

**JAMES CITY COUNTY WETLANDS BOARD
MINUTES
Wednesday April 8, 2015**

A. ROLL CALL

John Hughes – Chair
William Apperson
David Gussman
Larry Waltrip
Roger Schmidt - Alternate

ABSENT

Charles Roadley

OTHERS PRESENT

County Staff:

Michael Woolson, Senior Watershed Planner
Scott J Thomas, Engineering and Resource Protection Director
Allie Kotula, Assistant County Attorney
Melanie Davis, Secretary to the Board
Mark Eversole, 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 January 14, 2015 Board minutes were approved as written.

C. PUBLIC HEARINGS

1. W-06-15 / VMRC 15-0246: Rauchwarg/Mid-Atlantic-7595 Uncles Neck

Michael Woolson presented this case for the Joint Permit Application (JPA) submitted by Karla Havens with Mid-Atlantic Resource Consulting, on behalf of property owners Glenn and Michelle Rauchwarg. The application was to construct a 335 foot stone revetment and an 80 foot stone sill with beach nourishment on their property at 7592 Uncle Neck in the Rivers Bend at Uncles Neck subdivision, JCC Parcel Number 2010200023. The project included grading of the bank that would be considered by the Chesapeake Bay Board as case CBE-15-073 at the following meeting. Mr. Woolson described the proposed structures, the proposed plantings submitted by the applicant and the current topography and conditions of the site. Staff recommended approval of this project with the conditions specified in the Resolution to Grant.

Mr. Hughes opened the public hearing.

A. Karla Havens with Mid-Atlantic Resource Consulting, representative for the applicants, thanked Mr. Woolson for the thorough presentation. She explained that the beach nourishment would be 1600 square feet of re-vegetated area.

Mr. Apperson questioned some of the proposed plantings stating they might not survive or were not native to the area.

A. Ms. Havens explained all the plants were on the approved list but they would follow the Boards recommendations for suggested species.

Mr. Schmidt asked how the rock would be placed on the revetment slope once it was graded.

A. Ms. Havens stated it was normally done with long reach equipment a bucket at time down the slope.

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

All Board members agreed the shoreline protection was necessary.

Mr. Apperson made a motion to adopt the resolution granting the wetlands permit for case W-06-15/VMRC 15-0246 at 7595 Uncles Neck, Parcel No. 2010200023.

The motion was approved by a 5-0 vote.

RESOLUTION

GRANTING A WETLANDS PERMIT ON JCC RE TAX PARCEL NO. 2010200023

WHEREAS, Ms. Karla Havens, on behalf of Glenn and Michele Rauchwarg, (the "Applicant") has applied to the Wetlands Board of James City County (the "Board") to request a permit to use and develop in areas designated as wetlands on a parcel of property identified as JCC RE Tax Parcel No. 2010200023 and further identified as 7592 Uncles Neck in the Rivers Bend at Uncles Neck Subdivision (the "Property") as set forth in the application W-06-15/VMRC 15-0246: 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, on April 8, 2015, 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) The applicant must obtain all other necessary federal, state, and local permits as required for the project.
 - 2) Prior to construction, a wetland planting plan and plant list must be provided to the Engineering and Resource Protection Division staff for review and approval.
 - 3) Prior to construction, a \$1,250 surety for the wetland plantings shall be submitted in a form acceptable to the County Attorney's office.
 - 4) The surety will be held for a minimum of one growing season after planting.
 - 5) There shall be a 90% survival rate of the planted material after one growing season or additional plantings completed to reach 90% of the original quantity prior to surety release.
 - 6) Prior to construction, the limits of the sill and revetment shall be re-staked in the field if necessary.
 - 7) Prior to construction, a pre-construction meeting will be held on-site.
 - 8) 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.
 - 9) The wetlands permit for this project shall expire on April 8, 2016 if construction has not begun. 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-07-15 / VMRC 15-0251: Mitrovic/Mid-Atlantic-7616 Uncles Neck**

Michael Woolson presented this case for the Joint Permit Application (JPA) submitted by Karla Havens with Mid-Atlantic Resource Consulting, on behalf of property owner Suzanne Mitrovic. The application was to construct a 295 foot stone revetment and an 85 foot stone sill with beach nourishment on their property at 7616 Uncle Neck in the Rivers Bend at Uncles Neck subdivision, JCC Parcel Number 2030200029. The project included grading of the bank that would be considered by the Chesapeake Bay Board as case CBE-15-074 at the following meeting. Mr. Woolson described the proposed structures, the proposed plantings submitted by the applicant and the current topography and conditions of the site. Staff recommended approval of this project with the conditions specified in the Resolution to Grant.

Mr. Schmidt asked if the size and location of the sills was driven by the topography and if the sills would tie into anything on the adjacent lots.

Mr. Woolson said that was correct. In this and the previous case, the bank grading was not necessary, as the sills would break the wave energy preventing the bank erosion in these areas. He added that the sills did not tie into structures on neighboring properties.

Mr. Hughes opened the public hearing.

A. Karla Havens with Mid-Atlantic Resource Consulting, representative for the applicants, stated the beach nourishment area would be 1800 square feet on this site.

Mr. Hughes asked if the same contractor would be used for both projects.

Mr. Waltrip asked how they were going to access the shoreline.

A. Ms. Havens said the applicants were waiting for application approval before selecting a contractor. She explained the driveways existed on both parcels and there would be some clearing but both sites had swales that would be used to reach the shoreline.

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

Mr. Gussman made a motion to adopt the resolution granting the wetlands permit for case W-07-15/VMRC 15-0251 at 7616 Uncles Neck, Parcel No. 2030200029.

The motion was approved by a 5-0 vote.

RESOLUTION

GRANTING A WETLANDS PERMIT ON JCC RE TAX PARCEL NO. 2030200029

WHEREAS, Ms. Karla Havens, on behalf of Suzanne Mitrovic (the "Applicant") has applied to the Wetlands Board of James City County (the "Board") to request a permit to use and develop in areas designated as wetlands on a parcel of property identified as JCC RE Tax Parcel No. 2030200029 and further identified as 7616 Uncles Neck in the Rivers Bend at Uncles Neck Subdivision (the "Property") as set forth in the application W-07-15/VMRC 15-0251; 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, on April 8, 2015, 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.

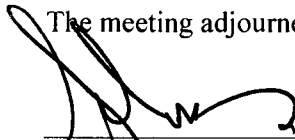
2. The proposed development conforms to the standards prescribed in section 28.2-1308 of the *Code of Virginia*, and the guidelines promulgated pursuant to section 28.2-1301 of the *Code of Virginia*.
3. The proposed activity does not violate the purpose and intent of Chapter 22 of the James City County 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) The applicant must obtain all other necessary federal, state, and local permits as required for the project.
 - 2) Prior to construction, a wetland planting plan and plant list must be provided to the Engineering and Resource Protection Division staff for review and approval.
 - 3) Prior to construction, a \$1,500 surety for the wetland plantings shall be submitted in a form acceptable to the County Attorney's office.
 - 4) The surety will be held for a minimum of one growing season after planting.
 - 5) There shall be a 90% survival rate of the planted material after one growing season or additional plantings completed to reach 90% of the original quantity prior to surety release.
 - 6) Prior to construction, the limits of the sill and revetment shall be re-staked in the field if necessary.
 - 7) Prior to construction, a pre-construction meeting will be held on-site.
 - 8) 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.
 - 9) The wetlands permit for this project shall expire on April 8, 2016 if construction has not begun. 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 - None

F. ADJOURNMENT

The meeting adjourned at 7:40 p.m.



John Hughes
Wetland Board Chair



Melanie Davis
Secretary to the Board