

**JAMES CITY COUNTY WETLANDS BOARD
MINUTES
Thursday November 12, 2015**

A. ROLL CALL

William Apperson – Vice Chair
Louis Bott – Alternate
Roger Schmidt - Alternate

ABSENT

John Hughes
David Gussman
Charles Roadley
Larry Waltrip

OTHERS PRESENT

County Staff (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 September 9, 2015 Board minutes were approved as written.

C. PUBLIC HEARINGS

1. W-21-15 / VMRC 15-0873: Reece – 258 Sandy Bay Rd continued from 9/9/15

Michael Woolson presented this case for the Joint Permit Application (JPA) submitted by Mr. John Reece to place 80 feet of coir logs along Powhatan Creek and 40 feet of coir logs adjacent to the marsh and to install a boat ramp at 258 Sandy Bay Road, JCC Parcel 4730100012. Mr. Woolson gave a history of previous improvements on this lot, and described the initial request for a bulkhead that has now been revised to coir logs. He also explained that removal of the fallen trees in the creek would be the responsibility of Mr. Reece. Staff reviewed the revised application and recommended approval with the conditions specified in the Resolution to Grant the permit.

Mr. Schmidt asked if the coir logs would have to be replaced at the end of their live span.

Mr. Woolson said the 7-10 year life span of the coir logs should allow the area to revegetate.

Mr. Bott asked if there was an erosion problem on the site and how the logs would be installed.

Mr. Woolson said the applicant and staff did not agree on the rate of erosion however the applicant's opinion was based on comments from the previous property owner.

A. Mr. Reece stated the erosion was evident from the fallen trees and he was concerned with the erosion due to the proximity to his house. He also described how he would install the coir logs.

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

Mr. Bott felt project was a small impact to wetlands and the use of coir logs was the preferred approach.

Mr. Apperson agreed with Mr. Bott and also felt the small boat ramp was necessary for canoe launch.

Mr. Schmidt made a motion to adopt the resolution to grant the permit for wetlands board case W-21-15/VMRC 15-0873 at 258 Sandy Bay Road, Parcel No 4730100012.

The motion was approved by a 3-0 vote.

RESOLUTION
GRANTING A WETLANDS PERMIT ON JCC RE TAX PARCEL 4730100012

WHEREAS, Mr. John Reece (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 property identified as JCC RE Tax Parcel 4730100012 and further identified as 258 Sandy Bay Road (the "Property") as set forth in the application W-21-15/VMRC 15-0873; 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 September 9, 2015 and November 12, 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) Coir (coconut fiber) log installation shall follow manufacturer recommendations and an acceptable regulatory publication for installation such as the *Virginia Stream Restoration & Stabilization Best Management Practice Guide*; or alternatively, an equivalent and acceptable published and agreed upon standard for coir log installation. Final installation information for the practice shall be submitted to the Engineering and Resource Protection Division for review and approval prior to installation.
 - 3) Prior to construction, the limits of work shall be staked in the field and approved by a representative of the Engineering and Resource Protection Division.
 - 4) 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.
 - 5) The wetlands permit for this project shall expire on November 12, 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-04-16 / VMRC 15-1121: Corblu Ecology Group - Colonial Pipeline maintenance**

Michael Woolson presented this case for the Joint Permit Application (JPA) submitted by Ms. Shanna Cahill of Corblu Ecology Group, LLC on behalf of Mr. Stanley Carpenter of Colonial Pipeline Company for potential wetlands impacts associated with maintenance of the pipeline as regulated by the US DOT. Mr. Woolson then described the various wetland crossings subject to the potential impacts and described the conditions and proposed restoration of any impacted areas. Staff recommended approval of the application with the conditions specified in the Resolution to Grant the permit.

Mr. Bott asked if there wasn't a nationwide permit that covered this maintenance. He also asked the basis for allowing an extension of the local permit for ten years.

Mr. Woolson responded that there might be a nationwide maintenance permit with the ACOE but not with VMRC or the County. He said the condition in the Resolution to Grant that allowed for an extension of the local permit from 2018 to 2025 was an attempt to coordinate with the state permit from VMRC.

Mark Eversole with VMRC explained that after all local wetlands boards approved the permit, it would be considered by the Commission on December 8, 2015. The VMRC permit will be issued for 3 years and then extended every 3 years up to a maximum of 10 years. He explained that Colonial Pipeline currently has a permit issued in 2005 that will expire this year and they are now seeking a new permit.

Mr. Apperson did not believe there had ever been an issue with wetland impacts from this pipeline maintenance. He also liked the condition for the County to be notified on all 'Awareness Letters'

Mr. Apperson opened the public hearing.

- A.** Shanna Cahill of Corblu Ecology Group, LLC on behalf of Colonial Pipeline Company, added that that they also did an evaluation of the sites for each 3 year review by VMRC.
- B.** Mr. Keith Johnson with the Colonial Williamsburg Foundation asked if property owners would also be notified of the 'Awareness Letters' and be given notice of any repairs or maintenance that might be done on or near their property.

Mr. Woolson stated that staff would make a note in the files to notify adjacent property owners when 'Awareness Letters' were received.

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

Mr. Bott made a motion to adopt the Resolution to Grant the permit for wetlands board case W-04-16/VMRC 15-1211 for pipeline maintenance.

The motion was approved by a 3-0 vote.

RESOLUTION

GRANTING A WETLANDS PERMIT ON JCC RE TAX PARCELS 5940100003, 4920100006, 4910230001A, 49103A0002A, 4610100008, 3430100002

WHEREAS, Ms. Shanna Cahill of Corblu Ecology Group, LLC on behalf of Mr. Stanley Carpenter of the Colonial Pipeline Company (the "Applicant"), has applied to the Wetlands Board of James City County (the "Board") to request a permit to allow for potential tidal wetland impacts along and within the existing Colonial Pipeline easement corridor within James City County. The crossings are identified as the James River-Parcel #5940100003, Halfway Creek-Parcel #4920100006, College Creek-Parcels #4910230001A and #49103A0002A, Powhatan Creek-Parcel #4610100008 and the Chickahominy River-Parcel #3430100002 (the "Property") as set forth in the application W-04-16/VMRC JPA #15-1211; 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 November 12, 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 shall copy the Engineering and Resource Protection Division on all 'Awareness Letters' submitted to VMRC and/or the USACE that are within James City County.
 - 2) The Applicant shall inform the Engineering and Resource Protection Division of all emergency repairs performed within James City County and when the work in these areas of James City County are to commence.
 - 3) The Applicant shall monitor any impact area for a period of two years post-repair to ensure that the areas have achieved adequate stabilization (90% aerial coverage). If inadequately stabilized after two years, a restoration plan must be submitted and approved by the Engineering and Resource Protection Division.
 - 4) The wetlands permit for this project shall expire on December 31, 2018.
 - 5) Upon written request and formal Wetland Board approval, this permit may be extended to December 31, 2025. The written request shall be submitted no later than six weeks prior to the permit expiration date.

D. BOARD CONSIDERATIONS

1. Calendar Year 2016 Meeting Schedule

All Board members agreed to adopt the 2016 Wetlands Board meeting schedule as presented.

2. Election of Officers for 2016

John Hughes was reappointed as Chair. All members were in favor.

William Apperson was reappointed as Vice-Chair. All members were in favor.

Melanie Davis was reappointed as Secretary. All members were in favor.

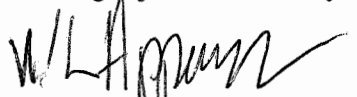
E. MATTERS OF SPECIAL PRIVILEGE

1. Presentation on Living Shorelines – Mark Eversole, VMRC

Mr. Eversole suggested and the board members agreed to postpone this presentation to the next meeting on December 9, 2015, when more board members could be in attendance.

F. ADJOURNMENT

The meeting adjourned at 7:40 p.m.



William Apperson
Wetland Board Vice Chair



Melanie Davis
Secretary to the Board