

**CLARKE COUNTY  
PLANNING COMMISSION  
Minutes  
2009 March 6 – 9:00 a.m.  
Main Meeting Room**

A regular meeting of the Planning Commission of Clarke County, Virginia, was held at the Town/County Joint Government Center, Berryville, Virginia, on Friday, March 6.

**ATTENDANCE**

George L. Ohrstrom, II, Chair; Anne Caldwell, Vice Chair; Jay Arnold, A.R. Dunning, Jr., Beverly McKay, Pat McKelvy, Cliff Nelson, Kathy Smart, and Bob Wade.

**ABSENT**

Barbara Batterton and Chip Steinmetz

**STAFF**

Charles Johnston, AICP, Planning Director; Jesse Russell, Zoning Administrator; Nancy Olin, Code Enforcement; and Debra Bean, Recording Secretary.

**CALL TO ORDER**

Chair Ohrstrom called the meeting to order at 9:08 a.m.

**Approval of Agenda**

The Commission voted unanimously to approve the agenda.

**Yes:** Arnold, Caldwell (seconded), McKelvy, Nelson, Ohrstrom, Smart (moved), and Wade

**No:** No one

**Absent:** Batterton, Dunning, McKay and Steinmetz

Commissioner McKay entered the meeting

**Approval of Minutes**

The Commission voted unanimously to approve the briefing minutes of 2009 February 3 with a correction.

**Yes:** Arnold, Caldwell, McKay, McKelvy (moved), Nelson, Ohrstrom, Smart (seconded), and Wade

**No:** No one

**Absent:** Batterton, Dunning, and Steinmetz

The Commission voted unanimously to approve the regular meeting minutes of 2009 February 6 with corrections.

**Yes:** Arnold, Caldwell, McKay, McKelvy (seconded), Nelson (moved), Ohrstrom, Smart, and Wade

**No:** No one

**Absent:** Batterton, Dunning, and Steinmetz

**SPECIAL USE PERMIT / SITE PLAN AMENDMENT – CONT'D PUBLIC HEARING**

**The Town of Berryville requests approval of an amendment to the Special Use and Site Plan for the Town Wastewater Treatment Plant so as to expand and upgrade the facility located at 362 Parshall Road, Tax Map Parcel 14-A-68, Battletown Magisterial District, zoned Agricultural-Open Space-Conservation. SUP-09-02**

Mr. Russell explained this request. He said that the applicant has revised the site plan in regard to stormwater management and erosion and sediment control. He stated that the Town would like to move forward on this project. After discussion with staff and the Commission, Chair Ohrstrom called for public comments.

Keith Dalton, Berryville Town Manager, was present and stated he would like to see this move forward. He said the architects for the project are present today to answer questions from the Commission.

David Tyrrell, Berryville Town Utilities Director, was present and answered questions from the Commission. He stated that the Town is very anxious to move forward on this request in order to meet the deadline required by the Virginia Department of Environmental Quality.

Commissioner Dunning entered the meeting.

Bob Krallinger, P.E., Whitman, Requardt & Associates, LLP, engineer for the Town of Berryville, was present and gave a brief report on the project. Several Planning Commissioners stated that they would like to see the road be less intrusive.

Eric Lawson, Architect with Whitman, Requardt & Associates, LLP, was present and gave a brief overview of the project. He stated that people do not notice if a building is constructed that blends with the natural environment, therefore the proposed building will be made of earth tone concrete panels and be delivered on site. He stated that the Town wants to keep it fairly simple and for the proposed building to go with the existing landscape. He presented drawings to the Planning Commission showing the different aspects proposed for the new building.

Chair Ohrstrom questioned the comments from Chester Engineers. Mr. Russell stated that all of these issues could be resolved before this goes to the Board of Supervisors.

Commissioner Dunning stated that Mr. Lawson has done an excellent job to make this project unobtrusive. He said he would like to see a resistivity test performed.

Commissioner Nelson had concerns regarding the issues with the comments from Rick Travers, the County's consulting engineer with Chester Engineers. Mr. Nelson stated that as a geologist he couldn't vote yes on this project without having complete information.

There being no further public comments, Chair Ohrstrom closed the public hearing.

Chair Ohrstrom called for a motion.

The Commission voted to recommend approval of this request to the Board of Supervisors with the following conditions:

1. A Blasting Plan be approved by the Board of Well and Septic Appeals if explosives are used on the property;
2. All issues identified by Chester Engineers are addressed; and
3. A resistivity test is done for the area containing the phase one structures.

**Yes:** Arnold, Dunning (moved), McKay (seconded), McKelvy, Ohrstrom, Smart, and Wade

**No:** Caldwell and Nelson

**Absent:** Batterton and Steinmetz

### **MAJOR SUBDIVISION – PUBLIC HEARING**

**Robert W. Claytor requests approval of a seven-lot major subdivision of Tax Map Parcel 28-A-20A, located at 8153 John Mosby Highway, zoned Highway Commercial, CH, Greenway Magisterial District. S-09-01**

Mr. Johnston explained this request. He stated that the applicant is requesting preliminary and final plat approval for a 6 lot major subdivision for the Highway Commercial (CH) property located in Waterloo with a 7<sup>th</sup> lot being dedicated to the Sanitary Authority. He stated the applicant's engineer is working on the design for the proposed public road. After discussion with staff and the Commission, Chair Ohrstrom called for public comments.

There being no public comments, Chair Ohrstrom called for a motion.

The Commission voted unanimously to postpone action and continue the public hearing on this request in order to allow time for the applicant to provide a road profile.

**Yes:** Arnold, Caldwell, Dunning, McKay (seconded), McKelvy, Nelson, Ohrstrom, Smart (moved), and Wade

**No:** No one

**Absent:** Batterton and Steinmetz

### **MINOR SUBDIVISION**

**Thomas and Rebecca Lawson request approval for a two-lot subdivision for Tax Map #28-((A))-55 located at 15377 Lord Fairfax Highway, Greenway Magisterial District, zoned Agricultural-Open Space-Conservation (AOC). MS-08-11**

Mr. Russell explained this request. He stated that all the requirements have been met as required in the subdivision ordinance. After discussion with staff and the Commission, Chair Ohrstrom called for a motion.

The Commission voted unanimously to approve this request.

**Yes:** Arnold, Caldwell, Dunning (seconded), McKay, McKelvy, Nelson, Ohrstrom, Smart (moved), and Wade

**No:** No one

**Absent:** Batterton and Steinmetz

**Citizen Planning Education Association of Virginia, Inc. certification class for Planning Commissioners**

**– Cliff Nelson & Chip Steinmetz**

Commissioner Nelson gave a brief discussion about the certification class he and Commissioner Steinmetz attended. He had manuals available to share with the Planning Commission. Commissioner Dunning commended Commissioners Nelson and Steinmetz for the jobs they do on the Planning Commission. He stated that they are assets to the Commission.

**ANNUAL REPORT**

The annual report for 2008 was presented by Mr. Johnston. Commissioner Caldwell commended Ms. Bean on all the work involved in compiling the data.

**Board/Committee Reports**

Board of Supervisors

**– Pete Dunning**

Commissioner Dunning stated that the Board will be holding public hearings on the Georgetown University and Shenandoah Area Agency on Aging applications on 2009 March 17.

Commissioner Dunning left the meeting.

Sanitary Authority

**– Pete Dunning**

Nothing to report.

Board of Septic & Well Appeals

**– Pete Dunning**

Nothing to report.

Board of Zoning Appeals

**– Anne Caldwell**

Nothing to report.

Historic Preservation Commission

**– Cliff Nelson**

Commissioner Nelson stated that the Virginia Department of Historic Resources is still working on the Bear's Den National Register District nomination in response to issues raised by the U.S. National Park's Service as to the number of data points defining the boundary. He said the Commission is talking about establishing a specific standard for civil penalties for the demolition of structures in local historic districts without the permission of a local architectural review board, such as the County Historic Preservation Commission.

Conservation Easement Authority

**– Pat McKelvy**

Commissioner McKelvy stated that the amount of property in easement is currently about 17%. She said Ms. Teetor has acquired most of the revenue thru grants.

Agriculture Land Plan update

**– Bev McKay**

Commissioner McKay encouraged the Commissioners to read the Ag Land Plan that was done about 10 years ago. He said that the Ag Land Plan is a basis for the County's rural zoning. He stated that he is currently working on setting up a committee.

**Staff Reports**

Natural Resource Activities

– Alison Teetor

Nothing to report.

Enforcement Officer

– Nancy Olin

Ms. Olin's progress reports for 2009 January 28 thru 2009 February 26 were reviewed. Commissioner Caldwell stated she would like to see Ms. Olin start checking on the logging being done on the mountain. Commissioner Smart had concerns about the campers on the river. Ms. Olin stated that the realtor told her the campers are having trouble moving out due to the muddy conditions.

Other

Commissioner Nelson suggested changing the briefing meetings back to 3:00 p.m. during daylight savings time and moving to 2:00 p.m. when standard time begins. After discussion with staff and the Commission, Chair Ohrstrom called for a motion.

The Commission voted unanimously to schedule the briefing meetings for the rest of 2009 to 3:00 p.m. during daylight savings time. Thereafter, the briefing meetings will be at 2:00 p.m. during standard time.

**Yes:** Arnold, Caldwell, McKay, McKelvy, Nelson (moved), Ohrstrom, Smart (seconded), and Wade

**No:** No one

**Absent:** Batterton, Dunning, and Steinmetz

There being no further discussion to come before the Planning Commission the meeting was adjourned at 11:10 a.m.

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George L. Ohrstrom, II, Chair

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Charles Johnston, Clerk

Minutes prepared by  
Debra L. Bean, Recording Secretary