

JAMES CITY COUNTY WETLANDS BOARD
April 12, 2006 - 7:00PM

A. ROLL CALL
William Apperson
Larry Waltrip
John Hughes

ABSENT
David Gussman
Henry Lindsey

OTHERS PRESENT
Elizabeth Gallup, VMRC
County Staff

B. MINUTES – January 11, 2006

The January 11, 2006 minutes were approved as presented.

C. PUBLIC HEARINGS

1. W-27-05/VMRC 05-2841 Amendment – John H. Lee – 6011 Tabiatha Lane

Mr. Menichino presented the case stating that Gloucester Environmental, LLC, on behalf of Mr. John H. Lee, owner, 6011 Tabiatha Lane, applied for an after-the-fact modification to wetlands permit W-27-05. The original permit was issued for the installation of approximately 110 ft of 4 ft high vinyl bulkhead with one 5 ft return wall, and a 30 ft by 15 ft open sided boathouse and a 45 ft by 4 ft wide access pier within a man made canal off the Chickahominy River, behind the respective property. The property is further identified by James City County Real Estate, as pin #1910600027). Mr. Lee and Gloucester Environmental, LLC have been advised that their attendance at the Wetlands Board meeting on April 12, 2006 was highly recommended.

Environmental Division staff visited the site on February 24, 2006, and determined that there has been a slight variance from the plan and permit approved by the Board on January 11, 2006.

The vinyl bulkhead should have been installed and aligned to tie into the existing bulkhead on the west side of the property and should have been angled so that the east end of the bulkhead be placed at the existing natural shoreline (Mean High Water) to minimize the potential wetlands impacts. The contractor installed the west end of the bulkhead correctly, but through a stake out error, the east end of the bulkhead was installed 3.5 feet channel ward. This error has resulted in an additional 110 sq ft of impacts, for a total of 220 sq ft of impacts to the Type XV Sand/Mud Mixed Flat Community.

In the past, the Board has allowed for up to 2 ft of channel ward encroachment to allow for a bulkhead installation. Requiring removal of this bulkhead and realigning it to conform to the existing permit may cause additional environmental impacts therefore, it is the staff's recommendation that the Board approve the permit modification and allow the bulkhead to remain in its present location.

Staff believes the error in the bulkhead placement was not intentional. If the Board chooses to consider a penalty in this matter, staff recommends that it be minimal.

Mr. Apperson opened the public hearing.

A. Ms. Christine Breddy, Gloucester Environmental LLC, agent for the applicant, explained that the staking error was not intentional and asked that the Board approve the modification.

B. Mr. Chuck Schreiber, Schreiber Contracting, contractor for the project, approached the Board and presented additional pictures of the installed bulkhead.

Mr. Hughes stated his concern that because bulkheads are normally constructed in alignment with one another, the wetlands impact will increase, when and if the property owners to the east install bulkheads.

Mr. Schreiber referenced one of the pictures he supplied, and indicated that the curve in the canal would prevent the additional encroachment.

Mr. Waltrip agreed that the misalignment and impact could be corrected on the next property.

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

Mr. Hughes made a motion to approve the modification to Wetlands Permit W-27-05.

The motion was approved by a 3-0 vote.

D. BOARD CONSIDERATIONS - none

E. MATTERS OF SPECIAL PRIVILEGE - none

F. ADJOURNMENT

The meeting adjourned at 7:10 PM.



William Apperson
Chairman



Patrick Menichino
Secretary