

BERRYVILLE PLANNING COMMISSION
Berryville-Clarke County Government Center
Meeting Minutes
October 24, 2023

A meeting of the Berryville Planning Commission was held on Tuesday, October 24, 2023 at 7:00 p.m. at the Berryville-Clarke County Government Center in Berryville.

ATTENDANCE: Members of the Planning Commission present: William Steinmetz, Chair; Kim Kemp, Vice Chair; Michael Bell, Gwen Malone, Michelle Marino, Tom Parker, Sheryl Reid

Absent: none

Staff present: Christy Dunkle, Community Development Director, Keith Dalton, Town Manager

Press present: Mickey Powell, Winchester Star

1. CALL TO ORDER – William Steinmetz, Chair

Chair Steinmetz called the meeting to order at 7:00 p.m.

2. APPROVAL OF AGENDA

Mr. Bell made the motion to approve the agenda as presented, seconded by Ms. Malone. The motion passed by voice vote.

3. PUBLIC HEARING – Rezoning – Clarke County Public Schools, Town of Berryville, Paul Howell

The Berryville Planning Commission will hear public comment for the rezoning of land transferred from the Clarke County Public Schools to the Town of Berryville (4,565 square feet from DR-4 Detached Residential to ITL Institutional) and land transferred from the Town of Berryville to the Clarke County Public Schools (12,572 square feet from ITL Institutional to DR-4 Detached Residential) in order to accommodate boundary line adjustments between the properties identified as Tax Map Parcel numbers 14-A-5, 14-A-6, 14-A-7, and 14-A-7A. RZ 02-23

Ms. Dunkle read the public hearing notice and publication information. She said she had received several calls from adjacent property owners requesting clarification of the action. She added that there were no objections to the proposed rezoning.

Ms. Dunkle introduced Mr. Dalton, who described the request. Mr. Dalton said that the process had begun in 2005 with the development of the Clarke County High School and Mosby Boulevard. He said

this action left residual pieces of land separated from their respective parent parcels. He reviewed the maps and square footage for each proposed adjustment and zoning modification.

Mr. Dalton said that if the rezoning was approved by Town Council, easements and deed transfers would be recorded. He added that the Clarke County School Board has approved the action contingent on Town Council approval.

Chair Steinmetz asked if anyone wanted to speak on the matter. There were no speakers. The public hearing was closed at 7:06 p.m.

There being no further discussion, Vice Chair Kemp made the following motion:

I move that the Planning Commission of the Town of Berryville approve the rezoning of 4,565 square feet of land that is to be transferred from the Clarke County School Board's property (Tax Map Parcel 14-((A))-7) to the Town of Berryville's property (Tax Map Parcel 14-((A))-6) from Detached Residential-4 (DR-4) to Institutional (ITL), and the rezoning of 12,572 square feet of land that is to be transferred from the Town of Berryville's property (Tax Map Parcel 14-((A))-6) to the Clarke County School Board's property (Tax Map Parcel 14-((A))-7) from Institutional (ITL) to Detached Residential-4 (DR-4), contingent upon the following:

- a. approval of the proposed boundary line adjustments by the Clarke County School Board, Berryville Town Council, and Paul R. Howell, and
- b. the recordation of the boundary line adjustment and associated deeds completing this boundary line adjustments and transfer of property ownership in the land records of the Circuit Court of Clarke County.

The motion was seconded by Mr. Parker. The motion passed by voice vote.

4. PUBLIC HEARING – Friant Property

Friant Enterprises #1, LLC; Friant Enterprises #2, LLC; Friant Enterprises #3, LLC (Owners) (Tony Free, Vice President, DR Horton, Inc., Agent) are requesting a rezoning of the properties identified as 14-A-80 and 14-A-112 consisting of approximately 100 acres. The properties are currently zoned OSR Open Space Residential; DR-1 Detached Residential-1; DR-2 Detached Residential-2; and BP Business Park. The proposed zoning for a portion of the properties identified above is DR-4 Detached Residential-4. RZ 01-23

Ms. Dunkle read the public hearing notice and publication information. She said she had forwarded an email earlier in the day to Planning Commissioners and that she had not received any other input since the previous meeting.

Ms. Dunkle introduced David Giovannacci, representing D.R. Horton, Inc. Mr. Giovannacci referenced his letter in the Planning Commission packet requesting a deferral on any action to the November

Planning Commission meeting in order to obtain information from the Clarke County Public Schools concerning proffer requirements.

Chair Steinmetz said that, due to the large number of attendees, the three-minute timeframe for public comment will be adhered to. He requested that the conversation be civil in nature and opened the public hearing at 7:09 p.m.

Chair Steinmetz recognized Clissy Friant Funkhouser, Charles Town, WV resident (comments submitted). Ms. Funkhouser said she is one of the owners of the property under consideration for the rezoning. She said the property has been part of Annexation Area B since 1992 and that the parcel was annexed by the Town in 2022. She said she hoped that the development of the property will be an asset to the community and will afford more people the opportunity to be part of the Berryville community.

Chair Steinmetz recognized Sarah Fabiszczak, Clarke County resident. Ms. Fabiszczak said she is worried about the high-density rezoning. She said that the growth in Manassas was significant and that their land use policies had been overturned by their Board of Supervisors. She said she owns a farm and has had to move twice due to urban development and does not want to do so again.

Chair Steinmetz recognized Michael Wilson, Bluemont resident. Mr. Wilson said that, while he is a County resident, all residents have to pay for poorly implemented planning. He said his considerable worries include the terrain, soils, and problems down the road. He said he did not like the trend and that the plan is not good for the Town or the County.

Chair Steinmetz recognized Tim Sinclair, Town resident. Mr. Sinclair said that by-right development numbers should be adhered to that would allow 66 homes on the property. He noted discrepancies in the Transportation Impact Analysis, the timeframe anticipated for construction of the subdivision, and proffer proposals. He added that amending or rezoning the property to a more moderate number would be preferable. He said the by-right number is preferable because it fits with the current infrastructure and public services offered by the Town. Mr. Sinclair said he was concerned about the high visibility on the skyline matching the Town's form and function.

Chair Steinmetz recognized Mary Veilleux, Town resident. Ms. Veilleux voiced concern about land use policies and maintaining that vision. She referenced the lot yields in the sub-areas and said these numbers reflect the general capacity for the property. She asked that Planning Commissioners consider if this is the right fit and if it adheres to the plan. She recommended rejecting the rezoning proposal.

Chair Steinmetz recognized Turner Kobayashi, County resident. Mr. Kobayashi said he is the farm manager at Audley Farm. He said he has concerns about the development based on statistics gleaned from social media, adding that he was unsure about the accuracy of the information. He said this is a defining moment, affecting the community's core fabric and make-up. He recommended forming a special committee that would determine the facts accurately and completely to facilitate a

transparent decision for Town Council and Planning Commission. He added that the committee could include the property owners, developer, Town staff, neighbors, concerned citizens, and Mr. Sinclair representing his group. Mr. Kobayashi said Town Council members could meet with constituents to get direct feedback so they can properly represent the residents. He added that if it is too hard to make a decision, then a public referendum on the matter should be held so the critical thinking and due process would not be made in a vacuum behind closed doors. He concluded by saying this action would help restore public trust.

Chair Steinmetz recognized Richie Blick, Town resident. He said he has lived in Berryville for 23 years and lived on Battletown Drive in a house that backed up to the historic preserve. Mr. Blick said he is a realtor and never worked for this developer. He said the Bel Voi manor had significant historical importance and includes former slave quarters. He said this is an eastern gateway with visibility from the highway and that he is concerned about the 12 to 16 houses that are proposed for the historic preserve area. He said it is shocking to witness the developer's audacity and disregard for history of the developer. He added that he trusted and relies on the zoning and future development plans. Mr. Blick said he is not opposed to the by-right development and referenced concern that residents cannot cross the railroad tracks safely, and referenced the change to the parade route. He said he wants to save the historical protection of the adjacent property.

Chair Steinmetz recognized Lisa Weiss Murphy, County resident. She said her family has been in Clarke County since 1950. She asked that Friant Enterprises reconsider another cheaply built development. She said she does not want what's east of us to move here, and requested innovative design including energy efficient solar, affordable tiny houses, or an affordable housing community, adding that the owner should sell the property to another developer. Ms. Murphy said both the Town and County have planned well up to this point. She said the argument has been for affordable housing for families. She said she did not want an eyesore at the eastern entrance of this special place.

Chair Steinmetz recognized Laura Heck, County resident. Ms. Heck said she is a real estate appraiser. She said she would prefer the current zoning adding that she was concerned about houses on tiny lots being located in the floodplain area. She cited issues with a property she owned in Leesburg. She said she purchased her property and there was not a floodplain until additional development occurred. Ms. Heck said that with the original 66 homes, there would be no adverse effect because the lots would be bigger. She requested that the Planning Commissioners not postpone the vote.

Chair Steinmetz recognized Julie Abrera, Town resident. Ms. Abrera said the impact of 66 houses would tax the neighborhood and the 214 homes and adjoining neighborhoods with more traffic. She said her street has a lot of foot traffic that is shared with cars because there are no sidewalks. She said her road and Bel Voi Drive are dead-end streets and the connection of the access road on the Profundus property would create cut-through traffic on Battletown Drive. She said she did not know the origins or need for this extension. She said there is an expectation of construction traffic and noise with the promise that taxes and fees will benefit the community in the long run. Ms. Abrera said this new neighborhood is designed with no relationship to the existing Town. She said that while

the proposed development checks the boxes of the BADA Plan, this creates another neighborhood that is tucked away with little thought of integrating it into the Town. She asked that we look at the impact beyond revenue and recommended taking a holistic approach to how the Town will function. She said each resident has a role to play in this process. She concluded by saying her hope is that we create opportunities that build a community with a vibrant downtown that our sons and daughters will want to come back to.

Chair Steinmetz recognized Brian K. Snyder, Town resident (comments submitted). Mr. Snyder said he grew up on Bel Voi Drive, moved away, and returned in 2017 to his childhood home. He said he is concerned about the lack of sidewalks, curb, and gutter and that Battletown and Bel Voi drives are not equipped to handle two-way traffic. He added that there are pedestrians including groups, kids in strollers, and children in the neighborhood. He said neighborhoods with through streets have the infrastructure to support those activities. Mr. Snyder said the sidewalk extension will not accommodate Battletown Drive with no tie-in to the proposed new development. He said he hoped that the developer would shoulder future improvements to ensure no degradation to the surrounding neighborhoods.

Chair Steinmetz recognized John MacDonald, Town resident. Mr. MacDonald spoke of issues with homes in the Shenandoah Crossing neighborhood. He said he had unsatisfactory responses from the developer.

Chair Steinmetz recognized Sara Stern, Town resident (comments submitted). Ms. Stern said that Berryville is the County seat for all of Clarke County, and housing that is built can be an asset or detraction. She stated that she is concerned about traffic and congestion, citing current issues at Main and Buckmarsh streets. She voiced concern about climate change and referenced the current severe drought conditions and questioned the adequacy of water availability. She said Berryville has had a big problem with stormwater run-off. Ms. Stern voiced concern about lack of architectural character and that this type of development encouraged families with children as opposed to retired people who are downsizing. She said the proffers offered by the developer are meager. She concluded by saying that allowing one developer to continue to dominate new construction in Berryville virtually eliminates a new home buyer's ability to choose the style and quality of home available.

Chair Steinmetz recognized Dave Jackson, Town resident. Mr. Jackson said he is concerned about street flooding. He said the run-off from over 200 homes would be overwhelming.

Chair Steinmetz recognized Robert Lauten, Town resident. Mr. Lauten recommended against the rezoning. He suggested connecting the proposed subdivision to Cattleman's Lane. He said we have a good comprehensive plan and recommended sticking to the existing plan.

Chair Steinmetz recognized Stan Kerns, Town resident. Mr. Kerns said he served on the Clarke County School Board for 32 years, was the project manager for the Barns of Rose Hill, and is invested in this community. He said he is opposed to the rezoning, adding that he feels helpless to fight the rezoning, adding that he is against the proposal.

Chair Steinmetz recognized Jon Burge, Town resident. Mr. Burge said he has been a residential architect for 25 years and was appointed to the Berryville Architectural Review Board in 2020. He noted incompetent, wasteful processes in the fifth phase of the Hermitage subdivision. He said the main idea of any high-density concepts including cluster development is to reduce the footprints, which fails to propose open space. Mr. Burge said that as an architect, the basic concept of cluster development can create a more vibrant community, not the static repetition and vinyl fencing constructed in phase five. He said the 2015 Berryville Area Plan identifies housing goals that encourage development to be sensitively phased with scaled neighborhoods, adding that the developer has not. He referenced longer timeframes of development to allow the growth to be organic. He concluded by saying 66 houses is plenty.

Chair Steinmetz recognized Weezee Wallace, County resident. Ms. Wallace said she has lived in Clarke County for 23 years. She asked who benefits from this development. She said the Town is struggling to meet the needs of goods and services in the existing population, adding that there is only one grocery store and that she is unable to purchase a pair of shoes in Berryville. Ms. Wallace said 214 new houses means 214 new families, which would impact water, sewer, and schools. She said she understands that Horton has gotten people to assess the damages and costs. She said she was lawyer on Wall Street and doesn't trust an assessment. She discussed the drought and said the climate crisis is real. She said she was unable to find a plumber because they were working to fix the new houses. Ms. Wallace said builder deficiencies are a concern. She referenced the past 35 years and legal authority, yada yada, and said that density is a huge issue here. Ms. Wallace said that it was her understanding that a certain number of building rights were afforded to a prior builder who decided not to use all of them, and all of a sudden, D.R. Horton thinks they can accommodate these units. She concluded by saying the developer's houses make the community look like Ashburn.

Chair Steinmetz recognized Geo Giordano, County resident. Ms. Giordano said she was part of the National Association of Home Builders and national design committee and requested that out-of-the-box thinking should take place for high-density types of units if desired, using historic colors, and not big boxes. She said many Shenandoah Crossing residents are retirees and need to move down, not up. She said the affordability is a concern and that a townhouse option should be considered that would include 2/3 duplexes for retirees and 1/3 townhouses for families. She recommended that sidewalks and recreational areas be included. She encouraged Planning Commissioners not to accept 214 vinyl big box houses.

Chair Steinmetz recognized Mary Ivie, Town resident. Ms. Ivie said she was against this development because it promotes more urban sprawl. She said she has mold and water in her basement and that stormwater is a concern. She referenced Prince William County development and recommended preventing the urban sprawl.

Chair Steinmetz recognized Wingate McKay-Smith, County resident. Ms. McKay-Smith referenced previous membership on the County's Board of Zoning Appeals and Planning Commission in the 1980's and 1990's. She said the first thing those taking BZA training were taught was to be careful of changing the planning and zoning and to update it periodically. She said the original plan was carefully thought out and asked that the Planning Commission consider the original plan for development.

Chair Steinmetz recognized Bob Stieg, County resident (comments attached). Mr. Stieg said he is the manager of Clermont Farm, which is owned by the Virginia Department of Historic Resources. He said access to the property is across East Main Street from the proposed road extension on the Profundus property. He said he is concerned about traffic and about the safety of the school children who take buses to the property.

Chair Steinmetz recognized Ruth Costello, County resident. Ms. Costello said D.R. Horton has had plenty of time for their due diligence and asked that the Planning Commission not postpone the vote.

Chair Steinmetz asked if there were additional comments. There were none.

Due to outstanding agency comments and resubmittal of the sub, Ms. Dunkle recommended continuing the public hearing to the November 28, 2023 meeting. Chair Steinmetz reiterated that Ms. Dunkle will forward all correspondence sent to staff to the administrative and governing bodies. Ms. Marino thanked the public for their comments and encouraged resident to maintain engagement with the Planning Commission through the process. Ms. Dunkle reviewed the process through Town Council's final approval. Ms. Dunkle said that the applicant would need to submit an updated plan two weeks prior to the continued public hearing, and reviewed the timeframes.

Vice Chair Kemp made the motion that the Planning Commission of the Town of Berryville continue the public hearing to the November 28, 2023 meeting for the rezoning of the parcels identified as 14-A-80 and 14-A-112. The motion was seconded by Ms. Malone.

5. APPROVAL OF MINUTES

Ms. Malone made the motion to approve the minutes of the work session and the regular meeting on September 26, 2023 as presented, seconded by Vice Chair Kemp. The motion passed by voice vote.

6. CITIZENS' FORUM

There were no speakers.

7. DISCUSSION – PLANNING UPDATE

There was no further discussion.

8. OTHER

There was no further discussion.

9. ADJOURN

There being no further discussion, Vice Chair Kemp made the motion to adjourn the meeting, seconded by Ms. Malone, with the motion passing by consensus at 8:18 p.m.

William Steinmetz, Chair

Christy Dunkle, Secretary

Hello, my name is Clissy Friant Funkhouser and two of my sisters and I are the owners of the 100-acre parcel that is the subject of tonight's discussion.

This property has been part of the Berryville Area Development Authority's annexation plan B since 1992. That plan is to annex undeveloped land into the town for residential development. The land was officially annexed last year.

The Clarke County comprehensive plan ensures that *county* lands remain low-density and agrarian in nature. So you have the best of both worlds: growth in the town and open spaces in the county.

It is my hope that the development of the property will be an asset for this community, in the same way Battletown Drive has been, which my father, John Friant, developed 60 years ago. In fact, my grandmother was one of the first residents of Battletown Drive and enjoyed the spectacular view of the Blue Ridge Mountains from her porch. This development will afford many more folks the opportunity to enjoy that view along with Berryville's wonderful welcoming community.

Thank you for your time.

10/24/2023 remarks at Berryville Planning Commission meeting.

Statement regarding Rezoning application of the Friant Enterprises LLC properties by Brian Snyder.

Good evening, my name is Brian Snyder. I grew up on Bel Voi Drive, moved away and after my Mother passed away in 2017, my wife and I moved to Berryville into the house that my Mother had lived in since 1984. My sisters and I went to Clarke County Schools as my Mother before us. So we have ties to the town and county.

I want to address a specific area of concern with the Proposed Development and Rezoning request from Friant Enterprises LLC.

The current infrastructure on Battletown Drive and Bel Voi Drive does not have sidewalks, curbs or gutters and the roads are not currently equipped to handle regular two way traffic. Both roads are cul-de-sacs and with no through options they are a walkable community. On any given night you see all ages walking; alone or in groups, with kids in strollers, walking dogs, kids walking back and forth to friends' houses to play or even meet up to catch the bus in the morning.

These activities occur in neighborhoods with through streets and more homes, but those neighborhoods have the infrastructure to support those activities.

The proposed zoning changes and development by Friant Enterprises and D.R.Horton do not offer any proffers to make improvements to the existing neighborhood that would be the primary conduit out onto Main Street/Business Route 7.

I request that any development and/or rezoning approvals require that these infrastructure issues be addressed with specific details for improvement and specific funding sources identified; either through commitments from the town of Berryville or by D.R. Horton/Friant Enterprises in the form of proffers.

The town has announced that it is securing funds to put sidewalks in from the Railroad Tracks on Main Street to Battletown Drive. The proposed improvement does not continue the sidewalks up Main Street/Business 7 to the proposed Profundus (sp) road for access to the Eastern portion of the proposed development. That funding is anticipated by 2025 with construction by 2028-2029 (per discussion at the Working Session of the Planning Commission meeting on September 26, 2023). There is nothing noted in the plans for these improvements to tie into the proposed new development.

If Friant Enterprises/D.R.Horton wants to create a livable community, it must address the impact on the surrounding neighborhoods and larger community. I hope that the financial burden for ensuring no degradation of the surrounding neighborhoods be shouldered by the developer and not the Town of Berryville and the rest of the community that would not benefit from those improvements.

The current development or any proposed rezoning approvals must address these shortcomings in infrastructure to curbs, gutters and roads with an emphasis on the safety issues that would result from any development to the Friant Property.

Thank you for your time.

Brian R Snyder 10/24/23

6301 Vol Dr Berryville

703-728-4667

Good Evening.

I am Sara Stern, and I live in the town of Berryville.

At the risk of repeating some of the concerns that have already been made with respect to DR Horton's request for up-zoning the Friant Land, I would ask you to consider the following.

Traffic and congestion will be created, and will greatly impact the residents on the east end of town as well as the intersection of Rt. 7 business and Rt. 7 by-pass.

We are already experiencing some congestion and back-ups during certain times of the day around Buckmarsh and Main Streets, we do not need or want to add additional traffic congestion to the Town.

Climate change - none of us knows the future. Thankfully, so far, we seem to have enough water, but we are **and want to continue to be** a mainly agricultural county. Water is required for our citizens, our animals and our crops. We have been, and continue to be, in a severe drought situation.

Warren and Frederick Counties are growing with abandon, and they take their water from the Shenandoah just as the Town of Berryville does... but they get theirs first!

This past year, we had a dry winter and a dry summer. The river got very low; in addition, several wells in the county went dry. We cannot know if our future water resources will remain adequate.

Storm Water Run- Off - Berryville has had a big problem with storm water run-off. A large subdivision would mean more pavement and more impermeable surfaces.

Projected Number of Additional Students - The frontage for the cluster houses is such that they would all have to be two-story houses with front-load garages – this not only lacks character and some variety to the architecture, but it encourages families with children as opposed to any retired persons who want to down-size and live on one level.

I have heard that many families in new subdivisions in Loudoun County have rented out their basements in order to afford to live there. I understand that this could also occur in Berryville. In any case, I believe the projected increase in the numbers of students in the DR Horton proposal is grossly underestimated.

The proffers DR Horton has offered as an enticement to re-zone and increase the number of homes on the Friant Land are meager at best.

Loss of Choice - lastly, by allowing DR Horton to continue to dominate all new construction in our town, you are virtually eliminating new home buyer's ability to choose the style and quality of home available in our area. They have already built 220 of the new houses available in the past few years. Don't give them another 214.

For the record, I am including a letter I sent to the Berryville Town Council and Planning Commission in September, expressing a desire for our elected officials to be mindful of the resident's desire for our community to maintain its small-town values, historic character, scenic beauty and sense of community. We do not want to be just another bedroom community for the Washington Metropolitan area.

Thank you for your time and consideration.

To the Berryville Town Council and Planning Commission,

The Town of Berryville is the county seat for all of Clarke County, and the type of housing that is built can either be an asset to the historic, cultural, and natural beauty of our special county or a detraction. All development is not created equal. Some projects can make a community a better place to live, work and visit. The biggest impediment to better development in many communities is a fear of saying "no" and requiring better of developers and builders. This is especially true when it comes to national builders on the stock exchange, who "lawyer-up" and have very deep pockets. They have no real interest in our community except to get-in/get-out and maximize profits for their investors. When they are gone -they are GONE! They have no long-term investment in our community.

We live in a rapidly changing world. The Covid Pandemic reshaped the way we live and work. Many people and businesses can choose to live and work from anywhere. Communities that cannot differentiate themselves will simply have no competitive advantage. This means that quality of life is more important than ever. Successful communities set themselves apart. They know that communities that choose their future are always more successful than those that leave their future to chance. We should be able to choose what we want our town to look and feel like.

The more any community in American comes to look like every other community, the less reason there is to visit. I want our development to compliment what we offer and hope to encourage in our towns and county. And, be a reason for people to want to come visit, spend their tourism dollars in our shops, restaurants, Bed and Breakfasts, breweries, distilleries, and farms etc.

Successful communities pay attention to aesthetics and encourage new construction to fit in with the existing community. Many longtime residents will be upset with how unmanaged growth changes what they love about their hometown. And, newcomers may want to make sure that their adopted hometown doesn't develop the same ugliness or congestion as the one they left.

Many communities have found ways to retain their small-town values, historic character, scenic beauty and sense of community, yet sustain a prosperous economy. And, they have done it without accepting the kind of cookie-cutter development that has turned many communities into faceless places that young people flee, tourists avoid and which no longer instills a sense of pride in residents. Successful communities capitalize on their distinctive assets - their architecture, history, natural surroundings and home-grown businesses. They also utilize a variety of grants, private-sector and market incentives to influence new development, instead of relying solely on government regulations. Communities can grow by choice or by chance.

Look at Staunton, Virginia. When I went to college there in the early 1970's, Staunton's downtown area was dead and the town was in somewhat of a depressed state. Since then, the Historic Staunton Foundation offered free design assistance to any downtown business owner who would restore the facade of their building. They did this after the city council had rejected a measure to create a historic district in downtown Staunton. At first, only one business owner took advantage of the incentive, but then a second owner restored his building facade, and then a third and then many more. Today, there are at least five historic districts in Staunton including the entire downtown, but it all began with incentives. Staunton has turned into a thriving small town with lots to offer residents as well as visitors.

I would love to see us be able to hold onto the lovely, cozy and welcoming feel of our town while striving to make it even better.

Therefore, I respectfully ask you to decline to rezone Sub-Area's 14 & 15 in the Town of Berryville for increased density.

Sincerely,

Sara McIntosh Stern
107 Taylor Street
Berryville, VA
saramstern@gmail.com

Item's from NY Times 8/29/23 Article

The New York Times conducted a months-long examination of groundwater depletion, interviewing more than 100 experts, traveling the country and creating a comprehensive database using millions of readings from monitoring sites. The investigation reveals how America's life-giving resource is being exhausted in much of the country, and in many cases, it won't come back. Huge industrial farms and sprawling cities are draining aquifers that could take centuries or millenniums to replenish themselves if they recover at all.

And around the country, rivers that relied on groundwater have become streams or trickles or memories.

"There is no way to get that back," Don Cline, the associate director for water resources at the United States Geological Survey, said of disappearing groundwater. "There's almost no way to convey how important it is."

But despite the importance, the view of the predicament has often been fragmented. Until now.

This analysis is based on tens of thousands of groundwater monitoring wells that dot the nation. The Times collected data for these wells, which are widely scattered and often poorly tracked, from dozens of federal, state and local jurisdictions.

That database reveals the scope of the crisis in many ways. Every year since 1940, for example, more wells have had falling water levels than rising levels.

One of the biggest obstacles is that the depletion of this unseen yet essential natural resource is barely regulated. The federal government plays almost no role, and individual states have implemented a dizzying array of often weak rules.

The problem is also relatively unexamined at the national scale. Hydrologists and other researchers typically focus on single aquifers or regional changes.

"If we show an area may be depleted in, let's say, two years, well, if someone tries to sell that property, they're not going to be able to."

To get the clearest picture possible of the state of groundwater in the United States, The Times interviewed scientists, policymakers and hydrological experts in

addition to building its national database of millions of measurements from wells used to measure groundwater depth.

The analysis of that data, some of it collected from wells that have been tracked for a century, enabled The Times to cross-reference water levels over time with crop cover and population patterns. Results were also compared against readings from sophisticated satellites that can estimate groundwater changes from space by measuring subtle shifts in gravity.

Recent data from those satellites, which are operated by the Jet Propulsion Laboratory and funded by NASA, also show aquifers in decline.

How aquifers fail

Many aquifers — layers of water-soaked dirt and rock — are being rapidly depleted, permanently damaging them.

The land can settle as water is pumped out, leaving less space for new water to refill the aquifer.

Deeper aquifers beneath impermeable clay and rock can also take thousands of years to recharge.

Climate change is amplifying the problem.

Global warming is shrinking the snowpack that feeds rivers, increasing the reliance on groundwater to sustain communities, lawns and crops, even as rising temperatures mean that plants need more water. A warmer world also causes more surface water to evaporate, leaving less to seep through the ground to replenish overstressed aquifers.

Even in places experiencing more violent rainstorms because of climate change, the heavier rainfall only helps so much. That's because much of the water from extreme downpours races away quickly to the ocean, before it can sit and soak into the aquifer below.

For example, in coastal areas, over pumping can accelerate "saltwater intrusion," the movement of ocean water into the freshwater aquifer, making it first unappetizing, then unhealthy.

Saltwater intrusion is happening in the Northeast, the mid-Atlantic states, Florida, the Gulf Coast and California. "It's pretty widespread," said Dr. Cline of the U.S. Geological Survey.

In Norfolk, Va., and other cities around the country, the groundwater is so dangerously depleted that officials are now, at great cost, pumping treated wastewater into the aquifer to try to stop the water levels from falling.

Then, there's arsenic.

A naturally occurring, cancer-causing heavy metal, arsenic is often trapped in clay, a common soil type. But it can be released into drinking water supplies when aquifers are over pumped.

The technology exists to filter out arsenic from drinking water, Dr. Smith said. But that imposes a cost on low-income families, he added. And it works only if people know their wells have become contaminated in the first place, which can be a particular problem for private well owners, who might not realize what has happened to their water.

The effects of the nation's dwindling supplies of groundwater are visible in another way: The ground itself is breaking apart.

A developer began laying out a subdivision during the housing boom of the mid-2000s, planning 800 homes. The project went bankrupt, a victim of the housing crash. Then, city workers noticed something that prevented other developers from trying again: an unusual crack in the road. The subdivision, it turned out, sat atop an earth fissure.

Pumping water can cause the earth above an aquifer to slump, collapsing the space left behind by the water that was removed. Once that space is lost, it can no longer hold water.

That process, called subsidence, is happening around the country, and more than 80 percent of it is the result of groundwater use, according to the U.S. Geological

Survey. The agency says subsidence has affected more than 47,000 square miles of land and waterways across the United States.

As the land sinks, home foundations, sewer pipes and other structures are damaged. But among the most dramatic consequences of subsidence is a fissure. As softer ground slumps, sometimes an adjacent patch of ground stays put. The resulting movement shears the earth apart.

It adds up to what might be called a climate trap. As rising temperatures shrink rivers in much of the country, farmers and towns have an incentive to pump more groundwater to make up the difference.

Experts call that a self-defeating strategy. By draining aquifers that filled up over thousands or millions of years, regions risk losing access to that water in the future when they might need it even more, as climate change makes rainfall less predictable or droughts more severe.

In Maryland, almost three-quarters of monitoring wells have seen their water levels drop over the past 40 years, some by more than 100 feet. Charles County, which contains fast-growing suburbs of Washington, has used most of its groundwater for homes and agriculture. And it isn't coming back anytime soon.

"Most of the water we're pulling out of the ground is thousands of years old," said Jason Groth, the county's deputy director of planning and growth management. "It's not like it rains on Monday, and by Saturday it's in the aquifer."

Mr. Groth said the county, which gets the vast majority of its water from its own aquifers, will hit a point within a decade where it doesn't have enough water.

David Abrams, communications director for the Maryland Department of the Environment, said the state was improving its data collection and monitoring, and that its programs "have a strong track record of success in protecting our groundwater resources."

Charles County is looking at piping in water from elsewhere or building a treatment plant to remove salt from the Potomac River. But that would increase costs as much as tenfold.

A little more than one-third of America's total volume of drinking water comes from groundwater, according to data from the U.S. Geological Survey. But small and rural communities are disproportionately dependent on wells, which typically cost less than treating and transporting water from rivers and lakes. Of the nation's 143,070 water systems, 128,362 rely primarily on groundwater, according to the Environmental Protection Agency.

Over pumping can have other risks beyond diminishing the supply of water. It can also contaminate aquifers in ways that make the remaining water unsafe or undrinkable.

THE CLERMONT FOUNDATION

*A non-profit organization providing support and management for Clermont Farm (1750) in Clarke County, VA
a property owned by the Virginia Department of Historic Resources, a gift from Elizabeth Rust Williams*

National Register of Historic Places + Virginia Landmarks Register
151 Clermont Lane, Berryville, VA 22261 | Phone: 540-955-0102 | Email: bstieg@clermontfarm.org

Comments to the Berryville Planning Commission Re Proposed Friant/Horton Subdivision 10-24-23

Mr. Chairman, and Members of the Commission:

My name is Bob Stieg, and I am the CEO of The Clermont Foundation. The Foundation manages, funds, and provides educational programming at Clermont Farm, a 360-acre state historic site and working farm owned by the Virginia Department of Historic Resources. The farm is located on the south side of and at the end of East Main Street. The Farm's entrance is at 151 Clermont Lane, directly opposite from the proposed main entrance to the planned Friant subdivision with its requested 214 houses.

We are very concerned about the potential safety of the proposed four-way intersection to be created at the entrance to the farm. Traffic past the farm's entrance is already very high at peak periods, including heavy use east and west by semi-trailer trucks from the Industrial Park and Berryville Graphics. The entire proposed subdivision appears to be almost one giant cul-de-sac, with most of in-going and out-going traffic concentrated at the proposed new intersection opposite the Clermont entrance, adding to the current high levels on East Main Street.. It is not clear how realistic the initially-presented traffic estimates are.

At Clermont we have both public events and regular visits by public school students for history and agriculture classes. Most traffic to and from Clermont is in the direction of downtown Berryville, requiring that school buses and cars leaving Clermont have to make a left-turn across traffic onto East Main Street, where the sight distances are not exceptional and traffic is currently moving at 35-45 mph or better. With these speeds, this turn, difficult now at peak periods, where the sight lines for the new intersection are only up to the top of Grindstone Hill and down to left curve out to By-Pass 7, as the Clermont entrance is about mid-way between these two points.

Given this proposed new intersection as the primary entrance/exit from the Friant development, on what is now a busy section of East Main Street, we want to be sure that:

- A. Realistic future traffic estimates are developed
- B. Appropriate speed limits and deceleration/turn lanes are developed
- C. That there are appropriate traffic controls, including the possibility of a traffic light, to keep this from being a free-for-all intersection with strongly competing flows of industrial and domestic traffic.
- D. Most of all, we want to make sure that school bus traffic to Clermont, both coming and going, is safe for the students.

Thank you.

MARY VEBLUX

For many of us here in this room, the proposal by DR Horton to build 214 homes on the annexed Friant land feels like a giant monster seeking to devour our sweet small town of Berryville and transforming it into something hideous.

Tonight you will hear from a group of citizens who will convince you to reject Horton's proposal for rezoning.

In August, I wondered where I could turn for guidance in this matter and joyfully discovered it right in your own Berryville Area Plan! How glad I am that the land use philosophy of Clarke Co and the Town of Berryville wants to maintain their "vision of protecting its natural and historic resources, agricultural properties and **scenic beauty** by limiting urban and suburban-style development to designated growth areas." In your plan for the Friant property of Sub-area 14 of 7.2 acres adjacent to the railroad tracks, the limit is for 28 residential units. For the Sub area 15 of 63.1 acres, the recommended holding capacity is for 81 residential units, for a total of 109 units for the entire property. How grateful I am for your foresight to understand the limitations of the property.

You are not alone. In your assessment. In 1999, Richmond American, wanting to build 100 homes, performed its own land study and determined that the land had the capacity for only 80. The same conclusion was made in 2015 by another builder- 80 homes was the maximum number of residential units.

The Horton proposal gives the planning commission and the Town Council the opportunity to consider the questions, Is this right for Berryville? Is this what the citizenry would benefit from? Does this fit in your Berryville Area Plan?

I urge you to adhere to your very well thought out plan and reject the rezoning proposal from DR Horton.

BERRYVILLE PLANNING COMMISSION SIGN UP SHEET

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Public Hearing
Rezoning - Friant Property | DR Horton

October 24, 2023

Name: _____ Town of Berryville Resident? _____

Clissy Friant Funkhouser Yes No

~~Cheryl Lewis~~ Yes No

~~Wes Price~~ Yes No

~~Dorothy Price~~ Yes No

Sarah Fabiszak Yes No

MICHAEL WILSON Yes No

Tim Sinclair Yes No

Mary Veilley Yes No

Turner Kobayashi Yes No

~~John D. Smith~~ Yes No

Richard Blick Yes No

Lisa W. Murphy Yes No

Laura Heck Yes No

Ruth Costello Yes No

Julie Abrera Yes No

~~Kenete LeBlanc~~ Yes No

BERRYVILLE PLANNING COMMISSION SIGN UP SHEET

Public Hearing
Rezoning – Friant Property | DR Horton

October 24, 2023

Name: _____ Town of Berryville Resident? _____

Brian K Snyder ✓ Yes No

John MacDonald ✓ Yes No

SARA STERN ✓ Yes No

Dave Jackson ✓ Yes No

~~Barbara Lake~~ Yes No

Robert Lauter ✓ Yes No

STAN KERNS ✓ Yes No

Jon Burge ✓ Yes No

~~Judys MacDonald~~ Yes No

SPOKE ~~Wesley Wallace~~ ✓ Yes No

SPOKE ~~Geo Giordano~~ ✓ Yes No

Johnny Wier MARY WIER ✓ Yes No

Winkie McKay Smith Yes No

Bob Steyer Yes No

Ruth Costello Yes No

Yes No