

Harpers Ferry Board of Zoning Appeals

March 29, 2021

Hearing Minutes – On an application for permission to demolish the Hill Top House Hotel

**Call to order and attendees** - The remote meeting was called to order by David Simmons at 6:01 pm.

SEAT 1 (term ends January 1, 2024): David Simmons – PRESENT and leading meeting

SEAT 2 (term ends January 1, 2022): Chad Gauthier - PRESENT

SEAT 3 (term ends January 1, 2022): Lynn Pechuekonis – PRESENT

SEAT 4 (term ends January 1, 2023): Mike Buscher – PRESENT

SEAT 5 (term ends January 1, 2023): Chris Craig – PRESENT and recording minutes

Non-BZA members present: Deb Kelly (technical assistance);

Kin Sayre, Town Attorney;

Laurel Ziemianski, Hill Top House Hotel Project Manager, SWAN Investors;

John Stump, Attorney representing SWAN, Steptoe & Johnson PLLC;

Michael Binder, Senior Project Manager of Demolition and Construction, Jones Lang Lasalle;

Jessie Ponce de Leon, PE – Gordon Civil Engineering DC, Director of Engineering;

Roberta Meade, town citizen providing comment;

and Benjamin Buckley, town citizen providing comment.

Additional members of the public on Zoom or YouTube observed only.

**Demolition Review Permit [Article 1313.04]: Hill Top House Hotel – 400 E. Ridge Street** – Mr. Simmons reviewed the legal requirements for the hearing. Town ordinances (1313.04) allow for no demolition of structures within the promontory overlook without an application providing plans. The plan must be reviewed and approved by the BZA. Appendix A of that ordinance requires that a public hearing must be held as part of the review process.

Laurel Ziemianski and the team from SWAN provided a summary of the application. Ms. Ziemianski stated that a request for an emergency waiver to provide permission to demolish the old hotel was sent to the Mayor on January 27. SWAN was advised that a full application would be required. That application was sent to the town on March 2. Ms. Ponce de Leon stated that the reason for the old hotel's removal is that it is no longer safe. She stressed that all local, state, and federal requirements would be followed in the demolition, that sensitive waterways would be protected, and that no debris would enter town roadways or other property. Columbia Street would be the primary entrance for demolition work. Mr. Binder provided the proposed schedule for work: preparation for the project would begin May 10, followed by erosion control and pre-inspection. Demolition work, including asbestos abatement would begin May 24. Post-inspection and site stabilization would begin August 19, with work completion expected on August 27.

The meeting then was then opened to public comment. Written comments by the following were submitted and read by Mr. Simmons and Ms. Pechuekonis: Lynn and Greg Vaughn, Myles Morse, Alexander Fleming, Ed Wheelless, Carrie Gauthier, Linda and Mack McCarty, Pat Morse, Midge Flynn Yost, Sharon Garvey, and Nancy Case. At the request of Ms. Yost, comments once given by the late Dan Riss and Kevin Lee Sarring were also read. (All written comments are available at Town Hall.) Also read was a letter by Chair Guy Hammer, Historic Landmarks Commission, which confirmed the Commission agreed that demolition of the old hotel was necessary, due to its unsafe and irreparable condition.

Ms. Meade and Mr. Buckley provided spoken comment. Ms. Meade's comments are available at Town Hall.

SWAN representatives were then given the opportunity to respond to public comments and express other concerns to the BZA. Mr. Binder addressed the topic of demolition traffic on East Ridge Street by assuring that most such traffic would be approaching the site via Columbia Street. Only the larger trucks would need to use E. Ridge and Jackson Streets, and flagmen would be utilized. Ms. Ponce de Leon addressed concerns about hazardous materials. She said proper controls would be in place to assure that all West Virginia standards would be met. Steep slopes would be protected, and there would be no runoff from the impervious surfaces. Dirty water would be transported to a sanitary sewer. Mr. Binder added that the team would be meeting with WV Department of Environmental Protection to assure that all plans meet state standards, and an air monitoring service would be hired to assure there is no dangerous release of emissions. Some public comments expressed concern that SWAN's demolition application had been incomplete. Mr. Stump noted that the application had supplied all required information but that other items the BZA was asking for (e.g. shut-off letters from utilities) were proposed by the BZA as conditions prior to or after permit issuance.

Ms. Ziemianski and the team then addressed requirements the BZA had proposed for the permit issuance. The demolition site's size has been measured as less than one acre, which means that state review of a stormwater management plan is not required by state or local law. SWAN further requests exemption from the land disturbance permit requirement (to be reviewed by the Harpers Ferry Planning Commission) based on the long delay of work and the original submission of an emergency request. Ms. Ponce de Leon noted that all land in question is connected to the hotel and that no other land will be graded or undergo disturbance. All other requirements that the BZA has proposed appear reasonable and will be met. Weekly town inspections can be arranged, as requested by the BZA.

Mr. Simmons asked BZA members if they had additional questions or comments. Mr. Craig asked SWAN to address questions of some residents on the methods of demolition. Specifically, would blasting or a wrecking ball be used? Mr. Binder said neither of those methods would be used. Mr. Simmons then noted that the schedule would help the public understand the asbestos abatement process—that the hazardous material would be removed prior to the start of demolition. Mr. Simmons asked for further clarification about the order of demolition and removal of debris. Mr. Binder replied that there would need to be flexibility on this as work progressed, but that all safety and environmental regulations would be carefully followed.

**Adjournment** – At 7:23 Ms. Pechuekonis moved that the public hearing be adjourned. Mr. Gauthier seconded; passed unanimously. Deliberation and action will take place at a later meeting not yet set.

Minutes submitted by Chris Craig