

STATE OF TEXAS §
COUNTY OF DENTON §
TOWN OF BARTONVILLE §

The regular meeting of the Planning and Zoning Commission of the Town of Bartonville was held on March 5, 2008, at 7:00 p.m., in the Bartonville Town Hall. This was an OPEN MEETING, open to the public, subject to the open meeting laws of the State of Texas and, as required by law, was duly posted at 3:00 p.m. on February 29, 2008, at Bartonville Town Hall giving notice of time, date, place, and agenda thereof.

Present:	Absent:
Ralph Arment, Chairperson	Don Abernathy
Gloria McDonald, Vice Chairperson	Jim Langford
Betty Medlock	
Kathy Bradham, Alternate	

Also present: Kristi Gilbert, Town Secretary
Bob Hager, Town Attorney
Gary Vickery, Town Engineer

This constituting a quorum, the following business took place:

Chairperson Arment called the meeting to order at 7:00 p.m.

Call to Order

The Commissioners considered the February 6, 2008, regular monthly meeting minutes. Gloria McDonald moved to approve the February 6, 2008 minutes as corrected. Betty Medlock seconded the motion. For: Unanimous. The motion carried 4-0.

ACTION: Approve Minutes

No one chose to speak during the citizens' appearances for non agenda items portion of the meeting.

Open Forum

The Commission held discussions relative to recommendations to the Town Council regarding the Rachwal-XTO #1H & #2H drilling permit. The pad site is located approximately 1,500 feet north of East Jeter Road and approximately 4,750 feet west of FM 407, in the B.B.B. & C.R.R. Survey, Abstract No. 1594, Town of Bartonville, Denton County, Texas. The surface owner is Ponca City Inn, the applicant is Braden Exploration, LLC.

Discussion: Rachwal-XTO #1H & #2H Permit

Town Secretary Kristi Gilbert stated that the Town Council had denied the permit because the applicant had submitted a noise mitigation plan that did not meet the requirements of the ordinance. The applicant has since submitted an amended noise mitigation plan that meets the requirements of the ordinance. Gloria McDonald moved to recommend to Town Council the approval of the Rachwal-XTO #1H & #2H wells. Betty Medlock seconded the motion. For: Unanimous. The motion carried 4-0.

ACTION: Approve Rachwal-XTO #1H & #2H Permit

**Discussion: Fuller
Family Trust
Development Plat**

The Commission held discussions relative to recommendations to the Town Council regarding the development plat for the Fuller Family Trust gas wells. The development plat indicates a total of five wells located on one pad site. The pad site is generally located on the southwest corner of the Gibbons Road/Frenchtown Road intersection, approximately 1,100 feet west of Gibbons Road and 1,100 feet south of Frenchtown Road. The applicant is XTO Energy, Inc. The surface owner is Lorene Fuller Etal.

Town Engineer Gary Vickery stated that the applicant had addressed all of his comments from his email dated February 26, 2008, other than Item #3, Dyer Road, which was more the attorney's area of concern. Town Attorney Bob Hager stated that the applicant had provided the Town with a legal opinion from counsel and stated that he agreed with the opinion stating that XTO is a lawful applicant. Mr. Hager stated that the Town had no jurisdiction over Dyer Road as it is considered a private driveway and, as such, the Town cannot require any type of road repair agreement. Discussion was held with regard to whether the Town had received all of the notary forms from each mineral owner. Town Secretary Kristi Gilbert stated that the notarized forms were not required by the ordinance. Chairperson Arment asked to hear from the citizens requesting to speak on the Fuller Family Trust Development Plat.

Jim Strange, 995 Dyer Road – Mr. Strange stated that he supported XTO's exploration of gas, however, he was concerned with the noise associated with the wells as well as with the current state of the private Dyer Road as it is not wide enough to handle two vehicles at a time.

Paul Hendryx, 975 Dyer Road – Mr. Hendryx stated that the well was not located where XTO had originally told him it would be placed. Mr. Hendryx stated that he did not sign away his surface rights and was against the proposed access to the site.

David Fuller, 1000 Gibbons Road – Mr. Fuller stated that he did not have a lease with XTO. Mr. Fuller presented the Commission with an aerial photograph (Exhibit 1) showing that the proposed location of the well would remove several large oak trees. Mr. Fuller stated that he had asked XTO if they could move the pad site to save some trees and was told that XTO would not consider moving the pad site because they did not have time to resubmit to the Town. Mr. Fuller also asked if XTO would consider moving the entrance off of Dyer Road from the northwest corner of the pad site to the southwest corner of the pad site to allow the family to access the southern portion of their lot.

Linda Hacker, 1112 Frenchtown Road – Ms. Hacker stated that the family was only requesting that XTO move the pad site approximately 20 – 30 feet in either direction. Ms. Hacker stated that the land had been in her family for 65 years and wanted to work with XTO to encourage them to save as many trees as possible. Ms. Hacker presented the Commission with pictures of the trees (Exhibits 2 – 8).

Kelly Portz, 1015 Dyer Road – Mr. Portz stated that Dyer Road was so narrow that cars have to pull over to let another car pass. Mr. Portz stated that in 1992 the owners along Dyer Road laid 1 ½” to 2” of asphalt on the private drive. Mr. Portz stated his concern was that XTO would damage the water lines as they were only buried approximately 6” underground and came from meters set at Frenchtown Road. Mr. Portz stated that he didn’t mind the drilling, however, he would like to see XTO post a bond for the driveway.

Odis Fuller, 443 Pine Hill Dr, Frisco – Mr. Fuller stated that Llano recently filed a permit with the Railroad Commission which the Fuller’s are currently protesting because their lease with Llano has expired. Mr. Fuller stated that XTO submitted their permit on February 29, 2008. Mr. Fuller submitted to the Commission documentation indicating the initial perforation point of the proposed well was actually located within the town of Argyle (Exhibit 9). Mr. Fuller stated that the family was receiving a substandard amount of money for damages to their property associated with the wells.

Bob Manthei with XTO stated that the company is still trying to come to agreeable terms with the Fuller’s. Mr. Manthei stated that it would take about a week to draft new plans moving the pad site. Discussion was held with regard to traffic control at Frenchtown Road and Dyer Road and the location of the pipeline. Mr. Manthei agreed to move the pad site to the south and the west as much as possible to save as many trees as possible. Mr. Manthei also agreed to try to work out an agreement with the residents of Dyer Road for the repair and maintenance of their private drive.

Betty Medlock moved to recommend to Town Council the approval of the Fuller Family development plat contingent on the following items: the placement of a note on the plat indicating that the pipeline location will be determined at a later date and will not be located in Dyer Road; the movement of the pad site to the south and west as much as possible to save as many trees as possible; the limitation that the site to no more than five wells; the inclusion of a traffic control plan in the permit submittal; the agreement that XTO will make their best effort to enter into a road maintenance agreement for the private Dyer Road with the owners of the road; and the agreement that XTO will make their best effort to move the access to the pad site off of private Dyer Road from the northwest corner of the pad to the southwest corner of the pad. Gloria McDonald seconded the motion. For: Unanimous. Against: None. The motion carried 4-0.

The Commission discussed amendments to Ordinance No. 439-07, the Gas Well Drilling regulations and Ordinance 364-05, the Gas Well Development Plat regulations. No action was taken.

There being no further business, Chairperson Arment adjourned the meeting at 8:45 p.m.

ACTION: Approve Fuller Family Trust Development Plat

Discussion: Amendments to Gas Well Ordinance

ADJOURNMENT

APPROVED this the 2nd day of April, 2008.

Approved:

(Seal)

Ralph Arment, Chairperson

Attest:

Kristi Gilbert, Town Secretary, TRMC, CMC