

**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**  
**May 10, 2017**  
**7:00 PM**

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**A. CALL TO ORDER**

**B. ROLL CALL**

**C. MINUTES**

**D. PUBLIC HEARINGS**

1. W-23-17 / VMRC 17-0426 : 10022 Sycamore Landing Road
2. W-24-17 / VMRC 17-0575 : 7206 Canal Street

**E. BOARD CONSIDERATIONS**

1. Amendment to Bylaws and Calendar

**F. MATTERS OF SPECIAL PRIVILEGE**

**G. ADJOURNMENT**

**ITEM SUMMARY**

DATE: 5/10/2017  
TO: Wetlands Board  
FROM: Michael Woolson, Senior Watershed Planner  
SUBJECT: W-23-17 / VMRC 17-0426 : 10022 Sycamore Landing Road

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Mark Rinaldi has applied for a wetlands permit for installation of a revetment at 10022 Sycamore Landing Road.

**ATTACHMENTS:**

	Description	Type
▣	Staff Report	Staff Report
▣	Resolution	Resolution
▣	Joint Permit Application	Backup Material
▣	Public Hearing Notice	Backup Material
▣	APO Notification Letter	Backup Material
▣	APO Notification List	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Wetlands Group	Woolson, Michael	Approved	5/5/2017 - 4:46 PM
Wetlands Group	Secretary, Wetland	Approved	5/5/2017 - 4:52 PM

**WETLAND BOARD CASE No. W-23-17/VMRC 17-0426. 10022 Sycamore Landing Road  
Staff report for the May 10, 2017 Wetland Board Public Hearing**

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*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: Mark Rinaldi

Agent: John Lowenthal, Cardno

Location: 10022 Sycamore Landing Road

Parcel: Sycamore Landing

PIN: 0720400004A

Watershed: York River (HUC YO 63)

Floodplain: Panel 0053D, Zone VE (southern half), elevation 17 feet Mean Sea Level (MSL), and Zone VE (northern half), elevation 20 feet MSL

Proposed Activity: Install approximately 87 linear feet of rip-rap revetment to stabilize existing bulkhead and provide enhanced shoreline stabilization.

Wetland Impacts: 100 square feet of type II Vegetated Salt Meadow Community (Local Wetlands Board jurisdiction), and 700 square feet of type XIV Sand Flat Community (VRMC jurisdiction).

Staff Contact: Ashley Tatge, Environmental Inspector Phone: 253-6683

**PROJECT DISCUSSION**

John Lowenthal, Cardno, on behalf of Mark Rinaldi, has applied for a Wetlands Permit to install approximately 87 linear feet of rip-rap revetment to stabilize existing bulkhead and provide enhanced shoreline stabilization on property located at 10022 Sycamore Landing Road within the York River Watershed. The property is further identified as James City County Real Estate Tax Map Parcel No. 0720400004A.

Approximately 87 linear feet of rip-rap revetment structure is to be installed for enhanced shoreline stabilization by increasing wave height protection to an elevation of 10 feet MSL above that currently afforded by the existing timber bulkhead. This long fetch location (>3 miles) and high wave energy environment requires significant fortification. Following Hurricanes Isabel and Irene and with rising relative sea level heights, it is increasingly essential to assure protection of the home situated above the bulkhead. One-hundred square feet of type II Vegetated Salt Meadow Community, and 700 square feet of type XIV Sand Flat Community vegetated tidal wetland areas are involved in placement of the rip-rap revetment. Alternatives considered included total bulkhead replacement and various structural alternatives such as interlocking concrete block. Fear of potential slope failure associated with bulkhead replacement and durability of rip-rap in this high fetch environment were primary factors in determination of the selected alternative.

## MITIGATION DISCUSSION

As published in the Virginia Register on July 11, 2005, the revised Wetlands 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 payment of an in-lieu fee. If compensation is required, it should be a condition of the permit.

Staff has reviewed this application and finds that this project meets the three criteria outlined above. There is 100 square feet of type II Vegetated Salt Meadow Community land being disturbed; therefore, 100 square feet of type II Vegetated Salt Meadow Community mitigation is required.

## 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. Prior to construction, a pre-construction meeting will be held on-site; and
3. A \$1,000 surety in a form acceptable to the County Attorney’s office to guarantee the mitigation plantings; and
4. The mitigation plantings shall have a survivability of at least 90% at one year post planting prior to final surety release. Up to 50% percent of the surety may be released once mitigation has been planted; and
5. All upland disturbed areas must be revegetated at the conclusion of the project; and
6. The Wetlands Permit for this project shall expire on May 10, 2018, if construction has not begun; and
7. 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.

AT/gt  
W23-17-10022SycLndgRd

### Attachments:

1. Resolution
2. Joint Permit Application

## RESOLUTION

CASE NO. W-23-17/VMRC 17-0426. 10022 SYCAMORE LANDING ROAD

### JAMES CITY COUNTY WETLANDS PERMIT

WHEREAS, John Lowenthal of Cardno, on behalf of Mark Rinaldi (the “Applicant”), has applied to the Wetlands Board of James City County (the “Board”) to request a permit to use and develop in areas designated as wetlands on property identified as James City County Real Estate Tax Map Parcel No. 0720400004A and further identified as 10022 Sycamore Landing Road in the William Lee Tract subdivision (the “Property”) as set forth in the application W-23-17/VMRC 17-0426; 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. Prior to construction, a pre-construction meeting will be held on-site; and
  - c. A \$1,000 surety in a form acceptable to the County Attorney’s Office to guarantee the mitigation plantings; and
  - d. The mitigation plantings shall have a survivability of at least 90% at one year post planting prior to final surety release. Up to 50% of the surety may be released once mitigation has been planted; and
  - e. All upland disturbed areas must be revegetated at the conclusion of the project; and
  - f. The Wetlands Permit for this project shall expire on May 10, 2018, if construction has not begun; and

- g. 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 May, 2017.

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: \_\_\_\_\_

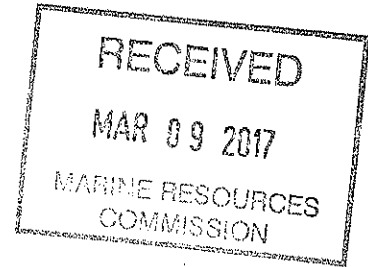
W23-17-10022SycLndgRd-res

**Atkins, Lou (MRC)**

17-0426

**From:** Howell, Beth (MRC)  
**Sent:** Thursday, March 09, 2017 1:42 PM  
**To:** Atkins, Lou (MRC)  
**Subject:** FW: Rinaldi Shoreline Stabilization Project JPA  
**Attachments:** Rinaldi 10022 Sycamore Landing Road JPA 3-10-17.pdf

**From:** John Lowenthal [<mailto:John.Lowenthal@cardno-gs.com>]  
**Sent:** Thursday, March 09, 2017 1:18 PM  
**To:** Howell, Beth (MRC); 'CENAO.REG\_ROD@usace.army.mil'  
**Cc:** John Lowenthal; Wicks, Matt M NAO; Kattan, Sheri (DEQ)  
**Subject:** Rinaldi Shoreline Stabilization Project JPA



To all,

Please confirm that you have received this Joint Permit Application.

Thanks,

John

John Lowenthal, PWS, PWD  
ASSOCIATE/SENIOR BIOLOGIST  
CARDNO



Office (+1) 757-594-1465 Direct (+1) 757-690-2827 Mobile (+1) 757-287-5605 Fax (+1) 757-594-1469  
Address 501 Butler Farm Road, Suite H, Hampton, VA 23666  
Email [john.lowenthal@cardno-gs.com](mailto:john.lowenthal@cardno-gs.com) Web [www.cardno.com](http://www.cardno.com)

This email and its attachments may contain confidential and/or privileged information for the sole use of the intended recipient(s). All electronically supplied data must be checked against an applicable hardcopy version which shall be the only document which Cardno warrants accuracy. If you are not the intended recipient, any use, distribution or copying of the information contained in this email and its attachments is strictly prohibited. If you have received this email in error, please email the sender by replying to this message and immediately delete and destroy any copies of this email and any attachments. The views or opinions expressed are the author's own and may not reflect the views or opinions of Cardno.

March 9, 2017



Mark Eversole  
Virginia Marine Resources Commission  
Habitat Management Division  
2600 Washington Avenue, 3rd Floor  
Newport News, VA 23607

Cardno

501 Butler Farm Road  
Suite H  
Hampton, VA 23666  
USA

**Re: Shoreline Stabilization Structure,  
Rinaldi Residence James City County, VA  
Joint Permit Application and Supporting Information**

Phone: +1 757 594 1465  
Fax: +1 757 594 1469

[www.cardno.com](http://www.cardno.com)

Dear Mr. Eversole,

Cardno, working with homeowner Mark Rinaldi request authorization to construct a stone shoreline stabilization structure to protect his residence at 10022 Sycamore Landing Road. The structure is warranted to protect the slope adjacent to the York River from failing and causing collapse of the residence. Attached please find the Joint permit application and supporting information. Please do not hesitate to contact me with questions or comments.

Sincerely yours,

Cardno

John M. Lowenthal, PWS, PWD  
Associate/Senior Biologist  
Email: [john.lowenthal@cardno-gs.com](mailto:john.lowenthal@cardno-gs.com)

Cc: Mark Rinaldi  
REGROD  
Matt Wicks, Corps  
Sheri Kattan, DEQ Tidewater Regional office

Attachment: JPA and Supporting Documentation

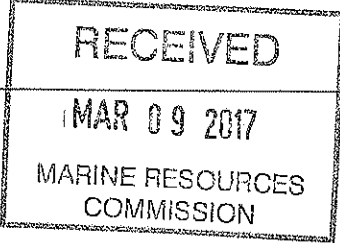


PLEASE PRINT OR TYPE ALL ANSWERS. If a question does not apply to your project, please print N/A (not applicable) in the space provided. If additional space is needed, attach extra 8 1/2 x 11 inch sheets of paper.

<b>CHECK ONE, if applicable:</b>	Pre-Construction Notification (PCN) <input checked="" type="checkbox"/> (For Nationwide Permits ONLY)	SPGP <input type="checkbox"/>
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1. PROJECT LOCATION INFORMATION (Attach a copy of a detailed map, such as a USGS topographic map or street map showing the site location and project boundary, so that it may be located for inspection. Include an arrow indicating the north direction.)	
Street Address 10022 Sycamore Landing Road	City/County/Zipcode Williamsburg, Virginia 23188
Subdivision William Lee Tract	Lot/Block/Parcel # 0720400004A
Name of water body(ies) within project boundaries and drainage area (acres or square miles) York River	
Tributary(ies) to: <u>Chesapeake Bay</u> Basin: <u>York River</u> Subbasin: <u>Upper York River</u> (Example: Basin: <u>James River</u> Subbasin: <u>Middle James River</u> )	
Special Standards (based on DEQ Water Quality Standards 9VAC25-260 et seq.): <u>N/A</u>	
Project type (check one) <input checked="" type="checkbox"/> Single user (private, non-commercial, residential) <input type="checkbox"/> Multi-user (community, commercial, industrial, government)	
Latitude and longitude at center of project site: <u>37</u> - <u>44</u> - <u>03</u> / <u>76</u> - <u>74</u> - <u>57</u>	
USGS topographic map name: <u>Gressitt</u>	
8- digit USGS Hydrologic Unit Code (HUC) for your project site (See <a href="http://cfpub.epa.gov/surf/locate/index.cfm">http://cfpub.epa.gov/surf/locate/index.cfm</a> ): <u>02080107</u> If known, indicate the 10-digit and 12-digit USGS HUCs (see <a href="http://dswcapps.dcr.virginia.gov/htdocs/maps/HUExplorer.htm">http://dswcapps.dcr.virginia.gov/htdocs/maps/HUExplorer.htm</a> ): _____	
Name of your project (Example: <i>Water Creek driveway crossing</i> ) <u>10022 Sycamore Landing Rd Shoreline Stabilization</u>	
Is there an access road to the project? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No. If yes, check all that apply: <input checked="" type="checkbox"/> public <input type="checkbox"/> private <input checked="" type="checkbox"/> improved <input type="checkbox"/> unimproved	
Provide driving directions to your site, giving distances from the best and nearest visible landmarks or major intersections: Interstate 64 west to Croaker Road exit (State Rte. 607), north on Croaker Road approx. 4 miles (road name changes to Sycamore Landing Road at York River State Park boat ramp entrance road), 10022 is on right where Sycamore Landing Road meets the York River.	
Does your project site cross boundaries of two or more localities (i.e. cities/counties/towns)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If so, name those localities:	

FOR AGENCY USE ONLY	
JPA# <u>17-0426</u>	Notes:



**2. APPLICANT, AGENT, PROPERTY OWNER, AND CONTRACTOR INFORMATION**

The applicant(s) is/are the legal entity to which the permit may be issued. The applicant(s) can either be the property owner(s) or the person/people/company(ies) that intend(s) to undertake the activity. The agent is the person or company that is representing the applicant(s). If a company, please use the company name that is registered with the State Corporation Commission (SCC), or indicate no registration with the SCC.

Applicant(s) (For a company, use SCC-registered name) Mark Rinaldi			Agent (if applicable) (For a company, use SCC-registered name) John Lowenthal		
Mailing address 10022 Sycamore Landing Road			Mailing address 501 Butler Farm Road, Suite H		
City Williamsburg	State VA	Zip Code 23186	City Hampton	State VA	Zip Code 23666
Phone number w/area code (757) 566-8073	Fax N/A		Phone number w/area code (757) 690-2827	Fax N/A	
Mobile/pager (757) 784-6175	E-mail mrinaldi@bushcos.com		Mobile/pager (757) 652-8710	E-mail john.lowenthal@cardno-gs.com	
State Corporation Commission ID number (if applicable) N/A			State Corporation Commission ID number (if applicable) N/A		

Certain permits or permit authorizations may be provided via electronic mail. If the applicant wishes to receive their permit via electronic mail, please provide an e-mail address here: [mrinaldi@bushcos.com](mailto:mrinaldi@bushcos.com)

Property owner(s), if different from applicant (For a company, use SCC-registered name) Same			Contractor, if known (For a company, use SCC-registered name) Unknown at this time		
Mailing address			Mailing address		
City	State	Zip code	City	State	Zip code
Phone number w/area code	Fax		Phone number w/area code	Fax	
Mobile/pager	E-mail		Mobile/pager	E-mail	
State Corporation Commission ID number (if applicable)			State Corporation Commission ID number (if applicable)		

**3. PROVIDE A DESCRIPTION OF THE PROJECT, PROJECT PRIMARY AND SECONDARY PURPOSES, PROJECT NEED, INTENDED USE, AND ALTERNATIVES CONSIDERED (Attach additional sheets if necessary)**

- The purpose must include any new development or expansion of an existing land use and/or proposed future use of residual land
- Describe the physical alteration of surface waters
- include a description of alternatives considered to avoid or minimize impacts to surface waters, including wetlands, to the maximum extent practicable. Include factors such as, but not limited to, alternative construction technologies, alternative project layout and design, alternative locations, local land use regulations, and existing infrastructure
- For utility crossings, include both alternative routes and alternative construction methodologies considered
- For major surface water withdrawals, public surface water supply withdrawals, or projects that will alter in-stream flows, include the water supply issues that form the basis of the proposed project.

Approximately 87 linear feet of rip-rap revetment structure to be installed for enhanced shoreline stabilization by increasing wave height protection above that currently afforded by the existing timber bulk-head. This long fetch location (> 3 miles) and high wave energy environment requires significant fortification. Following hurricanes Isabel and Irene, and with rising relative sea level heights, it is increasingly essential to assure protection of the home, my family's home, situated above the current bulkhead. No new development or expansion of the existing use and no proposed future land use are involved. Minor impact to existing vegetated tidal wetland area and non-vegetated tidal shore area involved in placement of rip-rap revetment. Alternatives considered included total bulkhead replacement and various structural alternatives such as interlocking concrete block. Fear of potential slope failure associated with bulkhead replacement and durability of rip-rap in this high fetch environment were primary factors in determination of selected alternative.

**3. PROVIDE A DESCRIPTION OF THE PROJECT (Continued)**

Date of proposed commencement of work (MM/DD/YYYY) <u>June 1, 2017</u>	Date of proposed completion of work (MM/DD/YYYY) <u>July 30, 2017</u>
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Are you submitting this application at the direction of any State, local, or Federal agency? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Has any work commenced or has any portion of the project for which you are seeking a permit been completed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
--	---

If you answered "yes" to either question above, give details stating when the work was completed and/or when it commenced, who performed the work, and which agency (if any) directed you to submit this application. In addition, you will need to clearly differentiate between completed work and proposed work on your project drawings.

Are you aware of any unresolved violations of environmental law or litigation involving the property?  Yes  No  
(If yes, please explain)

**4. PREVIOUS SITE VISITS AND/OR PERMITS RELATED TO THE PROPOSED WORK (Include all Federal, State, and Local pre-application coordination or previous permits)**

Agency	Activity	Permit/Project number, and explanation of non-reporting Nationwide permits previously used	Action taken ** and Date of Action	If denied, give reason for denial
USACE	Jurisdictional Determination	NAO-2015-00887	issued	N/A

\*\* Issued, denied, site visit

**5. PROJECT COSTS**

Approximate cost of the entire project, including materials and labor: \$ 30,000

Approximate cost of only the portion of the project affecting State waters (below mean low water in tidal areas and below ordinary high water mark in nontidal areas): \$ 0

**6. PUBLIC NOTIFICATION (Attach additional sheets if necessary)**

- Complete information for all property owners adjacent to the project site and across the waterway, if the waterway is less than 500 feet in width. If your project is located within a cove, you will need to provide names and mailing addresses for all property owners within the cove.
- If you own the adjacent lot, provide the requested information for the first adjacent parcel beyond your property line.

Property owner's name	Mailing address	City	State	Zip code
Robert J. and Mary Anne K. Singley, Jr.	10030 Sycamore Landing Road	Williamsburg	VA	23188
Richard A. and Nina Costello	10020 Sycamore Landing Road	Williamsburg	VA	23188

Name of newspaper having general circulation in the area of the project: Daily Press  
 Address and phone number (including area code) of newspaper: 703 Mariners Row, Newport News, VA 23606 (757) 247-4600

Have adjacent property owners been notified with forms in Appendix A?  Yes  No (attach copies of distributed forms)

**7. THREATENED AND ENDANGERED SPECIES INFORMATION**

Please provide any information concerning the potential for your project to impact state and/or federally threatened and endangered species (listed or proposed). Attach correspondence from agencies and/or reference materials that address potential impacts, such as database search results or your Corps' waters and wetlands delineation confirmation. Contact information for the Virginia Department of Game and Inland Fisheries and the Virginia Department of Conservation and Recreation, Division of Natural Heritage can be found on page 4 of this package.

**8. HISTORIC RESOURCES INFORMATION**

*Note: Historic properties include but are not limited to archeological sites, battlefields, Civil War earthworks, graveyards, buildings, bridges, canals, etc. Prospective permittees should be aware that section 110k of the NHPA (16 U.S.C. 470h-2(k)) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of Section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant.*

Are any historic properties located within or adjacent to the project site?  Yes  No  Uncertain  
 If Yes, please provide a map showing the location of the historic property within or adjacent to the project site.

Are there any buildings or structures 50 years old or older located on the project site?  Yes  No  Uncertain  
 If Yes, please provide a map showing the location of these buildings or structures on the project site.

Is your project located within a historic district?  Yes  No  Uncertain  
 If Yes, please indicate which district: \_\_\_\_\_

**8. HISTORIC RESOURCES INFORMATION (Continued)**

Has a survey to locate archeological sites and/or historic structures been carried out on the property?  
 Yes  No  Uncertain

If Yes, please provide the following information: Date of Survey: \_\_\_\_\_

Name of firm: \_\_\_\_\_

Is there a report on file with the Virginia Department of Historic Resources?  Yes  No  Uncertain

Title of Cultural Resources Management (CRM) report: \_\_\_\_\_

Was any historic property located?  Yes  No  Uncertain

**9. WETLANDS, WATERS, AND DUNES/BEACHES IMPACT INFORMATION**

Report each impact site in a separate column. If needed, attach additional sheets using a similar table format. Please ensure that the associated project drawings clearly depict the location and footprint of each numbered impact site. For dredging, mining, and excavating projects, use Section 18.

	Impact site number 1	Impact site number 2	Impact site number 3
Impact description (use all that apply): F=fill EX=excavation S=Structure T=tidal NT=non-tidal TE=temporary PE=permanent PR=perennial IN=intermittent SB=subaqueous bottom DB=dune/beach IS=hydrologically isolated V=vegetated NV=non-vegetated MC=Mechanized Clearing of PFO (Example: F, NT, PE, V)	F, EX, S, T, PE, V, NV		
Wetland/waters impact area (square feet)	275 SF Wtds/598 SF Waters		
Dune/beach impact area (square feet)	N/A		
Stream dimensions at impact site (length and average width in linear feet, and area in square feet)	N/A		
Volume of fill below Mean High Water or Ordinary High Water (cubic yards)	41 CY (87' x 8.5' x 1.5')		
Cowardin classification of impacted wetland/water or geomorphological classification of stream Example wetland: PFO; Example stream: wide; bank eroding; braided channel; Example stream: 'C' channel	E1UBL  E2EM1, PSS6		
Average stream flow at site (flow rate under normal rainfall conditions in cubic feet per second)	N/A		
Contributing drainage area (acres or square miles)	N/A		

**9. WETLANDS/WATERS IMPACT INFORMATION (Continued)**

DEQ classification of impacted resource(s): Estuarine Class II Non-tidal waters Class III Mountainous zone waters Class IV Stockable trout waters Class V Natural trout waters Class VI Wetlands Class VII	Estuarine Class II		
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For DEQ permitting purposes, also submit as part of this section a wetland and waters boundary delineation map<sup>(4)</sup> – see the Footnotes section in the form instructions.

For DEQ permitting purposes, also submit as part of this section a written disclosure of all wetlands, open water, or streams that are located within the proposed project or compensation areas that are also under a deed restriction, conservation easement, restrictive covenant, or other land-use protective instrument.

**10. APPLICANT, AGENT, OWNER, AND CONTRACTOR CERTIFICATIONS**

If the Applicant(s), Agent(s), Owner(s), or Contractor(s) is/are a company, please use the company name(s) that is/are registered with the State Corporation Commission (SCC).

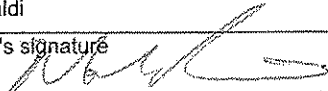
**READ ALL OF THE FOLLOWING CAREFULLY BEFORE SIGNING**

**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 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.

Is/Are the Applicant(s) and Owner(s) the same?  Yes \_\_\_ No

Applicant's name & title (printed or typed) Mark Rinaldi	Second applicant's name & title, if applicable (printed or typed)
Applicant's signature 	Second applicant's signature
Date March 10, 2017	Date
(Required for VMRC permit actions only) Property owner's name, if different from Applicant Same	(Required for VMRC permit actions only) Second property owner's name, if applicable
Owner's signature, if different from Applicant	Second owner's signature
Date	Date

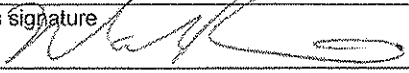
**10. APPLICANT, AGENT, OWNER, AND CONTRACTOR CERTIFICATIONS (Continued)**

If the Applicant(s), Agent(s), Owner(s), or Contractor(s) is/are a company, please use the company name(s) that is/are registered with the State Corporation Commission (SCC).

**CERTIFICATION OF AUTHORIZATION TO ALLOW AGENT(S) TO ACT ON APPLICANT(S)'S BEHALF (IF APPLICABLE)**

I (we), Mark Rinaldi (and) N/A  
 APPLICANT'S NAME(S) – complete the second blank if more than one Applicant  
 hereby certify that I (we) have authorized John Lowenthal (and) N/A  
 AGENT'S NAME(S) – complete the second blank if more than one Agent

to act on my (our) behalf and take all actions necessary to the processing, issuance, and acceptance of this permit and any and all standard and special conditions attached. I (we) hereby certify that the information submitted in this application is true and accurate to the best of my (our) knowledge.

Applicant's signature 	Second applicant's signature, if applicable
Date 03/10/2017	Date
Agent's signature and title <u>John Lowenthal</u>	Second agent's signature and title, if applicable
Date 03/10/2017	Date

**CONTRACTOR ACKNOWLEDGEMENT (IF APPLICABLE)**

I (we), \_\_\_\_\_ (and) \_\_\_\_\_  
 APPLICANT'S NAME(S) – complete the second blank if more than one Applicant  
 have contracted N/A (and) \_\_\_\_\_  
 CONTRACTOR'S NAME(S) – complete the second blank if more than one Contractor

to perform the work described in this Joint Permit Application, signed and dated \_\_\_\_\_.

I (we) will read and abide by all conditions as set forth in all Federal, State, and Local permits as required for this project. I (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, I (we) agree to make available a copy of any permit to any regulatory representative visiting the project site to ensure permit compliance. If I (we) fail to provide the applicable permit upon request, I (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 of the terms and conditions.

Contractor's name or name of firm (printed/typed)	Contractor's or firm's mailing address	
Contractor's signature and title	Contractor's license number	Date
Applicant's signature	Second applicant's signature, if applicable	
Date	Date	



END OF GENERAL INFORMATION

The following sections are activity-specific. Fill out only the sections that apply to your particular project.





**19. FILL (not associated with backfilled shoreline structures) AND OTHER STRUCTURES (other than piers and boathouses) IN WETLANDS OR WATERS, OR ON DUNES/BEACHES**

Source and composition of fill material (percentage sand, silt, clay, rock): All rock

Provide documentation (i.e. laboratory results or analytical reports) that fill material from off-site locations is free of toxics. If not free of toxics, provide documentation of proper disposal (i.e. bill of lading from commercial supplier or disposal site). Documentation is not necessary for fill material obtained from on-site areas.

Explain the purpose of the filling activity and the type of structure to be constructed over the filled area (if any):  
Rip-rap revetment to protect steep slope leading to existing home located close to slope

Describe any structure that will be placed in wetlands/waters or on a beach dune and its purpose:  
Rip-rap revetment

Will the structure be placed on pilings? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Total area occupied by any structure. <u>271/604</u> Square Feet <u>271 SQ WETLANDS / 604 SF WATERS</u>
How far will the structure be placed channelward from the back edge of the dune? <u>N/A</u> feet	How far will the structure be placed channelward from the back edge of the beach? <u>10-12</u> feet

**20. NONTIDAL STREAM CHANNEL MODIFICATIONS FOR RESTORATION OR ENHANCEMENT, or TEMPORARY OR PERMANENT RELOCATIONS**

*If proposed activities are being conducted for the purposes of compensatory mitigation, please attach separate sheets of paper providing all information required by the most recent version of the stream assessment methodology approved by the Norfolk District of the U.S. Army Corps of Engineers and the Virginia Department of Environmental Quality, in lieu of completing the questions below. Required information outlined by the methodology can be found at: <http://www.nao.usace.army.mil/Missions/Regulatory/UnifiedStreamMethodology.aspx> or <http://www.deq.virginia.gov/Programs/Water/WetlandsStreams/Mitigation.aspx>.*

Has the stream restoration project been designed by a local, state, or federal agency?  Yes  No. If yes, please include the name of the agency here: \_\_\_\_\_

Is the agency also providing funding for this project?  Yes  No N/A

Linear feet of stream impact: \_\_\_\_\_

Contributing drainage area: \_\_\_\_\_ acres or \_\_\_\_\_ square miles

Existing average stream flow at site (flow rate under normal rainfall conditions): _____ cfs	Proposed average stream flow at site after modifications (flow rate under normal rainfall conditions): _____ cfs
--	--

Explain, in detail, the method to be used to stabilize the banks:

Explain the composition of the existing stream bed (percent cobble, rock, sand, etc.):

**RECEIVED**

By Virginia Marine Resources Commission at 2:05 pm, Mar 09, 2017



Purpose: Shoreline Protection

Applicant: Mark Rinaldi

Waterbody: York River

HUC: 02080107

10022 Sycamore  
Landing Road

**Location Map**

County: James City

State: Virginia

Scale: 1" = 2000'

Date: 13 May 2015



**RECEIVED**

By Virginia Marine Resources Commission at 2:05 pm, Mar 09, 2017



Purpose: Shoreline Protection

Applicant: Mark Rinaldi

Waterbody: York River

HUC: 02080107

10022 Sycamore  
Landing Road

**USGS Topo Quadrangle**  
(Toano/Gressit)

County: James City

State: Virginia

Scale: 1" = 2000'

Date: 13 May 2015



**RECEIVED**

By Virginia Marine Resources Commission at 2:05 pm, Mar 09, 2017



Purpose: Shoreline Protection

Applicant: Mark Rinaldi

Waterbody: York River

HUC: 02080107

10022 Sycamore  
Landing Road

**NWI Map**

County: James City

State: Virginia

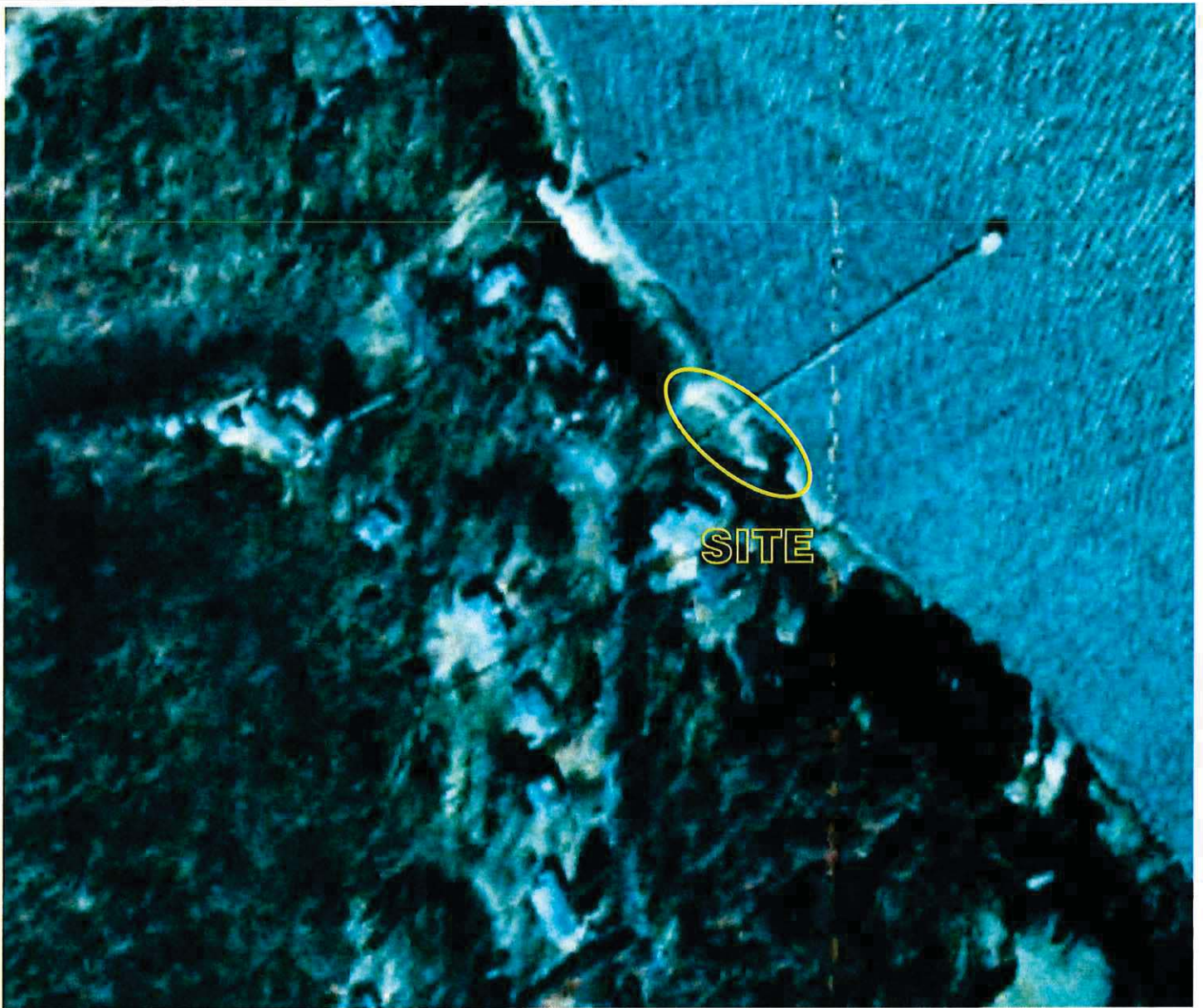
Scale: 1" = 1000'

Date: 13 May 2015



**RECEIVED**

By Virginia Marine Resources Commission at 2:05 pm, Mar 09, 2017



Purpose: Shoreline Protection

Applicant: Mark & Claudia Rinaldi

Waterbody: York River

HUC: 02080107

10022 Sycamore  
Landing Road

**Color IR Photo**  
(Gressit DOQQ)

County: James City

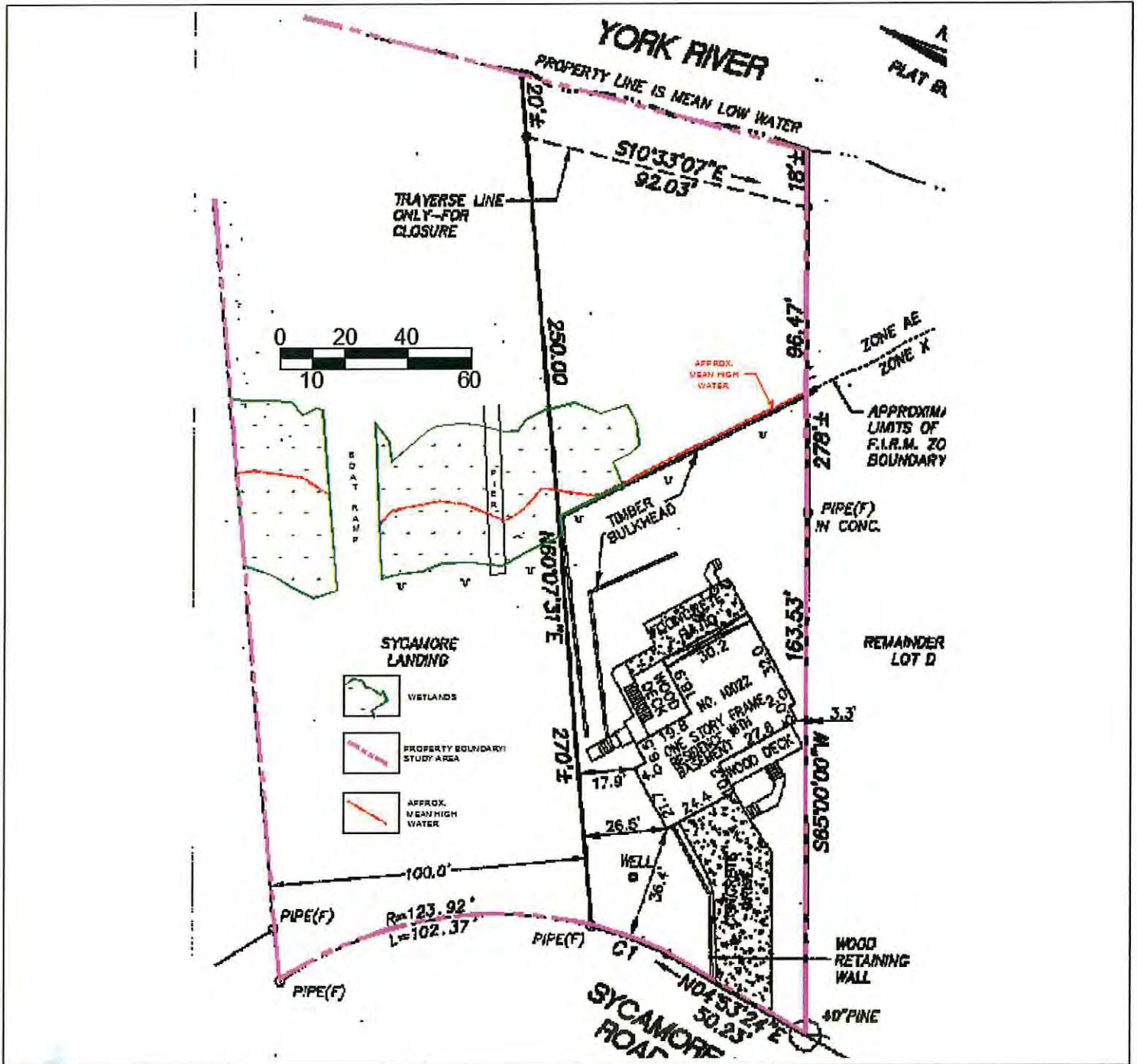
State: Virginia

Scale: 1" = 1000'

Date: 13 May 2015

**RECEIVED**

By Virginia Marine Resources Commission at 2:05 pm, Mar 09, 2017

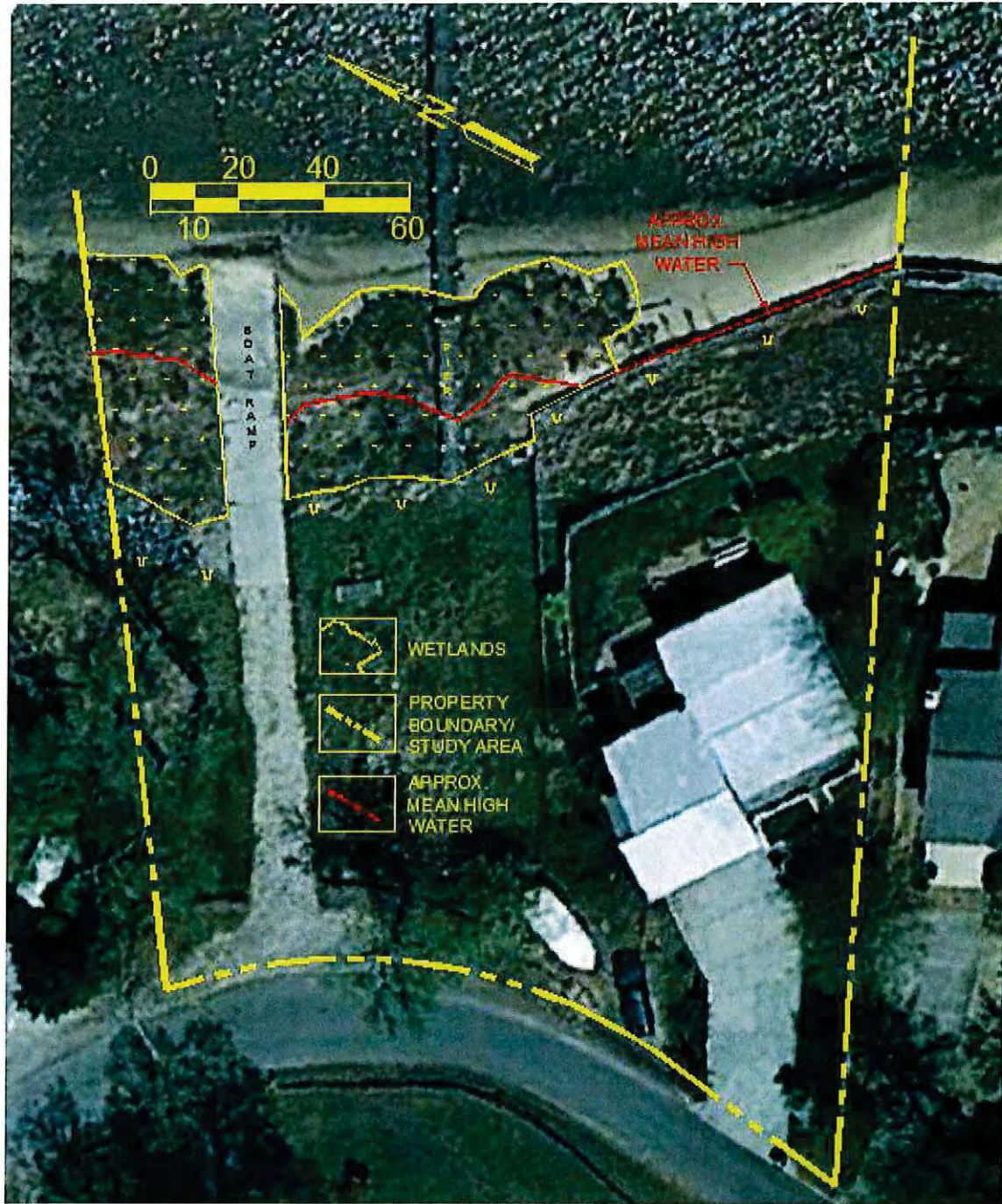


<p>Purpose: Shoreline Protection</p> <p>Applicant: Mark Rinaldi</p> <p>Waterbody: York River</p> <p>HUC: 02080107</p>	<p>10022 Sycamore Landing Road</p> <p><b>Delineated Wetlands</b></p>	<p>County: James City</p> <p>State: Virginia</p> <p>Scale: 1" = 40'</p> <p>Date: 13 May 2015</p>
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**RECEIVED**

By Virginia Marine Resources Commission at 2:05 pm, Mar 09, 2017



Purpose: Shoreline Protection

Applicant: Mark Rinaldi

Waterbody: York River

HUC: 02080107

10022 Sycamore  
Landing Road

**Delineated Wetlands**

County: James City

State: Virginia

Scale: 1" = 40'

Date: 13 May 2015



Reply to  
Attention of

DEPARTMENT OF THE ARMY  
US ARMY CORPS OF ENGINEERS  
NORFOLK DISTRICT  
FORT NORFOLK  
803 FRONT STREET  
NORFOLK VA 23510-1096

JULY 22, 2015

**PRELIMINARY JURISDICTIONAL DETERMINATION**

Southern Virginia Regulatory Section  
NAO-2015-00887 (York River)

Mark Rinaldi  
10022 Sycamore Landing Road  
Williamsburg, Virginia 23188

Dear Mr. Rinaldi:

This letter is in reference to the pre-application request (NAO 2015-00887) Cardno submitted on your behalf for a preliminary jurisdictional determination of the approximately 1.14 acre site located at 10022 Sycamore Landing Road in Williamsburg, Virginia.

The preliminary jurisdictional determination is based upon the wetland line flagged by John Lowenthal of Cardno on April 26, 2015, and depicted on the exhibit dated May 13, 2015, date stamped as received May 19, 2015 and entitled "Delineated Wetlands" (copy enclosed) which provides the location of approximately 4,700 square feet of wetlands and 20,937 square feet of waters for the 1.14 acres of property incorporated in the project area. The basis for this delineation includes application of the Corps' 1987 Wetland Delineation Manual (*and Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region*) and the positive indicators of wetland hydrology, hydric soils, and hydrophytic vegetation, along with the presence of an ordinary high water mark.

Discharges of dredged or fill material, including those associated with mechanized land clearing, into waters and/or wetlands on this site may require a Department of the Army permit and authorization by state and local authorities including a Virginia Water Protection Permit from the Virginia Department of Environmental Quality (DEQ), a permit from the Virginia Marine Resources Commission (VMRC) and/or a permit from your local wetlands board. This letter is a confirmation of the Corps preliminary jurisdiction for the waters and/or wetlands on the subject property and does not authorize any work in these areas. Please obtain all required permits before starting work in the delineated waters/wetland areas.

This is a preliminary jurisdictional determination and is therefore not a legally binding determination regarding whether Corps jurisdiction applies to the waters or wetlands in question. Accordingly, you may either consent to jurisdiction as set out in this preliminary jurisdictional determination and the attachments hereto if you agree with the determination, or you may request and obtain an approved jurisdictional determination. This preliminary jurisdictional

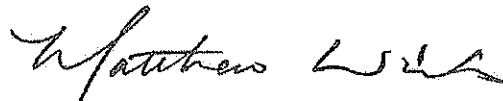


determination and associated wetland delineation map may be submitted with a permit application.

Enclosed are two copies of the "Preliminary Jurisdictional Determination Form". Please review the document, sign both copies, return one copy to the Corps (803 Front Street, Norfolk, VA 23510) within 30 days of receipt and keep one for your records. This delineation of waters and/or wetlands is valid for a period of five years from the date of this letter unless new information warrants revision prior to the expiration date.

If you have any questions, please contact me at 757-201-7540 or you may email me at [matt.m.wicks@usace.army.mil](mailto:matt.m.wicks@usace.army.mil).

Sincerely,



Matthew Wicks  
Environmental Scientist  
Southern Virginia Regulatory Section

Enclosures: *Preliminary Jurisdictional Determination Form*

## PRELIMINARY JURISDICTIONAL DETERMINATION FORM

### BACKGROUND INFORMATION:

**A. REPORT COMPLETION DATE FOR PRELIMINARY JURISDICTIONAL DETERMINATION (JD):** Wednesday, July 22, 2015

**B. NAME AND ADDRESS OF PERSON REQUESTING PRELIMINARY JD:**

Mark Rinaldi  
10022 Sycamore Landing Road  
Williamsburg, Virginia 23188

**C. DISTRICT OFFICE: Norfolk District (CENAO-REG)**

**FILE NAME:** Sycamore Landing

**FILE NUMBER:** NAO-2015-00887

**D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:**

(USE THE ATTACHED TABLE TO DOCUMENT MULTIPLE WATERBODIES AT DIFFERENT SITES)

State: **VIRGINIA** County/parish/borough: James City City: Williamsburg

Center coordinates of site (lat/long in degree decimal format):

Latitude: 37.44029 ° N Longitude: -76.74568 ° W

Universal Transverse Mercator:

Name of nearest waterbody: York River

Identify (estimate) amount of waters in the review area:

Non-wetland waters: linear feet; width (ft); and/or 0.48 acres.

Cowardin Class: E1UBL

Stream Flow:

Wetlands: +/- 0.108 acres

Cowardin Class: E2EM1, PSS6

Name of any water bodies on the site that have been identified as Section 10 waters:

Tidal: York River

Non-Tidal:

**E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):**

Office (Desk) Determination. Date:

Field Determination. Date(s): July 21, 2015

1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.
2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable.
3. This preliminary JD finds that there "may be" waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

**SUPPORTING DATA:**

Data reviewed for preliminary JD (check all that apply) - checked items should be included in case file and, where checked and requested, appropriately reference sources below.

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:  
NAO-2015-00887 "Delineated Wetlands"

- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
  - Office concurs with data sheets/delineation report. Created by J. Lowenthal
  - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps:
- Corps navigable waters' study:
- U.S. Geological Survey Hydrologic Atlas:
  - USGS NHD data.
  - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name:
- USDA Natural Resources Conservation Service Soil Survey.
  - Citation: ArcGIS Database
- National wetlands inventory map(s). Cite name: ArcGIS Database
- State/Local wetland inventory map(s):
- FEMA/FIRM maps:
- 100-year Floodplain Elevation: (National Geodetic Vertical Datum of 1929)
- Photographs:  Aerial (Name & Date): GIS 2013
  - or  Other (Name & Date):
- Previous determination(s):
  - File no. and date of response letter:
- Other information (please specify): Site visit by Corps representative identifying wetlands

**IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.**

*Matthew Wills*

Signature  
Regulatory Project Manager  
(REQUIRED)

7-22-2015  
Date

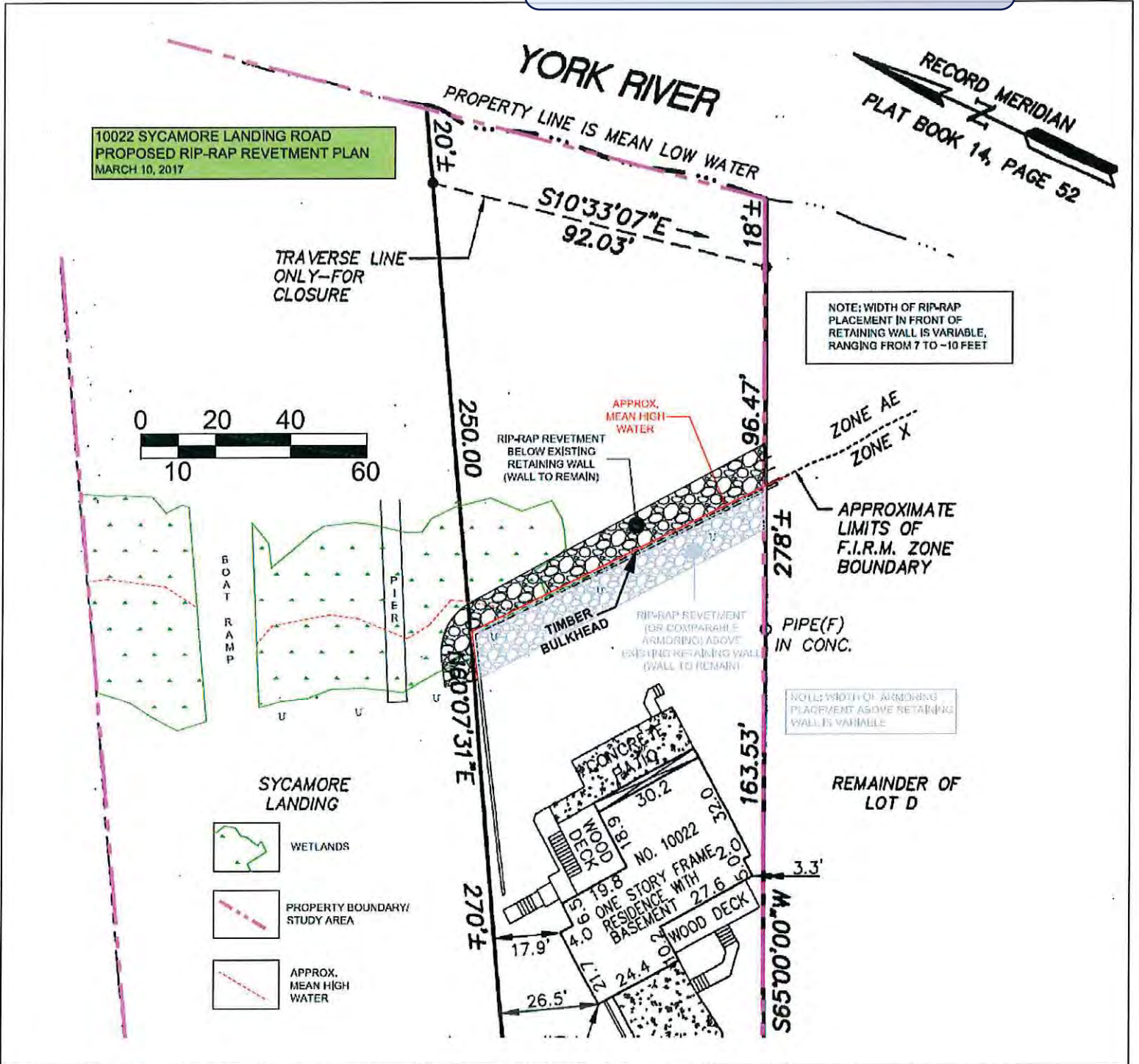
*[Handwritten Signature]*

Signature of person requesting  
Preliminary JD  
(REQUIRED, unless obtaining the signature is impracticable)

7-29-15  
Date

**RECEIVED**

By Virginia Marine Resources Commission at 2:06 pm, Mar 09, 2017



Purpose: Shoreline Protection

Applicant: Mark Rinaldi

Waterbody: York River

HUC: 02080107

10022 Sycamore  
Landing Road

**Plan View**

County: James City

State: Virginia

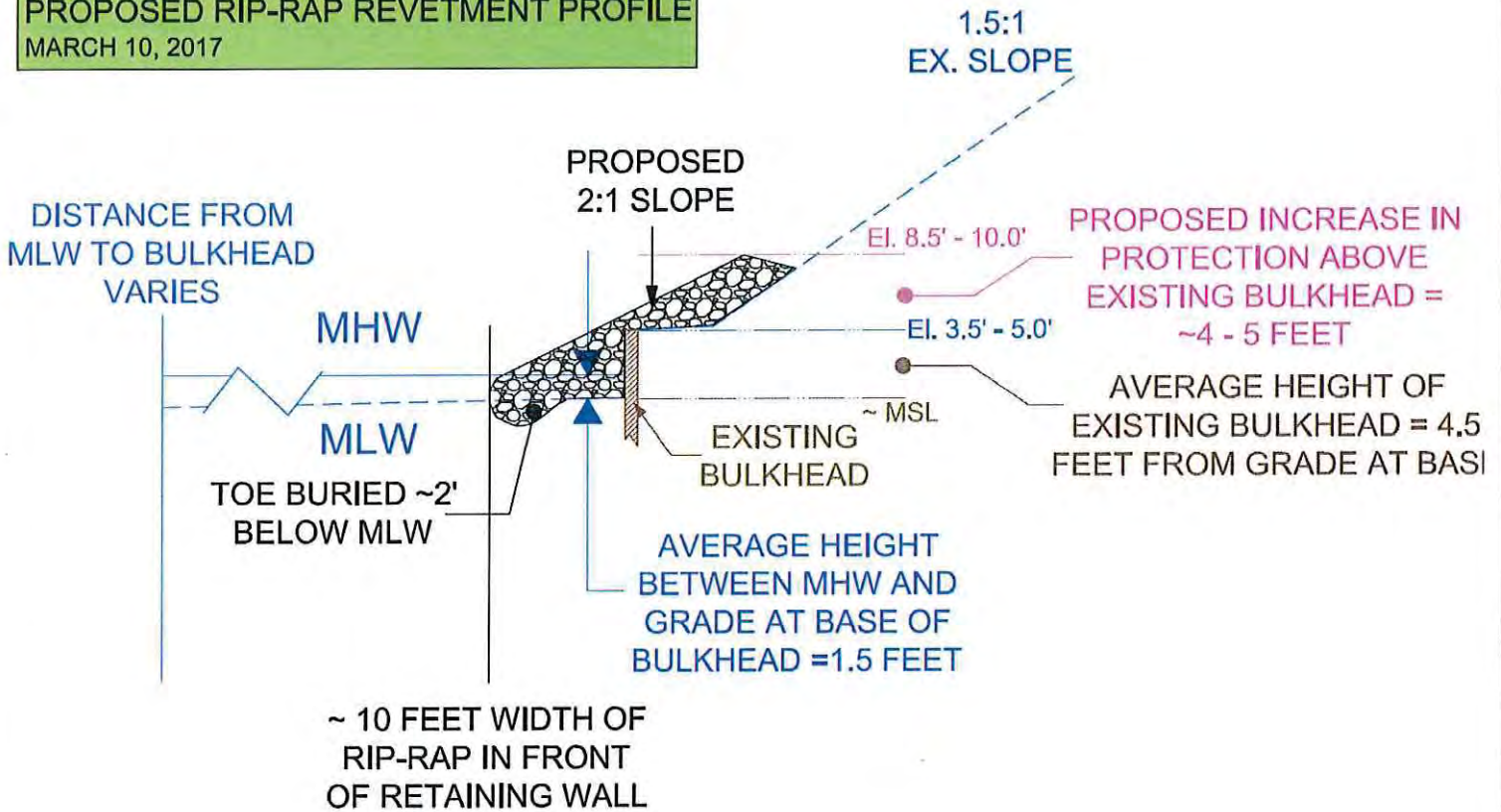
Scale: 1" = 100'

Date: 10 March 2017

**RECEIVED**

By Virginia Marine Resources Commission at 2:06 pm, Mar 09, 2017

**10022 SYCAMORE LANDING ROAD  
PROPOSED RIP-RAP REVETMENT PROFILE  
MARCH 10, 2017**



Purpose: Shoreline Protection

Applicant: Mark Rinaldi

Waterbody: York River

HUC: 02080107

**10022 Sycamore  
Landing Road**

**Profile View**

County: James City

State: Virginia

Scale: 1" = 100'

Date: 10 March 2017



APPENDIX A

Adjacent Property Owner's Acknowledgement Form

I, Richard A. Costello, own land next to/ across the water from/ in the same cove  
(print adjacent property owner's name)

as the land of Mark Rinaldi  
(print applicant's name)

I have reviewed the applicant's project drawings dated March 10, 2017 to be submitted for all  
(date of drawings)

necessary Federal, State, and Local permits.

I have no comment regarding the proposal

I do not object to the proposal

I object to the proposal

*The applicant has agreed to contact me for additional comments if the proposal changes prior to construction of the project.*

(Before signing this form, please be sure that you have checked the appropriate option above)

Richard A Costello  
Adjacent property owner's signature

3/10/17  
Date

**NOTE: IF YOU OBJECT TO THE PROPOSAL, THE REASON(S) YOU OPPOSE THE PROJECT MUST BE SUBMITTED TO VMRC IN WRITING. AN OBJECTION WILL NOT NECESSARILY RESULT IN A DENIAL OF A PERMIT FOR THE PROPOSED WORK. HOWEVER, VALID COMPLAINTS WILL BE GIVEN FULL CONSIDERATION DURING THE PERMIT REVIEW PROCESS.**

APPENDIX A

Adjacent Property Owner's Acknowledgement Form

I, Robert J. Singley, own land next to/ across the water from/ in the same cove  
(print adjacent property owner's name)

as the land of Mark Rinaldi  
(print applicant's name)

I have reviewed the applicant's project drawings dated March 10, 2017 to be submitted for all  
(date of drawings)

necessary Federal, State, and Local permits.

I have no comment regarding the proposal

I do not object to the proposal

I object to the proposal

*The applicant has agreed to contact me for additional comments if the proposal changes prior to construction of the project.*

(Before signing this form, please be sure that you have checked the appropriate option above)

Robert J. Singley  
Adjacent property owner's signature

3-10-17  
Date

NOTE: IF YOU OBJECT TO THE PROPOSAL, THE REASON(S) YOU OPPOSE THE PROJECT MUST BE SUBMITTED TO VMRC IN WRITING. AN OBJECTION WILL NOT NECESSARILY RESULT IN A DENIAL OF A PERMIT FOR THE PROPOSED WORK. HOWEVER, VALID COMPLAINTS WILL BE GIVEN FULL CONSIDERATION DURING THE PERMIT REVIEW PROCESS.







**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

April 19, 2017

Re: W-23-17/VMRC JPA 17-0426: 10022 Sycamore Landing Rd  
Revetment

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 Mark Rinaldi, for installation of 87 linear feet of riprap revetment, on his property at 10022 Sycamore Landing Rd. The property is further identified by James City County Real Estate, as Parcel No. 0720400004A.

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 on **Wednesday May 10, 2017 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: Mark Rinaldi  
John Lowenthal

Mailing List for W-23-17: VMRC 17-0426 – 10022 Sycamore Landing Rd - Revetment

0720400004A - Owner

Mark Rinaldi  
10022 Sycamore Landing Rd  
Williamsburg, VA 23188

0720400005A

Robert and Mary Anne Singley  
10030 Sycamore Landing Rd  
Williamsburg, VA 23188

John Lowenthal  
501 Butler Farm Rd, Suite H  
Hampton, VA 23666

0720400007 - 10025 Sycamore Landing

Carroll Harlow  
P O Box 7  
Urbanna VA 231750007

0720400004

Richard and Nina Costello  
10020 Sycamore Landing Rd  
Williamsburg, VA 23188

---

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

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

VDOT  
4451 Ironbound Road  
Williamsburg, VA 23188

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

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

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

**ITEM SUMMARY**

DATE: 5/10/2017  
TO: Wetlands Board  
FROM: Michael Woolson, Senior Watershed Planner  
SUBJECT: W-24-17 / VMRC 17-0575 : 7206 Canal Street

---

Theodore Szego has applied for a wetlands permit to install a vinyl bulkhead at 7206 Canal Street in the Chickahominy Haven subdivision.

**ATTACHMENTS:**

	Description	Type
▣	Staff Report	Staff Report
▣	Resolution	Resolution
▣	Joint Permit Application	Backup Material
▣	Public Hearing Notice	Cover Memo
▣	APO Notification Letter	Cover Memo
▣	APO Notification List	Cover Memo

**REVIEWERS:**

Department	Reviewer	Action	Date
Wetlands Group	Woolson, Michael	Approved	5/5/2017 - 4:48 PM
Wetlands Group	Secretary, Wetland	Approved	5/5/2017 - 4:52 PM

**WETLAND BOARD CASE No. W-24-17/VMRC 17-0575. 7206 Canal Street  
Staff report for the May 10, 2017, 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 AND INFORMATION**

Applicant: Theodore W. Szego

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

Location: 7206 Canal Street

Parcel: Lot 29, Section 8, Chickahominy Haven

PIN: 1910900029

Watershed: James River (HUC JL 35)

Floodplain: Panel 0082D, Zone AE, Flood Elevation 7.0 MSC

Proposed Activity: To construct a 115-foot vinyl bulkhead with a 10-foot return wall.

Wetland Impacts: Zero vegetated wetlands subject to the Local Wetlands Board jurisdiction.

Staff Contact: Ashley Tatge, Environmental Inspector Phone: 253-6683

**PROJECT DISCUSSION**

Karla Havens, Mid-Atlantic Resource Consulting, on behalf of Theodore W. Szego, has applied for a Wetlands Permit to construct a 115-linear-foot vinyl bulkhead in a man-made channel adjacent to property located at 7206 Canal Street, within the Chickahominy River Watershed. The property is further identified as James City County Real Estate Tax Map Parcel No. 1910900029.

The proposed bulkhead will be tying into the corner of the existing neighboring bulkhead at an angle instead of straight across the shoreline to preserve the existing trees on the property. The site is to be accessed from upland and the water. No clearing and/or grading is required. No vegetated wetlands will be impacted. This is in a man-made canal and not over state-owned submerged bottomlands, therefore, no authorization is required from the Marine Resources Commission.

**MITIGATION DISCUSSION**

As published in the Virginia Register on July 11, 2005, the revised Wetlands 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 payment of an in-lieu fee. If compensation is required, it should be a condition of the permit.

Staff has reviewed this application and finds that this project meets the three criteria outlined above. As there are no vegetated wetland impacts, no mitigation is required.

### **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. Prior to construction, a pre-construction meeting will be held on-site; and
3. Any upland disturbed areas must be stabilized at the conclusion of the project; and
4. The Wetlands Permit for this project shall expire on May 10, 2018, if construction has not begun; and
5. 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.

AT/gt  
W24-17-7206CanalSt

#### Attachments:

1. Resolution
2. Joint Permit Application

## RESOLUTION

CASE NO. W-24-17/VMRC 17-0575. 7206 CANAL STREET

### JAMES CITY COUNTY WETLANDS PERMIT

WHEREAS, Karla Havens of Mid-Atlantic Resource Consulting, on behalf of Theodore W. Szego (the “Applicant”), has applied to the Wetland Board of James City County (the “Board”) to request a permit to use and develop in areas designated as wetlands on property identified as James City County Real Estate Tax Map Parcel No. 1910900029 and further identified as 7206 Canal Street in the Chickahominy Haven subdivision (the “Property”) as set forth in the application W-24-17/VMRC 17-0575; 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. Prior to construction, a pre-construction meeting will be held on-site; and
  - c. Any upland disturbed areas must be stabilized at the conclusion of the project; and
  - d. The Wetlands Permit for this project shall expire on May 10, 2018, if construction has not begun; and
  - e. 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 May, 2017.

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: \_\_\_\_\_

W24-17-7206CanalSt-res



**Atkins, Lou (MRC)**

---

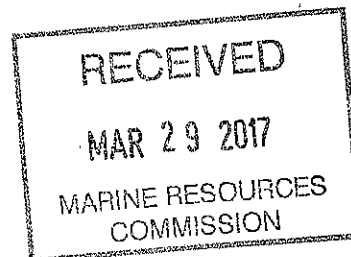
17-0575

**From:** khavens@inna.net  
**Sent:** Wednesday, March 29, 2017 12:49 PM  
**To:** MRC - jpa Permits  
**Subject:** Szego JPA  
**Attachments:** Szego JPA.pdf

Hi Beth,

Please confirm receipt of this JPA.

Thanks, Karla



## 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 / LANEXA <b>Waterway at project site:</b> CANAL TO THE CHICKAHOMINY RIVER
---

1. Applicant's name\* and complete mailing address: Contact Information:  
 THEODORE W. SZEGO Home ( ) \_\_\_\_\_  
 6735 COLD HARBOR DRIVE Work ( ) \_\_\_\_\_  
 MECHANICSVILLE, VA 23111 Fax ( ) \_\_\_\_\_  
Cell/ Pager (804) 402-5366  
e-mail ted@tedshouses.com

State Corporation Commission ID Number (if applicable) \_\_\_\_\_

2. Property owner(s) name\* and complete address, Contact Information:  
 if different from applicant Home ( ) \_\_\_\_\_  
Work ( ) \_\_\_\_\_  
Fax ( ) \_\_\_\_\_  
Cell/ Pager ( ) \_\_\_\_\_  
e-mail \_\_\_\_\_

State Corporation Commission ID Number (if applicable) \_\_\_\_\_

3. Authorized agent name\* and complete mailing Contact Information:  
 address (if applicable): Home ( ) \_\_\_\_\_  
 KARLA S. HAVENS Work (804) 785-2107  
 MID-ATLANTIC RESOURCE CONSULTING Fax ( ) \_\_\_\_\_  
 1095 CHERRY ROW LANE Cell/ Pager (804) 366-1768  
 PLAINVIEW, VA 23156 e-mail khavens@inna.net

State Corporation Commission ID Number (if applicable) \_\_\_\_\_

\* 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.

- CONSTRUCTION OF 115' VINYL BULKHEAD WITH A 10' RETURN WALL.
- CONSTRUCTION OF AN 8' X 22' NON-COMMERCIAL OPEN-PILE PLATFORM WITH A 4' X 32' CATWALK, 6' X 32' WALKWAY, 10' X 16' L-HEAD, 33' X 18' METAL A-ROOF WITH LIFT AND TWO (2) MOORING PILES.
- SITE TO BE ACCESSEDS FROM THE UPLAND AND THE WATER. NO CLEARING AND/OR GRADING REQUIRED. NO VEGETATED WETLANDS TO BE IMPACTED.

<b>FOR AGENCY USE ONLY</b>	
<div style="border: 2px solid black; padding: 5px; text-align: center;"> <p style="font-size: 1.2em; margin: 0;">RECEIVED</p> <p style="font-size: 1.2em; margin: 0;">MAR 29 2017</p> <p style="font-size: 0.8em; margin: 0;">REVISED: March 2014 MARINE RESOURCES COMMISSION</p> </div>	Notes: JPA # 17-0575

## 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:

DONALD W. HICKS  
WATERFRONT PIERS & BULKHEADS, INC.  
P. O. BOX 341  
LANEXA, VA 23089

Contact Information:

Home ( ) \_\_\_\_\_  
Work ( ) \_\_\_\_\_  
Fax ( ) \_\_\_\_\_  
Cell / Pager (757) 345-1940  
email piledriver6131@yahoo.com

State Corporation Commission ID Number (if applicable) \_\_\_\_\_

\* 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) 7206 CANAL STREET

Lot/Block/Parcel# LOT 29, SECTION 8

Subdivision CHICKAHOMINY HAVEN

City / County LANEXA / JAMES CITY COUNTY Zipcode 23089

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."

PRIMARY PURPOSE IS TO MINIMIZE SHORELINE EROSION.

SECONDARY PURPOSE IS TO 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.**

SILT FENCE

REVEGETATE DISTURBED AREAS.

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>
--------------------------------	-----------------	---------------------------	----------------------------

(\*\*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 X 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).

7208 CANAL STREET (LOT 30)

THOMAS W. MORRIS, JR.  
1524 N. MALLORY STREET  
HAMPTON, VA 23664-1002

7204 CANAL STREET (LOT 28)

RICHARD WADE BEVERLY  
7204 CANAL STREET  
LANEXA, VA 23089-9423

## 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.

THEODORE W. SZEGO

Applicant's Name (printed/typed)

(Use if more than one applicant)

  
Applicant's Signature

(Use if more than one applicant)

3-27-17  
Date

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), THEO. W. SZEGO, 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)

3-27-17

\_\_\_\_\_  
(Date)

Theodore W Szego  
(Applicant's Signature)

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

3-27-17

\_\_\_\_\_  
(Date)

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

#### CONTRACTOR ACKNOWLEDGEMENT

I (we), THEODORE W. SZEGO DONALD W. HICKS  
(Applicant's Name(s)) (Contractor's Name(s))  
to perform the work described in this Joint Permit Application, signed and dated 3-27-17

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.

DONALD W. HICKS

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

WATERFRONT PIERS & BULKHEADS, INC.

P. O. BOX 341

LANEXA, VA 23089

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

2705 - 100343 A

\_\_\_\_\_  
Contractor's signature and title

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

Theodore W Szego  
Applicant's signature

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

3-27-17

\_\_\_\_\_  
Date

Part 2 – Signatures (continued)

JCC

ADJACENT PROPERTY OWNER'S ACKNOWLEDGEMENT FORM

I (we), Richard Wade Beverly, own land next to (across  
(Print adjacent/nearby property owner's name)

the water from/on the same cove as) the land of THEODORE W. SZEGO  
(Print applicant's name(s))

I have reviewed the applicant's project drawings dated 3-22-17  
(Date)

to be submitted for all necessary Federal, State and Local permits.

I HAVE NO COMMENT \_\_\_\_\_ ABOUT THE PROJECT.

I DO NOT OBJECT At all TO THE PROJECT.

I OBJECT \_\_\_\_\_ TO THE PROJECT.

The applicant has agreed to contact me for additional comments if the proposal changes prior to construction of the project.

(Before signing this form, be sure you have checked the appropriate option above).

[Signature]  
Adjacent/nearby property owner's signature(s)

3-26-17  
Date

Note: If you object to the proposal, the reason(s) you oppose the project must be submitted in writing to VMRC. An objection will not necessarily result in denial of the project; however, valid complaints will be given full consideration during the permit review process.



## 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.**

CONSTRUCTION OF AN 8' X 22' NON-COMMERCIAL, OPEN-PILE PLATFORM WITH A 4' X 32' CATWALK, 6' X 32' WALKWAY, 10' X 16' L-HEAD, 33' X 18' METAL A-ROOF WITH LIFT AND TWO (2) MOORING PILES.

2. **For private, noncommercial piers:**

What is the overall length of the structure? 40 feet.

channelward of Mean High Water? 40 feet.

channelward of Mean Low Water? 35 feet.

What is the total size of any and all L- or T-head platforms? 256 sq. ft.

For boathouses, what is the overall size of the roof structure? 594 sq. ft.

Will your boathouse have sides? Yes  No.

NOTE: All proposals for piers, boathouses and shelter roofs must be reviewed by VMRC, however, pursuant to § 28.2-1203(5) of the Code of Virginia a VMRC permit may not be required for such structures (except as required by subsection D of § 28.2-1205 for piers greater than 100 feet in length involving commercially productive leased oyster or clam grounds), provided that (i) the piers do not extend beyond the navigation line or private pier lines established by the Commission or the United States Army Corps of Engineers, (ii) the piers do not exceed six feet in width and finger piers do not exceed five feet in width, (iii) any L or T head platforms and appurtenant floating docking platforms do not exceed, in the aggregate, 400 square feet, (iv) if prohibited by local ordinance open-sided shelter roofs or gazebo-type structures shall not be placed on platforms as described in clause (iii), but may be placed on such platforms if not prohibited by local ordinance, and (v) the piers are determined not to be a navigational hazard by the Commission. Subject to any applicable local ordinances, such piers may include an attached boat lift and an open-sided roof designed to shelter a single boat slip or boat lift. In cases in which open-sided roofs designed to shelter a single boat, boat slip or boat lift will exceed 700 square feet in coverage or the open-sided shelter roofs or gazebo structures exceed 400 square feet, and in cases in which an adjoining property owner objects to a proposed roof structure, permits shall be required as provided in § 28.2-1204.

3. **For Corps permits**, in cases where the proposed pier will encroach beyond one fourth the waterway width (as determined by measuring mean high water to mean high water or ordinary high water mark to ordinary high water mark), the following information should be included:

- a. Written justification as to purpose if the proposed work would extend a pier greater than one-fourth of the distance across the open water measured from mean high water or the channelward edge of the wetlands
- b. Written justification if the proposed work would involve the construction of a pier greater than five feet wide or less than four feet above any wetland substrate.
- c. Depth soundings across the waterway at increments designated by the Corps project manager. Typically 10-foot increments for waterways less than 200 feet wide and 20-foot increments for waterways greater than 200 feet wide with the date and time the measurements were taken and how they were taken (e.g., tape, range finder, etc.). Inclusion of depth sounding data is recommended in order to expedite permit evaluation.

### Part 3 – Appendices (continued)

4. 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
Fountain	32'	9'	24"	to be purchased

- 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

- For **boat ramps**, what is the overall length of the structure? \_\_\_\_\_ feet.
- from Mean High Water? \_\_\_\_\_ feet.
- from Mean Low Water? \_\_\_\_\_ 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.**

- 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 shellfish lease boundaries (if applicable) in your drawings. Include bathymetry (depths), relative to mean low water in your plan view drawing and show the location of any Submerged Aquatic Vegetation (SAV) in the project vicinity. **(NOTE: the presence or absence of SAV will be field verified during the project review).**

### Part 3 – Appendices (continued)

**Appendix B: Projects for Shoreline Stabilization** in tidal wetlands, tidal waters and dunes/beaches (including riprap revetments and associated backfill, marsh toe stabilization, bulkheads and associated backfill, breakwaters, beach nourishment, groins, jetties, etc). Answer all questions that apply. Please provide any reports provided from the Shoreline Erosion Advisory Service.

**NOTE: Information on non-structural, vegetative alternatives (i.e. Living Shoreline) for shoreline stabilization is available at [http://ccrm.vims.edu/coastal\\_zone/living\\_shorelines/index.html](http://ccrm.vims.edu/coastal_zone/living_shorelines/index.html).**

1. For riprap, bulkheads, marsh toe, breakwaters, groins, jetties: What is the overall length of the structure(s)? 115 linear feet. If applicable, what is the volume of the associated backfill? 3 cubic yards.

2. What is the maximum encroachment channelward of mean high water? 4 feet.  
channelward of mean low water? 0 feet.  
channelward of the back edge of the dune or beach? N/A feet.

3. Please calculate the square footage of encroachment over:

• Vegetated wetlands	<u>0</u>	square feet	
• Nonvegetated wetlands	<u>173</u>	square feet	(115' x 1.5')
• Subaqueous bottom	<u>0</u>	square feet	
• Dune and/or beach	<u>N/A</u>	square feet	

4. For bulkheads, is any part of the project maintenance or replacement of a previously authorized, currently serviceable, existing structure? Yes  No .

If yes, will the construction of the new bulkhead be no further than two (2) feet channelward of the existing bulkhead? Yes  No .

If no, please provide an explanation for the purpose and need for the additional encroachment.

5. Describe the type of construction and all materials to be used, including source of backfill material, if applicable (e.g. vinyl sheet-pile bulkhead, timber stringers and butt piles, 100% sand backfill from upland source; broken concrete core material with Class II quarry stone armor over filter cloth).

**NOTE: Drawings must include construction details, including dimensions, design and all materials, including fittings if used.**

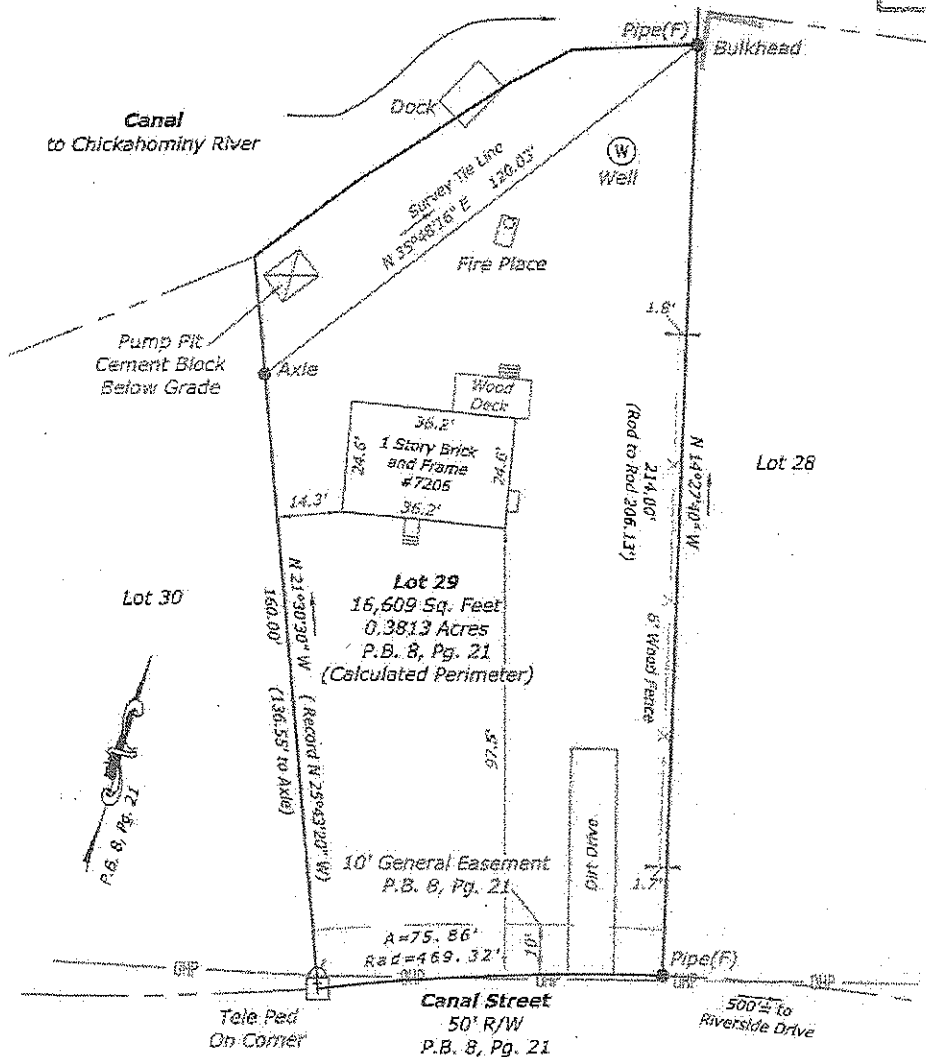
VINYL SHEET-PILE BULKHEAD, TREATED LUMBER, H.D.G. HARDWARE, 100% CLEAN BACKFILL FROM AN UPLAND SOURCE.

If using stone, broken concrete, etc., for your structure(s), what is the average weight of the:  
Core (inner layer) material \_\_\_\_\_ pounds per stone Class size \_\_\_\_\_  
Armor (outer layer) material \_\_\_\_\_ pounds per stone Class size \_\_\_\_\_

# Boundary Survey

W/ Location of Physical Improvements  
 Lot 29  
 "Chickahominy Haven, Section 8"  
 P.B. 8, Pg. 21  
 Powhatan District, James City County, Virginia

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 MAR 29 2017  
 MARINE RESOURCES  
 COMMISSION

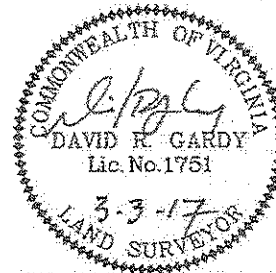


**General Notes:**

1. Owner: Theodore Szego
2. Zoning: R2
3. Current Ownership: Inst. 160019507
4. Existing site conditions indicated hereon are based on field-run surveys conducted during the month of March, 2017.
5. No title commitment furnished. All easements may not be shown.

**Flood Certification:**

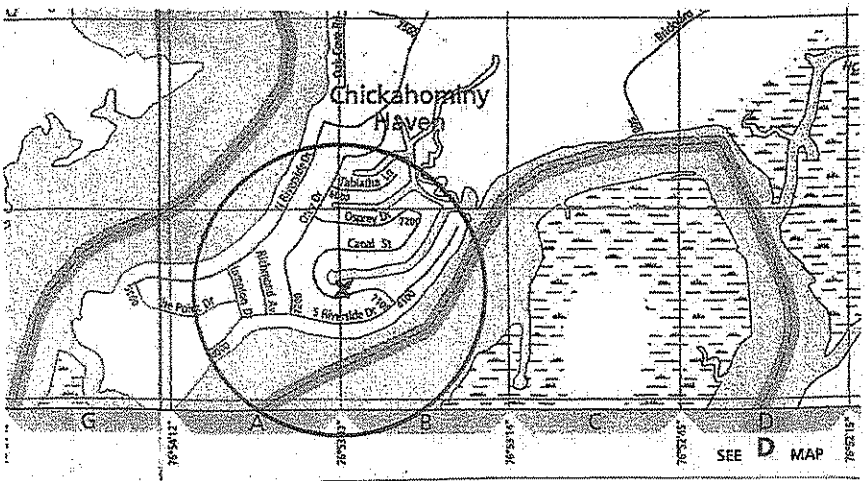
The subject property is located in Zone "AE" as indicated on Flood Insurance Rate Map (FIRM), Map No. 51095C0082D, with a Map Revised date of December 16, 2015



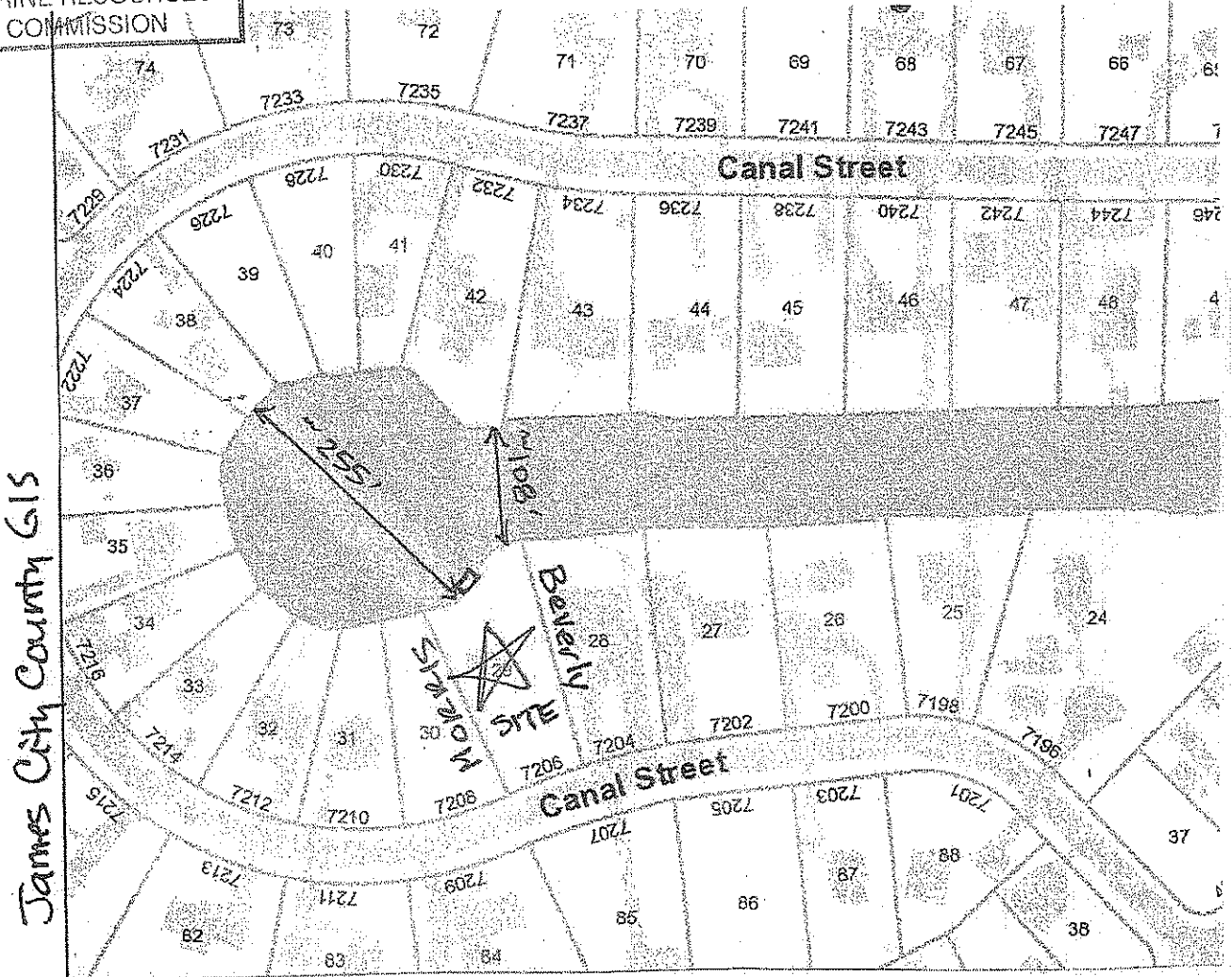
*Gardy*  
 & ASSOCIATES, INC.  
 Surveying and Mapping Services  
 686-6 336-2832 • 686-6 969-3103  
 www.gardysurveying.com  
 P.O. Box 17, Powhatan, VA 23127

Mag. District: Powhatan	County: James City
Date: March 3, 2017	Scale: 1" = 30'
Sheet 1 of 1	J.N.: 17-0062
Drawn By: RJL	Checked by: DRG
Rev.	Date

Rand McNally  
Greater Richmond  
Maps 176 & 177  
2009



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MARINE RESOURCES  
COMMISSION



Note: Mid-Atlantic Resource Consulting is responsible only for applying to obtain local wetland, Virginia Marine Resources Commission and U. S. Army Corps of Engineers permits. Mid-Atlantic Resource Consulting is not responsible for any land disturbing or construction activities associated with the project.

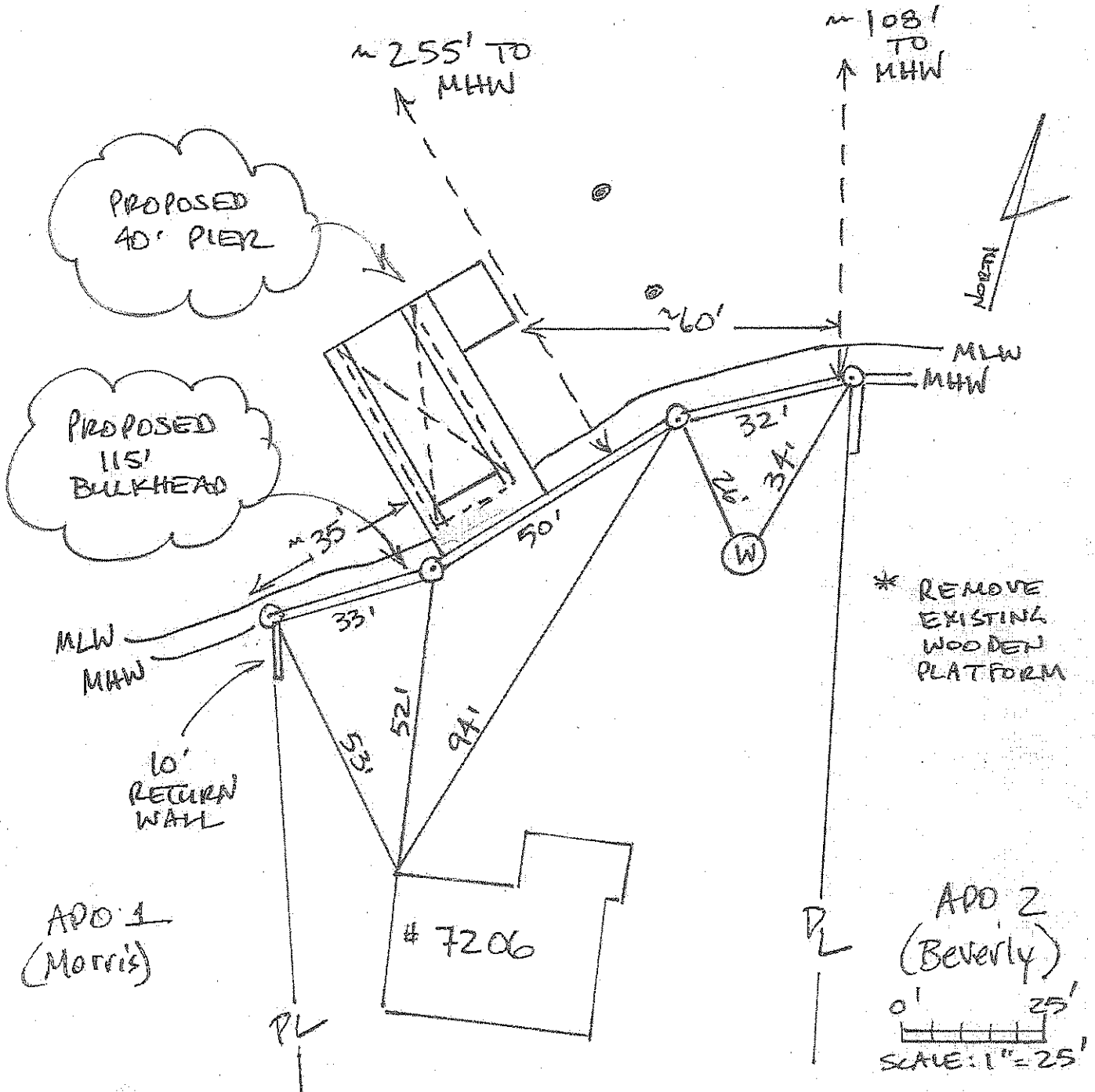
Adjacent Property Owners:  1. Thomas W. Morris, Jr. 2. Richard Wade Beverly	VICINITY MAP  Section 8, Lot 29	THEODORE W. SZEGO 7206 Canal Street - James City County on a Canal to the Chickahominy River  Date: 3.22.17 Sheet 1 of 4
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MAR 29 2017

MARINE RESOURCES COMMISSION

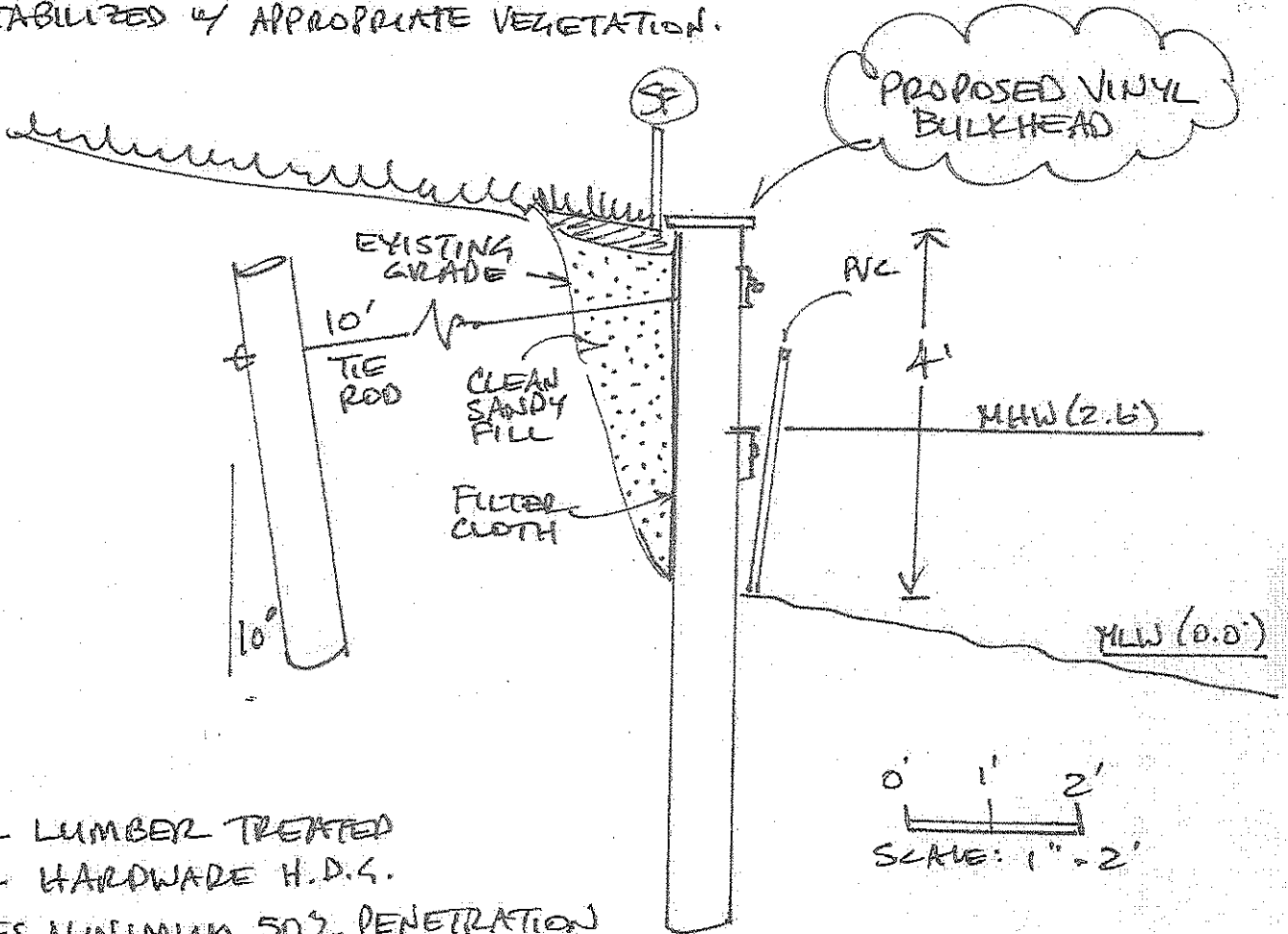
CANAL ← FLOOD → EBB →



Note: Mid-Atlantic Resource Consulting is responsible only for applying to obtain local wetland, Virginia Marine Resources Commission and U. S. Army Corps of Engineers permits. Mid-Atlantic Resource Consulting is not responsible for any land disturbing or construction activities associated with the project.

Adjacent Property Owners: 1. Thomas W. Morris, Jr. 2. Richard Wade Beverly	SITE PLAN Section 8, Lot 29	THEODORE W. SZEGO 7206 Canal Street - James City County on a Canal to the Chickahominy River Date: 3-22-17 Sheet 2 of 4
--	--------------------------------	--

- A SILT FENCE SHALL BE INSTALLED & MAINTAINED AT THE LANDWARD EDGE OF THE PROPOSED BULKHEAD UNTIL A COMPLETE VEGETATIVE COVER IS ESTABLISHED.
- ALL DENUDED & SPARSELY VEGETATED AREAS SHALL BE STABILIZED BY APPROPRIATE VEGETATION.



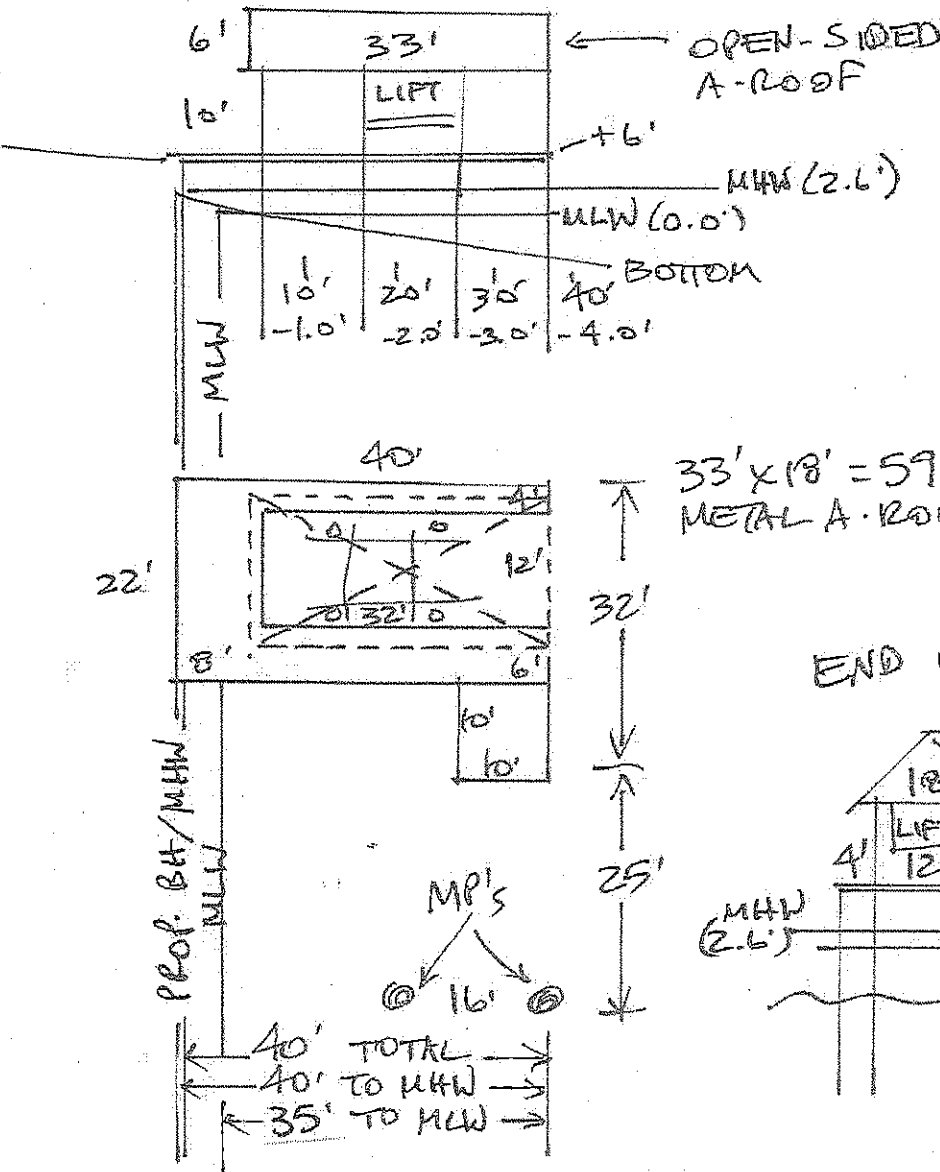
- ALL LUMBER TREATED
- ALL HARDWARE H.D.G.
- PILES MINIMUM 50% PENETRATION
- VINYL SHEETING 50% PENETRATION
- 6x6 WALERS & DEADMEN
- 2x8 CAP
- ALL BULKHEAD CONSTRUCTION SHALL BE CONDUCTED LANDWARD OF MLW

RECEIVED  
MAR 29 2017  
MARINE RESOURCES  
COMMISSION

Note: Mid-Atlantic Resource Consulting is responsible only for applying to obtain local wetland, Virginia Marine Resources Commission and U. S. Army Corps of Engineers permits. Mid-Atlantic Resource Consulting is not responsible for any land disturbing or construction activities associated with the project.

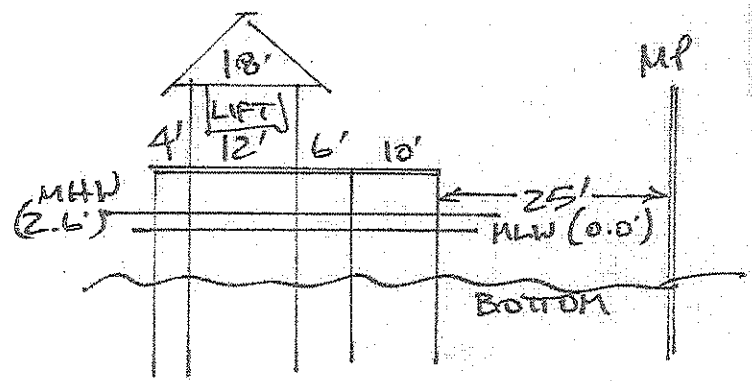
Adjacent Property Owners:  1. Thomas W. Morris, Jr. 2. Richard Wade Beverly	DETAIL  Section 8, Lot 29	THEODORE W. SZEGO 7206 Canal Street - James City County on a Canal to the Chickahominy River  Date: 3.22.17 Sheet 3 of 4
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RECEIVED  
 MAR 29 2017  
 MARINE RESOURCES  
 COMMISSION



0' 10' 20'  
 SCALE: 1" = 20'

END VIEW



- 2x8 DECKING & STRINGERS
- ALL LUMBER TREATED
- PILES 8" MIN. DIAMETER
- PILE LENGTH AS REQUIRED
- ALL HARDWARE H.D.G.

MHW TO MHW ~ 255'  
 NO DEFINED CHANNEL  
 NO VEGETATED WETLANDS TO  
 BE IMPACTED

Note: Mid-Atlantic Resource Consulting is responsible only for applying to obtain local wetland, Virginia Marine Resources Commission and U. S. Army Corps of Engineers permits. Mid-Atlantic Resource Consulting is not responsible for any land disturbing or construction activities associated with the project.

Adjacent Property Owners: 1. Thomas W. Morris, Jr. 2. Richard Wade Beverly	PIER Section 8, Lot 29	THEODORE W. SZEGO 7206 Canal Street - James City County on a Canal to the Chickahominy River Date: 3-22-17 Sheet 4 of 4
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**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

April 19, 2017

Re: W-24-17/VMRC JPA 17-0757: 7206 Canal Street  
Vinyl Bulkhead

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 Theodore Szego, for installation of 115 foot vinyl bulkhead with a 10 foot return wall, on his property at 7206 Canal Street in the Chickahominy Haven subdivision. The property is further identified by James City County Real Estate, as Parcel No.1910900029.

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 on **Wednesday May 10, 2017 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: Theodore Szego  
Karla Havens, Mid-Atlantic Resource Consulting

Mailing List for W-24-17: VMRC 17-0575 – 7206 Canal St - vinyl bulkhead

1910900029 - Owner 7206 Canal St

Theodore W Szego  
6735 Cold Harbor Rd  
Mechanicsville, VA 231115302

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

1910900030 - 7208 Canal St

Thomas W Morris Jr  
1524 N Mallory Street  
Hampton, VA 236641002

1910900042

John and Donna Glenn  
7232 Canal Street  
Lanexa, VA 230899423

1910900043

George and Vickie Armory  
7234 Canal Street  
Lanexa, VA 230899423

1910900041

Carol & Peter Owens  
7230 Canal Street  
Lanexa, VA 230899423

1910900040 - 7228 Canal St

1910900039 - 7226 Canal St

William Ketron, Trustee  
115 Deer Path Road  
Williamsburg, VA 231882207

1910900038

Bernice Strode  
7224 Canal Street  
Lanexa, VA 230899423

1910900037 - 7222 Canal St

Adrian & Mildred O'Neal  
17039 Lees Reach Drive  
Lanexa, VA 230895251

1910900036

Caleb Meadows  
7220 Canal Street  
Lanexa, VA 230899403

1910900035 -7218 Canal St

Ted and Mark Miller  
5600 Pocahontas Trail  
Providence Forge, VA 231403167

1910900034

Josephine Tawney  
7216 Canal Street  
Lanexa, VA 230899423

1910900033

William Jones Trustee  
7214 Canal Street  
Lanexa, VA 230899423

1910900032

Donald & Debra Whisenant  
7212 Canal Street  
Lanexa, VA 230899423

1910900031

Barbara Fowler  
7210 Canal Street  
Lanexa, VA 230899423

1910900028 and

910900085 - 7207 Canal St

Richard Wade Beverly and Pamela Curtis  
7204 Canal Street  
Lanexa, VA 230899423

Chickahominy Haven Citizens Association  
P O Box 106  
Toano, VA 231680106

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

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

VDOT  
4451 Ironbound Road  
Williamsburg, VA 23188

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

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

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

**ITEM SUMMARY**

DATE: 5/10/2017  
TO: Wetlands Board  
FROM: Wetlands Board Secretary  
SUBJECT: Amendment to Bylaws and Calendar

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Resolution to amend the Wetlands Board Bylaws and Calendar to change the meeting time from 7 p.m to 5 p.m.

**ATTACHMENTS:**

	Description	Type
▣	Wetlands Board Bylaws Amended	Backup Material
▣	Resolution	Resolution

**REVIEWERS:**

Department	Reviewer	Action	Date
Wetlands Group	Woolson, Michael	Approved	5/5/2017 - 3:19 PM
Wetlands Group	Holt, Paul	Approved	5/5/2017 - 3:26 PM
Publication Management	Trautman, Gayle	Approved	5/5/2017 - 3:51 PM
Wetlands Group	Secretary, Wetland	Approved	5/5/2017 - 3:59 PM

**JAMES CITY COUNTY WETLANDS BOARD  
BYLAWS**

**ARTICLE I. LEGAL AUTHORITY**

The objectives and procedures of the James City County Wetlands Board are those set forth in Section 28.2-1300 et. seq. in the Code of Virginia, 1950 as amended.

**ARTICLE II. MEMBERSHIP**

Membership of the Board shall consist of members and alternate member(s) as appointed pursuant to Section 28.2-1303 of the Code of Virginia, 1950 as amended. Members unable to attend a meeting shall endeavor to provide the Chairman, or the Chairman's designee, at least twenty-four (24) hour notice in advance of such meeting. The Chairman, or the Chairman's designee, shall select an alternate member to serve in the place of the absent member at the board meeting. The alternate member(s) shall be selected generally on a rotating basis, except as conflicts may arise.

**ARTICLE III. OFFICERS AND THEIR DUTIES**

Section 1. The officers of the Wetlands Board shall consist of a Chairman, Vice-Chairman and a Secretary. Other than Secretary, all officers shall be appointed members.

Section 2. The Chairman shall preside at all meetings and hearings, serve as spokesman for the Board and carry out any other duties as necessary. For the convenience of the Board and citizens, the Chairman may make procedural decisions as needed when circumstances are clear or of a minor nature. The Chairman or his designee shall notify the Board of Supervisors at least 30 days prior to the expiration of any member's term and notify the Board of Supervisors if any vacancy occurs. In the event a member is absent from a board meeting, the Chairman shall select an alternate member to serve in place of the absent member.

Section 3. The Vice-Chairman shall perform the duties of the Chairman in his/her absence.

Section 4. The Secretary shall be provided by the County government and shall be responsible for keeping the minutes and other records of the Board, arranging site inspections, maintaining a file of all site inspections, preparing the annual report, preparing agendas, providing notice of meetings to members, arranging legal notice of hearings, attending to correspondence, providing staff assistance, and such other duties as needed.

Section 5. Special committees may be appointed by the Chairman for the purposes and terms which the Board approves.

## **ARTICLE IV. ELECTION OF OFFICERS**

Section 1. Nominations and elections shall be at the November meeting of each year. If the November meeting is not held, nominations and elections shall be at the December meeting. The positions shall be effective January 1<sup>st</sup> of the following year.

Section 2. A candidate shall be elected by a quorum and shall serve for one (1) full year or until his/her successor is elected.

Section 3. Vacancies in offices shall be filled by normal election procedure at the next meeting.

Section 4. Officers may succeed themselves.

## **ARTICLE V. MEETINGS AND HEARINGS**

Section 1. Regular meetings of the Board shall be held on the second Wednesday of each month at 5:00 P.M. in the Board room of the County Government Center Complex. When the second Wednesday falls on a legal holiday, the Board shall meet as determined by the Chairman in consultation with the Secretary. Upon the Chairman's decision or vote of a majority, a regular or special meeting may be canceled or rescheduled. Special meetings may be called by the Chairman, in consultation with the Secretary.

Section 2. A majority of the members of the Board shall constitute a quorum. A quorum is necessary to conduct a meeting.

Section 3. All meetings at which official action is taken shall be open to the general public and to any governmental agency.

Section 4. The filing deadline for public hearing items to appear on the agenda shall be forty-two (42) days prior to the meeting.

Section 5. The order of business at regular meetings shall be:

- A. Call to Order and Roll Call
- B. Statement of Board Purposes: "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."
- C. Approval of Minutes
- D. Unfinished Business

- E. Public Hearings
- F. Board Considerations
- G. Matters of Special Privilege
- H. Adjournment

Section 6. In addition to those required by law, the Board may hold other public hearings.

Section 7. Public hearings shall be conducted in the following order: opening, staff report (with comments from state and/or federal agencies as appropriate), applicant, and other interested parties.

Section 8. Applicants and other interested parties shall give their full name and address after being recognized by the Chairman. A record shall be kept of those speaking before the Board by the Secretary. Physical evidence submitted to the Board becomes the property of the Board and is retained as part of the case record.

Section 9. For each public hearing item, presentations by staff, applicants, individuals or groups shall be limited as follows:

- a. Presentations by staff and applicants are limited to 15 minutes each;
- b. Comments by individuals are limited to 5 minutes each;
- c. Comments by citizen groups are limited to 10 minutes each; and
- d. At a meeting, the time limits set forth in a, b and/or c above may be extended at the discretion of the Chair.

Section 10. Extension requests submitted in writing, in accordance with the Board's resolution granting the permit, shall be heard by the Board at regular meetings under Board Considerations.

## **ARTICLE VI. MOTIONS AND VOTING**

Section 1. Business will be conducted according to Robert's Rules of Order Newly Revised, 10<sup>th</sup> Edition, as adopted for small bodies; provided, however, the Board may amend by Resolution the Rules as it deems appropriate. The following rules shall apply:

- a. Members are not required to obtain floor before making motions or speaking, which they can do while seated.
- b. Motions need not be seconded.



- c. There is no limit to the number of times a member can speak to a question, and motions to close or limit debate generally should not be entertained.
- d. Informal discussion of a subject is permitted while no motion is pending.
- e. The Chairman can speak in discussion without leaving the chair; and can make motions and votes on all questions.
- f. A motion to reconsider may be made at (i) the next succeeding regular meeting; or (ii) at the next regular meeting following the discovery of additional information or a changed situation that has developed since the taking of the vote.

Section 2. A member not voting on a case must cite “conflict of interest” or any legal prohibition which precludes voting.

Section 3. If the application receives less than four affirmative votes from a seven-member board or less than three affirmative votes from a five-member board, the permit shall be denied.

Section 4. Permits shall have a time limit and conditions, or “no conditions” specified.

Section 5. The Secretary shall record motions and voting in the minutes.

## **ARTICLE VII. VIOLATIONS**

Section 1. In cases of violations, restoration will be the primary goal of legal action.

Section 2. In cases of after-the-fact applications, the option of restoration must be considered before evaluating the project on its merits.

Section 3. Violations must be corrected prior to issuing a permit on the same piece of property for another project.

## **ARTICLE VIII. AMENDMENTS**

Section 1. These bylaws may be amended or suspended by a majority vote of the appointed members of the Board.

ADOPTED: January 8, 1997  
AMENDED: September 12, 2007  
AMENDED: October 8, 2008  
AMENDED: October 12, 2011  
AMENDED: October 9, 2013  
AMENDED: March 12, 2014  
AMENDED: May 10, 2017

**RESOLUTION**

**BYLAWS AMENDMENT AND 2017 CALENDAR AMENDMENT**

WHEREAS, the James City County Wetlands Board (the "Board") currently holds its regular meetings the second Wednesday of each month at 7 p.m.; and

WHEREAS, the Board wishes to amend the Board calendar such that regular Board meetings occur the second Wednesday of each month and begin at 5 p.m. starting July 1, 2017.

NOW, THEREFORE, BE IT RESOLVED that the Wetlands Board of James City County, Virginia, does hereby authorize and direct the Board Secretary to amend the Board Bylaws and the 2017 Board calendar such that regular meetings begin at 5 p.m. the second Wednesday of each month starting July 1, 2017.

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

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

Adopted by the Wetlands Board of James City County, Virginia, this \_\_\_ day of \_\_\_\_\_, 20\_\_

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: \_\_\_\_\_

CalendarAmend-17-res