

AT A REGULAR MEETING OF THE WETLANDS BOARD OF THE COUNTY OF JAMES CITY,
VIRGINIA IN THE COUNTY GOVERNMENT CENTER, 101C MOUNTS BAY ROAD, BOARD-
ROOM, AT 7:30 P.M. ON THE SEVENTEENTH DAY OF MAY, NINETEEN HUNDRED AND
EIGHTY-FOUR.

1. ROLL CALL

Ms. Virginia Carey, Chairman
Mr. William L. Apperson
Mr. Henry C. Lindsey
Mr. Gerald Otey, Sr.
Ms. Kathleen Small

OTHERS PRESENT

Mr. Orlando A. Riutort
Mr. Allen J. Murphy, Jr.
Mr. H. Clayton Bernick, III, VMRC
Mr. Walter Priest, VIMS

2. MINUTES

The minutes of the March 8, 1984 meeting were accepted as
presented.

3. CASE NO. W-3-84. MS. MARION M. VAUGHAN

Ms. Carey opened the public hearing.

Mr. Murphy presented the staff report which recommended
approval of the application. He introduced Mr. Bernick and Mr. Priest
who were present to answer any questions.

There being no other speakers the public hearing was closed.

Mr. Apperson made a motion, seconded by Ms. Small, that the
application be approved with the inclusion of the staff recommendations.
The motion was unanimously approved and the permit granted.

4. CASE NO. W-4-84. MR. WILLIAM C. HARDMAN

Ms. Carey opened the public hearing.

Mr. Murphy presented the staff report which recommended that
this case be ruled exempt from requiring a permit.

Ms. Carey asked the location of the four lots that would be using the pier. Mr. Murphy explained the location of the lots noting that other lots would not be able to have piers because there is not enough water in this area at low tide. He noted that the owners would also be required to obtain permits from the Corps of Engineers and VIMS.

Mr. Ellen spoke on behalf of Mr. Hardman. He noted that the length of the new pier would be the same as that of the old pier which is 90 ft. long. He explained their problem with the Health Department involved not being able to get two of the lots to perk. He stated they are restricted in a variance to a maximum number of slips equal to the maximum number of houses that can be built which is four. Each of the property owners could not each own their own pier.

Ms. Carey asked about the lot owners legal rights to use that pier.

Mr. Ellen explained the right would be conveyed through a deed of covenant providing a recorded easement.

The members discussed the location of the easement.

Mr. Ellen noted that a wetlands permit is required because a developer has made the application on the applicants' behalf.

Ms. Carey closed the public hearing.

Upon a motion by Mr. Otey, seconded by Mr. Apperson, the Board voted unanimously that this was not a commercial pier, and therefore, it should be exempt and not require a permit.

Ms. Carey noted that the VMRC permit would not be issued without Health Department approval.

5. VMRC #84-0326. MR. WILLIAM D. WARD

Mr. Allen Murphy presented the staff report requesting that the Wetlands Board rule this case exempt from the permit requirement.

Mr. Bernick advised the Board that a permit from VMRC would be required for the boat house but not the private, noncommercial pier.

Upon a motion by Mr. Lindsey, seconded by Ms. Small, the Board voted unanimously that this case be exempt from the permit requirement.

Ms. Carey asked Mr. Bernick if Wetlands Board members were sent a copy of the VMRC newsletter. She noted an article from the newsletter concerning what constituted a permit and the number of votes required to grant a permit, which was of particular interest.

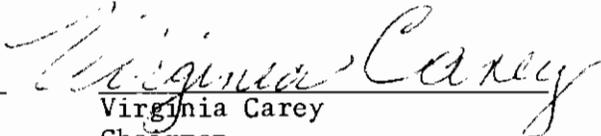
Mr. Riutort stated it is in the law that to grant a permit there must be three votes in favor of it.

Mr. Bernick noted that if there was only a quorum and the vote to approve a permit was only 2-1, the permit would not be approved. An option in such cases would be to make a decision at the next meeting, which would have to be held within thirty days, when more members might be present. He noted the newsletters were not published on a regular schedule but only when there was information to be distributed.

6. ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 8:00 p.m.

Orlando A. Riutort
Secretary



Virginia Carey
Chairman

May 17, 1984

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