

**WETLANDS BOARD  
MINUTES**

August 13, 1997 - 7:00PM

**A. ROLL CALL** **ABSENT**

Henry Lindsey	None
John Hughes	
David Gussman	
Larry Waltrip	
James Jones	

**OTHERS PRESENT**

Darryl E. Cook, Environmental Engineer  
Tracy West, VMRC  
Environmental Staff

**B. MINUTES**

Approval of the May 14, 1997 minutes were approved as submitted.

**C. OLD BUSINESS - None**

**D. NEW BUSINESS**

1. W-20-97 Busch Properties, Inc. - Kingsmill Shoreline Protection

Mr. Eversole presented the case stating that Mr. Tom Dunn, on behalf of Busch Properties, Inc. had applied for a wetlands permit to construct a shoreline stabilization project along the eastern most section of the James River in the Kingsmill Subdivision. Jim Gunn of Coastal Design has been contracted for the project. The project proposes three interfacing breakwaters (390 feet total length), 1500 cubic yards of beach nourishment, 1750 linear feet of rip rap revetment, bank grading and stabilization and beach planting. The property is found on James City County Real Estate Tax Map (51-3).

The Kingsmill Subdivision is located along the James River. The project site is located on an old wharf site, where an old pier still exists, and the eastern property line of Busch Properties. The shoreline along this site consists of steep bluffs which vary widely in height above the bank. The wetlands area to be impacted by this request is approximately 3,000 linear feet of shoreline along the James River, about 15,250 square feet of tidal area (type XV, Sand Mud Flat).

Staff recommends a wetlands permit be granted for this project, with the following conditions:

1. A turbidity curtain is to be in place along the entirety of the project prior to any construction.
2. All work shall be in accordance with the project documents titled "Shoreline Erosion Control Project Kingsmill On The James" dated February, 1997.
3. A land disturbing permit shall be obtained and remain in place for the project duration for all upslope clearing and grading above the jurisdictional wetlands.
4. The toe of the revetment shall be buried a minimum 1.0' below MLW.
5. A preconstruction meeting shall be held on site with the developer, contractor and the Environmental Division prior to any land disturbance.
6. Limits of clearing and grading shall be marked in the field prior to the preconstruction meeting.
7. A plan for re-vegetation of all disturbed areas shall be submitted to, and approved by, the County prior to construction.
8. This permit shall expire August 13, 1998.

Mr. Lindsey opened the public hearing.

- A. Mr. James R. Gunn, agent, and Mr. Tom Dunn, applicant for Busch Properties, Inc. identified themselves to the Board and inquired if the Board had questions.

Mr. Lindsey inquired if the old pier would be removed and if the project would impact HRSD's outfall.

Mr. Dunn responded that the pier was located in the eagle protection zone and would not be disturbed. Mr. Gunn responded that the project was so far away from HRSD's outfall that there would not be an impact on it.

Mr. Hughes inquired if Grove Creek would be impacted.

Mr. Gunn responded no.

Mr. Lindsey closed the public hearing.

Mr. Hughes moved that case W-20-97 be approved with staff's recommendations.

The motion was approved unanimously.

2. W-21-97 Adolph Miller - 106 Godspeed Lane

Mr. Eversole presented the case stating that Mr. and Mrs. Adolph Miller had applied for a wetlands permit to construct approximately 125 linear feet of bulkhead at 106 Godspeed Lane. The property is further identified as parcel (5-51) found on James City County Real Estate Tax Map (47-3).

The property in question is along a man made canal on Powhatan Creek. An Environmental Division inspector visited the site on July 21, 1997. The bulkhead is to be constructed along the entire property line (canal frontage) and tie into existing bulkheads on either end. It is estimated that approximately 485 square feet of tidal area (Type XV, Sand/Mud Flat) will be impacted by this application request.

The existing shoreline has eroded and is continuing to erode, exposing tree roots to a point where integrity of the trees will soon be threatened. The applicant requests that the bulkhead be built 4 feet channelward of the existing bank, to align with and tie into existing bulkheads.

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

1. The bulkhead shall tie into the existing bulkheads on both adjacent properties.
2. The filter cloth, tie backs, and deadmen shall be inspected by the Environmental Division staff.
3. The bulkhead ends shall be identified in relation to at least two permanent features on the property for future alignment verification.
4. Upland areas shall be stabilized with native grasses.
5. All trees not removed for tie back placement shall be saved, and protected during construction.
6. A building permit must be obtained.
7. Backfill material shall be clean fill, free of any debris.
8. The permit shall expire on August 13, 1998.

Mr. Lindsey opened the public hearing.

- A. Mr. Sydney Letz, Shoreline Environmental Services and agent, responded to a question from the Board and stated that the bulkhead would be straight across and not bowed in the middle.

Mr. Lindsey closed the public hearing.

Mr. Jones moved that case W-21-97 be approved with staff's recommendations.

The motion was approved unanimously.

3. W-23-97 McCale Development - Landfall Subdivision

Mr. Eversole presented the case stating that Ms. Julie Steele of Dominion Environmental Consultants, Inc., as agent for McCale Development-Landfall, L.L.C., had applied for a wetlands permit to fill approximately 250 square feet of vegetated tidal wetlands for the purpose of widening an existing wetland crossing to meet VDOT standards. The property is further identified as parcel (1-44) found on James City County Real Estate Tax Map (47-3).

The property in question is along Powhatan Creek. An Environmental Division inspector visited the site on July 17, 1997. It is estimated that approximately 250 square feet of tidal area (Type XII, Brackish Water Mixed Vegetation 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. A preconstruction meeting will be held on site with the developer, contractor, a VDOT representative, and the JCC Environmental Division.
2. A super silt fence ( standard silt fence reinforced with wire fencing) must be in place prior to land disturbing activity.
3. The alignment and limits of filling must be staked by the engineer, and approved by the Environmental Division Office prior to any land disturbing activities or construction.
4. The upslope disturbed areas shall be stabilized with excelsior blanket and seeded with native grasses.
5. The permit shall expire on August 13, 1998.

Mr. Hughes voiced his concerns regarding if the applicant would need to come back at a later date for additional permits for additional work in the same area, in particular the installation of the sewer line to the island.

Mr. Lindsey opened the public hearing.

- A. Ms. Julie Steele, Dominion Environmental Consultants, Inc. and agent, responded that there was a possibility of another crossing in a different location but the intent was to do all work in this area at one time.

Mr. Lindsey inquired if mitigation had been considered and stated his concerns as to why he felt mitigation should be an option.

- B. Mr. Lewis McMurrin, the applicant, informed the Board that he would be open to any suggestions that they may have regarding mitigation. He further stated that the goal of his company was to have minimal impact on wetland areas.

Mr. Gussman inquired as to why the Functional Values Statement was included in the package.

Ms. Steele responded that most companies wait to submit the Functional Values Statement until agencies request it, however, it is the policy of Dominion Environmental Consultants, Inc. to include this report at the time they submit their applications.

Mr. Lindsey closed the public hearing.

After discussion by the Board it was decided that staff would include all past Board actions on all future wetlands application requests for this subdivision so that they could monitor the size and scope of the requests and make decisions regarding mitigation based on the total project's wetlands impacts.

Mr. Gussman moved that case W-23-97 be approved with staff's recommendations.

The motion was approved unanimously.

4. W-24-97 Wayne Warren - 4107 South Riverside Drive

Mr. Lewis presented the case stating that Mr. Wayne Warren, property owner of 4107 South Riverside Drive, had applied for a permit to replace 243 linear feet of existing bulkhead and to extend the bulkhead by 45 feet. The property is further identified as parcel (09-0-0003) on the James City County Real Estate Tax Map (19-1).

The property in question is located along the Chickahominy River. Representatives from the Environmental Division along with VIMS and VMRC personnel visited the site on July 31, 1997. There will be no impact to wetlands for the replacement bulkhead as it will be placed in the same location as the existing bulkhead. The 45-foot extension of the bulkhead will result in 90 square feet of impact to Type XI Freshwater mixed wetlands.

The purpose of the bulkhead extension is to protect an existing Baldcypress tree. There is existing riprap protection in the channel in the vicinity of the tree to check erosion in an adjacent drainage channel, but this has not stopped the erosion around the tree. It is staff's recommendation that this permit be approved with the following conditions:

1. The existing bulkhead shall be replaced in place and tie into the existing bulkhead at the southwest corner of the property.
2. Both ends of the bulkhead extension shall have the same top elevation, and tie into the adjacent bulkheads.

3. The bulkhead ends and any significant bends shall 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. A building permit shall be obtained.
6. Upland areas shall be stabilized with non-evasive vegetation.
7. The permit shall expire August 13, 1998.

Mr. Lindsey opened and closed the public hearing as there was no one present to speak.

Mr. Lindsey asked Mr. Lewis to explain staff's recommendation #1.

Mr. Lewis responded that the existing bulkhead would be replaced by the new bulkhead in 20' segments and located in the same place as the existing bulkhead.

The Board discussed possible problems with replacing the bulkhead vs. installing the replacement bulkhead channelward of the old one. The Board decided that as there was no one present to address their concerns they would defer the matter until the next Board meeting.

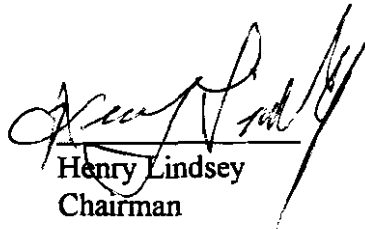
Mr. Hughes moved that case W-24-97 be deferred until the September 10, 1997 Board meeting.


The motion was approved unanimously.

**E. MATTERS OF SPECIAL PRIVILEGE – None**

**F. ADJOURNMENT**

The meeting was adjourned at 8:15 P.M.

  
Henry Lindsey  
Chairman

  
Darryl E. Cook  
Secretary