

**A G E N D A**  
**JAMES CITY COUNTY WETLANDS BOARD**  
**REGULAR MEETING**  
**County Government Center, Building F**  
**101 Mounts Bay Road, Williamsburg, Virginia 23185**  
**September 12, 2018**  
**5:00 PM**

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**A. CALL TO ORDER**

**B. ROLL CALL**

**C. MINUTES**

1. Minutes from the August 8, 2018, regular meeting

**D. PUBLIC HEARINGS**

1. WJPA 18-0070 : William & Mary Sailing Team

**E. BOARD CONSIDERATIONS**

**F. MATTERS OF SPECIAL PRIVILEGE**

**G. ADJOURNMENT**

**ITEM SUMMARY**

DATE: 9/12/2018  
TO: Wetlands Board  
FROM: Wetlands Board Secretary  
SUBJECT: Minutes from the August 8, 2018, regular meeting

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**ATTACHMENTS:**

	Description	Type
☐	Minutes	Minutes

**REVIEWERS:**

Department	Reviewer	Action	Date
Wetlands Group	Woolson, Michael	Approved	8/28/2018 - 2:57 PM
Wetlands Group	Geissler, Fran	Approved	8/28/2018 - 7:20 PM
Publication Management	Burcham, Nan	Approved	8/29/2018 - 7:36 AM
Wetlands Group	Secretary, Wetland	Approved	9/6/2018 - 7:13 AM

**MINUTES**  
**JAMES CITY COUNTY WETLANDS BOARD**  
**REGULAR MEETING**  
**County Government Center, Building F**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**August 8, 2018**  
**5:00 PM**

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**A. CALL TO ORDER**

The Wetlands Board meeting for August 8, 2018 was called to order.

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 its despoliation.

**B. ROLL CALL**

Board Members Present:

John Hughes - Chair  
William Apperson - Vice Chair  
Larry Waltrip

Board Members Absent:

David Gussman  
Charles Roadley  
Louis Bott

County Staff Present:

Michael Woolson, Secretary to the Board, Senior Watershed Planner,  
Stormwater and Resource Protection  
Frances Geissler, Director, Stormwater and Resource Protection  
Liz Parman, Assistant County Attorney  
Trevor Long, Watershed Planner, Stormwater and Resource Protection  
Janice Petty, Assistant, Stormwater and Resource Protection  
Mark Eversole, Virginia Marine Resource Commission (VMRC)  
Allison Norris, VMRC

**C. MINUTES**

1. Minutes from June 13, 2018, meeting

The minutes from the June 13, 2018, regular meeting were approved as written.

**D. PUBLIC HEARINGS**

Prior to starting the public hearings, Staff formally reminded the Board, all applicants and the public that three affirmative votes are required for approvals.

1. WJPA 18-0030 / VMRC 18-0967 : 3032 North Riverside Drive

Ms. Karla Havens, Mid-Atlantic Resources Consulting, on behalf of Ms. Donna Fowler, has applied for a wetlands permit for the removal and replacement of a bulkhead on property located at 3032 North Riverside Drive, within the Chickahominy Haven subdivision and the Yarmouth Creek watershed. The property is further identified as James City County Tax Map

Parcel No. 0910200049. The presentation described the current site conditions of the proposed project. Staff recommends approval of the permit with conditions.

The Board deliberated the pros and cons of this permit.

Mr. Hughes questioned why the bulkhead needed replacement.

Mr. Long responded that the bulkhead was failing and boards were rotting with the possibility of failure.

Mr. Hughes opened the Public Hearing.

A. Ms. Karla Havens of Mid-Atlantic Resource Consulting addressed the Board and answered further questions.

Mr. Hughes closed the Public Hearing, as no one else wished to speak.

Mr. Waltrip made a motion to adopt the permit for Wetlands Board Case No. WJPA-18-0030/VMRC 18-0967 at 3032 North Riverside Drive.

The motion was approved: 3-0

Ayes: Waltrip, Apperson, Hughes

Nays: None

Absent: Gussman, Roadley, Bott

2. WJPA 18-0046 / VMRC 18-0763 : 8400 Hicks Island Road

Ms. Karla Havens, Mid-Atlantic Resources Consulting, has submitted on behalf of Stephen and Lori Caudill a wetland permit to remove and replace a pier with the use of mats through the wetlands at 8400 Hicks Island Road, within Diascund Creek watershed. The property is further identified as James City County Tax Map Parcel No. 0910100026. The presentation described the current site conditions and the proposed project. Staff recommends approval for this permit with conditions.

The Board deliberated the pros and cons of this permit.

Mr. Hughes questioned if a Chesapeake Bay Permit would be required.

Mr. Woolson responded that one would not be required for this project.

Mr. Hughes opened the Public Hearing.

A. Ms. Karla Havens of Mid-Atlantic Resource Consulting addressed the Board and answered further questions.

Mr. Hughes asked if the work would be limited to the mat area.

A. Ms. Havens responded that Donald Hicks of Waterfront Piers & Bulkheads, Inc. would be doing the work.

Mr. Hughes asked when the project would be finished.

Mr. Waltrip asked if the contractor would be starting at the shoreline and work out, removing the old pier and use that area where he is working on the mats to build, taking mats up as he

comes back out.

Mr. Apperson commented with concern for the tree vegetation and cypress knees, stressing that the work be straight in and straight out.

A. Ms. Havens responded to the questions.

Mr. Hughes closed the Public Hearing, as no one else wished to speak.

Mr. Waltrip made a motion to grant the permit for Wetlands Board Case No. WJPA-18 0046/VMRC 18-0763 at 8400 Hicks Island Road.

The motion was approved: 3-0  
Ayes: Waltrip, Apperson, Hughes  
Nays: None  
Absent: Gussman, Roadley, Bott

**E. BOARD CONSIDERATIONS**

None

**F. MATTERS OF SPECIAL PRIVILEGE**

Mr. Woolson explained that this would be Mr. Mark Eversole's last night as the Virginia Marine Resource Commission (VMRC) representative for James City County.

Ms. Allison Norris, Environmental Engineer with VMRC, was introduced to the Wetlands Board as the new VMRC representative for James City County.

**G. ADJOURNMENT**

The meeting adjourned at 5:23 p.m.

**ITEM SUMMARY**

DATE: 9/12/2018  
TO: Wetlands Board  
FROM: Michael Woolson, Senior Watershed Planner  
SUBJECT: WJPA 18-0070 : William & Mary Sailing Team

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**ATTACHMENTS:**

	Description	Type
☐	APO Letter	Cover Memo
☐	APO Mailing List	Cover Memo
☐	Site Plan	Cover Memo
☐	Public Notice	Cover Memo
☐	Staff Report	Cover Memo
☐	Resolution	Cover Memo

**REVIEWERS:**

Department	Reviewer	Action	Date
Wetlands Group	Geissler, Fran	Approved	9/5/2018 - 3:58 PM
Wetlands Group	Geissler, Fran	Approved	9/5/2018 - 3:58 PM
Publication Management	Burcham, Nan	Approved	9/5/2018 - 4:06 PM
Wetlands Group	Secretary, Wetland	Approved	9/6/2018 - 7:13 AM



General Services  
Stormwater and Resource  
Protection Division  
101-E Mounts Bay Road  
Williamsburg, VA 23185  
757-253-6790  
Resource.Protection@jamescitycountyva.gov

August 22, 2018

Re: WJPA-18-0070/VMRC 17-0133  
Floating dock at Kingsmill Marina

Dear Adjacent Property Owner:

In accordance with State and County codes, this letter is to notify you that a permit request has been filed with the James City County Wetlands Board by Kingsmill Resort, on behalf of the William & Mary Sailing Team, for the installation of a floating dock at the Kingsmill Marina, 1010 Kingsmill Road, in the Kingsmill on the James subdivision. The property is further identified as JCC Parcel No. 5040100002C.

The joint permit application, description and other information are on file in the Stormwater and Resource Protection Division and are available for inspection during normal business hours, should anyone desire to review them.

The Wetlands Board will hold an advertised public hearing on **Wednesday, September 12, 2018 at 5 p.m.**, in the Board Room of Building F, 101-F, Mounts Bay Road, James City County, Virginia, at which time you may request to speak on the above referenced project.

Sincerely,

*Janice Petty*

Janice Petty  
Stormwater Assistant

cc: William & Mary Sailing Team  
Escalante Kingsmill, Development, LLC

Mailing List for WJPA-18-0070: VMRC 17-0133 – Kingsmill Marina - floating dock

Applicant

William & Mary Sailing Team

Attn: Patrick L Firth

400 Brooks Street

Williamsburg, VA 23185

[plfirth@email.wm.edu](mailto:plfirth@email.wm.edu)

[williamandmarysailing@gmail.com](mailto:williamandmarysailing@gmail.com)

Owner - 1060 Kingsmill Rd

Escalante Kingsmill Development, LLC

Attn: Mark Phinney

1010 Kingsmill Road

Williamsburg, VA 23185

5040100007 - Warehams Pond

130 Warehams Pond Rd

Escalante Kingsmill Development, LLC

2930 Bledsoe Street, Suite 124

Fort Worth, TX 76107-2942

5040100004 - 1047 Kingsmill Rd

James City Service Authority

119 Tewning Rd

Williamsburg, VA 23188-2639

Kingsmill Community Services Association

P O Box 348

Williamsburg, VA 23187-0348

5041300001 Graves Ordinary, Pettuss Ordinary and

Richmonds Ordinary

Conference Center Condominiums

Unit Owners Association

One Busch Place

Saint Louis, MO 63118-1849

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Allison Norris

VMRC

2600 Washington Ave, 3<sup>rd</sup> Floor

Newport News, VA 23607

Dawn Fleming

VIMS Wetlands Program

P.O. Box 1346

Gloucester Point, VA 23062

VDOT

4451 Ironbound Road

Williamsburg, VA 23188

Dept of Game and Inland Fisheries

Box 90778

Henrico, VA 23228-0778

State Water Control Board

c/o Dept of Environmental Quality

P O Box 1105

Richmond, VA 23218

Regulatory Branch Army Corps of Engineers

803 Front Street

Norfolk, VA 23510



Wendy Wain

STRA  
UNION

INDUSTRIAL

Resort

Floating

Deck

App.

RECEIVED  
JAN 27 1987  
FEDERAL RESERVE BANK  
WASHINGTON

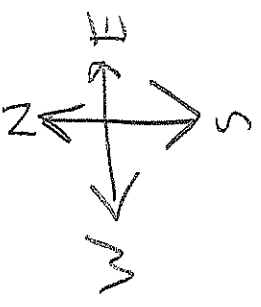
FIELD

SALES

CONSTRUCTION

Division of 30

Plan View Drawing

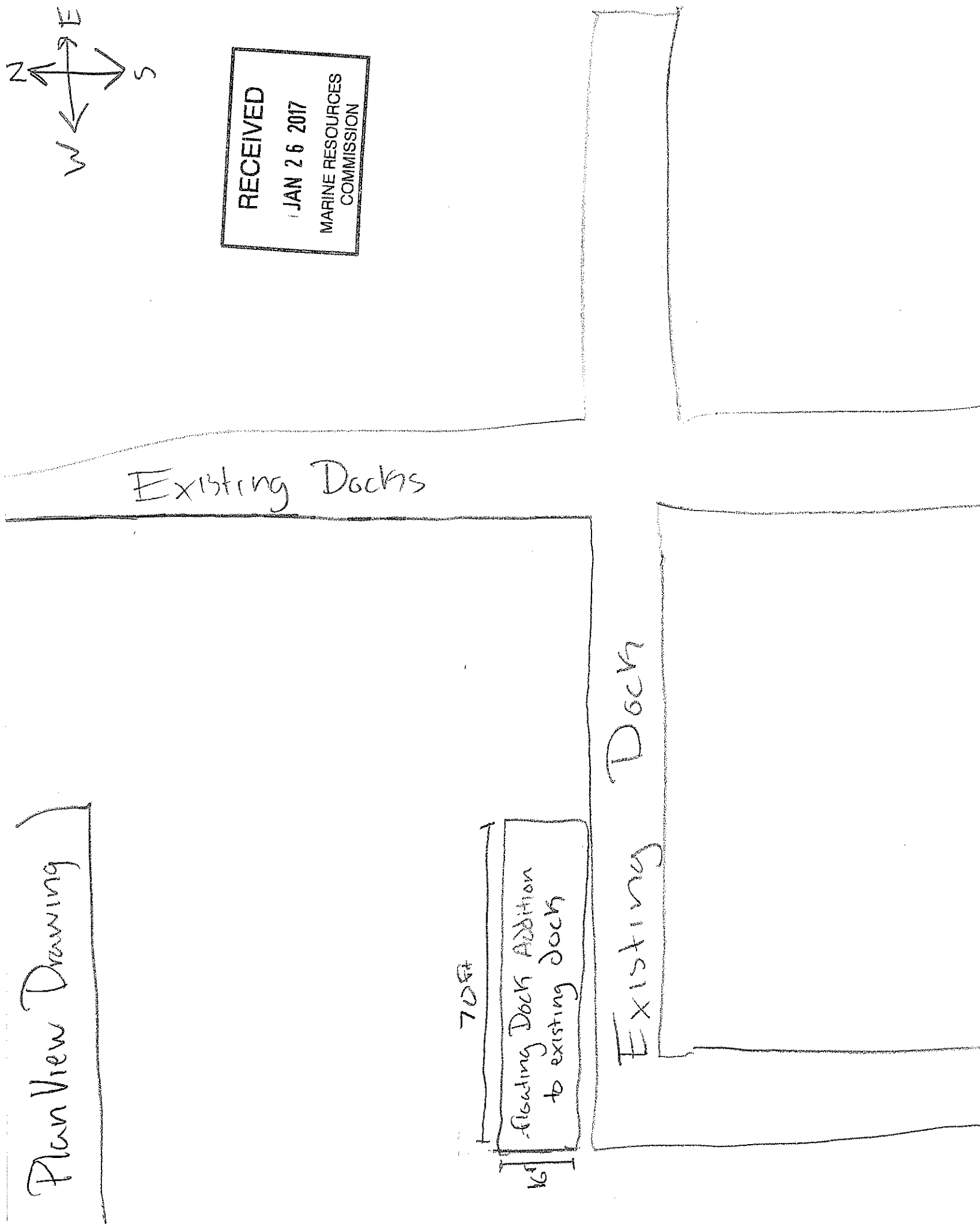


RECEIVED  
JAN 26 2017  
MARINE RESOURCES  
COMMISSION

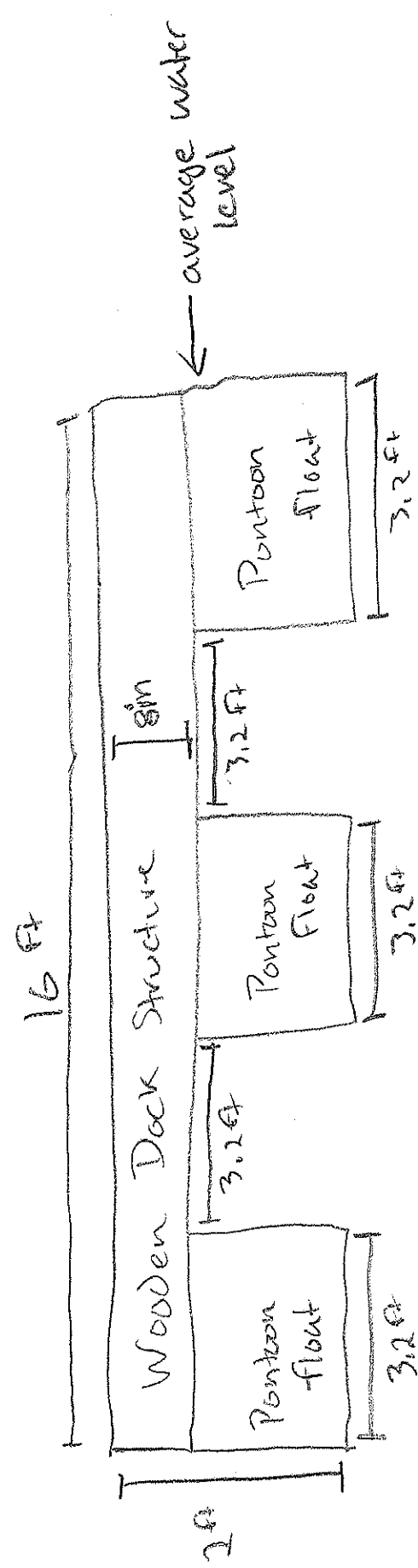
Existing Docks

70ft  
floating Dock Addition  
to existing dock

Existing Dock



Side View



RECEIVED  
JAN 26 2017  
MARINE RESOURCES  
COMMISSION



## PUBLIC HEARING NOTICE

THE WETLANDS AND CHESAPEAKE BAY BOARDS OF JAMES CITY COUNTY, VIRGINIA WILL HOLD A PUBLIC HEARING ON **WEDNESDAY, SEPTEMBER 12, 2018, AT 5 P.M.** IN THE BOARD ROOM OF BUILDING E, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE WETLANDS BOARD WILL CONSIDER THE FOLLOWING CASE:

WJPA 18-0070/VMRC 17-0133: William & Mary Sailing Club has applied for a wetland permit to construct a floating dock at the Kingsmill Marina, 1010 Kingsmill Road in the Kingsmill on the James subdivision, JCC Parcel No. 5040100002C.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA 18-0129: Mr. Jeff Davis has filed an exception request for encroachment into the RPA buffer for the construction of a shed at 343 Neck-O-Land Road in the Berkeley District, JCC Parcel No. 4730100055.

CBPA 18-0134: Mr. and Mrs. N. Ross and Amy Thompson have filed an exception request for encroachment into the RPA buffer for the construction of a single family dwelling, deck, patio, retaining walls and a barn addition at 500 Thompson Lane in the Powhatan District, JCC Parcel No. 3610100005.

CBPA 18-0148: SeaWorld Parks and Entertainment has filed an exception request for encroachment into the RPA buffer for the construction of a new structure in the Festa Italia section of Busch Gardens Williamsburg at 7851 Pocahontas Trail, JCC Parcel No. 55140100009.

CBPA 18-0149: Ms. Meredith Robertson has filed an exception request for encroachment into the RPA buffer for the construction of two retaining walls at 213 Southpoint Drive in the Kingspoint subdivision, JCC Parcel No. 4930270014.

CBPA 18-0126: Mr. John Hyland has filed an exception request for encroachment into the RPA buffer for the construction of a detached workshop at 3936 Vass Lane in the Vass Meadows subdivision, JCC Parcel No. 3842100009.

CBPA 18-0131: Ms. Jean Walker has filed an exception request for encroachment into the RPA buffer for the construction of a retaining wall at 113 Wareham's Point in the Kingsmill on the James subdivision, JCC Parcel No. 5041900113.

Appeals from decisions under the Chesapeake Bay Preservation Ordinance may also be heard.

All interested parties are invited to attend the meetings. The applications and plans are on file and may be viewed during normal office hours in the Stormwater and Resource Protection Division, 101 Mounts Bay Road, Building E, James City County, Virginia.

**WETLAND BOARD CASE No. WJPA-18-0070/VMRC-18-0133. 1010 Kingsmill Road  
Staff Report for the September 12, 2018, Wetland Board Public Hearing**

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*This staff report is prepared by James City County Stormwater and Resource Protection to provide information to the Wetland Board to assist them in making a recommendation on this assessment. It may be useful to members of the general public interested in this assessment.*

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**EXISTING SITE DATA AND INFORMATION**

Applicant: The College of William & Mary Sailing Team

Owner/Agent: Mr. Kevin Dry, Kingsmill Resort

Location: 1010 Kingsmill Road, Kingsmill Marina

Parcel: Parcel R-2C2 Kingsmill Resort (Kingsmill Marina)

PIN: 5040100002C

Watershed: James River (HUC JL35)

Floodplain: Zone VE - Coastal flood zone with wave action, base flood elevation determined to be 12 feet mean sea level.

Proposed Activity: Install a floating dock.

Wetland Impacts: Zero vegetated or non-vegetated wetlands subject to the Local Wetlands Board jurisdiction.

Staff Contact: Michael D. Woolson, Senior Watershed Planner Phone: 253-6823

**PROJECT DISCUSSION**

Kingsmill Resort has applied for a wetlands permit on behalf of The College of William & Mary sailing team, to install a floating dock on property located at 1010 Kingsmill Road within the Kingsmill on the James subdivision and the James River watershed. The property is further identified as James City County Tax Map Parcel No. 5040100002C.

On April 12, 2017, the James City County Wetlands Board granted W-04-17 to allow the relocation of a floating dock from the First Colony Marina to the Kingsmill Marina. The purpose of the proposed installation is to add an additional 8-foot by 18-foot floating dock on to the existing floating dock granted under W-04-17.

Even though there are no wetland impacts within this Board’s jurisdiction, the commercial nature of the application is not a permitted use. Therefore, an application for a permit must be submitted through the Virginia Marine Resources Commission and processed by the local Wetlands Board. It is for this reason Case No. WJPA-18-0070 appears before the Board.

**MITIGATION DISCUSSION**

As published in *The Virginia Register* on July 11, 2005, the revised Wetland Mitigation Compensation Policy and Supplemental Guidelines, Regulation 4VAC 20-390-10 et seq., Virginia, as a Chesapeake Bay Program partner, is committed to “achieve a no-net loss of existing wetlands acreage and function in the

signatories' regulatory programs." In order for a proposed project to be authorized to impact wetlands and compensate for the wetland loss in some prescribed manner, the following three criteria must be met:

1. All reasonable mitigative efforts, including alternative siting, which would eliminate or minimize wetland loss or disturbance must be incorporated in the proposal; and
2. The proposal must clearly be water dependent in nature; and
3. The proposal must demonstrate clearly its need to be in the wetlands and its overwhelming public and private benefits.

If the proposed project cannot meet one or more of the above criteria, the project must be denied or must occur in areas outside of wetlands. Should it satisfy all three criteria, however, compensation for the wetland loss is required. The sequence of acceptable mitigation options should be as follows: on-site, off-site within the same watershed, mitigation bank(s) in the same watershed or a payment of an in-lieu fee. If compensation is required, it should be a condition of the permit.

Staff has reviewed this application and finds that this project meets the three criteria outlined above. As there are no vegetated wetland impacts, no mitigation is required.

### **STAFF RECOMMENDATIONS**

Staff recommends approval of the application. Should the Board wish to approve the application, staff suggests the following conditions be incorporated into the approval:

1. The applicant must obtain all other necessary local, state and/or federal permits required for the project.
2. All development activities located in the special flood hazard area shall comply with Article VI Division 3 Floodplain Area Regulations of the James City County Zoning Ordinance and receive all required approval and permits prior to commencement of such activities.
3. A site plan will be required to be submitted to the Planning Division due to the commercial nature of the marina.
4. The applicant shall submit the \$100 application fee associated with advertising this Wetlands Permit application.
5. The Wetlands Permit for this project shall expire on September 12, 2019, if construction has not begun.
6. If an extension of the permit is needed, a written request shall be submitted to the Stormwater and Resource Protection Division no later than six weeks prior to the expiration date.

MDW/nb  
WJPA18-70-VMRC18-133

#### Attachments:

1. Resolution
2. Joint Permit Application

## RESOLUTION

CASE NO. WJPA-18-0070/VMRC 18-0133. 1010 KINGSMILL ROAD

### JAMES CITY COUNTY WETLANDS PERMIT

WHEREAS, The College of William & Mary Sailing Team (the “Applicant”), has applied to the Wetlands Board of James City County (the “Board”) to request a permit to use and develop in areas designated as wetlands on property identified as James City County Real Estate Tax Map Parcel No. 5040100002C and further identified as 1010 Kingsmill Road in the Kingsmill on the James subdivision (the “Property”) as set forth in the application WJPA-18-0070/VMRC 18-0133; and

WHEREAS, the Board has listened to the arguments presented and has carefully considered all evidence entered into the record.

NOW, THEREFORE, BE IT RESOLVED that the Wetlands Board of James City County, Virginia, following a public hearing, by a majority vote of its members FINDS that:

1. The anticipated public and private benefit of the proposed activity in the wetlands exceeds its anticipated public and private detriment.
2. The proposed development conforms to the standards prescribed in Section 28.2-1308 of the Code of Virginia, and the guidelines promulgated pursuant to Section 28.2-1301 of the Code of Virginia.
3. The proposed activity does not violate the purpose and intent of Chapter 22 of the James City County Code or Sections 28.2-1300 et. seq. of the Code of Virginia.
4. In granting this Wetlands Permit, the following conditions are hereby imposed:
  - a. The applicant must obtain all other necessary local, state and/or federal permits required for the project.
  - b. All development activities located in the special flood hazard area shall comply with Article VI, Division 3, Floodplain Area Regulations of the James City County Zoning Ordinance and receive all required approval and permits prior to commencement of such activities.
  - c. A site plan will be required to be submitted to the Planning Division due to the commercial nature of the marina.
  - d. The applicant shall submit the \$100 application fee associated with advertising this Wetland’s Permit application.
  - e. The Wetlands Permit for this project shall expire on September 12, 2019, if construction has not begun.

- f. If an extension of the permit is needed, a written request shall be submitted to the Stormwater and Resource Protection Division no later than six weeks prior to the expiration date.

\_\_\_\_\_  
John Hughes  
Chairman, Wetlands Board

\_\_\_\_\_  
Michael D. Woolson  
Senior Watershed Planner

Adopted by the Wetlands Board of James City County, Virginia, this 12th day of September, 2018.

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_ IN THE COMMONWEALTH OF VIRGINIA, IN THE COUNTY OF JAMES CITY.

\_\_\_\_\_  
NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_

WJPA18-70-VMRC18-133-res