

**WETLANDS BOARD
MINUTES**

FEBRUARY 11, 1998 - 7:00PM

A. ROLL CALL ABSENT

Henry Lindsey	None
John Hughes	
James Jones	
Larry Waltrip	
David Gussman	

OTHERS PRESENT

Darryl E. Cook, Environmental Engineer
Environmental Staff
Traycie West, VMRC

B. MINUTES

Approval of the January 14, 1998 minutes were approved as presented.

C. OLD BUSINESS - None

D. NEW BUSINESS

1. Case No. W-2-98/Frank Huckaby - 3 West Circle

Mr. David Meador presented the case stating that Mr. Frank Huckaby has applied for a wetland permit to enhance an existing road crossing over tidal wetlands. The road crossing will serve as a driveway for a future residence. The property is further identified as parcel (2-80-A) found on James City County Real Estate Tax Map (45-4).

The enhancement of the road crossing will include sheet piling and 9.6 cubic yards of fill to be placed along the toe of the slope in order to raise the elevation and increase the width of the road. The preparation of the building pad and lot will impact 0.1 acre of isolated wetlands. These isolated wetlands on the lot are above mean high water and therefore out of the Wetlands Board jurisdiction, but will need an exception granted by the Environmental Division to meet the requirements of the Chesapeake Bay Preservation ordinance.

An Environmental Division inspector has visited the site along with other agency personnel. It is estimated that approximately 300 square feet of tidal area (Type XI, Freshwater Mixed Community) will be impacted by the widening of the road crossing.

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

1. Prior to any construction, a land disturbing permit with a siltation agreement will be required. Also, an exception must be granted by the Environmental Division to encroach into the Resource Protection Area.
2. A preconstruction meeting will be held on site with an Environmental Division Inspector prior to any construction activity.
3. The existing 24" corrugated metal drainage pipe that runs through the existing causeway will be replaced with a new 24" reinforced concrete pipe (RCP) or high density polyethylene double wall (smooth interior) pipe. Also, at least one more 24" culvert will be placed through the causeway to help with the tide exchange.
4. Disturbed upland areas will be stabilized with native grasses.
5. The permit will expire on February 11, 1999.

Mr. Lindsey opened the public hearing and as no one wished to speak, Mr. Lindsey closed the public hearing.

Mr. Gussman inquired as to the placement of the additional pipe.

Mr. Meador responded the location would be determined in the field in coordination with the owner.

Mr. Waltrip and Mr. Jones expressed their concerns as to the adequacy of the length of the sheet pile along the causeway.

Mr. Hughes moved that case W-2-98 be approved with staff's recommendations and the added condition that the length of the sheet pile along the length of the causeway would be determined at the pre-construction meeting..

The motion was approved by a unanimous vote.

2. Case No. W-4-98/Busch Properties 1000 Kingsmill Road-Marina

Mr. Mark Eversole presented the case stating that Mr. Tom Dunn, on behalf of Busch

Properties, has applied for a wetlands permit to construct an 810 linear foot shoreline stabilization project along the Kingsmill marina portion of the James River in the Kingsmill Subdivision. Jim Gunn of Coastal Design has been contracted for the project. The project is composed of three different sections to address three different problem areas. The three areas are contiguous. The property is found on James City County Real Estate Tax Map (50-4).

The project begins at the marina harbor master facility with 130 linear feet of new armor stone revetment following the shoreline in a westerly direction. The second section of the project is the repair of 200 linear feet of a failing concrete rubble revetment that continues along the shoreline to the west, bordering the parking lot. The third section of the project is the construction of 480 linear feet of new armor stone revetment beginning at the edge of the marina parking lot and tying into an existing revetment at the Kingsmill Resort. This third section will also involve a 40 foot (estimate, scaled from drawings) encroachment and filling into the James River. The stated reason for this encroachment is the inability to lay the slope back due to the archeological site at the top of the bank. The wetlands area to be impacted by this request is approximately 500 linear feet of shoreline along the James River, 6300 square feet of tidal area (type XV, Sand Mud Flat), and 10,775 square feet of subaqueous bottom.

An Environmental Division inspector, along with other agency personnel visited the site on February 3, 1998. The extent of the archeological site is not identified at the site. However, it was noted that the closest preserved artifact/structure is 100 feet back from the existing fence. In the area between archeology and the bluff, there is a pavilion for recreational use. It is unclear without further information why the slope cannot be laid back rather than filling into the river.

Staff recommends that this application be denied. In order for a permit to be issued staff recommends the following amendments to the plan. Section three of the project should be shifted upland, laying back the slopes toward the archeological site, therefore minimizing any encroachment into the river; or evidence must be provided that the archeological site extends toward the river, and is of significant value to prohibit any grading of the slopes.

Should a wetlands permit be granted for this project, the following conditions would apply:

1. A turbidity curtain is to be in place along the entirety of the project prior to any construction.
2. A land disturbing permit shall be obtained and remain in place for the project duration for all upslope clearing and grading above the jurisdictional wetlands.
3. An erosion control plan for the upslope disturbance will be a part of the land disturbing permit.
4. The toe of the revetment shall be buried a minimum 1.0' below MLW.

5. A preconstruction meeting shall be held on site with the developer, contractor and the Environmental Division prior to any land disturbance.
6. Limits of clearing and grading shall be marked in the field prior to the preconstruction meeting.
7. A plan for re-vegetation of all disturbed areas shall be submitted to, and approved by, the County prior to construction.
8. This permit shall expire February 11, 1999.

Mr. Lindsey opened the public hearing.

Mr. Tom Dunn, the applicant, informed the Board that graves were discovered at the top of the bank in 1973 during the construction of the marina. He said the work was stopped at that time, but the area had never been excavated to determine the exact location of the graves. Mr. Dunn requested the Board defer their action until additional information could be presented.

Mr. Lindsey closed the public hearing.

Mr. Hughes moved that case W-4-98 be deferred until further information was submitted by the applicant.

The motion was approved by a unanimous vote.

3. Case No. W-5-98/Governor's Land Nature Trail

Mr. David Meador presented the case stating that Governor's Land Management Company has applied for a wetlands permit to expand the nature trail system through the Governor's Land development. As part of the nature trail expansion, seven (7) pile supported timber walking bridges are proposed to cross several tidal wetland areas associated with the James and Chickahominy Rivers. The property is further identified as parcel (1-16) found on James City County Real Estate Tax Map (44-2).

The construction of the walking bridges will require hand clearing of trees for equipment access. It is proposed that minor shifts in the alignment of these bridges may be made in order to prevent the cutting of mature baldcypress trees.

An Environmental Division Inspector visited the site on February 10, 1998.

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. Any trees needing to be removed should be properly flagged and approved by the Environmental Division prior to any disturbance.
2. The elevation of the footbridge above the wetlands substrate should equal the width of the bridge, except on the bridge ends. This is to minimize the shading under the bridge and avoid damage to the cypress "knees".
3. All construction debris will be removed promptly and disposed of properly.
4. All disturbed upland areas shall be stabilized with native grasses.
5. A building permit must be obtained.
6. The permit shall expire on February 11, 1999.

Mr. Lindsey opened the public hearing.

Ms. Robin Morgan, Environmental Group, Inc., informed the Board that she was present to answer questions. She also stated that Governor's Land Management Company would accommodate all of the Board's concerns.

Mr. Ray Keeney, representative for the owner, informed the Board that the bridges would be semi-private and would serve just a few houses. In response to an inquiry from the Board he stated that a pier was not planned to be placed at the end of the bridge.

Mr. Hughes stated his main concerns were the destruction of wetlands due to the construction activity and the shading from the bridges.

Ms. Morgan responded that the bridges were being constructed in existing treed areas and shading from the bridges should not be a major problem.

Mr. Lindsey closed the public hearing.

Mr. Hughes asked staff why the height to width ratio was 1:1 as 1.5:1 was more in line with past plan approvals.

Mr. Meador responded that criteria from the COE Req. Permit 17 is used and that they use a 4' high - 4' wide criteria. He stated that based on this criteria staff feels a 1:1 ratio is adequate.

Mr. Lindsey stated that all trees to be removed must be marked prior to the pre-construction meeting.

Mr. Waltrip stated that all clearing areas needed to be well marked in order to gain

equipment access. He also stated that mats needed to be used during the construction.

Mr. Jones moved that case W-5-98 be approved with staff's recommendations.

The motion was approved by a unanimous vote..

4. Case No. W-6-98- 163 West Landing, Kingsmill

Mr. Mark Eversole presented the case stating that Ms. Michele Ball has applied for a wetlands permit to install 150 linear feet of rip rap over existing concrete rubble revetment at 163 West Landing. The property is further identified as parcel (12-16) found on James City County Real Estate Tax Map (50-3).

The property in question is along the James River. An Environmental Division inspector visited the site on January 30, 1998. It is estimated that approximately 300 square feet of tidal area (Type XV, Sand/Mud Flat) will be impacted by this application request.

The drawings submitted with the application indicate that the proposed rip rap is to be 150 linear feet long, approximately 25 feet wide and will be installed on top of existing concrete rubble. The existing concrete rubble is not installed over filter cloth and is presently sloped at approximately a 2.5:1 slope.

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

1. Prior to any land disturbing or construction work, a preconstruction meeting with the Environmental Division personnel will be held on site.
2. The rip rap shall be class 2 (150-500 lb.) installed over the existing concrete rubble.
3. The toe of the new rip rap shall not extend channelward more than 2'.
4. The rip rap revetment shall have a slope of 2:1 maximum when completed.
5. Regrading of existing earthen slopes is not part of this permit application.
6. The upslope disturbed areas shall be restabilized with native grasses and replanted with trees and shrubs. Specific trees to be removed for access and along the fringe of the new rip rap, will be determined at the preconstruction meeting. The number and species of trees to be replanted will be determined based on construction access impacts.
7. The permit shall expire on February 11,1999.

Mr. Lindsey opened the public hearing and as no one wished to speak, Mr. Lindsey closed the public hearing.

Mr. Gussman moved that case W-6-98 be approved with staff's recommendations.

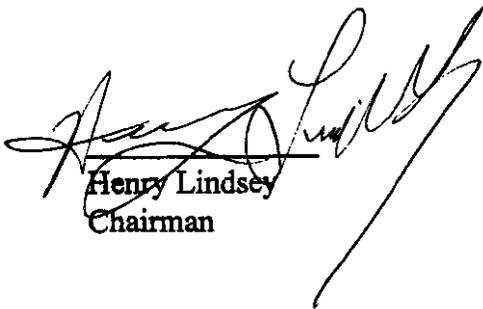
The motion was approved by a unanimous vote.

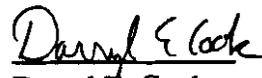
E. MATTERS OF SPECIAL PRIVILEGE

The Board continued their discussion on Wetlands Mitigation - Banking/Compensation. It was the decision of the Board to invite an Army Corps of Engineers representative to the next Board meeting to discuss how the Army Corps regulates their mitigation/compensation cases. After that discussion, the Board would then draft a policy for public comment to be held at a later meeting.

F. ADJOURNMENT

The meeting was adjourned at 8:30 P.M.


Henry Lindsey
Chairman


Darryl E. Cook.
Secretary