

**WETLANDS BOARD
MINUTES**

AUGUST 9, 2000 - 7:00PM

A. ROLL CALL

ABSENT

Henry Lindsey
Larry Waltrip
John Hughes
Philip Duffy

David Gussman

OTHERS PRESENT

Darryl E. Cook, Secretary to the Board
Andy Herrick, Assistant County Attorney
Mark Eversole, VMRC
Environmental Staff

B. MINUTES

The July 12, 2000, minutes were approved as presented.

C. OLD BUSINESS - NONE

D. PUBLIC HEARINGS

1. W-16-00: Governor's Land Foundation - Two Rivers Point

Mr. Michael Woolson presented the case stating that Williamsburg Environmental Group, on behalf of the property owner; Governor's Land Foundation; has applied for a wetlands permit to install 50 linear feet of quarry stone groin and beach nourishment. The property is further identified as parcel (1-1A) found on James City County Real Estate Tax Map (43-1).

The property in question is located adjacent to lots 7 and 8 within the Two Rivers Point section of Governor's Land along the Chickahominy River. Environmental Division staff visited the site along with representatives from the Wetlands Board, VMRC and VIMS on June 15, 2000 and July 21, 2000. It is estimated that approximately 1445 square feet of Type XIV; Sand Flat Community will be permanently impacted by this application request. Significant adverse impacts to adjacent properties are not anticipated by this proposal.

It is the staff's recommendation that this application be deferred at the request of the applicant, Governor's Land Foundation, until such time as the applicant requests the project to be heard by the Board.

Mr. Duffy asked why the cross-sectional drawing was not shown to scale.

Mr. Woolson replied that it was a drafting convention that allowed more detail to be shown on the plan than a scale drawing would present.

Mr. Duffy stated that he felt it made it more difficult to determine the impacts with the plans not being to scale. He also doesn't feel that a non-property owner should be a co-applicant on the permit.

Mr. Woolson stated that he would discuss getting scale drawings with the applicant's agent.

Mr. Lindsey opened the floor to the public for comment. As there was no one present to speak regarding the application, the hearing was held open pending future consideration by the Board.

A motion was made by Mr. Hughes to defer action on the application until the applicant requested that the Wetlands Board hear the case.

The motion was approved by a 4-0 vote.

2. W-17-00: Arthur Cheatham and Clifford Willoz - 184 and 186 The Maine

Mr. Michael Woolson presented the case stating that Water's Edge Construction, on behalf of the property owners; Arthur Cheatham and Clifford Willoz; has applied for a wetlands permit to repair 50 linear feet of outfall ditch. The properties are further identified as parcels (2-65) and (2-66) found on James City County Real Estate Tax Map (45-4).

The properties in question are located along the James River. The outfall ditch was severely eroded during Hurricane Floyd due to overflow from Lake Pasbehegh and now consists of a vertical drop between 6 to 8 feet. The outfall ditch will be reestablished and lined with riprap to prevent future gully erosion problems. Environmental Division staff visited the site along with representatives from VMRC and VIMS on June 15, 2000 and July 20, 2000. It is estimated that approximately 1200 square feet of Type XV; Sand/Mud Flat Community will be permanently impacted by this application request, this includes 800 square feet of permanent wetland fill. Significant adverse impacts to adjacent properties are not anticipated by this proposal.

It is the staff's recommendation that this application be approved with the following conditions:

1. Prior to any land disturbing activities, a preconstruction meeting will be held on-site.

2. All riprap used shall be a minimum of Class II Stone.
3. All filter fabric used shall be inspected by the Environmental Division prior to placement of riprap.
4. A JCC Land Disturbance permit will be required and must be obtained by the land owner for all of the proposed landward grading and earth moving operations. This permit shall be obtained prior to the preconstruction meeting.
5. All vegetation requiring removal for this project shall be approved by the Environmental Division prior to any disturbance.
6. The permit shall expire August 9, 2001.
7. If an extension of this permit is needed, a written request shall be submitted to the Environmental Division no later than two weeks prior to the permit expiration date.

Mr. Duffy asked what the permanent wetland loss consisted of for this application.

Mr. Woolson replied that the loss consisted of the wetlands to be filled by the channel repair work. There is a loss of wetlands that exist today but the application is restoring the conditions that existed prior to the erosion caused by Hurricane Floyd.

Mr. Lindsey opened the public hearing.

- A. Mr. Daniel Winall, Water's Edge Construction, informed the Board that he was available to answer any questions. He also wanted to know why a land disturbing permit was being required as he felt the amount of disturbance did not exceed 2500 square feet.

Mr. Cook replied that staff would revisit the amount of disturbance caused by the application but in any event, the fees and surety requirements had been waived for any projects resulting from damage by the hurricane. *Upon subsequent review of the application, it was determined that a land disturbing permit would be required.*

Mr. Duffy asked about the extent of grading and how the stone would stay in place in this particular situation.

Mr. Winall stated that the interlocking nature of the stone and the filter fabric would act to hold the riprap in place.

As no one else wished to speak, Mr. Lindsey closed the public hearing.

Mr. Hughes made a motion to approve case W-17-00 with staff's recommendations with an addition

to condition 4 that the need for a land disturbing permit would be reevaluated by staff.

The motion was approved by a 4-0 vote.

3. W-19-00: Peter and Becky Paluzsay and James Windsor - 128 and 130 Shellbank Drive

Mr. Michael Woolson presented the case stating that Water's Edge Construction, on behalf of the owners, Mr. and Mrs. Peter and Beckie Paluzsay and Mr. James Windsor, has applied for a wetlands permit to replace 157 linear feet of timber bulkheading for shoreline stabilization, 70 linear feet of riprap revetment wall for shoreline stabilization and a 5 foot by 165 foot long open pile pier at 128 and 130 Shellbank Drive, in First Colony. The properties are further identified as parcels (2-3 and 2-1) found on the James City County Real Estate Tax Map (45-1).

The properties in question are located along the James River. Environmental Division staff visited the site along with representatives from VMRC and VIMS on June 15, 2000. The proposed timber bulkheading is being replaced in place. However the existing structure has failed and has considerable tidal action behind it. There is existing concrete rubble acting as a temporary shoreline stabilization. This concrete rubble will be removed and reused as core stone within the riprap revetment wall. It is estimated that approximately 420 square feet of Type XV; Sand/Mud Flat and Intertidal Communities will be permanently impacted by this application request, this includes 210 square feet of permanent wetland fill behind the timber bulkhead. Significant adverse impacts to adjacent properties are not anticipated by this proposal.

It is the staff's recommendation that this application be approved with the following conditions:

1. Prior to any land disturbing activities, a preconstruction meeting will be held on-site.
2. All riprap used shall be a minimum of Class II Stone.
3. Proposed use of the concrete rubble as core stone shall be allowed so long as there are no wires or reinforcing bars showing.
4. All filter fabric used shall be inspected by the Environmental Division prior to placement of riprap.
5. A JCC Land Disturbance permit will be required and must be obtained by the land owner for all of the proposed landward grading and earth moving operations. This permit shall be obtained prior to the preconstruction meeting.
6. The permit shall expire August 9, 2001.
7. If an extension of this permit is needed, a written request shall be submitted to the Environmental Division no later than two weeks prior to the permit expiration date.

As there were no questions from the Board, Mr. Lindsey opened the public hearing.

A. Mr. Daniel Winall, Water's Edge Construction, informed the Board that he was available to answer any questions.

Mr. Lindsey pointed out that there was a large amount of wire reinforcement showing on the concrete rubble.

Mr. Winall stated that all the wire would be removed from the rubble.

Mr. Lindsey pointed out that no turbidity curtain was shown on the plan.

Mr. Winall stated that they generally use turbidity curtain and would use it on this project.

Mr. Duffy asked about how they would access the project for construction purposes.

Mr. Winnall stated they would access the site from the shore using the existing road.

As no one else wished to speak, Mr. Lindsey closed the public hearing.

Mr. Duffy made a motion to approve case W-19-00 with staff's recommendations and an additional condition that turbidity curtain be used to protect against siltation into the river.

The motion was approved by a 4-0 vote.

4. W-20-00: Michael and Sharon Rodgers - 99 Shellbank Drive

Mr. Michael Woolson presented the case stating that Water's Edge Construction, on behalf of the owner, Mr. and Mrs. Michael and Sharon Rodgers, has applied for a wetlands permit to install 110 linear feet of riprap revetment wall for shoreline stabilization and construct a 32-foot pier at 99 Shellbank Drive, in First Colony. The property is further identified as parcel (2-17) found on the James City County Real Estate Tax Map (45-3).

The property in question is along the James River. Environmental Division staff visited the site along with representatives from VMRC and VIMS on June 16, 2000. It is estimated that approximately 560 square feet of Type XV; Sand/Mud Flat Community will be permanently impacted by this application request. Significant adverse impacts to adjacent properties are not anticipated by this proposal.

It is the staff's recommendation that this application be approved with the following conditions:

1. Prior to any land disturbing activities, a preconstruction meeting will be held on-site.
2. All riprap used shall be a minimum of Class II Stone.
3. All filter fabric used shall be inspected by the Environmental Division prior to placement of

riprap.

4. A JCC Land Disturbance permit will be required and must be obtained by the land owner for all of the proposed landward grading and earth moving operations. This permit shall be obtained prior to the preconstruction meeting.
5. All vegetation requiring removal for this project shall be approved by the Environmental Division prior to any disturbance. Care must be taken at the common property between The Rodgers and The Rylands to not disturb existing trees or tree roots to the maximum extent practicable.
6. A physical barrier shall be erected on the common property line between The Rodgers and The Rylands to make sure that all work performed does not encroach upon the Rylands property.
7. A RPA replanting shall be submitted to this office for approval prior to any land disturbance. This planting plan shall include native grasses and trees to replace the vegetation to be removed.
8. The permit shall expire August 9, 2001.
9. If an extension of this permit is needed, a written request shall be submitted to the Environmental Division no later than two weeks prior to the permit expiration date.

Mr. Hughes asked if the adjacent property owner had expressed concerns about the proposal.

Mr. Woolson replied that the adjacent owner did have concerns and he would speak to those concerns during the public hearing.

Mr. Lindsey opened the public hearing.

- A. Mr. John Ryland of 97 Shellbank Drive expressed his concerns with the proposal. He felt that removal of the bulkhead would accelerate erosion of his property, he wanted to make sure that the property line was accurately identified and well marked before they began work, and wanted to know how far the top of the bank would be from the pipe that marked the edge of his property.

Mr. Woolson stated that the top of the bank would be about five feet riverward from the pipe.

Mr. Winall stated that the area Mr. Ryland was concerned about would be eroded away soon if nothing was done to stop the erosion that has resulted from the failure of the bulkhead as it appears that the area was fill material. The location of the riprap was moved inland to line up with the existing shoreline.

Mr. Duffy asked if the riprap could be moved riverward to the location of the existing bulkhead.

Mr. Winall stated that it could be done and felt it would be an improvement but would impact more

wetlands.

General discussion then followed between Mr. Winall, the Board and Mr. Ryland about how the alignment of the riprap revetment could be modified to improve the protection of the adjacent property. As no consensus could be reached, Mr. Hughes suggested that the case be deferred until a meeting could be held onsite to determine the best course of action. Mr. Winall agreed to a deferral to allow time for an onsite meeting with all parties to develop a solution for the end treatment of the project adjacent to Mr. Ryland' property.

Mr. Hughes made a motion to defer action on application W-20-00 based on the applicant's request.

The motion was approved by a 4-0 vote.

5. W-22-00: Harold Holmes - 112 Constance Avenue

Mr. Michael Woolson presented the case stating that Mr. Robert Eastman of American Docks and Boatlifts, on behalf of the owner, Mr. Harold Holmes, has applied for a wetlands permit to install 72 linear feet of bulkheading for shoreline stabilization and riprap outlet pipe stabilization at 112 Constance Avenue, in Powhatan Shores. The property is further identified as parcel (5-25) found on the James City County Real Estate Tax Map (47-3).

The property in question is located along a man-made canal to Powhatan Creek. Environmental Division staff visited the site along with representatives from the Wetlands Board, VMRC and VIMS on July 20, 2000. It is estimated that approximately 72 square feet of Type XII; Brackish Water Mixed Community will be permanently filled and impacted by the bulkhead and approximately 6 square feet of Type XV; Sand/Mud Flat Community will be permanently filled and impacted by this application request. Significant adverse impacts to adjacent properties are not anticipated by this proposal.

It is the staff's recommendation that this application be approved with the following conditions:

1. Prior to any land disturbing activities, a preconstruction meeting will be held on-site.
2. All riprap used shall be a minimum of Class I Stone.
3. All filter fabric used shall be inspected by the Environmental Division prior to placement of riprap.
4. Bulkhead shall be placed at the toe of slope to the maximum extent practicable. Additional bends in the bulkhead may be deemed necessary by the Environmental Division.
5. A turbidity curtain shall be installed.
6. A JCC Land Disturbance permit will be required and must be obtained by the land owner for all of the proposed landward grading and earth moving operations. This permit shall be

obtained prior to the preconstruction meeting.

7. All vegetation requiring removal for this project shall be approved by the Environmental Division prior to any disturbance.
8. The permit shall expire August 9, 2001.
9. If an extension of this permit is needed, a written request shall be submitted to the Environmental Division no later than two weeks prior to the permit expiration date.

Mr. Hughes asked if the reference to Class II riprap was correct.

Mr. Woolson replied that there was a typo and Class I riprap should be used.

Mr. Lindsey opened the public hearing.

- A. Mr. Ralph Riddle, President of the Powhatan Shores Homeowners Association, informed the Board that he was available to answer any questions about this and the other four applications that are under consideration by the Board.

Mr. Lindsey wanted to know if one bend in the alignment of the bulkhead was adequate.

Mr. Riddle stated that if the staff feels an additional bend is needed, they will provide it.

Mr. Hughes asked Mr. Herrick if he as a member of the Powhatan Shores HOA needed to abstain from acting on the application being presented by the Powhatan Shores HOA.

Mr. Herrick stated that there was no direct requirement for him to abstain and that it was a judgment call on Mr. Hughes part. He suggested that it might be good to recuse himself from acting on that particular application.

Mr. Hughes asked how the existing pipe will be repaired.

Mr. Riddle stated that the end of the pipe will be cut off and a new pipe will be attached by a collar to the old pipe.

Mr. Hughes asked if turbidity curtain should be used to control sedimentation.

Mr. Woolson stated that it would be good to use in the area of the pipe repair.

Mr. Waltrip expressed concern about how many of the projects and how much shoreline would be worked on at one time.

Mr. Woolson stated that this would be handled at the preconstruction meeting but he understood they would be working on one section (application) at a time before moving on to the next one.

As no one else wished to speak, Mr. Lindsey closed the public hearing.

Mr. Hughes made a motion to approve case W-22-00 with staff's recommendations and to change the size of riprap to Class I and examine the need for additional bends in the bulkhead.

The motion was approved by a 4-0 vote.

6. W-23-00: James Parks - 116 Constance Avenue

Mr. Michael Woolson presented the case stating that Mr. Robert Eastman of American Docks and Boatlifts, on behalf of the owner, Mr. James Parks, has applied for a wetlands permit to install 25 linear feet of bulkheading for shoreline stabilization at 116 Constance Avenue, in Powhatan Shores. The property is further identified as parcel (5-27) found on the James City County Real Estate Tax Map (47-3).

The property in question is located along a man-made canal to Powhatan Creek. Environmental Division staff visited the site along with representatives from the Wetlands Board, VMRC and VIMS on July 14, 2000. It is estimated that approximately 25 square feet of Type XII; Brackish Water Mixed Community will be permanently filled and impacted by this application request. Significant adverse impacts to adjacent properties are not anticipated by this proposal.

It is the staff's recommendation that this application be approved with the following conditions:

1. Prior to any land disturbing activities, a preconstruction meeting will be held on-site.
2. All filter fabric used shall be inspected by the Environmental Division prior to placement of riprap.
3. Bulkhead shall be placed at the toe of slope to the maximum extent practicable. Additional bends in the bulkhead may be deemed necessary by the Environmental Division.
4. A turbidity curtain shall be installed.
5. A JCC Land Disturbance permit will be required and must be obtained by the land owner for all of the proposed landward grading and earth moving operations. This permit shall be obtained prior to the preconstruction meeting.
6. All vegetation requiring removal for this project shall be approved by the Environmental Division prior to any disturbance.
7. The permit shall expire August 9, 2001.
8. If an extension of this permit is needed, a written request shall be submitted to the Environmental Division no later than two weeks prior to the permit expiration date.

Mr. Lindsey opened the public hearing.

- A. Mr. Ralph Riddle, President of the Powhatan Shores Homeowners Association, informed the Board that he was available to answer any questions about the application.

As there were no questions, Mr. Lindsey closed the public hearing.

Mr. Hughes made a motion to approve case W-23-00 with staff's recommendations.

The motion was approved by a 4-0 vote.

7. W-24-00: James City Service Authority - 102 Discovery Lane

Mr. Michael Woolson presented the case stating that Mr. Robert Eastman of American Docks and Boatlifts has applied for a wetlands permit to install 50 linear feet of bulkheading for shoreline stabilization at 102 Discovery Lane, in Powhatan Shores. The property is further identified as parcel (5-23-A) found on the James City County Real Estate Tax Map (47-3).

The property in question is located along a man-made canal to Powhatan Creek. Environmental Division staff visited the site along with representatives from the Wetlands Board, VMRC and VIMS on July 20, 2000. It is estimated that approximately 50 square feet of Type XII; Brackish Water Mixed Community will be permanently filled and impacted by this application request. Significant adverse impacts to adjacent properties are not anticipated by this proposal.

It is the staff's recommendation that this application be approved with the following conditions: Prior to any land disturbing activities, a preconstruction meeting will be held on-site.

1. All filter fabric used shall be inspected by the Environmental Division prior to placement of riprap.
2. Bulkhead shall be placed at the toe of slope to the maximum extent practicable. Additional bends in the bulkhead may be deemed necessary by the Environmental Division.
3. A turbidity curtain shall be installed.
4. A JCC Land Disturbance permit will be required and must be obtained by the land owner for all of the proposed landward grading and earth moving operations. This permit shall be obtained prior to the preconstruction meeting.
5. All vegetation requiring removal for this project shall be approved by the Environmental Division prior to any disturbance.
6. The permit shall expire August 9, 2001.
7. If an extension of this permit is needed, a written request shall be submitted to the

Environmental Division no later than two weeks prior to the permit expiration date.

Mr. Lindsey did not feel the plan accurately represented the location of the bulkhead and that he assumed it was at the toe of the bank.

Mr. Lindsey opened the public hearing.

A. Mr. Ralph Riddle, President of the Powhatan Shores Homeowners Association, informed the Board that he was available to answer any questions about the application. He also confirmed that the location of the bulkhead was at the toe of the bank.

As no one else wished to speak, Mr. Lindsey closed the public hearing.

Mr. Duffy made a motion to approve case W-24-00 with staff's recommendations.

The motion was approved by a 4-0 vote.

8. W-25-00: Powhatan Shores Homeowners Association - 104 Discovery Lane

Mr. Michael Woolson presented the case stating that Mr. Robert Eastman of American Docks and Boatlifts, on behalf of the owner, Powhatan Shores Homeowners Association, has applied for a wetlands permit to install 30 linear feet of bulkheading for shoreline stabilization and to replace a 14 foot by 30 foot community dock at 104 Discovery Lane, in Powhatan Shores. The property is further identified as parcel (5-1-A) found on the James City County Real Estate Tax Map (47-3).

The property in question is located along a man-made canal to Powhatan Creek. Environmental Division staff visited the site along with representatives from the Wetlands Board, VMRC and VIMS on July 20, 2000. It is estimated that approximately 30 square feet of Type XII; Brackish Water Mixed Community will be permanently filled and impacted by this application request. Significant adverse impacts to adjacent properties are not anticipated by this proposal.

It is the staff's recommendation that this application be approved with the following conditions:

1. Prior to any land disturbing activities, a preconstruction meeting will be held on-site.
2. All filter fabric used shall be inspected by the Environmental Division prior to placement of riprap.
3. Bulkhead shall be placed at the toe of slope to the maximum extent practicable. Additional bends in the bulkhead may be deemed necessary by the Environmental Division.
4. A turbidity curtain shall be installed.
5. A JCC Land Disturbance permit will be required and must be obtained by the land owner for all of the proposed landward grading and earth moving operations. This permit shall be

obtained prior to the preconstruction meeting.

6. All vegetation requiring removal for this project shall be approved by the Environmental Division prior to any disturbance.
7. The permit shall expire August 9, 2001.
8. If an extension of this permit is needed, a written request shall be submitted to the Environmental Division no later than two weeks prior to the permit expiration date.

Mr. Lindsey asked Mr. Hughes if he was going to vote on this application.

Mr. Hughes stated that he was not going to discuss or vote on the application.

Mr. Lindsey opened the public hearing.

- A. Mr. Ralph Riddle, President of the Powhatan Shores Homeowners Association, informed the Board that he was available to answer any questions about the application.

Mr. Waltrip asked why the pier was going to be reduced in size.

Mr. Riddle stated that the size was being reduced because of cost considerations.

Mr. Duffy asked what was being done to establish a wetlands bank.

Mr. Cook responded that the County is being included in a study conducted by VIMS that identifies by GIS techniques good locations for wetland mitigation banks.

As no one else wished to speak, Mr. Lindsey closed the public hearing.

Mr. Duffy made a motion to approve case W-25-00 with staff's recommendations.

The motion was approved by a 3-0 vote with one abstention.

9. W-26-00: James Parks - 106 Discovery Lane

Mr. Michael Woolson presented the case stating that Mr. Robert Eastman of American Docks and Boatlifts, on behalf of the owner, Mr. James Parks, has applied for a wetlands permit to install 125 linear feet of bulkheading for shoreline stabilization at 106 Discovery Lane, in Powhatan Shores. The property is further identified as parcel (5-23) found on the James City County Real Estate Tax Map (47-3).

The property in question is located along a man-made canal to Powhatan Creek. Environmental Division staff visited the site along with representatives from the Wetlands Board, VMRC and VIMS on July 20, 2000. It is estimated that approximately 125 square feet of Type XII; Brackish Water

Mixed Community will be permanently filled and impacted by this application request. Significant adverse impacts to adjacent properties are not anticipated by this proposal.

It is the staff's recommendation that this application be approved with the following conditions:

1. Prior to any land disturbing activities, a preconstruction meeting will be held on-site.
2. All riprap used shall be a minimum of Class I Stone.
3. All filter fabric used shall be inspected by the Environmental Division prior to placement of riprap.
4. Bulkhead shall be placed at the toe of slope to the maximum extent practicable. Additional bends in the bulkhead may be deemed necessary by the Environmental Division.
5. A turbidity curtain shall be installed.
6. A JCC Land Disturbance permit will be required and must be obtained by the land owner for all of the proposed landward grading and earth moving operations. This permit shall be obtained prior to the preconstruction meeting.
7. All vegetation requiring removal for this project shall be approved by the Environmental Division prior to any disturbance.
8. The permit shall expire August 9, 2001.
9. If an extension of this permit is needed, a written request shall be submitted to the Environmental Division no later than two weeks prior to the permit expiration date.

Mr. Lindsey wanted to make sure that the size of the riprap would be changed in this application from Class II to I as was done for case W-22-00.

Mr. Woolson replied that the correction would be made.

Mr. Lindsey opened the public hearing.

- A. Mr. Ralph Riddle, President of the Powhatan Shores Homeowners Association, informed the Board that he was available to answer any questions about the application.

Mr. Lindsey wanted to know if the existing pipe was going to be sleeved as discussed for case W-22-00.

Mr. Riddle affirmed that it would be sleeved.

As no one else wished to speak, Mr. Lindsey closed the public hearing.

Mr. Hughes made a motion to approve case W-26-00 with staff's recommendations with a change to the size of riprap to Class I.

The motion was approved by a 4-0 vote.

E. BOARD CONSIDERATIONS - None

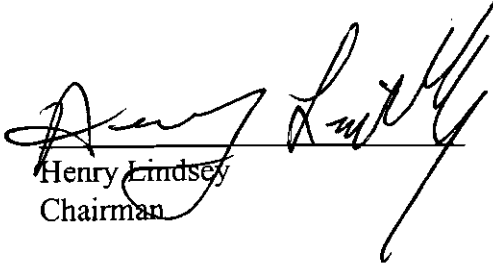
F. MATTERS OF SPECIAL PRIVILEGE

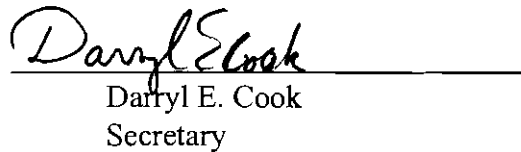
Mr. Duffy distributed copies of revisions to the Board's Wetland Mitigation Policy. He wanted the staff and Board members to review and hold discussion on the memo at a future Board meeting.

G. ADJOURNMENT

Mr. Duffy made a motion to adjourn. The motion was approved by a 4-0 vote.

The meeting was adjourned at 9:10 PM.


Henry Lindsey
Chairman


Darryl E. Cook
Secretary