

MINUTES
JAMES CITY COUNTY WETLANDS BOARD
REGULAR MEETING
County Government Center, Building F
101 Mounts Bay Road, Williamsburg, VA 23185
March 8, 2017
7:00 PM

A. CALL TO ORDER

The Wetlands Board meeting for March 8, 2017, was Called to Order.

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. ROLL CALL

Board Member Present:

John Hughes - Chair
William Apperson
Charles Roadley
Larry Waltrip
Roger Schmidt - Alternate

Absent:

David Gussman

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)

C. MINUTES

1. November 9, 2016, Regular Meeting Minutes

The minutes were approved as written.

D. PUBLIC HEARINGS

1. Wetlands Board Case No. W-14-15/VMRC 15-0679: 7588 Uncle's Neck

Michael Woolson presented the wetlands permit request submitted by Karla Havens, Mid-Atlantic Resource Consulting, on behalf of property owners, Michael and Maureen O'Brien. The permit request was to create an approximate 445-foot offshore sill and associated beach nourishment for a living shoreline to protect the existing shoreline along the Chickahominy River on the property known as 7588 Uncle's Neck in the River's Bend at Uncle's Neck subdivision, within the Chickahominy River watershed and further identified as James City County Parcel No. 2010200022. The presentation described the size, composition

and location of the proposed sill, the proposed plantings and the current site conditions. Mr. Woolson explained that this permit was previously granted by this Board but expired because construction had not begun. He also noted that the required permit from VMRC was valid until July 31, 2018. Staff determined this project met the required criteria and recommended approval with the conditions outlined in the Resolution.

Mr. Schmidt asked why this structure was located farther out than the structure on the neighboring property.

Mr. Hughes opened the Public Hearing.

A. Ms. Karla Havens, Mid-Atlantic Resource Consulting, explained that the owner wanted to stabilize the shoreline with the least possible impacts and the location of the sill was due to the topography at the site.

Mr. Hughes asked if this project would be done at the same time as the other projects on tonight's agenda since they were all in the same location.

A. Ms. Havens said it could not be determined because the respective property owners could hire different contractors.

Mr. Roadley asked if the deadline of March 8, 2018 proposed by Staff was sufficient time to start the project.

Mr. Woolson suggested the Board change this permit expiration to coincide with the VMRC permit expiration.

Mr. Hughes closed the Public Hearing as no one else wished to speak.

Mr. Roadley made a motion to adopt the Resolution to Grant the Permit for Wetlands Board Case No. W-14-15/VMRC 15-0679 at 7588 Uncle's Neck with an extended expiration date of July 31, 2018.

The motion was approved: 5-0

Ayes: Schmidt, Roadley, Waltrip, Apperson, Hughes

Nays: None

2. Wetlands Board Case No. W-17-17/VMRC 17-0074: 7596 Uncle's Neck

Michael Woolson presented the wetlands permit request submitted by Karla Havens, Mid-Atlantic Resource Consulting, on behalf of property owners, Shawn and Dawn Lemon. The permit request was to construct a 5-foot by 240-foot non-commercial pier through a bald cypress swamp to open water in the Chickahominy River, on the property known as 7596 Uncle's Neck in the River's Bend at Uncle's Neck subdivision, within the Chickahominy River watershed and further identified as James City County Parcel No. 2010200024. The presentation described the current site conditions and the possible impacts from construction

of the proposed pier. Mr. Woolson explained why Staff was requiring the local permit and how permanent wetlands impacts and mitigation requirements would be determined. Staff recommended approval of the permit request with the conditions outlined in the Resolution.

Mr. Roadley asked what Staff's concerns were regarding wetland impacts.

Mr. Woolson stated it was mainly the impact to the bald cypress knees.

Mr. Hughes opened the Public Hearing.

Mr. Hughes and Mr. Waltrip asked how the construction site would be accessed.

A. Ms. Karla Havens, Mid-Atlantic Resource Consulting, said the length of the pier was reduced from the original application and the 6 trees to be cut were not in good health. She explained the contractor's construction method was to use the pier for access and he did not use mats that would encroach into areas beside the pier.

Mr. Hughes closed the Public Hearing as no one else wished to speak.

Mr. Apperson appreciated the proposed method of construction and asked how the 5 foot width of the pier was determined.

Mr. Woolson said state law allowed for up to a 6-foot wide pier.

Mr. Apperson made a motion to adopt the Resolution to Grant the Permit for Wetlands Board Case No. W-17-17/VMRC 17-0074 at 7596 Uncle's Neck.

The motion was approved: 5-0

Ayes: Schmidt, Roadley, Waltrip, Apperson, Hughes

Nays: None

3. Wetlands Board Case No. W-19-17/VMRC 17-0176: 7600 Uncle's Neck

Michael Woolson presented the wetlands permit request submitted by Karla Havens, Mid-Atlantic Resource Consulting, on behalf of property owners, Richard and Myra Nuzzo. The permit request was to construct a 147-linear-foot stone revetment on the property known as 7600 Uncle's Neck in the River's Bend at Uncle's Neck subdivision, within the Chickahominy River watershed and further identified as James City County Parcel No. 2010200025. The presentation described the proposed revetment and the current site conditions. Mr. Woolson informed the Board that the bank was previously graded with a Chesapeake Bay Exception, in an attempt to protect the shoreline but it has continued to erode and requires this additional protection. Staff recommended approval of the permit request with the conditions outlined in the Resolution.

Mr. Roadley asked if the applicant had considered a living shoreline.

Mr. Woolson said because there were revetments on both adjacent lots, it was not the owners preferred solution. He had already restored the vegetation from the previous grading and having to further grade for a living shoreline seemed more intrusive.

Mr. Waltrip asked if the photograph of the eroded bank was taken at high or low tide.

Mr. Woolson explained it was mid-tide.

Mr. Schmidt asked where the construction entrance would be located.

Mr. Woolson stated there would be one on either side of the pier but, the applicant's desire was to save as much of the existing vegetation as possible.

Mr. Hughes opened the Public Hearing.

Mr. Roadley asked what size stone would be used in the revetment.

A. Ms. Karla Havens, Mid-Atlantic Resource Consulting, stated this revetment would tie into the revetments on either side of the property and the application called for Class II armour stone. She also emphasized the erosion from boat wake in the area.

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 No. W-19-17/VMRC 17-0176 at 7600 Uncle's Neck.

The motion was approved: 5-0

Ayes: Schmidt, Roadley, Waltrip, Apperson, Hughes

Nays: None

E. BOARD CONSIDERATIONS

None

F. MATTERS OF SPECIAL PRIVILEGE

1. W-13-17/VMRC 16-1937: Cranston's Mill Pond Raw Water Supply

Michael Woolson described the application forwarded to the County from VMRC. He explained the application was only for a water withdrawal permit from the Department of Environmental Quality and at this time did not propose any physical structure or water treatment process.

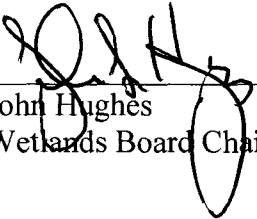
Mr. Hughes asked what permits might be required and what type of impact there might be to wetlands and water quality.

Mr. Woolson stated the Virginia Institute of Marine Science had preliminarily determined water withdrawn from this pond would not adversely affect the downstream wetland ecosystem. However, he believed an application for an intake project could require a wetlands permit and a Chesapeake Bay exception.

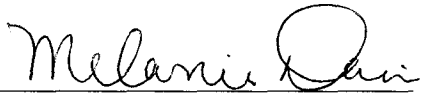
Mr. Jeff Corbin, Restoration Systems LLC, explained their anticipated purpose for the project and stated they were at the beginning of the permitting process.

G. ADJOURNMENT

The meeting adjourned at 7:55 p.m.



John Hughes
Wetlands Board Chair



Melanie Davis
Secretary to the Board