

**WETLANDS BOARD  
MINUTES**

**FEBRUARY 13, 2002 - 7:00PM**

**A. ROLL CALL**

**ABSENT**

Henry Lindsey  
John Hughes  
Larry Waltrip  
Philip Duffy

David Gussman

**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 January 9, 2002 meeting were approved as presented.

**C. OLD BUSINESS – None**

**D. NEW BUSINESS**

1. W-31-01: Jerry Roberts – 6009 Tabiatha Lane

Mr. Woolson presented the case stating that Mr. David Archer, Inlet Marine, Inc., on behalf of the owner, Mr. Jerry Roberts, had applied for a wetlands permit to build approximately 109 linear feet of bulkhead to prevent erosion and build a boat lift and dock to provide access to the water. The property is further identified as parcel (6-28) found on the James City County Real Estate Tax Map (19-1). The project site in question is located on a man-made canal off of the Chickahominy River.

Environmental Division staff visited the site on January 17, 2002 along with the representative from VMRC to discuss the project scope and potential impacts. VMRC will not take any action on this application as it is outside of their jurisdiction. There was a question raised about the size of the pier and boatlift into the canal. This work falls under the US Army Corps of Engineers General Permit No. 17 which states "In those areas where the approximate bank-to-bank width is less than 1,200 feet, applicants will be allowed to use up to one-fourth of the waterway width or 50 feet channelward of the -4 foot mean low water contour, whichever is less." The project will impact 65 square feet of Type XVI, Mud Flat Community with total fill impacts of 65 square feet to the same community.

It is 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. Minor adjustments to the location of the bulkhead may be made during the pre-construction meeting. The proposed bulkhead will tie into the adjacent bulkhead at the same elevation and alignment and will be as close to the existing scarp as feasible.
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 February 13, 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. Lindsey noted the adjacent property owner acknowledgement form had not been signed.

Mr. Woolson responded that VMRC was in the process of obtaining necessary signatures, as that was their requirement and not the local boards.

In response to a question from Mr. Hughes, Mr. Woolson stated that a building permit would be required for this project, however that permit would not be released prior to the approval from the Army Corps of Engineers.

Mr. Lindsey opened the public hearing.

A. Mr. David Archer, Inlet Marine, Inc. and contractor, addressed the Board stating that he was a new contractor in James City County and wanted to assure the Board that his jobs would be completed above normal standards. He informed the Board that the owner's intent was to construct the bulkhead now, then the single family dwelling, and the pier and boatlift would be built in 2-3 years after that.

Mr. Lindsey inquired what would be done with the damaged drainpipe located on the right-hand side of the bulkhead.

Mr. Archer stated that the damaged area would be replaced and tubing would be inserted into the pipe and placed through the bulkhead wall. He assured the Board that the stormwater drain would not be obstructed.

Mr. Duffy inquired if there was an outstanding permit to do wetlands work two lots from this one. He stated that these two lots appeared to have similar circumstances as a new house was to be built on this lot and a new house was already being constructed on the other lot. He stated it appeared that the other lot was the only lot remaining in this area that needed to have stabilization done to its bank.

Mr. Woolson stated he was not sure if there was an outstanding permit but he would research it.

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

Mr. Hughes made a motion to approve case W-31-01 with staff's recommendations.

The motion was approved with a 4-0 vote.

2. W-32-01: Jamestown 4-H Educational Center – 3751 4-H Club Road

Mr. Woolson presented the case stating that Mr. Terry Patterson, Center Director for the Jamestown 4-H Educational Center, on behalf of the Board of Directors for the Jamestown 4-H Educational Center, had applied for a wetlands permit to build a 150 linear foot pier and instructional area to provide environmental, marine, boating, and fishing education to children. The Board of Directors operates Jamestown 4-H Educational Center through a MOU with Virginia Tech. The property is further identified as parcel (1-3) found on the James City County Real Estate Tax Map (46-3). The project site in question is located on the James River mainstem.

Environmental Division staff visited the site on January 17, 2002 along with the representative from VMRC to discuss the project scope and potential impacts. The project is commercial in nature, therefore the Board has jurisdiction. The project also crosses over the intertidal range and has impacts associated with it. The project will impact 95 square feet of Type XIV, Sand Flat Community with total fill impacts of 0 square feet to the same community.

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

1. The plan view drawing will be revised to show the location of the existing building and existing cypress trees. No removal of any cypress trees or cypress knees will be allowed.
2. The permit shall expire February 13, 2003.

3. 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. Lindsey noted the adjacent property owner acknowledgement form had not been signed.

Mr. Woolson responded that VMRC was in the process of obtaining necessary signatures, as that was their requirement and not the local boards. He stated staff had received one inquiry and after reviewing the drawings, they seemed satisfied with the project.

Mr. Hughes clarified that the only reason the Board was hearing this case was because the project was commercial in nature and that it crossed over an Intertidal range with wetland impacts. If the project were private in nature, then it would have been exempt from being heard by the Board.

Mr. Duffy questioned why the pier needed to be 150 feet. He felt lighting the end of the pier should be a requirement of the permit to address safety issues.

Mr. Woolson responded that the Board did not have jurisdiction over the length of the pier. Mr. Woolson informed the Board that the Army Corps of Engineers could either require or waive a permit for the project.

Mr. Stagg stated there was no requirement to place safety lighting on the pier. He also stated that he felt it was unlikely that VMRC would support the instructional building.

Mr. Duffy wanted to know what the Board was considering permitting.

Mr. Woolson responded that it was the first 15 feet of the pier because it was commercial in nature.

Mr. Lindsey opened the public hearing.

A. Mr. Terry Patterson, Center Director and the applicant, stated he had worked for the Jamestown 4-H Educational Center for about 5 months. He stated he had the adjacent property owner's acknowledgement form with him that he would give to Ben Stagg. He explained that this project had been in the planning stages for a long time and it would be constructed in phases. The engineering firm prepared the working plans about 4 months ago and it was designed for durability.

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

Mr. Waltrip spoke in support of the project stating the Jamestown 4-H Educational Center provides a valuable service to the community.

Mr. Hughes also spoke in favor of the project stating that the camp is used by many different groups and would be highly utilized.

Mr. Duffy stated that he felt piers in navigable waters was a safety hazard and he informed Mr. Stagg that he felt a light should be required on the end of the pier.

Mr. Hughes agreed that some safety device should be placed on the pier.

Mr. Duffy made a motion to approve case W-32-01 with staff's recommendations.

The motion was approved with a 4-0 vote.

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

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

Mr. Cook stated that he had met and reviewed the plan with the developer and engineer for the project. Based on the plan the stormwater pipe was not to encroach into wetlands and therefore a permit would not have been required. However, actual construction shows it may be encroaching into the wetlands and it is the desire of the developer to correct the elevation of the pipe so as a permit would not be required.

Mr. Hughes stated a lot of silt and red clay had flowed into the wetlands from the end of the pipe. He stated staff should be concerned about this.

Mr. Cook stated that he would have more information for the Board at their next meeting.

Staff informed the Board that there would be no March meeting as there were no cases to be heard.

Mr. Duffy inquired if the James City County Human Resources Division had received their new equipment to make identification badges. He also inquired if the Board was authorized to receive reimbursement for their mileage.

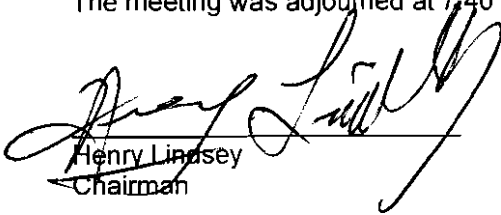
Mr. Cook stated staff would check on the identification badges. He stated he had included mileage reimbursement into the budget, which the Board of Supervisors would consider in their budget review process within the next couple of months.

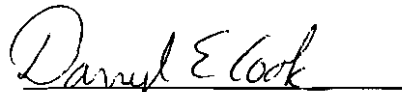
Mr. Cook stated that if the Board did not object, Pat Menichino and he would alternate attending Wetland meetings.

The Board had no objection.

**F. ADJOURNMENT**

The meeting was adjourned at 7:40 PM.

  
Henry Lindsey  
Chairman

  
Darryl E. Cook  
Secretary