

January 11, 1984

AT A REGULAR MEETING OF THE WETLANDS BOARD OF THE COUNTY OF JAMES CITY, VIRGINIA, IN THE COUNTY GOVERNMENT CENTER, 101-C MOUNTS BAY ROAD, BOARDROOM, AT 7:30 P. M. ON THE ELEVENTH DAY OF JANUARY, NINETEEN HUNDRED AND EIGHTY-FOUR.

1. ROLL CALL

Ms. Virginia Carey, Chairman  
Mr. William L. Apperson  
Mr. Gerald Otey

ALSO:  
Mr. Orlando A. Riutort  
Ms. Carolyn A. Owens

2. MINUTES

The minutes of the November 17, 1983 meeting were approved as presented.

3. RESOLUTION OF APPRECIATION - MR. JACK P. KIRTLAND

Ms. Carey read the Resolution of Appreciation which was then presented to Mr. Kirtland. The Resolution was approved unanimously by the Board.

4. CASE NO. W-3-83. MR. CRAIG A. MARSHALL

Ms. Carolyn Owens presented the staff report stating that Mr. Callis applied on behalf of Mr. Marshall for a wetlands permit to allow construction of a total of 75 linear feet of tongue and groove bulkheading. The property, located at 114 Constance Avenue, has wetlands located adjacent to a man-made canal in Powhatan Shores, and has been visited by the staff of VIMS and the Planning Department. Wetlands involved consist of approximately ten square feet of vegetative and 290 square feet of non-vegetative wetlands as estimated by VIMS.

Mr. Priest in his report described the impacts as relatively minor and recommended that the bulkhead be built as close to the toe of the bank as possible.

Ms. Owens stated that the staff recommended that approval be granted with the condition that the alignment of bulkheading to be constructed follow the alignment staked in the field by the U. S. Army Corps of Engineers and that the permit expire on January 11, 1985.

Ms. Carey opened the public hearing.

Mr. Callis, the applicant, spoke before the Board, stating that his work crew had put in the retaining wall before the bulkhead. Ms. Carey informed him that the work done in violation must be removed. Mr. Callis understood that he must have a permit for the work.

Following a brief discussion, upon a motion by Mr. Apperson, seconded by Mr. Otey, the Board voted unanimously to approve this wetlands application based upon the following:

1. The alignment of bulkheading to be constructed must follow the alignment staked in the field by the U. S. Army Corps of Engineers.

2. The permit term shall expire on January 11, 1985.

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5. CASE NO. WV-1-83. MR. VICTOR SHONE

Ms. Carolyn Owens presented the staff report stating that Mr. Shone was in violation of Section 19A-4 of the Code of Laws of James City County. The violation is the result of construction of an unauthorized bulkhead along a tidal ditch adjacent to Mr. Shone's property, and the filling of an area creating a driveway across Mr. Shone's property at a point where the elevation of the filling was less than 2.3 feet. The violations, she said, have not created substantial environmental damage but should be removed. The bulkhead along Mr. Shone's property line, which is ineffectual, should be removed.

Ms. Owens further stated that the fill and culvert are within the upper limits of wetlands, defined as  $1\frac{1}{2}$  times the mean tidal range. The placement of the fill and the elevation of the culvert create ponding problems on adjacent properties.

Ms. Owens stated that the staff recommends the following:

1. The unauthorized bulkhead along the ditch, which runs along the southern property line of Mr. Shone's property, should be removed immediately and no further bulkheading or filling be placed in this area.

2. Mr. Shone shall immediately remove the culvert (or lower it) from the unauthorized fill and provide for the free flow of surface water runoff through the natural courses to the ditch along his southern property line.

3. Mr. Shone shall apply for a Wetlands Permit to allow the filling of his property in the area of the existing driveway, which has been filled without proper authorization and permits. Such application should include appropriate engineering plans to provide for surface water runoff of the area which drains across the area to be filled. The plans should also include the design for appropriate tidal gates to prevent the intrusion of tidal waters into the drainage system. The application should be filed within 120 days of this meeting or all existing fill should be removed and the area returned to the natural grade which existed prior to filling.

Mr. Otey felt that the recommendation to immediately remove the culvert (or lower it) should not concern the Wetlands Board. The only problem, as he saw it, was that the culvert was not installed low enough in the natural drainage of the property and it should be lowered to drain the water off adjacent property.

Ms. Carey said the swale, technically, was within wetlands jurisdiction. Mr. Priest said, in his opinion, it was within the upper limits of the Board's limitations.

Ms. Carey said that although this case was not before a public hearing, she would open the meeting to an adversary hearing.

Mr. Victor Shone of 405 Neck O'Land Road agreed that he was in violation and would correct the situation. He then reviewed the events leading up to the situation.

Mr. & Mrs. Hewlett of 403 Neck O'Land Road addressed the Board, stating that the culvert was too high and the grading must go back to the original line of the ditch. Mr. Kirtland, 343 Neck O'Land Road, also spoke in regard to the drainage ditch, explaining how he and Mr. Shone dug the culvert.

Mr. Otey made a motion that the recommendation of the Planning staff not be accepted; that instead Mr. Shone should remove the plywood, lower the drain pipe 8"-10", proceed with roadway, but stay clear of the area of the drainage ditch or anything that would involve action by the Corps of Engineers.

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Mr. Apperson said he could not second the motion because the depth of the culvert would not suit the parties involved and because he felt it should be the landowner's decision as to whether he would apply for a permit.

The motion died for lack of a second.

Mr. Otey made a motion, seconded by Mr. Apperson, that Mr. Shone remove the plywood which is in violation.

The motion passed unanimously.

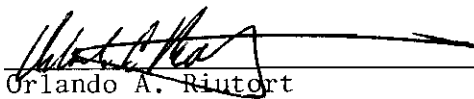
Mr. Apperson made a motion, seconded by Ms. Carey, that the Wetlands Board exercise its authority on the area designated by VIMS as wetlands in or near Mr. Branscome's drainage ditch.

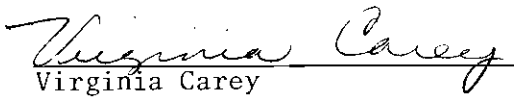
Mr. Otey objected to the motion and amended it to read, "not to include the area of the causeway."

The motion passed unanimously.

6. ADJOURNMENT

There being no further business, the meeting was adjourned at 9:50 P. M.

  
Orlando A. Riutort  
Secretary

  
Virginia Carey  
Chairman



## MEMORANDUM

**Date:** May 13, 2015  
**To:** Records Management  
**From:** James City County Wetlands Board  
**Subject:** Wetlands Board minutes from January 11, 1984

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The following minutes for the Wetlands Board of James City County dated January 11, 1984 do not have a recorded vote in the available minutes for the year surrounding this meeting.

These minutes, to the best of my knowledge, are the official minutes for the January 11, 1984 Wetlands Board meeting and were approved by the Wetlands Board at the May 13, 2015 meeting.

Please accept these minutes as the official record for January 11, 1984.



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John Hughes  
Current Wetlands Board Chair



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Melanie Davis  
Current Wetlands Board Secretary