NEW KENT COUNTY
WETLANDS/BEACHES & CHESAPEAKE BAY BOARD MEETING
THURSDAY, FEBRUARY 4, 2016 AT 6:00 PM
COUNTY ADMINISTRATION BUILDING BOARD ROOM
MINUTES

A MEETING OF THE NEW KENT COUNTY CHESAPEAKE BAY PRESERVATION BOARD WAS HELD ON THE 4TH DAY OF FEBRUARY IN THE YEAR TWO THOUSAND SIXTEEN IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 6:00 P.M.

IN RE: ROLL CALL

Attendance:

Mr. Paul Davis	Present
Ms. Jean Street	Present
Mr. Lyle Gleason	Present
Mr. John Bragg	Present

Also present:

Mr. Matt Smolnik, Community Development Director
Mrs. Connie Bennett, Professional Engineer
Mrs. Gail Carey, Administrative Assistant, Environmental Department
Mr. Jerold W. Britt, Applicant
Mr. W. R. "Ray" Davis, Jr., Supervisor, District 5
Mr. Matt Roth, Roth Environmental Engineer

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 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. Davis to approve the January 7, 2015 meeting minutes.

The members were polled:

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

The motion carried with a 4:0:0 vote.

IN RE: NEW BUSINESS

Mrs. Connie Bennett presented her staff report on application CBPA 001-16, submitted by Mr. Jerold W. Britt, to construct a detached garage in the RPA buffer at Tax Map#46-35A, GPIN#F30-2178-3238. Total square footage of the accessory structure/detached garage is 1,764 sq. ft.; 1,676.88 sq. ft. is in the landward portion of the RPA and 87.12 sq. ft. is outside the RPA. The parcel is located along Route 30, at 18470 New Kent Highway. The property typically has a 35 foot front yard setback for primary structures and accessory structures. The property also has an overhead powerline easement that

bisects the front of the lot. Mr. Britt had met with staff previously to discuss the proposed structure and the Chesapeake Bay requirements.

The staff review noted that the existing structure encroaches into the RPA and the proposed structure can be no closer to the front of the lot than the existing structure, per the zoning ordinance. Side yard setbacks and separation from existing structures prohibit the construction on the other side of the house. The existing septic system drainfield also prohibits the areas for construction. The site plan submitted provides for treatment of the stormwater for the portion of the structure within the RPA.

Mrs. Bennett presented recent pictures of the property, including existing structures and the area for the proposed detached structure. Mrs. Bennett also noted that there were some existing sheds on the property within the RPA which had been built prior to 1989. Mrs. Bennett's photographs included two existing structures on the property, a cinder block building and a vinyl sided lean-to shed.
Mr. Bragg inquired to the size of the sheds located within the RPA.
Mrs. Bennett replied that the size of the sheds was unavailable. At this time, Mr. Matt Roth provided the Board members with an informational handout regarding the existing sheds.
Mrs. Bennett concluded her presentation and mentioned that Mr. Britt was also proposing to install infiltration trenches, as well as plantings.
Mr. Roth began his presentation regarding Mr. Britt's application and the reason he was contacted by Mr. Britt. Mr. Roth mentioned that Mr. Britt had started the work on the property and was unaware that he was in the RPA buffer. As a result, in coordination with the county Mr. Britt had stopped work on the property and that was the time when Mr. Roth was contacted. Mr. Roth said that he is also working with Mr. Ted Carr, a surveyor on the site plan and continued on to explain that, as the photographs show, there is a lot of equipment stored on the property. The project area, even prior to the limited site work by Mr. Britt, was not forested – the area had always been a yard. The project goal is to create a garage to store all the equipment, shown in the photographs previously presented by Mrs. Bennett, to store them out of the weather/elements. As a result, Mr. Britt is proposing a 42 foot by 42 foot footprint for a 40 foot by 40 foot building.

Mr. Roth also added that when he initially received this project, as is the practice with all of his projects, he examines the proposed location and looks around for any possible alternatives that may be a better solution. Mr. Roth reiterated what Mrs. Bennett presented in the Staff Report: the area to the West is forested; the area to the South may be considered for an elongated building, but the property is very compressed and the drainfield is located in the rear; the area to the East has the drainfield; there was also consideration of joining the structure to the North left side of the house, but the sewer line is located in that area (the area is also compressed) and would need to be relocated. Mr. Roth mentioned that these were all factors which were considered when looking at this project and the justification for the size of the structure.

Mr. Bragg inquired if the other two (2) older structures would be removed once the accessory structure was built. Mr. Roth replied that it was not in the plans. However, he noted that the existing conex box in the buffer currently housed Mr. Britt's materials and would be removed once the accessory structure was built and housed in the new structure.

At this time, Mr. Roth presented to the Board a diagram of items to be placed within the new structure which included the following items: three (3) antique vehicles; four (4) boats; an equipment trailer; riding mower; tractor; and supplies.

Mr. Bragg asked what the property was currently zoned as. The answer provided to Mr. Bragg was A-1. *(Per the New Kent County GIS site, the property is listed as R2).*

Mr. Roth added currently the pump truck is parked out in front on the property. In extreme weather conditions, this vehicle's valves and seals crack due to the weather and are very expensive to repair. As a result, this then places the truck temporarily out of commission and Mr. Britt is then unable to produce revenue. It was noted that Mr. Britt's profession was that of a septic tank service.

Mr. Bragg asked if Mr. Britt was a sole man operation. Mr. Britt confirmed to the Board that he was a sole man operation and that his office was located in his home, but his work was elsewhere. Mr. Britt also mentioned that his equipment used for his business was stored on his property.

At this time, Mr. Gleason noted that according to the diagram provided by Mr. Roth, the pump truck appears to still be located out of the proposed accessory structure. Mr. Roth's reply was that the expectation was to have the two (2) chevy vehicles in and out of the structure as the case may be, and Mr. Britt would then be able to park the pump truck inside, the same would apply for the third boat. Mr. Roth added that Mr. Britt would need to manipulate the vehicles in the structure. Mr. Roth stated he was attempting to illustrate that Mr. Britt was not asking for any more room than what was necessary.

Mr. Roth added that the items to be housed within the structure would be stacked in rather tightly and Mr. Britt would need to move items/vehicles in and out as necessary to allow for the pump truck to be stored inside.
Mr. Britt confirmed by stating in the winter time, the upkeep for the pump truck is expensive and he did not wish to be out in 10 or 12 degree weather attempting to unclog the valves.

Mr. Roth continued by saying the impacts to the buffer would be 2,367 sq. ft. of impervious area and mentioned that it actually comes down to a case by case basis of what really is needed. Mr. Britt had a lot of items to store and the pump truck was certainly one of the big items. The pump truck is a large vehicle which occupies a lot of space and will require a large structure to house it. Mr. Roth also mentioned that in his experience from working with clients throughout the years, the bigger the building, the more expensive it is and he did not know many people who would want to spend a lot of money to make the structure larger. Mr. Roth said that he was relying on his client, Mr. Britt, to tell him what was necessary and what was the minimum necessary to be able to accomplish the goal.

Mr. Roth then discussed offsetting the impacts of the proposed accessory structure. There will be a vegetative mitigation, as Mrs. Bennett said. The plans include planting in accordance with the riparian restoration guidance manual and all plants will be native species. Mr. Britt will work with a local nursery to determine what native stock is available at the time and distribute the plantings between the building and the wetlands, this will also include woody species. There will be an infiltration component along the rear and side of the building, as well as a gutter on the roof to direct water into the infiltration. The trenches will be designed to hold a five (5) inch rain event if the rain happened to come down all at one time, these trenches may even be able to hold six (6) or (7) inches.

With regards to the removal of existing impervious area, Mr. Roth mentioned that Mr. Britt would remove the conex box from the property once the items from the existing conex box are removed and placed within the proposed accessory structure. Mr. Roth concluded his presentation by stating much work has gone into establishing a plan to accomplish Mr. Britt's goals, as well as be consistent with the Chesapeake Bay Act.

Mr. Bragg declared the meeting open to the public for public comments.

At this time, Mr. W. R. "Ray" Davis, Jr., stood and introduced himself to the Board. Mr. Davis also mentioned that he had known Mr. Britt for many years and stated that had the power lines not been located in front of the property, Mr. Britt would have enough room for the accessory structure and the hearing would not have been necessary. Mr. Davis informed the Board that the said power lines provide power to 1,072 residents of eastern New Kent County, including the jail, so that eliminates the chance of moving the power lines. Mr. Britt had purchased the home eight (8) years ago from his deceased brother's estate. The house was built in 1961 before RPA and the power poles. Mr. Davis added: no one in the room did more for the Chesapeake Bay than Mr. Britt, i.e. septic pump outs; Mr. Britt has some items to be placed under cover; is a good citizen; a native of New Kent and hopes the Board will find in Mr. Britt's favor.

Since there were no other public comments, Mr. Bragg closed the hearing and then described the exception process. Mr. Bragg also mentioned to Mr. Britt and Mr. Roth that he would like to have one of the two structures which appear in the photographs removed.

Mr. Britt confirmed one (1) of the two (2) existing structures shown in the photographs will be torn down – it currently housed his antique vehicles. The cinder block building was built prior to the existing home on the property. The vinyl sided lean-to currently contains fittings for his business and could be removed if the Board requests him to do so.

Mr. Paul Davis stated that each situation is different – to which Mr. Bragg agreed.

Mr. Britt mentioned that his property was unique – the ditch line in front of the building leads into the stream which wraps around the property.

Mr. Bragg then asked if there were any comments from staff and Board members.

Mrs. Bennett said it would be possible to mandate the removal of the two structures – Mr. Bragg agreed.

Mr. Paul Davis then said not the removal of the cinder block building and instead suggested the removal of the vinyl sided lean-to and another lean-to building currently within the RPA – to which Mr. Britt agreed. Mr. Davis also suggested moving the inoperable vehicles out of site and into the proposed accessory structure. Mr. Smolnik confirmed he had not received any zoning complaints on this property.

Mr. Paul Davis stated he was ready for a motion.

Mrs. Bennett then read to the Board the options for a motion. Option 1: approval of the application as proposed with square footage as proposed with BMP proposed and inspection of the infiltration during construction. Option 2: Reduce impervious area and cover with a similar BMP. Option 3: to deny the application.

Mr. Bragg suggested for an additional item would include the removal of the two structures.

Mr. Smolnik requested for clarification of what two structures to be removed.

Mr. Bragg confirmed for the two structures currently located within the RPA to be removed.

Mr. Britt confirmed the structure which housed the two antique vehicles was already removed and noted that the lean-to with vinyl siding can be moved out of the RPA.

Mr. Paul Davis inquired what the two structures were called.

Mr. Roth confirmed the two structures were referred to as a lean-to and a vinyl sided shed.

Mr. Bragg agreed with leaving the cinder block structure in the existing location.

Mr. Paul Davis stated he was prepared to make a motion.

Ms. Street inquired if the trees on the property were going to be removed.

Mr. Britt confirmed no trees would be removed from the property.

Mrs. Bennett confirmed that trees and shrubs would be planted.

Mr. Smolnik confirmed to the Board no sureties would be released prior to any E&S inspections.

Mr. Bragg said the motion would be to allow the proposed structure.

A motion was made by Mr. Paul Davis to approve application CBPA 002-16 with the following attached conditions: planting of vegetation; county to inspect the infiltration chambers; moving the two (2) structures (the lean-to and vinyl-sided shed) out of the RPA.

Mr. Gleason seconded the motion.

The members were polled:

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

The motioned carried with a 4:0:0 vote.

IN RE: ADJOURNMENT

A motion to adjourn was made by Mr. Bragg and seconded by Ms. Street at 6:44 PM and all agreed.

Respectfully submitted by: Gail M. S. Carey, Recording Secretary