

**WETLANDS BOARD  
MINUTES**

**JANUARY 9, 2002 - 7:03PM**

**A. ROLL CALL**

**ABSENT**

Henry Lindsey  
John Hughes  
David Gussman  
Larry Waltrip

Philip Duffy

**OTHERS PRESENT**

Darryl E. Cook, Secretary to the Board  
Greg Dohrman, Assistant County Attorney  
Ben Stagg, VMRC  
Environmental Staff

**B. MINUTES**

The minutes of the December 12, 2001 meeting were approved as presented.

**C. OLD BUSINESS – None**

**D. NEW BUSINESS**

1. W-29-01: Bryan Murphy – 114 Lands End Drive

Michael Woolson presented the case stating that Mr. Bryan Murphy had applied for a wetlands permit to install approximately 215 linear feet of wooden bulkhead to protect real property. The property is further identified as parcel (5-66) found on the James City County Real Estate Tax Map (47-3). The project site in question is located on a man-made canal immediately adjacent to Powhatan Creek.

Environmental Division staff visited the site on December 20, 2001, along with the representative from VMRC and VIMS to discuss the project scope and potential impacts. Proposed wetlands impacts for this project are determined to be approximately 645 sq. ft. to the Type XV, Sand/Mud Flat Mixed Community. Total wetlands fill for this project is also determined to be 645 sq. ft. to the same community.

It is the staff's recommendation that the Board approve this application, with the following conditions:

1. The limits of construction shall be flagged in the field prior to the preconstruction meeting.
2. All vegetation to be removed shall be clearly flagged or marked with spray paint prior to the preconstruction meeting.
3. All Resource Protection Area (RPA) issues will be dealt with during the single-family housing construction.
4. A preconstruction meeting will be held on-site prior to construction. The bulkhead shall be placed as close to the existing scarp as feasible, shall be as straight as feasible, and shall be at the same height as the adjacent bulkheads. Minor adjustments to the location of the bulkhead may be made during the pre-construction meeting.
5. Filter fabric shall be used behind the proposed bulkhead. Inspection of the filter fabric must occur prior to commencement of backfilling operations.
6. The permit shall expire January 9, 2003.

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 expiration date.

Mr. Hughes asked if conditions two and three would coincide.

Mr. Woolson responded that condition three would be addressed at the time the applicant built his house. It was decided that it made more sense to require replantings at that time, once all construction and disturbance had been completed in the RPA area.

Mr. Gussman inquired why the applicant and the owner were different on the permit application.

Mr. Woolson explained the applicant, Mr. Murphy, had closed on the property today. The applicant showed him the Deed and would provide a copy to staff tomorrow.

Mr. Lindsey opened the public hearing.

A. Mr. Bryan Murphy introduced his wife Melissa and stated that they were the applicants and now owners. He asked the Board if they had any questions.

Mr. Lindsey stated he felt the center of the bulkhead extended too far out into the canal and inquired if there was a reason it could not be placed closer to the existing scarp. Mr. Lindsey asked Mr. Murphy to work with Mr. Woolson to bring the center of the bulkhead landward as far as possible.

Mr. Murphy responded that because the lot was so narrow he had to get a variance granted from the rear setback building line by the Planning Division to place his house on the lot. He feared that if he pulled the center of the bulkhead back too far, the tiebacks would interfere with the foundation of his house. He also stated that in the future if the tiebacks required repairs, it would be difficult to make those repairs. Mr. Murphy stated he would work with Mr. Woolson to bring the bulkhead landward as far as possible.

In response to questions from Mr. Hughes and Mr. Lindsey, Mr. and Mrs. Murphy stated that all trees would be saved as feasible, however there were several trees that would need to be removed. Mr. Dave Archer, Inlet Marine Inc. and contractor, told them that trees damaged by the installation of the bulkhead would die and should be removed.

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

The Board agreed that over the years a lot of land had been lost due to the wash in the area.

Mr. Waltrip made a motion to approve case W-29-01 with staff's recommendation and the agreement by Mr. and Mrs. Murphy to work with staff on placing the center of the bulkhead as close as possible to the existing scarp.

The motion was approved with a 4-0 vote.

## **E. MATTERS OF SPECIAL PRIVILEGE**

Mr. Lindsey requested Board members to consider attending the Wetlands Management Symposium to be held on February 23, 2002.

Mr. Gussman informed the Board that he would be attending a shareholders meeting on Yarmouth Creek to be held at the Williamsburg Library.

Mr. Hughes inquired about the status of the Powhatan Creek Study.

Mr. Cook responded that staff had presented it to the Board of Supervisors at their retreat on January 5, 2002. The Board has requested staff prepare a formal presentation for their action at their February meeting.

Mr. Hughes inquired if the outfall permit had been received for the Landfall subdivision.

Mr. Menichino stated that on December 17, 2001 he had sent an e-mail to the owner requesting them to submit the permit application.

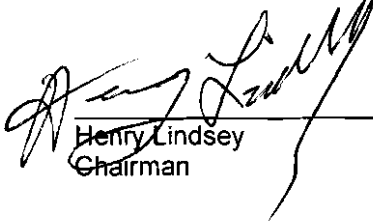
Mr. Cook stated the owner had picked up the application but had not submitted it.

Mr. Hughes stated he was concerned that lots would be sold prior to this matter being resolved and requested staff send a certified letter to the owner, stating they needed to submit the permit application.

Mr. Lindsey thanked Mr. Stagg for sending the Board members wetlands information. He especially liked the copy of Shoreline Development BMP's. He encouraged all Board members to look over the information.

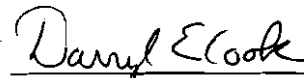
**F. ADJOURNMENT**

The meeting was adjourned at 7:24 PM.



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Henry Lindsey  
Chairman



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Darryl E. Cook  
Secretary