

NEW KENT COUNTY PLANNING COMMISSION

SCENIC & HISTORIC SUB-COMMITTEE

2 April 2008

3:00PM

County Administration Building Boardroom

MEETING NOTES

Attendance:

Members Present:

- Ms. Brenda (Sam) Snyder, Chair
- Mr. Eddie Pollard

Members Absent:

- Mr. Steve Rocha

Staff Present:

- George M Homewood, AICP, Director of Community Development
- Kelli L. Z. Le Duc, Planner

Ms. Snyder called the meeting to order at 3:05 and noted that copies of the draft zoning provisions for historic resources and scenic corridors from the draft zoning ordinance effort extending back to 2004 had been distributed. Ms. Snyder noted that a previous subcommittee of the Planning Commission had spent more than a year reviewing the draft zoning ordinance, including the provisions before this current subcommittee. She stated that she believed that because of the extensive previous efforts, they would make a good starting point, but that was all and the lessons learned from the public process between then and now should guide the committee as well.

The committee began by reviewing the historic resources impact analysis provisions. Staff showed the committee the maps and documents that comprise the "New Kent County Historic Resources Inventory" noting that while it is a public document it is shielded from the full application of the Virginia Freedom of Information Act because part of protecting historic resources entails not providing clear guidance to relic hunters who might loot sites and thus destroy their historical value. After review and discussion of the draft provisions, the committee decided that they were acceptable as written, but asked for the following changes:

- Add language in the intent section to more clearly specify that the requirements for impact analysis do not preclude development. The requirement is to identify historic significance and if there is any significance to document it before development occurs.
- Investigate the possibility of providing an opportunity for limited administrative modification of other provisions of the zoning ordinance that might provide additional flexibility in site design to preserve historic resources.

The committee then began consideration of the scenic corridor overlay provisions that had been proposed as part of the draft zoning ordinance. Staff noted that these provisions as drafted had been very controversial, especially the components that required preservation of tree canopies, and thus no timber harvest, adjacent to the specified scenic byways other than in designated villages.

Staff noted that a recent meeting between staff members of the County and the Virginia Department of Forestry had been quite helpful in clarifying many of the concerns of the forest products community. Among the philosophical concerns is that the tree canopy is a privately-provided public good and that if it is in the public interest to protect and preserve it, there should be some compensation in some manner to the private owners of the trees. Among the practical concerns is that a forest community grows in a manner that the trees collectively support each other in severe weather events. Leaving a buffer of mature trees from a clear cut will leave trees that are highly susceptible to weather-related damage and given that these buffers by definition will be along roadways, this action dramatically increases the possibility of tree fall across roads. Overhead utility lines are still prevalent in New Kent and typically follow the roads, thus tree falls will likely not only close roads, they will also disrupt electricity, telephone and cable. Consequently, unless sufficiently wide, left buffers have more negatives than positives. Of course wide buffers have substantially more economic impact on the landowners. Thus options other than regulation should be considered.

The committee decided that while the basic construct of the draft could form the basis for a renewed proposal, considerable additional thought would be required before a proposal could be brought forth that would be workable and practical. However, the committee directed staff to make the following changes or investigate options:

- Remove Crumps Mill Road and Criss Cross Road from the list of scenic corridors
- Investigate having St. Peter's Lane and Cooks Mill Road officially recognized by the Commonwealth as Scenic Byways and keep them on the list of local scenic routes in the meantime
- Consider alternatives to the greenbelt provisions that may include a tiered approach of decreased depth and increased plantings and/or more rapid replanting
- Set up an informal discussion with the owners of property along the scenic corridors to discuss options and alternatives before finalizing any recommendations

The committee set their next meeting for 3:00-5:00 Thursday 24 April 2008.

The meeting adjourned at 4:40PM.