

# **WETLANDS BOARD AGENDA**

## **NOVEMBER 14, 2001 - 7:00 P.M.**

### **A. Roll Call**

### **B. Minutes - October 10, 2001**

### **C. Old Business - None**

### **D. New Business**

1. W-22-01: Charles Hotchkiss - 164 The Maine
2. W-20-01: Liza Fleeson - 4116 South Riverside Dr.
3. W-3-01: Steve Thacker - 5048 River Dr.

### **E. Matters of Special Privilege**

### **F. Adjournment**

## MEMORANDUM

**DATE:** November 14, 2001  
**TO:** The Wetlands Board  
**FROM:** Darryl E. Cook, Environmental Director  
**SUBJECT:** Case NO. W-22-01/VMRC 01-1722; 164 The Maine  
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Mr. Daniel Winall, of Water's Edge Construction, on behalf of the owner, Mr. Charles Hotchkiss, has applied for a wetland permit to install approximately 120 linear feet of riprap revetment to stop erosion and protect real property. The property is further identified as parcel (2-55) found on the James City County Real Estate Tax Map (45-4). The project site in question is located on the main stem of the James River.

At the request of Mr. Daniel Winall, a pre-application meeting was held on site with Environmental Division staff on September 13, 2001, to discuss the proposed project. Several options were discussed on site. These options are: 1) to place the riprap at the existing toe of slope and regrade the entire slope back to a 2:1 condition, resulting in the loss of all RPA vegetation, the majority of the backyard and the septic field; 2) to place the riprap at the edge of the existing failed bulkhead and fill in the existing eroded bank (over twenty linear feet), resulting in significant wetland and subaqueous impacts, but with minimal RPA impacts and no loss of rear yard and septic system; and 3) to fill in behind the eroded bulkhead a distance of six to ten linear feet to allow for a construction access and place the riprap revetment at this new toe of bank, again resulting in minimal RPA impacts and no loss of rear yard or septic system. Mr. Winall has proposed option number 3 in his application to the Board.

Environmental Division staff visited the site on October 19, 2001, along with the representative from VMRC and VIMS to discuss the project scope and potential impacts. Proposed wetlands impacts for this project are determined to be 1440 sq. ft. to the Type XV, Sand/Mud Flat Community. Total wetlands fill for this project is determined to be 720 sq. ft. to the Type XV, Sand/Mud Flat Community.

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

1. The limits of construction shall be flagged in the field prior to the preconstruction meeting.
2. All vegetation to be removed shall be clearly flagged or marked with spray paint prior to the preconstruction meeting.
3. A turbidity curtain will be required to control sedimentation from the project.
4. The construction access will require stabilization/restoration with native grasses.
5. A preconstruction meeting will be held on-site prior to construction.
6. Filter fabric shall be used under the proposed riprap. Inspection of the filter fabric must occur prior to commencement of backfilling operations.
7. All proposed core stone shall be Class I and all proposed armor stone shall be Class II.
8. The permit shall expire November 14, 2002.
9. 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.

## MEMORANDUM

**DATE:** November 14, 2001

**TO:** The Wetlands Board

**FROM:** Darryl E. Cook, Environmental Director

**SUBJECT:** Case NO. W-20-01/VMRC 01-1529; 4116 South Riverside Drive  
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Mr. Wilbur Jordan, of Waterfront Piers and Bulkheads, on behalf of the owner, Ms. Liza Fleeson, has applied for a wetland permit to install approximately 100 linear feet of vinyl bulkhead to protect real property and install a boat lift. The property is further identified as parcel (9-15) found on the James City County Real Estate Tax Map (19-1). The project site in question is located on a man-made canal immediately adjacent to the Chickahominy River.

Environmental Division staff visited the site on October 19, 2001, along with the representative from VMRC and VIMS to discuss the project scope and potential impacts. Proposed wetlands impacts for this project are determined to be 300 sq. ft. to the Type XV, Sand/Mud Flat Community. Total wetlands fill for this project is also determined to be 300 sq. ft. to the Type XV, Sand/Mud Flat Community. Due to the nature of the installation of the bulkhead, the existing pine trees will not be impacted. The bulkhead will be placed in front of (water side) the existing trees and the area between the new bulkhead and old shoreline will be backfilled.

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

1. The limits of construction shall be flagged in the field prior to the preconstruction meeting.
2. All vegetation to be removed shall be clearly flagged or marked with spray paint prior to the preconstruction meeting.
3. The landward areas of the Resource Protection Area (RPA) buffer that are between the existing wooden fence and the new bulkhead will require restoration with native vegetation consisting of shrubs and ground cover. An RPA planting plan with surety shall be submitted and approved by the Environmental Division prior to the preconstruction meeting.
4. A preconstruction meeting will be held on-site prior to construction.
5. Filter fabric shall be used behind the proposed bulkhead. Inspection of the filter fabric must occur prior to commencement of backfilling operations.
6. The permit shall expire November 14, 2002.
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 expiration date.

## MEMORANDUM

**DATE:** November 14, 2001  
**TO:** The Wetlands Board  
**FROM:** Darryl E. Cook, Environmental Director  
**SUBJECT:** Case NO. W-03-01/VMRC 01-0354; 5048 River Drive  
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Mr. Wilbur Jordan, of Waterfront Piers and Bulkheads, on behalf of the owner, Mr. Steve Thacker, has applied for an after-the-fact wetland permit to remove an existing bulkhead, replace it with 137 feet of riprap revetment to protect the shoreline and to build a 16 foot by 45 foot double boat lift. The property is further identified as parcel (7-5) found on the James City County Real Estate Tax Map (9-3). The project site in question is located on Diascund Creek, a tributary to the Chickahominy River.

Mr. Jordan submitted the appropriate application form to VMRC on March 1, 2001. It was determined on March 12, 2001, by Environmental Division staff that a wetlands permit was not needed because the low tide on Diascund Creek did not expose the bottom of the existing bulkhead. On March 15, 2001, the Environmental Division notified VMRC that the project did not involve wetlands and that the applicant would be advised of this fact. On August 29, 2001, during a random inspection of the project site, Environmental Division staff determined that a wetland violation had occurred because the submitted plan was not being followed. Mr. Thacker was issued a Notice of Violation on October 2, 2001, to cease all work related to the project. Mr. Jordan submitted a revised permit application on October 18, 2001, for all unauthorized work that had been done to date and to complete the project.

Environmental Division staff revisited the site on October 19, 2001, along with representatives from VMRC and VIMS to discuss the new project scope and potential impacts. Discussion centered on the extent of the wetland impact. Ms. Pam Mason from VIMS stated that it was her professional opinion there were no wetlands impacts associated with the addition of the riprap revetment and removal of the existing bulkhead. She also stated that the current situation constituted a major violation of the permit process and that there were significant areas of RPA impacts. The Board is concurrently considering an appropriate remedy to the wetlands violation involved with this after-the-fact permit application.

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

1. The permit issuance shall not be contingent upon reaching settlement of the wetlands violation issue. The project should be allowed to continue to completion to achieve soil and slope stabilization
2. The landward areas of the Resource Protection Area (RPA) buffer that have been impacted will require restoration with native vegetation consisting of trees, shrubs and ground cover. An RPA restoration plan with surety shall be submitted and approved by the Environmental Division prior to the preconstruction meeting.
3. A preconstruction meeting will be held on-site prior to further construction.
4. All core stone shall be Class I and all armor stone riprap used shall be Class 2. The riprap shall be underlain with filter fabric.
5. The filter fabric shall be inspected prior to any additional backfill.
6. The permit shall expire November 14, 2002.
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 expiration date.