

## Meeting Minutes

Jefferson County Planning Commission  
March 12, 2024

The Jefferson County Planning Commission met on March 12, 2024 at 7:00 pm with the following Planning Commission members present: Mike Shepp, President; Aaron Howell, Vice President; Wade Louthan, Secretary; Steve Stolipher, County Commission Liaison; Jack Hefestay; Donnie Fisher. J. Ware was present via Zoom.

Matt Knott and Tim Smith were absent with notice.

Staff members present included Jennifer Brockman, Chief County Planner; Jonathan Saunders, County Engineer; Luke Seigfried, County Planner; and Michelle Evers, Planning Clerk.

Mr. Shepp called the meeting to order at 7:00 pm. and confirmed a quorum was present.

### 1. **Approval of Meeting Minutes:** February 20, 2024

Mr. Shepp stated the minutes stand approved without objection.

### 2. **Request for postponement.**

Mrs. Brockman stated that Agenda Item #3 was postponed to the April 9, 2024, PC meeting by the Applicant. Additionally, she stated that Agenda Item #6 was withdrawn by staff as unnecessary.

### 3. **Postponed by Applicant: Public Workshop:** Concept Plan for Hunter Valley Apartments; Approximately 138 1-2 bedroom apartments with associated parking. Property Owner/Applicant: ILA Properties, Inc.; Property Location: SW Side of RT 115, Kearneysville, WV; Parcel ID: 07000200020002; Size: 12.8 acres; Zoning District: Residential/Light Industrial/Commercial (File: 24-1-SP).

### 4. **Public Hearing:** Variance request from Section 11.2.e.1 of the 1979 Subdivision Ordinance to waive the required site plan screening and landscaping for the proposed pool and community center property located within the Beallair development to serve the residents. Property Owner: Beallair Homes, LLC; Applicant: Piedmont Design Group, LLC; Property Location: Vacant Lot on Beallair Manor Dr., Harpers Ferry, WV; Parcel ID: 04010ARESA0000; Size: 46.18 acres; Zoning District: Residential Growth (File: 24-2-PCV).

Mr. Howell recused himself from the meeting.

Mrs. Brockman provided an overview of the staff report and explained that the request is to waive the buffer requirement because the pool is intended to be an integral part of the neighborhood and needs to be incorporated into the community; and that abundant landscaping already exists on the site and will be retained and that the applicant intends to meet the required parking and access landscaping.

The applicant's representative, Mike Wiley, with Beallair Homes, LLC and Piedmont Design Group, LLC, explained the nature of the request to the Planning Commission.

Mr. Shepp opened the public hearing. There was no public comment. Mr. Shepp closed the public hearing.

Mr. Hefestay made a motion to approve the request, as presented. Mr. Stolipher seconded the motion, which carried unanimously.

Mr. Howell rejoined the meeting.

There is no public comment for the following items.

- 5. Waiver Request** from Section 20.201B2 of the Subdivision Regulations, pertaining to the 5-year Family Transfer requirement. Property Owner/Applicant: Richard and Melissa Boswell; Property Location: 149 Pleasant Acres Ct, Kearneysville, WV 25430; Parcel ID: 07000800010017; Size: 1 acre; Zoning District: Rural (File: 24-6-PCW).

Mrs. Brockman provided an overview of the staff report and explained that the applicants are requesting permission to be able to transfer or sell the property before the five-year “family transfer” restriction under which it was created, due to the unexpected death of one of the applicant’s sons and divorce of the other son.

The applicant’s Richard and Melissa Boswell, explained the nature of the request to the Planning Commission.

Mr. Stolipher made a motion to approve the request, as presented. Mr. Louthan seconded the motion, which carried unanimously.

- 6. WITHDRAWN by Staff: Waiver Request** from Section 24.108C to extend the maximum vesting period for a Concept Plan of two years (which expired 5/11/23). Property Owner: DLGA LLC; Applicant: Greenway Engineering Inc. / Zach Judy; Property Location: 2282 Summit Point Rd, Summit Point, WV 25446; Parcel ID: 06001600100000; Size: 25 acres; Zoning District: Rural (File: 24-7-PCW).
- 7. Waiver Request** from Section 20.203 of the Subdivision Regulations that requires the proposed project to process as a Minor Site Development. Property Owner: Rolling Ridge Foundation Inc.; Applicant: Opequon Quaker Camp at Rolling Ridge Conservancy / David Hunter; Property Location: 671 Floc Way, Harpers Ferry, WV 25425; Parcel ID: 06002400040001; Size: 296.72 acres; Zoning District: Rural (File: 24-8-PCW).

Mrs. Brockman provided an overview of the staff report and explained that the applicant is proposing to establish an Opequon Quaker Camp (the Baltimore Yearly Meeting Camping Program) on the site of the former For the Love of Children (FLOC) camp, including replacing all of the existing cabins, adding two tent platforms, and widening the gravel access driveway. The applicant is requesting a waiver of the required Site Plan based on the small scale of 15,000 additional sq. ft. of improvements and new impervious on a 256-acre portion of a 1,600+ acre property owned by Rolling Ridge Conservancy, which is largely forested and undisturbed.

The applicant David Hunter, camp property manager for Baltimore Yearly Meeting of the Religious Society and Friends; Sarah Gillooly, Executive Director; and Christian Mollitor, President of the Rolling Ridge Board of Trustees, explained the nature of the request to the Planning Commission.

Mr. Saunders asked clarifying questions and provided staff recommendations.

Mrs. Brockman added a statement that the Zoning Administrator has determined that this request is considered an extension of an existing non-conforming use that can change ownership or lessees without requiring special zoning approval.

Mr. Hefestay made a motion to approve the request, as presented. Mr. Louthan seconded the motion, which carried unanimously.

- 8. Waiver Request** from Section 20.201A.2, which requires all lots in Minor Subdivision to have motor vehicle access via a 50' access easement. The applicant is proposing to utilize an existing 30' access easement instead of the required 50' access easement. Property Owner/Applicant: Susquehanna Properties LLC; Property Location: 21 Bella CT, Charles Town, WV 25414; Parcel ID: 02001700190000; Size: 0.879 acres; Zoning District: Residential/Light Industrial/Commercial (File: 24-9-PCW).

Mrs. Brockman provided an overview of the staff report stating that the applicant is requesting to utilize an existing 30' access easement for a two lot subdivision, instead of the required 50' access easement.

The applicant Doug Porter, owner of Susquehanna Properties LLC, explained the nature of the request to the Planning Commission.

Mrs. Brockman provided staff recommendations.

Mr. Hefestay made a motion to approve the request, with staff recommendations. Mr. Stolipher seconded the motion, which carried unanimously.

- 9. Discussion and Possible Action:** Draft amendments to the Bylaws of the Jefferson County Planning Commission for discussion and possible action:
- a. Section 2.4 "Committees" related to public notice and records for Planning Commission Committee and Subcommittee meetings.
  - b. Section 5.1 "Voting" related to the use of a video conferencing program for regular and special meetings.

Mrs. Brockman discussed the Bylaws of the Jefferson County Planning Commission and provided the proposed changes related to opening Planning Commission committee meetings to members to the public and clarifying attendance to meetings held via video conferencing as requested by the Planning Commission.

Mr. Fisher made a motion to approve the proposed changes. Mr. Hefestay seconded the motion, which carried unanimously.

- 10. Discussion and Possible Action:** Draft amendment to Section 24.300 of the Subdivision Regulations related to allowing public comment on waiver applications under consideration by the Planning Commission.

Mrs. Brockman discussed the draft proposed amendment to Section 24.300 of the Subdivision Regulations regarding holding Public Hearings for waiver applications as requested by the Planning Commission. Mrs. Brockman also stated to the Planning Commission that they can schedule a public hearing on the Text Amendment at the next meeting.

Mr. Louthan made a motion to proceed with a Public Hearing on the proposed Subdivision Regulation Text Amendment at the April Planning Commission meeting.. Mr. Hefestay seconded the motion, which carried unanimously.

**11. Reports from Legal Counsel**

- a. Discuss and review Jefferson County Circuit Court Civil Action No. 2021-C-109 (RE: PC File #21-2-Z – Jefferson Orchards Rezoning).
- b. Review and discuss Jefferson County Circuit Court Civil Action No.'s 2021-C- 33 through 37 and Jefferson County Circuit Court Civil Action No.'s 2021- C-46 through 50, and WV

Supreme Court No.'s 21-0727, 21-0728, and 21-0731 and Jefferson County Circuit Court Civil Action No. 2023-C-112 (RE: PC File #ZTA19-03 Solar Energy Facilities text amendment).

- c. Jefferson County Circuit Court Case #CC-19-2022-C-81 (RE: PC File #ZTA22-01 Solar Energy Facilities text amendment).
- d. Discuss and review for possible action Jefferson County Circuit Court Civil Action No. 2023-C-48 (RE: PC File #21-8-SP Berryville Pike Telecommunications Tower).
- e. Update from Legal Counsel regarding County Commission actions on December 21, 2023 including obtaining ethics opinion regarding committee.

Mr. Shepp stated that he spoke to Mr. Cochran prior to the meeting and that he was unable to attend and would be postponing all discussion regarding legal matters till the next meeting.

## **12. Planner's Memo**

Mr. Seigfried discussed the Planning Commission Training Sessions and a possible Self-Evaluation questionnaire. Commissioner Shepp asked staff to prepare a draft Self-Evaluation questionnaire for discussion at the next Planning Commission meeting.

## **13. President's Report**

## **14. Actionable Correspondence**

## **15. Non-Actionable Correspondence**

- Email from Roberta N. Meade-Curry dated February 25, 2024 Re: Language for DarkSky-Light Pollution Initiative
- Email from Noah February 25, 2024 Re: Old Standard Quarry
- Email from Karen Twigg Sagisi dated March 1, 2024 Re: Training from DarkSky Bolivar-Harpers Ferry

Mr. Seigfried discussed the Non-Actionable Correspondence. Mr. Seigfried also stated to the Planning Commission that their first training session will be on the April meeting with representatives of the Shepherd Village development.

Mr. Shepp made a motion to go back into the 2045 Comprehensive Plan Work Session once the meeting was adjourned.

Mr. Stolipher made a motion to adjourn the meeting at 8:00 pm. Mr. Hefestay seconded the motion, which carried unanimously.

These minutes were prepared by Michelle Evers, Planning Clerk.