

Draft Minutes

Shepherdstown Planning Commission

Town Hall

March 16, 2009

Agenda item 1, call meeting to order 7:05 p.m. Members present: Mayor Jim Auxer, President Pam Berry, Harvey Heyser, Karene Motivans, Stuart Wallace, Paul Welch, and Catharine Wilson. Zoning officer Michael Abshire

Agenda item 2, approval of minutes, S. Wallace moved the minutes be held until last to consider applications. Seconded by Pam Berry. Approved.

Agenda item 3, conflicts of interest. None known nor reported.

Agenda item 4, Visitors: Michael Taylor, Wendy Moseley, Jack Kendall, James Puglisi, Robert and Dana Mitchell, Tom and Linda Sanders, Bob Rauth.

Agenda item 5, Mayor's and Town Council's Report. No report.

Agenda item 6, Shepherdstown Historic Landmarks Commission (SHLC) Report. Contract with state for its portion of the historic survey grant, signed and returned to WV Department of Culture and History. HLC still down one member.

Agenda item 7, zoning officer's report. Nothing to report.

Agenda item 8, applications for consideration.

08-48, *Michael Taylor, 201 Rocky Street, removal of structures.* The applicant answered all questions that arose in his first appearance before the PC. K. Motivans and S. Wallace used Interior Department guidelines, visited the site and concluded the barn structure cannot be deemed "of unusual importance to the town." No reports were done by the Town. H. Heyser felt the Town had not done due diligence in regard to this application. The Mayor contacted a professional historic preservation consultant but was told she would not review one property and have that review included in the package that will be the upcoming 2009 Historic Survey of Structures, as there was no assurance she would win the bid for the job. All the Historic Landmarks Commission was concerned about was

whether there was log underneath; the contractor removed portions of the exterior covering in several locations around the house; this revealed the structure was built sometime in the 20th century and had no log construction. Application met requirements of 9-902 I (a), IV (a) (b) (d). C. Wilson made a motion to approve application; P. Welch seconded. Passed with a majority; H. Heyser nay, K. Motivans abstained. Contractor will hold off removal of structure for 30 days if anyone wants to remove any or all of the materials.

09-07, Wendy Moseley, 300 W. High Street, handrails. As there is no specific ordinance covering handrails, handrails come under 9-902 I (a) (c), which covers changing the exterior appearance of a contributing structure. H. Heyser moved to approve the application; K. Motivans seconded; approval passed unanimously. In addition, the PC approved, pending Town Council approval, a handrail in the public right of way for the steps leading from the sidewalk to street in front of the applicant's house. If Town Council approves the installation, the applicant will supply the approved handrail and the labor.

09-09, Jack Kendall and James Puglisi, 207 E. German Street, install fence and handrail. Applicants amended the application to use a post they had been unable to locate prior to applying, but eventually located. H. Heyser moved to approve as amended, per 9-802(d); P. Welch second; unanimous approval of amended application.

09-03, Robert Mitchell, 103 W. High Street, addition and renovation. After a February informal discussion with the HLC and the PC concerning the application for an addition, the applicant made changes to reconcile differences in his plans, a neighbor's concerns, HLC guidelines, and Town ordinances: size and direction of addition adjusted. Applicant is leaving the original house alone. S. Wallace moved to approve the application, per 9-503, 9-506, 9-508, 9-902 IV (a) (b); H. Heyser second. Unanimous approval.

09-06, Tom Sanders, 331 W. High Street, addition and renovation. HLC withheld recommendation to approve application specifically based on the "massing" and the plan to remove the log portion. PC agreed that lots of record are small or substandard, but applicant/owner has every right to use. Lot size not an issue, but

setbacks issues exist. Neither side yard has 12-foot setback as required by ordinance.

[Prior to vote on 09-06, P. Welch was called out (7:53 p.m.) and K. Motivans left (7:55 p.m.)]

H. Heyser expressed his appreciation that the applicant has attempted to present a better application package, but believes it remains unacceptable. A roof on one drawing was not shown on any other drawings and seemed to have no relation to anything. Though problems noted in the drawings are solvable. Second, the applicant maintains the desire to be historically sensitive, but drawings do not bear this out. Additions should defer to the historic portion and that does not appear to be the case with the size of the addition. The front porch appears different than the historic photograph submitted with the application. Third, addition is too big, too obvious, and overwhelms the original house and is not in keeping with the Secretary of the Interior's guidelines.

List of PC concerns: The house is a contributing structure; size of addition, porch post spacing is inaccurate, proposed garage opens to the front, and removal of the rear wing log portion (labeled, stacked, use elsewhere).

PC suggestions: Applicant encouraged to retain the rear bay; need clear delineation of a demolition plan of what is coming off; if applicant has a plan for the use of the logs it would be helpful to submit that plan; design in such a way that there is a subtle indication where the old house ends and the new addition begins; remove the gabled roof design as it makes the addition bigger. Though it is not something the Town can tell the applicant to do, PC strongly suggested the applicant pick a contractor now so the contractor can be involved in this process.

PC returned the application for more work. In addition, the PC agreed to a joint April 6, 2009, work session involving the PC, HLC, and the applicant.

09-08, Regina Franklin, 120 W. German Street, business sign. J. Auxer made a motion to approve the application based on 9-902 I, II, III. H. Heyser seconded. In discussion, S. Wallace objected to sign's content which goes beyond the ordinance requirements of being a sign. Though the same sign had approval for a New Street location where a business sign needs to attract attention, some PC members felt

that this is inappropriate for German Street where a business has everyone's attention. The content could be interpreted as being advertising and if the adjectives were removed it would be more in keeping with the ordinance. The current sign for this business on East German Street is appropriate. The four PC members present voted to deny approval based on 9-201 II.

Agenda item 2, approval of minutes. Approval of January 19, 2009, regular PC session and February 6, 2009, PC working session minutes.

C. Wilson moved the meeting be adjourned; H. Heyser seconded; approved at 9:14 p.m.