

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 TWENTY-FIFTH DAY OF JULY, NINETEEN HUNDRED
AND EIGHTY-FOUR.

1. ROLL CALL

Mr. William L. Apperson, Vice-Chairman
Mr. Henry C. Lindsey
Ms. Kathleen Small

ALSO PRESENT:

Ms. Victoria Gussman, Acting Director of Planning
Mr. Allen Murphy, Planner

2. MINUTES

The minutes of the May 17, 1984 meeting were accepted as
presented.

3. CASE NO. W-5-84/VMRC #84-0457. An application by Mr. Augustus
J. Gang to allow the construction of approximately 165 linear
feet of timber sheet pile bulkheading and an open pile pier to
provide shoreline protection and water access.

Mr. Murphy presented the staff report stating that the wetlands
are adjacent to the York River and the property is on the east side of
Sherwood Forest at the intersection of Plantation Drive in Riverview Planta-
tion. Mr. Murphy further stated that the site had been visited by the staff
of VIMS and the Planning Department. There is approximately 100 sq. ft. of
vegetated wetlands and approximately 400 sq. ft. of non-vegetated wetlands.
Mr. Priest of VIMS maintains that from a marine environmental viewpoint
this project is acceptable and that impacts would be minimal.

Mr. Murphy stated that the staff recommends that the permit be
approved provided (1) the alignment of the bulkhead shall follow the align-
ment staked in the field by the Corps of Engineers as shown on the plans,
and (2) the permit shall expire July 25, 1985.

Mr. Apperson opened the public hearing. There being no speakers
the public hearing was closed.

Following a brief discussion, upon a motion by Mr. Lindsey,
seconded by Ms. Small, the Wetlands board voted to approve the permit with
the stated conditions.

4. CASE NO. W-2-84/VMRC #84-0197. An application by Mr. Steven H. Oliver on behalf of Powhatan Shores, Inc. for a wetlands permit to allow the filling of approximately 88,000 sq. ft. of wetlands in conjunction with the development of a 22 lot single family residential subdivision. The property is located on the northeast side of Neck-O-Land Road, approximately 1700 feet northwest of the intersection of Constance Avenue and Neck-O-Land Road.

Mr. Murphy presented the staff report stating that the consulting firm of Gannett, Fleming, Corddry and Carpenter had been hired to study the impacts of the proposed development of adjacent property. The staff, he said, would receive a final draft of the consulting firm's report on Friday, July 27, and that the staff would require additional time to formulate a position and make a recommendation on this case. Mr. Murphy said the staff would also study suggestions made in Mr. Priest's report in conjunction with the findings of the consulting firm.

Mr. Murphy further stated that the staff recommends that the public hearing be held on this case but that a decision be deferred to a special meeting on August 9, 1984 to allow the staff time to make a recommendation based on the findings of the consultant, and an analysis of Mr. Priest's report.

Mr. Apperson opened the public hearing.

Mr. Steven Oliver stated that his firm proposes to develop Section II of Powhatan Shores, and that certain areas have been determined to be wetlands. He requested that the wetlands permit be granted in order that Section II may be developed to the same standards as Section I.

Mr. Oliver said three main issues in the development of this section are ecological, providing for adequate drainage, and flood control. He said the proposed plan provides the greatest benefit to all parties concerned with the least amount of inconvenience and detrimental impact. He said the drainage system had been designed to accommodate basically three watershed areas, one in Section II, the property across the street from Neck-O-Land Road, and the adjacent parcel of land owned by Mr. Shone, Mr. Hewlett and Mr. Kirtland. Mr. Oliver described the drainage ditch, its location and length, which he said would allow rain water run-off to exit into the ditch but prevent the property from receiving tidal water. He said the plan had been reviewed and found to adequately accommodate the three watersheds involved.

Mr. Oliver further stated that maintenance and ponding problems will be corrected, assuring the Board and all concerned parties that appropriate steps will be taken to resolve problem matters. He said there were no significant issues remaining which should prevent the Board from fulfilling its public responsibility in taking appropriate action on his company's wetlands permit application at this time.

In regard to ecological impact Mr. Oliver quoted from the Shoreline Permit Application Report prepared by Virginia Institute of Marine Science, as follows: "From the viewpoint of the marine environment the majority of the wetlands proposed for filling are limited in their value to the estuary by their relative remoteness to the Powhatan Creek system. However, there will be a marked reduction in the capacity of the area to filter upland runoff. If the proposed project is otherwise justified and permitted, consideration should be given to the implementation of measures to mitigate the loss of filtering capacity if at all possible." Mr. Oliver said the wetlands impacted by the development are located some distance from the main expanse of wetlands at the far end of Section II. The filtering aspect of the wetlands is more complicated; it relates to the cleansing of impurities which the rainwater run-off may contain. This matter, he said, has been addressed to the fullest extent possible in the development plan. The grading plan allows the majority of the Section II watershed to drain into parts of the drainage system other than the paved asphalt ditch, which he discussed.

The VIMS report suggested two possible methods of lessening the impact on wetlands as far as their filtering capacity. Neither method was considered very feasible or practical from the developer's point of view. Mr. Oliver said the first regarded the scope of the project and associated filling. The development plan, he said, had already minimized required filling to the greatest extent possible - down to 22 lots from 26. A further reduction would make the development economically unfeasible. The second suggestion to replace the paved ditch with a grass ditch he found objectionable because of the width, maintenance and appearance.

Mr. Oliver stressed that his company had done its best to protect the interest of all concerned with the greatest benefits to each party, and respectfully requested that his company's application for a wetlands permit be approved.

Mr. Robert Hewlett of 403 Neck-O-Land Road asked that a decision be set aside until the report from Gannett, Fleming, Corddry and Carpenter was reviewed. The previous report from this firm, he said, stated that the proposed development of Section II would aggravate the drainage and the flooding problems of the adjacent property owners as well as cause problems to property owners of Section II development. He said that these and existing drainage problems could best be remedied in a redesign of Section II. Mr. Hewlett asked that the Board not act on the permit until the report was received from Gannett, Fleming, Corddry and Carpenter.

Mr. Victor Shone of 415 Neck-O-Land Road reviewed past events of flooding and wetlands on his property. He felt that the present situation was one of technicalities involving construction of a development site and should not include involvement of the Wetlands Board. He asked that the technicalities be handled by the appropriate people, and that a Wetlands permit be issued.

Mr. Jack Kirtland of 343 Neck-O-Land Road informed the Board that the development of Section II would alleviate the drainage problems. Mr. Kirtland urged the Board to take immediate action so that work could begin as soon as possible.

In response to Mr. Hewlett's request, Mr. Oliver indicated on a map the areas to be filled.

Mr. Hewlett asked that the Gannett, Fleming, Corddry and Carpenter report be a public report.

Mr. Priest spoke briefly about the parcels he evaluated as wetlands.

There being no further speakers the public hearing was closed.

Mr. Apperson and Mr. Lindsey both wish to review the consultant's report before making a decision.

Mrs. Small said she would abstain from voting because she is associated with the engineering firm involved with the project; therefore there was not a quorum present if voting was on this date.

The Board agreed unanimously to reconvene on August 9, 1984 at 7:30 P. M. in the boardroom.

4. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:45 P. M.


Victoria Gussman
Acting Secretary

William L. Apperson
Vice-chairman