

Wetlands Board

Building F

Jan. 14, 2015 - 7 p.m.

A. Roll Call

B. Minutes

1. Nov. 13, 2014 - Meeting

C. Public Hearings

1. W-02-15/VMRC14-1480. Trolan/Mid-Atlantic/Jordan Marine-4388 Landfall Dr. (Memorandum)
2. W-05-15/VMRC14-1646. Swynford/Mid-Atlantic/Jordan Marine-4384 Landfall Dr. (Memorandum)

D. Board Considerations

E. Matters of Special Privilege

F. Adjournment

Wetland Board Case W-02-15/VMRC 14-1480: 4388 Landfall Drive

Staff report for the January 14, 2015 Wetland Board Public Hearing

This staff report is prepared by James City County Engineering and Resource Protection to provide information to the Wetland Board to assist them in making a recommendation on this assessment. It may be useful to members of the general public interested in this assessment.

Existing Site Data & Information

Applicant: William and Mary Trolan

Agent: Mid-Atlantic Resource Consulting, Ms. Karla Havens

Location: 4388 Landfall Drive

Parcel: Lot 82, Phase 4, Landfall at Jamestown

PIN: 4732400082

Watershed: Powhatan Creek Tidal Mainstem (HUC Code JL31)

Proposed Activity: Construct the following:

- 98 foot vinyl bulkhead in front of an existing timber bulkhead
- 13 foot quarry stone revetment

Project Discussion

Ms. Karla Havens, on behalf of Mr. and Mrs. William and Lori Trolan, has applied for a Wetlands Permit to augment an existing bulkhead by installing 98 linear feet of vinyl bulkhead in front of the existing bulkhead. In addition to the project described above they further request approval of a 13 foot quarry stone revetment to be installed at the bottom left corner of the property. There will be no shoreline or bank grading. Tree removal will be limited to areas "deadman" are installed for the bulkhead. Access for this project will be from left side of the property from Landfall Drive to the location of the revetment installation. Access area is approximately 12 foot by 150 feet.

The project is located adjacent to Powhatan Creek mainstem and the property is further identified as JCC Parcel Number 4732400082.

The recommendation from VMRC is well understood the feasibility and the costs make it impractical to apply to this project. Removing the existing bulkhead and reestablishing the shore line would cause shoreline disturbance and increased bank excavating. In addition the channel for the Powhatan Creek in this area would also be affected due to its closeness of the channel which is approximately 100 feet from the edge of the slope.

Cost is another consideration for the demolition and removal of the existing bulk head. In addition the cost associated with the restoration. More disturbances would occur creating a more complex project than needed to achieve the same goal.

Mitigation Discussion

As published in the Virginia Register on July 11, 2005, the revised Wetland Mitigation Compensation Policy and Supplemental Guidelines, Regulation 4VAC 20-390-10 et seq., Virginia, as a Chesapeake Bay Program partner, is committed to “achieve a no-net loss of existing wetlands acreage and function in the signatories’ regulatory programs.” In order for a proposed project to be authorized to impact wetlands and compensate for the wetland loss in some prescribed manner, the following three criteria must be met:

1. All reasonable mitigative efforts, including alternative siting, which would eliminate or minimize wetland loss or disturbance must be incorporated in the proposal; and
2. The proposal must clearly be water dependent in nature; and
3. The proposal must demonstrate clearly its need to be in the wetlands and its overwhelming public and private benefits.

If the proposed project cannot meet one or more of the above criteria, the project must be denied or must occur in areas outside of wetlands. Should it satisfy all three criteria, however, compensation for the wetland loss is required. The sequence of acceptable mitigation options should be as follows: on-site, off-site within the same watershed, mitigation bank(s) in the same watershed, or a payment of an in-lieu fee. If compensation is required, it should be a condition of the permit.

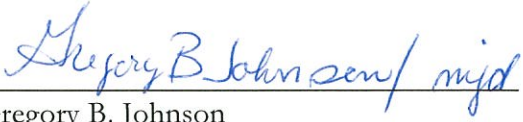
It is staff’s assertion that this project meets the three criteria outlined above. Furthermore, even though the original structure was not granted a wetlands permit, the impacts for these structures do not include any vegetated or non-vegetated wetlands. Therefore, it is staff recommendation that no wetland mitigation be required for this project.

Staff Recommendations

Staff recommends **approval** of the application. Should the Board wish to approve the application, staff suggests the following conditions be incorporated into the approval:

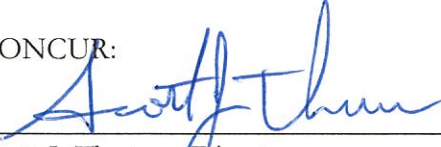
1. The applicant must obtain all other necessary local, state, and/or federal permits required for the project.
2. Surety of \$1,000 will be required to guarantee stabilization of upland portion of project.
3. Prior to construction, a pre-construction meeting will be held on-site.
3. The Engineering and Resource Protection Division Director reserves the right to require additional erosion and sediment control measures, including a turbidity curtain, for this project if field conditions warrant their use.
4. The wetlands permit for this project shall expire on January 14, 2016. If an extension of the permit is needed, a written request shall be submitted to the Engineering and Resource Protection Division no later than six weeks prior to the expiration date.

Staff Report prepared by:



Gregory B. Johnson
Senior Inspector

CONCUR:



Scott J. Thomas, Director
Engineering and Resource Protection

Attachments: Joint Permit Application

Wetland Board Case W-05-15/VMRC 14-1646: 4384 Landfall Drive

Staff report for the January 14, 2015 Wetland Board Public Hearing

This staff report is prepared by James City County Engineering and Resource Protection to provide information to the Wetland Board to assist them in making a recommendation on this assessment. It may be useful to members of the general public interested in this assessment.

Existing Site Data & Information

Applicant: Agnew Swynford

Agent: Mid-Atlantic Resource Consulting, Ms. Karla Havens

Location: 4384 Landfall Drive

Parcel: Lot 81, Phase 4, Landfall at Jamestown

PIN: 4732400081

Watershed: Powhatan Creek Tidal Mainstream (HUC Code JL31)

Proposed Activity: Construct the following:

- 52 linear foot vinyl bulkhead in front of an existing timber bulkhead
- 137 foot quarry stone revetment

Project Discussion

Ms. Karla Havens, on behalf of Mr. Agnew Swynford, has applied for a Wetlands Permit to augment an existing bulkhead by installing 52 linear feet of vinyl bulkhead in front of the existing bulkhead. In addition to the project described above they further request approval of a 137 foot quarry stone revetment to be installed at the bottom right of the property. There will be no shoreline or bank grading. Tree removal will be limited to areas "deadman" are installed for the bulkhead. Access for this project will be from the adjacent property owner (Trolan Property) on left side of the property.

The project is located adjacent to Powhatan Creek mainstream and the property is further identified as JCC Parcel Number 4732400081.

The recommendation from VMRC is well understood the feasibility and the costs make it impractical to apply to this project. Removing the existing bulkhead and reestablishing the shore line would cause shoreline disturbance and increased bank excavating. In addition the channel for the Powhatan Creek in this area would also be affected due to its closeness of the channel which is approximately 100 feet from the edge of the slope.

Cost is another consideration for the demolition and removal of the existing bulk head. In addition the cost associated with the restoration. More disturbances would occur creating a more complex project then needed to achieve the same goal.

Mitigation Discussion

As published in the Virginia Register on July 11, 2005, the revised Wetland Mitigation Compensation Policy and Supplemental Guidelines, Regulation 4VAC 20-390-10 et seq., Virginia, as a Chesapeake Bay Program partner, is committed to “achieve a no-net loss of existing wetlands acreage and function in the signatories’ regulatory programs.” In order for a proposed project to be authorized to impact wetlands and compensate for the wetland loss in some prescribed manner, the following three criteria must be met:

1. All reasonable mitigative efforts, including alternative siting, which would eliminate or minimize wetland loss or disturbance must be incorporated in the proposal; and
2. The proposal must clearly be water dependent in nature; and
3. The proposal must demonstrate clearly its need to be in the wetlands and its overwhelming public and private benefits.

If the proposed project cannot meet one or more of the above criteria, the project must be denied or must occur in areas outside of wetlands. Should it satisfy all three criteria, however, compensation for the wetland loss is required. The sequence of acceptable mitigation options should be as follows: on-site, off-site within the same watershed, mitigation bank(s) in the same watershed, or a payment of an in-lieu fee. If compensation is required, it should be a condition of the permit.

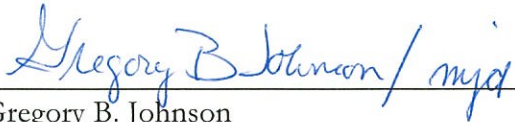
It is staff's assertion that this project meets the three criteria outlined above. Furthermore, even though the original structure was not granted a wetlands permit, the impacts for this structure do not include any vegetated or non-vegetated wetlands. Therefore, it is staff recommendation that no wetland mitigation be required for this project.

Staff Recommendations

Staff recommends **approval** of the application. Should the Board wish to approve the application, staff suggests the following conditions be incorporated into the approval:

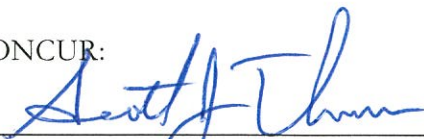
1. The applicant must obtain all other necessary local, state, and/or federal permits required for the project.
2. Prior to construction, a pre-construction meeting will be held on-site.
3. The Engineering and Resource Protection Division Director reserves the right to require additional erosion and sediment control measures, including a turbidity curtain, for this project if field conditions warrant their use.
4. The wetlands permit for this project shall expire on January 14, 2016. If an extension of the permit is needed, a written request shall be submitted to the Engineering and Resource Protection Division no later than six weeks prior to the expiration date.

Staff Report prepared by:



Gregory B. Johnson
Senior Inspector

CONCUR:



Scott J. Thomas, Director
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Attachments: Joint Permit Application