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JEFFERSON COUNTY PLANNING COMMISSION SPECIAL MEETING AUGUST 5, 2010

The Jefferson County Planning Commission met on Thursday, August 5, 2010 with John Maxey, President presiding. Frances Morgan, Morgan Etters, Tom Trumble, Gene Taylor, Daniel Hayes, Arnold Dailey, and Kelly Baty were present. Staff members present were Jennifer Brockman, Planning and Zoning Director and Seth Rivard, Planner.

Mr. Maxey called the meeting to order at 7:05 PM.

Mr. Maxey explained that the purpose of the special meeting was to review proposed correspondence voted on at the July 30, 2010 meeting.

Mr. Maxey presented the minutes of the July 30, 2010 meeting. Mr. Hayes moved to approve the minutes as written. Mr. Taylor seconded the motion which carried 8 for and 1 abstention (Mr. Dailey).

Mr. Maxey outlined the four motions that were approved at the July 30, 2010 meeting for discussion. The first item was a motion by Mr. Trumble to direct Mr. Groh to prepare a follow-up letter regarding the Freedom of Information Act (FOIA) request to Mr. Jon Amores, Deputy Secretary/General Counsel, to ensure that all information had been received including the e-mails and other legislative documents that were requested by the Planning Commission. Mr. Stephen Groh, Assistant Prosecuting Attorney representing the Planning Commission was not present for this meeting.

The second item was a motion made by Mr. Hayes to direct Mr. Groh to write a second FOIA request to the state government body responsible for developing legislative rules requesting all e-mails, voice recordings, and any media or documentation related to the development of legislative rules. No discussion ensued in the absence of Mr. Groh.

The third item was a motion made by Mr. Trumble to direct Planning Staff to obtain the name of the Department of Environmental Protection (DEP) Manager for this project and contact him, to draft a letter including a memorandum of understanding between the DEP and the Planning Commission. Staff presented a letter addressed to Mr. Jim Maurin, Project Manager with the West Virginia Department of Environmental Protection Division of Land, Restoration Office of Environmental Remediation. Mr. Maxey directed staff to correct the spelling of "could" in the first paragraph. Mr. Hayes suggested noting in paragraph 3, the proximity of the property to the Shenandoah River and to the mouth of the Potomac River. Mr. Trumble commented that the letter needed to be more pointed and suggested including a request for a meeting. Discussion ensued regarding the Memorandum of Understanding and including a statement that the Planning Commission will need to review and compare the State DEP standards with Jefferson County

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Regulations in which the most restrictive standards should apply. Mr. Maxey directed staff to edit the letter to be more clear and upfront.

The fourth item was a motion made by Mr. Trumble to direct staff to prepare a letter, including the most recent traffic study, to the Department of Highways, Secretary of Transportation, Paul Mattox, and request his comments to ensure his awareness of the traffic issues. The letter was to also include a request to reconsider the previous decision to approve an at-grade signalized intersection and to have Mr. Mattox recommend a non-at-grade intersection. Staff presented a letter addressed to Mr. Mattox. Mr. Trumble suggested that the letter be more assertive and that the letter should require a prompt response to Planning Commission concerns in the form of a meeting or conference call. Ms. Morgan raised concern that the applicant for the signalized intersection is not named.

Paul Rosa, citizen of Charles Town, made comment to the Planning Commission that the letter should address both individual and cumulative impacts of signalization requests including traffic, noise, and pollution.

Mr. Maxey directed staff to change the first sentence of the third paragraph to “The developers of this project, Old Standard, LLC, have applied for a signal at the intersection referencing a Traffic Impact Study completed in 2006-2007 by Greenhorne and O’Mara Consulting Engineer.”

Mr. Maxey directed staff to insert a paragraph between the fifth and sixth paragraphs that discusses the cumulative impact of additional signals with varying traffic flows at different intersections that would be very difficult to time.

Mr. Maxey directed staff to add a paragraph before the end of the document stating, “The Jefferson County Planning Commission looks forward to working with the developer of the Old Standard project and the Division of Highways to ensure that the project is successful and benefits the citizens of Jefferson County and the State of West Virginia.” Mr. Hayes suggested adding “and all stakeholders” after Division of Highways.

Mr. Trumble urged that the 340 Corridor Study begin as soon as possible and asked staff to report on the resources and time that would be involved in that study. Mr. Maxey asked that a work plan and preliminary schedule be presented by e-mail to all the Planning Commissioners the week of August 16, 2010 and for those documents to be discussed and voted on at the August 24, 2010 Planning Commission meeting.

Mr. Trumble moved to authorize Mr. Maxey to make the above changes to the letter and to include a request for a meeting later in August 2010 in Charleston at Mr. Mattox’s office and to sign the letter to be sent out Friday, August 6, 2010. Mr. Hayes seconded the motion which carried unanimously.

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Mr. Maxey directed that, once the letters have final approval, a copy of each be sent to the Bolivar, Harpers Ferry and Charles Town districts. Mr. Hayes instructed that copies be sent to Shepherdstown also.

Mr. Hayes moved to adjourn the meeting. Mr. Trumble seconded the motion which carried unanimously. The meeting adjourned at 7:50 PM.

A detailed transcript of this meeting can be found on CD # _____. These minutes were prepared by Amy Puetz, Planning Clerk.