

**May 5, 2008 Minutes  
Public Hearing for  
Weaver Flexible Residential Development  
Fourth Street**

Council President Edwin Peterson called the Public Hearing for the Weaver Flexible Residential Development Plan to order at 3:00pm on Monday, May 5, 2008. Merry Bush, Assistant Borough Secretary, called roll. Those present were Caroline Smith, Alice Estrada, Holliday Giles, Ted Streeter, John Butterfield, Susan Naugle, Mayor William Troxell, Harold Eastman, Borough Solicitor and John Lawver, Borough Manager. Absent were Robert Krummerich, and Michael Birkner. There was a quorum of Council members in attendance. Others present were: Mark Weaver, applicant; Robert Sharrah, Sharrah Design Group, Inc.; Patsy and John Dehaas, 411 N. Fourth Street.

Mr. Eastman gave an outline of the procedures that would be followed. Borough Council has the final authority to approve, approve with conditions or deny a Flexible Residential Development Plan, while the Planning Commission has the final say on the subdivision plan.

Bob Sharrah gave a brief presentation of the project.

A letter from the Planning Commission was read and entered as an exhibit. The Planning Commission recommended that Council give tentative and final approval to the Weaver plan with the conditions that the access easement and maintenance agreement be approved by the Borough Solicitor. Mr. Eastman noted that he had received a proposed shared access agreement but had not read it.

Merry Bush, Borough Planner, said that she agreed with the Planning Commission's recommendation but noted that the DeHaas property was nearby and asked that the developer take care to protect their property rights.

Eric Gladhill from C.S. Davidson, Borough Engineers, said that the FRD plan met all the technical criteria required by the Monocacy Stormwater Management Ordinance, as well as the Subdivision and Land Development Ordinance.

Comments from the Adams County Office of Planning and Development were made part of the record. The Planning Commission had reviewed these comments at their March 23, 2008 meeting.

John DeHaas spoke about the intersection of the proposed access drive and Lincoln Avenue located across Fourth Street. The access drive width of 19.21 feet belongs to Mr. Weaver under a quiet claim title. A quiet title claim has not been filled on the remaining 16-plus feet.

Mr. DeHass reported that there has been flooding at the rear of the property in 1996, as well as at other times.

Harry Eastman's partner Ed Puhl represented Mr. Weaver for the quiet title claim. Mr. Eastman said that he was not involved in that action.

John Butterfield asked if the location of the retention pond was the best one on the site. Mr. Sharrah said that it was. The role of the pond is to collect water and to allow the water to slowly be released decreasing the chance of flooding. Mr. Butterfield wondered what a "rat guard" was. Mr. Sharrah said that it was a grate that would keep animals out of the stormwater management system.

There were no additional questions from the Council. Council must meet in an executive session to deliberate upon the application. Borough Council will enter a written decision at its regular Council meeting on June 9, 2008.

The hearing was adjourned at 3:49 pm.

Respectfully submitted,

Merry V. Bush  
Assistant Borough Secretary