

**WETLANDS BOARD  
MINUTES**

**NOVEMBER 4, 1998 - 7:00PM**

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

Henry Lindsey	None
James Jones	
David Gussman	
Larry Waltrip	
John Hughes	

**OTHERS PRESENT**

Darryl E. Cook, Secretary to the Board  
James Perry, VIMS  
Tony Watkinson, VMRC  
Andy Herrick, Assistant County Attorney  
Environmental Staff

**B. MINUTES**

Approval of the October 14, 1998 minutes were approved as presented.

**C. OLD BUSINESS**

1. W-23-98: Governor's Land Associates - Cypress Isle

Mr. David Meador presented the case stating that the Board had deferred this case from the October 14, 1998 meeting. He stated that the Williamsburg Environmental Group, on behalf of the owner, Governor's Land Management Company, had applied for a wetlands permit to construct a pedestrian footbridge across a tidal wetland adjacent to the James River and to install shoreline stabilization along 1,150 linear feet of the James River at Cypress Isle located in the Governor's Land subdivision.

The proposal includes seven headland breakwaters with intervening spiral bays to be planted with *Spartina patens* and *Spartina alterniflora*. The pedestrian footbridge was originally proposed with a width of eight (8) feet, but their proposal now is six (6) feet wide by three hundred (300) feet long, constructed across a tidal wetland in order to connect Cypress Isle with the remainder of the nature trail system. The property is further identified as parcel (1-16) found on the James City County Tax Map No. (44-2).

An Environmental Inspector along with other agency personnel visited the site on October 1, 1998 and October 28, 1998. It is estimated that 33,000 square feet of subaqueous area and 50 square feet

of Type II Saltmeadow Community will be impacted by the shoreline stabilization. Approximately 1800 square feet of Type XI Freshwater Mixed Community will be impacted by the installation of the footbridge. It is also estimated that approximately one acre of *Spartina alterniflora* and *Spartina patens* will be planted as part of this project. As requested, the cumulative wetland impacts to date since 1990 for Governor's Land are 101,142 square feet.

It is the staff's recommendation to approve this application with the following conditions:

1. A pre-construction meeting shall be held with the Environmental Division prior to commencing the project.
2. A turbidity curtain shall be in place along the entirety of the project prior to any construction.
3. No mature trees will be cut for the construction of the footbridge or the shoreline project, unless previously approved by the Environmental Division.
4. The decking boards on the footbridge shall have a 5/8 inch gap spacing between the boards.
5. A plan for re-vegetation of all disturbed areas shall be approved by the Environmental Division prior to any construction.
6. The permit will expire on November 4, 1999.

Mr. Lindsey opened the public hearing.

1. Ms. Robin Morgan, Williamsburg Environmental Group, Inc. and representative for the applicant, informed the Board that the applicant had changed the width of the bridge from 8 feet to 6 feet thereby reducing the impact on wetlands. She stated she would address any questions the Board might have.

Mr. Lindsey closed the public hearing.

Mr. Hughes asked how much the sprigs would cost and when would they be planted.

Mr. Ray Keeney, Governor's Land Associates, responded that he felt the project would be completed by next summer or fall and that he was unsure of the cost of the plantings as they would contract it out.

Mr. Hughes asked Mr. Cook how the surety was calculated.

Mr. Cook responded that it was based on the scope of the project.

Mr. Hughes made a motion to approve Case W-23-98 with staff's recommendations and the added condition that a performance bond or letter of credit be required and remain in force until the new wetlands is successfully established; a minimum of two growing seasons, and that the construction would be completed by November 4, 1999 and the permit will expire on November 4, 2000.

The motion was approved by a 5-0 vote.

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

##### **1. W-25-98: David W. Brown - 1502 Bush Neck Road**

Mr. Pat Menichino presented the case stating that Mr. David W. Brown, property owner of 1502 Bush Neck Road., had applied for a permit to install 230 linear feet of bulkhead, with bulkhead and rip rap revetment returns. The property is further identified as parcel (34-1) on the James City County Real Estate Tax Map (1-2).

The property in question is located along the Chickahominy River. Representatives from the Environmental Division visited the site on October 28-29, 1998. There will be up to 3450 square feet of impact to Type XV, Sand Mud Flat Community wetlands for the installation of 230 linear feet of bulkhead and two rip rap revetments which will be installed at each end.

The purpose of the bulkhead is to protect the existing shoreline and to provide reasonable access to the waterway. It is staff's recommendation that this permit be approved with the following conditions:

1. The new bulkhead shall be installed no more than 15 feet channelward from the existing toe of bluff.
2. The 3450 square feet of impact to the wetlands will be mitigated by the creation of 2450 square feet of wetlands vegetated communities within existing nonvegetated wetlands areas.
3. A wetlands mitigation plan shall be submitted to and approved by the James City County Environmental Division.
4. Both ends of the bulkhead shall have a minimum of five foot return walls installed and have a class one rip rap revetment installed to protect the bulkhead ends and to create a stable transition for the bluff slopes.
5. The bulkhead shall not exceed five feet in height.

6. The Environmental Division shall inspect the tie backs, deadmen and filter fabric, prior to backfilling, and shall inspect the installation of the rip rap revetments
7. A building permit is not required for this project.
8. A James City County land disturbing permit with surety shall be required for the proposed upland disturbance, tree removal, RPA buffer and restoration.
9. A Resource Protection Area (RPA) buffer shall be created within the first 25 feet landward from the proposed bulkhead. Best Management Practices (BMP's) shall be installed and the stormwater runoff shall be conveyed to these structures.
10. A plan for the RPA buffer area planting shall be submitted and approved by the James City County Environmental Division.
11. An onsite preconstruction meeting with representatives from James City County's Environmental Division is required prior to any construction activities. At this meeting the location for the installation of the bulkhead will be reviewed and approved.
12. The Wetlands Permit shall expire on November 4, 1999.

Mr. Lindsey opened the public hearing.

1. Mr. David W. Brown, the applicant, stated that he reduced the location of the bulkhead from 25 feet channelward to 15 feet per staff's recommendation. He informed the Board that he was willing to mitigate and that he had the resources available to do so. He then requested if he could plant crab grass or blue grass in the swale of the new RPA buffer.

Mr Menichino stated that staff would work with Mr. Brown on the type of vegetation to be planted in the RPA.

Mr. Hughes inquired why he chose to install a bulkhead instead of using rip rap and Mr. Waltrip inquired how he was going to divert the stormwater runoff.

Mr. Brown stated that he preferred the aesthetics of a bulkhead. He further stated that at the ends of the bulkhead he was installing rip rap to transition it into the existing natural area. He stated that he needed additional surveys before he could determine how to divert the stormwater runoff to the BMP.

Mr. Lindsey closed the public hearing.

Dr. Perry cautioned the Board to remember that this project was an experiment in that the applicant was trying to create vegetation in a non-vegetated environment and the chances of success were small.

Mr. Gussman made a motion to approve Case W-25-98 with staff's recommendation and to include the word "implemented" in condition #3.

The motion as approved by a 5-0 vote.

2. W-33-97: Governor's Land Associates - Proposed Bridge Crossing B - Permit Extension

Mr. Cook presented the case stating that during a pre-construction meeting between a staff member from the Environmental Division and the applicant it was discovered that this wetlands permit had expired. After discussion with the Deputy County Attorney and the applicant's attorney it was decided that the appropriate action would be to send a letter to the Wetlands Board for their consideration at this month's meeting to consider an extension of the permit until the December wetlands meeting, at which time a wetlands permit would be requested.

Mr. Lindsey opened the public hearing.

1. Mr. Alvin Anderson, attorney for the applicant, stated that the applicant had failed to notice the date of the expiration of the permit and requested the Board approve the extension.

Mr. Lindsey closed the public hearing.

Mr. Hughes made a motion to approve extending Case W-33-97 until December 9, 1998.

The motion was approved by a 5-0 vote.

**E. MATTERS OF SPECIAL PRIVILEGE**

1. James City County Wetlands Mitigation-Compensation Policy

The Board held a general discussion on the types of mitigation available to applicants. They discussed the possibilities of where and how the surety collected could be used. They also discussed how to determine the dollar value of impacted wetlands and how to determine how much surety should be required. It was the consensus of the Board to hold the public hearing on this issue on December 9, 1998. The Board would then consider public comment and make their decision on what they feel is the best policy for James City County and present their proposal to the Board of Supervisors for their approval.

The Board requested staff to advertise the public hearing and to inform the Board of Supervisors of the public hearing.

The Board asked staff to send their congratulations to Traycie West, VMRC, on the birth of her baby boy.

2. ELECTION OF OFFICERS: 1999

Mr. Gussman moved that Henry Lindsey be re-appointed as Chairman.

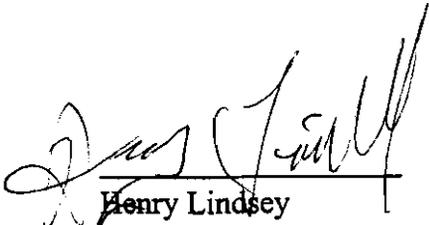
Mr. Lindsey moved that John Hughes be re-appointed at Vice-Chairman.

Mr. Lindsey moved that Darryl Cook be re-appointed as Secretary.

All motions on elections were approved by a unanimous vote.

**F. ADJOURNMENT**

The meeting was adjourned at 9:07 P.M.

  
Henry Lindsey  
Chairman

  
Darryl E. Cook.  
Secretary