

**JAMES CITY COUNTY WETLANDS BOARD
MINUTES
OCTOBER 13, 2004 - 7:00PM**

A. ROLL CALL

Henry Lindsey
David Gussman
Philip Duffy

ABSENT

William Apperson
Larry Waltrip

OTHERS PRESENT

Ben Stagg, VMRC
Environmental Division Staff

B. MINUTES – The September 8, 2004 minutes were approved as presented.

C. PUBLIC HEARINGS - none

D. BOARD CONSIDERATIONS

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 the owners Mr. and Mrs. Ken Draskovic, had applied for a wetlands 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 had been advised that their attendance at the Wetlands Board meeting on October 13, 2004 was highly recommended.

This project involves the construction of 126 linear feet of vinyl bulkhead placed as close to the shoreline as possible to minimize sediment travel ,reduce the potential wetlands impacts and save the existing two bald cypress trees. 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 473 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 413 to the Type XV Sand/Mud Mixed Flat Community. Total fill impacts for this project are determined to be 473 sq. ft.

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 October 13, 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. Lindsey questioned staff's report stating that while visiting the site, he saw three cypress trees but staff's report indicated two. He also asked what the contractor was going to do with the existing drainage pipe located on the edge of the property.

Mr. Buchite responded that the third cypress tree on the left side was located more on the bank and would not be affected by the project. He did not know about the drainage pipe but suggested the contractor address the question.

Mr. Lindsey asked if anyone from the public cared to speak on the matter.

A. Mr. Steve Fisher, Woodchuck Marine Structures, stated that once he had excavated the bank he would reconstruct the pipe and place it back in its location.

Mr. Duffy asked when the project would start and end and how it would be accessed.

Mr. Fisher responded that he hoped to begin the job within the next two weeks. He hopes to complete the job in one week; however, if the bottom was hard clay, the job could take longer. He would access the site from the landward side.

Mr. Lindsey inquired why the application showed a dock, but the dock did not exist on site.

Mr. Fisher responded the dock was gone, however the pilings were there and he would install new decking using the same footprint of the old dock.

Mr. Lindsey closed the hearing as no one else wished to speak on the case and the Board had no more questions for the contractor.

Mr. Duffy made a motion to approve case W-35-04 with staff's recommendations.

The motion was approved by a 3-0 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 had been advised that his attendance at the Wetlands Board meeting on October 13, 2004 was highly recommended.

The project involves 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 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 October 13, 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. Buchite responded the bulkhead would tie into the left adjacent property in the clump of trees and on the right adjacent property into the shoreline.

Mr. Lindsey asked if anyone from the public cared to speak on the matter.

A. Mr. Timberlake, owner, stated he was available to answer any questions.

Mr. Lindsey clarified that through a discussion with Mr. Buchite on site, it was agreed that the cypress stumps would be cutoff at low tide. His then asked what was to be done with the log parallel to the shoreline.

Mr. Timberlake stated he had discussed this with Mr. Buchite and it was agreed that it would be cutoff at low tide. The contractor was going to handle it.

Mr. Duffy suggested to Mr. Timberlake that if he had a certain method that he wanted used, then he should have that placed in writing.

Mr. Lindsey closed the hearing as no one else wished to speak on the case and the Board had no more questions for the contractor.

Mr. Duffy commended the homeowners for taking an active role in preserving their property.

Mr. Gussman made a motion to approve case W-36-04 with staff's recommendations.

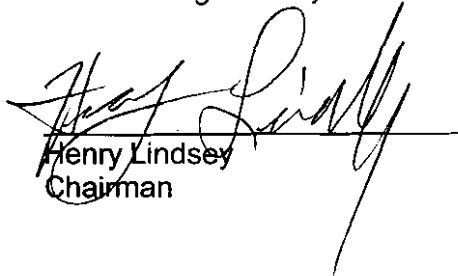
The motion was approved by a 3-0 vote.

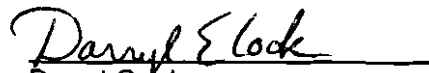
E. MATTERS OF SPECIAL PRIVILEGE

Mr. Duffy asked Mr. Cook to request mileage reimbursement for Board members in the next budget cycle.

F. ADJOURNMENT

The meeting was adjourned at 7:20 PM.


Henry Lindsey
Chairman


Darryl Cook
Secretary