



NEW KENT COUNTY BOARD OF SUPERVISORS

February 12, 2024, 6:00 PM

Boardroom, County Administration Building, 12007 Courthouse Circle, New Kent, VA

23124 - REGULAR MEETING

AGENDA

CALL TO ORDER

INVOCATION and PLEDGE OF ALLEGIANCE

ROLL CALL

CONSENT AGENDA

(Matters included here under may be the subject of one motion to approve provided no Board member requests an item to be separated.)

1. Approval of Minutes

- a. October 20, 2023 Budget Retreat Minutes
- b. October 31, 2023 Work Session Minutes
- c. November 15, 2023 Regular Session Minutes
- d. November 28, 2023 Work Session Minutes

2. Miscellaneous

- a. Approval of Easements & Compensation for the Rt 249 Waterline Project
- b. New Development Street Names for Forge Industrial Park, Forge Logistics Building Two
- c. Resolution R-06-24 - Street Acceptance - Rochambeau Estates, Section 1
- d. Resolution R-07-24 - Street Acceptance - Rochambeau Estates, Section 2

3. Refunds

- a. REFUND - Gault Electric LLC - BP#17977-2023 - \$91.88
- b. REFUND - Gault Electric LLC - BP#17849-2023 - \$132.38
- c. REFUND - Ryan Homes - \$427.50
- d. REFUND - Real Estate Tax - Veteran Exemption - \$6,751.24

4. Supplemental Appropriations

- a. FY24 Supplemental Appropriations

5. Interdepartmental Budget Transfers

- a. FY24 Interdepartmental Budget Transfers

6. Treasurer's Report

- a. Treasurer's Report - December 2023

CITIZENS COMMENT PERIOD

RESIDENCY ADMINISTRATOR'S REPORT

Residency Administrator's Report for January 2024

PRESENTATIONS

ITEM 1 Heritage Public Library Update

Public Hearings to be held at 7:00 p.m. or as soon thereafter as possible. Speakers are limited to three minutes each, should come to the podium and state their name and address.

PUBLIC HEARINGS

ITEM 2 PUBLIC HEARING - Ordinance O-09-23(R1), Creating the Liberty Landing Planned Unit Development (PUD-01-22) - Principal Planner Kelli Le Duc and Applicants

ITEM 3 PUBLIC HEARING – Application CUP-02-23, Polish Town Solar 1, New Leaf Energy, Inc. and Jonathan Kinney – Resolution R-02-24 – Conditional Use Permit to construct a 2 MW Solar System (facility) on approximately 23 acres located within Tax Parcel 276J (GPIN #I-28-3826-5374) in eastern New Kent County - Principal Planner Kelli Le Duc and Applicants

ITEM 4 PUBLIC HEARING - Ordinance O-03-24, Amendments to New Kent County Code Chapter 82, Articles V and VI - Environmental Director Josh Airaghi

ELECTED OFFICIALS REPORTS

STAFF REPORTS

OTHER BUSINESS

APPOINTMENTS

Appointments - Delegated by District

Appointments - Not Delegated by District

Appointments - Regional Boards and Commissions

ADJOURNMENT

Adjournment

MEETING SCHEDULE: The next regularly scheduled meeting of the Board of Supervisors will be held at 6:00 p.m. on Monday, March 11, 2024 and the next work session will be held on Tuesday, February 27, 2024, both in the Boardroom of the County Administration Building.

If a meeting cannot be held because of the closing of State and/or County offices, the meeting will be held on the next business day that the County offices are open.

AGENDA ITEM REQUEST
(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO
THE MEETING)

Meeting Date: 2/12/2024

Approval of Minutes

Motion: "Mr. Chairman, I move to (not required for Consent Agenda items)	approve the Consent Agenda as presented and that it be made a part of the record. or I move to approve the Consent Agenda as presented and that it be made a part of the record, with the following changes:
Subject	October 20, 2023 Budget Retreat Minutes
Issue	
Recommendation	
Fiscal Implications	
Policy Implications	
Legislative History	
Discussion	

Time Needed:		Person Appearing:	
Request prepared by:	W. Watkins, Deputy Clerk of the Board	Telephone:	804-966-9687
Copy provided to:			

ATTACHMENTS:

Description	Type
October 20, 2023 Budget Retreat Minutes (PDF)	Cover Memo

REVIEWERS:

Department	Reviewer	Action	Date
Clerk	Watkins, Wanda	Approved	1/19/2024 - 11:38 AM
Administration	Hathaway, Rodney	Approved	1/19/2024 - 1:47 PM
Attorney	Everard, Joshua	Approved	1/22/2024 - 8:24 AM

A JOINT MEETING WAS HELD BY THE NEW KENT COUNTY BOARD OF SUPERVISORS AND THE NEW KENT COUNTY SCHOOL BOARD AT 9:00 A.M. ON THE 20TH DAY OF OCTOBER IN THE YEAR TWO THOUSAND TWENTY-THREE, AT THE PROVIDENCE FORGE RECREATION CENTER, 9900 CARRIAGE ROAD, PROVIDENCE FORGE, VIRGINIA.

IN RE: CALL TO ORDER

Chairman C. Thomas Tiller, Jr. called the meeting to order and welcomed everyone to his last budget retreat. (Mr. Tiller had served for 16 years and was not running for reelection.)

IN RE: ROLL CALL

Thomas W. Evelyn	Present
C. Thomas Tiller, Jr.	Present
Patricia A. Paige	Present
Ron Stiers	Present
John N. Lockwood	Present

All members were present.

IN RE: SCHOOL BOARD CALL TO ORDER

School Board Chair Wayne Meade called the School Board meeting to order. Other School Board members present included Kristin D. Swynford and Sarah Grier Barber. School Superintendent Dr. Brian Nichols, Assistant Superintendent of Operations Jonathan Hochman, Chief Administrative Officer Haynie Morgheim and School Board Clerk Johanna Davis were also present.

IN RE: NEW KENT SCHOOL SUPERINTENDENT – YEAR END AND CAPITAL IMPROVEMENTS UPDATE

Copies of the School Board presentation was distributed prior to the meeting. New Kent Superintendent Dr. Brian Nichols noted they had made a lot of progress in partnership with the County. His presentation began with an overview of FY25 Capital requests.

Capital Requests – The list of Capital Improvement requests was broken down into two parts, the first being items needed to continue maintaining and moving forward and the second being a look forward at larger projects to be on the Board’s radar. First part projects totaled \$2,210,000 and included:

- A \$100,000 transfer to the General Operating Fund for the digital conversion.
- Five school buses totaling \$720,000. School buses had a 15-year life span and replacing five buses each year would meet requirements of that maintenance plan. The next purchase of five buses would result in all buses being air conditioned. The buses would be GPS enabled and fully equipped with interior/exterior cameras leaving no blind spots.
- \$25,000 for General Roof Maintenance.
- \$25,000 for miscellaneous improvements/equipment and painting.
- High School roof replacement (year 3 of 3) totaling \$495,000.
- Paving Districtwide – baseball/softball complex totaling \$80,000.
- School Vehicles (non-bus) – maintenance truck with lift gate at \$75,000.
- Districtwide Lighting – NKHS LED totaling \$425,000.
- NKHS WIFI network refresh totaling \$160,000.
- New Kent Elementary School playground replacement totaling \$80,000.
- NKHS Theatre upgrade (curtains only) totaling \$25,000.

Projects mentioned in the second part included:

- Athletic upgrades to Ed Allen Stadium and baseball/softball fields including a turf field and track at \$2,000,000, lighting for baseball/softball fields at \$600,000 and new locker rooms/concession stand/ticket booth/storage at \$3,500,000. New Kent was the only school in the division other than Smithfield that was not playing on turf. Nine teams were using this field in the fall and it was not holding up well. Although turf would be a significant investment, maintenance costs would be reduced. PE classes were no longer allowed to use the fields and the limited space available for these classes was causing concern. There had been several instances where games had been called at the baseball/softball fields due to darkness. The lack of lighting was preventing New Kent from hosting regional and state games even though we had State Baseball and Softball Championship teams. New Kent was not able to host regional or state jubilees due to the lack of a regulation soccer/field hockey field. Drawing attention to the locker rooms/concession stand, etc. component, he stated he believed this was a high estimate. He reported there were some safety and security concerns which could be addressed by redoing access points and providing for separation of visitor and home spectators.
- NKMS HVAC replacement project – second phase at \$1,500,000. A \$1.2 million grant funded HVAC project was currently in progress to replace the second floor system. The proposed \$1.5 million project would address first and third floor needs.
- Baseball/softball fields cameras totaling \$97,000.
- HS parking lot cameras – price to be determined. Some portions of the parking lot currently had camera coverage.

Quinton Elementary School Success - Dr. Nichols announced Quinton Elementary School was now in its second year. This school had opened on time and under budget during a pandemic with almost \$600,000 having been saved. He added this had been accomplished through a great partnership with the County, a little bit of luck and an operations team that had stayed on the project keeping the number of change orders at a minimum.

New Kent Elementary Feasibility - New Kent had received a \$1.7 million school construction grant through the Virginia Department of Education. This and the \$600,000 savings on Quinton Elementary School would be available for the next construction project and the school division felt the next project would be New Kent Elementary. Approximately \$100,000 was currently available in the New Kent Elementary renovation fund and they were also planning to move \$100,000 from the year end set aside funding to this project. This would give them approximately \$2.5 million to start the project. They were currently conducting a feasibility study which included a facility assessment. Stakeholder sessions had included a faculty meeting on August 28th, a community meeting on September 14th and a programming meeting on September 26th. The School Board had received some planning options and budgets and referencing a recent article in the New Kent Charles City Chronicle, he suggested Supervisors may have been shocked to see the sticker price for new construction. Quinton Elementary had been built for \$35 million but the going rate was now \$55-\$58 million. Three planning options provided by Moseley Architects all attempted to address the lack of a secondary access out of the high school, middle school and elementary school properties. There was only one road in and out with 2,700 students and 300 staff on that road at any given time. This issue had been an ongoing conversation with the Sheriff and Fire Chief when discussing the possible need to mass exit these facilities. Preliminary estimates from a renovation to a full new construction ranged from \$43 million to \$60 million. Better numbers would be available once they moved forward with the design process. There were some opportunities for collaboration with New Kent County working on the Historic School and the Schools Board's plans for New Kent Elementary. A part of the Historic School project included the relocation of the School's Maintenance Shop. He said

one of their biggest issues was traffic and with Moseley having both projects, they could look at the total landscape to seek opportunities to connect and collaborate. He also suggested the potential for some cost savings by using the same architect. A presentation to the Board of Supervisors would be scheduled for a date to be determined.

Enrollment Projections – Dr. Nichols provided enrollment outlook information projecting a five-year increase of 489 students. Enrollment projections were as follows:

Year	Enrollment Projection
2023-2024	3,448
2024-2025	3,501
2025-2026	3,607
2026-2027	3,697
2027-2028	3,778
2028-2029	3,895
2029-2030	3,990
Five Year Growth	489

Current enrollment was 3,448 which did not include 50 or so Pre-K students. He reported Ms. Morgheim had done an incredible job of looking at all factors to project enrollments. These projections were slightly lower than previous numbers which he said may suggest the economy was slowing. These projections also did not take into account new projects which had not started. There continued to be good growth at Quinton Elementary and George Watkins Elementary. Both schools had opened well under enrollment since they knew these service areas were expected to see significant growth. New Kent Elementary, which was expected to see the least amount of growth, currently had about 660 students. Middle school projections were for enrollment to hold under 1,000 for the next five years. There were currently 825 students and capacity would be approximately 950. Enrollment at the high school was 1,100 students and was expected to stay consistent and possibly reach 1,200 in the five year projection. This school could accommodate up to 1,500 students. A five classroom addition had been completed at New Kent Middle School just before he had come to New Kent a little over four years ago and there would be an opportunity for another five to six classroom addition on top of the kitchen area. This was not something they would consider doing in the next year or so but would be an opportunity to expand the life of the school. Mr. Evelyn asked if core facilities would accommodate additional students. Dr. Nichols reported the gym would be the biggest issue but noted the cafeteria was now serving six lunches. They had begun the practice of splitting each class in half during COVID and had found having half the students was a good thing and had continued that. Gym space was already an issue and students were currently using the P&R and middle school gyms. He also noted one opportunity in the New Kent Elementary School project was that if the decision was to build a new school on the same site, there would be an opportunity to leave the existing gym and add an additional gym. This could help address the need for gym space for P&R as well as the schools' needs. Mr. Lockwood noted the middle school projection would be at capacity in five years. He asked what the additional five to six classrooms would do to extend the life of the school. Dr. Nichols reported the addition would give space for an additional 100 to 120 students. Mr. Lockwood asked if that would equate to one to two years. Dr. Nichols confirmed and stated the best time to build a new middle school would be today and indicated he was concerned about the cost in five to six years given that the current market price for a new middle school was \$80 million.

FY25 Operating Budget – Dr. Nichols reported the School Board’s budget priorities would be very similar to those of the County. He reviewed a list of considerations including:

- Competitive salaries – They would love to be number one and while they did not have to be number one, they did have to be competitive with the region. He said some school divisions were doing interesting things that were making it even harder. Richmond City had offered \$12,000 bonuses and two New Kent staff had taken this offer. Henrico had announced an eight week paid family leave separate from sick leave.
- Growth – maintaining class sizes.
- Rising cost of healthcare – This continued to be a significant factor and they would continue looking for possible partnership opportunities.
- State funding was unpredictable – The FY24 budget that should have been adopted months ago had just been adopted a few weeks earlier. He said an independent study on education funding in Virginia had stated funding for schools was abysmal and completely under-funded and the burden was shifting to localities. He said he was hopeful, although he was reminded that hope was not a strategy, that the independent report given to the General Assembly and the Governor may result in shifting the funding formula and providing state funds to help schools.
- Federal pandemic funding would be expiring in September 30, 2024. They had been good about managing pandemic funding and grant funds to make sure they were still able to operate efficiently once the funded ended. They had been able to complete a number of projects without the use of capital or operating funds.

Next Steps -

- Budget forums with staff – Dr. Nichols and Ms. Morgheim would be hosting a half day open house in each workplace to allow staff members to share their thoughts and ideas. They had started this the previous year with over 100 individuals participating and they had tried to make their budget requests reflect that voice.
- Finalizing CIP requests – To be presented to the School Board in November.
- Presentation on renovation options for New Kent Elementary School to the Board of Supervisors.
- Budget review with the Board of Supervisors. There would be many opportunities such as this to meet and discuss early to facilitate a smooth and effective budget process.

Dr. Nichols noted that was the end of their presentation and he entertained questions and comments.

Mr. Lockwood congratulated the School Board and Dr. Nichols on the awards New Kent Schools were receiving. He said they made a great team and thanked them for all they had done. Dr. Nichols expressed appreciation for the comments and noted any award received was for all of New Kent County and that was why they used the “Team New Kent” phrase. He stressed the importance of the partnership between the two boards and specifically thanked County Administrator Rodney Hathaway.

Mr. Evelyn concurred and said he was hopeful the partnership could continue for the next four years. Referencing the New Kent Elementary project, he asked how students would be managed if the decision was to renovate. Dr. Nichols said that was a part of why a renovation would be so expensive. For continuity of operations and because there wasn’t enough space to move 600 students between the other schools, it would be necessary to have a phased renovation over multiple years. This would also require the rental of trailers estimated at \$2 to \$3 million. He also noted all three proposed options would remove the old tennis courts and help address the need to get traffic off Rt. 249.

Mr. Meade noted this would also be his last budget retreat and said it had been a pleasure to serve for the past four years with the School Board and the Board of Supervisors, Mr. Hathaway and staff. The experience had been completely enlightening and eye opening even though all of his daughters had gone through New Kent County Public Schools and he and his wife had been involved for many years. The experience had put a light on the excellence the school division was bringing to the community/state and it spoke volumes when continually being reminded that New Kent Schools were in the bottom five for per pupil funding while also being nominated as one of the best run school divisions in Virginia. He also noted Dr. Nichols was on the "Most Watched List" of Superintendents in the United States. He said that this showed New Kent was probably the most efficiently run school division within a 100 mile radius. They worked to be good stewards in all they were doing. He also said he did not believe there had ever been a construction project of the magnitude of Quinton Elementary in the history of New Kent that had been completed on time and under budget. This told him that when you put the right people in the right place, meaning the School Board, the Board of Supervisors and the administration, things were done efficiently and effectively. He said this spoke to the integrity and excellence of what happens when you have synergy among boards.

Drawing attention to the capital expenditures shared by Dr. Nichols, he said the School Board understood the County could not fund everything and suggested that as New Kent continued to grow, surrounding communities would be looking at the County's long term investment in education. He suggested that when comparing per pupil spending to the state average and other localities, a \$4 to \$5 million investment in capital projects to bring the division to the 21st century was a small investment based on the return. Those looking to New Kent for economic development would also be looking at the excellence of the school division where they would be sending their children. He understood no one wanted to raise taxes and stressed the need to maintain the current level of excellence in schools, but noted economic growth alone could not fund school divisions and keep them competitive in the area of health care. They understood they could never catch up with Henrico and Charles City but they were asking that they be able to be competitive. He said the New Kent school division was about 98% staffed where counterparts in Henrico, Chesterfield and James City County were lucky to be 80% staffed. He knew all departments in the County needed things and he didn't know how much would be enough. He felt needs of today should be addressed today and not put off thinking there would be more revenue. He hoped that as the Board considered the CIP requests that they would think not only about the needs of today but also the future. He also felt residents would be doing themselves a grave injustice if they did not reelect the people sitting at the table. He suggested that if the County wanted to see the progress needed to be efficient, effective and to continue to be good stewards, it would be the people sitting in this room that would make it happen. He stressed that New Kent did not have four years for people to get on the job training to learn how the County worked. Even though he would no longer be on the Board, his goal was to support both boards in a way that would continue to promote synergy. He thanked the Board, Mr. Hathaway, Dr. Nichols and his staff for the last four years of working together.

Mr. Meade said being a School Board member was much more than just being on a board and the relationships went deeper than sitting at several meetings a month. The family atmosphere helped get things done because they trusted each other enough to tell each other the truth, to have the hard conversations and to come to the table with compromises. He said this was not the time to change what had been started and they needed to make sure they could move forward as boards to get things done. Addressing the Supervisors, Mr. Meade stated it was a joy to work with boards but noted he would not have said that four years ago. He was not a politician but if this was what politics looked like, he was willing to do it long-term. This was about relationships rather than politics and when

relationships were put over politics, things could be accomplished in a way that respected one another and moved a county forward. He said the County still had a long way to go but because of the relationships, was a lot better today than four years ago. He thanked the Supervisors and Mr. Hathaway for the relationships with Dr. Nichols and School Board staff.

Ms. Barber expressed appreciation for Mr. Meade's comments and said they spoke volumes about where they were today. Referencing Quinton Elementary and the collaboration that had facilitated the success of that project, she noted they would need to go through the same difficult decisions again, meeting needs, working with the County budget and making decisions about the timeline for the next project. She reminded the group that they could work through all of this and be successful again just as they had with Quinton Elementary. She thanked Supervisors for all they were doing in collaboration with the School Board.

Mr. Stiers said he was really going to miss Mr. Meade. He reported he had said from the day Mr. Meade had taken office, "there's the man with a voice of common sense" and he had appreciated that.

Ms. Swynford said being here was bittersweet and noted she had been serving for eight years and would miss the people. She had learned a lot and hoped she had contributed in meaningful ways. She noted there was a lot going on in schools, some things you could control and others you could not, and it was very complicated. She thanked Dr. Nichols and his team for everything they were doing for students and teachers. To the Supervisors she said it was about the relationships they had built and she was grateful for their partnership, she trusted them and knew they had the needs of the County at heart. She wished everyone running for reelection well and noted she was looking forward to the future and was very grateful and humble to have been able to work with them. To Mr. Hathaway, she said he was an amazing administrator and she respected him and his team immensely. She was proud to be a citizen of New Kent and would miss her fellow Board members but would continue to watch them as they continued to do good things in their roles.

Mr. Evelyn said he had enjoyed working with his School Board counterpart, Wayne Meade. Mr. Meade had been the most passionate of seven School Board members representing his district during his years of service as a Supervisor. He congratulated him on the success of his term and said he was looking forward to continuing to work with him in the County.

Mr. Tiller thanked the School Board and staff for attending and expressed appreciation for their presentation, comments and hard work.

The School Board adjourned their meeting at 9:50 a.m. Mr. Tiller called for a brief recess at 9:50 a.m. The meeting reconvened at 10:03 a.m.

IN RE: FY25 BUDGET DISCUSSION WITH DEPARTMENTS

Each department was given five minutes to discuss budget priorities for FY25. Mr. Tiller said County Administrator Rodney Hathaway would call departments to make their presentations and Public Information Specialist Krista Eutsey would be operating the timer. He turned the floor over to Mr. Hathaway. Mr. Hathaway indicated departments would present goals and objectives for FY24-25 budget planning.

Administration – Mr. Hathaway began his presentation with a review of accomplishments which included:

- Shared Cost of Health Insurance Increase – The County had experienced a significant increase in premiums which had been driven by claims. A portion of the increase had been passed on to staff.
- Holiday Bonuses
- Cost of Living and Years of Service Salary Increases
- Appropriated Additional Funding for a New Animal Shelter – The procurement process was well underway and staff would soon be selecting a contractor.
- Appropriated Funding for Fire Station 6 and Apparatus
- Broadband Project – Over 400 connections – A celebration recognizing the success of the project had been held earlier in the week. The project was on schedule to be completed by the end of 2026. All unserved residents would have access by the end of 2024. Cox had indicated this was a pilot project, was their biggest project and they had never gone into an area to serve the entire community with fiber to the home. Mr. Lockwood said he had heard an overwhelming majority of connections were in District 5. Mr. Hathaway confirmed and added that Cox had also started connections in Talleyville.
- Lighting at Pine Fork Park – A contract had been signed and the project was to be completed by the end of February in time for the spring sports season.
- Emergency Radio System Update
- Elimination of Bottoms Bridge Ad Valorem Tax – This had been a goal for several years.
- No Tax Increase – All of these accomplishments had been achieved without a tax increase and the real estate rate had held at \$0.67 per \$100.

FY25 Operating Budget Priorities – The focus would be on the following:

- Personal Property Tax Rate Adjustment – The General Assembly had authorized localities to set a different tax rate for vehicles other than campers, boats and trailers. He believed this authorization would expire next year and the Board would have some decisions to make. Would they want to decrease the rate for campers, boats and trailers to that of vehicles, raise vehicles, and reduce campers, boats and trailers to meet in the middle or raise vehicles to the current rate for campers, boats and trailers?
- Rising Cost of Health Insurance – Last year had been tough and he wished he could say he expected this year to be better. He reported this year's claim history was not good and it would impact rates. They were actively looking at other health insurance options. They had worked with the schools to look at possibly joining their health insurance plan but the numbers did not make sense for the County. No savings would have been seen and the rates were projected to continually increase.
- Competitive Salaries – This would be key to recruiting and retaining good employees.
- Staffing – There were a number of departments with significant staffing needs which would be given a hard look during the budget process.
- Technology/Cybersecurity – New Kent had learned a lot from the cybersecurity incident earlier in the year. Planned software upgrades would make the system more secure.
- Set Aside for Future Debt Service of Capital Projects – Referencing big ticket projects totaling \$140 million mentioned earlier by the schools, he noted the County would need to begin planning now. They would be looking for the capability to begin setting aside revenues to cover future debt service.

FY25 Capital Budget Priorities – The focus would be on the following:

- Parking Lot Paving at Administrative Complex – General Services Director Rick Stewart would be sharing more on this project.
- Additional Funding for Animal Shelter & Fire Station 6
- Set Aside for Future Capital Projects
- Pamunkey River Withdrawal Easement Acquisition and Withdrawal Infrastructure – This would be a huge project for the County. He believed ground water withdrawal would be one of the top issues to be faced in FY25 and thereafter. The draft DEQ (Department of

Environmental Quality) permit for groundwater withdrawal being considered would have the County reaching capacity in three to five years. This would mean the County would not be able to accommodate another new customer. In year twelve, the capacity would be cut by approximately a third and in year fifteen, the capacity would be further reduced. Not only was the DEQ not willing to give the County the water needed for the future, they were proposing to cut consumption and by doing so, working to force the County off ground water. Public Utilities Director Mike Lang was working hard on this and was talking with neighboring localities regarding options for purchasing water as well as pursuing the surface water withdrawal from the Pamunkey. Water would be a huge issue and he suggested the possibility of having to say no to some developments because of water. Mr. Lang would have more to report.

Future Capital Projects

• New Kent Elementary School	\$60,000,000
• New Kent Middle School	\$80,000,000
• New Kent Administration Building	\$45,000,000
• Fire Station #2 Replacement	\$7,000,000
• Courthouse Expansion	\$10,000,000
• Additional Funding For Historical School Renovation	\$6,000,000
TOTAL	\$208,000,000

He reported if the total \$208,000,000 was borrowed for 30 years, annual debt service would be \$15,110,974 which would equate to a \$0.37 increase on the real estate tax rate. Annual debt service on new school projects alone would equate to a \$0.25 increase on the rate. This was the worst case scenario and they could be creative and use an out of the box approach with financing. He again stressed the importance of planning for these projects.

FY25 Issues

- Ground Water Withdrawals
- Re-write of Development Ordinances
- Financial Plan for Future Capital Needs
- I-64 Exit 211 Reconstruction

Sheriff's Office – Sheriff Joe McLaughlin said this would also be his last budget meeting and he was happy/sorry for that. He thanked the Board for all they had done for the Sheriff's Office and for their support of him personally. He said they had created and provided their CIP request to Financial Services and he would turn the floor over to future Sheriff, current Chief Deputy Lee Bailey for the presentation.

Operating Budget – Chief Deputy Bailey reported on several personnel priorities including:

- Career Development Program – This program had originally been approved but had been taken off the table when COVID hit. They would be asking for its reinstatement.
- Decompression Funding – There were currently personnel with years of experience who were making just above the starting salary. As starting salaries continued to increase, salaries for employees with service remained just above starting levels.
- Pay Plan – They would like to have a pay plan with pay bands/ranges to compensate for experience/training/service and merit. He said employees needed to be able to see what they could expect to make from year to year. Having this in place would help with recruiting officers from other jurisdictions. A calculator similar to what was being used by Chesterfield (.765%) would be used to determine where an employee would fall on the pay plan. A recruit with 20 years of experience in another jurisdiction would fall on the 15 year mark on our plan for starting salary. Someone coming to New Kent today with 15 years of experience would be within \$2,000 of the current starting salary. This

did not make New Kent competitive with surrounding jurisdictions. He stated he understood they would not make salaries paid in larger jurisdictions but they did have to stay within reasonable proximity. Officers with an opportunity to work in New Kent would rather be here than some other locality but noted an officer with eight to ten years with New Kent could make \$15,000 to \$18,000 more a year without overtime.

- Additional Officers – Requesting fourteen new positions including:
 - Communications – four additional positions to allow for four on each shift. There were currently five vacancies. He said staffing communications seemed to be the biggest hurdle around the state and reported a neighboring locality had pulled sixteen officers out of patrol to cover dispatch.
 - Patrol – six additional officers. There were currently no vacancies. Growth in the County as well as the I-64 expansion would increase the burden on existing resources. State Police shortages were resulting in the need for local law enforcement to respond to crashes that would normally be handled by State Police.
 - Courts – two additional court/civil process deputies. The number of court cases was expected to continue increasing and there were currently no vacancies.
 - Investigations – one additional officer. Investigations was overwhelmed with drugs, child pornography, sexual assaults and sexual abuse cases which were very complex with some requiring months of investigation. There were currently no vacancies.
 - SRO (School Resource Officer) – one additional officer. There was currently one vacancy and they were asking for an additional position to be assigned to the high school to float as needed among other schools.

Chief Deputy Bailey reported the per diem cost for confinement at the Henrico Jail would increase to \$66 per inmate effective January 1, 2024. Although this was a big increase, it was still well below the per diem rates for the region and state. Referencing the request for additional court officers, Sheriff McLaughlin reported indictments had doubled over the past year resulting in more court days, more transports, more incarcerations and many more hours of investigation.

Capital Budget – Chief Deputy Bailey reviewed capital requests including:

- Ongoing vehicle replacements were becoming more difficult. He reported they were finding an eight to twelve month turnaround from the time a vehicle was ordered to receipt. They were also having issues with vehicle repairs and he reported his vehicle had been in the shop for almost a month and another vehicle had been in the shop a little longer waiting on parts. He also noted that as the number of officers increased, they would also need to add to the number of replacement vehicles in the rotation.
- Ongoing County scheduled computer replacements.
- Two additional consoles for dispatch and associated software licensing.
- Radar Feedback Trailers with Message Capabilities – Additional trailers would give the Sheriff's Office the ability to position trailers in key locations with messages being set remotely. These trailers could be used for diverting traffic during the I-64 expansion as well as County events such as Grand Illumination or the Independence Day Celebration. They could also be used by Fire-Rescue as needed.
- Community Officer Safety Vehicle – The types of incidents were getting more involved and with many carrying a weapon, the unknown of whether a weapon was involved was becoming more of an issue. The sense of lawlessness, speeds seen on highways and people running were a constant issue. This vehicle would allow officers to get closer to an officer or a citizen in a barricade situation as well as allow for the retrieval of an injured officer. He said they would research possible grant funding for this type of purchase and they were also considering the possibility of a used vehicle. Sheriff McLaughlin reported the company providing these vehicles had inhouse grants and were willing to work with the County. He stated it would cost the County more to have one

officer or one citizen killed and not have provided the ultimate protection possible than it would cost to buy the vehicle. Chief Deputy Bailey also reported the State Police had this equipment but they were currently almost 400 officers short and getting a State Police team assembled and to New Kent could take hours. He also reported the State Police were considering disbanding some specialized units due to trooper shortage. He stressed the importance of New Kent being able to rely on its own tactical team rather than another jurisdiction that may or may not be available.

Sheriff McLaughlin expressed appreciation to the Board and to the citizens of New Kent. He said "I feel like I've been blessed to serve with you and for you for the last 42 years and particularly the last eight serving as your Sheriff." He stated elections were coming up and not everything needed to change. He added that the Sheriff would be changing and that would be enough. Mr. Evelyn thanked him for everything he had done for the County over his years of service. These comments were followed by a round of applause.

Commissioner of Revenue - Commissioner of Revenue Laura Ecimovic and Business Tax Director Shannon Micali were representing the department. Ms. Ecimovic reported her department was in the middle of a general reassessment that would be effective January 1, 2024. She did not have any updates at this time but indicated that given the real estate market, the overall reassessment was expected to be significant. She also noted there would be significant increases in a few neighborhoods that had previously been depressed and suggested a few Supervisors may experience constituents with a little more angst over the reassessment. She specifically mentioned the Brickshire community and noted lots that had once been selling for only \$5,000 were now selling at \$75,000 to \$150,000 which was a significant change for the community. On the positive side, this would be good for those with upside down mortgages; their equity would be restored and those who had wanted to sell would be able to do so and move on. In regards to personal property, she noted the "Big Three" auto manufacturers were on strike and the longer the strike lasted, the greater the possibility of issues with supply and demand. She reported J.D. Power (used for vehicle valuations) was not indicating that they believed prices would go to pre-pandemic. She suggested if the strike continued, used car prices would continue to be driven up. January 1, 2024 rates would be set in the last quarter of 2023 and she was concerned about where personal property rates would be going. Referencing Mr. Hathaway's earlier comments about the General Assembly allowing different rates for vehicles, she reported this past General Assembly had removed the sunset clause and it appeared they would be making the option for multiple rates permanent but noted rates could not be higher than the general rate which was currently \$3.75 in New Kent. She noted the County could continue to make adjustments to personal property in reflection to vehicle values and the Board could consider enacting a percentage of assessment with keeping the set rate. She reported her department could not assess a percentage of value and was required to assess at 100%. They were currently using the lowest value available from J. D. Power.

In summary, they expected cars and real estate to increase. This would result in a lower rate to produce the same level of revenue for real estate. She reported her office was currently processing more transfers than the City of Richmond. One staff member was responsible for entering each transfer in triplicate but she expected some of the multiple entries would be alleviated by the purchase of new software. The department had not felt the assessment software offered by Tyler Munis would meet their needs and as a result they had not upgraded when much of the County had. Transfers were currently entered into three systems and the new software would provide the ability to enter the information into one system and then update the other two systems. She noted that as much as she would like to request additional positions, there was no available room. She closed by noting she

would have more information regarding assessments as they got further into December or the beginning of the year. She thanked the Board for their time.

Commonwealth's Attorney - Commonwealth's Attorney T. Scott Renick reported the good news was that New Kent was the fastest growing County in Virginia but the bad news was that New Kent was the fastest growing County in Virginia. He said that with growth also came additional responsibilities and noted the numbers were through the roof. He reported when he had first become Commonwealth's Attorney four years ago, General District Court had been in session five days a month, Juvenile Court two days a month and Circuit Court two days a month. General District Court was now in session ten days a month, Juvenile Court ten days a month and Circuit Court three days a month. He reported serious charges came through Grand Jury indictments. Previous Commonwealth's Attorney, Linwood Gregory had reported an average of 138 indictments a year over the last ten years of his service. Mr. Renick reported there had been 368 indictments in New Kent the previous year alone. There was a great deal more work and the case load and responsibilities for the Sheriff's Office and Commonwealth's Attorney Office continued to grow. He had recently heard that a second Circuit Court Judge may be added to the 9th District to address some of the load. There was currently one Circuit Court Judge for four counties. If a second judge was added, one judge may cover Charles City and New Kent and the other judge cover King William and King and Queen. Current staffing was one full time assistant and one part time assistant and he noted another staff member was needed. He further noted he didn't know where he could put an additional staff member given the current space. The part time assistant was currently working out of the file room. He hated to use the word "trailer" but noted they would have to find some way to get more space for the Commonwealth's Attorney's Office. Another serious issue was security. He reported that in all neighboring localities, the Commonwealth's Attorney's Office was a separate secured facility with access gained only by passing through a secured check point and then being "buzzed" into the office. Here in New Kent, the Commonwealth's Attorney and staff were in the hall with other employees. He reported that during a recent Juvenile Court session, he had walked from the courtroom to his office and had passed three individuals he had put in jail the previous year. He noted this could potentially be a problem for him or one of his staff members. A short-term request would be a more secure layout in the Commonwealth's Attorney's Office and a long-term request would be for an additional staff member and space to accommodate that staff member. He reported he was currently one Assistant Commonwealth's Attorney down and was in the process of trying to fill the position. He said there were three Assistant positions and one had left for a position paying significantly more in King William County. He thanked the Board for their time.

Mr. Hathaway reported one option being considered was approaching Jon Kinney about the possibility of purchasing the small field near the T-ball fields and the existing Courthouse. He felt this property would allow for an addition to the facility.

Treasurer - Treasurer Charles Evelyn reported everything in the Treasurer's Office was going pretty well. The department's only CIP request would be computer replacements which were due in about three years. He also noted the workload was getting heavier as the population increased and although he would need another staff person in a couple of years, he was also out of space. The Treasurer's Office was also working on several software upgrades one of which was a replacement for Bright previously mentioned by the Commissioner and a new payment portal for the Utility Office. He entertained questions.

County Attorney - **Capital Budget** - County Attorney Joshua Everard reported his department of two employees would have no capital requests.

Operating Budget – The FY24 budget in regard to salary and benefits had been based on educated guesses and since the County Attorney and Paralegal positions were filled, FY25 would be based on actual numbers. He was expecting those numbers to be lower than the previous year. There was no need for any additional employees but if there was a need, there was no space. He had no data for other operating expenses and would most likely ask for the FY24 budget amounts again in FY25. His office was currently providing services for all departments and Constitutional Officers with the exception of the Economic Development Authority and the litigation of abuse and neglect cases for the Department of Social Services. He had spoken with these two departments and they were pleased with the services currently provided. (These departments/agencies were represented by Hefty, Wiley & Gore P.C.) Mr. Everard said if the Board would like to reshuffle these representations, he could work on that in the future. He entertained questions.

Fire-Rescue - Fire Chief Rick Opett reported his department had unfortunately been trending on social media over the past few months in a way that had him both disappointed and disgusted. He said it seemed some new candidates challenging Board members in the upcoming election were “hijacking” public safety in their campaigns and using them as a spring board to pull at heart strings in an effort to get votes. He felt they had “weaponized” social media in an effort to instill fear in the community and battling this for the past few months had taken him away from his usual daily duties. These individuals were failing to recognize the relationship developed over the past ten and a half years and the general understanding of the public safety needs as the County grew. He stated that “at no point did I or any of my staff ever pressure this Board to get the things we feel that we needed.” He expressed appreciation for the relationship and the support. He said that because of what had been done in the past ten and a half years, this Board and the previous Board had saved lives. He reported response times had been 30 to 40 minutes when he had first come to New Kent and were now eight minutes. It was difficult to combat social media and give a true account of what had been done but he felt the support and the funds made available had been incredible. Because of this relationship, he felt the Board knew their needs.

Capital Needs - He reported Station 2 would be the next area of focus. Station 2 was not a County facility and noted there were many structural needs including issues with the roof. Because this building was not County owned, he suggested the County should not be investing in the building. Referencing Mr. Hathaway’s earlier comments suggesting approximately \$7 million would be needed to replace the existing station, Chief Opett said he felt a smaller station would be sufficient. They had run models and felt the current location of an old home near G. W. Watkins School that was owned by the County and currently used for training purposes could be a good location for a smaller substation facility. This station could help address some of the growth in the Rt. 106 corridor, Bottoms Bridge and the Talleyville area. He suggested the cost would be more in the \$4.9 to \$5 million range. He also noted ambulance replacement was an issue with early order placement being necessary in order to get equipment in a timely manner.

Operating Budget – Increases in operations would be needed to staff new Station 6 as well as upstaff Stations 2 and 4. He also noted compression issues previously mentioned by the Sheriff’s Office were also a big issue in Fire-Rescue. In closing, he said that because of the open communication between the Board and his office, they knew the needs going forward. He expressed appreciation to Mr. Tiller and said he had been a “fabulous advocate for public safety” and would be missed. He noted Mr. Tiller had been one of their biggest advocates and he had appreciated that. Mr. Tiller noted it had been his pleasure. Referencing Chief Opett’s comments regarding a smaller substation, he asked if this would be a station with fewer staff members. Chief Opett confirmed and suggested it would include an engine company and medic. He distributed an architect’s rendering of the possible replacement

station. Mr. Hathaway asked if the plan would be to keep existing equipment at current Station 2 or move it to a new station. Chief Opett reported equipment and staff would leave the existing Station 2 leaving that station to the volunteers for their uses. Mr. Evelyn asked if he was referring to community events. Chief Opett agreed and specifically mentioned Thanksgiving and Christmas dinners. Mr. Tiller asked if the picture was a smaller version station. Chief Opett confirmed and noted this was a 5,500 sq. ft. station vs. 10,000 sq. ft. Mr. Stiers asked when the next opportunity would be to apply for a SAFER (Staffing for Adequate Fire and Emergency Response) grant. Chief Opett reported SAFER grant opportunities were usually announced in December with a February submittal date.

Mr. Tiller thanked Chief Opett for his report and for his service over the past ten and a half years and added that the County had come a long way.

Financial Services - Financial Services Assistant Director Andrea Gardner reported Director Rebecca Guthrie was unfortunately not able to attend due to a family emergency. Ms. Gardner reported today was the last day of the audit. The department would be requesting the conversion of a current part time position to full time. Making this position full time would assist with the distribution of support staff duties as well as some of the functions Ms. Guthrie was currently addressing. She said making this position full time would be the only request other than the usual operational supplies. She entertained questions.

Airport - Operating Budget - Airport Manager Duane Goss reported the Airport's FY25 budget would remain somewhat stable/flat with no significant changes in operating costs.

Capital Budget - Mr. Goss said he had one capital request and reported there was a great opportunity of which he was hopeful the County would take advantage. He said constructing additional hangars at the Airport to support economic growth and development had been an Airport goal for a number of years. An opportunity to begin working toward this goal was available and he would be requesting funds to support the design phase for site prep. He reported Congress had passed infrastructure legislation in November 2021 which would benefit all airports with federal funding available over a five year period. New Kent would be eligible for approximately \$800,000 to apply to the construction of additional hangars. Actual construction would most likely not come until FY27 but this was the time to begin moving forward with the FAA's (Federal Aviation Administration) blessing. Mr. Goss also reported that during the COVID years, all airports had been offered three different relief/rescue grants. New Kent had taken advantage of these opportunities which had resulted in \$75,000 to apply toward this project. The goal was to leverage the \$75,000 as local funds to maximize state and federal funds. \$75,000 in local funds would support a state-funded project of \$375,000 or a federally-funded project of \$3,750,000. He stressed the importance of leveraging local funding to maximize state and federal funding through grants. He would be meeting with FAA, Delta Airport Consulting and Department of Aviation representatives in November to discuss additional sources of funding in the form of grants as they approached FY27. He had shared this information with Mr. Hathaway and there would be more discussions to come.

Mr. Hathaway said he had big plans for the Airport and ultimately his goal was to make the Airport a self-sufficient operation. They were almost there and the additional hangar space would bring in more lease revenue as well as result in more fuel sales which would bring the Airport that much closer to self-sufficiency. He felt they had a great opportunity and a good vision for the Airport and the possibility of acquiring additional land was being considered. Mr. Tiller asked if the Airport would still be eligible for state and federal funding if it became self-sufficient. Mr. Hathaway confirmed it would. Mr. Stiers asked how many people were on the waiting list for hangars. Mr. Goss reported having a list of at least 45 individuals and

said there was a deficit of available general aviation aircraft hangars in the state. He also reported out of state wealthy individuals were flying into New Kent to support Rosie's, thoroughbred racing and local golf courses and he felt the outlook was very positive.

General Services - **Operating Budget** – General Services Director Rick Stewart reported the department had worked diligently since his arrival in 2020 to improve facility conditions and critical equipment reliability. Referencing earlier comments regarding the Courthouse, he reported the department had been able to defer a \$3 million plus contract for Courthouse HVAC replacement. The system had been problematic with frequent service calls and Circuit Court Judge B. Elliott Bondurant and other occupants were not pleased with the situation. This had been accomplished by spending \$200,000 and doing the work inhouse which he felt was quite an accomplishment. Mr. Hathaway reported New Kent University had been in the Courthouse the previous night and Circuit Court Clerk Amy Crump had said she had never thought she would need to wear two sweaters in the courtroom. Mr. Stewart thanked him for that comment and stated he hoped that was a demonstration of their stewardship and he was appreciative of the trust placed in the department.

Capital Budget – One of the biggest needs in refuse and recycling was in the western end of the County. There were frequent closures of the Rt. 612/Airport Road site due to capacity issues and volume at that site was almost matching that of the main Rt. 618 site. The Board had appropriated funds the previous year for the purchase of land and they would be asking for \$1.8 million to move forward with construction. \$430,000 was also being requested for the replacement of paved surfaces at the Administration Building, Courthouse, Sheriff's Office and RCC/Bridging Communities parking and bus areas. Another \$42,000 would be requested to replace all HVAC systems at the five public safety communications equipment shelters. These systems were fifteen or more years old and were considered critical equipment.

The department was doing more with less and he would be requesting two additional staff members including one in maintenance and the other in grounds. He asked the Board to consider how the County was growing and reported the department had been impacted by considerable increases in square footage, equipment and acreage during that time with no increases in manpower. Some of the additional workload included maintenance and repair of 14 commercial generators and associated transfer equipment, five life-safety radio communications shelters, Pine Fork Park, groundskeeping and grass cutting for all fire rescue stations/sites and the 200+ acre Makemie Woods property which also included a burial site. The department currently had only one maintenance man, one helper and one grounds man. He thanked the Board for their time and entertained questions.

Mr. Tiller reported he was receiving many complaints about the Rt. 612 refuse site. He had watched the changing out of containers at the site and suggested there should be a more efficient way. He said there was a lot of back and forth and suggested it was like a circus. Mr. Stewart agreed and noted they were at the mercy of the vendors. A new contract was in place and they were pushing them hard to live up to the terms and conditions of the agreement. They had not been living up to the terms to provide spare compactor cans and recycling containers at the site. If they would do this, a new container could be moved into service without having to drive the existing container to the landfill for dumping and then drive it back to the site. He said the contractor had not held up their end of the bargain to date and they would be pressing them to do so moving forward. Mr. Tiller asked if the new site would have more compactors. Mr. Stewart confirmed and reported plans were for three compactors and three open top containers.

Mr. Evelyn asked for any update on the new containers with the taller drop in points. Mr. Stewart reported he had not received any additional citizen usage complaints at sites with the taller containers. They had stopped the installation but unfortunately, given the regulations, there wasn't much leverage to be able to push back against the supplier. Staff had been asked to be more hospitable and attentive to the citizens and he felt the complaints had waned as a result. Citizens knew staff was there to help.

Environmental - Environmental Director Josh Airaghi thanked the Board for not only hearing the space needs reported the previous year but for also taking action to make it happen. He said the new space would allow for departmental growth in both Environmental and Building, spacing of existing employees and ultimately more efficient streamlined customer service. The intent would be for the departments to share the new space with administration moving into new spaces and providing additional space for inspectors. Department budget requests for FY25 would revolve around outfitting the new space.

Capital Budget - There would be no vehicle requests and no computers were scheduled for replacement. Requests would include a color printer capable of printing 11 x 17 pages for citizens and taking into the field. This would leave existing printers for inspector use and cut down on the back and forth between administration and inspector areas. This would also eliminate interrupting the Planning Department to use their printer.

Operating - Environmental would be coordinating with Building to outfit the new office space. They would need two administrative/front desks to replace existing built in units, a conference table with chairs, lobby table and chairs for customers to fill out applications and additional miscellaneous items. He said current staffing numbers were good. Plans were to have the two front desk staff members positioned side by side in the new space and there had been preliminary discussions regarding cross training these individuals. This would alleviate the need to hire an additional front desk staff member and save the County in the long run. He suggested this would require pay adjustments since it would include additional duties beyond what the individuals had been hired to perform. He thanked the Board for their time and entertained questions.

Mr. Stiers indicated he would be okay with the furniture purchases but noted the last time he recalled someone needing a desk, the price had been \$6,000. Mr. Airaghi assured him the cost would not be \$6,000.

Information Technology - **Capital Budget** - Chief Technology Director Jonathan Stanger reported capital requests would include previously scheduled equipment replacements.

Operating Budget - There would be significant increases in operating requests in FY25 to support cyber security. Some cyber security measures taken this year and paid from the capital budget would require ongoing annual operating expenditures. The department would try to keep costs as low as possible but there were some security measures taken in the past four months that would need to be maintained into the future.

Mr. Hathaway thanked the Board for their FY24 budget approval of the purchase of CrowdStrike software. He reported this software had identified a cyber threat quickly and as a result, the threat had been contained preventing much of the possible damage. He stressed the importance of the County continuing those investments. Mr. Evelyn said he knew this threat had affected the whole County and he appreciated all County staff and especially the IT Department for working through the process.

Public Utilities – Public Utilities Director Mike Lang reviewed a list of goals and objectives for FY25. He reported costs were up, water and sewer flows were up, the number of customers was increasing and regulations were tightening.

Capital Budget – They continued working toward the provision of an alternative water supply to offset groundwater restriction. A priority project was in the works to complete work in the Pamunkey River bed before the end of 2026. They would also be seeking to acquire land for the river intake and to perform the required cultural resources surveys. Plans were to present the Board with three options for water supply alternatives by the end of calendar year 2024. Those options would include a purchase from Henrico, a County-owned and operated river withdrawal from the Pamunkey River and an unsolicited PPEA (Public-Private Education and Infrastructure Act of 2002) proposal from Aqua Virginia for them to construct and sell the County finished water. Plans were to bring these options with costs, benefits, pros and cons in order to make the best short-term and long-term decisions. Mr. Evelyn asked if other localities were receiving this level of pressure to get off ground water. He asked Mr. Lang if he believed the State would stop someone from connecting to the water. Mr. Lang said there were two issues to consider. The first being the operational capacity – how much water could physically be pumped and distributed before there were too many users and the other being the ground water permit issue with the DEQ (Department of Environmental Quality) saying New Kent needed to use less water and New Kent saying we're the fastest growing county in Virginia. They were working with a legal advisor who worked closely with the regulators in Richmond. He said they would not turn the water off but the County could get backed into a corner where there would be limited options. He wanted to be sure the County knew its options before getting backed into that corner. Mr. Hathaway asked Mr. Lang if he would say New Kent was a little unique because of its position to the aquifer and the fall line. Mr. Lang agreed and noted withdrawers farther east had been hit fifteen years ago with these cuts. DEQ was trying to minimize the use of groundwater in the Virginia Coastal Plain.

Capital requests would also include infrastructure improvements to meet projected demand and prepare for an alternate water supply. This would involve more work on putting together a central water system that would make distribution of an alternate water supply possible. He believed an excellent water model and forecast had been prepared for the next twenty years by Dewberry Engineers. Dewberry had laid out the project, timeline and the estimated cost based on proposals in hand. The Route 249 waterline would be the next big part of the project. They were currently in the easement acquisition phase and just a few weeks out from contacting property owners with easement valuations. They were also looking at an elevated storage tank to mitigate low pressure issues in the Brickshire area. Wrapping up improvements to the County's small water systems, he reported there were some punch list items remaining at Sherwood Estates and Whitehouse Farms. The contractor had been given to the end of the month to address these items. Plans were to move forward with significant improvements to the Colonies water system.

Capital requests on the sewer side of operations would include a Talleyville trash grinder and removal system. A new grinder would also be installed at Clint Lane to address an increasing amount of garbage being flushed down the sewer. Preliminary engineering was also planned for sewer pump stations that had reached the end of its useful life. He reported most of these stations were in Brickshire. The sludge handling project at the Parham Landing Wastewater Treatment Plant was moving forward. The design was being finalized with construction expected to begin in July 2024. This would be a big capital project but would create a substantial savings in sludge hauling and disposal costs to Henrico County. He also reported Henrico had limited New Kent's volume and the County was now going to HRSD (Hampton Roads Sanitation District) which was a longer trip with

higher hauling costs and disposal fees. The volume of liquid sludge was becoming unmanageable to haul by truck so it was becoming increasingly necessary to dry the sludge here and then haul it. He also said it would be a much more valuable commodity as dried fertilizer than as liquid sludge.

Customer service and work management improvements were also in the works. They had been working to improve payment options through a third party provider. The department didn't want to terminate service or charge unnecessary fees and they understood there were many who struggled to pay their bill and couldn't do the online payment system. They wanted to provide as many payment options as possible. The option they were moving forward with would take PayPal, Venmo, payments at Walgreens and CVS, PIN entry on a phone and a variety of other options. They were also looking into a mobile work order system to improve efficiency in the field. They were also working to get the Utilities Operations Center site and building plan to shovel ready for FY26. They would also invest more funding into advertising, marketing and customer education specifically in the area of water conservation related to irrigation.

With new construction and new compliance regulations with the Health Department, he would be requesting an additional inspector and felt a construction/contract administrator would offset a good amount of engineering costs when projects were in construction.

Mr. Lang reported modeling of revenue and expenses had included consideration of proposed developments. They were seeing a decrease in connection fees with the completion of Patriots Landing and many of the Brickshire fees and all of the Farms of New Kent fees had been prepaid. This would mean they would need to look toward new development in order to get connection fees back up. They would also be evaluating rates and the department engineer would be looking at the impact of an irrigation specific rate or an additional tier on the rate structure. He also wanted to put some thought into penalties and fees. He understood the need for them but had some concerns. He reported they had just done cutoffs that week. He shared an example of a customer with a \$1,300 bill who had been asked what they could pay to get turned back on, and the response had been they could bring a check for \$650. When he had looked at the account, \$650 had been the usage rates and the remainder was penalties and fees. He said he felt the hole was getting deeper for many people with the addition of penalties. He didn't know the answer and didn't know if penalties motivated people to pay on time or not but being cutoff was motivating people to pay. He said he would do some more research and come back to the Board. He indicated it was not a significant amount of revenue for the utility and they didn't want to make money off of penalties and fees. He entertained questions.

Mr. Lockwood asked how far in arrears a customer would be before having service cutoff. Mr. Lang reported a customer would be seventy days past due which would mean two bills were late and nothing had been paid in 130 days. He reported there had been an issue with the payment software that had prevented some from making payments resulting in some customers with bills that had not been paid in six months. He suggested keeping cutoffs to every other month, was keeping the list relatively short but there had still been 63 on the cutoff list and 420 who had received termination notices. Mr. Hathaway asked if the 70 days was per State Code. Mr. Lang confirmed. Mr. Lockwood asked how someone with a \$650 would get to \$1,300 if the County only went a couple of months before cutting off service. Mr. Lang reported this customer had both water and sewer and had some penalties and fees that had not been paid from prior bills. Mr. Lockwood asked if partial payment would restart the clock. Mr. Lang confirmed. He said there were two types of people involved, those who didn't pay their bills and those who couldn't pay their bills. People who couldn't pay their bills would call seeking help and those who didn't pay their bills would call

and yell at staff because their service had been cut off. They worked to help people who needed it but ultimately, they needed to collect the revenue in order to run a utility.

Mr. Stiers reported he had recently spoken at the Oakmont Villas annual meeting and attendees had heard the County was running short of water and had questioned what was being done. He had told them the County had spent some funds looking into withdrawal from the Pamunkey River. One attendee had indicated she was a Pamunkey Indian, the river belonged to them and New Kent was not paying them to take their water. He asked for guidance on how best to respond to such a comment. Mr. Hathaway reported the Pamunkey Indians had been involved in the permitting process and they had been given an opportunity to object to the County's application. Mr. Lang agreed and said the Pamunkey Indians had been involved through the permitting process and had been consulted through the Division of Historic Resources. He added that a cultural resources survey at the site was still required and any findings would be collected and preserved.

Social Services Director Suzanne Grable asked if customers could be put on a payment plan. Mr. Lang reported payment plans were available and stressed the importance of the customer coming to Public Utilities prior to service termination. Ms. Grable indicated they were seeing a number of clients who were not able to pay water bills in her office. Mr. Lang also reported The Low Income Household Water Assistance Program (LIHWAP) was available to assist residents with paying utility bills. This assistance took a month or more for approval and he stressed the importance of coming to Public Utilities prior to service termination.

Social Services - Capital Budget – Social Services Director Suzanne Grable reported they would have a relatively flat budget again this year. They had submitted a CIP request for a storage building/shed. They were currently maintaining two off-site storage units at an annual cost of approximately \$2,000 and would like to bring stored items closer to their office. Vehicles were in great condition and replacements would be deferred until FY26.

Operating Budget – The department's staffing and operating budget would include a request for two additional positions. An additional Front Desk Office Associate was needed to address the increased number of visitors as well as calls for service. The second position would be a Human Services Assistant to help Community Resource Coordinator, Shana Abdus. Ms. Abdus had been doing a fantastic job and had identified many other funding streams to assist clients with paying bills such as rent, mortgage and power. As a result, the amount of work on the community resource side had increased significantly and was more than one person could handle. She also noted housing concerns in the County had limited Ms. Abdus' ability to meet the needs in a timely and efficient manner. The County graciously provided \$21,000 each fiscal year to be used to help citizens in the County. Because of Ms. Abdus' efforts to identify other funding streams, the County dollars were being stretched further and further each year. Assistance was needed with processing funding stream requests and coordinating with community partners such as United Way and the Salvation Army to get funds to those in need. She reminded the Board that the Social Services Department was reimbursed by the state at a rate of 85%. The shed on the CIP request would cost approximately \$10,000 but the cost to the County would be only \$1,500. Mr. Hathaway reported he and General Services Director Rick Stewart had met earlier in the week and they had a plan for the location of the shed. Ms. Grable entertained questions.

Mr. Lockwood thanked Ms. Grable for the work they were doing. Referencing the Little Free Pantry in the Health and Human Services Building parking lot, Mr. Evelyn asked how the pantry was operated. Ms. Grable reported the pantry was maintained by a group of anonymous volunteers. She was in contact with some of them and let them know if they

ever noticed any issues. Mr. Evelyn asked if it was going well. Ms. Grable confirmed and reported it was accessed frequently both during the workday and on weekends.

Parks and Recreation (P&R) – P&R Director Kim Turner distributed a handout outlining goals, challenges and capital projects for P&R. She felt School Board Chair Wayne Meade had hit the nail on the head regarding relationships and collaborations and she felt there were a lot of opportunities for the two entities. P&R had worked with the schools just as much over the past year as with the County. The department theme for the year was maps and they used many maps both figuratively and literally. Referencing Wahrani Trail, she noted that just as some hikers tended to wander off trail, the same was sometimes true for other areas in P&R resulting in the need for new trails or the need to start over. In these cases, staff, the P&R Advisory Commission and volunteers were encouraged to go back to the mission, vision and values. The handout indicated the department supported its mission by identifying six core values including community focus, safety and security, customer service, collaborations, health and wellness and environmental stewardship. They worked to tie these values back to strategies identified in the County's Strategic Plan. Although they could not meet the needs of all individuals, plans were in place to be a guiding point and most of what P&R provided focused on quality of life which was difficult to measure. As previously noted in the schools' report, PE classes were no longer allowed to use the football field because it was being used too much. The schools had come to P&R asking to use their field and as a result New Kent Middle School football and field hockey had been using the field and other classes/sports were in the gym. P&R was now having to turn them away because of the wear on the field. She felt there were many opportunities for collaboration with the schools and she hoped to tap into that over the next year.

Capital Projects – Capital requests for the next five years would total over \$3 million. She stressed that while some of the requests may not be considered as needs, they were things the community wanted and while there would not be any easily measured financial return on investment, they would enhance quality of life. She noted that although P&R was not a state mandated department, their services were something the County was giving the community. The list of projects included:

- Explore public kayak/canoe launch (Cumberland Marsh)
- Quinton Park parking lot and path improvements
- Pine Fork Park Phase 2 parking
- Pine Fork Park basketball court
- Quinton Park splash pad
- Maintenance equipment replacement
- Playground equipment replacement
- Pine Fork Park (rear of property – additional baseball/softball fields or athletic building)
- Historic School Concession Stand upgrades

She noted that providing access to the three rivers in the County was among the list of strategies for P&R in the County's Strategic Plan. Although the County had no property on any of the rivers, she suggested there were opportunities. She further suggested funds should be set aside for land acquisition. She referenced Cumberland Marsh and suggested private/public entities and partnerships should be considered.

She stressed the importance of moving forward with the renovation of the Historic School. The senior adult population was growing and the number of senior adults was now almost equal to the number of residents under the age of eighteen. This facility would provide additional opportunities and flexibility for senior adult activities. Referencing earlier comments regarding renovation/replacement of New Kent Elementary School, she reported it was possible the fields behind the P&R Office could become a part of the school property.

Operating Budget – Recommended operating budget considerations included:

- Continued support for but not limited to staff education, uniforms, advertising and outreach, promotional materials, programs, contracted instructors, lawn and park maintenance and office supplies.
- She stressed the importance of competitive salaries and benefits and noted this was helping the department maintain personnel.
- Personnel requests included a full time Sports and Fitness Programmer, full time Therapeutic Recreation/Inclusion Specialist and a part time Grounds Maintenance position.

She closed by noting they may be canceling the November P&R Advisory Commission meeting due to it being the day after the election. She encouraged Board members to review the remainder of the information provided and entertained questions.

Human Resources (HR) – HR Director Korita Jones reported she had just completed her first year with New Kent County and was very proud of HR's accomplishments. She thanked the Board and County Administration for making the past year a wonderful year. She listed some of the department's accomplishments most notably the revamping of the employee service award program and the reimplementation of the recruitment incentive program which provided employees the opportunity to be monetarily rewarded for referring prospective employees who were ultimately hired. She reported the HR budget would be relatively flat but she did support continuing funding to provide competitive salaries. She said she was excited about Buc-ee's coming to New Kent but from an HR perspective, she was also concerned about the impact staffing Buc-ee's would have on the County and the possible need to mitigate staff losses. She also noted the increased costs of benefits was still an unknown and projections would be received around February or March. She cautioned that there had been some significant claims that could negatively impact rates and may result in increases passed on to employees.

She also stressed the importance of career development as a means to retain existing employees and attract new hires. Having plans in place allowing employees to see growth potential within their career path was crucial. She had been working with Building Official Brian Mikelaite to develop a career ladder certification/licensure plan for his department. They were also exploring a performance management system including a more robust recruitment component to more effectively manage performance which could possibly be tied to future pay increases. This system would also allow departments to track applicants from the time they applied for a position until hired. CIP requests for HR would include the usual computer replacements. She expressed appreciation to the Board for all they were doing and for listening to all of the asks from the departments. HR would be coming back with a request for the performance management system as well as possibly some other software programs that would help with recruitment and retention. She didn't want New Kent to become a training ground with the County investing in training of employees only to have them leave for positions in other localities. She entertained questions.

Mr. Tiller reported he had attended a conference the previous year where another attendee had approached him saying New Kent had gotten a great new hire. They had been referencing Ms. Jones and he felt they had been correct. Ms. Jones thanked him and asked if she could add to her report. She noted her department was HR and much of what they did touched everyone. She had recently seen the comradery and family component of New Kent County when her daughter had broken her leg. The way departments and employees had rallied around her family, had prayed for them and had brought them meals had shown who New Kent County was as a community, an employer and an organization. She thanked

everyone for all they had done, noted it went beyond 8:00–4:30 each day and said she would not want to work with anybody else other than the people at New Kent.

Economic Development (ED) – Assistant County Administrator/Economic Development Director Matthew Smolnik said what Ms. Jones had just said and what Mr. Meade had said earlier about schools was exactly what he tried to sell to decision makers every day. ED would have no CIP requests other than computers and they were anticipating a flat budget with no requests for additional personnel. The EDA (Economic Development Authority) had met the previous day and had expressed appreciation to the Board for the recent \$100,000 allocation to continue support to the small business community. He also reported a new tourism brochure was available as well as two new brochures developed by part time staff who were freshmen at Virginia Tech. Four graduating New Kent High School seniors had been hired to work at the Visitors and Commerce Center over the summer and he felt this had been great for the County. He also reported staff member Christian Meyers (retired Secret Service) had been working in collaboration with Parks and Recreation to develop a coloring book focusing on tourism destinations in New Kent. He noted these were the kinds of things they were selling to the people walking through the Visitors Center doors and added it could be a family traveling or the CEO of a company. Mr. Hathaway and he had recently attended a conference in Texas where they had learned New Kent was on the map. He had been in an Austin Buc-ee's and had walked up to the Merchandising Manager and had asked him how he liked his job, the size of the store, etc. He had also mentioned that he had been part of a team working on Virginia's first Buc-ee's and the Manager's immediate response had been, "You must be from New Kent." He noted it had felt good to hear that people in Austin knew about New Kent. He added it was a good time for both big and small businesses as well as mega corporations and Fortune 500 companies. He said there were rumors in the community about what was or was not coming to New Kent and in most cases his response was, "I cannot comment on any project, real or fictitious." Over the past year, New Kent had been able to secure a \$2 million TPOF (Transportation Partnership Opportunity Fund) grant and had worked in partnership with the Shaia family to build the road into the AutoZone property and have it taken over by VDOT at no expense to the County. Scannell to the south of I-64 was putting in all private capital for another road that would open up an additional 612 acres making 900 acres of commercial with a road, water and sewer available. New Kent would also be applying for to the VEDP (Virginia Economic Development Partnership) for a \$500,000 grant to get to the east side of New Kent City Center. They were constantly looking for grant opportunities and that a lot of eyes were on New Kent. It was a very exciting time. He entertained questions.

Planning – Planning Director Amy Inman echoed the earlier comments of HR Director Korita Jones and noted she had been with New Kent since January. She stated it had been a pleasure and that Mr. Hathaway, Mr. Smolnik, the various Department Heads and staff had been wonderful to work with. She said there was no shortage of things to do in Planning and Zoning and reported that since January, there had been four rezonings, over 40 subdivisions, 21 site plans, 12 boundary line adjustments, one Planned Unit Development, two Conditional Use Permits and constant calls. They had also been working on the Comprehensive Plan update and she thanked departments for their participation. There had been a great public outreach process over the summer with over 150 people attending and they had been able to gather a great deal of input from the community. An update on the Comprehensive Plan was scheduled for the Board's next work session. She reported the Comprehensive Plan update process had been great and staff and the consultants had been wonderful. The department had also been working with the Board of Road Viewers to develop the FY24 Transportation Work Program. They would be asking for two major projects to be added to the CIP including improvements at the Route 106

interchange. Although local funding was not available for this project at this point, they were seeking regional, state and federal funding (\$86 million). She stressed the importance of having this project identified in the CIP when seeking funding from other sources. The second project was the Route 155 Courthouse Road/Kentland Trail roundabout. The current roundabout was considered "temporary" and the work program included design and engineering for a permanent roundabout. They had been in conversations with VDOT and she felt they had a good path going forward. She also noted there were other County road projects that were receiving attention and although they were not identified in the CIP, they were included in the work program. They were also developing an ongoing maintenance program for rural rustic roads. She said CVTA (Central Virginia Transportation Authority) local funding could be used to support these efforts as well as other infrastructure projects that were more local in nature. These two projects were high-dollar and it would be important to make funding sources clear.

The department would be asking for video conference equipment for the Planning Conference Room, modernization of the reception area and replacing several desks. They would also be asking for an increase in the operating budget for signs. This line item was difficult to budget and was frequently overspent. They would not be asking for any additional personnel but would be requesting additional funding for consultant services. They would like to be able to perform online reviews but she did not believe that was something that would happen within the next fiscal year. She entertained questions.

Referencing Ms. Inman's comment regarding consultant services, Mr. Hathaway reported that once the Comprehensive Plan was completed, they would be looking at utilizing consultant services to look at all development ordinances. He noted the Comprehensive Plan would describe what we want to look like and how we want to grow and the next step would be looking at the development ordinances to be sure the tools to get there were in place. Ms. Inman agreed.

Referencing Ms. Inman's comment regarding rural rustic roads, Mr. Lockwood noted the repairs and maintenance of those roads typically fell under VDOT's purview but asked if New Kent would be able to leverage local funds with VDOT to receive a better return. He asked if the County would be putting money into what was VDOT's responsibility. Ms. Inman stated they could work with VDOT on this but also noted funding allocated for rural rustic roads was very limited. She said they would work with VDOT on needed improvements and New Kent's funding would come in to cover areas above and beyond what VDOT would normally address. Mr. Lockwood asked if there was anything like a Smart Scale program for this. Ms. Inman indicated there was nothing like that for rural rustic roads. She did note however, that they would be seeking Smart Scale funding for other projects.

Building Development – Building Official Brian Mikelaides thanked the Board for their continuing support and the opportunity to provide an update. He said they knew the Board listened and paid attention to their needs and the proof was in the much needed space being provided for expansion. The department was looking forward to sharing a permitting station with the Environmental Department as well as being able to expand their footprint to provide suitable space for staff. The new shared space would benefit both departments and customers. He reported there would be an increase in the FY25 operating budget associated with the purchase of additional furniture to outfit the new space. The Building Department continued to operate to the best of their abilities with respect to timely permitting and inspections. The pace was ever increasing and not sustainable at current staffing levels. Because of the current pace, they had not been able to be proactive in their positions. Inspectors needed the opportunity to take advantage of continuing education opportunities and associations that would take them beyond the borders of New Kent and

help their services grow New Kent. The department would be requesting one additional inspector position. Without this position, he felt the department would continue to fail at growing its services to the community and he feared they would at some point fail at providing an acceptable level of services deserved by customers. He said the department had fallen short in providing on line services for customers. Staff had discovered current software had the ability to provide on line scheduling of inspections but unfortunately, they had not had the time to work with IT to initiate a changeover. With the high rate of single-family dwellings and ever-increasing commercial activity, the Building Department was already overburdened for available resources. He also reported the pace had taken a toll on staff's ability to study and take required exams for certifications.

He reported the proposed Career Development Program would encourage staff to move beyond minimum required certifications. This program would incentivize all staff to reach beyond minimum requirements to advance their education and ultimately increase services. He said Ms. Jones had been instrumental in bringing this program to life and he urged the Board to find it favorable. His goal for the department was to continue to provide the best services possible with the resources provided while working toward increasing the level of performance. He felt this could be accomplished through education and networking with other jurisdictions through associations. He thanked the Board for their support.

Mr. Tiller asked if the additional inspector would be for residential or commercial. Mr. Mikelaides said his hope would be for a Senior III level inspector. He noted this was the same position he had requested the previous year to assist with the growing commercial development. Mr. Tiller noted the need for support for commercial development had been discussed and the possibility of hiring a contractor had been considered. He said he was sure County inspectors were frequently at the AutoZone project. Mr. Mikelaides reported an existing staff member had stepped up and was training diligently to get his certifications in commercial inspections. Without this individual, there would not be enough time to do what they were doing. He personally was spending more time on commercial reviews and inspections which was taking him away from his responsibilities as a director. He stated they were not moving forward and were barely keeping up. Mr. Tiller stated he felt the requested position should be a priority.

Mr. Tiller called for a brief recess for lunch at 12:09 p.m. Mr. Lockwood blessed the meal. The meeting reconvened at 12:36 p.m.

IN RE: ANNOUNCEMENT OF UPCOMING MEETINGS/ADJOURNMENT

Mr. Tiller announced the next regularly scheduled meeting of the Board of Supervisors would be held at 6:00 p.m. on Wednesday, November 15, 2023, and the next work session at 9:00 a.m. on Tuesday, October 31, 2023, both in the County Administration Building.

Mr. Stiers moved to adjourn the meeting. The members were polled:

Thomas W. Evelyn	Aye
Patricia A. Paige	Aye
Ron Stiers	Aye
John N. Lockwood	Aye
C. Thomas Tiller, Jr.	Aye

The motion carried.

The meeting was adjourned at 12:37 p.m.

AGENDA ITEM REQUEST
(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO
THE MEETING)

Meeting Date: 2/12/2024

Approval of Minutes

<p>Motion: "Mr. Chairman, I move to (not required for Consent Agenda items)</p>	<p>approve the Consent Agenda as presented and that it be made a part of the record.</p> <p>or</p> <p>I move to approve the Consent Agenda as presented and that it be made a part of the record, with the following changes:</p>
Subject	October 31, 2023 Work Session Minutes
Issue	
Recommendation	
Fiscal Implications	
Policy Implications	
Legislative History	
Discussion	

Time Needed:		Person Appearing:	
Request prepared by:	W. Watkins, Deputy Clerk of the Board	Telephone:	804-966-9687
Copy provided to:			

ATTACHMENTS:

Description	Type
October 31, 2023 Work Session Minutes (PDF)	Cover Memo

REVIEWERS:

Department	Reviewer	Action	Date
Clerk	Watkins, Wanda	Approved	1/19/2024 - 11:41 AM
Administration	Hathaway, Rodney	Approved	1/19/2024 - 1:47 PM
Attorney	Everard, Joshua	Approved	1/22/2024 - 8:24 AM

A REGULAR WORK SESSION WAS HELD BY THE NEW KENT COUNTY BOARD OF SUPERVISORS ON THE 31ST DAY OF OCTOBER IN THE YEAR TWO THOUSAND TWENTY-THREE IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 9:00 A.M.

IN RE: CALL TO ORDER

Chairman C. Thomas Tiller, Jr. called the meeting to order.

IN RE: ROLL CALL

Thomas W. Evelyn	Present
C. Thomas Tiller, Jr.	Present
Patricia A. Paige	Absent
Ron Stiers	Present
John N. Lockwood	Present

All members with the exception of Ms. Paige were present. Mr. Tiller thanked everyone for attending.

IN RE: FARMS OF NEW KENT (FONK) COMMUNITY DEVELOPMENT AUTHORITY (CDA)
BOND RESTRUCTURING/FINANCING

The following individuals joined the meeting by Zoom: Preston Hollow Community Capital Managing Director Ramiro Albarran, Director Marc Armentrout, Associate Madeleine Rehfeld and Assistant General Counsel Michel Benitez as well as Attorney Brendan Staley with Hunton Andrews Kurth LLP (Bond Counsel during the 2021 refinancing) and Attorney Dan Siegel with Sands Anderson PC (representing the FONK CDA). Davenport and Company Co-Director Ted Cole (New Kent Financial Advisor) was present in the boardroom.

Mr. Albarran's presentation was in regard to a 2023 bond issuance for the Farms of New Kent (FONK) Community Development Authority (CDA) including refunding of a portion of bonds issued in 2021 and new money. Two series of bonds had been issued in 2021 one of which was the 2021A bonds secured by special assessments on residential lands in all remaining land bays (primarily Land Bays IV and V). These bonds would not be a part of the refunding. The 2021B bonds secured by special assessments on commercial lands in Land Bays IV and V as well as special assessments on Land Bay III would be refunded. Bonds secured by the special assessments were also secured by the development's net cash flow which had been a source of revenue dating back to 2006. The real estate had been taken over by the bond trust estate due to delinquencies and the cash flows from the sale of real estate had been made available to pay the indebtedness. These cash flows were also securing the 2021B bonds. He again noted this discussion would be in regard to the refinancing of the 2021B bonds. The primary reason they were asking for a refunding was that commercial development was accelerating much faster than anticipated in 2021. He referenced several projects including Buc-ee's, a grocer and a potential office campus. Buc-ee's had closed on property in Land Bay V and was currently working with the County and VDOT on infrastructure to support the demand of their project. The announcement of Buc-ee's had driven significant demand for other commercial property in Land Bay V and, in response, they would be moving aggressively to install infrastructure to support Land Bay V commercial development. Due to a non-disclosure agreement, he could not share the name of the potential grocer but he did announce that a LOI (Letter Of Intent) had been executed with a national grocer. The grocer had expressed interest in Land Bay III and the LOI was for 22 acres to include a grocery store and fully functional retail center. Significant

infrastructure would be needed in Land Bay III to support this center and a potential office campus was being explored for Land Bay IV. As Land Bay V commercial filled, they anticipated aggressively moving into the infrastructure development in Land Bay IV. He reported all of this work had been planned when the 2021 transaction had been completed but, due to interest, the timeline was accelerated. He said the cost of preparing these lands for infrastructure would be tens of millions of dollars. Residential demand was higher than anticipated despite marketplace turmoil. Increasing mortgage rates had not impacted the velocity of sales and Ryan Homes was currently selling 15 to 20 homes per month. He also noted another 150 lots had been under development in Land Bay IV. The initial lots had been sold to D.R. Horton, Inc. and a second sale of lots to D. R. Horton was expected in a few weeks. These sales were contributing to the need to accelerate the installation of infrastructure in Land Bay V. As demands on capital were put in place, Preston Hollow had been providing the liquidity facility to the Kent Farms Holding Company for development costs. The land was owned by Kent Farms Holding Company and Preston Hollow was acting on behalf of the trustee of the bonds. They currently had \$9.6 million to facilitate the development but he noted this was an inefficient taxable liquidity facility they wished to replace with the proposed new bonds. Almost all monies going into the ground were eligible for tax exempt financing and they would be replacing the inefficient taxable liquidity facility with long term taxes and bonds to provide a more stable funding source. The refinancing would provide for a consolidated, tax-exempt funding for current and future development.

Mr. Albarran drew attention to the existing development site plan. Given the accelerated residential and commercial demand, approximately \$47 million was projected to be spent to complete new development (Land Bay III) as well as existing development in Land Bays IV and V. They were in active conversations in three land bays all of which would initiate the need for additional capital. He provided an overview of the proposed 2023 financing structure. The focus would be on refinancing the 2021B bonds to provide additional capital to fund future development. The following chart was provided:

Series 2023B Bonds	2023B-1	2023B-2	2023B-3	Total
Max Par	\$17MM	\$35MM	\$45MM	\$97MM
Max Rate	5.25%	7.875%	7.875%	-
Term	13 Years	13 Years	13 Years	13 Years
Source of Repayment	Special Assessments	Lot Sale Revenues	Lot Sale Revenues	-

All numbers in the table were "not to exceed."

The B-1 and B-2 bonds would refinance existing indebtedness. The distinction between the two was the B-1 bonds would be secured by special assessments on commercial lands similar to the 2021A bonds which had been secured by special assessments on residential lands. These liens already existed and there would be no increase or change to the special assessments. The B-2 bonds would be the portion of the 2021 bonds secured by net cash flows from the development rather than by special assessments. This refinancing would segregate the 2021A bonds into two pieces with the cash flow and special assessments funding different portions of the 2023 bonds. With the B-1s secured by special assessments and the B-2s secured by cash flow, the funding structure would be much cleaner.

Another significant portion of the proposed financing would be the \$45 million in B-3 bonds which the CDA would be asked to approve. Mr. Albarran said he did not expect the total would reach this level because lot sale revenue would also be a source of funding. The "not to exceed" had been set high to avoid coming back to the Board for another refinancing. Interest rates provided were maximum rates but he expected the rate to be closer to 7%. Preston Hollow intended to be the sole owner throughout the remaining term of the B-2 and

B-3 bonds. They believed the property cash flow would be sufficient to secure these but they had concentrated the risk into the B-2 and B-3 bonds because if the B-1 bonds were not paid, there was a special tax foreclosure remedy available to the B-1 holders. He said Preston Hollow would likely be the B-1 owner but they may consider selling them over time. They would however, always be the owner of the B-2 and B-3 bonds.

He said there were several things his team wanted to make clear. First, the special assessments were not going to change. These assessments had been in place since 2006 and were represented in the B-1 bonds. Preston Hollow was prepared to buy all of the bonds and may sell the B-1 bonds over time. The B-1 bonds would be senior to all of the B-2 and B-3 bonds. If Preston Hollow did not keep special assessments current, the B-2 and B-3 bonds could be foreclosed against. The security behind the B-1 bonds would be enhanced by the subordinated position of the B-2 and B-3 bonds also owned by Preston Hollow. The questions of why this was so important and why it needed to be done so quickly had also been raised. Mr. Albarran said the property was feeling a tremendous capital strain. They were currently involved in a large earth moving project and were filling an area in Land Bay III with excess dirt from Land Bays IV and V. They would soon be entering into a purchase agreement with the grocer and they needed to move quickly. Buc-ee's was in the midst of discussions with the County and VDOT and they would quickly move into infrastructure development the first of the year. They also intended to begin work on the master backbone infrastructure in Land Bay IV to support expected demand. He stated this transaction was critically important to provide for up to \$45 million in new money to address demand. He again noted the across the board demand was occurring much quicker than anticipated and without this financing, they would have to pick, choose and delay projects. They definitely did not want to delay Buc-ee's and would not want to delay the grocer. He also noted he was excited about plans for Land Bay IV but could not discuss details at this time. He asked his team if there was anything more they wished to add. There were no additional comments. Mr. Albarran entertained questions.

Referencing the NDA/LOI for the grocer, Mr. Stiers asked for the timeframe for announcing the grocer's name and if he could not tell who it was, could he tell who it was not? Mr. Albarran said it was a grocer they would know and was not currently in the County. The timing for when the County would know the identity would be driven by the grocer who would need to begin conversations with the County regarding engineering plans and grading permits. The LOI had been executed by the corporate parent and a draft announcement had been initiated. The infrastructure development timeline would run 18 to 19 months and during that time, the grocer would be in conversations with the County. He felt the County would be happy and again noted it would be a grocer not currently in the County.

Mr. Evelyn asked how quickly Preston Hollow was expecting action from the Board. Mr. Albarran said they would be asking for CDA approval to move forward with closing in December. They would be able to enter into contracts soon thereafter. Mr. Hathaway noted that in order to meet the timeline goals, the Board of Supervisors would need to schedule a public hearing for November 15th. The CDA would hear a presentation at their November 6th meeting and would be asked to take action at that time.

Mr. Tiller noted Mr. Albarran kept referencing commercial development in Land Bays III and V and future housing development in Land Bay IV and asked what would happen to the funds in fifteen years if interest rates increased, the economy slowed and the commercial backed out? Mr. Albarran pointed out the B-1 and B-2 bonds were already outstanding and the B-3 bonds would be funded only on an as needed basis. This would give them the ability to measure the expected demand. He said they believed the development was mature to the point it would not stop even in the face of increased interest rates. He noted

the possibility it could slow down but said the demand was already in place for the Buc-ee's and the commercial surrounding it. He also said the grocer saw the demand and would open today if they could. He felt very good about the commercial in Land Bays III and IV and reported there had been a lot of interest from Ryan Homes and they had also been approached by four national home builders wanting to be part of the FONK. He noted the risk on master planned communities was higher on the front end when there was very little development. He had been in the business for 33 years and although developments would slow down, they passed the point of where they would stop because there was enough integrity in what was present to continue. He felt the FONK was now at this place and reported both club houses were in. The Land Bay V club house had been open for almost a year and the Land Bay IV club house would open in a few months. These two amenities would ensure continued residential and commercial demand regardless of the market.

Mr. Evelyn said it would be three to five years before Buc-ee's would be here and they would be dependent on funding from the state and county. He said Preston Hollow had been talking about a LOI with a grocer for four to five years and asked if this transaction fell through, where would that put them? Mr. Albarran reported they initially had a LOI with a developer representing a grocer. That developer had not gotten the support of the grocer because the grocer wanted to be the developer themselves. More recent conversations with the grocer had identified several points that were not satisfactory to Preston Hollow and they had been able to come to terms for the benefit of the community. The grocer had been spending money on site plans and had pursued Preston Hollow for a LOI. Despite hearing about a LOI for a number of years, this was the first time there had been a LOI with the parent company. This was radically different than what had previously been in place. Mr. Lockwood asked if the original LOI with the developer had been for the same grocer as the current LOI with the parent company? Mr. Albarran confirmed.

Mr. Cole said he would like to recap a couple of things and add some commentary. He noted today's presentation was informational only and it was anticipated that on November 6th the CDA board would be asked to approve the proposed transaction. The schedule anticipated the Board of Supervisors would hold a public hearing on November 15th and take action to approve the transaction. He reported that when the bonds had originally been issued in 2006, they had been for a 30-year term which would run through 2036. He pointed out that the charts provided indicated a 13-year term which would keep the original maturity date of 2036. The 2021A bonds secured by special assessments would stay in place as they were, the 2021B bonds which had been secured by a combination of special assessments and lot sales would be refinanced and broken into two pieces. One of the pieces would be secured by special assessments alone which would be a lower risk investment. The plan would be to market these to investors but Preston Hollow would be prepared to buy the B-1s if needed. Mr. Albarran stated Preston Hollow would be prepared to buy 100% of the B-1 and B-2 bonds and would intend to finance 100% of the B-3 bonds as needed over time. He stated they had an affiliated investor that may take some of the bonds but Preston Hollow was prepared to buy 100% if necessary. Mr. Cole said the 2023B-1s and 2023B-2s would clean up the mixed security of the 2021Bs. The 2023 bonds would go out to the same final maturity as the 2006 bonds and there would be no new or additional special assessments on property owners. The B-3s would serve as a mechanism for the developer to access capital and the CDA structure required that the Board of Supervisors give them access to a form of capital they could not access on their own. Preston Hollow was currently facilitating additional capital for investment totaling almost \$10 million but this was a taxable loan. This refinancing would benefit the development as a more efficient way to borrow money which would initially be used to pay back the \$10 million line of credit and then allow them to periodically tap into more funding as needed. The B-3 bonds would not exceed \$45 million. Mr. Albarran agreed and noted they were not

trying to burden the Board of Supervisors or the CDA so the ability to draw would be setup up as an administrative action and require no further action by the Supervisors or the CDA. He asked Mr. Staley to confirm. Mr. Staley confirmed and noted the bond would be issued at closing in a principal amount not to exceed \$45 million. The principal would be advanced by Preston Hollow as the bond holder to the trustee to be made available to the CDA for costs submitted by the developer for public infrastructure. Over the draw period, the bond holder would make advances on the same bond up to the \$45 million authorized amount. There would only be one approval and one debt instrument issued with everything else being an administrative process with the documents allowing for draws to be made over a limited period of time. Mr. Cole asked if the authorization to issue against the \$45 million would last for thirteen years or was there some other sunset? Mr. Staley said the length of draw had not been finalized and there was a place holder for it in the bond documents. Mr. Albarran stated he thought the draw period would be "not to exceed" 36 months and anything unissued at that time would become unauthorized. Mr. Cole noted if the last funding was drawn in year three, ten years would remain for pay back. Mr. Albarran confirmed and noted it would be thirteen years from now and not the final draw date with the maturity date in 2036. Mr. Cole noted the B-1s and B-2s were swapping out existing debt with the 2021Bs by creating the two to separate the pledges.

Mr. Cole said this was a straight forward concept with reasons that made sense to Preston Hollow and he wasn't sure there was a lot of local need to understand all of the details of the transaction since it would not create additional special assessments and was not extending the debt. Existing bonds were being repackaged in a way that would be a more beneficial structure. He asked what alternatives would exist for the B-3s if this transaction was not approved and noted he thought what would happen to all of the investment had been the question Mr. Evelyn had been asking? Mr. Evelyn agreed and noted they would almost double the debt with the B-3 bonds. He suggested they were having a hard time paying the debt now and he was wondering why they would double the debt. Mr. Albarran noted these costs had always been in the development pro forma and were not new costs. The alternative from providing the capital to the development company today would be to provide capital on a pay as you go basis. This would result in the developer unlikely being able to provide the capital needed to deliver the land pursuant to the LOI with the grocer. It would also prohibit them from being ready for the commercial lands in conjunction with Buc-ee's. He again noted these were not new costs and had always been imbedded inside the development. Whether financed or paid through the lot sale revenues, they were costs that needed to be paid and the proposed transaction would give them the ability to accelerate development. He again stated Preston Hollow would be the 100% sole owner of the B-2 and B-3 bonds and would expect to be the sole owner through their term. They were willing to make this investment because they saw the demand and the need for the infrastructure. He said these obligations, which had been imbedded in the development since day one, needed to be fulfilled and were not additional obligations placed on the property. He said Preston Hollow did not own the property and the property was owned by New Kent Farms Holding Company which was an agent of the trustee. If the bonds did not move forward as proposed, they would have to wait until there was enough revenue from land sales to allow them to cherry pick the next project. He did not think this was the most efficient way to pursue development and that was why they were prepared to provide for this additional investment up front as opposed to waiting for it to be paid over time. Mr. Cole said if the proposed transaction moved forward, Preston Hollow would have the funds available to buy the bonds. He asked if this was a different pot of money than what could be used to make the improvements in the CDA and why could it not be rolled into the CDA? Mr. Albarran again noted Preston Hollow did not own the land and if they did, this would be a different conversation. The land was owned by the development company working on behalf of the trustee and Preston Hollow had no equity inside the transaction. The only way

they could provide capital to this entity would be in the form of debt. A very inefficient taxable liquidity facility that could not grow beyond the \$10 million level was in place and was using taxable money to pay for public infrastructure. Apart from a loan from Preston Hollow or someone else, the only money available to the development company to pay for these costs would be from land sales and they would have to wait for sales to occur and save the money for the start of the next appropriate development phase.

Mr. Cole noted if this all played out as proposed, it would be a loan secured by a bond. He noted Preston Hollow didn't own the property and investing cash in infrastructure was neither viable nor desirable and this would be the next best option. Mr. Albarran agreed and said this 2023B-3 bond would be the most efficient way to advance the money necessary to fulfill the commitments coming from the LOI and to coordinate with Buc-ee's and making Land Bay IV a viable extension of the development. The only way they could move forward with development in Land Bays IV and V would be by accelerating the cash in the form of a loan. Mr. Cole stated the mechanism for drawing against the 2023B-3 bond would be more administrative with no requirement to go back to the Board of Supervisors or CDA. He asked if eligible projects or project types had been defined and if so, who was the "gate keeper?" Mr. Albarran reported a number of individuals would be reviewing the requisitions. Reviewers would include an agent of the CDA which would most likely be Municap, Preston Hollow would also be reviewing the expenditures by the New Kent Farms Holding Company as well as a professional construction management firm. The bonds would only be available for public infrastructure projects (streets, storm water management, utilities, street lighting, etc.) and could not apply to things such as club houses. Mr. Staley noted it would be necessary to put in significant infrastructure such as sewage pump stations and grading for proper storm water management in order to activate Land Bay III. This would require a significant amount of up front costs as well as time before any buildings could be put on the property. Mr. Albarran said he understood the Board of Supervisors had been through the challenges of a failed bond deal but noted the difference this time was that Preston Hollow would be the owner. They had already expended tens of millions of dollars to bring the project out of the depths of a broken project, to fulfill broken promises of prior developers, finish incomplete projects and had facilitated the development of almost 700 lots and more now that they were working with D.R. Horton. They had also cured a \$42 million delinquent special assessment overhanging the property as a necessary step in the development. As a corporate partner of New Kent County, Preston Hollow was willing to make additional investments to facilitate the additional project currently in demand rather than waiting for enough money to be available over the next ten years to be able to deliver a grocer one day. He stated there was a big difference between the 2006 ask and this ask.

Referencing a map in the presentation, Mr. Evelyn asked if most of the green shaded area was residential? Mr. Albarran asked to return to the map in the presentation. Mr. Evelyn pointed out the first page stated "commercial development such as Buc-ee's" but he assumed the infrastructure for that would be in place since that transaction had closed. He also said Preston Hollow had been "dangling the carrot" about a grocer and it was obvious some money would be needed for the infrastructure to support this but he felt they were dangling the carrot to get money for residential growth. Mr. Albarran noted the agreement with Buc-ee's included a small portion of infrastructure which was Buc-ee's Boulevard from the roundabout to the end of the property. This would not open up remaining infrastructure needed for Land Bay V which was the developer's responsibility. The commercial development attracted to a Buc-ee's would also require an infrastructure investment. The CDA would have an engineer's report to provide the costs for the development of Land Bay V above and beyond Buc-ee's. He asked Mr. Staley if he knew that amount. Mr. Staley indicated it would be \$5 million or more and noted a pump station would be needed for Buc-ee's and they would also have to engineer the northern portion of the site. Mr. Albarran

suggested the total would be near \$10 million. Preliminary engineering plans on the Land Bay III portion indicated the infrastructure necessary to support commercial would be approximately \$12 million and a significant investment of \$15-\$20 million was anticipated for Land Bay IV. He agreed a portion of the funding would go into residential demand and noted the \$45 million was a "not to exceed" figure and money generated on residential and retail land sales would be used to off set that amount. \$20 million would be necessary to get the Buc-ee's and grocer portions of the property ready to go.

Mr. Lockwood asked if the Land Bay IV property shaded in green was residential or commercial. Mr. Albarann indicated that under the existing PUD (Planned Unit Development), the property was primarily commercial but they did have the ability to include approximately 45 town homes in the northern portion of Land Bay IV. Mr. Evelyn stated Land Bay IV was residential. Mr. Albarann stated the green area of Land Bay IV was the commercial portion of the PUD. He again noted the PUD entitlements included 45 units of residential that could be put in on the northern portion of the property.

Mr. Tiller referenced the saying, "robbing Peter to pay Paul," and said he thought goals and conditions based on home sales were in place which required meeting certain levels of commercial development at specified times. He felt the Peter and Paul issue was reoccurring all too often and he believed there would be a lot more discussion at the public hearing in November. He thanked all who had been involved in the discussion.

IN RE: UPDATE ON THE PROGRESS OF THE NEW KENT 2045 COMPREHENSIVE PLAN

Senior Planner Todd Gordon with EPR, PC reported his firm had been working with County staff and others for approximately 14 months and were now in the middle of the update of the Comprehensive Plan document. He provided a brief update on where they were in the process, what they had heard so far and what they would be doing next. He noted the Board had appointed a Comprehensive Plan Steering Committee to guide them in the work and to help them understand existing conditions. Two phases of public engagement including meetings and surveys had been conducted. They were currently working on future land use and transportation planning. He reported having a Comprehensive Plan in place was a state requirement and it was necessary to examine the plan every five years and perform necessary updates. A Comprehensive Plan was a guidance document and not a legal document such as the zoning ordinance. The Comprehensive Plan was intended to be a long-term look at future land use, transportation, environmental concerns, economic development, etc. The big question the Comprehensive Plan would try to answer would be "Where does the County want to be in 20 years?" A very important resource used during the process was the project website (www.newkent2045.com) which contained background information and documents and had also been used to host two surveys and to promote public meetings. The website was updated on a regular basis as the work progressed.

Project Timeline – Mr. Gordon reported the project had kicked off with the Steering Committee in August 2022. The first public meeting and first survey had been conducted in October 2022. Work had been done on research tasks, existing conditions, land use and transportation. The second phase of public meetings had been conducted over the summer with the focus being on land use and transportation. Residents were encouraged to guide the process by working on maps at these meetings. The consultants would be meeting with the Steering Committee over the winter to discuss the work on the future land use map and the future land use types. Transportation planning to support future land use would also be discussed as well as strategies and specific implementation tasks to be included in the plan. The final plan would be ready for adoption in the spring. There would be another public engagement phase giving the opportunity to provide additional input once a drafted plan

was complete. The existing Comprehensive Plan had last been updated in 2012 and there had been several small updates as well as map changes since that time.

Comp Plan Basics – New Kent’s existing Comprehensive Plan topics included:

- History
- Natural Resources
- Natural Hazards
- Public Facilities
- Parks & Recreation
- Water, Sewer & Septic
- Agriculture
- Economy
- Housing
- Transportation
- Land Use

The County’s current Strategic Plan had been adopted in 2021 and there was some overlap between the two plans. He said the Strategic Plan Steering Committee had done a good job of talking with the public about the general vision and what they wanted to see. This had formed a great foundation for the Comprehensive Plan making it easier to work on specific planning tasks that may be necessary to reach the vision.

Background and Demographics – The public meetings had been started by presenting demographic information and a focus of most of those conversations had been growth. New Kent had seen significant growth over several decades and because it was well located, a great community and people wanted to be here, all projections were for that growth to continue. The Weldon Cooper Center at the University of Virginia was projecting New Kent’s population would be just over 36,000 by the year 2050. This figure was very consistent with the growth New Kent had seen and would represent approximately 11,000 potential new residents. The average household size in New Kent was currently 2.63 persons. If the projected 11,000 new residents were in standard-size households, almost 4,200 new housing units would be needed. Some of those units had already been approved or were in the pipe line but were unbuilt. Those approved units totaled 2,015 and included:

- The Arbors 150 lots
- Viniterra 136 lots
- The Groves 700 lots
- Oakmont Villas 43 lots
- Brickshire 346 lots
- Edenbridge Cluster 94 lots
- Beech Springs 109 lots
- Pomeroy Park 92 lots
- Robbins Creek 129 lots
- Patriots Landing 216 units

Transportation – Transportation including the systems necessary to support growth and development was another big Comprehensive Plan topic. He drew attention to a map depicting the locations of severe or fatal vehicle crashes within the County and reported research had been performed on traffic conditions as well as road safety conditions. This information would be taken into consideration as the Comprehensive Plan was developed.

Community Engagement – The first phase had begun with an open house on October 12, 2022 at the New Kent Visitor’s and Commerce Center. Project information had been presented to make the public aware of the work being done and information was collected

on overall community priorities. Approximately 500 responses had been received to an online survey that had been open from October 12 to December 2, 2022 to make public engagement as convenient as possible. Major takeaways from the survey included:

- Support or Satisfaction with:
 - Proximity to Richmond and Williamsburg
 - Community spirit
 - Rural character
 - Local government
 - Natural beauty
 - Schools
 - Low crime rates
 - Support balanced/moderate growth – more retail, shopping or grocery options
- Concern or Dissatisfaction with:
 - Overdevelopment of rural areas
 - Broadband internet access
 - A lack of high-quality retail, dining and grocery options
 - Access to healthcare and childcare
 - Traffic congestion, particularly related to Interstate 64
- Wanting a focus on:
 - Preserving nature and rural areas
 - Improving or expanding public schools
 - Investing in public safety
 - More parks and recreation opportunities
 - Transportation improvements to reduce congestion

The second phase of community engagement focused on land use and transportation. Everything done in this phase had been based on maps. In person public meetings had been held at Liberty Baptist Church and New Kent Middle School on June 6, 2023 and at Quinton Elementary School on June 13, 2023. An online interactive mapping option was also available to make engagement as convenient as possible. Information on desired areas for preservation as well as where residential and commercial growth would be appropriate was collected. Residents were also asked to note any areas with traffic/safety concerns. Input received on the Land Use map included:

- Continuing commercial growth along major roads
- Expanding existing residential developments
- Preserving existing natural areas
- Establishing green buffers between commercial and rural areas
- The need for additional public boat ramps

Input received on the Transportation Summary Map included:

- Schools needing additional entrances to reduce traffic
- Pine Fork Road needing major repairs
- Traffic concerns around the arrival of Buc-ee's
- Unsafe traffic circles
- Roads needing to be widened and shoulders added
- The addition of bike lanes to Rt. 249
- Improvement of mobility connections to The Groves

Future Land Use – Mr. Gordon drew attention to a zoning map depicting current zoning designations across the County. The future land use map was divided into several place types or future land use categories including:

- Conservation
- Agriculture/Forestry
- Rural Lands
- Hamlet
- Village
- Residential Development
- Commercial
- Economic Opportunity
- Industrial

Based on the information received, he drew attention to a future land use map with proposed changes noted. Existing developments and changes over the past few years had been incorporated and reasonable additions to the future land use map based on considerations such as the location of utilities were also noted.

Next Steps – Included:

- Transportation analysis to serve planned land use – They were currently involved in the transportation analysis and would need to discuss the transportation improvements and plans that needed to be made to support growth.
- Individual action strategies – The existing Comprehensive Plan included a long list of things the County would be doing beyond 2012. Decisions would be needed on what strategies the County would like to follow to bring about the vision contained in the Comprehensive Plan and the Strategic Plan.
- Drafting plan documentation – The process would eventually be a document that people could read and be used as a resource for staff, the Planning Commission and the Board of Supervisors. The document would be easy to use, understand and be somewhat engaging so that it would become a true usable guide and not just something on a shelf.

Mr. Gordon thanked the Board for allowing him to bring this update and entertained questions. There were no questions. Mr. Tiller noted he had enjoyed Mr. Gordon's update at a recent Planning Commission meeting and thanked him for updating the Board.

Mr. Tiller called for a brief recess at 10:24 a.m. The meeting reconvened at 10:37 a.m.

IN RE: NEW KENT COUNTY ANIMAL SHELTER CONSTRUCTION INTERIM CONTRACT
AWARD

Before the Board for consideration was an interim contract with David A. Nice Builders, Inc. in the amount of \$373,293 for the design of the New Kent County Animal Shelter. County Administrator Rodney Hathaway reported David A. Nice Builders, Inc. had been selected and staff was recommending moving forward with the project. He was asking for the Board's authorization to execute a contract for 90% of the project design. Some work remained to be done on the contract but it would be in a form approved by the County Attorney prior to execution. The new animal shelter was proposed to be located on Airport Road across from the refuse and recycling center. The proposed property had been a fill site when I-64 had been constructed and there were many unknowns. More work was needed to determine the true conditions which should result in more accurate pricing. A summary of proposals received from David A. Nice Builders, Inc., Hourigin Construction and Henderson, Inc. had been provided. Staff had felt David A. Nice Builders, Inc. had offered the best value proposal for the complete project at \$4.8 million including site work. The contract before the Board was for 90% of design only. Staff was hopeful that once some of the unknowns were eliminated, the final price could potentially be reduced. A copy of the proposed

contract had been provided and he noted one change resulting in the County owning all completed work rather than the contractor would be made. He entertained questions.

Mr. Evelyn pointed out the contract included an early completion bonus and asked if there would be a penalty for late completion. Hobbs Management Solutions, LLC Project Manager Jay Hobbs reported there were several items remaining to be negotiated in the contract and early/late completion was just one area and shared contingency savings was another. Once the plans were fully developed and ready for permitting, staff would come back requesting authorization to enter into a comprehensive project agreement. He felt that by that time, the unknowns would be reduced and the contingency was expected to shrink substantially.

Mr. Stiers asked if the property was on County water. Sheriff Joe McLaughlin reported the property was not on County water and would require well and septic systems. Mr. Stiers said he thought the recommendation was for the shelter to be on County water because of the animal waste? Sheriff McLaughlin reported the current plan would have separate septic systems for facility and animal use. Mr. Stiers asked if it would require a sewage grinder. Sheriff McLaughlin indicated it would and noted it was included in the projected cost.

Mr. Lockwood moved to authorize the County Administrator to execute an interim contract with David A. Nice Builders, Inc. in the amount of \$373,293 in a form approved by the County Attorney, for the design of the New Kent County Animal Shelter. The members were polled:

Thomas W. Evelyn	Aye
Patricia A. Paige	Absent
Ron Stiers	Aye
John N. Lockwood	Aye
C. Thomas Tiller, Jr.	Aye

The motion carried.

IN RE: FIRE STATION #6 (BOTTOMS BRIDGE) CONSTRUCTION CONTRACT AWARD

Handouts on Fire Station #6 were distributed. County Administrator Rodney Hathaway reported a new construction project for Fire Station #6 had been put out to bid under the local procurement process. The first phase had been a request for qualifications and three responses had been received. Two of the responding firms (Brinkmann Constructors and Henderson Inc.) had been invited to move to the second phase which was the submittal of technical and cost proposals. He drew attention to pricing from each firm included in the handout. Both firms had been interviewed and proposals had been reviewed carefully. Staff was recommending moving forward with a construction contract with Brinkmann Constructors. Brinkmann's proposal had come in with a total cost of \$5,656,691 compared to Henderson's cost of \$5,689,592. Although these prices were close, a key factor in the decision to go with Brinkmann was that their proposal was a facility with 12,985 square feet compared to Henderson's 10,800 square feet. Cost per square foot was \$435 for Brinkmann and \$526 for Henderson. Brinkmann's proposed facility that would allow for expansion to include additional bunk areas. Mr. Hathaway pointed out a motion had been included in the meeting packet but the amount had been left blank because the price proposals had not been opened at the time the agenda was published. He asked the Board to consider authorizing him to sign a construction contract with Brinkmann Constructors for up to \$5,656,691. Hobbs Management Solutions, LLC Project Manager Jay Hobbs reported the potential expansion did not include increasing the footprint and the expansion work could all be done internally. Mr. Evelyn noted the site was tight. Mr. Hobbs agreed. Chief

Opett noted this was why both firms had proposed a two-story station. He added that since this station would be within the County's commercial corridor, the design would be more commercial than the residential design used at Stations #4 and #5. Mr. Tiller asked if the upstairs would be used when the station opened or would it be the possible expansion area. Chief Opett reported the upstairs would be used on a daily basis and would be where the bunks were located. He said there was sufficient space to allow for three additional bunkrooms if it became necessary to increase the staffing level. Mr. Stiers asked if there would be space for an additional apparatus bay in the future. Chief Opett said space would not allow an additional bay and noted the site was tight due to the RPA (Resource Protection Area) and a floodplain to the rear. Mr. Tiller asked if the bays would be deep enough to accommodate two engines or ambulances? Chief Opett said he believed the bays were sixty feet which was shorter than Stations #4 and #5 but noted this had been done in order to facilitate entering bays from the rear of the building. He further noted that although the bays were shorter, they would accommodate back-to-back apparatus.

Mr. Lockwood moved to authorize the County Administrator to execute an agreement from Brinkmann Constructors in a form approved by the County Attorney, for the construction of Fire Station #6 in the amount of \$5,656,691. The members were polled:

Patricia A. Paige	Absent
Ron Stiers	Aye
John N. Lockwood	Aye
Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye

The motion carried.

IN RE: OTHER BUSINESS - FIRE STATION #6 (BOTTOMS BRIDGE) PROPERTY
PURCHASE

County Administrator Rodney Hathaway reported he had just received an agreement to purchase the property for Station #6 and was asking for the Board's authorization to execute the agreement. The proposed location was on Route 60 in Bottoms Bridge across from Chickahominy Family Practice. He said many had seen the clearing work in progress by the Howard Brothers Construction Company and noted the owner of the property was Howard Brothers Properties, LLC. The sales agreement included a price of \$1,000,000, a 60-day due diligence period and 30 days to close. He said this was standard timing but he did not believe this much time would be needed. If granted authorization to execute the agreement, the first action would be to move forward with title work and to identify a closing attorney. He said a great deal of due diligence work including soil borings and testing had been completed. Staff was comfortable that the conditions of the site were known leaving only title work and closing to be completed. Mr. Stiers asked if a groundbreaking was expected at this site this year? Chief Opett indicated he did expect they would be ready for groundbreaking prior to the end of the year.

Mr. Evelyn moved to authorize the County Administrator to execute an agreement with Howard Brothers Properties, LLC in a form approved by the County Attorney, for the acquisition of real property identified as Tax Map Parcel Number 19-41C. The members were polled:

Ron Stiers	Aye
John N. Lockwood	Aye
Thomas W. Evelyn	Aye

Patricia A. Paige	Absent
C. Thomas Tiller, Jr.	Aye

The motion carried.

Mr. Evelyn congratulated Mr. Tiller on getting a fire station in his district. He noted Mr. Tiller had worked extremely hard to make this happen and it had been difficult to find the right piece of land. He said Mr. Tiller had served his constituents well in Bottoms Bridge and the fire station would be something for which they and the County as a whole could be proud. He thanked him for his hard work on this. Mr. Tiller thanked him for his comments.

IN RE: DESIGNATION OF A REPRESENTATIVE OF THE NEW KENT COUNTY BOARD OF SUPERVISORS TO VOTE AT THE VACO 2023 ANNUAL BUSINESS MEETING

Mr. Tiller announced the Board needed to select a representative to vote at the 2023 VACo Annual Business Meeting and he thanked County Administrator Rodney Hathaway for doing this. (Mr. Hathaway had served in this capacity for a number of years.) Mr. Hathaway announced the annual VACo conference would be coming up in a couple of weeks and the bylaws required that each locality designate a voting member to attend/vote at the Annual Business Meeting (10:00 a.m. on November 14, 2023). He noted a motion had been prepared with the name of the representative left blank.

Mr. Stiers began making a motion to appoint Mr. Hathaway who quickly interrupted and announced he would not be attending the VACo Conference this year. The hotel had booked quickly and he had not been able to get a room. Mr. Tiller asked who would be attending? Mr. Hathaway reported, Mr. Evelyn, Mr. Lockwood and Mr. Tiller would be attending. Mr. Evelyn noted Mr. Tiller was Chairman and suggested he serve as the representative.

Mr. Stiers moved to designate C. Thomas Tiller, Jr. as the representative of the New Kent County Board of Supervisors to vote on behalf of New Kent County at the 2023 VACo Annual Business Meeting. The members were polled:

John N. Lockwood	Aye
Thomas W. Evelyn	Aye
Patricia A. Paige	Absent
Ron Stiers	Aye
C. Thomas Tiller, Jr.	Aye

IN RE: CLOSED SESSION

Mr. Evelyn moved to go into closed session pursuant to Virginia Code Section 2.2-3711(A)(3) for discussion of the acquisition of real property for a public purpose, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body; specifically, the purchase of interests in land for the construction of a surface water intake system. The members were polled:

Thomas W. Evelyn	Aye
Patricia A. Paige	Absent
Ron Stiers	Aye
John N. Lockwood	Aye
C. Thomas Tiller, Jr.	Aye

The motion carried. Members left the dais at 10:59 a.m.

Members returned to the dais at 11:09 a.m. Mr. Evelyn moved to return to open session. The members were polled:

Patricia A. Paige	Absent
Ron Stiers	Aye
John N. Lockwood	Aye
Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye

The motion carried.

Mr. Evelyn moved to certify by roll call vote that to the best of each member's knowledge only public business matters lawfully exempted from open session requirements of the Freedom of Information Act and identified in the motion to go into closed session were heard, discussed or considered in the closed session. The members were polled:

Ron Stiers	Aye
John N. Lockwood	Aye
Thomas W. Evelyn	Aye
Patricia A. Paige	Absent
C. Thomas Tiller, Jr.	Aye

The motion carried.

IN RE: ANNOUNCEMENT OF UPCOMING MEETINGS/ADJOURNMENT

The next regularly scheduled meeting of the Board of Supervisors would be held at 6:00 p.m. on Wednesday, November 15, 2023 and the next work session at 9:00 a.m. on Tuesday, November 28, 2023, both in the Boardroom of the County Administration Building.

Mr. Lockwood moved to adjourn. The members were polled:

John N. Lockwood	Aye
Thomas W. Evelyn	Aye
Patricia A. Paige	Absent
Ron Stiers	Aye
C. Thomas Tiller, Jr.	Aye

The motion carried and the meeting was adjourned at 11:11 a.m.

AGENDA ITEM REQUEST
(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO
THE MEETING)

Meeting Date: 2/12/2024

Approval of Minutes

<p>Motion: "Mr. Chairman, I move to (not required for Consent Agenda items)</p>	<p>approve the Consent Agenda as presented and that it be made a part of the record.</p> <p>or</p> <p>I move to approve the Consent Agenda as presented and that it be made a part of the record, with the following changes:</p>
Subject	November 15, 2023 Regular Session Minutes
Issue	
Recommendation	
Fiscal Implications	
Policy Implications	
Legislative History	
Discussion	

Time Needed:		Person Appearing:	
Request prepared by:	W. Watkins, Deputy Clerk of the Board	Telephone:	804-966-9687
Copy provided to:			

ATTACHMENTS:

Description	Type
November 15, 2023 Regular Session Minutes (PDF)	Cover Memo

REVIEWERS:

Department	Reviewer	Action	Date
Clerk	Watkins, Wanda	Approved	1/19/2024 - 11:44 AM
Administration	Hathaway, Rodney	Approved	1/19/2024 - 1:46 PM
Attorney	Everard, Joshua	Approved	1/22/2024 - 8:19 AM

A REGULAR MEETING WAS HELD BY THE NEW KENT COUNTY BOARD OF SUPERVISORS ON THE 15TH DAY OF NOVEMBER IN THE YEAR TWO THOUSAND TWENTY-THREE IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 6:00 P.M.

IN RE: CALL TO ORDER

Mr. Tiller called the meeting to order.

IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

Mr. Lockwood gave the invocation and led the Pledge of Allegiance.

IN RE: ROLL CALL

Thomas W. Evelyn	Present
C. Thomas Tiller, Jr.	Present
Patricia A. Paige	Present
Ron Stiers	Present
John N. Lockwood	Present

All members were present. Mr. Tiller thanked everyone for attending and announced they would start the meeting by recognizing the New Kent University Class of 2023.

IN RE: SPECIAL PRESENTATIONS – NEW KENT UNIVERSITY CLASS OF 2023

2023 New Kent University (NKU) graduates, identified as Suzanne Cassella, Kenneth Dickson, Paul Gould, Jim Griffis, Stephanie Henning, Lorna Lathrop, David Marcum, Karen Nifeneger, Ferenc Petho, Barbara Safka, Stephanie Siepinski, Ray Siepinski, Tia Stanley, Robin Thomas and Richard Wren had completed the ten-week citizen engagement program. Mr. Tiller came down from the dais and presented diplomas to those in attendance. Mr. Evelyn congratulated the graduates and thanked them for taking the time and making the commitment to attend this ten-week program. He expressed appreciation to all staff involved in the program and said he believed participants had realized how very proud the Board was of the staff in New Kent County. He again thanked participants for taking the time and making the commitment to learn a little more about how the County operated.

IN RE: CLOSED SESSION

Mr. Evelyn moved to go into closed session pursuant to Virginia Code Section 2.2-3711(A)(1) for discussion of the performance and discipline of specific public officers. The members were polled:

Thomas W. Evelyn	Aye
Patricia A. Paige	Aye
Ron Stiers	Aye
John N. Lockwood	Aye
C. Thomas Tiller, Jr.	Aye

The motion carried. Members left the dais at 6:10 p.m.

Members returned to the dais at 6:28 p.m. Mr. Evelyn moved to reconvene in open session. The members were polled:

Patricia A. Paige	Aye
Ron Stiers	Aye
John N. Lockwood	Aye
Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye

The motion carried.

Mr. Evelyn moved to certify by roll call vote that to the best of each member's knowledge only public business matters lawfully exempted from open session requirements of the Freedom of Information Act and identified in the motion to go into closed session were heard, discussed or considered in the closed session. The members were polled:

Ron Stiers	Aye
John N. Lockwood	Aye
Thomas W. Evelyn	Aye
Patricia A. Paige	Aye
C. Thomas Tiller, Jr.	Aye

The motion carried.

IN RE: CONSENT AGENDA

The Consent Agenda was presented as follows:

1. Minutes
 - a. September 26, 2023 Work Session Minutes
2. Miscellaneous
 - a. General Requisition – Airport Easement Acquisition
3. Refunds
 - a. REFUND – Personal Property Tax – Veteran Exemption
 - b. REFUND – Business Equipment Tax - \$6,136.34
4. FY23 Supplemental Appropriations
 - a. School Nutrition - Noncap Computer Hardware (\$37,360.26), Machinery and Equipment Replacement (\$56,939.26), \$94,299.80.
 - b. Bridging Communities - Various Grants - Claude Moore EMS (\$60,000), Skilled Trades Programs (\$125,000) and CTE Workforce Expansion (\$60,000), \$245,000.
 - c. Gifts & Donations - Fire - Dwayne Tyler, \$200.
 - d. Funds for ADP Equipment - County Attorney, \$3,676.27.

\$343,176.07 - Total
(\$200.00) - Total In/Out - General Fund (1101)
(\$245,000.00) - Total In/Out - Bridging Communities (9230)
(\$3,676.27) - From Fund Balance - General Fund (1101)
(\$94,299.80) - From Fund Balance - School Nutrition (2207)
5. FY24 Supplemental Appropriations
 - a. Animal Shelter Donations, \$460.

- b. Gifts & Donations - Fire: Kari Jackson (\$1,000) and Hopewell Baptist Church (\$100), Parks & Recreation: Elizabeth Remorenko (\$250) & Administration: Churchill Downs (\$10,000), \$11,350.
- c. VRSA Insurance - Sheriff's Dept. - Claim #02-22-52470-1-AP, DOL 9/24/2023-9/25/2023 (\$9,994.93), Fire - Claim #02-23-53197-1-AP, DOL 9/28/2023-9/28/2023 (\$708.13) and Fire - Claim #02-22-50298-2-PR, DOL: 3/17/2023-8/29/2023 (\$250) \$10,953.06.
- d. Extra Duty Private - Colonial Downs - Sheriff - 8/31/2023-9/9/2023, (\$8,840), 9/15/2023-9/23/2023 (\$1,870), Colonial Downs - Fire - 9/1/2023-9/13/2023 (\$29,644.56) and Schools - Sheriff - 9/13/2023-9/20/2023 (\$825), \$41,452.67.
- e. Charles City Radio Funds - August 2023 Integration, \$476.41.
- f. Grand Illumination - Viniterra Golf Club (\$300), Royal New Kent Golf Club (\$300), Pressures Exterior Cleaning (\$350), Dominion Energy (\$350), BRC Mechanical Services (\$550) and Stone Property LLC (\$350), \$2,200.
- g. Opioid Abatement Program, \$6,666.72.
- h. LIHWAP Grant, \$596.36.
- i. Aid to Localities Grant, \$103,309.
- j. Interest Income for 2022 W&S Bond - September 2023, \$17,896.08.
- k. Interest Income for 2022 Lease Revenue Bond - September 2023, \$32,526.34.
- l. Schools FY23 End of Year Transfer to Capital Improvement Plan, \$699,196.88.
- m. DMV Selective Enforcement FY24 Grants - Alcohol (\$33,200) and Police Traffic Services (\$32,475), \$65,675.

\$1,699,823.20 - Total
 (\$170,770.50) - Total In/Out - General Fund (1101)
 (\$72,341.72) - Total In/Out - Grant Fund (1106)
 (\$32,526.34) - Total In/Out - Capital (1302)
 (\$17,896.08) - Total In/Out - Water/Sewer (1514)
 (\$703,144.28) - From Fund Balance - General Fund (1101)
 (\$3,947.40) - From Fund Balance - Grants (1106)
 (\$699,196.88) - From Fund Balance - Capital (1302)

6. FY23 Interdepartmental Budget Transfers

- a. Public Utilities - From Wages-Part Time Overtime to Wages-Overtime Reg (\$240.78), From Wages-Part Time Overtime to ST/LT Disability Premium (\$11.84), From Machinery & Equipment to Electric Service (\$34,232.08), From Machinery & Equipment to Telecomm-Cellular (\$3,224.80) and From Machinery & Equipment to Insurance-Fire/Property (\$2,748), \$40,457.50.
- b. Public Utilities - From Wages-Part Time Overtime to Salaries & Wages-Reg (\$10,000), From Hospital/Medical Plans to Retirement-VRS (\$2,925.34), From Hospital/Medical Plans to FICA/Medicare (\$3,691.77), From Workers' Comp to FICA/Medicare (\$247.17), From Workers' Comp to VRS Emp Health Ins Credit (\$49.62), From Workers' Comp to Group Life Insurance (\$735.44) and from Contract Services to Salaries & Wages-Reg (\$27,001.42), \$44,650.76.
- c. Public Utilities - From Wages-Part Time Overtime to Wages-Overtime Reg (\$611.90), From Repairs & Maint. to Salaries & Wages-Reg (\$3,197.82), From Repairs & Maint. to Retirement VRS (\$271.92), From Repairs & Maint. to VRS Emp. Health Ins. Credit (\$5), From Repairs & Maint. to Group Life Insurance (\$128.20), From Repairs & Maint. to Electric Service (\$3,715.03) and From Repairs & Maint. to Telecomm-Cellular (\$305.01), \$8,234.88.
- d. Public Utilities - From Generator Maintenance to Electric Service (\$21,240.05), From Hospital/Medical Plans to Repairs & Maintenance (\$8,827.05), From Irrigation Meter Install. to Wages-Overtime Reg (\$4,435.85), From Irrigation

- Meter Install to Insurance-Fire/Property (\$467), From Irrigation Meter Install to Vehicle Insurance (\$4,404), From Irrigation Meter Install to Repairs & Maint. Supplies (\$4,900.37) and From Irrigation Meter Install to Other Operating Supplies (\$5,053.09), \$49,327.41.
- e. From Contract Services, \$2,486.02 to Group Life Insurance (\$379.86), to ST/LT Disability Premium (\$435.60), To Telecommunications-Land (\$229.20), to Insurance-Fire/Property (\$123), to Vehicle Insurance (\$701), to Office Supplies (\$346.58) and to Janitorial Supplies (\$270.78), \$2,486.02.
 - f. Schools - From Security Equipment (\$1,629.92), From SBO Renovation (\$1,672), From GWES Security Doors (\$4,252.01) and From NKES-SCH Nutrition FAC Updates (\$50,921.25), \$58,475.18 to Appr of Funds Fr Prior Years, \$58,475.18.
7. FY24 Interdepartmental Budget Transfers
- a. Sheriff's Department - From CAD System Upgrade to Dispatch Center Renovation, \$3,104.36.
8. Treasurer's Report – Cash as of August 31, 2023, \$87,671,048.23 including escrow funds.

Ms. Paige moved to approve the Consent Agenda as presented and that it be made a part of the record. The members were polled:

John N. Lockwood	Aye
Thomas W. Evelyn	Aye
Patricia A. Paige	Aye
Ron Stiers	Aye
C. Thomas Tiller, Jr.	Aye

The motion carried.

IN RE: CITIZENS COMMENT PERIOD

Mr. Tiller opened the citizens comment period and provided brief instructions. He called Laura Ecimovic of 6000 Spring Run Drive, Quinton to the podium. Ms. Ecimovic said she usually spoke to the Board in an official capacity (as Commissioner of Revenue) but today she was speaking as a citizen and a mom. Her family would have an anniversary of the worst day of their lives in two days; the day their daughter had been killed in a car accident. She said losing a child left a parent with such a deep sorrow and the child's absence and silence was in the room, a raw unyielding form of grief. She noted the Board was probably wondering why she was here to talk about this. She reported her daughter had been killed in a school zone by a driver traveling 45 MPH. The doctor had written in the report that it had been an unfortunate sixteen-year old who had arrived in his ER that day. She said that when leaving the Courthouse every day, the school zone was not properly marked and the school zone her daughter had been killed in had also not been properly marked. She noted Sheriff Joe McLaughlin had announced speed limits would be enforced in school zones. She had told him that was great and that she would be glad to go to court when she was issued a ticket because you could not tell if the school zone was in effect when leaving the Courthouse. Those leaving Courthouse Circle and traveling east were able to see if the school zone was in effect but traffic from the western end of the street could not see the school zone. The Sheriff had also brought to her attention that traffic from New Chipping Lane could not see the school zone. She said many thought speed kills and a driver had to be traveling at a high speed but she had lost her daughter at 45 MPH. She said New Kent had the opportunity to do something and she had no idea what the cost would be but one

child was worth any cost to make sure the school zone was properly marked. She thanked the Board for the opportunity to speak. Mr. Tiller left the dais and hugged Ms. Ecimovic.

IN RE: RESIDENCY ADMINISTRATOR'S REPORT

VDOT Residency Administrator Marshall Winn reviewed a written report on recent work including but not limited to pothole repair, road grading, shoulder repair, pipe replacement/repair/cleaning, ditching, tree/brush removal/pruning, tractor mowing, sign daylighting/repair/cleaning and debris/trash/litter removal. 56 work requests had been received and 53 completed. There had been two after hours call outs involving a large limb in the roadway and a damaged guardrail. The last cycle of primary mowing was on schedule for completion by Thanksgiving. He reported seeing County Administrator Rodney Hathaway and District Three Supervisor Patricia Paige at the I-64 widening groundbreaking ceremony on November 13th and said it had been a well-attended function. He entertained questions.

Board members provided the following comments and reported the following concerns:

Mr. Stiers thanked Mr. Winn for attending and indicated he had no concerns to report.

Mr. Evelyn also had no concerns to report.

Mr. Lockwood thanked Mr. Winn and Maintenance Operations Manager Jeff Allgood for the recent patching in District 5. He also reported he had seen a VDOT tractor on Tabernacle Road earlier in the day and expressed appreciation for the overhead work being done in that area. Mr. Winn reported the work should be completed on Thursday.

Ms. Paige also had no concerns to report. She wished Mr. Winn and all VDOT workers a happy Thanksgiving. Mr. Winn said Ms. Paige had previously brought up an issue in the Arbors which he wished to address. He said there were three sections in the Arbors and Section One was close to being ready to bring into the state system but a good amount of work remained on Sections Two and Three. Ms. Paige said the residents wanted to have speed bumps in place until the roads were turned over to the state. Mr. Winn indicated VDOT could not install speed bumps.

Mr. Tiller said he also had no concerns to report. He thanked VDOT for all they were doing and wished them a happy holiday. Mr. Winn also wished Board members a happy Thanksgiving. Mr. Tiller thanked him for his report.

IN RE: NEW KENT COUNTY DRAFT LEGISLATIVE AGENDA

County Administrator Rodney Hathaway provided an overview of the draft Legislative Agenda for the 2024 Legislative Session. As in previous years, key action items had been selected for presentation to New Kent's state representatives. The document also included the County's position on various potential legislative items that may be considered by the General Assembly. Part 1 included draft action items for discussion and consideration. This was not a final document and he encouraged Board members to provide him with any items they wished to include or remove. He had selected the top five items he had been dealing with over the past few months.

Part I action items included:

1. Additional Judgeship for the 9th Judicial Circuit of Virginia – He had worked with Circuit Court Judge B. Elliott Bondurant on this and noted other Circuit Court judges in the

region were also requesting this in response to increasing caseloads. A letter of support from New Kent had been sent to the Judicial Council of Virginia and the request had been approved at that level but would need final approval from the General Assembly. New Kent would be asking that the Judicial Council of Virginia's request for an additional Judgeship for the 9th Judicial Circuit of Virginia be approved and fully funded.

2. Funding for Alternatives to Groundwater - The request would be for the creation of an Alternative Water Supply Fund to help businesses and communities meet groundwater withdrawal requirements, while reducing the depletion of groundwater supplies. The state was clamping down on groundwater withdrawal permits without providing resources for alternative options. New Kent was considering other options such as purchasing water from a neighboring locality and withdrawal from the Pamunkey River.
3. Funding for State Mandated Positions - New Kent was requesting that the State meet its obligation to fund appropriate staffing and competitive salaries for the State's system of justice, to include clerks, magistrates, Commonwealth's Attorneys, and district court employees. The Board had heard requests from all of these positions for supplemental funding from the County because the state was not meeting its requirements.
4. Diascund State Park - The request would be for the 273-acre County-owned Makemie Woods property to be accepted into the Virginia State Park System and funds be appropriated in the General Assembly for the planning, design, and development of this property as a State Park. A meeting with the Virginia Parks System for a tour of the property was scheduled in December. He believed the property would be a perfect site for a state park but it would take much more than an agreement from the Virginia State Park System. Funding and support from the General Assembly would be requested.

Mr. Stiers said he knew there had been discussion on converting this property to a state park with New Kent giving the state all of the property purchased for \$1,000,000. He said this would be a major change to this part of the County and noted the access roads were narrow and winding. He suggested a public hearing was needed as had been done for the drug rehab center and the combat training facility to hear from the residents to see if they wanted a state park in the neighborhood. He didn't want the residents to find bulldozers on the property without having any voice in the process. Mr. Hathaway noted community involvement would be appreciated. Not only did he want to hear from them if they wanted a park but he would also like them to participate in the design if the decision was to move forward. He said he would expect numerous opportunities for community participation. Mr. Evelyn said it was his understanding that the possibility of this property becoming a state park was not a done deal. Mr. Hathaway agreed and noted the state had not seen the property and was interested in a tour to see if there was the potential for it becoming a state park. There were many steps in making that happen and this was just the beginning. Mr. Lockwood pointed out that they had already had conversations about community meetings and citizen input with administration. This potential park was only in the discussion stages with the state and was not at any planning point.

5. Crisis Services and State Hospital Capacity to Accept Individuals Subject to Temporary Detention Orders (TDOs) - There was a health crisis with TDOs in Virginia and these cases were tying up local resources with officers having to sit with people waiting for beds. While waiting, these people were not getting the services they truly needed. New Kent County fully supported the Virginia Association of Counties request for funding and resources for State Hospitals to ensure the capacity to receive individuals subject to TDOs without delays. New Kent officers had sat as long as three days waiting for a bed to be found and in some cases, the bed would be on the other side of the state.

Mr. Hathaway reported there was a lot of talk in the General Assembly regarding possible topics and potential legislation that may be discussed. In response, Part II included the following County position statements:

- 2-1. Lobbying groups such as the Home Builders Association were fighting hard to take away local zoning ability. New Kent would support maintaining its existing statutory authority in the area of land use/development. The ability to adequately plan, zone and enforce land use regulations was necessary to maintain our community's quality of life. New Kent was opposed to legislation that would erode local land use authority.
- 2-2. New Kent supported full funding for legislation mandated for localities with an associated cost. In the event funding was no longer provided by the Commonwealth at a future time, the mandate would sunset and no longer be binding on localities.
- 2-3. New Kent supported legislation that would give localities the option to use electronic or other forms of notification as an alternative to newspaper advertising for required notices of public hearings. Localities were currently required to run notices in newspapers and this would give more flexibility to include other forms of media.
- 2-4. There was a state-wide crisis with finding qualified public safety employees. Localities were competing for available employees and there was a shortage in the workforce. New Kent supported legislation that would provide additional resources that would assist local governments with the recruitment, retention, training and support of first responders such as law enforcement, Fire and EMS personnel and 9-1-1 dispatchers.
- 2-5. New Kent supported dedicated state and federal funding for local governments to acquire and maintain advanced cybersecurity to protect vital systems and sensitive data and felt incident reporting requirements should not impose an undue burden or interfere with local incident response. Staff anticipated more regulations regarding cybersecurity would be a discussion topic in the upcoming General Assembly session and was hopeful resources would be attached to any new regulations.
- 2-6. New Kent supported expanding the authority and discretion for VDOT Resident Administrators to approve modifications to design standards including speed limit reductions where appropriate with local needs. Speed study decisions were made at the district level rather than local residency level. Staff felt individuals more closely involved in the locality should make the decisions and the Resident Administrator should be given more authority/flexibility to make speed limit and traffic decisions.

Mr. Hathaway said these were the proposed items and he would be happy to meet individually and discuss the items further. He entertained questions.

Drawing attention to position statement 2-6, Mr. Lockwood said he felt it should be the County Administrator rather than the VDOT Resident Administrator. He noted he had been requesting this for the last four years. Mr. Hathaway indicated he did not disagree.

IN RE: ELECTED OFFICIALS REPORTS

Mr. Stiers said the County had been through a "terrible election season" and it had not been pleasant for many. He noted it was now behind us and urged everyone to pull together as a great community and go forward. He announced the annual Thanksgiving Feast would be at the Providence Forge Recreation Center on November 23rd. This was for the whole community with over 1,000 typically served each year. He announced the Providence Forge Christmas Parade would be on Sunday, December 10th and urged those interested in entering a float to go online to the Providence Forge Christmas Parade to sign up.

Mr. Evelyn thanked everyone who had come out to support the New Kent Educational Foundation Bowl-A-Thon on November 2nd. It had been a great success with all proceeds

going to grants for teachers and students. He thanked everyone for supporting this and wished everyone a wonderful Thanksgiving.

Mr. Lockwood thanked Laura Ecimovic for commenting during the citizen comment period. He could not imagine what she had been through and although he would not be on the Board to move this forward, he had every confidence that the members who would be there would work diligently to get that accomplished. He thanked her for sharing her comments.

Ms. Paige announced there had been a groundbreaking ceremony for the I-64 widening project in New Kent on Monday, November 13th. There had never been a groundbreaking for the original I-64 in New Kent many years ago so this had been a first. Governor Glenn Youngkin, Secretary of Transportation Shep Miller as well as staff had assembled at the VDOT Welcome Center for the ceremony. She said work would begin in about a week and a half and yes, traffic would be backed up. \$756 million had been appropriated for the project so it was a reality and would happen. Mr. Tiller personally thanked Ms. Paige for her hard work on this project and noted he did not know if they could have done this without her.

Echoing previous comments, Mr. Tiller hoped everyone would have a happy Thanksgiving. He noted it was the beginning of the holiday season and he hoped everyone could move forward and noted we had a lot for which to be thankful.

Mr. Tiller noted it was too early to begin public hearings and the Board moved on with other agenda items.

IN RE: STAFF REPORTS

County Administrator Rodney Hathaway announced the 10th Annual New Kent County Grand Illumination would be held on Sunday, November 26th from 3:00 p.m. to 6:00 p.m. at the Courthouse Complex. The contractor had been installing lights, it was beginning to look a lot like Christmas and staff hoped residents would join them for this event.

IN RE: OTHER BUSINESS

There was no other business.

IN RE: APPOINTMENTS – DELEGATED BY DISTRICT

Ms. Paige moved to appoint Samuel Jefferson as District Three representative to the Economic Development Authority to serve a four-year term beginning January 1, 2024 and ending December 31, 2027.

Ms. Paige moved to appoint Chris Goebel as District Three representative to the Purchase of Development Rights Committee to serve a three-year term beginning July 1, 2023 and ending June 30, 2026.

Mr. Lockwood moved to appoint Sharon J. Oakley as District Five representative to the Board of Road Viewers to serve a four-year term beginning January 1, 2024 and ending December 31, 2027.

The members were polled:

Thomas W. Evelyn	Aye
Patricia A. Paige	Aye

Ron Stiers	Aye
John N. Lockwood	Aye
C. Thomas Tiller, Jr.	Aye

The motion carried.

IN RE: APPOINTMENTS – NOT DELEGATED BY DISTRICT

Mr. Lockwood moved to appoint Assistant Financial Services Director Andrea Gardner as a representative to the Community Policy and Management Team to complete a two-year term ending June 30, 2024. The members were polled:

Patricia A. Paige	Aye
Ron Stiers	Aye
John N. Lockwood	Aye
Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye

The motion carried.

IN RE: APPOINTMENTS – REGIONAL BOARDS AND COMMISSIONS

Mr. Lockwood moved to appoint Lisa Diggs as New Kent’s representative to the Henrico Area Mental Health & Developmental Services Board to serve a three-year term beginning January 1, 2024 and ending December 31, 2026.

Mr. Lockwood moved to appoint Ryan Shobe as New Kent’s appointee to the Tri-River Alcohol Safety Action Program to serve a three-year term beginning January 1, 2024 and ending December 31, 2026.

The members were polled:

Ron Stiers	Aye
John N. Lockwood	Aye
Thomas W. Evelyn	Aye
Patricia A. Paige	Aye
C. Thomas Tiller, Jr.	Aye

The motion carried.

Mr. Tiller noted it was still too early to begin public hearings and called for a brief recess at 6:57 p.m. The meeting reconvened at 7:05 p.m.

IN RE: PUBLIC HEARING – ORDINANCE O-16-23, APPROVAL OF THE ISSUANCE OF REVENUE BONDS BY THE FARMS OF NEW KENT COMMUNITY DEVELOPMENT AUTHORITY

Before the Board for consideration was Ordinance O-16-23 to approve the issuance of revenue bonds by the Farms of New Kent (FONK) Community Development Authority (CDA). Attorney Brendan Staley with Hunton Andrews Kurth LLP, serving as Bond Counsel to the CDA, presented the proposed item for consideration. He noted the Board had approved two bond series approximately two years ago to refund bonds issued in 2006. One of the series had been secured by special assessments on certain property within the PUD (Planned Unit

Development) and the other series was secured by a mixed pledge of assessments on other properties within the PUD as well as certain excess revenues from the sale of lots and development parcels by the "Special Purpose Entity" setup by the trustee to dispose of property within the PUD. A new transaction was before the Board which would in part be a restructuring of some of the 2021 bonds and would enable the issuance of additional bonds to fund further public improvements to support continued buildout of the development. The hope would be to fund the public improvements on an accelerated basis to continue to push the pace of development. The restructuring would be necessary to achieve this because the 2021 transaction had stipulated no bonds other than refunding bonds would be issued and documents would need to be amended to provide for new money bonds. Another reason was that in order to issue new money bonds, Preston Hollow Community Capital (PHCC) had concluded that the best way to structure those bonds would be to split the security that had previously been dedicated to a single series of bonds (2021B bonds). Those bonds had been secured by a mix of special assessments and excess land sales revenue. The proposal was to issue three bond series through the CDA in 2023. Two of the series would be refunding bonds and the third would be new money. The first series would be secured by special assessments currently pledged to the 2021B bonds. There would be no increase or change in the assessments. The second series of refunding bonds would be secured by excess land sales revenue which was currently pledged to the 2021B bonds. The third series would be a draw down loan secured by repayment from excess land sales revenue. This new category would be available to fund additional public infrastructure.

He stated all CDA bond issuances were conditioned upon the approval by ordinance of the Board of Supervisors. The CDA could not issue bonds without the Board's approval. The CDA had been apprised of this proposed transaction and had deferred action until the Board of Supervisors had considered the proposal. The CDA was planning to meet the following week depending on the outcome of this meeting. If the Board of Supervisors approved the transaction, the CDA would then meet to take action. He noted the ordinance before the Board covered a great deal of ground and he had tried to keep the presentation as succinct as possible. He offered to go into more detail if it would be helpful and constructive for the Board. He entertained questions and noted representatives of PHCC were connected by Zoom and would also be happy to address questions.

Board members elected to hold comments and questions until after the public hearing. Mr. Tiller opened the public hearing. There being no individuals wishing to speak, the public hearing was closed.

Addressing Mr. Staley, Mr. Evelyn noted the document stated, "The 2023B-1 bonds will be secured by a pledge of the remaining 2021B assessments and the 2023B-2 bonds and the 2023B-3 bonds would be secured by a pledge of excess KFHC revenues." He asked for details on the excess revenues. Mr. Staley noted KFHC was Kent Farms Holding Company, LLC and the referenced revenue would be the excess land sales revenue. KFHC was the entity created by the trustee to take possession of the land from the prior developer. This trustee-controlled entity had been operating as the developer building out the project so there would be a source of revenue to repay the bonds. The 2021 transaction included a pledge of land sales revenue to new bonds as a part of the refunding and they were termed "excess KFHC revenues" at that time. A process and payment agreement between the CDA and the special purpose entity (KFHC) had been set out in 2021 which described how the revenues derived from land sales would be applied. The revenues were first applied to pay special assessments on any property owned by KFHC and then to pay operating and development costs for the buildout of the project. A "catchall" at the bottom of the list constituted the excess which had been pledged to the bond holders in 2021 and would be pledged to the new bond holders that would be substitute for the 2021B holders. Mr. Evelyn

asked what would happen if there was no excess. Mr. Staley stated the bond holders would continue to wait to be paid. The bonds would be capital appreciation bonds with no interest payable in real time and all interest being payable at final maturity. He deferred to representatives of PHCC and Davenport and Company Co-Director Ted Cole (New Kent Financial Advisor) for specifics on the math but again noted there would be no principal and interest due until final maturity. To the extent excess revenues were available in real time, a "turbo redemption" feature would come into play with bonds being redeemed on a quarterly basis with excess revenue. Mr. Evelyn indicated he was not saying he was against what PHCC was trying to do but he did not understand it fully and did not feel a definition of excess funds had been clearly stated. He also noted if the Board approved Ordinance O-16-23, it stated the prior ordinances of 2005 and 2021 were not in conflict and were ratified and confirmed. He would need some numbers from Davenport in order to feel comfortable with this. He again noted he was not saying he was against this but needed a better understanding to be sure the County was protected. Mr. Staley said he understood and noted he would be happy to review a copy of the payment agreement if it would be helpful. He stated if it was a question about the numbers rather than the mechanics, he would not be able to answer. Mr. Evelyn stated the numbers were pretty important.

Mr. Lockwood noted Mr. Staley had indicated the 2023B-3 bonds would not exceed \$45 million and would be a draw down loan to carry on development. He questioned who would approve the draws, how the funds would be drawn down and what would be the specific uses. He said the presentation indicated the \$45 million would be used to develop the business side of the development and not the residential side. He asked if this was correct? Mr. Staley deferred to PHCC for details on the proposed suite of improvements and where they would be located and said he did not know the breakdown between residential and commercial. Mr. Lockwood noted it had been said in a previous presentation that the 2023B-3 bonds would be necessary in order to continue the business development and if they didn't have access to this capital, it would slow down that aspect of the development. He said he would like to have a better understanding of how the money would be approved for the draw downs so the Board would know the money would be used exactly as designed rather than some other thing needing to be fixed later. He noted agreement with Mr. Evelyn in regard to having Davenport provide more clarification on how the funds would be utilized and who would be in charge of approving the draws. Mr. Staley said he could walk the Board through the approval process now if that would be helpful or he could do that at a later time if the Board preferred to speak with Davenport first. Mr. Lockwood stated he would like to see Davenport provide an independent review of what was before them and noted he felt it would be in the Board's best interest and to be sure they were protecting the best interest of the development. He added that he knew it must be frustrating for Mr. Staley and noted the CDA was waiting for the Board of Supervisors to do something. He suggested it would also be nice to have some input from the CDA and again stated he would like to have a better independent explanation of the 2023B-3 bonds. For clarity, Mr. Staley said what Mr. Lockwood was looking for was primarily an explanation of the contemplated improvements, in which parts of the development they would be undertaken and how they would benefit the business component of the development. Mr. Lockwood confirmed this was what he wanted to know and indicated his biggest concern was understanding exactly where the money would be utilized, what terms and who would approve the draw downs.

Mr. Stiers asked Mr. Staley to reemphasize that the County would bear no liability for the cost of the bond issuance. Mr. Staley indicated that was correct and noted the special assessment bonds and the excess KFHRC revenue bonds were not an obligation of the County. The County would have no obligation to pay the debt service on these bonds and there were limited obligations of the CDA that these bonds would be payable solely from the revenues and other securities described in the ordinance. Money from special assessments

which were already imposed and the excess land sales revenue which were generated by the sale of development parcels owned by KFHC to home builders and other entities would secure the bonds. There would be no County obligation with respect to the bonds.

Mr. Tiller noted agreement with Mr. Evelyn and Mr. Lockwood. Referencing the \$45 million, he asked what would happen if the total cost came to \$60 million and where would they get additional funds? He said goals based on the number of homes sold had been set in 2006 when the FONK had first been established and included thresholds to be met in regard to amenities and commercial space. He asked what had happened to this? He was concerned there would be no money in thirteen years if they continued to borrow against the bonds and he would also like to hear from Davenport to get a better understanding of the numbers. Mr. Staley noted he wanted to be sure he understood Mr. Tiller's ask. He said Mr. Tiller's concern was the scope of intended public improvements to support additional development activity and how they would be funded to the extent that the costs exceed the amount of the draw down loan. Mr. Tiller confirmed. He noted the original agreement had been for commercial space to be constructed after reaching a certain number of homes. They were to also have a pool, walking trails and club houses as well. He was concerned whether or not all of the amenity requirements had been fulfilled.

Addressing Mr. Hathaway, Mr. Lockwood noted the Board would have a work session on November 28th and asked if Davenport could be asked to provide more information at that time. He noted they would have another regular meeting on December 11th and if Davenport could present on November 28th, a decision on this ordinance could be deferred until the December 11th meeting. Mr. Hathaway noted Davenport Senior Vice President Mitch Brigulio was in the audience and had indicated they could present on November 28th.

Mr. Tiller noted if there were no other questions, the Board would defer action until hearing from Davenport.

Mr. Evelyn noted the new debt would be at a 7% interest rate compared to the current 5% on existing bonds. Mr. Staley said he believed the interest rate was not to exceed 7.85% but he believed PHCC Managing Director Ramiro Albarran had confirmed in a recent call with Mr. Hathaway and others that the rate would be fixed at 7% or 7.5% but he was not sure of the rate. Mr. Evelyn questioned if the \$45 million debt would be insured by PHCC? Mr. Staley noted PHCC would be the bond holder who would purchase the debt and bear the risk of the project not performing.

Mr. Albarran joined the discussion and offered to address some of the questions raised. For clarity, he noted the rate for the 2023B-1 bonds would be 5.25% which was dramatically below comparable credits currently trading in the sixes to seven percent yields on the marketplace. He said the documents included a not to exceed 7.75% statement but noted the discussed proposal was 7% for the B-2 and B-3 bonds with comparable market rates being 8% or higher so again, substantially below market. He noted another concern he had heard was whether or not the requirements of the PUD were current. He assured the Board all requirements under the PUD were current. The club house in Land Bay V had been completed and the one in Land Bay IV was substantially complete. He said all issues and faults of the prior developer had been satisfied. He stressed that PHCC was the lender and not the land owner and they were excited about their working relationship with the County. He noted a prior presentation had focused on commercial development and said the \$45 million represented the estimated balance of all public infrastructure necessary for the residential and commercial portions of the community. The \$45 million was a not to exceed number and he believed the actual number would be less. Accelerating the development of the commercial was in no way extraordinarily benefitting PHCC. PHCC was strictly the

lender and it was their risk to pay the principal. He stated he believed the biggest beneficiary would be New Kent County. He noted it had been heard many times that New Kent had been looking for a grocery store anchored retail center. A Letter of Intent was in place with a grocer and would cause a significant investment to be made. He again noted PHCC was not the equity owner. They were the lender and the trustee of the original 2006 bonds was the owner through KFHC. PHCC was ready, willing and able to make an investment to accelerate development and was proposing to do so at rates substantially below market. The alternative would be to let the property pay for the development. He said this would likely mean the commercial activity, although still in compliance with the PUD, would be substantially delayed. Broken promises from the previous developer had been satisfied, they were current with PUD requirements and he believed constituents were very happy to see this. He stated, "We think it's in the County's best interest to accelerate the commercial development, take advantage of the County's big win with Buc-ee's and all of the other sales tax generators that would follow." He noted the development in Land Bay V would feather in nicely with the expansion of I-64 and the new interchange. He said they had a grocer ready to move forward as well as some other exciting plans in Land Bay IV for which they were not ready to go public. He again noted they were the lender and there would be no windfall coming to them. He said the bottom line was they felt positive about the future of New Kent County and wanted to be helpful.

Mr. Tiller thanked him for his comments and asked Mr. Evelyn if he had a motion.

Mr. Evelyn moved to defer Ordinance O-16-23 for the approval of the issuance of revenue bonds by the Farms of New Kent Community Development Authority. The members were polled:

John N. Lockwood	Aye
Thomas W. Evelyn	Aye
Patricia A. Paige	Aye
Ron Stiers	Aye
C. Thomas Tiller, Jr.	Aye

The motion carried.

IN RE: PUBLIC HEARING – RESOLUTION R-26-23, FY 2022-2023 BUDGET
AMENDMENT – COLONIAL DOWNS REVENUE APPROPRIATION

Before the Board for consideration was Resolution R-26-23 amending the fiscal year 2022-2023 operating budget by appropriating \$11,803,624.17 in revenue received from Colonial Downs. County Administrator Rodney Hathaway reported the Board had not budgeted any Colonial Downs revenue the previous year and that revenue had been placed in the Capital Reserve Budget. He announced the audit had been completed and the Colonial Downs revenue number had been finalized. Amending the FY 2022-2023 budget would appropriate these funds to the year in which they had been received. He noted that in accordance with Code of Virginia Section 15.2-2507, a public hearing was required for a budget amendment greater than 1% of the total adopted budget. He entertained questions.

Mr. Tiller opened the public hearing. There being no individuals wishing to speak, the public hearing was closed.

Mr. Lockwood moved to adopt Resolution R-26-23 to amend the FY 2022-2023 budget by appropriating revenue in the amount of \$11,803,624.17 received from Colonial Downs to the Capital Fund. The members were polled:

Thomas W. Evelyn	Aye
Patricia A. Paige	Aye
Ron Stiers	Aye
John N. Lockwood	Aye
C. Thomas Tiller, Jr.	Aye

The motion carried.

IN RE: PUBLIC HEARING – RESOLUTION R-27-23, FY 2023-2024 BUDGET
AMENDMENT – CARRY FORWARD APPROPRIATIONS

Before the Board for consideration was Resolution R-27-23 amending the fiscal year 2023-2024 operating budget by carrying forward funds in the amount of \$58,398,343.37 from previous fiscal years to the current year. County Administrator Rodney Hathaway reported the majority of these funds were from ongoing capital projects and ongoing grants. Details of each line item to be carried forward had been included in the meeting packet. He noted that in accordance with Code of Virginia Section 15.2-2507, a public hearing was required for a budget amendment greater than 1% of the total adopted budget. He entertained questions.

Mr. Tiller opened the public hearing. There being no individuals wishing to speak, the public hearing was closed.

Ms. Paige moved to adopt Resolution R-27-23 amending the FY 2023-2024 budget by appropriating supplemental carry forward appropriations in the amount of \$58,398,343.37. The members were polled:

Patricia A. Paige	Aye
Ron Stiers	Aye
John N. Lockwood	Aye
Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye

The motion carried.

IN RE: ANNOUNCEMENT OF UPCOMING MEETINGS/ADJOURNMENT

Mr. Tiller said he understood there were some former New Kent University graduates in the audience and he thanked them for attending. He announced the next regularly scheduled meeting of the Board of Supervisors would be held at 6:00 p.m. on Monday, December 11, 2023 and the next work session would be held at 9:00 a.m. on Tuesday, November 28, 2023, both in the Boardroom of the County Administration Building.

Ms. Paige moved to adjourn. The members were polled:

Ron Stiers	Aye
John N. Lockwood	Aye
Thomas W. Evelyn	Aye
Patricia A. Paige	Aye
C. Thomas Tiller, Jr.	Aye

The meeting was adjourned at 7:38 p.m.

AGENDA ITEM REQUEST
(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO
THE MEETING)

Meeting Date: 2/12/2024

Approval of Minutes

<p>Motion: "Mr. Chairman, I move to (not required for Consent Agenda items)</p>	<p>approve the Consent Agenda as presented and that it be made a part of the record.</p> <p>or</p> <p>I move to approve the Consent Agenda as presented and that it be made a part of the record, with the following changes:</p>
Subject	November 28, 2023 Work Session Minutes
Issue	
Recommendation	
Fiscal Implications	
Policy Implications	
Legislative History	
Discussion	

Time Needed:		Person Appearing:	
Request prepared by:	W. Watkins, Deputy Clerk of the Board	Telephone:	804-966-9687
Copy provided to:			

ATTACHMENTS:

Description	Type
November 28, 2023 Work Session Minutes (PDF)	Cover Memo

REVIEWERS:

Department	Reviewer	Action	Date
Clerk	Watkins, Wanda	Approved	1/19/2024 - 11:48 AM
Administration	Hathaway, Rodney	Approved	1/19/2024 - 1:47 PM
Attorney	Everard, Joshua	Approved	1/22/2024 - 8:20 AM

A REGULAR WORK SESSION WAS HELD BY THE NEW KENT COUNTY BOARD OF SUPERVISORS ON THE 28TH DAY OF NOVEMBER IN THE YEAR TWO THOUSAND TWENTY-THREE IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 9:00 A.M.

IN RE: CALL TO ORDER

Chairman C. Thomas Tiller, Jr. called the meeting to order.

IN RE: ROLL CALL

Thomas W. Evelyn	Present
C. Thomas Tiller, Jr.	Present
Patricia A. Paige	Absent
Ron Stiers	Present
John N. Lockwood	Present

All members with the exception of Ms. Paige were present.

Mr. Tiller announced the Board would be going into closed session.

Mr. Lockwood announced fellow Board member Patricia Paige had passed away earlier that morning. He stated, "She loved this County, she loved the people in this building and she will be missed." He called for a moment of silence in her honor and followed it with a heartfelt prayer asking that her soul rest in peace.

IN RE: CLOSED SESSION

Mr. Stiers moved to go into closed session pursuant to Virginia Code Section 2.2-3711(A)(1) for discussion of the appointment of prospective candidates for appointees of a public body. The members were polled:

Thomas W. Evelyn	Aye
Patricia A. Paige	Absent
Ron Stiers	Aye
John N. Lockwood	Aye
C. Thomas Tiller, Jr.	Aye

The motion carried. Mr. Tiller announced the agenda for today's meeting would be postponed and they would get back with everyone to let them know when the Board would continue. He thanked everyone for attending. Members left the dais at 9:05 a.m.

Members returned to the dais at 9:17 a.m. Mr. Evelyn moved to reconvene in open session. The members were polled:

Patricia A. Paige	Absent
Ron Stiers	Aye
John N. Lockwood	Aye
Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye

The motion carried.

Mr. Evelyn moved to certify by roll call vote that to the best of each member's knowledge only public business matters lawfully exempted from open session requirements of the Freedom of Information Act and identified in the motion to go into closed session were heard, discussed or considered in the closed session. The members were polled:

Ron Stiers	Aye
John N. Lockwood	Aye
Thomas W. Evelyn	Aye
Patricia A. Paige	Absent
C. Thomas Tiller, Jr.	Aye

The motion carried.

IN RE: ANNOUNCEMENT OF UPCOMING MEETINGS/ADJOURNMENT

The next regularly scheduled meeting of the Board of Supervisors would be held at 6:00 p.m. on Monday, December 11, 2023 in the Boardroom of the County Administration Building. There would be no December work session. The Board would also meet for a joint meeting with the New Kent County Economic Development Authority at 8:30 a.m. on December 21, 2023 at the New Kent Visitors and Commerce Center.

Mr. Stiers moved to adjourn. The members were polled:

John N. Lockwood	Aye
Thomas W. Evelyn	Aye
Patricia A. Paige	Absent
Ron Stiers	Aye
C. Thomas Tiller, Jr.	Aye

The motion carried and the meeting was adjourned at 9:18 a.m.

AGENDA ITEM REQUEST
(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO
THE MEETING)

Meeting Date: 2/12/2024

Miscellaneous

<p>Motion: "Mr. Chairman, I move to (not required for Consent Agenda items)</p>	<p>approve the Consent Agenda as presented and that it be made a part of the record.</p> <p>or</p> <p>I move to approve the Consent Agenda as presented and that it be made a part of the record, with the following changes:</p>		
<p>Subject</p>	<p>Approval of Easements & Compensation for the Rt 249 Waterline Project</p>		
<p>Issue</p>	<p>Easements are necessary to complete the waterline project</p>		
<p>Recommendation</p>	<p>Authorize the County Administrator to sign the easements</p>		
<p>Fiscal Implications</p>	<p>Easements are included in the approved FY24 CIP request for the project</p>		
<p>Policy Implications</p>	<p>Easements that cannot be obtained through negotiation may need to be acquired through condemnation.</p>		
<p>Legislative History</p>	<p>In January 2024, the BOS approved a compensation agreement to reimburse Rogers & Chenault for oversizing a portion of the waterline for the County's future needs.</p>		
<p>Discussion</p>	<p>The waterline alignment is within the VDOT right-of-way to the greatest degree possible, however topography, power poles and other obstructions require that the line deviate onto or close to the property lines. Temporary easements are needed for construction, and permanent easements for the life of the water line.</p>		
<p>Time Needed:</p>	<p>none</p>	<p>Person Appearing:</p>	<p>N/A</p>
<p>Request prepared by:</p>	<p>Mike Lang</p>	<p>Telephone:</p>	<p>966 9625</p>
<p>Copy provided to:</p>	<p>County Attorney</p>		

ATTACHMENTS:

Description	Type
Update easement status report and map as of Jan 25	Cover Memo
ACR Holdings LLC Easement Agreement (PDF)	Exhibit
Bassetti Easement Agreement (PDF)	Exhibit

Correia Easement Agreement (PDF)	Exhibit
Countiss Easement Agreement (PDF)	Exhibit
Fisher Easement Agreement (PDF)	Exhibit
Gray Easement Agreement (PDF)	Exhibit
Henley Easement Agreement (PDF)	Exhibit
Journey Christian Fellowship Easement Agreement (PDF)	Exhibit
Lawson Easement Agreement (PDF)	Exhibit
Mitchell Easement Agreement (PDF)	Exhibit
Shiflett Easement Agreement (PDF)	Exhibit
Trainum Easement Agreement (PDF)	Exhibit
Wright Easement Agreement (PDF)	Exhibit

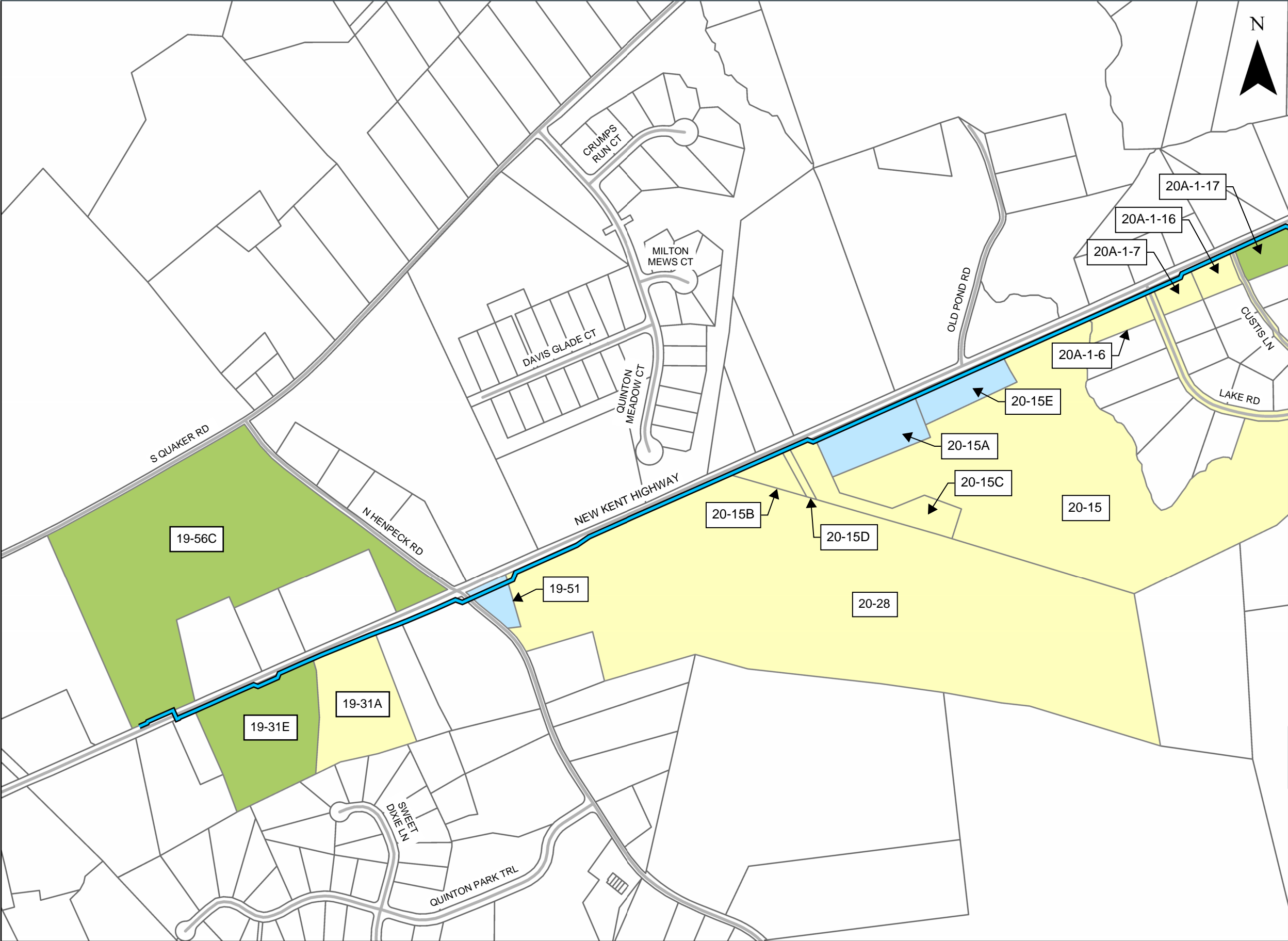
REVIEWERS:

Department	Reviewer	Action	Date
Public Utilities	Lang, Mike	Approved	2/5/2024 - 8:45 AM
Administration	Hathaway, Rodney	Approved	2/5/2024 - 2:30 PM
Attorney	Everard, Joshua	Approved	2/5/2024 - 4:02 PM

ROUTE 249 WATERLINE EXTENSION STATUS OF EASEMENT ACQUISITION

Tax Parcel ID #	GPIN	Owner
19 31A	K06-3015-4395	James C Francisco, Trust
19 31E	K06-2280-4109	Nancy L Devers and Kevin D Devers
19 51	K06-3455-4842	Mark S Daniel
19 56C	L06-2286-0175	Journey Christian Fellowship
20 10	L08-0543-1610	Trustees for the Providence United Methodist Church
20 14	L07-3836-1453	Daniel T Lawson and Nikki Rose L Lawson
20 15	L07-3112-0080	Patrick M Gibrall
20 15A	L07-1580-0509	Gibrall Chester Properties, LLC
20 15B	L07-1055-0330	Janet D Brockwell and James N Brockwell
20 15C	L07-1595-0137	James N Brockwell and Debbie M Bonevich Brockwell
20 15D	L07-1055-0330	Janet D Brockwell and James N Brockwell
20 15E	L07-2048-0751	Gibrall Chester Properties, LLC
20 28	K07-1304-4837	Janet D Brockwell and James N Brockwell
20 78J	L08-0384-1330	Melvin H Belcher
20 78K	L08-0145-1386	Martha Ann Thomas Stegmaier
20 9 1 M	L08-1744-1443	Paul W Reese
20 9 1 N	L08-2053-1433	Michael Correia and Deborah Correia
20-9-1-O	L08-2568-1629	Jesse Marcinkevich and Stephanie Marcinkevich
20-9-1-R	L08-3154-1668	Kendall Scott Countiss and Megan E Countiss
20A 1 16	L07-3315-1316	Patrick M Gibrall
20A 1 17	L07-3568-1425	Stephen W Gray and Marlene F Gray
20A 1 6	L07-2834-1112	Patrick M Gibrall
20A 1 7	L07-3119-1234	Patrick M Gibrall
20C 1 9	L08-0913-1877	Thomas C Fisher and Dalia S Fisher
20C 1 10	L08-1128-1869	Robert A Messenger and Margaret B Messenger
20C 1 11	L08-1313-1886	John W Mitchell Jr. and Kathleen A Mitchell
20C 1 12	L08-1502-1898	Joseph C Henley and Bonnie M Henley
20C 1 13	L08-1740-1912	Paul W Reese
20C 1 14	L08-1910-1921	Paul W Reese
20C 1 15	L08-2111-1932	Victoria Louise Starr
20C 1 16	L08-2285-1942	Kelly F Trainum and Winston A Trainum, III
20C 1 17	L08-2471-1952	Timothy E Green
20C 1 18	L08-2657-1962	Paul D Wright, Jr and Ellen S Wright
20C 1 19	L08-2821-1996	Paul D Wright, Jr and Ellen S Wright
20C 1 20	L08-2973-2006	Mark A Brubeck and Athena Brubeck
20C 1 21	L08-3174-2018	Tracy Testerman ETAL
20C 1 22	L08-3394-1997	Glenda Mae Bassetti
20C 1 23	L08-3573-2007	Roger L Shiflett and Katherine W Shiflett
20C 1 24	L08-3755-2016	ACR Holdings, LLC
20C 1 25	L08-3937-2026	James E Murray and Tok Y Murray
20C 1 26	L09-0056-1978	Robert A Moore and Sherry D Moore
Custis Lane	Not Assigned	Patrick M Gibrall
Lake Road	Not Assigned	Patrick M Gibrall
Legend:		
Requiring Easement - ongoing		
Signed Easement Agreement		
Appraisal Required		
Unable to Contact Property Owner		

ROUTE 249 WATERLINE EXTENSION EASEMENT ACQUISITION



- Legend**
- Parcels
 - Proposed 20" Waterline
 - Roads
 - Requiring Easement - ongoing
 - Signed Easement Agreement
 - Appraisal Required
 - Unable to Contact Property Owner

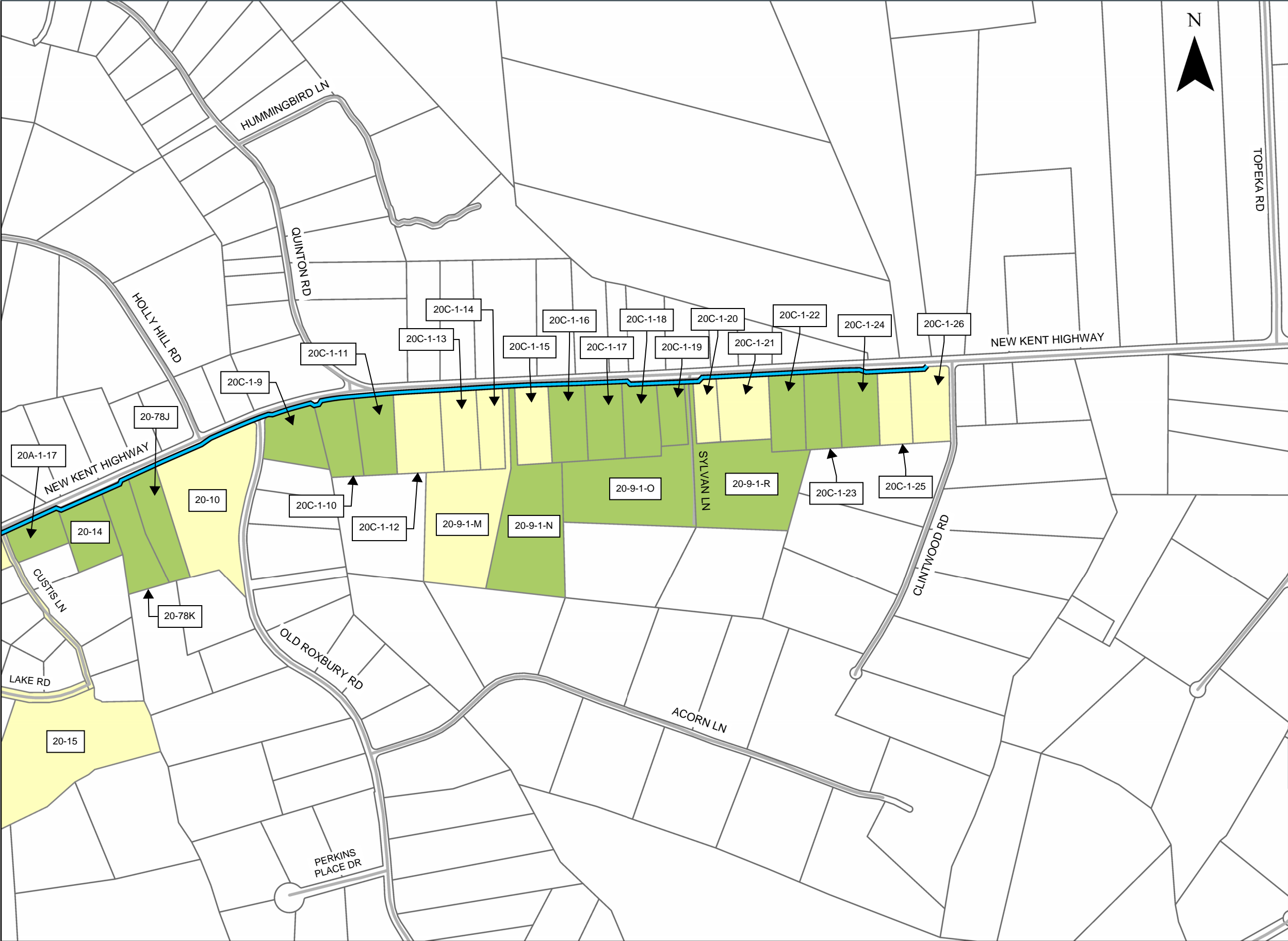


ROUTE 249 WATERLINE EXTENSION

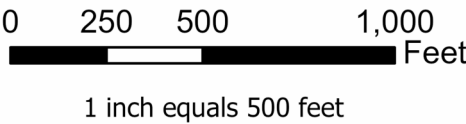


01/25/2024

ROUTE 249 WATERLINE EXTENSION EASEMENT ACQUISITION



- Legend
- Parcels
 - Proposed 20" Waterline
 - Roads
 - Requiring Easement - ongoing
 - Signed Easement Agreement
 - Appraisal Required
 - Unable to Contact Property Owner



ROUTE 249 WATERLINE EXTENSION



01/25/2024

EASEMENT COMPENSATION AGREEMENT

Property Owner(s): ACR Holdings, LLC
Mailing Address: 4501 New Kent Hwy., Quinton, VA 23141
Tax Map Parcel(s): 20C-1-24

This document refers to the Permanent Easement and Temporary Construction Easement for Tax Map No. 20C-1-24 (the "Easement") dated December 8, 2023 between all persons or entities that have an interest in the listed Tax Parcel, ACR Holdings, LLC ("Owner"), and the County of New Kent, Virginia ("County"). A copy of the Easement and the plat are attached as Exhibit A to this Easement Compensation Agreement ("Agreement") and are incorporated by reference.

The Owner understands and agrees that compensation for the Easement and rights will be paid in full and complete upon recordation of the executed Easement in the Clerk's office, provided that there are no outstanding judgments or liens or other title issues that are unacceptable to the County. The County will not pay any compensation until such time as the County is satisfied that any judgments or liens or other title issues can be satisfied. The Owner, at its sole expense and effort, will obtain releases from all holders of deeds of trust on this property prior to the date of recordation of the Easement.

The County will make reasonable efforts to reduce the period of construction in the Easement, understanding that adverse events like weather can prolong construction.

The terms of this agreement extend to and are binding upon the parties and their successors and assigns. The compensation for such Easement is \$4400.00 which will be credited towards the fees associated with the connection of the parcel to the County water system.

WITNESS the following signature and seals of all Owner(s) made pursuant to due authority:

For the Owner:

Date: 12/8/23

Signature: [Signature]

Name: Joseph M Ayers Jr.

Title: Co-owner

For the County:

Date: _____

Signature: _____

Name: Rodney A. Hathaway

Title: County Administrator

Approved as to Form:

Joshua S. Everard
County Attorney

Prepared by Office of the County Attorney, County of New Kent

Return to:
12007 Courthouse Circle
Post Office Box 150
New Kent, Virginia 23124-0150

Tax Map No.: **20C-1-24**

GPIN **L08-3755-2016**

Exempt From Taxation
Virginia Code § 58.1-811A(3)

COUNTY OF NEW KENT, VIRGINIA

PERMANENT EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT

THIS DEED OF EASEMENT is made and entered into this ^{4th}8 day of December **2023**, by and between **ACR Holdings, LLC** (the "Grantor"), and the **COUNTY OF NEW KENT, VIRGINIA** (the "County"), a political subdivision of the Commonwealth of Virginia.

W I T N E S S E T H:

That for and in consideration of the sum of TEN DOLLARS (\$10.00) cash in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor does hereby grant, dedicate, and convey to the County the following described easements and interests:

1. A variable width permanent easement and right-of-way for County utilities, water, and/or sewer lines (the "Permanent Easement") located under, over, in, and across the land of the Grantor identified as Tax Map No. **20C-1-24** in New Kent County, Virginia, (the "Property") together with access thereto over the lands of the Grantor, and all rights and privileges hereinafter enumerated pertaining to the Permanent Easement, the location of which is depicted on that certain plat or plats of survey by **Dewberry**, dated **December 4, 2023** and attached as Exhibit A and incorporated to this Deed by reference, which plat(s) are to be recorded as part of this Deed of Easement.
2. A variable width temporary construction easement located under, over, in and across the land of the Grantor adjacent to the Permanent Easement as shown on Exhibit A (the "Temporary Easement" and, together with the Permanent Easement, the "Easements"). Upon completion of any construction, repair, alteration, replacement, or removal of County utilities and/or sewer lines or appurtenant facilities, the Temporary Easement will automatically, and without the execution or recordation of any specific release, be extinguished. The existence of the Permanent Easement will be unaffected by the termination of the Temporary Easement and will continue in full force and effect.

3. The Easements are for the purpose of constructing, installing, maintaining, inspecting, operating, protecting, replacing, repairing, changing the size of, and removing improvements as part of the County's water and sewer system, including, but not limited to, pipes, mains, manholes, inlet structures, pumps, hydrants, and related facilities (collectively, the "Facilities").
4. The Easements are subject to the following conditions, and the Grantor and the County covenant and agree as follows:
 - a) All pipes, manholes, inlet structures, hydrants, pumps, and related Facilities and structures which are installed in the Permanent Easement will be and remain the property of the County.
 - b) The Grantor may not charge the County for its use of the Property in exercising its rights granted under this Deed of Easement.
 - c) The County and its agents have full and free use of the Easements for the purposes named, and have all rights and privileges reasonably necessary to the utilization of the Easements, including a right of ingress to and egress from the Easements where least damage to Grantor's property will occur from such access, which right of access will be exercised only if and as reasonably necessary, and a limited right use to adjoining land of the Grantor where necessary to the use and enjoyment for the Easements; provided, however, that such right to use adjoining lands of the Grantor may be exercised only during periods of actual construction or maintenance of the Easement, and may not be construed to allow the County to erect any building, structure, or utility facilities of a permanent nature on such adjoining land. All damages to any such adjoining lands of the Grantor caused by the County's use of the pursuant to this provision must be repaired by the County at its expense, and such lands must be restored as nearly as possible by the County to their original condition.
 - d) The County has the right to trim, cut, and remove trees, shrubbery, fences, structures, or other obstructions or facilities on, in, under, above, or near the Easements being conveyed (including any in-ground swimming pool), that are deemed by it in its sole discretion to interfere with the proper and efficient construction, operation, and maintenance of the Easements; provided, however, that following completion of construction or repair, the County must at its own expense restore, as nearly as possible, the Property to its original condition, such restoration including the backfilling of trenches, replacement of fences, and the reseedling or resodding of lawns or pasture areas, but not the replacement of structures, trees, bushes, undergrowth or other facilities located within the Easements.

- e) The Grantor reserves the right to make any use of the Easements which are consistent with the rights herein conveyed and do not interfere with the County's use of the Easements; provided, however, that the Grantor may not erect any roadway, building, or other structure, except a fence, on the Easements without obtaining prior written approval from the County.
- f) The Easements and other rights granted herein are subject to any and all easements, covenants, restrictions, and conditions of record affecting the Property.
- g) The County will cooperate and work with the Grantor as needed to minimize the visual impact of all Facilities that are located above ground-level in the Easements.
- h) The Easements and covenants set forth in this deed run with the land and are binding on the Grantor and the County and their heirs, successors, and assigns.
- i) Any delay of the County in the use or exercise of any rights granted herein, or in the installation of the Facilities, will not result in the loss, limitation, or abandonment of any right or interest granted by this Deed of Easement.
- j) The Grantor covenants that he is seized of the Property on which the Easements are situated in fee simple absolute; that he has the full right and authority to convey the Easements to the County; that the undersigned are all holders of any interest in or to the Property and together hold the entire undivided fee simple title to the Property subject only to liens and other matters of record as of the date of this instrument; that the County will have quiet possession of the Easements, free from all encumbrances; and that he will execute such further assurances regarding the conveyance of the Easements as may be required by the County in its sole discretion. The Grantor further covenants, upon the request of the County, to obtain the consent to these Easements of any lienholder, deed of trust trustee, or other individual or entity having any interest whatsoever in the Property.
- k) The Grantor covenants and agrees for himself, his heirs, successors, and assigns, that the consideration recited herein is in lieu of any and all claims to compensation for property and for damages, if any, to the remaining lands of the Grantor which may result by reason of the County's use.

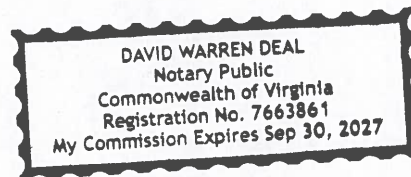
[SIGNATURES ON THE FOLLOWING PAGE]

WITNESS the following signatures and seals:

GRANTOR

Joseph Marion Ayers, Jr. A/K/A

Joseph M. Ayers, Jr.



J M Ayers Jr

CITY/COUNTY OF Henrico
STATE/ COMMONWEALTH OF Virginia

The foregoing instrument was acknowledged before me December 8, 2020

By David Warren Deal

My commission expires: 9/30/2027

Notary registration number: 7663861

David Warren Deal
Notary Public

This Deed is accepted by the County pursuant to Virginia Code § 15.2-1803. Acceptance by the County is evidenced by the following signature of an authorized official of the County.

Date: _____ (SEAL)

Name: _____

Title: _____

COUNTY OF _____
COMMONWEALTH OF VIRGINIA,

The foregoing instrument was acknowledged before me _____, 20____, by
_____, on behalf of the Board of Supervisors of New Kent County, Virginia.

My commission expires: _____

Notary registration number: _____

Notary Public

Approved as to Form:

Joshua S. Everard
County Attorney

Exhibit A

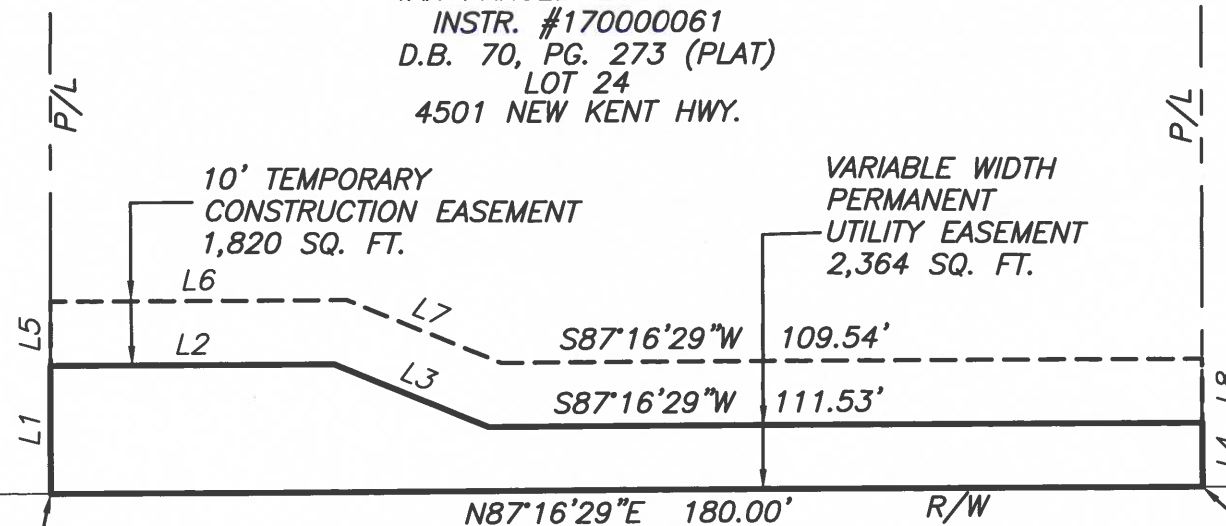
Plat dated December 4, 2023, is on the following page

VCS NAD83 SOUTH ZONE

N/F
JAMES E. MURRAY AND
TOK Y. MURRAY
GPIN: L08-3937-2026
TAX PARCEL: 20C-1-25
INSTR. #050003265
D.B. 68, PG. 741 (PLAT)

ACR HOLDINGS, LLC
GPIN: L08-3755-2016
TAX PARCEL: 20C-1-24
INSTR. #170000061
D.B. 70, PG. 273 (PLAT)
LOT 24
4501 NEW KENT HWY.

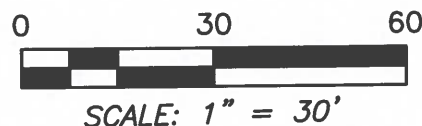
N/F
ROGER L. SHIFLETT AND
KATHERINE W. SHIFLETT
GPIN: L08-3573-2007
TAX PARCEL: 20C-1-23
D.B. 70, P. 50
D.B. 70, PG. 52 (PLAT)



LINE	BEARING	DISTANCE
L1	S02°43'56"E	20.00'
L2	S87°16'29"W	44.35'
L3	N70°12'24"W	26.11'
L4	N02°43'56"W	10.00'
L5	S02°43'56"E	10.00'
L6	S87°16'29"W	46.34'
L7	N70°12'24"W	26.11'
L8	N02°43'56"W	10.00'

N:3720435.55
E:11877277.67

NEW KENT HIGHWAY
VIRGINIA STATE ROUTE 249
(50' R/W)
(FORMERLY ROUTE No. 33)



EASEMENT PLAT SHOWING A
10' TEMPORARY CONSTRUCTION EASEMENT &
A VARIABLE WIDTH PERMANENT UTILITY EASEMENT
ACROSS THE PROPERTY OF

ACR HOLDINGS, LLC

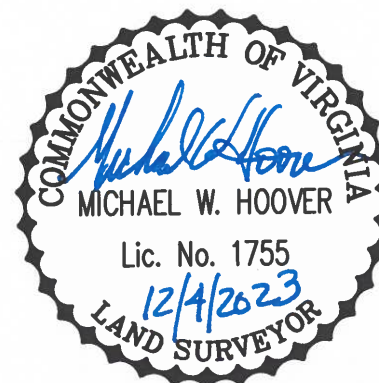
GPIN: L08-3755-2016
BLACK CREEK DISTRICT,
NEW KENT COUNTY, VIRGINIA

NOTES:

1. A TITLE REPORT WAS FURNISHED AS
PREPARED BY PRIORITY TITLE AND ESCROW,
LLC REPORT FILE #062312930-40
DATED 08-01-2023

2. PROPERTY LINES SHOWN HEREON BASED
ON COMPILED DEED DESCRIPTIONS AND PLATS.

THIS IS NOT A BOUNDARY SURVEY.



SHEET 1 OF 1
DATE: 10/06/2023 LAST REVISED: 12/04/2023



Dewberry®

Dewberry
Engineers Inc.

4805 LAKE BROOK DRIVE
SUITE 200
GLEN ALLEN, VA 23060
PHONE: 804.290.7957
WWW.DEWBERRY.COM

JOB #50162184

EASEMENT COMPENSATION AGREEMENT

Property Owner(s): Glenda Mae Bassetti
Mailing Address: 4417 New Kent Hwy., Quinton, VA 23141
Tax Map Parcel(s): 20C-1-22

This document refers to the Permanent Easement and Temporary Construction Easement for Tax Map No. 20C-1-22 (the "Easement") dated December 18 2023 between all persons or entities that have an interest in the listed Tax Parcel, Glenda Mae Bassetti ("Owner"), and the County of New Kent, Virginia ("County"). A copy of the Easement and the plat are attached as Exhibit A to this Easement Compensation Agreement ("Agreement") and are incorporated by reference.

The Owner understands and agrees that compensation for the Easement and rights will be paid in full and complete upon recordation of the executed Easement in the Clerk's office, provided that there are no outstanding judgments or liens or other title issues that are unacceptable to the County. The County will not pay any compensation until such time as the County is satisfied that any judgments or liens or other title issues can be satisfied. The Owner, at its sole expense and effort, will obtain releases from all holders of deeds of trust on this property prior to the date of recordation of the Easement.

The County will make reasonable efforts to reduce the period of construction in the Easement, understanding that adverse events like weather can prolong construction.

The terms of this agreement extend to and are binding upon the parties and their successors and assigns. The compensation for such Easement is \$1800.00.

WITNESS the following signature and seals of all Owner(s) made pursuant to due authority:

For the Owner:

Date: 12/19/23 Signature: Glenda Mae Bassetti
Name: Glenda Mae Bassetti Title: Owner

For the County:

Date: _____ Signature: _____
Name: Rodney A. Hathaway Title: County Administrator

Approved as to Form:

Joshua S. Everard
County Attorney

Prepared by Office of the County Attorney, County of New Kent

Return to:
12007 Courthouse Circle
Post Office Box 150
New Kent, Virginia 23124-0150

Tax Map No.: 20C-1-22

GPIN L08-3394-1997

Exempt From Taxation
Virginia Code § 58.1-811A(3)

COUNTY OF NEW KENT, VIRGINIA

PERMANENT EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT

THIS DEED OF EASEMENT is made and entered into this 19th day of December 2023, by and between **Glendae Mae Bassetti** (the "Grantor"), and the **COUNTY OF NEW KENT, VIRGINIA** (the "County"), a political subdivision of the Commonwealth of Virginia.

W I T N E S S E T H:

That for and in consideration of the sum of TEN DOLLARS (\$10.00) cash in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor does hereby grant, dedicate, and convey to the County the following described easements and interests:

1. A variable width permanent easement and right-of-way for County utilities, water, and/or sewer lines (the "Permanent Easement") located under, over, in, and across the land of the Grantor identified as Tax Map No. **20C-1-22** in New Kent County, Virginia, (the "Property") together with access thereto over the lands of the Grantor, and all rights and privileges hereinafter enumerated pertaining to the Permanent Easement, the location of which is depicted on that certain plat or plats of survey by **Dewberry**, dated **October 19, 2023** and attached as Exhibit A and incorporated to this Deed by reference, which plat(s) are to be recorded as part of this Deed of Easement.
2. A variable width temporary construction easement located under, over, in and across the land of the Grantor adjacent to the Permanent Easement as shown on Exhibit A (the "Temporary Easement" and, together with the Permanent Easement, the "Easements"). Upon completion of any construction, repair, alteration, replacement, or removal of County utilities and/or sewer lines or appurtenant facilities, the Temporary Easement will automatically, and without the execution or recordation of any specific release, be extinguished. The existence of the Permanent Easement will be unaffected by the termination of the Temporary Easement and will continue in full force and effect.

3. The Easements are for the purpose of constructing, installing, maintaining, inspecting, operating, protecting, replacing, repairing, changing the size of, and removing improvements as part of the County's water and sewer system, including, but not limited to, pipes, mains, manholes, inlet structures, pumps, hydrants, and related facilities (collectively, the "Facilities").
4. The Easements are subject to the following conditions, and the Grantor and the County covenant and agree as follows:
 - a) All pipes, manholes, inlet structures, hydrants, pumps, and related Facilities and structures which are installed in the Permanent Easement will be and remain the property of the County.
 - b) The Grantor may not charge the County for its use of the Property in exercising its rights granted under this Deed of Easement.
 - c) The County and its agents have full and free use of the Easements for the purposes named, and have all rights and privileges reasonably necessary to the utilization of the Easements, including a right of ingress to and egress from the Easements where least damage to Grantor's property will occur from such access, which right of access will be exercised only if and as reasonably necessary, and a limited right use to adjoining land of the Grantor where necessary to the use and enjoyment for the Easements; provided, however, that such right to use adjoining lands of the Grantor may be exercised only during periods of actual construction or maintenance of the Easement, and may not be construed to allow the County to erect any building, structure, or utility facilities of a permanent nature on such adjoining land. All damages to any such adjoining lands of the Grantor caused by the County's use of the pursuant to this provision must be repaired by the County at its expense, and such lands must be restored as nearly as possible by the County to their original condition.
 - d) The County has the right to trim, cut, and remove trees, shrubbery, fences, structures, or other obstructions or facilities on, in, under, above, or near the Easements being conveyed (including any in-ground swimming pool), that are deemed by it in its sole discretion to interfere with the proper and efficient construction, operation, and maintenance of the Easements; provided, however, that following completion of construction or repair, the County must at its own expense restore, as nearly as possible, the Property to its original condition, such restoration including the backfilling of trenches, replacement of fences, and the reseedling or resodding of lawns or pasture areas, but not the replacement of structures, trees, bushes, undergrowth or other facilities located within the Easements.

- e) The Grantor reserves the right to make any use of the Easements which are consistent with the rights herein conveyed and do not interfere with the County's use of the Easements; provided, however, that the Grantor may not erect any roadway, building, or other structure, except a fence, on the Easements without obtaining prior written approval from the County.
- f) The Easements and other rights granted herein are subject to any and all easements, covenants, restrictions, and conditions of record affecting the Property.
- g) The County will cooperate and work with the Grantor as needed to minimize the visual impact of all Facilities that are located above ground-level in the Easements.
- h) The Easements and covenants set forth in this deed run with the land and are binding on the Grantor and the County and their heirs, successors, and assigns.
- i) Any delay of the County in the use or exercise of any rights granted herein, or in the installation of the Facilities, will not result in the loss, limitation, or abandonment of any right or interest granted by this Deed of Easement.
- j) The Grantor covenants that he is seized of the Property on which the Easements are situated in fee simple absolute; that he has the full right and authority to convey the Easements to the County; that the undersigned are all holders of any interest in or to the Property and together hold the entire undivided fee simple title to the Property subject only to liens and other matters of record as of the date of this instrument; that the County will have quiet possession of the Easements, free from all encumbrances; and that he will execute such further assurances regarding the conveyance of the Easements as may be required by the County in its sole discretion. The Grantor further covenants, upon the request of the County, to obtain the consent to these Easements of any lienholder, deed of trust trustee, or other individual or entity having any interest whatsoever in the Property.
- k) The Grantor covenants and agrees for himself, his heirs, successors, and assigns, that the consideration recited herein is in lieu of any and all claims to compensation for property and for damages, if any, to the remaining lands of the Grantor which may result by reason of the County's use.

[SIGNATURES ON THE FOLLOWING PAGE]

WITNESS the following signatures and seals:

GRANTOR

Glenda Mae Bassetti

Glenda Mae Bassetti

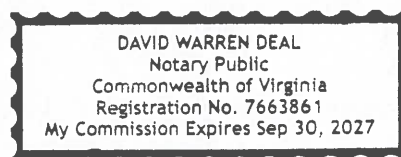
CITY/COUNTY OF New Kent,
STATE/ COMMONWEALTH OF Virginia,

The foregoing instrument was acknowledged before me, December 19, 2023,

by David Warren Deal

My commission expires: 9/30/2027

Notary registration number: 7663861



David Warren Deal

Notary Public

This Deed is accepted by the County pursuant to Virginia Code § 15.2-1803. Acceptance by the County is evidenced by the following signature of an authorized official of the County.

Date: _____ (SEAL)

Name: _____

Title: _____

COUNTY OF _____
COMMONWEALTH OF VIRGINIA,

The foregoing instrument was acknowledged before me _____, 20____, by _____, on behalf of the Board of Supervisors of New Kent County, Virginia.

My commission expires: _____

Notary registration number: _____

Notary Public

Approved as to Form:

Joshua S. Everard
County Attorney

Exhibit A

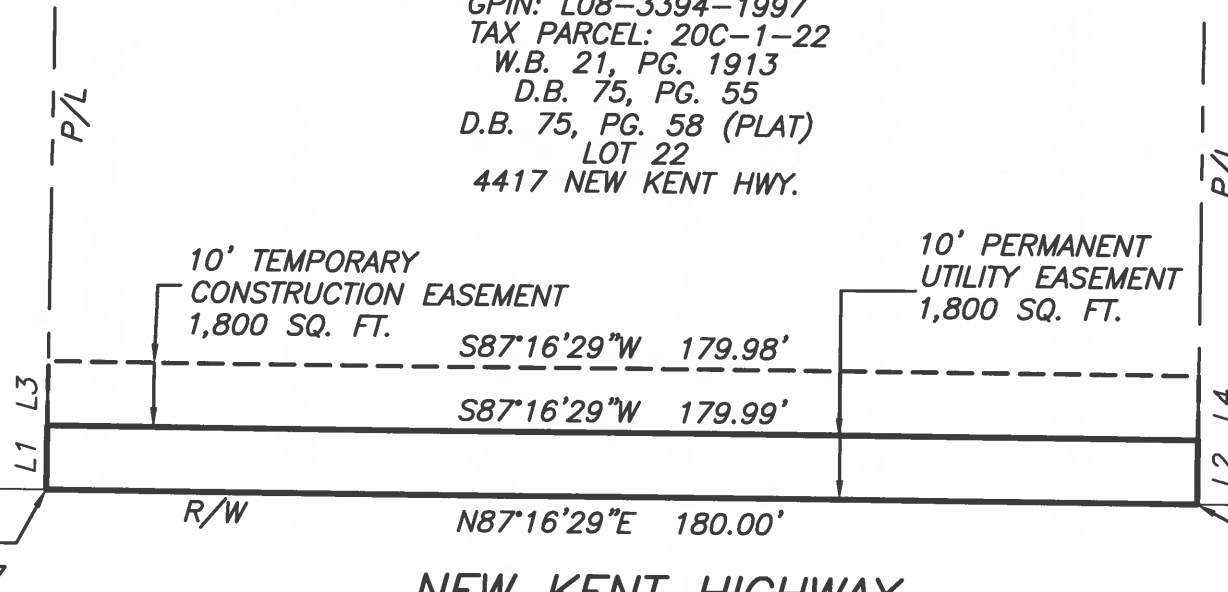
Plat dated October 6, 2023, revised October 19, 2023, is on the following page.

VCS NAD83 SOUTH ZONE

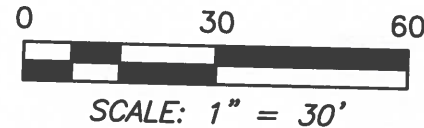
N/F
ROGER L. SHIFLETT AND
KATHERINE W. SHIFLETT
GPIN: L08-3573-2007
TAX PARCEL: 20C-1-23
D.B. 70, PG. 50
D.B. 70, PG. 52 (PLAT)

GLENDA MAE BASSETTI
GPIN: L08-3394-1997
TAX PARCEL: 20C-1-22
W.B. 21, PG. 1913
D.B. 75, PG. 55
D.B. 75, PG. 58 (PLAT)
LOT 22
4417 NEW KENT HWY.

N/F
TRACY TESTERMAN, ETAL
GPIN: L08-3174-2018
TAX PARCEL: 20C-1-21
INSTR. # 220002964
D.B. 142, PG. 37 (PLAT)



LINE	BEARING	DISTANCE
L1	S02°43'56\"E	10.00'
L2	N02°47'56\"W	10.00'
L3	S02°43'56\"E	10.00'
L4	N02°47'56\"W	10.00'



NEW KENT HIGHWAY
VIRGINIA STATE ROUTE 249
(50' R/W)
(FORMERLY ROUTE No. 33)

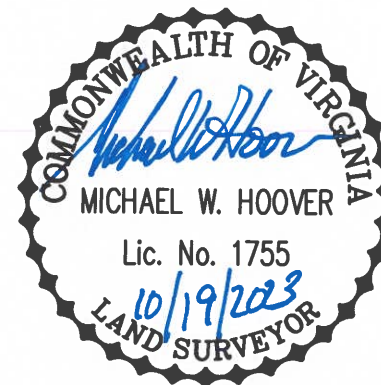
EASEMENT PLAT SHOWING A
10' PERMANENT UTILITY EASEMENT & A
10' TEMPORARY CONSTRUCTION EASEMENT
ACROSS THE PROPERTY OF
GLENDA MAE BASSETTI
GPIN: L08-3394-1997
BLACK CREEK DISTRICT,
NEW KENT COUNTY, VIRGINIA


NOTES:

1. A TITLE REPORT WAS FURNISHED AS
PREPARED BY PRIORITY TITLE AND ESCROW,
LLC REPORT FILE #062312930-38
DATED 08-01-2023

2. PROPERTY LINES SHOWN HEREON BASED
ON COMPILED DEED DESCRIPTIONS AND PLATS.

THIS IS NOT A BOUNDARY SURVEY.



SHEET 1 OF 1	
DATE: 10/06/2023 LAST REVISED: 10/19/2023	
 Dewberry®	
Dewberry Engineers Inc.	4805 LAKE BROOK DRIVE SUITE 200 GLEN ALLEN, VA 23060 PHONE: 804.290.7957 WWW.DEWBERRY.COM

JOB #50162184



C. Michael Lang, PG
Director
Department of Public Utilities
PO Box 130
New Kent, VA 23124
Phone 804-966-9678
Fax 804-966-7135

OFFICIAL NOTIFICATION

To: David Deal
Dewberry Engineers

From: Mike Lang
Director, New Kent DPU

Ref: Rt 249 Waterline & Easements

The County's objective in constructing the project is to consolidate The Bottoms Bridge and Central water systems in order to lower operating costs and to prepare for distribution of an alternative water supply.

Therefore, this notification confirms the following:

- Connection of existing residences and businesses is available, however connection is **NOT** required.
- Project budgeting and financing is not dependent upon revenue generation from existing residences and businesses along the waterline route.

EASEMENT COMPENSATION AGREEMENT

Property Owner(s): Deborah Lynne Correia A/K/A Deborah Correia and Michael Joseph Correia
A/K/A Michael Correia

Mailing Address: 4213 New Kent Hwy., Quinton, VA 23141

Tax Map Parcel(s): 20-9-1-N

This document refers to the Permanent Easement and Temporary Construction Easement for Tax Map No. 20-9-1-N (the "Easement") dated January 18, 2024 between all persons or entities that have an interest in the listed Tax Parcel, Deborah Lynne Correia A/K/A Deborah Correia and Michael Joseph Correia A/K/A Michael Correia ("Owner"), and the County of New Kent, Virginia ("County"). A copy of the Easement and the plat are attached as Exhibit A to this Easement Compensation Agreement ("Agreement") and are incorporated by reference.

The Owner understands and agrees that compensation for the Easement and rights will be paid in full and complete upon recordation of the executed Easement in the Clerk's office, provided that there are no outstanding judgments or liens or other title issues that are unacceptable to the County. The County will not pay any compensation until such time as the County is satisfied that any judgments or liens or other title issues can be satisfied. The Owner, at its sole expense and effort, will obtain releases from all holders of deeds of trust on this property prior to the date of recordation of the Easement.

The County will make reasonable efforts to reduce the period of construction in the Easement, understanding that adverse events like weather can prolong construction.

The terms of this agreement extend to and are binding upon the parties and their successors and assigns. The compensation for such Easement is **\$300.00**.

WITNESS the following signature and seals of all Owner(s) made pursuant to due authority:

For the Owner:

Date: 01/18/24

Signature: Michael J. Correia

Name: Michael J. Correia

Title: Owner

For the County:

Date: _____

Signature: _____

Name: Rodney A. Hathaway

Title: County Administrator

Approved as to Form:

Joshua S. Everard
County Attorney

Prepared by Office of the County Attorney, County of New Kent

Return to:
12007 Courthouse Circle
Post Office Box 150
New Kent, Virginia 23124-0150

Tax Map No.: **20-9-1-N**
GPIN **L08-2053-1433**

Exempt From Taxation
Virginia Code § 58.1-811A (3)

COUNTY OF NEW KENT, VIRGINIA

PERMANENT EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT

THIS DEED OF EASEMENT is made and entered into this 18th day of January 2024, by and between **Deborah Lynne Correia A/K/A Deborah Correia and Michael Joseph Correia A/K/A Michael Correia, Wife and Husband** (the "Grantor"), and the **COUNTY OF NEW KENT, VIRGINIA** (the "County"), a political subdivision of the Commonwealth of Virginia.

WITNESSETH:

That for and in consideration of the sum of TEN DOLLARS (\$10.00) cash in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor does hereby grant, dedicate, and convey to the County the following described easements and interests:

1. A variable width permanent easement and right-of-way for County utilities, water, and/or sewer lines (the "Permanent Easement") located under, over, in, and across the land of the Grantor identified as Tax Map No. **20-9-1-N** in New Kent County, Virginia, (the "Property") together with access thereto over the lands of the Grantor, and all rights and privileges hereinafter enumerated pertaining to the Permanent Easement, the location of which is depicted on that certain plat or plats of survey by **Dewberry**, dated **December 08, 2023** and attached as Exhibit A and incorporated to this Deed by reference, which plat(s) are to be recorded as part of this Deed of Easement.
2. A variable width temporary construction easement located under, over, in and across the land of the Grantor adjacent to the Permanent Easement as shown on Exhibit A (the "Temporary Easement" and, together with the Permanent Easement, the "Easements"). Upon completion of any construction, repair, alteration, replacement, or removal of County utilities and/or sewer lines or appurtenant facilities, the Temporary Easement will automatically, and without the execution or recordation of any specific release, be extinguished. The existence of the Permanent Easement will be unaffected by the termination of the Temporary

Easement and will continue in full force and effect.

3. The Easements are for the purpose of constructing, installing, maintaining, inspecting, operating, protecting, replacing, repairing, changing the size of, and removing improvements as part of the County's water and sewer system, including, but not limited to, pipes, mains, manholes, inlet structures, pumps, hydrants, and related facilities (collectively, the "Facilities").
4. The Easements are subject to the following conditions, and the Grantor and the County covenant and agree as follows:
 - a) All pipes, manholes, inlet structures, hydrants, pumps, and related Facilities and structures which are installed in the Permanent Easement will be and remain the property of the County.
 - b) The Grantor may not charge the County for its use of the Property in exercising its rights granted under this Deed of Easement.
 - c) The County and its agents have full and free use of the Easements for the purposes named, and have all rights and privileges reasonably necessary to the utilization of the Easements, including a right of ingress to and egress from the Easements where least damage to Grantor's property will occur from such access, which right of access will be exercised only if and as reasonably necessary, and a limited right use to adjoining land of the Grantor where necessary to the use and enjoyment for the Easements; provided, however, that such right to use adjoining lands of the Grantor may be exercised only during periods of actual construction or maintenance of the Easement, and may not be construed to allow the County to erect any building, structure, or utility facilities of a permanent nature on such adjoining land. All damages to any such adjoining lands of the Grantor caused by the County's use of the pursuant to this provision must be repaired by the County at its expense, and such lands must be restored as nearly as possible by the County to their original condition.
 - d) The County has the right to trim, cut, and remove trees, shrubbery, fences, structures, or other obstructions or facilities on, in, under, above, or near the Easements being conveyed (including any in-ground swimming pool), that are deemed by it in its sole discretion to interfere with the proper and efficient construction, operation, and maintenance of the Easements; provided, however, that following completion of construction or repair, the County must at its own expense restore, as nearly as possible, the Property to its original condition, such restoration including the backfilling of trenches, replacement of fences, and the reseedling or resodding of lawns or pasture areas, but not the replacement of structures, trees, bushes, undergrowth or other facilities located within the Easements.

- e) The Grantor reserves the right to make any use of the Easements which are consistent with the rights herein conveyed and do not interfere with the County's use of the Easements; provided, however, that the Grantor may not erect any roadway, building, or other structure, except a fence, on the Easements without obtaining prior written approval from the County.
- f) The Easements and other rights granted herein are subject to any and all easements, covenants, restrictions, and conditions of record affecting the Property.
- g) The County will cooperate and work with the Grantor as needed to minimize the visual impact of all Facilities that are located above ground-level in the Easements.
- h) The Easements and covenants set forth in this deed run with the land and are binding on the Grantor and the County and their heirs, successors, and assigns.
- i) Any delay of the County in the use or exercise of any rights granted herein, or in the installation of the Facilities, will not result in the loss, limitation, or abandonment of any right or interest granted by this Deed of Easement.
- j) The Grantor covenants that he is seized of the Property on which the Easements are situated in fee simple absolute; that he has the full right and authority to convey the Easements to the County; that the undersigned are all holders of any interest in or to the Property and together hold the entire undivided fee simple title to the Property subject only to liens and other matters of record as of the date of this instrument; that the County will have quiet possession of the Easements, free from all encumbrances; and that he will execute such further assurances regarding the conveyance of the Easements as may be required by the County in its sole discretion. The Grantor further covenants, upon the request of the County, to obtain the consent to these Easements of any lienholder, deed of trust trustee, or other individual or entity having any interest whatsoever in the Property.
- k) The Grantor covenants and agrees for himself, his heirs, successors, and assigns, that the consideration recited herein is in lieu of any and all claims to compensation for property and for damages, if any, to the remaining lands of the Grantor which may result by reason of the County's use.

[SIGNATURES ON THE FOLLOWING PAGE]

WITNESS the following signatures and seals:

GRANTOR

Deborah Lynne Correia

A/K A Deborah Correia

GRANTOR

Michael Joseph Correia

A/K/A Michael Correia

Deborah Lynne Correia

Michael Joseph Correia

CITY/COUNTY OF New Kent
STATE/ COMMONWEALTH OF Virginia

DAVID WARREN DEAL
Notary Public
Commonwealth of Virginia
Registration No. 7663861
My Commission Expires Sep 30, 2027

The foregoing instrument was acknowledged before me January 18, 2024

by David Warren Deal

My commission expires: 9/30/2027

Notary registration number: 7663861

Notary Public

This Deed is accepted by the County pursuant to Virginia Code § 15.2-1803. Acceptance by the County is evidenced by the following signature of an authorized official of the County.

Date: _____ (SEAL)

Name: _____

Title: _____

COUNTY OF _____
COMMONWEALTH OF VIRGINIA,

The foregoing instrument was acknowledged before me _____, 20____, by
_____, on behalf of the Board of Supervisors of New Kent County, Virginia.

My commission expires: _____

Notary registration number: _____

Notary Public

Approved as to Form:

Joshua S. Everard
County Attorney

Exhibit A

Plat dated October 6, 2023 Revised December 08, 2023 on the following page.

VCS NAD83 SOUTH ZONE

N/F
VICTORIA LOUISE STARR
GPIN: L08-2111-1932
TAX PARCEL: 20C-1-15
INSTR. #200001636

MICHAEL CORREIA AND
DEBORAH CORREIA

GPIN: L08-2053-1433
TAX PARCEL: 20-9-1-N
D.B. 173, PG. 127

10' TEMPORARY
CONSTRUCTION EASEMENT
323 SQ. FT.

N/F
PAUL W. REESE
GPIN: L08-1744-1443
TAX PARCEL: 20-9-1-M
D.B. 101, PG. 28

10' PERMANENT
UTILITY EASEMENT
410 SQ. FT.

LINE	BEARING	DISTANCE
L1	N87°16'29"E	55.03'
L2	S87°16'29"W	35.03'
L3	N02°44'48"W	10.00'
L4	S87°16'29"W	30.53'
L5	N02°44'48"W	10.00'

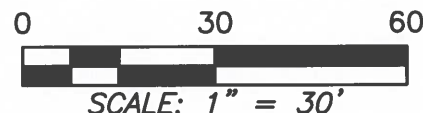
CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	23.18'	25.00'	53°07'24"	S60°42'22"W	22.36'
C2	11.05'	25.00'	25°19'59"	S21°28'41"W	10.96'

NOTES:

1. A TITLE REPORT WAS FURNISHED AS
PREPARED BY PRIORITY TITLE AND ESCROW,
LLC REPORT FILE #062312930-27
DATED 08-01-2023

2. PROPERTY LINES SHOWN HEREON BASED
ON COMPILED DEED DESCRIPTIONS AND PLATS.

THIS IS NOT A BOUNDARY SURVEY.



N:3720349.96
E:11875479.70

NEW KENT HIGHWAY

VIRGINIA STATE ROUTE 249
(50' R/W)

(FORMERLY ROUTE No. 33)

N:3720347.34
E:11875424.73

R/W

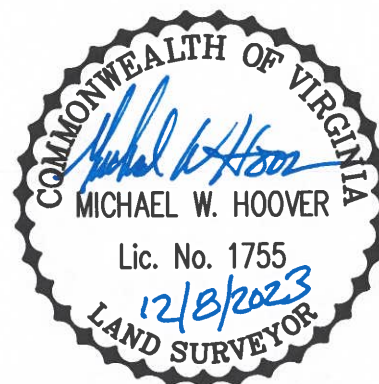
EASEMENT PLAT SHOWING A
10' PERMANENT UTILITY EASEMENT & A
10' TEMPORARY CONSTRUCTION EASEMENT
ACROSS THE PROPERTY OF

MICHAEL & DEBORAH CORREIA

GPIN: L08-2053-1443

BLACK CREEK DISTRICT,

NEW KENT COUNTY, VIRGINIA



SHEET 1 OF 1

DATE: 10/06/2023 LAST REVISED: 12/08/2023



Dewberry®

Dewberry
Engineers Inc.

4805 LAKE BROOK DRIVE
SUITE 200
GLEN ALLEN, VA 23060
PHONE: 804.290.7957
WWW.DEWBERRY.COM

JOB #50162184

EASEMENT COMPENSATION AGREEMENT

Property Owner(s): Kendall Scott Countiss and Megan E. Countiss A/K/A Megan Countiss
Mailing Address: 8511 Sylvan Ln. Quinton, VA 23141
Tax Map Parcel(s): 20-9-1-R

This document refers to the Permanent Easement and Temporary Construction Easement for Tax Map No. 20-9-1-R (the "Easement") dated January 4, 20 21 between all persons or entities that have an interest in the listed Tax Parcel, Kendall Scott Countiss and Megan E. Countiss A/K/A Megan Countiss ("Owner"), and the County of New Kent, Virginia ("County"). A copy of the Easement and the plat are attached as Exhibit A to this Easement Compensation Agreement ("Agreement") and are incorporated by reference.

The Owner understands and agrees that compensation for the Easement and rights will be paid in full and complete upon recordation of the executed Easement in the Clerk's office, provided that there are no outstanding judgments or liens or other title issues that are unacceptable to the County. The County will not pay any compensation until such time as the County is satisfied that any judgments or liens or other title issues can be satisfied. The Owner, at its sole expense and effort, will obtain releases from all holders of deeds of trust on this property prior to the date of recordation of the Easement.

The County will make reasonable efforts to reduce the period of construction in the Easement, understanding that adverse events like weather can prolong construction.

The terms of this agreement extend to and are binding upon the parties and their successors and assigns. The compensation for such Easement is \$300.00.

WITNESS the following signature and seals of all Owner(s) made pursuant to due authority:

For the Owner:

Date: 1/4/21

Signature: Kendall Scott Countiss

Name: Kendall Scott Countiss

Title: coowner

For the County:

Date: _____

Signature: _____

Name: Rodney A. Hathaway

Title: County Administrator

Approved as to Form:

Joshua S. Everard
County Attorney

Prepared by Office of the County Attorney, County of New Kent

Return to:
12007 Courthouse Circle
Post Office Box 150
New Kent, Virginia 23124-0150

Tax Map No.: **20-9-1-R**
GPIN **L08-3154-1668**

Exempt From Taxation
Virginia Code § 58.1-811A (3)

COUNTY OF NEW KENT, VIRGINIA

PERMANENT EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT

THIS DEED OF EASEMENT is made and entered into this 21st day of January 2024, by and between **Kendall Scott Countiss and Megan E. Countiss A/K/A Megan Countiss Husband and Wife** (the "Grantor"), and the **COUNTY OF NEW KENT, VIRGINIA** (the "County"), a political subdivision of the Commonwealth of Virginia.

WITNESSETH:

That for and in consideration of the sum of TEN DOLLARS (\$10.00) cash in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor does hereby grant, dedicate, and convey to the County the following described easements and interests:

1. A variable width permanent easement and right-of-way for County utilities, water, and/or sewer lines (the "Permanent Easement") located under, over, in, and across the land of the Grantor identified as Tax Map No. **20-9-1-R** in New Kent County, Virginia, (the "Property") together with access thereto over the lands of the Grantor, and all rights and privileges hereinafter enumerated pertaining to the Permanent Easement, the location of which is depicted on that certain plat or plats of survey by **Dewberry**, dated **October 19, 2023** and attached as Exhibit A and incorporated to this Deed by reference, which plat(s) are to be recorded as part of this Deed of Easement.
2. A variable width temporary construction easement located under, over, in and across the land of the Grantor adjacent to the Permanent Easement as shown on Exhibit A (the "Temporary Easement" and, together with the Permanent Easement, the "Easements"). Upon completion of any construction, repair, alteration, replacement, or removal of County utilities and/or sewer lines or appurtenant facilities, the Temporary Easement will automatically, and without the execution or recordation of any specific release, be extinguished. The existence of the Permanent Easement will be unaffected by the termination of the Temporary

Easement and will continue in full force and effect.

3. The Easements are for the purpose of constructing, installing, maintaining, inspecting, operating, protecting, replacing, repairing, changing the size of, and removing improvements as part of the County's water and sewer system, including, but not limited to, pipes, mains, manholes, inlet structures, pumps, hydrants, and related facilities (collectively, the "Facilities").
4. The Easements are subject to the following conditions, and the Grantor and the County covenant and agree as follows:
 - a) All pipes, manholes, inlet structures, hydrants, pumps, and related Facilities and structures which are installed in the Permanent Easement will be and remain the property of the County.
 - b) The Grantor may not charge the County for its use of the Property in exercising its rights granted under this Deed of Easement.
 - c) The County and its agents have full and free use of the Easements for the purposes named, and have all rights and privileges reasonably necessary to the utilization of the Easements, including a right of ingress to and egress from the Easements where least damage to Grantor's property will occur from such access, which right of access will be exercised only if and as reasonably necessary, and a limited right use to adjoining land of the Grantor where necessary to the use and enjoyment for the Easements; provided, however, that such right to use adjoining lands of the Grantor may be exercised only during periods of actual construction or maintenance of the Easement, and may not be construed to allow the County to erect any building, structure, or utility facilities of a permanent nature on such adjoining land. All damages to any such adjoining lands of the Grantor caused by the County's use of the pursuant to this provision must be repaired by the County at its expense, and such lands must be restored as nearly as possible by the County to their original condition.
 - d) The County has the right to trim, cut, and remove trees, shrubbery, fences, structures, or other obstructions or facilities on, in, under, above, or near the Easements being conveyed (including any in-ground swimming pool), that are deemed by it in its sole discretion to interfere with the proper and efficient construction, operation, and maintenance of the Easements; provided, however, that following completion of construction or repair, the County must at its own expense restore, as nearly as possible, the Property to its original condition, such restoration including the backfilling of trenches, replacement of fences, and the reseeded or resodding of lawns or pasture areas, but not the replacement of structures, trees, bushes, undergrowth or other facilities located within the Easements.

- e) The Grantor reserves the right to make any use of the Easements which are consistent with the rights herein conveyed and do not interfere with the County's use of the Easements; provided, however, that the Grantor may not erect any roadway, building, or other structure, except a fence, on the Easements without obtaining prior written approval from the County.
- f) The Easements and other rights granted herein are subject to any and all easements, covenants, restrictions, and conditions of record affecting the Property.
- g) The County will cooperate and work with the Grantor as needed to minimize the visual impact of all Facilities that are located above ground-level in the Easements.
- h) The Easements and covenants set forth in this deed run with the land and are binding on the Grantor and the County and their heirs, successors, and assigns.
- i) Any delay of the County in the use or exercise of any rights granted herein, or in the installation of the Facilities, will not result in the loss, limitation, or abandonment of any right or interest granted by this Deed of Easement.
- j) The Grantor covenants that he is seized of the Property on which the Easements are situated in fee simple absolute; that he has the full right and authority to convey the Easements to the County; that the undersigned are all holders of any interest in or to the Property and together hold the entire undivided fee simple title to the Property subject only to liens and other matters of record as of the date of this instrument; that the County will have quiet possession of the Easements, free from all encumbrances; and that he will execute such further assurances regarding the conveyance of the Easements as may be required by the County in its sole discretion. The Grantor further covenants, upon the request of the County, to obtain the consent to these Easements of any lienholder, deed of trust trustee, or other individual or entity having any interest whatsoever in the Property.
- k) The Grantor covenants and agrees for himself, his heirs, successors, and assigns, that the consideration recited herein is in lieu of any and all claims to compensation for property and for damages, if any, to the remaining lands of the Grantor which may result by reason of the County's use.

[SIGNATURES ON THE FOLLOWING PAGE]

WITNESS the following signatures and seals:

GRANTOR

Kendall Scott Countiss

GRANTOR

M/E

Megan E. Countiss A/K/A Megan Countiss

Kendall Scott Countiss

Megan E. Countiss

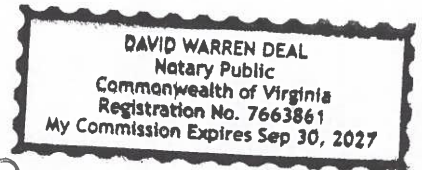
CITY/COUNTY OF New Kent
STATE/ COMMONWEALTH OF Virginia

The foregoing instrument was acknowledged before me January 4, 2024

by David Warren Deal

My commission expires: 9/30/2027

Notary registration number: 7663861



David Warren Deal
Notary Public

This Deed is accepted by the County pursuant to Virginia Code § 15.2-1803. Acceptance by the County is evidenced by the following signature of an authorized official of the County.

Date: _____ (SEAL)

Name: _____

Title: _____

COUNTY OF _____
COMMONWEALTH OF VIRGINIA,

The foregoing instrument was acknowledged before me _____, 20____, by
_____, on behalf of the Board of Supervisors of New Kent County, Virginia.

My commission expires: _____

Notary registration number: _____

Notary Public

Approved as to Form:

Joshua S. Everard
County Attorney

Exhibit A

Plat dated October 6, 2023, and revised on October 19, 2023, is on the following page.

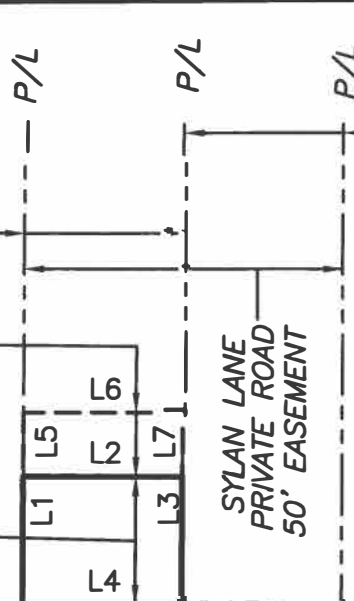
**KENDALL SCOTT COUNTISS
& MEGAN E. COUNTISS**

GPIN: L08-3154-1668
TAX PARCEL: 20-9-1-R
D.B. 308, PG. 112
D.B. 129, PG. 444 (PLAT)
PARCEL R
8511 SYLVAN LANE

N/F
MARK A. BRUBECK AND
ATHENA BRUBECK
GPIN: L08-2973-2006
TAX PARCEL: 20C-1-20
INSTR. #140000971
D.B. 79, PG. 715 (PLAT)

10' TEMPORARY
CONSTRUCTION
EASEMENT
250 SQ. FT.

20' PERMANENT
UTILITY EASEMENT
500 SQ. FT.



N/F
JESSE MARCINKEVICH &
STEPHANIE MARCINKEVICH
GPIN: L08-2568-1629
TAX PARCEL: 20-9-1-0
INSTR. #220000758
D.B. 116, PG 175 (PLAT)

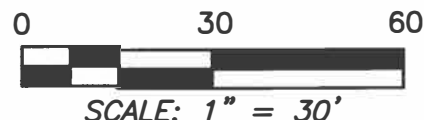
VCS NAD83 SOUTH ZONE

LINE	BEARING	DISTANCE
L1	S02°43'56"E	20.00'
L2	S87°16'29"W	25.00'
L3	N02°43'56"W	20.00'
L4	N87°16'29"E	25.00'
L5	S02°43'56"E	10.00'
L6	S87°16'29"W	25.00'
L7	N02°43'56"W	10.00'

N:3720389.66
E:11876313.76

NEW KENT HIGHWAY

VIRGINIA STATE ROUTE 249
(50' R/W)
(FORMERLY ROUTE No. 33)



EASEMENT PLAT SHOWING A
20' PERMANENT UTILITY EASEMENT & A
10' TEMPORARY CONSTRUCTION EASEMENT
ACROSS THE PROPERTY OF
**KENDALL SCOTT COUNTISS &
MEGAN E. COUNTISS**

GPIN: L08-3154-1668
BLACK CREEK DISTRICT,
NEW KENT COUNTY, VIRGINIA

NOTES:

1. A TITLE REPORT WAS FURNISHED AS
PREPARED BY PRIORITY TITLE AND ESCROW,
LLC REPORT FILE #062312930-35 DATED
08-01-2023.

2. PROPERTY LINES SHOWN HEREON BASED
ON COMPILED DEED DESCRIPTIONS AND PLATS.

THIS IS NOT A BOUNDARY SURVEY.



SHEET 1 OF 1

DATE: 10/06/2023 LAST REVISED: 10/19/2023



Dewberry®

**Dewberry
Engineers Inc.**

4805 LAKE BROOK DRIVE
SUITE 200
GLEN ALLEN, VA 23060
PHONE: 804.290.7957
WWW.DEWBERRY.COM

JOB #50162184

EASEMENT COMPENSATION AGREEMENT

Property Owner(s): Thomas Craig Fisher A/K/A Thomas C. Fisher and Dalia Salazar Fisher
A/K/A Dalia S. Fisher

Mailing Address: 8653 Old Roxbury Rd. Quinton, VA 23141

Tax Map Parcel(s): 20C-1-9

This document refers to the Permanent Easement and Temporary Construction Easement for Tax Map No. 20C-1-9 (the "Easement") dated ^{DIOD} ~~December 97~~ November 97, 2023 between all persons or entities that have an interest in the listed Tax Parcel, Thomas Craig Fisher A/K/A Thomas C. Fisher and Dalia Salazar Fisher A/K/A Dalia S. Fisher ("Owner"), and the County of New Kent, Virginia ("County"). A copy of the Easement and the plat are attached as Exhibit A to this Easement Compensation Agreement ("Agreement") and are incorporated by reference.

The Owner understands and agrees that compensation for the Easement and rights will be paid in full and complete upon recordation of the executed Easement in the Clerk's office, provided that there are no outstanding judgments or liens or other title issues that are unacceptable to the County. The County will not pay any compensation until such time as the County is satisfied that any judgments or liens or other title issues can be satisfied. The Owner, at its sole expense and effort, will obtain releases from all holders of deeds of trust on this property prior to the date of recordation of the Easement.

The County will make reasonable efforts to reduce the period of construction in the Easement, understanding that adverse events like weather can prolong construction.

The terms of this agreement extend to and are binding upon the parties and their successors and assigns. The compensation for such Easement is \$2400.00.

WITNESS the following signature and seals of all Owner(s) made pursuant to due authority:

For the Owner:

Date: 12-7-2023

Signature: Thomas C. Fisher

Name: Thomas C. Fisher

Title: OWNER

For the County:

Date: _____

Signature: _____

Name: Rodney A. Hathaway

Title: County Administrator

Approved as to Form:

Joshua S. Everard
County Attorney

Prepared by Office of the County Attorney, County of New Kent

Return to:
12007 Courthouse Circle
Post Office Box 150
New Kent, Virginia 23124-0150

Tax Map No.: **20C-1-9**
GPIN **L08-0913-1877**

Exempt From Taxation
Virginia Code § 58.1-811A (3)

COUNTY OF NEW KENT, VIRGINIA

PERMANENT EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT

THIS DEED OF EASEMENT is made and entered into this 17th day of November 2023, by and between **Thomas Craig Fisher A/K/A Thomas C. Fisher and Dalia Salazar Fisher A/K/A Dalia S. Fisher, Husband and Wife** (the "Grantor"), and the **COUNTY OF NEW KENT, VIRGINIA** (the "County"), a political subdivision of the Commonwealth of Virginia.

WITNESSETH:

That for and in consideration of the sum of TEN DOLLARS (\$10.00) cash in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor does hereby grant, dedicate, and convey to the County the following described easements and interests:

1. A variable width permanent easement and right-of-way for County utilities, water, and/or sewer lines (the "Permanent Easement") located under, over, in, and across the land of the Grantor identified as Tax Map No. **20C-1-9** in New Kent County, Virginia, (the "Property") together with access thereto over the lands of the Grantor, and all rights and privileges hereinafter enumerated pertaining to the Permanent Easement, the location of which is depicted on that certain plat or plats of survey by **Dewberry**, dated **October 19, 2023** and attached as Exhibit A and incorporated to this Deed by reference, which plat(s) are to be recorded as part of this Deed of Easement.
2. A variable width temporary construction easement located under, over, in and across the land of the Grantor adjacent to the Permanent Easement as shown on Exhibit A (the "Temporary Easement" and, together with the Permanent Easement, the "Easements"). Upon completion of any construction, repair, alteration, replacement, or removal of County utilities and/or sewer lines or appurtenant facilities, the Temporary Easement will automatically, and without the execution or recordation of any specific release, be extinguished. The existence of the Permanent Easement will be unaffected by the termination of the Temporary

Easement and will continue in full force and effect.

3. The Easements are for the purpose of constructing, installing, maintaining, inspecting, operating, protecting, replacing, repairing, changing the size of, and removing improvements as part of the County's water and sewer system, including, but not limited to, pipes, mains, manholes, inlet structures, pumps, hydrants, and related facilities (collectively, the "Facilities").
4. The Easements are subject to the following conditions, and the Grantor and the County covenant and agree as follows:
 - a) All pipes, manholes, inlet structures, hydrants, pumps, and related Facilities and structures which are installed in the Permanent Easement will be and remain the property of the County.
 - b) The Grantor may not charge the County for its use of the Property in exercising its rights granted under this Deed of Easement.
 - c) The County and its agents have full and free use of the Easements for the purposes named, and have all rights and privileges reasonably necessary to the utilization of the Easements, including a right of ingress to and egress from the Easements where least damage to Grantor's property will occur from such access, which right of access will be exercised only if and as reasonably necessary, and a limited right use to adjoining land of the Grantor where necessary to the use and enjoyment for the Easements; provided, however, that such right to use adjoining lands of the Grantor may be exercised only during periods of actual construction or maintenance of the Easement, and may not be construed to allow the County to erect any building, structure, or utility facilities of a permanent nature on such adjoining land. All damages to any such adjoining lands of the Grantor caused by the County's use of the pursuant to this provision must be repaired by the County at its expense, and such lands must be restored as nearly as possible by the County to their original condition.
 - d) The County has the right to trim, cut, and remove trees, shrubbery, fences, structures, or other obstructions or facilities on, in, under, above, or near the Easements being conveyed (including any in-ground swimming pool), that are deemed by it in its sole discretion to interfere with the proper and efficient construction, operation, and maintenance of the Easements; provided, however, that following completion of construction or repair, the County must at its own expense restore, as nearly as possible, the Property to its original condition, such restoration including the backfilling of trenches, replacement of fences, and the reseedling or resodding of lawns or pasture areas, but not the replacement of structures, trees, bushes, undergrowth or other facilities located within the Easements.

- e) The Grantor reserves the right to make any use of the Easements which are consistent with the rights herein conveyed and do not interfere with the County's use of the Easements; provided, however, that the Grantor may not erect any roadway, building, or other structure, except a fence, on the Easements without obtaining prior written approval from the County.
- f) The Easements and other rights granted herein are subject to any and all easements, covenants, restrictions, and conditions of record affecting the Property.
- g) The County will cooperate and work with the Grantor as needed to minimize the visual impact of all Facilities that are located above ground-level in the Easements.
- h) The Easements and covenants set forth in this deed run with the land and are binding on the Grantor and the County and their heirs, successors, and assigns.
- i) Any delay of the County in the use or exercise of any rights granted herein, or in the installation of the Facilities, will not result in the loss, limitation, or abandonment of any right or interest granted by this Deed of Easement.
- j) The Grantor covenants that he is seized of the Property on which the Easements are situated in fee simple absolute; that he has the full right and authority to convey the Easements to the County; that the undersigned are all holders of any interest in or to the Property and together hold the entire undivided fee simple title to the Property subject only to liens and other matters of record as of the date of this instrument; that the County will have quiet possession of the Easements, free from all encumbrances; and that he will execute such further assurances regarding the conveyance of the Easements as may be required by the County in its sole discretion. The Grantor further covenants, upon the request of the County, to obtain the consent to these Easements of any lienholder, deed of trust trustee, or other individual or entity having any interest whatsoever in the Property.
- k) The Grantor covenants and agrees for himself, his heirs, successors, and assigns, that the consideration recited herein is in lieu of any and all claims to compensation for property and for damages, if any, to the remaining lands of the Grantor which may result by reason of the County's use.

[SIGNATURES ON THE FOLLOWING PAGE]

WITNESS the following signatures and seals:

GRANTOR

Thomas Craig Fisher A/K/A

Thomas C. Fisher

GRANTOR

Dalia Salazar Fisher A/K/A

Dalia S. Fisher

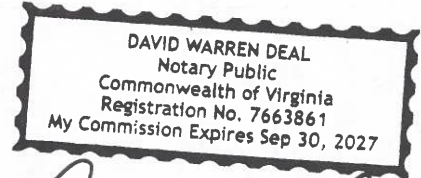
Thomas C. Fisher Dalia S. Fisher
CITY/COUNTY OF New Kent
STATE/ COMMONWEALTH OF Virginia

The foregoing instrument was acknowledged before me November 17, 2023

by David Warren Deal

My commission expires: 9/30/27

Notary registration number: 7663861



David Warren Deal
Notary Public

This Deed is accepted by the County pursuant to Virginia Code § 15.2-1803. Acceptance by the County is evidenced by the following signature of an authorized official of the County.

Date: _____ (SEAL)

Name: _____

Title: _____

COUNTY OF _____
COMMONWEALTH OF VIRGINIA,

The foregoing instrument was acknowledged before me _____, 20____, by
_____, on behalf of the Board of Supervisors of New Kent County, Virginia.

My commission expires: _____

Notary registration number: _____

Notary Public

Approved as to Form:

Joshua S. Everard
County Attorney

Exhibit A

Plat dated October 6, 2023, and revised on October 19, 2023, is on the following page.



N/F
RICHARD A. MESSENGER &
MARGARET B. MESSENGER
GPIN: L08-1128-1869
TAX PARCEL: 20C-1-10
INSTR. # 980001135

THOMAS C. FISHER &
DALIA S. FISHER
GPIN: L08-0913-1877
TAX PARCEL: 20C-1-9
INSTR. # 160003396
P.B. 5, PG. 96
LOT 9
8653 OLD ROXBURY ROAD

VARIABLE WIDTH
PERMANENT
UTILITY EASEMENT
2,866 SQ. FT.

10' TEMPORARY
CONSTRUCTION EASEMENT
2,442 SQ. FT.

25' +/-
P/L
OLD ROXBURY ROAD
VIRGINIA STATE ROUTE 640
(VARIABLE WIDTH
PRESCRIPTIVE R/W)
C/L ROAD

N:3720273.00
E:11874457.35

LINE	BEARING	DISTANCE
L1	S12°39'33"E	20.00'
L2	S77°00'12"W	21.97'
L3	N59°04'08"W	14.29'

NEW KENT HIGHWAY
VIRGINIA STATE ROUTE 249
(50' R/W)
(FORMERLY ROUTE No. 33)

N:3720203.63
E:11874221.60

EASEMENT PLAT SHOWING A
VARIABLE WIDTH PERMANENT UTILITY EASEMENT &
10' TEMPORARY CONSTRUCTION EASEMENT
ACROSS THE PROPERTY OF

THOMAS C. FISHER &
DALIA S. FISHER

GPIN: L08-0913-1877
BLACKWATER DISTRICT,
NEW KENT COUNTY, VIRGINIA

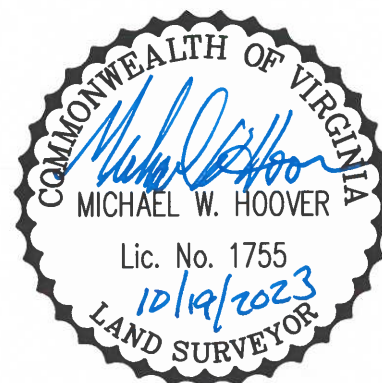
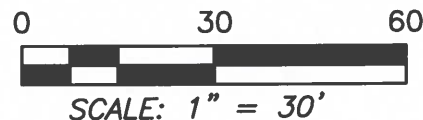
CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	234.88'	1874.86'	7°10'40"	S72°45'51"W	234.72'
C2	25.10'	43.52'	33°02'43"	S45°41'37"W	24.75'
C3	245.91'	1884.86'	7°28'31"	S73°36'11"W	245.74'
C4	252.57'	1864.86'	7°45'36"	S72°47'09"W	252.38'

NOTES:

1. A TITLE REPORT WAS FURNISHED AS
PREPARED BY PRIORITY TITLE AND ESCROW,
LLC REPORT FILE #062312930-21 DATED
08-01-2023

2. PROPERTY LINES SHOWN HEREON BASED
ON COMPILED DEED DESCRIPTIONS AND PLATS.

THIS IS NOT A BOUNDARY SURVEY.



SHEET 1 OF 1
DATE: 10/06/2023 LAST REVISED: 10/19/2023



Dewberry®

Dewberry
Engineers Inc.

4805 LAKE BROOK DRIVE
SUITE 200
GLEN ALLEN, VA 23060
PHONE: 804.290.7957
WWW.DEWBERRY.COM

JOB #50162184



C. Michael Lang, PG
Director
Department of Public Utilities
PO Box 130
New Kent, VA 23124
Phone 804-966-9678
Fax 804-966-7135

OFFICIAL NOTIFICATION

To: David Deal
Dewberry Engineers

From: Mike Lang
Director, New Kent DPU

Ref: Rt 249 Waterline & Easements

The County's objective in constructing the project is to consolidate The Bottoms Bridge and Central water systems in order to lower operating costs and to prepare for distribution of an alternative water supply.

Therefore, this notification confirms the following:

- Connection of existing residences and businesses is available, however connection is **NOT** required.
- Project budgeting and financing is not dependent upon revenue generation from existing residences and businesses along the waterline route.

EASEMENT COMPENSATION AGREEMENT

Property Owner(s): Marlene Faye Gray A/K/A Marlene F. Gray and Stephen Wayne Gray A/K/A Stephen W Gray

Mailing Address: 8547 Custis Ln., Quinton, VA 23141

Tax Map Parcel(s): 20A-1-17

This document refers to the Permanent Easement and Temporary Construction Easement for Tax Map No. 20A-1-17 (the "Easement") dated January 23, 2024 between all persons or entities that have an interest in the listed Tax Parcel, Marlene Faye Gray A/K/A Marlene F. Gray and Stephen Wayne Gray A/K/A Stephen W Gray ("Owner"), and the County of New Kent, Virginia ("County"). A copy of the Easement and the plat are attached as Exhibit A to this Easement Compensation Agreement ("Agreement") and are incorporated by reference.

The Owner understands and agrees that compensation for the Easement and rights will be paid in full and complete upon recordation of the executed Easement in the Clerk's office, provided that there are no outstanding judgments or liens or other title issues that are unacceptable to the County. The County will not pay any compensation until such time as the County is satisfied that any judgments or liens or other title issues can be satisfied. The Owner, at its sole expense and effort, will obtain releases from all holders of deeds of trust on this property prior to the date of recordation of the Easement.

The County will make reasonable efforts to reduce the period of construction in the Easement, understanding that adverse events like weather can prolong construction.

The terms of this agreement extend to and are binding upon the parties and their successors and assigns. The compensation for such Easement is **\$2300.00**.

WITNESS the following signature and seals of all Owner(s) made pursuant to due authority:

For the Owner:

Date: 1-23-2024

Signature: Marlene Faye Gray

Name: Marlene Faye Gray

Title: co owner

For the County:

Date: _____

Signature: _____

Name: Rodney A. Hathaway

Title: County Administrator

Approved as to Form:

Joshua S. Everard
County Attorney

Prepared by Office of the County Attorney, County of New Kent

Return to:
12007 Courthouse Circle
Post Office Box 150
New Kent, Virginia 23124-0150

Tax Map No.: 20A-1-17

GPIN L07-3568-1425

Exempt From Taxation
Virginia Code § 58.1-811A (3)

COUNTY OF NEW KENT, VIRGINIA

PERMANENT EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT

THIS DEED OF EASEMENT is made and entered into this 23rd day of January 2024, by and between **Marlene Faye Gray A/K/A Marlene F. Gray and Stephen Wayne Gray A/K/A Stephen W Gray, Wife and Husband** (the "Grantor"), and the **COUNTY OF NEW KENT, VIRGINIA** (the "County"), a political subdivision of the Commonwealth of Virginia.

WITNESSETH:

That for and in consideration of the sum of TEN DOLLARS (\$10.00) cash in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor does hereby grant, dedicate, and convey to the County the following described easements and interests:

1. A variable width permanent easement and right-of-way for County utilities, water, and/or sewer lines (the "Permanent Easement") located under, over, in, and across the land of the Grantor identified as Tax Map No. 20A-1-17 in New Kent County, Virginia, (the "Property") together with access thereto over the lands of the Grantor, and all rights and privileges hereinafter enumerated pertaining to the Permanent Easement, the location of which is depicted on that certain plat or plats of survey by **Dewberry**, dated **January 12, 2024** and attached as Exhibit A and incorporated to this Deed by reference, which plat(s) are to be recorded as part of this Deed of Easement.
2. A variable width temporary construction easement located under, over, in and across the land of the Grantor adjacent to the Permanent Easement as shown on Exhibit A (the "Temporary Easement" and, together with the Permanent Easement, the "Easements"). Upon completion of any construction, repair, alteration, replacement, or removal of County utilities and/or sewer lines or appurtenant facilities, the Temporary Easement will automatically, and without the execution or recordation of any specific release, be extinguished. The existence of the Permanent Easement will be unaffected by the termination of the Temporary

Easement and will continue in full force and effect.

3. The Easements are for the purpose of constructing, installing, maintaining, inspecting, operating, protecting, replacing, repairing, changing the size of, and removing improvements as part of the County's water and sewer system, including, but not limited to, pipes, mains, manholes, inlet structures, pumps, hydrants, and related facilities (collectively, the "Facilities").
4. The Easements are subject to the following conditions, and the Grantor and the County covenant and agree as follows:
 - a) All pipes, manholes, inlet structures, hydrants, pumps, and related Facilities and structures which are installed in the Permanent Easement will be and remain the property of the County.
 - b) The Grantor may not charge the County for its use of the Property in exercising its rights granted under this Deed of Easement.
 - c) The County and its agents have full and free use of the Easements for the purposes named, and have all rights and privileges reasonably necessary to the utilization of the Easements, including a right of ingress to and egress from the Easements where least damage to Grantor's property will occur from such access, which right of access will be exercised only if and as reasonably necessary, and a limited right use to adjoining land of the Grantor where necessary to the use and enjoyment for the Easements; provided, however, that such right to use adjoining lands of the Grantor may be exercised only during periods of actual construction or maintenance of the Easement, and may not be construed to allow the County to erect any building, structure, or utility facilities of a permanent nature on such adjoining land. All damages to any such adjoining lands of the Grantor caused by the County's use of the pursuant to this provision must be repaired by the County at its expense, and such lands must be restored as nearly as possible by the County to their original condition.
 - d) The County has the right to trim, cut, and remove trees, shrubbery, fences, structures, or other obstructions or facilities on, in, under, above, or near the Easements being conveyed (including any in-ground swimming pool), that are deemed by it in its sole discretion to interfere with the proper and efficient construction, operation, and maintenance of the Easements; provided, however, that following completion of construction or repair, the County must at its own expense restore, as nearly as possible, the Property to its original condition, such restoration including the backfilling of trenches, replacement of fences, and the reseedling or resodding of lawns or pasture areas, but not the replacement of structures, trees, bushes, undergrowth or other facilities located within the Easements.

- e) The Grantor reserves the right to make any use of the Easements which are consistent with the rights herein conveyed and do not interfere with the County's use of the Easements; provided, however, that the Grantor may not erect any roadway, building, or other structure, except a fence, on the Easements without obtaining prior written approval from the County.
- f) The Easements and other rights granted herein are subject to any and all easements, covenants, restrictions, and conditions of record affecting the Property.
- g) The County will cooperate and work with the Grantor as needed to minimize the visual impact of all Facilities that are located above ground-level in the Easements.
- h) The Easements and covenants set forth in this deed run with the land and are binding on the Grantor and the County and their heirs, successors, and assigns.
- i) Any delay of the County in the use or exercise of any rights granted herein, or in the installation of the Facilities, will not result in the loss, limitation, or abandonment of any right or interest granted by this Deed of Easement.
- j) The Grantor covenants that he is seized of the Property on which the Easements are situated in fee simple absolute; that he has the full right and authority to convey the Easements to the County; that the undersigned are all holders of any interest in or to the Property and together hold the entire undivided fee simple title to the Property subject only to liens and other matters of record as of the date of this instrument; that the County will have quiet possession of the Easements, free from all encumbrances; and that he will execute such further assurances regarding the conveyance of the Easements as may be required by the County in its sole discretion. The Grantor further covenants, upon the request of the County, to obtain the consent to these Easements of any lienholder, deed of trust trustee, or other individual or entity having any interest whatsoever in the Property.
- k) The Grantor covenants and agrees for himself, his heirs, successors, and assigns, that the consideration recited herein is in lieu of any and all claims to compensation for property and for damages, if any, to the remaining lands of the Grantor which may result by reason of the County's use.

[SIGNATURES ON THE FOLLOWING PAGE]

WITNESS the following signatures and seals:

GRANTOR

Marlene Faye Gray

A/K A Marlene F. Gray

GRANTOR

Stephen Wayne Gray

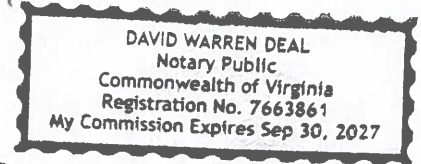
A/K/A Stephen W Gray

Marlene Faye Gray Stephen W Gray
CITY/COUNTY OF New Kent
STATE/ COMMONWEALTH OF Virginia

The foregoing instrument was acknowledged before me January 23, 2024
by David Warren Deal

My commission expires: 9/30/2027

Notary registration number: 7663861



David Warren Deal
Notary Public

This Deed is accepted by the County pursuant to Virginia Code § 15.2-1803. Acceptance by the County is evidenced by the following signature of an authorized official of the County.

Date: _____ (SEAL)

Name: _____

Title: _____

COUNTY OF _____
COMMONWEALTH OF VIRGINIA,

The foregoing instrument was acknowledged before me _____, 20____, by
_____, on behalf of the Board of Supervisors of New Kent County, Virginia.

My commission expires: _____

Notary registration number: _____

Notary Public

Approved as to Form:

Joshua S. Everard
County Attorney

Exhibit A

Plat dated October 6, 2023 Revised January 12, 2024 on the following page.



N/F
DANIEL T. LAWSON AND
NIKKI ROSE L. LAWSON
GPIN: L07-3836-1453
TAX PARCEL 20-14
INST. # 070003242
D.B. 174, PG. 339 (PLAT)

STEPHEN W. GRAY &
MARLENE F. GRAY
GPIN: L07-3568-1425
TAX PARCEL 20A-1-17
INSTR. #220000466
P.B. 3A, PG. 40

PATRICK M. GIBRALL
TAX PARCEL (NOT ASSIGNED)
D.B. 79, PG. 272
REF: P.B. 8, PG. 21
REF: P.B. 3A, PG. 40

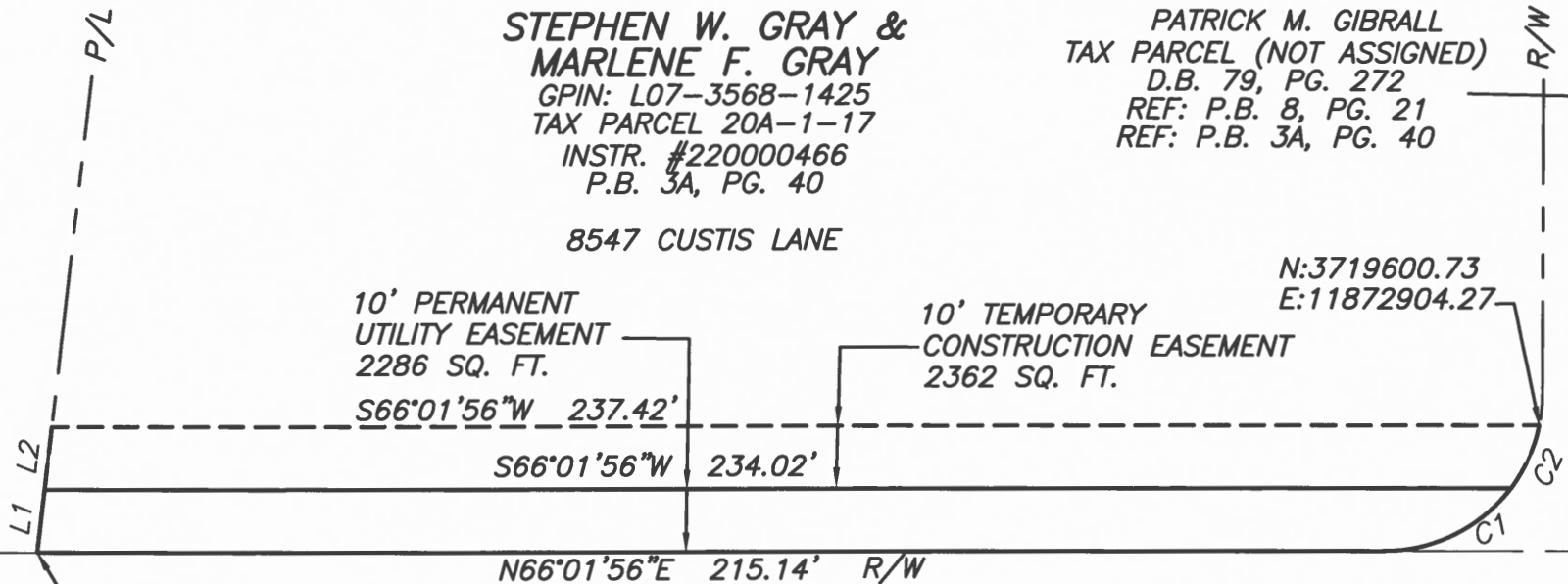
8547 CUSTIS LANE

10' PERMANENT
UTILITY EASEMENT
2286 SQ. FT.

10' TEMPORARY
CONSTRUCTION EASEMENT
2362 SQ. FT.

N:3719600.73
E:11872904.27

CUSTIS LANE
(50' UNIMPROVED R/W)



N:3719716.34
E:11873115.09

NEW KENT HIGHWAY
VIRGINIA STATE ROUTE 249
(50' R/W)
(FORMERLY ROUTE No. 33)

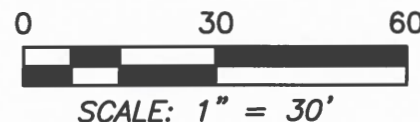
EASEMENT PLAT SHOWING A
10' PERMANENT UTILITY EASEMENT & A
10' TEMPORARY CONSTRUCTION EASEMENT
ACROSS THE PROPERTY OF

STEPHEN W. GRAY &
MARLENE F. GRAY

GPIN: L07-3568-1425
BLACK CREEK DISTRICT,
NEW KENT COUNTY, VIRGINIA

LINE	BEARING	DISTANCE
L1	S17°43'18"E	10.06'
L2	S17°43'18"E	10.06'

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	23.16'	25.00'	53°05'17"	N39°26'01"E	22.34'
C2	11.05'	25.00'	25°19'14"	N00°13'46"E	10.96'

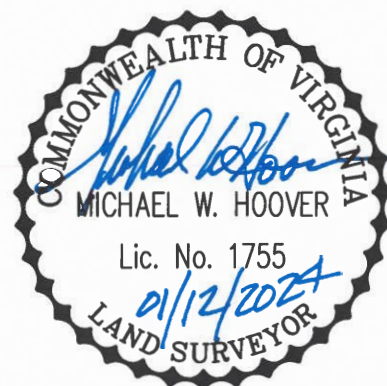


NOTES:

1. A TITLE REPORT WAS FURNISHED
AS PREPARED BY PRIORITY TITLE AND
ESCROW, LLC REPORT FILE
#062312930-16 DATED 08-01-2023


2. PROPERTY LINES SHOWN HEREON
BASED ON COMPILED DEED
DESCRIPTIONS AND PLATS.

THIS IS NOT A BOUNDARY SURVEY.



SHEET 1 OF 1

DATE: 10/06/2023 LAST REVISED: 01/12/2024

 **Dewberry®**

Dewberry
Engineers Inc.

4805 LAKE BROOK DRIVE
SUITE 200
GLEN ALLEN, VA 23060
PHONE: 804.290.7957
WWW.DEWBERRY.COM

EASEMENT COMPENSATION AGREEMENT

Property Owner(s): Joseph Christman Henley A/K/A Joseph C. Henley and
Bonnie Marie Henley A/K/A Bonnie M. Henley, Husband and Wife
Mailing Address: 4135 New Kent Hwy., Quinton, VA 23141
Tax Map Parcel(s): 20C-1-12

This document refers to the Permanent Easement and Temporary Construction Easement for Tax Map No. 20C-1-9 (the "Easement") dated January 31, 2024 between all persons or entities that have an interest in the listed Tax Parcel, Joseph Christman Henley A/K/A Joseph C. Henley and Bonnie Marie Henley A/K/A Bonnie M. Henley ("Owner"), and the County of New Kent, Virginia ("County"). A copy of the Easement and the plat are attached as Exhibit A to this Easement Compensation Agreement ("Agreement") and are incorporated by reference.

The Owner understands and agrees that compensation for the Easement and rights will be paid in full and complete upon recordation of the executed Easement in the Clerk's office, provided that there are no outstanding judgments or liens or other title issues that are unacceptable to the County. The County will not pay any compensation until such time as the County is satisfied that any judgments or liens or other title issues can be satisfied. The Owner, at its sole expense and effort, will obtain releases from all holders of deeds of trust on this property prior to the date of recordation of the Easement.

The County will make reasonable efforts to reduce the period of construction in the Easement, understanding that adverse events like weather can prolong construction.

The terms of this agreement extend to and are binding upon the parties and their successors and assigns. The compensation for such Easement is **\$1800.00**.

WITNESS the following signature and seals of all Owner(s) made pursuant to due authority:

For the Owner:

Date: 1/31/24

Signature: Bonnie M. Henley

Name: Bonnie M. Henley

Title: Co-Owner

For the County:

Date: _____

Signature: _____

Name: Rodney A. Hathaway

Title: County Administrator

Approved as to Form:

Joshua S. Everard
County Attorney

Prepared by Office of the County Attorney, County of New Kent

Return to:
12007 Courthouse Circle
Post Office Box 150
New Kent, Virginia 23124-0150

Tax Map No.: **20C-1-12**

GPIN **L08-1502-1898**

Exempt From Taxation
Virginia Code § 58.1-811A (3)

COUNTY OF NEW KENT, VIRGINIA

PERMANENT EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT

THIS DEED OF EASEMENT is made and entered into this 31ST day of January 2024, by and between **Joseph Christman Henley A/K/A Joseph C. Henley and Bonnie Marie Henley A/K/A Bonnie M. Henley, Husband and Wife** (the "Grantor"), and the **COUNTY OF NEW KENT, VIRGINIA** (the "County"), a political subdivision of the Commonwealth of Virginia.

W I T N E S S E T H:

That for and in consideration of the sum of TEN DOLLARS (\$10.00) cash in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor does hereby grant, dedicate, and convey to the County the following described easements and interests:

1. A variable width permanent easement and right-of-way for County utilities, water, and/or sewer lines (the "Permanent Easement") located under, over, in, and across the land of the Grantor identified as Tax Map No. **20C-1-12** in New Kent County, Virginia, (the "Property") together with access thereto over the lands of the Grantor, and all rights and privileges hereinafter enumerated pertaining to the Permanent Easement, the location of which is depicted on that certain plat or plats of survey by **Dewberry**, dated **October 6, 2023** and attached as Exhibit A and incorporated to this Deed by reference, which plat(s) are to be recorded as part of this Deed of Easement.
2. A variable width temporary construction easement located under, over, in and across the land of the Grantor adjacent to the Permanent Easement as shown on Exhibit A (the "Temporary Easement" and, together with the Permanent Easement, the "Easements"). Upon completion of any construction, repair, alteration, replacement, or removal of County utilities and/or sewer lines or appurtenant facilities, the Temporary Easement will automatically, and without the execution or recordation of any specific release, be extinguished. The existence of the Permanent Easement will be unaffected by the termination of the Temporary

Easement and will continue in full force and effect.

3. The Easements are for the purpose of constructing, installing, maintaining, inspecting, operating, protecting, replacing, repairing, changing the size of, and removing improvements as part of the County's water and sewer system, including, but not limited to, pipes, mains, manholes, inlet structures, pumps, hydrants, and related facilities (collectively, the "Facilities").
4. The Easements are subject to the following conditions, and the Grantor and the County covenant and agree as follows:
 - a) All pipes, manholes, inlet structures, hydrants, pumps, and related Facilities and structures which are installed in the Permanent Easement will be and remain the property of the County.
 - b) The Grantor may not charge the County for its use of the Property in exercising its rights granted under this Deed of Easement.
 - c) The County and its agents have full and free use of the Easements for the purposes named, and have all rights and privileges reasonably necessary to the utilization of the Easements, including a right of ingress to and egress from the Easements where least damage to Grantor's property will occur from such access, which right of access will be exercised only if and as reasonably necessary, and a limited right use to adjoining land of the Grantor where necessary to the use and enjoyment for the Easements; provided, however, that such right to use adjoining lands of the Grantor may be exercised only during periods of actual construction or maintenance of the Easement, and may not be construed to allow the County to erect any building, structure, or utility facilities of a permanent nature on such adjoining land. All damages to any such adjoining lands of the Grantor caused by the County's use of the pursuant to this provision must be repaired by the County at its expense, and such lands must be restored as nearly as possible by the County to their original condition.
 - d) The County has the right to trim, cut, and remove trees, shrubbery, fences, structures, or other obstructions or facilities on, in, under, above, or near the Easements being conveyed (including any in-ground swimming pool), that are deemed by it in its sole discretion to interfere with the proper and efficient construction, operation, and maintenance of the Easements; provided, however, that following completion of construction or repair, the County must at its own expense restore, as nearly as possible, the Property to its original condition, such restoration including the backfilling of trenches, replacement of fences, and the reseedling or resodding of lawns or pasture areas, but not the replacement of structures, trees, bushes, undergrowth or other facilities located within the Easements.

- e) The Grantor reserves the right to make any use of the Easements which are consistent with the rights herein conveyed and do not interfere with the County's use of the Easements; provided, however, that the Grantor may not erect any roadway, building, or other structure, except a fence, on the Easements without obtaining prior written approval from the County.
- f) The Easements and other rights granted herein are subject to any and all easements, covenants, restrictions, and conditions of record affecting the Property.
- g) The County will cooperate and work with the Grantor as needed to minimize the visual impact of all Facilities that are located above ground-level in the Easements.
- h) The Easements and covenants set forth in this deed run with the land and are binding on the Grantor and the County and their heirs, successors, and assigns.
- i) Any delay of the County in the use or exercise of any rights granted herein, or in the installation of the Facilities, will not result in the loss, limitation, or abandonment of any right or interest granted by this Deed of Easement.
- j) The Grantor covenants that he is seized of the Property on which the Easements are situated in fee simple absolute; that he has the full right and authority to convey the Easements to the County; that the undersigned are all holders of any interest in or to the Property and together hold the entire undivided fee simple title to the Property subject only to liens and other matters of record as of the date of this instrument; that the County will have quiet possession of the Easements, free from all encumbrances; and that he will execute such further assurances regarding the conveyance of the Easements as may be required by the County in its sole discretion. The Grantor further covenants, upon the request of the County, to obtain the consent to these Easements of any lienholder, deed of trust trustee, or other individual or entity having any interest whatsoever in the Property.
- k) The Grantor covenants and agrees for himself, his heirs, successors, and assigns, that the consideration recited herein is in lieu of any and all claims to compensation for property and for damages, if any, to the remaining lands of the Grantor which may result by reason of the County's use.

[SIGNATURES ON THE FOLLOWING PAGE]

WITNESS the following signatures and seals:

GRANTOR

Joseph Christman Henley A/K/A

Joseph C. Henley

GRANTOR

Bonnie Marie Henley A/K/A

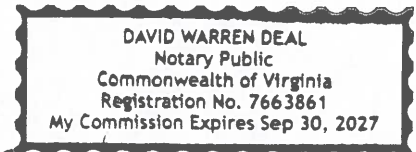
Bonnie M. Henley

Joseph C. Henley Bonnie M. Henley
CITY/COUNTY OF New Kent
STATE/ COMMONWEALTH OF Virginia

The foregoing instrument was acknowledged before me January 4, 2027
by David Warren Deal

My commission expires: 9/30/2027

Notary registration number: 7663861



David Warren Deal
Notary Public

This Deed is accepted by the County pursuant to Virginia Code § 15.2-1803. Acceptance by the County is evidenced by the following signature of an authorized official of the County.

Date: _____ (SEAL)

Name: _____

Title: _____

COUNTY OF _____
COMMONWEALTH OF VIRGINIA,

The foregoing instrument was acknowledged before me _____, 20____, by
_____, on behalf of the Board of Supervisors of New Kent County, Virginia.

My commission expires: _____

Notary registration number: _____

Notary Public

Approved as to Form:

Joshua S. Everard
County Attorney

Exhibit A

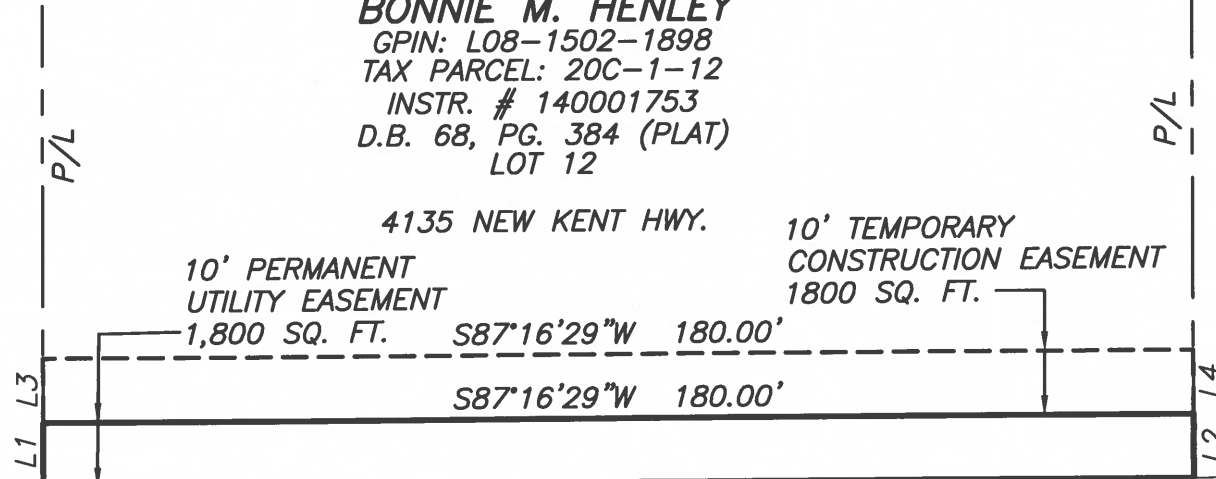
Plat dated October 6, 2023, is on the following page.

VSC NAD83 SOUTH ZONE

N/F
PAUL W. REESE, TRUSTEE
PAUL WILLIAM REESE TRUST U/A
DATED 12/05/2022
GPIN: L08-1740-1912
TAX PARCEL: 20C-1-13
INSTR. # 230002067

JOSEPH C. HENLEY &
BONNIE M. HENLEY
GPIN: L08-1502-1898
TAX PARCEL: 20C-1-12
INSTR. # 140001753
D.B. 68, PG. 384 (PLAT)
LOT 12

N/F
JOHN W. MITCHELL, JR. &
KATHLEEN A. MITCHELL
GPIN: L08-1313-1886
TAX PARCEL: 20C-1-11
D.B. 80, P. 578
P.B. 5, PG. 96



N:3720329.04
E:11875040.20

N:3720320.48
E:11874860.40

LINE	BEARING	DISTANCE
L1	S02°43'56"E	10.00'
L2	N02°43'56"W	10.00'
L3	S02°43'56"E	10.00'
L4	N02°43'56"W	10.00'

0 30 60
SCALE: 1" = 30'

NEW KENT HIGHWAY
VIRGINIA STATE ROUTE 249
(50' R/W)
(FORMERLY ROUTE No. 33)

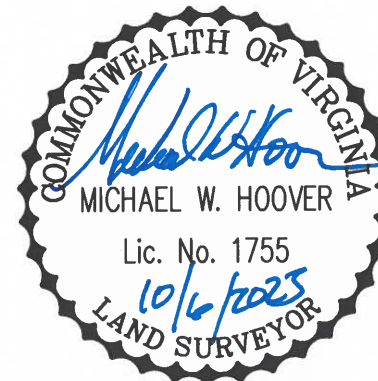
EASEMENT PLAT SHOWING A
10' PERMANENT UTILITY EASEMENT & A
10' TEMPORARY CONSTRUCTION EASEMENT
ACROSS THE PROPERTY OF
**JOSEPH C. HENLEY &
BONNIE M. HENLEY**
GPIN: L08-1502-1898
BLACK CREEK DISTRICT,
NEW KENT COUNTY, VIRGINIA


NOTES:

1. A TITLE REPORT WAS FURNISHED AS
PREPARED BY PRIORITY TITLE AND ESCROW,
LLC REPORT FILE #062312930-24
DATED 08-01-2023

2. PROPERTY LINES SHOWN HEREON BASED
ON COMPILED DEED DESCRIPTIONS AND PLATS.

THIS IS NOT A BOUNDARY SURVEY.



SHEET 1 OF 1	
DATE: 10/06/2023 LAST REVISED: 10/06/2023	
 Dewberry®	
Dewberry Engineers Inc.	4805 LAKE BROOK DRIVE SUITE 200 GLEN ALLEN, VA 23060 PHONE: 804.290.7957 WWW.DEWBERRY.COM

JOB #50162184



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

PIEDMONT REGIONAL OFFICE
4949-A Cox Road, Glen Allen, Virginia 23060
(804) 527-5020
www.deq.virginia.gov

Travis A. Voyles
Secretary of Natural and Historic Resources

Michael S. Rolband, PE, PWD, PWS Emeritus
Director
(804) 698-4020

Jerome A. Brooks
Regional Director

Virginia Water Protection Permit Program Property-Access Agreement

Journey Christian Fellowship ("Owner") who own[s] the property located at **3020 New Kent Highway, Tax Parcel 19-56C** ("Property") hereby authorizes the Department of Environmental Quality, its employees, agents, and contractors ("Authorized Parties") the right of entry to the Property to conduct inspections necessary to evaluate the application for and ensure compliance with **VDEQ Permit Number WP2-23-2292** ("VWP Permit").

For the purpose of this section, the time for inspection shall be deemed reasonable during regular business hours. Nothing contained herein shall make an inspection time unreasonable during an emergency.

Inspections may include but are not limited to the following activities:

1. Enter upon the property, and have access to, inspect and copy any records that are required as part of the VWP permit;
2. Inspect any facilities, operations or practices (including monitoring and control equipment) regulated or required under the VWP permit; and
3. Sample or monitor any substance, parameter, or activity for the purpose of ensuring compliance with the VWP permit or as otherwise required by law.

The Owner understands that access to the Property is a requirement pursuant to 9VAC25-210-90 and the VWP Permit. The DEQ may enforce the provisions of this agreement utilizing all applicable procedures and authorities under Va. Code §§ 62.1-44.15 and 10.1-1186.

<i>Rev. Thomas G. Pulling</i>	<i>Rev. Thomas G. Pulling</i>	<i>Pastor</i>	<i>1-23-24</i>
Property Owner Name	Property Owner Signature	Title	Date
(Print)			

EASEMENT COMPENSATION AGREEMENT

Property Owner(s): Journey Christian Fellowship
Mailing Address: 3020 New Kent Hwy., Quinton, VA 23141
Tax Map Parcel(s): 19-56C

This document refers to the Permanent Easement and Temporary Construction Easement for Tax Map No. 19-56C (the "Easement") dated 1-23, 2024 between all persons or entities that have an interest in the listed Tax Parcel, Journey Christian Fellowship ("Owner"), and the County of New Kent, Virginia ("County"). A copy of the Easement and the plat are attached as Exhibit A to this Easement Compensation Agreement ("Agreement") and are incorporated by reference.

The Owner understands and agrees that compensation for the Easement and rights will be paid in full and complete upon recordation of the executed Easement in the Clerk's office, provided that there are no outstanding judgments or liens or other title issues that are unacceptable to the County. The County will not pay any compensation until such time as the County is satisfied that any judgments or liens or other title issues can be satisfied. The Owner, at its sole expense and effort, will obtain releases from all holders of deeds of trust on this property prior to the date of recordation of the Easement.

The County will make reasonable efforts to reduce the period of construction in the Easement, understanding that adverse events like weather can prolong construction.

The terms of this agreement extend to and are binding upon the parties and their successors and assigns. The compensation for such Easement is \$900.00.

WITNESS the following signature and seals of all Owner(s) made pursuant to due authority:

For the Owner:

Date: 1-23-24

Name: Rev. Thomas B. Pelly

Signature: 

Title: Pastor / President

For the County:

Date: _____

Name: Rodney A. Hathaway

Signature: _____

Title: County Administrator

Approved as to Form:

Joshua S. Everard
County Attorney

Prepared by Office of the County Attorney, County of New Kent

Return to:
12007 Courthouse Circle
Post Office Box 150
New Kent, Virginia 23124-0150

Tax Map No.: 19-56C

GPIN L06-2286-0175

Exempt From Taxation
Virginia Code § 58.1-811A(3)

COUNTY OF NEW KENT, VIRGINIA

PERMANENT EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT

THIS DEED OF EASEMENT is made and entered into this 23rd day of January 2024, by and between **Journey Christian Fellowship** (the "Grantor"), and the **COUNTY OF NEW KENT, VIRGINIA** (the "County"), a political subdivision of the Commonwealth of Virginia.

WITNESSETH:

That for and in consideration of the sum of TEN DOLLARS (\$10.00) cash in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor does hereby grant, dedicate, and convey to the County the following described easements and interests:

1. A variable width permanent easement and right-of-way for County utilities, water, and/or sewer lines (the "Permanent Easement") located under, over, in, and across the land of the Grantor identified as Tax Map No. 19-56C in New Kent County, Virginia, (the "Property") together with access thereto over the lands of the Grantor, and all rights and privileges hereinafter enumerated pertaining to the Permanent Easement, the location of which is depicted on that certain plat or plats of survey by **Dewberry**, dated **October 6, 2023** and attached as Exhibit A and incorporated to this Deed by reference, which plat(s) are to be recorded as part of this Deed of Easement.
2. A variable width temporary construction easement located under, over, in and across the land of the Grantor adjacent to the Permanent Easement as shown on Exhibit A (the "Temporary Easement" and, together with the Permanent Easement, the "Easements"). Upon completion of any construction, repair, alteration, replacement, or removal of County utilities and/or sewer lines or appurtenant facilities, the Temporary Easement will automatically, and without the execution or recordation of any specific release, be extinguished. The existence of the Permanent Easement will be unaffected by the termination of the Temporary Easement and will continue in full force and effect.

3. The Easements are for the purpose of constructing, installing, maintaining, inspecting, operating, protecting, replacing, repairing, changing the size of, and removing improvements as part of the County's water and sewer system, including, but not limited to, pipes, mains, manholes, inlet structures, pumps, hydrants, and related facilities (collectively, the "Facilities").
4. The Easements are subject to the following conditions, and the Grantor and the County covenant and agree as follows:
 - a) All pipes, manholes, inlet structures, hydrants, pumps, and related Facilities and structures which are installed in the Permanent Easement will be and remain the property of the County.
 - b) The Grantor may not charge the County for its use of the Property in exercising its rights granted under this Deed of Easement.
 - c) The County and its agents have full and free use of the Easements for the purposes named, and have all rights and privileges reasonably necessary to the utilization of the Easements, including a right of ingress to and egress from the Easements where least damage to Grantor's property will occur from such access, which right of access will be exercised only if and as reasonably necessary, and a limited right use to adjoining land of the Grantor where necessary to the use and enjoyment for the Easements; provided, however, that such right to use adjoining lands of the Grantor may be exercised only during periods of actual construction or maintenance of the Easement, and may not be construed to allow the County to erect any building, structure, or utility facilities of a permanent nature on such adjoining land. All damages to any such adjoining lands of the Grantor caused by the County's use of the pursuant to this provision must be repaired by the County at its expense, and such lands must be restored as nearly as possible by the County to their original condition.
 - d) The County has the right to trim, cut, and remove trees, shrubbery, fences, structures, or other obstructions or facilities on, in, under, above, or near the Easements being conveyed (including any in-ground swimming pool), that are deemed by it in its sole discretion to interfere with the proper and efficient construction, operation, and maintenance of the Easements; provided, however, that following completion of construction or repair, the County must at its own expense restore, as nearly as possible, the Property to its original condition, such restoration including the backfilling of trenches, replacement of fences, and the reseedling or resodding of lawns or pasture areas, but not the replacement of structures, trees, bushes, undergrowth or other facilities located within the Easements.

- e) The Grantor reserves the right to make any use of the Easements which are consistent with the rights herein conveyed and do not interfere with the County's use of the Easements; provided, however, that the Grantor may not erect any roadway, building, or other structure, except a fence, on the Easements without obtaining prior written approval from the County.
- f) The Easements and other rights granted herein are subject to any and all easements, covenants, restrictions, and conditions of record affecting the Property.
- g) The County will cooperate and work with the Grantor as needed to minimize the visual impact of all Facilities that are located above ground-level in the Easements.
- h) The Easements and covenants set forth in this deed run with the land and are binding on the Grantor and the County and their heirs, successors, and assigns.
- i) Any delay of the County in the use or exercise of any rights granted herein, or in the installation of the Facilities, will not result in the loss, limitation, or abandonment of any right or interest granted by this Deed of Easement.
- j) The Grantor covenants that he is seized of the Property on which the Easements are situated in fee simple absolute; that he has the full right and authority to convey the Easements to the County; that the undersigned are all holders of any interest in or to the Property and together hold the entire undivided fee simple title to the Property subject only to liens and other matters of record as of the date of this instrument; that the County will have quiet possession of the Easements, free from all encumbrances; and that he will execute such further assurances regarding the conveyance of the Easements as may be required by the County in its sole discretion. The Grantor further covenants, upon the request of the County, to obtain the consent to these Easements of any lienholder, deed of trust trustee, or other individual or entity having any interest whatsoever in the Property.
- k) The Grantor covenants and agrees for himself, his heirs, successors, and assigns, that the consideration recited herein is in lieu of any and all claims to compensation for property and for damages, if any, to the remaining lands of the Grantor which may result by reason of the County's use.

[SIGNATURES ON THE FOLLOWING PAGE]

WITNESS the following signatures and seals:

GRANTOR

Journey Christian Fellowship

By:

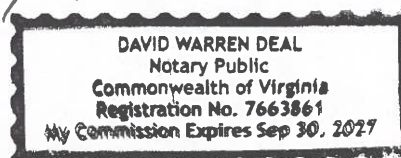
CITY/COUNTY OF New Kent
STATE/ COMMONWEALTH OF Virginia

The foregoing instrument was acknowledged before me January 23, 2020

By David Warren Deal

My commission expires: 9/30/2027

Notary registration number: 7663861



David Warren Deal
Notary Public

This Deed is accepted by the County pursuant to Virginia Code § 15.2-1803. Acceptance by the County is evidenced by the following signature of an authorized official of the County.

Date: _____ (SEAL)

Name: _____

Title: _____

COUNTY OF _____
COMMONWEALTH OF VIRGINIA,

The foregoing instrument was acknowledged before me _____, 20____, by
_____, on behalf of the Board of Supervisors of New Kent County, Virginia.

My commission expires: _____

Notary registration number: _____

Notary Public

Approved as to Form:

Joshua S. Everard
County Attorney

Exhibit A

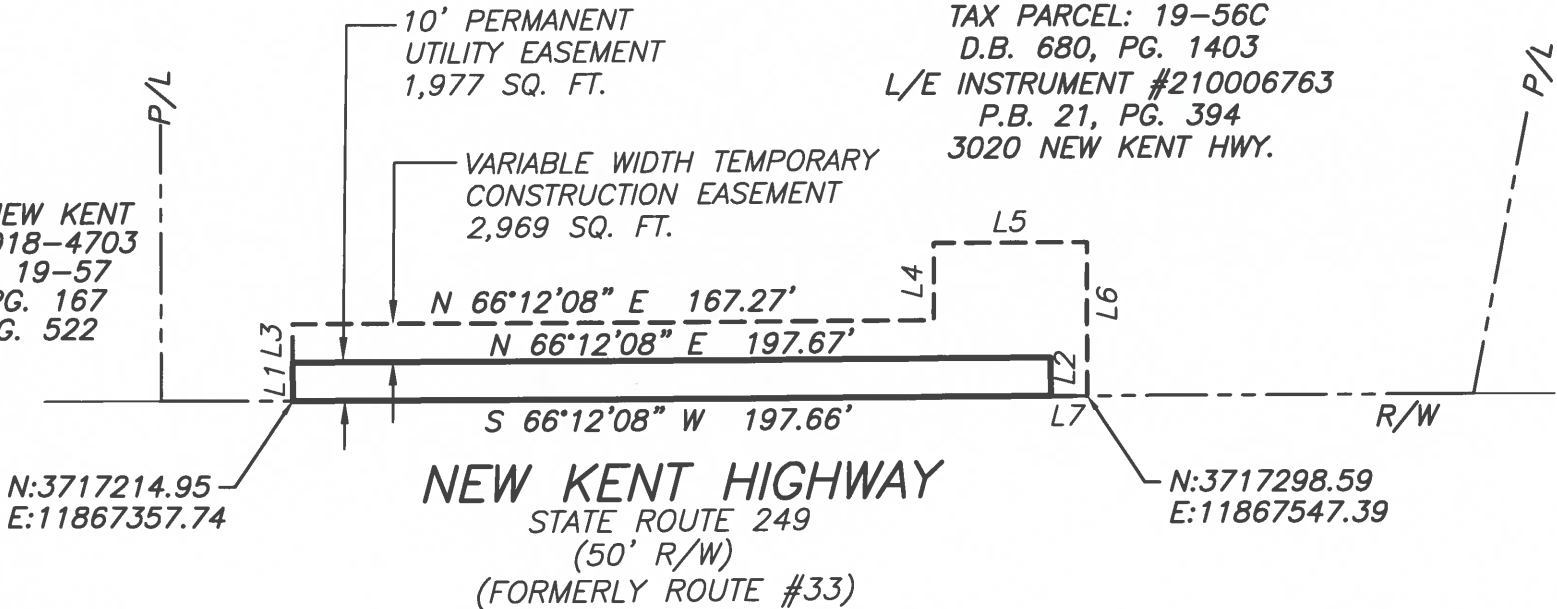
Plat dated October 6, 2023, is on the following page

VCS NAD83 SOUTH ZONE

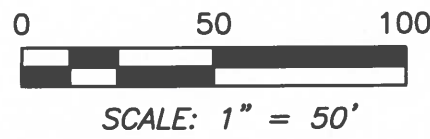
N/F
COUNTY OF NEW KENT
GPIN: K06-1018-4703
TAX PARCEL 19-57
D.B. 602, PG. 167
P.B. 20, PG. 522

JOURNEY CHRISTIAN FELLOWSHIP
GPIN: L06-2286-0175
TAX PARCEL: 19-56C
D.B. 680, PG. 1403
L/E INSTRUMENT #210006763
P.B. 21, PG. 394
3020 NEW KENT HWY.

N/F
PATRICIA SUMNER
GPIN: K06-2102-4591
TAX PARCEL: 19-56
D.B. 576, PG. 420



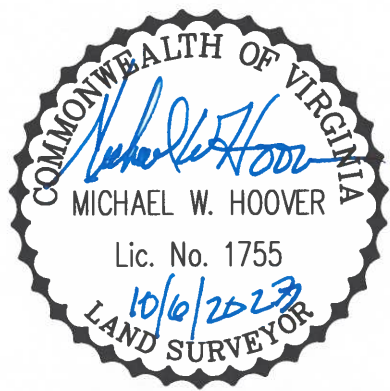
LINE	BEARING	DISTANCE
L1	N23°47'52"W	10.00'
L2	S23°45'13"E	10.00'
L3	N23°47'52"W	10.00'
L4	N23°47'52"W	20.00'
L5	N66°12'08"E	40.00'
L6	S23°47'52"E	40.00'
L7	S66°12'08"W	9.62'



EASEMENT PLAT SHOWING A
10' PERMANENT UTILITY EASEMENT &
VARIABLE WIDTH TEMPORARY CONSTRUCTION EASEMENT
ACROSS THE PROPERTY OF
JOURNEY CHRISTIAN FELLOWSHIP
GPIN: L06-2286-0175
BLACK CREEK DISTRICT,
NEW KENT COUNTY, VIRGINIA


NOTES:

1. A TITLE REPORT WAS FURNISHED AS PREPARED BY PRIORITY TITLE AND ESCROW, LLC REPORT FILE #062312930-1 DATED 7-19-2023
 2. PROPERTY LINES SHOWN HEREON BASED ON COMPILED DEED DESCRIPTIONS AND PLATS.
- THIS IS NOT A BOUNDARY SURVEY.



SHEET 1 OF 1

DATE: 10/06/2023 LAST REVISED: 10/06/2023

 **Dewberry®**

Dewberry Engineers Inc.

4805 LAKE BROOK DRIVE
SUITE 200
GLEN ALLEN, VA 23060
PHONE: 804.290.7957
WWW.DEWBERRY.COM

EASEMENT COMPENSATION AGREEMENT

Property Owner(s): Daniel Troy Lawson A/KA Daniel T. Lawson and Nikki Rose Lapitan
Lawson A/K/A Nikki Rose L. Lawson
Mailing Address: 3917 New Kent Hwy., Quinton, VA 23141
Tax Map Parcel(s): 20-14

This document refers to the Permanent Easement and Temporary Construction Easement for Tax Map No. 20-14 (the "Easement") dated November 16, 2023 between all persons or entities that have an interest in the listed Tax Parcel, Daniel Troy Lawson A/KA Daniel T. Lawson and Nikki Rose Lapitan Lawson A/K/A Nikki Rose L. Lawson ("Owner"), and the County of New Kent, Virginia ("County"). A copy of the Easement and the plat are attached as Exhibit A to this Easement Compensation Agreement ("Agreement") and are incorporated by reference.

The Owner understands and agrees that compensation for the Easement and rights will be paid in full and complete upon recordation of the executed Easement in the Clerk's office, provided that there are no outstanding judgments or liens or other title issues that are unacceptable to the County. The County will not pay any compensation until such time as the County is satisfied that any judgments or liens or other title issues can be satisfied. The Owner, at its sole expense and effort, will obtain releases from all holders of deeds of trust on this property prior to the date of recordation of the Easement.

The County will make reasonable efforts to reduce the period of construction in the Easement, understanding that adverse events like weather can prolong construction.

The terms of this agreement extend to and are binding upon the parties and their successors and assigns. The compensation for such Easement is \$6800.00 which will be credited towards the fees associated with the connection of the parcel to the County water system.

WITNESS the following signature and seals of all Owner(s) made pursuant to due authority:

For the Owner:

Date: 12/12/2023

Signature: Daniel T. Lawson

Name: DANIEL T. LAWSON

Title: OWNER

For the County:

Date: _____

Signature: _____

Name: Rodney A. Hathaway

Title: County Administrator

Approved as to Form:

Joshua S. Everard
County Attorney

Prepared by Office of the County Attorney, County of New Kent

Return to:
12007 Courthouse Circle
Post Office Box 150
New Kent, Virginia 23124-0150

Tax Map No.: 20-14

GPIN L07-3836-1453

Exempt From Taxation
Virginia Code § 58.1-811A(3)

COUNTY OF NEW KENT, VIRGINIA

PERMANENT EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT

THIS DEED OF EASEMENT is made and entered into this 16th day of November, 2023, by and between **Daniel Troy Lawson, A/KA Daniel T. Lawson, and Nikki Rose Lapitan Lawson, A/K/A Nikki Rose L. Lawson, Husband and Wife** (the "Grantor"), and the **COUNTY OF NEW KENT, VIRGINIA** (the "County"), a political subdivision of the Commonwealth of Virginia.

WITNESSETH:

That for and in consideration of the sum of TEN DOLLARS (\$10.00) cash in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor does hereby grant, dedicate, and convey to the County the following described easements and interests:

1. A variable width permanent easement and right-of-way for County utilities, water, and/or sewer lines (the "Permanent Easement") located under, over, in, and across the land of the Grantor identified as Tax Map No. **20-14** in New Kent County, Virginia, (the "Property") together with access thereto over the lands of the Grantor, and all rights and privileges hereinafter enumerated pertaining to the Permanent Easement, the location of which is depicted on that certain plat or plats of survey by **Dewberry**, dated **October 6, 2023** and attached as Exhibit A and incorporated to this Deed by reference, which plat(s) are to be recorded as part of this Deed of Easement.
2. A variable width temporary construction easement located under, over, in and across the land of the Grantor adjacent to the Permanent Easement as shown on Exhibit A (the "Temporary Easement" and, together with the Permanent Easement, the "Easements"). Upon completion of any construction, repair, alteration, replacement, or removal of County utilities and/or sewer lines or appurtenant facilities, the Temporary Easement will automatically, and without the execution or recordation of any specific release, be extinguished. The existence of the Permanent Easement will be unaffected by the termination of the Temporary

Easement and will continue in full force and effect.

3. The Easements are for the purpose of constructing, installing, maintaining, inspecting, operating, protecting, replacing, repairing, changing the size of, and removing improvements as part of the County's water and sewer system, including, but not limited to, pipes, mains, manholes, inlet structures, pumps, hydrants, and related facilities (collectively, the "Facilities").
4. The Easements are subject to the following conditions, and the Grantor and the County covenant and agree as follows:
 - a) All pipes, manholes, inlet structures, hydrants, pumps, and related Facilities and structures which are installed in the Permanent Easement will be and remain the property of the County.
 - b) The Grantor may not charge the County for its use of the Property in exercising its rights granted under this Deed of Easement.
 - c) The County and its agents have full and free use of the Easements for the purposes named, and have all rights and privileges reasonably necessary to the utilization of the Easements, including a right of ingress to and egress from the Easements where least damage to Grantor's property will occur from such access, which right of access will be exercised only if and as reasonably necessary, and a limited right use to adjoining land of the Grantor where necessary to the use and enjoyment for the Easements; provided, however, that such right to use adjoining lands of the Grantor may be exercised only during periods of actual construction or maintenance of the Easement, and may not be construed to allow the County to erect any building, structure, or utility facilities of a permanent nature on such adjoining land. All damages to any such adjoining lands of the Grantor caused by the County's use of the pursuant to this provision must be repaired by the County at its expense, and such lands must be restored as nearly as possible by the County to their original condition.
 - d) The County has the right to trim, cut, and remove trees, shrubbery, fences, structures, or other obstructions or facilities on, in, under, above, or near the Easements being conveyed (including any in-ground swimming pool), that are deemed by it in its sole discretion to interfere with the proper and efficient construction, operation, and maintenance of the Easements; provided, however, that following completion of construction or repair, the County must at its own expense restore, as nearly as possible, the Property to its original condition, such restoration including the backfilling of trenches, replacement of fences, and the reseeding or resodding of lawns or pasture areas, but not the replacement of structures, trees, bushes, undergrowth or other facilities located within the Easements.

- e) The Grantor reserves the right to make any use of the Easements which are consistent with the rights herein conveyed and do not interfere with the County's use of the Easements; provided, however, that the Grantor may not erect any roadway, building, or other structure, except a fence, on the Easements without obtaining prior written approval from the County.
- f) The Easements and other rights granted herein are subject to any and all easements, covenants, restrictions, and conditions of record affecting the Property.
- g) The County will cooperate and work with the Grantor as needed to minimize the visual impact of all Facilities that are located above ground-level in the Easements.
- h) The Easements and covenants set forth in this deed run with the land and are binding on the Grantor and the County and their heirs, successors, and assigns.
- i) Any delay of the County in the use or exercise of any rights granted herein, or in the installation of the Facilities, will not result in the loss, limitation, or abandonment of any right or interest granted by this Deed of Easement.
- j) The Grantor covenants that he is seized of the Property on which the Easements are situated in fee simple absolute; that he has the full right and authority to convey the Easements to the County; that the undersigned are all holders of any interest in or to the Property and together hold the entire undivided fee simple title to the Property subject only to liens and other matters of record as of the date of this instrument; that the County will have quiet possession of the Easements, free from all encumbrances; and that he will execute such further assurances regarding the conveyance of the Easements as may be required by the County in its sole discretion. The Grantor further covenants, upon the request of the County, to obtain the consent to these Easements of any lienholder, deed of trust trustee, or other individual or entity having any interest whatsoever in the Property.
- k) The Grantor covenants and agrees for himself, his heirs, successors, and assigns, that the consideration recited herein is in lieu of any and all claims to compensation for property and for damages, if any, to the remaining lands of the Grantor which may result by reason of the County's use.

[SIGNATURES ON THE FOLLOWING PAGE]

WITNESS the following signatures and seals:

GRANTOR

Daniel Troy Lawson A/K/A

Daniel T. Lawson

Daniel T. Lawson

GRANTOR

Nikki Rose Lapitan Lawson, A/K/A

Nikki Rose L. Lawson

Nikki Rose L. Lawson

CITY/COUNTY OF New Kent
STATE/ COMMONWEALTH OF Virginia.

The foregoing instrument was acknowledged before me November 16, 2023

by David Warren Deal

My commission expires: 9/30/27

Notary registration number: 7663861

David Warren Deal

Notary Public

This Deed is accepted by the County pursuant to Virginia Code § 15.2-1803. Acceptance by the County is evidenced by the following signature of an authorized official of the County.

Date: _____ (SEAL)

Name: _____

Title: _____

COUNTY OF _____
COMMONWEALTH OF VIRGINIA,

The foregoing instrument was acknowledged before me _____, 20____, by
_____, on behalf of the Board of Supervisors of New Kent County, Virginia.

My commission expires: _____

Notary registration number: _____

Notary Public

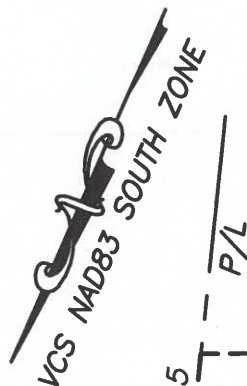
Approved as to Form:

Joshua S. Everard
County Attorney

Exhibit A

Plat dated October 6, 2023, is on the following page

N/F
MARTHA ANNE THOMAS STEGMAIER
GPIN: L08-0145-1386
TAX PARCEL 20-78K
W.B. 20, PG. 880 AND 886
D.B. 66, PG. 158



VARIABLE WIDTH
PERMANENT
UTILITY EASEMENT
5,040 SQ. FT.

DANIEL T. LAWSON AND
NIKKI ROSE L. LAWSON

GPIN: L07-3836-1453

TAX PARCEL 20-14

INSTR. # 070003242

D.B. 174, PG. 339 (PLAT)

3917 NEW KENT HWY.

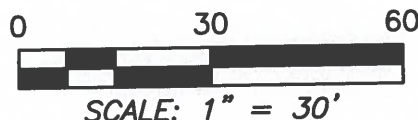
10' TEMPORARY
CONSTRUCTION EASEMENT
2,780 SQ. FT.

N/F
STEPHEN W. GRAY &
MARLENE F. GRAY
GPIN: L07-3568-1425
TAX PARCEL 20A-1-17
INST. # 220000466
P.B. 3A, PG. 40

N:3719828.02
E:11873366.30

LINE	BEARING	DISTANCE
L1	S17°43'18"E	20.12'
L2	N68°54'48"W	14.13'
L3	S66°01'56"W	40.32'
L4	N17°43'18"W	10.06'
L5	S17°43'18"E	10.06'
L6	N68°54'48"W	14.13'
L7	S66°01'56"W	37.27'
L8	N17°43'18"W	10.06'

NEW KENT HIGHWAY
VIRGINIA STATE ROUTE 249
(50' R/W)
(FORMERLY ROUTE No. 33)



EASEMENT PLAT SHOWING A
VARIABLE WIDTH PERMANENT UTILITY EASEMENT &
A 10' TEMPORARY CONSTRUCTION EASEMENT
ACROSS THE PROPERTY OF

DANIEL T. LAWSON AND
NIKKI ROSE L. LAWSON

GPIN: L07-3836-1453

BLACK CREEK DISTRICT,

NEW KENT COUNTY, VIRGINIA

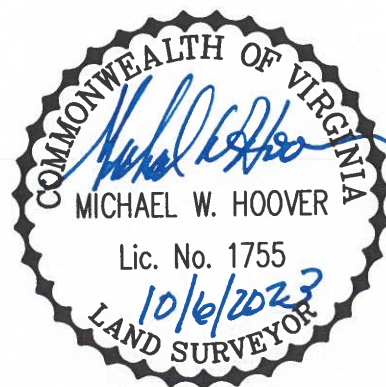
N:3719716.34
E:11873115.09

NOTES:

1. A TITLE REPORT WAS FURNISHED
AS PREPARED BY PRIORITY TITLE AND
ESCROW, LLC REPORT FILE
#062312930-17 DATED 08-01-2023

2. PROPERTY LINES SHOWN HEREON
BASED ON COMPILED DEED
DESCRIPTIONS AND PLATS.

THIS IS NOT A BOUNDARY SURVEY.



SHEET 1 OF 1

DATE: 10/06/2023

REVISED: 10/06/2023



Dewberry®

Dewberry
Engineers Inc.

4805 LAKE BROOK DRIVE
SUITE 200
GLEN ALLEN, VA 23060
PHONE: 804.290.7957
WWW.DEWBERRY.COM

JOB #50162184

EASEMENT COMPENSATION AGREEMENT

Property Owner(s): John Wellington Mitchell, Jr. A/K/A John W. Mitchell, Jr. and
Kathleen Ann Mitchell A/K/A Kathleen A. Mitchell
Mailing Address: 4117 New Kent Hwy., Quinton, VA 23141
Tax Map Parcel(s): 20C-1-11

This document refers to the Permanent Easement and Temporary Construction Easement for Tax Map No. 20C-1-11 (the "Easement") dated December 12, 2023 between all persons or entities that have an interest in the listed Tax Parcel, John Wellington Mitchell, Jr. A/K/A John W. Mitchell, Jr. and Katherine Ann Mitchell A/K/A Katherine A. Mitchell ("Owner"), and the County of New Kent, Virginia ("County"). A copy of the Easement and the plat are attached as Exhibit A to this Easement Compensation Agreement ("Agreement") and are incorporated by reference.

The Owner understands and agrees that compensation for the Easement and rights will be paid in full and complete upon recordation of the executed Easement in the Clerk's office, provided that there are no outstanding judgments or liens or other title issues that are unacceptable to the County. The County will not pay any compensation until such time as the County is satisfied that any judgments or liens or other title issues can be satisfied. The Owner, at its sole expense and effort, will obtain releases from all holders of deeds of trust on this property prior to the date of recordation of the Easement.

The County will make reasonable efforts to reduce the period of construction in the Easement, understanding that adverse events like weather can prolong construction.

The terms of this agreement extend to and are binding upon the parties and their successors and assigns. The compensation for such Easement is \$3800.00 which will be credited towards the fees associated with the connection of the parcel to the County water system.

WITNESS the following signature and seals of all Owner(s) made pursuant to due authority:

For the Owner:

Date: 12/12/23

Signature: John W. Mitchell, Jr.

Name: John W. Mitchell, Jr.

Title: Co-owner

For the County:

Date: _____

Signature: _____

Name: Rodney A. Hathaway

Title: County Administrator

Approved as to Form:

Joshua S. Everard
County Attorney

Prepared by Office of the County Attorney, County of New Kent

Return to:
12007 Courthouse Circle
Post Office Box 150
New Kent, Virginia 23124-0150

Tax Map No.: **20C-1-11**
GPIN **L08-1313-1886**

Exempt From Taxation
Virginia Code § 58.1-811A(3)

COUNTY OF NEW KENT, VIRGINIA

PERMANENT EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT

THIS DEED OF EASEMENT is made and entered into this ___ day of December **2023**, by and between **John Wellington Mitchell, Jr. A/KA John W. Mitchell, Jr. and Kathleen Ann Mitchell A/K/A Kathleen A. Mitchell, Husband and Wife** (the "Grantor"), and the **COUNTY OF NEW KENT, VIRGINIA** (the "County"), a political subdivision of the Commonwealth of Virginia.

W I T N E S S E T H:

That for and in consideration of the sum of TEN DOLLARS (\$10.00) cash in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor does hereby grant, dedicate, and convey to the County the following described easements and interests:

1. A variable width permanent easement and right-of-way for County utilities, water, and/or sewer lines (the "Permanent Easement") located under, over, in, and across the land of the Grantor identified as Tax Map No. **20C-1-11** in New Kent County, Virginia, (the "Property") together with access thereto over the lands of the Grantor, and all rights and privileges hereinafter enumerated pertaining to the Permanent Easement, the location of which is depicted on that certain plat or plats of survey by **Dewberry**, dated **October 6, 2023** and attached as Exhibit A and incorporated to this Deed by reference, which plat(s) are to be recorded as part of this Deed of Easement.
2. A variable width temporary construction easement located under, over, in and across the land of the Grantor adjacent to the Permanent Easement as shown on Exhibit A (the "Temporary Easement" and, together with the Permanent Easement, the "Easements"). Upon completion of any construction, repair, alteration, replacement, or removal of County utilities and/or sewer lines or appurtenant facilities, the Temporary Easement will automatically, and without the execution or recordation of any specific release, be extinguished. The existence of the

Easement and will continue in full force and effect.

3. The Easements are for the purpose of constructing, installing, maintaining, inspecting, operating, protecting, replacing, repairing, changing the size of, and removing improvements as part of the County's water and sewer system, including, but not limited to, pipes, mains, manholes, inlet structures, pumps, hydrants, and related facilities (collectively, the "Facilities").
4. The Easements are subject to the following conditions, and the Grantor and the County covenant and agree as follows:
 - a) All pipes, manholes, inlet structures, hydrants, pumps, and related Facilities and structures which are installed in the Permanent Easement will be and remain the property of the County.
 - b) The Grantor may not charge the County for its use of the Property in exercising its rights granted under this Deed of Easement.
 - c) The County and its agents have full and free use of the Easements for the purposes named, and have all rights and privileges reasonably necessary to the utilization of the Easements, including a right of ingress to and egress from the Easements where least damage to Grantor's property will occur from such access, which right of access will be exercised only if and as reasonably necessary, and a limited right use to adjoining land of the Grantor where necessary to the use and enjoyment for the Easements; provided, however, that such right to use adjoining lands of the Grantor may be exercised only during periods of actual construction or maintenance of the Easement, and may not be construed to allow the County to erect any building, structure, or utility facilities of a permanent nature on such adjoining land. All damages to any such adjoining lands of the Grantor caused by the County's use of the pursuant to this provision must be repaired by the County at its expense, and such lands must be restored as nearly as possible by the County to their original condition.
 - d) The County has the right to trim, cut, and remove trees, shrubbery, fences, structures, or other obstructions or facilities on, in, under, above, or near the Easements being conveyed (including any in-ground swimming pool), that are deemed by it in its sole discretion to interfere with the proper and efficient construction, operation, and maintenance of the Easements; provided, however, that following completion of construction or repair, the County must at its own expense restore, as nearly as possible, the Property to its original condition, such restoration including the backfilling of trenches, replacement of fences, and the reseedling or resodding of lawns or pasture areas, but not the replacement of structures, trees, bushes, undergrowth or other facilities located within the Easements.

- e) The Grantor reserves the right to make any use of the Easements which are consistent with the rights herein conveyed and do not interfere with the County's use of the Easements; provided, however, that the Grantor may not erect any roadway, building, or other structure, except a fence, on the Easements without obtaining prior written approval from the County.
- f) The Easements and other rights granted herein are subject to any and all easements, covenants, restrictions, and conditions of record affecting the Property.
- g) The County will cooperate and work with the Grantor as needed to minimize the visual impact of all Facilities that are located above ground-level in the Easements.
- h) The Easements and covenants set forth in this deed run with the land and are binding on the Grantor and the County and their heirs, successors, and assigns.
- i) Any delay of the County in the use or exercise of any rights granted herein, or in the installation of the Facilities, will not result in the loss, limitation, or abandonment of any right or interest granted by this Deed of Easement.
- j) The Grantor covenants that he is seized of the Property on which the Easements are situated in fee simple absolute; that he has the full right and authority to convey the Easements to the County; that the undersigned are all holders of any interest in or to the Property and together hold the entire undivided fee simple title to the Property subject only to liens and other matters of record as of the date of this instrument; that the County will have quiet possession of the Easements, free from all encumbrances; and that he will execute such further assurances regarding the conveyance of the Easements as may be required by the County in its sole discretion. The Grantor further covenants, upon the request of the County, to obtain the consent to these Easements of any lienholder, deed of trust trustee, or other individual or entity having any interest whatsoever in the Property.
- k) The Grantor covenants and agrees for himself, his heirs, successors, and assigns, that the consideration recited herein is in lieu of any and all claims to compensation for property and for damages, if any, to the remaining lands of the Grantor which may result by reason of the County's use.

[SIGNATURES ON THE FOLLOWING PAGE]

WITNESS the following signatures and seals:

GRANTOR

John Wellington Mitchell, Jr. A/KA

John W. Mitchell, Jr.

GRANTOR

Kathleen Ann Mitchell A/K/A

Kathleen A. Mitchell

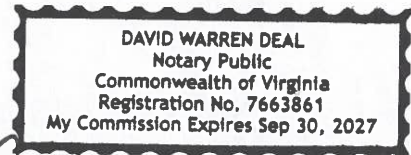
John W. Mitchell, Jr. Kathleen Ann Mitchell
CITY/COUNTY OF New Kent
STATE/ COMMONWEALTH OF Virginia,

The foregoing instrument was acknowledged before me December 12, 2023

by David Warren Deal

My commission expires: 9/27/30

Notary registration number: 7663861



David Warren Deal
Notary Public

This Deed is accepted by the County pursuant to Virginia Code § 15.2-1803. Acceptance by the County is evidenced by the following signature of an authorized official of the County.

Date: _____ (SEAL)

Name: _____

Title: _____

COUNTY OF _____
COMMONWEALTH OF VIRGINIA,

The foregoing instrument was acknowledged before me _____, 20____, by
_____, on behalf of the Board of Supervisors of New Kent County, Virginia.

My commission expires: _____

Notary registration number: _____

Notary Public

Approved as to Form:

Joshua S. Everard
County Attorney

Exhibit A

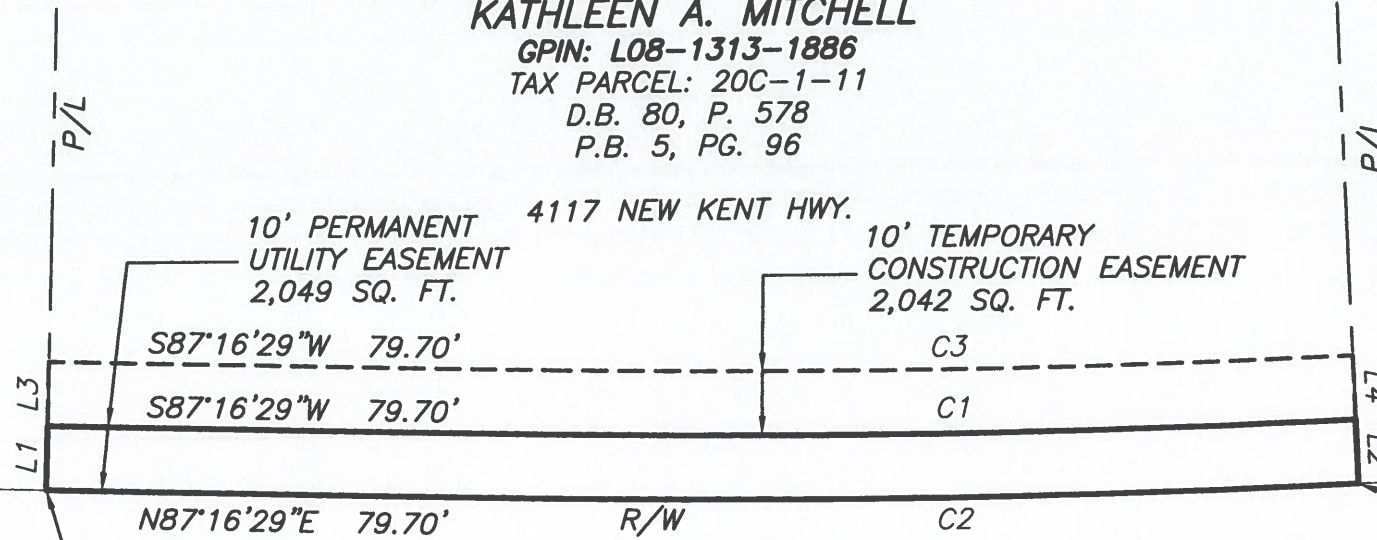
Plat dated October 6, 2023, is on the following page

VCS NAD83 SOUTH ZONE

N/F
JOSEPH C. HENLEY &
BONNIE M. HENLEY
GPIN: L08-1502-1898
TAX PARCEL: 20C-1-12
INSTR. #140001753
D.B. 68, PG. 384 (PLAT)

JOHN W. MITCHELL, JR. &
KATHLEEN A. MITCHELL
GPIN: L08-1313-1886
TAX PARCEL: 20C-1-11
D.B. 80, P. 578
P.B. 5, PG. 96

N/F
RICHARD A. MESSENGER &
MARGARET B. MESSENGER
GPIN: L08-1128-1869
TAX PARCEL: 20C-1-10
INSTR. #980001135



LINE	BEARING	DISTANCE
L1	S02°43'56"E	10.00'
L2	N06°32'27"W	10.00'
L3	S02°43'56"E	10.00'
L4	N06°08'25"W	10.00'

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	124.85'	1874.86'	3°48'55"	S85°22'01"W	124.83'
C2	125.52'	1884.86'	3°48'55"	S85°22'01"W	125.49'
C3	124.25'	1864.86'	3°49'03"	S85°21'57"W	124.23'

0 30 60
SCALE: 1" = 30'

NEW KENT HIGHWAY
VIRGINIA STATE ROUTE 249
(50' R/W)
(FORMERLY ROUTE No. 33)

EASEMENT PLAT SHOWING A
10' PERMANENT UTILITY EASEMENT &
10' TEMPORARY CONSTRUCTION EASEMENT
ACROSS THE PROPERTY OF
JOHN W. MITCHELL, JR. &
KATHLEEN A. MITCHELL

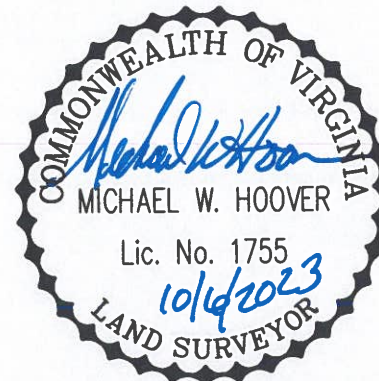
GPIN: L08-1313-1886
BLACK CREEK DISTRICT,
NEW KENT COUNTY, VIRGINIA

NOTES:

1. A TITLE REPORT WAS FURNISHED AS
PREPARED BY PRIORITY TITLE AND ESCROW,
LLC REPORT FILE #062312930-23
DATED 08-01-2023

2. PROPERTY LINES SHOWN HEREON BASED
ON COMPILED DEED DESCRIPTIONS AND PLATS.

THIS IS NOT A BOUNDARY SURVEY.



SHEET 1 OF 1
DATE: 10/06/2023 LAST REVISED: 10/06/2023



Dewberry
Engineers Inc.

4805 LAKE BROOK DRIVE
SUITE 200
GLEN ALLEN, VA 23060
PHONE: 804.290.7957
WWW.DEWBERRY.COM

JOB #50162184

EASEMENT COMPENSATION AGREEMENT

Property Owner(s): Roger Lawrence Shiflett A/K/A Roger L. Shiflett and
Katherine Willis Shiflett A/K/A Katherine W. Shiflett
Mailing Address: 4435 New Kent Hwy., Quinton, VA 23141
Tax Map Parcel(s): 20C-1-23

This document refers to the Permanent Easement and Temporary Construction Easement for Tax Map No. 20C-1-23 (the "Easement") dated December 7, 2012 Between all persons or entities that have an interest in the listed Tax Parcel Roger Lawrence Shiflett A/K/A Roger L. Shiflett and Katherine Willis Shiflett A/K/A Katherine W. Shiflett ("Owner"), and the County of New Kent, Virginia ("County"). A copy of the Easement and the plat are attached as Exhibit A to this Easement Compensation Agreement ("Agreement") and are incorporated by reference.

The Owner understands and agrees that compensation for the Easement and rights will be paid in full and complete upon recordation of the executed Easement in the Clerk's office, provided that there are no outstanding judgments or liens or other title issues that are unacceptable to the County. The County will not pay any compensation until such time as the County is satisfied that any judgments or liens or other title issues can be satisfied. The Owner, at its sole expense and effort, will obtain releases from all holders of deeds of trust on this property prior to the date of recordation of the Easement.

The County will make reasonable efforts to reduce the period of construction in the Easement, understanding that adverse events like weather can prolong construction.

The terms of this agreement extend to and are binding upon the parties and their successors and assigns. The compensation for such Easement is \$1800.00.

WITNESS the following signature and seals of all Owner(s) made pursuant to due authority:

For the Owner:

Date: 12-7-23

Signature: Roger L. Shiflett

Name: Roger L Shiflett

Title: OWNER

For the County:

Date: _____

Signature: _____

Name: Rodney A. Hathaway

Title: County Administrator

Approved as to Form:

Joshua S. Everard
County Attorney

Prepared by Office of the County Attorney, County of New Kent

Return to:
12007 Courthouse Circle
Post Office Box 150
New Kent, Virginia 23124-0150

Tax Map No.: **20C-1-23**
GPIN **L08-3573-2007**

Exempt From Taxation
Virginia Code § 58.1-811A(3)

COUNTY OF NEW KENT, VIRGINIA

PERMANENT EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT

THIS DEED OF EASEMENT is made and entered into this 7th day of December **2023**, by and between **Roger Lawrence Shiflett A/KA Roger L. Shiflett and Katherine Willis Shiflett A/K/A Katherine W. Shiflett, Husband and Wife** (the "Grantor"), and the **COUNTY OF NEW KENT, VIRGINIA** (the "County"), a political subdivision of the Commonwealth of Virginia.

W I T N E S S E T H:

That for and in consideration of the sum of TEN DOLLARS (\$10.00) cash in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor does hereby grant, dedicate, and convey to the County the following described easements and interests:

1. A variable width permanent easement and right-of-way for County utilities, water, and/or sewer lines (the "Permanent Easement") located under, over, in, and across the land of the Grantor identified as Tax Map No. **20C-1-23** in New Kent County, Virginia, (the "Property") together with access thereto over the lands of the Grantor, and all rights and privileges hereinafter enumerated pertaining to the Permanent Easement, the location of which is depicted on that certain plat or plats of survey by **Dewberry**, dated **October 19, 2023** and attached as Exhibit A and incorporated to this Deed by reference, which plat(s) are to be recorded as part of this Deed of Easement.
2. A variable width temporary construction easement located under, over, in and across the land of the Grantor adjacent to the Permanent Easement as shown on Exhibit A (the "Temporary Easement" and, together with the Permanent Easement, the "Easements"). Upon completion of any construction, repair, alteration, replacement, or removal of County utilities and/or sewer lines or appurtenant facilities, the Temporary Easement will automatically, and without the execution or recordation of any specific release, be extinguished. The existence of the Permanent Easement will be unaffected by the termination of the Temporary

Easement and will continue in full force and effect.

3. The Easements are for the purpose of constructing, installing, maintaining, inspecting, operating, protecting, replacing, repairing, changing the size of, and removing improvements as part of the County's water and sewer system, including, but not limited to, pipes, mains, manholes, inlet structures, pumps, hydrants, and related facilities (collectively, the "Facilities").
4. The Easements are subject to the following conditions, and the Grantor and the County covenant and agree as follows:
 - a) All pipes, manholes, inlet structures, hydrants, pumps, and related Facilities and structures which are installed in the Permanent Easement will be and remain the property of the County.
 - b) The Grantor may not charge the County for its use of the Property in exercising its rights granted under this Deed of Easement.
 - c) The County and its agents have full and free use of the Easements for the purposes named, and have all rights and privileges reasonably necessary to the utilization of the Easements, including a right of ingress to and egress from the Easements where least damage to Grantor's property will occur from such access, which right of access will be exercised only if and as reasonably necessary, and a limited right use to adjoining land of the Grantor where necessary to the use and enjoyment for the Easements; provided, however, that such right to use adjoining lands of the Grantor may be exercised only during periods of actual construction or maintenance of the Easement, and may not be construed to allow the County to erect any building, structure, or utility facilities of a permanent nature on such adjoining land. All damages to any such adjoining lands of the Grantor caused by the County's use of the pursuant to this provision must be repaired by the County at its expense, and such lands must be restored as nearly as possible by the County to their original condition.
 - d) The County has the right to trim, cut, and remove trees, shrubbery, fences, structures, or other obstructions or facilities on, in, under, above, or near the Easements being conveyed (including any in-ground swimming pool), that are deemed by it in its sole discretion to interfere with the proper and efficient construction, operation, and maintenance of the Easements; provided, however, that following completion of construction or repair, the County must at its own expense restore, as nearly as possible, the Property to its original condition, such restoration including the backfilling of trenches, replacement of fences, and the reseedling or resodding of lawns or pasture areas, but not the replacement of structures, trees, bushes, undergrowth or other facilities located within the Easements.

- e) The Grantor reserves the right to make any use of the Easements which are consistent with the rights herein conveyed and do not interfere with the County's use of the Easements; provided, however, that the Grantor may not erect any roadway, building, or other structure, except a fence, on the Easements without obtaining prior written approval from the County.
- f) The Easements and other rights granted herein are subject to any and all easements, covenants, restrictions, and conditions of record affecting the Property.
- g) The County will cooperate and work with the Grantor as needed to minimize the visual impact of all Facilities that are located above ground-level in the Easements.
- h) The Easements and covenants set forth in this deed run with the land and are binding on the Grantor and the County and their heirs, successors, and assigns.
- i) Any delay of the County in the use or exercise of any rights granted herein, or in the installation of the Facilities, will not result in the loss, limitation, or abandonment of any right or interest granted by this Deed of Easement.
- j) The Grantor covenants that he is seized of the Property on which the Easements are situated in fee simple absolute; that he has the full right and authority to convey the Easements to the County; that the undersigned are all holders of any interest in or to the Property and together hold the entire undivided fee simple title to the Property subject only to liens and other matters of record as of the date of this instrument; that the County will have quiet possession of the Easements, free from all encumbrances; and that he will execute such further assurances regarding the conveyance of the Easements as may be required by the County in its sole discretion. The Grantor further covenants, upon the request of the County, to obtain the consent to these Easements of any lienholder, deed of trust trustee, or other individual or entity having any interest whatsoever in the Property.
- k) The Grantor covenants and agrees for himself, his heirs, successors, and assigns, that the consideration recited herein is in lieu of any and all claims to compensation for property and for damages, if any, to the remaining lands of the Grantor which may result by reason of the County's use.

[SIGNATURES ON THE FOLLOWING PAGE]

WITNESS the following signatures and seals:

GRANTOR

Roger Lawrence Shiflett A/KA

Roger L. Shiflett

GRANTOR

Katherine Willis Shiflett A/K/A

Katherine W. Shiflett

Roger L. Shiflett

Katherine W. Shiflett

CITY/COUNTY OF New Kent
STATE/ COMMONWEALTH OF Virginia

DAVID WARREN DEAL
Notary Public
Commonwealth of Virginia
Registration No. 7663861
My Commission Expires Sep 30, 2027

The foregoing instrument was acknowledged before me December 20, 2023

by David Warren Deal

David Warren Deal

My commission expires: 9/30/2027

Notary registration number: 7663861

David Warren Deal
Notary Public

This Deed is accepted by the County pursuant to Virginia Code § 15.2-1803. Acceptance by the County is evidenced by the following signature of an authorized official of the County.

Date: _____ (SEAL)

Name: _____

Title: _____

COUNTY OF _____
COMMONWEALTH OF VIRGINIA,

The foregoing instrument was acknowledged before me _____, 20____, by
_____, on behalf of the Board of Supervisors of New Kent County, Virginia.

My commission expires: _____

Notary registration number: _____

Notary Public

Approved as to Form:

Joshua S. Everard
County Attorney

Exhibit A

Plat dated October 6, 2023, last revised October 19, 2023, is on the following page

VCS NAD83 SOUTH ZONE

N/F
ACR HOLDINGS, LLC
GPIN: L08-3755-2016
TAX PARCEL: 20C-1-24
INSTR. # 170000061
D.B. 70, PG. 273 (PLAT)

ROGER L. SHIFLETT AND
KATHERINE W. SHIFLETT

GPIN# L08-3573-2007
TAX PARCEL: 20C-1-23
D.B. 70, P. 50
D.B. 70, PG. 52 (PLAT)
LOT 23
4435 NEW KENT HWY.

N/F
GLENDA MAE BASSETTI
GPIN: L08-3394-1997
TAX PARCEL: 20C-1-22
W.B. 21, PG 1913
D.B. 75, PG. 55

10' TEMPORARY
CONSTRUCTION EASEMENT
1,800 SQ. FT.

10' PERMANENT
UTILITY EASEMENT
1,800 SQ. FT.

S87°16'29"W 180.00'
S87°16'29"W 180.00'

N87°16'29"E 180.00'

NEW KENT HIGHWAY

VIRGINIA STATE ROUTE 249
(50' R/W)
(FORMERLY ROUTE No. 33)

EASEMENT PLAT SHOWING A
10' PERMANENT UTILITY EASEMENT & A
10' TEMPORARY CONSTRUCTION EASEMENT
ACROSS THE PROPERTY OF

ROGER L. SHIFLETT AND
KATHERINE W. SHIFLETT

GPIN: L08-3573-2007
BLACK CREEK DISTRICT,
NEW KENT COUNTY, VIRGINIA

LINE	BEARING	DISTANCE
L1	S02°43'56"E	10.00'
L2	N02°43'56"W	10.00'
L3	S02°43'56"E	10.00'
L4	N02°43'56"W	10.00'

0 30 60



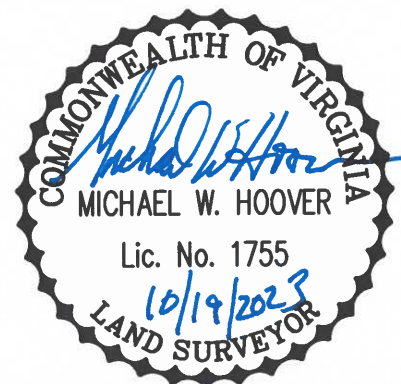
SCALE: 1" = 30'

NOTES:

1. A TITLE REPORT WAS FURNISHED AS
PREPARED BY PRIORITY TITLE AND ESCROW,
LLC REPORT FILE #062312930-39
DATED 08-01-2023

2. PROPERTY LINES SHOWN HEREON BASED
ON COMPILED DEED DESCRIPTIONS AND PLATS.

THIS IS NOT A BOUNDARY SURVEY.



SHEET 1 OF 1

DATE: 10/06/2023 LAST REVISED: 10/19/2023



Dewberry®

Dewberry
Engineers Inc.

4805 LAKE BROOK DRIVE
SUITE 200
GLEN ALLEN, VA 23060
PHONE: 804.290.7957
WWW.DEWBERRY.COM

JOB #50162184

EASEMENT COMPENSATION AGREEMENT

Property Owner(s): Kelly Ferrell Trainum A/K/A Kelly F. Trainum and William A. Trainum, 3rd A/K/A Winston A. Trainum, III
Mailing Address: 4247 New Kent Hwy., Quinton, VA 23141
Tax Map Parcel(s): 20C-1-16

This document refers to the Permanent Easement and Temporary Construction Easement for Tax Map No. 20C-1-16 (the "Easement") dated December 16, 2023 between all persons or entities that have an interest in the listed Tax Parcel, Kelly Ferrell Trainum A/K/A Kelly F. Trainum and William A. Trainum 3rd A/K/A William A. Trainum III ("Owner"), and the County of New Kent, Virginia ("County"). A copy of the Easement and the plat are attached as Exhibit A to this Easement Compensation Agreement ("Agreement") and are incorporated by reference.

The Owner understands and agrees that compensation for the Easement and rights will be paid in full and complete upon recordation of the executed Easement in the Clerk's office, provided that there are no outstanding judgments or liens or other title issues that are unacceptable to the County. The County will not pay any compensation until such time as the County is satisfied that any judgments or liens or other title issues can be satisfied. The Owner, at its sole expense and effort, will obtain releases from all holders of deeds of trust on this property prior to the date of recordation of the Easement.

The County will make reasonable efforts to reduce the period of construction in the Easement, understanding that adverse events like weather can prolong construction.

The terms of this agreement extend to and are binding upon the parties and their successors and assigns. The compensation for such Easement is \$3600.00 which will be credited towards the fees associated with the connection of the parcel to the County water system.

WITNESS the following signature and seals of all Owner(s) made pursuant to due authority:

For the Owner:

Date: 12-19-23

Signature: Kelly Ferrell Trainum

Name: Kelly Ferrell Trainum

Title: Co-Owner

For the County:

Date: _____

Signature: _____

Name: Rodney A. Hathaway

Title: County Administrator

Approved as to Form:

Joshua S. Everard
County Attorney

Prepared by Office of the County Attorney, County of New Kent

Return to:
12007 Courthouse Circle
Post Office Box 150
New Kent, Virginia 23124-0150

Tax Map No.: **20C-1-16**
GPIN **L08-2285-1942**

Exempt From Taxation
Virginia Code § 58.1-811A (3)

COUNTY OF NEW KENT, VIRGINIA

PERMANENT EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT

THIS DEED OF EASEMENT is made and entered into this 16th day of **November, 2023**, by and between **Kelly Ferrell Trainum A/K/A Kelly F. Trainum and William A. Trainum, 3rd A/K/A Winston A. Trainum, III, Wife and Husband** (the "Grantor"), and the **COUNTY OF NEW KENT, VIRGINIA** (the "County"), a political subdivision of the Commonwealth of Virginia.

W I T N E S S E T H:

That for and in consideration of the sum of TEN DOLLARS (\$10.00) cash in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor does hereby grant, dedicate, and convey to the County the following described easements and interests:

1. A variable width permanent easement and right-of-way for County utilities, water, and/or sewer lines (the "Permanent Easement") located under, over, in, and across the land of the Grantor identified as Tax Map No. **20C-1-16** in New Kent County, Virginia, (the "Property") together with access thereto over the lands of the Grantor, and all rights and privileges hereinafter enumerated pertaining to the Permanent Easement, the location of which is depicted on that certain plat or plats of survey by **Dewberry**, dated **October 6, 2023** and attached as Exhibit A and incorporated to this Deed by reference, which plat(s) are to be recorded as part of this Deed of Easement.
2. A variable width temporary construction easement located under, over, in and across the land of the Grantor adjacent to the Permanent Easement as shown on Exhibit A (the "Temporary Easement" and, together with the Permanent Easement, the "Easements"). Upon completion of any construction, repair, alteration, replacement, or removal of County utilities and/or sewer lines or appurtenant facilities, the Temporary Easement will automatically, and without the execution or recordation of any specific release, be extinguished. The existence of the Permanent Easement will be unaffected by the termination of the Temporary

Easement and will continue in full force and effect.

3. The Easements are for the purpose of constructing, installing, maintaining, inspecting, operating, protecting, replacing, repairing, changing the size of, and removing improvements as part of the County's water and sewer system, including, but not limited to, pipes, mains, manholes, inlet structures, pumps, hydrants, and related facilities (collectively, the "Facilities").
4. The Easements are subject to the following conditions, and the Grantor and the County covenant and agree as follows:
 - a) All pipes, manholes, inlet structures, hydrants, pumps, and related Facilities and structures which are installed in the Permanent Easement will be and remain the property of the County.
 - b) The Grantor may not charge the County for its use of the Property in exercising its rights granted under this Deed of Easement.
 - c) The County and its agents have full and free use of the Easements for the purposes named, and have all rights and privileges reasonably necessary to the utilization of the Easements, including a right of ingress to and egress from the Easements where least damage to Grantor's property will occur from such access, which right of access will be exercised only if and as reasonably necessary, and a limited right use to adjoining land of the Grantor where necessary to the use and enjoyment for the Easements; provided, however, that such right to use adjoining lands of the Grantor may be exercised only during periods of actual construction or maintenance of the Easement, and may not be construed to allow the County to erect any building, structure, or utility facilities of a permanent nature on such adjoining land. All damages to any such adjoining lands of the Grantor caused by the County's use of the pursuant to this provision must be repaired by the County at its expense, and such lands must be restored as nearly as possible by the County to their original condition.
 - d) The County has the right to trim, cut, and remove trees, shrubbery, fences, structures, or other obstructions or facilities on, in, under, above, or near the Easements being conveyed (including any in-ground swimming pool), that are deemed by it in its sole discretion to interfere with the proper and efficient construction, operation, and maintenance of the Easements; provided, however, that following completion of construction or repair, the County must at its own expense restore, as nearly as possible, the Property to its original condition, such restoration including the backfilling of trenches, replacement of fences, and the reseeding or resodding of lawns or pasture areas, but not the replacement of structures, trees, bushes, undergrowth or other facilities located within the Easements.

- e) The Grantor reserves the right to make any use of the Easements which are consistent with the rights herein conveyed and do not interfere with the County's use of the Easements; provided, however, that the Grantor may not erect any roadway, building, or other structure, except a fence, on the Easements without obtaining prior written approval from the County.
- f) The Easements and other rights granted herein are subject to any and all easements, covenants, restrictions, and conditions of record affecting the Property.
- g) The County will cooperate and work with the Grantor as needed to minimize the visual impact of all Facilities that are located above ground-level in the Easements.
- h) The Easements and covenants set forth in this deed run with the land and are binding on the Grantor and the County and their heirs, successors, and assigns.
- i) Any delay of the County in the use or exercise of any rights granted herein, or in the installation of the Facilities, will not result in the loss, limitation, or abandonment of any right or interest granted by this Deed of Easement.
- j) The Grantor covenants that he is seized of the Property on which the Easements are situated in fee simple absolute; that he has the full right and authority to convey the Easements to the County; that the undersigned are all holders of any interest in or to the Property and together hold the entire undivided fee simple title to the Property subject only to liens and other matters of record as of the date of this instrument; that the County will have quiet possession of the Easements, free from all encumbrances; and that he will execute such further assurances regarding the conveyance of the Easements as may be required by the County in its sole discretion. The Grantor further covenants, upon the request of the County, to obtain the consent to these Easements of any lienholder, deed of trust trustee, or other individual or entity having any interest whatsoever in the Property.
- k) The Grantor covenants and agrees for himself, his heirs, successors, and assigns, that the consideration recited herein is in lieu of any and all claims to compensation for property and for damages, if any, to the remaining lands of the Grantor which may result by reason of the County's use.

[SIGNATURES ON THE FOLLOWING PAGE]

WITNESS the following signatures and seals:

GRANTOR

Kelly Ferrell Trainum A/K/A

Kelly F. Trainum

GRANTOR

Winston A. Trainum, 3rd A/K/A

Winston A. Trainum III

Kelly F. Trainum Winston A. Trainum III

CITY/COUNTY OF New Kent
STATE/ COMMONWEALTH OF Virginia

The foregoing instrument was acknowledged before me November, 2023

by David Warren Deal

My commission expires: 9/30/27

Notary registration number: 7643861

David Warren Deal
Notary Public

This Deed is accepted by the County pursuant to Virginia Code § 15.2-1803. Acceptance by the County is evidenced by the following signature of an authorized official of the County.

Date: _____ (SEAL)

Name: _____

Title: _____

COUNTY OF _____
COMMONWEALTH OF VIRGINIA,

The foregoing instrument was acknowledged before me _____, 20____, by
_____, on behalf of the Board of Supervisors of New Kent County, Virginia.

My commission expires: _____

Notary registration number: _____

Notary Public

Approved as to Form:

Joshua S. Everard
County Attorney

Exhibit A

Plat dated October 6, 2023, is on the following page.

VCS NAD83 SOUTH ZONE

N/F
TIMOTHY E. GREEN
GPIN: L08-2471-1952
TAX PARCEL: 20C-1-17
INSTR. # 160001795
D.B. 101, PG. 340 (PLAT)

KELLY F. TRAINUM AND
WINSTON A. TRAINUM, III
GPIN: L08-2285-1942
TAX PARCEL: 20C-1-16
INSTR. # 190000293
P.B. 6, PG. 18

4247 NEW KENT HWY.

10' PERMANENT
UTILITY EASEMENT
1,800 SQ. FT.

10' TEMPORARY
CONSTRUCTION EASEMENT
1,800 SQ. FT.

N/F
VICTORIA LOUISE STARR
GPIN: L08-2111-1932
TAX PARCEL: 20C-1-15
INSTR. # 200001636

N:3720365.65
E:11875809.33

NEW KENT HIGHWAY
VIRGINIA STATE ROUTE 249
(50' R/W)
(FORMERLY ROUTE No. 33)

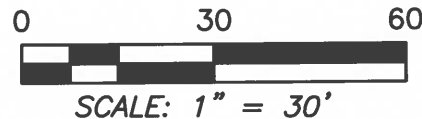
N:3720357.09
E:11875629.53

EASEMENT PLAT SHOWING A
10' PERMANENT UTILITY EASEMENT &
10' TEMPORARY CONSTRUCTION EASEMENT
ACROSS THE PROPERTY OF

KELLY F. TRAINUM AND
WINSTON A. TRAINUM, III

GPIN: L08-2285-1942
BLACK CREEK DISTRICT,
NEW KENT COUNTY, VIRGINIA

LINE	BEARING	DISTANCE
L1	S02°43'56"E	10.00'
L2	N02°43'56"W	10.00'
L3	S02°43'56"E	10.00'
L4	N02°43'56"W	10.00'

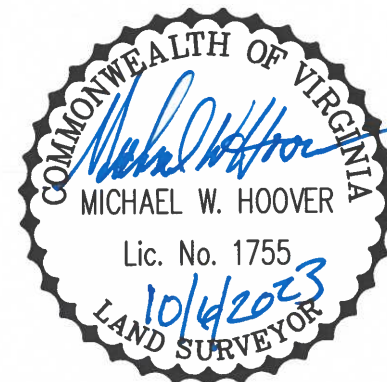


NOTES:

1. A TITLE REPORT WAS FURNISHED AS
PREPARED BY PRIORITY TITLE AND ESCROW,
LLC REPORT FILE #062312930-30
DATED 08-01-2023

2. PROPERTY LINES SHOWN HEREON BASED
ON COMPILED DEED DESCRIPTIONS AND PLATS.

THIS IS NOT A BOUNDARY SURVEY.



SHEET 1 OF 1
DATE: 10/06/2023 LAST REVISED: 10/06/2023



Dewberry®

Dewberry
Engineers Inc.

4805 LAKE BROOK DRIVE
SUITE 200
GLEN ALLEN, VA 23060
PHONE: 804.290.7957
WWW.DEWBERRY.COM

JOB #50162184



C. Michael Lang, PG
Director
Department of Public Utilities
PO Box 130
New Kent, VA 23124
Phone 804-966-9678
Fax 804-966-7135

OFFICIAL NOTIFICATION

To: Mr. & Mrs. Paul Wright

From: Mike Lang
Director, New Kent DPU

Ref: Easement Agreement for TM# 20C-1-18 & TM# 20C-1-19
4317 New Kent Highway

This notification may be considered an addendum to the recorded easement agreement and plat between the parcel owner and the County of New Kent. As agreed upon during our on-site visit on December 4, 2023, the completed project will include driveway restoration & re-paving in a manner such that only a single cut in the driveway remains, instead of a trenched area with asphalt patch, at no additional cost to the Grantor. This will be communicated to the County's construction project management team and indicated on the final approved construction plans prior to issuance of the Notice to Proceed to the contractor.

In addition, the combined easement compensation for these two parcels will be applied towards the water service connection and availability fees for TM# 20C-1-18.

Upon submission of a completed application for utility service the following fees will be due, plus the prevailing water service deposit at the time of application:

Water Connection Fee:	\$4650.00
Water Availability Fee:	\$2500.00
Meter Fee:	\$ 350.00
Admin Fee:	\$ 35.00
Total Fees:	\$7535.00
Fee Credit:	<u>(\$6200.00)</u>
Remaining Fees Due:	\$1335.00

DPU will install or have installed a water service line, meter box and setter at a location agreed upon by DPU and the owner upon receipt of the application and fees.

The Fee Credit is transferrable with TM# 20C-1-18 and only expires when a utility service application is received.

EASEMENT COMPENSATION AGREEMENT

Property Owner(s): Paul Daniel Wright, Jr. A/K/A Paul D. Wright, Jr. and
Ellen S. Wright, Husband and Wife
Mailing Address: 4317 New Kent Hwy., Quinton, VA 23141
Tax Map Parcel(s): 20C-1-19

This document refers to the Permanent Easement and Temporary Construction Easement for Tax Map No. 20C-1-19 (the "Easement") dated December 19, 2023 between all persons or entities that have an interest in the listed Tax Parcel, Paul Daniel Wright, Jr. A/K/A Paul D. Wright, Jr. and Ellen S. Wright, Husband and Wife ("Owner"), and the County of New Kent, Virginia ("County"). A copy of the Easement and the plat are attached as Exhibit A to this Easement Compensation Agreement ("Agreement") and are incorporated by reference.

The Owner understands and agrees that compensation for the Easement and rights will be paid in full and complete upon recordation of the executed Easement in the Clerk's office, provided that there are no outstanding judgments or liens or other title issues that are unacceptable to the County. The County will not pay any compensation until such time as the County is satisfied that any judgments or liens or other title issues can be satisfied. The Owner, at its sole expense and effort, will obtain releases from all holders of deeds of trust on this property prior to the date of recordation of the Easement.

The County will make reasonable efforts to reduce the period of construction in the Easement, understanding that adverse events like weather can prolong construction.

The terms of this agreement extend to and are binding upon the parties and their successors and assigns. The compensation for such Easement is \$600.00 which will be credited towards the fees associated with the connection of the parcel to the County water system. The compensation provided for in this Easement Compensation Agreement will be applied to TM# 20C-1-18.

WITNESS the following signature and seals of all Owner(s) made pursuant to due authority:

For the Owner:

Date: 1.11.24

Name: PAUL D. WRIGHT JR

Signature: Paul D. Wright Jr

Title: CO-OWNER

For the County:

Date: _____

Signature: _____

Name: Rodney A. Hathaway

Title: County Administrator

Approved as to Form:

Joshua S. Everard
County Attorney

Prepared by Office of the County Attorney, County of New Kent

Return to:
12007 Courthouse Circle
Post Office Box 150
New Kent, Virginia 23124-0150

Tax Map No.: **20C-1-19**

GPIN **L08-2821-1996**

Exempt From Taxation
Virginia Code § 58.1-811A(3)

COUNTY OF NEW KENT, VIRGINIA

PERMANENT EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT

THIS DEED OF EASEMENT is made and entered into this 19th day of December, 2023, by and between **Paul Daniel Wright, Jr. A/K/A Paul D. Wright, Jr. and Ellen S. Wright, Husband and Wife** (the "Grantor"), and the **COUNTY OF NEW KENT, VIRGINIA** (the "County"), a political subdivision of the Commonwealth of Virginia.

WITNESSETH:

That for and in consideration of the sum of TEN DOLLARS (\$10.00) cash in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor does hereby grant, dedicate, and convey to the County the following described easements and interests:

1. A variable width permanent easement and right-of-way for County utilities, water, and/or sewer lines (the "Permanent Easement") located under, over, in, and across the land of the Grantor identified as Tax Map No. **20C-1-19** in New Kent County, Virginia, (the "Property") together with access thereto over the lands of the Grantor, and all rights and privileges hereinafter enumerated pertaining to the Permanent Easement, the location of which is depicted on that certain plat or plats of survey by **Dewberry**, dated **October 6, 2023** and attached as Exhibit A and incorporated to this Deed by reference, which plat(s) are to be recorded as part of this Deed of Easement.
2. A variable width temporary construction easement located under, over, in and across the land of the Grantor adjacent to the Permanent Easement as shown on Exhibit A (the "Temporary Easement" and, together with the Permanent Easement, the "Easements"). Upon completion of any construction, repair, alteration, replacement, or removal of County utilities and/or sewer lines or appurtenant facilities, the Temporary Easement will automatically, and without the execution or recordation of any specific release, be extinguished. The existence of the Permanent Easement will be unaffected by the termination of the Temporary

Easement and will continue in full force and effect.

3. The Easements are for the purpose of constructing, installing, maintaining, inspecting, operating, protecting, replacing, repairing, changing the size of, and removing improvements as part of the County's water and sewer system, including, but not limited to, pipes, mains, manholes, inlet structures, pumps, hydrants, and related facilities (collectively, the "Facilities").
4. The Easements are subject to the following conditions, and the Grantor and the County covenant and agree as follows:
 - a) All pipes, manholes, inlet structures, hydrants, pumps, and related Facilities and structures which are installed in the Permanent Easement will be and remain the property of the County.
 - b) The Grantor may not charge the County for its use of the Property in exercising its rights granted under this Deed of Easement.
 - c) The County and its agents have full and free use of the Easements for the purposes named, and have all rights and privileges reasonably necessary to the utilization of the Easements, including a right of ingress to and egress from the Easements where least damage to Grantor's property will occur from such access, which right of access will be exercised only if and as reasonably necessary, and a limited right use to adjoining land of the Grantor where necessary to the use and enjoyment for the Easements; provided, however, that such right to use adjoining lands of the Grantor may be exercised only during periods of actual construction or maintenance of the Easement, and may not be construed to allow the County to erect any building, structure, or utility facilities of a permanent nature on such adjoining land. All damages to any such adjoining lands of the Grantor caused by the County's use of the pursuant to this provision must be repaired by the County at its expense, and such lands must be restored as nearly as possible by the County to their original condition.
 - d) The County has the right to trim, cut, and remove trees, shrubbery, fences, structures, or other obstructions or facilities on, in, under, above, or near the Easements being conveyed (including any in-ground swimming pool), that are deemed by it in its sole discretion to interfere with the proper and efficient construction, operation, and maintenance of the Easements; provided, however, that following completion of construction or repair, the County must at its own expense restore, as nearly as possible, the Property to its original condition, such restoration including the backfilling of trenches, replacement of fences, and the reseedling or resodding of lawns or pasture areas, but not the replacement of structures, trees, bushes, undergrowth or other facilities located within the Easements.

- e) The Grantor reserves the right to make any use of the Easements which are consistent with the rights herein conveyed and do not interfere with the County's use of the Easements; provided, however, that the Grantor may not erect any roadway, building, or other structure, except a fence, on the Easements without obtaining prior written approval from the County.
- f) The Easements and other rights granted herein are subject to any and all easements, covenants, restrictions, and conditions of record affecting the Property.
- g) The County will cooperate and work with the Grantor as needed to minimize the visual impact of all Facilities that are located above ground-level in the Easements.
- h) The Easements and covenants set forth in this deed run with the land and are binding on the Grantor and the County and their heirs, successors, and assigns.
- i) Any delay of the County in the use or exercise of any rights granted herein, or in the installation of the Facilities, will not result in the loss, limitation, or abandonment of any right or interest granted by this Deed of Easement.
- j) The Grantor covenants that he is seized of the Property on which the Easements are situated in fee simple absolute; that he has the full right and authority to convey the Easements to the County; that the undersigned are all holders of any interest in or to the Property and together hold the entire undivided fee simple title to the Property subject only to liens and other matters of record as of the date of this instrument; that the County will have quiet possession of the Easements, free from all encumbrances; and that he will execute such further assurances regarding the conveyance of the Easements as may be required by the County in its sole discretion. The Grantor further covenants, upon the request of the County, to obtain the consent to these Easements of any lienholder, deed of trust trustee, or other individual or entity having any interest whatsoever in the Property.
- k) The Grantor covenants and agrees for himself, his heirs, successors, and assigns, that the consideration recited herein is in lieu of any and all claims to compensation for property and for damages, if any, to the remaining lands of the Grantor which may result by reason of the County's use.

[SIGNATURES ON THE FOLLOWING PAGE]

WITNESS the following signatures and seals:

GRANTOR

GRANTOR

Paul Daniel Wright, Jr. A/K/A

Ellen S. Wright

Paul D. Wright, Jr.

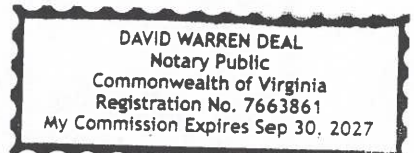
Paul D. Wright, Jr. Ellen S. Wright

CITY/COUNTY OF New Kent
STATE/ COMMONWEALTH OF Virginia

The foregoing instrument was acknowledged before me December 19, 2023
by David Warren Deal

My commission expires: 9/30/2027

Notary registration number: 7663861



David Warren Deal
Notary Public

This Deed is accepted by the County pursuant to Virginia Code § 15.2-1803. Acceptance by the County is evidenced by the following signature of an authorized official of the County.

Date: _____ (SEAL)

Name: _____

Title: _____

COUNTY OF _____
COMMONWEALTH OF VIRGINIA,

The foregoing instrument was acknowledged before me _____, 20____, by
_____, on behalf of the Board of Supervisors of New Kent County, Virginia.

My commission expires: _____

Notary registration number: _____

Notary Public

Approved as to Form:

Joshua S. Everard
County Attorney

Exhibit A

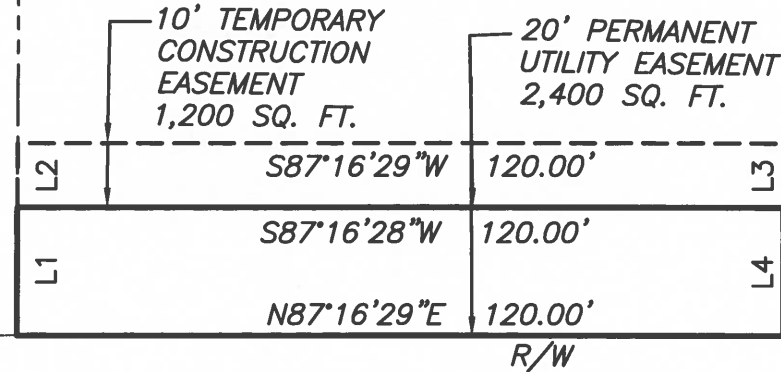
Plat dated October 6, 2023, is on the following page.

VCS NAD83 SOUTH ZONE

N/F
JESSE MARCINKEVICH &
STEPHANIE MARCINKEVICH
GPIN: L08-2568-1629
TAX PARCEL: 20-9-1-0
INSTR. #220000758
D.B. 116, PG 175 (PLAT)
PARCEL 0

PAUL D. WRIGHT, JR. AND
ELLEN S. WRIGHT
GPIN: L08-2821-1996
TAX PARCEL: 20C-1-19
D.B. 220, PG. 610
D.B. 107, PG. 594 (PLAT)
LOT 19

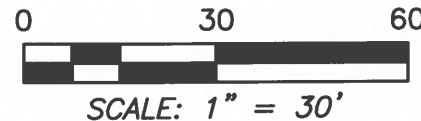
N/F
PAUL D. WRIGHT, JR. AND
ELLEN S. WRIGHT
GPIN: L08-2657-1962
TAX PARCEL: 20C-1-18
D.B. 220, PG. 610



N:3720382.77
E:11876168.92

LINE	BEARING	DISTANCE
L1	S02°43'56"E	20.00'
L2	S02°43'56"E	10.00'
L3	N02°43'56"W	10.00'
L4	N02°43'56"W	20.00'

NEW KENT HIGHWAY
VIRGINIA STATE ROUTE 249
(50' R/W)
(FORMERLY ROUTE No. 33)



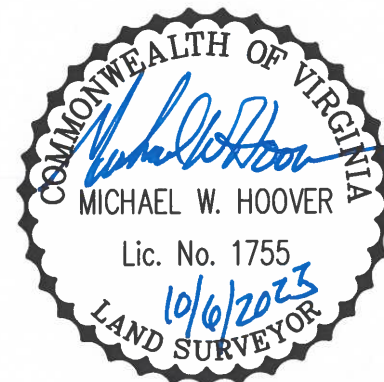
EASEMENT PLAT SHOWING A
20' PERMANENT UTILITY EASEMENT & A
10' TEMPORARY CONSTRUCTION EASEMENT
ACROSS THE PROPERTY OF
PAUL D. WRIGHT, JR. AND
ELLEN S. WRIGHT
GPIN: L08-2821-1996
BLACK CREEK DISTRICT,
NEW KENT COUNTY, VIRGINIA

NOTES:

1. A TITLE REPORT WAS FURNISHED AS
PREPARED BY PRIORITY TITLE AND ESCROW,
LLC REPORT FILE #062312930-33 DATED
08-01-2023.

2. PROPERTY LINES SHOWN HEREON BASED
ON COMPILED DEED DESCRIPTIONS AND PLATS.

THIS IS NOT A BOUNDARY SURVEY.



SHEET 1 OF 1

DATE: 10/06/2023 LAST REVISED: 10/06/2023



Dewberry®

Dewberry
Engineers Inc.

4805 LAKE BROOK DRIVE
SUITE 200
GLEN ALLEN, VA 23060
PHONE: 804.290.7957
WWW.DEWBERRY.COM

JOB #50162184

AGENDA ITEM REQUEST
(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO
THE MEETING)

Meeting Date: 2/12/2024

Miscellaneous

Motion: "Mr. Chairman, I move to (not required for Consent Agenda items)	approve the Consent Agenda Item as presented and that it be made part of the record" OR "I move to approve the Consent Agenda Item and that it be made part of the record with the following changes...."
Subject	New Development Street Names for Forge Industrial Park, Forge Logistics Building Two
Issue	New Development street names have been submitted by the developer to New Kent County per the PlanRVA Street Naming Guidelines and Procedures
Recommendation	Staff finds the request to be compliant with the PlanRVA Street Naming Guidelines and Procedures and recommends approval of this request.
Fiscal Implications	No fiscal implications, developer to install new development street signs.
Policy Implications	No negative policy implications as County Code/Policy is being met.
Legislative History	unknown
Discussion	Proposed new street names are: Forge Center (all) and Logistics Square (all).

Time Needed:	5 minutes	Person Appearing:	None
Request prepared by:	Sheri L. Adams	Telephone:	804-966-9690
Copy provided to:	Amy Inman, Director of Planning		

ATTACHMENTS:

Description	Type
PlanRVA Street Name Clearinghouse Approval Form	Presentation

REVIEWERS:

Department	Reviewer	Action	Date
Community Development	Inman, Amy	Approved	1/24/2024 - 8:58 AM
Administration	Hathaway, Rodney	Approved	1/31/2024 - 3:14 PM



STREET NAME CLEARINGHOUSE APPROVAL FORM

424 Hull St., Suite 300, Richmond VA 23235

Timmons Group

Kathleen Halpaus

Kathleen.halpaus@timmons.com

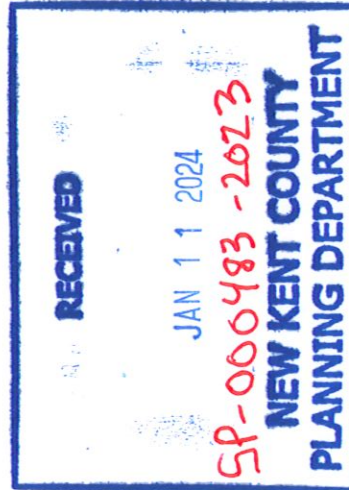
Approved by: *Elizabeth Greenwell*

PlanRVA

Thursday, January 11, 2024 Page 1 of 1

*Forge Logistics
Building Two*

County	Subdivision	Street Name	Type	Expiration	Original Reservation	Updated
New Kent	Forge Industrial Park	Forge Center	All	1/11/2026	1/11/2024	1/11/2024
New Kent	Forge Industrial Park	Logistics Square	All	1/11/2026	1/11/2024	1/11/2024



AGENDA ITEM REQUEST
(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO
THE MEETING)

Meeting Date: 2/12/2024

Miscellaneous

<p>Motion: "Mr. Chairman, I move to (not required for Consent Agenda items)</p>	<p>approve the Consent Agenda as presented and that it be made a part of the record.</p> <p>or</p> <p>I move to approve the Consent Agenda as presented and that it be made a part of the record, with the following changes:</p>
<p>Subject</p>	<p>Resolution R-06-24 - Street Acceptance - Rochambeau Estates, Section 1</p>
<p>Issue</p>	<p>VDOT is of the opinion that Rochambeau Estates, Section 1 is ready to be brought into the secondary system of state highways and has requested a resolution from the Board requesting the State to accept this street.</p>
<p>Recommendation</p>	<p>Adoption of Resolution R-06-24</p>
<p>Fiscal Implications</p>	<p>None</p>
<p>Policy Implications</p>	<p>None</p>
<p>Legislative History</p>	<p>N/A</p>
<p>Discussion</p>	<p>N/A</p>

Time Needed:		Person Appearing:	
Request prepared by:	W. Watkins, Deputy Clerk of the Board	Telephone:	804-966-9687
Copy provided to:			

ATTACHMENTS:

Description	Type
Resolution R-06-24 (PDF)	Resolution Letter
Rochambeau Estates Section 1 AM 4.3 & map (PDF)	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
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Clerk	Watkins, Wanda	Approved	1/24/2024 - 12:51 PM
Administration	Hathaway, Rodney	Approved	1/31/2024 - 3:12 PM
Attorney	Everard, Joshua	Approved	2/5/2024 - 8:19 AM

**BOARD OF SUPERVISORS
COUNTY OF NEW KENT
VIRGINIA**

R-06-24

At the meeting of the Board of Supervisors of the County of New Kent in the Boardroom of the Administration Building in New Kent, Virginia, on the 12th day of February 2024:

Present:

Vote:

John P. Moyer
Amy M. Pearson
Ronald P. Stiers
Jordan T. Stewart
Thomas W. Evelyn

Motion was made by _____, which carried ____:____, to adopt the following resolution:

**A RESOLUTION TO REQUEST THE
VIRGINIA DEPARTMENT OF TRANSPORTATION
TO ADD ROADS IN
ROCHAMBEAU ESTATES SECTION 1
INTO THE STATE SYSTEM FOR MAINTENANCE**

WHEREAS, the roads in **Rochambeau Estates Section 1** have been completed,
and

WHEREAS, the roads in **Rochambeau Estates Section 1** meet the public service criteria of the Secondary Street Acceptance Requirements; and

WHEREAS, the development sketch and VDOT Form AM 4.3, attached and incorporated herein as part of this resolution, define additions required in the Secondary System of State Highways as a result of construction; and

WHEREAS, certain segments identified on the incorporated Form AM 4.3 are ready to be accepted into the Secondary System of State Highways.

NOW THEREFORE, BE IT RESOLVED, this Board requests the Virginia Department of Transportation to add the segments identified on the incorporated Form AM 4.3 to the Secondary System of State Highways, pursuant to §33.2-705 of the *Code of Virginia*, for which segments this Board hereby guarantees the right of way to be clear and unrestricted, including any necessary easements for cuts, fills, and drainage, and

BE IT FINALLY RESOLVED THAT, a certified copy of this resolution be forwarded to the Virginia Department of Transportation.

Rodney A. Hathaway
County Administrator

Thomas W. Evelyn
Board Chair

COMMONWEALTH OF VIRGINIA DEPARTMENT OF TRANSPORTATION
Form AM 4.3ICR ID: 39407830
SSAR

In New Kent County

by Resolution of the governing body adopted 2/12/2024

The following VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes to the secondary system of state highways.

A Copy Testee

Signed (County Official):

Report of Changes in the Secondary System of State Highways

Project/Subdivision: Rochambeau Estates Section 1

CHANGE TYPE	RTE NUM & STREET NAME	CHANGE DESCRIPTION	FROM TERMINI	TO TERMINI	LENGTH	NUMBER OF LANES	RECORDATION REFERENCE	ROW WIDTH
Addition	Rt. 1161 - Deerlake Drive	New subdivision street §33.2-705	1303	Existing Route 1307	0.09	2		50
Addition	Rt. 1161 - Deerlake Drive	New subdivision street §33.2-705	1307	1309	0.12	2		50
Addition	Rt. 1161 - Deerlake Drive	New subdivision street §33.2-705	1309	Cul-de-sac	0.07	2		50
Addition	Rt. 1161 - Deerlake Drive	New subdivision street §33.2-705	Extending 1161	1303	0.05	2		50
Addition	Rt. 1303 - Bushnell Drive	New subdivision street §33.2-705	1304	Rochambeau Estates Section 2 1303	0.16	2		50
Addition	Rt. 1303 - Bushnell Drive	New subdivision street §33.2-705	1161	1304	0.08	2		50
Addition	Rt. 1303 - Bushnell Drive	New subdivision street §33.2-705	612	1161	0.07	2		50
Addition	Rt. 1304 - Bushnell Court	New subdivision street §33.2-705	1303	Cul-de-sac	0.11	2		50
Addition	Rt. 1307 - Shewsbury Drive	New subdivision street §33.2-705	Continuation of Route 1307	1161	0.07	2		50
Addition	Rt. 1309 - Buckden Drive	New subdivision street §33.2-705	Continuation of 1309	1161	0.07	2		50

New Kent County, Virginia

Legend

- Area County Boundaries
- Parcels
- Hooks
- Subdivisions
- Tax Map 600 Scale Grid
- Driveway
- Ancillary Roads



Feet



Title: Rochambeau Estates section 1

Date: 1/18/2024

DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and New Kent County is not responsible for its accuracy or how current it may be.

AGENDA ITEM REQUEST
(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO
THE MEETING)

Meeting Date: 2/12/2024

Miscellaneous

<p>Motion: "Mr. Chairman, I move to (not required for Consent Agenda items)</p>	<p>approve the Consent Agenda as presented and that it be made a part of the record.</p> <p>or</p> <p>I move to approve the Consent Agenda as presented and that it be made a part of the record, with the following changes:</p>
<p>Subject</p>	<p>Resolution R-07-24 - Street Acceptance - Rochambeau Estates, Section 2</p>
<p>Issue</p>	<p>VDOT is of the opinion that Rochambeau Estates, Section 2 is ready to be brought into the secondary system of state highways and has requested a resolution from the Board requesting the State to accept this street.</p>
<p>Recommendation</p>	<p>Adoption of Resolution R-07-24</p>
<p>Fiscal Implications</p>	<p>None</p>
<p>Policy Implications</p>	<p>None</p>
<p>Legislative History</p>	<p>N/A</p>
<p>Discussion</p>	<p>N/A</p>

Time Needed:		Person Appearing:	
Request prepared by:	W. Watkins, Deputy Clerk of the Board	Telephone:	804-966-9687
Copy provided to:			

ATTACHMENTS:

Description	Type
Resolution R-07-24 (PDF)	Resolution Letter
Rochambeau Estates Section 2 AM 4.3 & map (PDF)	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
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Clerk	Watkins, Wanda	Approved	1/24/2024 - 12:55 PM
Administration	Hathaway, Rodney	Approved	1/31/2024 - 3:13 PM
Attorney	Everard, Joshua	Approved	2/5/2024 - 8:19 AM

**BOARD OF SUPERVISORS
COUNTY OF NEW KENT
VIRGINIA**

R-07-24

At the meeting of the Board of Supervisors of the County of New Kent in the Boardroom of the Administration Building in New Kent, Virginia, on the 12th day of February 2024:

Present:

Vote:

John P. Moyer
Amy M. Pearson
Ronald P. Stiers
Jordan T. Stewart
Thomas W. Evelyn

Motion was made by _____, which carried ____:____, to adopt the following resolution:

**A RESOLUTION TO REQUEST THE
VIRGINIA DEPARTMENT OF TRANSPORTATION
TO ADD ROADS IN
ROCHAMBEAU ESTATES SECTION 2
INTO THE STATE SYSTEM FOR MAINTENANCE**

WHEREAS, the roads in **Rochambeau Estates Section 2** have been completed,
and

WHEREAS, the roads in **Rochambeau Estates Section 2** meet the public service criteria of the Secondary Street Acceptance Requirements; and

WHEREAS, the development sketch and VDOT Form AM 4.3, attached and incorporated herein as part of this resolution, define additions required in the Secondary System of State Highways as a result of construction; and

WHEREAS, certain segments identified on the incorporated Form AM 4.3 are ready to be accepted into the Secondary System of State Highways.

NOW THEREFORE, BE IT RESOLVED, this Board requests the Virginia Department of Transportation to add the segments identified on the incorporated Form AM 4.3 to the Secondary System of State Highways, pursuant to §33.2-705 of the *Code of Virginia*, for which segments this Board hereby guarantees the right of way to be clear and unrestricted, including any necessary easements for cuts, fills, and drainage, and

BE IT FINALLY RESOLVED THAT, a certified copy of this resolution be forwarded to the Virginia Department of Transportation.

Rodney A. Hathaway
County Administrator

Thomas W. Evelyn
Board Chair



COMMONWEALTH OF VIRGINIA DEPARTMENT OF TRANSPORTATION
Form AM 4.3

ICR ID: 39408461
SSAR

In New Kent County

by Resolution of the governing body adopted 2/12/2024

The following VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes to the secondary system of state highways.

A Copy Testee

Signed (County Official):

Report of Changes in the Secondary System of State Highways

Project/Subdivision: Rochambeau Estates Section 2

CHANGE TYPE	RTE NUM & STREET NAME	CHANGE DESCRIPTION	FROM TERMINI	TO TERMINI	LENGTH	NUMBER OF LANES	RECORDATION REFERENCE	ROW WIDTH
Addition	Rt. 1300 - Patterdale Lane	New subdivision street \$33.2-705	1303	Cul-de-sac	0.07	2		50
Addition	Rt. 1303 - Bushnell Drive	New subdivision street \$33.2-705	Rochambeau Estates Section 1 1303	1300	0.11	2		50
Addition	Rt. 1303 - Bushnell Drive	New subdivision street \$33.2-705	1300	Cul-de-sac	0.26	2		50

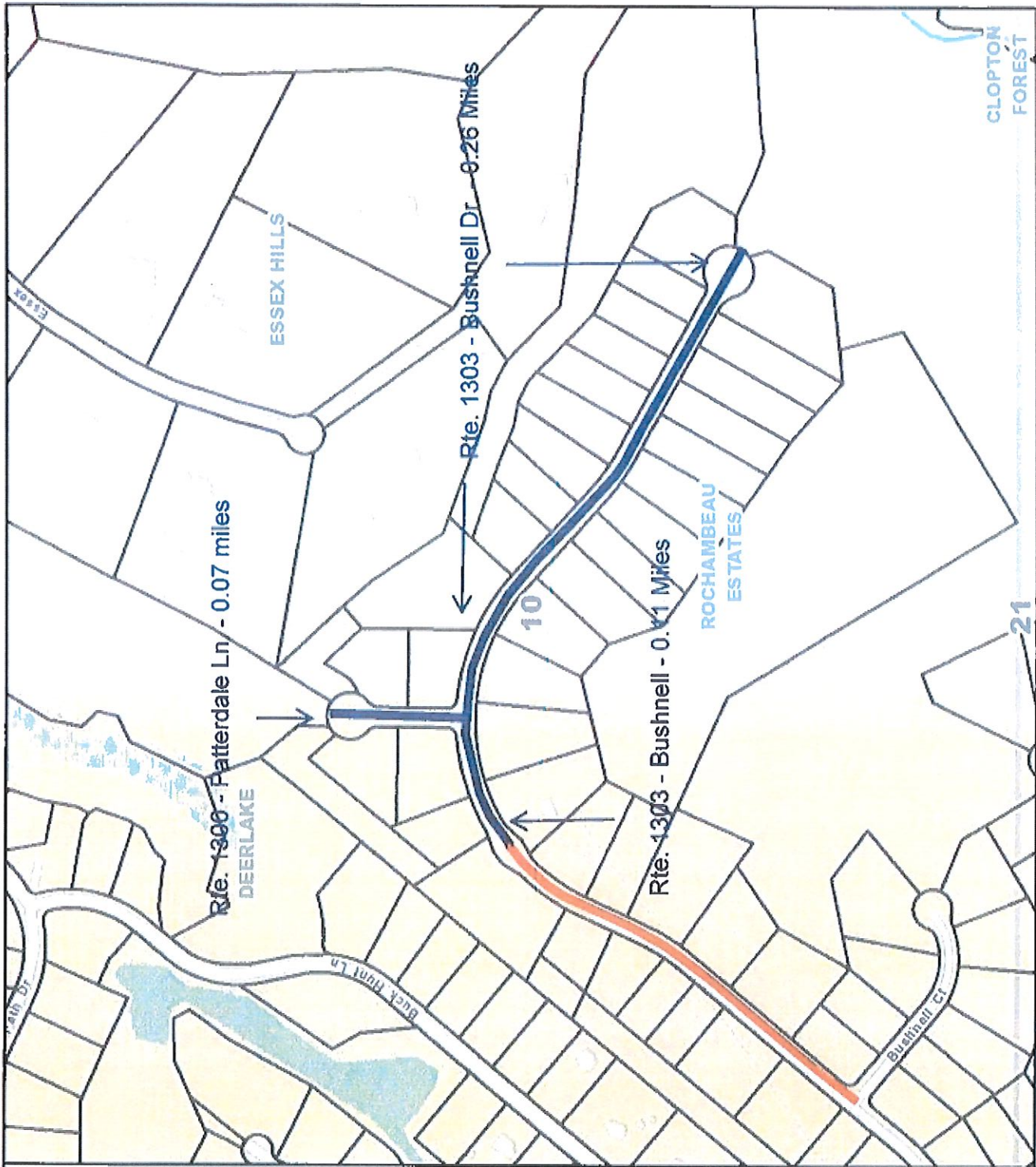
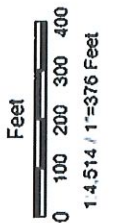
New Kent County, Virginia

Legend

-  Area County Boundaries
-  Parcels
-  Hooks
-  Subdivisions
-  Tax Map 600 Scale Grid
-  Driveway
-  Ancillary Roads

 - Addition

 - Rochambeau Estates section 1



Title: Rochambeau Estates section 2

Date: 1/18/2024

DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and New Kent County is not responsible for its accuracy or how current it may be.

AGENDA ITEM REQUEST
(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO
THE MEETING)

Meeting Date: 2/12/2024

Refunds

Motion: "Mr.
Chairman, I move to
(not required for Consent
Agenda items)

approve the Consent Agenda as presented and that it be made
a part of the record.

or

I move to approve the Consent Agenda as presented and that
it be made a part of the record, with the following changes:

Subject

REFUND - Gault Electric LLC - BP#17977-2023 - \$91.88

Issue

Recommendation

Approval

Fiscal Implications

Policy Implications

Legislative History

Discussion

Time Needed:

Request
prepared by:

Copy provided
to:

W. Watkins, Deputy
Clerk of the Board

Person Appearing:

Telephone:

804-966-9687

New Kent County Board of Supervisors
P O Box 150, 12007 Courthouse Circle
New Kent, VA 23124

CONSENT AGENDA
REFUND REQUEST

(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO
THE MEETING)

Meeting Date: 2/12/2024

Reason for refund	Contractor canceled permit - BP#17977-2023		
Refund Amount	\$91.88		
Name and complete mailing address for refund recipient	Gault Electric LLC 806 City Center Blvd Newport News, VA 23606		
Line item identification and breakdown	Elect - \$122.50 (Minus 25% Administrative Fee) Surcharge - \$2.45 (non-refundable)		
Request prepared by:	W. Watkins, Deputy Clerk of the Board	Telephone:	804-966-9687
Date of Request:	1/12/2024		

ATTACHMENTS:

Description	Type
Refund - Gault Electric 17977 (PDF)	Cover Memo

REVIEWERS:

Department	Reviewer	Action	Date
Clerk	Watkins, Wanda	Approved	1/19/2024 - 10:50 AM
Administration	Hathaway, Rodney	Approved	1/19/2024 - 11:26 AM
Attorney	Everard, Joshua	Approved	1/22/2024 - 8:41 AM

CONSENT AGENDA REFUND REQUEST

(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO THE MEETING)

Meeting Date

February 12, 2024

Reason for refund

CONTRACTOR CANCELED PERMIT
BP# 17977-2023

Refund Amount

\$91.88

Name and complete mailing
address for refund recipient

Gault Electric LLC
806 City Center Blvd
Newport News, VA 23606

Line item identification and
breakdown

Elect - \$122.50 (Minus 25% administrative fee)
Surcharge - \$2.45 - (Non-refundable)

For Refunds Requested by the Commissioner of Revenue

I certify this to be a complete, full, true and exact request for refund. Certified this _____ day of _____, 20____.

Signature of Commissioner of Revenue, his deputy or other designated official

Request prepared by: Tracee McLeod, Administrative Assistant, Building Dev Telephone 804-966-9680

Date of Request

January 12, 2024

For Clerk's Use:

Approval date by Board: _____

Admin: _____

Finance: _____

REVIEWS

Attorney _____

Print Form

Gault Electric, LLC

804 City Center Blvd.
Newport News, VA 23606

Phone: 757-930-0587
E-mail: solar@gaultelectric.com

10 January 2024

Dear County of New Kent:

Reference:

Permit numbers

BLDG-017849-2023

ELEC-017977-2023

We wish to respectfully request a refund for the permit numbers mentioned above.

We are relinquishing our permit and will no longer be performing the roof mounted solar array system, located at:

Address: 6319 South Garden Road, Providence Forge
Owner: Vivian Schoeller

Please let us know if anything additional is needed.
Thank you,

Tracie Viars

Director of Sales & Marketing
757-930-0587
Traciev@gaultelectric.com



County of New Kent

P.O. Box 150
12007 Courthouse Circle
New Kent, VA 23124

PERMIT NUMBER

ELEC-017977-2023

Issue Date: 08/10/2023

VUSBC: USBC 2018

Use: R-5

Permit Type: Electrical (Residential)

Work Class: New

GPIN	Site Address	District
G11-2479-1823	6319 South Garden Rd , Providence Forge	4

Owner Information	Mechanics Lien Agent	Contractor Information
Name: VIVIAN SCHOELLER Address: 6319 South Garden Rd PROVIDENCE FORGE, VA 23140 Phone: (610) 209-8219	Name: Address: Phone:	Name: GAULT ELECTRIC LLC Address: 806 City Center Blvd NEWPORT NEWS, VA 23606 Phone: (757) 930-0587 Lic No: 2705081358 Issue Date: Lic Exp: 3/31/2024

Project Description

ELECTRICAL FOR ROOF MOUNTED SOLAR ARRAY SYSTEM

Zone Code	Firm Zone
A1, A1	X

Nature of Work

ROOF MOUNTED SOLAR ARRAY SYSTEM

Signature of Approving Official

Date: 08/10/2023

PER SEC. 110.6 OF THE VUSBC, ANY PERMIT ISSUED EXPIRES SIX (6) MONTHS AFTER ISSUANCE IF NO INSPECTIONS HAVE BEEN MADE.

TOTAL FEES:

\$124.95

AGENDA ITEM REQUEST
(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO
THE MEETING)

Meeting Date: 2/12/2024

Refunds

Motion: "Mr.
Chairman, I move to
(not required for Consent
Agenda items)

approve the Consent Agenda as presented and that it be made
a part of the record.

or

I move to approve the Consent Agenda as presented and that
it be made a part of the record, with the following changes:

Subject

REFUND - Gault Electric LLC - BP#17849-2023 - \$132.38

Issue

Recommendation

Approval

Fiscal Implications

Policy Implications

Legislative History

Discussion

Time Needed:

Request
prepared by:

Copy provided
to:

W. Watkins, Deputy
Clerk of the Board

Person Appearing:

Telephone:

804-966-9687

New Kent County Board of Supervisors
P O Box 150, 12007 Courthouse Circle
New Kent, VA 23124

CONSENT AGENDA
REFUND REQUEST

(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO
THE MEETING)

Meeting Date: 2/12/2024

Reason for refund	Contractor canceled permit - BP#17849-2023		
Refund Amount	\$132.38		
Name and complete mailing address for refund recipient	Gault Electric LLC 806 City Center Blvd Newport News, VA 23606		
Line item identification and breakdown	Elect - \$176.50 (Minus 25% Administrative Fee) Surcharge - \$3.53 (non-refundable)		
Request prepared by:	W. Watkins, Deputy Clerk of the Board	Telephone:	804-966-9687
Date of Request:	1/12/2024		

ATTACHMENTS:

Description	Type
Refund - Gault Electric 17849 (PDF)	Cover Memo

REVIEWERS:

Department	Reviewer	Action	Date
Clerk	Watkins, Wanda	Approved	1/19/2024 - 10:54 AM
Administration	Hathaway, Rodney	Approved	1/19/2024 - 11:25 AM
Attorney	Everard, Joshua	Approved	1/22/2024 - 8:41 AM

CONSENT AGENDA REFUND REQUEST

(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO THE MEETING)

Meeting Date

February 12, 2024

Reason for refund

CONTRACTOR CANCELED PERMIT
BP# 17849-2023

Refund Amount

\$132.38

Name and complete mailing
address for refund recipient

Gault Electric LLC
806 City Center Blvd
Newport News, VA 23606

Line item identification and
breakdown

Build- \$176.50 (Minus 25% administrative fee)
Surcharge - \$3.53 - (Non-refundable)

For Refunds Requested by the Commissioner of Revenue

I certify this to be a complete, full, true and exact request for refund. Certified this _____ day of _____, 20____.

Signature of Commissioner of Revenue, his deputy or other designated official

Request prepared by: Tracee McLeod, Administrative Assistant, Building Dev Telephone 804-966-9680

Date of Request

January 12, 2024

For Clerk's Use:

Approval date by Board: _____

Admin: _____

Finance: _____

REVIEWS

Attorney _____

Print Form

Gault Electric, llc

804 City Center Blvd.
Newport News, VA 23606

Phone: 757-930-0587
E-mail: solar@gaultelectric.com

10 January 2024

Dear County of New Kent:

Reference:

Permit numbers

BLDG-017849-2023

ELEC-017977-2023

We wish to respectfully request a refund for the permit numbers mentioned above.

We are relinquishing our permit and will no longer be performing the roof mounted solar array system, located at:

Address: 6319 South Garden Road, Providence Forge
Owner: Vivian Schoeller

Please let us know if anything additional is needed.
Thank you,

Tracie Viars

Director of Sales & Marketing
757-930-0587
Traciev@gaultelectric.com



County of New Kent

P.O. Box 150
12007 Courthouse Circle
New Kent, VA 23124

PERMIT NUMBER

BLDG-017849-2023

Issue Date: 08/10/2023

VUSBC: USBC 2018

Use: R-5

Permit Type: Building (Residential)

Work Class: Other

GPIN	Site Address	District
G11-2479-1823	6319 South Garden Rd , Providence Forge	4

Owner Information	Mechanics Lien Agent	Contractor Information
Name: VIVIAN SCHOELLER Address: 6319 South Garden Rd PROVIDENCE FORGE, VA 23140 Phone: (610) 209-8219	Name: NONE DESIGNATED Address: Phone: () -	Name: GAULT ELECTRIC LLC Address: 806 City Center Blvd NEWPORT NEWS, VA 23606 Phone: (757) 930-0587 Lic No: 2705081358 Issue Date: Lic Exp: 3/31/2024

Project Description

ROOF MOUNTED SOLAR ARRAY SYSTEM

Zone Code	Firm Zone
A1	X

Nature of Work

ROOF MOUNTED SOLAR ARRAY SYSTEM

Signature of Approving Official

Date: 08/10/2023

PER SEC. 110.6 OF THE VUSBC, ANY PERMIT ISSUED EXPIRES SIX (6) MONTHS AFTER ISSUANCE IF NO INSPECTIONS HAVE BEEN MADE.

TOTAL FEES:

\$180.03

AGENDA ITEM REQUEST
(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO
THE MEETING)

Meeting Date: 2/12/2024

Refunds

Motion: "Mr.
Chairman, I move to
(not required for Consent
Agenda items)

approve the Consent Agenda as presented and that it be made
a part of the record.

or

I move to approve the Consent Agenda as presented and that
it be made a part of the record, with the following changes:

Subject

REFUND - Ryan Homes - \$427.50

Issue

Recommendation

Approval

Fiscal Implications

Policy Implications

Legislative History

Discussion

Time Needed:

Request
prepared by:

Copy provided
to:

W. Watkins, Deputy
Clerk of the Board

Person Appearing:

Telephone:

804-966-9687

New Kent County Board of Supervisors
P O Box 150, 12007 Courthouse Circle
New Kent, VA 23124

CONSENT AGENDA **REFUND REQUEST**

(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO
THE MEETING)

Meeting Date: 2/12/2024

Reason for refund	Ryan Homes canceled permit - BP#18504-23		
Refund Amount	\$427.50		
Name and complete mailing address for refund recipient	Ryan Homes Richmond East 1100 Boulders Pkwy Suite #400 Richmond, VA 23225		
Line item identification and breakdown	Build - \$570.00 (minus 25% administrative fee) Zoning - \$30.00 - Non-Refundable Surcharge - \$11.40 - Non-Refundable		
Request prepared by:	W. Watkins, Deputy Clerk of the Board	Telephone:	804-966-9687
Date of Request:	1/30/2024		

ATTACHMENTS:

Description	Type
Ryan Homes Refund #18504 (PDF)	Cover Memo

REVIEWERS:

Department	Reviewer	Action	Date
Clerk	Watkins, Wanda	Approved	2/1/2024 - 11:00 AM
Administration	Hathaway, Rodney	Approved	2/2/2024 - 2:37 PM
Attorney	Everard, Joshua	Approved	2/5/2024 - 8:21 AM

CONSENT AGENDA REFUND REQUEST

(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO THE MEETING)

Meeting Date

February 12, 2024

Reason for refund

Contractor cancelled permit
BP# 18504-23

Refund Amount

\$427.50

Name and complete mailing
address for refund recipient

Ryan Homes
Richmond East
1100 Boulders Pkwy
Ste 400
Richmond, Va 23225

Line item identification and
breakdown

Build - \$570.00 (Minus 25% Administration fee)
Zoning - \$30.00 (Non-refundable)
Surcharge - \$11.40 (Non-refundable)

For Refunds Requested by the Commissioner of Revenue

I certify this to be a complete, full, true and exact request for refund. Certified this _____ day of _____, 20_____.

Signature of Commissioner of Revenue, his deputy or other designated official

Request prepared by: Tracee McLeod, Administrative Asst, Building Dev

Telephone 804-966-9680

Date of Request

January 31, 2024

For Clerk's Use:

Approval date by Board: _____

Admin: _____

Finance: _____

REVIEWS

Attorney _____

Print Form



New Kent County Building Development,

January 31, 2024

I am writing to inform you that the customer at address 7618 Autumn Leaves Lane has canceled contract. May we please void and request a refund for permit # 018504-2023.

Please feel free to email or call if you have any questions regarding this request. Thank you in advance for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Michelle Ellett", with a stylized, flowing script.

Michelle Ellett

Ryan Homes | Production Admin

Richmond East

1100 Boulders Parkway – Suite #400

P: (804) 237-7723

micwilli@nvrinc.com



County of New Kent

P.O. Box 150
12007 Courthouse Circle
New Kent, VA 23124

PERMIT NUMBER

BLDG-018504-2023

Issue Date: 10/27/2023

VUSBC: USBC 2018

Use: R-5

Permit Type: Building (Residential)

Work Class: New Single Family

GPIN	Site Address	District
J13-3834-4667	7618 Autumn Leaves Ln , New Kent	3

Owner Information	Mechanics Lien Agent	Contractor Information
Name: KENT FARMS HOLDING CO LLC Address: 1021 E Cary St 18TH FLOOR 2 JAMES CENTER RICHMOND, VA 23219 Phone: (804) 771-7925	Name: BENJAMIN WINN JR ESQ Address: 3701 Pender Dr 300 FAIRFAX, VA 22030 Phone: (703) 652-9719	Name: RYAN HOMES/NVR INC Address: 7501 Boulders View Dr 450 RICHMOND, VA 23225 Phone: (804) 237-7723 Lic No: 2705045627 Issue Date: Lic Exp: 9/30/2024

Project Description

NEW SINGLE FAMILY DWELLING 1907SF / 3BED 2BATH

Zone Code	Firm Zone
PUD	X

Nature of Work

NEW SINGLE FAMILY DWELLING 1907SF / 3BED 2BATH

Signature of Approving Official

Date: 10/27/2023

PER SEC. 110.6 OF THE VUSBC, ANY PERMIT ISSUED EXPIRES SIX (6) MONTHS AFTER ISSUANCE IF NO INSPECTIONS HAVE BEEN MADE.

TOTAL FEES:

\$611.40

AGENDA ITEM REQUEST
(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO
THE MEETING)

Meeting Date: 2/12/2024

Refunds

<p>Motion: "Mr. Chairman, I move to (not required for Consent Agenda items)</p>	<p>approve the Consent Agenda as presented and that it be made a part of the record.</p> <p>or</p> <p>I move to approve the Consent Agenda as presented and that it be made a part of the record, with the following changes:</p>
<p>Subject</p>	<p>REFUND - Real Estate Tax - Veteran Exemption - \$6,751.24</p>
<p>Issue</p>	
<p>Recommendation</p>	<p>Approval</p>
<p>Fiscal Implications</p>	
<p>Policy Implications</p>	
<p>Legislative History</p>	
<p>Discussion</p>	

<p>Time Needed:</p>		<p>Person Appearing:</p>	
<p>Request prepared by:</p>	<p>Shannon McLaughlin</p>	<p>Telephone:</p>	<p>804-966-9609</p>
<p>Copy provided to:</p>			

New Kent County Board of Supervisors
P O Box 150, 12007 Courthouse Circle
New Kent, VA 23124

CONSENT AGENDA
REFUND REQUEST

(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO
THE MEETING)

Meeting Date: 2/12/2024

Reason for refund	Veteran exempt as of January 4, 2022.		
Refund Amount	\$6,751.24		
Name and complete mailing address for refund recipient			
Line item identification and breakdown	2022 - \$3,357.02 2023 - \$3,394.22		
Request prepared by:	Shannon McLaughlin	Telephone:	804-966-9609
Date of Request:	1/17/2024		

REVIEWERS:

Department	Reviewer	Action	Date
Commissioner of Revenue	McLaughlin, Shannon	Approved	1/17/2024 - 11:59 AM
Administration	Hathaway, Rodney	Approved	1/19/2024 - 11:23 AM
Attorney	Everard, Joshua	Approved	1/22/2024 - 8:47 AM

AGENDA ITEM REQUEST
(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO
THE MEETING)

Meeting Date: 2/12/2024

Supplemental Appropriations

<p>Motion: "Mr. Chairman, I move to (not required for Consent Agenda items)</p>	<p>approve the Consent Agenda as presented and that it be made a part of the record.</p> <p>or</p> <p>I move to approve the Consent Agenda as presented and that it be made a part of the record, with the following changes:</p>
<p>Subject</p>	<p>FY24 Supplemental Appropriations</p>
<p>Issue</p>	
<p>Recommendation</p>	
<p>Fiscal Implications</p>	<ol style="list-style-type: none"> 1. Animal Shelter Donations, \$1,251. 2. Gifts & Donations - Fire: Keith and Gilda Black (\$2,500) and Sheriff: Keith and Gilda Black (\$2,500), \$5,000. 3. VRSA Insurance - Sheriff's Dept. - Claim #02-23-55041-1-AP, DOL 11/03/2023-11/03/2023 (\$411) and Public Utilities - Claim #02-23-54745-1-AP, DOL 09/28/2023-01/16/2024 (\$4,383.46), \$4,794.46. 4. Sheriff Extra Duty Private and Extra Duty Schools - James City County: 9/23/2023-10/26/2023 (\$5,344.74) Home Building Association of Richmond: 10/4/2023-10/16/2023 (\$8,809.42), Colonial Downs: 11/3/2023-11/10/2023 (\$1,529.42), 11/17/2023-12/9/2023 (\$3,364.71), Holly Fork Farm: 10/21/2023 (\$367.06), 9/16/2023 (\$367.06) and Schools: 9/29/2023 (\$1,983.45), 8/30/2023-9/8/2023 (\$1,065.74), \$22,831.60. 5. Charles City Radio Project - September 2023 Integration (\$173.24) and October 2023 Integration (\$43.31), \$216.55 6. Farmers Market - \$75 7. Grand Illumination - t-shirt sales, \$40. 8. REPP Grant Funds - \$20,500. 9. PERP Funds - Local Only PERP: November (\$2,806.06) and December (\$1,920), \$4,726.06. 10. Interest Income - December 2023 for 2022 W&S Bond, \$18,007.86. 11. HEAT Grant - International Association of Auto Theft Investigators' Vehicle Crimes Conference, \$5,000. 12. FY23 to FY24 Carryforward - Item Not originally included in Carryforward request (Public Utilities) - \$10,712.23. 13. LIHWAP Grant Funds - \$2,034.69. 14. Justice Assistance Grant (JAG) - plus \$3,400 County Match, \$6,800. 15. Additional DSS Funds - \$14,705. 16. Opioid Abatement Settlement Funds - \$4,143.03. 17. 2022 LOLE FY23 Grant - \$2,536.

\$123,373.48 - Total
 (\$35,259.84) - Total In/Out - General Fund (1101)
 (\$32,179.03) - Total In/Out - Grant Fund (1106)
 (\$16,980.06) - Total In/Out - Social Services (1201)
 (\$18,007.86) - Total In/Out - Capital (1302)
 (\$4,383.46) - Total In/Out - Water/Sewer (1514)
 (\$5,851.00) - From Fund Balance - General Fund (1101)
 (\$10,712.23) - From Fund Balance - Water/Sewer (1514)

Policy Implications

Legislative History

Discussion

Time Needed:

Person Appearing:

Request
prepared by:

W. Watkins, Deputy
Clerk of the Board

Telephone:

804-966-9687

Copy provided
to:

ATTACHMENTS:

Description

Type

Supplemental Appropriations for 021224 (PDF)

Cover Memo

REVIEWERS:

Department

Reviewer

Action

Date

Clerk

Watkins, Wanda

Approved

2/5/2024 - 3:15 PM

Administration

Hathaway, Rodney

Approved

2/5/2024 - 3:43 PM

Attorney

Everard, Joshua

Approved

2/5/2024 - 4:02 PM

Interoffice
MEMORANDUM

To: Rodney A. Hathaway, County Administrator
From: Rebecca F. Guthrie, Director of Financial Services
Subject: FY24 Supplemental Appropriations For Munis (February 12 BOS Meeting)
Date: January 24, 2024

FY2023-2024

This memo is to request the following supplemental appropriations:

	Revenue	Expenditure
<i>Donations totaling \$1,251.00 received by Sheriff Department</i>		
REVENUE:		
110918-318402	\$ (1,251.00)	
Animal Shelter Donations		
EXPENDITURE:		
11351000-403190		\$ 1,251.00
Veterinarian Services		

To Appropriate Gifts & Donations

Fire: Keith and Gilda Black (\$2,500.00) Sheriff: Keith and Gilda Black (\$2,500.00)

REVENUE:		
110918-318401	\$ (5,000.00)	
Gifts & Donations		
EXPENDITURE:		
11321000-405894		\$ 2,500.00
Public Education Donations-Fire		
11312000-406010		\$ 2,500.00
Police Supplies		

To Appropriate Funds Received from VRSA Insurance

Sheriff's Dept. - Claim #02-23-55041-1-AP, DOL: 11/03/2023-11/03/2023 (\$411.00)

Public Utilities - Claim #02-23-54745-1-AP, DOL: 09/28/2023-01/16/2024 (\$4,383.46)

REVENUE:		
110918-318203	\$ (411.00)	
Insurance Recoveries		
370966-366107	\$ (4,383.46)	
Insurance Recoveries		
EXPENDITURE:		
11312000-405840		\$ 411.00
Insurance Damages/Recoveries		
37910300-405840		\$ 4,383.46
Insurance Damages/Recoveries		

To Appropriate Funds for Sheriff Extra Duty Private and Sheriff Extra Duty Schools

James City County Howl-O-Scream: 9/23/2023-10/26/2023 (\$5,344.74) Home Building Association of Richmond: 10/4/2023-10/15/2023 (\$8,809.42) Colonial

Downs: 11/3/2023-11/10/2023 (\$1,529.42); 11/17/2023-12/9/2023 (\$3,364.71) Holly Fork Farm: 10/21/2023 (\$367.06); 9/16/2023 (\$367.06) School HS

Sports: 9/29/2023-10/13/23 (\$1,983.45); 8/30/2023-9/8/2023 (\$1,065.74)

REVENUE:		
110919-319204	\$ (22,831.60)	
Recovered Costs - Misc.		
EXPENDITURE:		
11312000-401304		\$ 19,782.41
Salaries-Supplemental Activities		
11312000-401320		\$ 3,049.19
Extra Security Detail-Schools		

To Appropriate Charles City Radio Project Funds

September 2023 Integration (\$173.24)

October 2023 Intergration (\$43.31)

REVENUE:		
110919-319204	\$ (216.55)	
Recovered Costs - Misc.		
EXPENDITURE:		
11321000-401100		\$ 216.55
Salaries and Wages		

To Appropriate Funds for Farmers Market

Farmers Market - Lynn Goellner (\$75.00)

REVENUE:		
110918-318305	\$ (75.00)	
Farmers Market Reg Fee		
EXPENDITURE:		
11110200-405843		\$ 75.00
Special Events		

To Appropriate Funds for the Grand Illumination:

T-Shirt Sales (\$40.00)

REVENUE:		
110918-318405	\$ (40.00)	
Grand Illumination Donations		
EXPENDITURE:		
11110200-405843		\$ 40.00
Special Events		

Interoffice
MEMORANDUM

To: Rodney A. Hathaway, County Administrator
From: Rebecca F. Guthrie, Director of Financial Services
Subject: FY24 Supplemental Appropriations For Munis (February 12 BOS Meeting)
Date: January 24, 2024

FY2023-2024

This memo is to request the following supplemental appropriations:

	Revenue	Expenditure
<u>To Appropriate REPP Grant Funds</u>		
REPP Grant Funds (\$20,500.00)		
REVENUE:		
110924-324200-20202	\$ (20,500.00)	
Emergency Services		
EXPENDITURE:		
11321500-408021		\$ 20,500.00
VA Power Grant Funds		
<u>To Appropriate PERP Funds Received</u>		
Local Only PERP: November (\$2,806.06); December (\$1,920.00)		
REVENUE:		
250919-319204	\$ (4,726.06)	
Recovered Cost Misc.		
EXPENDITURE:		
25532100-400703		\$ 4,726.06
Local Only PERP		
<u>To Appropriate Interest Income December 2023 for 2022 W&S Bond</u>		
December 2023 (\$18,007.86)		
REVENUE:		
370961-361101	\$ (18,007.86)	
Interest on Investments		
EXPENDITURE:		
37940000-408642		\$ 18,007.86
Solids Stabilization Dewatering		
<u>To Appropriate HEAT Grant</u>		
International Association of Auto Theft Investigators' Vehicle Crimes Conference		
REVENUE:		
130924-324200-30107	\$ (5,000.00)	
Sheriff One Time Grant		
EXPENDITURE:		
13312000-408001-12014		\$ 5,000.00
Heat Grant Expenditures		
<u>FY23 to FY24 Carryforward - Item Not originally included in Carryforward request</u>		
REVENUE:		
370967-367102	\$ (10,712.23)	
Estimated Fund Balance Used		
EXPENDITURE:		
37910200-403170		\$ 10,712.23
Professional Services		
<u>To Appropriate LIHWAP Grant Funds</u>		
REVENUE:		
110933-333100	\$ (2,034.69)	
Disaster Recovery - Federal		
EXPENDITURE:		
11918000-405899-51068		\$ 2,034.69
Utl Delinquent Acct Assistance		
<u>To Appropriate Justice Assistance Grant (JAG)</u>		
County Match for grant: \$3,400		
REVENUE:		
110933-333300-30118	\$ (3,400.00)	
Bullet Proof Vest Partnership		
110948-348102	\$ (3,400.00)	
Estimated Fund Balance Used		
EXPENDITURE:		
11312000-408240		\$ 6,800.00
KEVLAR Vest Grant Program		
<u>To Appropriate Additional DSS Funds</u>		
REVENUE:		
250924-324200-20609	\$ (9,803.00)	
State Reimbursement		
250949-349201	\$ (2,451.00)	
Transfer from General Fund		
110948-348102	\$ (2,451.00)	
Estimated Fund Balance Used		
EXPENDITURE:		
25532100-400804		\$ 12,254.00
Auxiliary Grant		
11931000-409206		\$ 2,451.00
Transfer to DSS		

Interoffice
MEMORANDUM

To: Rodney A. Hathaway, County Administrator
From: Rebecca F. Guthrie, Director of Financial Services
Subject: FY24 Supplemental Appropriations For Munis (February 12 BOS Meeting)
Date: January 24, 2024

FY2023-2024

This memo is to request the following supplemental appropriations:

To Appropriate Opioid Abatement Settlement Funds Received

REVENUE:

130924-324200-12012

Opioid Abatement Program

EXPENDITURE:

13312000-405899-12012

Opioid Abatement Program

To Appropriate 2022 LOLE FY23 Grant

FY23 LOLE Grant

REVENUE:

130933-333300-30107

Sheriff One-Time Fed Grants

EXPENDITURE:

13312000-408001-12003

LLEBG Equipment

	Revenue	Expenditure
	\$ (4,143.03)	
		\$ 4,143.03
	\$ (2,536.00)	
		\$ 2,536.00
	\$ (123,373.48)	\$ 123,373.48

\$ 123,373.48	Total
\$ (35,259.84)	Total In/Out - General Fund (1101)
\$ (32,179.03)	Total In/Out - Grant Fund (1106)
\$ (16,980.06)	Total In/Out - Social Services (1201)
\$ (18,007.86)	Total In/Out - Capital(1302)
\$ (4,383.46)	Total In/Out - Water/Sewer (1514)
\$ (5,851.00)	From Fund Balance - General Fund (1101)
\$ (10,712.23)	From Fund Balance - Water/Sewer (1514)
-	Check

cc:

The Honorable Lee Bailey, Sheriff
Joey McLaughlin III, Chief Deputy - New Kent County Sheriff's Office
Nancy Lindsey, Finance Manager
April Davidson, Secretary to the Sheriff
Richard Opett, Fire Chief
Lisa Baber, Deputy Fire Chief
Ellen Browne, Administrative Assistant
Mike Lang, Public Utilities Director
Harold Jones, Assistant Public Utilities Director
Jennifer Ronk, Billing Specialist
Becky Wells, Public Utilities Administrative Assistant
Rodney Hathaway, County Administrator
Matt Smolnik, Assistant County Administrator
Wanda Watkins, Deputy Clerk of the Board
Krista Eutsey, Public Relations Specialist
Amanda Stanger, Executive Assistant to the County Administrator
Suzanne Grable, Social Services Director
Dana Boothe, Administrative Services Manager
Kendra Howard, Administrative Program Assistant I

AGENDA ITEM REQUEST
(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO
THE MEETING)

Meeting Date: 2/12/2024

Interdepartmental Budget Transfers

<p>Motion: "Mr. Chairman, I move to (not required for Consent Agenda items)</p>	<p>approve the Consent Agenda as presented and that it be made a part of the record.</p> <p>or</p> <p>I move to approve the Consent Agenda as presented and that it be made a part of the record, with the following changes:</p>
Subject	FY24 Interdepartmental Budget Transfers
Issue	
Recommendation	
Fiscal Implications	<ol style="list-style-type: none"> 1. Financial Services - From Office Supplies to Employee Incentives/Awards, \$80. 2. Fire-Rescue - From CIP EMS Equipment to CIP Station Access (\$18,795.84) and from CIP Ambulance Replacement to CIP Fire Apparatus (\$38,920), \$57,715.84. 3. General Services - From Reserved for Contingency to County Facility Rehab Projects, \$100,000. 4. Public Utilities - From Microwave Antenna to SCADA Installation-Sewer, \$32,500.
Policy Implications	
Legislative History	
Discussion	

Time Needed:		Person Appearing:	
Request prepared by:	W. Watkins, Deputy Clerk of the Board	Telephone:	804-966-9687
Copy provided to:			

ATTACHMENTS:

Description	Type
-------------	------

REVIEWERS:

Department	Reviewer	Action	Date
Clerk	Watkins, Wanda	Approved	2/2/2024 - 9:04 AM
Administration	Hathaway, Rodney	Approved	2/2/2024 - 2:37 PM
Attorney	Everard, Joshua	Approved	2/5/2024 - 8:22 AM

BUDGET TRANSFER FORM

Jul-23 ~~FY23~~ FY24

BATCH #

REF #

80.00

11122200-406030

EMPLOYEE INCENTIVES/AWARDS

80.00

Requiere BOS Approval

\$ 80.00

\$ 80.00

RFG

12/15/2023

PREPARER'S INITIALS

DATE _____

CHECKED FOR FUNDS:

ENTERED:

POSTED:

DEPT HEAD SIGNATURE:

DATE: 12/15/2023

COUNTY ADMINISTRATOR APPROVAL:

BUDGET TRANSFER FORM

ACCOUNTING PERIOD:

FY24

BATCH # _____

REF #

[illegible]

Explanation for transfer: Station access quote increased due to equipment increases. Fire apparatus increase for September allocation posted to another account.

INITIALS DATE
 RQ 1/14/24
 CHECKED FOR FUNDS:
 ENTERED:
 POSTED:

DEPARTMENT: Fire-Rescue

DEPT HEAD:

DATE:

COUNTY ADMINISTRATOR APPROVAL:

213

[Signature] 1-8-24

BUDGET TRANSFER FORM

ACCOUNTING PERIOD:

Jan-24 **FY24**

BATCH #

REF #

[illegible]

Explanation for transfer: A transfer is needed for HHS remodeling/relocation project, this project was not initially included as part of the CIP process.

PREPARER'S INITIALS	DATE
RFG	1/3/2024

FOR FINANCE OFFICE USE ONLY

CHECKED FOR FUNDS: RTG 1/3/29

ENTERED: _____

POSTED: _____

DEPARTMENT: General Services

DEPT HEAD SIGNATURE: Carrie Weber Email - Entered by RFG

DATE: 1/3/2024

COUNTY ADMINISTRATOR APPROVAL:

BATCH # _____

REF # _____


[illegible]

Explanation for transfer:


Microwave Antenna project completed. Remaining funds to be transferred to SCADA project.

	BW	1/29/2024
	INITIALS	DATE
CHECKED FOR FUNDS:	<u>RG</u>	<u>1/29/24</u>
ENTERED:	<hr/>	
POSTED:	<hr/>	

DEPARTMENT: Public Utilities

DEPT HEAD SIGNATURE: 

DATE: 1/28/24

COUNTY ADMINISTRATOR APPROVAL:  1-30-2024

AGENDA ITEM REQUEST
(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO
THE MEETING)

Meeting Date: 2/12/2024

Treasurer's Report

Motion: "Mr. Chairman, I move to (not required for Consent Agenda items)	approve the Consent Agenda as presented and that it be made a part of the record. or I move to approve the Consent Agenda as presented and that it be made a part of the record, with the following changes:
Subject	Treasurer's Report - December 2023
Issue	
Recommendation	
Fiscal Implications	
Policy Implications	
Legislative History	
Discussion	Cash as of December 31, 2023, \$112,729,544.40 including escrow funds.

Time Needed:		Person Appearing:	
Request prepared by:	W. Watkins, Deputy Clerk of the Board	Telephone:	804-966-9687
Copy provided to:			

ATTACHMENTS:

Description	Type
Treasurer's Report - December 2023 (PDF)	Cover Memo

REVIEWERS:

Department	Reviewer	Action	Date
Clerk	Watkins, Wanda	Approved	1/19/2024 - 10:24 AM
Administration	Hathaway, Rodney	Approved	1/19/2024 - 11:26 AM
Attorney	Everard, Joshua	Approved	1/22/2024 - 8:33 AM



Cash Report

As of December 31, 2023

Cash Account Balance (total per statements)	55,748,727.73
<u>Investments</u> (per statements)	
C&F - Certificates of Deposit	8,045,326.61 General Operations
Local Government Investment Pool	4,462.88
Virginia Investment Pool	38,112,307.42
Primis - Money Market + ICS	10,462,530.71
Total Investments	56,624,627.62
<hr/>	
Total Cash and Investments	112,373,355.35
Escrow Accounts (Soil and Erosion)	356,189.05
Total Cash in Bank	112,729,544.40 including escrow funds

AGENDA ITEM REQUEST
(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO
THE MEETING)

Meeting Date: 2/12/2024

RESIDENCY ADMINISTRATOR'S REPORT

Motion: "Mr.
Chairman, I move to
(not required for Consent
Agenda items)

Subject

Residency Administrator's Report for January 2024

Issue

Recommendation

Fiscal Implications

Policy Implications

Legislative History

Discussion

Time Needed:

Request
prepared by:

Copy provided
to:

Person Appearing:

Telephone:

804-966-9687

W. Watkins, Deputy
Clerk of the Board

ATTACHMENTS:

Description

Residency Administrator's Report January 2024
(PDF)

Type

Cover Memo

REVIEWERS:

Department
Clerk

Reviewer
Watkins, Wanda

Action
Approved

Date
2/5/2024 - 2:33 PM

NEW KENT COUNTY
January 2024

MAINTENANCE:

Jeff Allgood

Pothole Repair:

- 1002 Carter Rd
- 1025 Quinton Meadow Ct
- 1219 Baylor Grove Ct
- 1401 Four Seasons Ridge Blvd & 106 Emmaus Church Rd
- 30 Eltham Rd
- 30 New Kent Hwy
- 60 Pocahontas Trl
- 611 Quaker Rd
- 640 Old Roxbury Rd & Old Nottingham Rd
- 650 Landing Rd & 1103 S Landing Rd
- 666 Bailey Ln & 155 N Courthouse Rd

Grade Road:

- 617 Criss Cross Rd
- 642 St Peters Ln
- 647 Old Telegraph Rd
- 672 Wahrani Ln
- 678 Clarke Rd
- 686 Terminal Rd

Concrete Repair:

- 1280 Flowering Peach Ln
- 1282 Carolina Cherry Cir
- 1283 Tea Olive Cir
- 1285 Yellow Jasmine Ter
- 1370 Patriots Landing Dr

Shoulder Repair:

- 30 Eltham Rd
- 60 Pocahontas Trl
- 610 Pine Fork Rd
- 630 George W Watkins Rd
- 613 Dispatch Rd
- 615 Mountcastle Rd
- 617 Criss Cross Rd
- 627 Good Hope Rd
- 627 N Waterside Dr
- 627 S Waterside Dr
- 643 Mihalcoe Ln
- 647 Old Telegraph Rd
- 678 Clarke Rd

Entrance Repair:

- 249 New Kent Hwy

NEW KENT COUNTY

January 2024

- 60 Pocahontas Trl
- 627 N Waterside Dr & Hidden Dr
- 629 Carriage Rd

Erosion Repair:

- 1112 Brickshire Dr
- 1129 Villa Green Dr
- 1251 King Bird Ct
- 1381 Flowering Magnolia Ln
- 249 New Kent Hwy
- 606 Old Church Rd
- 615 Mountcastle Rd
- 617 Criss Cross Rd
- 642 St Peters Ln
- 674 Clint Ln

Pipe Inspection:

- 627 N Waterside Dr
- 628 Mt Pleasant Rd

Pipe Replace:

- 1010 Colony Trl
- 1305 Wensleydale Dr

Pipe Repair:

- 1284 Golden Bell Cir
- 629 Carriage Rd
- 661 Mattaponi Rd

Pipe Cleaning:

- 1002 Carter Rd
- 1035 Piper Dr
- 1110 Kentland Trl
- 1236 Holly Woods Ct
- 249 New Kent Hwy
- 60 Pocahontas Trl
- 606 Old Church Rd
- 613 Dispatch Rd
- 615 Mountcastle Rd
- 628 Mt Pleasant Rd
- 631 S Garden Rd
- 640 Old Roxbury Rd
- 642 St Peters Ln
- 649 Rockahock Rd
- 662 Golden Wheel Rd
- 665 Henpeck Rd
- 678 Clarke Rd
- 686 Terminal Rd

Ditch Inspection:

- 603 Good Hope Rd
- 615 Mountcastle Rd

NEW KENT COUNTY

January 2024

Ditching:

- 1030 Turners Landing Rd
- 1035 Piper Dr
- 106 Emmaus Church Rd
- 1112 Brickshire Dr
- 1203 Club Dr
- 1209 N Hairpin Dr
- 1240 Pinehurst Dr
- 1302 Old Quarter Ln
- 1306 Gingham Dr
- 1320 Oakrise Pl
- 155 N Courthouse Rd
- 30 Eltham Rd & 273 Farmers Dr
- 30 New Kent Hwy
- 60 Pocahontas Trl
- 606 Old Church Rd
- 610 Pine Fork Rd
- 611 Quaker Rd
- 612 Airport Rd & 686 Terminal Rd
- 613 Dispatch Rd
- 615 Mountcastle Rd
- 615 S Mountcastle Rd
- 617 Criss Cross Rd
- 619 Hopewell Rd
- 627 Good Hope Rd
- 627 N Waterside Dr
- 627 Riverside Dr
- 627 S Waterside Dr
- 627 W Riverside Dr
- 629 Carriage Rd
- 631 S Garden Rd
- 632 Stage Rd
- 640 Old Roxbury Rd
- 642 St Peters Ln
- 643 Mihalcoe Ln
- 647 Old Telegraph Rd
- 686 Terminal Rd

Tree Removal / Cleanup:

- 249 New Kent Hwy
- 30 New Kent Hwy
- 612 Airport Rd
- 623 Cooks Mill Rd & Cooks Mill Pl
- 649 Rockahock Rd
- 665 Henpeck Rd

Tree Pruning / Cleanup:

- 155 N Courthouse Rd

Brush Cutting / Cleanup:

- 608 Old River Rd

NEW KENT COUNTY

January 2024

- 618 Olivet Church Rd

Tree Debris Cleanup:

- 60 Pocahontas Trl
- 600 Holly Fork Rd & 601 Tabernacle Rd
- 617 Criss Cross Rd
- 661 Mattaponi Rd

Sign Repair / Replace:

- 609 Tallevsille Rd; Speed Limit

Debris:

- 106 Vineyards Pkwy; Mud
- 60 Pocahontas Trl; Concrete on shoulder
- 60 Pocahontas Trl; Bag of trash
- 60 Williamsburg Rd; Pallet and insulation on shoulder
- 613 Dispatch Rd; Sand/silt
- 618 Olivet Church Rd; Mattress on shoulder
- 638 Cosby Mill Rd
- 647 Old Telegraph Rd; Bucket of oil in median

Trash / Litter Pickup:

- Park & Ride County wide
- Toe Ink Wayside; Park n Ride and Picnic Area

Miscellaneous:

- Dead animal removal county-wide
- Load and unload spreaders
- Brine primary routes

Work Requests:

- 128 Received
- 213 Completed

Emergency Call Out After Hours (2):

- 106 Vineyards Pkwy; Tractor trailer accident
- 619 Hopewell Rd; High water

NEW KENT COUNTY

January 2024

PROJECT DEVELOPMENT

Brian Ramsey, P.E.

Projects

- None

NON-ORDINARY MAINTENANCE

Phillip Frazer, P.E.

Studies

- 609 Tallevsille Rd; Speed limit change request from 45mph to 25mph complete.
- 249 New Kent Hwy; Speed limit change request warranted and implemented.
- 155 N Courthouse Rd & 249 New Kent Hwy; Remove passing zone request. Additional information needed.
- 627 S Waterside Dr; Speed limit reduce to 40mph request complete.
- 640 Quinton Rd; Speed limit change request complete.
- 665 N Henpeck Rd; School Bus Stop Ahead sign install request.

New Kent County Board of Supervisors
P O Box 150, 12007 Courthouse Circle
New Kent, VA 23124

AGENDA ITEM REQUEST
(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO
THE MEETING)

Meeting Date: 2/12/2024

PRESENTATIONS

Motion: "Mr.
Chairman, I move to
(not required for Consent
Agenda items)

Subject

Heritage Public Library Update

Issue

Recommendation

Fiscal Implications

Policy Implications

Legislative History

Discussion

Time Needed:

Request
prepared by:

Copy provided
to:

Person Appearing:

Telephone:

W. Watkins, Deputy
Clerk of the Board

804-966-9687

REVIEWERS:

Department
Clerk

Reviewer
Watkins, Wanda

Action
Approved

Date
2/5/2024 - 12:14 PM

AGENDA ITEM REQUEST
(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO
THE MEETING)

Meeting Date: 2/12/2024

PUBLIC HEARINGS

Motion: "Mr.
Chairman, I move to
(not required for Consent
Agenda items)

_____ Ordinance O-09-23 (R1) and associated Proffers

Subject

**PUBLIC HEARING - Ordinance O-09-23(R1), Creating the
Liberty Landing Planned Unit Development (PUD-01-22) -
Principal Planner Kelli Le Duc and Applicants**

Issue

Kenneth Merner of Bridgewater Crossing Inc. (property owner) and Jeffrey Geiger of Hirschler Fleischer (agent) have requested the rezoning from Business to Planned Unit Development (PUD) of approximately 113 acres of land, and the rezoning from A1 to Planned Unit Development (PUD) of approximately 4.6 acres of land. The applicants are proposing to create a mixed-use development with approximately 60,000 square feet of Business/Commercial uses in the front (northern) portion of the property, 145 townhomes, and 145 single-family residential lots.

Recommendation

The Planning Commission considered this application at their meeting on April 17, 2023 and voted 6:4:1 to forward a favorable recommendation to the Board of Supervisors.

Fiscal Implications

See associated proffer statement dated July 13, 2023. Applicants are proposing cash proffers of \$8,000.00 for each single family detached dwelling unit and \$4,000.00 for each townhouse dwelling unit built on the property. Applicants are proposing \$500,000.00 towards the installation of a traffic signal. Applicants are proposing \$250,000.00 towards land reimbursement costs for a fire station. See full fiscal impact analysis within application materials.

Policy Implications

n/a

Legislative History

n/a

Discussion

The applicants presented their most up to date proposal at the BOS work session on January 30, 2024.

Time Needed:

30 minutes

Person Appearing:

Kelli Le Duc and
applicants

Request
prepared by:

Kelli Le Duc

Telephone:

966-8505

Copy provided
to:

Amy Inman, Director Planning

ATTACHMENTS:

Description	Type
BOS memo	Cover Memo
PC Resolution	Backup Material
APO list and Affidavit	Backup Material
Master Plan	Backup Material
BOS Ordinance O-09-23(R1) and Proffers	Ordinance

REVIEWERS:

Department	Reviewer	Action	Date
Planning & Zoning	Inman, Amy	Approved	1/31/2024 - 12:53 PM
Administration	Hathaway, Rodney	Approved	1/31/2024 - 3:15 PM
Attorney	Everard, Joshua	Approved	2/5/2024 - 8:37 AM



MEMORANDUM

DATE: February 12, 2024

TO: New Kent County Board of Supervisors

SUBJECT: Application Number PUD-01-22, Liberty Landing

REQUEST

Kenneth Merner of Bridgewater Crossing, Inc., and Jeffrey Geiger of Hirschler Fleischer (agent) have requested the rezoning from Business to Planned Unit Development (PUD) of approximately 113 acres of land, and the rezoning from A-1 to PUD of approximately 4.6 acres of land. The applicants are proposing to create a mixed-use development with approximately 60,000 square feet of Business/Commercial uses in the front (northern) portion of the property, 145 townhomes, and 145 single-family residential lots. There are also designated open space areas, recreation areas, proposed clubhouses with amenities, and walking trails.

PUBLIC HEARINGS

Planning Commission: April 17, 2023, 6:30 p.m., County Boardroom
Board of Supervisors: February 12, 2024, 7:00 p.m., County Boardroom

GENERAL INFORMATION

Location: The subject properties are located to the south of Route 60 (across from the Five Lakes Subdivision)

Tax Parcels: 19-11-1, 19-11-2, 19-11-3, 19-11-4, 19-11-5, 19-11-A, 19-11-B, 19-46A, 29-2A, and 29-2B

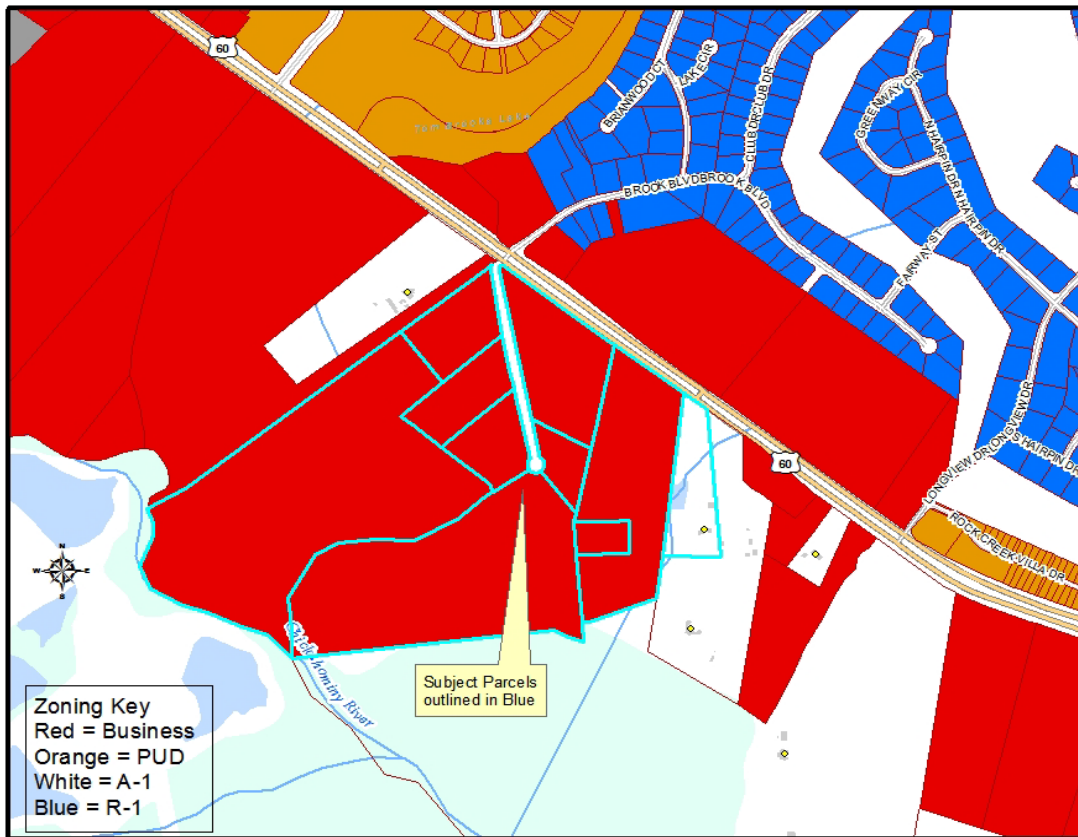
Size: Approximately 118 acres

Owners: Bridgewater Crossing, Inc.

Current Zoning: Business and A-1

Current Use: Vacant, with some wetlands and RPA near the Chickahominy River, and Residential

Adjacent Zoning: North – Route 60, Business properties, Five Lakes (R-1)
East – A-1
West – A-1 and Business
South – Chickahominy River



New Kent County Comprehensive Plan Future Land Use Designation: Village

RELATIONSHIP TO COMPREHENSIVE PLAN

The PUD ordinance/application states the following: *The applicant is proposing 290 housing units, of which 145 will be for-sale townhomes and 145 will be single-family detached dwellings. The townhomes are planned to be offered in four models ranging between 1000 square feet and 2000 square feet. The single-family detached units are planned to range from 1400 to 3000 square feet. Additionally, 60,000 square feet of retail/commercial space is to be developed on 16.36 acres (which includes right of way). It is anticipated that the commercial space will include restaurants, retail establishments, consumer service establishments (such as personal care, tax services, etc.) The office component would include medical and general office space, with the general office space likely being tenanted by insurance agencies, law offices, financial planners, and similar tenants.*

The Comprehensive Plan's Future Land Use Map designates these properties as Village. Villages are intended to involve a mixture of land uses on a smaller, pedestrian scale. The creation of viable villages requires the availability of public water and sewer to allow for the compact nature of development necessary to ensure that the entire village can easily be traversed by foot. The scale, design and attention to detail of structures within village areas are critical to carrying out the vision of the Plan.

Allowable land uses would include the following:

- Single-family detached and attached dwellings on smaller lots to provide opportunities for a more affordable housing option

- Apartments and condominiums, both free-standing and in upper floor space able street level commercial uses
- Retail stores of a modest scale, (i.e., big box retailers are not considered an appropriate use in villages)
- Services
- Professional and general offices, both free standing and in multi-tenant structures
- Institutional uses such as churches, schools and libraries

Villages are intended to be subject to fairly stringent design standards including the following types of requirements:

- Structures to be located close to the street with all parking located either on-street or behind structures in shared parking lots
- Sidewalks and sitting areas to be located between streets and buildings
- Controlled access to public streets
- Architectural, building material and landscaping controls
- Provision of public plazas, parks and other gathering places

Liberty Landing is in keeping with the County's Village vision of this area. Liberty Landing is proposed to be comprised of a mixture of structures and uses. Commercial uses are planned along Route 60. These commercial uses will be supported by a mixture of residential uses located to the southwest of the commercial area. The close proximity of the residents to both the commercial uses in Liberty Landing and nearby developments will encourage residents to walk instead of drive.

One goal in the Comprehensive Plan is to increase and enhance the County's recreational opportunities. The applicant has submitted a plan that includes approximately 11 acres of recreation area, an extensive walking trail, clubhouse areas with amenities, and a large amount of open space.

Another goal of the Comprehensive Plan is to provide safe and sanitary housing opportunities for all citizens of the County, encouraging higher density and alternative housing types that will serve the unmet needs of the County and the region.

TRANSPORTATION ANALYSIS

Based on the Transportation Analysis that was completed by Ramey Kemp Associates and included in the application materials, the following roadway improvements are recommended to accommodate the projected mixed-use community trips:

U.S. 60 at Brook Boulevard/West Driveway:

- Construct the site driveway with one ingress and two egress lanes
- Construct an eastbound right turn lane on U.S. 60 with 200 feet of storage
- Construct a westbound left turn lane on U.S. 60 with 200 feet of storage

U.S. 60 at East Driveway:

- Construct the site driveway with one ingress lane and one egress lane
- Construct an eastbound right turn lane on U.S. 60 with 200 feet of storage
- Construct a westbound left turn lane on U.S. 60 with 200 feet of storage

VDOT reviewed the Transportation Analysis and had several comments that will need to be addressed during the site planning stage, should the PUD application be approved.

PUBLIC UTILITIES

The Liberty Landing project will connect to and use the County's water supply and sewage treatment facilities. Based on comments from New Kent County Utilities, the Bottoms Bridge District utilities were designed and constructed to meet the utility demands of this proposal.

IMPACT ON HISTORIC SITES

The owner conducted a cultural survey of the property that will comprise Liberty Landing. The survey revealed that a small portion of the property contained archaeological evidence of potentially significant Native American artifacts. The owner recognizes the importance of preserving this portion of the property. Liberty Landing has been designed to preserve this portion of the property as a park area. The cultural survey did not reveal any other historically significant sites or structures on the property or in the vicinity.

ENVIRONMENTAL IMPACTS

One of the goals within the Comprehensive Plan is to *"Conserve, protect, and preserve the quality of the County's air, water, soil, wildlife habitat, and scenic views through responsible stewardship of the land."*

Over 30% of the land within Liberty Landing will be devoted to open space/recreation space. Stormwater BMPs will be constructed to treat and capture runoff that does not naturally infiltrate through the soil. To ensure that all generated stormwater is properly captured and cleaned, the owner will create and implement a stormwater pollution prevention plan. In addition, the owner will create and implement an erosion and sediment control plan to minimize environmental impacts during construction.

The application includes an Environmental Resource Impact Analysis that was prepared by Townes Site Engineering and reviewed by the Environmental Director. He provided some general information and comments that will be addressed during the site planning stage.

FISCAL IMPACT AND SCHOOL IMPACT STUDY

The applicant submitted an updated Fiscal Impact and School Impact Study with this application. The study concludes that if the *"County approves Liberty Landing at the requested density, the County can expect to receive almost \$14.9 million over the next ten years after all of the County's and school system's costs are paid. After the project is completely built out, the County can expect to receive more than \$1.25 million annually, again after all of the County's and school system's costs have been paid."*

The Study concludes that *"At build out, Liberty Landing is projected to generate 103 students attending the New Kent County Public Schools. The average number of students generated by Liberty Landing households was calculated to be 0.356 students per household. These students can easily be accommodated by the County's schools that students from Liberty Landing will attend."*

IMPACT ON NEW KENT COUNTY PUBLIC SERVICES

The application was reviewed by the New Kent Sheriff's Office and the New Kent Fire Marshall's Office. Each of these offices recognize that there will be a need for additional resources in the Bottoms Bridge area, especially when units begin to be constructed.

PROFFERS

The proffer statement dated July 13, 2023 is included in your packets. It includes a payment to New Kent County of \$8,000.00 for each single-family detached dwelling unit and a payment of \$4,000.00 for each townhouse dwelling unit built on the property, to be paid prior to the issuance of a Certificate of Occupancy for said unit. It includes \$500,000.00 towards the installation of a traffic signal. It includes \$250,000.00 towards land reimbursement costs for a fire station.

OVERALL ANALYSIS AND PLANNING COMMISSION ACTION

The proposed project is in an area of the County that is designated for Village-type development. The proposed project is consistent with the language contained within the Village land use designation in the New Kent County Comprehensive Plan. As evidenced by the thorough and complete application, the applicants have submitted plans for an attractive, well-planned community, sensitive to the environmental and historic constraints on the property, the need for additional economic development opportunities within the County, the additional users to the Public Utility system, and to the needs of mixed housing in New Kent County. Additionally, the proffers will assist in mitigating the impacts of the development.

The Planning Commission considered this application at their meeting on April 17, 2023 and voted 6:4:1 to forward a favorable recommendation to the Board of Supervisors.

Attachments:

- Advertisement & Adjacent Property Owners List
- Resolution PC-04-23
- BOS Ordinance O-09-23(R1)

Copies to:

- Applicant
- File

**PLANNING COMMISSION
COUNTY OF NEW KENT
VIRGINIA**

PC-04-23

At the regular meeting of the Planning Commission of the County of New Kent, in the Boardroom of the Administration Building in New Kent, Virginia, on the 17th day of April, 2023:

<u>Present:</u>	<u>Vote:</u>
Katherine Butler	Nay
Marc Bennett	Aye
Joanne Schmit	Aye
Laura Rose	Aye
Amy Pearson	Nay
Gary Larochelle	Nay
John Moyer	Aye
Joseph Davis	Aye
Tommy Tiller	Abstain
Patricia Townsend	Aye
Curtisa Thomas	Nay

Motion was made by Joseph Davis, which carried 6:4:1, to adopt the following resolution:

**A RESOLUTION TO RECOMMEND APPROVAL OF
PUD APPLICATION PUD-01-22, LIBERTY LANDING,
TO REZONE APPROXIMATELY 113 ACRES OF LAND
FROM BUSINESS TO PUD AND APPROXIMATELY
4.6 ACRES OF LAND FROM A-1 TO PUD**

WHEREAS, Mr. Kenneth Merner of Bridgewater Crossing, Inc. (property owner) and Jeffrey Geiger of Hirschler Fleischer (agent) have submitted a Planned Unit Development Application dated March 31, 2022; and

WHEREAS, the applicant and agent have submitted a Statement of Proffers dated October 14, 2022; and

WHEREAS, said application requests the rezoning of approximately 113 acres identified on the New Kent County digital map as GPIN I06-0026-5401 (Tax Parcel 19-11-1), GPIN J06-0076-0544 (Tax Parcel 19-11-2), GPIN J05-3790-0116 (Tax Parcel 19-11-3), GPIN J05-3625-0395 (Tax Parcel 19-11-4), GPIN J05-3595-0816 (Tax Parcel 19-11-5), GPIN I05-3417-

4710 (Tax Parcel 19-11-A), GPIN I05-2715-5420 (Tax Parcel 19-11-B), GPIN I06-0429-5299 (Tax Parcel 19-46-A) GPIN I06-0260-4947 (Tax Parcel 29-2A) from Business to PUD; and

WHEREAS, said application requests the rezoning of approximately 4.6 acres identified on the New Kent County digital map as GPIN I06-0795-5318 (Tax Parcel 29-2B) from A-1 to PUD; and

WHEREAS, subsequent to receiving a complete application and within the timeframes established by Code, the Planning Commission scheduled and conducted a formal and duly advertised public hearing, carefully considering the public comment received; and

WHEREAS, the New Kent County Planning Commission has made the following findings with regard to this application:

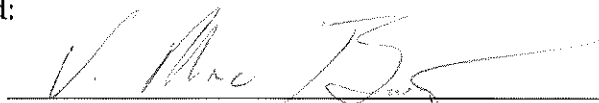
- The proposed use is not prejudicial to the character of the neighborhood.
- The proposed use will not adversely affect the general plans for the physical development of the County as embodied in the Comprehensive Plan.
- The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood, nor will it impair the value of buildings or property in surrounding areas.

WHEREAS, the New Kent County Planning Commission finds that approval of this application would address, protect, and promote public convenience, necessity, general welfare, and good zoning practices in the County;

THEREFORE, BE IT RESOLVED that on this, the 17th day of April, 2023, by the New Kent County Planning Commission, that Planned Unit Development Application PUD-01-22 be, and hereby is, transmitted to the New Kent County Board of Supervisors with a recommendation to amend the New Kent County Zoning Map to reclassify GPIN I06-0026-5401 (Tax Parcel 19-11-1), GPIN J06-0076-0544 (Tax Parcel 19-11-2), GPIN J05-3790-0116 (Tax Parcel 19-11-3), GPIN J05-3625-0395 (Tax Parcel 19-11-4), GPIN J05-3595-0816 (Tax Parcel 19-11-5), GPIN I05-3417-4710 (Tax Parcel 19-11-A), GPIN I05-2715-5420 (Tax Parcel 19-11-B), GPIN I06-0429-5299 (Tax Parcel 19-46-A) GPIN I06-0260-4947 (Tax Parcel 29-2A), and GPIN I06-0795-5318 (Tax Parcel 29-2B) to PUD.

BE IT FURTHER RESOLVED that the Planning Commission recommends acceptance of the proffers voluntarily offered by the applicant.

Attested:


V. Marc Bennett, Chairman, New Kent County Planning Commission

NEW KENT COUNTY
Notice of Mailing

Applicant Name: Bridgewater Crossing, Inc.
Application Number: PUD-01-22, Liberty Landing PUD
Public Hearing Date: Monday, February 12, 2024

STATE OF VIRGINIA
COUNTY OF NEW KENT, to wit

I, Kelli L Z Le Duc, of the New Kent County Planning Department, do make oath that notices as required by Section 15.1-431 of the Code of Virginia, 1950, as amended, were mailed on the 30th day of January, 2024, by first class mail, postage prepaid, to the persons whose names and addresses are attached.


Signed

Subscribed and sworn to before me this 30th day of January, 2024.



Notary Public



My commission expires: December 31, 2027.

§ 15.2-2204. ADVERTISEMENT OF PLANS, ORDINANCES, ETC.; JOINT PUBLIC HEARINGS; WRITTEN NOTICE
OF CERTAIN AMENDMENTS.

A. Plans or ordinances, or amendments thereof, recommended or adopted under the powers conferred by this chapter need not be advertised in full, but may be advertised by reference. Every such advertisement shall identify the place or places within the locality where copies of the proposed plans, ordinances or amendments may be examined.

The local planning commission shall not recommend nor the governing body adopt any plan, ordinance or amendment thereof until notice of intention to do so has been published once a week for two successive weeks in some newspaper published or having general circulation in the locality, with the first notice appearing no more than 14 days before the intended adoption; however, the notice for both the local planning commission and the governing body may be published concurrently. The notice shall specify the time and place of hearing at which persons affected may appear and present their views. The local planning commission and governing body may hold a joint public hearing after public notice as set forth in this subsection. If a joint hearing is held, then public notice as set forth in this subsection need be given only by the governing body. As used in this subsection, "two successive weeks" means that such notice shall be published at least twice in such newspaper, with not less than six days elapsing between the first and second publication. In any instance in which a locality has submitted a correct and timely notice request to such newspaper and the newspaper fails to publish the notice, or publishes the notice incorrectly, such locality shall be deemed to have met the notice requirements of this subsection so long as the notice was published in the next available edition of a newspaper having general circulation in the locality. After enactment of any plan, ordinance or amendment, further publication thereof shall not be required.

B. When a proposed amendment of the zoning ordinance involves a change in the zoning map classification of 25 or fewer parcels of land, then, in addition to the advertising as required by subsection A, the advertisement shall include the street address or tax map parcel number of the parcels subject to the action. Written notice shall be given by the local planning commission, or its representative, at least five days before the hearing to the owner or owners, their agent or the occupant, of each parcel involved; to the owners, their agent or the occupant, of all abutting property and property immediately across the street or road from the property affected, including those parcels that lie in other localities of the Commonwealth; and, if any portion of the affected property is within a planned unit development, then to such incorporated property owner's associations within the planned unit development that have members owning property located within 2,000 feet of the affected property as may be required by the commission or its agent. However, when a proposed amendment to the zoning ordinance involves a tract of land not less than 500 acres owned by the Commonwealth or by the federal government, and when the proposed change affects only a portion of the larger tract, notice need be given only to the owners of those properties that are adjacent to the affected area of the larger tract. Notice sent by registered or certified mail to the last known address of such owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed adequate compliance with this requirement. If the hearing is continued, notice shall be remailed. Costs of any notice required under this chapter shall be taxed to the applicant.

When a proposed amendment of the zoning ordinance involves a change in the zoning map classification of more than 25 parcels of land, or a change to the applicable zoning ordinance text regulations that decreases the allowed dwelling unit density of any parcel of land, then, in addition to the advertising as required by subsection A, the advertisement shall include the street address or tax map parcel number of the parcels as well as the approximate acreage subject to the action. For more than 100 parcels of land, the advertisement may instead include a description of the boundaries of the area subject to the changes and a link to a map of the subject area. Written notice shall be given by the local planning commission, or its representative, at least five days before the hearing to the owner, owners, or their agent of each parcel of land involved, provided, however, that written notice of such changes to zoning ordinance text regulations shall not have to be mailed to the owner, owners, or their agent of lots shown on a subdivision plat approved and recorded pursuant to the provisions of Article 6 (§ [15.2-2240](#) et seq.) where such lots are less than 11,500 square feet. One notice sent by first class mail to the last known address of such owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed adequate compliance with this requirement, provided that a representative of the local commission shall make affidavit that such mailings have been made and file such affidavit with the papers in the case. Nothing in this subsection shall be construed as to invalidate any subsequently adopted amendment or ordinance because of the inadvertent failure by the representative of the local commission to give written notice to the owner, owners or their agent of any parcel involved.

The governing body may provide that, in the case of a condominium or a cooperative, the written notice may be mailed to the unit owners' association or proprietary lessees' association, respectively, in lieu of each individual unit owner.

Whenever the notices required hereby are sent by an agency, department or division of the local governing body, or their representative, such notices may be sent by first class mail; however, a representative of such agency, department or division shall make affidavit that such mailings have been made and file such affidavit with the papers in the case.

A party's actual notice of, or active participation in, the proceedings for which the written notice provided by this section is required shall waive the right of that party to challenge the validity of the proceeding due to failure of the party to receive the written notice required by this section.

C. When a proposed comprehensive plan or amendment thereto; a proposed change in zoning map classification; or an application for special exception for a change in use or to increase by greater than 50 percent of the bulk or height of an existing or proposed building, but not including renewals of previously approved special exceptions, involves any parcel of land located within one-half mile of a boundary of an adjoining locality of the Commonwealth, then, in addition to the advertising and written notification as required by this section, written notice shall also be given by the local commission, or its representative, at least 10 days before the hearing to the chief administrative officer, or his designee, of such adjoining locality.

D. When (i) a proposed comprehensive plan or amendment thereto, (ii) a proposed change in zoning map classification, or (iii) an application for special exception for a change in use involves any parcel of land located within 3,000 feet of a boundary of a military base, military installation, military airport, excluding armories operated by the Virginia National Guard, or licensed public-use airport then, in addition to the advertising and written notification as required by this section, written notice shall also be given by the local commission, or its representative, at least 30 days before the hearing to the commander of the military base, military installation, military airport, or owner of such public-use airport, and the notice

shall advise the military commander or owner of such public-use airport of the opportunity to submit comments or recommendations.

E. The adoption or amendment prior to July 1, 1996, of any plan or ordinance under the authority of prior acts shall not be declared invalid by reason of a failure to advertise or give notice as may be required by such act or by this chapter, provided a public hearing was conducted by the governing body prior to such adoption or amendment. Every action contesting a decision of a locality based on a failure to advertise or give notice as may be required by this chapter shall be filed within 30 days of such decision with the circuit court having jurisdiction of the land affected by the decision. However, any litigation pending prior to July 1, 1996, shall not be affected by the 1996 amendment to this section.

F. Notwithstanding any contrary provision of law, general or special, the City of Richmond may cause such notice to be published in any newspaper of general circulation in the city.

G. When a proposed comprehensive plan or amendment of an existing plan designates or alters previously designated corridors or routes for electric transmission lines of 150 kilovolts or more, written notice shall also be given by the local planning commission, or its representative, at least 10 days before the hearing to each electric utility with a certificated service territory that includes all or any part of such designated electric transmission corridors or routes.

H. When any applicant requesting a written order, requirement, decision, or determination from the zoning administrator, other administrative officer, or a board of zoning appeals that is subject to the appeal provisions contained in § [15.2-2311](#) or [15.2-2314](#), is not the owner or the agent of the owner of the real property subject to the written order, requirement, decision or determination, written notice shall be given to the owner of the property within 10 days of the receipt of such request. Such written notice shall be given by the zoning administrator or other administrative officer or, at the direction of the administrator or officer, the requesting applicant shall be required to give the owner such notice and to provide satisfactory evidence to the zoning administrator or other administrative officer that the notice has been given. Written notice mailed to the owner at the last known address of the owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall satisfy the notice requirements of this subsection.

This subsection shall not apply to inquiries from the governing body, planning commission, or employees of the locality made in the normal course of business.

Code 1950, § 15-961.4; 1962, c. 407, § 15.1-431; 1964, c. 632; 1968, cc. 354, 714; 1973, cc. 117, 334; 1974, cc. 100, 570; 1975, c. 641; 1976, c. 642; 1977, c. 65; 1982, c. 291; 1990, c. 61; 1992, cc. 353, 757; 1993, cc. 128, 734; 1994, c. [774](#); 1995, c. [178](#); 1996, cc. [613](#), [667](#); 1997, c. [587](#); 2001, c. [406](#); 2002, c. [634](#); 2004, cc. [539](#), [799](#); 2005, c. [514](#); 2007, cc. [761](#), [813](#); 2011, c. [457](#); 2012, c. [548](#); 2013, cc. [149](#), [213](#); 2022, c. [478](#); 2023, cc. [506](#), [507](#).

**NOTICE OF PUBLIC HEARINGS
NEW KENT COUNTY BOARD OF SUPERVISORS**

Notice is hereby given that the New Kent County Board of Supervisors will hold public hearings, and may or may not take action, on Monday, February 12, 2024 at 7:00 p.m. or as soon thereafter as possible, in the Boardroom of the County Administration Building located at 12007 Courthouse Circle, New Kent, VA 23124, to consider the following:

1. **Ordinance O-09-23 R1: Application PUD-01-22, Liberty Landing (Bridgewater Crossing, Inc.):** Kenneth Merner of Bridgewater Crossing Inc. (property owner) and Jeffrey Geiger of Hirschler Fleischer (agent) have requested the rezoning from Business to Planned Unit Development (PUD) of approximately 113 acres of land, and the rezoning from A-1 to Planned Unit Development (PUD) of approximately 4.6 acres of land. The subject properties are located to the south of Route 60 (across from the Five Lakes Subdivision), and are identified as Tax Parcels 19-11-1, 19-11-2, 19-11-3, 19-11-4, 19-11-5, 19-11-A, 19-11-B, 19-46-A, 29-2A, and 29-2B. The applicants are proposing to create a mixed-use development with approximately 60,000 square feet of Business/Commercial uses in the front (northern) portion of the property, 145 townhomes, and 145 single-family residential lots. The Planning Commission considered this application at their meeting on April 17, 2023 and voted 6:4:1 to forward a favorable recommendation to the Board of Supervisors.
2. **Resolution R-02-24, Application CUP-02-23, New Leaf Energy, Inc.:** Representatives from New Leaf Energy, Inc. have requested a Conditional Use Permit to construct a 2 MW solar system (facility) on approximately 23 acres located within Tax Parcel 27-6J (GPIN #I28-3826-5374) in eastern New Kent County. The parcel is currently zoned Industrial and is generally located east of State Route 30 and north of Henrico County's Regional Jail East on the north side of Route 634 (Polish Town Road.) The Planning Commission considered this application at their meeting on December 18, 2023 and voted 7:1:3 to send a favorable recommendation to the Board of Supervisors.
3. **Ordinance O-03-24, Amendments to New Kent County Code Chapter 82, Articles V and VI:** The Board of Supervisors will consider amendments, primarily involving public notification requirements, to Chapter 82 – Environment, Article V – Wetlands and Article VI – Sand Dunes and Beaches. The amendments will align the County Code with the Code of Virginia as a result of amendments that were adopted during the 2023 Legislative Session.

All interested persons may appear and present their views at the above time and place. If a member of the public cannot attend, comments may be submitted by mail to P. O. Box 150, New Kent, VA 23124; by fax to (804) 966-9370; or by email to bos@newkent-va.us. Comments received by 12:00 noon on the day of the hearings will be distributed to Board members and made a part of the public record. Copies of any proposed ordinances, resolutions, applications and staff reports may be viewed approximately one week prior to the hearing in the Office of the County Administrator at 12007 Courthouse Circle, New Kent, VA 23124, during regular business hours or at <http://www.co.new-kent.va.us>. Anyone needing assistance or accommodation under the provisions of the Americans with Disabilities Act should call the County Administrator's Office

at (804) 966-9687. If the meeting cannot be held because of the closing of State and/or County offices, it will be held on the next business day that the County offices are open.

By authority of
Rodney A. Hathaway
Clerk of the Board

Please use 10 point upper case type in the heading as indicated. Use 8 point type in the body.

Please publish notice once a week for two successive weeks.

Kindly send certification of publication and bill to Wanda Watkins, New Kent Administration Office.

**Robert C. Smithdeal
William and Nancy Smithdeal
TR
1555 Heatherstone DR
Fredericksburg, VA 22407**

**Stephen and Debbie Stanley
3075 Pocahontas Trail
Quinton, VA 23141**

**David and Barbara Ruslander
2949 Pocahontas Trail
Quinton, VA 23141**

**Bishop of Catholic Diocese
7800 Carousel Lane
Henrico, VA 23294**

**Srikanth & Sunila Mahavadi
9064 Haversack LN
Mechanicsville, VA 23116**

**Bridgewater Crossing Inc
PO Box 62209
Virginia Beach, VA 23466**

**Michael Salmon
4300 Rose Cottage RD
Quinton, VA 23141**

**Henrico County Administration
PO Box 90775
Henrico, VA 23273**

**Garden Spot Properties LLC
c/o Jolene Family Winery, LLC
PO Box 505
Quinton, VA 23141**

**Jolene LLC
PO Box 505
Quinton, VA 23141**

**Jonathan C Kinney Trustee
2311 Wilson BLVD Ste 500
Arlington, VA 22201**

**New Kent Animal Properties
LLC
Attn: Hospital Acct. Dept.
12401 W Olympic BLVD
Los Angeles, CA 90064**

SITE INFORMATION
GPTN NO: J05-3595-0816 I06-0260-4947 I05-3417-4710
J06-0076-0544 J06-0026-5401 I05-2715-5420
J05-3625-0395 J05-0429-5299
J05-3790-0116 J06-0798-5318

OWNER: BRIDGEWATER CROSSING, INC.
ZONING: 112.79 +/- ACRES (BUSINESS)
4.64 ACRES (AGRICULTURAL)
117.43 +/- ACRES (TOTAL)

PROPOSED ZONING: PUD (PLANNED UNIT DEVELOPMENT) = 117.43 ACRES
COMMERCIAL LANDBAY = 16.36 ACRES
RESIDENTIAL LANDBAY = 101.07 ACRES

RESOURCE PROTECTION AREA (RPA) = 31.86 ACRES
NET DEVELOPABLE AREA = 85.6 ACRES
RESIDENTIAL LANDBAY (290 TOTAL)
145 SINGLE FAMILY LOTS
145 TOWNHOMES
DENSITY FOR PUD (TOTAL AREA - RPA)
PROPOSED RESIDENTIAL ACREAGE - 101.07 ACRES
RPA ACREAGE - 31.86 ACRES
NET DEVELOPABLE ACREAGE - 69.21 ACRES
290/69.21 (TH & SF LOTS PROVIDED) = 4.19 UNITS/ACRE
NET DEVELOPMENT

RECREATIONAL AREA
OPEN SPACE (WOODED) - 34.74 ACRES
OPEN SPACE (NOT WOODED) - 16.52 ACRES
HISTORIC SAVE AREA AND PARK - 6.71 ACRES
AMENITY AREA - 4.7 ACRES
(CLUBHOUSE, POOL, POND, TRAIL, PLAYGROUND, DOG PARK, AND OPENSACE)
TOTAL RECREATION AREA PROVIDED - 62.67 ACRES
(OR 51% OF TOTAL LAND AREA OF 117.43 ACRES OR 62% OF RESIDENTIAL LANDBAY OF 101.07 ACRES)

NOTE 25% MINIMUM REQUIRED OF TOTAL LAND AREA OF PUD FOR LANDSCAPED OPEN SPACE OR 29.36 ACRES (117.43 x 25%).

NOTE 7.5% MINIMUM REQUIRED OF RESIDENTIAL LANDBAY OF PUD FOR ACTIVE/PASSIVE RECREATION OR 7.58 ACRES (101.07 x 7.5%).

COMMERCIAL LANDBAY
TOTAL LAND AREA - 16.36 ACRES
PROPOSED USE: OFFICE & RETAIL - 60,000 S.F.

LEGEND
WETLANDS
100 YEAR FLOODPLAIN
RPA
HISTORIC SAVE AREA AND PARK
AMENITY AREA
WETLANDS

Line Table		
Line #	Length	Direction
L1	360.10	S35° 56' 47.37"E
L2	637.25	S52° 12' 51.02"E
L3	97.80	S63° 41' 49.60"E
L4	27.30	S64° 46' 07.13"E
L5	616.17	S65° 36' 59.39"E

Curve Table			
Curve #	Length	Radius	Chord Direction
C1	210.95	772.047	S44° 22' 34.25"E
C2	67.64	526.962	S55° 53' 29.05"E

S:\Planning\ACTIVE - Projects\20502918- Liberty Landing -Master-Plan\Drawings\2022 Master Plan\2022-Dec-LL-Master-Plan\Plotted\Dec 07, 2022-11:40am



BRIDGEWATER CROSSING, NC.
544 NEWTOWN ROAD, SUITE 128
VIRGINIA BEACH, VA 23462
KEN MERNER
PHONE: (757) 490-1959

PLANNED UNIT DEVELOPMENT
AREA MASTER PLAN
LIBERTY LANDING
STATE ROUTE 60
NEW KENT COUNTY, VIRGINIA
DECEMBER 2022

resource
INTERNATIONAL
P.O. Box 6160 • 9560 Kings Charter Drive • Ashland, VA 23005
(804) 550-9200 • FAX (804) 550-9259

P.N. 20502918

**BOARD OF SUPERVISORS
COUNTY OF NEW KENT
VIRGINIA**

ORDINANCE O-09-23(R1)

At the regular meeting of the New Kent County Board of Supervisors in the Boardroom of the Administration Building in New Kent, Virginia, on the 12th day of February, 2024:

Present:

Vote:

Thomas W. Evelyn
John P. Moyer
Amy M. Pearson
Ron Stiers
Jordan T. Stewart

Motion was made by _____, which carried __:__, to adopt the following ordinance:

AN ORDINANCE TO APPROVE APPLICATION PUD-01-22
TO RECLASSIFY APPROXIMATELY 117.43 ACRES OF
LAND FROM A-1, AGRICULTURAL AND FROM BUSINESS
TO PUD, PLANNED UNIT DEVELOPMENT, TO ESTABLISH
THE LIBERTY LANDING PLANNED UNIT DEVELOPMENT

WHEREAS, Bridgewater Crossing, Inc. submitted a "Planned Unit Development (PUD) Application" dated March 31, 2022; and

WHEREAS, Bridgewater Crossing, Inc. submitted a revised draft PUD Ordinance on August 14, 2023; and

WHEREAS, Bridgewater Crossing, Inc. submitted a PROFFERED CONDITIONS STATEMENT dated July 13, 2023; and

WHEREAS, said application requests the rezoning of approximately 112.79 acres from Business and 4.64 acres from A-1, Agricultural to PUD, Planned Unit Development, with the subject property being identified as the following Tax Map numbers and GPINs:

<u>Tax Map</u>	<u>GPIN</u>
19 11 1	I06-0026-5401
19 11 2	J06-0076-0544
19 11 3	J05-3790-0116
19 11 4	J05-3625-0395
19 11 5	J05-3595-0816
19 11 A	I05-3417-4710
19 11 B	I05-2715-5420
19 46 A	I06-0429-5299
29 2A	I06-0260-4947
29 2B	I06-0795-5318

as more particularly described below in the Legal Description section; and

WHEREAS, within the timeframes established by Code, the Planning Commission scheduled and conducted a formal and duly advertised public hearing, carefully considering the public comment received; and

WHEREAS, after considerable discussion and thought, the Planning Commission voted 6:4:1 to transmit a recommendation for approval to the Board of Supervisors; and

WHEREAS, this application has been advertised for public hearing before the Board in full accord with applicable provisions of the Code of Virginia; and

WHEREAS, in order to assure compliance with §15.2-2286. A.7 of the Code of Virginia, it is stated by the Board that the public purpose for this Ordinance is to further the public necessity, convenience, general welfare and good zoning in the County of New Kent and that approval will further these public purposes; and

WHEREAS, in adopting this Ordinance, the New Kent County Board of Supervisors has made the following specific findings with regard to this application:

- The application fully conforms to the Future Land Use map and is in conformance with the goals and objectives contained in the adopted New Kent County Comprehensive Plan, adopted October 9, 2012 with amendments.
- The proposed rezoning would provide for the development of the subject property in a coordinated and well-planned fashion.
- The proposed rezoning, together with the proffered conditions, would provide a positive, long-range fiscal impact to the community.
- The proposed rezoning would address the County's desire to provide diverse home ownership opportunities for the population.

- Approval of the subject application would further the health, safety, and general welfare of the citizens of New Kent County and further the implementation of good zoning practice within the County.

NOW THEREFORE BE IT ORDAINED this 12th day of February, 2024, by the New Kent County Board of Supervisors that rezoning application PUD-01-22 be, and it hereby is, approved amending the New Kent County Zoning Map to reclassify the property described below from A-1, Agricultural and Business, to PUD, Planned Unit Development, and establishing the Liberty Landing Planned Unit Development.

LEGAL DESCRIPTION

112.79 +/- Acre Property:

Property description: Beginning at a point on the south right of way line of State Route 60, said point being 0.8± miles from State Route 249, extended; thence, along Route 60; thence South 52°29'55" East, a distance of 37.30 feet; thence South 52°29'55" East, a distance of 167.56 feet; thence South 52°29'55" East, a distance of 826.65 feet; thence South 52°46'35" East, a distance of 500.06 feet; thence, leaving Route 60, South 13°34'29" West, a distance of 1,438.79 feet; thence North 88°38'16" West, a distance of 382.30 feet; thence North 67°47'16" West, a distance of 28.30 feet; thence North 67°47'36" West, a distance of 129.50 feet; thence North 85°33'04" West, a distance of 757.77 feet; thence North 86°41'06" West, a distance of 775, more or less, feet to a point on the north bank of the Chickahominy River; thence, along the northern bank of river approximately 1,895, more or less, feet to a point; thence North 53°08'56" East, a distance of 795, more or less, feet; thence North 53°08'56" East, a distance of 1,728.00 feet to the Point of Beginning and containing 112.79± Acres of land. This description was compiled from plats prepared by Timmons dated October 31, 2002 and by Holly and Spain, PC dated December 2, 1986 and recorded in Deed Book 137, Page 191.

4.64 +/- Acre Property:

Property description: Beginning at a point on the south right of way line of State Route 60, said point being 1.08± miles from State Route 249, extended; thence, along Route 60; thence South 52°29'16" East, a distance of 150.00 feet; thence South 02°32'47" East, a distance of 585.82 feet; thence South 06°11'24" East, a distance of 214.50 feet; thence North 85°18'36" West a distance of 331.29 feet, thence North 13°34'29" a distance of 887.53 feet to the Point of Beginning and containing 4.64± Acres of land. This description was compiled from plats prepared by Townes Site Engineering dated February 16, 2011 and by Engineering Design Associates, Inc. dated June 15, 1995 and recorded in Deed Book 218, page 668.

BE IT FURTHER ORDAINED that the property will be developed in strict and complete accordance with the Application submitted to the County except as may be modified or amplified by the following general conditions and provisions which will apply to the development of property located within this Planned Unit Development:

1. References, Relationship to the Development Ordinances and Definitions
 - a. This Ordinance approving the Liberty Landing Planned Unit Development will be known as and may be referred to as the "Liberty Landing PUD Ordinance" or when the construction allows, simply as the "PUD Ordinance".
 - b. The application package entitled *Liberty Landing Rezoning Application* dated March 31, 2022, with all attachments, exhibits and enclosures is cited as the "Application." In all instances of conflict between the Application and this PUD Ordinance, this PUD Ordinance will prevail. The Application will serve to show the expressed intent of the Applicant and will not impose any requirement or obligation upon the County to approve at a future date any provision in the Application that is not provided for in this PUD Ordinance. Reference to the "Zoning Ordinance" will mean the Zoning Ordinance of New Kent County, Virginia. Reference to the "Subdivision Ordinance" will mean Subdivision Ordinance of New Kent County, Virginia. Together they are referred to herein as the "Development Ordinances".
 - c. This PUD Ordinance is intended to provide specific and unique development standards for the Plan. It is intended to work together with the generally applicable Development Ordinances by modifying otherwise applicable provisions and providing standards and requirements that may not otherwise exist.
 - d. The definitions contained in the Zoning Ordinance will apply to the provisions of this document unless a different definition is provided herein, in which case the definition provided herein will control.
 - e. Conflicts between the provisions contained herein and those contained in the Zoning Ordinance will be resolved in favor of the provisions contained herein.
 - f. The Zoning Administrator will be vested with the authority to interpret the provisions of this PUD Ordinance. Any conflict between this PUD Ordinance and the Development Ordinances will be

resolved in favor of this PUD Ordinance. Appeals of the Zoning Administrator's determinations and interpretations with respect to this PUD Ordinance will be heard by the Board of Zoning Appeals in full accord with the process and requirements contained in the Zoning Ordinance.

- g. Nothing in this PUD Ordinance will be interpreted as modifying or waiving any applicable requirement of the County's implementation of the Chesapeake Bay Preservation Act, Stormwater Management or Erosion and Sediment Control laws and regulations as promulgated by the Commonwealth of Virginia, nor will this PUD Ordinance be vested with respect to any changes that may occur to those laws or regulations except to the extent such vesting is protected under state law.
- h. One or more Declarations may be established and recorded for the Liberty Landing Planned Unit Development as a whole or for each area at the sole discretion of the Applicant. Every Declaration will comply with the requirements of this PUD Ordinance.
- i. For the purposes of interpreting and applying this PUD Ordinance, certain words and terms will have the following meanings:

Amenity Area: Means the areas depicted on the Plan as amenity area within the Residential Area, including the areas designated as "Amenity Area" and "Historic Save Area and Park."

Applicant: Bridgewater Crossing, Inc., a Virginia corporation, its successors, and assigns.

Commercial Area: The portion of the Plan designated as the "Commercial Landbay" on the Plan (a total of 16.36 acres).

Commercial Building Area: The gross floor area of a building in the Commercial Area.

Declaration: Covenants, conditions, and restrictions that are applicable to the use of any parcel of property within the Liberty Landing Planned Unit Development, recorded in the land records of New Kent County. These covenants, conditions, and restrictions will be real covenants running with the land and not covenants in gross.

Model Home(s): A dwelling that is temporarily used as a real estate office and/or models to market dwellings within the Liberty Landing Planned Unit Development.

Open Space(s): Any area of land or water (i) which is not within a lot or covered by completely enclosed building space or by hard surface area intended and used for parking or circulation of motor vehicles; and (ii) which is set aside, dedicated, designated, or reserved for public or private use or enjoyment, subject to any easement rights existing as of the date of approval of this PUD Ordinance.

Plan: The plan entitled "Planned Unit Development Area Master Plan Liberty Landing State Route 60", prepared by Resource International, Ltd., dated December, 2022.

Residential Area: The portion of the Plan designated as the "Residential Landbay" on the Plan (a total of 101.07 acres)

Single-Family Attached Dwelling(s): Two or more dwelling units attached by common vertical walls without opening between them and with separate entrances for each dwelling unit, such as townhomes.

Single-Family Detached Dwelling(s): A dwelling unit that is not attached to any other dwelling unit.

2. Commercial Area

a. Permitted Uses:

- i. All uses permitted as a matter of right in the Business zoning district;
- ii. Winery-commercial;
- iii. Building Supply and Lumber Store (with or without exterior storage);
- iv. Plant nursesey, garden center over 15,000 square feet;
- v. Distillery;
- vi. Retail establishment over 30,000 square feet; and
- vii. Shopping center over 30,000 square feet.

- viii. "Nursing, convalescent, or rest home" as defined in Section 98-2 of the Zoning Ordinance, but limited only to a facility not to exceed 20,000 square feet.

b. The following uses are prohibited:

- i. Agricultural equipment sales and service;
- ii. Animal hospital with outside runs;
- iii. Automobile sales and service;
- iv. Auto service stations, automobile repair services and garages;
- v. Boat parts or accessories sales;
- vi. Boat sales and service;
- vii. Recreational Vehicle (RV) sales and service;
- viii. Cemetery, columbarium;
- ix. Equestrian facility;
- x. Boat launch ramp;
- xi. Commuter parking; and
- xii. Motor vehicle rental.

c. Yard, Height and Setback Requirements – The following height, setback, and yard requirements will apply:

- i. Front yard setback: The front yard will be along Route 60 and buildings will be setback a minimum of 65 feet from the right of way line for Route 60, which will be inclusive of any applicable buffer. In addition, private pavement will be setback a minimum of 30 feet from the right of way line for Route 60, which will be inclusive of any applicable buffer.
- ii. Lot size requirement: No requirement.
- iii. Minimum lot width: No requirement.

- iv. Minimum building yard requirements: Requirement controlled by fire code.
 - v. Building height limitation: Maximum 50 feet for principal structures; in no case will accessory structures exceed the height of principal structures.
- d. Commerce Corridor Overlay District – Commercial development in the Commercial Area will comply with the architectural and other requirements in the Commerce Corridor Overlay District. The Commerce Corridor Overlay District will only apply to the Commercial Area.
- e. Temporary Vegetation
- i. The Commercial Area will remain vegetated and will not be cleared until users/tenants for the Commercial Area are identified and a site plan or construction plans for all or a portion of the Commercial Area are submitted to the County. As users/tenants are identified and site plans or construction plans are submitted, the Commercial Area may be cleared for the portion of the Commercial Area that is the subject of the submitted plans. Notwithstanding the foregoing, vegetation will be removed to provide for the installation of entrances, roads, utilities, and other infrastructure needed for the Commercial Area and Residential Area, and may be removed from portions of the Commercial Area as approved by the Planning Director at the time of site plan approval for such infrastructure installation.
- f. Loading Docks – No loading docks within the Commercial Area will front on Route 60.
- g. Commercial buildings with a rear elevation facing Route 60 will construct the rear elevation with an architectural appearance of a front elevation, which will be accomplished through the use of retail windows.

3. Residential Area

- a. Permitted Uses - The following principal uses will be permitted and they will be the only principal uses permitted:

- i. A maximum of 145 lots for Single-Family Detached Dwellings, each with a minimum square footage of 1,400 ft² of finished space excluding garage.
 - ii. A maximum of 145 lots for Single-family Attached Dwellings with a minimum square footage of 1,000 ft² of finished space excluding garage.
 - iii. In no event will the number of dwellings in the Residential Area exceed 290.
 - iv. Amenities serving the residents in the Residential Area.
- b. Accessory uses:
 - i. All reasonable and customary accessory uses to the principal permitted uses are permitted.
 - ii. All rights pursuant to easements encumbering the project as of the date of approval of this PUD Ordinance.
 - iii. Sheds – Any shed located on a residential lot will (i) bear an architectural appearance that complements the home, (ii) be screened by the home from the street on which the home has frontage, and (iii) be assembled on the lot.
- c. Yard, Height and Setback Requirements – The following height, setback, and yard requirements will apply:
 - i. Single-Family Detached Dwellings:
 - (A) Minimum dwelling lot size requirement: None
 - (B) Minimum yard requirements:
 - Front: 20 feet
 - Side: 5 feet
 - Rear: 20 feet
 - (C) Minimum yard requirements for permitted accessory structures.
 - Front: Must be behind front of principal structure
 - Side: 10 feet between structures on adjoining parcels

- Rear: 10 feet between structures
- (D) Minimum lot width: No requirement.
- (E) Building height limitation: 40 feet maximum
- ii. Single-Family Attached Dwellings:
 - (A) Townhomes
 - Minimum lot size requirement: None
 - Minimum dwelling yard requirements:
 - i. Front: 20 feet
 - ii. Side: None
 - iii. Side at end unit: 5 feet
 - iv. Rear: 20 feet
 - Maximum number of units in a row: No limit.
 - Accessory structures must be located behind the front line of the primary structure. No side or rear yard setback is required.
 - Minimum lot width: No requirement.
 - Building height limitation: 40 feet maximum
- d. Building Architecture - Residential development in the Residential Area will employ one of the following architectural styles: Traditional Colonial, Colonial, Cottage, or Craftsman.
- e. Amenity Standards
 - i. Amenity areas will be provided for the benefit of the residents of the Residential Area. Such Amenity Areas generally will be owned, operated, and maintained by an association, or such entity as may be approved by the Zoning Administrator.
 - ii. Unless otherwise requested by the Applicant and approved by the Planning Director at the time of plans review and approval,

at least the following recreational facilities will be provided within the Residential Area:

- i. Multipurpose trails and/or bike and pedestrian paths
- ii. Picnic area with shelter
- iii. Open Space for passive recreation
- iv. Community clubhouse
- v. Swimming pool
- vi. Play area/Tot lot
- iii. Dog park
- iv. The Amenity Area will be identified at the time of preliminary subdivision approval.

f. Phasing

- i. The final certificate of occupancy for the clubhouse will be issued prior to the issuance of the 75th certificate of occupancy in the Residential Area.
- ii. The pool will be constructed simultaneously with the clubhouse, weather permitting. However, the status of pool construction will not affect the issuance of the 75th certificate of occupancy in the Residential Area.
- iii. A minimum of 10,000 square feet of commercial space will be under construction in the Commercial Area prior to the issuance of the 100th certificate of occupancy in the Residential Area.
- iv. The remaining recreation area shown on the approved tentative site plan will be completed no later than the issuance of the 150th certificate of occupancy in the Residential Area.

- g. Marketing – All homes will be initially marketed for sale as “Owner-occupied.”

4. General Design Standards Applicable to Both Areas.

a. Adjustment to Area Boundaries.

- i. Overall project boundaries generally will be consistent with those contained in the legal descriptions in this ordinance; however, the Applicant may make adjustments to such internal boundaries, with the approval of the Planning Director, provided that such adjustments do not (i) change the area of the Residential Area by more than ten (10) percent or (ii) change the Commercial Area by more than ten (10) percent.

- ii. Minor deviations from the above-referenced uses or specified sizes (either an increase or a decrease) may be approved by the Planning Director during plan review for each area at the request of the Applicant.
- b. Plan Submissions and Approval – Submission of subdivision plans and site plans will follow the requirements set out in the Development Ordinances.
- c. Project Phasing - Simultaneous with the initial development of the Property, the Applicant will develop the infrastructure (roads, water, and sewer) for the Commercial Area. See Section 3 above for additional details regarding phasing of the Commercial Area and phasing of the amenities.
- d. Open Space – No less than twenty-five percent (25%) of the total land area within the PUD will be maintained as open space for the enjoyment of the residents, employees, customers, and guests and to protect sensitive environmental features. Open Space areas shown on the Plan include wetlands and Chesapeake Bay Resource Protection Areas (RPAs). Open Space also includes the preservation areas shown on the Plan. All Open Space will either be encumbered by a perpetual conservation easement, owned by a property owners or homeowners association as common area, or have a perpetual open space easement placed over the open space property to preclude future development other than for recreational uses or other complimentary agricultural or open space use, including, without limitation, the installation, maintenance and use of walks, trails, benches, viewing decks, gazebos, utilities, subject to compliance with all applicable environmental and other regulations. Any easement used to encumber the Open Space will be dedicated in favor of the homeowners or property owner's association having management control over the area being encumbered, and will be shown on all recorded plats. Maintenance of all Open Space areas will be vested with one or more homeowners or property owners' associations.
- e. Modification - Modifications to the yard, height and setback requirements established herein may be authorized by the Planning Director during the plan review and approval process when such modifications would clearly contribute to a superior design, reduce environmental impacts, enhance vistas, and view sheds, or provide

other demonstrable benefits to the community based on the specific plans under review.

5. Buffers and Landscaping.

a. Transitional Buffers

i. The following transitional buffers will be required with the width specified:

1. Transitional Buffer along Route 60 – 15 feet.

2. Transitional Buffer along the remaining exterior perimeter of the property adjacent to parcels of land not zoned PUD – 25 feet

ii. These required transitional buffers will be planted to the same planting standard as set forth in § 98-1062(c)(1) of the Zoning Ordinance.

iii. There will be a 10-foot landscaped area within those portions of the Commercial Area that front on the north-side of the road located between the Residential Area and the Commercial Area.

iv. Where required buffers traverse ponds, wetlands, RPA buffers, lakes, rivers, and other environmentally sensitive areas, installation of landscape materials or berms may not be required.

v. Buffers may be broken only where driveways, roads, private streets, bicycle facilities, drainage or utility easements, sight distance easements, slope easements, or other openings exist or are required.

vi. Pedestrian trails may be located within any Transitional Buffer.

vii. There will be a 50-foot setback between the sewer pump station building and any residential dwelling.

b. Landscaping – Landscaping will be provided as required in the Development Ordinances, specifically in §§ 98-1061, 1062(c)(1), 1063, and 1064 of the Zoning Ordinance and § 91-80(a)–(b) of the

Subdivision Ordinance, except that trees may be planted at an initial height of 6-feet.

6. Parking Lot Design Standards – The project will follow the requirements for parking lot designs as set forth in Development Ordinances, except that a maximum of Thirty (30) percent of the parking areas can be compact parking spaces at a minimum of 8' wide by 18' deep.
7. Signage - The project will adhere to the signage requirements as set forth in the Development Ordinances, including the Commerce Corridor Overlay, as applicable. The entrance signage for the Residential Area may be located within the Commercial Area without counting toward the permitted signage in the Commercial Area.
8. Transportation Improvements and Standards – The following transportation improvements will be constructed as a part of the project in general accordance with the Plan.
 - a. Access – The project will be limited to two (2) entrances onto US 60. The locations for these two (2) entrances are as generally shown on the Plan. One (1) entrance is located at the west side of the project (the "West Entrance") and the other entrance is located at the east side of the project (the "East Entrance"). The final location for these entrances will be approved by VDOT during the plans review and approval process. Changes to the Plan may be permitted in response to the review of site plans by VDOT as necessary without requiring approval of an amendment to the PUD, provided such modifications are (i) approved by the Planning Director in consultation with other applicable agencies, which may include, but is not limited to, the Zoning Administrator and (ii) in general conformance with the Plan.
 - b. West Entrance Improvements – The West Entrance will be designed as generally shown on the Plan and will include the construction of a left turn lane along westbound US 60 and a right turn lane along eastbound US 60. These turn lanes will be constructed to VDOT standards as shown on the approved plans. The median at the West Entrance will be widened to 100 feet in width. These improvements will be completed prior to the 25th certificate of occupancy in the Residential Area.
 - c. East Entrance Improvements – The applicant will construct one of the three (3) options below with the option chosen by the applicant based on the status of VDOT and County plans for modifications to

US 60 at the time the applicant submits its plans for the East Entrance to the County for review and approval:

- i. Design the East Entrance as generally shown on the Plan, which includes the construction of a left turn lane along westbound US 60 and a right turn lane along eastbound US 60. These turn lanes will be constructed to VDOT standards as shown on the approved plans. The median at the East Entrance will be widened to 100 feet in width. These improvements will be completed prior to the 25th certificate of occupancy in the Residential Area; or
 - ii. Close the existing median opening at the East Entrance location shown on the Plan and relocate the East Entrance to the west. The applicant would then open a new median break and construct an "r-cut" in the median break. The applicant's obligation to make this improvement is limited to existing right-of-way with no change to the existing US 60 lane adjustment; or
 - iii. An alternative entrance design that does not include the applicant's obligation to install a traffic signal. This alternative entrance design will be agreed upon by the applicant, VDOT and the County.
- d. All internal roads on the Plan will be dedicated for public use and maintenance.
 - e. All internal roads will be designed and constructed to public road standards as found in the most recent edition of the Virginia Department of Transportation *Subdivision Street Requirements* as it may be amended from time-to-time.
 - f. Each development area within the project will be provided with at least two paths of ingress and egress. An emergency access will constitute a path of ingress and egress. For the purposes of this paragraph, boulevard streets that are divided by a median will constitute two (2) paths of ingress and egress. Along cul-de-sac streets the maximum spacing for fire hydrants will be six hundred feet (600').
 - g. No new residential lots in the project will have direct access to US Route 60.

9. Utilities Improvements and Standards

- a. All new development within the PUD will be served by public water and sewer systems constructed to standards promulgated by the County Department of Public Utilities or otherwise approved by the Director of Public Utilities.
- b. The plans, specifications, construction documents and surety for all necessary public utility infrastructure, whether on site or off site, required to serve the portion of the PUD under consideration will be reviewed and approved by the County prior to approval for recordation of any subdivision plat pertaining to any of the Development Parcels other than to convey necessary land and easements to the Commonwealth or County.
- c. Except for building permits for a maximum of eight (8) Model Homes in the Residential Area of the PUD, no building permit for a residential unit will be issued until all water and sewer utilities necessary to serve the use have been constructed and tested or are within ninety (90) days of completion as certified by the project engineer for the utility or utilities and confirmed by the Director of the New Kent County Department of Public Utilities or his/her designee.
- d. All new utility lines will be installed underground except for any new Dominion Energy Transmission Mains. Any existing above-ground utilities that require relocation will be placed underground. For clarity, any existing utility line along Route 60 need not be buried underground even if it is relocated.
- e. In the event that a service provider agrees to extend high-speed data communications to the PUD, the Applicant will use its best efforts to provide for the extension of such facilities generally throughout the project.
- f. All street lights and parking lot lighting will consist of full cut-off or fully shielded fixtures that prevent upward light scatter and protect the dark night sky. This will include any lighting of recreational facilities as well as pole-mounted lights along the paths in the common area. This provision will apply equally to the Residential Area, Commercial Area, and Amenity Area.
- g. There will be no above-ground installation of water and sewer appurtenances, such as meter boxes, valve boxes, clean outs, etc. (the "Appurtenances") in the driveways and sidewalks adjacent to

single-family detached dwellings. The above-ground installation of the Appurtenances in the driveways and sidewalks adjacent to townhome dwellings will be minimized to the extent possible, with the understanding that there is less flexibility when installing the Appurtenances on townhome lots given the narrow size of the lots and the width of the driveways on the lots.

10. Community Association

- a. A community association will be established for the Residential Area. A community association may also be established, at the option of the Applicant for the Commercial Area. The Declaration, Articles of Incorporation and Bylaws for the community association will provide for the authority for the community association to enforce the covenants, conditions, and restrictions over all property within the applicable area, and assess members for the common expenses, including maintenance of the common area or common elements, as appropriate, of the community association, according to the provisions of state law.
- b. Every Declaration will provide for one or more architectural review committees (ARC). The ARC will review all building plans for all structures proposed for erection within the association for compliance with the requirements and design concepts set forth in the association documents and will have the authority to approve or disapprove the character and design of final building plans within the entire PUD, the Residential Area, the Commercial Area, or specific portion of the project for which it has responsibility. The Declaration will stipulate the manner by which any property owner or any other aggrieved party may challenge any decision of the ARC. Except for property to be dedicated to the Commonwealth of Virginia or to New Kent County, all portions of the project will be encumbered by architectural review requirements.
- c. The Community Association(s) will be responsible for maintaining all common area or common elements appurtenant to the development or portion of the development to which the association relates. This will specifically include all buffers and Open Space, private streets, stormwater management facilities, streetscapes, and signs, private utilities and recreation areas, amenity areas, private drainage easements, and facilities. Private drainage easements will be required to be dedicated to the community association(s) on any subdivision plats. If sub-associations are established, appropriate maintenance and cost-sharing agreements between the community

association and the sub-associations and among the sub-associations must be established to provide for the maintenance of common areas, common elements, drainage facilities, and amenities that provide benefits to more than one sub-association.

- d. All the governing documents (including the Declaration, Articles of Incorporation, and Bylaws) creating the community association will comply with the requirements of the PUD Ordinance and State Law and will be recorded contemporaneously with the first subdivision plat of any property within the project. If sub-associations are established, each set of governing documents (Declaration, Articles of Incorporation, and Bylaws) will comply with the requirements of the PUD Ordinance and State Law and will be recorded with the first subdivision plat within the Residential Area or Commercial Area, as applicable.
- e. Each prospective property owner within the PUD will be provided with those documents required for disclosure by the Virginia Property Owners Association Act or the Virginia Condominium Act.

- 11. Amendments – Amendments to the requirements contained herein will be made in the manner prescribed in the Zoning Ordinance in effect at the time that the amendment is requested.

BE IT FURTHER ORDAINED that the Board of Supervisors accepts the proffers voluntarily offered by the applicants.

BE IT FURTHER ORDAINED, that this Ordinance is approved by the New Kent County Board of Supervisors this 12th day of February, 2024, and that the County Administrator is hereby directed to have a fully executed copy of this Ordinance recorded upon the Land Records of the County in the office of the Clerk of the Circuit Court.

Attested:

Rodney A. Hathaway
County Administrator

Thomas W. Evelyn
Chairman

PROFFERED CONDITIONS

The undersigned owner of parcels designated GPINs I06-0026-5401, J06-0076-0544, J05-3790-0116, J05-3625-0395, J05-3595-0816, I05-3417-4710, I05-2715-5420, I06-0429-5299, I06-0260-4947, and I06-0795-5318 (the "Property"), voluntarily agrees for itself, agents, personal representatives, successors and assigns (collectively "the Property Owner") that, in the event the Property is rezoned from A-1 (Agricultural) and BUS (Business) to PUD (Planned Use Development), the development and use of the Property shall be subject to the condition listed below.

1. Cash Proffers. The Property Owner shall pay to the New Kent County (the "County") (i) \$8,000 for each single-family detached dwelling unit and (ii) \$4,000 for each townhouse dwelling unit built on the Property. Each payment shall be made prior to the issuance of a certificate of occupancy for the applicable dwelling unit unless state law modifies the timing of the payment. Should the County impose impact fees at any time during the life of the development that are applicable to the Property, the amount paid in cash proffers shall be in lieu of or credited toward, but not be in addition to, any impact fees, in a manner determined by the County.
2. Traffic Signal. Prior to the issuance of the last residential certificate of occupancy for the Property, the Property Owner shall pay \$500,000 to the County for the installation of a traffic signal only if current trips for the Property trigger the warrant for a traffic signal as approved by VDOT.
3. Fire Station. With the issuance of the last residential certificate of occupancy for the Property, the Property Owner shall pay \$250,000 as reimbursement for the purchase of land for a new fire station located within five miles, east or west, of the Property and within the U.S. Route 60 corridor. If the amount paid by the County is less than \$250,000, the reimbursement amount shall be reduced to match the amount paid. If the property purchased is larger than what is needed for the fire station, then the amount of reimbursement to be paid shall only be the amount paid for the fire station's need calculated on a pro rata price per acre basis, but not exceeding \$250,000.

[SIGNATURE PAGE FOLLOWS]

By: Jeffrey P. Geiger, Attorney-in-Fact
Date: July 13, 2023



AGENDA ITEM REQUEST
(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO
THE MEETING)

Meeting Date: 2/12/2024

PUBLIC HEARINGS

<p>Motion: "Mr. Chairman, I move to (not required for Consent Agenda items)</p>	<p>_____ Resolution R-02-24</p>		
<p>Subject</p>	<p>PUBLIC HEARING – Application CUP-02-23, Polish Town Solar 1, New Leaf Energy, Inc. and Jonathan Kinney – Resolution R-02-24 – Conditional Use Permit to construct a 2 MW Solar System (facility) on approximately 23 acres located within Tax Parcel 276J (GPIN #I-28-3826-5374) in eastern New Kent County - Principal Planner Kelli Le Duc and Applicants</p>		
<p>Issue</p>	<p>Representatives from Polish Town Solar 1, New Leaf Energy, Inc. and Jonathan Kinney (property owner) have requested a Conditional Use Permit to construct a 2 MW Solar System (facility) on approximately 23 acres located within Tax Parcel 276J (GPIN #I-28-3826-5374) in eastern New Kent County.</p>		
<p>Recommendation</p>	<p>The Planning Commission considered this application at their meeting on December 18, 2023 and voted 7:1:3 to forward a favorable recommendation to the Board of Supervisors.</p>		
<p>Fiscal Implications</p>	<p>n/a</p>		
<p>Policy Implications</p>	<p>n/a</p>		
<p>Legislative History</p>	<p>A similar application from Borrego Solar for a 3 MW facility on this parcel was denied by the Board of Supervisors at their meeting on June 13, 2022.</p>		
<p>Discussion</p>	<p>Representatives from Polish Town Solar 1, New Leaf Energy, Inc. and Jonathan Kinney (property owner) have requested a Conditional Use Permit to construct a 2 MW Solar System (facility) on approximately 23 acres located within Tax Parcel 276J (GPIN #I28-3826-5374) in eastern New Kent County.</p>		
<p>Time Needed:</p>	<p>20 minutes</p>	<p>Person Appearing:</p>	<p>Kelli Le Duc and applicants</p>
<p>Request prepared by:</p>	<p>Kelli Le Duc</p>	<p>Telephone:</p>	<p>966-8505</p>
<p>Copy provided to:</p>	<p>Amy Inman, Director Planning</p>		

ATTACHMENTS:

Description
BOS memo
Application

Type
Cover Memo
Backup Material

CUP plan set	Backup Material
Community meeting summary	Backup Material
APO list and Affidavit	Backup Material
PC Resolution	Backup Material
BOS Resolution R-02-24 (PDF)	Backup Material
Polish Town Road Layout Material Plan (PDF)	Backup Material
Polish Town Road Layout Material Plan Aerial (PDF)	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning & Zoning	Inman, Amy	Approved	1/31/2024 - 12:51 PM
Administration	Hathaway, Rodney	Approved	1/31/2024 - 3:13 PM
Attorney	Everard, Joshua	Approved	2/5/2024 - 8:32 AM



MEMORANDUM

DATE: February 12, 2024

TO: New Kent County Board of Supervisors

SUBJECT: Application Number CUP-02-23, Polish Town Solar 1, New Leaf Energy, Inc.

REQUEST

Weir Creek LLC, C/O John Kinney, and representatives from New Leaf Energy, Inc. have applied for a Conditional Use Permit to construct a 2 MW solar system (facility) on approximately 23 acres located east of State Route 30 and north of Henrico County's Regional Jail East, on the north side of Polish Town Road (SR 634).

PUBLIC HEARINGS

Planning Commission: December 18, 2023, 6:30 p.m., County Boardroom
Board of Supervisors: February 12, 2024, 7:00 p.m., County Boardroom

GENERAL INFORMATION

Tax Parcel: 27-6J (portion)

GPIN: I28-3826-5374

Size: Parcel is approximately 150 acres in size, project is proposed to use approximately 23 acres

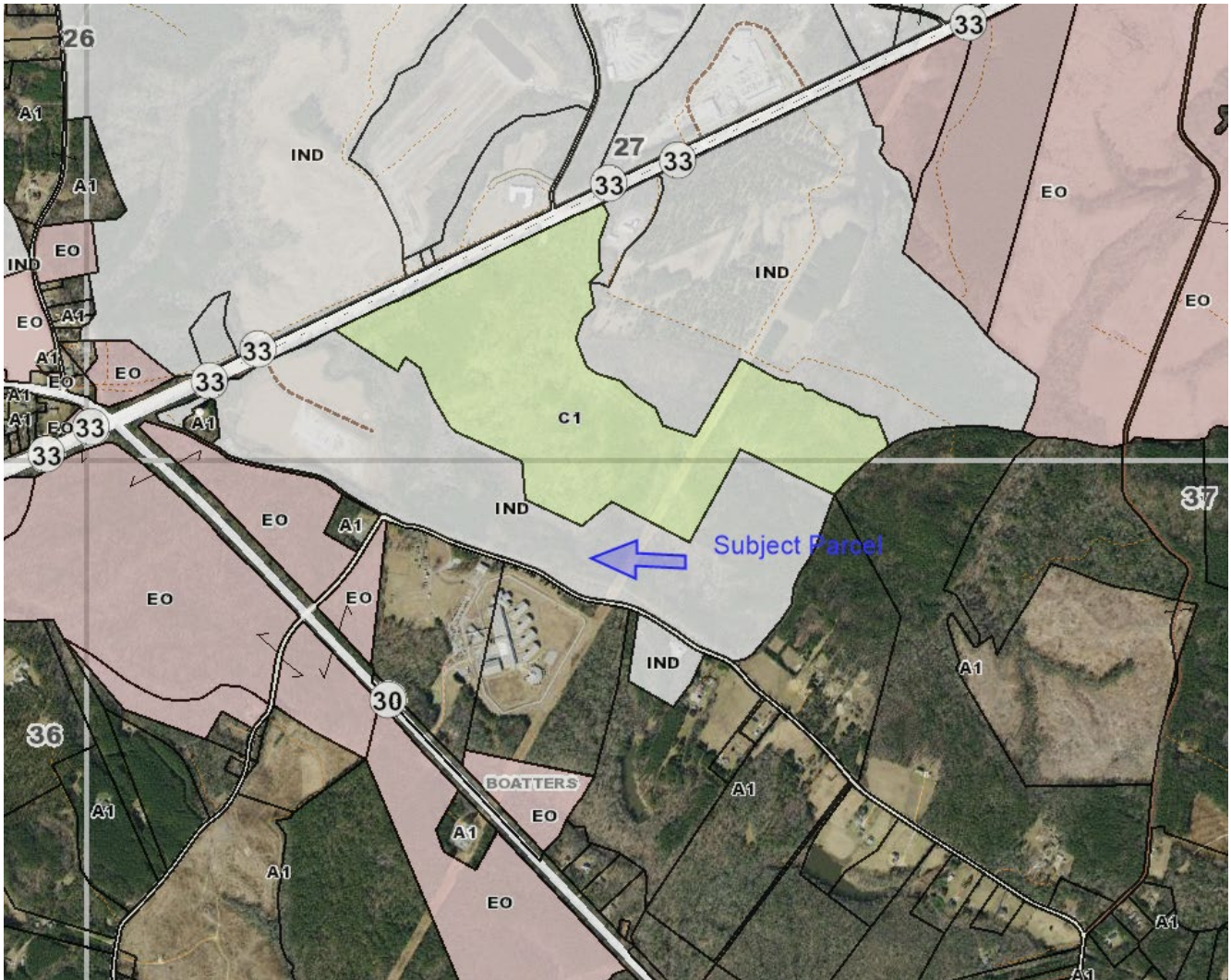
Owner: Weir Creek LLC C/O Jonathan Kinney

Applicant: Polish Town Solar 1, LLC/New Leaf Energy, Inc.

Zoning: Industrial

Adjacent Zoning: North: Wahrani Park (Conservation)
East: A-1
South: Henrico County Jail East

West: Eltham Road and Industrial



CONSIDERATIONS

- The New Kent County Zoning Ordinance (Section 98-62) requires a Conditional Use Permit in the Industrial Zoning District for an “Energy Generation Facility”.
- The application states “Polish Town Solar 1, LLC has previously proposed a 3 MW distributed solar facility on the lands now or formerly of Weir Creek LLC, Tax Parcel 27-6J, within New Kent County’s Industrial District. The CUP was denied by the Board of Supervisors in June, 2022. Upon receiving the denial, Polish Town Solar reduced the project size to a 2-MW Solar System.”
- The property is designated as Industrial in the Comprehensive Plan.
- The project meets desired goals of the Comprehensive Plan listed below:

- Preserve the County's existing rural character (Overarching goal)
 - Protect the natural environment (Overarching goal)
 - Support and promote sustainable alternative energy sources and production.
 - Consider developing policies and regulations that allow for small-scale wind and solar energy projects as a matter of right subject to meeting reasonable performance standards.
- The applicants hosted a Community Meeting on December 6, 2023. Notes from this meeting are attached to the staff memo.
- The facility is proposed to be accessed off of Polish Town Road, and, after construction, the anticipated vehicle traffic generated from the project will be 1-2 vehicles per day. Previous VDOT comments indicated some concerns about utilizing Polish Town Road during construction. The applicant will be required to mark access points with identifying signage. The applicant will also be required to repair any damage to local roads caused by the project construction. If a traffic issue arises during the construction of the project, the applicant shall develop with input from the County and VDOT appropriate measures to mitigate the issue.
- This project will not cause any increased impacts to County services. Whenever possible, construction and related workers will be hired locally. Their employment will not result in an increased impact on schools, police, EMS, or other County resources. There will be no need for new or expanded county public infrastructure as a result of this project.
- There will not be any negative impacts on historic sites or structures or rare, endangered, or irreplaceable species or natural areas. There are preliminary environmental and cultural resource reports in the application.
- In order to promote the safety and welfare of first responders, and per the County's Performance Standards in Sec. 98-878 of the County Code, the Applicant shall coordinate with the county's fire, EMS, and emergency management staff to provide materials, education and/or training to the departments serving the property with emergency services on how to safely respond to on-site emergencies at the project or facility.
- The applicants are proposing a perimeter fence containing approximately 15 acres which will encompass the solar panels and ancillary equipment. The height of the mounted solar panels are about 12-14 feet high and utilize anti-glare coating to minimize any reflection by the sun.
- The surrounding residential properties are visually impaired from the site through the use of natural screening/landscaping and existing topography. The site is set back from the main roads through the County and will not impair the existing visual aesthetics.
- Noise issues generated from construction vehicles is expected but should not interfere or be a nuisance to adjoining properties and will follow conditioned construction hours.

- Decommissioning of the site to remove the project components and return the land to an authorized land use will be done by the Applicant at the end of the project life and adhere to the standards in Section 98-878 (6) of the County Code.

COMMENTS FROM REVIEWING AGENCIES

Staff sent the conditional use permit application and information to all reviewing agencies and received several comments that will be addressed either in the proposed conditions or at the site plan stage in accordance with the performance standards in the Code.

STANDARDS FOR REVIEW

The standards for review of Conditional Use Permits are set forth in Section 98-744 of the New Kent County Zoning Ordinance:

1. *The proposed use shall not be prejudicial to the character of the neighborhood.*
2. *The proposed use shall not adversely affect the general plans for the physical development of the county as embodied in the comprehensive plan.*
3. *The proposed use shall not be detrimental to the use or development of adjacent properties or the general neighborhood nor impair the value of buildings or property in surrounding areas.*
4. *The proposed use shall not unreasonably restrict an adequate supply of light, water, or air to adjacent property nor produce undue congestion in the street.*
5. *The proposed use shall adequately provide for access facilities for the estimated traffic.*
6. *The proposed use shall be subject to any applicable site planning or performance standards enumerated in article XXII of this chapter.*
7. *The proposed use shall be reasonable in terms of the logical, efficient, and economical extension of public services and facilities serving the county, such as water, sewer, streets, police and fire protection, transportation, recreation, and public schools.*

The Zoning Ordinance also lists specific restrictions for conditional use permits. Restrictions on any conditional use may include, but are not limited to the following:

1. Hours of operation
2. Access to and from the subject property
3. Protection of surface and groundwater
4. Lighting of the site, including the intensity and shielding so as to not adversely affect adjacent or nearby property owners

5. Adequate sewer and water supply
6. Sound limitation as needed to ensure peaceful enjoyment of neighboring property
7. Location, size, height, design of buildings, walls, fences, landscaping, and buffer yards
8. Covenants and/or homeowners associations for maintenance of applicable restrictions
9. Timing or phasing of development
10. Type and placement of utilities including underground placements
11. Controls for smoke, dust, and odors
12. Requirements for performance guarantees ensuring that all conditions are met and plans are implemented
13. Any other conditions deemed necessary to protect the health, safety, and general welfare of the public.

OVERALL ANALYSIS AND RECOMMENDED DRAFT CONDITIONS (please be advised that the Conditions are subject to change prior to Board of Supervisors approval of the permit)

Staff has reviewed this conditional use permit application in the same manner as other zoning change applications and has found that the following proposed conditions will assist in addressing, protecting, and promoting health, safety, and the general welfare of New Kent County citizens.

1. The following conditions will apply to the property identified on the “Conditional Use Permit Plan Set” dated 10/31/23 prepared by New Leaf Energy and submitted with the application and will be binding on Polish Town Solar 1, LLC, New Leaf Energy, or any successors, assignees, current or future lessee, sub-lessee, or owner of the solar energy facility (the “Solar Facility”).
2. The Solar Facility must meet all requirements set forth in New Kent County Code Article XXII – Site Plans; Performance Standards, Section 98-878 – **Specific conditions applicable to energy storage projects and solar generation facilities.**
3. Polish Town Solar 1, LLC, New Leaf Energy, or any successors, assignees, current or future lessee, sub-lessee, or owner of the solar energy facility (the “Applicant”) will consent to administrative inspections by New Kent County staff for compliance with the requirements of this Conditional Use Permit, with a 24-hour notice provided by the county to the designated company representative.
4. Per Virginia Code § 15.2-2288.8, the Applicant will pay the County \$50,000 (the “Trail Upgrade Payment”) for future upgrades and maintenance to the Wahrani hiking and biking trails, adjacent to the project site and which the County has determined are reasonably related

to the Solar Facility. The Trail Upgrade Payment will be paid to the County within ninety (90) days of building permit approval, and will be in lieu of any other payments (excluding taxes) to the County.

5. All federal, state, and local laws, regulations, permit requirements and ordinances will be adhered to, including but not limited to:
 - a. All active solar systems shall meet all requirements of the latest editions of the National Electrical Code (NEC), National Electrical Safety Code (NESC), American Society of Civil Engineers (ASCE), American National Standards Institute (ANSI), Institute of Electrical and Electronics Engineers (IEEE), Underwriters Laboratories (UL), or International Electrotechnical Commission (IEC) as applicable and state building code and shall be inspected by a county building inspector throughout the building permit process. If there are any conflicts between standards, the Uniform Statewide Building Code (USBC) shall control.
 - b. An Erosion and Sediment Control plan and a Stormwater Management Plan must be submitted and approved prior to any land disturbance.
6. The Solar Facility will be limited to no more than the 23 acres of the property identified on the "Conditional Use Permit Plan Set" dated 10/31/23 prepared by New Leaf Energy and submitted with the application, excluding additional acreage deemed necessary during the site plan review process for proper stormwater and erosion management, and a temporary laydown area during construction of the Facility.
7. All site activity required for the construction and operation of the Solar Facility will be limited to the following:
 - a. All pile driving activity will be limited to the hours from the earlier of sunrise or 8:00 a.m. to the later of 6:00 p.m. or sunset, Monday through Saturday.
 - b. All other construction activity on site will be permitted Monday through Sunday in accordance with the provisions of the County's Noise Ordinance.
8. All solar panels will use anti-reflective coatings to help prevent glare.
9. The applicant will work directly with New Kent County's Chamber of Commerce and the Economic Development Department to enable the inclusion of local contractors within the County in the bidding process for construction and post-construction.
10. A weather proof/resistant Emergency Response Plaque/Poster will be mounted near the front gate. The Plaque/Poster will include contact information for the facility, an Emergency Response Chain of Command, including information for Police, Fire, and Rescue services and other pertinent information associated with the facility during an emergency response.
11. All landscaping will be reviewed by the Zoning Administrator or his/her designee following installation and as necessary thereafter to ensure the landscape is being maintained. The applicant will work with the County to identify the species that will provide the best aesthetic and environmental benefit.

12. In areas where there is an existing timber buffer remaining on the parcel, then the existing timber buffer will be retained as part of the perimeter landscaping, as per the "Tree Clearing Plan" submitted with the application. Hand-clearing of trees within the existing timber buffer for purposes of safety or removal of dead trees is permitted, so as long as the applicant plants appropriate replacements in accordance with ordinance standards. All existing timber buffers, which may require supplementation with planted trees or shrubs if the existing buffer consists of a relatively thin block of trees or lacks significant understory, are subject to review and approval by the Zoning Administrator or his/her designee. The use of existing timber and natural screening is preferable. Buffer clearing is permitted to an access road to serve the Project and the view is not required to be obscured within the access road's right of way.
13. Excluding the required landscape buffer areas, the ground between the panels and areas not otherwise covered by gravel or infrastructure will be planted and maintained with a vegetative cover. This vegetative cover will be managed with regularly schedule landscape maintenance at intervals deemed appropriate by the County and applicant during site plan review.
14. The applicant must enter into a standard form BMP Maintenance Agreement with New Kent County which will detail the applicant's responsibilities to maintain its stormwater facilities.
15. The applicant will prepare a Transportation Plan as part of building permit approval. The Transportation Plan will be required for all facility traffic. Truck traffic will be limited to only the routes shown in the Transportation Plan. No other local routes in New Kent County may be used. The Transportation Plan will be revisited at time of decommissioning with the County and applicant to reflect the latest status of the roads.
16. Access roads will be marked by the Applicant with identifying signage.
17. A Construction Traffic Management Plan and mitigation measures will be developed by the Applicant and submitted to the County and Virginia Department of Transportation (VDOT) for review. The Plan will address traffic control measures, a pre- and post-construction road evaluation, and any necessary repairs to the public road that are required as a result of damage from the Project. The applicant will inspect and video document the secondary roads associated with the Transportation Plan to assess any roadway damage no greater than 30 days prior to construction and no greater than 30 days after construction. The applicant will inspect and video document the secondary roads associated with the Transportation Plan to assess any roadway damage no greater than 30 days prior to decommissioning and no greater than 30 days after decommissioning of the facility. If a traffic issue arises during the construction of the Project, the Applicant will develop with input from the County and VDOT appropriate measures to mitigate the issue.
18. This Conditional Use Permit will expire on the 3rd anniversary of its issuance if the applicant has not obtained a building permit and commenced construction, unless an extension of the Conditional Use Permit is approved by the New Kent County Board of Supervisors.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission considered this application at their meeting on December 18, 2023 and voted 7:1:3 to forward a favorable recommendation to the Board of Supervisors.

Attachments:

- Application CUP-02-23
- Notes from December 6, 2023 community meeting
- Advertisement & Adjacent Property Owners List
- BOS Resolution R-02-24

Copies to:

- Applicant
- File



T R A N S M I T T A L

DATE: October 31, 2023

TRANSMITTED VIA:

TO: Kelly Le Duc
New Kent County – Planning & Zoning
12007 Courthouse Circle
New Kent, VA 23124

☐ Fax No.:
☐ U.S. Mail
☐ Courier ☐ Rush ☐ Regular
☐ Overnight
☒ Hand Deliver
☐ Pick Up
☐ Other:

FROM: Quentin Wood

Total number of sets included:

RE: Polish Town Solar 1

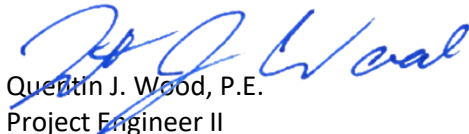
Number	Description	
1	Conditional Use Permit Application	
1	Application Check	
25	Narrative & Application	
12	24"x36" Plan Set	
13	11"x17" Plan Set	

Ms. Le Duc,

Enclosed for the Planning Commission and Board of Supervisor's review is the Conditional Use Zoning Application Package.

Thank you for considering our application. We look forward to meeting with everyone, and please do not hesitate to contact me at (757) 377-2405 or via email at qwood@newleafenergy.com.

Sincerely,



Quentin J. Wood, P.E.
Project Engineer II
New Leaf Energy, Inc.

DATE:	October 31, 2023
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TO:	Kelli Le Duc, Principal Planner Planning Commission New Kent County 12007 Courthouse Circle New Kent, VA 23124 Phone:
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RE:	Conditional Use Permit Application Polish Town Solar 1, LLC New Kent County, Virginia
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Dear Commission Members,

On behalf of Polish Town Solar 1, LLC., New Leaf Energy, Inc., is seeking Conditional Use Approval for the construction of a 2-MW Solar System (Facility) located within Tax Parcel 27-6 on the lands now or formerly of Weir Creek LLC. The parcel is currently zoned Industrial and is generally located East of State Route 30 and north of Henrico County's Regional Jail East on the north side of Route 634 (Polish Town Road). The proposed facility is geospatially located to abut the existing utility electric easements along the north side of Polish Town Road and west of the transmission electric line that traverses the property in a general North/South direction.

Enclosed for the Planning Commission and Board of Supervisors' review is the Condition Use Zoning Application Package.

Thank you for considering our application. We look forward to meeting with everyone and please do not hesitate to contact me at (757) 377-2405 or via email at qwood@newleafenergy.com.

Sincerely,

A handwritten signature in blue ink, appearing to read "Q. J. Wood", written over the printed name.

New Leaf Energy
Quentin J. Wood, P.E.
Project Engineer II

Conditional Use Permit Zoning Application

0 Polish Town RD – New Kent VA

Applicant:

Polish Town Solar 1, LLC
55 Technology Drive, Suite 102
Lowell, MA 01851

Prepared by:



New Leaf Energy Inc, dba New Leaf Energy Development Inc.
55 Technology Drive, Suite 102
Lowell, MA 01851

Dated: October 25, 2023

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CONDITIONAL USE PERMIT PLAN

EXECUTIVE SUMMARY

Polish Town Solar 1, LLC. (Polish Town Solar) has previously proposed a 3-Megawatt (MW) distributed solar facility on the lands now or formerly of Weir Creek LLC, Tax Parcel 27-6J, within New Kent County's Industrial District. The SUP was denied by the Board of Supervisors in June 2022. Upon receiving the denial, Polish Town Solar reduced the project size to a 2-MW Solar System. The parcel consists of ±149 acres and was timbered in the mid-2000's. The western portion was then partially developed in the late 2000's along Route 33 Eltham Road to promote industrial development. Until recently, the civil improvements have remained vacant and under-utilized primarily as a staging/storage area for local construction/utility projects. Currently, an

interested party is actively seeking to develop within that industrial development. However, the remainder of the parcel will remain untouched.

Polish Town Solar retained a professional archaeological firm and an engineering firm to perform a due diligence review of the site and surrounding area for cultural resources, threatened and endangered species, and stream/wetlands. The project area is not located within any eligible cultural resource areas. The project is located within the timbered portion of the property and the applicant will coordinate with USFWS to perform all felling within the appropriate time of year restriction. A stream and wetland delineation was performed within the project area. A stream and wetland complex were identified and mapped. A pre-jurisdictional determination from the United States Army Corps of Engineers was obtained, and the project will not impact the identified streams/wetland. A Section 401/404 permit is not required, and all land-disturbing activities will occur outside of the delineated Resource Protection Area.

Polish Town Solar is proposing to site the 2-MW Solar Facility within the center of the parcel, generally North of the Henrico County's Regional Jail East Facility, East of the County's water/sewer utilities that dissect the property in a general North/South direction, West of the existing electric transmission line that generally runs North/South. The site encompasses approximately ± 32 acres, including landscaping. Ingress/Egress to the facility is proposed along Polish Town Road, and the anticipated vehicle traffic generated from the project will be 1-2 vehicles per day, which is like a single-family home. A perimeter fence containing approximately ± 15 acres will encompass the solar panels and ancillary equipment. The height of the mounted solar panels are about 12-14 feet high and utilize anti-glare coating to minimize any reflection by the sun. The surrounding residential properties are visually impaired from the site through the use of natural screening/landscaping and existing topography. The site is set back from the main roads through the County and will not impair the existing visual aesthetics. The electricity generated within the facility will interconnect to an existing 3-phase electric line within the project area that is parallel to the northern side of Polish Town Road. The remaining acreage outside of the perimeter fence will be utilized to provide natural screening and proposed landscaping in accordance with County's Land Development Code.

The proposed Solar Facility will provide both direct/indirect benefits to the county by utilizing this underdeveloped property to promote green energy as part of the Virginia Clean Economy Act, increase local tax revenue through local spending/support during construction and by further developing the property as an industrial use while minimizing environmental impacts and preserving native vegetation to support and promote habitat. The project will provide additional job opportunities to the local community during construction and operation upon completion, without bearing additional strain on the existing infrastructure and public utilities.

CONDITIONAL USE PERMIT APPLICATION

The following pages contain the completed Conditional Use Permit Application (CUP) and permit fee (Check No. 2447) in the amount of **\$2,785.00**. Refer to **Appendix A** for New Leaf Energy, Inc's signature authority on behalf of the property owner. **Appendix B** contains the Adjacent Property Owners List. Below each property listed is the current land use and zoning district, and the anticipated future land use based on the County's Comprehensive Plan, which coincides with the County's future plan to further expand and designate and promote industrial development surrounding the project's parcel.

Payee: Treasurer of New Kent County

Date: 10/26/2023

Amount: \$2,785.00

Our Reference	Date	Type	Your Reference	Amount	Discount	Net Amount
AP-13184	10/25/2023	Invoice	Polish Town Road CUP Fee-PSR-0	2,785.00	0.00	2,785.00

New Leaf Energy, Inc.
55 Technology Drive, Suite 102
Lowell, MA 01851
(800) 818-5249

CHASE
JPMorgan Chase Bank, N.A.
www.Chase.com
1-2/210



2447

DATE
10/26/2023

AMOUNT
\$2,785.00

PAY Two Thousand Seven Hundred Eighty Five and 00/100 Dollars

TO THE ORDER OF: Treasurer of New Kent County
12007 Courthouse Cir
New Kent Virginia 23124
United States

AUTHORIZED SIGNATURE

⑈00 2447⑈ ⑆021000021⑆ 860183257⑈

New Leaf Energy, Inc.

2447

Please detach and retain this portion of the check for your records.

Payee: Treasurer of New Kent County

Date: 10/26/2023

Amount: \$2,785.00

Check: 2447

Our Reference	Date	Type	Your Reference	Amount	Discount	Net Amount
AP-13184	10/25/2023	Invoice	Polish Town Road CUP Fee-PSR-0	2,785.00	0.00	2,785.00



CONDITIONAL USE PERMIT (CUP) APPLICATION

County of New Kent, Virginia
Planning Department

Web site: www.co.new-kent.va.us/209/Planning

New Kent County ♦ Planning Department ♦ P O Box 150 ♦ New Kent, VA 23124 ♦ Phone 804-966-9690 ♦ Fax 804-966-8531

Use P O Box for all mail. Street address: 12007 Courthouse Circle, New Kent, VA 23124 FOR DELIVERIES ONLY

DESCRIPTION OF PROPERTY

Tax Map Parcel Number(s): 27-6J Total Lot Area (Acres): 149.55
GPIN: I28-3826-5374
Property street address: RT 33 Eltham Road
Current Zoning: Industrial Proposed Zoning: Industrial
Current Use: Vacant Proposed Use: Solar Facility
Does proposed zoning/use include entire property? [] YES [X] NO
If no, how much will be used for proposed use? 23 Acres

OFFICE USE ONLY

DO NOT WRITE IN THIS BOX

Application No: -
AFD Status: -
Date Received: -
Tax Receipts: Yes No
Fee Amount: \$
Staff Initials: -

PROPERTY OWNERS INFORMATION

Name: Weir Creek LLC. C/O Jonathan Kinney
Address: 2311 Wilson BLVD STE 500
City: Arlington State: VA Zip: 22201
Telephone: Work: - Home: -
Cellular/Pager: - Fax: -
E-mail Address: -

APPLICANT'S INFORMATION

Name: Polish Town Solar 1, LLC.
Address: 55 Technology Drive, Suite 102
City: Lowell State: MA Zip: 01851
Telephone: Work: (978) 513-2608 Ext. 2608 Home: -
Cellular/Pager: (757) 377-2405 Fax: -
E-mail Address: qwood@newleafenergy.com

AGENTS INFORMATION

Name: New Leaf Energy, Inc. dba New Leaf Energy
Address: 55 Technology Dr. STE 102
City: Lowell State: MA Zip: 01851
Telephone: Work: (978) 513-2608 Ext. 2608 Home: -
Cellular/Pager: (757) 377-2405 Fax: -
E-mail Address: qwood@newleafenergy.com

WATER/SEWER SUPPLY

☒ Public Water ☒ Public Sewer ☐ Well ☐ Septic

☐ Other:

NOTE: Public water/sewer is installed across property.

The proposed Facility is does not support human habitation,
and the Facility does not require any water or sewer services.

As part of the submission, the following questions must be answered in detail in narrative form. Answers of "Yes" or "No" are **NOT ACCEPTABLE** and the application is not complete until 25 copies of this narrative have been submitted.

1. Describe in detail, the proposed use(s) of the property.
2. Describe in detail, how the proposed use may impact surrounding properties. Please relate your response to the existing zoning and land uses in the area, plus the characteristics of the proposed use—hours of operation, activity levels, appearance, etc.
3. Describe the proposed water and wastewater utility infrastructure including sources, discharges, permits, construction, ownership, and maintenance responsibilities.
4. Describe the environmental impact of the proposed development and the efforts to be undertaken to abate air, water, noise, stormwater, and other environmental impacts during and after construction.
5. Describe what techniques will be used to control traffic flow and what impacts the proposed use will have on existing roadways and provide a professionally prepared traffic impact analysis for any development expected to generate 1,000 vehicle trips per day or more.
6. Describe the impact of the proposed use on New Kent County's Schools.
7. Describe the impact of the proposed use on New Kent County public services—water service, wastewater disposal, solid waste disposal, fire, rescue, law enforcement, libraries, etc.
8. Describe the impact the proposed use(s) will have on any historic sites or structures on the property or in the vicinity.
9. Describe the impact the proposed use(s) will have on any rare, endangered, or irreplaceable species or natural areas.
10. Describe the impact the proposed use(s) will have on the scenic or natural beauty of the County.

For those plans requiring review by the Planning Commission, the applicant shall, in addition to the plan sheets required above, submit an overall plan on one (1) or more eleven-inch by seventeen inch (11" x 17") reproducible sheets and shall provide sufficient copies of larger plan sheets as required for the Planning Commission distribution list of twelve (12). In addition, the applicant shall provide electronic copies of all applicable documents.

I/We as the property owner/applicant/agent give permission for County personnel to enter subject properties in relation to the administration of this application and to any applicable New Kent County, State of Virginia or U.S. Federal Government regulations. Additionally, if the County Planning Department deems it necessary for an outside agency or organizations review any technical part of this application, I/we agree to reimburse the County for all costs associated with such outside reviews and consultation within 15 business days of being billed by the County.

Property Owner Signature:



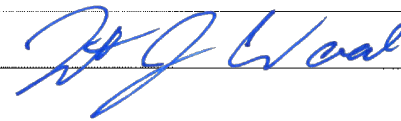
Date: 10/27/2023

Property Owner Signature:

See Appendix A for Signature Authority.

Property Owner Signature:

Applicant/Agent Signature:



Date: 10/27/2023

Applicant/Agent Signature:

Date:

All property owners must sign the application

FEES

The fees for this application consist of an application fee and a Map Maintenance fee (*see below for calculations*). The fee for this application is **\$1600.00 plus \$40.00 per disturbed use acre**. Make checks payable to *Treasurer of New Kent County*. **Fees must be submitted at time of application.**

Fee:	\$	1600.00
+ \$40.00 per acre(fraction),		
Number of acre(fraction): 23	x \$40=	\$ 920.00
Map Maintenance Fee:	\$	35.00
+ \$10.00 per acre(fraction),		
Number of acres(fraction): 23	x \$10=	\$ 230.00
Total Due:	\$	2,785.00

As part of the submission, the following questions must be answered in detail in narrative form. Answers of "Yes" or "No" are **NOT ACCEPTABLE** and the application is not complete until 25 copies of this narrative have been submitted.

1. Describe in detail, the proposed use(s) of the property.
2. Describe in detail, how the proposed use may impact surrounding properties. Please relate your response to the existing zoning and land uses in the area, plus the characteristics of the proposed use—hours of operation, activity levels, appearance, etc.
3. Describe the proposed water and wastewater utility infrastructure including sources, discharges, permits, construction, ownership, and maintenance responsibilities.
4. Describe the environmental impact of the proposed development and the efforts to be undertaken to abate air, water, noise, stormwater, and other environmental impacts during and after construction.
5. Describe what techniques will be used to control traffic flow and what impacts the proposed use will have on existing roadways and provide a professionally prepared traffic impact analysis for any development expected to generate 1,000 vehicle trips per day or more.
6. Describe the impact of the proposed use on New Kent County's Schools.
7. Describe the impact of the proposed use on New Kent County public services—water service, wastewater disposal, solid waste disposal, fire, rescue, law enforcement, libraries, etc.
8. Describe the impact the proposed use(s) will have on any historic sites or structures on the property or in the vicinity.
9. Describe the impact the proposed use(s) will have on any rare, endangered, or irreplaceable species or natural areas.
10. Describe the impact the proposed use(s) will have on the scenic or natural beauty of the County.

For this application requiring review by the Planning Commission, the applicant shall, in addition to the plan sheets required above, submit an overall plan on one (1) or more eleven-inch by seventeen inch (11" x 17") reproducible sheets and shall provide 25 copies of larger plan sheets as required for the Planning Commission distribution list of twelve (12). In addition, the applicant shall provide electronic copies of all applicable documents.

I/We as the property owner/applicant/agent give permission for County personnel to enter subject properties in relation to the administration of this application and to any applicable New Kent County, State of Virginia or U.S. Federal Government regulations. Additionally, if the County Planning Department deems it necessary for an outside agency or organizations review the technical part of this application, I/we agree to reimburse the County for all costs associated with such outside reviews and consultation within 15 business days of being billed by the County.

Property Owner Signature: weir creek llc Date: 10/27/2023
 Property Owner Signature: _____ Date: _____
 Property Owner Signature: _____ Date: _____
 Applicant/Agent Signature: _____ Date: 10/27/2023
 Applicant/Agent Signature: _____ Date: _____

All property owners must sign the application

FEES

The fees for this application consist of an application fee and a Map Maintenance fee (*see below for calculations*). The fee for this application is **\$1600.00 plus \$40.00 per disturbed use acre**. Make checks payable to *Treasurer of New Kent County*. **Fees must be submitted at time of application.**

Fee:	\$	1600.00
+ \$40.00 per acre(fraction),		
Number of acre(fraction):	23	x \$40= \$ 920.00
Map Maintenance Fee:	\$	35.00
+ \$10.00 per acre(fraction),		
Number of acres(fraction):	23	x \$10= \$ 230.00
Total Due:	\$	2,785.00

CONDITIONAL USE PERMIT APPLICATION RESPONSES

Response to the Conditional Use Permit questions 1-10 on page 2 of the application are presented below in *ITALICS* and responses are provided below them. Any supporting documents/plans referenced within the responses are provided as an Appendix within the package.

1. Describe in detail, the proposed use(s) of the property.

The property is comprised of ±149.55 acres and is zoned for Industrial Use. Until recently the civil improvements within the existing industrial development portion of the parcel along State Route 33 have remained vacant and under-utilized primarily as a staging/storage area for local construction/utility projects. Currently, an interested party is actively seeking to develop within that industrial development. However, the remainder of the parcel will remain untouched. The proposed project, a 2-MW Solar Facility, is considered an “Energy Generation Facility” under Chapter 98, Article II Section 98-62 Table of Land Uses, and requires a Conditional Use within an Industrial District. The project will be generally located within the center of the property (Tax Map 27-6J) and will be accessed from Polish Town Road (State Route 634), north of Henrico County’s Regional Jail East. The proposed facility’s location is within the narrowest portion of the property, with generally south-facing slopes, where it abuts two New Kent County properties, Tax Map 37-12 to the north and Tax Map 37-9A to the South, which is zoned Conservation and A-1, respectively.

The facility will capture and convert UV rays to electricity and convey the renewable electricity into the local utility system. The interconnection between the facility and the local electric grid is within the property and project area where the existing electric line parallels along the northern side of Polish Town Road. Refer to **Appendix G** for CUP Plans.

New Leaf is estimating that the project will generate taxes of \$272,000 over the project lifetime through real estate tax and personal property tax per Virginia Code § 58.1-2606.1. We recently reached out to the Commissioner of Revenue to confirm the assumptions used for this estimation.

2. Describe in detail, how the proposed use may impact surrounding properties. Please relate your response to the existing zoning and land uses in the area, plus the characteristics of the proposed use-hours of operation, activity levels, appearance, etc.

The proposed solar facility location will not have a significant impact on surrounding properties. The property is currently zoned Industrial, and the proposed use is also considered industrial. The adjoining properties are Conservation to the north, Agricultural to the east and south, Industrial to the south, Economic to the southwest, and Industrial to the west. The proposed project was reduced in size from a 3-MW to a 2-MW system, which

provided additional room for the setbacks and increased landscape buffer. The inverters equipment was also relocated further back within the parcel to exceed the minimum 200 ft setback requirement. The project's landscape buffer will utilize the existing native vegetation and dense trees and will supplement with additional planted trees where needed. The increased setback depth and utilization of the existing native vegetation helps to maintain the natural scenic views offered from the Wahrani trail. Please refer to visual rendering from spots along the trail looking toward the site. A list of adjacent parcels is enclosed in **Appendix B**. The list includes the following information: Tax Map & Parcel Number, Name, Address, and the property's current land use and zoning district and future land use based on the County Comprehensive Plan. Several studies performed by third parties have been conducted regarding the property value of properties within the vicinity of a solar facility. The studies have concluded that the facility did not affect the sale, purchase, or development of the surrounding properties.

To safeguard the County and surrounding properties should the solar facility become abandoned, a decommissioning plan was prepared and included within the CUP plans, refer to **Appendix G**. An engineer's estimate will be provided as part of the site plan approval process to determine a performance guarantee to decommission the facility and restore the site.

We are actively seeking a location to hold a Community Meeting and will conduct the meeting, including advertising and summary in accordance with Chapter 98, Article XXII Section 98-878.

3. *Describe the proposed water and wastewater utility infrastructure including sources, discharges, permits, construction ownership, and maintenance responsibilities.*

The proposed facility does not support human habitation and will not require public/private water or sewer services. The facility's location within the property does not encroach on the existing public utility installed across the property, east of the facility. Refer to **Appendix G** for CUP Plans.

4. *Describe the environmental impact of the proposed development and the efforts to be undertaken to abate air, water, noise, stormwater, and other environmental impacts during and after construction.*

The proposed project will not create significant impacts as a result of construction and operation of the facility. The environmental impacts listed within the County's question above are broken out and discussed in detail below.

Air Pollution: The proposed project will not significantly impact the air quality surrounding the property aside from air pollution from typical construction equipment utilized to construct the site. Dust control measures during the construction of the project will be in place and addressed through the land disturbance permitting process. Post-Construction the site does not require an air permit to operate. Vehicle traffic to service/maintain/inspect the facility will emit air pollution and is regulated by the State. Vehicle traffic, post-construction, to the site is similar to that of a single-family residence.

Noise Pollution: Noise pollution generated from construction vehicles is expected but should not interfere or be a nuisance to the adjoining properties and will follow conditioned construction hours. Post-Construction, noise associated with the ground-mounted solar PV comes from inverters and transformers. This equipment makes a humming noise during the daytime when the array is generating electricity. This equipment is generally positioned within the center of the site and is typically inaudible at the property lines to not be viewed as a nuisance to the adjoining property owners outside their residence. No noise is generated at night, as the system is not producing energy during those hours. Overall, the proposed site will not have an adverse impact on current residential properties, with the closest being located approximately 950 ft. generally southeast of the property.

Water Pollution: Water pollution associated with the development of the site will be mitigated through several avenues. Unlike most industrial sites, the site's impervious area is reduced to what is needed for the equipment and driveway to service the equipment. The solar panels are installed on racks anchored into the ground using helical piles, or similar devices. During the construction of the site, the site will be designed in accordance with 9VAC25-840 and the County's Erosion and Sediment Control within Part II Article IV. All land disturbance will be minimized, and perimeter erosion and sedimentation control devices will be designed, installed, and maintained downgradient to minimize the risk of sediment from leaving the site and entering water/wetlands identified outside of the project area. Refer to [Appendix C](#) for the Preliminary Jurisdictional Determination encompassing the project and surrounding area.

Upon completing construction, the stormwater controls, designed and approved by the County VSMP Authority under 9VAC25-870 and Part II Article III will be constructed. All previously disturbed areas will be permanently stabilized and planted with native seed mix,

including a native pollinator mix, that will require minimal maintenance. Revegetation of the disturbed area with native seed mixes will improve water quality and minimize thermal impacts to offsite resources by reducing pollutant loading through filtration and to facilitating suspended nutrient removal by transpiration and promoting water quality by naturally filtering runoff through infiltration.

Stormwater Pollution: The site will be designed to comply with 9VAC25-870 and Part II Article III of the County's Ordinance for stormwater control. The proposed impervious surface associated with the project is reduced to the main equipment and driveway. All previously disturbed areas will be permanently stabilized and planted with native seed mix, including a native pollinator mix, that will require minimal maintenance. The UV panels are mounted and native vegetation will continue to grow underneath. Stormwater controls will be proposed downgradient of the facility and revegetation of the disturbed area with native seed mixes will improve water quality and minimize thermal impacts to offsite resources and downstream properties by reducing pollutant loading through filtration and facilitating suspended nutrient removal by transpiration and promoting water quality by naturally filtering runoff through infiltration. Refer to **Appendix G** for the general location of the stormwater controls.

Hazardous Material: No hazards from radioactive emissions or hazardous material will be used for this project. During construction, the most hazardous substance on site will be gasoline and diesel fuel for construction vehicles. All fuel will be kept in appropriate containers for the type of fuel to be stored. Containers will be clearly labeled and stored in a responsible manner. The project will use rated Tier 1 panels that meet Toxic Characteristic Leaching Procedure (TCLP) requirements for non-hazardous waste. The bulk of material is considered recyclable, the solar panels may be upcycled, reused as secondhand, recycled or disposed of at an approved facility.

Standards For Review

New Kent County Part II Chapter 98 Article XIX Section 98-744

Below in *ITALICS* are the seven guidelines, listed within New Kent County's Ordinance Part II Chapter 98 Article XIX Section 98-744 in determining the propriety of granting a conditional use permit and in requiring any conditions. The project's applicability/justification to the guidelines are listed below. Any supporting documents/plans referenced within the responses are provided as attachments within the package.

1. The proposed use shall not be prejudicial to the character of the neighborhood.

The proposed project is a 2-MW Solar Facility that is considered an "Energy Generation Facility". An Energy Generation Facility under Chapter 98, Article II Section 98-62 Table of Land Uses is listed as a Conditional Use within an Industrial District, which is a use permitted in a particular zone only upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of such use as specified and as established by the Board of Supervisors.

The project is situated on a parcel that has had civil improvements to promote the development of industrial use on the western end of the property. The civil improvements were completed approximately 8 years ago. The property remains vacant although access from Route 33 and public utilities are available and accessible onsite, but currently, this developable area is in process of being further developed.

The center of the parcel is the narrowest portion of the parcel surrounded by Resource Protection Areas and utility easements, which restrict the developable area of the property. In addition, access to the central part of the parcel would be required along Polish Town Road, as the extension of the existing road with the industrial development would impact the delineated streams and resource protection areas. Aside from the environmental impacts, the additional costs to improve Polish Town Road would be substantial to justify development. After 8 years of searching, a company is interested in the other portion of the site, previously prepared with civil improvements (by Weir Creek LLC). The proposed subject section of the parcel was identified as an ideal location for the proposed solar facility and leaves 79 percent of the more ideal areas of the parcel for other development.

The enclosed CUP application and accompanying documents and plans depict the proposed location, associated improvements, proximity to adjacent residences, the adjacent properties current and future land use, and discusses the de-minimis impacts to the surrounding environment and neighboring properties, while still allowing the property to continue to market future industrial development on the remaining \pm 100 acres.

2. The proposed use shall not adversely affect the general plans for the physical development of the county as embodied in the comprehensive plan.

The proposed Solar facility will not adversely affect the County's ability to promote further development of the property and surrounding area. As discussed above the enclosed CUP application and accompanying documents and plans depict the proposed location, associated improvements, proximity to adjacent residences, the adjacent properties

current and future land use, and discusses the de-minimis impacts to the surrounding environment and neighboring properties, while still allowing the property to continue to market future industrial development on the remaining \pm 100 acres.

3. *The proposed use shall not be detrimental to the use or development of adjacent properties or the general neighborhood nor impair the value of buildings or property in surrounding areas.*

Please refer to the Conditional Use Permit Application Question 2 for a detailed response. The applicant has provided the County a list of the adjacent properties and their current and future land use based on the County's Comprehensive Plan. The applicant will hold a Neighborhood Outreach meeting to discuss the project and provide a summary to the County prior to the Planning Commission hearing. The meeting will gauge the community interest/opposition for the project. The proposed project should not affect the value of the surrounding properties based on published third-party studies for similar projects within the Commonwealth of Virginia. In addition, the applicant has provided a decommissioning plan and will maintain a performance guarantee to safeguard the county, and neighbors should the facility need to be removed and the site restored.

4. *The proposed use shall not unreasonably restrict an adequate supply of light, water or air to adjacent property nor produce undue congestion in the street.*

Please refer to the Conditional Use Permit Application Questions 4 and 5 for a detailed discussion regarding environmental impacts and anticipated traffic volume. In general, the proposed solar facility is less than one story high and will be constructed on the property with minor grading for the installation of a road and pad for the equipment. The solar panels are installed on helical piers, or similar foundation, and native vegetation only mowed once-twice a year. The solar facility does not emit air pollution, and the solar panels have an anti-glare coating to minimize any reflection from the sun. The anticipated traffic to the facility will be minimal and consist of one to two vehicles per day.

5. *The proposed use shall adequately provide for access facilities for the estimated traffic.*

Please refer to the Conditional Use Permit Application Questions 5 for a detailed discussion regarding the estimated traffic. The anticipated traffic to the facility is one to two vehicles per day and will only increase the traffic by 1% based on the roads 230 ADT.

APPENDIX A

SIGNATURE AUTHORITY

EXHIBIT F

Oct 25, 2023

To Whom It May Concern

New Leaf Energy, Inc. dba New Leaf Energy Development, Inc. and its employees and affiliates are hereby authorized to act as our agent for submission of applications and related plans and documents, and to appear before boards and other officials, with respect to obtaining approvals for solar installations to be constructed on my property located at Polish Town Road, Westpoint, VA (Parcel 27-6J).

Sincerely,

Weir Creek, LLC

Jonathan Kinney
box SIGN 13L3P3Y16-4P8P820P

Jonathan C. Kinney

APPENDIX B
ADJACENT PROPERTY OWNER LIST



ADJACENT PROPERTY OWNERS LIST

County of New Kent, Virginia
Planning Department

Web site: www.co.new-kent.va.us/209/Planning

New Kent County ♦ Planning Department ♦ P. O. Box 150 ♦ New Kent, VA 23124 ♦ Phone 804-966-9690 ♦ Fax 804-966-8531

Use P O Box for all mail. Street address: 12007 Courthouse Circle, New Kent, VA 23124 FOR DELIVERIES ONLY

DESCRIPTION OF PROPERTY

Tax Map Parcel

Number(s): _____

GPIN: _____

Property

Address: _____

OFFICE USE ONLY *DO NOT WRITE IN THIS BOX*

Application No: _____ -

Date Received: _____

Staff Initials: _____

I hereby certify that the names and addresses below are those of the adjacent property owners listed in the current tax records of the Commissioner of Revenue of New Kent County and surrounding municipalities. Adjacent property includes all property across roadways (public and private), watercourses, railroads, and/or municipal boundaries.


APPLICANT'S SIGNATURE

	Tax Map & Parcel Number	Name	Address (include City, State & Zip)
1.			
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Attach additional sheets if needed

APPENDIX C
PRELIMINARY JURISDICTIONAL DETERMINATION



DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NORFOLK DISTRICT
FORT NORFOLK
803 FRONT STREET
NORFOLK VA 23510-1011

October 15, 2021

PRELIMINARY JURISDICTIONAL DETERMINATION

Southern Virginia Regulatory Section
NAO-2021-01450 (Pamunkey River)

Borrego Solar Systems, Inc.
Ms. Jessie Robinson
1 N State Street
Chicago, Illinois 60602

Dear Ms. Robinson:

This letter is in regard to your request for a preliminary jurisdictional determination of the aquatic resources (e.g., wetlands, streams, and ponds), on approximately 54-acres located on the north side of Polish Town Road across the street from the Henrico County's Regional Jail East facility on a portion of Parcel ID 27-6J hereinafter referred to as project area.

The map entitled "Waters of the U.S. Delineation Map BSSI Polish Town Road Solar Site", by ECS Mid-Atlantic, stamped received by the U.S. Army Corps of Engineers (Corps) on September 23, 2021 (copy enclosed) provides the locations of the aquatic resources within the project area referenced above. This letter is not confirming the Cowardin classifications of these aquatic resources.

These aquatic resources exhibit wetland criteria as defined in the 1987 Corps of Engineers Wetland Delineation Manual, and the Atlantic and Gulf Coastal Plain Regional Supplement. This site also contains aquatic resources with an ordinary high-water mark.

This preliminary jurisdictional determination and associated aquatic resource delineation map may be submitted with a permit application.

Please be aware that you may be required to obtain a Corps permit for any discharge of dredged and/or fill material, either temporary or permanent, into a water of the U.S. In addition, you may be required to obtain a Corps permit for certain activities occurring within, under, or over a navigable water of the U.S. subject to the Section 10 of the Rivers and Harbors Act. Furthermore, you may be required to obtain state and local authorizations, including a Virginia Water Protection Permit from the Virginia Department of Environmental Quality (DEQ), a permit from the Virginia Marine Resources Commission (VMRC), and/or a permit from your local wetlands board.

This delineation and preliminary jurisdictional determination may not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. Therefore, if you or your tenant are US Department of Agriculture (USDA) program participants, or anticipate participation in USDA programs, you should discuss the applicability of a certified wetland determination with the local USDA service center, prior to starting work.

The Norfolk District has relied on the information and data provided by the requestor or agent to make this preliminary determination. If it is determined such information and data are materially false or materially incomplete, a new preliminary determination would be necessary.

This is a preliminary jurisdictional determination and is not a legally binding determination regarding whether Corps jurisdiction applies to the aquatic resources in question. To determine Corps' jurisdiction, you may request and obtain an approved jurisdictional determination.

This delineation of aquatic resources can be relied upon for no more than five years from the date of this letter. New information may warrant revision. Enclosed is a copy of the "Preliminary Jurisdictional Determination Form". Please review the document, sign, and return one copy to the Corps, either by email randy.l.steffey@usace.army.mil or by standard mail to Attn: Mr. Steffey, U.S. Army Corps of Engineers, Norfolk District, CENAO-WR-R, 803 Front Street, Norfolk, VA 23510-1011.

If you have any questions, please contact the office either by telephone at (757) 201-7579 or by email at randy.l.steffey@usace.army.mil.

Sincerely,

**Randy
Steffey**

Digitally signed by
Randy Steffey
Date: 2021.10.15
09:36:32 -04'00'






Randy Steffey
Project Manager, Southern Virginia
Regulatory Section

Enclosure(s):

cc: ECS Mid-Atlantic, LLC; Camille VanSkiver

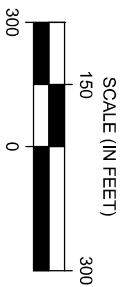
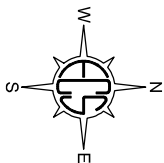


LEGEND

-  INTERMITTENT STREAM CHANNEL (R4)
-  EPHEMERAL STREAM CHANNEL (R6)
-  PALUSTRINE FORESTED (PFO) WETLAND
-  APPROXIMATE WETLAND DATAPoint LOCATION
-  STUDY AREA (SHOWN IN WHITE FOR CLARITY)

"WATER FEATURES WERE DELINEATED BY ECS ON MAY 11 AND 27, 2021 AND LOCATED USING A SUB-METER ACCURACY GPS UNIT."
 "WATER FEATURES DEPICTED HEREIN SHOULD BE CONSIDERED PRELIMINARY UNTIL CORROBORATED BY THE U.S. ARMY CORPS OF ENGINEERS."

U.S. Army Corps of Engineers
 Norfolk District
 Regulatory Office
 Received by: RLS
 Date: Sept 23, 2021



BSSI POLISH TOWN ROAD SOLAR SITE
POLISH TOWN ROAD
NEW KENT, VIRGINIA



WATERS OF THE U.S.
DELINEATION MAP
Borrego Solar Systems, Inc.

ECS REVISIONS

ENGINEER	DRAFTING
AMM	CNV
SCALE	AS SHOWN
PROJECT NO.	47-12076-A
SHEET	1 OF 1
DATE	5-11-2021

Appendix 2 - PRELIMINARY JURISDICTIONAL DETERMINATION (PJD) FORM

BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR PJD: October 15, 2021

B. NAME AND ADDRESS OF PERSON REQUESTING PJD:

Borrego Solar Systems, Inc. -- Attn: Ms. Jessie Robinson

C. DISTRICT OFFICE, FILE NAME, AND NUMBER:

Norfolk District, Polish Town Road Solar Site, NAO-2021-01450

D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:

(USE THE TABLE BELOW TO DOCUMENT MULTIPLE AQUATIC RESOURCES AND/OR AQUATIC RESOURCES AT DIFFERENT SITES)

State: Virginia County/parish/borough: New Kent City:

Center coordinates of site (lat/long in degree decimal format): 37.49922°N; -76.86211°W

Lat.: xx.xxx° Long.: yy.yyy°

Universal Transverse Mercator:

Name of nearest waterbody: Pamunkey River

E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☒ Office (Desk) Determination. Date: 2021/09/23- 2021/10/15

☐ Field Determination. Date(s):

TABLE OF AQUATIC RESOURCES IN REVIEW AREA WHICH "MAY BE" SUBJECT TO REGULATORY JURISDICTION.

Site number	Latitude (decimal degrees)	Longitude (decimal degrees)	Estimated amount of aquatic resource in review area (acreage and linear feet, if applicable)	Type of aquatic resource (i.e., wetland vs. non-wetland waters)	Geographic authority to which the aquatic resource "may be" subject (i.e., Section 404 or Section 10/404)
			+/- 0.08 acres	wetlands	Section 404
			+/- 765 LF	non-wetlands	Section 404

- 1) The Corps of Engineers believes that there may be jurisdictional aquatic resources in the review area, and the requestor of this PJD is hereby advised of his or her option to request and obtain an approved JD (AJD) for that review area based on an informed decision after having discussed the various types of JDs and their characteristics and circumstances when they may be appropriate.
- 2) In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an AJD for the activity, the permit applicant is hereby made aware that: (1) the permit applicant has elected to seek a permit authorization based on a PJD, which does not make an official determination of jurisdictional aquatic resources; (2) the applicant has the option to request an AJD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an AJD could possibly result in less compensatory mitigation being required or different special conditions; (3) the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) undertaking any activity in reliance upon the subject permit authorization without requesting an AJD constitutes the applicant's acceptance of the use of the PJD; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a PJD constitutes agreement that all aquatic resources in the review area affected in any way by that activity will be treated as jurisdictional, and waives any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an AJD or a PJD, the JD will be processed as soon as practicable. Further, an AJD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331. If, during an administrative appeal, it becomes appropriate to make an official determination whether geographic jurisdiction exists over aquatic resources in the review area, or to provide an official delineation of jurisdictional aquatic resources in the review area, the Corps will provide an AJD to accomplish that result, as soon as is practicable. This PJD finds that there "may be" waters of the U.S. and/or that there "may be" navigable waters of the U.S. on the subject review area, and identifies all aquatic features in the review area that could be affected by the proposed activity, based on the following information:

SUPPORTING DATA. Data reviewed for PJD (check all that apply)

Checked items should be included in subject file. Appropriately reference sources below where indicated for all checked items:

- ☒ Maps, plans, plots or plat submitted by or on behalf of the PJD requestor:
Map: Waters of the U.S. Delineation Map BSSI Polish Town Rd Solar Site; rec'd 9/23/21
- ☒ Data sheets prepared/submitted by or on behalf of the PJD requestor.
☒ Office concurs with data sheets/delineation report.
☐ Office does not concur with data sheets/delineation report. Rationale: _____.
- ☐ Data sheets prepared by the Corps: _____.
- ☐ Corps navigable waters' study: _____.
- ☒ U.S. Geological Survey Hydrologic Atlas: 02080106 & 02080206
- ☐ USGS NHD data.
- ☒ USGS 8 and 12 digit HUC maps.
- ☒ U.S. Geological Survey map(s). Cite scale & quad name: CorpsMap
- ☒ Natural Resources Conservation Service Soil Survey. Citation: CorpsMap.
- ☒ National wetlands inventory map(s). Cite name: CorpsMap
- ☐ State/local wetland inventory map(s): _____.
- ☐ FEMA/FIRM maps: _____.
- ☐ 100-year Floodplain Elevation is: _____. (National Geodetic Vertical Datum of 1929)
- ☒ Photographs: ☒ Aerial (Name & Date): Various years in CorpsMap & Google Earth
or ☐ Other (Name & Date): _____.
- ☒ Previous determination(s). File no. and date of response letter: AJD issued 6/17/2021
- ☐ Other information (please specify): _____.

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

Randy Steffey

Digitally signed by Randy Steffey
Date: 2021.10.15 09:36:51
-04'00'

Signature and date of
Regulatory staff member
completing PJD

Signature and date of
person requesting PJD
(REQUIRED, unless obtaining
the signature is impracticable)¹

¹ Districts may establish timeframes for requestor to return signed PJD forms. If the requestor does not respond within the established time frame, the district may presume concurrence and no additional follow up is necessary prior to finalizing an action.

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Borrego Solar Systems, Inc.; Attn: Ms. Jessie Robinson	File Number: NAO-2021-01450	Date: Oct 15, 2021
Attached is:		See Section below
<input type="checkbox"/>	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
<input type="checkbox"/>	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
<input type="checkbox"/>	PERMIT DENIAL	C
<input type="checkbox"/>	APPROVED JURISDICTIONAL DETERMINATION	D
<input checked="" type="checkbox"/>	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/appeals.aspx> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

Mr. Randy Steffey
Regulatory Project Manager (CENAO-WRR-S)
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RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:

Telephone number:



DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NORFOLK DISTRICT
FORT NORFOLK
803 FRONT STREET
NORFOLK VA 23510-1011

October 15, 2021

Supplemental Pre-application Information

Project Number: NAO-2021-01450

Applicant: Borrego Solar Systems, Inc.; Attn: Ms. Jessie Robinson

Project Location: The review area includes approximately 54-acres located on the north side of Polish Town Road across the street from the Henrico County's Regional Jail East facility on a portion of Parcel ID 27-6J.

1. A search of the Virginia Department of Historic Resources data conducted via VCRIS and/or CorpsMap revealed the following:
 - ☐ No known historic properties are located on the subject property.
 - ☒ The following known architectural resources are located on the subject property:
 - 063-5009; Barhamsville Battlefield, Eltham's Landing Battlefield, West Point Battlefield
 - ☐ The following known archaeological resources are located on the subject property:
 - ☐ The following known architectural and archaeological resources are located in the vicinity of the subject property:
 - ☒ American Battlefield Protection Program (ABPP) consultation may be required.
 - ☒ Tribal consultation may be required.
 - ☐ Section 408 coordination may be required.

NOTE:

- 1) *The information above is for planning purposes only. In most cases, the property has not been surveyed for historic resources. Undiscovered historic resources may be located on the subject property or adjacent properties and this supplemental information is not intended to satisfy the Corps' requirements under Section 106 of the National Historic Preservation Act (NHPA).*
 - 2) *Prospective permittees should be aware that Section 110k of the NHPA (16 U.S.C. 470h-2(k)) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of Section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant.*
2. A search of U.S. Fish and Wildlife Service's IPaC system revealed the following:
 - ☐ No known populations of federally listed species are located on the subject property.
 - ☒ The following federally listed species may be present on the subject property:
 - Northern Long-eared Bat

Please note this information is being provided to you based on the preliminary data you submitted to the Corps relative to project boundaries and project plans. Consequently, these findings and recommendations are subject to change if the project scope changes or new information becomes available and the accuracy of the data.

APPENDIX D
CULTURAL RESOURCE SURVEY



COMMONWEALTH of VIRGINIA

Travis A. Voyles
Acting Secretary of Natural
and Historic Resources

Department of Historic Resources
2801 Kensington Avenue, Richmond, Virginia 23221

Julie V. Langan
Director
Tel: (804) 367-2323
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www.dhr.virginia.gov

October 18, 2022

Randy Lichtenberger
Hurt and Proffitt, Inc.
2524 Langhorne Road
Lynchburg, VA 24501

RE: Polish Town Solar 1
New Kent County, Virginia
DHR File No. 2022-4800

Dear Mr. Lichtenberger:

We have received for review the *Phase I Archaeological Survey of the Polish Town Solar 1, New Kent County, Virginia*, prepared by Hurt and Proffitt, Inc. (H&P). We provide the following comments in support of an application to the Department of Environmental Quality (DEQ) for a Permit-by-Rule to construct and operate a small solar project in Cumberland County, Virginia.

Archaeology

The report documents a cultural resources survey of approximately 25 acres. During the course of the survey, three (3) new archaeological site was identified (44NK0306-44NK0308 *inclusive*). Site 44NK0306 consists of a artifact scatter dating from the late 19th century to mid-20th century. 44NK0307 is described as an artifact scatter dating to the 19th century. Site 44NK0308 is a 8 is a moderate concentration of artifacts dating from the late 18th to mid19th century. The artifact concentration extends outside the APE to the east. No architectural related artifacts were identified. H&P recommends that all three sites, **44NK0306**, **44NK0307**, and **44NK0308** are *not eligible* for listing in the National Register of Historic Places (NRHP). No additional work is recommended for this project area. DHR concurs with these recommendations.

Architecture

The architectural report identified four (4) newly identified resources within the 0.5-mile study area: a house at 17800 Polish Town Road (DHR ID # 063-5145), a house at 17701 Polish Town Road (DHR ID # 063-5144), the Henrico Regional Prison (DHR ID # 063-5146), and the Angel View Baptist Church at 6911 Angel View Lane (DHR ID # 063-5147). H&P recommends all four (4) resources as ineligible for listing in the Virginia Landmarks Register (VLR) and National Register of Historic Places (NRHP) and DHR concurs.

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If you have any questions regarding these comments, please contact me at 804-482-8091 or via email, jennifer.bellville-marrion@dhr.virginia.gov.

Sincerely,



Jenny Bellville-Marrion, Project Review Archaeologist
Review and Compliance Division

c. Adrienne Birge-Wilson, DHR
Chris Egghart, DEQ

ARCHAEOLOGICAL SURVEY



POLISH TOWN SOLAR 1

New Kent County

H&P PROJECT NO.

20220779

CONTACT:

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EXECUTIVE SUMMARY

On behalf of Polish Town Solar 1, Hurt & Proffitt, Inc. (H&P) has completed a Phase I archaeological survey of a 25-acre tract located in northern New Kent County, Virginia.

The purpose of the survey was to identify all archaeological sites in the Area of Potential Effects (APE), to estimate site size and boundaries, and to preliminarily assess the eligibility of identified sites for listing in the National Register of Historic Places (NRHP). The total area surveyed was approximately 25 ac. (10.11 Ha). The archaeological survey of the APE was conducted by a crew led by Jessica Gantzert from May 26 to June 4th, 2022.

H&P first completed a reconnaissance survey of the project corridor which consists of a heavily wooded silviculture forest. Thirty-six shovel test transects were laid out and spaced 50 feet (15.24m) apart running north to south across the APE. Three additional transects were placed running east to west on the southern border of the APE where the road easement exists. A total of 441 shovel test pits (STPs) were then placed at 50-foot (15.24m) intervals along those transects. Another 44 STPs were placed at 25-foot (7.62m) intervals around STPs that were positive for cultural material. A total of 485 STPs were excavated with 25 being positive for cultural material. This resulted in the discovery of three historic sites dating from the late 18th to early 20th century. In addition, four isolated historic artifacts and six isolated metal detector hits were found.

44NK0306 is located in the southeast part of the project area just north of Polish Town Road. It consists of 17 artifacts dating from the late-19th century through the mid-20th century, in addition to 34 shards of a recently broken glass bottle on the surface. This artifact concentration is probably related to relatively recent disposal activities associated with the road which has existed in approximately the same location since the mid-19th century.

44NK0307 is located in the southwestern portion of the APE and consists of just four artifacts dating throughout the 19th century. These artifacts are likely related to disposal activities associated with the Civil War map-project Mrs. Hilliard's House. The lack of discernible features and intact stratigraphy along with a low number of artifacts suggests this site has little research potential. As such this leads H&P to recommend that this site is not eligible for the NRHP.

44NK0308 is a moderate concentration of artifacts dating from the late 18th to mid-19th century located in the northwestern section of the APE. The artifact concentration extends outside the APE to the east. Given the lack of architectural artifacts this

concentration is likely not related to a structure in this area but instead might be related to disposal activities associated with the Civil War map-projected Mrs. Hilliard's House. This house, which has yet to be recorded or located, potentially lies to the northeast of the property boundaries near the central region.

The lack of discernible features and intact stratigraphy suggests it has little research potential. This leads H&P to recommend that the portion of 44NK0308 located within the present APE does not contribute to the potential eligibility of the larger site.

Despite the 18th century date of some of these artifacts, their low number and the lack of discernible features and intact stratigraphy suggests this site has little research potential. As such this leads H&P to recommend that this site is not eligible for the NRHP.

In summary, all three sites, or portions thereof, identified within the APE during the current survey, have little research potential because of the lack of intact stratigraphy and discernible features, and relatively low artifact densities. H&P recommends no further work within the APE.

1. INTRODUCTION

On behalf of Polish Town Solar 1, LLC., Hurt & Proffitt, Inc. (H&P) has completed a Phase I archaeological survey of a 25-acre tract located in northern New Kent County, Virginia (Figures 1 & 2). The purpose of the survey was to identify all archaeological sites in the Area of Potential Effects (APE), to estimate site size and boundaries, and to preliminarily assess the eligibility of identified sites for listing in the National Register of Historic Places (NRHP). The total area surveyed was approximately 25 ac. (10.11 Ha). The archaeological survey of the APE was conducted by a crew led by Jessica Gantzert from May 26 to June 4th, 2022.

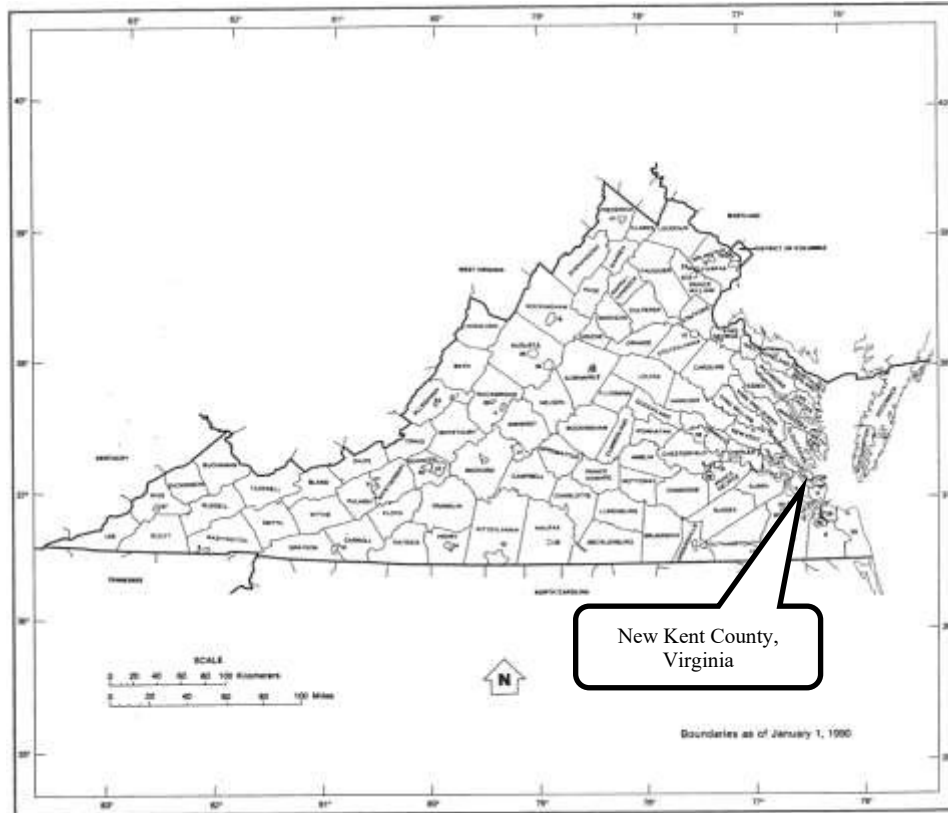


Figure 1. Project location.



Figure 2. Project area depicted on current aerial photograph.

Prior to initiating the field portion of the project, Hurt & Proffitt compiled historic and environmental data regarding the distribution of known and potential sites in the project vicinity. This research included a review of site files stored in the Virginia Department of Historic Resources' (VDHR's) Virginia Cultural Resource Information System (V-CRIS), VDHR archives, Library of Congress digital map and photographic archives and local histories. A summary of that research follows, including information on all previously recorded cultural resources within a 1-mile (1.6-kilometer) radius of the project area.

The archaeological survey of the APE was conducted by a crew led by Jessica Gantzert from May 27th through June 3rd, 2022. All work conducted as a part of this investigation was in accordance with the National Historic Preservation Act of 1966 (as amended), the Archaeological and Historical Preservation Act of 1974, Executive Order 11593, and Title 36 of the Code of Federal Regulations, Parts 60-66 and 800 (as revised). The field investigations and technical report meet the requirements specified in the *Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation* (Federal Register 48:190:44716-44742) and the Virginia Department of Historic Resources *Guidelines for Conducting Historic Resources Survey In Virginia* (2011, rev. 2017). The Principal Investigator performing the cultural resource investigations meets or exceeds the qualifications described in the Secretary of the Interior's Professional Qualifications Standards (48 FR 44738-9).

2. SETTING

The proposed Polish Town Solar Site lies in the eastern portion of New Kent County. It is situated between Eltham Road (SR 33), approximately 0.41 miles to the northwest, and New Kent Highway (Rte. 30) approximately 0.30 miles to the southeast. The unincorporated community of Eltham is approximately 2.5 miles to the northeast of the parcel along Eltham Road.

The 194-acre project parcel (Parcel ID (GPIN) I28-3826-5374) is bordered by Polish Town Road (SR 634) on the south and Eltham Road (SR 33) on the west and surrounded by conservation special zoned area on the north and east. (Figures 3 and 4). The proposed direct area of potential effects (APE), i.e., the area where ground disturbance may occur, consists of an approximately 25-acre development area located in the center of the larger parent parcel.

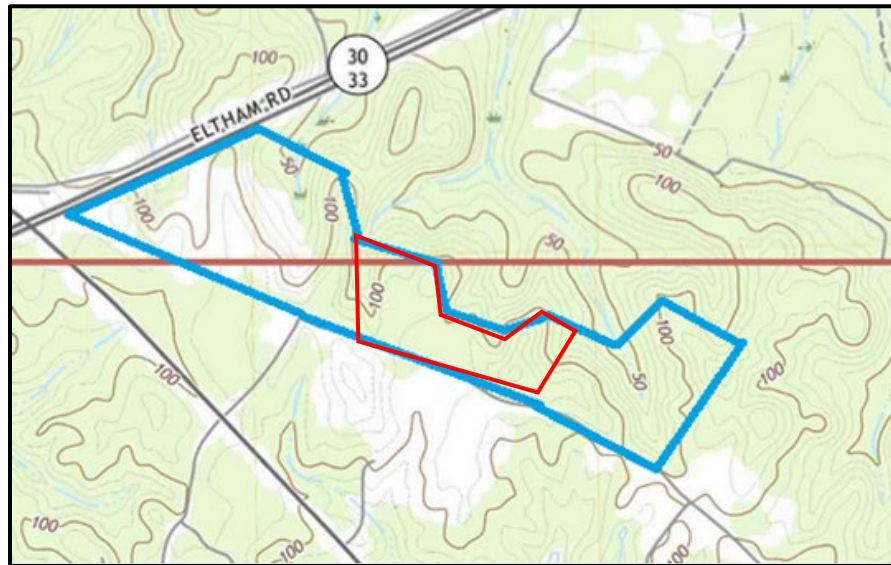


Figure 3. Project parcel depicted in blue and APE in red on 2019 Toano and West Point, VA 1:24000 USGS topographic maps (USGS 2022)



Four unnamed freshwater creeks run through the property as branches of the Pamunkey River. They split from a singular tributary at the northern border of the project parcel and meet with the river approximately 5,000 feet north. Two of these run through the APE.

Soils within the parcel generally can be divided between those found in the APE in the central portion of the property and those found in the eastern and western ends of the property. The western portion is dominated by Nevarc-Remlik complex loamy sand. Found on slopes of 6 to 60 percent (Table 1, Figure 5). Formed of ancient marine deposits, this deep moderately well drained soil is not considered prime farmland. Kempsville-Emporia (2 to 6 percent slope) fine sandy loam comprises most of the remainder of the western portion. Unlike Nevarc-Remlik, it is considered prime farmland. The eastern portion of the property is composed

mostly of Nevarc-Remlik complex fine sandy loam (15 to 25 percent slope) and Craven loam (6 to 10 percent slope). These are considered not prime farmland and farmland of statewide importance, respectively. The APE consists mostly of Craven loam (6 to 10 percent slope) which is farmland of statewide importance, along with Craven-Caroline complex (2 to 6 percent slope), Caroline-Emporia complex (2 to 6 percent slope), and Slagle-Emporia complex (2 to 6 percent slope) which are all considered prime farmland. The steep areas leading into the valleys across the project parcel would not be favorable for habitation. However, the ridge fingers are composed of potential farmland.

Map Unit Symbol	Map Unity Name	Acres in AOI	Percent of AOI
7B	Caroline-Emporia complex, 2 to 6 percent slopes	13.2	8.7%
10C	Craven loam, 6 to 10 percent slopes	21.9	14.4%
11B	Craven-Caroline complex, 2 to 6 percent slopes	3.8	2.5%
15B	Emporia fine sandy loam, 2 to 6 percent slopes	0.4	0.3%
19B	Kempsville-Emporia complex, 2 to 6 percent slopes	8.8	5.8%
26D	Nevarc-Remlik complex, 6 to 15 percent slopes	28.7	18.9%
26E	Nevarc-Remlik complex, 15 to 25 percent slopes	27.3	18.0%
26F	Nevarc-Remlik complex, 25 to 60 percent slopes	27.7	24.8%
34B	Slagle-Emporia complex, 2 to 6 percent slopes	10.2	6.7%
Totals for Area of Interest		152.1	100.0%

Table 1. Project area soil map unit legend (NRCS 2022).

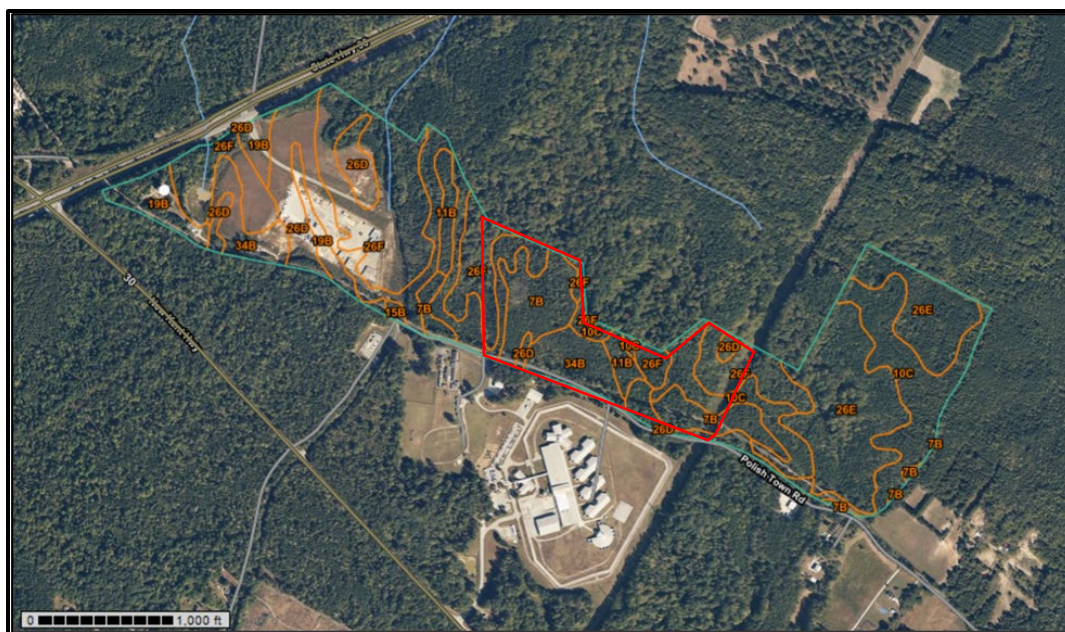


Figure 5. Project area soil unit map, APE in red (NRCS 2022).

3. HISTORY

Precontact History

It is believed that the first people who entered the Western Hemisphere came from Asia at the end of the last great Ice (or Pleistocene) Age. Glaciers covered large areas of Canada and they lowered the sea level by 300 feet (91.4m), exposing an immense, 1,000-mile (1609.3km)-wide plain between Siberia and Alaska known as Beringia.

In 1927 a fluted point was discovered in Folsom, New Mexico, which was in the ribs of an extinct species of bison. Five years later near Clovis, New Mexico, a woolly mammoth kill site was found with associated stone tools dating to 11,200 years ago. The fluted points that were discovered are called Clovis points and they are the distinguishing feature of Paleo sites.

In the western plains they used these points to hunt large game like the mastodons but along the east coast that does not appear to have been the case. The archaeological data from Virginia records numerous discoveries of fluted points, but no clear-cut association between extinct large game and fluted points (Boyd 1989:139). For this reason, many archaeologists now hold that eastern Paleoindians were generalized foragers (e.g., Grayson and Meltzer 2003; but see Fiedel and Haynes 2004).

The first people lived in groups that have been classified as bands, which was like an extended family. They camped along streams that ran through the tundra-like grasslands and the open pine, spruce and fir forests that covered Virginia at that time. Due to the severe climate, each band moved around seasonally to hunt and forage (Egloff and Woodward 2006).

Although it is clear that people entered the Western Hemisphere through Alaska some sites suggest that people may have been here earlier and possibly entered from elsewhere. These pre-Clovis sites such as Cactus Hill in southern Virginia, which has been dated to almost 17,000 years ago, suggests people could have been here much earlier than was previously thought (Egloff and Woodward 2006).

Current research of the Paleoindian time period is focused on the southeastern Coastal Plain area and the upper Roanoke River. The Nottoway River Survey has identified numerous Paleo sites along with the pre-Clovis Cactus Hill site in southeastern Virginia. One of the important sites discovered is the Williamson site which has shown evidence of intact Clovis-age deposits beneath a plow zone layer (McAvoy and McAvoy 1997).

In the upper Roanoke River area stratified Paleoindian sites have been discovered in the Leesville/Smith Mountain Lake area (Childress and Blanton 1997; Gingerich 2016; Gingerich et al. 2015). The sites in this area have well-defined Paleoindian to Early Archaic components and are being studied for how lithic resources and the climate changed during the Younger Dryas and the Pleistocene/Holocene transition (Boyd 2020).

Archaic Period (8000 – 1200 B.C.)

The Archaic period is generally divided into three phases, Early (8,000–6,000 B.C.), Middle (6000–2500 B.C.), and Late (2500–1200 B.C.). At the beginning of the Early Archaic was the dawn of the Holocene epoch at approximately 8,000 B.C. The climate began to warm, and the glacial ice sheets retreated. The warming trend associated with the Holocene period fostered a diversity of flora and fauna throughout the eastern seaboard on land as well as within the gradually forming Chesapeake Bay.

The people of the Early Archaic settled a diverse area ranging from the mountains in the west to the coastline in the east. A look at the distribution of these sites shows that they are concentrated along the Ridge and Valley and the Fall Line. Both these environments provided natural resources such as stone for lithics. Groups of about 25-50 people would work as a unit at base camps and breakup into smaller units to gather resources utilizing smaller camps (Barber 2020).

Diagnostic artifacts recovered from Early Archaic sites include Charleston Corner Notched, Palmer and Kirk, Amos, Warren, Big Sandy, Kessell and ending with Kirk Stemmed points. During this time period, the bifurcate tradition was developed, and thumb nosed scrapers continued to be used. Also, ground stone tools such as axes, celts, adzes and grinding stones make their first appearance. Towards the end of this period there is an increased reliance on a wider range of lithic resources (Coe 1964; Custer 1990).

There is only one site recorded in Amherst County that has an Early Archaic component. Site 44AH0276 dating to this time period is located within 3 miles (4.8 km) of the project area. This site was identified through surface collection in a plowed field atop a ridge, and consisted of stone flakes, chunks, two bifaces, and a projectile point that was possibly a Poplar Island period point.

The Middle Archaic period coincided with a relatively warm and dry period. Sites dating to this time period are more numerous suggesting an increase in population. and sites appear to be occupied for longer periods of time (Delcourt and Delcourt 1987; Stoltman and Baerreis 1983). The people of this time period were thought to comprise small groups of highly mobile hunter-gathers exploiting upland forests of oak and hickory which spread during this warmer dryer period. Because of this new

forest growth nuts and berries began to play an important role in their diets. Despite the number of Middle Archaic sites located in the uplands they likely exploited resources over a vast area including the estuary system around the Chesapeake Bay (Egghart 2020a).

During this time period there was an increased use of ground stone tools, cobble tools and a shift to local lithics in crafting projectile points. Projectile points from this time period include Stanley Stemmed, Morrow Mountain Stemmed, Guilford Lanceolate and Halifax Side-Notched. LeCroy points are seen as coinciding with the beginning of the Middle Archaic with Savannah River points marking the end of the period (Egghart 2020a).

Two sites dating to this time period were found within three miles (4.8 km) of the project area. Site 44AH0277 is recorded as a Middle Archaic open air quarry site. Artifacts were surface collected from a plowed field and included quartz flakes and one possible Brewerton schist side notched projectile point. Site 44AH0660 is recorded as a Middle Archaic to Early Woodland period camp. Artifacts collected from a plowed field include flakes, cores, fire cracked rock, and sand and quartz tempered ceramic sherds.

By the Late Archaic Period, the population in Virginia could have been in the tens of thousands. In order to feed the growing number of people, hunting and gathering practices had to intensify. At the beginning of the Late Archaic Period retreating glaciers led to higher sea levels on the Atlantic seaboard. This allowed for the development of large estuaries and tidal wetlands that were beneficial to the development of coastal resources such as fish and shellfish. Groups began settling along river valleys, the lower portion of the coastal plain tributaries of major rivers and near swamps. At riverside sites large hearths of fire-cracked rock have been found suggesting Late Archaic people prepared large amounts of food there. Because of this some archaeologists have hypothesized that fish began to play a larger role in the diet. Platform hearths seen during this period are interpreted as being associated with fish processing (Dent 1995:185).

During this period, they may also have begun to domesticate plants such as goosefoot, squash and gourds (Yarnell 1976:268; Chapman and Shea 1981:70). They also used squash and gourds for food storage in addition to earthen pits (Egloff and Woodward 2006:22). Other characteristics of this time period are an increase in sedentism, the beginnings of long-distance trade networks and societies becoming less egalitarian (Egghart 2020b).

The projectile point technology of the Late Archaic Period is dominated by stemmed and notched point forms, many with broad blades, likely used as projectiles or knives. These points diminish in size towards the latter portion of this period (Dent 1995; Justice 1995).

Two sites dating to this time period were found within three miles (4.8 km) of the project area. Site 44AH0276 dating to this time period is located within 3 miles (4.8 km) of the project area. This site was identified through surface collection in a plowed field atop a ridge, and consisted of stone flakes, chunks, two bifaces, and a projectile point that was possibly a Poplar Island period point. Site 44AH0660 is recorded as a Middle Archaic to Early Woodland period camp. Artifacts collected from a plowed field include flakes, cores, fire cracked rock, and sand and quartz tempered ceramic sherds.

Woodland Period (1200 B.C.– A.D. 1600)

Like the Archaic Period, the Woodland Period is also divided into three phases: Early (1,200 -500 B.C.), Middle (500 B.C.-A.D. 900) and Late (A.D. 900-1600). The beginning of the Woodland period is usually marked by the appearance of pottery in the archaeological record which was used for storing and cooking food. Also, the Native Americans of the Woodland period began to maintain a greater reliance on horticulture and agriculture which increased sedentism and the nucleating of societies (Klein and Klatka 1991; Mouer 1991).

In the Piedmont region of Virginia, Early Woodland settlements are located along rivers as well as in interior areas and there is evidence to suggest the Piedmont areas developed a more sedentary lifestyle during this time (Klein and Klatka 1991; Mouer 1991). A number of Early Woodland sites in the Piedmont are large permanent or semi-permanent villages. This corresponds with the domestication of plants such as the goosefoot and sunflower along intentionally cleared riverine areas. Also, long distance trade appears to decline with exotic items becoming less prominent. In the Coastal Plain, Early Woodland sites are scarce and appear to be seasonal in nature and occupied for short durations (Egghart 2020c). Early Woodland projectile points include various stemmed or lanceolate forms and include a variety of small, stemmed point types (Coe 1964; McLearn 1991).

Two sites dating to this time period was found within three miles (4.8 km) of the project area. Site 44AH0273 is recorded as an Early to Late Woodland camp. Artifacts collected from a plowed field included 1 quartz point (probably Potts), 1 chalcedony point tip, 1 quartz preform, 1 quartz blank, 1 quartz point (probably Clarksville Small Triangular), 9 quartz chipping debris, 28 quartz flakes, and 1 chalcedony flake. Site 44AH0660 is recorded as a Middle Archaic to Early Woodland period camp. Artifacts collected from a plowed field include flakes, cores, fire cracked rock, and sand and quartz tempered ceramic sherds.

In the Middle Woodland Period people move away from smaller tributaries and began to settle along estuaries and major streams and also began to organize into larger groups (Hantman and Klein 1992). They became more sedentary and exploited riverine and estuarine resources such as fish, deer, waterfowl and turkey

along with nuts, amaranth and chenopod seeds. The spear was replaced by the bow and arrow for hunting and corn had transformed into the large ears familiar today (Egloff and Woodward 2006:25). During this time period specialized crafts and increased trade over long distances is noted. With this comes evidence of rank societies and the spreading of religious and ritual behavior including symbols and regional styles in ceramics (Nash 2020).

Modification in ceramic manufacturing is characteristic of the Middle Woodland Period with Pope's Creek ceramics being associated with the beginning of this period and Mockley ceramics with the later. Pope's Creek ceramics are tempered with medium to coarse sand, with occasional quartz inclusions, and interior scoring has also been recorded (Stephenson 1963:94; McLearen and Mouer 1989). The majority of Pope's Creek ceramics have net-impressed surfaces (Egloff and Potter 1982:99). Shell-tempered Mockley ceramics first appeared around 200 A.D. in Virginia to southern Delaware. There was a variation in surface treatments for Mockley that included plain, cord-marked and net-impressed (Egloff and Potter 1982:103). The pottery of the Piedmont was similar to that of neighboring regions, though it was tempered with quartz and sand, and fabric, net and cord markings were common (Egloff and Woodward 2006:35).

The highest concentration of Middle Woodland sites is east of the Fall Line (Nash 2020). As such, one site dating to this time period was found within three miles (4.8 km) of the project area. Site 44AH0273 is recorded as an Early to Late Woodland camp. Artifacts collected from a plowed field included 1 quartz point (probably Potts), 1 chalcedony point tip, 1 quartz preform, 1 quartz blank, 1 quartz point (probably Clarksville Small Triangular), 9 quartz chipping debris, 28 quartz flakes, and 1 chalcedony flake.

The use of domesticated plants had assumed a major role in the prehistoric subsistence system by the Late Woodland Period. The arrival and cultivation of beans joined corn and squash as the three major crops (Egloff and Woodward 2006:26). The adoption of agriculture represented a major change in the prehistoric subsistence economy and settlement patterns. Expanses of arable land became a dominant settlement factor, and sites were located on fertile floodplain soils or, in many cases, on higher terraces or ridges adjacent to them. Native Americans in Virginia became more populous and developed strong identities to their local settings. They became more sedentary and organized into villages and small hamlets with more substantial housing that may have been placed in rows around a plaza. These villages were highly nucleated and occasionally fortified with palisades. The fortifications demonstrate inter-group conflict (Egloff and Woodward 2006:26; Means and Moore 2020).

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Project Area History

The Spanish were the first recorded Europeans to reside in what would become Virginia. A mission was established along the York River in 1570 that was short lived. Native Americans attacked the Jesuits there and killed all except an altar boy who was later rescued by the Spanish (Mallios 2006). It was not until 1607 when the English established the Jamestown colony on the James River. Despite many hardships Jamestown prevailed and did not succumb to the failures that plagued the Roanoke and Popham colonies (Pickett and Pickett 2011).

In 1619, Virginia was the place where the first Africans landed in British North America. They were enslaved and were originally meant to go to a Dutch colony but ended up in Jamestown (Horn 2018). The arrival of these people coincided with the beginning of tobacco being cultivated in Virginia as a cash crop for the European market, and they were quickly forced into the laborer role for the crop and others, such as hemp and cotton further south (Horn 2018; Kulikoff 1986; Taylor 2002). With the successful cultivation of tobacco, people began to move further away from the colonial center at Jamestown in search of land. Tobacco was grown by just about everyone from large landowners to tenant farmers (Kulikoff 1986: 4-5; Rutman and Rutman 1984: 41-43). In order to be financially successful, large landowners needed an abundance of labor. Indentured servants and enslaved individuals were used to fulfill this need but by the second half of the 17th century the labor force began to be dominated by enslaved Africans (Morgan 1975).

Tobacco was a driving force in Virginia society and culture and served as one part of the Triangular Trade System. The farmers who made money selling their tobacco crops used that money to buy more enslaved people, which they in turn used to make more tobacco and turn a larger profit. In order to maximize their output, these farmers eventually moved out of cities and into larger tracts of land to have more space to grow the crop. More land required more enslaved people to work the land, so more and more people were bought and sold to keep up with the demand for tobacco (Horn 2018; Kulikoff 1986; Taylor 2002). This pushed expansion westward through the state and led to the establishment of more counties that primarily consisted of slave labor-led plantations, minimal civic sector buildings, and three main roads connecting these isolated areas to major cities (Horn 2018; Kulikoff 1986; Taylor 2002).

The need for land in order to grow tobacco caused colonists to increasingly encroach on lands controlled by the Powhatan Confederacy. This led to increased

conflict which resulted in the Powhatan uprising of 1622 (Horn 2018; Kulikoff 1986; Taylor 2002). In 1622, tribes belonging to the confederacy attacked settlements up and down the James River. These attacks alarmed colonial officials and led to the British Crown taking over the colony from the Virginia Company in 1624. Trading posts were established up the James River and by 1654, New Kent County was formed from land annexed from the neighboring York County.

By the mid-18th century, the Virginia Peninsula was a flourishing community compared to other areas of the colony (Figure 6). Williamsburg had become the center of the colony but the rural areas around the town were not as developed. These areas mostly contained large tobacco plantations and smaller freehold and tenant farms. The tobacco industry and economy began to decline as the market became flooded by overproduction. This along with drought and poor crops caused most of Virginia to go into an economic depression. Planters also found it difficult to compete with the higher-quality tobacco being produced on the newly opened lands of the Piedmont. This forced many planters to grow corn and wheat instead (Wheeler 1972).



Figure 6. Project vicinity depicted on Fry, Joshua, Peter Jefferson, Robert Sayer, and Thomas Jefferys, 1775 *A map of the most inhabited part of Virginia containing the whole province of Maryland with part of Pensilvania, New Jersey and North Carolina*. Printed for Robt. Sayer, London (Library of Congress).

When the British invaded North Carolina in May 1776, Virginia officials feared that Williamsburg was too vulnerable. On June 12, 1779, a decision was made to relocate the seat of Virginia's government to Richmond (McCartney and Kiddle 2001:13). With this relocation, Williamsburg's population and importance fell (Del Sordo et al. 2008:15)

It was not until the latter part of 1780 that Virginia saw any major attacks during the Revolutionary War. In October 1780 British Major General Alexander Leslie arrived with over 2,000 troops, but that attack was just a diversion to disrupt supplies and support Lord Cornwallis's campaign in the Carolinas. Leslie left after only a month in the Hampton Roads area. The following summer British raiders had gone as far inland as Charlottesville burning military stores in the colony (Salmon and Campbell 1994). The Stage Road through the peninsula served as a transportation corridor for these troops and artillery (McCartney 1997:230).

The British were defeated at the Battle of Yorktown in the Fall of 1781 with the help of the French fleet which blocked the mouth of Chesapeake Bay. American and French forces remained in the region until the following year. When Rochambeau's army left in July 1782, they camped a night at Drinking Spring, between present-day Norge and Toano (McCartney 1997:230).

In 1812 the United States went to War again with Great Britain. The two overriding reasons for this war were trade restrictions and the impressment of American sailors. During the War of 1812 the British used their navy to attack and raid up and down the Chesapeake Bay and the rivers feeding it (Pickett and Heinrich 2001).

During the war, British ships entered the James River and attacked Craney Island, and blockaded Hampton Roads. This led to infantrymen from James City and York counties to be sent to Norfolk and Hampton to repel the British if they came ashore. Regiments from Charles City and New Kent counties were also sent to protect Williamsburg. During the summer of 1813, British forces moved up and down the James River, periodically coming on shore and plundering homes (McCartney 1997:247-248).

As the nation became more stable, interest turned to transportation improvements. Virginia's General Assembly created a Board of Public Works in 1816. The Stage Road provided a frequently used means of accessing markets in New Kent and Williamsburg and beyond (McCartney 1997) (Figure 7). The road is shown on the below map several miles south of the project area running west northwest.



Figure 7. Project vicinity depicted on Böye, Herman, Henry Schenck Tanner, E. B Dawson, and William Branch Giles, 1827 *A map of the state of Virginia: reduced from the nine sheet map of the state in conformity to law*. H.S. Tanner and E.B. Dawson, Philadelphia, Pennsylvania (Library of Congress).

On April 17, 1861, Virginia seceded from the Union at the onset of the Civil War. It quickly became apparent to the Confederates that the Union presence at Fort Monroe, at the easternmost tip of the peninsula, posed a serious threat to the region. As a result, this area was the site of numerous battles. In the spring and summer of 1862, Maj. Gen. George B. McClellan directed the Peninsula Campaign. His plan was to advance towards Richmond up the Virginia Peninsula. In response, Confederate General Magruder had three parallel lines of earthworks constructed across the peninsula. These earthworks incorporated the region's steep ravines and waterways and extended between the heads of the Poquoson and Warwick Rivers, from Yorktown to Mulberry Island, and just east of Williamsburg (McCartney 1997:305).

The Battle of Eltham's Landing took place to the northeast of the project area on May 7th, 1862. The battle was part of the Peninsula Campaign and was little more than a heavy skirmish. It was fought between Brig. Gen William Franklin of the Union and Brig. Gen G. W. Smith of the Confederacy. The Confederate troops were retreating from the Battle of Williamsburg the days before towards Richmond and the Union troops were attempting to interfere, but to no avail. The core of the battle is located to the northeast of the project area, but a small section of the APE is inside the Potential National Register boundary.

Two Civil War era maps depict the project parcel in reasonable detail. The 1860's (exact date unknown) map shows a dirt road entering the project area at its southern border with Polish Town Road, which runs east along the property bounds before meeting with the unnamed and now-extinct dirt road on the eastern border of the property (Figure 8). It depicts seven houses surrounding the tract at a good distance, along with a Battlefield dated to May 6, 1862 to the east. A house labeled "Mrs. Hilliard" sits along the border of the central portion of the project parcel in the APE, as well as a structure labeled "In Memoria of Warin Church (Ruin)" on the eastern border of the parent parcel, outside of the APE. This structure is Archaeological Resource 44NK0041. The 1863 map shows the same roadway configuration, but the houses to the south of the project parcel are no longer listed, and neither is the one named for Mrs. Hilliard that was potentially inside the APE (Figure 9). Both maps show vegetation in a way that suggests the parcel was partially forested, along with elevated ridges throughout upon which the house and church once stood.

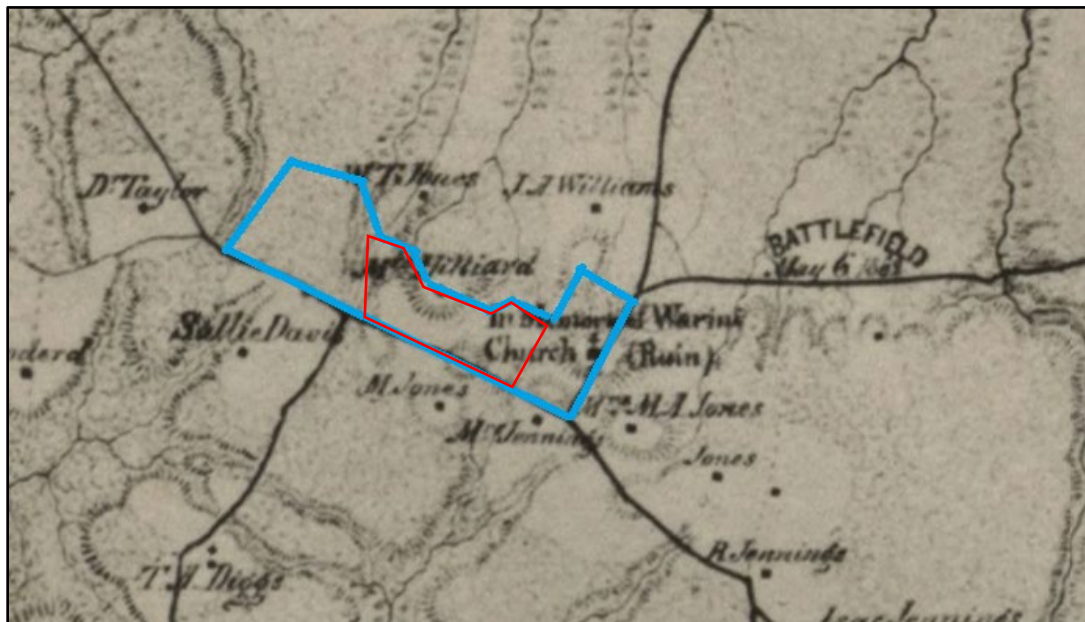


Figure 8. Project parcel depicted in blue and APE in red on an 1860s exact date unknown Civil War map, Gilmer and Minis. *Map of New Kent, Charles City, James City and York counties*. Retrieved from the Library of Congress, www.loc.gov



Figure 9. Project parcel depicted in blue and APE in red on 1863 Civil War map Confederate States of America. Army Dept. Of Northern Virginia. Chief Engineer's Office. *Map of the counties of Charles City, Goochland, Hanover, Henrico, King William, New Kent, and part of the counties of Caroline and Louisa, Virginia.* Retrieved from the Library of Congress, www.loc.gov

The 1918 and 1917 topographic maps no longer show Mrs. Hilliard's house nor many of the other structures noted in the 1860s. They also do not indicate vegetation, but do depict a dirt road branch of Parham Landing Road running north through the center of the project parcel and west side of the APE (Figure 10). The road leads northward towards the Pamunkey River and crosses off the property near the western boundary. Sections of this road still exist north of Eltham Road where it is identified as Parham Landing Road. An additional unnamed dirt road is depicted on the eastern border of the property leading north from Polish Town Road. Only one house east, one house west, one house north, and two houses south of the project parcel are shown at that time. No structure is depicted along the dirt road on the project parcel on either of these maps.



Figure 10. Project parcel depicted in blue and APE in red on 1918 West Point and 1917 Toano, VA 1:24000 USGS topographic maps (USGS 2022)

Beginning with the 1965 topographic maps, the parcel is shown as being wooded (Figure 11). The Henrico County Regional Jail is depicted on the map under the name “State Prison Camp #16” and three potential houses are depicted south of the project parcel. A 1963 aerial view depicts the more wooded nature of the property (Figure 12). A series of dirt roads can be seen crisscrossing the middle of the property east of where Rte. 634 extends north through the parcel into Parham Landing Road. The only difference shown in the 1960s topographic maps is that Polish Town Road is briefly referred to as Peartree Road on the Toano 1965 map. The parcel has been mostly unchanged since 1963, except for the regular harvesting of trees for silviculture and the construction of the Weir Creek Industrial Park in 2010 (Figure 13).

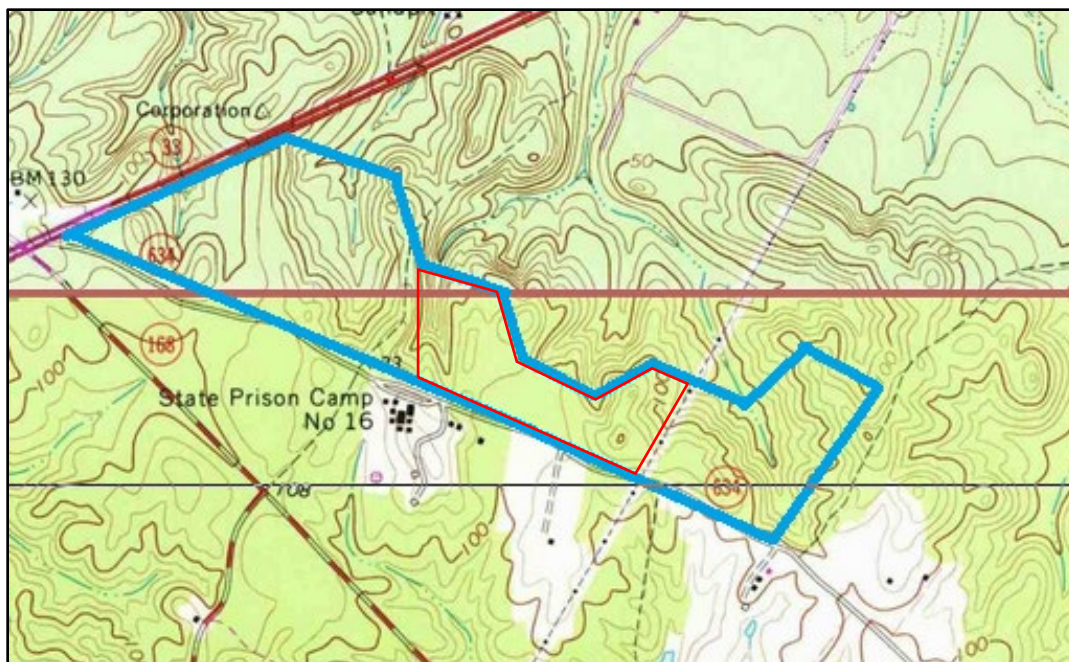


Figure 11. Project parcel depicted in blue and APE in red on 1965 Toano and West Point, VA 1:24000 USGS topographic maps (USGS 2022)



Figure 12. A 1963 aerial of the property depicting the wooded nature of the project parcel in blue, APE in red (NETROnline).



Figure 13. An aerial photo from 2010 depicting the final tree harvest and leveling for the industrial park, APE in red.

Previous Investigations

H&P reviewed the Virginia Department of Historic Resources' (VDHR) Virginia Cultural Resource Information System (V-CRIS) for previously recorded cultural resources and previously conducted Phase I Archaeological Surveys in the vicinity of the project area.

A review of these resources within 0.5 miles of the project parcel boundaries identified one previously recorded archaeological site, five previously recorded architectural resources and one previous Phase I Archaeological Survey (Figures 14 and 15, Table 2).

Architectural resource 063-0054 and archaeological site 44NK0041 are registered together as a church and the associated cemeteries that were established in 1653 in the Blisland Parish. According to Civil War maps, the church was abandoned by the 1780s and was in ruins by the 1840s. It lies adjacent to the northeastern property boundary of the project parcel. Architectural Resource 063-0267, an unevaluated c. 1920s dwelling, is located west of the project parcel along Rte. 249 directly across from Architectural Resource 063-0268, an unevaluated c. 1920s service station. Architectural Resource 063-0269 is an unevaluated c. 1930s single family home west of the project parcel. Historic resource 063-5009 is Eltham's Landing

Battlefield, a Civil War battlefield, located partly inside the project area, including a small portion of the APE. The battle was fought in 1862 to the northeast of the project parcel, but the complete range of it extends into the eastern portion of the project area.

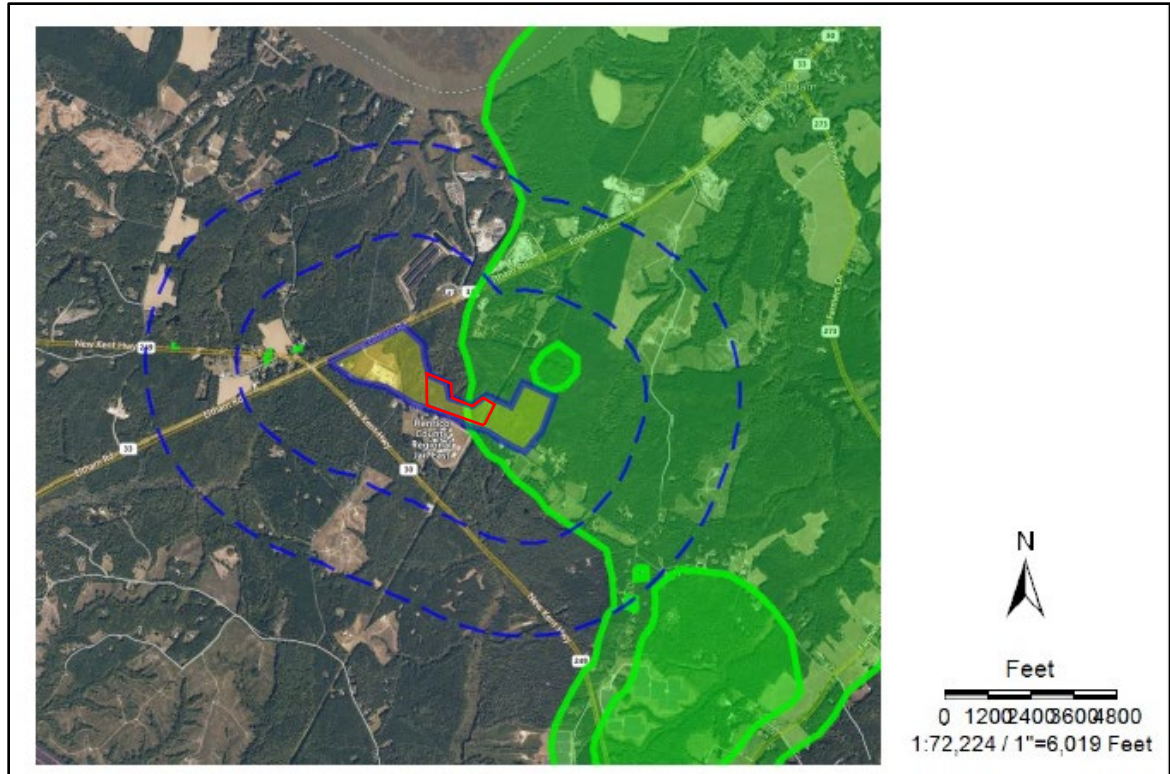


Figure 14. Architectural Resources within 0.5 miles and 1.0 mile buffers.

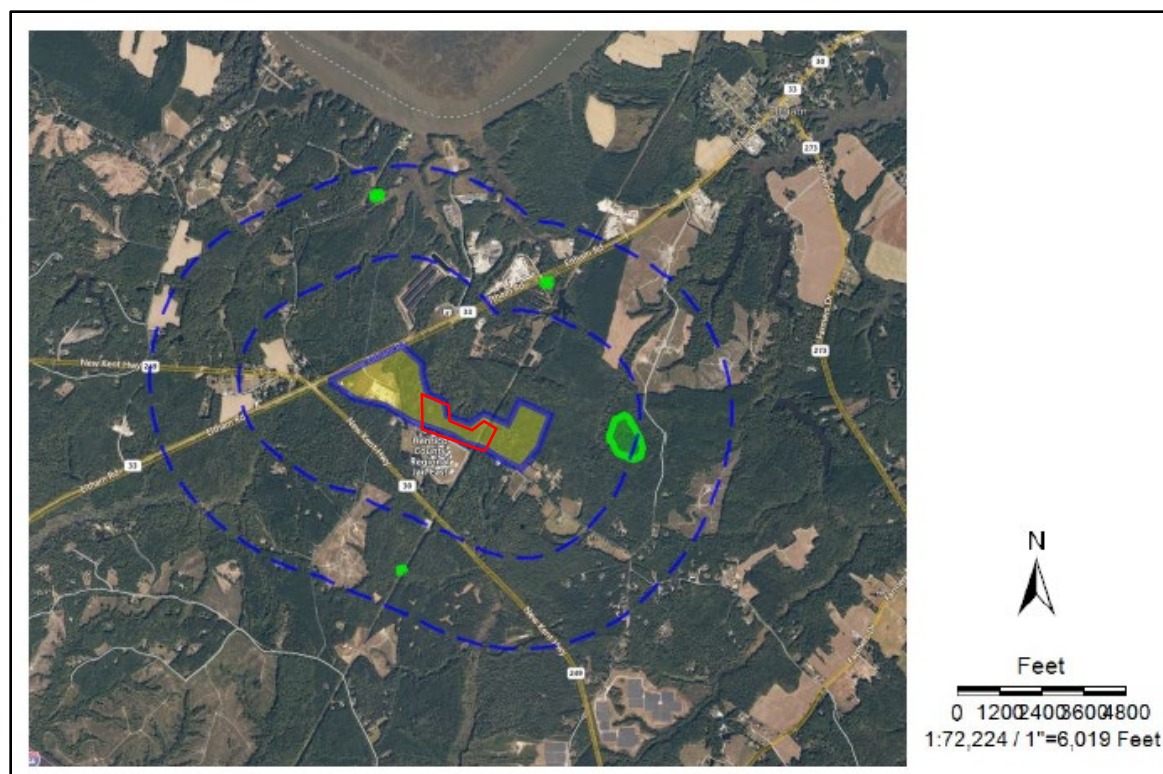


Figure 15. Archaeological Resources within 0.5 miles and 1.0 mile buffers.

Site/Structure	Name	Type	Temporal Affiliation	NR Eligibility
063-0054 44NK0041	Upper Blisland Parish Church/Warren Church	Church	1653-1840s	Not Evaluated
063-0267		Single Dwelling	1920s	Not Evaluated
063-0268		Service Station	1920s	Not Evaluated
063-0269	Sledge House	Single Dwelling	1930s	Not Evaluated
063-5009	Eltham's Landing Battlefield	Civil War Battlefield	1862	Potentially Eligible
NK-036	Phase I Cultural Resource Survey of the	Phase I survey		N/A

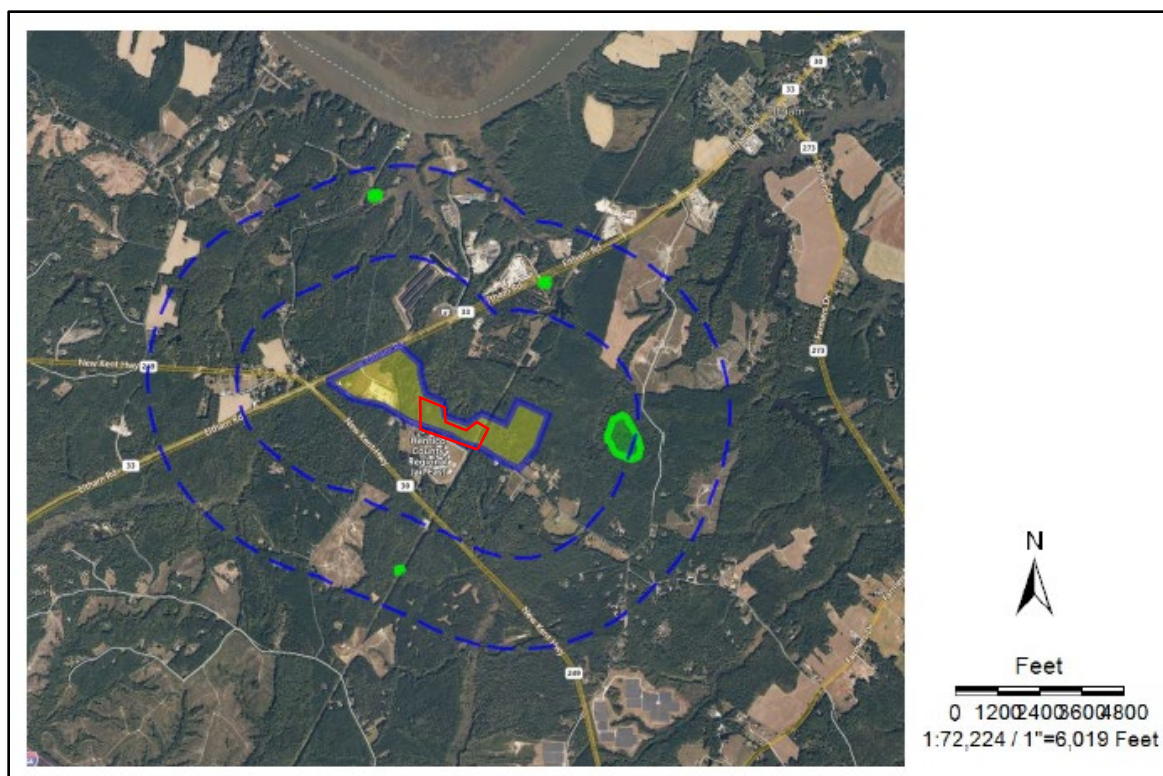


Figure 17. Archaeological Resources within 0.5 miles and 1.0 mile buffers.

Site/Structure	Name	Type	Temporal Affiliation	NR Eligibility
063-0266		Single Dwelling	1920s	Not Evaluated
063-0285		Church	1920s	Not Evaluated
063-5074		Single Dwelling	1963	Not Evaluated
44NK0014		Lithic Scatter/Historic Domestic	Woodland Period/18 th century	Not Evaluated
44NK0207		Lithic Scatter	Woodland Period	Not Evaluated
44NK0302		Domestic Scatter	Early National Period	Not Evaluated

Table 3. Historic resources recorded within 1.0 mile of the project parcel.

Site Potential

H&P reviewed online sources related to the project parcel's environmental setting, previous cultural resources surveys in the vicinity of the parcel, previously recorded cultural resources in the vicinity, historic aerial images and historic maps. These sources allow us to assess the potential for the project APE and its immediate vicinity to contain historic properties that may be affected by any future project and to make recommendations concerning the need for cultural resources surveys.

The review shows that wooded former fields in the project parcel contain soils considered to be prime farmland. Four intermittent streams, fed by an unnamed tributary of the Pamunkey River north of the parcel, cut north-south across the project parcel. In addition, several ridge fingers formed by the streams extend north across the property creating steep ravines. The gently to moderately sloping parts of the property may have been attractive to Native Americans for hunting and constructing temporary encampments.

Archaeological data is scarce in the project vicinity as only one survey has been conducted in close proximity. There is one site recorded within 0.5 miles of the project parcel which was projected from Civil War era mapping, and an additional three artifact scatter sites recorded from 0.5-1 miles. Three unevaluated architectural resources have been recorded within 0.5 miles. These consist of twentieth-century dwellings and a twentieth-century service station, with two being located to the west of the property and one located to the east. Each of these is potentially within the viewshed of any development on the parcel.

Historic aerial images and maps show that the parcel has been wooded at least since the early twentieth century, while the Civil War era maps suggest the area was partially cleared. Meanwhile, the project parcel has been variously cleared and replanted during the late twentieth century as a result of silviculture up through 2010 when it was most recently cleared. The Weir Creek Industrial Park is the only confirmed structure on the larger property. It is depicted as early as 2010 when the property was cleared, and the western portion was leveled. A possible house is indicated on the 1863 Gilmer map near the north border of the center of the property within the APE, along with several houses located near the larger property bounds in all cardinal directions. The Eltham's Landing Battlefield from the 1862 Civil War battle extends through the eastern portion of the APE. In addition to the 19th century structure indicated on the Gilmer map, the parcel's location near the intersection of two historic roads suggests that there is a moderate chance that historic period sites may be present in the APE.

4. FIELD AND LABORATORY METHODS

The goal of the present archaeological survey was to identify any archaeological sites in or eligible for listing in the NRHP within the project's APE. The survey methodology employed to meet this goal was chosen with regard to the project's scope (i.e., the project's potential to affect significant resources, should they be present), the potential of the APE to contain significant archaeological resources, and local field conditions.

Prior to initiating the field study, H&P notified VA 811 and had utilities marked. Once in the field, the APE was subjected to a surface reconnaissance to assess conditions and identify any surface indications of archaeological sites. The project area had minimal surface visibility so it was determined that the entire APE would require shovel testing.

Shovel test pits (STPs) were excavated at 50-foot (15.24m) intervals along transects spaced 50 feet (15.24m) apart. The STPs measured 15 inches (38.1cm) in diameter and were excavated stratigraphically to 0.4ft. (12cm) into culturally sterile subsoil. All soil from the STPs was screened through 0.25-inch (0.64-cm) mesh to facilitate artifact recovery. Soil profiles were recorded using Munsell Soil Color charts and standard soils nomenclature (Kollmorgen Instruments Corporation 1992). All positive STPs were delineated using radial STPs excavated at half intervals or less. STPs were not excavated in areas with slopes greater than 15 percent, areas of previous construction disturbance and waterlogged areas. All shovel test locations were recorded and mapped. Due to thick tree coverage, the precise STP location may vary by 3-6 feet.

As part of the Phase I archaeological survey, a metal detection survey was conducted in the eastern portion of the APE where the parcel extends into Eltham's Landing Battlefield (DHR ID# 063-5009). Metal detection was conducted along transects spaced 6 feet apart and targets being investigated as discovered. All metal detection was conducted by experienced operators using a Minelab Equinox 800. All legitimate targets were recorded via GPS. Targets were excavated individually in precise holes not to exceed 6 inches in diameter. Artifact depth was recorded during recovery. All targets were then plotted and mapped across the project area. Modern trash was noted and discarded.

All artifacts recovered as a result of this survey have been processed and prepared for curation by the Hurt & Proffitt Archaeological Materials Laboratory in accordance with the specifications in Curation of Federally Owned and Administered Archaeological Collections (36 CFR Part 79) and the VDHR's State Curation Standards. Artifacts retained during this investigation will be stored

temporarily at the H&P laboratory and curated along with all original field records and photographs at the VDHR at the conclusion of the project.

5. RESULTS

The Phase I archaeological survey resulted in the excavation of 485 STPs, with 25 being positive for cultural material (Figure 18). Thirty-six shovel test transects were laid out and spaced 50 feet (15.24m) apart running north to south across the APE. Three additional transects were placed running east to west on the southern border of the APE where the road easement exists. A total of 441 shovel test pits (STPs) were then placed at 50-foot (15.24m) intervals along those transects. Another 44 STPs were placed at 25-foot (7.62m) intervals around STPs that were positive for cultural material. A total of 485 STPs were excavated with 25 being positive for cultural material. The positive STPs were concentrated mostly near the northwest section of the project near the north property border and in the central southern section near the south border.

The stratigraphy in the APE consisted of an upper stratum that developed from forestation and silvacultural activity with clay subsoil inclusions. Layer A measured between 0.1-0.6 feet (2.5-15.2cm) deep. The soil was a dark greyish brown (10YR 4/2) sandy loam. This layer was on top of a transition layer of brown (10YR 5/3) sandy loam that was between .8-1.2 feet (20.3- 35.56cm) deep. Layer C was a strong brown (7.5YR5/8) sandy clay loam subsoil (Figures 19 through 21).

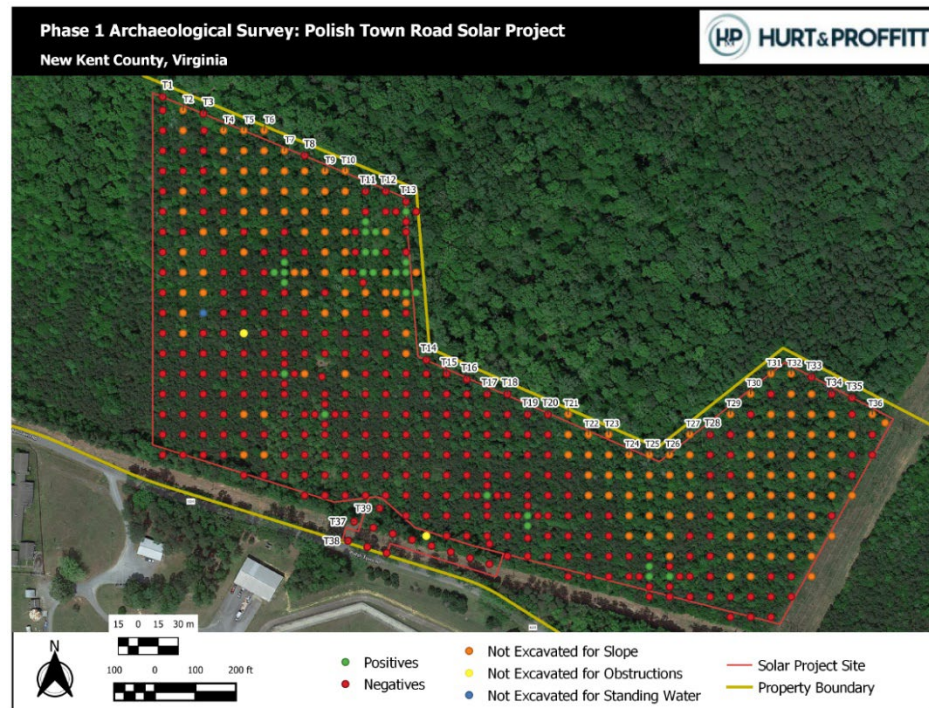


Figure 18. Shovel Test Pit (STP) location map.

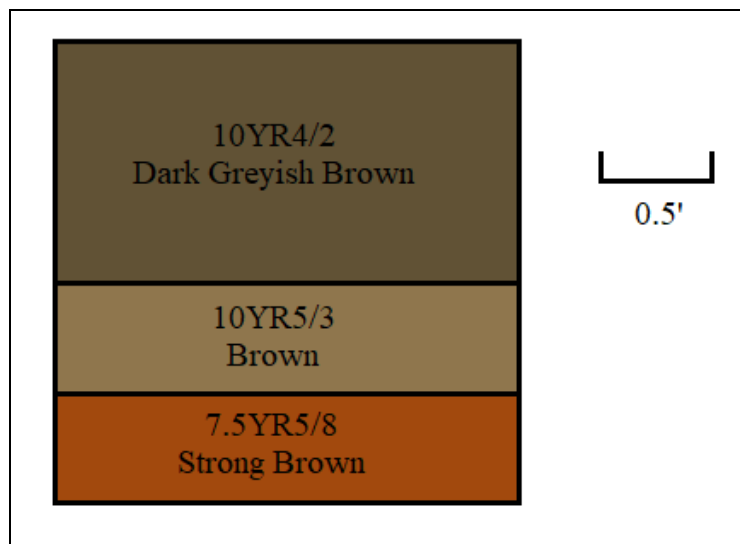


Figure 19. Representative STP, T13-12



Figure 20. STP north profile, T13-12.

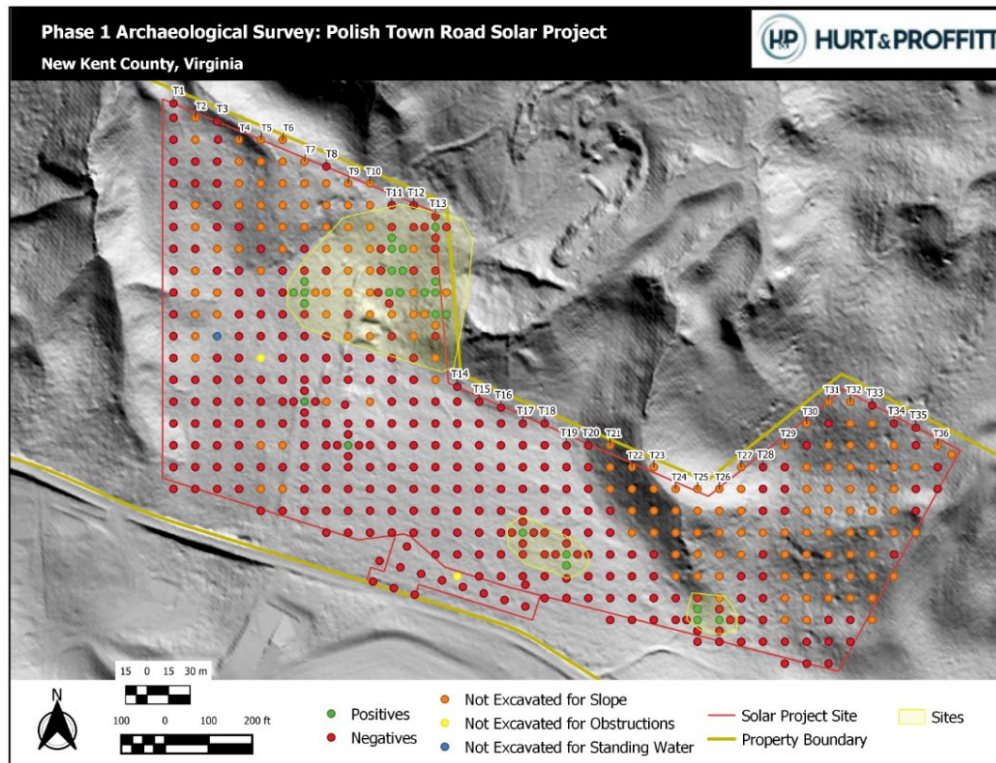


Figure 21. Site Location Map.

The entirety of the project area was located in a thickly wooded pine silviculture forest, and as such experienced severe disturbance from the continuous harvesting and replanting of trees (Figure 22). This created deep root wells, push piles and steeply sloped washes across the APE that affected site integrity. STPs located on slopes of more than 15% or in heavily disturbed areas were not excavated. The metal detection survey was conducted in the eastern portion of the APE where the parcel extends into Eltham's Landing Battlefield (DHR ID# 063-5009). Metal detection was conducted along transects spaced 6 feet apart where tree coverage and slope allowed. All metal detection was conducted by experienced operators using a Minelab Equinox 800.

As a result of the survey, six metal detector hits consisting of four shotgun shells and two wire nails, three isolated historic artifacts, and three sites were identified (Figure 23). In total, 188 artifacts and 547.5 grams of brick were found in the APE. The metal detector hits were likely refuse left behind by hunters utilizing the property. The isolated artifacts consisted of a small fragment of pearlware, several fragments of brick, and a fragment of bottle glass that broke during excavation (Table 3).



Figure 22. Photo depicting the forested nature of the property.

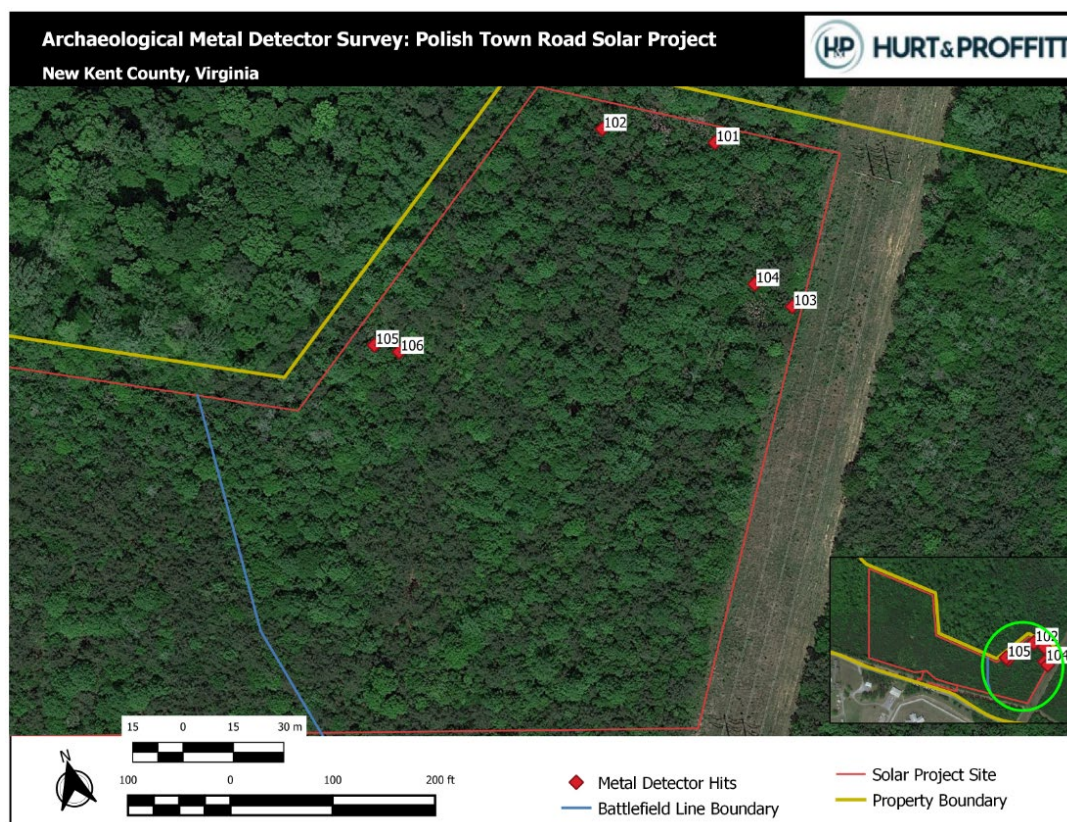


Figure 23. Map showing location of metal detector hits.

LOCATION	ARTIFACT	COLOR/DECORATION
STP T7-6	Brick	None
STP T9-5	Pearlware	None
STP T30-1	Bottle Glass	None
MD-1	Shotgun Cap	None
MD-2	Shotgun Cap	None
MD-3	Shotgun Cap	None
MD-4	Shotgun Cap	None
MD-5	Wire Nail	None
MD-6	Wire Nail	None

Table 4. Isolated finds and metal detector hits.

44NK0306

44NK0306 is a multicomponent site featuring low concentration of early to mid-20th century artifacts and a singular lithic flake located in the southeast portion of the project area just north of Polish Town Road (Figure 24). A total of 17 artifacts and 30.4g of brick were recovered, along with 34 fragments of a singular modern bottle that was recently broken on the surface. The artifacts consisted of wire nails, iron can fragments, press molded bottle glass, and a single cut nail. The lithic flake was a primary flake made of locally occurring quartzite. This site is located in the southern portion of the APE near the property boundary at the base of a steeply sloped wash.

The presence of the press molded bottle glass fragments dates the site as post-1905 when press molded bottles were introduced to the American context. The cut nail was introduced around the turn of the 19th century, however they are still currently being made and sold in home improvement stores in Virginia. This site was likely a refuse scatter from the early to mid-20th century.



Figure 24. 44NK0306 facing north.

44NK0307

44NK0307 is located in the southwestern portion of the APE near the property border, and consists of four artifacts dating to the mid-19th century. One shard of press molded bottle glass and three cut nails along with 3.0g brick and 3.9g lime mortar were recovered from two STPS (Figure 25). These artifacts might be related to the Civil War map-projected house named for Mrs. Hilliard located near the northern border of the project area.



Figure 25. 44NK0307 facing west.

44NK0308

44NK0308 is a multicomponent site featuring moderate concentration of late 18th to mid-19th century artifacts and a singular prehistoric pottery fragment located in the northwest portion of the project area that extends eastward out of the project parcel (Figures 26 through 29). It is located at the far back of the project parcel on the northwestern border. The site boundaries continue beyond the parcel boundaries and as such, were not subject to the Phase I survey. The area features a small ridge finger that creates a relatively flat plateau surrounded by steep washes leading away from the project parcel. A bamboo thicket is growing in the area surrounding a modern refuse dump.

A total of 118 artifacts, in addition to 352.7g of brick and 41.9g lime mortar were recovered. The artifacts consisted mostly of bottle glass, flat glass, whiteware, pearlware, creamware, and five cut nails. Five kaolin pipestem fragments and four creamware fragments were also recovered. The prehistoric pottery sherd was a sand tempered low fire earthenware fragment.

Given the lack of nails and high amount of glass and ceramics recovered, this concentration of artifacts is likely a trash midden associated with the Civil War-mapped structure in the area (Mrs. Hilliard's House). The construction date of the house is unknown, however the presence of the kaolin pipestems (TPQ early 18th century) and the creamware and pearlware (TPQs 1749 and 1790) suggests that an 18th century establishment is most likely. The house no longer existed by the 20th century when more mapping took place in the region, which aligns with the sharp drop off of late-19th century artifacts.



Figure 26. 44NK0308 facing east.



Figure 27. A photo depicting the trash midden.



Figure 28. A photo depicting the bamboo grove.



Figure 29. Sand tempered pottery sherd found in T13-13 Radial West

6. CONCLUSIONS AND RECOMMENDATIONS

The Phase I archaeological survey resulted in the discovery of three historic sites dating from the late 18th to early 20th century. In addition, four isolated historic artifacts and six isolated metal detector hits were found.

44NK0306 is located in the southeast part of the project area just north of Polish Town Road. It consists of 17 artifacts dating from the late-19th century through the mid-20th century, in addition to 34 shards of a recently broken glass bottle on the surface. This artifact concentration is probably related to relatively recent disposal activities associated with the road which has existed in approximately the same location since the mid-19th century.

44NK0307 is located in the southwestern portion of the APE and consists of just four artifacts dating throughout the 19th century. These artifacts are likely related to disposal activities associated with the Civil War map-project Mrs. Hilliard's House. The lack of discernible features and intact stratigraphy along with a low number of artifacts suggests this site has little research potential. As such this leads H&P to recommend that this site is not eligible for the NRHP.

44NK0308 is a moderate concentration of artifacts dating from the late 18th to mid-19th century located in the northwestern section of the APE. The artifact concentration extends outside the APE to the east. Given the relative lack of architectural artifacts this concentration is likely not related to a structure in this area but instead might be related to disposal activities associated with the Civil War map-projected Mrs. Hilliard's House. This house, which has yet to be recorded or located, potentially lies to the northeast of the property boundaries near the central region outside of the project parcel.

The lack of discernible features and intact stratigraphy suggests it has little research potential. This leads H&P to recommend that the portion of 44NK0308 located within the present APE does not contribute to the potential eligibility of the larger site. Despite the 18th century date of some of these artifacts, their low number and the lack of discernible features and intact stratigraphy suggests this site has little research potential. As such this leads H&P to recommend that this site is not eligible for the NRHP.

In summary, all three sites, or portions thereof, identified within the APE during the current survey, have little research potential because of the lack of intact stratigraphy and discernible features, and relatively low artifact densities. H&P recommends no further work within the APE.

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- 2020b State Plan and Research Design Late Archaic (2500 BC–1100 BC). In *The Archaeology of Virginia's First People*. Edited by Elizabeth A. Moore and Bernard K. Means. The Archeological Society of Virginia, Richmond.
- 2020c State Plan and Research Design Early Woodland (1100 BC – 500 BC). In *The Archaeology of Virginia's First People*. Edited by Elizabeth A. Moore and Bernard K. Means. The Archeological Society of Virginia, Richmond.

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https://www.dhr.virginia.gov/pdf_files/SurveyManual_2017.pdf

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ARTIFACT INVENTORY

Site Number	STP Number	Category	Type	Form	Length (cm)	Size (mm)	Weight (g)	Count
	MD-1	Shotgun Shell Cap				22	4.2	1
	MD-2	Shotgun Shell Cap				22	4.5	1
	MD-3	Shotgun Shell Cap				22	7.4	1
	MD-4	Shotgun Shell Cap				22	5.9	1
	MD-5	Wire Nail			6.8		6.2	1
	MD-6	Wire Nail			7.5		7.2	1
	T11-12	Whiteware				25	1.4	1
	T11-12 RE	Bottle Glass	Blown in mold			60	26.8	1
	T11-13	Bottle Glass				15	0.7	1
	T11-13 RE	Cutter Bar Fragment			5.6		76.5	1
	T11-13 RE	Bottle Glass	Press Molded			35	3.9	1
	T11-13 RE	Bottle Glass	Press Molded			35	5.3	1
	T11-13 RE	Bottle Glass	Blown in mold			15-70	134.6	12
	T11-13 RE	Ironstone				20-45	9.1	2
	T11-13 RE	Whiteware				10-30	4.5	2
	T11-13 RE	Pearlware	Shell Edged			10-20	0.7	2
	T11-13 RE	European Hard Paste Porcelain				30	2.9	1
	T11-14	Whiteware				20	1.6	1
	T11-14	American Salt Glazed				50	32.2	1
	T11-14 RE	Cut Nail			4.4-4.5		11.3	3
	T11-14 RE	Bottle Glass	Blown in mold			35-110	43.1	2
	T11-14 RE	Black Lead Glazed Redware				25	4	1
	T11-14 RN	Brick					66.6	
	T11-14 RN	Lime Mortar					11.3	
	T11-14 RN	Unidentified Nail			1.6-3.9		21.7	7
	T11-14 RN	Cut Nail			2.1-3.6		8.9	2
	T11-14 RN	Cutter Bar			11.5		140.2	1
	T11-14 RN	Flat Glass				15	1.2	6
	T11-14 RN	Lightbulb				15	0.2	1
	T11-14 RN	Bottle Glass	Blown in mold			20	0.9	1
	T11-14 RN	Bottle Glass	Blown in mold			15-25	4.6	8
	T11-14 RN	unknown				15	0.3	1
	T11-14 RN	American Salt Glazed				35-50	31.8	2
	T11-14 RN	American Salt Glazed				40	6.6	1
	T11-14 RN	Black Lead Glazed Redware				35	2.7	1
	T11-14 RN	Pearlware				10-20	2.4	7
	T11-14 RN	Whiteware				25-30	3.6	2
	T11-14 RN	Whiteware	Transfer Printed			15	0.2	1
	T11-14 RN	Whiteware	Transfer Printed			15	0.3	1
	T11-14 RN	Yellowware				25	1.2	1
	T11-3	Flat Glass				15-40	12	5
	T11-3	Whiteware				15	0.8	2
	T13-12	Brick					19	
	T13-12	Lime Mortar					12.3	
	T13-12	Iron Bar			13.4		192.8	1
	T13-12	Flat Glass				10	0.2	1
	T13-12	Creamware				10	0.2	1
	T13-12	Pearlware				15	0.7	3
	T13-12	Unidentified Ceramic				10	0.9	2
	T13-12 RE	Whiteware				20	2.5	1
	T13-13	Brick					39	
	T13-13	Lime Mortar					18.3	
	T13-13	Bottle Glass				35	4	1
	T13-13	Pearlware				10-15	0.9	3
	T13-13	Whiteware	Transfer Printed			10	0.1	1
	T13-13 RN	Brick					4.5	
	T13-13 RW	Brick					213.6	
	T13-13 RW	Kaolin Pipestem			2.8		1.8	1
	T13-13 RW	Dresser Pull			8.5		10.4	1
	T13-13 RW	Flat Glass				20-25	1.1	2
	T13-13 RW	Creamware				10	0.3	2

	T13-13 RW	Pearlware				10	0.6	3
	T13-13 RW	Whiteware	Transfer Printed			15	0.4	1
	T13-13 RW	Lowfire Earthenware-Prehistoric	Sand Tempered			35	3.9	1
	T13-16	Brick					14.5	
	T13-16	Whiteware				10	0.4	2
	T17-3	Bottle Glass	Blown in mold			45	11.8	1
	T19-3	Brick					1	
	T19-3	Brick					2.9	
	T19-3	Lime Mortar					3.9	
	T19-3	Cut Nail			3.0-5.0		12.2	3
	T25-2	Brick					30.4	
	T25-2	Cut Nail			5.4		7.7	1
	T25-2	Wire Nail			3.0-12.6		13.3	2
	T25-2	Sheet Fragment				20	0.8	1
	T25-2	Bottle Glass				15-45	13.7	4
	T25-2	Bottle Glass	Press Molded			20-35	5.6	3
	T25-2 RN	Can Fragment				25-65	12.62	2
	T25-2 RN	Bottle Glass	Press Molded			20-40	16.8	3
	T25-2 RN	Bottle Glass	Press Molded			10-60	61.9	34
	T26-2	Primary Flake	Quartzite			45	13.2	1
	T30-1	Bottle Glass	Blown in mold			15-40	15.3	2
	T7-11	Kaolin Pipestem			1.0-2.1		2.6	4
	T7-11	Bottle Glass	Blown in mold			15-25	3.2	3
	T7-11 RN	Unidentified Nail			3.2		2.4	1
	T7-11 RN	Iron Fragment				40-80	251.5	2
	T7-11 RN	Flat Glass				15	0.6	1
	T7-11 RN	Ironstone				40	13.7	1
	T7-11 RS	Whiteware	Hand Painted			10	0.1	1
	T7-11 RW	Terra Cotta				10	0.6	2
	T7-6	Brick					156	
	T9-5	Pearlware	Transfer Printed			15	0.5	1

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INVESTIGATOR QUALIFICATIONS

Curriculum Vita

Jessica Gantzert, RPA

41 Cabell Street, #402
Lynchburg, VA 24504

Phone (727) 421-6602

Education

The University of South Florida, Tampa, FL.

Successfully completed PhD. coursework, 2018-2021. PhD estimated: Spring 2023.

The University of South Florida, Tampa, FL

M.A.: Anthropology with specialization in cultural resource management, May 2020.

Sweet Briar College, Sweet Briar, VA

B.A.: Double major in Archaeology and Classic, May 2016.

Experience

May 2020-Present	Principal Investigator and Director of the Archaeological Materials Laboratory, Hurt & Proffitt, Inc., Lynchburg.
May 2020-Present	Conservator, Hurt & Proffitt, Inc., Lynchburg.
2016-2018	Land Use Manager, Md7, San Diego
2014-2016	Field Technician, Hurt & Proffitt, Inc. Lynchburg
2012-2016	Laboratory Technician, Hurt & Proffitt, Inc. Lynchburg

Papers Presented

What Happens After Dishes Break?: A Study on Trash Dispersal Patterns at Sandusky House in Lynchburg, Virginia. Paper presented at the Society for Historical Archaeology, January 2022 Philadelphia, PA.

Crime and Punishment in Early Virginia. Paper presented at the Colloquium for Graduate Research, March 2020 Tampa, Florida.

Crime and Criminality in Colonial Virginia: A Case Study of Cabellsville. Paper presented at the Society for Historical Archaeology, January 2016 Washington, DC.

Crime and Criminality in Colonial Virginia: A Case Study of Cabellsville. Paper presented at the Mid Atlantic Regional Conference for Undergraduate Research, Fall 2015 Amherst, Virginia.

Vox Populi: Latin Epigraphy at Ephesus. Paper presented at the Southern Anthropological Society, March 2014 Cherokee, North Carolina.

Vox Populi: Latin Epigraphy at Ephesus. Poster presented at the Archaeological Institute of America Research, January 2014 Chicago, Illinois.

Vox Populi: Latin Epigraphy at Ephesus. Poster presented at the Mid Atlantic Regional Conference for Undergraduate Research, Fall 2013 Amherst, Virginia.

Professional Memberships

Register of Professional Archaeologists, 2020-Present
Council of Virginia Archaeologists (COVA), 2020-Present
Ethics Committee 2020-Present; Chair,
Archeological Society of Virginia (ASV), 2016-Present

DWAYNE W. PICKETT, RPA

34 St Simons Dr.
Bluffton, SC 29910
Phone: (843) 422-5556
Email: dwayne.pickett@gmail.com

EDUCATION:

M.A. in Anthropology, The College of William & Mary

EMPLOYMENT:

2007-Present

Director, *Pickett Educational Resources LLC, Bluffton, SC*

- Develop, schedule, and teach educational programs for K-12 students and adults with museums, local schools and homeschool groups.
- Work with museums to create unique and insightful programs using real and replica artifacts.
- Prepare written lesson plans for teaching interdisciplinary history and archaeology courses as well as for educational DVDs.
- Write and present lectures for mainstream and academic audiences.
- Maintain website and conduct online marketing as well as use social media to promote educational DVDs that the company produced.
- Create proposals and cost-effective budgets for programs.

2002-Present

Cultural Resource Specialist, Self-Employed, Bluffton, SC

- Successfully bid on archaeological projects by coming up with competitive budget proposals.
- Direct and organize field excavations as well as supervise archaeological technicians and volunteers.
- Catalogue artifacts and prepared them for curation in accordance with federal standards set by the National Park Service's 36 CFR Part 79.
- Help local historical sites with identifying, cataloging and preserving collections including a letter by Thomas Jefferson valued at \$700,000.
- Conduct historical research, author reports as well as give lectures.
- Coordinate efforts between multiple agencies and landowners resulting in assured cooperation and the timely completion of projects.

2000-2002

Project Manager, *TRC Garrow and Associates, Inc., Durham, NC*

- Team leader who arranged, organized and directed multiple archaeological projects.
- Compiled information from various sources, wrote reports and proposals.
- Prepared artifacts for curation in accordance with federal standards.
- Presented research findings at professional conferences and to the public.

1998-2000

Assistant Director, *CHRS, Inc., North Wales, PA*

- Planned, coordinated, and managed numerous archaeological projects as a team leader.

- Complied background research in publishable format.
- Prepared artifacts for curation in accordance with federal standards set forth by the National Park Service's 36 CFR Part 79.
- Authored detailed reports as well as proposals and marketing material.
- Presented research findings at professional conferences and to the public.
- Coordinated with clients, landowners, and review agencies resulting in the timely completion of projects.

1993-1998

Project Director, Colonial Williamsburg, Williamsburg, VA

- Planned, organized and managed multiple archaeological projects.
- Conducted intensive historical research and wrote reports.
- Developed and lead educational programs.
- Cataloged and accessioned artifacts and prepared them for curation.
- Gave public and professional lectures.
- Taught advanced archaeological field school.

VOLUNTERR EXPERIENCE:

2013-2020

Instructor, Osher Lifelong Learning Institute at University of South Carolina Beaufort, SC

- Taught classes on 16th and 17th history of the southeastern United States and Beaufort County, South Carolina.
- Classes were based on two books that I have written or co-authored.

2018-2019

President Board of Directors, Lowcountry Montessori, Beaufort, SC

- Provided direction for achieving the school's mission statement.
- Served on Fundraising Committee.
- Strengthen programs and services to achieve academic goals.
- Evaluated performance of the Director.

MEMBERSHIPS:

Register of Professional Archaeologists (RPA)
Society for Historical Archaeology
National Trust for Historic Preservation

SELECT PUBLICATIONS:

Phase III Archaeological Excavation of the Mead's Tavern Basement (44CP0244), Campbell County, Virginia. Prepared for Liberty University, Lynchburg, Virginia. In progress.

Phase I Archaeological Survey of the Proposed Springfield Solar Site. Westmoreland County, Virginia. Prepared for Springfield Solar LLC, Charlottesville, Virginia. October 2021.

Archaeological Survey of the Banister River, Pittsylvania County, Virginia. Prepared for the Virginia Department of Historic Resources, Richmond. September 2021.

Phase I Archaeological Survey of the Proposed Dry Bridge Energy Center, LLC
Chesterfield County, Virginia. Prepared for Dry Bridge Energy, LLC Charlottesville, Virginia.
January 2021.

Captain William Hilton and the Founding of Hilton Head Island. The History Press. July 1, 2019

Archaeological Survey in Advance of Construction Activities at the Morris Center for Lowcountry
Heritage Ridgeland, South Carolina. Prepared for The Morris Center for Lowcountry Heritage. June
2018.

Going Green at Jamestown. *Dig Magazine*. July 1, 2014

*The European Struggle to Settle North America: Colonizing Attempts by England, France and
Spain, 1521-1608*. McFarland. Feb 8, 2011

*Pivotal Decisions in American History: Revolution or Resolution? Bacon's Rebellion in Virginia
1676*. Educational DVD. © Pickett Educational Resources LLC. 2008

Meet Joan Peirce "an honest, industrious woman" Living History at Historic Jamestowne.
Educational DVD. © Pickett Educational Resources LLC. 2007

Archaeological Excavations and Monitoring of Construction Activities at Historic Elk Landing,
Elkton, Maryland. Aug. 2004.

Historical and Archaeological Research into the Entrance Avenue to Tryon Palace Historic Sites &
Gardens New Bern, North Carolina. Tryon Palace research publication. Oct. 2003

Limited Archaeological Testing Within the Foundation of the Log Structure at Historic Elk Landing,
Elkton Maryland. For the Historic Elk Landing Foundation, Inc. Oct. 2002.

Archaeological Survey and Testing at Historic Elk Landing, Elkton Maryland. For the Historic Elk
Landing Foundation, Inc. Aug. 2002.

Maryland's War of 1812 Battlefield Sites: An Archaeological Assessment. *Maryland Humanities*.
Sept 2001

Archaeology of the Tucker House Revisited: Recent Excavations of the Kitchen. *Bermuda Journal
of Archaeology and Maritime History*. Volume 10. Oct. 1998

Phase III Data Recovery in Advance of Waterproofing Activities at Site 44YO755, the Thomas Pate
House, Yorktown, Virginia. Department of Archaeological Research Publications, Colonial
Williamsburg Foundation. Jan. 1998

The John Page House Site: An Example of the Increase in Domestic Brick Architecture in
Seventeenth-Century Tidewater Virginia. Masters Thesis. Dec. 1996

Changing Landscapes: Recent Excavations at the John Page House Site. *The Colonial Williamsburg
Interpreter*, volume 16 number 4, pages 9-13. Dec. 1995

CONFERENCE PAPERS:

“It was a busy bustling place”: The Rise and Decline of Commerce at Elk Landing. Paper presented at the Society for Historical Archaeology conference, January 2003, Providence, Rhode Island.

Frenchtown to Elkton: Upland Investigations of the War of 1812 in Maryland. Paper presented at the Society for Historical Archaeology conference, January 2001, Long Beach California.

Mr. Madison’s War: An Archaeological Assessment of Maryland’s War of 1812 Battlefield Sites. Paper presented at the American Battlefield Protection Program conference, November 2000, Baltimore Maryland.

The John Page House Site: An Artifactual Analysis of a Colonial Chesapeake Home. Paper presented at the Society for Historical Archaeology Conference, January 1997, Corpus Christi, Texas.

The John Page House Site: 1996 Update. Paper presented at the Jamestown Conference, November 1996, Jamestown, Virginia.

Changing Landscapes: The Adoption of Brick Architecture in Seventeenth-Century Tidewater Virginia. Paper presented at the Society for Historical Archaeology Conference, January 1996, Cincinnati, Ohio.

Excavations at the John Page House Site. Paper presented at the Jamestown Conference, November 1995, Jamestown, Virginia.

SITE FORMS

Snapshot

Date Generated: September 13, 2022

Site Name: No Data
Site Classification: Terrestrial, open air
Year(s): , 1790 - 1829, 1830 - 1860, 1861 - 1865, 1866 - 1916, 1917 - 1945, 1946 - 1991, 1992 - ?
Site Type(s): Artifact scatter, Artifact scatter
Other DHR ID: No Data
Temporary Designation: No Data

Site Evaluation Status

Locational Information

USGS Quad: TOANO
County/Independent City: New Kent (County)
Physiographic Province: Coastal Plain
Elevation: No Data
Aspect: No Data
Drainage: James
Slope: 2-6%
Acreage: 0.050
Landform: Other
Ownership Status: Private
Government Entity Name: No Data

Site Components

Component 1

Category: Indeterminate
Site Type: Artifact scatter
Cultural Affiliation: Native American
Cultural Affiliation Detail: No Data
DHR Time Period: Pre-Contact
Start Year: No Data
End Year: No Data
Comments: Quartzite primary flake

Component 2

Category: Indeterminate
Site Type: Artifact scatter
Cultural Affiliation: Indeterminate
Cultural Affiliation Detail: No Data
DHR Time Period: Early National Period (1790 - 1829), Antebellum Period (1830 - 1860), Civil War (1861 - 1865), Reconstruction and Growth (1866 - 1916), World War I to World War II (1917 - 1945), The New Dominion (1946 - 1991), Post Cold War (1992 - Present)
Start Year: No Data
End Year: No Data
Comments: Press molded bottle glass, wire nail, machine-headed cut nail

Bibliographic Information

Bibliography:

No Data

Informant Data:

No Data

CRM Events

Event Type: Survey:Phase I

Project Staff/Notes:

No Data

Project Review File Number:

No Data

Sponsoring Organization:

No Data

Organization/Company:

Hurt & Proffitt

Investigator:

Jessica Gantzert

Survey Date:

6/4/2022

Survey Description:

H&P first completed a reconnaissance survey of the project corridor which consists of a heavily wooded silviculture forest. Thirty-six shovel test transects were laid out and spaced 50 feet (15.24m) apart running north to south across the APE. Three additional transects were placed running east to west on the southern border of the APE where the road easement exists. A total of 441 shovel test pits (STPs) were then placed at 50-foot (15.24m) intervals along those transects. Another 44 STPs were placed at 25-foot (7.62m) intervals around STPs that were positive for cultural material. A total of 485 STPs were excavated with 25 being positive for cultural material. This resulted in the discovery of two historic sites, four isolated historic artifacts and one dual component historic/pre-contact site.

Current Land Use

Forest

Date of Use

1/1/1860

Comments

No Data

Threats to Resource:

Demolition, Development

Site Conditions:

Surface Deposits Present But With No Subsurface Integrity

Survey Strategies:

Subsurface Testing

Specimens Collected:

Yes

Specimens Observed, Not Collected:

No

Artifacts Summary and Diagnostics:

17 total artifacts consisting of wire nails, iron can fragments, press molded bottle glass, and a single cut nail. A quartzite flake was also recovered but could not be dated.

Summary of Specimens Observed, Not Collected:

No Data

Current Curation Repository:

H&P

Permanent Curation Repository:

DHR

Field Notes:

Yes

Field Notes Repository:

DHR

Photographic Media:

Digital

Survey Reports:

Yes

Survey Report Information:

Gantzert, Jessica. 2022. "Phase I Archaeological Assessment of the Polish Town Solar Site."

Survey Report Repository:

DHR

DHR Library Reference Number:

No Data

Significance Statement:

The presence of the press molded bottle glass fragments dates the site as post-1905 when press molded bottles were introduced to the American context. The cut nail was introduced around the turn of the 19th century, however they are still currently being made and sold in home improvement stores in Virginia, and can be found in many houses due to continuous occupation. The flake recovered was a primary flake which cannot be dated, and was of a rock that is commonly found in the region. This site was likely a refuse scatter from the early to mid-20th century, and therefore is recommended as Not Eligible for NRHP listing.

Surveyor's Eligibility Recommendations:

Recommended Not Eligible

Surveyor's NR Criteria Recommendations:

No Data

Surveyor's NR Criteria Considerations:

No Data

Snapshot

Date Generated: September 13, 2022

Site Name: No Data
Site Classification: Terrestrial, open air
Year(s): 1830 - 1860, 1861 - 1865, 1866 - 1916
Site Type(s): Artifact scatter
Other DHR ID: No Data
Temporary Designation: No Data

Site Evaluation Status

Locational Information

USGS Quad: TOANO
County/Independent City: New Kent (County)
Physiographic Province: Coastal Plain
Elevation: No Data
Aspect: No Data
Drainage: James
Slope: No Data
Acreage: 0.380
Landform: Other
Ownership Status: Private
Government Entity Name: No Data

Site Components

Component 1

Category: Indeterminate
Site Type: Artifact scatter
Cultural Affiliation: Indeterminate
Cultural Affiliation Detail: No Data
DHR Time Period: Antebellum Period (1830 - 1860), Civil War (1861 - 1865), Reconstruction and Growth (1866 - 1916)
Start Year: No Data
End Year: No Data
Comments: Machine headed cut nail, blown in mold bottle glass, brick fragments

Bibliographic Information

Bibliography:

No Data

Informant Data:

No Data

CRM Events

Event Type: Survey:Phase I

Project Staff/Notes:

No Data

Project Review File Number:

No Data

Sponsoring Organization:

No Data

Organization/Company:

Hurt & Proffitt

Investigator:

Jessica Gantzert

Survey Date:

6/4/2022

Survey Description:

H&P first completed a reconnaissance survey of the project corridor which consists of a heavily wooded silviculture forest. Thirty-six shovel test transects were laid out and spaced 50 feet (15.24m) apart running north to south across the APE. Three additional transects were placed running east to west on the southern border of the APE where the road easement exists. A total of 441 shovel test pits (STPs) were then placed at 50-foot (15.24m) intervals along those transects. Another 44 STPs were placed at 25-foot (7.62m) intervals around STPs that were positive for cultural material. A total of 485 STPs were excavated with 25 being positive for cultural material. This resulted in the discovery of two historic sites, four isolated historic artifacts and one dual component historic/pre-contact site.

Current Land Use

Forest

Date of Use

1/1/1860

Comments

No Data

Threats to Resource:

Demolition, Development

Site Conditions:

Surface Deposits Present But With No Subsurface Integrity

Survey Strategies:

Subsurface Testing

Specimens Collected:

Yes

Specimens Observed, Not Collected:

No

Artifacts Summary and Diagnostics:

3 cut nails, 1 press molded bottle glass, 3.0g brick, and 3.9g lime mortar.

Summary of Specimens Observed, Not Collected:

No Data

Current Curation Repository:

H&P

Permanent Curation Repository:

DHR

Field Notes:

Yes

Field Notes Repository:

DHR

Photographic Media:

Digital

Survey Reports:

Yes

Survey Report Information:

Gantzert, Jessica. 2022. "Phase I Archaeological Assessment of the Polish Town Solar Site."

Survey Report Repository:

DHR

DHR Library Reference Number:

No Data

Significance Statement:

This site consists of only one shard of press molded bottle glass and three cut nails along with 3.0g brick and 3.9g lime mortar that were recovered from two STPs. The lack of discernible features and intact stratigraphy along with a low number of artifacts suggests this site has little research potential. As such this leads H&P to recommend that this site is not eligible for the NRHP

Surveyor's Eligibility Recommendations:

Recommended Not Eligible

Surveyor's NR Criteria Recommendations:

No Data

Surveyor's NR Criteria Considerations:

No Data

Snapshot

Date Generated: September 13, 2022

Site Name: No Data
Site Classification: Terrestrial, open air
Year(s): , 1790 - 1829, 1830 - 1860, 1861 - 1865, 1866 - 1916
Site Type(s): Artifact scatter
Other DHR ID: No Data
Temporary Designation: No Data

Site Evaluation Status

Locational Information

USGS Quad: TOANO
County/Independent City: New Kent (County)
Physiographic Province: Coastal Plain
Elevation: No Data
Aspect: No Data
Drainage: Lower Chesapeake, James
Slope: No Data
Acreage: 2.390
Landform: Ridge Finger
Ownership Status: Private
Government Entity Name: No Data

Site Components

Component 1

Category: Domestic
Site Type: Artifact scatter
Cultural Affiliation: Euro-American, Native American
Cultural Affiliation Detail: No Data
DHR Time Period: Early National Period (1790 - 1829), Antebellum Period (1830 - 1860), Civil War (1861 - 1865), Reconstruction and Growth (1866 - 1916), Pre-Contact
Start Year: No Data
End Year: No Data
Comments: Gilmer map project homestead named "Mrs. Hilliard." Artifacts found include: brick fragments, lime mortar fragments, creamware, whiteware, ironstone, cut nails, iron cutter bar, iron can fragments, kaolin pipesteam fragments, bottle glass, and a sherd of sand tempered pottery.

Bibliographic Information

Bibliography:

No Data

Informant Data:

No Data

CRM Events

Event Type: Survey:Phase I

Project Staff/Notes:

No Data

Project Review File Number:

No Data

Sponsoring Organization:

No Data

Organization/Company:

Hurt & Proffitt

Investigator:

Jessica Gantzert

Survey Date:

6/4/2022

Survey Description:

H&P first completed a reconnaissance survey of the project corridor which consists of a heavily wooded silviculture forest. Thirty-six shovel test transects were laid out and spaced 50 feet (15.24m) apart running north to south across the APE. Three additional transects were placed running east to west on the southern border of the APE where the road easement exists. A total of 441 shovel test pits (STPs) were then placed at 50-foot (15.24m) intervals along those transects. Another 44 STPs were placed at 25-foot (7.62m) intervals around STPs that were positive for cultural material. A total of 485 STPs were excavated with 25 being positive for cultural material. This resulted in the discovery of two historic sites, four isolated historic artifacts and one dual component historic/pre-contact site.

Current Land Use

Forest

Date of Use

1/1/1918

Comments

No Data

Threats to Resource:

Demolition, Development, Erosion

Site Conditions:

Unknown Portion of Site Destroyed

Survey Strategies:

Subsurface Testing, Historic Map Projection

Specimens Collected:

Yes

Specimens Observed, Not Collected:

No

Artifacts Summary and Diagnostics:

The site boundaries continue beyond the parcel boundaries and as such, were not subject to the Phase I survey. The area features a small ridge finger that creates a relatively flat plateau surrounded by steep washes leading away from the project parcel.

A total of 118 artifacts, in addition to 352.7g of brick and 41.9g lime mortar were recovered. The artifacts consisted mostly of bottle glass, flat glass, whiteware, pearlware, creamware, and five cut nails. Five kaolin pipestem fragments and four creamware fragments were also recovered. The prehistoric pottery sherd was a sand tempered low fire earthenware fragment.

Given the lack of nails and high amount of glass and ceramics recovered, this concentration of artifacts is likely a trash midden associated with the Civil War mapped structure in the area (Mrs. Hilliard's House). The construction date of the house is unknown, however the presence of the kaolin pipestems and the creamware and pearlware suggests that an 18th century construction date is most likely. The house no longer existed by the 20th century when more mapping took place in the region, which aligns with the sharp drop off in late-19th century artifacts.

Summary of Specimens Observed, Not Collected:

No Data

Current Curation Repository:

H&P

Permanent Curation Repository:

DHR

Field Notes:

Yes

Field Notes Repository:

DHR

Photographic Media:

Digital

Survey Reports:

Yes

Survey Report Information:

Gantzert, Jessica. 2022. "Phase I Archaeological Assessment of the Polish Town Solar Site."

Survey Report Repository:

DHR

DHR Library Reference Number:

No Data

Significance Statement:

This site is a moderate concentration of artifacts dating from the late 18th to mid-19th century located in the northwestern section of the APE. The artifact concentration extends outside the APE to the east. Given the relative lack of architectural artifacts this concentration is likely not related to a structure in this area but instead might be related to disposal activities associated with the Civil War map-projected Mrs. Hilliard's House. This house, which has yet to be recorded or located, potentially lies to the northeast of the property boundaries near the central region outside of the project parcel.

The lack of discernible features and intact stratigraphy suggests it has little research potential. This leads H&P to recommend that the portion of this site located within the present APE does not contribute to the potential eligibility of the larger site. Despite the 18th century date of some of these artifacts, their low number and the lack of discernible features and intact stratigraphy suggests this site has little research potential. As such this

Surveyor's Eligibility Recommendations:	leads H&P to recommend that this site is not eligible for the NRHP
Surveyor's NR Criteria Recommendations:	Recommended Not Eligible
Surveyor's NR Criteria Considerations:	No Data
	No Data

A RECONNAISSANCE ARCHITECTURE SURVEY

POLISH TOWN SOLAR 1, LLC.

New Kent County



H&P PROJECT NO.

20220779

SUBMITTED BY:

Sarah M. Clarke
Senior Architectural Historian

SUBMITTED TO

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EXECUTIVE SUMMARY

This report presents the results of a reconnaissance survey of four architectural resources in New Kent County, Virginia. The survey was completed by Hurt & Proffitt (H&P) on behalf of Polish Town Solar 1, LLC. The fieldwork for this project was conducted on June 20, 2022.

The architecture survey conducted for this project resulted in the identification of four new architecture properties. The four newly identified properties consist of house at 17800 Polish Town Road (VDHR No. 063-5145), house at 17701 Polish Town Road (VDHR No. 063-5144), the Henrico Regional Prison (VDHR No. 063-5146), and the Angel View Baptist Church at 6911 Angel View Lane (VDHR No. 063-5147).

Polish Town Solar 1, LLC proposes to construct a solar farm on a 194-acre project parcel that is bordered by Polish Town Road (SR 634) on the south and Eltham Road (SR 33) on the west and surrounded by special conservation zoned area on the north and east in New Kent County, Virginia. The Area of Potential Effects (APE) for architecture includes those parcels within 0.5 miles of the proposed location of the solar farm, specifically those parcels visible from the proposed solar farm and the vicinity where alterations to setting and feeling may occur.

The reconnaissance-level surveys completed for this project include background research at New Kent County records and survey files at the Virginia Department of Historic Resources (VDHR). The fieldwork for the project entailed photographing and drawing site plans for each resource.

Based on the results of the survey, H&P recommends that none of the newly identified architectural resources: house at 17800 Polish Town Road (VDHR No. 063-5145), house at 17701 Polish Town Road (VDHR No. 063-5144), Henrico Regional Jail (VDHR No. 063-5146), and the Angel View Baptist Church (VDHR No. 063-5147) are eligible for the National Register of Historic Places (NRHP) under Criterion A, B, or C.

1. INTRODUCTION

The proposed Polish Town Solar site lies in the eastern portion of New Kent County. It is situated between Eltham Road (SR 33), approximately 0.41 miles to the northwest, and New Kent Highway (Rte. 30) approximately 0.30 miles to the southeast. The unincorporated community of Eltham is approximately 2.5 miles to the northeast of the parcel along Eltham Road.

This report presents the results of reconnaissance architectural surveys completed for a proposed solar farm near the community of Eltham in New Kent County, Virginia. The survey for this project was conducted by Hurt & Proffitt (H&P) on behalf of Polish Town Solar 1, LLC. H&P completed the fieldwork for this project on June 20, 2022 (Figure 1).

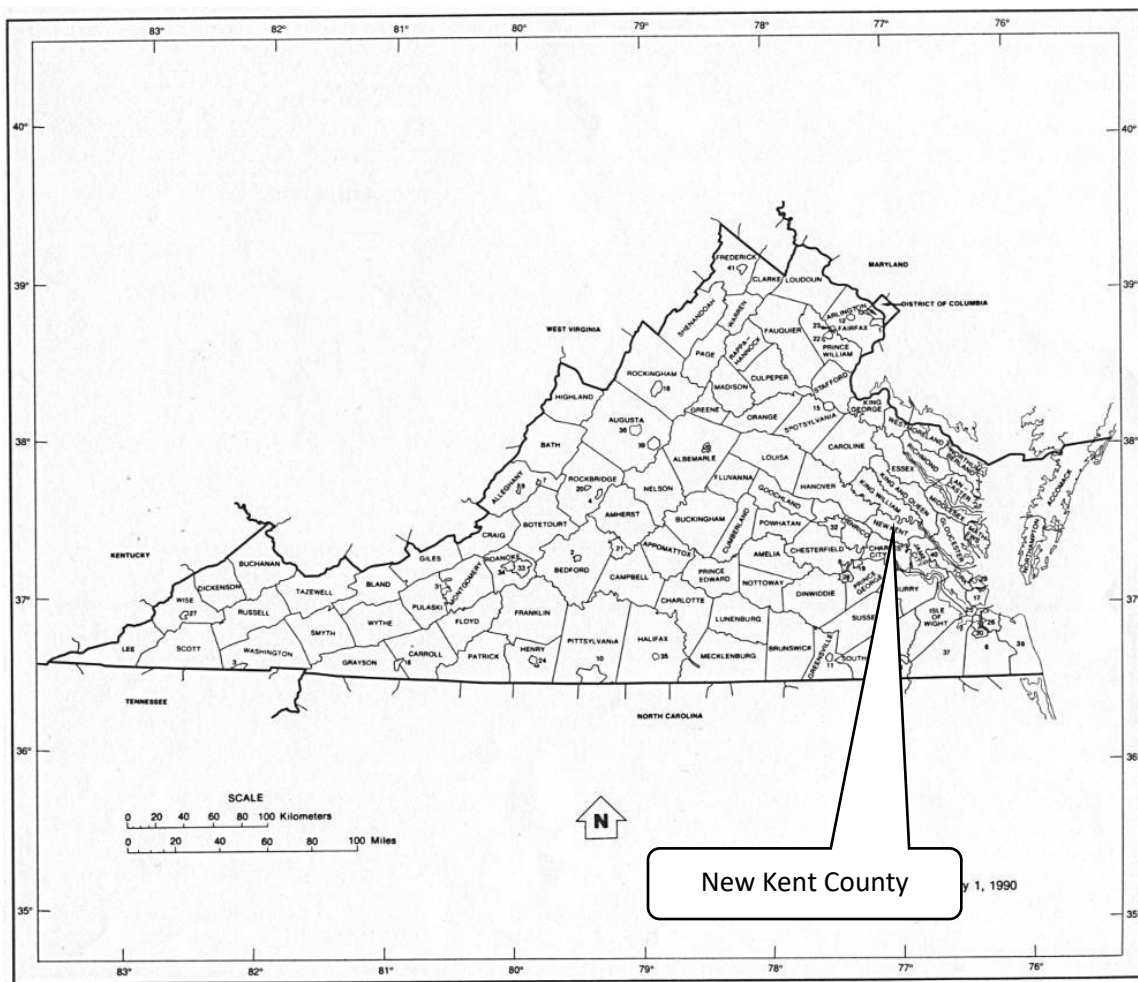


Figure 1. Project location.

The resources surveyed for this project are located north and east of the intersection of Eltham Road (Rt. 33) and New Kent Highway (Rt. 30) southeast of the unincorporated community of Eltham. Polish Town Solar 1, LLC proposes to construct a 25-acre solar farm on a 194-acre parcel to the east of Eltham Road and to the north of New Kent Highway. The parcel proposed for the solar farm is heavily wooded and does not appear to have been recently farmed. The architecture APE for the project is the project parcel, and those parcels within 0.5 miles of the proposed location of the solar farm, specifically those parcels visible from the proposed solar farm, where alterations to feeling and setting may occur (Figure 2).

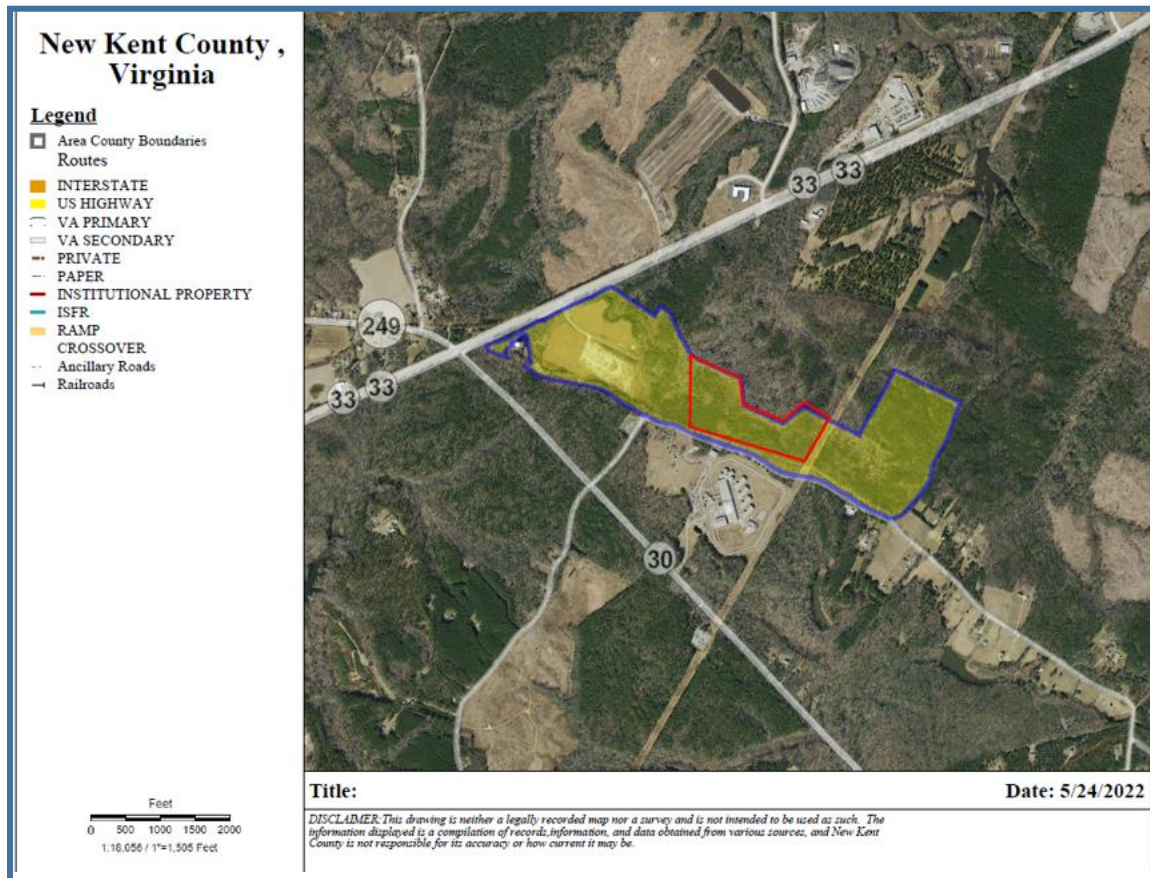


Figure 2. Project parcel as depicted in New Kent County GIS, with direct effects APE in red (accessed May 2022).

Prior to beginning the fieldwork for the project, H&P completed background and historic research at VDHR and New Kent County, which included a site file review of previously recorded architectural resources in the VDHR's Virginia Cultural Resources Information System (V-CRIS).

The fieldwork for this project was completed by Sarah M. Clarke, H&P Senior Architectural Historian. The field investigations and technical report meet the requirements specified in the *Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation* (Federal Register 48:190:44716-44742) and the Virginia Department of Historic Resources (VDHR) *Guidelines for Conducting Cultural Resource Survey In Virginia* (2017). The Principal Investigator performing the cultural resource investigations meets or exceeds the qualifications described in the Secretary of the Interior's *Professional Qualifications Standards* (48 FR 44738-9).

2. SETTING

The proposed Polish Town Solar site lies in the eastern portion of New Kent County. It is situated between Eltham Road (SR 33), approximately 0.41 miles to the northwest, and New Kent Highway (Rte. 30) approximately 0.30 miles to the southeast. The unincorporated community of Eltham is approximately 2.5 miles to the northeast of the parcel along Eltham Road (Figure 3).

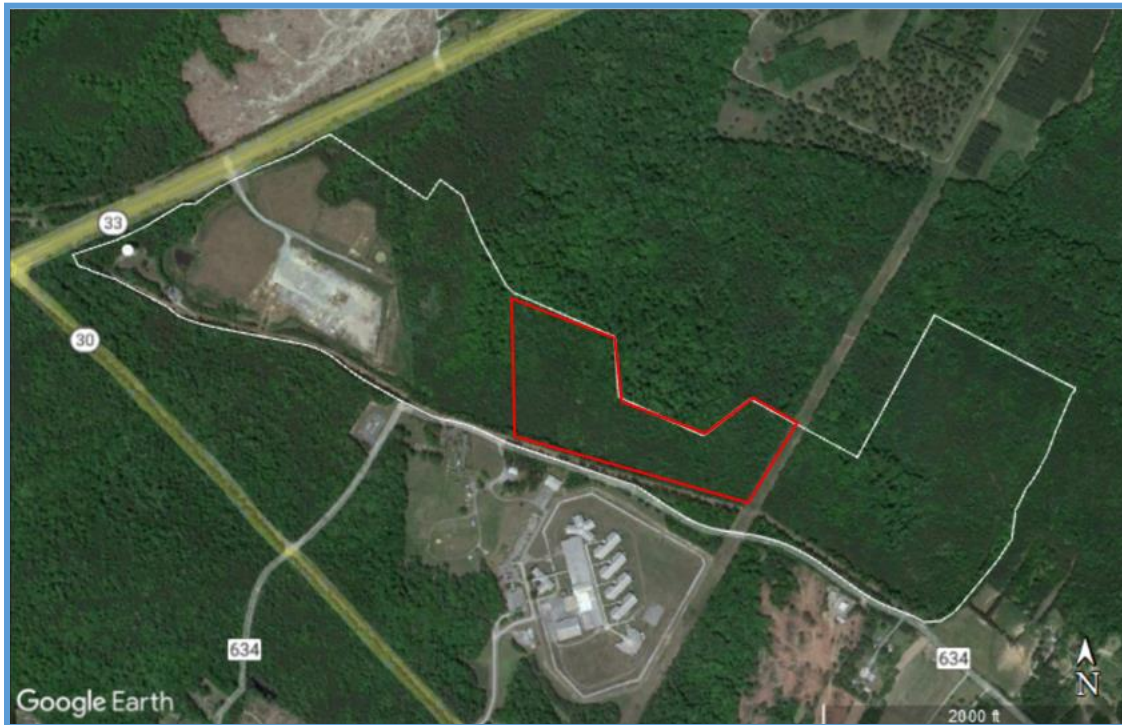


Figure 3. 2019 aerial view of the project parcel, direct effects APE in red (Google Earth).

3. HISTORIC CONTEXT

Settlement to Society (1607-1750)

New Kent County resulted from the division of York County in 1654. The original area of New Kent County included the land of what would later become Hanover, King William, King, and King and Queen Counties. New Kent County is surrounded by the Pamunkey River to the north and the Chickahominy River to the south. Prior to European settlement, New Kent County was home to the Powhatan confederacy, the Pamunkeys, and the Chickahominy tribe. Three villages in particular, Orapax near the present day Hanover County line, Moysonoc on the Chickahominy River, and Matchot along the Pamunkey River, were once thriving Native American communities (Gwathmey 1937).

The plantation system dominated seventeenth century New Kent County economy and society. Tobacco plantations in particular were common features on the New Kent County landscape. The seventeenth-century plantation "function [ed] as centers of political, social, and economic control." The self-sufficient nature of the plantation slowed the development of towns in the county. The first incorporated town in New Kent County was the Brickhouse property in 1680. Brickhouse remained the county seat of New Kent County until 1691, when it moved to the village of New Kent (Hornum and Williams 1994).

Colony to Nation (1750-1789)

The eighteenth century ushered in the end of British rule in Virginia. New Kent County was not the setting for any Revolutionary War battles, however the county was crisscrossed by both American and British troops (Gwathmey 1937:58). The residents of New Kent County, like many of their colonial counterparts, struggled in those years following the Revolutionary War. Residents who had lost crops and livestock due to looting armies on both sides, appealed to the state for aid and reimbursement. In addition, the constant farming of tobacco had worn out the land, making profits possible for only the wealthiest of farmers (Figure 4) (Hornum and Williams 1994:35).



Figure 4. Project vicinity depicted on Fry, Joshua, Peter Jefferson, Robert Sayer, and Thomas Jefferys, 1775 *A map of the most inhabited part of Virginia containing the whole province of Maryland with part of Pensilvania, New Jersey and North Carolina*. Printed for Robt. Sayer, London (Library of Congress).

Early National Period (1789-1830)

At the end of the Revolutionary War, Tidewater Virginia entered a period of social, political, and economic decline. Nearly two centuries of intensive tobacco monoculture exhausted the farmland throughout New Kent, as elsewhere, and the relocation of Virginia's government from the colonial capital of Williamsburg to Richmond hastened the westward movement of people and political power from Tidewater to the Piedmont.

The War of 1812 only added to the difficulties of the residents of New Kent County. The threat of a British invasion in 1814 resulted in the establishment of a large training camp in western New Kent County. The combination of these factor resulted in a less than prosperous economy in New Kent County (Gwathmey 1937)(Figure 5).



Figure 5. Project area depicted on Boye, Herman, Henry Schenck Tanner, E.B. Dawson, and William Branch Giles, *1827 A Map of the State of Virginia* (Library of Congress, accessed June 2022).

Antebellum Period (1830-1861)

The nineteenth century witnessed the gradual lifestyle transition from agrarian to urban in cities like Richmond, Norfolk, Alexandria, and Petersburg. The establishment of the Board of Public Works facilitated the construction of roads, canals, and railroads in the state. Slavery continued to be a common practice in Virginia during the antebellum years. Farms began to decrease in size, a result of improved farming techniques that allowed for higher yields on smaller tracts of land (Hornum and Williams 1994:36).

Transportation methods improved as well, with canals, turnpikes, railroads, and steampowered riverboats introduced or expanded during the first half of the nineteenth century (Cressy 1999). The Richmond and York River Railroad, chartered in 1853 and in use by 1859, increased the importance of the port at West Point. By the late antebellum era, the steamer West Point, berthed at West Point, served Old Point Comfort, Norfolk, and Baltimore. Grist mills became the primary industry in the county during the antebellum era (Gray 1952).

Civil War (1861-1865)

New Kent County residents faced the coming of war with a mixture of trepidation and resolution, and within a year they would find two rival armies literally on their doorstep. From March to June 1862, the Federal Army of the Potomac under Major General George B. McClellan fought its way up the Virginia Peninsula with the hope of seizing the

Confederate capital of Richmond and thus crushing the secessionist cause. This massive military undertaking, known as the Peninsula Campaign, brought the retreating Confederate and advancing Federal armies directly through New Kent County (Figures 6 and 7).

The area around Eltham's Landing, opposite the town of West Point, saw brief but pitched skirmishing on the morning of May 7, 1862. Once Yorktown had been seized from its Confederate defenders, Union commander George B. McClellan sent troops under General William B. Franklin to seize West Point, the strategic terminus of the Richmond and York River Railroad. The Federal flotilla of civilian boats and navy gunships arrived off Eltham on May 6th, and the soldiers disembarked under fire from a hidden Confederate battery. The following morning, two Confederate brigades under General W.H.C. Whiting pushed Franklin's men back, forcing them to abandon the point. Federal casualties numbered 48 killed, 110 wounded and 28 captured, and the Confederates lost 8 killed and 32 wounded in what became known as the Battle of West Point, Barhamsville, or Eltham's Landing (Sears 1992).



Figure 6. Project area depicted on 1863 Civil War map Confederate States Of America. Army. Dept. Of Northern Virginia. Chief Engineer'S Office. *Map of New Kent, Charles City, James City and York counties*. [S.l.: Chief Engineer's Office, D.N.V., 1863] Map. The Library of Congress, accessed June 2022.

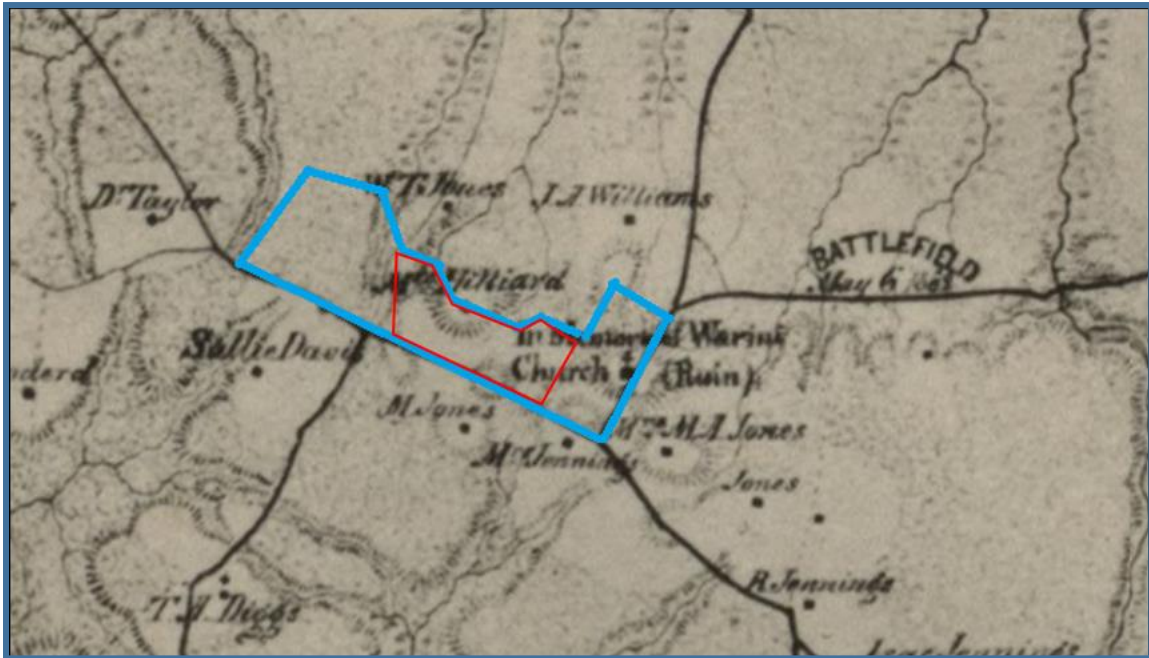


Figure 7. Project parcel depicted in blue and APE in red on a 1860s exact date unknown Civil War map, Gilmer and Minis. *Map of New Kent, Charles City, James City and York counties*. Retrieved from the Library of Congress, www.loc.gov

Reconstruction and Growth (1865-1917)

As with most of the South, Virginia experienced a period of economic instability following the end of the Civil War. However, this began to change by the end of the nineteenth century with the growth of industry in the state. The exploitation of natural resources like coal, lumber, and other minerals aided in its economic recovery. In addition, improvements in transportation, particularly the railroad and shipping, contributed to the expansion of the Virginia economy.

It was during this time that many African Americans in Virginia established their own institutions. The migration of African Americans out of the rural areas and into the cities resulted in the creation of distinctly black communities and neighborhoods. Emancipation did not guarantee equality, therefore, blacks founded churches, businesses, schools, and philanthropic institutions to serve the needs of African Americans.

The state of Virginia experienced an increase in industrialization during the post bellum years. The nature of agriculture also began to change. In areas like New Kent County, the number of farms increased while the size of the farms decreased. Though commercial businesses did grow significantly during this time, New Kent County remained a rural and agrarian county (Homum and Williams 1994)(Figure 8).

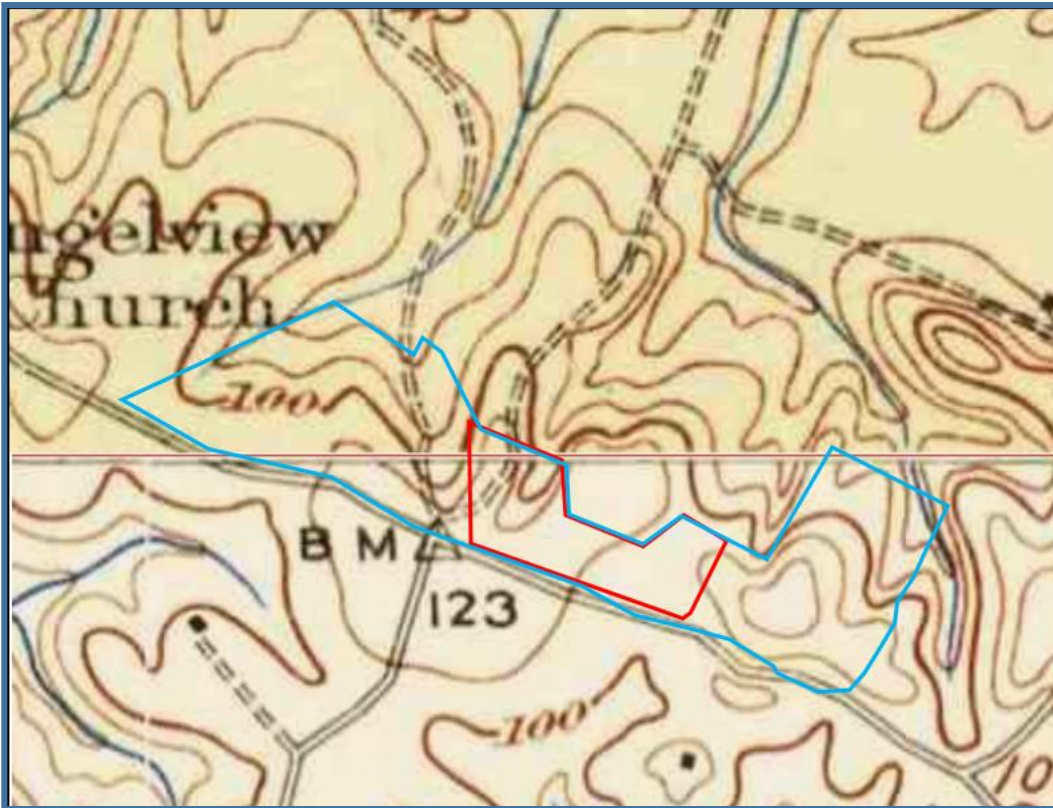


Figure 8. Project parcel depicted in blue and APE in red on 1918 West Point and 1917 Toano, VA 1:24000 USGS topographic maps (USGS 2022).

World War I to World War II (1917-1945)

Though still overwhelmingly rural, New Kent County entered the twentieth century slowly but surely, taking advantage of the technological benefits of a modern, industrialized society. Many local roads were hard-surfaced during the 1920s, and were incorporated into the State Secondary Highway System by 1932. With new and better roads, automobiles and trucks began to supersede rail and river transportation through the county. It was now easier to reach Richmond, Williamsburg, and Newport News, and property values in New Kent increased as a result. New Kent's economy remained rooted in agriculture, but improved transportation allowed area growers to participate in the growing truck farming business. The forestry products industry also developed into an important part of the economy during this period (Tyler 1984)(Figures 9 and 10).

The New Dominion (1945 to Present)

Agriculture remained the mainstay of New Kent's economy until the mid-twentieth century, though the improvement of road networks in other parts of the state brought increased competition for area farmers. The relatively recent expansion of Richmond's population into New Kent County led to the construction of new shopping centers, supermarkets, and office parks along Routes 33 and 64 (Hornum and Williams 1994).



Figure 9. Project parcel depicted on 1950 West Point and 1953 Toano, VA 1:24000 USGS topographic maps (USGS 2022).

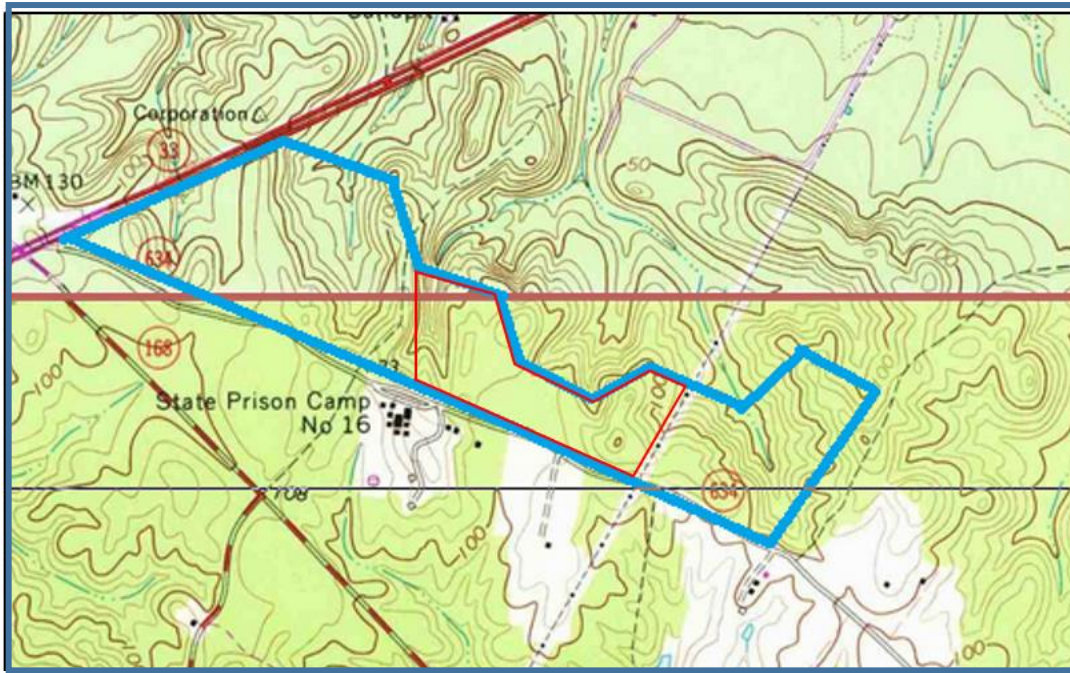


Figure 10. Project parcel depicted in blue and APE in red on 1965 Toano and West Point, VA 1:24000 USGS topographic maps (USGS 2022).

4. FIELD METHODS

The purpose of the architectural investigation was to survey and evaluate four properties for individual eligibility for listing in the NRHP. The four recorded resources include: house at 17800 Polish Town Road (VDHR No. 063-5145), the house at 17701 Polish Town Road (VDHR No. 063-5144), the Henrico County Regional Jail (VDHR No. 063-5146), and the Angel View Baptist Church (VDHR No. 063-5147). The APE for this project includes the property parcels that are within 0.5 mile, specifically those that are visible from the proposed solar farm, the vicinity where alterations to feeling and setting may occur. Background research was completed at New Kent County and survey files at VDHR. H&P staff conducted a site visit to photograph and survey the architectural resources. The resources were photographed and site plans were drawn depicting the relationship of the resources to the landscape, and each other.

5. RESULTS

H&P completed reconnaissance level survey for four properties:



Figure 11. House at 17701 Polish Town Road (VDHR No. 063-5144).

House at 17701 Polish Town Road (VDHR No. 063-5144):

This is a one-story, masonry and frame dwelling constructed around 1965 c. The dwelling is composed of stretcher-bond brick with two additions sided in vinyl siding. The vinyl windows are one-over-one with a double-hung sash and windows with a single, fixed light. The one-story, one-bay porch has a molded railing with turned spindles. The shed roof of the porch is supported by turned, wood posts. The house has an exterior-end masonry flue and an interior-end chimney clad in a stone veneer. The cross-gable roof is covered with asphalt shingles.

Additions/Alterations: There is a one-story frame addition on the façade of the dwelling, and a one-story frame addition on the rear elevation.

Outbuildings: There are numerous outbuildings associated with the dwelling. The outbuildings sit to the rear (south) of the dwelling along a dirt drive. The types of

outbuildings include: one barn, one chicken coop, one garage, one modern aboveground pool, four sheds, one vehicle shed, three workshops, and a mobile home.

H&P recommends that the house at 17701 Polish Town Road is not individually eligible for the NRHP under Criteria A, B, or C; Criterion D is not applicable. The building does not represent any important people or events in history and the design, workmanship, and materials are stock and unremarkable.



Figure 12. House at 17800 Polish Town Road (VDHR No. 063-5145).

House at 17800 Polish Town Road (VDHR No. 063-5145):

This is a one-and-a-half story masonry dwelling constructed in 1945 c, that is clad in American bond brick. The wood windows are six-over-one with a double-hung sash, three gable dormers pierce the roofline on the façade of the dwelling. The porch stoop has brick steps. There is an exterior-end brick chimney. The side-gable roof is covered with standing-seam metal.

H&P recommends that the house at 17800 Polish Town Road is not individually eligible for the NRHP under Criteria A, B, or C; Criterion D is not applicable. The building does not represent any important people or events in history and the design, workmanship, and materials are stock and unremarkable.



Figure 13. Henrico County Regional Jail (VDHR No. 063-5146).

Henrico County Regional Jail (VDHR No. 063-5146):

The Henrico County Regional Jail consists of a collection of buildings that sits to the south of Polish Town Road. Based on topographic maps, it appears that the facility was constructed between 1953 and 1965, and is identified as State Prison Camp #16. The buildings are constructed in a combination of masonry composed of concrete blocks and frame clad in vertical boards, and wood siding. A majority of the buildings sit behind a 12-foot chain link fence. The facility also includes two watch towers, a physical plant, and a greenhouse. A modern jail facility sits to the southeast of the original mid-twentieth century facility.

H&P recommends that the Henrico County Regional Jail is not individually eligible for the NRHP under Criteria A, B, or C; Criterion D is not applicable. The building does not represent any important people or events in history and the design, workmanship, and materials are stock and unremarkable.



Figure 14. Angel View Baptist Church (VDHR No. 063-5147).

Angel View Baptist Church (VDHR No. 063-5147):

The Angel View Baptist Church is a one-story, masonry church composed of concrete blocks that was built in 1973. The vinyl, six-over-six windows have a double-hung sash and brick sills. The porch stoop has brick steps with a wrought-iron railing. The cross-gable roof is covered with asphalt shingles. According to the church's website the congregation was founded in 1887 and the current 1973 building has been added onto twice.

A modern cemetery with approximately 37 burials with death dates between 1919 and 2005, sits to the rear of the church. A frame shed and vehicle shed sit to the west of the church.

H&P recommends that the Angel View Baptist Church is not individually eligible for the NRHP under Criteria A, B, or C; Criterion D is not applicable. The building does not represent any important people or events in history and the design, workmanship, and materials are stock and unremarkable.

6. CONCLUSIONS AND RECOMMENDATIONS

As a result of the survey, H&P recommends none of the architectural resources surveyed for this project are individually eligible for the NRHP under Criteria A, B, or C; Criterion D is not applicable.

Table 1. Eligibility Recommendations for Architectural Resources

VDHR No.	Resource	Eligibility Recommendation
063-5144	House, 17701 Polish Town Road	Not Eligible
063-5145	House, 17800 Polish Town Road	Not Eligible
063-5146	Henrico County Regional Jail	Not Eligible
063-5147	Angel View Baptist Church	Not Eligible

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Virginia Department of Historic Resources (VDHR)

2017 Guidelines for Conducting Cultural Resource Survey in Virginia.
Available at http://www.dhr.virginia.gov/review/Survey_Manual_Web.pdf

VCRIS FORMS

Property Information

Property Names

Name Explanation	Name
Function/Location	House, 17701 Polish Town Road

Property Evaluation Status

Property Addresses

Current - 17701 Polish Town Road

County/Independent City(s): New Kent (County)

Incorporated Town(s): No Data

Zip Code(s): 23011, 23181

Magisterial District(s): No Data

Tax Parcel(s): No Data

USGS Quad(s): TOANO

Additional Property Information

Architecture Setting: Rural

Acreage: No Data

Site Description:

June 2022: The dwelling sits to the south of Polish Town Road on a clear, level lot. The paved drive is lined with crepe myrtles and few foundation plantings are visible along the facade. The property contains multiple outbuildings including: one barn, one chicken coop, one garage, one modern aboveground pool, four sheds, one vehicle shed, and three workshops. The outbuildings sit to the rear of the dwelling.

Surveyor Assessment:

June 2022: H&P recommends that the house at 17701 Polish Town Road is not individually eligible for the NRHP under Criteria A, B, or C; Criterion D is not applicable. The building does not represent any important people or events in history and the design, workmanship, and materials are stock and unremarkable.

Surveyor Recommendation: Recommended Not Eligible

Ownership

Ownership Category	Ownership Entity
Private	No Data

Primary Resource Information

Resource Category: Domestic

Resource Type: Single Dwelling

NR Resource Type: Building

Date of Construction: ca 1965

Date Source: Site Visit

Historic Time Period: The New Dominion (1946 - 1991)

Historic Context(s): Domestic

Other ID Number: No Data

Architectural Style: Ranch

Form: No Data

Number of Stories: 1.0

Condition: Good

Threats to Resource: None Known

Cultural Affiliations: Indeterminate

Cultural Affiliation Details: No Data

Architectural Description:

June 2022: This is a one-story, masonry and frame dwelling constructed around 1965 c. The dwelling is composed of stretcher-bond brick with two additions sided in vinyl siding. The vinyl windows are one-over-one with a double-hung sash and windows with a single, fixed light. The

one-story, one-bay porch has a molded railing with turned spindles. The shed roof of the porch is supported by turned, wood posts. The house has an exterior-end masonry flue and an interior-end chimney clad in a stone veneer. The cross-gable roof is covered with asphalt shingles. Additions/Alterations: There is a one-story frame addition on the façade of the dwelling, and a one-story frame addition on the rear elevation.

Exterior Components

Component	Component Type	Material	Material Treatment
Chimneys	Interior End	Brick	American/Common Bond
Chimneys	Exterior End	Stone	Siding
Foundation	Solid/Continuous	No Data	No Data
Porch	Stoop/Deck	No Data	Not Visible
Roof	Cross Gable	Asphalt	No Data
Structural System and Exterior Treatment	Wood Frame	Brick	Stretcher Bond
Structural System and Exterior Treatment	Wood Frame	Vinyl	Veneer
Windows	Double-hung	No Data	No Data

Secondary Resource Information

Secondary Resource #1

Resource Category:	Agriculture/Subsistence
Resource Type:	Barn
NR Resource Type:	Building
Date of Construction:	ca 1965
Date Source:	Site Visit
Historic Time Period:	The New Dominion (1946 - 1991)
Historic Context(s):	Subsistence/Agriculture
Other ID Number:	No Data
Architectural Style:	No discernible style
Form:	No Data
Number of Stories:	1.0
Condition:	Good
Threats to Resource:	None Known
Cultural Affiliations:	Indeterminate
Cultural Affiliation Details:	No Data

Architectural Description:

June 2022: This is a one-story, gable-end-entry barn clad in vertical boards. The front gable roof is covered with standing-seam metal.

Exterior Components

Component	Component Type	Material	Material Treatment
Roof	Front Gable	Metal	No Data
Structural System and Exterior Treatment	Wood Frame	Wood	Vertical Board

Secondary Resource #2

Resource Category:	Agriculture/Subsistence
Resource Type:	Chicken House/Poultry House
NR Resource Type:	Building
Date of Construction:	ca 1965
Date Source:	Site Visit
Historic Time Period:	The New Dominion (1946 - 1991)
Historic Context(s):	Subsistence/Agriculture
Other ID Number:	No Data
Architectural Style:	No discernible style
Form:	No Data
Number of Stories:	1.0
Condition:	Good

Threats to Resource: None Known
Cultural Affiliations: Indeterminate
Cultural Affiliation Details: *No Data*

Architectural Description:

June 2022: This is a one-story, gable-end entry, frame chicken coop composed of wood boards and capped with a front gable roof covered in standing-seam metal.

Exterior Components

Component	Component Type	Material	Material Treatment
Roof	Front Gable	Metal	<i>No Data</i>
Structural System and Exterior Treatment	Wood Frame	Wood	Weatherboard

Secondary Resource #3

Resource Category: Domestic
Resource Type: Garage
NR Resource Type: Building
Date of Construction: ca 2000
Date Source: Site Visit
Historic Time Period: Post Cold War (1992 - Present)
Historic Context(s): Domestic
Other ID Number: *No Data*
Architectural Style: No discernible style
Form: *No Data*
Number of Stories: 1.5
Condition: Good
Threats to Resource: None Known
Cultural Affiliations: Indeterminate
Cultural Affiliation Details: *No Data*

Architectural Description:

June 2022: This is a one-and-a-half story, two-bay, modern garage clad in vinyl siding. The front gable roof is covered with metal sheets.

Exterior Components

Component	Component Type	Material	Material Treatment
Roof	Front Gable	Metal	<i>No Data</i>
Structural System and Exterior Treatment	Wood Frame	Vinyl	Siding

Secondary Resource #4

Resource Category: Social/Recreational
Resource Type: Pool/Swimming Pool
NR Resource Type: Structure
Date of Construction: ca 2000
Date Source: Site Visit
Historic Time Period: Post Cold War (1992 - Present)
Historic Context(s): Recreation/Arts
Other ID Number: *No Data*
Architectural Style: No discernible style
Form: *No Data*
Number of Stories: *No Data*
Condition: Good
Threats to Resource: None Known
Cultural Affiliations: Indeterminate
Cultural Affiliation Details: *No Data*

Architectural Description:

June 2022: This is a modern, above ground vinyl pool.

Secondary Resource #5

Resource Category: Domestic
Resource Type: Shed
NR Resource Type: Building
Date of Construction: ca 1965
Date Source: Site Visit
Historic Time Period: The New Dominion (1946 - 1991)
Historic Context(s): Domestic
Other ID Number: *No Data*
Architectural Style: No discernible style
Form: *No Data*
Number of Stories: 1.0
Condition: Good
Threats to Resource: None Known
Cultural Affiliations: Indeterminate
Cultural Affiliation Details: *No Data*

Architectural Description:

June 2022: Shed #1 is a one-story, frame shed clad in vinyl siding and capped with front gable roof covered with standing-seam metal.

Exterior Components

Component	Component Type	Material	Material Treatment
Roof	Front Gable	Metal	<i>No Data</i>
Structural System and Exterior Treatment	Wood Frame	Wood	Siding

Secondary Resource #6

Resource Category: Domestic
Resource Type: Shed
NR Resource Type: Building
Date of Construction: ca 1965
Date Source: Site Visit
Historic Time Period: The New Dominion (1946 - 1991)
Historic Context(s): Domestic
Other ID Number: *No Data*
Architectural Style: No discernible style
Form: *No Data*
Number of Stories: 1.0
Condition: Good
Threats to Resource: None Known
Cultural Affiliations: Indeterminate
Cultural Affiliation Details: *No Data*

Architectural Description:

June 2022: Shed #2 is a one-story, gable-end-entry frame shed clad in wood siding. The gable roof is covered with metal sheets. There is an interior-end, brick flue.

Exterior Components

Component	Component Type	Material	Material Treatment
Chimneys	Interior End	Brick	American/Common Bond
Roof	Front Gable	Metal	<i>No Data</i>
Structural System and Exterior Treatment	Wood Frame	Wood	Siding

Secondary Resource #7

Resource Category: Domestic
Resource Type: Shed
NR Resource Type: Building

Date of Construction: ca 1965
Date Source: Site Visit
Historic Time Period: The New Dominion (1946 - 1991)
Historic Context(s): Domestic
Other ID Number: *No Data*
Architectural Style: No discernible style
Form: *No Data*
Number of Stories: 1.0
Condition: Good
Threats to Resource: None Known
Cultural Affiliations: Indeterminate
Cultural Affiliation Details: *No Data*

Architectural Description:

June 2022: Shed #3 is a one-story, gable-end entry, masonry shed composed of concrete blocks with wood shingles in the gable end. The front gable roof is covered with metal sheets.

Exterior Components

Component	Component Type	Material	Material Treatment
Roof	Front Gable	Metal	<i>No Data</i>
Structural System and Exterior Treatment	Masonry	Concrete	Block

Secondary Resource #8

Resource Category: Domestic
Resource Type: Shed
NR Resource Type: Building
Date of Construction: ca 1965
Date Source: Site Visit
Historic Time Period: The New Dominion (1946 - 1991)
Historic Context(s): Domestic
Other ID Number: *No Data*
Architectural Style: No discernible style
Form: *No Data*
Number of Stories: 1.0
Condition: Good
Threats to Resource: None Known
Cultural Affiliations: Indeterminate
Cultural Affiliation Details: *No Data*

Architectural Description:

June 2022: Shed #4 is a one-story, frame shed clad in vertical boards and capped with front gable roof covered with metal.

Exterior Components

Component	Component Type	Material	Material Treatment
Roof	Front Gable	Metal	<i>No Data</i>
Structural System and Exterior Treatment	Wood Frame	Wood	Vertical Board

Secondary Resource #9

Resource Category: Domestic
Resource Type: Shed - Vehicle
NR Resource Type: Building
Date of Construction: ca 1965
Date Source: Site Visit
Historic Time Period: The New Dominion (1946 - 1991)
Historic Context(s): Domestic
Other ID Number: *No Data*

Architectural Style: No discernible style
Form: *No Data*
Number of Stories: 1.0
Condition: Good
Threats to Resource: None Known
Cultural Affiliations: Indeterminate
Cultural Affiliation Details: *No Data*
Architectural Description:

June 2022: This is a one-story, two-bay vehicle shed composed of vertical boards. The side gable roof is covered with metal sheets.

Exterior Components

Component	Component Type	Material	Material Treatment
Roof	Side Gable	Metal	<i>No Data</i>
Structural System and Exterior Treatment	Wood Frame	Wood	Vertical Board

Secondary Resource #10

Resource Category: Agriculture/Subsistence
Resource Type: Workshop
NR Resource Type: Building
Date of Construction: ca 1965
Date Source: Site Visit
Historic Time Period: The New Dominion (1946 - 1991)
Historic Context(s): Subsistence/Agriculture
Other ID Number: *No Data*
Architectural Style: No discernible style
Form: *No Data*
Number of Stories: 1.0
Condition: Good
Threats to Resource: None Known
Cultural Affiliations: Indeterminate
Cultural Affiliation Details: *No Data*

Architectural Description:

June 2022: Workshop #1 is a one-story, gable-end entry, frame shed composed of vertical boards. The front gable roof is composed of metal sheets.

Exterior Components

Component	Component Type	Material	Material Treatment
Roof	Front Gable	Metal	<i>No Data</i>
Structural System and Exterior Treatment	Wood Frame	Wood	Vertical Board

Secondary Resource #11

Resource Category: Agriculture/Subsistence
Resource Type: Workshop
NR Resource Type: Building
Date of Construction: ca 1965
Date Source: Site Visit
Historic Time Period: The New Dominion (1946 - 1991)
Historic Context(s): Subsistence/Agriculture
Other ID Number: *No Data*
Architectural Style: No discernible style
Form: *No Data*
Number of Stories: 1.0
Condition: Good
Threats to Resource: None Known

Cultural Affiliations: Indeterminate

Cultural Affiliation Details: No Data

Architectural Description:

June 2022: Workshop #2 is a one-story, frame building clad in a combination of vertical boards and metal siding. The side gable roof is covered with metal siding.

Exterior Components

Component	Component Type	Material	Material Treatment
Roof	Side Gable	Metal	No Data
Structural System and Exterior Treatment	Wood Frame	Wood	Vertical Board

Secondary Resource #12

Resource Category: Agriculture/Subsistence

Resource Type: Workshop

NR Resource Type: Building

Date of Construction: ca 1965

Date Source: Site Visit

Historic Time Period: The New Dominion (1946 - 1991)

Historic Context(s): Subsistence/Agriculture

Other ID Number: No Data

Architectural Style: No discernible style

Form: No Data

Number of Stories: 1.0

Condition: Good

Threats to Resource: None Known

Cultural Affiliations: Indeterminate

Cultural Affiliation Details: No Data

Architectural Description:

June 2022: Workshop #3 is a one-story, frame building clad in board-and-batten siding, capped with a side gable roof covered with metal siding.

Exterior Components

Component	Component Type	Material	Material Treatment
Roof	Side Gable	Metal	No Data
Structural System and Exterior Treatment	Wood Frame	Wood	Board-and-Batten

Secondary Resource #13

Resource Category: Domestic

Resource Type: Mobile Home/Trailer

NR Resource Type: Building

Date of Construction: ca 2000

Date Source: Site Visit

Historic Time Period: Post Cold War (1992 - Present)

Historic Context(s): Domestic

Other ID Number: No Data

Architectural Style: No discernible style

Form: No Data

Number of Stories: 1.0

Condition: Good

Threats to Resource: None Known

Cultural Affiliations: Indeterminate

Cultural Affiliation Details: No Data

Architectural Description:

June 2022: This is a modern, mobile home clad in vinyl siding.

Exterior Components

Component	Component Type	Material	Material Treatment
Roof	Side Gable	Metal	No Data
Structural System and Exterior Treatment	Wood Frame	Vinyl	Siding

Historic District Information

Historic District Name: No Data
Local Historic District Name: No Data
Historic District Significance: No Data

CRM Events

Event Type: Survey:Phase I/Reconnaissance

Project Review File Number: No Data
Investigator: Ben Leatherland
Organization/Company: Hurt & Proffitt
Photographic Media: Digital
Survey Date: 6/20/2022
Dhr Library Report Number: No Data
Project Staff/Notes:
Sarah M. Clarke
Senior Architectural Historian
Hurt & Proffitt
Project Bibliographic Information:
New Kent County Property Search

Bibliographic Information

Bibliography:
New Kent County Property Records
Property Notes:
No Data

Property Information

Property Names

Name Explanation	Name
Function/Location	House, 17800 Polish Town Road

Property Evaluation Status

Property Addresses

Current - 17800 Polish Town Road

County/Independent City(s): New Kent (County)

Incorporated Town(s): *No Data*

Zip Code(s): 23181

Magisterial District(s): *No Data*

Tax Parcel(s): *No Data*

USGS Quad(s): TOANO

Additional Property Information

Architecture Setting: Rural

Acreage: *No Data*

Site Description:

June 2022: The dwelling sits to the north of Polish Town Road at the end of a long, gravel drive. The dwelling is surrounded by large trees and cleared fields.

Surveyor Assessment:

June 2022: H&P recommends that the house at 17800 Polish Town Road is not individually eligible for the NRHP under Criteria A, B, or C; Criterion D is not applicable. The building does not represent any important people or events in history and the design, workmanship, and materials are stock and unremarkable.

Surveyor Recommendation: Recommended Not Eligible

Ownership

Ownership Category	Ownership Entity
Private	<i>No Data</i>

Primary Resource Information

Resource Category: Domestic

Resource Type: Single Dwelling

NR Resource Type: Building

Date of Construction: ca 1945

Date Source: Site Visit

Historic Time Period: World War I to World War II (1917 - 1945)

Historic Context(s): Domestic

Other ID Number: *No Data*

Architectural Style: Colonial Revival

Form: *No Data*

Number of Stories: 1.5

Condition: Good

Threats to Resource: None Known

Cultural Affiliations: Indeterminate

Cultural Affiliation Details: *No Data*

Architectural Description:

June 2022: This is a one-and-a-half masonry dwelling constructed in 1945 c, that is clad in American bond brick. The wood windows are six-over-one with a double-hung sash, three gable dormers pierce the roofline on the façade of the dwelling. The porch stoop has brick steps. There is an exterior-end brick chimney. The side-gable roof is covered with standing-seam metal.

Exterior Components

Component	Component Type	Material	Material Treatment
Chimneys	Exterior End	Brick	American/Common Bond
Dormer	Gable	No Data	No Data
Foundation	Solid/Continuous	No Data	No Data
Porch	Stoop/Deck	No Data	Not Visible
Roof	Side Gable	Metal	No Data
Structural System and Exterior Treatment	Masonry	Brick	American/Common Bond
Windows	Double-hung	Wood	No Data

Secondary Resource Information

Historic District Information

Historic District Name: No Data
Local Historic District Name: No Data
Historic District Significance: No Data

CRM Events

Event Type: Survey:Phase I/Reconnaissance

Project Review File Number: No Data
Investigator: Ben Leatherland
Organization/Company: Hurt & Proffitt
Photographic Media: Digital
Survey Date: 6/20/2022
Dhr Library Report Number: No Data
Project Staff/Notes:
Sarah M. Clarke
Senior Architectural Historian
Hurt & Proffitt
Project Bibliographic Information:
New Kent County Property Search

Bibliographic Information

Bibliography:
New Kent County Property Search
Property Notes:
No Data

Property Information

Property Names

Name Explanation	Name
Current Name	Henrico County Regional Jail East

Property Evaluation Status

Property Addresses

Current - Polish Town Road

County/Independent City(s): New Kent (County)

Incorporated Town(s): *No Data*

Zip Code(s): 23089

Magisterial District(s): *No Data*

Tax Parcel(s): *No Data*

USGS Quad(s): TOANO

Additional Property Information

Architecture Setting: Rural

Acreage: *No Data*

Site Description:

June 2022: The Henrico County Regional Jail sits to the south of Polish Town Road on a large parcel of land. The original jail sits on top of a gently sloping hill, the modern facility sits to the east of the original jail.

Surveyor Assessment:

June 2022: H&P recommends that the Henrico County Regional Jail is not individually eligible for the NRHP under Criteria A, B, or C; Criterion D is not applicable. The building does not represent any important people or events in history and the design, workmanship, and materials are stock and unremarkable.

Surveyor Recommendation: Recommended Not Eligible

Ownership

Ownership Category	Ownership Entity
Local Govt	<i>No Data</i>

Primary Resource Information

Resource Category: Government

Resource Type: Jail

NR Resource Type: Building

Date of Construction: ca 1960

Date Source: Written Data

Historic Time Period: The New Dominion (1946 - 1991)

Historic Context(s): Government/Law/Political

Other ID Number: *No Data*

Architectural Style: No discernible style

Form: *No Data*

Number of Stories: 1.0

Condition: Poor

Threats to Resource: None Known

Cultural Affiliations: Indeterminate

Cultural Affiliation Details: *No Data*

Architectural Description:

June 2022: The Henrico County Regional Jail consists of a collection of buildings that sits to the south of Polish Town Road. Based on topographic maps, it appears that the facility was constructed between 1953 and 1965, and is identified as State Prison Camp #16. The buildings are constructed in a combination of masonry composed of concrete blocks and frame clad in vertical boards, and wood siding. A majority of the buildings sit behind a 12-foot chain link fence. The facility also includes two watch towers, a physical plant, and a greenhouse.

A modern jail facility sits to the southeast of the original mid-twentieth century facility.

Exterior Components

Component	Component Type	Material	Material Treatment
Roof	Side Gable	Asphalt	No Data
Structural System and Exterior Treatment	Masonry	Concrete	Block
Structural System and Exterior Treatment	Wood Frame	Vinyl	Vertical Board

Secondary Resource Information

Historic District Information

Historic District Name: No Data
Local Historic District Name: No Data
Historic District Significance: No Data

CRM Events

Event Type: Survey:Phase I/Reconnaissance

Project Review File Number: No Data
Investigator: Ben Leatherland
Organization/Company: Hurt & Proffitt
Photographic Media: Digital
Survey Date: 6/20/2022
Dhr Library Report Number: No Data
Project Staff/Notes:
Sarah M. Clarke
Senior Architectural Historian
Hurt & Proffitt
Project Bibliographic Information:
New Kent County Property Search

Bibliographic Information

Bibliography:
New Kent County Property Search
Property Notes:
No Data

Property Information

Property Names

Name Explanation	Name
Current Name	Angel View Baptist Church

Property Evaluation Status

Property Addresses

Current - 6911 Angel View Lane

County/Independent City(s): New Kent (County)

Incorporated Town(s): No Data

Zip Code(s): 23089

Magisterial District(s): No Data

Tax Parcel(s): No Data

USGS Quad(s): NEW KENT

Additional Property Information

Architecture Setting: Rural

Acreage: No Data

Site Description:

June 2022: The Angel View Baptist Church sits to the northwest of the intersection of Angel View Lane and Eltham Road. The church sits on a cleared, level lot with a parking lot located to the west of the building. A small shed and a vehicle shed sits to the northwest of the church building. A cemetery is to the rear of the church.

Surveyor Assessment:

June 2022: H&P recommends that the Angel View Baptist Church is not individually eligible for the NRHP under Criteria A, B, or C; Criterion D is not applicable. The building does not represent any important people or events in history and the design, workmanship, and materials are stock and unremarkable.

Surveyor Recommendation: Recommended Not Eligible

Ownership

Ownership Category	Ownership Entity
Private	No Data

Primary Resource Information

Resource Category: Religion

Resource Type: Church/Chapel

NR Resource Type: Building

Date of Construction: 1973

Date Source: Date Stone/Cornerstone

Historic Time Period: The New Dominion (1946 - 1991)

Historic Context(s): Religion

Other ID Number: No Data

Architectural Style: No discernible style

Form: No Data

Number of Stories: 1.0

Condition: Good

Threats to Resource: None Known

Cultural Affiliations: African American

Cultural Affiliation Details: No Data

Architectural Description:

June 2022: The Angel View Baptist Church is a one-story, masonry church composed of concrete blocks that was built in 1973. The vinyl, six-over-six windows have a double-hung sash and brick sills. The porch stoop has brick steps with a wrought-iron railing. The cross-gable roof is covered with asphalt shingles. According to the church's website the congregation was founded in 1887 and the current 1973 building has been

added onto twice.

Exterior Components

Component	Component Type	Material	Material Treatment
Roof	Side Gable	Asphalt	<i>No Data</i>
Structural System and Exterior Treatment	Masonry	Concrete	Block
Windows	Double-hung	<i>No Data</i>	<i>No Data</i>

Secondary Resource Information

Secondary Resource #1

Resource Category:	Domestic
Resource Type:	Shed
NR Resource Type:	Building
Date of Construction:	ca 1975
Date Source:	Site Visit
Historic Time Period:	The New Dominion (1946 - 1991)
Historic Context(s):	Domestic
Other ID Number:	<i>No Data</i>
Architectural Style:	No discernible style
Form:	<i>No Data</i>
Number of Stories:	1.0
Condition:	Good
Threats to Resource:	None Known
Cultural Affiliations:	African American
Cultural Affiliation Details:	<i>No Data</i>

Architectural Description:

June 2022: This is a one-story, gable-end-entry, masonry shed composed of concrete blocks and capped with a roof of standing-seam metal.

Exterior Components

Component	Component Type	Material	Material Treatment
Roof	Front Gable	Metal	<i>No Data</i>
Structural System and Exterior Treatment	Masonry	Concrete	Block

Secondary Resource #2

Resource Category:	Domestic
Resource Type:	Shed - Vehicle
NR Resource Type:	Building
Date of Construction:	ca 2000
Date Source:	Site Visit
Historic Time Period:	Post Cold War (1992 - Present)
Historic Context(s):	Domestic
Other ID Number:	<i>No Data</i>
Architectural Style:	No discernible style
Form:	<i>No Data</i>
Number of Stories:	1.0
Condition:	Good
Threats to Resource:	None Known
Cultural Affiliations:	African American
Cultural Affiliation Details:	<i>No Data</i>

Architectural Description:

June 2022: This is a one-story, one-bay, modern vehicle pole shed.

Exterior Components

Component	Component Type	Material	Material Treatment
Roof	Front Gable	Metal	No Data

Secondary Resource #3

Resource Category:	Funerary
Resource Type:	Cemetery
NR Resource Type:	Site
Date of Construction:	ca 1919
Date Source:	Site Visit
Historic Time Period:	World War I to World War II (1917 - 1945)
Historic Context(s):	Funerary
Other ID Number:	No Data
Architectural Style:	No discernible style
Form:	No Data
Number of Stories:	No Data
Condition:	Good
Threats to Resource:	None Known
Cultural Affiliations:	African American
Cultural Affiliation Details:	No Data

Architectural Description:

June 2022: The cemetery contains a combination of modern, granite markers, concrete copings, and stone headers and footers.

Cemetery Information

Current Use:	Religious
Historic Religious Affiliation:	Baptist
Ethnic Affiliation:	African Descent
Has Marked Graves:	Yes
Has Unmarked Graves:	Yes
Enclosure Type:	None
Number Of Gravestones:	26 - 50
Earliest Marked Death Year:	1919
Latest Marked Death Year:	2005

Historic District Information

Historic District Name:	No Data
Local Historic District Name:	No Data
Historic District Significance:	No Data

CRM Events

Event Type: Survey:Phase I/Reconnaissance

Project Review File Number:	No Data
Investigator:	Ben Leatherland
Organization/Company:	Hurt & Proffitt
Photographic Media:	Digital
Survey Date:	6/20/2022
Dhr Library Report Number:	No Data
Project Staff/Notes:	Sarah M. Clarke

Senior Architectural Historian
Hurt & Proffitt

Project Bibliographic Information:

New Kent County Property Search

Bibliographic Information

Bibliography:

New Kent County Property Search

Property Notes:

No Data

APPENDIX E
ENVIRONMENTAL PROTECTED RESOURCE ASSESSMENT



ENVIRONMENTAL PROTECTED RESOURCES ASSESSMENT

Polish Town Road – New Kent – VA DG
Barhamsville, New Kent County, Virginia
LaBella Project No. 2222419

Prepared For: Polish Town Solar 1, LLC
55 Technology Drive, Suite 102
Lowell, Massachusetts 01851
Mr. Quentin Wood, PE
978-513-2605
qwood@newleafenergy.com

Prepared By: LaBella Associates, D.P.C.
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Date: October 2023



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1.0 INTRODUCTION

Polish Town Solar 1, LLC (Client) retained LaBella Associates, D.P.C. (LaBella) to perform an environmental protected resources assessment (EPRA), which included evaluating the potential for threatened and endangered (T&E) species and their associated habitats to occur in the Polish Town Rd - New Kent - VA DG project (Project). As part of the EPRA, LaBella performed a Colonial Waterbird Rookery Survey for the Project. Polish Town Solar 1, LLC plans to construct a solar facility along the north side of Polish Town Road in New Kent County, Virginia (Project Site). For the purposes of the habitat evaluation and survey, the Study Area included the proposed Project Site limits as well as a 100-foot buffer as a conservative effort to obtain additional clearance outside of the Project Site limits. The Project Site is defined as an approximately 41-acre area consisting of forest communities and utility right-of-ways (ROWS), in Barhamsville, New Kent County, Virginia. Please refer to Appendix A, Figure 1 for the Project Site location and boundary. The geographic coordinates of the approximate Project Site center are: 37.498239 (Latitude), -76.850597 (Longitude) (NAD83).

2.0 FEDERAL AND STATE PROTECTED SPECIES

2.1 United States Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC):

An Information for Planning and Consultation (IPaC) Beta review was conducted through the USFWS database to evaluate documented occurrences or potential habitat for federally listed species on or surrounding the subject site. According to USFWS, three species and no critical habitats were identified on the Beta Official Species List ([OSL], Appendix A) as having the potential to occur at or surrounding the project site (USFWS, 2023a).

Federally Endangered Northern Long-eared Bat (*Myotis septentrionalis*)

According to the USFWS Species Fact Sheet (2023c), the male bat prefers large caves and abandoned mines during the winter and summer. Female bats prefer caves and mines during the winter and summer. Maternity colonies are located in riparian forests along streams. It is also known that this bat species generally roosts in trees greater than three inches in diameter at breast height (dbh) that are found on south-facing slopes and have exfoliating bark or snags during the summer months.

The USFWS classified the northern long-eared bat (NLEB) as endangered under the Endangered Species Act (ESA), initially effective on January 30, 2023, however, the final rule release was delayed 60 days to March 31, 2023. The USFWS previously implemented a standardized process through a General Programmatic Biological Opinion (PBO) for projects to navigate allowable incidental take more efficiently under the 4(d) rule for this species. As of March 31, 2023, the 4(d) rule and General PBO have been superseded by Interim



Consultation Framework for the Northern Long-eared Bat (USFWS, 2023d). The Interim Consultation Framework provides the steps to complete formal section 7 consultation, provided the federal actions (i.e., fund, authorize, permit, or otherwise carry out) are consistent with the former 4(d) rule. Activities that do not comply with the conditions and requirements of the former 4(d) rule must obtain separate consultation. These activities include:

- a. Activities that result in the disturbance or disruption of northern long-eared bats in their hibernacula during hibernation,
- b. Activities that result in the physical or other alteration of a hibernaculum's entrance or environment during any time of the year,
- c. If it results in tree removal activities within ¼-mile of known hibernaculum at any time of year,
- d. The activity cuts or destroys a known, occupied maternity roost tree or other trees within a 150- foot radius from the maternity roost tree during the pup season from June 1 through July 31.

The Study Area is located in the town of Barhamsville, Pulaski County, Virginia. The Study Area is not within ¼-mile of known hibernacula or within 150-feet of a known maternity roost nest tree. Please refer to Section 2.1.1 below for additional discussions regarding these observations and habitat.

To determine potential project impacts and environmental permitting process more accurately, LaBella ran the Project through the USFWS IPaC Beta Website (2023a) which allows users to informally test the determination key (D-key) for NLEB without initiating consultation with USFWS. Based on the current project design the D-key reached a determination of “may affect, but not likely to adversely affect” ([NLAA], Appendix A). The “NLAA” determination was produced by assuming a voluntary time of year restriction (TOYR) of tree clearing. The NLAA determination indicates additional coordination with USFWS would be required to determine if USFWS would require a survey (acoustic, absence/presence, emergence) as part of Section 7 Consultation and compliance.

Proposed Federally Endangered Tricolored Bat (*Perimyotis subflavus*)

According to the USWFS Species Fact Sheet (2023d), Tricolored bats have a wide range stretching from eastern to central United States and portions of southern Canada, south to Mexico and Central America. In winter months, Tricolored bats roost and hibernate in caves and mines, however where caves are sparse as in the southern United States, Tricolored bats roost in road-associated culverts. During the remainder of the year, Tricolored bats inhabit forested habitats, roosting among leaves. At this time, the species is listed as *Proposed Species* with no Section 7 requirements. A proposed ruling for the Tricolored bat will be



released by USFWS on September 23, 2023. A “proposed endangered” listing does not qualify a species under Section 7 requirements, but there is the potential USFWS and/or DWR could request a bat survey and/or TOYR in the future.

Candidate Species Monarch Butterfly (*Danaus plexippus*)

The Monarch butterfly prefers a variety of habitats throughout the United States. In North America, the eastern population migrates north to the United States and Canada in March and migrate back to overwintering sites in Mexico from August to November during fall migration. They require milkweed (*Asclepias* spp.) for breeding and are often observed in open grass areas during their breeding season, but they utilize a variety of habitats ranging from mature forests to open fields throughout their lifespan (USFWS, 2023c). The Monarch butterfly is being considered as a federally listed species under the ESA. At this time, the species is listed as a *Candidate Species* with no Section 7 requirements. It is not anticipated additional studies will be needed for this listing unless the species’ status changes to threatened or endangered.

2.2 Department of Wildlife Resources (DWR) Webservices

The Department of Wildlife Resources (DWR), formerly known as the Department of Game and Inland Fisheries (DGIF), operates multiple mapping tools for state and/or federally listed species. Below is a description of the databases searched for the purposes of this study.

2.1.1 Virginia Fish and Wildlife Information Services (VAFWIS)

LaBella conducted a search of the DWR VAFWIS database to evaluate documented occurrences of listed threatened and endangered species within a two-mile radius of the Study Area. According to VAFWIS, no state-listed threatened or endangered species are identified within a 2-mile radius of the Study Area, however, the Pamunkey River, a T&E water is located approximately 1.5-miles from the Study Area (Appendix A; Figure 1). The Project will not impact or affect the Pamunkey River as the Project Site and Pamunkey River are separated by roadways and forests.

2.1.2 Northern Long-Eared Bat (*Myotis septentrionalis*) Habitat and Roost Trees

A review of the Northern Long-Eared Bat (NLEB) Habitat and Roost Trees Data Explorer database was reviewed to evaluate if documented occurrences or potential habitat for the federally threatened NLEB are within the project boundaries. The review identified the Study Area is not located within 150-feet of a known occupied maternity roost or within 1/4-mile of a known NLEB hibernaculum (Appendix A; Figure 2).



2.1.3 Little Brown Bat (*Myotis lucifugus* – MYLU) and Tri-colored Bat (*Perimyotis subflavus* – PESU)

A review of the Little Brown Bat (MYLU)/Tri-colored Bat (PESU) Habitat Data Explorer database was reviewed to evaluate if documented occurrences or potential habitat for the state endangered species are within the project boundaries. The review identified the Study Area is not located within the 1/2-mile or 5.5-mile hibernaculum buffer zones (Appendix A; Figure 3).

2.1.4 Colonial Waterbird

A review of the Colonial Waterbird database was reviewed to evaluate if documented observations are within the Study Area or within a 1/2-mile buffer which is DWR's trigger buffer to request additional information and/or surveys. The review identified a Great Blue Heron (GBHE, *Ardea herodias*) observation approximately 1.0 mile to the southeast of the Project Site (Appendix A, Figure 4). At the request of the Client, LaBella conducted a Colonial Waterbird Survey for the Project Site for potential evidence of all colonial waterbirds, but specifically focused on the GBHE. Based on the survey results presented in the Colonial Waterbird Rookery Survey Report (Appendix C, [LaBella Associates, 2023]) no GBHE observations (nests, tracks, calls) were documented throughout the Study Area during the survey.

2.3 Coastal Avian Protection Zone (CAPZ)

The Coastal Avian Protection Zone (CAPZ) map was created by the Center for Conservation Biology at the College of William and Mary and Virginia Commonwealth University (VCU), the Department of Wildlife Resources (DWR), the Virginia Coastal Zone Management Program (CZM) and the Virginia Department of Conservation and Recreation–Natural Heritage Program (DCR-NH) to assist small renewable energy project applicants in identifying zones that are critically important for avian resources. The map is intended to be utilized for informational purposes only.

There are fourteen CAP zones in the Commonwealth of Virginia. If a project qualifies for Solar Permit By Rule (PBR), The Solar PBR requires projects located in part or in whole within zones 1, 2, 3, 4, 5, 10, 11, 12, or 14 on the CAPZ map shall contribute \$1000 per megawatt of rated capacity, or partial megawatt thereof, to a fund in support of research investigating impacts of projects in CAPZ on avian resources. The Study Area falls within Zone 11, mapped as an area of regional importance for birds (Appendix A; Figure 5). Zone 11 includes the lower reaches of the Mattaponi and Pamunkey tributaries. The zone encompasses lands and waters that have been designated as "Important Bird Areas" by the National Audubon Society for their local, regional, continental, or global importance to birds and potential breeding bald eagles (DEQ, 2012).



2.4 The Center for Conservation Biology Bald Eagle Mapper

The Center for Conservation Biology's (CCB) mapping tool was utilized to evaluate if bald eagle roosts and/or nests are located within close proximity of the Study Area (Appendix A; Figure 6). There are two buffers associated with Bald Eagle nests: (1) 330-foot buffer which is the "primary buffer" where human activities are considered to be detrimental to breeding pairs; and (2) 660-foot buffer which is the "secondary buffer" where human activities are considered to impact the integrity of the primary buffer. The Study Area does not fall within a bald eagle nest or roost buffer zone.

2.5 Virginia Department of Conservation and Recreation (DCR) Natural Heritage Data Explorer

DCR manages the Virginia Natural Heritage Data Explorer which identifies areas such as Stream Conservation Units (SCU) and Conserved Land that is considered protected Commonwealth Land under DCR's jurisdiction. A review of the Virginia Natural Heritage Data Explorer database shows three Natural Heritage Conservation Sites and no SCU within a 2-mile radius of the Study Area. The resources within the two-mile radius include Lee Marsh, Warreneye (Wahrani) Nature Trail, and Pamunkey River – Big Island to Lee Marsh Stream Conservation Site (SCS).

The Lee Marsh site is located approximately 1.57 miles north of the Study Area. This "high priority" conservation site delineates an area that provides habitat and buffer for one or more natural heritage resources (rare plants, animals, animal assemblages, significant natural community or geologic features). Impacts to this Conservation Site as a result of the proposed project are unlikely as the Study Area and Conservation Site are separated by several roadways and the Pamunkey River. The Conservation Site does not extend onto the Study Area (Appendix A).

The Study Area is located within the Warreneye (recently renamed Wahrani) Nature Trail Conservation Site. This site is delineated as area that provides habitat and a buffer for one or more natural heritage resources. Impacts to this Conservation Site as a result of the proposed project may occur. Further consultation with DCR is recommended to determine if the proposed project will have an impact on the Conservation Site.

The Pamunkey River – Big Island to Lee Marsh SCS is located approximately 0.39-miles north of the Study Area. This conservation site delineates stream reaches and adjacent areas that provides and support habitat for one or more natural heritage resources. Impacts to this Conservation Site as a result of the proposed project are unlikely as the Study Area and Conservation Site are separated by roadways and the Conservation Site does not extend onto the Study Area.



3.0 PRIME FARMLAND AND SOILS

The Soil Survey of New Kent County, Natural Resources Conservation Services (NRCS, 2019) Web Soil Survey Farmland Classification indicates there are six soil map units within the Study Area, five of which are rated as prime farmland or farmland of statewide importance as outlined in Table 1 below.

Table 1. Farmland Classification within the Study Area

NRCS Soil Map Unit	Map Unit Symbol	Farmland Rating	Acres in Study Area
Caroline-Emporia complex, 2 to 6 percent slopes	7B	All areas are prime farmland	9.7
Craven loam, 6 to 10 percent slopes	10C	Farmland of statewide importance	4.6
Craven-Caroline complex, 2 to 6 percent slopes	11B	All areas are prime farmland	1.6
Nevarc-Remlik complex, 6 to 15 percent slopes	26D	Farmland of statewide importance	8.8
Nevarc-Remlik complex, 25 to 60 percent slopes	26F	Not prime farmland	10.7
Slagle-Emporia complex, 2 to 6 percent slopes	34B	All areas are prime farmland	5.9

Source: USDA, NRCS, 2019; Soil Survey Staff 2019

The Farmland Classification ratings outlined in Table 1 and the Web Soil Survey map provided in Appendix B, indicates approximately 10.7 acres of the Study Area is not considered prime farmland. However, the remaining 30.5 acres is rated as prime farmland or farmland of statewide importance as detailed above.

Prime farmlands as defined in Agriculture (43 Code of Federal Regulations [C.F.R.] § 657.5, 1978) as land that has the best combination of physical and chemical characteristics to producing food, feed, forage, fiber, and oil seed crops, and is also available for uses such as cropland, pastureland, rangeland, forest land, or other land, but not urban land built-up land or water. Farmland of statewide importance is defined as lands important to the production of food, feed, fiber, forage, and oil seed crops (43 C.F.R. § 657.5, 1978).

Currently the state of Virginia does not regulate ground-mounted solar development on prime farmlands. However, local or county zoning ordinances should be reviewed prior to development to ensure local regulations and requirements are followed.

4.0 SUMMARY

Review of DWR Webservices and the IPaC OSL indicated there is a potential for one federally endangered species, one federal candidate species, one state endangered/federally



proposed endangered species to occur within the Study Area, which are provided in Table 2 below.

Table 2. Species Summary

Species Name	Federal/ State Status	Suitable Habitat Present (Y/N?)	Regulatory Agency	Permitting Requirements
Mammals				
Northern long-eared bat (<i>Myotis septentrionalis</i>)	FE/ST	Y	USFWS/DWR	Potential for bat survey and/or TOYR.
Tri-colored bat (<i>Perimyotis subflavus</i>)	SE/ Proposed FE	Y	DWR	Potential for bat survey and/or TOYR if listed as FE in Fall 2023.
Insects				
Monarch butterfly (<i>Danaus plexippus</i>)	FC	Y	USFWS	Currently no permitting requirements for this species.

Notes: FC, federal candidate; FE, federally endangered; SE, state endangered; ST, state threatened.

Based on the IPaC OSL and D-key, there is potential USFWS will impose surveys or TOYR for NLEB due to suitable roosting habitat present in the Study Area. Based on the current project design the D-key reached a determination of “NLAA”. The “NLAA” determination was obtained by agreeing to TOYR for tree clearing. However, consultation with USFWS is still required in order to obtain a concurrence letter based on the D-key results.

Tricolored bat may be listed as federally endangered in Fall 2023. At such time, USFWS may request a bat survey or mitigation, such as a TOYR, due to potential suitable habitat present within the Study Area. Currently, the “proposed endangered” listed does not subject a species to Section 7 requirements.

Five of the six mapped soil units are considered prime farmland or farmland of statewide importance. Currently, Virginia does not regulate ground-mounted solar development on prime farmlands. However, local or county zoning ordinances may regulate the development of solar projects depending on existing zoning for the project site.

5.0 SIGNATURE OF ENVIRONMENTAL PROFESSIONALS

We appreciate the opportunity to serve your professional environmental needs. If you have any questions, please do not hesitate to contact Branson Mauck at 804-513-5052



Report Prepared By:

Branson Mauck, CE, PWS
Environmental Manager



6.0 REFERENCES

- CFR. 1978. Code of Federal Regulations, Title 7: Agriculture; Regulations of the Department of Agriculture, Natural Resources Conservation Service, Department of Agriculture, Support Activities, Prime and Unique Farmlands.
- Center for Conservation Biology. 2022. CCB Mapping Tool for Virginia Eagle Nest Locator. Available at: <https://ccbbirds.org/maps/>. Accessed October 2023.
- Department of Environmental Quality (DEQ) Coastal Avian Protection Zones (CAPZ). 2012. Available from: <https://gaia.vcu.edu/GemsMap/>. Accessed October 26, 2023.
- LaBella Associates, D.P.C. 2023. Colonial Waterbird Rookery Survey Report. Polish Town Rd – New Kent – VA DG. Barhamsville, New Kent County, Virginia. June 2022; Revised June 2023.
- Soil Survey Staff. 2019. Web Soil Survey. United States Department of Agriculture Natural Resource Conservation Service. Available at: <https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>
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- U.S. Fish and Wildlife Service (USFWS). 2023a. Information for Planning and Consultation (IPaC) Beta. Available at: <https://ipacb.ecosphere.fws.gov/>. Accessed October 2023.
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- Virginia DWR. 2020. Northern Long-eared Bat. Virginia Department of Wildlife Resources. Available at: <https://dwr.virginia.gov/wildlife/information/northern-long-eared-bat/>. Accessed October 2023.
- Virginia DWR. 2023. Tri-colored Bat. Virginia Department of Wildlife Resources. Available at: <https://dwr.virginia.gov/wildlife/information/tri-colored-bat/>. Accessed October 2023.



Virginia Department of Game and Inland Fisheries Northern Long Eared Bat Winter Habitat & Roost Tree Application. Available at:
<https://www.arcgis.com/apps/webappviewer/index.html?id=32ea4ee4935942c092e41ddcd19e5ec5>. Accessed October 2023.

Virginia Department of Game and Inland Fisheries *Little Brown Bat (Myotis lucifugus – MYLU) and Tri-colored Bat (Perimyotis subflavus – PESU)* Application. Available at:
<https://dgif-virginia.maps.arcgis.com/apps/webappviewer/index.html?id=15cf32b9c82b426fb6be47b6c8d5b624>. Accessed October 2023.

APPENDIX A

THREATENED AND ENDANGERED (T&E) SPECIES REVIEW



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Virginia Ecological Services Field Office
6669 Short Lane
Gloucester, VA 23061-4410
Phone: (804) 693-6694 Fax: (804) 693-9032



In Reply Refer To:
Project Code: 2024-0010325
Project Name: Polish Town Road

October 30, 2023

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*). Any activity proposed on National Wildlife Refuge lands must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf>

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts, see <https://www.fws.gov/program/migratory-bird-permit/what-we-do>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures, see <https://www.fws.gov/library/collections/threats-birds>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/partner/council-conservation-migratory-birds>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Project Code in the header of this

letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Bald & Golden Eagles
- Migratory Birds

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Virginia Ecological Services Field Office

6669 Short Lane

Gloucester, VA 23061-4410

(804) 693-6694

PROJECT SUMMARY

Project Code: 2024-0010325

Project Name: Polish Town Road

Project Type: Power Gen - Solar

Project Description: Proposed ground mounted solar array.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@37.49880305000001,-76.86191884459251,14z>



Counties: New Kent County, Virginia

ENDANGERED SPECIES ACT SPECIES

There is a total of 3 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

MAMMALS

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Endangered
Tricolored Bat <i>Perimyotis subflavus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10515	Proposed Endangered

INSECTS

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

USFWS NATIONAL WILDLIFE REFUGE LANDS AND FISH HATCHERIES

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

BALD & GOLDEN EAGLES

Bald and golden eagles are protected under the Bald and Golden Eagle Protection Act¹ and the Migratory Bird Treaty Act².

Any person or organization who plans or conducts activities that may result in impacts to bald or golden eagles, or their habitats³, should follow appropriate regulations and consider implementing appropriate conservation measures, as described below.

-
1. The [Bald and Golden Eagle Protection Act](#) of 1940.
 2. The [Migratory Birds Treaty Act](#) of 1918.
 3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

There are bald and/or golden eagles in your project area.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Oct 15 to Aug 31

PROBABILITY OF PRESENCE SUMMARY

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read the supplemental information and specifically the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Green bars; the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during that week of the year.

Breeding Season (■)

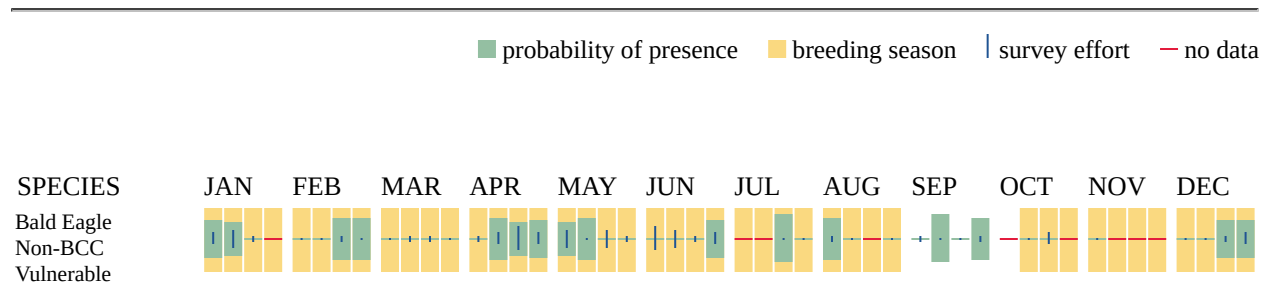
Yellow bars; liberal estimate of the timeframe inside which the bird breeds across its entire range.

Survey Effort (|)

Vertical black lines; the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

No Data (—)

A week is marked as having no data if there were no survey events for that week.



Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incident-take-migratory-birds>
- Nationwide conservation measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>
- Supplemental Information for Migratory Birds and Eagles in IPaC <https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

MIGRATORY BIRDS

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats³ should follow appropriate regulations and consider implementing appropriate conservation measures, as described below.

-
1. The [Migratory Birds Treaty Act](#) of 1918.
 2. The [Bald and Golden Eagle Protection Act](#) of 1940.

3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Oct 15 to Aug 31
Chimney Swift <i>Chaetura pelagica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9406	Breeds Mar 15 to Aug 25
Eastern Whip-poor-will <i>Antrostomus vociferus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/10678	Breeds May 1 to Aug 20
King Rail <i>Rallus elegans</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/8936	Breeds May 1 to Sep 5
Prairie Warbler <i>Dendroica discolor</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9513	Breeds May 1 to Jul 31
Prothonotary Warbler <i>Protonotaria citrea</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9439	Breeds Apr 1 to Jul 31
Red-headed Woodpecker <i>Melanerpes erythrocephalus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9398	Breeds May 10 to Sep 10
Rusty Blackbird <i>Euphagus carolinus</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/9478	Breeds elsewhere

NAME	BREEDING SEASON
Wood Thrush <i>Hylocichla mustelina</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9431	Breeds May 10 to Aug 31

PROBABILITY OF PRESENCE SUMMARY

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read the supplemental information and specifically the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Green bars; the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during that week of the year.

Breeding Season (■)

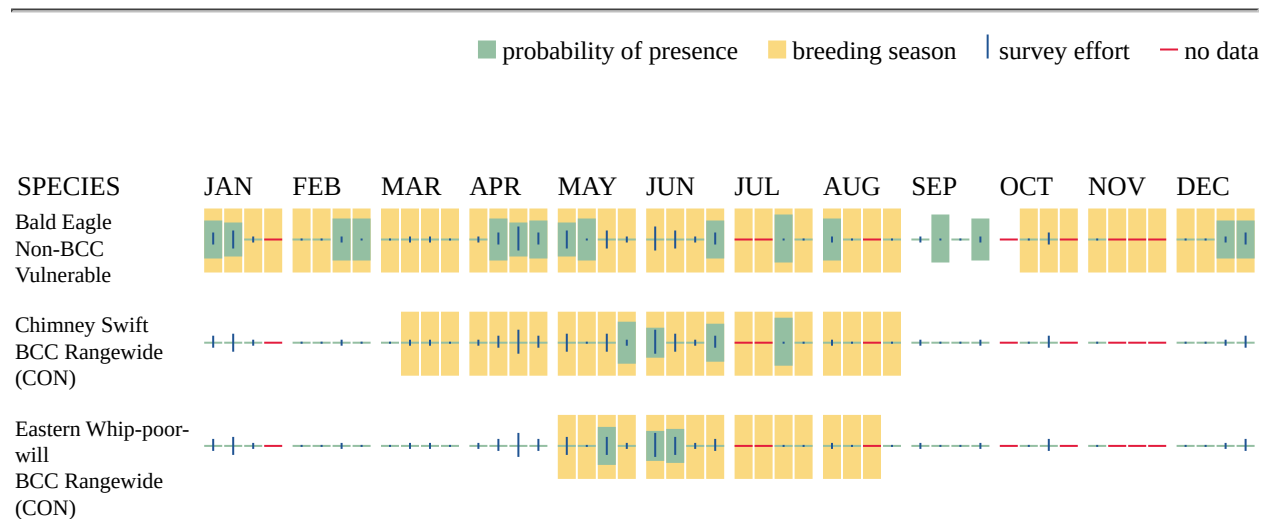
Yellow bars; liberal estimate of the timeframe inside which the bird breeds across its entire range.

Survey Effort (|)

Vertical black lines; the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

No Data (—)

A week is marked as having no data if there were no survey events for that week.





Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds>
- Nationwide conservation measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>
- Supplemental Information for Migratory Birds and Eagles in IPaC <https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

IPAC USER CONTACT INFORMATION

Agency: LaBella Associates
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United States Department of the Interior

FISH AND WILDLIFE SERVICE
Virginia Ecological Services Field Office
6669 Short Lane
Gloucester, VA 23061-4410
Phone: (804) 693-6694 Fax: (804) 693-9032



In Reply Refer To:
Project code: 2024-0010325
Project Name: Polish Town Road

October 30, 2023

Federal Nexus: yes
Federal Action Agency (if applicable): Army Corps of Engineers

Subject: Technical assistance for 'Polish Town Road'

Dear Branson Mauck:

This letter records your determination using the Information for Planning and Consultation (IPaC) system provided to the U.S. Fish and Wildlife Service (Service) on October 30, 2023, for 'Polish Town Road' (here forward, Project). This project has been assigned Project Code 2024-0010325 and all future correspondence should clearly reference this number. **Please carefully review this letter. Your Endangered Species Act (Act) requirements are not complete.**

Ensuring Accurate Determinations When Using IPaC

The Service developed the IPaC system and associated species' determination keys in accordance with the Endangered Species Act of 1973 (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and based on a standing analysis. All information submitted by the Project proponent into IPaC must accurately represent the full scope and details of the Project.

Failure to accurately represent or implement the Project as detailed in IPaC or the Northern Long-eared Bat Rangewide Determination Key (Dkey), invalidates this letter. ***Answers to certain questions in the DKey commit the project proponent to implementation of conservation measures that must be followed for the ESA determination to remain valid.***

Determination for the Northern Long-Eared Bat

Based upon your IPaC submission and a standing analysis, your project is not reasonably certain to cause incidental take of the northern long-eared bat. Unless the Service advises you within 15 days of the date of this letter that your IPaC-assisted determination was incorrect, this letter verifies that the Action is not likely to result in unauthorized take of the northern long-eared bat.

Other Species and Critical Habitat that May be Present in the Action Area

The IPaC-assisted determination for the northern long-eared bat does not apply to the following ESA-protected species and/or critical habitat that also may occur in your Action area:

- Monarch Butterfly *Danaus plexippus* Candidate
- Tricolored Bat *Perimyotis subflavus* Proposed Endangered

You may coordinate with our Office to determine whether the Action may cause prohibited take of the animal species listed above. Note that if a new species is listed that may be affected by the identified action before it is complete, additional review is recommended to ensure compliance with the Endangered Species Act.

Next Step

Consultation with the Service is necessary. The project has a federal nexus (e.g., Federal funds, permit, etc.), but you are not the federal action agency or its designated (in writing) non-federal representative. Therefore, the ESA consultation status is incomplete and no project activities should occur until consultation between the Service and the Federal action agency (or designated non-federal representative), is completed.

As the federal agency or designated non-federal representative deems appropriate, they should submit their determination of effects to the Service by doing the following.

1. Log into IPaC using an agency email account and click on My Projects, click "Search by record locator" to find this Project using **109-133942096**. (Alternatively, the originator of the project in IPaC can add the agency representative to the project by using the Add Member button on the project home page.)
2. Review the answers to the Northern Long-eared Bat Range-wide Determination Key to ensure that they are accurate.
3. Click on Review/Finalize to convert the 'not likely to adversely affect' consistency letter to a concurrence letter. Download the concurrence letter for your files if needed.

If no changes occur with the Project or there are no updates on listed species, no further consultation/coordination for this project is required for the northern long-eared bat. However, the Service recommends that project proponents re-evaluate the Project in IPaC if: 1) the scope, timing, duration, or location of the Project changes (includes any project changes or amendments); 2) new information reveals the Project may impact (positively or negatively) federally listed species or designated critical habitat; or 3) a new species is listed, or critical habitat designated. If any of the above conditions occurs, additional coordination with the Service should take place before project implements any changes which are final or commits additional resources.

If you have any questions regarding this letter or need further assistance, please contact the Virginia Ecological Services Field Office and reference Project Code 2024-0010325 associated with this Project.

Action Description

You provided to IPaC the following name and description for the subject Action.

1. Name

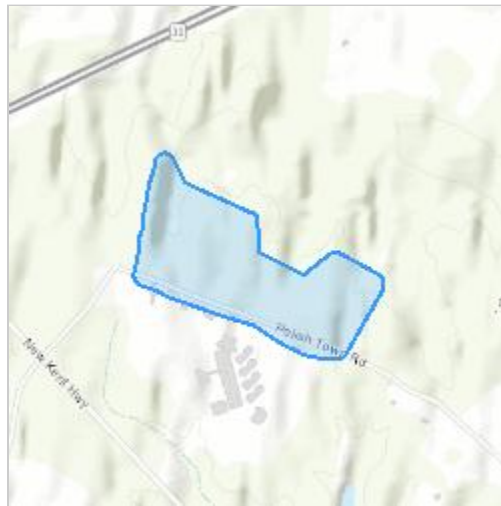
Polish Town Road

2. Description

The following description was provided for the project 'Polish Town Road':

Proposed ground mounted solar array.

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@37.49880305000001,-76.86191884459251,14z>



DETERMINATION KEY RESULT

Based on the answers provided, the proposed Action is consistent with a determination of “may affect, but not likely to adversely affect” for the Endangered northern long-eared bat (*Myotis septentrionalis*).

QUALIFICATION INTERVIEW

1. Does the proposed project include, or is it reasonably certain to cause, intentional take of the northern long-eared bat or any other listed species?

Note: Intentional take is defined as take that is the intended result of a project. Intentional take could refer to research, direct species management, surveys, and/or studies that include intentional handling/encountering, harassment, collection, or capturing of any individual of a federally listed threatened, endangered or proposed species?

No

2. The action area does not overlap with an area for which U.S. Fish and Wildlife Service currently has data to support the presumption that the northern long-eared bat is present. Are you aware of other data that indicates that northern long-eared bats (NLEB) are likely to be present in the action area?

Bat occurrence data may include identification of NLEBs in hibernacula, capture of NLEBs, tracking of NLEBs to roost trees, or confirmed NLEB acoustic detections. Data on captures, roost tree use, and acoustic detections should post-date the year when white-nose syndrome was detected in the relevant state. With this question, we are looking for data that, for some reason, may have not yet been made available to U.S. Fish and Wildlife Service.

No

3. Does any component of the action involve construction or operation of wind turbines?

Note: For federal actions, answer ‘yes’ if the construction or operation of wind power facilities is either (1) part of the federal action or (2) would not occur but for a federal agency action (federal permit, funding, etc.).

No

4. Is the proposed action authorized, permitted, licensed, funded, or being carried out by a Federal agency in whole or in part?

Yes

5. Is the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), or Federal Transit Administration (FTA) funding or authorizing the proposed action, in whole or in part?

No

6. Are you an employee of the federal action agency or have you been officially designated in writing by the agency as its designated non-federal representative for the purposes of Endangered Species Act Section 7 informal consultation per 50 CFR § 402.08?

Note: This key may be used for federal actions and for non-federal actions to facilitate section 7 consultation and to help determine whether an incidental take permit may be needed, respectively. This question is for information purposes only.

No

7. Is the lead federal action agency the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC)? Is the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC) funding or authorizing the proposed action, in whole or in part?

No

8. Is the lead federal action agency the Federal Energy Regulatory Commission (FERC)?

No

9. Have you determined that your proposed action will have no effect on the northern long-eared bat? Remember to consider the [effects of any activities](#) that would not occur but for the proposed action.

If you think that the northern long-eared bat may be affected by your project or if you would like assistance in deciding, answer “No” below and continue through the key. If you have determined that the northern long-eared bat does not occur in your project’s action area and/or that your project will have no effects whatsoever on the species despite the potential for it to occur in the action area, you may make a “no effect” determination for the northern long-eared bat.

Note: Federal agencies (or their designated non-federal representatives) must consult with USFWS on federal agency actions that may affect listed species [50 CFR 402.14(a)]. Consultation is not required for actions that will not affect listed species or critical habitat. Therefore, this determination key will not provide a consistency or verification letter for actions that will not affect listed species. If you believe that the northern long-eared bat may be affected by your project or if you would like assistance in deciding, please answer “No” and continue through the key. Remember that this key addresses only effects to the northern long-eared bat. Consultation with USFWS would be required if your action may affect another listed species or critical habitat. The definition of [Effects of the Action](#) can be found here: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

No

10. [Semantic] Is the action area located within 0.5 miles of a known northern long-eared bat hibernaculum?

Note: The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your State wildlife agency.

Automatically answered

No

11. Does the action area contain any caves (or associated sinkholes, fissures, or other karst features), mines, rocky outcroppings, or tunnels that could provide habitat for hibernating northern long-eared bats?

No

12. Is suitable summer habitat for the northern long-eared bat present within 1000 feet of project activities?
(If unsure, answer "Yes.")

Note: If there are trees within the action area that are of a sufficient size to be potential roosts for bats (i.e., live trees and/or snags ≥ 3 inches (12.7 centimeter) dbh), answer "Yes". If unsure, additional information defining suitable summer habitat for the northern long-eared bat can be found at: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

Yes

13. Will the action cause effects to a bridge?

No

14. Will the action result in effects to a culvert or tunnel?

No

15. Does the action include the intentional exclusion of northern long-eared bats from a building or structure?

Note: Exclusion is conducted to deny bats' entry or reentry into a building. To be effective and to avoid harming bats, it should be done according to established standards. If your action includes bat exclusion and you are unsure whether northern long-eared bats are present, answer "Yes." Answer "No" if there are no signs of bat use in the building/structure. If unsure, contact your local U.S. Fish and Wildlife Services Ecological Services Field Office to help assess whether northern long-eared bats may be present. Contact a Nuisance Wildlife Control Operator (NWCO) for help in how to exclude bats from a structure safely without causing harm to the bats (to find a NWCO certified in bat standards, search the Internet using the search term "National Wildlife Control Operators Association bats"). Also see the White-Nose Syndrome Response Team's guide for bat control in structures

No

16. Does the action involve removal, modification, or maintenance of a human-made structure (barn, house, or other building) **known or suspected to contain roosting bats**?

No

17. Will the action directly or indirectly cause construction of one or more new roads that are open to the public?

Note: The answer may be yes when a publicly accessible road either (1) is constructed as part of the proposed action or (2) would not occur but for the proposed action (i.e., the road construction is facilitated by the proposed action but is not an explicit component of the project).

No

18. Will the action include or cause any construction or other activity that is reasonably certain to increase average daily traffic on one or more existing roads?

Note: For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.). .

No

19. Will the action include or cause any construction or other activity that is reasonably certain to increase the number of travel lanes on an existing thoroughfare?

For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.).

No

20. Will the proposed action involve the creation of a new water-borne contaminant source (e.g., leachate pond pits containing chemicals that are not NSF/ANSI 60 compliant)?

No

21. Will the proposed action involve the creation of a new point source discharge from a facility other than a water treatment plant or storm water system?

No

22. Will the action include drilling or blasting?

No

23. Will the action involve military training (e.g., smoke operations, obscurant operations, exploding munitions, artillery fire, range use, helicopter or fixed wing aircraft use)?

No

24. Will the proposed action involve the use of herbicides or pesticides other than herbicides (e.g., fungicides, insecticides, or rodenticides)?

No

25. Will the action include or cause activities that are reasonably certain to cause chronic nighttime noise in suitable summer habitat for the northern long-eared bat? Chronic noise is noise that is continuous or occurs repeatedly again and again for a long time.

Note: Additional information defining suitable summer habitat for the northern long-eared bat can be found at: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

No

26. Does the action include, or is it reasonably certain to cause, the use of artificial lighting within 1000 feet of suitable northern long-eared bat roosting habitat?

Note: Additional information defining suitable roosting habitat for the northern long-eared bat can be found at: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

No

27. Will the action include tree cutting or other means of knocking down or bringing down trees, tree topping, or tree trimming?

Yes

28. Has a presence/probable absence summer bat survey targeting the northern long-eared bat following the Service's [Range-wide Indiana Bat and Northern Long-Eared Bat Survey Guidelines](#) been conducted within the project area? If unsure, answer "No."

No

29. Does the action include emergency cutting or trimming of hazard trees in order to remove an imminent threat to human safety or property? See hazard tree note at the bottom of the key for text that will be added to response letters

Note: A "hazard tree" is a tree that is an immediate threat to lives, public health and safety, or improved property and has a diameter breast height of six inches or greater.

No

30. Are any of the trees proposed for cutting or other means of knocking down, bringing down, topping, or trimming suitable for northern long-eared bat roosting (i.e., live trees and/or snags ≥ 3 inches dbh that have exfoliating bark, cracks, crevices, and/or cavities)?

Yes

31. [Semantic] Does your project intersect a known sensitive area for the northern long-eared bat?

Note: The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your [state agency or USFWS field office](#)

Automatically answered

No

32. Will all tree cutting/trimming or other knocking or bringing down of trees be restricted to the inactive season for the northern long-eared bat?

Note: Inactive Season dates for summer habitat outside of staging and swarming areas can be found here: <https://www.fws.gov/media/inactive-season-dates-swarming-and-staging-areas>.

Yes

33. Will the action cause trees to be cut, knocked down, or otherwise brought down across an area greater than 10 acres?

Yes

PROJECT QUESTIONNAIRE

Enter the extent of the action area (in acres) from which trees will be removed - round up to the nearest tenth of an acre. For this question, include the entire area where tree removal will take place, even if some live or dead trees will be left standing.

58

In what extent of the area (in acres) will trees be cut, knocked down, or trimmed during the inactive (hibernation) season for northern long-eared bat? **Note:** Inactive Season dates for spring staging/fall swarming areas can be found here: <https://www.fws.gov/media/inactive-season-dates-swarming-and-staging-areas>

58

In what extent of the area (in acres) will trees be cut, knocked down, or trimmed during the active (non-hibernation) season for northern long-eared bat? **Note:** Inactive Season dates for spring staging/fall swarming areas can be found here: <https://www.fws.gov/media/inactive-season-dates-swarming-and-staging-areas>

0

Will all potential northern long-eared bat (NLEB) roost trees (trees ≥ 3 inches diameter at breast height, dbh) be cut, knocked, or brought down from any portion of the action area greater than or equal to 0.1 acre? If all NLEB roost trees will be removed from multiple areas, select 'Yes' if the cumulative extent of those areas meets or exceeds 0.1 acre.

Yes

Enter the extent of the action area (in acres) from which all potential NLEB roost trees will be removed. If all NLEB roost trees will be removed from multiple areas, entire the total extent of those areas. Round up to the nearest tenth of an acre.

58

For the area from which all potential northern long-eared bat (NLEB) roost trees will be removed, on how many acres (round to the nearest tenth of an acre) will trees be allowed to regrow? Enter '0' if the entire area from which all potential NLEB roost trees are removed will be developed or otherwise converted to non-forest for the foreseeable future.

0

Will any snags (standing dead trees) ≥ 3 inches dbh be left standing in the area(s) in which all northern long-eared bat roost trees will be cut, knocked down, or otherwise brought down?

Yes

Will all project activities be completed by April 1, 2024?

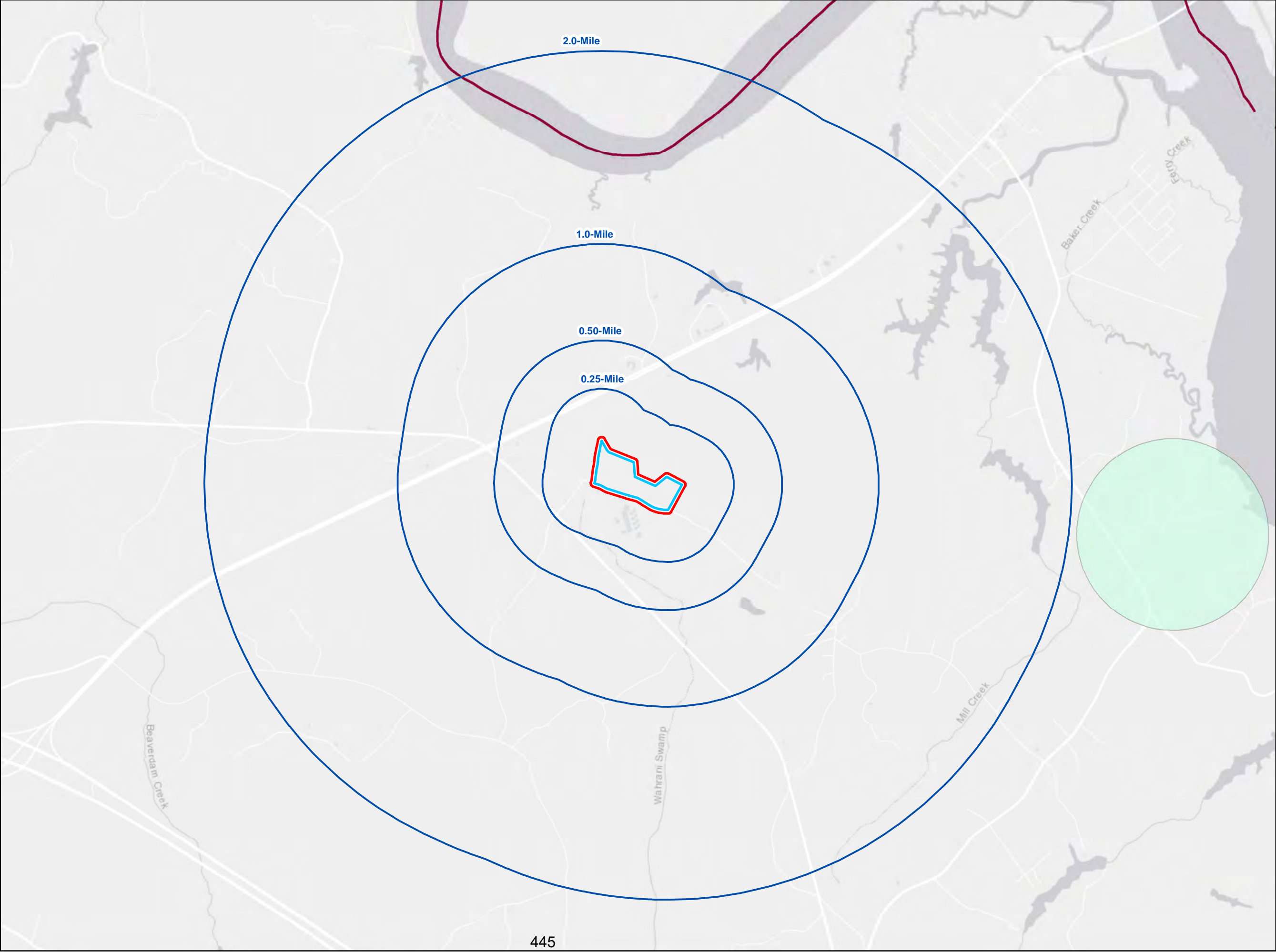
No

IPAC USER CONTACT INFORMATION

Agency: LaBella Associates
Name: Branson Mauck
Address: 1604 Ownby Lane
City: Richmond
State: VA
Zip: 23220
Email: bmauck@labellapc.com
Phone: 8049772208

LEAD AGENCY CONTACT INFORMATION

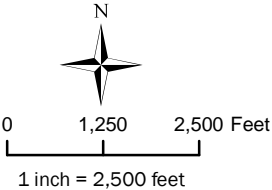
Lead Agency: Army Corps of Engineers



**Polish Town
Solar 1, LLC**

**Environmental Protected
Resources Assessment**

**Polish Town Road
- New Kent - VA DG
Barhamsville, Virginia**

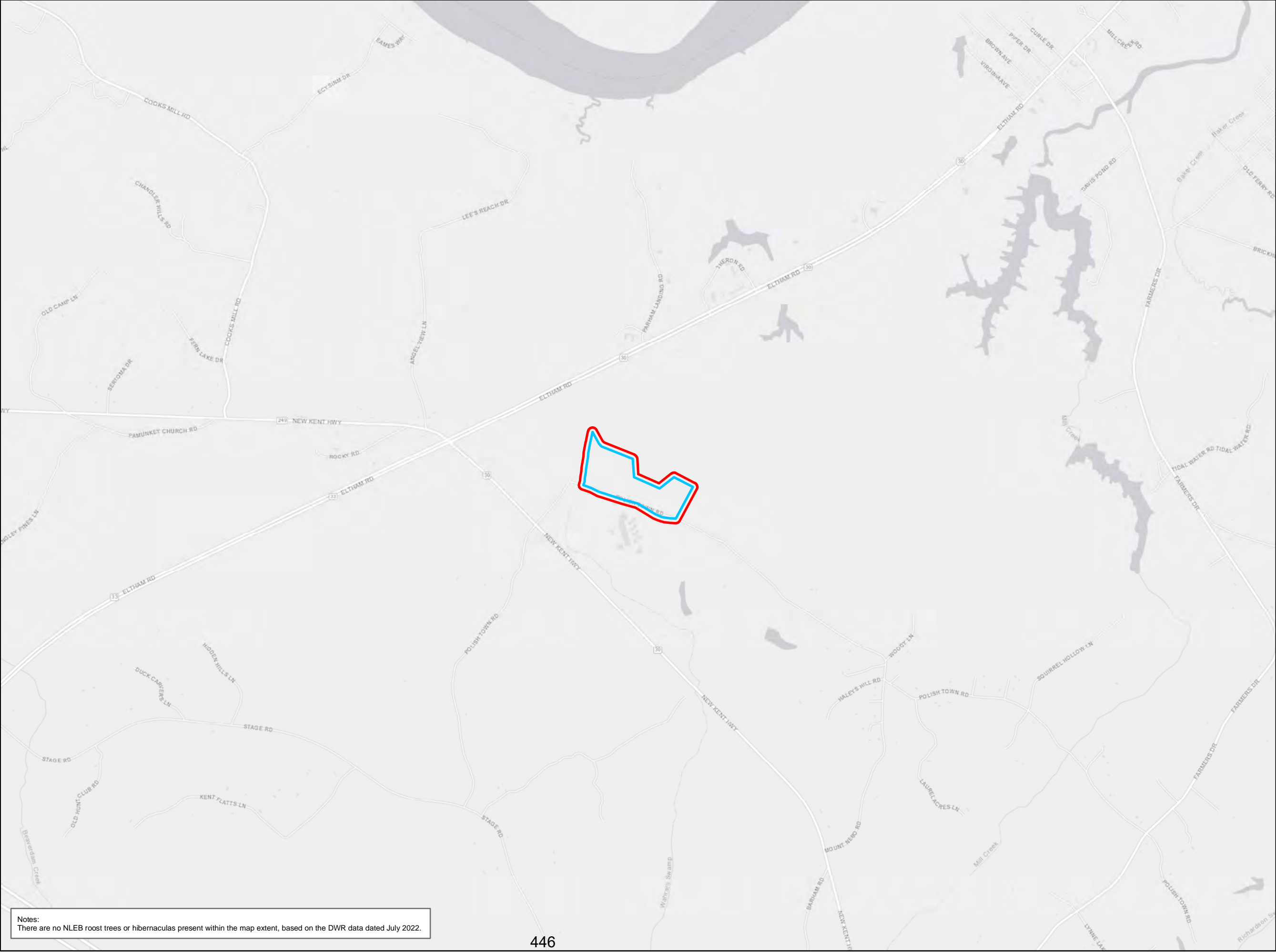


- Legend**
- Study Area
 - Solar Project Site
 - DWR Study Area Buffer
 - DWR Listed Species Observations**
 - Northern Diamond-backed Terrapin
 - T&E Water

Sources:
1. Study Area: Created by LaBella using information provided by the client.
2. 2022. Wildlife Environmental Review Map Service. Species Observations. Virginia Department of Wildlife Resources.
3. Basemap: Esri, HERE, Garmin, (c) OpenStreetMap contributors 2023.

**DWR State-Listed
Species Observations**

FIGURE 1



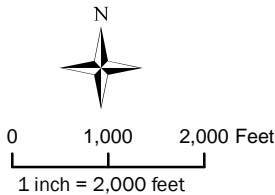
Notes:
There are no NLEB roost trees or hibernacula present within the map extent, based on the DWR data dated July 2022.



Polish Town
Solar 1, LLC

Environmental Protected
Resources Assessment

Polish Town Road
- New Kent - VA DG
Barhamsville, Virginia

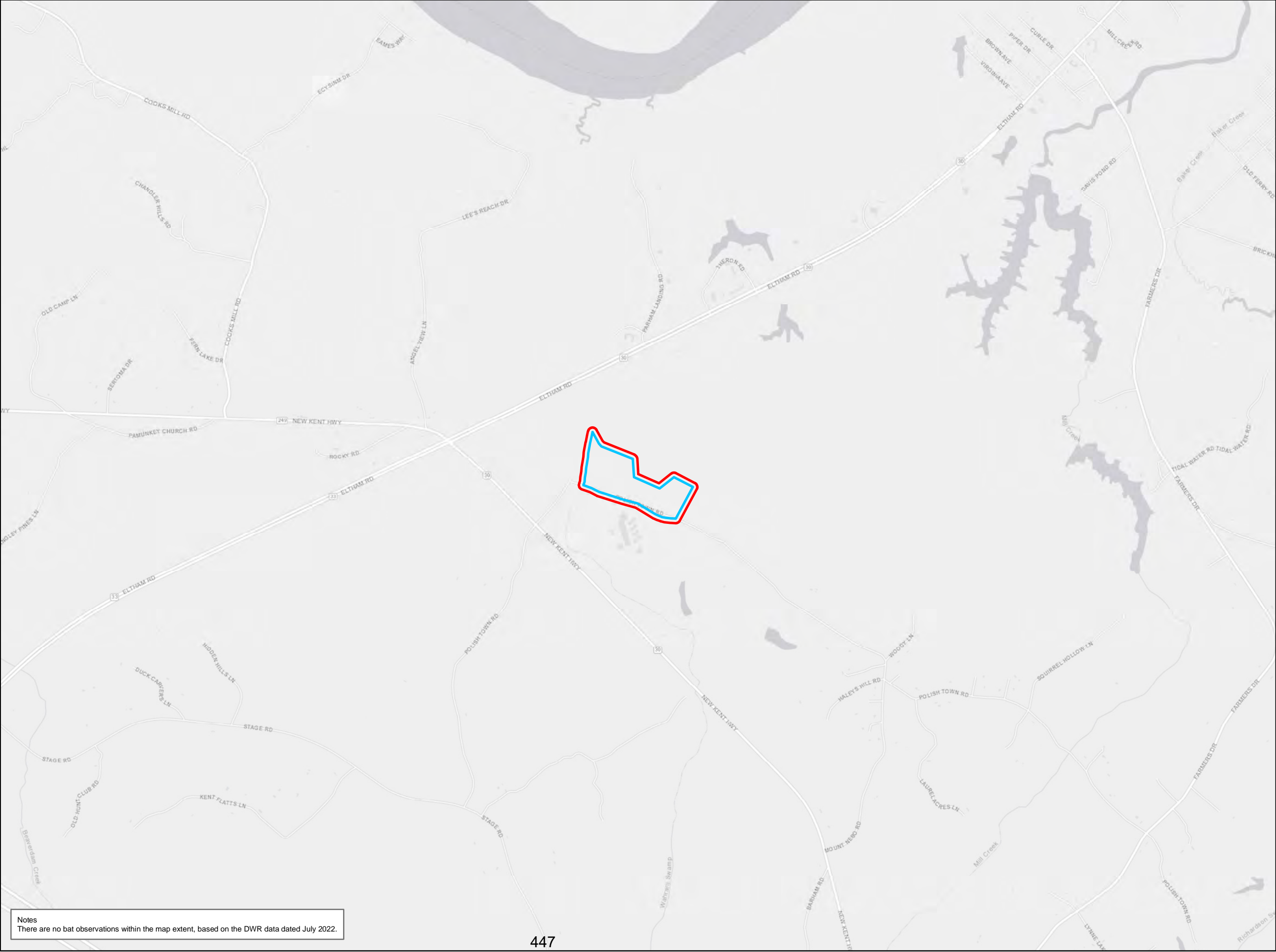


- Legend**
- Study Area
 - Solar Project Site
 - NLEB Roost Trees
 - NLEB Hibernacula 0.5-Mile Buffer
 - NLEB Hibernacula 5.5-Mile Buffer

Sources:
1. Study Area: Created by LaBella using information provided by the client.
2. 2022. Wildlife Environmental Review Map Service. Northern long eared bats and hibernacula databases. Virginia Department of Wildlife Resources.
3. Basemap: Esri, HERE, Garmin, (c) OpenStreetMap contributors 2023.

NLEB Roost Trees and
Hibernacula Buffers

FIGURE 2



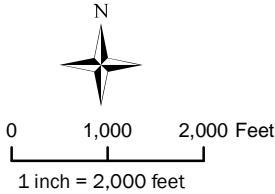
Notes
There are no bat observations within the map extent, based on the DWR data dated July 2022.



Polish Town
Solar 1, LLC

Environmental Protected
Resources Assessment

Polish Town Road
- New Kent - VA DG
Barhamville, Virginia

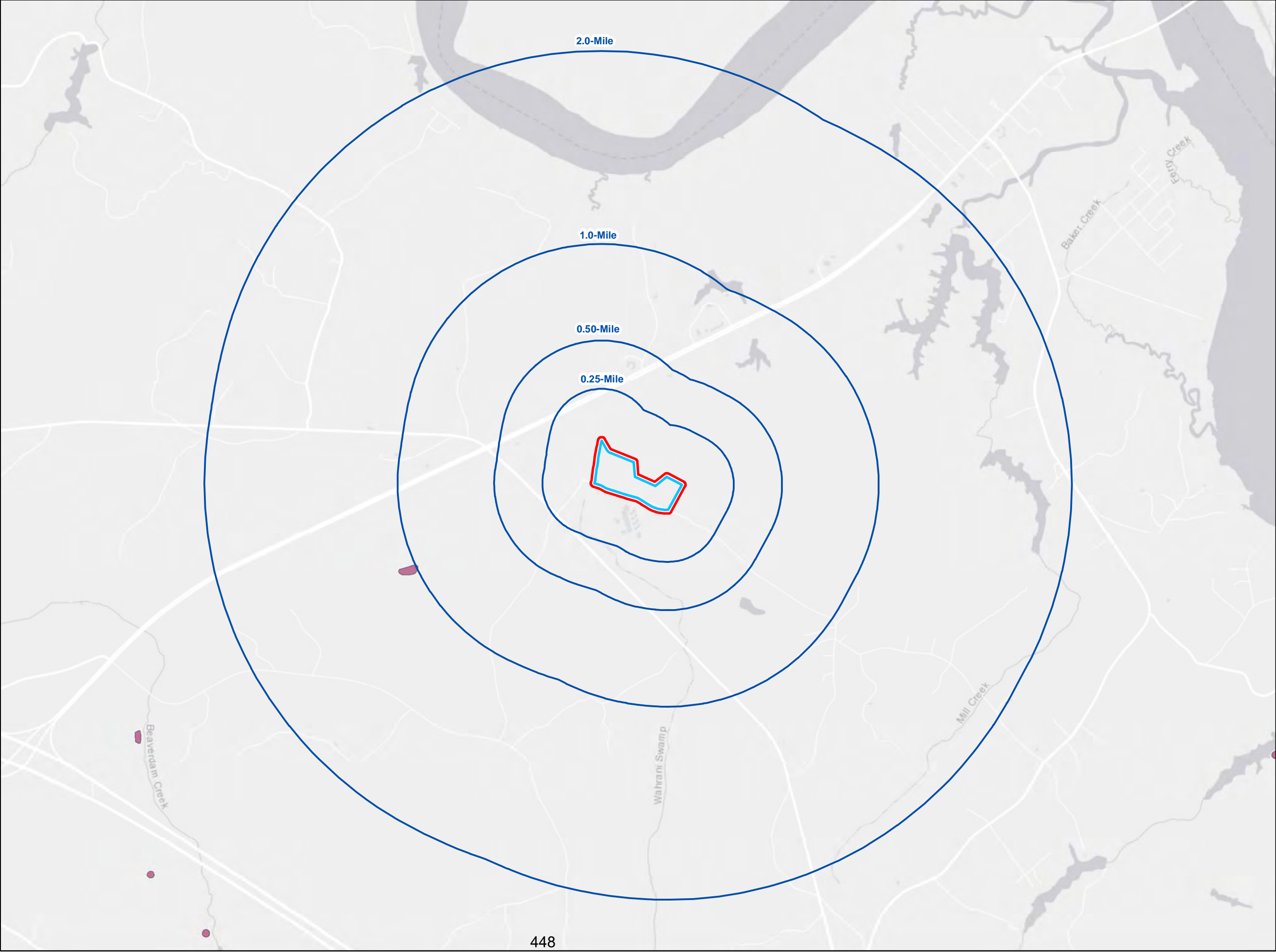


- Legend**
- Study Area
 - Solar Project Site
 - DWR Bat Observations**
 - Tri-colored Bat
 - Little Brown Bat
 - Hibernacula 0.5-Mile Buffer
 - Hibernacula 5.5-Mile Buffer

Sources:
1. Study Area: Created by LaBella using information provided by the client.
2. 2022. Wildlife Environmental Review Map Service. Species Observations and Hibernacula Databases. Virginia Department of Wildlife Resources.
3. Basemap: Esri, HERE, Garmin, (c) OpenStreetMap contributors 2022.

DWR Tri-colored Bat
and Little Brown Bat

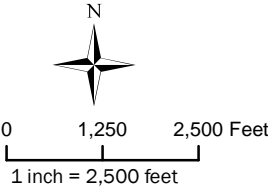
FIGURE 3







**Polish Town
Solar 1, LLC**

**Environmental Protected
Resources Assessment**

**Polish Town Road
- New Kent - VA DG
Barhamsville, Virginia**



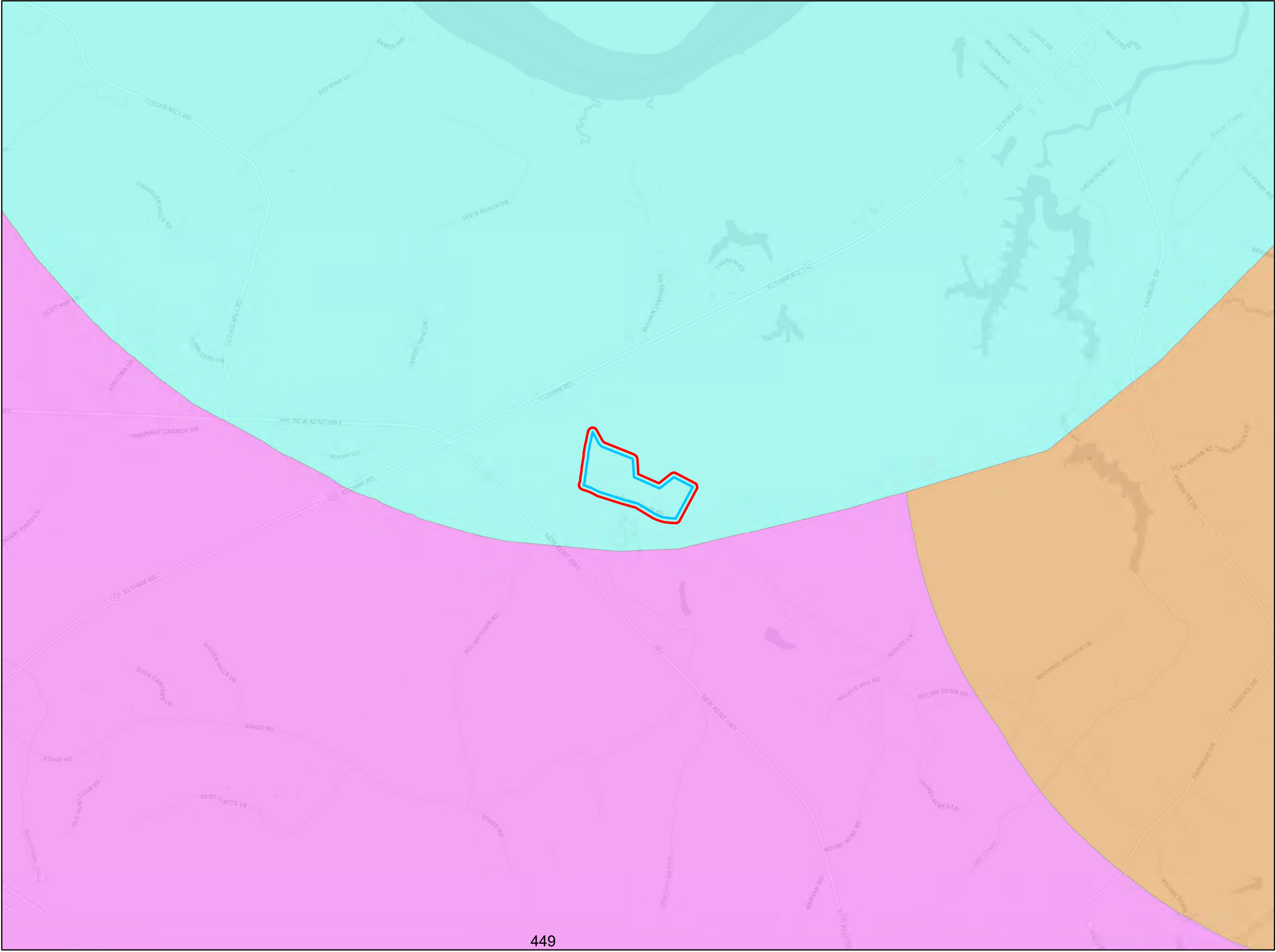
Legend

-  Study Area
-  DWR Study Area Buffer
-  Solar Project Site
- DWR Colonial Waterbird
Observations**
-  Great Blue Heron

Sources:
1. Study Area: Created by LaBella using information provided by the client.
2. 2022. Wildlife Environmental Review Map Service. Colonial Waterbirds. Virginia Department of Wildlife Resources.
3. Basemap: Esri, HERE, Garmin, (c) OpenStreetMap contributors 2023.

**DWR Colonial
Waterbird Observations**

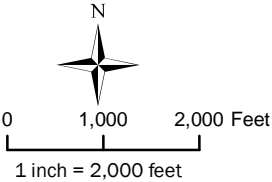
FIGURE 4



**Polish Town
Solar 1, LLC**

**Environmental Protected
Resources Assessment**

**Polish Town Road
- New Kent - VA DG
Barhamsville, Virginia**



Legend

Study Area

Solar Project Site

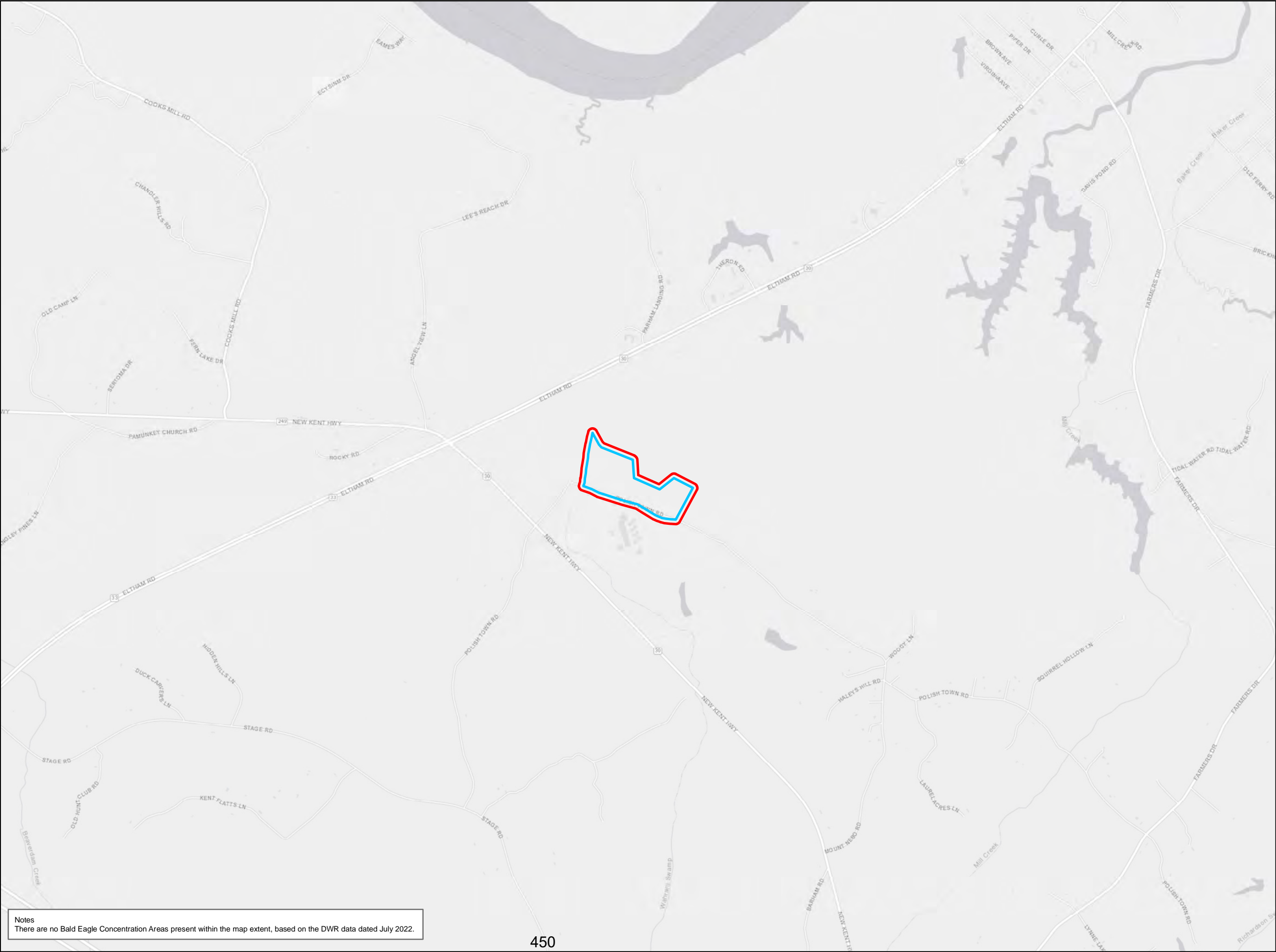
Coastal Avian Protection Zones

- International Importance, No Survey
- International Importance, Survey Needed
- Local Importance, No Survey
- Regional Importance, No Survey
- Regional Importance, Survey Needed
- Unknown Importance, Survey Needed
- Unknown Importance, Survey Needed (Breeding Eagles)


Sources:
1. Study Area: Created by LaBella using information provided by the client.
2. 2010. Coastal Avian Protection Zones. Virginia Coastal Zone Management Program
3. Basemap: Esri, HERE, Garmin, (c) OpenStreetMap contributors 2023.

**Coastal Avian
Protection Zones**

FIGURE 5




Notes
There are no Bald Eagle Concentration Areas present within the map extent, based on the DWR data dated July 2022.



Polish Town Solar 1, LLC




Environmental Protected Resources Assessment

Polish Town Road - New Kent - VA DG
Barhamsville, Virginia



0 1,000 2,000 Feet
1 inch = 2,000 feet

Legend

-  Study Area
-  Solar Project Site
-  Bald Eagle Concentration Areas

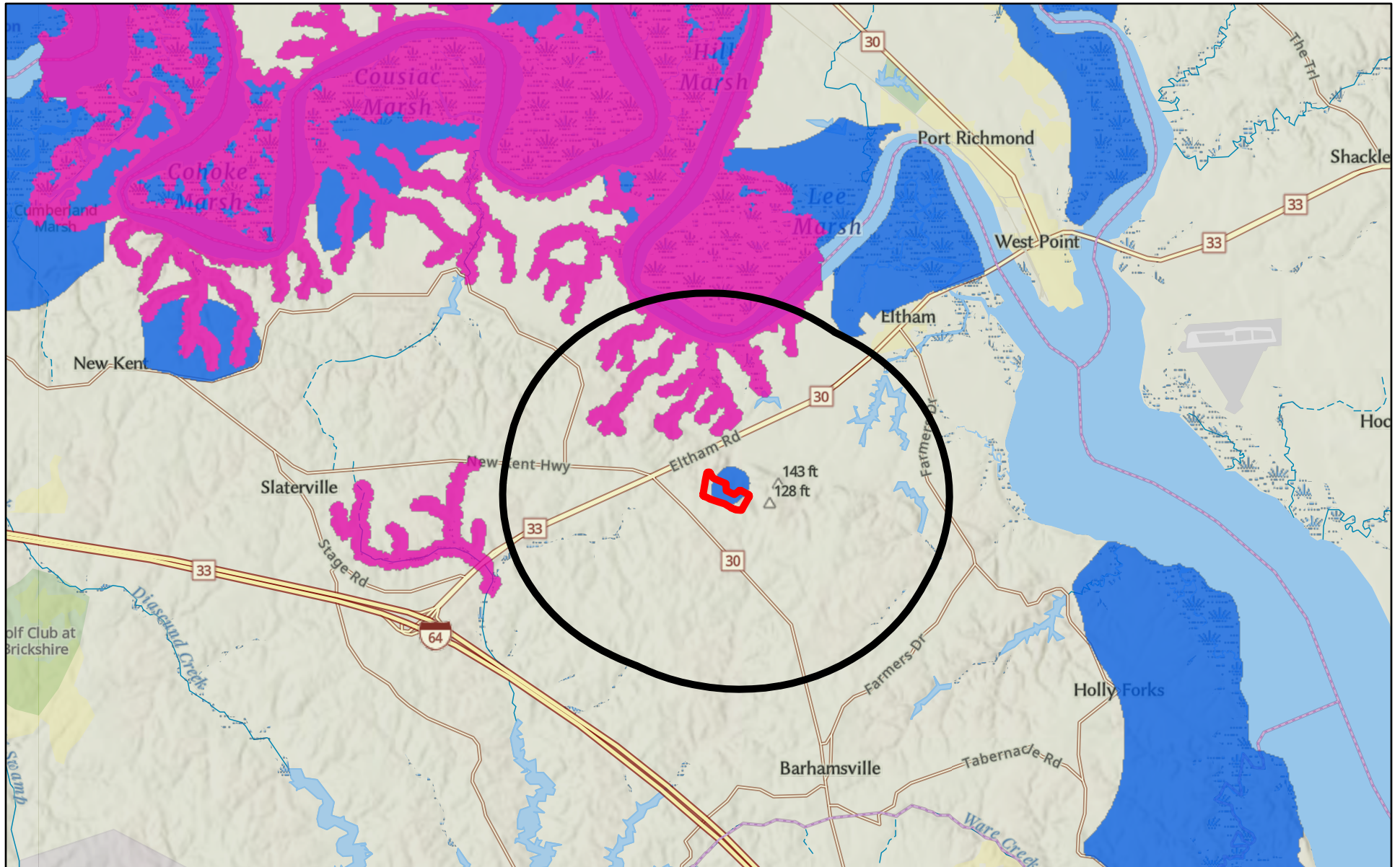
Sources:
1. Study Area: Created by LaBella using information provided by the client.
2. 2022. CCB Mapping Portal. Bald Eagle Nests and Roosts. The Center for Conservation Biology.
3. Basemap: Esri, HERE, Garmin, (c) OpenStreetMap contributors 2023.

Bald Eagle Concentration Areas

FIGURE 6

LaBella Project No: 2222420
Date: October 2023

Polish Town Road



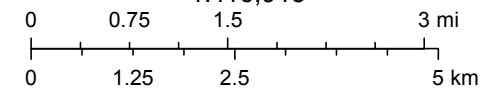
October 26, 2023

Adjacent States Stream Conservation Site

NH Screening Layer

Conservation Site

1:116,913



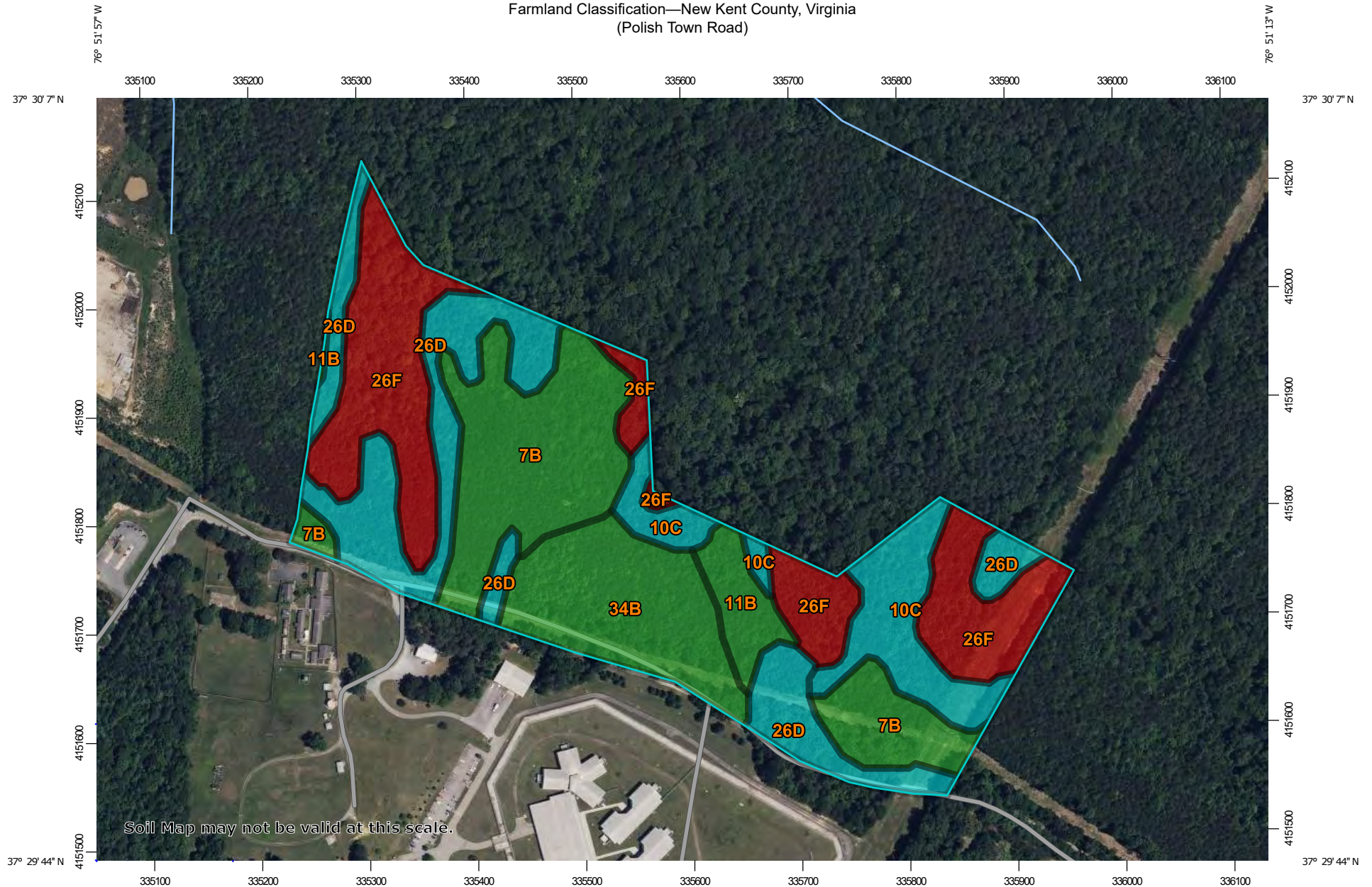
Esri, NASA, NGA, USGS, Sources: Esri, USGS, VGIN, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, USDA

Conservation Site ID	Conservation Site Name	Biodiversity Rank	Legal Status	Acres	Description	Type	Essential Conservation Site?
1203	LEE MARSH	B5	NL	1540	This "High Priority" conservation site delineates an area that provides habitat and buffer for one or more natural heritage resources(NHRs = rare plants, animals, animal assemblages, significant natural communities or geologic features) including: 1 High Priority NHR.	Conservation Site	YES - High Priority
45	WARRENEYE NATURE TRAIL	B4	NL	72	This conservation site delineates an area that provides habitat and buffer for one or more natural heritage resources(rare plants, animals, animal assemblages, significant natural communities or geologic features)	Conservation Site	NO - General
3240	Pamunkey River - Big Island to Lee Marsh SCS	B3	FL	17827	This SCS delineates stream reaches and adjacent areas that provide and support habitat for one or more aquatic natural heritage resources (aquatic plants, animals, animal assemblages or significant aquatic communities)	Stream Conservation Site	NO - General

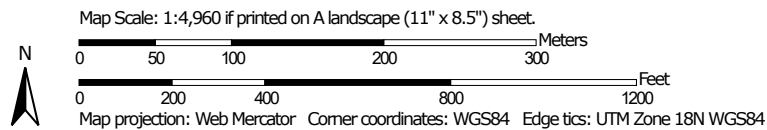
APPENDIX B

FARMLAND CLASSIFICATION MAP

Farmland Classification—New Kent County, Virginia
(Polish Town Road)




Soil Map may not be valid at this scale.



Farmland Classification—New Kent County, Virginia
(Polish Town Road)









MAP LEGEND








Area of Interest (AOI)






 Area of Interest (AOI)








Soils



Soil Rating Polygons

-  Not prime farmland
-  All areas are prime farmland
-  Prime farmland if drained
-  Prime farmland if protected from flooding or not frequently flooded during the growing season
-  Prime farmland if irrigated
-  Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season
-  Prime farmland if irrigated and drained
-  Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season









-  Prime farmland if subsoiled, completely removing the root inhibiting soil layer
-  Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60
-  Prime farmland if irrigated and reclaimed of excess salts and sodium
-  Farmland of statewide importance
-  Farmland of statewide importance, if drained
-  Farmland of statewide importance, if protected from flooding or not frequently flooded during the growing season
-  Farmland of statewide importance, if irrigated

-  Farmland of statewide importance, if drained and either protected from flooding or not frequently flooded during the growing season
-  Farmland of statewide importance, if irrigated and drained
-  Farmland of statewide importance, if irrigated and either protected from flooding or not frequently flooded during the growing season
-  Farmland of statewide importance, if subsoiled, completely removing the root inhibiting soil layer
-  Farmland of statewide importance, if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60

-  Farmland of statewide importance, if irrigated and reclaimed of excess salts and sodium
-  Farmland of statewide importance, if drained or either protected from flooding or not frequently flooded during the growing season
-  Farmland of statewide importance, if warm enough, and either drained or either protected from flooding or not frequently flooded during the growing season
-  Farmland of statewide importance, if warm enough
-  Farmland of statewide importance, if thawed
-  Farmland of local importance
-  Farmland of local importance, if irrigated

-  Farmland of unique importance
-  Not rated or not available

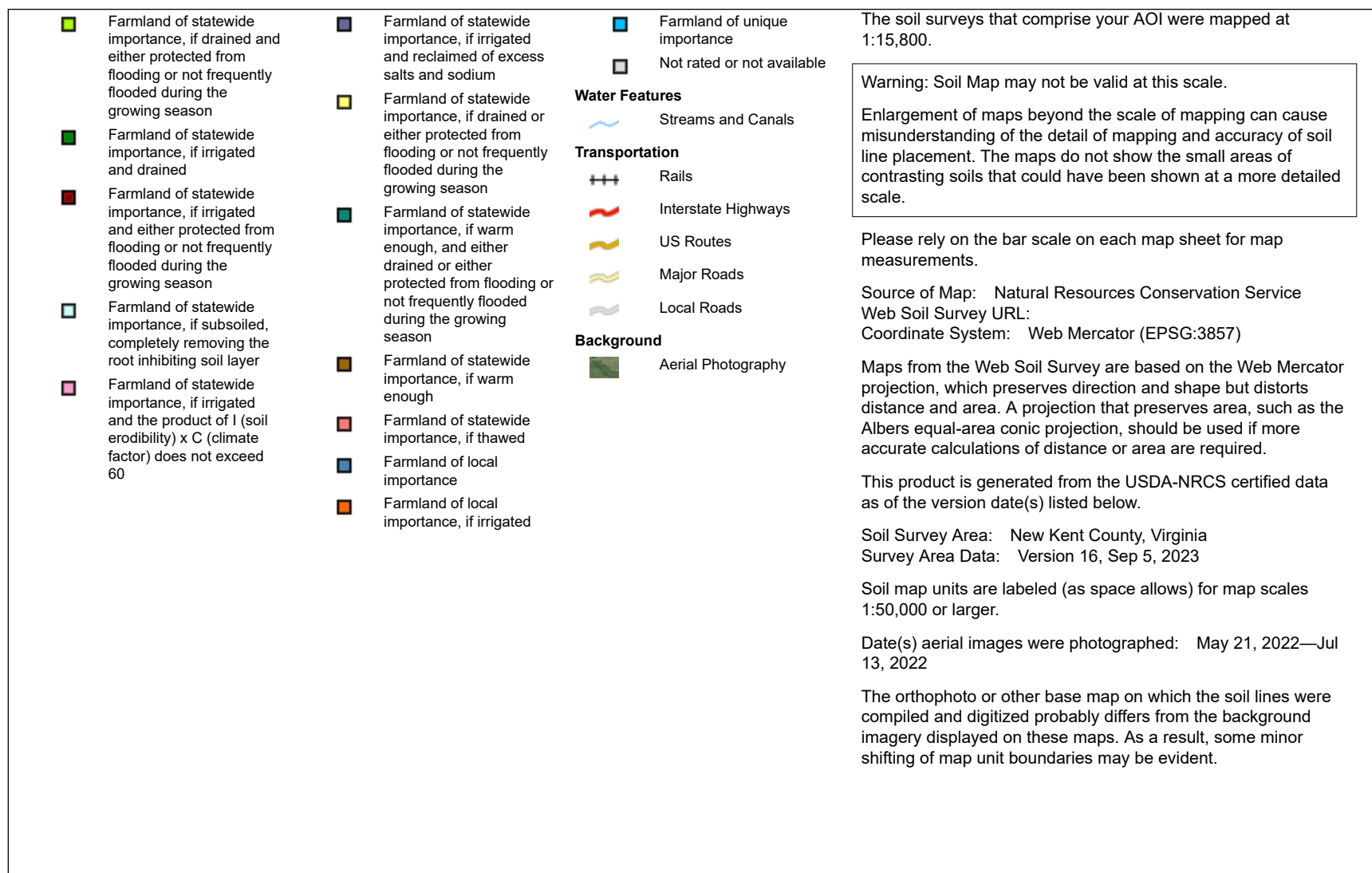
Soil Rating Lines

-  Not prime farmland
-  All areas are prime farmland
-  Prime farmland if drained
-  Prime farmland if protected from flooding or not frequently flooded during the growing season
-  Prime farmland if irrigated
-  Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season
-  Prime farmland if irrigated and drained
-  Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season

Farmland Classification—New Kent County, Virginia
(Polish Town Road)

	Prime farmland if subsoiled, completely removing the root inhibiting soil layer		Farmland of statewide importance, if drained and either protected from flooding or not frequently flooded during the growing season		Farmland of statewide importance, if irrigated and reclaimed of excess salts and sodium		Farmland of unique importance		Prime farmland if subsoiled, completely removing the root inhibiting soil layer
	Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60		Farmland of statewide importance, if irrigated and drained		Farmland of statewide importance, if drained or either protected from flooding or not frequently flooded during the growing season	Soil Rating Points			Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60
	Prime farmland if irrigated and reclaimed of excess salts and sodium		Farmland of statewide importance, if irrigated and either protected from flooding or not frequently flooded during the growing season		Farmland of statewide importance, if warm enough, and either drained or either protected from flooding or not frequently flooded during the growing season		Not prime farmland		Prime farmland if irrigated and reclaimed of excess salts and sodium
	Farmland of statewide importance		Farmland of statewide importance, if subsoiled, completely removing the root inhibiting soil layer		Farmland of statewide importance, if thawed		Prime farmland if protected from flooding or not frequently flooded during the growing season		Farmland of statewide importance
	Farmland of statewide importance, if drained		Farmland of statewide importance, if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60		Farmland of local importance		Prime farmland if irrigated		Farmland of statewide importance, if drained
	Farmland of statewide importance, if protected from flooding or not frequently flooded during the growing season				Farmland of local importance, if irrigated		Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season		Farmland of statewide importance, if protected from flooding or not frequently flooded during the growing season
	Farmland of statewide importance, if irrigated						Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season		Farmland of statewide importance, if irrigated

Farmland Classification—New Kent County, Virginia
(Polish Town Road)



Farmland Classification

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
7B	Caroline-Emporia complex, 2 to 6 percent slopes	All areas are prime farmland	9.7	23.5%
10C	Craven loam, 6 to 10 percent slopes	Farmland of statewide importance	4.6	11.1%
11B	Craven-Caroline complex, 2 to 6 percent slopes	All areas are prime farmland	1.6	3.9%
26D	Nevarc-Remlik complex, 6 to 15 percent slopes	Farmland of statewide importance	8.8	21.3%
26F	Nevarc-Remlik complex, 25 to 60 percent slopes	Not prime farmland	10.7	26.0%
34B	Slagle-Emporia complex, 2 to 6 percent slopes	All areas are prime farmland	5.9	14.2%
Totals for Area of Interest			41.2	100.0%

Description

Farmland classification identifies map units as prime farmland, farmland of statewide importance, farmland of local importance, or unique farmland. It identifies the location and extent of the soils that are best suited to food, feed, fiber, forage, and oilseed crops. NRCS policy and procedures on prime and unique farmlands are published in the "Federal Register," Vol. 43, No. 21, January 31, 1978.

Rating Options

Aggregation Method: No Aggregation Necessary

Tie-break Rule: Lower

APPENDIX C

COLONIAL WATERBIRD SURVEY REPORT

Prepared For:

Polish Town Solar 1, LLC
55 Technology Drive, Suite 102
Lowell, Massachusetts 01851

Prepared By:

LaBella Associates
1604 Ownby Lane
Richmond, Virginia 23220



Colonial Waterbird Rookery Survey Report

Polish Town Rd – New Kent – VA DG

BARHAMSVILLE, NEW KENT COUNTY, VIRGINIA
JUNE 2022; REVISED JUNE 2023



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FIGURE 3 – DWR COLONIAL WATERBIRD RECORDS MAP

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APPENDIX B – PHOTOLOG

1.0 INTRODUCTION

1.1 PROJECT DESCRIPTION

Polish Town Solar 1, LLC (Applicant) plans to construct a solar facility along Polish Town Road in New Kent County, Virginia (Project). The Applicant retained LaBella Associates, D.P.C. (LaBella) to complete a Colonial Waterbird Survey for the Polish Town Rd – New Kent – VA DG project, pursuant to a Department of Wildlife Resource (DWR) colonial waterbird observation approximately 1.0 mile from the Study Area. The Colonial Waterbird Survey Study Area included the proposed Project Site limits as well as a 100-foot buffer as a conservative effort to obtain additional clearance outside of the Study Area's limits. Please refer to Appendix A, Figure 1: USGS Site Location Map for the location and boundaries of the Project Site and Study Area. The geographic coordinates of the approximate Project Site center are: 37.498239, - 76.860597 (NAD83). The Colonial Waterbird Survey field work was performed on May 25 and 26, 2022.

1.2 PURPOSE

This report was prepared for the purpose of summarizing Colonial Waterbird Survey results at the request of Polish Town Solar 1, LLC. The Colonial Waterbird observations were outside of 0.5 miles from the Project Site, which is the trigger buffer for DWR to request additional information and/or surveys. As a result, this survey was not at the request of DWR. The survey was completed for potential evidence of all colonial waterbirds, but specifically focused on the great blue heron (GBHE, *Ardea herodias*) due to a DWR species observation just outside 1.0 miles from the Study Area (Appendix A, Figure 3).

This report describes the results of the survey efforts performed by LaBella, and a description of field observations within the Study Area during the field survey.

1.3 COASTAL AVIAN PROTECTION ZONE

The Coastal Avian Protection Zone (CAPZ) map was created by the Center for Conservation Biology at the College of William and Mary and Virginia Commonwealth University (VCU), the Department of Wildlife Resources (DWR), the Virginia Coastal Zone Management Program (CZM) and the Virginia Department of Conservation and Recreation–Natural Heritage Program (DCR-NH) to assist small renewable energy project applicants in identifying zones that are critically important for avian resources. The map is intended to be utilized for informational purposes only.

There are fourteen CAP zones in the Commonwealth of Virginia. The Study Area falls within Zone 11, mapped as an area of regional importance for birds (Appendix A, Figure 2). Zone 11 includes the lower reaches of the Mattaponi and Pamunkey tributaries. The zone encompasses lands and waters that have been designated as “Important Bird Areas” by the National Audubon Society for their local, regional, continental, or global importance to birds and potential breeding bald eagles (DEQ, 2012).

1.4 STUDY AREA

The Project Site is located in the Inner Coastal Plain Land Resource Region (LRR P), Southern Coastal Plain Major Land Resource Area (MLRA 133A). The majority of the Study Area is forested with utility corridors along the eastern and southern portions of the Study Area. A USACE and DEQ jurisdictional stream and wetland are present in the northwestern portion of the Study Area. The southern portion of the Study Area is gently sloped with moderate slopes to the northeast. Steep slopes facing northwest and southeast are present in the northwestern portion of the Study Area. The elevation range is from approximately 50 feet to 130 feet above mean sea level. Photographs of the Study Area are attached as Appendix B.

The soils within the Study Area are mapped as Caroline-Emporia complex, 2 to 6 percent slopes (7B), Craven loam, 6 to 10 percent slopes (10C), Craven-Caroline complex, 2 to 6 percent slopes (11B), Nevarc-Remlik complex, 6 to 15 percent slopes (26D), Nevarc-Remlik complex, 25 to 60 percent slopes (26F), and Slagle-Emporia complex, 2 to 6 percent slopes (34B).

2.0 TARGET SPECIES

2.1 GREAT BLUE HERON

GBHE is the largest heron species in North America that inhabits a variety of habitats but prefers marshes, swamps, shores, tidal flats, inland rivers, and lakeshores. Both male and female GBHE are relatively the same size and can measure up to 53 inches long with a wingspan of up to 79 inches. Adults are a grayish blue with white on their head and a wide black stripe over the eyes, a cinnamon toned neck, yellowish bill, and black legs (DWR, 2022).

GBHE depend on wetlands for feeding and on relatively undisturbed sites for breeding. GBHE roost in trees in mature or old-growth forests as well as on the ground (i.e. bushes, mangroves) and on structures (e.g. duck blinds, channel markers) with a preference near a waterbody (Cornell University, 2019). Breeding birds nest in colonies that can number several hundred pairs, where they build stick nests in trees, on bushes, or on the ground. Nests can range from a simple platform measuring 20 inches across to more elaborate structures used over multiple years, reaching 4 feet across and nearly 3.5 feet deep (Cornell University, 2019). GBHE is considered an opportunistic species with a wide diet variety of fish, amphibians, reptiles, small mammals, insects, and other birds.

3.0 METHODOLOGY

3.1 SURVEY TRANSECTS AND HABITAT

According to DWR, suitable survey time for colonial waterbirds is between March and August of any given year. The survey was conducted on May 25 and May 26, 2022. The field survey for the colonial waterbirds was conducted by performing transects spaced approximately 20 feet apart (or less in better quality habitat to systematically cover all potentially suitable forested habitat within the Study Area). Vegetation cover, slope, wetland and/or stream features, nests, tracks, vocalization, and visual observations were noted during the field survey.

The survey was not conducted during inclement weather, including heavy precipitation, fog, or moderate to strong wind speeds. All bird species observed during the survey were noted and are listed in Table 1 below.

3.2 INCIDENTAL OBSERVATIONS

Incidental species observations were considered if other colonial waterbirds and/or State-listed birds were observed within the Study Area during the survey.

4.0 RESULTS

4.1 GREAT BLUE HERON OBSERVATIONS

A wetland and stream were identified in the northwestern corner of the Study Area in a mature forested portion of the site. The highest quality potential suitable habitat for the GBHE within the Study Area limits was considered the mature deciduous forest surrounding the wetland and stream in the northwestern portion of the site. No GBHE observations (nests, tracks, calls) were documented throughout the Study Area during the survey (Appendix A, Figure 4).

4.3 INCIDENTAL OBSERVATIONS

No evidence of other colonial waterbirds or State-listed species were observed or noted within the Study Area during the survey. As a result, no incidental observations of State-listed birds occurred during the survey.

4.4 OTHER BIRD SPECIES OBSERVATIONS

Seven observations of other bird species were documented during all surveys; however, these species are not listed as rare, threatened, or endangered species nor are they listed as a State species of critical concern. Please refer to Table 1 below for a list of the species occurrences observed during the survey. These bird species are considered common and typical of the habitats found within the Study Area.

Table 1. Bird Species Observations

Species Name	Common Name	Observation Type and Notes
<i>Hylocichla mustelina</i>	Wood thrush	Vocalization, Sighting
<i>Dryocopus pileatus</i>	Pileated woodpecker	Vocalization, Sighting
<i>Vireo olivaceus</i>	Red-eyed vireo	Vocalization
<i>Picoides pubescens</i>	Downy woodpecker	Vocalization
<i>Seiurus aurocapilla</i>	Ovenbird	Vocalization
<i>Baeolophus bicolor</i>	Tufted titmouse	Vocalization

Species Name	Common Name	Observation Type and Notes
<i>Cardinalis cardinalis</i>	Northern cardinal	Vocalization

5.0 CONCLUSION

No GBHE, other colonial waterbird species, or rare, threatened and endangered species were observed flying, foraging, perching, or nesting throughout the Study Area.

6.0 SIGNATURE OF ECOLOGICAL PROFESSIONALS

We appreciate the opportunity to serve your professional environmental needs. If you have any questions, please do not hesitate to contact Kaelyn Davis at 804-301-4424.

Report Prepared By:



Beth Clements, PWS
Lead Wetland Scientist

Report Prepared By:



Kaelyn Davis, PWS
Environmental Manager

7.0 REFERENCES

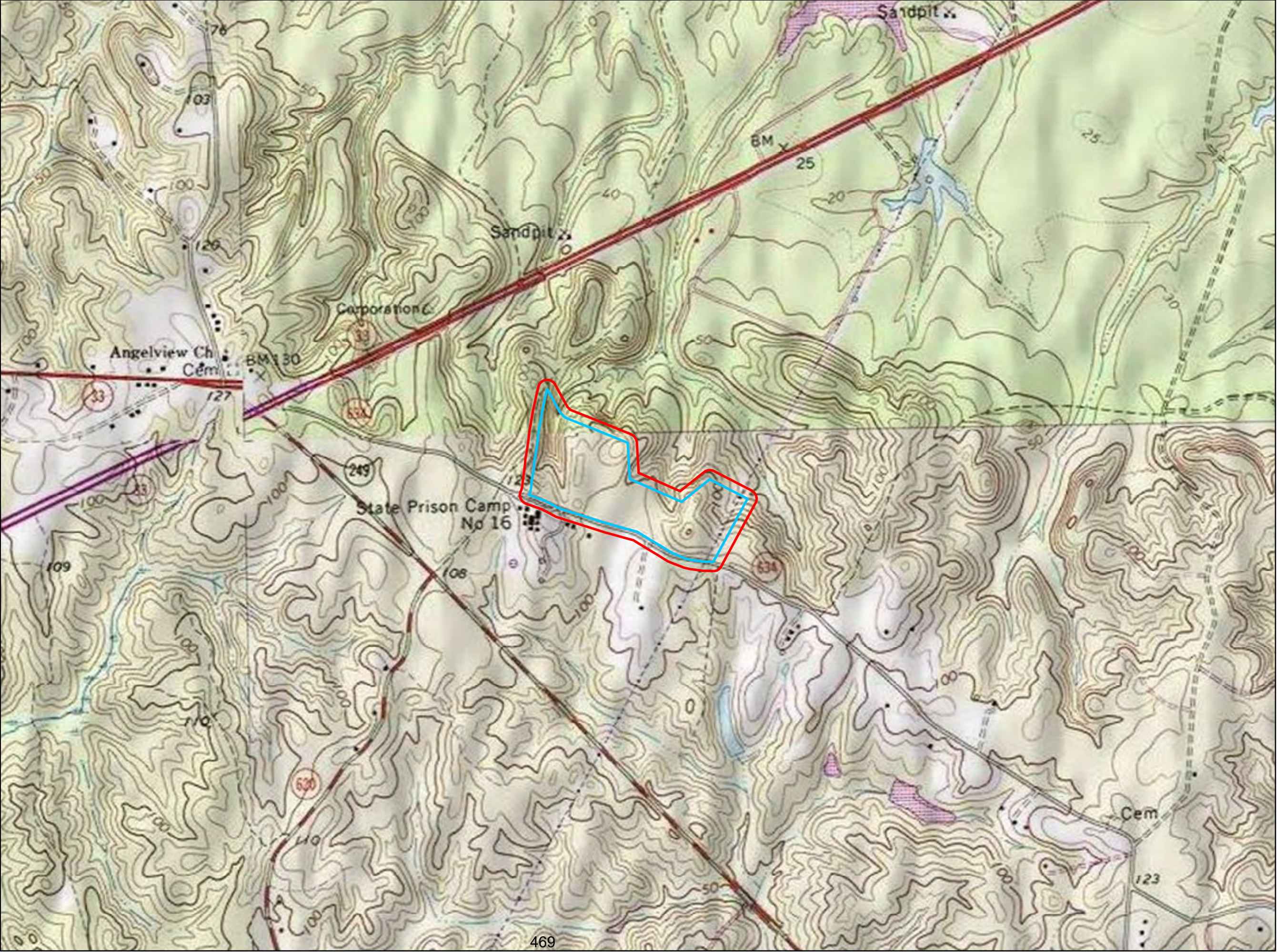
Cornell Lab of Ornithology. 2019. All About Birds: Great Blue Heron. Available from: https://www.allaboutbirds.org/guide/Great_Blue_Heron. Accessed June 6, 2022.

Department of Environmental Quality (DEQ) Coastal Avian Protection Zones (CAPZ). 2012. Available from: <https://gaia.vcu.edu/GemsMap/>. Accessed June 6, 2022.

Virginia Department of Wildlife Resources (DWR). 2022. Fish and Wildlife Information Service. Available from: <https://vafwis.dgif.virginia.gov/fwis>. Accessed June 6, 2022.

APPENDIX A

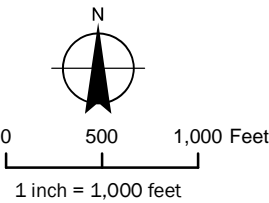
FIGURES



**Polish Town
Solar 1, LLC**

**Colonial Waterbird
Observation Survey**

**Polish Town Rd
- New Kent - VA DG
Barhamsville, Virginia**

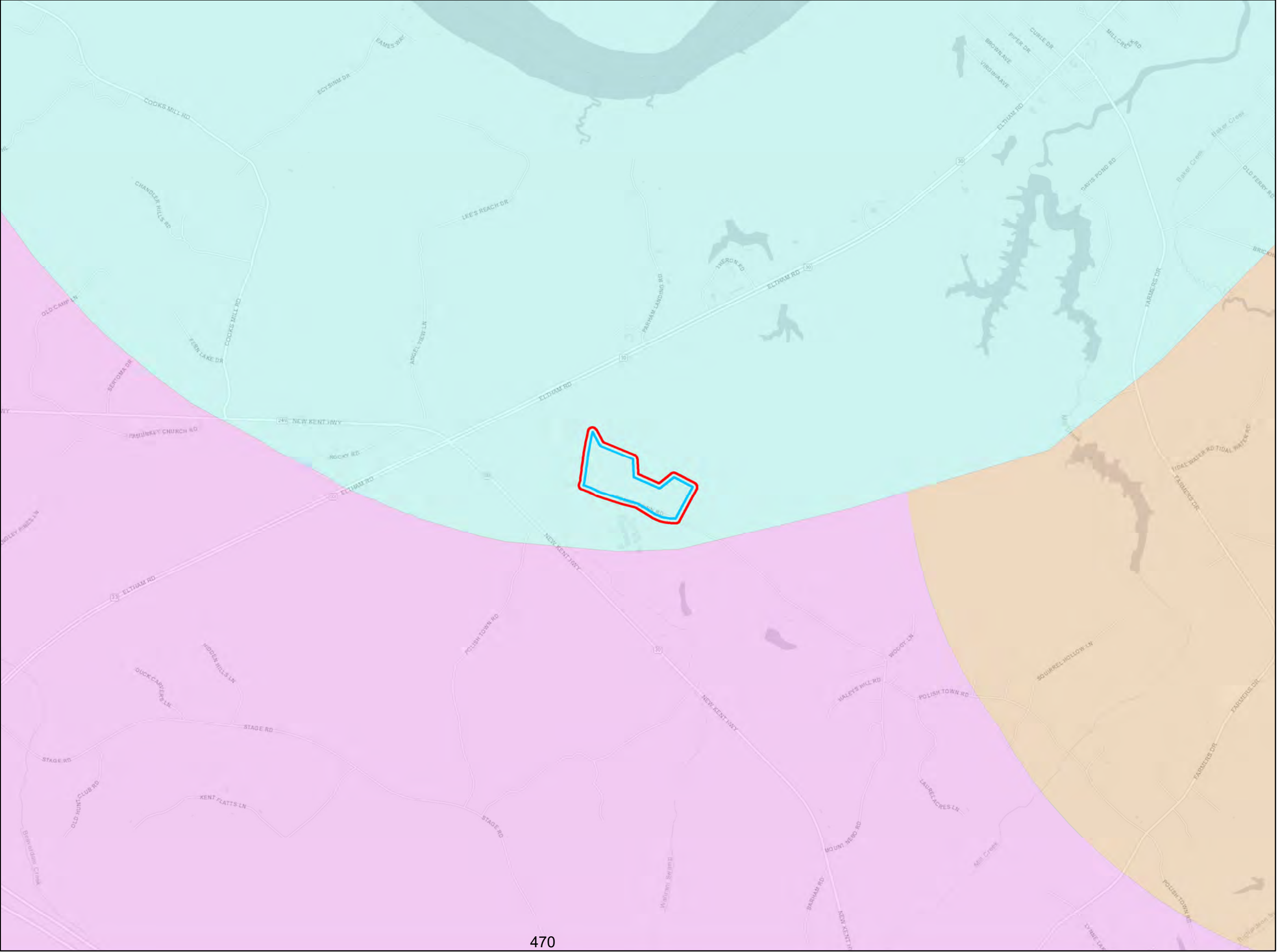


- Legend**
- Colonial Waterbird Study Area
 - Solar Project Site

Sources:
1. Study Area: Created by LaBella using information provided by the client.
2. Basemap: ESRI USA Topo Map (Updated: 2020) in reference to USGS Topographic Toano, VA Quadrangle (2019) and West Point, VA (2019) Quadrangle.

USGS Site Location

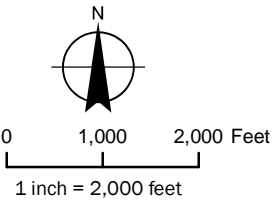
FIGURE 1



**Polish Town
Solar 1, LLC**

**Colonial Waterbird
Observation Survey**

**Polish Town Rd
- New Kent - VA DG
Barhamsville, Virginia**

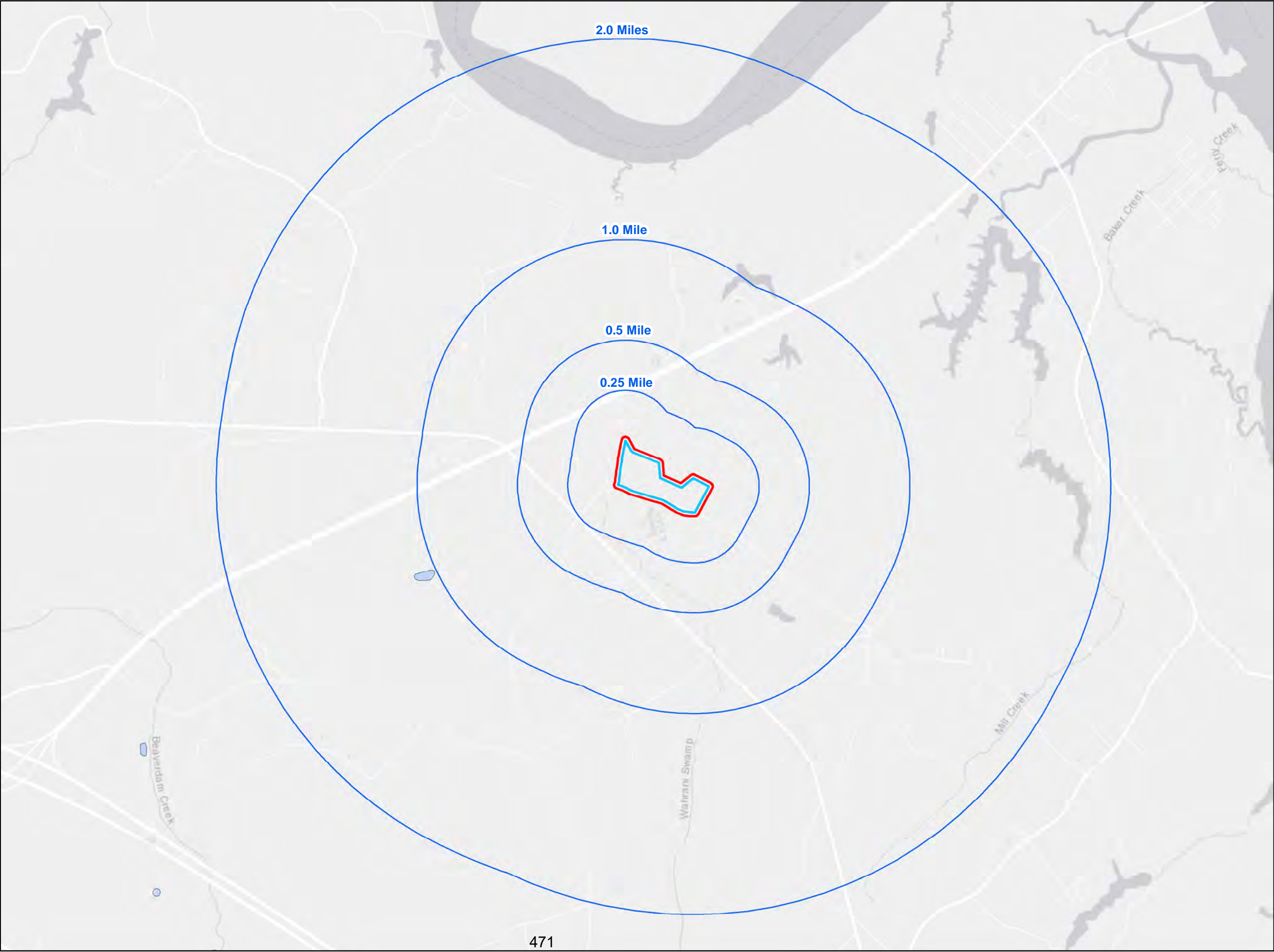


- Legend**
- Colonial Waterbird Study Area
 - Solar Project Site
 - Coastal Avian Protection Zones**
 - International Importance, No Survey
 - International Importance, Survey Needed
 - Local Importance, No Survey
 - Regional Importance, No Survey
 - Regional Importance, Survey Needed
 - Unknown Importance, Survey Needed
 - Unknown Importance, Survey Needed (Breeding Eagles)

Sources:
1. Study Area: Created by LaBella using information provided by the client.
2. 2010. Coastal Avian Protection Zones.. Virginia Coastal Zone Management Program
3. Basemap: Esri, HERE, Garmin, (c) OpenStreetMap contributors 2022.

**Coastal Avian
Protection Zones**

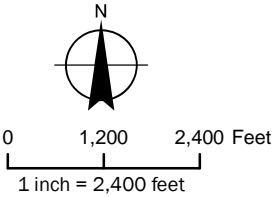
FIGURE 2







**Polish Town
Solar 1, LLC**

**Colonial Waterbird
Observation Survey**

**Polish Town Rd
- New Kent - VA DG
Barhamsville, Virginia**

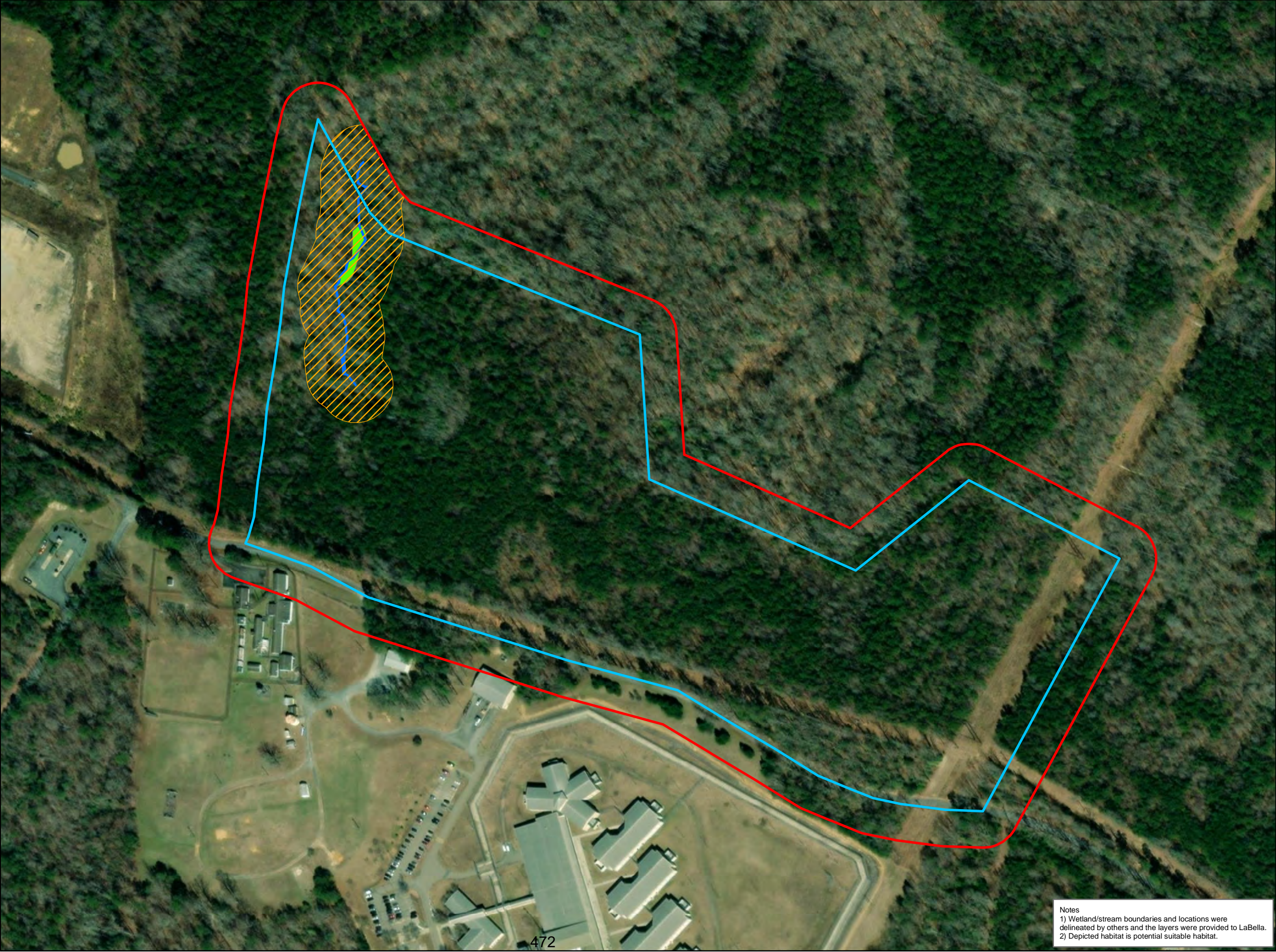


- Legend**
-  Colonial Waterbird Study Area
 -  Solar Project Site
 -  DWR Buffer Zones
 -  DWR Colonial Water Bird Observations

Sources:
1. Study Area: Created by LaBella using information provided by the client.
2. 2022. Wildlife Environmental Review Map Service. Colonial Waterbirds. Virginia Department of Wildlife Resources.
3. Basemap: Esri, HERE, Garmin, (c) OpenStreetMap contributors 2022.

**DWR Colonial
Waterbird
Observations**

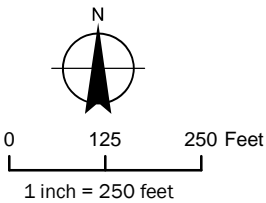
FIGURE 3







**Polish Town
Solar 1, LLC**

**Colonial Waterbird
Observation Surve**

**Polish Town Rd
- New Kent - VA DG
Barhamsville, Virginia**



Legend

-  Colonial Waterbird Study Area
-  Solar Project Site
-  Medium Quality Colonial Waterbird Habitat
-  Delineated Wetland
-  Delineated Stream

Sources:
1. Study Area: Created by LaBella using information provided by the client.
2. Basemap: Esri, DigitalGlobe, GeoEye, Earthstar, Geographics, CNES/Airbus DS, USDA, USGS

**Colonial Waterbird
Survey**

FIGURE 3

Notes
1) Wetland/stream boundaries and locations were delineated by others and the layers were provided to LaBella.
2) Depicted habitat is potential suitable habitat.

APPENDIX B

PHOTOLOG



Colonial Waterbird Survey Photos – Polish Town Road

New Kent County, Virginia – May 25 and 26, 2022



View of the forest community in the southeastern portion of the Study Area.



View of the relatively young forest community in the eastern portion of the Study Area.



View of the relatively young forest community in the central portion of the Study Area.



View of the forest community along the northern boundary of the Study Area.



Colonial Waterbird Survey Photos – Polish Town Road

New Kent County, Virginia – May 25 and 26, 2022



View facing east at the utility corridor along the southern boundary of the Study Area.



View of the forest community in the northwestern portion of the Study Area.



View of the young forest community in the northwestern portion of the Study Area.



View of the forest community in the western portion of the Study Area.



Colonial Waterbird Survey Photos – Polish Town Road

New Kent County, Virginia – May 25 and 26, 2022



View of the forest community in the east-central portion of the Study Area.



View of the utility corridor along the eastern portion of the Study Area.



View of the forest communities on the north and south side of Polish Town Road.



View of the maintained lawn south of Polish Town Road.

APPENDIX F

COMMUNITY MEETING

APPENDIX G
CONDITIONAL USE PERMIT PLAN

CONDITIONAL USE PERMIT SET

POLISH TOWN SOLAR 1, BARHAMSVILLE, VA 23011 3 MW AC STC RATED SOLAR ELECTRIC SYSTEM

GENERAL NOTES

1. THE CONDITIONAL USE PLAN DEPICTS THE PROPOSED SOLAR FACILITY LOCATION, PROPOSED IMPROVEMENTS WITHIN THE PROPERTY, IDENTIFY AND DEPICT ANY ENVIRONMENTAL RESOURCES THAT ARE AFFECTED OR ADJACENT TO THE FACILITY, AND DEPICT THE DIMENSIONAL REQUIREMENTS/SETBACKS/STANDARDS APPLICABLE TO THE ZONING DISTRICT IN RELATION TO THE PROPOSED IMPROVEMENTS. UPON RECEIVING THE CONDITIONAL USE APPROVAL A FORMAL DESIGN OF THE PROJECT WILL BE PREPARED AND SUBMITTED TO COMPLY WITH THE APPLICABLE REQUIREMENTS AND ANY CONDITIONS IMPOSED BY THE COUNTY AS PART OF THE CONDITIONAL USE PERMIT.
2. THE EXISTING FEATURES, TOPOGRAPHY, PROPERTY LINES OR BOUNDARIES IS FOR INFORMATIONAL PURPOSES, UNLESS INDICATED OTHERWISE.
3. THE EXISTING FEATURES SHOWN ON THIS PLAN ARE BASED AERIAL PHOTOGRAPHY OBTAINED FROM VIRGINIA GEOGRAPHIC INFORMATION NETWORK (VGIN) AND SUPPLEMENTED BY FIELD SURVEYS PERFORMED BY COLLIER'S ENGINEERING AND DESIGN.
4. THE PROPERTY LINES FOR THE SUBJECT PARCEL SURROUNDING THE PROJECT IS BASED ON A BOUNDARY SURVEY. ALL OTHER BOUNDARY LINES DEPICTED WERE OBTAINED FROM NEW KENT COUNTY'S TAX PARCEL INFORMATION.
5. THE CONTOURS ARE SHOWN AT 2 FOOT INTERVALS AND WERE GENERATED FROM PUBLICLY AVAILABLE LIDAR DATA TO PREPARE A CONCEPTUAL SITE PLAN. THE INFORMATION SHOWN ARE FOR INFORMATIONAL PURPOSES AND WILL NOT BE USED FOR THE DESIGN, MODIFICATION OR CONSTRUCTION OF IMPROVEMENTS TO REAL PROPERTY.
6. A WETLAND AND STREAM INVESTIGATION WAS PERFORMED BY ECS MID-ATLANTIC, LLC MAY 2021. A SUPPLEMENTARY WETLAND AND STREAM INVESTIGATION WAS PERFORMED BY ECS MID-ATLANTIC, LLC JULY 2021. WETLANDS, STREAM AND THEIR ASSOCIATED BUFFERS SHOWN BEYOND THE PROPERTY IS BASED ON GIS DATA OBTAINED FROM VIRGINIA GEOGRAPHIC INFORMATION NETWORK, WHICH INCORPORATE NATIONAL WETLAND INVENTORY AND FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) DATA.
7. THE HORIZONTAL AND VERTICAL DATUMS ARE AS FOLLOWS:
HORIZONTAL: VIRGINIA STATE PLAN NAD 83 SOUTH ZONE US SURVEY FOOT
VERTICAL: NAD83
8. UNLESS INDICATED AS EXISTING (E), ALL PROPOSED MATERIALS AND EQUIPMENT SHALL BE CONSIDERED TO BE NEW.
9. ALL EQUIPMENT AND COMPONENTS SHALL BE MOUNTED IN COMPLIANCE WITH THE MANUFACTURER'S REQUIREMENTS, CONSTRUCTION DETAILS, AND APPLICABLE STATE/FEDERAL CONSTRUCTION CODE REQUIREMENTS.
10. TO THE EXTENT THAT TRESS AND OTHER FEATURES AFFECT THE SYSTEM'S PRODUCTION, SUCH PRODUCTION MODELING IS BASED ON THE EXISTING APPROXIMATE HEIGHTS AND LOCATIONS RELATIVE TO THE SYSTEM AND MAY BE IMPACTED AS TREES GROW AND OTHER FEATURES CHANGE.
11. PROPOSED TREES ASSOCIATED WITH THE PROPOSED LANDSCAPING WILL BE PERIODICALLY MAINTAINED TO PREVENT SHADING THAT MAY RESULT IN A NEGATIVE AFFECT ON THE SYSTEM PRODUCTION.

PROJECT SCOPE

THIS PROJECT CONSISTS OF THE INSTALLATION OF SOLAR MODULES PER THE SYSTEM DESCRIPTION, BELOW. THE MODULES WILL BE INSTALLED ON A GROUND MOUNTED RACKING SYSTEM. THE MODULES WILL BE WIRED IN SERIES STRINGS AND CONNECTED IN PARALLEL TO THE INVERTER(S), WHICH CONVERT THE PHOTOVOLTAIC OUTPUT POWER FROM DC TO AC. THE SOLAR ELECTRIC SYSTEM WILL BE INTERCONNECTED WITH THE EXISTING SITE ELECTRICAL SYSTEM IN ACCORDANCE WITH THE APPLICABLE ELECTRICAL CODE AND DOMINION REQUIREMENTS.

THIS PROJECT CONSISTS OF THE INSTALLATION OF ENERGY STORAGE EQUIPMENT, PER THE SYSTEM DESCRIPTION, BELOW. THE ENERGY STORAGE MODULES WILL BE INSTALLED IN A PURPOSE BUILT UNIT(S), AND FIRE SUPPRESSION SYSTEMS. THE ENERGY STORAGE MODULES WILL BE WIRED IN SERIES STRINGS AND CONNECTED THROUGH DC/DC CONVERTERS, WHICH WILL CONVERT DC TO AC WHILE THE BATTERIES ARE DISCHARGING.

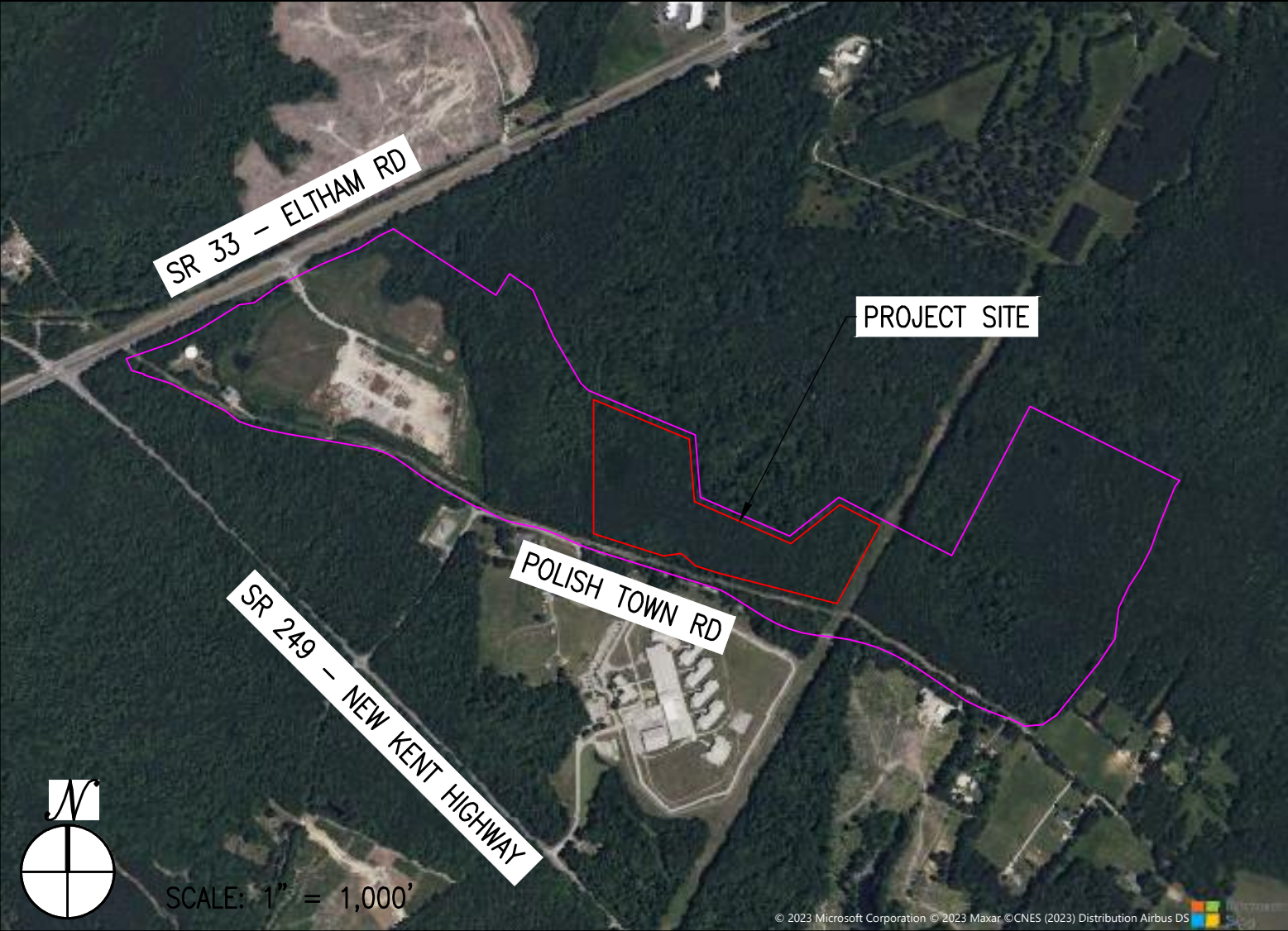
LOCATION MAP

SCALE: 1"=2,000' OR GREATER



AERIAL VIEW

SCALE: 1"=2,000' OR GREATER



DRAWING LIST

Sheet Number	Sheet Title
T-1	TITLE PAGE
CIVIL	
C-1.0	EXISTING CONDITIONS PLAN
C-2.0	TREE CLEARING PLAN
C-3.0	LAYOUT AND MATERIALS PLAN
C-4.0	LANDSCAPE PLAN
C-5.0	CIVIL DETAILS
C-6.0	DECOMMISSIONING PLAN

PROJECT DIRECTORY

PROPERTY OWNER
WIER CREEK, LLC
C/O JONATHAN KINNEY
2311 WILSON BLVD. STE 500
ARLINGTON, VA 22201

PROPERTY ADDRESS
RT 33 ELTHAM RD
BARHAMSVILLE, VA 23011

SYSTEM / PROJECT OWNER
POLISH TOWN SOLAR 1, LLC.
55 TECHNOLOGY DRIVE, SUITE 102
LOWELL, MA 01851

AUTHORITY HAVING JURISDICTION
NEW KENT COUNTY
12007 COURTHOUSE CIRCLE
NEW KENT, VA 23124

UTILITY
DOMINION

CIVIL ENGINEER
FIRM: NEW LEAF ENERGY, INC dba
NEW LEAF ENERGY DEVELOPMENT, INC.
CONTACT: QUENTIN WOOD, PE
PHONE: 978-513-2608

DESIGN ENGINEER
FIRM: NEW LEAF ENERGY, INC dba
NEW LEAF ENERGY DEVELOPMENT, INC.
CONTACT: CHELSEA MUDGE
PHONE: 978-973-5022

ELECTRICAL ENGINEER
FIRM: NEW LEAF ENERGY, INC dba
NEW LEAF ENERGY DEVELOPMENT, INC.
CONTACT: AHARON WRIGHT, P.E.
PHONE: 978-221-3081

GENERAL ABBREVIATIONS

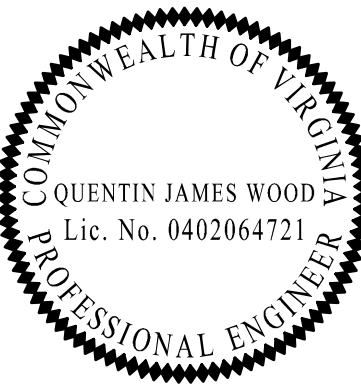
(E)	EXISTING	NS	NORTH-SOUTH
AHJ	AUTHORITY HAVING JURISDICTION	NTS	NOT TO SCALE
AL	ALUMINUM	OAE	OR APPROVED EQUAL
APPROX	APPROXIMATE	OC	ON CENTER
ARY	ARRAY	OD	OUTSIDE DIAMETER
BLDG	BUILDING	OFCl	OWNER FURNISHED CONTRACTOR
BSS	BORREGO SOLAR SYSTEM		INSTALLED
CL	CENTERLINE	PV	PHOTOVOLTAIC
DAS	DATA ACQUISITION SYSTEM	PVC	POLY VINYL CHLORIDE
DIA	DIAMETER	SCH	SCHEDULE
DO	DITTO	SS	STAINLESS STEEL
EW	EAST-WEST	SSS	SOLAR SUPPORT STRUCTURE
FBO	FURNISHED BY OTHERS	STC	STANDARD TEST CONDITIONS
FF	FORWARD FACING	TBD	TO BE DETERMINED
GALV	GALVANIZED	TP	TAMPER PROOF
HVG	HOT DIP GALVANIZED	TYP	TYPICAL
HVAC	HEATING VENTILATION AND AIR	UON	UNLESS OTHERWISE NOTED
	CONDITIONING	VIF	VERIFY IN FIELD
ID	INSIDE DIAMETER	WP	WEATHER PROOF
MFR	MANUFACTURER		
MOD	SOLAR MODULE		

REV 1.0

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POLISH TOWN ROAD
RT 33 ELTHAM RD
BRAHAMSVILLE, VA 23011

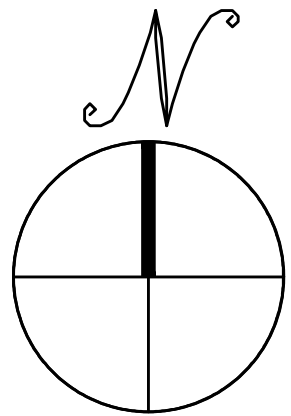
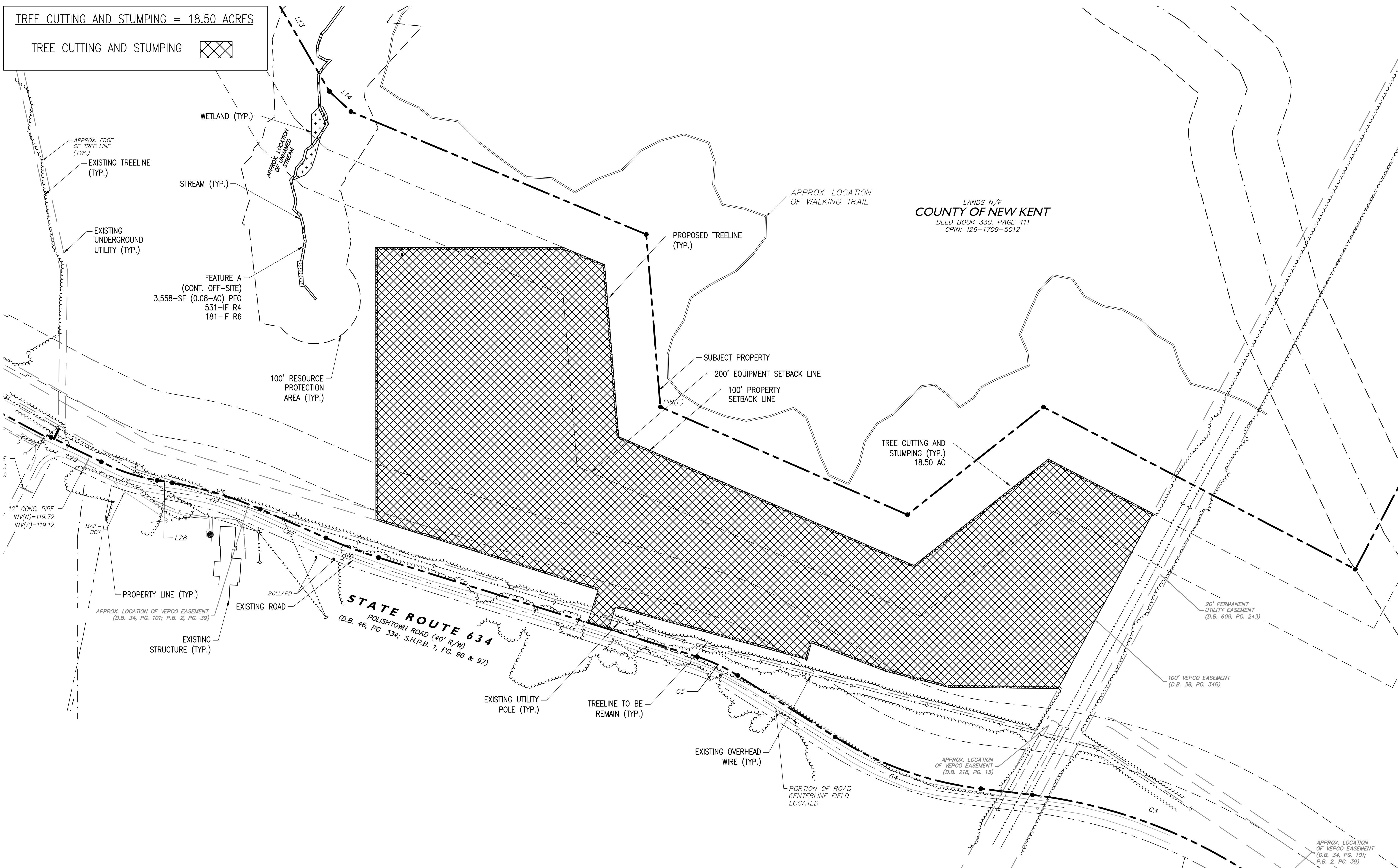
PROJECT NUMBER:
111-5247

REV	DATE	DRAWN	CHECKED	RELEASE LEVEL	USE PERMIT SET
1	10/31/23	ATK	QW	CONDITIONAL	

SCALES STATED ON DRAWINGS
ARE VALID ONLY WHEN PLOTTED
ARCH D 24" X 36"

T-1
TITLE PAGE

C:\Users\ukowmigh\Documents\newleaf\BNA\Salesforce\Opportunities\0 Polish Town RD-New Kent\VA\04_Design\Working Set - Polish\Polish Town Rd - 0P - 013233\C-2.0 TREE CLEARING PLAN.dwg, 10/30/2023 4:58:03 PM, ukowmigh_newleaf



TREE CLEARING PLAN

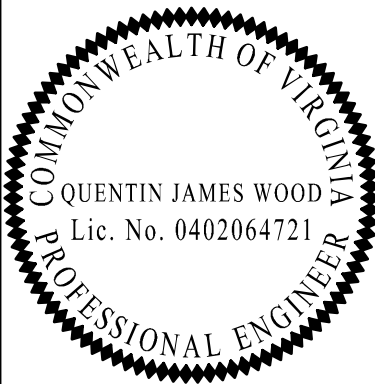
SCALE: 1" = 100'



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BRAHAMSVILLE, VA 23011

PROJECT NUMBER:
111-5247

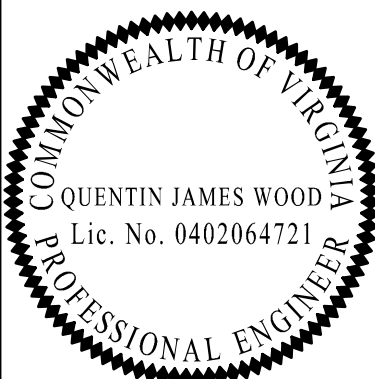
REV	DATE	DRAWN	CHECKED	RELEASE LEVEL	PERMIT SET
1	10/31/23	ATK	QW	CONDITIONAL	USE

SCALES STATED ON DRAWINGS
ARE VALID ONLY WHEN PLOTTED
ARCH D 24" X 36"

C-2.0
TREE CLEARING PLAN



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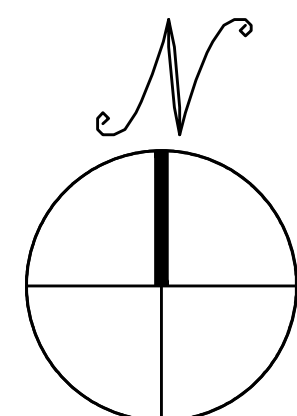
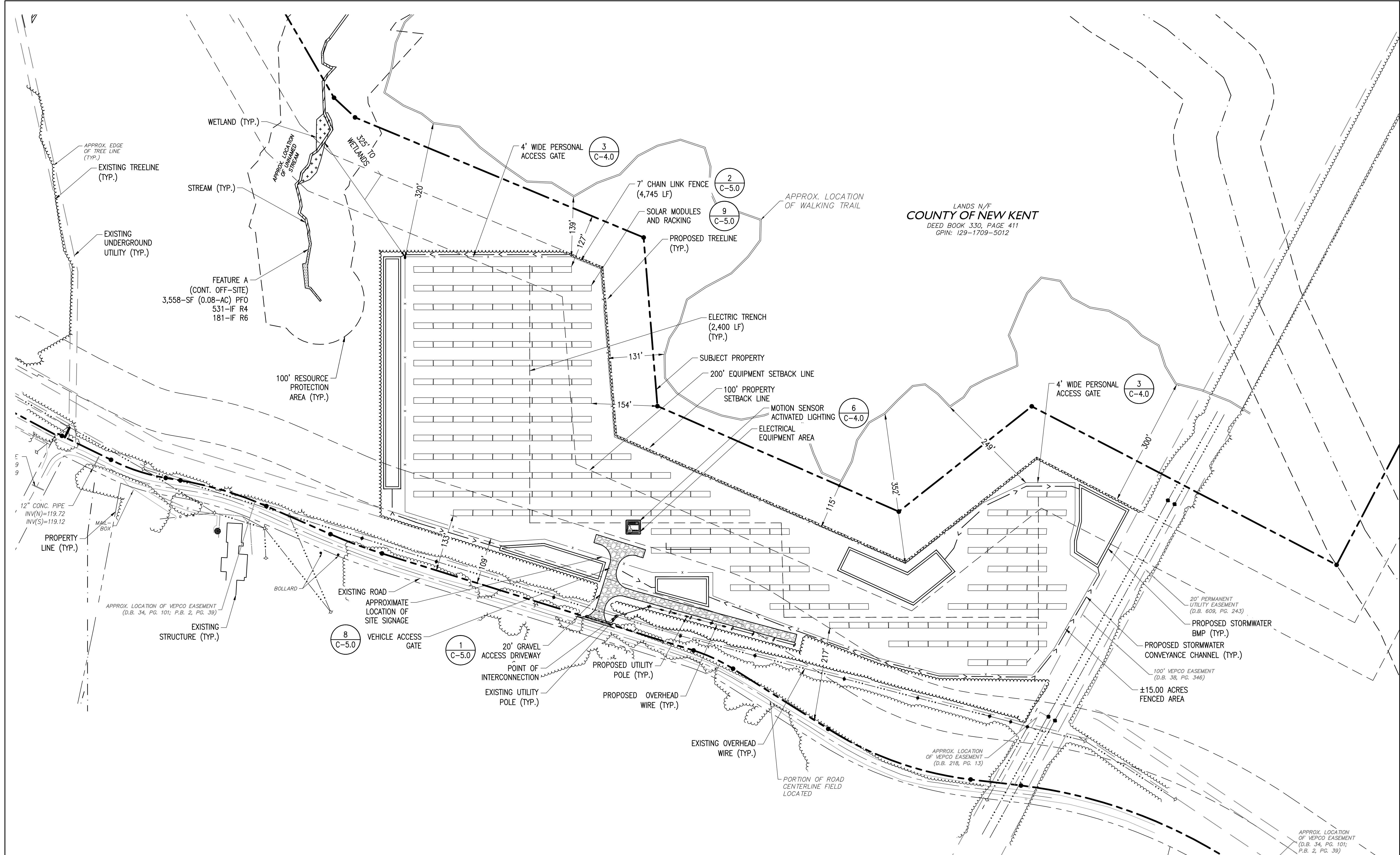
POLISH TOWN ROAD
RT 33 ELTHAM RD
BRAHAMSVILLE, VA 23011

PROJECT NUMBER:
111-5247

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1	10/31/23	ATK	QW	CONDITIONAL		

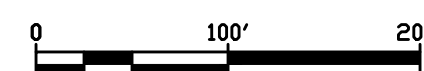
SCALES STATED ON DRAWINGS
ARE VALID ONLY WHEN PLOTTED
ARCH D 24" X 36"

C-3.0
LAYOUT AND MATERIALS PLAN

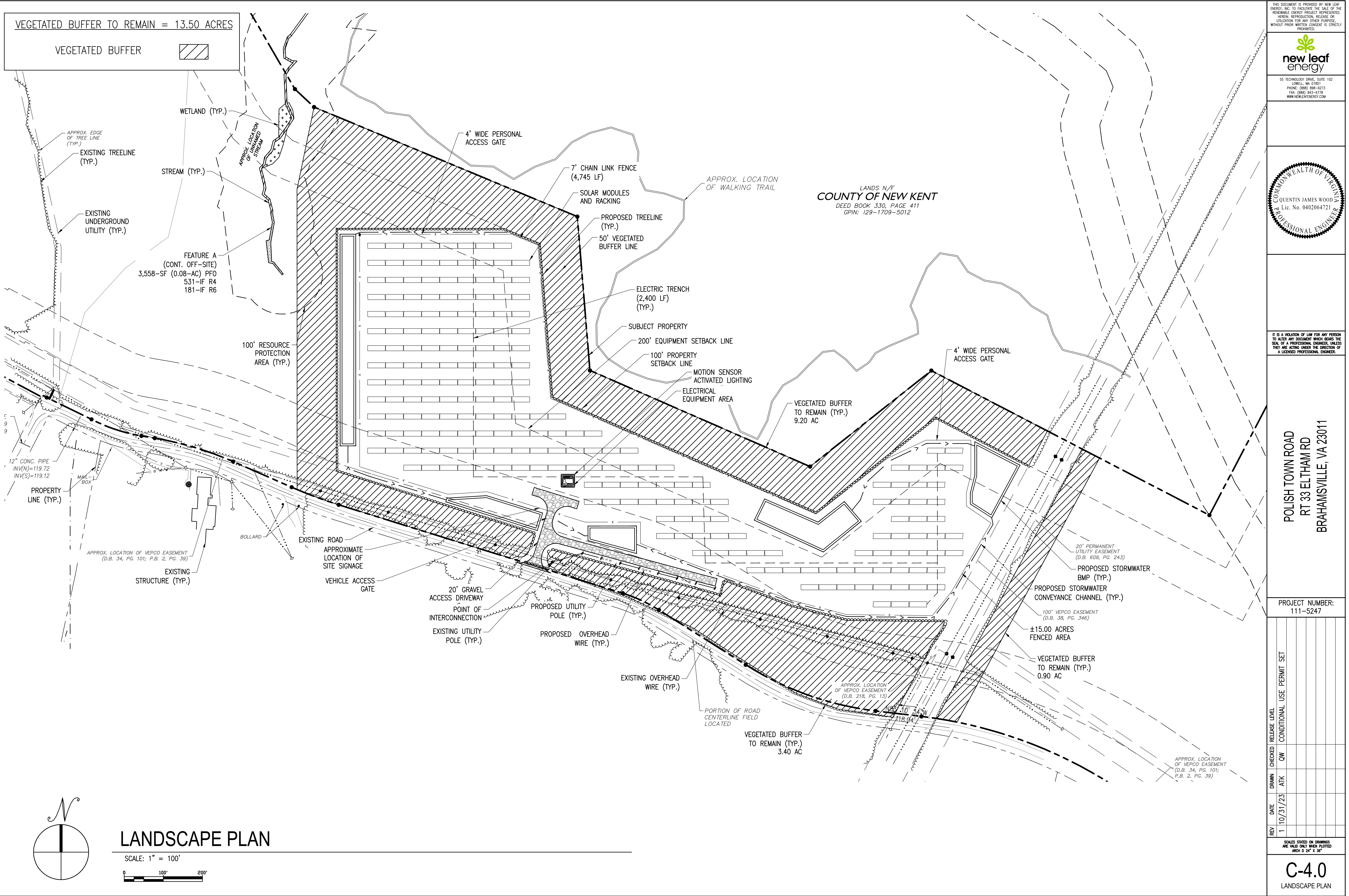


LAYOUT AND MATERIALS PLAN

SCALE: 1" = 100'



C:\Users\okowmigh\OneDrive\BNA\Salesforce\Opportunities\0 Polish Town RD-New Kent\VA\04_Design\Working Set - Polish\Polish Town Rd - 04P - 0131233\C-4.0 LANDSCAPE PLAN.dwg, 10/10/2023 5:09:13 PM, okowmigh_newkent



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COMMONWEALTH OF VIRGINIA

QUENTIN JAMES WOOD
Lic. No. 0402064721

PROFESSIONAL ENGINEER

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BRAHAMSVILLE, VA 23011

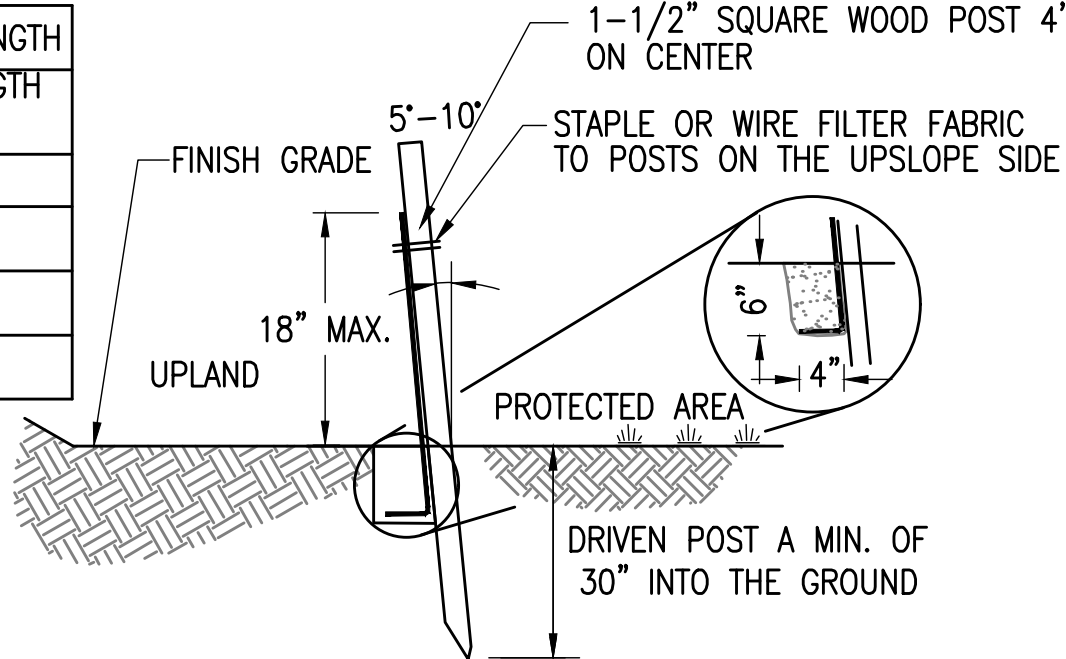
PROJECT NUMBER:
111-5247

REV	DATE	DRAWN	CHECKED	RELEASE LEVEL
1	10/31/23	ATK	QW	CONDITIONAL USE PERMIT SET

SCALES STATED ON DRAWINGS ARE VALID ONLY WHEN PLOTTED ARCH D 24" X 36"

C-4.0
LANDSCAPE PLAN

MAX ALLOWABLE SLOPE LENGTH	
STEEPNESS	MAX LENGTH (FT.)
2:1	25
3:1	50
4:1	75
5+:1	100

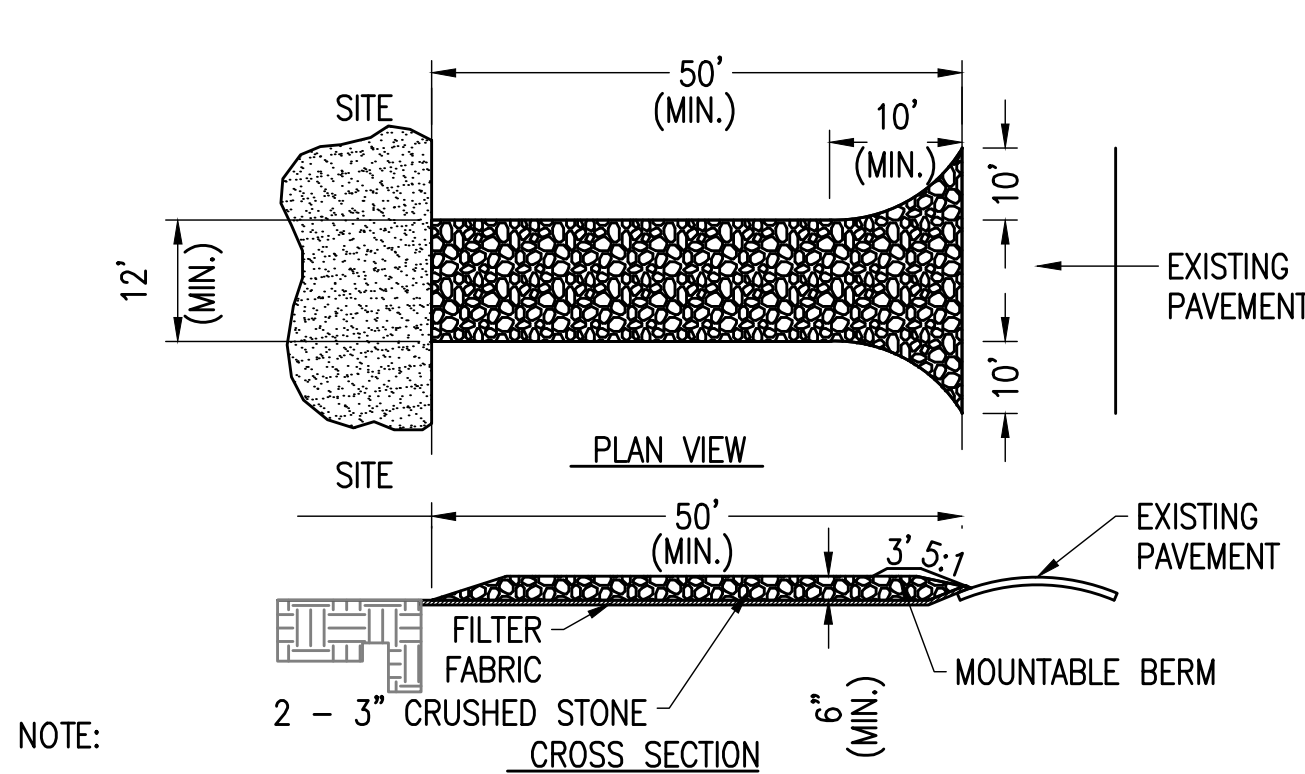


NOTES:

1. MAX DRAINAGE AREA FOR OVERLAND FLOW SHALL NOT EXCEED 1/4 ACRE-FOOT PER 100 FEET OF FENCE.
2. FILTER FABRIC TO BE FASTENED SECURELY TO FENCE POST WITH WIRE TIES OR STAPLES. POST SHALL BE STEEL EITHER "I" OR "U" SHAPED OR HARDWOOD.
3. FILTER CLOTH SHALL BE FASTENED SECURELY WITH TIES SPACED EVERY 24" AT TOP AND MID-SECTION.
4. WHEN TWO SECTIONS OF FILTER CLOTH ADJOIN EACH OTHER THEY SHALL BE OVERLAPPED BY 6 INCHES AND FOLDED. FILTER CLOTH SHALL BE FILTER X, MIRAFI 100X, STABILENKA T140N, OR APPROVED EQUAL.
5. PREFABRICATED UNITS SHALL BE GEOFAB, ENVIROFENCE, OR APPROVED EQUAL.
6. MAINTENANCE SHALL BE PERFORMED AS NEEDED AND MATERIAL REMOVED WHEN "BULGES" DEVELOP IN THE SEDIMENT FENCE.

7 SILT FENCE

SCALE: NTS
XD_CIVIL_EROSION_SILT_FENCE_P 2014-10-17

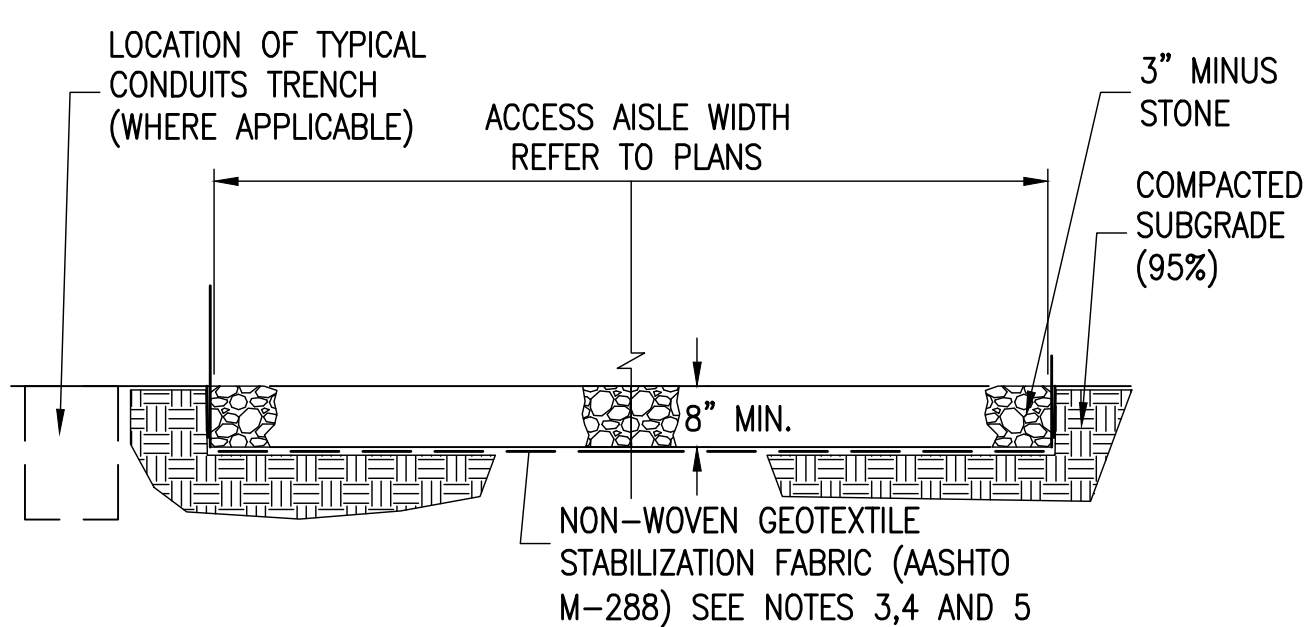


NOTE:

1. ENTRANCE WIDTH SHALL BE A TWENTY-FOUR (24) FOOT MINIMUM, BUT NOT LESS THAN THE FULL WIDTH AT POINTS WHERE INGRESS OR EGRESS OCCURS.
2. THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH SHALL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHTS-OF-WAY. THIS MAY REQUIRE PERIODIC TOP DRESSING WITH ADDITIONAL STONE AS CONDITIONS DEMAND AND REPAIR OR CLEANOUT OF ANY MEASURES USED TO TRAP SEDIMENT. ALL SEDIMENT SPILLED, DROPPED, WASHED OR TRACKED ONTO PUBLIC RIGHTS-OF-WAY MUST BE REMOVED IMMEDIATELY. BERM SHALL BE PERMITTED. PERIODIC INSPECTION AND MAINTENANCE SHALL BE PROVIDED AS NEEDED.

4 STABILIZED CONSTRUCTION EXIT

SCALE: NTS
XD_CIVIL_TEMPORARY_CONSTRUCTION_STABILIZED_CONSTRUCTION_EXIT 06-10-2016

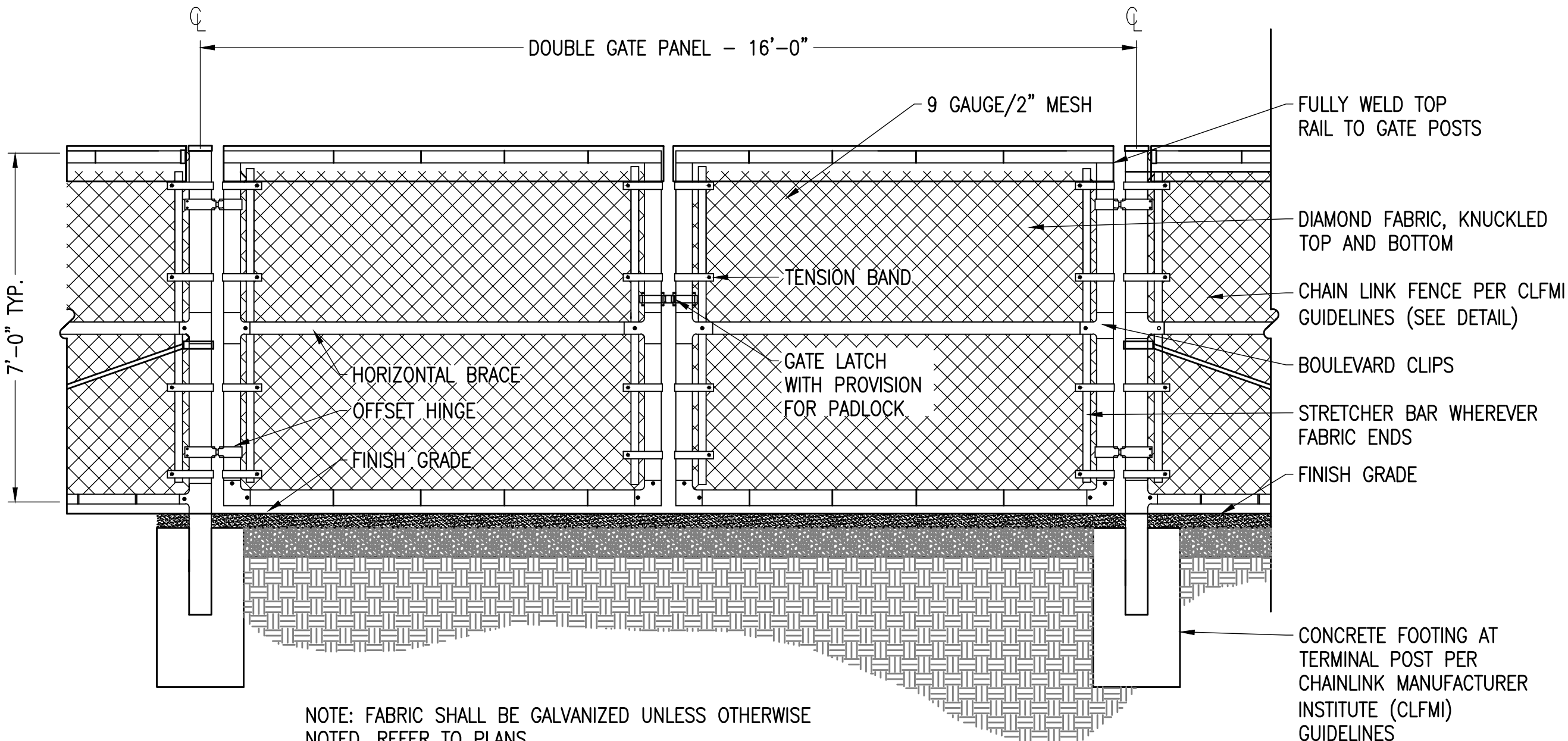


NOTES:

1. SUBCONTRACTOR SHALL EXCAVATE TO SUITABLE MATERIAL FOR SUBGRADE.
2. SUBCONTRACTOR SHALL COMPACT SUBGRADE TO PROVIDE SUITABLE SURFACE TO PLACE ROAD.
3. GEOTEXTILE FABRIC SHALL MEET THE FOLLOWING REQUIREMENTS:
 - TENSILE STRENGTH: 150 LB MIN.
 - ELONGATION: 50%
 - CBR PUNCTURE: 400 LB MIN.
 - MINIMUM WATER FLOW RATE: 120 GPM / FT²
4. SUBCONTRACTOR SHALL FOLLOW GEOTEXTILE FABRIC MANUFACTURER INSTALLATION PROCEDURES.
5. WHERE OVERLAPPING OF GEOTEXTILE FABRIC IS REQUIRED, SUBCONTRACTOR SHALL OVERLAP A MINIMUM OF 24".
6. SUBCONTRACTOR SHALL REMOVE TEMPORARY CONSTRUCTION ACCESS ROADS, AND RESTORE TO PRE-CONSTRUCTION CONDITIONS TO THE SATISFACTION OF THE CEOR AND THE GOVERNING AGENCIES.

1 GRAVEL ACCESS ROAD

SCALE: NTS
XD_CIVIL_GRAVEL_ROAD 07-24-2017

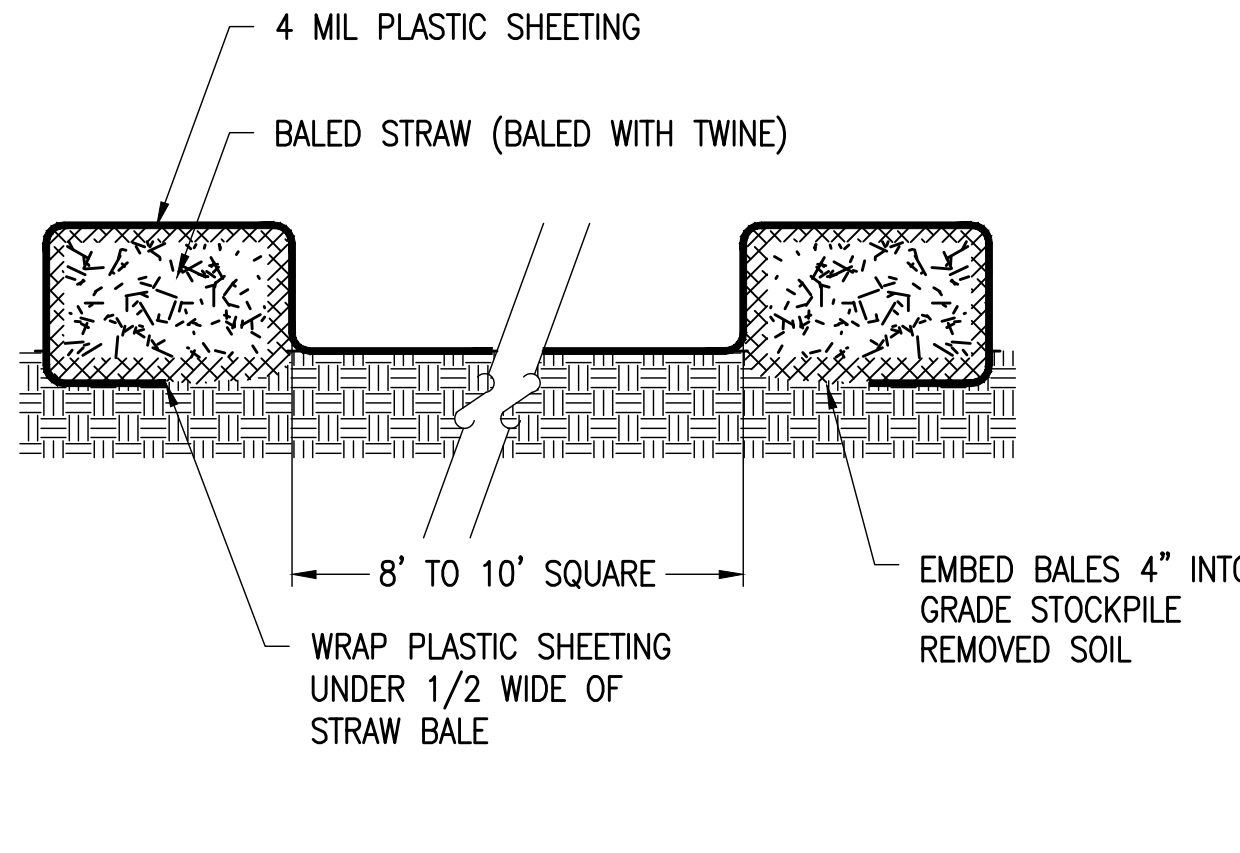


NOTE: FABRIC SHALL BE GALVANIZED UNLESS OTHERWISE NOTED, REFER TO PLANS.

CONCRETE FOOTING AT
TERMINAL POST PER
CHAINLINK MANUFACTURER
INSTITUTE (CLFMI)
GUIDELINES

8 VEHICLE GATE

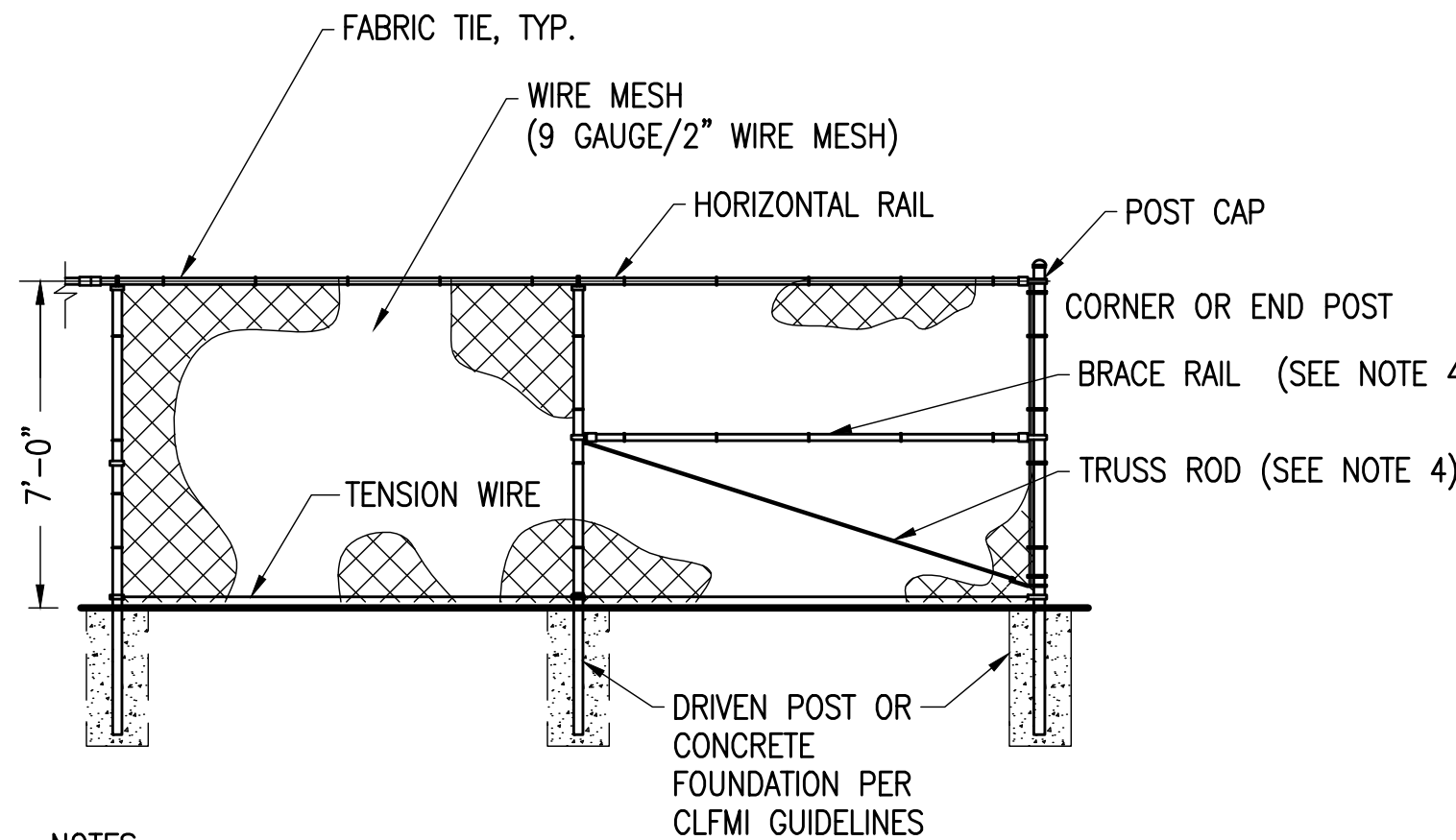
SCALE: NTS
XD_CIVIL_FENCE_VEHICLE_GATE_T OR R 07-29-2017



NOTE: PLASTIC SHEETING SHALL BE FREE OF TEARS OR HOLES. AFTER BASIN IS USED, WASHWATER FROM WASHOUT BASIN SHALL EVAPORATE OR BE VACUUMED OUT. REMOVE REMAINING HARDENED SOLIDS. REPLACE PLASTIC SHEETING AND STRAWBALES AS REQUIRED.

5 CONCRETE WASHOUT BASINS

SCALE: NTS
XD_CIVIL_CONCRETE_WASHOUT_BASINS 07-24-2017

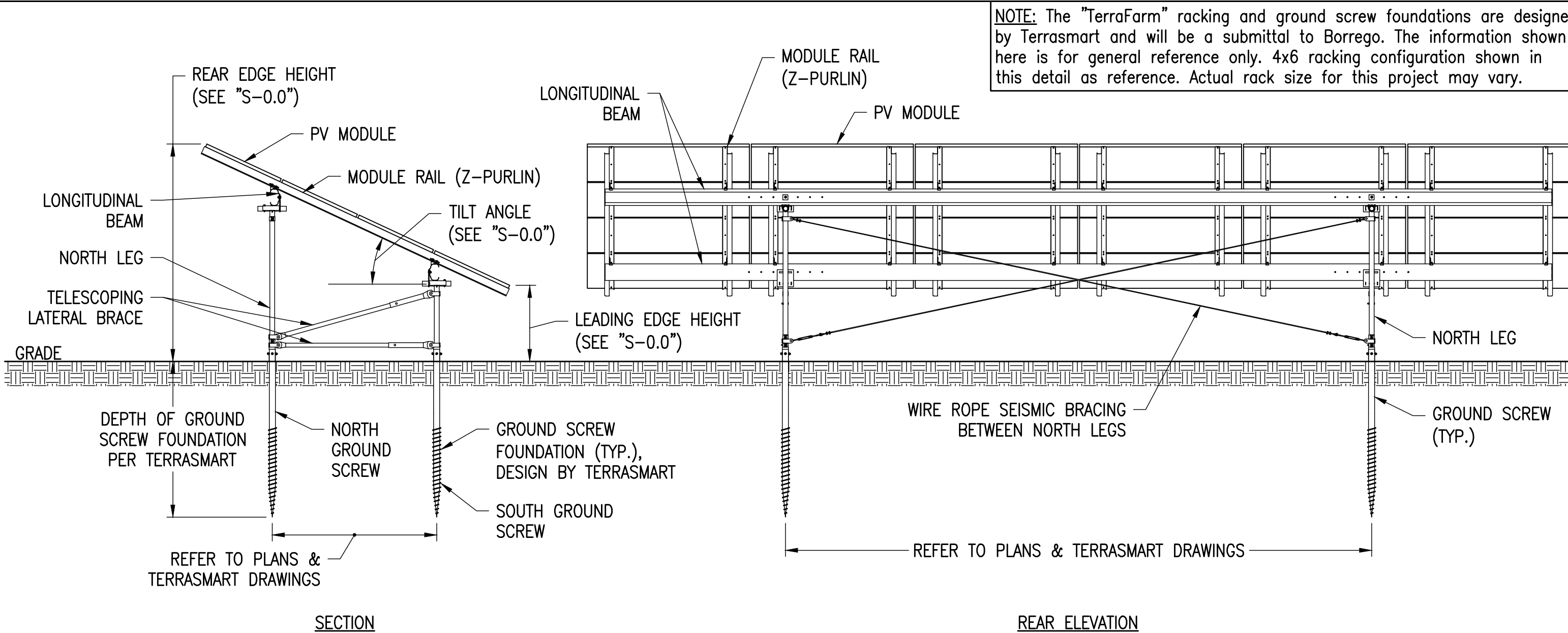


NOTES:

1. THE FENCE SHALL MEET OR EXCEED THE CHAIN LINK FENCE MANUFACTURER INSTITUTE (CLFMI) GUIDELINES AND RELATED FEDERAL SPECIFICATIONS FOR SECURITY CHAIN LINK FENCE MATERIALS AND INSTALLATION.
2. ALL FENCE MATERIAL AND COMPONENTS SHALL BE GALVANIZED, UNLESS OTHERWISE NOTED.
3. THIS DETAIL NOT APPLICABLE FOR PRIVACY FENCE OR FENCE WITH SLATS.
4. ADJUSTABLE TRUSS ROD AND BRACE RAIL AT CORNER OR END POSTS ONLY, IF REQUIRED BY CLFMI GUIDELINES.

2 CHAIN LINK FENCE

SCALE: NTS
XD_CIVIL_FENCE_T_CHAIN_LINK 06-10-2016



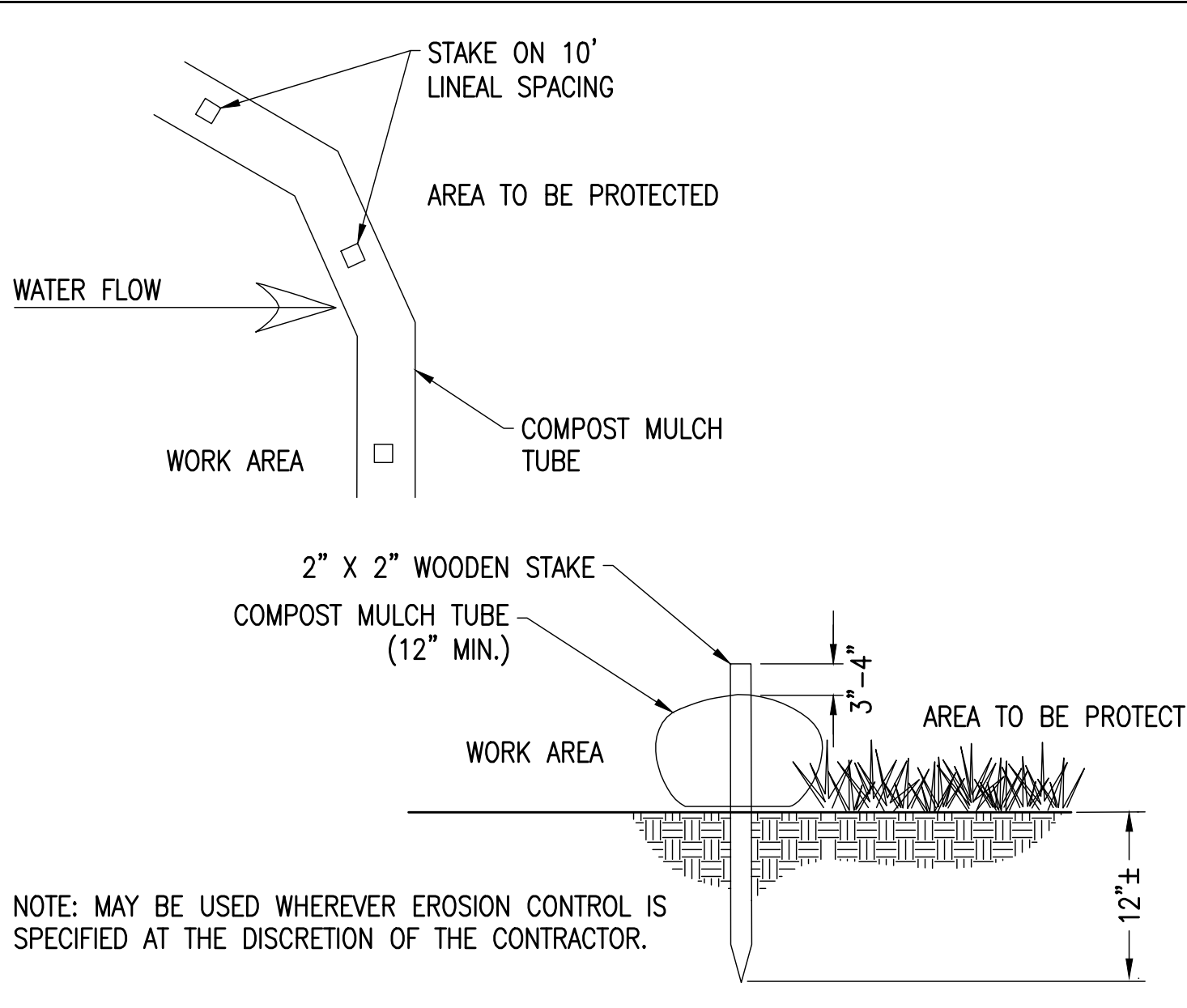
NOTE: The "TerraFarm" racking and ground screw foundations are designed by Terrasmart and will be a submittal to Borrego. The information shown here is for general reference only. 4x6 racking configuration shown in this detail as reference. Actual rack size for this project may vary.

REAR ELEVATION

9 TYPICAL RACK SECTION & REAR ELEVATION

TERRASMA TF3L

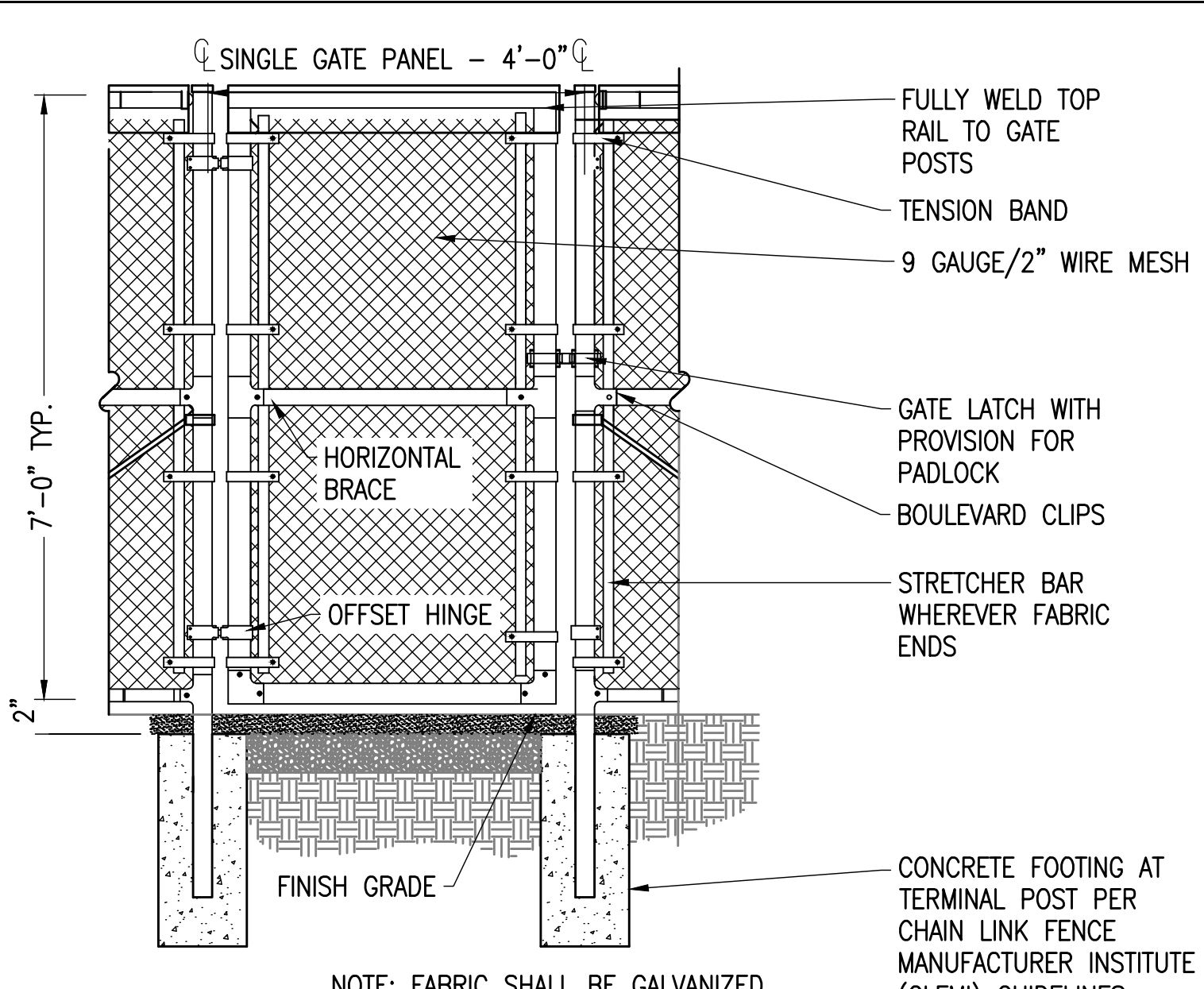
SCALE: NTS
XD_STRUCT_TERRASMA_TF3L_RACK_SECT & REAR_ELEV 2016-12-03



NOTE: MAY BE USED WHEREVER EROSION CONTROL IS SPECIFIED AT THE DISCRETION OF THE CONTRACTOR.

6 MULCH TUBE

SCALE: NTS
XD_CIVIL_FILTEREX_FILTER SOCK 03-29-2016



NOTE: FABRIC SHALL BE GALVANIZED

3 4' MAN GATE

SCALE: NTS
XD_CIVIL_SITE_CONSTRUCTION_4' WALK THROUGH GATE 07-25-2017

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QUENTIN JAMES WOOD
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PROFESSIONAL ENGINEER

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POLISH TOWN ROAD
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BRAHAMSVILLE, VA 23011

PROJECT NUMBER:
111-5247

REV	DATE	DRAWN	CHECKED	RELEASE LEVEL
1	10/31/23	ATK	QW	CONDITIONAL USE PERMIT SET

SCALES STATED ON DRAWINGS ARE VALID ONLY WHEN PLOTTED ASCH 9.24" X 36"

C-5.0
CIVIL DETAILS

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energy

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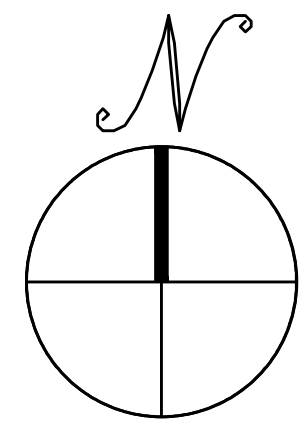
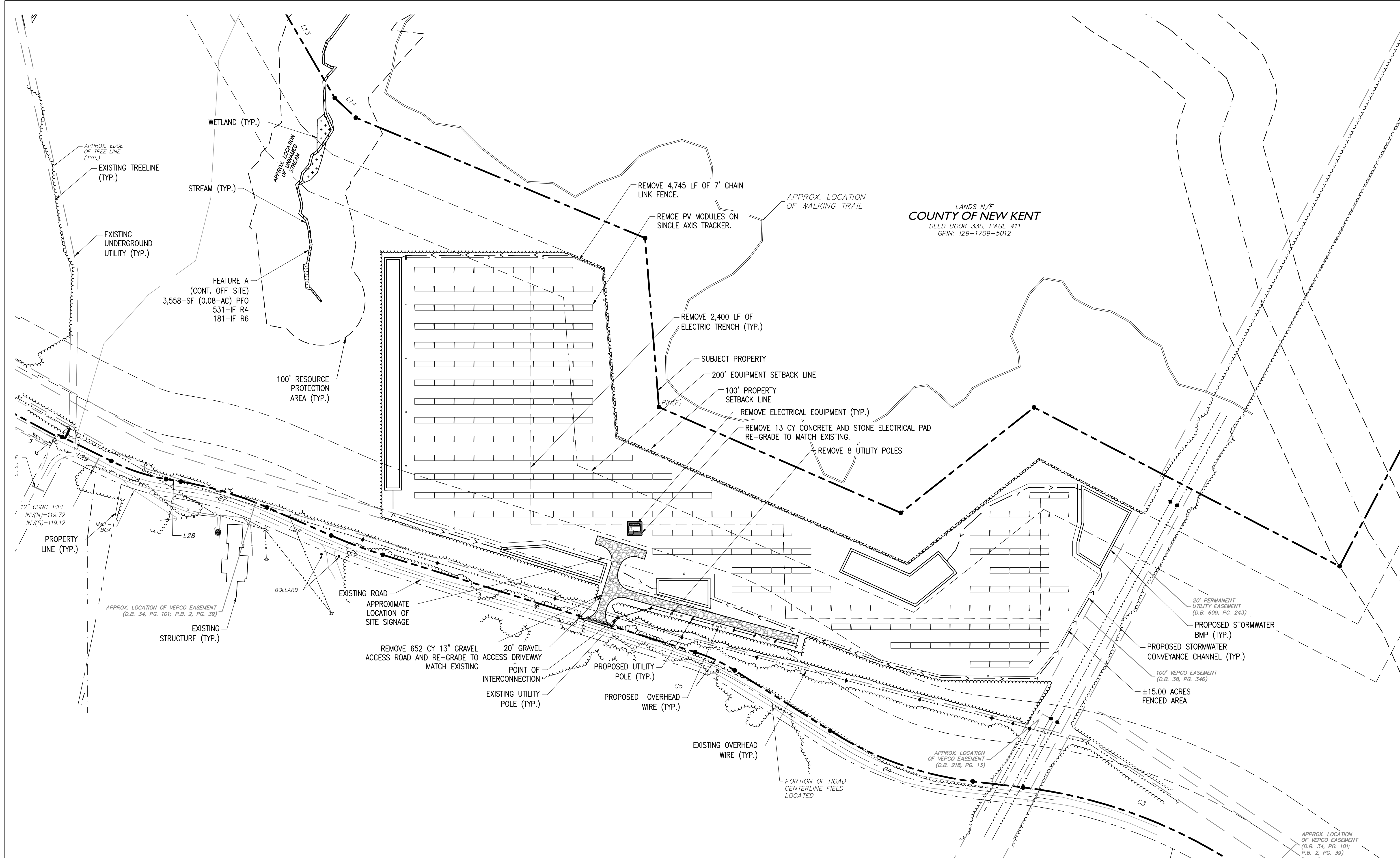
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1	10/31/23	ATK	QW			CONDITIONAL		

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ARCH D 24" X 36"

C-6.0
DECOMMISSION PLAN



DECOMMISSION PLAN

SCALE: 1" = 100'



Community Meeting Summary: Polish Town Rd

December 6, 2023

New Leaf Energy, Inc. held a community meeting for neighbors within 1 mile of the Polish Town Rd project on December 6, 2023 at the Tony & Georges Seafood/Italian in West Point, VA. There were 20 attendees. New Leaf provided printed copies of the presentation slides at the meeting. New Leaf went through a short presentation about the project. Neighbors wrote down questions during the presentation on provided sticky notes. New Leaf collected the questions at the end of the short presentation and went through the questions.

The remaining questions and responses from the December 6 meeting are below categorized by topic:

- **How do solar panels catch on fire? Is there a notice?**

- Per the NC Clean Energy Technology Center, the majority of solar panel components are non-flammable, including the tempered glass covering that comprises about 75 percent of the panel's weight. The components that are considered flammable include the wiring insulation, plastic junction boxes that house the electrical wires, and the polymer components that surround PV cells and polymer backsheets in framed panels. These items are unable to self sustain a fire.
- Fires with solar panels are uncommon. It typically requires an electrical fault for one to ignite.
- It's industry practice to build solar farms with knox boxes, which is a lock that allows fire departments to access the fenced area using one master key. This allows them to quickly respond to a fire should one occur.
- New Leaf uses panels with the electrical standard of UL 61730, which has a requirement for the panels to go through two fire safety tests called Spread of Flame Test and Burning Brand Test, where the modules must meet these conditions:
 - No glowing or burning part of PV modules may fall from test rig
 - Spread of flame cannot exceed 1.82 meters (Class A), 2.4 meters (Class B), or 3.9 meters (Class C), where class C is passing at minimum standards
 - Lateral flame spread is limited

- **Do solar panels shut off if there is a fire?**

- The monitoring system will identify if there is an electrical fire, which would prompt the disconnection of the inverter or other locations within the system. The panels do not shut off during a fire.
- An emergency response plan will be put together during the site plan process in coordination with the County and local fire and rescue departments to ensure the agencies have proper training, products, and safety information on how to respond appropriately.
- Fires at solar facilities are uncommon and similarly the spread of fires to the surrounding property is very unlikely as the intent of the emergency response for a fire is to prevent the fire from spreading, similar to house fire or any other fire. Similar to quail farms and other ground bird farms, our project will incorporate cool-weather native grasses around the perimeter of the facility that are often used as natural firebreaks when conducting a controlled burn to reestablish habitat.
- **Has New Leaf decommissioned projects?**
 - New Leaf Energy was previously part of Borrego Solar, a company that developed, built, and maintained projects. In 2022, the development arm spun off and became New Leaf Energy. As Borrego Solar, the company had decommissioned two solar projects, one rooftop and one ground mounted system. In both cases, the solar panels from those projects were sold for reuse. The rest of our projects are still in operation.
- **How many solar projects have been decommissioned?**
 - We were unable to find a statistic that stated how many solar projects have been decommissioned in the US or world to date. The majority of solar projects are expected to reach end of life and decommissioning after 2030.
- **How do European countries dispose of solar panels?**
 - Countries in the European Union treat solar panels as e-waste also known as Waste from Electrical and Electronic Equipment (WEEE). The EU prioritizes re-using electronic items or recycling materials from electronics as much as possible before disposal.
 - The majority of solar projects in the EU are expected to start decommissioning around 2030-2035.

The questions asked and answered at the community meeting are below:

- Environmental
 - Plan for displacement of wildlife, mainly deer?
 - Who did the environmental studies?
 - Will it effect wildlife such as birds, geese, etc?
- Benefits
 - What tax contributions to the County? Only property?
 - What are benefits to people in the area?
 - Describe the long term jobs. Is two to four a realistic number?
 - Do locals get the construction and maintenance jobs?
 - With a current maximum of 200 MW for Shared Solar, how many MWs are currently allocated?
- Interconnection
 - Which houses get to use the power generated?
 - Does this project need its own substation?
 - Will there be a change in our power bills?
- Property Value and Taxes
 - Will our property values and taxes increase?
 - Describe the generators of the \$272,000 of the tax revenue and over what lifespan?
 - What federal grants do you receive?
- Site Design
 - Why not put the panels on existing homes instead of disturbing land?
 - Where do the panels come from?
 - Any battery storage on-site?
 - Can you see the solar farm from the Wahrani Trail?
 - Will sheep or goats be grazing the property?
- Permitting
 - Is this your first project in New Kent?
 - Have you already applied for a CUP?
- Construction, Maintenance and Decommissioning
 - What is the life of the panel? How do you dispose of the panels?
 - Road maintenance?
 - What kind of construction will occur off the immediate site?
 - Your company maintains the site or a third party?
 - Who pays for damage to neighboring properties or result of excessive runoff?
 - Do you have or plan any restoration on interference of radio or telephone lines?

NEW KENT COUNTY
Notice of Mailing

Applicant Name: New Leaf Energy/Jonathan Kinney
Application Number: CUP-02-23
Public Hearing Date: Monday, February 12, 2024

STATE OF VIRGINIA
COUNTY OF NEW KENT, to wit

I, Kelli L Z Le Duc, of the New Kent County Planning Department, do make oath that notices as required by Section 15.1-431 of the Code of Virginia, 1950, as amended, were mailed on the 30th day of January, 2024, by first class mail, postage prepaid, to the persons whose names and addresses are attached.


Signed _____

Subscribed and sworn to before me this 30th day of January, 2024.



Notary Public



My commission expires: December 31, 2027.

§ 15.2-2204. ADVERTISEMENT OF PLANS, ORDINANCES, ETC.; JOINT PUBLIC HEARINGS; WRITTEN NOTICE
OF CERTAIN AMENDMENTS.

A. Plans or ordinances, or amendments thereof, recommended or adopted under the powers conferred by this chapter need not be advertised in full, but may be advertised by reference. Every such advertisement shall identify the place or places within the locality where copies of the proposed plans, ordinances or amendments may be examined.

The local planning commission shall not recommend nor the governing body adopt any plan, ordinance or amendment thereof until notice of intention to do so has been published once a week for two successive weeks in some newspaper published or having general circulation in the locality, with the first notice appearing no more than 14 days before the intended adoption; however, the notice for both the local planning commission and the governing body may be published concurrently. The notice shall specify the time and place of hearing at which persons affected may appear and present their views. The local planning commission and governing body may hold a joint public hearing after public notice as set forth in this subsection. If a joint hearing is held, then public notice as set forth in this subsection need be given only by the governing body. As used in this subsection, "two successive weeks" means that such notice shall be published at least twice in such newspaper, with not less than six days elapsing between the first and second publication. In any instance in which a locality has submitted a correct and timely notice request to such newspaper and the newspaper fails to publish the notice, or publishes the notice incorrectly, such locality shall be deemed to have met the notice requirements of this subsection so long as the notice was published in the next available edition of a newspaper having general circulation in the locality. After enactment of any plan, ordinance or amendment, further publication thereof shall not be required.

B. When a proposed amendment of the zoning ordinance involves a change in the zoning map classification of 25 or fewer parcels of land, then, in addition to the advertising as required by subsection A, the advertisement shall include the street address or tax map parcel number of the parcels subject to the action. Written notice shall be given by the local planning commission, or its representative, at least five days before the hearing to the owner or owners, their agent or the occupant, of each parcel involved; to the owners, their agent or the occupant, of all abutting property and property immediately across the street or road from the property affected, including those parcels that lie in other localities of the Commonwealth; and, if any portion of the affected property is within a planned unit development, then to such incorporated property owner's associations within the planned unit development that have members owning property located within 2,000 feet of the affected property as may be required by the commission or its agent. However, when a proposed amendment to the zoning ordinance involves a tract of land not less than 500 acres owned by the Commonwealth or by the federal government, and when the proposed change affects only a portion of the larger tract, notice need be given only to the owners of those properties that are adjacent to the affected area of the larger tract. Notice sent by registered or certified mail to the last known address of such owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed adequate compliance with this requirement. If the hearing is continued, notice shall be remailed. Costs of any notice required under this chapter shall be taxed to the applicant.

When a proposed amendment of the zoning ordinance involves a change in the zoning map classification of more than 25 parcels of land, or a change to the applicable zoning ordinance text regulations that decreases the allowed dwelling unit density of any parcel of land, then, in addition to the advertising as required by subsection A, the advertisement shall include the street address or tax map parcel number of the parcels as well as the approximate acreage subject to the action. For more than 100 parcels of land, the advertisement may instead include a description of the boundaries of the area subject to the changes and a link to a map of the subject area. Written notice shall be given by the local planning commission, or its representative, at least five days before the hearing to the owner, owners, or their agent of each parcel of land involved, provided, however, that written notice of such changes to zoning ordinance text regulations shall not have to be mailed to the owner, owners, or their agent of lots shown on a subdivision plat approved and recorded pursuant to the provisions of Article 6 (§ [15.2-2240](#) et seq.) where such lots are less than 11,500 square feet. One notice sent by first class mail to the last known address of such owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed adequate compliance with this requirement, provided that a representative of the local commission shall make affidavit that such mailings have been made and file such affidavit with the papers in the case. Nothing in this subsection shall be construed as to invalidate any subsequently adopted amendment or ordinance because of the inadvertent failure by the representative of the local commission to give written notice to the owner, owners or their agent of any parcel involved.

The governing body may provide that, in the case of a condominium or a cooperative, the written notice may be mailed to the unit owners' association or proprietary lessees' association, respectively, in lieu of each individual unit owner.

Whenever the notices required hereby are sent by an agency, department or division of the local governing body, or their representative, such notices may be sent by first class mail; however, a representative of such agency, department or division shall make affidavit that such mailings have been made and file such affidavit with the papers in the case.

A party's actual notice of, or active participation in, the proceedings for which the written notice provided by this section is required shall waive the right of that party to challenge the validity of the proceeding due to failure of the party to receive the written notice required by this section.

C. When a proposed comprehensive plan or amendment thereto; a proposed change in zoning map classification; or an application for special exception for a change in use or to increase by greater than 50 percent of the bulk or height of an existing or proposed building, but not including renewals of previously approved special exceptions, involves any parcel of land located within one-half mile of a boundary of an adjoining locality of the Commonwealth, then, in addition to the advertising and written notification as required by this section, written notice shall also be given by the local commission, or its representative, at least 10 days before the hearing to the chief administrative officer, or his designee, of such adjoining locality.

D. When (i) a proposed comprehensive plan or amendment thereto, (ii) a proposed change in zoning map classification, or (iii) an application for special exception for a change in use involves any parcel of land located within 3,000 feet of a boundary of a military base, military installation, military airport, excluding armories operated by the Virginia National Guard, or licensed public-use airport then, in addition to the advertising and written notification as required by this section, written notice shall also be given by the local commission, or its representative, at least 30 days before the hearing to the commander of the military base, military installation, military airport, or owner of such public-use airport, and the notice

shall advise the military commander or owner of such public-use airport of the opportunity to submit comments or recommendations.

E. The adoption or amendment prior to July 1, 1996, of any plan or ordinance under the authority of prior acts shall not be declared invalid by reason of a failure to advertise or give notice as may be required by such act or by this chapter, provided a public hearing was conducted by the governing body prior to such adoption or amendment. Every action contesting a decision of a locality based on a failure to advertise or give notice as may be required by this chapter shall be filed within 30 days of such decision with the circuit court having jurisdiction of the land affected by the decision. However, any litigation pending prior to July 1, 1996, shall not be affected by the 1996 amendment to this section.

F. Notwithstanding any contrary provision of law, general or special, the City of Richmond may cause such notice to be published in any newspaper of general circulation in the city.

G. When a proposed comprehensive plan or amendment of an existing plan designates or alters previously designated corridors or routes for electric transmission lines of 150 kilovolts or more, written notice shall also be given by the local planning commission, or its representative, at least 10 days before the hearing to each electric utility with a certificated service territory that includes all or any part of such designated electric transmission corridors or routes.

H. When any applicant requesting a written order, requirement, decision, or determination from the zoning administrator, other administrative officer, or a board of zoning appeals that is subject to the appeal provisions contained in § [15.2-2311](#) or [15.2-2314](#), is not the owner or the agent of the owner of the real property subject to the written order, requirement, decision or determination, written notice shall be given to the owner of the property within 10 days of the receipt of such request. Such written notice shall be given by the zoning administrator or other administrative officer or, at the direction of the administrator or officer, the requesting applicant shall be required to give the owner such notice and to provide satisfactory evidence to the zoning administrator or other administrative officer that the notice has been given. Written notice mailed to the owner at the last known address of the owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall satisfy the notice requirements of this subsection.

This subsection shall not apply to inquiries from the governing body, planning commission, or employees of the locality made in the normal course of business.

Code 1950, § 15-961.4; 1962, c. 407, § 15.1-431; 1964, c. 632; 1968, cc. 354, 714; 1973, cc. 117, 334; 1974, cc. 100, 570; 1975, c. 641; 1976, c. 642; 1977, c. 65; 1982, c. 291; 1990, c. 61; 1992, cc. 353, 757; 1993, cc. 128, 734; 1994, c. [774](#); 1995, c. [178](#); 1996, cc. [613](#), [667](#); 1997, c. [587](#); 2001, c. [406](#); 2002, c. [634](#); 2004, cc. [539](#), [799](#); 2005, c. [514](#); 2007, cc. [761](#), [813](#); 2011, c. [457](#); 2012, c. [548](#); 2013, cc. [149](#), [213](#); 2022, c. [478](#); 2023, cc. [506](#), [507](#).

**NOTICE OF PUBLIC HEARINGS
NEW KENT COUNTY BOARD OF SUPERVISORS**

Notice is hereby given that the New Kent County Board of Supervisors will hold public hearings, and may or may not take action, on Monday, February 12, 2024 at 7:00 p.m. or as soon thereafter as possible, in the Boardroom of the County Administration Building located at 12007 Courthouse Circle, New Kent, VA 23124, to consider the following:

1. **Ordinance O-09-23 R1: Application PUD-01-22, Liberty Landing (Bridgewater Crossing, Inc.):** Kenneth Merner of Bridgewater Crossing Inc. (property owner) and Jeffrey Geiger of Hirschler Fleischer (agent) have requested the rezoning from Business to Planned Unit Development (PUD) of approximately 113 acres of land, and the rezoning from A-1 to Planned Unit Development (PUD) of approximately 4.6 acres of land. The subject properties are located to the south of Route 60 (across from the Five Lakes Subdivision), and are identified as Tax Parcels 19-11-1, 19-11-2, 19-11-3, 19-11-4, 19-11-5, 19-11-A, 19-11-B, 19-46-A, 29-2A, and 29-2B. The applicants are proposing to create a mixed-use development with approximately 60,000 square feet of Business/Commercial uses in the front (northern) portion of the property, 145 townhomes, and 145 single-family residential lots. The Planning Commission considered this application at their meeting on April 17, 2023 and voted 6:4:1 to forward a favorable recommendation to the Board of Supervisors.
2. **Resolution R-02-24, Application CUP-02-23, New Leaf Energy, Inc.:** Representatives from New Leaf Energy, Inc. have requested a Conditional Use Permit to construct a 2 MW solar system (facility) on approximately 23 acres located within Tax Parcel 27-6J (GPIN #I28-3826-5374) in eastern New Kent County. The parcel is currently zoned Industrial and is generally located east of State Route 30 and north of Henrico County's Regional Jail East on the north side of Route 634 (Polish Town Road.) The Planning Commission considered this application at their meeting on December 18, 2023 and voted 7:1:3 to send a favorable recommendation to the Board of Supervisors.
3. **Ordinance O-03-24, Amendments to New Kent County Code Chapter 82, Articles V and VI:** The Board of Supervisors will consider amendments, primarily involving public notification requirements, to Chapter 82 – Environment, Article V – Wetlands and Article VI – Sand Dunes and Beaches. The amendments will align the County Code with the Code of Virginia as a result of amendments that were adopted during the 2023 Legislative Session.

All interested persons may appear and present their views at the above time and place. If a member of the public cannot attend, comments may be submitted by mail to P. O. Box 150, New Kent, VA 23124; by fax to (804) 966-9370; or by email to bos@newkent-va.us. Comments received by 12:00 noon on the day of the hearings will be distributed to Board members and made a part of the public record. Copies of any proposed ordinances, resolutions, applications and staff reports may be viewed approximately one week prior to the hearing in the Office of the County Administrator at 12007 Courthouse Circle, New Kent, VA 23124, during regular business hours or at <http://www.co.new-kent.va.us>. Anyone needing assistance or accommodation under the provisions of the Americans with Disabilities Act should call the County Administrator's Office

at (804) 966-9687. If the meeting cannot be held because of the closing of State and/or County offices, it will be held on the next business day that the County offices are open.

By authority of
Rodney A. Hathaway
Clerk of the Board

Please use 10 point upper case type in the heading as indicated. Use 8 point type in the body.

Please publish notice once a week for two successive weeks.

Kindly send certification of publication and bill to Wanda Watkins, New Kent Administration Office.

WEIR CREEK LLC
ATTN: JOHN KINNEY
2311 WILSON BLVD, STE 500
ARLINGTON, VA 22201

CUP-02-23

MARTIN KATHY GRYMULSKI
27024 FORT EMORY RD
PETERSBURG, VA 23805

CUP-02-23

KUBAS LLC
PO BOX 305
MIDLOTHIAN, VA 23113

COUNTY OF NEW KENT
PO BOX 150
NEW KENT, VA 23124

CUP-02-23

ANATOLIO FERNANDEZ
PLANCARTE
17701 POLISH TOWN RD
BARHAMSVILLE, VA 23011

CUP-02-23

JRAF JC LLC
612 ALEXANDER LEE PARKWAY
WILLIAMSBURG, VA 23185

VIRGINIA LC AND C/O VA
PROPERTIES MGMT. LLC
4600 N FAIRFAX DR. STE 1002
ARLINGTON, VA 22203

CUP-02-23

PLANCARTE MANAGEMENT LLC
17655 POLISH TOWN RD
BARHAMSVILLE, VA 23011

CUP-02-23

**PLANNING COMMISSION
COUNTY OF NEW KENT
VIRGINIA**

PC-12-23

At the regular meeting of the Planning Commission of the County of New Kent, in the Boardroom of the Administration Building in New Kent, Virginia, on the 18th day of December, 2023:

<u>Present:</u>	<u>Vote:</u>
Katherine Butler	Aye
Marc Bennett	Aye
Joanne Schmit	Aye
Laura Rose	Aye
Amy Pearson	Abstain
Gary Larochelle	Aye
John Moyer	Abstain
Joseph Davis	Aye
Tommy Tiller	Abstain
Patricia Townsend	Aye
Curtisa Thomas	Nay

Motion was made by Patricia Townsend, which carried 7:1:3, to adopt the following resolution:

**A RESOLUTION TO RECOMMEND APPROVAL OF
CONDITIONAL USE PERMIT APPLICATION CUP-02-23,
POLISH TOWN SOLAR 1/ NEW LEAF ENERGY, INC.
AND JONATHAN KINNEY (PROPERTY OWNER)
TO AUTHORIZE THE CONSTRUCTION OF A SOLAR
ENERGY FACILITY LOCATED ON A PORTION OF
TAX MAP 27-6J (GPIN #I28-3826-5374)**

WHEREAS, Weir Creek LLC C/O John Kinney (property owner) and representatives from New Leaf Energy/Polish Town Solar 1, LLC (applicant) have submitted a "Conditional Use Permit Application" dated October 31, 2023; and

WHEREAS, said application requests a conditional use permit to construct a 2 MW solar system/facility on a portion of a parcel identified on the New Kent County digital map as GPIN #I28-3826-5374 (Tax Map and parcel 27-6J); and

WHEREAS, subsequent to receiving a complete application and within the timeframes established by Code, the Planning Commission scheduled and conducted a formal and duly advertised public hearing, carefully considering the public comment received; and

WHEREAS, the Planning Commission has evaluated the application based on the current zoning of the parcel, which is Industrial, the standards set forth in the Conditional Use Permit Provisions of the Zoning Ordinance (Article XIX, § 98-741 et seq.), and the proposed conditions in the staff memo; and

WHEREAS, the Commission finds that CUP-02-23 is substantially in accord with the Comprehensive Plan; and

WHEREAS, the Commission finds that approval of CUP-02-23 with the conditions stated herein is appropriate to address, protect, and promote public convenience, necessity, general welfare, and good zoning practices in the County and the health, safety, and general welfare of the Citizens in the County;

NOW THEREFORE, BE IT RESOLVED that on this, the 18th day of December, 2023, by the New Kent County Planning Commission, that Conditional Use Permit Application CUP-02-23, submitted by Weir Creek LLC C/O John Kinney (property owner) and representatives from New Leaf Energy/Polish Town Solar 1, LLC (applicant) be forwarded to the New Kent County Board of Supervisors with a recommendation of approval with the following conditions:

1. The following conditions will apply to the property identified on the "Conditional Use Permit Plan Set" dated 10/31/23 prepared by New Leaf Energy and submitted with the application and will be binding on Polish Town Solar 1, LLC, New Leaf Energy, or any successors, assignees, current or future lessee, sub-lessee, or owner of the solar energy facility (the "Solar Facility").
2. The Solar Facility must meet all requirements set forth in New Kent County Code Article XXII – Site Plans; Performance Standards, Section 98-878 – **Specific conditions applicable to energy storage projects and solar generation facilities.**
3. Polish Town Solar 1, LLC, New Leaf Energy, or any successors, assignees, current or future lessee, sub-lessee, or owner of the solar energy facility (the "Applicant") will consent to administrative inspections by New Kent County staff for compliance with the requirements of this Conditional Use Permit, with a 24-hour notice provided by the county to the designated company representative.
4. Per Virginia Code § 15.2-2288.8, the Applicant will pay the County \$50,000 (the "Trail Upgrade Payment") for future upgrades and maintenance to the Wahrani hiking and biking trails, adjacent to the project site and which the County has determined are reasonably related to the Solar Facility. The Trail Upgrade Payment will be paid to the County within ninety (90) days of building permit approval, and will be in lieu of any other payments (excluding taxes) to the County.
5. All federal, state, and local laws, regulations, permit requirements and ordinances will be adhered to, including but not limited to:
 - a. All active solar systems shall meet all requirements of the latest editions of the National Electrical Code (NEC), National Electrical Safety Code (NESC), American

Society of Civil Engineers (ASCE), American National Standards Institute (ANSI), Institute of Electrical and Electronics Engineers (IEEE), Underwriters Laboratories (UL), or International Electrotechnical Commission (IEC) as applicable and state building code and shall be inspected by a county building inspector throughout the building permit process. If there are any conflicts between standards, the Uniform Statewide Building Code (USBC) shall control.

- b. An Erosion and Sediment Control plan and a Stormwater Management Plan must be submitted and approved prior to any land disturbance.
6. The Solar Facility will be limited to no more than the 23 acres of the property identified on the "Conditional Use Permit Plan Set" dated 10/31/23 prepared by New Leaf Energy and submitted with the application, excluding additional acreage deemed necessary during the site plan review process for proper stormwater and erosion management, and a temporary laydown area during construction of the Facility.
7. All site activity required for the construction and operation of the Solar Facility will be limited to the following:
 - a. All pile driving activity will be limited to the hours from the earlier of sunrise or 8:00 a.m. to the later of 6:00 p.m. or sunset, Monday through Saturday.
 - b. All other construction activity on site will be permitted Monday through Sunday in accordance with the provisions of the County's Noise Ordinance.
8. All solar panels will use anti-reflective coatings to help prevent glare.
9. The applicant will work directly with New Kent County's Chamber of Commerce and the Economic Development Department to enable the inclusion of local contractors within the County in the bidding process for construction and post-construction.
10. A weather proof/resistant Emergency Response Plaque/Poster will be mounted near the front gate. The Plaque/Poster will include contact information for the facility, an Emergency Response Chain of Command, including information for Police, Fire, and Rescue services and other pertinent information associated with the facility during an emergency response.
11. All landscaping will be reviewed by the Zoning Administrator or his/her designee following installation and as necessary thereafter to ensure the landscape is being maintained. The applicant will work with the County to identify the species that will provide the best aesthetic and environmental benefit.
12. In areas where there is an existing timber buffer remaining on the parcel, then the existing timber buffer will be retained as part of the perimeter landscaping, as per the "Tree Clearing Plan" submitted with the application. Hand-clearing of trees within the existing timber buffer for purposes of safety or removal of dead trees is permitted, so as long as the applicant plants appropriate replacements in accordance with ordinance standards. All existing timber buffers, which may require supplementation with planted trees or shrubs if the existing buffer consists of a relatively thin block of trees or lacks significant understory, are subject to review and approval by the Zoning Administrator or his/her designee. The use of existing timber

and natural screening is preferable. Buffer clearing is permitted to an access road to serve the Project and the view is not required to be obscured within the access road's right of way.

13. Excluding the required landscape buffer areas, the ground between the panels and areas not otherwise covered by gravel or infrastructure will be planted and maintained with a vegetative cover. This vegetative cover will be managed with regularly schedule landscape maintenance at intervals deemed appropriate by the County and applicant during site plan review.
14. The applicant must enter into a standard form BMP Maintenance Agreement with New Kent County which will detail the applicant's responsibilities to maintain its stormwater facilities.
15. The applicant will prepare a Transportation Plan as part of building permit approval. The Transportation Plan will be required for all facility traffic. Truck traffic will be limited to only the routes shown in the Transportation Plan. No other local routes in New Kent County may be used. The Transportation Plan will be revisited at time of decommissioning with the County and applicant to reflect the latest status of the roads.
16. Access roads will be marked by the Applicant with identifying signage.
17. A Construction Traffic Management Plan and mitigation measures will be developed by the Applicant and submitted to the County and Virginia Department of Transportation (VDOT) for review. The Plan will address traffic control measures, a pre- and post-construction road evaluation, and any necessary repairs to the public road that are required as a result of damage from the Project. The applicant will inspect and video document the secondary roads associated with the Transportation Plan to assess any roadway damage no greater than 30 days prior to construction and no greater than 30 days after construction. The applicant will inspect and video document the secondary roads associated with the Transportation Plan to assess any roadway damage no greater than 30 days prior to decommissioning and no greater than 30 days after decommissioning of the facility. If a traffic issue arises during the construction of the Project, the Applicant will develop with input from the County and VDOT appropriate measures to mitigate the issue.
18. This Conditional Use Permit will expire on the 3rd anniversary of its issuance if the applicant has not obtained a building permit and commenced construction, unless an extension of the Conditional Use Permit is approved by the New Kent County Board of Supervisors.

Attested:



V. Marc Bennett, Chairman
New Kent County Planning Commission

**BOARD OF SUPERVISORS
COUNTY OF NEW KENT
VIRGINIA**

R-02-24

At the regular meeting of the Board of Supervisors of the County of New Kent, in the Boardroom of the Administration Building in New Kent, Virginia, on the 12th day of February, 2024:

Present:

Thomas W. Evelyn
John P. Moyer
Amy M. Pearson
Ron Stiers
Jordan T. Stewart

Vote:

Motion was made by _____, which carried _____, to adopt the following resolution:

**A RESOLUTION TO APPROVE
CONDITIONAL USE PERMIT APPLICATION CUP-02-23,
POLISH TOWN SOLAR 1/NEW LEAF ENERGY, INC.
AND JONATHAN KINNEY (PROPERTY OWNER)
TO AUTHORIZE THE CONSTRUCTION OF A SOLAR ENERGY FACILITY
LOCATED ON A PORTION OF TAX MAP 27-6J (GPIN #I28-3826-5374)**

WHEREAS, Weir Creek LLC C/O John Kinney (property owner) and representatives from New Leaf Energy/Polish Town Solar 1, LLC (applicant), have submitted a “Conditional Use Permit Application” dated October 31, 2023; and

WHEREAS, said application requests a conditional use permit to construct a 2 MW solar system/facility on a portion of a parcel identified on the New Kent County Digital map as GPIN #I28-3826-5374 (Tax Map and parcel 27-6J); and

WHEREAS, said application was considered by the New Kent County Planning Commission (the “Planning Commission”) in accordance with applicable procedures at a formal and duly advertised public hearing on December 18, 2023, where they carefully considered the public comment received and voted 7:1:3 to forward a recommendation of approval to the Board of Supervisors; and

WHEREAS, within the timeframes established by the Code of Virginia and New Kent County Code, the Board of Supervisors scheduled and conducted a formal and duly advertised

public hearing on February 12, 2024, and carefully considered the comments received, the application and conditions; and

WHEREAS, the Board of Supervisors has evaluated the application based on the current zoning of the parcel, which is Industrial, the standards set forth in the Conditional Use Permit Provisions of the Zoning Ordinance (Article XIX, § 98-741 et seq.), and the proposed conditions in the staff memo; and

WHEREAS, the Board of Supervisors finds that CUP-02-23 is substantially in accord with the Comprehensive Plan; and

WHEREAS, the Board of Supervisors finds that the standards for granting a Conditional Use Permit have been satisfied; and

WHEREAS, the Board of Supervisors finds that approval of this application would address, protect, and promote public convenience, necessity, general welfare, and good zoning practices in the County and the health, safety, and general welfare of the Citizens in the County;

NOW THEREFORE, BE IT RESOLVED that on this, the 12th day of February, 2024, by the New Kent County Board of Supervisors, that Conditional Use Permit Application CUP-02-23 submitted by Weir Creek LLC C/O John Kinney (property owner) and representatives from New Leaf Energy/Polish Town Solar 1, LLC (applicant), be, and it hereby is, approved, subject to the following conditions:

1. The following conditions will apply to the property identified on the “Conditional Use Permit Plan Set” dated 10/31/23 prepared by New Leaf Energy and submitted with the application and will be binding on Polish Town Solar 1, LLC, New Leaf Energy, or any successors, assignees, current or future lessee, sub-lessee, or owner of the solar energy facility (the “Solar Facility”).
2. The Solar Facility must meet all requirements set forth in New Kent County Code Article XXII – Site Plans; Performance Standards, Section 98-878 – **Specific conditions applicable to energy storage projects and solar generation facilities.**
3. Polish Town Solar 1, LLC, New Leaf Energy, or any successors, assignees, current or future lessee, sub-lessee, or owner of the solar energy facility (the “Applicant”) will consent to administrative inspections by New Kent County staff for compliance with the requirements of this Conditional Use Permit, with a 24-hour notice provided by the county to the designated company representative.
4. Per Virginia Code § 15.2-2288.8, the Applicant will pay the County \$50,000 (the “Trail Upgrade Payment”) for future upgrades and maintenance to the Wahrani hiking and biking trails, adjacent to the project site and which the County has determined are reasonably related to the Solar Facility. The Trail Upgrade Payment will be paid to the County within ninety (90) days of building permit approval, and will be in lieu of any other payments (excluding taxes) to the County.

5. All federal, state, and local laws, regulations, permit requirements and ordinances will be adhered to, including but not limited to:
 - a. All active solar systems shall meet all requirements of the latest editions of the National Electrical Code (NEC), National Electrical Safety Code (NESC), American Society of Civil Engineers (ASCE), American National Standards Institute (ANSI), Institute of Electrical and Electronics Engineers (IEEE), Underwriters Laboratories (UL), or International Electrotechnical Commission (IEC) as applicable and state building code and shall be inspected by a county building inspector throughout the building permit process. If there are any conflicts between standards, the Uniform Statewide Building Code (USBC) shall control.
 - b. An Erosion and Sediment Control plan and a Stormwater Management Plan must be submitted and approved prior to any land disturbance.
6. The Solar Facility will be limited to no more than the 23 acres of the property identified on the “Conditional Use Permit Plan Set” dated 10/31/23 prepared by New Leaf Energy and submitted with the application, excluding additional acreage deemed necessary during the site plan review process for proper stormwater and erosion management, and a temporary laydown area during construction of the Facility.
7. All site activity required for the construction and operation of the Solar Facility will be limited to the following:
 - a. All pile driving activity will be limited to the hours from the earlier of sunrise or 8:00 a.m. to the later of 6:00 p.m. or sunset, Monday through Saturday.
 - b. All other construction activity on site will be permitted Monday through Sunday in accordance with the provisions of the County’s Noise Ordinance.
8. All solar panels will use anti-reflective coatings to help prevent glare.
9. The applicant will work directly with New Kent County’s Chamber of Commerce and the Economic Development Department to enable the inclusion of local contractors within the County in the bidding process for construction and post-construction.
10. A weather proof/resistant Emergency Response Plaque/Poster will be mounted near the front gate. The Plaque/Poster will include contact information for the facility, an Emergency Response Chain of Command, including information for Police, Fire, and Rescue services and other pertinent information associated with the facility during an emergency response.
11. All landscaping will be reviewed by the Zoning Administrator or his/her designee following installation and as necessary thereafter to ensure the landscape is being maintained. The applicant will work with the County to identify the species that will provide the best aesthetic and environmental benefit.
12. In areas where there is an existing timber buffer remaining on the parcel, then the existing timber buffer will be retained as part of the perimeter landscaping, as per the “Tree Clearing Plan” submitted with the application. Hand-clearing of trees within the existing timber

buffer for purposes of safety or removal of dead trees is permitted, so as long as the applicant plants appropriate replacements in accordance with ordinance standards. All existing timber buffers, which may require supplementation with planted trees or shrubs if the existing buffer consists of a relatively thin block of trees or lacks significant understory, are subject to review and approval by the Zoning Administrator or his/her designee. The use of existing timber and natural screening is preferable. Buffer clearing is permitted to an access road to serve the Project and the view is not required to be obscured within the access road's right of way.

13. Excluding the required landscape buffer areas, the ground between the panels and areas not otherwise covered by gravel or infrastructure will be planted and maintained with a vegetative cover. This vegetative cover will be managed with regularly schedule landscape maintenance at intervals deemed appropriate by the County and applicant during site plan review.
14. The applicant must enter into a standard form BMP Maintenance Agreement with New Kent County which will detail the applicant's responsibilities to maintain its stormwater facilities.
15. The applicant will prepare a Transportation Plan as part of building permit approval. The Transportation Plan will be required for all facility traffic. During construction, the construction traffic will be limited to the temporary construction access, generally depicted on Sheet C-3.0 Layout and Materials Plan (included in the CUP materials and dated 1/31/24), and only the routes shown in the Transportation Plan. Upon completion of construction, the permanent access entrance will be required for all facility traffic, and the temporary access will be removed, restored, and screened. No other local routes in New Kent County may be used. The Transportation Plan will be revisited at time of decommissioning with the County and applicant to reflect the latest status of the roads.
16. Access roads will be marked by the Applicant with identifying signage.
17. A Construction Traffic Management Plan and mitigation measures will be developed by the Applicant and submitted to the County and Virginia Department of Transportation (VDOT) for review. The Plan will address traffic control measures, a pre- and post-construction road evaluation, and any necessary repairs to the public road that are required as a result of damage from the Project. The applicant will inspect and video document the secondary roads associated with the Transportation Plan to assess any roadway damage no greater than 30 days prior to construction and no greater than 30 days after construction. The applicant will inspect and video document the secondary roads associated with the Transportation Plan to assess any roadway damage no greater than 30 days prior to decommissioning and no greater than 30 days after decommissioning of the facility. If a traffic issue arises during the construction of the Project, the Applicant will develop with input from the County and VDOT appropriate measures to mitigate the issue.
18. This Conditional Use Permit will expire on the 3rd anniversary of its issuance if the applicant has not obtained a building permit and commenced construction, unless an extension of the Conditional Use Permit is approved by the New Kent County Board of Supervisors.

BE IT FURTHER RESOLVED, that the County Administrator be, and he is hereby, directed to have a fully executed copy of this Resolution recorded upon the Land Records of the County in the office of the Clerk of the Circuit Court.

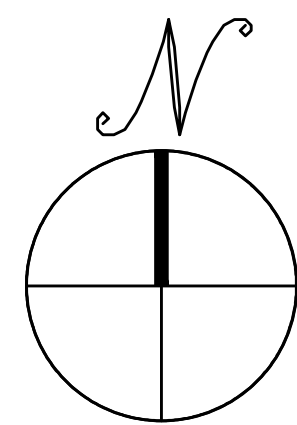
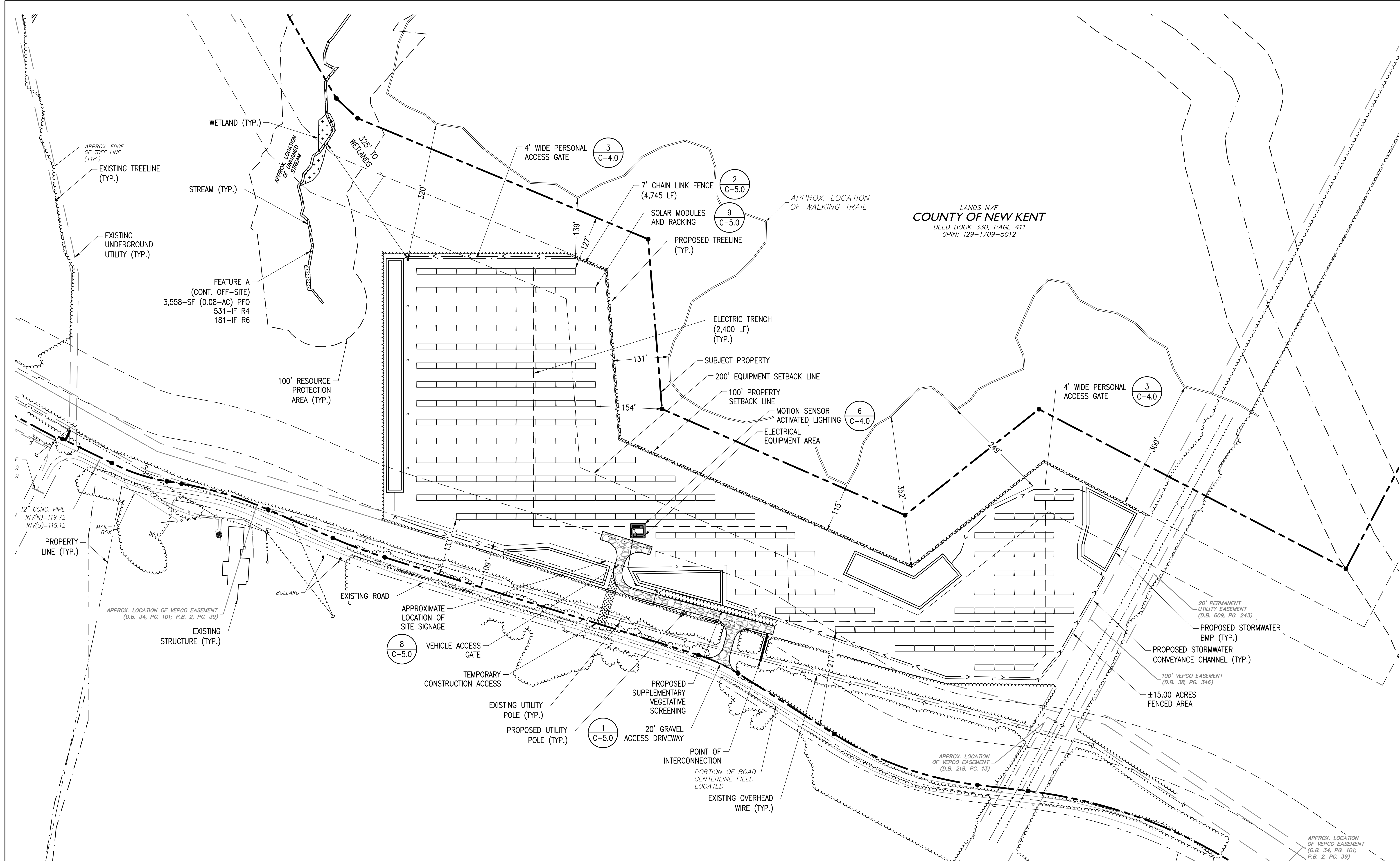
Attest:

Rodney A. Hathaway
County Administrator

Thomas W. Evelyn
Chair

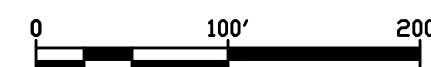
REV	DATE	DRAWN	CHECKED	RELEASE LEVEL
1	10/31/23	ATK	QW	CONDITIONAL USE PERMIT SET
1	1/31/24	ATK	QW	ACCESS LOCATION REVISION

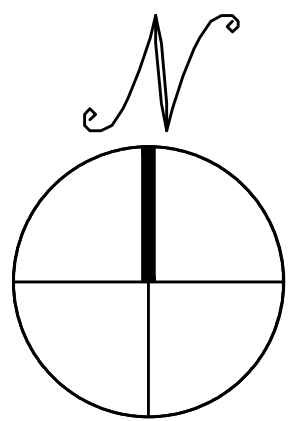
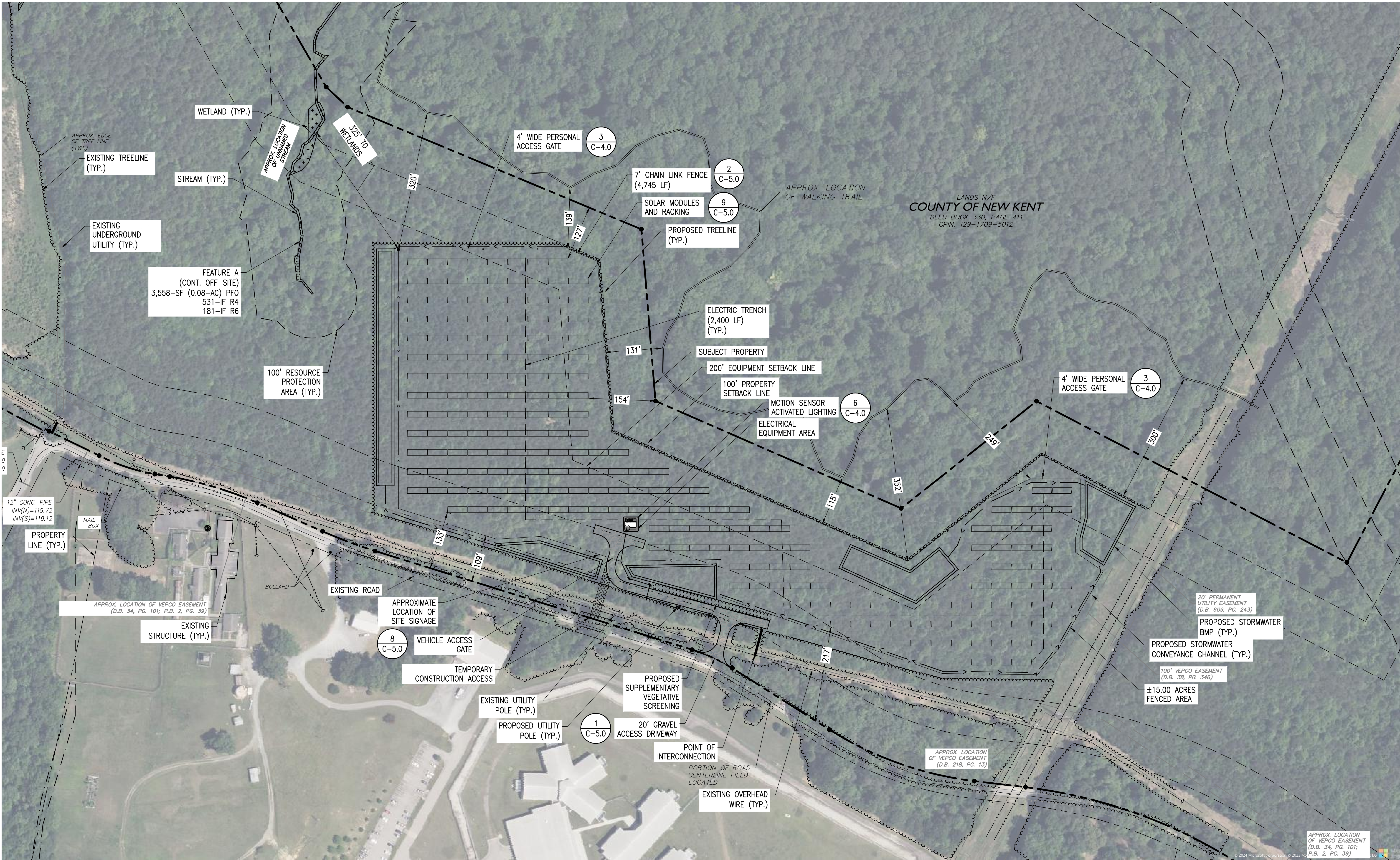
SCALES STATED ON DRAWINGS ARE VALID ONLY WHEN PLOTTED ARCH D 24" X 36"



LAYOUT AND MATERIALS PLAN

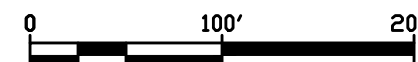
SCALE: 1" = 100'





LAYOUT AND MATERIALS PLAN

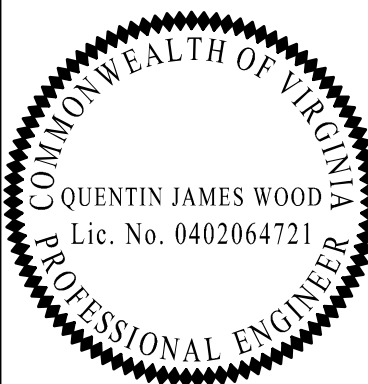
SCALE: 1" = 100'



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POLISH TOWN ROAD
RT 33 ELTHAM RD
BRAHAMSVILLE, VA 23011

PROJECT NUMBER:
111-5247

REV	DATE	DRAWN	CHECKED	RELEASE LEVEL
1	10/31/23	ATK	QW	CONDITIONAL USE PERMIT SET
1	1/31/24	ATK	QW	ACCESS LOCATION REVISION

SCALES STATED ON DRAWINGS
ARE VALID ONLY WHEN PLOTTED
ARCH D 24" X 36"

C-3.0
LAYOUT AND MATERIALS
PLAN

AGENDA ITEM REQUEST
(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO
THE MEETING)

Meeting Date: 2/12/2024

PUBLIC HEARINGS

Motion: "Mr. Chairman, I move to (not required for Consent Agenda items)	adopt Ordinance O-03-24 to amend New Kent County Code Chapter 82, Article V and Article VI to comply with the Code of Virginia, relating to the Marine Resources Commission and local wetlands boards; permit applications; and public notice.
Subject	PUBLIC HEARING - Ordinance O-03-24, Amendments to New Kent County Code Chapter 82, Articles V and VI - Environmental Director Josh Airaghi
Issue	The Board of Supervisors will consider amendments, primarily involving public notification requirements, to Chapter 82 - Environment, Article V - Wetlands and Article VI - Sand Dunes and Beaches. The amendments will align the County Code with the Code of Virginia.
Recommendation	Staff recommends adoption of the proposed motion.
Fiscal Implications	None
Policy Implications	When a wetlands or dunes and beaches application necessitates a public hearing, staff is now required to publish a newspaper ad once in the seven days prior to the hearing, to post a notice on the website at least 14 days prior to the hearing, and to notify the Marine Resources Commission so they may submit the notice to the Virginia Regulatory Town Hall.
Legislative History	<p>During the 2023 Legislative Session of the General Assembly, changes were made to the laws governing both the Wetlands Zoning Ordinance and the Coastal Primary Sand Dune Zoning Ordinance relating to notification requirements and public hearings.</p> <p>New Kent County previously adopted both of these ordinances; thus, the County Code needs to be amended to comply with the changes made to the Code of Virginia.</p>
Discussion	<p>The amendments to the Code of Virginia did not alter the substance of the Wetlands Zoning Ordinance or the Coastal Primary Sand Dune Zoning Ordinance; however, they did change some procedural aspects of how applications requiring public hearings are advertised.</p> <p>Additionally, staff has taken the opportunity to correct grammatical errors, capitalizations, and missing verbiage from prior amendments.</p>

Time Needed:

10 Minutes

Person Appearing:

Environmental
Director Josh Airaghi

Request
prepared by:
Copy provided
to:

Josh Airaghi

Telephone:

804-966-8580

ATTACHMENTS:

Description
Ordinance O-03-24

Type
Cover Memo

REVIEWERS:

Department	Reviewer	Action	Date
Environmental Division	Airaghi, Josh	Approved	1/30/2024 - 4:09 PM
Administration	Hathaway, Rodney	Approved	1/31/2024 - 3:14 PM
Attorney	Everard, Joshua	Approved	2/5/2024 - 8:34 AM

**BOARD OF SUPERVISORS
COUNTY OF NEW KENT
VIRGINIA**

O-03-24

At the regular meeting of the Board of Supervisors of the County of New Kent, in the Boardroom of the Administration Building in New Kent, Virginia, on the 12th day of February, 2024:

Present:

Thomas W. Evelyn
John Moyer
Amy Pearson
Ron Stiers
Jordan Stewart

Vote:

Motion was made by _____, which carried ____:____, to adopt the following ordinance:

**ORDINANCE AMENDING CHAPTER 82 - ENVIRONMENT, ARTICLE V -
WETLANDS AND ARTICLE VI – SAND DUNES AND BEACHES
OF THE NEW KENT COUNTY CODE**

WHEREAS, the Commonwealth of Virginia, during the 2023 Legislative Session, amended § 28.2-606, 28.2-1302, and 28.2-1403 of the Code of Virginia, relating to the Marine Resources Commission and local wetlands boards, permit applications, and public notice; and

WHEREAS, The New Kent County Board of Supervisors finds that the proposed amendments are necessary for compliance with the Code of Virginia.

NOW THEREFORE BE IT ORDAINED AND ENCATED, by the New Kent County Board of Supervisors pursuant to the authority granted in the Code of Virginia, that Chapter 82, Article V and Article VI of the New Kent Couty Code be amended as follows:

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

Article V. Wetlands

Sec. 82-131. Wetlands board.

- (a) There is hereby created a wetlands board in the county which consists of five residents of the county appointed by the board of supervisors. All board members terms of office are for five years, and the term of one board member will expire each year. The chairman of the wetlands board will notify the board of supervisors at least 30 days in advance of the expiration of any term of office and will also notify the board of supervisors promptly if any vacancy occurs. Such vacancy may be filled by the board of supervisors without delay upon receipt of such notice. Appointments to fill vacancies will be only for the unexpired portion of the term. Members may serve successive terms. Members of the ~~wetlands~~ board may not hold other public office in the county except that they may be members of the planning commission, Chesapeake Bay Preservation Board, directors of soil and water conservation boards, or members of the board of zoning appeals. A member whose term expires ~~shall~~ will continue to serve until his successor is appointed and qualified. When members of the wetlands board are also members of the planning commission, Chesapeake Bay Preservation Board, directors of soil and water conservation boards, or members of the board of zoning appeals, their terms of appointment to the wetlands board ~~shall~~ will be coterminous with their membership on such other boards. The governing body may appoint one alternate member to the board. The qualifications, terms, and compensation of alternate members will be the same as those of members.
- (b) The wetlands board ~~shall~~ will elect from its membership a chairman and such other officers as it deems necessary who ~~shall~~ will serve one-year terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum ~~shall~~ will be three members of the board. The board may make, alter, and rescind rules and forms for its procedures consistent with the ordinances of the county and the general laws of the commonwealth. The board ~~shall~~ will keep a full public record of its proceedings and ~~shall~~ must submit a report of its activities to the board of supervisors at least once a year and a copy of its report to the ~~state-marine resources-c~~Commission.
- (c) The board of supervisors ~~shall~~ will supply reasonable meeting space and such reasonable secretarial, clerical, legal, and consulting services as may be needed by the wetlands board. ~~Any wetlands board member may be removed for malfeasance, misfeasance or nonfeasance in office, or for other just causes by the board of supervisors after a hearing held after at least 15 days' notice to such board member. Upon a hearing with at least 15 days' notice to the board member thereof, any board member may be removed for malfeasance, misfeasance, or nonfeasance in~~

office, or for other just cause, by the board of supervisors. Notwithstanding the foregoing provisions, a member of the local wetlands board may be removed from office by the board of supervisors without limitation in the event that the board member is absent from any three consecutive meetings of the board, or is absent from any four meetings of the board within any 12-month period. In either such event, a successor may be appointed by the board of supervisors for the unexpired portion of the term of the member who has been removed.

Secs. 82-132 – 82-140. Reserved.

Secs. 82-141. Adoption of division.

The county board of supervisors acting pursuant to Code of Virginia, § 28.2-1300 et seq., adopts this division ~~regulation~~ regulating the use and development of wetlands.

Sec. 82-142. Definitions

The following words, terms and phrases, when used in this division, ~~shall~~ will have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Back Bay and its tributaries means the following, as shown on the United States Geological Survey Quadrangle Sheets for Virginia Beach, North Bay and Knotts Island: Back Bay north of the Virginia-North Carolina state line; Capsies Creek north of the Virginia-North Carolina state line; Deal Creek; Devil Creek; Nawney Creek; Redhead Bay; Sand Bay; Shipp's Bay; North Bay; and the waters connecting them; Beggars Bridge Creek; Muddy Creek; Ashville Bridge Creek; Hells Point Creek; Black Gut; and all coves, ponds and natural waterways adjacent to or connecting with the above-named bodies of water.

Commission means the ~~state marine resources commission~~ Virginia Marine Resources Commission.

Commissioner means the ~~state commissioner of marine resources~~ Commissioner of Marine Resources.

Governmental activity means any of the services provided by this county to its citizens for the purpose of maintaining this county including, but not limited to, such services as constructing, repairing and maintaining roads; providing sewage facilities and streetlights; supplying and treating water; and constructing public buildings.

Nonvegetated wetlands means unvegetated lands lying contiguous to mean low water and between mean low water and mean high water, including those unvegetated areas of Back Bay and its tributaries and the North Landing River and its tributaries subject to flooding by normal and wind tides but not hurricane or tropical storm tides.

North Landing River and its tributaries means the following, as shown on the United States Geological Survey Quadrangle Sheets for Pleasant Ridge, Creeds, and Fentress: the North Landing River from the Virginia-North Carolina line to Virginia Highway 165 at North Landing Bridge; the Chesapeake and Albemarle Canal from Virginia Highway 165 at North Landing Bridge to the locks at Great Bridge; and all named and unnamed streams, creeks and rivers flowing into the North Landing River and the Chesapeake and Albemarle Canal except West Neck Creek north of Indian River Road, Pocaty River West of Blackwater Road, Blackwater River west of its forks located at a point approximately 6,400 feet due west of the point where Blackwater Road crosses the Blackwater River at the Village of Blackwater, and Millbank Creek west of Blackwater Road.

Person means any individual, corporation, partnership, association, company, business, trust, joint venture, or other legal entity.

Vegetated wetlands means lands lying between and contiguous to mean low water and an elevation above mean low water equal to the factor 1.5 times the mean tide range at the site of the proposed project in the county, and upon which is growing any of the following species: saltmarsh cordgrass (*Spartina alterniflora*), saltmeadow hay (*Spartina patens*), saltgrass (*distichlis spicata*), black needlerush (*Juncus roemerianus*), saltwort (*Salicornia* spp.), sea lavender (*Limonium* spp.), marsh elder (*Iva frutescens*), groundsel bush (*Baccharis halimifolia*), wax myrtle (*Myrica* sp.), sea oxeye (*Borrichia frutescens*), arrow arum (*Peltandra virginica*), pickerelweed (*Pontederia cordata*), big cordgrass (*Spartina cynosuroides*), rice cutgrass (*Leersia oryzoides*), wildrice (*zizania aquatica*), bulrush (*Scirpus Validus*), spikerush (*Eleocharis* sp.), sea rocket (*Cakile edentula*), southern wildrice (*Zizaniopsis miliacea*), cattail (*Typha* spp.), three-square (*Scirpus* spp.), buttonbush (*Cephalanthus occidentalis*), bald cypress (*Taxodium distichum*), black gum (*Nyssa sylvatica*), tupelo (*Nyssa aquatica*), dock (*Rumex* spp.), yellow pond lily (*Nuphar* sp.), marsh fleabane (*Pluchea purpurascens*), royal fern (*Osmunda regalis*), marsh hibiscus (*Hibiscus moscheutos*), beggar's tick (*Bidens* sp.), smartweed (*Polygonum* sp.), arrowhead (*Sagittaria* spp.), sweet flag (*Acorus calamus*), water hemp (*Amaranthus cannabinus*), reed grass (*Phragmites communis*), or switch grass (*Panicum virgatum*).

Vegetated wetlands of Back Bay and its tributaries and vegetated wetlands of the North Landing River and its tributaries mean all marshes subject to flooding by normal and wind tides but not hurricane or tropical storm tides, and upon which is growing any of the following species: saltmarsh cordgrass (*Spartina alterniflora*), saltmeadow hay (*Spartina patens*), black needlerush (*Juncus roemerianus*), marsh elder (*Iva frutescens*), groundsel bush (*Baccharis halimifolia*), wax myrtle (*Myrica* sp.), arrow arum (*Peltandra virginica*), pickerelweed (*Pontederia cordata*), big cordgrass (*Spartina cynosuroides*), rice cutgrass (*Leersia oryzoides*), wildrice (*zizania aquatica*), bulrush (*Scirpus Validus*), spikerush (*Eleocharis* sp.), cattail (*Typha* spp.), three-square (*Scirpus* spp.), dock (*Rumex* spp.), smartweed (*Polygonum* sp.), yellow pond lily (*Nuphar* sp.), royal fern (*Osmunda regalis*), marsh hibiscus (*Hibiscus moscheutos*), beggar's tick (*Bidens* sp.), arrowhead (*Sagittaria* spp.), water hemp (*Amaranthus cannabinus*), reed grass (*Phragmites communis*), or switch grass (*Panicum virgatum*).

Wetlands means both vegetated and **n**onvegetated wetlands.

Wetlands board and *board* mean the New Kent **County** Wetlands Board, created pursuant to Code of Virginia, § 28.2-1303.

Sec. 82-143. Authorized uses and activities.

The following uses of and activities in wetlands are authorized if otherwise permitted by law:

- 1) The construction and maintenance of noncommercial catwalks, piers, boathouses, boat shelters, fences, duckblinds, wildlife management shelters, footbridges, observation decks and shelters and other similar structures, provided that such structures are so constructed on pilings as to permit the reasonably unobstructed flow of the tide and preserve the natural contour of the wetlands;
- 2) The cultivation and harvesting of shellfish and worms for bait;
- 3) Noncommercial outdoor recreational activities, including hiking, boating, trapping, hunting, fishing, shellfishing, horseback riding, swimming, skeet and trap shooting, and shooting on shooting preserves, provided that no structure ~~shall~~ **may** be constructed except as permitted in subsection (1) of this section;
- 4) Other outdoor recreational activities, provided that they do not impair the natural functions or alter the natural contour of the wetlands;
- 5) Grazing, haying, and cultivating and harvesting agricultural, forestry or horticultural products;
- 6) Conservation, repletion and research activities of the ~~e~~**C**ommission, the Virginia ~~Institute~~ **Institute** of Marine Science, the ~~state e~~**D**epartment of ~~game and inland fisheries~~ **Wildlife Resources** and other conservation-related agencies;
- 7) The construction or maintenance of aids to navigation ~~which~~ **that** are authorized by governmental authority;
- 8) Emergency measures decreed by any duly appointed health officer of a governmental subdivision acting to protect the public health;
- 9) The normal maintenance and repair of, or addition to, presently existing roads, highways, railroad beds or facilities abutting on or crossing wetlands, provided that no waterway is altered and no additional wetlands are covered;

- 10) Governmental activity in wetlands owned or leased by the ~~e~~CCommonwealth or a political subdivision thereof; and
- 11) The normal maintenance of manmade drainage ditches, provided that no additional wetlands are covered. This subsection does not authorize the construction of any drainage ditch; ~~and~~
- 12) The construction of living shoreline projects authorized pursuant to a general permit developed under subsection B of § 28.2-104.1.

Sec. 82-144. Applications, maps and documents are public records.

All applications, maps and documents submitted under this division ~~shall~~ **will** be open for public inspection at the office of the county director of environmental programs and specified in the public notice for public hearing required under section 82-162 of this division.

Sec. 82-145. Fulfillment of responsibilities of the board.

In fulfilling its responsibilities under this division, the board ~~shall~~ **will** preserve and prevent the despoliation and destruction of wetlands within its jurisdiction while accommodating necessary economic development in a manner consistent with wetlands preservation and any standards set by the Commonwealth in addition to those identified in § 28.2-1308 to ensure protection of shorelines and sensitive coastal habitats from sea level rise and coastal hazards, including the provisions of guidelines and minimum standards promulgated by the Commission pursuant to § 28.2-1301 of the Code of Virginia.

Sec. 82-146. Violations; penalties.

(a) No person ~~shall~~ **may** conduct any activity which would require a permit under this division unless such person has a permit therefor.

(b) Any person who knowingly, intentionally, negligently or continually violates any order, rule or regulation of the wetlands board, or violates any provision of this division, or any provision of a permit granted by the wetlands board, ~~shall be~~ **is** guilty of a class 1 misdemeanor.

(c) Upon the petition of the ~~e~~CCommission or the wetlands board to the county circuit court, when any act is done or threatened which is unlawful under this division, the court may enjoin the unlawful act and order the defendant to take any steps necessary to restore, protect and preserve the wetlands involved. This remedy ~~shall be~~ **is** exclusive of and in addition to any criminal penalty which may be imposed under subsection (b) of this section.

Secs. 82-147 – 82-160. Reserved.

Sec. 82-161. Required; application.

(a) Any person who desires to use or develop any wetland within this county, other than for the purpose of conducting the activities specified in section 82-143, ~~shall~~ **must** first file an application for a permit directly with the wetlands board or with the ~~e~~**C**ommission.

(b) The permit application ~~shall~~ **must** include the following: the name and address of the applicant; a detailed description of the proposed activities; a map, drawn to an appropriate and uniform scale, showing the area of wetlands directly affected, the location of the proposed work thereon, the area of existing and proposed fill and excavation, the location, width, depth and length of any proposed channel and disposal area, and the location of all existing and proposed structures, sewage collection and treatment facilities, utility installations, roadways, and other related appurtenances or facilities, including those on adjacent uplands; a statement indicating whether use of a living shoreline as defined in § 28.2-104.1 for a shoreline management practice is not suitable, including reasons for the determination; a description of the type of equipment to be used and the means of equipment access to the activity site; the names and addresses of owners of record of adjacent land and known claimants of water rights in or adjacent to the wetland of whom the applicant has notice; an estimate of cost; the primary purpose of the project; any secondary purposes of the project, including further projects; the public benefit to be derived from the proposed project; a complete description of measures to be taken during and after the alteration to reduce detrimental off-site effects; the completion date of the proposed work, project or structure; and such additional materials and documentation as the wetlands board may require.

(c) A nonrefundable processing fee as provided in ~~a~~**A**ppendix A to this Code ~~shall~~ **must** accompany each permit application. The fee is set by the board of supervisors with due regard for the services to be rendered, including the time, skill and administrator's expense involved.

Sec. 82-162. Notice and hearing.

~~Not later than~~ **Within** 60 days after receipt of a complete application, the wetlands board ~~shall~~ **will** hold a public hearing on the application. The applicant, board of supervisors, commissioner, owner of record of any land adjacent to the wetlands in question, known claimants of water rights in or adjacent to the wetlands in questions, the Virginia Institute of Marine Science, the ~~state d~~**D**epartment of ~~game and inland fisheries~~ **Wildlife Resources**, the ~~s~~**S**tate ~~w~~**W**ater ~~e~~**C**ontrol ~~b~~**B**oard, the ~~state d~~**D**epartment of ~~t~~**T**ransportation, and any governmental agency expressing an interest in the application ~~shall~~ **will** be notified of the hearing. The **Commission or** board ~~shall~~ **will** mail **or email** these notices ~~not less than~~ **at least** 20 days prior to the date set for the hearing. The ~~wetlands~~ board ~~shall~~ **will** also:

- (i) cause notice of the hearing to be published at least once ~~a week for two weeks~~ in the seven days prior to such hearing in a newspaper of general circulation in the county; and
- (ii) post a notice of the hearing on its website at least 14 days prior to such hearing; and
- (iii) provide a copy of such notice to the Commission for submittal to the Virginia Regulatory Town Hall. The published notice ~~shall~~ will specify the place or places within the county where copies of the application may be examined. The costs of publications ~~shall~~ must be paid by the applicant. In the event that the board submits a correct and timely notice for publication and the newspaper fails to publish the notice or publishes the notice incorrectly, the board will be deemed to have met the notice requirements of this subsection so long as the notice is published in the next available edition of such newspaper.

Sec. 82-163. Hearing procedures.

- (a) Approval of a permit application ~~shall~~ requires the affirmative vote of three members of the five-member board.
- (b) The chairman of the board, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. Any person may testify at the public hearing. Each witness at the hearing may submit a concise written statement of his testimony. The board ~~shall~~ will make a record of the proceeding, which ~~shall~~ will include the application, any written statements of witnesses, a summary of statements of all witnesses, the findings and decision of the board, and the rationale for the decision.
- (c) The board ~~shall~~ will make its determination within 30 days of the hearing. If the board fails to act within that time, the application ~~shall~~ will be deemed approved. Within 48 hours of its determination, the board ~~shall~~ will notify the applicant and the ~~e~~Commissioner of its determination. If the board fails to make a determination within the 30-day period, it ~~shall~~ will promptly notify the applicant and the ~~e~~Commission that the application is deemed approved. For purposes of this section, the term “act” means taking a vote on the application. If the application receives less than three affirmative votes from the five-member board, the permit application shall be is denied.
- (d) If the board’s decision is reviewed or appealed, the board ~~shall~~ will transmit the record of its ~~h~~earing to the ~~e~~Commissioner. Upon a final determination by the ~~e~~Commission, the record ~~shall~~ will be returned to the board. The record ~~shall~~ will be open for public inspection at the same office as was designated under section 82-144.

Sec. 82-164. Compliance guarantees; suspension or revocation of permit.

The board may require a reasonable bond or letter of credit in an amount and with surety and conditions satisfactory to it, securing to the ~~e~~Commonwealth compliance with the conditions and limitations set forth in the permit. The board may, after a hearing held pursuant to this division, suspend or revoke a permit if the applicant has failed to comply with any of the conditions or limitations set forth in the permit or has exceeded the scope of the work described in the application. The board may, after a hearing, suspend a permit if the applicant fails to comply with the terms and conditions set forth in the application.

Sec. 82-165. Standards for review.

(a) In deciding whether to grant, grant in modified form or deny a permit, the board ~~shall~~ must consider the following:

- (1) The testimony of any person in support of or in opposition to the permit application; and
- (2) The impact of the proposed development on the public health, safety and welfare; and
- (3) The proposed development's conformance with standards prescribed in Code of Virginia, § 28.2-1308 and guidelines promulgated pursuant to Code of Virginia, § 28.2-1301.

(b) The board ~~shall~~ will grant the permit if all of the following criteria are met:

- (1) The anticipated public and private benefit of the proposed activity exceeds its anticipated public and private detriment; and
- (2) The proposed development conforms with the standards prescribed in Code of Virginia, § 28.2-1308 and guidelines promulgated pursuant to Code of Virginia, § 28.2-1301; and
- (3) The proposed activity does not violate the purposes and intent of this division or Code of Virginia, § 28.2-1300 et-seq.

(c) If the board finds that any of the criteria listed in subsection (b) of this section are not met, the board ~~shall~~ will deny the permit application but allow the applicant to resubmit the application in modified form.

Sec. 82-166. Permits generally.

- (a) The permit ~~shall~~ must be in writing, ~~and~~ and signed by the chairman of the board or his authorized representative, ~~and notarized~~. A copy of the permit ~~shall~~ will be transmitted to the ~~e~~Commissioner.
- (b) No permit ~~shall~~ will be granted without an expiration date established by the board. Upon proper application, the board may extend the permit expiration date.
- (c) No permit granted by the wetlands board ~~shall~~ will in any way affect the applicable zoning and land use ordinances of the county or the right of any person to seek compensation for any injury in fact incurred by him because of the proposed activity.

Secs. 82-167 – 82-180. Reserved.

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Article VI. Sand Dunes and Beaches¹

Sec. 82-181. Adoption of article.

The board of supervisors, acting pursuant to Code of Virginia § 28.2-1400 *et seq.*, adopts this article regulating the use and development of coastal primary sand dunes. Whenever coastal primary sand dunes are referred to in this article, such references ~~shall~~ also include beaches.

Sec. 82-182. Definitions.

The following words, terms and phrases, when used in this article, ~~shall~~ will have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Beach means the shoreline zone comprised of unconsolidated sandy material upon which there is a mutual interaction of the forces of erosion, sediment transport and deposition that extends from the low water line landward to where there is a marked change in either material composition or physiographic form such as a dune, bluff, or marsh, or where no such change can be identified, to the line of woody vegetation (usually the effective limit of storm waves), or the nearest impermeable man-made structure, such as a bulkhead, revetment, or paved road.

Coastal primary sand dune or *dune* means a mound of unconsolidated sandy soil ~~which~~ that is contiguous to mean high water, whose landward and lateral limits are marked by a change in grade from ~~ten~~ 10 percent or greater to less than ~~ten~~ 10 percent, and upon which is growing any of the following species: American beach grass (*Ammophila breviligulata*); beach heather (*Hudsonia tomentosa*); dune bean (*Strophostyles* spp.); dusty miller (*Artemisia stelleriana*); saltmeadow hay (*Spartina patens*); seabeach sandwort (*Honckenya peploides*); sea oats (*Uniola paniculata*); sea rocket (*Cakile edentula*); seaside goldenrod (*Solidago sempervirens*); Japanese sedge or Asiatic sand sedge (*Carex kobomugi*); Virginia pine (*Pinus virginiana*); broom sedge (*Andropogon virginicus*); and short dune grass (*Panicum amarum*). For purposes of this article, "coastal primary sand dune" ~~shall~~ does not include any mound of sand, sandy soil, or dredge spoil deposited by any person for the purpose of temporary storage, beach replenishment, or beach nourishment, nor ~~shall~~ will the slopes of any such mound be used to determine the landward or lateral limits of a coastal primary sand dune.

Commission means the Virginia Marine Resources Commission.

Commissioner means the ~~e~~Commissioner of ~~m~~Marine ~~r~~Resources.

Governmental activity means any of the services provided by the ~~e~~Commonwealth or a county, city or town to its citizens for the purpose of maintaining public facilities, including but not limited to, such services as constructing, repairing, and maintaining roads; providing streetlights and sewage facilities; supplying and treating water; and constructing public buildings.

¹Note(s)—See the editor's note to Art. IV.

Wetlands board or board means the board created pursuant to Code of Virginia § 28.2-1303.

Sec. 82-183. Authorized uses and activities.

The following uses of and activities in dunes are authorized if otherwise permitted by law:

- (1) The construction and maintenance of noncommercial walkways ~~which~~ that do not alter the contour of the coastal primary sand dune;
- (2) The construction and maintenance of observation platforms ~~which~~ that are not an integral part of any dwelling and ~~which~~ that do not alter the contour of the coastal primary sand dune;
- (3) The planting of beach grasses or other vegetation for the purpose of stabilizing coastal primary sand dunes;
- (4) The placement of sand fences or other material on or adjacent to coastal primary sand dunes for the purpose of stabilizing such features, except that this provision ~~shall~~ will not be interpreted to authorize the placement of any material ~~which~~ that presents a public health or safety hazard;
- (5) Sand replenishment activities of any private or public concern, provided no sand ~~shall~~ will be removed from any coastal primary sand dune unless authorized by lawful permit;
- (6) The normal maintenance of any groin, jetty, riprap, bulkhead, or other structure designed to control beach erosion ~~which~~ that may abut a coastal primary sand dune;
- (7) The normal maintenance or repair of existing roads, highways, railroad beds, and facilities of the United States, this ~~e~~Commonwealth or any of its counties or cities, or of any person, provided no coastal primary sand dunes are altered;
- (8) Outdoor recreational activities, provided the activities do not alter the natural contour of the coastal primary sand dune or destroy the vegetation growing thereon;
- (9) The conservation and research activities of the ~~e~~Commission, Virginia Institute of Marine Science, Department of ~~Game and Inland Fisheries~~ Wildlife Resources, and other conservation-related agencies;
- (10) The construction and maintenance of aids to navigation ~~which~~ that are authorized by governmental authority;
- (11) Activities pursuant to any emergency declaration by the governing body of any local government or the ~~g~~Governor of the ~~e~~Commonwealth or any public health officer for the purposes of protecting the public health and safety; and
- (12) Governmental activity in coastal primary sand dunes owned or leased by the ~~e~~Commonwealth or a political subdivision thereof; and
- (13) The construction of living shoreline projects authorized pursuant to a general permit developed under subsection B of § 28.2-104.1.

Sec. 82-184. Applications, maps, and documents are public records.

All applications, maps, and documents submitted under this article ~~shall~~ **will** be open for public inspection at the office of the county director of ~~planning~~ **environmental programs**.

Sec. 82-185. Fulfillment of responsibilities of the board.

In fulfilling its responsibilities under this article, the board ~~shall~~ **will** preserve and protect coastal primary sand dunes and beaches and prevent their despoliation and destruction. However, whenever practical, the board ~~shall~~ **will** accommodate necessary economic development in a manner consistent with the protection of these features.

Sec. 82-186. Violations; penalties.

- (a) No person ~~shall~~ **may** conduct any activity which would require a permit under this article unless such person has a permit therefore.
- (b) Any person who knowingly, intentionally, negligently, or continually violates any order, rule, or regulation of the wetlands board, or violates any provision of this article, or any provision of a permit granted by the wetlands board, ~~shall be~~ **is** guilty of a class 1 misdemeanor.
- (c) Upon the petition of the ~~e~~**C**ommission or the wetlands board to the county circuit court, when any act occurs or is threatened which is unlawful under this article, the court may enjoin the unlawful act and order the defendant to take any steps necessary to restore, protect, and preserve the wetlands involved. This remedy ~~shall be~~ **is** exclusive of and in addition to any criminal penalty which may be imposed under subsection (b) of this section.

Secs. 82-187—82-200. Reserved.

Sec. 82-201. Required; application.

- (a) Any person who desires to use or alter any coastal primary sand dune within this county, other than for the purpose of conducting the activities specified in section 82-183, ~~shall~~ **must** first file an application directly with the wetlands board or with the ~~e~~**C**ommission.
- (b) The permit application ~~shall~~ **must** include the following: the name and address of the applicant; a detailed description of the proposed activities and a map, drawn to an appropriate and uniform scale, showing the area of dunes directly affected, the location of the proposed work thereon, the area of any proposed fill and excavation, the location, width, depth and length of any disposal area, and the location of all existing and proposed structures, sewage collection and treatment facilities, utility installations, roadways, and other related appurtenances or facilities, including those on adjacent uplands; a description of the type of equipment to be used and the means of equipment access to the activity site; the names and addresses of owners of record of adjacent land; an estimate of cost; the primary purpose of the project; any secondary purposes of the project, including further projects; the public benefit to be derived from the proposed project; a complete description of measures to be taken during and after the alteration to reduce detrimental offsite effects; the completion date of the proposed work, project, or structure; and such additional materials and documentation as the wetlands board may require.

- (c) A nonrefundable processing fee ~~shall~~ as provided in Appendix ~~a~~ **A** to this Code ~~shall~~ **must** accompany each permit application. The fee ~~shall~~ **will** be set by the board of supervisors with due regard for the services to be rendered, including the time, skill, and administrator's expense. No person ~~shall~~ **will** be required to file two separate applications for permits if the proposed project will require permits under section 82-161 and Code of Virginia § 28.2-1300 et seq. Under those circumstances, the fee ~~shall~~ **will** be established pursuant to section 82-161.

Sec. 82-202. Notice and hearing.

~~Not later than~~ **Within** 60 days after receipt of a complete application, the wetlands board ~~shall~~ **will** hold a public hearing on the application. The applicant, local governing body, ~~e~~**C**ommissioner, owner of record of any land adjacent to the coastal primary sand dunes in question, the Virginia Institute of Marine Science, the ~~d~~**D**epartment of ~~game and inland fisheries~~ **Wildlife Resources**, the ~~s~~**S**tate ~~w~~**W**ater ~~e~~**C**ontrol ~~b~~**B**oard, the ~~d~~**D**epartment of ~~t~~**T**ransportation, and any governmental agency expressing an interest in the application ~~shall~~ **will** be notified of the hearing. The **Commission or** board ~~shall~~ **will** mail **or email** these notices ~~not less than~~ **at least** 20 days prior to the date set for the hearing. The ~~wetlands~~ board ~~shall~~ **will** also

- (i)** cause notice of the hearing to be published at least once ~~a week for two weeks~~ **in the seven days** prior to such hearing in a newspaper of general circulation in this county; **and**
- (ii)** **post a notice of the hearing on its website at least 14 days prior to such hearing; and**
- (iii)** **provide a copy of such notice to the Commission for submittal to the Virginia Regulatory Town Hall.** The costs of publication ~~shall~~ **must** be paid by the applicant. **In the event that the board submits a correct and timely notice for publication and the newspaper fails to publish the notice or publishes the notice incorrectly, the board will be deemed to have met the notice requirements of this subsection so long as the notice is published in the next available edition of such newspaper.**

Sec. 82-203. Hearing procedures.

- (a) Approval of a permit application ~~shall~~ requires the affirmative vote of three members of a five-member board.
- (b) The chairman of the board, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. Any person may appear and be heard at the public hearing. Each witness at the hearing may submit a concise written statement of his testimony. The board ~~shall~~ will make a record of the proceeding, which ~~shall~~ will include the application, any written statements of witnesses, a summary of statements of all witnesses, the findings, and decision of the board, and the rationale for the decision.
- (c) The board ~~shall~~ must make its determination within 30 days of the hearing. If the board fails to act within that time, the application ~~shall~~ will be deemed approved. Within 48 hours of its determination, the board ~~shall~~ will notify the applicant and the eCommissioner of its determination. If the board fails to make a determination within the 30-day period, it ~~shall~~ will promptly notify the applicant and the eCommission that the application is deemed approved.
- (d) If the board's decision is reviewed or appealed, the board ~~shall~~ must transmit the record of its hearing to the eCommissioner. Upon a final determination by the eCommission, the record ~~shall~~ will be returned to the board. The record ~~shall~~ will be open for public inspection at the same office as was designated under section 82-184.

Sec. 82-204. Compliance guarantees; suspension or revocation of permit.

The board may require a reasonable bond or letter of credit in an amount and with surety and conditions satisfactory to it, securing to the eCommonwealth compliance with the conditions and limitations set forth in the permit. The board may, after a hearing held pursuant to this article, suspend or revoke a permit if the applicant has failed to comply with any of the conditions or limitations set forth in the permit or has exceeded the scope of the work described in the application. The board may, after a hearing, suspend a permit if the applicant fails to comply with the terms and conditions set forth in the application.

Sec. 82-205. Standards for review.

- (a) In deciding whether to grant, grant in modified form, or deny a permit, the board ~~shall~~ must consider the following:
 - (1) The testimony of any person in support of or in opposition to the permit application;
 - (2) The impact of the proposed development on the public health, safety, and welfare; and
 - (3) The proposed development's conformance with standards prescribed in Code of Virginia § 28.2-1408 and guidelines promulgated pursuant to Code of Virginia § 28.2-1401.
- (b) The board ~~shall~~ will grant the permit if all of the following criteria are met:
 - (1) The anticipated public and private benefit of the proposed activity exceeds its anticipated public and private detriment; and

-
- (2) The proposed development conforms to the standards prescribed in Code of Virginia § 28.2-1408 and guidelines promulgated pursuant to Code of Virginia § 28.2-1401; ~~and~~
- (3) The proposed activity does not violate the purposes and intent of this article or Code of Virginia § 28.2-1400 *et seq.*
- (c) If the board finds that any of the criteria listed in subsection (b) of this section are not met, the board ~~shall~~ **must** deny the permit application but allow the applicant to resubmit the application in modified form.

Sec. 82-206. Permits generally.

- (a) The permit ~~shall~~ **must** be in writing; ~~and~~ signed by the chairman of the board; ~~and notarized~~. A copy of the permit ~~shall~~ **will** be transmitted to the ~~e~~Commissioner.
- (b) No permit ~~shall~~ **will** be granted without an expiration date established by the board. Upon proper application, the board may extend the permit expiration date.
- (c) No permit granted by a wetlands board ~~shall~~ **will** in any way affect the right of any person to seek compensation for any injury in fact incurred by him because of the permitted activity.

Effective Date. This Ordinance will be effective immediately

Rodney A. Hathaway
County Administrator

Thomas W. Evelyn
Chairman

AGENDA ITEM REQUEST
(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO
THE MEETING)

Meeting Date: 2/12/2024

APPOINTMENTS

Motion: "Mr.
Chairman, I move to
(not required for Consent
Agenda items)

Subject

Appointments - Delegated by District

Issue

Recommendation

Fiscal Implications

Policy Implications

Legislative History

Discussion

Time Needed:

Request
prepared by:

Copy provided
to:

Person Appearing:

Telephone:

804-966-9687

W. Watkins, Deputy
Clerk of the Board

ATTACHMENTS:

Description

Appointments Delegated by District (PDF)

Type

Cover Memo

REVIEWERS:

Department

Clerk

Administration

Attorney

Reviewer

Watkins, Wanda

Hathaway, Rodney

Everard, Joshua

Action

Approved

Approved

Approved

Date

2/2/2024 - 12:29 PM

2/2/2024 - 2:36 PM

2/5/2024 - 8:20 AM

PROPOSED MOTIONS:

DISTRICT ONE APPOINTMENTS

NONE

PROPOSED MOTIONS:

DISTRICT TWO APPOINTMENTS

I move to appoint _____ as District Two representative to the Board of Road Viewers to serve a four-year term beginning January 1, 2024 and ending December 31, 2027. *(The term of Charles Edwards expired December 31, 2023 and he has declined reappointment.)*

I move to appoint _____ as a District Two representative to the Transportation Safety Commission to serve a four-year term beginning January 1, 2024 and ending December 31, 2027. *(The term of Thomas Richart expired December 31, 2015.)*

PROPOSED MOTIONS:

DISTRICT THREE APPOINTMENTS

NONE

PROPOSED MOTIONS:

DISTRICT FOUR APPOINTMENTS

I move to appoint **Dr. Kelly Broz** as District Four representative to the Parks and Recreation Advisory Commission to complete a three-year term ending December 31, 2024. *(This seat was held by Kara Larochelle who has resigned.)*

PROPOSED MOTIONS:

DISTRICT FIVE APPOINTMENTS

I move to appoint _____ as District Five representative to the Airport Advisory Commission to serve a four-year term beginning January 1, 2024 and ending December 31, 2027. *(The term of Reagon Wright expired December 31, 2023.)*

I move to appoint _____ as District Five representative to the Purchase of Development Rights Committee to complete a three-year term ending June 30, 2024. *(The term of Julian Ward expired on June 30, 2021.)*

I move to appoint _____ as District Five representative to the Social Services Advisory Board to complete a four-year term ending June 30, 2025. *(The seat was previously held by Beth Trivett.)*

New Kent County Board of Supervisors
P O Box 150, 12007 Courthouse Circle
New Kent, VA 23124

AGENDA ITEM REQUEST
 (TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO
 THE MEETING)

Meeting Date: 2/12/2024

APPOINTMENTS

Motion: "Mr. Chairman, I move to (not required for Consent Agenda items)			
Subject	Appointments - Not Delegated by District		
Issue			
Recommendation			
Fiscal Implications			
Policy Implications			
Legislative History			
Discussion			

Time Needed:		Person Appearing:	
Request prepared by:	W. Watkins, Deputy Clerk of the Board	Telephone:	804-966-9687
Copy provided to:			

ATTACHMENTS:

Description	Type
Appointments NOT Delegated by District (PDF)	Cover Memo

REVIEWERS:

Department	Reviewer	Action	Date
Clerk	Watkins, Wanda	Approved	2/2/2024 - 12:30 PM
Administration	Hathaway, Rodney	Approved	2/2/2024 - 2:36 PM
Attorney	Everard, Joshua	Approved	2/5/2024 - 8:24 AM

PROPOSED MOTIONS:

Boards and Commissions not Delegated by District

I move to appoint _____ as an at large member of the Board of Building Code Appeals/Board of Fire Prevention Code Appeals to complete a four-year term ending December 31, 2025. *(The term of David Sontos expired on December 31, 2021. This appointment should be made by the District 1 BOS Member.)*

I move to appoint _____ as an at large member of the Board of Building Code Appeals/Board of Fire Prevention Code Appeals to serve a four-year term beginning January 1, 2024 and ending December 31, 2027. *(The term of Donald Seeterlin expired December 31, 2019. This appointment should be made by the District 2 BOS Member.)*

I move to appoint _____ as an at large member of the Board of Building Code Appeals/Board of Fire Prevention Code Appeals to complete a four-year term ending December 31, 2026. *(The term of Jeffrey Mitchell expired on December 31, 2022. This appointment should be made by the District 4 BOS Member.)*

I move to appoint _____ as an alternate member of the Board of Building Code Appeals/Board of Fire Prevention Code Appeals to complete a term ending December 31, 2025. *(This position has been vacant since 2013.)*

I move to nominate _____ for Circuit Court appointment as a member of the Board of Equalization to serve a term ending December 31, 2024. *(William Wallace was nominated for 2022. This appointment should be made by the District 1 BOS Member.)*

I move to appoint _____ as an at large representative to the Clean County Committee to serve a four-year term beginning January 1, 2023 and ending December 31, 2026. *(This is a new position created by the adoption of Resolution R-03-23 on January 9, 2023.)*

I move to appoint _____ as an at large representative to the Clean County Committee to serve a four-year term beginning January 1, 2023 and ending December 31, 2026. *(This is a new position created by the adoption of Resolution R-03-23 on January 9, 2023.)*

PLEASE NOTE – The following 4 appointments are for the Housing Advisory Committee. This committee was chartered by Resolution R-19-23 on July 13, 2023. Members will serve until the work is completed and **your appointees DO NOT have to reside within your district.**

I move to appoint _____ as a representative to the Housing Advisory Committee. *(This is a new position created by the adoption of Resolution R-19-23 on July 13, 2023. This appointment should be made by the **District 1 BOS Member.**)*

I move to appoint _____ as a representative to the Housing Advisory Committee. *(This is a new position created by the adoption of Resolution R-19-23 on July 13, 2023. This appointment should be made by the **District 4 BOS Member.**)*

I move to appoint _____ as a representative to the Housing Advisory Committee. *(This is a new position created by the adoption of Resolution R-19-23 on July 13, 2023. This appointment should be made by the **District 4 BOS Member.**)*

I move to appoint _____ as a representative to the Housing Advisory Committee. *(This is a new position created by the adoption of Resolution R-19-23 on July 13, 2023. This appointment should be made by the **District 5 BOS Member.**)*

I move to appoint _____ as an at large representative to the Purchase of Development Rights Committee to serve a three-year term beginning July 1, 2023 and ending June 30, 2026. *(The term of Robert Gray expired June 30, 2023. Mr. Gray was appointed as the District 2 representative on January 10, 2024.)*

I move to appoint _____ as an at large representative to the Purchase of Development Rights Committee to serve a three-year term beginning July 1, 2022 and ending June 30, 2025. *(The term of William Wallace, III expired on June 30, 2022.)*

PLEASE NOTE – The following 11 appointments are for the Youth Community Service Committee. The term is one year and **your appointees DO NOT have to reside within your district.** Also please note, **all three adult member positions are currently vacant.**

I move to appoint _____ as a youth member of the New Kent County Youth Community Service Committee to serve a one-year term

ending December 31, 2024. *(This seat was held by Ella Joel who graduated in 2023. This appointment should be made by the District 1 BOS Member.)*

I move to appoint _____ as a youth member of the New Kent County Youth Community Service Committee to serve a one-year term ending December 31, 2024. *(This seat was held by Lucy Vick who graduated in 2022. This appointment should be made by the District 1 BOS Member.)*

I move to appoint _____ as a youth member of the New Kent County Youth Community Service Committee to serve a one-year term ending December 31, 2024. *(This seat was held by Lauren Vick who graduated in 2022. This appointment should be made by the District 1 BOS Member.)*

I move to appoint _____ as a youth member of the New Kent County Youth Community Service Committee to serve a one-year term ending December 31, 2024. *(Alexis Sarquah had been serving and her term expired on December 31, 2022. Alexis will be a 2024 graduate. This appointment should be made by the District 2 BOS Member.)*

I move to appoint _____ as a youth member of the New Kent County Youth Community Service Committee to serve a one-year term ending December 31, 2024. *(Andel Sarquah had been serving and her term expired on December 31, 2022. Andel will be a 2024 graduate. This appointment should be made by the District 2 BOS Member.)*

I move to appoint _____ as a youth member of the New Kent County Youth Community Service Committee to serve a one-year term ending December 31, 2024. *(This appointment should be made by the District 4 BOS Member.)*

I move to appoint _____ as a youth member of the New Kent County Youth Community Service Committee to serve a one-year term ending December 31, 2024. *(This appointment should be made by the District 4 BOS Member.)*

I move to appoint _____ as a youth member of the New Kent County Youth Community Service Committee to serve a one-year term ending December 31, 2024. *(This appointment should be made by the District 4 BOS Member.)*

I move to appoint _____ as a youth member of the New Kent County Youth Community Service Committee to serve a one-year term

ending December 31, 2024. *(This seat was held by Ellie Davis who graduated in 2023. This appointment should be made by the **District 5 BOS Member.**)*

I move to appoint _____ as a youth member of the New Kent County Youth Community Service Committee to serve a one-year term ending December 31, 2024. *(Sarah Miller had been serving and her term expired on December 31, 2023. Sarah will be a 2024 graduate. This appointment should be made by the **District 5 BOS Member.**)*

I move to appoint _____ as a youth member of the New Kent County Youth Community Service Committee to serve a one-year term ending December 31, 2024. *(This seat was held by Serra Swartout who graduated in 2023. This appointment should be made by the **District 5 BOS Member.**)*

I move to appoint _____ as an adult member of the New Kent County Youth Community Service Committee to serve a three-year term beginning January 1, 2024 and ending December 31, 2026. *(Joe Swartout had been serving and his term expired December 31, 2023.)*

I move to appoint _____ as an adult member of the New Kent County Youth Community Service Committee to serve a three-year term beginning January 1, 2024 and ending December 31, 2026. *(This seat was held by Peggy Spiak who stepped down effective June 30, 2022.)*

I move to appoint _____ as an adult member of the New Kent County Youth Community Service Committee to serve a three-year term beginning January 1, 2024 and ending December 31, 2026. *(Tonnie Swartout had been serving and her term expired December 31, 2023.)*

I move to appoint **Lee Tyson** as an alternate representative to the Board of Zoning Appeals to complete a Five-year term beginning January 1, 2022 and ending June 30, 2026. *(Lee Tyson had been serving and his term expired on December 31, 2021. Lee consistently files the annual conflict of interest report although he has not officially been reappointed.)*

AGENDA ITEM REQUEST
(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO
THE MEETING)

Meeting Date: 2/12/2024

APPOINTMENTS

Motion: "Mr.
Chairman, I move to
(not required for Consent
Agenda items)

Subject

Appointments - Regional Boards and Commissions

Issue

Recommendation

Fiscal Implications

Policy Implications

Legislative History

Discussion

Time Needed:

Person Appearing:

Request
prepared by:

W. Watkins, Deputy
Clerk of the Board

Telephone:

804-966-9687

Copy provided
to:

ATTACHMENTS:

Description

Type

Appointments - Regional Boards and Commissions
(PDF)

Cover Memo

REVIEWERS:

Department

Reviewer

Action

Date

Clerk

Watkins, Wanda

Approved

2/2/2024 - 12:30 PM

Administration

Hathaway, Rodney

Approved

2/2/2024 - 2:38 PM

Attorney

Everard, Joshua

Approved

2/5/2024 - 8:29 AM

Regional Boards and Commissions

I move to appoint _____ as the **District 5** representative to the Heritage Library Board of Trustees to serve a four-year term beginning July 1, 2023 and ending June 30, 2027. *(The term of Connie C. Nalls expired on June 30, 2023. Appointees are limited to two consecutive terms and Ms. Nalls is not eligible for reappointment.)*

I move to appoint **Rev. Dr. Milton Hathaway** as New Kent's Planning Commission representative to the PlanRVA Regional Planning District Commission to serve a one-year term beginning January 1, 2024 and ending December 31, 2024. *(The Planning Commission has recommended Rev. Dr. Milton Hathaway for appointment.)*

I move to appoint _____ as a New Kent appointee to the Richmond Regional Transportation Planning Organization Policy Board to serve a four-year term beginning January 1, 2024 and ending December 31, 2027. *(This seat was held by Patricia Paige and the term expired December 31, 2023. New Kent has two seats on this board and John Moyer has been appointed to fill one seat. Thomas Evelyn is currently the alternate.)*

I move to appoint _____ as New Kent's appointee to the Richmond Regional Transportation Planning Organization Executive Board to serve a four-year term beginning January 1, 2024 and ending December 31, 2027. *(This seat was held by Patricia Paige and the term expired December 31, 2023. Jordan Stewart was appointed as alternate on 1/10/24 to fill a seat previously held by C. Thomas Tiller, Jr.)*

I move to appoint _____ as New Kent's alternate representative to the Richmond Regional Transportation Planning Organization's Citizen Transportation Advisory Committee to complete a term ending December 31, 2025. *(This seat was previously held by John P. Moyer. Lisa Guthrie is currently serving as New Kent's appointee.)*

I move to appoint _____ as a New Kent representative to the Thrive Virginia Board to complete a four-year term ending December 31, 2024. *(Joe Swartout had been serving and has resigned.)*

AGENDA ITEM REQUEST
(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO
THE MEETING)

Meeting Date: 2/12/2024

ADJOURNMENT

Motion: "Mr. Chairman, I move to (not required for Consent Agenda items)	adjourn.
Subject	Adjournment
Issue	
Recommendation	Approval
Fiscal Implications	
Policy Implications	
Legislative History	
Discussion	The next regularly scheduled meeting of the Board of Supervisors will be held at 6:00 p.m. on Monday, March 11, 2024 and the next work session will be held on Tuesday, February 27, 2024, both in the Boardroom of the County Administration Building.

Time Needed:		Person Appearing:	
Request prepared by:	W. Watkins, Deputy Clerk of the Board	Telephone:	804-966-9687
Copy provided to:			

ATTACHMENTS:

Description	Type
Closed Session Motions (PDF)	Cover Memo

REVIEWERS:

Department	Reviewer	Action	Date
Clerk	Watkins, Wanda	Approved	2/2/2024 - 12:42 PM

MOTIONS FOR CONVENING A CLOSED SESSION

- 1 I move to go into closed session pursuant to §2.2-3711A.1 of the Code of Virginia for *(discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or County employees)* involving _____.
- 3 I move to go into closed session pursuant to §2.2-3711A.3 of the Code of Virginia for *discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County)* involving _____.
- 4 I move to go into closed session pursuant to §2.2-3711A.4 of the Code of Virginia for *(the protection of the privacy of individuals in personal matters not related to public business)* involving _____.
- 5 I move to go into closed session pursuant to §2.2-3711A.5 of the Code of Virginia for *(discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community)* involving _____.
- 6 I move to go into closed session pursuant to §2.2-3711A.6 of the Code of Virginia for *(discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the County would be adversely affected)* involving _____.
- 7 I move to go into closed session pursuant to §2.2-3711A.7 of the Code of Virginia for *(consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by the Board regarding specific legal matters requiring the provision of legal advice by such counsel)* involving _____.
- 19 I move to go into closed session pursuant to §2.2-3711A.19 of the Code of Virginia for *(discussion of plans to protect public safety as it relates to terrorist activity and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such activity or a related threat to public safety; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure)* involving _____.
- 28 I move to go into closed session pursuant to §2.2-3711A.28 of the Code of Virginia for *(discussion or consideration of records excluded from this chapter pursuant to subdivision 11 of § 2.2-3705.6 by a responsible public entity or an affected local jurisdiction, as those terms are defined in § 56-557, or any independent review panel appointed to review information and advise the responsible public entity concerning such records)* involving _____.

- 29 I move to go into closed session pursuant to §2.2-3711A.29 of the Code of Virginia for *(discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the Board)* involving _____.
- 33 I move to go into closed session pursuant to §2.2-3711A.32 of the Code of Virginia for *(discussion or consideration of confidential proprietary records and trade secrets excluded from this chapter pursuant to subdivision 18 of § 2.2-3705.6.)* involving _____.

CERTIFICATION OF CLOSED SESSION

A. Motion

I move that the Board certify by roll call vote that to the best of each member's knowledge only public business matters lawfully exempted from open session requirements of the Freedom of Information Act and identified in the motion to go into closed session were heard, discussed or considered in the closed session.

B. Vote taken on certification.

Present:

Vote:

Thomas W. Evelyn
John P. Moyer
Amy M. Pearson
Ron Stiers
Jordan T. Stewart