



**NEW KENT COUNTY  
WETLANDS/BEACHES & CHESAPEAKE BAY BOARD MEETING  
THURSDAY, JUNE 7, 2018 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 7<sup>TH</sup> DAY OF JUNE IN THE YEAR TWO THOUSAND EIGHTEEN IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 6:00 P.M.

**IN RE: ROLL CALL**

Attendance:

Mr. Julian Ward	Present
Ms. Jean Street	Present
Mr. Lyle Gleason	Present
Mr. John Bragg	Present
Mr. Wakie Howard	Absent
Ms. Sarah Richardson	Absent <i>Arrived at 6:06PM</i>

Also present:

Mr. Justin Stauder, Director of Environmental  
Mrs. Gail Carey, Administrative Assistant, Environmental Department  
Mr. Corey Gray, Stantec  
Dominion Energy Representative  
Ms. Kim Claylor, Applicant  
Mr. Bill Johnson, Engineer

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 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. Ward and seconded by Mr. Gleason to approve the March 8, 2018 minutes. The Board members were polled and the motion was passed.

**IN RE: NEW BUSINESS VMRC 2018-0019 MODIFICATION TO APPROVED APPLICATION**

Mr. Stauder presented his staff report on the modification to the previously approved application VMRC 2018-0019, submitted by Virginia Electric and Power Company, to provide foundation repair on one (1) additional transmission line support structure located off of the Pamunkey River, at Tax Map parcel 28-4, GPIN L31-1973-3554.

The applicant received prior approval in March 2018 to repair five (5) transmission line towers and is seeking to include one (1) additional tower and revise access for the previously approved tower repairs. Applicant is proposing to restore structural integrity to the towers and complete the restoration of any affected areas due to construction activities. This type of project is linear in nature and utility based – the Board has historically reviewed and approved similar projects.

The modifications include: an additional tower repair to Tower 68, totaling six (6) transmission line towers; revised project access to Towers 72 and 73. The additional encroachment over a minimum of 89 linear feet from mean low water (MLW) to mean high water (MHW) of subaqueous bottom, for a project total of 207 linear feet. The proposed method of crossing the tidal stream channels is by means of temporary floating and clear span bridge systems. The construction methods, reclamation of areas, and site remediation will fall in line with the previously approved methods. There would be very minor additions to the already approved permit application.

Mr. Corey Gray, Stantec representative, stated that Tower structure 68 is closest to the shore and provided slides to illustrate this to the Board members. There would be coffer dams around the tower foundations for work, just as other structures which are similar in nature to it would have. Cofferdams would also be placed around each leg of the structure and surrounded by matting or water platform. Basically, the cofferdams will be dewatered and pumped through a filter bag, spoils from excavation to be placed on filter fabric on a mat and protected with a silt fence or silt sock.

Mr. Gray also stated that the construction access will change through the tidal channel, also a modification for encroachment over the subaqueous land also temporary matting. The site will be restored after the work is complete. Due to the concern with phragmites, the mats would be certified free from exotics, cleaned and washed. The original application request was for 995 square feet of wetlands, the additional tower structure 68 will add 256 square feet of wetlands impact for a total wetlands impact of 1,251 square feet. Once the work is complete, the site will be restored, as authorized with previously approved permit. Once work has passed Tower 68, it is expected that the elevations are so low that the tidal range is high enough and should prevent any phragmites from colonizing.

Mr. Bragg inquired about the routine monitoring for phragmites to which Mr. Gray replied at the present time Dominion Power did not have any in place for the phragmites after the initial work.

Mr. Gray mentioned that the change in approach was for the access to the towers.

The Dominion Power representative then mentioned that initially they did not think they could reach the channel, but had a mat contractor visit the site to review. The mat contractor confirmed that it would be possible to reach the channel with matting.

Mr. Gray stated that Dominion would certainly look at controlling phragmites, etc. that were within the right-of-way areas. However, Dominion would not have any control over whatever was outside of the right-of-way areas.

Ms. Richardson inquired how monitoring is in other locations.

Mr. Gray mentioned that Dominion does vegetation management, cleaning out and ensuring the vegetation does not grow too high so that it does not diminish the ability of powerlines.

Mr. Bragg opened the Public Hearing at 6:15PM. As there were no citizens wishing to speak, the Public Hearing was closed at 6:16PM.

Mr. Bragg mentioned that the only issue he had, which was discussed in the March hearing, was he would like a vegetation control plan included to actually identify the phragmites and requested for this to also be a part of the permit modification.

Mr. Gleason then inquired the duration for monitoring phragmites.

Mr. Bragg added for the phragmites to be removed as part of the vegetation monitoring piece of the permit.

A motion was made by Ms. Richardson, and seconded by Mr. Gleason, to approve permit modification VMRC 2018-0019 as presented with the addition of a phragmites control plan as an integral portion of the control plan, within the right of way.

The members were polled.

Mr. Gleason	Aye
Mr. Howard	Absent
Mrs. Richardson	Aye
Mrs. Street	Aye
Mr. Ward	Aye
Mr. Bragg	Aye

The motion was passed 5:0:0 and the application modification for VMRC 2018-0019 was approved.

**IN RE: NEW BUSINESS VMRC 2018-0361**

Mr. Stauder presented his Staff Report on the application VMRC 2018-0361, submitted by Kim Claytor, to construct approximately 245 linear feet of steel sheet pile bulkhead along the shoreline and gabion revetment due to significant erosion of slope at Tax Map Parcel 52A1-1-42, GPI B26-0318-2866. This type of project is warranted as the slope failure will continue to encroach toward the home. The Board has historically reviewed and approved similar projects.

The project will result in impacts to 80 linear feet of tidal wetlands for bulkhead installation and backfilling. The wetland area to be impacted is directly below a failing slope which has reduced the majority of wetland presence in the area. In areas where the existing bulkhead is present, the tide rises and falls against the wall, with no wetlands present. The new bulkhead is the first stage to remedy the failing slope above, which will negatively impact the single-family home on the

bluff in the coming years. Waterways will be protected from sedimentation by means of turbidity curtain and dewatering operations which discharge effluent through adequate filtering devices where applicable. Additional erosion and sediment control measures may be needed but will be addressed during the construction phase of the project.

The new sheet pile bulkhead will be roughly 250 feet in length and be placed two feet channel ward of the existing wooden bulkhead. Once the bulkhead has been installed, backfilling with stone will begin to build a base for the retaining wall installation. As the site will be receiving a new bulkhead and stone gabion retaining wall, replanting of the slope will only occur at the top once the gabions have risen to a point where a 2:1 slope can be achieved. Additional landscaping and planting may be incorporated into the walls if design allows. There are very limited areas where there is wetlands jurisdiction by the Board.

Mr. Bragg inquired if the application will be subject to some of the Chesapeake Bay Act with regard to land disturbance.

Mr. Stauder replied that the application will be subject to some of the Chesapeake Bay Act with regard to land disturbance at a later date.

Mr. Bill Johnson explained to the Board the problem is that erosion has cut back through the toe of the slope. The timber retaining wall has failed and with the steepness of the embankment the house is now close to the top of the slope. Because of the erosion and the current location of the house, there are limited options of engineering requirements for a stable slope. In certain areas of the property, the slope is almost 1:3 and 2:1 is at least what will be needed. Mr. Johnson added that it is not currently possible to obtain a 2:1 slope all of the way to the bottom and that is the reason for proposing gabion baskets with rocks to stack steeper.

Mr. Johnson mentioned that the walls would be constructed of corrugated steel to stabilize the toe. The gabion baskets are 18 inches tall and 18 inches deep. The heights of the gabions and the distances of the slope would vary depending on what the existing conditions are on the bottom. The top of the slope is not in a straight line, it varies back and forth. Due to this, the slope will be engineered and will contain gabions to protect the face of the slope and provide a good standing base. For each level of the slope, there will be a geogrid material placed behind which will go all of the way back to the existing slope. Each layer will be tied together, not just to prevent losing the toe, but to prevent losing each layer – it will be acting together. Once a certain level is reached, steel sheeting will be utilized at a certain level and will backfill with something such as Class 1 or Class 2 riprap which will be a heavy stone and have a tendency to be more stable than dirt. On the top layer, either number 3 stone or railroad ballasts will be utilized, along with a filter fabric up and down the slope.

Mr. Johnson stated the total width will be a couple of hundred feet long. Mr. Johnson added that many options were considered including moving the house, as well as consulting with other engineers. However, it would not be possible to move the house far enough on the property to achieve any noticeable results.

Mrs. Richardson inquired how long the house had been on the property as well as the distance from the water.

Ms. Claytor replied that the house had been on the property since approximately 1990 and was originally set further back from the water than the present location. One year a hurricane (Hurricane Lee) brought 18 inches of rain, which along with the thinning of trees by a neighbor, caused the erosion on the property to escalate.

Mr. Bragg acknowledged that Ms. Claytor had already completed an exhaustive Water Quality Impact Assessment and inquired about the proposed re-vegetation plantings.

Mr. Johnson mentioned that Ms. Claytor had already completed many items seen on a Water Quality Impact Assessment, such as mitigation, landscaping, borders, etc. Preventing erosion and stabilizing the toe is in itself critical as well as trying to save the dwelling. Regarding the re-vegetation plantings, Mr. Johnson said that he is proposing to use on the 2:1 slope, crownvetch which is a nice, stable ground cover which also produces some flowers and is easy to maintain. If not mowed, crownvetch will not grow too high. Mr. Johnson also stated that while considering gabions, some vegetation such as liriopie can grow on along the top to cover the face of the baskets. Liriopie is a hearty ground cover and can be established on the slope.

Mrs. Richardson noted that crownvetch was an invasive plant and an aggressive and fast, easy grower.

Mr. Johnson replied that, after checking with several state agencies, the information he had received was that crownvetch was more of the accepted vegetations and would be acceptable for the location. Mr. Johnson mentioned that crownvetch would be the best solution around the upper parts near the house. Further down towards the boathouse and dock, where a more natural slope exists, there may be some other vegetation that could be planted to make it appear more natural.

Mr. Gleason inquired about the design life of the gabion baskets.

Mr. Johnson replied he thought at least 30 to 40 years and added that there are different materials other than a regular basket, such as galvanized and vinyl coatings. Also, this practice involving gabion baskets had been used universally. Mr. Johnson also said that he is still researching and attempting to match the cost to long term cost. There are some items, such as the stone, which will last forever.

Mr. Bragg inquired about a revegetation plan.

Mr. Johnson replied that what needs to be considered around the house area is the maintenance and upkeep, as well as what requires mowing, etc. Also, long-term consideration will be necessary to prevent any trees from growing on the slope. Again, crownvetch would be a good solution for this area. Mr. Johnson noted that further down on the slope towards the boathouse and dock there appeared to be a more natural slope and the possibility for other vegetation to be planted.

Mr. Bragg stated the plantings will need to be in compliance with the Bay Act regulations.

Mrs. Richardson inquired if Mr. Johnson had any experience with long slopes and the gabion baskets as described in the permit application.

Mr. Johnson stated that he had never worked with anything quite to this magnitude with the number of gabions as proposed in the application. However, he added that the gabion supplier ran through the design, stability and slope, so there is an engineered basis for what would be proposed. Mr. Johnson mentioned that he did have some experience with shoreline stabilizations including rip-rap in a normal shoreline setting. Mr. Johnson added that the shoreline discussed is 15 – 20 feet out into the creek.

Mr. Bragg inquired about the use of any reinforced walls, panels and concrete walls.

Mr. Johnson explained that those methods had been considered. However, in his opinion the best method would be the use of steel sheet piling first to try and cut the slope off so to prevent it from going further into the creek. Beyond the sheet pile wall, it will still be necessary to go downhill before reaching the bottom of the creek. Of anything initially installed, the gabions would most likely be the closest thing. This method is also utilized in Roanoke up hillsides and mountains.

Mr. Bragg opened the Public Hearing at 6:40PM. Since there were no citizens present to speak, the Public Hearing was closed at 6:41PM.

A motion to approve application VMRC 2018-0361 was made by Mr. Ward and seconded by Mrs. Richardson. The members were polled.

Mr. Gleason	Aye
Mr. Howard	Absent
Mrs. Richardson	Aye
Mrs. Street	Aye
Mr. Ward	Aye
Mr. Bragg	Aye

The motion was passed 5:0:0 and the application for VMRC 2018-0361 was approved as presented.

**IN RE: ADJOURNMENT**

A motion to adjourn the meeting was made at 6:44 PM by Mr. Bragg and all were in favor.

Respectfully submitted,

Gail Carey, Recording Secretary