

# **Wetlands Board**

**Building F - 7:00 P.M.**

**October 12, 2011**

**A. Roll Call**

**B. Minutes**

From September 14, 2011 – Board Meeting

**C. Public Hearings**

1. W-05-12/11-1274 – Driskill/Winall – 323 East Landing

**D. Board Considerations - None**

**E. Matters of Special Privilege**

**F. Adjournment**

## **Wetlands Permit Application W-05-12/VMRC 11-1274: 323 East Landing – Driskill**

Staff report for the October 12, 2011 Wetlands Board Public Hearing

This staff report is prepared by James City County Engineering and Resource Protection to provide information to the local Wetlands Board to assist them in making a recommendation on this assessment. It may be useful to members of the general public interested in this assessment.

### **Existing Site Data & Information**

Applicant: Daniel Driskill/Danny Winall

Land Owner: Daniel Driskill

Location: 323 East Landing

Parcel: Lot 31, Kingsmill on the James, James City County

Parcel Identification: 5031200031

Lot Size: 2.35 acres

Watershed: James River (HUC Code JL28)

Proposed Activity: Construction of two rip-rap sill structures with associated beach nourishment and re-vegetation with native wetlands plantings (living shoreline)

### **Proposed Impacts**

Vegetated Wetlands: 5,600 Square Feet

Non-Vegetated Wetlands: 4,200 Square Feet

Subaqueous Bottom: 8,500 Square Feet

### **Brief Summary and Description of Activities**

Mr. Danny Winall on behalf of Mr. Daniel Driskill has applied for a Wetlands Permit to undertake construction of two stone sill structures totaling 210 linear feet in length with associated sand fill placement for beach nourishment. The nourishment project will be completed with installation of wetland appropriate plantings.

The property is located at 323 East Landing within the Kingsmill Subdivision directly adjacent to the James River. The property is further identified as JCC Parcel Number 5031200031. Danny Winall of Water's Edge Construction is the authorized agent for this project.

Site visits were conducted on several occasions between June and September by staff to evaluate both the potential scope of the project and the existing conditions on-site. Phragmites control and access through the uplands (RPA) was discussed at these meetings. The phragmites is proposed to be controlled through mechanical and chemical means. The access through the uplands will not remove any woody vegetation,

only herbaceous (lawn grass), which will be restabilized at the end of the project. There are existing, living bald cypress (*taxodium distichum*) that will remain.

The property, and specifically the proposed work area, is situated in a southerly facing direction and, as stated previously, lies along the James River in southeastern James City County. The existing shoreline consists of a narrow sandy beach bordered by a marsh to the east and stone armored shoreline to the west. Mean low water varies at distance to the shoreline of five to ten feet depending on location. Mean high water falls entirely along the shoreline. The upland area immediately adjacent to the beach consists of a stand of highly invasive Phragmites. The area further upland consists of a well vegetated residential lawn.

The project design proposes to install approximately 210 linear feet of Class II quarry stone over Class A-1 core stone and filter cloth to create the two rock sill structures approximately 50-55 feet offshore. Once the sill structures are completed, approximately 1,065 cubic feet of sand will be installed behind the sills to provide beach nourishment. The new beach area will then be planted with *Spartina alterniflora* and *Spartina patens* to provide for long term stabilization. Prior to the undertaking of beach nourishment, the area of invasive Phragmites directly adjacent to the existing beach will be eradicated.

Access to the work area will be provided through the adjacent upland area and due to the current conditions on-site, there will be minimal clearing and grading required during installation.

For the Board's information, the shoreline at 323 East Landing has changed dramatically over the past fifteen years resulting in a net loss of 14,000 square feet of shoreline. This erosive activity has been most likely caused by high storm waves and up-shore properties that have been hard-armored with stone revetment structures may have reduced the amount of downstream transport of sand and allowed for the accelerated erosion over time.

### **Staff Recommendations**

The issue before the Board is the installation of the sills and the associated grading as well as the filling of wetlands to facilitate a beach nourishment project and subsequent re-planting. Staff has fully reviewed the application and permit request and has determined that the conditions outlined in Section 22-4 (b) have been met.

1. Prior to any land disturbing activities, a preconstruction meeting will be held on-site.
2. All other federal, state, and local permits required for this project shall be obtained prior to commencing work. Evidence of the securing of these permits must be provided prior to the pre-construction meeting.
3. The limits of work shall be flagged in the field prior to the pre-construction meeting.
4. No woody vegetation shall be removed as part of this project unless approved by the Engineering and Resource Protection Division.
5. Construction access through the uplands will avoid the existing large, mature trees.
6. 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.

7. Eradication of the phragmites must be undertaken in a manner approved by Federal and State standards.
8. The wetlands permit for this project shall expire on October 12, 2012. If an extension of the permit is needed, a written request shall be submitted to the Engineering and Resource Protection Division no later than two weeks prior to the expiration date.

**Consideration by the Wetlands Board**

The exception granting body is permitted to require reasonable and appropriate conditions in granting the exception request in accordance with Section 22-8 of the County's Wetlands ordinance. The Wetlands Board is to fully consider Wetlands Permit Application W-05-12 as outlined and presented above and review the request for permitting. The Board may grant the permit with such conditions and safeguards as deemed necessary to further the purpose and intent of the County's Chapter 22 Wetlands Ordinance. Resolutions for granting approval or granting denial of Wetlands Permit Application W-05-12 are included for the Board's use and decision.

Staff Report prepared by:

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Michael P. Majdeski  
Senior Inspector

Attachments: Wetlands Permit Application Package