Wetlands and Coastal Dune Board

July 17, 2024

Cape Charles Civic Center– 500 Tazewell Avenue

Regular Meeting Agenda @ 5:30 p.m.

1. **Call to Order; Roll Call**

2. **Invocation and Pledge of Allegiance**

3. **Consent Agenda**
   - **A.** Approval of Agenda Format
   - **B.** Approval of Minutes:
     (1) September 20, 2023 – Public Hearing and Regular Session

4. **New Business**
   - **A. JPA Applications**- Review and affirm by right dock applications
     (1) 604 Carousel Place: John and Dorothy Butler – To construct a 119 feet long by 4 feet wide boardwalk, using marine grade/pressure treated wood.
     (2) 614 Carousel Place: Ronald Holt – To construct 120 feet long by 4 feet wide boardwalk, using marine grade/pressure treated wood.
     (3) 616 Carousel Place: Dianne Frantz – To construct a 105 feet long by 4 feet wide boardwalk, using marine grade/pressure treated wood.
     (4) 620 Carousel Place: George R. Semmens – To construct a 90 feet long by 4 feet wide boardwalk, using marine grade/pressure treated wood.
     (5) 624 Carousel Place: Gregg Taylor – To construct a 90 feet long by 4 feet wide boardwalk, using marine grade/pressure treated wood.
     (6) 124 Creekside Lane: Lorraine Buono – To construct a (1) (73'Lx5'W) private pier with a (20'Lx20'W) "L," (2) and a (16'Lx12'W) boat lift slip.

5. Other Matters
   - **A. 2023 Annual Report**
   - **B. Review By-Laws** - Adoption of Remote/Electronic Participation Policy, as Appendix C

6. **Next Meeting**: 3rd Wednesday of August 2024 @ 5:30p.m.

7. **Adjourn**

Agenda Item 3B (1)
Minutes

Wetlands and Coastal Dune Board

Public Hearing and Regular Meeting

Cape Charles Civic Center - 500 Tazewell Avenue

September 20, 2023

5:30 p.m.

At 5:30 p.m., Chairman John Schoeneck, having established a quorum, called to order the Public Hearing and Regular Meeting of the Wetlands Coastal Dune Board (WCDB). In addition to Chairman Schoeneck, board members present were Vice-Chairman William "Bill" Robertson and new Member Mike Hudson, Elizabeth "Liz" Pruitt was not in attendance. Also, in attendance were Director of Planning/Zoning Administrator & Subdivision Agent Katie Nunez, Planning & Zoning Administrative Assistant Maureen Tamares-Meditz, Town Clerk Libby Hume and Virginia Marine Resource Commission (VMRC) Habitat Management Engineer Claire Gorman, the applicant and his representative. There were seventeen (17) members of the public in attendance and thirteen (13) Facebook viewers.

Chairman Schoeneck welcomed the Board and all others in attendance, which was followed by the Pledge of Allegiance.

CONSENT AGENDA:
Motion was made by Vice-Chair Robertson to approve the consent agenda seconded by Member Hudson. It was unanimously approved.

PUBLIC HEARING:
A. Wetland application from David and Pam Hainsworth to construct riprap revetment, a breakwater, groin wall, a private open-pile pier, and a covered boathouse at lots 83A1-3-A, B1, and C at the corners of bay Avenue and Washington Avenue - VMRC#2023-1490. The portion of the project is within the Wetlands and Coastal Dune Board's jurisdiction, pursuant to Cape Charles Zoning Ordinance Appendix C, Section 3 (6) to construct approximately 684 linear feet of riprap revetment, a breakwater approximately 10' x 20' for erosion control, and a groin wall; and Section 74.21 (1) to remove existing pilings and construct a new open-pile pier that includes a dock area with an open sided roof, and a covered boathouse with a boatlift for recreational purposes.

Ms. Nunez summarized the staff report explaining the application and criteria.

(i) Ms. Nunez wanted the Board to note that not all the elements in the application are under the authority of the Wetlands and Coastal Dune board but there are concurrent jurisdictions that interplay in the joint permit application which is run through (VMRC) Virginia Marine Resources Commission , Army Corp of Engineers (ACOE) and other environmental agencies like Department of Wildlife and Fisheries. (ii) Ms. Nunez also stated that it is important to note that last year, when the project was brought to the town through the Board of Zoning Appeals, the property got surveyed and it was then realized that what was thought as a town property was not town property. It should be put on the record for everyone present at the meeting to be aware of what is being dealt with: that the public entrance to the beach on the corner of Washington is not a public entrance onto the beach. It has been unintentionally used by the town for many years, but, it is actually a private property that was owned by the Schlegel family and now owned by the Hainsworths. As part of the current beach project that the town is undertaking and when it concludes, the beach entrance will be closed off in Washington & Bay and will be moved by the town closer near the Neptune statue. (iii) She also mentioned that the stonewall or jetty sitting on the property was constructed by Virginia Department of Transportation (VDOT) in the last 6 or 8 years (approximately) and was done with lease arrangement with the Schlegel family and this helps the storm water management when Washington St. was redone. It was and still is a lease between VDOT and the Hainsworth's. These are all mentioned to make sure everybody is aware where the ownership is, that this truly is private property. (iv) Ms. Nunez continued with the requirements. She wanted to make sure that the board provides an expiration date (v) Ms. Nunez stated that there are some revisions to the application as follows: The applicant has chosen to remove the groin wall underneath the pier; questions about the breakwater; how they will mitigate the vegetation on the project

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Gregory Milstead, Chesapeake Bay Solutions, Inc. and applicant representative
Mr. Milstead summarized the application. He stated that the groin wall has been omitted. They will mitigate the vegetation as per VIMS (Virginia Institute of Marine Science) on a 1:1 ratio with expected size of mitigation to be about 25 sq. ft. He proposed to bury the toe line, cover and plant some Spartina to mitigate the wetlands impacts. He stated that there is no intention to remove all the pilings. Only the pilings that are in conflict with the construction will be removed. He also addressed the concerns about the Osprey nest and mentioned that Mr. Hainsworth will be happy to replace the nest(s) if one is impacted during the construction.

Discussion was as follows: (i) Chairman Schoeneck asked that with regards to constructing the pier will they try to preserve as many as possible. Mr. Milstead said that is correct. (ii) Ms. Nunez asked approximately how many pilings will be taken out. Mr. Milstead answered about 4 or 5 based on their surveyed data. (iii) Chairman Schoeneck asked if rebuilding the spur is necessary. Mr. Milstead stated that it has been damaged through some wave action and the intention is to build it back up to the elevation of the jetty. (iv) Chaiman Schoeneck asked if it is more protecting or building up. Mr. Milstead answered it is to help promote accretion on the beach side. (v) Chairman Schoeneck wanted to know if the breakwater is still part of the request. Mr. Milstead said yes and that the purpose is to attenuate because it has some significant erosion. Chairman Schoeneck said that this should have an expiration date as it is a significant event. (vi) Vice-Chairman Robertson asked if the breakwater application is still under WCDB (Wetlands and Coastal Dune Board). Ms. Nunez replied that it is under VMRC but wanted WCDB to be aware of how it will impact the Coastal area. (vii) Chairman Schoeneck asked for some indications how they will mitigate the vegetations and wetlands. Mr. Milstead replied that they would excavate, bury the toe line and plant Spartina grass or similar to mitigate the wetlands impacts. (viii) Chairman Schoeneck asked if it will be on the tidal zone. Mr. Milstead, answered yes, but instead of the toes lines being exposed it will be buried on the sand and they will have plantings on top of that. (ix) Ms. Nunez wanted to know if they will plant Spartina grass or something similar along that vein. Mr. Milstead answered something similar but a wetlands grass for sure. (x) Vice-Chaiman Roberston expressed his biggest question is on the revetment and stated that for public record he walked to the beach earlier to get an eyeball on the project. He continued to say that basically everything is already there, and the way he understood is that the old one will be taken out and they will put a new, nicer looking and more conforming structure. Mr. Milstead, answered yes, it is more homogeneous structure and mentioned that it was noted to the contactor to try and re-use the existing as possible (xi) Vice-Chairman Roberston asked about the Living Shoreline and was some analysis done on that. Mr. Milstead replied it was discussed but given the amount of the erosion that happened throughout history on the property, they felt that riprap will be the tried-and-true solution. (xii) Vice-Chairman Roberston asked if they ran the analysis/program where you can see the rise on the sea level over the next 5 years. Mr. Milstead answered he did not in terms of that, but in terms of the design of the revetment he did account for the sea level rise. (xiii) Chairman Shcoeneck asked if there was a reply from adjacent property owners. Ms. Nunez answered that Planning Commission did not receive any from the adjacent property owners but received email from the public and it will be read during the public comment section. Mr. Milstead said that they only received a reply from the Town of Cape Charles stating that they have no objection.

PUBLIC HEARING COMMENTS:
Laura Weigand, 632 Madison Ave., Member of Board of Zoning Appeals (BZA)
Ms. Weigand feels misinformed when BZA granted the variance to build on the land re: Water Quality Assessment clearly stated in section 7.11 D, number 2d iii, there would be no impact to wetlands with this proposed project. (Please see written comment and handout attached)

Michelle Molina, 632 Madison Ave., Owner of Drizzles
Ms. Molina quoted Code of Virginia 28.2-1308 Standards for use of Wetlands utilization of guidelines (B) and 28.2-1301. Powers and Duties of the Wetlands Commission. She does not approve because it will not only impede but disrupt nature's balance of the Chesapeake. (Please see written comment and handout attached)

Beverly Steffey, 204 Jefferson Ave
Ms. Steffey stated that it is important to preserve some of the historical aspects of Cape Charles if it can be done. She sees a problem of having structures that obstruct the view from a historic preservation perspective. She also

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objects on the boatlift and covered boathouse because it might impede the migration of the ospreys on the pilings as well as the views of the bay.

WRITTEN COMMENTS RECEIVED: (PLEASE SEE ATTACHED)

1. *Kerrie Considine, Bayside Road, Cheriton*
2. *John Payne, Bay Vista Way*
3. *Karen & Rick Lowe, 101 Tazewell Avenue*
4. *Laura Smith, works at Cape Charles Museum*
5. *June & Henry Pearlberg, 416 Randolph Avenue*

Chairman Schoeneck closed the September 20, 2023, Wetlands and Coastal Dune Board Public Hearing at 6:15 p.m. by unanimous consent.

Deliberation discussion as follows: (i) Chairman Schoeneck addressed the residents present, stating that the Wetlands Board and the whole project is considered as a Joint Permit Application. There is the State, VMRC and the Army Corp. so this is just the first step. (ii) Ms. Nunez talked about the pier and boathouse based on VA code that allow this by right, and also explained how the Wetlands Board will make sure that there is no impact on the application that may alter the dune line through their process. She also made clear that the Wetlands board is not the final arbiter of this project as a whole. (iii) Ms. Nunez also added that the applicant is receptive to the Osprey being out there and they are offering to put up. (iv) Vice-Chairman Robertson stated that there is really no disruption on the revetment, and he does not see any implication of that. (v) Chairman Schoeneck called the applicant to address the Board and the public. (vi) Mr. Hainsworth stated that regarding the pilings, the plan is to leave as many as they can, all of them if they can to minimize the impact. With regards to how the project will affect the view he said that the previous owner gave permission to dump used concrete from sidewalk replacement and it probably was mutually beneficial to control erosion and it is clearly not very sightly. He also said that he has pictures of some pilings and a dock back in 1952. He stated that they are just looking to replace a dock part and not build buildings back when there were many buildings on this property when the ferries were running. Mr. Hainsworth mentioned that he loves the pilings and he wanted to use that to boat around and do other things and they are not looking to remove all the pilings. With regards to the wetlands, if it is not done, they will have an erosion, it is being done to protect what is there, and clarified that it is not a 16,000 ton lift but a 16,000 lb. lift. He is willing to work with whatever agency is involved with the Osprey and will surely put up a pole within 150 ft. and a platform so that the Osprey nest can be relocated properly. (vii) Chairman Schoeneck asked Mr. Milstead about the component of the soil. Mr. Milstead replied that he did not do a study about the soil or roadway pavement, but he imagined it is a common fill. (viii) Mr. Milstead made a statement that the riprap is self-mitigating, meaning plants will go up to it and will create habitat. (ix) A member of the public asked how many existing pilings, and if its possible that they can tell how many pilings they will definitely take out. Chairman Schoneck replied that this will be under Federal, and it is not under the Wetlands Board, to stipulate regarding the pilings. Mr. Milstead stated that the survey picked up approximately 340 pilings both visible above the water & beneath the water surface. (x) Ms. Nunez pointed out that VMRC Engineer Claire Gorman is present and listening to all the comments and they will also receive all comments and they will be holding their own hearing to process this matter. (xi) A member of the public asked how many new pilings will be installed. Mr. Milstead replied roughly one hundred (100) piles.

Motion made by Chairman Schoeneck, seconded by Vice-Chairman Robertson, to approve the Wetlands and Coastal Dune Permit application from David and Pam Hainsworth to construct riprap revetment to include wetlands mitigation equal to the amount that will be confirmed by VIMS regarding the replacement of wetlands mitigation that must occur; breakwater; open-pile pier having no impact to coastal dune location; covered boathouse allowed as right by use with a permit expiration of 3 years at lots 83A1-3-A, B1, and C at the corners of bay Avenue and Washington Avenue - VMRC#2023-1490. The motion was approved by unanimous vote.

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5. OTHER MATTERS:

A. Review & adopt the 2024 Application & Meeting Schedule - APPROVED

6. Next Meeting: 3rd Wednesday of the month October 18, 2023 @ 5:30 p.m.

No applications received - CANCELLED

Motion made by Chairman Schoeneck, seconded by Vice-Chairman Robertson, to adjourn the September 20, 2023 Wetlands and Coastal Dune Board Public Hearing and Regular Meeting at 6:40 p.m. The motion was approved by unanimous vote.

_____

Chairman John Schoeneck

_____

Planning & Zoning Administrative Assistant

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Agenda Item 4A (1)
604 Carousel Place

Virginia Marine Resources Commission
Permit Application 20241368
Printed: Monday June 10, 2024 7:52 AM

Applicant: John Butler
604 Carousel Place
Cape Charles, VA 23310

Application Number:	20241368	**Engineer:**	Claire Gorman
Application Date:	June 10, 2024	**Locality:**	Cape Charles
Permit Type:		**Waterway:**	
Permit Status:	Pending	**Expiration Date:**	
Wetlands Board Action:		**Public Hearing Date:**	

Project Description: Walkover

From: Jamie Hammond
To: Howell, Beth (MRC)
Subject: Re: ISSUE re: FW: Butler JPA and design
Date: Monday, June 10, 2024 5:30:16 AM

Sorry
jdbu03@comcast.net

Jamie Hammond
Gateway Builders

From: Howell, Beth (MRC) <Beth.Howell@mrc.virginia.gov>
Sent: Monday, June 10, 2024 5:21:39 AM
To: Jamie Hammond <jhammond@homesbygateway.com>
Subject: ISSUE re: FW: Butler JPA and design

No, I need an email address, please.

From: Jamie Hammond <jhammond@homesbygateway.com>
Sent: Monday, June 10, 2024 5:18 AM
To: Howell, Beth (MRC) <Beth.Howell@mrc.virginia.gov>
Subject: Re: ISSUE re: FW: Butler JPA and design

604 Carousel Place
Cape Charles VA 23310

Jamie Hammond
Gateway Builders

From: Howell, Beth (MRC) <Beth.Howell@mrc.virginia.gov>
Sent: Monday, June 10, 2024 4:00:21 AM
To: Jamie Hammond <jhammond@homesbygateway.com>
Subject: ISSUE re: FW: Butler JPA and design

Jamie – I need an email address for the applicant, please.

Thanks!

Beth

From: Jamie Hammond <jhammond@homesbygateway.com>
Sent: Friday, June 7, 2024 6:49 AM
To: MRC - jpa Permits <JPA.permits@mrc.virginia.gov>
Subject: Re: Butler JPA and design

Received by VMRC June 10, 2024 /blh

I'm sorry I forgot to attach the JPA to the previous email for the Butler project. Please find attached the JPA and the design. Let me know if you have any questions. Thanks.

From: Jamie Hammond
Sent: Friday, June 7, 2024 6:42 AM
To: JPA.permits@mrc.virginia.gov <JPA.permits@mrc.virginia.gov>
Subject: Butler JPA and design

Good morning

Please find attached the JPA and design of the walkover proposed for Mr. and Mrs. Butler
604 Carousel Place, Cape Charles VA

Let me know if you need anything

Thank you

Jamie Hammond

Gateway Builders

757-894-3213

Received by VMRC June 10, 2024 /blh

- ❖ DEQ: Permit application fees required for Virginia Water Protection permits – while detailed in 9VAC25-20 – are conveyed to the applicant by the applicable DEQ office (http://www.deq.virginia.gov/Locations.aspx). Complete the Permit Application Fee Form and submit it per the instructions to the address listed on the form. Instructions for submitting any other fees will be provided to the applicant by DEQ staff.
- ❖ VMRC: An application fee of $300 may be required for projects impacting tidal wetlands, beaches and/or dunes when VMRC acts as the LWB. VMRC will notify the applicant in writing if the fee is required. Permit fees involving subaqueous lands are $25.00 for projects costing $10,000 or less and $100 for projects costing more than $10,000. Royalties may also be required for some projects. The proper permit fee and any required royalty is paid at the time of permit issuance by VMRC. VMRC staff will send the permittee a letter notifying him/her of the proper permit fees and submittal requirements.
- ❖ LWB: Permit fees vary by locality. Contact the LWB for your project area or their website for fee information and submittal requirements. Contact information for LWBs may be found at http://ccrm.vims.edu/permits_web/guidance/local_wetlands_boards.html.

FOR AGENCY USE ONLY	
	Notes:
	JPA # 24-1368

APPLICANTS
Part 1 – General Information

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

Check all that apply		
Pre-Construction Notification (PCN) ☐ NWP # _____ (*For Nationwide Permits ONLY - No DEQ-VWP permit writer will be assigned*)	Regional Permit 17 (RP-17) [x]	

County or City in which the project is located: Cape Charles, VA

Waterway at project site: Chesapeake Bay

PREVIOUS ACTIONS RELATED TO THE PROPOSED WORK (Include all federal, state, and local pre application coordination, site visits, previous permits, or applications whether issued, withdrawn, or denied)

Historical information for past permit submittals can be found online with VMRC - https://webapps.mrc.virginia.gov/public/habitat/ - or VIMS - http://ccrm.vims.edu/perms/newpermits.html

Agency	Action / Activity	Permit/Project number, including any non-reporting Nationwide permits previously used (e.g., NWP 13)	Date of Action	If denied, give reason for denial

Received by VMRC June 10, 2024 /blh

Part 1 - General Information (continued)

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

John and Dorothy Butler
604 Carousel Place
Cape Charles,VA. 23310

Home (____)_____
Work (____)_____
Fax (____)_____
Cell (978)973-6943
e-mail _____

State Corporation Commission Name and ID Number (if applicable) _____

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

Home (____)_____
Work (____)_____
Fax (____)_____
Cell (____)_____
e-mail _____

State Corporation Commission Name and ID Number (if applicable) _____

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

Jamie Hammond
107 Market St
Pocomoke City MD. 21851

Home (____)_____
Work (____)_____
Fax (____)_____
Cell (757)894-3213
e-mail _____

State Corporation Commission Name and ID Number (if applicable) _____

*** If multiple applicants, property owners, and/or agents, each must be listed and each must sign the applicant signature page.**

4. Provide a detailed description of the project in the space below, including the type of project, its dimensions, materials, and method of construction. Be sure to include how the construction site will be accessed and whether tree clearing and/or grading will be required, including the total acreage. If the project requires pilings, please be sure to include the total number, type (e.g. wood, steel, etc), diameter, and method of installation (e.g. hammer, vibratory, jetted, etc). If additional space is needed, provide a separate sheet of paper with the project description.

We propose to build a "boardwalk" accessing the beach on the Chesapeake By. The boardwalk will be accessible from the rear yard of 604 Carousel Place. Construction materials will consist of marine grade/pressure treated wood. The construction will not include any grading of the dune or removal of vegetation. The boardwalk will be approx. 119 feet long by 4 feet wide. It will comply with the specs approved by Bayside Village both in location of the structure on the property and ending point of the west side of the dune.

Received by VMRC June 10, 2024 /blh

Part 1 - General Information (continued)

5. Have you obtained a contractor for the project? X 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:

Gateway Builders LLC
107 Market St
Pocomoke City, MD. 21851

Contact Information:
Home (____)_____
Work (410)726-2414
Fax (____)_____
Cell (757)894-3213
email _____

State Corporation Commission Name and ID Number (if applicable) _____

*** If multiple contractors, each must be listed and each must sign the applicant signature page.**

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:

Eastern Shore Post
25248 Lankford Hwy
Onley, VA 23418

Telephone number
(757) 789-7678

7. Give the following project location information:

Street Address (911 address if available) 604 Carousel Place.
Lot/Block/Parcel# Tax Map 90-16-134
Subdivision Bayside Village
City / County Cape Charles ZIP Code 23310
Latitude and Longitude at Center Point of Project Site (Decimal Degrees):
76.0109 / -37.1449 (Example: 36.41600/-76.30733)

If the project is located in a rural area, please provide driving directions giving distances from the best and nearest visible landmarks or major intersections. *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.*

Left off of Bayside Ave. onto Carousel Place
604 Carousel Place is on the right, Bay front

8. What are the *primary and secondary purposes of and the need for* 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."

Purpose is to allow ingress and egress to the Chesapeake Bay without disturbing the dune.

Received by VMRC June 10, 2024 /blh

Part 1 - General Information (continued)

9. Proposed use (check one):
   x Single user (private, non-commercial, residential)
   ___ Multi-user (community, commercial, industrial, government)

10. Describe alternatives considered and 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.*

    Materials storage will be landward of the dune. The minimal construction footprint possible will be maintained.

11. Is this application being submitted for after-the-fact authorization for work which has already begun or been completed? ___Yes x___No. If yes, be sure to clearly depict the portions of the project which are already complete in the project drawings.

12. Approximate cost of the entire project (materials, labor, etc.): $ 50,000
    Approximate cost of that portion of the project that is channelward of mean low water:
    $ 0

13. Completion date of the proposed work: Summer - 2024

14. Adjacent Property Owner Information: List the name and complete **mailing address**, including zip code, of each adjacent property owner to the project. (NOTE: If you own the adjacent lot, provide the requested information for the first adjacent parcel beyond your property line.) Failure to provide this information may result in a delay in the processing of your application by VMRC.

    Ragsdale, Kyle & Kami
    1839 N Herndon St.
    Arlington, VA 22201

    Geissinger, Kim C & Brent W
    606 Carousel Place
    Cape Charles VA 23310

Received by VMRC June 10, 2024 /blh

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, USACE, 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.

John Butler
Applicant's Legal Name (printed/typed)

Dorothy Butler
(Use if more than one applicant)

Applicant's Signature

(Use if more than one applicant)

4/8/24
Date

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

(Use if more than one owner)

Property Owner's Signature

(Use if more than one owner)

Date

Received by VMRC June 10, 2024 /blh

Part 2 – Signatures (continued)

2. Applicants having agents (if applicable)

CERTIFICATION OF AUTHORIZATION

I (we), John and Dorothy Butler (Applicant's legal name(s)), hereby certify that I (we) have authorized Jamie Hammond (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.

Jamie Hammond
(Agent's Signature)

(Use if more than one agent)

4/4/24
(Date)

(Applicant's Signature)

Dorothy Butler
(Use if more than one applicant)

4/8/24
(Date)

3. Applicant's having contractors (if applicable)

CONTRACTOR ACKNOWLEDGEMENT

I (we), John and Dorothy Butler (Applicant's legal name(s)), have contracted Gateway Builders LLC (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.

Gateway Builders LLC
Contractor's name or name of firm

107 Market St. Pocomoke MD. 21851
Contractor's or firms address

Jamie Hammond
Contractor's signature and title

2705112108
Contractor's License Number

Applicant's signature

(use if more than one applicant)

Date

Received by VMRC June 10, 2024 /blh

Part 2 – Signatures (continued)

ADJACENT PROPERTY OWNER'S ACKNOWLEDGEMENT FORM

I (we), Kyle & Kami Ragsdale, own land next to (across the water
(Print adjacent/nearby property owner's name)

from/on the same cove as) the land of John and Dorothy Butler.
(Print applicant's name(s))

I have reviewed the applicant's project drawings dated 10/23/23
(Date)

to be submitted for all necessary federal, state and local permits.

I HAVE NO COMMENT_____ ABOUT THE PROJECT.

I DO NOT OBJECT _____ TO THE PROJECT.

I OBJECT _____ TO THE PROJECT.

The applicant has agreed to contact me for additional comments if the proposal changes prior to construction of the project.

(Before signing this form be sure you have checked the appropriate option above).

_____
Adjacent/nearby property owner's signature(s)

_____
Date

Note: If you object to the proposal, the reason(s) you oppose the project must be submitted in writing to VMRC. An objection will not necessarily result in denial of the project; however, valid complaints will be given full consideration during the permit review process.

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Part 2 – Signatures (continued)

ADJACENT PROPERTY OWNER'S ACKNOWLEDGEMENT FORM

I (we), Kim and Brent Geissinger, own land next to (across the water
(Print adjacent/nearby property owner's name)

from/on the same cove as) the land of John and Dorothy Butler.
(Print applicant's name(s))

I have reviewed the applicant's project drawings dated 10/23/23
(Date)

to be submitted for all necessary federal, state and local permits.

I HAVE NO COMMENT_____ ABOUT THE PROJECT.

I DO NOT OBJECT _____ TO THE PROJECT.

I OBJECT _____ TO THE PROJECT.

The applicant has agreed to contact me for additional comments if the proposal changes prior to construction of the project.

(Before signing this form, be sure you have checked the appropriate option above).

_____
Adjacent/nearby property owner's signature(s)

_____
Date

Note: If you object to the proposal, the reason(s) you oppose the project must be submitted in writing to VMRC. An objection will not necessarily result in denial of the project; however, valid complaints will be given full consideration during the permit review process.

Received by VMRC June 10, 2024 /blh

APPENDIX B

U.S. Army Corps Of Engineers
Norfolk District

REGIONAL PERMIT 17 CHECKLIST
Expires: September 5, 2023

Please review the 18-RP-17 enclosure before completing this form and note 18-RP-17 can only be used for proposed PRIVATE USE structure(s) that comply with the terms and conditions of 18-RP-17. Copies can be obtained online at http://www.nao.usace.army.mil/Missions/Regulatory/RBregional/.

YES☒ NO☐ **(1)** Has the permittee reviewed the 18-RP-17 enclosure and verified that the proposed structure(s) is in compliance with all the terms, conditions, and limitations of 18-RP-17?

YES☒ NO☐ **(2)** Does the proposed structure(s) extend no more than one-fourth of the distance across the waterway measured from either mean high water (MHW) to MHW (including all channelward wetlands) or ordinary high water (OHW) to OHW (including all channelward wetlands)?

YES☒ NO☐ **(3)** Does the proposed structure(s) extend no more than 300 feet from MHW or OHW (including all channelward wetlands)?

YES☒ NO☐ N/A☐ **(4)** Does the proposed structure(s) attach to the upland at a point landward of MHW or OHW (including all channelward wetlands)?

YES☒ NO☐ N/A☐ **(5)** If the proposed structure(s) crosses wetland vegetation, is it an open-pile design that has a maximum width of five (5) feet and a minimum height of four (4) feet between the decking and the wetland substrate?

YES☒ NO☐ N/A☒ **(6)** Does the proposed structure(s) include no more than two (2) boatlifts and no more than two (2) boat slips?

YES☐ NO☐ N/A☒ **(7)** Is the open-sided roof structure designed to shelter a boat ≤ 700 square feet and/or is the open sided roof structure or gazebo structure designed to shelter a pier ≤ 400 square feet?

YES☒ NO☐ N/A☐ **(8)** Are all piles associated with the proposed structure(s) non-steel, less than or equal to 12" in diameter, and will less than or equal to 25 piles be installed channelward of MHW?

YES☐ NO☐ N/A☒ **(9)** Is all work occurring behind cofferdams, turbidity curtains, or other methods to control turbidity being utilized when operationally feasible and federally listed threatened or endangered species may be present?

YES☐ NO☐ N/A☒ **(10)** If the proposed structure(s) is to be located within an anadromous fish use area, the prospective permittee will adhere to the anadromous fish use area time of year restriction (TOYR) prohibiting in-water work from occurring between February 15 through June 30 of any given year if (1) piles are to be installed with a cushioned impact hammer and there is less than 492 feet between the most channelward pile and mean low water (MLW) on the opposite shoreline or (2) piles are to be installed with a vibratory hammer and there is less than 384 feet between the most channelward pile and MLW on the opposite shoreline.

YES☒ NO☐ **(11)** Is all work occurring outside of submerged aquatic vegetation (SAV) mapped by the Virginia Institute of Marine Sciences' (VIMS) most recent survey year and 5 year composite?

YES☒ NO☐ **(12)** Has the permittee ensured the construction and/or installation of the proposed structure(s) will not affect federally listed threatened or endangered species or designated critical habitat?

YES☒ NO☐ **(13)** Will the proposed structure be located outside of Broad Creek in Middlesex County, Fisherman's Cove in Norfolk, or the Salt Ponds in Hampton?

YES☒ NO☐ **(14)** Will the proposed structure(s) be located outside of the waterways containing a Federal Navigation Project listed in Permit Specific Condition 12 of 18-RP-17 and/or will all portions of the proposed structure(s) be located more than 85 feet from the Federal Navigation Project?

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YES☒ NO☐ **(15)** Will the proposed structure(s) be located outside a USACE Navigation and Flood Risk Management project area?

YES☒ NO☐ **(16)** Will the proposed structure(s) be located outside of any Designated Trout Waters?

YES☐ NO☐ N/A☒ **(17)** If the proposed structure(s) includes flotation units, will the units be made of materials that will not become waterlogged or sink if punctured?

YES☐ NO☐ N/A☒ **(18)** If the proposed structure(s) includes flotation units, will the floating sections be braced so they will not rest on the bottom during periods of low water?

YES☒ NO☐ **(19)** Is the proposed structure(s) made of suitable materials and practical design so as to reasonably ensure a safe and sound structure?

YES☒ NO☐ **(20)** Will the proposed structure(s) be located on the property in accordance with the local zoning requirements?

YES☐ NO☐ N/A☒ **(21)** If the proposed structure(s) includes a device used for shellfish gardening, will the device be attached directly to a pier and limited to a total of 160 square feet?

YES☐ NO☐ N/A☒ **(22)** If the proposed structure(s) includes a device used for shellfish gardening, does the permittee recognize this RP does not negate their responsibility to obtain an oyster gardening permit (General Permit #3) from Virginia Marina Resources Commission's Habitat Management Division?

YES☒ NO☐ **(23)** Does the permittee recognize this RP does not authorize any dredging or filling of waters of the United States (including wetlands) and does not imply that future dredging proposals will be approved by the Corps?

YES☒ NO☐ **(24)** Does the permittee understand that by accepting 18-RP-17, the permittee accepts all of the terms and conditions of the permit, including the limits of Federal liability contained in the 18-RP-17 enclosure? Does the permittee acknowledge that the structures permitted under 18-RP-17 may be exposed to waves caused by passing vessels and that the permittee is solely responsible for the integrity of the structures permitted under 18-RP-17 and the exposure of such structures and vessels moored to such structures to damage from waves? Does the permittee accept that the United States is not liable in any way for such damage and that it shall not seek to involve the United States in any actions or claims regarding such damage?

IF YOU HAVE ANSWERED "NO" TO ANY OF THE QUESTIONS ABOVE, REGIONAL PERMIT 17 (18-RP-17) DOES NOT APPLY AND YOU ARE REQUIRED TO OBTAIN WRITTEN AUTHORIZATION FROM THE CORPS PRIOR TO PERFORMING THE WORK.

IF YOU HAVE ANSWERED "YES" (OR "N/A", WHERE APPLICABLE) TO ALL OF THE QUESTIONS ABOVE, YOU ARE IN COMPLIANCE WITH REGIONAL PERMIT 17 (18-RP-17). PLEASE SIGN BELOW, ATTACH, AND SUBMIT THIS CHECKLIST WITH YOUR COMPLETED JOINT PERMIT APPLICATION (JPA). THIS SIGNED CERTIFICATE SERVES AS YOUR LETTER OF AUTHORIZATION FROM THE CORPS. YOU WILL NOT RECEIVE ANY OTHER WRITTEN AUTHORIZATION FROM THE CORPS; HOWEVER, YOU MAY NOT PROCEED WITH CONSTRUCTION UNTIL YOU HAVE OBTAINED ALL OTHER NECESSARY STATE AND LOCAL PERMITS.

I CERTIFY THAT I HAVE READ AND UNDERSTAND ALL CONDITIONS OF THE REGIONAL PERMIT 17 (18-RP-17), DATED SEPTEMBER 2018, ISSUED BY THE US ARMY CORPS OF ENGINEERS, NORFOLK DISTRICT REGULATORY BRANCH (CENAO-WRR), NORFOLK, VIRGINIA.

Signature of Property Owner(s) or Agent

Date 4/8/24

Proposed work to be located at:

604 Carousel Place

Cape Charles VA. 23310

VMRC Number: _____

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Part 3 – Appendices (continued)

Appendix C: Crossings in, on, over, or under, waters, submerged lands, tidal wetlands and/or dunes and beaches, including but not limited to, bridges, walkways, pipelines and utility lines.

1. What is the purpose and method of installation of the crossing?

   Access the beach without disturbing the dune. Work will be completed by hand; no heavy equipment

2. What is the width of the waterway and/or wetlands to be crossed
   from mean high water to mean high water (tidal waters)? 120 feet.
   from mean low water to mean low water (tidal waters)? 0 feet.
   from ordinary high water to ordinary high water (non-tidal waters)? 0 feet.

3. For bridges (footbridges, golf cart bridges, roadway bridges, etc.), what is the width of the structure over the tidal wetlands, dunes/beaches and/or submerged lands? 480 square feet.

4. For overhead crossings:
   a. What will be the height above mean high water? _____feet.
   b. If there are other overhead crossings in the area, what is the minimum height? _____feet.
   c. If the proposed crossing is an electrical line, please confirm the total number of electrical circuits: _____

5. For buried crossings, what will be the depth below the substrate? _____feet. Will the proposed utility provide empty conduits for any additional utilities that may propose to co-locate at a later date? _____Yes _____No.

6. Will there be any excavation or fill required for placement of abutments, piers, towers, or other permanent structures on State-owned submerged lands, tidal wetlands, and dunes/beaches? ____Yes X No.

   If yes, please provide the following:

   a. Amount of excavation in wetlands _____ cubic yards
      _____ square feet

   b. Amount of excavation in submerged land _____ cubic yards
      _____ square feet

   c. Amount of excavation in dune/beach _____ cubic yards
      _____ square feet

   d. Amount of fill in wetlands _____ cubic yards
      _____ square feet

   e. Amount of fill in submerged lands _____ cubic yards
      _____ square feet

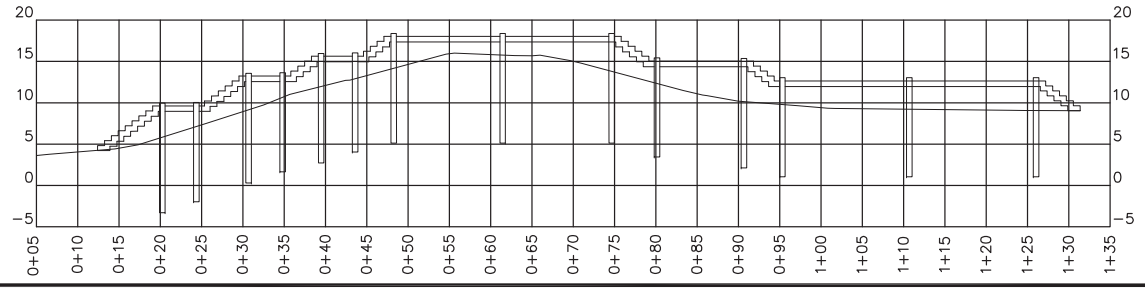
   f. Amount of fill in dune/beach _____ cubic yards
      _____ square feet

Received by VMRC June 10, 2024 /blh

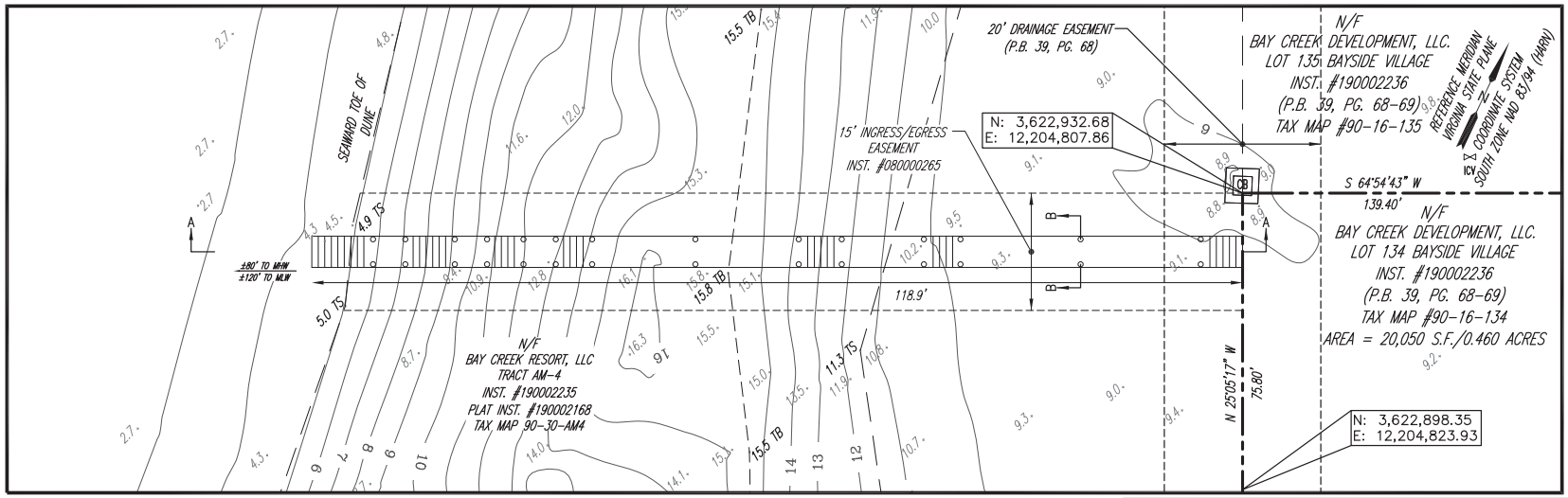
EXHIBIT NOTES:

1. THIS SURVEY WAS PRODUCED BY MID-ATLANTIC SURVEYING AND LAND DESIGN, INC FOR GATEWAY BUILDERS, LLC.
2. THIS SURVEY WAS PRODUCED WITHOUT BENEFIT OF A TITLE REPORT. ALL EASEMENTS, SERVITUDES AND RESTRICTIONS MAY NOT BE SHOWN.
3. THE BOUNDARY LINES SHOWN ARE BASED ON A CURRENT FIELD BOUNDARY SURVEY.
4. THIS SITE IS LOCATED IN THE RMA OF THE CHESAPEAKE BAY PRESERVATION AREA.
5. NO UNDERGROUND UTILITIES WERE MARKED AS A PART OF THIS SURVEY. CALL MISS UTILITY AT 811 PRIOR TO ANY LAND DISTURBING WORK.
6. THIS EXHIBIT IS INTENDED TO SHOW PROPOSED ELEVATIONS AND GENERAL WALKWAY DIMENSIONS AND CONFIGURATION.
7. THIS EXHIBIT IS NOT INTENDED TO BE A STRUCTURAL PLAN.
8. MEAN LOW WATER IS LOCATED AT THE -1.79' CONTOUR AND MEAN HIGH WATER IS LOCATED AT THE 0.69' CONTOUR AS OF NOVEMBER 2021 BASED ON TIDE STATION 8602200 KIPTOPEKE, VA EPOCH 1983-2001.

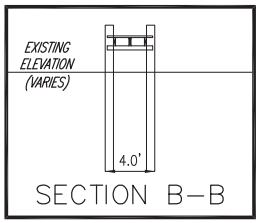
SECTION A-A



PLAN VIEW



BEACH WALKOVER EXHIBIT
OF
DUNE AND BEACH WEST OF
LOT 134, BAYSIDE VILLAGE
(P.B. 39, PG. 68)
FOR
GATEWAY BUILDERS, LLC
OCTOBER 23, 2023



SCALE: 1" = 15'

PROJECT #20136.0	
FIELD BY: SSS	
FIELD DATES: 10/13/2023	
DRAWN BY: ETR	
SHEET 1 OF 1	

MAS-LD
MidAtlantic Surveying and Land Design
5257 Cleveland Street, Suite 109
Virginia Beach, VA 23462
757-557-0888
WWW.MAS-LD.COM
ADMIN@MAS-LD.COM

Received by VMRC June 10, 2024 /blh

Agenda Item 4A (2)
614 Carousel Place

Virginia Marine Resources Commission
Permit Application 20241343
Printed: Wednesday June 5, 2024 1:19 PM

Applicant: Ronald Holt
909 Enfield Chase
Virginia Beach, VA 23452

Application Number:	20241343	**Engineer:**	Claire Gorman
Application Date:	June 5, 2024	**Locality:**	Cape Charles
Permit Type:		**Waterway:**	
Permit Status:	Pending	**Expiration Date:**	
Wetlands Board Action:		**Public Hearing Date:**	

Project Description: Walkover

From:	Jamie Hammond
To:	MRC - jpa Permits
Subject:	Holt walk over
Date:	Wednesday, June 5, 2024 6:26:35 AM
Attachments:	Filled out JPA Application for Walkover.pdf Walk over application.pdf 10-10-23 22042.0 WALKWAY LOT 129 BAYSIDE VILLAGE-TABLOID 17X11.pdf

---

Good morning
Please find attached the JPA and design of the walkover proposed for Mr. and Mrs. Holt 614 Carousel Place, Cape Charles VA

Please note that the JPA is in two parts. I filled out most of the information for the client. The parts the client filled out are only those specific pages. Please accept these two attachments as the completed JPA

Let me know if you need anything additional.

Thank you

Jamie Hammond
Gateway Builders
757-894-3213
jhammond@homesbygateway.com

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- DEQ: Permit application fees required for Virginia Water Protection permits – while detailed in 9VAC25-20 – are conveyed to the applicant by the applicable DEQ office (http://www.deq.virginia.gov/Locations.aspx). Complete the Permit Application Fee Form and submit it per the instructions to the address listed on the form. Instructions for submitting any other fees will be provided to the applicant by DEQ staff.
- VMRC: An application fee of $300 may be required for projects impacting tidal wetlands, beaches and/or dunes when VMRC acts as the LWB. VMRC will notify the applicant in writing if the fee is required. Permit fees involving subaqueous lands are $25.00 for projects costing $10,000 or less and $100 for projects costing more than $10,000. Royalties may also be required for some projects. The proper permit fee and any required royalty is paid at the time of permit issuance by VMRC. VMRC staff will send the permittee a letter notifying him/her of the proper permit fees and submittal requirements.
- LWB: Permit fees vary by locality. Contact the LWB for your project area or their website for fee information and submittal requirements. Contact information for LWBs may be found at http://ccrm.vims.edu/permits_web/guidance/local_wetlands_boards.html.

FOR AGENCY USE ONLY	
	Notes:
	JPA # 24-1343

APPLICANTS
Part 1 – General Information

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

Check all that apply		
Pre-Construction Notification (PCN) ☐ NWP # _____ (*For Nationwide Permits ONLY - No DEQ-VWP permit writer will be assigned*)	Regional Permit 17 (RP-17) [x]	

County or City in which the project is located: Cape Charles, VA

Waterway at project site: Chesapeake Bay

PREVIOUS ACTIONS RELATED TO THE PROPOSED WORK (Include all federal, state, and local pre application coordination, site visits, previous permits, or applications whether issued, withdrawn, or denied)

Historical information for past permit submittals can be found online with VMRC - https://webapps.mrc.virginia.gov/public/habitat/ - or VIMS - http://ccrm.vims.edu/perms/newpermits.html

Agency	Action / Activity	Permit/Project number, including any non-reporting Nationwide permits previously used (e.g., NWP 13)	Date of Action	If denied, give reason for denial

Received by VMRC June 5, 2024 /blh

Part 1 - General Information (continued)

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

RONALD HOLT
909 ENFIELD CHASE
VA BEACH, VA 23452

Home (____)_____
Work (____)_____
Fax (____)_____
Cell (804) 370-1351
e-mail TACKHOLT@GMAIL.COM

State Corporation Commission Name and ID Number (if applicable) _____

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

Home (____)_____
Work (____)_____
Fax (____)_____
Cell (____)_____
e-mail _____

State Corporation Commission Name and ID Number (if applicable) _____

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

Jamie Hammond
107 Market St
Pocomoke City MD. 21851

Contact Information:
Home (____)_____
Work (____)_____
Fax (____)_____
Cell (757) 894-3213
e-mail _____

State Corporation Commission Name and ID Number (if applicable) _____

*** If multiple applicants, property owners, and/or agents, each must be listed and each must sign the applicant signature page.**

4. Provide a detailed description of the project in the space below, including the type of project, its dimensions, materials, and method of construction. Be sure to include how the construction site will be accessed and whether tree clearing and/or grading will be required, including the total acreage. If the project requires pilings, please be sure to include the total number, type (e.g. wood, steel, etc), diameter, and method of installation (e.g. hammer, vibratory, jetted, etc). If additional space is needed, provide a separate sheet of paper with the project description.

We propose to build a "boardwalk" accessing the beach on the Chesapeake By. The boardwalk will be accessible from the rear yard of 614 Carousel Place Cape Charles VA. Construction materials will consist of marine grade/pressure treated wood. The construction will not include any grading of the dune or removal of vegetation. The boardwalk will be approx.
120 feet long by 4 feet wide. It will comply with the specs approved by Bayside Village both in location of the structure on the property and ending point of the west side of the dune.

Received by VMRC June 5, 2024 /blh

Part 1 - General Information (continued)

5. Have you obtained a contractor for the project? X 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:

Gateway Builders LLC
Jamie Hammond
107 Market St
Pocomoke City, MD. 21851

Contact Information:
Home (____)_____
Work (410)726-2414
Fax (____)_____
Cell (757)894-3213
email _____

State Corporation Commission Name and ID Number (if applicable) _____

*** If multiple contractors, each must be listed and each must sign the applicant signature page.**

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:

Eastern Shore Post
25248 Lankford Hwy
Onley, VA 23418

Telephone number
(757) 789-7678

7. Give the following project location information:

Street Address (911 address if available) 614 Carousel Place
Lot/Block/Parcel# Tax Map 90-16-129
Subdivision Bayside Village
City / County Cape Charles/Northampton ZIP Code 23310
Latitude and Longitude at Center Point of Project Site (Decimal Degrees):
37.1445 / -76.0108 (Example: 36.41600/-76.30733)

If the project is located in a rural area, please provide driving directions giving distances from the best and nearest visible landmarks or major intersections. *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.*

Left off of Bayside Ave. onto Carousel Place
614 Carousel Place is on the right, Bay front

8. What are the *primary and secondary purposes of and the need for* 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."

Purpose is to allow ingress and egress to the Chesapeake Bay without disturbing the dune.

Received by VMRC June 5, 2024 /blh

Part 1 - General Information (continued)

9. Proposed use (check one):
   x Single user (private, non-commercial, residential)
   ___ Multi-user (community, commercial, industrial, government)

10. Describe alternatives considered and 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.*

    Materials storage will be landward of the dune. The minimal construction footprint possible will be maintained.

11. Is this application being submitted for after-the-fact authorization for work which has already begun or been completed? ___Yes x___No. If yes, be sure to clearly depict the portions of the project which are already complete in the project drawings.

12. Approximate cost of the entire project (materials, labor, etc.): $ 50,000
    Approximate cost of that portion of the project that is channelward of mean low water:
    $ 0

13. Completion date of the proposed work: Summer - 2024

14. Adjacent Property Owner Information: List the name and complete **mailing address**, including zip code, of each adjacent property owner to the project. (NOTE: If you own the adjacent lot, provide the requested information for the first adjacent parcel beyond your property line.) Failure to provide this information may result in a delay in the processing of your application by VMRC.

    FRANTZ, THOMAS R & DIANNE B
    1016 CURLEW DR
    VIRGINIA BEACH VA 2345

    MACINNIS, MARK A & KELLY K
    78 CREEKSIDE LN
    CAPE CHARLES VA 23310

Received by VMRC June 5, 2024 /blh

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, USACE, 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.**

_____ _____
Applicant's Legal Name (printed/typed) (Use if more than one applicant)

_____ _____
Applicant's Signature (Use if more than one applicant)

_____
Date

_____ _____
Property Owner's Legal Name (printed/typed) (Use if more than one owner)
(If different from Applicant)

_____ _____
Property Owner's Signature (Use if more than one owner)

_____
Date

Received by VMRC June 5, 2024 /blh

Part 2 – Signatures (continued)

2. Applicants having agents (if applicable)

CERTIFICATION OF AUTHORIZATION

I (we), _____, hereby certify that I (we) have authorized Jamie Hammond
(Applicant's legal 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.

Jamie Hammond _____
(Agent's Signature) (Use if more than one agent)

4/1/24
(Date)

_____ _____
(Applicant's Signature) (Use if more than one applicant)

_____
(Date)

3. Applicant's having contractors (if applicable)

CONTRACTOR ACKNOWLEDGEMENT

I (we), _____, have contracted Gateway Builders LLC
(Applicant's legal 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.

Gateway Builders LLC
Contractor's name or name of firm

107 Market St. Pocomoke MD. 21851
Contractor's or firms address

Jamie Hammond
Contractor's signature and title

2705112108
Contractor's License Number

_____ _____
Applicant's signature (use if more than one applicant)

_____
Date

Received by VMRC June 5, 2024 /blh

Part 2 – Signatures (continued)

ADJACENT PROPERTY OWNER'S ACKNOWLEDGEMENT FORM

I (we), Thomas and Diane Frantz, own land next to (across the water
(Print adjacent/nearby property owner's name)

from/on the same cove as) the land of Ron Holt.
(Print applicant's name(s))

I have reviewed the applicant's project drawings dated _____
(Date)

to be submitted for all necessary federal, state and local permits.

I HAVE NO COMMENT_____ ABOUT THE PROJECT.

I DO NOT OBJECT _____ TO THE PROJECT.

I OBJECT _____ TO THE PROJECT.

The applicant has agreed to contact me for additional comments if the proposal changes prior to construction of the project.

(Before signing this form be sure you have checked the appropriate option above).

_____
Adjacent/nearby property owner's signature(s)

_____
Date

Note: If you object to the proposal, the reason(s) you oppose the project must be submitted in writing to VMRC. An objection will not necessarily result in denial of the project; however, valid complaints will be given full consideration during the permit review process.

Received by VMRC June 5, 2024 /blh

Part 2 – Signatures (continued)

ADJACENT PROPERTY OWNER'S ACKNOWLEDGEMENT FORM

I (we), MACINNIS, MARK A & KELLY K, own land next to (across the water
(Print adjacent/nearby property owner's name)

from/on the same cove as) the land of Ron Holt.
(Print applicant's name(s))

I have reviewed the applicant's project drawings dated _____
(Date)

to be submitted for all necessary federal, state and local permits.

I HAVE NO COMMENT_____ ABOUT THE PROJECT.

I DO NOT OBJECT _____ TO THE PROJECT.

I OBJECT _____ TO THE PROJECT.

The applicant has agreed to contact me for additional comments if the proposal changes prior to construction of the project.

(Before signing this form, be sure you have checked the appropriate option above).

_____
Adjacent/nearby property owner's signature(s)

_____
Date

Note: If you object to the proposal, the reason(s) you oppose the project must be submitted in writing to VMRC. An objection will not necessarily result in denial of the project; however, valid complaints will be given full consideration during the permit review process.

Received by VMRC June 5, 2024 /blh

APPENDIX B

U.S. Army Corps Of Engineers
Norfolk District

REGIONAL PERMIT 17 CHECKLIST
Expires: September 5, 2023

Please review the 18-RP-17 enclosure before completing this form and note 18-RP-17 can only be used for proposed PRIVATE USE structure(s) that comply with the terms and conditions of 18-RP-17. Copies can be obtained online at http://www.nao.usace.army.mil/Missions/Regulatory/RBregional/.

YES☒ NO☐ **(1)** Has the permittee reviewed the 18-RP-17 enclosure and verified that the proposed structure(s) is in compliance with all the terms, conditions, and limitations of 18-RP-17?

YES☒ NO☐ **(2)** Does the proposed structure(s) extend no more than one-fourth of the distance across the waterway measured from either mean high water (MHW) to MHW (including all channelward wetlands) or ordinary high water (OHW) to OHW (including all channelward wetlands)?

YES☒ NO☐ **(3)** Does the proposed structure(s) extend no more than 300 feet from MHW or OHW (including all channelward wetlands)?

YES☒ NO☐ N/A☐ **(4)** Does the proposed structure(s) attach to the upland at a point landward of MHW or OHW (including all channelward wetlands)?

YES☒ NO☐ N/A☐ **(5)** If the proposed structure(s) crosses wetland vegetation, is it an open-pile design that has a maximum width of five (5) feet and a minimum height of four (4) feet between the decking and the wetland substrate?

YES☒ NO☐ N/A☒ **(6)** Does the proposed structure(s) include no more than two (2) boatlifts and no more than two (2) boat slips?

YES☐ NO☐ N/A☒ **(7)** Is the open-sided roof structure designed to shelter a boat ≤ 700 square feet and/or is the open sided roof structure or gazebo structure designed to shelter a pier ≤ 400 square feet?

YES☒ NO☐ N/A☐ **(8)** Are all piles associated with the proposed structure(s) non-steel, less than or equal to 12" in diameter, and will less than or equal to 25 piles be installed channelward of MHW?

YES☐ NO☐ N/A☒ **(9)** Is all work occurring behind cofferdams, turbidity curtains, or other methods to control turbidity being utilized when operationally feasible and federally listed threatened or endangered species may be present?

YES☐ NO☐ N/A☒ **(10)** If the proposed structure(s) is to be located within an anadromous fish use area, the prospective permittee will adhere to the anadromous fish use area time of year restriction (TOYR) prohibiting in-water work from occurring between February 15 through June 30 of any given year if (1) piles are to be installed with a cushioned impact hammer and there is less than 492 feet between the most channelward pile and mean low water (MLW) on the opposite shoreline or (2) piles are to be installed with a vibratory hammer and there is less than 384 feet between the most channelward pile and MLW on the opposite shoreline.

YES☒ NO☐ **(11)** Is all work occurring outside of submerged aquatic vegetation (SAV) mapped by the Virginia Institute of Marine Sciences' (VIMS) most recent survey year and 5 year composite?

YES☒ NO☐ **(12)** Has the permittee ensured the construction and/or installation of the proposed structure(s) will not affect federally listed threatened or endangered species or designated critical habitat?

YES☒ NO☐ **(13)** Will the proposed structure be located outside of Broad Creek in Middlesex County, Fisherman's Cove in Norfolk, or the Salt Ponds in Hampton?

YES☒ NO☐ **(14)** Will the proposed structure(s) be located outside of the waterways containing a Federal Navigation Project listed in Permit Specific Condition 12 of 18-RP-17 and/or will all portions of the proposed structure(s) be located more than 85 feet from the Federal Navigation Project?

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YES☒ NO☐ **(15)** Will the proposed structure(s) be located outside a USACE Navigation and Flood Risk Management project area?

YES☒ NO☐ **(16)** Will the proposed structure(s) be located outside of any Designated Trout Waters?

YES☐ NO☐ N/A☒ **(17)** If the proposed structure(s) includes flotation units, will the units be made of materials that will not become waterlogged or sink if punctured?

YES☐ NO☐ N/A☒ **(18)** If the proposed structure(s) includes flotation units, will the floating sections be braced so they will not rest on the bottom during periods of low water?

YES☒ NO☐ **(19)** Is the proposed structure(s) made of suitable materials and practical design so as to reasonably ensure a safe and sound structure?

YES☒ NO☐ **(20)** Will the proposed structure(s) be located on the property in accordance with the local zoning requirements?

YES☐ NO☐ N/A☒ **(21)** If the proposed structure(s) includes a device used for shellfish gardening, will the device be attached directly to a pier and limited to a total of 160 square feet?

YES☐ NO☐ N/A☒ **(22)** If the proposed structure(s) includes a device used for shellfish gardening, does the permittee recognize this RP does not negate their responsibility to obtain an oyster gardening permit (General Permit #3) from Virginia Marina Resources Commission's Habitat Management Division?

YES☒ NO☐ **(23)** Does the permittee recognize this RP does not authorize any dredging or filling of waters of the United States (including wetlands) and does not imply that future dredging proposals will be approved by the Corps?

YES☒ NO☐ **(24)** Does the permittee understand that by accepting 18-RP-17, the permittee accepts all of the terms and conditions of the permit, including the limits of Federal liability contained in the 18-RP-17 enclosure? Does the permittee acknowledge that the structures permitted under 18-RP-17 may be exposed to waves caused by passing vessels and that the permittee is solely responsible for the integrity of the structures permitted under 18-RP-17 and the exposure of such structures and vessels moored to such structures to damage from waves? Does the permittee accept that the United States is not liable in any way for such damage and that it shall not seek to involve the United States in any actions or claims regarding such damage?

IF YOU HAVE ANSWERED "NO" TO ANY OF THE QUESTIONS ABOVE, REGIONAL PERMIT 17 (18-RP-17) DOES NOT APPLY AND YOU ARE REQUIRED TO OBTAIN WRITTEN AUTHORIZATION FROM THE CORPS PRIOR TO PERFORMING THE WORK.

IF YOU HAVE ANSWERED "YES" (OR "N/A", WHERE APPLICABLE) TO ALL OF THE QUESTIONS ABOVE, YOU ARE IN COMPLIANCE WITH REGIONAL PERMIT 17 (18-RP-17). PLEASE SIGN BELOW, ATTACH, AND SUBMIT THIS CHECKLIST WITH YOUR COMPLETED JOINT PERMIT APPLICATION (JPA). THIS SIGNED CERTIFICATE SERVES AS YOUR LETTER OF AUTHORIZATION FROM THE CORPS. YOU WILL NOT RECEIVE ANY OTHER WRITTEN AUTHORIZATION FROM THE CORPS; HOWEVER, YOU MAY NOT PROCEED WITH CONSTRUCTION UNTIL YOU HAVE OBTAINED ALL OTHER NECESSARY STATE AND LOCAL PERMITS.

I CERTIFY THAT I HAVE READ AND UNDERSTAND ALL CONDITIONS OF THE REGIONAL PERMIT 17 (18-RP-17), DATED SEPTEMBER 2018, ISSUED BY THE US ARMY CORPS OF ENGINEERS, NORFOLK DISTRICT REGULATORY BRANCH (CENAO-WRR), NORFOLK, VIRGINIA.

Proposed work to be located at:

614 Carousel Place Cape Charles VA

_____

Signature of Property Owner(s) or Agent

_____

Date _____

VMRC Number: _____

Received by VMRC June 5, 2024 /blh

Part 3 – Appendices (continued)

Appendix C: Crossings in, on, over, or under, waters, submerged lands, tidal wetlands and/or dunes and beaches, including but not limited to, bridges, walkways, pipelines and utility lines.

1. What is the purpose and method of installation of the crossing?

   Access the beach area without disturbing the dune

2. What is the width of the waterway and/or wetlands to be crossed
   from mean high water to mean high water (tidal waters)? 120 feet.
   from mean low water to mean low water (tidal waters)? 4 feet.
   from ordinary high water to ordinary high water (non-tidal waters)? 4 feet.

3. For bridges (footbridges, golf cart bridges, roadway bridges, etc.), what is the width of the structure over the tidal wetlands, dunes/beaches and/or submerged lands? 480 square feet.

4. For overhead crossings:
   a. What will be the height above mean high water? _____feet.
   b. If there are other overhead crossings in the area, what is the minimum height? _____feet.
   c. If the proposed crossing is an electrical line, please confirm the total number of electrical circuits: _____

5. For buried crossings, what will be the depth below the substrate? _____feet. Will the proposed utility provide empty conduits for any additional utilities that may propose to co-locate at a later date? _____Yes _____No.

6. Will there be any excavation or fill required for placement of abutments, piers, towers, or other permanent structures on State-owned submerged lands, tidal wetlands, and dunes/beaches? ____Yes x____ No.

   If yes, please provide the following:

   a. Amount of excavation in wetlands _____ cubic yards
      _____ square feet

   b. Amount of excavation in submerged land _____ cubic yards
      _____ square feet

   c. Amount of excavation in dune/beach _____ cubic yards
      _____ square feet

   d. Amount of fill in wetlands _____ cubic yards
      _____ square feet

   e. Amount of fill in submerged lands _____ cubic yards
      _____ square feet

   f. Amount of fill in dune/beach _____ cubic yards
      _____ square feet

Received by VMRC June 5, 2024 /blh

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, USACE, 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.

RONALD HOLT
Applicant's Legal Name (printed/typed)

(Use if more than one applicant)

Applicant's Signature

(Use if more than one applicant)

4/8/24
Date

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

(Use if more than one owner)

Property Owner's Signature

(Use if more than one owner)

Date

Received by VMRC June 5, 2024 /blh

Part 2 – Signatures (continued)

2. Applicants having agents (if applicable)

CERTIFICATION OF AUTHORIZATION

I (we), Ronald Holt, hereby certify that I (we) have authorized Jamie Hammond
(Applicant's legal 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.

Jamie Hammond
(Agent's Signature)

(Use if more than one agent)

4/1/24
(Date)

Ronald Holt
(Applicant's Signature)

(Use if more than one applicant)

4/8/24
(Date)

3. Applicant's having contractors (if applicable)

CONTRACTOR ACKNOWLEDGEMENT

I (we), Ronald Holt, have contracted Gateway Builders LLC
(Applicant's legal 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.

Gateway Builders LLC
Contractor's name or name of firm

107 Market St. Pocomoke MD. 21851
Contractor's or firms address

Jamie Hammond
Contractor's signature and title

2705112108
Contractor's License Number

Ronald Holt
Applicant's signature

(use if more than one applicant)

4/8/24
Date

Received by VMRC June 5, 2024 /blh

YES☒ NO☐ **(15)** Will the proposed structure(s) be located outside a USACE Navigation and Flood Risk Management project area?

YES☒ NO☐ **(16)** Will the proposed structure(s) be located outside of any Designated Trout Waters?

YES☐ NO☐ N/A☒ **(17)** If the proposed structure(s) includes flotation units, will the units be made of materials that will not become waterlogged or sink if punctured?

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YES☐ NO☐ N/A☒ **(22)** If the proposed structure(s) includes a device used for shellfish gardening, does the permittee recognize this RP does not negate their responsibility to obtain an oyster gardening permit (General Permit #3) from Virginia Marina Resources Commission's Habitat Management Division?

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YES☒ NO☐ **(24)** Does the permittee understand that by accepting 18-RP-17, the permittee accepts all of the terms and conditions of the permit, including the limits of Federal liability contained in the 18-RP-17 enclosure? Does the permittee acknowledge that the structures permitted under 18-RP-17 may be exposed to waves caused by passing vessels and that the permittee is solely responsible for the integrity of the structures permitted under 18-RP-17 and the exposure of such structures and vessels moored to such structures to damage from waves? Does the permittee accept that the United States is not liable in any way for such damage and that it shall not seek to involve the United States in any actions or claims regarding such damage?

IF YOU HAVE ANSWERED "NO" TO ANY OF THE QUESTIONS ABOVE, REGIONAL PERMIT 17 (18-RP-17) DOES NOT APPLY AND YOU ARE REQUIRED TO OBTAIN WRITTEN AUTHORIZATION FROM THE CORPS PRIOR TO PERFORMING THE WORK.

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I CERTIFY THAT I HAVE READ AND UNDERSTAND ALL CONDITIONS OF THE REGIONAL PERMIT 17 (18-RP-17), DATED SEPTEMBER 2018, ISSUED BY THE US ARMY CORPS OF ENGINEERS, NORFOLK DISTRICT REGULATORY BRANCH (CENAO-WRR), NORFOLK, VIRGINIA.

Orel Holt

Signature of Property Owner(s) or Agent

Date 4/8/24

Proposed work to be located at:

614 Carousel Place Cape Charles VA

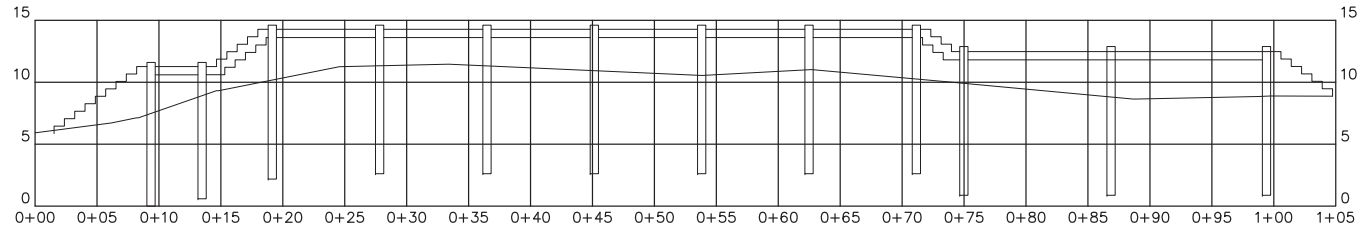
VMRC Number: _____

Received by VMRC June 5, 2024 /blh

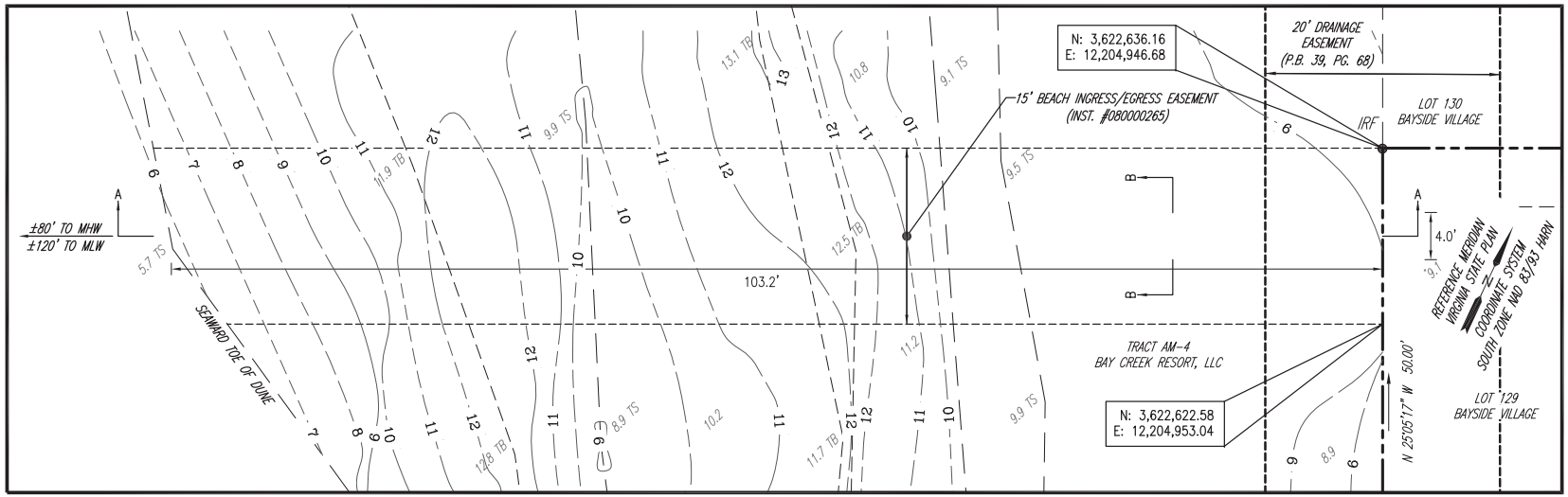
EXHIBIT NOTES:

1. THIS SURVEY WAS PRODUCED BY MID-ATLANTIC SURVEYING AND LAND DESIGN, INC FOR GATEWAY BUILDERS, LLC.
2. THIS SURVEY WAS PRODUCED WITHOUT BENEFIT OF A TITLE REPORT. ALL EASEMENTS, SERVITUDES AND RESTRICTIONS MAY NOT BE SHOWN.
3. THE BOUNDARY LINES SHOWN ARE BASED ON A CURRENT FIELD BOUNDARY SURVEY.
4. THIS SITE IS LOCATED IN THE RMA OF THE CHESAPEAKE BAY PRESERVATION AREA.
5. NO UNDERGROUND UTILITIES WERE MARKED AS A PART OF THIS SURVEY. CALL MISS UTILITY AT 811 PRIOR TO ANY LAND DISTURBING WORK.
6. THIS EXHIBIT IS INTENDED TO SHOW PROPOSED ELEVATIONS AND GENERAL WALKWAY DIMENSIONS AND CONFIGURATION.
7. THIS EXHIBIT IS NOT INTENDED TO BE A STRUCTURAL PLAN.
8. MEAN LOW WATER IS LOCATED AT THE -1.79' CONTOUR AND MEAN HIGH WATER IS LOCATED AT THE 0.69' CONTOUR AS OF NOVEMBER 2021 BASED ON TIDE STATION 8602200 KITOPEAKE, VA EPOCH 1983-2001.

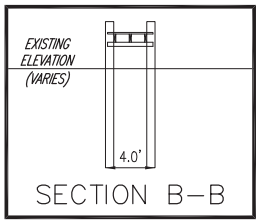
SECTION A-A



PLAN VIEW



BEACH WALKOVER EXHIBIT
OF
DUNE AND BEACH WEST OF
LOT 129, BAYSIDE VILLAGE
(P.B. 39, PG. 68)
FOR
GATEWAY BUILDERS, LLC
OCTOBER 10, 2023



SCALE: 1" = 10'

PROJECT #22042.0	
FIELD BY: TSC	
FIELD DATES: 08/03/2021	
DRAWN BY: MKL	
SHEET 1 OF 1	

MAS-LD
MidAtlantic Surveying and Land Design
5257 Cleveland Street, Suite 109
Virginia Beach, VA 23462
757-557-0888
WWW.MAS-LD.COM
ADMIN@MAS-LD.COM

Received by VMRC June 5, 2024 /blh

Agenda Item 4A (3)
616 Carousel Place

Virginia Marine Resources Commission
Permit Application 20241348
Printed: Wednesday June 5, 2024 1:26 PM

Applicant: Diane Frantz
1016 Curlew Drive
Virginia Beach, VA 23451

Application Number:	20241348	**Engineer:**	Claire Gorman
Application Date:	June 5, 2024	**Locality:**	Cape Charles
Permit Type:		**Waterway:**	
Permit Status:	Pending	**Expiration Date:**	
Wetlands Board Action:		**Public Hearing Date:**	

Project Description: Walkover

From: Jamie Hammond
To: MRC - jpa Permits
Subject: Frantz JPA and design
Date: Wednesday, June 5, 2024 11:32:22 AM
Attachments: 10-10-23 22055.0 WALKOVER LOT 128 BAYSIDE VILLAGE-TABLOID 11X17.pdf
Filled out JPA Application for Walkover.pdf

Good morning
Please find attached the JPA and design of the walkover proposed for Mr. and Mrs. Frantz 616 Carousel Place, Cape Charles VA

Let me know if you need anything

Thank you

Jamie Hammond
Gateway Builders
757-894-3213

Received by VMRC Jume 5, 2024 /blh

- DEQ: Permit application fees required for Virginia Water Protection permits – while detailed in 9VAC25-20 – are conveyed to the applicant by the applicable DEQ office (http://www.deq.virginia.gov/Locations.aspx). Complete the Permit Application Fee Form and submit it per the instructions to the address listed on the form. Instructions for submitting any other fees will be provided to the applicant by DEQ staff.
- VMRC: An application fee of $300 may be required for projects impacting tidal wetlands, beaches and/or dunes when VMRC acts as the LWB. VMRC will notify the applicant in writing if the fee is required. Permit fees involving subaqueous lands are $25.00 for projects costing $10,000 or less and $100 for projects costing more than $10,000. Royalties may also be required for some projects. The proper permit fee and any required royalty is paid at the time of permit issuance by VMRC. VMRC staff will send the permittee a letter notifying him/her of the proper permit fees and submittal requirements.
- LWB: Permit fees vary by locality. Contact the LWB for your project area or their website for fee information and submittal requirements. Contact information for LWBs may be found at http://ccrm.vims.edu/permits_web/guidance/local_wetlands_boards.html.

FOR AGENCY USE ONLY	
	Notes:
	JPA # 24-1348

APPLICANTS
Part 1 – General Information

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

Check all that apply		
Pre-Construction Notification (PCN) ☐ NWP # _____ (*For Nationwide Permits ONLY - No DEQ-VWP permit writer will be assigned*)	Regional Permit 17 (RP-17) [x]	

County or City in which the project is located: Cape Charles, VA

Waterway at project site: Chesapeake Bay

PREVIOUS ACTIONS RELATED TO THE PROPOSED WORK (Include all federal, state, and local pre application coordination, site visits, previous permits, or applications whether issued, withdrawn, or denied)

Historical information for past permit submittals can be found online with VMRC - https://webapps.mrc.virginia.gov/public/habitat/ - or VIMS - http://ccrm.vims.edu/perms/newpermits.html

Agency	Action / Activity	Permit/Project number, including any non-reporting Nationwide permits previously used (e.g., NWP 13)	Date of Action	If denied, give reason for denial

Received by VMRC Jume 5, 2024 /blh

Part 1 - General Information (continued)

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

Dianne Frantz
1016 Curlew Dr
Virginia Beach, VA 23451

Home (___)_____
Work (___)_____
Fax (___)_____
Cell (757) 343-7448
e-mail _____

State Corporation Commission Name and ID Number (if applicable) _____

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

Home (___)_____
Work (___)_____
Fax (___)_____
Cell (___)_____
e-mail _____

State Corporation Commission Name and ID Number (if applicable) _____

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

Jamie Hammond
107 Market St
Pocomoke City MD. 21851

Home (___)_____
Work (___)_____
Fax (___)_____
Cell (757) 894-3213
e-mail _____

State Corporation Commission Name and ID Number (if applicable) _____

*** If multiple applicants, property owners, and/or agents, each must be listed and each must sign the applicant signature page.**

4. Provide a detailed description of the project in the space below, including the type of project, its dimensions, materials, and method of construction. Be sure to include how the construction site will be accessed and whether tree clearing and/or grading will be required, including the total acreage. If the project requires pilings, please be sure to include the total number, type (e.g. wood, steel, etc), diameter, and method of installation (e.g. hammer, vibratory, jetted, etc). If additional space is needed, provide a separate sheet of paper with the project description.

We propose to build a "boardwalk" accessing the beach on the Chesapeake By. The boardwalk will be accessible from the rear yard of ___616 Carousel Place. Construction materials will consist of marine grade/pressure treated wood. The construction will not include any grading of the dune or removal of vegetation. The boardwalk will be approx. 105 feet long by 4 feet wide. It will comply with the specs approved by Bayside Village both in location of the structure on the property and ending point of the west side of the dune.

Received by VMRC Jume 5, 2024 /blh

Part 1 - General Information (continued)

5. Have you obtained a contractor for the project? X 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:

Gateway Builders LLC
Jamie Hammond
107 Market St
Pocomoke City, MD. 21851

Contact Information:
Home (____)_____
Work (410) 726-2414
Fax (____)_____
Cell (757) 894-3213
email _____

State Corporation Commission Name and ID Number (if applicable) _____

*** If multiple contractors, each must be listed and each must sign the applicant signature page.**

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:

Eastern Shore Post
25248 Lankford Hwy
Onley, VA 23418

Telephone number
(757) 789-7678

7. Give the following project location information:

Street Address (911 address if available) 616 Carousel Place
Lot/Block/Parcel# 90-16-128
Subdivision Bayside Village
City / County Cape Charles/Northampton ZIP Code 23310
Latitude and Longitude at Center Point of Project Site (Decimal Degrees):
37.1446 / -76.0108 (Example: 36.41600/-76.30733)

If the project is located in a rural area, please provide driving directions giving distances from the best and nearest visible landmarks or major intersections. *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.*

Left off of Bayside Ave. onto Carousel Place
616 Carousel Place is on the right, Bay front

8. What are the *primary and secondary purposes of and the need for* 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."

Purpose is to allow ingress and egress to the Chesapeake Bay without disturbing the dune.

Received by VMRC June 5, 2024 /blh

Part 1 - General Information (continued)

9. Proposed use (check one):
   x Single user (private, non-commercial, residential)
   ___ Multi-user (community, commercial, industrial, government)

10. Describe alternatives considered and 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.*

    Materials storage will be landward of the dune. The minimal construction footprint possible will be maintained.

11. Is this application being submitted for after-the-fact authorization for work which has already begun or been completed? ___Yes x___No. If yes, be sure to clearly depict the portions of the project which are already complete in the project drawings.

12. Approximate cost of the entire project (materials, labor, etc.): $ 50,000
    Approximate cost of that portion of the project that is channelward of mean low water:
    $ 0

13. Completion date of the proposed work: Fall - 2024

14. Adjacent Property Owner Information: List the name and complete **mailing address**, including zip code, of each adjacent property owner to the project. (NOTE: If you own the adjacent lot, provide the requested information for the first adjacent parcel beyond your property line.) Failure to provide this information may result in a delay in the processing of your application by VMRC.

Received by VMRC Jume 5, 2024 /blh

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, USACE, 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.

Dianne Frantz
Applicant's Legal Name (printed/typed)

(Use if more than one applicant)

Dianne Frantz
Applicant's Signature

(Use if more than one applicant)

5/1/24
Date

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

(Use if more than one owner)

Property Owner's Signature

(Use if more than one owner)

Date

Received by VMRC Jume 5, 2024 /blh

Part 2 – Signatures (continued)

2. Applicants having agents (if applicable)

CERTIFICATION OF AUTHORIZATION

I (we), _____ (Applicant's legal name(s)), hereby certify that I (we) have authorized Jamie Hammond (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.

Jamie Hammond
(Agent's Signature)

_____
(Use if more than one agent)

5/1/24
(Date)

Dianne Frantz
(Applicant's Signature)

_____
(Use if more than one applicant)

5/1/24
(Date)

3. Applicant's having contractors (if applicable)

CONTRACTOR ACKNOWLEDGEMENT

I (we), Dianne Frantz (Applicant's legal name(s)), have contracted Gateway Builders LLC (Contractor's name(s)) to perform the work described in this Joint Permit Application, signed and dated 5/1/24.

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.

Gateway Builders LLC
Contractor's name or name of firm

107 Market St. Pocomoke MD. 21851
Contractor's or firms address

Jamie Hammond
Contractor's signature and title

2705112108
Contractor's License Number

Dianne Frantz
Applicant's signature

_____
(use if more than one applicant)

5/1/24
Date

Received by VMRC Jume 5, 2024 /blh

Part 2 – Signatures (continued)

ADJACENT PROPERTY OWNER'S ACKNOWLEDGEMENT FORM

I (we), _____, own land next to (across the water
(Print adjacent/nearby property owner's name)

from/on the same cove as) the land of_____.
(Print applicant's name(s))

I have reviewed the applicant's project drawings dated _____
(Date)

to be submitted for all necessary federal, state and local permits.

I HAVE NO COMMENT_____ ABOUT THE PROJECT.

I DO NOT OBJECT _____ TO THE PROJECT.

I OBJECT _____ TO THE PROJECT.

The applicant has agreed to contact me for additional comments if the proposal changes prior to construction of the project.

(Before signing this form be sure you have checked the appropriate option above).

_____
Adjacent/nearby property owner's signature(s)

_____
Date

Note: If you object to the proposal, the reason(s) you oppose the project must be submitted in writing to VMRC. An objection will not necessarily result in denial of the project; however, valid complaints will be given full consideration during the permit review process.

Received by VMRC Jume 5, 2024 /blh

Part 2 – Signatures (continued)

ADJACENT PROPERTY OWNER'S ACKNOWLEDGEMENT FORM

I (we), _____, own land next to (across the water
(Print adjacent/nearby property owner's name)

from/on the same cove as) the land of_____.
(Print applicant's name(s))

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(Date)

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I DO NOT OBJECT _____ TO THE PROJECT.

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The applicant has agreed to contact me for additional comments if the proposal changes prior to construction of the project.

(Before signing this form, be sure you have checked the appropriate option above).

_____
Adjacent/nearby property owner's signature(s)

_____
Date

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Received by VMRC Jume 5, 2024 /blh

APPENDIX B

U.S. Army Corps Of Engineers
Norfolk District

REGIONAL PERMIT 17 CHECKLIST
Expires: September 5, 2023

Please review the 18-RP-17 enclosure before completing this form and note 18-RP-17 can only be used for proposed PRIVATE USE structure(s) that comply with the terms and conditions of 18-RP-17. Copies can be obtained online at http://www.nao.usace.army.mil/Missions/Regulatory/RBregional/.

YES☒ NO☐ **(1)** Has the permittee reviewed the 18-RP-17 enclosure and verified that the proposed structure(s) is in compliance with all the terms, conditions, and limitations of 18-RP-17?

YES☒ NO☐ **(2)** Does the proposed structure(s) extend no more than one-fourth of the distance across the waterway measured from either mean high water (MHW) to MHW (including all channelward wetlands) or ordinary high water (OHW) to OHW (including all channelward wetlands)?

YES☒ NO☐ **(3)** Does the proposed structure(s) extend no more than 300 feet from MHW or OHW (including all channelward wetlands)?

YES☒ NO☐ N/A☐ **(4)** Does the proposed structure(s) attach to the upland at a point landward of MHW or OHW (including all channelward wetlands)?

YES☒ NO☐ N/A☐ **(5)** If the proposed structure(s) crosses wetland vegetation, is it an open-pile design that has a maximum width of five (5) feet and a minimum height of four (4) feet between the decking and the wetland substrate?

YES☒ NO☐ N/A☒ **(6)** Does the proposed structure(s) include no more than two (2) boatlifts and no more than two (2) boat slips?

YES☐ NO☐ N/A☒ **(7)** Is the open-sided roof structure designed to shelter a boat ≤ 700 square feet and/or is the open sided roof structure or gazebo structure designed to shelter a pier ≤ 400 square feet?

YES☒ NO☐ N/A☐ **(8)** Are all piles associated with the proposed structure(s) non-steel, less than or equal to 12" in diameter, and will less than or equal to 25 piles be installed channelward of MHW?

YES☐ NO☐ N/A☒ **(9)** Is all work occurring behind cofferdams, turbidity curtains, or other methods to control turbidity being utilized when operationally feasible and federally listed threatened or endangered species may be present?

YES☐ NO☐ N/A☒ **(10)** If the proposed structure(s) is to be located within an anadromous fish use area, the prospective permittee will adhere to the anadromous fish use area time of year restriction (TOYR) prohibiting in-water work from occurring between February 15 through June 30 of any given year if (1) piles are to be installed with a cushioned impact hammer and there is less than 492 feet between the most channelward pile and mean low water (MLW) on the opposite shoreline or (2) piles are to be installed with a vibratory hammer and there is less than 384 feet between the most channelward pile and MLW on the opposite shoreline.

YES☒ NO☐ **(11)** Is all work occurring outside of submerged aquatic vegetation (SAV) mapped by the Virginia Institute of Marine Sciences' (VIMS) most recent survey year and 5 year composite?

YES☒ NO☐ **(12)** Has the permittee ensured the construction and/or installation of the proposed structure(s) will not affect federally listed threatened or endangered species or designated critical habitat?

YES☒ NO☐ **(13)** Will the proposed structure be located outside of Broad Creek in Middlesex County, Fisherman's Cove in Norfolk, or the Salt Ponds in Hampton?

YES☒ NO☐ **(14)** Will the proposed structure(s) be located outside of the waterways containing a Federal Navigation Project listed in Permit Specific Condition 12 of 18-RP-17 and/or will all portions of the proposed structure(s) be located more than 85 feet from the Federal Navigation Project?

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YES☒ NO☐ **(15)** Will the proposed structure(s) be located outside a USACE Navigation and Flood Risk Management project area?

YES☒ NO☐ **(16)** Will the proposed structure(s) be located outside of any Designated Trout Waters?

YES☐ NO☐ N/A☒ **(17)** If the proposed structure(s) includes flotation units, will the units be made of materials that will not become waterlogged or sink if punctured?

YES☐ NO☐ N/A☒ **(18)** If the proposed structure(s) includes flotation units, will the floating sections be braced so they will not rest on the bottom during periods of low water?

YES☒ NO☐ **(19)** Is the proposed structure(s) made of suitable materials and practical design so as to reasonably ensure a safe and sound structure?

YES☒ NO☐ **(20)** Will the proposed structure(s) be located on the property in accordance with the local zoning requirements?

YES☐ NO☐ N/A☒ **(21)** If the proposed structure(s) includes a device used for shellfish gardening, will the device be attached directly to a pier and limited to a total of 160 square feet?

YES☐ NO☐ N/A☒ **(22)** If the proposed structure(s) includes a device used for shellfish gardening, does the permittee recognize this RP does not negate their responsibility to obtain an oyster gardening permit (General Permit #3) from Virginia Marina Resources Commission's Habitat Management Division?

YES☒ NO☐ **(23)** Does the permittee recognize this RP does not authorize any dredging or filling of waters of the United States (including wetlands) and does not imply that future dredging proposals will be approved by the Corps?

YES☒ NO☐ **(24)** Does the permittee understand that by accepting 18-RP-17, the permittee accepts all of the terms and conditions of the permit, including the limits of Federal liability contained in the 18-RP-17 enclosure? Does the permittee acknowledge that the structures permitted under 18-RP-17 may be exposed to waves caused by passing vessels and that the permittee is solely responsible for the integrity of the structures permitted under 18-RP-17 and the exposure of such structures and vessels moored to such structures to damage from waves? Does the permittee accept that the United States is not liable in any way for such damage and that it shall not seek to involve the United States in any actions or claims regarding such damage?

IF YOU HAVE ANSWERED "NO" TO ANY OF THE QUESTIONS ABOVE, REGIONAL PERMIT 17 (18-RP-17) DOES NOT APPLY AND YOU ARE REQUIRED TO OBTAIN WRITTEN AUTHORIZATION FROM THE CORPS PRIOR TO PERFORMING THE WORK.

IF YOU HAVE ANSWERED "YES" (OR "N/A", WHERE APPLICABLE) TO ALL OF THE QUESTIONS ABOVE, YOU ARE IN COMPLIANCE WITH REGIONAL PERMIT 17 (18-RP-17). PLEASE SIGN BELOW, ATTACH, AND SUBMIT THIS CHECKLIST WITH YOUR COMPLETED JOINT PERMIT APPLICATION (JPA). THIS SIGNED CERTIFICATE SERVES AS YOUR LETTER OF AUTHORIZATION FROM THE CORPS. YOU WILL NOT RECEIVE ANY OTHER WRITTEN AUTHORIZATION FROM THE CORPS; HOWEVER, YOU MAY NOT PROCEED WITH CONSTRUCTION UNTIL YOU HAVE OBTAINED ALL OTHER NECESSARY STATE AND LOCAL PERMITS.

I CERTIFY THAT I HAVE READ AND UNDERSTAND ALL CONDITIONS OF THE REGIONAL PERMIT 17 (18-RP-17), DATED SEPTEMBER 2018, ISSUED BY THE US ARMY CORPS OF ENGINEERS, NORFOLK DISTRICT REGULATORY BRANCH (CENAO-WRR), NORFOLK, VIRGINIA.

Jamie Hammond

Signature of Property Owner(s) or Agent

Date 5/1/24

Proposed work to be located at:

616 Carousel Place

Cape Charles VA 23310

VMRC Number: _____

Received by VMRC Jume 5, 2024 /blh

Part 3 – Appendices (continued)

Appendix C: Crossings in, on, over, or under, waters, submerged lands, tidal wetlands and/or dunes and beaches, including but not limited to, bridges, walkways, pipelines and utility lines.

1. What is the purpose and method of installation of the crossing?

   Purpose is to allow ingress and egress to the Chesapeake Bay without disturbing the dune.

2. What is the width of the waterway and/or wetlands to be crossed
   from mean high water to mean high water (tidal waters)? 105 feet.
   from mean low water to mean low water (tidal waters)? 105 feet.
   from ordinary high water to ordinary high water (non-tidal waters)? _____ feet.

3. For bridges (footbridges, golf cart bridges, roadway bridges, etc.), what is the width of the structure over the tidal wetlands, dunes/beaches and/or submerged lands? 420 square feet.

4. For overhead crossings:
   a. What will be the height above mean high water? _____feet.
   b. If there are other overhead crossings in the area, what is the minimum height? _____feet.
   c. If the proposed crossing is an electrical line, please confirm the total number of electrical circuits: _____

5. For buried crossings, what will be the depth below the substrate? _____feet. Will the proposed utility provide empty conduits for any additional utilities that may propose to co-locate at a later date? _____Yes _____No.

6. Will there be any excavation or fill required for placement of abutments, piers, towers, or other permanent structures on State-owned submerged lands, tidal wetlands, and dunes/beaches? ____Yes X___ No.

   If yes, please provide the following:

   a. Amount of excavation in wetlands _____ cubic yards
      _____ square feet

   b. Amount of excavation in submerged land _____ cubic yards
      _____ square feet

   c. Amount of excavation in dune/beach _____ cubic yards
      _____ square feet

   d. Amount of fill in wetlands _____ cubic yards
      _____ square feet

   e. Amount of fill in submerged lands _____ cubic yards
      _____ square feet

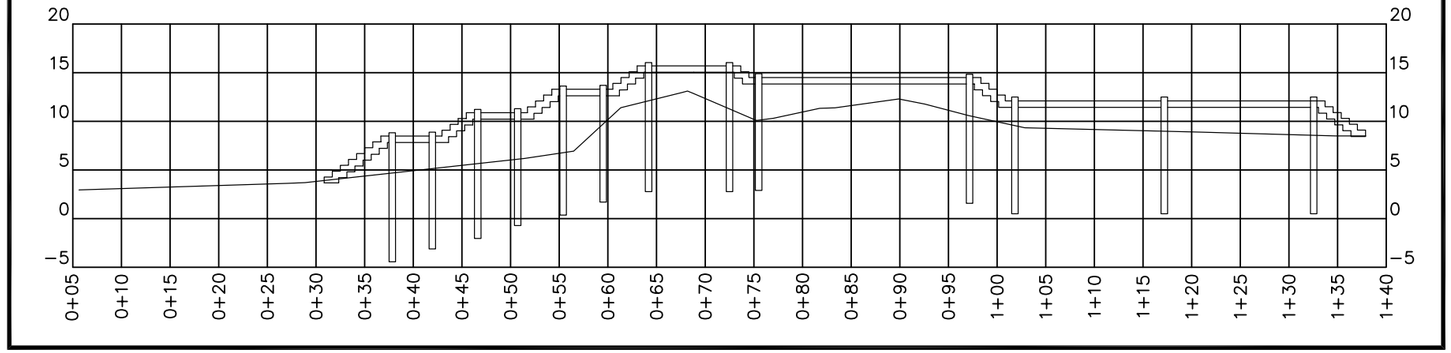
   f. Amount of fill in dune/beach _____ cubic yards
      _____ square feet

Received by VMRC Jume 5, 2024 /blh

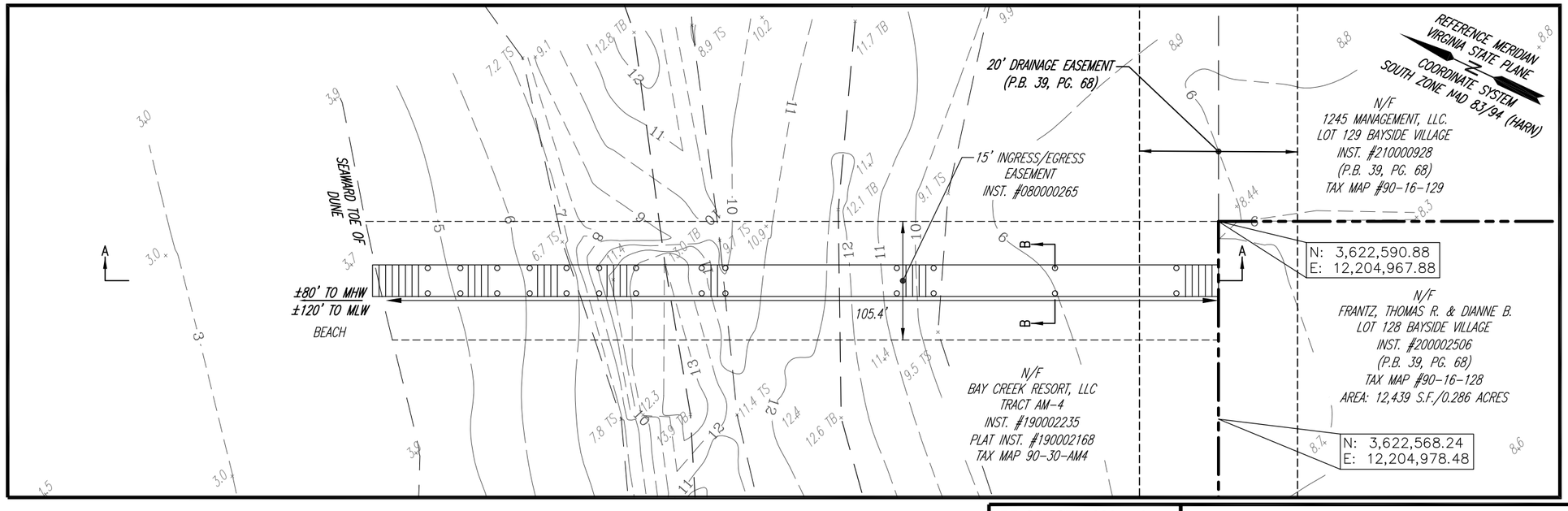
EXHIBIT NOTES:

1. THIS SURVEY WAS PRODUCED BY MID-ATLANTIC SURVEYING AND LAND DESIGN, INC FOR GATEWAY BUILDERS, LLC.
2. THIS SURVEY WAS PRODUCED WITHOUT BENEFIT OF A TITLE REPORT. ALL EASEMENTS, SERVITUDES AND RESTRICTIONS MAY NOT BE SHOWN.
3. THE BOUNDARY LINES SHOWN ARE BASED ON A CURRENT FIELD BOUNDARY SURVEY.
4. THIS SITE IS LOCATED IN THE RMA OF THE CHESAPEAKE BAY PRESERVATION AREA.
5. NO UNDERGROUND UTILITIES WERE MARKED AS A PART OF THIS SURVEY. CALL MISS UTILITY AT 811 PRIOR TO ANY LAND DISTURBING WORK.
6. THIS EXHIBIT IS INTENDED TO SHOW PROPOSED ELEVATIONS AND GENERAL WALKWAY DIMENSIONS AND CONFIGURATION.
7. THIS EXHIBIT IS NOT INTENDED TO BE A STRUCTURAL PLAN.
8. MEAN LOW WATER IS LOCATED AT THE –1.79' CONTOUR AND MEAN HIGH WATER IS LOCATED AT THE 0.69' CONTOUR AS OF NOVEMBER 2021 BASED ON TIDE STATION 8602200 KITOPEAKE, VA EPOCH 1983–2001.

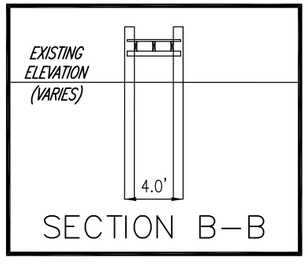
SECTION A–A



PLAN VIEW



BEACH WALKOVER EXHIBIT
OF
DUNE AND BEACH WEST OF
LOT 128, BAYSIDE VILLAGE
(P.B. 39, PG. 68)
FOR
GATEWAY BUILDERS, LLC
OCTOBER 10, 2023



SECTION B–B

0 15' 30' 45'

SCALE: 1" = 15'

PROJECT #22055.0
FIELD BY: TSC
FIELD DATES: 08/03/2021
DRAWN BY: ETR
SHEET 1 OF 1

MAS-LD
MidAtlantic Surveying and Land Design
5257 Cleveland Street, Suite 109
Virginia Beach, VA 23462
757-557-0888
WWW.MAS-LD.COM
ADMIN@MAS-LD.COM

DWG NAME: N:\2022\22055.0 LOT 128 BAYSIDE VILLAGE FRANTZ-GATEWAY - CC - TRSP\1_27277_3841.DWG PLOTTED BY MACKENZIE LEPLEY 10/10/2023 9:38 AM LAST SAVED

Received by VMRC Jume 5, 2024 /blh

Agenda Item 4A (4)
620 Carousel Place

Virginia Marine Resources Commission
Permit Application 20241344
Printed: Wednesday June 5, 2024 1:24 PM

Applicant: George R. Semmens
46 Driftwood
Somers, NY 10589

Application Number: 20241344
Application Date: June 5, 2024
Permit Type:
Permit Status: Pending
Wetlands Board Action:

Engineer: Claire Gorman
Locality: Cape Charles
Waterway:
Expiration Date:
Public Hearing Date:

Project Description: Walkover

From:	Jamie Hammond
To:	MRC - jpa Permits
Subject:	Semmens JPA and desgin
Date:	Wednesday, June 5, 2024 6:30:06 AM
Attachments:	Filled out JPA Application for Walkover - Semmens Complete.pdf 10-10-23 21234.1 WALKOVER LOT 126 BAYSIDE VILLAGE-TABLOID 17X11.pdf

Good morning
Please find attached the JPA and design of the walkover proposed for Mr. and Mrs. Semmens 620 Carousel Place, Cape Charles VA

Let me know if you need anything

Thank you

Jamie Hammond
Gateway Builders
757-894-3213

Received by VMRC June 5, 2024 /blh

Part 1 - General Information (continued)

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

George R. Semmens
46 Driftwood
Somers, NY 10589

Home (____) 914.277.5865
Work (____) 914.762.2340 x 104
Fax (____) 914.762.1506
Cell (____) 914.522.1782
e-mail GRS@semmenspc.com

State Corporation Commission Name and ID Number (if applicable) _____

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

Home (____)_____
Work (____)_____
Fax (____)_____
Cell (____)_____
e-mail _____

State Corporation Commission Name and ID Number (if applicable) _____

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

Jamie Hammond
107 Market St
Pocomoke City MD. 21851

Contact Information:
Home (____)_____
Work (____)_____
Fax (____)_____
Cell (757) 894-3213
e-mail _____

State Corporation Commission Name and ID Number (if applicable) _____

*** If multiple applicants, property owners, and/or agents, each must be listed and each must sign the applicant signature page.**

4. Provide a detailed description of the project in the space below, including the type of project, its dimensions, materials, and method of construction. Be sure to include how the construction site will be accessed and whether tree clearing and/or grading will be required, including the total acreage. If the project requires pilings, please be sure to include the total number, type (e.g. wood, steel, etc), diameter, and method of installation (e.g. hammer, vibratory, jetted, etc). If additional space is needed, provide a separate sheet of paper with the project description.

We propose to build a "boardwalk" accessing the beach on the Chesapeake By. The boardwalk will be accessible from the rear yard of _____620 Carousel Place. Construction materials will consist of marine grade/pressure treated wood. The construction will not include any grading of the dune or removal of vegetation. The boardwalk will be approx. __90__ feet long by _4 feet_ wide. It will comply with the specs approved by Bayside Village both in location of the structure on the property and ending point of the west side of the dune.

Received by VMRC June 5, 2024 /blh

Part 1 - General Information (continued)

5. Have you obtained a contractor for the project? X 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:

Gateway Builders LLC
Jamie Hammond
107 Market St
Pocomoke City, MD. 21851

Contact Information:
Home (____)_____
Work (410)726-2414
Fax (____)_____
Cell (757)894-3213
email _____

State Corporation Commission Name and ID Number (if applicable) _____

*** If multiple contractors, each must be listed and each must sign the applicant signature page.**

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:

Eastern Shore Post
25248 Lankford Hwy
Onley, VA 23418

Telephone number
(757) 789-7678

7. Give the following project location information:

Street Address (911 address if available) 620 Carousel Place
Lot/Block/Parcel# 90-17-126
Subdivision Bayside Village
City / County Cape Charles/Northampton ZIP Code 23310
Latitude and Longitude at Center Point of Project Site (Decimal Degrees):
37.1445 / -76.0108 (Example: 36.41600/-76.30733)

If the project is located in a rural area, please provide driving directions giving distances from the best and nearest visible landmarks or major intersections. *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.*

Left off of Bayside Ave. onto Carousel Place
_620_ Carousel Place is on the right, Bay front

8. What are the *primary and secondary purposes of and the need for* 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."

Purpose is to allow ingress and egress to the Chesapeake Bay without disturbing the dune.

Received by VMRC June 5, 2024 /blh

Part 1 - General Information (continued)

9. Proposed use (check one):
   x Single user (private, non-commercial, residential)
   ___ Multi-user (community, commercial, industrial, government)

10. Describe alternatives considered and 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.*

    Materials storage will be landward of the dune. The minimal construction footprint possible will be maintained.

11. Is this application being submitted for after-the-fact authorization for work which has already begun or been completed? ___ Yes x No If yes, be sure to clearly depict the portions of the project which are already complete in the project drawings.

12. Approximate cost of the entire project (materials, labor, etc.): $ 50,000
    Approximate cost of that portion of the project that is channelward of mean low water:
    $ 0

13. Completion date of the proposed work: Fall - 2024

14. Adjacent Property Owner Information: List the name and complete **mailing address**, including zip code, of each adjacent property owner to the project. (NOTE: If you own the adjacent lot, provide the requested information for the first adjacent parcel beyond your property line.) Failure to provide this information may result in a delay in the processing of your application by VMRC.

Received by VMRC June 5, 2024 /blh

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.

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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.

George R. Semmens
Applicant's Legal Name (printed/typed)

(Use if more than one applicant)

Applicant's Signature

(Use if more than one applicant)

5/1/24
Date

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

(Use if more than one owner)

Property Owner's Signature

(Use if more than one owner)

Date

Received by VMRC June 5, 2024 /blh

Part 2 – Signatures (continued)

2. Applicants having agents (if applicable)

CERTIFICATION OF AUTHORIZATION

I (we), George R. Semmens, hereby certify that I (we) have authorized Jamie Hammond
(Applicant's legal 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.

Jamie Hammond
(Agent's Signature)

(Use if more than one agent)

5/1/2024
(Date)

(Applicant's Signature)

(Use if more than one applicant)

5-1-24
(Date)

3. Applicant's having contractors (if applicable)

CONTRACTOR ACKNOWLEDGEMENT

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(Applicant's legal name(s)) (Contractor's name(s))
to perform the work described in this Joint Permit Application, signed and dated 5/1/24.

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.

Gateway Builders LLC
Contractor's name or name of firm

107 Market St. Pocomoke MD. 21851
Contractor's or firms address

Jamie Hammond
Contractor's signature and title

2705112108
Contractor's License Number

Applicant's signature

(use if more than one applicant)

5-1-24
Date

Received by VMRC June 5, 2024 /blh

Part 2 – Signatures (continued)

ADJACENT PROPERTY OWNER'S ACKNOWLEDGEMENT FORM

I (we), _____, own land next to (across the water
(Print adjacent/nearby property owner's name)

from/on the same cove as) the land of_____.
(Print applicant's name(s))

I have reviewed the applicant's project drawings dated _____
(Date)

to be submitted for all necessary federal, state and local permits.

I HAVE NO COMMENT_____ ABOUT THE PROJECT.

I DO NOT OBJECT _____ TO THE PROJECT.

I OBJECT _____ TO THE PROJECT.

The applicant has agreed to contact me for additional comments if the proposal changes prior to construction of the project.

(Before signing this form be sure you have checked the appropriate option above).

_____
Adjacent/nearby property owner's signature(s)

_____
Date

Note: If you object to the proposal, the reason(s) you oppose the project must be submitted in writing to VMRC. An objection will not necessarily result in denial of the project; however, valid complaints will be given full consideration during the permit review process.

Received by VMRC June 5, 2024 /blh

Part 2 – Signatures (continued)

ADJACENT PROPERTY OWNER'S ACKNOWLEDGEMENT FORM

I (we), _____, own land next to (across the water
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(Print applicant's name(s))

I have reviewed the applicant's project drawings dated _____
(Date)

to be submitted for all necessary federal, state and local permits.

I HAVE NO COMMENT_____ ABOUT THE PROJECT.

I DO NOT OBJECT _____ TO THE PROJECT.

I OBJECT _____ TO THE PROJECT.

The applicant has agreed to contact me for additional comments if the proposal changes prior to construction of the project.

(Before signing this form, be sure you have checked the appropriate option above).

_____
Adjacent/nearby property owner's signature(s)

_____
Date

Note: If you object to the proposal, the reason(s) you oppose the project must be submitted in writing to VMRC. An objection will not necessarily result in denial of the project; however, valid complaints will be given full consideration during the permit review process.

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APPENDIX B

U.S. Army Corps Of Engineers
Norfolk District

REGIONAL PERMIT 17 CHECKLIST
Expires: September 5, 2023

Please review the 18-RP-17 enclosure before completing this form and note 18-RP-17 can only be used for proposed PRIVATE USE structure(s) that comply with the terms and conditions of 18-RP-17. Copies can be obtained online at http://www.nao.usace.army.mil/Missions/Regulatory/RBregional/.

YES☒ NO☐ **(1)** Has the permittee reviewed the 18-RP-17 enclosure and verified that the proposed structure(s) is in compliance with all the terms, conditions, and limitations of 18-RP-17?

YES☒ NO☐ **(2)** Does the proposed structure(s) extend no more than one-fourth of the distance across the waterway measured from either mean high water (MHW) to MHW (including all channelward wetlands) or ordinary high water (OHW) to OHW (including all channelward wetlands)?

YES☒ NO☐ **(3)** Does the proposed structure(s) extend no more than 300 feet from MHW or OHW (including all channelward wetlands)?

YES☒ NO☐ N/A☐ **(4)** Does the proposed structure(s) attach to the upland at a point landward of MHW or OHW (including all channelward wetlands)?

YES☒ NO☐ N/A☐ **(5)** If the proposed structure(s) crosses wetland vegetation, is it an open-pile design that has a maximum width of five (5) feet and a minimum height of four (4) feet between the decking and the wetland substrate?

YES☒ NO☐ N/A☒ **(6)** Does the proposed structure(s) include no more than two (2) boatlifts and no more than two (2) boat slips?

YES☐ NO☐ N/A☒ **(7)** Is the open-sided roof structure designed to shelter a boat ≤ 700 square feet and/or is the open sided roof structure or gazebo structure designed to shelter a pier ≤ 400 square feet?

YES☒ NO☐ N/A☐ **(8)** Are all piles associated with the proposed structure(s) non-steel, less than or equal to 12" in diameter, and will less than or equal to 25 piles be installed channelward of MHW?

YES☐ NO☐ N/A☒ **(9)** Is all work occurring behind cofferdams, turbidity curtains, or other methods to control turbidity being utilized when operationally feasible and federally listed threatened or endangered species may be present?

YES☐ NO☐ N/A☒ **(10)** If the proposed structure(s) is to be located within an anadromous fish use area, the prospective permittee will adhere to the anadromous fish use area time of year restriction (TOYR) prohibiting in-water work from occurring between February 15 through June 30 of any given year if (1) piles are to be installed with a cushioned impact hammer and there is less than 492 feet between the most channelward pile and mean low water (MLW) on the opposite shoreline or (2) piles are to be installed with a vibratory hammer and there is less than 384 feet between the most channelward pile and MLW on the opposite shoreline.

YES☒ NO☐ **(11)** Is all work occurring outside of submerged aquatic vegetation (SAV) mapped by the Virginia Institute of Marine Sciences' (VIMS) most recent survey year and 5 year composite?

YES☒ NO☐ **(12)** Has the permittee ensured the construction and/or installation of the proposed structure(s) will not affect federally listed threatened or endangered species or designated critical habitat?

YES☒ NO☐ **(13)** Will the proposed structure be located outside of Broad Creek in Middlesex County, Fisherman's Cove in Norfolk, or the Salt Ponds in Hampton?

YES☒ NO☐ **(14)** Will the proposed structure(s) be located outside of the waterways containing a Federal Navigation Project listed in Permit Specific Condition 12 of 18-RP-17 and/or will all portions of the proposed structure(s) be located more than 85 feet from the Federal Navigation Project?

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YES☑ NO☐ **(15)** Will the proposed structure(s) be located outside a USACE Navigation and Flood Risk Management project area?

YES☑ NO☐ **(16)** Will the proposed structure(s) be located outside of any Designated Trout Waters?

YES☐ NO☐ N/A☑ **(17)** If the proposed structure(s) includes flotation units, will the units be made of materials that will not become waterlogged or sink if punctured?

YES☐ NO☐ N/A☑ **(18)** If the proposed structure(s) includes flotation units, will the floating sections be braced so they will not rest on the bottom during periods of low water?

YES☑ NO☐ **(19)** Is the proposed structure(s) made of suitable materials and practical design so as to reasonably ensure a safe and sound structure?

YES☑ NO☐ **(20)** Will the proposed structure(s) be located on the property in accordance with the local zoning requirements?

YES☐ NO☐ N/A☑ **(21)** If the proposed structure(s) includes a device used for shellfish gardening, will the device be attached directly to a pier and limited to a total of 160 square feet?

YES☐ NO☐ N/A☑ **(22)** If the proposed structure(s) includes a device used for shellfish gardening, does the permittee recognize this RP does not negate their responsibility to obtain an oyster gardening permit (General Permit #3) from Virginia Marina Resources Commission's Habitat Management Division?

YES ☑ NO ☐ **(23)** Does the permittee recognize this RP does not authorize any dredging or filling of waters of the United States (including wetlands) and does not imply that future dredging proposals will be approved by the Corps?

YES☑ NO☐ **(24)** Does the permittee understand that by accepting 18-RP-17, the permittee accepts all of the terms and conditions of the permit, including the limits of Federal liability contained in the 18-RP-17 enclosure? Does the permittee acknowledge that the structures permitted under 18-RP-17 may be exposed to waves caused by passing vessels and that the permittee is solely responsible for the integrity of the structures permitted under 18-RP-17 and the exposure of such structures and vessels moored to such structures to damage from waves? Does the permittee accept that the United States is not liable in any way for such damage and that it shall not seek to involve the United States in any actions or claims regarding such damage?

IF YOU HAVE ANSWERED "NO" TO ANY OF THE QUESTIONS ABOVE, REGIONAL PERMIT 17 (18-RP-17) DOES NOT APPLY AND YOU ARE REQUIRED TO OBTAIN WRITTEN AUTHORIZATION FROM THE CORPS PRIOR TO PERFORMING THE WORK.

IF YOU HAVE ANSWERED "YES" (OR "N/A", WHERE APPLICABLE) TO ALL OF THE QUESTIONS ABOVE, YOU ARE IN COMPLIANCE WITH REGIONAL PERMIT 17 (18-RP-17). PLEASE SIGN BELOW, ATTACH, AND SUBMIT THIS CHECKLIST WITH YOUR COMPLETED JOINT PERMIT APPLICATION (JPA). THIS SIGNED CERTIFICATE SERVES AS YOUR LETTER OF AUTHORIZATION FROM THE CORPS. YOU WILL NOT RECEIVE ANY OTHER WRITTEN AUTHORIZATION FROM THE CORPS; HOWEVER, YOU MAY NOT PROCEED WITH CONSTRUCTION UNTIL YOU HAVE OBTAINED ALL OTHER NECESSARY STATE AND LOCAL PERMITS.

I CERTIFY THAT I HAVE READ AND UNDERSTAND ALL CONDITIONS OF THE REGIONAL PERMIT 17 (18-RP-17), DATED SEPTEMBER 2018, ISSUED BY THE US ARMY CORPS OF ENGINEERS, NORFOLK DISTRICT REGULATORY BRANCH (CENAO-WRR), NORFOLK, VIRGINIA.

Jamie Hammond

Signature of Property Owner(s) or Agent

Date 5/1/24

Proposed work to be located at:

620 Carousel Place

Cape Charles VA. 23310

VMRC Number: _____

Received by VMRC June 5, 2024 /blh

Part 3 – Appendices (continued)

Appendix C: Crossings in, on, over, or under, waters, submerged lands, tidal wetlands and/or dunes and beaches, including but not limited to, bridges, walkways, pipelines and utility lines.

1. What is the purpose and method of installation of the crossing?

   Establish a safe path to the beach over the dune without disturbing the critical area

2. What is the width of the waterway and/or wetlands to be crossed
   from mean high water to mean high water (tidal waters)? 3 feet.
   from mean low water to mean low water (tidal waters)? 3 feet.
   from ordinary high water to ordinary high water (non-tidal waters)? _____ feet.

3. For bridges (footbridges, golf cart bridges, roadway bridges, etc.), what is the width of the structure over the tidal wetlands, dunes/beaches and/or submerged lands? 360 square feet.

4. For overhead crossings:
   a. What will be the height above mean high water? _____feet.
   b. If there are other overhead crossings in the area, what is the minimum height? _____feet.
   c. If the proposed crossing is an electrical line, please confirm the total number of electrical circuits: _____

5. For buried crossings, what will be the depth below the substrate? _____feet. Will the proposed utility provide empty conduits for any additional utilities that may propose to co-locate at a later date? _____Yes _____No.

6. Will there be any excavation or fill required for placement of abutments, piers, towers, or other permanent structures on State-owned submerged lands, tidal wetlands, and dunes/beaches? ____Yes X No.

   If yes, please provide the following:

   a. Amount of excavation in wetlands _____ cubic yards
      _____ square feet

   b. Amount of excavation in submerged land _____ cubic yards
      _____ square feet

   c. Amount of excavation in dune/beach _____ cubic yards
      _____ square feet

   d. Amount of fill in wetlands _____ cubic yards
      _____ square feet

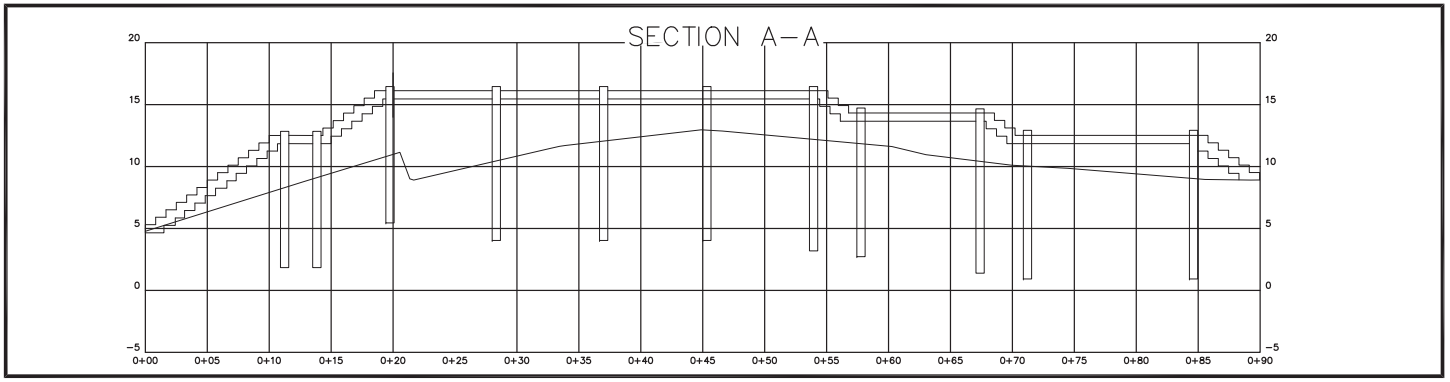
   e. Amount of fill in submerged lands _____ cubic yards
      _____ square feet

   f. Amount of fill in dune/beach _____ cubic yards
      _____ square feet

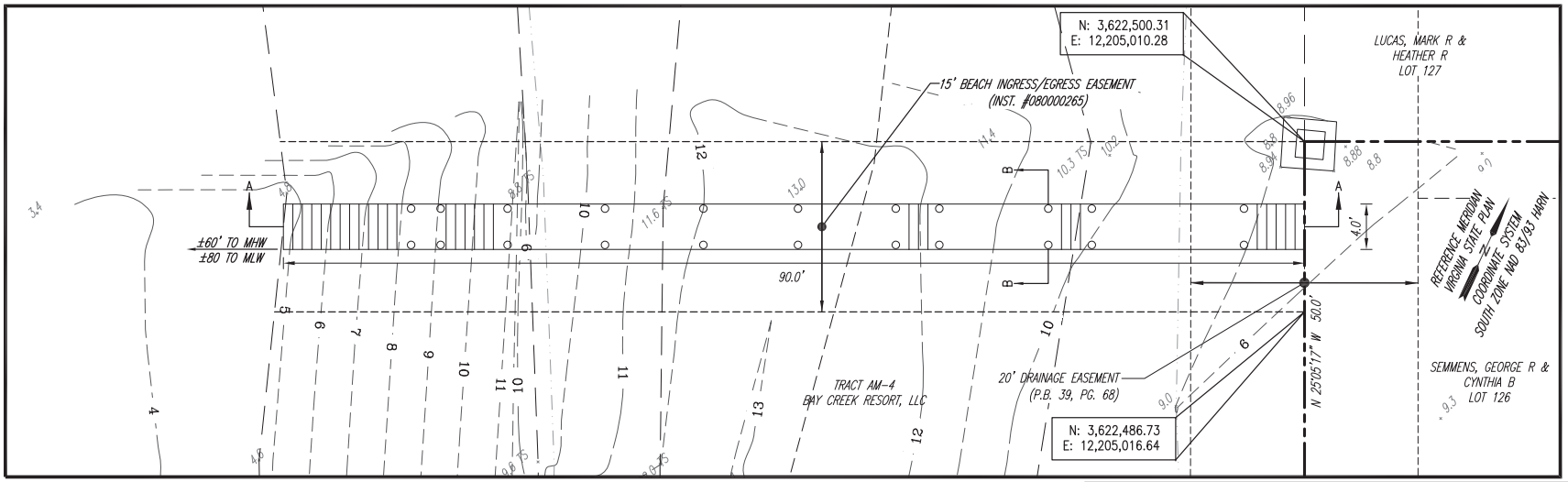
Received by VMRC June 5, 2024 /blh

EXHIBIT NOTES:

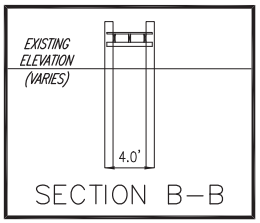
1. THIS SURVEY WAS PRODUCED BY MID-ATLANTIC SURVEYING AND LAND DESIGN, INC FOR GATEWAY BUILDERS, LLC.
2. THIS SURVEY WAS PRODUCED WITHOUT BENEFIT OF A TITLE REPORT. ALL EASEMENTS, SERVITUDES AND RESTRICTIONS MAY NOT BE SHOWN.
3. THE BOUNDARY LINES SHOWN ARE BASED ON A CURRENT FIELD BOUNDARY SURVEY.
4. THIS SITE IS LOCATED IN THE RMA OF THE CHESAPEAKE BAY PRESERVATION AREA.
5. NO UNDERGROUND UTILITIES WERE MARKED AS A PART OF THIS SURVEY. CALL MISS UTILITY AT 811 PRIOR TO ANY LAND DISTURBING WORK.
6. THIS EXHIBIT IS INTENDED TO SHOW PROPOSED ELEVATIONS AND GENERAL WALKWAY DIMENSIONS AND CONFIGURATION.
7. THIS EXHIBIT IS NOT INTENDED TO BE A STRUCTURAL PLAN.
8. MEAN LOW WATER IS LOCATED AT THE -1.79' CONTOUR AND MEAN HIGH WATER IS LOCATED AT THE 0.69' CONTOUR AS OF NOVEMBER 2021 BASED ON TIDE STATION 8602200 KITOPEAKE, VA EPOCH 1983-2001.



PLAN VIEW



BEACH WALKOVER EXHIBIT
OF
DUNE AND BEACH WEST OF LOT 126, BAYSIDE VILLAGE (P.B. 39, PG. 68)
FOR
GATEWAY BUILDERS, LLC
OCTOBER 10. 2023



SCALE: 1" = 10'

PROJECT #21139.0	
FIELD BY: TSC	
FIELD DATES: 08/03/2021	
DRAWN BY: MKL	
SHEET 1 OF 1	

MAS-LD
MidAtlantic Surveying and Land Design
5257 Cleveland Street, Suite 109
Virginia Beach, VA 23462
757-557-0888
WWW.MAS-LD.COM
ADMIN@MAS-LD.COM

DWG NAME: N:\2021\21234.1 LOT 126 BAYSIDE VILLAGE-GATEWAY - CC - TRSP\6 - DRAWINGS\WALKOVER 21234.1 LOT 126 BAYSIDE VILLAGE-GATEWAY - CC - TRSP.DWG PLOTTED BY MACKENZIE LEPLEY 10/10/2023 9:35 AM LAST SAVED 10/5/2023 3:54 PM

Received by VMRC June 5, 2024 /blh

Agenda Item 4A (5)
624 Carousel Place

Virginia Marine Resources Commission
Permit Application 20241345
Printed: Wednesday June 5, 2024 1:22 PM

Applicant: Gregg Taylor
5 Mohegan Road
Freehold, NJ 07728

Application Number:	20241345	**Engineer:**	Claire Gorman
Application Date:	June 5, 2024	**Locality:**	Cape Charles
Permit Type:		**Waterway:**	
Permit Status:	Pending	**Expiration Date:**	
Wetlands Board Action:		**Public Hearing Date:**	

Project Description: Walkover

From:	Jamie Hammond
To:	MRC - jpa Permits
Subject:	Taylor JPA and design
Date:	Wednesday, June 5, 2024 6:31:42 AM
Attachments:	10-10-23 21234.1 WALKOVER LOT 126 BAYSIDE VILLAGE-TABLOID 17X11.pdf 624 Carousel Tidewater joint permit application (JPA) for projects involving tidal waters, tidal wetlands and or dunes and beaches in Virginia.pdf

Good morning
Please find attached the JPA and design of the walkover proposed for Mr. and Mrs. Taylor 624 Carousel Place, Cape Charles VA

Let me know if you need anything

Thank you

Jamie Hammond
Gateway Builders
757-894-3213

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- DEQ: Permit application fees required for Virginia Water Protection permits – while detailed in 9VAC25-20 – are conveyed to the applicant by the applicable DEQ office (http://www.deq.virginia.gov/Locations.aspx). Complete the Permit Application Fee Form and submit it per the instructions to the address listed on the form. Instructions for submitting any other fees will be provided to the applicant by DEQ staff.
- VMRC: An application fee of $300 may be required for projects impacting tidal wetlands, beaches and/or dunes when VMRC acts as the LWB. VMRC will notify the applicant in writing if the fee is required. Permit fees involving subaqueous lands are $25.00 for projects costing $10,000 or less and $100 for projects costing more than $10,000. Royalties may also be required for some projects. The proper permit fee and any required royalty is paid at the time of permit issuance by VMRC. VMRC staff will send the permittee a letter notifying him/her of the proper permit fees and submittal requirements.
- LWB: Permit fees vary by locality. Contact the LWB for your project area or their website for fee information and submittal requirements. Contact information for LWBs may be found at http://ccrm.vims.edu/permits_web/guidance/local_wetlands_boards.html.

FOR AGENCY USE ONLY	
	Notes:
	JPA # 24-1345

APPLICANTS
Part 1 – General Information

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

Check all that apply		
Pre-Construction Notification (PCN) ☐ NWP # _____ (*For Nationwide Permits ONLY - No DEQ-VWP permit writer will be assigned*)	Regional Permit 17 (RP-17) [x]	

County or City in which the project is located: Cape Charles, VA

Waterway at project site: Chesapeake Bay

PREVIOUS ACTIONS RELATED TO THE PROPOSED WORK (Include all federal, state, and local pre application coordination, site visits, previous permits, or applications whether issued, withdrawn, or denied)

Historical information for past permit submittals can be found online with VMRC - https://webapps.mrc.virginia.gov/public/habitat/ - or VIMS - http://ccrm.vims.edu/perms/newpermits.html

Agency	Action / Activity	Permit/Project number, including any non-reporting Nationwide permits previously used (e.g., NWP 13)	Date of Action	If denied, give reason for denial

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Part 1 - General Information (continued)

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

Gregg Taylor
5 Mohegan Rd
Freehold, NJ 07728

Home (848) 242-7218
Work (____)_____
Fax (____)_____
Cell (848) 242-7218
e-mail G3taylor@gmail.com

State Corporation Commission Name and ID Number (if applicable) _____

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

Home (____)_____
Work (____)_____
Fax (____)_____
Cell (____)_____
e-mail _____

State Corporation Commission Name and ID Number (if applicable) _____

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

Jamie Hammond
107 Market St
Pocomoke City MD. 21851

Contact Information:
Home (____)_____
Work (____)_____
Fax (____)_____
Cell (757) 894-3213
e-mail _____

State Corporation Commission Name and ID Number (if applicable) _____

*** If multiple applicants, property owners, and/or agents, each must be listed and each must sign the applicant signature page.**

4. Provide a detailed description of the project in the space below, including the type of project, its dimensions, materials, and method of construction. Be sure to include how the construction site will be accessed and whether tree clearing and/or grading will be required, including the total acreage. If the project requires pilings, please be sure to include the total number, type (e.g. wood, steel, etc), diameter, and method of installation (e.g. hammer, vibratory, jetted, etc). If additional space is needed, provide a separate sheet of paper with the project description.

We propose to build a "boardwalk" accessing the beach on the Chesapeake By. The boardwalk will be accessible from the rear yard of 624 Carousel Place. Construction materials will consist of marine grade/pressure treated wood. The construction will not include any grading of the dune or removal of vegetation. The boardwalk will be approx. 90 feet long by 4 feet wide. It will comply with the specs approved by Bayside Village both in location of the structure on the property and ending point of the west side of the dune.

Received by VMRC June 5, 2024 /blh

Part 1 - General Information (continued)

5. Have you obtained a contractor for the project? X 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:

Gateway Builders LLC
Jamie Hammond
107 Market St
Pocomoke City, MD. 21851

Contact Information:
Home (____)_____
Work (410)726-2414
Fax (____)_____
Cell (757)894-3213
email _____

State Corporation Commission Name and ID Number (if applicable) _____

*** If multiple contractors, each must be listed and each must sign the applicant signature page.**

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:

Eastern Shore Post
25248 Lankford Hwy
Onley, VA 23418

Telephone number
(757) 789-7678

7. Give the following project location information:

Street Address (911 address if available) 624 Carousel Place
Lot/Block/Parcel# 90-16-124
Subdivision Bayside Village
City / County Cape Charles/Northapmton ZIP Code 23310
Latitude and Longitude at Center Point of Project Site (Decimal Degrees):
37.1444 / -76.0107 (Example: 36.41600/-76.30733)

If the project is located in a rural area, please provide driving directions giving distances from the best and nearest visible landmarks or major intersections. *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.*

Left off of Bayside Ave. onto Carousel Place
624 Carousel Place is on the right, Bay front

8. What are the *primary and secondary purposes of and the need for* 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."

Purpose is to allow ingress and egress to the Chesapeake Bay without disturbing the dune.

Received by VMRC June 5, 2024 /blh

Part 1 - General Information (continued)

9. Proposed use (check one):
   x Single user (private, non-commercial, residential)
   ___ Multi-user (community, commercial, industrial, government)

10. Describe alternatives considered and 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.*

    Materials storage will be landward of the dune. The minimal construction footprint possible will be maintained.

11. Is this application being submitted for after-the-fact authorization for work which has already begun or been completed? ___ Yes x No If yes, be sure to clearly depict the portions of the project which are already complete in the project drawings.

12. Approximate cost of the entire project (materials, labor, etc.): $ 50,000
    Approximate cost of that portion of the project that is channelward of mean low water:
    $ 0

13. Completion date of the proposed work: Fall - 2024

14. Adjacent Property Owner Information: List the name and complete **mailing address**, including zip code, of each adjacent property owner to the project. (NOTE: If you own the adjacent lot, provide the requested information for the first adjacent parcel beyond your property line.) Failure to provide this information may result in a delay in the processing of your application by VMRC.

Received by VMRC June 5, 2024 /blh

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, USACE, 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.

Gregg Taylor
Applicant's Legal Name (printed/typed)

(Use if more than one applicant)

Applicant's Signature

(Use if more than one applicant)

5/2/2024
Date

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

(Use if more than one owner)

Property Owner's Signature

(Use if more than one owner)

Date

Received by VMRC June 5, 2024 /blh

Part 2 – Signatures (continued)

2. Applicants having agents (if applicable)

CERTIFICATION OF AUTHORIZATION

I (we), Gregg Taylor (Applicant's legal name(s)), hereby certify that I (we) have authorized Jamie Hammond (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.

Jamie Hammond
(Agent's Signature)

(Use if more than one agent)

5/1/24
(Date)

Gregg Taylor
(Applicant's Signature)

(Use if more than one applicant)

5/2/2024
(Date)

3. Applicant's having contractors (if applicable)

CONTRACTOR ACKNOWLEDGEMENT

I (we), Gregg Taylor (Applicant's legal name(s)), have contracted Gateway Builders LLC (Contractor's name(s)) to perform the work described in this Joint Permit Application, signed and dated Gregg Taylor 5/2/2024.

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.

Gateway Builders LLC
Contractor's name or name of firm

107 Market St. Pocomoke MD. 21851
Contractor's or firms address

Jamie Hammond
Contractor's signature and title

2705112108
Contractor's License Number

Gregg Taylor
Applicant's signature

(use if more than one applicant)

5/2/2024
Date

Received by VMRC June 5, 2024 /blh

Part 2 – Signatures (continued)

ADJACENT PROPERTY OWNER'S ACKNOWLEDGEMENT FORM

I (we), _____, own land next to (across the water
(Print adjacent/nearby property owner's name)

from/on the same cove as) the land of_____.
(Print applicant's name(s))

I have reviewed the applicant's project drawings dated _____
(Date)

to be submitted for all necessary federal, state and local permits.

I HAVE NO COMMENT_____ ABOUT THE PROJECT.

I DO NOT OBJECT _____ TO THE PROJECT.

I OBJECT _____ TO THE PROJECT.

The applicant has agreed to contact me for additional comments if the proposal changes prior to construction of the project.

(Before signing this form be sure you have checked the appropriate option above).

_____
Adjacent/nearby property owner's signature(s)

_____
Date

Note: If you object to the proposal, the reason(s) you oppose the project must be submitted in writing to VMRC. An objection will not necessarily result in denial of the project; however, valid complaints will be given full consideration during the permit review process.

Received by VMRC June 5, 2024 /blh

Part 2 – Signatures (continued)

ADJACENT PROPERTY OWNER'S ACKNOWLEDGEMENT FORM

I (we), _____, own land next to (across the water
(Print adjacent/nearby property owner's name)

from/on the same cove as) the land of_____.
(Print applicant's name(s))

I have reviewed the applicant's project drawings dated _____
(Date)

to be submitted for all necessary federal, state and local permits.

I HAVE NO COMMENT_____ ABOUT THE PROJECT.

I DO NOT OBJECT _____ TO THE PROJECT.

I OBJECT _____ TO THE PROJECT.

The applicant has agreed to contact me for additional comments if the proposal changes prior to construction of the project.

(Before signing this form, be sure you have checked the appropriate option above).

_____
Adjacent/nearby property owner's signature(s)

_____
Date

Note: If you object to the proposal, the reason(s) you oppose the project must be submitted in writing to VMRC. An objection will not necessarily result in denial of the project; however, valid complaints will be given full consideration during the permit review process.

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APPENDIX B

U.S. Army Corps Of Engineers
Norfolk District

REGIONAL PERMIT 17 CHECKLIST
Expires: September 5, 2023

Please review the 18-RP-17 enclosure before completing this form and note 18-RP-17 can only be used for proposed PRIVATE USE structure(s) that comply with the terms and conditions of 18-RP-17. Copies can be obtained online at http://www.nao.usace.army.mil/Missions/Regulatory/RBregional/.

YES☒ NO☐ **(1)** Has the permittee reviewed the 18-RP-17 enclosure and verified that the proposed structure(s) is in compliance with all the terms, conditions, and limitations of 18-RP-17?

YES☒ NO☐ **(2)** Does the proposed structure(s) extend no more than one-fourth of the distance across the waterway measured from either mean high water (MHW) to MHW (including all channelward wetlands) or ordinary high water (OHW) to OHW (including all channelward wetlands)?

YES☒ NO☐ **(3)** Does the proposed structure(s) extend no more than 300 feet from MHW or OHW (including all channelward wetlands)?

YES☒ NO☐ N/A☐ **(4)** Does the proposed structure(s) attach to the upland at a point landward of MHW or OHW (including all channelward wetlands)?

YES☒ NO☐ N/A☐ **(5)** If the proposed structure(s) crosses wetland vegetation, is it an open-pile design that has a maximum width of five (5) feet and a minimum height of four (4) feet between the decking and the wetland substrate?

YES☒ NO☐ N/A☒ **(6)** Does the proposed structure(s) include no more than two (2) boatlifts and no more than two (2) boat slips?

YES☐ NO☐ N/A☒ **(7)** Is the open-sided roof structure designed to shelter a boat ≤ 700 square feet and/or is the open sided roof structure or gazebo structure designed to shelter a pier ≤ 400 square feet?

YES☒ NO☐ N/A☐ **(8)** Are all piles associated with the proposed structure(s) non-steel, less than or equal to 12" in diameter, and will less than or equal to 25 piles be installed channelward of MHW?

YES☐ NO☐ N/A☒ **(9)** Is all work occurring behind cofferdams, turbidity curtains, or other methods to control turbidity being utilized when operationally feasible and federally listed threatened or endangered species may be present?

YES☐ NO☐ N/A☒ **(10)** If the proposed structure(s) is to be located within an anadromous fish use area, the prospective permittee will adhere to the anadromous fish use area time of year restriction (TOYR) prohibiting in-water work from occurring between February 15 through June 30 of any given year if (1) piles are to be installed with a cushioned impact hammer and there is less than 492 feet between the most channelward pile and mean low water (MLW) on the opposite shoreline or (2) piles are to be installed with a vibratory hammer and there is less than 384 feet between the most channelward pile and MLW on the opposite shoreline.

YES☒ NO☐ **(11)** Is all work occurring outside of submerged aquatic vegetation (SAV) mapped by the Virginia Institute of Marine Sciences' (VIMS) most recent survey year and 5 year composite?

YES☒ NO☐ **(12)** Has the permittee ensured the construction and/or installation of the proposed structure(s) will not affect federally listed threatened or endangered species or designated critical habitat?

YES☒ NO☐ **(13)** Will the proposed structure be located outside of Broad Creek in Middlesex County, Fisherman's Cove in Norfolk, or the Salt Ponds in Hampton?

YES☒ NO☐ **(14)** Will the proposed structure(s) be located outside of the waterways containing a Federal Navigation Project listed in Permit Specific Condition 12 of 18-RP-17 and/or will all portions of the proposed structure(s) be located more than 85 feet from the Federal Navigation Project?

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YES☒ NO☐ **(15)** Will the proposed structure(s) be located outside a USACE Navigation and Flood Risk Management project area?

YES☒ NO☐ **(16)** Will the proposed structure(s) be located outside of any Designated Trout Waters?

YES☐ NO☐ N/A☒ **(17)** If the proposed structure(s) includes flotation units, will the units be made of materials that will not become waterlogged or sink if punctured?

YES☐ NO☐ N/A☒ **(18)** If the proposed structure(s) includes flotation units, will the floating sections be braced so they will not rest on the bottom during periods of low water?

YES☒ NO☐ **(19)** Is the proposed structure(s) made of suitable materials and practical design so as to reasonably ensure a safe and sound structure?

YES☒ NO☐ **(20)** Will the proposed structure(s) be located on the property in accordance with the local zoning requirements?

YES☐ NO☐ N/A☒ **(21)** If the proposed structure(s) includes a device used for shellfish gardening, will the device be attached directly to a pier and limited to a total of 160 square feet?

YES☐ NO☐ N/A☒ **(22)** If the proposed structure(s) includes a device used for shellfish gardening, does the permittee recognize this RP does not negate their responsibility to obtain an oyster gardening permit (General Permit #3) from Virginia Marina Resources Commission's Habitat Management Division?

YES ☒ NO ☐ **(23)** Does the permittee recognize this RP does not authorize any dredging or filling of waters of the United States (including wetlands) and does not imply that future dredging proposals will be approved by the Corps?

YES☒ NO☐ **(24)** Does the permittee understand that by accepting 18-RP-17, the permittee accepts all of the terms and conditions of the permit, including the limits of Federal liability contained in the 18-RP-17 enclosure? Does the permittee acknowledge that the structures permitted under 18-RP-17 may be exposed to waves caused by passing vessels and that the permittee is solely responsible for the integrity of the structures permitted under 18-RP-17 and the exposure of such structures and vessels moored to such structures to damage from waves? Does the permittee accept that the United States is not liable in any way for such damage and that it shall not seek to involve the United States in any actions or claims regarding such damage?

IF YOU HAVE ANSWERED "NO" TO ANY OF THE QUESTIONS ABOVE, REGIONAL PERMIT 17 (18-RP-17) DOES NOT APPLY AND YOU ARE REQUIRED TO OBTAIN WRITTEN AUTHORIZATION FROM THE CORPS PRIOR TO PERFORMING THE WORK.

IF YOU HAVE ANSWERED "YES" (OR "N/A", WHERE APPLICABLE) TO ALL OF THE QUESTIONS ABOVE, YOU ARE IN COMPLIANCE WITH REGIONAL PERMIT 17 (18-RP-17). PLEASE SIGN BELOW, ATTACH, AND SUBMIT THIS CHECKLIST WITH YOUR COMPLETED JOINT PERMIT APPLICATION (JPA). THIS SIGNED CERTIFICATE SERVES AS YOUR LETTER OF AUTHORIZATION FROM THE CORPS. YOU WILL NOT RECEIVE ANY OTHER WRITTEN AUTHORIZATION FROM THE CORPS; HOWEVER, YOU MAY NOT PROCEED WITH CONSTRUCTION UNTIL YOU HAVE OBTAINED ALL OTHER NECESSARY STATE AND LOCAL PERMITS.

I CERTIFY THAT I HAVE READ AND UNDERSTAND ALL CONDITIONS OF THE REGIONAL PERMIT 17 (18-RP-17), DATED SEPTEMBER 2018, ISSUED BY THE US ARMY CORPS OF ENGINEERS, NORFOLK DISTRICT REGULATORY BRANCH (CENAO-WRR), NORFOLK, VIRGINIA.

Jamie Hammond

Signature of Property Owner(s) or Agent

Date_____

Proposed work to be located at:

624 Carousel Place

Cape Charles, VA 23310

VMRC Number: _____

Received by VMRC June 5, 2024 /blh

Part 3 – Appendices (continued)

Appendix C: Crossings in, on, over, or under, waters, submerged lands, tidal wetlands and/or dunes and beaches, including but not limited to, bridges, walkways, pipelines and utility lines.

1. What is the purpose and method of installation of the crossing?

   Purpose is to allow ingress and egress to the Chesapeake Bay without disturbing the dune

2. What is the width of the waterway and/or wetlands to be crossed
   from mean high water to mean high water (tidal waters)? 90 feet.
   from mean low water to mean low water (tidal waters)? 90 feet.
   from ordinary high water to ordinary high water (non-tidal waters)? _____ feet.

3. For bridges (footbridges, golf cart bridges, roadway bridges, etc.), what is the width of the structure over the tidal wetlands, dunes/beaches and/or submerged lands? 360 square feet.

4. For overhead crossings:
   a. What will be the height above mean high water? _____feet.
   b. If there are other overhead crossings in the area, what is the minimum height? _____feet.
   c. If the proposed crossing is an electrical line, please confirm the total number of electrical circuits: _____

5. For buried crossings, what will be the depth below the substrate? _____feet. Will the proposed utility provide empty conduits for any additional utilities that may propose to co-locate at a later date? _____Yes _____No.

6. Will there be any excavation or fill required for placement of abutments, piers, towers, or other permanent structures on State-owned submerged lands, tidal wetlands, and dunes/beaches? ____Yes X____ No.

   If yes, please provide the following:

   a. Amount of excavation in wetlands _____ cubic yards
      _____ square feet

   b. Amount of excavation in submerged land _____ cubic yards
      _____ square feet

   c. Amount of excavation in dune/beach _____ cubic yards
      _____ square feet

   d. Amount of fill in wetlands _____ cubic yards
      _____ square feet

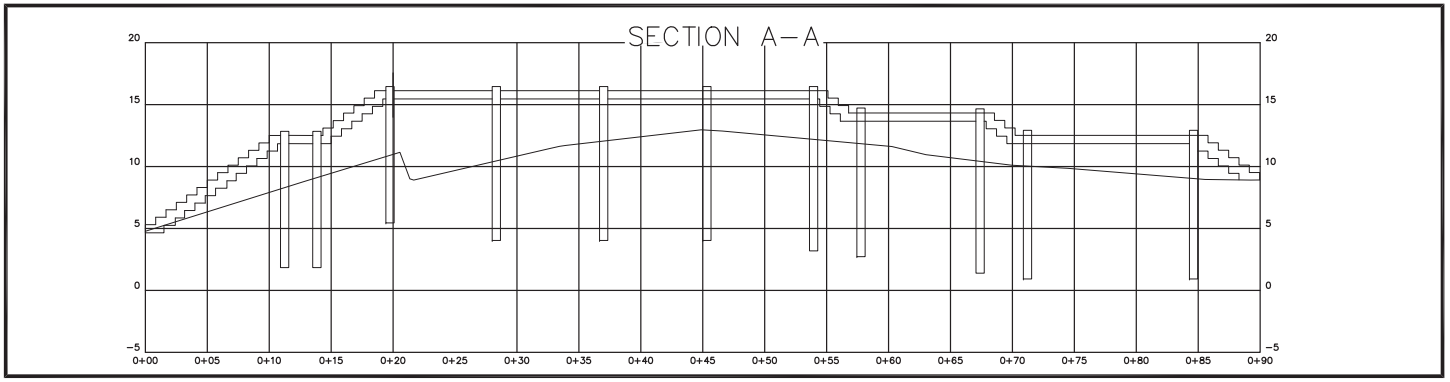
   e. Amount of fill in submerged lands _____ cubic yards
      _____ square feet

   f. Amount of fill in dune/beach _____ cubic yards
      _____ square feet

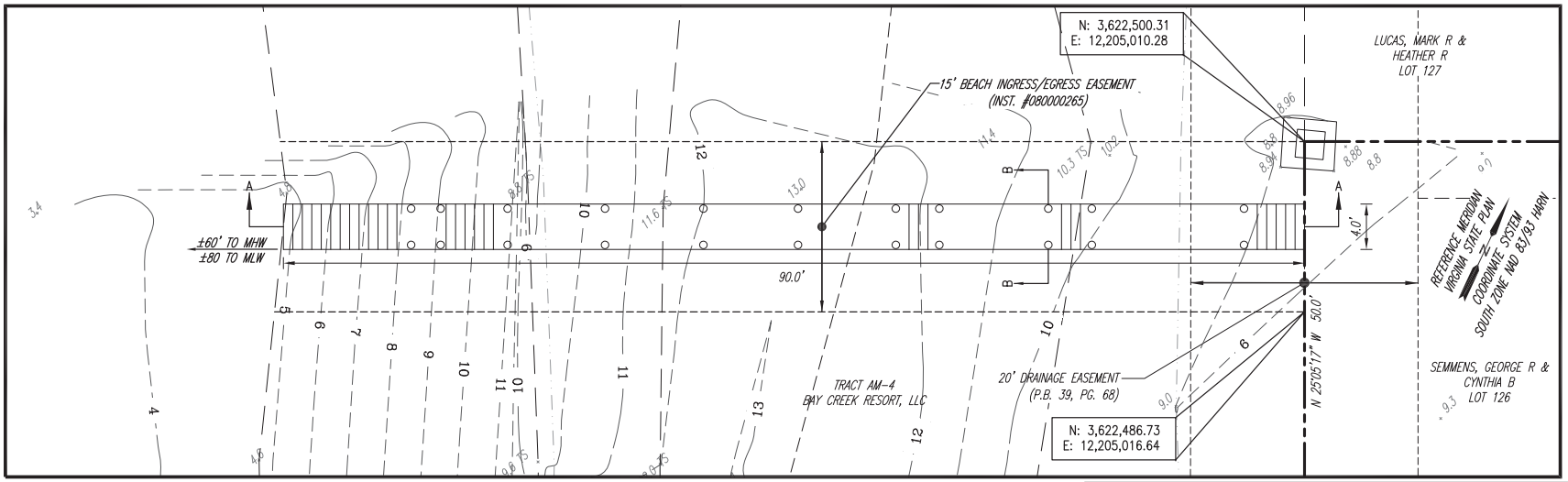
Received by VMRC June 5, 2024 /blh

EXHIBIT NOTES:

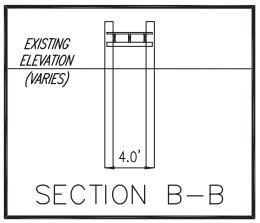
1. THIS SURVEY WAS PRODUCED BY MID-ATLANTIC SURVEYING AND LAND DESIGN, INC FOR GATEWAY BUILDERS, LLC.
2. THIS SURVEY WAS PRODUCED WITHOUT BENEFIT OF A TITLE REPORT. ALL EASEMENTS, SERVITUDES AND RESTRICTIONS MAY NOT BE SHOWN.
3. THE BOUNDARY LINES SHOWN ARE BASED ON A CURRENT FIELD BOUNDARY SURVEY.
4. THIS SITE IS LOCATED IN THE RMA OF THE CHESAPEAKE BAY PRESERVATION AREA.
5. NO UNDERGROUND UTILITIES WERE MARKED AS A PART OF THIS SURVEY. CALL MISS UTILITY AT 811 PRIOR TO ANY LAND DISTURBING WORK.
6. THIS EXHIBIT IS INTENDED TO SHOW PROPOSED ELEVATIONS AND GENERAL WALKWAY DIMENSIONS AND CONFIGURATION.
7. THIS EXHIBIT IS NOT INTENDED TO BE A STRUCTURAL PLAN.
8. MEAN LOW WATER IS LOCATED AT THE -1.79' CONTOUR AND MEAN HIGH WATER IS LOCATED AT THE 0.69' CONTOUR AS OF NOVEMBER 2021 BASED ON TIDE STATION 8602200 KITOPEAKE, VA EPOCH 1983-2001.



PLAN VIEW



BEACH WALKOVER EXHIBIT
OF
DUNE AND BEACH WEST OF LOT 126, BAYSIDE VILLAGE (P.B. 39, PG. 68)
FOR
GATEWAY BUILDERS, LLC
OCTOBER 10. 2023



SCALE: 1" = 10'

PROJECT #21139.0	
FIELD BY: TSC	
FIELD DATES: 08/03/2021	
DRAWN BY: MKL	
SHEET 1 OF 1	

MAS-LD
MidAtlantic Surveying and Land Design
5257 Cleveland Street, Suite 109
Virginia Beach, VA 23462
757-557-0888
WWW.MAS-LD.COM
ADMIN@MAS-LD.COM

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DWG NAME: N:\2021\21234.1 LOT 126 BAYSIDE VILLAGE-GATEWAY - CC - TRSP\6 - DRAWINGS\WALKOVER 21234.1 LOT 126 BAYSIDE VILLAGE-GATEWAY - CC - TRSP.DWG PLOTTED BY MACKENZIE LEPLEY 10/10/2023 9:35 AM LAST SAVED 10/5/2023 3:54 PM

Agenda Item 4A (6)
124 Creekside Lane

Virginia Marine Resources Commission
Permit Application 20241366
Printed: Monday June 10, 2024 7:50 AM

Applicant: Beacon Custom Homes
1321 Taylor Farm Road
Virginia Beach, VA 23453

Application Number:	20241366	**Engineer:**	Claire Gorman
Application Date:	June 7, 2024	**Locality:**	Cape Charles
Permit Type:		**Waterway:**	
Permit Status:	Pending	**Expiration Date:**	
Wetlands Board Action:		**Public Hearing Date:**	

Project Description: Lift/Pier

From: Katie Spady
To: Howell, Beth (MRC); MRC - jpa Permits
Cc: Ellen Grimes
Subject: New JPA
Date: Friday, June 7, 2024 6:29:47 AM
Attachments: Smith JPA.pdf

Good morning Beth,

Please accept this new JPA:

County: Northampton
City: Cape Charles
Waterway: Old Plantation Creek
Appl(s): Beacon Custom Homes (c/o: Reese Smith)

Attached (1) JPA

Sincerely,

Katie Sanders
Environmental Permitting Specialist
CRM,llc

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- ❖ DEQ: Permit application fees required for Virginia Water Protection permits – while detailed in 9VAC25-20 – are conveyed to the applicant by the applicable DEQ office (http://www.deq.virginia.gov/Locations.aspx). Complete the Permit Application Fee Form and submit it per the instructions to the address listed on the form. Instructions for submitting any other fees will be provided to the applicant by DEQ staff.
- ❖ VMRC: An application fee of $300 may be required for projects impacting tidal wetlands, beaches and/or dunes when VMRC acts as the LWB. VMRC will notify the applicant in writing if the fee is required. Permit fees involving subaqueous lands are $25.00 for projects costing $10,000 or less and $100 for projects costing more than $10,000. Royalties may also be required for some projects. The proper permit fee and any required royalty is paid at the time of permit issuance by VMRC. VMRC staff will send the permittee a letter notifying him/her of the proper permit fees and submittal requirements.
- ❖ LWB: Permit fees vary by locality. Contact the LWB for your project area or their website for fee information and submittal requirements. Contact information for LWBs may be found at http://ccrm.vims.edu/permits_web/guidance/local_wetlands_boards.html.

FOR AGENCY USE ONLY	
	Notes:
	JPA # **24-1366**

APPLICANTS
Part 1 – General Information

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

Check all that apply		
Pre-Construction Notification (PCN) ☐ NWP # _____ (*For Nationwide Permits ONLY - No DEQ-VWP permit writer will be assigned*)	PASDO – PGP Self Verification ☒ *(Replaces Regional Permit 17 (RP-17) checklist)*	

County or City in which the project is located: Cape Charles / Northampton
Waterway at project site: Old Plantation Creek

PREVIOUS ACTIONS RELATED TO THE PROPOSED WORK (Include all federal, state, and local pre application coordination, site visits, previous permits, or applications whether issued, withdrawn, or denied)

Historical information for past permit submittals can be found online with VMRC - https://webapps.mrc.virginia.gov/public/habitat/ - or VIMS - http://ccrm.vims.edu/perms/newpermits.html

Agency	Action / Activity	Permit/Project number, including any non-reporting Nationwide permits previously used (e.g., NWP 13)	Date of Action	If denied, give reason for denial
		None		

Received by VMRC June 7, 2024 /blh

Part 1 - General Information (continued)

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

   Beacon Custom Homes
   Attn: Reese Smith
   1521 Taylor Farm Rd
   Virginia Beach, VA 23453

   Home (____)_____
   Work (757)390-4241
   Fax (____)_____
   Cell (757)342-5082
   e-mail reese@beaconcusto

   State Corporation Commission Name and ID Number (if applicable) _____

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

   Same as above

   Home (____)_____
   Work (____)_____
   Fax (____)_____
   Cell (____)_____
   e-mail _____

   State Corporation Commission Name and ID Number (if applicable) _____

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

   Ellen R Grimes; CRM,llc
   30334 Kusian Cove Rd
   Painter, VA 23420

   Home (____)_____
   Work (757)442-5640
   Fax (____)_____
   Cell (____)_____
   e-mail marshdr@verizon.ne

   State Corporation Commission Name and ID Number (if applicable) _____

*** If multiple applicants, property owners, and/or agents, each must be listed and each must sign the applicant signature page.**

4. Provide a detailed description of the project in the space below, including the type of project, its dimensions, materials, and method of construction. Be sure to include how the construction site will be accessed and whether tree clearing and/or grading will be required, including the total acreage. If the project requires pilings, please be sure to include the total number, type (e.g. wood, steel, etc), diameter, and method of installation (e.g. hammer, vibratory, jetted, etc). If additional space is needed, provide a separate sheet of paper with the project description.

   THIS PROJECT QUALIFIES FOR THE 23-SPGP-PASDO CATEGORY A: PIER STRUCTURES

   The applicant wishes to construct a 73'Lx5'W private pier with a 20'Lx20'W "L" and a 16'Lx12'W boat lift slip. There are two oyster leases in the project vicinity: #19228 & #14546; the proposed pier will not encroach into either. No SAV at the project location. The buffer at this location has been thinned. The Town of Cape Charles is the regulator of the 100' buffer. Approximately 24 pilings (8"-10" x 10'-20') will be vibrated into position channelward of MHW. Work will be done from both the upland and water. Vessels will be in the water for the length of time it takes to install the structure, several weeks, and will not block ingress/egress in Old Plantation Creek. Any equipment work or foot traffic done on the marsh will be done from mats and repaired by replanting, post-construction. See project plans attached.

Received by VMRC June 7, 2024 /blh

Part 1 - General Information (continued)

5. Have you obtained a contractor for the project? ___ Yes* X__ 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:

Uncertain at this time

Contact Information:
Home (____)_____
Work (____)_____
Fax (____)_____
Cell (____)_____
email _____

State Corporation Commission Name and ID Number (if applicable) _____

*** If multiple contractors, each must be listed and each must sign the applicant signature page.**

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:
Eastern Shore Post
P.O. Box 517
Onley, VA 23418

Telephone number
(757) 789-7678

7. Give the following project location information:
Street Address (911 address if available) No 911 address
Lot/Block/Parcel# TM# 90-9-19
Subdivision Bay Creek
City / County Cape Charles / Northampton ZIP Code 23310
Latitude and Longitude at Center Point of Project Site (Decimal Degrees):
37.251370 / -75.994609 (Example: 36.41600/-76.30733)

If the project is located in a rural area, please provide driving directions giving distances from the best and nearest visible landmarks or major intersections. *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.*

From Rt. 13 at the stoplight in Cape Charles, turn onto Rt. 184 (Stone Rd). Continue on Rt. 184 for approximately 1.0 miles, turn south (left) onto Rt. 642 (Cape Charles Rd). Continue on Rt. 642 for approximately 0.89 miles, turn south (left) onto the roundabout to Bay Creek Pkwy. Continue on Bay Creek Pkwy for approximately 0.45 miles, turn east (left) onto Palmers Way. Continue on Palmers Way for approximately 0.67 miles, turn east (right) onto Old Plantation Dr. Continue on Old Plantation Dr for approximately 0.16 miles, turn south (right) onto Creekside Ln. Continue on Creekside Ln for approximately 0.29 miles to the end of the cul-de-sac, arrive at TM# 90-9-19.

8. What are the *primary and secondary purposes of and the need for* 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- water access and recreation

Received by VMRC June 7, 2024 /blh

Part 1 - General Information (continued)

9. Proposed use (check one):
   X__ Single user (private, non-commercial, residential)
   ___ Multi-user (community, commercial, industrial, government)

10. Describe alternatives considered and 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.*

    No alternatives were considered. There are two oyster leases in the project vicinity (#19228 & #14546); the pier will not encroach into either. There is no SAV at the project location. The buffer at this location has been thinned. The Town of Cape Charles is the regulator of the 100' buffer. The proposed pier will be elevated >/=4' over any vegetated wetlands.

11. Is this application being submitted for after-the-fact authorization for work which has already begun or been completed? ___Yes X__No. If yes, be sure to clearly depict the portions of the project which are already complete in the project drawings.

12. Approximate cost of the entire project (materials, labor, etc.): $18,000.00 (est)
    Approximate cost of that portion of the project that is channelward of mean low water:
    $10,000.00 (es

13. Completion date of the proposed work: December 31 -2024

14. Adjacent Property Owner Information: List the name and complete **mailing address**, including zip code, of each adjacent property owner to the project. (NOTE: If you own the adjacent lot, provide the requested information for the first adjacent parcel beyond your property line.) Failure to provide this information may result in a delay in the processing of your application by VMRC.

    TM#90-30-P16
    Bay Creek Development LLC
    11675 Rainwater Dr
    Ste 220
    Alpharetta, GA 30009-8686

    TM# 90-9-20
    Pamela Girtman
    7111 Verde Way
    Naples, FL 34108

    A-X Creek: >500'

Received by VMRC June 7, 2024 /blh

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, USACE, 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.**

I. Reese Smith Jr

X BEACON CUSTOM HOMES LLC

Applicant's Legal Name (printed/typed) (Use if more than one applicant)

X I. Reese Smith Jr, President

Applicant's Signature (Use if more than one applicant)

X 6-5-24

Date

I. Reese Smith Jr.
BEACON CUSTOM HOMES LLC

Property Owner's Legal Name (printed/typed) (Use if more than one owner)
(If different from Applicant)

I. Reese Smith Jr, President

Property Owner's Signature (Use if more than one owner)

6-5-24

Date

X = Applicant

Received by VMRC June 7, 2024 /blh

Part 2 – Signatures (continued)

2. Applicants having agents (if applicable)

CERTIFICATION OF AUTHORIZATION

X I (we), _____, hereby certify that I (we) have authorized Ellen R Grimes MS, MFS CRM,llc
(Applicant's legal 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.

Ellen R Grimes
(Agent's Signature)

_____
(Use if more than one agent)

_____
(Date)

X _____, President
(Applicant's Signature)

_____
(Use if more than one applicant)

X 6-5-24
(Date)

3. Applicant's having contractors (if applicable) (IF APPLICABLE)

CONTRACTOR ACKNOWLEDGEMENT

I (we), X _____, have contracted 0 (uncertain at this time)
(Applicant's legal 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.

0
Contractor's name or name of firm

0
Contractor's or firms address

0
Contractor's signature and title

0
Contractor's License Number

X _____, President
Applicant's signature

_____
(use if more than one applicant)

X 6-5-24
Date

0 = Contractor x = Applicant

Received by VMRC June 7, 2024 /blh

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NORFOLK DISTRICT

23-SPGP-PASDO SELF-VERIFICATION FORM

CATEGORY A PIER STRUCTURES

Expires: August 21, 2028

Please review the 23-SPGP-PASDO before completing this form. This can only be used for proposed PRIVATE USE structures that comply with the terms and conditions of the 23-SPGP-PASDO located on the Corps website: https://www.nao.usace.army.mil/Missions/Regulatory/RBregional/ .

1. Has the permittee reviewed the 23-SPGP-PASDO and verified that the proposed structures are in compliance with all the terms, conditions, and limitations of 23-SPGP-PASDO?
   ■ YES ☐ NO
2. Are the proposed structures for private use only?
   ■ YES ☐ NO
3. To avoid adverse effects to navigation, do the proposed structures extend no more than one-fourth of the distance across the waterway measured from either mean high water (MHW) to MHW (including all channelward wetlands) or ordinary high water (OHW) to OHW (including all channelward wetlands)?
   ■ YES ☐ NO
4. If the proposed structures cross wetland vegetation, are they an open-pile design that has a maximum width of five (5) feet and a minimum height of four (4) feet between the decking and the wetland substrate?
   ■ YES ☐ NO ☐ N/A
5. Do the proposed structures include no more than two (2) lifts and no more than two (2) boat slips?
   ■ YES ☐ NO ☐ N/A
6. Is the open-sided roof structure designed to shelter a boat no more than 700 square feet and/or is the open-sided roof structure or gazebo structure designed to shelter a pier no more than 400 square feet?
   ☐ YES ☐ NO ■ N/A
7. Are all piles associated with the proposed structure non-steel, no more than 12" in diameter, and will there be no more than 25 piles installed channelward of MHW?
   ■ YES ☐ NO
8. When operationally feasible, is all work occurring behind cofferdams, turbidity curtains, or other methods used to control turbidity?
   ■ YES ☐ NO
9. If the proposed structures are to be located within an anadromous fish use area, will the prospective permittee adhere to the anadromous fish use area time of year restriction (TOYR) prohibiting in-water work from occurring between February 15 through June 30 of any given year if 1) piles are to be installed with a cushioned impact hammer and there are fewer than 492 feet between the most channelward pile and mean low water (MLW) on the opposite shoreline; or 2) piles are to be installed with a vibratory hammer and there are fewer than 384 feet between the most channelward pile and MLW on the opposite shoreline? https://services.dwr.virginia.gov/fwis/ .
   ■ YES ☐ NO ☐ N/A
10. Is all work occurring outside of submerged aquatic vegetation (SAV) mapped by the Virginia Institute of Marine Sciences' (VIMS) most recent survey year and 5-year composite? https://mobjack.vims.edu/sav/savwabmap/
    ■ YES ☐ NO
11. Has the permittee ensured the construction of the proposed structures will not affect federally listed threatened or endangered species or designated critical habitat?
    NOAA PRD: https://www.fisheries.noaa.gov/new-england-mid-atlantic/consultations/section-7-consultations-greater-atlantic-region ; and
    US Fish and Wildlife Service: https://ipac.ecosphere.fws.gov/
    ■ YES ☐ NO

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12. Will the proposed structures be located outside of the following waterbodies: Broad Creek in Middlesex County, Fisherman's Cove in Norfolk, or the Salt Ponds in Hampton?
    ■ YES ☐ NO
13. Is your project located outside of the Section 408 Review Area boundaries for civil works projects (e.g. federal navigation channels, flood risk management projects, or aquatic ecosystem restoration projects) as depicted on the "Norfolk District Section 408 Review Layer" in the Norfolk District Section 408 Map? https://www.nao.usace.army.mil/408Review/
    ■ YES ☐ NO
14. Is your project located outside of any federal property? Federal property can be located on the "NAO Real Estate Data – CWLDM Land Parcel Area" layer on the Norfolk District Section 408 Map? https://www.nao.usace.army.mil/408Review/ .
    ■ YES ☐ NO
15. Will the proposed structures be located outside of any Designated Trout Waters? https://services.dwr.virginia.gov/fwis/
    ■ YES ☐ NO
16. If the proposed structures include floatation units, will the floating sections be braced so they will not rest on the bottom during periods of low water?
    ☐ YES ☐ NO ■ N/A
17. Does the permittee recognize this form does not authorize any dredging or filling of waters of the United States (including wetlands) and does not imply that future dredging proposals or any other structures will be approved by the Corps?
    ■ YES ☐ NO

If you have answered "NO" to any of the questions above, then the Category A Self-Verification of the 23-SPGP-PASDO does NOT apply, and you are required to obtain written authorization from the Corps prior to performing the work.

If you answered "YES" (or "N/A, where applicable) to all of the questions above, you are in compliance with the Category A Self-Verification of the 23-SPGP-PASDO. Please sign below and submit this self-verification form with your completed Joint Permit Application (JPA). This signed form serves as your letter of authorization from the Corps. You WILL NOT receive any other written authorization from the Corps; however, you MAY NOT proceed with construction until you have obtained all other necessary state and local permits.

By signing below, I certify that I have read and understand all conditions of the Army Corps of Engineers Norfolk District Regulatory Branch 23-SPGP-PASDO, dated August 22, 2023. I accept all of the terms and conditions of the permit, including the limits of federal liability contained in the 23-SPGP-PASDO enclosure. I acknowledge that structures authorized under this permit may be exposed to waves caused by passing vessels. The permittee is solely responsible for the integrity of the permitted structures and any resulting wave damage to such structures or moored vessels. I accept that the United States is not liable in any way for such damage and that the permittee will not seek to involve the United States in any actions or claims regarding such damage.

X _____ President
Signature of Property Owner(s) or Agent

6-5-24
Date

Proposed work location:
Northampton County TM#

VMRC Number

X = Applicant

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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: (TWO PAGES) Projects for Access to the water such as private and community piers, boathouses, marinas, moorings, and boat ramps. Answer all questions that apply.

1. **Briefly describe your proposed project**.

   PROJECT QUALIFIES FOR THE 23-SPGP-PASDO CATEGORY A: PIER STRUCTURES
   The applicant wishes to construct a 73'Lx5'W private pier with a 20'Lx20'W "L" and a 16'Lx12'W boat lift slip. There are two oyster leases in the project vicinity: #19228 & #14546; the proposed pier will not encroach into either. Approx 24 pilings (8"-10" x 10'-20') will be vibrated into position channelward of MHW. All pier materials will be from marine treatment (2.5#) to ground treatment, hardware galvanized, decking, stringers, beams 2"x6'-10'. Work will be done from the upland and water.

2. **For private, noncommercial piers:**
   Do you have an existing pier on your property? ____Yes__X__ No
   If yes, will it be removed? ____Yes ____No
   Is your lot platted to the mean low water shoreline? __X__Yes ____No
   What is the overall length of the proposed structure? __73_____feet.
   Channelward of Mean High Water? __68_____feet.
   Channelward of Mean Low Water? __43_____feet.
   What is the area of the piers and platforms that will be constructed over
   Tidal non-vegetated wetlands __25_____ square feet.
   Tidal vegetated wetlands __125_____ square feet.
   Submerged lands __515_____square 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? __NA_____sq. ft.
   Will your boathouse have sides?_____Yes____ No.

   NOTE: All proposals for piers, boathouses and shelter roofs must be reviewed by the Virginia Marine Resources Commission (Commission or VMRC), however, pursuant to § 28.2-1203 A 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 (USACE), (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.

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Part 3 – Appendices (continued)

3. **For USACE 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 must be included before the application will be considered complete. For an application to be considered complete:

   a. The USACE MAY require depth soundings across the waterway at increments designated by the USACE 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.).
   b. The applicant MUST provide a 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.
   c. The applicant MUST provide 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.

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 #
Self propelled and motorized vessels				

5. For **Marinas, Commercial Piers, Governmental 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 28.2-1205 C 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 non-vegetated wetlands _____ square feet
      Tidal vegetated 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.

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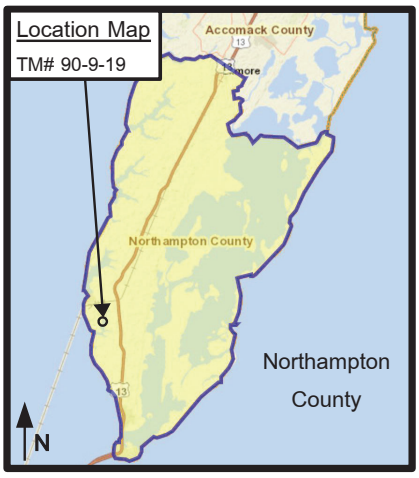
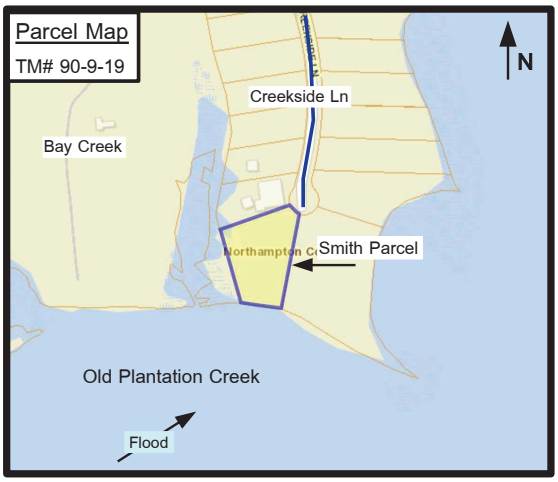
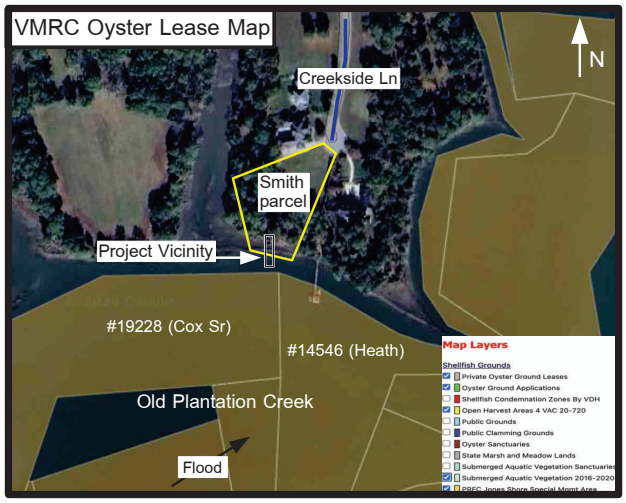






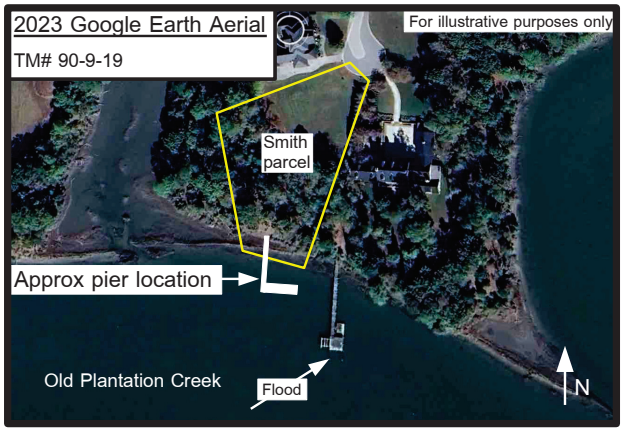
VIMS maps show NO SAV present in the project vicinity

USFWS IPaC Endangered Species

TM# 90-9-19

1. Northern Long-Eared Bat

NO TREES WILL BE REMOVED TO INSTALL THIS PROJECT



Citations

Location map, driving directions, parcel map:
https://parcelviewer.geodecisions.com/Northampton/#

Oyster lease info:
https://webapps.mrc.virginia.gov/public/maps/chesapeakebay_map.php

VIMS info:
https://www.vims.edu/research/units/programs/sav/access/maps/

IpaC info:
https://ipac.ecosphere.fws.gov/location/O2MKDQ4D5VEEVD2VYQYI23JB7Y/resources

2023 Google Earth aerial: https://earth.google.com/web/search

Applicant(s):
Beacon Custom Homes
Attn: Reese Smith
1521 Taylor Farm Rd
Virginia Beach, VA 23453

Project Location Maps
Private Pier
Old Plantation Creek
Northampton County TM# 90-9-19

SUBMIT DATE: 6/7/24
REVISION DATE:
Drawing by: CRM,llc 757 442 5640

Coastal Resource Management

NOTE: Project plans are in color & may best be viewed using enlargement capabilities. Project drawings are the property of CRM,llc. Use by others may be considered an infringement upon intellectual property. All mapping & agency information is a cited source.

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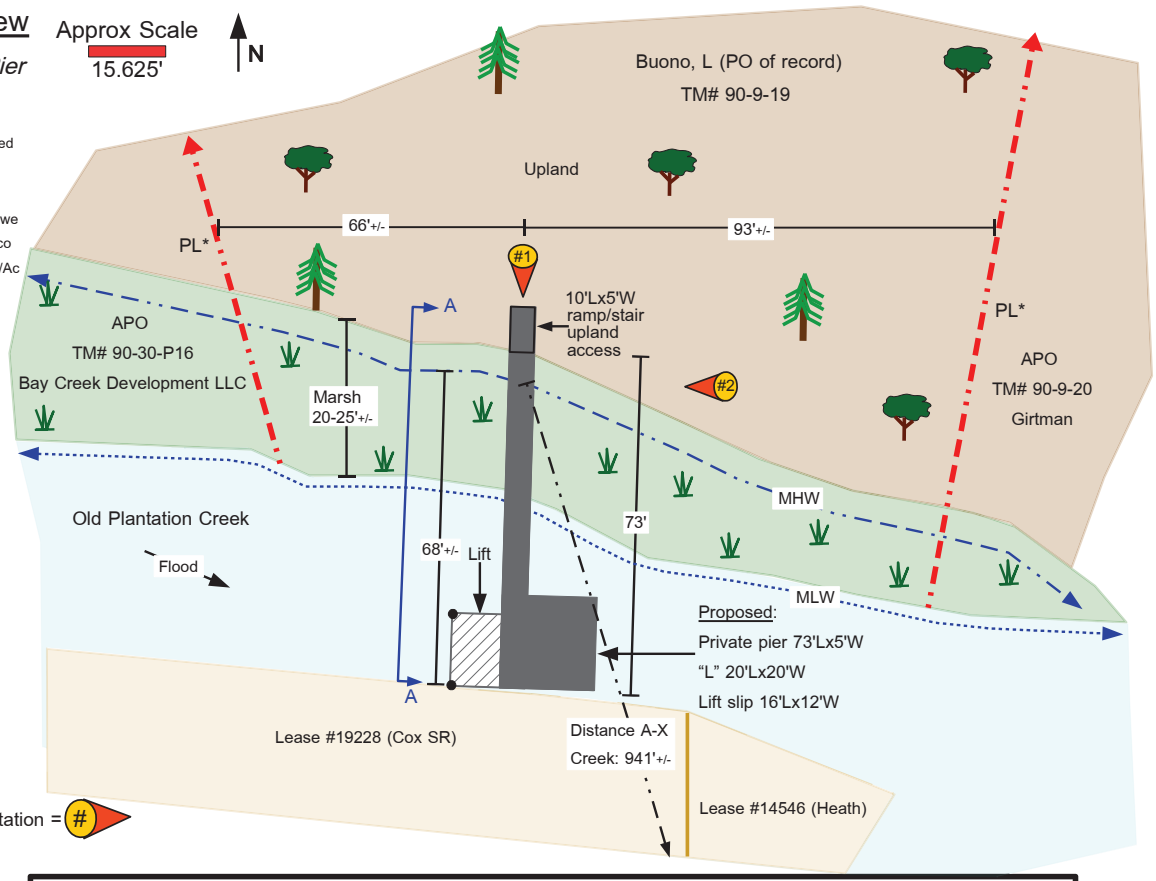
Plan View

Private Pier

Approx Scale 15.625'

N

*PL's as depicted on County mapping site: https://parcelviewer.geodecisions.com/Northampton/Account/Logon



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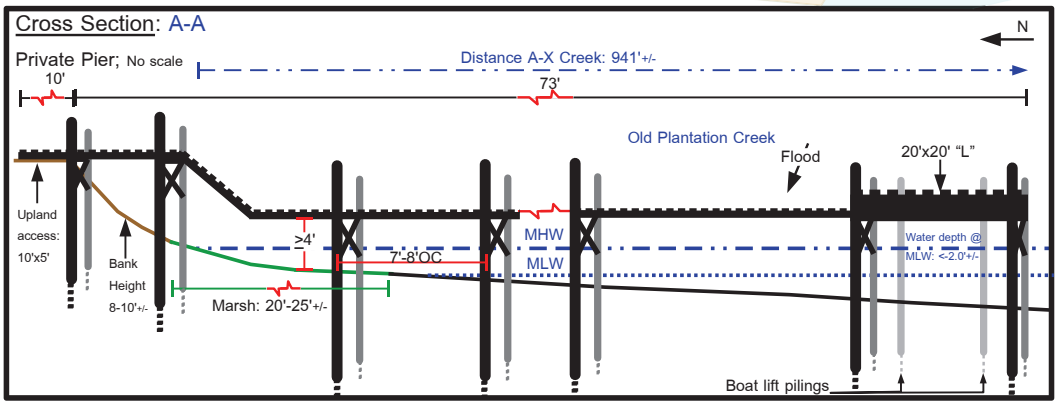

Project Notes

THIS PROJECT QUALIFIES FOR THE 23-SPGP-PASDO CATEGORY A: PIER STRUCTURES

1. Proposed construction: a 73'Lx5'W private pier w/ a 20'Lx20'W "L" and a 16'Lx12'W boat lift slip.
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3. No SAV is in the project vicinity; no trees will be removed for the installation of this project
4. Approximately 24 pilings (8"-10" x 10'-20') will be vibrated into position channelward of MHW.
5. All pier materials will be from marine treatment (2.5#) to ground treatment, depending upon installation positioning, hardware will be galvanized, pilings 8"-10"x10'-20', decking, stringers, & beams 2"x6'-10'.
6. Work will be done from both the upland and water. Vessels will be in the water for the length of time it takes to install the structure, several weeks, and will not block ingress/egress in Old Plantation Creek.
7. Any equipment work or foot traffic done on the marsh will be done from mats and repaired by replanting, post construction.
8. This agent is not responsible for the conduct and/or workmanship of other contractors. All deviations from the permitted project drawings may require review by the appropriate agencies.

Applicant(s):
Beacon Custom Homes
Attn: Reese Smith
1521 Taylor Farm Rd
Virginia Beach, VA 23453

Project Details
Private Pier
Old Plantation Creek
Northampton County TM# 90-9-19

SUBMIT DATE: 6/7/24
REVISION DATE:
Drawing by: CRM,llc 757 442 5640

Coastal Resource Management

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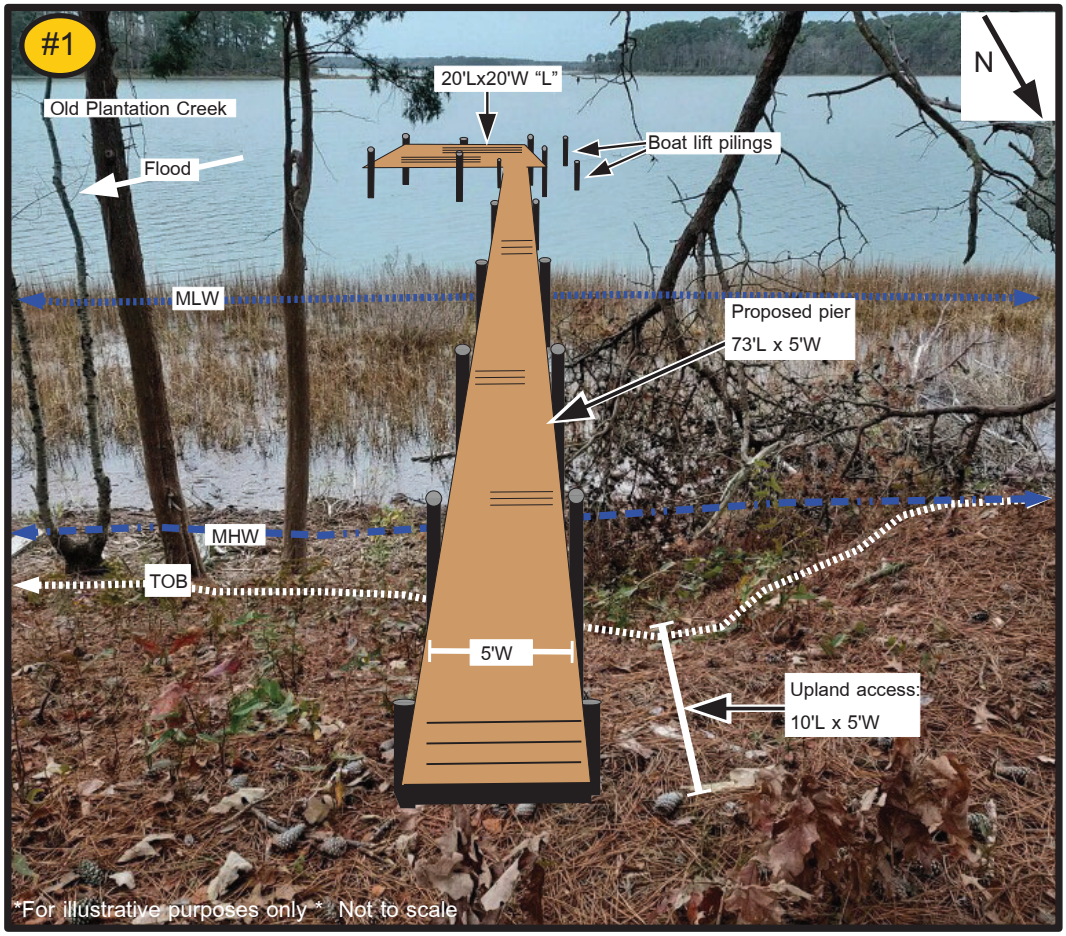

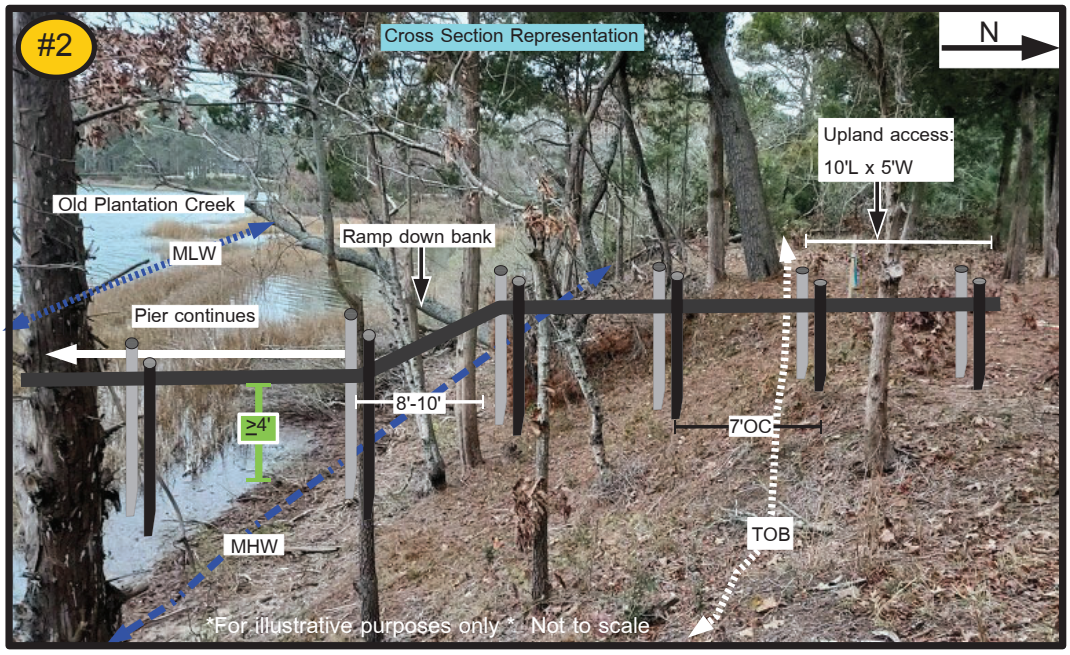

Applicant(s):
Beacon Custom Homes
Attn: Reese Smith
1521 Taylor Farm Rd
Virginia Beach, VA 23453

Photo Documentation
Private Pier
Old Plantation Creek
Northampton County TM# 90-9-19

SUBMIT DATE: 6/7/24
Pg 3 of 3
REVISION DATE:
Drawing by:
CRM,llc 757 442 5640

Coastal Resource Management

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From: Katie Spady
To: Howell, Beth (MRC)
Cc: Ellen Grimes; Gorman, Claire (MRC)
Subject: Revision to VMRC 2024-1366 (Beacon Custom Homes)
Date: Friday, June 14, 2024 3:53:31 PM
Attachments: [redacted].pdf

Hi Beth,

Attached is a revision to page 2 of the project plans for VMRC 2024-1366 (Beacon Custom Homes). Please let me know if you have any questions.

Sincerely,

Katie Sanders
Environmental Permitting Specialist
CRM,llc

ADDITIONAL INFORMATION/REVISIONS Received by VMRC June 17, 2024 /blh

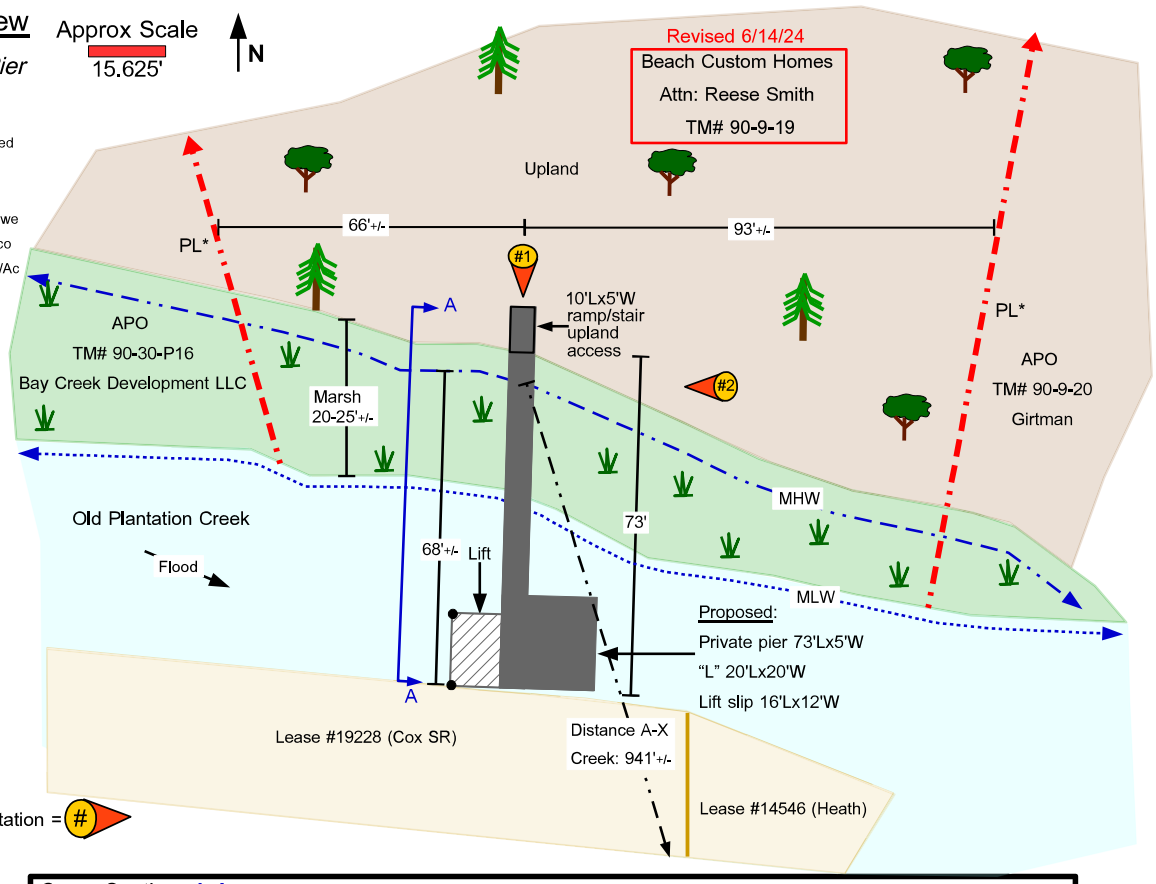
Plan View

Private Pier

Approx Scale 15.625'

N

*PL's as depicted on County mapping site: https://parcelviewer.geodecisions.com/Northampton/Account/Logon



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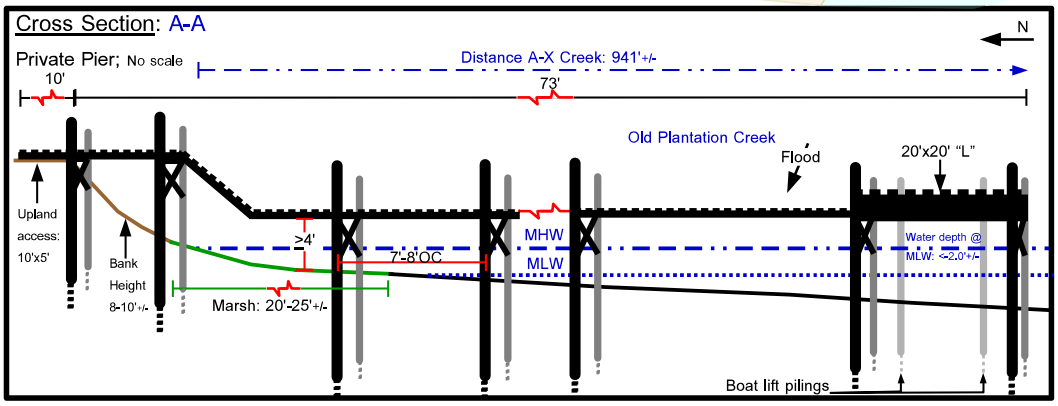

Project Notes

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Applicant(s):
Beacon Custom Homes
Attn: Reese Smith
1521 Taylor Farm Rd
Virginia Beach, VA 23453

Project Details
Private Pier
Old Plantation Creek
Northampton County TM# 90-9-19

SUBMIT DATE: 6/7/24
REVISION DATE: 6/14/24
Drawing by: CRM,llc 757 442 5640

Coastal Resource Management

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ADDITIONAL INFORMATION/REVISIONS Received by VMRC June 17, 2024 /blh

Agenda Item 5A
2023 Annual Report

Town of Cape Charles
Wetlands and Coastal Dune Board

2021, 2022 & 2023 Annual Report

(January 1, 2021 - December 31, 2021)
(January 1, 2022 - December 31, 2022)
(January 1, 2023 - December 31, 2023)

John Schoeneck
John Schoeneck
Chairman

William Roberston
William "Bill" Robertson
Vice Chairman

2021 Wetlands and Coastal Dune Board Members

NAME	REPRESENTATION	Term of Appointment	NOTES
Anne Hayward Walker	Chairwoman	11/13/2016 – 11/12/2021	
Ross Dunton	Vice Chairman	11/13/2020 – 11/12/2025	
Bob Roche	Member at large	11/13-2017 – 11/12/2022	
Joe Fehrer	Member at large	11/13/2018 – 11/12/2023	
Bill Prickett	Member at large	11/13/2016 – 11/12/2021	

2022Wetlands and Coastal Dune Board Members

NAME	REPRESENTATION	Term of Appointment	NOTES
Anne Hayward Walker	Chairwoman	11/13/2021- 11/12/2026	Resigned in October 2022
Ross Dunton	Vice-Chairman	11/13/2020 – 11/12/2025	
Bob Roche	Member at large	11/13-2017 – 11/12/2022	
Joe Fehrer	Member at large	11/13/2018 – 11/12/2023	Resigned in November 2022
Bill Prickett	Member at large	11/13/2021- 11/12/2026	

2023 Wetlands and Coastal Dune Board Members

NAME	REPRESENTATION	Term of Appointment	NOTES
John Schoeneck	Chairman	11/13/2021 - 11/12/2026	Elected as Chairman in June 2023
Ross Dunton	Vice-Chairman	11/13/2020 – 11/12/2025	Resigned in January 24, 2023
Bill Prickett	Member at large	11/13/2021- 11/12/2026	Resigned in January13, 2023
Bob Roche	Member at large	11/13/2022 - 11/12/2027	Resigned in July 24, 2023
William “Bill” Robertson	Vice-Chairman	11/13/2019 - 11/12/2024	Elected as Vice-Chairman in June 2023
Patricia James	Member at large	11/13/2020 - 11/12/2025	Resigned on August 31, 2023 due to being appointed to HDRB
Mike Hudson	Member at large	11/13/2022 - 11/12/2027	
Elizabeth “ Liz” Pruitt	Member at large	11/13/2023 – 11/12/2028	To fill Russ Dunton’s term
Vacant	Member at large		

2021 Staff

Allyson Finchum, Town Planner, resigned February 2021
Katie Nunez, Interim Zoning Administrator/Town Planner
Tracy Outten, Planning Technician

2022 Staff

Katie Nunez, Interim Zoning Administrator/Town Planner (hired February 2021 thru June 2022); moved to full-time Planning & Zoning Administrator in July 2022
Tracy Outten, Planning Technician

2023 Staff

Katie Nunez, Director of Planning & Zoning Administrator & Subdivision Agent
Tracy Outten, Planning/Zoning Assistant, Preservation & Zoning Administrator
Alyce Crockett, Planning & Zoning Administrative Assistant (part-time), hired January 2023; resigned in May 2023
Maureen Tamares-Meditz, Planning & Zoning Administrative Assistant (part-time), hired July 202

I. Introduction

Section 28.2-1304 of the Code of Virginia states the following, "The board shall keep a full public record of its proceedings and shall submit report of its activities to the governing body or bodies at least once each year and shall forward a copy of each report to the Virginia Marine Resources Commission".

This board has met infrequently over the last 5 years. When Ms. Nunez came on board, completing the Annual Reports for each board was the lowest priority item, which is why this report is overdue and a compilation of the years 2021 thru 2023. Her primary focus for the department was addressing the backlog of zoning and building applications, subdivision and site plan applications and reviews. Then, she worked on reviewing and updating governing documents of the department, including Comprehensive Plan, Historic District Guidelines & Zoning Ordinance.

II. Board and Staff Updates

A. Board Membership 2021: The membership has stayed consistent in 2021.

Board Membership 2022: Chairwoman Anne Hayward Walker resigned in October 2022 and member Joe Fehrer in November 2022.

Board Membership 2023: Ross Dunton and Bill Prickett resigned in January 2023. Bob Roche resigned in July 2023. Patricia James resigned in August 2023 to move to the Historic District Review Board. John Schoeneck was elected Chairman and William "Bill" Roberston as Vice-Chairman in June 2023. Michael "Mike" Hudson joined the board in September 2023, filling in for Bob Roche

B. Staff Changes 2021 - 2023:

In July 2020, Allyson Finchum was hired as Town Planner and served until February 2021.

Staffing for the Department has stabilized since 2022. Katie Nunez was hired in February 2021 as Interim Planning/Zoning Administrator and continued in that role until the death of her husband in April 2022. At that time, Ms. Nunez reached agreement with the Town Manager in July 2022 to come on in a full-time capacity as the Director of Planning & Zoning Administrator & Subdivision Agent.

Tracy Outten has been a continued source of continuity for the department since she served as clerk to the Board for the last four years and her continued role as the full-time Planning Technician, which she has held since October 2020, has ensured that the departmental administrative functions are being addressed timely and professionally. At present, Tracy Outten is the Planning & Zoning Assistant, Preservation and Zoning Administrator.

In spring 2022, the department expanded to include a Part-Time Zoning Compliance Officer to handle the investigation and enforcement of zoning violations. With the departure of Ken Butta from this position due to his election to the Town Council, the position was slightly reconfigured to expand the duties to serve as Clerk to the Board of Zoning Appeals. Robert James was hired in January 2023 and resigned in December 2023. At this time, this position is still vacant.

Ms. Nunez has made an adjustment in the assignment of duties within the department so that Ms. Outten fully staffs the Historic District Board (HDRB) with oversight by Ms. Nunez. The part-time Administrative Assistant is staffing the Harbor Area Review Board (HARB), Wetlands and Coastal Dune Board (WCDB), and Planning Commission under the full direction of Ms. Nunez. The part-time Zoning Compliance Officer is staffing the Board of Zoning Appeals (BZA) under the oversight of Ms. Nunez.

In January 2023, the department expanded to include a Part-Time Planning & Zoning Administrative Assistant to help with the administrative function of the department. Alyce Crockett was hired in January 2023 and resigned in May 2023. Maureen Tamares-Meditz was hired in July 2023.

The department staff has been reviewing all department application forms and have been making updates. For the Wetlands and Coastal Dune Board the following forms were updated:

1. Wetlands and Coastal Dune Board Application - revised March 2023
2. Minor Water Quality Impact Assessment Application - revised 08/2023
3. Application for Zoning Clearance – revised 03/2023
4. Wetlands and Coastal Dune Board Application Fees - effective July 2023.
5. Owner Affidavit for Permission to Represent - revised March 2023

C. Education

Katie Nunez has maintained her annual certification as a Virginia Association of Zoning Officials (VAZO) and has completed 12 hours of continuing education thru VCU Certified Board of Zoning Appeals Program in October 2023.

III. MEETINGS

WETLANDS AND COASTAL DUNE BOARD MEETING 2021

	09/08/2021
Anne Hayward Walker	P
Ross Dunton	P
Bob Roche	P
Joe Fehrer	P
Bill Prickett	A

09/08/2021 MEETING:

- VMRC JPA #2021-1510 - application from Robert M. Smith, Property Owner on behalf of Bay Creek Resorts – end of Palmers Landing Cul-de-Sac (Tax Map #90-30-CA3) – for the proposed installation of a 30 feet by 40 feet gangplank and 4 modular 120 feet by 80 feet by 8 feet ramp/floating dock with a T-Section of 2 modular120 feet by 80 feet by 8 feet with attached kayak sluice way as a community kayak launch and return; pursuant to Cape Charles Zoning Ordinance Section 74.31 this portion of the project was under the jurisdiction of the Wetlands and Coastal Dune Board. The Wetlands and Coastal Dune Board voted to approve the agenda as amended to reflect the withdrawal of the application numbered VMRC JPA 2021-1510 and Agenda Item 4.A

WETLANDS AND COASTAL DUNE BOARD MEETING 2022

	05/26/2022
Anne Hayward Walker	P
Ross Dunton	P
Bob Roche	A
Joe Fehrer	A
Bill Prickett	P

05/26/2022 Meeting

- VMRC JPA #2022-0642 - application from Kathy M. Hughes to construct a beach access walkway at 608 Carousel. The portion of the project that is within the Wetlands and Coastal Dune Board's jurisdiction, pursuant to Cape Charles Zoning Ordinance Appendix C, Section 3.1, is the proposed construction of a 4' x

180’ beach access walkway over and across the dune adjacent to lot 132 in Bayside Village, Bay Creek The Wetlands and Coastal Dune Board voted to approve the Wetlands and Coastal Dune Permit at 608 Carousel Place (Tax Map #90-16-132) on an application filed Kathy M. Hughes, to construct a 4’ x 180’ beach access walkway over and across dunes as stated in the Joint Permit Application #2022-0642 with the added conditions as follows: (1) the elevations need to be measured from the highest level point and (2) the permit expires in one year.

- VMRC JPA # 2022-0717 – application from Brent W. Geissinger to construct a pier with a floating kayak launch on lot 29 in Plantation Pointe, Bay Creek – VMRC #2022-0717 The portion of the project that is within the Wetlands and Coastal Dune Board’s jurisdiction, pursuant to Cape Charles Zoning Ordinance Section 7.7 (A), is the proposed construction of a 10’ x 20’ observation deck that will be connected to a 50’ x 5’ pier. A floating kayak launch platform via EZ dock 8’ x 5’ aluminum gangway will also be connected to the pier located at Tax Map # 90-9-29 in Plantation Pointe, Bay Creek. The Wetlands and Coastal Dune Board voted to approve the Wetlands and Coastal Dune Permit at 107 Creekside Lane (Tax Map #90-9-29) on an application filed Brent W. Geissinger, to construct a 5’ x 50’ pier with a 10’ x 20’ observation deck this will include an 8’ x 5’ aluminum gangway that will connect a floating kayak launch platform to the pier as stated in the Joint Permit Application #2022-0717 with the added conditions that the permit expires in one year.

WETLANDS AND COASTAL DUNE BOARD MEETINGS 2023

	06/21/2023	09/20/2023
John Schoeneck	P	P
William “Bill” Robertson	P	P
Mike Hudson	-	P
Elizabeth “Liz” Pruitt	P	A
Patricia James	P	Resigned on August 31, 2023 due to being appointed to HDRB
Bob Roche	A	Resigned 7/24/2023

06/21/2023 MEETING:

- JPA #23-0904 - 101 Sunset Blvd to 187 Sunset Blvd. - Application from Bay Creek at Cape Charles Community Association Inc. for sand nourishment on the beach and in the inter-tidal area behind the existing breakwaters located at the Marina Bay Subdivision and for a 50-feet sill extension to an existing back-bay sill landward of lots 83A1-11-1, 2, & 3 – VMRC #2023-0904. The Wetlands and Coastal Dune Board voted to approve the Wetlands and Coastal Dune Permit located at the Marina Bay Subdivision on an application filed by Bay Creek at Cape Charles Community Association Inc., (1) to place approximately 12,336 cubic yards of sand nourishment material on the beach from 101 to 107 Sunset Boulevard (Tax Map #83A1-11-73 to #83A3- 11-30) and in the inter-tidal

area behind the existing breakwaters; and (2) for an extension to an existing back-bay sill landward of lots Tax Map #83A1-11-1, #83A1-11-2, & #83A1-11-3 as stated in the Joint Permit Application #2023-0904 with the added conditions that the applicant provide the following: (1) As Soon As Possible: larger current Topographic Maps; (2) Upon Completion: a Topographic Contour Map of the sand nourishment on the beach and in the inter-tidal area behind the existing breakwaters located at the Marina Bay Subdivision and the 50-foot sill extension to an existing back-bay sill landward of lots Tax Map #83A1-11-1, #83A1-11-2, & #83A1-11-3; and (3) the permit expires in three years.

09/20/2023 MEETING:

- JPA #23-1490 - Wetlands Application from David and Pam Hainsworth to construct riprap revetment, a breakwater, groin wall, a private open-pile pier, and a covered boathouse at lots 83A1-3-A, B1, and C at the corners of Bay Avenue and Washington Avenue – VMRC #2023-1490. The Wetlands and Coastal Dune Board voted to approve the Wetlands and Coastal Dune Permit application from David and Pam Hainsworth to construct riprap revetment to include wetlands mitigation equal to the amount that will be confirmed by VIMS regarding the replacement of wetlands mitigation that must occur; breakwater; open-pile pier having no impact to coastal dune location; covered boathouse allowed as right by use with a permit expiration of 3 years at lots 83A1-3-A, B1, and C at the corners of bay Avenue and Washington Avenue - VMRC#2023-1490.

Agenda Item 5B
Review By-Laws

APPENDIX C
TOWN OF CAPE CHARLES
POLICY FOR REMOTE PARTICIPATION IN
WETLANDS AND COASTAL DUNE BOARD MEETINGS
Adopted February 6, 2024

Pursuant to the Code of Virginia Section 2.2-3708.2 and 2.2-3708.3, the Cape Charles Wetlands and Coastal Dune Board adopts the following to allow for remote participation or electronic participation in meetings of the Wetlands and Coastal Dune Board:

The following provisions qualify for an individual member of a public body to use remote participation in meetings:

i) a temporary or permanent disability or other medical condition that prevents the member's physical attendance;
ii) a family member's medical condition that requires the member to provide care for such family member that prevents the member's physical attendance;
iii) the member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting; or
iv) a personal matter.

1. On or before the day of a meeting, the Wetlands and Coastal Dune Board Member shall notify the Chairman that he/she is unable to attend the meeting due to:

   a. A temporary or permanent disability or other medical condition. The minutes of the meeting shall include the fact that the member participated through electronic communication means due to a temporary or permanent disability or other medical condition that prevented the member's physical attendance, along with the remote location from which the absent member participated.

   b. A family member's medical condition. The minutes of the meeting shall include the fact that the member participated through electronic communication means due to a family member's medical condition that required the member to provide care for such family member, preventing the member's physical attendance, along with the remote location from which the absent member participated.

   c. Principal residence is more than 60 miles from the meeting location. The minutes of the meeting shall include the fact that the member participated through electronic communication means due to the distance between the member's principal residence and the meeting location.

   d. A personal matter. The member must specifically identify the nature of the personal matter which shall be recorded in the minutes of the meeting, along with the remote location from which the absent member participated.

   Participation by a member pursuant to this subdivision is limited to two meetings per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.

2. A quorum of the Wetlands and Coastal Dune Board must be physically assembled at the primary meeting location.

3. The Wetlands and Coastal Dune Board members present at the physical location must approve the electronic participation by a majority vote.

   a. If the absent member's remote participation is disapproved because such participation would violate this policy, such disapproval shall be recorded in the minutes of the meeting.

4. Arrangements must be made for the voice of the remote participant to be heard by all persons at the primary meeting location.