

WETLANDS BOARD

MINUTES

February 14, 1990

A. ROLL CALL

Henry Lindsey
David Gussman
Carolyn Lowe
John Hughes
Ralph Cobb

Others Present

Bernard M. Farmer, Jr. Secretary to the Board
John Patton, Code Compliance Officer
Peter McClintock, VMRC Representative

B. MINUTES

Mr. Farmer explained there had been a computer problem and the minutes of the January meeting had to be created from memory and asked the Board input therefore, the minutes were deferred until the next meeting.

C. OLD BUSINESS

None

D. NEW BUSINESS

W-32-89. Paul Krupski

Mr. Farmer stated that Mr. Bob Winstead of Riverworks Inc., the contractor, had applied on behalf of the owner Mr. Paul Krupski for an after-the-fact wetlands permit for construction of a 20 feet long by 3 feet wide riprap return revetment at 203 Sherwood Forest in the Riverview Plantation Subdivision.

Mr. Farmer presented a brief summary regarding this case. The Board had issued a permit, cited the holder for work done contrary to the permit, held a hearing for an "after-the-fact" permit, determined notices had not been made for that hearing and was now rehearing the "after-the-fact" permit.

It was the staff recommendation that a permit be granted for the most channelward five feet of the existing riprap. This determination was made based on VIMS advice that removal of the most channelwards 5 foot portion of the riprap might make the marsh more vulnerable to erosion. Staff does not recommend that the other riprap in question (the remaining 15 feet landward of the return revetment) be permitted as it is our analysis that this riprap would not have received a positive recommendation had it been included in the original application. Staff further recommends that the following conditions be placed on any after-the-fact permit granted for this site:

1. The contractor be required to restore all areas of vegetated marsh which existed prior to any permitted construction work on this site (not including any area allowed to be covered by permit). This restoration must be done by restoring the substrate to original grade and placement of sprigs of big cordgrass.

2. That a Surety agreement shall be executed and an amount of surety be posted for at least two growing seasons (not to expire before the fall of 1991) to guarantee the reestablishment of vegetation on this site.

Mr. Lindsey opened the public hearing.

Mr. Clifford of Riverworks Inc., addressed the Board and apologized for not acquiring a permit for the return revetment wall but in his opinion he was giving the Krupski's more years of protection from erosion with the wall. He further quoted from a study by VIMS which stated erosion along the shoreline was 2 feet per year. He asked the Board to allow the revetment to remain and allow him to post the surety and submit a mitigation plan.

Mr. McClintock spoke on the legality of a mitigation plan and stated a plan should be addressed on its own merit, and not be a sole basis for a permit determination.

John Patton and Peter McClintock stated they had noticed some restoration and clean up had occurred but were unable to determine if the plantings would survive.

Mr. Lindsey closed the public hearing.

Mr. Cobb moved to approve the permit subject to review and acceptance of a mitigation plan by VIMS and the Wetland's Staff and the staff's recommendations.

Mr. Gussman ask Mr. Farmer to notify the Board prior to releasing the surety amount.

Ms. Lowe stated her concern of the lack of technical information regarding this case and therefore she would not be willing to support the motion.

The motion for approval of the permit was carried by a vote of four to one, with Ms. Lowe opposing.

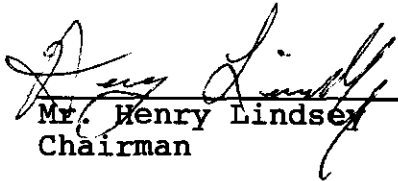
E. MATTERS OF SPECIAL PRIVILEGE

Mr. Ed Riley spoke regarding Lyme Disease and pointed out how the proposed Ware Creek Reservoir would help to control the spread of Lyme Disease in James City County.

Ms. Lowe stated that SB 183 which would strengthen VMRC's permit authority had been passed by the Senate.

F. ADJOURNMENT

The meeting was adjourned at 8:30 P.M.



Mr. Henry Lindsey
Chairman



Mr. Bernard M. Farmer, Jr.
Secretary



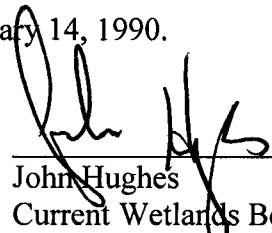
MEMORANDUM

Date: May 13, 2015
To: Records Management
From: James City County Wetlands Board
Subject: Wetlands Board minutes from February 14, 1990

The following minutes for the Wetlands Board of James City County dated February 14, 1990 were never voted on in the year surrounding this meeting.

These minutes, to the best of my knowledge, are the official minutes for the February 14, 1990 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 February 14, 1990.



John Hughes
Current Wetlands Board Chair



Melanie Davis
Current Wetlands Board Secretary