

SHEPHERDSTOWN PLANNING COMMISSION MINUTES
REGULAR MEETING AND PUBLIC HEARING

Monday, November 17, 2025
6:00 p.m.
TOWN HALL
104 NORTH KING STREET, SHEPHERDSTOWN

Executive Summary:

The Planning Commission reviewed four applications at its meeting last night. Two applications for building a porch in shepherd village were deferred at the applicant's request. A second application for building a fence was deferred due to the applicant's absence. The application for a fence at High and Duke was approved, with the Commission noting that the unique conditions on Duke Street, a heavily traveled corridor, made safety and quality of life considerations paramount and ultimately outweighed aesthetic concerns, even though the decision may be viewed as controversial. The Commission also considered a stormwater mitigation proposal from St. Agnes Church, which raised procedural questions because it wasn't clear if this type of project appears in Title 9 as requiring Planning Commission approval. Members also expressed concern about potential unintended impacts on neighboring properties and the need for review by an independent engineering firm selected by the Town. The Commission voted to defer the matter pending a legal opinion from the Mayor and Town Attorney regarding jurisdiction and a technical review by a second engineering firm to assess the project's appropriateness and potential effects.

Continuing Business included increasing the time between HLC and PC meetings to two weeks (by accepting HLC's offer to move to the first Monday of each month), and updates to the Title 9 revision and staff hiring processes.

New business included confirming the status of planning commission members and discussing their responsibilities for granting earlier public access to the meeting during winter months, taking meeting minutes, creating an executive summary, reporting from town council and attending county planning commission meetings.

1. Call to Order: 6:36 pm

Commissioners Present:

Linus Bicker, Madge Morningstar, James Gatz (Mayor), Rebecca Parmesano

Commissioners Absent:

Ebonee Helmick, Lauren Chapalee

2. Approval of Previous Months' Minutes:

a. October 20, 2025, Meeting

Motion to approve October 20, 205 Meeting Minutes: Linus Bicker/2nd Rebecca Parmesano / All Aye

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3. Visitors:

Sue Kimmnitzer & Greg Welter (from St. Agnes Church community RE: application 15-36)

4. Conflicts of Interest:

None

5. Applications:

- a. **25-18** 101 Ray Street

Install a six-foot fence around the property except for the front of the property that has an existing fence.

Moved to future meeting agenda due to applicant not present.

- b. **25-32** 205 North Duke Street

Construction of a six-foot privacy fence for protection of private pool from deer intrusion and to restrict accidental access to children.

Motion to approve application 25-32: Rebecca Parmesano / 2nd Madge Morningstar / All Aye

- c. **25-33** 213 West High Street

Construction of six-foot board fence, addition of three gates for existing picket fence, and addition of black wire to existing fence

Motion to approve application 25-32: Linus Bicker / 2nd Rebecca Parmesano/

Discussion: The proposed project meets the guidelines except for (possibly) the historical preservation perspective, as the new fence would be partially visible behind the shrubbery and historic stone wall along Duke Street. Safety and privacy concerns along this busy road seem to outweigh the relatively minimal impact the fence would have on the viewshed.

Motion to approve application 25-32: Linus Bicker / 2nd Rebecca Parmesano/ All Aye

- d. **25-34** 48 Shepherd Village Circle

Remove old rails and replace with screened porch consistent with other screened porches in Shepherd Village.

Moved to January meeting agenda at applicant's request due to meeting started late.

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e. **25-35** 30 Shepherd Village Circle

Construct a screened porch consistent with other screened porches in Shepherd Village.

Moved to January meeting agenda at applicant's request due to meeting started late.

f. **25-36** 200 South Duke Street

Modification of the existing storm structures. Installation of a new underground storm network and minor grading activities.

Motion to approve application 25-36: Rebecca Parmesano / 2nd Linus Bicker

Discussion: James Gantz voiced concerns about this project causing unexpected stormwater runoff issues, citing similar past projects which were approved and later found to have problems. James suggested the town seek a 2nd opinion from a qualified engineer. Rebecca Parmesano voiced her opinion that the work of the qualified engineers at Thrasher could be trusted. Sue Kemnitzer offered to share written approval from the State of West Virginia, which includes the professional assessment of a qualified engineer. James voiced concerns that neither of these parties considered the project from the perspective of the town's best interests. Madge voiced concerns that there is no clear process for the planning commission to review stormwater mitigation plans, or the stormwater aspect of construction plans. Linus voiced concerns that it is not clear if the planning commission has jurisdiction over stormwater runoff issues.

Motion to postpone review of this application: James Gatz/ 2nd Linus Bicker

Discussion: All present members of the planning commission worked to plan a 3-steps for postponing a decision and continuing timely review of this application.

- The mayor and/or staff representative (Gino Sisco) will meet with Chazz Printz and/or Ryan Simonton (attorneys) to clarify the planning commission's jurisdiction, roles and responsibilities on storm water related projects
- The mayor and/or staff representative (Gino Sisco) will seek a review of the proposed project by a qualified engineer (probably through Ghosh Engineers, a WV consulting engineering firm specializing in the design and construction administration of water and wastewater systems).
- A special planning commission meeting will be held to determine and/or complete the remaining steps of the decision making process for application 25-36. Applicant will be invited to attend this meeting. If for any reason applicant is unable to attend, a representative from the planning commission will follow up to communicate the next steps and/or decision.

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Motion to amend the motion to postpone review of this application to include the three step process: James Gatz/ 2nd Linus Bicker / No Discussion/ All Aye

6. Continuing Business:

a. Updates to Planning Commission Meeting Date

To allow more time between the Historic Landmarks Commission (HLC) meetings and the Planning Commission meeting, the HLC will change their schedule from the 2nd Monday to the 1st Monday of each month. Staff representative, Gino Sisco, will confirm this change with HLC and ensure the town calendar is updated with the new schedule, beginning in January 2025.

b. Title 9 Revisions.

Town council is working to procure services for reviewing and revising the Title 9 from a law and design firm. It is too soon to know exactly how the planning commission will be involved in the process, but the goal is to have opportunities for dynamic, inclusive and welcoming discussions. During the December meeting we plan to discuss the of topics we are seeking more guidance and clarification for, including signage, PUD ordinance and stormwater management.

c. New Staff Person

Search for and hiring of new staff person is still in process.

7. New Business:

a. Current status of commissioners

We discussed that the planning commission may have between 5 and 7 members. Roger Munro recently stepped down. We currently have 6 members. There is room for one more, but we are not required to fill that position.

b. Public access prior to the meeting

Madge requested the doors be open earlier than 5:45, now that it is darker and colder, as guests and applicants who travel on foot to the meeting often arrive sooner and wait outside. Madge and Linus agreed to work together toward providing earlier public access to the meeting room.

c. Executive Summary of Meeting Minutes

James requested that the key points and highlights of each planning commission meeting be presented at the top of the meeting minutes document to facilitate review and discussion by town council.

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d. Additions to regular meeting agenda

Beginning in December, "Report from Town Council" will be a regularly recurring item on the planning commission agenda.

Also in December, "Discuss Executive Summary" will be added as a regularly recurring item at the end of agenda (just before "Adjournment"), to allow all member to comment on the drafting of this section on the minutes.

e. Roles and Responsibilities of Planning Commissioners

- Taking Notes and Creating Minutes

Ebonee (President) has been fulfilling this role. Some members presumed this was a temporary fulfillment of a task Andy Beall used to perform, which a new staff person would take over. Gino clarified that this would not be the case and that this would now permanently be the responsibility of the planning commission. Rebecca offered take notes and create the meeting minutes document, beginning in December.

- Attending and Reporting on County Planning Commission (PC) Meetings

There was general agreement that it would benefit Shepherdstown if a member of our planning commission (remotely) attended County PC meetings. Rebecca shared that she used to do this but stopped, as they spent the majority of the meeting time in a private session. We discussed it still might be useful, if only to keep us apprised of the agenda and so they knew that a representative from our commission was logged in. We agreed to continue this discussion at a future meeting. If/when we have a representative attend the county's PC meetings, it would make sense to add "Report from County Planning Commission" to the agenda for the following town PC meeting.

8. Adjournment:

Motion to adjourn meeting at 8:45 pm: Linus Bicker/ 2nd James Gatz