

**WETLANDS BOARD**

**MINUTES**

**FEBRUARY 14, 1996**

**A. ROLL CALL**

**ABSENT**

Mr. Hughes  
Mr. Lindsey  
Mr. Gussman  
Mr. Waltrip

Mr. Jones

**OTHERS PRESENT**

Bernard Farmer, Zoning Administrator  
Jay Lipscomb, VMRC

**B. MINUTES**

Minutes of November 8, 1995 were approved.

**C. OLD BUSINESS**

None.

**D. NEW BUSINESS**

**ZA-25-95/VMRC 95-1696; Margaret F. Anderson**

Mr. Farmer presented case ZA-25-95. He stated Margaret F. Anderson has applied for a wetlands permit to construct approximately 50 linear feet of rip rap revetment at 180 The Maine in the First Colony subdivision. The property is further identified as parcel (2-63) found on James City County Real Estate Tax Map (45-4).

The property in question is along the James River. Representatives from Code Compliance and VIMS (Julie Bradshaw) visited the property on January 25, 1996. It is estimated that approximately 1440 square feet of tidal area (Type XV, Sand/Mud Flat) will be impacted by this request. The property has some existing rip rap, which consists of broken concrete, along a portion of the shore. A groin is also located on the property, but the applicant's property line is beyond the location of the groin.

SEAS recommends grading the eroding section of the bank in order to reduce soil loss and suggests minimizing the irregularities between the two properties. It is also suggested that there

be a minimal encroachment beyond mean high water. To lessen the encroachment beyond mean high water, the rip rap could be reduced, locating rip rap to match adjacent property up to the point of the groin and then locating rip rap in front of the existing bulkhead.

The drawings submitted with the application indicate that the proposed rip rap is to be 50 linear feet approximately 24 feet wide. At the site visit however, the applicant indicated the rip rap that she was proposing in front of the existing bulkhead was not as extensive as indicated in the plans.

It is staff's recommendation that a wetlands permit be issued for this application with the following conditions:

1. The toe of the rip rap shall be buried no less than one foot.
2. The project shall be accessed by water or if by land, a turbidity curtain must be in place prior to land disturbing activity.
3. Either the existing bulkhead is to be removed prior to the placement of rip rap or rip rap revetment is to be placed immediately in front of the existing bulkhead.
4. That this rip rap revetment tie into the existing rip rap on the property and into rip rap on adjacent properties.
5. An inspection of filter cloth must be made and approved by staff prior to overfilling with rip rap.
6. The rip rap revetment shall have a 2:1 slope.
7. This permit shall expire February 14, 1997.

Mr. Waltrip asked for clarification as to the new drawings showing the rip rap next to the bulkhead and not out, stabilizing the existing wall. Mr. Farmer indicated amended drawings would be required prior to the work.

Mr. Farmer noted to the Board that there are two groins at the site for stemming the erosion. He further stated that groins of this nature tend to act as a collector of material near the shore, but that they also starve any material from adjacent properties. Mr. Farmer stated that it appears that one of the groins has significantly affected one of the downstream properties and that it was advisable to remove the groins, since measures are being taken care of to stem the erosion on the shore.

A further discussion of the groins and ways to remove them took place. Ms. Anderson was asked to confer with the contractor, but that it was not a requirement to remove the groins.

Mr. Lindsey opened the public hearing.

Ms. Anderson stated that she would like to construct the rip rap as Julie Bradshaw from VIMS suggested. She asked if new drawings of the proposed construction were going to be required,

and was told yes.

Mr. Lindsey stated that he had a discussion with Ms. Anderson on Monday in reference to utilizing the broken concrete as core stone in the rip rap.

Mr. Farmer stated that the concrete was not the best material, but he did not anticipate a problem with utilizing the concrete.

Mr. Lindsey closed the public hearing.

Mr. Hughes agreed that the lower groin should be removed at the ground line, but felt it should not be required.

Mr. Gussman moved that in case W-25-96 be approved with staff recommendations with the condition that revised or new drawings be submitted to Mr. Farmer prior to construction.

The motion was approved unanimously.

#### **W-26-95/VMRC 95-1701; Peter Balanon & Fortuna Santiago**

Mr. Farmer presented case #W-26-95. Peter Balanon has applied for a wetlands permit to construct a bulkhead, 125 linear feet, and a boat lift at 7282 Osprey Drive in the Chickahominy Haven subdivision. The property is further identified as parcel (8-12) found on James City County Real Estate Tax Map (19-1).

The property in question runs along a man made canal. Representatives from VIMS and Code Compliance visited on January 25, 1996. It is estimated that approximately 250 square feet of tidal area (Type XV, Sand/Mud Flat) will be impacted by this request. The bulkhead at the adjacent property on the west side does not extend to the property line, a return wall will therefore be necessary at this end of the proposed bulkhead.

It is staff's recommendation that a wetlands permit be issued for this application with the following conditions:

1. The bulkhead be aligned with the toe of the bank and the alignment be staked and approved by the office of Code Compliance prior to construction.
2. The bulkhead ends be identified in relation to at least two permanent features on the property for future alignment verification.
3. The office of Code Compliance inspect the tie backs, deadmen and filter cloth prior to backfilling.
4. The bulkhead tie into adjacent bulkhead on east side of the property and a return wall be constructed on the west end of the bulkhead.
5. This permit shall expire February 14, 1997.

Mr. Hughes asked Mr. Farmer how far was it off the property line.

Mr. Farmer stated that it was a distance of approximately 30 to 40 feet.

Mr. Lindsey stated to Mr. Farmer that it appeared that the bulkhead could be built in a straight line, and that the bulkhead should follow the toe of the bank and tie into the bulkhead on the east. Mr. Lindsey stated that when he looked at the subject property on Monday, it appeared that the bulkhead on the east was rather far from the toe of the bank.

Mr. Farmer stated that the bulkhead would not necessarily be tied into the point of the eastern bulkhead, but that it might be tied into the wing wall of the eastern bulkhead.

Mr. Waltrip stated that he had a concern with the property line and asked that when Code Compliance did their inspection to be sure the same alignment is maintained.

Mr. Hughes stated that historically the Board has wanted the bulkheads to maintain a straight line and he felt sure that the staff would stake out properly.

Mr. Lindsey opened and closed the public hearing since no one was available for the case.

Mr. Hughes moved to that in case W-26-95 be approved with staff recommendations.

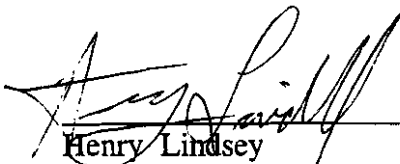
The motion was approved unanimously.


#### **E. MATTERS OF SPECIAL PRIVILEGE**

Mr. Farmer stated that Mr. Ware had filed a "Show Cause" motion with the federal judge due to a violation on the number of county officials allowed on his property. Mr. Farmer clarified that on the day the Board was scheduled to inspect Mr. Ware's property, the Sheriff's department had appeared earlier to arrest Mr. Ware for an assault charge to his neighbor.

#### **F. ADJOURNMENT**

The meeting was adjourned at 7:30 P.M.

  
Henry Lindsey  
Chairman

  
Bernard M. Farmer, Jr.  
Secretary