

**JAMES CITY COUNTY WETLANDS BOARD
AUGUST 9, 2006 - 7:00PM**

A. ROLL CALL

William Apperson
John Hughes
David Gussman
Henry Lindsey

ABSENT

Larry Waltrip

OTHERS PRESENT

Jay Woodward, VMRC
County Staff

B. MINUTES – July 12, 2006

The July 12, 2006 minutes were approved as presented.

C. PUBLIC HEARINGS

1. W-15-06/VMRC 06-1378 – Loran Ambs – 1666 John Tyler Highway

Mr. Menichino presented the case stating Mr. Daniel R. Winall, Water's Edge Construction on behalf of Mr. and Mrs. Loran Ambs, applied for a wetlands permit to install a 45 ft. pier with a 16' x16' L-head deck and approximately 150 linear feet of riprap revetment to prevent future erosion along the shoreline at 1666 John Tyler Highway. The pier and deck do not require permitting by the Board. The project is located on Gordon's Creek, a tributary to the Chickahominy River and is further identified by James City County Real Estate, as PIN # 3440100005. Mr. Winall and Mr. and Mrs. Ambs were advised that their attendance at the Wetlands Board meeting on Aug 9, 2006 was highly recommended.

The 150 linear feet of riprap revetment will be constructed using Class II riprap armor stone, class A-2 core stone, and filter fabric. The project will involve impacts to jurisdictional wetlands and impacts to upland areas not within the Wetlands Board's jurisdiction. The proposed project will require excavation of the upland area to create an acceptable 2:1 slope.

Environmental Division staff along with representatives from VMRC and VIMS, visited the site on July 21 & July 28, 2006 to discuss the project scope and potential impacts. Proposed impacts for this project have been determined to be 1350 sqft to the Type XV Sand/Mud Mixed Flat Community, and 150 sqft to the Type XI Fresh Water Mixed Community. Total fill impacts for this project have been determined to be 750 sqft.

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 and approved by the Environmental Division (Division), prior to any land disturbance.
4. The proposed project will impact approximately 7500 sqft of Resource Protection Area (RPA) buffer. An RPA buffer restoration plan detailing the installation of native understory trees, shrubs and ground cover will be required prior to the preconstruction meeting and the onset of any work. The amount of trees, shrubs, and ground cover required shall be determined by the Division. The implementation of the RPA restoration plan shall be guaranteed by surety in a form acceptable to the Division prior to the preconstruction meeting.

5. Wetlands Compensation shall be required and is to be paid by the applicant for the proposed 150 sq ft. of impacts to vegetated Wetlands. The applicant shall pay a Wetlands Compensation fee of approximately \$10.00 – \$12.00 per sqft. (x 150 sqft), directly into a Tidal Wetlands fund or Wetlands Bank, approved by the Division. All surety required by the Division shall be held until proof of the Wetlands Compensation payment is submitted and approved by the Division.
6. The Environmental Director reserves the right to require a turbidity curtain for this project if field conditions warrant its use.
7. The height of the proposed riprap revetment shall be reduced in the area of the ravine to meet the existing ravine contours.
8. All core stone used shall be A-2 stone and all armor stone shall be Class II riprap.
9. Filter fabric shall be inspected by the Division prior to the placement of riprap.
10. The permit shall expire August 9, 2007.
11. If an extension of this permit is needed, a written request shall be submitted to the Division no later than two weeks prior to the expiration date.

Mr. Lindsey asked what amount of surety would be required and what rate would be used to calculate the compensation.

Mr. Menichino stated surety would be based on the amount of land disturbance and number of required native plantings. He further stated the compensations would be \$12.00 per sqft. (x 150 sqft), payable to the Tidal Wetlands Bank in Chesapeake, VA..

Mr. Gussman referred to the report from VIMS and asked about the proposal to cross in front of the ravine opening to the creek.

Mr. Menichino stated staff's recommendation #7 addressed this concern.

Mr. Apperson opened the public hearing.

A. Mr. Winall approached the Board and confirmed that the riprap at the ravine would be lower with no fill behind it.

Mr. Hughes asked Mr. Winall if the Board recommendations were acceptable to the owners.

Mr. Winall stated that they were and asked if the compensation could be paid to another wetlands bank.

Mr. Woodward, VMRC, stated it must be a Tidal Wetlands Bank in the same area as the watershed.

Mr. Apperson advised Mr. Winall to inform the Board if another acceptable wetlands bank was found.

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

Mr. Lindsey made a motion to approve case W-15-06 with staff's recommendations, specifying that the compensation rate would be \$12.00 per sq ft.

The motion was approved by a 4-0 vote.

D. BOARD CONSIDERATIONS - none

E. MATTERS OF SPECIAL PRIVILEGE

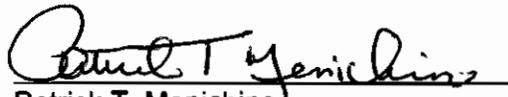
A brief discussion was held regarding reading aloud the entire staff report for each case at the Board meeting. The consensus of the Board was the reading of the staff reports could be abbreviated and/or summarized at staff's discretion.

F. ADJOURNMENT

The meeting adjourned at 7:24 PM.



William Apperson
Chairman


Patrick T. Menichino
Secretary