JAMES CITY COUNTY WETLANDS BOARD
August 8, 2007 - 7:00 PM

A. ROLL CALL

John Hughes - Chairman
Henry Lindsey - Vice-Chairman
Larry Waltrip
William Apperson

ABSENT

Davis Gussman

OTHERS PRESENT

Elizabeth Gallup, VMRC
County Staff

B. MINUTES – July 11, 2007

The July 11, 2007 minutes were approved as presented.

C. PUBLIC HEARINGS

1. W-16-07/VMRC 07-1035: Jamestown 4-H Educational Center - 3751 4-H Club Rd

Pat Menichino presented the case stating Mr. Jeff Watkins, Riverworks, Inc. applied for a Wetlands Permit on behalf of the Jamestown 4-H Educational Center to install approximately 225 linear feet of class 3 riprap breakwaters, and 5500 sqft of sand fill beach nourishment. The project will involve impacts to jurisdictional wetlands and impacts to upland areas not within the Wetlands Board's jurisdiction. The application proposes approximately 12,000 sqft of slope grading impacts to the upland RPA buffer to create an acceptable 3:1 to 4:1 slope. The application also proposes a 66 foot long pier extension, and a 3280 sqft octagonal platform with a 2400 sqft hip roof installed on open piles located channelward of the Wetlands Boards jurisdiction.

The property is further identified by James City County Real Estate as PIN # 463010003. The project site is located on the James River. It was highly recommended that Mr. Watkins and the Jamestown 4-H Center attend this Wetlands Board meeting.

Environmental Division staff visited the site on July 17, 2007, along with representatives from VMRC and VIMS to discuss the project scope and potential impacts. Proposed impacts for this project are determined to be 5500 square feet to the Type XVI Sand Flat Community. Total fill impacts for this project are determined to be 0 square feet.

The proposed upland slope grading of the RPA buffer is of significant concern to staff and to the VIMS representative. Staff believes that the disturbance to the RPA buffer is excessive and can be significantly reduced by implementing the following changes to the application and plans:

1. Increase the top elevation of the proposed backshore sand fill dune area to + 5 above MHW and increase the beach elevation and gradient accordingly.
2. Increase the importation of sand fill from approved offsite locations requiring less onsite borrow.
3. Increase the proposed upland slope gradient to 3:1. The proposed new slope can be graded channelward at a 3:1 slope from approximate elevation + 20.0 to the top of the proposed dune at elevation +5.0. All information on the plan shall be revised to reflect the changes to the proposed grading.

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

1. A revised plan shall be submitted to VMRC, VIMS, and James City County for review and approval prior to the required preconstruction meeting, which must be held on-site. The revised plan will show a reduction in the proposed disturbance to the RPA buffer that shall be limited to 30 linear feet landward from existing face of bluff.

2. An RPA buffer restoration plan shall be submitted to the Environmental Division for review and approval prior to the preconstruction meeting. This restoration plan shall show the locations and species of native trees, shrubs, and grasses that shall be installed within the re-graded RPA buffer area. The implementation of the RPA restoration plan and the installation of Spartina Patens, Alteniflora, and other beach grasses shall be guaranteed by surety in a form acceptable to the Environmental Division and County Attorney prior to the preconstruction meeting.
3. The revised limits of clearing and construction shall be flagged in the field prior to the preconstruction meeting.
4. The Environmental Director reserves the right to require a turbidity curtain for this project if field conditions warrant its use.
5. The permit shall expire August 8, 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.

Mr. Lindsey asked if the purpose of staff recommendations was to reduce the impact to the buffer.

Mr. Menichino stated the application proposed re-grading approximately 70 feet of the RPA buffer. He displayed a diagram of staff's recommended 3:1 slope that would reduce the impact to the buffer (copy attached). He stated this recommendation might require more fill from off-site locations.

Mr. Waltrip asked the reason for the re-grading, if the slope could be graded seaward and if the required content of fill for the slope was also 90% course grain sand.

Mr. Menichino stated the application proposed a 4:1 slope for wave run-up. He stated extending the slope seaward would be acceptable because the buffer impact was already proposed by the beach nourishment. He stated the 90% ratio was only required for the beach nourishment.

Mr. Hughes asked if a hardened shoreline was needed.

Mr. Menichino stated the application proposed to break up the waves before they reached the shoreline.

Mr. Hughes opened the public hearing.

A. Jeff Watkins, Riverworks Inc, agent and contractor for the project, stated the proposal was designed similar to Drummond's Field, which has 6:1, slopes that have protected the shoreline through Hurricane Isabelle and other storms. He stated Scott Hardaway, VIMS, reviewed this plan, and stated the 4:1 slope would be necessary for wave run-up. Mr. Watkins stated the proposal was the most cost effective solution because higher and wider breakwaters would be required to protect a 3:1 slope. In response to Mr. Waltrip's suggestion of grading the slopes seaward, Mr. Watkins stated the breakwaters would still have to be larger because they would need to be further off shore in deeper water.

B. William Weimer, President, Jamestown 4-H Educational Center Board of Directors, described the history of the 4-H Center. He stated the steeper slope would prohibit use of the area and if the beach area could not be used the cost of the stabilization could not be justified.

C. Cecil Johnson, Board of Directors, Jamestown 4-H Educational Center, spoke in favor of the proposed project because it would restore the use of the beach for the 4-H Club.

Mr. Lindsey asked for clarification of VIMS recommendation.

Mr. Menichino provided the Board with a copy of VIMS Shoreline Permit Application Report, which questioned the need for the proposed bank grading (copy attached). He stated that although County staff recognized the value of the 4-H Center as an educational institution, the Chesapeake Bay and Wetlands Ordinances did not recognize a recreational use as reason for grading uplands or filling wetlands.

Mr. Hughes asked if the applicant had reviewed this VIMS Report.

A. Jeff Watkins stated he had not seen this report. He stated the purpose of the proposed 4:1 slope was not for recreational activity, it was to prevent wave run-up. He stated there was a VIMS shoreline management handbook that stated controlling wave run-up was important, 3:1 slopes would not work and 4:1 were questionable.

Mr. Lindsey asked the applicant if he had a copy of this handbook with him.

A. Jeff Watkins stated he did not but it was available to all Wetlands Boards and was provided at the Living Shorelines seminar.

Mr. Hughes closed the public hearing as no one else wished to speak.

Mr. Waltrip stated the purpose of this Board was only to review the shoreline stabilization and creation of a recreation area was not applicable.

Mr. Lindsey and Mr. Hughes stated the VIMS report coincided with the staff recommendations.

Mr. Hughes did question the difference in opinions between the VIMS representatives.

Mr. Apperson made a motion to grant the permit for case W-16-07 with staff recommendations.

The motion to grant the permit was approved by a 3-0 vote. Mr. Hughes did not vote.

A. Jeff Watkins stated the slope was out of the Wetlands Board jurisdiction because it was more than 1 ½ times the tide. He asked how a permit could be obtained for this area.

Mr. Menichino stated the Chesapeake Bay Ordinance allows the buffer to be modified with a shoreline stabilization project. If the applicant disagrees with this and wants a separate permit for the upland area, he should apply for an exception to be presented to the Chesapeake Bay Board.

D. BOARD CONSIDERATIONS

1. Amendments to the Bylaws

Jennifer Lyttle, Assistant County Attorney, suggested that a Work Session be scheduled before next months Board meeting to review and discuss the proposed Amendments to the Bylaws.

Mr. Lindsey made a motion that a Work Session be held at 5:00 pm on Sept 12, 2007.

The motion was approve by a 4-0 vote.

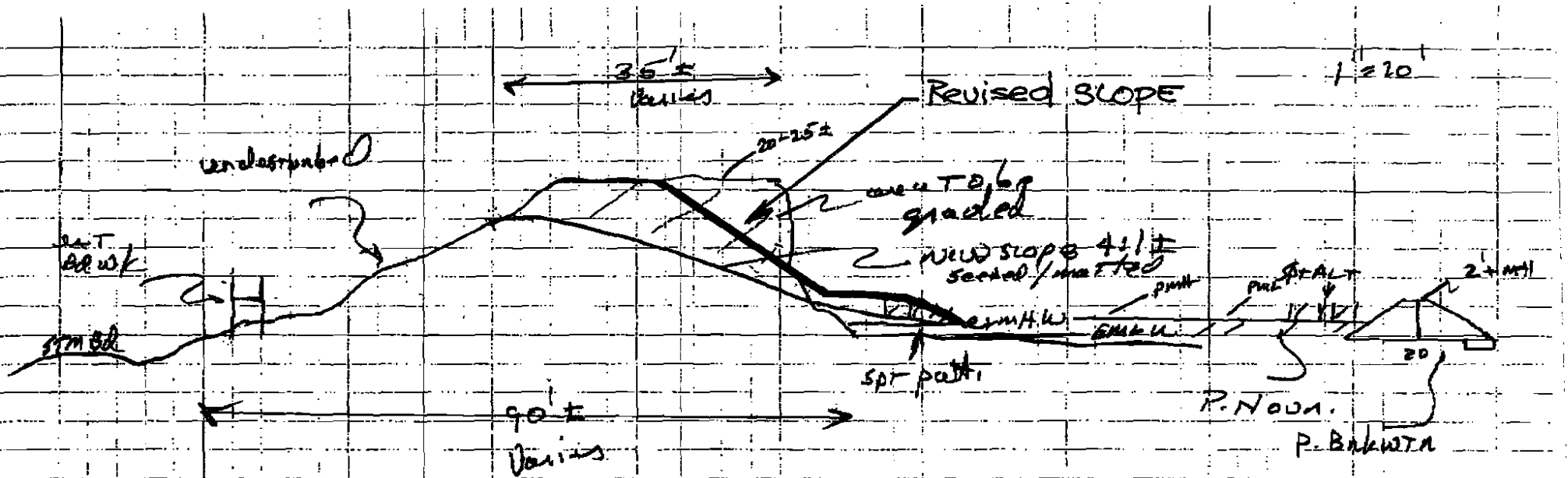
E. MATTERS OF SPECIAL PRIVILEGE - none

F. ADJOURNMENT

The meeting adjourned at 7:50 PM.

John Hughes
Chairman

Patrick T. Menichino
Secretary



JAMES CITY COUNTY ENVIRO

Jamestown 4-H

VMRC 07-1025

ADDITIONAL INFO
REVISION

RECEIVED
JUL 24 2007
MARINE RESOURCES
COMMISSION

additional
Section
7-20-07

RIVERWORKS, INC.
Jeff Watkins
P. O. Box 515
Gloucester, VA 23061
804-642-2826

VIMS Shoreline Permit Application Report # 07-1025

NOTE

The Virginia Institute of Marine Science (VIMS) recognizes that the regulatory process considers all aspects of a particular project, including socioeconomic factors. This report, however, only addresses marine environmental concerns.

Findings & Recommendations:

Comments

The project shoreline is along the James River in James City County. Based on an assessment of various parameters including fetch, orientation, nearshore bathymetry, bank condition and existing natural or man-made erosion protection, we have determined that the risk of continued shoreline change at this location is high.

The intertidal area is a nonvegetated sandy flat. The upland bank is mostly vertical and unvegetated with areas of slumping. The bank condition is affected not only by wave attack at the base, but other things including soil composition and vegetative cover. The proposed bank grading will result in the disturbance of approximately 12,000 square feet of forested riparian buffer.

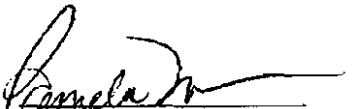
Recommendations

The preferred approach to shoreline protection for sandy shorelines is to enhance the natural capacity of the sand to provide the desired erosion protection. The critical element of this approach is beach nourishment in combination with a rock structure.

The beach needs to be of sufficient width to have a slope of 10 to one or flatter between mean low water and the upland. Only clean sand fill that contains at least 90% coarse-grained sand should be used.

The rock structure can be a nearshore sill, or offshore breakwater(s). A sill should be designed with adequate sized rock and allow for movement of marine life in and out of the sand flat. Likewise, a breakwater system should be constructed with appropriately sized rock, with height, distance off shore and gaps between structures as necessary to protect the sand flat and upland. The proposed breakwater is consistent with the preferred approach.

We question the need for the proposed bank grading. If the proposed breakwater/ beach nourishment system provides adequate protection on the backshore at the base of the bank, no further action should be necessary. Additionally, there are no upland improvements at risk on landward of the bank. Removal of vegetation and de-stabilization of the slope should be addressed with a properly designed landscape plan that incorporates small trees, shrubs and deep-rooted grasses.



Pamela A. Mason
Marine Scientist