

WETLANDS BOARD

MINUTES

March 16, 1988

A. ROLL CALL

MEMBERS PRESENT:

Ralph Cobb  
John Hughes  
Carolyn Lowe  
William Apperson  
Henry Lindsey

MEMBERS ABSENT:

OTHERS PRESENT:

Bernard M. Farmer, Jr., Director of Code Compliance

B. MINUTES

The minutes of the February 18, 1988 meeting were approved as presented

C. OLD BUSINESS

1. W-17-87 Gary McSherry

Mr. Lindsey opened the public hearing.

No one wished to speak on the case.

Mr. Lindsey closed the public hearing.

Mr. Lindsey asked Mr. Farmer if any new information had been presented since the last meeting that the Board should know about.

Mr. Farmer stated that Code Compliance had received a letter from Mr. Charles Roadley, VIMS, addressed to Mr. McSherry. The letter was not received in time to put in the Board packets.

Mr. Cobb asked if copies could be made available to the Board.

Mr. Lindsey stated that the Board must decide whether the after-the-fact permit would have been granted had the application been processed prior to commencement of work.

A discussion followed concerning the application.

In response to several questions, Mr. Farmer stated that the Board had several options.

1. Approve the after-the-fact permit as presented.
2. Approve the after-the-fact permit with a different alignment which would be designated by the Board.
3. Disapprove the after-the-fact permit and have the bulkhead removed and the wetlands restored.

Mr. Apperson stated that he felt the bulkhead should remain as it stands as removal of the bulkhead would cause environmental damage. He further stated that although Mr. McSherry violated the wetlands ordinance, the Wetlands Board was designed to protect the wetlands, not punish violators.

Mr. Cobb motioned to grant the after-the-fact permit with the added conditions:

1. A building permit be obtained.
2. The filter cloth be inspected and approved.
3. Have Mr. McSherry distribute material to neighboring waterfront property owners concerning wetlands regulations at his own expense; as he volunteered to do at the last meeting.

The motion was carried four to one, with Ms. Lowe in opposition.

#### D. NEW BUSINESS

1. W-7-88 David K. Caisse

Mr. Farmer stated that Mr. Caisse had applied for a wetlands permit for the construction of approximately 60 linear feet of timber bulkheading to be constructed at mean high water at 6004 Tabiatha Lane in the Chickahominy Haven Subdivision. He further stated that staff recommended approval subject to the following conditions:

1. The bulkhead be built at or above mean high water as proposed by the applicant.
2. The Office of Code Compliance be contacted to stake the alignment of the bulkhead prior to commencing work.
3. A building permit be obtained by the applicant prior to construction.

4. An inspection of the filter cloth be made by the Code Compliance Office prior to backfilling.

5. This permit shall expire on March 16, 1989.

Mr. Lindsey opened the public hearing.

No one wished to speak on the case and Mr. Lindsey closed the public hearing.

Ms. Lowe motioned to grant the permit with staff's recommendation and with the added condition that return walls be constructed at each end to prevent outflanking by storm tides or floods.

The motion was carried unanimously.

2. W-5-88 Wayne Saulman

Mr. Farmer stated that Mr. Saulman had applied for a wetlands permit for the construction of approximately 110 linear feet of tongue and groove bulkheading extending three feet channelward of mean high water at 108 Discovery Lane in the Powhatan Shores Subdivision. He further stated that staff recommended the permit be granted subject to the following conditions:

1. The bulkhead tie into the existing bulkhead to the east and align the western terminus at the property line pin.
2. The Office of Code Compliance stake the alignment prior to commencing work.
3. A building permit be obtained by the applicant prior to construction.
4. An inspection of the filter cloth be made by the Code Compliance Office prior to backfilling.
5. The permit shall expire on March 16, 1989.

Mr. Lindsey opened the public hearing.

Mr. Bell, neighbor, asked if the bulkhead would tie into the pin located at 8 feet.

It was stated that the alignment would not be directly in line with the other bulkheads but would be pulled back.

Mr. Herman Hind, neighbor, stated that he had lost 3-to-4 feet of land prior to constructing a bulkhead. He stated he did not see any problems with the proposed bulkhead.

Several neighbors spoke regarding their loss of property from erosion.

The Board stated that their main concern was not with the loss of property but with the loss of the wetlands and the damage that could be done to the wetlands/marine environment. The Board also stated that they understood the property owners feelings of wanting to save or regain their property loss.

Mr. Lindsey closed the public hearing.

Mr. Hughes motioned to grant the permit with staff's recommendation.

The motion was carried four to one, with Ms. Lowe in opposition.

3. W-8-88 Paul C. Boylan, Jr.

Mr. Farmer stated that Mr. Richard Callis, contractor, had reapplied on behalf of Paul C. Boylan, Jr., for the construction of approximately 120 linear feet of tongue and groove bulkheading at 108 Godspeed Lane in the Powhatan Shores Subdivision. He further stated that on October 15, 1987, the applicant received approval from the Board to construct the bulkhead at mean high water as proposed by the contractor. It was after receiving a complaint on February 19, 1988, that the Code Compliance Office did a site inspection and found the bulkhead being constructed 4.5 feet channelward of mean high water without a building permit and in violation of the local wetlands board permit granted on October 15, 1987. Mr. Callis was informed to stop work and construction of the bulkhead and reapply for a new wetlands permit. On February 22, 1988 he submitted an application for the realignment of the bulkhead. It is staff's recommendation that the permit be granted with the following conditions:

1. The bulkhead tie into the existing bulkhead at 110 Godspeed Lane and be pulled back to the toe of the bank adjacent to 106 Godspeed Lane.
2. The alignment of the bulkhead be staked out by the Code Compliance Office prior to commencing work.
3. A building permit be obtained prior to commencing any further work on the proposed bulkhead.
4. An inspection of the filter cloth be made by the Code Compliance Office prior to backfilling.
5. The permit shall expire on March 16, 1989.

Mr. Lindsey opened the public hearing.

Mr. Callis stated that he felt there was a conflict between local and federal permits. He stated that he agreed that the bulkhead was out, but that this was done in order to tie into the neighboring bulkhead. He further stated that he felt this was an honest mistake and he assumes full responsibility for it as he is the contractor. He stated that he thought his office had contacted the Code Compliance Office for the permit which had been approved on October 15, 1987.

A discussion followed concerning a straight line bulkhead placement. It was noted that a straight alignment would still result in some fill as the bank was an irregular shape.

Mr. Lindsey closed the public hearing.

Discussion between the board members of how the alignment could be done to satisfy VIMS and control the loss of wetlands ensued.

Mr. Farmer stated that pilings presently placed could be removed or cut up to some point to bring the bulkhead back to mean high water.

Ms. Lowe motioned to grant the permit with staff's recommendation and with the added condition that the Code Compliance Office visit the site and establish a breakpoint of the bulkhead, where it would turn back to the bank and terminate at mean high water.

The motion was carried unanimously.

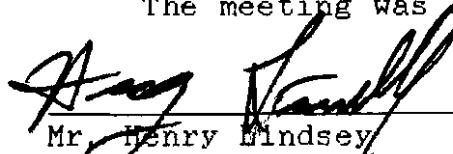
#### E. MATTERS OF SPECIAL PRIVILEGE

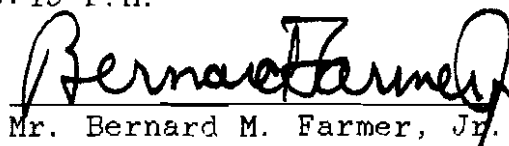
Ms. Lowe stated that the third Wednesday meeting was not possible and asked if there was another night that the Board could meet.

The second Wednesday was discussed and approved by all members. (See attached schedule for 1988)

#### F. ADJOURNMENT

The meeting was adjourned at 9:15 P.M.

  
Mr. Henry Lindsey  
Chairman

  
Mr. Bernard M. Farmer, Jr.  
Secretary