

Meeting Minutes
Jefferson County Planning Commission
September 10, 2019

The Jefferson County Planning Commission met on September 10, 2019 with the following Commission members present: Steve Stolipher, Vice President; Wade Louthan, Secretary; Ralph Lorenzetti, County Commission Liaison; Jack Hefestay, Ron Thomas and Ray Bruning. Staff members present included: Jennifer Brockman, County Planner; Jonathon Saunders, County Engineer; Nathan Cochran, Assistant Prosecuting Attorney and Rachael Burke, Planning Clerk.

Donnie Fisher, Mike Shepp and J Ware and were absent with prior notification.

Mr. Stolipher called the meeting to order at 7:00pm.

1. Approval of the August 13, 2019 Meeting Minutes: The meeting minutes were approved with no objections.
2. Citizen Communications. None.
3. Request for postponement. None.
4. **Public Hearing:** Request by A. Bradley Askin (File #: 19-14-PCW). Applicant is requesting a waiver from Section 20.201A(2) which requires all lots in minor residential subdivisions to have motor vehicle access via a 50' access easement, provided that the access easement serves no more than 5 lots, for Minerva Court which is proposed to serve 10 lots and desires to process as two minor subdivisions. The property is designated as Tax District: Middleway (07); Tax Map: 5; Parcel: 10 & 10.2; Zoned: Rural; Size: 9.1 & 6.648 acres.

Ms. Brockman reviewed the location and history of the project. She explained previously approved subdivisions and Minerva Court access. She stated that the applicant has the right to create 2 lots and a residue on each property and explained that the number of lots accessing Minerva Court would require a major subdivision under our current regulations.

Mr. Askin discussed the history in further detail, including 26 acres given to the Department of Highways for the new Route 9 which divided his land. The previous farmhouse was burnt down as well. He reviewed concerns with the road and landlocked parcels that were created due to the new road and ramp creation. The entrance to his property off old route 9 (now WV 115) had a 13 degree slope which he upgraded when he created the previous Minor subdivisions. He explained there is a current private road maintenance agreement for the 6 lots. He also informed the Planning Commission that Mountaineer Gas is installing a gas line Minerva Court's 50' easement.

Mr. Stolipher asked if anyone has any questions. Mr. Thomas asked how many people live this subdivision currently and Mr. Askin stated that one house has been constructed and a second lot recently sold. He followed up by asking about the construction of Minerva Court is and how drainage is handled? Mr. Askin explained that the road is gravel and there are culverts. He also stated that there are limits on how much ground can be disturbed due to the gas pipeline. Mr. Thomas asked if the homeowner knew about the additional proposed lots. Mr. Askin stated that he had spoken with them and they seem agreeable.

Mr. Wade Louthan asked about the width of the entrance to Minerva Court.' Mr. Askin explained the design of the entrance at the intersection with WV 115 (old WV 9) and stated that the road is 12-14 feet wide at the gravel section.

Mr. Lorenzetti asked specifics about the road maintenance agreement and Mr. Askin explained this in further detail. He stated that there is no HOA presently, but that

maintenance is shared by all property owners. He stated the 50' easement is on the two residues. Mr. Lorenzetti asked about future road improvements and Staff explained that if this waiver to prove as a Minor Subdivision is approved, no road standards would apply.

Ms. Brockman explained this is a private owned access that does not meet county grade standards, which is permitted for Minor Subdivision. If this was to process as a Major Subdivision, after 12 lots the County requires pavement and additional design criteria.

Mr. Stolipher opened the floor to public comment. No one spoke; he closed Public Comment.

Mr. Thomas made a motion that they approve the waiver, with the condition that he cannot subdivide beyond 10 lots. Mr. Hefestay seconded the motion. A vote was taken: 5:1, Ron Thomas was opposed.

5. **Public Hearing:** Request by SAB Real Estate 2, LLC. (File #: 19-15-PCW). Applicant is requesting a waiver from Section 20.102B to allow for site grading to commence prior to site plan approval. The request is to allow initial construction to commence during seasons favorable for site work and potentially coincide with adjacent construction to reduce overall construction traffic. The property is designated as Tax District: Shepherdstown (09); Tax Map: 8A; Parcels: 19, 21 & 23; Zoned: Residential –Light Industrial Commercial; Size: 3.56 acres total.

Ms. Brockman explained where the parcels are located.

Ryan Perks, with Gordon spoke on behalf of the applicant and he explained the status of the Department of Highways (DOH) permit and status of the project. The applicant would like permission to grade during favorable weather, rather than winter, when approvals could happen. He also mentioned that Seneca was granted this waiver and suggested that there would be more efficiencies if both projects can start at the same time.

Mr. Lorenzetti asked about the bond process if this is approved. Ms. Brockman explained this process. Mr. Lorenzetti brought up a nearby property and concerns with early grading approval.

Ms. Brockman informed the Planning Commission that, in addition to the outstanding WVDOH permit, there are outstanding variances required for the approval of the ROCS Site Plan that have not been submitted, and that it is a Major Site Plan, which requires a Public Hearing before the Planning Commission. There is therefore a greater risk approving this waiver for the ROCS project that there was with the Seneca project. She also mentioned the staff's recommended conditions of approval and she pointed out the conditions the Planning Commission put of the Concept Plan at the Public Workshop for this Site Plan. Long term design may be effected depending on how the variances and comments are addressed.

Mr. Stolipher opened the floor to public comment.

Addison Reese spoke about concerns with traffic and the hold ups on DOH approval. She also is concerned about property restoration if the plan would not go through.

Mr. Stolipher closed Public Comment.

Mr. Perks stated that the DOH has had concerns due to the amount of development in this area. He mentioned that the DOH studied putting a dedicated 2-way left turn lane all the way

from University Avenue to Food Lion. They determined they would not pursue that at this time and had ROCS design their entrance with a dedicated left turn lane for Seneca and ROCS, to be shared. This will handle traffic from their project. They are working with DOH and they generally take the longest time of all of the regulatory agencies. He explained working with Charleston and the local district and the shared access makes it more involved.

The Planning Commission asked some questions which Mr. Perks answered.

Mr. Stolipher explained he does not have a problem with this and the risk is on them. He made a motion to approve the waiver with the recommended conditions from staff:

- a. A grading permit is issued to allow the owner to perform site grading in preparation for the building pad and related improvements. This permit is subject to the requirements of the sediment and erosion control plan submitted and approved as part of the grading plan and building permit application and a NPDES permit is obtained; and
- b. The owner/Developer assumes all risk for “jump-starting” the project and understands that the final site plan design approved by the Planning Commission might necessitate some changes and additional construction cost; and
- c. Provide bonding of all proposed site improvements related to sediment and erosion control/SWM pertaining to the permit.

Mr. Hefestay seconded the motion. A vote was taken that carried unanimously.

6. **Reports from Legal Counsel:** Mr. Cochran gave an update on the brief before the Supreme Court. He stated it is ongoing and should be submitted within the next 8 days. The Supreme Court will notify them of next steps.
7. **Planner’s Memo:** Ms. Brockman explained that on August 29, 2019 the County Commission agreed to hire Greenway Engineering for the Subdivision Regulations and Zoning Ordinance updates. There needs to be a budget amendment that needs state approval before the contract can be released. She outlined a timeframe for the project and she suggested the Planning Commission committee go ahead and schedule the Roundtable for Stakeholders at this time.

Mr. Stolipher agreed and requested staff to set up the meeting.

Ms. Brockman explained the status of the text amendments that were moved to go to County Commission. She also discussed the amendment sent by the Shepherdstown Planning Commission related to the WV 45 Overlay Design Regulations and asked if the Planning Commission wanted to provide feedback regarding this amendment before it is passed onto Greenway.

Ms. Brockman stated that she had attended the MARC public hearing on September 7, 2019 and stated that written comments are being received until October 7, 2019. She asked if they wanted to provide comment.

Mr. Stolipher asked if they can make a motion to create a letter or does it need to be on the agenda? He stated he wanted a letter referencing the comprehensive plan. According to Mr.

Cochran, they can request Jennie to send a letter referencing this on their behalf. The Planning Commission members agreed with this.

Ms. Brockman asked to move the October 8, 2019 meeting to October 15, 2019 due to a conference that she and Alex Beaulieu will be attending. Mr. Hefestay made the motion to move to October 15, 2019 and Mr. Louthan seconded the motion, which carried unanimously.

8. Actionable Correspondence. None.

9. Non-Actionable Correspondence: None.

Mr. Stolipher closed the meeting at 7:56 PM.