

AT A SPECIAL MEETING OF THE DEVELOPMENT REVIEW COMMITTEE OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD IN THE BUILDING C BOARD ROOM AT 4:00 P.M. ON THE 10th DAY OF SEPTEMBER TWO THOUSAND SEVEN.

ROLL CALL

Mr. Jim Kennedy
Ms. Mary Jones
Ms. Shereen Hughes
Mr. Jack Fraley

ABSENT

Mr. George Billups

ALSO PRESENT

Mr. Scott Thomas, Director, Environmental Division
Mr. Mike Woolson, Senior Watershed Planner
Mr. William Cain, Chief Civil Engineer
Mr. Barry Moses, Civil Engineer
Mr. Bradley Weidenhammer, P.E., Virginia Department of Transportation
Mr. Allen Murphy, Principal Planner
Mr. David German, Senior Planner

MINUTES

The minutes for the 9/5 DRC Meeting and the 9/10 Special DRC Meeting will be considered by the Committee Members at the 9/26 DRC Meeting.

PUBLIC COMMENT

Ms. Jones opened the Public Comment period to start the meeting. Seeing and hearing no parties wishing to speak, she closed the Public Comment period, and asked Mr. German for his Staff Report on the case being considered, S-0037-2007, Ford's Colony Section 35.

CASES AND DRC DISCUSSION

S-0037-2007 Ford's Colony Section 35

Mr. David German presented the case to the DRC, stating that the Planning Division recommended Preliminary Approval of the case, but also noting that five lots (Lots 20, 31, 32, 62, and 91) were identified as problematic by the Environmental Division, and that these lots might need to be stricken from the subdivision if the Environmental Division and the applicant could not work out the final design of these lots. It was further noted that, if an impasse was reached regarding the design of these lots, that the subdivision would be returned to the DRC so that outstanding issues could be resolved.

Mr. Fraley asked about the applicant's request to reduce the Community Character Corridor (CCC) Buffer along Centerville Road. Mr. German commented that the Buffer

is not an ordinance requirement, but, rather, a recommendation of the Comprehensive Plan, and that, as such, Staff recommended that the Buffer be maintained at 150'. Mr. Fraley noted the DRC's wider range of discretion to address this request from the applicant. Mr. Fraley then asked about the various conditions of Preliminary Approval proposed by the Environmental Division. Mr. Moses commented that the LID condition was proposed by the applicant, and that the Better Site Design comment was proposed by the Environmental Division and agreed to by the applicant. Mr. Fraley and Mr. Moses then discussed the bonds and/or sureties that would support the Environmental Division conditions.

Ms. Hughes then asked Mr. Moses about the Environmental protections being proposed as conditions of Preliminary Approval. Mr. Moses indicated that the final list of protections had not yet been completed, but that the current list included on-lot LID features, roof capture systems, improved (engineered) septic systems, and incorporating improvements of Better Site Design criteria, to be specified in the Design Guidelines for Section 35. Ms. Hughes asked about the location of septic fields and home building sites shown on the plans, citing several instances where topographical or sensitive environmental features appeared to not be taken into account. She questioned the locations chosen, as she felt that the current design would require greater levels of land disturbance, clearing, and grading, than if the septic fields were better located. Mr. Jason Grimes of AES (applicant, consultant to the developer) indicated that the septic field location test work that was done served only to ensure that each lot had, somewhere within its boundaries, an area that would support a septic field, and not that the location shown on the plans was representative of the final placement of either the home site or the septic fields. Mr. Woolson added that the final plats would not be approved if the final septic field and home building sites did not meet Chesapeake Bay Ordinance standards.

Mr. Fraley then asked if the project met the current Chesapeake Bay Ordinance standards—including those not yet adopted by the County—and asked if Section 35 was grandfathered in any way. Mr. Woolson responded that Section 35 is within the Gordon Creek watershed, and is not grandfathered in any way. Mr. Woolson further commented that the current version of Section 35 meets all of the current Chesapeake Bay Ordinance standards—including those that have not been adopted by the County—and that no particular grandfathering policy had yet been developed regarding the new Chesapeake Bay Ordinances.

(Staff Comment: Mr. Woolson, in checking this question over again, has determined that Section 35 DOES meet the current 2004 Chesapeake Bay Standards, but that it DOES NOT meet the proposed new standards which will be considered by the Board of Supervisors in the near future.)

With no further DRC questions for Staff, Ms. Jones then invited Mr. Drew Mulhare of Realtec, Inc. (developer) to address the DRC. Mr. Mulhare started by thanking both the Planning and Environmental Staff for their help and support through the course of the

project. Next, Mr. Mulhare addressed the issue of the CCC Buffer along Centerville Road. He indicated that Realtec wanted to improve the buffer over the existing trees and foliage, which he characterized as “particularly degraded” due to past timbering activities. The improvement would be accomplished through the construction of berms and landscaping efforts in the buffer area. Mr. Mulhare then indicated that the intention was to create an Environmental Control Committee as part of, and empowered by, the HOA documents for Section 35 that would monitor and regulate development with the subdivision once the subdivision was approved and ready for construction. A number of environmental protections were to be built into the covenants and site design guidelines for Section 35, including (but not limited to) on-lot LID features, infiltration mechanisms, tree / land clearing restrictions, limitations on lawn turf, irrigation restrictions, planting guidelines, and water catchments. Mr. Mulhare also commented that he wanted to place the RPA and RPA Buffer areas toward the rear of the lots into land conservation easements to be held by the Williamsburg Land Conservancy. Mr. Fraley applauded the design and asked about the diversion of runoff water for irrigation purposes. Mr. Mulhare responded that the goal was to have all water runoff for all impervious surfaces be directed either to BMP ponds (for the roadways), or captured and used for irrigation or directed back into groundwater recharge functions (rooftops, sidewalks, driveways, etc.). Additionally, only a small area immediately surrounding the home site on each lot would be allowed to be irrigated using the potable water supply. Mr. Fraley asked about drip irrigation, and Mr. Mulhare indicated that this practice would be included in the water conservation guidelines for the development, but that it might not necessarily be needed due to the very small irrigated areas allowed to each lot.

Mr. Mulhare indicated that actual home construction in Section 35 would likely not begin for three years, and would take approximately twenty-five years to achieve build-out.

Ms. Hughes asked if the cul-de-sac lengths could be reduced by employing only three acre lots, which would make the overall development more compact. Mr. Mulhare responded that the current plan was far more compact than the original plan, and that fewer cul-de-sacs exist in the new plans. He also indicated that redesign efforts to date have already reduced the length of several of the cul-de-sacs.

Ms. Hughes and Mr. Fraley asked about the “marina” advertised in Ford’s Colony literature. Mr. Mulhare responded that the term “marina” was a misrepresentation of Realtec’s intention, and that the water facility would be better characterized as a floating dock, suitable for the launching of small watercraft, such as canoes or kayaks. Mr. German and Mr. Woolson added that, for the construction of such a facility, permits would be needed from the Department of Environmental Quality (DEQ), the Chesapeake Bay Board, the Army Corps of Engineers (ACoE), and the Virginia Marine Resources Commission (VMRC). Mr. German stated that he was also relatively certain that a Special Use Permit (SUP) through the Planning Division would also be needed for a floating dock, and that no plans for such a facility had, as of yet, been submitted to the Planning Division.

(Staff Comment: it has since been confirmed with the Deputy Zoning Administrator that a floating dock, as described by Mr. Mulhare, would additionally require an SUP.)

Mr. Mulhare indicated that site plans and SUP applications for the dock and for other recreation facilities would be submitted separately at a later time. Other recreation facilities discussed for the subdivision include Bocce Ball and Croquet Fields (with synthetic turf to reduce maintenance and watering needs), shuffle board, bar-b-que pits, and picnic areas. Mr. Mulhare also indicated that the floating dock would, if constructed, be a private facility for Ford's Colony residents that would not be open to use by the general public.

Ms. Jones asked if existing members of Ford's Colony would be asked to bear the burden for HOA costs in Section 35, and if residents of Section 35 would be allowed to utilize amenities and recreation facilities in the existing sections of Ford's Colony. Mr. Mulhare responded that, because Section 35 would be comprised of three-plus-acre lots, a sub-association of the HOA was being created to better manage differences in costs and expenses between the existing Ford's Colony and Section 35. Concerns surrounding road maintenance, use of amenities and facilities, care of common areas, liability insurance, and other issues are still be analyzed and worked through between Mr. Mulhare / Realtec and the Ford's Colony HOA.

Mr. Kennedy asked if turf grass selections for Section 35 had been analyzed, and if specific types of grasses that were more tolerable to drought, and that required a reduced use of water, pesticides, and fertilizers were being programmed for the new Section 35 Water Conservation Guidelines. Mr. Mulhare responded that specific grasses were being reviewed, with assistance from JCSA, for the Section 35 Guidelines, and that the Guidelines did specifically limit how much turf area could be installed around each home site within the development.

Mr. Kennedy asked about water and sewer service to the lots of Section 35, with respect to the boundary of the Primary Service Area (PSA), and specifically about the discharge of treated water into public sewer lines. Mr. German explained that in his discussions with Tim Fortune and Larry Foster of JCSA, it was established that lots in Section 35 that were inside the PSA could be supplied with water from the existing JCSA water system, or from the independent central well facility that would be constructed by the applicant. Lots in Section 35 that were outside the PSA, however, could only be supplied with water from the independent central well facility. With respect to sewer service, those lots inside the PSA would need to connect to the existing JCSA sewer lines, while those lots outside the PSA would need to utilize individual septic drain fields.

Mr. Kennedy raised questions whether the independent central well system, once built, would not be used, but, instead, would be shut down at some point, and that all of the lots in Section 35 would be supplied by water from the existing JCSA water system. He questioned whether the financial resources to construct this facility could be spent on upgrading other JCSA water and sewer infrastructure. He asked if the Board of Supervisors would support having the existing JCSA water system provide for the whole of Section 35, (both inside and outside the PSA), not as an effort to artificially expand the

PSA, but to save the County the expense of operating and maintaining the independent central well facility, once it was completed and turned over to JCSA for its day-to-day operation. Mr. Kennedy indicated that Mr. Icenhour had sent him an Email regarding this issue, and indicated that Staff should follow up on it. Ms. Jones and Mr. Fraley echoed support for a follow-up investigation into this issue by Staff. Mr. Fraley then commented that the adjacent new subdivision, Liberty Ridge, was in a similar circumstance as Section 35, in that it was partly in and partly outside of the PSA, and that it would also need to utilize an independent central well facility. Mr. Fraley said that the County might consider the possibility of constructing a single independent central well facility to serve the lots that were outside the PSA of both subdivisions, rather than building two separate facilities. Mr. Fraley asked that Staff consult with JCSA to see if this could be explored as an option. Mr. Mulhare commented that he also supported looking at this issue, and that he supported changes to A-1 Zoning District and to the PSA Boundary Policy that allowed for more flexibility in the provision of water and sewer service to developments along the PSA boundary. Mr. Mulhare indicated that Realtec also supported the installation of an emergency gate valve between the independent central well facility and the existing JCSA system to provide for backup water pressure in the event of a fire-flow type of water-drawdown emergency. He felt that the PSA boundary represented a political limitation on growth, and that this was the reason that flexible alternatives were not being considered by the County. Mr. Fraley asked that the emergency gate valve idea also be further pursued by Staff.

(Staff Comment: Mr. Larry Foster, Director of the James City Service Authority, was consulted regarding these inquiries from the DRC, as requested. Mr. Foster responded that the well facility being constructed would not be shut down, but that it would serve the subdivision as designed and intended. He further commented that all efforts undertaken for the provision of water and sewer service to lots along the Primary Service Area would be in strict accordance with the adopted policies and instructions of the Board of Supervisors, and with the Zoning and Subdivision Ordinances, as applicable, and that no manipulation of the PSA boundary would be undertaken without specific instruction of the Board.)

Ms. Hughes then asked if open space was part of the 10-point BMP established for Section 35. Mr. Cain responded that a 10-point system / 10-point BMP was not required for Section 35, as it did not meet the density requirement. Ms. Jones added that recreation facilities were also not required for this development. Mr. Cain indicated that all of the stormwater that would come off of the streets would be captured by the BMP ponds proposed for the subdivision.

Ms. Hughes asked what the Environmental Division felt about the floating dock. Ms. Jones asked if this application would need to come back before the DRC, and if it was being broken into pieces / phases. Mr. German responded that the project would not need to come back before the DRC unless an issue arose between the applicant and the County that could not be resolved down the road. Mr. German added that the applicant was seeking approval for the entire development, but that only the southern half of the

subdivision would be platted and developed initially. Mr. Thomas then commented that a floating dock would have to go through an extensive permitting process both through the County and through outside agencies, and that the level of review would depend on the intensity of what was being proposed. Mr. Thomas further commented that the current plans for Section 35 were very encouraging to the Environmental Division because of the on-lot environmental protections being proposed. Mr. Mulhare added that the impervious surfaces of the Section 35 site were projected to be less than 10% of the total site, and probably closer to 6-7%. Five percent or less represented the roads, with the rest constituting sidewalks, driveways, and rooftops. He was happy that this development was setting a new standard in the County. Mr. Mulhare then clarified that the RPA and RPA Buffers would be protected by conservation easements. He added that if the County were to reduce the front setbacks in the A-1 Zoning District, Realtec would shift all of the building envelopes toward the streets, and place the land gained at the back of the property similarly under conservation easements.

Ms. Hughes then asked about the soils with respect to road construction within the subdivision. Mr. Weidenhammer responded that VDOT had not yet received the geotechnical report for the subdivision, but that said report would help VDOT determine specific construction requirements and standards for the site, based on the soil conditions thereof. Mr. Weidenhammer commented further that the geotechnical report would be reviewed by VDOT prior to Final Approval for the subdivision. Mr. Mulhare added that all of the roads within the subdivision would be built to VDOT standards, as required by the Subdivision Ordinance.

Ms. Hughes asked about the possibility of a rezoning effort inside the PSA portion of Section 35. Mr. Mulhare indicated that Realtec planned to seek a rezoning once the Section 35 plan received Final Approval. In the event that the rezoning was not approved, Realtec could then fall back upon its approved three-acre-lot subdivision plan. Ms. Jones noted that this should not be considered as part of the Preliminary Approval determination for Section 35.

Mr. Fraley asked if Section 35 would be age restricted. Mr. Mulhare responded that Section 35 would be age restricted, and that prospective buyers would have to sign an affidavit acknowledging this restriction. He also noted that in research performed by Realtec, it was discovered that 90% of all Ford's Colony households had already educated their children through the high school level. Only 366 students (out of 4,000+ residents) were in the Williamsburg-JCC School District as of the last enrollment cycle.

Mr. Fraley asked about the traffic impacts that construction traffic would cause for existing Ford's Colony and other county residents. Mr. Mulhare responded that, although their studies did not show it to be warranted, Realtec planned to construct turn lanes into and out of the Section 35 development. Additionally, they are working with their contractor to shift the timing of when their workers and heavy truck traffic arrive in the morning to after 8AM. Finally, plans will be submitted for the realignment of the Manchester gate entrance into (existing) Ford's Colony to make it a two lane entrance.

Mr. Fraley then discussed the Community Character Corridor (CCC) Buffer, and why a buffer is important in terms of screening. He said that he is more supportive of a higher *quality* buffer over a higher *quantity* buffer—that is, effective, quality screening would be superior to having a greater width of buffer area. He asked how we could ensure that a higher quality screening would be provided. Mr. German suggested that the applicant could submit a landscape plan for the review and approval of the Planning Director prior to Final Approval of the subdivision. Mr. Mulhare and Mr. Vernon Geddy, III (counsel for the developer) agreed with this idea, as did Mr. Fraley. Ms. Hughes commented that the buffer would also need to account for screening the cell towers that are on the Section 35 site. Mr. Mulhare assured Ms. Hughes that the screening for the cell towers would not be jeopardized in any way.

Mr. Kennedy then suggested to Ms. Jones that the Public Comment period be reopened, in light of the time, and because it appeared that several members of the attending public needed to shortly depart. Ms. Jones concurred, and opened the Second Public Comment period.

SECOND PUBLIC COMMENT

Mr. Tom Hitchens, a neighboring property owner to Section 35, said that his property would be adversely affected by any development within the Section 35 site. He indicated that he did not agree with allowing a marina or floating boat dock, with allowing the Section 35 roads to become private, or with a reduction in the Community Character Corridor Buffer. He was also concerned with drainage from Section 35 affecting his property, and with traffic impacts to Centerville Road. He wanted assurances that Section 35 would always be three-acre lots, and indicated his concern that the County already faced a water shortage, and should not add to the water impact by approving more development.

Mr. Mulhare responded that the plans for the floating dock were being carefully analyzed by qualified professional consultants.

Mr. Dale Merriss, a Ford's Colony resident, expressed his objection to shutting down the independent central well facility after it was transferred to JCSA's control, and supplying Section 35 with water from the existing JCSA PSA water system.

Mr. Howard Goldstein, a Ford's Colony resident, was concerned about what would happen if the "money dried up" with respect to the promised environmental protections. Ms. Jones and Mr. Kennedy explained that the various protections would be ensured by bonds. Mr. Goldstein pointed out that bonds were only good for a certain amount and might not keep up with the costs of the various protections over the long run. He also indicated that the amenities and common facilities in the existing sections of Ford's Colony were undersized and not all constructed as promised by the developer. He said that even though Ford's Colony is only two-thirds built-out, the current amenities and facilities are already over-impacted, and questions why Mr. Ford has not come back to correct this imbalance.

Mr. Mulhare responded that the covenants that govern Ford's Colony and Section 35 would protect the residents in terms of ensuring that the promised environmental protections would be constructed. Mr. Geddy explained how the bonds and sureties worked to ensure that features would be built as promised, and that these features would still be constructed if Section 35 were sold to a different owner.

Mr. Goldstein questioned where cars would be parked for folks using the floating dock. He also asked how the floating dock could be kept private if the roads leading to it were public. Mr. German, Mr. Fraley, and Ms. Jones explained that the roads in A-1 zoned property, such as Section 35, had to, under the current Zoning Ordinance, remain public, but that the dock itself could be a private facility. It was further explained that a site plan would be needed for the dock, and that parking would need to be addressed as part of that site plan. Mr. Goldstein voiced his concerns that the floating dock represented an insurance liability for the Ford's Colony residents and the Ford's Colony HOA. Ms. Jones indicated that similar boating facilities within the county had not, to her knowledge, experienced difficulties with unauthorized use or insurance liability. Mr. Kennedy added that Mr. Goldstein was raising issues that needed to be addressed between the HOA members and Ford's Colony / Realtec. Ms. Jones agreed that the issues being raised were not the purview of the DRC or of the County, but, rather, a resident/HOA/developer matter.

Mr. Gene Dako felt that the practice of gaining approval of the whole of Section 35, only to turn around and rezone the PSA portion of it after the fact, amounted to a "kabuki dance," and asked that the developer "avoid the dancing and cut to the chase."

Mr. Fraley explained that the future rezoning was not at issue today, and explained how "by-right" development and "legislative" development worked. Ms. Jones continued with an explanation of what the DRC was considering today and what votes to approve, deny, or defer the project would mean for the developer.

Bill Stymal, a Ford's Colony resident, asked about the increased traffic on Centerville and News Roads.

Ronnie Goldstein, a Ford's Colony resident, felt misled by the sales team at Ford's Colony with respect as to what would be constructed in Ford's Colony (new housing sections, common areas and facilities, amenities, etc.), and wondered where a previously promised meeting facility was going to be constructed. Mr. Fraley and Ms. Jones explained that the meeting facility in question was to be a part of Ford's Colony Section 37 (The Village at Ford's Colony) rather than of Ford's Colony Section 35. Ms. Goldstein was concerned that if Section 37 was never built, then the meeting facility would never be built, and she was also concerned with the increased impact of Section 35's residents upon the existing areas of Ford's Colony. Ms. Jones, Mr. Kennedy, and Mr. Fraley encouraged Ms. Goldstein to pursue these concerns with the Ford's Colony HOA and with Realtec directly.

Diane Luzinski, a Ford's Colony resident, said that she was pleased with the environmental strides being made by Realtec on Section 35. She also stressed that the construction on Manchester gate should commence as soon as possible to reduce the traffic impacts on the existing Ford's Colony residents. She also expressed fears that Westport (Section 35) costs would be borne by existing Ford's Colony residents.

Ms. Jones closed the Second Public Comment period.

Mr. Fraley asked about Condition of Preliminary Approval #3, and if it had been approved by the applicant. Mr. Woolson indicated that the condition had been approved by the applicant, and Mr. Geddy added that the specifics surrounding the financial instrument were still being worked out, but that no problems were anticipated.

Ms. Jones applauded the collaboration between the applicant and Planning and Environmental Staffs on the project, and was pleased with how the project went above and beyond the requirements. She commented that she is usually against reductions in the Community Character Corridor Buffers, but that she felt that leeway was appropriate in this instance due to the level of environmental protection work that was being built into the project. Ms. Jones moved for approval of the project subject to agency comments and conditions, as provided to the DRC, as follows:

1. All outstanding agency comments shall be satisfied prior to the issuance of Final Approval and;
2. In the event that all outstanding agency comments cannot be resolved, the case shall be returned to the DRC for resolution of the outstanding issues and;
3. The applicant will agree to post bond for the proposed stream channel monitoring/restoration and;
4. The applicant will agree to post bond for the proposed on-lot roof capture systems and;
5. A water withdrawal permit (issued by the Department of Environmental Quality) must be approved prior to issuance of a Land-Disturbing Permit and;
6. The applicant will modify the Ford's Colony Environmental Control Committee design guidelines to incorporate the proposed LID and JCC Better Site Design elements and;
7. The Community Character Corridor Buffer along Centerville Road may be reduced to 100' in width, providing that a landscape plan is submitted to the Planning Director for review and approval prior to the granting of Final Approval for the project. This landscaping plan may propose decorative walls, enhanced landscaping, and berms, as suggested by the applicant, but must also provide for adequate screening of the well facility and the cell tower site as viewed from Centerville Road and;
8. A waiver to Section 19-52 of the James City County Subdivision Ordinance is hereby granted, allowing for five cul-de-sacs within the subdivision to exceed 1000' in length, as follows:

Eskerhills:	1153 feet
Westport:	1619 feet

Dunhugh:	1502 feet
Forest of Ardon:	1053 feet
Taymouth Castle:	3451 feet

Ms. Hughes raised a concern regarding issuing waivers for the lengths of cul-de-sacs, saying that we should not be lightly issuing waivers just to accommodate design decisions on the part of developers. She said that she had asked Mr. Mulhare to consider changes to the design that would eliminate the need for the extended-length cul-de-sacs, but that this had not been done in a satisfactory manner. She felt that the Subdivision Ordinance was being artificially altered by virtue of the practice of continually granting cul-de-sac (and similar) waivers, and that, in the long run, the environmental protection goals of the County were being undermined by such practices. Ms. Hughes concluded that she could not support the granting of the requested cul-de-sac maximum length waivers because it had not been demonstrated to her that enough had been done to design the road network of the subdivision in such a way that extended-length cul-de-sacs would not be needed, and she moved, instead, for a deferral of the case to allow the applicant additional time to rework his design.

Mr. Fraley responded to Ms. Hughes by agreeing that long cul-de-sacs were an outdated way to design streets, but that he was persuaded to support the waiver by the Staff Report. Mr. German explained the rationale behind the positive recommendation in the Staff Report as a combination of support for the improvement over the original plans for Section 35, support for the new plans on their own merit, and support for the extensive work done on the part of the Environmental Division with the applicant to achieve the current road network design.

Ms. Hughes reiterated her feeling that the lots could have been reduced in sized (to the three-acre minimum), with the remaining land put into conservation areas. She stressed that the current design was based on a design decision, and not a hardship, and that changes and improvements could still be made.

Mr. Fraley commented that any lots identified as lots that could not be developed as work on the subdivision design continued would be stricken from the development, which would likely result in a shortening of the extended-length cul-de-sacs.

Mr. Kennedy encouraged continued discussion between the Ford's Colony residents and HOA and the Ford's Colony developer / Realtec to resolve the many HOA-related issues that had been raised. He stressed that Ford's Colony has been good for the County, and that the Ford Family has been a long-time benefactor of both the Ford's Colony community and James City County as a whole. He noted that Ford's Colony designs had won many environmental awards. Mr. Kennedy confirmed with Staff that the tenets of SUP-0017-2000 would be upheld, with respect the proper screening of the cell tower site.

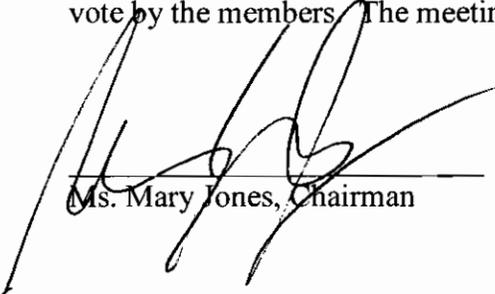
Mr. Fraley echoed Mr. Kennedy's encouragement regarding further discussion between the residents/HOA and Ford's Colony. He stated that while he does not generally support long cul-de-sacs, and while he generally does not disagree with Ms. Hughes' opinions or leadership with respect to the environmental design and layout of sites, he felt that the arguments in favor of the waivers were compelling. He concluded that he would be supporting the waivers and Preliminary Approval because of the level and creativity of environmental protections that were being offered by the project, even though it was a by-right subdivision.

Mr. Kennedy seconded Ms. Jones motion for approval (with the conditions previously outlined), and Mr. Fraley suggested a roll-call vote.

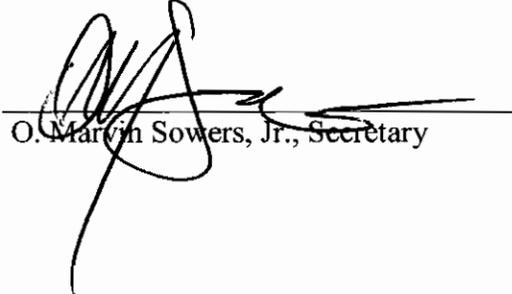
By a roll-call vote of 3-1, Preliminary Approval was granted for the project (Kennedy: Aye, Fraley: Aye, Jones: Aye, Hughes: Nay).

ADJOURNMENT

Ms. Jones then asked the DRC Members to please review their Whitehall Design Guidelines and provide comments as soon as possible. Mr. Kennedy moved for adjournment, which was seconded by Ms. Jones, and unanimously approved with a voice vote by the members. The meeting was adjourned at 6:28 PM by Ms. Jones.



Ms. Mary Jones, Chairman



O. Marvin Sowers, Jr., Secretary