

**JAMES CITY COUNTY WETLANDS BOARD  
MINUTES  
Wednesday September 10, 2014**

**A. ROLL CALL**

John Hughes  
William Apperson  
David Gussman  
Larry Waltrip  
Charles Roadley

**ABSENT**

**OTHERS PRESENT**

County Staff:

Michael Woolson, Senior Watershed Planner  
Scott J. Thomas, Director Engineering and Resource Protection  
Allison Kotula, Assistant County Attorney  
Melanie Davis, Secretary to the Board  
Mike Johnson, 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 July 9, 2014 Board minutes were approved as written.

**C. PUBLIC HEARINGS**

**1. W-01-15 / VMRC 14-1128: Hill & Buchannan & Reilly/Water's Edge – 196, 198 & 200 The Maine**

Michael Woolson, Senior Watershed Planner presented the case for the Joint Permit Application (JPA) submitted by Daniel Winall with Water's Edge Construction, on behalf of property owners C. Debra Hill and Camilla Buchannan at 196 The Maine and Paul and Karen Reilly at 198 and 200 The Maine. The Application was for impact to approximately 150 square feet of vegetated wetlands under the jurisdiction of the local Wetlands board, for bulkhead repair with installation of riprap revetment and associated upland fill to provide erosion protection for the property. The subaqueous wetland impacts are under VMRC jurisdiction. Mr. Woolson described the current conditions of the site, the proposed construction, wetlands impacts, and the proposed mitigation. Staff determined the impacts to the vegetated wetlands for the bulkhead repair under the Wetlands Board jurisdiction, to be minimal and recommended approval with the conditions specified in the Resolution to Grant the Wetlands Permit.

Mr. Gussman asked if this Board had approved the existing bulkhead and was curious as to how long the bulkhead had lasted.

Mr. Waltrip asked if the current bulkhead would be visible after the riprap is installed.

Mr. Roadley asked why the application stated impacts were 350 square feet and if the bulkhead was considered the break in the jurisdictional line.

Mr. Woolson explained that the filter fabric and riprap would cover the existing bulkhead and the change in square footage of impacts was determined after the site visit by Mr. Winall, VMRC and himself because of the sparse vegetation. Jurisdiction based on the existing bulkhead was not discussed but water does flow through gaps in the bulkhead.

Mr. Hughes opened the public hearing.

Mr. Roadley asked Mr. Winall if the proposed height of the revetment was to prevent wave run up.

A. Daniel Winall with Water's Edge Construction, contractor and agent for the property owners stated the proposed height was for shoreline protection as the current bulkhead was not high enough. He stated most of the bulkheads in this area were installed in mid 1980s and would be best repaired with riprap as in this proposal.

Mr. Woolson added that the existing riprap on lot 200 was installed in 1996 and was permitted by this Board.

Mr. Apperson asked if anything would be done upslope to prevent reoccurrence of the current washout on lot 200. He also stated the proposed drip irrigation was a good idea for establishing the plantings and complimented this idea.

Mr. Waltrip asked how the runoff from the bank would impact the installed riprap.

A. Mr. Winall described the height of the new revetment stating it would be six to eight inches taller than the fill behind it and would serve as a buffer for the run off. The height of the new riprap should prevent reoccurrence of the existing washout on lot 200. He said the drip irrigation was recommended by the County.

Mr. Roadley asked if alternative solutions had been considered.

A. Mr. Winall stated other methods were considered and discarded due to the depth of the substrate.

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

All Board members felt the stabilization and repair were needed and supported the proposal.

Mr. Apperson made a motion to adopt the resolution granting the wetlands permit for case W-01-15/VMRC 14-1128 at 196, 198 and 200 The Maine, Parcels 4540200071, 4540200072 and 4540200073.

The motion was approved by a 5-0 vote.

**RESOLUTION**  
**GRANTING A WETLANDS PERMIT ON JCC RE TAX PARCELS**  
**4540200071, 4540200072 and 4540200073**

WHEREAS, Daniel Winall, Water's Edge Construction on behalf of C. Debra Hill and Camilla Buchannan and Paul and Karen Reilly (the "Applicants") has appeared before the Wetlands Board of James City County (the "Board") on September 10, 2014 to request a permit to use and develop in areas designated as wetlands on property identified as JCC RE Tax Parcels 4540200071, 4540200072 and 4540200073 and further identified as 196, 198 and 200 The Maine in the First Colony subdivision (the "Property") as set forth in the application W-01-15/VMRC 14-1128; and

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

NOW, THEREFORE, following a public 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:
  1. Prior to commencing this project, 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. Evidence of the purchase of tidal wetland credits or a surety of \$3,000 to guarantee the purchase of tidal wetland credits shall be provided prior to commencement of work; and
  4. 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
  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. A surety of \$3,000 will be required to guarantee the upland mitigation plantings and shall be provided prior to the commencement of work. All surety must be in a form acceptable to the County Attorney's Office; and
  7. The wetlands permit for this project shall expire on September 10, 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.

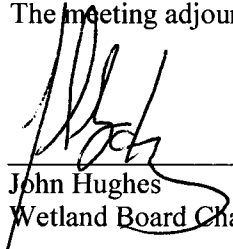
**D. BOARD CONSIDERATIONS - None**


**E. MATTERS OF SPECIAL PRIVILEGE**

Mr. Woolson introduced VMRC Environmental Engineer, Mike Johnson with VMRC serving as the current representative for James City County.

**F. ADJOURNMENT**

The meeting adjourned at 7:20 p.m.

  
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John Hughes  
Wetland Board Chair

  
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Melanie Davis  
Secretary to the Board