



**JEFFERSON COUNTY, WEST VIRGINIA**  
**Department of Engineering, Planning and Zoning**  
**Office of Planning and Zoning**  
116 East Washington Street, 2<sup>nd</sup> Floor  
P.O. Box 716  
Charles Town, West Virginia 25414

File #: 24-4-CUP  
R'cvd Date: 03 / 01 / 24  
Mtg. Date: 03 / 28 / 24  
Fee Paid: \$ 25,350.00  
Staff Int.: jth

Email: [zoning@jeffersoncountywv.org](mailto:zoning@jeffersoncountywv.org)

Phone: (304) 728-3228  
Fax: (304) 728-8126

**Application for a Conditional Use Permit**

**Project Name**

Franklintown Farm Solar Project

**Property Owner Information**

Name: Multiple Owners (See attached)  
Business Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_ Mail ☐ Yes  
Phone Number: \_\_\_\_\_ Email Response: \_\_\_\_\_ Response: ☐ No

**Applicant Information**

Name: Sam Judd  
Business Name: Franklintown Farm, LLC  
Mailing Address: 100 Brickstone Square, Suite 300, Andover, Massachusetts 01810 Mail ☐ Yes  
Phone Number: (978) 806-1138 Email Response: sam.judd@enel.com Response: ☐ No

**Engineer(s), Surveyor(s), or Consultant(s) Information**

Name: Joe Knechtel, P.E.  
Business Name: Potesta & Associates, Inc.  
Mailing Address: 15 South Braddock Street, Winchester Virginia 22601 Mail ☐ Yes  
Phone Number: (540) 450-0180 Email Response: kjknechtel@potesta.com Response: ☐ No

**Physical Property Details**

Physical Address: Multiple Addresses (See attached)  
Tax District: \_\_\_\_\_ Map No: \_\_\_\_\_ Parcel No: \_\_\_\_\_  
Parcel Size: \_\_\_\_\_ Deed Book: \_\_\_\_\_ Page No: \_\_\_\_\_

**Zoning District (please check one)**

Residential Growth (RG) <input type="checkbox"/>	Industrial Commercial (I-C) <input type="checkbox"/>	Rural* (R) <input checked="" type="checkbox"/>	Residential- Light Industrial- Commercial (R-LI-C) <input type="checkbox"/>	Village (V) <input type="checkbox"/>	Neighborhood Commercial (NC) <input type="checkbox"/>
General Commercial (GC) <input type="checkbox"/>	Highway Commercial (HC) <input type="checkbox"/>	Light Industrial (LI) <input type="checkbox"/>	Major Industrial (MI) <input type="checkbox"/>	Planned Neighborhood Development (PND) <input type="checkbox"/>	Office/ Commercial Mixed-Use (OC) <input type="checkbox"/>

\* For properties in the Rural Zoning District:  
Is property located on a primary or secondary road?

☐ Yes ☒ No

Name of Road and/or Route Number: \_\_\_\_\_

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**State the proposed land use as listed in Appendix C and provide a description of the proposed use.**

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Solar Energy Facility (per Draft Amendment Section 8.2 dated May 17, 2022). Proposed land use will consist of the construction of a Solar Energy Facility on approximately 502 acres of leased land on four parcels in the Kabletown Magisterial district, connecting to the existing 138kV overhead electric transmission line.

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**Please provide any information or known history regarding this property.**

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Zoned Rural. The subject properties have been historically used as agricultural land.

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**Please respond in detail to the following questions to show how the proposed project complies with the criteria located in Section 6.3 of the Zoning Ordinance:**

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1. How is the proposed use compatible with the goals of the adopted Comprehensive Plan? *Section 6.3A.1*

See Attached

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2. How is the proposed use compatible in intensity and scale with the existing and potential land uses on surrounding properties? How will the proposed project mitigate potential threat to public health, safety, and welfare? *Sec. 6.3A.2*

See Attached

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3. Describe how the proposed site development will be designed such that the use will not hinder nor discourage the appropriate development and use of adjacent land and buildings. *Section 6.3A.3*

See Attached

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4. Neighborhood character and surrounding property values shall be safeguarded by requiring implementation of the landscaping buffer requirements found in Appendix B and Section 4.11 of this Ordinance. *Section 6.3A.4*

☒ I am aware of the landscaping buffer requirements and will adhere to them.

☐ I am aware of the landscaping buffer requirements; however, I may be seeking a variance to modify them.

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5. For properties in the Rural zoning district, roadway adequacy shall be assessed by the Comprehensive Plan's Highway Road Classification Map. If a rural parcel is not shown as commercial on the Future Land Use Guide or does not front on a Principal Arterial, Minor Arterial, or Major Collector road (as identified in the Comprehensive Plan), the applicant shall submit trip generation data, including Average Daily and Peak Hour trips, for the Board of Zoning Appeals to review in conjunction with the Highway Problem Areas Map when determining roadway adequacy for the proposed use. *Section 6.3A.6*

☒ Applicable (Trip Generation Data attached)

☐ Not Applicable

**The information given is correct to the best of my knowledge. Original Signature Required.**

  
\_\_\_\_\_  
Property Owner

2/28/24  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Property Owner

\_\_\_\_\_  
Date



**State the proposed land use as listed in Appendix C and provide a description of the proposed use.**

Solar Energy Facility (per Draft Amendment Section 8.2 dated May 17, 2022). Proposed land use will consist of the construction of a Solar Energy Facility on approximately 502 acres of leased land on four parcels in the Kabletown Magisterial district, connecting to the existing 138kV overhead electric transmission line.

**Please provide any information or known history regarding this property.**

Zoned Rural. The subject properties have been historically used as agricultural land.

**Please respond in detail to the following questions to show how the proposed project complies with the criteria located in Section 6.3 of the Zoning Ordinance:**

1. How is the proposed use compatible with the goals of the adopted Comprehensive Plan? *Section 6.3A.1*

See Attached

2. How is the proposed use compatible in intensity and scale with the existing and potential land uses on surrounding properties? How will the proposed project mitigate potential threat to public health, safety, and welfare? *Sec. 6.3A.2*

See Attached

3. Describe how the proposed site development will be designed such that the use will not hinder nor discourage the appropriate development and use of adjacent land and buildings. *Section 6.3A.3*

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☒ Applicable (Trip Generation Data attached)

☐ Not Applicable

**The information given is correct to the best of my knowledge. Original Signature Required.**

 2-27-24  
\_\_\_\_\_  
Property Owner Date

\_\_\_\_\_  
Property Owner Date

**CONDITIONAL USE PERMIT  
SUBMITTAL MATERIALS  
Franklinton Farm, LLC  
Franklinton Farm Solar Facility  
Franklinton Road  
Summit Point, West Virginia  
June 14, 2024**

**Reponses to Application Items**

**1. Compatibility of the Use with the Goals of the Comprehensive Plan:**

- The Franklinton Farm Solar Project (the “Project”) is compatible with the goals of the comprehensive plan and will ensure the preservation and enhancement of the agricultural economy, rural land use, rural neighborhoods, and rural character of Jefferson County. Rather than permanently converting the property to a housing development or some other high-density use, the proposed use is temporary and subject to decommissioning requirements that will ensure its subsequent availability for agricultural use. In this way, the proposed use guarantees a predictable economic use of the property while effectively creating a “bank” of rural land available for future agricultural uses. With a vegetative buffer that exceeds the minimum standards required by the zoning ordinance, there is almost no use better suited as a means of increasing economic output and local tax revenue while preserving the land for “rural” and agricultural use. Upon completion, there will be very little traffic generated by the Project. There are no paved areas in and around the solar panel arrays. Furthermore, the Project will not require new sewer service, new water service, nor new public roads, and it will not add any burden to the school system. By mostly using the existing contours, stormwater will sheet flow and drain off the property as it has in the past. Deep-rooted, native or naturalized grasses will be planted to minimize erosion and to provide a natural filtration system for stormwater. Because no fuel is being consumed in the process of generating solar energy, the Project produces zero air pollution. Solar panels are designed to absorb (not reflect) light from the sun, so there is no glare created from the panels. A glare study will be procured to ensure this is the case. The Project would also not raise ambient noise levels in the way many other developments would. A noise study will also be procured to ensure noise levels remain below noise levels outlined in Section 8.9 of the Zoning Ordinance. While some residents would prefer that the land within the rural district remain in agricultural use to support a certain aesthetic, almost none of those people are farmers who depend on the land as a primary source of income. If this property is not utilized for the production of solar energy, then it will very likely be sold for conversion to some other use that will likely have greater and permanent adverse impacts to aesthetic values. The Project will be subject to state law requiring security to decommission the solar facility and restore the land after the life of the solar facility ends, in addition to any County requirements for decommissioning security.
- This Project would also have easy access to the grid since it is traversed by an existing overhead transmission line. Therefore, a proposed solar facility having its own access to



the grid is more compatible to the goals than a solar facility located further away, which would require construction of new and extensive infrastructure across rural areas to connect to the grid. By locating the Project adjacent to existing transmission infrastructure, the Project minimizes impacts on surrounding rural and agricultural uses.

**2. Compatibility of Use in Intensity and Scale with the Existing and Potential Land Uses on the Enjoining and Confronting Properties and Without Posing Risks to Public Health and Welfare:**

- The criteria found in Section 6.3 of the Zoning Ordinance for processing Conditional Use Permits are General Conditions for all Conditional Use Permits. However, the specific criteria for Solar Conditional Use Permits were written into Section 8.20 of the Zoning Ordinance, and these criteria have been discussed. In an opinion from May 2023 affirming a CUP issued for a different solar facility, Circuit Judge Hammer has noted that to the extent any of these criteria overlap or conflict with the language of Section 8.20 (authorizing development of solar energy in the rural zoning district), then the more recent and specific provisions of Section 8.20 control. *See Rockwell v. Jefferson County Board of Zoning Appeals*, No. 2022-C-141 (May 19, 2023) (appeal pending), pp. 14 & 19-22. Regarding the criteria of scale and intensity of the use, this standard was not specifically addressed in Section 8.20 of this Ordinance. Regardless, this point and the following points will address the topic.
- A fully operating agricultural operation is quite intense in scale from the standpoint of runoff, dust, noise, and pesticide use. Solar Facilities, once fully operational, do not exceed this level of intensity exhibited yearly by full-scale agricultural operations. Furthermore, this provision discusses the potential of scale and intensity of uses in the area. Many uses, some quite intense, are permitted in the Rural District in Jefferson County either as Principal Permitted Uses, or by Conditional Use Permits. These uses include Hospitals, Airports, Hotels, Convention Centers, Event Centers, and Solar Facilities, among many other uses. Since zoning was adopted in Jefferson County in 1988, the potential for all of these uses have been added over the years by the County Commission. Initially, the Rural District was labeled as the Agricultural District in the Zoning Ordinance when it was first developed. Because of Conditional Uses that were granted for other uses beyond agricultural, the name of the district was changed to Rural so that there were no expectations that the district would remain in farming. This change also recognized that this district would be an ever-changing zone that allowed other uses as found in Appendix C of the Zoning Ordinance. These uses include Solar Facilities, and the neighboring properties can likewise develop their land into the more flexible and/or intense uses found in Appendix C. All of these uses have been determined to be compatible with the Rural District based on the action of the County and County Agencies over the 35 plus years that zoning has been in effect in Jefferson County. The proposed solar project will not adversely affect the ability of owners of adjacent properties to engage in any of the activities permissible in the rural zoning district.
- Upon decommissioning of the Project, this land can be converted back to farmland, unlike other properties and farms that may be converted into housing developments or other more

intensive uses. As previously mentioned, financial security will be provided pursuant to State Law to guarantee proper decommissioning is achieved.

- The scale and intensity of the Project will also remain compatible with the surrounding land uses in terms of sound, traffic, dust, and other things typically involved in the farming of the surrounding areas. Upon completion, there will be very little traffic generated by the Project. There are no paved areas in and around the solar panel arrays. Furthermore, the Project will not require new sewer service, new water service, nor new public roads and it will not add any burden to the school system. By mostly using the existing contours, storm water will sheet flow and drain off the property as it has in the past. Native or naturalized grasses will be planted to minimize erosion and to provide a natural filtration system for stormwater. Because no fuel is being consumed, the Project produces zero air emissions. Solar panels are designed to absorb (not reflect) light from the sun, so there is little to no glare created from the panels, and a glare study will be procured to ensure this is the case. The Project would also not raise ambient noise levels in the way many other developments would. Importantly, this Project will be located immediately adjacent to existing electrical transmission infrastructure and thereby minimizes its impact on surrounding land uses. This is a frequently overlooked fact, and one that addresses concerns that the country will be overrun with solar panels - the economics of most solar projects demands that they be located close to existing transmission facilities. In this way, the location of the Project helps to preserve farmland and open space and to protect ongoing agriculture in areas not already impacted by electrical infrastructure.
- The Project will be less intrusive than the permitted residential development in the rural district which could develop into one house lot for every 5 acres of a farm. Potentially, all of the surrounding land could develop into 20 houses per 100 acres, which would be more intensive than the development of solar panels that need virtually no services and cause little noise and hardly any traffic.

Furthermore, the solar panels and supportive infrastructure will use industry approved material and will be installed utilizing the Public Service Commission, West Virginia Department of Environmental Protection (WVDEP), Department of Highways, and any Jefferson County standards to minimize risks to public health and welfare. We are aware of complaints that grading and site preparation work at another facility produced excessive amounts of sediment during some rainstorms, but such impacts are not an inevitable consequence of land preparation - it is an execution and enforcement issue. The WVDEP maintains a robust construction stormwater permit template which will be stringently followed, to prevent significant off-site impacts. And, as mentioned above, the Project will mostly use the existing contours, and native or naturalized grasses will be planted to minimize erosion and to provide a natural filtration system for stormwater.

- Photovoltaic solar cells are inherently passive in operation. Therefore, air, water, noise, and light pollution will be negligible. Low maintenance requirements will minimize site traffic.
- Solar panels undergo mandatory toxicity tests and are made of non-hazardous materials designed to withstand harsh weather conditions without leaching into the ground or air.

- The Project will consist of rows of solar modules with internal access roads, electrical substation, and a Battery Energy Storage System (BESS) to store power when it is not needed by the grid operator. Commercial entrances off of Lewisville Road and Franklinton Road will be surrounded by security fencing and required zoning buffer, screening and stormwater management. The site will be seeded with native or naturalized perennial vegetation to create a meadow condition. Existing vegetations and trees will be retained to the extent possible at outside property boundaries and buffer areas to assist in natural screening.

**3. Use Will Not Hinder or Discourage the Appropriate Development and Use of Adjacent Land and Buildings:**

- The development of the Project will be in compliance with both the Zoning and Concept Plan Standards that were written and approved by Jefferson County. Other permitted uses, existing, proposed, or possible, will still be able to be developed without adverse impacts. This includes potential rural housing developments or the continuation of farming on the adjacent and confronting lands.
- Furthermore, the development of the Project requires suitable vegetative buffers for the neighboring properties based on the various surrounding uses that will be installed and maintained by the Project owner.
- Upon decommissioning of the Project, the land can be converted back to farmland, unlike other properties and farms that may be converted into housing developments or other more intensive uses. As previously mentioned, financial security will be provided pursuant to State Law to guarantee proper decommissioning is achieved.
- The Project will consist of rows of solar modules with internal access roads, electrical substation, BESS, commercial entrance(s), and will be surrounded by security fencing and required zoning buffer, screening and stormwater management. The site will be seeded with deep-rooted, native or naturalized vegetation reducing soil erosion, dust, odor, and noise pollution that is currently generated by farming activities.
- Existing vegetation and trees will be retained to the extent possible at outside property boundaries and buffer areas to assist in natural screening. As mentioned above, the Project is inherently passive in operation. Daily vehicle trips for maintenance will be minimal and will not produce conditions that hinder growth on adjacent properties.

**4. Neighborhood Character and Surrounding Property Values will be Safeguarded by the Implementation of the Buffering Requirements:**

- This Project will follow the buffering requirements in the ordinance that were tailored just for solar facilities. These buffer requirements were developed with the first set of amendments to the ordinances and were kept in the second adopted set of standards. These standards were developed using public comment and staff and Planning Commission study



of many Solar Facility Ordinances around the country. These standards are greater than many other higher intensity commercial developments.

- Most of the Project is on and adjacent to agricultural lands that are already buffered from housing and roads. Two county requirements will minimize visual impacts. First, the county stormwater management requirements limit the lowest point of the panel to the ground at not more than 10 feet. Second, the Ordinance imposes a general setback of 100 feet from external property lines for all solar panels (absent compliance with additional criteria for a reduced setback) and requires a screening buffer for all panels that are within 200 feet of either a residence or certain other structures. The Project proposes to meet the 100-foot setback requirement along much of its perimeter, when abutting land in agricultural production. In locations where this setback is reduced to 50 feet, a dense two-row, staggered evergreen tree buffer will be planted within the 50-foot setback to obstruct views of the facility. Additionally, even though many of the panels will be located more than 200 feet from any residence (and therefore would not require a screening buffer), the Project proposes to install a landscape screening buffer along the project's perimeter anywhere the project abuts a residential use. To further reduce visual impacts, the maximum highest point of the proposed solar panels will meet the height restrictions set forth in the ordinance. Also, any existing or proposed plantings or fencing used for buffering shall be maintained or replaced by the Project owner.
- The future values will be protected by the fact that the developed areas within the Project can be returned to open land upon decommissioning of the Solar facility. The applicant commissioned an appraisal on whether the Project will have any impact on adjoining property values. The appraisal concluded that since criteria that typically correlate with downward adjustments on property values such as noise, odor, and traffic will not be generated by a solar facility, and therefore a solar facility is a compatible use for rural/residential transition areas and would not appreciably depress land values. In addition, the study confirmed that there are no impacts on home values due to abutting a solar farm when there are proper setbacks and screening.
- Applicant representatives met with the Jefferson County Engineering Staff to discuss their internal changes in their review and approval of Storm Water Management (SWM) design for Solar Facilities. The Project's SWM design submittal will include design aspects to meet the county's SWM ordinance and their updated review process.

**5. Commercial and Industrial Development Shall be in Conformance with Article 8, Section 8.9:**

- This CUP Plan and the Concept Plan process will be approved with this condition. The Applicant recognizes Section 8.9 (establishing standards for noise, odor, smoke, etc., for industrial and commercial uses) and will be in conformance.

**6. Traffic**

- Due to the limited personnel, the operations and maintenance of the Project will result in minimal vehicular traffic generation. Two to three utility-type maintenance vehicles would

be anticipated to support the site operations. These vehicles would be anticipated to generate an average of two trips per day with a maximum of four trips per day. The maintenance and operations work efforts would generally require vehicular trips to the site outside of the a.m. and p.m. peak traffic periods. Typical operation and maintenance procedures for the Project would include inspection of each of the solar panel sites on a frequency of at least once per week, informal site inspections and corrective maintenance for the Project occurring on an as-needed basis, conducting ground maintenance of the Project during growing season months (a couple times per year if mechanically mowing), or multiple times per week if managing alternate strategies such as sheep grazing.

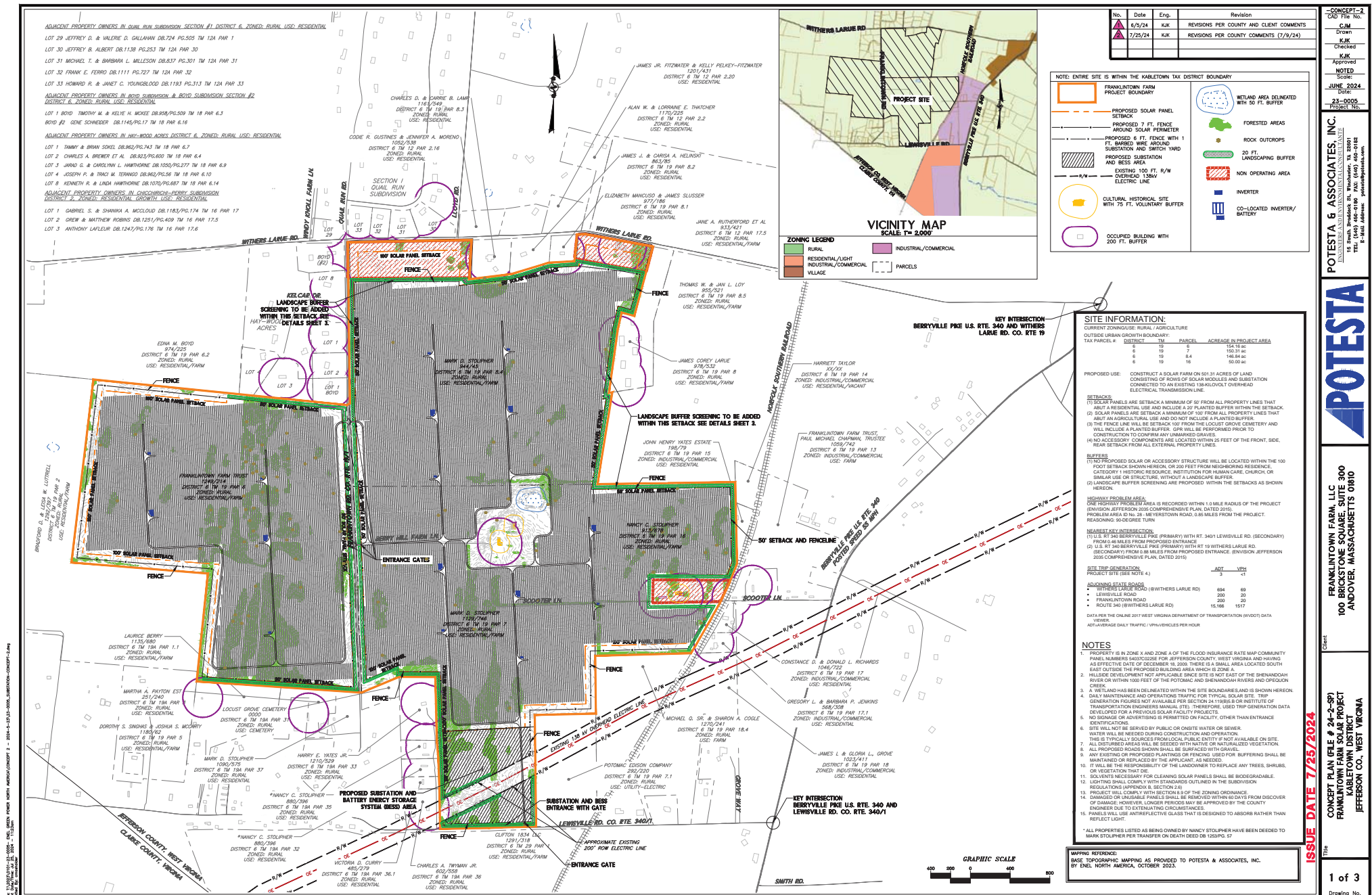
- **Trip Generation** – “Solar Facility” is not listed on table 24-119.B.5.b, nor is it included in the International Transportation Manual; therefore, trip generation data developed for a previously proposed Solar facility project located in Jefferson County, West Virginia will be presented for this project.

#### Trip Generation for Franklinton Solar Project

- ☐ Vehicles per Day = 2-3 vpd
- ☐ Maximum and Average Trips Per Day = Max-4 vpd / Ave-2 vpd
- Due to the minimal trips generated by the maintenance and operations of the Project, the existing low volume of traffic along the site access roadways, and the rural nature of the site (not an urbanized congested location), the traffic impacts on the roadway operating level of service will be negligible.
- **Highway Problem Areas** - One Highway Problem Area is recorded within a 1.0-mile radius of the Project. According to Envision Jefferson 2035 Comprehensive Plan, dated 2015, the problem area (ID No. 28) is a 90-degree turn on Meyerstown Road, 0.85 mile from the project.

#### 7. **Historic Compliance**

- A cultural resources desktop study has been conducted for the Project, and the findings have been included in the constraints buffer shown on the concept plan. The study determined that there are no Category I Jefferson County Landmarks within the Project area.
- A Category II Historic Resource, the Berry Hill House is located within the project area and has a proposed buffering that meets the ordinance amendment buffering for historic structures and areas. The Historic Landmarks Commission is welcome to comment on the plan.



No.	Date	Eng.	Revision
1	6/5/24	KJK	REVISIONS PER COUNTY AND CLIENT COMMENTS
2	7/25/24	KJK	REVISIONS PER COUNTY COMMENTS (7/9/24)

NOTE: ENTIRE SITE IS WITHIN THE KABLETOWN TAX DISTRICT BOUNDARY

FRANKLINTOWN FARM PROJECT BOUNDARY

PROPOSED SOLAR PANEL SETBACK

PROPOSED 7 FT. FENCE AROUND SOLAR PERIMETER

PROPOSED 6 FT. FENCE WITH 1 FT. BARBED WIRE AROUND SUBSTATION AND SWITCH YARD

PROPOSED SUBSTATION AND BESS AREA

EXISTING 100 FT. R/W OVERHEAD 138KV ELECTRIC LINE

CULTURAL, HISTORICAL SITE WITH 75 FT. VOLUNTARY BUFFER

OCCUPIED BUILDING WITH 300 FT. BUFFER

WETLAND AREA DELINEATED WITH 50 FT. BUFFER

FORESTED AREAS

ROCK OUTCROPS

20 FT. LANDSCAPING BUFFER

NON OPERATING AREA

INVERTER

CO-LOCATED INVERTER/BATTERY

VICINITY MAP  
SCALE 1"= 2,000'

ZONING LEGEND

RURAL

RESIDENTIAL/LIGHT INDUSTRIAL/COMMERCIAL VILLAGE

INDUSTRIAL/COMMERCIAL

PARCELS

**SITE INFORMATION:**

CURRENT ZONING: RURAL AGRICULTURE

OUTSIDE URBAN GROWTH BOUNDARY

TAX PARCELS #	DISTRICT	AREA	ACRES IN PROJECT AREA
1	19	154.18	6
2	19	148.84	6
3	19	90.20	4

PROPOSED USE: CONSTRUCT A SOLAR FARM ON 501.31 ACRES OF LAND CONSISTING OF ROWS OF SOLAR MODULES AND SUBSTATION CONNECTED TO AN EXISTING 138-KV/OLT OVERHEAD ELECTRICAL TRANSMISSION LINE

**SETBACKS:**

(1) SOLAR PANELS ARE SETBACK A MINIMUM OF 50' FROM ALL PROPERTY LINES THAT ADJUT A RESIDENTIAL USE AND INCLUDE A 20' PLANTED BUFFER WITHIN THE SETBACK.

(2) SOLAR PANELS ARE SETBACK A MINIMUM OF 100' FROM ALL PROPERTY LINES THAT ADJUT AN AGRICULTURAL USE AND DO NOT INCLUDE A PLANTED BUFFER.

(3) THE FENCE LINE WILL BE SETBACK 100' FROM THE LOCUST GROVE CEMETERY AND WILL INCLUDE A PLANTED BUFFER. GPR WILL BE PERFORMED PRIOR TO CONSTRUCTION TO CONFIRM ANY UNMARKED GRAVES.

(4) NO ACCESSORY COMPONENTS ARE LOCATED WITHIN 25 FEET OF THE FRONT, SIDE, REAR SETBACK FROM ALL EXTERNAL PROPERTY LINES.

**BUFFERS:**

(1) NO PROPOSED SOLAR OR ACCESSORY STRUCTURE WILL BE LOCATED WITHIN THE 100' FOOT SETBACK SHOWN HEREON, OR 200 FEET FROM NEIGHBORING RESIDENCE, CATEGORY 1 HISTORIC RESOURCE, INSTITUTION FOR HUMAN CARE, CHURCH, OR SIMILAR USE OR STRUCTURE, WITHOUT A LANDSCAPE BUFFER.

(2) LANDSCAPE BUFFER SCREENING ARE PROPOSED WITHIN THE SETBACKS AS SHOWN HEREON.

**HIGHWAY PROBLEM AREA:**

ONE HIGHWAY PROBLEM AREA IS RECORDED WITHIN 1.0 MILE RADIUS OF THE PROJECT ENVIRONMENT. AFTER JUNE 2025 COMPREHENSIVE PLAN, DATED 2015.

PROBLEM AREA C-10: 28- NEVERSTOWN ROAD, 0.8 MILES FROM THE PROJECT. REASONING: WIDENING TURN.

**NEAREST KEY INTERSECTION:**

(1) U.S. RT 340 BERRYVILLE PIKE (PRIMARY) WITH RT 340/1 LEWISVILLE RD. (SECONDARY) 0.5 MILES FROM PROPOSED ENTRANCE

(2) U.S. RT 340 BERRYVILLE PIKE (PRIMARY) WITH RT 19 WITHERS LARUE RD. (SECONDARY) FROM 0.8 MILES FROM PROPOSED ENTRANCE. ENVISION EFFERSON 2025 COMPREHENSIVE PLAN, DATED 2015.

**ADJOINING STATE ROADS**

ROAD	AREA	ACRES
WITHERS LARUE RD. (B/WITHERS LARUE RD.)	694	69
LEWISVILLE ROAD	200	20
FRANKLINTOWN FARM TRUST	200	20
ROUTE 340 (B/WITHERS LARUE RD.)	15,166	1517

DATA PER THE ONLINE 2017 WEST VIRGINIA DEPARTMENT OF TRANSPORTATION (WVDOT) DATA HEREON.

ADT-AVERAGE DAILY TRAFFIC / VEHICLES PER HOUR

**NOTES:**

1. PROPERTY IS IN ZONE X AND ZONE A OF THE FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBERS 540230C02 FOR JEFFERSON COUNTY, WEST VIRGINIA AND HAVING AS EFFECTIVE DATE OF DECEMBER 16, 2009. THERE IS A SMALL AREA LOCATED SOUTH EAST OUTSIDE THE PROPOSED BUILDING AREA WHICH IS ZONE A.

2. FUTURE DEVELOPMENT NOT AVAILABLE SINCE SITE IS NOT EAST OF THE SHENANDOAH RIVER OR WITHIN 1000 FEET OF THE POTOMAC AND SHENANDOAH RIVERS AND OPELOON CREEK.

3. A WETLAND HAS BEEN DELINEATED WITHIN THE SITE BOUNDARIES AND IS SHOWN HEREON. DAILY MAINTENANCE AND OPERATIONS TRAP FOR TYPICAL SOLAR SITE. TRAP GENERATION FIGURES NOT AVAILABLE PER SECTION 24.119(b) OR INSTITUTE OF TRANSPORTATION ENGINEERS MANUAL (ITE). THEREFORE, USED TRIP GENERATION DATA DEVELOPED FOR A PREVIOUS SOLAR FACILITY PROJECTS.

4. NO SIGNAGE OR ADVERTISING IS PERMITTED ON FACILITY, OTHER THAN ENTRANCE IDENTIFICATION.

5. SITE WILL NOT BE SERVED BY PUBLIC OR ON-SITE WATER OR SEWER WATER WILL BE NEEDED DURING CONSTRUCTION AND OPERATION.

6. THIS IS TYPICALLY SOLAR FROM LOCAL PUBLIC UTILITY AVAILABLE ON SITE.

7. ALL DISTURBED AREAS WILL BE SEEDING WITH NATIVE OR NATURALIZED VEGETATION. ALL PROPOSED ROADS SHOWING SHALL BE SURFACED WITH GRAVEL.

8. ANY EXISTING OR PROPOSED PLANTINGS OR FENCING USED FOR BUFFERING SHALL BE MAINTAINED OR REPLACED BY THE APPLICANT WITHIN 60 DAYS OF COMPLETION OF CONSTRUCTION.

9. IT WILL BE THE RESPONSIBILITY OF THE LANDOWNER TO REPLACE ANY TREES, SHRUBS, OR VEGETATION THAT DIE.

10. SOLVENTS NECESSARY FOR CLEANING SOLAR PANELS SHALL BE BIODEGRADABLE.

11. LIGHTING SHALL COMPLY WITH STANDARDS OUTLINED IN THE SUBDIVISION REGULATIONS APPENDIX B, SECTION 2.6.

12. PROJECT WILL COMPLY WITH SECTION 8.3 OF THE ZONING ORDINANCE.

13. DAMAGED OR UNUSABLE PANELS SHALL BE REMOVED WITHIN 60 DAYS FROM DISCOVERY OF DAMAGE. HOWEVER, LONGER PERIODS MAY BE APPROVED BY THE COUNTY ENGINEER DUE TO EXTENUATING CIRCUMSTANCES.

14. PANELS WILL USE ANTI-REFLECTIVE GLASS THAT IS DESIGNED TO ABSORB RATHER THAN REFLECT LIGHT.

15. ALL PROPERTIES LISTED AS BEING OWNED BY NANCY STOLPHER HAVE BEEN DEEDED TO MARK STOLPHER PER TRANSFER ON DEATH USED IN DISCUSS 15.

**WAPPING REFERENCE:**

BASE TOPOGRAPHIC MAPPING AS PROVIDED TO POTESTA & ASSOCIATES, INC. BY ENEL NORTH AMERICA, OCTOBER 2023.

CONCEPT-2  
CAD File No.

6/5/24  
KJK  
Checked

7/25/24  
KJK  
Approved

NOTED  
Score

JUNE 2024  
Site

23-0005  
Project No.

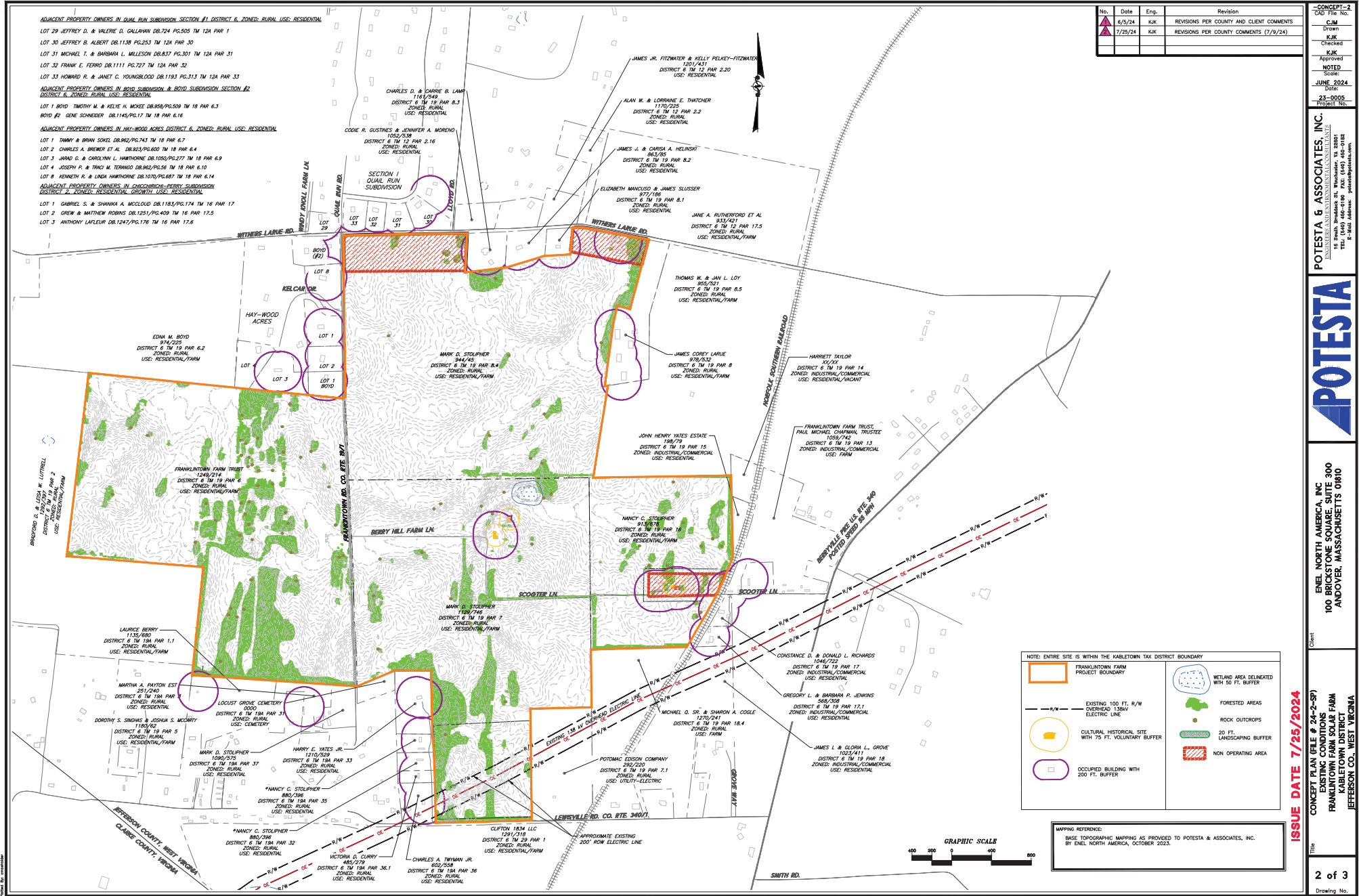
POTESTA & ASSOCIATES, INC.  
16 South Broad Street, West Virginia, VA 22601  
TEL: 703-444-1111 FAX: 703-444-9888  
WWW.POTESTA-AND-ASSOCIATES.COM


FRANKLINTOWN FARM, LLC  
100 BRICKSTONE SQUARE, SUITE 300  
ANDOVER, MASSACHUSETTS 01810

ISSUE DATE 7/25/2024

1 of 3  
Drawing No.





No.	Date	Eng.	Revision
	6/5/24	KJK	REVISIONS PER COUNTY AND CLIENT COMMENTS

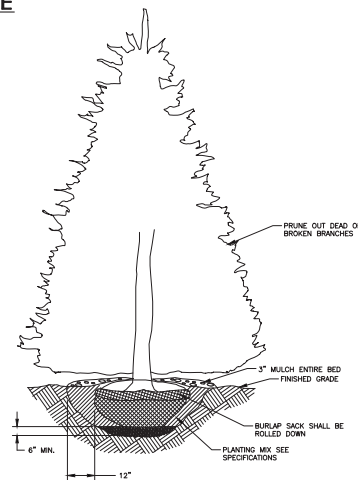
**POTESTA & ASSOCIATES, INC.**  
ENGINEERS AND ENVIRONMENTAL CONSULTANTS  
15 South Braddock St., Winchester, VA 22601  
TEL: (540) 450-0180 FAX: (540) 450-0182  
E-Mail Address: [potesta@potesta.com](mailto:potesta@potesta.com)

PLANTING DESCRIPTION:

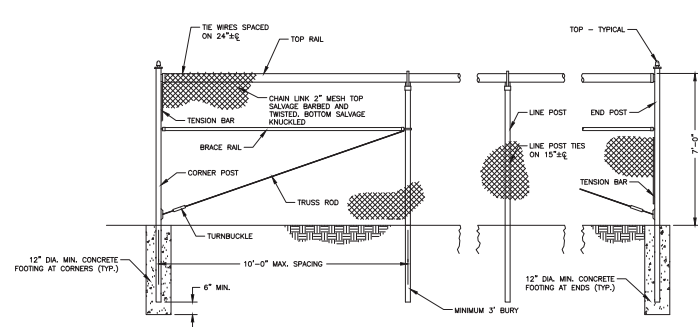
TWO ROWS OF EVERGREENS, 10' ON CENTER, PLANTED AT MINIMUM 6' HIGH

### GENERAL LANDSCAPE NOTES

1. QUALITY AND SIZE OF PLANTS, SPREAD OF ROOTS, AND SIZE OF BALLS SHALL BE IN ACCORDANCE WITH THE CURRENT STANDARDS OF THE AMERICAN ASSOCIATION OF NURSERYMEN "AMERICAN STANDARDS FOR NURSERY STOCK".
2. PLANTS SHALL BE REQUIRED TO BE SPECIALLY GROWN FOR THE PROJECT. PLANTS SHALL BE PERMANENTLY IDENTIFIED. IDENTIFICATION IS COMPLETE AND FINAL. ACCEPTANCE OF SITE WORK HAS BEEN GIVEN, AND THE PLANT MATERIAL, WHICH IS SPECIALLY GROWN FOR THE ONE PROJECT, SHALL BE SPECIALLY GROWN FOR THE PROJECT. PLANTS SHALL BE PROMPTLY REPLACED AT THE CONTRACTOR'S EXPENSE AS ORIGINALLY SPECIFIED.
3. PLANTS SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL PLANTS, INCLUDING ALL MAJOR ADJUSTMENTS IN PLANT AND/OR LOCATION OF PLANT MATERIALS. CONTRACTOR TO VERIFY "AS BUILT" LOCATION OF ALL UTILITIES.
4. PLANTS SHOULD BE CHOSEN BASED ON AVAILABILITY AND MATERIAL SPECIFICATIONS. COPIES OF PLANT ORDERS SHALL BE SUBMITTED TO THE ARCHITECT FOR REVIEW. PLANT ORDERS SHALL BE SUBMITTED TO THE ARCHITECT FOR REVIEW. PLANT ORDERS SHALL BE SUBMITTED TO THE ARCHITECT FOR REVIEW. PLANT ORDERS SHALL BE SUBMITTED TO THE ARCHITECT FOR REVIEW.
5. EVERYTHING WILL NEED TO BE SUBMITTED TO THE OWNER IN WRITING FOR APPROVAL OF THE OWNER.
6. ALL PLANTS NOT STABILIZED IN VESSEL SHALL BE PLANTED IN A CONTAINER.
7. SUBSTITUTION OF TREES SHALL HAVE A PLANT BRANCHED, CONICAL FORM, FOR PHYSICAL OF THE SPECIES, FREE FROM DISEASE AND MEETING THE SIZE REQUIREMENTS. PLANT MATERIAL NOT MEETING THE REQUIREMENTS, AS SPECIALLY DETERMINED BY THE ARCHITECT REPRESENTATIVE SHALL BE REPLACED AT THE CONTRACTOR'S EXPENSE.
8. PLANTS SHALL BE PLANTED AND STAKED IN ACCORDANCE WITH THE STAKING DETAIL, SHOWING THE SPRING PLANTING WINDOW FOR TREES AND SHRUBS IS BETWEEN MARCH 15 AND MAY 15th, AND THE FALL PLANTING WINDOW IS BETWEEN NOVEMBER AND DECEMBER.
9. THE FULL EXTENT OF ALL PLANTING BEDS SHALL RECEIVE 4" OF TOPSOIL AND 2" OF BARK MULCH PER SPECIFICATIONS.
10. THE CONTRACTOR SHALL SUPPLY ALL PLANT MATERIALS IN QUANTITIES SUFFICIENT TO COMPLETE THE PLANTINGS.
11. PLANTS SHALL BE PLANTED AND STAKED IN ACCORDANCE WITH THE STAKING DETAIL, SHOWING THE SPRING PLANTING WINDOW FOR TREES AND SHRUBS IS BETWEEN MARCH 15 AND MAY 15th, AND THE FALL PLANTING WINDOW IS BETWEEN NOVEMBER AND DECEMBER.
12. ALL PLANTS SHALL BEAR THE SAME LABELING TO FISHBONE GRADE AS THE PLANTS ORIGINAL GRADE, BEFORE DIGGING.
13. PLANTS SHALL WATER ALL PLANTS THOROUGHLY TWICE DURING THE FIRST 24 HOUR PERIOD AFTER PLANTING, AND THEN WEEKLY OR MORE OFTEN, IF NECESSARY, DURING THE FIRST GROWING SEASON.
14. REQUIRED LANDSCAPING AND BUFFERS WILL BE MAINTAINED IN ACCORDANCE WITH THE APPROVED MAINTENANCE PLAN FOR LANDSCAPE MAINTENANCE.
15. ONE YEAR AFTER INSTALLATION IS COMPLETE, IT WILL BE THE RESPONSIBILITY OF THE LANDOWNER TO REPLACE ANY PLANTS THAT ARE DEAD OR DAMAGED.
16. DISTURBED AREAS WILL BE SEEDDED WITH COMMERCIALLY AVAILABLE, NATIVE OR NATURAL VEGETATION. THE P/V SHALL BE PLANTED TO THE AREA TO BE SEEDDED. THE P/V SHALL BE PLANTED TO THE AREA TO BE SEEDDED. THE P/V SHALL BE PLANTED TO THE AREA TO BE SEEDDED.
17. MATURED VEGETAL COVER SHALL HAVE A MINIMUM OF 90 PERCENT OR BETTER UNIFORM COVERAGE.
18. ALL PROPOSED ROADS SHALL BE SURFACED WITH GRAVEL.
19. SEPARATORS THAT ARE LOCATED AT THE INTERSECTION OF A HIGHWAY AND A HIGHWAY HISTORIC RESERVE INSTITUTION FOR HUMAN CARE, CHURCH, ETC. SHALL BE SURFACED WITH GRAVEL.
20. ACCESSORY COMPONENTS WITHIN 200' OF ANY RESIDENCE, CHURCH, HISTORIC RESERVE INSTITUTION, PROPERTY FOR HUMAN CARE, CHURCH, ETC. SHALL BE SURFACED WITH GRAVEL.
21. EXISTING VEGETATION AND TREES SHALL BE RETAINED TO THE GREATEST EXTENT POSSIBLE AT THE PROJECT SITE. BOUNDARIES AND BUFFER AREAS TO ASSIST IN NATURAL SCREENING. EXISTING VEGETATION MAY BE UTILIZED, IN LIEU OF A PLANTED BUFFER, AS APPROVED BY THE ZONING ADMINISTRATION. DOCUMENTATION MUST BE SUBMITTED TO THE ZONING DEPARTMENT FOR REVIEW.



### TREE STAKING DETAIL



### TYPICAL FENCE DETAIL

## PHYSICAL PROPERTY DETAILS

Property Owner	Mark D. Stolipher	Mark D. Stolipher	Nancy Stolipher*	Franklinton Farm Trust
Physical Address	261 Berry Hill Farm Ln., Summit Point, WV 25446	2998 Withers Larue Rd. Summit Point, WV 25446	322 Scooter Ln. Charles Town, WV 25414	651 & 653 Franklinton Rd., Summit Point, WV 25446
Deed Book	1129	944	913	1249
Page	746	45	678	214
Parcel ID	District 6, TM#19, Parcel 7	District 6, TM#19, Parcel 8.4	District 6, TM#19, Parcel 16	District 6, TM#19, Parcel 6
Zoning District	Rural	Rural	Rural	Rural
Total Parcel Size	150.31 Acres	146.84 Acres	50.0 Acres	154.16 Acres
Project Area	150.31 Acres	146.84 Acres	50.0 Acres	154.16 Acres

*\*All properties listed as being owned by Nancy Stolipher have been deeded to Mark Stolipher per Transfer on Death Deed (DB 1253 pg 57).*



## ADJOINING PROPERTY INFORMATION

1. Electrical Substation TM 19 PAR 7.1  
Owner: Potomac Edison Co.  
Address: 10435 Downsville Pike  
Hagerstown, MD 21740  
Zoned: Rural
2. TM 19 PAR 18.4  
Owner: Michael Q. Cogle Sr. & Sharron A. Cogle  
Address: 108 Childs Farm Ln.  
Kearneysville, WV 25430  
Zoned: Rural
3. TM 19 PAR 17.1  
Owner: Gregory L. & Barbara P. Jenkins  
Address: PO Box 94  
Rippon, WV 25441  
Zoned: Industrial/Commercial
4. TM 19 PAR 17  
Owner: Constance D. & Donald L. Richards  
Address: PO Box 136  
Rippon, WV 25441  
Zoned: Industrial/Commercial
5. TM 19 PAR 13  
Owner: Paul Michael Chapman  
Address: PO 184  
Rippon, WV 25441  
Zoned: Industrial/Commercial
6. TM 19 PAR 15  
Owner: John Henry Yates Estate  
Address: 132 Hidden Hollow Dr.  
Kearneysville, WV 25430  
Zoned: Industrial/Commercial
7. TM 19 PAR 14  
Owner: Harriett Taylor  
Address: PO Box 81  
Rippon, WV 25441  
Zoned: Industrial/Commercial
8. TM 19 PAR 18  
Owner: James L. & Gloria L. Grove  
Address: 130 Grove Way  
Summit Point, WV 25446  
Zoned: Industrial/Commercial
9. TM 19 PAR 8.5  
Owner: Thomas W. & Jan L. Loy  
Address: PO Box 43  
Rippon, WV 25441  
Zoned: Rural
10. TM 19 PAR 8  
Owner: James Corey Larue  
Address: PO Box 291  
Rippon, WV 25441  
Zoned: Rural
11. TM 19 PAR 8.1  
Owner: Elizabeth & James Slusser Mancuso  
Address: 2882 Withers Larue Rd.  
Rippon, WV 25441  
Zoned: Rural
12. TM 19 PAR 8.2  
Owner: James J. & Carisa A. Helinski  
Address: PO Box 204  
Rippon, WV 25441  
Zoned: Rural
13. TM 19 PAR 8.3  
Owner: Charles D. and Carrie B. Lamp  
Address: PO Box 25  
Rippon, WV 25441  
Zoned: Rural
14. TM 18 PAR 6.16  
Owner: Gene Schneider  
Address: 1113 Franklinton Rd.  
Summit Point, WV 25446  
Zoned: Rural

15. TM 18 PAR 6.14  
Owner: Kenneth R. & Linda Hawthorne  
Address: 58 Kelcar Dr.  
Summit Point, WV 25446  
Zoned: Rural
16. TM 18 PAR 6.7  
Owner: Tammy & Brian Sokel  
Address: 45 Kelcar Dr.  
Summit Point, WV 25446  
Zoned: Rural
17. TM 18 PAR 6.4  
Owner: Charles A. Brewer et al.  
Address: 887 Franklinton Rd.  
Summit, WV 25446  
Zoned: Rural
18. TM 18 PAR 6.3  
Owner: Timothy M. & Kelye H. McKee  
Address: Franklinton Rd.  
Summit Point, WV 25446  
Zoned: Rural
19. TM 18 PAR 6.9  
Owner: Jarad G. & Carolynn L. Hawthorne  
Address: 199 Kelcar Dr.  
Summit Point, WV 25446  
Zoned: Rural
20. TM 18 PAR 6.10  
Owner: Joseph P. & Traci M. Terango  
Address: 198 Kelcar Dr.  
Summit Point, WV 25446  
Zoned: Rural
21. TM 18 PAR 6.2  
Owner: Edna M. Boyd  
Address: PO Box 39  
Rippon, WV 25441  
Zoned: Rural
22. TM 19 PAR 2  
Owner: Bradford D. & Leisa W. Luttrell  
Address: 585 Boyer Ln.  
Summit Point, WV 25446  
Zoned: Rural
23. TM 19A PAR 5  
Owner: Joshue S. McCarthy & Dorothy Singhas  
Address: 235 Singhas Ln.  
Summit Point, WV 25446  
Zoned: Rural
24. TM 19A PAR 1.1  
Owner: Laurice Berry  
Address: PO 73  
Rippon, WV 25441  
Zoned: Rural
25. TM 19A PAR 3  
Owner: Martha A. Payton -EST  
Address: 64 Payton Way  
Summit Point, WV 25446  
Zoned: Rural
26. TM 19A PAR 37  
Owner: Mark Stolipher  
Address: PO Box 190  
Rippon, WV 25441  
Zoned: Rural
27. TM 19A PAR 31  
Owner: Locust Grove Cemetery  
Address: N / A  
Zoned: Rural
28. TM 19A PAR 33  
Owner: Harry E. Yates Jr.  
Address: PO Box 103  
Rippon, WV 25441  
Zoned: Rural

29. TM 19A PAR 35  
Owner: Nancy C. Stolipher\*  
Address: 1599 Roper North Fork Rd.  
Charles Town, WV 25414  
Zoned: Rural
30. TM 19A PAR 32  
Owner: Nancy C. Stolipher\*  
Address: 1599 Roper North Fork Rd.  
Charles Town, WV 25414  
Zoned: Rural
31. TM 19A PAR 36  
Owner: Victoria D. Curry  
Address: 93 Woods Ln.  
Summit Point, WV 25446  
Zoned: Rural
32. TM 19A PAR 36  
Owner: Charles A. Twyman Jr.  
Address: 2507 Lewisville Rd.  
Summit Point, WV 25446  
Zoned: Rural
33. TM 12A PAR 1  
Owner: Jeffery D. & Valerie D.  
Gallahan  
Address: 29 Quail Run Rd.  
Summit Point, WV 25446  
Zoned: Rural
34. TM 12A PAR 33  
Owner: Howard R. & Janet C.  
Youngblood  
Address: 44 Quail Run Rd.  
Summit Point, WV 25446  
Zoned: Rural
35. TM 12A PAR 32  
Owner: Frank E. Ferro  
Address: 64 Pheasant Hill Rd.  
Summit Point, WV 25446  
Zoned: Rural
36. TM 12A PAR 31  
Owner: Michael T. & Barbara L.  
Milleson  
Address: 94 Pheasant Hill Rd.  
Summit Point, WV 25446  
Zoned: Rural
37. TM 12A PAR 30  
Owner: Jefferey B. Albert  
Address: 126 Pheasant Hill Rd.  
Summit Point, WV 25446  
Zoned: Rural
38. TM 12 PAR 2.16  
Owner: Codie R. Gustines & Jenifer A.  
Moreno  
Address: 48 Carnegie Links Dr.  
Summit Point, WV 25446  
Zoned: Rural
39. TM 12 PAR 2.13  
Owner: Cara L. McCormick  
Address: 2789 Wither Larue Rd.  
Martinsburg, WV 25405  
Zoned: Rural
40. TM 12 PAR 2.20  
Owner: James Fitzwater Jr. & Kelly  
Pelkey-Fitzwater  
Address: 83 Webber Springs Dr.  
Inwood, WV 25428  
Zoned: Rural
41. TM 12 PAR 2.2  
Owner: Allan W. & Lorraine E. Thatcher  
Address: 2921 Withers Larue Rd.  
Summit Point, WV 25446  
Zoned: Rural
42. TM 12 PAR 17.5  
Owner: Jane A. Rutherford Et al.  
Address: 3578 Bakerton Rd.  
Harpers Ferry, WV 25425  
Zoned: Rural



43. TM 29 PAR 1

Owner: Clifton 1834 LLC

Address: 1625 K St., Ste. 1025

Washington, D.C. 20006-1604

Zoned: Rural

*\* All properties listed as being owned by Nancy Stolipher have been deeded to Mark Stolipher per Transfer on Death Deed (DB 1253 pg 57).*