

WETLANDS BOARD

MINUTES

July 12, 1989

A. ROLL CALL

MEMBERS PRESENT:

Henry Lindsey
Carolyn Lowe
David Gussman

ABSENT:

Ralph Cobb
John Hughes

OTHERS PRESENT:

Bernard M. Farmer, Jr., Director of Code Compliance
John B. Patton, Code Compliance Officer

B. MINUTES

The minutes of the June 14, 1989 meeting were accepted as amended.

C. OLD BUSINESS

None

D. NEW BUSINESS

1. W-17-89 Fred Broyles

Mr. Farmer stated that Waterfront Piers & Bulkheads had applied on behalf of Fred Broyles for a wetlands permit for the construction of approximately 136 linear feet of tongue and groove bulkheading at 125 Branscome Boulevard located in the Powhatan Shores Subdivision.

Mr. Farmer stated that the contractor proposed to construct the bulkhead one foot channelward of mean high water. Mr. Farmer further stated that the staff recommended that a permit of 136 linear feet of tongue and groove bulkheading at 125 Branscome Boulevard be approved subject to the following conditions:

1. The alignment of the bulkhead be constructed at mean high water landward of all vegetated wetlands.
2. The contractor contact the Code Compliance Office at least two days prior to construction for staff to stake the alignment of the bulkhead in accordance with the Board's recommendation.

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. This permit term shall expire on July 12, 1990.

Mr. Lindsey opened the public hearing.

Mr. Fred Broyles brought to the Board members photographs of the location to be considered. He stressed his interest in saving his trees. He stated that he had four trees and wished to construct the bulkhead so that it would go directly in front of the trees. Mr. Broyles stated that he would also like to box, sand and gravel the trees in order to save them. He further stated that the homeowners across the canal had recently put in a bulkhead and were able to save their trees.

Mr. John Patton explained to Mr. Broyles and to the Board members the pattern of the flags placed by VIMS for the proposed bulkhead.

Mr. Farmer stated that from a marine and environmental viewpoint, it would be preferable to hold the bulkhead as close to the line flagged by VIMS which meant keeping back closer to the trees than Mr. Broyles would prefer with cutting very close in front of the trees.

Mr. Lindsey closed the public hearing.

The Board members discussed the case further. Ms. Lowe commented that there is no ideal solution but she could understand owners wanting to preserve their trees and wished to make a compromise.

Mr. Gussman made a motion to accept the staff's recommendation with the modification that the alignment be staked not to exceed two feet channelward of vegetated wetlands.

Ms. Lowe seconded the motion.

The motion was carried unanimously with two members absent.

2. W-18-89 W.R. Philbates, Jr.

Mr. Farmer stated that W.R. Philbates, Jr., had applied for a wetlands permit for the construction of approximately 134 linear feet of tongue and groove bulkheading at 7240 Otey Drive in the Chickahominy Haven Subdivision.

Mr. Farmer stated that the applicant proposed to construct the bulkhead two feet channelward of mean high water and tie into an existing bulkhead at 7242 Otey Drive. Mr. Farmer further stated that the staff recommended that a permit for 134 linear feet of tongue and groove bulkheading at 7240 Otey Drive be approved subject to the following conditions:

1. The alignment of the bulkhead being constructed along the toe of the bank in two segments. The first segment starting at the existing bulkhead and proceeding over approximately 60 feet to the toe of the bank; the second segment being constructed at the toe of the bank to the property line. This alignment must be staked by the Code Compliance Office.
2. The applicant must obtain a building permit prior to construction.
3. The applicant contact the Code Compliance Office for an inspection of the filter cloth and tiebacks which must be made and approved by the staff prior to backfilling.
4. This permit shall expire on July 12, 1990.

Ms. Lowe asked Mr. Farmer if he meant square feet instead of linear feet in his staff report when he was talking about vegetated wetlands. Mr. Farmer responded that he meant square footage.

Mr. Lindsey opened the public hearing.

Mr. Philbates stated that he attended the Board meeting in order to stress his concern about his property and he was interested to know how Board meetings were conducted because this was his first time attending. Mr. Philbates further stated that he did not know what position the proposed bulkhead would take and he was concerned because he had lost so much property in the past few years. One of his property lines was actually out in the water now.

Mr. Lindsey closed the public hearing.

Mr. Gussman commented that he understood the need for bulkheading due to erosion problems. Ms. Lowe commented that bulkheading further into the channel to recover lost property is being requested so frequently. Ms. Lowe stated that although she understands that the homeowners are concerned about their lost property, it would be difficult to keep granting permits to construct bulkheads for that purpose.

Mr. Gussman made a motion to accept the staff's recommendation.

The motion was carried unanimously with two members absent.

Mr. Patton presented the remaining staff reports because Mr. Farmer needed to leave the meeting early.

3. W-19-89 John Ripchick

Mr. Patton stated that Mr. John Ripchick had applied for a wetlands permit for the construction of approximately 138 linear feet of tongue and groove bulkheading at 7238 Otey Drive in the Chickahominy Haven Subdivision.

Mr. Patton stated that the applicant proposed to construct the bulkhead two feet channelward of mean high water. Mr. Patton then presented the staff's recommendations; that a permit for 138 linear feet of tongue and groove bulkheading at 7238 Otey Drive be approved subject to the following conditions:

1. The bulkhead be constructed along the toe of the bank at mean high water.
2. The applicant must obtain a building permit prior to construction.
3. The applicant must contact the Code Compliance Office for an inspection of the filter cloth and tiebacks prior to backfilling.
4. This permit term shall expire on July 12, 1990.

The Board discussed the case further in relation to Case W-18-89, the proposed adjacent bulkhead Mr. Ripchick is planning to tie into.

Mr. Lindsey opened the public hearing.

No one was present to speak on behalf of the case.

Mr. Lindsey closed the public hearing.

Mr. Gussman made a motion to accept the staff's recommendation.

The motion was carried unanimously with two members absent.

4. W-20-89 Jacob Kerneklian

Mr. Patton stated that Richard E. Callis, the contractor, had applied on behalf of Jacob Kerneklian, the owner, for a wetlands permit for the construction of approximately 75 linear feet of timber bulkheading at 104 Godspeed Lane in the Powhatan Shore Subdivision.

Mr. Patton stated that a wetlands permit was granted on August 15, 1985 by the Wetlands Board with a one year time limit. The bulkhead was never constructed, therefore a new permit is required. Mr. Callis plans to construct the bulkhead at mean high water and follow the curvature of the shoreline.

Mr. Patton further stated that the staff recommended that a permit for 75 linear feet of timber bulkheading at 104 Godspeed Lane be approved subject to the following conditions:

1. The alignment of the bulkhead be constructed at mean high water and follow the curvature of the shoreline.
2. The contractor obtain a building permit prior to construction.
3. The contractor contact the Code Compliance Office for an inspection of the filter cloth and tiebacks prior to backfilling.
4. This permit term shall expire on July 12, 1990.

The Board discussed the case further in regards to how the curvature of the steep bank would be followed.

Mr. Lindsey opened the public hearing.

No one was present to speak on behalf of the case.

Mr. Lindsey closed the public hearing.

Ms. Lowe made a motion to accept the staff's recommendation.

Mr. Lindsey asked the Board a question on the motion for clarification. Mr. Lindsey wanted to know if the staff's recommendation should be interpreted to absolutely follow the curvature of the shoreline or would there be leeway in following the arc. Mr. Gussman responded that leeway would be given to the staff, that it would not be necessary to go in and out every couple of feet. Mr. Patton stated that the staff would not have any trouble interpreting the curvature of the shoreline.

The motion was carried unanimously with two members absent.

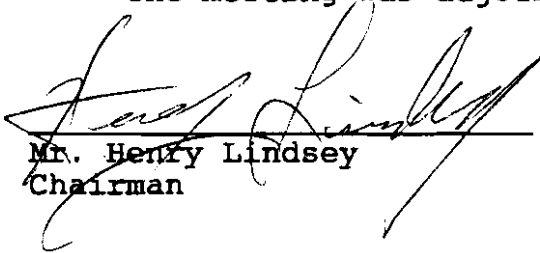
E. MATTERS OF SPECIAL PRIVILEGE

Mr. Lindsey made the Board members aware of the rip rap adjacent to case W-17-89 in Powhatan Shores and questioned whether it had been permitted. Mr. Lindsey requested that the staff research the permits to determine if it had been authorized.

Mr. Lindsey explained that the Economic Disclosure packages given to the Board members by the County Attorney's office were for informational purposes only.

F. ADJOURNMENT

The meeting was adjourned at 8:20 P.M.


Mr. Henry Lindsey
Chairman


Mr. Bernard M. Farmer, Jr.
Secretary