

**JAMES CITY COUNTY WETLANDS BOARD
MINUTES
Wednesday October 9, 2013**

A. ROLL CALL

John Hughes
William Apperson
Larry Waltrip
Charles Roadley
Roger Schmidt

ABSENT

David Gussman

OTHERS PRESENT

County Staff (Staff)

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 August 14, 2013 Board minutes were approved as written.

C. PUBLIC HEARINGS - None

D. BOARD CONSIDERATIONS

1. W-06-13/VMRC12-1321 Permit Extension: 2030 Bush Neck Rd

Michael Woolson, Senior Watershed Planner presented the case for Mr. Thomas Tucker's request for a two year extension of the approved wetland permit granted by the Board on October 10, 2012, for a boat ramp. Mr. Tucker wished to coordinate the expiration date with the VMRC permit and allow himself enough time to construct the requested features. Staff concurred with this extension request. All previous conditions are to be continued and the expiration date will be extended to October 15, 2015.

Mr. Roadley made a motion to adopt the resolution granting the permit extension for case #W-06-13/VMRC #12-1321 at 2030 Bush Neck Rd, Parcel No. 34201000025A.

The motion was approved by a 5-0 vote.

RESOLUTION

**GRANTING A WETLANDS PERMIT EXTENSION
ON JCC RE TAX PARCEL NO. 34201000025A**

WHEREAS, Mr. Thomas Tucker, (the "Applicant") has requested an extension of the permit granted by the Wetlands Board of James City County (the "Board") on October 10, 2012. The permit is to use and develop in areas designated as wetlands on a parcel of property identified as JCC RE Tax Parcel No. 34201000025A and further identified as 2030 Bush Neck Road (the "Property") as set forth in the application W-06-13 / VMRC 12-1321; and

WHEREAS, the Board has listened to the arguments presented and has carefully considered all evidence entered into the record.

NOW, THEREFORE, having conducted a public hearing on October 10, 2012, and pursuant to the current request for an extension, the Wetlands Board of James City County by a majority vote of its members FINDS that:

1. The anticipated public and private benefit of the proposed activity in the wetlands exceeds its anticipated public and private detriment.
2. The proposed development conforms to the standards prescribed in section 28.2-1308 of the *Code of Virginia*, and the guidelines promulgated pursuant to section 28.2-1301 of the *Code of Virginia*.
3. The proposed activity does not violate the purpose and intent of Chapter 22 of the James City County Code or sections 28.2-1300 et. seq. of the *Code of Virginia*.
4. In granting this wetlands permit, the following conditions are hereby imposed:
 - 1) Prior to any land disturbing activities, a pre-construction meeting shall 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 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.
 - 4) The wetlands permit for this project shall expire on October 15, 2015. 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.

2. **W-03-13/VMRC12-1136 Permit Extension: 1784 Cypress Isle**

Michael Woolson, Senior Watershed Planner presented the case for Mr. Wesley Boyd's request, on behalf of Jody and Wilma Forsyth, for an extension of the approved wetlands permit granted on September 12, 2012, for a beach nourishment project. Condition number 4.2 of the Board's approval states that all other federal, state and local permits shall be obtained prior to commencement of work and currently the Corps of Engineers has not acted upon the permit request. Staff concurs with this extension request. All previous conditions are to be continued and the expiration date will be extended to October 9, 2014.

Mr. Apperson made a motion to adopt the resolution granting the permit extension for case #W-03-13/VMRC #12-1136 at 1784 Cypress Isle, Parcel No. 4321400003.

The motion was approved by a 5-0 vote.

RESOLUTION

**GRANTING A WETLANDS PERMIT EXTENSION
ON JCC RE TAX PARCEL NO. 4321400003**

WHEREAS, Mr. Wesley Boyd, on behalf of Ms. Judy Forsyth, (the "Applicant") has requested an extension of the permit granted by the Wetlands Board of James City County (the "Board") on September 12, 2012. The permit is to use and develop in areas designated as wetlands on a

parcel of property identified as JCC RE Tax Parcel No. 4321400003 and further identified as 1784 Cypress Isle within the Governors Land at Two Rivers subdivision (the "Property") as set forth in the application W-03-13/VMRC 12-1136; and

WHEREAS, the Board has listened to the arguments presented and has carefully considered all evidence entered into the record.

NOW, THEREFORE, having conducted a public hearing on September 12, 2012, and pursuant to the current request for an extension, the Wetlands Board of James City County by a majority vote of its members FINDS that:

1. The anticipated public and private benefit of the proposed activity in the wetlands exceeds its anticipated public and private detriment.
2. The proposed development conforms to the standards prescribed in section 28.2-1308 of the *Code of Virginia*, and the guidelines promulgated pursuant to section 28.2-1301 of the *Code of Virginia*.
3. The proposed activity does not violate the purpose and intent of Chapter 22 of the James City County Code or sections 28.2-1300 et. seq. of the *Code of Virginia*.
4. In granting this wetlands permit, the following conditions are hereby imposed:
 - 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) The surety amount of \$5,000.00 posted to guarantee the survival of the wetland plantings will be retained by the County for two years after planting.
 - 8) The wetlands permit for this project shall now expire on October 9, 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.

E. MATTERS OF SPECIAL PRIVILEGE

1. Amendments to Bylaws

Lola Perkins, Assistant County Attorney presented various housekeeping and procedural amendments to the Board for their consideration.

Mr. Hughes made a motion to adopt the amended Wetlands Board Bylaws

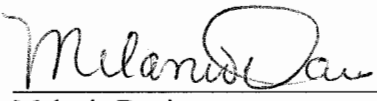
The motion was approved by a 5-0 vote.

F. ADJOURNMENT

The meeting adjourned at 7:12 p.m.



John Hughes
Wetland Board Chair



Melanie Davis
Secretary to the Board