

**JAMES CITY COUNTY WETLANDS BOARD
JULY 13, 2005 - 7:00PM**

A. ROLL CALL

ABSENT

Henry Lindsey
David Gussman
Larry Waltrip
John Hughes
William Apperson

None

OTHERS PRESENT

Randy Owen, VMRC
County Staff

B. MINUTES – May 11, 2005

The May 11, 2005 minutes were approved as presented.

C. PUBLIC HEARINGS

1. W-11-05: Gloucester Environmental, LLC, - 7210, 7212, 7214 & 7216 Canal Street

Mr. Buchite presented the case stating that Gloucester Environmental, LLC, on behalf of Ms. Barbara Fowler, 7210 Canal Street; Mr. David W. Whisenant, 7212 Canal Street; Mr. William B. Jones, Sr., 7214 Canal Street; and James Tawney 7216 Canal Street; had applied for a wetlands permit to install approximately 185 feet of 7 foot high segmental retaining wall with a 5 foot class A1 riprap toe protection and an additional 13 foot of returns with associated fill to replace the failing concrete bulkhead existing on a man made canal off of the Chickahominy River behind the respective properties. The properties are further identified as parcel (9-31) through (9-34) found on the James City County Real Estate Tax Map (19-1). Ms. Fowler, Mr. Whisenant, Mr. Jones, Mr. Tawney, and Mr. Stuart Usher the contractor have been advised that their attendance at the Wetlands Board meeting on July 13, 2005 is highly recommended. A representative for Gloucester Environmental, LLC has a scheduling conflict with another local wetlands board meeting and has expressed that she will not be able to attend. The Professional Engineer that has signed and stamped the design plans has also been advised that his attendance is highly recommended.

The project is to construct 185-linear feet of eight-inch segmental block wall bulkhead on a base of # 57 stone with an engineered material place at intervals between the block designed to anchor the wall to the existing embankment. Eight and 5-foot returns will be utilized to tie the structure into the adjacent embankments. The structure will be placed close to the footprint of the existing bulkheads to reduce the potential wetlands impacts and filter fabric will be used to reduce potential sediment transport. Additional backfill will be used with a 2-foot layer of clean sand topped with the existing topsoil. The proposed toe revetment will be constructed using VDOT class 1 riprap.

Environmental Division staff visited the site on May 20, 2005, along with representatives from VMRC and VIMS to discuss the project scope and potential impacts. Proposed impacts for this project are determined to be 925 square feet to the Type XV Sand/Mud Mixed Flat Community. Total fill impacts for this project are determined to be 462 square feet.

It is the staff's recommendation that the Board approve this application, with the following conditions:

1. Prior to any land disturbing activities, a preconstruction meeting will be held on-site.
2. The limits of construction shall be flagged in the field prior to the preconstruction meeting.
3. All vegetation to be removed shall be clearly flagged or marked with spray paint prior to the preconstruction meeting.
4. Any landward areas of the Resource Protection Area (RPA) buffer that are proposed to be cleared and disturbed during the construction process will require restoration with native vegetation consisting of trees, shrubs and ground cover. If vegetation is removed for construction access, an RPA restoration plan with surety shall be submitted and approved by the Environmental Division prior to the preconstruction meeting.
5. All vegetation to be removed for this project shall be approved by the Environmental Division prior to any land disturbance.
6. A turbidity curtain shall be required prior to commencement of any construction activity unless waived by the Environmental Division Director.
7. Filter fabric shall be inspected by the Environmental Division prior to the placement of backfill.
8. Within 30 days of completion of construction, a construction certification shall be submitted to the Environmental Division by the design engineer who stamped the project drawings stating that based on his observations, the segmental block retaining wall and revetment were monitored and constructed in accordance with the provisions of the design plan and specifications sealed on June 6, 2005.
9. The permit shall expire July 13, 2006.
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 expiration date.

Mr. Gussman referred to the VIMS report, which stated they had concerns about the block wall, however they did not specify what the concerns were. He inquired if staff knew what the concerns were.

Mr. Buchite responded that staff and VIMS had concerns about the stability and strength of the wall in a tidal situation and that is why it was required that all structural diagrams be sealed and signed by a professional engineer.

Mr. Lindsey opened the public hearing.

A. James Brawley, III, P.E. of Landmark Design Group, stated he was the P.E. who signed the drawings. In response to questions from the Board, he responded his experience with this design was when it was used 3-4 years ago in Sandbridge. Reasons why this design was being used is because the wall was not being placed in a high wave area, it is fairly inexpensive, attractive, long lasting, and had adequate strength with enforced riprap toe. As for plantings, small trees would be planted, nothing over six feet. He finished by saying the selected contractor has experience in installing these systems.

B. William B. Jones, 7214 Canal Street, spoke in favor of the project.

C. Stuart Usher, Landscape Solutions and contractor, addressed the Board and stated this system was selected because it lasts longer, it is less expensive and is attractive. He further stated that he plans to submit more applications in James City County using this design.

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

Mr. Waltrip emphasized the importance of installing the footing correctly in order to make the project succeed. He also noted that having another alternative for shoreline protection was a positive.

Mr. Gussman made a motion to approve case W-11-05 with staff's recommendations.

The motion was approved by a 5-0 vote.

2. W-13-05: David Bradley 8503 Hicks Island Road

Mr. Buchite presented the case stating that Mr. David Bradley had applied for a wetlands permit to install approximately 255 linear feet of riprap revetment to prevent shore erosion, a five feet wide 48-foot long pier with a 16-foot L-head, and a 16-foot by 32-foot open sided covered boathouse. The property is further identified as parcel (1-23) found on the James City County Real Estate Tax Map (9-1). The project site is located on Diascund Creek.

Environmental Division staff visited the site along with representatives from VMRC and VIMS on June 20, 2005 to discuss the project scope and potential impacts. Proposed wetlands impacts for the project are determined to be 1520 sq. ft. to the Type XV, Sand/Mud Flat Community, with an associated wetlands fill of 760 sq. ft. Additional wetlands impacts for the amended project are determined to be 520 sq. ft. to the Type XI Freshwater Mixed Community, with associated wetlands fill of 260 sq. ft. Total proposed impacts to the wetlands are determined to be 2040 sq. ft. with wetlands fill of 1020 sq. ft.

The Wetlands Board Mitigation Policy states that impacts over 1,000 sq. ft. will be mitigated or compensated. This project will result in a wetlands loss of 1020 sq. ft., exceeding the 1,000 sq. ft. threshold by 20 sq. ft. for tidal wetlands. The Army Corps of Engineers has calculated a cost of \$7.78 per sq. ft. compensation of tidal wetlands losses. Therefore, the mitigation cost for this project will be \$155.60 ($\7.78×20 sq. ft.).

It is the staff's recommendation that the Board approve this application, with the following conditions:

1. To compensate for wetlands loss, \$155.60 is to be paid to the Virginia Wetlands Restoration Trust Fund.
2. Any landward areas of the Resource Protection Area (RPA) buffer that are proposed to be cleared and disturbed during the construction process will require restoration with native vegetation consisting of trees, shrubs and ground cover. If vegetation is removed for construction access, an RPA restoration plan with surety shall be submitted and approved by the Environmental Division prior to the preconstruction meeting.
3. The limits of construction shall be flagged in the field prior to the preconstruction meeting.
4. All vegetation to be removed shall be clearly flagged or marked with spray paint prior to the preconstruction meeting.
5. The Environmental Division reserves the right to require a turbidity curtain for this project if field conditions warrant its use.
6. The construction access will require stabilization/restoration with native grasses.

7. A preconstruction meeting will be held on-site prior to construction.
8. Filter fabric shall be used under the proposed riprap. Inspection of the filter fabric must occur prior to commencement of backfilling operations.
9. All proposed core stone shall be 5 to 15 pounds per stone and all proposed armor stone shall be Class II.
10. The permit shall expire July 13, 2006.
11. 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 expiration date.

Mr. Hughes inquired if the proposed work was the same as the previously approved permit, under a different owner.

Mr. Buchite responded it was the same scope of work to be done.

Mr. Lindsey opened the public hearing.

A. David Bradley, owner, verified the scope of the project was the same as what was previously permitted. He stated there was significant erosion and he desired to have the work done as quickly as possible, and he was in negotiations with a contractor at this time.

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

Mr. Hughes made a motion to approve case W-13-05 with staff's recommendations.

The motion was approved by a 5-0 vote.

D. BOARD CONSIDERATIONS

1. Extension of W-30-04: David Hart – 7234 Otey Drive

Mr. Buchite presented the case stating that Mr. David Hart, owner, had requested an extension of the expiration date for Wetlands Permit No. W-30-04. Subsequent to the receipt of Mr. Hart's request, the Environmental Division has authorized approval of the permit expiration date from July 14, 2005 to July 14, 2006. All of the Permit conditions required within W-30-04 shall apply to the permit extension.

The authorization of the Wetlands Permit Extension by the Environmental Division is subject to review and confirmation by the Wetlands Board at its next meeting.

Mr. Gussman asked staff to explain the situation with the failing pipe.

Mr. Cook responded that the pipe installed from the road to the canal had been eroding over the years and silt has been entering the canal. July 1st began the new budget year for the County with funds available for drainage improvements and the County is looking at possibly making this a drainage improvement project.

Mr. Hughes made a motion to approve extending case W-30-04 to July 13, 2006 with all previously approved conditions.

The motion was approved by a 5-0 vote.

E. MATTERS OF SPECIAL PRIVILEGE

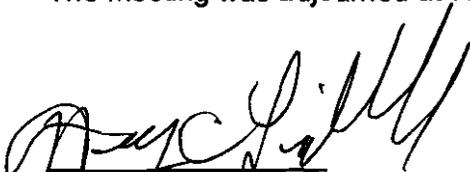
Randy Owen gave the Board notice that in the near future he would be coming before them to give them a briefing on the changes to the Wetlands Mitigation/Compensation Policy.

Mr. Cook handed each Board member a copy of the new policy.

The Board held a short discussion and they decided that they would review the new policy, and at the next Board meeting, they would discuss and present language to prepare a Resolution with their comments, to be forwarded to the Virginia Marine Resource Commission for its consideration.

F. ADJOURNMENT

The meeting was adjourned at 7:55 PM.


Henry C. Lindsey
Chairman


Darryl E. Cook
Secretary