

## **Shepherdstown Planning Commission**

### **Draft Minutes**

**March 15, 2010**

**Town Hall, 7 pm**

Call to Order: Pam Berry, Bane Shill, Karene Motivans, Josh Stella, David Rosen, Lori Robertson, Catharine Wilson, Harvey Heyser.

Approval of Minutes, February 24, 2010 meeting; PC noted that agenda items sign committee and Board of Appeals were not discussed. Harvey Heyser was present at the meeting. H. Heyser, wanted to clarify that PC member Karene Motivans was not in attendance during the review of her application and she recused herself. Item 8, discussed, no action was taken. Item 6, applicant agreed that metal edges and transitions be detailed as similarly as existing, H. Heyser motion to approve, C. Wilson seconded; approved unanimously.

Conflicts of Interest: None known, none reported.

Visitors: Heather McSharry, Kevin Saylor, Michael Theis.

Mayor and Town Council report: L. Robertson, new historic guidelines were approved. K. Motivans questioned Town Council approving something that the PC had not recommended. P. Berry pointed out that the PC was charged with making sure there were no conflicts between the guidelines and Title 9 ordinances. J. Stella pointed out that the ordinance and the WV state code do not require the HLC to submit the guidelines to the PC for approval. H. Heyser stated that he would support HLC's desire to get something official on the table.

Zoning Officer Reports: Urban Growth Boundary; Jefferson County Commissioner Lyn Widmyer and Jefferson County planner Jennifer Brockman told Michael Abshire they would be glad attend a Town Council meeting to answer questions concerning the UGB. H. Heyser, stated that the UGB is in conflict with water and sewer. PC requested that the Town Clerk make sure that members of the HLC,

PC, Water & Sewer board are aware of the Town Council meeting when Widmyer and Brockman plan to attend.

#### Applications for Consideration:

#10-02, Jay Hurley, 205 E. Washington St., build a storage barn. The applicant was unable to attend because of an out-of-town television appearance; Kevin Saylor, who will be helping on the project, attended to answer technical questions. J. Stella stated there seemed to be no problem with the plans other than the zero setback on the West boundary. K. Motivans questioned the height of the building which was marked on the applicant's drawings at 22-feet and meets ordinance requirements. PC questioned the materials to be used. K. Saylor stated that a collapsed wooden barn on Ridge Road would be used for the structure; K. Motivans questioned whether there was a historic structure report on it and was informed it was not only out of Shepherdstown boundary but had already collapsed. K. Saylor continued with a materials report: white cement board with 7-inch lapped pattern for the exterior; all windows used would be old wooden windows; the roof would be standing seam painted barn-roof red. P. Berry pointed out the options the PC had: recommend approval of the structure, but reject the application as submitted because of setback issue and send it to Board of Appeals; or modify the plans to meet the three-foot setback. H. Heyser motion to reject the application based solely on west setback, as per §9-208, and to indicate to the applicant that the PC has no other objections about the application and if the applicant wants to modify design to meet the setback, PC will accept the application back and consider only the setback issue. D. Rosen seconded; motion approved unanimously.

#10-03, Tomas Gomez, 140 E. German St., hang a business sign on current bracket. Motion to approve by D. Rosen, seconded by L. Robertson. Discussion: K. Motivans noted that there was a sign before, so the PC can't deny it now. H. Heyser said the sign bracket appeared to be damaged. PC felt a photo of premises would have been helpful to discussion. Motion approved unanimously.

New Business: J. Stella and D. Rosen suggested that the PC needed a tracking system for applications. D. Rosen felt the zoning officer needed to be involved; he emphasized that the software tracking system needed to be kept simple because of

personnel turnover and if access was allowed to public. J. Stella and D. Rosen will meet and submit a plan to PC.

Sign Committee formed to update the sign ordinances: J. Stella, C. Wilson, B. Schill. Time frame to get back to PC: D. Rosen suggested that the SBA (Shepherdstown Business Association) should be involved from the start. Six weeks (April 26, 2010) to report back to PC.

Fence Ordinance Committee formed: K. Motivans, H. Heyser, D. Rosen. Time frame to report back: eight weeks (May 3, 2010).

Tracking system: D. Rosen, J. Stella. Time frame to report to PC—H. Heyser suggested a month; D. Rosen thought it should be “this week” if the cost is going to make it into the budget.

Comprehensive Plan: P. Berry pointed out that it is technically outdated; even so, PC decisions can't go against the Comprehensive Plan and it should be taken into account, but the Comprehensive Plan is not the bible. K. Motivans asked about the procedure to get it updated as she has been waiting for years for it to expire; a note from the PC to Town Council stating the Plan is outdated and the PC needs it updated to function properly.

Continuing business: H. Heyser addressed why he wrote the letter concerning the PC's review of application #09-25. At the February 2010 meeting PC voted to take no action on the letter. H. Heyser said he had two concerns: that the PC needed to tighten ordinances when it could, observing that Title 9 cannot deal with every single situation that arises in a building permit.

Second, the PC is not permitted to alter the minutes after the fact; H. Heyser stated that the letter contained his recollections after the meeting; he believes the way the application system works that the vast majority of applications are not complete, and that the info the PC has to review before the meeting does not answer all the questions; in addition, applicants often present new material at the PC meeting and a lot of that is verbal and it is of significant merit.

H. Heyser believes that PC members have no recourse after they have given an application or issue further thought; he believes that a letter addressed to PC would

be appropriate as there is no avenue for him to raise issues and concerns after a meeting has ended.

H. Heyser stated that the applicant (#09-25) later claimed he had been mistreated, yet the applicant's representative was given more time than most and still fell short in providing the necessary facts.

H. Heyser said he did not want to offend anyone, but he would [send a letter to the PC] in the future. P. Berry expressed that submitting a letter to the PC was no problem, but the PC could not modify the minutes. H. Heyser said he only wanted the letter to go into the record of the meeting.

Board of Appeals: P. Berry said that all BZA issues had been resolved.

Adjourn: 8:55

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