

**WETLANDS BOARD
MINUTES**

JULY 8, 1998 - 7:00PM

A. ROLL CALL ABSENT

Henry Lindsey
John Hughes
James Jones
David Gussman
Larry Waltrip

None

OTHERS PRESENT

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

B. MINUTES

Approval of the May 13, 1998 minutes were approved as presented.

C. OLD BUSINESS - None

D. NEW BUSINESS

1. W-16-98: John McCray - 165 Riverview Plantation Drive

Mr. Darryl Cook presented the case stating that Mr. John McCray has applied for a wetlands permit to install 100 linear feet of rip rap over an existing rip rap sill/marsh toe structure and to install 100 feet of new riprap sill and revetment at 165 Riverview Plantation Drive in the Riverview Plantation Subdivision. The property is further identified as parcel (2-2) found on James City County Real Estate Tax Map (17-3).

The property in question is along the York River. An Environmental Division inspector visited the site on June 29, 1998. It is estimated that approximately 600 square feet of tidal area (sand/mud flat community) will be impacted by this application request.

The drawings submitted with the application indicate an overlayment of the existing riprap sill with Class I riprap to increase the height of the sill by one foot. This will extend the toe of the existing sill an additional two feet channelward. The existing rip rap is not installed over filter cloth and is presently sloped at approximately a 2.5:1 slope. It is also proposed to install an approximately 60 foot long, 12 feet wide and five feet high riprap sill/marsh toe structure from the end of the existing sill to the shoreline. This sill replaces a wooden structure that was destroyed earlier in the year. Finally, a 40-foot long section of Class II riprap revetment will be installed along the shoreline beginning at the proposed sill.

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 Environmental Division personnel will be held on site.
2. The top of the rip rap sill overlayment shall not exceed the height of the marsh surface by more than one foot and the new toe shall not extend channelward more than two feet.
3. The toe of the riprap sill overlayment shall be buried a minimum of one foot below mean low water.
4. The height of the new riprap sill/marsh toe structure shall not exceed the elevation of the adjacent marsh surface in order to maintain the tidal flows.
5. The Class II riprap for the revetment shall be underlaid by six inches of 3 - 6 inch diameter core stone.
6. Installation of filter fabric shall be inspected by Environmental Division staff prior to the placement of stone cover.
7. All disturbed areas shall be re-stabilized with native grasses and replanted with trees and shrubs.
8. The permit shall expire on July 8, 1999.

In response to a concern presented by Mr. Lindsey, Mr. Cook stated that vegetative wetlands would not be affected by the height of the sill and that staff's recommendation No. 4 addressed that concern.

Mr. Lindsey opened the public hearing.

- A. Mr. Jeff Watkins, contractor, Riverworks Inc., addressed the Board and concurred with Mr. Cook that vegetative wetlands would not be affected.
- B. M. John McCray, property owner, stated that he wanted to do this project to save the existing bank. In response to a question by Mr. Hughes, Mr. McCray stated that the existing riprap had been installed when the house was built approximately fifteen years ago.

Mr. Lindsey closed the public hearing.

Mr. Jones made a motion to approve case No. W-16-98 with staff's recommendations.

The motion was approved by a unanimous vote.

2. W-23-97 & W-32-97: McCale Development-Landfall, L.L.C. - Permit Extensions

Mr. Cook presented the case stating that McCale Development Corporation-Landfall, L.L.C., has requested one year extensions for case No. W-23-97 and No. W-32-97. The permits expire in August and October of this year. Due to delays in construction of Phases 1 and 2 of the

Landfall Subdivision, prioritizing the Parade of Homes portion of Phase 1, and delays in the planning of Phases 3 and 4 of Landfall, these two wetlands permits have not been executed. It is the desire of the Developer that both of these permits be extended for one year from their original expiration date. Staff recommends extending the permits for one year from their original expiration date.

Mr. Gussman made a motion to approve the one year extension for case No. W-23-97 and case No. W-32-97.

The motion was approved by a unanimous vote.

E. MATTERS OF SPECIAL PRIVILEGE

1. James City County Wetlands Mitigation-Compensation Policy

The Board held a discussion on what criteria should be stated in the Board's policy statement in conjunction with adopting the Virginia Marine Resources Commission Mitigation-Compensation Policy and Guidelines. The Board agreed that cumulative area should be a criteria, however the Board was divided if they should make a distinction between commercial vs. private projects. The Board requested staff to contact the County Attorney's office and request their presence at the next Board meeting to discuss legalities of their proposal.

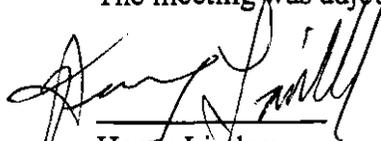
Tracy West informed the Board that there is an appeal process available which the applicant could use if they did not agree with the Board's decision, regarding application of their mitigation-compensation policy.

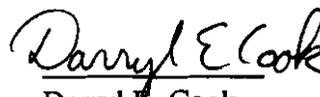
Mr. Gussman requested staff prepare a report reflecting impacted wetlands for the last 5 to 10 years to aid in a determination of a minimum project size to which the proposed policy should apply.

Mr. Lindsey gave other Board members a brief overview of the new State Regulation on issuance of emergency permits, which is now in effect.

F. ADJOURNMENT

The meeting was adjourned at 8:20 P.M.


Henry Lindsey
Chairman


Darryl E. Cook.
Secretary