

COMMUNITY IMPACT STATEMENT

For

SHEPHERDS RETREAT SUBDIVISION

On

**West Virginia State Route 31
SHEPHERDSTOWN DISTRICT
JEFFERSON COUNTY WV**

April 20, 2006

Revised July 20, 2006

Revised on September 28, 2006

Revised on October 30, 2006

Revised on December 06, 2006

**Prepared by:
Shepherds Retreat LLC
241 Edmond Road
Kearneysville, WV
25430**

**With review from:
Resource International
Donald Bailey P.E.
73 Edmond Road
Unit #4
Kearneysville, WV
25430**

SHEPHERDS RETREAT SUBDIVISION COMMUNITY IMPACT STATEMENT

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Shepherds Retreat I Subdivision Community Impact Statement

BASIC DESCRIPTIVE INFORMATION

1. Name and Address of Owner
Shepherds Retreat LLC
241 Edmond Road
Kearneysville, WV 25430
Contact Person: Peter Kubic
304-728-4384

2. Name and Address of Consultant
Resource International
73 Edmond Road
Kearneysville, West Virginia 25430
Contact: Don Bailey
304-725-7764

3. Tract description

The property to be developed consists of 10.09 acres, located on the north side of West Virginia State Route 31 approximately 0.9 mile east of the T-intersection with WV State Route 230, Shepherdstown Pike, in Shepherdstown District of Jefferson County. The property is described as parcel 3.16 on tax map 12 of District 09, Shepherdstown, Jefferson County. The site is zoned Residential Growth. A copy of the Jefferson County Zoning Map depicting the site location is included and identified as **Exhibit A**. The current use includes a 2 ½ story principal house, an attached ante-bellum two (2) story slave house with attached smoke house, a five (5) car garage and an old milking barn that previously has been converted into seven apartment units. These structures occupy the southern 2.0 acres of the property. The remainder of the property is idle meadow in transition to a more brushy state. The properties adjoining to the west, north and east are developed residential subdivisions, Cavaland, Sections A, B, C and J. The existing house and slave house, as well as the seven apartments are currently being provided water service from the PSD Cavaland water treatment plant, located east of the project. (See **Exhibit P**)

4. Project Design and Layout

The existing houses and apartments are owned by the applicant. The existing single family house and the ante-bellum guesthouse will be contained on an approximate one (1) acre lot. A asphalt subdivision road will be built along the east boundary and will extend northeastwardly into the wide northern section of the property. Six (6) one acre single family detached residential lots with private wells and septic tanks will have access from this subdivision road. The existing apartment building will be contained on 1.0 acre lot on the northwest side of the property. A storm water management basin will be constructed along the mid-section of the northern boundary. The concept layout for this phased project is shown in **Exhibit B**, entitled Sketch Plat. Exhibit B is contained in the pocket at the back of this statement report. The access to the existing structures will be via the new subdivision road. Both the existing entrance and the proposed entrance have active WV DOT permit numbers.

5. Number of Lots

A total of seven (7) residential lots and one (1) multi-family dwelling lot with seven (7) apartments, comprise about eight (8) acres. The lots have an average size of about one (1) acre. The remaining two (2) acres will be split into a SWM Pond area of about $\frac{3}{4}$ of an acre and the remaining 1.25 acres is the balance of the road right of way.

6. Topography

The general slope of this site runs from south to north with a natural swale running down the east side to a point east of the middle section of the north boundary. It is well suited for the site of a storm water management facility. The low point on the north boundary is at elevation 442.5. The high point is just east of the existing principal house and is at elevation 478.4. Slope grades vary from ranges from 0.6% to 15%. The topography shows the existing condition and is shown on the sketch plat identified as **Exhibit B**.

7. Soil and Drainage characteristics.

The soil on this site is part of the Duffield and Frankstown Series of soil profiles, called "Duffield silt loam" and "Frankstown shaly silt loam." These consist of deep, well drained soils. The subsoil here is about thirty three inches thick. A soils map, is attached as **Exhibit C** to this statement. The existing site drainage patterns will remain the same with respect to the existing flows onto and off of the property. Perk tests have been performed and accepted by the Health Department for the future lots. The site currently drains to the North East area of the property, it then continues North to an unnamed tributary to the Potomac River.

8. Existing Natural or Man Made Features

There are existing trees on the property which surround the boundary (in several locations). Our intentions are to keep a minimum of fifteen feet (15') around the exterior perimeter with tree buffer on the lots that have the trees. The manmade features are cited above under Item 3 which includes an existing gravel driveway and several structures. Reference **Exhibit B** that also notes two (2) small rock ridges.

9. Existing Structures

See Item 3 above. The existing main house is approximately a 1930's structure with a size of about 3200 square feet with a two (2) car garage. The attached ante-bellum two (2) story slave house dates back to the 1850's and is about 1300 square feet. The seven (7) apartments are located in a converted milking barn which we believe was built in the 1940's. The average size of each apartment is about 400 - 600 square feet. The Five Bay garage and cistern attached to the Civil War House will be demolished. A variance for hammerhead turnaround (Section 8.29.14 was approved on 11/14/06 by the Jefferson County Planning Commission. A variance is scheduled for 12/21/06 before the Zoning Board of Appeals to alleviate any setback violations for the existing milk barn building and parking spaces. See **Exhibit S**.

10. Existing Easements

There are no easements on this property that Shepherds Retreat LLC, the new owner is aware of.

11. Existing Covenants and Restrictions

No. Please Reference Legal Opinion **Exhibit Q**.

12. Approximate Size, Etc. of Areas to be dedicated

There are no dedicated areas, although the Health Department does have records as to the locations of the septic areas serving the existing structures. Under the subdivision process the subdivision road right-of-way, necessary drainage paths and septic reserve areas will be dedicated by recordation of the final plat.

13. Intended Improvements

In addition to the road construction and storm water management mentioned previously the existing tree lines will provide landscape buffering along to west and north side boundaries to buffer the view between the adjoining residential properties. The six (6) new single family lots on the site will have septic fields for sewer service and wells for water service. Health department approvals have been received for the septic fields and will be submitted with the site improvement plans. Developer will install a cluster mailbox at the intersection of Suffolk Drive and the driveway to the house and apartment building.

Storm water Management (SWM) will be designed to comply with the Jefferson County Subdivision Ordinance Sec. 8.2.C. The SWM concept will include a small shallow detention/wetland basin along the northern boundary of the lot. All runoff from impervious surfaces will be controlled. This project will be served by power, cable and telephone all of which will be located under ground.

14. Intended land uses.

Residential - six (6) new single-family lots with size of about one (1) acre each.

15. Intended earthwork.

It is anticipated that the grading on site will be minimal. The majority of grading will be for the new road and SWM areas only. Independent lot grading will be excluded at this time. The storm water management facility (SWM) as shown on **Exhibit B** will follow the lines of the terrain to provide a more natural appearance. The SWM facility will be used as a temporary erosion and sediment pond during construction. The total estimated disturbance is about 1.5 acres out of 10 acres or only about 15%.

16. Proposed Covenants and Restrictions

There will be limited restrictive covenants as approved Shepherds Retreat LLC. The proposed house size is to be a minimum of two thousand (2000) square feet, enclosed garages, no poultry, goats, swine etc. Existing tree buffers are to remain for a minimum of fifteen (15') feet from the perimeter property lines, no tree removal will be permitted along the rear property lines except for the installation of utilities or drainage culverts.. The proposed covenants and restrictions will be provided on the final plat when submitted.

17. Tentative Schedule

Construction of the road and SWM area anticipated to begin in late 2006 – early 2007. The applicant is a licensed contractor, who understands that as market conditions dictate the new home lots will be developed. One to three (1- 3) year build-out.

18. Market Feasibility Study

The Shepherds Retreat Subdivision proposes the creation of eight (8) total lots. The existing house and apartment building account for two of the total eight lots. The applicant's experience with the new single family home market is that demand is still strong in Jefferson County, we base our results on actual sales from the developer that currently builds some of the most beautiful homes in this county. Current market conditions as of June 2006 in Jefferson County show that a large interest still exists in single family home lots with the ability to build their own dream house. Townhouse lots and lots in larger subdivisions do not appeal to 50% of the potential home buyers. This information is evident when new home buyers approach local real estate agents and convey their potential client requirements. Kubic Construction, Inc. an affiliated business is reminded weekly by potential home buyers that smaller quieter subdivisions are a preference over large ones. That interest has prompted Shepherds Retreat to develop and implement the concept as shown on **Exhibit B**.

19. Project Cost

The estimated total cost for the project improvements will be about \$100,000.00, which includes the new paved road and storm water improvements and engineering fees.

20. Funding

This project will be funded entirely/partially by the owner/developer or a local bank.

COMMUNITY IMPACTS

PHYSICAL IMPACTS

1. Earthwork

a. Grading will occur only for the new road and SWM Pond areas. .90 acres for roadway and .60 acres for the SWM Pond or 1.5 acres is the expected maximum area to be stripped. This amounts to about 15% of total acreage.

b. During field surveys on the property two (2) small rock out crops were visible. However, this property is located in an area underlain with limestone which frequently protrudes above or lies just below the ground surface. Therefore, some blasting may be needed. If such is the case, it will be minimized as much as possible and the adjoining property owners will be notified prior to any blasting. Recognized safe blasting practices will be followed.

c. There will be cut and fill areas. It is anticipated that cut material will be retained on the property and that no off-site borrow will be needed.

d. The drainage on the property currently runs from South to the Northeast and from the West to the Northeast sides to the middle, as depicted on the concept plan, **Exhibit B**. The Jefferson County Ordinances will be complied with relative to maintaining control of storm

runoff over a wide range of storm events. The project will maintain the current overall drainage pattern and will use roadside ditches and culverts to divert the storm water into proposed pond.

e. The terrain will be altered for road drainage and road construction etc. The ultimate grading for the new house sites will limit the disturbed area around the house site only.

2. Conversion of Farm Land

This site has not been farmed in more than three (3) years. The open area of the property is a meadow of which is circled by existing single family houses. The property has been in the Residential Growth District since 1989 at which time the Planning Commission took action to place this property in that district.

3. Wildlife Populations

There are no known rare or endangered species inhabiting this site. A letter from DNR and the Department of Fish and Wildlife is referenced as **Exhibit D-1** it details their reviewed areas. The typically found wild life on site includes deer, squirrels, skunk and snakes. At this time no additional environmental studies are intended to be performed by any government agency or by the owner. There are no known caves within a mile of this site. We will incorporate as indicated in **Exhibit D-2 (What you can do to help)** preventative land use practices so that we would protect the habitat of any cave creatures and the quality of the drinking water. This Exhibit is general information from the US Fish and Wildlife Service.

4. Groundwater and Surface Water Resources

The storm water management concept proposed will support groundwater recharge. There were no wetlands found on this site. A map depicting wetland in this general area is including as **Exhibit E**. Within a one mile of the site are two (2) freshwater ponds. Both ponds are located upslope of the project site. The site plan will provide for erosion and sediment control measures which will meet the current National Pollution Discharge Elimination System permit from the State of West Virginia. Such permits are not a prerequisite for County approval. However, the State approval is predicated on the County approval. Please reference **Exhibit J** County Health Department letter regarding contaminated wells within 1000 feet. Please also reference **Exhibit P**, the current Public water provider.

5. Visual Compatibility

This project is surrounded by residential lots, some with gravel driveways and others with asphalt driveways. Wooded trees line most of the perimeter of the property. The existing screening along property lines will remain by placing a tree buffer of fifteen feet (15') to remain on wooded lots. See **Exhibit B**. Final house sitting and well and septic placement will dictate the final amount of natural trees that will remain on the lots.

6. Effect on Natural Areas

There are no known sensitive natural areas near this property. Best Management Practices (BMP's) will be used in accordance with the Jefferson County standards for managing storm water runoff. Said standards are reputed to be the best in the State of West Virginia and equal to those states reputed to be in the forefront of BMP's nationally. There were no sinkholes found on this property. The county sinkhole inventory is attached as **Exhibit F**. There are no channels or streams located on or adjacent to this property. Currently existing drainage flows over land thru the property in existing grassland areas.

SOCIAL IMPACT

7. Demand For Schools
New households = 6SF = 6 households

Students per Household
Tischler and Associates, Inc. Public School Student Generation Rates
June 11, 2003.

Type of School	Students/HH	New Students
Elementary	0.24	1.44
Middle School	0.13	0.78
High School	0.13	0.78

The chart of existing enrollment and building capacities for Jefferson County is **Exhibit K**. This details existing enrollment numbers in the county's schools.

8. Traffic

a. The most current WVDOT Average Daily Traffic volume at the nearest count station on Route 31 is 1,300 per day. The count station is located just south of the intersection with Engle Molders Road. Another trip count at the intersection of - 31/1& 31 is 300 per day, this intersection is located east of the project location. These trip counts are from a 2005 traffic count study.

b. Section 7.1 (b)8 of the Subdivision Ordinance contains trip generation figures for the proposed uses.

Use	Dwelling Units	Peak Hour	Ave. Daily	Total Peak	Total Trips
Exist Single Family	2	0.8 per D.U	8.0 per D.U.	1.6	16
Exist Apartment	7	0.7 per D.U	6.0 per D.U	4.9	42
New Single Family	6	0.8 per D.U	8.0 per D.U	4.8	48
Total	15			11.3	106

This daily traffic equates to $106 \times 0.10 = 10.6$ trips in the peak hour

c. The nearest key intersection is the one between Routes 31 and 230. See

Exhibit G1.

d. A review of the existing Comprehensive Plan indicates that there is not highway problem within a one mile radius of this project. The Highway Problem Area Map is included as **Exhibit G2**.

e. Due to lack of any significant trip generation in the peak hours, no traffic counts are required by the Ordinance.

9. Demographic Impact

Using a conservative value of 2.4 persons per single-family unit, ($2.4 \times 6 = 14.4$.) This project would increase the population of the County by 15 people.

10. Emergency Medical Facilities

Jefferson Memorial Hospital, which is located approximately eight (8) miles from the job site has adequate facilities to provide medical services to the community and is staffed with highly trained and professional personnel. An Urgent Care facility, which provides emergency medical services, is located in the Somerset Village shopping center approximately six (6) miles away. There are medical practitioner of various disciplines located around the hospital and at the Harpers Ferry Medical Center about ten (10) miles away. See our letter **Exhibit N** to the Jefferson Memorial Hospital and their response.

11. Fire

Shepherdstown Fire Company located 3 miles west-northwest of the site has jurisdiction at this site. For backup, there are fire companies located 8 miles south and east in Charles Town and Harpers Ferry and Washington County, (Boonesboro) Maryland. See our **Exhibit M** to the Shepherdstown Fire Department.

12. Police

The West Virginia State Police and the Jefferson County Sheriffs Department provide police protection for the project locally. A copy of a letter to or from the Jefferson County Sheriff is appended respectively as **Exhibit H**. See letter from West Virginia State Police. **Exhibit L**.

13. Trash Removal

Waste Management will provide for any trash removal for this site.

14. Electric Service

The Allegheny Power Company will provide electric service to this project. Shepherds Retreat LLC has made application for the primary power this work order number is 109-8625. Shepherds Retreat LLC has also made application for several new street lights of which will be located in the new cul-de-sacs. This work order number is 109-8631.

15. Telephone Service and Cable Service

Frontier Communication will provide phone service to this project. Cable service will be provided by Adelphia Cable.

16. Water and Sewer Service

Sewer service is to be provided by private septic systems approved by the Health Department. Water will be provided by private wells, the existing house and apartment building are currently being provided water service from the PSD Cavaland subdivision water pump station adjoining the property. Each existing structure has an existing septic system for sewer service.

17. Relationship of Project to the Jefferson County Comprehensive Plan

This property, as stated previously, has been in the Residential Growth (RG) District since 1989. Hence rather than quote a section of the Comprehensive Plan, it is noted that this project is proposed to take place on land specifically approved, on an individual case basis,

for these uses by the County Commission in conformance with a land use planning methodology proposed by the Comprehensive Plan. This proposed six (6) lot subdivision will blend in with the current housing density that surrounds it.

18. Housing Supply

The current housing demand level in Jefferson County is fueled by the following factors: Jefferson County is still within commuting distance to Washington, DC, Winchester, VA and Martinsburg, WV. Housing prices are generally about \$30,000-\$50,000 less than the surrounding areas due to lower labor costs. As of June 1, 2006 new home sales as well as re-sales of existing properties have slowed down at least 20%. The Federal Government has raised interest rates and as of June 1, 2006 the prime rate is now 8.25%. I, Mr. Peter Kubic, a Jefferson County business man and current owner of Kubic Construction, Inc. can attest that demand is still strong for single family lots with a yard. Most clients that contact our office prefer not to be in a large subdivision and do not want to purchase builder spec homes on a one quarter (1/4) acre lot.

19. Historic Sites

There are no properties within 500 feet of this site that are listed on the National Register of Historic Places. **Exhibit I** provides a list of the Jefferson County National Register of Historic Places. There were no cemeteries or gravestones found on this property.

20. Recreation

Local parks and facilities are within 3.5 miles. Morgan Grove and Sam Michaels Farm.

ECONOMIC IMPACTS

21. Property Tax Evaluation

Based on the Jefferson County Tax Guide, the annual tax revenue to be generated by this project is as follows:

The tax rates for this area are \$2.4284 per \$100 of value for the residential and commercial property (apartments are considered Commercial) times a factor of 60%. The additional tax revenue is equal to the projected value of the improvements, (houses and lots) valued at \$2,000,000, divided by \$100, times \$2.4284, times 0.60. This calculates to additional annual tax revenue of about \$29,808.00

22. Bank Deposits and Loans

The owner/developer intends to finance this project. If additional financing is required, funds will be borrowed from a local bank. The new residents would likely utilize local banking.

23. Anticipated Local Spending

There will be short term benefits through the purchase of materials and hiring of tradesmen locally. There will also be long-term benefits from expanded business for local businesses. Some of the additional income returns to the County by way of State taxes and local property taxes from the businesses as their value increases.

24. Local Employment Implication

This item is linked to anticipated local spending item. Local contractors benefit from the employment. As note above, the expansion of local businesses due to increased customer base means increased employment.

25. Property Values

The value of Shepherds Retreat property will be increased based on the quality of Shepherds Retreat LLC (owner's) past construction experience. Also, the value of all of the neighbors' properties should experience some increase as well.

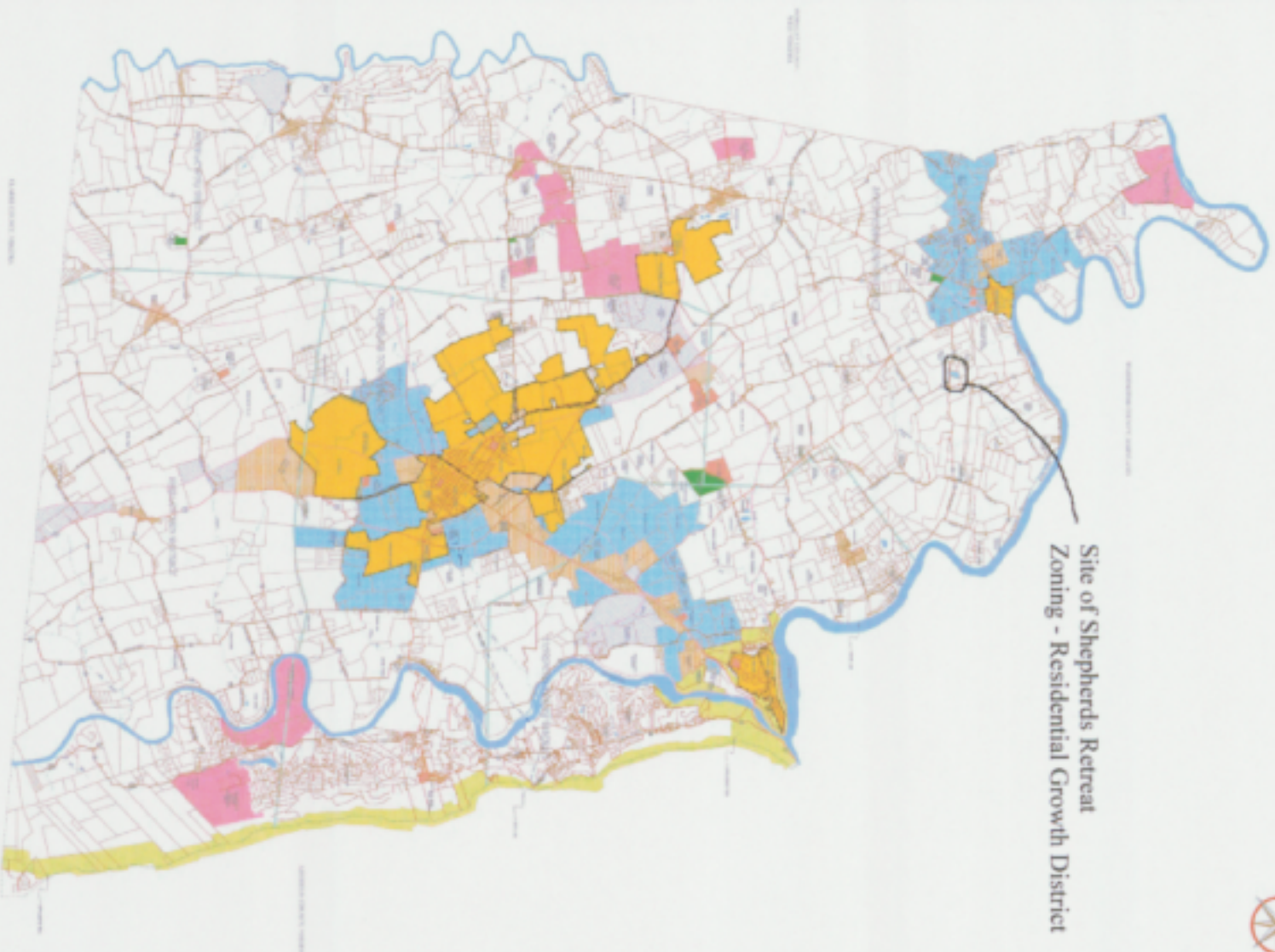
14/6/06

**SHEPHERDS RETREAT
CIS
JEFFERSON COUNTY
FILE #06-15**

Exhibit A



Site of Shepherd's Retreat
Zoning - Residential Growth District



LEGEND

UNINCORPORATED ZONES	INCORPORATED ZONES
Residential Growth District	Residential Growth District
Rural Residential	Rural Residential
Rural Residential	Rural Residential
Rural Residential	Rural Residential
Rural Residential	Rural Residential

LEGEND

UNINCORPORATED ZONES	INCORPORATED ZONES
Residential Growth District	Residential Growth District
Rural Residential	Rural Residential
Rural Residential	Rural Residential
Rural Residential	Rural Residential
Rural Residential	Rural Residential

LEGEND

UNINCORPORATED ZONES	INCORPORATED ZONES
Residential Growth District	Residential Growth District
Rural Residential	Rural Residential
Rural Residential	Rural Residential
Rural Residential	Rural Residential
Rural Residential	Rural Residential

LEGEND

UNINCORPORATED ZONES	INCORPORATED ZONES
Residential Growth District	Residential Growth District
Rural Residential	Rural Residential
Rural Residential	Rural Residential
Rural Residential	Rural Residential
Rural Residential	Rural Residential

JEFFERSON COUNTY ZONING MAP

WEST VIRGINIA

Prepared for the Jefferson County Planning & Zoning Commission



Dewberry & Davis, LLC
1000 17th Street, NW
Washington, DC 20036
202.462.1000
www.dewberry.com

GRAPHIC SCALE 1" = 50'

0 50 100 150

WV GRID NORTH

NOTE: ALL EXISTING TREES THAT BORDER AREAS IN THIS PROPOSED LOT BUILDING THIS PROPERTY AS WELL AS INTERNAL TREES WILL BE SAVED UNLESS THEY ARE PRESERVED AS WELL.

TREES TO REMAIN

SEPTIC RESERVE

PROPOSED ROAD

EXISTING DRIVE

LEGEND

MR. PETER KUBIC
SHEPHERDS RETREAT, LLC
241 EDMOND ROAD
KEARNEYSVILLE, WV 25430
TEL: (304)-728-4384
FAX: (304)-728-3924

OWNER INFORMATION
SHEPHERDS RETREAT, LLC
DB 1023 PG 294
RECORDED MAY 11, 2006
241 EDMOND ROAD
KEARNEYSVILLE, WV 25430

HEIGHT AND YARD REQUIREMENTS
SINGLE FAMILY DETACHED
MIN LOT AREA - 40,000 SQ FT
FRONT YARD - 25 FT
SIDE YARD - 12 FT
REAR YARD - 20 FT
MULTI-FAMILY DWELLING
MIN LOT AREA - 20,000 SQ FT
FRONT YARD - 25 FT
SIDE YARD - 12 FT
REAR YARD - 30 FT

GENERAL INFORMATION
ZONING: RESIDENTIAL GROWTH
TOTAL ACRES: 10.09
TAX MAP 12 PARCEL 3.16
SHEPHERDSTOWN DISTRICT
JEFFERSON COUNTY, WV
VARIANCE FOR HAMMERHEAD TURNAROUND
APPROVED BY JEFFERSON COUNTY PLANNING COMMISSION
11/14/06

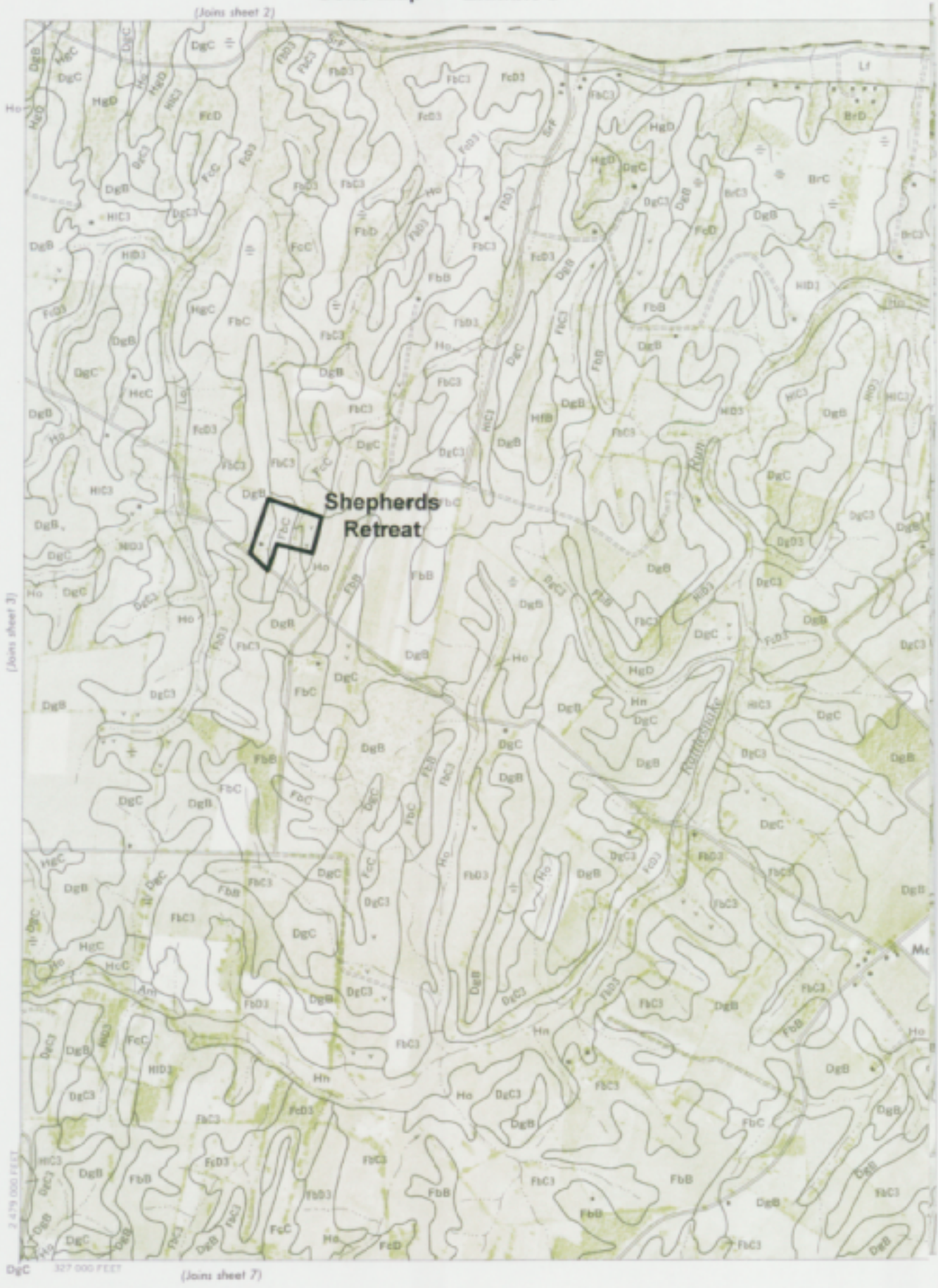
VICINITY MAP

SCALE: 1" = 2000'



Soils Map -- Exhibit C

4



Shepherds
Retreat

DgC 327 000 FEET (Joins sheet 7)

"Exhibit D-1"

20f2

Shepherds Retreat, LLC

241 Edmond Road
Kearneysville, WV 25430
304-728-4384 Office
304-728-3924 Fax

April 25, 2006
Laura Hill
U.S. Fish & Wildlife Service
Elkins, West Virginia

Laura,

Shepherds Retreat, LLC is planning to construct a small subdivision with 6 new single family detached houses on property which is described as 3.13 on Tax Map 02 of district 09, Shepherdstown District of Jefferson County. There is currently an existing single family home and an apartment building on the property. The property is located on the north side of Route 31 approximately 0.83 miles east of the intersection of Routes 31 & 230. We are processing our community impact statement through the Planning and Zoning Commission of Jefferson County. I have enclosed a copy of the letter from the Division of Natural Resources for your reference, as well as a site location map. If possible, I would appreciate a letter or some form of documentation regarding this matter by the weeks end. Should you have any questions, please do hesitate to contact my office. I look forward to your findings regarding the Madison Cave isopod.

Peter F. Kubic
Contract Purchaser

Peter F. Kubic/KCS



United States Department of the Interior

FISH AND WILDLIFE SERVICE

West Virginia Field Office
694 Beverly Pike
Elkins, West Virginia 26241



May 18, 2006

Mr. Peter Kubic
Shepherds Retreat, LLC
241 Edmond Road
Kearneysville, West Virginia 25430

Re: Proposed Shepherd's Retreat Subdivision

Dear Mr. Kubic:

This responds to your information request of April 25, 2006, and subsequent phone calls from staff regarding the potential impacts of a proposed subdivision in the Shepherdstown District of Jefferson County. These comments are provided pursuant to the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

This property may contain potential habitat for the Madison cave isopod (*Antrolana lira*), listed as threatened under the Endangered Species Act. This animal inhabits underground lakes and deep karst aquifers where it lives in the groundwater. Karst habitat includes areas of irregular limestone in which erosion has produced fissures, sinkholes, underground streams, and caverns. The Madison cave isopod has been observed in a few caves that descend to the groundwater table.

In West Virginia, this species is known from only two sites, both in Jefferson County: a cave that intersects the ground water, and a well. This animal probably occurs in pockets of ground water that extend beyond the sites where it has been observed.

Contamination of groundwater is the major threat to the Madison Cave isopod. Sources of contaminants include runoff from developments.

We will need additional information to determine whether the proposed subdivision may adversely affect this species. Information on the extent of karst aquifer habitat in the area of the subdivision, information on the recharge zone (if known), and information on plans to control run-off during construction and occupancy of the subdivision would be helpful. We recommend that residents of the Shenandoah Valley work to protect groundwater quality by avoiding and minimizing the use of pesticides in potential habitats of the Madison Cave isopod.

Mr. Peter Kubic
May 18, 2006

2

Unfortunately, due to staffing and budget constraints, we do not have the capability to perform site visits or surveys for project proponents. You may wish to hire an environmental consultant to prepare a report on the site-specific information we have requested.

If you have any questions regarding this letter, please contact Christy Johnson-Hughes of my staff, at (304) 636-6586, or at the letterhead address. She is temporarily out of the office until May 30, 2006.

Sincerely,

Laura Hill
For Thomas R. Chapman
Field Supervisor



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

Joe Manchin III
Governor

Frank Jezioro
Director

TRANSMITTAL COVER

Date: 5/18/06

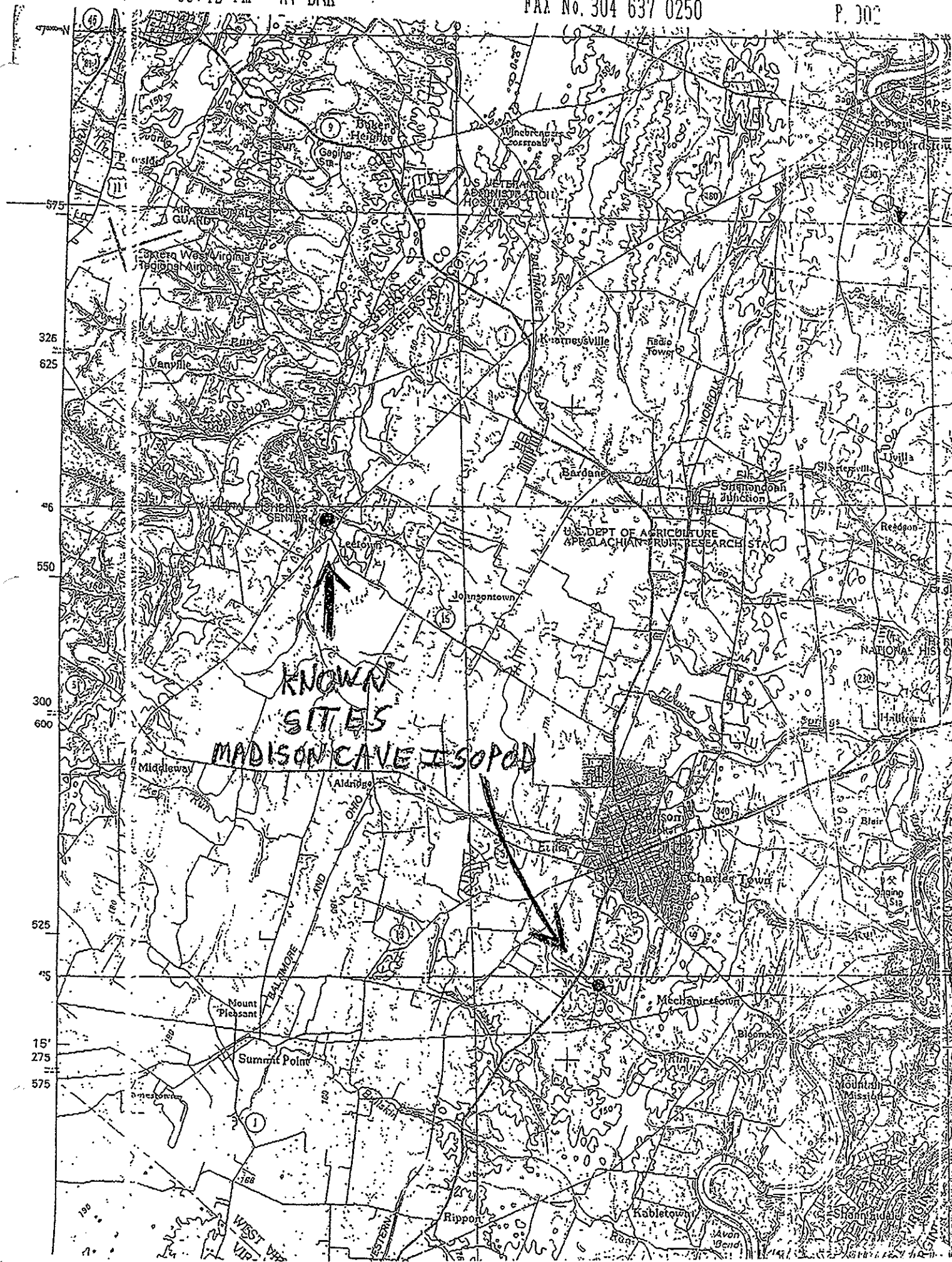
To: KIM / PETER

From: BRIAN McDONALD

Comments: Our server is down so I made a
manual map of the brown sites. Hope
this helps.

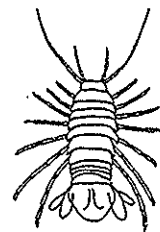
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If there are an incorrect number of pages, please call 304-637-0245



Madison Cave Isopod

Antrolana lira



M. Drummond

Description - The Madison Cave isopod is an eyeless, unpigmented, freshwater crustacean. It belongs to a family that consists of mostly marine species and a small number of freshwater species. The species is the only member of its genus and is the only freshwater cirolanid isopod north of Texas. Its body is flattened and bears seven pairs of long walking legs. The first pair of legs are modified as grasping structures. It has a pair of short antennae and a pair of long antennae. Males reach a length of 0.6 inches; females reach a length of 0.7 inches. While most cave isopods spend the majority of their time walking along the bottoms of streams and pools, *Antrolana lira* spends much of its time swimming freely through flooded caves formed in ancient limestone.

Distribution and Habitat - The Madison Cave isopod is found in flooded limestone caves beneath the Great Valley of Virginia and West Virginia where it swims freely through calcite-saturated waters of deep karst aquifers. Recent discoveries in caves and wells have extended the range of the species 200 miles. The isopod is now known from 13 sites stretching from Lexington VA to Charles Town, WV.

Life History - The population size of the Madison Cave isopod is unknown at most sites. Sampling results suggest that the population is dominated by adults. The population structure of the Madison Cave isopod suggests that it has a lengthy life span with a low rate of reproduction. It is not known how this species reproduces. Its feeding habitats are also unknown, however, insect parts were detected in the gut content of some individuals at one site.

Conservation - The Madison Cave Isopod was federally listed as a threatened species on November 3, 1982. Agriculture and encroaching industrial and urban development threaten the quality of groundwater habitat and thus the survival of this species.

What You Can Do To Help - If you reside on property that borders a stream or other waterway, avoid using chemicals or fertilizers. To help control erosion and reduce runoff, maintain a buffer of natural vegetation along waterbodies and sinkholes. Sinkholes are natural depressions in the land surface that are formed by the collapse of a cavern roof. Never place anything

into sinkholes. Install fencing to prevent livestock from entering streams, this will reduce siltation and input of waste products. Properly dispose of household wastes, including used motor oil, at recycling facilities and permitted landfills. Have your septic tank inspected regularly by a licensed professional. By following these land use practices, you are not only protecting the habitat of cave creatures but also protecting the quality of your drinking water.

To find out more about the Madison cave isopod contact:

Virginia Department of
Conservation and Recreation
Division of Natural Heritage
217 Governor Street, 3rd Floor
Richmond, Virginia 23219
(804) 786-7951

Virginia Department of Game and
Inland Fisheries
P.O. Box 11104
Richmond, Virginia 23230
(804) 367-1000

References

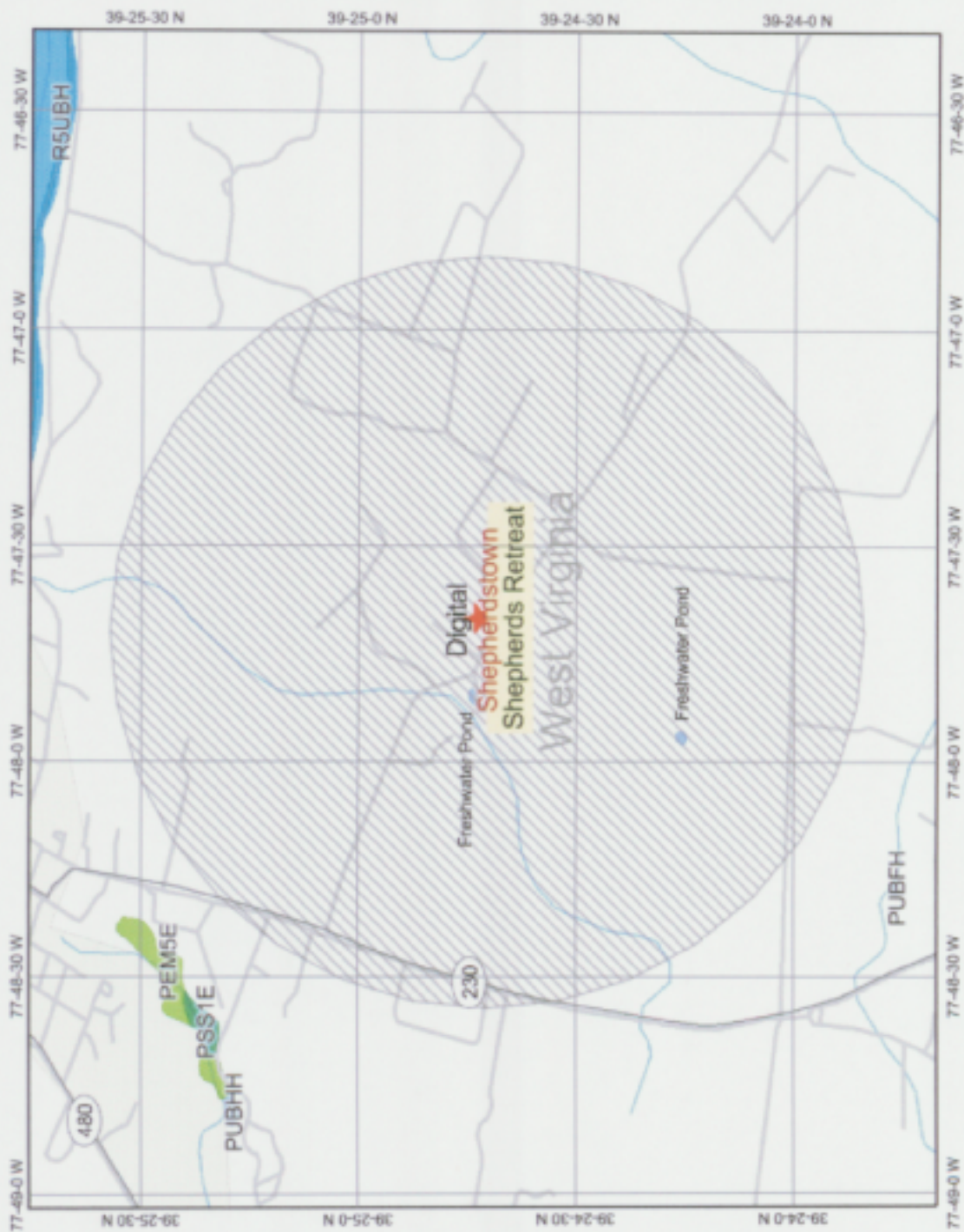
U.S. Fish and Wildlife Service. 1996. Madison Cave isopod (*Antrolana lira*) recovery plan. Hadley, Massachusetts.



U.S. Fish and Wildlife Service
Virginia Field Office
6669 Short Lane
Gloucester, Virginia 23061
(804) 693-6694
<http://www.fws.gov>
September 2005

Exhibit E

Shepherds Retreat Wetland Map Showing 1-Mile Radius



Map center: 39° 24' 43" N, 77° 47' 40" W

This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

Legend

- Interstate
- Major Roads
- Other Road
- Interstate
- State highway
- US highway
- Roads
- Cities
- USGS Quad Index 24K
- Lower 48 Wetland Polygons
- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other
- Riverine
- Lower 48 Available Wetland Data
- Non-Digital
- Digital
- No Data
- Scan
- NHD Streams
- Counties 100K
- Urban Areas 300K
- States 100K
- South America
- North America



Scale: 1:36,159

Identify Results

Wetland Polygons

Wetland Code: PUBHH

DECODE: Wetlands Code Interpreter

WETLAND_TYPE: Freshwater Pond

ACRES: 0.30453266

AREA: 1232.39995

LEN: 135.22368934477

Wetland Code: PUBHH

DECODE: Wetlands Code Interpreter

WETLAND_TYPE: Freshwater Pond

ACRES: 0.34406536

AREA: 1392.3831

LEN: 136.824624281681

Coordinate Position

Geographic: 39° 24' 44" N, 77° 47' 41" W

Known Sinkholes -- EXHIBIT F

Customer(s): Resource International
Shepherds Retreat



District: EASTERN PANHANDLE CONSERVATION DISTRICT

Field Office: RANSON SERVICE CENTER

Agency: NRCS



Legend

● Sink Holes

Note:
Sinkhole locations are approximate.
Not all sinkholes have been identified
or located on this map.

Image: Natural Color Orthophoto





Natural Resources Conservation Service
209 East Third Avenue
Ranson, WV 25438

May 24, 2006

Resource International, LTD.
Attention: Ms. Sarah Kleckner
73 Edmund Road, Unit #4
Kearneysville, WV 25430

Subject: Shepherds Retreat

Dear Ms. Kleckner,

As per your request, enclosed you will find an aerial photo of the proposed Shepherds Retreat Subdivision area with our "Known Sinkhole" data layer shown. According to the data collected by the USGS in the early 1990's there are no known sinkholes within the project site. We recommend an on-site visit to ground proof the data and to check for additional sinkholes that may have formed since 1990 and to mark the exact location of the sinkholes.

I hope this information will be of value to you. Should you need further assistance, please call.

Respectfully,

A handwritten signature in black ink, appearing to read "Robert Schnably", is written over a horizontal line.

Robert Schnably
District Conservationist

Enclosures

Known Sinkholes -- EXHIBIT F

Customer(s): Resource International
Shepherds Retreat



District: EASTERN PANHANDLE CONSERVATION DISTRICT

Field Office: RANSON SERVICE CENTER

Agency: NRCS



Legend

● Sink Holes

Note:
Sinkhole locations are approximate.
Not all sinkholes have been identified
or located on this map.

Image: Natural Color Orthophoto

640 0 640 1,280 1,920 2,560 Feet



Exhibit G1

Shepherds Retreat



Jefferson County
West Virginia
Planning Commission

Exhibit G2

Map 3
Highway Problem
Areas

NOTE: SEE TABLE T-2 FOR
DESCRIPTION OF PROBLEM
AREA LOCATIONS

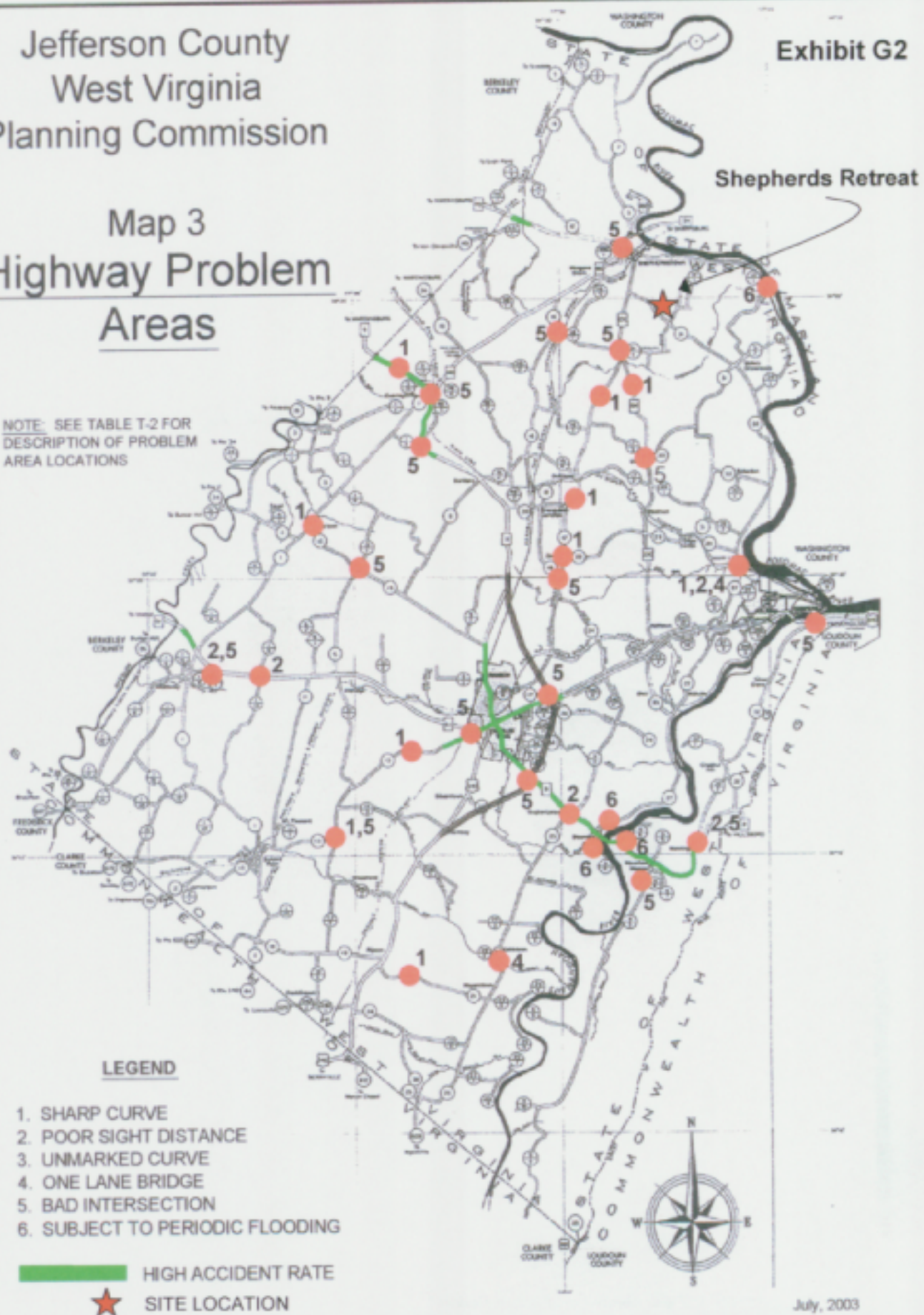


TABLE T-2
Highway Problem Areas

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 Qpequon 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



SHERIFF and TREASURER of Jefferson County

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

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

April 27, 2006

*Shepherds Retreat, LLC
241 Edmond Road
Kearneysville, W.V. 25414*

Dear Mr. Kubic:

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 "Shepherds Retreat Subdivision" located on the north side of Route 31 (Engle Moler Road) and 0.83 miles east of Route 230 (Shepherdstown Pike) 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*

Jefferson County, WV

National Register of Historic Places

Exhibit I

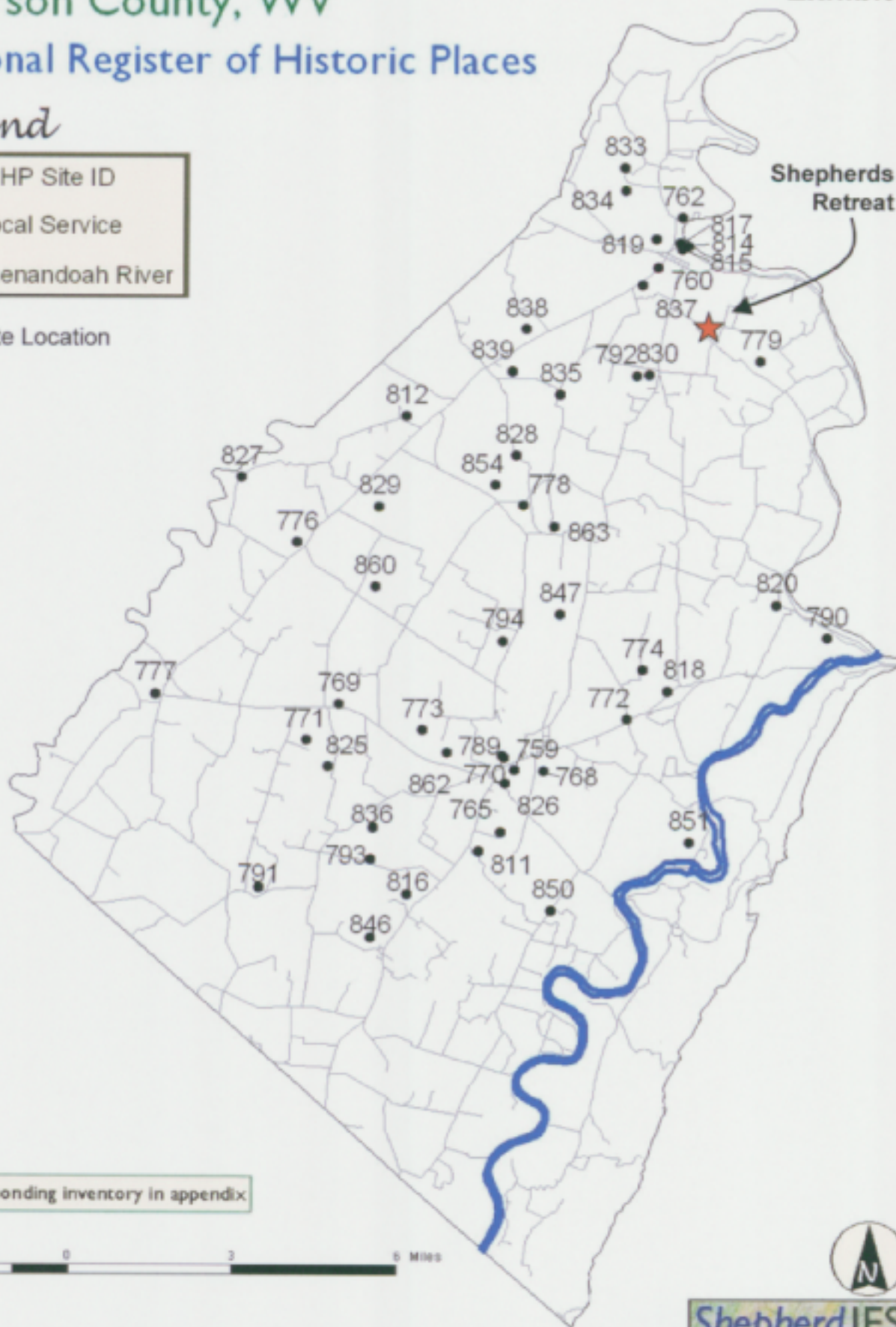
Legend

• NRHP Site ID

Local Service

Shenandoah River

★ Site Location



Shepherds Retreat

See corresponding inventory in appendix

3 0 3 6 Miles



Shepherd IES

NATIONAL REGISTER SITES IN JEFFERSON COUNTY

NHS ID NUMBER	NAME OF SITE
759	Gibson-Todd House
760	Morgan-Bedinger-Dandridge House
762	Van Swearingen-Shepherd House
765	Jacks-Manning Farm
768	Belvedere
769	Harewood
770	Jefferson County Courthouse
771	Richwood Hall
772	Rion Hall
773	Worthington
774	Beall Air
776	Prato Rio
777	Middleway Historic District
778	Burr
779	Lucas
789	New Opera House
790	Lee-Longworth House
791	White House Farm
792	Cold Spring
793	Blakeley
794	Aspen Hill
811	Hillside
812	Traveller's Rest
814	Shepherd's Mill
815	Rumsey Hall
816	Beverley
817 & 819	Shepherdstown Historic District and Historic District Boundary Increase
818	Halltown Union Colored Sunday School
820	Strider Farm
825	Cedar Lawn
826	Washington
827	Bower
828	Hazelfield
829	Woodbury
830	Elmwood
833	Elmwood
834	Fruit Hill
835	Glen Burnie
836	Claymont Court
837	Balling Spring - Morgans Grove
838	Rockland
839	Rose Hill Farm
846	Grubb
847	Media Farm
850	The Hermitage
851	Hopewell
854	Tackley Farm
860	Jefferson County Almshouse
862	Altona
863	Gap View Farm

Description of National Register of Historic Places
Site ID # 779 - Lucas

Lucas, Capt. William and Lucas, Robert, House ** (added 1982 - **Building** - #82004323)
Also known as **Linden Spring**
SE of Shepherdstown on SR 31, Shepherdstown

Historic Significance: Person, Architecture/Engineering

Architect, builder, or engineer: Unknown

Architectural Style: No Style Listed

Historic Person: Lucas, William

Significant Year: 1793

Area of Significance: Architecture, Exploration/Settlement

Period of Significance: 1750-1799

Owner: Private

Historic Function: Domestic

Historic Sub-function: Single Dwelling

Current Function: Domestic

Current Sub-function: Single Dwelling



EXHIBIT J

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

May 30, 2006

Peter Kubic
Shepherds Retreat, LLC
201 Edmond Rd.
Kearneysville, WV 25430

Re: Shepherds Retreat, LLC

Dear Mr. Kubic:

There is one active public water supply well within 1000 ft. of the proposed Shepherds Retreat Subdivision.

For security reasons, this office cannot provide the exact location.

The well is under the ownership of the Jefferson County Public Service District; contact is Susanne Lawton, General Manager, 210 W. 3rd Ave., Ranson, WV 25438 (725-4647).

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

Sincerely,

Alan F. Marchun

Cc: Susanne Lawton, Jefferson Co. PSD

Exhibit "J"

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

April 28, 2006

Shepards Retreat LLC
241 Edmond Road
Kearneysville, WV 25430

Dear Sirs:

The Jefferson County Health Department has received your request for information regarding contaminated wells within 1000 feet of the proposed Shepards Retreat Subdivision. It is located on the north side of WV State Route 31.

A review of our records indicates that the majority of the area in question is currently being served by public water. This department is unaware of any private wells that are contaminated with coliform bacteria. Public wells are not under the jurisdiction of the Jefferson County Health Department. You should contact Alan Marchum at the West Virginia Bureau for Public Health in Kearneysville at 725-9453 for information regarding public wells.

If you have any questions, please contact the Jefferson County Health Department at 728-8415.

Sincerely,

A handwritten signature in cursive script, appearing to read "Rosemarie Cannarella".

Rosemarie Cannarella, MD, MPH
Health Officer

Cc: Paul Raco, Jefferson County Planning, Zoning & Engineering
Richard Wheeler, District Sanitarian, WVBPH
Lisa Dunn, Registered Sanitarian

Exhibit K

State of the Schools Report

Jefferson County Schools
West Virginia

2005

Excellence in Teaching and Learning

Dr. Steven Nichols
Superintendent

Chart of Existing Enrollment and Building Capacities

Enrollment for 2004-2005 (current) and School Building Authority Building capacities for all schools:

School	Enrollment	SBA Capacity	
Blue Ridge ES	482	441	
ShIPLEY ES	434	357	
North Jefferson ES	329	378	
Page Jackson ES	400	504	
Ranson ES	385	357	
Shepherdstown ES	351	399	
South Jefferson ES	481	399	
TA Lowery ES	600	477	
Wright Denny ES	376	399	
Harpers Ferry MS	466	326	
Charles Town MS	875	742	
Shepherdstown MS	414	420	
Jefferson HS- 9 th Gd	655	600	
Jefferson HS	1646	1349	
Opportunity Learn. Ctr.	10*	27*	
Headstart	80*	80*	
Total Enrollment	7974		
Total SBA Capacity	7148	Seating Deficit	826

* These numbers for specialized programs are not included in the total enrollment.

Funding Related Issues

Budget development continues to be an issue. Although increased enrollment funds now arrive in the year of the growth, there is still a considerable shortfall between needs and resources. Once again, last year's Superintendent's Budget was approximately \$3 million beyond available funds. To bring the budget into alignment, action by the Board of Education reduced spending in maintenance, instructional support, and program initiatives.

It should also be noted that state aid to the system's technology plan has been reduced as to be non-effective. In fact, the technology support budget for RESA VIII (where JCS is to secure some of its tech support) has been at \$1 million for over a decade—money to serve the fastest growing RESA in the state. The Superintendent has expressed to the West Virginia Department of Education (WVDOE)) and State Board of Education (BOE)

Chart of Existing Enrollment and Building Capacities

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Total Enrollment	7974		
Total SBA Capacity	7148	Seating Deficit	826

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Budget development continues to be an issue. Although increased enrollment funds now arrive in the year of the growth, there is still a considerable shortfall between needs and resources. Once again, last year's Superintendent's Budget was approximately \$3 million beyond available funds. To bring the budget into alignment, action by the Board of Education reduced spending in maintenance, instructional support, and program initiatives.

It should also be noted that state aid to the system's technology plan has been reduced as to be non-effective. In fact, the technology support budget for RESA VIII (where JCS is to secure some of its tech support) has been at \$1 million for over a decade—money to serve the fastest growing RESA in the state. The Superintendent has expressed to the West Virginia Department of Education (WVDOE)) and State Board of Education (BOE)

Impact Fees

Jefferson County, West Virginia

June 11, 2003



Prepared by
Tischler & Associates, Inc.
Fiscal, Economic, and Planning Consultants
Bethesda, MD and Pasadena, CA

The pupil generation rate for single family housing units of .50 is the same rate for single family housing units in TA's 1991 impact fee study for Jefferson County. Thus, TA used the distribution from the 1991 impact fee to allocate the .50 rate among elementary, middle, and high school grades.

The Brown survey notes a lack of data in the multi-family demographics. *TA recommends using the previous pupil generation rates from TA's 1991 study for multi-family, which is .28 students per housing unit.* There is insufficient supportable data to use another source.

The remaining category is townhouses. As noted above, the Brown survey lacks data in the multi-family demographics. *For townhouses, TA recommends using the .38 pupil generation rate from the School Impact Advisory Committee.* The committee surveyed several townhouse developments constructed in Jefferson County since 1983. Because townhouses are a relatively new housing product in Jefferson County, it is reasonable to assume that the committee's survey is indicative of all townhouses in Jefferson County. The survey conducted by the School Impact Advisory Committee did not capture the townhouse information by grade. TA used the grade distribution for multi-family housing units as a reasonable proxy to allocate the .38 rate for townhouses.

The above recommendations result in the following:

Figure 4 – Public School Student Generation Rates

	Elementary School	Middle School	High School	All Grades
Single Family*	0.24	0.13	0.13	0.50
Townhouse**	0.24	0.07	0.07	0.38
Multi-Family***	0.18	0.05	0.05	0.28

* Includes single family detached and mobile homes.

** Includes single family attached and 2 units.

*** Includes 3+ units.

Elementary Schools

Figure 5 provides an inventory of existing elementary schools in Jefferson County. The data contained in this table are used to derive LOS standards for school land, buildings, and portable classrooms. The LOS standards are then used to determine capital costs per student in the impact fee calculations.

Attachment L

**WEST VIRGINIA STATE POLICE**

Kearneysville, West Virginia
May 3, 2006

Kubic Construction, Inc.
241 Edmond Road
Kearneysville, West Virginia 25430

RE: Providing police services for the Shepherds Retreat 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 dark ink, appearing to read "Sgt E.D. Anderson".

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

Exhibit M

SHEPHERDS RETREAT, LLC

241 EDMOND ROAD
KEARNEYSVILLE, WV 25430
304-728-4384 OFFICE
304-728-3924 FAX

MAY 4, 2006

SHEPHERDSTOWN FIRE DEPARTMENT
PO BOX F
SHEPHERDSTOWN, WEST VIRGINIA 25443
ATTENTION: ROSS MORGAN

DEAR MR. MORGAN

THIS LETTER IS TO REQUEST A LETTER VERIFYING THAT SHEPHERDSTOWN FIRE DEPARTMENT WOULD BE THE CLOSEST EMERGENCY FIRE AND RESCUE FACILITY TO OUR PROPOSED, SIX SINGLE FAMILY LOT SUB DIVISION. "SHEPHERDS RETREAT" LOCATED ON ENGLE-MOLER ROAD. I HAVE ENCLOSED A MAP OF THE PROPOSED LOCATION. I AM ALSO REQUESTING VERIFICATION THAT WASHINGTON COUNTY FIRE DEPARTMENT WOULD BE THE SECONDARY UNIT. THIS IS LOCATED IN BOONESBORO, MARYLAND.

THANK YOU FOR YOUR QUICK RESPONSE TO THIS REQUEST.

IF YOU NEED ANY FURTHER INFORMATION, I CAN BE REACHED AT 304-728-4384.

SINCERELY,


PETER KUBIC
SHEPHERDS RETREAT, LLC

EXHIBIT M



SHEPHERDSTOWN FIRE DEPARTMENT, INC.

8052 Martinsburg Pike • PO Box F • Shepherdstown, WV 25443

(304) 876-2311 • ShepherdstownFireDepartment.com

"Over 200 Years of Service by Trained Volunteers"

Office of the Fire Chief

May 7, 2006

Peter Kubic
Shepherds Retreat, L.L.C.
241 Edmond Road
Kearneysville, WV. 25430

Subject: Shepherds Retreat

Dear Mr. Kubic:

The Shepherdstown Fire Department is the primary Fire and EMS Department to your proposed sub division "Shepherds Retreat". The secondary department would be the Sharpsburg Fire Dept. Washington County Md. (not Boonesboro). Also I would like to add that the Shep. Fire Dept. is an all volunteer organization. As such we have problems both with the lack of available personnel and funding for emergency operations. We will provide your proposed development with same services that we provide to all the citizens of our fire district pending the availability of personnel and resources.

Sincerely,

A handwritten signature in dark ink that reads "Ross L. Morgan".

Ross L. Morgan
Fire Chief

Exhibit N



WVUH·EAST
CityHospital JEFFERSON
Memorial Hospital

May 4, 2006

Shepherds Retreat, LLC
24 Edmond Road
Kearneysville, West Virginia 25430
Attn: Peter Kubic

RE: Shepherds Retreat Subdivision

Dear Mr. Kubic:

This is in response to your letter to me concerning the request for hospital services for the proposed Shepherds Retreat 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,

Roger M. Eitelman
President & CEO

RME:lsr

EXHIBIT O

SHARPSBURG VOLUNTEER FIRE CO., INC.

110 West Chapline Street
SHARPSBURG, MARYLAND 21782
Phone: 301-432-6321

ORGANIZED 1943

INCORPORATED 1944

June 08, 2006

Mr. Peter Kubic
Shepherds Retreat, LLC
241 Edmond Rd.
Kearneysville, WV 25430

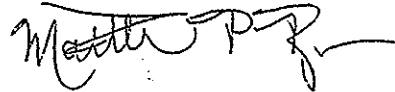
Mr. Kubic,

This letter is in reply to your request for our capabilities to respond to emergencies at a proposed new development on Engle-Moler Road in Shepherdstown.

The Sharpsburg Volunteer Fire Company, Inc. is the secondary provider for this area. Since we are a volunteer organization, our response capabilities vary with the time of day. During the daytime hours of 6AM until 4PM our staffing fluctuates greatly. Some days we only have 2 personnel able to respond and other days we have 6-8 personnel.

We cannot guarantee that we will be able to respond to all of the emergency incidents in this proposed development. However, we will respond to the best of our abilities with the limited personnel we may have for that given day.

Sincerely,



Matthew P. Ryan
Chief of Operations

Jefferson County
Public Service District

EXHIBIT P

June 1, 2006

Peter Kubic
Shepherds Retreat, LLC
241 Edmond Road
Kearneysville, WV 25430

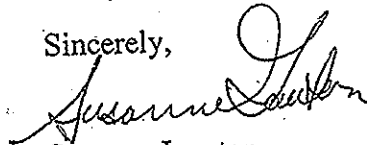
Re: Cavaland Well

Dear Mr. Kubic:

The Jefferson County Public Service District's well servicing the Cavaland community is functioning as intended and meeting drinking water standards.

If you have any further question, please contact our office.

Sincerely,



Susanne Lawton
General Manager

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

EXHIBIT Q

CRAWFORD & KELLER PLLC

ATTORNEYS AT LAW

120 NORTH GEORGE STREET

POST OFFICE BOX 266

CHARLES TOWN, WV 25414-0266

(304) 725-3426

FAX (304) 725-2154

www.crawfordandkeller.com

JAMES B. CRAWFORD, III
TASHA KELLER CATROW
DAVID J. HINKLE

PAMELA T. HINKLE
PARALEGAL

WRITER'S EXTENSION NUMBER 8816

MARTINSBURG OFFICE
305 AIKENS CENTER
MARTINSBURG, WV 25401

(304) 262-2237
FAX (304) 262-2239

May 9, 2006

Hand-Delivered

Mr. Pete Kubic
Kearneysville, WV 25430

Re: Property formerly owed by Bruce and Nancy Browning

Dear Pete:

Willis Gano developed the Cavaland Subdivision as part of his Day Farm purchase. The plat is in Plat Book 4 at Page 18 and was recorded in 1976. In subsequent years, Mr. Gano divided this large parcel of real estate into various additional size tracts during his period of ownership. One such tract was Tract I which was created in 1978.

In reviewing all of Mr. Gano's sales from this farm, it is apparent that he was very particular about either attaching restrictive covenants to property or not attaching restrictive covenants to property. In those transactions which he intended not to attach restrictive covenants, he did not mention anything in the deed concerning covenants. In those deeds which he intended to attach restrictive covenants, he expressly made them subject to specific covenants, and in some cases, even spelled out the restrictive covenants in the deed itself.

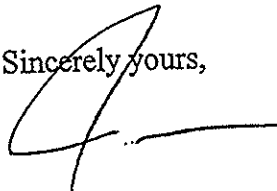
Tract I from Mr. Gano contains no references to restrictive covenants. However, on the plat of the tract, the surveyor included a notation that the tract was subject to restrictive covenants contained in Plat Book 4 at Page 18.

Three questions arise as a result of the surveyor's notation. Did Mr. Gano intend that the notation on the plat would suffice as to impose restrictive covenants on Tract I, did the subsequent owners treat the property as subject to covenants and did Mr. Gano have a common scheme or plan with regard to restrictive covenants? It is my opinion that Mr. Gano had a common scheme or plan in that he either expressly included them or he expressly excluded them from his deeds. It is my opinion that the notation that appears in the plat was simply done by the surveyor and was not the intention of Mr. Gano to subject Tract I to the covenants in Plat Book 4, at Page 18. For instance, covenants 12 through 14 are totally irrelevant and inappropriate since they refer to specific lots in the Cavaland Subdivision for road maintenance purposes. Lastly, it

appears that the subsequent owners treated this parcel as not subject to the covenants since there is more than one residence on the property which would be in violation of covenant number 5.

Based on the above, it is my opinion that the restrictive covenants set forth in Plat Book 4 at Page 18 are not applicable to this tract and are hence not enforceable as covenants.

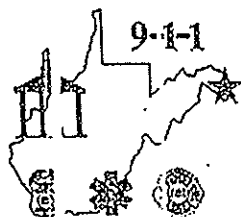
Sincerely yours,

A handwritten signature in black ink, appearing to be 'JBC', with a horizontal line extending to the right.

James B. Crawford, III

JBCIII/ce

Exhibit R



JEFFERSON COUNTY

9-1-1 ADDRESSING OFFICE

Jeffrey A. Polczynski, ENP • Director of Communications
116 East Washington Street • Mason Building • Room #25
P.O. Box 208 Charles Town, WV 25414-0208
Telephone: (304) 724-6759 • FAX: (304) 724-8992
addressing@jeffersoncountywv.org

July 17, 2006

SHEPHERDS RETREAT, LLC
ATTN: PETER KUBIC
C/O KUBIC CONSTRUCTION
241 EDMOND ROAD
KEARNEYSVILLE WV 25430

TO WHOM IT MAY CONCERN:

This certifies that the Jefferson County 9-1-1 Addressing Office has given final approval for the following road names and their street suffixes for the **SHEPHERDS RETREAT SUBDIVISION**. DPZE File # 06-15

Road Name	Suffix
SUFFOLK	DRIVE
DORSET	WAY

All road signs must be purchased through the County's maintenance contract if the roadways are located within the unincorporated area of the County. A plat of the subdivision must be submitted and the Addressing Office will calculate the fees required for road sign purchase. Fees must be remitted to the Addressing office prior to the scheduling of road sign installation.

For streets within the corporations of Charles Town, Ranson, Harpers Ferry, Bolivar and Shepherdstown, you must contact that corporation to coordinate road sign installation.

Should you have any questions, please contact the Jefferson County Addressing Office at (304) 724-6759 or via email at addressing@jeffersoncountywv.org.

Sincerely,

Mr. Jeffrey A. Polczynski, ENP
Director of Communications
Jefferson County Addressing Coordinator

NOTICE OF PUBLIC HEARING

Please take notice that a public hearing will be held on Thursday, December 21, 2006 at 3:00 p.m., in the Charles Town Library meeting room located at 200 East Washington Street at the side entrance on Samuel Street in the City of Charles Town, to consider public comments on the following variances:

Owner/ Developer	Location	Tax Map Reference	Variance Request
Shepherd's Retreat LLC	Intersection of Route 31 (Engle Moler Road) & Suf- folk Drive	Shepherdstown District Map 12 Parcel 3.16	Front Set- back from 25' to 7' for Exist- ing Milk Barn Apartment House 10.0884 Acres
Shepherd's Retreat LLC	Intersection of Route 31 (Engle Moler Road) & Suf- folk Drive	Shepherdstown District Map 12 Parcel 3.16	0' Front Park- ing Setback for Existing Milk Barn Apartment House 10.0884 Acres

EXH BTT-S