



Meeting Minutes
Jefferson County Historic Landmarks Commission
7pm – County Commission Room, Charles Town Library
Charles Town, WV
May 9, 2018

Members present: Martin Burke (Chair), Leigh Koonce (Secretary), Sara Lambert, Ben Horter

Guests: Bill Theriault, Lauren Kelly, Chad Wallen, Hunter Wilson, Todd Heck

Burke called the meeting to order at 7:03 pm.

I. Public Comments

There were no public comments.

II. Introduction of Amanda Harmon, Shepherd University summer intern

Amanda Harmon will be making a survey of all the flora at Peter Burr Farm's 10 acres in addition to about 40 acres that are part of T.A. Lowery Elementary School. The JCHLC is planning an arboretum/garden there. The project team includes Herb Peddicord from the WV Division of Forestry, Nikki Sabado, a local landscape architect, Amanda Harmon from Shepherd University, and Sytil Murphy, a professor in Shepherd's environmental sciences department. Amanda could not make the meeting. She will be making a presentation on her findings in August or September.

III. Approval of Minutes from April meeting – Submitted by Sara Lambert & Lauren Kelly

Hortor motioned to approve the minutes, Burke seconded, and passed.

IV. Treasurer's Report– Hefestay

Hefestay was absent. Burke announced that the balance is approximately \$21,000, a high balance, but the JCHLC is preparing to demolish the Eyler house on the Shepherdstown Battlefield. The house contains asbestos so the demolition will cost \$12,000, and the JCHLC is waiting for a demolition permit to be issued.

Lambert motioned to approve the treasurer's report, Horter seconded, and passed.

V. Snow Hill/Poor Farm Preservation Easement – Discussion/action

The JCHLC is overburdened by the maintenance of its four properties and is working on a preservation easement for Snow Hill. The JCHLC will then attempt to sell or auction the property. Local lawyer Walter Washington is determining how the JCHLC can work around not having a “grantor,” but just adding the easement to the deed. For Snow Hill, Burke would like to require that the power lines be buried and add that the JCHLC has the original doors which should be replaced, and that the original porch should be built at new owner’s expense. The ghost of the porch is visible on the house. He would like to remove the requirement for public access and the open right to inspect the property. Lambert said she would like to see the building used and doesn’t want the interior requirements to be overly onerous. Burke requested to add a provision that would give the JCHLC the right to approve concept and structural plans. Lambert asked where the specifics were for exhibit b because it would help to know exactly what is important to preserve. Horter replied that he was waiting for draft suggestions before proceeding. Burke requested that he turn on “track changes” in Word and send it out again to the commission. Koonce asked about the outbuildings. Burke noted that there is a dairy/springhouse and a summer kitchen/carriage house. These are non-contributing structures on the National Register nomination, but the chimney in the summer kitchen looks original and is in good condition. Koonce asked if the easement should include the summer kitchen. Burke noted that Rock Spring Church may be interested in the property. He requested to add that the property is not to be subdivided. Koonce asked about time constraints, and Horter will change the wording to “in perpetuity.” Theriault added that what is significant about Snow Hill is the institutional history and that the rear ell is as significant as the main house. There was some discussion about whether to allow new buildings. Lambert noted that it might be helpful to be able to add buildings for modern amenities, particularly since the JCHLC tore off the bathroom that were added when Snow Hill was used as county office space.

VI. Magnolia Springs Concept Plan – Discussion/action

Burke and Lambert attended the planning commission meeting on May 1. JCHLC had sent an objection in writing to the commission about their previous approval of the Magnolia Springs concept plan, saying that it could not be approved because it does not comply with Section 4.4 C of the zoning ordinance under “Prohibited Uses,” which states that “Any development which would destroy the historical character of a property listed on the West Virginia or National Register of Historic Places shall not be permitted.” The zoning administrator issued a report stating that 4.4 C did not apply, stating that the wording is ambiguous. The developer made some concessions, and the planning commission again approved the concept plan. Burke asked if the JCHLC would now like to challenge that decision by going before the board of zoning appeals (BZA). He said he felt the JCHLC must to go to the BZA because it can’t allow this decision to set a precedent for developments in the future. Lambert said the BZA approves variance requests if that variance: 1) Will not adversely affect public health, safety or welfare, or the rights of adjacent property owners or residents; 2) Arises from special conditions or attributes which pertain to the property for which a variance is ought and which were not created by the person seeking the variance; 3) Would eliminate an unnecessary hardship and permit a reasonable use of the land; and 4) Will allow the intent of the Zoning and Land Development Ordinance to be observed and substantial justice done (Section 3.4 A of the zoning ordinance). Lambert recommended that the JCHLC go to the BZA since none of these apply to Magnolia Springs. Horter asked about the developer’s concessions. Burke replied that the development would essentially stay the

same, but they agreed to push the houses on the lots in front to Belvedere as far as possible from the house, and they agreed to single story houses in front of Belvedere. Koonce asked about legal representation both at the BZA and potentially later at circuit court. Burke replied that the JCHLC would have to think about money. Grove, the county administrator, said the JCHLC would have to hire its own attorney for both.

Lambert moved that the JCHLC appeal the zoning administrator's finding at the BZA, Koonce seconded, and passed.

Wilson said by doing this the JCHLC is affecting a family trying to settle their mother's estate. Wilson noted that the plat is zoned high density residential, so they could have planned for townhouses.

Lambert said this is the fault of planning staff and not the developer or the planning commission. She said the commission was given information that was in error and made their decisions based on that information.

Koonce moved that the JCHLC chair explore legal representation if the prosecutor's office cannot help, and even if the county can help, to still explore pro bono options, Horter seconded, and passed.

Koonce asked that the prosecutor send out a written response with copies to the HLC commissioners and County Commission. Discussion of going to the circuit court was tabled until Burke speaks with the planning office and county attorney.

VII. Announcements and Reports

A. Status of the WV GeoExplorer Project – Theriault

Theriault said work is still progressing. They are getting everything back to normal after the county server was hacked. A lot of functionality has been restored, but there are still security issues. The GeoExplorer updates are appending parallel to the county server, so they are not affected by the issues there. He said next month he should have something to demonstrate, and that things are going well. Burke said he spoke with Frances Marshall at Shepherd, who filled Christy Toms' position and will be managing the JCHLC archives. Theriault is trying to get all local newspapers digitized up to 1900. He said pricing is usually by the roll and wants to know the cost for getting the Virginia Free Press completed since GeoExplorer can afford to allocate some of its funds to the project. Theriault has talked to WVU, and they are confident they will finish digitizing all of WV's newspapers, but Theriault noted that they work on their own schedule.

B. Status of Delay of Demolition Ordinance – Burke

Burke noted that this ordinance does not have to go to the planning commission. He has already met with the engineering department. The ordinance is specific to the houses on the JCHLC inventory and is a common tactic of landmarks commissions to buy time. It has been tested in court, but the delay cannot go over one year or it is considered a taking. At the point when the JCHLC gets notice of a demolition permit application, it will have a certain amount of time to work with the owner or document the structure based on its category of

importance. This had to wait until after the categories of importance were added to the zoning ordinance. There was discussion about how exactly this would work, and Burke replied that the requirement for a letter from the JCHLC would be added to the demolition permit application.

C. JC Courthouse Committee – Koonce

Koonce said there has been no committee meeting since the last JCHLC meeting. The county clerk wanted to know when the JCHLC will hear about the NHL eligibility decision. He added that the clerk also requested an inventory of the courthouse furniture and that John Allen had already completed one.

D. Status of projects at Peter Burr Farm – Burke

Burke announced that all Fairs and Festivals grant money had been spent. Peter Burr Farm will have 4 weekends of activities: a bread baking class, a wedding, a craft fair, and the first bread baking weekend. After that the JCHLC will begin assessing the wear and tear on the facilities. He noted that the MOU expires this month with JC Parks and Rec, who are still looking at costs of maintaining the site.

E. Status of *Wild Goose* NR nomination – Demer

Demer was absent, but Burke announced that Wild Goose Farm was added to the National Register of Historic Places on April 20, but only listed for local significance rather than statewide.

F. Status of Rte. 340 – MOU with WVDOH – Horter

Horter sent letters out to the companies suggested by Burke for documentation. Burke noted that Paula Reed is retiring. Koonce asked if the JCHLC had heard anything more about Rusty and Cricket Morgan's building, which could potentially be added to a Rippon Historic District nomination as part of this process. Burke replied that getting approval for a historic district is always difficult.

G. Status of interpretative projects – Kelly

Kelly said she is still waiting to hear about the CSX grant and the National Railway Historical Society grant for Duffields Depot, but has scheduled a lecture/fundraiser with the Stuart-Mosby Historical Society for July 25 at the Byrd Center. The auditorium seats about 100 people, so if the JCHLC asks for \$15 for tickets (and makes sure attendees know the funds are all going toward Duffields Depot), the evening should bring in about \$1,500 for the depot. Kelly & Burke went to Duffields with local architect Matthew Grove to discuss the site and the flooding in the basement.

H. Status of NR nomination – *The Rocks* – Kelly

Kelly said she works on this between other projects and will have it finished before she leaves in August.

I. Status of JC Courthouse becoming a NHL – Kelly

Representatives from the NHL office in DC, along with an archeologist from Harpers Ferry NHP, and Jeff Smith from the WVSHPO came to Charles Town for a site visit on Monday, May 7. Kathryn Smith, the JCHLC contact at the DC office, said she will try to reach a decision about the eligibility of the courthouse within 30 days. This decision will come with recommendations for the potential nomination as well as the kinds of questions that need to be answered.

J. Status of Eyler house asbestos abatement & demolition – Burke

Burke reported that the well has been abandoned, and that demolition should start this month on the property as part of the JCHLC's easement agreement.

K. Report on Park Day April 14, 2018- Kelly

Park Day was a success. The dumpster was filled, and part of the path around the cement mill was mulched.

VIII Rescheduling JCHLC June meeting to June 6 – Vote to approve

Burke announced that he would be out of town and asked that the June meeting be moved to the 6th. There were no objections.

Lambert moved to adjourn, Horter seconded, and passed.

The meeting adjourned at 9:01 pm.