

JAMES CITY COUNTY WETLANDS BOARD
MINUTES
Wednesday May 13, 2015

A. ROLL CALL

John Hughes – Chair
Charles Roadley
David Gussman
Larry Waltrip
Roger Schmidt - Alternate

ABSENT
William Apperson

OTHERS PRESENT

County Staff:

Michael Woolson, Senior Watershed Planner
Scott J Thomas, Engineering and Resource Protection Director
Allie Kotula, Assistant County Attorney
Melanie Davis, Secretary to the Board
Mark Eversole, Virginia Marine Resource Commission (VMRC)

The responsibility of this Board is to carry out locally the Commonwealth policy to preserve the wetlands and to accommodate economic activity so as to prevent their despoliation.

B. MINUTES

The April 8, 2015 Board minutes were approved as written.

C. PUBLIC HEARINGS

1. **W-11-15 / VMRC 15-0500: Linkenauger – 4101 South Riverside Dr**

Michael Woolson presented this case for the Joint Permit Application (JPA) submitted by Deborah Linkenauger. The application was to replace a failing cinderblock bulkhead on her property at 4101 South Riverside Drive in the Chickahominy Haven subdivision, JCC Parcel Number 1910500034. The proposal was to install a wood or vinyl bulkhead in the exact same location at the failing bulkhead. Mr. Woolson displayed photographs and described the current conditions of the site including the large bald cypress tree growing over the failing bulkhead. He stated there would be no tidal wetlands impacts associated with the proposal and therefore no required mitigation. Staff recommended approval of the application with the conditions specified in the Resolution to Grant the Wetlands Permit.

Mr. Gussman asked how the project would be done without damaging the bald cypress tree that was growing over the existing bulkhead.

Mr. Woolson suggested they could place a return on the new bulkhead just before it reached the cypress tree, leaving the tree and that part of the old bulkhead in place. He said the final determination would have to be made after the demolition of the existing wall.

Mr. Roadley asked if they would be removing the existing cinderblock bulkhead or just the failing wooden wall. He stated the submitted drawings were not adequate to allow a compliance inspection. He suggested some benchmarks be noted at a preconstruction meeting.

Mr. Woolson stated the application proposed to replace the cinderblock bulkhead however; it would also be permissible to place the new wall immediately in front of it. He stated the pre-construction benchmarking could be included in the requirements for the permit.

Mr. Waltrip stated it would probably be better to leave the cinderblock bulkhead in place as it was currently holding back the soil and removing it might cause more damage and silt loss.

Mr. Hughes asked if the option of keeping the cinderblock bulkhead had been discussed with the applicant and also asked if another tree near the wall would have to be removed.

Mr. Woolson stated the option of keeping the cinderblock bulkhead had not been discussed with the applicant and most likely the tree in question would have to be removed to accommodate for the tie backs associated with the new wall.

Mr. Hughes opened the public hearing.

A. The applicant's sister Diana Linkenauger, addressed the Board stating she was in contact with the owner/applicant, Deborah Linkenauger, via cell phone to answer questions from the Board.

Mr. Hughes asked if Ms. Linkenauger had considered leaving the existing cinderblock bulkhead in place as the submitted drawing seemed to indicate or if it would be removed as stated in the written text of the application.

A. Ms. Linkenauger stated via cell phone that most likely because of the cost, the new wall would be placed in front of the existing cinderblock bulkhead however; it would depend upon the contractor she hired for the project. She stated if it could be done easily, the cinderblock bulkhead would probably be removed. She asked for the preference of the Board.

Mr. Woolson stated it would be more environmentally friendly to leave it in place.

A. Ms. Linkenauger via cell phone said it might be difficult to work around because it was already damaged and in pieces and may be further damaged during construction of the new wall.

Mr. Roadley stated the issue was the location of the new wall. He understood the applicant did not want to set a specific requirement of leaving the existing cinderblock bulkhead in place if the contractor determined it should be removed.

Mr. Hughes felt the County needed to know what was planned in order to specify the requirements in the permit.

Mr. Woolson stated the County could specify the requirements at the pre-construction meeting including the placement of a turbidity curtain if needed to control erosion. They could also set requirements for disposal of the cinderblock bulkhead should it need to be removed.

A. Ms. Linkenauger via cell phone stated she would like the option to keep or remove the existing wall depending on the preference of the contractor and she would follow any requirements imposed the Board.

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

Mr. Gussman asked if communication with the applicant via cell phone would be admissible on an appeal.

Allie Kotula, Assistant County Attorney, stated she would have to research to see if it would be an issue because there was no way to confirm the identity of the person speaking on the cell phone.

Mr. Hughes stated his concern was not knowing exactly what was being requested for permit because a contractor had not been selected and a representative with authority to answer questions was not present. His preference was to defer the case until these issues could be resolved.

As the deferral request had to come from the applicant who was not present, the only option for the Board was to postpone their vote for the allowable 30 days.

Mr. Gussman made a motion to postpone the Board decision on case W-11-15/VMRC 15-0500, to the Wetlands Board meeting on June 10, 2015.

The motion to postpone was granted by a 5-0 vote.

Mr. Hughes stated this would give the applicant time to finalize her plans and hire a contractor. He further suggested that the selected contractor contact Staff to discuss the project.

D. BOARD CONSIDERATIONS

1. Corrections to historic Wetlands Board minutes from 1977 - 1990

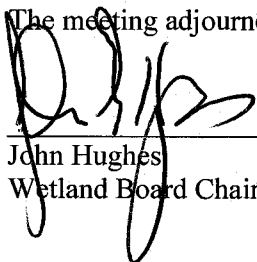
Mr. Hughes stated the errors were in dates and record of vote and made a motion to accept all corrections to the historic minutes.

The motion was approved by a 5-0 vote.

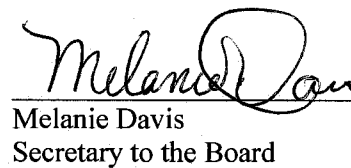
E. MATTERS OF SPECIAL PRIVILEGE - None

F. ADJOURNMENT

The meeting adjourned at 7:25 p.m.



John Hughes
Wetland Board Chair



Melanie Davis
Secretary to the Board