

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

1. ROLL CALL

Members Present

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

Others Present

Ms. Victoria Gussman
Mr. Allen J. Murphy, Jr.
Mr. A. Travis Quesenberry

2. MINUTES

The minutes of the July 25, 1984 meeting were approved as presented.

3. CASE NO. W-2-84. POWHATAN SHORES, INC.

Ms. Carey noted that a public hearing on this case had been held at the last meeting of the Wetlands Board.

Mr. Allen J. Murphy, Jr. presented the staff report which is appended hereto.

Mr. Ed Storm, a Civil Engineer with the firm of Gannett Fleming Corrdry and Carpenter, made a presentation on the final report prepared by his firm, copies of which had been given to the Board Members. He explained the different terms in the report particularly the ten year design storm. He also explained what would occur under the worst possible conditions in each situation. He discussed with the Board Members the conditions that would exist given different height tides and/or heavy rains.

Mr. Priest of the Virginia Institute of Marine Science quoted statistics on various tidal conditions and the frequency with which they occurred from a study done by VIMS and the Federal Housing Administration. The changes planned by the developer would considerably decrease the amount of flooding. He stated that without the improvements Mr. Shone's property would flood every year. Under the present conditions there would be flooding with an elevation of 2.3' but with the proposed improvements there would only be flooding if the elevation exceeded 4'. At the 2.3' level flooding could occur several times a month. It would not help with flooding resulting from heavy rains, only tidal flooding. Ordinary rainfall would drain off through the culverts and the flap gates would keep out tidal flooding.

Mr. Lindsey noted that the project would also help protect the Hewlett property.

Mr. Storm noted that the flap gates would not work if the elevation exceeded 6'.

Ms. Carey asked if the four culverts would help the situation.

Mr. Storm explained the chances of the rain and tides in the area being high at the same time. He stressed that this would be likely to occur only in the event of a hurricane or a northeaster.

Ms. Carey noted that the Board's primary concern is with the wetlands and the filling of the wetlands. The issue to be considered is whether the benefits to be gained from filling the wetlands and great enough to justify the wetlands' being filled.

Ms. Carey asked if at the Board's discretion the public hearing should be reopened at this time.

Mr. Apperson made a motion, seconded by Mr. Lindsey, to reopen the public hearing on this case. The motion was approved.

Mr. Robert Hewlett discussed with Mr. Storm and the Board what would occur on the property given different tidal elevations including worst case conditions. They discussed the effect of the runoff on the water levels on the property particularly when combined with extremely high tides.

Mrs. Robert Hewlett read a statement expressing her opposition to the proposed project.

Mr. Hewlett asked about the possibility of filling the property in the drainage way and putting the culverts underneath. He explained how he thought this would alleviate the problem.

Mr. Storm said any storm would have to be contained in the culverts. He noted it would require extremely large pipes and would not solve the real problem in the area.

Mr. Jack Kirtland of 343 Neck-O-Land Road stated that he was an adjacent property owner in this case and that Mr. Hewlett was not. He expressed his approval of the action taken by the County in this matter and his opposition to Mr. Hewlett's proposal.

Mr. Victor Shone stated he was in agreement with Mr. Kirtland's statements. He admitted that at one time he had a wetlands violation on his property but that it had been corrected. He stated the technicalities of the problem should be resolved by the engineers. He expressed his opinion that the Mr. and Mrs. Hewlett were concerned only about the flap gates being located on his property and his being able to control them and possibly using that as a way to create problems for the Hewletts. He said the real issue should be the value of the wetlands.

Ms. Carey proposed closing the public hearing but postponed doing so because Mr. Hewlett requested another opportunity to address the Board. He was requested to limit his comments.

Mr. Hewlett gave the Board Members copies of a document prepared by an engineer, Mr. Gill. He noted that the original plans prepared by A.E.S. did not show any wetlands and that the current ones now show wetlands. He requested that restrictions be placed on the permit and that such restrictions were permitted by State law. It would be in the best interest of all because the report was based on a 3.6' elevation. He requested that the wetlands on Mr. Shone's property be left undisturbed and that Mr. Shone not be allowed to fill anymore wetlands on his property as he has been doing for over a year.

Ms. Carey closed the public hearing.

Mr. Shone stated his opposition to the restrictions.

Ms. Carey noted that the Board's concern was with the wetlands and that the drainage problem was a peripheral issue. It was noted that off-site restrictions could not be included in the permit.

Ms. Gussman informed the Board that the drainage question would be addressed by the Subdivision Review Committee as part of their review process. They would take Mr. Hewlett's concerns into consideration at that time.

Ms. Carey asked Mr. Quesenberry what restrictions had been placed on Mr. Shone with regard to filling the drainage area.

Mr. Quesenberry noted that for an area under 10,000 sq. ft. there are no protections even though filling the natural drainage area is a significant problem.

Ms. Carey asked if there are protections within the Code to prevent blockage of the drainage way.

Mr. Davis stated he was not certain if there were.

Ms. Steel, the Army Corps of Engineers Representative, stated that it was up to their attorney if the Corps will require a permit; however, it should not affect how far the Board extends its jurisdiction.

The Board discussed their earlier agreement regarding the extent of their jurisdiction, which would go beyond the ditch.

Ms. Carey discussed the small island of pines and whether it was included in the plan.

Mr. Oliver, Representative of Powhatan Shores, Inc., explained the plans for the island.

Mr. Otey noted that only one house could be constructed on that lot. He stated he had worked on developments similar to Powhatan Shores and felt that the proposed project would help everyone concerned.

Mr. Lindsey made a motion, seconded by Mr. Otey, that the permit be approved with the staff recommendations.

The motion was approved by a unanimous vote.

4. MATTERS OF SPECIAL PRIVILEGE

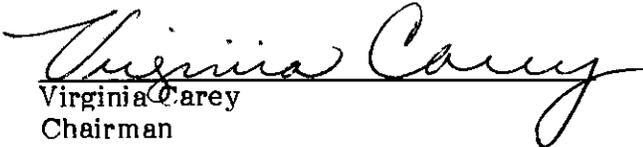
Ms. Gussman introduced Mr. Farmer, who would become Secretary to the Board at its next meeting.

Ms. Carey stated with the increasing number of cases coming before the Board, a set of policies should be established for the Board and that she would be calling upon the members for their ideas.

5. ADJOURNMENT

There being no further business the meeting was adjourned at approximately 8:45 p.m.

Victoria Gussman
Acting Secretary



Virginia Carey
Chairman

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