

WETLANDS BOARD

MINUTES

DECEMBER 15, 1993

A. ROLL CALL

PRESENT

ABSENT

Mr. Lindsey
Mr. Hughes
Ms. McCleary
Mr. Gussman

Mr. Cobb

OTHERS PRESENT:

Bernard Farmer, Zoning Administrator

B. MINUTES

The minutes of the November 17, 1993 meeting were approved.

C. OLD BUSINESS

W-31-93; Governor's Land Management

Mr. Farmer presented the staff report stating that Mr. Mike Kelly of the Williamsburg Environmental Group, Inc. on behalf of Governor's Land, made application to construct an inland marina with 101 wet slips, fuel and pump-out facilities, a boat ramp, and a recreational beach with groins and a pier on the James River. The entrance channel to the marina will require dredging approximately 20,000 cubic yards of material and installing two jetties. The property is identified as Parcel (1-16) found on James City County Real Estate Tax Map (44-2). He stated that at the previous meeting there was some question whether or not their consultants, Moffatt & Nichol Engineers had applied the water quality model in a fashion that was acceptable to our technical advisors from VIMS. A meeting occurred between Moffatt & Nichol Engineers and VIMS after the last Wetlands meeting where additional information was submitted. VIMS has reviewed the revised proposal and agrees that the application of the water quality model has been appropriate and they have no comments or concerns relative to the water quality impacts.

Mr. Farmer further stated that the applicant would like to include a storage building with an associated launching pier. Our office has visited the site along with representatives from VIMS, VMRC, DEQ and the Army Corps of Engineers. The Department of Environmental Quality has reviewed the water quality information and has draft water quality permits. Though they have not yet

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issued any permit they have no concerns relative to the water quality impacts. The impacts are relatively minimal and not considered adverse. The low bluff has eroded and continues to erode from normal processes. The applicant has changed the depth of the channel to eight feet as opposed to six feet (overdredging to allow for less frequent maintenance dredging). Mr. Farmer noted VIMS had no comment relative to the depth of dredging although they did comment on the width of the dredging and indicated that there had been several other projects where the dredging width of the channel bottom was only fifty feet. This proposal has asked for seventy-five feet. Staff recommends approval subject to the following conditions:

1. Prior to opening the final connection to the river all basin excavation and bulkhead construction, with adjacent shoreline rough grading shall be complete.
2. The applicant must provide runoff control from all roof top and other impervious surfaces (parking lots, roads, drives) with the exception of the boat ramp, piers, and access to them to direct water away from the marina basin.
3. The opening to the river, dredging activity, shoreline work, and any other disturbance within the James River shall be done at a time when no fish spawning is occurring.
4. The applicant shall furnish plans and details of the upland disposal site for review and approval by the county. All work related to the upland area shall be done pursuant to a land disturbing permit and application of erosion control guidelines.

Mr. Gussman questioned the purpose of the modeling.

Mr. Farmer stated his understanding of the modeling approach to the board.

Mr. Lindsey reopened the public hearing.

Mr. Kelly asked Mr. Farmer if the shoreline stabilization mentioned in the conditions referred to no shoreline stabilization construction from March to June?

Mr. Farmer said no.

Mr. Hughes asked if there would be any monitoring of the water quality.

Mr. Kelly said that there had not been any request to do so from any of the agencies to date.

Mr. Lindsey closed the public hearing.

There being no further discussion from the Board, Mr. Hughes moved for approval of the application with the staff's conditions. It was seconded and approved unanimously.

D. NEW BUSINESS

W-37-93; Arthur Schmidt

Mr. Farmer presented staff report stating that Mr. Arthur Schmidt has applied for a wetlands permit to construct approximately 150 linear feet of wooden bulkhead, a marginal pier and a covered boat lift at 218 Southpoint Drive in the Kingspoint subdivision. The property is further identified as parcel (2-7-8) found on James City County Real Estate Tax Map (49-3).

Mr. Farmer stated the property in question consists of a single family dwelling located adjacent to Halfway Creek and a tidal marsh. The shoreline consists of tidal wetlands at the edge of a steep bank. The bank is showing signs of erosion and undercutting. Staff recommends that a permit be issued with the following conditions:

1. New plans be submitted showing the exact location of the bulkhead with reference to clearly defined permanent points on the property such as survey points, corners of the residence or retaining walls. The bulkhead is to be constructed as close to the toe of the bank as possible and in no case further than two feet channelward of the toe.
2. Construction plans for the bulkhead must be submitted that substantially meet the recommendations of paragraph 4 (a) through (k) of the SEAS report dated November 8, 1993; including the use of suitable pilings, deadmen, tiebacks, filter cloth, and backfill designed to allow for the upland topography.
3. Obtain building permits for construction of each structure prior to beginning construction or clearing.
4. For any upland area cleared and for the filled area, establish a vegetative cover as outlined in the SEAS report.

5. Contact the Code Compliance Office within twenty-four hours of beginning construction and again prior to backfilling for an inspection of the tiebacks and filter cloth.

6. This permit shall expire on December 15, 1994.
Ms. McCleary noted some minor inconsistencies in the original application. These were acknowledged and corrected.

Mr. Lindsey opened the public hearing.

Mr. Arthur Schmidt spoke on behalf of his application clarifying his proposal.

Mr. Lindsey closed the public hearing.

There being no further discussion from the Board, Mr. Hughes moved for approval of the application with the staff's conditions. It was approved unanimously.

E. MATTERS OF SPECIAL PRIVILEGE

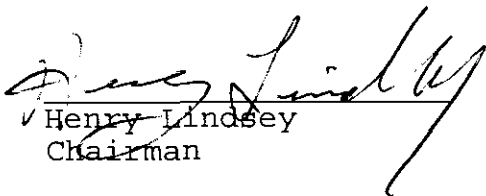
Mr. Farmer stated there is a requirement that a time period for a permit be placed. There was no time period placed on case W-31-93. The board amended the permit to include a three year time limit from the date of issuance.

The 1994 meeting schedule for the Wetlands Board was approved.

Election of officers: Mr. Lindsey was elected to serve as Chairman and Mr. Hughes as Vice-Chairman for the coming year.

F. ADJOURNMENT

The meeting was adjourned at 9:00 P.M.


Henry Lindsey
Chairman


Bernard Farmer
Zoning Administrator