

DRAFT MINUTES
JEFFERSON COUNTY PLANNING COMMISSION
January 9, 2007

The Jefferson County Planning Commission met on Tuesday, January 9, 2007 with Paul Burke, President presiding. John Sidor, Todd Baldau, Russell Roper, Arnie Dailey, Tom Kane, Lynne Deming and Jim Surkamp were present. Ellen May was present via telephone. Staff members present were Sherry Kelly, Kim Shrader and Jennilee Hartman.

Mr. Burke called the meeting to order at 7:02 p.m.

Mr. Baldau motioned to approve the December 12, 2006 minutes with the following changes: (1) Page 1, at the end of paragraph 5 add the sentence, "Mr. Sidor motioned to approve the order on files. Ms. Deming seconded the motion which carried unanimously." (2) Page 1, last sentence of the last paragraph change the vote from "4 for" to "5 for." (3) Page 3, item #7, C. change the word "come" to "some." (4) Page 3, paragraph 3 add, "Ms. Deming seconded the motion." before the last sentence. (5) Page 3, paragraph 3 add the opposed vote (Mr. Baldau and Mr. Dailey). (6) Page 4, last paragraph, removed 4th CD # 159. Ms. Deming seconded the motion which carried unanimously. Ms. May signifying her vote with an "Aye."

Mr. Kane and Mr. Dailey want to note their objection to Ms. May being able to vote via the telephone.

Mr. Baldau motioned to approve the November 28, 2006 minutes contingent upon the sentence, "The motion carried unanimously." being added on page 3 at the end of Item #6 and on page 4 at the end of Item #14(B). Mr. Dailey seconded the motion which carried unanimously.

1. Election of Officers. Mr. Baldau nominated Mr. Burke for President. Mr. Kane nominated Mr. Dailey for President. Mr. Sidor motioned to close the election for a president. Ms. Deming seconded the motion which carried unanimously. The vote was 5 for Mr. Burke (Mr. Baldau, Ms. May, Mr. Surkamp, Mr. Sidor and Mr. Burke) and 4 for Mr. Dailey (Mr. Kane, Ms. Deming, Mr. Roper and Mr. Dailey). Mr. Burke won the election for President.

Mr. Sidor nominated Mr. Dailey for Vice President. Mr. Dailey respectfully declined. Mr. Surkamp nominated Mr. Sidor for Vice President. Ms. Deming nominated Mr. Kane for Vice President. Mr. Kane respectfully declined. Mr. Deming motioned to close the election for a Vice President. Mr. Roper seconded the motion which carried unanimously. Mr. Sidor won the election for Vice President as there were no other candidates.

Mr. Sidor nominated Mr. Dailey as Secretary. Mr. Dailey respectfully declined. Mr. Baldau nominated Ms. May for Secretary. Mr. Sidor nominated Ms. Deming for Secretary. Mr. Kane motioned to close the election for Secretary. Mr. Roper seconded the motion which carried unanimously. The vote was 7 for Ms. Deming (Mr. Kane, Mr. Roper, Mr. Dailey, Ms. May, Mr. Surkamp, Mr. Sidor and Ms. Deming) and 2 for Ms. May (Mr. Baldau and Mr. Burke). Ms. Deming won the election for Secretary.

Ms. May hung up at 7:22 p.m. for the duration of the meeting.

Mr. Burke asked if there were any postponements. Annette van Hilst with Dewberry requested a postponement of the Community Impact Statement Hearing for Jackson Woods Subdivision because the owners of the property were out of town. Mr. Kane motioned to postpone until the January 23, 2007 meeting. Ms. Deming seconded the motion which carried unanimously.

Ms. Van Hilst also requested to withdraw Item #2, Final Plat Public Hearing for the Northgate Limited Partnership Two Lot Subdivision, Lot 1; Item #9, Postponed from the 12-12-06 meeting.

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Request by Howard F. & Betty J. Simons for a variance to allow a proposed 3 lot subdivision to be accessed by pre-existing 30' wide right of way; and, Item #10, Postponed from the 12-12-06 mtg. Request by Howard F. and Betty J. Simons for a variance to allow a proposed 3 lot subdivision to move directly to Final Plat without the requirement for a Community Impact Statement and Preliminary Plat. Mr. Burke stated no action was necessary and that it is within the applicant's rights to withdraw.

Randy Litwin with Lavelle & Associates requested postponement of the Jackie Lee and Dorothy H. Payne Subdivision stating they would waive the 60 day rule. Mr. Baldau motioned to postpone until the January 23, 2007 meeting. Mr. Sidor seconded the motion which carried unanimously.

2. Final Plat Public Hearing for the Northgate Limited Partnership Two Lot Subdivision, Lot 1. Withdrawn under postponements.

3. Jackie Lee and Dorothy H. Payne Subdivision. Postponed until the January 23, 2007 meeting.

4. Final Plat Public Hearing for the Leetown Villa Subdivision. Sherry Kelly, Planner, stated her staff report was incorrect and that since she had prepared it all issues have been addressed and that staff recommended approval of the final plat pending submission of bonding, originally signed plats and recordation within 90 days. Joe Kent with Dewberry answered questions from Mr. Burke regarding Note #A1 on sheet 2. Mike Shepp with Dewberry was also present to answer Commissioner's questions. Mr. Burke asked for public comment. Ms. Robin Huyett Thomas had a question for Mr. Shepp regarding his interpretation of the section of the ordinance that deals with wetlands. The public hearing was closed. Mr. Kane motioned to approve the Final Plat with staff contingencies and provided that Note #1 on page 2 states "Zoning Ordinance" in relation to Article 9. Mr. Roper seconded the motion which carried unanimously.

5. Final Plat Public Hearing for the Seneca Crossing South Side Subdivision, Lots 1-40 Town homes. Staff recommended approval of the final plat pending submission of bonding, originally signed plats and recordation within 90 days. Eric Lewis with the Ranger Group made a presentation. Lisa McCauley with Dewberry was present to answer Commissioner's questions. Mr. Burke asked for public comment. John Matthew, Zoning Officer for the City of Shepherdstown spoke.

Mr. Burke called for a recess and the CD was changed at 8:17 p.m. The meeting resumed at 8:24 p.m.

Neil Martineau with the Shepherdstown Council also spoke in reference to this project. Mr. Kane motioned to approve the Final Plat with staff contingencies and with the developer's agreement to work with the City of Shepherdstown regarding covenants and road connections and with the appropriate spelling of the word Shepherdstown. Mr. Dailey seconded the motion which passed 6 for and 2 opposed (Mr. Burke and Mr. Baldau).

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6. Community Impact Statement Hearing for Jackson Woods Subdivision was postponed until the January 23, 2007 meeting.

7. Legal discussion and possible action on Falcon Ridge road variances and lawsuit. Mr. Kane asked for an update. Kim Shrader, County Engineer, stated there were 2 outstanding issues on the preliminary plat that still needed to be addressed.

8. Postponed from the 12-12-06 meeting. Declaration of violation for Mr. Sutherland/Sierra Properties of the Jefferson County Improvement Location Permit Ordinance. Ms. Kelly stated Mason Carter, Ordinance Compliance Officer, had provided a memo, which states Mr. Sutherland/Sierra properties, is now in compliance.

9. Postponed from the 12-12-06 meeting. Request by Howard F. & Betty J. Simons for a variance to allow a proposed 3 lot subdivision to be accessed by pre-existing 30' wide right of way. Withdrawn under postponements.

10. Postponed from the 12-12-06 mtg. Request by Howard F. and Betty J. Simons for a variance to allow a proposed 3 lot subdivision to move directly to Final Plat without the requirement for a Community Impact Statement and Preliminary Plat. Withdrawn under postponements.

11. Request by Paul L. and Donna K. Ashbaugh for a variance to allow a proposed 2 lot subdivision be advanced to the final plat stage. Staff recommended denial of the variance due to many site issues. Braun Hamstead, Attorney, John Kusner and Paul Ashbaugh represented the request. Commissioner's asked if problems would be addressed at the final flat stage. Ms. Shrader stated these issues would only be addressed at the preliminary plat stage. Mr. Burke opened for public comment. There was no public comment. Mr. Kane motioned to approve the Paul L. and Donna K. Ashbaugh variance to allow a proposed 2 lot subdivision be advanced to the preliminary plat stage. Mr. Surkamp seconded the motion which carried unanimously.

12. Site plan approval and issuance for the Improvement Location Permit for MON Valley Bank. Mike Nestor of Berkeley and Associates was present to answer Commissioner's questions. Staff recommended approval of the site plan pending submission of bonding, originally signed plats and recordation within 90 days. Mr. Burke opened for public comment. There was no public comment. Mr. Baldau motioned to approve the MON Valley Bank Site Plan and Issuance of the Improvement Location Permit. Ms. Deming seconded the motion which passed with a vote of 7 for and 1 opposed (Mr. Burke).

13. Site plan approval and issuance for the Improvement Location Permit for Windmill Crossing, Lot 1, Medical Office Building. Staff recommended approval of the final plat pending submission of bonding, originally signed plats and recordation within 90 days. Sarah Kleckner and Matt Faris with Resource were present to answer Commissioner's questions. Questions were raised regarding the number of required parking spaces and the requirement of curb and gutter. Mr. Burke opened for public comment. Ron Moltere commented on the road conditions and traffic concerns on Somerset Boulevard. Considering the comments regarding the lack of

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curb and gutter on one side of the property Ms. Shrader stated she could not recommend approval at this time. Mr. Kane motioned to approve the Windmill Crossing, Lot 1, Medical Office Building Site Plan and Issuance of the Improvement Location Permit contingent upon eliminating the one parallel parking space and having curb and gutter added to the north side of the property. Mr. Baldau seconded the motion.

Mr. Burke called for a recess and the CD was changed at 9:44 p.m. The meeting resumed at 9:49 p.m.

Discussion of the developer's options were addressed at this time. Mr. Kane withdrew his motion. Mr. Baldau withdrew his second to the motion. Mr. Kane motioned to postpone this item until the February 27, 2007 meeting. Mr. Baldau seconded the motion which carried unanimously.

14. Site plan approval and issuance for the Improvement Location Permit for The Inn at Charles Town. Staff recommended approval of the final plat pending submission of bonding, originally signed plats and recordation within 90 days. Randy Kepler with Greenway Engineering was present to answer Commissioner's questions. Mr. Baldau motioned to approve The Inn at Charles Town Site Plan and Issuance of the Improvement Location Permit. Mr. Surkamp seconded the motion which carried unanimously.

15. Postponed from the 11-14-06 meeting and the 11-28-06 meeting. Request by Bolivar Planning Commission for studies on Elk Run watershed flow & contaminants:

- (A) Estimate extra water to be taken from watershed in future (homes & businesses proposed using groundwater & sending it to sewers).
- (B) Estimate future water quality changes (from any more septic, sewer & storm water pollution).

Mr. Burke stated Item #16 has already been addressed since Bolivar has been receiving the Planning Commission and Staff Review agendas.

Dan Riss with the Harpers Ferry Council made a presentation. Elizabeth Blake and Ron Moltere also had comments. Mr. Riss handed out a CD, which had the entire watershed plan on it. Discussion took place regarding GIS and map overlaying, drinking water and storm water runoff. No action was taken.

16. Postponed from the 11-14-06 mtg. and the 11-28-06 mtg. Request by Bolivar & Harpers Ferry for copies of Elk Run watershed Community Impact Statement (as provided to School Board) and notices of final plats. Discussed under Item #15.

17. Draft Ordinance Revisions. New draft ordinances were to be provided to the Commissioner's by electronic and regular mail.

18. Mailings to Planning Commission. Discussion took place. This item was postponed until the January 23, 2007 meeting.

19. Annual Reports. No action was taken.

20. Staff interactions with applicants, public & Planning Commission.

(A) Re-establish a special meeting date for DEP to make a presentation on NPDES and GPP.

No date was set for a meeting with DEP. A special meeting was scheduled for January 30, 2007 to discuss the Subdivision Ordinance rewrite.

21. Committees and reports:

- Executive Committee: None.
- Long Range Planner Committee: Two new ads were run. New Committee was formed. Mr. Surkamp, Mr. Sidor and Ms. May are now on the committee.
- TDR Committee: None.
- Bylaws and Procedures Committee: None.
- PSD Committee: None.
- Budget: None.

22. Actionable Correspondence.

23. Non-actionable Correspondence.

Under Items #22 and #23 the Planning Commission discussed the need for a Human Resource person. Mr. Surkamp stated they would have to ask for it under the current budget. Staffing needs and location of the Department of Planning, Zoning & Engineering was also mentioned. Ms. Deming made a motion to request the County Commission to make a position for a Human Resource employee and fill it as soon as possible. Mr. Sidor seconded the motion which carried unanimously.

The CD was changed at 11:04 p.m. and the meeting resumed at 11:05 p.m.

24. Legal representation and advice. Some or all of the discussion may be closed to the public. James Casimiro, Assistant Prosecuting Attorney, was present to address the Commission. Mr. Dailey made a motion to go into executive session. Ms. Deming seconded the motion which carried unanimously.

Due to an error on the last CD the last portion of the meeting was not recorded. Clerical staff left the meeting at 11:13 p.m. as the executive meeting continued.

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Mr. Dailey motioned the Planning Commission came out of executive session. Mr. Kane seconded the motion which carried unanimously

Mr. Roper motioned to adjourn the meeting at 11:19 p.m.. Mr. Dailey seconded the motion which carried unanimously.

The meeting adjourned at 11:19 p.m. on November 28, 2006. A detailed transcript of this meeting can be found on CD # 2, 3, 4 & 5. These minutes were prepared by Jennilee Hartman.