

Approved March 5, 2014

**Charles City County
Wetlands Board**
Public Hearing
Auditorium/GSAB
10900 Courthouse Road, Charles City, Virginia
Wednesday, April 24, 2013

Members Present: A. Norman Hofmeyer, Jr., Chairman
Charles H. Carter, III, Vice Chairman
Clyde L. Miles
E. Van Pearce
Robert Walls

Members Excused: none

Also Present: Matthew D. Rowe, Planning Director
Kala Havens, Mid-Atlantic Resource Consultant
Wilber Jordan, Jordan Marine Construction
Juliette Giordano, Environmental Engineer, VMRC

CHAIRMAN, A.N. HOFMEYER called this public hearing of the Charles City County Wetlands Board to order at 6:00 p.m.

Mr. Rowe certified that a quorum of the Wetlands Board had been established.

OLD BUSINESS

There was none

PUBLIC HEARING: Kurt Kunas, VMRC#13-0295, TMP#44-6-1

Matthew Rowe, Director of Planning, explained the Board's procedure for conducting public hearings and the appeal process. He next provided a brief explanation of Mr. Kunas' request for a permit to stabilize an eroding shoreline through the installation of a breakwater, back-filled with beach nourishment with plantings, and a 24 LF revetment. Approximately 100 square feet of wetlands jurisdictional to the Charles City County wetlands board will be affected.

Site Conditions:

Mr. Rowe read the report and described the site's condition(s). He stated that Mr. John Bragg, Environmental Planner, originally cited the conditions as being non-vegetated tidal wetlands. Mr. Rowe stated that a second site visit was done by Ms. Giordano of VMRC and that he too visited the site. During their site visit, they both saw areas of emerging tidal-vegetated wetlands and believe that around 48 square feet of it is being impacted by the proposed project.

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Staff presentation:

Mr. Rowe presented the evaluation criterion which states: In accordance with the General Criteria (Section 4, VIMS Wetlands Guidelines pursuant to Section 62.1-13.4 paragraph A), and provided significant marine fisheries, wetlands and wildlife resources are not unreasonably detrimentally affected, alteration of the shoreline or construction of shoreline facilities maybe justified in order to: (paragraph 2) protect property from significant damage or loss due to erosion or other natural causes.

Mr. Rowe continued that the County's Bay Program requires that "for shoreline erosion control projects, trees and woody vegetation maybe removed, necessary control techniques employed, and appropriate vegetation established to protect or stabilize the shoreline in accordance with the best available technical advice and applicable permit conditions or requirements." (9VAC10-20-1.d). In order to comply with the program, the applicant must demonstrate that the regarded slope meet the same standard of buffer protection as the original slope.

Mr. Rowe informed the Board that recent legislation (Chesapeake Bay Preservation Act) states, "shoreline erosion control projects on tidal waters are exempt when all the land disturbing activities are within the regulatory authority of and approved by local wetlands boards, the Marine Resources Commission or the United States Army Corps of Engineers; however any associated land that is disturbed outside of this exempted area shall remain subject to the County Soil and Erosion Control ordinance." Mr. Rowe also added that the Chesapeake Bay Act is still in effect all the way to the mean high water mark.

Contractor/Agent Comment(s):

Ms. Karla Havens, of Mid-Atlantic Resource Consulting, presented a brief overview of the permit request. She stated that the property was eroding due to boat wake and high volumes of boat traffic traveling to and from the marina up river. The property itself is comprised of a gently sloping bank around the cypress knees and shoreline, and then the slope dramatically increases in the form of a 70 foot tall grassy bank towards the existing dwelling. The boat wake is scouring and undercutting the bank, and nature cannot keep up with this man-made erosion. She further stated that the reason for the breakwater is to trip up those boat waves before it washes out Mr. Kunas' property and erodes even more. They are also proposing to place a 24 foot long revetment that will not go any higher than the marsh bank/slope behind it. She informed the Board that the only place where filling is proposed is between the eroding bank and breakwater. Mrs. Havens asked if the board had any questions and stated Mr. Wilber Jordan of Jordan Marine whom will be doing the work was available to answer any questions.

Mr. Carter asked that when walking out at low tide is the substrate sandy?

Ms. Haven answered that it was hard sand where the breakwaters were going to be placed.

Mr. Carter asked if the bank was sloping and if trees were sliding down it.

Ms. Haven answered that it was not and that the only active erosion seen on site was located along the marsh's root mat.

Staff Analysis:

Staff understands that the intent of the bank stabilization is to prevent further bank erosion that could be caused by boat traffic and waves from larger watercraft, by doing the following: constructing a breakwater with subsequent fill and re-vegetation, and stabilizing an area of the bank that is already experiencing erosion with a stone revetment. Staff believes that the installation of a 100 foot open pier is

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a standard practice by property owners along this section of the Chickahominy River and not an unusual request. Mr. Rowe advised after listening to comments from VMRC that he would recommend that the board make a condition that they receive revised drawings showing the area that is going to be re-vegetated for mitigation purposes.

PUBLIC COMMENT:

Chairman, A. Hofmeyer opened the floor for public comments or questions for anyone wishing to speak on the application at 6:15 p.m.

No one spoke.

Board Discussion:

The board discussed approving the application upon Staff receiving the revised drawing showing the 48 square foot vegetated wetlands mitigation.

MOTION:

Mr. Carter moved to approve the application with the condition that a revised drawing of the 48 square feet of vegetated mitigation be submitted and reviewed by Staff prior to the issuance of the Wetlands Permit. The rationale for the approval was that *a portion of the proposed project is a form of a living shoreline and that the project would allow the property owner to stabilize an eroding bank. The project, once revised drawings are received, would not decrease the square footage of vegetated wetlands and would not negatively impact the upland Resource Protection Area of the Chesapeake Bay Preservation Act.* The motion was seconded by Mr. Miles; and was carried by a vote of 5:0.

ADMINISTRATIVE MATTERS

Mr. Rowe informed the Board that Mr. John Bragg, Environmental Planner, was retiring at the end of May. Mr. Rowe explained to the Board that he was planning on changing certain aspects of the Board's operations and procedures. He stated that he expected all Board members to visit public hearing related sites prior to the meeting. He also said that he would encourage Board members to attend various training and workshops related to wetlands and wetlands law. He closed by stating, that it was his goal to assist the Wetlands Board and ensure that they are up-to-date with all procedures, laws and methods of shoreline stabilization.

ADJOURNMENT

Chairman Hofmeyer ordered the Wetlands Board meeting of April 24, 2013 be adjourned at 6:45 p.m.

Attested:

A. N. Hofmeyer, Wetland Board Chairman

Date

Matthew D. Rowe, Wetlands Board County Staff

Date