



WETLANDS/BEACHES AND CHESAPEAKE BAY BOARD  
COUNTY OF NEW KENT

**MINUTES**

Thursday, November 5, 2015

6:00 PM

ADMINISTRATION BUILDING BOARD ROOM  
12007 COURTHOUSE CIRCLE, NEW KENT

A MEETING OF THE NEW KENT COUNTY CHESAPEAKE BAY PRESERVATION BOARD WAS HELD ON THE 5th DAY OF NOVEMBER IN THE YEAR TWO THOUSAND FIFTEEN OF OUR LORD IN THE NEW KENT COUNTY ADMINISTRATION BUILDING BOARD ROOM AT 6:00 P.M.

**IN RE: ROLL CALL**

Attendance:

Mr. Paul Davis	Present
Ms. Jean Street	Present
Ms. Patricia Paige	Present
Dr. Alan Neumann	Absent
Mr. Lyle Gleason	Present
Mr. John Bragg	Present

Also attending:

Mr. Matt Smolnik, Director of Community Development  
Ms. Sheri Wood, Recording Secretary  
Mrs. Connie Bennett, Professional Engineer  
Mr. Hank Thorndike, Dockmasters  
Mr. Randy Owen, VMRC

The meeting was called to order at 6:03 PM and a quorum was established.

**IN RE: DECLARATION OF POLICY FROM THE LAWS OF VIRGINIA**

Chairman 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. Davis and seconded by Ms. Paige to approve the minutes of the June 4, 2015 meeting with correction noting Mr. Davis present, not absent, during the June 4, 2015 meeting.

The members were polled:

Ms. Patricia Paige	Aye
Mr. Lyle Gleason	Aye
Ms. Jean Street	Aye
Mr. Paul Davis	Aye
Dr. Alan Neumann	Absent
Mr. John Bragg	Aye

The motion carried with a 5:0:0 vote.

**IN RE: PRESENTATIONS**

Mr. Matt Smolnik introduced Mrs. Connie Bennett, Professional Engineer, Mrs. Bennett recently retired after 30 years of service with York County Stormwater Division. She and her husband, Marc, will be working PT in the Environmental Department.

**IN RE: BOAT RIDE FOR BOARD MEMBERS**

Mr. Bragg recently spoke with James Bruncow, a River Keeper and small watercraft operator regarding a boat ride. Available dates include: November 12<sup>th</sup>, 18<sup>th</sup> and 20<sup>th</sup>. The boat can hold up to seven people. At this time the weather appears to be good for a boat ride. The cruise would be approximately three to four hours in length, with pick up around 10 – 11AM. Lunch would be at the River Rest restaurant and in the afternoon view the sites and returning around 5:30PM. Members will confirm on their calendars and confirm with Sheri regarding their attendance.

**IN RE: NEW BUSINESS**

A staff report was presented on each of the three applications located in Piney Pointe subdivision.

Application VMRC 2015-1259, submitted by Mr. and Mrs. Bob Fischer, to install 90 linear feet of riprap revetment and construct a 6-foot wide by 100-foot long private open-pile pier with a 20-foot by 20-foot L-head, two 4-foot wide by 30-foot long catwalks and a 765 square foot open-sided covered boat lift and pier shelter at property situated along the Pamunkey River in New Kent County.

The property already has a house on it, as well as, vegetative wetlands.

Mr. Davis mentioned that the Fischer property is next to Evelyn's property, a 15-foot by 20-foot bank.

Mr. Bragg said that the property is intertidal and a high-tide area.

Mr. Thorndike said this is similar to previously approved Vosnick's and Masons. Go from total of bank landward to not encroach onto wetlands. This property will not be tied in. A gully ravine will provide a natural curve.

Keck and Vosnick properties are tied together in a straight line.

Mr. Owen: everything appears to be accurate with this application.

At 6:20PM, the hearing was open to the public for comments and questions. Due to no comments or questions, the hearing was closed.

Mrs. Bennett made the following staff recommendations to the application:

First Option: Rip Rap revetment as it was proposed in the application, reinstall at the base of proposed bank landward and behind existing vegetation which would provide protection for wave energy. Rip Rap revetments are used on adjoining properties. Once the bank is regraded, it must be stabilized with the appropriate degree of vegetation to prevent further erosion. A water quality impact assessment to stabilize the bank per the Chesapeake Bay Requirements would be required.

Second Option: Wooden Bulkheads: normally used when wetlands are impacted. The wooden bulkheads are not permanent.

There were no questions raised and a motion was made by Mr. Gleason and seconded by Mr. Davis to approve the application with the First Option. The members were polled and the motion carried with a vote of 5:0.

Application VMRC 2015-1455, submitted by Eric L. Keck, to construct a 6-foot by 120-foot pier with a 20-foot by 20-foot and two inches, a 12-foot by 30-foot boat shelter with appropriate finger piers, a 17-foot by 33-foot roof, a 17-foot by 15-foot dock shelter and two mooring piles, including the installation of a 135-foot by 4-foot revetment.

Mrs. Bennett showed pictures taken from the boat ramp and community pier which shows wetland grasses. The property slopes downward, with one fallen tree located at the edge of the property.

6:25PM Public hearing was open for questions and comments.

6:26PM Public hearing closed for VMRC 2015-1455 due to no questions or comments.

Chairman, Mr. Bragg reminded Board member that it is important when evaluating these projects, to consider our responsibilities to look at certain things such as general criteria. The Declaration of Policy was read again as reinforcement.

Connie made the following staff recommendation to the application:

This is an undeveloped lot the owner is proposing to protect with Rip Rap revetment.

First Option: Install Rip Rap at the base and positioned landward. Remove the existing vegetation, stabilize, replant, and provide a water quality impact assessment.

Second Option: Wooden Bulkhead –these do not dissipate wave action and are not as durable.

Third Option: Living Shoreline – this option is more applicable when disturbing wetlands.

Randy Owen mentioned that this application will be very similar to the previous application.

A motion was made by Mr. Davis and seconded by Ms. Paige to accept VMRC 2015-1455 as proposed. The board members were polled and the motion carried with a vote of 5:0.

Application VMRC 2015-1477, submitted by John B. Britt, c/o Henry G. Thorndike, to install 300 linear feet of riprap revetment at property (16770 Pamunkey View Lane) situated along the Pamunkey River in New Kent County.

Mr. Britt noted that there was riprap alongside of the ramp as well as a natural hill.

Mr. Owen mentioned the work pertaining to this application would be similar in nature to the other two applications presented during this meeting.

6:30PM Public hearing was opened for questions and comments.

There were no questions or comments raised and a motion was made by Ms. Paige and seconded by Mr. Davis to approve the application as proposed.

The board members were polled and the motion carried with a vote of 5:0.

## **IN RE: SHORELINE PRESENTATION BY RANDY OWENS**

An update on the Living Shoreline legislation from 2011, containing a slideshow, was presented by Mr. Randy Owens.

The update pertained to the first of two general permits which are already in use. The purpose of the legislation from 2011 was to develop a general permit to encourage the use of living shorelines as the preferred method of stabilizing shorelines in Virginia.

Unfortunately, the makers of the original bill did not provide enough legalese that exempted the public hearing process. Because of this, in 2014 the legislators then developed House Bill 911 to include legalese and to have a general permit that does not require any public hearing.

Living shorelines were defined and range from breakwaters, rock sills and the use of vegetation to stabilize shorelines.

Group 1, general permit, wetland enhancements, not rock sills or rock structures. This general permit exempts the public hearing process.

Two working groups with members from VIMS, DCR, Army Corp of Engineers and representatives from local agencies reached a consensus after three years.

Immediately, breakwaters were ruled out as something a general permit would cover (breakwaters are large stone structures with lots of sand behind them). This then left two groups of permits that are beneath the breakwaters:

Rock sills (covered in Group 2) – this permit is currently in development.

Wetland enhancements – this is covered under Permit 1. An example would be the Fischer's property. Lay slope back 10:1. This is limited and cannot build with more than one-half mile of fence.

Mr. Gleason inquired if a slope of 10:1 was the maximum?

Mr. Randy Owen replied that the slope can be made flatter, does not 'trump' the RPA. For example, it can be 3:1 or even 20:1.

There is a kick out clause included in the permit which allows for the permit to be brought to a public hearing at any point in time during the permit process.

This type of permit can eliminate the need for an application fee, public hearing or public notification.

Once this permit application has been submitted, there is a 21 day timeframe to respond whether or not you approve and to notify Randy Owen and Virginia Marine Resource Commission (VMRC).

There is a two year monitoring requirement on behalf of the applicant.

If an application includes more than one-half mile fence and is above the channel water a public hearing must be scheduled.

At this time, there is not any abbreviated form of the application.

If the permit application meets regulation, an email will suffice. However, if Randy Owen does not approve, he has the option to send the permit application for a public hearing through the Wetlands Board.

In summary, Living Shorelines are great in the right places and it is acceptable to consider if it is appropriately sited. It is not a mandate and must consider if the cost is reasonable or beyond the reach of the homeowner.

Also, legislation has been passed to allow for low interest loans for living shorelines.

Mr. Bragg stated that in the past, at certain time, the Board made a decision and at the Commission level it was decided that the Board made a poor decision. What is the liability on the Board with this type of Permit 1?

Mr. Owen replied that there was no appeal process with permits.

Randy Owen noted that the report was available on-line.

**IN RE: ADJOURNMENT**

7:05PM A motion to adjourn was made at 7:05PM by Mr. Gleason and all were in favor.

Respectfully submitted,

Gail Carey, Recording Secretary