

August 12, 1982

AT A REGULAR MEETING OF THE WETLANDS BOARD OF JAMES CITY COUNTY,
VIRGINIA, HELD IN THE COUNTY GOVERNMENT CENTER BOARD ROOM AT 7:30
P. M. ON THE TWELFTH DAY OF AUGUST, NINETEEN HUNDRED AND EIGHTY-TWO.

1. ROLL CALL

Ms. Virginia Carey, Chairman
Ms. Donna Ware
Mr. William Apperson
Mr. Jack Kirtland

OTHERS

Mr. Orlando A. Riutort
Mr. Henry H. Stephens
Mr. Allen J. Murphy, Jr.
Mr. Walter Priest, VIMS

2. MINUTES

The minutes of the July 22, 1981 meeting will be presented at the next meeting of the Wetlands Board.

3. CASE NO. W-1-82. AN APPLICATION BY MR. HENRY H. ERTL TO allow the dredging of 4800 square feet of wetlands to construct a pond. The wetlands are located adjacent to the James River, 1000 feet west of Shellbank Creek on parcel (1-13) of James City County Real Estate Tax Map (45-1).

Mr. Murphy presented the staff report, stating that the staff recommended that a wetlands permit be issued based upon conditions stated in the staff report.

Ms. Carey asked if there was any objection from Mr. Ertl in regard to the six conditions stated in the staff memorandum.

Mr. Murphy responded that Mr. Ertl was present and that there had been no objection voiced by him.

Ms. Carey opened the public hearing.

Mr. R. W. Nunn of Newport News informed the board that he was not happy with the connection to the river, and with the three foot depth because it would promote heavier growth.

A discussion followed in which Mr. Priest of Virginia Institute of Marine Science spoke, as well as Mr. Ertl.

Following the discussion, Mr. Apperson made a motion that the permit be approved based upon the following conditions.

1. Maximum size of the pond shall be 120 feet by 40 feet (4800 sq. ft.).
2. Dredged materials must be placed in an upland area behind an earthen berm.
3. Construction of the berm and the dredge spoil storage area shall be done in conformance with the requirements of the Virginia Erosion and Sedimentation Handbook, 1980 ed. (The management requirements in the handbook shall be used even if the spoil area would normally be exempt because of its small size.)
4. The slope of the pond's bottom shall be no greater than three feet horizontal to one foot of depth.
5. Maximum depth shall be three feet with overdredging to no more than four feet.
6. The pond shall be connected to the James River by a swale connecting to the river at the location of the existing ditch, from the marsh to the river, west of the proposed pond. This swale shall be maintained by the owner.

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7. This permit shall expire on August 12, 1983. All dredging must be completed by that date.

The motion carried by 4-0 vote.

4. WETLANDS ORDINANCE

Mr. Murphy presented the staff report stating that the Board had in their folders copies of the newly revised Virginia Wetlands Ordinance and other wetlands material. This ordinance, he said, must be adopted by our Board of Supervisors effective January 1, 1983.

Mr. Robert Grabb of Virginia Marine Resources Commission was present to answer questions. Also present was Mr. Walter I. Priest from the Virginia Institute of Marine Science.

Following a question and answer period, Mr. Riutort said that Mr. Morton, County Attorney, would handle the adoption for the Board of Supervisors. Mr. Riutort said that this was a model ordinance which requires only the insertion of James City County in the appropriate places. He said further that the wetlands definition had been expanded to include the area between mean low and mean high tide, which would mean a heavier work load for the County. The State, he said, was prepared to administer the wetlands program for any locality that had not adopted the model ordinance.

The Wetlands Board unanimously agreed to urge the Board of Supervisors to adopt the model ordinance.

5. CONTINENTAL CABLEVISION

Mr. Murphy briefed the Board on this case. Mr. Kenneth Dierks of Langley & McDonald was present to describe the project.

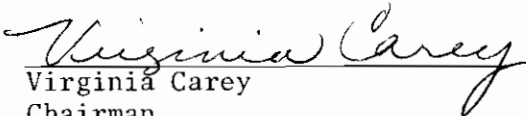
Mr. Riutort pointed out that because of the small amount of area involved, five square feet of wetlands, the staff did not feel a wetlands permit be required. He said it was brought before the Board to give them the opportunity to make a decision.

Following a discussion, Mr. Kirtland made a motion that a wetlands permit be required. However, the motion died as it was not seconded.

6. ADJOURNMENT

There being no further business the meeting was adjourned.


Orlando A. Riutort
Secretary


Virginia Carey
Chairman

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