

**JAMES CITY COUNTY WETLANDS BOARD
MINUTES
January 14, 2010 - 7:00PM**

A. ROLL CALL

Terence Elkins – Vice Chairman
David Gussman
William Apperson
Richard Mason - Alternate
Charles Roadley - Alternate

ABSENT

John Hughes
Larry Waltrip

OTHERS PRESENT

Elizabeth Murphy - Virginia Marine Resource Commission (VMRC)
County Staff (Staff)

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. MINUTES

The December 9, 2009 Board minutes were approved as written.

C. PUBLIC HEARINGS

1. W-05-10 / VMRC 09-1452 Sarko – 10116 Sycamore Landing Rd

Pat Menichino presented the following case:

Coastal Marine Consulting on behalf of Ms. Cynthia Sarko (applicant) applied for a Wetlands Permit to install approximately 100 linear feet of riprap revetment to prevent future erosion along the shoreline located at 10116 Sycamore Landing Road. The application also proposes construction of a pier, boathouse with boatlift, and staircase through the Resource Protection Area (RPA) buffer to provide access to the pier. The property is further identified by James City County Real Estate as PIN # 0720300002. The project site is located on the York River, a tributary to the Chesapeake Bay. The applicants were advised that their attendance at the Wetlands Board meeting was highly recommended.

The proposed revetment is to be constructed using Class II rip-rap armor stone, installed overtop of Class 1 core stone, and filter fabric. The project will involve impacts to jurisdictional wetlands and will also include impacts to upland areas not within the Wetlands Board's jurisdiction. The project as proposed will require the excavation of the upland area to create an acceptable 2:1 or 3:1 slope. Grading impacts to the RPA buffer extend landward approximately 51 linear feet from existing mean high water (MHW) (existing toe of slope).

Environmental Division staff (Staff) along with a representative from Virginia Marine Resources Commission (VMRC) visited the site on October 19, 2009 to review the project scope and potential impacts. The Virginia Institute of Marine Science (VIMS) has submitted an evaluation report concerning this application and it was included in the Board package.

Staff estimated the impacts for the proposed revetment to be 300 sqft to the upper limits of wetlands, and 675 sqft to upland areas. Total fill impacts for the revetment are estimated to be 150 sqft to non-vegetated wetlands.

Staff agrees that the preferred approach (breakwaters and beach nourishment) recommended in the VIMS report, would protect the shoreline and also prevent the severing of the riparian areas from the wetlands caused by the installation of a hardened revetment however, at this particular site adjacent properties have similar revetments to the one requested in this application.

Staff's offers the following information and guidance for the Boards consideration:

1. The applicant proposes to construct an armor stone revetment and grade approximately 3000 sqft of RPA buffer in order to achieve a 2:1 or 3:1 slope. The proposed grading will occur within an RPA buffer that is well vegetated but void of trees and an understory shrub layer. The proposed revetment will tie into an existing armor stone revetment located on an adjacent property.
2. The shoreline along this stretch of the York River is designated as a medium energy shoreline and has suffered from wave attack during major storm events resulting in shoreline erosion.
3. There is no imminent danger to existing dwellings that may be caused by the shoreline erosion.
4. The applicant is proposing a row of 22 shrubs to be installed along the top of proposed bank to break up sheet flow.
5. The proposed pier and boathouse with boatlift do not impact vegetated wetlands and are exempt from Board consideration. The proposed stairway within the RPA buffer will be reviewed through an administrative Chesapeake Bay Exception process.

Should the Board vote to approve this application for a permit, Staff recommends the following conditions be applied to the permit:

1. Prior to any land disturbing activities, a preconstruction meeting will be held on-site.
2. The limits of clearing and grading shall be flagged in the field prior to the preconstruction meeting.
3. All vegetation to be removed shall be clearly flagged or marked with spray paint prior to the preconstruction meeting and approved by the Environmental Division (Division), prior to any land disturbance.
4. The proposed project grading will impact approximately 3000 sqft of RPA buffer. An RPA buffer modification plan shall be submitted to the Division to show the proposed species and locations for (4) native canopy trees, (8) native understory trees, and (24) shrubs required for mitigation to offset the RPA impacts. These native mitigation plantings shall be installed within the RPA buffer in lieu of the (22) hardy shrubs proposed in this application. In addition the stabilization of the graded slopes will be achieved with the establishment of native grasses in lieu of the Weeping Love Grass proposed in this application. The implementation of the revised RPA buffer modification plan and stabilization shall be guaranteed by surety in a form acceptable to the Division and to the County Attorney and be submitted prior to the preconstruction meeting.
5. The armor stone proposed for this revetment is Class II, the core stone shall be a minimum size of Class I. Filter cloth shall be installed underneath of all core stone.
6. Inspections of the excavated core trench and filter cloth are required prior to the installation of core stone.
7. The Division reserves the right to require erosion and sediment control measures for this project if field conditions warrant their use.
8. The applicant must obtain authorization from all other regulatory agencies that have jurisdiction over the proposed project.
9. A James City County building permit will be required for the staircase, pier, and boathouse.
10. A Chesapeake Bay Exception request must be submitted to the Division for the proposed staircase within the RPA buffer.
11. This Wetlands Permit shall expire January 14, 2011. If an extension is needed, a written request shall be submitted to the Environmental Division no later than two weeks prior to the expiration date.

Mr. Roadley asked if there was an encroachment channel ward of mean high water and if the County considered the area a non-vegetated shoreline. He also asked if the County had adopted a Dune and Beach Ordinance.

Mr. Menichino stated the County had not adopted a Dune and Beach Ordinance and for the purpose of expediting the permit, was not considering the area between the toe of the revetment and mean high water as beach but rather a non-vegetated shoreline.

Mr. Roadley asked if VMRC would be issuing a permit for this application under Dunes and Beaches.

Mr. Menichino stated they were not.

Mr. Elkins stated the shoreline probably required the proposed revetment in either case but asked why VIMS classified the shoreline as high energy and Staff reported it as medium energy. He also asked about the location of revetments on adjacent properties.

Mr. Menichino explained that Staff relied on information from the shoreline element of the County's Comprehensive Plan and VIMS probably used a more updated resource however, the proposed revetment was sufficient for either assessment. He referred information on the adjacent property revetments to the applicant's agent.

Mr. Elkins opened the public hearing.

A. Carissa Agnese, Coastal Marine Consulting, agent for the applicant, stated the adjacent property on the right did not have riprap immediately adjoining this property but had it on the other side of some vegetated wetlands. The property on the left and three houses down, all had installed riprap. She also stated they had no objections to complying with the recommendations from Staff.

Mr. Elkins closed the public hearing as no one else wished to speak.

Mr. Roadley made a motion to adopt the resolution granting the permit for Wetlands Board case W-05-10 / VMRC #09-1452, at 10116 Sycamore Landing Road, Tax Parcel #0720300002.

The motion was approved by a 5-0 vote.

D. BOARD CONSIDERATIONS - None

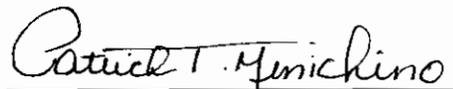
E. MATTERS OF SPECIAL PRIVILEGE - None

G. ADJOURNMENT

The meeting adjourned at 7:20 PM.



Terence Elkins
Vice Chairman



Patrick T. Menichino
Secretary