

**JAMES CITY COUNTY WETLANDS BOARD
MINUTES
APRIL 14, 2004 - 7:00PM**

A. ROLL CALL

ABSENT

Henry Lindsey
William Apperson
Philip Duffy
Larry Waltrip

David Gussman

OTHERS PRESENT

Ben Stagg, VMRC
Environmental Staff

B. MINUTES – January 21, 2004

The January 21, 2004 minutes were approved as presented.

C. OLD BUSINESS - None

D. PUBLIC HEARINGS

1. W-13-04: William W. Sims – 7280 Osprey Drive

Mr. Jim Rudnicky presented the case stating that Mr. Daniel Winall, Water's Edge Construction, on behalf of the owner, Mr. William W. Sims, had applied for a wetlands permit for the construction of a 122-foot long replacement bulkhead along a canal in the Chickahominy Haven subdivision. The property is further identified as parcel (8-11) found on the James City County Real Estate Tax Map (19-1).

Environmental Division staff visited the site on March 18, 2004, along with representatives from VMRC and VIMS to discuss the project scope and potential impacts. Proposed impacts for this project are determined to be 244 sq. ft. to the Type XV Sand /Mud Flat Community. Total fill impacts for this project are determined to be 122 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 upland 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.
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. 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.
8. The permit shall expire on April 14, 2005.
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 expiration date.

In response to a question from Mr. Duffy, Mr. Rudnicky responded that all wetlands impacted from this project were non-vegetated tidal wetlands.

Mr. Duffy stated he spoke to Mr. Sims, the owner, who stated the cost of the project was greater than the contract price listed in the joint permit application. He stated the contractor gave the wrong contract price and suggested that the contractor had intentionally entered other false information throughout the application. Mr. Duffy stated his point was that even though the contract price had no jurisdiction for this Board, it would matter to VMRC.

Mr. Lindsey noted one of the adjacent property owners had not returned an acknowledgement form.

Mr. Rudnicky responded that he had spoken to them and they had no objections to the project.

Mr. Duffy noted that the area of and around the project had sustained a great deal of damage from Hurricane Isabelle and inquired if this project could be the first of many to come before the Board.

Mr. Rudnicky stated that it was possible, but he did not know.

Mr. Lindsey opened the public hearing.

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

The Board had no questions for Mr. Winall.

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

Mr. Duffy stated that he regretted that Mr. Sims was not present to express his thoughts on the matter.

A short discussion was held relating to different agencies and their jurisdictional waters. Mr. Stagg also noted that VMRC was only interested in knowing the project cost pertaining to State jurisdiction.

Mr. Duffy made a motion to approve case W-13-04 with staff's recommendations.

The motion was approved by a 4-0 vote.

E. BOARD CONSIDERATIONS - None

F. MATTERS OF SPECIAL PRIVILEGE

In response to Mr. Waltrip's inquiry from the last Board meeting, Mr. Cook stated that he spoke to Dorothy Geyer, Landscape Architect for the National Park Service, relating to the new bridge crossing to Jamestown Island. She said the bridge would be as high as the bridge over Powhatan Creek.

Mr. Waltrip stated he was concerned about this as he felt the bridge over Powhatan Creek was not high enough. He asked Mr. Cook to give him a name to contact so that he could find out how he could be involved in the process to determine the height of the bridge.

Mr. Cook informed the Board that York River State Park had submitted a request to install a fishing pier at Croaker Landing. He said the project was outside of the Board's jurisdiction, however, as one of the adjacent property owners had contacted VMRC with concerns, he just wanted to make the Board aware of the project.

Mr. Stagg told the Board that VMRC had written a letter to the applicant relating to this project stating they needed additional information to address their concerns.

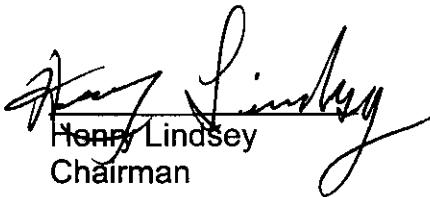
As a last issue, Mr. Cook informed the Board of a wetlands violation by John Grier Construction in Barrett's Ferry subdivision. He stated that he had been contacted by Mr. Joe Terrell, owner of John Grier Construction, about two years ago. Mr. Cook granted Mr. Terrell permission to install a gravel pathway. However, Mr. Terrell installed a much larger pathway than was authorized. DEQ and the Army Corps of Engineers became involved as the wetlands impacted were within their jurisdiction too. At the present time, DEQ has taken the lead on this matter. Mr. Cook asked the Board if they wanted to establish policy


for situations when a violation involves more than one governmental agency. In such cases, one agency could take the lead and handle the violation with the other agencies deferring to that agency and their settlement of the violation.

Mr. Stagg addressed the Board and stated that per Executive Order 66, reconstruction of structures over state land destroyed by Hurricane Isabelle had been extended for application by December 31, 2004, and project completion to June 2005.

G. ADJOURNMENT

The meeting was adjourned at 8:00 PM.


Henry Lindsey
Chairman


Darryl E. Cook
Secretary



1,000 FT MIN TO EDGE OF CHANNEL

7,500' +/- WIDTH OF RIVER
MEAN HIGH WATER TO MEAN HIGH WATER

OYSTER LEASE LINE
#11170
COWART SFD, CORP.
BEVANS OYSTER CO.

MEAN HIGH WATER (2.5)
MEAN LOW WATER (-1.5)

360'

PROPOSED PIER

500' TO DGF
BOAT RAMP

FLOOD

EBB

YORK RIVER

MEAN LOW WATER (-1.5')

MEAN HIGH WATER (2.5)

SHORE LINE

EDGE OF WETLAND

EDGE OF WETLAND

EXISTING BATHROOMS

EXISTING SIDEWALK

EXISTING SHED

NEW CONC SW

NEW RIP-RAP

EDGE PARKING LOT

PARKING LOT

ADJACENT PROPERTY OWNERS
SEE ATTACHMENT NO. 2

PLAN VIEW

SCALE: 1" = 60 FT

CROAKER LANDING, YORK RIVER STATE PARK FISHING PIER
DEPARTMENT OF CONSERVATION & RECREATION
101 NORTH 14TH ST., RICHMOND, VA. 23219

PROPOSED COMMUNITY FISHING PIER

IN THE YORK RIVER, AT GROAKER LANDING

YORK RIVER STATE PARK

JAMES CITY COUNTY, VIRGINIA

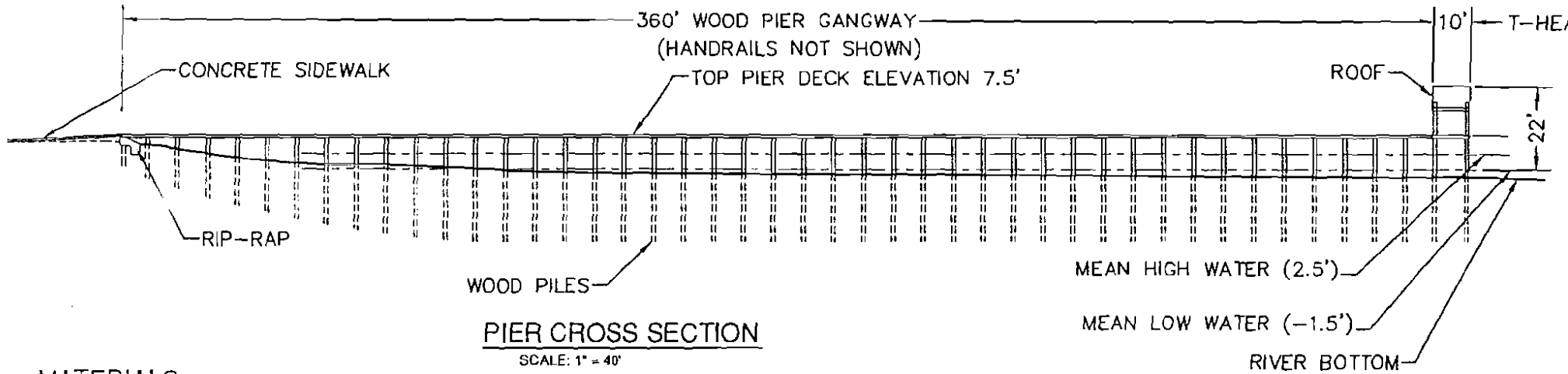
APPLICATION BY: COMMONWEALTH OF VIRGINIA

MARCH 4, 2004

DWG

24

OF



PIER CROSS SECTION

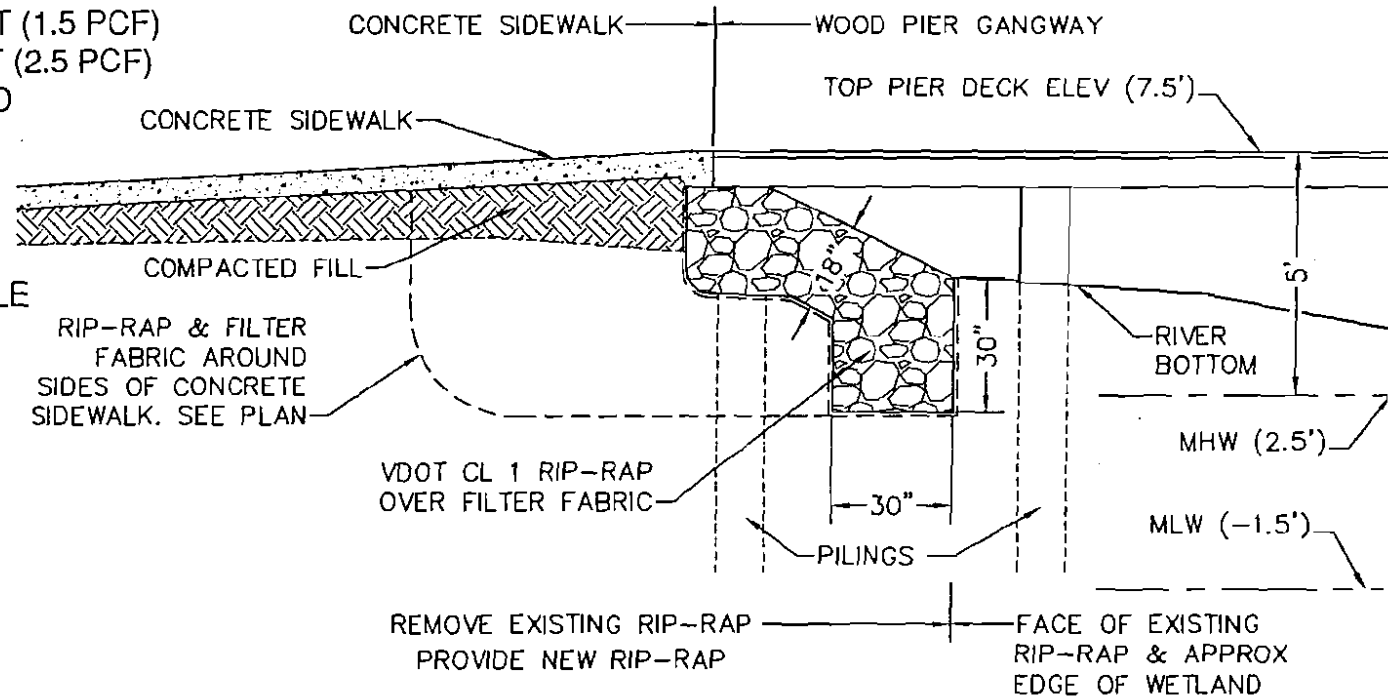
SCALE: 1" = 40'

MATERIALS

- LUMBER = CCA TYPE C TREATMENT (1.5 PCF)
- PILINGS = CCA TYPE C TREATMENT (2.5 PCF)
- FASTENERS = HOT DIP GALVANIZED

PIER FRAMING

- 2X6 DECKING ON 2X8 STRINGERS
- OUTSIDE DOUBLE STRINGERS
- 2X12 CLAMOS ON EACH SIDE OF PILE
- 12" CLASS "B" PILING @ 8' OC



RIP-RAP SECTION

SCALE: 1" = 4'

ADJACENT PROPERTY OWNERS
SEE ATTACHMENT NO. 2

CROSS SECTIONS

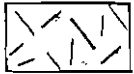
SCALE: AS NOTED

CROAKER LANDING, YORK RIVER STATE PARK FISHING PIER
DEPARTMENT of CONSERVATION & RECREATION

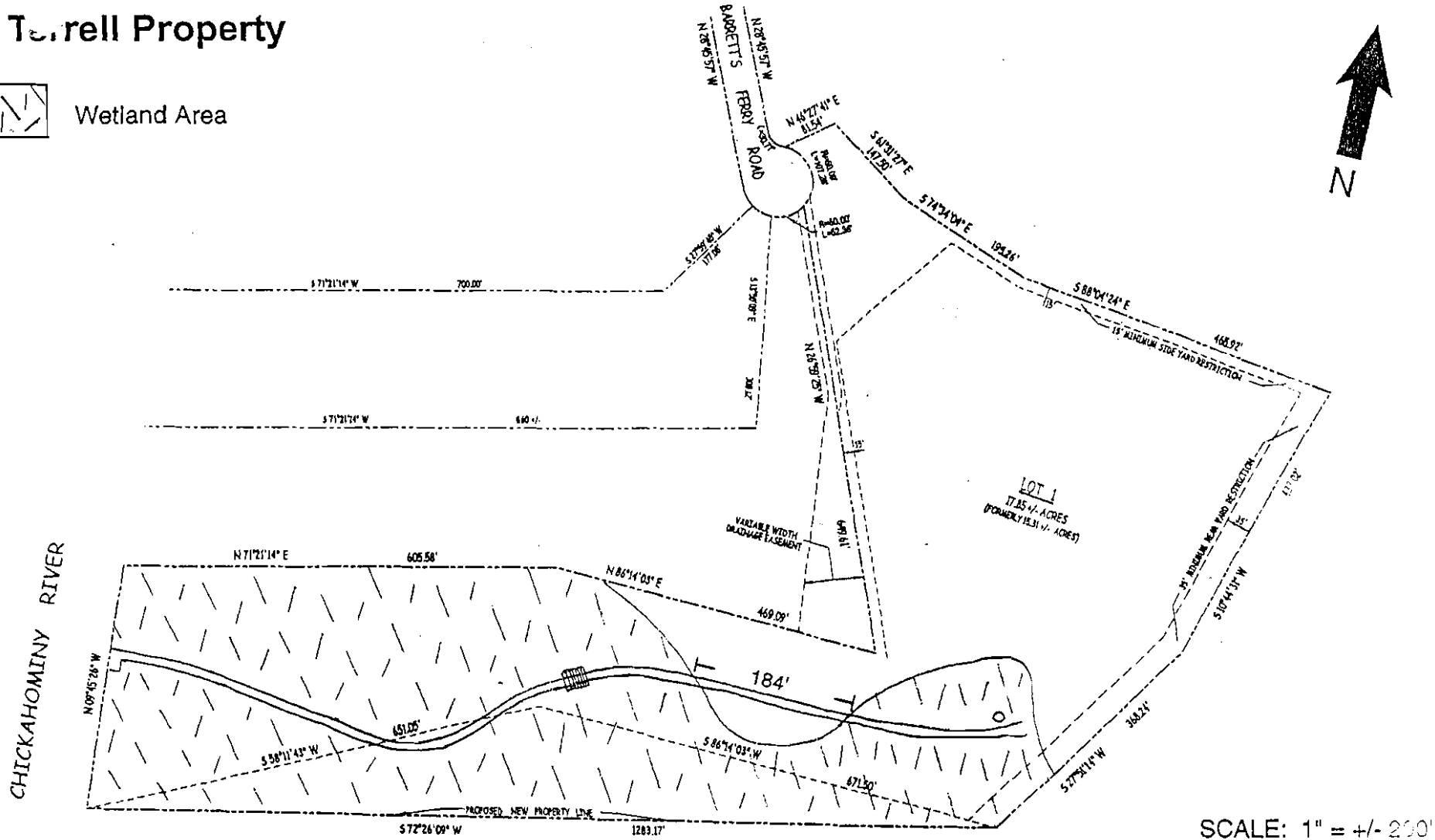
PROPOSED COMMUNITY FISHING PIER

IN THE YORK RIVER, AT CROAKER LANDING
YORK RIVER STATE PARK
JAMES CITY COUNTY, VIRGINIA
APPLICATION BY: COMMONWEALTH OF VIRGINIA
MARCH 4, 2004


The Terrell Property



Wetland Area



SCALE: 1" = +/- 200'

DRAWN BY: SEK	WETLANDS MAP The Terrell Property James City County, Virginia	 ENVIRONMENTAL SPECIALTIES GROUP, INC.
FILE NAME: 7142		
PURPOSE: Gravel Pathway DATUM: ADJACENT PROPERTY OWNERS: 1. See Adjacent Property 2. Owners Section 3.	APPLICANT: John Grier Construction CITY: Williamsburg STATE: Virginia	