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Marshall Minute

June 2017

Come to the next
MBRA Community Meeting
and hear from new businesses!

**7:30pm on Tuesday
June 13, 2017**

Our featured speakers:

**Gathered Stems Florist
8302 E. Main Street**

**Chrystal Payne of
Noah's Ark Thrift Store
4199 Winchester Road**

**Eric Morrison of
CRES Real Estate
8354 W. Main Street**

**Held at the Marshall
Community Center
4133-A Rectortown Rd.**

**Chris Robinson,
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month prior to the month you would
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format guidelines on our home page.

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*Editor: Mary Wilkerson
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*** Be Sure to Vote! ***
Tuesday, June 13th Primary
at Marshall Community Center
Polls Open 6 am to 7 pm
4133 Rectortown Road
*Our MBRA meeting that same
night in dance room*

**Rock Around The Clock
Swing Dance!**

**Saturday, June 24th
7 to 9:30 pm, \$10 per person
Complimentary Refreshments!**

Silver Tones Swing Band
will play dance music from the
50s, 60s, and a few from 70s!
**Poodle Skirts & Leather Jackets
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**Marshall Community Center
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(540) 422-8580**

Vacation Bible Schools:

Marshall Baptist Church

**Galactic Starveyors:
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Discovering the Invisible.
June 12 - 16
9:00 am - 12:15 pm
4127 Winchester Road
Register online
at: marshallbc.com**

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**Free VBS: June 19th - 23rd
For children entering
Kindergarten through
sixth grade in Fall 2017
Register at front desk or
at www.gbcmarshall.org and
click on "VBS 2017".**

Turn to Page 2 ———>
**for: Meeting Notes &
Public Comments from
1st Public Hearing on
Proposed Form Based
Code for Marshall held
May 17, 2017** ———>

Come One, Come All!
**Planning Commission Public
Hearing on Marshall Code***

Thursday, June 15th, 6:30 pm
**1st Floor Meeting Room
Warren Green Building
10 Hotel Street, Warrenton, VA**

*Regarding the proposed changes
for Marshall's zoning and
development rules

**Mark your calendars and come
even if you've come before—
get updates & voice your opinion**

As always, staff is available to
answer questions about the
Marshall Code.

Kimberly Johnson
29 Ashby Street, 3rd Floor
Warrenton, VA 20186
Phone: [540-422-8220](tel:540-422-8220)

Before the above meeting and in the
same location, same day, the
**Planning Commission will hold a
work session at approximately
11 am, Thursday, June 15th.**

The public is invited to listen but
public comment will not be taken
until the public hearing at 6:30 pm.

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**Minutes from May 17th MBRA  
Community Meeting  
are on Page 3 featuring updates  
on Marshall water supply and  
Big Dog Pots**

## **May 17, 2017 1st Public Hearing on Proposed Form Based Code**

(held at the Marshall Community Center) Planning Commissioner Adrienne Garreau opened the public hearing and Kim Johnson led the meeting. The Form Based Code (FBC) was first made public in March of 2016. There are 2 parts of the code and each part can stand alone. 1) **Base Zoning** (which they call FBC) and 2) Historic/Corridor District that has 3 zones which would become part of County zoning: **MT, MG, M**

**Why Form Based Code?** Kim says the Comprehensive Plan is achieved better this way. It is focused on what's happening on the street, not behind structure.

Current Marshall zoning is the same as is throughout county but Kim says in her 14 years on the job, it's not working well for Marshall.

She believes there will be more uses in business areas, and more by-right. It is designed to facilitate changes to buildings over time and for various styles of houses.

**Why Historic District?** Kim said that the adopted plan said we wanted a historic district. Some concerns w/FBC expressed thus far are:  
-boundaries between 3 districts  
-some don't want Historic District  
-is review board best or administrative approval?

Kim opened the floor to public comment:

**Dave Derr** with the Farmer's Coop **spoke against the FBC**. He said their 39 employees reside in Fauquier County and the Co-op is a vital part of the Marshall business community. The Co-op pays a lot of taxes. Currently the Farmer's Coop property is zoned C-2, but the FBC puts them in Marshall Town & Historic Corridor and they don't fit the downzoning.

**Kevin Greeley spoke against the FBC**. He said his property at 4178 Stockyards Road went up for sale last fall due to the County making him conform to the FBC when it hasn't passed yet. Now his commercial building footprint is limited to 5,000 square feet. He had businesses ready to lease from him under his plan for C1 development, but the county moved his property out of the Gateway district and into Historic district. He heard that Kim Johnson said she would not approve anything from him. He questions the intent of the FBC and feels like he is in a 'land grab'. Kevin recommends county-wide revamping of zoning, not FBC.

**Mr. Simmons** from Rosstown **spoke against the FBC**. He bought his property as C3 and has been paying taxes on it as such. Now county will change to R4.

**Ms. Reddit spoke against the FBC**. Her house on Salem Avenue is currently zoned residential and she wants it to stay that way. County zones it commercial under FBC.

**Tom McMillen spoke for the FBC**. He is from Maryland and there served as a US Congressman. Ten years ago he bought residential property in Marshall. Now he also owns Main Street commercial property.

Leesburg and Manassas are overrun by traffic and developers. He strongly supports FBC.

**Mo Lawrence spoke for the FBC**. She is 9th generation; has lived here forever. She and others have been trying to move Marshall forward. She is excited to see that Marshall is growing; it looks like a flower blooming. She owns the Main Street property her son's office is in. She said many thanks to her son, Paul Lawrence, and Peter Schwartz because they have worked together tirelessly for years to get this FBC created.

**George Thompson spoke against the FBC** for 3 different reasons. 1) Proposed architectural board would not benefit Marshall citizens. Two resident architects are NOT in favor of this board. 2) He said he assisted John Gott years ago in collecting a list of properties that are historic—these are not. 3) Many aspects of the FBC are not desirable.

**Kevin Schmidt** (8412 Salem Ave.) **spoke against this new zoning**.

**Mr. Cortez spoke against the FBC**. FBC changed his zoning, but he wants to keep the C1 zoning he currently has for 8195 Main St. (across from the Co-op).

**Brenda Payne** (Vice President of Marshall Volunteer Fire Department) **has concerns**: Will the Rescue Squad building be in Historic District? Can't tell if Fire Department Building is in or not? Concerned about planned facility merger of Fire Department with Rescue Squad. How does this affect their buildings and relocating? Do they need to sell and if so, how are they affected? How will zoning affect taxes?

**Gary Shook**, President of Middleburg Bank, **spoke for FBC**. They own 2 properties on Main Street. He's been working with Peter Schwartz and others for years. He supports the plan and overview.

**Harry Atherton** (former Planning Commission member and Board of Supervisors) **spoke for the FBC**. He doesn't live in Marshall but, short of incorporation, this gives the town consideration as the people of Marshall wanted.

**Hope Armstrong**, lives on Freestate Road, had questions about density.

**Carter Wiley spoke for the FBC**, but opposes Historic district areas and thinks government review board would not be a good idea.

**Linda Suter spoke against the FBC**. She has a petition objecting to FBC and wants direct zoning instead. She says a review board is problematic lending itself to interpretive guidelines, personal preferences, and subjective enforcement issues.

**Joe DiLisi** (Joe's Pizza) **is on the fence** about the proposed laws.

**Joe Sarsour** (Nick's Deli) moved out in 1991 from Fairfax. He has property in Gateway and on Main Street and wants the FBC so the Gateway can develop.

**Erica** represents landowners in area. Generally supports code except it needs Objective Standards. They were successful bidders on a foreclosure property in Middleburg. The previous owner(s) lost that property due to ongoing Architectural Review

Board requirements that made it financially impossible to recoup investment.

**Merle Fallon spoke against FBC**. He took issue with Kim Johnson calling it a 'light' Historic District. He said that in 1982 Warrenton's began with 7 pages of guidelines; in 1991 it went up to 125 pages of guidelines, making it almost impossible to get anything done there.

**Anne Michelle Green** (on committee that helped create FBC) **spoke for the FBC**. She owns, along with her parents, 8390 West Main Street. She says read the code; you can do more with your property under the FBC.

**Paul Lawrence** (on committee that helped create FBC) **spoke for the FBC**. Since the 1930's his family has continuously owned property on Main Street. Says there is a lot of misinformation going around; he's fully for it.

**Robin** (of Robin's Nest) **spoke against FBC**. She disagrees with the plan. She says a lot of people disagree with the FBC but don't do public speaking. She says it looks beautiful in Marshall already—look at what's going on without the FBC. She doesn't see a need for it.

**Madge Eicher** (Springs Valley, Fauquier Co.) **spoke against FBC**. She lives under such a board as proposed in FBC and there is no end to what they will make you have to do to repair your home, if it's deemed historic, and you must do it. You can't ignore it; you must restore it to their demands.

**Matt Davenport had concerns**. He said overall it has been a very positive effort, but most controversial is the Architectural Review Board. With so little guidance, how would a member of ARB decide guidelines? He said, I just don't buy that; it may be loosely defined now, but that doesn't mean it won't change. When people don't know what rules are it sets up unnecessary confrontations.

**Ms. Kim is not convinced if FBC is good or bad**. She has questions about traffic.

**Norris Royston** (on committee that helped create FBC) **spoke for FBC**. We've worked on this bi-weekly for 18 months on just one part of this code and were diligent to try to avoid taking rights from people. He supports plan but would like to see some changes.

**Wayne Eastham spoke for FBC**. He lives in Rectortown but for 15 years has owned property in Marshall. Parts of the code need tweaking but he supports FBC as a common-sense approach to zoning.

**Tom Leachman is basically for FBC**. He doesn't like the alleys in FBC—they will drive up cost. Who maintains them? Doesn't think they're necessary.

**Suzanne Obetz** (Merry Oaks Rd) came here from Kentucky via Gainesville, Va. Hopes history in Marshall can be saved.

**Darren Martin spoke against FBC**. Any development in Marshall will draw on water and that's a serious problem. Building new buildings is unwise.

The last citizen speaker of the night was **William Russert who has concerns** because he can't determine what guidelines are for height of fence on his property under FBC guidelines.

**May 9, 2017 MBRA Meeting Notes**

**President Chris Robinson** called the meeting to order at 7:30pm. **Marshall District Supervisor Mary Leigh McDaniel** gave her update. She said the first public hearing on the Marshall Form Based Code (FBC) will be May 17th at 6:30 pm and that the Code has been revamped to eliminate the Architectural Review Board and to further condense the Historic District. She said the FBC is an “up-zoning” for businesses and property on Main Street. She asked that we please share whether we like the Code or not.

Main Street Project (between Frost and Winchester Road only): Mary Leigh said they hope to start in the Fall; bids will probably happen in the next couple of months. She said that federal funding mandates that significant construction must begin by October 2017.

Main Street is a 5 million dollar project that has been in the works for eight years. They will either do a stoplight or a roundabout at Frost Avenue; they will redo roads and sidewalks; and the transformers will be at road level, no longer on poles.

Mary Leigh said that they are going to test how the community likes having a roundabout at Frost Avenue by doing a temporary roundabout there first. The temporary roundabout will be tested with paint markings only, but will not have anything physical there unless it becomes permanent.

Mary Leigh explained that, because there is no town government, they cannot do timed parking on Main Street as there is no way to enforce it. Chris said that if anyone would like to spend two years going down to Richmond and coming back with what is necessary to become incorporated, then perhaps we could become an incorporated town.

Our first speaker of the night was Lori **Langford of Big Dog Pots**, 8287 East Main Street in Marshall. With their new construction, there will be seating for more than 50 people and a 1,000 square foot private party room on the 2<sup>nd</sup> floor, and their facility will be handicap accessible.

Their expanded offerings include stained glass, walk-in mosaics, and pottery. Paint with a Princess and classes for all ages. Family Fun Night that includes Wine and Design for the parents upstairs and activities for kids downstairs. They will also offer Pints and Pottery by a local brew master.

They would like to open the new addition in July, but will announce the Grand Opening whenever they have a date. Visit them at 8287 East Main Street or call [540-364-2834](tel:540-364-2834).

Our last speaker of the night was William Skinker of the Water and Sanitation Authority (WSA). He explained that he has been a member of the Marshall community for years, and in 2006 started working with WSA. WSA is an independent, quasi-governmental authority. He explained that the rumor that Marshall has plenty of water is false. WSA has put \$2 ½ million into Marshall’s water system, as there was a 50%-60% water loss at the time WSA took over the system. Mary Leigh added that WSA was essentially forced to buy a failing water system under Harry Atherton. At the time WSA took over in 2006, the pipes were too small and no maintenance had been done on the system.

Mr. Skinker explained that drilling a WSA well is not like drilling a personal well. The process takes three years and 1 to 2 million dollars. Also, out of every 100 gallons they extract, only 40 may be drinkable. There are time-consuming hurdles: regulatory issues, easements that they need to get, and also the WSA has had to go through the Piedmont Environmental Council (PEC) and Virginia Agriculture every time.

Unfortunately, wells do not last forever, and two contaminated wells were taken off line in the last 5 years. At the time that Goose Pond Townhomes began construction, there was plenty of water for them, but since that time 3 or 4 wells have been taken off line. WSA has lost close to 100,000 gallons from the wells they have lost over the last several years.

The problem is that Marshall is situated on top of a hill on a slab of rock; when it rains, water goes everywhere but here. Furthermore, Marshall has had chemical plants, gas stations here and there, and dry cleaners. Unfortunately, those chemicals are starting to get down to where the well water is drawn from, which is 300-500 feet below ground. Additionally, Marshall has three aquifers.

Mr. Skinker explained that Marshall’s water quality is safe, it is the quantity that is

problematic. WSA has known about and has been working on this issue for 4 to 5 years already. WSA has drilled about 9 spots. He said they are looking at Belvoir Farm, but there is not enough airlift there. Less than half a mile out of town there are 3 wells on the Backer property and 2 on the property behind it that produce 200 gallons a minute. WSA has approached the owner but so far the owner has declined. He said NOVEC or Dominion Power has to come in and tell them where they can go and where easements are needed. If necessary, WSA may pursue asking the Department of Health to allow them to get wells from further below ground than 300-500 feet.

One possibility is to truck in water from elsewhere to Marshall for our residents. WSA is looking at the long-term options because relying on groundwater alone is not sustainable. Surrounding areas have embraced using reservoirs, often transforming old rock quarries into reservoirs. What is difficult is that Marshall does not have a reservoir, and there is no quarry nearby. What has helped, however, is that the Fire Department has stopped using Marshall water as their practice water on the weekends. Additionally, Mr. Skinker said the reason Marshall cannot have a well like the well at the Sports Complex is because it would negatively affect Coleman Elementary and Marshall Middle schools.

Mr. Skinker said the WSA and the John Marshall Water and Soil websites have tips on water usage. WSA’s website also has a section for people who cannot pay their water bill and need help doing so.

Furthermore, he explained that Van Metre cannot build until they find water. If they do find water, WSA will allow them to use the water so long as it does not affect the rest of the town water.

Mr. Skinker gave the audience a handout and said to reach him by phone at [540-349-2092](tel:540-349-2092) if we have any questions.

Mary Leigh also added that if interested, they may form a group to help address Marshall’s water issue.

Meeting was adjourned at 8:37pm.  
*Mary-Elizabeth Wilkerson, Secy.*

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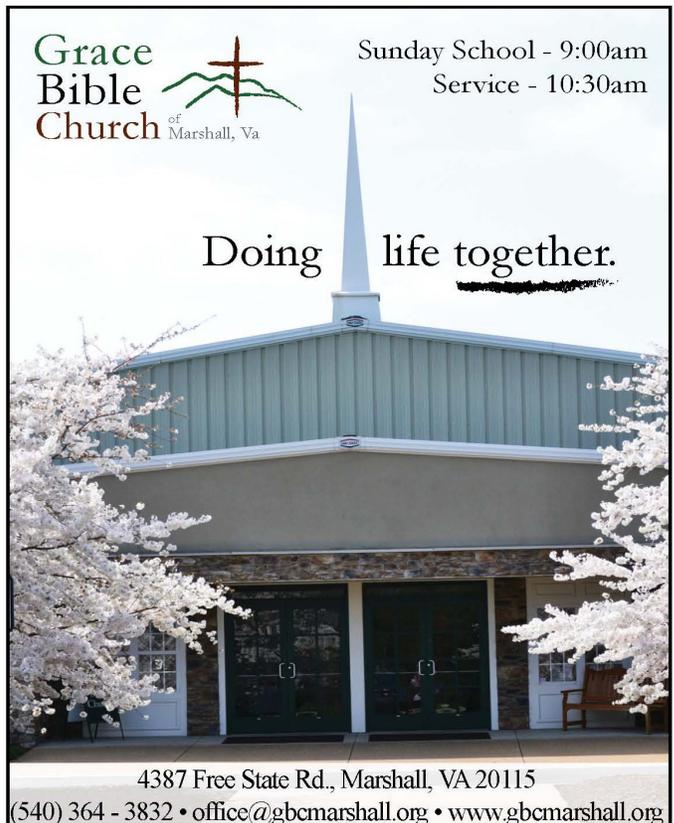
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