

**WETLANDS BOARD**

**MINUTES**

**JULY 13, 1994**

**A. ROLL CALL**

**PRESENT**

Mr. Lindsey  
Mr. Hughes  
Ms. McCleary  
Mr. Jones

**ABSENT**

Mr. Gussman

**OTHERS PRESENT:**

John Patton, Zoning Officer  
Jay Lipscomb, VMRC

**B. MINUTES**

The minutes of the June 8, 1994 meeting were deferred.

**C. OLD BUSINESS**

W-5-94; Governor's Land Management

Mr. Patton presented the staff report stating that Governor's Land Management has applied for a wetlands permit for 1200 feet of shoreline stabilization. A motion was made to defer action on the request to allow Governor's Land to come up with a plan to better meet staff's conditions. Mr. Patton further stated that Governor's Land had submitted a modified plan showing a two to one slope and additional modifications. Since some type of stabilization is appropriate staff recommends that a wetlands permit be granted for approximately 1200 linear feet of shoreline stabilization as proposed in the revised application with the following conditions:

1. No land disturbing activity may occur in the vicinity of any archaeology site which may be eligible for inclusion in the National Registrar except in accordance with an archaeological treatment plan approved by the James City County Historic Commission.
2. The plan shall be modified so as to minimize destruction of existing vegetation in the Resource Protection Area and to preserve the trees and vegetation along the bank with no grading or land disturbance more than ten feet landward from the existing edge of the bluff or high

water mark without prior approval from the Code Compliance Office. The escarpments shall not be graded back at a slope of less than 2 to 1 from the elevation of the top of the proposed beach nourishment. Approval must be obtained from the Code Compliance Office for construction access to any sensitive areas prior to construction.

3. Land Disturbing Permits and a Siltation Agreement for the shoreline stabilization, with surety, must be in place with the Code Compliance Office prior to construction or land disturbing activity related to this permit.
4. The alignment must be staked and approved by the Code Compliance Office prior to any land disturbing activities or construction.
5. A turbidity curtain shall be in place to reduce siltation going into the river from construction activity along the shoreline.
6. This permit shall expire on June 31, 1997.

Mr. Lindsey continued the public hearing.

With no one wishing to speak, Mr. Lindsey closed the public hearing.

Mr. Jones motioned to approve the application with staff's recommendations.

The motion carried unanimously.

(Ms. McCleary present at this time)

**D. NEW BUSINESS**

W-16-94; Steven P. Matish

Mr. Patton presented the staff report stating that Stephen P. Matish has applied for a wetlands permit to construct 136 linear feet of wooden tongue and groove bulk head, a 16X16 foot dock and a 16X24 foot covered boat lift at 7250 Canal Street in the Chickahominy Haven subdivision. The property is further identified as parcel (9-51) found on James City County Real Estate Tax Map (19-1). The property in question consists of a man-made canal, a

tributary to the Chickahominy River. Representatives from Code Compliance visited on June 30, 1994. It is estimated that approximately 272 square feet of tidal area (Type V) sand mud flat will be impacted by this request. Moderate erosion is evident, primarily from boat traffic. There is a return wall associated with a boat ramp at the left end of the property and a bulkhead at the right end. It is the staff recommendation that a permit be granted for this application with the following conditions.

1. The bulkhead shall tie into the existing bulkhead and return wall and be constructed as close to the toe of the bank as possible.
2. A building permit shall be obtained prior to commencing work and an inspection of the filter cloth, tiebacks, and bulkhead be conducted and approval by the Code Compliance Office prior to backfilling.
3. A separate electrical permit shall be obtained for electrical service to the boat lift and docks.
4. This permit shall expire July 13, 1995.

Mr. Lindsey opened the public hearing.

With no one wishing to speak, Mr. Lindsey closed the public hearing.

Mr. Hughes made a motion to grant a wetlands permit with staff's recommendations.

The motion carried unanimously.

W-18-94; Louis F. Vosteen

Mr. Patton presented the staff report stating that Louis F. Vosteen has applied for a wetlands permit to construct approximately 160 linear feet of rip rap for marsh toe stabilization in the York River at 124 Four Mile Tree Road in the Riverview Plantation subdivision. The property is further identified as parcel (5-10) found on James City County Real Estate Tax Map (16-4). The property in question consists of an extensive fringe marsh along the western edge of the York River. Representatives from Code Compliance visited the site on June 30, 1994. It is estimated that approximately 960 square feet of tidal area (Type XV) will be impacted by this request. Although the SEASWARE computer program

only rated this location as having a medium erosion potential, index of 52.38, it is very evident that the toe marsh is being eroded away. The index is biased in that the toe marsh is acting as an erosion buffer itself and its loss is considered as acting as a buffer to the fastland. The desire of the applicants is to save and preserve the marsh in front of their home. This is consistent with the hardening previously permitted on either side of their property and much more desirable ecologically than bulkheading the fastland after the marsh has eroded away as was done in other areas of this development. The problem with this particular site is that at the southern edge of the property the bluff slopes down to a low gut and a low embayment of marsh extending approximately 100 feet landward. This will take particular care to protect. In addition, the low water beyond the fringe marsh will preclude bringing in the rip rap by barge. It is expected that the rip rap will have to be brought in from the upland and cross a portion of the marsh to put it in place. It is the staff's recommendation that a wetlands permit be issued for this application with the following conditions:

1. The rip rap overtopping apron shall be no more than 1 foot to reduce the loss of vegetated wetlands, and the height of the revetment shall not exceed 2.8 feet above mean sea level and it shall be as low as possible at the south end marsh embayment to insure tidal water inundation of the marsh.
2. The project shall be accessed by water or by a single access through the south end of the property with mats to be used to lessen the impacts to the marsh during construction.
3. An inspection of the filter cloth must be made and approved by staff prior to overfilling with rip rap.
4. This Permit shall expire on July 13, 1995.

Mr. Lindsey opened the public hearing.

Mr. Louis Vosteen, property owner, spoke on behalf of his application. He stated that he did intend to bury the toe of the marsh as stated in his application.

Mr. Lindsey closed the public hearing.

Mr. Hughes made a motion to grant a wetlands permit with staff's recommendations.

The motion carried unanimously.

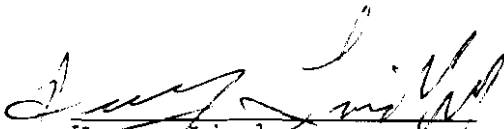
**E. MATTERS OF SPECIAL PRIVILEGE**

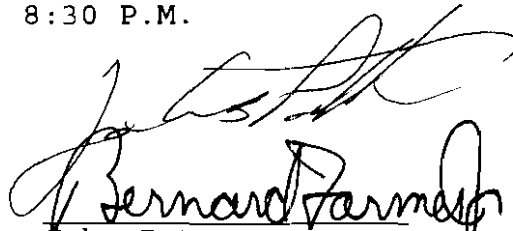
Mr. Patton stated that we did attend Federal Court on the Walker Ware Case and there is a court order in place so that staff may proceed with the delineation.

Susan McCleary offered a letter of resignation.

**F. ADJOURNMENT**

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

  
Henry Lindsey  
Chairman

  
John Patton  
Zoning Officer