

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

1. ROLL CALL

Ms. Virginia Carey
Mr. Ralph Cobb
Mr. William Apperson
Mr. Henry Lindsey

OTHERS PRESENT

Mr. Bernard M. Farmer, Director of Code Compliance

2. MINUTES

The April 18, 1985 minutes were approved as presented.

3. OLD BUSINESS

CASE NO. W-3-85. James M. Becker.

Ms. Carey explained that the Board had trouble determining the width of the canal at their last meeting, and asked Mr. Farmer if he had visited the site to obtain measurements for clarification.

Mr. Farmer stated that what the Virginia Marine Resources Commission attempts to keep the middle third of any canal or body of water open to navigation, and tried not to allow piers to extend more than 1/3 the way out from the bank. Mr. Farmer stated that in this case, however, the staff did go and make a measurement of the canal and it is not 100 feet, but 80 feet wide at the point where construction is desired. That would mean the permissible length of the pier would be approximately 27 feet.

Ms. Carey opened the public hearing and asked if anyone would like to speak on behalf of the case.

Mr. Richard Callis, contractor, stated the width across the canal was 80 feet and the confusion in the drawings resulted from two different people working on the projects. Mr. Callis stated that he tried to work on the basis of the piers being 1/4 fourth the distance of the canal. He stated that he did try to file for as much length as he could get in the event that he needed it, however, it is was very seldom that he used that much and he tried to hold homeowners down to a minimum on the distance to go out. He stated that he had always been told a work from the bases allowed to go 1/4 the distance in the body of water.

Mr. Lindsey asked if the pier would be 20 feet in length.

Mr. Callis stated that yes he had asked for 20 feet, and this was the first time he had filed for dredging permit on this area because the entire

south canal was shallow. He stated that the sediment had filled back in or it was never was dredged to begin with. He stated that he was trying to clean the canal out and trying to keep it as wide as possible. Mr. Callis stated that if he did dredge, he would come back closer with the pier.

Mr. Callis stated that there was deeper water on the Becker side of the canal, and hopefully he would not be encroaching anywhere near the distance filed for. He explained that the reason he was filing for the dredging permit was in the event he was denied he would have the pier permit go the distance it needed to get the deeper water. He stated he was trying to leave 40 feet in the center clear.

Mr. Apperson asked Mr. Callis if he measured the width of the canal at low or high water.

Mr. Callis stated that he had measured at low water.

Mr. Apperson motioned that the Board approve the case with the staff condition that the bulkhead be built at mean high water and that the permit shall expire on April 18, 1985. All members were in favor.

CASE NO. W-4-85. Major Wayne Warren.

Ms. Carey asked if there was any discussion on the case.

Mr. Lindsey asked Mr. Callis if an engineer had been consulted. Mr. Callis answered no.

Mr. Lindsey asked Mr. Callis how far he planned to dredge.

Mr. Callis said approximately 20 to 25 feet from the bank. Mr. Lindsey asked if he planned to dredge to 4 feet in depth.

Mr. Callis stated the area was very irregular due to the different depths in the canal, but he had planned to dredge at one to two feet.

Ms. Carey moved to approve the permit with the conditions of the staff:

1. That the alignment of the bulkhead toe be limited to no further channelward than mean high water.
2. That prior to beginning construction the limits of the bulkhead be staked be a representative from the Code Compliance Office.
3. That filter cloth, hay bales, or other appropriate measure to prevent sedimentation be placed and inspected prior to dredging and;
4. That the permit shall expire on April 18, 1986.

All members were in favor.

4. NEW BUSINESS

Ms. Carey distributed copies of the bylaws and spoke about revisions. The members agreed to go over the bylaws again at their next meeting.

5. MATTERS OF SPECIAL PRIVILEGE

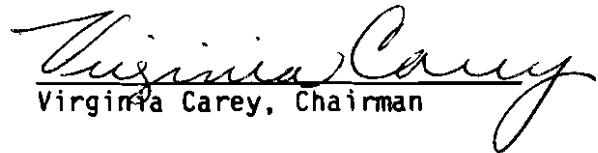
Mr. Farmer reported on six violations in the Chickahominy Haven area. Mr. Farmer reported on the Riverview Plantation permit given after-the-fact for rip-rap along the York River. He stated that they have since extended the work, filled in some marsh area, and increased the length of that rip-rap. The work was unpermitted and the staff has issued a citation notice for that as well. That lot is adjacent to where the Civic Association boat ramp is located and area has had a considerable amount of fill placed on it. There has been some encroachment upon marsh grass, some additional rip-rap placed in, and quite a bit of fill done in that area.

Mr. Farmer briefed the Board on a specific chapter in the Code of Virginia that states the Game and Inland Fisheries Commission is responsible for placement of markers along navigable waterways that belong to the Commonwealth. He stated the Powhatan Shores Homeowner's Association is desirous of putting two no wake markers in their area. The markers are not covered by the Wetlands Ordinance nor by any other County Ordinance. However, the State legislation does require that the Governing body act upon an application before its forwarded on to the Game and Inland Fisheries Commission. That item will go to the board of supervisors next week. Location of the markers is well within the canals of Powhatan Shores and not out into the navigable area of the creek itself. The markers appear to be in a good spot and my help to cut down on speed of boats through those canals. That might prevent some washing affect from the wake as well help alleviate a real safety hazard. The staff recommendation has been to pass a resolution recommending the Game and Inland Fisheries Commission approve those markers.

6. ADJOURNMENT

The meeting was adjourned at 8:30 p.m.

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Virginia Carey, Chairman