

**A G E N D A**  
**JAMES CITY COUNTY WETLANDS BOARD**  
**REGULAR MEETING**  
**County Government Center, Building F**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**August 10, 2016**  
**7:00 PM**

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- A. CALL TO ORDER**
- B. ROLL CALL**
- C. MINUTES**
  - 1. June 8, 2016 Minutes
- D. PUBLIC HEARINGS**
  - 1. W-21-16 : 2030 Bush Neck Road
- E. BOARD CONSIDERATIONS**
- F. MATTERS OF SPECIAL PRIVILEGE**
- G. ADJOURNMENT**

**ITEM SUMMARY**

DATE: 8/10/2016  
TO: Wetlands Board  
FROM: Board Secretary  
SUBJECT: June 8, 2016 Regular Meeting minutes

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**ATTACHMENTS:**

	Description	Type
▣	June 8, 2016 Minutes	Minutes

**REVIEWERS:**

Department	Reviewer	Action	Date
Environmental	Secretary, Wetland	Approved	8/2/2016 - 4:32 PM
Publication Management	Boles, Amy	Approved	8/2/2016 - 4:35 PM
Environmental	Secretary, Wetland	Approved	8/3/2016 - 8:03 AM

**MINUTES**  
**JAMES CITY COUNTY WETLANDS BOARD**  
**REGULAR MEETING**  
**County Government Center, Building F**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**June 8, 2016**  
**7:00 PM**

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**A. CALL TO ORDER**

The Wetlands Board meeting for June 8, 2016 was called to order.

**The responsibility of this Board is to carry out locally the Commonwealth policy to preserve the wetlands and to accommodate economic activity so as to prevent their despoliation.**

**B. ROLL CALL**

**Board Member Present:**

John Hughes - Chair  
William Apperson  
Charles Roadley  
Roger Schmidt

**Absent:**

Larry Waltrip  
David Gussman

**Others Present:**

County Staff (Staff):

Michael Woolson, Senior Watershed Planner  
Scott J Thomas, Director Engineering and Resource Protection  
Maxwell Hlavin, Assistant County Attorney  
Melanie Davis, Secretary to the Board  
Mark Eversole, Virginia Marine Resource Commission (VMRC)

**C. MINUTES**

1. Minutes from 5/11/16 meeting

Approved as written.

**D. PUBLIC HEARINGS**

None

**E. BOARD CONSIDERATIONS**

1. W-15-15 : 132 and 134 Shellbank Drive

Michael Woolson presented the request submitted by Mr. Danny Winall, Water's Edge Construction, contractor and agent for wetlands case W-15-15/VMRC 15-0684. The request was for a one-year extension of this permit. Staff concurred with the request.

Mr. Roadley made a motion to adopt the resolution granting the permit extension for wetlands board case W-15-15/VMRC 15-0684 at 132 and 134 Shellbank Drive.

The motion result was

Ayes: Apperson, Hughes, Roadley, Schmidt

Absent: Gussman

**F. MATTERS OF SPECIAL PRIVILEGE**

None

**G. ADJOURNMENT**

Meeting adjourned at 7:02 pm

**ITEM SUMMARY**

DATE: 8/10/2016  
TO: Wetlands Board  
FROM: Michael Woolson, Senior Watershed Planner  
SUBJECT: W-21-16 : 2030 Bush Neck Road

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Mr. Thomas Tucker has applied for a wetlands permit to construct a concrete boat ramp on property located at 2030 Bush Neck Road.

**ATTACHMENTS:**

	Description	Type
▣	Staff Report	Staff Report
▣	Joint Permit Application (JPA)	Backup Material
▣	VIMS Comments	Backup Material
▣	VMRC Letter	Backup Material
▣	APO Notification and Ad	Backup Material
▣	APO Approval Letter	Backup Material
▣	Resolution	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Environmental	Secretary, Wetland	Approved	8/3/2016 - 8:05 AM
Publication Management	Burcham, Nan	Approved	8/3/2016 - 8:19 AM
Environmental	Secretary, Wetland	Approved	8/3/2016 - 1:41 PM

**WETLAND BOARD CASE No. W-21-16/VMRC 16-0970. 2030 Bush Neck Road  
Staff report for the August 10, 2016, 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.*

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**EXISTING SITE DATA AND INFORMATION**

Applicant: Mr. Thomas Tucker

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

Location: 2030 Bush Neck Road

Tax Map/Parcel No.: 34201000025A

Watershed: Gordon Creek (HUC Code JL29)

Proposed Activity: Construct a private, non-commercial 16 foot x 40 foot concrete boat ramp over an existing, unauthorized stone (gravel) boat ramp to safely gain access to the water.

Wetland Impacts: 450-square-feet intertidal, non-vegetated

Staff Contact: Michael Woolson, Senior Watershed Planner Phone: 253-6823

**PROJECT DISCUSSION**

Ms. Karla Havens, on behalf of Mr. Thomas Tucker, has applied for a Wetlands Permit to construct a 16- by 40-foot concrete boat ramp at 2030 Bush Neck Road. The boat ramp is a private, noncommercial structure. The project is located on Gordon Creek and the property is further identified as James City County Parcel No. 34201000025A.

On or about April 10, 2012, while on a site visit for rebuilding a pier on the property (Board Exempt Case: W-17-12), staff observed an unapproved gravel boat ramp adjacent to the pier. Staff checked County and the Virginia Marine Resources Commission records and could not find any permits issued for the boat ramp. A letter was sent to Mr. Tucker outlining the issue and possible solutions. Mr. Tucker decided to pursue an After-the-Fact Permit for this structure and at the same time, change the material from gravel to concrete. It should be noted that Mr. Tucker bought the property on October 2011 in good faith with the boat ramp already in place.

The change in material is requested because Mr. Tucker has had issues in removing his boat from the water and spinning the tires of his vehicle because of the gravel. Staff advised him that there is no difference in stormwater runoff, and therefore pollution potential, in the two materials. He is requesting a change to concrete for safety reasons.

The boat ramp was never approved, therefore wetland impacts were never taken into account. The same is true for the gravel access road to the boat ramp. Mr. Tucker has agreed to some upland Resource Protection Area plantings to help mitigate for the previous impacts.

## 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 destroy 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; and
2. A pre-construction meeting will be held on-site prior to work commencing; and
3. The Engineering and Resource Protection Division Director reserves the right to require additional erosion and sediment control measures, such as a turbidity curtain, for this project if field conditions warrant their use; and
4. The Wetlands Permit for this project shall expire on August 10, 2017. 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.

MW/nb  
W21-16-2030BushNeckRd

### Attachment:

1. Joint Permit Application

## Part 1 – General Information

**PLEASE PRINT OR TYPE ALL RESPONSES:** If a question does not apply to your project, please print N/A (not applicable) in the block or space provided. If additional space is needed, attach 8-1/2" x 11" sheets of paper.

<b>County or City in which the project is located:</b> James City County
<b>Waterway at project site:</b> Gordon Creek of the Chickahominy River

<p>1. Applicant's name* and complete mailing address:</p> <p>Thomas Tucker          141 Woodmere Drive          Williamsburg, VA 23185</p> <p><i>2030 Bush Neck Rd          Williamsburg VA 23188</i></p> <p>State Corporation Commission ID Number (if applicable) _____</p>	<p>Contact Information:</p> <p>Home ( ) _____</p> <p>Work ( ) _____</p> <p>Fax ( ) _____</p> <p>Cell/ Pager ( 757 ) 880-7973</p> <p>e-mail <u>trtatff@msn.com</u></p>
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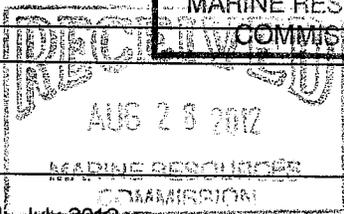
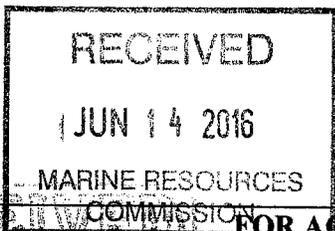
<p>2. Property owner(s) name* and complete address, if different from applicant</p> <p>State Corporation Commission ID Number (if applicable) _____</p>	<p>Contact Information:</p> <p>Home ( ) _____</p> <p>Work ( ) _____</p> <p>Fax ( ) _____</p> <p>Cell/ Pager ( ) _____</p> <p>e-mail _____</p>
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<p>3. Authorized agent name* and complete mailing address (if applicable):</p> <p>Karla S. Havens          Mid-Atlantic Resource Consulting          1095 Cherry Row Lane          Plainview, VA 23156</p> <p>State Corporation Commission ID Number (if applicable) _____</p>	<p>Contact Information:</p> <p>Home ( ) _____</p> <p>Work ( 804 ) 785-2107</p> <p>Fax ( ) _____</p> <p>Cell/ Pager ( 804 ) 366-1768</p> <p>e-mail <u>khavens@inna.net</u></p>
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**\* If multiple applicants, property owners, and/or agents, each must be listed and each must sign the applicant signature page. If for a company, use the SCC registered name.**

4. Provide a detailed description of the project in the space below. If additional space is needed, provide a separate sheet of paper with the project description. Be sure to include how the construction site will be accessed, especially if clearing and/or grading will be required.

Construct a 40' x 16' concrete boat ramp over an existing unauthorized stone boat ramp.



<b>FOR AGENCY USE ONLY</b>	
Notes:	
JPA #	<u>16-0970</u>

## Part 1 - General Information (continued)

5. Have you obtained a contractor for the project?  Yes\*  No. \*If your answer is "Yes" complete the remainder of this question and submit the Applicant's and Contractor's Acknowledgment Form (enclosed)

Contractor's name\* and complete mailing address:

Wilber Jordan  
Jordan Marine Construction, Inc.  
P. O. Box 396  
Lightfoot, VA 23090

Contact Information:

Home ( ) \_\_\_\_\_  
Work ( ) \_\_\_\_\_  
Fax ( ) \_\_\_\_\_  
Cell / Pager ( 757 ) \_\_\_\_\_ 592-4171  
email \_\_\_\_\_

State Corporation Commission ID Number (if applicable) \_\_\_\_\_ 2701-107524A

**\* If multiple contractors, each must be listed and each must sign the applicant signature page. If for a company, use the SCC registered name.**

6. List the name, address and telephone number of the newspaper having general circulation in the area of the project. Failure to complete this question may delay local and State processing.

Name and complete mailing address:

Virginia Gazette  
216 Ironbound Road  
Williamsburg, VA 23188

Telephone number

( 757 ) \_\_\_\_\_ 220-1736

7. Give the following project location information:

Street Address (911 address if available) \_\_\_\_\_ 2030 Bush Neck Road

Lot/Block/Parcel# \_\_\_\_\_ 34 - 2 (1 - 2)

Subdivision \_\_\_\_\_ Bush Neck

City / County \_\_\_\_\_ James City County

Zipcode \_\_\_\_\_ 23188

Latitude and Longitude at Center of Project Site (Decimal Degrees):

If the project is located in a rural area, please provide driving directions.

**Note: if the project is in an undeveloped subdivision or property, clearly stake and identify property lines and location of the proposed project. A supplemental map showing how the property is to be subdivided should also be provided.**

## Part 1 - General Information (continued)

8. What is the primary and secondary purpose of the project? For example, the primary purpose may be “to protect property from erosion due to boat wakes” and the secondary purpose may be “to provide safer access to a pier.”

The primary purpose is to safely gain access to the water.

9. Proposed use (check one):

Single user (private, non-commercial, residential)  
 Multi-user (community, commercial, industrial, government)

10. Describe the measures that will be taken to avoid and minimize impacts, to the maximum extent practicable, to wetlands, surface waters, submerged lands, and buffer areas associated with any disturbance (clearing, grading, excavating) during and after project construction.

**Please be advised that unavoidable losses of tidal wetlands and/or aquatic resources may require compensatory mitigation.**

All construction shall take place from the upland.  
Concrete slabs shall be pre-cast and placed.  
No wetland or upland vegetation shall be impacted.

11. Have you previously had a site visit, applied to, or obtained a permit from any agency (Federal, State, or Local) for any portion of the project described in this application or any other project at the site?

Yes\*  No \* If you answered “Yes”, provide the following information:

<u>Agency / Representative</u>	<u>Activity</u>	<u>Permit/Project No.</u>	<u>Action** &amp; Date</u>
JCC, VMRC, Corps	Pier	12-0199	Issued March 2012

(\*\*Issued, Denied, Withdrawn, or Site Visit)

## Part 1 - General Information (continued)

12. Is this application being submitted for after-the-fact authorization for work which has already begun or been completed?  Yes \_\_\_ No. If yes, be sure to clearly depict the portions of the project which are already complete in the project drawings.
13. Approximate cost of the entire project (materials, labor, etc.): \$ \_\_\_\_\_  
Approximate cost of that portion of the project which is below mean low water: \$ \_\_\_\_\_
14. Completion date of the proposed work: ASAP once permits are issued - \_\_\_\_\_
15. Adjacent Property Owner Information: List the name and complete mailing address, including zip code, of each adjacent property owner to the project. (NOTE: a property owner/applicant cannot be their own adjacent property owner. You must give the next owner down the river, creek, etc).

David H. & Stephanie M. Allen  
2001 Bush Neck Road  
Williamsburg, VA 23188-7634

Nayses Bay Land Co., LLC  
P. O. Box 6000  
Williamsburg, VA 23188-5217

## Part 2 - Signatures

### 1. Applicants and property owners (if different from applicant).

**NOTE: REQUIRED FOR ALL PROJECTS**

**PRIVACY ACT STATEMENT:** The Department of the Army permit program is authorized by Section 10 of the Rivers and Harbors Act of 1899, Section 404 of the Clean Water Act, and Section 103 of the Marine Protection Research and Sanctuaries Act of 1972. These laws require that individuals obtain permits that authorize structures and work in or affecting navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters prior to undertaking the activity. Information provided in the Joint Permit Application will be used in the permit review process and is a matter of public record once the application is filed. Disclosure of the requested information is voluntary, but it may not be possible to evaluate the permit application or to issue a permit if the information requested is not provided.

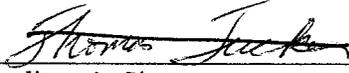
**CERTIFICATION:** I am hereby applying for all permits typically issued by the DEQ, VMRC, U.S. Army Corps of Engineers, and/or Local Wetlands Boards for the activities I have described herein. I agree to allow the duly authorized representatives of any regulatory or advisory agency to enter upon the premises of the project site at reasonable times to inspect and photograph site conditions, both in reviewing a proposal to issue a permit and after permit issuance to determine compliance with the permit.

In addition, I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

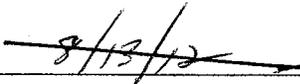
Thomas Tucker

\_\_\_\_\_  
Applicant's Name (printed/typed)

\_\_\_\_\_  
(Use if more than one applicant)

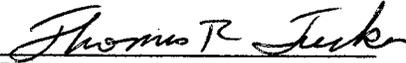
  
\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
(Use if more than one applicant)

  
\_\_\_\_\_  
Date

*THOMAS R. TUCKER*  
\_\_\_\_\_  
Property Owner's Name (printed/typed)  
(If different from Applicant)

\_\_\_\_\_  
(Use if more than one owner)

  
\_\_\_\_\_  
Property Owner's Signature

\_\_\_\_\_  
(Use if more than one owner)

  
\_\_\_\_\_  
Date

## Part 2 – Signatures (continued)

### 2. Applicants having agents (if applicable)

#### CERTIFICATION OF AUTHORIZATION

I (we), Thomas Tucker, hereby certify that I (we) have authorized Karla S. Havens  
(Applicant's name(s)) (Agent's name(s))

to act on my behalf and take all actions necessary to the processing, issuance and acceptance of this permit and any and all standard and special conditions attached.

We hereby certify that the information submitted in this application is true and accurate to the best of our knowledge.

Karla S. Havens  
(Agent's Signature)

\_\_\_\_\_  
(Use if more than one agent)

8/13/12  
(Date)

Thomas Tucker  
(Applicant's Signature)

\_\_\_\_\_  
(Use if more than one applicant)

8/13/12  
(Date)

### 3. Applicant's having contractors (if applicable)

#### CONTRACTOR ACKNOWLEDGEMENT

I (we), Thomas Tucker, have contracted Wilber Jordan  
(Applicant's Name(s)) (Contractor's Name(s))  
to perform the work described in this Joint Permit Application, signed and dated \_\_\_\_\_.

We will read and abide by all conditions set forth in all Federal, State and Local permits as required for this project. We understand that failure to follow the conditions of the permits may constitute a violation of applicable Federal, state and local statutes and that we will be liable for any civil and/or criminal penalties imposed by these statutes. In addition, we agree to make available a copy of any permit to any regulatory representative visiting the project to ensure permit compliance. If we fail to provide the applicable permit upon request, we understand that the representative will have the option of stopping our operation until it has been determined that we have a properly signed and executed permit and are in full compliance with all terms and conditions.

Wilber Jordan

\_\_\_\_\_  
Contractor's name or name of firm

Jordan Marine Construction, Inc.

\_\_\_\_\_  
P.O. Box 396

\_\_\_\_\_  
Lightfoot, VA 23090

\_\_\_\_\_  
Contractor's or firms address

\_\_\_\_\_  
2705-107524A

Wilber Jordan OWNER  
Contractor's signature and title

\_\_\_\_\_  
Contractor's License Number

Thomas Tucker  
Applicant's signature

\_\_\_\_\_  
(use if more than one applicant)

8/13/12  
Date

## Part 3 – Appendices

Please complete and submit the appendix questions applicable to your project, and attach the required vicinity map(s) and drawings to your application. If an item does not apply to your project, please write “N/A” in the space provided.

**Appendix A: Projects for Access** to the water (private and community piers, boathouses, marinas, moorings, boat ramps, aquaculture facilities, etc). Answer all questions that apply.

1) Briefly describe your proposed project.

Construct a 16' x 40' concrete boat ramp where an unauthorized gravel boat ramp currently exists.

**For private, noncommercial piers:**

What is the overall length of the structure? \_\_\_\_\_ feet.

channelward of Mean High Water? \_\_\_\_\_ feet.

channelward of Mean Low Water? \_\_\_\_\_ feet

What is the total size of any and all L- or T-head platforms? \_\_\_\_\_ sq. ft.

For boathouses, what is the overall size of the roof structure? \_\_\_\_\_ sq. ft. Will your boathouse have sides? \_\_\_\_\_ Yes \_\_\_\_\_ No.

(Note: to meet the exemption for VMRC permits, **private piers** must not exceed 6 feet in width and L-head or T-head protrusions must not exceed 250 square feet in size; private **boathouse** roof dimensions must not exceed 700 square feet in size, the boathouse must be open-sided and the project must be unopposed by the adjacent property owners, pursuant to Section 28.2-1203(5) of the Code of Virginia).

Provide the type, size, and registration number of the vessel(s) to be moored at the pier or mooring buoy.

Type	Length	Width	Draft	Registration
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

**For Marinas, Commercial Piers, Community Piers and other non-private piers,** provide the following information:

A) Have you obtained approval for sanitary facilities from the Virginia Department of Health? \_\_\_\_\_ (required pursuant to Section 28.2-1205C of the Code of Virginia).

B) Will petroleum products or other hazardous materials be stored or handled at your facility? \_\_\_\_\_.

C) Will the facility be equipped to off-load sewage from boats? \_\_\_\_\_.

D) How many wet slips are proposed? \_\_\_\_\_. How many are existing? \_\_\_\_\_.

E) What is the area of the piers and platforms that will be constructed over

Tidal wetlands \_\_\_\_\_ square feet

Submerged lands \_\_\_\_\_ square feet

## Part 3 – Appendices (continued)

### Appendix A (Continued)

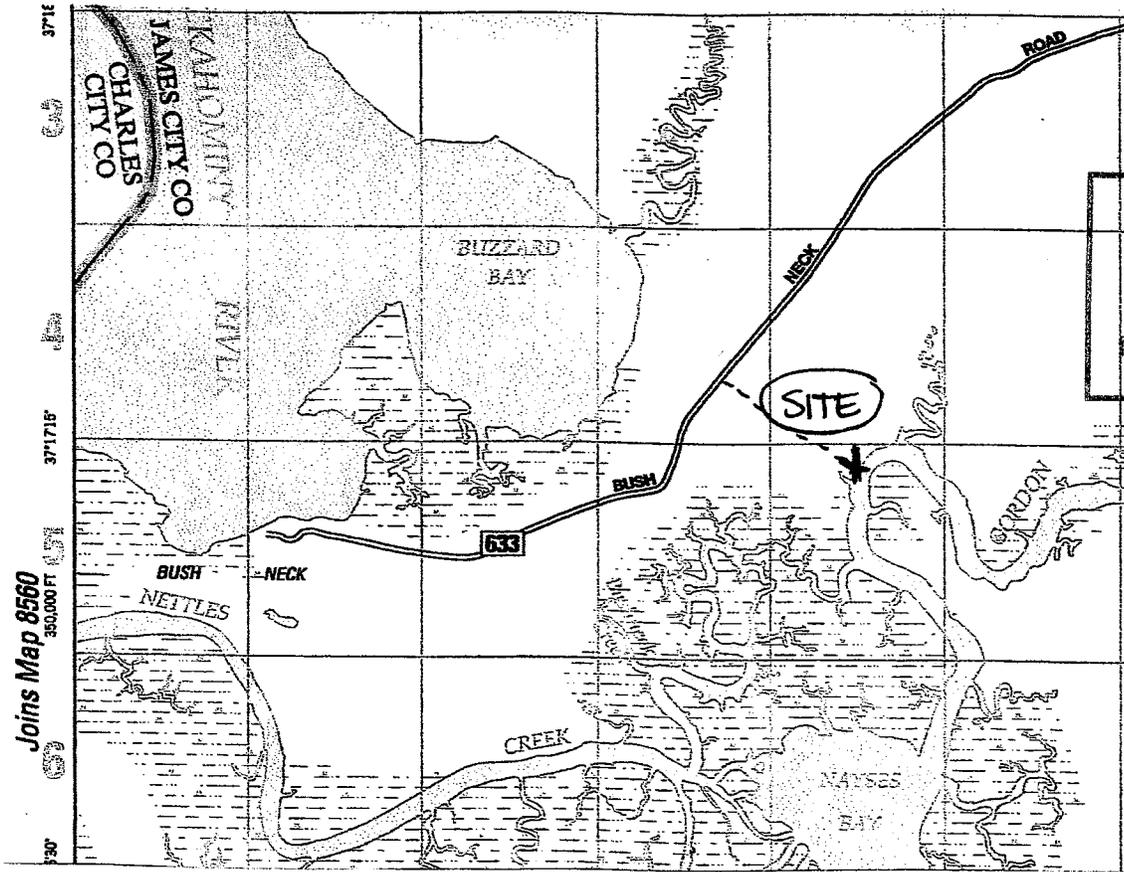
- 5) For **boat ramps**, what is the overall length of the structure? 40 feet.  
from Mean High Water? 23 feet.  
from Mean Low Water? 12 feet.

Note: drawings must include the construction materials, method of installation, and all dimensions. If tending piers are proposed, complete the pier portion.

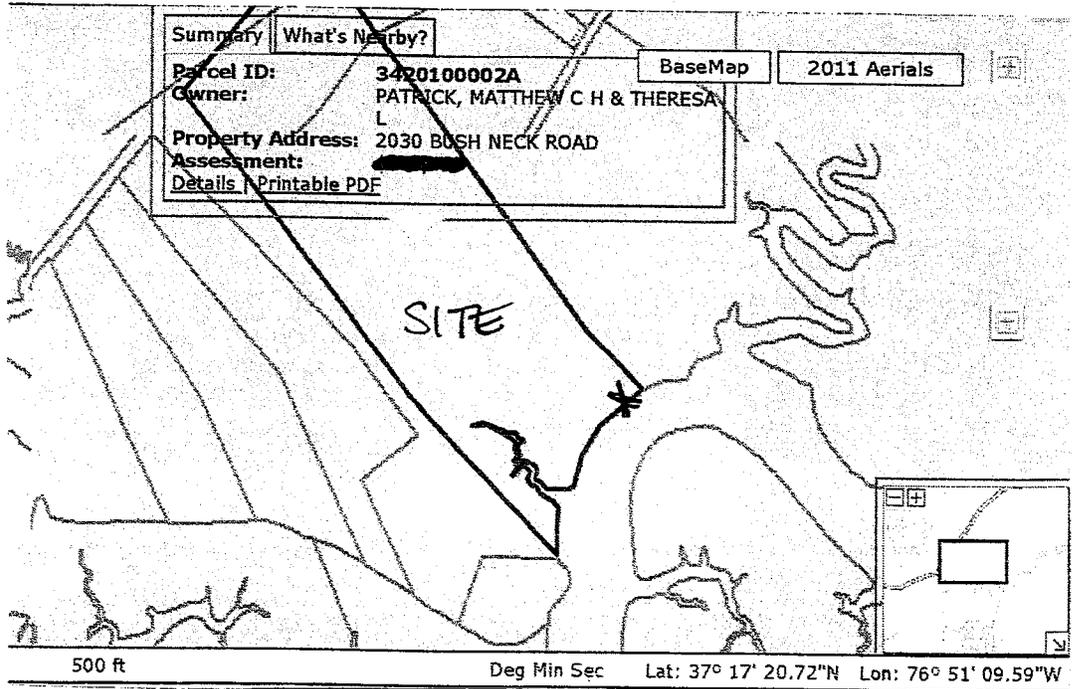
**Note: If dredging or excavation is required, you must complete the Standard Joint Point Permit application.**

- ~~6) For **aquaculture-related structures**, Will the activity be commercial?  Yes  No  
Will the proposed structures be attached to an existing pier or other structure?  Yes  No  
What is the maximum area (square feet) of submerged land that will be occupied by the proposed structures? \_\_\_\_\_ square feet.~~

Describe the activity from time of acquisition of seed or other source material to the time of harvest, the source of the animals/plants, and clearly show distance to all proposed and existing structures and lease boundaries (if applicable) in your drawings. Include bathymetry (depths), relative to mean low water in your plan view drawing and any Submerged Aquatic Vegetation (SAV) in the project vicinity.  
**(NOTE: the presence or absence of SAV will be field verified during the project review).**



**RECEIVED**  
 JUN 14 2016  
 MARINE RESOURCES  
 COMMISSION

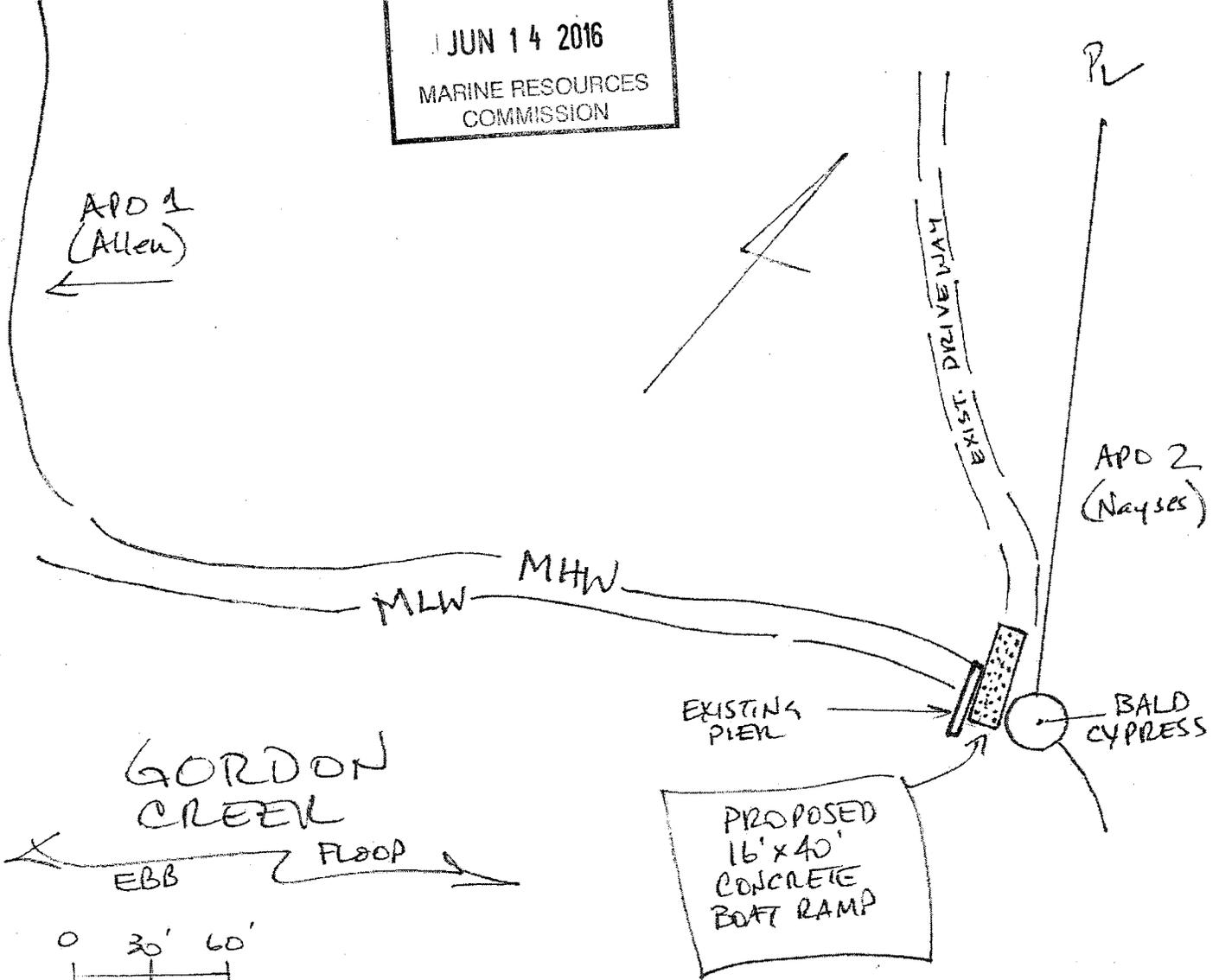


**RECEIVED**  
 AUG 28 2012  
 MARINE RESOURCES  
 COMMISSION

<b>Adjacent Property Owners:</b> 1. David H. & Stephanie M. Allen 2. NAYSES, Bay Land Co., LLC	<b>DETAIL</b> James City County Tax Map # 34 - 2 (1-2)	<b>THOMAS TUCKER</b> 2030 Bush Neck Road - JCC on Gordon Creek of the Chickahominy River Date: 7-31-12      Sheet 1 of 3
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Prepared by: Mid-Atlantic Resource Consulting  
 1095 Cherry Row Lane  
 Plainview, VA 23156  
 (804) 785-2107

RECEIVED  
 JUN 14 2016  
 MARINE RESOURCES  
 COMMISSION



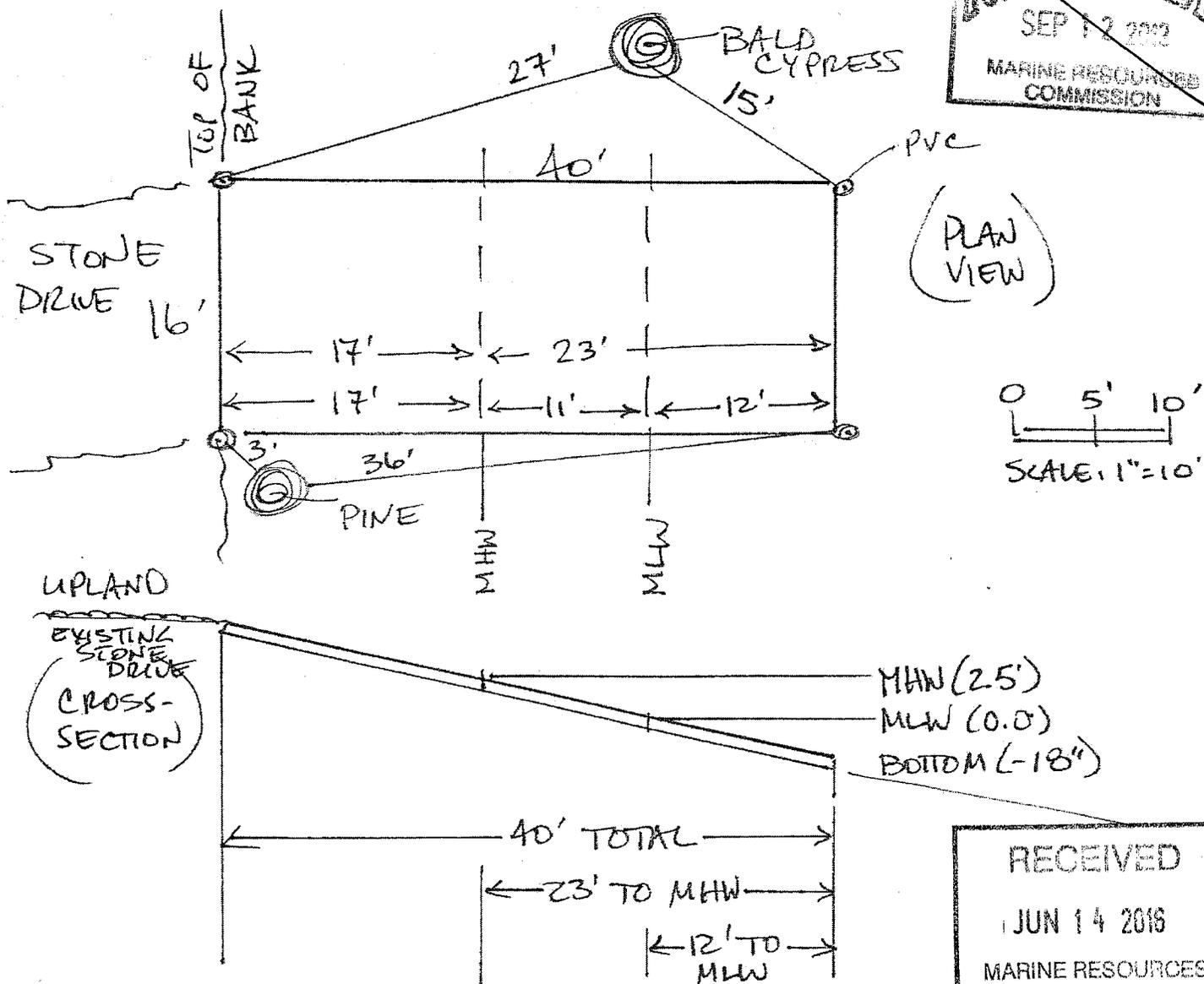
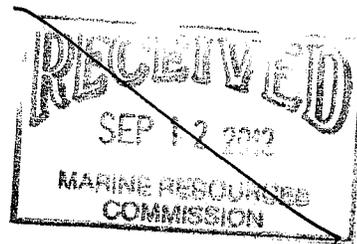
ADDITIONAL INFO  
 REVISION

~~RECEIVED~~  
 SEP 12 2012  
 MARINE RESOURCES  
 COMMISSION

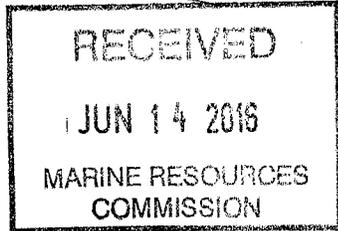
Adjacent Property Owners: 1. David H. & Stephanie M. Allen 2. NAYSES, Bay Land Co., LLC	SITE PLAN James City County Tax Map # 34 - 2 (1-2)	THOMJAS TUCKER 2030 Bush Neck Road - JCC on Gordon Creek of the Chickahominy River Date: 7-31-12 Sheet 2 of 3
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Prepared by: Mid-Atlantic Resource Consulting  
 1095 Cherry Row Lane  
 Plainview, VA 23156  
 (804) 785-2107

REV. 9.12.12



0 5' 10'  
SCALE: 1"=10'



- PRE-CAST, STEEL-REINFORCED CONCRETE BOAT RAMP
- APPROXIMATE SLOPE 8:40 (1:5)
- SHORE AT SITE IS NON-VEGETATED
- NO EXCAVATION CHANNELWARD OF MLW
- UP TO 6" OF EXCAVATION LANDWARD OF MLW TO CREATE SMOOTH GRADE FOR RAMP

<p>Adjacent Property Owners:</p> <ol style="list-style-type: none"> <li>1. David H. &amp; Stephanie M. Allen</li> <li>2. NAYSES, Bay Land Co., LLC</li> </ol>	<p>BOAT RAMP</p> <p>James City County Tax Map # 34-2 (1-2)</p>	<p>THOMJAS TUCKER 2030 Bush Neck Road - JCC on Gordon Creek of the Chickahominy River</p> <p>Date: 7-31-12 Sheet 3 of 3</p>
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Prepared by: Mid-Atlantic Resource Consulting  
1095 Cherry Row Lane  
Plainview, VA 23156  
(804) 785-2107

REV. 9.12.12

From: Christine M. Tombleson <christine@vims.edu>

Sent: Sunday, July 24, 2016 1:28 PM

To: Melanie Davis

Cc: mark.eversole@mrc.virginia.gov

Subject:RE: Public Notice Reminder 16-0970

Hi Melanie – Just to let you know that a VIMS report will not be generated for 16-0970 since the project involves a boat ramp and not shoreline erosion control activity.

Thanks,

Christine



# COMMONWEALTH of VIRGINIA

## *Marine Resources Commission*

2600 Washington Avenue

Third Floor

Newport News, Virginia 23607

Molly Joseph Ward  
Secretary of Natural Resources

John M.R. Bull  
Commissioner

June 28, 2016

Thomas Tucker  
c/o Mid-Atlantic Resource Consulting  
1095 Cherry Row Lane  
Plainview, VA 23156

Re: VMRC #16-0970

Dear Mr. Tucker:

I am writing to acknowledge receipt of your application describing a project that will require a permit from the Marine Resources Commission.

Prior to commencing your project, you may also need authorization from the U. S. Army Corps of Engineers and/or your local wetlands board. Your application has been forwarded to these agencies.

If I may be of further assistance, please do not hesitate to call on me at (757) 247-8028.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark C. Eversole".

Mark C. Eversole  
Environmental Engineer

MCE/lra  
HM  
Enclosure

cc: U. S. Army Corps of Engineers #6  
James City County Wetlands Board  
Applicant

*An Agency of the Natural Resources Secretariat*

[www.mrc.virginia.gov](http://www.mrc.virginia.gov)

Telephone (757) 247-2200 (757) 247-2292 V/TDD Information and Emergency Hotline 1-800-541-4646 V/TDD



**Community Development  
Engineering and Resource  
Protection Division**  
P.O. Box 8784  
Williamsburg, VA 23187-8784

Resource.Protection@jamescitycountyva.gov

**Building Safety and Permits**  
757-253-6620

**Engineering and Resource Protection**  
757-253-6670

**Planning**  
757-253-6685

**Zoning Enforcement**  
757-253-6671

July 19, 2016

Re: W-21-16/VMRC 16-0970 2030 Bush Neck Road  
Concrete boat ramp

Dear Adjacent Property Owner:

In accordance with State and County Codes this letter is to notify you that a permit request has been filed with the James City County Wetlands Board by Mr. Thomas Tucker, for construction of a concrete boat ramp on his property at 2030 Bush Neck Rd. The property is further identified by James City County Real Estate, as Parcel No. 3420100002A.

The joint permit application (JPA), a complete description, and other information are on file in the Engineering and Resource Protection Division and are available for inspection during normal business hours, should anyone desire to review them.

The Wetlands Board will hold an advertised public hearing **Wednesday August 10, 2016 at 7 p.m.** in the Board Room of Building F located at 101 Mounts Bay Road, James City County, Virginia, at which time you may request to speak on the above referenced project.

Sincerely,

*Melanie Davis*

Melanie Davis  
Wetlands Board Secretary  
757-253-6866

cc: Thomas Tucker  
Mid-Atlantic Resource Consulting  
Jordan Marine Construction

Mailing List for W-21-16: VMRC 16-0970 – 2030 Bush Neck Road

3420100002A Owner 2030 Bush Neck Road

Thomas Tucker  
2030 Bush Neck Rd  
Williamsburg, VA 231887633

Karla S. Havens  
Mid-Atlantic Resource Consulting  
1095 Cherry Row Lane  
Plainview, VA 23156

Wilber Jordan  
Jordan Marine Construction, Inc  
P.O. Box 396  
Lightfoot, VA 23090

3510100006 – 2051 Bush Neck Road

Nayses, Bay Land Company LLC  
P O Box 6000  
Williamsburg, VA 231885217

3420100008

Mary Lou Clark  
2035 Bush Neck Road  
Williamsburg, VA 231887633

3420200002

David and Stephanie Allen  
2001 Bush Neck Road  
Williamsburg, VA 231887634

3510100008 – 1901 Bush Neck Road

Laff A Lot Rod & Gun Club  
P O Box 307  
Lanexa, VA 230890307

3510100001 -2171 Bush Neck Road

Pickett Holdings, LLC  
6061 River Rd  
Richmond, VA 23226

3520100016 – 3783 Brick Bat Road

R T Armistead, Letitia Hanson and Michael J  
Cavanaugh Trustee  
3804 Poplar Hill Road, Ste B  
Chesapeake, VA 23321

Mark Eversole  
VMRC  
2600 Washington Ave, 3<sup>rd</sup> Floor  
Newport News, VA 23607

State Water Control Board  
c/o Dept of Environmental Quality  
P O Box 1105  
Richmond, VA 23218

Dawn Fleming  
VIMS Wetlands Program  
P.O. Box 1346  
Gloucester Point, VA 23062

Regulatory Branch Army Corps of  
Engineers  
803 Front Street  
Norfolk, VA 23510

VDOT  
4451 Ironbound Road  
Williamsburg, VA 23188

Dept of Game and Inland Fisheries  
Box 90778  
Henrico, VA 23228-0778



## **PUBLIC HEARING NOTICE**

THE WETLANDS BOARD AND THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA WILL HOLD PUBLIC HEARINGS **WEDNESDAY AUGUST 10, 2016 AT 7 p.m.** IN THE BOARD ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE WETLANDS BOARD WILL CONSIDER THE FOLLOWING CASE:

W-21-16/VMRC 16-0970: Thomas Tucker has applied for a wetlands permit to construct a concrete boat ramp at 2030 Bush Neck Road, JCC Parcel No 3420100002A.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASE:

CBE-17-003: Carters Grove Associates, LLC has filed an exception request for encroachment into the RPA buffer for sanitary sewer connections at 8797 Pocahontas Trail, JCC Parcel No 5910100030.

Appeals from decisions under the Chesapeake Bay Preservation Ordinance may also be heard.

All interested parties are invited to attend the meetings. The applications and plans are on file and may be viewed during normal office hours in the Engineering and Resource Protection Division, 101-E Mounts Bay Road, James City County, Virginia.

## **NOT FOR PUBLICATION**

DISPLAY: WEDNESDAY – July 27, and August 3, 2016.  
ACCOUNT NO.: 0011040200 - VIRGINIA GAZETTE

COPIES: PLANNING  
ASSISTANT COUNTY ATTORNEY  
WETLAND/CHESAPEAKE BAY BOARD MEMBERS

**KAUFMAN & CANOLES**  
attorneys at law



Kaufman & Canoles, P.C.  
4801 Courthouse Street  
Suite 300  
Williamsburg, VA 23188

*Mailing Address*  
Post Office Box 6000  
Williamsburg, VA 23188

T (757) 259.3800  
F (888) 360.9092

kaufCAN.com

Gregory R. Davis  
(757) 259.3820  
grdavis@kaufcan.com

July 28, 2016

**VIA U.S. MAIL**

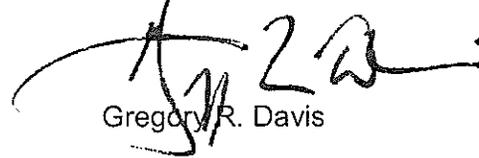
Ms. Melanie Davis  
Wetlands Board Secretary  
James City County Virginia  
P.O. Box 8784  
Williamsburg, VA 23187-8784

**Re: Thomas Tucker  
W-21-16/VMRC 16-0970  
2030 Bush Neck Road  
Concrete Boat Ramp**

Dear Ms. Davis:

I write to you in my capacity as a managing member of Nayses Bay Land Company, LLC, adjoining property owner to the above-referenced project. Mr. Tucker is an accommodating neighbor and Nayses Bay Land Company, LLC supports his request for permitting and construction of the subject boat ramp. Please note this support of the application for the Wetlands Board. If I may answer questions or concerns in this regard, please do not hesitate to call.

Very truly yours,



Gregory R. Davis

GRD:dmc

*[Faint, illegible text, possibly a stamp or bleed-through]*

*[Faint, illegible text]*

*[Faint, illegible text]*

## RESOLUTION

CASE NO. W-21-16/VMRC 16-0970. 2030 BUSH NECK ROAD

### JAMES CITY COUNTY WETLANDS PERMIT

WHEREAS, Karla Havens, Mid-Atlantic Resource Consulting, on behalf of Thomas Tucker (the “Applicant”), has applied to the Wetlands Board of James City County (the “Board”) on August 10, 2016, to request a permit to use and develop in areas designated as wetlands on a parcel of property identified as James City County Real Estate Tax Parcel No. 34201000025A and further identified as 2030 Bush Neck Road (the “Property”) as set forth in the application W-21-16/VMRC 16-0970; and

WHEREAS, the Board has listened to the arguments presented and has carefully considered all evidence entered into the record.

NOW, THEREFORE, BE IT RESOLVED that the Wetlands Board of James City County, Virginia, following a public hearing, by a majority vote of its members FINDS that:

1. The anticipated public and private benefit of the proposed activity in the wetlands exceeds its anticipated public and private detriment.
2. The proposed development conforms to the standards prescribed in Section 28.2-1308 of the Code of Virginia, and the guidelines promulgated pursuant to Section 28.2-1301 of the Code of Virginia.
3. The proposed activity does not violate the purpose and intent of Chapter 22 of the James City County Code or Sections 28.2-1300 et. seq. of the Code of Virginia.
4. In granting this Wetlands Permit, the following conditions are hereby imposed:
  - a. The applicant must obtain all other necessary local, state and/or federal permits required for the project; and
  - b. A pre-construction meeting will be held on-site prior to work commencing; and
  - c. The Engineering and Resource Protection Division Director reserves the right to require additional erosion and sediment control measures, such as a turbidity curtain, for this project if field conditions warrant their use; and
  - d. The Wetlands Permit for this project shall expire on August 10, 2017. 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.

\_\_\_\_\_  
John Hughes  
Chair, Wetlands Board

\_\_\_\_\_  
Michael Woolson  
Senior Watershed Planner

Adopted by the Wetlands Board of James City County, Virginia, this 10th day of August, 2016.

THE FORGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_ IN THE COMMONWEALTH OF VIRGINIA, IN THE COUNTY OF JAMES CITY.

\_\_\_\_\_  
NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_

W21-16-VMRC16-970-res