

WETLANDS BOARD

MINUTES

MARCH 13, 1996

A. ROLL CALL

ABSENT

Mr. Hughes
Mr. Lindsey
Mr. Jones
Mr. Waltrip

Mr. Gussman

OTHERS PRESENT

Bernard Farmer, Zoning Administrator
Jay Lipscomb, VMRC

B. MINUTES

Minutes of February 14, 1996 were approved.

C. OLD BUSINESS

W-23-95/VMRC 95-1487, Governor's Land Associates c/o Jim Bennett

Mr. Michael Kelly, on behalf of Governor's Land Associates, has requested that the expiration date of Wetlands Permit number W-23-95 be changed from November 8, 1996 to November 8, 1997, a two year expiration date. The change was requested to allow time for the construction of the bridges, which were approved with conditions on November 8, 1995.

Mr. Hughes moved to approve the extension of Wetlands Permit No. W-23-95 to November 8, 1997.

The motion was approved unanimously.

D. NEW BUSINESS

W-1-96/VMRC 96-0034; Busch Properties c/o Tom Dunn

Mr. Tom Dunn, on behalf of Busch Properties, has applied for a wetlands permit to construct a shoreline stabilization project along the Wareham's Pond section of the James River shoreline in the Kingsmill subdivision. The project proposes seven breakwaters (1000 feet total length), 29000 cubic yards of beach nourishment, a 215 foot sill and 170 linear feet of rip rap revetment.

The property is found on James City County Real Estate Tax Map (51-3).

Jim Gunn of Coastal Design, contractor for the project, presented the case to the Board at Mr. Farmer's request.

The Kingsmill subdivision is located along the James River. The project site is located between the existing Kingsmill marina and an old wharf site, where an old pier still sits. The shoreline along the site consists of steep bluffs which vary widely in height above the bank. The wetlands area to be impacted by this request is approximately 2800 linear feet of shoreline along the James River, about 4000 square feet of tidal area. (Type XV, Sand Mud Flat). The applicant has indicated an interest in stabilizing the bank, reducing the level of erosion as well as creating beaches accessible to the upland subdivision development. Representatives from VMRC, VIMS and Code Compliance visited on December 21, 1995.

The applicant is proposing 215 feet of sill, essentially a low revetment three feet above mean low water, adjacent to 170 linear feet of rip rap revetment. The remainder of the shoreline is to be framed by seven offshore breakwaters. The distance offshore of the seven proposed breakwaters ranges from approximately 90 feet to 190 feet offshore. The applicant has indicated that the offshore distance of the breakwaters was designed to take into account the direction of the wave action towards the shore, the number of breakwaters proposed and their desire to maintain the natural ravines that occur on the property. The applicant also proposes that vegetation will then be planted immediately behind the breakwaters and along the graded banks. The proposed vegetation includes a variety of wetlands plants species. Additionally, the project includes beach nourishment. The applicant plans beach fill composed of 90% sand and a 10% clay to be added to the shoreline to create beach areas and support proposed wetlands vegetation.

Mr. Farmer presented staff concerns and recommendations to case W-1-96. The applicant has also filed a site plan and erosion control plan for the project, which shows greater detail. One element of the project, shown on the site plan but not as part of the wetlands permit, staff finds objectionable and does not recommend for approval. The applicant has indicated a crossing of a marsh area southeast of the old wharf for access to a spoil disposal site. Staff believes the impacts associated with the crossing are avoidable and unnecessary. A direct upslope haul road and uplands access to the spoil site is a better alternative, environmentally.

At staff's request the applicant has provided an abbreviated planting list for the graded upslope area. While this area is outside of the Wetlands Board jurisdiction staff believes discussion regarding it is appropriate. The total plantings proposed do not appear adequate to reestablish an appropriate vegetated shoreline buffer area. This issue will be addressed by staff through the Chesapeake Bay regulations as part of the site plan approval process.

VIMS is not suggesting any changes to the proposal and has indicated that this is a good alternative to stabilize the shoreline. Staff recommends a wetlands permit be granted for this project, with the following conditions:

1. A turbidity curtain is to be in place during construction of the entire project.
2. All work shall be in accordance with the project documents titled "Shore Erosion

Control Project Kingsmill on the James", Sheets C1 through C12, and dated February 1, 1996.

3. A land disturbance permit shall be obtained and remain in place for the project duration for all upslope grading and clearing above the jurisdictional wetlands.
4. This permit shall expire March 13, 1997.

Mr. Waltrip stated that it was noted by staff that the haul roads coming in on the northwest side is the best route to remove the soil and take it around to the lower end of the eagles nest then over to the spoils area. However, Mr. Waltrip stated he looked at the site, and noted there were some very high embankments and that most of the equipment will be going down the banks loaded. Mr. Waltrip also stated that by taking it up to the main road and coming back around you will be placing equipment and noise closer to the "fly zone". Mr. Waltrip stated that if matting were applied closer to the beach, he would be in support of the project.

A discussion of the access area and how much of an area would need to be matted to the spoil site took place.

Mr. Lindsey asked Mr. Farmer if it would be feasible to ask the staff to get together with Mr. Gunn and Busch Properties and come up with an acceptable pathway to the spoil site. Mr. Farmer stated that if that was the direction of the Board, yes.

Mr. Waltrip agreed that this proposal by Mr. Lindsey would be acceptable to him.

Mr. Joe Cross of Busch Properties stated that he felt his company could work out an acceptable alternative route to the spoil site and that he would not be happy with having to take the spoils up and around to the site, causing other traffic problems within Kingsmill.

Mr. Lindsey stated that the Board's concern is with the wetlands section of the project.

Mr. Lindsey opened the public hearing.

Mr. Gunn stated that they would like to work with Mr. Farmer and the staff to find an acceptable route to the spoil site.

Mr. Hughes asked Mr. Gunn how long it would take to complete the project. Mr. Gunn stated approximately 4 months.

Mr. Cross stated that Busch Properties has been working with Keith Kline, Virginia Department of Game and Inland Fisheries, and they have approximately from mid-June to mid-November, depending upon when the eagles leave the nest and come back, to complete the project.

Mr. Lindsey closed the public hearing.

Mr. Jones stated he felt that what has been discussed is appropriate in having staff work with Busch Properties to come up with a reasonable route. He further stated that he questions what

type of direction the Board would be giving staff in reference to the length of roadway to the spoil site. Mr. Jones stated that the report from VIMS bothered him and that he understands the impacts will not be minimal but the lack of the project would be more adverse and that there are some benefits for the wetlands.

Again, a discussion on the length and of an acceptable route to the spoil site took place.

Mr. Hughes moved that in wetlands case W-1-96, the application be approved with the staff's recommendations with request that staff meet with the applicant to determine the most feasible the least destructive way to dispose of the spoils.

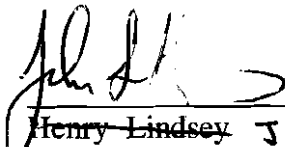
The motion was approved unanimously.

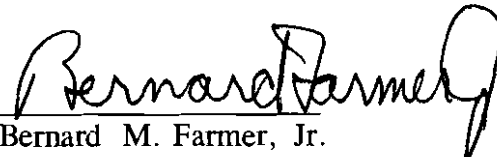
E. MATTERS OF SPECIAL PRIVILEGE

None.

F. ADJOURNMENT

The meeting was adjourned at 7:55 P.M.


Henry Lindsey
VICE-Chairman


Bernard M. Farmer, Jr.
Secretary