

WETLANDS BOARD

MINUTES

May 14, 1997 - 7:00PM

A. ROLL CALL **ABSENT**

Henry Lindsey	James Jones
John Hughes	
David Gussman	
Larry Waltrip	

OTHERS PRESENT

Darryl E. Cook, Environmental Engineer
Laura Grignano, VMRC

B. MINUTES

Approval of the March 12, 1997 minutes were approved as submitted.

C. OLD BUSINESS - None

D. NEW BUSINESS

1. **W-13-97 Governor's Land Associates**

Mr. Meador presented the case stating that Williamsburg Environmental Group Inc. had applied for a wetlands permit to modify an existing wetlands permit for Governor's Land Associates to install approximately 300 linear feet of shoreline protection along the James River near their eastern property boundary in Governor's Land subdivision. The property is further identified as parcel (01-16) found on James City County Real Estate Tax Map (44-2).

Stabilization of this portion of the James River was previously permitted by the James City County Wetlands Board Permit No. W-5-94, which authorized 1200 linear feet of shoreline protection. An Environmental Division inspector visited the site on April 14, 1997. The proposal is for a rip rap revetment, one headland breakwater and beach nourishment to be planted with *Spartina patens* (Saltmeadow hay) and *Spartina alterniflora* (Saltmarsh Cordgrass). The existing banks and bluffs are to be regraded to a 2:1 slope. It is estimated that approximately 6300 square feet of tidal area (Type XV, Sand/Mud Flat and Type XIII Intertidal Beach Community) will be impacted by this application request.

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

- 1) Prior to any land disturbing or construction work, a pre-construction meeting with the Environmental Division personnel will be held on-site.
- 2) A turbidity curtain must be in place prior to land disturbing activity.
- 3) The toe of the rip rap shall be buried no less than one foot.
- 4) An inspection of filter cloth must be made and approved by staff prior to overfilling with rip rap.
- 5) The rip rap revetment shall have a 2:1 slope.
- 6) The up slope disturbed areas shall be stabilized with vegetation.
- 7) The permit shall expire on May 14, 1998.

Mr. Lindsey opened the public hearing.

- A. Mr. Raymond E. Keeney, Director of Development for Governor's Land, stated the purpose of the application was to stop erosion and stabilize the bank.

Mr. Hughes inquired if Governor's Land had considered mitigating wetlands. He also inquired if the cypress trees would be disturbed.

- B. Ms. Robin Morgan, Williamsburg Environmental Group, responded that Governor's Land Associates had mitigated other actions but not this one as they felt vegetation would be restored. Ms. Morgan stated that the cypress swamps would not be impacted by this action.

Mr. Lindsey closed the public hearing.

Mr. Hughes moved that case W-13-97 be approved with staff's recommendations.

The motion was approved unanimously.

2. W-14-97 Michael McNamara

Mr. Cook presented the case stating that Mr. Michael L. McNamara had applied for a wetlands permit to install 172 linear feet of rip rap over existing concrete rubble revetment at 167 West Landing. The property is further identified as parcel (12-15) found on James City County Real Estate Tax Map (50-3).

The property in question is along the James River. An Environmental Division inspector visited the site on April 14, 1997. It is estimated that approximately 344 square feet of tidal area (Type XV, Sand/Mud Flat) will be impacted by this application request.

The drawings submitted with the application indicate that the proposed rip rap is to be 172 linear feet long, approximately 25 feet wide and will be installed on top of existing concrete rubble. The existing concrete rubble is not installed over filter cloth and is presently sloped at approximately a 2.5:1 slope.

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

- 1) The rip rap shall be class 2 installed over the existing concrete.
- 2) The toe of the new rip rap shall not extend channelward more than 2'.
- 3) The rip rap revetment shall have a slope of 2:1 maximum when completed.
- 4) Regrading of existing earthen slopes is not part of this permit application.
- 5) The up slope disturbed areas shall be restabilized with native grasses and replanted with trees and shrubs.
- 6) The permit shall expire on May 14, 1998.

Mr. Hughes inquired if the proposed work was necessary or if it were for aesthetic purposes.

Mr. Cook responded that there were areas that had settled but it was mostly for aesthetic purposes.

Mr. Lindsey opened the public hearing.

- A. Mr. Daniel Winall, Water's Edge Construction, agent and contractor, stated that he had received a letter from the National Park Service, an adjacent property owner, indicating they had no concerns about the project. Mr. Winall further stated that he would be installing No. 1 and 1A stone in void areas and the project was basically for preventive maintenance and aesthetics. Mr. Winall then asked the Board if they had any questions.

Mr. Lindsey asked Mr. Winall how he felt about the staff's recommendation to hold a pre-construction meeting prior to commencing work from a contractor's position.

Mr. Winall responded that he had no concerns with the requirement. Mr. Winall informed the Board that the owner's original intent was to install an additional 83' of rip rap beyond his property line and inquired if the Board would approve a modification to the permit to include the additional 83' if he showed approval from the owner of that property.

Mr. Lindsey closed the public hearing.

The Board instructed Mr. Cook to verify that this would be legal, and assuming that it was legal, a motion was made to approve case W-14-97 with staff's recommendations and the condition that the approval of the property owner for the additional 83 feet of rip rap be received.

The motion was approved unanimously.

Upon further discussion with Daniel Winall, it was determined that as Mr. McNamara did not own the property for the additional 83 feet, a new Wetlands application would need to be submitted by the legal property owner. An application was submitted by the owner, Busch Properties, which included a statement that the adjacent property owner, the National Park Service, did not object to the work. A modified permit was issued based on this document action.

3. W-15-97 Bill Howard and Roger Guernsey

Mr. Meador presented the case stating that Mr. Bill Howard and Roger Guernsey had applied for a wetlands permit to construct 160 linear feet of rip rap revetment with associated backfill at 113 and 120 Shellbank Drive. The property is further identified as parcel (2-7) found on James City County Real Estate Tax Map (45-1) and parcel (2-8) found on James City County Estate Tax Map (45-3).

The property in question is along the James River. An Environmental Division inspector visited the site on April 8, 1997. It is estimated that approximately 1600 square feet of tidal area (Type XV, Sand/Mud Flat) will be impacted by this application request.

There is an existing timber bulkhead, part of which is deteriorated and will be removed and replaced with rip rap. The drawings submitted with the application indicate that 60 feet of rip rap is to be installed along the existing bulkhead on Roger Guernsey's property. On Bill Howard's property, 70 feet of existing deteriorated bulkhead is to be removed and rip rap installed and another 30 foot of rip rap is to be installed along the existing bulkhead on the west side of the existing pier.

It is the 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) A turbidity curtain must be in place prior to land disturbing activity.
- 3) The rip rap revetment must tie into the existing bulkhead.
- 4) An inspection of filter cloth must be made and approved by staff prior to overfilling with rip rap.
- 5) The rip rap revetment shall have a 2:1 slope.
- 6) After removing the existing deteriorated bulkhead on Bill Howard's property, the rip rap should be installed landward of the existing bulkhead, as far as possible without

exceeding a 2:1 slope on the shoreline.

- 7) The alignment must be staked and approved by the Environmental Division Office prior to any land disturbing activities or construction.
- 8) The up slope disturbed areas shall be stabilized with vegetation.
- 9) The average size of the core stone shall be 10-20 pounds and the armor stone shall be Class II stone (150-500 pounds).
- 10) The permit shall expire on May 14, 1998.

Mr. Lindsey opened the public hearing.

- A. Mr. Daniel Winall, Water's Edge Construction, agent and contractor, asked the Board if they had any questions.

The Board agreed that the repair on Mr. Howard's property would help stabilize Mr. Guernsey's property.

Mr. Lindsey closed the public hearing.

Mr. Gussman moved that case W-15-97 be approved with staff's recommendations.

The motion was approved unanimously.

4. W-16-97 James Windsor

Mr. Meador presented the case stating that Mr. James C. Windsor had applied for a wetlands permit to construct 270 linear feet of rip rap revetment at 130 Shellbank Drive. The property is further identified as parcel (2-1) found on James City County Real Estate Tax Map (45-1).

The property in question is along the James River. An Environmental Division inspector visited the site on April 16, 1997. It is estimated that approximately 1600 square feet of tidal area (Type XV, Sand/Mud Flat) will be impacted by this application request.

There is an existing timber bulkhead on part of the applicant's shoreline. The drawings submitted with the application indicate that the proposed rip rap is to be 270 linear feet long, approximately 10 feet wide and will tie into the existing bulkhead. The eroded bank will be cut/filled and graded to a 2:1 slope.

It is the 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) A turbidity curtain must be in place prior to land disturbing activity.

- 3) The rip rap revetment must tie into the existing bulkhead.
- 4) An inspection of filter cloth must be made and approved by staff prior to overfilling with rip rap.
- 5) The rip rap revetment shall have a 2:1 slope.
- 6) The up slope disturbed areas shall be stabilized with vegetation.
- 7) The average size of the core stone shall be 10-20 pounds. The armor stone shall be Class II stone (150-500 pounds).
- 8) The permit shall expire on May 14, 1998.

Mr. Lindsey opened the public hearing.

- A. Mr. Daniel Winall, Water's Edge Construction, agent and contractor, asked the Board if they had any questions.
- B. Mr. James Windsor, owner, stated that Hurricane Fran damaged their beach and he felt that this work is necessary to prevent further erosion.

Mr. Lindsey closed the public hearing.

Mr. Waltrip and Mr. Lindsey stated they were pleased that home owners were taking responsibility to improve erosion conditions of their beaches and that they were installing more rip rap than bulkheads.

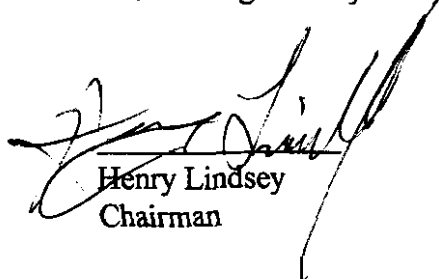
Mr. Hughes moved that case W-16-97 be approved with staff's recommendations.

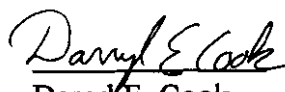
The motion was approved unanimously.

E. MATTERS OF SPECIAL PRIVILEGE – None

F. ADJOURNMENT

The meeting was adjourned at 8:00 P.M.


Henry Lindsey
Chairman


Darryl E. Cook
Secretary