

Meeting Minutes  
Jefferson County Planning Commission  
December 8, 2020

The Jefferson County Planning Commission met on December 8, 2020 at 7:00 p.m. with the following Commission members present: Mike Shepp, President; Donnie Fisher, Vice President; Wade Louthan, Secretary; Ralph Lorenzetti, County Commission Liaison; Steve Stolipher, Ron Thomas, Shane Roper, and Jack Hefestay. Staff members present included Jennifer Brockman, County Planner; Jonathon Saunders, County Engineer; Alexandra Beaulieu, Zoning Administrator; and, Nathan Cochran, County Attorney. J. Ware was absent without notification.

By order of the President, the Planning Commission meeting was held virtually via ZOOM. Access information was made available on the agenda and packet, which were posted to the County website. Due to technical difficulties, a portion of this meeting was not recorded.

Mr. Shepp called the meeting to order at 7:03p.m. Mr. Shepp verified that there was a quorum at the start of the meeting. Ms. Hartman did a roll call of the members.

1. Approval of the Meeting Minutes: November 10, 2020. Approved as submitted.
2. Citizens Communication: Citizens were able to sign up for this item utilizing the chat function in ZOOM. There were no citizens signed up to speak.
3. Request for postponement. Ms. Brockman noted that David Leonard requested a second postponement of his request (Item #4, File #20-9-PCW) until the January 12, 2021 meeting. The Commission agreed to the postponement noting that the applicant shall repost the site with new placards citing the January meeting date.
4. Public Hearing: Waiver from Section 20.201A.2 to reduce the required 50' wide access easement to 40' for a proposed two (2) lot minor subdivision. Applicant: Brickstreet Homes, LLC. Property Owner: Shaun Alexander. Property Location: Sites Farm, Lot 1B, 10668 Leetown Rd., Kearneysville, WV. Tax District: Middleway (07); Tax Map: 14; Parcel: 20.4 (Parcel ID: 07001400200004); Size: 4.85 acres; Zoning District: Rural; File: 20-9-PCW.

This item was postponed under Item #3 and will be heard at the January 12, 2021 meeting.

5. Public Hearing: Waiver from Section 20.201 of the Subdivision Regulations, which only allows for a total of five (5) lots to process as a minor subdivision. The applicant is proposing to create an additional three lots (two lots and a residue parcel) as a minor subdivision as opposed to a processing a major subdivision. Property Owner: David Acly. Property Location: Avon Bend Subdivision, Lot 3C: vacant lot on the southeast corner of King Lear Dr. and Stratford Ln. Tax District: Kabletown (06); Tax Map: 9; Parcel: 27 (Parcel ID: 06000900270000); Size: 5.9 acres; Zoning District: Rural; File: 20-12-PCW.

Ms. Brockman provided an overview of her staff report to the Commission. Because the "parent parcel" has already been divided into 5 total lots since 1988, it does not have the right to create additional lots under the Minor Subdivision process, but does have the right create the lots under Section 5.7D.3 of the Zoning Ordinance. The applicant is requesting approval of a waiver to process two additional lots and a residue as a Minor Subdivision because each of the lots are proposed to have direct access a West Virginia Division of Highways Right-of-Way and require no other infrastructure.

Mr. David Acly, property owner, briefly explained the nature of the request.

Mr. Shepp opened the public hearing. Ms. Bryn Harris, Ms. Shell Harper, and Denise Lindjord, neighboring property owners, spoke in opposition to the request arguing that the subject property

contained potential sinkholes, disruptive construction equipment, poor drainage, and the poor conditions of the access road to the proposed lots. Mr. Nate Smith spoke in support of the request noting that the property had access to three state roads.

Mr. Shepp closed the public hearing.

Mr. Acly provided a rebuttal, addressing some of the concerns made during public comment.

Mr. Stolipher made a motion to approve the waiver with no conditions. Mr. Roper seconded the motion, which carried seven (7) in support and one (1) in opposition (Mr. Lorenzetti).

6. Public Hearing: Waiver from Section 20.201 of the Subdivision Regulations, which only allows for a total of five (5) lots to process as a minor subdivision. The applicant is proposing to create an additional five lots (four lots and a residue parcel) as a minor subdivision as opposed to processing a major subdivision. Applicant: Al and LeAnne Cobb. Property Owner: Margaret Link (estate). Property Location: Link Minor Subdivision, Lot 3: vacant lot located .43 miles west of Shepherdstown Pike on the south side of French Road. Tax District: Shepherdstown (09); Tax Map: 2; Parcel: 11.4 (Parcel ID: 09002000110004); Size: 44.78 acres; Zoning District: Rural; File: 20-13-PCW.

Mr. Shepp recused himself from this item. Mr. Stolipher presided.

Ms. Brockman provided an overview of her staff report to the Commission. In this case, the “parent parcel” has already been divided into 2 lots and a residue since 1988 and can therefore process two additional lots and a residue as a Minor Subdivision. Under Section 5.7D.1 of the of the Zoning Ordinance(1 lot/15 acres), the property has the right to process up to six additional lots including the residue or, under Section 5.7D.3, it has the right to process two lots and a residue every 5 years. The applicant is requesting approval of a waiver to be able to create an additional 4 lots and a residue as a Minor Subdivision because the four new lots are proposed to access a shared 50’ access easement that no other lots use and the residue will utilize the adjoining property’s access.

Mr. Paul Raco with PJ Raco Consulting, LLC, explained the nature of the request. Mr. Raco clarified that the 25-acre residue would be merged into the adjacent Cobb parcel.

Mr. Stolipher opened the public hearing. Ms. Carly Mriscin, Mr. David Gray, Mr. Jeff Christy, and Ms. Jacquie Ras, neighboring property owners, spoke in opposition to the request stating concerns regarding diminishing farmland, existing water runoff issues, and a lack of stormwater management.

Mr. Stolipher closed the public hearing.

Mr. Raco provided a rebuttal, addressing some of the concerns made during public comment.

Mr. Thomas made a motion to approve the waiver with no conditions. Mr. Louthan seconded the motion, which carried seven (7) in support and one (1) in opposition (Mr. Lorenzetti).

Mr. Shepp resumed his position as President.

7. Reports from Legal Counsel

- a) Discussion of Jefferson County Circuit Court Civil Action #20-C-125 and #20-C-132-137.  
Discussion /Action.

Mr. Cochran advised the Commission that they go into deliberative session to discuss the above referenced litigation.

The Commission agreed to hear the rest of the agenda items prior to going into deliberative session.

8. Planner's Memo

Ms. Brockman provided a status update of the Greenway Zoning Ordinance and Subdivision Regulation revisions; noted that the office is advertising for the Planning Clerk position; and informed the Commission that the office was temporarily working by appointment only.

9. President's Report. Mr. Shepp thanked Mr. Lorenzetti and Mr. Stolipher for their service on the Commission.

10. Actionable Correspondence. None.

11. Non-Actionable Correspondence. None.

Continuation of the Legal Counsel Update:

Mr. Stolipher motioned to go into deliberative session at 8:00 pm. Mr. Hefestay seconded the motion, which carried unanimously.

Mr. Lorenzetti motioned to come out of deliberative session at 8:37 pm. Mr. Hefestay seconded the motion, which carried unanimously.

No further action was taken on this item.

Mr. Stolipher made a motion to adjourn the meeting at 8:39 p.m., which carried unanimously.