

Morgan County Planning Commission
Meeting Minutes
December 7, 2010

I. CALL TO ORDER

Members present: Jack Soronen, Thomas Swaim. Scott Swaim, Susan Parker, Mary Ellen Largent, Carl Cowgill, Wayne Omps, Amy Lane, Jim Hoyt, Brad Close.

Members absent: Thomas Stinebaugh.

Meeting opened at 7:02 p.m.

II MEETING MINUTES

On a Carl Cowgill/Brad Close motion, the October 26, 2010 meeting minutes were unanimously approved.

III. FINAL PLAT PUBLIC HEARING

- A. Spring Hollow – Lot 7A
Owned and Developed by Paul & Nancy Fowler
Located in Cacapon District, end of Spring Hollow Lane off of Gaither Road, 0.3 miles southeast of intersection with Hansrote Road
Consists of 1 lot totaling 4.00 acres
Waiver Requests: Reduction of scale to 1"=100'
Reduction of size of submittal to 8.5"x11" (Section 13.2)
- Waiver Requests approved on the Preliminary Plat:
1. Reduction of scale to 1"=100' (Section 13.2)
 2. Reduction of size of submittal to 8.5"x11" (Section 13.2)
 3. Well Site – Existing well located 28' from lot line (Section 11.2.1c)
 4. Road width reduction to 16 feet with two foot shoulders (Section 11.2)

*Engineer Report – November 11, 2010
Arro Consulting – Richard Parks, P.E.
Final Plat for Lot 7A – Spring Hollow Subdivision
Paul Fowler, Owner*

We have reviewed the Final Plat submitted and the as-built survey of the access road. We have also witnessed the compaction testing for the roadway. We find the information

provided meets the minimum technical requirements of the ordinance with the following condition:

- 1. Owner needs to sign the final plat.*

On a Carl Cowgill/Mary Ellen Largent motion, the Morgan County Planning Commission approved the following waivers for Spring Hollow Lot 7A:

1. Reduction of plat scale to 1"=100' (Section 13.2)
2. Reduction of plat size submittal to 8.5"x11" (Section 13.2)

Motion carried.

On a Carl Cowgill/Thomas Swaim motion, the Morgan County Planning Commission approved the Final Plat for Spring Hollow Subdivision Lot 7A, owned by Paul and Nancy Fowler. Motion Carried.

IV. FINAL PLAT PUBLIC HEARING – MINOR SUBDIVISION APPLICATION

- A. Property owned by Daniel & Debra Miele
Located at 69 Knepper Lane, northeast side of Poole Road, 0.8 miles Southeast of its intersection with Householder Road
Consists of 1 lot totaling 2.5 acres
Waiver Requests: Reduction of plat size to 8.5"x14" (Section 13.2)
Reduction of plat scale to 1"=100' (Section 13.2)

*Engineer Report – November 11, 2010
Arro Consulting –Richard Parks, P.E.
Minor Subdivision Final Plat for Daniel Miele
69 Knepper Lane*

We have reviewed the Final Plat to create lot B-1A (2.5 acres) and the remaining lot B-1 (2.5 acres). We find the plat meets the minimum technical requirements of the ordinance with the following exceptions.

- 1. Owner needs to sign the final plat*
- 2. Proof of valid well and septic permit*
- 3. A waiver of plat scale from 1"=50' to 1"=100' and waiver of the plat size from 24"x36" to 8.5"x14" is required.*
- 4. If Knepper Lane is a state maintained road, an access permit is required for new parcel B-1A.*
- 5. If Knepper Lane is a private road, an as-built survey of the road is required to verify the horizontal and vertical alignment and road width meets the minimum technical requirements of the subdivision ordinance.*

Staff had stated that all documentation and permits have been received except for the well permit and requested that a contingency approval be granted subject to receiving the well permit.

On a Thomas Swaim/Susan Parker motion, the Morgan County Planning Commission approved the following waiver requests for the Minor Subdivision Final Plat of Daniel and Debra Miele:

1. Reduction of plat size to 8.5"x14" (Section 13.2)
2. Reduction of plat scale to 1"=100' (Section 13.2)

Motion carried.

On a Thomas Swaim/Jim Hoyt motion, the Morgan County Planning Commission approved the Minor Subdivision Final Plat for Daniel and Debra Miele contingent upon receiving an approved well permit from the Morgan County Health Department.

Motion carried.

V. COMMERCIAL AND INDUSTRIAL IMPROVEMENT LOCATION PERMIT APPLICATIONS

- A. Liberty Towers, Burgess & Niple, Inc.
Property owned by Donald Largent
Located in Cacapon District, 1571 Paw Paw Road, Paw Paw, WV
Project consists of 274 ft self-supporting communications tower with 80'x80' fenced compound
Waiver Requests: Reduction in road width and vertical grade (Section 4.6)
Reduction of minimum setback from property line (Section 4.6)

Note: Applicant had previously requested a waiver of stormwater management requirements prior to submittal of a commercial site plan. See staff review dated September 13, 2010.

*Engineer Report – September 13, 2010
Arro Consulting – Richard Parks, P.E.
Liberty Towers Paw Paw Tower Site
Stormwater Management and Waiver Request*

We have reviewed the stormwater management waiver request from Burgess & Niple dated August 24, 2010. We find the waiver request does not meet the minimum technical requirements of the Stormwater Management Ordinance for the following reasons:

- 1. The calculated increase in runoff from the 2-year storm event (15.95%) exceeds the 10% threshold outlined in Section 3.d.i of the Stormwater Management Ordinance.*
- 2. The pre-development curve number used in the calculations is not based on meadow in good condition, as required in Section 5.d of the Stormwater Management Ordinance. Revisions to the calculations to meet this requirement will result in an even greater difference between the pre-development and post-development runoff rates.*

*3. The waiver request package did not include a drainage area map, time of concentration calculations, or weighted curve number calculations.
As a result of this analysis, we must recommend denial of the waiver request.*

As a result of the engineer report, the applicant withdrew their request for waiver of the Stormwater Management Ordinance requirements.

*Engineer Report – November 11, 2010
Arro Consulting – Richard Parks, P.E.
Commercial Site Plan
Liberty Towers, Paw Paw Site*

We have reviewed the site plan applied for the above referenced property. We feel the plan meets the minimum technical requirements of the ordinance subject to the following conditions.

- 1. Any approval required for sediment and erosion control must be obtained with proof of approval provided to the County.*
- 2. Section 4.6 requires a 20' wide access road with 2' shoulder limited to a maximum grade of 8%. The actual grade of the existing and proposed access appears to exceed 8% and the proposed width is 12'. A waiver for road width and vertical grade must be obtained.*
- 3. Section 4.1 limits the setbacks of commercial structures to 15' +1/2 of the height of the structure above 40' in height. With the tower at 274', the setback should be 132'. The actual setback from the property line is less than this required distance to the closest property line. Even though the owner of the site, Mr. Largent, owns the surrounding property, a waiver of the minimum setback should be obtained.*

Staff reported that the applicant had submitted a waiver request for the reduction in road width and vertical grade along with a waiver of the setback requirement. Staff also questioned as to what type of lighting the applicant was proposing for the tower. The applicant stated that it would be a white light during the day and red lighting at night.

On a Carl Cowgill/Jim Hoyt motion, the Morgan County Planning Commission approved the following waiver requests for Liberty Towers Commercial and Industrial Improvement Location Permit application for a communications tower located off of Paw Paw Road in Paw Paw:

1. Waiver requesting reduction in the setback requirement for the tower location (Section 4.1);
2. Waiver requesting reduction in road width to 12' and increased vertical grade of 3.8% (Section 4.6).

Motion carried.

On a Thomas Swaim/Mary Ellen Largent motion, the Morgan County Planning Commission approved the Commercial and Industrial Improvement Location Permit application for Liberty Towers communications tower located at 1571 Paw Paw Road in Paw Paw, WV. Motion carried.

- B. Verizon Wireless, c/o Network Building and Consulting, LLC
Property owned by Carl M. Freeman Assoc.
Located in Bath District on the east side of Cold Run Valley Road
At the Intersection of Frog Valley Road/Cinnamon Trail
Project consists of a 199' monopole communications tower
With a 50'x50' fenced compound
Waiver Requests: Reduction of road width and vertical grade
(Section 4.6);
Waiver of stormwater management requirements (Section 3.D).

*Engineer Report – November 11, 2010
Arro Consulting – Richard Parks, P.E.
Verizon Tower Commercial ILP Application
Coolfont Tower Site*

We have reviewed the commercial site plan application for the above referenced property and find the application meets the minimum technical requirements of the ordinance subject to the following conditions.

- 1. Any approval required for sediment and erosion control must be obtained with proof of approval provided to the county.*
- 2. A waiver of Section 4.6 for road width less than 20' and vertical grades greater than 8% must be obtained.*

*Engineer Report – November 15, 2010
Arro Consulting – Richard Parks, P.E.
Verizon Cell Tower at Coolfont
Waiver Request*

We are aware of the waivers requested for the Verizon cell tower site at Coolfont. We have reviewed the stormwater management report submitted and concur with the applicant's request to grant a stormwater management waiver pursuant to Section 3.D of the Stormwater Management Ordinance, We would also support the waiver request for the vertical grade greater than 8% and the width of the road less than 20 feet pursuant to Section 4.6 of the Commercial ILP Ordinance.

Staff stated that this tower will not be required to have lighting and that all federal and state permits had been received for this project.

Public Comments:

Trish Walton, who lives within close proximity to the proposed cell tower site, expressed some concerns regarding the application. She questioned if there was any possibility that the tower could be located further north and could the radiation from the tower be harmful.

Randy Litman, engineer for Lavelle and Associates who was representing Verizon, stated that the tower site was located as far north as possible to obtain the proper coverage area needed and that the Federal Communications Committee regulates the amount of radiation that comes from an antennae. The radiation waves come straight out from the antennas which are towards the top of the tower. They do not move downward to the ground. The radiation coming out from these antennas is not enough to harm humans. It also will not interfere with radio and television reception.

Ms. Walton also questioned the extension of electric to the site and whether it would be underground. Mr. Litman stated that the electric will be installed underground on the Coolfont property. Allegheny Power will determine how and where it will be located from the nearest available location.

Robert Margrave, representing Carl M. Freeman Assoc. stated that they are requiring additional screening by planting trees around the site compound upon completion.

Glen Ryburn, who lives off of Cinnamon Trail/Spicy Cedar Lane, stated that he supports the placement of the tower but his concern is the intersection at Cold Run Valley Road. He would like to see the intersection widened somewhat and assurance that the road condition does not worsen due to the construction. Staff had stated that West Virginia Department of Highways would need to approve any alterations to the entrance off of Cold Run Valley Road. Staff will work with the contractors during the construction to insure there's no damage to existing road conditions.

On a Mary Ellen Largent/Thomas Swaim motion, the Morgan County Planning Commission approved the following waiver requests for Verizon Wireless Commercial and Industrial Improvement Location Permit application for the placement of a communications tower at Carl M. Freeman Assoc./Coolfont site.

1. Waive stormwater management requirements for peak discharge is less than 10 percent (Section 3.D);
2. Waiver requesting reduction in road width to 12 feet (Section 4.6);
3. Waive vertical grade requirement to allow for slopes greater than 8% (Section 4.6).

Discussion:

Glen Ryburn requested that the Planning Commission consider adding to the motion that there will be no impact to Spicy Cedar Lane/Cinnamon trail during construction.

Jack Soronen, Planning Commission President, stated that since staff performs regular site inspections and oversees the construction project, there would be no need to incorporate such language in the motion.

Dave Abner, representing the Morgan Messenger, questioned the justification of the stormwater management waiver. Staff stated that because the proposed development will not generate more than a 10% increase in the 2-year peak discharge, a waiver is permissible under Section 3.d.i in the Stormwater Management Ordinance.

Vote: Motion carried.

On a Mary Ellen Largent/Thomas Swaim motion, the Morgan County Planning Commission approved the Commercial and Industrial Improvement Location Permit application for Verizon Wireless for the placement of a communications tower on the Carl M. Freeman Assoc./Coolfont site. Motion carried.

VI. OTHER BUSINESS

County Commissioner Thomas Swaim stated that this would be his last Planning Commission meeting for his term as County Commissioner ends December 31, 2010. Mr. Swaim has dedicated 25 years of volunteer service to the Morgan County Planning Commission. He indeed will be missed by all.

VII. ADJOURNMENT

The meeting adjourned at 7:50 p.m.