

WETLANDS BOARD

Minutes

July 18, 1990

A. ROLL CALL

Present

Absent

Henry Lindsey
David Gussman
John Hughes
Carolyn Lowe

Ralph Cobb
(Remained seated in audience for his case)

OTHERS PRESENT:

Carolyn Murphy, Code Compliance Officer
John Patton, Code Compliance Officer
Leo Rogers, Assistant County Attorney
Maryann Wohlgemuth, Virginia Institute of Marine Science
Peter McClintock, Virginia Marine Resources Commission

B. MINUTES

The minutes of the June 13, 1990, meeting were approved as presented.

C. OLD BUSINESS

None

D. NEW BUSINESS

**Case No. W-10-90. John Hughes - 6 Hiawatha Court
Tax Map Number (47-3); Parcel (5-73)**

Ms. Murphy stated that John Hughes had applied for a wetlands permit to construct and place approximately 108 feet of rip rap revetment at 6 Hiawatha Court in the Powhatan Shores Subdivision. She stated, the wetlands involved on the property consists of approximately 40 square feet of sand/mud flat wetlands and 176 square feet of fresh water mixed wetlands. Ms. Wohlgemuth of VIMS has reviewed the project and expects the impacts to be minimal but recommends the rip rap revetment be placed as far landward as possible. The staff recommendation was for approval of approximate 108 feet of rip revetment subject to the following conditions:

1. The revetment be constructed as far landward as possible.
2. This permit term shall expire on July 18, 1991.

Mr. Lindsey opened the public hearing.

There being no public discussion, Mr. Lindsey closed the public hearing.

Mr. Gussman made a motion for approval subject to staff's recommendations.

The vote for approval was unanimous with Mr Hughes not voting.

Mr. Hughes joined the Wetlands Board on the dias for the remainder of the meeting.

**Case No. W-9-90. Gordon L. Martin - 7242 Canal Street
Tax Map Number (19-1); Parcel (9-47)**

Ms. Murphy stated that Gordon Martin, the owner, had applied for a wetlands permit for the replacement and back filling of approximately 105 linear feet of tongue and groove bulkhead at 7242 Canal Street in the Chickahominy Haven Subdivision. She stated, the wetlands involved consists of approximately 105 square feet on non-vegetated wetlands. The applicant proposes to construct the replacement bulkhead one foot channelward of the existing failing structure. The staff recommendation was for approval of the 105 linear feet of tongue and groove bulkhead subject to the following conditions:

1. The replacement bulkhead shall be constructed no more than one foot channelward of the existing failing bulkhead.
2. The Code Compliance Office shall approve and stake the alignment prior to construction.
3. A building permit shall be obtained prior to construction.

4. The Code Compliance office shall be contacted for an inspection of the filter cloth and tiebacks prior to the back filling.

5. This permit shall expire on July 18, 1991.

Mr. Lindsey opened the public hearing.

Ms. Lowe asked the applicant if the bulkhead was failing because of poor construction or the age of the structure.

Mr. Martin informed the Board that the existing bulkhead had been constructed with horizontal boards resulting in the bulkhead being undercut and weakening the structure causing rapid deterioration.

There being no one else present who wished to speak the public hearing was closed.

Mr. Hughes moved to approve the permit subject to Staff's recommendations.

The motion for approval was carried unanimously.

Case No. W-8-90. Lavelle Branscome - 133 Branscome Blvd.
Tax Map Number (47-3); Parcel (10-18)

Ms. Murphy stated that Mr. Richard Callis, the contractor, has applied on behalf of Ms. Branscome, the owner, for a wetlands permit for the construction and back filling of approximately 360 linear feet of bulkhead at 133 Branscome Boulevard located in the Powhatan Shores Subdivision. The contractor proposes to construct a four foot high bulkhead at or above mean high water for 360 feet starting at the adjacent bulkhead at 131 Branscome Boulevard. The drawings submitted indicated that the bulkhead was to be constructed at the toe of the bank. An inspection of the shoreline reveals little erosion and that the vegetation along this property consists of a Group One Type Wetlands Community which merit the highest order of protection in the Wetlands Guidelines. The staff recommendation was for denial for the following reasons:

1. This lot has a Group One Type Wetlands which merits the highest order of protection as established in the Wetlands Guidelines.

2. The detrimental loss of wetlands outweigh the private gain of a bulkhead the property.

3. The wetlands vegetation currently located along the shoreline is preventing any severe erosion problem.

4. Other methods of shoreline erosion control would be more appropriate and less damaging to wetlands for this property than a bulkhead.

A brief discussion followed concerning the amount of wetlands vegetation on the property and the distance of the proposed bulkhead in reference to the end point of marsh on the property.

Ms. Lowe stated that there is a large amount of wetlands vegetation on the property.

Mr. Lindsey opened the public hearing.

Mr. Richard Callis, the contractor, apologized to the Board for the inadequate drawings.

Mr. Hughes asked Mr. Callis if the applicant would consider rip-rap revetment for the property.

Mr. Callis stated that he had not discussed a rip rap revetment with the applicant and therefore could not answer on his behalf.

A discussion followed between Mr. Callis and members of the Board concerning the use of rip rap revetment on the property and other options but Mr. Callis did not have the authority to make any changes on Mr. Branscome's plans.

Mr. Lindsey closed the public hearing.

After discussion, it was felt that the contractor should discuss rip rap revetment and other alternatives with the applicant. After determining that a decision could be deferred and still acted upon within sixty days of receiving the application, a motion was made to defer a decision on this case until their next meeting on August 8, 1990.

The motion for deferral until their next meeting was unanimous.

**Case No. W-12-90. Raymond Barnes - 7276 Osprey Drive
Tax Map Number (19-1); Parcel (8-9)**

Ms. Murphy stated that Wilbur Jordan, the contractor has applied on behalf of Raymond Barnes, the owner, for a wetlands permit for the construction of approximately 120 linear feet of tongue and groove bulkhead at 7276 Osprey Drive in the Chickahominy Haven Subdivision. She stated, the wetlands involved on the property consists of approximately 120 square feet of non-vegetated wetlands. The contractor proposes to construct the bulkhead one foot channelward of mean high water and tie into the existing bulkhead to the West. The staff recommends an alignment that would tie into the existing bulkhead and follow a direct line to the mean high water at the eastern property line. This would result in less wetlands being impacted.

The staff recommended approval be granted for 120 linear feet of tongue and groove bulkhead to be constructed with the following conditions.

1. The bulkhead shall tie into the existing bulkhead at the western property line; proceeding over to the eastern property line along the toe of the bank with the bulkhead being constructed at mean high water at the eastern property line.
2. The Code Compliance Office shall approve and stake the alignment prior to construction.
3. The contractor shall obtain a building permit prior to construction.
4. The contractor shall contact the Code Compliance Office for an inspection of the filter cloth and tiebacks prior to back filling.
5. This permit shall expire on July 18, 1991.

Mr. Lindsey opened the public hearing.

Their being no public discussion, Mr. Lindsey closed the public hearing.

Mr. Hughes made a motion for approval subject to staff's recommendations.

The motion for approval was unanimous.

**Case No. W-13-90. Governor's Land Associates
Tax Map Number (44-2); Parcel (1-16)**

Ms. Murphy stated that Michael G. Kelly of the Williamsburg Group, Inc. has applied on behalf of Governor's Land Associates for a wetlands permit to allow the installation of 4030 linear feet of granite stone revetment, 610 linear feet of granite stone fill, and eight stone spurs totaling 455 linear feet. One half acre of tidal wetlands would be created from existing upland and 3000 cubic yards of beach nourishment will be placed at four locations on the site. She stated that Maryann Wohlgemuth of VIMS has reviewed the project and estimates that approximately 450 square feet of fresh water mixed vegetation; 63,285 square feet of sand/mud flat community; and 18,450 square feet of subtidal bottom will be impacted by this project. Ms. Murphy stated that since filing the original application, the applicant has offered an amended plan that reduced the impacts of nonvegetated wetlands by moving approximately 1370 feet of revetment and 500 feet of sill to a point at or above mean high water. The staff presented a detailed briefing using photographs, topographic maps, and scaled overlays of the project to identify the locations and potential impacts of each proposed structure. VIMS generally concurs with the overall proposal and as outlined in their report, spur and beach nourishment provide a softer approach to shoreline protection than would a revetment along the entire shoreline. VIMS also suggests that the created wetlands be monitored for several years to insure that the vegetation survives and becomes self sustaining. The staff recommendation was for approval of the amended plans subject to the following conditions:

1. A Land Disturbing Permit and Siltation Agreement for shoreline stabilization, with surety must be obtained from the Code Compliance Office prior to construction.

2. The alignment must be staked and approved by the Code Compliance Office prior to any land disturbing activities or construction.

3. The created wetlands must be inspected for five years. If the proposed vegetation has not established itself and remained viable for this period then the applicant must revegetate these areas with vegetation approved by the Director of Code Compliance.

4. All shoreline construction work shall be done so as to minimize destruction of existing wetlands and to preserve the trees and vegetation along the bank. Approval must be obtained from the Code Compliance Office for access to any sensitive areas prior to construction.

5. This permit shall expire on July 18, 1991.

Mr. Lindsey opened the public hearing.

Mr. Michael Kelly and Mr. Gary Anderson gave a detailed presentation of the project and the different structures. Mr. Anderson's presentation included photographic slides of shorelines both before and after construction of similar stabilization structures at other locations along the Chesapeake Bay and the East Coast.

Ms. Lowe asked if the proposed vegetation had been used in other areas and if it had been successful.

Mr. Kelly stated that it had been done in other areas and was very successful.

Ms. Lowe also expressed her concerns regarding how long this type of protection might last and what effect it would have on the conservation area and adjacent properties on the James River.

Mr. Kelly pointed out that this type of structure had the greatest potential for long term usefulness of any current system and that there would be no adverse effects on either the conservation area or other property along the rivers.

The remaining discussion centered around the overall complexity of the project and the changes to the environment that would occur.

There being no further persons wishing to speak, Mr. Lindsey closed the public hearing.

The board discussed the presentation, thanked the staff and the Williamsburg Group for their obvious hard work and complemented them on the spirit of cooperation demonstrated in working out the amended plan. A motion was made to approve the amended plan with the staffs recommendations and conditions.

The Board voted unanimously to approve the motion and grant the amended plan subject to the staff's recommended conditions.

NOTE: The staff reminded Mr. Kelly that the Governor's Land Proffers require that the James City County Planning Commission must also independently approve all shoreline stabilization proposals.

There being no further new business Mr. Lindsey asked if there were any items of special interest.

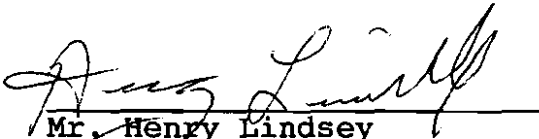
E. Items of Special Privilege


The Board inquired as to the status of the local Chesapeake Bay Preservation Act. Mrs. Lowe stated that the Board of Supervisors had deferred it twice but that she had indications from Board members that they would adopt something at their August meeting.

F. Adjournment

There being no further business a motion was made to adjourn and accepted unanimously.

The meeting was adjourned at 9:15 P.M.


Mr. Henry Lindsey
Chairman


Bernard M. Farmer, Jr.
Secretary