

Town of Bath Planning Commission

Minutes: March 2nd, 2023

1. **Call to order:** Larry Landon @ 5pm
2. **Roll Call:** Larry Landon (x), David O'Connell (x), Susan Webster (x), Scott Merki (), Steve Keith (x)
3. **Review and Approval of Minutes:** David O'Connell January minutes not available.
February meeting was canceled (quorum not met).
4. **Comprehensive Plan Development Discussion**
 - a. Weekly Working Group
 - (1) Travel Berkeley Springs & Parks & Recreation (Update)
 - * Parks & Rec: Larry has been certified as a Life Guard.
Larry has plan to establish a summer swim program
 - * Travel Berkeley Springs
The Feb meeting was less contentious than Jan meeting.
 - (2) Cacapon Resort State Park (Update & Impact on Great place to live & visit)
The proposed 250 new Campsites may eliminate the existing Mountain Bike Trails.
 - (3) Valley Health (Update & Impact on Great place to live & visit)
The Fitness Center has being eliminated. The Rehab Center will remain.
 - (4) Routine communications & collaboration between Town & County
 - b. Train Depot (Update & Timeline)
Susan: Unanticipated cost associated to finishing the floors may be as high as \$7,500.
Rehab work has created additional wear-and-tear along matching repairs.
5. **Status of Tasks:**
 - a. Ordinance proposal in regards to committee briefing schedule and additional attendee
(Public Safety should be scheduled for April's meeting)
 - b. BDA Comprehensive Plan input
6. **Any New Business:**
 - a. Communications requested in February: David Abruzzi requested further details in regards the December discussion about the "Certificate of Appropriateness". Larry Landon responded on Feb 27. See attached Request & Response.
 - b. Bill Carper will be the new Chief of Police.
Chief Carper may need some orientation time before he can speak on Public Safety issues.

8. **Next Meeting:** Thursday, April 6th 5:00 PM

9. **Motion to Adjourn:** Time: 7pm approved with common consent.

Attest:

Chair:



Recorder:



**Town of Bath Planning Commission
Minutes: December 2, 2022**

1. **Call to order:** Larry Landon @ 2pm
2. **Roll Call:** Larry Landon (x), David O'Connell (), Susan Webster (x), Scott Merki (), Steve Keith (x), Guest: Gail Shade (local mental health counselor)
3. **Review and Approval of Minutes:** Nov. Minutes not available (David O'Connell Absent)
4. **Comprehensive Plan Development Discussion**
 - a. **Working Group Update: Water Works analysis**

Larry: Provided an update on the Water Works tour with Ron Jainnkey, and how this would impact the Comprehensive Plan.

Larry: Ron agreed to list upcoming repairs & projects with prioritization.
 - b. **Update of Historic Landmarks Commission**

Susan: Discussed the "Certificate of Appropriateness" which contained some surprising requirements.
 - c. **Risk/Benefits assessment of Lotus Treatment facility in Town-of-Bath Mental Health/Drug Treatment (discussion w Subject Matter Expert)**

Larry: Confirmed the Drug Treatment facility does not need a Certificate of Need (CoN).

Gail: Stated that she believes that CoN should be required for Drug-Treatment.

Larry: Referenced parts of Lotus Certificate-of-Need application.
(The Certificate-of-Need calculations are based on Mental Health not Drug Treatment.)

Gail: Pointed out that substance abuse problems become a comorbidity of a psychiatric diagnosis.

Larry: Noted that the initial CoN proposed 18-Psychiatric and 10-Medical.

Later the CoN dropped the 10 Medical beds and raised the Psychiatric beds to 28.

Gail: Lotus will likely take probation status patients sent by court, possibly admission ~~reference to~~ ^{reference to} ~~from~~ ^{from} ~~Shade~~ ^{Shade} State Mental Hospital.

Gail: Seriously ill people do not commit themselves so we are only talking about court ordered admissions.

Gail: Lotus will not be able to hold patients who choose to leave the facility regardless of admission type.

Gail: Insurance companies impose policies on medical facilities.

All: General discussion about housing criteria and funding sources of the Homeless Coalition relative to Lotus.

Gail: Should understand Lotus's discharge plan and understanding with the Homeless Coalition.

Gail: Intensive Outpatient Program (IOP) may follow for local residents.

Gail: "We need to know what will happen when patients leave, both before or after treatment program"

Gail: "What percentage of patients are court ordered?"
5. **Status of Tasks**
 - a. **Drafting a letter to IRT of Lotus**
6. **Next Meeting:** Thursday, January 5th 5:00 PM
7. **Motion to Adjourn:** Time: 4:00pm approved with common consent.

Ausesl:

Chair:

Recorder:

Cacapon Preservation Solutions, LLC
18534 Cacapon Rd
Great Cacapon, WV 25422

17 February 2023

Mr Larry Landon
Chair, Town of Bath Planning Commission
271 Wilkes St
Berkeley Springs, WV 25411

Dear Mr Landon:

As the former President of the Town of Bath Historic Landmarks Commission (HLC), and now an architect in private practice representing nearly 30 stakeholders (Town of Bath property owners, business owners, and residents) concerned about the state of the Historic District, I recently read the minutes (attached) for the 2 December 2022 Planning Commission meeting with interest. What specifically caught my attention under the heading Comprehensive Plan Development Discussion was the following:

- b. Update of Historic Landmarks Commission
Susan: Discussed the "Certificates of Appropriateness" [COAs] which contained some surprising requirements.

While I have not discussed COAs with the stakeholders I believe there is value in them knowing what was shared on the subject with the Planning Commission. As such I am requesting a written summary of what Susan briefed especially pertaining to what were deemed to be "surprising requirements". If no one can recall what was briefed, then I recommend I be invited to attend a future Planning Commission meeting and give a short 5-10 minute brief on the COA legal process and what COAs might ultimately require. If my presence and knowledge is not welcome, then I strongly suggest the Planning Commission invite Mr Zachary Salman to speak instead. As you probably know Mr Salman has been a member of the Town of Bath HLC since 2020 and is currently pursuing a master's degree in Historic Preservation at the University of Vermont.

Thank you in advance for your cooperation. I look forward to hearing from you at your earliest convenience so the concerned citizens I represent can be aware of what the Planning Commission understands about COAs.

Sincerely,

//signed//

David Abruzzi, RA
Cacapon Preservation Solutions, LLC

Attachment:
2 December 2022 Planning Commission Meeting Minutes

cc:
Mr Zachary Salman
Town of Bath Town Clerk

Lawrence M. Landon
Chair, Town of Bath Planning Commission
271 Wilkes Street
Berkeley Spring, WV 25411

27 February 2023

Mr. David Abruzzi
Cacapon Preservation Solutions, LLC
18534 Cacapon Rd
Great Cacapon, WV 25422

Dear Sir,


Thank you for the inquiry and offer to speak about Certificates of Appropriateness (COA) at a future Town of Bath Planning Commission meeting.

I have met with members of the commission pertaining to your questions about the 2 December 2022 Planning Commission meeting. The only "surprising" element from the discussion that most of us remember is the fact that only a very small number of municipalities in West Virginia have authorized their Historic Landmark Commissions to manage COAs.

As you may have noticed from reviewing Planning Commission meeting minutes, we strive to gain a foundational understanding on a broad range of municipal governance elements. This knowledge allows the Planning Commission, in coordination with the various Town of Bath committees to better formulate planning objectives for the Town of Bath Comprehensive Plan.

The Planning Commission is not scheduled to address Historic Landmark Commission topics in the near future. Should we require more thorough knowledge about COAs, I will contact you or Mr. Salmon.

Sincerely,



Lawrence M. Landon

Attachments:

- (1) Letter from Mr Abruzzi dtd 17 February 2023
- (2) 2 December 2022 Planning Commission Meeting Minutes

cc:

Town of Bath Town Clerk

Cacapon Preservation Solutions, LLC
18534 Cacapon Rd
Great Cacapon, WV 25422

3 March 2023

Mr Larry Landon
Chair, Town of Bath Planning Commission
271 Wilkes St
Berkeley Springs, WV 25411

Dear Mr Landon:

I am taking this opportunity to correct the mischaracterization and incorrect information you briefed at the 21 February 2023 Town Council meeting regarding my 17 February 2023 letter (attachment 1).

First, your comments made it sound like I was seeking to come to the Planning Commission, but as I stated in my letter that was not the case. What I asked for was to learn what had been briefed about Certificates of Appropriateness (COAs) at the 2 December 2022 Planning Commission meeting so I could share that with town stakeholders (citizens, property owners and business owners) who are concerned about the condition of the Town of Bath Historic District. I am not seeking, nor even suggesting the Town of Bath pursue COAs, but if they are being discussed I believe it is important it is based on facts rooted in WV Statute.

Second, to paraphrase you, you reported to the Town Council there were four municipalities out of a number in the 60s that had HLCs. Neither of those numbers is correct. Back in the spring of 2021 I contacted all 35 municipalities that were listed as having an HLC (the remaining number are counties which are a separate beast when it comes to historic districts). Of those 35 municipalities 29 reported they had an active HLC. And of those 29 municipalities 15 had granted their HLC authority to issue COAs, and one more used their zoning board to ensure projects were in keeping with the historic nature of the district. That is 55% that have some level of protections versus the less than 7% your number 4 of 60 equates to. I have included the datasheet (attachment 2) to back up these numbers. This was shared with the Town Council in the spring of 2021. Furthermore, I discussed this data in person when I was in Charleston last week with the staff of the WV State Historic Preservation Office to ensure it was still relevant.

If the Planning Commission needs further information about this topic I strongly recommend reaching out to Mr Zachary Salman on the Town of Bath HLC and take advantage of his expertise and interest in historic preservation and protection.

Sincerely,

//signed//

David Abruzzi, RA
Cacapon Preservation Solutions, LLC

2 Attachments:

1. 17 February 2023 letter to Planning Commission
2. HLC Datasheet

cc: Mayor Merki