

A G E N D A
JAMES CITY COUNTY WETLANDS BOARD
REGULAR MEETING
County Government Center, Building F
101 Mounts Bay Road, Williamsburg, VA 23185
August 14, 2019
5:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MINUTES

1. Minutes from July 10, 2019, Regular Meeting

D. PUBLIC HEARINGS

1. WJPA 19-0032 / VMRC 19-0032 : 7612 Uncles Neck

E. BOARD CONSIDERATIONS

1. WJPA 18-0089 : 209 Sherwood Forest

F. MATTERS OF SPECIAL PRIVILEGE

G. ADJOURNMENT

ITEM SUMMARY

DATE: 8/14/2019

TO: Wetlands Board

FROM: Michael Woolson, Wetlands Board Secretary

SUBJECT: Minutes from July 10, 2019, Regular Meeting

ATTACHMENTS:

	Description	Type
	Minutes	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Wetlands Group	Small, Toni	Approved	7/30/2019 - 12:56 PM
Wetlands Group	Small, Toni	Approved	7/30/2019 - 12:57 PM
Publication Management	Daniel, Martha	Approved	7/30/2019 - 1:23 PM
Wetlands Group	Secretary, Wetland	Approved	8/8/2019 - 9:02 AM

MINUTES
JAMES CITY COUNTY WETLANDS BOARD
REGULAR MEETING
County Government Center, Building F
101 Mounts Bay Road, Williamsburg, VA 23185
July 10, 2019
5:00 PM

A. CALL TO ORDER

The Wetlands Board meeting for July 10, 2019, 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 its despoliation.

B. ROLL CALL

Board Members Present:

John Hughes, Chair
William Apperson, Vice Chair
David Gussman
Charles Roadley
Halle Dunn, Alternate

Board Members Absent:

Larry Waltrip

Other Staff Present:

Michael Woolson, Secretary to the Board, Senior Watershed Planner, Stormwater and Resource Protection
Toni Small, Director, Stormwater and Resource Protection
Liz Parman, Assistant County Attorney
Trevor Long, Watershed Planner, Stormwater and Resource Protection
Janice Petty, Stormwater Assistant, Stormwater and Resource Protection
Allison Lay, Virginia Marine Resource Commission (VMRC)

C. MINUTES

1. Minutes from May 8, 2019, regular meeting

A Motion to Approve the minutes was made by Mr. Hughes. The minutes were approved on a voice vote.

D. PUBLIC HEARINGS

None

E. BOARD CONSIDERATIONS

1. Emergency Procedures

Potential emergency procedures were discussed.

F. MATTERS OF SPECIAL PRIVILEGE

1. W-05-15 : 4384 Landfall Drive

Discussion was held regarding Case No. W-05-15. Staff was directed to contact the owner and request an application for the work that was completed.

2. Brickyard Landing

Discussion was held supporting the Brickyard Landing purchase.

Mr. Gussman made a motion to adopt the resolution for the support of the acquisition of Brickyard Landing site.

A Motion to Adopt the resolution was made by Mr. Gussman.

The motion result was: AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 1

Ayes: Gussman, Apperson, Hughes, Roadley, Dunn

Absent: Waltrip

G. ADJOURNMENT

A Motion to adjourn was made by Mr. Dunne. Approved on a voice vote.

The meeting adjourned at 5:35 p.m.

ITEM SUMMARY

DATE: 8/14/2019

TO: Wetlands Board

FROM: Michael Woolson, Senior Watershed Planner

SUBJECT: WJPA 19-0032 : 7612 Uncles Neck

Mid-Atlantic Resource Consulting, on behalf of Theresa Whelan, has applied for a wetlands permit for a breakwater, beach nourishment, pier, boat house and lift at 7612 Uncles Neck in the Uncles Neck subdivision, JCC Parcel No 2030200028.

ATTACHMENTS:

	Description	Type
☐	Staff Report	Staff Report
☐	Resolution	Resolution
☐	Application	Backup Material
☐	Public Advertisement	Backup Material
☐	APO Letter	Backup Material
☐	APO Mailing List	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Wetlands Group	Woolson, Michael	Approved	8/12/2019 - 9:21 AM
Wetlands Group	Small, Toni	Approved	8/12/2019 - 9:56 AM
Publication Management	Daniel, Martha	Approved	8/12/2019 - 10:09 AM
Wetlands Group	Secretary, Wetland	Approved	8/12/2019 - 11:20 AM

**WETLANDS BOARD CASE No. WJPA 19-0032/VMRC 19-1124. 7612 Uncles Neck
Staff Report for the August 14, 2019, Wetland Board Public Hearing**

This staff report is prepared by James City County Stormwater and Resource Protection to provide information to the Wetland Board to assist them in making a recommendation on this assessment. It may be useful to members of the general public interested in this assessment.

EXISTING SITE DATA AND INFORMATION

Applicant: Ms. Theresa Whelan

Agent: Ms. Karla Havens, Mid-Atlantic Resource Consulting

Location: 7612 Uncles Neck

Parcel: Lot 28, Rivers Bend at Uncles Neck

Parcel Identification No.: 2030200028

Watersheds: Yarmouth Creek (HUC JL 28)

Floodplain: Zone AE - The special flood hazard area subject to the 1% annual chance flood.
No base flood elevation determined.

Proposed Activity: Construction of a stone breakwater with beach nourishment

Wetland Impacts: 30 feet of Type VII, arrow arum-pickerel weed community

Staff Contact: Michael Woolson, Senior Watershed Planner Phone: 253-6823

PROJECT DISCUSSION

Ms. Karla Havens, Mid-Atlantic Resource Consulting, has applied for a Wetlands Permit on behalf of Ms. Theresa Whelan to construct a stone breakwater with beach nourishment on property located at 7612 Uncles Neck within the Yarmouth Creek watershed. The property is further identified as James City County Tax Map Parcel No. 2030200028.

The applicant has proposed the construction of a 100-linear-foot breakwater with 2,000 square feet of beach nourishment to combat shoreline erosion occurring on property. An estimated 74 cubic yards of sand material is proposed as part of the beach nourishment and will be sourced from an upland location. Project limits of the breakwater extend into approximately 30 square feet of vegetated wetlands. A pier, boat house, and accessway are also associated with this project; however, they are not under review by this Board. Staff met with the applicant in early 2019 to discuss shoreline management on the property.

The scope of this project is within the jurisdiction of the Wetlands Board and impacts vegetated wetlands. Therefore, an application for a permit was submitted through the Virginia Marine Resources Commission and processed by the local Wetlands Board.

MITIGATION DISCUSSION

As published in the *Virginia Register* on July 11, 2005, the revised Wetland Mitigation Compensation Policy and Supplemental Guidelines, Regulation 4VAC 20-390-10 et seq., Virginia, as a Chesapeake Bay Program partner, is committed to “achieve a no-net loss of existing wetlands acreage and function in the

signatories' regulatory programs." In order for a proposed project to be authorized to impact wetlands and compensate for the wetland loss in some prescribed manner, the following three criteria must be met:

1. All reasonable mitigative efforts, including alternative siting, which would eliminate or minimize wetland loss or disturbance, must be incorporated in the proposal; and
2. The proposal must clearly be water dependent in nature; and
3. The proposal must demonstrate clearly its need to be in the wetlands and its overwhelming public and private benefits.

If the proposed project cannot meet one or more of the above criteria, the project must be denied or must occur in areas outside of wetlands. Should it satisfy all three criteria, however, compensation for the wetland loss is required. The sequence of acceptable mitigation options should be as follows: on-site, off-site within the same watershed, mitigation bank(s) in the same watershed or a payment of an in lieu fee. If compensation is required, it should be a condition of the permit.

Staff has reviewed this application against the mitigation policy and finds that this project meets the three criteria outlined in the policy and there will not be a loss of any vegetated tidal wetlands.

STAFF RECOMMENDATIONS

Staff recommends approval of the application. Should the Board wish to approve the application, staff suggests the following conditions be incorporated into the approval:

1. The applicant must obtain all other necessary local, state, and/or federal permits required for the project;
2. A surety in the amount of \$450 shall guarantee the 'no net-loss' wetland policy as outlined in 4VAC20-390-10 et seq. The surety shall be in a form acceptable to the James City County Attorney's Office. A minimum of 5,000 square feet of the beach nourishment area must be planted. Saltmeadow hay, saltmeadow cordgrass, black needlerush, common three square, arrow arum, and pickerel weed are all acceptable plant species.
3. All development activities located in the special flood hazard area shall comply with Article VI, Division 3, Floodplain Area Regulations of the James City County Zoning Ordinance and receive all required approvals and permits prior to commencement of such activities;
4. The Wetlands Permit for this project shall expire on August 14, 2020, if construction has not begun; and
5. If an extension of the permit is needed, a written request shall be submitted to the Stormwater and Resource Protection Division no later than July 3, 2020, six weeks prior to the expiration date.

MDW/md
WJPA19-32_VMRC19-1124UNK

Attachment:

1. Joint Permit Application

RESOLUTION

CASE NO. WJPA 19-0032/VMRC 19-1124. 7612 UNCLES NECK

JAMES CITY COUNTY WETLANDS PERMIT

WHEREAS, Ms. Theresa Whelan (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 James City County Real Estate Tax Map Parcel No. 2030200028 and further identified as 7612 Uncles Neck (the “Property”) as set forth in the application WJPA 19-0032/VMRC 19-1124; 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 surety in the amount of \$450 shall guarantee the ‘no net-loss’ wetland policy as outlined in 4VAC20-390-10 et seq. The surety shall be in a form acceptable to the James City County Attorney’s Office. A minimum of 5,000 square feet of the beach nourishment area must be planted. Saltmeadow hay, saltmeadow cordgrass, black needlerush, common three square, arrow arum, and pickerel weed are all acceptable plant species.
 - c. All development activities located in the special flood hazard area shall comply with Article VI, Division 3, Floodplain Area Regulations of the James City County Zoning Ordinance and receive all required approvals and permits prior to commencement of such activities; and
 - d. The Wetlands Permit for this project shall expire on August 14, 2020 if construction has not begun; and

- e. If an extension of the permit is needed, a written request shall be submitted to the Stormwater and Resource Protection Division no later than July 3, 2020, six weeks prior to the expiration date.

John Hughes
Chairman, Wetlands Board

Michael Woolson
Secretary to the Board

Adopted by the Wetlands Board of James City County, Virginia, this 14th day of August, 2019.

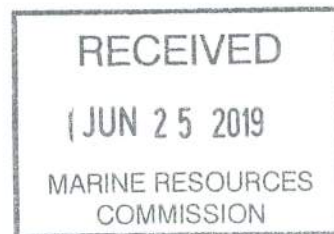
WJPA19-32_VMRC19-1124UNk-res

Beth Howell

From: Karla Havens
Sent: Tuesday, June 25, 2019 9:39 AM
To: Beth JPA's
Cc: tmw83@cox.net tmw83@cox.net
Subject: Whelan JPA
Attachments: Whelan JPA.pdf

Hi Beth,
Attached should be a JPA for Theresa Whelan.
Please confirm receipt.
Thanks,
Karla

Sent from Mail for Windows 10



Part 1 – General Information

PLEASE PRINT OR TYPE ALL RESPONSES: If a question does not apply to your project, please print N/A (not applicable) in the block or space provided. If additional space is needed, attach 8-1/2" x 11" sheets of paper.

County or City in which the project is located: JAMES CITY COUNTY

Waterway at project site: CHICKAHOMINY RIVER

1. Applicant's name* and complete mailing address:

THERESA M. WHELAN
6573 MCKENNA WAY
ALEXANDRIA, VA 22315-5573

Contact Information:

Home () _____
Work () _____
Fax () _____
Cell/ Pager (703) 919-0269
e-mail tmw83@cox.net

State Corporation Commission ID Number (if applicable) _____

2. Property owner(s) name* and complete address,
if different from applicant

Contact Information:

Home () _____
Work () _____
Fax () _____
Cell/ Pager () _____
e-mail _____

State Corporation Commission ID Number (if applicable) _____

3. Authorized agent name* and complete mailing
address (if applicable):

KARLA S. HAVENS
MID-ATLANTIC RESOURCE CONSULTING
1095 CHERRY ROW LANE
PLAINVIEW, VA 23156

Contact Information:

Home () _____
Work () _____
Fax () _____
Cell/ Pager (804) 366-1768
e-mail karlashavens@gmail.com

State Corporation Commission ID Number (if applicable) _____

*** If multiple applicants, property owners, and/or agents, each must be listed and each must sign the applicant signature page. If for a company, use the SCC registered name.**

4. Provide a detailed description of the project in the space below. If additional space is needed, provide a separate sheet of paper with the project description. Be sure to include how the construction site will be accessed, especially if clearing and/or grading will be required.

CONSTRUCTION OF A 20' x 100' STONE BREAKWATER WITH BEACH NOURISHMENT, A 10' x 50' VINYL SIDED ACCESSWAY TO A 5' x 120' NON-COMMERCIAL, TIMBER, OPEN-PILE PIER WITH PLATFORMS, FLOAT AND BOAT HOUSE WITH LIFT.

SITE TO BE ACCESSED FROM THE WATER AND THE UPLAND.

SOME CLEARING OF TREES REQUIRED.

RECEIVED (JUN 25 2019 MARINE RESOURCES REVISIO March 2010 COMMISSION	FOR AGENCY USE ONLY
	Notes:
	JPA # 19-1124

Part 1 - General Information (continued)

5. Have you obtained a contractor for the project? ☒ Yes* ☐ No. *If your answer is "Yes" complete the remainder of this question and submit the Applicant's and Contractor's Acknowledgment Form (enclosed)

Contractor's name* and complete mailing address:

WILBER JORDAN
JORDAN MARINE CONSTRUCTION, INC.
P. O. BOX 396
LIGHTFOOT, VA 23090

Contact Information:

Home () _____
Work () _____
Fax () _____
Cell / Pager (757) 592-4171
email i_m_c_i@cox.net

State Corporation Commission ID Number (if applicable) _____

* If multiple contractors, each must be listed and each must sign the applicant signature page. If for a company, use the SCC registered name.

6. List the name, address and telephone number of the newspaper having general circulation in the area of the project. Failure to complete this question may delay local and State processing.

Name and complete mailing address:

VIRGINIA GAZETTE
216 IRONBOUND ROAD
WILLIAMSBURG, VA 23188

Telephone number

(757) 220-1736

*** PLEASE DIRECT BILLING TO APPLICANT ***

7. Give the following project location information:

Street Address (911 address if available) 7612 UNCLE'S NECK

Lot/Block/Parcel# LOT 28 UNCLE'S NECK - PARCEL 2030200028

Subdivision RIVER'S BEND AT UNCLE'S NECK

City / County TOANO / JAMES CITY COUNTY Zipcode 23188

Latitude and Longitude at Center of Project Site (Decimal Degrees): 37° 21' 25.85" N

If the project is located in a rural area, please provide driving directions. 76° 52' 29.40" W

Note: if the project is in an undeveloped subdivision or property, clearly stake and identify property lines and location of the proposed project. A supplemental map showing how the property is to be subdivided should also be provided.

Part 1 - General Information (continued)

8. What is the primary and secondary purpose of the project? For example, the primary purpose may be "to protect property from erosion due to boat wakes" and the secondary purpose may be "to provide safer access to a pier."

PRIMARY PURPOSE IS TO MINIMIZE BANK EROSION.
SECONDARY PURPOSE IS TO GAIN ACCESS TO THE WATER.

9. Proposed use (check one):

☒ Single user (private, non-commercial, residential)
☐ Multi-user (community, commercial, industrial, government)

10. Describe the measures that will be taken to avoid and minimize impacts, to the maximum extent practicable, to wetlands, surface waters, submerged lands, and buffer areas associated with any disturbance (clearing, grading, excavating) during and after project construction.

Please be advised that unavoidable losses of tidal wetlands and/or aquatic resources may require compensatory mitigation.

LIMITING TREE REMOVAL TO THOSE TREES WITHIN THE PROJECT FOOTPRINT THAT ARE DEAD, DISEASED, DYING, STRUCK BY LIGHTNING AND/OR UNDERCUT, & THOSE THREE LISTED ON SHEET 2 OF 4 OF THE PROJECT DRAWINGS.

11. Have you previously had a site visit, applied to, or obtained a permit from any agency (Federal, State, or Local) for any portion of the project described in this application or any other project at the site?

☒ Yes* ☐ No * If you answered "Yes", provide the following information:

<u>Agency / Representative</u>	<u>Activity</u>	<u>Permit/Project No.</u>	<u>Action** & Date</u>
JCC / CBPA	HOMESITE		

(**Issued, Denied, Withdrawn, or Site Visit)

Part 1 - General Information (continued)

12. Is this application being submitted for after-the-fact authorization for work which has already begun or been completed? ___ Yes ☒ No. If yes, be sure to clearly depict the portions of the project which are already complete in the project drawings.
13. Approximate cost of the entire project (materials, labor, etc.): \$ _____
Approximate cost of that portion of the project which is below mean low water: \$ _____
14. Completion date of the proposed work: ASAP ONCE PERMITS ARE ISSUED. - _____
15. Adjacent Property Owner Information: List the name and complete mailing address, including zip code, of each adjacent property owner to the project. (NOTE: a property owner/applicant cannot be their own adjacent property owner. You must give the next owner down the river, creek, etc).

LOT 27

PATRICK M. & LEE S. HOLDER
7608 UNCLES NECK
TOANO, VA 23188-8725

LOT 29

SUZANNE STETLER MITROVIC TRUSTEE
2681 JOCKEYS NECK TRAIL
WILLIAMSBURG, VA 23185-8058

Part 2 - Signatures

1. Applicants and property owners (if different from applicant).

NOTE: REQUIRED FOR ALL PROJECTS

PRIVACY ACT STATEMENT: The Department of the Army permit program is authorized by Section 10 of the Rivers and Harbors Act of 1899, Section 404 of the Clean Water Act, and Section 103 of the Marine Protection Research and Sanctuaries Act of 1972. These laws require that individuals obtain permits that authorize structures and work in or affecting navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters prior to undertaking the activity. Information provided in the Joint Permit Application will be used in the permit review process and is a matter of public record once the application is filed. Disclosure of the requested information is voluntary, but it may not be possible to evaluate the permit application or to issue a permit if the information requested is not provided.

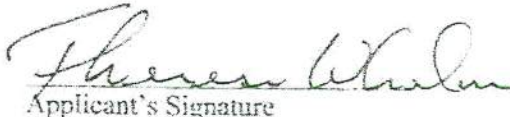
CERTIFICATION: I am hereby applying for all permits typically issued by the DFO, VMRC, U.S. Army Corps of Engineers, and/or Local Wetlands Boards for the activities I have described herein. I agree to allow the duly authorized representatives of any regulatory or advisory agency to enter upon the premises of the project site at reasonable times to inspect and photograph site conditions, both in reviewing a proposal to issue a permit and after permit issuance to determine compliance with the permit.

In addition, I certify, under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

THERESA M. WHELAN

Applicant's Name (printed/typed)

(Use if more than one applicant)



Applicant's Signature

(Use if more than one applicant)

Date

Property Owner's Name (printed/typed)
(If different from Applicant)

(Use if more than one owner)

Property Owner's Signature

(Use if more than one owner)

Date

Part 2 – Signatures (continued)

2. Applicants having agents (if applicable)

CERTIFICATION OF AUTHORIZATION

I (we), THERESA M. WHELAN, hereby certify that I (we) have authorized KARLA S. HAVENS
(Applicant's name(s)) (Agent's name(s))

to act on my behalf and take all actions necessary to the processing, issuance and acceptance of this permit and any and all standard and special conditions attached.

We hereby certify that the information submitted in this application is true and accurate to the best of our knowledge.

Karla S. Havens
(Agent's Signature)

(Use if more than one agent)

(Date)

Theresa M. Whelan
(Applicant's Signature)

(Use if more than one applicant)

(Date)

3. Applicant's having contractors (if applicable)

CONTRACTOR ACKNOWLEDGEMENT

I (we), THERESA M. WHELAN, have contracted WILBER JORDAN
(Applicant's Name(s)) (Contractor's Name(s))
to perform the work described in this Joint Permit Application, signed and dated _____

We will read and abide by all conditions set forth in all Federal, State and Local permits as required for this project. We understand that failure to follow the conditions of the permits may constitute a violation of applicable Federal, state and local statutes and that we will be liable for any civil and/or criminal penalties imposed by these statutes. In addition, we agree to make available a copy of any permit to any regulatory representative visiting the project to ensure permit compliance. If we fail to provide the applicable permit upon request, we understand that the representative will have the option of stopping our operation until it has been determined that we have a properly signed and executed permit and are in full compliance with all terms and conditions.

WILBER JORDAN
Contractor's name or name of firm

JORDAN MARINE CONSTRUCTION, INC.
P. O. BOX 396
LIGHTFOOT, VA 23090
Contractor's or firm's address

Contractor's signature and title

2705-107524 A
Contractor's License Number

Applicant's signature

(use if more than one applicant)

Date

Part 3 – Appendices

Please complete and submit the appendix questions applicable to your project, and attach the required vicinity map(s) and drawings to your application. If an item does not apply to your project, please write “N/A” in the space provided.

Appendix A: Projects for Access to the water (private and community piers, boathouses, marinas, moorings, boat ramps, aquaculture facilities, etc). Answer all questions that apply.

1. Briefly describe your proposed project.

CONSTRUCTION OF A 5' x 120' NON-COMMERCIAL, TIMBER, OPEN-PILE PIER WITH A 14' x 20' L-HEAD, A 6' x 20' FLOAT, A BOATLIFT WITH A 16' x 40' AND 5' x 10' OPEN-SIDED ROOF.

2. For private, noncommercial piers:

What is the overall length of the structure? 120 feet.

channelward of Mean High Water? 120 feet.

channelward of Mean Low Water? 100 feet

What is the total size of any and all L- or T-head platforms? 400 sq. ft.

For boathouses, what is the overall size of the roof structure? 700 sq. ft.

Will your boathouse have sides? Yes ☒ No.

NOTE: All proposals for piers, boathouses and shelter roofs must be reviewed by VMRC, however, pursuant to § 28.2-1203(5) of the Code of Virginia a VMRC permit may not be required for such structures (except as required by subsection D of § 28.2-1205 for piers greater than 100 feet in length involving commercially productive leased oyster or clam grounds), provided that (i) the piers do not extend beyond the navigation line or private pier lines established by the Commission or the United States Army Corps of Engineers, (ii) the piers do not exceed six feet in width and finger piers do not exceed five feet in width, (iii) any L or T head platforms and appurtenant floating docking platforms do not exceed, in the aggregate, 400 square feet, (iv) if prohibited by local ordinance open-sided shelter roofs or gazebo-type structures shall not be placed on platforms as described in clause (iii), but may be placed on such platforms if not prohibited by local ordinance, and (v) the piers are determined not to be a navigational hazard by the Commission. Subject to any applicable local ordinances, such piers may include an attached boat lift and an open-sided roof designed to shelter a single boat slip or boat lift. In cases in which open-sided roofs designed to shelter a single boat, boat slip or boat lift will exceed 700 square feet in coverage or the open-sided shelter roofs or gazebo structures exceed 400 square feet, and in cases in which an adjoining property owner objects to a proposed roof structure, permits shall be required as provided in § 28.2-1204.

3. For Corps permits, in cases where the proposed pier will encroach beyond one fourth the waterway width (as determined by measuring mean high water to mean high water or ordinary high water mark to ordinary high water mark), the following information should be included:

- a. Written justification as to purpose if the proposed work would extend a pier greater than one-fourth of the distance across the open water measured from mean high water or the channelward edge of the wetlands
- b. Written justification if the proposed work would involve the construction of a pier greater than five feet wide or less than four feet above any wetland substrate.
- c. Depth soundings across the waterway at increments designated by the Corps project manager. Typically 10-foot increments for waterways less than 200 feet wide and 20-foot increments for waterways greater than 200 feet wide with the date and time the measurements were taken and how they were taken (e.g., tape, range finder, etc.). Inclusion of depth sounding data is recommended in order to expedite permit evaluation.

Part 3 – Appendices (continued)

4. Provide the type, size, and registration number of the vessel(s) to be moored at the pier or mooring buoy.

Type	Length	Width	Draft	Registration
POWER	23' 5"	9' 3"	20"	VA 5538 BY

- ☒ For **Marinas, Commercial Piers, Community Piers and other non-private piers**, provide the following information:

- A) Have you obtained approval for sanitary facilities from the Virginia Department of Health? _____ (required pursuant to Section 28.2-1205C of the Code of Virginia).
- B) Will petroleum products or other hazardous materials be stored or handled at your facility? _____.
- C) Will the facility be equipped to off-load sewage from boats? _____.
- D) How many wet slips are proposed? _____. How many are existing? _____.
- E) What is the area of the piers and platforms that will be constructed over
Tidal wetlands _____ square feet
Submerged lands _____ square feet

- ☒ For **boat ramps**, what is the overall length of the structure? _____ feet.
from Mean High Water? _____ feet.
from Mean Low Water? _____ feet.

Note: drawings must include the construction materials, method of installation, and all dimensions. If tending piers are proposed, complete the pier portion.

Note: If dredging or excavation is required, you must complete the Standard Joint Point Permit application.

- ☒ For **aquaculture-related structures**:

Will the activity be commercial? ____ Yes ____ No

Will the proposed structures be attached to an existing pier or other structure? ____ Yes ____ No

What is the maximum area (square feet) of submerged land that will be occupied by the proposed structures? _____ square feet.

Describe the activity from time of acquisition of seed or other source material to the time of harvest, the source of the animals/plants, and clearly show distance to all proposed and existing structures and shellfish lease boundaries (if applicable) in your drawings. Include bathymetry (depths), relative to mean low water in your plan view drawing and show the location of any Submerged Aquatic Vegetation (SAV) in the project vicinity. (NOTE: the presence or absence of SAV will be field verified during the project review).

Part 3 – Appendices (continued)

Appendix B: Projects for Shoreline Stabilization in tidal wetlands, tidal waters and dunes/beaches (including riprap revetments and associated backfill, marsh toe stabilization, bulkheads and associated backfill, breakwaters, beach nourishment, groins, jetties, etc). Answer all questions that apply. Please provide any reports provided from the Shoreline Erosion Advisory Service.

NOTE: Information on non-structural, vegetative alternatives (i.e. Living Shoreline) for shoreline stabilization is available at http://ccrm.vims.edu/coastal_zone/living_shorelines/index.html.

1. For riprap, bulkheads, marsh toe, breakwaters, groins, jetties: What is the overall length of the structure(s)? 100 linear feet. If applicable, what is the volume of the associated backfill? 74 cubic yards.
2. What is the maximum encroachment channelward of mean high water? 40 feet.
channelward of mean low water? 20 feet.
channelward of the back edge of the dune or beach? 40 feet.
3. Please calculate the square footage of encroachment over:
 - Vegetated wetlands 0 square feet
 - Nonvegetated wetlands 0 square feet
 - Subaqueous bottom 2,000 square feet
 - Dune and/or beach square feet

☒ For bulkheads, is any part of the project maintenance or replacement of a previously authorized, currently serviceable, existing structure? Yes No.

If yes, will the construction of the new bulkhead be no further than two (2) feet channelward of the existing bulkhead? Yes No.

If no, please provide an explanation for the purpose and need for the additional encroachment.

5. Describe the type of construction and all materials to be used, including source of backfill material, if applicable (e.g. vinyl sheet-pile bulkhead, timber stringers and butt piles, 100% sand backfill from upland source; broken concrete core material with Class II quarry stone armor over filter cloth).

NOTE: Drawings must include construction details, including dimensions, design and all materials, including fittings if used.

CLASS II CORE AND ARMOR STONE OVER FILTER CLOTH WITH BEACH QUALITY SAND FROM AN UPLAND SOURCE.

6. If using stone, broken concrete, etc., for your structure(s), what is the average weight of the:
Core (inner layer) material 150 pounds per stone Class size II
Armor (outer layer) material 400 pounds per stone Class size II

Part 3 – Appendices (continued)

7. For **beach nourishment**, including that associated with breakwaters, groins or other structures, provide the following:

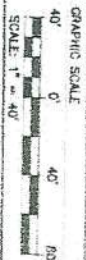
- Volume of material ϕ cubic yards channelward of mean low water
 ϕ 74 cubic yards landward of mean low water
- Area to be covered ϕ square feet channelward of mean low water
 ϕ 2,000 square feet landward of mean low water
- Source of material, composition (e.g. 90% sand, 10% clay): 100% SAND FROM AN
- Method of transportation and placement: UPLAND SOURCE PLAZED w/ A
LOADER
- Describe any proposed vegetative stabilization measures to be used, including planting schedule, spacing, monitoring, etc.:

LANDWARD OF MLW:

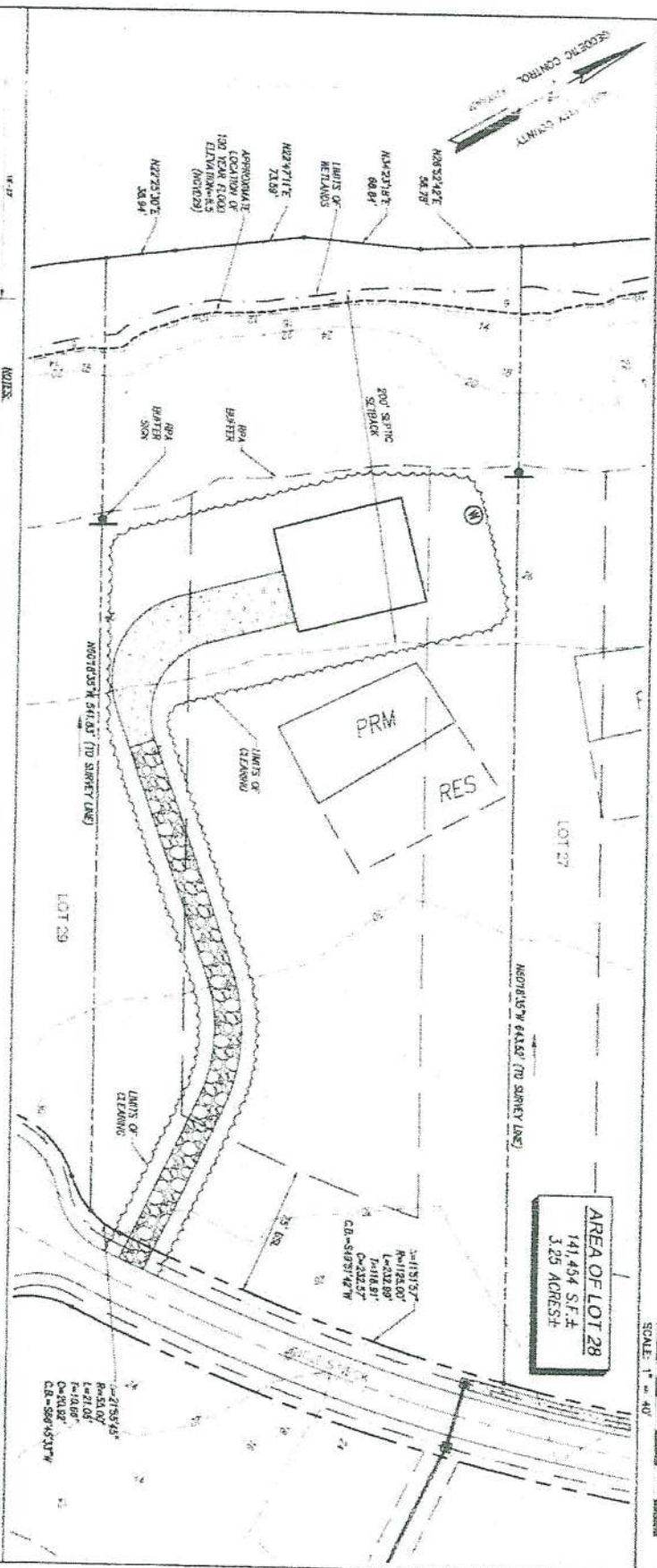
$$20' \times 100' = 2,000 \text{ SF}$$

$$\times 1 \text{ DEEP}$$

$$2,000 / 27 = 74 \text{ CUBIC YARDS}$$



AREA OF LOT 28
141,434 S.F. ±
3.25 ACRES ±



- NOTES:**
1. THE PROPOSED DWELLING MUST BE NO LESS THAN 100 FEET FROM THE RIVERBEND EASEMENT ON ADJACENT LOT
 2. THE PROPOSED DWELLING MUST BE NO LESS THAN 100 FEET FROM THE RIVERBEND EASEMENT ON ADJACENT LOT
 3. THE PROPOSED DWELLING MUST BE NO LESS THAN 100 FEET FROM THE RIVERBEND EASEMENT ON ADJACENT LOT
- PARCEL ID: #2030200028**
- STREET ADDRESS: 77612 UNCLES NECK**

THE BUILDING LOCATION IN RELATIONSHIP WITH SETBACKS TO BE DETERMINED BY THE UNCLES NECK COMMISSION. CONDITIONS FOR THE WATERS TO SECTION 10-51 OF THE ORDINANCE, THERE SHALL BE NO SEPARATION BETWEEN BUILDING UNITS WITHIN THE SUBDIVISION. THE PRELIMINARY RECORDS OF THE SUBDIVISION SHALL BE IN NO MANNER SHALL THE SETBACKS BE CHANGED OR MODIFIED. ANY CHANGES MUST ALSO BE APPROVED BY THE COMMISSION.

NOTE: THE PROPOSED DWELLING MUST BE NO LESS THAN 100 FEET FROM THE RIVERBEND EASEMENT ON ADJACENT LOT

1. THE PROPOSED DWELLING MUST BE NO LESS THAN 100 FEET FROM THE RIVERBEND EASEMENT ON ADJACENT LOT

2. THE PROPOSED DWELLING MUST BE NO LESS THAN 100 FEET FROM THE RIVERBEND EASEMENT ON ADJACENT LOT

3. THE PROPOSED DWELLING MUST BE NO LESS THAN 100 FEET FROM THE RIVERBEND EASEMENT ON ADJACENT LOT

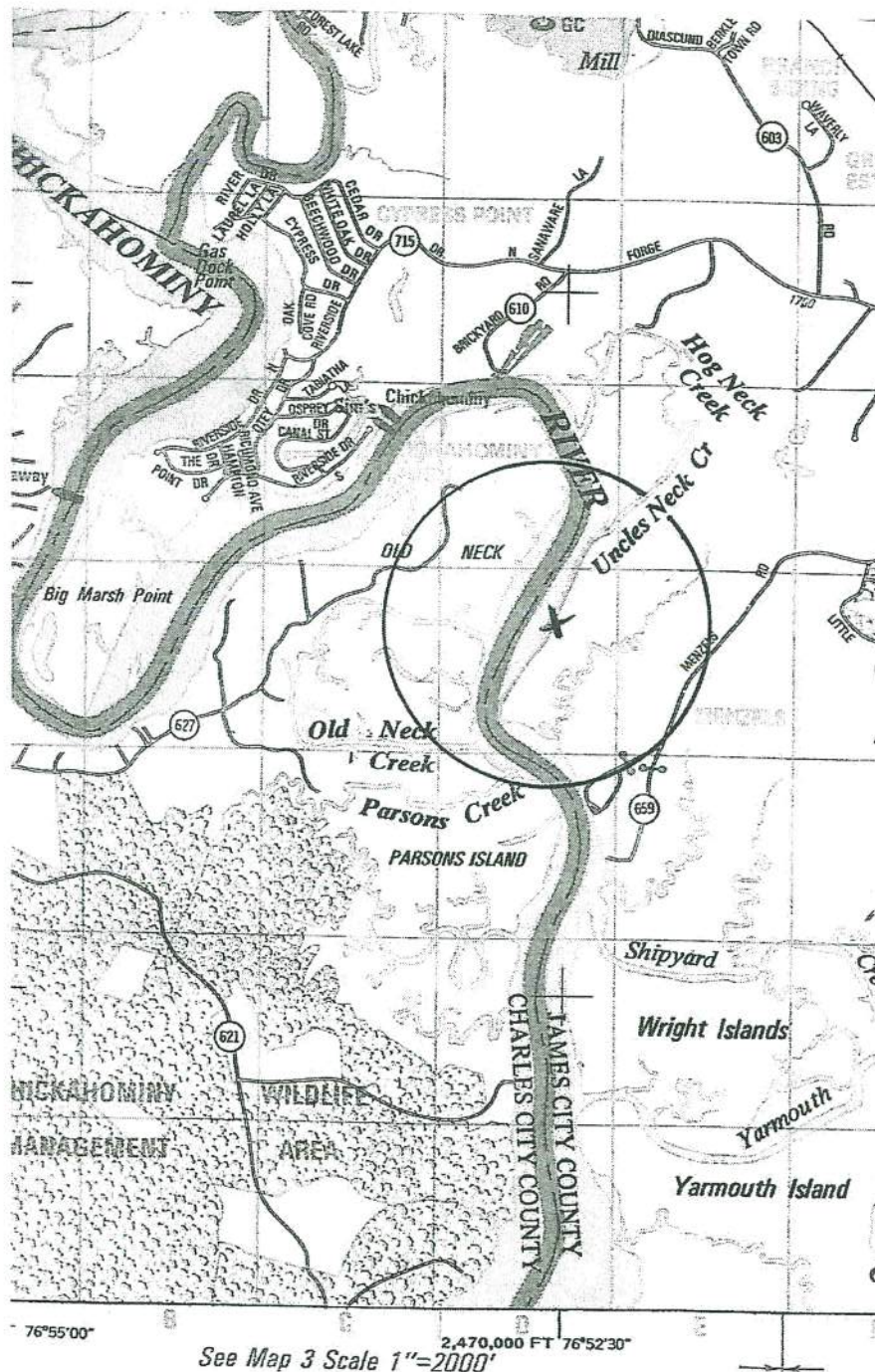
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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AIES

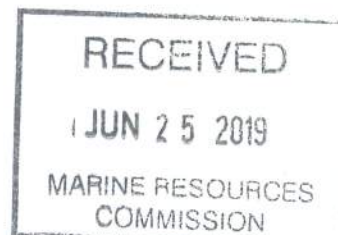
Architectural & Engineering Services

10000 Highway 100, Suite 100
Houston, Texas 77055
Tel: 281-415-1111
Fax: 281-415-1112
www.aies.com

LOT 28
RIVERS BEND
@ UNCLES NECK
PREPARED FOR TOWNBANK



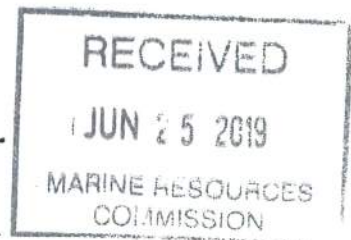
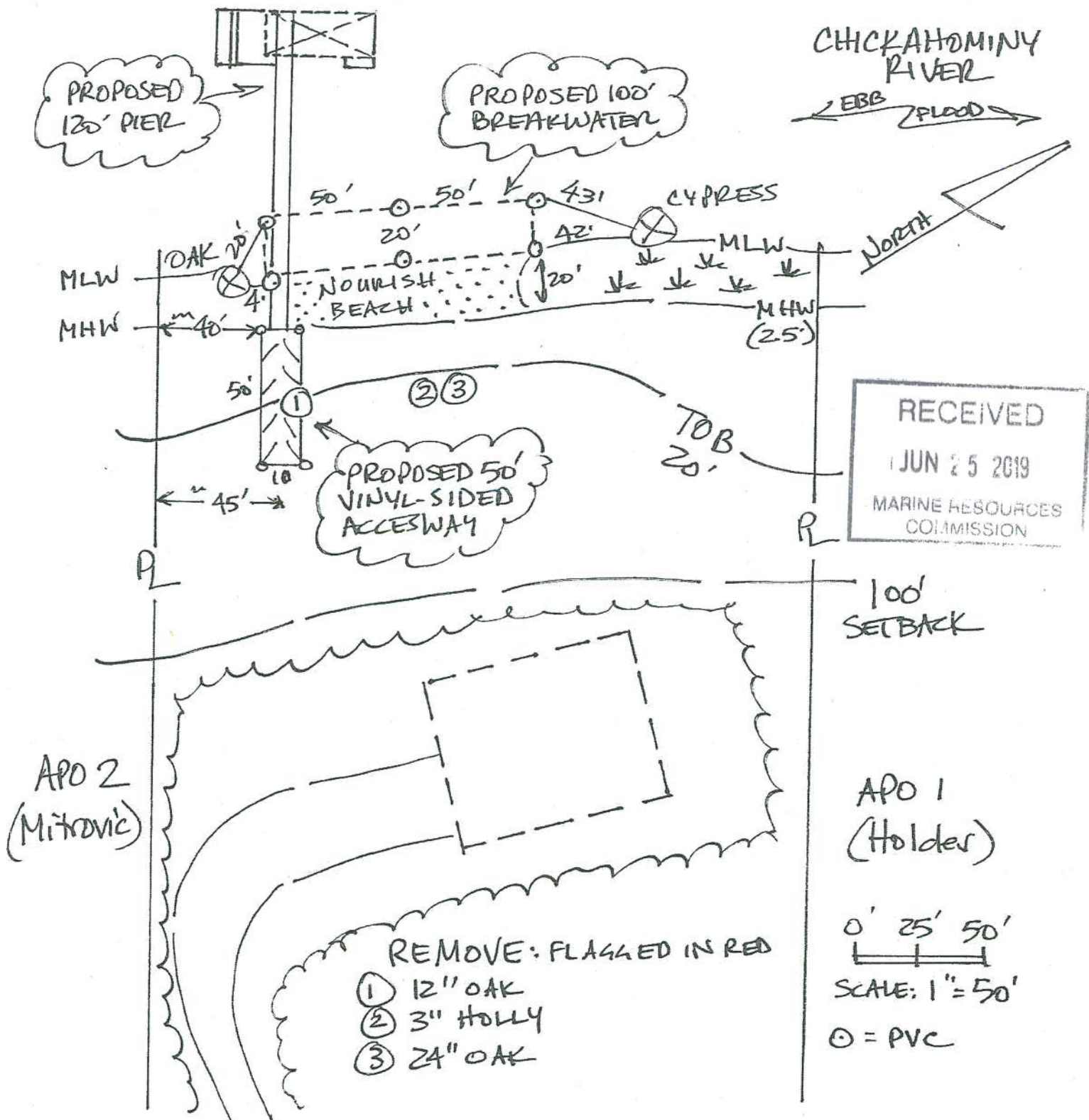
ADC Virginia
Peninsula Mapbook,
page 7, Map 1,
1996.



Note: Mid-Atlantic Resource Consulting is responsible only for applying to obtain local wetland, Virginia Marine Resources Commission and U.S. Army Corps of Engineers permits. Mid-Atlantic Resource Consulting is not responsible for any land disturbing activities or construction activities associated with the project.

Adjacent Property Owners	VICINITY MAP	THERESA M. WHELAN
1. Patrick M. & Lee S. Holder	James City County	6712 Uncle's Neck - Toano
2. Suzanne Stetler Mitrovic Trustee	PIN # 2030200028	On the Chickahominy River
		Date: 6-14-19 Sheet 1 of 4

Prepared by: Mid-Atlantic Resource Consulting - 1095 Cherry Row Lane - Plainview, VA 23156 (804) 366-1768 - karlashavens@gmail.com



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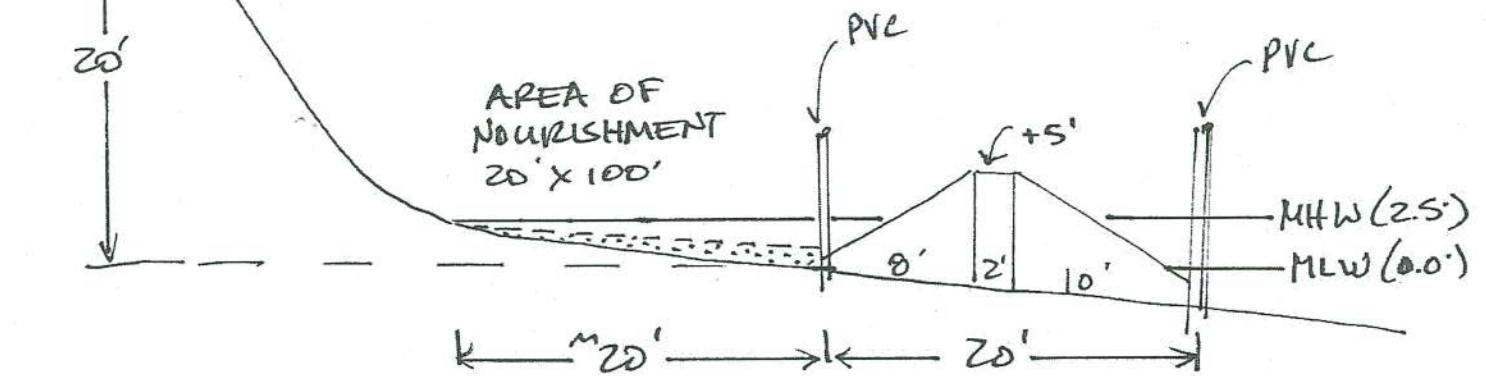
Adjacent Property Owners	SITE PLAN	THERESA M. WHELAN 6712 Uncle's Neck - Toano On the Chickahominy River
1. Patrick M. & Lee S. Holder 2. Suzanne Stetler Mitrovic Trustee	James City County PIN # 2030200028	Date: 6-14-19 Sheet 2 of 4

RECEIVED

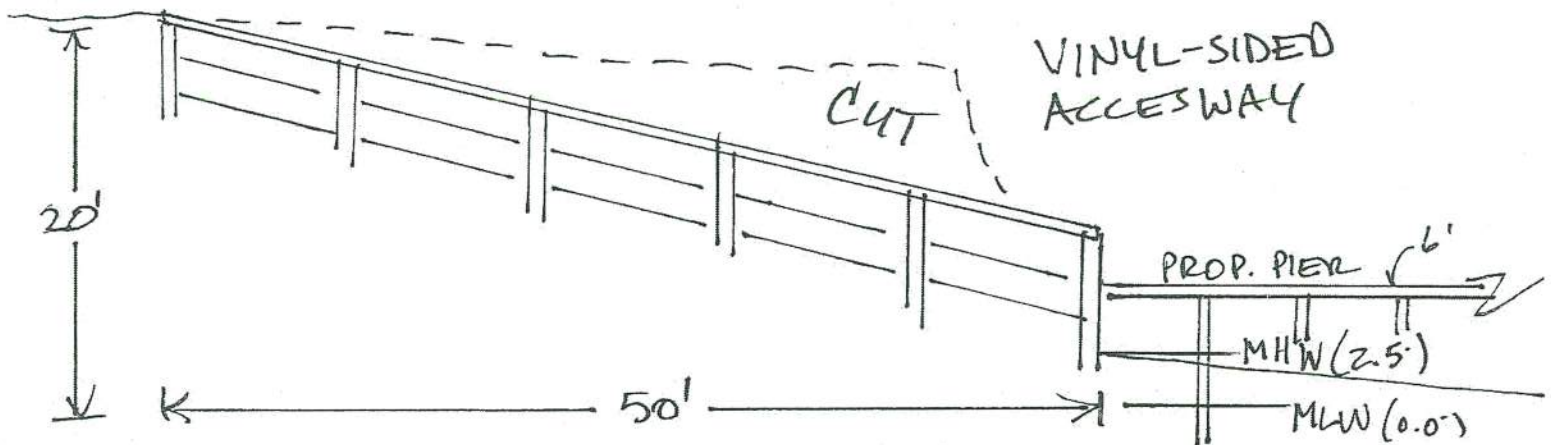
JUN 25 2019

MARINE RESOURCES
COMMISSION

BREAKWATER & BEACH NOURISHMENT



- CLASS II QUARRY STONE CORE & ARMOR OVER FILTER CLOTH
 - NOURISHMENT AREA = 20' x 100' = 2,000 SF
 - BEACH QUALITY SAND FROM AN UPLAND SOURCE
- $\frac{2,000}{27} \times 1.0 = 74 \text{ CU YDS}$



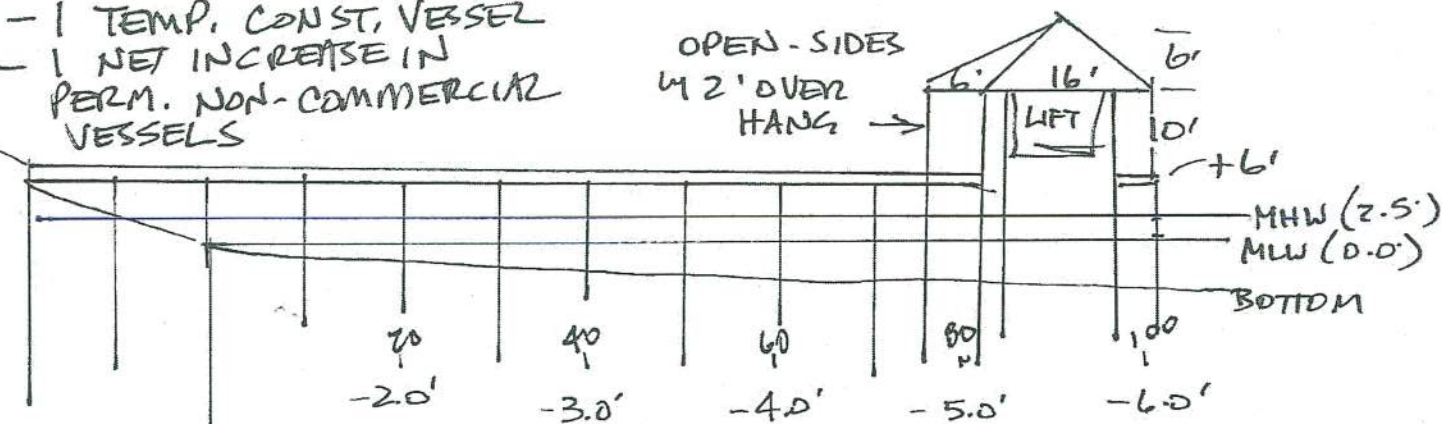
- H:V = 50' : 14' (~3:1) SLOPE
- VINYL SHEETING w/ TREATED TIMBER PILES & STRINGERS
- ALL HARDWARE H.D.G.
- ACCESSWAY TO BE MULCHED w/ NO LESS THAN 4 INCHES OF HARDWOOD MULCH

Note: Mid-Atlantic Resource Consulting is responsible only for applying to obtain local wetland, Virginia Marine Resources Commission and U.S. Army Corps of Engineers permits. Mid-Atlantic Resource Consulting is not responsible for any land disturbing activities or construction activities associated with the project.

Adjacent Property Owners	DETAIL	THERESA M. WHELAN 6712 Uncle's Neck - Toano On the Chickahominy River
1. Patrick M. & Lee S. Holder 2. Suzanne Stetler Mitrovic Trustee	James City County PIN # 2030200028	Date: 6-14-19 Sheet 3 of 4

- 1 TEMP. CONST. VESSEL
- 1 NET INCREASE IN PERM. NON-COMMERCIAL VESSELS

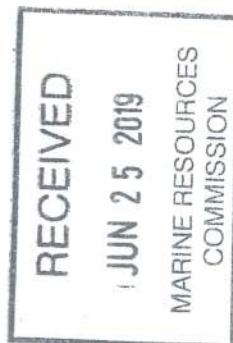
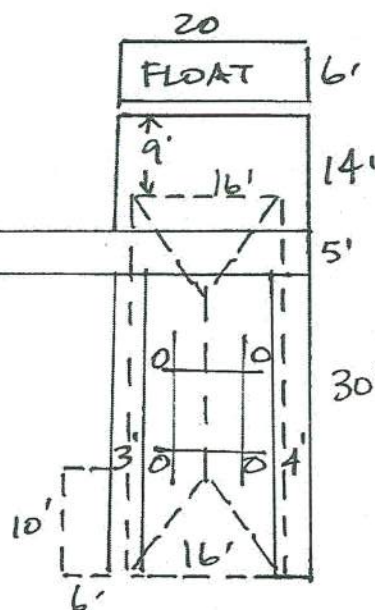
OPEN-SIDES
w/ 2' OVER
HANG →



- MHW TO MHW > 500'
- NO LESS THAN 4' BETWEEN DECKING & WETLAND SUBSTRATE

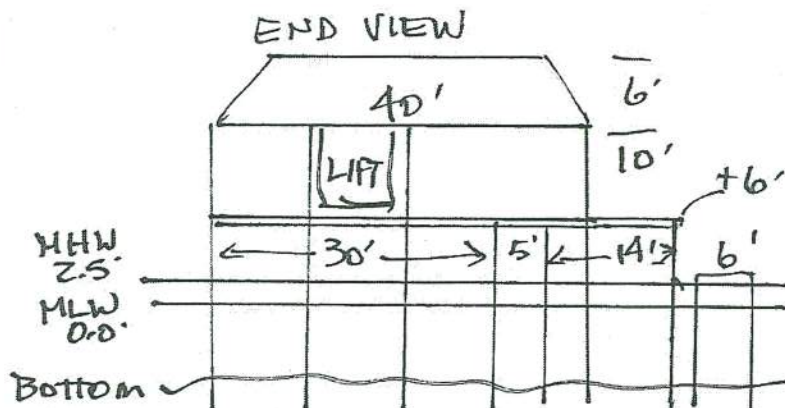
5' X 120'

ROOF = 700 SF
 16 x 40 = 640
 6 x 10 = 60
 PLATFORM = 400 SF
 14 x 20 = 280
 6 x 20 = 120
 CATWALKS
 4' x 30
 3 x 30



120' TOTAL PIER LENGTH
 120' TO MHW
 100 TO MLW

- 2x8 DECKING & STRINGERS
- ALL LUMBER TREATED
- ALL HARDWARE H.D.G.
- 50 10" DIAM. TIMBER PILES INSTALLED w/ VIBRATORY HAMMER



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Adjacent Property Owners	DETAIL	THERESA M. WHELAN 6712 Uncle's Neck - Toano On the Chickahominy River
1. Patrick M. & Lee S. Holder 2. Suzanne Stetler Mitrovic Trustee	James City County PIN # 2030200028	Date: 6-14-19 Sheet 4 of 4



PUBLIC HEARING NOTICE

THE WETLANDS BOARD AND THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA WILL HOLD A PUBLIC HEARING **WEDNESDAY AUGUST 14, 2019 AT 5 P.M.** IN THE BOARD ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE WETLANDS BOARD WILL CONSIDER THE FOLLOWING CASE:

WJPA 19-0032/VMRC 19-1124: Mid-Atlantic Resource Consulting, on behalf of Theresa Whelan, has applied for a wetlands permit for a breakwater, beach nourishment, pier, boat house and lift at 7612 Uncles Neck in the Uncles Neck subdivision, JCC Parcel No 2030200028.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING EXCEPTION REQUESTS FOR ENCROACHMENT INTO THE RPA BUFFER:

CBPA 19-0087: Mid-Atlantic Resource Consulting, on behalf of Theresa Whelan, has filed an exception request for encroachments into the RPA buffer for bank grading and beach access at 7612 Uncles Neck in the Uncles Neck subdivision, JCC Parcel No 2030200028.

CBPA 19-0065: H. H. Hunt Homes, on behalf of Amanda Stallings, has filed an exception request for encroachments into the RPA buffer for the construction of a pool at 2529 William Tankard Drive in the Landfall Village subdivision, JCC Parcel 4640800015.

CBPA 19-0066: Williams Landscape and Design, on behalf of Richard and Carole Summerville, has filed an exception request for encroachments into the RPA buffer for the construction of a retaining wall at 3124 Sapling Drive in the Stonehouse subdivision, JCC Parcel 0520400025.

Appeals from decisions under the Chesapeake Bay Preservation Ordinance may also be heard.

All interested parties are invited to attend the meetings. The applications and plans are on file and may be viewed during normal office hours in the Stormwater and Resource Protection Division, 101-E Mounts Bay Road, James City County, Virginia.

NOT FOR PUBLICATION

DISPLAY: WEDNESDAY – July 31 and August 7, 2019.
ACCOUNT NO.: 0011350200 - VIRGINIA GAZETTE

COPIES: PLANNING

ASSISTANT COUNTY ATTORNEY
WETLANDS/CHESAPEAKE BAY BOARD MEMBERS



General Services
107 Tewning Road
Williamsburg, VA 23188
P: 757-259-4080
General.Services@jamescitycountyva.gov
jamescitycountyva.gov

Capital Projects	Fleet	Stormwater and Resource Protection	Facilities & Grounds	Solid Waste
107 Tewning Road Williamsburg, VA 23188 757-259-4080	103 Tewning Road Williamsburg, VA 23188 757-259-4122	101-E Mounts Bay Road Williamsburg, VA 23185 757-253-6670	113 Tewning Road Williamsburg, VA 23188 757-259-4080	1204 Jolly Pond Road Williamsburg, VA 23188 757-565-0971

July 24, 2019

RE: WJPA-19-0032
7612 Uncle's Neck
Boat House, Lift, Pier, Float & Breakwater

Dear Adjacent Property Owner:

In accordance with State and County Codes, this letter is to notify you that a request has been filed with the James City County Wetlands Board by Ms. Karla S. Havens of Mid-Atlantic Resource Consulting on behalf of Ms. Theresa M. Whelan, for impacts to wetlands associated with the construction of a boathouse, lift, pier, float and breakwater. The project is located at 7612 Uncle's Neck and further identified as JCC Parcel No. 2030200028.

A complete description, plan and other information are on file in the Stormwater and Resource Protection Division and are available for inspection during normal business hours, should anyone desire to review them.

The Wetlands Board will hold an advertised public hearing on **Wednesday, August 14, 2019 at 5:00 p.m.**, in the Board Room of Building F, 101 Mounts Bay Road, James City County, Virginia, at which time you may request to speak on the above referenced project.

Sincerely,

Janice Petty

Janice Petty
Stormwater Assistant

cc: Mid-Atlantic Resource Consulting
Attn: Ms. Karla S. Havens

Jordan Marine Construction, Inc.
Attn: Mr. Wilbur Jordan

Mailing List for: WJPA-19-0032 – 7612 Uncles Neck– Whelan -Mid-Atlantic –Jordan Marine
-Boat House –Lift – Pier - Breakwater

Applicant: 2030200028-7612 Uncles Neck

Whelan, Theresa M
6573 McKenna Way
Alexandra, VA 22315-5573

Contractor:

Mid-Atlantic Resource Consulting
Attn: Karla S. Havens
1095 Cherry Row
Plainview, VA 23156-2027

2030200029

Mitrovic, Suzanne Stetler, Trustee
7616 Uncles Neck
Toano, VA 23168-8725

Jordan Marine Construction, Inc.

Attn: Mr. Wilbur Jordan
6604 Richmond Road
Williamsburg, VA 23188-7233

2030200027

Holder, Patrick M & Lee S
7608 Uncles Neck
Toano, VA 23168-8725

2010200001A-7400 Uncles Neck

Uncle's Neck Homeowners Association
c/o United Property Associates
103 Bulifants Boulevard, Suite A
Williamsburg, VA 23188-5722

Virginia Marine Resource Center

Attn: Allison Norris
380 Fenwick Road, Building 96
Fort Monroe, VA 23651-1064

Department of Game and Inland Fisheries

P.O Box 90778
Henrico, VA 23228-0778

VIMS Wetlands Program

Attn: Dawn Fleming
P.O. Box 1346
Gloucester Point, VA 23062-1346

State Water Control Board

c/o Department of Environmental Quality
P.O. Box 1105
Richmond, VA 23218-1105

VDOT

4451 Ironbound Road
Williamsburg, VA 23188-2621

Regulatory Branch Army Corps of Engineers

803 Front Street
Norfolk, VA 23510-1011

ITEM SUMMARY

DATE: 8/14/2019

TO: Wetlands Board

FROM: Michael Woolson, Senior Watershed Planner

SUBJECT: WJPA 18-0089 : 209 Sherwood Forest

Surety release request for WJPA 18-0089

ATTACHMENTS:

	Description	Type
☐	Staff Memo	Cover Memo
☐	Signed Resolution	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Wetlands Group	Small, Toni	Approved	7/30/2019 - 12:58 PM
Wetlands Group	Small, Toni	Approved	7/30/2019 - 12:58 PM
Publication Management	Daniel, Martha	Approved	7/30/2019 - 1:21 PM
Wetlands Group	Secretary, Wetland	Approved	8/8/2019 - 9:02 AM

MEMORANDUM

DATE: August 14, 2019

TO: The Wetlands Board

FROM: Michael D. Woolson, Senior Watershed Planner

SUBJECT: Surety Release for Wetlands Permit No. WJPA 18-0089/VMRC 18-0211. 209 Sherwood Forest

In the granting of a Wetlands Permit for 209 Sherwood Forest, one condition of the permit stated that “A meeting shall take place no later than one year after pier construction is completed to determine the extent of wetland impacts . . . It will be determined at this meeting to what extent of wetlands impacts exist from the construction. Staff will make a presentation at the next scheduled Wetlands Board meeting regarding the extent of any impacts and make a recommendation to the Board regarding mitigation”. Staff visited the site on July 2, 2019 and determined that no permanent impacts had occurred during the construction of this project.

Staff recommends that no mitigation be required and that the surety be released for this project.

MDW/md
SuretyRel-SherwdFor-mem

RESOLUTION

CASE NO. WJPA 18-0089/VMRC 18-0211. 209 SHERWOOD FOREST

JAMES CITY COUNTY WETLANDS PERMIT EXTENSION

WHEREAS, Mr. John F. Cox (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 James City County Real Estate Tax Map Parcel No. 1730200007 and further identified as 209 Sherwood Forest in the Riverview Plantation subdivision (the “Property”) as set forth in the application WJPA 18-0089/VMRC 18-0211; and

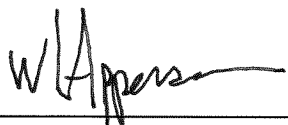
WHEREAS, the Board has listened to the arguments presented and has carefully considered all evidence entered into the record.

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. Prior to construction, a pre-construction meeting will be held on-site; and
 - c. Payment of the \$100 application fee, payable to the James City County Treasurer; and
 - d. A surety in the amount of \$3,000 shall guarantee the ‘no net-loss’ wetland policy as outlined in 4VAC20-390-10 et seq. The surety shall be in a form acceptable to the James City County Attorney’s Office; and
 - e. A meeting shall take place no later than one year after pier construction is completed to determine the extent of wetland impacts. Staff shall invite representatives of the regulatory agencies dealing with tidal wetlands, Virginia Institute of Marine Science, applicant, agent, contractor, and Wetlands Board

members to this meeting. It will be determined at this meeting to what extent of wetlands impacts exist from the construction. Staff will make a presentation at the next scheduled Wetlands Board meeting regarding the extent of any impacts and make a recommendation to the Board regarding mitigation; and

- f. All development activities located in the special flood hazard area shall comply with Article VI, Division 3, Floodplain Area Regulations of the James City County Zoning Ordinance and receive all required approvals and permits prior to commencement of such activities; and
- g. The Wetlands Permit for this project shall expire on May 8, 2020, if construction has not begun; and
- h. If an extension of the permit is needed, a written request shall be submitted to the Stormwater and Resource Protection Division no later than March 27, 2020, six weeks prior to the expiration date.



John Hughes
Chairman, Wetlands Board



Michael Woolson
Secretary to the Board

Adopted by the Wetlands Board of James City County, Virginia, this 8th day of May, 2019.

WJPA18-89VMRC18-211-res