

Wetlands Board

December 12, 2007

A. Roll Call

B. Minutes from November 14, 2007

C. Public Hearings

1. W-31-07/VMRC 07-1888: John and Judith Anton - 7511 & 7513 Oak Cove RD.

2. W-36-07/VMRC 07-2146: Jordan Marine/Wright's Island Game Association - 6650 Menzels Rd.

3. W-19-06/VMRC 06-1722 REVISION: Williamsburg Environmental Group/ Palmer & Palmer Co3 West Circle

D. Board Considerations

E. Matters of Special Privilege

F. Adjournment

MEMORANDUM

DATE: December 12, 2007

TO: The Wetlands Board

FROM: Patrick Menichino, Wetlands Board Secretary

SUBJECT: Case NO. W-19-06/VMRC 06-1722; 3 West Circle – Permit Revision

Williamsburg Environmental Group, on behalf of Palmer and Palmer LLC, property owner, has applied for a revision to the existing Wetlands Permit, W-19-06, for the proposed installation of approximately 2554 square feet of sand beach nourishment within the intertidal zone. This application also includes 7,139 square feet of sand beach nourishment to the subaqueous bottom along the James River, an 80 foot long angled spur, installed using Class 3 riprap and extending into the James River at the S/E corner of the property and angled westerly, and a 75 foot long breakwater using Class 3 riprap installed approximately 80 feet offshore. The 7,139 square feet of subaqueous beach nourishment, the proposed angled spur, and the offshore breakwater are outside the Board's jurisdiction. The property is further identified as parcel 4540200080A in the James City County Real Estate system. The project site is located on the James River main stem.

Environmental Division staff has visited this project site routinely over the past 90 days, as part of an inspection program for the previously approved shoreline stabilization project, W-19-06. Total proposed impacts to wetlands with this revision have been determined to be 2554 square feet. Fill impacts to the intertidal wetlands would also be 2554 square feet. The proposed new intertidal wetlands that would be created seaward would be approximately 3000 square feet, resulting in a net increase of 446 square feet of intertidal non-vegetated wetlands.

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

1. The applicant shall install a total of 600 square feet of *Spartina patens* or other appropriate wetlands plants behind the proposed breakwater and spur. The required mitigation plantings shall be accomplished at the same time as the other wetlands mitigation plantings required within the original Wetlands Permit, W-19-06, and shall be guaranteed by the applicant as defined within original permit condition # 10.
2. The limits of construction shall be flagged in the field prior to the preconstruction meeting.
3. No additional landward areas of the Resource Protection Area (RPA) buffer shall be cleared or disturbed by the construction activities associated with this permit revision.
4. A preconstruction meeting will be held on-site prior to construction.
5. A turbidity curtain will be required for this project as proposed and shall be installed prior to the preconstruction meeting.
6. All armor stone used shall be Class 3.
7. The permit shall expire December 12, 2008.
8. 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.

MEMORANDUM

DATE: December 12, 2007
TO: The Wetlands Board
FROM: Patrick T. Menichino, Wetlands Board Secretary
SUBJECT: Case NO. W-31-07/VMRC 07-1888; 7511&7513 Oak Cove Road

John A. & Judith D. Anton of Miami FL, have applied for a wetlands permit to install approximately 223 total feet of vinyl bulkhead with two 5 foot return walls. The applicant also proposes two piers, a 6 foot by 146 foot pier and a 6 foot by 176 foot pier, both with boatlifts. The proposed piers and boatlifts are open pile structures and therefore not within the Wetlands Board's jurisdiction. The proposed bulkhead and piers will be installed behind the respective properties, on the Chickahominy River. The properties are further identified by James City County Real Estate as PIN #s 1910100015 and 191000014. Mr. Wilbur Jordan of Jordan Marine is the authorized agent and contractor for the project. Both parties have been advised that their attendance at the Wetlands Board meeting is highly recommended.

This project will involve the construction of approximately 146 feet of 6 foot high vinyl bulkhead, and 77 feet of 4 foot high vinyl bulkhead, with two 5 foot return walls. Approximately 100 feet of the bulkhead is proposed to replace an existing bulkhead located at 7511 Oak Cove Road. The remaining 123 feet of proposed bulkhead will be installed to extend a new bulkhead to the southern property line of 7511 Oak Cove Road. The bulkhead will be constructed using vinyl sheeting, a 6x6 CCA continuous wale, galvanized tie rods, connected to a 2' x 3' concrete deadman. The bulkhead will be installed and aligned to tie into the existing bulkhead on the north side of the property and is proposed to follow the existing toe of slope to the southern property line. Filter fabric will be installed behind the bulkhead to eliminate the potential of sediment transport.

Environmental Division staff visited the site on November 6, 2007, along with representatives of VMRC and VIMS, to review the project scope and potential impacts. Proposed impacts for this project are determined to be 200 square feet to the Type XV Sand/Mud Mixed Flat Community. The total fill impacts to the non-vegetated wetlands located on this project are determined to be 200 square feet.

Staff Comments:

Staff's field review of the project site located at 7513 Oak Cove Road revealed only minor shoreline erosion confined to a small area located adjacent to the southern property line. The minor erosion problem observed on this property does not warrant the installation of a continuous bulkhead along the shoreline. The principal dwelling on this lot is located significantly upland, therefore there is no potential threat of property damage from shoreline erosion.

An alternate proposal in this application is to relocate a portion of this bulkhead (80'), landward and upslope and to construct it as a retaining wall in lieu of bulkhead. Although this option would reduce the impacts to the Wetlands, the need for such an upland retaining wall would be based on aesthetics, and not on current erosion problems.

Staff's field review of the existing bulkhead located at 7511 Oak Cove Road revealed moderate erosion resulting from the partial failure of the bulkhead. If this bulkhead is not replaced the potential for significant shoreline erosion and bulkhead failure is high.

Staff Recommendations:

If the Board approves this application as requested or with the optional retaining wall, staff recommends that the following conditions be included:

1. Prior to any land disturbing activities, a preconstruction meeting will be held on-site.
2. The limits of construction shall be flagged in the field prior to the preconstruction meeting.
3. Any vegetation to be removed shall be clearly flagged or marked with spray paint prior to the preconstruction meeting and shall be approved by the Environmental Division prior to any land disturbance.
4. Any landward areas of the Resource Protection Area (RPA) buffer that are proposed to be graded and disturbed during the construction process will require stabilization with a grass cover. If RPA vegetation is to be removed for construction access, or grading activity, then an RPA restoration plan with surety shall be submitted and approved by the Environmental Division prior to the preconstruction meeting.
5. A turbidity curtain shall be required prior to commencement of any construction activity unless waived by the Environmental Division Director.
6. The bulkhead tie-backs and the filter fabric shall be inspected by the Environmental Division prior to the placement of backfill.
7. The permit shall expire December 12, 2008.
8. 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: December 12, 2007
TO: The Wetlands Board
FROM: Patrick T. Menichino, Wetlands Board Secretary
SUBJECT: Case NO. W-36-07 / VMRC 07-2146; 6650 Menzels Road.

Mr. Wilbur Jordan of Jordan Marine has applied for a Wetlands permit on behalf of the Wright's Island Game Association, to install approximately 381 linear feet of riprap revetment to prevent erosion along the shoreline, at 6650 Menzels Road. The property is further identified by James City County Real Estate as PIN # 2030100001. The project site in question is located on Chickahominy River, a tributary to the James River. Mr. Jordan and the landowner have been advised that their attendance at the Wetlands Board meeting is highly recommended.

This project will involve the construction of 381 linear feet of armor stone revetment. The revetment is proposed to be constructed using Class 2 armor stone, placed on Class A-2 core stone, and filter fabric. The project will involve impacts to jurisdictional wetlands and it will also include impacts to upland areas not within the Wetlands Board's jurisdiction. The project as proposed will require the excavation and grading of the upland RPA buffer area to create an acceptable 2:1 slope.

Environmental Division staff visited the site on November 6, 2007, along with representatives from VMRC and VIMS, to review the project scope and potential impacts. Proposed impacts for this project are determined to be 1524 square feet to the Type XV Sand/Mud Mixed Flat Community. Total fill impacts for this project are determined to be 762 square feet to non-vegetated Wetlands.

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

1. Prior to any land disturbing activities, a preconstruction meeting will be held on-site.
2. The limits of construction shall be flagged in the field prior to the preconstruction meeting. The location for the proposed toe of the revetment will be staked every 50 linear feet along the shoreline.
3. All vegetation to be removed shall be clearly flagged or marked with spray paint prior to the preconstruction meeting and approved by the Environmental Division (Division), prior to any land disturbance.
4. The proposed project will impact approximately 8000 square feet of Resource Protection Area (RPA) buffer to allow for the installation of the revetment. An RPA buffer restoration plan detailing the installation of native understory trees, shrubs and ground cover will be required prior to the preconstruction meeting and the onset of any work. The amount of trees, shrubs and ground cover required shall be determined by the Division. The implementation of the RPA restoration plan shall be guaranteed by surety in a form acceptable to the Division prior to the preconstruction meeting.
5. The armor stone proposed for this revetment is Class 2. All core stone used shall be A-1 stone.
6. The Environmental Director reserves the right to require a turbidity curtain for this project if field conditions warrant its use.
7. Filter fabric shall be inspected by the Division prior to the placement of rip-rap.
8. The permit shall expire December 12, 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.