



**WETLANDS/BEACHES AND CHESAPEAKE BAY BOARD
COUNTY OF NEW KENT
THURSDAY, SEPTEMBER 5, 2013, 6:00 pm
OLD COURTROOM, HISTORIC COURTHOUSE BUILDING
MINUTES**

A MEETING OF THE NEW KENT COUNTY CHESAPEAKE BAY PRESERVATION BOARD WAS HELD ON THE 5TH DAY OF SEPTEMBER IN THE YEAR TWO THOUSAND THIRTEEN OF OUR LORD IN THE OLD NEW KENT COUNTY COURTHOUSE COURTROOM AT 6:00 P.M.

IN RE: ROLL CALL

Attendance:

Dr. Alan Neumann	Present
Mr. John Bragg	Present
Ms. Jean Street	Present
Mr. Douglas Dill	Present
Mr. Paul Davis	Present
Mr. Lyle Gleason	Present

Also attending:

Mr. Matt Venable, Acting Environmental Planning Manager
Mr. Kyle Flanders, Recording Secretary
Ms. Cathy Williams, Recording Secretary
Randal D. Owen, Environmental Engineer, Marine Resources Commission, State of VA
Carla Havens representative for Ms. Hayes

The meeting was called to order at 6:00 PM and a quorum was established.

IN RE: DECLARATION OF POLICY FROM THE LAWS OF VIRGINIA

Mr. John Bragg read the declaration of policy from the laws of Virginia relating to the Marine Resources of Virginia and the New Kent County Code relating to Chesapeake Bay regulations.

IN RE: APPROVAL OF MINUTES

A motion was made by Mr. Gleason and seconded by Mr. Dill to approve the minutes of the June 6, 2013 meeting.

The members were polled:

Mr. Lyle Gleason	Aye
Ms. Jean Street	Aye
Mr. Paul Davis	Aye
Mr. Douglas Dill	Aye
Mr. John Bragg	Aye

The motion carried.

IN RE: CHESAPEAKE BAY PRESERVATION BOARD

Application VMRC# 13-1024 - submitted by Gail G. Hayes for the construction of a bulkhead on Diascund Creek, Tax Map # 52A3-2-94, GPIN A26-1185-4312.

Mr. Bragg asked that the project be presented by staff prior to the public hearing period.

Mr. Bragg asked if there was an agent for Ms. Hayes present and if she had any questions or comments. Carla was present for Ms. Hayes and had no comments or questions.

Staff presented the application. Mr. Venable stated his concern with the alignment of toe of slope. It should be more in line with the toe of slope or bank. Wants to make sure that if Board approves, it would be brought landward which would reduce wetlands being affected. The toe in would be a reduction.

Construct a 121 lineal feet of vinyl bulkhead 52 foot non-commercial Pier with a 20x30 covered boathouse off of 3 x 30 cat walk off of **Diascund Creek**.

Staff spoke about the alignment in the field was off of the toe of the slop, and it should be brought more into the toe of the slope of the bank. The Wetlands impacted was calculated based on the tow being moved in.

Mr. Bragg recapped saying the staff wants the Board to review this item as if there is no more than 242 feet, and would be coordinated with Ms. Hayes to insure it was pulled back. Recommending it would be shaped to the geometry of the shoreline. Mr. Gleason asked how it would meet up against the neighbor's bulkhead. Mr. Venable stated that the reason that there is a problem with Mrs. Hayes property is because of the bulkhead next door is spinning water off and causing erosion at the right side of the bluff. Mr. Venable explained in the diagram where the erosion was. There was discussion about trying to align it with the neighbor's bulkhead. Carla said Ms. Hayes wanted to do that but they were trying to reduce the amount of impact on the neighbor's property line. It was agreed that the alignment be a straight line, less than neighbors for less impact on Wetlands. She also stated that the property association objected to 52 foot pier as based in the drawing, so it was revised to 32 feet.

Mr. Dill, who is on the Association asked to be abstained from voting of this application.

Mr. Bragg opened public hearing at 6:15 pm.

Mr. Bragg opened up the public hearing. He asked if anyone signed up. Mr. Dill, who excused himself as a Board member on this item, spoke as a public speaker. He commented his familiarity with the property and part of the boat ramp is on his deed along with 41 other people in addition to the Association. He spoke about the impact of the wave action in that part of the creek. He expressed his support of a hard abatement from preventing Ms. Hayes' property from washing away, and a levy shoreline would not survive.

Mr. Bragg asked if there were any other comments from the public.

There were none. Mr. Bragg closed the public hearing at 6:21 pm.

Mr. Davis thought there would be a major problem with bulkheads not lining up. Carla gave an explanation to why the bulkhead was better than the sill.

Mr. Gleason questioned Part 3 of the Appendices note, the drawing asking for a 20x20 (400 sq. foot) platform when it says L-head cannot exceed 250 sq. feet which is stated on the application. Randy responded saying it was an old application and was changed from 250' to 400 sq. ft.

Mr. Bragg asked if there were any other comments. There was none. Staff recommends approval provided that the bulkhead alignment was moved landward to the shoreline. It was asked if there were any other recommendations, changes or modifications.

As part of the plans presented, Mr. Dill commented on the effects of filling the V with rock and would it alleviate the issues.

Carla said that the neighbor, Wasillas' was concerned with the condition of their bulkhead - the stone against the bulkhead would destroy the wooden bulkhead.

Mr. Bragg inquired as to whether or not it could be attached to Wasilla's bulkhead. There was concern discussed about reducing impact to the neighbor's wall.

There was discussion about the stand alone wall being the best option. Randy spoke about the structure of the wall and if it comes down it becomes a VMRC issue, and VMRC has not had a public hearing. Applications need to be updated.

A motion was made by Mr. Davis, and seconded by Mr. Gleason to approve application, VMRC# 13-1024 as submitted, provided the bulkhead line is moved landward to the toe of the existing line. Application be approved as presented, and plans submitted complies with all relevant regulations.

The members were polled:

Dr. Alan Neumann	Aye
Mr. Lyle Gleason	Aye
Ms. Jean Street	Aye
Mr. Douglas Dill	Abstain
Mr. John Bragg	Aye
Mr. Paul Davis	Aye

The motion carried.

IN RE: CHESAPEAKE BAY PRESERVATION BOARD

Application VMRC# 13-1259 - submitted by Charlotte E. Woodall for the construction of a bulkhead on the Pamunkey River, Tax Map #12-3B, GPIN 017-0415-4335.

Mr. Braggs asked that the project be presented by staff prior to the public hearing period.

Staff presented the application stating that it is getting a lot of current and scour from the pollen from the bridge. Current is building up. Ms. Woodall wants to save a tree that has its roots exposed. Left and right sides of property are being lost and taking a toll. Therefore, the shoreline hardening approach is recommended and is a good location for re-creating wetlands.

Randy discussed the shoreline wall approach and said it should be considered.

Staff said that the living shoreline was considered, but the cost to do proper living shoreline exceeds the cost of the bulkhead method. Living shoreline would work, but the cost would far outweigh the recommended method. Ms. Woodall prefers bulkhead approach to the living shoreline approach.

Staff recommended that based on the criteria presented it should be supported by the Board - 180 sq. ft. of Wetlands will be disturbed. The 240 sq. foot being recreated goes above and beyond the threshold for re-creation of wetlands, and there's no need for wetlands' mitigation.

Mr. Bragg opened the public hearing at 6:55. Mr. Bragg asked for public comments. Ms. Woodall spoke and thanked the staff. She said that the land is eroding and she wants to protect it. She spoke about the tree in her yard that is indicative of the erosion on her property.

Mr. Bragg asked if there were any other questions for the Board. There were none. Mr. Bragg closed the public meeting.

Mr. Bragg asked Mr. Venable if they had any more comments. Mr. Venable reiterated that the site is good for reclaiming the Wetlands. This location will thrive. The current swings the scour to the left of her property and application as proposed should be approved.

Mr. Bragg asked if there were any questions for Mr. Venable. There were none.

A motion was made by Mr. Dill and seconded by Dr. Neumann to approve application VMRC# 13-1259 as recommended by staff; the project as proposed has been designed to cause the least amount of impact to the existing marsh, the majority of the work will be done by floating barges, therefore, minimal disturbance is expected.

The members were polled:

Ms. Jean Street	Aye
Mr. Paul Davis	Aye
Mr. Douglas Dill	Abstain
Mr. Lyle Gleason	Aye
Mr. John Bragg	Aye
Dr. Alan Neumann	Aye

The motion carried.

IN RE: NEW BUSINESS

None

IN RE: OLD BUSINESS

None

IN RE: ADJOURNMENT

A motion to adjourn was made and seconded by all.

Respectfully submitted:

Cathy Williams, Recording Secretary