

**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 9, 2020**  
**5:00 PM**

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**A. CALL TO ORDER**

**B. ROLL CALL**

**C. MINUTES**

1. Minutes from August 12, 2020, Regular Meeting

**D. PUBLIC HEARINGS**

1. Case No. WJPA 20-0023 / VMRC 20-1053 : 20 Marclay Road
2. Case No. WJPA 20-0032 / VMRC 20-1199 : 6413 Conservancy

**E. BOARD CONSIDERATIONS**

**F. MATTERS OF SPECIAL PRIVILEGE**

**G. ADJOURNMENT**

**ITEM SUMMARY**

DATE: 9/9/2020

TO: Wetlands Board

FROM: Michael Woolson, Wetlands Board Secretary

SUBJECT: Minutes from August 12, 2020, Regular Meeting

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**ATTACHMENTS:**

	Description	Type
	Minutes	Minutes

**REVIEWERS:**

Department	Reviewer	Action	Date
Wetlands Group	Woolson, Michael	Approved	9/3/2020 - 10:56 AM
Wetlands Group	Small, Toni	Approved	9/3/2020 - 4:17 PM
Publication Management	Burcham, Nan	Approved	9/3/2020 - 4:21 PM
Wetlands Group	Secretary, Wetland	Approved	9/3/2020 - 4:28 PM

**MINUTES**  
**JAMES CITY COUNTY WETLANDS BOARD**  
**REGULAR MEETING**  
**County Government Center, Building F**  
**101 Mounts Bay Road, Williamsburg, Virginia 23185**  
**August 12, 2020**  
**5:00 PM**

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**A. CALL TO ORDER**

The Wetlands Board meeting for August 12, 2020, 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:**

William Apperson, Chair  
David Gussman  
Charles Roadley  
Larry Waltrip  
Michael O'Brien

**Board Members Absent:**

Halle Dunn, Vice Chair

**Other Staff Present:**

Toni Small, Director, Stormwater and Resource Protection  
Liz Parman, Assistant County Attorney  
Michael Woolson, Senior Watershed Planner, Stormwater and Resource Protection  
Janice Petty, Stormwater Assistant, Stormwater and Resource Protection

**C. MINUTES**

1. Minutes from July 8, 2020, Regular Meeting

A motion to Approve the minutes was made by Mr. Apperson. The minutes were approved on a voice vote.

**D. PUBLIC HEARINGS**

1. Case No. WJPA 20-0024 / VMRC 20-1074 : 176 The Maine

Mr. Michael Woolson, Senior Watershed Planner, presented the permit request submitted by Mr. David Butler on behalf of Mr. and Mrs. Lee, who have applied for a wetlands permit to remove and replace a portion of a pier, riprap revetment, dock and stairway extension, and repair on the property located at 176 The Maine, within the James River watershed. The property is further identified as James City County Parcel No. 4540200061. The presentation described the current site conditions, proposed construction, and proposed mitigation. Staff does not recommend approval of the permit, but if the Board approves this case, staff recommends conditions.

The Board deliberated the pros and cons of this permit.

Mr. Roadley inquired on the Board's overlap of the proposed activity for the placement of the sand fill.

Mr. Woolson confirmed the area where the bulkhead had failed. They are not replacing the bulkhead. It depends on how the contractor will do the repair if the impacts will be rock or soil.

Mr. Waltrip inquired about the location of the riprap.

Mr. O'Brien stated that the riprap extends further seaward and does not go back landward as much.

Mr. Roadley recognizes that riprap is outside the Board's jurisdiction. The Virginia Marine Resource Commission (VMRC) has jurisdiction on the riprap revetment for maintenance work. With the changes in the law that occurred July 1, 2020, Mr. Roadley requested that the VMRC give guidance on how to interpret these activities relative to those changes.

Mr. Woolson replied that all new applications coming before the Board have to comply with those regulations.

Mr. Apperson opened, then closed the Public Hearing, as no one wished to speak.

Mr. Roadley made a motion to Adopt the Resolution to grant the permit for Wetlands Board Case No. WJPA 20-0024/VMRC 20-1074 at 176 The Maine.

A motion to Approve w/Conditions was made by Mr. Roadley, the motion result was:

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 1

Ayes: Apperson, Gussman, Roadley, O'Brien, Waltrip

Nays: None

Absent: Dunn

2. Case No. WJPA 20-0023 / VMRC 20-1053 : 20 Marclay Road

This case has been deferred by the applicant. Mr. Waltrip recused himself.

Mr. Apperson opened the Public Hearing. The Public Hearing was left open until the next meeting.

Mr. Woolson read a written statement by Mr. William J. Schneider into the record.

The case was deferred until the September 9, 2020 Wetlands Board meeting.

**E. BOARD CONSIDERATIONS**

1. WJPA 19-0032 / VMRC 19-1124 : 7612 Uncles Neck

Mr. Michael Woolson presented the extension request.

Mr. Gussman made a motion to grant the resolution for extension of Chesapeake Bay Board Case No. WJPA 19-0032 for 7612 Uncles Neck, extended to August 12, 2021.

A motion to Approve the resolution for extension was made by Mr. Gussman, the motion result was:



AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 1  
Ayes: Apperson, Gussman, Roadley, O'Brien, Waltrip  
Nays: None  
Absent: Dunn

2. Permit Expiration Dates

Mr. Woolson conducted a discussion concerning expired wetlands permits while the VMRC permits are still valid. The Chesapeake Bay Act requires a 12-month expiration date. Mr. Woolson stated he checked the bylaws and they do not make a direct requirement other than all permits must have an expiration date.

Liz Parham stated that the Board did not need to make a vote, just issue a directive towards staff.

3. VMRC Discussion

Mr. Roadley asked Mr. Jeff Madden, VMRC, to address maintenance activities within the Wetlands Board jurisdiction and changes to the law.

Mr. Madden discussed the living shoreline legislation, which is a piece of dynamic legislation requiring the consideration of living shoreline solutions.

Mr. Roadley inquired about maintenance activities of overlaying an existing riprap revetment.

Mr. Madden replied if a structure has been damaged during a specific storm you are allowed to repair a previously permitted structure. However, when you topdress a revetment, you are changing the slope of the structure. The Wetlands Board should require a new permit for topdressing a revetment, as you are putting rock on top of rock ending up with a much larger structure.

Mr. Roadley asked if we are required to consider a living shoreline alternative first before we consider the revetment maintenance.

Mr. Madden replied that to be consistent with the new law you need to ask why a living shoreline cannot be incorporated into the project.

Mr. Roadley inquired if cost was part of the feasibility analysis.

Mr. Madden replied no.

Mr. Apperson asked if the applicant must justify why a living shoreline would not work.

Mr. Madden affirmatively replied.

Mr. Apperson replied practicality and protecting property landowners are both important.

Mr. Madden suggested the use of VA Institute of Marine Science (VIMS) and the Shoreline Advisory Service.

**F. MATTERS OF SPECIAL PRIVILEGE**

None

**G. ADJOURNMENT**

A motion to Adjourn was made by Mr. Apperson and approved on a voice vote.

The meeting adjourned at 5:35 p.m.

**ITEM SUMMARY**

DATE: 9/9/2020

TO: Wetlands Board

FROM: Michael Woolson, Senior Watershed Planner

SUBJECT: Case No. WJPA 20-0023 / VMRC 20-1053 : 20 Marclay Road

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Mr. Daniel Winall of Waters Edge Construction, on behalf of Larry Waltrip, has applied for a wetlands permit to install a floating pier, retaining wall, bulkhead, riprap revetment and a boat house at 20 Marclay Road, JCC Parcel 4820100012.

**ATTACHMENTS:**

	Description	Type
☐	Staff Report	Staff Report
☐	Resolution	Resolution
☐	Application	Backup Material
☐	Application, Revision	Backup Material
☐	County Bathymetry	Backup Material
☐	Protest #1	Backup Material
☐	Protest #2	Backup Material
☐	Public Advertisement	Backup Material
☐	APO Letter	Backup Material
☐	APO Mailing List	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Wetlands Group	Woolson, Michael	Approved	9/3/2020 - 11:40 AM
Wetlands Group	Small, Toni	Approved	9/3/2020 - 4:17 PM
Publication Management	Daniel, Martha	Approved	9/3/2020 - 4:31 PM
Wetlands Group	Secretary, Wetland	Approved	9/3/2020 - 4:32 PM

**WETLANDS BOARD CASE No. WJPA 20-0023/VMRC 20-1053. 20 Marclay Road  
Staff Report for the August 12, 2020, Wetlands Board Public Hearing**

*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: Mr. Larry Waltrip

Owner/Agent: Mr. Daniel Winall, Waters Edge Construction

Location: 20 Marclay Road

Parcel: Shortneck

Parcel Identification No.: 4820100012

Watershed: College Creek (HUC JL34)

Floodplain: Zone AE - Base flood elevation determined to be 8 feet Mean Sea Level (MSL)

Proposed Activity: Construction of a floating pier, retaining wall, bulkhead, riprap revetment, and open-sided boated house

Wetland Impacts: 20 square feet of vegetated wetlands subject to the local Wetlands Board jurisdiction

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

**PROJECT DISCUSSION**

Mr. Daniel Winall, Waters Edge Construction, applied for a wetlands permit on behalf of Mr. Larry Waltrip on June 22, 2020, to install a 136-foot x 8-foot floating pier, a 20-foot open pile wharf, a 20-foot-long bulkhead with a walkway, a 75-foot-long upland retaining wall, a 200-foot-long northern upland riprap revetment, a 200-foot-long southern upland riprap revetment, and a 33-foot x 40-foot open-sided boathouse on property located at 20 Marclay Road within the College Creek watershed. The property is further identified as James City County Tax Map Parcel No. 4820100012.

There is an existing, concrete rubble revetment on the property that has been impacted over time and is called the north revetment on the permit drawings. The applicant is proposing to construct a riprap revetment above mean high water, core stone (Virginia Department of Transportation (VDOT) No. 1 stone bedding) overtop of a non-woven fabric and Class 1 armor stone (150 lb. stone). It will have a top elevation of 5 feet MSL. This revetment is 200 feet long, is not vegetated with wetland vegetation, and the entirety of the revetment is above mean high water. Associated with the northern revetment is a double open-sided boathouse. Landward of the boathouse is a 12-foot x 33-foot boathouse deck proposed overtop of the revetment. Immediately to the south of the boathouse is a 136-foot x 8-foot floating pier and a 35-foot gangway connecting the floating pier to the shore. All of these structures are outside the jurisdiction of the Wetlands Board.

The southern end of the northern revetment terminates at an existing gravel boat ramp. A 20-foot open pile wharf is proposed seaward of the boat ramp and a 20-foot retaining wall parallel to the wharf is proposed

landward of the wharf but east of the boat ramp. A 4-foot x 20-foot deck is proposed overtop of the retaining wall. The retaining wall and the wharf are in the intertidal range and the retaining wall will impact 20 square feet of vegetated wetlands.

From the existing boat ramp south is an existing road/path that has many overhanging branches from the woods which provides a shaded bank. Starting at the western edge of the existing boat ramp is a 75-foot retaining wall, landward of vegetated tidal wetlands. The retaining wall is necessary in this location to allow for boat access to the ramp. A retaining wall is proposed in this area to avoid impacting vegetated wetlands near the ramp. The retaining wall is to be built immediately adjacent to the vegetated wetlands and constructed from land.

From the southern edge of the bulkhead, a new 200-foot riprap revetment will be placed to protect the shoreline and is labeled as the southern revetment in the permit drawings. There is an existing pathway cut into the hill adjacent to the southern revetment location. It has many trees overhanging the area and is extremely shaded. Due to the shaded conditions of this area, there are no vegetated wetlands. The construction of this revetment is from land and includes a non-woven geotextile fabric overlain with No. 1 VDOT stone bedding (10 lb. stone), then Class 1 armor stone (150 lb. stone). This revetment will start at mean high water and will have a top elevation of 5 feet MSL.

Scattered throughout the project area are old piles that will be removed. Total vegetated wetland impacts for the bulkheads, retaining walls, and revetments are 20 square feet.

## **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 20 square feet of vegetated wetland impacts, mitigation is required.

## **STAFF RECOMMENDATIONS**

Staff does not make any recommendation for this 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; and
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; and
3. The existing pier and piles to be removed shall be disposed of in an approved landfill; and
4. A surety of \$400 to guarantee the purchase of 20 square feet of tidal wetland credits from an approved tidal wetland mitigation bank; and
5. The Wetlands Permit for this project shall expire on September 9, 2023, if construction has not begun; and
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 July 29, 2023, six weeks prior to the expiration date.

MDW/nb  
WJPA20-23-20MarclayRoad

Attachment:

1. Resolution

## **RESOLUTION**

**CASE NO. WJPA 20-0023/VMRC 20-1053. 20 MARCLAY ROAD**

### **JAMES CITY COUNTY WETLANDS PERMIT**

WHEREAS, Mr. Larry Waltrip (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. 4820100012 and further identified as 20 Marclay Road (the “Property”) as set forth in the application WJPA 20-0023/VMRC 20-1053; 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; and
  - 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 approvals and permits prior to commencement of such activities; and
  - c. The existing pier and piles to be removed shall be disposed of in an approved landfill; and
  - d. A surety of \$400 to guarantee the purchase of 20 square feet of tidal wetland credits from an approved tidal wetland mitigation bank; and
  - e. The Wetlands Permit for this project shall expire on September 9, 2023, if construction has not begun; and

- 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 July 29, 2023, six weeks prior to the expiration date.

\_\_\_\_\_  
William Apperson  
Chairman, Wetlands Board

\_\_\_\_\_  
Michael Woolson  
Secretary to the Board

Adopted by the Wetlands Board of James City County, Virginia, this 9th day of September, 2020.

THE FORGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020 IN THE COMMONWEALTH OF VIRGINIA, IN THE COUNTY OF JAMES CITY.

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

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

WJPA20-23-20MarclayRoad-res



**From:** [Larry Waltrip](#)  
**To:** [jpa.permits@mrc.virginia.gov](mailto:jpa.permits@mrc.virginia.gov); [Debbie Shaw](#)  
**Subject:** Fwd: Jpa permit for Waltrip's Landing  
**Date:** Wednesday, June 17, 2020 12:40:29 PM  
**Attachments:** [File0779.PDF](#)  
[ATT00001.htm](#)

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Sent from my iPad

Begin forwarded message:

**From:** Daniel Winall <dwinall@wecmarine.com>  
**Date:** June 8, 2020 at 3:15:18 PM EDT  
**To:** Larry Waltrip <larry@wjairport.com>  
**Cc:** Debbie Shaw <debbie@wjairport.com>  
**Subject:** Jpa permit for Waltrip's Landing

Larry, included is 14 page permit application for your project at Waltrip's Landing. Download and send to [jpa.permits@mrc.virginia.gov](mailto:jpa.permits@mrc.virginia.gov)  
If permit comes from you then all correspondence related to permit from all agencies will come to you. A project this size is going to generate a lot of energy from a lot of different agencies but should be doable unless there is a lot of opposition to project. I will send the APO forms for adjoining property owners a little later. The main thing now is getting permit submitted to the state as quickly as possible so it can be processed and on the agenda. Thanks, Danny

Thanks,

*Daniel R. Winall*  
*President*  
Water's Edge Construction  
P.O. Box 352  
Toano, VA 23168  
Phone: 757-566-0149  
Email: [dwinall@wecmarine.com](mailto:dwinall@wecmarine.com)  
[www.wecmarine.com](http://www.wecmarine.com)

- ❖ DEQ: Permit application fees required for Virginia Water Protection permits – while detailed in 9VAC25-20 – are conveyed to the applicant by the applicable DEQ office (<http://www.deq.virginia.gov/Locations.aspx>). Complete the Permit Application Fee Form and submit it per the instructions to the address listed on the form. Instructions for submitting any other fees will be provided to the applicant by DEQ staff.
- ❖ VMRC: An application fee of \$300 may be required for projects impacting tidal wetlands, beaches and/or dunes when VMRC acts as the LWB. VMRC will notify the applicant in writing if the fee is required. Permit fees involving subaqueous lands are \$25.00 for projects costing \$10,000 or less and \$100 for projects costing more than \$10,000. Royalties may also be required for some projects. The proper permit fee and any required royalty is paid at the time of permit issuance by VMRC. VMRC staff will send the permittee a letter notifying him/her of the proper permit fees and submittal requirements.
- ❖ LWB: Permit fees vary by locality. Contact the LWB for your project area or their website for fee information and submittal requirements. Contact information for LWBs may be found at [http://ccrm.vims.edu/permits\\_web/guidance/local\\_wetlands\\_boards.html](http://ccrm.vims.edu/permits_web/guidance/local_wetlands_boards.html).

FOR AGENCY USE ONLY	
	Notes:
	JPA # 20-1053

## APPLICANTS

### Part 1 – General Information

**PLEASE PRINT OR TYPE ALL ANSWERS:** If a question does not apply to your project, please print N/A (not applicable) in the space provided. If additional space is needed, attach 8-1/2 x 11 inch sheets of paper.

<b><i>Check all that apply</i></b>				
Pre-Construction Notification (PCN) <input type="checkbox"/> NWP # _____ (For Nationwide Permits ONLY - No DEQ-VWP permit writer will be assigned)		Regional Permit 17 (RP-17) <input type="checkbox"/>		
County or City in which the project is located: <u>James City</u>				
Waterway at project site: <u>College Creek</u>				
<b><i>PREVIOUS ACTIONS RELATED TO THE PROPOSED WORK (Include all federal, state, and local pre application coordination, site visits, previous permits, or applications whether issued, withdrawn, or denied)</i></b>				
Historical information for past permit submittals can be found online with VMRC - <a href="https://webapps.mrc.virginia.gov/public/habitat/">https://webapps.mrc.virginia.gov/public/habitat/</a> - or VIMS - <a href="http://ccrm.vims.edu/perms/newpermits.html">http://ccrm.vims.edu/perms/newpermits.html</a>				
Agency	Action / Activity	Permit/Project number, including any non-reporting Nationwide permits previously used (e.g., NWP 13)	Date of Action	If denied, give reason for denial

## Part 1 - General Information (continued)

1. Applicant's legal name\* and complete mailing address: Contact Information:

Short Neck LLC  
100 Marclay Road  
Williamsburg, VA 23185

Home ( ) \_\_\_\_\_  
Work ( ) \_\_\_\_\_  
Fax ( ) \_\_\_\_\_  
Cell ( ) \_\_\_\_\_  
e-mail \_\_\_\_\_

State Corporation Commission Name and ID Number (if applicable) \_\_\_\_\_

2. Property owner(s) legal name\* and complete address, if different from applicant: Contact Information:

Home ( ) \_\_\_\_\_  
Work ( ) \_\_\_\_\_  
Fax ( ) \_\_\_\_\_  
Cell ( ) \_\_\_\_\_  
e-mail \_\_\_\_\_

State Corporation Commission Name and ID Number (if applicable) \_\_\_\_\_

3. Authorized agent name\* and complete mailing address (if applicable):

Larry Waltrip  
100 Lands End Drive  
Williamsburg, VA 23185

Contact Information:

Home ( ) \_\_\_\_\_  
Work (757 ) 8768655  
Fax ( ) \_\_\_\_\_  
Cell (757 ) 8768655  
e-mail larry@wjairport.com

State Corporation Commission Name and ID Number (if applicable) \_\_\_\_\_

**\* If multiple applicants, property owners, and/or agents, each must be listed and each must sign the applicant signature page.**

4. Provide a detailed description of the project in the space below, including the type of project, its dimensions, materials, and method of construction. Be sure to include how the construction site will be accessed and whether tree clearing and/or grading will be required, including the total acreage. If the project requires pilings, please be sure to include the total number, type (e.g. wood, steel, etc), diameter, and method of installation (e.g. hammer, vibratory, jetted, etc). If additional space is needed, provide a separate sheet of paper with the project description.

Install 200'-0" long North Riprap revetment overlay on top of existing broken concrete revetment. Install 75'-0" long bulkhead, install 20'-0" bulkhead with 7'-0" long return wall, install 20'-0" long retaining wall, install 200'-0" long South Riprap revetment, install a 136'-0" long x 8'-0" wide floating pier with 5'-5'-0" wide x 10'-0" long finger pier and two Class B anchor piles, install a dual slip 33'-0" wide x 40'-0" long open sided boathouse with 5'-0" wide walkways on each side and 12'-0" x 33'-0" inboard deck over proposed Riprap revetment.

## Part 1 - General Information (continued)

5. Have you obtained a contractor for the project? ☒ Yes\* ☐ No. \*If your answer is "Yes" complete the remainder of this question and submit the Applicant's and Contractor's Acknowledgment Form (enclosed)

Contractor's name\* and complete mailing address:

Water's Edge Construction  
P.O Box 352  
Toano, Virginia 23168

Contact Information:

Home ( ) \_\_\_\_\_

Work (757) 5660149 \_\_\_\_\_

Fax ( ) \_\_\_\_\_

Cell (757) 8808503 \_\_\_\_\_

email dwinall@wecmarine.com

State Corporation Commission Name and ID Number (if applicable) 0322616-4

**\* If multiple contractors, each must be listed and each must sign the applicant signature page.**

6. List the name, address and telephone number of the newspaper having general circulation in the area of the project. Failure to complete this question may delay local and State processing.

Name and complete mailing address:

The Daily Press  
703 Mariners Row  
Newport News, Virginia 23606

Telephone number

( ) \_\_\_\_\_

7. Give the following project location information:

Street Address (911 address if available) 20 Marclay Road Williamsburg, VA 23185

Lot/Block/Parcel# 4820100012 25.59 ac

Subdivision Acreage Lots Roberts

City / County Williamsburg, VA ZIP Code 23185

Latitude and Longitude at Center Point of Project Site (Decimal Degrees):

37.1435.62 / - 76.425589 (Example: 36.41600/-76.30733)

If the project is located in a rural area, please provide driving directions giving distances from the best and nearest visible landmarks or major intersections. *Note: if the project is in an undeveloped subdivision or property, clearly stake and identify property lines and location of the proposed project. A supplemental map showing how the property is to be subdivided should also be provided.*

8. What are the *primary and secondary purposes of and the need for* the project? For example, the primary purpose may be "to protect property from erosion due to boat wakes" and the secondary purpose may be "to provide safer access to a pier."

primary purpose of project is to protect shoreline of property

secondary purpose of project is to provide access to creek

## Part 1 - General Information (continued)

9. Proposed use (check one):

- ☒ Single user (private, non-commercial, residential)  
☐ Multi-user (community, commercial, industrial, government)

10. Describe alternatives considered and the measures that will be taken to avoid and minimize impacts, to the maximum extent practicable, to wetlands, surface waters, submerged lands, and buffer areas associated with any disturbance (clearing, grading, excavating) during and after project construction. *Please be advised that unavoidable losses of tidal wetlands and/or aquatic resources may require compensatory mitigation.*

Timber mats used in sensitive areas. Waterborne barges used for most construction

11. Is this application being submitted for after-the-fact authorization for work which has already begun or been completed? ☐ Yes ☒ No. If yes, be sure to clearly depict the portions of the project which are already complete in the project drawings.

12. Approximate cost of the entire project (materials, labor, etc.): \$ 75,000.00  
Approximate cost of that portion of the project that is channelward of mean low water:  
\$ 60,000.00

13. Completion date of the proposed work: 2020 - \_\_\_\_\_

14. Adjacent Property Owner Information: List the name and complete **mailing address**, including zip code, of each adjacent property owner to the project. (NOTE: If you own the adjacent lot, provide the requested information for the first adjacent parcel beyond your property line.) Failure to provide this information may result in a delay in the processing of your application by VMRC.

Williamsburg Landing Inc  
5700 Williamsburg Landing Drive  
Williamsburg, Va 23185-3779

Williamsburg-Jamestown Airport, Inc  
100 Marclay Road  
Williamsburg, VA 23185-3723

## Part 2 - Signatures

### 1. Applicants and property owners (if different from applicant).

NOTE: REQUIRED FOR ALL PROJECTS

**PRIVACY ACT STATEMENT:** The Department of the Army permit program is authorized by Section 10 of the Rivers and Harbors Act of 1899, Section 404 of the Clean Water Act, and Section 103 of the Marine Protection Research and Sanctuaries Act of 1972. These laws require that individuals obtain permits that authorize structures and work in or affecting navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters prior to undertaking the activity. Information provided in the Joint Permit Application will be used in the permit review process and is a matter of public record once the application is filed. Disclosure of the requested information is voluntary, but it may not be possible to evaluate the permit application or to issue a permit if the information requested is not provided.

**CERTIFICATION:** I am hereby applying for all permits typically issued by the DEQ, VMRC, USACE, and/or Local Wetlands Boards for the activities I have described herein. I agree to allow the duly authorized representatives of any regulatory or advisory agency to enter upon the premises of the project site at reasonable times to inspect and photograph site conditions, both in reviewing a proposal to issue a permit and after permit issuance to determine compliance with the permit.

In addition, I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

### Short Neck LLC

Applicant's Legal Name (printed/typed)

(Use if more than one applicant)

X Larry T. Waltrip  
Applicant's Signature

(Use if more than one applicant)

5/28/2020  
Date

Larry T. Waltrip  
Property Owner's Legal Name (printed/typed)  
(If different from Applicant)

(Use if more than one owner)

Larry T. Waltrip  
Property Owner's Signature

(Use if more than one owner)

5/28/2020  
Date

## Part 2 – Signatures (continued)

### 2. Applicants having agents (if applicable)

#### CERTIFICATION OF AUTHORIZATION

I (we), Short Neck LLC, hereby certify that I (we) have authorized Larry Waltrip  
(Applicant's legal name(s)) (Agent's name(s))  
to act on my behalf and take all actions necessary to the processing, issuance and acceptance of this permit and any and all standard and special conditions attached.

We hereby certify that the information submitted in this application is true and accurate to the best of our knowledge.

X Larry Waltrip  
(Agent's Signature)

\_\_\_\_\_  
(Use if more than one agent)

\_\_\_\_\_  
(Date)

X Larry Waltrip  
(Applicant's Signature)

\_\_\_\_\_  
(Use if more than one applicant)

5/28/2020  
(Date)

### 3. Applicant's having contractors (if applicable)

#### CONTRACTOR ACKNOWLEDGEMENT

I (we), Short Neck LLC, have contracted Water's Edge Construction  
(Applicant's legal name(s)) (Contractor's name(s))  
to perform the work described in this Joint Permit Application, signed and dated \_\_\_\_\_.

We will read and abide by all conditions set forth in all Federal, State and Local permits as required for this project. We understand that failure to follow the conditions of the permits may constitute a violation of applicable Federal, state and local statutes and that we will be liable for any civil and/or criminal penalties imposed by these statutes. In addition, we agree to make available a copy of any permit to any regulatory representative visiting the project to ensure permit compliance. If we fail to provide the applicable permit upon request, we understand that the representative will have the option of stopping our operation until it has been determined that we have a properly signed and executed permit and are in full compliance with all terms and conditions.

Water's Edge Construction

Contractor's name or name of firm

P.O Box 352 Toano, VA 23168

Daniel K. Smith President  
Larry Waltrip  
Contractor's signature and title

Contractor's or firms address

2705029454-A

X Larry Waltrip  
Applicant's signature

Contractor's License Number

\_\_\_\_\_  
(use if more than one applicant)

5/28/2020  
Date

## Part 3 – Appendices

Please complete and submit the appendix questions applicable to your project, and attach the required vicinity map(s) and drawings to your application. If an item does not apply to your project, please write "N/A" in the space provided.

**Appendix A: (TWO PAGES) Projects for Access** to the water such as private and community piers, boathouses, marinas, moorings, and boat ramps. Answer all questions that apply.

**1. Briefly describe your proposed project.**

Install 200'-0" long North Riprap revetment overlay on top of existing broken concrete revetment. Install 75'-0" long bulkhead, install 20'-0" bulkhead with 7'-0" long return wall, install 20'-0" long retaining wall, install a 8'-0" wide x 20'-0" long deck on top of 20'-0" long bulkhead and retaining wall, install 200'-0" long South Riprap revetment, install a 136'-0" long x 8'-0" wide floating pier with 5'-5'-0" wide x 10'-0" long finger piers and two Class B anchor piles, install a dual slip 33'-0" wide x 40'-0" long open sided boathouse with 5'-0" wide walkways on each side and 12'-0" x 33'-0" inboard deck over proposed Riprap revetment

**2. For private, noncommercial piers:**

Do you have an existing pier on your property? ☒ Yes ☐ No

If yes, will it be removed? ☒ Yes ☐ No

Is your lot platted to the mean low water shoreline? ☒ Yes ☐ No

What is the overall length of the proposed structure? 136 feet.

Channelward of Mean High Water? 40 feet.

Channelward of Mean Low Water? 36 feet.

What is the area of the piers and platforms that will be constructed over

Tidal non-vegetated wetlands 556 square feet.

Tidal vegetated wetlands \_\_\_\_\_ square feet.

Submerged lands 1338 square feet.

What is the total size of any and all L- or T-head platforms? 1894 sq. ft.

For boathouses, what is the overall size of the roof structure? 1320 sq. ft.

Will your boathouse have sides? ☐ Yes ☐ No.

NOTE: All proposals for piers, boathouses and shelter roofs must be reviewed by the Virginia Marine Resources Commission (Commission or VMRC), however, pursuant to § 28.2-1203 A 5 of the Code of Virginia a VMRC permit may not be required for such structures (except as required by subsection D of § 28.2-1205 for piers greater than 100 feet in length involving commercially productive leased oyster or clam grounds), provided that (i) the piers do not extend beyond the navigation line or private pier lines established by the Commission or the United States Army Corps of Engineers (USACE), (ii) the piers do not exceed six feet in width and finger piers do not exceed five feet in width, (iii) any L or T head platforms and appurtenant floating docking platforms do not exceed, in the aggregate, 400 square feet, (iv) if prohibited by local ordinance open-sided shelter roofs or gazebo-type structures shall not be placed on platforms as described in clause (iii), but may be placed on such platforms if not prohibited by local ordinance, and (v) the piers are determined not to be a navigational hazard by the Commission. Subject to any applicable local ordinances, such piers may include an attached boat lift and an open-sided roof designed to shelter a single boat slip or boat lift. In cases in which open-sided roofs designed to shelter a single boat, boat slip or boat lift will exceed 700 square feet in coverage or the open-sided shelter roofs or gazebo structures exceed 400 square feet, and in cases in which an adjoining property owner objects to a proposed roof structure, permits shall be required as provided in § 28.2-1204.



### Part 3 – Appendices (continued)

3. **For USACE permits**, in cases where the proposed pier will encroach beyond one fourth the waterway width (as determined by measuring mean high water to mean high water or ordinary high water mark to ordinary high water mark), the following information must be included before the application will be considered complete. For an application to be considered complete:
  - a. The USACE MAY require depth soundings across the waterway at increments designated by the USACE project manager. Typically 10-foot increments for waterways less than 200 feet wide and 20-foot increments for waterways greater than 200 feet wide with the date and time the measurements were taken and how they were taken (e.g., tape, range finder, etc.).
  - b. The applicant MUST provide a justification as to purpose if the proposed work would extend a pier greater than one-fourth of the distance across the open water measured from mean high water or the channelward edge of the wetlands.
  - c. The applicant MUST provide justification if the proposed work would involve the construction of a pier greater than five feet wide or less than four feet above any wetland substrate.
4. Provide the type, size, and registration number of the vessel(s) to be moored at the pier or mooring buoy.

Type	Length	Width	Draft	Registration #
Power 18'-0" 8'-0" VA9144BF	Power 22'-6" 8'-0" VA3829AV	Power 23'-6" 8'-0" VA4565AV	Power 18'-6 7'-0" VA 9400BD	
Power 21'-0" 8'-0" VA 9701AY	Power 19'-6" 8'-0" VA1832BT	Power 11'-0" 4'-0" VA822BA		
Power 30'-0" 9'-0" VA6665CB	Power 25'-0" 10'-0" VA9385YY			

5. **For Marinas, Commercial Piers, Governmental Piers, Community Piers and other non-private piers**, provide the following information:
  - A) Have you obtained approval for sanitary facilities from the Virginia Department of Health? \_\_\_\_\_ (required pursuant to Section 28.2-1205 C of the Code of Virginia).
  - B) Will petroleum products or other hazardous materials be stored or handled at your facility? \_\_\_\_\_.
  - C) Will the facility be equipped to off-load sewage from boats? \_\_\_\_\_.
  - D) How many wet slips are proposed? \_\_\_\_\_. How many are existing? \_\_\_\_\_.
  - E) What is the area of the piers and platforms that will be constructed over
    - Tidal non-vegetated wetlands \_\_\_\_\_ square feet
    - Tidal vegetated wetlands \_\_\_\_\_ square feet
    - Submerged lands \_\_\_\_\_ square feet
6. For **boat ramps**, what is the overall length of the structure? \_\_\_\_\_ feet.
  - From Mean High Water? \_\_\_\_\_ feet.
  - From Mean Low Water? \_\_\_\_\_ feet.

Note: drawings must include the construction materials, method of installation, and all dimensions. If tending piers are proposed, complete the pier portion.

**Note: If dredging or excavation is required, you must complete the Standard Joint Point Permit application.**

## Part 3 – Appendices (continued)

**Appendix B: Projects for Shoreline Stabilization** in tidal wetlands, tidal waters and dunes/beaches including riprap revetments and associated backfill, marsh toe stabilization, bulkheads and associated backfill, breakwaters, beach nourishment, groins, jetties, and living shoreline projects. Answer all questions that apply. Please provide any reports provided from the Shoreline Erosion Advisory Service or VIMS.

**NOTE:** It is the policy of the Commonwealth that living shorelines are the preferred alternative for stabilizing tidal shorelines (Va. Code § 28.2-104.1). **Information on non-structural, vegetative alternatives (i.e., Living Shoreline) for shoreline stabilization is available at [http://ccrm.vims.edu/coastal\\_zone/living\\_shorelines/index.html](http://ccrm.vims.edu/coastal_zone/living_shorelines/index.html).**

1. Describe each **revetment, bulkhead, marsh toe, breakwater, groin, jetty, other structure, or living shoreline project** separately in the space below. Include the overall length in linear feet, the amount of impacts in acres, and volume of associated backfill below mean high water and/or ordinary high water in cubic yards, as applicable:

Install 200'-0" long North Riprap revetment overlay on top of existing broken concrete revetment. Install 75'-0" long bulkhead, install 20'-0" bulkhead with 7'-0" long return wall, install 20'-0" long retaining wall, install 200'-0" long South Riprap revetment,

2. What is the maximum encroachment channelward of mean high water? 10 feet.  
Channelward of mean low water? 3 feet.  
Channelward of the back edge of the dune or beach? N/A feet.
3. Please calculate the square footage of encroachment over:
  - Vegetated wetlands \_\_\_\_\_ square feet
  - Non-vegetated wetlands 1600 square feet
  - Subaqueous bottom 1200 square feet
  - Dune and/or beach \_\_\_\_\_ square feet
4. For bulkheads, is any part of the project maintenance or replacement of a previously authorized, currently serviceable, existing structure? \_\_\_\_ Yes X \_\_\_\_ No.

If yes, will the construction of the new bulkhead be no further than two (2) feet channelward of the existing bulkhead? \_\_\_\_ Yes \_\_\_\_ No.

If no, please provide an explanation for the purpose and need for the additional encroachment.

## Part 3 – Appendices (continued)

5. Describe the type of construction and **all** materials to be used, including source of backfill material, if applicable (e.g., vinyl sheet-pile bulkhead, timber stringers and butt piles, 100% sand backfill from upland source; broken concrete core material with Class II quarry stone armor over filter cloth).

**NOTE: Drawings must include construction details, including dimensions, design and all materials, including fittings if used.**

Revetments: VDOT #1 bedding stone Class 1 armor stone, Non- woven geotextile fabric  
Bulkhead and retaining wall: 10" butt fender piles, 4"x6" wale 2"x8" T&G timber sheet pile , 8" diameter anchor piles; geotextile filter fabric. All timber material 2.5CCA. all fasteners H.D.G

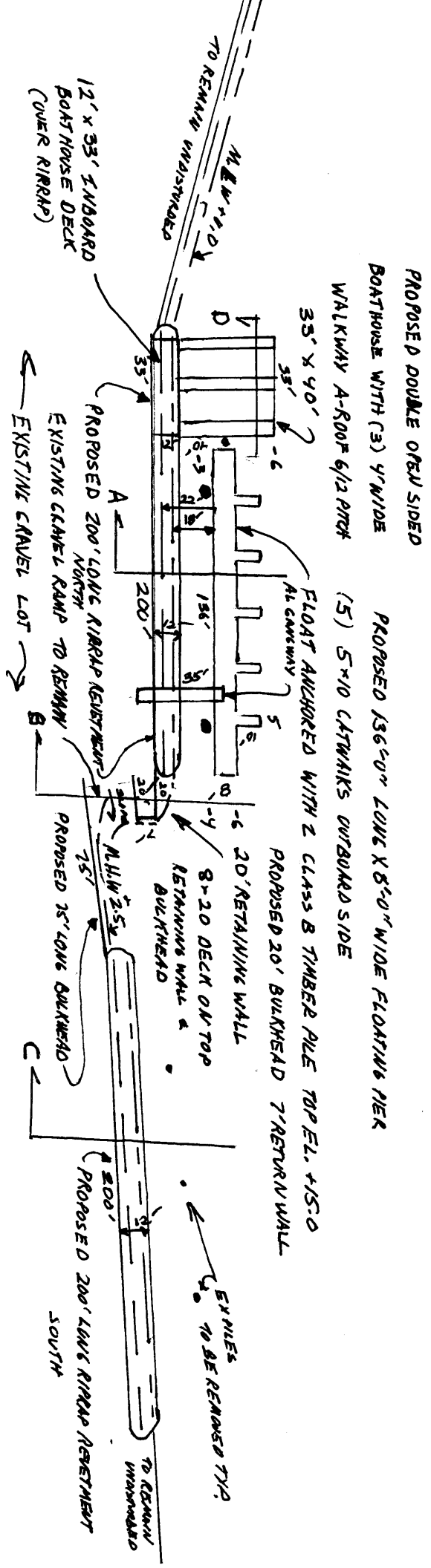
6. If using stone, broken concrete, etc. for your structure(s), what is the average weight of the:

Core (inner layer) material 10 pounds per stone      Class size VDOT #1  
Armor (outer layer) material 150 pounds per stone      Class size 1

7. For **beach nourishment**, including that associated with breakwaters, groins or other structures, provide the following:

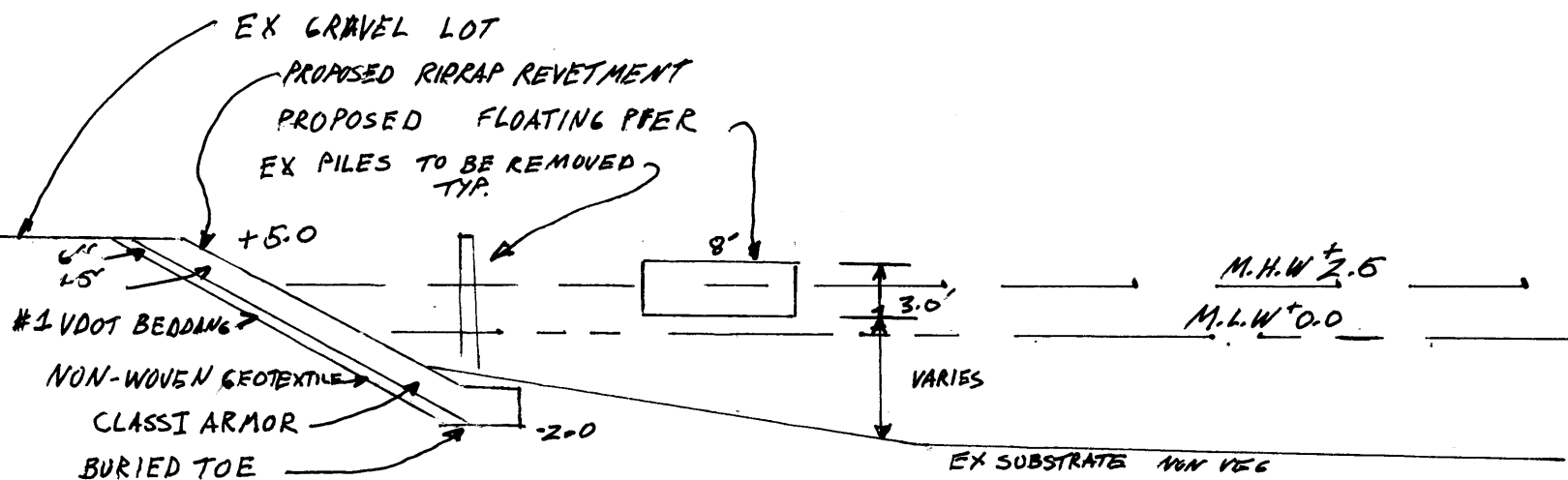
- Volume of material      \_\_\_\_\_ cubic yards channelward of mean low water  
    \_\_\_\_\_ cubic yards landward of mean low water  
    \_\_\_\_\_ cubic yards channelward of mean high water  
    \_\_\_\_\_ cubic yards landward of mean high water
- Area to be covered      \_\_\_\_\_ square feet channelward of mean low water  
    \_\_\_\_\_ square feet landward of mean low water  
    \_\_\_\_\_ cubic yards channelward of mean high water  
    \_\_\_\_\_ cubic yards landward of mean high water
- Source of material, composition (e.g. 90% sand, 10% clay): \_\_\_\_\_
- Method of transportation and placement: \_\_\_\_\_
- Describe any proposed vegetative stabilization measures to be used, including planting schedule, spacing, monitoring, etc. Additional guidance is available at  
<http://www.vims.edu/about/search/index.php?q=planting+guidelines>:

COLLEGE CREEK 140' WIDE  
 EBB →  
 ← FLOOD

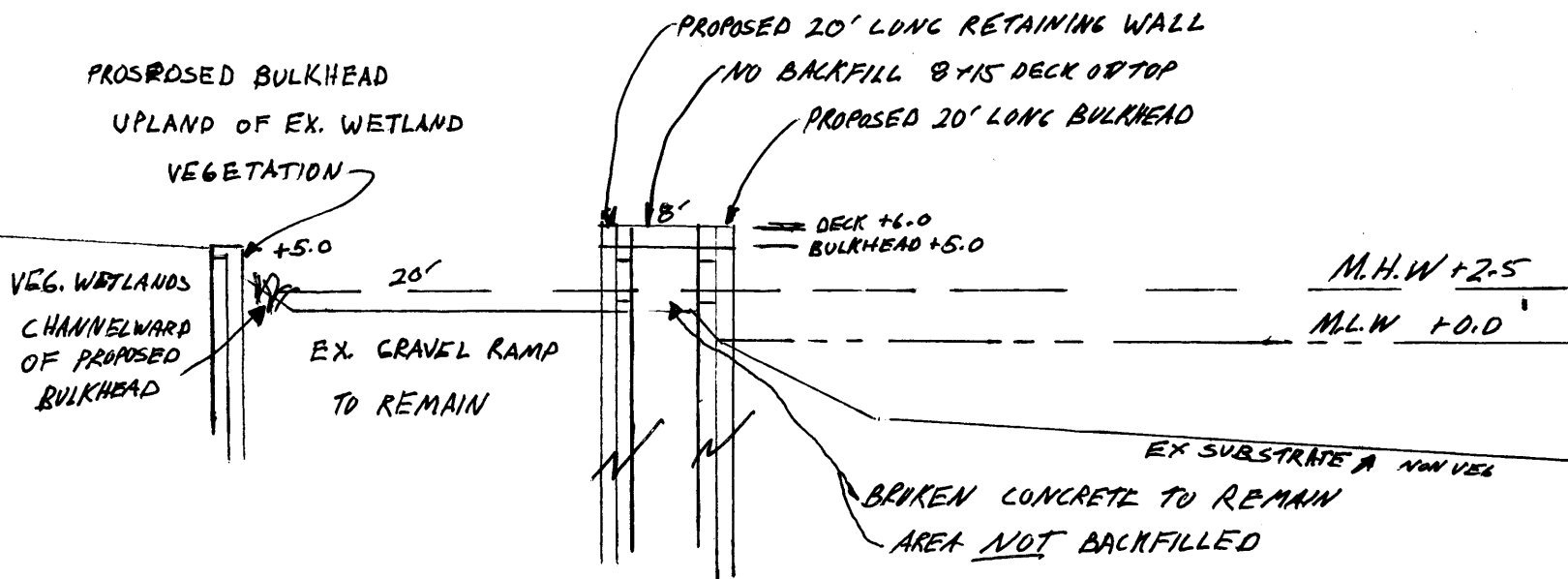


25.69 AC ROBERTS DIST RB  
 SHORT NECK LLC  
 PARCEL ID 4820100012  
 20 MARCLAY ROAD  
 WILLIAMSBURG VA 23185

APO & J WILLIAMSBURG LANDING INC APO & J WILLIAMSBURG LANDING INC 06/01/2020	PLAN VIEW OF PROPOSED BULKHEAD NORTH RETAINMENT, SOUTH RETAINMENT, FLOATING PIER, DECKS BOATHOUSE & RETAINING WALL SHORT NECK LLC	DRW BY DRW 06/01/2020 DATA M.L.N. SCALE 3" = 60'-0" P. 2.024
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SECTION A-A NORTH REVETMENT FLOATING PIER

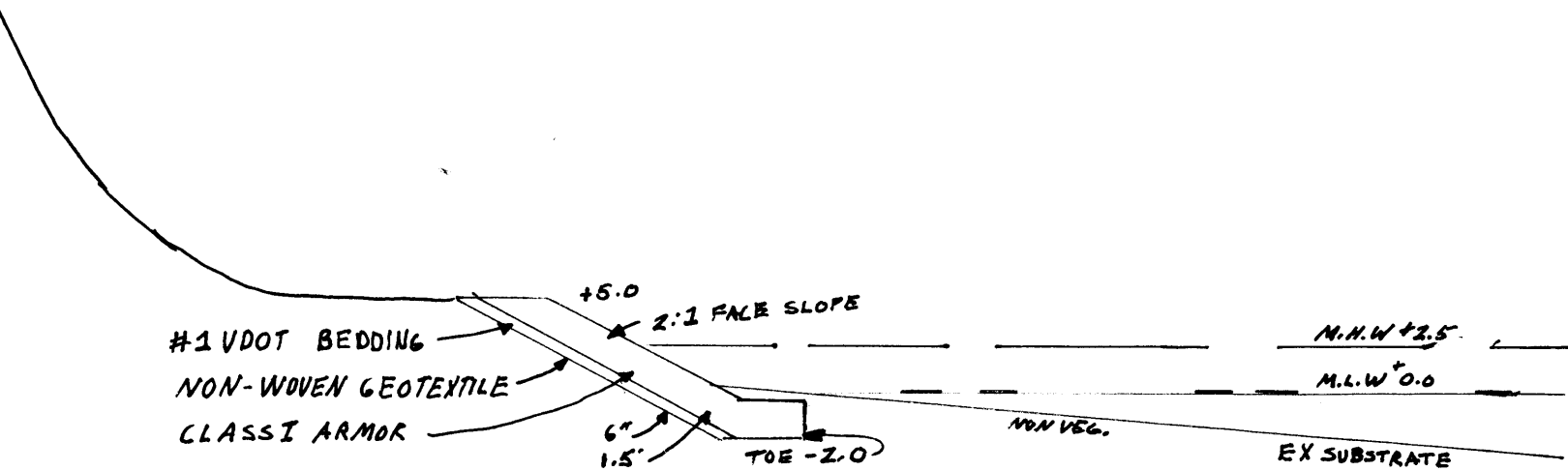


SECTION BB BULKHEAD, RETAINING WALL GRAVEL RAMP AREA

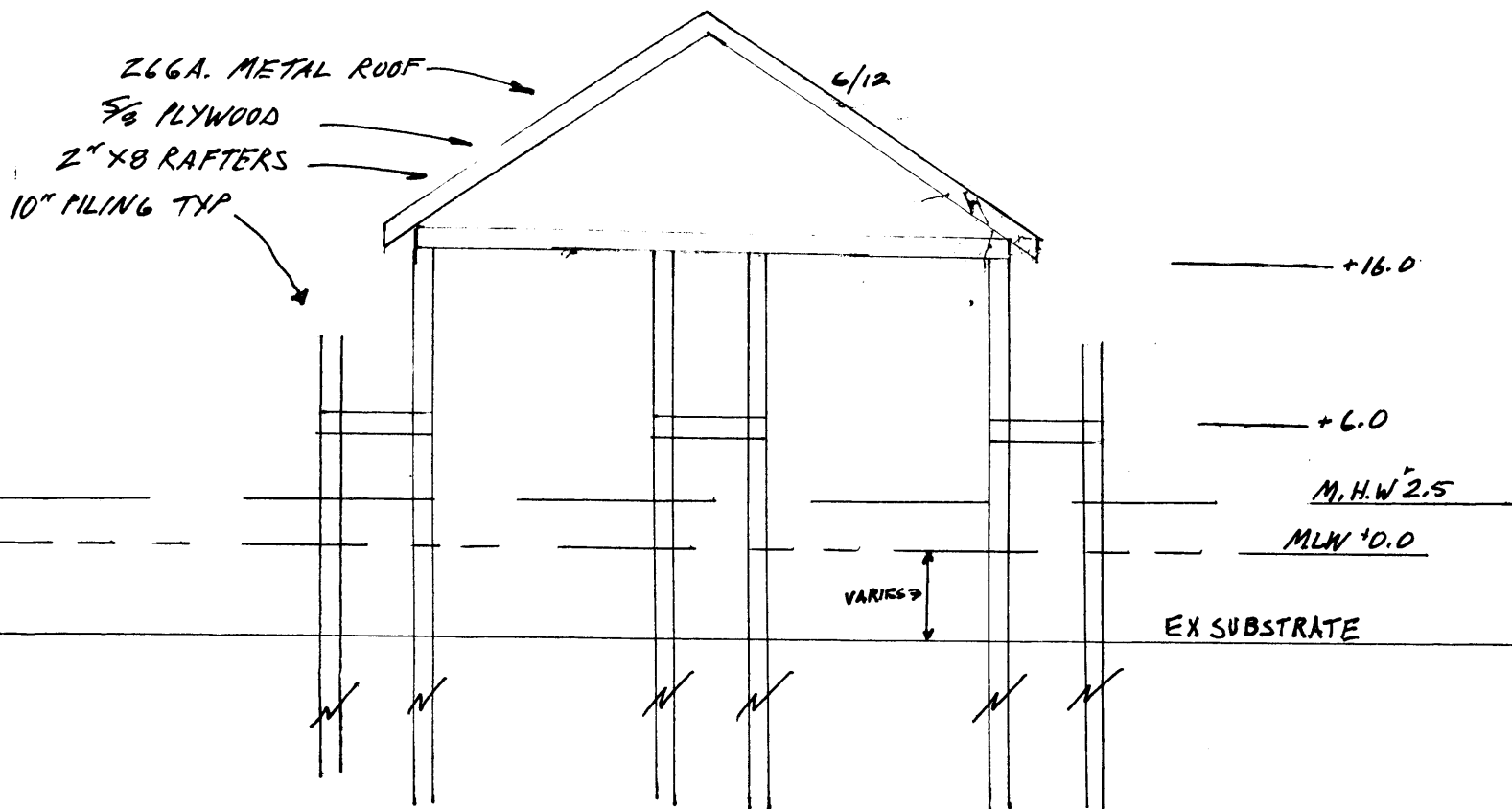
APD #1 WILLIAMSBURG LANDING  
 APD #2 WILLIAMSBURG-JAMESTOWN  
 AIRPORT INC  
 06/01/2020

SECTION VIEWS A-B  
 SHORT NECK LLC

DRW BY DRW  
 DATUM M.L.W.  
 SCALE 1"=10'-0"  
 PG 2 OF 4



SECTION C-C 1" = 10'-0" SOUTH REVETMENT



SECTION D-D 1" = 10'-0" BOATHOUSE

APD #1 WILLIAMSBURG L.D. INC  
 APD # WILLIAMSBURG-JAMESTOWN  
 AIRPORT INC  
 06/01/2020

SECTION VIEWS C & D  
 SHORT NECK LLC

DRW BY DRW  
 DATUM M.L.W  
 SCALE 1" = 10'-0"  
 P6 3 OF 4



**From:** [Daniel Winall](#)  
**To:** [jpa.permits@mrc.virginia.gov](mailto:jpa.permits@mrc.virginia.gov)  
**Cc:** [Jeffrey Madden](#)  
**Subject:** revisions to VMRC #20-1053  
**Date:** Wednesday, August 26, 2020 3:20:56 PM  
**Attachments:** [File0807.PDF](#)

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Thanks,

*Daniel R. Winall*

*President*

Water's Edge Construction

P.O. Box 352

Toano, VA 23168

Phone: 757-566-0149

Email: [dwinall@wecmarine.com](mailto:dwinall@wecmarine.com)

[www.wecmarine.com](http://www.wecmarine.com)



COLLEGE CREEK 140' WIDE

EBB →  
← FLOOD

PROPOSED DOUBLE OPEN SIDED

BOATHOUSE WITH (3) 4' WIDE

WALKWAY A-ROOF 6/12 PITCH

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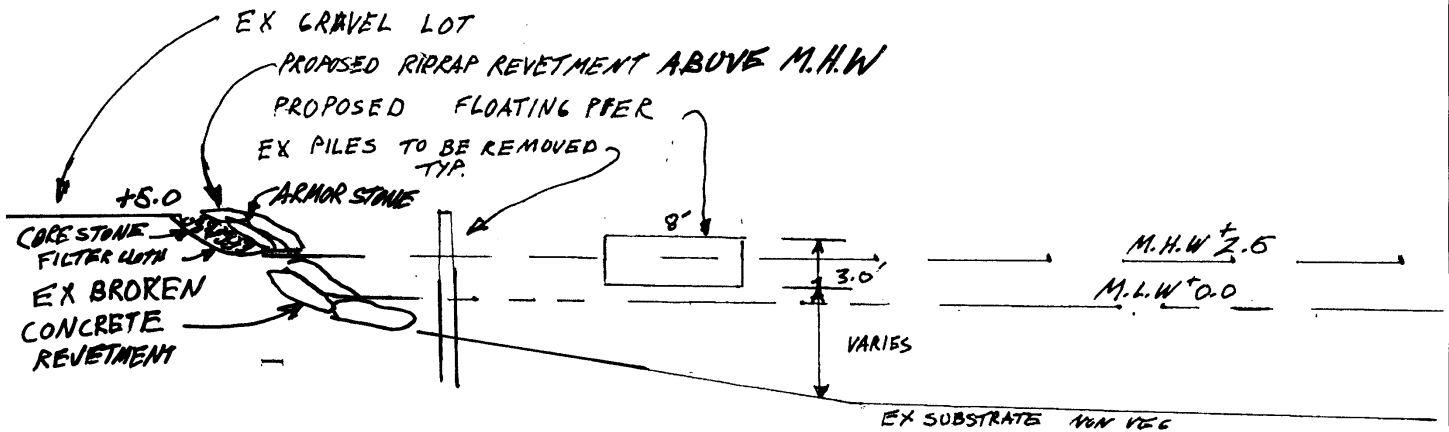
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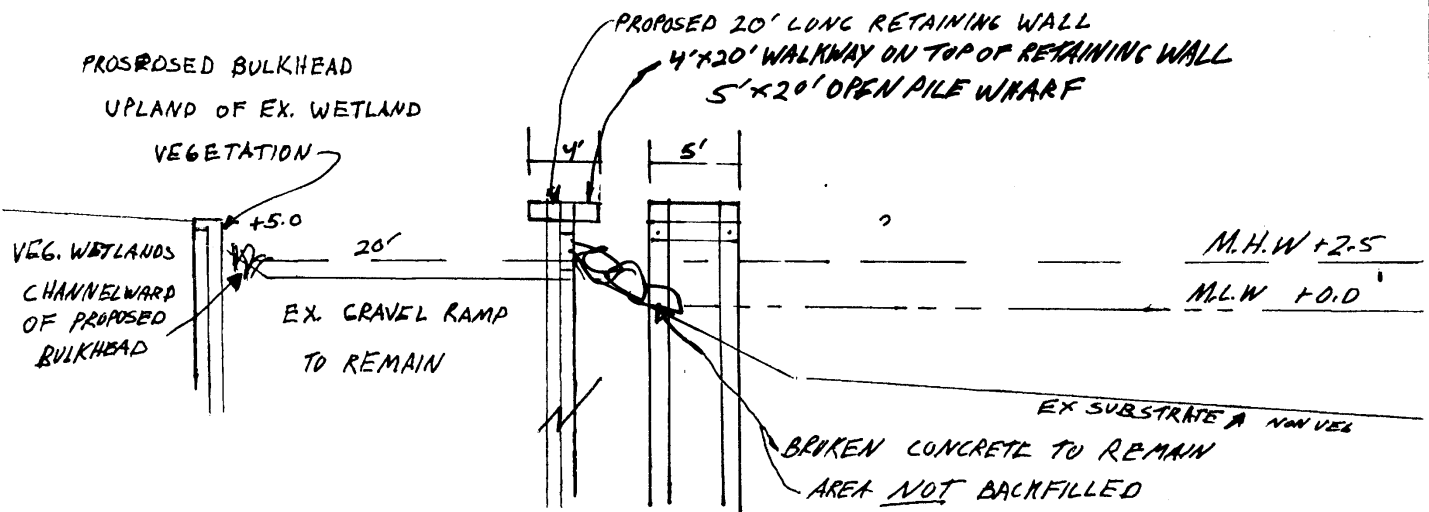
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SECTION A-A NORTH REVETMENT FLOATING PIER

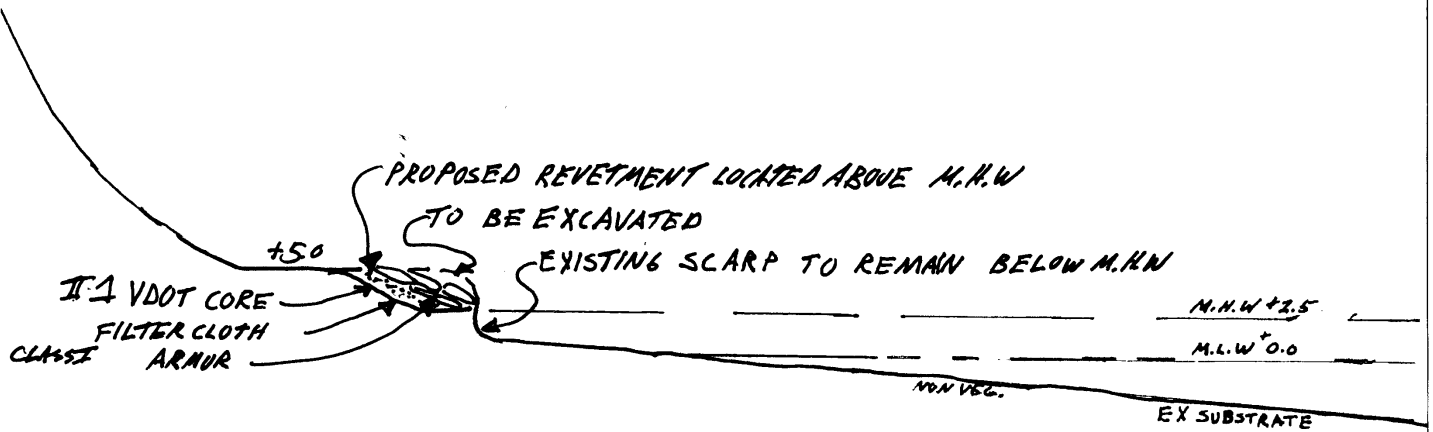


SECTION BB BULKHEAD, RETAINING WALL GRAVEL RAMP AREA

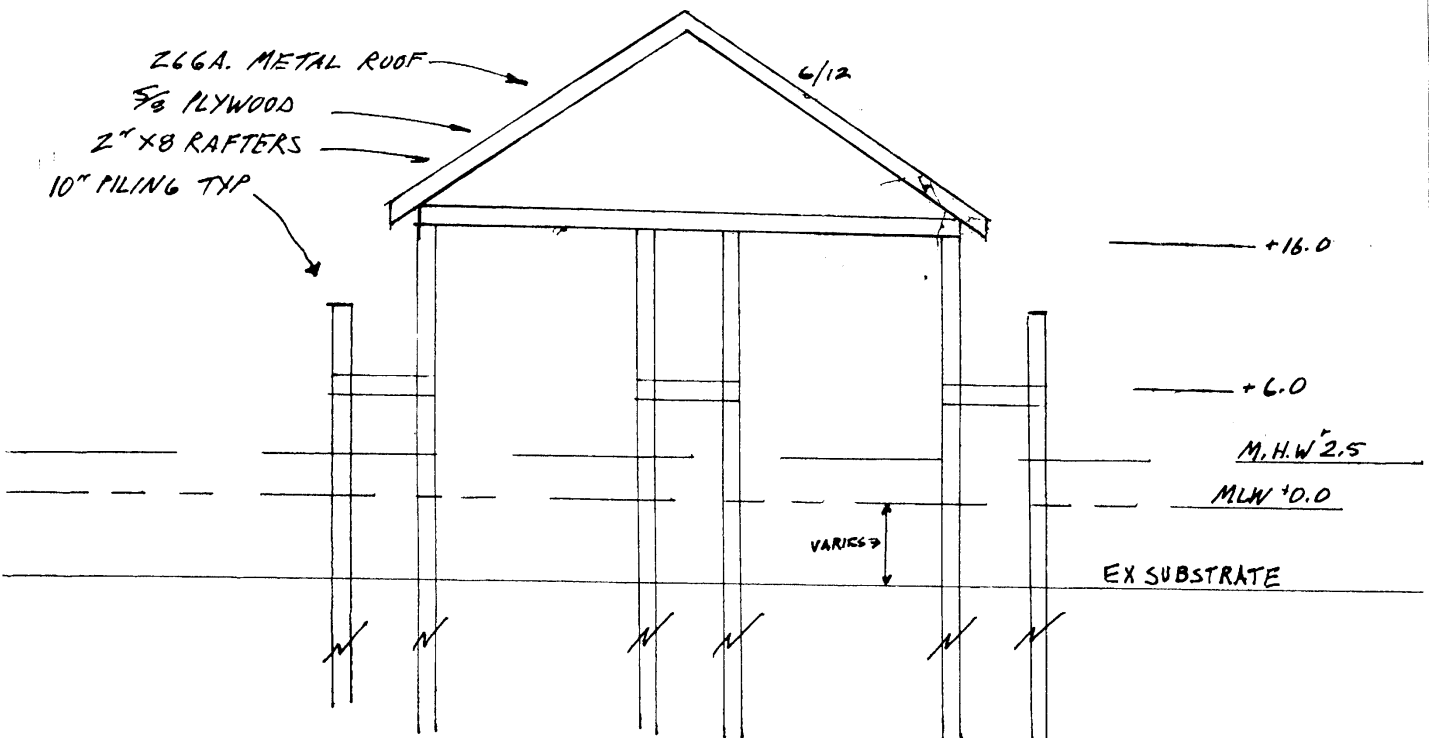
APD #1 WILLIAMSBURG LANDING  
APD #2 WILLIAMSBURG-JAMESTOWN  
AIRPORT INCL  
08/01/2020

SECTION VIEWS A & B  
SHORT NECK LLC

DRW BY DRW  
DATUM M.L.W  
SCALE 1"=10'-0"  
PG 2 OF 4



SECTION C-C 1" = 10'-0" SOUTH REVETMENT



SECTION D-D 1" = 10'-0" BOATHOUSE

APD #1 WILLIAMSBURG L.D. INC  
 APD # WILLIAMSBURG-JAMESTOWN  
 AIRPORT INC  
 06/01/2020

SECTION VIEWS C & D,  
 SHORT NECK LLC

DRW BY DRW  
 DATUM M.L.W  
 SCALE 1" = 10'-0"  
 PG 3 OF 4

### Part 3 – Appendices (continued)

**Appendix B: Projects for Shoreline Stabilization** in tidal wetlands, tidal waters and dunes/beaches including riprap revetments and associated backfill, marsh toe stabilization, bulkheads and associated backfill, breakwaters, beach nourishment, groins, jetties, and living shoreline projects. Answer all questions that apply. Please provide any reports provided from the Shoreline Erosion Advisory Service or VIMS.

**NOTE:** It is the policy of the Commonwealth that living shorelines are the preferred alternative for stabilizing tidal shorelines (Va. Code § 28.2-104.1). **Information on non-structural, vegetative alternatives (i.e., Living Shoreline) for shoreline stabilization is available at [http://ccrm.vims.edu/coastal\\_zone/living\\_shorelines/index.html](http://ccrm.vims.edu/coastal_zone/living_shorelines/index.html).**

1. Describe each **revetment, bulkhead, marsh toe, breakwater, groin, jetty, other structure, or living shoreline project** separately in the space below. Include the overall length in linear feet, the amount of impacts in acres, and volume of associated backfill below mean high water and/or ordinary high water in cubic yards, as applicable:

Install 200'-0" long North Riprap revetment upland of existing broken concrete revetment.  
Install 75'-0" long bulkhead, install 20'-0" long retaining wall, install 200'-0" long South Riprap revetment,

2. What is the maximum encroachment channelward of mean high water? 0 feet.  
Channelward of mean low water? 0 feet.  
Channelward of the back edge of the dune or beach? N/A feet.

3. Please calculate the square footage of encroachment over:

- Vegetated wetlands                      square feet
- Non-vegetated wetlands 0 square feet
- Subaqueous bottom 0 square feet
- Dune and/or beach                      square feet

4. For bulkheads, is any part of the project maintenance or replacement of a previously authorized, currently serviceable, existing structure?        Yes <sup>x</sup> No.

If yes, will the construction of the new bulkhead be no further than two (2) feet channelward of the existing bulkhead?        Yes        No.

If no, please provide an explanation for the purpose and need for the additional encroachment.

## Part 3 – Appendices (continued)

5. Describe the type of construction and **all** materials to be used, including source of backfill material, if applicable (e.g., vinyl sheet-pile bulkhead, timber stringers and butt piles, 100% sand backfill from upland source; broken concrete core material with Class II quarry stone armor over filter cloth).

**NOTE: Drawings must include construction details, including dimensions, design and all materials, including fittings if used.**

Revetments: VDOT #1 bedding stone Class 1 armor stone, Non- woven geotextile fabric  
Bulkhead and retaining wall: 10" butt fender piles, 4"x6" wale 2"x8" T&G timber sheet pile , 8"  
diameter anchor piles; geotextile filter fabric. All timber material 2.5CCA. all fasteners H.D.G

6. If using stone, broken concrete, etc. for your structure(s), what is the average weight of the:

Core (inner layer) material 10 pounds per stone      Class size VDOT #1

Armor (outer layer) material 150 pounds per stone Class size 1

7. For **beach nourishment**, including that associated with breakwaters, groins or other structures, provide the following:

- Volume of material \_\_\_\_\_ cubic yards channelward of mean low water
- \_\_\_\_\_ cubic yards landward of mean low water
- \_\_\_\_\_ cubic yards channelward of mean high water
- \_\_\_\_\_ cubic yards landward of mean high water

- Area to be covered \_\_\_\_\_ square feet channelward of mean low water  
                                       \_\_\_\_\_ square feet landward of mean low water  
                                       \_\_\_\_\_ cubic yards channelward of mean high water  
                                       \_\_\_\_\_ cubic yards landward of mean high water

- Source of material, composition (e.g. 90% sand, 10% clay): \_\_\_\_\_
- Method of transportation and placement: \_\_\_\_\_

- Describe any proposed vegetative stabilization measures to be used, including planting schedule, spacing, monitoring, etc. Additional guidance is available at <http://www.vims.edu/about/search/index.php?q=planting+guidelines>:

**From:** [Jeffrey Madden](#)  
**To:** [jpa.permits@mrc.virginia.gov](mailto:jpa.permits@mrc.virginia.gov)  
**Subject:** FW: 20 marclay - creek bathymetry  
**Date:** Friday, August 28, 2020 2:35:38 PM  
**Attachments:** [SKM\\_C45820082716110.pdf](#)  
[Scan for Larry Waltrip\\_A.pdf](#)

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Attached are revisions to VMRC # 20-1053 (Short Neck LLC)

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**From:** Michael Woolson <[Michael.Woolson@jamescitycountyva.gov](mailto:Michael.Woolson@jamescitycountyva.gov)>  
**Sent:** Thursday, August 27, 2020 4:45 PM  
**To:** Daniel Winall ([dwinall@wecmarine.com](mailto:dwinall@wecmarine.com)) <[dwinall@wecmarine.com](mailto:dwinall@wecmarine.com)>;  
[jeff.madden@mrc.virginia.gov](mailto:jeff.madden@mrc.virginia.gov)  
**Subject:** 20 marclay - creek bathymetry

Here is our data.

**Michael Woolson**  
Senior Watershed Planner



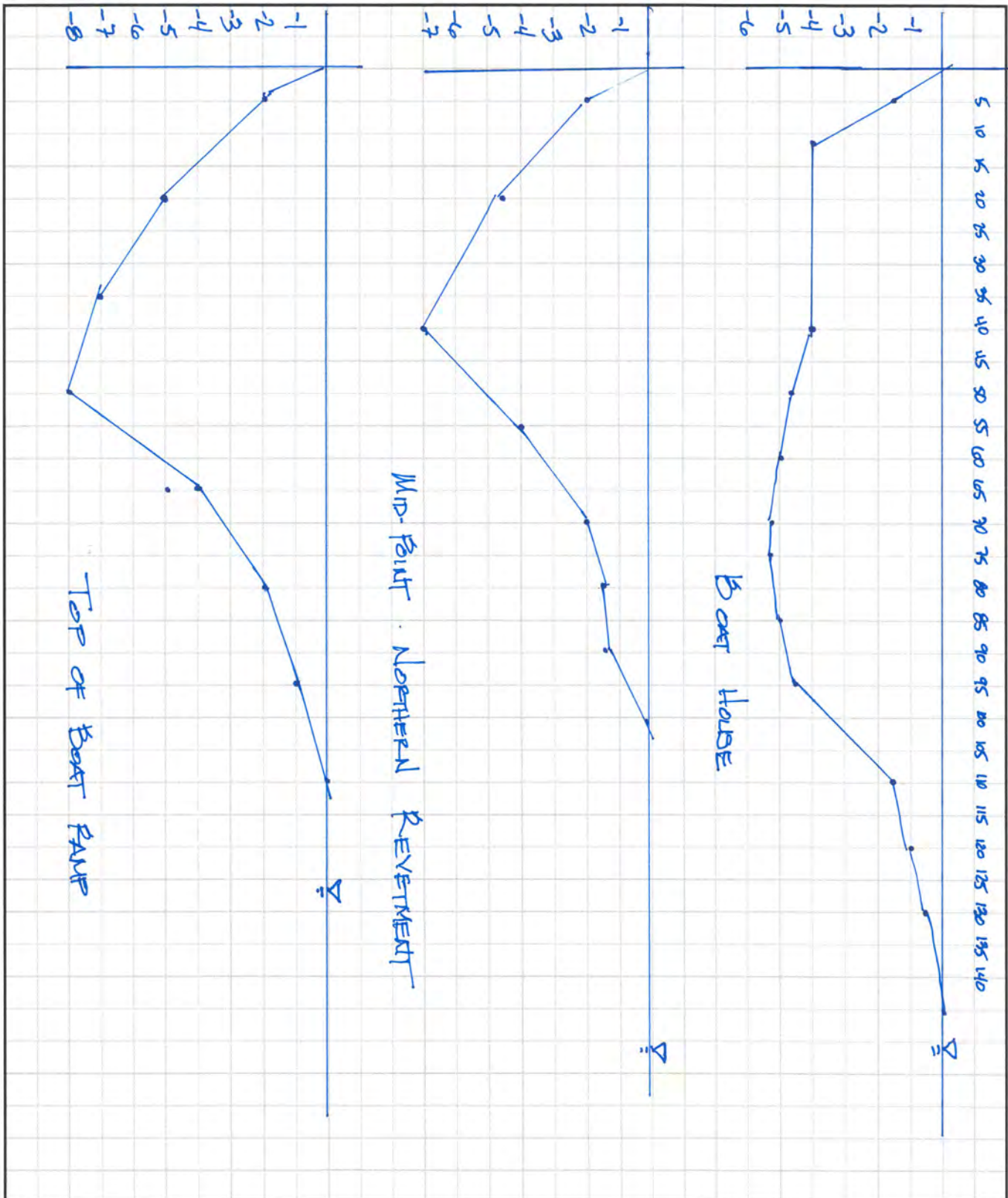
**Stormwater and Resource Protection Division**  
**General Services Department**  
**101-E Mounts Bay Road**  
**Williamsburg, VA 23185**  
**P: 757-253-6670**  
**[jamescitycountyva.gov](http://jamescitycountyva.gov)**

Most permit requests and inquiries can now be handled online  
Visit JCC **Permitlink**: <http://www.jamescitycountyva.gov/permitlink>



690 Center Street Suite 300  
 Herndon, Virginia 20170  
 (703) 481-5900  
 www.tritekinc.com

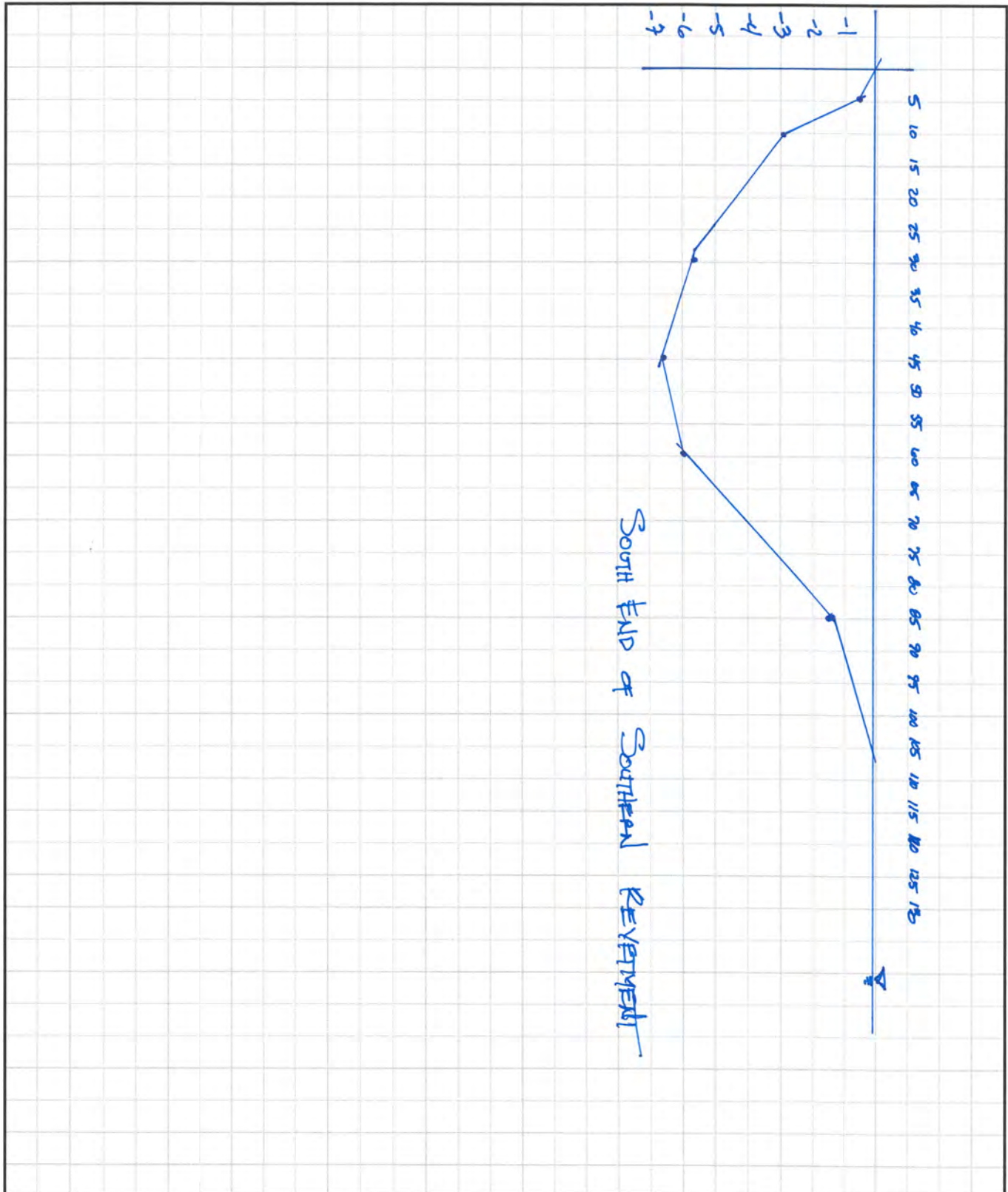
JOB \_\_\_\_\_  
 SHEET NO. \_\_\_\_\_ OF \_\_\_\_\_  
 CALCULATED BY \_\_\_\_\_ DATE \_\_\_\_\_  
 CHECKED BY \_\_\_\_\_ DATE \_\_\_\_\_  
 SCALE \_\_\_\_\_





690 Center Street Suite 300  
Herndon, Virginia 20170  
(703) 481-5900  
www.tritekinc.com

JOB \_\_\_\_\_  
SHEET NO. \_\_\_\_\_ OF \_\_\_\_\_  
CALCULATED BY \_\_\_\_\_ DATE \_\_\_\_\_  
CHECKED BY \_\_\_\_\_ DATE \_\_\_\_\_  
SCALE \_\_\_\_\_









**From:** [Jeffrey Madden](#)  
**To:** [jpa.permits@mrc.virginia.gov](mailto:jpa.permits@mrc.virginia.gov)  
**Subject:** FW: Kingspoint Board Letter - Proposed Waltrip Pier/Boathouse  
**Date:** Tuesday, September 1, 2020 8:36:43 AM  
**Attachments:** [VMRC Letter.pdf](#)

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Protest VMRC # 20-1053 (Short Neck LLC)

**From:** Lay, Allison <[allison.lay@mrc.virginia.gov](mailto:allison.lay@mrc.virginia.gov)>  
**Sent:** Tuesday, September 1, 2020 7:17 AM  
**To:** Jeffrey Madden <[jeff.madden@mrc.virginia.gov](mailto:jeff.madden@mrc.virginia.gov)>  
**Subject:** Fwd: Kingspoint Board Letter - Proposed Waltrip Pier/Boathouse

Sorry about that Jeff. Here is the Kingspoint letter

[Allison Lay](#)  
Environmental Engineer  
Virginia Marine Resources Commission  
380 Fenwick Road, Bldg. 96  
Fort Monroe, Virginia 23651  
757-247-2254

----- Forwarded message -----

**From:** **Kingspoint Club** <[kppresidents@gmail.com](mailto:kppresidents@gmail.com)>  
**Date:** Sun, Aug 30, 2020 at 9:36 PM  
**Subject:** Kingspoint Board Letter - Proposed Waltrip Pier/Boathouse  
**To:** <[allison.lay@mrc.virginia.gov](mailto:allison.lay@mrc.virginia.gov)>, KP Co-presidents <[kppresidents@gmail.com](mailto:kppresidents@gmail.com)>

Good evening Allison,

I'm writing on behalf of the Kingspoint Club Board in Williamsburg with significant concern about the proposed Waltrip Pier/Boathouse development on College Creek (WJPA-20-0023, 20 Marclay Road). We understand that the JCC Wetlands Commission will be considering the proposal in early September, with potential discussion following at the VRMC level.

The attached letter captures the deep concerns that we have. We would be more than happy to answer any questions.

Regards,  
J.D. Reeves and Sarah Huber, Co-Presidents, Kingspoint Club Board  
Kingspoint Club, Inc, Williamsburg, VA

August 28<sup>th</sup>, 2020

Virginia Marine Resources Commission  
Allison Lay  
Environmental Engineer  
Fort Monroe, Virginia 23651

Dear VMRC,

The Kingspoint Club is the official governing body that manages the clubhouse, pool, boat launch, and dock for the Kingspoint Community located off of route 199. Our board, which is elected on an annual basis by the Kingspoint Club "stockholders" and represents over 150 households in the Kingspoint Community, provides executive coordination and decision making to Club operations per defined Board bylaws. Our community dock is located directly across College Creek from the proposed Waltrip Marina location. On behalf of our member households, we have the following major concerns regarding the March 2020 proposal to expand the Waltrip Landing site:

- **The proposed project appears to directly restrict navigable access through the deeper Creek waters (see Attachment), which would directly limit the boat accessibility to the broader College Creek/James River by Kingspoint residents and render our boat launch useless.** Kingspoint Club manages the boat launch directly onto College Creek that many residents use for access to broader waterway and connection to the James River. This is only possible due to the deeper areas of the Creek that are free of vegetation and shallow waters.
  - Note: this may also hold true for any Department of Transportation barge/utility repair accessibility to the Rt.199 College Creek Bridge.
- **From the proposal submitted, it appears as though the new development is a commercial marina, not a private dock.**
- **Starting back in March, the Kingspoint community noticed new floating docks being floated in and installed in preparation for landing upgrades.** It is still not clear whether these changes were reviewed and approved by VMRC during that time frame or since (especially with site reviews limited due to COVID-19).
- **The proposed project does not appear to consider the use of a Living Shoreline.** Since 2011, the preference for living shorelines has been law per the Virginia General Assembly (VA Code § 28.2-104.1).
- **The proposed project appears to extend directly into the deeper waters of the creek (see Attachment).** The natural water circulation within the creek is vital to preserving the marine ecosystem health. This particularly true for the deeper water areas of the Creek. The impacts on Creek health need to be better understood before this project should continue.
- **The proposed project would negatively impact the natural undeveloped creek aesthetics.** Our clubhouse, and many Kingspoint residents who have houses facing College Creek, enjoys the undeveloped marsh views and associated wildlife. Residential docks are an acceptable part of

that landscape, but the Waltrip Landing proposal appears to effectively be a small marina. This would result in a serious change to the College Creek appearance and environment. Increased boat usage, due to the operation of the marina, would result in significantly increased noise considerations and impact to the creek vegetation and ecology.


- **Kingspoint Club, which has waterfront property on College Creek across from the proposed project, never received a letter outlining the project and public meeting dates.** Some residents with waterfront property on College Creek did receive a letter, but it was not received until the late July timeframe.

We hope that VMRC takes these concerns into full consideration when reviewing the Waltrip Landing proposal. We would appreciate invitation to any and all deliberations that the Board schedules pertaining to this proposed project.

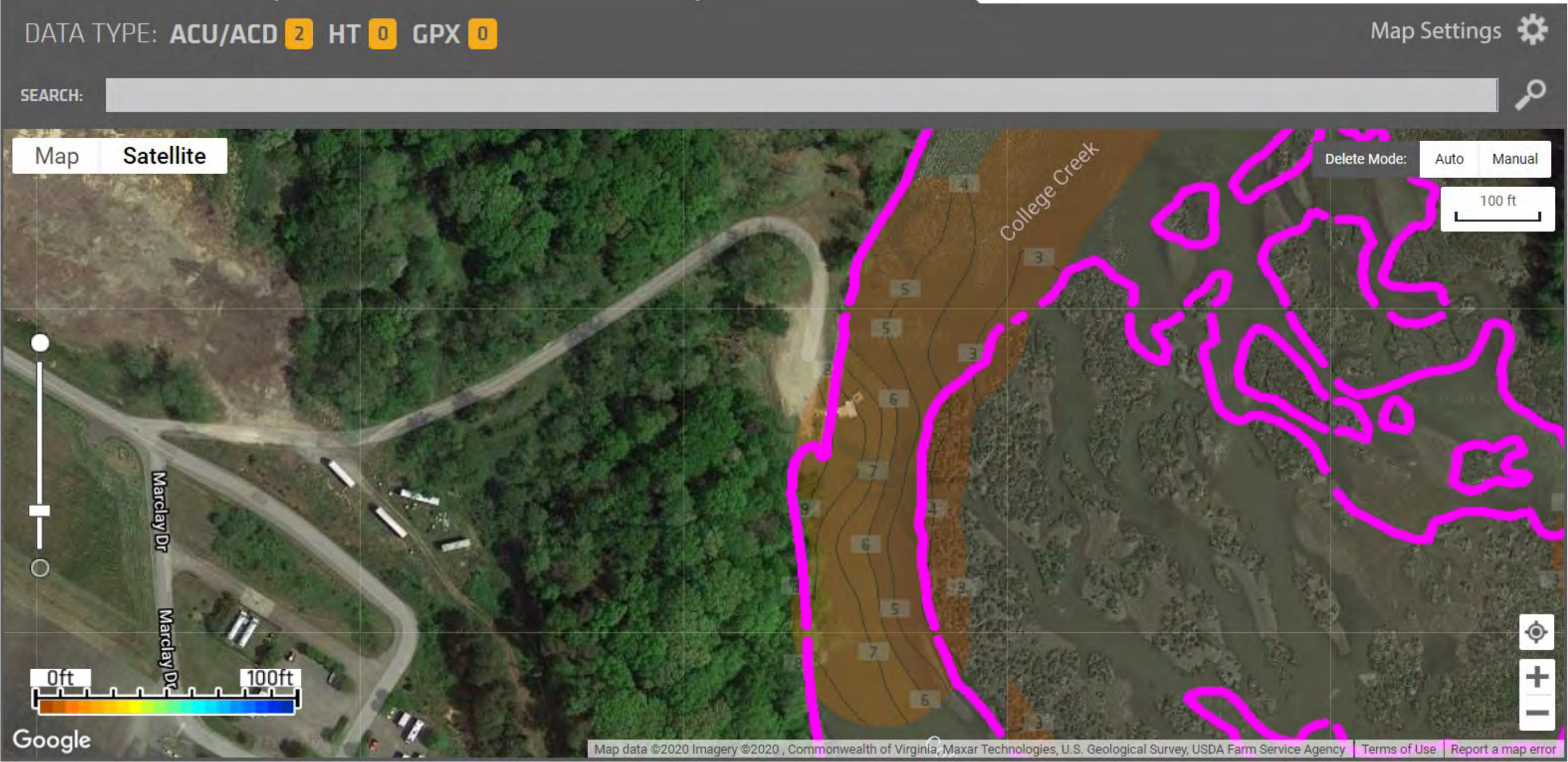
Sincerely,

Kingspoint Club Board

  
Co-President

  
Co-President





**From:** [Jeffrey Madden](#)  
**To:** [jpa.permits@mrc.virginia.gov](mailto:jpa.permits@mrc.virginia.gov)  
**Subject:** FW: Waltrip Case #VMRC 20-1053  
**Date:** Wednesday, September 2, 2020 3:30:22 PM

---

Protest letter VMRC # 20-1053 ( Short Neck LLC)

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**From:** david k miller <[hokie80@cox.net](mailto:hokie80@cox.net)>  
**Sent:** Wednesday, September 2, 2020 2:35 PM  
**To:** Mike Woolson <[michael.woolson@jamescitycountyva.gov](mailto:michael.woolson@jamescitycountyva.gov)>; [jeff.madden@mrc.virginia.gov](mailto:jeff.madden@mrc.virginia.gov)  
**Cc:** John McGlennon <[John.McGlennon@jamescitycountyva.gov](mailto:John.McGlennon@jamescitycountyva.gov)>  
**Subject:** Waltrip Case #VMRC 20-1053

Mr. Woolson/Mr. Madden,

My name is David K. Miller. My wife (Wendy C. Miller) and I reside at 126 Northpoint Drive, Williamsburg VA 23185 in the Kingspoint neighborhood. Our home/property is located directly across College Creek from Mr. Larry Waltrip's property and by direct measurement is the closest property in distance to Mr. Waltrip's proposed marina. We have been residents of James City County for 31 years. I am a retired nuclear engineer from Dominion Energy (38 yrs) and Wendy is a retired teacher from WJCC (21 years). We fully believe in property owners' rights and that all requests for improvements/additions be fairly assessed with regards to the owners' desires as well as impact on adjacent property owners, the environment, history, etc. In fact, we installed a low-profile open-sided boat lift onto our pre-existing permanent dock for storing our family pontoon boat just a few months ago. We first consulted our neighbors for approval and followed all required aspects of the Joint Application Permit (JPA) process. However, we are fully and unequivocally protesting on many levels the proposed marina that Mr. Waltrip has requested per the subject case number referenced above.

Mr. Waltrip's JPA states "**single user/private use**". The sheer size and scope, as well as mooring **nine (9)** power vessels there, would not meet any reasonable person's definition of "residential use". Rather, this project looks and smells every bit the part of a **commercial boating marina**, therefore begging the question of truthfulness and transparency with the application.

The JPA states an estimated cost of \$75,000 for full project consisting of approximately 515 total feet of riprap/revetment, bulkhead, and retaining wall, plus floating dock with finger piers, 40'x33' boathouse, decking, multiple permanent pilings, etc. Common sense and construction experience leads me to believe this project's size/scope would cost at least 5 times that amount... transparency is in question again.

The JPA states **primary purpose is to protect the shoreline** and the secondary purpose is to provide access to creek. Constructing a boathouse, large floating dock with multiple slips for 9 power boats is hardly protecting the shoreline. Once again, this begs the question of truth, honesty, and being forthright within this application.

Listed below are questions that we believe need to be considered when evaluating the Waltrip

Received by VMRC September 2, 2020 /blh



JPA:

- How many private residential boating users in our county own/operate/moor **nine** powered vessels at their residence? Are all nine vessels actually owned/registered by Mr. Waltrip?
- How many private residential users in our county require >500 feet of rip rap revetment (hardened shoreline) and what is the impact of that on adjacent living shoreline? How does this meet state regulations for a "living shoreline"?
- How many private residential boating users in our county require a 1320 ft<sup>2</sup> boathouse, a larger footprint than many of our primary residences? What is the overall height of this boathouse?
- How many private residential boating users in our county require a 136' x 8' floating dock with 8 perpendicular slips to moor vessels up to 30' in length? How far out into the navigable channel will these boats extend? Coincidentally, I was working on the construction crew charged with rebuilding Governor's Land Marina where the floating dock was purchased by Mr. Waltrip in March of this year. How ironic that the floating dock came from a large-scale commercial operation yet is now an integral part of a proposed "residential" project.
- How is it OK that this floating dock has been staged in the creek since March 26 without proper permitting?
- Who will be monitoring the residential boating and associated activities at this marina since there is no residence located on this property? Who will ensure the timely mitigation of any potential damage to the creek or surrounding environment due to loss of oil, fuel, or fire from high density boat storage? Currently there is a plethora of daily boating activity, alcoholic consumption, etc from normal users of just the boat ramp. The 55-gallon trash barrel is often over-flowing with debris, mostly alcoholic containers.
- What provisions will be in place to ensure noise ordinances will be maintained? Commercial marinas are known as havens for noise created by large numbers of people and powered boats.
- What is the impact on residential property value for Kingspoint, The Landing, and The Conservancy neighborhoods due to noise and aesthetic pollution?
- What is the impact on the historical aspects of College Creek, which dates back to 1570?
- How will safety of existing traffic mostly recreational canoes, kayaks, and paddleboards be ensured?
- Square footage of tidal vegetated wetlands area was left blank in the JPA. How much vegetation in total will be affected by increased rip rap, bulkhead, and retaining wall?
- How many shoreline trees will be damaged and therefore deemed acceptable for removal during this commercial construction project?
- A living shoreline is required/preferred over a hardening shoreline. Why not require a living shoreline for this project?
- Has a professional topography study at low tide, including flow/silting, been conducted for this area of College Creek and what impact will this project have on current topography and navigation?
- Why is the existing broken concrete revetment not being removed prior to installation of new revetment? This would conserve current channel width.
- Why is a bulkhead required when concrete revetment is currently in place?
- Where is the retaining wall to be located?
- 12' rip rap expansion into College Creek (plus proposed enlarged structures) will most

definitely encroach into the very narrow boating channel that currently hugs the existing structures, thereby greatly impeding the navigable water. This is unacceptable and will prevent safe boating traffic beyond this location to/from KP Club boat ramp.

- Dual slip 33'x40' boathouse sounds excessive for boats that can navigate this area of College Creek. Why does this boathouse need to be so big?
- How many new pilings are required for this project and what about the environmental impact on the creek bed?
- 40' channelward of MHW, 36' channelward of MLW – How wide is the channel at this point? How much does this encroach the channel? This affects all upstream and downstream traffic, not just adjacent property.
- 40' channelward of MHW, 36' channelward of MLW – How close is this to the wetland vegetated area in the “middle” section of College Creek?
- How will heavy construction affect surrounding wetlands and wildlife in this stretch of College Creek?
- Has impact on ability to get commercial boats up the creek for future maintenance or repairs on Rt. 199 bridge, KP Club, or College Creek Park docks been assessed? Has City of Williamsburg been included in the review/approval of this JPA?
- Is this large scale project is approved, what is to stop any other property owner along College Creek to submit a similar application? How many marinas of this magnitude would it take to completely destroy the beauty of this natural/historical waterway?

We understand that not all of these questions/concerns fall into each of your respective governance/jurisdiction. However, we are confident that you will be able to parse them out according to your individual charters. As we did not have an email address, we are also sending a printed version of this letter to the Army Corp of Engineers in Norfolk for their consideration during the review/approval of this proposed project. We fully believe that this project, as currently proposed, would not meet any reasonable definition of a "residential" boating project, but instead describes a commercial marina operation and should be fully evaluated as such under the applicable local, state, and federal regulations for permitting construction/access to Virginia's waterways. The environmental, aesthetic, financial, and navigable impact of this project must be fully assessed to ensure all parties' interests are considered and College Creek is maintained in its historically pristine condition to the maximum extent practicable. We are confident that you will do so and agree with us that this project not be approved as currently proposed.

Please don't hesitate to call if you have any questions or need clarification. We greatly appreciate your time and consideration regarding the content of this letter and your future decisions to preserve our beloved College Creek.

Respectfully,

David K. Miller/Wendy C. Miller

126 Northpoint Dr. Williamsburg, VA 23185



PROTEST

757-817-1556



## **PUBLIC HEARING NOTICE**

THE WETLANDS BOARD AND THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA WILL HOLD A PUBLIC HEARING **WEDNESDAY AUGUST 12, 2020 AT 5 P.M.** IN THE BOARD ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE WETLANDS BOARD WILL CONSIDER THE FOLLOWING CASES:

WJPA 20-0023/VMRC 20-1053: Mr. Daniel Winall of Waters Edge Construction, on behalf of Larry Waltrip, has applied for a wetlands permit to install a floating pier, retaining wall, bulkhead, riprap revetment and a boat house at 20 Marclay Road, JCC Parcel 4820100012.

WJPA 20-0024/VMRC 20-1074: Mr. David Butler of Gallup Surveyors & Engineers, on behalf of David and Diane Lee, has applied for a wetlands permit for a bulkhead repair, riprap revetment, pier repair and replacement, a new adjacent pier and stairway extension and repair at 176 The Maine, JCC Parcel 4540200061.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASE:

CBPA 20-0053: Mr. Don Newsom of Delightful Gardens, on behalf of Mr. Charles Turbeville, has filed an exception request for encroachments into the RPA buffer for a retaining wall at 146 Red Oak Landing, JCC Parcel 4730100033.

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

All interested parties are invited to attend the meetings. There is also a call-in option for the public hearings. To participate, call 757-253-6772 to record a comment that will be played during the meeting. Recorded comments must be submitted no later than noon on the day of the meeting. Please give your name and address for the public record and limit comments to five minutes or less. Questions? Call 757-253-6823.

The applications and plans are on file and may be viewed during normal office hours in the Stormwater and Resource Protection Division, 101-E Mounts Bay Road, James City County, Virginia.

## **NOT FOR PUBLICATION**

DISPLAY: WEDNESDAY – July 29 and August 5, 2020.

ACCOUNT NO.: 0011350200 - VIRGINIA GAZETTE

COPIES:     PLANNING  
                 ASSISTANT COUNTY ATTORNEY  
                 WETLANDS/CHESAPEAKE BAY BOARD MEMBERS



**General Services**  
107 Tewning Road  
Williamsburg, VA 23188  
P: 757-259-4080  
General.Services@jamescitycountyva.gov  
[jamescitycountyva.gov](http://jamescitycountyva.gov)

<b>Capital Projects</b> 107 Tewning Road Williamsburg, VA 23188 757-259-4080	<b>Fleet</b> 103 Tewning Road Williamsburg, VA 23188 757-259-4122	<b>Stormwater and Resource Protection</b> 101-E Mounts Bay Road Williamsburg, VA 23185 757-253-6670	<b>Facilities &amp; Grounds</b> 113 Tewning Road Williamsburg, VA 23188 757-259-4080	<b>Solid Waste</b> 1204 Jolly Pond Road Williamsburg, VA 23188 757-565-0971
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July 22, 2020

RE: WJPA-20-0023  
20 Marclay Road  
Boathouse, Floating Pier, Riprap, Revetment, Retaining Wall & Bulkhead

Dear Adjacent Property Owner:

In accordance with State and County Codes, this letter is to notify you that a request has been filed with the James City County Wetlands Board by Mr. Daniel Winall, Water's Edge Construction on behalf of Mr. Larry Waltrip, Short Neck, LLC for encroachment into the tidal wetlands associated with construction of a floating pier, retaining wall, bulkhead, riprap, revetment, inboard deck, dual slip, and open sided boathouse. The project is located at 20 Marclay Road and further identified as JCC Parcel No. 4820100012.

A complete description, plan 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 **August 12, 2020 at 5:00 p.m.**, in the Board Room of Building F, 101 Mounts Bay Road, James City County, Virginia, at which time you may request to speak on the above referenced project.

Sincerely,

*Michael D. Woolson*

Michael D. Woolson  
Wetlands Board Secretary  
757-253-6823  
[michael.woolson@jamescitycountyva.gov](mailto:michael.woolson@jamescitycountyva.gov)

cc: Water's Edge Construction  
Attn: Mr. Daniel Winall

MDW: jep

Mailing List for: WJPA-20-0023 – 20 Marclay Road – Waters Edge Construction/Short Neck, LLC/Larry Waltrip– Boathouse, Retaining Wall/Bulkhead,Floating Pier, Riprap, Revetment

Applicant: 4820100012-20 Marclay Road

Short Neck LLC  
Attn: Mr. Larry Waltrip  
100 Marclay Road  
Williamsburg, VA 23185-3723

Short Neck, LLC  
3 Marclay Road  
Williamsburg, VA 23185-3713

4820100005A

Williamsburg-Jamestown Airport, Inc.  
100 Marclay Road  
Williamsburg, VA 23185-3723

4820100004 – 3 Marclay Road:

Marclay, LLC  
100 Lands End Drive  
Williamsburg, VA 23185-3126

4910240022

Galke, Benjamin R & Mary Kate  
137 Kingspoint Drive  
Williamsburg, VA 23185-4453

4910240011

Allen, Kenneth L & Allen, Anne B, Trustee  
112 Cove Road  
Williamsburg, VA 23185-4414

4910230026 – 105 Black Oak Drive

Riley, Kevin J & Riley, Mark P  
211 McLaws Circle, Suite 1  
Williamsburg, VA 23185-5871

4910230032

Milliman, John D & Ann B  
124 Northpoint Drive  
Williamsburg, VA 23185-4450

Contractors:

Water's Edge Construction  
Attn: Mr. Daniel Winall  
P.O. Box 352  
Toano, VA 23168-0352

4820100012A - 99 Marclay Road

4810100063 –5550 Williamsburg Landing Dr  
4820100002  
Williamsburg Landing, Inc.  
5700 Williamsburg Landing Drive  
Williamsburg, VA 23185-3779

4910240024 .

4910240023 – 139 Kingspoint Drive  
Williamson, Forrest W, Trustee & Christine  
L, Trustee  
143 Kingspoint Drive  
Williamsburg, VA 23185-4453

4910240021

Schneider, William J, Trustee  
135 Kingspoint Drive  
Williamsburg, VA 23185-4453

4910240010

Baxter, Donald J & Judith G  
113 Cove Road  
Williamsburg, VA 23185-4413

4910230031

Elton, William N & Rebecca N  
122 Northpoint Drive  
Williamsburg, VA 23188-4450

4910230033

Miller, David K & Wendy C  
126 Northpoint Drive  
Williamsburg, VA 23185-4450

4910230034

Bradley, Kenneth R, Trustee & Susan M  
127 Northpoint Drive  
Williamsburg, VA 23185-4449

Virginia Marine Resource Center  
Attn: Mr. Jeffrey P. Madden  
380 Fenwick Road, Building 96  
Fort Monroe, VA 23651-1064

VIMS Wetlands Program  
Attn: Dawn Fleming  
P.O. Box 1346  
Gloucester Point, VA 23062-1346

VDOT  
4451 Ironbound Road  
Williamsburg, VA 23188-2621

Department of Game and Inland Fisheries  
P.O Box 90778  
Henrico, VA 23228-0778

State Water Control Board  
c/o Department of Environmental Quality  
P.O. Box 1105  
Richmond, VA 23218-1105

Regulatory Branch Army Corps of Engineers  
803 Front Street  
Norfolk, VA 23510-1011

**ITEM SUMMARY**

DATE: 9/9/2020

TO: Wetlands Board

FROM: Michael Woolson, Senior Watershed Planner

SUBJECT: Case No. WJPA 20-0032 / VMRC 20-1199 : 6413 Conservancy

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Mr. Daniel Winall of Water's Edge Construction, on behalf of Mark and Maria Velleca, has applied for a wetlands permit for a pier at 6413 Conservancy, JCC Parcel 4930300004.

**ATTACHMENTS:**

	Description	Type
☐	Staff Report	Staff Report
☐	Resolution	Resolution
☐	Application	Backup Material
☐	Application Revision 1	Backup Material
☐	Application Revision 2	Backup Material
☐	Public Advertisement	Backup Material
☐	APO Letter	Backup Material
☐	APO Mailing List	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Wetlands Group	Woolson, Michael	Approved	9/3/2020 - 11:30 AM
Wetlands Group	Small, Toni	Approved	9/3/2020 - 4:17 PM
Publication Management	Burcham, Nan	Approved	9/3/2020 - 4:22 PM
Wetlands Group	Secretary, Wetland	Approved	9/3/2020 - 4:28 PM

**WETLANDS BOARD CASE No. WJPA 20-0032/VMRC 20-1199. 6413 Conservancy  
Staff Report for the September 9, 2020, Wetlands Board Public Hearing**

*This staff report is prepared by James City County Stormwater and Resource Protection to provide information to the 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.*

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**EXISTING SITE DATA AND INFORMATION**

Applicants: Mr. Mark and Mrs. Maria Velleca

Owner/Agent: Mr. Daniel Winall, Waters Edge Construction

Location: 6413 Conservancy

Parcel: Lot 4, Conservancy at Jockeys Neck

Parcel Identification No.: 4930300004

Watershed: College Creek (HUC JL34)

Floodplain: Zone AE - Base flood elevation is determined to be 8 feet mean sea level

Proposed Activity: Removal and construction of a pier, a floating dock, a finger pier, an open-sided boathouse, and a covered deck

Wetland Impacts:

- Zero vegetated wetland impacts
- 2,300 square feet of potential vegetated wetland impacts due to construction method
- 1,500 square feet of non-vegetated wetland impacts

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

**PROJECT DISCUSSION**

Mr. Daniel Winall, Waters Edge Construction, has applied for a wetlands permit on behalf of Mr. Mark and Mrs. Maria Vallega to remove and replace a pier and construct a floating dock, a finger pier, an open-sided boathouse, and a covered deck on property located at 6413 Conservancy within the College Creek watershed. The property is further identified as James City County Tax Map Parcel No. 493030004.

There is an existing pier and floating dock on the property that is beginning to fail. It is for this reason that the applicants are proposing to remove the existing pier and reconstruct a 375-linear-foot pier adjacent to the existing pier. The proposed pier will traverse approximately 225 linear feet of vegetated wetlands and will also include the construction of a floating dock, a finger pier, an open-sided boathouse, and a covered deck. The existing pier demolition and new pier construction will be performed via barge at high tide. This construction method may impact the vegetated wetlands along the barge pathway for installation of the new pier plus the removal of the existing pier.

On April 7, 2009, a Special Committee session of the Wetlands Board was assembled to address staff concerns of wetland impacts on certain open pile structures. Staff concerns were based on observations from several projects. The Wetland Board considered this matter at its regular meeting on May 13, 2009, and adopted the recommendation from the Special Committee, which is that a Wetlands Permit be required for the construction of open pile structures proposed in vegetated tidal wetlands of the County, in those



cases where staff has valid reasons to anticipate that the construction of such a structure may result in the alteration of the natural wetland contours or the unreasonable obstruction of tidal flow.

The issue before the Board is not the pier and appurtenant structures, as it is a non-commercial open pile structure exempt from needing a wetlands permit, but the manner of constructing the pier and any wetland impacts that may occur from the construction. The pier will extend approximately 280 feet through the vegetated tidal wetlands. The removal of the existing pier will occur through approximately 350 feet of vegetated tidal wetlands. Due to the unknown quantity of wetland impacts that may occur due to the construction method, staff suggests a surety in the amount of \$46,000 be required to guarantee the 'no net-loss' wetland policy as outlined in 4VAC20-390-10 et seq. The surety shall be set aside for one year after construction and that the wetland impact issue be revisited by staff and other interested parties to determine the extent of any permanent vegetated wetland impacts. At that point in time, mitigation could be required or the surety returned to the property owner if there are no permanent impacts outside of the proposed tree removal.

## **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. It is anticipated that approximately 2,300 square feet of vegetated wetlands may be impacted during the construction of this project.

## **STAFF RECOMMENDATIONS**

Staff has reviewed the above application and recommends approval of the application as presented. 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; and
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; and

3. A surety of \$46,000 be paid and in place prior to commencement of work in a form acceptable to the James City County Attorney's Office; and
4. A meeting shall take place no later than one year after pier construction is completed to determine the extent of wetland impacts. Staff may invite representatives of the regulatory agencies dealing with tidal wetlands, Virginia Institute of Marine Science, applicant, agent, contractor, and Wetlands Board members to this meeting. It will be determined at this meeting if wetland impacts occurred. If there are permanent wetland impacts, the applicant shall purchase from an approved tidal wetlands mitigation bank an equal number square footage credits to offset the unanticipated impacts. Once proof of the wetland credits has been provided the surety shall be returned. If there are no permanent wetland impacts, the surety shall be returned; and
5. The Wetlands Permit for this project shall expire on September 9, 2023, if construction has not begun; and
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 July 29, 2023, six weeks prior to the expiration date.

MDW/nb  
WJPA20-326413Consrv

Attachment:

1. Resolution

## **RESOLUTION**

**CASE NO. WJPA 20-0032/VMRC 20-1199. 6413 CONSERVANCY**

### **JAMES CITY COUNTY WETLANDS PERMIT**

WHEREAS, Mr. Mark and Mrs. Maria Velleca (the “Applicants”), have 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. 4930300004 and further identified as 6413 Conservancy (the “Property”) as set forth in the application WJPA 20-0032/VMRC 20-1199; 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; and
  - 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 approvals and permits prior to commencement of such activities; and
  - c. A surety of \$46,000 be paid and in place prior to commencement of work in a form acceptable to the James City County Attorney’s Office; and
  - d. A meeting shall take place no later than one year after pier construction is completed to determine the extent of wetland impacts. Staff may invite representatives of the regulatory agencies dealing with tidal wetlands, Virginia Institute of Marine Science, applicant, agent, contractor, and Wetlands Board members to this meeting. It will be determined at this meeting if wetland impacts occurred. If there are permanent wetland impacts, the applicant shall purchase

from an approved tidal wetlands mitigation bank an equal number square footage credits to offset the unanticipated impacts. Once proof of the wetland credits has been provided the surety shall be returned. If there are no permanent wetland impacts, the surety shall be returned; and

- e. The Wetlands Permit for this project shall expire on September 9, 2023, if construction has not begun; and
- 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 July 29, 2023, six weeks prior to the expiration date.

\_\_\_\_\_  
William Apperson  
Chair, Wetlands Board

\_\_\_\_\_  
Michael D. Woolson  
Secretary to the Board

Adopted by the Wetlands Board of James City County, Virginia, this 9th day of September, 2020.

THE FORGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020 IN THE COMMONWEALTH OF VIRGINIA, IN THE COUNTY OF JAMES CITY.

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

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

WJPA20-32-6413Consrv-res

**From:** [Daniel Winall](#)  
**To:** [jpa.permits@mrc.virginia.gov](mailto:jpa.permits@mrc.virginia.gov)  
**Subject:** 6413 Conservancy pier/ boathouse Williamsburg  
**Date:** Tuesday, July 7, 2020 6:02:21 PM  
**Attachments:** [File077.pdf](#)

---

Thanks,

*Daniel R. Winall*  
*President*

Water's Edge Construction

P.O. Box 352

Toano, VA 23168

Phone: 757-566-0149

Email: [dwinall@wecmarine.com](mailto:dwinall@wecmarine.com)

[www.wecmarine.com](http://www.wecmarine.com)

- ❖ DEQ: Permit application fees required for Virginia Water Protection permits – while detailed in 9VAC25-20 – are conveyed to the applicant by the applicable DEQ office (<http://www.deq.virginia.gov/Locations.aspx>). Complete the Permit Application Fee Form and submit it per the instructions to the address listed on the form. Instructions for submitting any other fees will be provided to the applicant by DEQ staff.
- ❖ VMRC: An application fee of \$300 may be required for projects impacting tidal wetlands, beaches and/or dunes when VMRC acts as the LWB. VMRC will notify the applicant in writing if the fee is required. Permit fees involving subaqueous lands are \$25.00 for projects costing \$10,000 or less and \$100 for projects costing more than \$10,000. Royalties may also be required for some projects. The proper permit fee and any required royalty is paid at the time of permit issuance by VMRC. VMRC staff will send the permittee a letter notifying him/her of the proper permit fees and submittal requirements.
- ❖ LWB: Permit fees vary by locality. Contact the LWB for your project area or their website for fee information and submittal requirements. Contact information for LWBs may be found at [http://ccrm.vims.edu/permits\\_web/guidance/local\\_wetlands\\_boards.html](http://ccrm.vims.edu/permits_web/guidance/local_wetlands_boards.html).

FOR AGENCY USE ONLY	
	Notes:
	JPA #      20-1199

## APPLICANTS

### Part 1 – General Information

**PLEASE PRINT OR TYPE ALL ANSWERS:** If a question does not apply to your project, please print N/A (not applicable) in the space provided. If additional space is needed, attach 8-1/2 x 11 inch sheets of paper.

<u><b>Check all that apply</b></u>				
Pre-Construction Notification (PCN) <input type="checkbox"/>	Regional Permit 17 (RP-17) <input type="checkbox"/>			
NWP # _____ (For Nationwide Permits ONLY - No DEQ-VWP permit writer will be assigned)				
County or City in which the project is located: <u>James City</u>				
Waterway at project site: <u>College Creek</u>				
<b>PREVIOUS ACTIONS RELATED TO THE PROPOSED WORK (Include all federal, state, and local pre application coordination, site visits, previous permits, or applications whether issued, withdrawn, or denied)</b>				
Historical information for past permit submittals can be found online with VMRC - <a href="https://webapps.mrc.virginia.gov/public/habitat/">https://webapps.mrc.virginia.gov/public/habitat/</a> - or VIMS - <a href="http://ccrm.vims.edu/perms/newpermits.html">http://ccrm.vims.edu/perms/newpermits.html</a>				
Agency	Action / Activity	Permit/Project number, including any non-reporting Nationwide permits previously used (e.g., NWP 13)	Date of Action	If denied, give reason for denial

## Part 1 - General Information (continued)

1. Applicant's legal name\* and complete mailing address: Contact Information:  
Mark Velleca  
6413 Conservancy  
Williamsburg, VA 23185  
Home ( )  
Work ( )  
Fax ( )  
Cell ( )  
e-mail  
State Corporation Commission Name and ID Number (if applicable)
2. Property owner(s) legal name\* and complete address, if different from applicant: Contact Information:  
Home ( )  
Work ( )  
Fax ( )  
Cell ( )  
e-mail  
State Corporation Commission Name and ID Number (if applicable)
3. Authorized agent name\* and complete mailing address (if applicable): Contact Information:  
Daniel R Winall  
P.O Box 352  
Toano, Va 23168  
Home ( )  
Work (757) 5660149  
Fax ( )  
Cell (757) 880 8503  
e-mail dwinall@wecmarine.com  
State Corporation Commission Name and ID Number (if applicable)

**\* If multiple applicants, property owners, and/or agents, each must be listed and each must sign the applicant signature page.**

4. Provide a detailed description of the project in the space below, including the type of project, its dimensions, materials, and method of construction. Be sure to include how the construction site will be accessed and whether tree clearing and/or grading will be required, including the total acreage. If the project requires pilings, please be sure to include the total number, type (e.g. wood, steel, etc), diameter, and method of installation (e.g. hammer, vibratory, jetted, etc). If additional space is needed, provide a separate sheet of paper with the project description.

install a 375'-0" long x 5'-0" wide timber pier with a 15'-0"x 15'-0" L-shaped outboard deck. install a 16'-0" wide x 42'-0" long open pile boathouse with a 8'-0" x 12'-0" covered deck and a 4'-6" wide x 54'-0" long walkway around perimeter. Install a 10'-0" x 15'-0" floating pier adjacent to outboard deck. All piling timber 10"-12" diameter driven by a vibratory hammer mounted to a hydraulic excavator fixed a floating barge.

## Part 1 - General Information (continued)

5. Have you obtained a contractor for the project? ☒ Yes\* ☐ No. \*If your answer is "Yes" complete the remainder of this question and submit the Applicant's and Contractor's Acknowledgment Form (enclosed)

Contractor's name\* and complete mailing address:

Water's Edge Construction  
P.O Box 352  
Toano, Virginia 23168

Contact Information:

Home ( ) \_\_\_\_\_  
Work (757 ) 5660149  
Fax ( ) \_\_\_\_\_  
Cell (757 ) 8808503  
email dwinal@wecmarine.com

State Corporation Commission Name and ID Number (if applicable) 0322616-4

**\* If multiple contractors, each must be listed and each must sign the applicant signature page.**

6. List the name, address and telephone number of the newspaper having general circulation in the area of the project. Failure to complete this question may delay local and State processing.

Name and complete mailing address:

The Daily Press  
703 Mariners Row  
Newport News, Virginia 23606

Telephone number

( ) \_\_\_\_\_

7. Give the following project location information:

Street Address (911 address if available) 6413 Conservancy Williamsburg, VA 23185

Lot/Block/Parcel# L-4 Conservancy@Jockeys Neck

Subdivision The Conservancy

City / County Williamsburg, VA

ZIP Code 23185

Latitude and Longitude at Center Point of Project Site (Decimal Degrees):

37.1353.93N / -76.4221.57W (Example: 36.41600/-76.30733)

If the project is located in a rural area, please provide driving directions giving distances from the best and nearest visible landmarks or major intersections. *Note: if the project is in an undeveloped subdivision or property, clearly stake and identify property lines and location of the proposed project. A supplemental map showing how the property is to be subdivided should also be provided.*

8. What are the *primary and secondary purposes of and the need for* the project? For example, the primary purpose may be "to protect property from erosion due to boat wakes" and the secondary purpose may be "to provide safer access to a pier."

primary purpose of project is to gain access to creek

secondary purpose of project is to provide mooring for boat



## Part 1 - General Information (continued)

9. Proposed use (check one):  
    ☒ Single user (private, non-commercial, residential)  
    ☐ Multi-user (community, commercial, industrial, government)
10. Describe alternatives considered and the measures that will be taken to avoid and minimize impacts, to the maximum extent practicable, to wetlands, surface waters, submerged lands, and buffer areas associated with any disturbance (clearing, grading, excavating) during and after project construction. *Please be advised that unavoidable losses of tidal wetlands and/or aquatic resources may require compensatory mitigation.*
- Waterborne barges used for all construction. All mobilization will be done at high tide to avoid impacts to marsh. Project to be completed during Winter while vegetation is dormant.
11. Is this application being submitted for after-the-fact authorization for work which has already begun or been completed? ☐ Yes ☒ No. If yes, be sure to clearly depict the portions of the project which are already complete in the project drawings.
12. Approximate cost of the entire project (materials, labor, etc.): \$ 125,000.00  
Approximate cost of that portion of the project that is channelward of mean low water:  
\$ 49500.00
13. Completion date of the proposed work: 2021 -
14. Adjacent Property Owner Information: List the name and complete **mailing address**, including zip code, of each adjacent property owner to the project. (NOTE: If you own the adjacent lot, provide the requested information for the first adjacent parcel beyond your property line.) Failure to provide this information may result in a delay in the processing of your application by VMRC.

Bruce Hill Knowles Trustee  
140 Kingspoint Drive  
Williamsburg, Va 23185-4458

Roger Thaler  
6409 Conservancy  
Williamsburg, VA 23185-8068

## Part 2 - Signatures

### 1. Applicants and property owners (if different from applicant).

NOTE: REQUIRED FOR ALL PROJECTS

**PRIVACY ACT STATEMENT:** The Department of the Army permit program is authorized by Section 10 of the Rivers and Harbors Act of 1899, Section 404 of the Clean Water Act, and Section 103 of the Marine Protection Research and Sanctuaries Act of 1972. These laws require that individuals obtain permits that authorize structures and work in or affecting navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters prior to undertaking the activity. Information provided in the Joint Permit Application will be used in the permit review process and is a matter of public record once the application is filed. Disclosure of the requested information is voluntary, but it may not be possible to evaluate the permit application or to issue a permit if the information requested is not provided.

**CERTIFICATION:** I am hereby applying for all permits typically issued by the DEQ, VMRC, USACE, and/or Local Wetlands Boards for the activities I have described herein. I agree to allow the duly authorized representatives of any regulatory or advisory agency to enter upon the premises of the project site at reasonable times to inspect and photograph site conditions, both in reviewing a proposal to issue a permit and after permit issuance to determine compliance with the permit.

In addition, I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Mark Velleca

Applicant's Legal Name (printed/typed)

(Use if more than one applicant)

\*   
Applicant's Signature

(Use if more than one applicant)

\* 6/30/20  
Date

Property Owner's Legal Name (printed/typed)  
(If different from Applicant)

(Use if more than one owner)

Property Owner's Signature

(Use if more than one owner)

Date

## Part 2 – Signatures (continued)

### 2. Applicants having agents (if applicable)

#### CERTIFICATION OF AUTHORIZATION

I (we), Mark Velleca, hereby certify that I (we) have authorized Daniel R Winall  
(Applicant's legal name(s)) (Agent's name(s))

to act on my behalf and take all actions necessary to the processing, issuance and acceptance of this permit and any and all standard and special conditions attached.

We hereby certify that the information submitted in this application is true and accurate to the best of our knowledge.

Daniel R Winall  
(Agent's Signature)

(Use if more than one agent)

6/30/2020  
(Date)

\* M Velleca  
(Applicant's Signature)

(Use if more than one applicant)

6/30/20  
(Date)

### 3. Applicant's having contractors (if applicable)

#### CONTRACTOR ACKNOWLEDGEMENT

I (we), Mark Velleca, have contracted Water's Edge Construction  
(Applicant's legal name(s)) (Contractor's name(s))  
to perform the work described in this Joint Permit Application, signed and dated \_\_\_\_\_.

We will read and abide by all conditions set forth in all Federal, State and Local permits as required for this project. We understand that failure to follow the conditions of the permits may constitute a violation of applicable Federal, state and local statutes and that we will be liable for any civil and/or criminal penalties imposed by these statutes. In addition, we agree to make available a copy of any permit to any regulatory representative visiting the project to ensure permit compliance. If we fail to provide the applicable permit upon request, we understand that the representative will have the option of stopping our operation until it has been determined that we have a properly signed and executed permit and are in full compliance with all terms and conditions.

Water's Edge Construction

Contractor's name or name of firm

P.O Box 352 Toano, VA 23168

Contractor's or firms address

2705029454-A

Contractor's License Number

Daniel R Winall President  
Contractor's signature and title

\* M Velleca  
Applicant's signature

(use if more than one applicant)

\* 6/30/20  
Date

## Part 3 – Appendices

Please complete and submit the appendix questions applicable to your project, and attach the required vicinity map(s) and drawings to your application. If an item does not apply to your project, please write "N/A" in the space provided.

**Appendix A: (TWO PAGES) Projects for Access** to the water such as private and community piers, boathouses, marinas, moorings, and boat ramps. Answer all questions that apply.

**1. Briefly describe your proposed project.**

install a 375'-0" long x 5'-0" wide timber pier with a 15'-0" x 15'-0" L-shaped outboard deck.  
install a 16'-0" wide x 42'-0" long open pile boathouse with a 8'-0" x 12'-0" covered deck and  
a 5'-0" wide x 54'-0" long walkway around perimeter. Install a 10'-0" x 15'-0" floating pier  
adjacent to outboard deck.

**2. For private, noncommercial piers:**

Do you have an existing pier on your property? ☒ Yes ☐ No

If yes, will it be removed? ☒ Yes ☐ No

Is your lot platted to the mean low water shoreline? ☒ Yes ☐ No

What is the overall length of the proposed structure? 375 feet.

Channelward of Mean High Water? 370 feet.

Channelward of Mean Low Water? 150 feet.

What is the area of the piers and platforms that will be constructed over

Tidal non-vegetated wetlands 0 square feet.

Tidal vegetated wetlands 1500 square feet.

Submerged lands 700 square feet.

What is the total size of any and all L- or T-head platforms? 400 sq. ft.

For boathouses, what is the overall size of the roof structure? 504 sq. ft.

Will your boathouse have sides? ☐ Yes ☒ No.

NOTE: All proposals for piers, boathouses and shelter roofs must be reviewed by the Virginia Marine Resources Commission (Commission or VMRC), however, pursuant to § 28.2-1203 A 5 of the Code of Virginia a VMRC permit may not be required for such structures (except as required by subsection D of § 28.2-1205 for piers greater than 100 feet in length involving commercially productive leased oyster or clam grounds), provided that (i) the piers do not extend beyond the navigation line or private pier lines established by the Commission or the United States Army Corps of Engineers (USACE), (ii) the piers do not exceed six feet in width and finger piers do not exceed five feet in width, (iii) any L or T head platforms and appurtenant floating docking platforms do not exceed, in the aggregate, 400 square feet, (iv) if prohibited by local ordinance open-sided shelter roofs or gazebo-type structures shall not be placed on platforms as described in clause (iii), but may be placed on such platforms if not prohibited by local ordinance, and (v) the piers are determined not to be a navigational hazard by the Commission. Subject to any applicable local ordinances, such piers may include an attached boat lift and an open-sided roof designed to shelter a single boat slip or boat lift. In cases in which open-sided roofs designed to shelter a single boat, boat slip or boat lift will exceed 700 square feet in coverage or the open-sided shelter roofs or gazebo structures exceed 400 square feet, and in cases in which an adjoining property owner objects to a proposed roof structure, permits shall be required as provided in § 28.2-1204.

### Part 3 – Appendices (continued)

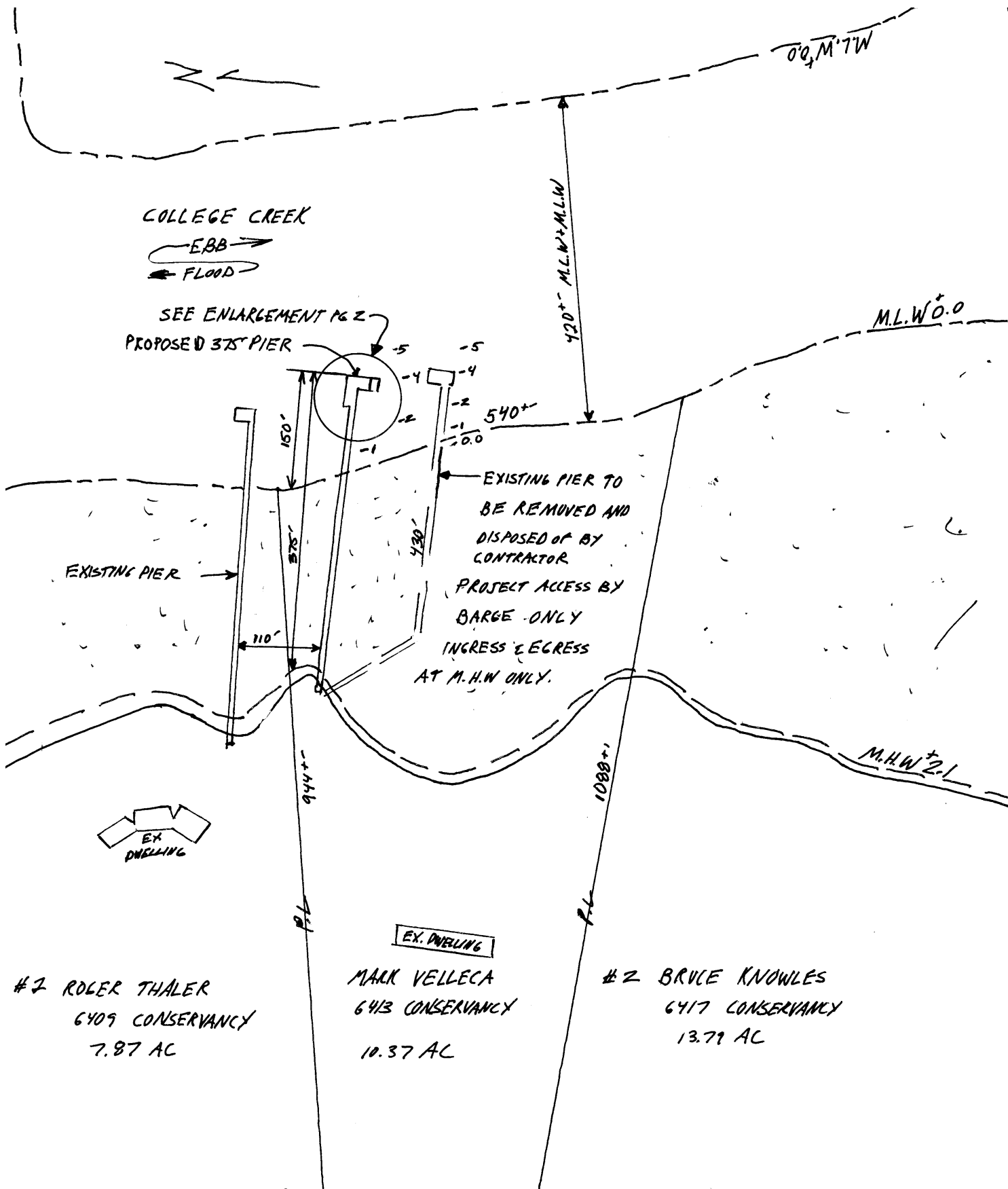
3. For **USACE permits**, in cases where the proposed pier will encroach beyond one fourth the waterway width (as determined by measuring mean high water to mean high water or ordinary high water mark to ordinary high water mark), the following information must be included before the application will be considered complete. For an application to be considered complete:
  - a. The USACE MAY require depth soundings across the waterway at increments designated by the USACE project manager. Typically 10-foot increments for waterways less than 200 feet wide and 20-foot increments for waterways greater than 200 feet wide with the date and time the measurements were taken and how they were taken (e.g., tape, range finder, etc.).
  - b. The applicant MUST provide a justification as to purpose if the proposed work would extend a pier greater than one-fourth of the distance across the open water measured from mean high water or the channelward edge of the wetlands.
  - c. The applicant MUST provide justification if the proposed work would involve the construction of a pier greater than five feet wide or less than four feet above any wetland substrate.
4. Provide the type, size, and registration number of the vessel(s) to be moored at the pier or mooring buoy.

Type	Length	Width	Draft	Registration #
TO BE PURCHASED IN 2021				

5. For **Marinas, Commercial Piers, Governmental Piers, Community Piers and other non-private piers**, provide the following information:
  - A) Have you obtained approval for sanitary facilities from the Virginia Department of Health? \_\_\_\_\_ (required pursuant to Section 28.2-1205 C of the Code of Virginia).
  - B) Will petroleum products or other hazardous materials be stored or handled at your facility? \_\_\_\_\_.
  - C) Will the facility be equipped to off-load sewage from boats? \_\_\_\_\_.
  - D) How many wet slips are proposed? \_\_\_\_\_. How many are existing? \_\_\_\_\_.
  - E) What is the area of the piers and platforms that will be constructed over
    - Tidal non-vegetated wetlands \_\_\_\_\_ square feet
    - Tidal vegetated wetlands \_\_\_\_\_ square feet
    - Submerged lands \_\_\_\_\_ square feet
6. For **boat ramps**, what is the overall length of the structure? \_\_\_\_\_ feet.
  - From Mean High Water? \_\_\_\_\_ feet.
  - From Mean Low Water? \_\_\_\_\_ feet.

Note: drawings must include the construction materials, method of installation, and all dimensions. If tending piers are proposed, complete the pier portion.

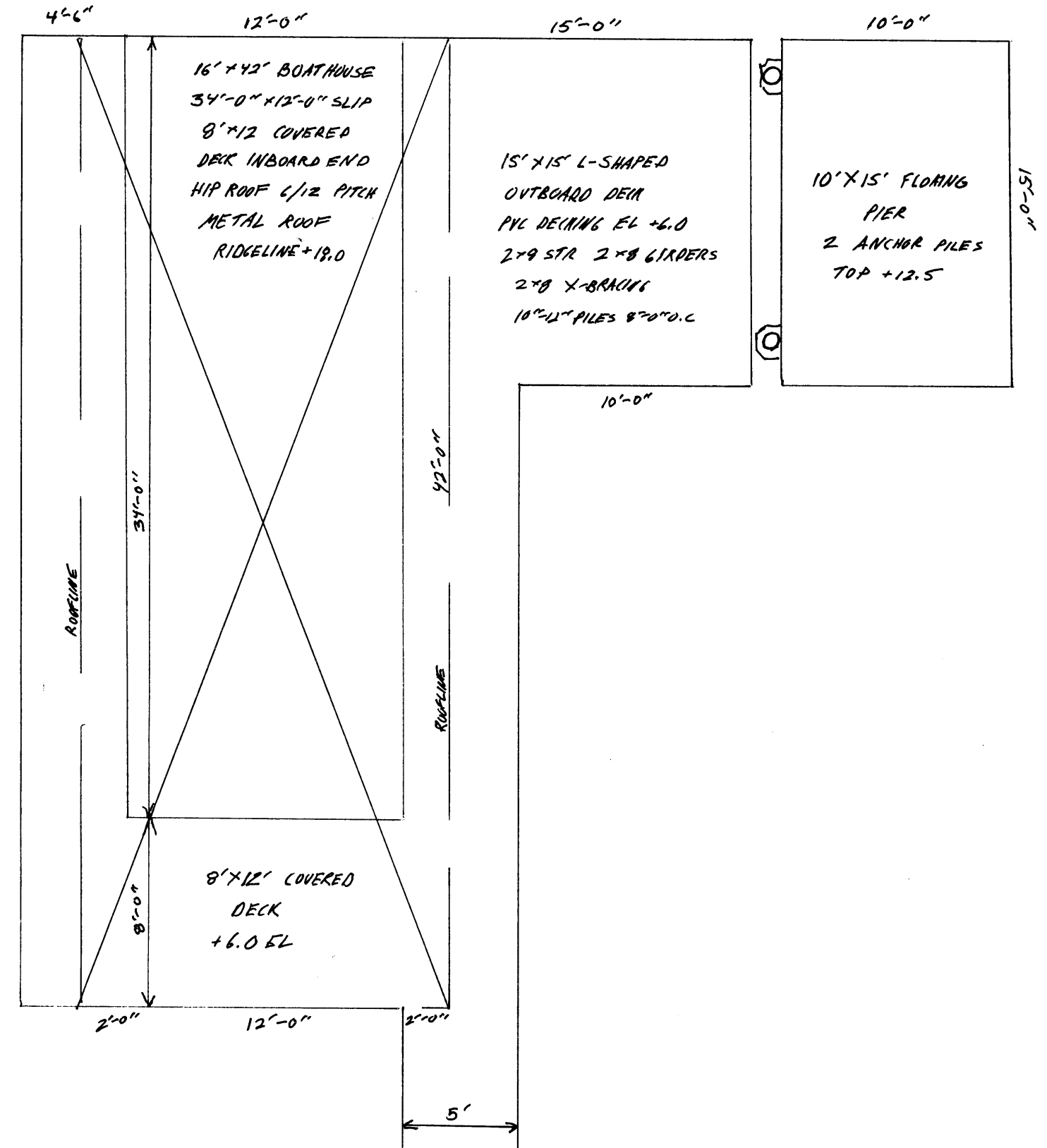
**Note: If dredging or excavation is required, you must complete the Standard Joint Point Permit application.**



AP041 ROGER THALER  
AP042 BRUCE KNOWLES  
PG 1 OF 2

PLAN VIEW OF PROPOSED  
PIER, BOATHOUSE & FLOATING PIER  
6413 CONSERVANCY

DRW BY DRW  
SCALE 1"=160'  
DATUM M.L.W  
7/7/2020



P.6 2 OF 2

PLAN VIEW OF  
BOATHOUSE, L-SHAPED DECK FLOATING PIER  
6413 CONSERVANCY

DRW BY DRW  
SCALE 1" = 3/8'  
DATE M.L.W.  
7/7/2020

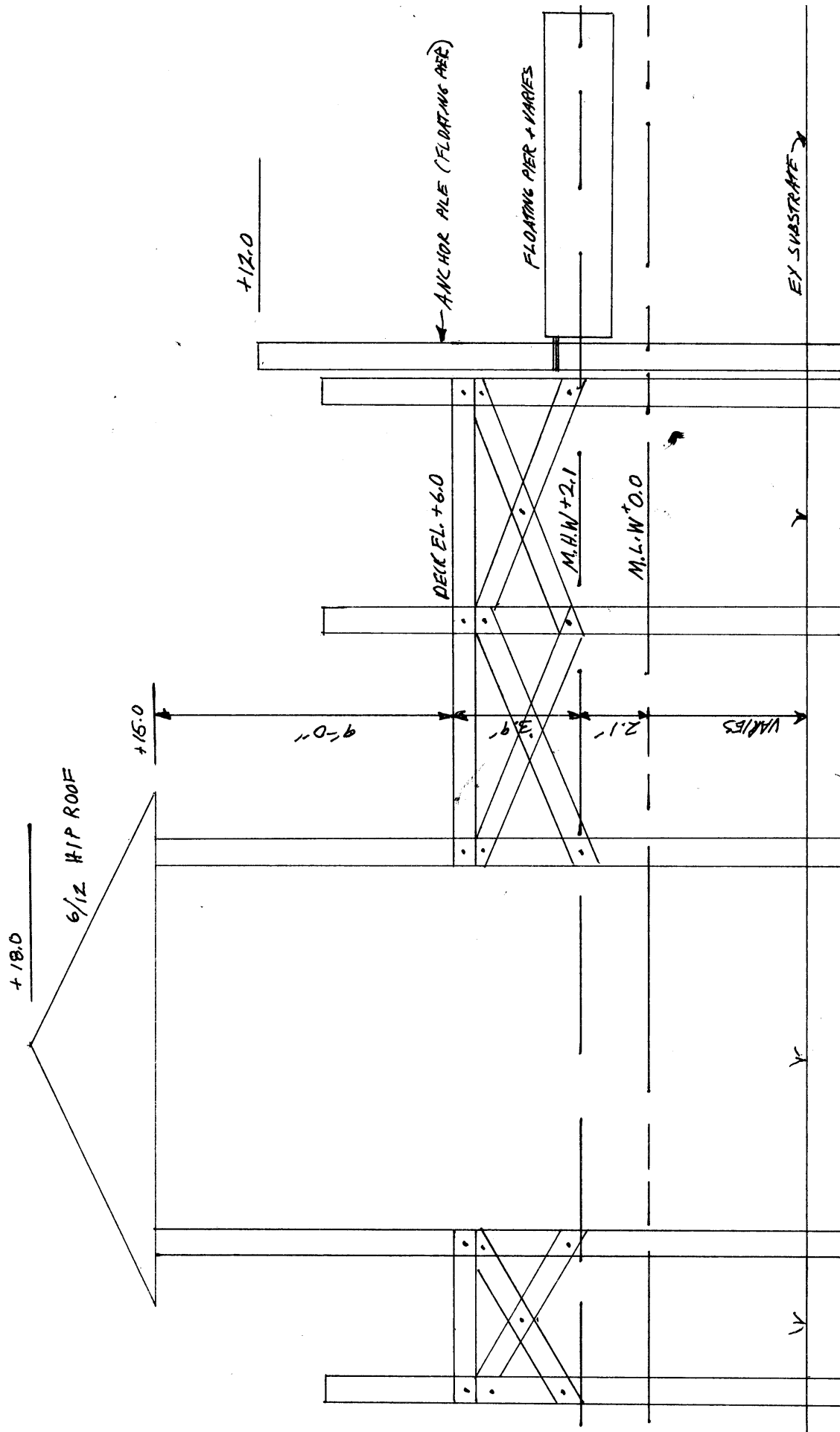
**From:** [Daniel Winall](#)  
**To:** [jpa.permits@mrc.virginia.gov](mailto:jpa.permits@mrc.virginia.gov); [Janice Petty](#)  
**Cc:** [Lay, Allison](#); [Floyd, Scharlene A CIV USARMY CENAO \(USA\)](#)  
**Subject:** VMRC 20-1199 Velleca Cross Section Drawing  
**Date:** Thursday, August 13, 2020 3:24:36 PM  
**Attachments:** [File](#), [File](#)

---

Thanks,

*Daniel R. Winall*  
*President*  
Water's Edge Construction  
P.O. Box 352  
Toano, VA 23168  
Phone: 757-566-0149  
Email: [dwinall@wecmarine.com](mailto:dwinall@wecmarine.com)  
[www.wecmarine.com](http://www.wecmarine.com)





DRW BY DRW SCALE 1" = 1/4" DATUM M.L.W. 8/14/2020	SECTION VIEW OF BOATHOUSE, DECK, FLOATING PIER 6713 CONSERVANCY	P&I 01 ADDITIONAL INFO
--	---	---------------------------

**From:** [Jeffrey Madden](#)  
**To:** [jpa.permits@mrc.virginia.gov](mailto:jpa.permits@mrc.virginia.gov)  
**Subject:** FW: 20-1199 (Velleca)  
**Date:** Thursday, August 20, 2020 9:01:24 AM  
**Attachments:** [File000001.PDF](#)

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Revised drawing

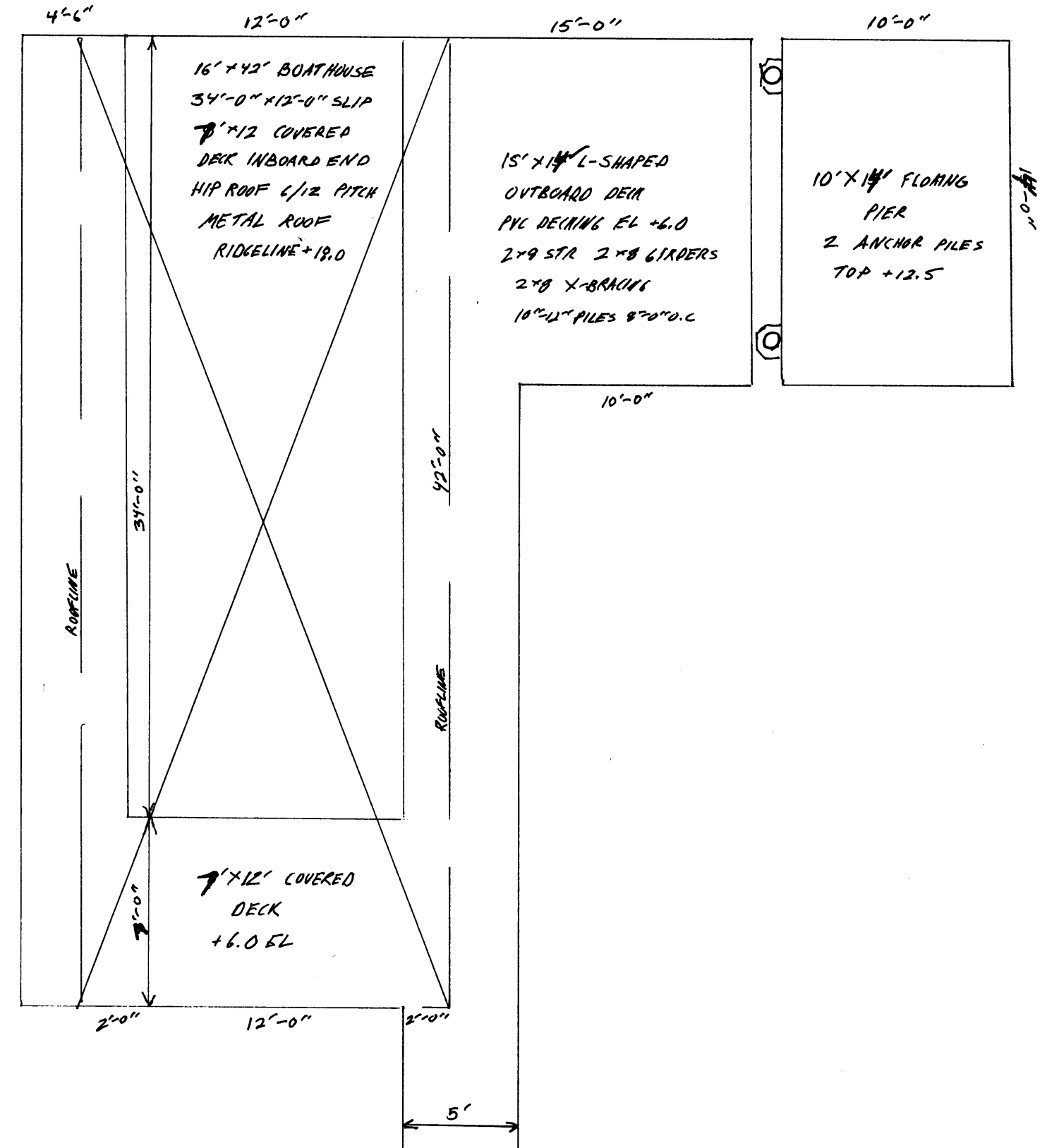
---

**From:** Daniel Winall <[dwinall@wecmarine.com](mailto:dwinall@wecmarine.com)>  
**Sent:** Wednesday, August 19, 2020 3:09 PM  
**To:** [jeff.madden@mrc.virginia.gov](mailto:jeff.madden@mrc.virginia.gov)  
**Subject:** Velleca 6413 Conservancy Plan revision

395.5

Thanks,

*Daniel R. Winall*  
*President*  
Water's Edge Construction  
P.O. Box 352  
Toano, VA 23168  
Phone: 757-566-0149  
Email: [dwinall@wecmarine.com](mailto:dwinall@wecmarine.com)  
[www.wecmarine.com](http://www.wecmarine.com)



P. 2 OF 2

PLAN VIEW OF  
BOATHOUSE, L-SHAPED DECK FLOATING PIER  
6413 CONSERVANCY

DRW BY DRW  
SCALE ~~3/8" = 1'~~ N.T.S  
DATE M.L.W.  
7/7/2020

ADDITIONAL INFORMATION/REVISIONS Received by VMRC August 20, 2020 /blh



## **PUBLIC HEARING NOTICE**

THE WETLANDS BOARD AND THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA WILL HOLD A PUBLIC HEARING **WEDNESDAY SEPTEMBER 9, 2020 AT 5 P.M.** IN THE BOARD ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE WETLANDS BOARD WILL CONSIDER THE FOLLOWING CASES:

WJPA 20-0032/VMRC 20-1199: Mr. Daniel Winall of Water's Edge Construction, on behalf of Mark and Maria Velleca, has applied for a wetlands permit for a pier at 6413 Conservancy, JCC Parcel 4930300004.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASE:

CBPA 20-0080: Mr. Alan Moore has filed an exception request for encroachments into the RPA buffer for a sunroom at 2844 Castling Crossing, JCC Parcel 4812300018.

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

All interested parties are invited to attend the meetings. There is also a call-in option for the public hearings. To participate, call 757-253-6772 to record a comment that will be played during the meeting. Recorded comments must be submitted no later than noon on the day of the meeting. Please give your name and address for the public record and limit comments to five minutes or less. Questions? Call 757-253-6823.

The applications and plans are on file and may be viewed during normal office hours in the Stormwater and Resource Protection Division, 101-E Mounts Bay Road, James City County, Virginia.

## **NOT FOR PUBLICATION**

DISPLAY: WEDNESDAY – September 2 and September 9, 2020.  
ACCOUNT NO.: 0011350200 - VIRGINIA GAZETTE

COPIES: PLANNING  
ASSISTANT COUNTY ATTORNEY  
WETLANDS/CHESAPEAKE BAY BOARD MEMBERS



✓  
MDW  
8/19/2020

General Services  
107 Tewning Road  
Williamsburg, VA 23188  
P: 757-259-4080  
General.Services@jamescitycountyva.gov  
jamescitycountyva.gov

Capital Projects  
107 Tewning Road  
Williamsburg, VA 23188  
757-259-4080

Fleet  
103 Tewning Road  
Williamsburg, VA 23188  
757-259-4122

Stormwater and  
Resource Protection  
101-E Mounts Bay Road  
Williamsburg, VA 23185  
757-253-6670

Facilities & Grounds  
113 Tewning Road  
Williamsburg, VA 23188  
757-259-4080

Solid Waste  
1204 Jolly Pond Road  
Williamsburg, VA 23188  
757-565-0971

August 19, 2020

RE: WJPA-20-0032  
6413 Conservancy  
Removal & construction of Pier, floating Dock, finger Pier, Boathouse, and covered Deck

Dear Adjacent Property Owner:

In accordance with State and County Codes, this letter is to notify you that a request has been filed with the James City County Wetlands Board by Mr. Daniel Winall, Water's Edge Construction on behalf of Mr. Mark Velleca, for encroachment into the tidal wetlands associated with removal and construction of a pier, a floating dock, a finger pier, an open-sided boathouse, and a covered deck. The project is located at 6413 Conservancy and further identified as JCC Parcel No. 4930300004.

A complete description, plan 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 **September 9, 2020 at 5:00 p.m.**, in the Board Room of Building F, 101 Mounts Bay Road, James City County, Virginia, at which time you may request to speak on the above referenced project.

Sincerely,

*Michael D. Woolson*

Michael D. Woolson  
Wetlands Board Secretary  
757-253-6823  
michael.woolson@jamescitycountyva.gov

cc: Water's Edge Construction  
Attn: Mr. Daniel Winall

MDW: jep

Mailing List for: WJPA-20-0032 – 6413 Conservancy –Velleca, Mark-Water’s Edge  
Construction– Pier removal & replacement, floating dock, Finger Pier, Boathouse & Deck

Applicant: 4930300004

Velleca, Mark A & Maria J D  
6413 Conservancy  
Williamsburg, VA 23185-8068

Contractors:

Water’s Edge Construction  
Attn: Mr. Daniel Winall  
P.O. Box 352  
Toano, VA 23168-0352

4930300003

Thaler, F Roger & Imogene H  
6409 Conservancy  
Williamsburg, VA 23185-8068

4840100010 – 2638 Lake Powell Rd

Williamsburg Vineyards, LLC  
5800 Wessex Hundred  
Williamsburg, VA 23185-8063

4930300005 – 6417 Conservancy

Knowles, Bruce Hill, Trustee & Eleanor  
140 Kingspoint Drive  
Williamsburg, VA 23185-4458

4930100001 – 6450 Conservancy

United States of America  
1849 C St, NW, Rm 2444  
Washington, DC 20240-00002

Virginia Marine Resource Center  
Attn: Mr. Jeffrey P. Madden  
380 Fenwick Road, Building 96  
Fort Monroe, VA 23651-1064

Department of Game and Inland Fisheries  
P.O Box 90778  
Henrico, VA 23228-0778

VIMS Wetlands Program

Attn: Dawn Fleming  
P.O. Box 1346  
Gloucester Point, VA 23062-1346

State Water Control Board

c/o Department of Environmental Quality  
P.O. Box 1105  
Richmond, VA 23218-1105

VDOT

4451 Ironbound Road  
Williamsburg, VA 23188-2621

Regulatory Branch Army Corps of Engineers

803 Front Street  
Norfolk, VA 23510-1011