

THE BERKELEY COUNTY PLANNING COMMISSION MINUTES

The Berkeley County Planning Commission met in a regular session on August 4, 2025 in the Commission Chambers at 400 W. Stephen Street, Martinsburg, West Virginia.

1. CALL TO ORDER

The meeting was called to order at 6:00 p.m. by Linda Barnhart, presiding.

2. ROLL CALL

- a. PLANNING COMMISSION MEMBERS PRESENT: Linda Barnhart, John Hardy, Tim Lewis, Eric Goff, Vickana Norton, Ron Truitt and Mike Bush.
- b. MEMBERS ABSENT: Brandon Franklin, Dan Gantt and Troy Barrett
STAFF: Laura Hoffmaster, Deputy Director of Community Development; Sarah Sandri, Planner; Doug Smith, County Engineer; Jeff Mauzy, Deputy Legal Director.

3. APPROVAL OF THE AGENDA

ACTION TAKEN: The motion was made by Eric Goff and seconded by Ron Truitt to approve the agenda. Call for question. The motion carried unanimously.

4. SUNSHINE LAW SPEAKER: None

5. APPROVAL OF MEETING MINUTES

ACTION TAKEN: The motion was made by Eric Goff and seconded by Vickana Norton to approve the July 21, 2025 minutes with minor revisions. Call for question. The motion carried. Eric Goff, Vickana Norton and Dan Gantt abstained due to absence.

6. PUBLIC HEARINGS

REQUEST FOR PLAN CHANGE-MAJOR

a. Ridgecrest Subdivision, File# 2207-215

The project is located along the southwest side Paynes Ford Road (County Rt. 19), approximately 0.85 Miles north of the Berkeley/Jefferson County Line.

The Major Plan Change revises the stormwater management plans due to the disturbance of the wooded areas on lots 19-23 (5 lots). Phases 1 & 2 are constructed and only Phase 3 (11 lots) remain to be platted/constructed.

Laura Hoffmaster read the description and project notes.

No one was present representing the project.

Public Comment: Cynthia Dominguez, resident on Magenta Lane, asked if lot 1 is included. She stated their yard is washing away with the rocks that were placed there.

Doug Smith answered yes.

Mrs. Dominguez stated that water comes from the opposite side of the street into the ditch. She stated she lives at the top and it floods out. She stated she is worried about driveways and rock washing out and there is nothing to stop the water.

Doug Smith stated that they met with the representatives of the project after the staff report was published. He stated they went out before the meeting and attempted to do some of the mowing. He stated the problems need to be corrected because it had been going on since September 2022. He stated there have been no maintenance and it has not been up kept. He stated that the only leverage is to force it to get done before more work is done. He stated the property has not been turn over to the HOA, so it still is up to the developer to maintain it. He stated the roadside ditches must stay stabilized and they must work because they are a part of the infrastructure. He stated the only recourse is to try to

take a bond back and it will be more money the county will have to spend and be a project manager to get the work done. He stated MS4 went out and took pictures of the mowing (attached). He stated the work could be placed into the Major Plan Change, but the project's engineer did not bring it up until the morning of the meeting. He stated it is understood that there are other things happening in the development, but they are not things the county can handle and will have to be dealt with in civil action. Laura Hoffmaster added that the erosion issues will have to be stabilized.

Blake DeBord, resident on Magenta Lane, stated he was in his house for 3 months when they came and dumped rock. He stated he has to take care of the land by weed-whacking and having to rebuild them. He stated it is part of the right-of-way and the developer should be taking care of that area. He stated it is about \$200 worth of his time and energy every 2 weeks. He asked how long the project was going to take, because last time they only came and put 2 check dams and left it as is.

Linda Barnhart stated there will be inspections done throughout the work and suggested to keep in touch with County staff to stay updated.

Lauren Thomas, resident on Magenta Lane, asked about the drainage ditch behind her house. She asked who owns it because she believes it was sold to her neighbor and it is not a part of the development.

Laura Hoffmaster stated she had spoken to the neighbor and the pond should have been subdivided from the bottom lot prior to the conveyance. She stated they are reaching out to a real estate attorney about cutting it off and giving it back to the developer.

Ms. Thomas asked about the access to maintain that area.

Laura Hoffmaster answered there is an easement for access to maintain.

Lauren Thomas asked about the compaction on Magenta Lane. She stated there is pipe caving in and the roadway is sinking. She stated if there is equipment coming in and out she is concerned about the road sinking. She also asked about top soiling.

Doug Smith stated they will encourage top soiling or Hydro seed as long as it produces the correct results.

Lauren Thomas stated the sign is damaged and nothing has ever been maintained. She stated she has plans from 2018 and they do not look like the development today.

Ken Allensworth, resident on Nugget Way, stated county public works does not support the requests and has spoken with the county engineer. He stated there was a letter that was signed by the county engineer saying the project was compliant. He stated that the planning staff asked if lot owners were notified and he stated lot owners were not notified. He stated the developer stated that the lot owners were not notified because they would not be affected. He stated they have finally seen mowing equipment on his property prior to the meeting. He stated he has not seen the developer at any of the meetings and the equipment is on the properties without the owner's approval. He stated he has not signed anything. He asked who he can speak to understand the logic of the plan to lay drainage pipe to a retention pond and the pipe is parallel and at least 15 feet higher than the creek bed. He stated he does not believe the pipe will not drain properly. He stated that the Planning Commission needs to approve projects that are the highest quality and they are compliant and asked them to do the right thing.

Linda Barnhart reminded the room that the staff report recommends tabling the project until the items are completed.

John Canellas, resident on Nugget Way, stated his house is not built on his property. He stated he has been in litigation with the builder for 4 and a half years. He stated that the bond will probably have to be taken and he does not think anything by the builder should be approved. He asked that no building be done in phase three until the as-builts are approved in phase 2. He stated there are 4 septic failures in phase 2. He stated the road to Nugget Way needs to be fixed because it has sunk. He said the road floods every time it rains because the drain is going uphill. He stated Cheat Engineering signed off the as-builts, however they were not contracted to do any construction. He stated that the name and license was put on there without the Engineer's permission. He stated the builder is going to hurt the county. He stated the builder would not show up because he will not fix anything. He stated his real concern is because his house is the worse and is in the worst neighborhood. He stated the neighborhood is like a family and is what the other communities in Berkeley County should look up to. He asked that

Phase 3 is not built until Phase 2 is fixed. He stated his septic caught on fire because the wiring was not done properly.

John Hardy stated he believes staff is moving in the right direction and there are a lot of issues that need to be fixed and the staff is right that the project needs to be tabled until the issues are fixed.

Mike Bush asked about lots 19-23. He asked what phase they are in.

Doug Smith stated that no asbuilts have been submitted and he cannot see what is going on until they are submitted to make sure everything is in the correct place. He stated he hopes with the plan change some issues will be fixed and once the vegetation comes back it will help stabilize the area. In addition, once that is corrected the asbuilts can show what was done.

Mike Bush asked if the issues are caused by poor maintenance of the existing infrastructure.

Doug answered yes and no because there could have been a better way things could have been done. He stated until the HOA is transferred to the owners, it is up to the developer to resolve the issues and maintain the property.

Mike Bush stated this his concern is that with the scope of the requested improvements, that he believes the process of tabling provides leverage to seek compliance so that the third phase of the project does not exacerbate the stormwater management issues that are possibly deficient from the beginning. He stated that denial may make sense and asked if there are time limitations on the tabling. Jeff Mauzy stated 45 days.

Mike Bush asked if it could be something that could be resolved in 45 days.

Doug Smith stated the work could be done in a week, and the work done in the Plan change could help fix the issues. He stated they are using the tabling as a way to get the area cleaned up prior to the Plan Change being approved.

ACTION TAKEN: The motion was made Eric Goff and seconded by Ron Truitt to close the Public Hearing. Call for question. The motion carried unanimously.

ACTION TAKEN: The motion was made by Mike Bush and seconded by Eric Goff to table the Major Plan Change with a public hearing until the following items are addressed:

1. Check Dams must be maintained.
 - a. Check dams at the entrance of Magenta Lane
 - b. Check dams at Water Quality Swale #1
2. Earth Dikes, Drainage Swales, and/or Lined Ditches
 - a. Heavy erosion is taking place in ditch lane on the upper side of Magenta Lane ditch line must be reworked and stabilized.
 - b. Near check dams and rock drainage swale on the entrance of Magenta Lane erosion is taking place, area must be re-worked and stabilized.
3. Structural BMPs being protected from construction activities
 - a. Berms of basin must be maintained. Vegetation should be mowed at least twice each year in SWM Facilities.
 - b. The tree on the embankment at the basin outfall should be cut down
 - c. The basin should be mowed twice yearly.
 - d. Due to heavy erosion and overgrowth in some areas, we cannot tell if Water Quality Swale #1 has been converted. Vegetation should be mowed at least twice each year in SWM Facilities.
 - e. Water Quality Swale #3 seems to be converted, however cannot tell if it is functioning properly due to overgrowth in the swale. Swale must be maintained. Vegetation should be mowed at least twice each year in SWM Facilities.
4. Erosion Control BMP's
 - a. Silt fencing where stabilization has been achieved should be removed where directed by BCPSDSWD and WVDEP.

Call for question. The motion carried unanimously.

REQUEST FOR CONCEPT PLAN ADVANCEMENT

b. Hatchery Road Water Tank, File# 2506-193

The site is located on the north side of Hatchery Road; approx. 0.7 miles east of US 11.

The project proposes a free standing water tank on 1.95 acres. Served by Public water.

Laura Hoffmaster read the description and project notes.

Steve Cvijanovich was present representing the project.

There were no comments from the public.

ACTION TAKEN: The motion was made by Eric Goff and seconded by Mike Bush to close the Public Hearing. Call for question. The motion carried unanimously.

ACTION TAKEN: The motion was made by Mike Bush and seconded by Vickana Norton to approve the advancement of the Concept Plan to the Detailed Site Plan stage. Call For question. The motion carried unanimously.

7. REQUEST FOR FINAL PLAT DETERMINATION

a. Cardinal Pointe – Section 7, Phase 1, Lots 638-653, 674-685 & 694-705, File #2506-169

The site is located on the east side of Otero Lane within the Cardinal Pointe Development that is located on the north side Hammonds Mill Road (WV Rt. 901).

The final plat proposes 40 villa lots, on 12.56 acres, to be served by public water and sewer.

Laura Hoffmaster read the description and project notes.

Steve Cvijanovich was present representing the project.

ACTION TAKEN: The motion was made by Tim Lewis and seconded by Eric Goff to accept staff recommendation for the Final Plat Determination and advertising of a public hearing for consideration of Final Plat Approval at the September 2, 2025 Planning Commission Meeting. Call for question. The motion carried unanimously.

8. REQUEST DETAILED SITE PLAN DETERMINATION

a. Stonecrest PUD – Lot C-5, File #2505-134

The site is located along the east side of Kettering Drive, located with the Stonecrest PUD community, which is on the west side of Hedgesville Road (WV Rt. 9).

The developer is proposing a 4-unit apartment building on 0.51 acres, to be served by public water and sewer.

Laura Hoffmaster read the description and project notes.

Steve Cvijanovich was present representing the project.

ACTION TAKEN: The motion was made by Tim Lewis and seconded by Ron Truitt to accept staff recommendation for the Detailed Site Plan Determination and advertising of a public hearing for consideration of Detailed Site Plan Approval at the September 2, 2025, Planning Commission Meeting. Call for question. The motion carried unanimously.

9. STAFF/ COUNSEL DISCUSSION/ACTION/ MOTION

- a. Comprehensive Plan Update- Laura Hoffmaster stated that the workshop for the first chapter happened and the next one will be in October.

10. ADJOURNMENT

ACTION TAKEN: The motion was made by Eric Goff and seconded by Ron Truitt to adjourn the meeting at 6:47pm. Call for question. The motion carried unanimously.

Respectfully submitted,
Sarah Sandri
Planner I

Berkeley County Planning Commission Meeting Minutes, August 4, 2025







