

Draft Minutes

Planning Commission

Town Hall, June 15, 2009

Agenda item 1: Call to order 7:05; Attending: Harvey Heyser, Lori Robertson, Josh Stella (Chair), Erik Janus, Karene Motivans, Paul Welch, Catharine Wilson. Michael Abshire (minutes). Absent: Jim Auxer, Pam Berry.

Agenda item 2: Approval of May 21, 2009, minutes deferred until next meeting.

Agenda item 3: Conflicts of interest; none.

Agenda item 4: Visitors: Maria Allen, Bane Schill.

Agenda item 5: Mayor's and Town Council's Report: L. Robertson reported on the Town Hall building project. H. Heyser took exception to Town Council approving the Town Hall being razed. Discussion revolved around the issue of the Town government circumventing the Historic Landmarks and planning and zoning process. M. Abshire suggested that approval began with Town Council as it seemed pointless to go through the application process only to have Town Council turn it down. Also noted was that Town officials knew the Planning Commission would be required to deny the application because of variances needed from the Board of [Zoning] Appeals (BZA). J. Stella pointed out that decision-making in the PC is limited while the BZA has more latitude. H. Heyser stated that members of the PC had been promised all along that the PC would be involved in the Town Hall building process; he questioned why the architect didn't appear before the PC and at least present PC with an abbreviated version of the plans. H. Heyser posed the question what happens if the PC digs in its heels and denies the application? And pointed to the possibility that the various sides come to loggerheads and start hiring attorneys, who will be the only ones to profit. P. Welch concluded the PC has to wait on the application and make decisions then.

Agenda item 6: Shepherdstown Historic Landmarks Commission Report: M. Abshire reported that Sue Nash, acting chair of the Historic Landmarks Commission (HLC), wanted to seek a "Historic Structure Report" on Town Hall by

an outside consultant. K. Motivans commented that [according to the information she received at public meetings] Town Hall is not structurally sound to build upon.

Agenda item 7: Zoning Officer Report: none

Agenda item 8: Applications:

09-22, Maria Allen, 111 W. German Street, sign. P. Welch moved to approve the application based on §9-201 II; E. Janus seconded; motion passed unanimously.

Agenda item 9. Continued Business

- A. Blasting Ordinance. A special PC session is scheduled for July 6, 2009, with Town attorney Chazz Printz attending. E. Janus does not agree with lawyer coming. P. Welch indicated the attorney might explain why the proposed ordinance would cause the town more difficulty—what are the exact liability reasons for why there is a problem.
- B. List of Title 9 issues to be resolved. No action.

Agenda item 10. New Business: H. Heyser said he spoke with Hank Willard, who served on the Streetscape Project, about the exposed transformer on King Street [behind the War Memorial Building]. H. Willard agreed to come before the PC to re-submit an application for a fence that was turned down by the PC last year.

K. Motivans wanted to know the status of signs for businesses: Full Circle Theatre, Azad's Rugs, and Allie Cat[s Moon Dogs}. M. Abshire stated that Full Circle had been sent two letters with the application package; a representative claimed on two different occasions the application would be coming in and never showed. Azad has been visited by M. Abshire on three occasions, sent one letter; Mayor Auxer spoke with Azad at least twice. An Allie Cat co-owner claimed to have picked up an application, in addition to having one hand-delivered by M. Abshire; no response as yet. K. Motivans wanted to know what kind of tracking system the Zoning Officer used; it is done with an Excel program [in addition to popup reminders in the calendar section of Outlook]. M. Abshire requested the PC decide on the time-element process of notification, number of warning letters, and exactly what enforcement they would prefer.

H. Heyser presented a form that he designed to speed and simplify the Notice of Decision process. The Heyser Form drew only positive response.

Agenda item 11: Board of Appeals: No action.

Adjourned at 8:25.