

WETLANDS BOARD

MINUTES

DECEMBER 11, 1991

A. ROLL CALL

PRESENT

ABSENT

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

OTHERS PRESENT:

John B. Patton Code Compliance Officer acting for
Bernard M. Farmer, Jr. Secretary to the Board
Jackie White, Code Compliance Officer
Jay Lipscomb, VMRC

B. MINUTES

The minutes of the November 13, 1991, meeting were approved as presented.

C. OLD BUSINESS

None

D. NEW BUSINESS

W-16-91. Mrs. Winston E. Hobbs
W-17-91. Joseph Evans
W-18-91. Ivan Sheldon

Mr. Patton, at the request of the Board, presented the above cases all at once since they are adjoining and the requested work will be continuous. Mr. Patton stated that Mr. Chris Clifford of Riverworks, Inc., on behalf of the owners has made application for the permits to install approximately 474 linear feet of Rip rap revetment in front of an existing bulkhead. The project is in tidal wetlands of the James River at 194, 199, and 190 The Maine, First Colony Subdivision, James City County.

Site visits were conducted by the County wetlands staff, VMRC, and VIMS.

The site consists of an existing bulkhead in front of a relatively steep slope approximately twenty feet high. The wetlands consist of a nonvegetated Type XV sand/mud mixed flat community. The

project will impact approximately forty seven hundred (4700) square feet of this important tidal flat community. The bulkhead is currently providing adequate erosion control and the three existing groins are trapping some sand providing some beach nourishment. The bulkheads are showing some deterioration and could be strengthened and its life extended with the addition of the rip rap revetment. There is considerable erosion potential at this location for unprotected shoreline.

It is the staff recommendation that a permit be granted for four hundred seventy four linear feet of rip rap revetment with the following conditions:

1. That all materials, in particular the rip rap, be brought in from the river to avoid damage to the steep bank.

2. That filter cloth be placed behind and below all rip rap and secured to the bulkhead.

3. That the toe of the rip rap and filter cloth be buried two (2) feet in the river bed.

4. That the office of Code Compliance be contacted to inspect and approve the filter cloth and toe of the rip rap as it is being installed.

Mr. Cobb asked if the rip rap revetment would be continuous.

Mr. Patton answered yes.

Mr. Hughes asked for clarification of the third condition.

Mr. Patton explained the condition.

Mr. Cobb asked if the water is deep enough to float a barge loaded with materials.

Mr. Patton stated at high tide the water was deep enough to float a barge.

Mr. Lindsey opened the public hearing.

Mr. Clifford addressed the Board stating that he felt there was not enough water to float a barge loaded with materials especially rip rap.

Mr. Hughes asked how he proposed to transport the materials to the job site.

Mr. Clifford explained how he would like to cut a temporary road thru the Hobb's property since the bank is clear and the cliff is only approximately 6 to 8 feet tall.

Mr. Hughes asked Mr. Clifford if he would have a problem with recommendation 3.

Mr. Clifford stated he could change his design and bury the toe.

Mr. Cobb asked if Mr. Clifford felt with certainty that he could work without further damaging the bulkheads.

Mr. Clifford stated he felt he would place the rip rap without destroying the bulkheads

Mr. Hughes asked why he felt he could not bring the materials to the job site by barge.

Mr. Clifford explained the difficulty and expense of trying to use a barge.

Mr. Lindsey closed the public hearing.

Mr. Hughes stated he felt that bringing the material to the job site by barge would be too difficult and expensive.

Mr. Cobb asked what Erosion and Sedimentation measures Mr. Clifford would use.

Mr. Clifford explained if it is a rainy period his proposal would be an E & S disaster but he would use silt fence and really could not give an acceptable solution.

Mr. Patton stated there are other alternatives such as the use of a turbidity curtain.

Mr. Clifford stated in his opinion regardless of what measures he takes some silt is going into the river.

Mr. Lindsey asked Mr. Clifford what problems he anticipates if any would occur due to the weight of his equipment in close proximity to the weakened bulkhead.

Mr. Clifford explained his plan and stated that the failure of the bulkheads is a possibility.

Mr. Hughes stated he felt the location could be accessed by land and Mr. Clifford could contact the E & S department for controls and use a turbidity curtain.

Mr. Gussman asked if a turbidity curtain is used how is the sediment controlled.

Mr. Patton explained sediment traps and turbidity curtains.

Mr. Clifford stated he felt that burying the toe of the rip rap could be considered dredging.

Mr. Clifford stated he felt not upland soil would reach the river except if the bulkheads fail.

Mr. Patton asked what size excavator Mr. Clifford plans to use.

Mr. Clifford stated he plans to use a 8 foot John Deere.

Mr. Hughes moved to grant the permits with recommendation 1 changed to state

"That a turbidity curtain shall be in place during all land disturbing activities."

Ms. McCleary asked the motion be amended to state that "all necessary Erosion and Sedimentation control measures shall be taken upland during all land disturbing activities."

Mr. Patton read the motion to the Board stating that the permit be granted with staff's recommendations except item 1 be changed to read:

- 1." That a turbidity curtain shall be in place and all necessary Erosion and Sedimentation control measures shall be taken upland during all land disturbing activities.

The vote for approval of the permit with the changed recommendation was unanimous.

W-19-91. Wanda Heath

Mr. Patton presented the staff report stating that Mr. Wilbur Jordan, the contractor, has reapplied on behalf of Ms. Wanda S. Heath, the owner, for a wetlands permit to construct approximately 75 linear feet of tongue and groove bulkhead to replace a failing bulkhead at a commercial marina located at 297 Neck O Land Road. He also proposes to build open pile docks adjacent to the bulkhead and place 5 mooring pilings channelward of the bulkhead to create four new boat slips. This property is a commercial marina located on Powhatan Creek at 297 Neck O Land Road. This same application was previously submitted in 1990 as Case No. W-14-90, and heard at a public hearing on August 8, 1990. At that time the Board approved the permit but placed a one year time limit on the permit. Mrs. Heath was unable to get State Health Department approval for the marina until September of this year. She failed to request an extension of her Wetlands Permit prior to its expiration. Consequently she must come before the Board for a new permit. Both her Federal and State wetlands permits are still valid. They do not expire until September 30, 1994.

The bulkhead and dock will be "U" shaped and surround an existing marine gas pump. The northern edge of the bulkhead will be alongside the existing boat ramp. Code Compliance staff have visited the site and discussed the project with Ms. Heath. The existing bulkhead is in very poor condition and failing. A large concrete slab between the bulkhead and gasoline pump is being undercut and falling away toward the failing bulkhead. It is felt that this concrete slab will have to be removed prior to bulkhead replacement to prevent further collapse and to allow for the new bulkhead to be properly tied back and deadman installed. A replacement bulkhead will have minimal impact on the wetlands involved. The staff recommends that a Wetlands permit be granted for approximately 75 linear feet of tongue bulkhead and 5 mooring pilings subject to the following conditions:

1. The old bulkhead and concrete slab be removed and the new bulkhead placed where the old one was.
2. The open pile dock shall be constructed immediately adjacent to the bulkhead. The mooring pilings shall be placed so as to provide navigable water channelward of them but must be no more than 15 feet channelward of the dock.
3. A building permit for the bulkhead and dock must be obtained prior to any construction or demolition of existing structures.
4. An inspection of the bulkhead, tiebacks and filter cloth be made by personnel from the Code Compliance Office prior to back filling.
5. This permit shall expire on December 10, 1992.

Mr. Hughes asked if the recommendations on this permit were the same as on the original permit.

Mr. Patton answered yes.

Mr. Lindsey opened the public hearing.

There being no one present to speak, Mr. Lindsey closed the public hearing.

Ms. McCleary asked if one year was enough time for Mr. Jordan to complete the proposed work.

Mr. Patton stated yes, but the Board could extend the expiration date if they chose.

Mr. Lindsey asked if the gas pump and slab were going to be

replaced.

Mr. Patton stated that no information on the pump or slab were enclosed with the application.

Mr. Lindsey stated that he would like to know if there was a cut off at the pump in case of an accident.

Mr. Hughes moved to grant the wetlands permit with staff's recommendations.

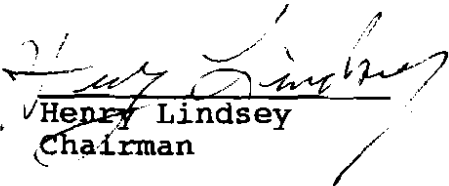
The vote for approval was unanimous.

E. MATTERS OF SPECIAL PRIVILEGE

Mr. Patton introduced Jackie White, Code Compliance Officer to the Board.

F. Adjournment

The meeting was adjourned at 7:40 P.M.


Henry Lindsey
Chairman


John Patton
Code Compliance Officer