

MINUTES
JEFFERSON COUNTY PLANNING COMMISSION
OCTOBER 24, 2006

The Jefferson County Planning Commission met on Tuesday, October 24, 2006 for a special meeting at 6:30 p.m., followed by its regular meeting at 7:00 pm. with Paul Burke, President presiding. Lynne Deming and Greg Corliss were present. Staff members present were Sherry Kelly, Kim Shrader, Roger Goodwin and Jennilee Hartman.

John Sidor, Arnie Dailey, Tom Kane and Ellen May were absent with notification. Todd Baldau was absent from the special meeting at 6:30 p.m. with notification.

Due to a lack of quorum the scheduled special meeting did not begin at 6:30 p.m.

Russell Roper and Todd Baldau arrived at 6:57 p.m. Mr. Burke called the special meeting to order at 6:57 p.m.

Mr. Corliss motioned to go into Executive Session to discuss current litigation issues with its attorney. Ms. Deming seconded the motion, which passed 4 for and 1 opposed (Mr. Baldau).

The regular meeting of the Planning Commission began at 7:31 p.m. there was no motion from the Executive Session.

The minutes from the October 10, 2006 were not reviewed because the Planning Commission had not yet received them.

1. Final Plat Public Hearing for the John P. and Margaret B. Laycock Minor Subdivision (#06-30). Staff recommended approval of the final plat pending submission of originally signed plats and recordation within 90 days. Mr. Burke had questions regarding Note #9 and #18. Mike Shepp with Dewberry responded to Mr. Burke's questions. Mr. Burke opened the meeting for public comment. Hearing none the public hearing was closed. Mr. Baldau motioned to approve the final plat with staff contingencies. Mr. Roper seconded the motion, which passed 4 for and 1 opposed (Mr. Burke).

2. Final Plat Public Hearing for the John J. Quinn Jr. & Dorothea L. Quinn Subdivision, Lots 1 & 2-Residue (#06-31). Staff recommended approval of the final plat pending submission of originally signed plats and recordation within 90 days. Mr. Burke had questions regarding the possible creation of a pipe stem. Sherry Kelly, County Planner, stated there was none. Mr. Quinn, the owner, also stated there was none. Mr. Burke opened the meeting for public comment. Hearing none the public hearing was closed. Mr. Roper motioned to approve the final plat with staff contingencies. Mr. Corliss seconded the motion, which carried unanimously.

3. Final Plat Public Hearing for the Beallair Subdivision, Phase II, Lots 50-133 & Residue Parcel A (#05-41). Staff recommended approval of the final plat pending submission of bonding, originally signed plats and recordation within 90 days. Mr. Burke asked staff if the plat was reviewed in conformance with Subdivision, Section 6.1(a)-18 of 8-24-30 of the West Virginia State Code. Ms. Kelly said the Department of Planning, Zoning & Engineering had received a legal opinion from counsel stating the Section was too vague to consider. Mr. Baldau motioned to ask Staff to include the legal opinion in the packets for the

MINUTES - JEFFERSON COUNTY PLANNING COMMISSION
OCTOBER 24, 2006
PAGE 2 of 3

next Planning Commission meeting. Mr. Corliss seconded the motion which carried unanimously. Mike Cassell, Attorney with Campbell, Miller, Zimmerman, stated the referenced legal opinion was a letter from Greg Jones dated May 5, 2005. Mike Wiley made a presentation. Mr. Burke asked if blasting would be necessary for this project. Mr. Wiley stated this phase might require minimal blasting. Mr. Burke was concerned about the effect of blasting on the Isopod. Mr. Corliss questioned if there was some type of provision in the ordinance regarding blasting or possibly something to protect the Isopod. Mr. Burke stated there was none although a letter had been sent out by DNR regarding the Isopod being an endangered species. Mr. Burke opened the meeting for public comment. Hearing none the public hearing was closed. Mr. Baldau stated he would not approve the final plat because of traffic, emergencies services and other health and safety concerns. Mr. Roper motioned to approve the final plat with staff contingencies. Ms. Deming seconded the motion, which passed 3 for and 2 opposed (Mr. Baldau and Mr. Burke).

4. Community Impact Statement Review for the Lansdale Subdivision (#06-27). Annette van Hilst with Dewberry made a presentation. Ms. Van Hilst stated two more variances would be submitted for the next Planning Commission. One variance dealt with having more than one residence on a parcel and the other was for the existing home to use its current access instead of an internal subdivision road. Staff recommended acceptance of the Community Impact Statement. Dr. Frances Latterell asked for a description of where the site is located. Mr. Burke had a few questions regarding the covenants, possible soil contamination from the adjacent salvage yard, the water yield from the wells, and consideration of possible Isopods. Ms. Van Hilst stated the developer would test the well water within 1000 feet of the salvage yard according to the Health Department recommendations prior to preliminary plat approval. Mr. Burke opened the meeting for public comment. Mark Baracka, an adjacent property owner, had concerns regarding the development. Mike Shepp with Dewberry stated he would keep Mr. Baracka informed throughout the process. Mr. Burke closed the public hearing. Mr. Corliss motioned to approve the Community Impact Statement with staff contingencies and contingent on testing the well water within 1000 feet of the salvage yard according to the Health Department recommendations prior to preliminary plat approval. Ms. Deming seconded the motion, which passed 3 for and 2 opposed (Mr. Baldau and Mr. Burke).

5. Request by Douglas Stolipher for a variance to allow the existing 30' access easement (currently serving approximately 6 lots) to provide access to two lots proposed in a subdivision application. Mark Dyck with William H. Gordon and Associates made the presentation. Staff stated this road is too narrow and adding 2 more lots would be contrary to public interest and therefore recommends denial. Mr. Burke opened the meeting for public comment. Hearing none the public hearing was closed. Mr. Baldau motioned to deny the variance based on staff's recommendations. Ms. Deming seconded the motion, which passed 3 for and 2 opposed (Mr. Corliss and Mr. Roper).

Mr. Burke called for a brief recess. The CD was changed at 8:45 p.m. and the meeting resumed at 8:50 p.m.

MINUTES - JEFFERSON COUNTY PLANNING COMMISSION
OCTOBER 24, 2006
PAGE 3 of 3

6. Request by Remac America, Inc., c/o Mark Soresi, President, for a variance to allow the issuance of an Improvement Location permit for a proposed truck scale on the existing site without the submittal of a site plan for the proposed truck scale (Section 4.10(g) of the Zoning Ordinance that allows the Planning Commission to reduce the site plan standards). Kim Shrader, County Engineer, recommended approval of the variance contingent on the construction of a 6" concrete apron 20' in length or from the existing edge of road pavement to the edge of the right of way whichever is greater, WVDOH entrance permit and all required soil erosion and sediment control measures to comply with West Virginia Erosion and Sediment Control Handbook. Annette van Hilst and Mike Shepp with Dewberry along with Mark Soresi made a presentation. Mr. Baldau motioned to approve the variance based on staff contingencies. Mr. Corliss seconded the motion, which passed 4 for and 1 opposed (Mr. Burke).

7. Request by Apple Blossom Meadows Home Owner's Association for a variance to change the setbacks on the final plat to 25' front, 12' sides and 12' rear (Article 3, Section 3.1, Resubdivision). Staff stated this request was already approved by the Board of Zoning Appeals and recommended approval of the variance. Sandra Thomas was present to represent the request. Mr. Baldau motioned to approve the variance based on staff contingencies. Mr. Roper seconded the motion, which passed 4 for and 1 opposed (Mr. Burke).

8. Continued from the 09-26-06 & 10-10-06 mtgs. Discussion and Report by Mr. Goodwin, Chief County Engineer, on the SWM Inspection at the Spruce Hill SD (PC File #02-02 and #02-28). Mr. Goodwin presented his report. Various members of the Planning Commission asked questions, to which Mr. Goodwin responded. Members of the public who commented were Lou Athey, Jim Campbell and Tim Brandus. No action was taken.

9. Implementation Policy for Electronic CIS Submissions. Ms. Deming motioned to require Community Impact Statement's to be electronically submitted effective beginning January of 2007 or sooner if desired. Mr. Baldau seconded the motion, which carried unanimously. Mr. Baldau motioned to ask staff to advertise the policy as soon as possible. Ms. Deming seconded the motion, which carried unanimously.

10. 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 & stormwater pollution). Ron Multier, President of the Bolivar Planning Commission, made a presentation. Dan Risser with the Town Council also spoke. Ms. Deming left the room stating she needed to be excused.

Mr. Burke stated that the meeting must stand adjourned due to a lack of a quorum.

The meeting adjourned at 10:02 p.m. on October 24, 2006. A detailed transcript of this meeting can be found on CD #130, #131 & #132. These minutes were prepared by Jennilee Hartman.