

**WETLANDS BOARD**

**MINUTES**

March 12, 1997 - 7:00PM

**A. ROLL CALL ABSENT**

Henry Lindsey  
John Hughes  
James Jones  
Larry Waltrip

David Gussman

**OTHERS PRESENT**

Darryl E. Cook, Environmental Engineer  
Laura Grignano, VMRC

**B. MINUTES**

Approval of the January 8, 1997 minutes were approved as submitted.

**C. OLD BUSINESS - None**

**D. NEW BUSINESS**

1. W-1-96 Kingsmill on the James, Wareham's Pond

Mr. Cook presented the case stating that Mr. Joe Cross of Busch Properties, Inc., had requested a six-month extension to their permit which expires on March 13, 1997. The extension is for the purpose of completing final cleanup work and vegetative stabilization. The majority of the grading and installation of shore stabilization are complete. It is staff's recommendation to grant the extension.

Mr. Lindsey opened and closed the public hearing as no one came forward to speak.

Mr. Hughes moved that case W-1-96 be extended for six months per staff's recommendation.

The motion was approved unanimously

2. W-2-97 Shirley Robertson, 4117 S. Riverside Drive

Mr. Cook presented the case stating that Mr. Shirley Robertson had applied for a permit to replace 100 linear feet of bulkhead at 4117 South Riverside Drive in the

Chickahominy Haven subdivision. The property is further identified as parcel (09-0-0008) found on the James City County Real Estate Tax Map (19-2).

The property in question is located along the Chickahominy River. Representatives from the Environmental Division visited the site on February 10, 1997. It is estimated that approximately 125 square feet of tidal area (Type XV, Sand/Mud Flat) will be impacted by this request.

The property has an existing bulkhead and pier. Portions of the existing bulkhead have been repaired and other sections are currently in need of repair. It is staff's recommendation that this permit be approved with the following conditions:

1. The existing bulkhead be removed prior to construction.
2. The bulkhead be aligned with and tie into the two adjacent bulkheads located on either end of the property.
3. The bulkhead ends be identified in relation to at least two permanent features for future alignment verification.
4. The Environmental Division shall inspect the tie backs, deadmen and filter fabric prior to backfilling.
5. The permit shall expire March 12, 1998.

Mr. Hughes inquired if the application indicated that the intent was to remove the existing bulkhead.

Mr. Cook responded that it was not clear on the application, however that was the intent.

Mr. Lindsey stated he was concerned that tearing out the old bulkhead would create more damage by stirring up the bottom than if the bulkhead were left.

Mr. Hughes agreed with Mr. Lindsey and inquired if the new bulkhead could be placed in front of the existing bulkhead and portions of the old bulkhead left.

Mr. Cook responded that portions of the existing bulkhead could be removed to allow for the installation of deadmen and the rest could remain.

Mr. Jones inquired if where the concrete came out marked the property line and Mr. Waltrip inquired if the new bulkhead would bring all the surrounding homes in alignment.

Mr. Cook responded in the affirmative to both questions.

Mr. Lindsey opened and closed the public hearing as no one came forward to speak.

Mr. Jones moved that case W-2-97 be approved with staff's recommendations with the exception that the existing bulkhead be retained as much as possible and the Environmental Division is to coordinate with Mr. Robertson.

The motion was approved unanimously.

3. W-3-97 Jamestown 4-H Educational Center, Inc., 3751

Mr. Cook presented the case stating that Mr. Wilbur Jordan had applied on behalf of the Jamestown 4-H Educational Center, Inc., for a permit to replace 160 linear feet of concrete seawall at 3751 4-H Club Road. The property is further identified as parcel (01-0-0003) on the James City County Real Estate Tax Map (46-3).

The property in question is located along the James River. Representatives from the Environmental Division visited the site on February 10, 1997. There will be no impact to wetlands as the bulkhead will be placed in the same location as the existing seawall.

The property has an existing low seawall protecting the shoreline. The seawall has failed in one section and has been reinforced with riprap in other areas. It is staff's recommendation that this permit be approved with the following conditions:

1. The existing seawall be removed prior to construction.
2. The bulkhead be aligned with, have the same top elevation, and tie into the adjacent seawall at the northwest end of the bulkhead. To ensure a proper connection between the two structures, the existing soil shall be excavated for a longitudinal distance of 10 feet along the existing seawall with filter fabric placed in a continuous manner from the bulkhead behind the seawall and then backfilled at the same time and manner as the bulkhead.
3. A return wall be provided at the southeast end of the bulkhead and constructed in a manner to minimize damage to the existing cypress tree.
4. If the entire length of the bulkhead is not installed at one time, the connection between the existing seawall and the bulkhead shall be made as in condition 2.
5. The bulkhead ends be identified in relation to at least two permanent features for future alignment verification.
6. The Environmental Division shall inspect the tie backs, deadmen and filter fabric prior to backfilling.
7. A salt tolerant grass shall be established on the slope adjacent to the bulkhead.
8. The permit shall expire March 12, 1998.

Mr. Lindsey asked Mr. Cook to explain condition #4 listed in staff's memorandum.

Mr. Cook responded that the 60-foot section of seawall that had failed would be replaced now and depending on available resources the additional 100 feet would be replaced at the same time or in the future.

Mr. Lindsey opened the public hearing.

Ms. Marcia Meador, Jamestown 4-H Educational Center, Inc., informed the Board that the intent of seeking approval of 160 feet was so that the 60-foot section that had failed could be replaced now and the remaining 100 feet, which was more than 40 years old and had begun to crumble, could be replaced if it too should fail.

Mr. Waltrip inquired if the canoes were kept by the 60-foot section and if the decision to use wood was for safety or for aesthetic purposes.

Ms. Meador responded that the canoes were kept in the open area between the buildings and where the bank starts. She stated the walkway had eroded in this area and to assist the disabled a portable ramp is used, but it is not a permanent fixture. She further stated that the decision to use wood was for safety purposes.

Mr. Lindsey stated that he felt it would be inappropriate to use riprap.

Mr. Waltrip stated that he would like as much of the existing concrete wall to remain as possible. He further stated that it would be more cost effective to leave the wall as well as less damaging to the area.

Mr. Hughes agreed with Mr. Waltrip and further stated that the applicant could not afford to lose any more beach area.

Mr. Jones inquired if the existing riprap would remain in place and as to when the new work would commence.

Ms. Meador responded that it would and additional riprap would not be installed as it would interfere with educational programs. She stated the work would begin as soon as the Board issued the permit.

Mr. Cook requested guidance from the Board as to limits and placement of the new wall.

Mr. Waltrip suggested the contractor perform test drills to find out how deep the existing footings are and depending on those findings let staff come up with a reasonable plan.

Mr. Hughes inquired as to how the contractor would access the area.

Ms. Meador responded they would access the area by the open area and work around the tides. She stated that at the time the riprap was installed the concrete wall had to be pushed back into place.

Mr. Lindsey closed the public hearing.

Mr. Hughes moved that case W-3-97 be approved with staff's recommendations with the

exception that the existing bulkhead be retained as much as possible and the Environmental Division is to coordinate with Ms. Meador.

The motion was approved unanimously.

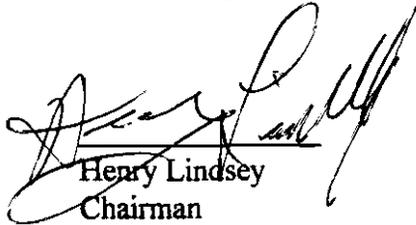
**E. MATTERS OF SPECIAL PRIVILEGE**

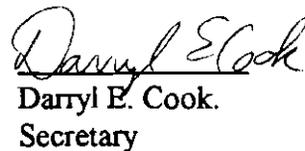
A discussion of the Board's ability to assess and enforce penalties on after-the-fact permits took place. The Board agreed that decisions would need to be made on a case by case basis. It was also agreed that staff would inform the Board of any future after-the-fact permit case to be heard so that it would have more time to evaluate property and wetlands damage prior to the hearing.

A discussion on the Board's expectations from staff took place. Staff requested the Board to establish procedures for enforcing compliance in projects under construction. The Board agreed that major changes from the approved plan would need to be addressed to the Board for their action. This would require contact with the Chairman and in many cases a site visit to active sites by Board members between Board meetings to allow projects with changes to proceed in a timely manner. It was also agreed that the Board would consider mandating bonds for certain projects.

**F. ADJOURNMENT**

The meeting was adjourned at 8:35 P.M.

  
Henry Lindsey  
Chairman

  
Darryl E. Cook.  
Secretary