

**Hamilton Planning Commission
June 10, 2009
Hamilton Town Office**

The meeting was called to order at 7:30 PM by Chairman McCann. The Pledge of Allegiance was followed by Roll Call.

Present: Chairman Robert McCann, Vice Chairman Les Carlson, Mr. William Gallant,
Mr. Russ Beal, Mr. Tom Rollins.

Absent: Ms. Melodie Baxter

Also Present: Ms. Maureen Gilmore, Town Attorney
Mayor H. Ray Whitbey

Minutes

The tape needs checked for the May minutes to clarify a motion.

Public Comment

Ms. Sally Mann, 17635 Harmony Church Rd, spoke that she believes she is being stalled since she was requested to waive vested rights and to vacate her plat, both of which were not a condition of her approval. Mr. McCann responded that once the agreed upon conditions were met and approved by the Town Attorney the plat would be signed. Mr. Rollins made a motion to add the May 13, 2009 Preliminary Subdivision plat review under new business. Mr. Beal made a second on the motion and the vote passed 5-0-1, (Aye: McCann, Carlson, Beal, Gallant, Rollins. Nay: none. Absent: Baxter).

Old Business

Comprehensive Plan - Land Use section - Action Items

Items 5 & 9 can be combined under Action Items, and a suggestion was made by Mr. Gallant to add a review for the proposed annexation for the East/West ends of Town. Mr. McCann asked that any ideas be sent to Mr. Beniamino and himself with the desired language to be added.

Transportation

Mr. Gallant asked about the grant that was to be used by 2009 and Mayor Whitbey advised that the Town is at the final stages for the new signs which need to be submitted to VDOT for approval.

Mr. Carlson suggested changing the name of the commuter bus service to reflect the new name. Mr. Gallant raised a question about commuter park-n-ride services in Town and Ms. Gilmore explained what is needed if there is going to be a lot within the Town limits. Mr. McCann asked that this discussion be tabled until the next meeting to allow additional research to be completed.

Mr. McCann inquired about the trail connection to the WO&D and Mayor Whitbey advised that there is no update but he will check with Mr. Unger.

Mr. McCann asked that all review the Transportation Section again for discussion at the next meeting.

Mr. McCann asked Mayor Whitbey if a representative from the Annexation Committee could attend the August Planning Commission meeting to advise and discuss the current status of the proposed Annexation.

New Business

Ms. Gilmore distributed a memorandum on the Submission of Secondary Preliminary Plat following Approval of Preliminary Plat and explained in depth the substance of the memo and the process of "vesting rights". Copies of the signed and approved September 2008 and modified March 2009 Plats were presented for the Commission to review as Ms. Gilmore explained. Ms. Gilmore explained the timeline of events and the status of the proceedings to date. The focus of discussion was around the 2 different plats had been submitted by Ms. Mann and that she has refused to withdraw in writing the previous approved September 2008 Plat. To

withdraw, or vacate, is required so that there are not 2 different approved plats for the same property. Ms. Mann objected to the term vacate and Ms. Gilmore suggested replacing the word "vacate" with "supercede" in an attempt to help both parties move toward the same goal which is approval of the filed plat. Ms. Gilmore prepared and asked if the following language was agreeable to Ms. Mann:

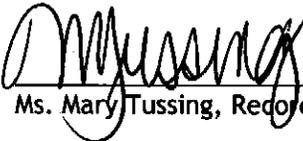
The Applicants/owners understand and agree that the approval of the plat identified as "Mann Subdivision Revised Preliminary Plat", dated March 18, 2009, revised May 20, 2009, Loudoun County Number HAML 2006-001, prepared by Huntley Nyce & Associates, supersedes and replaces the plat identified as "Mann Subdivision Preliminary Plat, dated January 2, 2006, revised through August 1, 2008, Loudoun County Number HAML-2006-001, prepared by Wolford & Chen, signature approval date September 17, 2008. The applicants/owners understand and agree that upon approval the Mann Subdivision Revised preliminary Plat, dated March 18, 2009, revised May 20, 2009, Loudoun County Number HAML 2006-001, prepared by Huntley Nyce & Associates will be the only legally approved preliminary plat for purposes of preparation, submission and review of any subsequent final/record plat and that any submitted final/record plat will be in substantial accord with the Mann Subdivision Revised Preliminary Plat, dated March 18, 2009, revised May 20, 2009, Loudoun County Number HAML 2006-001, prepared by Huntley Nyce & Associates.

Ms. Mann reviewed and agreed to the revised language. Ms. Gilmore asked that Ms. Mann submit, sign, date and return the 2 original 2008 plat in addition to the required number of May 20, 2009 plats to the Town the next day. Ms. Mann agreed. There were no questions or comments from the Commissioners. Ms. Gilmore noted that Mr. Beniamino will need to ensure that all items per the May motion for conditional agreement have been completed as agreed.

Mr. Beal made a motion to adjourn at 8:42 PM.



Chairman Robert McCann



Ms. Mary Tussing, Recorder