

**WETLANDS BOARD
MINUTES**

OCTOBER 8, 1997 - 7:00PM

A. ROLL CALL	ABSENT
Henry Lindsey	James Jones
John Hughes	
David Gussman	
Larry Waltrip	

OTHERS PRESENT

Darryl E. Cook, Environmental Engineer
Environmental Staff

B. MINUTES

Approval of the September 10, 1997 minutes were approved as submitted.

C. OLD BUSINESS - None

D. NEW BUSINESS

1. W-31-97 McCale Development - Landfall Subdivision

Mr. Eversole presented the case stating that McCale Development Corporation has applied for a wetlands permit to construct a replacement bulkhead and an open pile pier in the Landfall Subdivision. The property is further identified as parcel (1-44) found on James City County Real Estate Tax Map (47-3).

The property in question is along Powhatan Creek. An Environmental Division inspector visited the site on September 24, 1997. The existing bulkhead is bowed in the center and the applicant proposes to straighten the replacement bulkhead by tying it to the existing bulkhead on the Eastern side and installing it a maximum 4 feet channelward on the Western side. There is an existing Cypress tree and 36 inch RCP drainage outfall located on the Western edge of the existing bulkhead that does not show on the plan. It is estimated that approximately 100 square feet of tidal area (Type XVI, Mud Flat) will be impacted by this application request. With this application, a total of 350 square feet of tidal wetlands impact will have been permitted to date, in the Landfall Subdivision.

It is the staff's recommendation that a wetlands permit be issued for this application with the following conditions:

1. A preconstruction meeting shall be held on site with an Environmental Division Inspector prior to any construction activity. Both the owner and contractor shall be in attendance.
2. Details of deadmen and tie back placement shall be provided to JCC Environmental Division prior to the preconstruction meeting. These details will address how the tiebacks will be installed through the existing bulkhead.
3. Sheeting should extend below the sediment surface at least as deep as it protrudes above the surface.
4. The filter cloth, tie backs, and deadmen shall be inspected by the Environmental Division staff.
5. Details of the method to be used to tie the new structure to the existing return walls will be provided prior to the Preconstruction Meeting.
6. The bulkhead ends shall be identified in relation to at least two permanent features on the property for future alignment verification.
7. Upland areas shall be stabilized with native grasses.
8. A building permit must be obtained.
9. Backfill material shall be clean fill, free of any debris.
10. The existing Cypress tree on the Western edge of the project and its surrounding area are not to be impacted by this application.
11. The permit shall expire on October 8, 1998.

Mr. Lindsey opened the public hearing

- A. Mr. William Hewitt, 122 Raleigh Lane, spoke in opposition of the application. He noted several line items in the application that he had concerns with and asked the Board to give careful consideration before making a decision.
- B. Mr. Mark Rinaldi, Langley & McDonald and agent for the owner, addressed Mr. Hewitt's concerns and then asked the Board if they had any questions.

Mr. Lindsey referred to the letter from Julie Bradshaw, VIMS, and inquired as to why the drawings appeared to be inadequate and lacked detail.

Mr. Rinaldi responded that he felt Mr. Watt, who designed the drawing, was experienced in this area and felt his design was good, however any change that staff or the Board requested would be made.

Mr. Hewlitt questioned Mr. Rinaldi if the applicant had considered using riprap so as not to encroach more into the creek.

Mr. Lindsey responded that the Board did not have the authority to instruct the applicant on the type of materials used.

Mr. Hughes responded that the Board has and will recommend riprap when they feel it is appropriate.

C. Ann Hewlitt, 122 Raleigh Lane, inquired if mitigating wetlands were an option.

Mr. Lindsey responded that if a significant amount of wetlands were involved, mitigation can be requested, however it was difficult to maintain and the success rate was not high. Mr. Hughes also stated that the Board needed to monitor the total amount of wetlands impacted for this subdivision and that mitigation might be considered in future application requests.

Ms. Hewlitt then requested the Board to deny the permit.

Mr. Lindsey closed the public hearing.

Mr. Hughes requested staff notify owners across the creek in future Landfall subdivision wetland application requests.

Mr. Gussman moved that case W-31-97 be approved with staff's recommendations.

The motion was approved unanimously.

2. W-32-97 Bruce Deginder - 3528 Barrett's Ferry Drive

Mr. Eversole presented the case stating that Mr. Bruce Deginder has applied for a wetlands permit to construct approximately 207 linear feet of bulkhead along with an open pile pier and boathouse at 3528 Barrett's Ferry Drive. The property is further identified as parcel (6-7) found on James City County Real Estate Tax Map (43-1).

The property in question is along the Chickahominy River. An Environmental Division inspector along with other agency personnel visited the site on September 19, 1997. The bulkhead is to be constructed along the entire property line. It is estimated that approximately 415 square feet of tidal area (Type XV, Sand/Mud Flat) will be impacted by this application request.

The existing shoreline has eroded, exposing tree roots to a point where integrity of the trees will soon be threatened. The applicant has designed the bulkhead to follow the existing shoreline to protect the tree canopy and sandy areas.

It is the staff's recommendation that a wetlands permit be issued for this application with the following conditions:

1. A preconstruction meeting shall be held prior to any construction activity. The meeting shall be attended by the owner, contractor and a representative of the JCC Environmental Division.
2. A design for the proposed rip rap returns shall be submitted to and approved by JCC Environmental staff prior to construction.
3. The rip rap at the ends of the structure shall be placed on filter fabric.
4. The filter cloth, tie backs, and deadmen shall be inspected by the Environmental Division staff.
5. Any trees not removed for installation of deadmen and tiebacks shall be protected and preserved.
6. The bulkhead ends shall be identified in relation to at least two permanent features on the property for future alignment verification.
7. Upland areas shall be stabilized with native grasses.
8. A building permit must be obtained.
9. Backfill material shall be clean fill, free of any debris.
10. The permit shall expire on October 8, 1998.

Mr. Hughes inquired if the owner had considered installing riprap instead of a bulkhead. He further stated that he felt riprap would be a better choice.

Mr. Waltrip agreed with Mr. Hughes and further stated that a serious erosion problem existed in this location and needed to be addressed.

Mr. Lindsey opened the public hearing.

- A. Mr. Bruce Deginder, the applicant, stated that he preferred to install a bulkhead and not riprap because of aesthetics. He further stated that he had a conversation with Rick Henderson, Army Corps of Engineers, and it was Mr. Henderson's opinion that there was no real advantage in installing one over the other.

Mr. Lindsey stated that Mr. Deginder's case was the first application in this area and the Board's decision would set a precedence on future cases.

Mr. Gussman inquired if the Board could defer action on this case until the next Board meeting so as to let the applicant consider using riprap as the Board preferred him to install riprap.

Mr. Cook responded that the permit could be modified to include either the riprap or the bulkhead..

Mr. Lindsey closed the public hearing.

Mr. Gussman moved that case W-32-97 be modified to approve the installation of either a bulkhead or riprap or a combination of both with staff's recommendations and approval prior to construction.

The motion was approved unanimously.

3. W-33-97 Governor's Land Management Company - Bridge Crossing B

Mr. Eversole presented the case stating that Governor's Land Management Company has applied for a wetlands permit to modify a previously permitted bridge crossing B in the Governor's Land Subdivision. The property is further identified as parcel (1-23) found on James City County Real Estate Tax Map (44-2).

The location of the previously permitted (W-23-95, expiration date 11/08/97) bridge crossing B has been modified 100 feet to the west of the original design. The width of the wetlands at the realignment location is approximately 15 feet less than the width of the wetlands at the previously permitted alignment. The wetlands application shows rip-rap slope protection, although the site plan for the road crossing shows a 1 foot concrete abutment on both sides. An Environmental Division inspector visited the site along with other agency personnel on September 24, 1997. It is estimated that approximately 3700 square feet of tidal area (Type XI, Freshwater Mixed Community) will be impacted by the shading of the bridge and the installation of the open pile structure.

It is the staff's recommendation that a wetlands permit be issued for this application with the following conditions:

1. A preconstruction meeting shall be held on site with an Environmental Division Inspector prior to any construction activity. Both the owner and contractor shall be in attendance.
2. Construction should be from the deck of the open pile structure.
3. Mats should be placed through the wetlands area to provide access to the island for the construction of the abutment, if necessary. Clearing will be limited to what is necessary for the construction of the bridge.
4. Upland areas shall be stabilized with native grasses.

5. A building permit must be obtained.
6. The permit shall expire on October 8, 1998.

Mr. Lindsey inquired as to where the utility lines would be installed.

Mr. Eversole responded that the utilities were on a separate contract and were not included in this application.

Mr. Lindsey opened the public hearing.

- A. Ms. Robin Morgan, Williamsburg Environmental Group, Inc., and Mark Bennett, AES Consulting Engineers, informed the Board that the James City Service Authority's approval was required but had not been received on the placement of the utilities. A cantilever walkway for utility access was an option, however placing the utilities under the decking had already been rejected by the James City Service Authority.

Mr. Lindsey inquired as to what the total width of the proposed road would be.

Ms. Morgan responded that the total width of the sub-structure was 28'6" and that if it were determined that the width would need to be greater, a modification of the application would need to be obtained. Ms. Morgan stated that the 28'6" did not include the cantilever walkway.

Mr. Bennett informed the Board that the completion date for the approach was to be this year, and the completion of the bridge would be sometime over this winter.

- B. Mr. Ray Keeney, representative for the owner Governor's Land Management Company, informed the Board that Mike Matthews, Structures Group, Inc., had designed the bridge per VDOT standards. Mr. Keeney stated that Mr. Matthews was not present, but he felt that Mr. Bennett and Ms. Morgan were close in presenting their calculations for this case.

Mr. Waltrip inquired if these plans were the same plans as represented on the original application with the exception of the location.

Ms. Morgan responded in the affirmative and added that there would also be 15 feet less wetlands impacted.

Mr. Lindsey closed the public hearing.

Mr. Hughes and Mr. Waltrip stated that their main concern would be if the marsh was disturbed to install the utility line. Mr. Hughes requested staff notify the Board if the marsh would be affected in future applications.

Mr. Hughes moved that case W-33-97 be approved with staff's recommendations.

The motion was approved unanimously.

E. MATTERS OF SPECIAL PRIVILEGE

Mr. Cook addressed questions to the Board regarding the "No Wake Zone" issue which was discussed in the September 10, 1997 Board meeting.

It was the consensus of the Board to use the first channel marker down from the bridge on the colonial parkway.

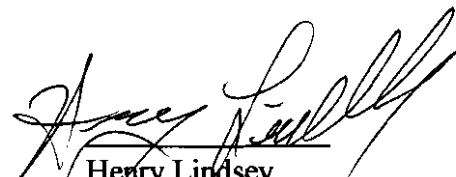
upstream of Powhatan Creek from Jamestown Road for placement of the sign.

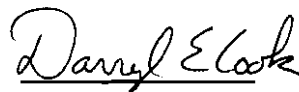
Mr. Cook informed the Board that in past No Wake Zone cases the Resolution approved designated who was responsible for the installation and maintenance of the signs as well as the number of signs permitted. He further stated that these requests were made by private property owners. Mr. Cook explained that the Board of Supervisors would need to approve a Resolution, and then an application from the Department of Game and Inland Fisheries would need to be filled out. The application and the approved Resolution would then be sent to the Department of Game and Inland Fisheries, who would make the final decision to approve the No Wake Zone.

After discussion on the Resolution process, the Board asked staff to pursue the legal aspects of their standing to request the Resolution.

F. ADJOURNMENT

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


Henry Lindsey
Chairman


Darryl E. Cook.
Secretary