

**WETLANDS BOARD  
MINUTES**

**SEPTEMBER 10, 1997 - 7:00PM**

- A. ROLL CALL** **ABSENT**
- Henry Lindsey James Jones  
John Hughes  
David Gussman  
Larry Waltrip

**OTHERS PRESENT**

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

**B. MINUTES**

Approval of the August 13, 1997 minutes were approved as submitted.

**C. OLD BUSINESS**

1. W-24-97 Wayne S. Warren - 4107 South Riverside Drive

Mr. Gerald Lewis presented the case stating that Mr. Wayne Warren, property owner of 4107 South Riverside Drive, has 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 up to 570 square feet of impact to Type XI Freshwater mixed wetlands for the replacement 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 new bulkhead shall be installed no more than two feet channelward of the existing bulkhead 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 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-invasive vegetation.
7. The permit shall expire September 10, 1998.

Mr. Lindsey opened the public hearing.

- A. Mr. Wayne Warren, the applicant, informed the Board that his intent is to install the replacement bulkhead 2 feet channelward of the existing bulkhead.

Mr. Lindsey closed the public hearing.

Mr. Hughes moved that case W-24-97 be approved with staff's recommendations.

The motion was approved unanimously.

#### **D. NEW BUSINESS**

1. W-26-97 Greater First Colony Civic Association - First Colony Beach

Mr. Meador presented the case stating that The Greater First Colony Area Civic Association has applied for a wetlands permit to construct two (2) low profile wooden groins at the Civic Association boat basin to help protect their beach area. The property is further identified as parcel (4-1) found on James City County Real Estate Tax Map (45-3).

The property in question is along the James River. An Environmental Division inspector visited the site along with other agency personnel on September 2, 1997. The two (2) low profile wooden groins will extend approximately 60 feet channelward of the mean high water line and have two 5-foot spurs. It is estimated that approximately 40 square feet of tidal area (Type XI, Freshwater Mixed Vegetation) will be impacted by the proposed groin on the east side and approximately 40 square feet of tidal area (Type XIV Sand Flat) will be impacted by

the proposed groin on the west side. Approximately 204 square feet of subaqueous area will be impacted by the two groins.

In 1994, Nancy Ibison from SEAS visited the site and gave her recommendations for the beach area. The recommendations included artificial beach nourishment and extending the existing groin on the western side. She suggested that an alternative to the groin extension would be a near-shore breakwater system.

A wetlands permit was issued to the First Colony Civic Association in 1995 to extend the existing concrete rubble groin an additional 60 feet. The groin was extended at that time, but not the full 60 feet.

Although this application could be beneficial in protecting the shore, the staff does not think this is the most effective measure for this situation. The proposed wooden groin on the eastern side could negatively impact the existing grove of Baldcypress trees. There is also concern on the safety issue of having low profile wooden groins in a recreational area. Therefore, after reviewing all information, staff cannot support or deny this application and refers the decision to the Board.

If the Board decides to approve this application, the following conditions should apply:

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 building permit must be obtained prior to construction.
3. The permit shall expire on September 10, 1998.

Mr. Lindsey inquired as to why the groin extension was not installed under the permit that was granted in 1995 and what affect the groins would have on the cypress trees.

Mr. Meador responded that the only materials used under the 1995 permit were donated and the excavator could not reach out far enough for the full etenstion of the groin. He further stated that the proposed groins would be placed through the cypress tree root system.

Mr. Lindsey opened the public hearing

- A. Mr. Alex Kuras, representative for the applicant, informed the Board that the Civic Association felt they needed something to protect the trees and was concerned about the cost of breakwaters. Mr. Kuras stated that if the Board preferred, the proposed location of the groins could be adjusted to avoid the trees.
- B. Mr. Chris Clifford suggested installing the pilings so that they would extend above mean-high-water.

Mr. Lindsey closed the public hearing.

Mr. Hughes moved that case W-26-97 be approved with staff's recommendations.

The motion was approved unanimously.

2. W-29-97 Robert Clifford - 109 Shellbank Drive

Mr. Meador presented the case stating that Mr. Robert Clifford has applied for a wetlands permit to construct 155 linear feet of rip rap revetment with associated backfill in front of an existing bulkhead at 109 Shellbank Drive. The property is further identified as parcel (2-11) found on James City County Real Estate Tax Map (45-3).

The property in question is along the James River. An Environmental Division inspector along with other agency personnel, inspected the site on September 2, 1997. It is estimated that approximately 250 square feet of tidal area (Type XIV, Sand Flat Community) and 1300 square feet of subaqueous area will be impacted by this application request.

A portion of the existing timber bulkhead has failed resulting in a large scoured area behind it.

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 during construction of the entire project.
3. An inspection of filter cloth must be made and approved by staff prior to overfilling with rip rap.
4. In the area where the land has scoured behind the existing bulkhead, the riprap revetment should be placed approximately 5 feet landward of the existing bulkhead.
5. The rip rap revetment shall have a 2:1 slope.
6. The upslope disturbed areas shall be stabilized with non-invasive vegetation.
7. The permit shall expire on September 10, 1998.

Mr. Lindsey opened the public hearing.

- A. Mr. Chris Clifford, Riverworks Inc., the contractor, stated the original bulkhead was installed in 1972. He further stated that riprap exists in front of the existing bulkhead under the water and that this project is a repair to the old revetment and bulkhead.

It was agreed that Mr. Clifford and Mr. Meador would work together to minimize tree removal.

Mr. Lindsey closed the public hearing.

Mr. Gussman moved that case W-29-97 be approved with staff's recommendations with the exception of deleting recommendation #4.

The motion was approved unanimously.

3. W-30-97 George White - 111 Shellbank Drive

Mr. Meador presented the case stating that Mr. George White has applied for a wetlands permit to construct 150 linear feet of rip rap revetment in front of an existing bulkhead on 111 Shellbank Drive. The property is further identified as parcel (2-9) found on James City County Real Estate Tax Map (45-3).

The property in question is along the James River. An Environmental Division inspector along with other agency personnel, visited the site on September 2, 1997. It is estimated that approximately 20 square feet of tidal area (Type XIV, Sand Flat Community) and approximately 1480 square feet of subaqueous area will be impacted by this application request.

Although the plan shows 50 feet of bulkhead repair on the western end of the property, this permit will not cover the repair at this time, since it is not listed in the project description and a design detail is not included. The permit can be amended at a later time to cover the bulkhead repair.

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

1. A turbidity curtain is to be in place during construction of the entire project.
2. An inspection of filter cloth must be made and approved by staff prior to overfilling with rip rap.
3. The rip rap revetment shall have a 2:1 slope.
4. The upslope disturbed areas shall be stabilized with non-invasive vegetation.
5. The permit shall expire on September 10, 1998.

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

Mr. Gussman moved that case W-30-97 be approved with staff's recommendations.

The motion was approved unanimously.

**E. MATTERS OF SPECIAL PRIVILEGE**

Mr. Hughes suggested that a Resolution of No Wake Zone on Powhatan Creek be prepared and presented to the Board of Supervisors for their approval. He stated that the Wetlands Board had the authority to establish a No Wake Zone, but no means to enforce it.

The Board held a discussion on how boating negatively impacts wetlands and the safety aspects of boating.

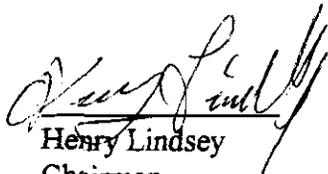
Mr. Hughes moved that the Board present to the Board of Supervisors a resolution recommending a No Wake Zone on Powhatan Creek from the Second Parkway Bridge to Jamestown Road, (near the Jamestown Yacht Basin).

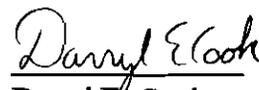
The motion was approved unanimously.

The Board asked staff to prepare a draft of the map and resolution that would be presented to the Board of Supervisors for consideration at the next Wetlands meeting. The Board also asked staff to get a formal letter from the Park Service to support the establishment of the No Wake Zone from the second bridge downstream to the James River to include the Thoroughfare.

**F. ADJOURNMENT**

The meeting was adjourned at 8:10 P.M.

  
Henry Lindsey  
Chairman

  
Darryl E. Cook.  
Secretary