

**WETLANDS BOARD  
MINUTES**

**APRIL 14, 1999 - 7:00PM**

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

Henry Lindsey  
David Gussman  
Larry Waltrip  
John Hughes  
James Jones

**OTHERS PRESENT**

Darryl E. Cook, Secretary to the Board  
Traycie West, VMRC  
Environmental Staff

**B. MINUTES**

Approval of the March 10, 1999 minutes were approved.

**C. OLD BUSINESS - None**

**D. PUBLIC HEARINGS**

**1. W-5-99/VMRC # 99-0205: Edward Miller: 112 Four Mile Tree Road**

Mr. Cook presented the case stating that Mr. Edward Miller had applied for a wetlands permit to install 175 linear feet of riprap revetment to replace an existing damaged timber retaining wall at 112 Four Mile Tree in Riverview Plantation Subdivision. The property is further identified as parcel (5-5) found on James City County Real Estate Tax Map (16-4).

The property in question is along the York River. An Environmental Division inspector visited the site on February 24, 1999. It is estimated that approximately 500 square feet of Type VI, (Cattail Community) will be impacted by this application request.

The drawings submitted with the application indicate the removal of the existing failed timber structure, the creation of 175 linear feet of Class I riprap revetment and the regrading of the upland slope. The toe of the new revetment will be 30 linear feet landward from an existing sill/breakwater. The new rip rap is to be installed over filter cloth and the toe is to be installed below existing grade.

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 staff will be held on site.
2. The toe of riprap revetment shall be installed 12" below existing grade. The riprap shall be installed over filter fabric.
3. The upland slope will be regraded to a 2:1 maximum slope and stabilized with native grasses and erosion control blankets.
4. The upland regrading and land disturbance will require a James City County land disturbance permit with surety, if it exceeds 2500 square feet total.
5. Any removal or damage to existing vegetation (trees and shrubs) will require the replacement of same.
6. The installation of filter fabric and riprap shall be inspected by Environmental Division staff.
7. The permit shall expire on April 14, 2000.

Mr. Lindsey opened the public hearing.

A. Mr. Daniel Winall, Water's Edge Construction, agent and contractor, informed the Board that the tree area would not be disturbed as to preserve those trees. He further stated that he would be happy to answer questions from the Board.

B. Mr. Edward Miller, owner, in response to a question from the Board, stated that the house was 15 years old and he was not sure when the existing bulkhead had been installed. He further stated that he moved into the house 2 years ago and noted that the wall needed repair.

Mr. Lindsey closed the public hearing.

Mr. Jones made a motion to approve case W-5-99 with staff's recommendations.

The motion was approved unanimously.

#### **E. BOARD CONSIDERATIONS**

##### **1. James City County Wetlands Mitigation-Compensation Policy**

Mr. Cook addressed the Board and advised them that there were two copies of the resolution stating the County's Wetlands Mitigation Policy. He provided two copies because he added in two

different places the statement regarding when monetary compensation is acceptable. One place was in the definition section and the other place is a separate supplemental guideline. Mr. Cook stated he felt it would work better in the definition section, but knew the Board was leaning toward making it a separate supplemental guideline. He advised the Board that neither Leo Rogers, County Attorney, or Tony Watkinson, VMRC, had a strong preference as to where the language would be more appropriate.

After a short discussion on the two resolutions the Board decided that having it as a separate supplemental guideline would be the most effective.

Mr. Jones made a motion to approve the Resolution on the County Wetlands Mitigation Policy , with the version that placed monetary compensation in Section 5. Supplemental Guidelines.

The motion was approved unanimously.

Mr. Cook informed the Board that since this action relates to the interpretation and not a change in the guidelines referred to in the County Ordinance, the Board of Supervisors did not need to approve this action.

The Board requested staff mail all Board members, the Board of Supervisors, anyone who made public comments, consultants and contractors a signed copy of the Resolution.

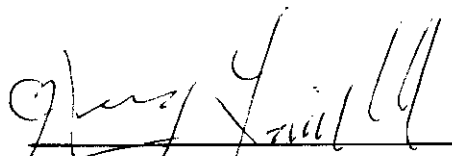
Mr. Cook assured the Board that prior to scheduling a case to go before the Board, no application would be considered complete until all mitigation issues had been addressed.

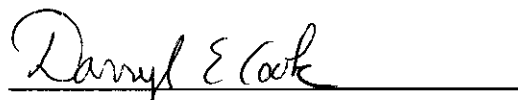
#### **F. MATTERS OF SPECIAL PRIVILEGE**

A discussion on the new regulations for the No Wake Zone was held. Ms. Elsie (Boots) Johnson, 210 Red Oak Landing Road, Williamsburg, expressed her concerns on the lack of regulations for the protection of marsh areas. In order to better inform the public the Board requested staff advertise the new regulations in the County FYI publication.

#### **G. ADJOURNMENT**

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

  
Henry Lindsey  
Chairman

  
Darryl E. Cook  
Secretary

## RESOLUTION

### COUNTY WETLANDS MITIGATION POLICY

WHEREAS, the Virginia Marine Resources Commission adopted certain guidelines entitled "Wetlands Mitigation - Compensation Policy" and identified as VR 450-01-0051 (the "Guidelines"); and

WHEREAS, the Guidelines shall be used by the James City County Wetlands Board in deciding whether to grant or deny a Wetlands Permit; and

WHEREAS, the James City County Wetlands Board desires to identify certain procedures and interpretations of the Guidelines for issuance of wetlands permits in James City County.

NOW, THEREFORE, BE IT RESOLVED by the Wetlands Boards of James City County, Virginia, the following procedures and interpretation shall be used in deciding whether to issue a wetlands permit:

1. Section 1. Definitions

In applying the term "compensation," the Wetlands Board may consider the payment of money to be used to purchase, preserve, restore, or create wetlands in the County.

2. Section 5. Supplemental Guidelines

In applying Paragraph numbered 5 of the Guidelines, the Wetlands Board shall seek a minimum of 2:1 areal exchange unless the compensation marsh is already in existence and its wetland vegetation is successfully established. In the case of this exception, a minimum of 1:1 areal exchange may be acceptable.

3. Section 5. Supplemental Guidelines

In applying Paragraph numbered 8 of the Guidelines, the Wetlands Board shall consider locating a compensation site outside the river basin of the project only if it is done as part of a County-coordinated program of ecological enhancement.

4. Section 5. Supplemental Guidelines

In interpreting Paragraph numbered 12 of the Guidelines, the Wetlands Board may allow manipulation of plant species where current species are listed as an invasive species on the Department of Conservation and Recreation, Division of Natural Heritage's list of Invasive Alien Plants of Virginia.

5. Section 5. Supplemental Guidelines

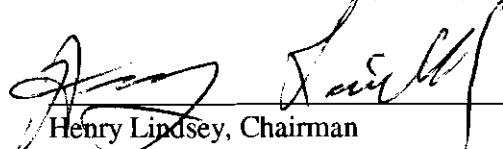
In interpreting and applying Paragraph numbered 15 of the Guidelines, the Wetlands Board shall consider any wetlands impacts occurring on property subdivided after the adoption of this Resolution as commercial activity regardless of the use of the property.

6. Section 5. Supplemental Guidelines

An additional consideration, Paragraph Number 18, shall be added to the Guidelines as follows:

Monetary compensation may be considered only after the project has been deemed acceptable and all other means of compensation have been eliminated as a possibility.

Wetlands Board of James City County, Virginia

  
Henry Lindsey, Chairman

ATTEST:

  
Darryl E. Cook  
Secretary to the Board

This Resolution is adopted by the Wetlands Board of James City County, Virginia, this 14th day of April, 1999.

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