

# **Wetlands Board**

**March 11, 2009 - 7:00 p.m.**

**A. Roll Call**

**B. Minutes**

February 11, 2009 – Board Meeting

**C. Public Hearings**

1. W-11-09/VMRC08-2028. Mershon – 500 Thompson Lane – dam alteration continued from 12/10/08 and 2/11/09

2. W-10-08. Restoration Hearing - 500 Thompson Lane continued from 11/13/08, 12/10/08, and 2/11/09

**D. Board Considerations**

**E. Matters of Special Privilege**

**F. Adjournment**

## MEMORANDUM

**DATE:** March 11, 2009  
**TO:** The Wetlands Board  
**FROM:** Patrick T. Menichino, Wetlands Board Secretary  
**SUBJECT:** VMRC-08-2025/W-11-09 - Mr. Lee Mershon, 500 Thompson Lane

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### **Recent Background Info**

On December 10, 2008, the Board was presented case W-11-09, a JPA proposal to impact approximately 3,700 sf of Tidal Wetlands adjacent to Gordon's Creek. At the request of Mr. Mershon the Board granted a deferral in the case (W-11-09 and a Wetlands Restoration Hearing) until February 11, 2009.

On December 19, 2008 staff sent a letter to Mr. Mershon confirming the deferral and offering assistance should he require it.

On January 29, 2009, staff was contacted by Williamsburg Environmental Group, a consulting firm representing Mr. Mershon, who indicated that Mr. Mershon would revise his JPA to reduce proposed impact to the wetlands. Staff advised the consultant that all JPA revisions must be submitted to VMRC, who will then forward them to County Staff.

On February 11, 2009 the Board was presented case W-11-09 and Ms. Christine Conrad of Williamsburg Environmental Group on behalf of Mr. Mershon requested an additional deferral of the case until March 11, 2009. The Board voted to grant the deferral.

On February 19, 2009 Staff met onsite with representatives from Williamsburg Environmental Group to discuss revisions to the original JPA.

On February 23, 2009 Staff received a revised report and permit request from Williamsburg Environmental Group. The report now proposes a reduction in wetlands impacts and includes a wetlands restoration plan.

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### **Staff Report**

The original JPA submitted by the applicant on October 30, 2008 was in response to a Wetlands Board action, ordering that a wetlands restoration hearing be held on November 12, 2008. The JPA requested 3,700 square feet of impacts to vegetated wetlands necessary for to a dam improvements required by the Division of Dam Safety.

On February 23, 2009 a revised report and permit request was submitted to Staff for presentation to the Board. Staff has reviewed the revised report and permit request and offers the following information to the Board.

The new application requests approximately 160 square feet of permanent fill impacts to vegetated wetlands adjacent to downstream toe of the dam embankment. The purpose of the fill is to allow for the embankment to be top dressed with topsoil, graded and stabilized to create an average 2.5:1 slope. Mitigation for the proposed permanent wetlands impacts include the restoration of approximately 505 square feet of historically filled wetlands. These two areas will be restored to adjacent wetlands elevations and the seeded with a wetlands seed mix to facilitate restoration.

In addition the applicant proposes a restoration of wetland areas previously impacted. The plan proposes the removal of dead trees, logs and debris from within the wetlands and the removal of partially buried trees and debris on the western side of the dam. As part of this proposal approximately 1,285 square feet of unauthorized fill will be removed from the wetlands. This area is proposed to be allowed to revegetate naturally.

The adverse impacts from the proposed 160 square feet of permanent fill within the wetlands has been evaluated by Staff and determined to be minimal. The restoration of the impacted wetlands areas will have a beneficial effect on the environment.

### **Staff Recommendations**

Should the Board vote to approve the permit request, the following conditions should be required and made part of the permit:

1. A preconstruction meeting shall be held between the County and the permit holder prior to the commencement of restoration activities. A sequence of construction and restoration must be approved by the Division prior to the preconstruction meeting.
2. Erosion control measures such as silt fence shall be installed as directed by the Division.
3. Full implementation of the restoration plan shall be guaranteed through the provisions of the Ordinance contained in Sections 22-8. Such surety shall be submitted in a form acceptable to the County Attorney. Surety shall be submitted and approved prior to the preconstruction meeting. The amount of surety required has been calculated by Staff to be \$3,000.00.
4. Following the removal of unauthorized fill (1,285 square feet) these areas will be seeded with the same type of wetlands seed mix as the restored wetlands areas (505 square feet).
5. All upland disturbed areas shall be stabilized with an appropriate grass cover immediately upon completion of the authorized activities.
6. A turbidity curtain may be required prior to commencement of any construction activity unless waived by the Environmental Division Director.
7. The permit shall expire March 11, 2010.
8. If an extension of this permit is needed, a written request shall be submitted to the Environmental Division no later than two weeks prior to expiration date.