

**WETLANDS BOARD
MINUTES**

OCTOBER 14, 1998 - 7:00PM

A. ROLL CALL **ABSENT**

Henry Lindsey
James Jones
David Gussman
Larry Waltrip
John Hughes (Arrived at 7:45PM)

OTHERS PRESENT

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

B. MINUTES

Approval of the September 9, 1998 minutes were approved as presented.

C. OLD BUSINESS - None

D. NEW BUSINESS

1. W-23-98: Governor's Land Associates - Cypress Isle

Mr. David Meador presented the case stating that Williamsburg Environmental Group, on behalf of the owner, Governor's Land Management Company had applied for a wetlands permit to construct a pedestrian footbridge across a tidal wetland adjacent to the James River and to install shoreline stabilization along 1,150 linear feet of the James River at Cypress Isle located in the Governor's Land subdivision. The proposal includes seven headland breakwaters with intervening spiral bays to be planted with *Spartina patens* and *Spartina alterniflora*. The pedestrian footbridge is proposed to be eight (8) feet wide by three hundred (300) feet long, constructed across a tidal wetland in order to connect Cypress Isle with the remainder of the nature trail system. The property is further identified as parcel (1-16) found on the James City County Tax Map No. (44-2).

An Environmental Inspector along with other agency personnel visited the site on October 1, 1998. The proposed breakwaters and the footbridge were hard to identify in the field, since they were not properly flagged and the lot numbers on the stakes in the field did not match the lot numbers on

the plan. We also identified an inconsistency with the drawings on the permit application. The cross section drawing did not match the overall drawing. Several baldcypress trees were noted during the visit, although the proposal states that no vegetated wetlands would be impacted.

Both Williamsburg Environmental Group and Governors Land Management Company have been informed of the problems and inconsistencies with this application. They are in the process of revising this application and identifying the locations in the field.

Since the application is considered incomplete at this time, it is the staff's recommendation to defer this case until the next meeting.

Mr. Lindsey opened the public hearing.

1. Ms. Robin Morgan, Williamsburg Environmental Group, Inc., presented the Board with pictures showing a similar project that had been completed approximately a year ago. Ms. Morgan stated that it was estimated that approximately 100 square feet of vegetated area exists on the eroding shoreline and one acre of vegetation would be re-established to replace it. Ms. Morgan informed the Board that there was no objection to defer the case until the November meeting.

Mr. Lindsey closed the public hearing.

Mr. Jones made a motion to defer Case W-23-98 to the November 4, 1998 meeting.

The motion was approved by a 4-0 vote.

2. W-24-98: Governor's Land Associates - River Ridge

Mr. David Meador presented the case stating that Williamsburg Environmental Group, on behalf of the owner, Governors Land Management Company had applied for a wetlands permit to construct a pier on the Chickahominy River behind 1581 River Ridge, Lot 5 and 1585 River Ridge, Lot 6 in the River Oaks North section in the Governor's Land subdivision. The property is further identified as parcel (1-16) found on the James City County Tax Map No. (44-2).

An Environmental Inspector along with other agency personnel visited the site on October 1, 1998. The dimensions of the proposed pier will include a six (6) foot by twenty (20) foot pier with a six (6) foot by twelve (12) foot removable floating T-section on the end. The construction of the pier will not require the clearing of any trees. It is estimated that approximately 200 square feet of subaqueous area will be impacted by the proposal. As requested, the total cumulative wetland impacts to date since 1990 for Governor's Land are 101,142 square feet.

It is the staff's recommendation that a 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 will be held onsite.
2. Mats will be utilized during construction to minimize the impact to the wetlands.
3. All construction debris will be removed from the wetland area and properly disposed of.
4. The permit will expire on October 14, 1999.

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

Mr. Lindsey said that during his site visit, he observed a bridge that had been constructed at an earlier time and noticed that the vegetation was growing properly. He congratulated the applicant on a job well done.

Mr. Waltrip concurred with Mr. Lindsey and added that the separation in the foot boards allowed the vegetation to prosper and he hoped that all bridges would be constructed as the one they looked at.

Mr. Jones inquired if the Board was required to address the impacted 200 square feet.

Mr. Meador responded that the 200 square feet was subaqueous area and outside the jurisdiction of the Board and that Dr. Perry, VIMS, did not address it in his report.

Ms. West added that as the vegetation was not being destroyed and would grow back, mitigation would not be required.

Mr. Jones made a motion to approve Case W-24-98 with staff's recommendation and the added condition that spacing between the foot boards be 5/8 inch.

The motion was approved by a 4-0 vote.

E. MATTERS OF SPECIAL PRIVILEGE

1. James City County Wetlands Mitigation-Compensation Policy

Mr. Hughes arrived at the meeting at 7:45 PM.

The Board held a discussion on the requirements of the existing Ordinance and discussed issues relating to wetlands destroyed vs. temporarily impacted and if surety should be required to guarantee the establishment of new wetlands. They also discussed that if the Board requires surety, how long can it be in place vs. the length of the permit. Another alternative was to phase in the construction in the permit process by specifying what stages needed to be completed in what time frame.

Mr. Chuck Roadley, Williamsburg Environmental Group, formerly employed by VMRC for nine years and before that VIMS, and Ms. West informed the Board that since the creation of mitigation banks few projects have had to mitigate.

The Board agreed that a public hearing needed to be held to receive public comment on the mitigation policy. The public hearing will be scheduled to be heard at the December 9, 1998 Wetlands Board meeting.

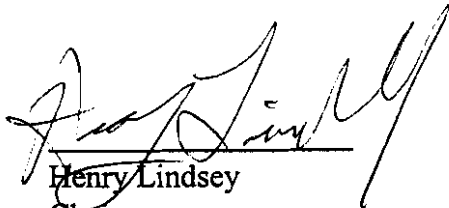
The Board requested staff to advertise the public hearing and to ensure a representative from VMRC would be present at the November and the December meeting. The Board also requested staff to notify the Board of Supervisors of this hearing.

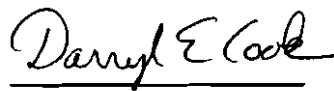
Mr. Hughes inquired if an appeal had been filed on the Landfall case regarding the pier.

Ms. West responded that the applicant had modified the design and made the project smaller and an appeal was not submitted.

F. ADJOURNMENT

The meeting was adjourned at 8:18 P.M.


Henry Lindsey
Chairman


Darryl E. Cook.
Secretary