

**WETLANDS BOARD
MINUTES**

MAY 13, 1998 - 7:00PM

A. ROLL CALL ABSENT

Henry Lindsey
John Hughes
James Jones
David Gussman

Larry Waltrip

OTHERS PRESENT

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

B. MINUTES

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

C. OLD BUSINESS - None

D. NEW BUSINESS

1. **W-5-98: Governor's Land Associates - Nature Trail/Pedestrian Bridges**

Mr. David Meador presented the case stating that Governor's Land Management Company is requesting to modify their existing wetlands permit (W-5-98) to allow the construction of the proposed pedestrian bridges at an elevation not less than 2.5 feet above the wetland substrate. The original permit had a condition stating that the elevation of the footbridge above the wetland substrate should equal the width of the bridge, except on the bridge ends. The U.S. Army Corps of Engineers has issued their permit based on the height of the footbridges being not less than 2.5 feet.

On April 29, 1998, Environmental staff met with personnel from Williamsburg Environmental Group and Governor's Land to discuss the impacts and to flag the alignments. The alignments were flagged which would minimize the impacts of the mature woody vegetation and the baldcypress "knees."

It is the staff's recommendation that the original wetlands permit be modified. The condition on the original permit that discussed the elevation of the footbridges should be deleted and the following conditions will be added to the remaining conditions on the original permit:

1. Any revisions to the proposed alignments will be approved by the Environmental Division.
2. On the footbridges that will be 2.5 feet above the wetland substrate, the gap spacing between the boards will be increased to a maximum distance of 5/8 inch in order to decrease the amount of shading to the wetland substrate.

Mr. Lindsey referenced the Army Corps of Engineers report and indicated that the Corps had not issued their permit. Mr. Lindsey then suggested deleting the word "maximum" from condition #2.

Mr. Lindsey opened the public hearing.

- A. Mr. Chuck Roadley, Williamsburg Environmental Group and representative for the owner, stated that staff's conditions were acceptable and that he was available to answer any questions the Board might have.

Mr. Lindsey closed the public hearing.

Mr. Gussman moved that case W-5-98 be approved with staff's recommendations with the exception that the word "maximum" be deleted from condition #2.

The motion was approved by a 4-0 vote.

2. W-10-98: Grady Blaylock - 151 West Landing

Mr. Mark Eversole presented the case stated that Mr. Grady Blaylock has applied for a wetlands permit to install 185 linear feet of rip rap over existing concrete rubble revetment at 151 West Landing. The property is further identified as parcel (12-19) found on James City County Real Estate Tax Map (50-3).

The property in question is along the James River. An Environmental Division inspector, along with other agency personnel visited the site on April 29, 1998. It is estimated that approximately 1850 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 185 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 sloping 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. Prior to any land disturbing or construction work, a preconstruction meeting with the Environmental Division personnel will be held on site.
2. The rip rap shall be class 2 (150-500 lb.) installed over the existing concrete rubble.
3. The toe of the new rip rap shall not extend channelward more than 2'.
4. The rip rap revetment shall have a slope of 2:1 maximum when completed.
5. Regrading of existing earthen slopes is not part of this permit application.
6. The upslope disturbed areas and the 100 foot RPA shall be re-stabilized with native grasses and replanted with trees and shrubs. The species of trees and shrubs to be replanted will be selected from an approved list already supplied to the owner. The RPA planting will consist of 20 trees and 40 shrubs, as agreed at an onsite meeting with the owner.
7. The permit shall expire on May 13, 1999.

Mr. Hughes inquired if a filter cloth would be installed under the riprap.

Mr. Eversole responded that it would not be installed. He stated that this design was the same design used on two adjacent properties to this lot, which the Board had approved at earlier meetings.

Mr. Jones inquired as to the purpose of installing riprap.

Mr. Eversole responded that the existing stone had settled and that the top of the bank was eroding. He stated that the riprap would stabilize the existing bank. Mr. Eversole explained to the Board that the owner was in violation of the Chesapeake Bay Act as he had cleared within the 100' RPA as well as other areas of the lot without a permit. Mr. Eversole stated that staff had received and approved a planting plan for replanting in the RPA and that staff wanted this planting plan implemented in conjunction with the Wetlands Permit. He said the remainder of the plantings would be planted in conjunction with the Building Permit.

The Board expressed their concern that staff did not have a policy to require plantings that die to be replaced in RPA violation cases. They further stated that making the other plantings part of the conditions of a building permit appeared to be the most enforceable.

Mr. Lindsey opened the public hearing.

- A. Mr. Daniel Winall, Water's Edge Construction, informed the Board that the existing stone had voids under it and that he would compact that stone and then add Class 2 stone over the top of it. Mr. Winall stated he was available for any questions the Board might have.

Mr. Lindsey closed the public hearing.

Mr. Hughes made a motion to approve case No. W-10-98 with staff's recommendations.

The motion was approved by a 4-0 vote.

E. MATTERS OF SPECIAL PRIVILEGE

Mr. Cook gave the Board a draft copy of the James City County Wetlands Mitigation-Compensation Policy for their review and comments. The policy was developed in conformance with the Virginia Marine Resources Commission policy and guidelines. Mr. Cook informed the Board a legal review would be conducted on the content of the policy as agreed to by the Board and to ensure the proper procedure is followed for adoption. The Board will hold a public hearing on the policy prior to adoption.

The Board agreed that it needed to be careful when defining "commercial" or "individual" status. The Board then discussed possible factors in which to determine the definitions of the two terms as well as the replacement ratio (2:1 or 1:1) that they should use for mitigation.

Mr. Jones questioned the Board's control on having quality wetlands given in mitigation.

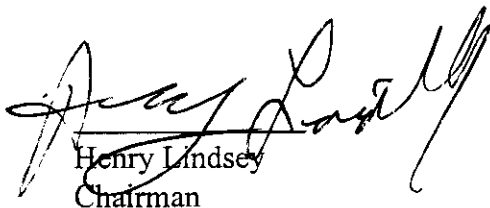
Mr. Lindsey requested Board members review the proposed policy and be ready to discuss it at the next Board meeting.

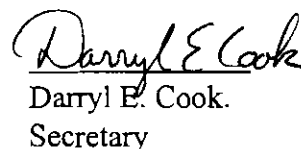
Mr. Hughes requested staff mail a copy of the proposed policy to Mr. Waltrip.

Mr. Hughes informed the Board that the definition for a "No Wake Zone" had been set January 1998 and will go into effect January 1999.

F. ADJOURNMENT

The meeting was adjourned at 7:47 P.M.


Henry Lindsey
Chairman


Darryl E. Cook.
Secretary