



**TOWN OF MIDDLEBURG
PLANNING COMMISSION
REGULAR MEETING MINUTES**



MONDAY, JUNE 17, 2019

PENDING APPROVAL

PRESENT: Eric Combs, Chairman
Terence S. Cooke, Member
Edward R. Fleischman, Member
Rachel Minchew, Member
Mimi Dale Stein, Member
Kevin Hazard, Councilmember

STAFF: William M. Moore, Deputy Town Administrator/Town Planner
Rhonda S. North, MMC, Town Clerk

ABSENT: Donald Woodruff, Vice Chair

The Middleburg Planning Commission held their work session and regular meeting on Monday, June 17, 2019 in the Town Hall Council Chambers, located at 10 W. Marshall Street in Middleburg, Virginia. Chairman Combs called the work session to order at 6:30 p.m.

Status Report – CP 15-01: Salamander Residential Construction Plans

Deputy Town Administrator Moore reminded the Commission that they approved the preliminary plat in 2015. He further reminded them that the construction plans were then submitted, to which the Town and review agencies provided comments. Mr. Moore advised that Salamander had not yet provided their resubmission and opined that this was because significant changes were needed to the sewer system design in the western section of the subdivision. He advised that while they would be in conformance with the proffers, there would be some small changes in the plans. Mr. Moore explained that the major difference was that the main road, which was previously proposed as a one-way loop, was now proposed as a two-way road. He advised that this was preferable as there would be less lane miles for VDOT to maintain and less impervious surface. Mr. Moore noted that it would also lessen the length of the water mains that the Town would have to maintain. He advised that another positive of the new design was that the houses on Lots 17-22 would be pulled further away from Stonewall Avenue. Mr. Moore reported that the access points for the subdivision would remain the same. He advised that a small traffic circle was added along the extension of Chestnut Street, which tied into the roadway as it connected to the R-1 area. Mr. Moore noted that these were features the Commission sought in order to deter cut-through traffic to the resort. He reported that there would continue to be the same number of lots.

Deputy Town Administrator Moore advised that the applicant was looking at a different design for the homes in the R-3 District; however, they were proposing the same design for the larger lots in the R-2 District. He noted that Salamander continued to indicate they would not pursue the proffered development for the Mixed Use Village (MUV) District. Mr. Moore reminded the Commission that they would have to return with a rezoning request for that area or seek a proffer amendment. He further reminded them that the resort and conservation easement were on one parcel, the R-1 and R-3 Districts were one parcel, and the MUV District was one parcel.

In response to an inquiry from the Commission regarding the sale of lots to individuals so they could construct their own homes, Deputy Town Administrator Moore opined that Salamander's plans were to construct the homes themselves. He reminded the members that Salamander proffered a design review by the HDRC of any homes that were built; however, that review would not be based on the Town's Historic District Guidelines. Mr. Moore advised that Salamander went through the review process for the larger lot homes to establish design guidelines; however, they have not done so for the R-1 lots. He noted that each house would need to obtain approval based on their guidelines. Mr. Moore advised that while Salamander would not be precluded from selling lots individually, the homes would have to conform to the guidelines. He reported that while the larger home design was more modern, the elevations and materials that would be used were not.

Deputy Town Administrator Moore advised the Commission that Salamander must return for a final plat approval. He noted that it could vary somewhat from the preliminary one. Mr. Moore advised that he expected they would submit the construction plans first, followed by the final subdivision plans. He reminded the Commission that VDOT must approve the change to the road layout.

In response to an inquiry from the Commission, Deputy Town Administrator Moore explained that the storm water management system would be identified in more detail in the construction plans. He noted that Salamander would have to comply with the new storm water management regulations.

Comprehensive Plan Update

Deputy Town Administrator Moore advised the Commission that he only received written comments from Commissioner Fleischman. He reported that he had a few conversations with stakeholders, which were inquisitive in nature. Mr. Moore advised that a representative of the Windy Hill Foundation was happy to see the Town's willingness to partner with them on some of their initiatives.

Deputy Town Administrator Moore reported that there was a minor change to the future land use map in that it now contained a street grid layer. He noted that some of the maps contained outdated labeling and advised that those would be updated.

Chairman Combs adjourned the work session at 6:57 p.m. He called the regular meeting to order at 7:00 p.m.

Disclosure of Meetings with Applicants

Commissioners Fleischman, Stein, Cooke and Minchew reported that they have not had any meetings with applicants. Councilmember Hazard reported that in his role as a member of the Town Council, he met with an individual who may bring something before the Planning Commission in the future.

Approval of Meeting Minutes

Commissioner Cooke moved, seconded by Commissioner Fleischman, that the Planning Commission approve the April 22, 2019 meeting minutes as presented.

Vote: Yes – Commissioners Combs, Cooke, Fleischman, Minchew and Stein and Councilmember Hazard

No – N/A

Abstain – N/A

Absent – Vice Chair Woodruff

Councilmember Hazard moved, seconded by Commissioner Cooke, that the Planning Commission approve the May 6, 2019 meeting minutes as presented.

Vote: Yes – Commissioners Combs, Cooke, Fleischman, Minchew and Stein and Councilmember Hazard

No – N/A

Abstain – N/A

Absent – Vice Chair Woodruff

Public Hearing – Draft Town of Middleburg Comprehensive Plan 2019

Deputy Town Administrator Moore reviewed the history of the Comprehensive Plan update. He reminded the Commission that they were not obligated to act on it during this meeting and suggested that if comments were received that necessitated their discussion, they could take the time necessary to address them before forwarding a recommendation to the Council.

Dan Morrow advised the Commission that he was a resident of Winchester, Virginia and was the Publisher of the Middleburg Eccentric. He reviewed his background. Mr. Morrow noted that outside of referencing color, the word “green” only appeared once in the document – that being in regard to goals related to land preservation. He suggested the Planning Commission add language to the effect that the Town would commit to promoting the use of renewable energy in the private sector and to maximizing energy efficiency in all official Town activities, vehicles and facilities.

No one else spoke and the public hearing was closed.

Chairman Combs thanked Deputy Town Administrator Moore and Todd Gordon, of The Berkley Group, for their hard work in developing the draft plan.

The Commission held some discussion of the comments offered by Commissioner Fleischman and Mr. Morrow. They agreed to leave the Salamander Resort’s identification on the maps as is. With regard to the issue of storm sewers, the Commission acknowledged that there was a very limited storm drainage system in Middleburg and that it was maintained by VDOT. It was suggested that this be addressed in the Town’s Master Utilities Plan, which was scheduled for an update. The Commission suggested the Comp Plan mention that storm drainage was a substantial concern. They asked Deputy Town Administrator Moore and Mr. Gordon to draft some language to that effect.

The Commission agreed that as to the reference to “green”, the Comp Plan was light on recommendations. They noted that they would like to lay the groundwork for the Federal Street redevelopment infrastructure to be green. It was suggested that an item related to renewable energy/resources be added to the strategies listing in the Natural & Environmental Resources Chapter (page 5) and that it be added to the bulleted list of Environmental Regulations & Initiatives (page 7). The Commission noted that the Town was working on green items, such as the location of an electric vehicle charging station in Middleburg; however, they did not want to commit it to something specific. They noted that the new Town Administration Building was included in the Community Facilities & Services Chapter and suggested that green initiatives be mentioned with regard to that project. The Commission opined that there were opportunities to reference green initiatives throughout the entire document and agreed to do so by making general references. They directed Deputy Town Administrator Moore and Mr. Gordon to draft some language for their review during their July meeting.

Deputy Town Administrator Moore advised the Commission that he would get the changes to them in advance of the meeting so the members could offer him feedback on them. He expressed hope to present a clean copy of the 2019 Comp Plan to the Commission during their July meeting so they could take action on it.

Council Representative's Report

Councilmember Hazard noted that the Council observed a Moment of Silence for the victims of the Virginia Beach shooting. He reported that the staff was working on the new website and invited the members to view it and offer their comments during the soft launch period. Mr. Hazard advised that the Cultural & Community Events Committee was in the process of developing an Oktoberfest event for Middleburg. He noted that Tina Staples was appointed as the Interim Town Treasurer and reported that the Town's revenues were at 100% for the fiscal year and the expenditures were at 70%. Mr. Hazard advised that the Mayor was pushing to ensure the expenditure numbers were closer to the projections. He reported that the Council approved a Resolution of Support for the City of Virginia Beach and the transfer of the Town's trash collection contract to Bates Trucking. In addition, they held a good discussion on a new pay scale for the Police Department. Mr. Hazard noted that they also approved an RFP for the development of a long-term economic development strategy and talked about options related to mosquito control, including a public education campaign and the use of larvacides.

Discussion Items

SD 19-01: Minor Subdivision – 3 Walnut Street

Deputy Town Administrator Moore noted that this was an information item only. He reported that he approved the subdivision of one lot into two, which created a potential infill lot at the corner of Walnut and Washington Streets. Mr. Moore advised that if a home was constructed, Washington Street would be the front of the lot. He reviewed the setback requirements with the Commission. Mr. Moore reminded the Commission that VDOT must approve any new driveway entrances and opined that they would prefer that it occur on Walnut Street.

Banbury Cross Reserve Subdivision – Sam Fred Road/Route 50

Deputy Town Administrator Moore advised the Commission that a plan was submitted for the Banbury Cross Reserve Subdivision at the intersection of Sam Fred Road and Route 50, which was located outside of the Town's corporate limits. He noted that the majority of the land was located outside the extraterritorial subdivision control area; however, the majority of the area proposed for subdivision was located within it. Mr. Moore advised that after some discussion with the County, it was agreed that the Town would take the lead on the preliminary plat and the County would take the lead on the construction plans. He reminded the Commission that it was required to conduct a public hearing on the preliminary plans, which he anticipated could be controversial. Mr. Moore further reminded them that the adoption of a preliminary plan was a ministerial act, meaning the Commission must approve it if it met all of the technical requirements of the subdivision ordinance. He noted the need to send the plans to the reviewing agencies in order to receive their comments and advised that the Commission must act within forty-five days of receipt of those comments, or within ninety days of the plan submission to the reviewing agencies, unless the applicant could not address any review comments within that period and asked for an extension. Mr. Moore advised the Commission that this would come before them in the near future. He reported that the property was currently zoned AR-2 and noted that the applicant was proposing a cluster development, with thirty-one lots being clustered and seven being rural development lots.

Commissioner Fleischman expressed concern that the applicant could build on the cluster lots but not the larger ones.

Deputy Town Administrator Moore noted that if they did not do so, this would preserve the land; however, he advised that this was a technical comment for the County.

Quorum for July Meeting

Commissioner Minchew advised that she could not attend at the July meeting. The remaining members who were present confirmed they would.

There being no further business, Chair Combs adjourned the meeting at 8:32 p.m.

RESPECTFULLY SUBMITTED:

Rhonda S. North, MMC, Town Clerk

Middleburg Planning Commission Transcript
June 17, 2019

(Note: This is a transcript prepared by a Town contractor based on the video of the meeting. It may not be entirely accurate. For greater accuracy, we encourage you to review the video that is on the Town's website – www.middleburgva.gov)

Eric Combs: Okay why don't we get started with our work session and we'll start with the introductions and [inaudible]

Rhonda North: Rhonda North Town Clerk.

Ed Fleischman: Good evening Ed Fleischman planning commissioner.

Mimi Stein: Mimi Stein Planning Commissioner.

Eric Combs: Eric Combs.

Terry Cooke: Terrence Cooke.

Kevin Hazard: Kevin Hazard.

Rachel Minchew: Rachel Minchew.

Will Moore: Will Moore deputy town administrator.

Eric Combs: Great. Thank you everybody. Right into our discussion items. First item of business is an update on the Salamander residential. Looks like we have a one or several potential revisions here to what we've seen going on [inaudible] spent time with that.

Will Moore: Correct. So probably I think everybody needs a little refresher. Even those that may have been on the commission the last time you saw the plans. So the preliminary plan of subdivision was approved in mid 2015 and then subsequently the construction plans were submitted for review and after the first round of review by both staff and external agencies those comments were referred back to the applicant. And we have yet to see a resubmission that addresses those first round comments. We knew that there were some extensive changes that would need to take place in particular with the way the lots were being served by sewer in the western section. So that took quite a long time for their engineers to address and part of that involved a sewer main that would need to go through just a sliver of a conservation easement. And so that required revision to the conservation easement documents as well. So that took quite a long time to address but subsequent to that even being worked out the applicant went silent on us for a while as to status. At one point even during last calendar year the Commission took action to deem the application inactive and what that did when the commission takes that action it gives the applicant one month to reactivate the application or it would then be deemed withdrawn. So once the commission made that declaration last year the applicant did get back in touch with the town and talked about some of the things they'd been going on behind the scenes that we weren't necessarily aware of including bringing on a potential development partner. And since that time they've stayed in close contact with me. So even though you've not seen a resubmitted product to this point we do know that there has been action on the subdivision. So what I can share with you at this point is that the applicant still intends on pursuing the residential development which has been a question of many members of the community and that they would like to make some small changes. I say small in that they would still have made the

determination meet the proffered plan it would be in substantial conformance but I wanted to bring this to you since you haven't seen a product. This is not finalized by any means. It's simply a sketch of what I might suggest is if you scroll down on your agenda to where you have the comp plan available if you want to open up the comprehensive plan and navigate to page 28 of that document you will see the layout in particular in the two residential sections as was in the first iteration of the construction plans that we saw in 2015 and I'll give you a moment to get there. Downloading. It's Page 20 it's the thirty first page of the PDF but it's page number 28 of the document. Yes very similar. So while Terry is still navigating there the main difference that you'll see here is that the main road in both of the residential sections was previously a one way looped road whereas what you see on the revised document shows a two way roadway that would serve toward either end of those two developments. A couple of reasons why we actually like this and I think some of this was born out of some of the review comments that came out but it's number one it's less miles of roadway from VDOT to maintain which is helpful. Another part is it drastically lessens the amount of impervious area that is put down. There used to be a time years ago where a one way street would be not shockingly half as wide as a two way street. But you don't get that anymore. A lot of that is driven by requirements for fire apparatus. So even though you go to a one way roadway you still might have to have a pavement with 20 feet which is essentially enough to accommodate two way traffic. So I think that is helpful in reducing that amount of impervious area. The other thing it does is it drastically lessens the length of water main that the town will have to maintain in the future. So these these looped one way roads had water mains all the way round not just on one. So it's going to lessen a good bit of the infrastructure that would have to be maintained in the future. Another positive thing that we see out of this is if you look at the new concept of those lots that back up to Stonewall Avenue particularly lots 17 through 22 as shown on the exhibit they have been pulled even further away from Stonewall. So we had I think roughly a 50 foot buffer in there already which was good between the back of the Stonewall lots in the back of the lot in the R3 section but those lots had been pulled even further away. And that's done by not having that looped roadway so they could compress those lots northward but otherwise the access points are the same. The features along the extension of Chestnut Street which included a small traffic circle and then teeming into the roadway where that connects to the R1 as opposed to going straight up to the extension of Pendleton Street. Those were a couple of features that the commission had previously sought to potentially help deter or cut through traffic from cutting through Ridge View to try to access the resort. So those features are still maintained in this proposed revision but otherwise the same number of lots. We do understand that the applicant is looking at a probably a different design for the homes in the R3 section so these homes these were the ones that had some visceral reactions to when they first saw them. There are these three segmented homes laid out on all the lots there. At this point in time they've shared that they're still planning on that design for the the larger lots to the west but they're still working on what the actual homes would look like in the R3 section but they don't anticipate that they will be those same type of design. So I just wanted to put this before you. Happy to discuss. If you have any questions it doesn't really require any action of you at this time. We just want to kind of share with you what has been going on kind of behind the scenes give you an update but happy to discuss if you have any immediate feedback.

Eric Combs: Thanks Will two just quick questions one. Has there been any discussion in the behind the scenes activity you referenced with respect to that MUV?

Will Moore: There has not. Other than they have reiterated what they had previously stated in public forums. That being they don't intend on pursuing the proffered development. As it stands today. So what they may want to do in the future if and when they will have to come back to discuss because they've been very clear that what's in the proffers now they don't wish to pursue that which would mean they would have to come back to the town for either a complete rezoning or the property or a proffer revision which is essentially the same process.

Eric Combs: If I remember correctly there had been at least a subdivision or resubdivision of the parcels progressive so that MUV is now separately carved out.

Will Moore: That is correct.

Eric Combs: The R1 and R3 similarly. [multiple speakers]

Will Moore: They did some restructuring of the ownership and I'm guessing some of the financing behind them but essentially the resort and the majority of the conservation easement are on its own parcel of land. Now the R1 & R3 combined are on their own parcel of land which would then be further subdivided into the individual lots in the end the area essentially is one parcel of land now.

Eric Combs: Ok. And then my second question is you know we do have this depiction on page 28 of our draft comprehensive plan and I see this is just I'm guessing proposed for conversation purposes. This wouldn't affect anything that we're putting forth in our draft plan right. Because that's the approved document that's in our.

Will Moore: Correct. Right.

Eric Combs: Thank you. Other questions comments Ed please.

Ed Fleischman: Will you mentioned a salamander resort is partnering with another development company. Is it a national company? Are you at liberty to mention who it is and how big they are?

Will Moore: I am not. I just know that they're partnering with somebody and that would be revealed at their own time of choosing.

Ed Fleischman: So another question is in your statements it seems like the Salamander resort would construct all the homes. Was there any thought that if someone wanted to buy a plot and they hire an architect and put their own house on it?

Will Moore: I don't think that's in their plans but I can't say for sure until they get to the point where they're marketing. I will say that part of what is proffered is that there will be design review of any of the homes that are built. So there is a.

Ed Fleischman: By who?

Will Moore: Design review by our historic district review committee even though these are technically not in the historic district that was proffered at the time of rezoning. So they have already gone through a process to establish the design guidelines for the larger lot homes. The R1 homes in the western section they've not yet gone through that process with our committee to come up with design guidelines. Again it's not going to use our historic district design guidelines. They're going to propose design work back and forth with the committee to come up with an approved set of design guidelines. And then as each individual house comes in to be constructed approval by the HDRC will be gauged on its conformance with those adopted guidelines. [inaudible] Correct. So that doesn't nothing there precludes the ability of the development company to sell a lot individually but there's going to be an owner's association that they would have to be part of you could come forward with your own design potentially as long as it conform with the guidelines. I say that there's nothing to preclude that. My understanding is they intend on marketing and selling these as constructed homes.

Ed Fleischman: And then another follow up question. The design guidelines. What is the town or the historic committee expecting? Are we expecting houses that are built in the similar to the houses on Washington Street or could people put modern houses there?

Will Moore: So the way it works is the two bodies have to work together to come up with the design guidelines the way it worked in practice for the first section is the the developer came forward with a

proposed set of guidelines and the committee worked with them on a few aspects of that but they were generally pleased with what the developer proposed for that. So it's not going to be using our historic district guidelines even though it's that committee. That committee was chosen simply because they have people on there who are used to reviewing architectural plans but they're not going to be reviewing the homes in these two districts with the eye of our historic district guidelines. They'll be reviewing it with the eye of these guidelines that the two bodies come up with together and agree.

Ed Fleischman: Just for my information if someone wanted to put a modern house on these lots would that be acceptable under the design guidelines?

Will Moore: Well so they have come up with guidelines for the Western homes to this point. I think they're very modern in design in terms of this three segmented type of building that they're proposing but the actual elevations of them and the materials are proposing to use are not necessarily modern.

Ed Fleischman: OK. Thanks very much Will.

Eric Combs: Will any discussion about timing of a model home?

Will Moore: There is not. So a lot of that's going to be driven on how soon they actually deliver the next iteration of construction plans that will require some extensive review because it's been quite a while since agencies have been able to look at these but the developer has stated that they do want to move forward fairly quickly. Whatever that means in their vernacular.

Kevin Hazard: So we're talking about the houses. But they have to come back through with a subdivision plat first right?

Will Moore: So the preliminary plan was approved. [multiple speakers] There is there is some deviation.

Kevin Hazard: There already is a deviation with this road. They're going to have to come back with that.

Will Moore: Well they'll have to come back with a final plat. You are allowed to vary somewhat from a preliminary plat approval. You have to make a judgment on whether it substantially conforms with the preliminary plan. So they're not unless an external review agency such as VDOT raises the need for a revised preliminary plan. We would anticipate moving forward with construction plans and then the final plat which is the one that will actually get recorded.

Kevin Hazard: And again I'm sorry. That's what I meant. Does VDOT have to approve this change in street layout?

Will Moore: Yes. Oh absolutely. And there have been communications going on between the engineer and VDOT. And we've been sharing some of that.

Eric Combs: I see Will on here there's articulation of storm water management pond. I don't know if we had that in the preliminary plot before did we?

Will Moore: It was in the first iteration of construction plans not necessarily the preliminary plat. Although we know it may have been in the preliminary plat as well we require a lot of information in our preliminary plat.

Eric Combs: I just couldn't recall what our review was of storm water management previously. Will that further storm water review be born out more in the construction?

Will Moore: Yes. In fact the delay in resubmitting these construction plans. The engineers shared with me has actually put them into a newer set of storm water management regulations. They had previously been able based on their timing of submission to to get in on a previous iteration of storm water regs. But this delay and maybe some of the changes has pushed them into the most recent. So it will be quite detailed the additional review that will go on.

Eric Combs: Other questions or comments regarding just this proposed plan and where we are? Thank you Will. That brings us to in our agenda the comprehensive plan. The subject of our schedules here in this evening. Will I noticed in your materials there hadn't been as of that date any written comments submitted. Has that changed at all?

Will Moore: Only some we did receive some comments from Commissioner Fleischman. I think you were copied on those. So but otherwise we've not received any subsequent to posting of the plan to the Web site which took place on May 15th. And then again after the open house on the 29th we've not received any written comments. I shared my memo that I did have a few conversations with some stakeholders most were inquisitive. Most probably could have been answered by looking at the plan. But you know we're more than happy to have those conversations and we appreciate the interest that anybody shows and understanding what it is that we're moving forward with. I would not characterize any of the conversations I had with any constituent as being in opposition to any part of the plan that was proposed and then I think I shared in the memo as well that a representative of Windy Hill was very happy to see kind of re articulation of our desire to keep partnering with them on some of their initiatives.

Eric Combs: Thank you. Would it make sense at this point given the time to address Ed's comments is that a productive use at this point [inaudible]?

Will Moore: Yeah that might take a little more time than the five minutes I think it's important to start your regular meeting on time with the scheduled public hearing. So maybe we'll wait to address those after the hearing and when you get into your discussion there I will share with you the copy of the draft that you see in here it's still dated the same as what was posted previously. There has been one minor change it so we would call de Minimis that it didn't necessitate updating the draft date but it's on the land use policy map or the future land use map if you will and trying to scroll. 26. Yeah. So the version that was previously posted this one basically you see where the streets are. You kind of have a white layer that shows the street grid in town. The previous version didn't have that and that was simply a layer that Berkley had added to the map to make it pop a little better. And it really did. And then when we published the May 14th draft originally that layer was turned off. But no otherwise there have been no changes to the future land use designation of any parcels. So simply adding that street layer back in there visually we didn't feel necessitated updating the the date of the draft. But I did want to point that out to you that is one small difference. I also noted that there are a few maps later on particularly the this sidewalk map trails maps that have some old labeling in them that the town administrator caught for us. It shows the old location of the police station. It refers to the Community Charter School as Middleburg Elementary it refers to the fire department as the volunteer fire department. So we're going to clean up those labeling. But again I don't anticipate unless we have substantive changes to elements of the plan we would leave it dated at the same drafted.

Eric Combs: That all makes sense. Thank you.

Will Moore: And I don't know Todd did you have anything you want to add before we get to the public hearing portion of meetings? OK. So otherwise unless there's something quick to discuss we can just hang out for a few minutes until 7:00 and then.

Eric Combs: Transition to the regular meeting? Ok. Why don't we close out the work session then and then get started at 7:00 for our regular meeting.

Rhonda North: You're good to go.

Eric Combs: OK. Thank you. Well let's get started with our regular meeting. First item of business is the disclosure of meetings with applicants or potential applicants. Ed why don't we start with you.

Ed Fleischman: I don't have any meetings or have had no meetings with applicants just for informational purposes. Next week I'm going to be in Petersburg Virginia as a consultant to the state of Virginia. And we're going to be reviewing the use of state funds by the city of Petersburg for their transit program.

Eric Combs: Sounds interesting. Thank you. Mimi?

Mimi Stein: No meetings.

Eric Combs: No meetings here either.

Terry Cooke: No meetings.

Kevin Hazard: I had a meeting as part of the town council with someone who may or may not bring something to the Planning Commission.

Eric Combs: Okay well when and if they do [inaudible]

Kevin Hazard: Before that becomes if it becomes we'll talk about it.

Eric Combs: Good. Thank you Kevin.

Rachel Minchew: No meetings.

Eric Combs: Okay. Thank you everybody. Any public comment not related to our public hearing on the comprehensive plan? Hearing none. Approval of minutes we have two sets of minutes before us one from our April work session and regular meeting and the other for the May 6th special meeting. Rhonda thank you for the minutes. Any comments changes modifications questions regarding the minutes as presented? Ok. Anyone would like to make a motion?

Terry Cooke: Mr. Chairman. As to the meeting of Monday April 22nd 2019 I move approval of the minutes as presented.

Ed Fleischman: I second the motion.

Eric Combs: All in favor.

Everyone: Aye.

Eric Combs: Thank you. Now motion with respect to the May meeting.

Kevin Hazard: I move that the Planning Commission accept the minutes as of the May 6 2019 minutes as presented.

Terry Cooke: Second.

Eric Combs: All in favor.

Everyone: Aye.

Eric Combs: Great. Motion carries. Okay. That brings us to our public hearing on the draft comprehensive plan which is near and dear and familiar to everybody here. Will I'll let you set the stage before we open the public hearing.

Will Moore: Certainly so just a quick recap of where we then we held a kickoff meeting a little over two years ago March of 2017. We did public workshops in May of that year and then again in September and then during the in-between phase we had a survey that was administered to the community so we gathered some good public input. Subsequent to that time the remainder 2017 and throughout 2018 as the commission is well aware you started reviewing some data that was brought forth in terms of demographics and makeup of different businesses and we started formulating different draft elements of the plan worked through some issues about how we were going to all order the chapter the presentation of the information and then early this year in February you saw your first iteration of an assembled draft plan and then over the last few months of course we've been working on refining and revising that draft plan subsequent to your May 6 special meeting. We did the public roll out of the draft plan and it's the May 14th version that's included in your packet posted that to our website sent out a notice and utility bill that this would be coming out sent out a postcard announcing its availability along with the May 29th open house that was held at the Hill school was very well attended. I thought a little over 60 members of the community there. So great turnout. I think an excellent presentation by Todd of The Berkley Group of the plan in terms of its contents I think it was well paced for the audience well-presented and then some good discussion that took place afterwards I think with bringing up some old ideas such as a bypass around Middleburg that weren't necessarily so well received but some other you know just good comments good conversation that was held there. Again subsequent to that time we've not received any written comments on the plans outside of those of the commission itself. And we're very excited to get to this point. This is one required step that you must take in terms of holding a public hearing as a state and in my recommendation section you are not obligated to take action at this time but absent any concerns from the commission as a whole I would recommend you do that. But if something comes out in public comment or conversation amongst yourselves you have the flexibility to take the time necessary to get this in a form that you are comfortable with forwarding on to the council. That being said if you are comfortable there is a draft motion included on the first page at the bottom of the first page of the staff report and it references adopting a resolution that resolution is the third page of the staff report we must when certifying the plan and forwarding it to council do that in the form of a resolution.

Eric Combs: Great. Thank you Will. Well why don't we go ahead and open the public hearing now and as we're opening I'm happy to lay the groundwork just for how our procedure works with respect to public hearings although I don't know that'll be all that useful in this instance particularly relative to our last public hearing. Nonetheless if anyone would like to make a comment during the public hearing we just ask you to state your name clearly for the record and address any comments to the Planning Commission. That would be well received and then we'll take it from there. With that said any public comments please?

Dan Morrow: Hi my name is Dan Morrow. I live in Winchester Virginia. But for the past 16 years I've been the publisher of The Middleburg eccentric. My wife Dee Hubbard and her son and I founded the newspaper 16 years ago. Only Kevin I think on this board knows me. But to give you some background I've been a board member of the Mosby Heritage Area Association. My wife and I co-founded and I was executive director of the Loudoun laurels. I was vice chairman of the Loudoun County Library Board. I was Santa for Middleburg for eight years. I'm keeping a list and checking it twice and I actually read the document after finishing the Mueller report and I have what I think is a modest but I think an important suggestion for in addition to the report this is truly an extraordinary piece of work and it's really fine. But I noticed that the word green appears in the documents only once outside of references to the colors of graphs and things on maps. And that's in reference to the work of the go green committee and environmental goals and initiatives seem almost exclusively related to land preservation protection of the town's water resources and the possible establishment of a town green. My I hope modest suggestion is that you might consider adding a town commitment to promoting the use of renewable energy both in the

private sector and a specific commitment to maximizing energy efficiency in all of the town's official activities particularly new construction vehicles and refitting and upgrading existing facilities. And the town has lots of tools to apply to addressing a critical issue this is energy consumption and carbon footprint. You've got zoning land use your expressions of priorities and preferences for any and all changes in the town's architecture and land use transportation priorities among many other things. So having served on boards and commissions there's nothing like a guy who comes in at the last minute with an idea but I hope you'll consider this one because I think it's a really important thing to consider. Thank you for your time.

Eric Combs: Thank you very much. Any other comments? Hearing none at this point we can close the public hearing and we have a few comments before us is a planning commission two of which are from Ed which we can address and as well as Mr. Morrow's comments. And happy to deliberate on any other issues that have been sitting with the commission with respect to the document. I'm happy to start. I think this has been quite a process for everybody. And chief among us especially Will and Todd and I just want to thank you both for all your work on this. It is a great document and reflective I think all the hard work that everybody put into it. So thank you for all of that. We have some also some specific comments which I think we can get into right now. Will do you have the specific text of Ed's comments which you can use as a springboard to any wider discussion? I'm happy to take them up or just allow you Ed to voice them into the record if you'd prefer.

Ed Fleischman: I can do that I have it. One thing I wanted to say is that I made the comments first that the report is excellent as it stands and I had to comment they could be easily addressed. I sent the comments by e-mail to Eric and Will and didn't send them to other members of the commission because my understanding procedurally I'm not supposed to do that. That's correct right Eric?

Eric Combs: Yes. [multiple speakers].

Ed Fleischman: I didn't want to you know try to hide it from anyone. But I believe my first comment was and my understanding that you may have discussed this at previous planning commission meeting. What the two land use maps on page 26, 23 and 27. I think they really should show a salamander resort property not the Salamander complete plat but the Salamander resort as commercial. And why I say that is that on the residential areas that Salamander is proposing on the current land use map. It says it's a targeted use meaning it's a target it's future it's a proposal. In the future land use map 30 years in the future. It shows it as residential because at that time it would be built out. So given that convention I feel that since the Salamander resort is already built it's really commercial and not a targeted use. It's not a future use but it's something that's already built on both maps I think it should show as commercial. That's my first comment. If you want to discuss that.

Eric Combs: Sure. Thanks Ed. I would just note that I think I've interpreted the targeted use in that context differently rather than it being used to signify a proposed future use in my mind that targeted has that word targeted has been used to target a very specific potential use for that land whether it be future or whether it be current. It's just there are perhaps a small universe of targeted uses that will be accepted there not necessarily with respect to the temporal nature of it. I don't know what that does with respect to changing your comment at all but I've just looked at it differently and in that through that lens I still see the Salamander resort as the targeted use for that property. Not that it although it is commercial it still is reflective of that being targeted use land. That's how I've seen it. And perhaps that's somewhat inconsistent with how you've seen it but I'll throw that out there just put alongside your comment.

Ed Fleischman: Eric I appreciate your comment. And you know there are a lot of different ways of looking at these maps. But when I look at the future land use policy map on page I guess it's on 26. It shows the Salamander residential areas as residential so it doesn't show those areas as targeted use. So using that convention it seems like the resort area should be commercial. That would be my two cents on it.

Eric Combs: Any other thoughts on that?

Will Moore: I can give you a little more perspective as to why we are proposing it this way. And certainly Ed is not wrong in saying that the resort is a commercial operation. There's no question as to that but I think much like the chairman said we're not thinking targeted as in the future necessarily. It was a targeted use for this area that is surrounded by conservation of open space which is particularly what. And it's important to look at the text on page 25 that describes the different land areas and in particular it would be not it would be inappropriate to designate it as commercial because what we talk about is commercial. Commercial as designated on our map not as commercial as anybody might casually use the word but it specifically speaks to the core of Middleburg and one contiguous area. So that's what we're calling our commercial district. This is a targeted use it was outside that area. It certainly is again in layman's terms commercial in application there's no question as to that but we couldn't simply change the color of the buildings to read on the land use map without doing some more extensive revision to the text within. And I think it's appropriate again to call it a targeted use because it was the subject of a small area plan in our current comprehensive plan. So it was specifically targeted within this area that's already a conservation area conservation/targeted use. So that's why we chose that. But again he's not wrong to call the operation of the resort and spa a commercial operation.

Ed Fleischman: So Will. One of the reasons why you know I'm bringing this up I brought it up a few times is that you mentioned laymen I mean people citizens are reading this plan and it's like we're trying to hide that it's there. It's on a targeted use. I mean I think it's a major element of Middleburg and it should be commercial in the maps. But I'm saying that's my final comment on it and the chairman and the Planning Commission can decide. [laughing]

Eric Combs: Any other thoughts on the issue?

Kevin Hazard: I kind of see what Ed's talking about. I mean it is a big part of the town. Also if you look at the whole western part of the town. We show the building you're talking about you'd make the building read correct? But if you look at the whole every other building no matter where they are is gray. So I don't think the idea is to. You know how would you to make that you'd have to make it a parcel a commercial parcel and that's difficult. Like I mean directly below at everything on the west end of town is there all gray.

Will Moore: We actually did have it shown on a on on a previous version that Todd has right here. It wasn't actually showing the buildings as gray but it basically drew a circle around the buildings. Yeah. [inaudible] And you know if Ed if you could circulate that around so Kevin can see this this is what Ed was thinking about and it was the way that it was drawn on an earlier iteration of the map. And then we had some discussion and changed it to this. But this is essentially what Ed's proposing when you see that.

Kevin Hazard: I mean I wouldn't have a problem changing it back to this. I mean it's a delineated piece of the. Everything to the west of that is conservation and everything around it is the unbuilt but that particular part of it is commercial.

Will Moore: I mean if the commission as a whole wanted to do that we could make that change or we would have to make some accompanying tax change to go along with that to clarify that.

Eric Combs: [inaudible] The description of commercial [inaudible].

Will Moore: Again I think it works well the way we have it but I wouldn't. I'm not going to fall on the sword for that one because it's a valid point that it's clearly a commercial operation.

Eric Combs: Will where do folks stand on whether we keep it as it is or change per the earlier iteration of that map that was just circulated? Might as well just get a vote on it. Ed I think we know where you stand on it. Mimi?

Mimi Stein: I can see changing it. I guess somebody else looking at this might not understand our deeper [inaudible].

Eric Combs: OK. Thank you. Terry.

Terry Cooke: Is the legend that appears on page. Excuse me. Page 26. Intended to show zoning categories or use categories?

Will Moore: Use categories. There are some equivalencies but not not exactly for example we actually have 4 residential zoning districts but there are three use categories shown on here so they don't exactly but it is not intended to show zoning. So if we were to adopt Ed's suggestion and show the resort property resort building as commercial it doesn't affect anything related to the zoning of that it doesn't come from a development standpoint and I don't anticipate this ever being the case. But sometimes we don't anticipate things. If you show it on the future land use map as designated as commercial a potential developer what say the resort runs into financial troubles and they want to sell a potential developer could use that as an argument for rezoning to see to it as opposed to leaving it zoned agriculturally with a special use permit being required for use.

Eric Combs: I think that's my biggest concern. If we look down at the bottom of the page we say you know the legend here on the maps is the land use policy map shows idealized uses for appropriate parcels regardless of current zoning. Instead it should be used to guide rezoning and development. So if we are going to signal that the Salamander resort in surrounds as commercial I think we are signaling that whatever should happen with the resort as it exists right now that the intention for that red zone is for that to continue to be commercial in the foreseeable future. And I think that's where my discomfort lies with changing the color. Again very valid points and I see the distinction you're making. I just I see it differently. You asked a great question Terry.

Rachel Minchew: I agree with you Eric [inaudible] little hesitant again. I agree on that.

Eric Combs: In that respect I'd like to see that it's all targeted such [inaudible]. That's what I think has come out from all of our work on the plan that that is to be that targeted conservation use. Kevin?

Kevin Hazard: I'm waffling. [laughing] I mean when Ed talked about it. I mean it is commercial. It's an important part of the town. But I think after your explanation I think I come down on believing in it as is and because it is for future and we don't want to have somebody come make that you know commercial or you know C2 C1. Turn it into a fight. So straw vote I vote leave it.

Eric Combs: Okay. Well I think that tells us where we are. Ed I think it's a wonderful comment. [laughing] look at this I think differently than we had perhaps discussed previously. [multiple speakers] You weren't here for I think the commission dialogue on it and I don't think our conversation got into the specifics on that. So I'm happy you brought it up. So thank you. You had a second comment which I think we should address with regard to sewer sanitary versus storm and perhaps we can take that up similarly.

Ed Fleischman: Yeah. Thank you Eric. My second comment was on the public sewers section and it talks about sewers well there are two completely different types of sewers. One is a sanitary sewer line that handles waste from houses and commercial establishments and the other is the storm stores that handle water from streets and runoff and I think that in a few cases we're talking about sanitary sewers and it just talks about sewers. So I think adding a few words clarifying words to call them sanitary sewers would be helpful. And I think that's pretty easy to do. And then as part of that I think there ought to be

another paragraph on storm sewers. I believe I spoke to Will about that there's some problems with drainage in the town. I don't think there's a complete map or an understanding of where all the drainage or storm sewers might be. So I think it's a planning commission. This is something that I think is a problem and the comprehensive plan should mention that and mentioned something that it should be addressed by the state and the town in the future. And as the Planning Commission we should make recommendations where appropriate. So I think this is a small recommendation that we ought to make.

Eric Combs: Thanks Ed and I think that the language that Ed is referring to specifically is on page 17 of the draft plan where there is a discussion of public sewer. Is that right?

Ed Fleischman: Yeah. The public sewer title at the top is OK if we added a paragraph on storm sewers because right now it just discusses the sanitary sewer system. So I just recommend adding a paragraph on storm sewers.

Eric Combs: Will I have a question for you regarding Ed's suggestion to add a paragraph on storm. Is that something that we might include in a comprehensive plan or is it better addressed perhaps in the CIP or? It's a valid point that storm water management issues in town are perhaps going to be increasingly an issue.

Will Moore: Right. So a couple thoughts on that. Ed is right that in some places the word sewer is used interchangeably or separately but qualified by sanitary vs. storm. Some communities when you hear the term sewer you're always referring to sanitary sewer and that's essentially the case in the town. That's the way we always refer to it. We do use the term sanitary in this section a couple of times just to add a little clarity but it would not be odd for a comprehensive plan to have some statements regarding storm drainage or where a storm sewer system if you will. We don't currently. A lot of that was due to the fact that we have a limited and in particular a storm sewer system a storm sewer is always involved structures and pipes. We have a limited system we have. We do have some. The town does not maintain any of that. It's all maintained by VDOT and then aside from that we have a lot of storm drainage that is handled through ditch sections or quite frankly in some cases not handled because older developments were built with inadequate ditch sections or ditch sections have over the years been filled in usually unknowingly by homeowners maybe sometimes knowingly but they wanted to expand some on street parking in front of their house so they filled in a ditch section and put some gravel in it. So it would not be altered to include some language in here about storm drainage overall and referencing those systems the other way of approaching that though is that is something that could be incorporated by reference in our upcoming update of our utilities master plan. So that's something one of the strategies for one of your main headers for this section is pursuing update to our town a master plan for utilities and that's something that we've been in conversation with our utility committee about scoping out in the near future a possible complete update to that master plan. So I would be fine either way. I think it does need to be addressed whether we do that in this document and take a little more time to come up with some language here or whether we do that with the caveat that we leave this as is but with the caveat that we ask the utility committee to make some statements when they do their update of the map utilities master plan to include more specific language in there I would be OK either way.

Eric Combs: How does that work if the town doesn't maintain any of the storm water facility to an extent any infrastructure exists? How does that find its way into the utility master?

Will Moore: It's just a clarifying statement that it exists in the town but it's not ours to maintain. That's pretty much all that would be. Which could be something that we put into this document as well. Again I'm not opposed to to either approach.

Kevin Hazard: We're not just talking about structures though right?

Will Moore: We're not.

Kevin Hazard: This is really it structures and drainage. You know we just. And I'm thinking we just had this conversation at council level about mosquitoes. We have a drainage issue. You know that's part of our our issue. Correct? [inaudible]

Will Moore: Well but you get that on private land. So I'll use Ed's property as an example. Ed lives on Sycamore Street. And there is a drainage structure essentially in front of his house or in front of his neighbor's house and a pipe that runs parallel between their lot and opens up and discharges into his neighbors rear yard. And some of that water flows over and stands on Ed's property. There is an old channel for that to run further downstream across private properties to a pipe that would then lead behind the fire station and go down the hill toward the creek down toward Windy Hill. That direction. It's not been maintained over the years. It's not clear. You know this is an old subdivision when it was recorded. It was recorded on a single sheet piece of paper did not show easements and utilities it showed lots and streets and that was the extent of the diagramming and then individual lots were built. So there were ditch sections constructed there were pipes put in by the original developer who controlled all those properties when he was developing them. And we didn't necessarily get easements established so there are areas like this in particular in the Ridge View neighborhood where storm water doesn't flow like it should. So it is an issue of getting VDOT engaged in that we've been working on that since I've been with the town for nearly five years now. And it's hard to get them engaged because you're talking about a massive project to come in and do something. They've made some improvements.

Eric Combs: They'll only touch it if the drainage is in the right-of-way.

Will Moore: That's essentially what they've said. Yes. That's what they've said. I'm not gonna tell you they've done differently but that's pretty much the quick answer is if it's not the right-of-way you know we're responsible for conveying from one edge of right away to another. But we're not going to go on private property unless there's an easement. And again and in cases of a number of cases in review in particular we're not able at least to this point to show that there's an easement that would allow them to go down and maintain it. It was quite a fight in the chairman's neighborhood not a fight but it was a process to demonstrate that there were easements in place for some of the areas where the storm water flowed from the bottom of Chinn down to the creek. And I think we were able to finally satisfy them to do some improvements there and once we satisfied they came in and made some improvements that we're hoping will really help out. But I guess back to the issue at hand. It is something that needs to be addressed. It's which is the proper document. And I'm I'm happy either way if you wanted to spend another month with us inserting some language into this document. I would be happy with that or if you're okay forwarding this as is and just with the caveat that this is addressed in the coming update of the utilities masterplan whenever that might take place. I'm fine with that as well.

Will Moore: Would the utilities master plan address it from a forward looking perspective meaning our comp plan is looking 20 years out. And any statements that we want to make regarding storm water management looking 20 years out would perhaps fit in here. If we were to not address it here and just take it up in the utility master plan. Would that also be as forward looking?

Eric Combs: I mean the masterplan definitely is forward looking. So it contains capital improvements suggestions going out you know potentially 100 years. So but the degree to which that document might address storm drainage in detail I couldn't commit to because you know our utilities are focused on provision you know from the town's perspective focused on the provision of water and sanitary sewer.

Eric Combs: Okay. Thank you. Ed.

Ed Fleischman: I wasn't proposing that we delay movement of the comprehensive plan forward. What I'm just suggesting is that we allow Will and a consultant to develop some wording and put that in to

satisfy my comments. I don't necessarily want to see it again. If we agree my comment is just to put it in and move ahead.

Will Moore: Ok well I think it's perfectly doable. I think we could come up with something fairly quick that I think would satisfy Ed's comment and what I would suggest is if again absent any other concerns you want to address. You could make a motion similar to what I have in here but and then with the condition that our language regarding storm drainage and storm sewers are inserted and then we could take care of that.

Eric Combs: Okay. Where are folks on that? How did the folks feel about adding something along the lines that we just discussed?

Terry Cooke: I'm fine with it. I think you know. My initial reaction was well the utility masterplan might be a more appropriate vehicle to address this because it is obviously focused on utilities and water and waste management as part of that but as several people have indicated this is a substantial concern. And from a community wide standpoint I think it might warrant some recognition in the master plan. So I would be supportive of the motion along the lines we discussed.

Eric Combs: Thanks Terry. Other thoughts?

Kevin Hazard: I think Ed should write a paragraph and send it in. [laughing]

Ed Fleischman: I gave my comments and I think that Will and our consulting team can do a better job on just preparing something. So we just move along. I don't want to delay movement.

Eric Combs: You got off easy I propose the conclusion at one point and then got tasked with writing it. [laughing] Any other thoughts? Okay.

Eric Combs: I think it's a great idea Ed I would like to see storm water management addressed in whatever fashion Will & Todd you both deem best consistent with Ed's comment and I'd be happy to add that as a condition to the motion moving forward. Ed Thank you.

Ed Fleischman: Thank you.

Eric Combs: Okay. And then why don't we take up Mr. Morrow's comment regarding the mention of.

Kevin Hazard: Renewable energy.

Eric Combs: Renewable energy using the word green in the document and specifically in connection with town's official activities and what not. I would recognize that the document is light on renewables and embracing that type of infrastructure. What do folks think about trying to weave some of that in where appropriate?

Terry Cooke: I think it's in keeping with the you know the current movement and the recognition of necessity of the wisdom of renewable resources. I think if we were to to have some language in the comp plan it's another box for people to check who come in with proposals and perhaps can tout whatever renewable energy aspects of that proposal might be in place. So I think it's a good idea.

Eric Combs: I would note also that you know we're laying the groundwork here particularly with respect to Federal Street and what you know might be considered a small area plan for that back street and to the extent there is going to be reinvestment back there and perhaps as Kevin noted at are open house that we are signaling to the community and the world that we will take concepts and consider them with respect to Federal street. I would like to see that there be some sort of angle with respect to the green infrastructure

and whatnot. I agree it's important and we've spent enough time with the document. We've gotten a lot of things right. I think this is one more thing that we could perhaps get right now while the time is really ripe for it.

Kevin Hazard: So my question is where do we put it. I mean one of the issues we have is it's a good idea but we have to do something [multiple speakers] Is that land use or is it?

Eric Combs: I think it could be taken up perhaps in a number of places here.

Will Moore: If you're looking for a quick fix without without going too far into detail about what some of this might look like. You know I think if you're looking on page five of the opening page natural environmental resources simply plugging in under strategy number three such standards which may include measures such as and it goes on to list a number of things regarding to the natural environment but adding renewable energy as something there that could be an evaluation for possible future performance standards. You know we're not going to propose what those standards would be. And then again on page 7 the last paragraph or the second to last where you have those individual items that were mentioned under strategy three bulleted we could put in a bullet regarding renewable energy there. I would stop short of committing the town to anything of its own at this point in time but I think plugging something in there would be absolutely appropriate. I think we could do that pretty easily. We could talk a little bit about an initiative underway which is where we're working to try to source the location for electric vehicle charging station in town. We do have Salamander does have some for certain types of charging but we're that's something we're pursuing but it could be support for use of solar or support for projects that are certified whether it be LEED or another type of certification for energy performance you could make reference to that. There are ways then subsequently that we could consider incentivizing some of those. It's tough to mandate certain things in Virginia but you can't incentivize certain things. So for example if if you chose LEED certification or a separate LEED is one particular body that certifies energy I think there are some others out there. But if you achieve LEED certification on a new multifamily project say somebody proposes something a mixed use project on Federal Street that includes a residential component you could give a density bonus for achieving a certain level of environmental certification. So those are the kind of things we could think of more in detail in the future but simply referencing as far as in this regulations and initiative section certain individual performance standards we could add renewables to that and then include a very brief bullet on you know what types of renewables we're talking about.

Kevin Hazard: What if you under again on that page 7 environmental regulations and initiatives you've got the four bullets and underneath that environmental standards and regulations should be prioritized and you know add something right there.

Will Moore: We could do that.

Kevin Hazard: I mean that would kind of you know including they need worth wordsmiths something about including a strong review of renewable resources or words to that effect.

Will Moore: Ok.

Kevin Hazard: Does that sound rational?

Eric Combs: I think so yeah. I'm wondering if it also is worth mentioning when we talk about. Community facility and services in some of the things that the town provides. I know we have mentioned in here town office. And at one point in one of these drafts I knew we had to be tested somewhere that the town perhaps take the initiative spearheading some redevelopment with respect to a town owned property and to the extent we are going to encourage any of that. Perhaps we can just reference back to some of the other mentions in the text about green initiatives or anything of the sort.

Kevin Hazard: Where in particular?

Eric Combs: I don't quite recall where we had that mention of the town perhaps leading the effort with respect to its own town owned properties. But I know in chapter five Page 16. We start talking about some of the town facilities and there may be some room there just to weave in some of this stuff to kind of multiple bits throughout the document not in any terribly specific way. Since we don't have specifics on it but just to signal that is something that the town is interested in.

Kevin Hazard: Maybe under strategies?

Todd Gordon: I think the section that Eric is taking is actually in the economy chapter on page twenty one talks about the town's ability to use its own properties to model and can spur [inaudible].

Eric Combs: Yeah. So I'm thinking of yeah that's exactly right Todd thank you. And then I think having you right as well you know we we've got language in here about studying the future needs for towns government meeting space. I know. Perhaps constructing a new town office that would also be an opportunity to take some of these things up and I think we don't need to get into it too deeply. But by just referencing some of those things throughout I think we can kind of weave some of that in.

Kevin Hazard: I'd be careful about promoting one standard or another because those standards change all the time.

Eric Combs: [inaudible]

Will Moore: Without referencing LEED for example.

Eric Combs: Todd is that as you're hearing this discussion are you getting heartburn or are you [laughing].

Todd Gordon: I think there's a chance to make a brief mention on page five on respect within strategy three at the bottom of page seven when we discuss environmental initiatives and then finding a spot within either Chapter 5 or Chapter 6 where we talk about the town's own properties. [inaudible] Three inclusions of that same concept throughout.

Eric Combs: Which I think would be great.

Terry Cooke: Yeah I would just suggest I think is on page 5 where the strategies are listed. Strategy number to evaluate all development applications to ensure the protection of the groundwater resources and the provision of storm water best management practices and protect natural drainage ways and water quality and and give due consideration to proposals for [inaudible]. Something to that effect but it seems to fit in there. It's not a mandate but give consideration to because not every application will necessarily involve the opportunity to implement renewable resource strategies but some may. And so if you have that in there that's as I said earlier another box to check.

Eric Combs: Thank you Terry. Any other suggestions? Text specific or general? Will let me ask you if we were to condition the Planning Commission's action tonight on one inclusion of a paragraph a sentence or several regarding the storm water management as Ed suggested and then addressing the you know the renewables and green initiatives what not. As we've just discussed. Does that take us out of any sort of action tonight. I think we can make appropriate conditions for a recommendation.

Will Moore: I think it's your level of comfort. If you release this with conditions we will do our very best to incorporate from what we've heard. I was very comfortable doing that with what we talked about

regarding storm drainage. Comfortable with where we are right now but I want you to be comfortable and again I want to you know we've taken a little over two years. If you need another month to be comfortable I am more than happy to revise and bring this back to you again next month. You are under no obligation to act now. I know the mayor is very excited to get this forwarded to council. But my timeline that I provide the council previously was best case scenario we'll hold and this was a couple months ago. Best case scenario was public hearing this month with a recommendation. I thought there was potential that the revisions would be necessary and it could likely be July until you took action to forward. So I am OK either way I would be comfortable making those changes. But at the same time you know you look at words very carefully sometimes and I think that's a good thing and maybe you want to see these again.

Eric Combs: Kevin please.

Kevin Hazard: We're going to send this to council and we may or may not get comments and at that time we could do any last minute wordsmithing then right? Or not?

Will Moore: Oh absolutely. Council can make you can make changes at the council level. Yeah absolutely.

Kevin Hazard: So if we send if it does go to council we can get it back. And if there's we want to tweak those couple we could do it then. I think the document's in such good shape. I think these couple of small things could come back and be tweaked before it was finalized anyway. And it is a living document.

Terry Cooke: Kevin I just wanna make sure I understand it. If it goes to if we recommend it send it to council. It's not going to come back to us is it? If someone before council has a recommendation for change. You're just not going to come back to us again.

Will Moore: It could. It doesn't necessarily have to. They can make changes without sending it back to you. But if they looked at it were wholly dissatisfied or you know dissatisfied with major parts they could take action to send it back to you for revision.

Eric Combs: But by sending it up tonight if we so choose [inaudible] we're essentially we don't have a right to climb back and take another look at it.

Will Moore: No but hypothetically Todd and I come up with some language to address what you have mentioned here tonight. And then we will keep you apprised of the changes that we make of course. And if you see something that. That's not exactly what I meant or know that you really went the wrong way there Will you have the opportunity to engage with council were to engage with me. So you're not gonna be completely cut off.

Eric Combs: So if we were to recommend to council tonight that they take this draft plan with the conditions that we've discussed what's the timing and in terms of when then Council sees it? Is there a lag there where you and Todd throw in some language and we get to see it off line and that happens before it even?

Will Moore: Potentially what I would envision as council meets next week although council is all aware of this document they've been made aware that's available. I would include this document as it is in their packet next week with a cover that states that a couple of revisions will be pending. But this would give them the opportunity to have it on their agenda. Once you forward a recommendation they have to act within 90 days or so on your recommendation. So there's plenty of time. I would go ahead and forward this May 14 draft again with the caveat that a couple of revisions will be coming forth for the next meeting and then they could choose to have discussion to set a date for their own public hearing which they have to have and then potentially move forward to adoption there.

Eric Combs: Is there benefit in letting council sit with the draft as is right now even pending the new additions? Just to give them time to it's a lot of material to digest and have it be more fruitful discussion at the council level or are we perhaps inviting unnecessary back and forth?

Will Moore: I'm okay with either approach. I don't think either approach is good or bad. Getting the plan to them. They're excited to receive it. We do know that. But if it makes you nervous giving them one draft and then expecting changes. I'm happy either way.

Eric Combs: Thoughts Terry?

Terry Cooke: I think it is our responsibility to submit the comprehensive plan in the cleanest version we can come up with and reflecting our sincere beliefs. I think it's to send it to council with an oh by the way we think we ought to change this change that is that well why are you sending it to us. Why don't you change it and send it to us. So I would suggest that we I know it's been two years but one more month to get it done and get it right. I think it's worth doing it. I would prefer to holding it off and see the new language. Be comfortable with it and then present it to council.

Eric Combs: Others? I for one would agree with Terry that we've been with this document enough. It is our baby so to speak. Let's get it right.

Will Moore: No I think that's a good approach. It's a good approach. And the Middleburg Eccentric will be covering any additional [laughing]. No this is very good. This is the kind of [inaudible]. But seriously this is the kind. This is the process and this is you know when you roll it out just a month ago a month and a couple of days ago was a public rollout. So this is I would much rather have people like Mr. Morrow engaged and making these kind of comments.

Dan Morrow: I think in my role as Middleburg Eccentric person in Middleburg has established that [inaudible] with Windy Hill and the standards that it has set. And with the mayor and his involvement with COLT I think Middleburg has set some standards for not only for small towns but for the entire county that really are important and I think this would be another really good standard for Middleburg to set and if not Middleburg who else. Thank you.

Eric Combs: Thank you. Okay. Any other comments on the drafts? We had three really strong substantive comments that I'm glad we discussed. Any others? Ok so then in terms of next steps for us with the comprehensive plan is we will await your suggested revision.

Will Moore: Yeah I think Todd and I will work to get these changes as soon as possible. We'll try to get them out to you in advance as far in advance of your meeting as possible just so you have time and if you have any immediate feedback it will be one of these things where you can't reply to each other but if you reply to me with a comment if there's something to tweak. But I think we can get this so that it's in a clean version for you at your July meeting and ready for your action.

Eric Combs: Might I suggest just because I think we can make a quick turnaround if whatever changes you're making if you can get them to us in a red line just so we can quickly see what they are. That would then allow us to. And just hone in on those. We don't need a red line on the whole document just whatever the relevant pages are. I think we can we can recognize their context for sure that might make it easier for everyone as well. OK excellent. Thank you all for all of that input and discussion. I think we're in a good spot with the document. Let me just get back to our agenda here. Okay. Kevin. Your time to shine.

Kevin Hazard: I'm gonna waffle again. We did start the meeting with a moment of silence for Virginia Beach victims of the Virginia Beach shooting. And the number of interesting items in the staff reports. In Rhonda's report we did. We are migrating over to our new Web site. So is it up and running?

Rhonda North: We start training tomorrow. We'll have training Tuesday Wednesday and Thursday and the plan is at the end of the training on Thursday we'll take it live. We'll have a soft launch and the council will be and any of you are welcome to do as well be looking at it and seeing if they can break it and if they can to let us know so that we can then go in and make sure it so it's working properly before doing the formal launch the public launch in July.

Kevin Hazard: And how can they get to that website? It's just the same place right?

Rhonda North: Once we launch it it'll be the same web address that we currently use.
www.Middleburgva.gov.

Kevin Hazard: And in our economic report we are looking at having something along the lines of an Oktoberfest and that's being worked on. And there was a lot of talk about that. And it's. It's an ongoing. It's a work in progress. And Treasurer report was kind of important for the simple reason that we do have you know we have an interim treasurer in Tina Staples and but if you look at the numbers I think the most interesting thing is we're at 100 percent of projected revenues and 70 percent of projected 70 plus somewhere in that range of expenses. So we're you know and that is something that we've worked on the council level and it's something that Bridge is pushing is let's try and get those closer let's you know. Let's really kind of hone in not just say OK we know our revenues are gonna be here but we're going to project 10 20 percent less and our expenses are gonna be here and do the same. And I think it's harder but it really gives us a more accurate. It's gonna give the town more accurate feedback on exactly where they are. And one of the things we did talk about earlier when we were talking about this is if we do have overages we're going to target specific projects. So we're gonna have projects set up so that if we have extra money not really zero base but we're going to. Okay. Here's extra money we have this year we're going to do this and I don't think we've formalized that yet but we're going to. And on our consent agenda there was a resolution support for Virginia Beach and I just throw it out. We did we formalized we have a new citywide collector trash collector and it's Bates and they were given the contract by Waste Management. Waste Management bought up a lot of small companies. They took over the one that was doing ours and then subsequently. Took a lot of those small towns and gave them to smaller contractors and our feedback across the town has been good with Bates and I think it's always better to have somebody of that size than somebody Waste Management who's a multi-national you talk to somebody and it's you're not gonna get along ways and so with Danny's input I think that we sign that. And we had a very good conversation about pay scale for police officers and it was an interesting conversation in that. Trying to formalize it so we'd have like you know you get the cost of living every year and then every other year get an instep if you're eligible. And it's an interesting concept and I think you know some municipalities are going towards that some have been there and are coming back. And what we were talking about was a 3 percent in a one and a half percent. You run those numbers and you're at forty five percent in ten years. And the question is that something that you can live with. And so it may or may not be. So they're going to go back. I think we pushed it back and said you know let's just spend some more time looking at it. Run numbers the budget numbers out over and see if it's sustainable I mean because. If you formalize it you can always go back. But it makes it much harder. And you know we're looking at our our numbers and it's done this our growth of income has been like this. So we're you know it almost seems like we can do almost anything right now but we are in a town that's heavily dependent on the hospitality industry. And if probably not even if when that goes down for a couple of years now we're tightening our belt. Maybe we don't want to have such a structure in place. It's a tough thing and you want to reward you know your employees but you want to make sure you do it responsibly. And I think we're trying to find a balance on that. We also. With our economic development. We have a much stronger presence now. But I think there is a feeling that. We want something with a little more. You know with a consultant with a little more structure who can tell us you know give us the analytics you know what's happening out there you know came up with four things analytics an action planned you know what are the key industries. Who do we go out and target. Who do we need to bring that down. And I think one of the things we talked about there was. That has to be something you can't take that plan. And say okay we want to target this industry for the next 10 years because that could change on a dime too. So that also has to be a living document

because targeting industries that's a really rough thing to do, but you have to start somewhere. Some of it got into kind of for me esoteric, but that's that's not my bailiwick so I'm willing to listen to that. And the last thing was what resources do we need to make this this happen? And somebody also brought up let's make sure we get somebody that's done this before for you know towns like us. You know not maybe not just a consultant, but a consulting group that has somebody who's worked on the town side and has completely revamped the town. And I think that's an important part of any equation like that, it's not somebody who just is bobbing and weaving trying to see you know how to write the report. Somebody with real world knowledge on how to do that. So that proposal's going out on July 26. And what we were talking about earlier, we were looking at options for mosquito control, and one of the options is is we completely revamp the comp plan so that we know exactly where all the water. [Laughter]. And that's kind of why I said that because I knew I was going to talk about this is that, you know and there are areas where we have standing water and maybe this is, so they actually came up with a three or four phase plan. You know the first being you know you fix your areas around town. Second there are you know you can do something with larvacides which are basically you put pills you know not in your drinking water, but in areas like water barrels or whatever. And actually went home and did some study on that and for myself you know how safe they are, and apparently are a number of that are very safe. And I was pretty much it. And then we went to closed session.

Eric Combs: [Off mic].

Will Moore: Sure, so this is really it's more for informational purposes. This is a subdivision that I have already approved. So we have provisions for administrative approval of what are called minor subdivisions. And it's basically a minor subdivision is dividing one lot into two. You can't divide it any further than that and have it be minor, but it also has to meet certain criteria. So it has to be a smaller lot, it has to be an acre or less than an acre in size, it can't involve the extension or creation of a new street or private access way. Basically you're talking about an existing large lot that fronts on a street that meets all the zone the applicable zoning requirements to be divided. And this was one case where that was the case. So I just want to again it's more of an information item. It creates a potential infill lot at that corner for a home that would sit closer to Washington Street than existing home does, but wanted to make you aware of that.

Eric Combs: [Off mic].

Kevin Hazard: What would the setbacks be on that lot two?

Will Moore: So the the front which would be defined as Washington Street for this lot, regardless of how you orient your home, the yards are defined by when you have a corner lot the shorter or the two front edges is by definition the front. So even if you wanted to orient one towards Walnut, the front yard would be for setback our regulation purposes it would be toward Washington Street. R-2 it's a minimum of 20 but a maximum of 30. Along the corner side or the Walnut Street side the side lot adjacent to a corner it's a 20 foot. The rear I believe is 25, so to the newly created line between this lot and the existing home. And then the side adjacent to Mr. [inaudible] property would be seven and a half feet, which is the standard 7 1/2 foot side yard for R-2.

Terry Cooke: Will, would the entrance to the new lot be off of Walnut or off of Washington or is that discretionary [inaudible]?

Will Moore: Yeah, know that's an interesting question. The Department of Transportation would have to approve the driveway location. I'm not sure exactly of their criteria for that. I think obviously it would be preferable to be off Walnut Street, a lower traffic street, but if it were somehow able to meet whatever DOT's requirement from an intersection is that they could potentially do one on Washington Street.

Eric Combs: Ed did you have a question [inaudible]?

Edward R. Fleischman: [Off mic].

Eric Combs: OK thanks. OK. Well, also I guess subject of our subdivision control, but not quite a minor subdivision would be our next discussion item, Banbury Cross proposed subdivision.

Will Moore: And let me start by correcting the name. The name should be Banbury Cross Reserve. This is the name they're using for the subdivision. At the time of writing this memo I referenced that I had been contacted by the project engineer and advised that they would be submitting the preliminary plat in the coming days. It actually did arrive here later that same day on Thursday. I won't use the term submitted yet because I have 10 business days to review that to ensure that all application requirements have been met, and I'm still in the process of doing that. So it's not officially submitted, but it has been received here in office as of as of Thursday. Again this is a proposed subdivision of land that lies outside of our corporate limits. However, we do have what's referred to as extraterritorial subdivision Control. Control can be a confusing term sometimes, but we are essentially an approving authority for subdivisions within Loudoun that fall within a one mile radius of our original corporate boundaries. Now we've done a couple of minor extensions of our boundary line adjustments to the town. This line remains static. As we grew slightly outward that line didn't push further outward, but it's roughly within a mile radius within Loudoun not within Fauquier. So as you see on the the exhibit that I attached there's a big green line that goes through the area of land. I added the the blue outline so you could see the kind of the overall area of land that's subject to this subdivision. But the engineer had put the green line depicting the subdivision control limits on here. It's a kind of a unique situation whereas the majority of the acreage of the subdivision actually is outside of our area. But the majority of the number of lots that are being created are within. So it took some discussions with county staff as to who would take the lead on processing these applications. And it was determined because of the majority of the lots especially being within our subdivision control area that we would be the lead on the preliminary plat. Likely the final plat if it proceeded to that point. They would take the lead on construction plans because that gets into, although all of this is subject to their technical specifications to their zoning regulations it's not subject to our zoning. The construction plans, the amount of technical data that will go into that they were definitely the right body to lead. So if and when construction plans are submitted the county would take the lead on that. What that does mean is as the lead of the preliminary plat we have this aspect that we've talked about before where our subdivision ordinance requires a public hearing in conjunction with any preliminary plat approval. So this will be something that will have to be advertised for hearing. We will have to receive comments from the community and likely residents and community members otherwise who don't reside or have business within the town corporate limits because this is again it's outside of town, but I can envision this being a rather controversial application. That being said as we've discussed with any subdivision it's subdivisions are a ministerial act meaning that you have an ordinance in place that discusses how subdivisions are processed, you have zoning regulations in place, and if somebody submits an application that meets all the technical requirements you are obligated to approve a subdivision. So we will begin reviewing the application from that standpoint. When I complete my review for completeness assuming that the application is indeed complete I will then route it to various referral agencies mainly within the county and then also VDOT. And what will happen is there is a turnaround time where those agencies need to get comments back to me probably 45 days being the high end of that, and at that point in time once we have those comments the next steps go from there. We would have to act, we, the Town Planning Commission, you would have to act within 45 days of the receipt of those comments or 90 days total likely unless there are technical comments that the applicant is unable to address that come out of that first iteration of review and they agree to taking more time to act on the application. So again this is at this point time it's more of an information item. Wanted to let you know that this had been received here in our office and we're going to begin the process of going through the required review. And it's something that will be showing up on an agenda of yours probably in the near future. And again we will have to schedule a public hearing on it, take in comments, possibly have to go through the uncomfortable part of listening to opposition to development when we may or may not have any real ability to affect that. Again assuming that all criteria are met [inaudible].

Eric Combs: [Off mic] based on public common.

Will Moore: Yeah.

Eric Combs: [Inaudible] public hearing unless it has to do with more objective or ministerial types of criteria [inaudible].

Will Moore: Yeah. Now that's not to say that if we see legitimate concerns in our review that you know about the way that lots are laid out or the way that entrances are proposed along a somewhat narrow and winding roadway that Sam Fred is and they're proposing four entrances along there VDOT will really take the lead on that as to again whether it meets their technical requirements for residential subdivision entrances. But we have the opportunity to make those kind of comments, and I anticipate those coming from us, VDOT, as well as some of the county agencies so that there will be things like that that we could potentially have influence on. But in terms of at the end of the day if they address all required technical comments it again is a ministerial act.

Edward R. Fleischman: What's the current zoning?

Will Moore: It's AR-2.

Eric Combs: AR-2.

Will Moore: Yes. Now this is using there is the option to cluster within AR-2 which is what they're doing here, so that they have this combination of cluster lots. And when you cluster you have to combine those with what they call rural economy lots which are larger in size, and that's what they've done here. Thirty one of these clustered lots that are, and they're not necessary smaller two acres, between two and four acres or so in size.

Eric Combs: [Off mic] one lot per 15 acres [inaudible].

Will Moore: Correct. Yeah. The overall yield is 1 per 15 that way, yes.

Eric Combs: Ed please.

Edward R. Fleischman: This the first time I've seen a subdivision proposed in the rural area in the county, so just fill me in. This looks like a suburban development I thought the rural area didn't allow that.

Will Moore: This is my first time seeing one of these as well. I'll share with you that we're dealing with from an extra territorial perspective where we're the reviewing authority. Again that zoning designation within the county it allows this option that's called clustering, which I think characterizing it as more of a suburban look is not inaccurate at all. But it's an option that if you choose to use that you have to meet certain requirements again of providing these much larger lots in combination and having a certain amount of open space overall. But it does allow for them to get this yield of again up to one unit per 15 acres and clustering that is making the smaller lots in combination with larger areas of open space dedicated outside the cluster.

Edward R. Fleischman: So Will what they could do here, if it goes through all the approvals and so forth, they could build this cluster development first and then have these bigger lots and the bigger lots may never be built.

Will Moore: Well, I don't want to talk at this point in too much detail about what goes on with the county zoning because I'm just not as intimately familiar with their zoning regulations. The idea of the larger lots is not necessarily that you want them built, but the idea is that it's for the preservation of open space and potential farmland. So whether a single family dwelling pops up on one or not I don't know is of major concern. It would have to be dedicated by plat as a subdivision or as a lot within the subdivision, but it wouldn't necessarily have a dwelling built upon it.

Eric Combs: Right. I don't know that the dwelling has to be built upon it, but I think all the lots have to be finished in order to get that cluster. So I think you have to have the large lots and lots have to be finished in order to then get that real clustered subdivision. But you're right I don't I don't know that they then have to proceed to actually putting the improvement on the lot. But I could be wrong. I mean I think that's all.

Will Moore: Right, this is, yeah. And those are the kind of technical comments that the county will be you know they'll really be doing the majority of the review here. We will have our own engineer look at the lots within our subdivision control area with an eye on the county zoning regulations just to make some kind of comments and then I'll talk with him as well about certain things that access management is I think a big one of concern for us. We'll be talking about those things, but again the county reviewing agencies will be shouldering the majority of the work here because it's evaluating against their standards.

Eric Combs: Other comments or questions? No? OK. [Off mic]. Okay, if we could all pull out our calendars. Our next meeting is set for Monday July 22nd. Does that pose a conflict for anybody as of right now?

Rachel Minchew: I'm out of town that week, yeah.

Eric Combs: OK. [Off mic]. 22nd seems good at least for quorum purposes? Okay, well let's see perhaps what Don has. I may see Don and can ask him, but let's stick with that for the moment. Any other items before we gavel out of here? [Laughter]. No? OK. Thank you everybody.

Will Moore: Thank you. [Inaudible].

Eric Combs: Thank you Dan. Thank you.