

## Harpers Ferry Board of Zoning Appeals

March 16, 2021

Meeting Minutes – Administrative Meeting (Via Zoom and Livestreamed on Facebook)

**Call to order and attendees** - The meeting was called to order by Chair Dave Simmons at 5:32 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

ALTERNATE 1 (term ends March 1, 2024): VACANT

ALTERNATE 2 (term ends March 1, 2022): Rob Case – PRESENT (voting)

ALTERNATE 3 (term ends March 1, 2023): VACANT

Others attending included staffmember Pat Morse (assisting with technology), and others on Facebook, including Councilmember Nancy Case.

**Approval of minutes** – Mike Buscher moved to accept the minutes of the Administrative meeting on March 11, 2021. Lynn Pechuekonis seconded; passed unanimously.

**Discussion of Process for the Hilltop House Hotel Demolition Permit** – BZA members and alternate discussed requirements of town ordinances for a demolition permit, as presented in a working chart developed by Chris Craig and David Simmons. Specific discussion and work assignments follow:

1. Historic Landmarks Commission Review – This review must be requested by the BZA immediately and received prior to the permit being issued. Rob Case agreed to request from the HLC chair and to guide him to past work on the Hilltop, since Rob was chair of HLC during some of that past work.
2. Evidence of existing condition – These requirements are included in the Hill Top House Hotel Historic Resources Plan. BZA members must review and determine if any other evidence (as listed in Article 13, Appendix A) is needed prior to the permit issuance.
3. Site Logistics Plan, Standards of Maintenance and Hours of Work – These items are addressed in the permit application but must be reviewed by BZA members prior to the permit issuance. Inspection requirements may be added as conditions in the permit.
4. Government Regulations on Asbestos – SWAN must submit an asbestos abatement plan to WVDEP Air Quality Division and obtain a receipt of submission from the agency. This receipt must be presented to the Ordinance Compliance Officer ten days in advance of demolition commencement. A copy of the plan should be filed at Town Hall.
5. Government Regulations on Lead – After discussion, it was decided that lead was a concern for workers rather than the town. The BZA will not request further action from SWAN on this issue.
6. Government Regulation on Stormwater – If SWAN determines their area of land disturbance is greater than one acre, they must present a stormwater plan to the WVDEP Water and Waste Management Division and present a receipt of submission to the Ordinance Compliance Officer in advance of work commencement. (Also, see item 10 below.)
7. Utility Coordination – As a condition of the permit, SWAN should present evidence of utility shut-off to the Ordinance Compliance Officer prior to demolition commencement.
8. Valid WV Business Licenses – As a condition of the permit, SWAN should present copies of business licenses of all contractors on site during demolition to the Ordinance Compliance Officer.

9. Traffic and Safety Plans – SWAN must present these plans, which are included in the permit application, to the Harpers Ferry Police Chief and Friendship Fire Company Chief and receive letters confirming their approval of the plans. The BZA must receive these letters prior to the permit issuance.
10. Land Disturbance Permit – As a condition of the demolition permit, a Land Disturbance permit, which is defined in Article 1713 and is issued by the Harpers Ferry Planning Commission, must be obtained by SWAN prior to demolition commencement. Note that a stormwater plan is one requirement for issuance of a land disturbance permit. David Simmons agreed to contact SWAN and the Planning Commission soon about this requirement.
11. Trees Removal – As a condition of the demolition permit, if SWAN needs to remove any trees on town property for transportation or site work, they must receive permission from the Tree Committee and present evidence of that permission to the Ordinance Compliance Officer.

There was discussion on whether the town council had negotiated preservation of any Hilltop property during the demolition process. Councilmember Case reported there was no such formal agreement but that SWAN was voluntarily saving capstones and fence from the property. Mr. Craig noted that any member of the public could bring up such concerns at the hearing.

There was additional discussion on the hearing format. It will be held online on the Zoom Webinar platform. SWAN's project manager will be asked to briefly describe the project, and BZA members will be allowed to ask her questions. There will then be opportunity for public comments. Members of the public may not ask the applicant questions directly, but BZA members may relay such questions to the applicant. After the hearing, the BZA may hold public or private deliberation or adjourn to take up permit decisions at a later time.

**Discussion of BZA Meeting and Hearing Process** – No discussion took place on this agenda item.

**Follow-up Meeting** – There was some uncertainty about whether another follow-up meeting would be needed. A tentative meeting time was set for 6:30 pm, Monday, March 22.

**Adjournment** – At 6:47 Lynn Pechuekonis moved to adjourn. David Simmons seconded; passed unanimously.