

JAMES CITY COUNTY WETLANDS BOARD
September 14, 2005 - 7:00PM

A. ROLL CALL
Henry Lindsey
David Gussman
John Hughes

ABSENT
Larry Waltrip
William Apperson

OTHERS PRESENT
Randy Owen, VMRC
County Staff

B. MINUTES – July 13, 2005

The July 13, 2005 minutes were approved as presented.

C. PUBLIC HEARINGS

1. W-17-05/VMRC 05-1635; 4047 South Riverside Drive

Mr. Buchite presented the case stating that Mr. David Tuftee, had applied for an after the fact wetland permit for the installation of approximately 10 linear feet of bulkhead and with associated fill to eliminate an existing concrete boat ramp access on the Chickahominy River behind Mr. Tuftee's property. The property is further identified as parcel (5-6) found on the James City County Real Estate Tax Map (19-1). The project site in question is located on the Chickahominy River. Mr. Tuftee had been advised that his attendance at the Wetlands Board meeting on September 14, 2005 is highly recommended.

This project involved the construction of 10 linear feet of timber bulkhead with associated fill. The bulkhead was constructed using 2"x 8" sheets of timber tongue and groove with 4"x6" whalers. The project involved 40 square feet of impacts to jurisdictional wetlands.

Environmental Division staff visited the site on August 29, 2005, along with representatives from VMRC and VIMS to discuss the project scope and potential impacts. Proposed impacts for this project are determined to be 40 square feet to the Type XV Sand/Mud Mixed Flat Community. Total fill impacts for this project are determined to be 40 square feet.

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

1. A civil charge is assessed with staff's recommendation of \$250.00 US dollars.

Mr. Hughes referred to the picture of the existing bulkhead and asked Mr. Buchite to point out the area to be permitted.

Mr. Lindsey opened the public hearing.

A. Mr. David Tuftee, the property owner, stated that he had received verbal permission to add the extension when the existing bulkhead was replaced 8 years ago.

Mr. Hughes asked if Mr. Tuftee had applied for a building permit to extend the bulkhead.

Mr. Buchite advised that a building permit was not required for bulkhead.

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

Mr. Hughes stated, and the other board members agreed, that they would have granted the permit if Mr. Tuftee had applied before construction. It was decided that permitting the extension would have less impact on the wetlands than removing it.

Mr. Gussman made a motion to approve case W-17-05 with staff's recommendations.

The motion was approved by a 3-0 vote.

2. W-18-05/VMRC 05-1703; Major Open Space 30, River Oaks North

Mr. Buchite presented the case stating that Mr. David R. King, General Manger, Governor's Land Foundation, had applied for a wetland permit to allow for the construction of a nature walkway at major open space 30, River Oaks North located in the Governor's Land Subdivision in James City County. The property is further identified as parcel (1-1A) found on the James City County Real Estate Tax Map (43-2). The project proposes work on Gordon's Creek. Mr. King and Mr. Streeter the authorized agent had been advised that their attendance at the Wetland Board meeting on September 14, 2005 was highly recommended.

The project involves the construction of an elevated, open-pile nature walkway between the major open space 30 and Gordon's Creek. The purpose of the project is to provide resident access to Gordon's Creek for nature watching and facilitate canoe and kayak launching from the end of the walkway. The walkway will be constructed from Gordon's Creek and plywood mats will be utilized to limit wetland impacts. No trees will be required to be removed to access or construct this project. The applicant proposes to mitigate for any impacts by seeding or sprigging native species.

Environmental Division staff visited the site on September 1, 2005 along with representatives from VMRC and VIMS to discuss the project scope and potential impacts. Proposed impacts from this project are determined to be 1002 sq. ft to the Type XI Freshwater Mixed Community. Total fill impacts are determined to be 0 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 pre-construction meeting will be held on-site.
2. If any landward areas of the Resource Protection Area (RPA) buffer are disturbed, a mitigation-replanting plan consisting of native trees, shrubs and ground cover will be required.
3. The Environmental Division, prior to any disturbance, shall approve all vegetation requiring removal for this project.
4. The permit shall expire September 14, 2006.
5. 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. Hughes inquired about the height of the proposed walkway.

Mr. Buchite responded that it would be 4 feet above marsh bottom.

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

Mr. Hughes made a motion to approve case W-18-05 with staff's recommendations.

The motion was approved by a 3-0 vote.

D. BOARD CONSIDERATIONS - None

E. MATTERS OF SPECIAL PRIVILEGE

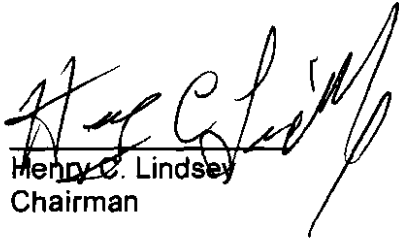
Because two Board members were absent, the presentation by VMRC regarding revisions to the Wetlands Mitigation/Compensation Policy, was postponed.


A short discussion was held relating to the impacts of the revisions and the emphasis now being on vegetative and not non-vegetative wetlands.

Mr. Roth, a member of the audience, made a comment regarding the fairness of requiring homeowners to mitigate for losses when the repairs they were making were actually preventing the erosion of the wetlands.

F. ADJOURNMENT

The meeting was adjourned at 7:50 PM.


Henry C. Lindsey
Chairman


Darryl E. Cook
Secretary