

# **Wetlands Board**

**July 8, 2009**

**A. Roll Call**

**B. Minutes**

June 10, 2009 – Board Meeting

**C. Public Hearings**

1. W-20-09/VMRC09-0413. DeSantis – 7270 Osprey Drive –  
riprap

**D. Board Considerations**

**E. Matters of Special Privilege**

**F. Adjournment**

## MEMORANDUM

**DATE:** July 8, 2009  
**TO:** The Wetlands Board  
**FROM:** Patrick T. Menichino, Wetlands Board Secretary  
**SUBJECT:** Case NO. W-20-09/VMRC 09-0413; 7270 Osprey Drive, Lanexa

---

Southern Landscaping and Construction, Inc. originally applied for a Wetlands permit on behalf of John and Holly DeSantis of 7270 Osprey Drive, Lanexa, to install approximately 175 linear feet of class 1 riprap revetment along the shoreline adjacent to the rear of this property.

On June 10, 2009, staff presented the above referenced case to the Board for consideration. Following Staff's and the applicant's presentations, the Board granted a request by the applicant to defer the matter for 30 days. The Board granted the deferral to allow the applicant time to consider alternate methods of shoreline protection, and to provide an opportunity for the Virginia Institute of Marine Science (VIMS) to re-evaluate the JPA proposal following an onsite inspection.

On June 12, 2009 representatives from VIMS, the Board and the applicant's agent met at the property to inspect the shoreline and to reevaluate the original JPA proposal.

On June 15, 2009 revised plans and revisions to the JPA were faxed to the Environmental Division for review and also submitted to VMRC for distribution to VIMS. The revised application still requests approval for the installation of a rip rap structure 175' in length. The proposed rip rap has been revised to a smaller size class A1 stone. Staff originally estimated that the proposed installation of rip rap would impact approximately 60 SF of vegetated Wetlands. The new revised application does not provide for wetlands mitigation or compensation as is required by the Board.

VIMS original shoreline report dated May 28, 2009 concluded that the preferred approach was to grade the existing bank and to densely plant wetlands and riparian vegetation along the shoreline.

VIMS have now generated a new shoreline report following their onsite inspection and evaluation. This new report concludes that the stabilization of this shoreline through a vegetative solution rather than a hard armoring approach is appropriate and the environmentally preferable approach to address the long-term undercutting that has occurred on this low energy man made canal. In addition VIMS, has now estimated the amount of vegetated wetlands impacts with this proposal to be 263 SF.

Staff supports the conclusions and recommendations offered by VIMS in this case.

Should the Board vote to approve the permit staff recommends that the following conditions be imposed and be made part of the permit:

1. An RPA restoration plan shall be submitted to James City County for review and approval, prior to the required preconstruction meeting which must be held on-site. This restoration plan shall show the locations and species of native trees and shrubs and grasses that shall be installed within the RPA buffer area, landward of the proposed riprap structure.
2. The implementation of the RPA restoration plan shall be guaranteed by surety in a form acceptable to the Division prior to the preconstruction meeting.
3. Wetlands Compensation shall be required to be paid by the applicant for the proposed 263 sq. ft. of impacts to vegetated Wetlands. The applicant shall pay a Wetlands Compensation fee of approximately \$10.00 – \$12.00 per sq. ft. (x 263 sq. ft.), directly into a Tidal Wetlands fund or Wetlands Bank, approved by the Division. All surety required by the Division shall be held until

proof of the Wetlands Compensation payment is submitted and approved by the Division.

5. The limits of clearing and construction shall be flagged in the field prior to the preconstruction meeting.
6. The Environmental Director reserves the right to require a turbidity curtain for this project if field conditions warrant its use.
7. The permit shall expire July 8, 2010. 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 the expiration date.