

**WETLANDS BOARD  
MINUTES**

**APRIL 12, 2000 - 7:00PM**

**A. ROLL CALL ABSENT**

Henry Lindsey	Larry Waltrip
John Hughes	
David Gussman	
Philip Duffy	

**OTHERS PRESENT**

Darryl E. Cook, Secretary to the Board  
Environmental Staff

**B. MINUTES**

Approval of the March 8, 2000 minutes were approved as presented.

**C. OLD BUSINESS - NONE**

**D. PUBLIC HEARINGS**

1. W-06-00: Hurley Hughes - 6006 Tabiatha Lane

Mr. Pat Menichino presented the case stating that Mr. Hurley Hughes had applied for a wetlands permit to install a 116 linear foot bulkhead at 6006 Tabiatha Lane in the Chickahominy Haven subdivision. The property is further identified as parcel (6-14) found on James City County Real Estate Tax Map (19-1).

The property in question is along a manmade waterway leading to the Chickahominy River. An Environmental Division inspector visited the site along with other agency personnel on March 29, 2000. It is estimated that approximately 348 square feet of tidal area ( Type; XV Sand/Mud Flat) will be impacted by this application request.

It is the staff's recommendation that this application be approved with the following conditions:

- 1) Prior to any land disturbing activities, a preconstruction meeting will be held on-site.
- 2) The bulkhead shall be installed at the location shown on the drawings submitted and it shall have return walls at each end or be tied into the existing adjacent bulkheads.

- 3) The bulkhead shall be constructed with the same top elevation as the adjoining property.
- 4) The bulkhead shall be installed so that its depth below grade is equal to its height above grade.
- 5) The Environmental Division shall inspect the tie backs, deadmen and filter fabric installation, prior to backfilling.
- 6) The construction drawings shall be amended to delete that portion of the covered boat which is proposed to extend landward of the new bulkhead. That landward portion of the covered boatlift may not be constructed and is not permitted within the Resource Protection Area (RPA) Buffer of the Chesapeake Bay Preservation Ordinance.
- 7) A James City County Land Disturbance Permit will be required for the regrading and filling of the landward area of the property. This permit must be obtained prior to preconstruction meeting.
- 8) Those landward areas of the RPA Buffer disturbed, will require mitigation replanting with native vegetation consisting of trees, shrubs and grass. A replanting plan shall be submitted and approved by James City County prior to the preconstruction meeting.
- 9) The permit shall expire April 12, 2001.
- 10) If an extension of this permit is needed, a written request shall be submitted to the Environmental Division no later than two weeks prior to the permit expiration date.

Mr. Lindsey opened the public hearing.

- A. Mr. Hurley Hughes, the owner, addressed the Board and asked them to approve his application for a bulkhead. He also requested that they allow it to be 12 inches on one side and 18 inches on the other side higher than his adjacent property owners' bulkheads. He stated that the water flows over the bulkheads and takes a long time to drain. He further stated that several properties drain into a pipe which goes through his property, which had deteriorated and needed repairs, and created an even greater drainage problem.
- B. Mr. Don Johnson, 210 Red Oak Landing Road, Williamsburg, stated that he wondered how the adjacent property owners would feel if Mr. Hughes were permitted to build his bulkhead higher than theirs. He stated there would be more water flowing onto their properties and that was a major consideration.

The Board informed Mr. Johnson that staff recommended the bulkhead be constructed to fall in line with his adjacent property owners' bulkheads.

Mr. Hughes informed the applicant, Mr. Hurley Hughes, that an exception to the Chesapeake Bay Preservation Ordinance for the covered boathouse would need to be granted by the

Environmental Division. If the Environmental Division did not grant the request, then an appeal to the Wetlands Board would be the next step, if he chose to pursue the request.

As no one else wished to speak, Mr. Lindsey closed the public hearing.

Mr. Duffy made a motion to approve case W-06-00 with staff's recommendations.

The motion was approved by a 4-0 vote.

2. W-08-00: Mr. J. Stuart Oglesby, 180 The Maine

Mr. Pat Menichino presented the case stating that Water's Edge Construction, on behalf of the owner Stuart J. Oglesby, had applied for a wetlands permit to install 55 linear feet of riprap revetment at 180 The Maine, in the First Colony subdivision. The property is further identified as parcel (2-63) found on James City County Real Estate Tax Map (45-4).

The property in question is along the James River. An Environmental Division inspector visited the site along with other agency personnel on March 29, 2000. It is estimated that approximately 100 square feet of tidal area (Type XV Sand/Mud Flat) will be impacted by this application request.

It is the staff's recommendation that this application be approved with the following conditions:

- 1) Prior to any land disturbing activities, a preconstruction meeting will be held on-site.
- 2) The toe of slope for the proposed revetment shall be landward of the existing Cypress trees. One existing Cypress tree will be boxed out with timbers prior to the installation of the riprap to minimize impacts to the tree.
- 3) Filter fabric shall be inspected by the Environmental Division prior to placement of riprap.
- 4) All vegetation needing to be removed for this project shall be approved by the Environmental Division prior to any disturbance.
- 5) All upland areas disturbed shall be stabilized with native low maintenance vegetation or as approved by the Environmental Division.
- 6) The permit shall expire April 12, 2001.
- 7) If an extension of this permit is needed, a written request shall be submitted to the Environmental Division no later than two weeks prior to the permit expiration date.

Mr. Lindsey opened the public hearing.

- A. Mr. Daniel Winall, Water's Edge Construction, informed the Board that he was available to answer any questions.

Mr. Duffy stated he had concerns about forcing the toe of the slope into the bank. He stated that he favored a smooth line rather than jagged riprap as it would create less impact to neighboring properties. He noted that any rebar used would need to be cut off.

Mr. Menichino responded that the reasoning behind forcing the slope into the bank was that there would be less impact on the cypress trees and minimal impact to the wetlands.

Mr. Duffy inquired as to how the riprap would be delivered to the site.

Mr. Winall responded that as the river was quite shallow in that area he would have it delivered through the yard. He informed the Board that he felt the cypress trees would die if he were to keep a straight line along the bank.

As no one else wished to speak, Mr. Lindsey closed the public hearing.

Mr. Hughes made a motion to approve case W-08-00 with staff's recommendations.

The motion was approved by a 4-0 vote.

**E. BOARD CONSIDERATIONS - None**

**F. MATTERS OF SPECIAL PRIVILEGE**

Ms. Boots Johnson, 210 Red Oak Landing Road, Williamsburg addressed the Board. She informed the Board that she felt there were numerous, ongoing code violations within the Landfall subdivision. She spoke of runoff issues, exposed soil conditions, red sediment polluting the marsh and erosion control barriers which have not been maintained. She stated that she still had not received documentation that indicated appropriate language had been added to the plat which would prohibit piers from being built over marsh lands. She thanked the Board for hearing her concerns and asked for any assistance in which they could give in protecting the Powhatan Creek and marshes.

Mr. Hughes noted that the Conservation Easement could not be disturbed without the approval of the County Engineer, Wayland Bass. He then inquired if piers could be built off these easements and who owned the marsh.

Mr. Cook responded that in his opinion if you go from private property to public property then it would be a Wetlands Board decision. He stated that in general the marsh is part of the common area, but the plats would need to be reviewed to verify ownership.

Mr. Hughes inquired as to who regulated the height of piers as that impacts the amount of light available to plants growing under the piers. He stated that he had major concerns relating to this subject.

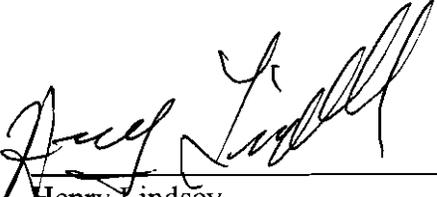
Mr. Cook responded the Army Corps of Engineers and the Virginia Marine Resource Commission were responsible for setting those guidelines. He informed the Board that vegetation under bridges located in common areas in Governor's Land were growing well.

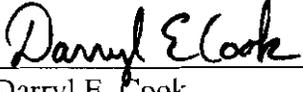
Mr. Lindsey stated that the vegetation was doing well, but it was a different species of vegetation than before the bridges were built.

**G. ADJOURNMENT**

Mr. Gussman made a motion to adjourn. The motion was approved by a 4-0 vote.

The meeting was adjourned at 7:55 P.M.

  
Henry Lindsey  
Chairman

  
Darryl E. Cook  
Secretary