

**WETLANDS BOARD
MINUTES**

MARCH 11, 1998 - 7:00PM

A. ROLL CALL **ABSENT**

Henry Lindsey	None
John Hughes	
James Jones	
Larry Waltrip	
David Gussman	

OTHERS PRESENT

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

B. MINUTES

Approval of the February 11, 1998 minutes were approved as presented.

C. OLD BUSINESS

1. Deferred Case No. W-4-98 Busch Properties, 1000 Kingsmill Road-Marina

Mr. Mark Eversole presented the case stating that Mr. Tom Dunn, on behalf of Busch Properties, has applied for a wetlands permit to construct an 810 linear foot shoreline stabilization project along the Kingsmill marina portion of the James River in the Kingsmill Subdivision. Jim Gunn of Coastal Design has been contracted for the project. The project is composed of three different sections to address three different problem areas. The three areas are contiguous. The property is found on James City County Real Estate Tax Map (50-4).

The project begins at the marina harbor master facility with 130 linear feet of new armor stone revetment following the shoreline in a westerly direction. The second section of the project is the repair of 200 linear feet of a failing concrete rubble revetment that continues along the shoreline to the west, bordering the parking lot. The third section of the project is the construction of 480 linear feet of new armor stone revetment beginning at the edge of the marina parking lot and tying into an existing revetment at the Kingsmill Resort. Revisions to the original application for this third section decreases the encroachment into the James River by as much as 35 feet in select areas, with a minimum 10 foot reduction in encroachment

throughout the section. The stated reason for this encroachment is the inability to lay the slope back due to the archeological site at the top of the bank.

The wetlands area to be impacted by this request is approximately 500 linear feet of shoreline along the James River, 6300 square feet of tidal area (type XV, Sand Mud Flat), and approximately 6,000 square feet of subaqueous bottom.

An Environmental Division inspector, along with other agency personnel visited the site on February 3, 1998. The extent of the archeological site is not identified at the site. However, it was noted that the closest preserved artifact/structure is 100 feet back from the existing fence. In the area between archeology and the bluff, there is a pavilion for recreational use. All new information concerning revisions to the plan and the location of graves at the top of the bank, provided by the applicant, is included in your packets.

Staff recommends that this application be denied. In order for a permit to be issued staff recommends the following amendments to the plan. Section three of the project should be shifted upland, laying back the slopes toward the archeological site, therefore minimizing any encroachment into the river; or evidence must be provided that the archeological site extends toward the river, and is of significant value to prohibit any grading of the slopes. It is staff's opinion that alternative methods exist that can reduce encroachment into the James River while still providing shoreline protection and stabilization. These methods include steepening the slopes, providing a retaining wall, or combinations of both.

Should a wetlands permit be granted for this project, the following conditions would apply:

1. A turbidity curtain is to be in place along the entirety of the project prior to any construction.
2. 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.
3. An erosion control plan for the upslope disturbance will be a part of the land disturbing permit.
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 March 11, 1999.

Mr. Lindsey expressed his disappointment in Mr. William Kelso's letter regarding the number of graves involved on the site as well as for the lack of information provided to the Board by the applicant. Mr. Lindsey stated that his questions from the last meeting still remained unaddressed.

Mr. Lindsey opened the public hearing.

Mr. Tom Dunn, the applicant and representative of the owner, and Mr. Jim Gunn of Coastal Design, the contractor, responded to questions presented by the Board.

In response to a question from Mr. Hughes, Mr. Dunn stated that the owner would consider wetlands mitigation for future projects.

In response to concerns presented by the Board, Mr. Gunn stated that the proposed 1.7:1 slope could be changed to 1.5:1 or a 1.4:1 slope as proposed for the riprap protection.

Mr. Lindsey closed the public hearing.

Mr. Hughes stated that he felt the bank did need to be stabilized. He further stated that he preferred the wetlands in the river be affected, as they were not considered valuable wetlands, rather than have the graves disturbed. However, he felt he did not want the contractor to go steeper than a 1.5:1 slope. Mr. Hughes added that he would vote in favor of this application, however in future applications he wanted the owner to be willing to do wetlands mitigation/compensation.

Mr. Waltrip agreed with Mr. Hughes.

Mr. Gussman stated that he felt the letter from Mr. Kelso did not provide adequate information on this case.

Mr. Jones stated that he was disappointed that more information on the graves was not submitted for the Board's review. He further stated that he felt a 1.4:1 and 1.5:1 slope would be the best the Board could hope to get with this project.

Due to another commitment, Mr. Jones left the Board meeting at 7:50 pm.

Mr. Waltrip made a motion to approve the permit with staff's recommendations, as well as to add an additional condition that a plan and profile sheet would be provided to the County Environmental Division showing fill work beginning at the existing top of the cliff and extending into the James River at a slope of 1.5:1 ratio.

The motion was approved by a 4-0 vote.

Mr. Gussman asked that staff review information in future cases for completeness and clarity prior to the Board receiving it.

It was the consensus of the Board not to advertise nor schedule a deferred case for a Board meeting without receiving adequate information prior to the advertisement date.

D. NEW BUSINESS - None

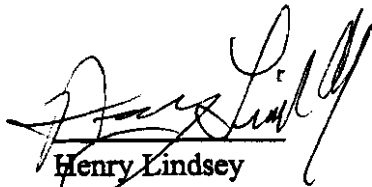
E. MATTERS OF SPECIAL PRIVILEGE

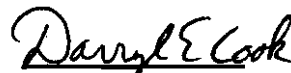
The Board continued their discussion on Wetlands Mitigation - Banking/Compensation. Traycie West introduced Ms. Jennifer McCarthy, representative for the Army Corps of Engineers. Ms. McCarthy gave the Board a general overview of the program and how the Corps uses it. She gave the Board examples of cases and how and what they would then be able to ask for in mitigation. She explained the guidelines covering watersheds. She also cautioned the Board on who is selected to be in charge of the banks.

The Board requested to see written policies from other jurisdictions which have implemented the wetlands mitigation program.

F. ADJOURNMENT

The meeting was adjourned at 8:25 P.M.


Henry Lindsey
Chairman


Darryl E. Cook.
Secretary