

Wetlands Board

NOVEMBER 14, 2007

A. Roll Call

B. Minutes

1. September 12, 2007, Work Session
2. September 12, 2007, Meeting

C. Public Hearing

1. W-25-07. Vanessa Hangen Brustlin, Inc. - Spencer's Grant - shoreline stabilization

D. Board Consideration

1. Calendar Year 2008 Meeting Schedule

E. Matters of Special Privilege

F. Election of Officers for Year 2008

G. Adjournment

MEMORANDUM

DATE: November 14, 2007
TO: The Wetlands Board
FROM: Patrick T. Menichino, Wetlands Board Secretary
SUBJECT: Case NO. W-25-07/VMRC 07-1662; Spencer's Grant, Kingsmill

Mr. Chris Frey of VHB has applied for a Wetlands permit on behalf of the Busch Properties Inc. to install approximately 4,000 cubic yards of sand fill as beach nourishment, and to extend two existing armor stone breakwaters. The western breakwater will be extended by 130 linear feet and the eastern breakwater 50 linear feet, totaling 180 linear feet of new class 3 riprap breakwaters.

This application includes information for your review concerning work that is proposed for the back shore area. That work includes sand fill, 1300 linear feet of back shore armor stone revetment and significant slope grading. This work is proposed at an elevation that would place it outside of the Wetlands Board's jurisdiction and within the jurisdiction of the Chesapeake Bay Board. The applicant seeks separate approvals for the entire project, from each respective Board this evening.

The property is further identified by James City County Real Estate as PIN #'s 5030100004 & 5030100005. The project site in question is located on the James River. Mr. Frey and Busch Properties Inc. have been advised that their attendance at the Wetlands Board meeting on November 14, 2007 is highly recommended.

This project will involve the extension of existing breakers using class 3 armor stone and the installation of 4,000 cubic yards of sand fill beach nourishment landward of the breakwaters. Environmental Division staff visited the site on August 7, 2007, along with representatives from VMRC and VIMS to discuss the project scope and potential impacts. The project will involve the following impacts: Impacts to the Intertidal Beach Community are 10,410 sq.ft. and 26,500 sq.ft. to subaqueous bottom. In addition there will be 30,800 sq.ft. of sand fill added to the back shore area to facilitate the planting of *Spartina Patens* and other Wetland type grasses. There will be a net increase of 450 sq.ft. of Intertidal Beach Community as a result of the sand fill beach nourishment. Total fill impacts for this project are determined to be 0 square feet.

To offset any impacts to existing vegetation along the shoreline the applicant has proposed to install 97 trees and shrubs in three areas along the backshore. In addition the applicant proposes to create a 30,800 sq. ft. area planted with *Spartina Patens* and other Wetlands type grasses.

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

1. Prior to any land disturbing activities, a preconstruction meeting will be held on-site.
2. The limits of clearing and construction, areas to be protected along the backshore shall be clearly identified and flagged in the field prior to the preconstruction meeting.
3. A turbidity curtain will be installed prior to the preconstruction meeting for this project.

4. The implementation of the RPA planting plan for trees, shrubs, and the installation of *Spartina Patens*, *Alterniflora*, and other beach grasses shall be guaranteed by surety in a form and amount acceptable to the Division and County Attorney prior to the preconstruction meeting. The surety shall be held for one full year following the initial installation and inspection of the plant material. All plant material must be alive and thriving as determined by the Division at the time of the one year anniversary inspection. If during the anniversary inspection plant material is determined to be dead, diseased or missing then the surety will be held until all planting material required by the plan is installed and thriving.
5. All trees and understory trees proposed for installation shall at a minimum be 6' in height or 1 " caliper.
6. The applicant shall arrange for weekly project inspections to be performed by a qualified independent professional. The weekly inspection reports generated shall be submitted to the Division to insure that the project is being constructed in accordance with the approved plan, the Wetlands permit conditions, and in compliance with specifications and requirements of the Division, Virginia Marine Resources Commission, and Virginia Institute of Marine Science. These reports will be submitted directly to the Division within 48 hrs following each inspection.
The applicant must provide the name of the person or firm, who will perform said inspections, prior to the preconstruction meeting.
7. The permit shall expire November 14, 2008. If an extension of this permit is needed, a written request shall be submitted to the Environmental Division no later than two weeks prior to the expiration date.