

BERRYVILLE AREA DEVELOPMENT AUTHORITY
REGULAR MEETING
Wednesday, May 11, 2022 at 7:00PM
Berryville-Clarke County Government Center – Main Meeting Room
101 Chalmers Court – Berryville, Virginia

A meeting of the Berryville Area Development Authority (BADA) was held on Wednesday, May 11, 2022.

ATTENDANCE

Authority Members Present: Diane Harrison; John Hudson; Allen Kitselman (Chair); George L. Ohrstrom, II (Vice-Chair); Kathy Smart; David Weiss

Staff Present: Christy Dunkle, Berryville Assistant Town Manager; Brandon Stidham, County Planning Director

Others Present: Deborah Liggins, Dorothy Davis

Chair Kitselman called the meeting to order at 7:00PM.

APPROVAL OF AGENDA

The Authority voted to approve the agenda as presented.

Yes: Harrison, Hudson, Kitselman, Ohrstrom (seconded), Smart (moved), Weiss

No: None

Absent: None

APPROVAL OF MINUTES

The Authority voted to approve the minutes of the March 23, 2022 meeting as presented.

Yes: Harrison (seconded), Hudson, Kitselman, Ohrstrom (moved), Smart, Weiss

No: None

Absent: None

PUBLIC HEARING – SITE PLAN

Chair Kitselman called the public hearing to order.

Ms. Dunkle gave a brief overview of the request. She said she had received verbal approval from the DEQ on Friday, May 6 and the Town's consulting engineer earlier in the day, adding that Town staff has scheduled a meeting for the following morning to discuss process.

Chair Kitselman recognized Lara Dunlap, agent, LGV Group, LLC, who discussed the site plan. She said that, based on square footage of the three buildings and DEQ comments concerning stormwater requirements, LGV Group decided to reevaluate the site plan to reduce the building area which would increase the open space and forestry designation on the rear of the property.

Chair Kitselman referenced a letter from Deborah Liggins included in the packet concerning landscaping. Ms. Dunlap said she received a phone call from Ms. Liggins concerning possible impacts to Milton Valley Cemetery from their development. Ms. Dunlap said they have included a landscape plan that meet any requirements established by the Town of Berryville for landscape buffers. Mr. Hudson referenced the letter from Ms. Liggins in which she requested a buffer on both sides of the street and that the developer had agreed to that. Ms. Dunlap said they had not agreed to that and that their landscape plan conforms to Town of Berryville ordinance regulations.

Chair Kitselman said that no members of the public had signed up to speak and asked if anyone wished to do so. Dorothy Davis, Board of Josephine School Museum and Milton Valley Cemetery, said that she had been to so many of these hearings and asked whether they listened to their concerns. She said that the new factories will create additional noise and she requested that a buffer around the cemetery be created due to noise that would possibly occur during memorial services or burials.

Ms. Davis said that when the business park was developed, representatives from the cemetery asked Board of Supervisors members to attend a service to determine the noise created from the business park. She said after acknowledging the noise, the County installed a fence. She added that it did not eliminate all of the noise but did help with mitigation. Ms. Davis said that noise from truck traffic may also an issue and that trees or something be built along the cemetery would help eliminate the noise pollution.

Ms. Davis concluded by saying that her concern is that she comes to a number of Town meetings and drives all the way to Berryville and said she is heard but not listened to. She said that we need folks who will internalize our problems and really take some time to service the entire community.

Chair Kitselman asked if anyone else wanted to speak. There were no other speakers. Chairman Kitselman closed the public hearing at 7:12 p.m.

Mr. Weiss asked about the proximity of the proposed development to the cemetery. Staff identified the location of the respective properties, access points, and existing site conditions. Mr. Weiss said he empathizes with representatives of the cemetery adding that the Development Authority cannot require a developer to plant trees or build fences on the others' property.

There was a discussion about the landscape buffer including seasonal effectiveness, understory plantings, deciduous versus coniferous options, sustainability of certain types of trees, and the effectiveness of shrubs as a buffer. Mr. Stidham identified the landscape buffer to audience members. Ms. Dunkle said the landscape plan that includes a 25' buffer that was submitted conforms to Town regulations.

Vito Germinario, Managing Principal of LGV Group, LLC, suggested a performance-based option and agreed to revisit the buffer in one year to assure its effectiveness. Authority members agreed to this option.

Mr. Weiss asked about trip generation from the site which was discussed at the meeting. There was a discussion about process and engagement with the public after a public hearing was held. Mr. Weiss said Authority members have heard the adjacent property owners' concerns and have acted to ameliorate the

issues identified. Mr. Hudson said the applicant is compliant and willing to work with adjacent property owners and meet the Town's ordinance requirements. Vice Chair Ohrstrom reiterated that the Authority may not force an applicant to install a buffer on others' properties.

Chair Kitselman confirmed that DEQ will forward the appropriate paperwork to finalize their requirements. There was a discussion about conditional approvals. Ms. Dunkle said both Mr. McCormack from DEQ and staff from Pennoni who given staff verbal approvals on the project and that she did not consider them conditional approvals.

There being no further discussion, the Authority voted to approve the project as presented requiring that the landscape buffer be inspected in one year and that the applicant has acknowledged concerns of adjacent property owners of noise and buffers.

Yes: Harrison (seconded), Hudson, Kitselman, Ohrstrom, Smart (moved), Weiss

No: None

Absent: None

OTHER BUSINESS

Ms. Dunkle said there had been a request to discuss annexation. Vice Chair Ohrstrom referenced the BADA, annexation agreement, and development that occurs within the Town. He said he recalled that when he moved to the area in 1984, 600 homes were slated for development. He said when this last project is completed, depending on whether they are ok with additional density, looking for guidance on what the state tells us what we have to do when we run out of developable area. He asked what would happen if all of the additional density goes to this property. He asked what the state requires as far as requiring future development to occur and what the state expects localities to do. He requested staff and any other input to help guide us over the next three years what are we expected to do at the state level. Then discuss what we want to do.

There was a discussion about the number of additional units discussed on the Friant property

Chair Kitselman asked if there were development limitations based on capacities of utilities and other infrastructure adding that there are a finite number of units that can be developed.

Mr. Stidham said there are no specific provisions in the Code of Virginia stating that localities shall allow growth and shall not prohibit growth. He said that the purpose of comprehensive plan was to plan for future growth and development of county adding that the primary function is to direct and manage growth and preserve farmland. Mr. Stidham said that the Code of Virginia is not set up for localities that view land use policies from different perspective. He said that the county and town must make land use decisions based on the growth you want to achieve which has been one of the biggest principles for decades in both localities. He added that if we don't allow for a certain level of growth, the town will become stagnant. He concluded by saying that the Berryville Area Plan update review is a careful and deliberate process that begins with looking at various uses of what we want and where we want it.

There was a discussion about the future potential growth areas and identifying the specific areas for discussion purposes. Mr. Stidham said that the five-year review can revisit these areas and determine the next steps into a new annexation area. He said the right mix of uses, density, scale, and form will need to be identified in each future sub-area. He added that currently, these three future potential growth areas are represented by ovals. He said the areas may be expanded or reduced or other areas may be identified during the update process.

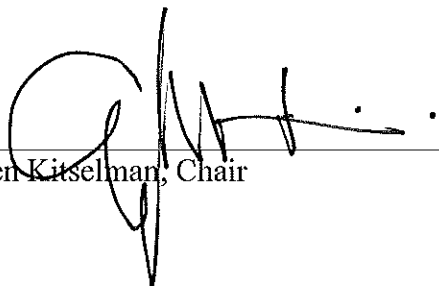
There was a discussion about the number of additional units proposed for the Friant property and the update of the Berryville Area Plan.

Mr. Weiss asked about the timeframe identified in the resolution. He said that we need to have conversations and that the Authority or residents should not be concerned that we need to change and be content with what we currently have in place. He said that we are on track to do what we intended to do and that we may want to address business growth rather than residential.

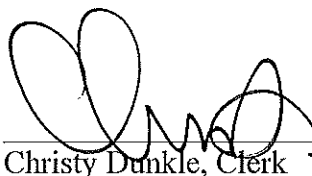
There was consensus to cancel the May 23 meeting and meet at the regular date and time in June.

ADJOURN

There being no further business and on a motion from Vice Chair Ohrstrom, seconded by Mr. Hudson, Chair Kitselman adjourned the meeting at 7:50 p.m.



Allen Kitselman, Chair



Christy Dunkle, Clerk