



CORPORATION OF HARPERS FERRY
Planning Commission
MINUTES

Regular Meeting

Tuesday, 22 November 2022

7:00 p.m.

Town Hall – 1000 Washington Street, Harpers Ferry, West Virginia 25425

The meeting was called to order at 7:00 p.m. by President Craig.

THOSE PRESENT:

Member	Title	Status
Chris Craig	President	Present
Paul Mayhew	Secretary/Mayor's Designee	Present
Ken Dill	Member	Present
Roberta Meade-Curry, AICP	Member	Present
Zach Morse	Member	Present
Paul Thomas	Member	Present
Tim Wisecarver	Member	Present

Approval of Agenda: The meeting agenda was approved unanimously with one motion.

Motion	Motion to move New Business to after the Approval of Minutes section of the Meeting Agenda.
Motion by	P. Thomas
Seconded by	K. Dill
YES	7
NO	0
Abstain	n/a
Result	MOTION PASSES

1. Approval of Minutes:

a. Regular Meeting of September 20, 2022

Motion	Motion to amend minutes to indicate in the "Other" section that, pursuant to a Commission Member inquiry, Roberta Meade-Curry clarified that documents she had attached to an agenda item request form that bore references to the Planning Commission were solely her documents and were not official documents of the Planning Commission itself.
Motion by	R. Meade-Curry

Seconded by	K. Dill
YES	7
NO	0
Abstain	n/a
Result	MOTION PASSES

Motion	Motion to amend minutes to indicate in the “Other” section that Tim Wisecarver inquired as to whether all documents attached to an agenda item request were inherently considered to be part of the public record, and if all documents related to agenda items and projects for review should be simultaneously posted when their respective agenda items are posted. President Craig took the action of confirming the answers to these questions and reporting back to the PC.
Motion by	R. Meade-Curry
Seconded by	K. Dill
YES	7
NO	0
Abstain	n/a
Result	MOTION PASSES

Motion	Motion to approve the 9/20/22 minutes as amended per the two previous motions.
Motion by	R. Meade-Curry
Seconded by	K. Dill
YES	7
NO	0
Abstain	n/a
Result	MOTION PASSES

b. Special Meeting of October 4, 2022

Motion	Motion to amend the 10/4/22 minutes to indicate in the Tree Committee section that there was discussion regarding text amendments that had been previously recommended to the Town Council regarding Tree Committee ordinances. President Craig took the action of checking with the Town Recorder and the Tree Committee as to the status of those proposals.
Motion by	R. Meade-Curry
Seconded by	T. Wisecarver
YES	7
NO	0

Abstain	n/a
Result	MOTION PASSES

Motion	Motion to approve the 10/4/22 minutes as amended per the previous motion.
Motion by	K. Dill
Seconded by	T. Wisecarver
YES	7
NO	0
Abstain	n/a
Result	MOTION PASSES

c. Special Meeting of November 10, 2022

Motion	Motion to approve the 11/10/22 minutes with the one amendment of changing the number of approvals of the motion regarding Comprehensive Plan Procedures being added to the agenda from 5 to 7.
Motion by	K. Dill
Seconded by	P. Thomas
YES	7
NO	0
Abstain	n/a
Result	MOTION PASSES

1. New Business

a. Discussion and Action on Permit Application for New Construction on Putnam Street

President Craig engaged Valerie and Michael Feolo via telephone to discuss their inquiry regarding whether they could potentially establish access to their new property on Putnam Street via Franklin Street. There was discussion regarding conflicting indications as to whether Franklin Street was in fact a “paper street” and if it was acceptable to create a driveway onto their property from Franklin Street. Mr. Feolo indicated that the official zoning map does not depict Franklin Street as a “paper street” and also that the map doesn’t distinguish which streets are “improved” or “unimproved.” President Craig noted that the town lawyer indicated that there are no prohibitions on using paper streets.

President Craig noted that any alteration, obstruction or construction of streets must be approved by the Planning Commission and Town Council, regardless of whether the street is considered to be a “paper street” or not, and that Sections 909.02 and 909.03 of the Town Ordinances address this topic. He further noted that though there

are no current town plans to develop Franklin Street, that the Comprehensive Plan confirms that “paper streets” are public property and should be understood as such, and that the town may need to eventually develop Franklin Street to enable access to other properties.

President Craig confirmed that even though Franklin Street is considered a public street that the town is not responsible for maintaining it. Ken Dill and President Craig also noted that should the new home cover both of the Feolo’s adjacent lots, that the two lots would need to be joined for tax purposes, approved by the Town Council, and recorded with the County.

The Feolos indicated that there are two white PVC pipes on the property that the Manager of the Sewer Department stated were illegal pipes that were never approved, have been disconnected, and could be removed if necessary. President Craig took the action of researching whether the town may remove the illegal sewer pipes and to either inform the Feolos directly or have the proper authority do so.

2. Unfinished Business

a. Discussion and Action on Draft Planning Commission Bylaws

The WVU Land Use Clinic provided the Planning Commission with draft bylaws on 11/10/22 for review and consideration, shading in yellow items that were beyond what was depicted in the Town Ordinances. An initial review evidenced that there are multiple conflicts between the draft Bylaws and the Town Ordinances that would need to be addressed before the adoption of any new Bylaws. The PC agreed to conduct an offline review of both the draft Bylaws and the Town Ordinances for further discussion in the December meeting.

b. Discussion and Action on Draft Comprehensive Plan Procedures for Public Input

The WVU Land Use Clinic provided the Planning Commission with draft Comprehensive Plan Procedures for Public Input on 11/10/22 for review and consideration. An initial review resulted in questions deemed to potentially require input from the WVU Land Use Clinic representatives. The PC agreed to conduct an offline review of the draft procedures for further discussion in the December meeting. President Craig indicated that unless something material was missing from the draft procedures, that the PC should consider just approving the procedures in their current form, incorporating any edit recommendations as provided by Roberta Meade-Curry if and where appropriate.

3. Reports

a. Stormwater Study

Paul Thomas indicated that there was no update at this time regarding the Stormwater Study.

b. Tree Committee

There was discussion regarding previously recommended amendments to the Tree Conservation Ordinance. Tim Wisecarver indicated that he had verbally presented three issues as raised by Christy Huddle of the Tree Committee, but that it wasn't clear if there was a record of such discussions. Kevin Carden of the Town Council, present in the audience, noted that the Town Council must receive an agenda request prior to considering any ordinance changes. Paul Thomas indicated that he would be speaking with Christy Huddle and would inquire as to the existence of any notes that could be obtained and shared. Mr. Carden indicated that the Town Council Meeting Minutes from the 8/9/21 meeting addressed this topic and could be referenced.

There was also follow up discussion regarding the potential of moving the Tree Committee out from under the purview of the Planning Commission. Mr. Carden indicated that he crafted the original Tree Committee ordinance in 2008, and that most Town Council members agreed that it was unnecessary for the Tree Committee to reside under the Planning Commission, primarily in that they are their own deliberative body. Mr. Carden further indicated that he was amenable to the idea of having a single Planning Commission member being appointed to the Tree Committee. President Craig indicated that this topic would be added to the December agenda for further discussion.

4. Other

- a. President Craig noted that the Hagerstown Regional Transportation Office had commenced their bicycle/pedestrian plan for the region, and that both the Armory Canal Trail and High Street proposals were discussed.
- b. It was determined that the best date for the December meeting would be on the 13th.
- c. President Craig indicated that any PC members whose term is expiring who would like to continue in their role should provide him with such a request in writing.
- d. President Craig indicated that the vacancies associated with former PC member Jim Jenkins should be addressed in the new year after the makeup of the PC is finalized based on any departing or incoming members.
- e. Kevin Carden indicated that older meeting recordings no longer appear on the YouTube channel. President Craig noted that at the Mayor's recommendation that neither YouTube nor Zoom will be used in the foreseeable future, and that all meetings should be conducted in person and attended by any interested stakeholders. President Craig further indicated that he would provide approved Planning Commission minutes to Mr. Carden and asked that they be posted on the town website

Adjournment

President Craig adjourned the meeting at 9:11 PM.

The above reflects to the best of our knowledge the summary of the recorded Regular Meeting of the Corporation of Harpers Ferry – Planning Commission held November 22, 2022.

President: _____
Chris Craig **date**

Secretary: _____
Paul Mayhew **date**