

**WETLANDS BOARD
MINUTES**

JANUARY 8, 2003 - 7:00PM

A. ROLL CALL

ABSENT

Henry Lindsey
David Gussman
William Apperson
Larry Waltrip

Philip Duffy

OTHERS PRESENT

Darryl E. Cook, Secretary to the Board
Ben Stagg, VMRC
Environmental Staff

B. MINUTES – November 13, 2002

The November 13, 2002 minutes were approved as presented.

C. OLD BUSINESS - None

D. PUBLIC HEARINGS

1. W-34-02: Melvin F. Gray - 3512 Barrett's Ferry Drive

Mr. Buchite presented the case stating that Mr. Wilber Jordan, of Waterfront Piers and Bulkheads on behalf of the owner, Mr. Melvin Gray, had applied for a wetlands permit to install approximately 115 feet of riprap revetment combined with 40 feet of bulkhead to prevent future erosion. A 288 foot-long pier with a 16' x 24' L deck boat lift and a 16' x 28' flat roof boat lift with a four-foot walkway was also proposed to provide access to the James River. The property is further identified as parcel (6-4) found on the James City County Real Estate Tax Map (43-1). The project site in question is located on the Chickahominy River.

Environmental Division staff visited the site on December 20, 2002, along with representatives from VMRC and VIMS to discuss the project scope and potential impacts. Proposed impacts for this project are determined to be 850 sq. ft to the Type XV Sand/Mud Flat Community. Total fill impacts for this project are determined to be 505 sq. ft to the Type XV Sand/Mud Flat Community.

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

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

2. The limits of construction shall be flagged in the field prior to the preconstruction meeting.
3. All vegetation to be removed shall be clearly flagged or marked with spray paint prior to the preconstruction meeting.
4. Any landward areas of the Resource Protection Area (RPA) buffer that are proposed to be cleared and disturbed during the construction process will require restoration with native vegetation consisting of trees, shrubs and ground cover. If vegetation is removed for construction access, an RPA restoration plan with surety shall be submitted and approved by the Environmental Division prior to the preconstruction meeting.
5. All vegetation to be removed for this project shall be approved by the Environmental Division prior to any land disturbance.
6. The Environmental Division reserves the right to require a turbidity curtain for this project if field conditions warrant its use.
7. All core stone used shall be number three stone and all armor stone shall be Class 2 riprap.
8. Filter fabric shall be inspected by the Environmental Division prior to the placement of riprap.
9. The permit shall expire January 8, 2004.
10. 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 stated he was concerned with the number of trees flagged, which would be removed.

Mr. Waltrip responded that most of the trees flagged were pine trees and most likely would die fairly soon.

Mr. Buchite stated he would be monitoring the site and would ensure proper restoration be completed.

Mr. Lindsey referred to the Comments section in the VIMS Report and asked Mr. Stagg to give his opinion relating to the potential scour that could be caused from the bulkhead.

Mr. Stagg stated that whenever a bulkhead is constructed there is always a risk of a scour. From an environmental view it is always best to go with riprap. He did say that the decision to put in a bulkhead or riprap is up to the property owner.

Mr. Lindsey referred to the objection letter from the adjacent property owner, Mr. Lawrence R. Volz, and asked if it had been resolved.

Mr. Stagg stated that Mr. Volz had objected to both joint permit applications that had been submitted by owners on either side of him. VMRC was still working on resolving the issue, but felt it would not be a problem. One objection had been resolved and they hoped to have the other one resolved as soon as they were able to make contact with the owner.

Mr. Apperson was curious as to the average life expectancy of a bulkhead.

Mr. Stagg responded that a wooden bulkhead could last approximately 15 years and a vinyl bulkhead fifty years or more, that is if they are properly designed and installed. He did say that there are no 50-year old vinyl bulkheads yet, but 50 years was the expectation.

Mr. Lindsey opened the public hearing and as no one wished to speak he closed the public hearing.

It was the consensus of the Board that it was difficult to make a decision on a case when neither the owner nor his representatives were available to answer questions.

Mr. Lindsey stated that he would not vote in favor of the case, as there was no one present that could answer the Board's questions.

Mr. Waltrip made a motion to approve case W-34-02 with staff's recommendations.

The motion was approved with by a 3-1 vote. AYE: Mr. Waltrip, Mr. Gussman, Mr. Apperson. NAY: Mr. Lindsey.

E. NEW BUSINESS - None

F. MATTERS OF SPECIAL PRIVILEGE

1. Extension of W-16-01: Hampton Roads Sanitation District – 300 Ron Springs Drive

Mr. Cook presented the case stating that Mr. William H. Salley, Jr., P.E., Hampton Roads Sanitation District, had requested an extension to the expiration date for wetlands permit W-16-01. Subsequent to the receipt of Mr. Salley's request, the Environmental Division had authorized approval of the permit expiration date to December 12, 2003. All of the permit conditions required within W-16-01 shall apply to the permit extension.

The authorization of the Wetlands Permit Extension by the Environmental Division is subject to review and confirmation by the Wetlands Board at its next meeting.

Mr. Gussman reminded the Board that Colonial Williamsburg Foundation, who is one of the applicants involved in the case, employs his wife and therefore he would abstain from discussing or voting on the case.

There was no discussion on the case.

Mr. Apperson made a motion to approve extending the expiration date on case W-16-01 from December 12, 2002 to December 12, 2003.

The motion was approved with by a 3-0 vote. (Mr. Gussman abstained from voting.)

Mr. Cook informed the Board that James City County's Chesapeake Bay Act Ordinance was in the process of being revised to match State Regulations. One of the changes would be that some exceptions to the RPA would no longer be permitted administratively but would need to be held in a public forum. He informed the Board that he wanted to recommend to the Board of Supervisors that this Board be that public forum body. In addition to being the Wetlands Board, they would also be called the Chesapeake Bay Board. He gave a brief overview of what type of cases the Board would hear and then asked the Board if they had any objections to his recommendation.

The Board inquired what the process would be for appeals as at present time they are the appeal board for administrative decisions.

Mr. Cook explained the appeal process would go directly to the Circuit Court level.

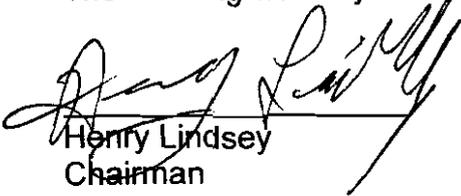
The Board unanimously requested training be made available, as well as all Board members required a Chesapeake Bay Act Handbook.

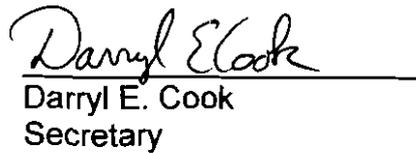
Mr. Lindsey inquired if information were available for the Annual Wetlands Symposium.

Mr. Stagg responded that he had not seen any notices of it and he would check with Tony Watkinson to have the information available.

G. ADJOURNMENT

The meeting was adjourned at 7:33 PM.


Henry Lindsey
Chairman


Darryl E. Cook
Secretary