

JAMES CITY COUNTY WETLANDS BOARD
June 13, 2007 - 7:00PM

A. ROLL CALL

ABSENT

John Hughes - Chairman
William Apperson
Henry Lindsey
Larry Waltrip
Davis Gussman

OTHERS PRESENT

Elizabeth Gallup, VMRC
County Staff

B. MINUTES -- May 9, 2007

The May 9, 2007 minutes were approved as presented.

C. PUBLIC HEARINGS

1. W-10-07: Eugene Andrews - 3406 North Riverside Drive

Pat Menichino presented the case stating that Mr. Eugene C. Andrews applied for an after the fact Wetlands permit for a boat ramp created on his property located at 3406 North Riverside Drive, Lanexa. The property is further identified by James City County Real Estate as PIN # 0940100008N. The existing boat ramp is located on Mill Creek a tributary to the Chickahominy River. Mr. Andrews was advised that his attendance at the Wetlands Board meeting was highly recommended.

The boat ramp is located where a large tree once stood adjacent to a small cove in the tidal area. The tree was uprooted during a storm event and the root ball of the tree created a large hole, which quickly filled with tidal waters. Mr. Andrews removed the tree and root ball and graded the slope entering the cove and tidal area.

Environmental Division staff visited the site on May 8, 2007, along with representatives from VMRC to review the case and discuss the impacts. The impacts associated with this ramp are approximately 300 sqft to the Type XI Fresh Water Mixed Community. Total fill impacts for this project are determined to be 0 sqft. Staff believes that because of the tree removal there is a net increase in created Wetlands.

Staff is not opposed to this ramp remaining in place.

Following Board consideration, should the Board decide to allow the ramp to remain, staff recommends the following conditions be imposed:

1. The ramp shall remain in its present condition. This after the fact permit does not authorize any additional work or maintenance activity on the ramp or within the wetlands located on the property other than described in items 2 & 3 below.
2. The applicant shall be required to install 100 wetlands plants, such as Pickerel Weed, Arrow Arum, etc; as mitigation for the unauthorized ramp. These plants will be installed in suitable areas within the cove and adjacent areas as directed by Division staff.
3. The installation of the wetlands plants shall be completed by June 13, 2008.
4. The permit shall expire June 13, 2008.
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 the expiration date.

Mr. Hughes stated if the ramp were not permitted, the area would be returned to its natural state.

Mr. Hughes opened the public hearing.

Mr. Lindsey inquired as to how the ramp was used.

Mr. Waltrip asked if the owner was agreeable with the staff recommendation that no other work or maintenance be done on the ramp.

A. Eugene Andrews, property owner, stated he used a tractor to back his boat into the creek and he was agreeable with staff recommendations.

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

Mr. Lindsey made a motion to grant the permit for case W-10-07 with staff recommendations.

The motion to grant the permit was approved by a 5-0 vote.

2. W-09-07: Gloucester Environmental/Mary Morris – 1498 Bush Neck Road - Continued from 5/9/07

Pat Menichino presented the case stating that Ms. Christine Breddy of Gloucester Environmental applied for a Wetlands permit on behalf of Mary Morris to install approximately 450 linear feet of riprap revetment to prevent future erosion along the shoreline at 1498 Bush Neck Road. The property is further identified by James City County Real Estate as PIN # 3410100001. The project is located on Chickahominy River, a tributary to the James River. Ms. Breddy and Ms. Morris, were advised their attendance at the Wetlands Board meeting was highly recommended.

The proposed revetment is to be constructed using Class I riprap armor stone, Class A-2 core stone, and filter fabric. The project will involve impacts to jurisdictional wetlands and it will include impacts to upland areas not within the Wetlands Board's jurisdiction. The proposed project as will also require excavation of the upland area to create an acceptable 2:1 slope.

Environmental Division staff visited the site on April 27, 2007, and on May 1, 2007, to review the project scope and potential impacts. Proposed impacts for this project are determined to be 1000 sqft to the Type XV Sand/Mud Mixed Flat Community. Total fill impacts for this project are determined to be 500 sqft.

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 and approved by the Environmental Division (Division), prior to any land disturbance.
4. The proposed project will impact approximately 5000 sqft of Resource Protection Area (RPA) buffer. An RPA buffer restoration plan detailing the installation of native understory trees, shrubs and ground cover will be required prior to the preconstruction meeting and the onset of any work. The amount of trees, shrubs, and ground cover required shall be determined by the Division. The implementation of the RPA restoration plan shall be guaranteed by surety in a form acceptable to the Division prior to the preconstruction meeting.
5. The armor stone proposed for this revetment is class 1. The fetch at that location along the Chickahominy River is approximately 2 miles, therefore a rating of medium energy can be assumed. Staff recommends that class 2 armor stone be substituted for the class 1, unless the applicant can demonstrate that class one is adequate. All core stone used shall be A-1 stone.
6. The proposed slope grading and riprap installation at the eastern property line shall require a modification plan and additional Division approval prior to the preconstruction meeting.
7. The Environmental Director reserves the right to require a turbidity curtain for this project if field conditions warrant its use.
8. Filter fabric shall be inspected by the Division prior to the placement of riprap.
9. The permit shall expire June 13, 2008. 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 the expiration date.

Mr. Hughes stated the public hearing was still open from 5/9/07. As no one wished to speak, he closed the public hearing.

Mr. Waltrip stated he agreed with the recommendation of substituting class 2 armor stone for class 1.

Mr. Lindsey stated he observed a lot of erosion in the area due to the steep banks.

Mr. Hughes stated the shoreline work needed to be done.

Mr. Lindsey made a motion to grant the permit for case W-10-07 with staff recommendations.

The motion to grant the permit was approved by a 5-0 vote.

D. BOARD CONSIDERATIONS

1. W-30-04/VMRC 04-1197: David L Hart - 7234 Otey Drive - Permit Extension

Mr. Menichino presented the case stating Mr. David Hart, owner, had requested an extension of the expiration date for Wetlands Permit No. W-30-04. Subsequent to the receipt of Mr. Hart's request, the Environmental Division had authorized approval of the permit expiration date from July 13, 2007 to July 13, 2008. All of the permit conditions required within W-30-04 apply to the permit extension.

The authorization of the Wetlands Permit Extension by the Environmental Division is subject to review and confirmation by the Wetlands Board at this meeting.

Mr. Lindsey made a motion to approve extending the permit expiration date for case W-30-04 from July 13, 2007 to July 13, 2008 with all previously approved conditions.

The motion was approved by a 5-0 vote.

2. W-05-06/VMRC 06-0616: Arthur Casey - 147 West Landing - Permit Extension

Mr. Menichino presented the case stating Mr. Danny Winall on behalf of Mr. Arthur Casey and Mr. James Zinn had requested an extension of the expiration date for Wetlands Permit No. W-05-06. Subsequent to the receipt of Mr. Winall's request, the Environmental Division has authorized approval of the permit extension from May 10, 2007 to May 10, 2008. All permit conditions required within W-05-06 shall apply to the permit extension.

The authorization of the Wetlands Permit Extension by the Environmental Division is subject to review and confirmation by the Wetlands Board at its next meeting.

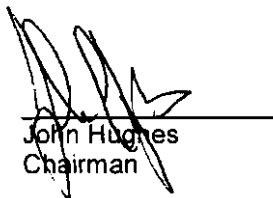
Mr. Hughes made a motion to approve extending the permit expiration date for case W-05-06 from May 10, 2007 to May 10, 2008 with all previously approved conditions.

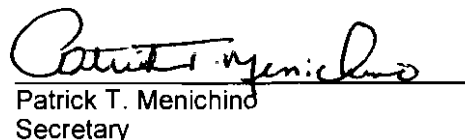
The motion was approved by a 5-0 vote.

E. MATTERS OF SPECIAL PRIVILEGE - none

F. ADJOURNMENT

The meeting adjourned at 7:15 PM.


John Hughes
Chairman


Patrick T. Menichino
Secretary