

WETLANDS BOARD

MINUTES

AUGUST 14, 1991

A. ROLL CALL

Mr. Lindsey
Mr. Hughes
Mr. Gussman
Ms. McCleary

Absent:
Mr. Cobb

OTHERS PRESENT:

Bernard M. Farmer, Jr. Secretary to the Board

B. MINUTES

The minutes of the July 10, 1991, meeting were approved as presented.

C. OLD BUSINESS

None

D. NEW BUSINESS

W-10-91. Gene Echols

Mr. Farmer presented the staff report stating that The Boat Lift Company, Inc. has applied on behalf of Gene A. & Melva M. Echols for a wetlands permit to construct 110 feet of tongue and groove bulkhead and a 12 foot by 12 foot deck at 129 Branscome Boulevard in the Powhatan Shores Subdivision. The wetlands staff and Jay Lipscomb of VMRC met with Mr. & Mrs. Echols on site on July 25. VIMS made an independent survey of the site. The site is on a man made canal and consists of approximately 400 square feet of Type XI, Freshwater Mixed Vegetation Community, and 300 square feet of Type XVI Mud Flat Community, both of which have very high ecological value. The applicants have expressed a desire to save the two pine trees on the property that are adjacent to the canal. The contractor proposes to construct the bulkhead in an approximately straight line tying in to the adjacent existing bulkheads at either end of the property. This would result in the loss of almost all of the vegetated wetlands. Mr. Farmer presented the Board with pictures of the site

The staff recommends that a Wetlands permit be issued for 110 feet of tongue and groove bulkhead at 129 Branscome Boulevard subject to the following conditions:

1. The proposed bulkhead tie into the adjacent upstream bulkhead and proceed within the first 10 linear feet to a point landward of the vegetated wetlands at or above mean high water. From there follow the shoreline landward of the vegetated wetlands at or above mean high water to tie into the return wall of the down stream bulkhead. This alignment must be staked by the Code Compliance Office prior to construction.

2. A building permit for the bulkhead and pier shall be obtained prior to construction.

3. An inspection of the filter cloth and tiebacks must be approved by the Code Compliance Office prior to backfilling.

4. This permit shall expire on August 14, 1992.

Mr. Hughes asked for clarification of the placement of the bulkhead and stated what he had observed at high tide.

Ms. McCleary asked for clarification of the placement with the help of the pictures.

Mr. Lindsey opened the public hearing.

Mr. Jeff Harcum of Boat Lift, Inc., addressed the Board and offered to answer any questions.

Mr. Hughes asked if Mr. & Mrs. Echols were present and if they were aware of the staff recommendation.

Mr. Echols stated the recommendation was acceptable to him.

Mr. Hughes asked Mr. Echols if he had given any consideration to rip rap.

Mr. Echols stated due to the slope of his lot and the desire to landscape his yard he had decided against the rip rap.

Mr. Lindsey closed the public hearing.

Mr. Gussman moved to approve the permit with staff's recommendations

The vote for approval was unanimous.

W-12-91. Governor's Land

Mr. Farmer presented the staff's report stating that Mr. Michael G. Kelly of the Williamsburg Environmental Group, Inc. has applied on behalf of Governor's Land Associates for a wetlands

permit to allow the completion of the work started under JCC Wetlands Permit W-13-90 and VMRC permit #90-0953. A condition of W-13-90 was that "This permit shall expire on July 18, 1991." A request to extend the permit was filed by the Williamsburg Environmental Group but was not received in time to be reviewed at the regular meeting in July. The original application was for the installation of 4030 linear feet of granite stone revetment, 610 linear feet of granite stone fill, and eight stone spurs totaling 455 linear feet. One half acre of tidal wetlands was to be created from existing upland and 3000 cubic yards of beach nourishment was to be placed at four locations on the site. Approximately forty percent (40%) of the previously permitted work has been completed. Work was halted when significant historical sites likely to be eligible for inclusion in the National Register of Historic Places were encountered near the proposed eighteenth hole of the golf course. Portions of these sites would be impacted by the shore line stabilization, the created wetlands and their associated upland sand filters. It is our understanding that the Army Corps has not issued any wetlands permits for any areas where there are historic sites that are eligible for inclusion, or might be eligible for listing, in the National Register of Historic Places. The property is identified as parcel (1-16) on James City County Real Estate Tax Map Number (44-2). It consists of approximately 1444 acres, and is located on John Tyler Highway, at the confluence of the James and Chickahominy Rivers.

For ease in understanding we have broken the proposed project into the following three sections as outlined in the Shoreline Stabilization Plan for Governor's Land:

NORTH SHORE TO FIRST EMBAYMENT Plan View Sheets 3 & 4

This section of shoreline ranges in character from narrow beaches to ten foot cliffs. The applicant has completed the stone revetment starting at the western end of the cypress swamp on the north shore and wrapping around the point for approximately 650 feet and a low revetment proceeding southward for approximately 300 feet to a sill. The remainder of this section is covered by this application. It contains a sill; a created wetlands containing saltmarsh cordgrass and saltmeadow cordgrass; a small revetment; a berm; and two sand filters. The sand filters are to be used for storm water management which will receive and distribute storm water from the golf course. The shoreline proceeds south with a small section of revetment to the first embayment. This embayment consists of two spur structures, which have been installed, with beach nourishment and saltmeadow cordgrass to be planted landward of the beach. The grading of the shore along the beach areas and wetlands plantings have not yet taken place. Almost all of this section of this application will impact on known significant historic sites.

SECOND EMBAYMENT TO BARRETS POINT Plan View Sheets 5,6, & 7

This section of the shoreline ranges in character from a ten foot

embankment to cypress wetlands. The applicant proposes to construct the second embayment with the same design as the first embayment. Here again the spurs have been installed but the shore line grading and beach nourishment require a new permit. The grading back of the embayment beach area will also impact on another known historic site. Presently armor stone for the revetment is stored in this area. The shoreline then proceeds to cypress trees and a large tidal wetlands area which is to remain in its natural state. It was through this cypress swamp the Wetlands Board issued Wetlands Permit W-1-91 last February for a golf cart bridge. This bridge has not yet begun construction. The remainder of the work to the sill at Barrets Point has been completed. The sill at Barrets point is included in this application. Most of the shore line at Barrets Point is included in another known significant historic site.

BARRETS POINT TO EAST END OF PROJECT Plan View Sheets 7, 8 & 9

The remainder of the site is included in this application. After Barrets Point, the shoreline is characterized by a cliff ranging approximately six to seven feet in height. The applicant proposes to construct approximately 1550 feet of revetment and two embayments in this section of the project.

SITE VISIT

Site visits were conducted by the Code Compliance Office, VIMS, and VMRC on the original application and the Code Compliance Office has monitored the activity to date. When Mary Ann Wohlgemuth of VIMS reviewed the project she estimated that approximately 450 square feet of fresh water mixed vegetation; 63,285 square feet of sand/mud mixed flat Community; and 18,450 square feet of subtidal bottom would be impacted by the total project. VIMS generally concurred with the overall proposal for shoreline protection. The VIMS report indicated that spur and beach nourishment provide a softer approach to shoreline protection than revetment along the entire shoreline. VIMS also suggested that the created wetlands be monitored for several years to ensure the viability of the created wetlands. Accordingly one of the conditions on W-13-90 was that "The created wetlands must be inspected for five years. If the proposed vegetation has not established itself and remained viable for this period then the applicant must vegetate these areas with vegetation approved by the Director of Code Compliance." It should be noted that the stands of trisquare adjacent to the rip rap revetments have increased in size where the rip rap has been installed.

STAFF RECOMMENDATION

It is staff recommendation that approval be granted to allow the completion of the project as outlined in the original application and as shown on the new application as "Requested for extension" with the following conditions:

1. A Land Disturbing Permit and Siltation Agreement for shoreline stabilization, with surety must be obtained from the Code Compliance Office prior to construction.
2. The alignment must be staked and approved by the Code Compliance Office prior to any land disturbing activities or construction.
3. The created wetlands must be inspected for five years. If the proposed vegetation has not established itself and remained viable for this period then the applicant must vegetate these areas with vegetation approved by the Director of Code Compliance.
4. All shoreline construction work shall be done so as to minimize destruction of existing wetlands and to preserve the trees and vegetation along the bank. Approval must be obtained for the Code Compliance Office for access to any sensitive areas prior to construction.
5. All necessary State and Federal Permits shall be obtained and copies provided to the Code Compliance Office prior to any work commencing on the project.
6. All work that will impact on archaeological sites subject to review by the James City County Historical Commission as provided in the Proffers Agreement for Governor's Land and any Memorandum of Agreement with the County and Historical Commission shall be in accordance with a treatment plan approved by the Historical Commission.
7. This permit shall expire on August 14, 1992.

Mr. Hughes asked if recommendation #6 was included in the original permit.

Mr. Famer stated no, but that it is not a controversial issue at this time.

Mr. Hughes asked about the memo referencing the telephone conversation with Greg Culpepper.

Mr. Farmer explained the issue.

Mr. Lindsey opened the public hearing.

Mike Kelly spoke stating that work was stopped voluntarily when they became aware of the Archelogical Site. He further stated that no work will begin until the MOA is signed. Mr. Kelly asked if the Board would extend the permit until August 31, 1993, as does the VMRC permit to allow Archelogist to do necessary the necessary work along the shore line.

Mr. Lindsey asked if extending the expiration time would be legal.

Mr. Farmer stated that the law requires that an expiration date be stated and that he has no objection to extending the date.

Marc Bennett asked about the time limit for the surety.

Mr. Farmer stated it was not his intention to hold the Land Disturbing permit open for five years.

Mr. Gussman asked when the five year period would begin.

Mr. Farmer stated it would begin with the issuance of the permit.

Mr. Lindsey closed the public hearing.

Ms. McCleary asked what the usual permit expiration period would be for a Wetlands Permit.

Mr. Lindsey answered one year.

Mr. Hughes moved to approve the permit with the modification of the expiration date to August 31, 1993.

The vote for approval was unanimous.

Mr. Hughes asked about the status of the proposed Boat House.

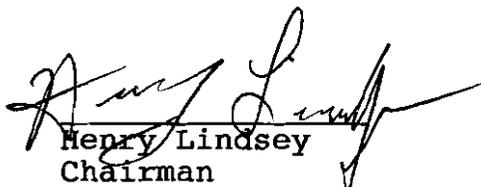
Mr. Bennett stated due to the discovery of the Archeological site the Boat House was on hold at this time.

E. MATTERS OF SPECIAL PRIVILEGE

Mr. Farmer presented the Monitoring Report submitted by James Wood. He also, stated the surety remains the same as was originally assessed.

F. Adjournment

The meeting was adjourned at 7:45 P.M.


Henry Lindsey
Chairman


Bernard M. Farmer
Secretary