

AT A REGULAR MEETING OF THE WETLANDS BOARD OF JAMES CITY COUNTY, VIRGINIA, IN THE BOARDROOM, 101-C MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA, ON THE TWENTIETH DAY OF FEBRUARY, NINETEEN HUNDRED AND EIGHTY-SIX.

1. ROLL CALL

Members Present

Mr. Ralph Cobb
Ms. Kathleen Small
Mr. William Apperson, Chairman
Mr. Henry Lindsey
Ms. Carolyn Lowe

Others Present

Ms. Bernard M. Farmer, Jr., Code Compliance Director

2. MINUTES

The January 30, 1986 minutes were approved as presented.

3. OLD BUSINESS

There being no old business, the board moved on to new business.

4. NEW BUSINESS

W-1-86. Robert Brady

Mr. Farmer stated that Mr. Callis, the contractor, had applied on behalf of the owner, Mr. Robert Brady, for a wetlands permit for the construction of approximately 140 linear feet of timber bulkheading, a 10-foot by 20-foot private pier with two mooring piles at 123 Branscome Boulevard in the Powhatan Shores Subdivision. The contractor proposes to construct the bulkhead at mean high water along the toe of the bank. The Virginia Institute of Marine Science representative estimates that 300 square feet of vegetated wetlands and 150 linear feet of non-vegetated wetlands would be destroyed by the application. Mr. Farmer stated that he and Mr. Lindsey had visited the site, and he estimated that the amount of vegetated wetlands involved would be larger than the amount estimated by VIMS. He also stated that there seemed to be vegetation growing along the slope of the bank.

Mr. Farmer recommended approval of the permit subject to the following conditions:

1. The permit term shall expire on February 20, 1987.
2. The construction of the 140 linear feet of timber bulkheading being built at mean high water as proposed by the contractor.

3. The contractor contact the Code Compliance Office for an inspection of the filter cloth prior to backfilling.
4. The contractor obtain a building permit prior to construction.

After having visiting the site Mr. Farmer wanted to add an additional condition, "That the height of the bulkhead be held close to the height of the existing ground", so as to prohibit the amount of backfill and thus keeping the vegetated wetlands there. He stated that the bulkhead would probably create the precedent for future bulkheads along the area.

Mr. Apperson asked Mr. Farmer if he was suggesting that the bulkhead be built low. Mr. Farmer stated yes.

Ms. Small asked Mr. Farmer to show on a diagram how the bulkhead would be built. Mr. Farmer suggested that the height of the bulkhead be built no greater than six inches above grade.

Ms. Small asked if any vegetated wetlands were growing on the slope. Mr. Farmer stated that when he and Mr. Lindsey visited the site, they saw evidence of marsh grasses that were as far as six to eight feet away from the toe of the bank.

Ms. Small asked Mr. Farmer if the height (at six inches) would suffice to prevent inundation. Mr. Farmer stated that it would probably not. He stated that spring tides and storm tides would more than likely go across the bulkhead and up into the bank.

Ms. Small asked if this would cause erosion behind the bulkhead. Mr. Farmer stated that it would not.

Mr. Cobb stated that the owner would probably level the area and mow the wetlands down to the bulkhead.

Ms. Small asked if the wetlands would remain on the slope if the bulkhead was placed at the toe of the bank.

Mr. Farmer stated that the type of marsh grasses would continue to grow there.

Mr. Cobb asked if the board only had jurisdiction over wetlands confined in a area between mean high water and downward. Mr. Farmer stated that Mr. Cobb correct. That the jurisdiction of the local board, VMRC, and Virginia law was the area between mean high water and mean low water. He also stated that in this case it was difficult to establish precisely where mean high water would be.

Mr. Lindsey and Mr. Farmer discussed the definition of mean high water. Mr. Lindsey stated concern over setting a precedent for other bulkheads in the area.

Mr. Apperson opened the public hearing and asked if anyone would like to speak in favor of the request. There were no speakers.

Mr. Cobb moved to table the case until a report from VIMS had been submitted. Mr. Lindsey seconded the motion.

All members were in favor.

5. MATTERS OF SPECIAL PRIVILEGE

Mrs. Shone asked that the board grant an extension of her wetlands permit.

Ms. Small motion to grant and extension of six months and Mr. Lindsey seconded the motion. All members were in favor.

Ms. Small asked the staff to check into the cost of bulkheads being included into the assessment files.

Mr. Lindsey asked about the use of slides for wetlands cases.

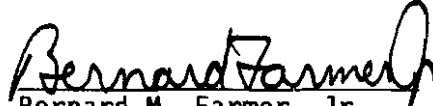
6. ADJOURNMENT

The meeting was adjourned at 8:30 p.m.

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William Apperson, Chairman



Bernard M. Farmer, Jr.
Secretary to the Board