

Wetlands Board

November 8, 2006 - 7 p.m.

A. Roll Call

B. Minutes - August 9, 2006

C. Public Hearings

1. W-25-06: Hartman/JTL Construction – 2262 Lake Powell Road

2. W-19-06: Huckaby/Water's Edge Construction – 3 West Circle

D. Board Considerations

1. Calendar Year 2007 Meeting Schedule

E. Matters of Special Privilege

F. Election of Officers for Year 2007

G. Adjournment

MEMORANDUM

DATE: November 8, 2006
TO: The Wetlands Board
FROM: Patrick Menichino, Wetlands Board Secretary
SUBJECT: Case NO. W-25-06/VMRC 06-2084; 2262 Lake Powell Road

JTL Construction, on behalf of the owners, Mr. and Mrs. Hartman of 2262 Lake Powell Road has applied for a wetlands permit to install approximately 274 linear feet of timber bulkhead to prevent shoreline erosion. In addition, the application includes a 30 foot long open-pile pier with a 10 foot by 25 foot T-head and an open sided boathouse. The open-pile pier, T-head and boathouse are outside the Board's jurisdiction. The property is further identified as parcel 4830100039A respectively in the James City County Real Estate system. The project site is located on Mill Creek a tributary to the James River.

Environmental Division staff visited the site on October 13, and 18, 2006, along with representatives from VMRC and VIMS to discuss the project scope and potential impacts. Total proposed impacts to wetlands for this project have been determined to be 548 square feet, and are comprised of 400 square feet of impact to the Sand/Mud Mixed Flat Community and 148 square feet of impact to Fresh Water Mixed Community. The fill caused by this project is determined to be 400 square feet to the Sand/Mud Mixed Flat Community and 148 square feet to the Fresh water Mixed Community (vegetated wetlands).

AT this time Staff can not support the installation of a proposed bulkhead at the proposed location along Mill Creek for the following reasons:

1. The property is located well upstream on Mill Creek with no significant fetch present; there is little opportunity for erosion caused by wave attack.
2. While there is some minor erosion present, any improvements to the property are located well upland of the shoreline.
3. The proposed installation of a timber bulkhead to "harden" the shoreline is an excessive approach to a minor shoreline erosion problem.
4. Properties immediately adjacent to the applicant's property do not have bulkheads but rather have "living shorelines".
5. Staff believes that a vegetative solution could be effective in controlling erosion and is a more appropriate response.

Staff recommends that the applicant be given an opportunity to revise their application from a bulkhead to a vegetative solution.

If following Board action the applicant's proposal for a timber bulkhead is approved then staff requests the following conditions apply to the permit.

1. The limits of construction shall be flagged in the field prior to the preconstruction meeting.
2. All vegetation to be removed shall be clearly flagged or marked with spray paint prior to the preconstruction meeting.
3. The landward areas of the Resource Protection Area (RPA) buffer that are proposed to be cleared and disturbed through the placement of the construction access will require restoration with native vegetation consisting of trees, shrubs and ground cover. An RPA restoration plan with surety shall be submitted and approved by the Environmental Division prior to the

preconstruction meeting.

4. A preconstruction meeting will be held on-site prior to construction.
5. A turbidity curtain will not be required for this project as proposed. The Environmental Director reserves the right to require a turbidity curtain if field conditions change.
6. The permit shall expire November 8, 2007.
7. If an extension of this permit is needed, a written request shall be submitted to the Environmental Division no later than two weeks prior to expiration date.

MEMORANDUM

DATE: November 8, 2006
TO: The Wetlands Board
FROM: Patrick Menichino, Wetlands Board Secretary
SUBJECT: Case NO. W-19-06/VMRC 06-1722; 3 West Circle

Williamsburg Environmental Group, on behalf of Mr. Frank Huckaby owner, and Palmer and Palmer LLC, of 108 John Wickham, has applied for a wetlands permit to install approximately 681 feet of riprap revetment by installing Class 2 and Class 3 riprap to prevent erosion. In addition, the application includes an 80 foot long spur, installed using Class 3 riprap and extending into the James River at the S/W corner of the property. A portion of the proposed spur is outside the Board's jurisdiction as is a proposed open-pile bridge structure for access to the property. The property is further identified as parcel 4540200080A respectively in the James City County Real Estate system. The project site is located on the James River main stem.

Environmental Division staff visited the site on October 13, 18, and 19, 2006, along with representatives from VMRC and VIMS to discuss the project scope and potential impacts. Total proposed impacts to wetlands for this project have been determined to be 4130 square feet, and are comprised of 2275 square feet of impact to the Intertidal Rubble Community and 880 square feet of impact to subaqueous bottom. The fill caused by this project is determined to be 650 square feet to the Intertidal Rubble Community. The fill to vegetated wetlands is estimated to be 975 square feet to the saltbush community.

At the request of Staff the applicant has submitted an option "A" and option "B" plan, for the Board's consideration. The option "A" proposal is for the hard armoring of 681 feet of shoreline. The option "B" proposal is for the hard armoring of 541 feet of shoreline and the stabilization of 140 feet of shoreline using a vegetative solution.

Staff supports the option "B" plan for the following reasons:

1. The area proposed for the vegetative solution is not directly exposed to the James River and is not exposed to significant wave attack.
2. Areas immediately adjacent to, and across from the proposed vegetative solution are vegetated wetlands and are stable.
3. The proposed vegetative solution to the shoreline erosion problem on the N/W side of the property will result in the creation of 840 square feet of new vegetated wetlands. The removal of existing road fill under the proposed open-pile bridge structure will re-establish approximately 1,602 square feet of vegetated tidal wetlands.

It is the staff's recommendation that the Board approve this application with the following conditions:

1. That option "B" be required and implemented with this proposal.
2. The limits of construction shall be flagged in the field prior to the preconstruction meeting.
3. All vegetation to be removed shall be clearly flagged or marked with spray paint prior to the preconstruction meeting.

4. The landward areas of the Resource Protection Area (RPA) buffer that are proposed to be cleared and disturbed through the placement of the construction access will require restoration with native vegetation consisting of trees, shrubs and ground cover. An RPA restoration plan with surety shall be submitted and approved by the Environmental Division prior to the preconstruction meeting.
5. A preconstruction meeting will be held on-site prior to construction.
6. A turbidity curtain will not be required for this project as proposed. The Environmental Director reserves the right to require a turbidity curtain if field conditions change.
7. The existing concrete and other riprap rubble will be collected and removed from the project site and appropriate sized core stone and filter fabric installed prior to the placement of the new armor stone.
8. All new armor stone used shall be Class 3. The riprap shall tie into existing grade at the top and a 2' deep buried toe shall be installed at the bottom of the slope.
9. The permit shall expire November 8, 2007.
10. If an extension of this permit is needed, a written request shall be submitted to the Environmental Division no later than two weeks prior to expiration date.