

WETLANDS BOARD

MINUTES

May 10, 1989

A. ROLL CALL

MEMBERS PRESENT:

Henry Lindsey  
Ralph Cobb  
Carolyn Lowe  
John Hughes  
David Gussman

ABSENT:

OTHERS PRESENT:

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

B. MINUTES

The minutes of the March 8, 1989 meeting were approved as presented.

C. OLD BUSINESS

Mr. Farmer reported the results from the meeting with the Virginia Marine Resource Commission regarding Case W-8-89, Robert F. Gilley. Mr. Hayes decided that it was not necessary to remand the case to the local board and made a motion to grant Mr. Gilley a permit for installation of a bulkhead with the justification that the local board had determined that there was a necessity for some type of structure whether it was a bulkhead or rip rap, the actual structural type did not matter.

D. NEW BUSINESS

1. W-10-89 Charles H. Hilstrom

Mr. Farmer stated that Mr. Charles H. Hilstrom had applied for a wetlands permit to construct approximately 73 linear feet of tongue and groove bulkheading at 105 Godspeed Lane in the Powhatan Shores Subdivision. The applicant proposed to construct the bulkhead at mean high water. Wetlands involved on the property consisted of approximately 150 square feet of non-vegetated wetlands as estimated by Julie Bradshaw of VIMS. Ms. Bradshaw recommended aligning the bulkhead as close to the toe of the bank as possible. There was evidence that some erosion had been occurring at the site. Mr. Farmer further stated that the staff recommended approval with the following conditions:

1. The bulkhead be constructed at the toe of the bank at mean high water and follow the curvature of the shoreline.
2. The bank be terraced or graded to a 3:1 slope with approved vegetated cover installed.
3. The applicant must contact the Code Compliance Office at least two days prior to construction for staff to stake the alignment.
4. An inspection of the filter cloth and tiebacks must tiebacks must be made and approved by staff prior to backfilling.
5. A building permit must be obtained prior to construction.
6. This permit shall expire on May 10, 1990.

Mr. Lindsey asked if there were any questions.

The Board discussed the construction of the bulkhead, that it would be connected on one side and the elevation was going to match as close as possible.

Ms. Lowe asked about the stability of the slope. Mr. Farmer stated that the slope of the bank with one foot vertical to three feet horizontal would be stable.

Mr. Hughes stated that the bulkhead should be built as close to the shore line as possible because there was a slight arc to the property.

Mr. Lindsey asked if there were any more questions.

Mr. Gussman asked if there was any problem with the adjacent neighbor who did not sign the acknowledgement. The applicant stated that he did not hear back from the neighbor. Mr. Farmer stated that the Code Compliance Office sent out notifications addressed to adjacent property owners, but had not received any responses.

Ms. Lowe stated that she was assuming the bulkhead would be constructed in two arcs instead of a straight line.

Mr. Lindsey asked if there were any other questions.

Mr. Lindsey opened the public hearing.

Mr. Cobb discussed with the applicant the location of the property line and that the bulkhead would have to be constructed in two segments.

Mr. Lindsey closed the public hearing.

No discussion.

Mr. Hughes made a motion to approve the permit with the staff's recommendation.

The motion was carried unanimously.

2. W-11-89 Paul Krupski

Mr. Farmer stated Mr. Bob Winstead of Riverworks, Inc., the contractor, had applied for a wetlands permit on behalf of Paul Krupski, the owner, to install approximately 110 linear feet of rip rap revetment and a 100' x 6' private pier with a 36' x 16' platform at 203 Sherwood Forest located in the Riverview Plantation Subdivision. Wetlands involved consisted of approximately 450 square feet of non-vegetated wetlands. Ms. Bradshaw of VIMS recommended that the structure not be backfilled and its elevation not exceed a few inches above the existing vegetated marsh surface.

The pier caused some concern because there was a letter of protest from Mr. C.C. Conway regarding its placement. Mr. Farmer read the letter. Mr. Conway was protesting not to have anything put on his oyster ground without his permission. Staff considers this a private issue between the property owner and leaser of the oyster grounds. It was preferred from the environmental standpoint to place the pier over a non-vegetated area as opposed to putting the piles of the pier itself over the vegetated marsh. Mr. Farmer further stated that the staff recommended approval with the following conditions:

1. The rip rap structure not exceed the elevation of the existing vegetated marsh with no backfilling allowed.
2. An inspection of the filter cloth must be made by the Code Compliance Office.
3. This permit shall expire on May 10, 1990.

Ms. Lowe questioned the present land disturbing activity on the site.

Mr. Farmer further stated that the proposed rip rap will tie into adjacent bulkhead, carry across the non-vegetated wetlands area and continue around the toe of vegetated marsh area.

Ms. Lowe asked if the beach would be covered. Mr. Lindsey answered that it would not be covered. Further discussion occurred regarding the drawings.

Mr. Lindsey opened the public hearing.

Mr. Winstead stated that he had plans to use rocks in front of the marsh to keep the marsh there rather than build a bulkhead. He felt it was a nice beach and was planning to clean it up with plans to do shoreline treatment.

Mr. Lindsey closed the public hearing.

Mr. Gussman motioned to approve the permit with the staff's recommendation.

The motion was carried unanimously.

### 3. W-13-89 Colonial Williamsburg Foundation

Mr. Farmer stated that Mr. Tom Langley, of Langley and McDonald had applied on behalf of Colonial Williamsburg Foundation/Carter's Grove Plantation to install approximately 450 linear feet of armor-stone revetment to stabilize a section of the shoreline along the James River at Carter's Grove Plantation.

Wetlands involved on the property consisted of approximately 1800 square feet of non-vegetated wetlands estimated by Ms. Bradshaw of VIMS. The applicant proposed to construct the rip rap revetment at or above mean high water. The area under consideration is composed of high bluffs overlooking a sandy beach area. Mr. Farmer further stated that the staff recommended that approval be granted for 450 linear feet rip rap revetment to be constructed in accordance with the proposed application with a condition of obtaining an erosion control plan and land disturbance permit from the Code Compliance Office prior to commencing work. Also, this permit shall expire on May 10, 1990.

The Board discussed the erosion control plan proposed for the site. Silt fencing the entire length of the beach would be used as a perimeter control.

Mr. Farmer stated several management practices which could be used as measures for erosion control:

1. Do not disturb any more area than needed.
2. Protect inlets to drainage structures.
3. Stabilize, seed and mulch.

4. Keep stock pile with sedimentation controls around them.

Drainage structures of the site were also discussed. Mr. Farmer stated that a number of methods could be possible, a pipe or paved ditch section. The objective of the chosen structure is to get the water at the bottom of the slope so it does not continue to erode the channel it flows through. The end result that is wanted is to slow the velocity of the water. Also it was stated by Mr. Farmer that an energy dissipator or rip rap could be put in to prevent the scouring from occurring as water comes out at the bottom of the channel.

Mr. Lindsey opened the public hearing.

Mr. Tom Langley spoke on how an energy dissipator made of a concrete flume operates. It requires periodic cleaning of the channel as material such as leaves accumulates clogging up the channel.

Mr. Lindsey closed the public hearing.

Mr. Hughes motioned to approve the application with the staffs recommendations.

The motion was seconded by Ms. Lowe and approved unanimously.

5. W-14-89 Linda H. Cameron

Mr. Farmer stated that Waterfront Piers & Bulkheads had applied on behalf of Linda H. Cameron for a wetlands permit to construct approximately 55 linear feet of tongue and groove bulkheading at 126 Discovery Lane located in Powhatan Shores Subdivision. The project will result in the loss of 110 square feet of vegetated wetlands as estimated by VIMS. The contractor proposed to construct the bulkhead at mean high water and tie into an existing bulkhead at 124 Discovery Lane. Mr. Farmer further stated that the staff recommended that a permit for 55 linear feet of tongue and groove bulkheading at this location be approved subject to the following conditions:

1. The alignment of the bulkhead be constructed landward of all vegetated wetlands and be held above mean high water.
2. The contractor contacts the Code Compliance Office at least two days prior to construction for staff to stake the alignment of the bulkhead.

3. An inspection of the filter cloth and tiebacks must be made and approved by staff prior to backfilling.
4. A building permit must be obtained prior to construction.
5. The permit term shall expire on May 10, 1990.

Photographs of the site were shown to the Board members followed by discussion.

Mr. Farmer stated that there had been a previously permitted bulkhead just down stream from this site. It was constructed back or landward of marsh area and shows very clearly that the marsh area has remained.

The Board members discussed keeping the tree while constructing the bulkhead.

Mr. Lindsey opened the public hearing.

Mr. Cameron, the applicant, stated that if the bulkhead is moved behind the pine tree, it would be out of alignment with the other property, distract from the looks of his property, and cause a loss in property value. He desired the bulkhead to go in front of the pine tree in order to save it and keep his privacy. Mr. Cameron wanted to tie in with his neighbor's bulkhead for the sake of continuity.

Mr. Lindsey stated that it would be continuous in the sense of elevation, not necessarily a straight line because there would be some curvature.

Mr. Hank Germer made a statement for the purpose of clarification of his plans to tie his bulkhead in with Mr. Cameron.

Mr. Lindsey closed the public hearing.

Mr. Gussman wanted to be clear on where the staff proposed the bulkhead in relation to the tree. Staff proposed an alignment landward of the tree.

Mr. Hughes understood Mr. Cameron's value of the tree and suggested dividing the bulkhead into two sections. He motioned to approve the permit with the staff's recommendation to stake it and build the bulkhead in two segments with an angle, placed behind the tree in a manner to minimize the disturbance of the wetlands.

The motion was seconded by Mr. Cobb.

The motion was carried unanimously.

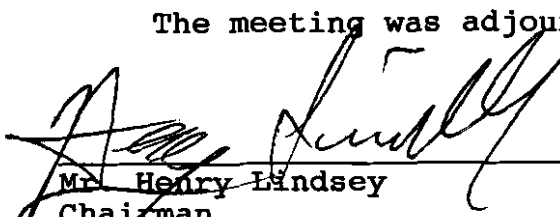
**E. MATTERS OF SPECIAL PRIVILEGE**

Mr. Farmer presented a boat tour proposal on behalf of a gentleman from Powhatan Shores who has a party boat and wished to take the Wetlands Board members on a tour of Powhatan Shores to point out problems property owners face to be familiar with the various issues.

The Board members felt that would be a good idea and asked Mr. Farmer to arrange the tour.

**F. ADJOURNMENT**

The meeting was adjourned at 9:00 P.M

  
Mr. Henry Lindsey  
Chairman

  
Mr. Bernard M. Farmer, Jr.  
Secretary