

**JAMES CITY COUNTY WETLANDS BOARD  
MINUTES  
Wednesday December 11, 2013**

**A. ROLL CALL**

John Hughes  
William Apperson  
David Gussman  
Charles Roadley  
Larry Waltrip

**ABSENT**

**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.**

A proposal to suspend Article V, Section 5 of the Wetlands Board bylaws was approved by a 5-0 vote in order to amend the agenda and take up public hearings first.

**B. MINUTES**

The November 13, 2013 Board minutes were approved as written.

**C. PUBLIC HEARINGS - None**

**D. BOARD CONSIDERATIONS**

**1. W-12-09/VMRC 05-224 Permit Extension: Colonial Pipeline Maintenance**

Michael Woolson, Senior Watershed Planner presented this case for the Wetlands & Ecological Consultants, LLC request for a final two-year extension of the permit granted by the Wetlands Board on December 10, 2008. The permit extension request is through December 31, 2015 to coincide with the original 10-year permit authorization from VMRC. The permit is for required maintenance activities on Colonial Pipeline's infrastructure as it crosses the James River, Halfway Creek, College Creek, and the Chickahominy River within James City County. Colonial Pipeline's project area is multijurisdictional and includes not only James City County, but Charles City County, Isle of Wight County, Surry County, City of Suffolk, and the City of Chesapeake among others. Staff concurs with this request and requests that all previous conditions be continued.

Mr. Gussman made a motion to adopt the resolution to grant the extension on case W-12-09/VMRC 05-2245 Colonial Pipeline maintenance.

The motion was approved by a 5-0 vote

## RESOLUTION

### GRANTING A WETLANDS PERMIT EXTENSION ON JCC RE TAX PARCELS

5910100003, 5140100008, 4920100006, 4820100002 and 3430100002

WHEREAS, Wetland and Ecological Consultants, LLC on behalf of Colonial Pipeline Company (the "Applicant") requested an extension of the permit granted by the Wetlands Board of James City County (the "Board") on December 10, 2008. The permit is for impacts to wetlands at four potential maintenance areas identified as James River Crossing (Figure 1, Crossing 1) Tax Parcel 5940100003, Halfway Creek Crossing (Figure 2, Crossing 3) Tax Parcels 5140100008 & 4920100006, College Creek Crossing (Figure 2, Crossing 4) Tax Parcels 5140100008 & 4820100002, and the Chickahominy River Crossing (Figure 4, Crossing 5) Tax Parcel 3430100002 (the "Properties") as set forth in the application W-12-09 / VMRC 05-2245; 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 December 10, 2008, and pursuant to the current request for an extension, the hearing, 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:
  - Land disturbing activities will adhere to the standards indicated in the Joint Permit Application, Appendix B.
  - The applicant shall notify James City County's Engineering and Resource Protection Division forty-eight hours prior to the commencement of any land disturbing activity.
  - The applicant shall restore wetlands to the original topographical and vegetative state after completion of land disturbing activities.
  - The placement of the rip rap revetment mats within tidal wetlands is not authorized by this permit.
  - A Wetlands Restoration Plan with surety guaranteeing the restoration, in an amount deemed satisfactory by the Engineering and Resource Protection Division Director must be submitted and approved by the Engineering and Resource Protection Division, for any land disturbing activity within jurisdictional wetlands.
  - The Colonial Pipeline Company must monitor any areas that have been impacted for a period of two years after completion of any land disturbing activity. Monitoring reports shall be submitted to the Engineering and Resource Protection Division annually. The Engineering and Resource Protection Division will periodically inspect the impacted areas to ensure that proper restoration is achieved.
  - The permit will expire on December 31, 2015.
  - If an extension of this 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-04-13/VMRC 12-1213 Permit Extension: Minichiello/Mid-Atlantic – 133 Branscome - pier**

Michael Woolson, Senior Watershed Planner presented this case for the Mrs. Karla Havens, Mid-Atlantic Resources Consulting, is requesting an extension of this permit, through December 11, 2014. The permit is for the construction of a 245 foot long, open-pile pier over vegetated, tidal wetlands on Powhatan Creek. Staff concurs with this request and requests that all previous conditions be continued.

Mr. Apperson made a motion to adopt the resolution to grant the extension on case W-04-13/VMRC 12-1213 at 133 Branscome, Parcel No 4731000018.

The motion was approved by a 5-0 vote

**RESOLUTION**

**GRANTING A WETLANDS PERMIT EXTENSION  
ON JCC RE TAX PARCELS**

**5910100003, 5140100008, 4920100006, 4820100002 and 3430100002**

WHEREAS, Ms. Karla Havens, Mid-Atlantic Resource Consulting, on behalf of Mr. Vittorio Minichiello (the "Applicant") requested an extension of the permit granted by the Wetlands Board of James City County (the "Board") on December 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. 4731000018 and further identified 133 Branscome Boulevard within the Powhatan Shores subdivision (the "Property") as set forth in the application W-04-13/VMRC 12-1213; 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 December 12, 2012, and pursuant to the current request for an extension, the hearing, the Wetlands Board of James City County by a majority vote of its members FINDS that:

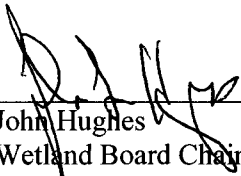
1. The anticipated public and private benefit of the proposed activity in the wetlands exceeds its anticipated public and private detriment.
2. The proposed development conforms to the standards prescribed in section 28.2-1308 of the *Code of Virginia*, and the guidelines promulgated pursuant to section 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:
  - The Applicant must obtain all other necessary local, state and/or federal permits required for the project.
  - Prior to construction, a pre-construction meeting will be held on-site.
  - 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.
  - A surety in the amount of \$2,000.00 shall guarantee the 'no net-loss' wetland policy as outlined in 4VAC20-390-10 et seq. The surety shall be in a form acceptable to the James City County Attorney's office.

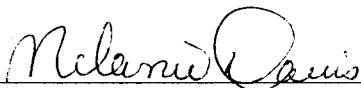
- A meeting shall take place no later than one year after pier construction is completed to determine the extent of wetland impacts. James City County Engineering and Resource Protection Division staff (Staff) shall invite representatives of the regulatory agencies dealing with tidal wetlands, VIMS, Applicant, agent, contractor, and Wetlands Board members to this meeting. It will be determined at this meeting what the extent of wetland impacts are, if any. Staff will make a presentation at the next scheduled Wetlands Board meeting regarding the extent of any impacts and make a recommendation to the Board regarding mitigation.
- The wetlands permit for this project shall now expire on December 11, 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 - None**

**F. ADJOURNMENT**

The meeting adjourned at 7:05 p.m.

  
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John Hughes  
Wetland Board Chair

  
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Melanie Davis  
Secretary to the Board