

**CLARKE COUNTY PLANNING COMMISSION
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December 1, 2017 Regular Meeting**

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Clarke County Planning Commission

AGENDA – Regular Meeting

Friday, December 1, 2017 – 9:00AM

Berryville/Clarke County Government Center – Main Meeting Room

1. Approval of Agenda
2. Approval of Minutes – November 3, 2017 Regular Meeting

Public Hearing – Major Subdivision

3. **S-17-01, Peter O. & Melanie M. Hitchen.** Request approval of a five-lot major subdivision for the property identified as Tax Map #30-A-65, located in the 4000 block of John Mosby Highway, White Post Election District zoned Agricultural Open-Space Conservation (AOC).

Board/Committee Reports

4. Board of Supervisors (Mary Daniel)
5. Board of Septic & Well Appeals (George Ohrstrom, II)
6. Board of Zoning Appeals (Anne Caldwell)
7. Historic Preservation Commission (Doug Kruhm)
8. Conservation Easement Authority (George Ohrstrom, II)
9. Broadband Implementation Committee (Mary Daniel)

Other Business

Adjourn

UPCOMING MEETINGS

Wednesday, December 13 (2:00PM) – Ordinances Committee Meeting

Tuesday, January 2, 2018 (3:00PM) – Briefing Meeting

Friday, January 5, 2018 (9:00AM) – Regular Meeting/Organizational Meeting

Clarke County



**PLANNING COMMISSION
REGULAR MEETING MINUTES -- DRAFT
FRIDAY, NOVEMBER 3, 2017**

A regular meeting of the Planning Commission of Clarke County, Virginia, was held at the Berryville/Clarke County Government Center, Berryville, Virginia, on Friday, November 3, 2017.

ATTENDANCE

Present: George L. Ohrstrom, II, Chair; Anne Caldwell, Vice Chair; Robina Bouffault; Randy Buckley; Mary Daniel (arrived late); Scott Kreider; Frank Lee; Gwendolyn Malone; Cliff Nelson and Jon Turkel.

ABSENT

Doug Kruhm

Staff Present: Brandon Stidham, Planning Director; and Ryan Fincham, Senior Planner/Zoning Administrator; and Debbie Bean, Recording Secretary.

CALLED TO ORDER

Chair Ohrstrom called the meeting to order at 9:00 a.m.

APPROVAL OF AGENDA

The Commission voted to approve the Agenda as presented.

Yes: Bouffault, Buckley, Caldwell, Kreider, Lee, Malone (seconded), Nelson (moved), Ohrstrom and Turkel

No: No one

Absent: Daniel and Kruhm

APPROVAL OF MINUTES

The Commission voted to approve the briefing meeting minutes of October 3, 2017.

Yes: Bouffault (moved), Buckley, Caldwell, Kreider, Lee (seconded), Malone, Nelson, Ohrstrom and Turkel

No: No one

Absent: Daniel and Kruhm

The Commission voted to approve the regular meeting minutes of October 6, 2017.

Yes: Bouffault, Buckley, Kreider (seconded), Lee, Malone (moved), Nelson, Ohrstrom and Turkel

No: No one

Absent: Daniel and Kruhm

Abstained: Caldwell

Minor Subdivision Applications

MS-17-05 / MLSE-17-01, John D. Hardesty, Jr.

John D. Hardesty, Jr. requests approval of a one lot Minor Subdivision for the property identified as Tax Map #7-A-120, located at 537 Longmarsh Road in the Russell Election District zoned Agricultural Forestal Open-Space Conservation (AOC).

Mr. Fincham gave a presentation of this proposal. He said that the applicant is requesting approval for a one lot Minor Subdivision. He stated that the applicant is proposing to use the one allowable maximum lot size exception for the existing pre-1980 house at 537 Longmarsh Road. He said the remainder parcel is located on both sides of Longmarsh Road. He stated that the Virginia Department of Transportation (VDOT) provided comments that permits are required prior to any entrance construction. He said that the Virginia Department of Health (VDH) has provided comments and will sign the plats once the applicant has paid the proper fee for a certification letter. He stated that the resistivity tests have been reviewed and approved by Dan Rom, County Consultant for the 100% reserve area. He said that Staff provided comments to the surveyor for needed plat revisions which were received on October 31, 2017. He stated that the revisions included adding required setbacks, adding the required AOC subdivision plat notes, showing the existing septic system and well, noting resistivity tests were completed, providing a vicinity map with topography, labeling a portion of 7-A-120 connected with a "meat hook" symbol, designating the zoning district for the property as AOC, and adding mapped sinkholes and ponds. He said that Staff recommends approval of this proposed request. Chair Ohrstrom and Commissioner Nelson have visited the site and both agreed that everything appears to meet the regulations for this proposed request.

After discussion with Staff and the Commission, Chair Ohrstrom called for a motion.

The Commission voted to approve this request.

Yes: Bouffault (seconded), Buckley, Caldwell, Kreider, Lee, Malone, Nelson (moved), Ohrstrom and Turkel

No: No one

Absent Daniel and Kruhm

Commissioner Daniel entered the meeting.

Board/Committee Reports

Board of Supervisors (Mary Daniel)

Commissioner Daniel said a Broadband Implementation Committee meeting is scheduled for November 27, 2017 at 2:00 p.m. She stated that a mailing is going out today to all holders of business licenses who have offices in Clarke County to encourage their participation in this process.

Board of Septic & Well Appeals (George Ohrstrom, II)

No Report.

Board of Zoning Appeals (Anne Caldwell)

No Report.

Historic Preservation Commission (Doug Kruhm)

Vice Chair Caldwell stated that on October 31, 2017 there was a tour of Greenway Court. She said Maral Kalbian, local Historian, narrated the tour and explained the process of stabilizing and refurbishing two 18th century buildings from the late 1700's which are part of Greenway Court. She stated that one of the buildings was the land office for Lord Fairfax and the other building was a smoke house. She said that it was an interesting and gratifying afternoon to see the rehabilitation of these buildings. She stated that Commissioner Malone also attended the tour.

Conservation Easement Authority (George Ohrstrom, II)

No report.

Other Business

Chair Ohrstrom stated that Bob Mitchell, the County Attorney was present at the briefing meeting on October 31, 2017 to answer questions on large-scale greenhouse operations. Chair Ohrstrom read the briefing minutes from October 3, 2017 and a follow-up document on the discussion of large-scale greenhouses from the meeting for the benefit of citizens in the audience. He stated that Staff has not received an application for any projects such as this but previously spoke to a party that is interested in developing a large-scale greenhouse somewhere in the County. He stated at this point we are only discussing the possibility of a large-scale greenhouse operation being developed. He said Mr. Mitchell informed the Commission that Virginia has the Right to Farm Act and this would only require a zoning permit and an erosion and sediment control plan approval by the County. He said it is very difficult for the Commission to try and make regulations that are stricter than the State.

Commissioner Bouffault stated that one parcel is 40 acres and the sale is contingent until December 31, 2017. She said the other lot is 45 acres and the sale is contingent until the end of February 2018. She stated that the interested party is looking for property of 100 acres or more.

Chair Ohrstrom said he wanted to thank Larry and Wanda Knaub of 539 Lander Lane, Berryville, Virginia for a letter they submitted to the Commission in regard to the discussion at the October 3, 2017 Planning Commission briefing meeting on large-scale greenhouse operations. Chair Ohrstrom also entertained comments from the audience.

Skip Harkness of 704 Lander Lane, Berryville, Virginia, asked the Commission what we can expect to see if a proposed request like this is approved. He is very concerned about lighting. Vice Chair Caldwell stated that when the company first presented this to the County at an informal meeting back in the summer it was stated they wanted to be good to the neighbors and to get along. She said that it occurred to her that the neighbors could contact the company themselves particularly about the lighting concern. Commissioner Daniel thought this was a good idea.

Jerry Johnson of 4549 Senseny Road, Berryville, Virginia, stated he and his neighbors have concerns about their wells going dry. He said that if his well is damaged or the neighbors they will sue the company.

Pete Maynard lives on Lander Lane, Berryville, Virginia, said that his concern is that the State is using the right to farm as an umbrella. He stated that if this company is planning on putting up a 10 acre building would this have to go through all the proper procedures. Chair Ohrstrom stated that any impact that we would make will be after the fact and there is nothing we can do about it. He stated that agriculture is still the number one item in the State of Virginia. He said to talk to your elected officials and tell them this is a huge concern for your neighborhood.

Mark Smith of 90 Lander Lane, Berryville, Virginia, said that he moved here for the quiet and he loves it here.

On motion by Commissioner Bouffault and seconded by Commissioner Malone the meeting was adjourned at 10:53 a.m.

George L. Ohrstrom, II, Chair

Brandon Stidham, Director of Planning

Minutes prepared by Debbie Bean, Recording Secretary

**MAJOR SUBDIVISION (S-17-01)
Peter O. and Melanie M. Hitchen (Owners)
December 1, 2017 Planning Commission Meeting
STAFF REPORT -- Department of Planning**

The purpose of this staff report is to provide information to the Planning Commission to assist them in reviewing this proposed major subdivision. It may be useful to members of the general public interested in this proposed subdivision.

Case Summary

Applicant(s):

Peter and Melanie Hitchen

Location:

- Subject property is located in the 4000 block of John Mosby Highway
- Tax Map Parcel #30-A-65
- White Post Election District (Bouffault and Buckley)

Zoning District

Agricultural-Open Space-Conservation (AOC)

Proposed Lot Configurations:

Lot 1 = 2.6753 acres (No Dwelling / 1 DUR)

Lot 2 = 3.3246 acres (No Dwelling / 1 DUR)

Lot 3 = 3.1747 acres (No Dwelling / 1 DUR)

Lot 4 = 2.8252 acres (No Dwelling / 1 DUR)

Residue Lot = 138.002 acres (No Dwelling / 1 DUR Remaining)

Total Area in subdivision = 150.00 acres

Request:

Approval of a five-lot Major Subdivision for the property identified as Tax Map #30-A-65 located in the 4000 block of John Mosby Highway in the White Post Election District zoned Agricultural Open-Space Conservation (AOC).

Staff Discussion/Analysis:

The Clarke County Subdivision Ordinance requires public hearing for all major subdivision requests. This request has been advertised, a public hearing sign has been placed on the subject property, and the adjoining property owners have been notified.

The 150.00 tract has five remaining Dwelling Unit Rights. The applicant intends to utilize four DURs to create four new lots averaging 3 acres in size, and the residue lot will continue to be used as open space/farm with one dwelling unit right remaining. Staff has reviewed the proposed subdivision plat and has requested a few administrative plat revisions from the surveyor, Duane Brown, Marsh & Legge Land Surveyors, PLC. *We await the revised plat.*

Access:

The subject property currently has two access driveways, a gravel road located opposite an existing crossover on US Route 50, and a small driveway located east of the larger gravel road which will be utilized as the subdivision entrance and roadway for ingress/egress for Lots 1-4. The smaller driveway is recorded as a 30' private access easement off of John Mosby Highway, and a proposed extension of that easement will complete the subdivision road as shown on the subdivision plat. The larger gravel road was not shown on the subdivision plat, and Staff has requested that it be added. The road profile plan has been sent to Hurt & Proffitt (County engineering consultant) and the Virginia Department of Transportation (VDOT) for review. The ingress/egress for the Residue Lot will either remain the existing gravel road east of the proposed subdivision road or access will be provided off of the existing 30' private access easement. *We are awaiting County Engineer and VDOT comments.*

Water and Septic:

According to Health Department comments, the septic and well sites are approved. There is an issue with setbacks to several proposed septic areas and the proposed utility easements. The applicant and their agents will work with the Health Department to remedy these concerns. *We await further comment or approval from the Health Department.*

Karst Plan / Resistivity Test:

There are both karst and non-karst soils mapped on the property. Resistivity tests were not required for the proposed septic sites since the areas proposed for sewage disposal were in non-karst soils or have previously approved certification letters already on file.

Environmental Impact Statement:

An Environmental Impact Statement (EIS) has been provided by the applicant's surveyor. Staff has reviewed the EIS and has requested that the intermittent stream be shown on the subdivision plat and also that it be noted appropriately in the EIS. Staff has requested that any karst concerns or lack of impacts be noted in the EIS, and also that nearby easement properties be identified. *We await the revised Environmental Impact Statement.*

Erosion and Sediment Control:

The Clarke County Subdivision Ordinance requires an erosion and sediment control plan for subdivisions with five or more lots proposed. An E&S Plan has been provided by the applicant's engineer Mike Artz, Pennoni Associates Inc. *The erosion and sediment control plan has been sent to the County engineering consultant for review and we are awaiting comments.*

Stormwater Management:

The Clarke County Subdivision Ordinance requires that subdivision requests comply with all State stormwater management regulations. The applicant is required to work directly with the Virginia Department of Environmental Quality (DEQ) regarding stormwater management. A copy of the proposed subdivision plat and road profile and erosion & sediment control plan were forwarded via email to DEQ by this office. Dustin Staton, DEQ Stormwater Compliance Specialist, emailed Staff the following:

9VAC25-870-55. Stormwater management plans.

A. *A stormwater management plan shall be developed and submitted to the VSMP authority. The stormwater management plan shall be implemented as approved or modified by the VSMP authority and shall be developed in accordance with the following:*

I. *A stormwater management plan for a land-disturbing activity shall apply the stormwater management technical criteria set forth in this part to the entire land-disturbing activity. Individual lots in new residential, commercial, or industrial developments shall not be considered separate land-disturbing activities.*

This is what we have applied to subdivision plans that don't want to count the disturbance from the individual lots. If the developer tells us they are unclear on what disturbance to claim, we have directed them to Table 5-5 from the Virginia Erosion and Sediment Control Handbook and advised them to be conservative.

Staff has interpreted this email to mean that DEQ expects the applicant to contact them and submit paperwork of some kind regarding stormwater management. The applicant and their agents have been notified as such. *We await further DEQ comments or approval.*

Other:

A Consumer Disclosure Statement and a Deed of Dedication including Easements and Restrictive Covenants is required by Ordinance and has been provided by the applicant.

Recommendation:

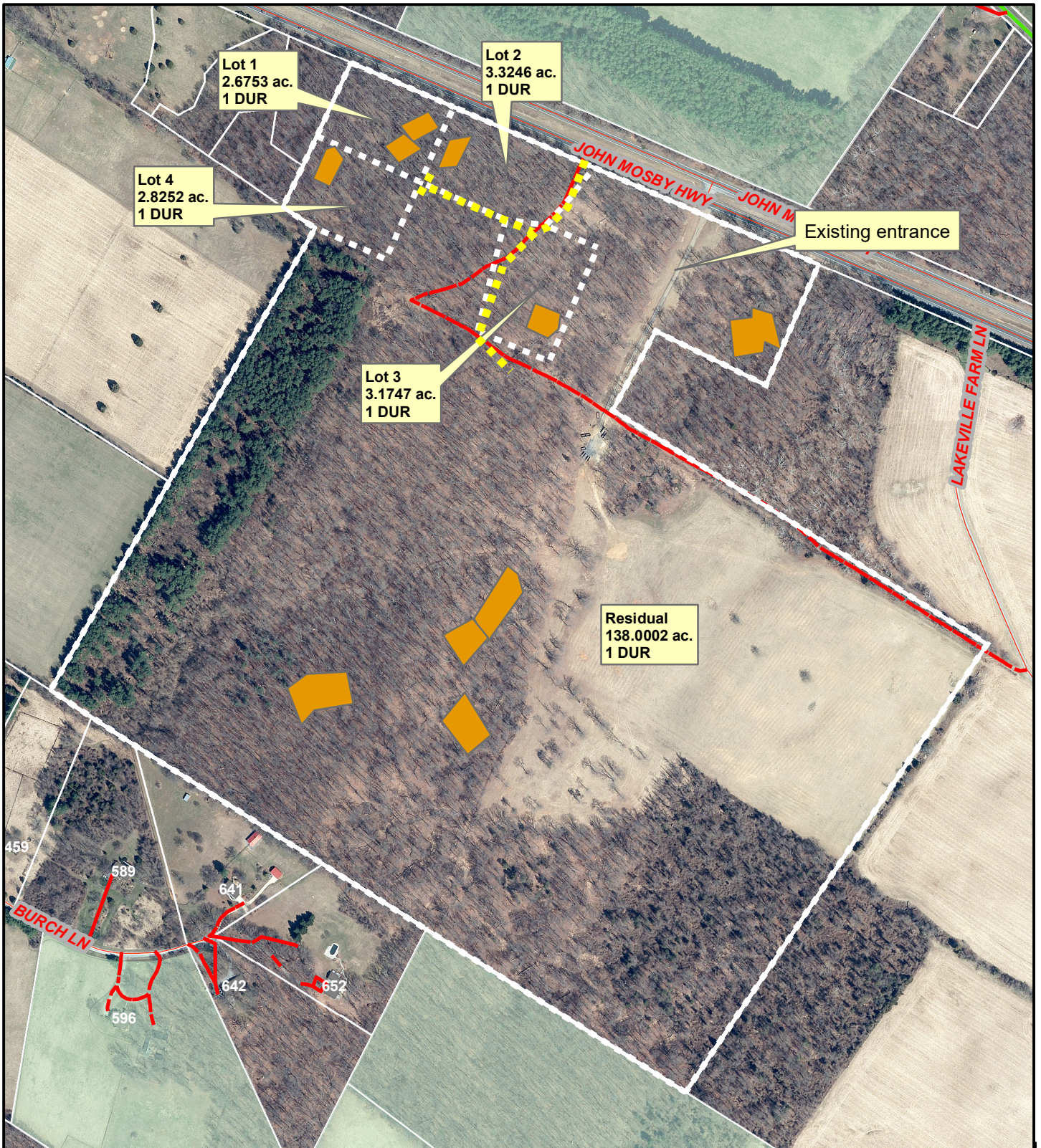
Staff notes that unlike the implemented process of “set public hearing meetings” established for Special Use Permit requests and others, the practice for Major Subdivisions has been to conduct the public hearing at the first scheduled meeting after a complete application has been filed. Often this process does not allow proper time for review agencies to conduct a thorough review and respond to Staff, which leads to at least one additional meeting.

Staff recommends continuing the advertised public hearing until the January 5, 2018 regular meeting awaiting comments and/or approvals to be received by multiple reviewing agencies.

Note: Unless the applicant requests deferral of the request to the January meeting along with the public hearing continuation by the Commission, the 60 day review timeline will be running. Staff will explain the process and implications to the applicant.

History:

November 3, 2017	Complete Application filed with the Department of Planning.
December 1, 2017	Public Hearing advertised. Placed on the Commission's regular meeting agenda.



Coquette Estates
 Peter & Melanie Hitchen
 Tax Map# 30-A-65
 150 acres, 5 DUR's

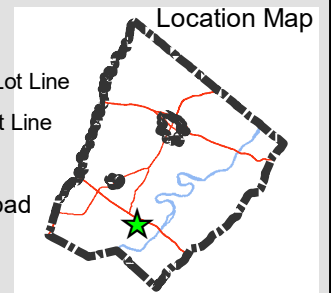


200 000 200 Feet

Clarke County GIS
 November 6, 2017

Legend

- Parcel Boundary
- Conservation Easements
- Structures
- Drainfield
- Ingress/Egress easement
- Proposed Lot Line
- Existing Lot Line
- Roads
- Private Road



NOTES:

1. THE BOUNDARY INFORMATION SHOWN HEREIN IS BASED ON THE PLAT OF CONSOLIDATION RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF CLARKE COUNTY, VIRGINIA IN PLAT BOOK 12 AT PAGE 33.
2. DRAINFIELDS INFORMATION SHOWN HEREIN IS BASED ON AN ACTUAL FIELD SURVEY COMPLETED IN MARCH 2016.
3. SUBDIVISION INFORMATION SHOWN HEREIN IS BASED ON AN ACTUAL FIELD SURVEY COMPLETED IN APRIL 2017.
4. HORIZONTAL ORIENTATION IS BASED ON VA NAD83(93) NORTH ZONE STATE GRID ESTABLISHED USING GPS METHODS, REFERENCED TO SURVEY CONTROL MONUMENTS AS PUBLISHED BY N.G.S.
5. PROPERTY ZONING: AOC
6. BUILDING SETBACK REQUIREMENTS FOR PRINCIPAL STRUCTURES FRONT (FROM ROUTE 50 RIGHT-OF-WAY): 75 FEET FRONT (FROM INGRESS-EGRESS EASEMENT): 25 FEET SIDE AND REAR: 25 FEET
7. THE EXISTING AND PROPOSED INGRESS-EGRESS EASEMENTS ARE NOT PROPOSED TO BE A PART OF ANY PUBLIC ROAD SYSTEM AND THAT AT NO TIME WILL THE COUNTY OF CLARKE OR THE VIRGINIA DEPARTMENT OF TRANSPORTATION ACCEPT RESPONSIBILITY FOR THE CONSTRUCTION, UPGRADING AND/OR MAINTENANCE OF SUCH EASEMENTS. BEFORE ANY FUTURE REQUEST FOR THE ACCEPTANCE OF SUCH EASEMENTS FOR MAINTENANCE AS PART OF THE SECONDARY SYSTEM OF STATE HIGHWAYS, SUCH EASEMENT OR EASEMENTS SHALL BE MADE TO COMPLY WITH THE PREVAILING SUBDIVISION STREET REQUIREMENTS OF THE VIRGINIA DEPARTMENT OF TRANSPORTATION, OR TO ANOTHER STANDARD DEEMED ACCEPTABLE BY SUCH DEPARTMENT, AT NO COST TO FUNDS ADMINISTERED TO IT.
8. THE PROPERTY REPRESENTED HEREIN IS SUBJECT TO THE DECLARATION OF RESTRICTIVE COVENANTS AS RECORDED IN DEED BOOK _____ AT PAGE _____.

AGRICULTURAL OPERATIONS NOTICE

THIS PROPERTY IS IN THE AGRICULTURAL-OPEN SPACE-CONSERVATION (AOC) ZONING DISTRICT. AGRICULTURE IS THE PRIMARY ECONOMIC ACTIVITY OF THIS ZONING DISTRICT. OWNERS, RESIDENTS, AND OTHER USERS OF PROPERTY IN THE AOC DISTRICT MAY BE SUBJECT TO INCONVENIENCE, DISCOMFORT, AND THE POSSIBILITY OF INJURY TO PROPERTY AND HEALTH ARISING FROM AGRICULTURAL OPERATIONS EVEN THOUGH CONDUCTED IN ACCORDANCE WITH BEST MANAGEMENT PRACTICES AND/OR IN ACCORDANCE WITH EXISTING LAWS AND REGULATIONS OF THE COMMONWEALTH AND THE COUNTY. SUCH AGRICULTURAL OPERATIONS MAY GENERATE NOISE, ODORS, AND DUST, MAY INVOLVE THE OPERATION OF MACHINERY, INCLUDING AIRCRAFT, THE STORAGE AND DISPOSAL OF MANURE, AND THE APPLICATION OF FERTILIZER, SOIL AMENDMENTS, AND PESTICIDES. OWNERS, OCCUPANTS, AND USERS OF LAND IN AOC DISTRICT SHOULD BE PREPARED TO ACCEPT SUCH INCONVENIENCES OR DISCOMFORT AS A NORMAL AND NECESSARY ASPECT OF LIVING IN A ZONING DISTRICT IN A COUNTY WITH A STRONG RURAL CHARACTER AND AN ACTIVE AGRICULTURAL SECTOR.

FERTILIZERS AND PESTICIDES NOTICE

BEFORE FERTILIZERS AND PESTICIDES ARE USED FOR LAWN OR LANDSCAPING PURPOSES, A SOIL TEST SHOULD BE CONDUCTED. THE APPLICATION OF SUCH CHEMICALS SHOULD BE LIMITED DUE TO THE POTENTIAL FOR GROUNDWATER CONTAMINATION AND SHOULD NOT EXCEED THAT DETERMINED NECESSARY BY THE SOIL TEST.

PLAT SHEET INDEX:

SHEET 1	-	COVER
SHEET 2	-	PLAT SHEET
SHEET 3	-	LOTS 1 - 4 WITH RELATED DETAILS

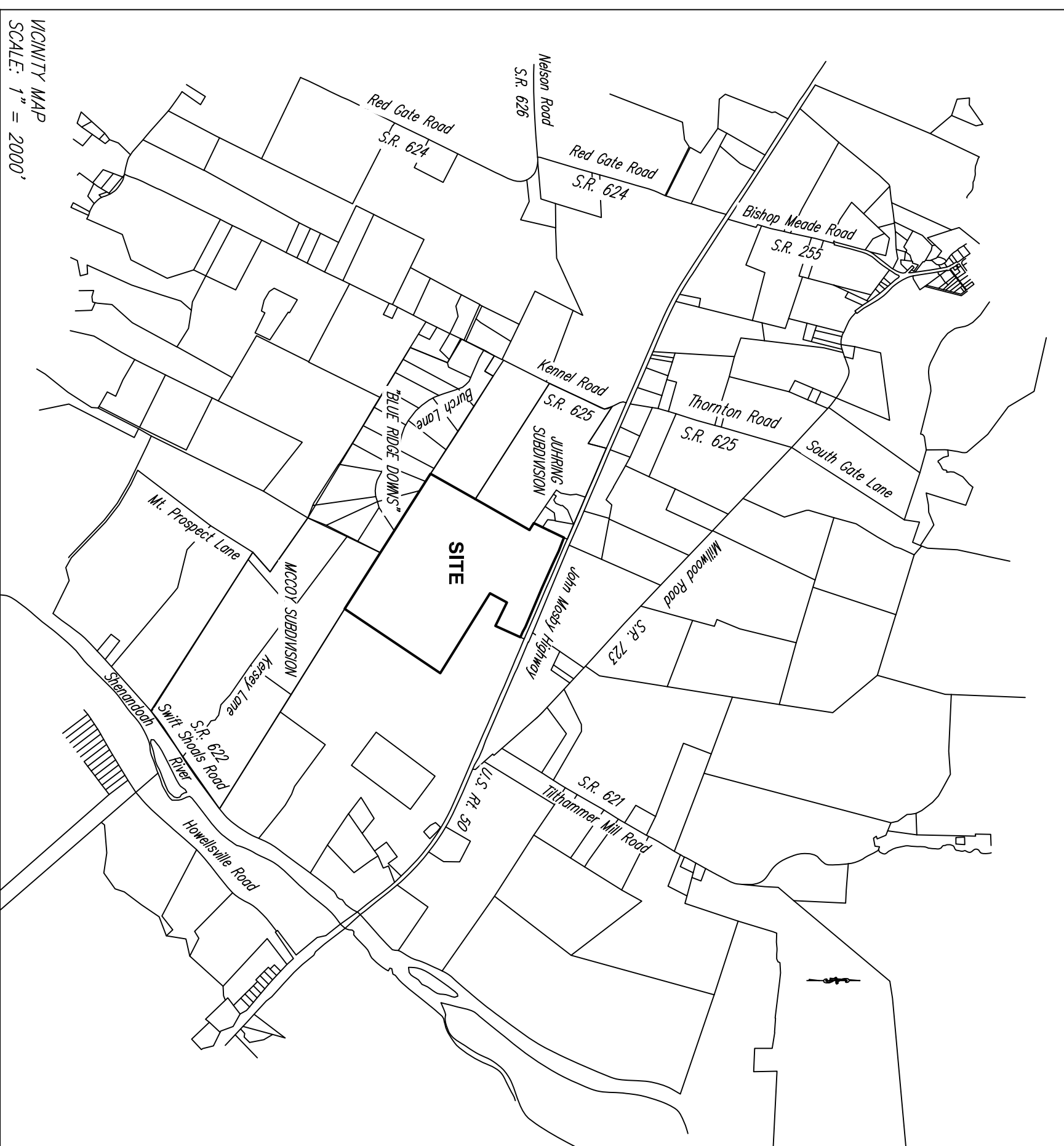
DUR ALLOCATION INFORMATION

PRE-DIVISION PIN 30-A-65	150.00 AC.	5 DURS
POST-DIVISION PIN 30-A-65 REMAINDER		
LOT 1	138.0002 AC.	1 DUR
LOT 2	2.6753 AC.	1 DUR
LOT 3	3.3246 AC.	1 DUR
LOT 4	3.1747 AC.	1 DUR
	2.8292 AC.	1 DUR

OWNER/SUBDIVIDER: PETER O. & MELANIE D. HITCHEN
497 LOCKES MILL ROAD
BERRYVILLE, VIRGINIA 22611

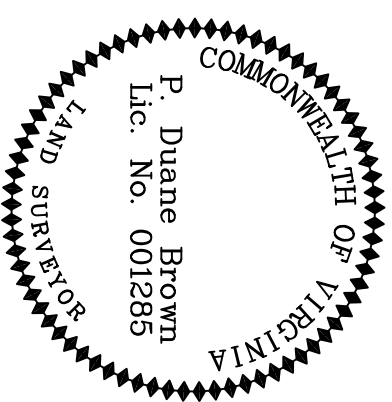
OWNER'S CERTIFICATE
THE ABOVE AND FOREGOING SUBDIVISION OF THE LAND OF PETER O. HITCHEN AND MELANIE D. HITCHEN [PIN 30-A-65] AS APPEARS IN THE ACCOMPANYING PLATS, IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS, PROPRIETORS AND TRUSTEES, IF ANY.

PETER O. HITCHEN _____ DATE _____
MELANIE D. HITCHEN _____ DATE _____
NOTARY PUBLIC _____
STATE OF _____
CITY/COUNTY OF _____
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 20____ BY PETER O. HITCHEN AND MELANIE D. HITCHEN.
NOTARY PUBLIC _____
MY COMMISSION EXPIRES _____



APPROVALS:

VIRGINIA DEPARTMENT OF TRANSPORTATION	DATE
CLARKE COUNTY PLANNING COMMISSION	DATE
CLARKE COUNTY HEALTH DEPARTMENT	DATE
ZONING ADMINISTRATOR	DATE

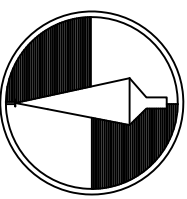


SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE PROPERTY CONTAINED IN THIS SUBDIVISION IS THE PROPERTY [PIN 30-A-65] CONVERTED TO PETER O. HITCHEN AND MELANIE D. HITCHEN BY DEED OF CONSOLIDATION DATED FEBRUARY 20, 2017, SAID DEED RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF CLARKE COUNTY, VIRGINIA IN DEED BOOK 613 AT PAGE 837. THE PLAT OF CONSOLIDATION IS RECORDED IN THE SAID CLERK'S OFFICE IN PLAT BOOK 12 AT PAGE 33. I FURTHER CERTIFY THAT ALL PROPERTY CORNERS WERE EITHER FOUND OR SET AS INDICATED.

**FINAL SUBDIVISION PLAT
OF
"COUETTE ESTATES"**

GREENWAY MAGISTERIAL DISTRICT
CLARKE COUNTY, VIRGINIA
OCTOBER 11, 2017



MARSH & LEGGE
Land Surveyors, P.L.C.

560 NORTH LOUDOUN STREET
WINCHESTER, VIRGINIA 22601
PHONE (540) 667-0468
FAX (540) 667-0469
EMAIL office@marshandlegge.com

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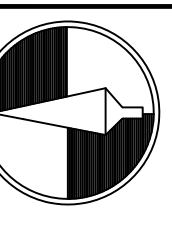
Drawn By: HBK

POSTED SPEED LIMIT 55 MPH
U.S. HIGHWAY 50 (VARIABLE WIDTH R/W)

LINE	BEARING	DISTANCE
L1	S 65°30'37" E	45.80'
L2	S 69°31'06" E	200.25'
L3	S 64°21'55" E	250.20'
L4	S 66°01'06" E	49.02'
L5	S 60°56'43" E	100.50'
L6	S 66°39'21" E	93.82'
L7	S 57°19'23" E	118.34'
L8	S 57°42'40" W	139.14'
L9	S 23°58'13" W	291.50'
L10	S 66°01'47" W	405.66'
L11	S 37°31'47" W	116.14'
L12	S 41°38'37" W	142.89'
L13	N 81°43'07" W	146.01'
L14	N 66°01'47" W	337.84'
L15	S 67°03'56" E	203.62'
L16	S 22°56'08" W	446.46'
L17	N 67°03'55" W	281.02'
L18	N 14°04'18" E	414.47'
L19	S 23°58'13" W	303.18'
L20	N 66°01'47" W	277.03'
L21	N 33°23'29" E	64.15'
L22	N 55°05'18" W	333.40'
L23	N 20°30'24" W	183.12'
L24	N 72°19'55" E	204.29'
L25	N 23°29'50" E	148.32'
L26	N 70°45'34" E	187.22'
L27	S 77°07'47" E	111.36'
L28	S 18°08'30" W	43.29'
L29	S 32°05'39" W	41.60'
L30	N 76°27'04" W	110.27'
L31	N 24°25'22" E	82.76'
L32	S 65°20'21" E	39.34'
L33	S 38°55'34" E	30.93'
L34	S 34°45'16" W	128.79'
L35	N 63°08'30" W	69.97'
L36	N 35°06'56" E	140.20'
L37	N 76°04'51" E	63.83'
L38	S 22°35'57" W	171.29'
L39	S 84°58'50" W	62.28'
L40	N 23°58'13" E	162.22'
L41	S 32°08'58" E	41.30'
L42	S 10°45'12" E	42.48'
L43	S 32°12'10" W	196.44'
L44	N 02°33'42" W	78.89'
L45	N 25°30'35" E	181.84'
L46	N 67°39'50" E	96.33'
L47	N 43°51'25" W	79.93'
L48	S 80°17'10" E	225.90'
L49	N 22°16'11" W	80.43'
L50	N 82°35'20" E	87.93'
L51	N 54°50'46" W	209.89'
L52	S 05°35'46" E	86.95'
L53	S 26°01'22" W	75.27'

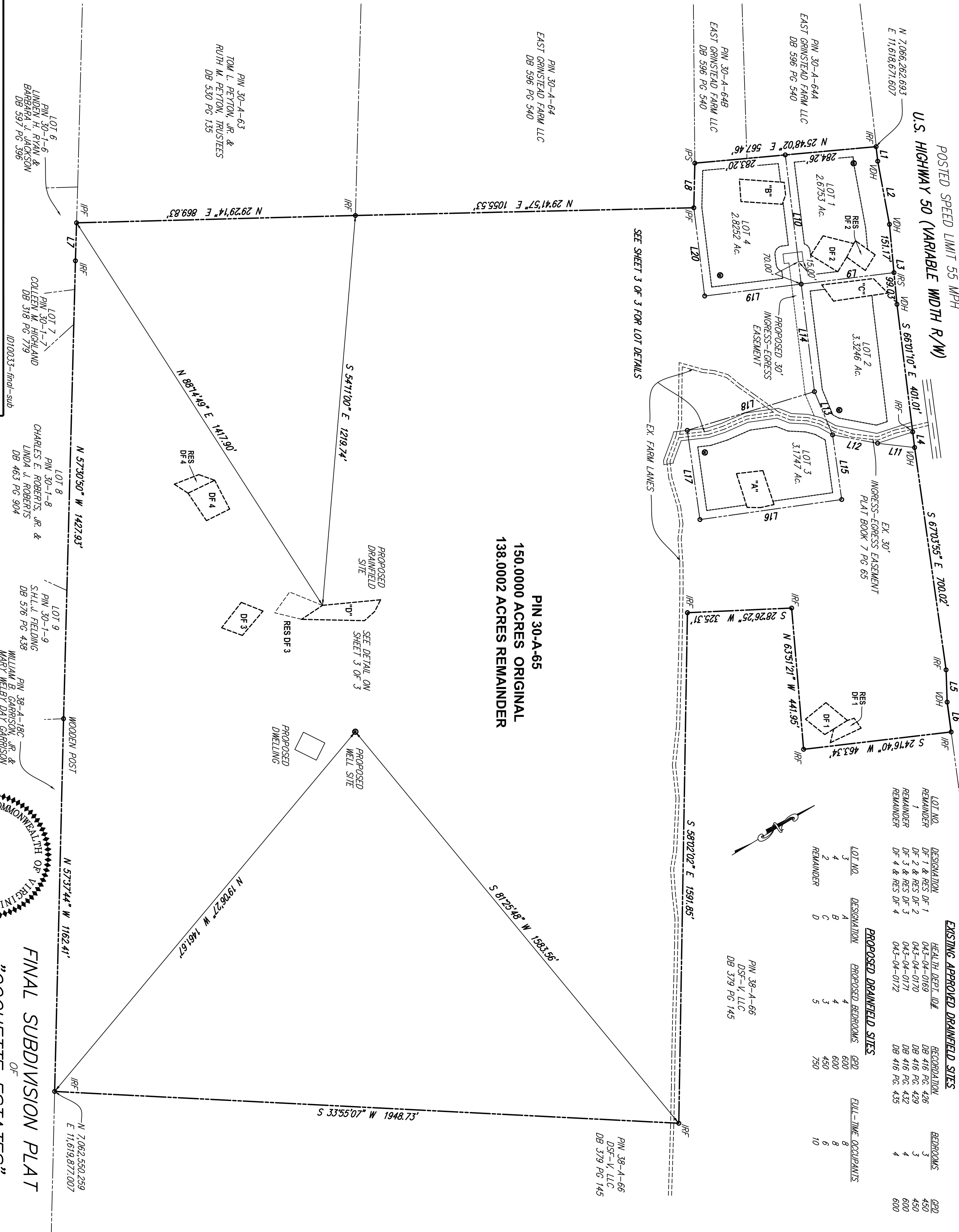
LEGEND:
VDH - CONCRETE MONUMENT FOUND
IPF - IRON PIPE FOUND
IRF - IRON ROD FOUND
IRS - IRON ROD SET
IPS - IRON PIPE SET
BRL - BUILDING RESTRICTION LINE

Down Br. HBK



MARSH & LEGGE
Land Surveyors, P.L.C.

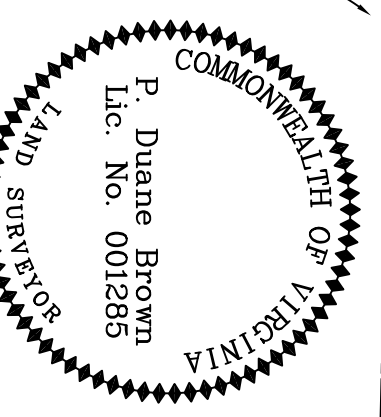
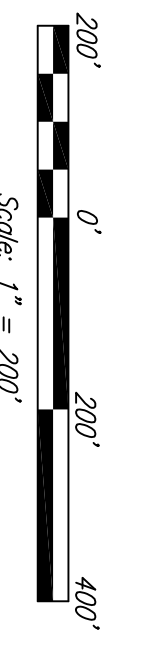
560 NORTH LOUDOUN STREET
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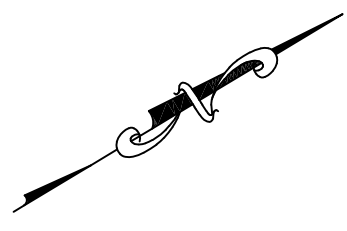
PIN 30-A-65
150,000 ACRES ORIGINAL
138,0002 ACRES REMAINDER

LOT NO.	DESIGNATION	HEALTH DEPT. ID#	RECORDATION	BEDROOMS
1	REMAINDER	043-04-0169	DB 416 PG. 426	3
2	REMAINDER	043-04-0170	DB 416 PG. 429	3
3	REMAINDER	043-04-0171	DB 416 PG. 432	4
4	REMAINDER	043-04-0172	DB 416 PG. 435	4

LOT NO.	DESIGNATION	PROPOSED BEDROOMS	GRD	FULL-TIME OCCUPANTS
1	REMAINDER	4	600	8
2	REMAINDER	3	600	6
3	REMAINDER	3	450	6
4	REMAINDER	5	750	10

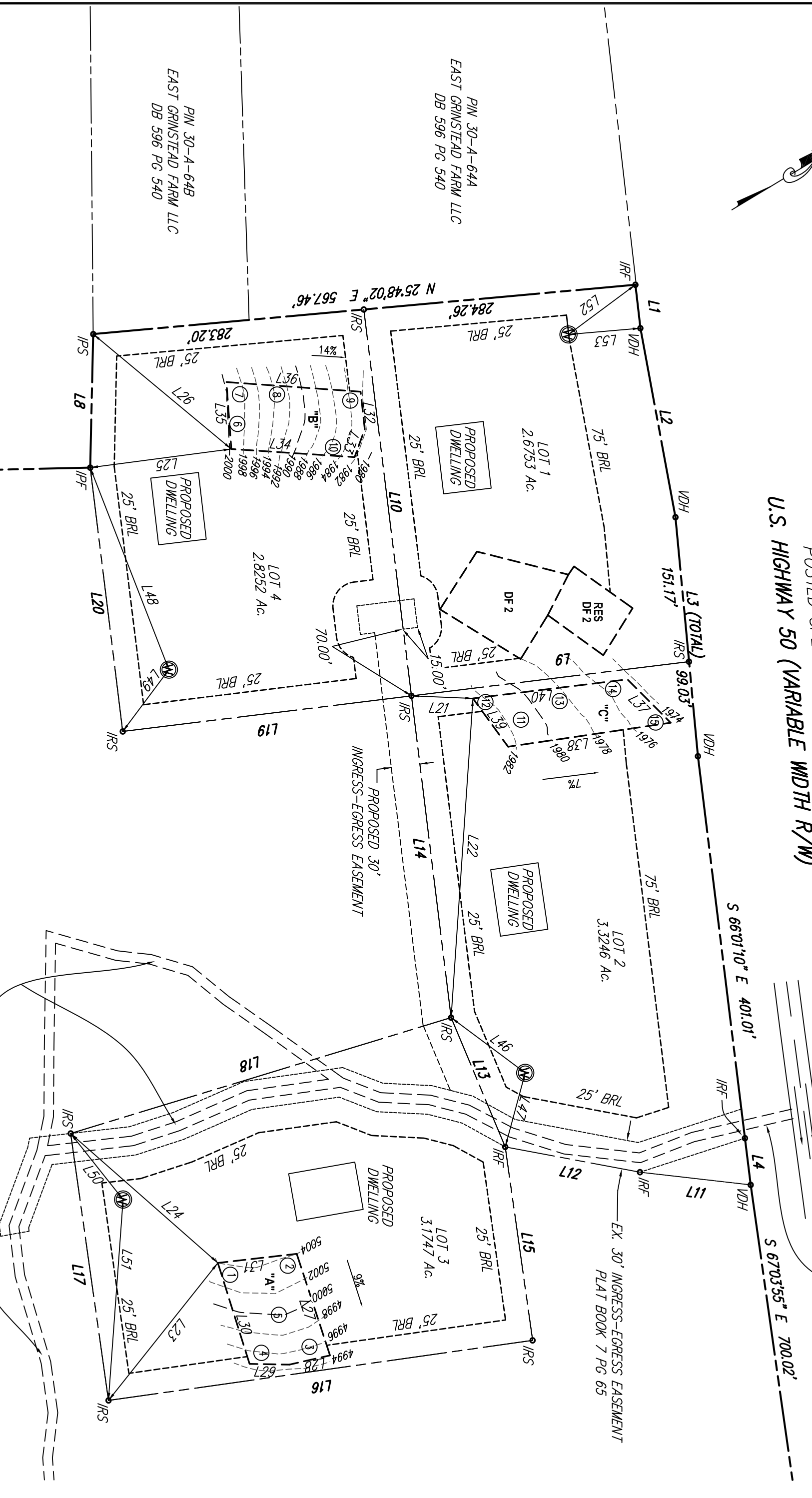


FINAL SUBDIVISION PLAT
"COQUETTE ESTATES"
OF
GREENWAY MAGISTERIAL DISTRICT
CLARKE COUNTY, VIRGINIA
OCTOBER 11, 2017
SHEET 2 OF 3



POSTED SPEED LIMIT 55 MPH
 U.S. HIGHWAY 50 (VARIABLE WIDTH R/W)

EAST BOUND LANES
 LOW VOLUME COMMERCIAL
 ENTRANCE REQUIRED



PIN 30-A-65
150.0000 ACRES ORIGINAL
138.0002 ACRES REMAINDER

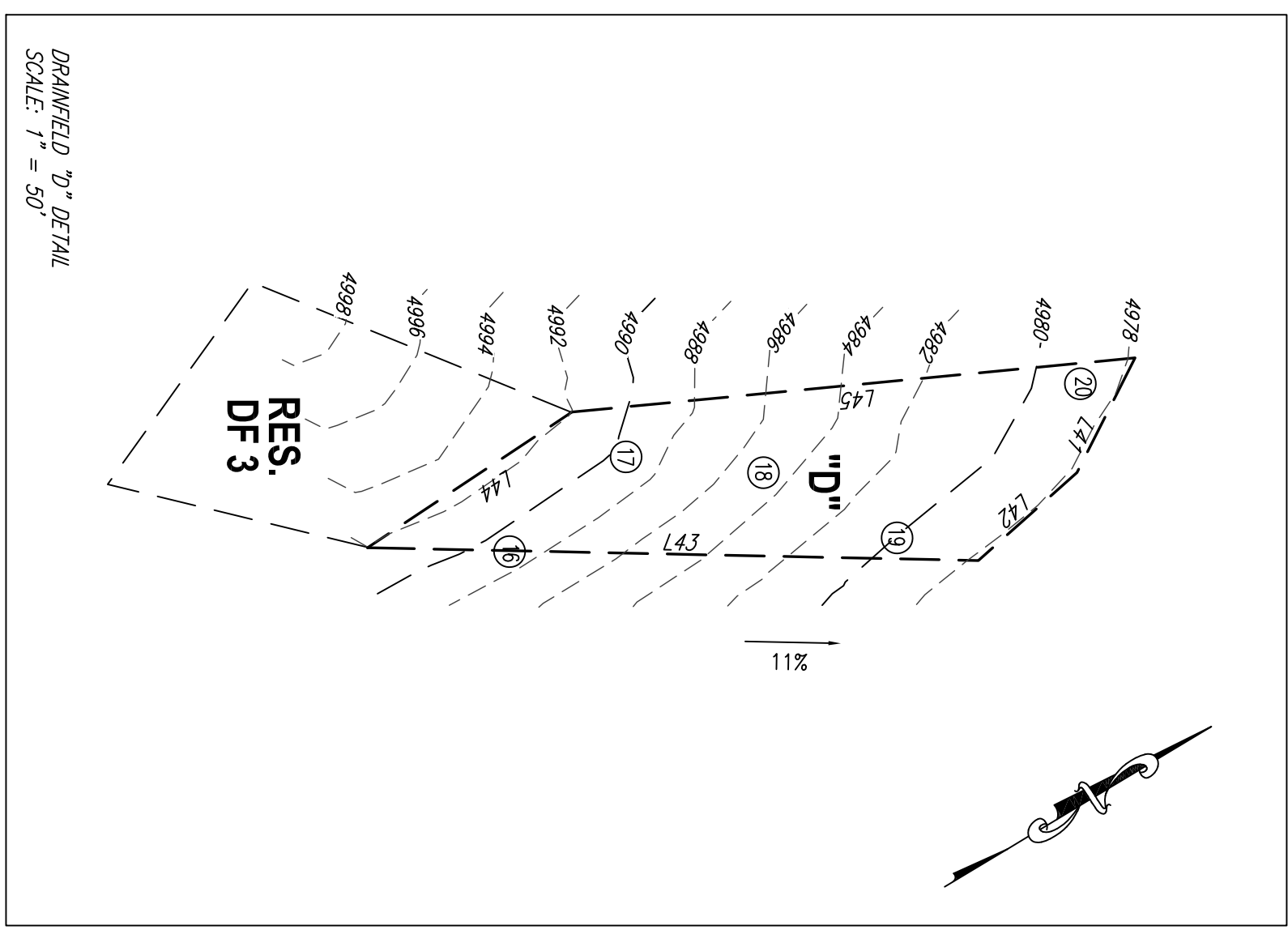
EXISTING APPROVED DRAINED SITES

LOT NO.	DESIGNATION	HEALTH DEPT. ID#	RECORDATION	BEDROOMS	GPD
REMAINDER 1	DF 1 & RES DF 1	043-04-0169	DB 416 PG. 426	3	450
REMAINDER 2	DF 2 & RES DF 2	043-04-0170	DB 416 PG. 429	3	450
REMAINDER 3	DF 3 & RES DF 3	043-04-0171	DB 416 PG. 432	4	600
REMAINDER 4	DF 4 & RES DF 4	043-04-0172	DB 416 PG. 435	4	600

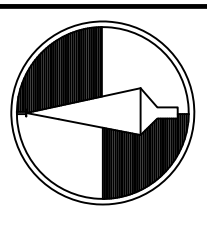
PROPOSED DRAINED SITES

LOT NO.	DESIGNATION	PROPOSED BEDROOMS	GPD	FULL-TIME OCCUPANTS
3	A	4	600	8
4	B	4	600	8
2	C	3	450	6
REMAINDER	D	5	750	10

- LEGEND:**
- VDH - CONCRETE MONUMENT FOUND
 - IPF - IRON PIPE FOUND
 - IRF - IRON ROD FOUND
 - IRS - IRON ROD SET
 - BRL - BUILDING RESTRICTION LINE
 - ⊙ - SOIL PIT
 - ⊕ - PROPOSED WELL SITE



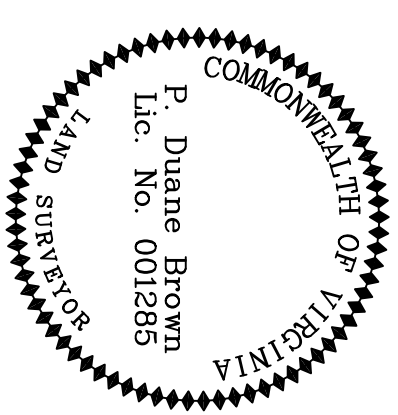
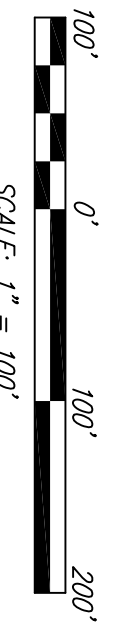
SEE SHEET 2 OF 3 FOR LINE TABLE



MARSH & LEGGE
 Land Surveyors, P.L.C.

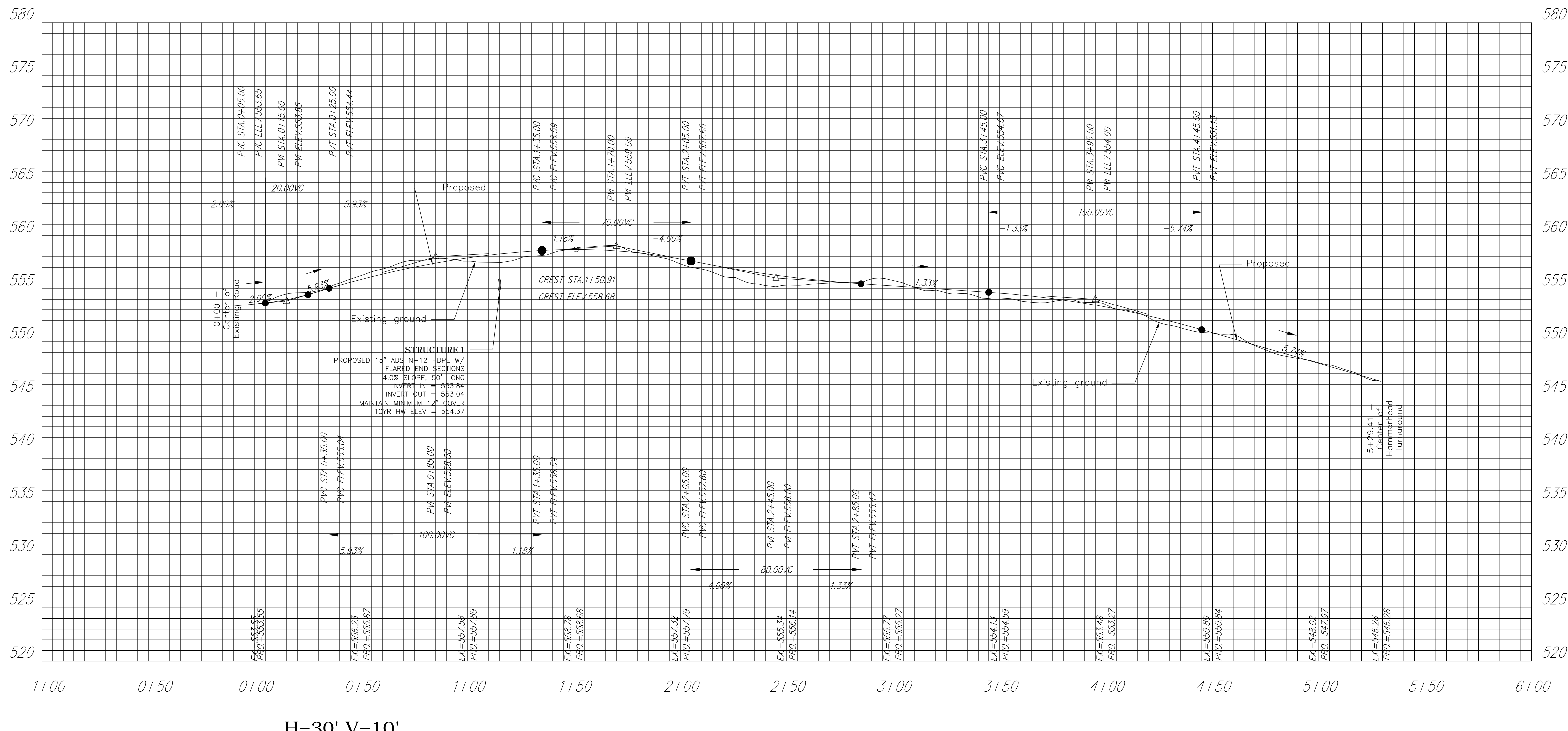
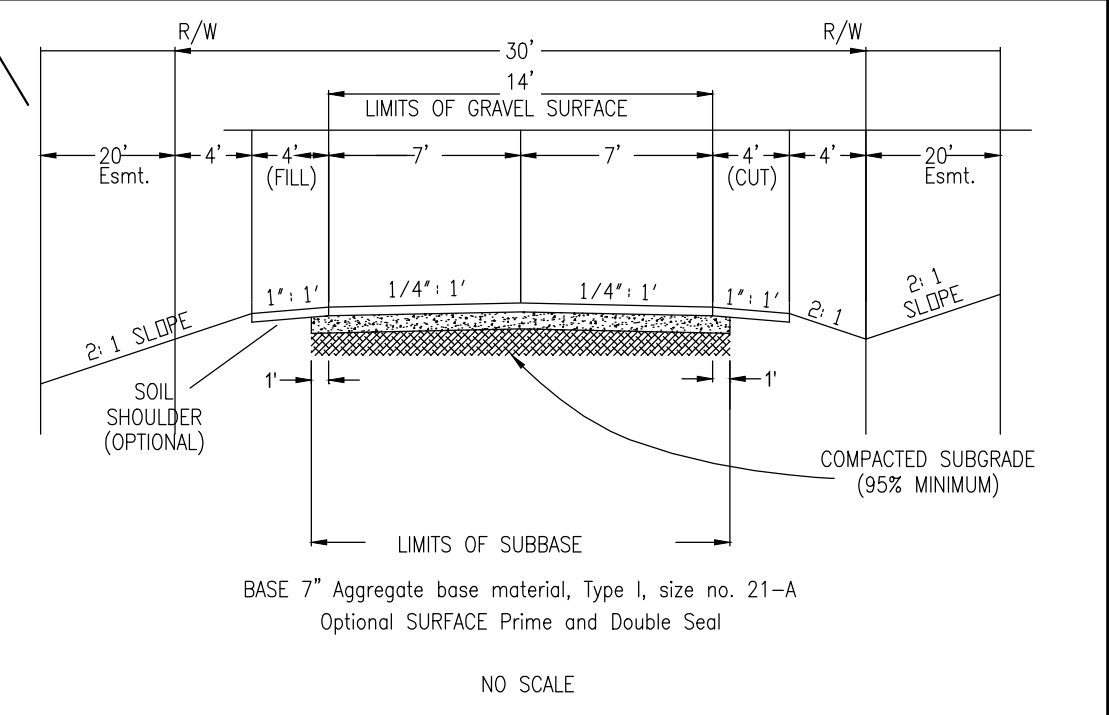
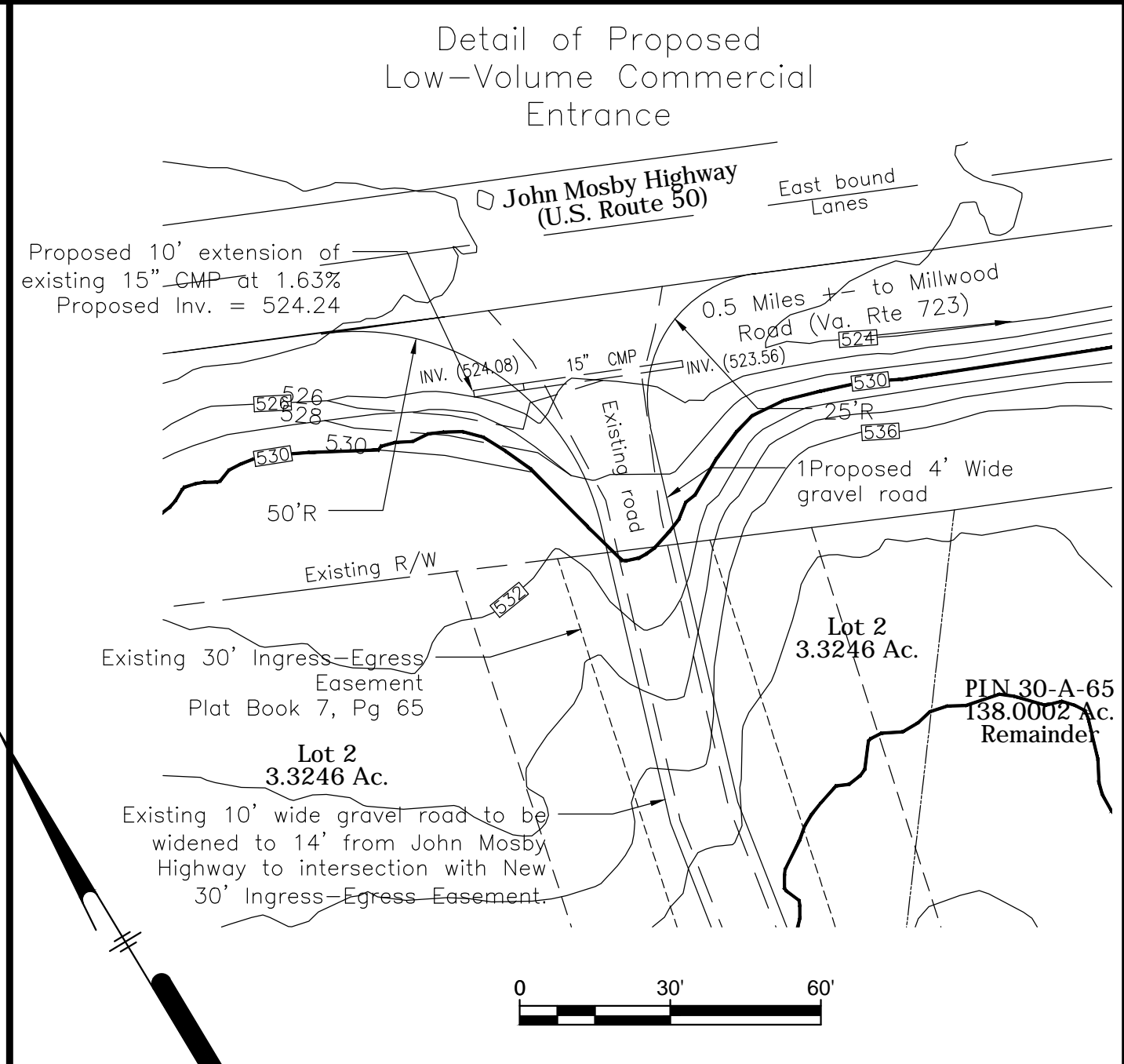
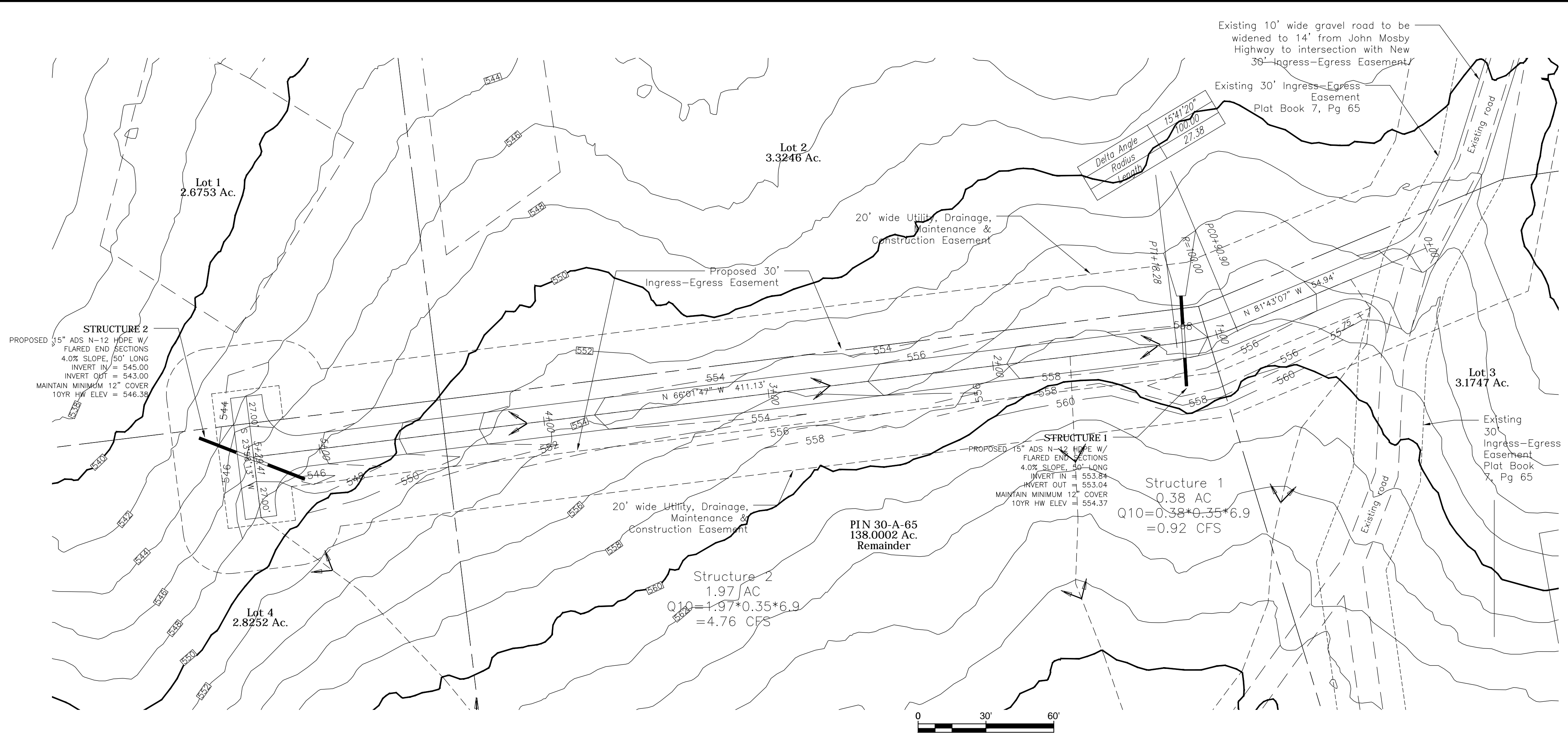
560 NORTH LOUDOUN STREET
 WINCHESTER, VIRGINIA 22601
 PHONE (540) 667-0468
 FAX (540) 667-0469
 EMAIL office@marshandlegge.com

ID10033-final-sub



FINAL SUBDIVISION PLAT
OF
"COQUETTE ESTATES"
 GREENWAY MAGISTERIAL DISTRICT
 CLARKE COUNTY, VIRGINIA
 OCTOBER 11, 2017

SHEET 3 OF 3



Notes:

- Boundary shown herein provided by Marsh & Legge Land Surveyors.
- Properties taken from Virginia LIDAR. Two foot interval.
- Underground utilities (if any) were not located.
- Subject property is not located within a FEMA Special Flood Hazard Area.
- EG-3 Engineer Matting shall be installed in roadside ditches where slope exceeds 4%.
- Location of any stockpiles to be determined at pre-construction meeting. Stockpiles shall be surrounded by wire reinforced silt fence. Other E&S Measures may be required by the E&S Administrator. Stockpiles shall be temporarily seeded if dormant for more than 30 days.
- Temporary Diversion Dikes are to remain in place until all areas are stabilized.
- Contractor shall not encroach within 25 feet of any drainfield area without first contacting the engineer for a field inspection. In no case shall the contractor drive over or otherwise disturb and drainfield area. Contractor is responsible for any construction related damages that may occur including rejection of drainfield areas by the Virginia Department of Health.

NO.	DATE	REVISIONS	BY

Structure 1 Culvert Design

Design Parameters	
Section Shape:	Circular
Material:	ADS N-12 HDPE
Diameter:	15.00 in
Manning's n:	0.0120
Number of Barrels:	1
Inlet	
Inlet Type:	Groove End Projecting
Ke:	0.20
Inverts	
Inlet Invert Elevation:	553.840 ft
Outlet Invert Elevation:	553.040 ft
Length:	40.000 ft
Slope:	0.0200 ft/ft
Culvert Calculation	
Discharge:	0.92 cfs
Headwater Elevation:	553.380 ft
Tailwater Elevation:	0.000 ft
Downstream Velocity:	5.06 ft/s
Downstream Flow Depth:	0.258 ft
Flow Control Type:	Outlet Control

Structure 2 Culvert Design

Design Parameters	
Section Shape:	Circular
Material:	ADS N-12 HDPE
Diameter:	15.00 in
Manning's n:	0.0120
Number of Barrels:	1
Inlet	
Inlet Type:	Groove End Projecting
Ke:	0.20
Inverts	
Inlet Invert Elevation:	545.000 ft
Outlet Invert Elevation:	543.000 ft
Length:	50.000 ft
Slope:	0.0400 ft/ft
Culvert Calculation	
Discharge:	4.79 cfs
Headwater Elevation:	546.380 ft
Tailwater Elevation:	0.000 ft
Downstream Velocity:	10.35 ft/s
Downstream Flow Depth:	0.593 ft
Flow Control Type:	Outlet Control

Pennoni

PENNONI ASSOCIATES INC.
117 East Piccadilly Street
Winchester, VA 22601
T 540.667.2139 F 540.665.0493

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR AND OWNER MUST BE NOTIFIED OF ANY DISCREPANCIES BEFORE PROCEEDING WITH WORK

CO. MICHAEAL M. ARTZ
No. 1513
11-2-17
LAND SURVEYOR

COQUETTE ESTATES
JOHN MOSBY HIGHWAY
GREENWAY DISTRICT, CLARKE COUNTY, VA

PLAN & PROFILE

PETER & MELANIE HITCHEN
397 LOCKES MILL ROAD
BERRYVILLE, VA 22611

PROJECT: **HITCH17001**

DATE: 2017-11-02

DRAWING SCALE: AS NOTED

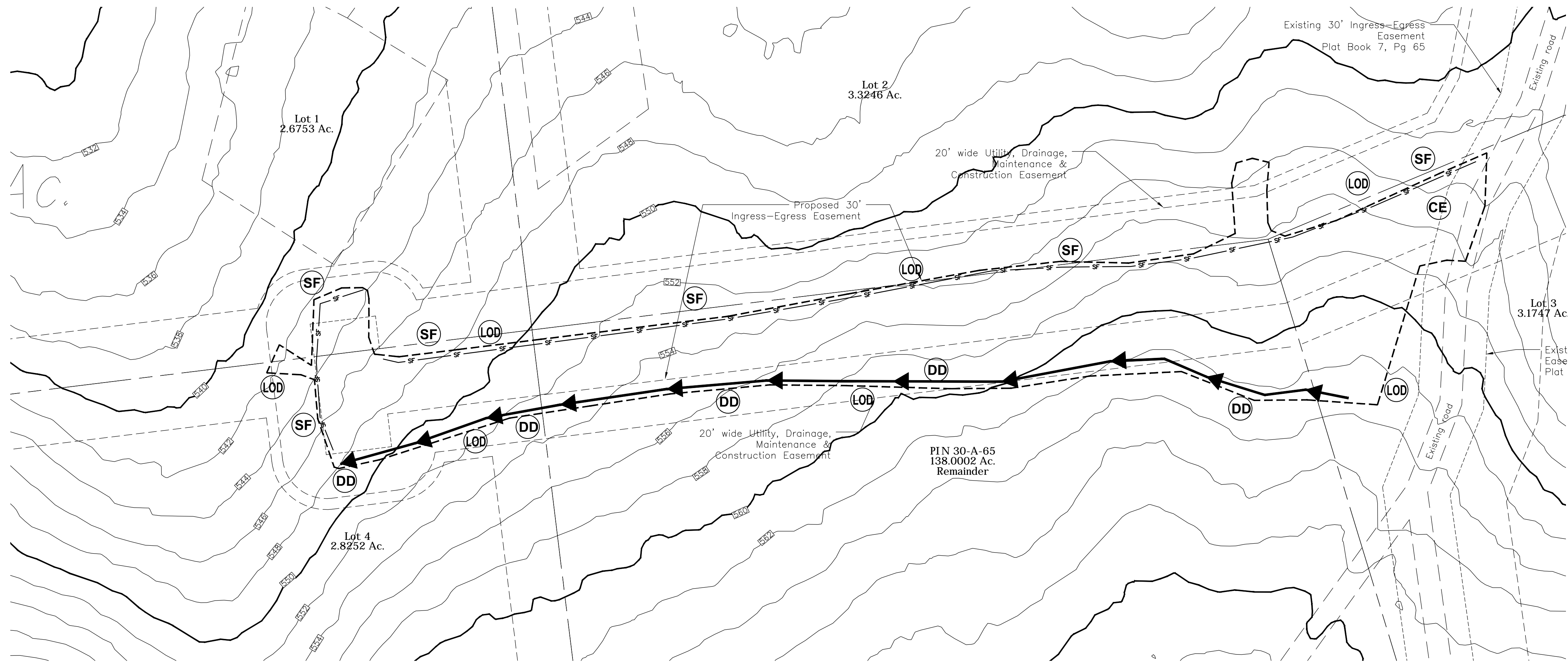
DRAWN BY: MMA

APPROVED BY: MMA

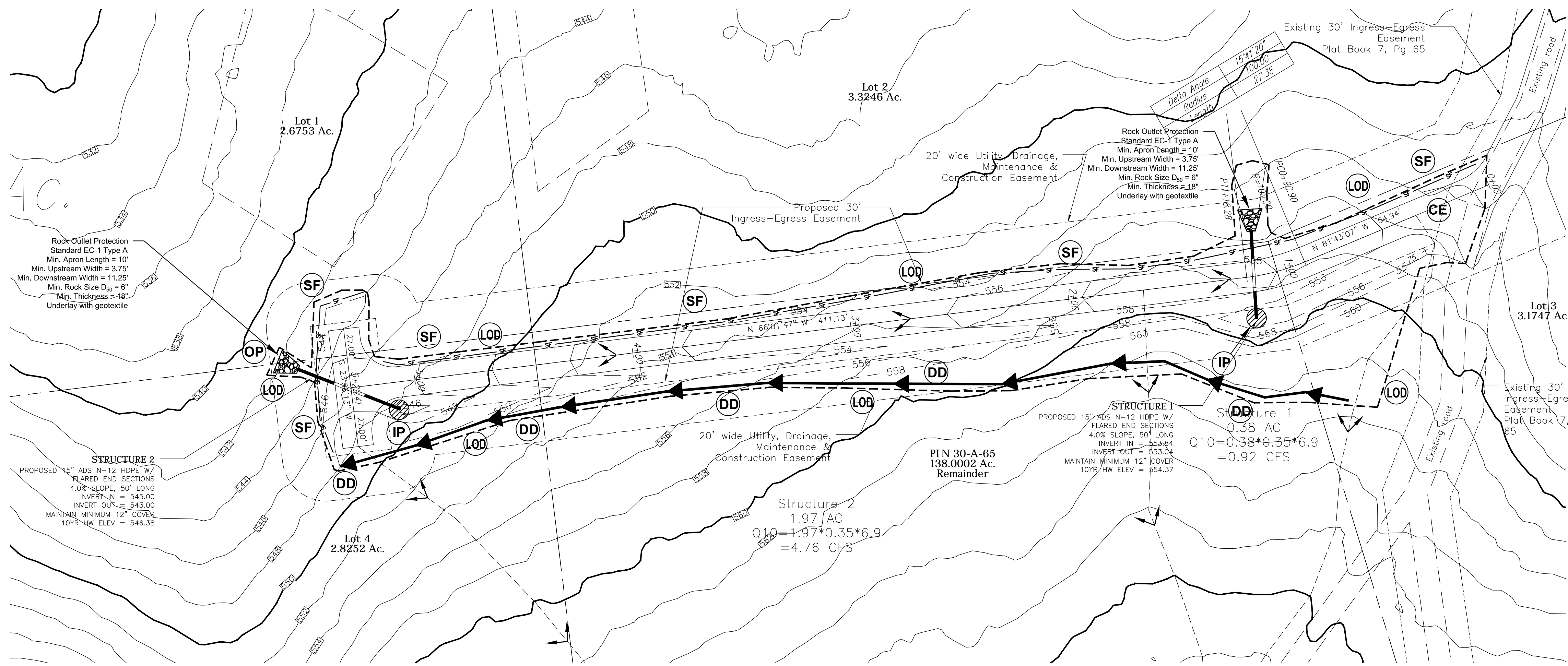
CS1000

SHEET 2 OF 4

December 1, 2017 Planning Commission Regular Meeting Packet



PHASE 1 E&S PLAN



PHASE 2 E&S PLAN

EROSION AND SEDIMENT CONTROL LEGEND

3.02	TEMPORARY STONE CONSTRUCTION ENTRANCE	CE	
3.05	SILT FENCE	SF	—SF—
3.08	CULVERT INLET PROTECTION	CIP	
3.09	TEMPORARY DIVERSION DIKE	DD	
3.13	TEMPORARY SEDIMENT TRAP	ST	
	LIMITS OF DISTURBANCE	LOD	

Pennoni
PENNONI ASSOCIATES INC.
 117 East Piccadilly Street
 Winchester, VA 22601
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ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR AND OWNER MUST BE NOTIFIED OF ANY DISCREPANCIES BEFORE PROCEEDING WITH WORK

COMMONWEALTH OF VIRGINIA
 MICHAEL M. ARTZ
 No. 1513
 11-2-17
 LAND SURVEYOR

COQUETTE ESTATES
 JOHN MOSBY-HIGHWAY
 GREENWAY DISTRICT, CLARKE COUNTY, VA
EROSION & SEDIMENT CONTROL PHASES 1 & 2
 PETER & MELANIE HITCHEN
 397 LOCKES MILL ROAD
 BERRYVILLE, VA 22611

NO.	DATE	REVISIONS	BY

ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON THE EXTENSIONS OF THE PROJECT OR ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY PENNONI ASSOCIATES FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO PENNONI ASSOCIATES, AND OWNERS SHALL INDEMNIFY AND HOLD HARMLESS PENNONI ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

PROJECT: **HITCH17001**
 DATE: 2017-11-02
 DRAWING SCALE: AS NOTED
 DRAWN BY: MMA
 APPROVED BY: MMA

CS8001
 SHEET 3 OF 4

Coquette Estates
Private Road Construction Plans and Low Volume Commercial Entrance

Erosion and Sediment Control Narrative and Stormwater Management Plan

Project Description

The purpose of this project is the construction of a private road and a Low Volume Commercial Entrance. The site is located on the southern side of John Mosby Highway (U.S. Route 50) about 0.5 miles west of Millwood Road (Va. Rte. 723) A site map is included on the plans.

About 0.69 acres (29,860 sf) will be disturbed during construction of the project.

Existing Site Conditions

The site of the proposed construction is an existing road way that leads to a completely wooded area where the new private road will be built. The topography varies greatly on the site but is generally slopes of 6 to 8%.

Adjacent Areas

Adjoining properties are agriculture or forested.

Offsite Areas

No offsite areas will be disturbed during construction.

Soils

According to the USDA Web Soil Survey the soils within the limits of disturbance is the 38B Poplimento-Webbtown complex, 3 to 8 percent slopes. The hydrologic soil group is C.

Erosion and Sediment Control Measures

1.0 General

1.1 Description:

A. Work Included: Erosion and sediment control operations and devices required for this work are indicated on the drawings and include but are not necessarily limited to:

1. Installation of temporary control devices;
2. Maintenance of temporary control devices;
3. Temporary forms of stabilization;
4. Installation of permanent control devices;
5. Removal of devices and site restoration.

1.2 Standards:

A. The following codes and standards, latest editions form a part of this specification, to the extent of all provisions applicable to the work required for this project, and as specifically referenced herein.

1. All work shall comply with the Virginia Erosion and Sediment Control Handbook and as amended by local codes and regulations.
2. VDOT Specifications and Standards.
3. City of Winchester Specifications and Standards.

1.3 Protection:

A. Use all means necessary to protect all materials incorporated into the work of this section before, during and after installation. In the event of damage, immediately make all repairs and replacements necessary to the approval of the Owner's Representatives and at no additional cost to the Owner.

B. Maintain and protect all benchmarks, monuments and similar reference points and, if they are displaced or destroyed by these operations, replace same as directed at no additional cost to the Owner.

1.4 Permits:

A. The Contractor will secure certificates and permits and pay for all fees required by local codes and regulations. The Contractor shall ensure that value of the erosion and sediment control work to include maintenance and all seeding of disturbed areas shall be included in the overall project performance bond.

2.0 Execution

2.1 General Requirements:

A. Limit grading to only those areas involved in current construction activities. Limit length of time for exposure of unprotected graded areas. Permanent stabilization of graded areas shall be done within seven days after construction. If permanent stabilization cannot be provided, temporary seeding, mulching or other forms of stabilization shall be provided.

B. The construction entrance, construction safety fence (if required), diversion, silt fence, inlet protection, and sediment traps shall be constructed as part of the initial phase of construction and shall be made functional as soon as possible. These improvements are shown on the Erosion and Sediment Control Plan. Other sedimentation control devices, silt fence and inlet/outlet protection, will be installed as construction progresses. Construction of the devices shall agree with the details shown on the plan subject to modifications thereof that the City Inspector deems advisable. Regardless, the sediment control devices shall comply with all requirements of the Virginia Erosion and Sediment Control Handbook. They shall remain in place until all surfaces within the project are stabilized such that siltation will not occur, i.e., all upstream areas from the control devices have vegetation established, mulch in place or furnished pavement completed. All temporary erosion and sediment control measures shall be removed within 30 days after final site stabilization or after the temporary measures are no longer needed, unless otherwise authorized by the local program authority. Trapped sediment and the disturbed soil areas resulting from the disposition of temporary measures shall be removed off site or permanently stabilized to prevent further erosion and sedimentation (4VAC50-30-40 Minimum Standard No. 18).

C. The Contractor agrees to hold the Owner or any of its agents harmless from any and all liability or damage that may arise from a violation of the siltation ordinance and agrees to indemnify them against any loss.

D. Storm and Utility lines shall be installed in accordance with the following standards in addition to other applicable criteria (4VAC50-30-40 Minimum Standard No. 16):

1. No more than 500 linear feet of trench may be opened at one time.
2. Excavated material shall be placed on the uphill side of trenches.
3. Effluent from dewatering operations shall be filtered or passed through an approved sediment trapping device, or both, and discharged in a manner that does not adversely affect flowing streams or off-site property.
4. Restabilization shall be accomplished in accordance with these regulations.
5. Applicable safety regulations shall be complied with.

E. Soil Stabilization: Permanent or temporary soil stabilization shall be applied to denuded areas within seven days after final grade is reached on any portion of the site. Temporary soil stabilization shall be applied within seven days to denuded areas that may not be at final grade but will remain dormant (undisturbed) for longer than 30 days. Permanent stabilization shall be applied to areas that are to be left dormant for more than one year (4VAC50-30-40 Minimum Standard No. 1).

During construction of the project, soil stockpiles and borrow areas shall be stabilized or protected with sediment trapping devices (i.e., silt fence). Contractor is responsible for the temporary protection and permanent stabilization of all soil stockpiles on site as well as borrow areas and soil intentionally transported from the project site (4VAC50-30-40 Minimum Standard No. 2).

Stabilization measures shall be applied to earthen structures such as dams, dikes, and diversions immediately after installation (4VAC50-30-40 Minimum Standard No. 5).

Permanent Stabilization: A permanent vegetative cover shall be established on denuded areas not otherwise permanently stabilized. Permanent stabilization shall not be considered established until a ground cover is achieved that is, uniform, mature enough to survive and will inhibit erosion (4VAC50-30-40 Minimum Standard No. 3).

Permanent Stabilization: All disturbed areas not paved will receive at a minimum 4" of topsoil if required (see Topsoiling STD & SPEC 3.30) and be seeded as follows:

- 125 lbs. Minimum of three (3) up to five (5) varieties of bluegrass from the approved list for use in Virginia.
- 20 lb. Annual Rye per ac.
- 1000 lbs. 10-20-10 Fertilizer per ac.
- 3 tons agricultural limestone per ac
- 2 tons straw mulch per ac.

Permanent seeding will occur as a final phase of construction.

Temporary Stabilization: Seeding to stabilize areas left denuded for more than seven days, but not yet at final grade shall be as follows:

- 60 lbs. German Millet per ac. (May through August 15)
- 60 lb. Annual Rye per ac. (August 15 through April)
- 450 lbs. 10-20-20 Fertilizer per ac.
- 3 tons agricultural limestone per ac
- 2 tons straw mulch per ac.

Seeded areas to be watered and cared for as necessary to provide grass emergence.

F. Description of Controls

Control will be exercised through sequence of land disturbing operations, limiting duration of exposure of unstabilized areas and installation and maintenance of physical control devices coordinated with sequence of construction. Details for the standards referenced below are included on the plans. The devices to be used on the site are also shown on the drawings and include the following:

1. Construction entrance – (STD & SPEC 3.02) There is a high potential for tracking mud on to adjacent pavement during wet site conditions. Construction entrances are needed at the location shown on the plans to clean the tires of vehicles and equipment exiting the job site.
2. Silt Fence – (STD & SPEC 3.05) Silt fencing shall be placed as shown on the plan in order to filter sediments before runoff exits the construction area.
3. Culvert Inlet Protection- (STD & SPEC 3.08) Culvert inlet protection shall be installed as shown on the plan to prevent sediment from entering new storm culverts.
4. Temporary Diversion Dike - (STD & SPEC 3.09) Temporary Diversion Dike shall be placed as shown on the plan to divert clean water from entering the construction area.
5. Outlet Protection - (STD & SPEC 3.18) EC-1 required at both new culverts

G. Sequence of Land Disturbing Activities:

1. General: All applicable mechanical controls are to be constructed as the first item of work. Following their completion, rough grade, finish grade, and install appropriate erosion and sedimentation aids. Before newly constructed stormwater conveyance channels or pipes are made operational, adequate outlet protection and any required temporary or permanent channel lining shall be installed in both the conveyance channel and receiving channel (4VAC50-30-40 Minimum Standard No. 11). Retain control devices until final stabilization of all areas or as directed by the County Representative.

Sequence of Construction:

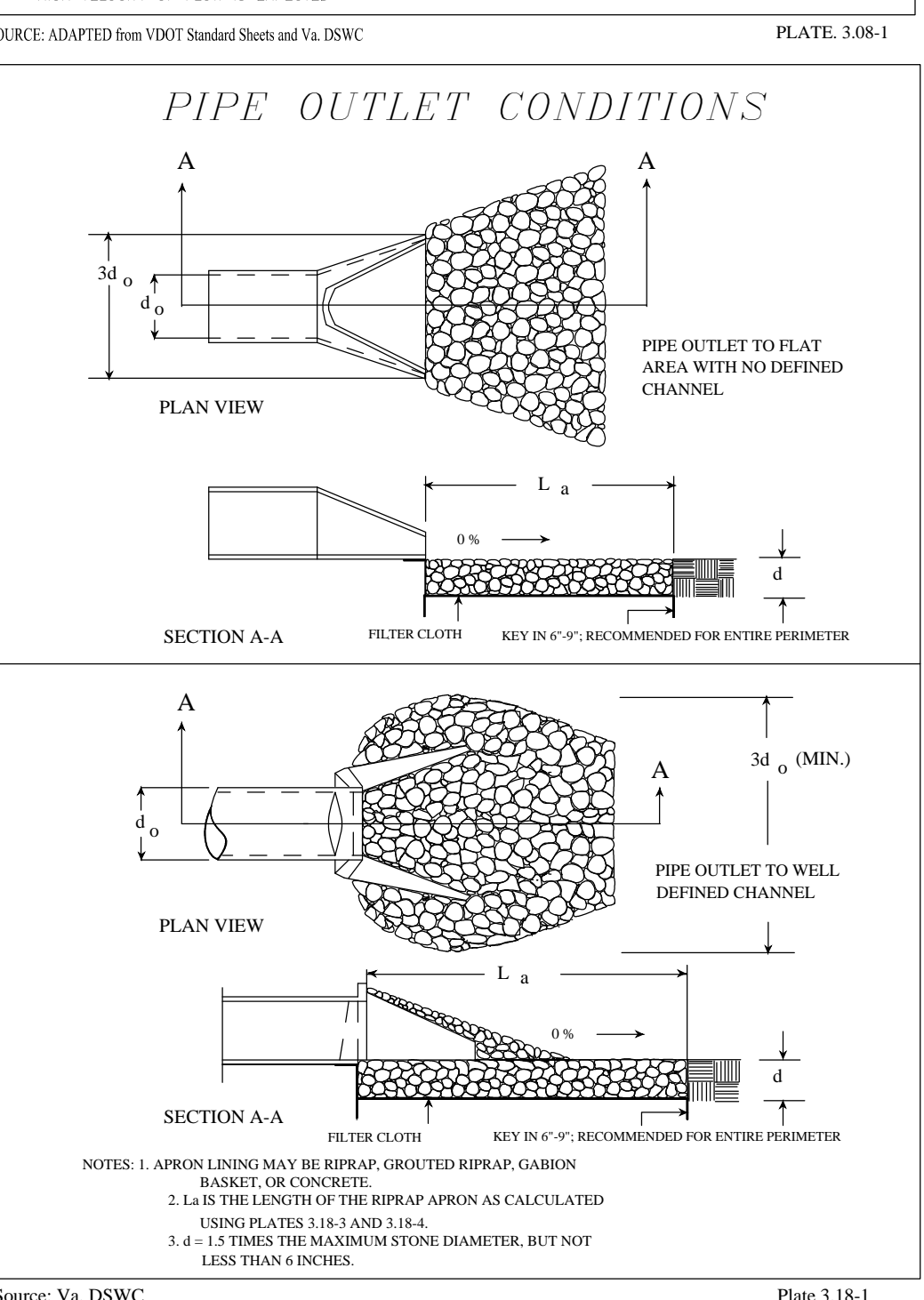
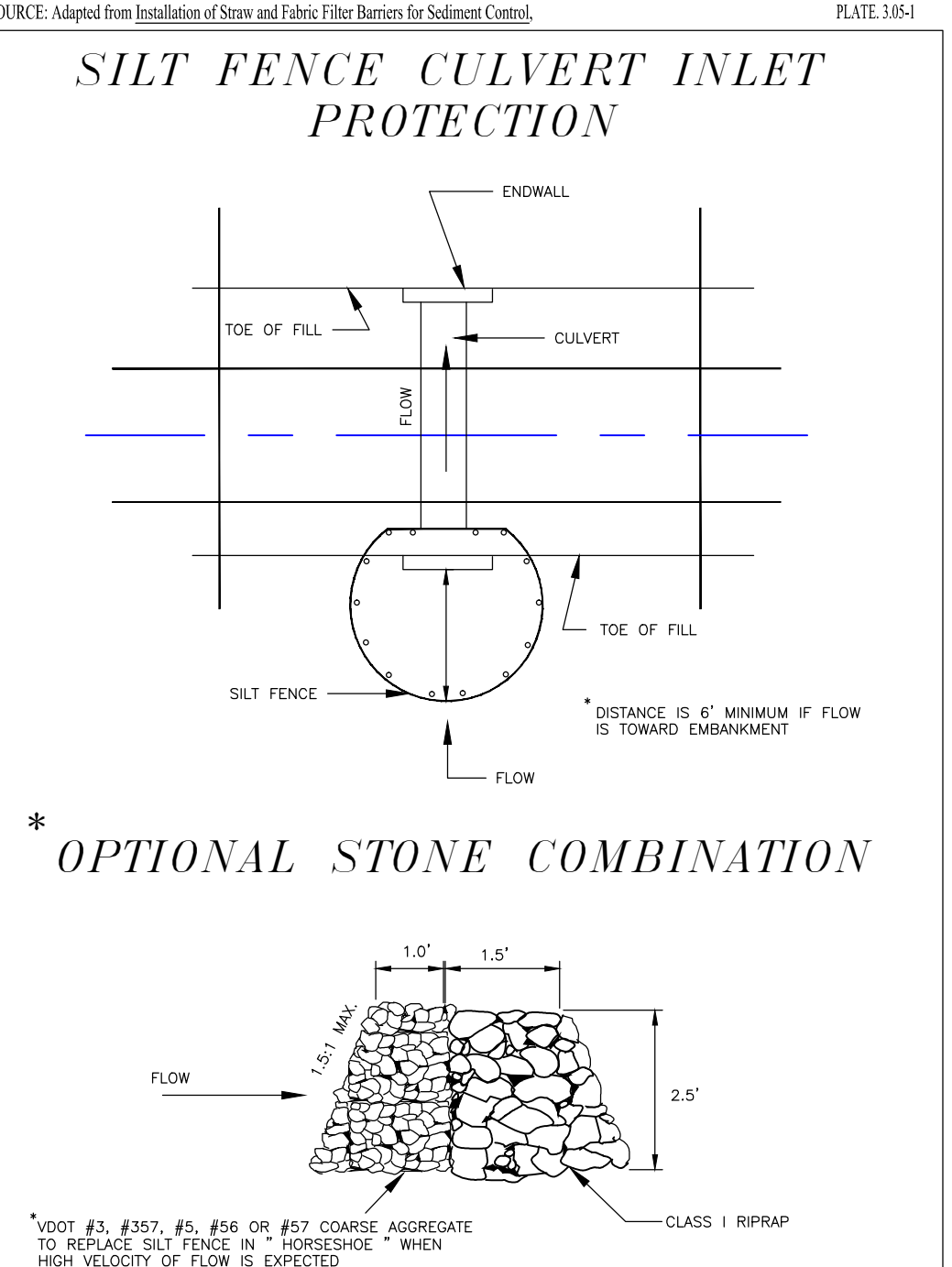
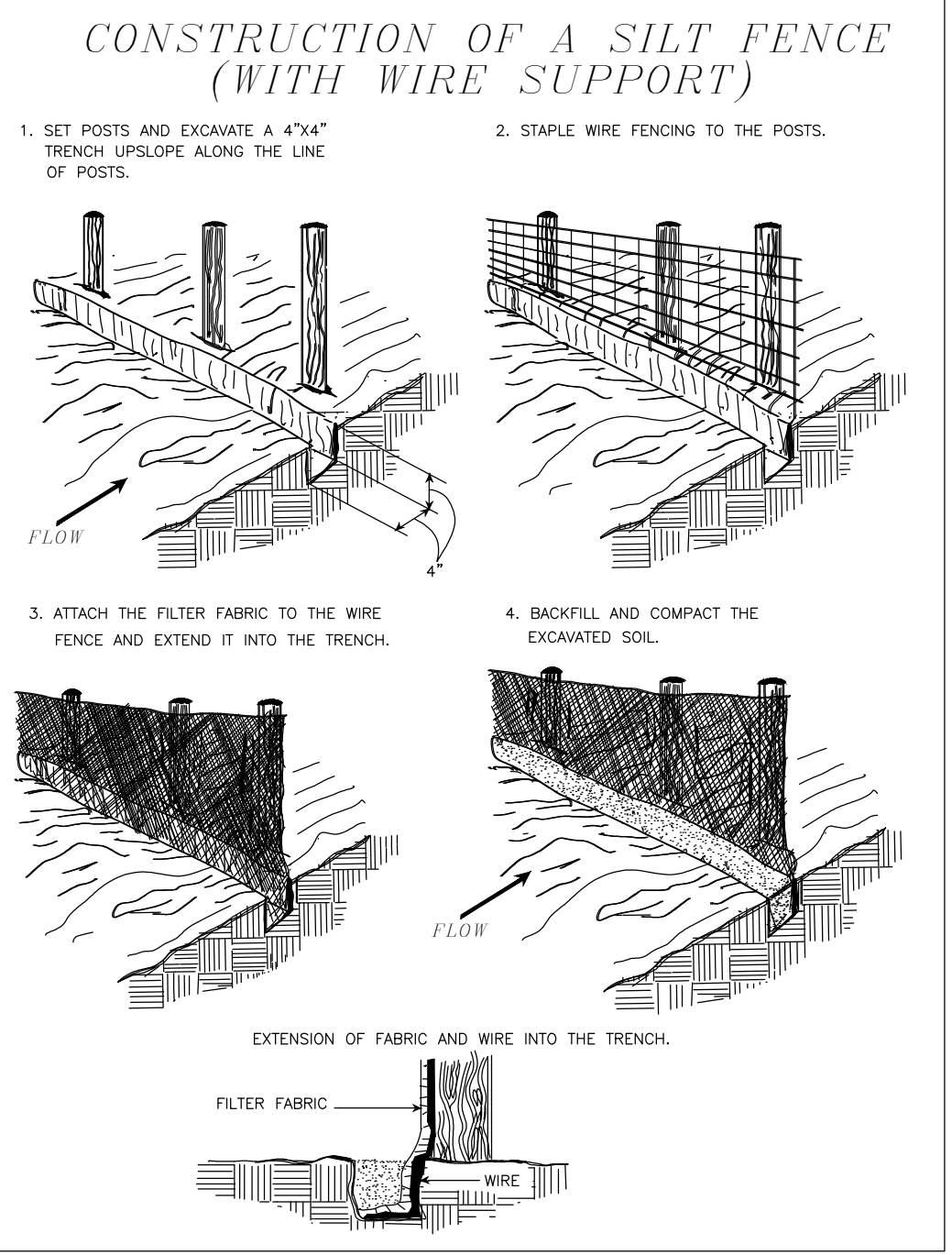
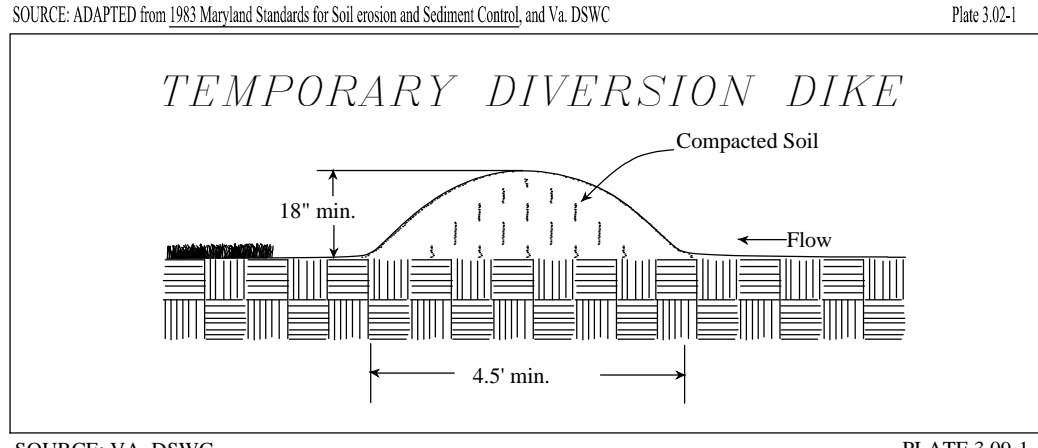
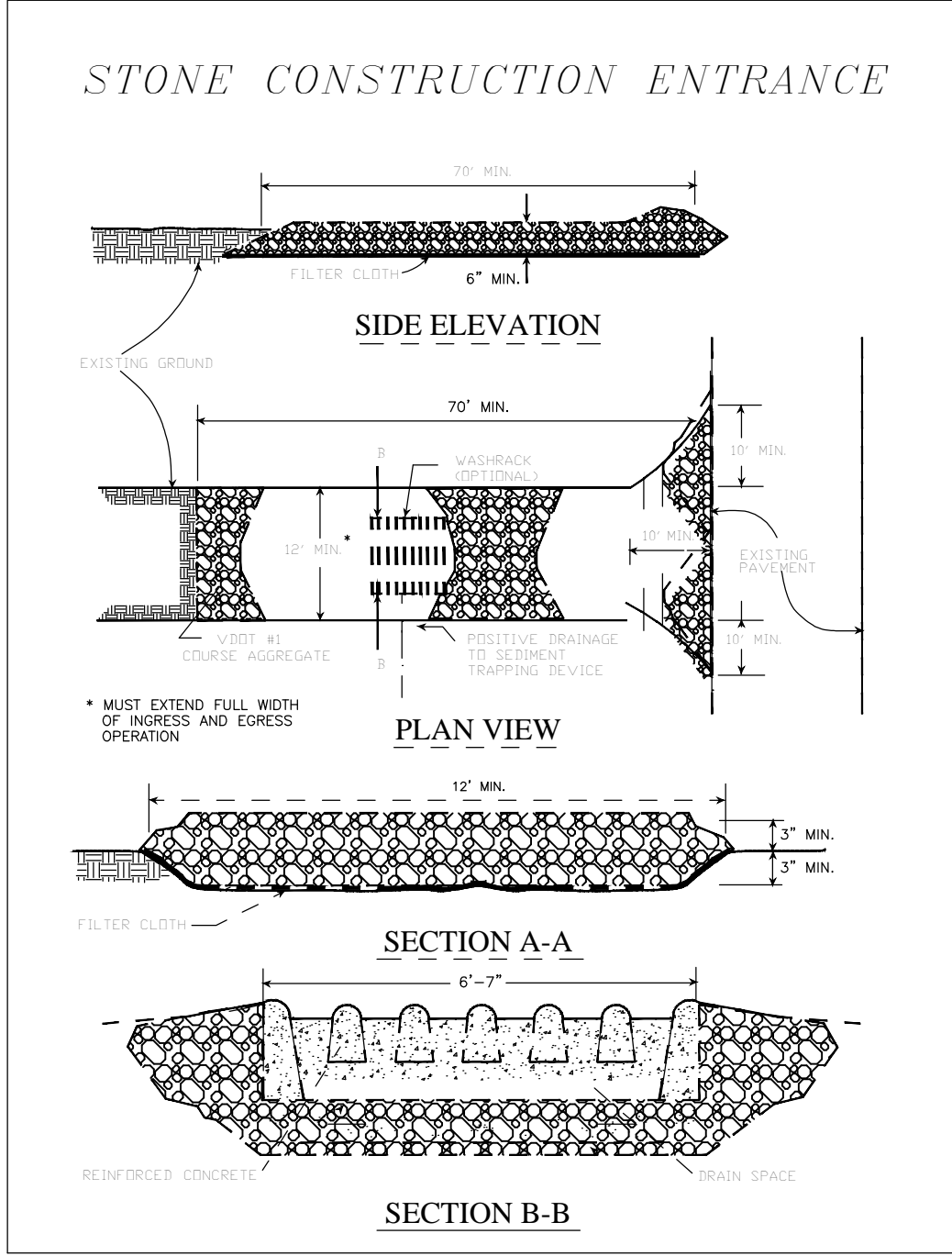
CONSTRUCTION PHASES:

- First Phase:**
 1. Install Construction Entrances.
 2. Install diversion dike and silt fence as shown on plan
 3. Begin construction of the private road.
- Second Phase:**
 1. Maintain all measures installed in First Phase
 2. Install new culverts
 3. Install inlet protection, outlet protection.
- Third Phase**
 1. Maintain all measures installed in First and Second Phases
 2. Finish grade.
 3. Stabilize as necessary.
- Fourth Phase:**
 1. Remove temporary sediment control measures on transition to site development per approved plan and construction bioretention facility.

H. Maintenance Program: All control measures are to be inspected daily by the site superintendent or his representative. Any damaged structure should be repaired at the close of the day. Inlet protection devices and silt fencing should be cleaned at 50% capacity and spread on-site where practical. Control structures shall not be removed until all areas above have been finally stabilized and seeded areas established. No control shall be removed without the site inspector's prior approval. The daily control measure inspections by the contractor shall be documented to indicate findings and corrective action taken. These reports shall be submitted to the City once every two week's basis. Where sediment is transported onto a paved or public road surface, the road surface shall be cleaned thoroughly at the end of each day. Sediment shall be removed from the roads by shoveling or sweeping and transported to stockpile areas. Street washing shall be allowed only after sediment is removed in this manner. (4VAC50-30-40 Minimum Standard No. 17).

Stormwater Management:

The site disturbs less than 1 acre therefore the proposed construction is exempt and no stormwater management is proposed.



SEEDING REQUIREMENTS	
PERMANENT STABILIZATION: ALL DISTURBED AREAS NOT PAVED WILL RECEIVE AT A MINIMUM 4" OF TOPSOIL AND BE SEED AS FOLLOWS:	TEMPORARY STABILIZATION: SEEDING TO STABILIZED AREAS LEFT DENUDED FOR MORE THAN SEVEN DAYS, BUT NOT YET AT FINAL GRADE SHALL BE AS FOLLOWS:
200 LBS. TALL FESCUE PER AC.	60 LBS. GERMAN MILLET PER AC. (MAY THRU SEPTEMBER)
20 LBS. ANNUAL RYE PER AC.	60 LBS. ANNUAL RYE PER AC. (OCTOBER THRU APRIL)
1000 LBS. 10-20-20 FERTILIZER PER AC.	450 LBS. 10-20-20 FERTILIZER PER AC.
3 TONS AGRICULTURAL LIMESTONE PER AC.	3 TONS AGRICULTURAL LIMESTONE PER AC.
2 TONS STRAW MULCH PER AC.	2 TONS STRAW MULCH PER AC.
SEEDED AREAS TO BE CARED FOR AS NECESSARY TO ENSURE GRASS EMERGENCE.	

Pennonni

PENNONI ASSOCIATES, INC.
 1900 Market Street, Suite 300
 Philadelphia, PA 19103
 T 215.222.3000 F 215.222.3668

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR AND OWNER MUST BE NOTIFIED OF ANY DISCREPANCIES BEFORE PROCEEDING WITH WORK

Professional Seal: MICHAEL M. ARTZ, No. 1513, 11-2-17, LAND SURVEYOR

COQUETTE ESTATES
 JOHN MOSBY HIGHWAY
 GREENWAY DISTRICT, CLARKE COUNTY, VA

EROSION & SEDIMENT CONTROL NARRATIVE & DETAILS

PETER & MELANIE HITCHEN
 397 LOCKES MILL ROAD
 BERRYVILLE, VA 22611

NO.	DATE	REVISIONS	BY

PROJECT: HITCH17001
 DATE: 2017-11-02
 DRAWING SCALE: AS NOTED
 DRAWN BY: MMA
 APPROVED BY: MMA

CS8002

SHEET 4 OF 4

MARSH & LEGGE LAND SURVEYORS, P.L.C.

560 North Loudoun Street, Winchester, VA 22601 ■ 540-667-0468 ■ Fax: 540-667-0469 ■ E-mail: office@marshandlegge.com

"COQUETTE ESTATES"
Greenway Magisterial District
Clarke County, Virginia
ENVIRONMENTAL INVENTORY AND IMPACT STATEMENT

The property proposed for subdivision is located on the southwest side of U.S. Route 50 (John Mosby Highway), 1.3 miles northwest of the Shenandoah River and is identified on the Clarke County Tax Maps as P.I.N. 30-A-65.

This property was conveyed to Peter O. Hitchen and Melanie D. Hitchen by Deed of Consolidation dated February 20, 2017, said deed recorded in the Office of the Clerk of the Circuit Court of Clarke County, Virginia in Deed Book 613 at Page 837. The Plat of Consolidation is recorded in the said Clerk's Office in Plat Book 12 at Page 33.

The property contains 150 acres, of which 12 acres is proposed for 4 residential lots with 138 acres to remain in the parent tract.

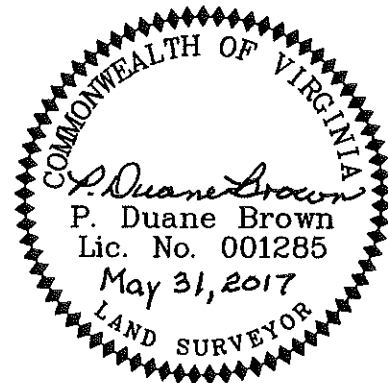
The proposed subdivision should have little, if any, impact upon the Shenandoah River or the Appalachian Trail.

The writer is unaware of any endangered species or habitats, historical or archeological resources, conservation easements, significant water features, sinkholes, ridgelines, pollution sources, large trees or manmade facilities or activities that would be impacted by this development.

An area of approximately 0.2 acres, located N19°W 650' from the southeast corner of the 150 acre site, has been identified from the Clarke County GIS Topographical Survey Mapping to contain slopes ranging from 15.0% to 16.6%. This area is not located within the proposed 12 acre development area.

Soils found in the proposed subdivision area are deep and moderately well drained. They formed on high river terraces in the Shenandoah Valley from alluvial and colluvial sediments derived from crystalline rocks. The terrace soils are underlain with residual material weathered from a heterogeneous mixture of limestone, shale and siltstone. No slippage soils, groundwater recharge areas or hydric soil types were found.

The only land disturbance anticipated would involve improved grading of 0.2 acres of existing ingress-egress easement, 0.4 acres required for a new ingress-egress easement, 0.9 acres for drainfields, 0.3 acres for residential dwelling sites and 0.3 acres for individual driveways.



From: "Ryan Fincham" <rfincham@clarkecounty.gov>
To: dbrown@marshandlegge.com, "hkremer" <hkremer@marshandlegge.com>
Sent: Thursday, November 16, 2017 4:24:14 PM
Subject: Hitchen plat review

Good afternoon-

I have been attempting for several days to complete my review and get you comments, but interruptions have been plentiful. Nice job on the plat. Here are my few comments.

Regarding the Coquette Estates Subdivision requested by Peter and Melanie Hitchen, I offer the following comments from my initial review of the proposed subdivision plat:

- 1) Page 1: Note 6 should read simply "Structures" and not "principal" structures as the setback applies to all structures. Please also add the setback requirements for the Remainder Lot (125' to Rt. 50 and 75' to property lines. Also please add the setbacks for intermittent streams as one is located on the property. *Please add the intermittent stream onto the property to Page 2 of 3.
- 2) Page 1: Please add note referencing CC Zoning Ordinance 3-A-1-f regarding vegetated buffers. * Please add vegetated buffer setback lines onto the property to Page 2 or Page 3
- 3) Please add a note referencing CCSD Ordinance 7-C-4-e regarding private access easements greater than 600' in length.
- 4) Topography at 5' contour intervals is required to be shown by CCSD Ordinance (7-B-4-m) at 1" to 200' scale. Please add topography to Page 2.
- 5) Page 2: Must show existing road entering the property as show on our County GIS to the east of the proposed SD entrance.
- 6) The proposed subdivision road will provide ingress/egress to three or more lots, therefore it is required to be named. Please have the applicant contact the Clarke County GIS Department regarding this issue. Also, please note that there is a \$300.00 fee for each road sign and pole set.
- 7) Please show the proposed SD road entrance flared as it is shown on the Roadway Plans or place a note on the plat referencing the Engineered Plans, or both.

- Also, will any land be dedicated to public use for VDOT purposes?

Regarding the Environmental Impact Statement:

- 1) Please show the Intermittent Stream located on the property and note any impacts.
- 2) There are several sinkholes on the property to the East, but it is unclear if they are located within 500' of the subject property, if so, please include any impacts.
- 3) Please note on the impact statement that resistivity testing was not required for any of the proposed septic sites since existing certification letters do not require it and any new sites were determined to be located in non-karst soils.
- 4) There are VOF and CCEA easements within 500' that should be noted on the impact statement.

Thank you-

Ryan Fincham,
Senior Planner & Zoning Administrator



**Lord Fairfax Health District
Clarke County Health Department**

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November 17, 2017

Ryan Fincham
Senior Planner/Zoning Administrator
101 Chalmers Court
Berryville, VA 22611

RE: Subdivision Review Comments – Coquette Estates Major Subdivision
Tax Parcel: 30-A-65 / 138.002 acre residue and 4 lot division

Ryan,

With respect to a review of the subject division, this office offers the following review comments regarding the subdivision plat:

- 1) The residue lot has three (3) previously issued drainfield footprint certification letters. In addition, the current project proposes to expand upon the footprint designated as DF 3. The expanded site has been certified by Bruce Legge, private OSE. This agency has previously reviewed and concurs with the proposal.
- 2) Lot 1 of the proposed subdivision has a previously issued drainfield footprint certification letter. Triangulated measurements should be provided for this footprint on Sheet 3 of the subdivision plat.
- 3) Lots 2, 3 & 4 of the proposed subdivision have sewage system footprints certified by Bruce Legge, OSE. This agency has previously reviewed and concurs with each proposal.
- 4) The proposed 20' SDU & RM easement appears to be less than the required 10' separation distance where in proximity to the sewage footprint for Lot 1.
- 5) The proposed utility easement appears to be less than the required separation distance where in proximity to the sewage footprints for Lots 1, 2, & 4. Pursuant to Chapter 143, the minimum separation must be a minimum of ten feet (where the utility is situated upslope) and 25 feet (where situated downslope). It is suggested that the utility easement be eliminated along the common boundary between Lots 1 & 2. Additionally, the utility easement should terminate near the VDH monument along US50 where in conflict with the Lot 2 drainfield and be removed where in conflict with the Lot 4 drainfield.

The owner is advised that §143-15 of the Code requires the submittal of a certification letter application and applicable processing fees before agency signing of the final plat. To avoid administrative denial of the application due to a State mandated processing time-frame, the owner is advised not to apply for the certification letter until such time as the approved division plat is available for signing.

Best regards,

A handwritten signature in blue ink, appearing to read "Todd W. Lam".

Todd W. Lam,
Environmental Health Specialist, Sr.

Cc: Peter Hitchen, owner
Bruce Legge, OSE
Marsh & Legge, Land Surveyors, PLC
CCHD file

COQUETTE ESTATES SUBDIVISION CLARKE COUNTY, VIRGINIA

CONSUMER DISCLOSURE STATEMENT

1. Name and address of each person having a beneficial interest in the subject land:

Peter O. Hitchen and Melanie D. Hitchen (f/k/a Melanie D. Marks), husband and wife (hereinafter, the "Hitchens")
497 Locke's Mill Road
Berryville, Virginia 22611

2. Name and address of the person upon whom legal service may be made, if a corporation, trust, partnership, unincorporated association, or other form or organization has a beneficial interest in said property:

Not Applicable

3. Statement of the condition of the title to the land comprising the subdivision, including all encumbrances, deed restrictions, covenants applicable thereto, and including a reference to all deeds or other instruments by which the current owner acquired title to the property:

- a. Fee simple title vested in the Hitchens by virtue of that certain Deed of Consolidation and Gift dated February 20, 2017, of record in the Office of the Clerk of the Circuit Court of Clarke County, Virginia in Deed Book 613, at Page 837.
 - i. Peter O. Hitchen acquired ownership of 60-acre parcel formerly designated as Tax Map No. 30 A 65A by Deed dated December 23, 2015, of record in the aforesaid Clerk's Office in Deed Book 597, at Page 574.
 - ii. Melanie D. Marks (n/k/a Melanie D. Hitchen) acquired ownership of 90-acre parcel formerly comprising Tax Map No. 30 A 65 by Deed dated April 18, 2006, of record in the aforesaid Clerk's Office in Deed Book 457, at Page 17.
- b. Encumbrances
 - i. Deed of Trust dated November 4, 2015, made by Melanie D. Hitchen (f/k/a Melanie D. Marks) in favor of Thomas M. Dickinson, Jr., Trustee, to secure note of \$512,000.00, plus interest, to Capon Valley Bank. Said Deed of Trust is of record in the aforesaid Clerk's Office in Deed Book 596, at Page 165, and is secured against 90-acre parcel formerly comprising Tax Map No. 30 A 65.

- ii. Deed of Trust dated December 28, 2015, made by Peter O. Hitchen in favor of Mildred Fletcher Slater and Catharine Slater Crawford, Trustees, to secure note of \$285,000.00, plus interest, to Capon Valley Bank. Said Deed of Trust is of record in the aforesaid Clerk's Office in Deed Book 597, at Page 582, and is secured against 60-acre parcel formerly designated as Tax Map No. 30 A 65A.
- iii. Negative Pledge Agreement dated February 1, 2016, made by Melanie D. Hitchen (f/k/a Melanie D. Marks) and Bank of Clarke County, affecting 90-acre parcel formerly comprising Tax Map No. 30 A 65.

c. Easements

- i. Sewage Disposal Permits – Deed Book 419, at Page 429, Deed Book 416, at Page 426, Deed Book 416, at Page 435, and Deed Book 416, at Page 432
- ii. Potomac Edison Co. – Deed Book 103, at Page 197
- iii. Commonwealth of Virginia – Deed Book 102, at Page 481
- iv. C&P Telephone Co. – Deed Book 92, at Page 186
- v. American Telephone & Telegraph Co. – Deed Book 51, at Page 58
- vi. Northern Virginia Power Co. – Deed Book 48, at Page 54
- vii. Quarles Petroleum, Inc. – Deed Book 409, at Page 737
- viii. Access easements – Deed Book 269, at Page 171, Deed Book 345, at Page 915, Deed Book 457, at Page 17, and Plat Book 7, at Page 65

4. Statement as to how consumers purchasing land in the subdivision will be protected with respect to any encumbrances on the property:

With respect to the mortgage encumbrances on the property, in connection with the sale of each lot to a consumer, the Hitchens will ensure that all such encumbrances are released as to such lot so that the purchaser takes title free and clear of liens.

Upon information and belief, none of the easements will negatively impact consumers purchasing land in the subdivision. If, after further title review, one of the easements is determined to have a potentially negative impact on a prospective purchaser, the Hitchens will seek to undertake steps to mitigate or remove this impact.

5. Statement of means of access to the property and to lots within the proposed subdivision from a public road:

The Coquette Estates Subdivision directly adjoins U.S. Highway 50, a public road.

Lots 1-4 in the Coquette Estates Subdivision will be served by thirty-foot (30') private ingress-egress easements ("Easements"), as shown on the Subdivision Plat attached to the Deed of Dedication and Declaration of Restrictive Covenants for Coquette Estates ("Deed of Dedication").¹ Each purchaser of a Lot, his successors and assigns, shall be responsible for providing and maintaining access to the dwelling on each Lot from the common Easements.

The Easements will be maintained by all owners of lots in the Coquette Estates Subdivision, with costs for upgrades/maintenance to be apportioned equally among all lots having the beneficial use thereof in accordance with the Deed of Dedication. At no time will the County of Clarke or the Virginia Department of Transportation accept responsibility for constructing, upgrading, or maintaining the Easements without written approval from such agency.

6. Statement of the availability of sewage disposal facilities, water, electricity, gas, telephone, and fire and police protection:

Each Lot in Coquette Estates will be served by a private well and septic system, with the proposed locations of the wells and drainfields shown on the Subdivision Plat attached to the Deed of Dedication.

The Hitchens will provide electricity through Rappahannock Electric Cooperative to the edge of each Lot. Each purchaser of a Lot, his successors and assigns, shall be responsible for providing and maintaining electricity services to the dwelling and/or any other buildings on the Lot.

No common gas or telephone services will be provided to the Lots. Each purchaser of a Lot, his successors and assigns, may acquire such service at his own expense.

The Lots will be served by the Sheriff's Department and Fire, EMS, and Emergency Management Department of Clarke County.

The estimated cost of utility services will be the cost to bring such services to each dwelling or structure on each Lot from the common access point, plus the owners'/occupants' individual utility usage thereafter.

¹ Additionally, Lots 1-2 front directly on U.S. Highway 50, a public road.

7. Statement of the nature of improvements to be made to the property by the subdivider for benefit of purchasers, and the estimated schedule for completion of said improvements:

The Hitchens will install a low volume commercial entrance from U.S. Highway 50 per VDOT regulations. The Hitchens will install a gravel driveway within the bounds of the Easements up to the point where Lots 1, 2, and 4 meet. The Hitchens will ensure that electricity service is brought to a point or points where it is accessible to all Lots.

8. Further information regarding the Coquette Estates Subdivision may be found in the Deed of Dedication, a copy of which is attached hereto and the terms of which are incorporated into this Consumer Disclosure Statement by reference.

THIS DEED OF DEDICATION AND DECLARATION OF RESTRICTIVE COVENANTS is made this ____ day of _____, 2017, by and between **PETER O. HITCHEN** and **MELANIE D. HITCHEN** (formerly known as **MELANIE D. MARKS**), hereinafter called the “Declarant” or the “Grantor”, whether one or more.

WHEREAS, the Grantor is the owner in fee simple of certain real estate located in Greenway Magisterial District, Clarke County, Virginia, comprising 150.00 acres, more or less, as shown on that certain Plat entitled “Preliminary Subdivision Plat of ‘Coquette Estates’, Greenway Magisterial District, Clarke County, Virginia” dated May 31, 2017, prepared by P. Duane Brown, Land Surveyor, which Subdivision Plat is attached hereto and incorporated herein by reference as if set out in full; and,

WHEREAS, the Grantor now desires to subdivide same into lots (Lots 1 through 4, inclusive) to be known as Coquette Estates The subdivision of said real estate, as it now appears on the aforesaid attached Subdivision Plat, is with the free consent and in accordance with the desires of the undersigned Grantor, and the Grantor further desires to subdivide the aforesaid real estate in accordance with the provisions of the Virginia Subdivided Land Sales Act as are applicable and in force and effect as of the date of execution of this Deed of Dedication.

NOW THEREFORE, THIS DEED OF DEDICATION WITNESSETH:
That for and in consideration of the premises and the benefits which will accrue by reason of the Dedication, the Grantor does hereby subdivide all of the certain tract or parcel of land designated as Coquette Estates, lying and being situate in the County of Clarke, Virginia, and being more particularly described by that certain Preliminary

Subdivision Plat of Coquette Estates, drawn by P. Duane Brown, Land Surveyor, dated May 31, 2017, containing Lots 1 through 4, inclusive, which Subdivision Plat is attached hereto and incorporated herein by reference as if set out in full.

THIS DEED OF DEDICATION FURTHER WITNESSETH: That for and in consideration of the premises and the benefits which will accrue by reason of the Dedication, all of the lots shown on the plats attached hereto shall be subject to the following restrictions, covenants and conditions, which shall constitute covenants real and running with the land, and shall be binding upon all parties having any right, title and interest in and to the aforesaid lots or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each owner thereof, unless otherwise stated in this initial deed of dedication of Coquette Estates.

COVENANTS AND RESTRICTIONS

The lots in said Subdivision are subject to the following covenants and restrictions which shall be considered covenants real and running with the land and shall be binding on all parties and persons claiming under them and shall be for the benefit of and constitute limitations upon all future owners of said lots:

1. All lots shall be used for single family residential purpose only. Any utility or other outbuilding on any lot shall be of the same material, color and construction as the main structure on such lot.
2. No profession or home occupation shall be conducted in or on any part of a lot.

3. No signs or advertising of any nature shall be erected or maintained on any lot except "For Sale" signs for said lot which signs shall not exceed five (5) square feet in area, or signs used by the Declarant to advertise the property during construction and sale. No "For Rent" signs shall be allowed on any lot.
4. No boats, mobile homes, motor homes, campers, buses, trailers of any type, tractors, trucks or other motor vehicles (other than automobiles, motorcycles, pickup trucks, and 3/4 ton (or less) vans) shall be permitted on any lot except during the course of construction. No motor vehicle or material portion thereof which does not have a current license and current Virginia inspection sticker shall be permitted on any lot.
5. No animals of any kind (including livestock, poultry or birds) shall be permitted on any lot, except dogs, cats and other usual household pets may be kept, provided they are not kept, bred or maintained for commercial or charitable purposes or in unusual numbers.
6. No noxious or offensive activities shall be carried on upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.
7. In the event that a dwelling is destroyed, the owner of the dwelling, within thirty (30) days from said destruction, shall clear away the remaining portion of the dwelling unit and maintain the lot in a neat and orderly condition. No structure other than one of at least the same dimensions and similar architecture as the building destroyed shall be constructed in the place of the original unit.

8. All buildings, accessory structures, and permanent installations shall be kept in good repair and order.
9. No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage and other waste shall be in sanitary containers. All incinerators and other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition in the rear. No refuse or any container for it shall be placed or stored in front of any house, except on the date of garbage pickup.
10. No trees shall be planted nor other digging undertaken without first securing the approval of the local power company and without first being advised as to the location of all underground electrical and telephone wires.
11. No exterior clothes lines, or hanging device, shall be permitted on any lot, except for an umbrella type with a diameter not to exceed seven (7) feet, provided, however, that the same may only be used in the rear of any building constructed on said lot and the clothes line is stored within a utility building or the equivalent when clothes lines are not in use.
12. One-story houses shall have a minimum of one thousand six hundred square feet (1,600) of living space. Two-story houses shall have a minimum of two thousand two hundred square feet (2,200) total. All other house configurations such as, but not limited to, Cape Cod, Saltbox, Multi-level and Tri-level shall have a minimum of one thousand eight hundred square feet (1,800) of usable, finished living space. Living space shall be measured using outside foundation measurements and shall be exclusive of carports, garages

and basements. The maximum usable living space for any style of house shall be five thousand (5,000) square feet. Roof pitch shall be at least six-twelfths (6/12).

13. All lots are required to observe any setback lines, and/or side lines and/or rear yard lines as shown on the aforesaid attached preliminary plat, in addition to those applicable requirements of any county ordinance.

14. No house may be constructed with exterior walls other than brick, brick veneer, wood or Hardie siding, stucco, stone, or glass.

15. All exterior portions of any building constructed must be completed within one (1) year from the beginning of construction.

16. Any garage and/or carport must be constructed in the same style as the exterior of the dwelling to which it is appurtenant.

17. The plans for any site improvement (including, but not limited to, clearing of land, construction of a dwelling or accessory building, and installation of a driveway) must be submitted to the Grantor, or their successors and/or assigns, for approval prior to beginning such work. The Grantor must issue written approval for such work before construction may begin.

18. No guest cottage or accessory building may be constructed on any lot not already improved by a single-family detached house; provided, however, that with Grantor's consent, if one person owns two (2) or more adjacent lots, accessory buildings may be constructed on a lot not improved by a dwelling.

19. All lots may be fenced adjacent to the lot boundaries and along the ingress/egress easements, so long as such easements are not impeded. Said

fencing, the installation of which is subject to review by the Grantor, or their successors and/or assigns, shall be constructed of one of the following:

- a. 3 or 4 black boards with cover panels;
- b. Field stone not less than 20" wide and 36" high; or
- c. 3 or 4 panel split rail.

20. No temporary structure may be erected on any lot for use as living quarters.

No outdoor toilet facilities shall be permitted.

21. No commercial crops shall be permitted to be grown except for personal use by the lot owners.

22. Fields and yards shall be clipped and mowed as needed. All landscaping shall be kept neat and tidy in appearance.

23. The Grantor herein reserves and shall have the right alone to waive any one or more of the restrictive covenants and conditions contained herein as to any lot transferred by it except that it cannot change the use of any lot from residential to commercial. This waiver shall not affect the binding effect of the covenants and conditions upon any other lot. The Grantor further reserves the right alone to impose additional restrictive covenants and restrictions as to any lot or lots owned by it, including the remaining land as shown on the attached and incorporated plat, at the time of the imposition and such imposition shall not affect the binding effect of these provisions upon any other lots.

24. The invalidation of any one of the covenants or restrictions contained herein by judgment or court order shall in nowise affect any of the other provisions

which shall remain in full force and effect. The failure of the lot owners or the Grantor herein to enforce any covenants or restrictions shall not be deemed to be a waiver of the right to do so thereafter as to a default occurring prior or subsequent thereto.

25. The covenants and restrictions herein contained shall not impose any restraint on any portion of land now owned or hereafter acquired by Grantor, other than Coquette Estates, except to the extent that Grantor may subject future lots to the covenants and restrictions herein contained by separate instrument.

EASEMENTS

Section 1. Public Utility and Drainage Easements: The property dedicated hereby is subject to those certain easements or rights of way designated as Ingress-Egress Easements on the aforesaid plat of Coquette Estates. The Grantor does hereby reserve unto themselves the said easements and may assign, grant, and/or convey the same unto Clarke County, Virginia, or other agency having jurisdiction thereof, a perpetual right of way or easement for the construction, reconstruction, maintenance and repair of the aforesaid easements and any related facility designated on the aforesaid plat as Utility Easements. Until such time as they are conveyed unto Clarke County, Virginia, or other agency having jurisdiction thereof, the said easements shall be maintained jointly by the owners of all lots in Coquette Estates having the benefit thereof, with costs (including, but not limited to, repairs and snow removal) to be apportioned equally among all such lots.

Section 2. Reservations:

- (a) The Grantor reserves unto itself, its successors or assigns, the right to erect, maintain, operate and replace underground telephone and electrical conduits, related equipment, and other facilities, sewer, gas, water and television lines and related equipment, and other utility equipment where such utility lines and equipment are located within the utility easements.
- (b) The Grantor further reserves unto itself, its successors or assigns, for a period of five (5) years from the date of conveyance of the first lot in Coquette Estates, a blanket easement and right of way on, over and under the ground within said Subdivision to maintain and correct drainage of surface water in order to maintain reasonable standards of health, safety and appearance. Such right expressly includes the right to cut any trees, bushes or shrubbery, make any grading of the soil or to take any other similar action reasonably necessary, following which the Grantor shall restore the affected property to its original condition as near as practical. The Grantor shall give reasonable notice of intent to take such action to all affected owners, unless in the opinion of the Grantor an emergency exists which precludes such notice. Reservation by the Grantor of such blanket easement and rights contained herein shall not, in any way, obligate Grantor to undertake any maintenance, repair or corrective action whatsoever and shall not impose any liability or responsibility upon Grantor therefor.

GENERAL PROVISIONS

Section 1. Enforcement: The Grantor, its successors or assigns, or any Owner, shall have the right to enforce, by a proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens and charges, now or hereafter imposed by the provisions of this Declaration. Failure by the Grantor, its successors or assigns, or by any Owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter. All costs which the Grantor, its successors or assigns, or any Owner shall incur in the successful enforcement of the restrictions, conditions, covenants, reservations, liens and charges, now or hereafter imposed, shall be borne by the party against which action is taken and which costs shall include reasonable attorney's fees, costs and damages.

Section 2. Severability: Invalidation of any one of these covenants or restrictions by judgment or court order shall in no way affect any other provision which shall remain in full force and effect.

Section 3. Amendment: The covenants and restrictions of this Declaration shall run with the land and bind the land, and shall inure to the benefit of and be enforceable by the Owner of any Lot subject to this Declaration, their respective legal representatives, heirs, successors and assigns, for a term of fifteen (15) years from the date this Declaration is recorded, after which time, said covenants shall be automatically extended for successive periods of ten (10) years, except as otherwise allowed by the laws of the Commonwealth. The covenants and restrictions of this Declaration may be amended during the first (15) year period by an instrument signed by not less than ninety percent (90%) of the Lot Owners, and thereafter, by an instrument signed by not less than

seventy-five percent (75%) of the Lot Owners, except as otherwise allowed by the laws of the Commonwealth.

Section 4. The Dedication and Subdivision of the land as shown on the attached plat is with the free consent and in accordance with the desires of the undersigned Declarant, and is in conformity with the provisions of Virginia law as are applicable, together with the applicable ordinances and regulations of the governing body of Clarke County, Virginia, or other agency having jurisdiction thereof.

WITNESS the following signatures and seals:

_____[SEAL]
PETER O. HITCHEN

_____[SEAL]
**MELANIE D. HITCHEN (formerly
known as MELANIE D. MARKS)**

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF _____, to-wit:

The foregoing instrument was acknowledged before me this ____ day of _____, 2017, by Peter O. Hitchen.

NOTARY PUBLIC

My commission expires: _____

COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF _____, to-wit:

The foregoing instrument was acknowledged before me this ____ day of _____, 2017, by Melanie D. Hitchen (formerly known as Melanie D. Marks).

NOTARY PUBLIC

My commission expires: _____