

**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**  
**June 14, 2017**  
**7:00 PM**

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**A. CALL TO ORDER**

**B. ROLL CALL**

**C. MINUTES**

1. May 10, 2017 Regular Meeting Minutes

**D. PUBLIC HEARINGS**

1. W-26-17 / VMRC 17-0748 : 164 The Maine
2. W-27-17 / VMRC 17-0769 : 7588 Uncles Neck

**E. BOARD CONSIDERATIONS**

1. W-15-15 / VMRC 15-0684 : 132 and 134 Shellbank Drive

**F. MATTERS OF SPECIAL PRIVILEGE**

**G. ADJOURNMENT**

**ITEM SUMMARY**

DATE: 6/14/2017  
TO: Wetlands Board  
FROM: Wetlands Board Secretary  
SUBJECT: May 10, 2017 Regular Meeting Minutes

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**ATTACHMENTS:**

	Description	Type
▣	May 10, 2017 Regular Meeting Minutes	Minutes

**REVIEWERS:**

Department	Reviewer	Action	Date
Wetlands Group	Woolson, Michael	Approved	6/7/2017 - 11:46 AM
Wetlands Group	Holt, Paul	Approved	6/7/2017 - 1:53 PM
Publication Management	Burcham, Nan	Approved	6/7/2017 - 2:07 PM
Wetlands Group	Secretary, Wetland	Approved	6/7/2017 - 2:20 PM

**MINUTES**  
**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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**VIDEO A. CALL TO ORDER**

The Wetlands Board meeting for May 10, 2017, was Called to Order.

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

**VIDEO B. ROLL CALL**

**Board Member Present:**

John Hughes - Chair  
William Apperson  
David Gussman  
Charles Roadley  
Larry Waltrip

**Absent:**

**Others Present:**

County Staff (Staff):

Michael Woolson, Senior Watershed Planner  
Ashley Tatge, Inspector, Engineering and Resource Protection  
Liz Parman, Assistant County Attorney  
Melanie Davis, Secretary to the Board  
Mark Eversole, Virginia Marine Resource Commission (VMRC)

**VIDEO C. MINUTES**

The minutes from the April 12, 2017 regular meeting were approved as written.

**VIDEO D. PUBLIC HEARINGS**

**VIDEO 1. W-23-17 / VMRC 17-0426 : 10022 Sycamore Landing Road**

Ashley Tatge presented the wetlands permit request submitted by John Lowenthal on behalf of property owner, Mark Rinaldi. The permit request was to install approximately 87 linear feet of rip-rap revetment to stabilize an existing bulkhead and shoreline at 1022 Sycamore Landing Road within the York River watershed. The property is further identified as James City County Real Estate Tax Map Parcel No. 0720400004A. The presentation described the current site conditions and the proposed revetment and stabilization. Staff determined this project met the required criteria and recommended approval with the conditions outlined in the Resolution.

Mr. Hughes noted that the proposed rip-rap extended onto the adjacent property and asked why that parcel was not included in the application.

Mr. Woolson explained Mr. Rinaldi provided documentation that he was also the owner of the adjacent parcel. Because this parcel does not have an assigned address, it was not specified on the application. Mr. Woolson also clarified the proposed mitigation would be located in front of the stone revetment toe.

Mr. Hughes opened the Public Hearing.

A. Mr. Mark Rinaldi, property owner, explained the erosion was mostly caused by Hurricane Isabel, but he did not have the funds for the repair at that time. He understood and agreed to the mitigation requirements for this project.

Mr. Roadley asked if anyone had considered plantings to stabilize the erosion at the marsh toe to the west of his property.

A. Mr. Rinaldi stated that he believed most of the erosion was caused by otters. There were plantings of spartina down shore that seemed to be surviving and he was willing to give it a try and monitor it as he was at the shore all the time.

Mr. Hughes closed the Public Hearing as no one else wished to speak.

Mr. Apperson made a motion to adopt the Resolution to Grant the Permit for Wetlands Board Case No. W-23-17/VMRC 17-0426 at 10022 Sycamore Landing Road.

The motion was approved: 5-0

Ayes: Apperson, Gussman, Roadley, Waltrip, Hughes

VIDEO

2. W-24-17 / VMRC 17-0575 : 7206 Canal Street

Ashley Tatge presented the wetlands permit request submitted by Karla Havens, Mid-Atlantic Resource Consulting, on behalf of property owner, Theodore W. Szego. The permit request was to construct a 115-linear-foot vinyl bulkhead with a 10-foot return wall in the man-made channel 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 presentation described the current site conditions as well as the location and construction of the proposed bulkhead. Staff determined this project met the required criteria and recommended approval with the conditions outlined in the Resolution.

Mr. Hughes opened the Public Hearing.

A. Karla Havens, Mid-Atlantic Resource Consulting, further explained how the proposed bulkhead would tie into the adjacent properties. She added that most of the other properties in the canal were bulk headed.

Mr. Waltrip asked the depth of the canal at low tide.

A. Ms. Havens said it was minus four at 40 feet from the edge of the bank.

Mr. Roadley asked what she thought might be contributing the erosion.

A. Ms. Havens stated it was north facing, the soils were all clay, boat wake and no existing vegetation.

Mr. Hughes closed the Public Hearing as no one else wished to speak.

Mr. Waltrip felt bulk heading was the only way to keep the soils out of the canal.

Mr. Gussman made a motion to adopt the Resolution to Grant the Permit for Wetlands Board Case No. W-24-17/VMRC 17-0575 at 7206 Canal Street.

The motion was approved: 5-0

Ayes: Apperson, Gussman, Roadley, Waltrip, Hughes

**VIDEO E. BOARD CONSIDERATIONS**

**VIDEO 1. Amendment to Bylaws and Calendar**

Mr. Woolson explained the proposed amendment was to change the meeting time from 7 p.m. to 5 p.m.

Mr. Hughes asked if there was any public notice and when the other Boards started their meetings. He was concerned the earlier time might be inconvenient for some who wanted to attend the meeting or serve on the Board. He did agree the earlier time would be more convenient for Staff.

Mr. Woolson said public notice was not required for this change. The Board of Supervisors had changed their regular meetings to 5 p.m., the Planning Commission still met at 7 p.m. and the other Boards and Commissions met during the day.

Mr. Roadley had no objection to the time change.

Mr. Gussman suggested they try the earlier time and stated they could always change it back if there were any complaints.

Mr. Gussman made a motion to change the meeting time from 7 p.m. to 5 p.m. beginning in July 2017.

The motion was approved: 4-1

Ayes: Apperson, Gussman, Roadley, Waltrip

Nays: Hughes

**VIDEO F. MATTERS OF SPECIAL PRIVILEGE**

None

**VIDEO G. ADJOURNMENT**

The meeting adjourned at 7:30 p.m.

**ITEM SUMMARY**

DATE: 6/14/2017  
TO: Wetlands Board  
FROM: Michael Woolson, Senior Watershed Planner  
SUBJECT: W-26-17 / VMRC 17-0748 : 164 The Maine

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Jeffery Moore has applied for a wetlands permit for extension of an existing breakwater and installation of a timber wall and beach sand fill at 164 The Maine in the Greater First Colony subdivision.

**ATTACHMENTS:**

	Description	Type
▣	Staff Memo	Cover Memo
▣	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	6/6/2017 - 1:41 PM
Wetlands Group	Holt, Paul	Approved	6/6/2017 - 1:54 PM
Publication Management	Burcham, Nan	Approved	6/6/2017 - 2:41 PM
Wetlands Group	Secretary, Wetland	Approved	6/7/2017 - 11:31 AM

**WETLAND BOARD CASE No. W-26-17/VMRC 17-0748. 164 The Maine  
Staff report for the June 14, 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.*

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**EXISTING SITE DATA AND INFORMATION**

Applicant: Mr. Jeffery Moore

Agent: Mr. Daniel Winall, Water's Edge Construction

Location: 164 The Maine

Parcel: Lot 55, Section 11, Greater First Colony subdivision

PIN: 4540200055

Watershed: James River (HUC JL 30)

Floodplain: Panel 0181D, VE Zone, Elevation 15-feet Mean Sea Level

Proposed Activity: To extend the eastern breakwater 30-linear-feet, to install an 82-foot long timber retaining wall at existing riprap revetment and to install beach sand nourishment.

Wetland Impacts: 600-square-feet Type XIV Sand Flat Community

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

**PROJECT DISCUSSION**

Mr. Daniel Winall of Water's Edge Construction, on behalf of Mr. Jeffery Moore, has applied for a Wetlands Permit to install a 30-foot extension to an existing breakwater, to install an 82-foot timber retaining wall at the toe of the existing slope above mean high water and to install beach sand nourishment in the existing embayment up to the proposed retaining wall to modify the recently constructed wetlands project, W-21-13, on property located at 164 The Maine, within the James River Watershed. The property is further identified as James City County Real Estate Tax Map Parcel No. 4540200055.

The modifications are necessary to ensure the long-term viability and stability of the beach nourishment area and plantings. Due to the configuration of the shoreline to the east of this project, beach nourishment originally placed under W-21-13 has been transported to the east. The reconfiguration of the end of the eastern breakwater to tie into the existing revetment will help to stabilize the beach nourishment area until such time as the plantings grow sufficiently to effectively keep the sand in place.

During the regrading of the slope during W-21-13, several springs were encountered. At the time, it was believed that by decreasing the angle of the slope, it would address the seepage issue from the toe of the slope long-term. During the intervening years after construction, this has not proved to be the case and the water seepage has further eroded the beach nourishment area. The proposed retaining wall will have filter fabric and drainage stone/tile to help prevent the beach nourishment area from eroding. The top of the wall will be at the same height as the pier. The beach nourishment will be brought in to the top of the wall and sloped seaward at a 10:1 slope maximum.

Access for the entire project will take place through the uplands and the area that the existing steps occupy. The access area, once beach reconstruction has been finished, will be regraded to match the surrounding slope and the area stabilized.

## **MITIGATION DISCUSSION**

As published in the Virginia Register on July 11, 2005, the revised Wetland Mitigation Compensation Policy and Supplemental Guidelines, Regulation 4VAC 20-390-10 et seq., Virginia, as a Chesapeake Bay Program partner, is committed to “achieve a no-net loss of existing wetlands acreage and function in the signatories’ regulatory programs.” In order for a proposed project to be authorized to 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 a 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 600-square-foot Type XIV Sand Flat Community land being disturbed and there is 200-square-foot *Spartina patens* and *Spartina alterniflora* being proposed. This is a net positive of 200-square-foot vegetated wetlands being created with this proposal.

## **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 \$4,000 surety in a form acceptable to the County Attorney’s Office to guarantee the wetland plantings (\$3,000) and upland stabilization (\$1,000); 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% of the surety may be released once mitigation has been planted; and
5. All upland disturbed areas must be stabilized and revegetated at the conclusion of the project; and
6. 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; and

7. The Wetlands Permit for this project shall expire on June 14, 2018, if construction has not begun.

MDW/nb  
WB26-17-164TheMaine

Attachments:

1. Resolution
2. Joint Permit Application

## RESOLUTION

CASE NO. W-26-17/VMRC 17-0748. 164 THE MAINE

### JAMES CITY COUNTY WETLANDS PERMIT

WHEREAS, Mr. Daniel Winall of Water's Edge Construction, on behalf of Mr. Jeffery Moore (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. 4540200055 and further identified as 164 The Maine in the Greater First Colony subdivision (the "Property") as set forth in the application Case No. W-26-17/VMRC 17-0748; 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 \$4,000 surety in a form acceptable to the County Attorney's Office to guarantee the wetland plantings (\$3,000) and upland stabilization (\$1,000); 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 stabilized and revegetated at the conclusion of the project; and

- f. 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; and
- g. The Wetlands Permit for this project shall expire on June 14, 2018, if construction has not begun.

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

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

Adopted by the Wetlands Board of James City County, Virginia, this 14th day of June, 2017

THE FOREGOING 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: \_\_\_\_\_

WB26-17-164TheMaine-res

**Howell, Beth (MRC)**

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**From:** Danny Winall <dwinall@wecmarine.com>  
**Sent:** Thursday, April 27, 2017 2:35 PM  
**To:** MRC - jpa Permits  
**Cc:** Eversole, Mark (MRC); Michael Woolson  
**Subject:** 164 The Maine  
**Attachments:** File0426.PDF

Thanks,

*Daniel R. Winall*  
*President*  
Water's Edge Construction  
P.O. Box 352  
Toano, VA 23168  
Phone: 757-566-0149  
Fax: 757-566-1497  
*Email: [dwinall@wecmarine.com](mailto:dwinall@wecmarine.com)*  
*[www.wecmarine.com](http://www.wecmarine.com)*



## 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> <u>JAMES CITY COUNTY</u>
<b>Waterway at project site:</b> <u>JAMES RIVER</u>

<p>1. Applicant's name* and complete mailing address:</p> <p>JEFFREY MOORE 3025 EAST WHITTAKER CLOSE WILLIAMSBURG, VA 23185</p>	<p>Contact Information:</p> <p>Home ( 757 ) <u>258-3416</u>                  Work ( 757 ) <u>345-5870</u>                  Fax (     ) _____                  Cell/ Pager (     ) _____                  e-mail <u>bonedocjdm@cox.net</u></p> <p>State Corporation Commission ID Number (if applicable) _____</p>
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<p>2. Property owner(s) name* and complete address, if different from applicant</p>	<p>Contact Information:</p> <p>Home (     ) _____                  Work (     ) _____                  Fax (     ) _____                  Cell/ Pager (     ) _____                  e-mail _____</p> <p>State Corporation Commission ID Number (if applicable) _____</p>
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<p>3. Authorized agent name* and complete mailing address (if applicable):</p> <p>DANIEL R. WINALL P. O. BOX 352 TOANO, VA 23168</p>	<p>Contact Information:</p> <p>Home (     ) _____                  Work ( 757 ) <u>566-0149</u>                  Fax ( 757 ) <u>566-1497</u>                  Cell/ Pager (     ) _____                  e-mail <u>dwinall@wecmarine.com</u></p> <p>State Corporation Commission ID Number (if applicable) _____</p>
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**\* If multiple applicants, property owners, and/or agents, each must be listed and each must sign the applicant signature page. If for a company, use the SCC registered name.**

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

Extend eastern breakwater into existing revetment on south east side of property. Total length of breakwater extension 30 linear feet. Install a 82' long timber retaining wall upland of M.H.W in open area between existing pier and existing riprap revetment at toe of existing 4:1 slope. Install beach fill sand replenishment offshore of proposed retaining wall in embayment area created by existing breakwater walls. Remove and dispose of existing timber walkway on sloped bluff.

<p style="font-size: 1.2em; font-weight: bold;">RECEIVED</p> <p style="font-size: 1.2em;">APR 27 2017</p> <p>MARINE RESOURCES COMMISSION</p>	<p style="font-weight: bold;">FOR AGENCY USE ONLY</p>
	<p>Notes:</p>
	<p>JPA # <u>17-0748</u></p>

## 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:

DANIEL R. WINALL  
P. O. BOX 352  
TOANO, VA 23168

Contact Information:

Home ( ) \_\_\_\_\_  
Work ( 757 ) \_\_\_\_\_ 566-0149  
Fax ( 757 ) \_\_\_\_\_ 566-1497  
Cell / Pager ( ) \_\_\_\_\_  
email \_\_\_\_\_ dwinall@wecmarine.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 23185

Telephone number

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

7. Give the following project location information:

Street Address (911 address if available) 164 THE MAINE

Lot/Block/Parcel# S-11 L-55

Subdivision 1ST COLONY

City / County WILLIAMSBURG Zipcode 23185

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 of project is to stop loss of proposed and existing beach nourishment and wetlands planting from existing embayment area. Secondary purpose of project is to stop erosion cause by sheet flow of upland storm runoff.

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.**

Best management practices utilized during installation of erosion control structures.

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

## Part 1 - General Information (continued)

12. Is this application being submitted for after-the-fact authorization for work which has already begun or been completed? \_\_\_ Yes  No. If yes, be sure to clearly depict the portions of the project which are already complete in the project drawings.
13. Approximate cost of the entire project (materials, labor, etc.): \$ 39,000.00  
Approximate cost of that portion of the project which is below mean low water: \$ 0.00
14. Completion date of the proposed work: 2017 - \_\_\_\_\_
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).

NELSON R. JANTZEN  
162 THE MAINE  
WILLIAMSBURG, VA 23185

RODERICK P. & PATRICIA MACGILLIVRAY  
166 THE MAINE  
WILLIAMSBURG, VA 23185

## 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 401 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.

JEFFREY MOORE

Applicant's Name (printed/typed)

(Use if more than one applicant)

Applicant's Signature

(Use if more than one applicant)

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), JEFFREY MOORE DANIEL R. WINALL
(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.

[Signature] (Agent's Signature) (Use if more than one agent)

4/27/17 (Date)

[Signature] (Applicant's Signature) (Use if more than one applicant)

(Date)

3. Applicant's having contractors (if applicable)

CONTRACTOR ACKNOWLEDGEMENT

I (we), JEFFREY MOORE DANIEL R. WINALL
(Applicant's Name(s)) (Contractor's Name(s))

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

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

DANIEL R. WINALL, INC. P. O. BOX 352
Contractor's name or name of firm TOANO, VA 23168

Contractor's or firm's address

2705 029454A CLASS A

Contractor's License Number

[Signature] (use if more than one applicant)

4/27/17 (Date)

### 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)? 30 linear feet. If applicable, what is the volume of the associated backfill? 0 cubic yards.
2. What is the maximum encroachment channelward of mean high water? 12 feet.  
channelward of mean low water? 0 feet.  
channelward of the back edge of the dune or beach?      feet.
3. Please calculate the square footage of encroachment over:
  - Vegetated wetlands 0 square feet
  - Nonvegetated wetlands 600 square feet
  - Subaqueous bottom 0 square feet
  - Dune and/or beach      square feet
4. For bulkheads, is any part of the project maintenance or replacement of a previously authorized, currently serviceable, existing structure?      Yes   X   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.**

100% sand fill for beach nourishment, #1 bedding stone, Class I core stone, Class III armor stone

6. If using stone, broken concrete, etc., for your structure(s), what is the average weight of the:  
Core (inner layer) material 75 pounds per stone    Class size I  
Armor (outer layer) material 600 pounds per stone    Class size III

### Part 3 – Appendices (continued)

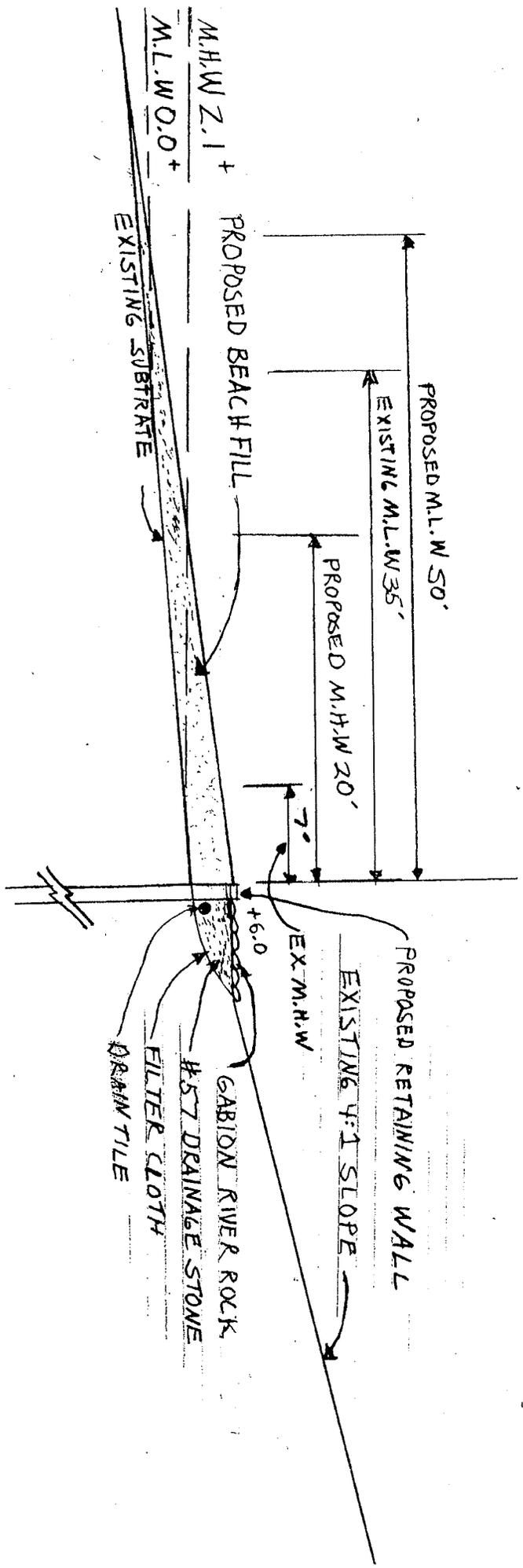
7. For **beach nourishment**, including that associated with breakwaters, groins or other structures, provide the following:

- Volume of material      60      cubic yards channelward of mean low water  
   290      cubic yards landward of mean low water
- Area to be covered      1050      square feet channelward of mean low water  
   2674      square feet landward of mean low water
- Source of material, composition (e.g. 90% sand, 10% clay): 100% SAND FILL
- Method of transportation and placement: HEAVY EQUIPMENT FROM UPLANDS
  
- Describe any proposed vegetative stabilization measures to be used, including planting schedule, spacing, monitoring, etc.:  
SPARTINA PATENS AND SPARTINA ALTERNIFLORA AS REQUIRED.  
\_\_\_\_\_  
\_\_\_\_\_



MTU  
 RODDERICK MCGILLNARY  
 NELSON STANTZEN  
 SCALE 1" = 100 4/25/17  
 SULLIVAN, TOM  
 RETAINING WALL DRAINTILE  
 SAND FILL BEACH MORISHMENT  
 JEFFE MODRE  
 107 THE MARINE ISLAND  
 JAMES CITY CO, VIRGINIA  
 APPLICATION BY: DANIEL R WINNALL  
 SHEET 2 OF 2 DATUM: M.L.W.

RECEIVED  
 APR 27 2017  
 MARINE RESOURCES  
 COMMISSION



# New Joint Permit Application Notice

Virginia Marine Resources Commission, Habitat Management Division, would like to notify you the following new permit application:

Please click the link below for full application details.

[Application: 20170748](#)

**Applicant:** Jeffrey Moore

**Locality:** James City

**Project Description:** Extend Breakwater/Beach Nourishment

**Date Received:** April 27, 2017

**Engineer:** Mark Eversole

After reviewing the application, please reply to this email and indicate one of the following:

Does not involve wetlands. A letter will be forwarded to the applicant advising that no permit will be required from this Board.

Does involve wetlands and a permit will be required. A public hearing has been tentatively scheduled for \_\_\_\_\_ at \_\_\_\_\_.

Does involve wetlands but a permit will not be required because

---

Site inspection conducted on \_\_\_\_\_.

No site inspection conducted.

Should you have any questions regarding this permit application, please do not hesitate to contact Mark Eversole at (757) 247-8028 or [Mark.Eversole@mrc.virginia.gov](mailto:Mark.Eversole@mrc.virginia.gov)

Beth Howell

Virginia Marine Resources Commission

Phone: (757) 247-2252

Email: [beth.howell@mrc.virginia.gov](mailto:beth.howell@mrc.virginia.gov)



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

May 24, 2017

Re: W-26-17/VMRC 17-0748: 164 The Maine  
Breakwater extension, retaining wall and beach sand fill

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 Jeffrey Moore, for extension of an existing breakwater and installation of a timber retaining wall and beach sand fill on his property at 164 The Maine in the Greater First Colony subdivision. The property is further identified by James City County Real Estate, as Parcel No 4540200055.

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

The Wetlands Board will hold an advertised public hearing **Wednesday, June 14, 2017 at 7 p.m.** in the Board Room of Building F, 101-F, 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

cc: Jeffrey Moore  
Daniel Winall

Mailing List for: W-21-13/13-0431 – 164 The Maine – Moore/Winall - breakwater extension, retaining wall and beach sandfill

4540200055 Owner  
Jeffrey D & Anne C Moore  
3025 East Whittaker Close  
Williamsburg, VA 23185

Daniel R Winall  
P O Box 352  
Toano, VA 23168

4540200054  
Nelson R Jantzen III  
162 The Maine  
Williamsburg, VA 23185

4540200056  
Roderick & Patricia MacGillivray  
166 The Maine  
Williamsburg, VA 23185

4540200126  
Donald & Sarah Noble  
163 The Maine  
Williamsburg, VA 23185

4540300010  
Gray Ann Ewell  
3201 Derby Lane  
Williamsburg, VA 23185

Greater First Colony Area Civic Association  
P O Box 5123  
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: 6/14/2017  
TO: Wetlands Board  
FROM: Ashley Tatge, Environmental Inspector I  
SUBJECT: W-27-17 / VMRC 17-0769 : 7588 Uncles Neck

---

Michael and Maureen O'Brien have applied for a wetlands permit to install a quarry stone revetment at 7588 Uncles Neck in the Rivers Bend at Uncles Neck subdivision.

**ATTACHMENTS:**

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

**REVIEWERS:**

Department	Reviewer	Action	Date
Wetlands Group	Woolson, Michael	Approved	6/7/2017 - 9:48 AM
Wetlands Group	Holt, Paul	Approved	6/7/2017 - 1:57 PM
Publication Management	Burcham, Nan	Approved	6/7/2017 - 2:06 PM
Wetlands Group	Secretary, Wetland	Approved	6/7/2017 - 2:20 PM

**WETLAND BOARD CASE No. W-27-17/VMRC 17-0769. 7588 Uncles Neck  
Staff report for the June 14, 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.*

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**EXISTING SITE DATA AND INFORMATION**

Applicants: Michael and Maureen O'Brien

Agent: Karla Havens, Mid-Atlantic Resource Consulting

Location: 7588 Uncles Neck

Parcel: Lot 22, River's Bend at Uncles Neck subdivision

PIN: 2010200022

Watershed: Chickahominy River (HUC JL 28YO 63)

Floodplain: Panel 0101D, Zone AE, Base Flood Elevation 7 feet Mean Sea Level

Proposed Activity: To install 100-linear-feet quarry stone riprap revetment

Wetland Impacts: 200-square-foot Type XII Brackish Water Mixed Community  
100-square-foot Type XV Sand/Mud Mixed Flat Community

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

**PROJECT DISCUSSION**

Ms. Karla Havens, on behalf of Michael and Maureen O'Brien, has applied for a Wetlands Permit to install 100-linear-foot quarry stone riprap revetment to stabilize a portion of the existing shoreline on property located at 7588 Uncles Neck, within the Chickahominy River Watershed. The property is further identified as James City County Real Estate Tax Map Parcel No. 2010200022.

Approximately 100-linear-feet of granite quarry stone will be installed for enhanced shoreline stabilization. The revetment will be comprised of Class I core stone and Class II armor stone. The entire structure will be underlain with filter fabric. The eroded gully will be graded to match the bank grade. Seed, matting and mulch will be added to the disturbed slopes at the conclusion of this project. No stone will be placed on any cypress knees.

**MITIGATION DISCUSSION**

As published in the Virginia Register on July 11, 2005, the revised Wetland Mitigation Compensation Policy and Supplemental Guidelines, Regulation 4VAC 20-390-10 et seq., Virginia, as a Chesapeake Bay Program partner, is committed to "achieve a no-net loss of existing wetlands acreage and function in the signatories' regulatory programs." In order for a proposed project to be authorized to 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 a 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 200-square-foot XII Brackish Water Mixed Community vegetated tidal wetlands and 100-square-foot of XV Sand/Mud Mixed Flat Community non-vegetated wetlands being disturbed; therefore, 200-square-foot of vegetated tidal wetlands is required for mitigation.

This property has an approved Wetland Permit, W-14-15, which permits the building of a low profile sill, associated beach nourishment and plantings. If W-14-15 is completed and the plantings acceptable, those plantings will offset the required mitigation for this project. However, if W-14-15 is not completed, 200-square-foot of tidal wetland compensation will be required to be purchased at an acceptable tidal wetlands mitigation bank. To account for this possibility, a \$3,000 Surety will be required to guarantee the mitigation component, either planted on-site through W-14-15 or purchased through a mitigation bank.

#### **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 \$3,000 Surety in a form acceptable to the County Attorney's Office to guarantee the mitigation plantings, either through the planting required from W-14-15 or through the purchase from an approved tidal wetlands mitigation bank; and
4. All upland disturbed areas must be revegetated at the conclusion of the project; and
5. The Wetlands Permit for this project shall expire on June 14, 2018, if construction has not begun. 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/nb  
W27-17-7588UnclesNeck

#### Attachments:

1. Resolution
2. Joint Permit Application

## RESOLUTION

CASE NO. W-27-17/VMRC 17-0769. 7588 UNCLES NECK

### JAMES CITY COUNTY WETLANDS PERMIT

WHEREAS, Karla Havens of Mid-Atlantic Resources Consulting, on behalf of Michael and Maureen O'Brien (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 Parcel No. 2010200022 and further identified as 7588 Uncles Neck in the River's Bend at Uncles Neck subdivision (the "Property") as set forth in the application W-27-17/VMRC 17-0769: 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 \$3,000 surety in a form acceptable to the County Attorney's Office to guarantee the mitigation plantings, either through the planting required from W-14-15 or through the purchase from an approved tidal wetlands mitigation bank; and
  - d. All upland disturbed areas must be revegetated at the conclusion of the project; and
  - e. The Wetlands Permit for this project shall expire on June 14, 2018, if construction has not begun. 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 14th day of June, 2017

THE FOREGOING 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: \_\_\_\_\_

W27-17-7588UnclesNeck-res

**Atkins, Lou (MRC)**

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17-0769

**From:** khavens@inna.net  
**Sent:** Tuesday, May 02, 2017 12:39 PM  
**To:** MRC - jpa Permits  
**Subject:** O'Brien JPA  
**Attachments:** OBrien JPA.pdf

Hi Beth,

Attached should be a JPA for Mike O'Brien.

Please confirm receipt.

Thanks, K



## 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 / TOANO
<b>Waterway at project site:</b> CHICKAHOMINY RIVER

<p>1. Applicant's name* and complete mailing address:                  MICHAEL A. &amp; MAUREEN O'BRIEN                  7588 UNCLES NECK ROAD                  TOANO, VA 23168</p>	<p>Contact Information:                  Home ( 214 ) 415-7382                  Work ( ) _____                  Fax ( ) _____                  Cell/ Pager ( ) _____                  e-mail mobrien906@gmail.com</p> <p style="text-align: center;">State Corporation Commission ID Number (if applicable) _____</p>
---	---

<p>2. Property owner(s) name* and complete address, if different from applicant</p>	<p>Contact Information:                  Home ( ) _____                  Work ( ) _____                  Fax ( ) _____                  Cell/ Pager ( ) _____                  e-mail _____</p> <p style="text-align: center;">State Corporation Commission ID Number (if applicable) _____</p>
---	---

<p>3. Authorized agent name* and complete mailing address (if applicable):                  KARLA S. HAVENS                  1095 CHERRY ROW LANE                  PLAINVIEW, VA 23156</p>	<p>Contact Information:                  Home ( ) _____                  Work ( 804 ) 785-2107                  Fax ( ) _____                  Cell/ Pager ( 804 ) 366-1768                  e-mail khavens@inna.net</p> <p style="text-align: center;">State Corporation Commission ID Number (if applicable) _____</p>
--	--

**\* 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 A 100' QUARRY STONE REVETMENT.

<div style="border: 1px solid black; padding: 5px; margin: 0 auto; width: 80%;"> <p style="font-size: 1.2em; margin: 0;">RECEIVED</p> <p style="font-size: 1.2em; margin: 0;">MAY 02 2017</p> <p style="font-size: 0.8em; margin: 0;">MARINE RESOURCES COMMISSION</p> </div>	<p><b>FOR AGENCY USE ONLY</b></p>
	<p>Notes:</p> <p>JPA # 17-0769</p>

## 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:

JEFF BROWN  
EARTH RESOURCES, INC.  
P. O. BOX 520  
LANCASTER, VA 22503

Contact Information:

Home ( ) \_\_\_\_\_  
Work ( 804 ) \_\_\_\_\_ 436-6269  
Fax ( ) \_\_\_\_\_  
Cell / Pager ( ) \_\_\_\_\_  
email \_\_\_\_\_ jeff@earthresourcesinc.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) \_\_\_\_\_ 7588 UNCLES NECK ROAD

Lot/Block/Parcel# \_\_\_\_\_ LOT 22

Subdivision \_\_\_\_\_ RIVER'S BEND AT UNCLES NECK

City / County \_\_\_\_\_ TOANO / JAMES CITY COUNTY Zipcode 23168

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 FROM BOAT WAKES.  
SECONDARY PURPOSE IS TO MINIMIZE SHORELINE EROSION FROM UPLAND RUNOFF.

9. Proposed use (check one):

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

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

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

ALL DENUDED AND SPARSELY VEGETATED UPLAND AREAS SHALL BE SEEDED AND MULCHED WITH AN APPROPRIATE SEED MIXTURE AND/OR MULCHED IN ACCORDANCE WITH JAMES CITY COUNTY SPECIFICATIONS.

A SILT FENCE SHALL BE INSTALLED AND MAINTAINED AT THE LANDWARD EDGE OF THE REVETMENT UNTIL A COMPLETE VEGETATIVE COVER IS ESTABLISHED.

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>
WB / MIKE WOOLSON	SILL	17-0176	APPROVED 3-20-17
VMRC / MIKE EVERSOLE	SILL	17-0176	APPROVED 7-18-18
CORPS / MATT WICKS	SILL		

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

## Part 1 - General Information (continued)

12. Is this application being submitted for after-the-fact authorization for work which has already begun or been completed? \_\_\_ Yes  No. If yes, be sure to clearly depict the portions of the project which are already complete in the project drawings.
13. Approximate cost of the entire project (materials, labor, etc.): \$ 9,800  
Approximate cost of that portion of the project which is below mean low water: \$ 0
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).

LOT 21

MICHAEL R. & SHERRIE B. CARROLL  
7584 UNCLES NECK ROAD  
TOANO, VA 23168

LOT 23

GLENN T. & MICHELLE C. RAUCHWARG  
3504 FIELDCREST COURT  
WILLIMASBURG, VA 23185

## 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.

MICHAEL A. O'BRIEN

Applicant's Name (printed/typed)



Applicant's Signature

May 2, 2017

Date

MAUREEN O'BRIEN

(Use if more than one applicant)



(Use if more than one applicant)

\_\_\_\_\_  
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), M.A. & M. O'BRIEN, 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.

[Handwritten signature of Karla S. Havens] (Agent's Signature)

(Use if more than one agent)

May 2, 2017 (Date)

[Handwritten signature of M.F. O'Brien] (Applicant's Signature)

M.F. O'Brien (Use if more than one applicant)

May 2, 2017 (Date)

3. Applicant's having contractors (if applicable)

CONTRACTOR ACKNOWLEDGEMENT

I (we), M.A. & M. O'BRIEN, have contracted JEFF BROWN - EARTH RESOURCES, INC. (Applicant's Name(s)) (Contractor's Name(s))

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

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

JEFF BROWN Contractor's name or name of firm

EARTH RESOURCES, INC. P. O. BOX 520 LANCASTER, VA 22503 Contractor's or firms address

2701-029544 A

[Handwritten signature of M.F. O'Brien] Contractor's signature and title Applicant's signature

M.F. O'Brien Contractor's License Number (use if more than one applicant)

May 2, 2017 Date

### 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)? 100 linear feet. If applicable, what is the volume of the associated backfill? N/A 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 200 square feet
  - Nonvegetated wetlands 100 square feet
  - Subaqueous bottom N/A square feet
  - Dune and/or beach N/A square feet

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.

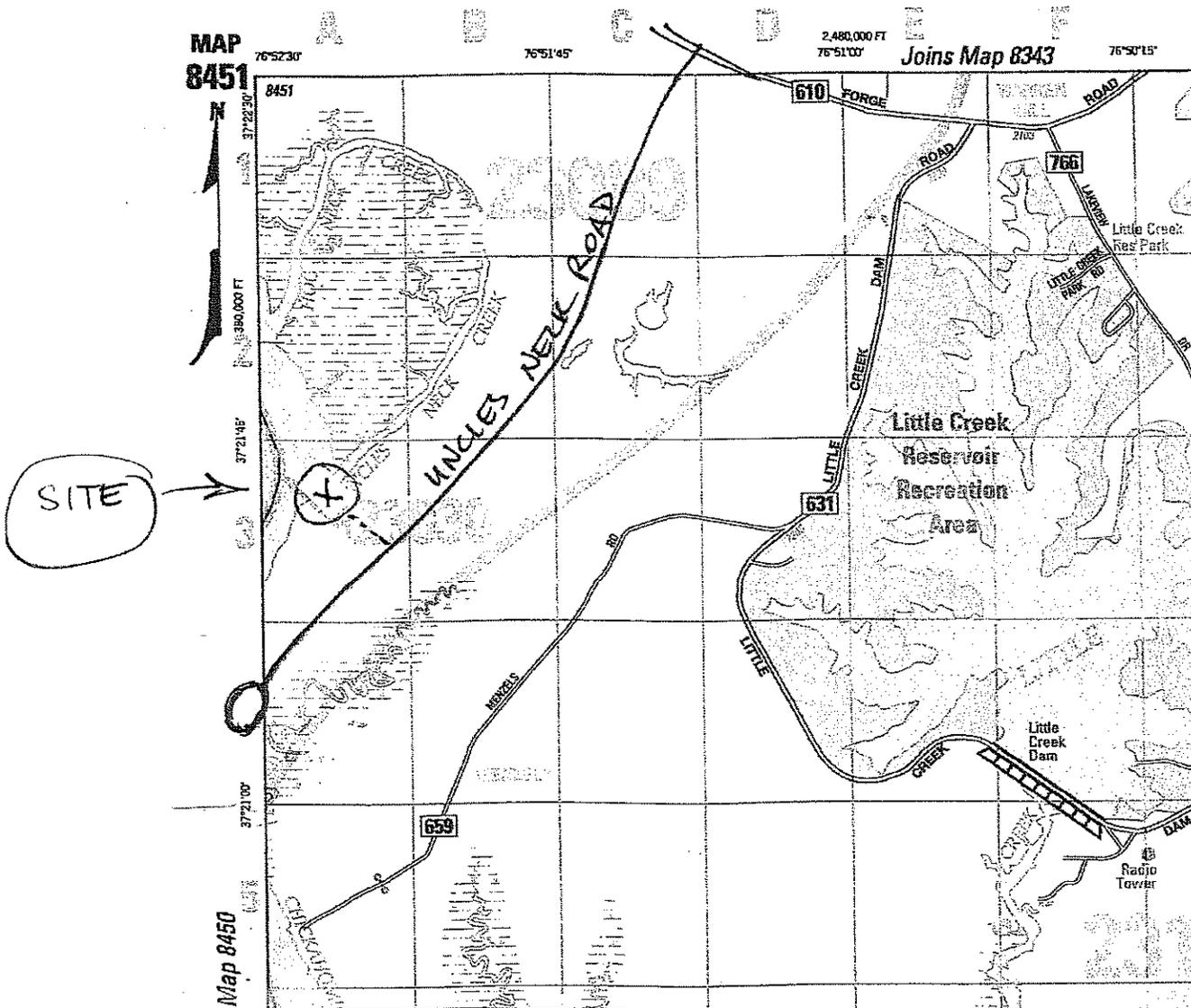
5. Describe the type of construction and all materials to be used, including source of backfill material, if applicable (e.g. vinyl sheet-pile bulkhead, timber stringers and butt piles, 100% sand backfill from upland source; broken concrete core material with Class II quarry stone armor over filter cloth).

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

CLASS I & CLASS II GRANITE QUARRY STONE OVER FILTER CLOTH

6. If using stone, broken concrete, etc., for your structure(s), what is the average weight of the:  
Core (inner layer) material 100 pounds per stone Class size I  
Armor (outer layer) material 300 pounds per stone Class size II





RECEIVED  
MAY 02 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 construction and/or land disturbing activities associated with the project.

Adjacent Property Owners:

1. Michael R. & Sherrie B. Carroll
2. Glenn T. & Michele C. Rauchwarg

VICINITY MAP

Lot 22 Uncles Neck

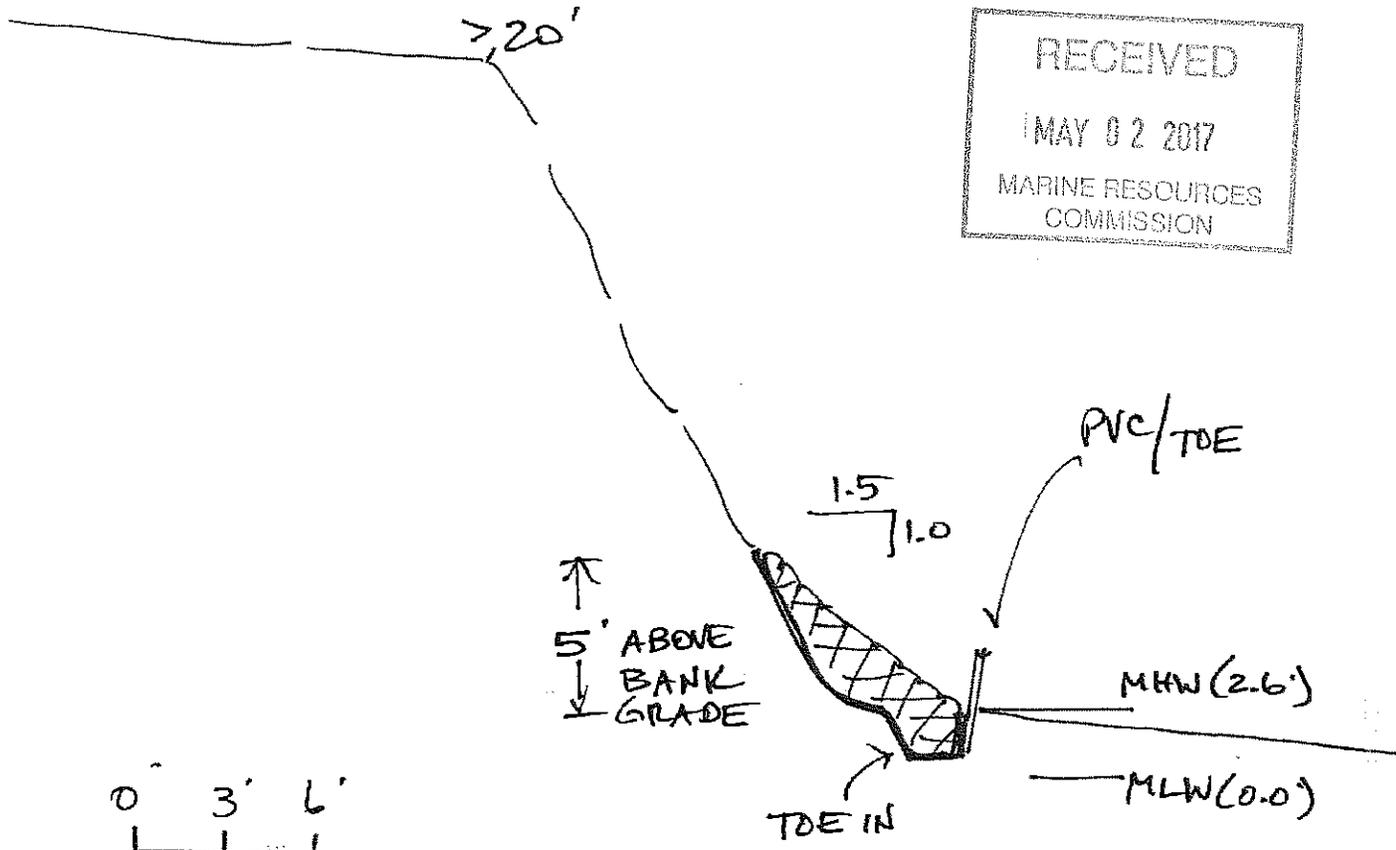
MICHAEL A. & MAUREEN O'BRIEN  
7588 Uncles Neck Drive - James City County  
on the Chickahominy River

Date: 5-2-17 Sheet 1 of 3

Prepared by: Mid-Atlantic Resource Consulting - 1095 Cherry Row Lane  
Plainview, VA 23156 - (804) 785-2107 - khavens@inna.net



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0' 3' 6'  
SCALE: 1" = 6'

- CLASS I CORE STONE
- CLASS II ARMOR STONE
- STONE OVER FILTER CLOTH

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 construction and/or land disturbing activities associated with the project.

Adjacent Property Owners: 1. Michael R. & Sherrie B. Carroll 2. Glenn T. & Michele C. Rauchwarg	DETAIL Lot 22 Uncles Neck	MICHAEL A. & MAUREEN O'BRIEN 7588 Uncles Neck Drive - James City County on the Chickahominy River Date: 5.2.17 Sheet 3 of 3
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Prepared by: Mid-Atlantic Resource Consulting - 1095 Cherry Row Lane  
 Plainview, VA 23156 - (804) 785-2107 - khavcrs@inma.net



## **PUBLIC HEARING NOTICE**

THE WETLANDS BOARD AND THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA WILL HOLD PUBLIC HEARINGS **WEDNESDAY JUNE 14, 2017 AT 7 p.m.** IN THE BOARD ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE WETLANDS BOARD WILL CONSIDER THE FOLLOWING CASES:

W-26-17/VMRC 17-0748: Jeffrey Moore has applied for a wetlands permit for extension of an existing breakwater and installation of a timber wall and beach sand fill at 164 The Maine in the Greater First Colony subdivision, JCC Parcel No 4540200055.

W-27-17/VMRC 17-0769: Michael and Maureen O'Brien have applied for a wetlands permit to install a quarry stone revetment at 7588 Uncles Neck in the Rivers Bend at Uncles Neck subdivision, JCC Parcel No 2010200022.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBE-17-080: Richard Pinard has filed an exception request for encroachment into the RPA buffer for construction of a single family dwelling at 200 Riverview Plantation Dr in the Riverview Plantation subdivision, JCC Parcel No 1640600031.

CBE-17-084: Martin Mather with Omega Development LLC has filed an exception request for encroachment into the RPA buffer for construction of a single family dwelling at 102 Walton Heath in the Fords Colony subdivision, JCC Parcel No 3810300019.

CBE-17-065: Colonial Heritage LLC has filed an exception request for encroachment into the RPA buffer associated with the proposed sanitary sewer connections for the Colonial Heritage Phase III, Section 2 subdivision at 6799 Richmond Rd, JCC Parcel No 2430100032.

CBE-17-087: SCP-JTL Stonehouse Owner 2, LLC has filed an exception request for encroachment into the RPA buffer associated with the proposed sanitary sewer connections for the Stonehouse Tract 3 subdivision at 9351 Six Mt Zion Rd, JCC Parcel No 0540100015.

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

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

**NOT FOR PUBLICATION**

DISPLAY: WEDNESDAY – May 31, and June 7, 2017.

ACCOUNT NO.: 0011040200 - VIRGINIA GAZETTE

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

Mailing List for: W-27-17/17-0769 – 7588 Uncles Neck – O’Brien/Mid-Atlantic - Revetment

2010200022 Owner

Michael and Maureen O’Brien  
7588 Uncles Neck  
Toano, VA 23168

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

Jeff Brown  
Earth Resources, Inc  
P O Box 520  
Lancaster, VA 22503

2010200023 – 7592 Uncles Neck

Glenn and Michele Rauchwarg  
3504 Fieldcrest Court  
Williamsburg, VA 23185-8402

210200021

Walter Barry and Janet Raber  
7584 Uncles Neck  
Toano, VA 231688723

2020100006 – 1701 Forge Rd

Cowles-Lobbs, LLC  
P O Box 138  
Goochland, VA 230630138

2010200001A–7400 Uncles Neck

Uncle’s Neck Homeowners Association  
P O Box 18 Parkview Station  
Newport News, VA 23605-0018

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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



**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

May 24, 2017

Re: W-27-17/VMRC 17-0769 7588 Uncles Neck  
Stone 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 Michael and Maureen O'Brien, for installation of a quarry stone revetment on their property at 7588 Uncles Neck in the River's Bend at Uncles Neck subdivision. The property is further identified by James City County Real Estate, as Parcel No. 2010200022.

The Joint Permit Application (JPA), a complete description of the project, 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 advertised public hearing on **Wednesday, June 14, 2017 at 7 p.m.** in the Board Room of Building F, 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: Michael and Maureen O'Brien  
Mid-Atlantic Resource Consulting  
Earth Resources, Inc

**ITEM SUMMARY**

DATE: 6/14/2017  
TO: Wetlands Board  
FROM: Michael Woolson, Senior Watershed Planner  
SUBJECT: W-15-15 / VMRC 15-0684 : 132 and 134 Shellbank Drive

---

Danny Winall has requested an extension to the wetlands permit issued on July 8, 2015 for a breakwater, sill and associated beach nourishment at 132 and 134 Shellbank Drive. This is a living shoreline application.

**ATTACHMENTS:**

	Description	Type
▣	Staff Memo	Cover Memo
▣	Resolution	Resolution
▣	Extension Request 2017	Backup Material
▣	Approved Extension Request June 8, 2016	Backup Material
▣	Approved Resolution July 8, 2015	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Wetlands Group	Woolson, Michael	Approved	6/5/2017 - 2:14 PM
Wetlands Group	Holt, Paul	Approved	6/6/2017 - 9:48 AM
Publication Management	Trautman, Gayle	Approved	6/6/2017 - 9:58 AM
Wetlands Group	Secretary, Wetland	Approved	6/7/2017 - 11:32 AM

**MEMORANDUM**

DATE: June 14, 2017  
TO: The Wetlands Board  
FROM: Michael Woolson, Senior Watershed Planner  
SUBJECT: Case No. W-15-15/VMRC 15-0684. 132/134 Shellbank Drive

---

Mr. Danny Winall, Water's Edge Construction, is requesting an extension of this permit. The permit was originally issued on July 8, 2015, and an extension was granted on June 8, 2016. The permit is for the construction of a 160-linear-foot breakwater, a 160-linear-foot, low-profile, stone sill and sand beach nourishment with plantings, creating a living shoreline to protect property at 132 Shellbank Drive, 134 Shellbank Drive and at the mouth of Shellbank Creek. Staff concurs with this request of a second extension with the stipulation that previous Condition Nos. 4a-g be continued and that Condition No. 4h has a new expiration date of July 8, 2018.

MW/gt  
W15-15ShellbankDr

Attachment

## RESOLUTION

CASE NO. W-15-15/VMRC 15-0684. 132/134 SHELLBANK DRIVE

### JAMES CITY COUNTY WETLANDS PERMIT EXTENSION

WHEREAS, Daniel Winall, Water's Edge Construction, on behalf of Paul and Karen Reilly (the "Applicant"), has requested an extension of the permit granted by the Wetlands Board of James City County (the "Board") on July 8, 2015. The permit is to use and develop in areas designated as wetlands on a parcel of property identified as James City County Real Estate Tax Map Parcel Nos. 4510200001, 4510200001A and 4510100011, and further identified as 132 and 134 Shellbank Drive in the Shellbank Woods Subdivision (the "Property") as set forth in the application W-15-15/VMRC 15-0684; 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 having conducted a public hearing on July 8, 2015, and pursuant to the current request for an extension, the Wetlands Board of James City County, Virginia, 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, the limits of the sill and revetment shall be re-staked in the field if necessary; and
  - c. Prior to construction, a pre-construction meeting will be held on-site; and
  - d. Prior to construction, a \$1,500 surety for the wetland plantings shall be submitted in a form acceptable to the County Attorney's office; and
  - e. The surety will be held for a minimum of one growing season after planting; and

- f. There shall be a 90% survival rate of the planted material after one growing season or additional plantings completed to reach 90% of the original quantity prior to surety release; and
- g. The Engineering and Resource Protection Division Director reserves the right to require additional erosion and sediment control measures, such as a turbidity curtain, for this project if field conditions warrant their use; and
- h. The Wetlands Permit for this project shall expire on July 8, 2018 if construction has not begun. 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 14th day of June, 2017.

THE FOREGOING 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: \_\_\_\_\_

W15-15ShellbankDr-res

**Melanie Davis**

---

**From:** Danny Winall <dwinall@wecmarine.com>  
**Sent:** Monday, May 09, 2016 3:12 PM  
**To:** Melanie Davis  
**Cc:** Eversole, Mark (MRC)  
**Subject:** RE: Wetlands case W-15-15/VMRC 15-0684

Melanie,  
At the owners request we have temporary delayed construction of VMRC project #15-0684. As agent and Contractor of project we hope to begin construction in fall of 2016 or spring of 2017.  
As a result of this delay I request that Wetlands case W-15-15/VMRC 15-0684 be considered by the board at the June 8, 2016 meeting for a one year extension.

Thanks,

*As of May 25 we request Wetlands case W-15-15  
VMRC 15-0684 be extended to July 2018*

*Daniel R. Winall*  
*President*  
Water's Edge Construction  
P.O. Box 352  
Toano, VA 23168  
Phone: 757-566-0149  
Fax: 757-566-1497  
*Email: [dwinall@wecmarine.com](mailto:dwinall@wecmarine.com)*  
*[www.wecmarine.com](http://www.wecmarine.com)*

---

**From:** Melanie Davis [mailto:Melanie.Davis@jamescitycountyva.gov]  
**Sent:** Monday, May 09, 2016 2:52 PM  
**To:** 'Danny Winall'  
**Cc:** Michael Woolson  
**Subject:** Wetlands case W-15-15/VMRC 15-0684

Danny,  
As per condition #8 of the attached Wetlands Board Resolution, this wetlands permit will expire on July 8, 2016 if the project has not begun.  
Written request for an extension to be considered by the Board at the June 8, 2016 meeting must be received by **May 27, 2016** (six weeks prior to the permit expiration date).  
Response to this email, requesting the extension will be accepted as a written request.  
Regards

Melanie Davis  
Senior Engineering Assistant  
Wetlands Board Secretary



Engineering and Resource Protection Division  
101-E Mounts Bay Road  
Williamsburg, VA 23185  
P: 757-253-6866  
[jamescitycountyva.gov](http://jamescitycountyva.gov)

## RESOLUTION

CASE NO. W-15-15/VMRC 15-0684. 132/134 SHELLBANK DRIVE

### JAMES CITY COUNTY WETLANDS PERMIT

WHEREAS, Daniel Winall, Water's Edge on behalf of Paul and Karen Reilly , (the "Applicant") has requested and extension of the permit granted by the Wetlands Board of James City County (the "Board") on July 8, 2015. The permit is to use and develop in areas designated as wetlands on a parcel of property identified as JCC RE Tax Parcel Nos. 4510200001, 4510200001A and 4510100011 and further identified as 132 and 134 Shellbank Drive in the Shellbank Woods Subdivision (the "Property") as set forth in the application W-15-15/VMRC 15-0684; and

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

NOW, THEREFORE, having conducted a public hearing on July 8, 2015, and pursuant to the current request for an extension, the Wetlands Board of James City County, Virginia, 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, the limits of the sill and revetment shall be re-staked in the field if necessary; and
  - c. Prior to construction, a pre-construction meeting will be held on-site; and
  - d. Prior to construction, a \$1,500 surety for the wetland plantings shall be submitted in a form acceptable to the County Attorney's office; and
  - e. The surety will be held for a minimum of one growing season after planting; and
  - f. There shall be a 90% survival rate of the planted material after one growing season or additional plantings completed to reach 90% of the original quantity prior to surety release; and
  - g. The Engineering and Resource Protection Division Director reserves the right to require additional erosion and sediment control measures, such as a turbidity curtain, for this project if field conditions warrant their use; and

- h. The Wetlands Permit for this project shall expire on July 8, 2017 if construction has not begun. 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.

Michael Woolson  
Senior Watershed Planner

John Hughes  
Chair, Wetlands Board

Adopted by the Wetlands Board of James City County, Virginia, this 8<sup>th</sup> day of June, 2016

THE FORGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 8<sup>th</sup> DAY OF June, 2016 IN THE COMMONWEALTH OF VIRGINIA, IN THE COUNTY OF JAMES CITY.

NOTARY PUBLIC

MY COMMISSION EXPIRES: 12/31/18

<p>MELANIE J. DAVIS NOTARY PUBLIC REG. #7014335 COMMONWEALTH OF VIRGINIA MY COMMISSION EXPIRES DECEMBER 31, 2018</p>
--

## RESOLUTION

### GRANTING A WETLANDS PERMIT ON JCC RE TAX PARCELS 4510200001, 4510200001A, 4510100011

WHEREAS, Mr. Daniel Winall, Water's Edge on behalf of Paul and Karen Reilly (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 JCC RE Tax Parcels 4510200001, 4510200001A, 4510100011 and further identified as 132 and 134 Shellbank Drive in the Shellbank Woods Subdivision (the "Property") as set forth in the application W-15-15/VMRC 15-0684: and

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

NOW, THEREFORE, following a public hearing, on July 8, 2015, the Wetlands Board of James City County 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:
  - 1) The applicant must obtain all other necessary federal, state, and local permits as required for the project.
  - 2) Prior to construction, the limits of the sill and revetment shall be restaked in the field if necessary.
  - 3) Prior to construction, a pre-construction meeting will be held on-site.
  - 4) Prior to construction, a \$1,500 surety for the wetland plantings shall be submitted in a form acceptable to the County Attorney's office.
  - 5) The surety will be held for a minimum of one growing season after planting.
  - 6) There shall be a 90% survival rate of the planted material after one growing season or additional plantings completed to reach 90% of the original quantity prior to surety release.

- 7) The Engineering and Resource Protection Division Director reserves the right to require additional erosion and sediment control measures, including a turbidity curtain, for this project if field conditions warrant their use.
- 8) The wetlands permit for this project shall expire on July 8, 2016 if construction has not begun. 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.



Michael Woolson  
Senior Watershed Planner



John Hughes  
Chair, Wetlands Board

Adopted by the Wetlands Board of James City County, Virginia, this 8<sup>th</sup> day of July 2015.

THE FORGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 8<sup>th</sup> DAY OF July 2015 IN THE COMMONWEALTH OF VIRGINIA IN THE COUNTY OF JAMES CITY.



NOTARY PUBLIC

MY COMMISSION EXPIRES 12/31/18

