residential units in fourteen buildings will be served with public water and public sewer.

An existing water line runs along Millville Road and service is already provided to the property. Water will be provided by Jefferson Utilities.

See Exhibit 9 for a copy of the letter from Jefferson Utilities at page 103.

Sewer will be provided by "Old Standard LLC" at the plant being built at Millville. The sewer line has already been installed and the property is ready for sewer service. The "Old Standard" plant upon completion will be turned over to the JCPSD for ownership and operation. As a consequence we also contacted the JCPSD.

See Exhibit 9 for copies of the letters from "Old Standard LLC" and the JCPSD at pages 104 and 105.

The residue lot containing the Allstadt Ordinary is currently served by a well and a septic system. The well pre-exists the Subdivision Ordinance. The septic system was installed in 1984. The approved installation permit number is No. 57198384253RT for the septic system. No changes are proposed.

### **17. Relationship of Property to Comprehensive Plan**

As part of the 2004 Comprehensive Plan, some general goals from the 1994 plan were adopted as part of the *Statement of Goals*.

On page 19 of the adopted 2004 plan the following goal is stated:

*“Promote a diversity of housing within the County”*

This development is one of the few developments in the County that includes multifamily housing and villa units (duplexes). Most residential development in the county is single family housing. In providing other types of housing, this development will assure a diversity of housing in the County.

On page 41 of the adopted 2004 plan, it states:

*“Residential...development on water and sewer facilities should, by nature and design, be more dense”*

This development has a gross density of 4.2+ units per acre (including the existing units on the property) and a net residential density for the new units of 5.7+ residential units per residential acre.

On page 56 of the adopted 2004 plan the following goal is stated:

*Rewarding the retention and restoration of historic buildings during the subdivision process...”*

This subdivision retains the Historic Allstadt Ordinary, a property listed on the National Register of Historic Places. In developing the subdivision, a large lot has been retained around the “Ordinary” and efforts made to preserve its current setting.

On page 78 of the adopted 2004 plan the following recommendation is stated:

*“it is the vision of this Comprehensive plan that development will be concentrated within the designated growth areas.”*

The Zoning Map for the County indicates that this property is located in the Residential Growth Zone, the area proposed for the densest growth.

### **Housing Supply**

The latest information released by the US Census indicates that from April 1, 2000 to July 1, 2005 Jefferson County was the second fastest growing County in WV with an increase of 7,016 inhabitants. It had a 16.6% increase in population, second only to Berkeley County (one of the 100 fastest growing counties in the USA) which grew by 23 %.

When one reviews building permits, it is clear that new construction has been principally in single family residential units. Also, growth in new single family units appears to be fairly steady, while there has been very little growth in duplex units, one in the last year or multifamily units, one building with five units in 2006.

On the next page is a review of several data sources regarding building permit activity in Jefferson County:

- Jefferson County Department of Impact Fees by number & type of individual units (Note, that prior to obtaining a building permit for a new residential unit in the County and in several of the towns, the Impact Fee is paid at the Department of Impact Fees, not including Charles Town and Ranson).

	Single Family	Duplex	Town homes
<b>2004</b>	269	0	5
<b>2005</b>	324	0	22
<b>2006</b>	256	0	57

- U.S. Census Data ([Http://censtats.census.gov](http://censtats.census.gov)) Looking at 2006 building permits & also comparing January 2006 and January 2007 building permits(Covers both the County and Municipalities, imputes numbers for non reporting jurisdictions):

	Types						
	Building total	Units total	Construction cost	Single family	Two family (duplexes)	Three & four family	Five or more family (multifamily)
<b>2006</b>	549	554	138,534,732	547	1 (2 units)	0	1 (5 units)
<b>January 2006</b>	71	72	14,816,909	70	1 (2 units)	0	0
<b>January 2007</b>	27	27	7,825,513	27	0	0	0

From the Journal Newspaper on February 16, 2007, the following statistics were provided regarding regional real estate sales and in particular Jefferson County as shown in the chart below:

	Median price sold	Total units sold	Average days on the Market
<b>2006</b>	289,000	734	75
<b>2005</b>	286,500	936	50

Based on the above, it is clear that more homes were sold than are built in the County in one year. Additionally, little or no multifamily housing has been built in the county since 2000. The units proposed for this development will fill a void in the housing market and provide a diversity of housing choice.

The Comprehensive Plan at page 113 also notes the change in household size, noting that households have decreased in size from 3.21 persons per household in 1970 to 2.54 persons per household in 2000. As household size decreases, households often look for smaller residential units. Again the mix of multifamily units and villa (duplex) units will be of interest to these smaller households.

- in the 1970s population increased by 42.4% and housing units increased by 55.7%.
- in the 1980s population increased by 18.5% and housing units increased by 26.5%.
- in the 1990s population increased by 17.4% and housing units increased by 20.7%.



As can be seen from the latest census information and building permit information, the County continues to grow, having grown 16.6 % over the past five years. With continued population growth, there is a demand for new housing and for a diversity of housing types..

## 19. Historic Sites

The Allstadt Ordinary, previously discussed is listed on the National Register of Historic Places and, Historian, regarding the “Ordinary” and surrounding properties.

The study is at Exhibit 11 after page 118.

Additional historic properties are The Shenandoah Professional Building, located on the northern side of US Route 340 at its intersection with Bakerton Road. This property is not listed on the Register, but is eligible for listing on the Register and is within 500 feet of the northwest corner of the property.

The following additional National Historic sites are located in the vicinity:  
Harpers Ferry Area::

**Bolivar Heights--School House Ridge Skirmish Site** (added 2001 - **Site** - #01000786)  
Also known as **Prospect Hill Farm; The Vineyard Farm**  
Bloomery Rd., Harpers Ferry

Historic Significance: Event  
Area of Significance: Military  
Period of Significance: 1850-1874  
Owner: **Federal**  
Historic Function: Agriculture/Subsistence, Defense  
Historic Sub-function: Agricultural Fields, Battle Site  
Current Function: Landscape  
Current Sub-function: Park

**Harpers Ferry Historic District \*\*\*** (added 1979 - **District** - #79002584)  
Also known as **Harpers Ferry; See Also: Harpers Ferry National Historic Park;**  
Off U.S. 340, Harpers Ferry

Historic Significance: Information Potential, Event, Architecture/Engineering  
Architect, builder, or engineer: Multiple  
Architectural Style: Late Victorian  
Area of Significance: Architecture, Social History, Invention, Military, Historic - Non-  
Aboriginal, Transportation, Politics/Government, Industry, Commerce  
Cultural Affiliation: American  
Period of Significance: 1800-1824, 1825-1849, 1850-1874  
Owner: **Private , Local Gov't**  
Historic Function: Domestic, Industry/Processing/Extraction  
Historic Sub-function: Manufacturing Facility, Single Dwelling  
Current Function: Domestic  
Current Sub-function: Single Dwelling

**Harpers Ferry National Historical Park \*\*\*** (added 1966 - **District** - #66000041)  
At confluence of Shenandoah and Potomac rivers, Harpers Ferry

Historic Significance: Person, Information Potential, Event, Architecture/Engineering  
Architectural Style: No Style Listed  
Historic Person: Brown, John  
Significant Year: 1859, 1802  
Area of Significance: Architecture, Social History, Invention, Military, Historic - Non-Aboriginal, Politics/Government, Industry, Commerce  
Cultural Affiliation: American  
Period of Significance: 1750-1799, 1800-1824, 1825-1849, 1850-1874  
Owner: **Federal**  
Historic Function: Defense, Domestic, Industry/Processing/Extraction, Transportation  
Historic Sub-function: Battle Site, Fortification, Manufacturing Facility, Single Dwelling  
Current Function: Domestic, Education, Landscape, Recreation And Culture  
Current Sub-function: College, Institutional Housing, Monument/Marker, Museum

**Lee-Longworth House** (added 1985 - **Building** - #85002471)  
1141 Washington St., Harpers Ferry

Historic Significance: Architecture/Engineering  
Architect, builder, or engineer: Unknown  
Architectural Style: Georgian, Federal  
Area of Significance: Architecture  
Period of Significance: 1800-1824  
Owner: **Private**  
Historic Function: Domestic  
Historic Sub-function: Single Dwelling  
Current Function: Commerce/Trade, Domestic  
Current Sub-function: Single Dwelling

**Shipley School** (added 2001 - **Building** - #01000783)  
Also known as **Old Harpers Ferry High School**  
847 Washington St., Harpers Ferry

Historic Significance: Event, Architecture/Engineering  
Architect, builder, or engineer: Holmboe and Lafferty  
Architectural Style: Classical Revival  
Area of Significance: Community Planning And Development, Architecture  
Period of Significance: 1900-1924, 1925-1949, 1950-1974  
Owner: **Federal**  
Historic Function: Education  
Historic Sub-function: School  
Current Function: Government

**Storer College** (added 2001 - **District** - #01000781)

Fillmore St., Harpers Ferry

Historic Significance: Architecture/Engineering, Event  
Architect, builder, or engineer: Symington, Maj. John  
Architectural Style: Italianate, Greek Revival  
Area of Significance: Architecture, Black, Industry, Education  
Period of Significance: 1825-1849, 1850-1874, 1875-1899, 1900-1924, 1925-1949, 1950-1974  
Owner: **Federal**  
Historic Function: Defense, Education  
Historic Sub-function: Arms Storage, College  
Current Function: Government  
Current Sub-function: Government Office

**Tattersal Property** (added 2001 - **Site** - #01000780)

Union St., Bolivar

Historic Significance: Event  
Area of Significance: Community Planning And Development  
Period of Significance: 1825-1849, 1850-1874, 1875-1899, 1900-1924, 1925-1949  
Owner: **Federal**  
Historic Function: Agriculture/Subsistence, Landscape, Recreation And Culture  
Historic Sub-function: Agricultural Fields, Natural Feature, Outdoor Recreation  
Current Function: Domestic  
Current Sub-function: Single Dwelling

Located over a mile to the west at Halltown WV are the following sites:

**Halltown Colored Free School** (added 2004 - **Building** - #04000912)

Also known as **Halltown African-American Schoolhouse**

Halltown Rd., 0.5 mi. NE of US 340, Halltown

Historic Significance: Event  
Area of Significance: Education  
Period of Significance: 1850-1874, 1875-1899, 1900-1924, 1925-1949  
Owner: **Private**  
Historic Function: Education  
Historic Sub-function: School  
Current Function: Vacant/Not In Use



**Halltown Union Colored Sunday School** (added 1984 - **Building** - #84003591)

Also known as **Halltown Memorial Chapel**

Off US 340, Halltown

Historic Significance: Event, Architecture/Engineering

Architect, builder, or engineer: Unknown  
 Architectural Style: Late Gothic Revival, Other  
 Area of Significance: Architecture, Religion, Black  
 Period of Significance: 1900-1924  
 Owner: **Private**  
 Historic Function: Religion, Social  
 Historic Sub-function: Civic, Religious Structure

One cemetery is located on the property. It is the Allstadt Family Cemetery. It is enclosed by a stone wall and to be retained. It is discussed in the report.

Other historic properties identified as part of the 1970 Historic Survey are listed in Exhibit 10. None of them are visible from the site, nor can the site be seen from any of these properties.

See Exhibit 10 Material from Historic Inventory for the pertinent data concerning the structures in the vicinity identified in the Windshield Survey at pages 111 to 118.

## 20. Recreation

Recreational facilities are required. The Subdivision Ordinance requires that land be set aside for recreation if overall density is more than 2 units per acre of residential land. The overall density was calculated as follows:

	<b>Multifamily Lots (2)</b>	<b>Duplex</b>	<b>Residue</b>	<b>All residential</b>
<b>acreage</b>	2.32	5.75	.95	9.02
<b>No of units</b>	24	28	3	55
<b>Net residential density</b>	10.34	4.87	3.16	5.43
<b>% required open space</b>	10%	4%	4%	7%
<b>Acreage\required open space</b>	.23 acres	.23 acres	.04 acres	.50 acres

Two parkland areas are included, the main one being in the northern portion of the site & containing over .71 acres. and the other park area containing .32 acres, next to the smaller apartment complex, not including the cemetery (.12 acres). Total available parkland (not counting the cemetery or the tot lot located on Multifamily Lot [Lot 12]) will be 1.03 acres. This parkland will include a tot lot on the southern portion and a walking trail on the northern portion that will link the eastern and western portions of the site to make a 1000+ ft. long walking path using both the trail and the sidewalks along the streets.

The closest county park is Sam Michaels Park; a County owned park located on Job Corps Road, approximately 4 miles northwest of the site. Playing fields, a recreation center and picnic areas are available at the park.

The closest municipal park is the Community Park in Bolivar, belonging to the Town of Bolivar, approximately 1+ mile away on Washington Street.



The Harpers Ferry National Historic Park is located less than a mile from the site. Its main entrance is from U.S. Route 340. It has walking trails.

No state parks are located in the vicinity of the site.

## ECONOMIC IMPACTS

### 21. Property Tax Evaluation

It is estimated that the subdivision will generate at least an additional \$85,385 in property taxes based on the following computation:

Type of unit	Tax rate per \$100	Estimated assessed value	Assessed Value (60%)	Total estimated tax using 2006 tax rates
<b>Multifamily units</b>	2.412 (class 3)	\$100,000 per unit) x 24 units = \$2,400,000	\$1,440,000	\$34,733
<b>Duplex units</b>	1.2060 (class 2)	\$250,000 per unit) x 28 units = \$7,000,000	\$4,200,000	\$50,652
<b>total</b>			<b>\$5,640,000.00</b>	<b>\$85,385.00</b>

*Used Jefferson County Property Tax Guide, Class II & III Tax Rates*

Additional economic impacts will be created via the School and Police Impact Fees adopted by the County Commissioners and payable to the County at the time a building permit is issued.

Below a table indicating impact fees to be paid for the 52 new units

	Impact fee Multifamily unit	24 Multifamily units	Impact fee duplex unit	28 Duplex units	Total impact fees
<b>Schools</b>	\$5916	\$141,984	8030	224,840	366824
<b>Law enforcement</b>	\$112	\$2688	112	3136	5824
<b>Parks and Recreation</b>	\$565	\$4176	574	16,072	20,248
<b>Fire and EMS</b>	\$454	\$3396	460	12880	16,276
<b>Total</b>	<b>\$7047.00</b>	<b>\$67,596.00</b>	<b>9176</b>	<b>256,928</b>	<b>409,172</b>

*Based upon the Impact Fee Report prepared by the Department of Impact Feed January 2007, proposed fees as of April 2007*

As a result of this project, additional funds will flow to the County Commission and the Board of Education for use in providing public services to the residents of this development and will assist in mitigating any impacts upon the same public services. We note that this is the minimum amount that will be collected in Impact Fees since all the fees except for the School fee are recalculated automatically (unless the Commissioners act to not increase the fees) each year at the beginning of April.

## **22. Bank Deposits and Loans**

The closest banks are located at in Bolivar. Other banks are found in Charles Town. These banks will be accessible by the residents and it is assumed that the occupants of the development will most likely utilize local banking facilities. As a result, banking activities such as deposits, investment accounts and mortgages may increase.

## **23. Anticipated Local Spending**

It is anticipated that a local contractor will construct the roads and other improvements. Many of the contractors' employees will most likely be Jefferson County residents. Most construction materials will be purchased locally.

Residents of Allstadt's Corner will most likely shop in Charles Town for both food and sundries, and thereby contribute to the local economy. Harpers Ferry and Bolivar have convenience stores, but no major shopping areas. Major shopping is in Charles Town and Ranson.

## **24. Local Employment Implications**

Allstadt's Corner will be marketed locally. It is anticipated that many of the buyers of the villas will be local residents who are down sizing and nearing retirement or are retired. The multifamily units will appeal to another niche. These units will appeal to young couples starting out who desire to reside in smaller units, as well as older empty nesters. Many of these people may work either in Jefferson County or in surrounding communities. However, some of the residents may be either households working in the metro area, who are attracted to the area and its proximity to the commuter rail station at Harpers Ferry.

Some of the residents may very well be recently hired school teachers in our local school system or new government workers, working either in local or state government or at Harpers Ferry National Historic Park. Local employment opportunities may be created for existing businesses. As more housing is built, there is an increasing need for various types of business. As an example, paint and wall paper stores may find an increase in their business as homeowners personalize their home to their taste. Additionally, new businesses locate in the general area as the population increases. A good example is the new Kohl's Department Store in Ranson, opening in March 2007. It has created employment opportunities for local residents.

## **25. Property Values**

The current uses on the property are agricultural uses, a flea market, a fruit stand and a residential building. See the current assessment information shown on the next page (2 accounts)

For the agricultural use, including the fruit stand (8.97 acres):

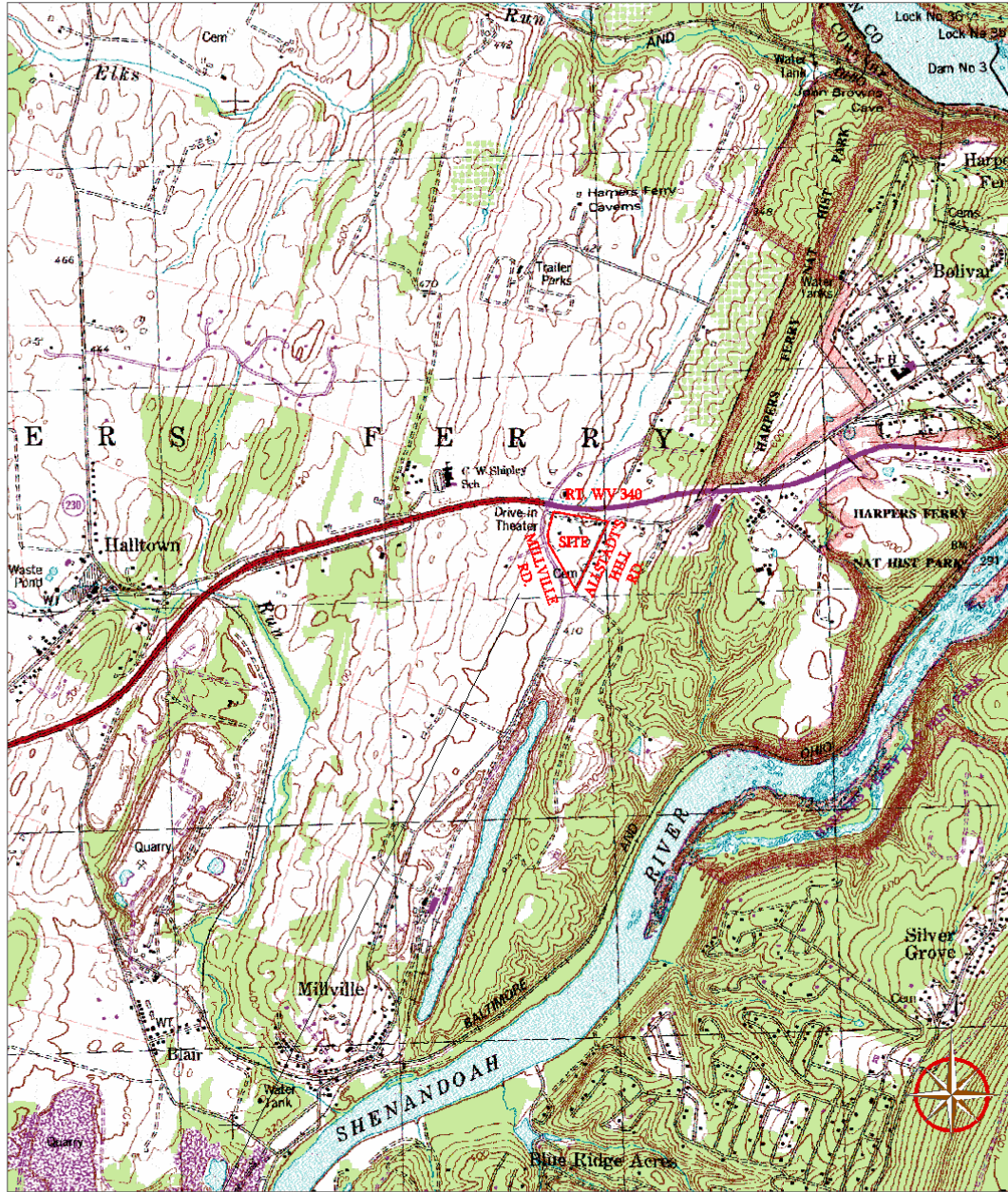
ASSESSMENT:			
Assessment	GROSS	NET	TAX (1/2 Year)
Land	29350	29350	
Building	96900	96900	
Total	126250	126250	1522.58

For the remainder of the property (house, flea market) (4 acres):

ASSESSMENT:			
Assessment	GROSS	NET	TAX (1/2 Year)
Land	30550	30550	
Building	0	0	
Total	30550	30550	184.22

It can be seen that the existing assessment on the overall property of \$156,800 is well below the estimated assessment of over 5 million dollars. The proposed development will not only bring new development to the area, but significantly increase the value of the property. As has been hi-lited recently in our local newspapers, new development does increase the value of the property planned for development as well as existing surrounding properties.

## Exhibit 1: Site Location map



**Dewberry**

Dewberry & Davis, LLC  
401 S. FAIRFAX BOULEVARD, SUITE 3  
RANSON, WV 25438-1611  
PHONE: 304.725.4572  
FAX: 304.725.6896  
WWW.DEWBERRY.COM

DATE

3/14/07

PROJ. NO.

50002335

SITE LOCATION MAP

0 500 1000 2000

PROJECT

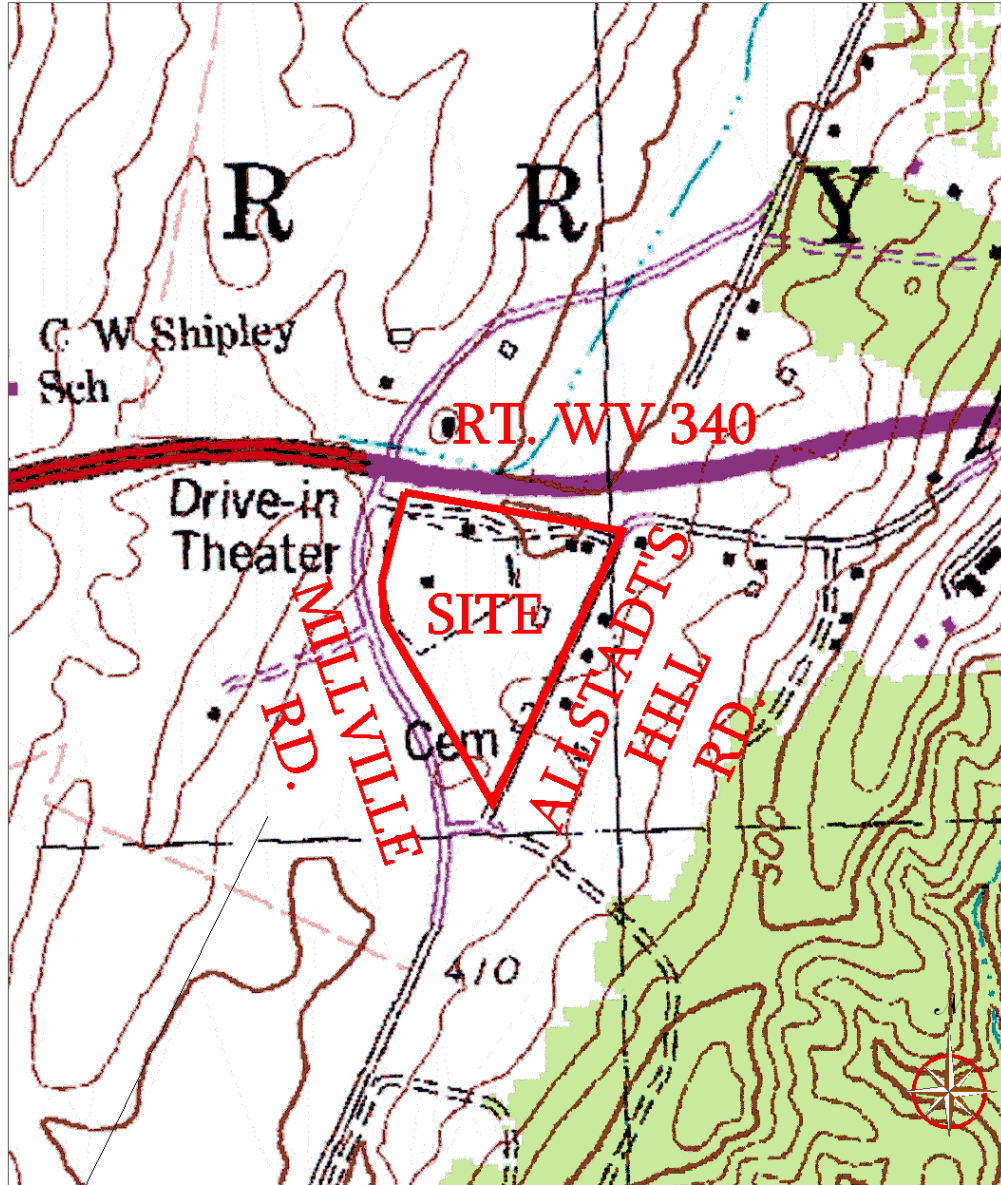
ALLSTADT'S CORNER

EXHIBIT NO.

1



## Exhibit 2: Topography



Dewberry & Davis, LLC  
401 S. FAIRFAX BOULEVARD, SUITE 3  
RANSON, WV 25438-1611  
PHONE: 304.725.4572  
FAX: 304.725.6896  
WWW.DEWBERRY.COM

DATE

3/14/07

PROJ. NO.

50002335

SITE TOPOGRAPHY MAP

0 250 500 1000

EXHIBIT NO.

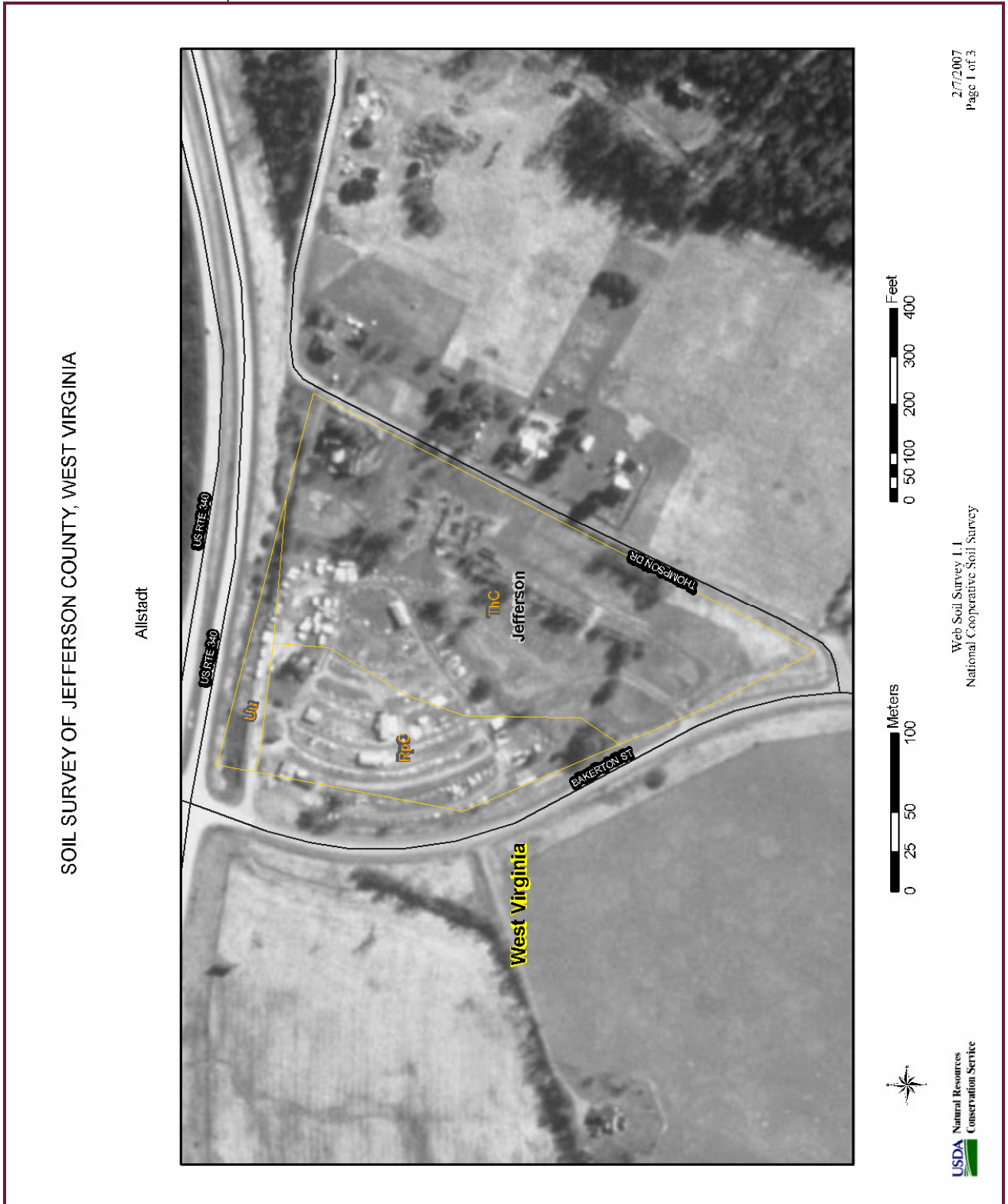
1

PROJECT

ALLSTADT'S CORNER

### Exhibit 3: Soils map and soils description





































Note: Road names are per the NRCS and do not reflect actual road names



# SOIL SURVEY OF JEFFERSON COUNTY, WEST VIRGINIA

Allstadt

## MAP LEGEND

	Soil Map Units
	Cities
	Detailed Counties
	Detailed States
	Interstate Highways
	Roads
	Rails
	Water
	Hydrography
	Oceans
	Escarpment, bedrock
	Escarpment, non-bedrock
	Gully
	Levee
	Slope
	Blowout
	Borrow Pit
	Clay Spot
	Depression, closed
	Eroded Spot
	Gravel Pit
	Gravelly Spot
	Gully
	Lava Flow
	Landfill
	Marsh or Swamp
	Miscellaneous Water
	Rock Outcrop
	Saline Spot
	Sandy Spot
	Slide or Slip
	Sinkhole
	Sodic Spot
	Spoil Area
	Stony Spot
	Very Stony Spot
	Perennial Water
	Wet Spot

## MAP INFORMATION

Source of Map: Natural Resources Conservation Service  
Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>

Coordinate System: UTM Zone 18

Soil Survey Area: Jefferson County, West Virginia

Spatial Version of Data: 3

Soil Map Compilation Scale: 1:24000

Map comprised of aerial images photographed on these dates:  
4/11/1988

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

### Map Unit Legend Summary

#### Jefferson County, West Virginia

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
RpC	Ryder-Poplimento complex, 8 to 15 percent slopes	3.3	24.4
ThC	Thurmont gravelly loam, 8 to 15 percent slopes	9.5	71.2
Uu	Urban land-Udorthents	0.6	4.4

## Map Unit Description

Jefferson County, West Virginia

### **RpC      Ryder-Poplimento complex, 8 to 15 percent slopes**

#### **Setting**

Landscape: Karst  
Elevation: 300 to 600 feet  
Mean annual precipitation: 33 to 46 inches  
Mean annual air temperature: 40 to 64 degrees F  
Frost-free period: 141 to 168 days

#### **Composition**

Ryder, channery silt loam, and similar soils: 40 percent  
Poplimento, silt loam, and similar soils: 35 percent  
Minor components: 25 percent

#### **Description of Ryder, channery silt loam**

##### **Setting**

Landform: Hillslopes  
Landform position (two-dimensional): Backslope, summit  
Down-slope shape: Convex  
Across-slope shape: Convex  
Parent material: Loamy residuum weathered from limestone and shale

##### **Properties and Qualities**

Slope: 8 to 15 percent  
Depth to restrictive feature: 24 to 40 inches to Paralithic bedrock  
Drainage class: Well drained  
Capacity of the most limiting layer to transmit water (Ksat): Moderately low or high (0.06 to 2.00 in/hr)  
Calcium carbonate maximum: 0 percent  
Gypsum maximum: 0 percent  
Available water capacity: Low (about 5.3 inches)

##### **Interpretive Groups**

Land capability (non irrigated): 3e  
Other vegetative classification: Fertile Loams (FL2)

##### **Typical Profile**

0 to 8 inches: channery silt loam  
8 to 30 inches: channery silty clay loam  
30 to 35 inches: very channery silt loam  
35 to 45 inches: unweathered bedrock

#### **Description of Poplimento, silt loam**

##### **Setting**

Landform: Hillslopes  
Landform position (two-dimensional): Backslope, summit  
Down-slope shape: Convex  
Across-slope shape: Convex  
Parent material: Clayey residuum weathered from limestone and siltstone

##### **Properties and Qualities**

Slope: 8 to 15 percent  
Drainage class: Well drained  
Capacity of the most limiting layer to transmit water (Ksat): Moderately high (0.20 to 0.57 in/hr)  
Calcium carbonate maximum: 0 percent  
Gypsum maximum: 0 percent  
Available water capacity: Moderate (about 7.8 inches)

##### **Interpretive Groups**

Land capability (non irrigated): 3e  
Other vegetative classification: Fertile Loams (FL2)

##### **Typical Profile**

0 to 9 inches: silt loam  
9 to 58 inches: clay  
58 to 72 inches: very channery silty clay loam



## Map Unit Description

Jefferson County, West Virginia

### Minor Components

#### Duffield, silt loam soils

Percent of map unit: 20 percent  
Landform: Hillslopes  
Landform position (two-dimensional): Backslope, summit  
Down-slope shape: Convex  
Across-slope shape: Convex  
Other vegetative classification: Moist Loams (ML2)

#### Funkstown, silt loam soils

Percent of map unit: 5 percent  
Landform: Drainageways  
Landform position (two-dimensional): Toeslope  
Down-slope shape: Concave  
Across-slope shape: Concave  
Other vegetative classification: Moist Loams (ML2)

## Map Unit Description

Jefferson County, West Virginia

### ThC Thurmont gravelly loam, 8 to 15 percent slopes

#### Setting

Landscape: Mountains  
Elevation: 300 to 1700 feet  
Mean annual precipitation: 33 to 46 inches  
Mean annual air temperature: 40 to 64 degrees F  
Frost-free period: 141 to 168 days

#### Composition

Thurmont, gravelly loam, and similar soils: 65 percent  
Minor components: 35 percent

### Description of Thurmont, gravelly loam

#### Setting

Landform: Mountain slopes  
Landform position (two-dimensional): Backslope, footslope  
Down-slope shape: Concave  
Across-slope shape: Convex

#### Properties and Qualities

Slope: 8 to 15 percent  
Drainage class: Well drained  
Capacity of the most limiting layer to transmit water (Ksat): Moderately high or high (0.57 to 1.98 in/hr)  
Frequency of flooding: None  
Frequency of ponding: None  
Calcium carbonate maximum: 0 percent  
Gypsum maximum: 0 percent  
Available water capacity: Moderate (about 6.2 inches)

#### Interpretive Groups

Land capability (non irrigated): 3e  
Other vegetative classification: Acid Loams (AL2)

#### Typical Profile

0 to 11 inches: gravelly loam  
11 to 22 inches: gravelly loam  
22 to 41 inches: gravelly clay loam  
41 to 84 inches: very gravelly sandy loam

### Minor Components

#### Bagtown, gravelly loam soils

Percent of map unit: 20 percent  
Landform: Mountain slopes  
Landform position (two-dimensional): Backslope  
Down-slope shape: Convex  
Across-slope shape: Convex  
Other vegetative classification: Very Rocky, Acid Soils (RA2)

#### Edgemont, gravelly loam soils

Percent of map unit: 15 percent  
Landform: Mountain slopes  
Landform position (two-dimensional): Backslope, summit  
Down-slope shape: Convex  
Across-slope shape: Convex  
Other vegetative classification: Very Rocky, Acid Soils (RA2)

## Map Unit Description

Jefferson County, West Virginia

### **Uu            Urban land-Udorthents**

#### **Setting**

Landscape: Karst  
Elevation: 300 to 600 feet  
Mean annual precipitation: 33 to 46 inches  
Mean annual air temperature: 40 to 64 degrees F  
Frost-free period: 141 to 168 days

#### **Composition**

Urban land: 55 percent  
Udorthents and similar soils: 40 percent  
Minor components: 5 percent

#### **Description of Urban land**

##### **Properties and Qualities**

Slope: 0 to 35 percent  
Available water capacity: Very low (about 0.0 inches)

##### **Interpretive Groups**

Land capability (non irrigated): 8s  
Other vegetative classification: Not Suited (NS)

##### **Typical Profile**

0 to 6 inches:

#### **Description of Udorthents**

##### **Properties and Qualities**

Slope: 0 to 35 percent

##### **Interpretive Groups**

Other vegetative classification: Not Suited (NS)

#### **Minor Components**

##### **Funkstown, silt loam soils**

Percent of map unit: 5 percent  
Landform: Drainageways  
Landform position (two-dimensional): Toeslope  
Down-slope shape: Concave  
Across-slope shape: Concave  
Other vegetative classification: Moist Loams (ML2)

## Map Unit Description

### Detailed Soil Map Units

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions in this report, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. The contrasting components are mentioned in the map unit descriptions. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description indicates the composition of the map unit and selected properties of the components of the unit.

Soils that have profiles that are almost alike make up a "soil series." Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into "soil phases." Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A "complex" consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An "association" is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An "undifferentiated group" is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include "miscellaneous areas." Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

Additional information about the map units described in this report is available in other Soil Data Mart reports, which give properties of the soils and the limitations, capabilities, and potentials for many uses. Also, the narratives that accompany the Soil Data Mart reports define some of the properties included in the map unit descriptions.

## Selected Soil Interpretations

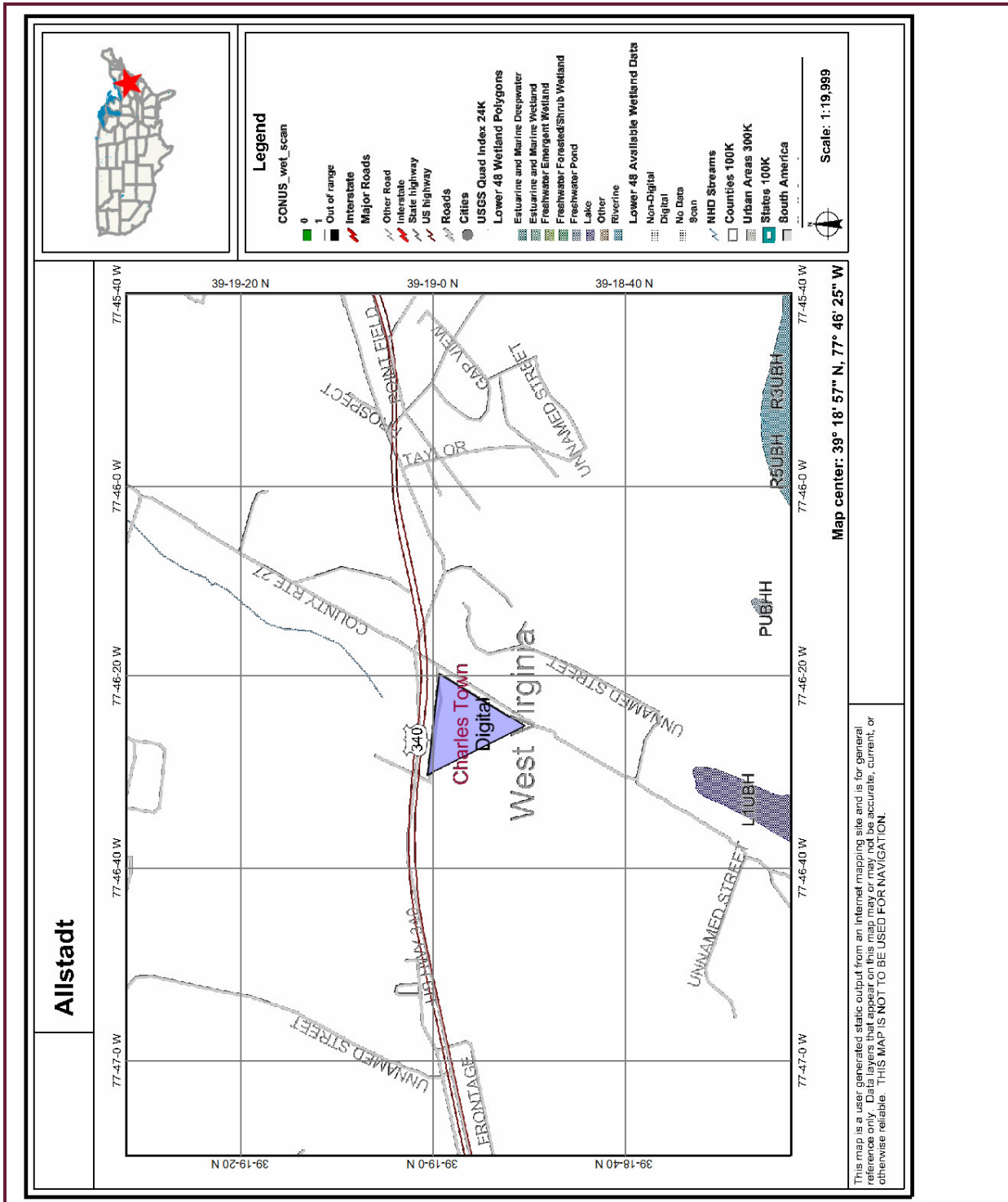
Jefferson County, West Virginia

[The information in this table indicates the dominant soil condition but does not eliminate the need for onsite investigation. The table shows only the top five limitations for any given soil. The soil may have additional limitations]

\*This soil interpretation was designed as a "limitation" as opposed to a "suitability". The numbers in the value columns range from 0.01 to 1.00. The larger the value, the greater the potential limitation.

Map symbol and soil name	Pct. of map unit	ENG - Dwellings With Basements *		ENG - Lawn, Landscape, Golf Fairway *		ENG - Local Roads and Streets *	
		Rating class and limiting features	Value	Rating class and limiting features	Value	Rating class and limiting features	Value
RpC:							
Ryder, channery silt loam	40	Somewhat limited		Somewhat limited		Somewhat limited	
		Slope	0.37	Slope	0.37	Frost action	0.50
		Depth to soft bedrock	0.26	Depth to bedrock	0.26	Slope	0.37
				Gravel content	0.05		
Poplimento, silt loam	35	Very limited		Somewhat limited		Very limited	
		Shrink-swell	1.00	Slope	0.37	Shrink-swell	1.00
		Slope	0.37			Low strength	1.00
						Frost action	0.50
						Slope	0.37
ThC:							
Thurmont, gravelly loam	65	Somewhat limited		Somewhat limited		Somewhat limited	
		Slope	0.37	Gravel content	0.40	Frost action	0.50
				Slope	0.37	Slope	0.37
Uu:							
Urban land	55	Not rated		Not rated		Not rated	
Udorthents	40	Not rated		Not rated		Not rated	

## Exhibit 4: Wetlands Map





## Definitions for wetland map:

---

L1UBH: L1UB\_\_\_\_H\_\_\_\_\_(Millville Quarry)

[L] Lacustrine, [1] Limnetic, [UB] Unconsolidated Bottom, [H] Permanently Flooded

- [L] Lacustrine - The Lacustrine System includes wetlands and deepwater habitats with all of the following characteristics:
  1. situated in a topographic depression or a dammed river channel;
  2. lacking trees, shrubs, persistent emergents, emergent mosses or lichens with greater than 30% areal coverage.
  3. total area exceeds 8 hectares ( 20 acres ).
- Limnetic - Extends outward from Littoral boundary and includes all deep-water habitats within the Lacustrine System.
- [UB] Unconsolidated Bottom - Includes all wetlands and deepwater habitats with at least 25% cover of particles smaller than stones (less than 6-7 cm), and a vegetative cover less than 30%.
- [H] Permanently Flooded - Water covers the land surface throughout the year in all years.

R5UBH: R5UB\_\_\_\_H\_\_\_\_\_(Shenandoah River)

[R] Riverine, [5] Unknown Perennial, [UB] Unconsolidated Bottom, [H] Permanently Flooded

- [R] Riverine - The Riverine System includes all wetlands and deepwater habitats contained in natural or artificial channels periodically or continuously containing flowing water or which forms a connecting link between the two bodies of standing water. Upland islands or Palustrine wetlands may occur in the channel, but they are not part of the Riverine System.
- (5) Unknown Perennial - This Subsystem designation was created specifically for use when the distinction between lower perennial, upper perennial, and tidal cannot be made from aerial photography and no data is available.
- [UB] Unconsolidated Bottom - Includes all wetlands and deepwater habitats with at least 25% cover of particles smaller than stones (less than 6-7 cm), and a vegetative cover less than 30%.
- [H] Permanently Flooded - Water covers the land surface throughout the year in all years.

R3UBH: R3UB\_\_\_\_H\_\_\_\_\_(Shenandoah River)

[R] Riverine, [3] Upper Perennial, [UB] Unconsolidated Bottom, [H] Permanently Flooded

Same as above except

- (3) Upper Perennial - This Subsystem is characterized by a high gradient and fast water velocity. There is no tidal influence, and some water flows throughout the year. This substrate consists of rock, cobbles, or gravel with occasional patches of sand. There is very little flood plain development.

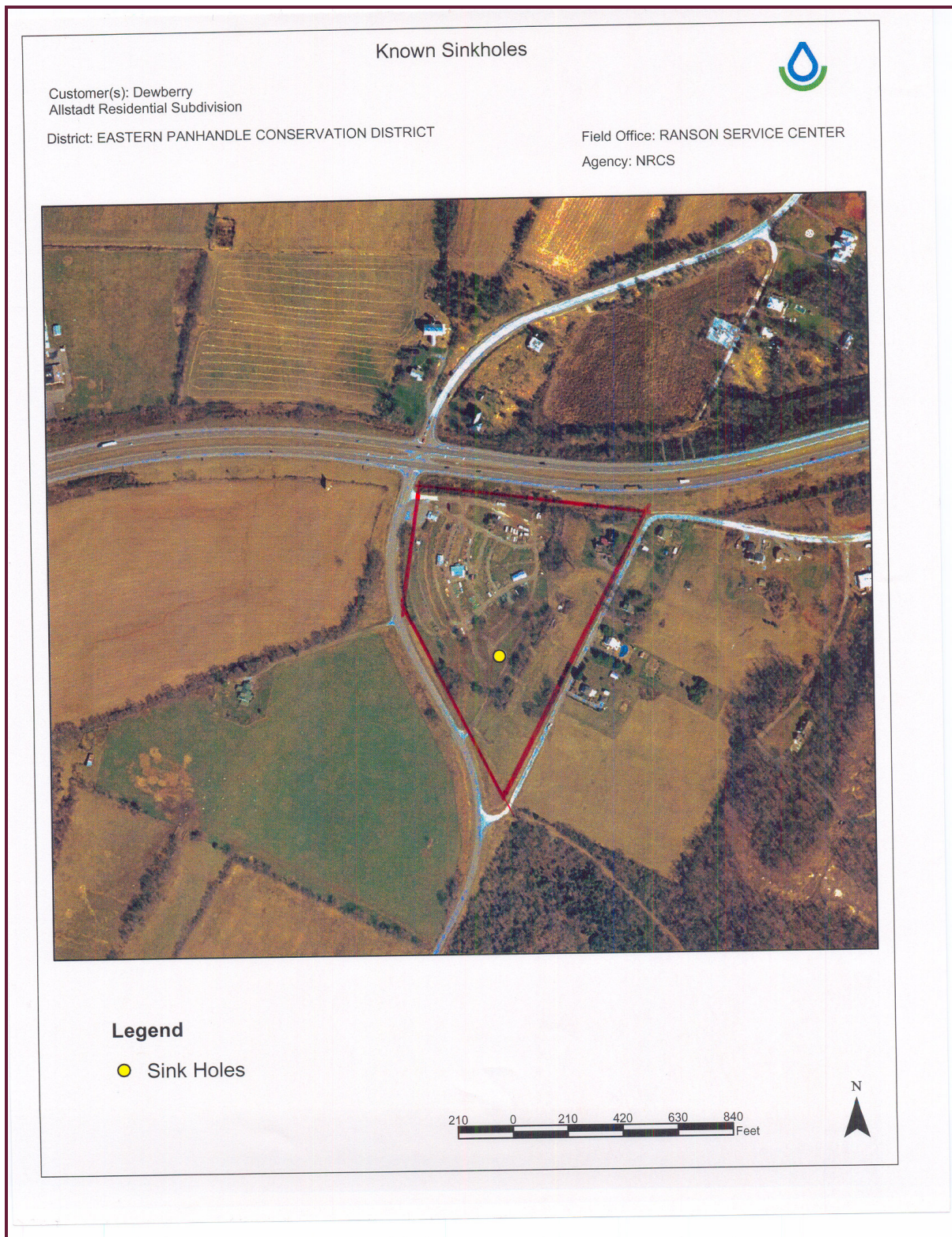
PUBHH Palustrine, unconsolidated bottom, permanently flooded (pond)

PUBH: P\_UB\_\_\_\_H\_\_\_\_\_( )

- [P] Palustrine - The Palustrine System includes all nontidal wetlands dominated by trees, shrubs, emergents, mosses or lichens, and all such wetlands that occur in tidal areas where salinity due to ocean derived salts is below 0.5 ppt. Wetlands lacking such vegetation are also included if they exhibit all of the following characteristics:
  1. are less than 8 hectares ( 20 acres );
  2. do not have an active wave-formed or bedrock shoreline feature;
  3. have at low water a depth less than 2 meters (6.6 feet) in the deepest part of the basin;
  4. have a salinity due to ocean-derived salts of less than 0.5 ppt.
- [UB] Unconsolidated Bottom - Includes all wetlands and deepwater habitats with at least 25% cover of particles smaller than stones (less than 6-7 cm), and a vegetative cover less than 30%.
- [H] Permanently Flooded - Water covers the land surface throughout the year in all years.

Above information from *Wetlands Information from Wetlands Mapper, USF&WS*

## Exhibit 5: Sinkhole map





## Exhibit 6: Geologist's Report

---



March 28, 2007

Mr. James Gibson  
2001 Professional Court  
Martinsburg West Virginia 25401

**Re: Preliminary Karst Assessment - Harpers Ferry Flea Market Property  
Route 340 at Millville Road, Harpers Ferry, West Virginia**

Dear Mr. Gibson:

Specialized Engineering is pleased to provide our Preliminary Karst Assessment of the Harpers Ferry Flea Market Property, located at the intersection of Route 340 and Millville Road in Harpers Ferry, West Virginia.

The content of this report explains in detail the procedures undertaken for the study and the findings of each of the procedures. Our conclusions and recommendations are based in part upon information provided by federal, state, and local regulatory agencies; information gathered by Specialized Engineering personnel; our site observations; and our experience with similar projects in the site area. Although we cannot be responsible for the accuracy of the data provided to us by others, there was no indication that any of the information provided is inaccurate. The contents of this report should not in any way be construed to indicate that Specialized Engineering is recommending purchasing, selling, or developing the project site.

Thank you for engaging our services to undertake this project. If you have any questions or require additional information, please do not hesitate to contact us at your convenience.

Respectfully submitted,

**Specialized Engineering**

A handwritten signature in black ink, appearing to read "Glenn R. Pyle", is written over a horizontal line.

Glenn R. Pyle, P.G., L.R.S.  
Project Manager

Specialized Engineering Project No. 033722

503 South Fairfax Blvd. • Ranson, WV 25438  
Phone: (304) 724-2159 • Fax: (304) 724-2249 • [www.specializedengineering.com](http://www.specializedengineering.com)  
An Employee Owned Company

**Principals**

David I. Wiegand, P.G.  
Charles R. Mitchell, P.E.  
Gregory S. Seldon  
David S. Schultz, P.E.  
Al Nouri, Ph.D., P.E.

## **Preliminary Karst Assessment**

**Harpers Ferry Flea Market Property  
Route 340 at Millville Road  
Harpers Ferry, West Virginia**

**Prepared for:**

**Mr. James Gibson  
2001 Professional Court  
Martinsburg West Virginia 25401**

**Prepared by:**

**Specialized Engineering  
503 South Fairfax Boulevard  
Ranson, West Virginia  
(304) 724-2159**

**March 28, 2007**

**Specialized Engineering Project Number 073722**



**TABLE OF CONTENTS**

**Preliminary Karst Assessment**

Harpers Ferry Flea Market Property  
Rt. 340 at Millville Rd.  
Harpers Ferry, West Virginia  
Specialized Engineering Project No. 073722  
March 28, 2007

<b>TABLE OF CONTENTS</b>	<b>PAGE</b>
<b>1.0 EXECUTIVE SUMMARY .....</b>	<b>1</b>
<b>2.0 SITE LOCATION AND TOPOGRAPHY .....</b>	<b>1</b>
<b>3.0 SITE GEOLOGY.....</b>	<b>1</b>
3.1 Bedrock Identification .....	2
3.2 Structural Geology .....	2
3.3 Karst Geology .....	2
<b>4.0 HYDROGEOLOGY .....</b>	<b>3</b>
<b>5.0 SUMMARY AND CONCLUSIONS .....</b>	<b>4</b>
<b>6.0 RECOMMENDATIONS.....</b>	<b>4</b>
<b>7.0 LIMITATIONS AND ASSUMPTIONS .....</b>	<b>5</b>

**APPENDIX A - Figures**

Figure 1 - Site Topographic Map  
Figure 2 - Aerial Photograph  
Figure 3 - Local Geology Map Excerpt

**APPENDIX A - Photographs**



Preliminary Karst Assessment  
Harpers Ferry Flea Market Property  
Harpers Ferry, West Virginia

Specialized Engineering #073722  
March 28, 2007

## 1.0 EXECUTIVE SUMMARY

Specialized Engineering performed a Preliminary Karst Assessment of the Harpers Ferry Flea Market Property located at Route 340 at Millville Road in Harpers Ferry, West Virginia. A site location map is provided as Figure 1. The subject property is composed of a single parcel consisting of approximately 12 acres of land. The site is currently utilized as a flea market and is developed with several related structures as well as tables and stalls for individual merchants. Historically, the property operated as a drive-in movie theater prior to being a flea market.

This investigation was conducted based upon the potential existence of a sinkhole on the property as reported by the United States Department of Agriculture Natural Resources Conservation Service (NRCS). An aerial photograph of the property obtained from the NRCS showing the reported sinkhole is attached as Figure 2.

The subject site is located in an area underlain by carbonate rock units of Cambrian age. A direct visual survey for karst features at the site was performed along with a review of literature.

Our site reconnaissance consisted of inspecting the area of the reported sinkhole as well as walking the entire property. No sinkhole was observed on any area of the property. In addition, no evidence of backfilling of a sinkhole was observed. Specialized Engineering also interviewed personnel working at the site on the day of our reconnaissance and they indicated that they had never observed a sinkhole during the time that they had worked there (over 15 years). In addition, the property is not mapped as a probably cavernous area.

## 2.0 SITE LOCATION AND TOPOGRAPHY

The subject property consists of one parcel of land totaling approximately 12 acres and is located in a rural area of Jefferson County, West Virginia. The subject property is bound on the north by Route 340, with residential properties farther to the north, by Millville Road and vacant property to the west, by vacant property to the south, and by residential properties to the east. A site location map is provided as Figure 1.

The subject property has a general topographic gradient to the east-southeast and has an average elevation of approximately 400-feet above mean sea level. The USGS 7.5 minute Topographical Quadrangle Map for the area was reviewed as a part of this assessment.

## 3.0 SITE GEOLOGY

The subject property is located within Great Valley Section of the Valley and Ridge Physiographic province. The Great Valley is a generally downwarped trough of limestones, shales, and sandstones situated between the Blue Ridge Massif on the east, and the Allegheny Mountains to the west. The valley extends between the two mountain uplands trending from northeast to southwest, parallel with the strike of the bedrock.

1  
SPECIALIZED ENGINEERING  
*Engineers-Geologists-Inspectors*

Preliminary Karst Assessment  
Harpers Ferry Flea Market Property  
Harpers Ferry, West Virginia

Specialized Engineering #073722  
March 28, 2007

### 3.1 Bedrock Identification

The subject Property is mapped as being underlain by the Tomstown Formation a carbonate unit of Lower Cambrian age (500 MYBP). The Tomstown Formation consists of medium light-gray to medium-gray saccharoidal dolomite and dolomitic marble containing thin layers of sericite and ranges up to 1,175 feet thick. An excerpt of the Regional Geological Map is included as Figure 3 of this report.

### 3.2 Structural Geology

The site structural geology has direct bearing on the terrain, karst development, and hydrology of the property. The property is bounded to the east by a thrust fault that trends in a general southwest to northeast direction. In addition, numerous other faults are mapped in the site vicinity. The fracturing associated with the faulting in this area is a significant factor in the development of sinkholes in carbonate rock (e.g., limestone and/or dolomite). As rainwater flows along the fractures and bedding planes, soil is washed away and dissolution of the surrounding bedrock takes place. Openings in the rock increase in size, and an underground drainage system may develop, allowing more water to pass through and accelerating the formation of underground karst features. These underground features may eventually collapse, thereby creating surface features such as sinkholes or dolines (closed basins).

### 3.3 Karst Geology

As in any region where soluble bedrock is present, a karst landform regime may develop in the area of the subject site. Folding of the local carbonate rocks during faulting has opened up numerous fractures both parallel with the axis of the folds, as well as perpendicular to them. Surface fractures and joints weather differentially in these terrains, producing a pinnacled or "sawtooth" profile at the bedrock/soil interface. In contrast, rock-enclosed fractures can be secondarily enlarged by the action of carbon dioxide (acidic) charged groundwater, in some cases forming water-filled or air-filled fractures (also described as conduits). The slow raveling of soil into these fractures can produce sinkholes.

In the Jefferson County area, prominent karst features such as caves, sinkholes, and collapse lineaments are most strongly developed near active drainages and incised stream valleys, especially near the Shenandoah River and its major tributaries. In addition, karst development may be accelerated by a steepening of the hydraulic gradient as a result of man-made dewatering (e.g. quarries, community wells, etc.).

Sinkholes fall into two broad categories, "vault-collapse" sinkholes, and "cover-collapse" sinkholes. There is no evidence of geologically recent vault-collapse type sinkholes at the site (i.e. where cavern "vaults" or roofs have failed catastrophically), and these structures are rare in the region.

In contrast, cover-collapse sinkholes are relatively common in the region. Cover-collapse sinkholes develop through the raveling of fines from the soil overburden into solution channels within the bedrock mass, with water acting as the transport medium for the movement of the soil

Preliminary Karst Assessment  
Harpers Ferry Flea Market Property  
Harpers Ferry, West Virginia

Specialized Engineering #073722  
March 28, 2007

finer. The natural raveling process is generally a very slow one, such that sinkhole development generally occurs over a very long time span. However, various changes at a site can sometimes lead to the very sudden development of sinkholes. The most common changes that may exacerbate sinkhole development are:

1. Increase or redirection of overland (stormwater runoff) or subsurface water flow paths, which accelerates the raveling of soil fines;
2. Removal of vegetation cover and topsoil (i.e. stripping and grubbing), which can reduce the cohesive strength of the soils overlying a conduit;
3. Sudden changes in the elevation of the water table (over-pumping of wells or quarry dewatering), which removes the neutral buoyancy of the water supporting a conduit's soil plug and can often result in rapid and catastrophic soil collapse.

At the time of our field observations no solutional (karst) features were observed on any area of the property. Several small areas of exposed bedrock were observed, however, these areas could not be termed as "pinnacles". In addition, no caves, incipient sinkholes<sup>1</sup>, or springs were observed on the property during our site reconnaissance. No areas of closed descending contours were observed upon analysis of the site topographic map.

However, as noted, the NRCS has mapped a sinkhole in the southern portion of the property (in the parking area). No sinkhole was observed in this area or on any area of the property. In addition, no evidence of backfilling of a sinkhole was observed.

#### 4.0 HYDROGEOLOGY

According to the *Groundwater Hydrology of Jefferson County* report prepared by the United States Geological Survey, the groundwater contours in the site vicinity are approximately 350 feet above mean sea level (AMSL) and are approximately 50 feet below grade. The Shenandoah River controls the base level of the region.

In the Great Valley region, as in most soil-mantled areas underlain with limestone bedrock, a shallow groundwater aquifer is focused at the subsoil/bedrock interface. In many cases the shallow aquifer is completely absent, except in times of consistently wet weather. This surficial aquifer supplies the deeper bedrock aquifer primarily by diffuse recharge from the soil into a myriad small fractures and joints. Less commonly, surface water plunges directly into the bedrock aquifer through subsidence and collapse sinkholes (conduit flow). Because the carbonate rocks present regionally do not have primary porosity, the bedrock aquifer is confined to solution-enlarged openings developed along pre-existing fractures and joints.

The site is not mapped as a probable cavernous zone and falls within the Cambrian Aquifer system of the Valley and Ridge Province. These units tend to be highly folded and faulted, with fractures and joints running parallel and perpendicular to the fold axes.

<sup>1</sup> Incipient sinkholes are generally diagnosed by the presence of closed drainages where surface water is observed collecting and sinking into the subsurface, the margins of which are often delineated by soil tension cracks.

Preliminary Karst Assessment  
Harpers Ferry Flea Market Property  
Harpers Ferry, West Virginia

Specialized Engineering #073722  
March 28, 2007

Limestone aquifers in the area yield up to 600,000 gallons per day per square mile, while shale aquifers in the area yield up to 100,000 gallons per day per square mile. Springs yielding from 50 gpm to 2,300 gpm are common throughout the area. The aquifer is generally unconfined at shallow depths, and confined to solution-enlarged fractures at greater depths. The cones of depression of the local water table formed by wells that intercept the deep aquifer tend to be highly anisotropic (i.e., the drawdown in karst regimes follows fracture zones and does not necessarily form a cone-shaped drawdown profile). The aquifer system in the area is considered adequate for domestic, farm, and moderate to large industrial and public water supplies.

## 5.0 SUMMARY AND CONCLUSIONS

Specialized Engineering has completed a Preliminary Karst Survey of the Harpers Ferry Flea Market property. The subject site is located in an area underlain by carbonate rock units of Cambrian age. A direct visual survey for karst features at the site was performed along with a review of literature. No sinkholes were observed on the property. In addition, the property and vicinity are not mapped as a cavernous zone.

Based upon the site reconnaissance, Specialized Engineering did not encounter conditions suggesting that there are geological hazards or terrain limitations that may restrict residential construction at the subject site as it is currently planned.

As indicated in this report, the bedrock and overlying soil below the site may be susceptible to sinkhole development, although none were observed. Please note that at this time, the risk of sinkhole formation is minimal. However, the Owner must be aware of the potential risk of sinkhole-induced damage to foundations, floor slabs, and pavements and must evaluate such risks and attendant costs and be willing to accept them.

## 6.0 RECOMMENDATIONS

Based upon our survey of the property, research of various data, and the information presented in this report, Specialized Engineering recommends the following:

- If any sinkholes should form during construction, a professional engineer or geologist with experience in karst issues should be contacted to observe the structure and provide recommendations and oversight for remediation.
- Blasting is not expected to affect any water-filled subsurface conduits at the site. As in any region with karst-prone bedrock, blasted areas should be thoroughly cleaned of loose, "shot" rock, and inspected for open fractures or voids prior to backfilling. Disturbed, blasted areas can act as pathways into subsurface open fractures inducing soil raveling and the formation of sinkholes or subsidence. If voids or fractures are intercepted by blasting they should be closed using concrete or pressure grouting techniques.

Preliminary Karst Assessment  
Harpers Ferry Flea Market Property  
Harpers Ferry, West Virginia

Specialized Engineering #073722  
March 28, 2007

## 7.0 LIMITATIONS AND ASSUMPTIONS

This report has been prepared for the sole and exclusive use of Mr. James Gibson and has been prepared in accordance with generally accepted geological practices. No other warranty, either expressed or implied, is made. Our conclusions and recommendations are based, in part, upon information provided to us by others and our visual site observations. We have typically not verified the completeness or accuracy of the information provided by others. Our observations are based upon conditions visually apparent at the site at the time of our site visit and are not intended to address specific subsurface soil and groundwater conditions, which can only be determined by performing a detailed subsurface sampling program. The contents of this report should not be construed in any way to indicate Specialized Engineering's recommendations to purchase, sell, or develop the project site.

Specialized Engineering by virtue of providing the services described in this report, does not assume the responsibility of the person(s) in charge of the site, or otherwise undertake responsibility for reporting to any local, state, or federal public agencies any conditions at the site that may present a potential danger to public health or safety. In areas that require notification of local, state, or federal public agencies as required by law, it is the Client's responsibility to so notify.

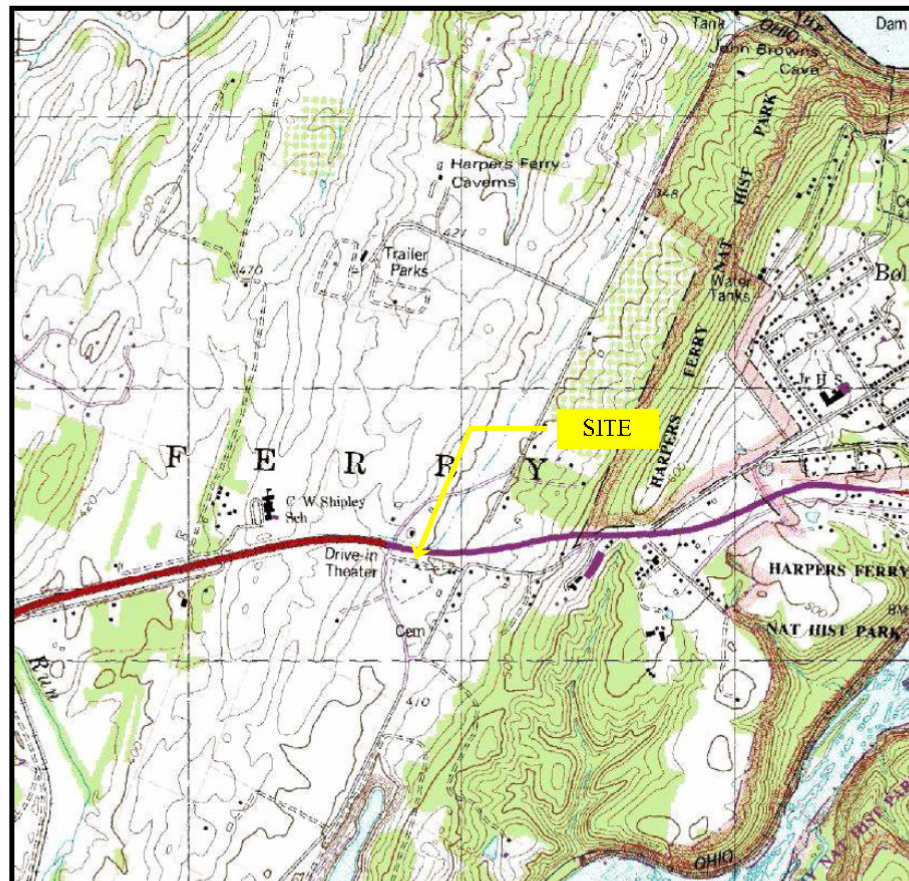


## Appendix A- Figures

**Figure 1**

**Topographic Site Vicinity Map**

**Rt. 340 at Millville Rd.  
Harpers Ferry, West Virginia**



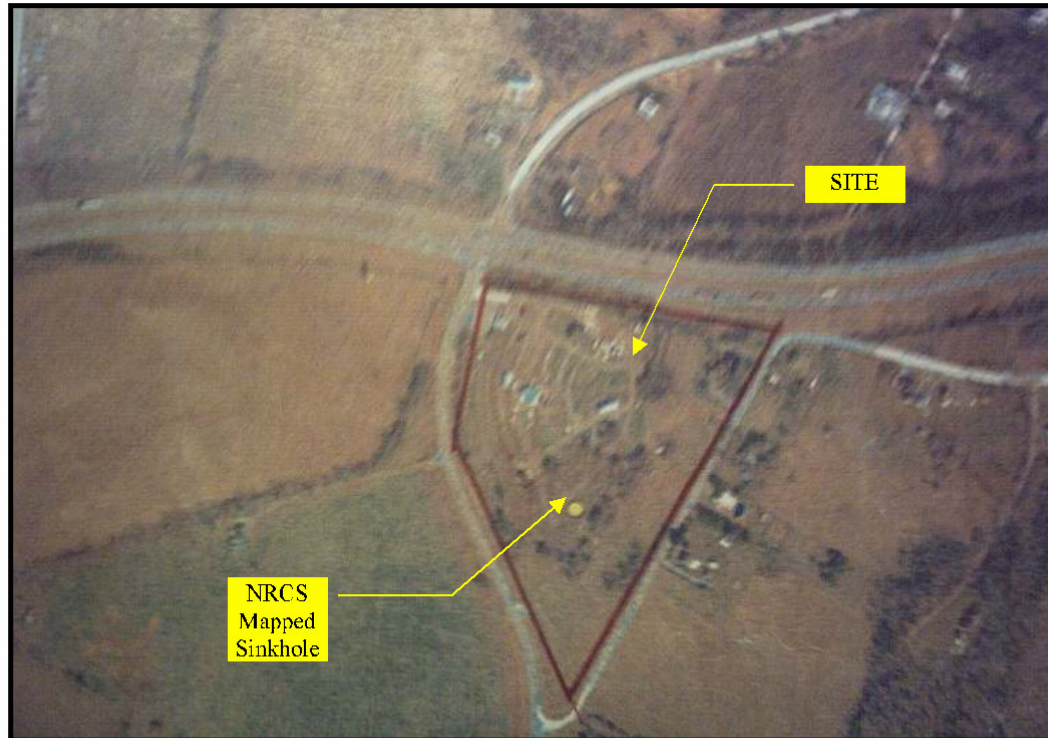
**SPECIALIZED  
ENGINEERING**  
*Engineers • Geologists • Inspectors*

Project No.: 073722

**Figure 2**

**Aerial Photograph**

**Rt. 340 at Millville Rd.  
Harpers Ferry, West Virginia**



Source: United States Department of Agriculture Natural Resources Conservation Service, Eastern Panhandle Conservation District

**SPECIALIZED  
ENGINEERING**  
*Engineers • Geologists • Inspectors*

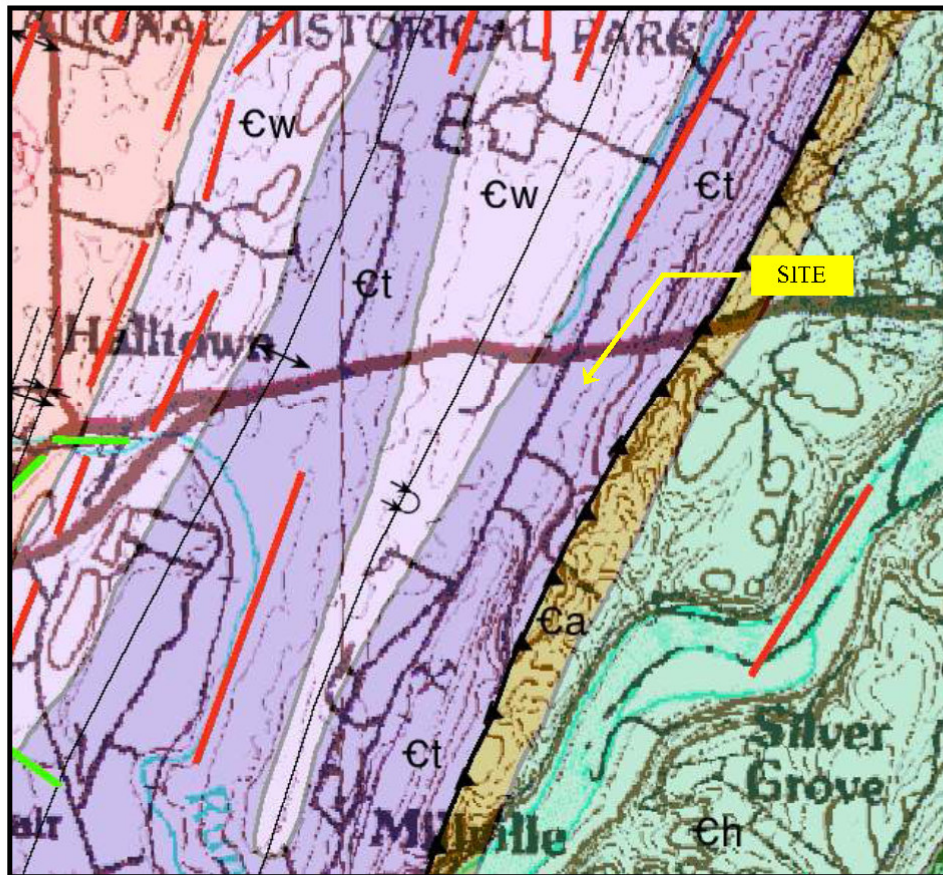
Project No.: 073722



Figure 3

Geologic Map

Rt. 340 at Millville Rd.  
Harpers Ferry, West Virginia



**SPECIALIZED  
ENGINEERING**  
*Engineers • Geologists • Inspectors*

Project No.: 073722

## Appendix B Photographs



Photograph #1 - showing area of reported sinkhole, looking northwest.



Photograph #2 - showing area of reported sinkhole, looking southeast

## **EXHIBIT 7**

## **Proposed Covenants**

---

### DRAFT DECLARATION OF RESERVATIONS AND RESTRICTIVE COVENANTS ALSTALDT'S CORNER

THIS DECLARATION, made this \_\_\_\_\_ day of \_\_\_\_\_, 2007, by Dr. James Gibson and Barbara Gibson (Declarant).

#### WITNESSETH:

WHEREAS, Declarant is the owner of the real property described in Article H of this Declaration and desires to create thereon a primarily residential community, with Roads and Other Common Facilities (as hereinafter defined) for the benefit of said community; and

WHEREAS, Declarant desires to provide for the preservation of the values and amenities in said community and for the maintenance, including snow removal, of all Roads and Other Common Facilities (as hereinafter defined), and to this end, desires to subject the real property described in said Article H to the covenants, restrictions, easements, charges and liens hereinafter set forth, each and all of which is and are for the benefit of said property and each Owner thereof; and

WHEREAS, Declarant has deemed it desirable for the efficient preservation of the values and amenities in said community to create an agency to which should be delegated and assigned the powers of maintaining and administering the community program and facilities, and administering and enforcing the covenants and restrictions, and collecting and disbursing the assessments and charges hereinafter created; and

WHEREAS, Declarant will or has incorporated under the laws of the State of West Virginia as a non-profit, non-stock corporation, The Alstaldt's Corner Homeowners Association, Inc., for the purpose of exercising the functions aforesaid.

NOW, THEREFORE, the Declarant declares that the real property described in Article H hereunder is and shall be held, transferred, sold, conveyed and occupied subject to the covenants, restrictions, easements, charges and liens (sometimes referred to as "Covenants and Restrictions") hereinafter set forth.

#### ARTICLE I DEFINITIONS

The following words when used in this Declaration or any Supplemental Declaration (unless the context shall prohibit) shall have the following meanings:

- (a) "Association" shall mean and refer to The Alstaldt's Corner Homeowners Association, Inc. -
- (b) "The Properties" shall mean and refer to all such existing properties as are subject to this Declaration, or any supplemental Declaration, as described in Article II, Section 1, hereof.
- (c) "Roads and Other Common Facilities" shall mean the areas of land shown on any recorded subdivision plat(s) of The Properties which are intended to be devoted to the common use of the owners of The Properties and include any "Common Area(s)" as labeled on said plat(s).
- (d) "Unit" shall mean and refer to any tract or Unit of land, except a Common Area, as shown upon any recorded subdivision plat of The Properties and any condominium, townhouse, duplex, or other residential unit.
- (e) "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of the fee simple title to any Unit situated upon The Properties but, notwithstanding any applicable theory of mortgage



law, shall not mean or refer to the mortgagee unless and until such mortgagee has acquired title pursuant to foreclosure or proceedings in lieu of foreclosure.

(f) "Member" shall mean and refer to all those Owners who are or become members of the Association as provided in Article III, Section 1, hereof.

## ARTICLE II PROPERTIES SUBJECT TO THIS DECLARATION

Section 1. Unit. The real property which is, and shall be, held, transferred, sold, conveyed, and occupied subject to this Declaration is located in the Harpers Ferry District of Jefferson County, West Virginia described as Tax Map 9-2 parcel 39.1.

Section 2. Amendment of Declaration and Conflict. Declarant reserves the right to amend, delete or add to this Declaration or any supplemental Declaration on a property-wide or individual basis at any time by subsequent recorded document, but in no event shall such subsequent recordation apply retroactively to eliminate rights previously conveyed by Declarant with other Units except as may be permitted elsewhere in this Declaration. In the event of any conflict between the plat or subsequently recorded subdivision documents, the most restrictive provision shall apply.

Section 3. Plat Amendment. Declarant, their representatives and assigns, reserve the right to modify the plans of the subdivision plat, to change the size and boundaries of any Units owned by Declarant, change the size and shape of blocks, sections and Units, and the directions and location of streets and other ways shown thereon, or of annulling the same; provided, however, that no change shall be made which shall alter the shape or size of any Unit which has been sold, or the direction of any street or way upon which it abuts so as to cut such Unit off from convenient access to public highways, without the consent of the Owner thereof.

## ARTICLE III MEMBERSHIP AND VOTING RIGHTS IN THE ASSOCIATION

Section 1. Membership. Every person or entity who is a record Owner of a fee, or undivided fee, interest in any Unit which is subject by covenants of record to assessment by the Association, shall be a Member of the Association, provided that any such person or entity who holds such interest merely as a security for the performance of an obligation shall not be a Member, and further provided that the Declarant, without regard to the assessments required as set forth herein, shall be entitled to one membership for each Unit for which it is a record Owner of a fee interest.

Section 2. Voting Rights. The Association shall have two classes of voting membership, which shall, except for the distinctions set forth herein, be equal in all respects.

Class A. Class A members shall be all those Owners as defined in Section 1, with the exception of the Declarant. Class A Members shall be entitled to one (1) vote for each Unit in which they hold the interests required for membership by Section 1. When more than one (1) person holds such interest or interests in any Unit, such persons shall be members, and the vote for such Unit shall be exercised as they among themselves determine, but in no event shall more than one (1) vote be cast with respect to any such Unit.

Class B. Class B membership shall be limited to the Declarant. The Class B Member shall be entitled to three (3) votes for each Unit in which it holds the interest required for membership by Section 1. The Class B membership shall cease when the Declarant owns no more Units in the Existing Property.

Section 3. Members' Voting Rights Subject to Assessment. Each Members right to vote is subject to that Member's good standing with the Association. Every Member of the Association shall ensure that any assessment due for each Unit owned is current with the Association. In the event of a default continuing in excess of two (2) months from the due date of an annual assessment, delinquent payers or Members shall

automatically be prohibited from voting privileges on issues exclusively concerning monetary expenditures. Voting privileges shall be reinstated upon delinquent assessments being brought current with the Association, which assessments may then include statutory interest due for the period of default. Delinquent Members must apply to the Association Board of Directors for reinstatement, and the Association Minutes shall reflect the default and reinstatement of the Board. This provision shall not supersede the right of the Association to attach a lien to any Unit with overdue assessments, and shall not prevent the Association from pursuing any other available remedy against delinquent Unit owners. This Section shall not apply to Class B Members.

#### ARTICLE IV PROPERTY RIGHTS IN THE COMMON PROPERTIES

Section 1. Members' Easements of Enjoyment. Every Member of the Association, including Declarant, their representatives, agents and assigns, shall have a right and easement of enjoyment in and to the Roads and Other Common Facilities. A right of use of same and like easement shall be appurtenant to and shall pass with the title to every Unit; provided, however, that the Declarant, their representatives, agents and assigns shall enjoy said easements and rights of use and enjoyment perpetually, regardless of whether the Declarant owns any Units. Declarant reserves an easement to maintain sales offices within the Existing Property, and to erect sales signs within the Existing Property in locations chosen by Declarant. An easement to complete construction of all facilities and utilities in the Existing Property is also reserved by Declarant and is assignable at Declarant's discretion. Declarant may permit the use of the Roads and Other Common Facilities by purchasers or potential purchasers at Declarant's discretion. Declarant reserves the perpetual, non-exclusive, assignable right to the use of all Roads and Other Common Facilities for any purpose at any time, including, but not limited to, providing access to and from other properties and subdivisions for their owners, guests and invitees at any time and from time to time. In the event the Roads and Other Common Facilities are so utilized by such others, the Association shall invoke the right of collecting maintenance from the user owners, who shall in turn be provided the same voting rights as to the Roads and Other Common Facilities as the Members of the Association.

Section 2. Extent of Members' Easements. The rights and easements of enjoyment created hereby shall be subject to the right of the Association to dedicate or transfer the maintenance responsibilities for the Roads and Other Common Facilities to any public agency, authority, or utility for such purposes and subject to such conditions as may be agreed to by the members, provided that no such dedication or transfer, or determination as to the purposes for the same or as to the conditions thereof, shall be effective unless the provisions in the Articles of Incorporation for the Association as to such transfer are complied with.

#### ARTICLE V COVENANT FOR MAINTENANCE ASSESSMENTS

Section 1. Creation of the Lien and Personal Obligation of Assessments. Except the Declarant and the Owners of Units not subject to maintenance assessments under Section 10(c) herein, each Owner of a Unit in the Existing Property, by acceptance of a Deed therefore, whether or not it shall be so expressed in any such Deed or other conveyance, shall be deemed to covenant and agree to pay to the Association the annual assessments to be fixed, established, and collected from time to time as hereinafter provided. The annual assessments, together with such interest thereon and costs of collection thereof, shall be a charge on the land and shall be a continuing lien upon the Unit against which each such assessment is made. Each such assessment, together with legal interest thereon and the cost of collection thereof, shall also be the personal obligation of each person who was the owner of such property at the time when the assessment fell due. Nothing herein shall be construed as requiring the Declarant to maintain the Roads and Other Common Facilities or any Units after Declarant ceases to own the same, and in consideration of the initial construction, said Declarant shall be exempt from collection of assessments regardless of the number of Units owned by Declarant.

Section 2. Purpose of Assessments. The assessments levied by the Association shall be used exclusively for the purpose of promoting the health, safety, and welfare of the Owners of real estate within the Existing Property, the improvement and maintenance of Roads and Other Common Facilities devoted to this

purpose and related to the use and enjoyment of the common facilities. Such levies may be expended specifically to include, but are not limited to, the payment of taxes, insurance and expenses for utilities on any common facilities, and repair, replacement, and additions thereto, and for the cost of labor, equipment, materials, management, and supervision thereof, and such other purposes as may be set forth in the Articles of Incorporation and the By-Laws of the Association. The Association shall obtain and keep current the insurance required by West Virginia Code 36B-3- 113, as amended.

Section 3. Basis and Maximum of Annual Assessments. The maximum annual assessment shall be \$300.00 per assessed Unit, in accordance with West Virginia Code 36B-1-203(2) (1994), as adjusted pursuant to West Virginia Code 36B-1-1 14, as amended. The assessment may be reduced annually by a vote of the Members as hereinafter provided. The officers and Board of Directors of the Association shall at all times maintain and operate the Association on a non-profit basis. Unless otherwise provided herein or in the Association articles and bylaws, any change in assessments shall have the assent of a majority of the votes of each class of members who are voting in person or by proxy at a regular or duly called special meeting pursuant to the advancement of provisions contained in the Association documents aforesaid.

Section 4. Assessment Account Balance. Notwithstanding the above assessment adjustment provisions, no decrease in the assessment amounts under Two Hundred Dollars (\$200.00) annually per Unit shall occur unless the assessment fund account reflects a balance of at least Fifty Thousand Dollars(\$50,000.00).

Section 5. Date of Commencement of Annual Assessments. The annual assessments provided for herein shall be on a calendar year basis, due and payable by the first business day in January annually. Unit owners purchasing from Declarant will be responsible for payment at closing of the assessment pro-rated to the end of the year in which they purchase, at the initial rate of Two Hundred Dollars (\$200.00) annually. Such pro-rated assessments may be utilized by Declarant for the maintenance of the Roads and other Common Facilities during the period of Declarant ownership thereof. Declarant may collect such annual assessments as are herein provided to fund such maintenance during the ownership period, and Declarant shall enjoy all remedies of the Association in the event of non-payment of the assessment by Unit Owners. Assessments paid to the Declarant shall be held in an interest-bearing bank account and unused funds shall be transferred to the Association upon its initial elections of officers comprised of Owners at the time the initial Directors of the Association resign. Subject to other conditions herein, the meeting for elections may be held at the Declarants discretion. At that meeting, the Declarant will execute a Deed to the Association for the Roads and Other Common Facilities and will attend to the prompt recordation thereof in the aforesaid County. The Association shall accept such Deed and the ownership of said Roads and Other Common Facilities at that time, provided, however, that Declarant shall not deed the Roads and Other Common Facilities to the Association nor organize initial elections from the Owners of Units therein until the Roads and Other Common Facilities have been completed in accordance with any County specifications.

Section 6. Assessment Certificates. The Association shall upon demand at any time furnish to any Owner liable for said assessments a certificate in writing signed by a duly authorized officer of the Association, setting forth whether said assessment has been paid. Such certification so stating shall be conclusive evidence of the payment of any assessment therein stated to have been paid.

Section 7. Assessment as Personal Obligation of the Owner. If an assessment is not paid on the date when due as aforesaid, such assessment shall become delinquent and shall, together with such interest thereon and cost of collection thereof, become a continuing lien on the Unit of the then Owner, his heirs, devisees, personal representatives and assigns. If not reduced to a lien as hereinafter provided, the personal obligation of the then Owner to pay such assessment shall remain his personal obligation for the statutory period and shall not pass to his successors in title unless expressly assumed by them.

Section 8. Remedies of the Association. If the assessment is not paid within thirty (30) days after the delinquency date, the assessment shall bear interest from the date of delinquency at the highest legal rate. The Association or any Owner may bring an action at law against the payor personally obligated to pay the same, and there shall be added to the amount of such assessment the costs of preparing and filing the complaint in

such action, and in the event a judgment is obtained, such judgment shall include interest on the assessment as above provided and a reasonable attorney fee to be fixed by the Court together with the costs of the action. In addition, the Association may file a lien attaching the Unit of the non-paying Owner without first obtaining a judgment.

Section 9. Subordination of the Lien to Mortgages. The lien of the assessments provided for herein shall be subordinate to the lien of any mortgage or mortgages now or hereafter filed; provided, however, that such subordination shall apply only to the assessments which have become due and payable prior to a sale or transfer of such property pursuant to a decree of foreclosure, or any other proceeding in lieu of foreclosure. Such sale or transfer shall not relieve such Unit from liability for any assessments thereafter becoming due, nor from the lien of any such subsequent assessment.

Section 10. Exempt Property. Notwithstanding anything herein to the contrary, the following special properties subject to this Declaration shall be exempted from the assessments, charges and liens created herein:

(a) all properties to the extent of any easement or other interest therein dedicated and accepted by a public authority and devoted to public use;

(b) all properties exempted from taxation by the laws of the State of West Virginia, upon the terms and to the extent of such legal exemption; and

(c) all properties owned by Declarant during the period of Declarant ownership only, whether during initial, original ownership or pursuant to foreclosure or proceedings in lieu of foreclosure.

#### ARTICLE VI SETBACK MINIMUMS

All buildings or structures shall comply with minimum set-backs required by Jefferson County unless a Variance is obtained.

#### ARTICLE VII UTILITY EASEMENTS AND ROAD RIGHT-OF-WAY

The Declarant reserves unto themselves, their successors and assigns, the right to construct and maintain all utility and electric lines, or to grant rights-of-way therefore, with the right of ingress and egress for the purpose of installing or maintaining the same on, over or under the utility easements or rights of way shown on any plat of the Existing Properties. Such utility easements are to include, but are not limited to, telephone or electric light poles, conduits, equipment, sewer, gas and water lines. Any Owner placing structures, plantings or improvements or other materials within the aforesaid easements undertakes any interference with the utility easements at his or her own risk and is deemed to waive any and release any and all parties from any and all claims or damages to said improvements if and when maintenance or other work is performed within the easement area.

#### ARTICLE VIII RESIDENTIAL AND AREA USE

(a) Residential Use. All Units shall be used for residential purposes only.

(b) Unit Maintenance. Each Unit Owner, his successors and assigns, shall be individually responsible for the maintenance of his home and Unit and for requiring that the activity thereon shall conform to the restrictive covenants. The property shall be kept reasonably trimmed and neat at all times, including but not limited to the seeding, watering and mowing of all lawns, the pruning and cutting of all trees and shrubbery and the painting or other appropriate external care of all buildings and all improvements, all in a manner and with such frequency as is consistent with good property management. No trash, garbage, rubbish, waste, or other materials shall be deposited on the property except when deposited in covered sanitary containers and the same

shall be maintained free from man-made debris and unsightly conditions. The outdoor storage of building materials except for during reasonable periods of active construction and outdoor placement of indoor furniture are examples of conditions that shall be deemed unsightly. Units must be maintained free from conditions that create nuisances in the subdivision.

The Unit Owner shall keep the improvements upon his Unit in good repair in order to prevent the existence of any unsightly condition that reasonably tends to detract from or diminish the aesthetic appearance of the development. Owners shall be specifically responsible for the painting (or other appropriate external care) of all buildings and structures on the Unit in a manner and with such frequency as is consistent with good property management and maintenance. Improvements which have been partially or totally destroyed by fire or act of God shall not be permitted to remain in such condition for more than ninety (90) days from the time of such destruction or damage.

In the event that a Unit Owner fails to maintain his home or Unit in accord with this section, the Declarant, their heirs and assigns, or the Association, not less than ten (10) days after giving notice of the violation(s) and their intentions, through the U.S. Mail, return receipt requested, at the address of the subject Unit, or at such other address as the Unit Owner shall have provided in writing to the Declarant, their heirs and assigns, or to the Association, shall have the right to enter the Unit for the purpose of performing necessary work to correct the failure, such as mowing the lawn and performing necessary clean up work or repairs, including the removal of junk, trash and rubbish, and to assess the owner for all costs so incurred. Said assessment shall constitute a lien against the Unit which the Declarant, their heirs and assigns, or the Association, as applicable, shall have the right to perfect by recordation and to proceed to suit and judgment for said costs, plus all reasonable costs of collection including attorney fees and expenses incurred in the collection of such assessment, subject however, to the subordination of such lien as set forth in Section 9 of Article V of this Declaration.

(c) Manufactured Homes Prohibited. No mobile homes, house trailers, double-wide trailer homes, mobile homes or manufactured homes as defined by W.Va. Code § I 7A-1-I (qq), (n) and (ss) and 42 U.S.C. § 5401, et seq. shall be permitted within the subdivision. It is acknowledged that modular homes are expressly not included within the definition of manufactured homes and shall be permitted. Travel trailers and boats are permitted as long as they are operational, registered and licensed and are not permitted to become unsightly.

(d) Appurtenances. Propane and other above ground tanks, solar devices, chimney flues, hot tubs (by means of a snap cover when not in use), hot tub pumps, swimming pool pumps and filtration systems, satellite dishes, and similarly exposed mechanical equipment, shall be aesthetically concealed from view on all sides and shall be shielded in such a manner as to minimize noise and safety risks, to the extent technically feasible. Perimeter Unit fencing shall not exceed four and one half (4 ½) feet in height. No above- ground pool shall be erected, constructed or installed on any Unit. Swimming pools shall be fenced so as to discourage entry over, through or under the fence, with locked gates. Swimming pools shall be properly maintained and property covered in winter.

(e) Sight Distance at Intersection. All Property located at street intersections shall be landscaped so as to permit safe sight across the street corners. No fence, wall, hedge or shrub planting which obscures or obstructs sight lines at elevations between two and six feet above the roadway may be within the triangular area formed by street property lines and an imaginary line connecting them at points seventy-five (75) feet from the intersection of the street Unit lines. No trees will be placed, maintained or permitted within this area unless the foliage line is maintained at sufficient height to prevent obstruction of such sight lines.

(f) Rentals. In the event a Unit Owner leases his residence, the Unit Owner has an affirmative duty to provide a copy of all covenants and restrictions to such tenant.



ARTICLE IX  
JUNK AND ON-SITE FUEL STORAGE

Junk, inoperative or unlicensed vehicles or other motor-driven vehicles shall not be stored or kept for a total of more than 15 days.

No on-site storage of gasoline, heating or other fuels shall be permitted on any part of the Property. However, this shall not prohibit the storage of heating oil or propane gas or other fuels for the heating of enclosed areas providing that the storage tanks are screened and installed as fixtures by those duly qualified to install the same.

ARTICLE X  
PARKING

All automobiles or other motor vehicles shall be parked within designated parking areas. No on-street parking is permitted by Unit owners. Visitors, guests, delivery vehicles or others legitimately using said roads and streets are excepted and are permitted to temporarily park along said streets.

ARTICLE XI  
ADVERTISING

No advertising signs or billboards of any nature shall be erected, placed or maintained on any Unit, with the exception of address, identification signs, builders' job location signs, real estate signs offering the premises for sale and political campaign signs, none of which exceptions shall exceed four square feet (4') in size. Declarant shall have the right to construct subdivision entrance signs and structures, which shall remain erected on the Unit upon which each is situate. The Association shall repair and maintain such signs and structures, and shall have the right to enter upon the Existing Property on which the same are affixed as is reasonably necessary for maintenance. While Declarant owns any Units in The Properties, any signs offering any Unit for sale (other than those Units owned by Declarant) shall be not more than twelve (12) inches square, double-sided, display the words, "For Sale", a telephone number and shall disclose whether the Unit is sold by the Owner or a broker/real estate agent, who shall be identified. Such signs shall be professionally made.

ARTICLE XII  
DOMESTIC ANIMALS

No swine, livestock, horses or poultry shall be raised, bred or kept on any Unit for personal use or commercial purposes, but household pets, such as dogs and cats, may be kept provided they are not permitted to run at large so as to become an annoyance to other Unit Owners and further provided that they are not bred or maintained for commercial purposes. No domestic animals or pets shall be permitted which pose a risk to human health and safety or to the safety of other pets which are properly maintained within the Existing Properties. Dogs must be confined to the owners' premises or maintained on a leash at all times. The persistent disturbance created by pets such as the persistent barking of a dog shall not be permitted and may constitute a nuisance for purpose of this covenant and no Unit shall be used for the accumulation and/or harboring of pets in a manner that constitutes or creates a nuisance. All pets shall be licensed and vaccinated in accordance with State laws.

ARTICLE XIII  
COMMERCIAL USE

No Unit shall be used for commercial purposes, save that Units may be utilized for in-home occupations although no signs or advertisements thereof will be permitted within the Existing Property, subject to the requirements of all local zoning ordinances. While business invitees thereof all have use of the subdivision roadways, such use shall be for ingress and egress only. Such in-home occupational use shall not be permitted to become a nuisance to other Unit Owners and shall conform to all County and State Requirements.

ARTICLE XIV  
NUISANCE

There shall be no noxious emissions of dust, sweepings, cinders, gases or other substances into the atmosphere, provided that properly operating residential stoves and fire places from residential chimneys and BBQ grill emissions, as well as properly operated motors used in the ordinary course of residential living, and the lawful burning of brush shall not be deemed included within this prohibition. The burning of household trash is expressly included within this prohibition.

No noxious, illegal, or offensive use of property shall be permitted on any Unit, nor shall anything be done thereon that may be, or become, an annoyance or nuisance to the neighborhood. Excessive noise that intrudes upon the peaceful enjoyment of a resident's property, including, but not limited to, vehicular engine noise and sound systems emanating from a vehicle, is not permitted. The directing of spotlights or flood lights upon surrounding Units so as to cause annoyance is not permitted.

Nor shall the Existing Property be used for any purpose, which may endanger the health or unreasonably disturb the quiet enjoyment of any occupant of adjacent or neighboring properties.

The discharge of any firearms within the Existing Property is prohibited.

ARTICLE XV  
WASTE; HAZARDOUS USES

No Unit shall be used or maintained as a dumping ground for rubbish. Trash, garbage, or other waste shall not be kept except in sanitary containers. All containers or other equipment for the storage or disposal of such materials shall be kept in a clean and sanitary condition. All Units shall be kept free and clear of trash and rubbish at all times and shall be kept mown, and no salvage or junk yard operations are permitted within The Existing Properties. Each Unit Owner is responsible for obtaining weekly trash collection service. The Association shall ensure that trash collection is provided to each Unit regardless of whether the Unit is occupied, and trash collection charges shall be collectable from Unit Owners not complying with the sanitation requirements of the covenants in addition to the assessment set forth herein. The lien procedure available for delinquent payments shall be utilized in order to ensure the non-accumulation of waste in the Existing Property.

Nothing shall be done or kept on the properties which will increase the rate of insurance applicable for permitted uses for other Units or the common areas or any part thereof without prior written consent of the Declarant, their heirs and assigns, including, without limitation, any activities which are unsafe or hazardous with respect to any person or property. No person shall permit anything to be done or kept on the properties which will result in the cancellation of any insurance on any other Unit, or the common areas or any part thereof or which would be in violation of any law, regulation or administrative ruling. No vehicle of any size which transports flammable or combustible or explosive charge may be kept or driven on the common areas or on any Unit area at any time, except in the case of vehicles carrying flammable materials to be used in licensed and authorized construction and blasting, propane tanks and other like substances reasonably and customarily necessary for the full use and enjoyment of residential real estate. Each owner shall comply with all Federal, State and local statutes, regulations, ordinances, or other rules intended to protect the public health and welfare as related to land, water, groundwater, air or other aspects of the natural environment (the "Environmental Laws"). Environmental Laws shall include, but are not limited to, those laws regulating the use, generation, storage or disposal of hazardous substances, toxic wastes and other environmental contaminants (collectively, the "Hazardous Materials"). No Unit Owner shall knowingly use, generate, manufacture, store, release, dispose of or knowingly permit to exist in, on, under or about such owner's Unit and the common areas, or any portion of the properties, or transport to or from any portion of these properties any Hazardous Materials except in compliance with the Environmental Laws. No waste shall be committed on the common areas.

ARTICLE XVI  
VEHICLES

No trail bikes, mini-bikes or similar all terrain vehicles, or snowmobiles shall be permitted to be driven upon the roads within The Existing Property.

ARTICLE XVII  
CAMPING

Use of the Units for camping, which includes, but is not limited to, tents, travel trailers/campers and recreational vehicles, shall not be permitted.

ARTICLE XVIII  
SWALE AND DRAINAGE AREAS

All drainage patterns and swale areas shown on the plat across Units within The Existing Property are reserved and shall not be disturbed, barricaded or filled. Permanent easements are reserved over these natural patterns for storm water runoff.

ARTICLE XIX  
VIOLATIONS

In the event of violations or the Association's enforcement of any of the covenants and restrictions applying to The Existing Property, the costs and expenses attendant thereto shall be paid by the violator as part of any judgment or remedy obtained.

ARTICLE XX  
NO FURTHER SUBDIVISION

No Unit within The Existing Property shall be further subdivided, divided or portioned in any way by sale, gift, devise or other method, except to allow for nominal boundary line adjustments in accordance with the Jefferson County Land Ordinances. This shall not in any way restrict the Declarant's development rights as set forth in the Declaration. Further, no Unit within The Existing Property shall be used as a right of way easement for access to any other Unit or to adjoining real estate without the expressed written permission of the Declarant or their assigns.

WITNESS the following signatures and seals.

\_\_\_\_\_  
JAMES GIBSON

\_\_\_\_\_  
BARBARA GIBSON

## EXHIBIT 8                      Market Study

---



1020 Winchester Avenue  
Martinsburg, WV 25401  
(304) 263-3360  
jpestill@Comcast.net

February 12, 2007

Annette G. van Hilst, RA  
Senior Land Planner  
Land Design and Survey Division  
Dewberry  
411 South Fairfax Boulevard,  
Ranson, West Virginia 25438

&

Dr. James G. Gibson  
Martinsburg, West Virginia 25401

***RE: Allstadt's Corner, a proposed residential development near the communities commonly referred to as Harpers Ferry and Bolivar.***

Pursuant to your request for a broker's opinion of demand on the proposed development of apartments and duplex/villa style homes to be located just south of U. S. Route 340 at Millville Road in Harpers Ferry Magisterial District of Jefferson County, I herewith present my findings.

The purpose of this report is for presentation to Jefferson County Planning for evaluation of the proposed project as presented in the site plan prepared and provided by Dewberry of Ranson, West Virginia.

All information contained herein is true and correct to the best of my knowledge.

### **LOCATION – ALLSTADT'S CORNER:**

The tract of land is situated to the south of U.S. Route 340 at the intersection of that 4-lane highway and Millville Road which is the westerly boundary of the subject property. The easterly side of the property is along the narrow country road known as Allstadt's Hill Road. The property is approximately one mile from the communities of Bolivar and Harpers Ferry.

CAC – Allstadt's Corner – June Parker Estill, RECS, Broker/REALTOR® - Page 1 of 9, February 12, 2007  
The Hawthorne Group, 1020 Winchester Avenue, Martinsburg, West Virginia, 25401  
Telephone – 304. 263.3360, Email – jpestill@Comcast.net

Convenience of Location – Mileage & Travel Time

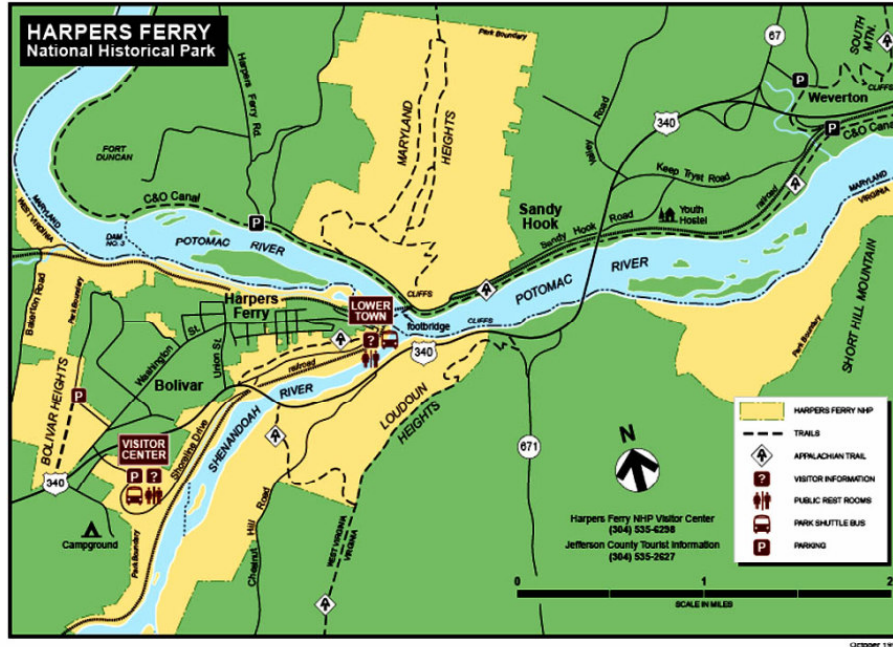
Shepherdstown	10.5 miles	18 minutes
Charles Town	5.8 miles	12 minutes
Martinsburg – I-81	19.4 miles	31 minutes
Hagerstown, MD	29.9 miles	48 minutes
Winchester, VA	30.5 miles	41 minutes
Frederick, MD	23.2 miles	31 minutes
Baltimore, MD	71.3 miles	1 hour 18 minutes
Washington, DC	64.4 miles	1 hour 20 minutes



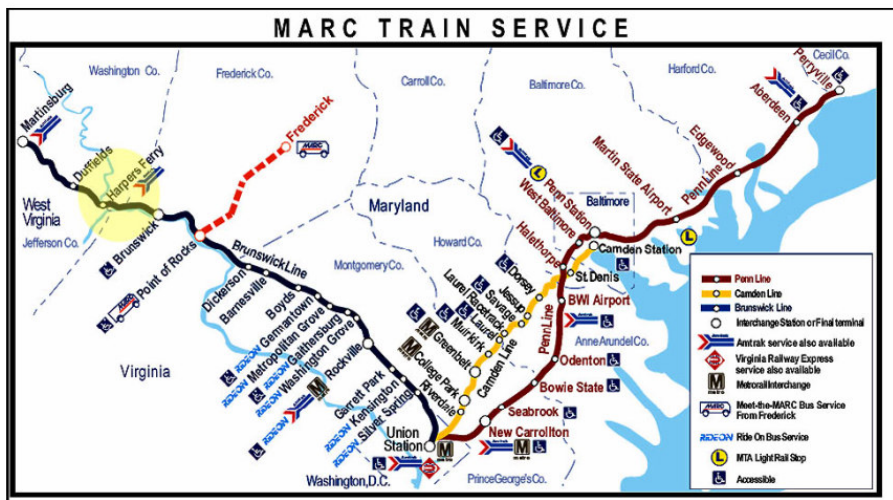
The Subject

The property is ideally situated. It is very near the local elementary school; Harpers Ferry National Historical Park; the MARC commuter train station; minutes from shopping; recreational and cultural activities; yet retains the atmosphere typically associated with more rural conservative communities.





1999 Map of Harpers Ferry National Historical Park



**MARKET:**

**Home Sales in the Year of 2006 in Jefferson County, WV**  
Source REIC

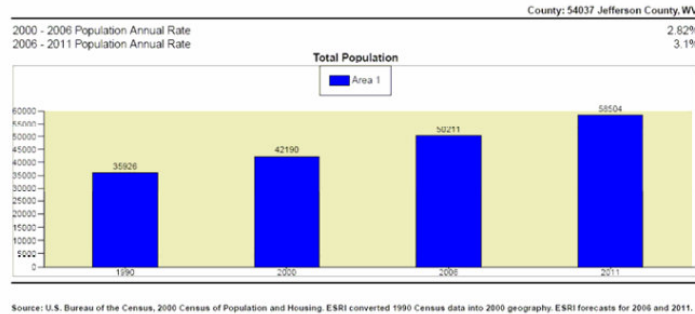
Magisterial District	Homes Transferred	Value
<b>Bolivar</b>	<b>24</b>	<b>\$5,514,608.00</b>
Charles Town	499	\$150,261,987.00
<b>Harpers Ferry</b>	<b>174</b>	<b>\$56,559,299.00</b>
Kabletown	131	\$42,498,140.00
Middleway	103	\$31,807,107.00
Ranson	218	\$62,201,801.00
Shepherdstown	154	\$55,059,041.00
<b>Total</b>	<b>1303</b>	<b>\$404+/- Million</b>

Obviously, the growth centers of Ranson and Charles Town followed by Shepherdstown had the greater number of homes sales. It would naturally follow that the village/towns of Harpers Ferry and Bolivar should follow. However, this has not been the case predominately due to a lack of product. One hundred ninety-eight properties transferred in the Magisterial District of Harpers Ferry and the corporation of Bolivar. Nine homes were purchased as second-homes and 8 were purchased as rental investment properties.

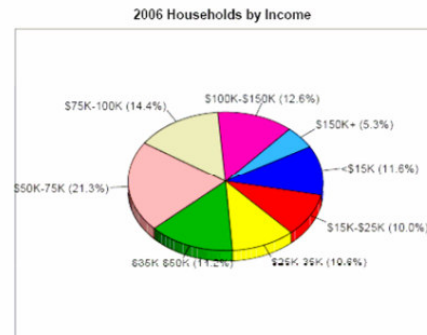
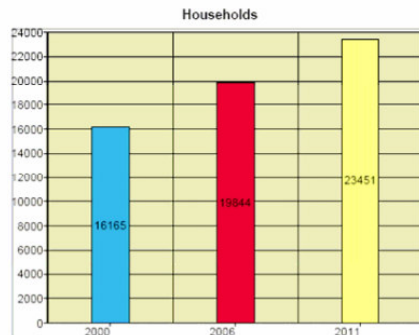
*The review of the information presented by REIC indicates that approximately 500 new homes were sold in Jefferson County in 2006. Only 34 new homes were sold in the Magisterial District of Harpers Ferry and Corporation of Bolivar.*

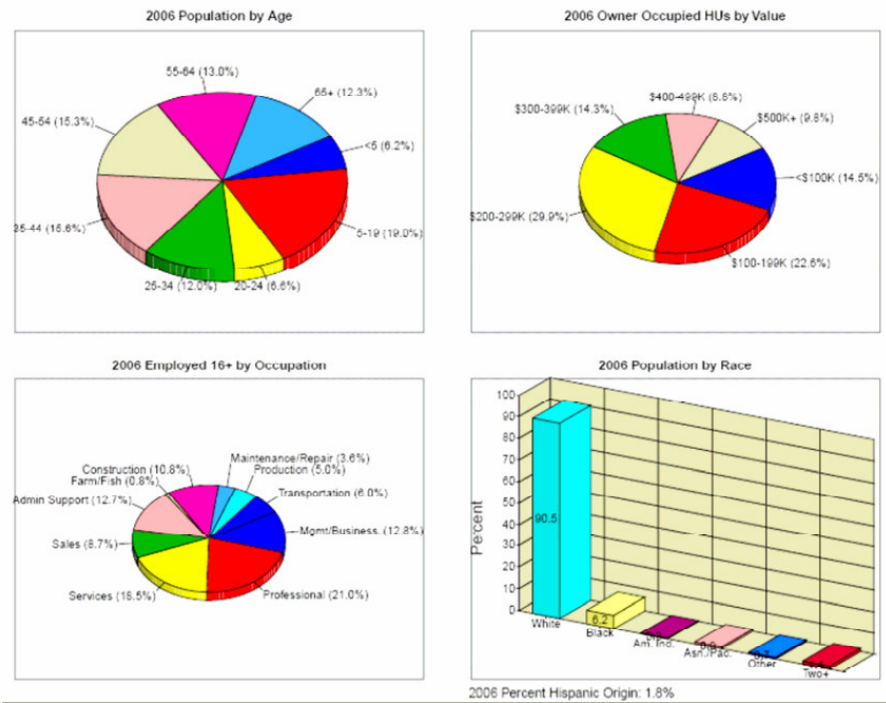
The 2006 population of Jefferson County was reported to be 50,211 – 49.3% were male; 50.7% were female; and the median age was 39.4 years. The median house household income was \$53,167; per capita income was \$26,016; and the average household income was \$65,456. There were a total of 19,844 households with an average size of 2.47 persons per household.

*The population is projected to be 58,504 in 2011.*



Current reports indicate, 72.2 percent of the 21,298 housing units in the market area are owner occupied; 21.0 percent, renter occupied; and 6.8 percent are vacant. The median home value in the market is \$231,582. In five years the median home value is projected to change by 3.49 percent annually to \$274,861.





## DESCRIPTION OF PROPOSED PROJECT:

The tract of land is a 12.9+ acre parcel commonly known as the Harpers Ferry Flea Market and the Wilt Fruit Stand. The parcel is presently served with public water and sewer and the terrain is sloping. The existing historic structure, Allstadt's Ordinary (Tavern), is to be preserved.

The proposed development is for two attached apartment blocks in a northern grouping; the blocks are to be two stories and contain 8 individual units for a total of 16 apartments. In the southern triangular portion of the property another block of 8 apartment units will be construct.

There is to be a storm water management facility to the east of the northern apartment complex. A smaller storm water management reserve is located in the southeastern corner of the property and to the rear of the smaller 8-unit apartment complex.

In addition to the proposed apartments, duplex/attached/villa units are proposed. Fourteen structures with a shared common wall will provide for 28 villa-style housing units. The lot sizes are adequate

for such housing units. The interior streets have adequate width to support the traffic within the project. There are two accesses into and out of the project. The project will have sidewalks and interior walking trails.

The 52-unit development is small by comparison to other development in the County and the consequence to the local population should be about 125 to 130 persons. Since these units are to be apartments and villas, the number of residents may be far less. Singles and 'baby boomers' – empty nesters both – are often attracted to such housing arrangements because they desire to avoid the responsibility of caring for large homes and lawns. The potential of a second-home market should not be overlooked. Harpers Ferry is ideally situated to offer ease of access to persons choosing to escape from the metropolitan areas for weekend, holidays and the like. There is an excellent assortment of recreational activities available in the immediate area.

#### CONCLUSION:

This region of Jefferson County has and continues to suffer from a lack of product. The proposed development, Allstadt's Corner, will not have a negative impact on the region. It is apt to be absorbed rapidly even in the present 'leveling market.' I forecast a short marketing time for this product and suggest the product can be pre-marketed, thus developing a waiting list for these housing units.

Respectfully submitted,



June Parker Estill



**JUNE PARKER ESTILL**

***Broker, Commercial, Industrial & Land Development***

**PROFESSIONAL QUALIFICATIONS**

Licensed Real Estate Broker – 1979 to date – West Virginia and North Carolina

1994 to date – Real Estate Brokerage, specialized marketing services and consultation. Areas of proficiency include the presentation of  
luxury residential properties,  
historic residential properties,  
commercial properties – both sale and leasing,  
industrial properties – both sale and leasing,  
investment properties of all types,  
and land.

June Estill is the 'Broker of Record' of The Hawthorne Group. The firm is a member of the Eastern Panhandle Board of Realtors, West Virginia Association of Realtors, National Association of Realtors and the Metropolitan Regional Information System (MRIS). June has practiced Real Estate Sales, Appraisal and Property Management.

Member of Real Estate Cyberspace Society – The Society is the acknowledged leader in marketing technology of the real estate industry for the Internet. The Society provides members with state-of-the-art information on marketing processes and keeps them abreast of information sources many venues. They are privy to limited access databases, reviews on industry changes and predictions involving the Internet for various purposes.

Member of Real Estate Information Sharing and Analysis Center (ISAC)

Member Forum for Commercial Real Estate of the National Association of Industrial and Office Properties – Northern Virginia Chapter – An association with 10,000+ members that represent the interests of developers and owners of industrial, office and related commercial real estate throughout North America. NAIOP provides communication, networking and business opportunities, continuing education and effective public policy, to create, protect and enhance property values.

Member of National Trust for Historic Preservation - Accreditation - Historic Real Estate, Charleston, South Carolina – April 25, 1995

Candidate Member of NAR Commercial Investment Real Estate Institute – CCIM – Course CI 101, Financial Analysis for Commercial Investment Real Estate – June 6, 1997; Course CI 201, Market Analysis for Commercial Investment Real Estate – October 16, 1997;

CAC – Allstadt's Corner – June Parker Estill, RECS, Broker/REALTOR® - Page 8 of 9, February 12, 2007  
The Hawthorne Group, 1020 Winchester Avenue, Martinsburg, West Virginia, 25401  
Telephone –304. 263.3360, Email – jpestill@Comcast.net

Course CI301, Lease Analysis for Commercial Investment Real Estate  
– August 18, 1999.

June Estill has an associate's degree in Interior Design and extensive training in visual arts including computer graphics and advertising layout. Other formal training include West Virginia State College, Institute, West Virginia – Business Administration, Accounting and Visual Arts. Cape Fear Technical Institute, Wilmington, North Carolina – Real Estate Principles and Visual Arts. Art Institute of Chicago – Art Advertising and Computer Graphics.

1988-1994 - Residing in San Miguel de Allende, Mexico, returning to the U.S. on consultation assignments and international marketing of real estate in Mexico.

1986-1988 - Associate Broker, Appraiser and Secretary/Treasurer of The Hawthorne Company, Inc., Charleston, West Virginia. Statewide brokerage, appraisal and consultation services.

1980 - 1986 - General Manager, Morris Square, Inc., and Putnam Developments, Inc., Charleston, West Virginia. Duties included general administration, real estate marketing and management of holding in excess of \$50 million.

1978 - 1980 - Associate Broker, North State Realty, Wilmington, North Carolina. Residential sales in the upper-medium price range.

1964 - 1978 - Various positions including residential and commercial construction.

June is a native West Virginian. She and her husband, Calvert, have traveled extensively. They reside in the City of Martinsburg. They are Member of the Martinsburg/Berkeley County Chamber of Commerce. June is an active participant of the Eastern Panhandle Entrepreneurs Forum. Both she and her husband contribute time and resources to cultural and educational activities in the local community.

## **EXHIBIT 9      LETTERS FROM AGENCIES**

---

Letter from WV Division of Natural Resources and information on Isopod	92 - 93
Letter to USF&WS	94
Letter to WVDEP (Martinsburg)	95
Letter from Jefferson County Health Department	96
Letter from Bureau of Public Health	97 - 99
Letter from WVDEP (Romney)	100
Letter from Jefferson Memorial Hospital	101
Letters to Jefferson County Schools	102
Letter from Jefferson Utilities	103
Letter from 'Old Standard" LLC	104
Letter from Jefferson County Public Service District	105
Letter from Jefferson County Sheriff	106
Letter from WV State Police	107
Letter from Friendship Volunteer Fire Company	108
Letter from Jefferson County Ambulance Authority	109
Letter from Apple Valley Waste	110

## DNR Letter & Information on Isopod



### DIVISION OF NATURAL RESOURCES

Wildlife Resources Section  
Operations Center

P.O. Box 67

Elkins, West Virginia 26241-3235

Telephone (304) 637-0245

Fax (304) 637-0250

February 7, 2007

Joe Manchin III  
Governor

Frank Jezioro  
Director

Ms. Annette van Hilst  
Dewberry & Davis, LLC  
P.O. Box 35  
Charles Town, WV 25414

Dear Ms. van Hilst:

We have reviewed our files for information on rare, threatened and endangered (RTE) species and sensitive habitats for the area of the proposed Allstadt subdivision in Jefferson County, WV.

We have no known records of any RTE species or sensitive habitats within the project area; however, the federally threatened Madison Cave isopod (*Antrolana lira*) may occur in the project area. In West Virginia, this species is currently known to occur in a cave and from groundwater wells in Jefferson County; however, it could occur in pockets of groundwater throughout the karst areas of Jefferson County. Please contact the U.S. Fish and Wildlife Service (304-636-6586) regarding any necessary coordination. For more information on the Madison Cave isopod please see the species fact sheet on our website: [www.wvdnr.gov/wildlife/RETSpecies.asp](http://www.wvdnr.gov/wildlife/RETSpecies.asp).

The Wildlife Resources Section knows of no surveys that have been conducted in the area for rare species or rare species habitat. Consequently, this response is based on information currently available and should not be considered a comprehensive survey of the area under review.

In addition, this response may fulfill your obligation for a permitting process for the presence of RTE species at the state level. This response and/or the data provided does not constitute an approval by the Division of Natural Resources (DNR) to proceed with a project without satisfying any and all additional required permits or approvals from DNR or other local, state or federal agencies.

Thank you for your inquiry, and should you have any questions please feel free to contact me at the above number, extension 2048. Enclosed please find an invoice.

Sincerely,

Barbara Sargent  
Environmental Resources Specialist  
Natural Heritage Program

enclosure

u:\BDS\Inv\ID&D.doc  
207-4107



## Rare, Threatened And Endangered Species

### Status of Species:

(S) = Species of Concern

(R) = Rare Species

(FT) = Federally Threatened Species

(FE) = Federally Endangered Species

### **Rare Species**

#### **Common Name**

Madison Cave Isopod

#### **Scientific Name**

*Antrolana lira* (AN-troh-LAHN-ah LYE-rah)

#### **Status**

This species was listed as federally threatened in 1982. At that time it was known only from the Shenandoah Valley of Virginia.



(Photo by Craig Stihler)

### **West Virginia Status**

The Madison Cave isopod is known from two sites in Jefferson County. One site is a cave that intersects the ground water, and the second is a well. This animal probably occurs in pockets of ground water that extend beyond the sites where it has been observed. All other occurrences are in Virginia.

### **Description**

The Madison Cave isopod is rather large for an isopod (the common terrestrial "pill bug" or "sow bug" is a good example of the general form of an isopod) reaching a maximum length of 18 mm (0.7 inch). Females are slightly larger than males. Its body is dorsal-ventrally (top to bottom) flattened. It has two pairs of antennae, the first pair is short and the second is long. Like many cave-adapted species, the Madison Cave isopod is blind and un-pigmented. Movement is by walking on the substrate or by swimming.

### **Habitat**

The Madison Cave isopod inhabits underground lakes and deep karst aquifers where it lives in the groundwater. It has been observed in a few caves that descend to the groundwater table.

### **Threats And Prospects**

Contamination of groundwater is the major threat to the Madison Cave isopod. Sources of contaminants include agricultural runoff, poultry farms, and runoff from developments.

### **Range**

This species is restricted to the Shenandoah Valley of Virginia and West Virginia.

### **Life History**

Little is known about the life history of this species. Biologists suspect that this species is long-lived and has a low rate of reproduction.

### **Diet**

This species probably feeds on detritus that finds its way into the groundwater.

### **Additional Comments**

This species was discovered in 1958 in Madison Saltpetre Cave in Augusta County, Virginia. The Madison Cave isopod belongs to a group (family Cirolanidae) that consists largely of marine species. This is the only freshwater species found north of Texas. Cavers visiting caves in the Shenandoah Valley are encouraged to report sightings of "large" (nearly 0.6 in+) white aquatic isopods. Residents of the Shenandoah Valley should work to protect groundwater quality.



## Letter to USF&WS

---



P.O. Box 35  
Charles Town, WV 25414

304 725-4572  
304 725-6896 fax  
[www.dewberry.com](http://www.dewberry.com)

February 15, 2007

Barbara Douglas  
U.S. Fish and Wildlife Service  
694 Beverly Pike  
Elkins WV 26241

Subject: Allstadt's Corner Proposed Subdivision

Dear Ms. Douglas:

We have received a letter from Barbara Sargent (copy attached) requesting that we contact you regarding any needed coordination with regards to a threatened species, the Madison Cave Isopod.

Please inform us if you have any information with regards to the Isopod and of what coordination if any, may be required. For your information, I have attached a copy of the project summary and a site location map. The proposed subdivision is located in Jefferson County. We are in preliminary design on this project and have not yet submitted any material to the Jefferson County Planning Commission.

I would appreciate a written response to this letter. If you require further information please feel free to contact me.

Sincerely

Dewberry & Davis LLC  
Annette G. van Hilst RA  
Senior Land Planner

Attachments: Letter from Barbara Sargent  
Summary Allstadt's Corner  
Site Location Map

Dewberry & Davis LLC

**Letter to DEP (response by phone)**

---



P.O. Box 35  
Charles Town, WV 25414

304 725-4572  
304 725-6896 fax  
www.dewberry.com

February 1, 2007

Twyla Carr, Environmental Resources Specialist II  
Division of Water & Waste Management  
Regulatory Programs, Ground Water Section  
3810 Greensburg Road  
Martinsburg WV 25401

**Subject: Allstadt's Corner Residential Subdivision**

Dear Ms. Carr:

We are preparing to design and submit the subject subdivision to the Jefferson County Planning Commission whose location is indicated on the attached map. We are interested in receiving any information you may have regarding ground water resources in the project area.

Could you please provide me with any information on ground water resources and any other information in the project area and the surrounding area that could be helpful as we design the proposed subdivision.

I thank you for your cooperation.

Sincerely

A handwritten signature in black ink, appearing to read "Annette van Hilst", is written over a circular stamp or seal.

**Dewberry & Davis LLC**  
Annette van Hilst RA  
Senior Land Planner  
Land Design & Survey Division

Attachments: Summary: Allstadt's Corner Subdivision  
Sketch: Site Location

Dewberry & Davis LLC

## Health Department Letter

### Jefferson County Health Department

ROSEMARIE CANNARELLA, M.D., M.P.H.  
HEALTH OFFICER



1948 WILTSHIRE ROAD, SUITE 1  
KEARNEYSVILLE, WV 25430  
ENVIRONMENTAL: (304) 728-8415  
FAX: (304) 728-3314  
MEDICAL: (304) 728-8416  
FAX: (304) 728-3319

February 7, 2007

Dewberry & Davis LLC  
P.O. Box 35  
Charles Town, WV 25414

Attn.: Annette van Hilst RA

Dear Annette:

The Jefferson County Health Department has received your request for information regarding contaminated wells within 1000 feet of Allstadt Residential Subdivision.

A review of our records indicates no private wells with bacteriological contaminants in this area. For a review of chemical contaminants, I suggest that you contact the West Virginia Department of Environmental Protection and the West Virginia Bureau of Public Health.

If you have any questions, please feel free to contact this office at (304) 728-8415.

Sincerely,

A handwritten signature in cursive script that reads "Rosemarie Cannarella MD, MPH".

Rosemarie Cannarella, MD, MPH  
Health Officer.

Cc: Paul Raco, Jefferson County Planning, Zoning & Engineering  
Brad Reed, WVBOPH, Kearneysville Office  
Jason Chambers, WVDEP, Romney Office  
William H. Zaleski, Sanitarian II

## Letter from Bureau of Public Health



STATE OF WEST VIRGINIA  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
BUREAU FOR PUBLIC HEALTH  
OFFICE OF ENVIRONMENTAL HEALTH SERVICES

Joe Manchin III  
Governor

Martha Yeager Walker  
Secretary

February 23, 2007

Annette van Hilst RA  
Senior Land Planner  
Land Design and Survey Division  
Dewberry & Davis LLC  
411 S. Fairfax Boulevard  
Ranson, WV 25436-1611

RE: Allstadt's Corner Subdivision

Dear Ms. Van Hilst:

In response to your request dated February 15, 2007, this office has determined that there **appears** to be three (3) active public water supply wells within 1,000 ft of the proposed development. Without exact property boundaries, the separation distance can only be approximated.

The attached topo map shows the approximate location of each; for security reasons, this office cannot provide exact coordinates of the sources.

Ownership information for the wells is as follows:

- (1) C.W. Shipley Elementary (PWS ID #WV9919017)  
Jefferson Co. Board of Education  
PO Box 987  
Charles Town, WV 25414  
Administrative Contact: Dave Rickard  
201 W. North Street  
Charles Town, WV 25414  
Phone: 304-725-5711
- (2) Price Enterprises  
Bob's Snack Bar (PWS ID #WV9919088)  
P.O. Box 96  
Halltown, WV 25423  
Robert Price (same address)  
Phone: 304-535-2575

---

KEARNEYSVILLE DISTRICT OFFICE  
1948 Wiltshire Road, Suite 6  
Kearneysville, West Virginia 25430  
Telephone: 304-725-9453 Fax: 304-725-3108

Annette van Hilst RA  
February 23, 2007  
Page 2

- (3) River Riders (PWS ID#WV9919086)  
408 Allstadts Hill Road  
Harpers Ferry, WV 25425  
Administrative Contact: Matt Knotts  
Phone: 304-535-2663

Future requests to this office must reference "active public water supply wells," not "contaminated" wells.

If you have any questions, please call me at 304-725-9453.

Sincerely,

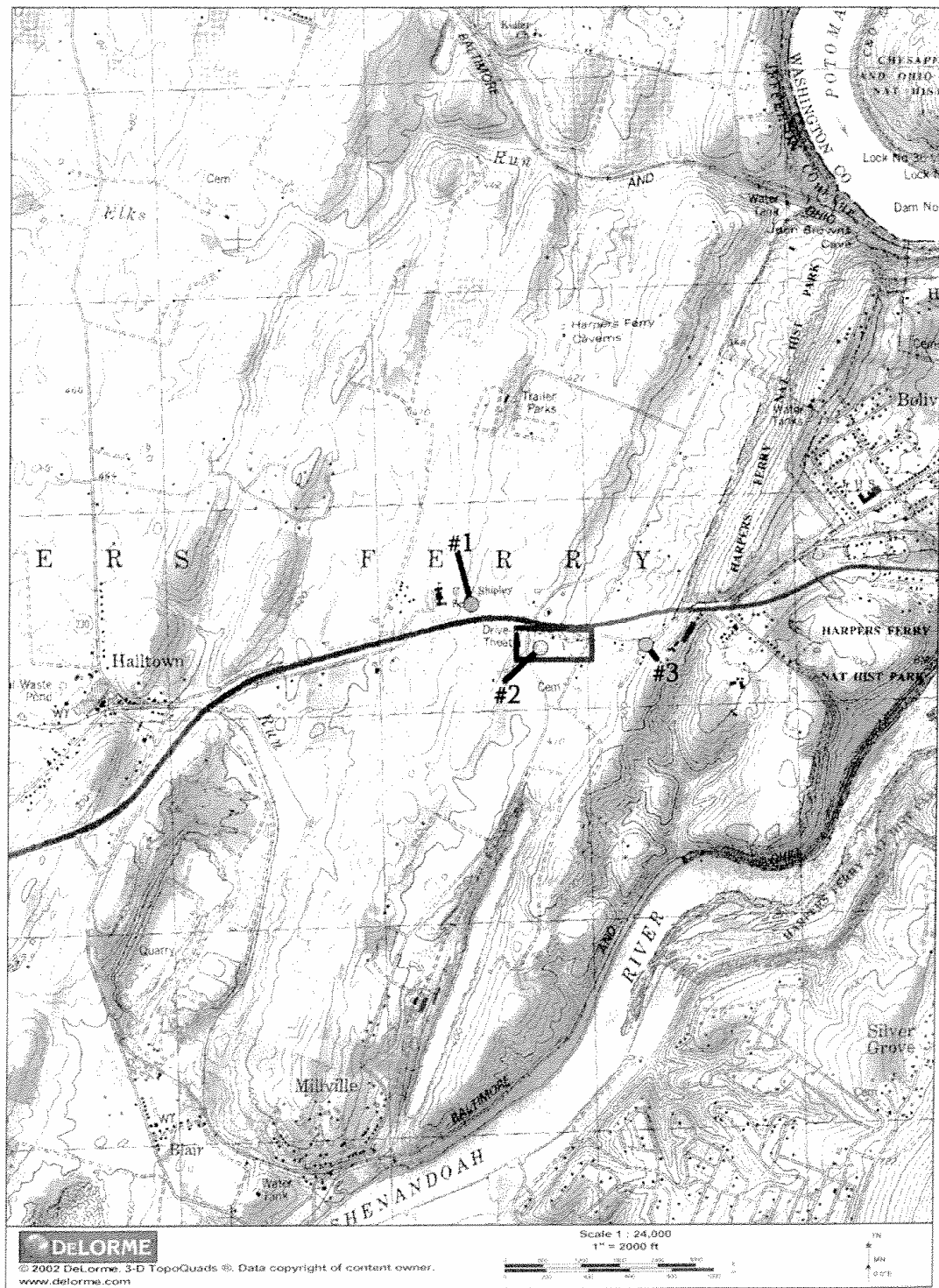


Alan F. Marchun  
Kearneysville District Health Office

AFM:yw

pc: Jefferson County Health Department  
Dave Rickard, C.W. Shipley Elementary  
Robert Price, Bob's Snack Bar  
Matt Knotts, River Riders





## Letter from WVDEP

03/26/2007 10:58 3048223687

WVDEP

PAGE 02



---

west virginia department of environmental protection

---

Environmental Enforcement  
Water and Waste  
HC 63 Box 2545  
Romney WV 26737  
Telephone: (304) 822-7266 Fax: (304) 822-3687

Joe Manchin III, Governor  
Stephanie R. Timmermeyer, Cabinet Secretary  
[www.wvdep.org](http://www.wvdep.org)

March 26, 2007

Annette van Hilst  
Dewberry & Davis LLC  
PO Box 35  
Charles Town, WV 25414

Dear Annette:

I recently received a letter from Rosemarie Cannarella with the Jefferson County Health Department, which had a letter from you attached with it. Your letter was concerning any known contaminates in or near the area for the proposed Allstadt's Corner Residential Subdivision. To my knowledge, DEP-Environmental Enforcement, Water and Waste, Romney Office does not have any information of any known contaminates in that area. However, you may request to review our files for any information we may have on this site. To do so, you can contact me at (304) 822-7266 and request a time and date to review our office files. Also, you can contact me at the above number should you have any questions. Thank you.

Sincerely,

Jason Chambers  
Environmental Inspector  
WVDEP

Promoting a healthy environment.

## Hospital letter



February 6, 2007

Dewberry & Davis LLC  
P.O. Box 35  
Charles Town, West Virginia 25414  
Attention: Annette van Hilst RA

RE: Allstadt Residential Subdivision

Dear Ms. van Hilst:

This is in response to your letter to me dated February 1, 2007, concerning the request for hospital coverage for a proposed Allstadt Residential Subdivision.

As President & CEO of West Virginia University Hospitals-East, both Jefferson Memorial Hospital and City Hospital would be glad to provide hospital services for the proposed Development.

Sincerely,

A handwritten signature in black ink, appearing to read 'Roger Eitelman'.

Roger M. Eitelman  
President & CEO

RME:lsr

Phone: 304-264-1244  
Fax: 304-264-1290  
reitelman@wvuh-east.org

Office of the President and CEO  
2500 Hospital Drive  
Martinsburg, WV 25401

## School letter



**Dewberry**

411 S. Fairfax Boulevard  
Ranson, WV 25438-1611

304 725 4572  
304 725 6896 fax  
www.dewberry.com

February 1, 2007

Superintendent Steven Nichols  
Jefferson County Board of Education  
PO Box 987  
Charles Town WV 25414

**Subject: Allstadt Residential Subdivision**

Dear Superintendent Nichols:

As part of the process of developing a Community Impact Statement for the subject project, we develop a section on the proposed impact of the development upon the Jefferson County School System. Attached, please find a summary of the proposed development and the draft of the section dealing with school impact.

Please review this material and provide this office with any comments that you would want included or presented to the Jefferson County Planning Commission.

I thank you for your cooperation.

Sincerely

A handwritten signature in black ink, appearing to read 'A. G. van Hilst'.

**Dewberry & Davis LLC**  
Annette G. van Hilst RA  
Senior Land Planner  
Land Design & Survey Division

Attachments: Project Summary  
Site location Map  
Excerpt, Draft CIS, "Demand for Schools" section

**Dewberry & Davis LLC**

## Letter from Jefferson Utilities

---



February 6, 2007

Ms. Annette G. van Hilst, R A  
Senior Land Planner  
Dewberry & Davis LLC  
PO Box 35  
Charles Town, WV 25414

Re: Water Availability, Allstadt Subdivision

Dear Ms. van Hilst:

I am writing in response to your letter of February 1, 2007. Accordingly, Jefferson Utilities will be pleased to provide water service to Allstadt's corner residential subdivision consisting of 24 apartment units and 28 villa units. We understand that the project will be developed on the Flea Market, Old Fort Drive In, Property. Service will be provided from the 16" line which now exists along the south western edge of the property. A 12" water line had already been stubbed into the property. Service is presently being provided through a ¾" service on the property.

Service will be extended in accordance with an Alternate Main Line Extension Agreement between the Developer and Jefferson Utilities, Inc. Please forward us a copy of your preliminary water main design so we can provide an early review of line layout and sizing.

With best wishes,

A handwritten signature in cursive script, appearing to read 'Lee Snyder', is written over a horizontal line.

Lee Snyder, President

cc: Jim Gibson

270 Industrial Boulevard • Kearneysville, WV 25430 • (304) 725-9140 • Fax: (304) 728-7326

**Letter from "Old Standard" LLC**

Old Standard LLC  
P.O. Box 341  
Millwood, VA 22646

*February 21<sup>st</sup>, 2007*

Dr James Gibson  
201 Needwood Farm Lane  
Harpers Ferry, WV 25425

By FAX 304-725-2608

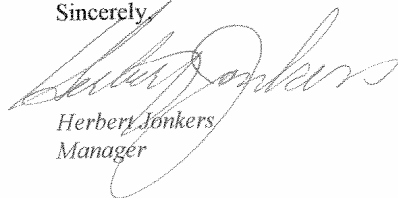
Dear Jim,

Based on your letter requesting service, you will need capacity for 24 condos/apt units and 28 Duplex Villas totaling 52 DUT's at the Flea market just off of Rt. 340. The Old Standard WWTP will serve this property.

The WWTP plant now under construction is fully approved and permitted by all of the State and Federal agencies involved. This state of the art will plant should be on line in less than six months. We will be serving Sheridan initially and others such as your self, as part of our commitment to the WVPSC and JCPSD.

This letter for committing to sewer service will be supplemented in the near future with a mainline extension agreement.

Sincerely,



Herbert Jonkers  
Manager



## Letter from JCPSD

03/08/2007 10:36 FAX 3047255976

JCPSD

002

### Jefferson County Public Service District

March 7, 2007

Annette G. van Hilst, RA  
Senior Land Planner  
Land Design and Survey Division  
Dewberry  
P.O. Box 35  
Charles Town, WV 25414

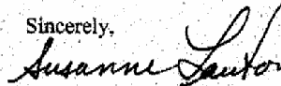
RE: Allstadt Subdivision

Dear Ms. Van Hilst:

In response to your letter dated February 22, 2007, I offer the following information. Jefferson County Public Service District (the District) has agreements with Old Standard LLC to accept operation and ownership of the wastewater treatment plant to be constructed at the Old Standard Quarry. When the time comes for this acceptance to occur, the District will accept as customers, all those whom have entered into agreements with Old Standard to have their wastewater treated at that site, if their wastewater is consistent with our Sewer Use Ordinance. I expect that the wastewater from these 52 residential units will be consistent with the Ordinance.

Should additional information be necessary, please contact me.

Sincerely,



Susanne Lawton  
General Manager

Cc: James V. Kelsh, Esquire  
James Campbell, Esquire  
Herb Jonkers, Developer

210 W. 3rd Avenue  
Ranson, WV 25438  
Phone: 304-725-4647  
Fax: 304-725-5976  
E-Mail: [admasst@jcpsd.com](mailto:admasst@jcpsd.com)

## Sheriff letter



Everett "Ed" Boober  
P.O. Box 9  
Charles Town, WV 25414

## SHERIFF and TREASURER of Jefferson County

Telephone: 728-3205  
Tax Office: 728-3220  
Fax: 728-3299

February 6, 2007

Dewberry  
Ms. Annette van Hilst  
PO Box 35  
Charles Town WV 25414

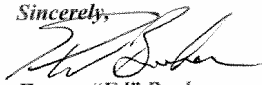
Dear Ms. Van Hilst:

*This is in response to your request that this department furnish you with an account with respect to our ability to respond to calls for service regarding matters of law enforcement and preservation of the peace at the proposed Allstadt's Corner Residential Subdivision located near the intersection of Millville Road and US Route 340 in Jefferson County, West Virginia.*

*The Sheriff's Department is charged with the affirmative duty of investigating criminal activity, preserving the peace, and enforcing the law. This duty extends to all corners of the county and to any community, subdivision or a business property without regard to size or location.*

*However, as our community continues to grow, it becomes progressively more difficult to assure timely response due to the significant increase in the numbers of calls for service with the staffing that is currently being provided to the Sheriff's Department. On occasion, calls for service must be handled on a priority basis where the most-serious, urgent type of events must receive priority in response and other, less serious calls for service, are responded to as quickly as manpower becomes available.*

*The foregoing should not be construed as an expression from this office that we are unable or unwilling to respond to calls for service in a timely manner. Given the resources and level of manpower with which we are obligated to work, our level of service is, and will continue to be responsive, timely, and efficient in carrying out our duties and responsibilities in the areas of law enforcement, criminal investigation and preservation of the peace in the Jefferson County community.*

Sincerely,  
  
Everett "Ed" Boober  
Sheriff and Treasurer

## State Police letter

---



### WEST VIRGINIA STATE POLICE

Kearneysville, West Virginia  
March 8, 2007

Annette van Hilst, RA.  
Senior Land Planner  
Land Design & Survey Division  
Dewberry & Davis LLC  
P.O. Box 35  
Charles Town, West Virginia 25414

RE: Providing police services for a proposed subdivision

Dear Madam:

This officer has reviewed your request for comment about police services for your proposed subdivision. This agency, as a law enforcement agency, doesn't have the luxury of declining police services. The West Virginia State Police will respond to any call for service within our area of responsibility; however, with the ever growing population of Jefferson County and the decrease in our manpower, we are forced to prioritize non-emergency calls for service.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Sgt. E. D. Anderson".

Sergeant E. D. Anderson  
West Virginia State Police  
Charles Town Detachment

**EQUAL OPPORTUNITY EMPLOYER**

## Friendship Fire Company Letter

---



**Friendship Fire Company**  
**P.O. Box 126**  
**Harpers Ferry, WV 25425**  
**Phone: 304-535-2211**  
**Fax: 304-535-1382**



February 25, 2007

Annette van Hilst RA  
Dewberry & Davis LLC  
P.O. Box 35  
Charles Town, WV 25414

RE: Allstadt Residential Subdivision

Dear Ms. Hilst:

This letter is in response to your written request of February 1, 2007 on the above subdivision. I have delayed a written response due to my understanding that Mr. Jim Gibson wanted to meet with us to discuss the new subdivision. We tried to contact him a few times without success.

The area of the subdivision is in Friendship's Fire and EMS first due response area. Our fire company is a volunteer organization and is committed to providing high quality service to the residents of Jefferson County. With the increase of emergency calls, we are having problems with manpower and the escalating cost of operations. As for any fire department in Jefferson County, we will attempt to do our best to respond to all emergency calls we are dispatched to.

I would like to request a detailed copy of the site depicting the access roads, building locations, and width of road (one lane or two lanes) in the subdivision. In the past, there have been developments in Jefferson County that our equipment is unable to fully access the structure as we would like. I would also request that you provide me the hydrant pressure for this development.

Providing me with the above requested information will allow me a better understanding of the hydrant locations and access to the development.

Sincerely,

Steven Wilt  
Chief

## EMS Letter



JEFFERSON COUNTY AMBULANCE AUTHORITY  
208 S. Mildred Street  
Ranson, WV 25438  
E-mail – [jeffcoamb@citlink.net](mailto:jeffcoamb@citlink.net)  
Telephone – 304-728-3287  
Fax – 304-728-6221

February 5, 2007

Annette van Hilst, RA  
Dewberry  
PO Box 35  
Charles Town, WV 25414

Subject: Allstadt Residential Subdivision

Dear Ms Annette van Hilst,

I have reviewed the preliminary plans of the Allstadt Residential Subdivision relating to residential growth and the effects on Emergency Medical Services.

The primary Ambulance Provider for the proposed subdivision is the Friendship Fire Company in Harpers Ferry. The Ambulance Authority supplements their service with EMT's and Paramedics.

Increases in call volume due to our growing population are placing our services near their peak capabilities. With the increases in EMS incidents, ***we can not assure any given response time***, but with the assistance of the other Jefferson County EMS units, we will continue to provide the Emergency Medical Services. The average EMS response to this area is currently 7 minutes.

Sincerely,

A handwritten signature in black ink, appearing to read "Ed Smith".

Edwin D. Smith  
Operations Manager

West Virginia EMS Agency of the Year – 2004

## Apple Valley Letter



January 2, 2007

RE: Allstadt Residential Subdivision

Annette G. van Hilst  
Dewberry & Davis, LLC  
P. O. Box 35  
Charles Town, WV 25414

Dear Ms. van Hilst:

Apple Valley Waste Service, Inc. maintains a motor carrier certificate from the WV Public Service Commission to haul residential waste in Berkeley and Jefferson Counties. We are ready and able to provide residential refuse collection for the Allstadt Residential Subdivision in Jefferson County West Virginia, and any other developments in Berkeley and Jefferson Counties located outside the corporate limits of the following municipalities – the Town of Bolivar, the City of Charles Town, the Town of Harpers Ferry, the City of Ranson, and the Town of Shepherdstown. The refuse will be disposed at LCS Landfill, Moutnainview Landfill, Old Dominion Transfer Station, Jefferson County Transfer Station (when completed) or any other permitted site capable of receiving municipal solid waste from the State of WV.

Please contact Waste Management of West Virginia to get a statement regarding the same for commercial services.

Sincerely,

James P. Phillips  
General Manager  
Apple Valley Waste Service, Inc.

Apple Valley Waste Service, Inc  
P.O. Box 1208 • Martinsburg, WV 25402 • Office: 304-267-1280 • Fax: 304-267-1270



## **EXHIBIT 10**

---

### **Material from West Virginia Historic Inventory**

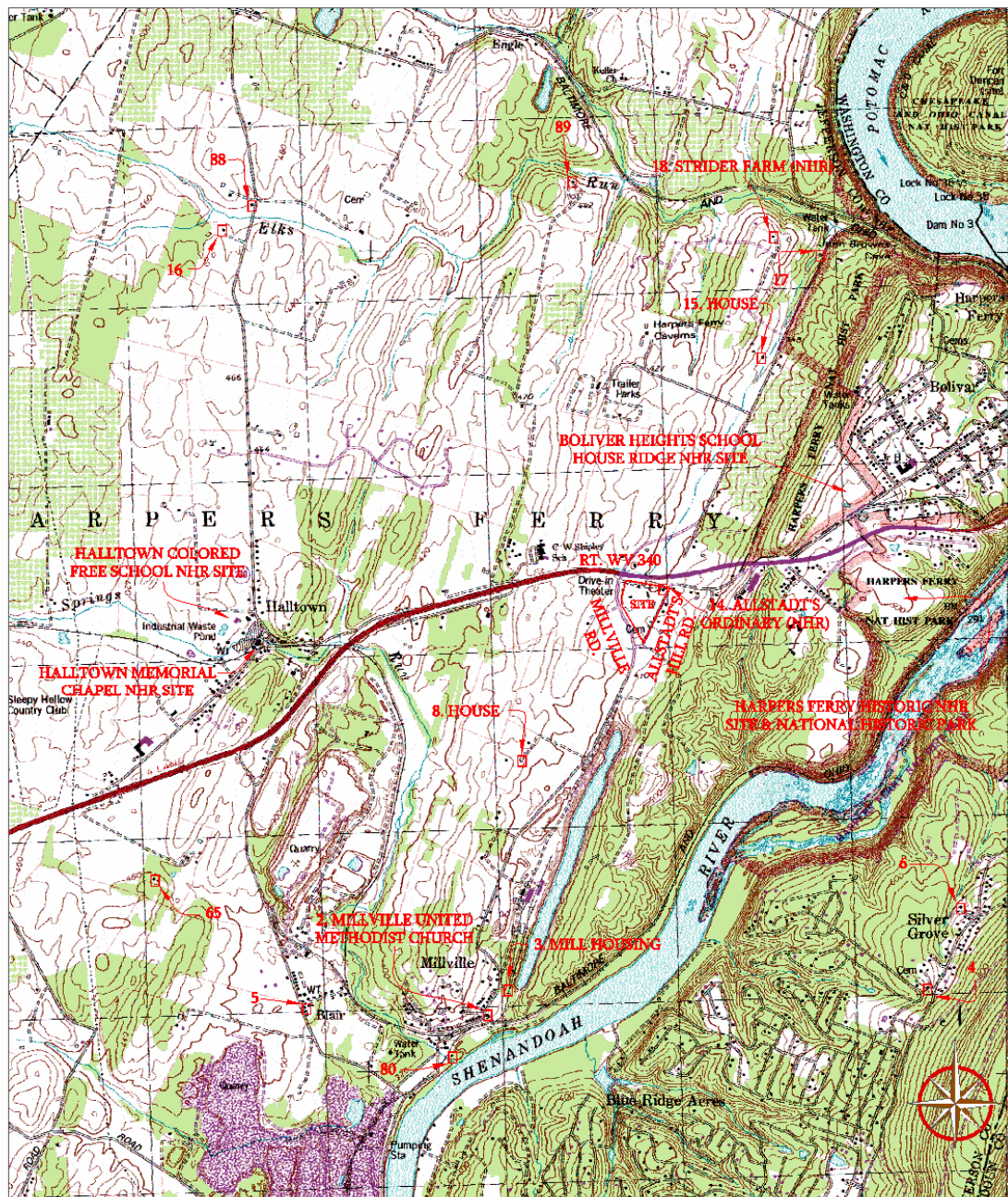
Explorer: The West Virginia History Database

Jefferson County Module created by  
William D. Theriault, PhD.

Published by

The WW Division of Culture and History  
Charleston WV

## MAP



# Dewberry

Dewberry & Davis, LLC  
401 S. FAIRFAX BOULEVARD, SUITE 3  
RANSON, WV 25438-1611  
PHONE: 304.725.4572  
FAX: 304.725.6896  
WWW.DEWBERRY.COM

DATE \_\_\_\_\_

3/19/07

PROJ. NO.

50002335

## HISTORIC MAP



PROJECT

## ALLSTADT'S CORNER

EXHIBIT NO.

1

**14 the Allstadt Ordinary (National Register Property, previously discussed)**

Present Owner: Dr. Gibson

Mailing Address: \*

Original Owner: \*

Assessor Map #: \*

Approximate Lot Size: \*

Property Currently Zoned: \*

Assessment: Land - \*; Improvements - \*; Total - \*

Physical Condition: Structure - Fair; Grounds - Fair; Neighborhood - Fair

Common Name: Allstadt House

Address: Route 340

Area: \*

Architect/Builder: \*

Date of Construction: \*; Source - \*

Architectural Style: \*

Present Use: \*

Original Use: \*

Incidence in Area: \*

Importance to Its Neighborhood: \*Great/Moderate/Minor

Accessible to Public: \*

Architectural Significance: National

Significance of Interiors: \*

Significance of Landscaping: \*

Historic Significance: \*

Representation in Other Surveys: \* National Register/State Survey/HABS

**PHYSICAL DESCRIPTION**

Facade Material: brick

**8 House (Millville Rd.)**

Present Owner: \*

Mailing Address: \*

Original Owner: \*

Assessor Map #: \*

Approximate Lot Size: \*

Property Currently Zoned: \*

Assessment: Land - \*; Improvements - \*; Total - \*

Physical Condition: Structure - Fair; Grounds - Fair; Neighborhood - Fair

Common Name: \*

Address: single family residence

Area: single family residence

Architect/Builder: \*

Date of Construction: \*; Source - \*

Architectural Style: \*

Present Use: \*

Original Use: moerate

Incidence in Area: \*

Importance to Its Neighborhood: Moderate

Accessible to Public: \*

Architectural Significance: \*

Significance of Interiors: \*

Significance of Landscaping: \*

Historic Significance: \*

Representation in Other Surveys: \*

**PHYSICAL DESCRIPTION**

## Allstadt' s Corner CIS (final)

Facade Material: stone [NO ADDITIONAL INFORMATION]

### 15 House (Bakerton Rd.)

Present Owner: \*  
Mailing Address: \*  
Original Owner: \*  
Assessor Map #: \*  
Approximate Lot Size: \*  
Property Currently Zoned: \*  
Assessment: Land - \*; Improvements - \*; Total - \*  
Physical Condition: Structure - Poor; Grounds - Poor; Neighborhood - Fair  
Common Name: \*  
Address: \*  
Area: \*  
Architect/Builder: \*  
Date of Construction: \*; Source - \*  
Architectural Style: \*  
Present Use: Single family residence  
Original Use: single family residence  
Incidence in Area: common  
Importance to Its Neighborhood: Minor [NO OTHER INFORMATION]

### 3 Mill Housing

Present Owner: \*  
Mailing Address: \*  
Original Owner: \*  
Assessor Map #: \*  
Approximate Lot Size: \*  
Property Currently Zoned: \*  
Assessment: Land - \*; Improvements - \*; Total - \*  
Physical Condition: Structure - \* Good/Fair/Poor; Grounds - Good/Fair/Poor; Neighborhood - Good/Fair/Poor  
Common Name: Millville mill Housing [cluster]  
Address: \*  
Area: Millville  
Architect/Builder: \*  
Date of Construction: \*; Source - \*  
Architectural Style: Mill housing  
Present Use: Residential  
Original Use: Residential  
Incidence in Area: Common  
Importance to Its Neighborhood: Moderate [NO ADDITIONAL INFORMATION]

### 2 Millville United Methodist Church

Present Owner: \*  
Mailing Address: \*  
Original Owner: \*  
Assessor Map #: \*  
Approximate Lot Size: \*  
Property Currently Zoned: \*  
Assessment: Land - \*; Improvements - \*; Total - \*  
Physical Condition: Structure - Good; Grounds - Good; Neighborhood - Good  
Common Name: Millville United Methodist Church  
Address: \*  
Area: Millville

Architect/Builder: \*  
Date of Construction: \*; Source - \*  
Architectural Style: \*  
Present Use: Church  
Original Use: Church  
Incidence in Area: \*  
Importance to Its Neighborhood: \*  
Accessible to Public: \*  
Architectural Significance: \*  
Significance of Interiors: \*  
Significance of Landscaping: \*  
Historic Significance: \*  
Representation in Other Surveys: \*  
**PHYSICAL DESCRIPTION**  
Facade Material: \*  
Foundation: \*  
Roof Form: \*  
Porch or Veranda: \*; Height: \*  
Building Height in Stories: \*  
Roof Dormers: \*  
Chimneys: \*; Where: \*  
Facade Emphasis: \*  
Window Sash: 1st: \*; 2nd: \*; 3rd: \*  
Entrance: Fan: \*; Lintel: \*; Trans: \*; Sidelights: \*; Undecorated: \*

### National Historic Sites:

**Strider Farm \*\*** (added 1988 - **Building** - #87002524)  
WV 27, Harpers Ferry

Historic Significance: Person, Event, Architecture/Engineering  
Architect, builder, or engineer: Unknown

Architectural Style: Federal, Other

Historic Person: Strider, Samuel, et al.

Significant Year: 1880, 1790

Area of Significance: Architecture, Religion, Military,  
Exploration/Settlement

Period of Significance: 1750-1799, 1800-1824, 1825-1849, 1850-  
1874, 1875-1899

Owner: **Private**

Historic Function: Agriculture/Subsistence, Domestic

Historic Sub-function: Agricultural Outbuildings, Single Dwelling

Current Function: Agriculture/Subsistence, Domestic

Current Sub-function: Agricultural Outbuildings, Single Dwelling

**Allstadt House and Ordinary \*\*\*** (added 1985 - **Building** - #85000767)

Jct. of U.S. 340 and CR 27, Harper's Ferry

Historic Significance: Event, Architecture/Engineering

Architect, builder, or engineer: Allstadt, Jacob, Et al.

Architectural Style: No Style Listed

Area of Significance: Architecture, Military, Exploration/Settlement,  
Politics/Government, Commerce

Period of Significance: 1750-1799, 1800-1824, 1825-1849, 1850-1874

Owner: **Private**

Historic Function: Domestic, Funerary

Historic Sub-function: Cemetery, Secondary Structure, Single Dwelling

Current Function: Domestic, Funerary, Vacant/Not In Use

**Bolivar Heights--School House Ridge Skirmish Site** (added 2001 - **Site** - #01000786)

Also known as **Prospect Hill Farm; The Vineyard Farm**

Bloomery Rd., Harpers Ferry

Historic Significance: Event

Area of Significance: Military

Period of Significance: 1850-1874

Owner: **Federal**

Historic Function: Agriculture/Subsistence, Defense

Historic Sub-function: Agricultural Fields, Battle Site

Current Function: Landscape

Current Sub-function: Park

**Halltown Colored Free School** (added 2004 -

**Building** - #04000912)

Also known as **Halltown African-American  
Schoolhouse**

Halltown Rd., 0.5 mi. NE of US 340, Halltown

Historic Significance: Event

Area of Significance: Education

Period of Significance: 1850-1874, 1875-1899, 1900-1924, 1925-  
1949

Owner: **Private**

Historic Function: Education

Historic Sub-function: School

Current Function: Vacant/Not In Use



**Halltown Union Colored Sunday School** (added 1984 - **Building** - #84003591)

Also known as **Halltown Memorial Chapel**

Off US 340, Halltown

Historic Significance: Event, Architecture/Engineering

Architect, builder, or engineer: Unknown



Architectural Style: Late Gothic Revival, Other  
 Area of Significance: Architecture, Religion, Black  
 Period of Significance: 1900-1924  
 Owner: **Private**  
 Historic Function: Religion, Social  
 Historic Sub-function: Civic, Religious Structure  
 Current Function: Religion, Social

**Harpers Ferry Historic District \*\*\*** (added 1979 -  
**District - #79002584)**

Also known as **Harpers Ferry**; **See Also: Harpers Ferry  
 National Historic Park**;  
 Off U.S. 340, Harpers Ferry

Historic Significance: Information Potential, Event,  
 Architecture/Engineering  
 Architect, builder, or engineer: Multiple  
 Architectural Style: Late Victorian  
 Area of Significance: Architecture, Social History, Invention,  
 Military, Historic - Non-Aboriginal,  
 Transportation, Politics/Government,  
 Industry, Commerce  
 Cultural Affiliation: American  
 Period of Significance: 1800-1824, 1825-1849, 1850-1874  
 Owner: **Private , Local Gov't**  
 Historic Function: Domestic,  
 Industry/Processing/Extraction  
 Historic Sub-function: Manufacturing Facility, Single  
 Dwelling  
 Current Function: Domestic  
 Current Sub-function: Single Dwelling



**Harpers Ferry National Historical Park \*\*\*** (added 1966 - **District - #66000041)**  
 At confluence of Shenandoah and Potomac rivers, Harpers Ferry

Historic Person, Information Potential, Event, Architecture/Engineering  
 Significance:  
 Architectural No Style Listed  
 Style:  
 Historic Person: Brown, John  
 Significant Year: 1859, 1802  
 Area of Architecture, Social History, Invention, Military, Historic - Non-Aboriginal,  
 Significance: Politics/Government, Industry, Commerce  
 Cultural American  
 Affiliation:  
 Period of 1750-1799, 1800-1824, 1825-1849, 1850-1874  
 Significance:  
 Owner: **Federal**

Historic Function: Defense, Domestic, Industry/Processing/Extraction, Transportation

Historic Sub- Battle Site, Fortification, Manufacturing Facility, Single Dwelling  
function:

Current Function: Domestic, Education, Landscape, Recreation And Culture

Current Sub- College, Institutional Housing, Monument/Marker, Museum  
function:

**EXHIBIT 11                      Historian's Report**

---

**HISTORIC RESOURCE EVALUATION  
GIBSON/FLEA MARKET PROPERTY  
JEFFERSON COUNTY, WEST  
VIRGINIA**

**Prepared by:**

David C. Berg

**March 2007**

## **Abstract**

This report presents the findings of historical records research and field investigations to assess the potential for the Gibson/Flea Market Property located in the southeast quadrant of the intersection of U.S. Route 340 and County Route 27. The study area of this report includes a total of 12.97 acres, designated as parcel D9 M9 P61. It consists of the Flea Market Property and the Gibson/Allstadt House and Ordinary property. The following report details historical research and field investigations undertaken to identify potential historic and cultural resources that could be affected by the proposed development, and to investigate mitigation and minimization measures.

There is one National Register listed property within the project area. This is the Allstadt House and Ordinary located between S.R. 27 and Old Route 27, adjacent to U.S. 340. This historic property is located at the northeast quadrant of the 12.97-acre parcel. Modern intrusions include the raising of Route 340 on an earthen berm directly north of the house site, blocking all views to the north, as well as mid and late-twentieth century residential development along Old Route 27 to the east and the present flea market property to the west.

The proposed project is not subject to review under Section 106 of the National Historic Preservation Act nor the State of West Virginia's historic review process. However, having taken great care to protect and restore the National Register listed Allstadt House and Ordinary, Dr. James Gibson wishes to seek ways to minimize and mitigate effects to this historic property. Recommended minimization includes sympathetic design of the proposed dwelling units in massing, height, and overall appearance. In order to further minimize any impacts to the historic buildings, a buffer of trees is recommended between the historic area and new construction. Sympathetic landscape design that would emphasize the historic house as a focal point of the development is also recommended. A successful local example of this can be found at the Beall Aire Mansion – Lewis and Ella Washington's home. This National Register Listed property became the focal point of the Bellair Historic 18<sup>th</sup> Century Plantation and Gardens development.

The Allstadt family cemetery, as it is isolated from the other historic features, should be maintained as open space and perhaps protected by a fence. Other recommended options for the cemetery include deeding it to the Allstadt family genealogical group that has shown interest in the site.

## Table of Contents

<b>Abstract.....</b>	<b>ii</b>
<b>Table of Contents .....</b>	<b>iii</b>
<b>List of Figures.....</b>	<b>iii</b>
<b>List of Plates .....</b>	<b>iv</b>
<b>I. Introduction .....</b>	<b>1</b>
Project Description .....	1
<b>II. Methods.....</b>	<b>3</b>
Objectives .....	3
Research Methods .....	3
Field Methods .....	3
<b>III. Results of Archival and Background Research.....</b>	<b>4</b>
Historic Context.....	4
Project Area History .....	5
<b>IV. Previous Investigations .....</b>	<b>6</b>
<b>V. Survey Results .....</b>	<b>7</b>
Field Results .....	16
<b>VI. Alternatives Considered.....</b>	<b>23</b>
1. Total Site Development .....	23
2. Retain Allstadt House and Ordinary, Develop Remainder of Property.....	23
3. Deed Allstadt House and Ordinary to HOA with Covenants .....	24
<b>VII. Conclusions and Recommendations.....</b>	<b>24</b>
<b>IX. References .....</b>	<b>27</b>
<b>Appendix A: Resume of Preparer .....</b>	<b>29</b>

## List of Figures

Figure 1: Location of Gibson/Flea Market Property.....	2
Figure 2: 1883 Map Showing Approximate Location of Property .....	9
Figure 3: Plat Showing Division of John H. Allstadt's Estate in 1889.....	10
Figure 4: 1927 (updated 1944) USGS Map of Property Showing Buildings and Cemetery..	11
Figure 5: Survey of Dr. James Gibson's Property in 1981 Showing Route 27 Relocation....	12
Figure 6: 1862 Battle of Harpers Ferry Troop Movement and Location Map .....	14
Figure 7: Relationship of Confederate Cavalry to Gibson/Flea Market property (Joseph Russell's Property) in 1864.....	15

## **List of Plates**

Photo 1: Allstadt House and Ordinary, View to West.....	18
Photo 2: Allstadt House and Ordinary, View to Northeast.....	18
Photo 3: Allstadt (Right) Cemetery, View to Northeast. ....	19
Photo 4: Flea Market Site, View to West. ....	19
Photo 5: View Showing Raised Route 340, View to North.....	20
Photo 6: Newton Gibson Dwelling, View to West. ....	20
Photo 7: American Foursquare Style Dwelling, View to Northeast.....	21
Photo 8: Vernacular I-House, View to East.....	21
Photo 9: Craftsman Style Dwelling, View to Northeast. ....	22
Photo 10: Jackson's Right Flank Battlefield, View to South.....	22



## **I. Introduction**

The Gibson/Flea Market Property is located in the southeast quadrant of the intersection of U.S. Route 340 and County Route 27. It is bounded by U.S. Route 340 to the north, County Route 27 to the southwest and west, and old Route 27 to the southeast and east. The study area of this report includes a total of 12.97 acres, designated as parcel D9 M9 P61. It consists of the Flea Market Property and the Gibson/Allstadt House and Ordinary property. The following report details historical research and field investigations undertaken to identify potential historic and cultural resources that could be affected by the proposed development, and to investigate mitigation and minimization measures. Background research and field investigations were conducted during February of 2006. David C. Berg, M.A. served as Principal Investigator in the field and author of this report.

### ***Project Description***

The property is located within the Residential Growth Zoning District located to the west and south of the municipalities of Harpers Ferry and Bolivar. It fronts Millville Road near the intersection of U.S. Route 340 and the Millville Road, approximately one mile from the towns of Bolivar and Harpers Ferry. Public water and sewer lines are currently located on the property. Water will be provided by Jefferson Utilities and sewer will be provided by the Jefferson County Public Service District.

The development is located on a 12.97 acres parcel currently occupied by the Harpers Ferry Flea Market, the Wilt Fruit Stand and the “Ordinary”. Two small apartment complexes, each two stories high, one containing eight apartments and the other sixteen apartments are proposed at the northwest and southwest corners of the property. Both are accessed from the internal roads within the subdivision. Twenty-eight villas (duplex units) are proposed in 14 individual buildings. The villas adjoin the internal road network and the community parklands.

The site has two entrances, both off of Millville Road. The entrance to the southwest (Sweitzer Drive) joins the northwest entrance (Mertin Drive) to form a loop. Sweitzer Drive ends in a cul-de-sac near the “Ordinary”. Sidewalks along both streets will provide a walkable community linking the apartments and villas. Recreational areas will be provided at the apartment units and within the parkland. Storm water management facilities will be located within the parkland and on the lot for the smaller apartment complex.

Children residing in the development will attend Shipley Elementary School, Harpers Ferry Middle School and the Jefferson High School complex at Shenandoah Junction. The proposed development will have minimum impact upon existing roads due to its small size of 52 new dwelling units.

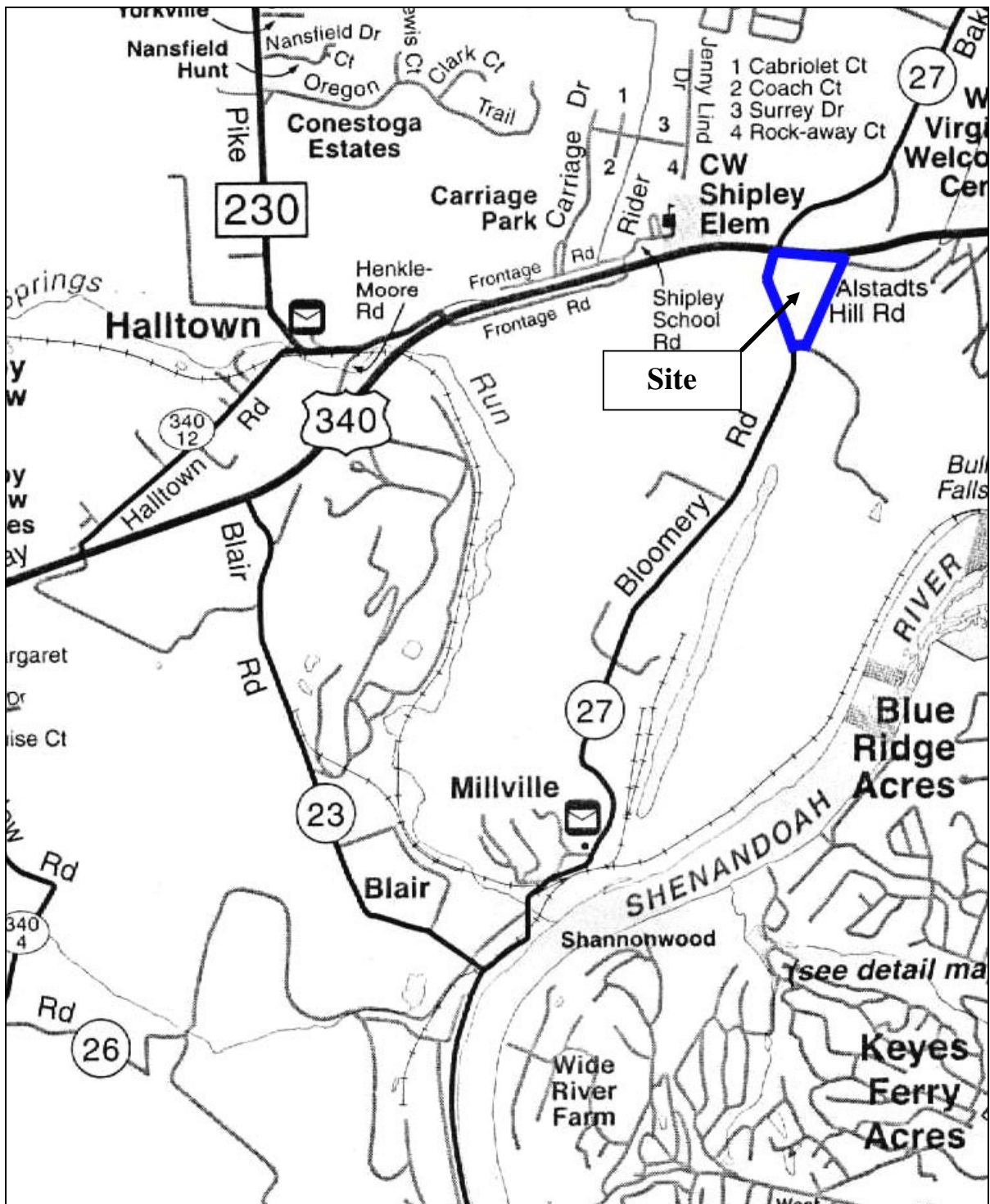


Figure 1: Location of Gibson/Flea Market Property

## **II. Methods**

The cultural environment includes historic properties, defined by 36 CFR 800 as “any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places.” This term includes artifacts, records, and the remains that are related to and located within such properties. The term “eligible for inclusion on the National Register” includes both properties formally determined eligible and all other properties that meet NRHP listing criteria (36 CFR 60.4).

### ***Objectives***

The principal objective of this study was to identify both previously known and unknown historic properties within the project area and to assess any such properties with regards to National Register Criteria. A corollary objective was to analyze potential effects to such properties resulting from the proposed development of this parcel and to provide recommendations for minimization and mitigation of these effects.

Specifically not included in these objectives is any attempt at compliance with Section 106 of the National Historic Preservation Act, as amended. The proposal for this property does not necessitate the granting of any Federal permits, licenses, leases, sales or funding, and thus Section 106 review is not required for this project. This study has been contracted by the owner, Dr. James Gibson, in an effort to ensure the adequate preservation and protection of existing historic properties.

### ***Research Methods***

Background research for this investigation was conducted at the West Virginia Division of Culture and History, Harpers Ferry National Park, National Register files, and the Shepherdstown Public Library. Maps and information available on the Library of Congress web site were also consulted. Background research focused on examination of site files and technical reports of previous investigations of archaeological and historic resources in the vicinity to assist in developing the historic context of the region. In addition, background research focused on Civil War activities that may have occurred in the area (e.g., the 1862 and 1864 Battles of Harpers Ferry).

### ***Field Methods***

A United States Geological Survey (USGS) Quadrangle topographic map of Charles Town, West Virginia was used to identify any standing structures within the project area. A field

reconnaissance was then conducted within the study area to confirm the collected research data and to determine if any previously unidentified structures fifty years of age or older exist within the project area. Previously documented historic resources and archaeological sites were identified through consultation with state and local agencies including the West Virginia Division of Culture and History, the Harpers Ferry National Park, and previous studies within the project area.

### **III. Results of Archival and Background Research**

#### ***Historic Context***

The settlement of the Upper Potomac and Shenandoah Valleys, began by the early 1730s. In order to quell Native American raids, settlers signed a number of treaties under the guise of restraining colonial settlement. In 1722, Virginia signed the Treaty of Albany with the Iroquois, allowing settlement to expand south of the Potomac River and east of the Allegheny Mountains. Subsequent treaties pushed many Native American groups further west until, by the end of the eighteenth century, numerous tribes from Virginia, Maryland, and Pennsylvania occupied northwest Ohio. As the soil of the Tidewater became exhausted, the new, inexpensive lands in present Jefferson County became desirable (Baker 2000:4-31).

The project area was originally part of Spotsylvania County, the first county formed in northern Virginia. It included any land west of the Blue Ridge Mountains. Orange County was formed in 1734 out of Spotsylvania County. Frederick County separated from part of Orange County in 1738. By 1772 Frederick County split to form Berkeley County. Jefferson County was partitioned from Berkeley County in 1801.

Shepherdstown became the Jefferson County seat in February 1865, toward the close of the Civil War. Charles Town re-gained the title of County Seat in 1871, after a short period during which two different groups claimed to be the Jefferson County commissioners, with one meeting in Shepherdstown and the other in Charles Town (Bushong 1972:251, 265).

The Chesapeake & Ohio (C&O) Canal was planned and started during the peak of American canal construction, as businessmen in port cities sought to increase trade with inland areas to the west. Proponents and organizers of the proposed C&O Canal included Maryland governor Joseph Keffi, prominent Washington County citizens including John Blackford of Ferry Hill, and residents of Jefferson County. Many Jefferson County municipalities contributed to construction of the canal (Baker 2000:4-44).

The C&O Canal Company obtained a charter from the state of Virginia in 1824. Originally, the canal was intended to connect the District of Columbia with the Ohio River at Pittsburgh some 342 miles away. Within two years, however, Maryland's support for the project diminished because of the perception that it would not benefit a large section of the state,

including Baltimore. The result was the founding of the Baltimore & Ohio (B&O) Railroad in 1827. The C&O Canal Company and the B&O Railroad both broke ground on July 4, 1828. President John Quincy Adams spoke at the C&O groundbreaking, while Charles Carroll of Carrollton, Maryland, the last living signer of the Declaration of Independence, spoke at the B&O event (Baker 2000:4-44).

The C&O Canal extended 297 km (184.5 mi.) from Georgetown, in the District of Columbia, to Cumberland, Maryland. Construction began at Georgetown in 1828 and was put in service in four sections. It reached Seneca Rocks in 1831, Harpers Ferry in 1833, Hancock in 1839, and Cumberland, in 1850. The construction of roads, the C&O Canal, the B&O Railroad, and the Winchester and Potomac Railroad through the area provided increased opportunities for movement of people and goods and made farming more profitable (Baker 2000:4-44).

## ***Project Area History***

The project area has been historically characterized by farms, with most of the land being open fields with hedgerows. The ridge about half a mile northwest of the property is known as School House Hill or School House Ridge. This ridge played a significant role in the 1862 battle at Harpers Ferry.

In 1862, the general vicinity became part of the staging grounds for the siege of Harpers Ferry. General Lee led his Confederate Army northward during the Maryland Campaign, and during mid-September of that year, engaged in three of the most significant battles of the campaign. These were Harpers Ferry, during September 13-15, the battle of South Mountain on September 14, and Antietam on September 17, 1862.

At Harpers Ferry, Lee sent Stonewall Jackson's division to surround the town. As Major General McLaws converged on Maryland Heights with two brigades, Confederates under the command of Brigadier Generals John G. Walker and Thomas (Stonewall) Jackson approached from the south at Loudoun Heights and School House Ridge from the West (The Maryland Campaign, 952-955; Pfanz 1976:35-40).

On the afternoon of September 14, Major General Ewell's division, under the command of Brigadier Generals A. R. Lawton, Jubal Early, Hays, and Trimble, marched along the Charles Town Turnpike (S.R. 340) and camped along School House Hill on both sides of the Turnpike. On the night of the 14<sup>th</sup>, the entire division laid on their arms (rested for the night), with Lawton and Trimble's brigades south of S.R. 340 (Pfanz 1976:35-38; The Maryland Campaign, 965-967). Fortification lines located southwest of Gibson/Flea Market Property on the west side of Route 27 are currently owned by the National Park Service.

## IV. Previous Investigations

- In 1989, the Harpers Ferry National Historical Park conducted a boundary survey that included an extensive review of historical documents of the area. This information is summarized in a Department of Interior newsletter (U.S. Department of Interior 1989). Dr. Charles Hulse has conducted several historic studies in Jefferson County (Hulse 1990).
- In 1990, Greenhorne & O'Mara, Inc. produced an *Environmental Assessment, Land Acquisition in the Vicinity of Harper's Ferry, West Virginia* for the U.S. Fish & Wildlife Service (G&O 1990). This report included a review of several sites, including the property immediately south of the Gibson Estate Subdivision evaluated in this report. The report found no historic structures within the viewshed of the proposed land acquisition, but noted that the proposed U.S. Fish & Wildlife Service acquisition property had a moderate to high potential for prehistoric sites as well as historic sites associated with the Civil War.
- Greenhorne & O'Mara, Inc. also produced the *U.S. Customs Service, Harpers Ferry Firearms Training Facility, Historic Resources Determination of Eligibility and Assessment of Effects Report* in 2001 (G&O 2001a) which studied a 104-acre site directly west of the Newton Gibson Estate Subdivision. This report found no historic properties within the Area of Potential Effects of the project. Archaeological work was conducted in cooperation with Harpers Ferry National Historical Park personnel.
- In addition, Greenhorne & O'Mara, Inc. produced a *Phase I Archaeological Survey U.S. Customs Harpers Ferry Firearms Training Facility* in 2001 (G&O 2001b). Research and the predictive model for archaeological sites suggested that there was moderate to high potential for the recovery of both prehistoric and historic archaeological resources in the project area. However, despite extensive testing, no prehistoric cultural features were identified. The report concluded that there were no prehistoric sites in the vicinity that were eligible for inclusion on the National Register of Historic Places. Archaeological work was conducted in cooperation with Harpers Ferry National Historical Park personnel.

This same report also considered the potential for historic archaeological resources due to the presence of Confederate troops in the vicinity during the Civil War. Thirteen historic artifacts were recovered from the project area scattered through the eastern and central agricultural fields within the project area. The artifacts included a brick, two bullets, two ceramics, an Indian head coin, four glass fragments, a horseshoe, a tobacco pipe stem fragment, and a piece of wire. The only artifacts likely related to the 1862 Battle of Harpers Ferry were the two bullets and possibly the tobacco pipe stem fragment. The report concluded that “the paucity of Civil War period artifacts may relate to the ephemeral nature of troop movements (i.e., no substantial camps were built during the three day campaign), or be the result of an extensive artifact collecting tradition by Civil War relic hunters in the area.” The report concluded that the historic artifacts are not of sufficient quantity or quality



to address research questions and the majority of the artifacts could not be tightly dated or associated with known persons or events. Thus, there were no historic archaeological sites within the project area eligible for inclusion in the National Register of Historic Places.

- The Harpers Ferry National Historical Park has also produced several studies of troop movements in the vicinity of the park during the Maryland Campaign of 1862. The most useful of these is a *Special History Report, Troop Movement Maps, 1862: Harpers Ferry National Historical Park, Maryland - W. Virginia.*, by Harry W. Pfanz (Pfanz 1976).
- In 1987 former Harpers Ferry National Historical Park Historian, Dennis E. Frye published “The General’s Tour, Stonewall Attacks!” in the *Blue and Gray* magazine. In this article Frye outlines the history of troop movements in the area during the siege of Harpers Ferry (Frye 1987).
- In 2002, the National Park Service, Harpers Ferry National Historical Park, produced a *Report to the Senate Appropriations Committee of the United States Congress (Ref: SR 106-312)*. This report was on the public outreach program at Harpers Ferry National Historical Park to explain the options to expand the Park’s boundary and determine if there was a public consensus for the expansion. The report contained two options for expansion: Option A provided for the acquisition of 527 acres of land from private landowners, and Option B combined the 527 acres of private land with an additional 772 acres of adjacent federal lands, bringing the total boundary increase to 1,299 acres. This report also summarized the public outreach program. The report concluded that the NPS should make efforts to purchase the land identified in the report but on a “willing seller basis only” and prohibit the use of eminent domain proceedings’ (NPS 2002:23). The Gibson/Flea Market property was not included in either option of this report.
- There are three NRHP historic structures in the project’s general vicinity. These are: the Halltown Union Colored Sunday School (Halltown Memorial Chapel) located on Route 340 in Halltown, WV; the Allstadt House and Ordinary, located within the project site; and Rion Hall, home of the Lucas Family and headquarters of General Philip H. Sheridan during the Civil War, located in the vicinity of Halltown.

## V. Survey Results

### Property Specific Research

Initial research involved a full title search, plat search, and compilation of a brief history of land owners and their families. Additionally, due to its proximity to Harpers Ferry and the known location of Confederate lines, research into potential troop movements and Civil War engagements was also researched in depth.

The eastern portion of the project contains the Allstadt House and Ordinary and its associated cemetery. The land was owned by the Lee family of Virginia in the late 1700s when the original house was constructed around 1790. In 1804, the Lee family sold 371 acres to Jesse Moore for \$4,000. Moore in turn sold 114 acres with the house to Jacob Allstadt of Berks County, Pennsylvania in 1811 for \$3,990. The deed specifically mentioned the graveyard as being a 30' x 30' square area within the 114 acres. This graveyard was at the time, excluded from the sale (DB 7:32; National Register Nomination Form, Allstadt House and Ordinary).

Jacob Allstadt obtained a license to run an ordinary (Inn) in 1811 and he also operated the tollgate on the Harper's Ferry-Charles Town Turnpike (Route 340). Around 1830, Jacob enlarged the house by raising the roof of the one-and-a-half story stucco home to a two-story dwelling and connecting the detached kitchen to the main house. The bank barn, no longer extant on the property, may also have been constructed around this time. Jacob married a local widow named Elizabeth Hall during these years. Elizabeth was part owner of the nearby Halltown Mill.

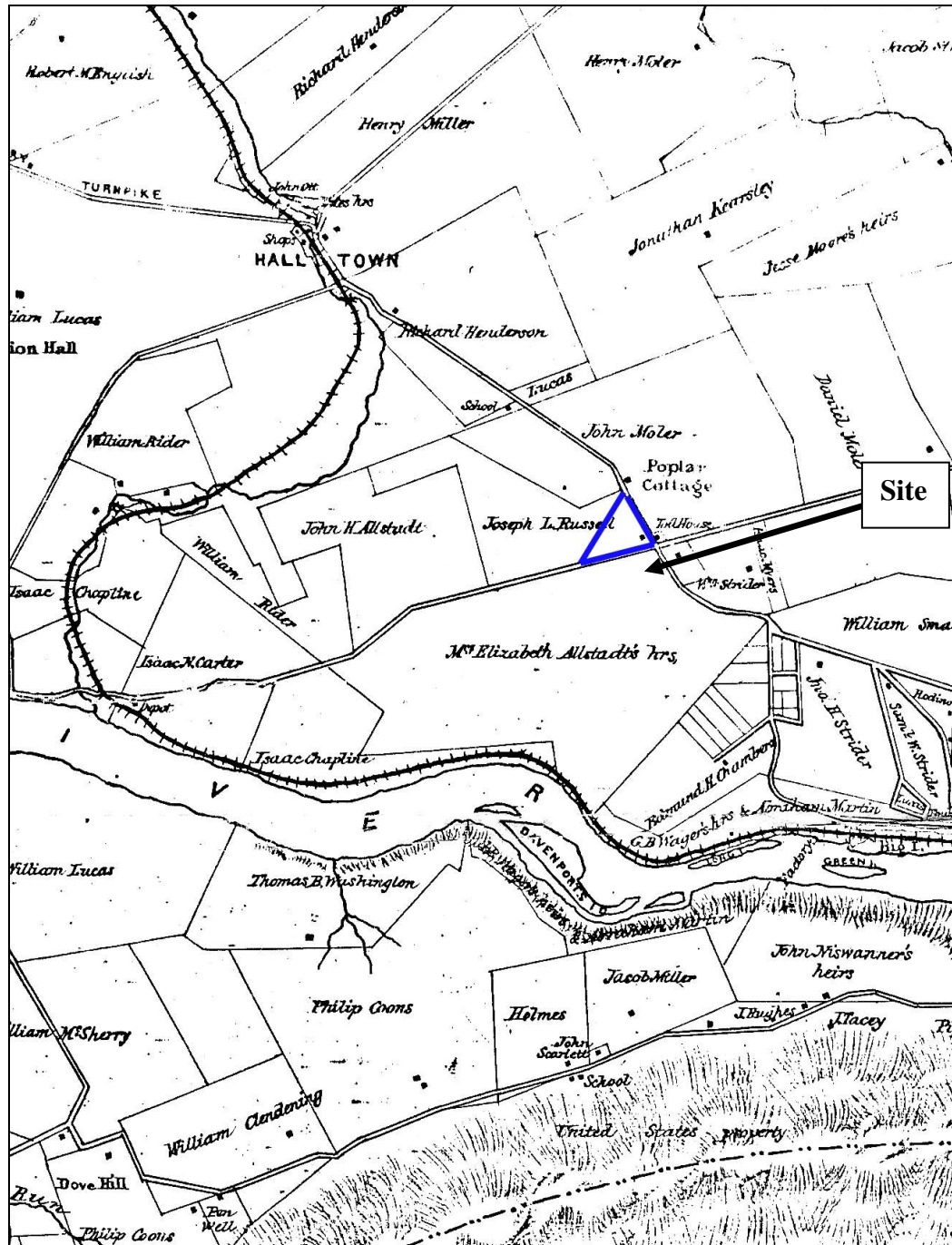
S. Howell Brown's 1883 map of Jefferson County depicts Mrs. Elizabeth Allstadt's heir Joseph Russell (and Harriet Russell) as the owner of the parcel with the house and ordinary. Joseph was Jacob and Elizabeth's son in law. He married their daughter Harriet Allstadt. As at that time, the Allstadt/Russell holdings extended from the Charles Town-Harper's Ferry Road to the Shenandoah River on its eastern boundary and more than half-way to the river along both sides of County Route 27. It appears that both she had died sometime prior to 1883 and that Jacob had probably died earlier, probably in the 1850s. Jacob's son, John H. Allstadt is shown as owning a parcel on the west side of County Route 27 at this time (Figure 2).

Both John H. and his son John Thomas Allstadt were living in the house when on October 16, 1859, John Brown took both John H. and John Thomas and seven slaves hostage while on his way to Harper's Ferry during his famous raid on that arsenal. Other locally important people that were taken hostage by Brown included Colonel Lewis Washington of "Beall Aire" (National Register Nomination Form, Allstadt House and Ordinary).

When John H. Allstadt died in 1889, his property was divided among his heirs. John Thomas Allstadt received the property containing the house and ordinary, then located on the west side of County Route 27 before this road was relocated (Figure 3; JC Will Book A:393; DB 73:496-498). John Thomas Allstadt died in 1923 at the age of 83. In that year, S. David Hardy acquired 92 acres of the Allstadt property including the house and ordinary (DB 122:514). Hardy's wife sold the property to William E. Chambers in 1934 (DB 140:389). W. E. Chambers sold the property to Newton M. Gibson and his wife, Urath C. Gibson in 1940 (Deed 153:132).

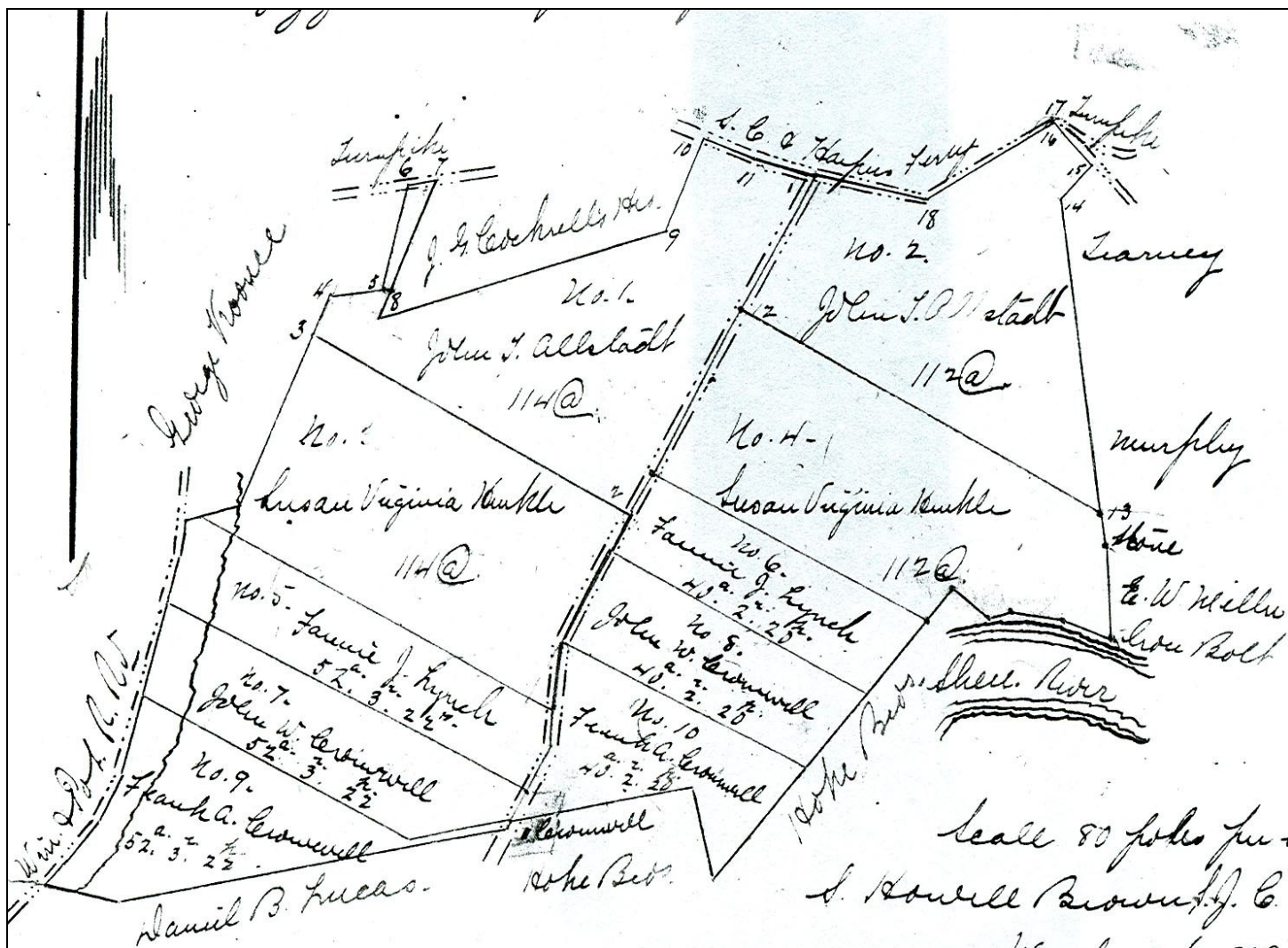
A USGS map produced in 1927 and updated in 1944 shows the project area with the original Route 27 alignment. The Allstadt House and Ordinary as well as the bank barn and cemetery are clearly visible on this map, as are the presently standing houses on the opposite side of

old Route 27 (Figure 4). Around 1980, County Route 27 near the intersection of U.S. Route 340 was relocated about 800 feet to the west, separating the current 12.97-acre parcel from the remainder of the Gibson's property. It was at this time that Dr. James Gibson became owner of the parcel (Figure 5).



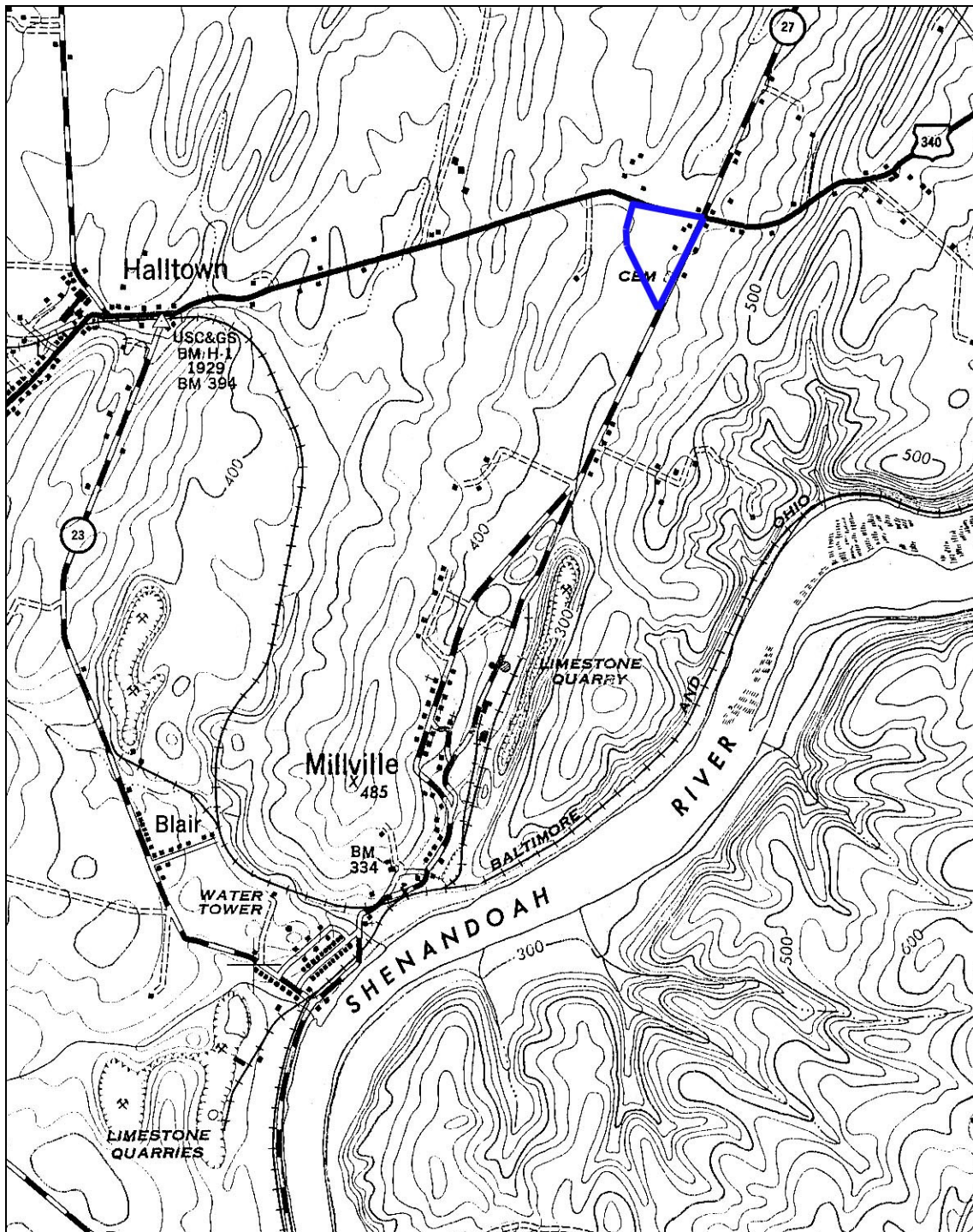
Source: S. Howell Brown, 1883.

Figure 2: 1883 Map Showing Approximate Location of Property



**Figure 3: Plat Showing Division of John H. Allstadt's Estate in 1889.**





**Figure 4: 1927 (updated 1944) USGS Map of Property Showing Buildings and Cemetery**

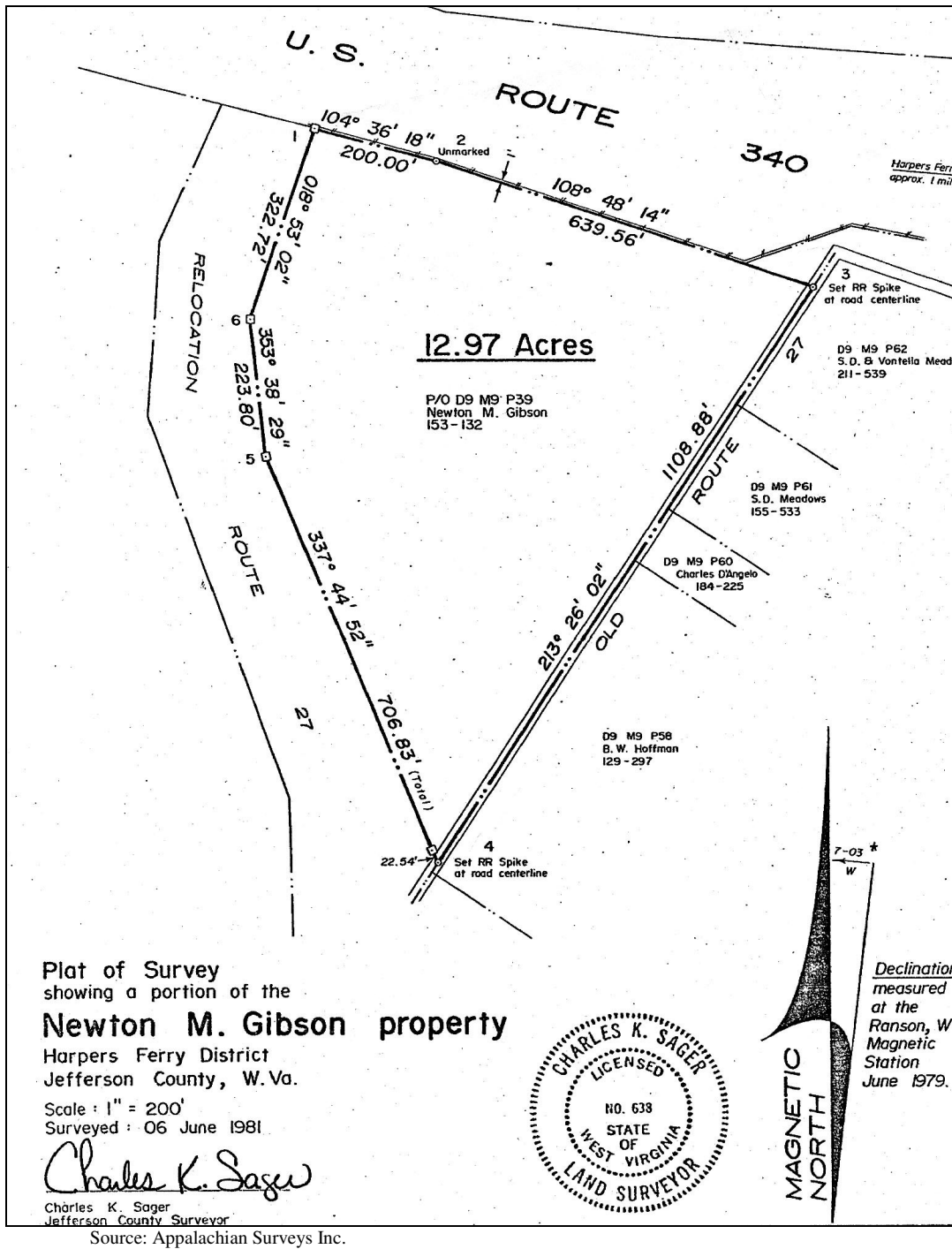
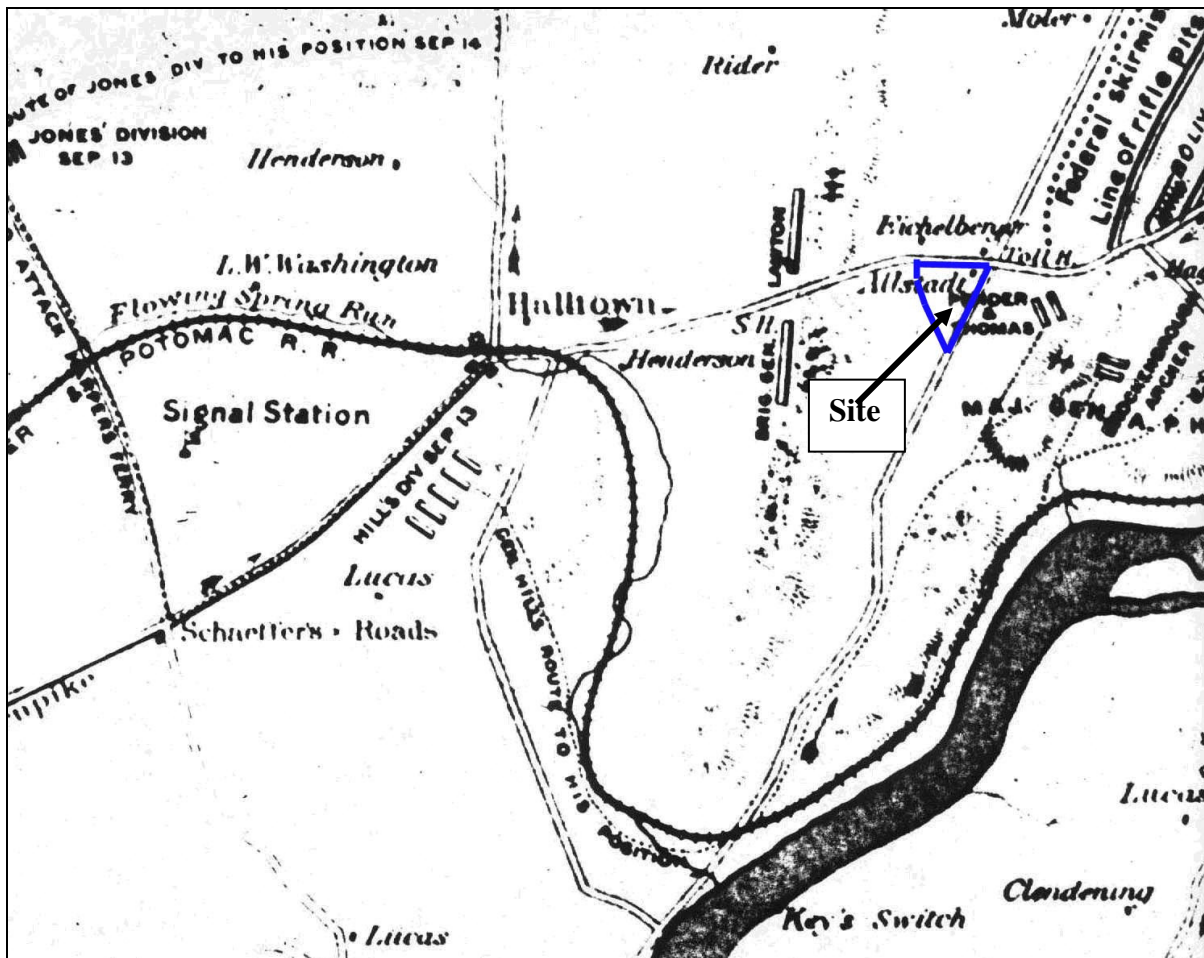


Figure 5: Survey of Dr. James Gibson's Property in 1981 Showing Route 27 Relocation



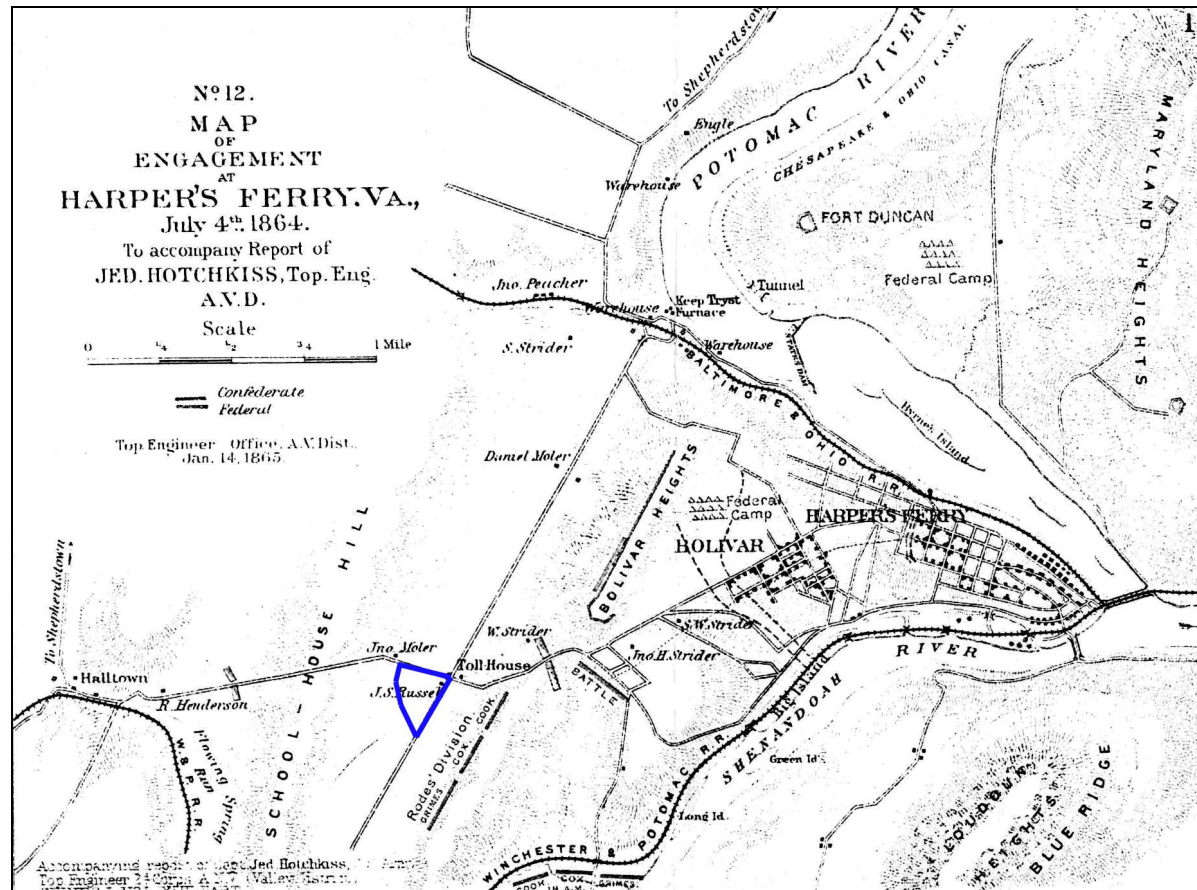
A set of *1862 Battle of Harpers Ferry Troop Movement and Location Maps*, prepared for Harpers Ferry National Historical Park, shows Lawton's infantry and artillery units on both sides of the Charles Town Pike along School House Hill. This clear visual representation is consistent with other Civil War contemporary maps and accounts, and shows that Lawton's line was located west of the Gibson Estate property, on the top of the ridge. Major General William Dorsey Pender and Colonel Edward L. Thomas (later Brigadier General) had stationed their men east of old Route 27 on the ridge about a quarter mile to the east of the Gibson/Flea Market property (Figure 6). This area is now the site of U.S. Route 340 and 20<sup>th</sup> century residential construction.

The Jed. Hotchkiss map of the 1864 battle near Harpers Ferry, VA, show Rhodes division east of old County Route 27 on the same ridge that Pender and Thomas were positioned two years earlier (Figure 7).



Source: Thorpe, n.d. HAFE.

Figure 6: 1862 Battle of Harpers Ferry Troop Movement and Location Map



Source: Hotchkiss, 1865.

**Figure 7: Relationship of Confederate Cavalry to Gibson/Flea Market property (Joseph Russell's Property) in 1864.**

## **Field Results**

A field reconnaissance was conducted in February of 2006 in order to determine if there were any structures, grave sites, or other historic or archaeological remains on or adjacent to the project site. This field reconnaissance consisted of an organized walkover by historian David C. Berg.

At the northeast corner of the proposed development lies the National Register listed Allstadt House and Ordinary (Photos 1 & 2). This property lies east of S.R. 27 between the relocated portion of S.R. 27 and Old Route 27. The property is comprised of two buildings that includes the Allstadt House and a two-story, stone house. A small cemetery is located about 200 yards south of these buildings. The Federal-period Allstadt House is a two-story, four-bay, “L”-shaped building of brick covered with stucco. The house, originally a one-and-a-half story building, was constructed around 1790. An original detached one-story kitchen located off the west side of the house was later attached by a connecting room, giving the house its current “L” shape. This may have been done in the 1830s when a second story was added to the house.

The two-story, three-bay stone building was constructed in the 1830s. It has two rooms on each floor. It is a plain structure with little ornamentation. A large stone bank barn was once located south of the house and stone building, but it burned down in the late-twentieth century. The cemetery is confined by a stone wall. It is not maintained regularly and is overgrown with brush and trees (Photo 3).

Adjacent of the historic Allstadt House and Ordinary, on the northwest section of the property lies the Harpers Ferry Flea Market. This is a fenced-in area that contains open shelters, tables, and other items utilized in the flea market activities (Photo 4). Route 340 lies directly adjacent to the north boundary of the property. Its conversion to a divided highway in this area in the late-twentieth century included the creation of a large earthen berm which raised the road about 30 feet from the original ground level, obstructing all views from the house to the north (Photo 5).

In the early 1980s, both house and ordinary were in a serious state of deterioration. By 1986 Dr. James Gibson performed a complete restoration of both house and ordinary. The entire restoration conformed to the Secretary of Interior’s Guidelines for Restoration and all phases of restoration were carefully documented.

Southwest of the project site, on the west side of Route 27 lies the Newton Gibson Estate. This is a large property of mostly vacant land with a 1-story, side gabled ranch style dwelling constructed in 1942 (Photo 6). This dwelling is a common ranch style dwelling and is not significant for its architecture nor is it associated with historically significant persons or events.

East of Old Route 27 are four properties over 50 years of age. The first is a two-and-a-half story brick dwelling constructed in the American Foursquare Style (Photo 7). This style is very common and it is not an architecturally or historically significant example of its type and is not eligible for the National Register.

The second property is a two-story, 3x2-bay vernacular dwelling constructed with an I-house plan (Photo 8). It is clad with aluminum siding and has an asphalt shingled roof. A full length front porch extends across the front façade. Windows are one-over-one replacement sashes. This is a very common building type and is not a noteworthy example of its type. It is not eligible for the National Register of Historic Places.

The third dwelling on the east side of Old Route 27 is a one-and-a-half story Craftsman Style dwelling with a full length front porch having square tapered posts (Photo 9). Above the porch roof is a large dormer that may be a later addition, as it is larger than is normally seen in this style dwelling. The roof is clad with asphalt shingles, and the house retains its original clapboard siding. Windows are recent one-over-one replacement sashes. This is a very common building style and is not a noteworthy example of its type. It is not eligible for the National Register of Historic Places.

The property directly south of the Newton Gibson Estate is owned by the National Park Service, Department of Interior (Photo 10). It was the location of General Stonewall Jackson's right flank during the Battle of Harpers Ferry. There are no standing structures on the property. Previous archaeological and historical investigations have shown that little archaeological evidence remains on the site, either due to "the ephemeral nature of troop movements (i.e., no substantial camps were built during the three day campaign)," or "the result of an extensive artifact collecting tradition by Civil War relic hunters in the area." These investigations concluded that there are no historic archaeological sites within the project area eligible for inclusion in the National Register of Historic Places.





**PHOTO 1: ALLSTADT HOUSE AND ORDINARY, VIEW TO WEST.**



**PHOTO 2: ALLSTADT HOUSE AND ORDINARY, VIEW TO NORTHEAST.**





**PHOTO 3: ALLSTADT (RIGHT) CEMETERY, VIEW TO NORTHEAST.**



**PHOTO 4: FLEA MARKET SITE, VIEW TO WEST.**



**PHOTO 5: VIEW SHOWING RAISED ROUTE 340, VIEW TO NORTH.**



**PHOTO 6: NEWTON GIBSON DWELLING, VIEW TO WEST.**





**PHOTO 7: AMERICAN FOURSQUARE STYLE DWELLING, VIEW TO NORTHEAST.**



**PHOTO 8: VERNACULAR I-HOUSE, VIEW TO EAST.**



**PHOTO 9: CRAFTSMAN STYLE DWELLING, VIEW TO NORTHEAST.**



**PHOTO 10: JACKSON'S RIGHT FLANK BATTLEFIELD, VIEW TO SOUTH.**

## **VI. Alternatives Considered**

Several alternatives have been formulated during the planning of this project with the objective of finding the most effective way to meet the project objective of maximizing land use while considering impacts to the historic Allstadt House and Ordinary. These include the no-action alternative; demolishing all structures and developing the entire site, and; deeding the historic portion of the property (Allstadt House and Ordinary) to the proposed development's Home Owners Association (HOA) with requirements that the HOA maintain the historic property's exterior. Each alternative is analyzed below.

### ***1. Total Site Development***

This alternative would permit maximum use of the land for development and maximize the financial benefits to the landowner. It would involve the demolition of all buildings on the site, including the Allstadt House and Ordinary. This alternative is feasible since the proposed project is not subject to review under Federal historic preservation law, specifically, Section 106 of the National Historic Preservation Act, nor is the project subject to state historic preservation law.

Federal preservation statutes only apply where there are Federal licenses, funding, or permitting. Privately funded projects with no need for Federal licensing or permitting are not subject to Section 106 review. West Virginia State historic preservation law only applies to projects located on state leased or owned property, or state developed projects located on private property.

### ***2. Retain Allstadt House and Ordinary, Develop Remainder of Property***

This alternative would retain the historic Allstadt House and Ordinary for use as a three-unit rental property while developing the rest of the land. This alternative, although it would not result in maximum financial benefit for the landowner, would not result in the demolition of the historic property. While under this alternative the historic property would be retained, there would be no assurance that the historic buildings would be maintained or retained in the future. The property could be kept by the present owner, sold, or demolished in the future.

### **3. Deed Allstadt House and Ordinary to HOA with Covenants**

Under this alternative, the historic property would be deeded to the Home Owners Association (HOA) of the proposed development with restrictions that would require that the HOA set aside funds for the maintenance of the buildings and retain the exterior appearance and materials in accordance with the Secretary of Interior's Standards for Historic Preservation.

Under this alternative, the HOA would have several possible options for use of the buildings:

- The HOA could retain the buildings for use as a club house. However, the cost of maintaining the buildings would be high for this small development on a per dwelling unit basis since HOA dues would be the only source of income.
- The HOA could maintain the existing apartments to create an income stream to help defray the cost of maintaining the buildings and possibly convert one of the apartments into a community room. Income from the two apartments would be allocated to the maintenance of the historic structures to comply with the deed restrictions.

## **VII. Conclusions and Recommendations**

There is one National Register listed property within the project area. This is the Allstadt House and Ordinary located between S.R. 27 and Old Route 27, adjacent to U.S. 340. This historic property is located at the northeast quadrant of the 12.97-acre parcel. Modern intrusions include the raising of Route 340 on an earthen berm directly north of the house site, blocking all views to the north, as well as mid and late-twentieth century residential development along Old Route 27 to the east and the present flea market property to the west.

The historic setting of the Allstadt House and Ordinary has suffered from significant loss of integrity in the late-twentieth century. The property was once located at a major crossroads. It is now bypassed by the re-aligned Route 340 which has been raised in the project area so that the road towers over the historic property. The path of Route 27 has been altered in the project area to bypass the historic house and now intersects with U.S. 340 to the west. The remaining section of the original road is now known as Allstadts Hill Road. Additionally, the historic barn that was associated with the property is no longer extant, having burned down in 1994. The Allstadt Cemetery is located south of the historic buildings and is not in the vicinity of the historic area and cannot be considered part of the historic property's setting.

Under Federal historic preservation regulations, assessing which aspects of integrity (location, setting, feeling, association, materials, design, or workmanship) are crucial



elements of the historic property is the first step in determining if an action will have adverse impacts. Adverse impacts to an aspect of integrity can only be said to exist if that aspect of integrity is crucial to the National Register designation of the historic property. In the case of the Allstadt House and Ordinary, the structure is eligible for the National Register of Historic Places for its architecture and its crucial elements of integrity are materials, design, and workmanship. The setting, while also important, has been greatly altered. Since the alteration of this aspect of integrity has not diminished its National Register eligibility, it is not crucial. Therefore, impacts to the setting, including development of surrounding property, cannot be said to be an adverse impact in terms of Federal historic preservation statutes.

The proposed project is not subject to review under Section 106 of the National Historic Preservation Act as it is a privately funded project with no Federal licenses, funding, or permitting. Federal Section 106 regulations require that federal agencies having direct or indirect jurisdiction over a proposed federal, federally assisted, or federally licensed undertaking assess the effects of the undertaking on historic properties prior to expenditure of funds or the issuance of a license. Privately funded projects with no need for Federal licensing or permitting are not subject to Section 106 review.

Neither is the project subject to state review as the project is not located on state leased or owned property and further is not a state developed project located on private property. The State of West Virginia's historic review process is set forth in West Virginia Code Chapter 29, Article 1 and Volume 82 of the Code of State Rules, Series 2. Part I of the process states that WV SHPO must first determine whether, 1) the proposed project is contained on state owned or leased lands, or 2) the project is located on private land, but development rights have been obtained by the state. Only projects which meet this description are subject to further review pursuant to Part II of the rule.

Although the setting may not be crucial to the National Register listing of the historic property, common sense dictates that the proposed development of the surrounding property would still impact the historic feeling of the Allstadt House and Ordinary. Considering this, the landowner, Dr. James Gibson, wishes to minimize and mitigate impacts to this historic property. He has taken great care to protect and restore this National Register listed property in the 1980s, and he himself pursued National Register nomination of the property.

The style of the proposed dwelling units should be consistent with the historic nature of the area. They should be compatible both in massing, height, and overall design. The units are expected to be one-and-a-half story, villa style dwellings with pitched roofs and dormers. They will have two bedrooms and a bath on the second, or half story. In order to further minimize any impacts to the historic buildings, a buffer of trees could be maintained between the historic area and new construction. Sympathetic design that would emphasize the historic house as a focal point of the development is recommended. A successful local example of this can be found at the Beall Aire Mansion – Lewis and Ella Washington's home. This National Register Listed property became the focal point of the Bellair Historic 18<sup>th</sup> Century Plantation and Gardens development.

The Allstadt family cemetery, as it is isolated from the other historic features, should be maintained as open space and perhaps protected by a fence. Other options for the cemetery may include deeding it to the Allstadt family genealogical group that has shown interest in the site.

## IX. References

Baker, Michael Jr. Inc.

2000 *Identification of Historic Properties: Phase I Archaeological and Architectural Investigations for the James Rumsey Bridge WV 480 and MD 34, Shepherdstown, WV and Washington County, MD*. Prepared for the West Virginia Department of Transportation, Charleston, West Virginia.

Brown, S. Howell

1852 *Map of Jefferson County, Virginia*. From Actual Survey with Farm Limits. Available at the Harpers Ferry National Historical Park Library.

Bushong, Millard K.

1972 *Historic Jefferson County*. Carr Publishing Company, Inc., Boyce, Virginia.

Frye, Dennis E.

1987 "The General's Tour: Stonewall Attacks! – The Siege of Harpers Ferry". *Blue & Gray Magazine*, Vol. V, Issue 1 pp. 8-62. August – September.

Greenhorne & O'Mara, Inc.

1990 *National Education and Training Center, Environmental Assessment, Land Acquisition in the Vicinity of Harper's Ferry, West Virginia*. Prepared for the U.S. Fish & Wildlife Service. Greenbelt, Maryland.

---

2001a *U.S. Customs Service, Harpers Ferry Firearms Training Facility, Historic Resources Determination of Eligibility and Assessment of Effects Report* Prepared for the U.S. Customs Service. Greenbelt, Maryland.

---

2001b *Phase I Archaeological Survey U.S. Customs Harpers Ferry Firearms Training Facility*. Prepared for the U.S. Customs Service. Greenbelt, Maryland.

Hulse, Charles A.

1990 *Archaeological Investigations at the Charles Town Cemetery Site, Jefferson County, West Virginia: A Confidential Planning Report in Prehistoric Archaeology*. Prepared for the West Virginia Department of Highways, Charleston, West Virginia.

Pfanz, Harry W.

1976 *Special History Report: Troop Movement Maps, 1862 Harpers Ferry National Historical Park, Maryland – W. Virginia*. Denver Service Center Historic Preservation Team, National Park Service, Denver, Colorado.

The Maryland Campaign

n.d. "The Maryland Campaign: Operations in N. VA, W.VA, MD, and PA", This section of the Official Records of the Civil War is a photocopied portion on file at the Office of History, Harpers Ferry National Historical Park.

Thorpe, G.

- n.d. 1862 Battle of Harpers Ferry Troop Movement and Location Maps. Prepared for, and on exhibit with, Harpers Ferry National Historical Park by Cartographic Concepts.

Topographical Engineers

1862 *Map of Jefferson County, Virginia.*

Photographed for the Bureau of Topographical Engineers, October 1862. On file at the Harpers Ferry National Historical Park Library.

U.S. Department of Interior, National Park Service.

- 1989 *National Register Bulletin 15*, "How to Apply the National Register Criteria for Evaluation." Washington, D.C.

U.S. Department of Interior, National Park Service, Harpers Ferry National Historical Park.

- 2002 *Report to the Senate Appropriations Committee of the United States Congress*. Public Outreach Program at Harpers Ferry National Historical Park to Explain the Options to Expand the Park's Boundary and to Determine if there is a Public Consensus for Expansion.

U.S. Geological Survey

- 1927 *Charles Town, W.VA.* Surveyed in 1927, Field checked 1944, Copied from West Virginia, 1:31,360, AMS, Sheet 5462 IV SE 1944. Reprinted from Military Edition for Civil Use. Washington, DC.

U.S. Geological Survey

- 1914 *Martinsburg W.VA – VA – MD.* Surveyed in 1908, 1910, and 1914.

## Appendix A: Resume of Preparer

### David C. Berg

R. R. 1, Box 16  
Susquehanna, PA 18847  
570.465.2614

#### EDUCATIONAL INFORMATION.

<i>Degree</i>	<i>Specialty</i>	<i>Year</i>	<i>Institution</i>
M.A.	U.S. History	1990	University of Maryland
B.A.	History and Archaeology	1984	Wheaton College
M.A. Certificate	Historic Preservation	1993	University of Maryland
Certificate	Architectural and Engineering Photography of Historic Structures	1993	National Park Service, Department of Interior HABS – HAER Division
Coursework	Advanced Photographic Studies	1994	Maryland Institute College of Art

#### AFFILIATIONS

National Trust Forum, National Trust for Historic Preservation, Prior member, Society of Industrial Archaeologists

#### SECURITY CLEARANCE

TOP SECRET - 5 year review completed October 2006.

#### COUNTRIES WORKED IN

Turkey, Germany

#### COMPUTER SKILLS

MS Word, Excel, PowerPoint, CADD (Autodesk), MS Access, Photoshop, Pinnacle Systems Studio Version 9, some skill programming Turbo C, others.

#### CAPABILITIES

Mr. Berg is a Senior Historic Preservation Specialist with more than 19 years of professional experience. He has prepared National Register of Historic Places Nomination Forms, cultural resource reports identifying historic sites and documenting National Register of Historic Places eligibility, and reports evaluating potential effects to historic architectural properties in and adjacent to proposed project areas. He has also contributed to numerous Environmental Assessment and Environmental Impact Statements. Mr. Berg is skilled at preparing Phase I Environmental Site Assessments (ESA), and Categorical Exclusion checklists (CATEX Checklists) for Federal agencies including ATF, IRS, FHWA, GSA, FBI, US Coast Guard, US Army, Corps of Engineers, Navy, Air Force, and various state agencies. Mr. Berg has prepared Phase Ia archaeological assessments (literature search and preliminary field investigations) for Federal and State undertakings as well. He has experience preparing Historic

Preservation Master Plans, and was previously employed as a Historic Preservation Planner in Montgomery County, Maryland. Mr. Berg specializes in conducting mitigation efforts for buildings and structures, including the delineation of measured drawings in accordance with HABS-HAER standards and large-format photography to HABS-HAER standards.

### SUMMARY OF CAPABILITIES:

<i>Sole Authorship:</i>	➤ Determination Of Effects Reports
➤ Categorical Exclusion Checklists (CATEX)	➤ Historic Structure Assessments (HSRs)
➤ Phase Ia Archaeological Studies	➤ Testimony at Commission Hearings for Various Clients
➤ Determination Of Eligibility Reports	➤ Section 4(f) Evaluations
➤ HABS-HAER Historic Structure Documentation	➤ Historic Structure Re-Use Studies
➤ Research for Architectural Reconstruction Projects	➤ National Register, State, and Local Registration Forms
➤ Negotiation with Regulating Agencies	<i>Contributory Authorship</i>
➤ Conference Lectures	➤ Environmental Impact Statements
➤ Memoranda of Agreement (MOA)	➤ Environmental Assessments
➤ Hazard Mitigation Plans	➤ Phase II and III Archaeological Studies
➤ Historic Preservation Master Plans	➤ Hazard Mitigation Plans
➤ Published and Unpublished Historical Studies	➤ Housing Market Analyses

### PRESENT POSITION

Self-Employed Historical Consultant

### PRIOR EMPLOYERS

**Greenhorne & O'Mara**, Laurel, MD. Senior Historic Preservation Specialist and Senior Architectural Historian for historic architectural investigations. Responsible for marketing, proposal preparation, organization of staff and budgets, field direction, research, and compilation of reports.

**Louis Berger & Associates, Inc.** East Orange, NJ. (Washington D.C. Office) Architectural Historian for the Cultural Resources Department. Responsible for client contacts; proposal writing; HABS-HAER historic documentation and Large Format Photography; research and writing for historic structures surveys, preparation of Determinations of Eligibility, National Register Nominations, Criteria of Effects reports.

**Project Review and Compliance**, Maryland Historical Trust, Crownsville, MD. Researched potential historic resources within federal and state licensed or funded project areas, and evaluated National Register criteria to make eligibility determinations as required under Section 106 of the National Historic Preservation Act, as amended. Responded to public information requests regarding potentially significant historic and archaeological sites. Reviewed determinations of effects to historic resources.

**Harpers Ferry National Historical Park**, National Park Service, Harpers Ferry, WV. Provided historic research and database management of land records for all park-owned properties to obtain chain of title, physical information on structures and improvements, historic property boundaries, and landowners' probate and tax records.

**EEOC Oral History Project**. Assistant historian for the Equal Employment Opportunity Commission's (EEOC) Oral History Project. Responsible for arranging interviews, performing background research prior to interviews, transcribing taped interviews, editing manuscripts, and performing interviews.



**SAMPLE PROJECTS**

***St. Stanislaus Preparatory School, Bay St. Louis, Mississippi HABS Photographic Documentation.*** For the Federal Emergency Management Agency (FEMA), prepared HABS standard large-format photographic services for this historic building damaged by Hurricane Katrina under subcontract to URS Corporation, Gaithersburg, Maryland.

***S.R. 32, Section BRC (MPMS No. 69824) Rabbit Run Canal Bridge, Bucks County, Pennsylvania.*** For PennDOT Engineering District 4-0, completed determination of eligibility and effects and initiated correspondence with consulting parties for this bridge replacement project.

***S.R. 32, Section BRT (MPMS No. 69912) River Road over Tohickon Creek, Bucks County, Pennsylvania.*** . For PennDOT Engineering District 4-0, completed determination of eligibility and effects, initiated correspondence with consulting parties, and prepared HAER style photographic and historical documentation of this bridge which is a contributing resource to the Point Pleasant Historic District.

***Social Security Administration CATEX Checklist, Logan, West Virginia.*** For the General Services Administration, prepared a Categorical Exclusion Checklist (CATEX) for the relocation of the SSA offices in Logan, West Virginia. Prepared all sections of the CATEX, including consistency with all zoning, environmental, hazardous materials, historic and cultural, and sociocultural regulations and guidelines.

***Environmental Assessment for the Roosevelt-Vanderbilt National Historic Sites (ROVA), Albany Post Road (U.S. Route 9) Hyde Park, New York.*** Prepared historic, cultural landscape, visitor use and experience, park operations, and visual and aesthetic resources sections of the EA for the National Park Service.

***Environmental Assessment for the Eleanor Roosevelt National Historic Site, Hyde Park, New York.*** Prepared historic, cultural landscape, visitor use and experience, park operations, and visual and aesthetic resources sections of the EA for the National Park Service.

***Social Security Administration CATEX Checklist, Easton, Pennsylvania.*** For the General Services Administration, prepared a determination of effects report and Categorical Exclusion Checklist (CATEX) for the relocation of the SSA offices in Easton, Pennsylvania. Prepared all sections of the CATEX, including consistency with all zoning, environmental, hazardous materials, historic and cultural, and sociocultural regulations and guidelines.

***Bureau of Alcohol, Tobacco, Firearms and Explosives (ATFE) CATEX Checklist, Martinsburg, West Virginia.*** For the General Services Administration, prepared a Categorical Exclusion Checklist (CATEX) for the expansion of ATFE offices in Martinsburg, West Virginia. Prepared all sections of the CATEX, including consistency with all zoning, environmental, hazardous materials, historic and cultural, and sociocultural regulations and guidelines. This expansion was necessary to accommodate the relocation of the Federal Firearms Licensing Center from Atlanta, Georgia.

***Bureau of Alcohol, Tobacco, Firearms and Explosives (ATFE) CATEX Checklist, Martinsburg, West Virginia.*** For the General Services Administration, prepared a Categorical Exclusion Checklist (CATEX) for the expansion of the ATFE parking lot in Martinsburg, West Virginia. Prepared all sections of the CATEX, including consistency with all zoning, environmental, hazardous materials, historic and cultural, and sociocultural regulations and guidelines. This expansion was necessary to accommodate the relocation of the Federal Firearms Licensing Center from Atlanta, Georgia.

***Martinsburg IRS Mechanical/Electrical Plant Construction CATEX Checklist, Martinsburg, West Virginia.*** For the General Services Administration, prepared a Categorical Exclusion Checklist (CATEX) for the construction of a new Mechanical / Electrical Plant at the IRS Computing Center in Martinsburg, West Virginia. Prepared all sections of the CATEX, including consistency with all zoning, environmental, hazardous materials, historic and cultural, and sociocultural regulations and guidelines.

***US Department of Agriculture CATEX Checklist, Morgantown, West Virginia.*** . For the General Services Administration, prepared a Categorical Exclusion Checklist (CATEX) for the proposed lease/construction of a new USDA administration building in Morgantown, West Virginia. Prepared all sections of the CATEX, including consistency with all zoning, environmental, hazardous materials, historic and cultural, and sociocultural regulations and guidelines.

***Phase 1A Archaeological Assessment for expansion of the SSA Trust Fund Building, Hazleton, Pennsylvania.*** Performed fieldwork, background research, and report preparation for this Phase 1A archaeological assessment for the expansion of the Social Security Administration offices in Hazleton, Pennsylvania for the General Services Administration.

***Social Security Administration CATEX Checklist, Pottsville, Pennsylvania.*** For the General Services Administration, prepared a determination of effects report and Categorical Exclusion Checklist (CATEX) for the relocation of the SSA offices in Pottsville, Pennsylvania. Prepared all sections of the CATEX, including consistency with all zoning, environmental, hazardous materials, historic and cultural, and sociocultural regulations and guidelines.

**Historic Resources Survey and Determination of Eligibility and Determination of Effects for two Alternatives, FBI Central Records Complex, Frederick County, Virginia.** Performed background research, fieldwork, and prepared report for this determination of eligibility and effects for historic structures for two alternative sites. Information was also incorporated within the Environmental Assessment for the project.

**Social Security Administration CATEX Checklist, Roanoke, Virginia.** For the General Services Administration, prepared a determination of effects report and Categorical Exclusion Checklist (CATEX) for the relocation of the SSA offices in Roanoke, Virginia. Prepared all sections of the CATEX, including consistency with all zoning, environmental, hazardous materials, historic and cultural, and sociocultural regulations and guidelines.

**Social Security Administration CATEX Checklist, Harrisonburg, Virginia.** For the General Services Administration, prepared a determination of effects report and Categorical Exclusion Checklist (CATEX) for the relocation of the SSA offices in Harrisonburg, Virginia. Prepared all sections of the CATEX, including consistency with all zoning, environmental, hazardous materials, historic and cultural, and sociocultural regulations and guidelines.

**Environmental Assessment for the Rehabilitation of the U.S. Marine Corps War Memorial, George Washington Memorial Parkway, Arlington County, Virginia.** For the National Park Service, prepared sections of this environmental assessment. The major project components included rehabilitation of the sculpture and memorial base; rehabilitation of the plaza, reviewing stand, and walkways; site improvements to the parade and memorial grounds; and upgrading the existing electrical service and other site utilities.

**Sydnor & Hundley Furniture Store HABS Documentation, Richmond Virginia.** For the General Services Administration, prepared HABS standard measured drawings, historical documentation, and 4x5-inch large-format photographs for this historic building prior to demolition in preparation for construction of a new Federal courthouse.

**George Washington Memorial Parkway (GWMP) North Design Environmental Assessment, Arlington County, Virginia.** For the National Park Service, prepared sections of this environmental assessment. This phase of the project included pavement/road rehabilitation, drainage improvements, roadside barrier modifications, safety improvements to stone guard walls, acceleration/deceleration lanes extension, and Route 123/GWMP interchange reconfigurations.

**Phase I Archaeological and Historical Survey for Harvest Hills Development, Jefferson County, West Virginia.** Conducted historical research and prepared historic resource sections of this determination of eligibility and assessment of effects for potential historic properties within this proposed private development.

**Prince William Forest Park Environmental Assessment, Prince William County, Virginia.** For the National Park Service (NPS) prepared cultural resource and cultural landscape sections of this environmental assessment. The National Park Service proposed a public access entrance into the Prince William Forest Park, Virginia, along Virginia Route 234 (VA 234) in order to better serve the local and regional public, increase visitation, and to improve advertisement that the Prince William Forest Park is a national park. The Prince William Forest Park is a 13,000-acre refuge in the greater Washington, DC metropolitan area, lying about 20 miles south of the Washington Beltway.

**Environmental Assessment for the Walter E. Hoffman United States Courthouse Proposed Courthouse Annex, General Services Administration, Norfolk, Virginia.** Prepared determination of effects report and several sections of the environmental assessment including aesthetics and visual resources, historic resources and land use planning and zoning.

**S.R. 2004, River Road Bridge Replacement Project, Wilkes-Barre, Pennsylvania.** For Engineering District 4-0 of PennDOT, prepared determinations of eligibility, determinations of effect, and site forms for resources within the Area of Potential Effects to this National Register eligible bridge.

**Proposed Improvements to SR 209, SR 115, and SR 715 Brodheadsville, Monroe County, Pennsylvania.** For PennDOT, Engineering District 6-0, prepared Pennsylvania Historic Resource Survey forms for a potential historic district in Brodheadsville, Pennsylvania. The potential historic district was found to be not eligible for the National Register of Historic Places.

**Environmental Assessment for the Disposal of the Potomac Annex, Washington DC.** For the General Services Administration, completed the historic structures sections of the environmental assessment for the disposal of the Potomac Annex. Buildings 1 through 7 within the site known as the Potomac Annex located at 2430 E Street and 23rd Street have housed the United States Navy Bureau of Medicine and Surgery since the early-twentieth century. The oldest of these buildings is known as the old Naval Observatory.

**Harrisburg Courthouse Environmental Assessment, General Services Administration, Harrisburg, Pennsylvania.** Assisted in the preparation of an environmental assessment for the evaluation of nine alternative site locations for the proposed new Harrisburg Federal Courthouse for the U.S. Courts and Marshals. This controversial project involved public meetings and extensive consultation with the Pennsylvania State Historic Preservation Office.

***Environmental Assessment (EA) for the Disposal of Square 62***

Project Historian responsible for assisting in the preparation of the EA analyzing potential impacts from the Disposition of Square 62 in Washington, DC. The EA was started by another consultant. When they were unable to complete the work, G&O assisted GSA in revising the documents, text, and graphics and obtaining agency approval. As part of the document revision, G&O completed a detailed review of the potential impacts on visual quality based on an analysis of the existing quality of the viewsheds and vistas, the sensitivity of the view, and the anticipated relationship of the scale and massing of the proposed buildings to the visual environment. This involved a review by G&O's architect and a thorough review of all project related documents. Issues addressed included impacts to the visual quality of the historic APhA building, the National Mall, the Vietnam Memorial, the Lincoln Memorial and surrounding streetscapes.

***Historical Documentation for the VA Pittsburgh Healthcare System***, Department of Veterans Affairs, Pittsburgh, Pennsylvania. Project Historian responsible for the preparation of Pennsylvania Historic Resource Inventory form for Buildings 7, 10, 11, 13, 15, 16, 17, 20, 21 at the Veterans Affairs Medical Center, VA Pittsburgh Healthcare System, H. John Heinz III Division in Allegheny County, Pennsylvania. Documentation was necessary prior to demolition of these buildings in accordance with a Memorandum of Agreement.

***Environmental Assessment, Vicksburg National Military Park, Vicksburg Mississippi***. Prepared an environmental assessment for proposed action to correct slumping of loess soil likely adversely impact the quality of Fort Hill and its surroundings. Prepared for the National Park Service.

***Historic Viewshed Re-analysis, Sacred Heart Site and Property, Prince George's County, Maryland***. Historic View Shed Analysis of the Sacred Heart Church and Cemetery historic site in Prince George's County for the purpose of identifying and evaluating the historic vistas associated with this County historic site. Re-analysis allowed for less restriction for future development adjacent to the church and cemetery.

***Environmental Assessment for the Disposal of the Middle River Depot***, General Services Administration, Middle River, Maryland. Prepared several sections of this environmental assessment for the potential sale of this Maryland Historic Site and National Register listed property which was the Glenn L. Martin Aircraft manufacturing plant #2 during World War II. Also conducted negotiations with Maryland SHPO resulting in the successful signing of an historic easement between GSA and the Maryland SHPO as well as eventual successful sale of this property.

***Environmental Assessment for the Emergency Preparedness and Response Directorate of the Department of Homeland Security Emergency Assistance Center***, General Services Administration, Winchester, Virginia. Conducted preliminary research at three alternative sites for the Federal Emergency Management Agency (FEMA) headquarters location, Winchester, Virginia.

***Replacement/Rehabilitation of the Edmondson Avenue Bridge, Baltimore, Maryland***. Prepared a Determination of Eligibility and Effects Report and Maryland Inventory of Historic Property Forms for historic properties within the Area of Potential Effects (APE) of this proposed bridge rehabilitation/replacement project in compliance with Section 106 of the National Historic Preservation Act and State of Maryland historic preservation regulations (Article 83B 5-617 and 5-616 of the Annotated Code). Additionally, consulted with City of Baltimore historic preservation personnel at the Commission for Historical and Architectural Preservation (CHAP) regarding the project. Consulted with representatives of the Maryland SHPO regarding historic preservation issues related to the project and prepared a Memorandum of Agreement (MOA) for historic properties affected by the proposed undertaking. Currently preparing to conduct documentation as stipulated within the MOA for the project.

***Lexington North and South Photographic Documentation, St. Mary's County, MD***. Principal Investigator. Prepared approximately 375 individual photographs and accompanying Index and Keys to Photographs for these Cold-War era historic districts in Lexington Park, Maryland. Documentation was prepared in compliance with an MOA as a mitigation measure prior to demolition of the majority of the structures within the historic districts.

***Laurel Racetrack Determination of Eligibility and Effects, Laurel, Maryland***. Prepared a Determination of Eligibility and Effects Report for the Laurel Racetrack and surrounding structures prior to the proposed improvements to the Laurel Racetrack. This study was performed in compliance with Section 106 of the National Historic Preservation Act, and State of Maryland historic preservation regulations (Article 83B 5-617 and 5-616 of the Annotated Code).

***Determination of Eligibility, Village of Croom, Maryland***. For Lake Marilton, L.P., prepared a Determination of Eligibility (DOE) and Historic Structures Report as requested by the Maryland Historical Trust in compliance with Section 106 of the National Historic Preservation Act, and State of Maryland historic preservation regulations (Article 83B 5-617 and 5-616 of the Annotated Code). In addition, completed a DOE form for the William Duley House and Smokehouse.

***Willow Grove Phase III, Mid-Atlantic Companies, Prince George's County, MD***. Archaeologist responsible for conducting Phase III Data Recovery at this site, which had an occupation spanning the 18<sup>th</sup> to 20<sup>th</sup> centuries. During this time, the plantation was home to members of the local elite (the Bowie family), enslaved African-Americans, and various tenant farmers. During this time, several building episodes and agricultural reorientations left often overlapping physical signatures at the site - these are often referred to as 'archaeological palimpsests'. As part of our recovery efforts, we sought to disentangle this multi-layered story by the use of thematic mapping. These GIS methods helped to

recover a rich record of significant social changes, as well as forming the basis for a predictive spatial model of middling plantation properties across the county and the region.

**Strehlow Terrace Garden Apartments**, Omaha, Nebraska. Architectural Historian for the Historic Structures Determination of Eligibility and Effects report as well as the Memorandum of Agreement for this HUD owned property. All work conducted was for American Management, Inc. and the U.S. Department of Housing and Urban Development.

**S.R. 501 Section 4(f) Evaluation**, Lebanon County, PA. Technical Writer responsible for draft DOT Section 4(f) evaluation of the alternatives studied as part of the proposed improvements to S.R. 501 for the Pennsylvania Department of Transportation, District 8-0.

**U.S. 219 Improvements Project**, Somerset County, PA. Technical Writer responsible for the draft DOT Section 4(f) evaluation of the alternatives studied as part of the proposed improvements to S.R. 219 for the Pennsylvania Department of Transportation, District 9-0.

**National Arboretum**, Washington D.C. Historic Preservation Specialist responsible for Determination of Eligibility and Assessment of Effects to all National Register Eligible Resources within this Nationally significant site. This work was part of an Environmental Assessment conducted prior to ongoing improvements to the National Arboretum.

**Lorton Reuse Study, Lorton Correctional Facility, Lorton VA**. In G&O performed a historic structures re-use study for selected buildings within the Lorton Prison Historic District in preparation for re-development of the site. Prepared for KSI Inc.

**Bucyrus Apartments, Bucyrus, Ohio**. Architectural Historian for the Historic Structures Determination of Eligibility for this HUD owned property. All work conducted was for American Management, Inc. and the U.S. Department of Housing and Urban Development.

**Glencoe-Auburn Apartments, Cincinnati, Ohio**. Architectural Historian for the Historic Structures Determination of Eligibility and Effects report as well as the Memorandum of Agreement for this HUD owned property. All work conducted was for American Management, Inc. and the U.S. Department of Housing and Urban Development.

**Hunt Field, Jefferson County**, Charles Town, WV. Private Developer. Historical research and historic properties survey of a large site containing several properties once owned by members of the Washington family. Also surveyed were several 19<sup>th</sup> century farmsteads, and the community of "Gibsonstown" - a 19<sup>th</sup> Century African American community and graveyard.

**New ATF National Headquarters**, Washington D.C. Performed reconnaissance historic structures survey within the Area of Potential Effects (APE) of the new ATF Headquarters site. Presented findings in a Historic Resources Survey report. This work was done in partial compliance with Section 106 of the National Historic Preservation Act (NHPA) and the National Environmental Policy Act (NEPA).

**U.S. Customs Firearm Training Facility**, Harpers Ferry, WV. Architectural Historian responsible for historical research, survey, National Register evaluation and assessment of effects to historic structures within the Area of Potential Effects of the proposed U.S. Customs Firearm Training Facility. This evaluation led to a finding of no historic properties affected. Results of this survey were presented in a combined National Register eligibility and assessment of effects document. Results of this study were also presented in the Environmental Assessment for the site.

**Preliminary Design Concept and Preparation of RFP for the Reconstruction of the Officer's Quarters at Fort Frederick State Park**, Maryland Department of Natural Resources, Washington County, MD. Provided preliminary conceptual CADD drawings and design guidelines for the re-construction of the Officer's Quarters at Fort Frederick State Park for inclusion in a Request for Proposals (RFP) issued by the Maryland Department of General Services (DGS). The conceptual drawings and written specifications were guided by the extensive research and interpretation undertaken in 1998 and 1999.

**SIA Tour and Presentation**, Annual Washington DC Chapter Conference. Presented a paper on the scientific accomplishments of the employees, and the engineering and architectural significance of the more than 250 buildings and structures at the site of the Naval Surface Warfare Center, White Oak, Maryland. Followed the discussion with an in-depth tour of some of the most significant aspects of the site, including the structures built to house the original German wind tunnels confiscated after World War II.

**Star Spangled Banner Flag House**. Hofmeister War of 1812 Museum historic and archaeological study. In preparation of the construction of a new 1812 Museum for the Flag House, Archaeological and historic background research was performed on this property. The research provided project-specific information sufficient for the preliminary definition of areas of archaeological sensitivity, including historic land-use, historically mapped structures, previously recorded sites, areas of potential deep sediment deposition (alluvium or loess), as well as areas of low/no archaeological sensitivity (disturbance, poorly-drained soils, steep slopes). In addition, the information collected during archival research will help place the study into an appropriate cultural context.

**Ohio River Main Stem Historical Context for National Register Registration**, U.S. Army Corps of Engineers, Pittsburgh District. Historian responsible for research and writing of historical context of political and military influences on the Ohio River Navigation System and the system's contribution to each. In Process.

**Large Format HAER Photographic Documentation**, Naval Surface Warfare Center, White Oak, MD. Under GSA's Federal Supply Services Contract, completing large-format photographic documentation of over 200 buildings and structures associated with this nationally significant weapons development center. Additional documentation will consist of written historical data of significant buildings. This documentation is being completed for partial compliance with stipulations set forth in a Memorandum of Agreement for the site.

**Phase I Literature and Records Search, Locks and Dams 2, 3, and 4, Monongahela River**, U.S. Army Corps of Engineers, Pittsburgh District. Architectural Historian responsible for historic structure survey and historical records search of over 30 miles of the Monongahela River. This record search included a search for abandoned and wrecked vessels and navigation-related artifacts, structures, and associated man-made objects.

**Assessment of Effects and HABS Medium Format Photo Documentation of the Harrington House, S.R. 441**, Laurens County, GA. Medium-format photographic documentation of this early-20th century architectural property near Dublin, Georgia. All photographs were processed and packaged according to National Park Service guidelines for archival photography.

**Monongahela River, Pool 2**, U.S. Army Corps of Engineers, Pittsburgh District, Allegheny and Westmoreland Counties, PA. Literature Review and Field Reconnaissance. As Senior Architectural Historian, performed historical research and reporting for this survey of 21 miles of river shoreline potentially impacted by pool elevation changes and navigational improvements. Survey identified river pipes, intakes, docks, bridges and riverbank protection structures potentially impacted by an increase in water level.

**Monongahela River, Locks & Dam 4**, U.S. Army Corps of Engineers, Pittsburgh District, Washington County, PA. As Senior Historian, supervised survey and writing of Determination of Eligibility and Assessment of Effects for impact areas associated with staging area for construction of new Locks & Dam 4. Survey noted National Register-eligible railroads, a National Register-listed highway bridge, and an eligible factory complex. Pennsylvania Historic Bridge survey form completed for c. 1924 Donora Southern Railroad bridge.

**Historic Structures and Submerged Archaeological Resource Assessment, Pool 3, Monongahela River**, US Army, Corps of Engineers, Pittsburgh District. Supervised survey of 38 linear miles of pedestrian reconnaissance survey, and conducted historical research to identify potential submerged National Register eligible archaeological resources, and above ground, National Register eligible structures. Currently compiling recommendations for underwater archaeological testing based upon research and Side Scan Sonar and Magnetometer testing results.

**Monongahela River Pool 3**, U.S. Army Corps of Engineers, Pittsburgh District, Allegheny, Washington, and Westmoreland Counties, PA. As Senior Architectural Historian, performed some field reconnaissance and historical literature review and reporting of a survey covering 16.7 miles of industrial riverfront in western Pennsylvania. Identified potentially National Register-eligible properties along the riverfront in conjunction with proposed navigational improvement project. Surveyed structures included mines, factory buildings, navigational structures, railroads, commercial buildings, and dwellings.

**HABS Medium-Format Photography of the J.F. Burch House, Chic Inn, and Simmons House and Store, S.R. 441**, Georgia Department of Transportation, Laurens County, GA. Medium-Format photographic documentation of three vernacular architectural properties near Dublin, Georgia. All photographs were processed and packaged according to National Park Service guidelines for archival photography.

**HABS Large Format Photography of the Buie Turpentine Factory, S.R. 441**, Georgia Department of Transportation, Laurens County, GA. Large-Format photographic documentation of this rural industrial historic district near Dublin, Georgia. 105 separate elevations, interiors, and details were provided under this contract. All photographs were processed and packaged according to National Park Service guidelines for archival photography.

**Glenbrook Development Communities Memorandum of Agreement**, Frederick County, MD. Coordinated all consultation between the private developer, interested parties, and the State Historic Preservation Office, and the U.S. Army Corps (lead agency). Also drafted the text of the Memorandum of Agreement (MOA) for historic structures present on the site of this planned development. This project ended with the successful signing of the MOA.

**Glenbrook Development, Historic Structures Assessment**, Middletown, MD. Performed research and National Register eligibility assessment for an early 19th century farmstead, as well as surrounding historic resources including an 18th century roadside tavern.

**Woodfield Road Extension**, Maryland State Highway Administration, Montgomery County, MD. Supervising Historian for the Historic Structures Survey and evaluation for this road improvement project.

**Gaskins House, Westview Corporate Center**, Prince William County, VA. Historical Research into the Gaskins House, a historic residence in the vicinity of Groveton. The structure, which is depicted on a map from the Confederate army, dated 1861, was at the southern end of the Manassas Battlefield site in the area occupied by General Longstreet's troops.

**Assessment of Effects for Georgia Route 46**, Georgia Department of Transportation, Wheeler and Treutlen Counties, GA. Assessment of Effects to historic structures resulting from the proposed replacement of the Oconee River Bridge.

**Immaculate Conception Church and School**, DC Preservation League, Washington, DC. Performed historical research and photographed this historic resource and produced a National Register Registration Form, as well as slides and maps for public presentation of research results.

**S.R. 501**, Schaefferstown, PA. Reevaluating three National Register Historic Districts in connection with the S.R. 501 Bypass project in Lebanon County. These historic districts are the Schaefferstown Historic District, the Schaeffer-Brendel Farm Historic District, and the Heidelberg-Buffalo Springs National Register eligible historic district. Historians have assessed the Schaefferstown historic district and are revising the western boundary of the district to include additional resources missed in the previous survey.

**Roseland Cemetery**, Prince William County, VA. For a private developer, historic research on this project focused on locating the confines and significance of a small 19th century family cemetery. Using atlas maps, deeds, survey maps, and wills, this research concluded that the gravesite held the remains of either slaves or tenants of the property owners.

**Pittsburgh 6th Street Bridge**, Pennsylvania Department of Transportation, District 11-0, Pittsburgh, PA. Produced HAER standard large format photographs, and compiled digital representations of historic as-built drawings of the historic railings, lamp posts, and supports of the 6th Street Bridge, crossing the Allegheny River. Also known as the Roberto Clement Bridge, this structure is one of three nearly identical suspension bridges constructed over the Allegheny River in the early 1930s. The as-built drawings were scanned, cleaned, and plotted on to HAER mylar sheets. All deliverables were forwarded to District 11-0 for submission to HAER.

**GSA Federal Building**, Washington D.C. Performed reconnaissance historic structures survey within the Area of Potential Effects (APE) of the site of the new GSA Federal Building to serve as the national headquarters for a Federal agency. Presented findings in a Historic Resources Survey report. This work was done in partial compliance with Section 106 of the National Historic Preservation Act (NHPA) and the National Environmental Policy Act (NEPA).

**Lorton Correctional Facility**, General Services Administration, Lorton VA. In 1999, G&O performed an inventory of historic structures and historical research for a Determination of Eligibility of the Lorton Prison Historic District. Dating to 1910, Lorton Prison is the longtime reformatory of the District of Columbia. Part of the research focused on the significance of the Women's suffragist movement. From June to December 1917, approximately 168 Women's suffragists were detained at Lorton; jailed as a result of their protests and demonstrations in Washington, DC. Today, the incarceration of the women is commemorated by a historic marker at the site.

**Historical and Archaeological Investigations at Fort Frederick State Park**, Maryland Department of Natural Resources, Washington County, MD. Senior Historian supervising research addressing the configuration and appearance of the officer's quarters, interior of fortification walls, and bastions at this French and Indian War fort. The results of these ongoing investigations will provide information for recommendations concerning the re-construction of the "Governors House," also known as the "officer's quarters" once extant within the fort. Current research has focused on locating and obtaining potentially significant plans of the fort, which may be extant.

**National Park Service Housing Market Analysis**. Housing Assessment Project Leader. Aided in preparation of prototype work plan and data analysis format. Team leader/co-author of sixteen separate reports in six-month span while also quality-checking the remaining 57 reports of other teams and managing report submission. Tracked report progress through all phases and managed production and submission. Served as primary client contact for last four months of project. Team reports compiled and analyzed data from the National Park Service, 1990 Census, and local housing markets. Additional information gathered through consultation with local Planning Agencies, Realtors, Park Service personnel and others. Conducted all on-site meetings and data-gathering sessions. Resulting reports applied revised NPS policy to existing Parks to assess in-Park housing need and availability of housing in private market.

**Pennsylvania Linear Historic Resources Inventory**, Pennsylvania Department of Transportation and the Pennsylvania Historical and Museum Commission (PHMC). Conducted a thorough inventory of all transportation related "linear resources" extant in PHMC files. Resources included railroads, roads, trails, canals, river systems, commuter rails, and trolleys.

**Lorton Town Center**, Fairfax County, VA. Historian responsible for conducting background research and writing of the historic context of the Phase II/III Archaeological Investigations on this site. Private developer.

**ATF F.I.R.E. Facility Environmental Assessment**, Ammendale Business Campus, Beltsville, MD. Researched and wrote the Cultural Resource Components (Archaeological and Historic Structures) for this Environmental Assessment. Determined the Area of Potential Effects (APE) and located previously recorded sites, potential historic properties, and areas of ground disturbance.

**S.R. 4027, Proposed Bridge Replacement**, Pennsylvania Department of Transportation, District 6-0, Bucks County, PA. Developed the revised Historic Resources Survey and Determination of Eligibility Report and the draft Criteria of Effects Report. Project included the removal of the National Register listed Campbell's Bridge, an open-spandrel, ribbed-arch concrete structure constructed in 1906; a National Register



eligible residence, and a public park were also within the project area. Completed Pennsylvania Act 120 Section 2002 Report. Prepared a work plan for completing HAER standard written documentation and large format photography for the bridge.

**S.R. 0611, Proposed Bridge Replacement**, Pennsylvania Department of Transportation, District 6-0, Bucks County, PA. Architectural Historian responsible for the Historic Resources Survey, Determination of Eligibility, and the draft Criteria of Effects Report. This project included the removal of two bridges, and the replacement of one of those bridges. The project is located in the National Register eligible Kintnersville Historic District. The project was found to have No Adverse Effect on historic resources. Also completed a Programmatic Section 4(f) Evaluation, and a DEP Environmental Assessment

**Historic Structures Re-Use Study**, Naval Surface Warfare Center, White Oak MD. General Services Administration. Responsible for research, photography, writing, and agency coordination for the revised Maryland Historical Trust State Historic Sites Inventory Form for the Naval Ordnance Laboratory, White Oak, Maryland, submitted in compliance with Section 106 of the Historic Preservation Act in association with the construction of a Consolidated Food and Drug Administration campus. Prepared the cultural resources sections for the Environmental Impact Statement. Currently under contract to conduct consultation with all parties and prepare a Memorandum of Agreement for historic structures within this National Register Eligible historic district.

**Naval Ordnance Laboratory Memorandum of Agreement**, Naval Surface Warfare Center, White Oak MD. General Services Administration. Currently under contract to conduct consultation with all parties and prepare a Memorandum of Agreement (MOA) for historic structures within this National Register Eligible historic district.

**Abingdon Preservation Plan**, Abingdon Plantation, Ronald Regan Washington National Airport, Arlington, VA. Senior Historian responsible for conducting historic documentary research for the National Airport's Abingdon Plantation historic site as part of the Abingdon Plantation Preservation Plan. Abingdon was the 18th-century plantation home of John Parke Custis, George Washington's stepson. Completed a National Register form for the site. Historic research also yielded information used to create interpretive exhibits at the airport. Assisted in the design and production of pamphlets, brochures, and poster of the historic site. This project also included archaeological field investigations and stabilization of ruins at the site.

**Villages of Piscataway**, Prince George's County, MD. Aided in the determination of the Permit Area and advised client regarding steps necessary to complete Section 106 requirements. The project area contained a National Register eligible historic district, and 14 significant archaeological sites. Supervised subsequent documentation of historic properties as required by the Maryland Historical Trust, and prepared a Memorandum of Agreement.

**Historic Resources Report**, U.S. Naval Academy, Annapolis, MD. Determined needs for satisfying client's Section 106 responsibilities prior to construction activities at the Naval Academy, Naval Station, and the Naval Radio Transmitter Facility (NRTF) in and near Annapolis. Drafted Work Plan and supervised resulting reconnaissance level survey of 18 resources. Two structures associated with the NRTF were determined to be eligible for the National Register of Historic Places.

**Dranesville Methodist Church Cemetery**, Dranesville, VA. Historian responsible for historic research and site visits to ascertain the probable location of burials on this early-19th to early-20th century cemetery. This information was needed as part of the historic church's expansion plans in order to avoid ground disturbance in the burial areas.

**Brandywine Tract**, Interstate General Company, Prince George's County, MD. Performed research and consulted with Maryland State Historic Preservation Staff in order to assist the client in determining current project status, and the necessary steps required to complete the Section 106 compliance process. Provided client with recommendations on how to proceed with archaeological and architectural investigations.

**Fall Hill Plantation National Register Historic Site**, Fredericksburg, VA. Historic Preservation Specialist responsible for investigating whether construction activities on adjoining lands would impact this historic site. Responsibilities included consultation with landowner and City of Fredericksburg, and investigation into whether certain historic preservation easements would have bearing on construction activities.

**Blueline Extension**, Mass Transit Administration, Prince George's County, MD. Performed deed and survey research for archaeological investigations on properties associated with this project.

**U.S. 219 Meyersdale EIS**, Pennsylvania Department of Transportation, District 9-0, Somerset County, PA. Researched and wrote sections of the Phase I and II Archaeological Investigations report associated with extant historic structures at the Livengood Site.

**Maryland Historic Highway Bridge Inventory**, Maryland State Highway Administration. Updated bridge inventory forms for various historic bridges in Allegheny, Garrett, and Washington counties. Inspected and photographed bridges, conducted background research at the Maryland State Historic Preservation Office, and completed update of survey forms.

**National Park Service Housing Needs Assessment**. Researcher currently involved in the Market Analysis phase of the National Park Service's Nationwide Housing Needs Assessment. Future tasks will include housing inspection/condition assessments and analyses.

**U.S. Naval Academy, Historic Resources Report**, U.S. Naval Academy, Annapolis, MD. Determined needs for satisfying client's Section 106 responsibilities prior to construction activities at the Naval Academy, Naval Station, and the Naval Radio Transmitter Facility (NRTF) in and near Annapolis. Drafted Work Plan and supervised resulting reconnaissance level survey of 18 resources. Two structures associated with the NRTF were determined to be eligible for the National Register of Historic Places.

**S.R. 1019, Proposed Bridge Replacement**, Pennsylvania Department of Transportation, District 6-0, Montgomery County, PA. Architectural Historian responsible for the draft Criteria of Effects Report. Also supervised the completion of the final report. The S.R. 1019 Bridge abuts the National Register Eligible Groff's Mill.

**S.R. 2006, Proposed Bridge Replacement**, Pennsylvania Department of Transportation, District 6-0, Chester County, PA. As Senior Historic Preservation Specialist, supervised the completion of the Criteria of Effects Report. This project involved a National Register eligible agricultural complex known as 1190 Westbourne Road.

**S.R. 4002, Proposed Bridge Replacement**, Pennsylvania Department of Transportation, District 6-0, Lancaster County, PA. Architectural Historian responsible for the revised Historic Resources Survey and Determination of Eligibility Report. Also supervised the production of the Criteria of Effects Report. Other tasks for this project included the drafting of a Memorandum of Agreement, which addressed mitigation, and minimization of the Adverse Effect to historic properties.

**Homeowner's Guide to Retrofitting**, Federal Emergency Management Agency. Wrote sections of this homeowner's flood protection manual that involved federal requirements for historic structures (buildings over 50 years of age). The manual is intended to provide plain English guidance to homeowners who may be eligible for Federal assistance.

**A/E Services for Various Housing Projects**, Mid-Eastern United States. Project Manager responsible for providing conditions assessments, site engineering, infrastructure design, planning, programming, and environmental services, cost estimating under this task order contract. Prepared Comprehensive Neighborhood Plans. Work included developing a unit database, and inspecting and evaluating more than 300 units and 39 neighborhoods. Developed Deficiency Reports, which identified neighborhood, and unit deficiencies as they relate to code compliance, client housing criteria, function, and aesthetics, as well as to energy efficiency. Developed neighborhood and unit improvement plans, which will renovate the sites improving the overall Quality-of-Life for families. Improvements included burying overhead utilities; replacing sewer, storm drain, and water lines; conducting hazardous material abatement; upgrading unit HVAC systems; replacing roofs; designing and renovating kitchens; adding new exterior and interior finishes; designing recreational amenities, as well as making recommendations for future privatization initiatives. Chapters included specific recommendations for sustainable design use of recycled materials, waste reduction and energy conservation practices. The final CNP included a long-range major improvements, minor improvements, operation and maintenance funding, and project plan.

**Naval Surface Warfare Center**, White Oak Maryland, General Services Administration. Responsible for research, photography, writing, and agency coordination for the revised Maryland Historical Trust State Historic Sites Inventory Form for the Naval Ordnance Laboratory, White Oak, Maryland. This report was submitted in partial compliance with Section 106 of the Historic Preservation Act in association with the construction of a Consolidated FDA campus. Under this contract, also prepared the cultural resources sections for the Environmental Impact Statement (EIS).

**S.R. 4003, Proposed Bridge Replacement**, Pennsylvania Department of Transportation, District 6-0, Bucks County, PA. Conducted Historic Resources Survey and prepared Determination of Eligibility Report/Criteria of Effects Reports. Discovered two properties over 50 years old in the project area, (the Willowstone Farm House, found eligible for the National Register). Concluded that the proposed project would have an Adverse Effect on this historic property. Completed the Department of Environmental Protection (DEP) Environmental Assessment Form.

**S.R. 2036, Proposed Bridge Replacement**, Pennsylvania Department of Transportation, District 6-0, Bucks County, PA. Conducted Historic Resources Survey and prepared Determination of Eligibility/Criteria of Effects Reports. Evaluated five properties (the Richard Mitchell House, found eligible for the National Register). Assessed this property in terms of the Criteria of Effects and Adverse Effects, and concluded that the proposed project would have no adverse effect on the Richard Mitchell House. Completed a DEP Environmental Assessment Form.

**S.R. 0032, Proposed Bridge Replacement**, Pennsylvania Department of Transportation, District 6-0, Bucks County, PA. Conducted Historic Resources Survey and Determination of Eligibility Report/Criteria of Effects Reports. Confirmed location within the Lumberville Historic District, and within the boundaries of the National Historic Landmark, the Delaware Division of the Pennsylvania Canal. Evaluated each resource within the historic district to assess its status as a contributing or non-contributing resource. Found the project bridge to be non-contributing and the proposed project to have an Adverse Effect upon contributing resources within the historic district. Completed a DEP Environmental Assessment Form.

**Oreland Quarry Deep Testing Facility**, Naval Facilities Engineering Command, Northern Division, Oreland, PA. Architectural Historian responsible for survey and evaluation of this Cold War period deep water testing facility.

**Billesby and Buck Hydroelectric Plants**, New River, NC. Provided on-site reconnaissance, documentary photography, and recommendations prior to federally funded upgrade of systems at two hydroelectric facilities on the New River in North Carolina. These plants were considered eligible for the National Register, and retained a high degree of physical integrity.

**Historic Preservation Master Plan**, U.S. Department of Justice, Federal Bureau of Prisons. Preservation Planner responsible for the Historic Preservation plan for historic structures and archaeological sites on the former site of Fort Devens, Massachusetts, in association with the proposed Federal Medical Center.

**Naval Air Station Brunswick**, Naval Facilities Engineering Command, Northern Division, Brunswick, ME. Architectural Historian responsible for historic resources survey and Determination of Eligibility Report for over 600 buildings and structures. This study included Cold War period buildings and structures, which were evaluated in terms of the recommendations and requirements of the Legacy Resource Management Program of the Department of Defense.

**Wyalusing Creek Bridge**, Pennsylvania Department of Transportation, District 4-0, Susquehanna County, PA. Architectural Historian responsible for the Historic Resources Survey and Determination of Eligibility Report.

**Hibbs Bridge**, Virginia Department of Transportation, Loudoun County, VA. Architectural Historian for historic documentary research and Phase II historical investigation. Also, as Architectural Photographer, produced HABS-HAER standard large-format photographs of this historic bridge.

**Denver Federal Center**, U.S. General Services Administration, Rocky Mountain Region, Denver, CO. Architectural Historian responsible for historic resources survey and Determination of Eligibility Report.

**Denver Federal Center**, U.S. General Services Administration, Rocky Mountain Region, Denver, CO. Architectural Historian for historic documentary research.

**Naval Air Station Brunswick**, Naval Facilities Engineering Command, Northern Division, Brunswick, ME. Architectural Historian responsible for historic resources survey and Determination of Eligibility Report.

**Sentry Housing Building 19**, Aviation Supply Office, Philadelphia, PA. Architectural Historian responsible for the historical documentation of building 19 of the Sentry House.

**Route 202**, Virginia Department of Transportation, Northumberland and Westmoreland Counties, VA. Architectural Historian for the historic resources survey and Determination of Eligibility Report.

**Route 610**, Virginia Department of Transportation, James City County, VA. Architectural Historian for historic documentary research and Phase II historical and archaeological investigations.

**Powhatan Parkway Bridge**, Virginia Department of Transportation, Hampton, VA. Architectural Historian for historic documentary research of this single-span reinforced concrete bridge. This bridge was a unique design, having decorative concrete "cork rails."

**S.R. 4027, Proposed Bridge Replacement**, Pennsylvania Department of Transportation, District 6-0, Bucks County, PA. Architectural Historian responsible for the revised Historic Resources Survey and Determination of Eligibility Report and the draft Criteria of Effects Report. This project included the removal of the National Register listed Campbell's Bridge, an early open-spandrel, ribbed-arch reinforced concrete structure constructed in 1906. A National Register eligible residence and a public park were also within the project area. Currently preparing a work plan for the completion of HAER standard written documentation and large format photography for the bridge.

**Old Gulph/Upper Gulph Road**, Pennsylvania Department of Transportation, District 6-0, Montgomery County, PA. Architectural Historian for Historic Resources Survey and Determination of Eligibility Report of Montgomery Avenue between Old Gulph and Upper Gulph Road.

**Big Elk Creek and Little Elk Creek Bridge Replacement**, Pennsylvania Department of Transportation, District 6-0, Chester County, PA. Architectural Historian responsible for the Determination of Eligibility Report for the proposed bridge replacement in Elk Township.

**Honor Guard Facilities**, U.S. Air Force, Bolling Air Force Base, MD. Architectural Historian for Phase 1b cultural resource survey of proposed replacement of Honor Guard Facilities.

**Lewes Railroad Swing Bridge**, Delaware Department of Transportation, Lewes, DE. Prepared Determination of Eligibility Report for the National Register Nomination for Lewes Railroad Swing Bridge, crossing the historic Chesapeake and Delaware Canal (part of the intercoastal waterway system). Researched the history of the waterway navigation system at the Center for Historic Architecture and Engineering at the University of Delaware and located original plans of the bridge at the Hagley Library.

**Centerville Road**, Delaware Department of Transportation, New Castle County, DE. Historic structures survey of a 1.7-mile stretch of Centerville Road. This survey resulted in the recordation of 16 resources over 50 years of age. All resources were recorded on Delaware Cultural Resource Survey forms in accordance with DESHPO guidelines.

**Bridge No. 177**, Delaware Department of Transportation, New Castle County, DE. HAER standard large-format photographic documentation of an early 19th century stone arch bridge.

**Dover Bridge Replacement**, New Jersey Department of Transportation, Dover, NJ. Architectural Historian for proposed bridge replacement.

**Historic Preservation Plan**, U.S. Department of Justice, Federal Bureau of Prisons. Preservation Planner responsible for the Historic Preservation plan for historic structures and archaeological sites on the former site of Fort Devens, Massachusetts, in association with the proposed Federal Medical Center.

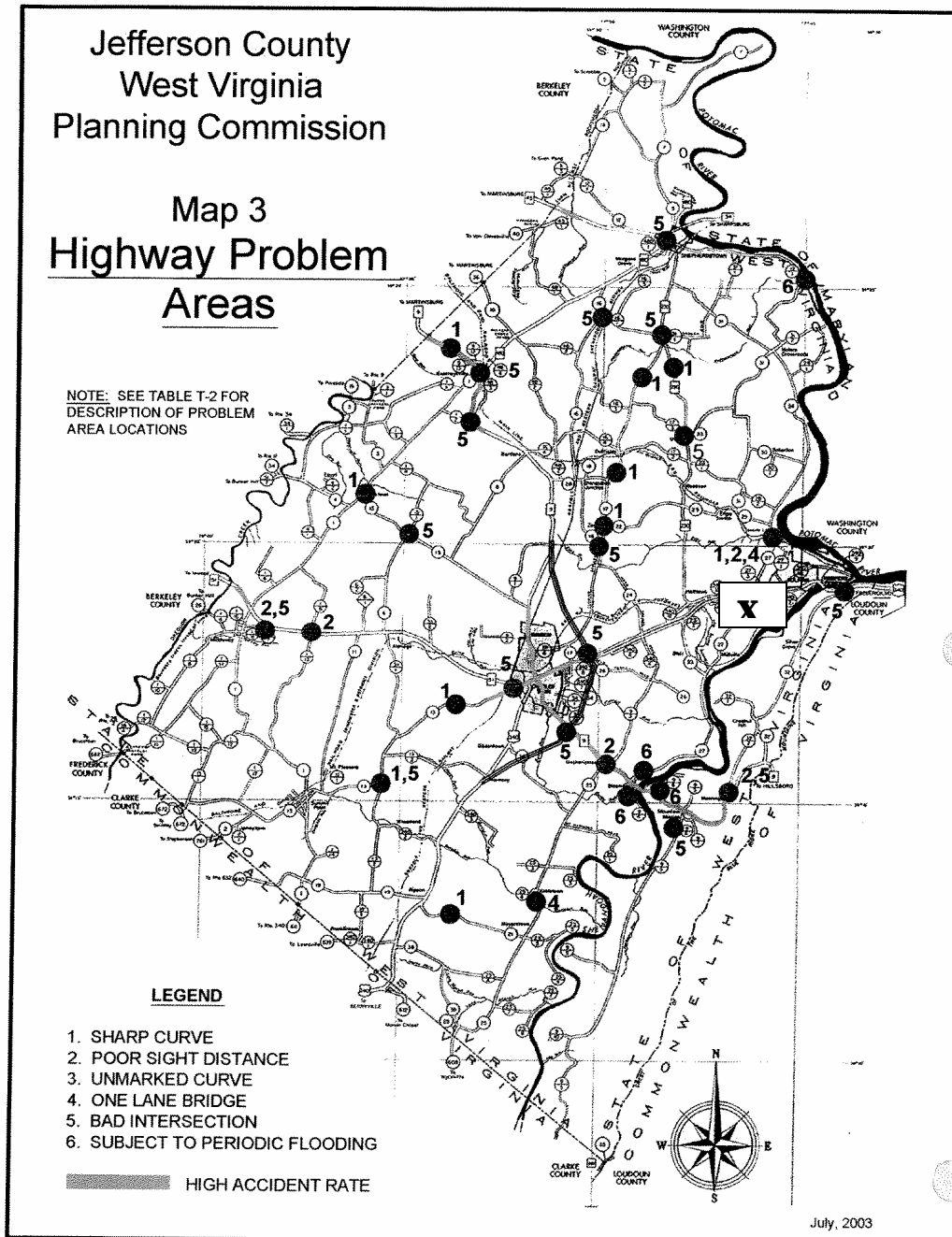
**Downtown Short Pump Grocery**, Virginia Department of Transportation, Short Pump, VA. Architectural Draftsman responsible for delineating measured drawings for the Downtown Short Pump Grocery.

**Short Pump Shell Station**, Virginia Department of Transportation, Short Pump, VA. Architectural Draftsman responsible for delineating measured drawings for the Short Pump Shell Station.

**Humphreys Farmstead**, Virginia Department of Transportation, Gibson Station, VA. Architectural Draftsman responsible for delineating measured drawings of the Humphreys site.

**Colson Farmstead**, Virginia Department of Transportation, Gibson Station, VA. Architectural Draftsman responsible for delineating measured drawings of the Colson site.

## Exhibit 12 Highway Problem Areas



X denotes approximate location of the site

**TABLE T-2**  
**Highway Problem Areas**

Route Number	Road Class	Location	Problem
340	P	Shenandoah River Bridge to VA Line	Curvy, rough shoulders, falling rocks, stone retaining wall at edge of road.
340	P	Intersection with Rt. 32	Inadequate turning area onto Rt. 32.
340	P	Intersection with Rt. 9	Poor access from Rt. 340 (By-pass) east-bound off ramp onto Rt. 9 west-bound lane.
9	P	Intersection with Rt. 340	Poor access from Rt. 9 (By-pass) west-bound off ramp onto Rt. 340 west-bound lane.
9	P	Intersection with Rt. 32/2	Poor intersection angle causing poor visibility.
9	P	Intersection with Rt. 1/2 & 48/3	Numerous intersections.
9	P	Intersection with Rt. 480	Poor left turn movements onto Rt. 480 & Rt. 1
9	P	Intersection with 9/3	Poor sight distance.
51	S	Intersection with Rt. 1/5 & 1/13	Poor sight distance turning onto Rt. 1/5 & Rt. 1/13.
51	S	From Opequon Creek to Charles Town	Hidden driveways.
230	S	1 mile South of Rt. 17	S-Curve
230	S	Intersection with Rt. 31/1 & 16/1	Poor visibility/sight distance.
1/7	L	Intersection with Rt. 51 (Middleway)	Poor sight distance & intersection angle.
1/17	L	Between Rt. 1 & Rt. 13	Rough one-lane dirt road.
9/3	L	Intersection with Rt. 9 (Cattail Run Rd. & Rt. 9)	Poor sight distance pulling onto Rt. 9.
9/4	L	From Rt. 9 at Bloomery to the dead-end	Within 100 year flood plain, periodic flooding.
9/5	L	From Rt. 9, South to VA Line (Mission Road)	Many curves on 2 - lane paved section with large subdivisions.
13	L	Intersection with Rt. 51 in Charles Town	Poor intersection angle causing poor visibility.
13	L	Intersection with Rt. 51/1	Poor intersection angle causing poor visibility.
13	L	Intersection with Rt. 13/2	90-degree turn.
16/1	L	Intersection with Rt. 16	Poor intersection angle causing poor visibility.
17	L	1/2 Mile South of Duffields	Two 90-degree turns.
17	L	1 Mile South of Rt. 230 Intersection	S-Curves
18	L	Intersection with Rt. 17 North of Rt. 24	Poor intersection angle causing poor visibility.
21	L	1 Mile East of Rt. 340 at Rippon	Two 90-degree turns.
22	L	Intersection with Rt. 17	Poor visibility.
Rt. 32	L	Intersection with Rt. 340	Poor intersection angle causing poor visibility, steep grade of road is dangerous when icy or wet.

Road Classifications: P = Primary, S = Secondary, L = Local Service Road