

Wetlands Board

Building F - 7 p.m.

Nov. 13, 2013

A. Roll Call

B. Minutes

From October 9, 2013 - Board Meeting

C. Public Hearings

1. W-03-14/VMRC 13-1345: Timmons Group/Xanterra - Kingsmill Riverwalk – boardwalk and pier

D. Board Considerations

1. Calendar Year 2014 Schedule
2. Election of Officers for 2014

E. Matters of Special Privilege

F. Adjournment

Wetlands Permit Application W-03-14/VMRC 13-1345: Kingsmill Resort Riverwalk

Staff report for the November 13, 2013 Wetlands Board Public Hearing

This staff report is prepared by James City County Engineering and Resource Protection to provide information to the local Wetlands 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.

Existing Site Data & Information

Applicant: Mr. Kevin Kolda, Xanterra Kingsmill LLC

Location: 1000 Kingsmill Road

Parcel Identification: 5040100001

Lot Size: 230 ac +/-

Watershed: James River (HUC JL-35)

Proposed Activity: Boardwalk and pier

Proposed Impacts

Vegetated Wetlands: 0 (zero) square feet

Non-Vegetated Wetlands: 360 square feet, intertidal riprap, area between mean low and mean high water

Brief Summary and Description of Activities

Timmons Group, on behalf of Mr. Kevin Kolda of Xanterra Kingsmill, LLC has applied for a Wetlands Permit to install an open pile boardwalk and pier to serve the adjacent cottages at Kingsmill. The boardwalk and pier will impact approximately 360 square feet of non-vegetated intertidal riprap from the defensive riprap revetment structure that was built under permit #W-04-98 (VMRC 98-0034). The application is considered commercial in nature.

The property is located at 1000 Kingsmill Road within the Kingsmill on the James subdivision, directly on the James River. The property is further identified as JCC Parcel Number 5040100001. Multiple site visits were conducted in the summer and fall of 2013 by staff to evaluate the scope of the project, the existing conditions on-site, and the potential impacts.

The property is situated in a southwesterly facing direction and lies along the James River in James City County. The existing shoreline is currently armored with a defensive riprap revetment structure. Mean low water and mean high water fall along the existing riprap revetment.

The project design proposes two distinct impacts, one for the pier and the other for the boardwalk. The pier extends approximately 90 feet into the James River, perpendicular to the shoreline and has a 60 foot "T" section and gazebo on the end. The boardwalk extends approximately 60 feet into the James River and runs parallel to the shoreline for 650 feet. It has two gazebo structures on either end before connecting back into the shoreline. Approximately 120 square feet of intertidal riprap will be impacted for the pier and 240 square feet of intertidal riprap will be impacted for the boardwalk.

Virginia Institute of Marine Science Report

At the request of Ms. Juliette Giordano, VMRC, VIMS has prepared a Shoreline Permit Application Report for this project. This report contains issues related to both the Wetlands Board and the Chesapeake Bay Board, as tidal shorelines are the location of complex interactions between upland terrestrial systems and aquatic wetland systems. The VIMS report states, correctly, that there are existing access points to the river at the marina and boat ramp that can be accessed through motorized golf carts via existing roadways without excessively impacting the subaqueous bottom of the river as proposed. The report goes on to say that the boardwalk located out in the James River is not necessary, not water dependent and not justified. The boardwalk structure over the water (and intertidal riprap) will have a limitation on sunlight exposure due to shading, thus reducing the production of photosynthetic plants. The proposed open pile pier is considered to have minimal impact to the aquatic environment.

Staff Recommendations

The Joint Permit Application includes an open pile pier and open pile boardwalk that are commercial in nature. The issue before the Board is the installation of both the pier and boardwalk. Staff has fully reviewed the application and permit request and has determined that the conditions outlined in Section 22-4 (b) have been met. Staff finds that the non-vegetated wetland impacts associated with the open pile pier to be minimal and the pier to be a water dependent use. Staff also finds that the non-vegetated wetland impacts associated with the open pile boardwalk, within local wetland board jurisdiction, to be minimal; however, the impacts are not water dependent, impacts under local wetland jurisdiction could be further minimized by alignment or configuration changes that locate it upland out of the wetland resource along the shoreline. Therefore, staff recommends approval of this wetlands application with the following conditions:

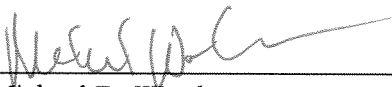
1. Prior to any land disturbing activities, a preconstruction meeting will be held on-site; and
2. All other federal, state, and local permits required for this project shall be obtained prior to commencing work. Evidence of the securing of these permits must be provided prior to the pre-construction meeting; and

3. No woody vegetation shall be removed as part of this project outside of the scope unless approved by the Engineering and Resource Protection Division; and
4. The Engineering and Resource Protection Division Director reserves the right to require additional erosion and sediment control measures, including a turbidity curtain, for this project if field conditions warrant their use; and
5. The limits of work shall be flagged in the field prior to the pre-construction meeting; and
6. The wetlands permit for this project shall expire on November 13, 2014. If an extension of the permit is needed, a written request shall be submitted to the Engineering and Resource Protection Division no later than six weeks prior to the expiration date.

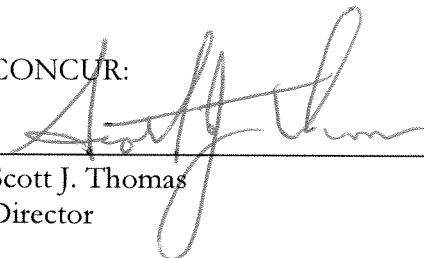
Consideration by the Wetlands Board

The exception granting body is permitted to require reasonable and appropriate conditions in granting the exception request in accordance with Section 22-8 of the County's Wetlands ordinance. The Wetlands Board is to fully consider Wetlands Permit Application W-03-14 as outlined and presented above and review the request for permitting. The Board may grant the permit with such conditions and safeguards as deemed necessary to further the purpose and intent of the County's Chapter 22 Wetlands Ordinance. Resolutions for granting approval or granting denial of Wetlands Permit Application W-03-14 are included for the Board's use and decision.

Staff Report prepared by:



Michael D. Woolson
Senior Watershed Planner

CONCUR:


Scott J. Thomas
Director

Attachments: Wetlands Permit Application Package