

**WETLANDS BOARD
MINUTES
SEPTEMBER 18, 2002 - 7:00PM**

A. ROLL CALL ABSENT

Henry Lindsey	None
Larry Waltrip	
Philip Duffy	
David Gussman	
William Apperson	

OTHERS PRESENT

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

B. MINUTES

The July 10, 2002 minutes were approved as presented.

C. OLD BUSINESS

1. W-17-02: G. Frank Stertz – 8503 Hicks Island Road

Mr. Rudnický presented the case stating that Mr. Wilber Jordan, of Waterfront Piers and Bulkheads, Inc., on behalf of the owner, Mr. G. Frank Stertz, has applied for a wetland permit to install approximately 255 linear feet of riprap revetment to prevent shore erosion, a 40-foot long pier with a 16-foot L-head, and a 16-foot by 24-foot open sided covered boathouse. The property is further identified as parcel (1-23) found on the James City County Real Estate Tax Map (9-1). The project site is located on Diascund Creek.

A pre-application meeting was held on site with Environmental Division and VMRC staff on August 7, 2002. Several options were discussed to reduce the area of wetlands impacted. The original application installed the revetment along the entire shoreline. Due to minimal erosion east of the existing pier, Mr. Jordan and Mr. Stertz agreed to amend their application to exclude this area from the application, a distance of 30 linear feet. A concrete drainage ditch extending from Hicks Island Road to Diascund Creek exists along the eastern edge of the property. A riprap outfall is currently in place at the end of the ditch.

Proposed wetlands impacts for the amended project are determined to be 1520 sq. ft. to the Type XV, Sand/Mud Flat Community, with an associated wetlands fill of 760 sq. ft. Additional wetlands impacts for the amended project are determined to be 520 sq. ft. to the Type XI Freshwater Mixed Community, with an associated wetlands fill of 260 sq. ft. Total proposed impacts to the wetlands are determined to be 2040 sq. ft. with wetlands fill of 1020 sq. ft. These values are not reflected in the VIMS report, which used data from the original application. Changes in impacted area approved by the Wetlands Board will be incorporated later into the VIMS database.

The Wetlands Board Mitigation Policy states that impacts over 1,000 sq. ft. will be mitigated or compensated. This project will result in a wetlands loss of 1020 sq. ft., exceeding the 1,000 sq. ft. threshold by 20 sq. ft. for tidal wetlands. The Army Corps of Engineers has calculated a cost of \$7.78 per sq. ft. compensation of tidal wetlands losses. Therefore, the mitigation cost for this project will be \$155.60 (\$7.78 x 20 sq. ft.).

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

1. To compensate for wetlands loss, \$155.60 is to be paid to the Virginia Wetlands Restoration Trust Fund.
2. An RPA revegetation landscape plan with surety will be required. The plan and surety must be submitted to the Environmental Division prior to the preconstruction meeting.

3. The limits of construction shall be flagged in the field prior to the preconstruction meeting.
4. All vegetation to be removed shall be clearly flagged or marked with spray paint prior to the preconstruction meeting.
5. A turbidity curtain will be required to control sedimentation from the project.
6. The construction access will require stabilization/restoration with native grasses.
7. A preconstruction meeting will be held on-site prior to construction.
8. Filter fabric shall be used under the proposed riprap. Inspection of the filter fabric must occur prior to commencement of backfilling operations.
9. All proposed core stone shall be Class I and all proposed armor stone shall be Class II.
10. The permit shall expire September 18, 2003.
11. 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. Duffy stated that he was concerned about the scope of the project; it seems unnecessarily large for the severity of the problem. He asked if there was a representative present from the owner or contractor. No one was present from either.

Mr. Lindsay asked when the mitigation payment to the Wetlands Restoration Trust Fund (compensation) would be paid.

Mr. Cook answered that it would be paid before the work began.

Mr. Lindsay requested an explanation concerning the amount of wetlands impact.

Mr. Cook explained that the fill amount is determined as one-half of the total impacts in accordance with VIMS procedures.

Due to questions concerning the project's scope and potential impacts, Mr. Lindsey asked to defer the case until the applicant could be present to answer questions.

Mr. Duffy made a motion to defer the case until the applicant or agent could be present.

The motion passed 5-0.

D. PUBLIC HEARINGS

1. W-25-02: Greater First Colony Area Civic Association – First Colony Beach

Mr. Buchite presented the case stating that the Greater First Colony Area Civic Association, property owner of 94 Shellbank Drive, has applied for a permit to dredge the boat mooring area. The property is further identified as parcel (4-1) on the James City County Real Estate Tax Map (45-3).

The property in question is located along Pate's Creek leading into the James River. Representatives from the Environmental Division visited the site on July 30, 2002. There will be up to 625 square feet of impact to Type XIV, Sand Flat Community wetlands for dredging, with an impact area of 6125 ft² to subaqueous bottom.

The purpose of the dredge is to improve navigation. It is staff's recommendation that this permit be approved with the following conditions:

1. All dredged material shall be disposed of at the designated upland area approved by the Environmental

Division as specified in the joint wetlands application permit page 4.

2. A turbidity curtain must be installed prior to construction activities. The curtain will be installed to encompass the work area. The exact location for the installation shall be determined by an Environmental Division representative.
3. All dredged material shall be contained properly with adequate erosion control measures and proper dewatering measures must be taken.
4. The permit shall expire September 18, 2003.
5. An onsite preconstruction meeting with representatives from James City County's Environmental Division is required prior to any construction activities.

Mr. Lindsey noted that there have been a number of proposals made by the Association over the years with many of them either being withdrawn or not proceeding to construction after being permitted by the Board.

Mr. Gussman asked how the dredged material would be contained.

Mr. Buchite answered that it would be contained in a straw bale barrier lined with filter fabric.

Mr. Waltrip asked if it was to be dredged with an excavator.

Mr. Buchite stated that it would and that the material should be dewatered shortly after removal by the excavator.

The Association was represented by Mr. Sandy Loving, Beach and Marina Chairman, and Mr. Richard Wolf, Vice Chairman. In response to Mr. Lindsey's comment regarding whether the work would proceed if permitted, they stated that the work would be completed in 30 days after the permit is issued.

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

Mr. Waltrip asked if a contractor had been selected.

Mr. Loving stated they had selected one.

Mr. Gussman cautioned that if the type of dredging is changed that the applicant would have to come back to the Board because the containment of the spoils might not be adequate for a different type of dredging method.

Mr. Gussman made a motion to approve case W-25-02 with staff recommendations.

The motion was approved 5-0.

2. W-26-02: Lyndon L. Brown – 6015 Tabiatha Lane

Mr. Rudnicky presented the case stating that Mr. David Archer, of Inlet Marine Inc., on behalf of Mr. Lyndon L. Brown, has applied for a wetland permit to install approximately 135 linear feet of vinyl bulkhead to protect real property and eight pilings for a future boatlift. The property is further identified as parcel (6-25) found on the James City County Real Estate Tax Map (19-1). The project site in question is located on a man-made canal immediately adjacent to Chickahominy River.

Environmental Division staff visited the site on August 6, 2002, to discuss the project scope and potential impacts. Proposed wetlands impacts for this project, as determined by a VIMS representative, are determined to be approximately 135 sq. ft. to Intertidal Rubble/Riprap, which is comprised of sandbags. Total wetlands fill for this project is also determined to be 135 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. The location of the bulkhead shall be staked in the field prior to the preconstruction meeting.

3. An RPA restoration plan approved by the Environmental Division, along with surety, is required prior to the preconstruction meeting.
4. All vegetation to be removed shall be clearly flagged or marked with spray paint prior to the preconstruction meeting.
5. 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 preconstruction meeting.
6. Filter fabric shall be used behind the proposed bulkhead. Tieback locations are to be marked in the field. An inspection by an Environmental Division staff member of the filter fabric and tiebacks must occur prior to commencement of backfilling operations.
7. The permit shall expire September 18, 2003.
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 expiration date.

Mr. Gussman asked if the vinyl bulkhead is as durable as wood.

Mr. Archer stated that wood will require repairs within 15 to 20 years but that the life of the vinyl will exceed that. It can also be repaired and patched without replacement.

Mr. Duffy asked about the alignment and tie-in with the adjacent property.

Mr. Archer stated that to change the tie-in would result in more wetland impacts than currently proposed. He also presented a change in the height of the bulkhead from 5 feet to 6 feet. This would require additional length of deadmen.

Mr. Duffy raised the issue that tree removal had already occurred at the site.

Mr. Rudnicky said that the owner had agreed to a restoration plan to replace the ones cut.

Mr. Lindsey opened the public hearing.

Mr. Archer stated that this was his second project in the County and that he doesn't expect any problems.

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

Mr. Duffy stated that there didn't seem to be a high enough level of knowledge to protect the RPA.

Mr. Duffy made a motion to approve case W-26-02 with staff recommendations.

The motion was approved 5-0.

E. NEW BUSINESS - none

F. MATTERS OF SPECIAL PRIVILEGE

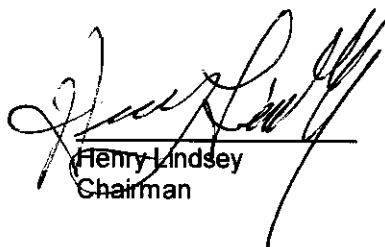
G. ADJOURNMENT

Mr. Duffy made a motion to adjourn.


The motion was approved 5-0.

The motion was approved 5-0.

The meeting adjourned at 7:58 PM..



Henry Lindsey
Chairman



Darryl E. Cook
Secretary