

**JAMES CITY COUNTY WETLANDS BOARD
MINUTES
Wednesday May 9, 2012**

A. ROLL CALL

John Hughes
Larry Waltrip
David Gussman
Charles Roadley
Louis Bott for William Apperson

ABSENT

OTHERS PRESENT

County Staff (Staff)
Juliette Giordano, Virginia Marine Resource Commission (VMRC)

The responsibility of this Board is to carry out locally the Commonwealth policy to preserve the wetlands and to accommodate economic activity so as to prevent their despoliation.

B. MINUTES

The April 11, 2012 Board minutes were approved as written.

C. PUBLIC HEARINGS

1. W-23-12 / VMRC 12-0467 – Clark/Mid-Atlantic/Jordan Marine – 2035 Bush Neck

Michael Woolson, Senior Watershed Planner stated the applicant recently met with staff and VMRC to discuss the proposed project and was considering substantial revisions to the current application for construction of a 105 foot long riprap revetment on her property at 2035 Bush Neck Road, JCC Parcel No 3420100008. Therefore, the applicant was requesting a deferral for one or two months in order to submit the revisions for consideration. Staff concurred with this request.

Mr. Hughes opened the public hearing.

Mr. Gussman made a motion to defer the Board's decision on this case and continue the public hearing 60 days to the July 12, 2012 meeting.

The motion was approved by a 5-0 vote.

2. W-20-12 / VMRC 12-0271 – Parsons/Dock Masters – 217 Sherwood Forest

Michael Woolson, Senior Watershed Planner presented the case that was deferred from the April 11, 2012 Board meeting.

Dock Masters on behalf of property owner, Mr. Kenneth Parsons, was requesting a wetlands permit to construct a 62-foot low-profile groin along an existing pier with a 16 foot spur to rebuild the shoreline and prevent the loss of the shoreward end of the pier. The property is located at 217 Sherwood Forest within the Riverview Plantation subdivision, directly adjacent to the York River and further identified as JCC Parcel No. 1730200009.

Mr. Woolson made a correction to the staff report revising the impact to the Type XIV Sand Flat Community wetland for this project, from 62 to 32 square feet. He displayed historical aerial photographs showing the loss of shoreline since 1996, the current shoreline conditions and the relationship of this shoreline to the adjacent properties. He also illustrated the location of the proposed groin and spur.

Mr. Woolson presented the following email expressing the professional opinion of Karen Duhring, Shoreline Advisory Scientist with the Virginia Institute of Marine Science (VIMS), on the submitted application:

“one groin alone will not significantly change existing conditions. This shoreline has a 3 mile fetch to the NE and a 5 mile fetch to the NW. The groin may trap and hold some sediment, but not enough to reduce the expected wave height and energy reaching the upland bank. Groins are most effective when used in a series, or ‘groin field’, and only along shorelines with lots of sand available in the nearshore zone. Sand trapped and held between the groins reduces beach erosion. However, this York River shoreline is dominated by tidal marshes and not sand beaches. Even a groin field here would not be expected to have a significant effect on the erosion trend.

More effective shoreline stabilization alternatives include:

- 1) A marsh sill with sand fill and planted marsh that restores at least some of the marsh feature. The sill could tie into APO Boyer’s marsh toe revetment. Bank grading and deeprooted grasses between the house and shoreline instead of lawn are also suggested with this approach. The existing lawn has a high erosion potential.
- 2) An upland revetment placed against the eroding bank is also justified in this case considering the erosion and storm risk and the proximity of the house. APO Boyer also has a revetment that Mr. Parsons could possibly tie into.”

Mr. Woolson then displayed photographs illustrating the project with the suggested alternative of a marsh toe/sill and a riprap revetment or low profile bulkhead.

Staff recommend denial of the permit for the proposed groin and spur for the following reasons:

- The York River shoreline is dominated by tidal marshes not sand beaches therefore; there would be no sand for transport available for beach buildup.
- The physical location of the proposed groin and fetch during major storm events would actually direct wave action to the nearshore bank.
- Other alternatives exist to protect this shoreline.

However, should the Board grant this permit, the applicant would be required to provide evidence of payment into a mitigation bank or in-lieu fee payment for the 32 square feet of tidal wetlands impact.

Mr. Waltrip asked if any alternative designs had been presented and felt the mitigation payment would be penalizing the property owner for trying to protect his property.

Mr. Roadley asked if the mitigation payment was for both vegetated and non-vegetated wetlands. He also asked if VMRC was acting separately on the sandy beach above mean high water.

Mr. Woolson replied the mitigation payment was only required for vegetated wetlands and payment for non-vegetated wetlands would be at the discretion of this Board.

Juliette Giordano responded to Mr. Roadley stating VMRC did not classify the area as sandy beach.

Mr. Bott stated the need was evident however; he thought the proposed project might exacerbate the problem.

Mr. Hughes continued the public hearing.

A. Mr. Ken Parsons, applicant and owner of the property stated he was concerned with being penalized for the loss of wetlands caused by Mother Nature because the proposed project had no impact to vegetated wetlands. The project was an attempt to replenish the shoreline from the silt as well as the sand in the river and he did not expect there to be a significant replenishment for three or four years. He referenced the buildup of sand that had occurred across the river as an example of what they were trying to accomplish. He stated the revetment, and sill on the adjacent property worked however the expense for that project was more than he could afford. He was therefore asking the Board to override the staff recommendations.

Mr. Hughes stated the mitigation issue could be resolved however he was concerned the proposed project would not provide the immediate shoreline protection that was needed. He also was concerned with this structure deflecting the wave action into his property.

A. Mr. Parsons stated he was willing to try this method and should it not work, he would consider something else.

Mr. Roadley stated the Wetlands Board was bound to consider the guidance from VMRC and VIMS that did not recommend groins where there was not sufficient sand in the system. Although the wetlands encroachment for this proposal was minimal, the repeated encroachments to fix the problem if this proposal did not work, was a concern and therefore the Board was looking for a long-term solution. He suggested a partial nourishment of the groin field with the use of coir logs and sand backfill planted with vegetation.

A. Mr. Parsons stated he was considering applying for a permit to put in the coir logs. He also was concerned that due to the shallow water, the stone for the revetment could not be brought in.

Mr. Waltrip thought the entire project should be considered at one time and it should be done right the first time. He stressed to Mr. Parsons that the Board wanted to help him find the best way to protect his property.

Mr. Roadley suggested Mr. Parsons use the free technical services offered by VIMS to find the best solution.

Mr. Hughes asked if the applicant could revise his application to incorporate the bank grading and coir logs without having to go through the entire application process again.

Mr. Woolson stated the applicant could ask for a deferral and revise the current application or the Board could vote on the current application and consider a second application for the additional work at a later meeting.

A. Mr. Parsons asked for a deferral until June or July so that he could work with Staff and the appropriate agencies to revise the application.

Mr. Hughes made a motion to defer the Board's decision on this case and continue the public hearing to June 13, 2012 or July 12, 2012 in order for Mr. Parsons to revise the application.

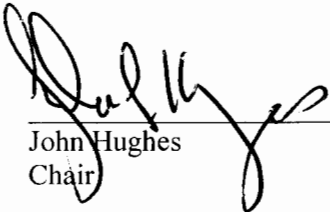
The motion was approved by a 5-0 vote.

D. BOARD CONSIDERATIONS - none

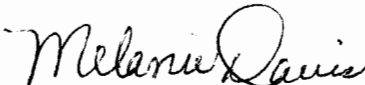
E. MATTERS OF SPECIAL PRIVILEGE - none

F. ADJOURNMENT

The meeting adjourned at 7:40 p.m.



John Hughes
Chair



Melanie Davis
Secretary