



**NEW KENT COUNTY
WETLANDS/BEACHES & CHESAPEAKE BAY BOARD MEETING
THURSDAY, SEPTEMBER 6, 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 6TH DAY OF SEPTEMBER 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	Present
Ms. Sarah Richardson	Absent <i>Arrived at 6:11PM</i>

Also present:

Mr. Josh Airaghi, Senior Environmental Planner
Mrs. Gail Carey, Administrative Assistant, Environmental Department
Mr. Jamie Hudson, PWS, PWD, Wetland Consulting, LLC.,
Mr. Tony Wood, Applicant, CBPA 369-2018
Ms. Heather Mackey, DEQ Principal Environmental Planner

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 Mrs. Street to approve the June 7, 2018 minutes. The Board members were polled and the motion was passed.

IN RE: NEW BUSINESS CBPA 369-2018

Application **CBPA 369-2018**: Mr. Airaghi presented his staff report on application CBPA 369-2018, submitted by Tony Wood (Woods Body Shop) for an exception, after the fact, to construct a graveled parking area within the Resource Protection Area (RPA), at Tax Map Parcel#31-12G, GPIN#H10-0808-1219. The project is coming before the Board as a requirement of a Notice of Violation written by New Kent County Environmental Department to Woods Body Shop in regard to clearing and grading within the RPA without proper prior approvals or permits. The total square footage of disturbance in the RPA is approximately 9,000 sq. ft. The project has been completed at this time. No proposed mitigation for impacts were included within the attached WQIA. A statement from the CBPA application reads 'replacement vegetation is not feasible as there are no areas conducive for revegetation. Other measures may be implemented.' Mr. Airaghi also provided pictures from various views of the property of the area in violation.

Staff Review/Findings include an approved set of construction drawings for the site, approved on January 3, 2013, which covered the most recent site improvements. Within the approved set, a note on page C4 reads 'The RPA is approximately based on the approximate edge of wetlands and cannot be used for vesting purposes. The wetlands and RPA must be fully delineated prior to future development.' The project, which had cleared approximately 9,000 sq. ft. of RPA buffer, never received approvals by New Kent County, or the CBPA Board. A full delineation was never completed prior to the future

development as specified in the approved plans. This exception request comes after two (2) Notices of Violation letters were issued; one by the New Kent County Environmental Director and one by the New Kent County Zoning Administrator. The violations were drafted after receiving a complaint that construction activities were taking place without proper approvals. At the time the Notice of Violations were written, the area had been timbered and cleared. Since the violation was written, the cleared area has been graveled and is currently being used as a vehicle storage. The proposed construction falls within the 100-foot RPA boundary. This would fall under the Chesapeake Bay requirements, requiring approval by the Chesapeake Bay Board. The submitted WQIA does not provide for any mitigation for the encroachment.

Mr. Airaghi added that the approved site plan provided for a detention basin. The detention basin, which was designed to treat stormwater runoff and meet state standards for water quality is no longer present because it had been filled in.

Mr. Wood said he did not mean to interrupt Mr. Airaghi, but requested to speak after Mr. Airaghi.

Mr. Bragg told Mr. Wood that he would have an opportunity to speak.

Mr. Airaghi continued on showing the Board a copy of the page from the 2013 approved site plan with the note addressing the RPA and wetlands delineation.

Mr. Hudson interjected saying he had 'messed up' when he submitted the WQIA of 9,000 sq. ft., and mentioned it was probably half of that, 4,500 sq. ft at Woods Body Shop. Mr. Hudson admitted he calculated the 9,000 square feet from the aerial and he was wrong.

Mr. Woods stated he would be able to show the Board when Mr. Airaghi was finished.

Mr. Bragg requested for Mr. Airaghi to proceed.

Mr. Airaghi informed the Board that the Zoning Department is requiring an amendment to the 2013 site plan. The Board's decision will impact what will be required on the amendment. Mr. Airaghi then provided the Staff Recommendation's to the Board which were the following: Encroachment into the RPA for commercial use, gravel parking lot is not in general conformance with the exemption and approvals found in the Chesapeake Bay Act as the site is under violations from the Zoning and Environmental Departments. The motion made will be incorporated into the revised site plan that will be required post Chesapeake Bay Board ruling. This will include approving encroachments or replanting reestablished areas of the RPA that were affected by the development.

Mr. Bragg then inquired if Mr. Hudson had anything else to add.

Mr. Wood stated he probably knew better than anyone.

Mr. Bragg stated for Mr. Wood to continue.

Mr. Wood informed the Board that the detention basin was never installed when the building was constructed. Mr. Wood also stated he asked the environmental inspector, at that time, if he would be able to gravel the area in question and did so upon the approval of the environmental inspector. Mr. Wood stated that it was not until about two (2) years ago that he learned the property was in violation and said 'since they (New Kent County) did not push it, I did not push it and left it the way it was.' Mr. Wood added that he did agree the detention basin was needed. Mr. Wood said his original intention was that there were approximately six (6) trees, of which two (2) were leaning towards the building and he had instructed his 14-year-old son, during Spring Break, to clear out the area. Mr. Wood added that there had been an old road there since Mr. Wood was a child and all sorts of cars and miscellaneous items were in that area. So, he removed those items and knocked the trees down. When the letters (Notices of Violation) were sent out, the area was already cleared and graveled. Mr. Woods stated that although it sounded bad, it was not his intent.

Mr. Howard commented 'no malicious intent', to which Mr. Wood agreed.

Mr. Wood added that he did not realize it was as large an area, he had originally though it was approximately 2,000 sq. ft.

Mr. Hudson stated the area was actually more like 4,500 sq. ft., to which Mr. Wood agreed and stated in hindsight it was actually 4,500 sq. ft.

Mr. Bragg inquired if the Board had any questions for the applicant and his consultant.

Mr. Ward stated since he had been on the Wetlands Board, he had spent more time reading the information over and reviewing the paperwork because he felt the application was not 'cut and dry'. Mr. Ward stated he pulled up Google Earth, and for the first time realized that the property is located between Route 60 and South Garden Road (he initially thought the property was located nearby a river, etc.). After reviewing the paperwork, Mr. Ward said he then took a drive to the property and looked around for RPA. Mr. Ward mentioned he then drove out to the property again today (the day of the meeting) and looked three (3) times on the back road and only noticed a ditch with a culvert perhaps maybe a quarter of a mile east of the site. Mr. Ward added that he was unable to see exactly where the ditch ended.

Mr. Hudson added that the culverts are all blocked up on South Garden Road.

Mr. Ward mentioned that he was just curious to the location of the RPA on the site, although he did notice some low-lying area where the rock (gravel?) was located.

Mr. Bragg said that he had a site plan with the RPA marked on it.

Mr. Airagh informed the Board that the dash line (as seen on the 2013 site plan and provided to the Board) is the approximate edge of the wetlands and the 100-foot RPA line roughly runs up along the top of the area that was cleared without permits.

Mr. Ward inquired if there was a 50 ft RPA for existing boundaries on properties.

Mr. Airaghi replied that with the Chesapeake Bay Act, anything platted prior to 1989, as long as the project is in general conformance with the Act, a person can encroach in to the 50 ft. landward side of the RPA. In order to encroach into the 50 ft. seaward side, the person would need to come before the Wetlands Board and be granted approval. However, anything platted prior to 1989, in the landward side, may be administratively approved.

Mr. Bragg inquired if Mr. Ward understood what an RPA actually was as far as set distance.

Mr. Ward confirmed he absolutely did understand.

Mr. Bragg inquired if there were any other comments or questions from the Board.

Mr. Howard inquired how long Mr. Wood's father had the business on site.

Mr. Wood replied his father had owned the business since 1975.

Mr. Howard inquired if what was existing was what Mr. Wood's father originally purchased.

Mr. Wood replied that he thought his father bought all of the property at the same time, but was not absolutely positive since his father may have bought another piece at a later date.

Mr. Bragg opened the Public Hearing at 6:20PM. Since there were no citizens that wished to comment or speak, the Public Hearing was declared closed at 6:20PM. Mr. Bragg inquired if Staff had any further comments.

Mr. Airaghi confirmed that he had presented the information as was provided by the Environmental Director, as well as to the best of his knowledge.

Mr. Bragg then spoke to the Wetlands Board members regarding the Staff Report and Staff Recommendations for the application. Mr. Bragg then reviewed the Findings to be considered from the Staff Report which included: Minimum necessary to afford relief; Granting the exception will not confer upon the applicant any special privileges that are denied to other property owners who are subject to its provisions and who are similarly situated; The exception request is in harmony with the purpose and intent of the regulations and is not of substantial detriment to water quality; The exception request is not based upon conditions or circumstances that are self-created or self-imposed; Reasonable and appropriate conditions are imposed that will prevent the activity from causing degradation of water quality. Mr. Bragg also included

Staff Recommendations as the encroachment into RPA for the gravel parking lot is not in general conformance with exemptions or modifications. As the site is under violations from both Environmental and Zoning departments, the motion made will be incorporated into the revised site plan that will be required post-CBPA hearing. This motion will include encroachments or reclaimed and reestablished areas of the RPA that have been negatively affected by the department.

Mr. Bragg stated, if it would be alright with the Board, he would actually like to see another basin, of an adequate size, installed.

Mr. Wood agreed with Mr. Bragg and stated the property actually needed the basin.

Mr. Hudson suggested he could get an engineer to basically install, not necessarily a basin, but a drainage device around the edge.

Mr. Bragg suggested a filter drain or perhaps a berm with a filter.

Mr. Hudson agreed with Mr. Bragg's suggestion and possible placement around the edge.

Mr. Bragg agreed with Mr. Hudson and stated that was one of the concerns he had to resolve since it was a requirement.

Mrs. Richardson asked what was a requirement.

Mr. Bragg replied the requirement was to have some sort of filter basin, as well as replenishment of any vegetation.

Mr. Hudson suggested perhaps a vegetative ditch around edge might be possible.

Mr. Airaghi mentioned that any BMP that will be proposed will have to meet water quality and quantity standards based on impervious cover that remains on site. He added that the county is open to any design as long as it meets that standard, as well as it might not be able to achieve that result with just a vegetative ditch.

Mr. Hudson interjected that he was not an engineer.

Mr. Bragg said it is something that is typically done on these kinds of sites. It is just a normal requirement, whether or not it was a violation or an initial application – this was not an unusual thing.

Mr. Hudson mentioned it would be good for the applicant so that he could achieve his purposed and will also have water quality, to which Mr. Bragg agreed.

Mrs. Richardson raised the question how would anyone know if it (the ditch?) catches the runoff that had been caused by the gravel parking lot.

Mr. Wood's answer was that it was an issue before.

Mrs. Richardson suggested for it to be fixed if it was an issue.

Mr. Airaghi stated the first step in obtaining an amended site plan would be a result of the Board's final decision. The final decision will go into the design of the amended site plan and will then be submitted and reviewed by the Environmental Department to make certain it meets the standards.

Mr. Hudson stated the amended site plan would be completed by an engineer.

Mr. Bragg mentioned the worst-case issues will meet all of the current standards because anything further than that would be very difficult and he would not know how it would be enforced.

Mr. Hudson said that is what Mr. Stauder, Environmental Director, and he had discussed. Mr. Hudson said he informed Mr. Stauder when the WQIA was submitted, that he (Hudson) was not an engineer but it will be contingent on an engineer that gets a site plan together.

Mr. Airaghi added as long as the site plan meets the state standards and the Environmental Department requirements, then the Environmental Department would be open to the design and it would come from an engineer.

Mrs. Richardson reiterated that whatever the Board requires, will at least improve the water quality – Mr. Bragg agreed.

Mr. Airaghi again stated the applicant will need to meet the water quality and quantity requirements.

Mr. Hudson interjected anything the Board approved would be contingent on that.

Mrs. Richardson added the Board will need to assume it will work.

Mr. Airaghi replied that if the Board moves to approve the application, it can be one (1) of the conditions but ultimately it is the Board's decision. This is the first step and then whatever the Board decides will be considered along with the design in the amended site plan.

Mr. Bragg agreed.

Mr. Ward added that as he drives up and down Rt. 60, he is certain the applicant is in full compliance with air quality control. He added that the applicant's facilities are one of the best maintained compared to some of the used car lots and who knows what runs off of them. Mr. Ward concluded by saying he used common sense.

Mr. Bragg inquired if the Board had any other questions for the applicant and or his consultant.

Mr. Howard motioned for CBPA 369-2018 to be approved and the caveat would be with the stipulation, but did not know how to state that.

Mr. Bragg suggested for a WQIA to be submitted to address landscaping and an upgraded site plan to address additional control issues with the stormwater.

Mr. Hudson added that the applicant already was aware of those items, as well as needing an engineer to become involved.

Mrs. Richardson commented that the recommendations were very good and the Board should include them. The recommendations included all vegetation must be maintained and in a healthy and vigorous growing condition; revised information to be submitted within 30 days.

Mr. Bragg added with the only addition a revised site plan showing location of and supporting mathematics actually showing where the new basin will be located and any other amendments will be consistent with environmental issues there.

Mr. Gleason inquired if 30 days was a reasonable amount of time for the applicant.

Mr. Wood said as far as an engineer to be involved.

Mrs. Richardson questioned if the 30 days was just the site plans.

Mr. Airaghi confirmed the site plans must come from an engineer and the Environmental Department was amenable to the timeline, within reason.

Mr. Hudson stated that he and the applicant would be in contact with the Environmental Department within 30 days.

Mr. Bragg inquired if the Zoning Department had a drop-dead date on the violation.

Mr. Hudson stated he was uncertain if plans would be received in 30 days.

Mr. Airaghi reiterated to Mr. Hudson to maintain forward progress and keep the Environmental Department up to date to avoid further Notices of Violation.

Mr. Bragg requested for Mrs. Carey to read the proposed motion to the Board prior to calling for a vote.

Mrs. Carey read the following proposed motion: The motion to approve CBPA Application 369-2018 with the following conditions: A wetland and RPA delineation must be completed; A revised WQIA must be resubmitted to address landscaping in accordance with the CBPA Buffer Manual; All vegetation must be maintained in a healthy and vigorous growing condition. Two (2) years following installation any vegetation that dies, becomes diseased, or fails to flourish must be replaced; Revised information shall be submitted within thirty (30) days to the Environmental Department; as well as the addition of the revised site plan showing the new basin location and consistent with the environmental requirements.

Mr. Bragg confirmed what Mrs. Carey read aloud was the correct motion.

Mr. Gleason seconded the motion.

The Board members, excluding the Alternate member, were polled:

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

The motion was passed.

Mrs. Richardson, the Alternate member, appeared surprised as to why she did not participate in the vote even though she was appointed to the Board.

Mrs. Carey replied to Mrs. Richardson that she was the Alternate member, to which Mrs. Richardson thanked her and said that she had misunderstood.

IN RE: NEW BUSINESS CBPA 546-2018

Application **CBPA 546-2018**: Mr. Airaghi presented the Staff Report for application CBPA 546-2018, submitted by Tyrone L. East, Jr., for an exception to construct a residential pool, as well as associated hardscaping and landscaping at Tax Map Parcel# 38-3-16, GPIN# I32-3731-3979. The total square footage of disturbance in the RPA is approximately 608 square feet. According to the proposed plan, the deck that is on the rear of the house is to be removed and replaced with hardscape patio.

Mr. Hudson confirmed that the applicant, Mr. East, will remove all of the existing gravel and replace with a pool.

Mr. Airaghi continued with the Staff Review and Findings: The lot was platted in 1992 and the home was constructed in 1994. Based upon septic system drawings that were reviewed as a part of the WQIA, the primary drain field is on one side of the house and the reserve drain field is located on the other – this being the reason why the pool is proposed at the rear of the property. With the current conditions, the house sits atop a bluff approximately 30-35 feet above the RPA feature. The existing trees are to remain and no vegetation is proposed to be removed during this construction. No mitigation or planting outside the landscape plants is proposed either, as no vegetation will be removed. Currently, the RPA has been cleared and landscape gravel installed between 2002 and 2007. The current owner/applicant, Mr. East, purchased the property in early 2018. The clearing and landscape gravel were done without any approvals from either the Wetlands Board or the Environmental Department. Mr. Airaghi then showed the Board the proposed plan which showed the location of the pool, hardscapes and landscaping. Mr. Airaghi also pointed out the not on the deck of the rear of the house which said to remove deck. The deck will be removed and the trees in the existing conditions will remain. Traditional Erosion and Sediment controls are proposed to be used during the construction, pending approval of the application, and a permit from the Building Department will also be required.

Staff recommendations include the proposed addition of the pool and hardscaping would not degrade the RPA any further than the gravel lot that currently exists in the area. However, there were never any approvals or permits obtained for the encroachment and installation of the gravel area within the RPA buffer by the previous owner. As the site sits atop a steep bluff, and minimal drainage moves across the area, staff recommends the following two conditions, if the Board chooses to approve the pool and hardscaping as a whole: Full reclamation of an additional gravel area equal to the requested

encroachment. The reclaimed area should be adjacent to the undisturbed portion of the RPA that lies on the site; A landscaping plan that details location, number, and species of plantings to be installed on site. Recommended species and number should be in accordance with the Chesapeake Bay Buffer Manual specification per square foot of disturbance. Also, to be detailed in the plan, is the reclamation and reestablishment of 608 sq. ft. of the previously cleared RPA buffer. Mr. Airaghi added that currently there is gravel between the house and the framed garage next to the undisturbed RPA.

Mr. Bragg inquired if there were any comments or questions of the Environmental Staff.

Mr. Ward inquired about the location of the reclaimed area.

Mr. Airaghi confirmed the current location of the landscaping gravel, as well as another gravel area that is located between the house and the framed garage. Mr. Airaghi mentioned he believed that was what the Environmental Director, Mr. Stauder, was referring to as the additional reclaimed area adjacent to the RPA.

Mr. Hudson informed the Board that the applicant is currently out of the country and would like to remove all of the gravel and install a pool and landscaping. Mr. Hudson added that he did not think that the applicant would want to be tied into having the county approve a landscape plan.

Mr. Bragg inquired what sort of landscaping is being considered because it is a minor area anyway.

Mr. Hudson agreed with Mr. Bragg regarding the minor area and replied he was unsure about the landscaping considerations. Mr. Hudson added that he did not feel the applicant would want to be tied into doing native plantings, etc.

Mrs. Richardson asked if there were any consideration for placing the pool outside of the RPA or if it was impossible.

Mr. Hudson answered that the applicant had a drain field on one side and a reserve on the other side of the house and obviously the applicant would want the pool right at the river.

Mrs. Richardson agreed but stated that was the location of the RPA and the whole purpose of the RPA is to be protecting.

Mr. Ward inquired if the encroaching was on 15 feet, or not that much.

Mr. Hudson stated when a person pays that kind of money for a piece of property, they want to have a pool.

Mrs. Richardson replied no and if everyone encroached into the RPA then there would be no water quality protection.

Mr. Ward posed the question of with the house and gravel in the current location what more detriment is the pool going to do other than the gravel is currently doing?

Mrs. Richardson commented that the gravel should not be in that area either.

Mr. Ward said the gravel will no longer be in the location, the pool will be.

Mr. Bragg interjected and said what he (Mr. Ward) is saying is the impermeable surface area does not change.

Mr. Ward added if a person thinks about it, the pool will catch more water than the gravel never did.

Mr. Bragg stated there is no more impermeable surface of the pool than gravel and the gravel, as it is in the current location, is already packed with water. As a result, there are no more benefits from it (gravel) and any proposed minimal landscaping, regardless of what it is and when it is examined at the time of grading, that is part of the pool installation that will be addressed at that time.

Mrs. Richardson apologized and said she just had to play the Devil's Advocate in this situation. She questioned by saying why, just because there is an impervious surface that currently exists, it should be allowed to remain? Why not make it pervious?

Mr. Hudson replied okay, we will just let it stay there – what sense does that make?

Mrs. Richardson disagreed and said the gravel should not be there, it is in violation.

Mr. Hudson questioned who would remove it (the gravel).

Mrs. Richardson said the applicant would be the person responsible to remove the gravel.

Mr. Hudson questioned how can the applicant be made to remove the gravel since he only purchased the property earlier this year. He again questioned who would be responsible for the gravel removal.

Mrs. Richardson said when purchasing a home, the potential buyer should look at all regulations relating to the house. Essentially, the buyer is on notice that there is an existing RPA and it should not be impervious. Now, it appears that since the property was already in violation at the time of purchase, the discussion leans towards just keep it that way. Mrs. Richardson then expressed her dissatisfaction and called it reprehensible. She concluded by stating what did it matter, she did not have a vote anyway, don't worry – she was just an Alternate.

Mr. Hudson answered that he was not worried.

Mr. Gleason asked Mr. Hudson if the pool would use fewer square feet than the existing gravel.

Mr. Hudson confirmed Mr. Gleason was correct.

Mr. Gleason said given that information, the gravel removal might be considered as an improvement.

Mr. Bragg added that the landscaping will capture and act as a buffer for any runoff, to which Mr. Hudson agreed.

Mrs. Richardson asked if the applicant was going to do the additional landscaping.

Mr. Bragg answered the applicant will take out an area equal in size, or nearly equal in size, to the existing gravel. Basically, the applicant is mitigating through the minimal landscaping below where the pool will be, as well as removal of the gravel and installation of the pool.

Mr. Hudson confirmed that the applicant did want to remove all of the gravel.

Mr. Bragg added that even if the applicant did not want to install a pool, he did not know of any minimum requirement to remove the gravel, and stated that it might even be seen as an improvement.

Mr. Airaghi stated to the Board if the applicant was not proposing installation of a pool, then the county would not have written any violation for past violations. Mr. Airaghi informed the Board, what the county does for one citizen they must do for all citizens.

Mr. Hudson confirmed Mr. Airaghi's statement and added the gravel would not have been an issue if the application for a pool installation was not presented.

Mr. Airaghi mentioned with the installation of the pool, as well as the knowledge of the previously existing violation, the county is attempting to have at least some of the RPA replanted with vegetation.

Mr. Bragg reviewed the findings to be considered with the Board members prior to calling for a vote on the application.

Mrs. Richardson inquired if the Board votes to use the suggested revised plan with the WQIA and vegetation, who will return and inspect the property?

Mr. Airaghi replied that a part of the application will be to have the Environmental Department return for inspections.

Mr. Bragg then requested a motion be made.

Mr. Hudson again requested that there be no requirements made for the landscaping.

Mr. Ward asked if the motion was to approve the application and adding land reclamation.

Mr. Bragg answered the motion was to include the following with the approval: a revised site plan and WQIA be resubmitted to address the landscaping plan and reclamation of an area equal to the requested encroachment; all vegetation must be maintained in a healthy and vigorous growing condition. Two (2) years following installation any vegetation that dies, becomes diseased, or fails to flourish must be replaced; revised information shall be submitted within thirty (30) days to the Environmental Department.

Mr. Airaghi added that probably what Mr. Hudson is requesting is to do away with the landscaping plan and just do the reclamation.

Mr. Hudson stated he would ask that the Board just approve the application without the landscaping plan because he did not think it was necessary – no vegetation will be removed.

Mr. Bragg told Mr. Hudson he understood and asked to what a landscaping plan actually was. According to the manual, it is what will replace the gravel area that is being removed and the vegetation that is used is the landscaping plan. Whatever is planted below the pool, if anything, will be the landscaping plan.

Mr. Hudson again stated he did not feel the applicant should have to be required to do anything because he is only removing the gravel - no tree or vegetation will be removed.

Mr. Bragg then questioned if the applicant will reclaim the gravel removal area with vegetation or grasses.

Mr. Hudson replied that he did not know if the applicant had a landscaping plan, or if he was going to do it (the landscaping) himself.

Mr. Bragg stated it did not matter and inquired what general types of things will the applicant put back.

Mr. Airaghi added that the application read typical landscaping plan to be installed following construction. Mr. Airaghi added that when Mr. Stauder, Environmental Director, said landscaping plan following buffer manual, it was asking for information that specified number of plants and trees.

Mr. Hudson reiterated that the applicant should not be required to do any landscaping plan.

Mr. Airaghi replied that the decision was for the Board to decide.

Mrs. Richardson inquired if there would be a problem if the applicant simply used regular, not native, plant and just installed landscaping.

Mr. Hudson replied it would not be any problem, but that is not what the manual states.

Mr. Ward inquired if the applicant was able to just use grass or something like fescue.

Mr. Bragg suggested for a normal reclamation plan per the vegetation zone.

Mr. Hudson confirmed that the applicant will plant and make things look nice. Mr. Hudson again stated he just did not want the applicant tied down to doing native plantings.

Mrs. Richardson added the manual did not state that.

Mr. Bragg confirmed, said it was his error and then asked for a vote.

Mr. Ward requested for a summary of the motion once more.

Mr. Bragg read the proposed motion to the Board members and asked for any addition, deletions or corrections.

Mrs. Richardson seconded the motion and then inquired if she was allowed to do so.

Mr. Bragg authorized Mrs. Richardson's seconding of the motion.

The Board members, excluding the Alternate member, were polled:

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

The motion was passed.

IN RE: ADJOURNMENT

A motion to adjourn the meeting was made at 6:55 PM by Mr. Bragg and all were in favor.

Respectfully submitted,

Gail Carey, Recording Secretary