



**WETLANDS/BEACHES AND CHESAPEAKE BAY BOARD
COUNTY OF NEW KENT
May 1, 2014
COUNTY ADMINISTRATION BUILDING BOARD ROOM
MINUTES**

A MEETING OF THE NEW KENT COUNTY CHESAPEAKE BAY PRESERVATION BOARD WAS HELD ON THE 1st DAY OF MAY IN THE YEAR TWO THOUSAND FOURTEEN 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	Absent
Dr. Alan Neumann	Present
Mr. Lyle Gleason	Present
Mr. John Bragg	Present

Also attending:

Mr. Matt Venable, Acting Environmental Planning Manager
Mrs. Cathy Williams, Recording Secretary
Randy Owen, Environmental Engineer, Marine Resources Commission
Brian Gammon – Designer
Hank Thorndike - Contractor
Thomas Evelyn, Supervisor representing District 1

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

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. Street to approve the minutes of the September 5, 2013 meeting with changes noted.

The members were polled:

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

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

IN RE: ELECTION OF OFFICERS

- A.) Dr. Neumann nominated Mr. John Bragg as the Chair of the 2014 Wetlands / Beaches and Chesapeake Bay Preservation Boards. Mr. Davis seconded the motion. Mr. Bragg closed the nominations for Chair.
- B.) Dr. Neumann nominated Mr. Gleason as the Vice-Chair of the 2014 Wetlands / Beaches and Chesapeake Bay Preservation Boards. Mr. Bragg seconded the motion. Mr. Bragg closed the nominations for the Vice-Chair.

IN RE: NEW BUSINESS

Mr. Bragg spoke about the Wetlands training that took place in Charles City back in November of 2013. He stated that the intent is to have on-going trainings. His plan is to have the next training the last week of June in Charles City County, with New Kent providing the refreshments. He asked that any input and ideas be addressed directly to Matt Venable - date will be forthcoming.

There were handouts on a VIMS Wetlands Workshop on May 22, 2014. Staff clarified that funding was available for the training and Mr. Bragg said if anyone would like to attend to contact Matt Venable.

IN RE: CHESAPEAKE PRESERVATION BOARD PUBLIC HEARING VMRC# 2014-0287

- Application VMRC #2014-0287, submitted by Talleyville Land & Timber, for the installation of 120 linear feet of riprap and construction of a 6-foot wide by 100-foot long private open-pile pier with a 400-square foot L-head, two 4-foot by 30-foot catwalks and a **714 square** foot open-sided covered boat lift and pier shelter at the property situated along the Pamunkey River, Tax Map# 26-4-2, GPIN# K27-3862-4711.

The project proposed was reviewed by Board members and staff. In reviewing some of the pictures, Mr. Bragg outlined some falls, tree trunks, and undercutting between the lots with non-vegetation wetlands not being impacted on Lot 3 - the only vegetated area would be Lot 4. He also outlined the erosion at the bank stating it's a high erosion area. He stated that 26.3 and 26.2 lines are closer together creating a super slope. He outlined the parameters that would impact the stability of the slope.

Mr. Bragg stated that based on guidelines, it is important to look at the rip-rap as proposed, installation of living shoreline, and wood bulkhead. Mr. Bragg outlined the options below:

Living shoreline: Not practical because of the break-off and there is a large amount of mud.

Living bulkhead: Not good. It would be very temporary – water faces bulkhead and then goes laterally.

Mr. Owen stated that when he visited the site, he noticed that the encroachment did not kick into mitigation requirements of the County.

Mr. Thorndike added that an 8-10 foot flat shelf will be graded and will be placed along the slope to prevent a stream of water from hitting the slope area during a storm and facilitate construction. A question was asked as to how high above high tide the shelf would be. Mr. Owen answered 4 feet above high tide, with rip-rap above the terrace.

Mr. Bragg asked about the maintenance of the terrace. Mr. Owen said it would not be hard to maintain depending on the soil.

A question was raised about what was going to be placed on the slope. Mr. Owen answered straw mat to start - the owner can decide something different afterwards.

Mr. Bragg opened the public hearing at 6:15 pm. Being there were no public speakers, Mr. Bragg closed the public hearing.

A motion was made by Mr. Davis to approve Application VMRC#2014-0287.

The members were polled:

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

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

IN RE: CHESAPEAKE PRESERVATION BOARD PUBLIC HEARING VMRC# 2014-0310

- Application VMRC #2014-0310, submitted by Talleyville Land & Timber, for the installation of 90 linear feet of riprap and construction of a 6-foot wide by 100-foot long private open-pile pier with a 400-square foot L-head, two 4-foot by 30-foot catwalks and a 714 square foot open-sided covered boat lift and pier shelter at the property situated along the Pamunkey River, Tax Map# 26-4-3, GPIN# K27-3752 4774.

The discussion between staff and Board Members was the same as the previous item as they were very similar. Pictures were reviewed and all options considered. Comments reiterated were the identification of erosion. Mr. Bragg and Mr. Owen agreed that installation of shoreline would not be considered due to significant erosion. Wooden bulk-head would not be good because water faces the bulk-head.

Mr. Bragg opened the public hearing. Being no one to speak, the public hearing was closed. The proposed option of installation of 200 foot of rip rap protection between the 2 lots was the best choice.

A motion was made by Mr. Gleason to approve Application VMRC#2014-0310 as proposed.

The members were polled:

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

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

IN RE: CHESAPEAKE PRESERVATION BOARD PUBLIC HEARING NAO-2010-1738

- Application NAO-2010-1738 Army Corp of Engineers, submitted by Par 3 Development Group LLC., nationwide permit for 4100 square feet of wetland impacts for proposed development Tax Map# 19-44C, GPIN# J05-1249-3004.

Brian Gammon, spoke about the installation of the retail facility. He stated that Wetlands had been delineated on the property. RPA had been conducted and approved by the county, and they are impacting as little as possible. There is 4100 square feet of non-tidal wetlands being impacted. They are planning to build a concrete retaining wall 3.5 to 4 feet high adjacent to the building, and 4-5 feet from the edge of the building. Based on the Chesapeake Bay Preservation Act encroachment law, they've acquired the necessary permit from the ACOE and will meet the conditions of that permit. They're also under the threshold for any mitigation.

A question was asked as to the location on the property of the impact. Mr. Gammon answered the far eastern side of the property. The Board wanted clarification on the location of the property as it pertains to the hundred year flood in which over 15 "of rain had overflowed the Chickahominy River. It was clarified that the area affected from that flood was west of the proposed parcel. Mr. Gammon also answered that there would be water and sewer accessibility. Mr. Gammon added that based on a Study conducted by the ACOE in determining base elevation the parcel is 2 feet above base elevation.

Mr. Bragg opened the public hearing.

Being that there was no one speaking, the public hearing was closed.

A motion was made by Mr. Bragg to approve as presented Application NAO-2010-1738 Army Corp of Engineers

The members were polled:

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

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

IN RE: OLD BUSINESS

None

IN RE: ADJOURNMENT

A motion to adjourn was made and seconded by all.

Respectfully submitted:

Cathy Williams, Recording Secretary