

**Hamilton Planning Commission
September 9, 2009
Hamilton Town Office**

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

Present: Chairman Robert McCann, Vice Chairman Les Carlson, Mr. William Gallant,
Mr. Russell Beal, Mr. Dimitri Kesari (8:32 PM)

Absent: Mr. Tom Rollins

Also Present: Ms. Maureen Gilmore, Town Attorney
Mr. David Beniamino

Minutes

Mr. Gallant made a motion to adopt the May 13, 2009 Planning Commission minutes into record. Mr. Beal made a second on the motion and the vote passed 4-0-2, (Aye: McCann, Carlson, Gallant, Beal. Nay: none. Absent: Rollins, Kesari).

Mr. Carlson made a motion to adopt the amended June 10, 2009 Planning Commission minutes into record. Mr. Beal made a second on the motion and the vote passed 4-0-2, (Aye: McCann, Carlson, Gallant, Beal. Nay: none. Absent: Rollins, Kesari).

Mr. Beal made a motion to adopt the amended August 12, 2009 Planning Commission minutes into record. Mr. Carlson made a second on the motion and the vote passed 4-0-2, (Aye: McCann, Carlson, Gallant, Beal. Nay: none. Absent: Rollins, Kesari).

Old Business

Mann Final Plat Subdivision request

Mr. Beniamino provided a detailed review of his staff report for the Mann Subdivision Final Plat as well as the comments received from the Loudoun County Department of Building and Development. There are some outstanding issues but without a new plat to review no comment can be made at this time. It is Mr.

Beniamino's recommendation that Ms. Mann ask the Commission for another 30 day deferral of action to allow the necessary information to be reviewed and the outstanding items resolved. Mr. Beniamino advised that the Town has not received a copy of the second submission as it was made directly to the County by Ms. Mann and advised that if the applicant does not seek a 30 day waiver of decision, it is Mr. Beniamino's recommendation for denial of the plat request based on failure to meet both the subdivision ordinance standards of the Town of Hamilton and the zoning ordinance standards of the County.

Ms. Mann responded that at the last Commission meeting the Town Attorney and Zoning Administrator had been directed to meet with her after the County comments had been returned to the Town but that has not yet occurred. Ms. Mann feels she has been ignored by the Town Staff and continued to review the comments received back from the County. Ms. Mann offered to provide a second plat to the Town but believes the current plat that the Town has in their possession can be conditionally approved tonight based on the simple issues that are outstanding. Ms. Mann noted that she does need input from both Ms. Gilmore and Mr. Beniamino, who she finds difficult to deal with and again stated that she feels she has been ignored. Ms. Mann suggested that the Hamilton Ordinances are out of date and need to be revised and felt she should have been provided a copy of the Staff Report that was reviewed tonight.

Mr. Beniamino responded to Ms. Mann's comments stating that the County comments came into the Town on August 28, 2009 and it has been 1 week + 1 business day from receipt of the information received. Mr. Beniamino feels Ms. Mann does not recognize that he is a part time employee and that he has other responsibilities aside from her plat request. Mr. Beniamino stated that he will make available the dates in which he can meet with Ms. Mann, but the numerous emails each day are time consuming and also take away from his responsibilities. Mr. Beniamino stated he did not provide a copy of the Staff Report to Ms. Mann but she is entitled, under the F.O.I.A., to come into the Town Office and request this information and at this time no request from Ms. Mann has yet been received. Mr. Beniamino read the comments received from Mr. Mike Seigfried's report. Mr. Beniamino clarified that he has not made any decisions on this plat and it is his job as Town Staff to make recommendations to the Commission and Council based on his understanding and interpretations of the ordinance. He feels he has been as open and honest with Ms. Mann as he could have possibly been and has only offered Ms. Mann recommendations and guidance on how to proceed.

Ms. Mann asked again why a copy of the Staff Report was not provided to her as she thought it would be an automatic to provide this to the applicant and feels this typifies the adversarial relationship from the Town

toward herself. Ms. Mann again stated that she believes the plat can be conditionally approved with these minor changes and Ms. Gilmore responded that this is not possible as there no final plat has yet been made available to the Town. Ms. Mann feels this is another attack and that the Town is being difficult and that there should be standard rules to move this process along in 60 days. Ms. Mann stated again that she believes that the plat can be reviewed and approved tonight and she is seeking answers for why this continues to delay month after month. Mr. McCann asked when the Town was going to receive a copy of the second plat that was submitted to the County and Ms. Mann stated that she feels this is a game that the Town is playing with her. Mr. McCann again asked when the second plat was going to be received by the Town and Ms. Mann said she believes that the plat can be conditionally approved and at that time she will submit the second plat to the Town.

Discussion continued between Ms. Mann, Commission and Staff with 8 more requests made from the Commission and Staff for a second plat to be submitted to the Town. Ms. Mann responded that she feels this was unnecessary citing why now and not in August, required fees, the belief that conditional approval can be granted tonight with out a second plat submission, disagreement with ordinance language, disagreement in principal and the belief that she will only resubmit after all issues are resolved and a meeting takes place between herself, Ms. Gilmore and Mr. Beniamino. Mr. Beniamino stated that he absolutely refuses to meet with Ms. Mann about ordinances that were passed under the correct and proper process in which a law is passed in the State of Virginia and where Ms. Mann is seeking agreement from Mr. Beniamino that language is missing from the Town Ordinances. He does not see a need for a meeting in which he would reiterate where the language currently exists and the appeal process for the removal of language of which Ms. Mann has already been advised. Mr. Beniamino stated that he is preparing to recommend to Town Council that they invoke a section of the Town subdivision ordinance which would make the applicant financially responsible to cover the costs of the Staff time which has been required on the application. Mr. Beniamino noted that the reason there is a \$500.00 cost for each plat submission is to cover the expenses incurred by the Town for the work incurred by the Staff. Mr. McCann again advised that the Town needs a copy of the second plat and acknowledged that Ms. Mann wants a meeting with the Town Staff. Ms. Mann requested a 30 day deferral with the request that this be on the October meeting agenda. Mr. Beniamino and Ms. Gilmore are requested for a meeting and dates will be made available to Ms. Mann for schedule availability.

Comprehensive Plan Chapter Updates

Individual times were arranged with the Commission members for final revision reviews as follows:

Mr. Kesari, September 24 at 6:30 PM, Sections 1, 2, 3 & 4.

Mr. Beal, September 29 at 6:00 PM, Section 5.

Mr. Gallant: September 24 at 5:15 PM, Sections 6 & 7.

Mr. Rollins, TBA, Sections 8 & 9.

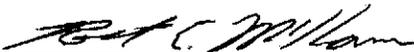
Mr. Carlson, September 15 at 5:30 PM, Section 10.

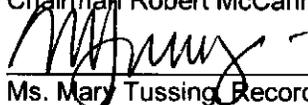
Mr. McCann, TBA pending Annexation update

Mr. Beniamino would like the proposed Comprehensive Plan be ready to present to the Town Council at the December meeting, noting that pictures and tables still need to be updated. Mr Beniamino asked the Commission to decide whether they want to use the verbiage "historic" for a town overlay as well as the verbiage "preserve and promote". Mr. Beniamino has no opinion either way but noted there are pros and cons to be considered. Mr. Beniamino has suggested that the October 14, 2009 Planning Commission meeting start at 7:00 PM in order to complete an entire Comprehensive Plan review and will ensure that advertising is completed for the 7:00 PM time change.

Mayor Whitbey advised that he would like a joint Town Council and Planning Commission Annexation meeting to decide what action is desired. This would include the review of Town water availability and a JLMA review. Mr. Beal requested that background information be provided prior to the meeting.

Mr. Beal made a motion to adjourn at 8:59 PM.


Chairman Robert McCann


Ms. Mary Tussing, Recorder