

**JAMES CITY COUNTY WETLANDS BOARD  
MINUTES  
SEPTEMBER 8, 2004 - 7:00PM**

**A. ROLL CALL**

**ABSENT**

Henry Lindsey  
David Gussman  
William Apperson  
Philip Duffy  
Larry Waltrip

NONE

**OTHERS PRESENT**

Ben Stagg, VMRC  
Randy Owen, VMRC  
Environmental Division Staff

**B. MINUTES – July 14, 2004**

The July 14, 2004 minutes were approved as presented.

**C. PUBLIC HEARINGS**

1. W-35-04/VMRC 04-1568: Ken and Pam Draskovic - 6005 Tabiatha Lane

Mr. Joe Buchite presented the case stating that Mr. Steven Fisher of Woodchuck Marine Services, on behalf of Mr. and Mrs. Ken Draskovic, had applied for a wetland permit to install approximately 126 feet of bulkhead with associated fill to prevent future erosion and provide access to the man made canal behind his property. The property is further identified as parcel (6-30) found on the James City County Real Estate Tax Map (19-1). The project site in question is located on a tributary of the Chickahominy River. Mr. and Mrs. Draskovic and Mr. Fisher have been advised that their attendance at the Wetlands Board meeting on September 8, 2003 was highly recommended.

This project will involve the construction of 126 linear feet of vinyl bulkhead placed as close to the shoreline as possible to minimize sediment travel and reduce the potential wetlands impacts. The bulkhead will be constructed using 8' sheets of C LOC 9000 with a 4x6 whaler, salt treated dead men, filter drain plugs, and filter fabric. The project will involve 252 square feet of impacts to jurisdictional wetlands.

Environmental Division staff visited the site on August 19, 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 60 sq. ft to the Type XI Freshwater Mixed Community and 192 to the Type XV Sand/Mud Mixed Flat Community. Total fill impacts for this project are determined to be 252 sq. ft. to the Type XII Brackish Water Mixed 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. A turbidity curtain shall be required prior to commencement of any construction activity unless waived by the Environmental Division Director.
7. Filter fabric shall be inspected by the Environmental Division prior to the placement of backfill.
8. The permit shall expire September 8, 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.

Mr. Duffy asked how high the top of the bulkhead is in relation to mean high water.

Mr. Buchite stated that a revised drawing for the bulkhead had just been received by the Environmental Division the day of the meeting.

The revised drawing was handed out to the Board members.

Mr. Menichino stated that it was staff's decision to present the case as it was originally submitted, as staff had not had an opportunity to review the revisions to the impacts or the design.

Mr. Lindsey opened the public hearing.

A. Mr. Steve Fisher with Woodchuck Marine, the contractor, stated that the changes were made to straighten out the bulkhead to save two of the existing cypress trees.

Mr. Gussman asked how much farther the bulkhead would be coming out into the water.

Mr. Fisher stated the bulkhead would come out approximately 2½ feet on one side.

Mr. Duffy wanted to know why the wall could not be built behind the wall.

Mr. Fisher stated that it could be done; it would just depend on how far upland it was desired to do. However, it was Mr. Fisher's opinion that the cypress trees would not be impacted by filling around them with sand.

Mr. Apperson agreed that the cypress trees would probably regenerate new knees if sand fill is used and the trees are healthy and vigorous. They would likely not be adversely affected by the filling around them if the bulkhead were moved in front of the trees.

Mr. Duffy asked how high the wall would be and if it would keep out the water.

Mr. Fisher responded that if the wall were overtopped, the water would just drain out because it is backfilled with sand and filter fabric.

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

Given that the plan was just submitted and had not been reviewed by staff, Mr. Stagg recommended that a revised plan and VIMS report be received before acting on the revised plan or else the Board should act on the original application.

Mr. Waltrip suggested that action on the application be deferred for 30 days so adequate review of the plans could be made by staff.

A general discussion followed regarding the location of the bulkhead in relation to the existing bulkheads on either side of the property and the need for return walls.

Mr. Lindsey made a motion to postpone action on case W-35-04 until the next Board meeting in October.

The motion was approved by a 5-0 vote.

2. W-36-04/VMRC 04-1541: James H. Timberlake, Jr. - 7264 Osprey Drive

Mr. Joe Buchite presented the case stating that Mr. James Harold Timberlake, had applied for a wetlands permit to install a 10' by 25' boathouse, a 4' by 8' pier for access, 3 additional finger piers, and approximately 100 feet of bulkhead with associated fill to prevent future erosion and provide access to the man made canal behind his property. The property is further identified as parcel (8-3) found on the James City County Real Estate Tax Map (19-1). The project site in question is located on a tributary of the Chickahominy River. Mr. Timberlake has been advised that his attendance at the Wetlands Board meeting on September 8, 2004 is highly recommended.

The project will involve 300 square feet of impacts to jurisdictional wetlands. Environmental Division staff visited the site on August 19, 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 100 sq. ft to the Type XI Freshwater Mixed Community and 200 to the Type XV Sand/Mud Mixed Flat Community. Total fill impacts for this project are determined to be 300 sq. ft.

It is the staff's recommendation that the Board defer this application due to insufficient information in regards to the placement of the proposed structures and potential wetlands impacts.

Mr. Duffy asked what additional information was needed to complete the application.

Mr. Buchite stated that accurate drawings of the shoreline complete with the existing vegetation were needed and they also needed to show the location of the proposed bulkhead.

Mr. Lindsey opened the public hearing.

A. Mr. Timberlake stated that he had met with his contractor and that the contractor had the final drawings. He will submit the drawings very soon.

Mr. Menichino stated that the application would also need to be revised because it currently states that there are no impacts to wetlands.

Mr. Gussman made a motion to postpone case W-38-04 for 30 days giving time for the application to be updated with the final drawings.

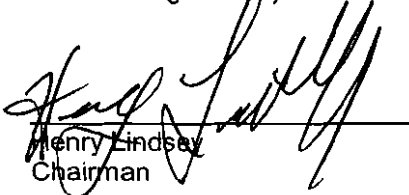
The motion was approved by a 5-0 vote.

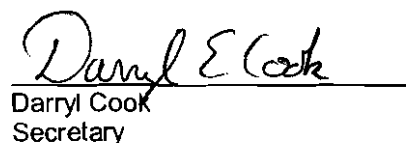
**D. BOARD CONSIDERATIONS - None**

**E. MATTERS OF SPECIAL PRIVILEGE - None**

**F. ADJOURNMENT**

The meeting was adjourned at 7:45 PM.

  
Henry Lindsey  
Chairman

  
Darryl Cook  
Secretary