

MINUTES
JAMES CITY COUNTY WETLANDS BOARD
REGULAR MEETING
County Government Center, Building F
101 Mounts Bay Road, Williamsburg, VA 23185
May 9, 2018
5:00 PM

A. CALL TO ORDER

The Wetlands Board meeting for May 9, 2018 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 Members Present:

Charles Roadley
Larry Waltrip
John Hughes

Board Members Absent:

David Gussman
William Apperson

County Staff Present:

Michael Woolson, Senior Watershed Planner, Stormwater and Resource Protection
Frances Geissler, Director, Stormwater and Resource Protection
Liz Parman, Assistant County Attorney
Trevor Long, Watershed Planner, Stormwater and Resource Protection
Janice Petty, Assistant, Stormwater and Resource Protection

C. MINUTES

1. Minutes from the April 11, 2018, regular meeting

The minutes from the April 11, 2018, regular meeting were approved as written.

D. PUBLIC HEARINGS

1. W-22-18 : 7624 Uncles Neck

Mr. Woolson made a presentation for the wetland permit applied for by Mr. Daniel Winall, Water's Edge Construction, submitted on behalf of Mark and Kathryn Gillespie. Mr. Woolson explained that the permit was to protect the shoreline using the living shoreline techniques of two rock sills and beach nourishment with planting areas at 7624 Uncles Neck, within the Uncles Neck subdivision and the Yarmouth Creek watershed. The property is further identified as James City County Parcel No. 2030200031. The presentation described the current site

conditions and the proposed project. Mr. Woolson explained that staff recommend approval for this permit with conditions.

The Board deliberated the pros and cons of this permit.

Mr. Roadley requested that the extent of active erosion be explained further.

Mr. Woolson explained the extent of active erosion on the property.

Mr. Roadley expressed concerns over the configuration of the rock sills.

Mr. Woolson deferred the question to Mr. Winall.

Mr. Hughes asked if the debris seen in the pictures would be removed from the site.

Mr. Woolson explained that the debris would be removed.

Mr. Hughes opened the Public Comment Period.

A. Mr. Daniel Winall, Water's Edge Construction, addressed the Board and answered further questions.

Mr. Roadley requested further explanation of the sill alignment.

Mr. Winall described the reasoning behind the sill alignment.

Mr. Hughes asked about the depth of water at the end of the structures.

Mr. Winall explained that the water depth is minus one foot mean sea level.

Mr. Hughes closed the Public Comment Period, as no one else wished to speak.

Mr. Waltrip made a motion to grant the permit for Wetlands Board Case No. W-22-18/VMRC 18-0317 at 7624 Uncles Neck.

Motion was approved: 3-0

Ayes: Roadley, Waltrip, Hughes

Nays: None

Absent: Apperson, Gussman

E. BOARD CONSIDERATIONS

None

F. MATTERS OF SPECIAL PRIVILEGE

None

G. ADJOURNMENT

The meeting adjourned at 5:13 p.m.

ITEM SUMMARY

DATE: 5/9/2018

TO: Wetlands Board

FROM: Michael Woolson, Senior Watershed Planner

SUBJECT: Minutes from the April 11, 2018, regular meeting

ATTACHMENTS:

	Description	Type
	Minutes	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Wetlands Group	Woolson, Michael	Approved	5/5/2018 - 2:08 PM
Wetlands Group	Geissler, Fran	Approved	5/7/2018 - 1:43 PM
Publication Management	Daniel, Martha	Approved	5/7/2018 - 3:05 PM
Wetlands Group	Secretary, Wetland	Approved	5/8/2018 - 8:14 AM

MINUTES
JAMES CITY COUNTY WETLANDS BOARD
REGULAR MEETING
County Government Center, Building F
101 Mounts Bay Road, Williamsburg, VA 23185
April 11, 2018
5:00 PM

VIDEO A. CALL TO ORDER

The Wetlands Board meeting for April 17, 2018 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.

VIDEO B. ROLL CALL

Board Members Present:

David Gussman - Vice Chair
Charles Roadley
Larry Waltrip
William Apperson

Board Members Absent:

John Hughes - Chair

Others Present:

Michael Woolson, Senior Watershed Planner, Stormwater and Resource Protection
Trevor Long, Watershed Planner, Stormwater and Resource Protection
Frances Geissler, Director, Stormwater and Resource Protection
Liz Parman, Assistant County Attorney
Janice Petty, Stormwater Assistant, Stormwater and Resource Protection

VIDEO C. MINUTES

VIDEO 1. Minutes from December 13, 2017, regular meeting

The minutes from the December 13, 2017, regular meeting were approved as written.

VIDEO D. PUBLIC HEARINGS

VIDEO 1. W-20-18 : 209 Sherwood Forest

Mr. Woolson presented the wetland permit submitted by Mr. Henry Thorndike, Dock Masters Marine Construction, on behalf of Mr. John F. Cox. Mr. Woolson explained that the permit was to replace an existing pier with a 5' x 110' pier using an excavator on timber mats on property located at 209 Sherwood Forest, within the Riverview Plantation subdivision and the York River watershed. The property is further identified as James City County Parcel No. 1730200007. The presentation described the current site conditions and the proposed project. Mr. Woolson explained that staff recommends approval for this permit with

conditions.

Mr. Gussman opened the Public Comment Period.

A. Mr. Henry G. Thorndike, Jr, addressed the Board and answered questions.

Mr. Gussman closed the Public Comment Period, as no one else wished to speak.

Mr. Roadley made a motion to approve permit W-20-18, 209 Sherwood Forest. Motion was approved 4-0

Ayes: Apperson, Waltrip, Gussman, Roadley

Absent: Hughes

VIDEO **E. BOARD CONSIDERATIONS**

Resolutions of appreciation were presented for Mr. Roger Schmidt and Mrs. Melanie Davis in appreciation for their service to the Chesapeake Bay Board and Wetlands Board.

Mrs. Melanie Davis acknowledged receipt of Resolution and thanked the Wetlands Board and Chesapeake Bay Board.

VIDEO **F. MATTERS OF SPECIAL PRIVILEGE**

NONE

VIDEO **G. ADJOURNMENT**

The meeting adjourned at 5:31 p.m.

ITEM SUMMARY

DATE: 5/9/2018

TO: Wetlands Board

FROM: Michael Woolson, Senior Watershed Planner

SUBJECT: W-22-18 : 7624 Uncles Neck

ATTACHMENTS:

	Description	Type
▢	Staff Report	Staff Report
▢	Resolution	Resolution
▢	Joint Permit Application	Backup Material
▢	Joint Permit Application - revision	Backup Material
▢	Public Hearing Notice	Backup Material
▢	APO Notification Letter	Backup Material
▢	APO Notification List	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Wetlands Group	Woolson, Michael	Approved	5/5/2018 - 2:09 PM
Wetlands Group	Geissler, Fran	Approved	5/7/2018 - 1:32 PM
Publication Management	Daniel, Martha	Approved	5/7/2018 - 1:54 PM
Wetlands Group	Secretary, Wetland	Approved	5/7/2018 - 2:40 PM

WETLAND BOARD CASE No. W-22-18/VMRC 18-0317. 7624 Uncles Neck Road
Staff report for the May 9, 2018 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

Applicants: Mark and Kathryn Gillespie

Agent: Mr. Daniel R. Winall, Water's Edge Construction

Location: 7624 Uncles Neck Road

Parcel: Lot 31, River's Bend at Uncles Neck

PIN: 2030200031

Watershed: Yarmouth Creek (JL28)

Floodplain: Zone AE - The special flood hazard area subject to the 1% annual chance flood. Base Flood Elevation = 7.0 Mean Sea Level.

Proposed Activity: To protect the shoreline using the living shoreline techniques of rock sills and beach nourishment with plantings.

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

PROJECT DISCUSSION

Mr. Daniel R. Winall, Water's Edge Construction, has applied for a wetlands permit on behalf of Mark and Kathryn Gillespie to protect the shoreline by providing two rock sills and beach nourishment with plantings on property located at 7624 Uncles Neck, within the Uncles Neck subdivision and the Yarmouth Creek watershed. The property is further identified as James City County Parcel No. 2030200031.

The rock sills are proposed to be 45 feet long with a 15-foot bottom width. They will be comprised of Class I core stone (average 150 lbs.) overlain with Class II armor stone (average 400 lbs.) with the top of the structure at 3.5 feet Mean Sea Level. There will be a 36-foot gap riverside of the two structures. The intervening area will be filled with approximately 40 tons of clean beach sand. Construction access will be through the uplands.

On April 20, 2018, staff visited the site along with representatives of the Corp of Engineers and Virginia Marine Resources Commission to discuss the proposed project with the contractor. At that time of the year, there was no herbaceous tidal wetland vegetation apparent. Based upon staff knowledge of the Uncles Neck shoreline along the Chickahominy River, there will be pockets of sedges, pickerel weed and three-square in a 5- to 10-foot band in the intertidal zone due to the shaded nature of the shoreline.

The project proposes to plant 500 square feet of *Spartina patens* and *Spartina alterniflora*, in equal areas adjacent to the rock sills on 18-inch centers. Due to the unknown quantity of wetland impacts that may occur, staff suggests a surety in the amount of \$1,000 shall be required to guarantee the 'no net-loss' wetland policy as outlined in 4VAC20-390-10 et seq. (see below) and shall be in a form acceptable to the James City County Attorney's office.

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 the proposed plantings will compensate for the 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. Prior to construction, a pre-construction meeting will be held on-site. At that pre-construction meeting, the limits of upland disturbance shall be clearly marked and the limits of the rock sill structures shall be clearly delineated;
3. A surety in the amount of \$1,000 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;
4. The plantings shall be inspected one year post planting and shall have a minimum survival rate of 90% prior to any surety release;
5. 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;
6. The Wetlands Permit for this project shall expire on May 9, 2019 if construction has not begun; and
7. If an extension of the permit is needed, a written request shall be submitted to the Stormwater and Resource Protection Division no later than six weeks prior to the expiration date.

MW/md

W22-18UnclesNk

Attachment:

1. Joint Permit Application

RESOLUTION

CASE NO. W-22-18/VMRC 18-0317. 7624 UNCLES NECK

JAMES CITY COUNTY WETLANDS PERMIT

WHEREAS, Mark and Kathryn Gillespie (the “Applicants”), have 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 Parcel No. 2030200031 and further identified as 7624 Uncles Neck in the River’s Bend at Uncles Neck subdivision (the “Property”) as set forth in the application W-22-18/VMRC 18-0317; 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 applicants must obtain all other necessary local, state and/or federal permits required for the project;
 - b. Prior to construction, a pre-construction meeting will be held on-site. At that pre-construction meeting, the limits of upland disturbance shall be clearly marked and the limits of the rock sill structures shall be clearly delineated;
 - c. A surety in the amount of \$1,000 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;
 - d. The plantings shall be inspected one year post planting and shall have a minimum survival rate of 90% prior to any surety release;
 - e. 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;

- f. The Wetlands Permit for this project shall expire on May 9, 2019 if construction has not begun; and
- g. If an extension of the permit is needed, a written request shall be submitted to the Stormwater and Resource Protection Division no later than six weeks prior to the expiration date.

John Hughes
Chairman, Wetlands Board

Michael Woolson
Senior Watershed Planner

Adopted by the Wetlands Board of James City County, Virginia, this 9th day of May, 2018.

THE FORGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 2018 IN THE COMMONWEALTH OF VIRGINIA, IN THE COUNTY OF JAMES CITY.

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

W22-18UnclesNk-res

Howell, Beth (MRC)

From: Daniel Winall <dwinall@wecmarine.com>
Sent: Friday, March 2, 2018 4:12 PM
To: MRC - jpa Permits
Subject: 7624 Uncles Neck Road Lot-31
Attachments: File0524.PDF

Thanks,

Daniel R. Winall
President

Water's Edge Construction

P.O. Box 352

Toano, VA 23168

Phone: 757-566-0149

✓ Email: dwinall@wecmarine.com

www.wecmarine.com



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:

✓ Mark & Kathryn Gillespie
3035 River Reach
Williamsburg, Virginia 23185

Contact Information:

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

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):

DANIEL R. WINALL
P. O. BOX 352
TOANO, VA 23168

Contact Information:

Home () _____
Work (757) _____ 566-0149
Fax () _____
Cell/ Pager () _____
e-mail ✓ dwinall@wecmarine.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.

Construct two 45'-0" long low profile riprap sills with associated beach nourishment. Install a 150'-0" long open pile pier with a 16'-0"x 16'-0" L-shaped deck and a 16'-0" wide x 42' long open sided open pile boathouse on downriver side of outboard deck. An additional 12'-0" wide x 16'-0" long floating pier to be installed along outboard deck on opposite side of proposed boathouse.

RECEIVED MAR 02 2018 MARINE RESOURCES CC#M65501V	FOR AGENCY USE ONLY
	Notes:
	JPA # <u>18-0317</u>

Revised: May 2012
Revised: November 30, 2009

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:

DANIEL R. WINALL INC.
P. O. BOX 352
TOANO, VA 23168

Contact Information:

Home () _____
Work (757) _____ 566-0149
Fax () _____
Cell / Pager () _____
email ☒ dwinall@wecmarine.com

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 23185

Telephone number

(757) _____ 220-1736

7. Give the following project location information:

Street Address (911 address if available) 7624 Uncles Neck Road Toano, Virginia

Lot/Block/Parcel# Lot 31 River's Bend @Uncles Neck A-1 PARCEL # 2030200031

Subdivision River's Bend @Uncles Neck

City / County James City County Zipcode 23168

Latitude and Longitude at Center of Project Site (Decimal Degrees):

If the project is located in a rural area, please provide driving directions.

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 of project is to provide erosion control along shoreline. Secondary purpose is to provide access to river.

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.

ALL ACCESS BY WATERBORNE EQUIPMENT.

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>
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(**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.): \$ 49,000.00
Approximate cost of that portion of the project which is below mean low water: \$ 39,000.00
14. Completion date of the proposed work: 2018 - _____
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).

Southeastern Properties of Virginia @Uncles Neck LLC
6001 Harbour View Blvd
Suffolk, Virginia 23435

Southeastern Properties of Virginia @Uncles Neck LLC
6001 Harbour View Blvd
Suffolk, Virginia, 23435

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 DEQ, 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.

Mark Gillespie

Applicant's Name (printed/typed)

(Use if more than one applicant)

* 

Applicant's Signature

(Use if more than one applicant)

3/2/18

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 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.

Install a 150'-0" long open pile pier with a 16'-0" x 16'-0" L-shaped deck and a 16'-0" wide x 42' long open sided open pile boathouse on downriver side of outboard deck. An additional 12'-0" wide x 16'-0" long floating pier to be installed along outboard deck on opposite side of proposed pier

2. For private, noncommercial piers:

What is the overall length of the structure? 150 feet.

channelward of Mean High Water? 150 feet.

channelward of Mean Low Water? 130 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? 672 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:

- 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
- 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.
- 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 2 – Signatures (continued)

2. Applicants having agents (if applicable)

CERTIFICATION OF AUTHORIZATION

I (we), Mark Gillespie, hereby certify that I (we) have authorized Daniel R. Winall
(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.

Daniel R. Winall
(Agent's Signature)

(Use if more than one agent)

3/2/18
(Date)

* Mark Gillespie
(Applicant's Signature)

(Use if more than one applicant)

3/2/18
(Date)

3. Applicant's having contractors (if applicable)

CONTRACTOR ACKNOWLEDGEMENT

I (we), Mark Gillespie, have contracted Daniel R. Winall
(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.

DANIEL R. WINALL, INC.

Contractor's name or name of firm

P. O. BOX 352

TOANO, VA 23168

Daniel R. Winall
Contractor's signature and title

Contractor's or firms address

2705 029454A CLASS A

* Mark Gillespie
Applicant's signature

Contractor's License Number

(use if more than one applicant)

3/2/18
Date

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	PENDING			
power				
power				

5. 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

6. 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.

7. 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)? 95 linear feet. If applicable, what is the volume of the associated backfill? 200 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? feet.
3. Please calculate the square footage of encroachment over:
 - Vegetated wetlands square feet
 - Nonvegetated wetlands 1600 square feet
 - Subaqueous bottom 1000 square feet
 - Dune and/or beach square feet
4. 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 I, Class II riprap, filter cloth and 100% sand for beach fill

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 I
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:

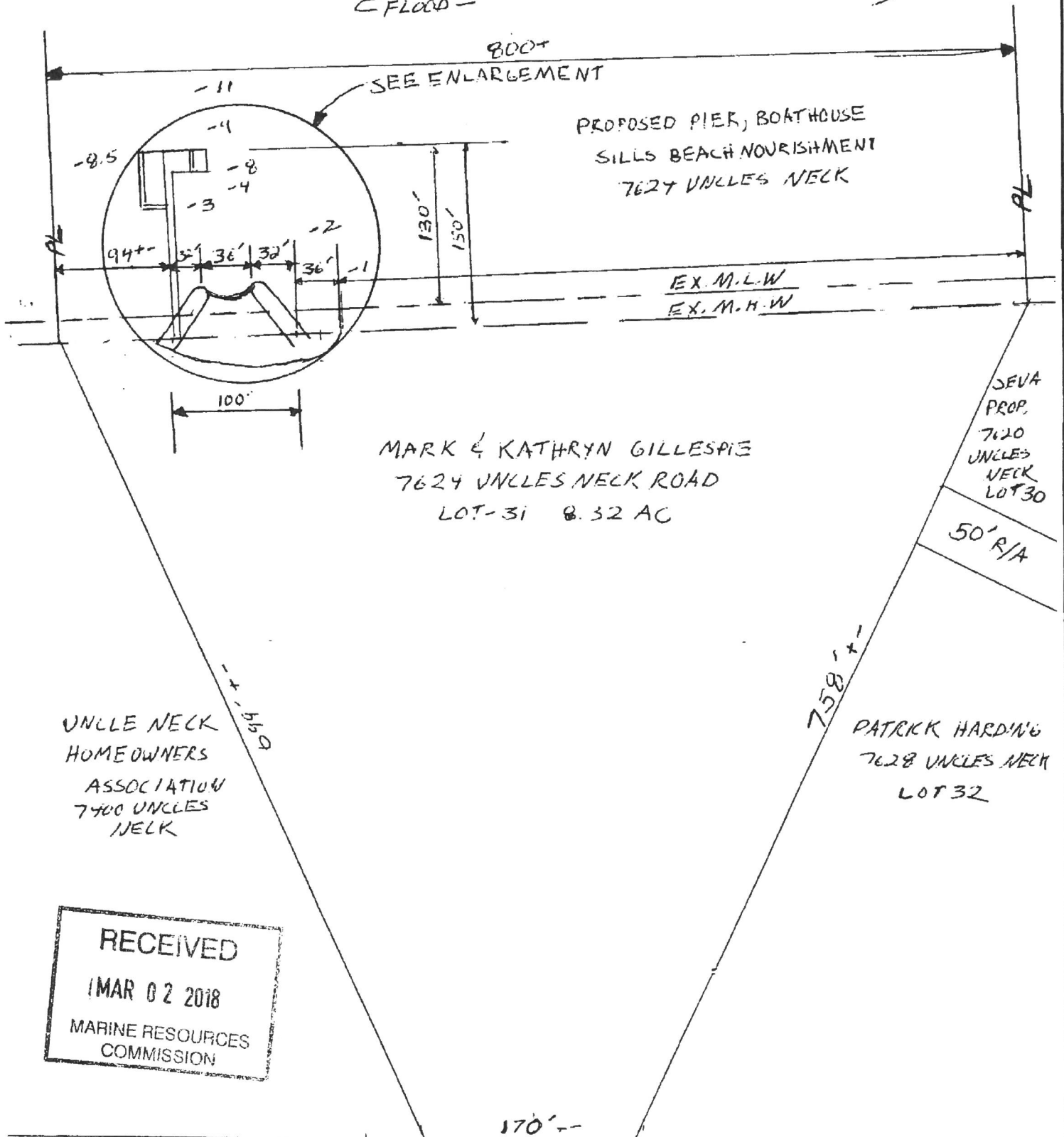
- Volume of material

40	cubic yards channelward of mean low water
160	cubic yards landward of mean low water
- Area to be covered

1000	square feet channelward of mean low water
1600	square feet landward of mean low water
- Source of material, composition (e.g. 90% sand, 10% clay): 100% SAND
- Method of transportation and placement: Brought in from upland source, places with heavy equipment
- Describe any proposed vegetative stabilization measures to be used, including planting schedule, spacing, monitoring, etc.:
typical beach plantings on two foot center as shown on plans

CHICKAHOMINY RIVER
1400' WIDE

~~EBB~~
~~FLOOD~~



MARK & KATHRYN GILLESPIE
7624 UNCLE'S NECK ROAD
LOT-31 8.32 AC

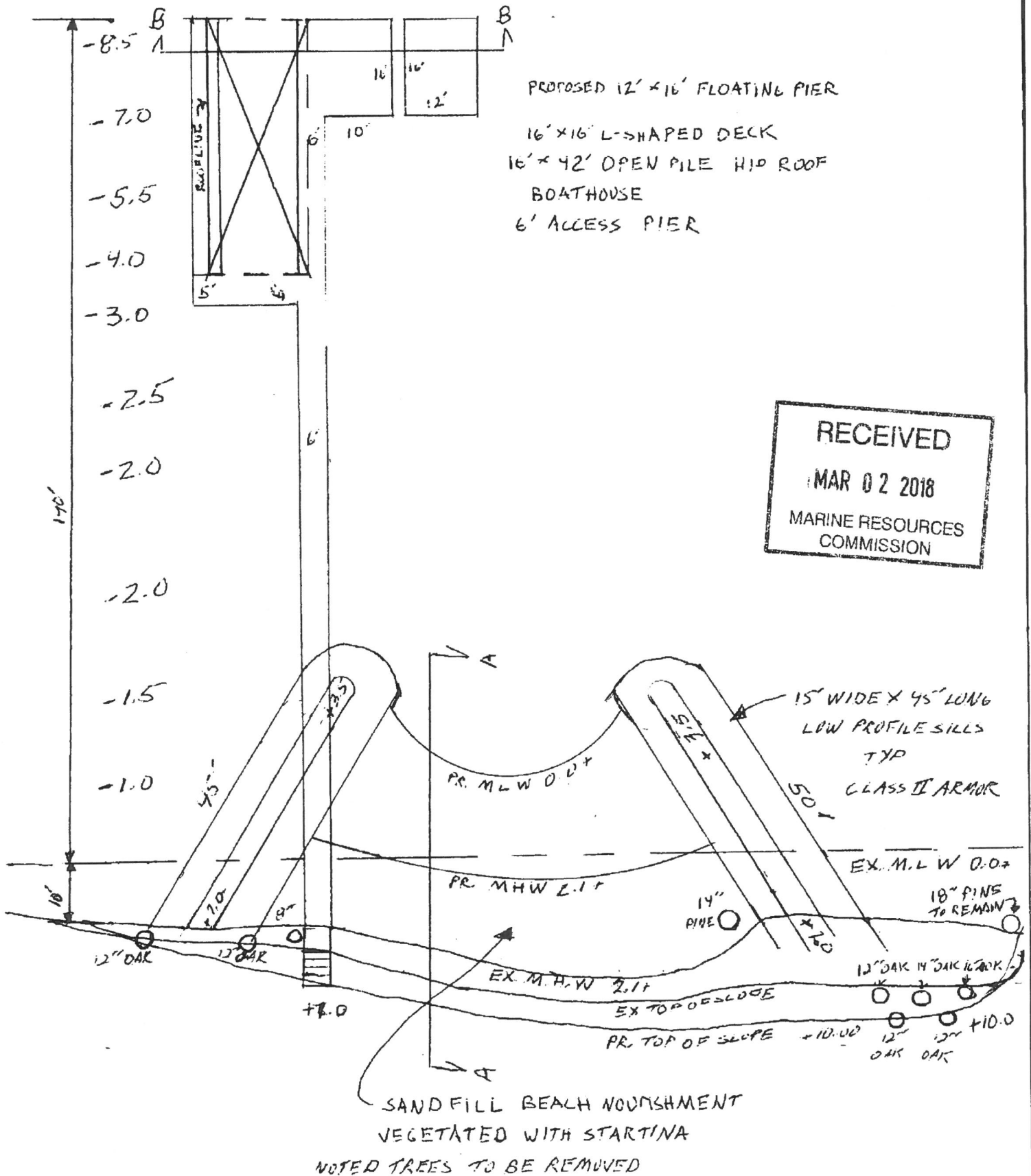
APD #1 UNCLE'S NECK HOMEOWNERS
7400 UNCLE'S NECK

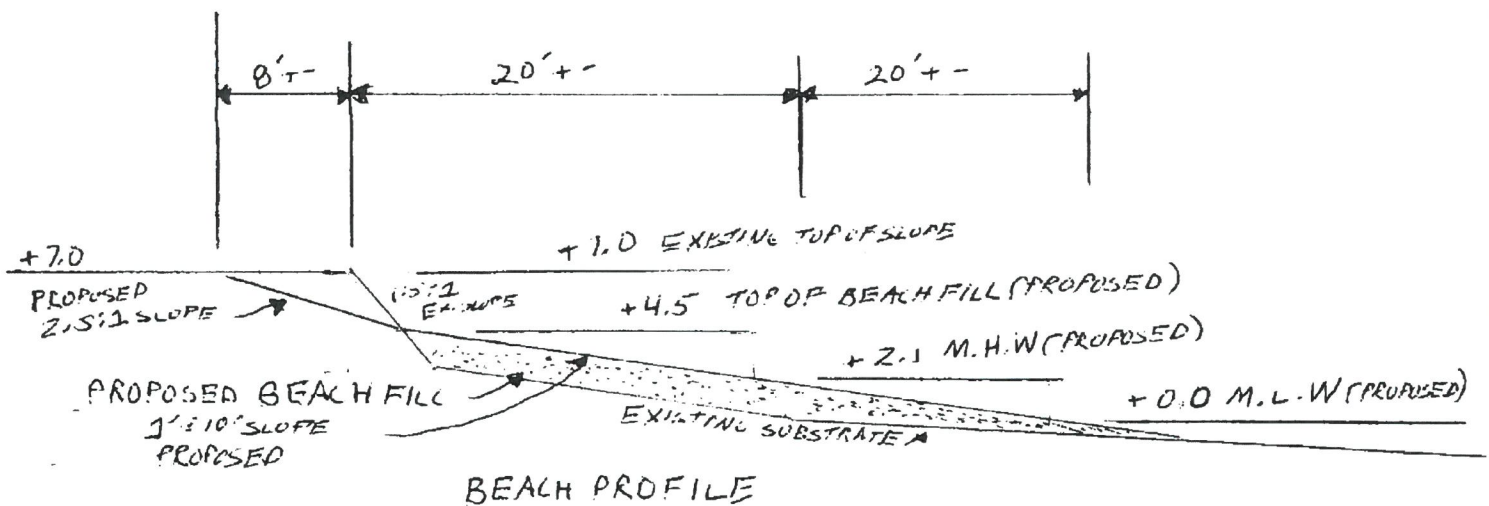
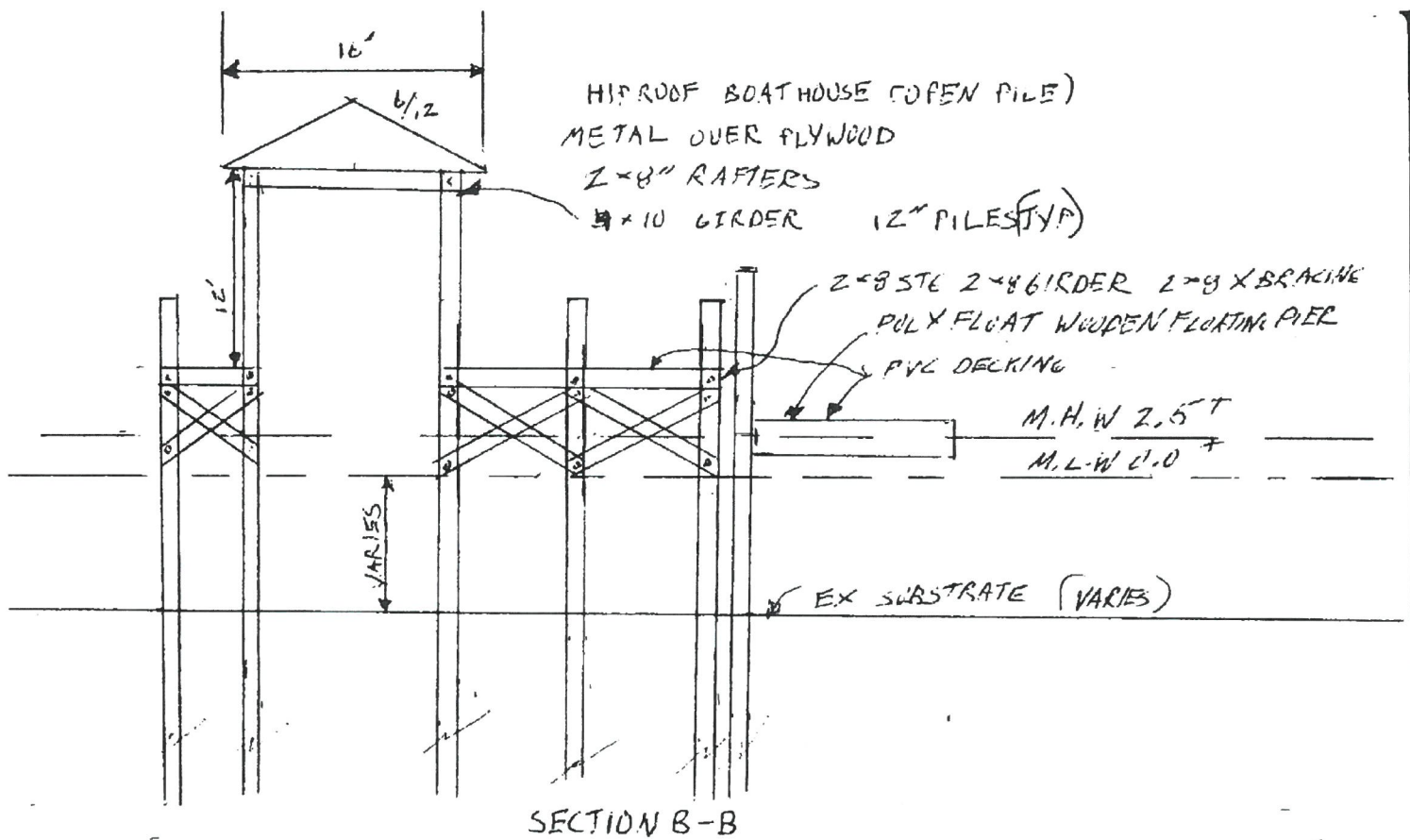
APD #2 SEVA PROPERTIES
6001 HARBOUR VIEW SUFOLK

3/1/18 PG. 1 OF 3

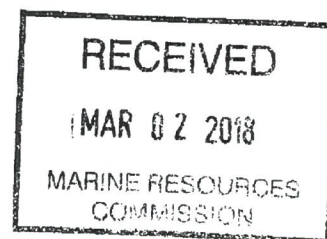
SITE PLAN LOT 31
PIER, FLOATING PIER, BOATHOUSE
SILLS, SLOPE STABILIZATION
BEACH NOURISHMENT

MARK KATHRYN GILLESPIE
7624 UNCLE'S NECK
APPL BY: DANIEL RWINALL
DATUM: M.L.W SCALE 1"=100'





SECTION A-A



Virginia Marine Resources Commission

Permit Application 20180317

Printed: Monday March 5, 2018 11:20 AM



Applicant: Mark Gillespie
3035 River Reach
Williamsburg, VA 23185

Application Number:	20180317	Engineer:	Mark Eversole
Application Date:	March 2, 2018	Locality:	James City
Permit Type:		Waterway:	
Permit Status:	Pending	Expiration Date:	
Wetlands Board Action:		Public Hearing Date:	
 Project Description: Boathouse/Pier/Riprap			

Beth Howell

From: Mark Eversole
Sent: Monday, April 30, 2018 8:30 AM
To: rr MRC - jpa Permits
Subject: FW: [Non-DoD Source] RE: NAO-2017-00407 / VMRC 18-0317 (7624 Uncles Neck Road, Toano)
Attachments: File0541.PDF

Addl info 18-0317

-----Original Message-----

From: Daniel Winall [mailto:dwinall@wecmarine.com]
Sent: Friday, April 27, 2018 10:52 AM
To: Eller, Andrew T CIV USARMY CENAO (US) <Andrew.T.Eller@usace.army.mil>
Cc: Michael Woolson <Michael.Woolson@jamescitycountyva.gov>; Mark Eversole <mark.eversole@mrc.virginia.gov>
Subject: RE: [Non-DoD Source] RE: NAO-2017-00407 / VMRC 18-0317 (7624 Uncles Neck Road, Toano)

Gentlemen,

Four corners of sills are marked in field. I have included additional requested info on revised plans. Let me know if you need any more additional information.

Thanks,

Daniel R. Winall

President

Water's Edge Construction

P.O. Box 352

Toano, VA 23168

Phone: 757-566-0149

Email: dwinall@wecmarine.com

www.wecmarine.com <<http://www.wecmarine.com/>>

Engineering & Resource Protection
APR 30 2018

RECEIVED

ADDITIONAL INFO
REVISION

RECEIVED
1 APR 30 2018
MARINE RESOURCES
COMMISSION

-----Original Message-----

From: Eller, Andrew T CIV USARMY CENAO (US) [mailto:Andrew.T.Eller@usace.army.mil]
Sent: Monday, April 23, 2018 11:44 AM
To: Daniel Winall
Cc: Michael Woolson; Mark Eversole
Subject: RE: [Non-DoD Source] RE: NAO-2017-00407 / VMRC 18-0317 (7624 Uncles Neck Road, Toano)

Good Morning Mr. Winall,

I was good meeting you on Friday. I look forward to receiving the vegetation plans for this project. I have a few more questions to accompany those plans. How far channelward of the existing mean low water will the sill extend. Can you provide the precise coordinates for the northern and southern extent of this project. Thank you!

Respectfully,
Andrew T. Eller
Environmental Scientist
U.S. Army Corps of Engineers
Southern Virginia Regulatory Section
757-201-7726

Regulator of the Day (ROD)
757-201-7652

The Norfolk District is committed to providing the highest level of support to the public. In order for us to better serve you, we would appreciate you completing our Customer Satisfaction Survey located at http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey. We value your comments and appreciate your input.

ADDITIONAL INFO
REVISION

-----Original Message-----

From: Daniel Winall [mailto:dwinall@wecmarine.com]
Sent: Thursday, April 12, 2018 4:24 PM
To: Eller, Andrew T CIV USARMY CENAO (US) <Andrew.T.Eller@usace.army.mil>; Mark Eversole <mark.eversole@mrc.virginia.gov>; Michael Woolson <Michael.Woolson@jamescitycountyva.gov>
Subject: RE: [Non-DoD Source] RE: NAO-2017-00407 / VMRC 18-0317 (7624 Uncles Neck Road, Toano)

I will be there

-----Original Message-----

From: Eller, Andrew T CIV USARMY CENAO (US) [mailto:Andrew.T.Eller@usace.army.mil]
Sent: Thursday, April 12, 2018 4:21 PM
To: Mark Eversole; Michael Woolson; Danny Winall
Subject: RE: [Non-DoD Source] RE: NAO-2017-00407 / VMRC 18-0317 (7624 Uncles Neck Road, Toano)

That works for me

-----Original Message-----

From: Mark Eversole [mailto:mark.eversole@mrc.virginia.gov]
Sent: Thursday, April 12, 2018 4:05 PM

To: Michael Woolson <Michael.Woolson@jamescitycountyva.gov>; Eller, Andrew T CIV USARMY CENAO (US) <Andrew.T.Eller@usace.army.mil>; Danny Winall <dwinall@wecmarine.com>
Subject: [Non-DoD Source] RE: NAO-2017-00407 / VMRC 18-0317 (7624 Uncles Neck Road, Toano)

I can do Friday at 10am.

Mark Eversole
Environmental Engineer
Virginia Marine Resources Commission
2600 Washington Avenue
Newport News, Virginia 23669
O) 757-247-8028

-----Original Message-----

From: Michael Woolson [mailto:Michael.Woolson@jamescitycountyva.gov]
Sent: Thursday, April 12, 2018 4:02 PM
To: 'Mark Eversole' <mark.eversole@mrc.virginia.gov>; Eller, Andrew T CIV USARMY CENAO (US) <Andrew.T.Eller@usace.army.mil>; Danny Winall <dwinall@wecmarine.com>
Subject: RE: NAO-2017-00407 / VMRC 18-0317 (7624 Uncles Neck Road, Toano)

I also need to visit the site. I'm out of town until Friday, April 20th.
We should schedule a meeting for 10 am that morning.

Mike

-----Original Message-----

From: Mark Eversole [mailto:mark.eversole@mrc.virginia.gov]
Sent: Thursday, April 12, 2018 2:02 PM
To: Eller, Andrew T CIV USARMY CENAO (US) <Andrew.T.Eller@usace.army.mil>; Danny Winall <dwinall@wecmarine.com>
Cc: Michael Woolson <Michael.Woolson@jamescitycountyva.gov>
Subject: RE: NAO-2017-00407 / VMRC 18-0317 (7624 Uncles Neck Road, Toano)

I do need to visit the site. Please let me know when you plan to make a trip.

Mark Eversole
Environmental Engineer
Virginia Marine Resources Commission
2600 Washington Avenue
Newport News, Virginia 23669
O) 757-247-8028

ADDITIONAL INFO
REVISION

-----Original Message-----

From: Eller, Andrew T CIV USARMY CENAO (US) [mailto:Andrew.T.Eller@usace.army.mil]

Sent: Thursday, April 12, 2018 12:08 PM
To: Danny Winall <dwinall@wecmarine.com>
Cc: Eversole, Mark (MRC) <Mark.Eversole@mrc.virginia.gov>; Mike Woolson
<Michael.Woolson@jamescitycountyva.gov>
Subject: NAO-2017-00407 / VMRC 18-0317 (7624 Uncles Neck Road, Toano)

Mr. Winall,

I am reviewing the above named application submitted by Mr. and Mrs. Gillespie for which you are the authorized agent. I would like to schedule a site visit soon. Would you be available anytime next week to meet on site?
Also I have copied Mr. Eversole of VMRC and Mr. Woolson of JCC-WB in the event they wish to be attendance as well.

To be candid, my main concern is the riprap and sand fill does not meet the requirements of Regional Permit 19 nor Nationwide Permits 13 or 54.

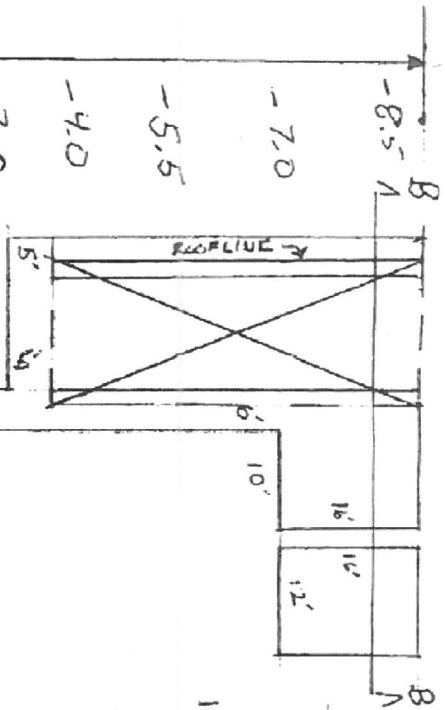
Thank you for your time if you have any questions or comments you can reach me via email, 757-567-5669 (c), or 757-201-7726 (o).

Respectfully,
Andrew T. Eller
Environmental Scientist
U.S. Army Corps of Engineers
Southern Virginia Regulatory Section
757-201-7726

Regulator of the Day (ROD)
757-201-7652

The Norfolk District is committed to providing the highest level of support to the public. In order for us to better serve you, we would appreciate you completing our Customer Satisfaction Survey located at [BlockedBlockedhttp://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey](http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey).
We value your comments and appreciate your input.

ADDITIONAL INFO
REVISION



PROPOSED 12' x 16' FLOATING PIER

16' x 16' L-SHAPED DECK

16' x 42' OPEN PILE HIP ROOF

BOATHOUSE

6' ACCESS PIER

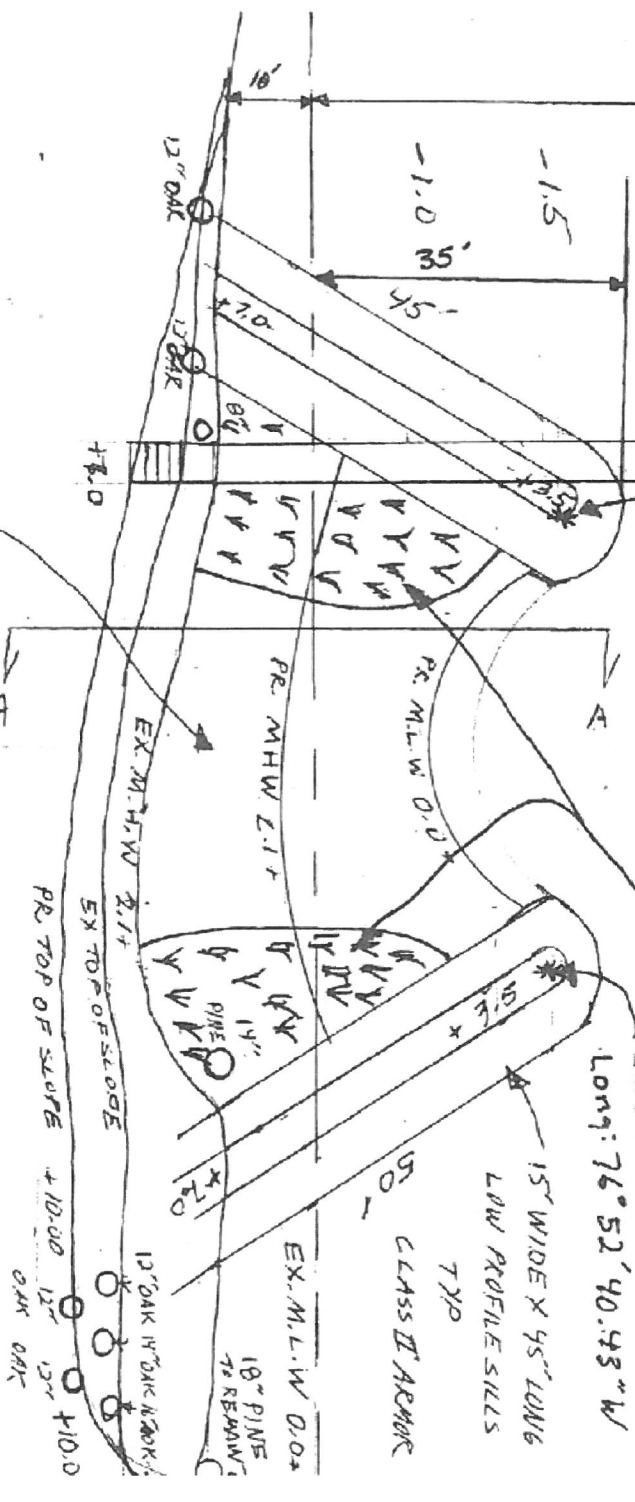
ADDITIONAL INFO
REVISION

RECEIVED
1 APR 30 2018
MARINE RESOURCES
COMMISSION

PROPOSED 500 SQ FT PLANTING AREAS (250 E. SIDE)
UPPER: SPARTINA PATEN
LOWER: SPARTINA ALTERNIFLORA
18" O.C BOTH DIRECTIONS

Lat: 37° 21' 10.73" N
Long: 76° 52' 40.64" W

Lat: 37° 21' 11.11" N
Long: 76° 52' 40.43" W



SANDFILL BEACH NOURISHMENT
VEGETATED WITH SPARTINA
NOTED TREES TO BE REMOVED

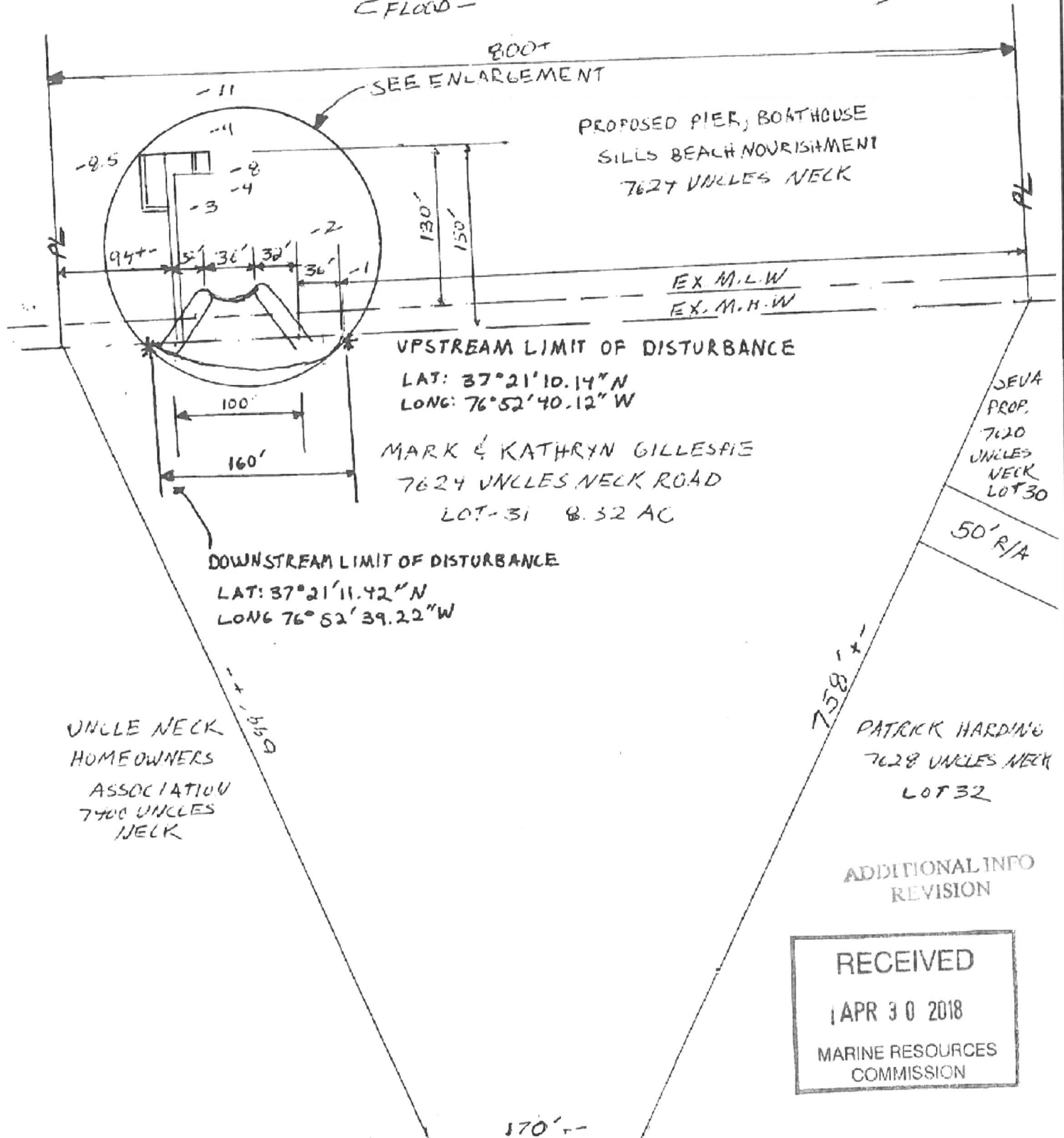
PLANVIEW LOT 31
PIER, FLOATING PIER, BOATHOUSE
SILLS, SLOPE STABILIZATION
BEACH NOURISHMENT

APP'BY: DANIEL R WINALL
DATUM M.L.W.
SCALE 2" = 20'

3/11/18
PG. 2 OF 3

CHICKAHOMINY RIVER
1400' WIDE

← EBB
← FLOOD →



APD #1 UNCL'S NECK HOMEOWNERS
7400 UNCL'S NECK

APD #2 SEVA PROPERTIES
6001 HARBOUR VIEW SUFOLK

3/1/18 PG. 1 OF 3

SITE PLAN LOT 31
PIER, FLOATING PIER, BOATHOUSE
SILLS, SLOPE STABILIZATION
BEACH NOURISHMENT

MARK KATHRYN GILLESPIE
7624 UNCL'S NECK
APPL BY: DANIEL RWINALL
DATUM: M.L.W SCALE 1"=100'



PUBLIC HEARING NOTICE

THE WETLANDS AND CHESAPEAKE BAY BOARDS OF JAMES CITY COUNTY, VIRGINIA WILL HOLD A PUBLIC HEARING ON **WEDNESDAY, MAY 9, 2018, AT 5 P.M.** IN THE BOARD ROOM OF BUILDING E, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE WETLANDS BOARD WILL CONSIDER THE FOLLOWING CASE:

W-22-18/VMRC 18-0317: Water's Edge Construction, on behalf of Mr. & Mrs. Mark Gillespie has applied for a wetlands permit for installation of two low profile sills with beach nourishment at 7624 Uncles Neck in the River's Bend at Uncles Neck subdivision, JCC Parcel No. 2030200031.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBE-18-074: Dogwood Contracting, on behalf of Mr. and Mrs. Brian Magoon, has filed an exception request for encroachment into the RPA buffer for the construction of a retaining wall at 233 Richard Brewster in the Colston's Crossing, Kingsmill subdivision, JCC Parcel No. 5030600044.

CBE-18-086: Ron Curtis Builder, on behalf of Mr. and Mrs. Neil Jesuel, has filed an exception request for encroachment into the RPA buffer for the construction of a house and deck addition at 153 North Quarter in the North Quarter, Kingsmill subdivision, JCC Parcel No. 5010700013.

CBE-18-088: Roth Environmental, on behalf of Mr. Jay Napoleon, has filed an exception request for encroachment into the RPA buffer for the construction of a retaining wall with patio at 1 Ensigne Spence in the Hampton Key, Kingsmill subdivision, JCC Parcel No. 5021100053.

Consideration of proposed exception conditions will be heard.

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 Mounts Bay Road, Building E, James City County, Virginia.



**General Services
Stormwater and Resource
Protection Division**

P.O. Box 8784
Williamsburg, VA 23187-8784
757-253-6670

Resource.Protection@jamescitycountyva.gov

April 18, 2018

Re: 7624 Uncles Neck
W-22-18/VMRC 18-0317
Riprap and Beach Nourishment

Dear Adjacent Property Owner:

In accordance with State and County Codes this letter is to notify you that a permit request has been filed with the James City County Wetlands Board by Daniel R Winall of Waters Edge Construction on behalf of Mark and Kathryn Gillespie for a riprap and beach nourishment on the property located at 7624 Uncles Neck in the River's Bend @ Uncles Neck subdivision. The property is further identified by James City County Real Estate, as Parcel No. 2030200031.

The Joint Permit Application (JPA), a complete description of the project 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 advertised public hearing on **Wednesday, May 9, 2018 at 5 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: Gillespie, Mark and Kathryn
Water's Edge Construction
Attn: Daniel Winall

Mailing List for: W-22-18/18-0317 – 7624 Uncles Neck – Gillespie/Water's Edge Construction –Riprap
& Beach Nourishment

Owner: 2030200031 – 7624 Uncles Neck

Gillespie, Mark G & Kathryn L
3035 River Reach
Williamsburg, VA 23185-7544

Water's Edge Construction

Attn: Daniel R Winall
P. O. Box 352
Toano, VA 23168

2030200030 for 7624 Uncles Neck

Southeastern Virginia Properties at Uncles Neck
LLC
6001 Harbour View Boulevard
Suffolk, VA 23435-2767

2030200032 for 7628 Uncles Neck

Harding, Patrick & Aimee F
c/o Williamsburg Neurology
140 Holly Hills Drive
Williamsburg, VA 23185

2010200001A for 7400 Uncles Neck

Uncle's Neck Homeowners Association
P.O. Box 18 Parkview Station
Newport News, VA 23605-0018

2030100002 for 6550 Menzels Road

Old Shipyard Landing, LLC
c/o Dominic & Carlotta Cundari
6550 Menzels Road
Toano, VA 23168

VMRC

Attn: Mark Eversole
2600 Washington Ave, 3rd Floor
Newport News, VA 23607-4356

VIMS Wetlands Program

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

VDOT

4451 Ironbound Road
Williamsburg, VA 23188-2621

Dept of Game and Inland Fisheries

Box 90778
Henrico, VA 23228-0778

State Water Control Board

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

Regulatory Branch Army Corps of Engineers

803 Front Street
Norfolk, VA 23510-1011