



**CHARLES CITY COUNTY
WETLANDS BOARD/CHESAPEAKE BAY BOARD
PUBLIC HEARING
MINUTES
MARCH 07, 2022
6:00 PM**

The meeting of the Wetlands Board was held March 07, 2022 at the Charles City County Government Administration Building at 6:00pm.

PRESENT: Charles H. Carter, III Chairperson, E. Van Pearce, Vice-Chairperson, Clyde L. Miles, Joanne Daniel

ABSENT: Bonnie Hofmeyer

OTHERS: Rhonda L. Russell, Director of Community Development, Gary Mitchell, Planner/Asst. Zoning Administrator, Peggy J. Sullivan, Community Development Specialist

After a quorum was determined, Mr. Carter called the meeting of the Charles City County Wetland Bay Board to order at 6:00pm.

ITEM: #1.

VMRC 21-2377: Application by Sandy Fields Farm, LLC to install 4, 48 feet long stone groins. A total of 2,688+ sq. ft. of wetlands will be impacted by the installation of these improvements. The property is located approximately 2,800+ feet southeast from the terminus of a private road know as Sandy Fields Road, which is 3,000+ feet southeast from the terminus of Weyanoke Road (SR 619). The address is 11000 Sandy Fields Road, and the property is further identified as Tax Map 66-6-A.

Ms. Russell requested the representative for VMRC 21-2377 Karla Havens be allowed to present before staff. Mr. Carter accepted Ms. Russell's request.

APPLICANT PRESENTATION:

Karla Havens: I am representing Mr. & Mrs. White. The White's want to install four, 48' long stone groins from mean high water. They have a huge concrete bulkhead on the property, if you go to the site at low tide, you can see the strip of under tidal beach. They are experiencing erosion at the base of the concrete bulkhead. The material underneath the foundation is eroding away. I met with Mr. White on site, and we marked where the groins would be going (please see pictures). Also, as you can see in your pictures there is trash along the beach, this will be cleaned up. The undercutting is under the concrete bulk head.

◦ Mr. Carter stated that it looks like the downstream corner is undercutting underneath the concrete. Ms. Havens stated yes, and they tried to contour around two cypress trees, but erosion happens. The shore line seems to have a lot of sediment in the water, so we thought it was best to install the groins to try and trap some of the sand. The description on the Agenda says 2688 square feet, that is incorrect. On page seventeen there is an outline of all four groins establishing what is non vegetative, subaqueous, and vegetative impacts for each. There are intertidal impacts between the concrete bulkhead and the steel bulkhead. At the low water mark only one of the groins has vegetative impact upstream 140 square feet. There is 672 square feet of intertidal wetlands. We considered doing a living shore line, but the bulkhead is to high, that is not possible under these conditions. I think the 2688 square feet of impact is for all of the groins. Mr. Mitchell and Ms. Russell agreed.

◦ Mr. Miles asked are you trying to capture the sand between the groins? Ms. Havens answered yes, we are trying to slow the water down to capture the sand. There is a lot of sediment with the tidal that keeps going back and forth. We want to trap it on site when the elevation is correct, hopefully the plants will come in and help hold everything in place.

◦ Mr. Carter asked what happens to the bulkhead? Is it just left in place? Ms. Havens stated yes, it is left in place.

◦ Mr. Carter asked if there were any other questions for the applicant. There were none.

STAFF PRESENTATION:

Ms. Russell stated there is about 400 linear feet platform on the James River for this proposed project, which does include groins adjacent to or in front of the existing bulkhead. This impacts roughly about 2700 square feet of the total wetlands, and 672 square feet is non vegetative wetlands impact. The code of Virginia does require that all applicants effective July 1 consider a living shoreline stabilization. The applicants representative indicated they completed the evaluation and also agreed to a wetlands credits. Staff is requiring evidence of that as a condition of the wetlands application. Staff finds that all provisions have been met by the applicant and thoroughly demonstrated, Staff does recommend approval of the Wetlands application as submitted with evidence of the Wetlands credits have been secured as a condition,

PUBLIC HEARING:

Mr. Carter opened the public hearing. No one spoke. Mr. Carter closed the public hearing.

On a motion made by Mr. Pearce, second by Mr. Miles, and a vote of 4/0 the Wetlands Board recommended to approve VMRC 21-2377 as presented by the applicant and staff.

Mr. Carter closed the Wetlands Board meeting at 6:24 pm and opened the Bay Board meeting.

ITEM: #2. BAY BOARD:

CBPA-01-2022: Application by J Hopke, RA, to encroach 82+ sq. ft. into the Resource Protection Area (RPA) for the construction of a new home. The property was partially cleared in 2021 in anticipation of the home. A new wetlands delineation was performed, and the proposed house site encroaches into the RPA based on the new delineation. The property is approximately 4.68+ acres and is located at the terminus of Morris Creek Crescent (a private road) which is approximately 3,000'+ east of Willcox Neck Road (SR 623). The property address is 13505 Morris Creek Crescent, and the Tax Map Number is 70-2-9. **CBPA-02-2022:** Application by Sandy Fields Farm, LLC. To encroach 2,688+ into the Resource Protection Area (RPA) to permit the construction of groin revetment. The property is located approximately 2,800+ feet southeast from the terminus of a private road know as Sandy Fields Road, which is 3,000+ feet southeast from the terminus of Weyanoke Road (SR 619). The address is 11000 Sandy Fields Road, and the property is further identified as Tax Map 66-6-A.

STAFF PRESENTATION:

Mr. Mitchell presented pictures as a reminder of the RPA, RMA and Jurisdictional Boundaries. Permitted encroachments into a buffer area areas follows:

- When the application of the application of the buffer areas would result in the loss of a buildable area on a lot or parcel recorded prior to October 1, 1989. The Director of Community Development may permit encroachment into a buffer area in accordance with Section 4-13 and with the following criteria;
 - (A) Encroachment to the buffer areas shall be the minimum necessary to achieve a reasonable buildable area for a principal structure and necessary utilities;
 - (B) Where practicable, a vegetated area shall be established elsewhere on the lot or parcel that will maximize water quality protection, mitigate the effects of the buffer encroachment, and is equal to the area of encroachment into the buffer area;
 - (C) The encroachment may not extend into the seaward 50-feet of the buffer area.

This application is for Mr. Dworetzky, and it is lot Nine of Morris Creek Estates. The RPA disturbance is approximately 0.015 of an acre. The disturbance is for the placement of a new single-family dwelling. The original RPA determination in 2007 is no longer valid and new determination places the home where it overlaps the RPA approximately eighty-two sq. ft.. Staff recommends approval with the following conditions:

1. A site plan shall be submitted by a licensed surveyor or engineer as specified the County's Combined Water Protection Ordinance outlining the improvements and the project, landscaping, and all E&S measures.
2. The finished floor elevation of the house shall be at least 1.5 feet above based flood elevation and an elevation certificate shall be provided to the County prior to Certificate Occupancy issuance.
3. The site plan shall contain a buffer restoration plan using only native species. All plantings shall be a minimum of 4 feet tall at time of planting. The buffer restoration plan shall be based upon the DEQ Buffer Restoration Manual Standards.

4. A pre-construction meeting shall be held with the CBPA Inspector prior to any land disturbance, including demolition.
5. The applicant shall execute and submit a BMP agreement to the County. Upon County approval the applicant shall record the BMP agreement as an addendum to the deed of the property.
6. Permanent and/or temporary soil stabilization measures shall be applied to all/any disturbed/denuded area(s). All disturbed or denuded areas shall be stabilized in accordance with the Virginia Erosion and Sediment Control Law and Regulations.
7. A surety for the property and the E&S measures shall be posted with the County in the amount of \$1000. Such surety shall be refunded upon the 1-year anniversary of this exception following an inspection by the County. If all plantings have survived the surety may be released by the County. If the plantings have not survived the surety shall automatically renew for another 12 months and replanting shall be required.

This is the end of staff's report.

APPLICANT PRESENTATION:

J Hopke, RA, representing the applicant. Mr. Hopke show the minor changes to the site plan to the Board. Mr. Hopke stated they will be collecting all roof water (run off) and channeling it to a rain garden outside of the RPA. Mr. Hopke believes this to be the best solution.

° Mr. Miles asked if the location of the house have anything to do with the view? Mr. Hopke answered yes and no, it does but its more to create the courtyard and live in garage, and it sits high up on the bank.

We will not have to take down any trees to buoild the house. We will probably modify the septic field, it doesn't appear that it was put exactly where we thought it was. The septic field will be a little further from the RPA.

PUBLIC HEARING:

Mr. Carter opened the public hearing. No one spoke. Public Hearing closed.

° Ms. Daniel asked Are you going to run tubing under the ground to get to the rain garden? Mr. Hopke answered yes, part will be gutters and the rest tubing to take it over to the rain garden.

On a motion made Mr. Miles, second by Mr. Pearce, and a vote of 4/0 The Bay Board approves of CBPA-01-2022 as presented by staff with conditions.

ITEM: #3. BAY BOARD:

CBPA-02-2022: Application by Sandy Fields Farm, LLC. To encroach 2,688+ into the Resource Protection Area (RPA) to permit the construction of groin revetment The property is located approximately 2,800+ feet southeast from the terminus of a private road know as Sandy Fields Road, which is 3,000+ feet southeast from the terminus of Weyanoke Road (SR 619). The address is 11000 Sandy Fields Road, and the property is further identified as Tax Map 66-6-A.

STAFF PRESENTATION:

Mr. Mitchell stated this is the samething we spoke of earlier. They also have to have Chesapeake Bay exemption. Tax Map # is 66-6-A, roughly twenty-five acres. It is to install four, forty-eight foot long stone groins. Total disturbance is 2,688 square feet of wetlands, basically as Ms. Havens described previously. Disturbance is for the purpose of supporting existing buldheads, shoreline and reduce erosion. The groins are placed under water parallel to existing shoreline. There is a pier next to this. Staff recommends approval of this exception with the following conditions;

1. A site plan shall be submitted by a licensed surveyor or engineer. as specified the County's Combined Water Protection Ordinance outlining the improvements and the project, landscaping, and all E&S measures.
2. A pre-construction meeting shall be held with the CBPA Inspector prior to any construction associated with this project.
3. The construction access way, staging area, stockpiling area and contractor parking area shall be noted on the site plan.

4. Permanent and/or temporary soil stabilization measures shall be applied to all/any disturbed/denuded area(s). All disturbed or denuded areas shall be stabilized in accordance with the Virginia Erosion and Sediment Control Law and Regulations.
5. A surety for the property and the E&S measures shall be posted with the County in the amount of \$1500. Such surety shall be refunded upon the 1-year anniversary of this exception following an inspection by the County. If all plantings and shoreline stabilization work has been completed the surety may be released by the County. If the work is still ongoing the surety shall automatically renew for another 12 months

◦ Mr. Miles asked does the resident have to be up because it is in the RPA? Mr. Mitchell answered yes at least on efoot above.

◦ Ms. Havens stated then asked because of all of the groin construction activity channeled to the bulkhead, there are not upland impacts so when you talk about replanting I need clarification on that. So I can add all denuded and parsley vegetative areas with the construction footprint will be seeded with appropriate seed mix and strawed, that would be appropriate? Mr. Mitchell and Mr. Carter both answered yes that will be okay.

PUBLIC HEARING:

No one spoke. Public Hearing closed.

◦ Ms. Daniel asked the applicant has to pay two surety bonds? Mr. Mitchell answered yes technically there are two, Wetlands and the Bay Board. They have different jurisdictions.

On a motion made Mr. Pearce, second by Mr. Carter, and a vote of 4/0 the Bay Board approves CBPA-02-2022 as presented with conditions.

MINUTES:

The minutes from December 06, 2021, were presented.

On a motion made by Mr. Miles, second by Ms. Daniels, and a vote of 4/0 approves the minutes from December 06, 2021, as written.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

None

PLANNING DIRECTOR:

Nothing

ADJOURNMENT:

Meeting adjourned 6:41pm.