

**JAMES CITY COUNTY WETLANDS BOARD  
MINUTES  
Wednesday April 13, 2016**

**A. ROLL CALL**

John Hughes - Chair  
William Apperson  
Charles Roadley  
David Gussman  
Roger Schmidt - Alternate

**ABSENT**

Larry Waltrip

**OTHERS PRESENT**

County Staff (Staff):

Michael Woolson, Senior Watershed Planner  
Maxwell Hlavin, 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 December 9, 2015 Board minutes were approved as written.

**C. PUBLIC HEARINGS**

**For the convenience of the applicants and staff, the order of the agenda was amended.**

**1. W-15-16 / VMRC 16-0314: 7671 Cypress Drive**

Michael Woolson presented this request for a wetlands permit submitted by Karla Havens, Mid-Atlantic Resource Consulting, on behalf of Mr. Brian Harriss, to construct two 45-foot long breakwaters with beach nourishment on his property located at 7671 Cypress Drive, directly on the Chickahominy River. The property is further identified as James City County Tax Map Parcel No. 0930100007. Mr. Woolson described the current site conditions and the proposed project to protect the existing shoreline through this living shoreline proposal. Mr. Woolson advised the Board that the Virginia Institute of Marine Science (VIMS) had concerns with the application due to the presence of submerged aquatic vegetation (SAV) in this area of the Chickahominy River. In addition, an adjacent property owner has protested and wishes to be heard at the full Commission public hearing. Mr. Woolson explained that the application before the Board was for full impacts to vegetated and non-vegetated wetlands and any revisions due to the SAV would reduce these impacts. Therefore, Staff recommended approval of the permit application with the conditions specified in the Resolution to Grant the permit.

Mr. Hughes asked about the neighbors protest and clarification on the location of the breakwaters and the deflection of the wave energy.

Mr. Woolson read the following statement from Terry and Paula Shiver: "Give us proof our shoreline will not be washed out due to the Harriss project. We have lived here at in the Haven since 1970 and witnessed the continuous washing out of natural shorelines with the introduction of quarry stone". The Shivers were not present at this meeting but, this issue would be addressed at the hearing before the Virginia Marine Resource Commission. Mr. Woolson then clarified the proposed location of the breakwaters and believed the wave energy would not impact the neighbor's property.

Mr. Roadley asked if Staff's recommendation for approval was based on the revised drawings.

Mr. Woolson explained that Staff was recommending approval of the application as submitted. If the recent revisions were approved by VMRC, the impacts between the shoreline and mean low water which is what is in the Boards prevue, would be reduced and therefore this approval would still be valid. However the Board should consider that the revision would place part of the breakwaters in their jurisdiction.

Mr Hughes opened the public hearing.

A. Ms. Karla Havens with Mid-Atlantic Resource Consulting, stated the revised drawings only changed the location of mean low water and were based on consultation with VMRC. She added that although she sent notice to all adjacent property owners requesting their comments, she had not received anything from Mr. and Mrs. Shiver. She felt the shoreline erosion on their property would occur even without this project due to the aggressive boat action in this area.

Mr. Roadley asked if there was any net transport of sediment in this area.

B. Ms. Havens stated she had not seen any.

Mr Roadley explained his reason for the question was that perhaps the erosion from the applicant's property was feeding the neighbor's property and the objection was because this project would stop that benefit. He felt the applicant was proposing the preferred method for protecting a shoreline from further erosion and it would not be the cause of erosion on the neighbor's property.

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

Mr. Apperson felt the project was well engineered and the applicant's shoreline needed protection.

Mr. Hughes stated previously a bulkhead would have been proposed and this project was far superior.

Mr. Apperson made a motion to adopt the resolution to grant the permit for wetlands board case W-15-16/VMRC 16-0314 at 7671 Cypress Drive, Parcel No 0930100007.

The motion was approved by a 5-0 vote.

**RESOLUTION**  
**CASE NO. W-15-16/VMRC 16-0314, 7671 CYPRESS DRIVE**  
**JAMES CITY COUNTY WETLANDS PERMIT**

WHEREAS, Brian Harriss (the "Applicant") has applied to the Wetlands Board of James City County (the "Board") on April 13, 2016, to request a permit to use and develop in areas designated as wetlands on a parcel of property identified as James City County Real Estate Tax Parcel No. 0930100007 and further identified as 7671 Cypress Drive in the Cypress Point subdivision (the "Property") as set forth in the application W-15-16/VMRC 16-0314; and

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

NOW, THEREFORE, BE IT RESOLVED that the Wetlands Board of James City County, Virginia, following a public hearing, 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:
  - a. The applicant must obtain all other necessary local, state and/or federal permits required for the project; and
  - b. A pre-construction meeting will be held on-site prior to work commencing; and
  - c. The centerlines for the two breakwaters shall be re-staked to match the permit drawings; and
  - d. The sand fill shall gradually slope from an elevation of mean low water at the breakwaters to the upper edge of the shoreline scarp; and
  - e. No removal of the cut cypress stumps is allowed. The project must work around these features; and
  - f. A surety of \$1,000 shall be submitted in a form acceptable to the County Attorney's Office, guaranteeing the planting of spartina. One half of the surety may be released upon completion of initial plantings and the remaining may be released one year post planting if a 90% survival rate of the planted material has been achieved; and
  - g. The Engineering and Resource Protection Division Director reserves the right to require additional erosion and sediment control measures, such as a turbidity curtain, for this project if field conditions warrant their use; and
  - h. The Wetlands Permit for this project shall expire on April 13, 2017. 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-13-16 / VMRC 16-0207: 3112 N Riverside Drive**

Michael Woolson presented this request for a wetlands permit submitted by Karla Havens, Mid-Atlantic Resource Consulting, on behalf of Mr. George Amory and the Chickahominy Haven Citizen Association, to construct a 132-foot-long revetment adjacent to an existing, failing bulkhead located at 3112 N Riverside Drive, directly on the Chickahominy River. The property is further identified as James City County Tax Map Parcel No. 1910200009. Mr. Woolson described the current site conditions and the proposed project as specified in the Joint Permit Application (JPA). He explained that Staff considered this a modified living shoreline and recommended approval of the permit application with the conditions specified in the Resolution to Grant the permit.

Mr. Gussman asked what made this revetment a modified living shoreline.

Mr. Woolson explained that this proposal for a replacement wall included an armor stone structure which could be considered part of a living shoreline.

Mr. Hughes asked how old the existing bulkhead was and how the new wall would tie into the shoreline.

Mr. Woolson estimated the existing wall to be about 30 years old.

Mr. Roadley asked if the applicant had considered a living shoreline and if there was a return on the end of the proposed wall.

Mr. Woolson deferred these questions to the applicant's agent, Karla Havens.

Mr. Hughes opened the public hearing.

A. Karla Havens, Mid-Atlantic Resource Consulting stated the fetch in this area and the fact that it was a northern facing shore, made it impractical for a living shoreline. She said there were no returns on the existing wall and therefore the over wash during any storm was eroding behind the existing wall. The proposal suggested by the contractor, Wilber Jordan, was to build a shorter revetment in front of the existing wall and use the armor stone to support it and tie into the shoreline.

Mr. Apperson asked how long the existing bulkhead might last without this project.

A. Ms. Havens stated that one good storm might take it out particularly because there was no longer any tie in to the shoreline.

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

Mr. Schmidt made a motion to adopt the Resolution to Grant the permit for wetlands board case W-13-16/VMRC 16-0207 at the 3112 North Riverside Drive, Parcel No. 1910200009.

The motion was approved by a 5-0 vote.

**RESOLUTION**  
**CASE NO. W-13-16/VMRC 16-0207. 3112 N RIVERSIDE DRIVE**  
**JAMES CITY COUNTY WETLANDS PERMIT**

WHEREAS, George Amory and the Chickahominy Haven Citizen Association, (the "Applicant") have applied to the Wetlands Board of James City County (the "Board") on April 13, 2016, to request a permit to use and develop in areas designated as wetlands on a parcel of property identified as James City County Real Estate Tax Parcel No. 1910200009 and further identified as 3112 N Riverside Drive in the Chickahominy Haven subdivision (the "Property") as set forth in the application W-13-16/VMRC 16-0207; and

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

NOW, THEREFORE, BE IT RESOLVED that the Wetlands Board of James City County, Virginia, following a public hearing, 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:
  - a. The applicant must obtain all other necessary local, state and/or federal permits required for the project; and
  - b. A pre-construction meeting will be held on-site prior to work commencing; and
  - c. A surety of \$1,000 shall be submitted in a form acceptable to the County Attorney's Office, guaranteeing the upland restoration of the construction disturbance. Once the area is stabilized according to the Virginia Erosion and Sediment Control Handbook guidelines, the surety will be released; and
  - d. The Engineering and Resource Protection Division Director reserves the right to require additional erosion and sediment control measures, such as a turbidity curtain, for this project if field conditions warrant their use; and

- e. The Wetlands Permit for this project shall expire on April 13, 2017. 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.

3. **W-11-16 / VMRC 16-0125: 7608 Uncles Neck**

Michael Woolson presented this request for a wetlands permit submitted by Karla Havens, Mid-Atlantic Resource Consulting, on behalf of Patrick and Lee Holder, to construct a 200-linear-foot revetment along the shoreline on their property located at 7608 Uncles Neck, directly on the Chickahominy River. The property is further identified as James City County Tax Map Parcel No. 2030200027. Mr. Woolson described the current site conditions and the proposed project as specified in the Joint Permit Application (JPA). The bank grading aspect of this case (CBE-16-074) will be considered by the Chesapeake Bay Board and all upland stabilization and bonding will be addressed with that case. Staff recommended approval of the wetland permit application with the conditions specified in the Resolution to Grant the permit.

Mr. Hughes asked how the revetment would tie into the undefended side of the property.

Mr. Woolson stated the slope was less severe on that side of the property and it would just tie in the bank the same as the Fisher's revetment on the opposite side tied into their bank now.

Mr. Hughes opened the public hearing.

**A.** Karla Havens, Mid-Atlantic Resource Consulting stated the revetment would be kept close to the bank on that side of the property. She also stated that Mr. and Mrs. Fisher, the adjacent property owners on the other side were in attendance in support of the project.

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

Mr. Gussman commented that in his experience, the wave action from large boats was extensive in this area of the Chickahominy possibly causing a lot of the erosion.

Mr. Roadley asked if the existing wetland three-square plants would be impacted by the proposed structure.

Mr. Woolson stated they would not.

Mr. Gussman made a motion to adopt the Resolution to Grant the permit for wetlands board case W-11-16/VMRC 16-0125 at the 7608 Uncles Neck, Parcel No. 2030200027.

The motion was approved by a 5-0 vote.

**RESOLUTION**

**CASE NO. W-11-16/VMRC 16-0125. 7608 UNCLES NECK**  
**JAMES CITY COUNTY WETLANDS PERMIT**

WHEREAS, Patrick and Lee Holder, (the "Applicant") have applied to the Wetlands Board of James City County (the "Board") on April 13, 2016, to request a permit to use and develop in areas designated as wetlands on a parcel of property identified as James City County Real Estate Tax Parcel No. 2030200027 and further identified as 7608 Uncles Neck in the Rivers Bend at Uncles Neck subdivision (the "Property") as set forth in the application W-11-16/VMRC 16-0125; and

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

NOW, THEREFORE, BE IT RESOLVED that the Wetlands Board of James City County, Virginia, following a public hearing, by a majority vote of its members FINDS that:

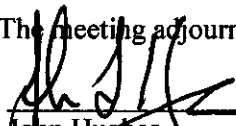
1. The anticipated public and private benefit of the proposed activity in the wetlands exceeds its anticipated public and private detriment.
2. The proposed development conforms to the standards prescribed in Section 28.2-1308 of the Code of Virginia, and the guidelines promulgated pursuant to Section 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:
  - a. The applicant must obtain all other necessary local, state and/or federal permits required for the project; and
  - b. A pre-construction meeting will be held on-site prior to work commencing; and
  - c. All surety associated with CBE-16-074 be in place prior to commencing this project; and
  - d. The Engineering and Resource Protection Division Director reserves the right to require additional erosion and sediment control measures, such as a turbidity curtain, for this project if field conditions warrant their use; and
  - e. The Wetlands Permit for this project shall expire on April 13, 2017. 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**

**E. MATTERS OF SPECIAL PRIVILEGE**

**F. ADJOURNMENT**

The meeting adjourned at 8:05 p.m.

  
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John Hughes  
Wetland Board Chair

  
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Melanie Davis  
Secretary to the Board