

WETLANDS BOARD

MINUTES

JULY 28, 1993

A. ROLL CALL

PRESENT

ABSENT

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

Mr. Cobb

OTHERS PRESENT:

John Patton, JCC Zoning Officer

B. MINUTES

The minutes of the June 9, 1993 meeting were approved as presented.

C. OLD BUSINESS

D. NEW BUSINESS

W-15-93; Richard & Nina Costello and James & Joyce Schmidt

Mr. Patton presented the staff report stating that Richard & Nina Costello and James & Joyce Schmidt applied for a wetlands permit to construct one hundred fifty feet of tongue and groove bulkhead including two return walls and a three hundred foot long open pile pier in the York River at 10020 and 10022 Sycamore Landing Road in the Sycamore Landing subdivision. The properties are further identified as parcels (4-4 & 4A) found on James City County Real Estate Tax Map (7-2).

Mr. Patton further stated that the property in question consists of a tidal fringe marsh on the York River. Representatives from Code Compliance visited the site on April 22, 1993. It is estimated that approximately 300 square feet of tidal Brackish Water Mixed Community (Type XII) will be impacted by this request. Moderate erosion is evident along the entire project with a section of the fringe marsh almost completely eroded. The edge of the marsh abuts a very steep slope rising approximately 20 feet

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above the marsh. Mr. Costello desires to place the bulkhead far enough channelward to allow for proper fill to be brought in to create a terrace and reduce the slope enough for it to be stabilized by a vegetative cover. It is the staff's recommendation that a wetlands permit be granted for the construction of the bulkhead as proposed in the application with the following conditions:

1. A building permit be obtained prior to commencing work and an inspection of the filter cloth, tiebacks, and bulkhead be conducted and approved by the Code Compliance Office prior to backfilling.
2. This permit shall expire July 28, 1994.

Mr. Lindsey asked Mr. Patton if the VIMS report which stated concern for the bulkhead being placed out eight feet effected the staff recommendation.

Mr. Patton said no.

Mr. Lindsey opened the public hearing.

Mr. Richard Costello stated that he tried to hold the slope to what he considered the maximum he could put it in without having any trouble with it sloughing.

Mr. Gussman asked Mr. Costello if he had lost any land due to erosion.

Mr. Costello said that he hadn't lost any land due to erosion, but has lost some land and marsh due to sloughing of the slope.

Mr. Schmidt stated that he has experienced the loss of approximately seven feet of land in his ten years living on the property due to erosion.

Mr. Lindsey closed the public hearing.

Ms. McCleary motioned to approve the wetlands permit with staff's recommendations.

The motion was carried by a unanimous vote.

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W-16-93; Wright's Island Game Assoc., Inc. c/o C. L. Bowman

Mr. Patton presented the staff report stating that C. L. Bowman, on behalf of Wright's Island Game Association, Inc., has applied for a wetlands permit to construct approximately two hundred fifty-five linear feet of rip rap along Shipyard Creek at Wright's Island. The property is further identified as parcel (1-1) found on James City County Real Estate Tax Map (20-3).

Mr. Patton further stated that the property in question consists of the shoreline of Shipyard Creek in front of the Game Association's clubhouse on Wright's Island. This shoreline is showing moderate erosion, probably caused by boat traffic on Shipyard Creek. Representatives from VMRC, Army Corps of Engineers and Code Compliance visited the site on July 7, 1993. It is estimated that approximately 2040 square feet of tidal area Mud Flat Community (Type XVI) will be impacted by this request. This is the foot print area of the rip rap including what will be underwater at high tide. The original application called for only two hundred linear feet of rip rap in two sections, one one hundred, fifteen feet long along the toe of the bank and the second, eighty-five feet long across a small inlet that was to be filled. At the joint site visit it was suggested that the second revetment follow the contour of the shore and the fill be eliminated. This amendment was submitted and increased the eighty-five feet of revetment to approximately one hundred forty feet and eliminated the fill. It is the staff's recommendation that a wetlands permit be granted for the two sections of rip rap revetment as proposed in the amended application with the following conditions:

1. That the toe of the rip rap be buried below MLW at least one foot to provide for adequate protection from being undercut by anticipated wave action from boat traffic.
2. This permit shall expire on July 28, 1994.

Mr. Lindsey opened the public hearing.

No one present chose to speak..

Mr. Lindsey closed the public hearing.

Mr. Gussman motioned to grant a wetlands permit with the staff's recommendations.

E. MATTERS OF SPECIAL PRIVILEGE

Mr. Leo Rogers, Assistant County Attorney updated the Wetlands Board on action against Mr. Walker Ware, Violation Case No. W-37-92. He stated that the board at this time could file a Bill of Complaint with Circuit Court for criminal or civil action.

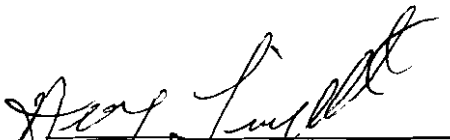
Mr. Rogers recommended that the board pursue restoration of the wetlands through Federal Court.


Ms. McCleary motioned to instruct the County Attorney to seek civil charges against Mr. Walker Ware in Federal Court.

The motion was carried with a unanimous vote.

F. ADJOURNMENT

The meeting was adjourned at 7:50 P.M.


Henry Lindsey
Chairman


John Patton
Zoning Officer