

Wetlands Board

Building F - 7 p.m.

Aug. 14, 2013

A. Roll Call

B. Minutes

May 8, 2013 Board Meeting

C. Public Hearings

1. W-26-12/VMRC 12-0873: Stonehill Co/Kerr Environmental - stormwater outfalls for Westport subdivision
2. W-27-13/VMRC13-0939: Harris/Winall-7617 Cypress Drive - 2 sills and beach nourishment for living shoreline

D. Board Considerations - None

E. Matters of Special Privilege

F. Adjournment

Wetlands Permit Application W-26-12/VMRC 12-0873: Westport Subdivision

Staff report for the August 14, 2013 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

Owner: Meridian Land Holdings, LLC

Location: 4901 Centerville Road

Parcel Identification: 3040100007

Lot Size: 193 ac +/-

Watershed: Gordon Creek, subwatershed 104 (HUC JL-29)

Proposed Activity: Stormwater outfalls for a proposed subdivision

Proposed Impacts

Vegetated Wetlands: 359.5 square feet

Non-Vegetated Wetlands: 0 square feet

Brief Summary and Description of Activities

Kerr Environmental and the Stonehill Company, on behalf of Meridian Land Holdings, LLC, have applied for a Wetlands Permit to install three stormwater outfalls in tidal wetlands. The outfalls are associated with the development of a new subdivision called Westport.

The property is located at 4901 Centerville Road, south of Jolly Pond Road, north of Thompson Lane, and west of Centerville Road. The property is further identified as JCC Parcel Number 3040100007. The original permit application was received on June 21, 2012. After multiple site visits by staff, VMRC and Virginia Institute of Marine Science, it was determined that the westernmost impact (Impact J, see map) had tidal influences and should be classified as a vegetated tidal wetland. It was also determined that not enough information was provided to accurately assess impact areas H and I (see map) and that additional information was required.

Staff and Kerr Environmental discussed exactly what types of information would be required to either prove or disprove the existence of tidal wetlands, with staff's assertion that the burden of

proof would be on the consultant to provide enough evidence that the two impact area (H and I) were not tidal wetlands. Staff received a letter on July 17, 2013 stating that the owner wished to amend the original permit application, making impacts areas H, I and J all tidal wetland impact area. They also provides a letter from a tidal wetland mitigation bank stating that the bank had credits available for purchase to mitigate for the unavoidable wetland loss for the development of the Westport Subdivision.

The proposed subdivision is a 'by-right' subdivision in the A1, General Agricultural Zoning District, and falls outside of the primary service area. This means that the property may be developed in 3 acre (minimum) sized lots, with private water and sewer (septic) systems without any special approvals from the Planning Commission or Board of Supervisors. Stormwater requirements in a subdivision of this nature only require quantity control. In this subdivision, this is handled through several 'dry' stormwater management ponds that are designed to 'throttle back' the stormwater peak flow rates from the property to those flows that the property would generate if it were not developed. Once the stormwater leaves these ponds, it must then be directed to a receiving channel at such a rate as to not cause channel erosion or flooding. In this case, they are proposing small stilling basins at the outfalls to reduce the velocities of the storm flows to nonerosive rates. Further, they are proposing flat slope pipe segments near the end of the outfalls to help reduce pipe velocities in two of the three outfalls (H and I).

In evaluating the permit application and design plans (not provided in the submission), staff does not believe that the wetland impacts have been minimized to the greatest extent practicable. For example, in Impact Area I, the pipe system can be pulled back and the edge of the stilling basin placed at the edge of the wetland line, eliminating this impact; and for Impact Area J, a drop manhole can be included to lessen the pipe slope leading to the outfall (similar to Impacts Area H and I), the pipe pulled back and the stilling basin placed at the edge of wetlands, eliminating this impact.

Staff Recommendations

The Joint Permit Application includes impacts to non-tidal wetlands for stormwater outfalls, timber crib wall BMP's and a utility crossing (CBE-12-122, approved 7-12-2012, expired 7-13-2013), as well as impacts to tidal wetlands for stormwater outfalls. While the impacts for the three stormwater outfalls only total approximately 360 sq. ft., two of the three outfall impact areas could be eliminated with slight design modifications, significantly reducing impacts needing approval from this board by 93%. Therefore, the issue before the Board is to approve the application as submitted, deny the application as submitted, or request a deferral (if the applicant is willing to do so) until further engineering design can be provided. Staff has fully reviewed the application (complete as of July 17, 2013) and permit request and has determined that the conditions outlined in Section 22-4 (b) have been met. If the Board chooses to approve the application as submitted, staff requests the following conditions be a part of the permit:

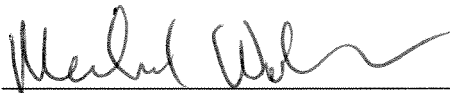
1. Prior to any land disturbing activities, a preconstruction meeting will be held on-site; and
2. All other Federal, State, and Local permits required for this project shall be obtained prior to commencing work. Evidence of the securing of these permits must be provided prior to the pre-construction meeting; and

3. No woody vegetation shall be removed as part of this project outside of the scope unless approved by the Engineering and Resource Protection Division; and
4. Three hundred fifty nine and one-half square feet (359.5 sq. ft.) of tidal wetland mitigation be purchased at any tidal wetlands bank within the service area of this project and evidence of purchase provided prior to the pre-construction meeting; and
5. The Engineering and Resource Protection Division Director reserves the right to require additional erosion and sediment control measures for this project if field conditions warrant their use; and
6. The limits of work shall be flagged in the field prior to the pre-construction meeting; and
7. The wetlands permit for this project shall expire on August 14, 2014. 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.

Consideration by the Wetlands Board

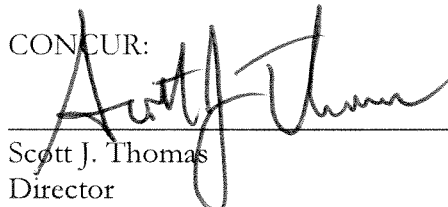
The exception granting body is permitted to require reasonable and appropriate conditions in granting the exception request in accordance with Section 22-8 of the County's Wetlands ordinance. The Wetlands Board is to fully consider Wetlands Permit Application W-26-12 as outlined and presented above and 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-26-12 are included for the Board's use and decision.

Staff Report prepared by:



Michael D. Woolson
Senior Watershed Planner

CONCUR:



Scott J. Thomas
Director

Attachments: Wetlands Permit Application Package, June 14, 2012
Supporting Material, July 17, 2013
Impact H and I, design plan view, S-037-07, October 31, 2007
Impact J, design plan view, S-037-07, October 31, 2007

Wetlands Permit Application W-27-13/VMRC 13-0939: 7617 Cypress Drive

Staff report for the August 14, 2013 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: Mr. Allen B. Harris
Location: 7617 Cypress Drive
Parcel Identification: 1910100007
Lot Size: 0.50 ac +/-
Watershed: Chickahominy River (HUC JL-28)
Proposed Activity: Living shoreline, rock sills and beach nourishment

Proposed Impacts

Vegetated Wetlands: 250 square feet
Non-Vegetated Wetlands: 950 square feet

Brief Summary and Description of Activities

Mr. Daniel Winall, on behalf of Mr. Allen Harris, has applied for a Wetlands Permit to install two rock sills and associated sand fill beach nourishment to create a living shoreline. He is also proposing to remove an existing bulkhead, existing piers, and associated bank grading to create a living shoreline within the new intertidal area. Further, an open pile pier, concrete floating dock and boatlift are proposed as well.

The property is located at 7617 Cypress Drive within the Cypress Point subdivision, directly on the Chickahominy River. The property is further identified as JCC Parcel Number 1910100007. Multiple site visits were conducted in the winter and summer of 2013 by staff to evaluate both the potential scope of the project and the existing conditions on-site.

The property is situated in a westerly facing direction and lies along the Chickahominy River in James City County. The existing shoreline is currently a mixture of failing bulkhead, some rip rap and piers/boatlift with a slightly eroding upland slope. Mean low water and mean high water fall

along the proposed rip rap sills. The upland areas consist of mature grass with a slightly eroding slope near the failing bulkhead.

The project design proposes to install two rip rap sills, one being 50' long and the second being 35' long, approximately 20 to 60 feet offshore and backfill between the structures with clean sand fill as beach nourishment. Additionally, *Spartina patens* and *Spartina alterniflora* will be planted in addition to the current plantings on site, behind the rock sills. Approximately 250 square feet of vegetated wetlands and 950 square feet of non-vegetated wetlands will be impacted with this project. Although the exact planting area has not been determined, staff suggests that approximately 800 square feet be planted, evenly split behind each rock sill.

Staff Recommendations

The Joint Permit Application includes an open pile pier and concrete floating pier (not under this Board's review), two rock sills, associated beach nourishment, and slope grading, creating a living shoreline. The issue before the Board is the installation of the rock sills and beach fill to create a living shoreline. Staff has fully reviewed the application and permit request and has determined that the conditions outlined in Section 22-4 (b) have been met. Further, staff finds the vegetated and non-vegetated wetland impacts to be favorable, minimized to the greatest extent practicable and adequately mitigated on site. The rock sills and replanting will provide structure, habitat, and/or water quality benefits and removing the bulkhead restores the wetland, riparian, and upland interfaces. Additionally, staff requests the following conditions be a part of the permit:

1. Prior to any land disturbing activities, a preconstruction meeting will be held on-site; and
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; and
3. No woody vegetation shall be removed as part of this project outside of the scope unless approved by the Engineering and Resource Protection Division; and
4. Eight hundred (800) square feet of intertidal area be planted with a combination of *Spartina patens*, *Spartina alterniflora*, and other wetland species as appropriate; and
5. 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; and
6. The limits of work shall be flagged in the field prior to the pre-construction meeting; and
7. The wetlands permit for this project shall expire on August 14, 2014. 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.

Consideration by the Wetlands Board

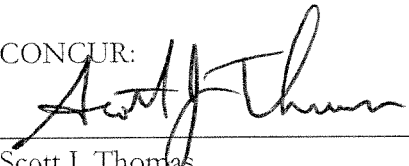
The exception granting body is permitted to require reasonable and appropriate conditions in granting the exception request in accordance with Section 22-8 of the County's Wetlands ordinance. The Wetlands Board is to fully consider Wetlands Permit Application W-27-13 as outlined and presented above and 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-27-13 are included for the Board's use and decision.

Staff Report prepared by:



Michael D. Woolson
Senior Watershed Planner

CONCUR:



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Attachments: Wetlands Permit Application Package