

A G E N D A
JAMES CITY COUNTY WETLANDS BOARD
REGULAR MEETING
County Government Center, Building F
101 Mounts Bay Road, Williamsburg, Virginia 23188
October 13, 2021
5:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MINUTES

1. Minutes from September 8, 2021, Regular Meeting

D. PUBLIC HEARINGS

1. WJPA-21-0050/VMRC-2021-1634 : 1493 John Tyler Highway
2. WJPA-21-0052/VMRC-2021-1705 : 1481 John Tyler Highway

E. BOARD CONSIDERATIONS

F. MATTERS OF SPECIAL PRIVILEGE

G. ADJOURNMENT

ITEM SUMMARY

DATE: 10/13/2021

TO: Wetlands Board

FROM: Michael Woolson, Wetlands Board Secretary

SUBJECT: Minutes from September 8, 2021, Regular Meeting

ATTACHMENTS:

	Description	Type
	Minutes from September 8, 2021, Regular Meeting	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Wetlands Group	Secretary, Wetland	Approved	9/30/2021 - 2:13 PM

MINUTES
JAMES CITY COUNTY WETLANDS BOARD
REGULAR MEETING
County Government Center, Building D
September 8, 2021
5:00 PM

A. CALL TO ORDER

The Wetlands Board meeting for September 9, 2021, 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, Chairman
Halle Dunn
David Gussman
Charles Roadley
Larry Waltrip

Board Members Absent:

None

Other Staff Present:

Toni Small, Director, Stormwater and Resource Protection
Liz Parman, Assistant County Attorney
Michael Woolson, Resource Protection Section Chief, Stormwater and Resource Protection
Trevor Long, Watershed Planner, Stormwater and Resource Protection

C. MINUTES

1. Minutes from July 14, 2021, 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. WJPA-21-0043/VMRC-2021-1556 : 3475 Westport

Mr. Trevor Long, Watershed Planner, presented the permit request submitted by Mr. Matthew Roth, Roth Environmental, LLC, on behalf of Mr. Ryan Lee, Westport Neighborhood Association, Inc., who has applied for a wetlands permit to install a kayak/canoe launch and community pier located at 3475 Westport in the Gordons Creek watershed. The property is further identified as James City County Parcel Number 3620500001A. The presentation described the current site conditions, proposed construction, and mitigation with conditions.

The Board deliberated the pros and cons of this permit.

Mr. Waltrip inquired of the construction process for the pier.

Mr. Apperson opened the Public Hearing.

A. Mr. Matthew Roth, Roth Environmental, LLC, described the current site conditions and proposed construction of the decking and pier.

Mr. Roadley inquired of the mitigation that would be purchased.

A. Mr. Roth replied, one-hundredth of an acre of non-tidal credits, around 450 square feet.

Mr. Apperson inquired when the pier is being constructed, that adjustments in the even spacing adjustments are made for the pier to avoid damage to cypress knees. He also inquired about phragmites present on-site and future control.

A. Mr. Roth replied that phragmites are farther down the creek. The contractor will avoid damaging the cypress knees.

Mr. Roadley inquired about the jurisdiction of the project.

Discussion ensued.

A. Mr. Roth explained the jurisdiction of the project.

B. Ms. Sally Walls, with Ford's Colony Homeowners Association, 103 Plantation Drive, Williamsburg, York County resident, was available to answer questions from the Board.

C. Mr. Justin Worell, Virginia Marine Resources Commission (VMRC), was available to answer questions from the Board and commented on the case.

Mr. Apperson closed the Public Hearing.

Ms. Liz Parman stated that the applicant needs to request a deferral or the Board must make a decision tonight.

Mr. Apperson reopened the Public Hearing.

A. Mr. Roth asked for a deferral.

2. WJPA-21-0045/VMRC-2021-1575 : 541 Neck - O - Land

Mr. Trevor Long, Watershed Planner, presented the permit request submitted by Mr. Tim Davis, Vanasse Hangen Brustlin, Inc. (VHB), on behalf of Mr. Justin Doyle, James River Association, and the National Park Service/Colonial National Historic Park, who has applied for a wetlands permit to install a dock, kayak and canoe launch, landing and gangway located at 541 Neck-O-Land, in the Mill Creek watershed. The property is further identified as James City County Parcel Number 5610100001. The presentation described the current site conditions, proposed construction, and mitigation with conditions.

The Board deliberated the pros and cons of this permit.

Mr. Apperson opened the Public Hearing.

A. Mr. Tim Davis, VHB, was available to answer questions from the Board.

Mr. Roadley inquired if there was 493 square feet of uplands that would be restored.

A. Mr. Tim Davis replied there is ample amount of mitigation available to cover this project.

B. Mr. Justin Doyle, James River Association, was available to answer questions from the Board.

Mr. Apperson closed the Public Hearing.

Mr. Dunn made a motion to adopt the Resolution to grant the permit for Wetlands Board Case No. WJPA-21 -0045/VMRC 21- 1575 at 541 Neck-O-Land.

The motion to Approve with Conditions was made by Mr. Dunn, the motion result:

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

Ayes: Dunn, Apperson, Gussman, Roadley, Waltrip

Nays: None

Absent: None

3. WJPA-21-0047/VMRC-2021-1609 : 1489 John Tyler Highway

Mr. Trevor Long, Watershed Planner, presented the permit request submitted by Mrs. Amy and Mr. Jeffrey VandeSand, who have applied for a wetlands permit to install a sill, beach nourishment, and bank grading located at 1489 John Tyler Highway in the Gordons Creek watershed. The property is further identified as James City County Parcel Number 3430300004. The presentation described the current site conditions, proposed construction, and mitigation with conditions.

The Board deliberated the pros and cons of this permit.

Mr. Apperson opened the Public Hearing.

A. Ms. Karla Havens, Mid-Atlantic Resource Consulting, was available to answer questions from the Board.

Mr. Apperson closed the Public Hearing.

Mr. Roadley made a motion to adopt the Resolution to grant the permit for Wetlands Board Case No. WJPA-21 -0047/VMRC-21- 1609 at 1489 John Tyler Highway.

The motion to Approve with Conditions was made by Mr. Roadley, the motion result:

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

Ayes: Dunn, Apperson, Gussman, Roadley, Waltrip

Nays: None

Absent: None

E. BOARD CONSIDERATIONS

None.

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 6:07 p.m.

ITEM SUMMARY

DATE: 10/13/2021

TO: Wetlands Board

FROM: Trevor Long, Watershed Planner

SUBJECT: WJPA-21-0050/VMRC-2021-1634 : 1493 John Tyler Highway

Ms. Karla Haven, Mid-Atlantic Resource Consulting, on behalf of Mr. Richard J. and Mrs. Yesenia P. Businelle, has applied for a wetlands permit for the installation of an offshore sill with beach nourishment, and bank grading at 1493 John Tyler Highway, JCC Parcel ID No. 3430300005.

ATTACHMENTS:

	Description	Type
☐	Staff Report	Staff Report
☐	Resolution	Resolution
☐	Presentation	Presentation
☐	Site Plan	Exhibit
☐	Adjacent Property Owner Letter	Backup Material
☐	Adjacent Property Owner List	Backup Material
☐	Public Advertisement	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Wetlands Group	Woolson, Michael	Approved	10/6/2021 - 3:12 PM
Wetlands Group	Small, Toni	Approved	10/6/2021 - 3:34 PM
Publication Management	Daniel, Martha	Approved	10/7/2021 - 8:18 AM
Wetlands Group	Secretary, Wetland	Approved	10/7/2021 - 9:51 AM

**WETLANDS BOARD CASE No. WJPA 21-0050. 1493 John Tyler Highway
Staff Report for the October 13, 2021, 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.

EXISTING SITE DATA AND INFORMATION

Applicants: Mr. Richard and Mrs. Yesenia Businelle

Owner/Agent: Mrs. Karla Havens, Mid-Atlantic Resource Consulting

Location: 1493 John Tyler Highway

Parcel: Lot 5 Barrett's Ferry Landing

Parcel Identification No.: 3430300005

Watershed: Gordon Creek (HUC JL29)

Floodplain: Zone VE - Base flood elevation is determined to be 9 feet mean sea level

Proposed Activity: Install a sill, beach nourishment, sprigging, and bank grading

Wetland Impacts: 640 square feet of non-vegetated wetland impacts

Staff Contact: Michael D. Woolson, Section Chief, Resource Protection Phone: 253-6823

PROJECT DISCUSSION

Mrs. Karla Havens, Mid-Atlantic Resource Consulting, has applied for a wetlands permit on behalf of Mr. Richard and Mrs. Yesenia Businelle to install an offshore sill with beach nourishment, sprigging, and bank grading on property located at 1493 John Tyler Highway within the Gordon Creek Watershed. The property is further identified as James City County Tax Map Parcel No. 3430300005.

The applicants are proposing to construct an 80-linear-foot quarry stone sill with beach nourishment and sprigging to mitigate shoreline erosion occurring on the property. The area landward of the sill is proposed to be planted to install beach nourishment and the existing bank is proposed to be graded at a 6:1 slope. Resource Protection Area (RPA) impacts from the proposed grading should be revegetated. The applicants are proposing to access the site from the uplands and there are no vegetated wetland impacts anticipated with this project. The applicants are proposing planting wetland vegetation behind the sill, referencing Virginia Institute of Marine Science guidelines. This project is proposed between mean low water and mean high water; therefore, this project must be heard by the Wetlands Board.

MITIGATION DISCUSSION

As published in *The Virginia Register* on July 11, 2005, the revised Wetland Mitigation Compensation Policy and Supplemental Guidelines, Regulation 4VAC 20-390-10 et seq., Virginia, as a Chesapeake Bay Program partner, is committed to "achieve a no-net loss of existing wetlands acreage and function in the signatories' regulatory programs." In order for a proposed project to be authorized to impact wetlands and compensate for the wetland loss in some prescribed manner, the following three criteria must be met:

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

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

Staff has reviewed this application and finds that this project meets the three criteria outlined above. While there are no vegetated impacts to wetlands associated with this project, the applicant is proposing to grade approximately 1,600 square feet within the RPA. Staff will require this area to be replanted.

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. The installation of 100 wetland plants consisting of smooth cordgrass (*Spartina alterniflora*) and saltmeadow cordgrass (*Spartina Patens*) to be planted 4 foot on center to revegetate the RPA; and
4. A surety of \$1,000 be paid and in place prior to commencement of work in a form acceptable to the James City County Attorney's Office to guarantee the revegetation of the graded bank; and
5. The Wetlands Permit for this project shall expire on October 13, 2024, 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 September 1, 2024, six weeks prior to the expiration date.

MDW/ap
WJPA-50-1493JhnTylrHwy

Attachment:

1. Resolution

RESOLUTION

CASE NO. WJPA 21-0050. 1493 JOHN TYLER HIGHWAY

JAMES CITY COUNTY WETLANDS PERMIT

WHEREAS, Ms. Karla Havens, Mid-Atlantic Resource Consulting, on behalf of Mr. Richard J. and Mrs. Yesenia P. Businelle, (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 Parcel Number 3430300005 and further identified as 1493 John Tyler Highway (the “Property”) as set forth in the application WJPA 21-0050; and

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

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 applicants 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 approval and permits prior to commencement of such activities; and
 - c. The installation of 100 wetland plants consisting of smooth cordgrass (*Spartina alterniflora*) and saltmeadow cordgrass (*Spartina Patens*) to be planted 4 foot on center to revegetate the Resource Protection Area; and
 - d. A surety of \$1,000 be paid and in place prior to commencement of work in a form acceptable to the James City County Attorney’s Office to guarantee the revegetation of the graded bank; and

- e. The Wetlands Permit for this project shall expire on October 13, 2024, 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 September 1, 2024, six weeks prior to the expiration date.

William Apperson
Chairman, Wetlands Board

Michael D. Woolson
Secretary to the Board

Adopted by the Wetlands Board of James City County, Virginia, this 13th day of October, 2021.

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 2021 IN THE COMMONWEALTH OF VIRGINIA, IN THE COUNTY OF JAMES CITY.

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

WJPA21-50-1493JhnTylrHwy-res



Wetlands Board of James City County, Virginia

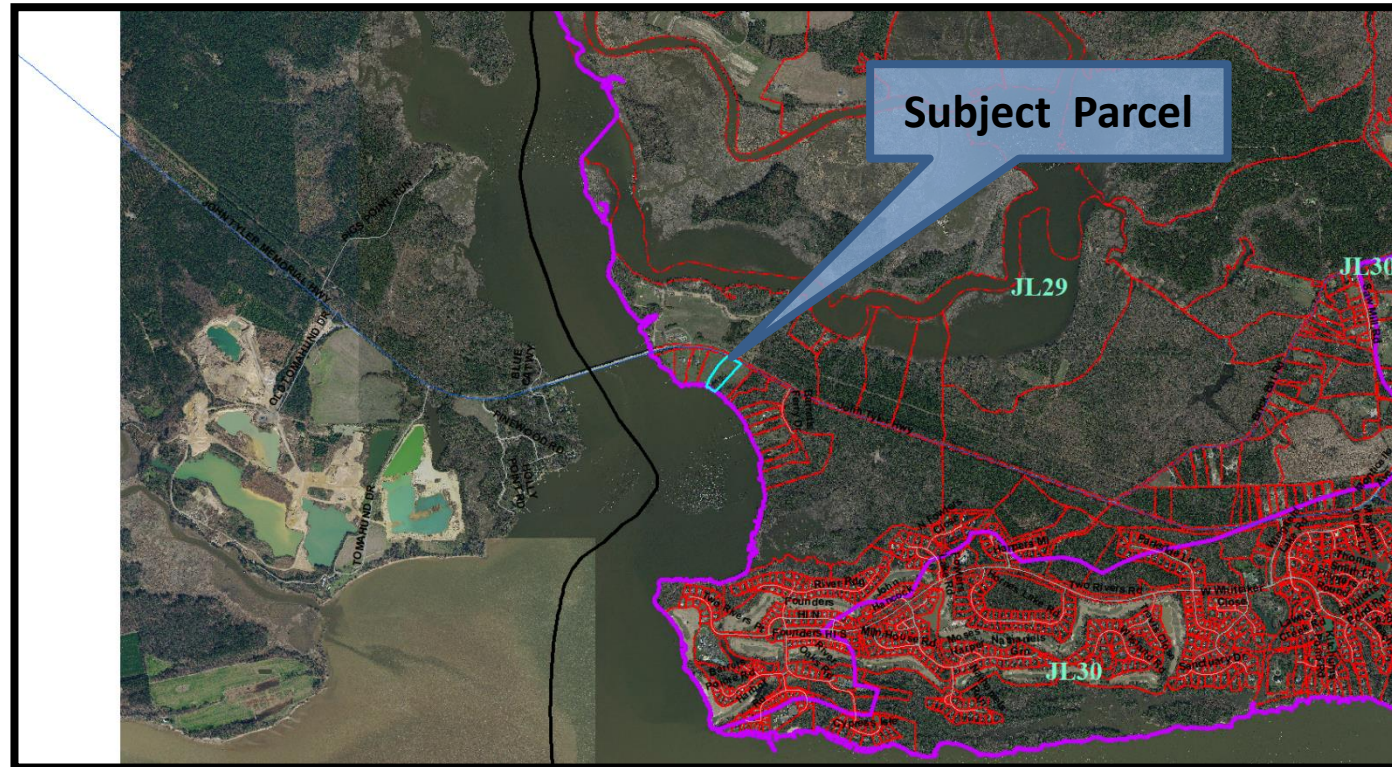
October 13, 2021

WJPA 21-0050

**Richard and Yesenia Businelle
1493 John Tyler Highway**

Applicant Request

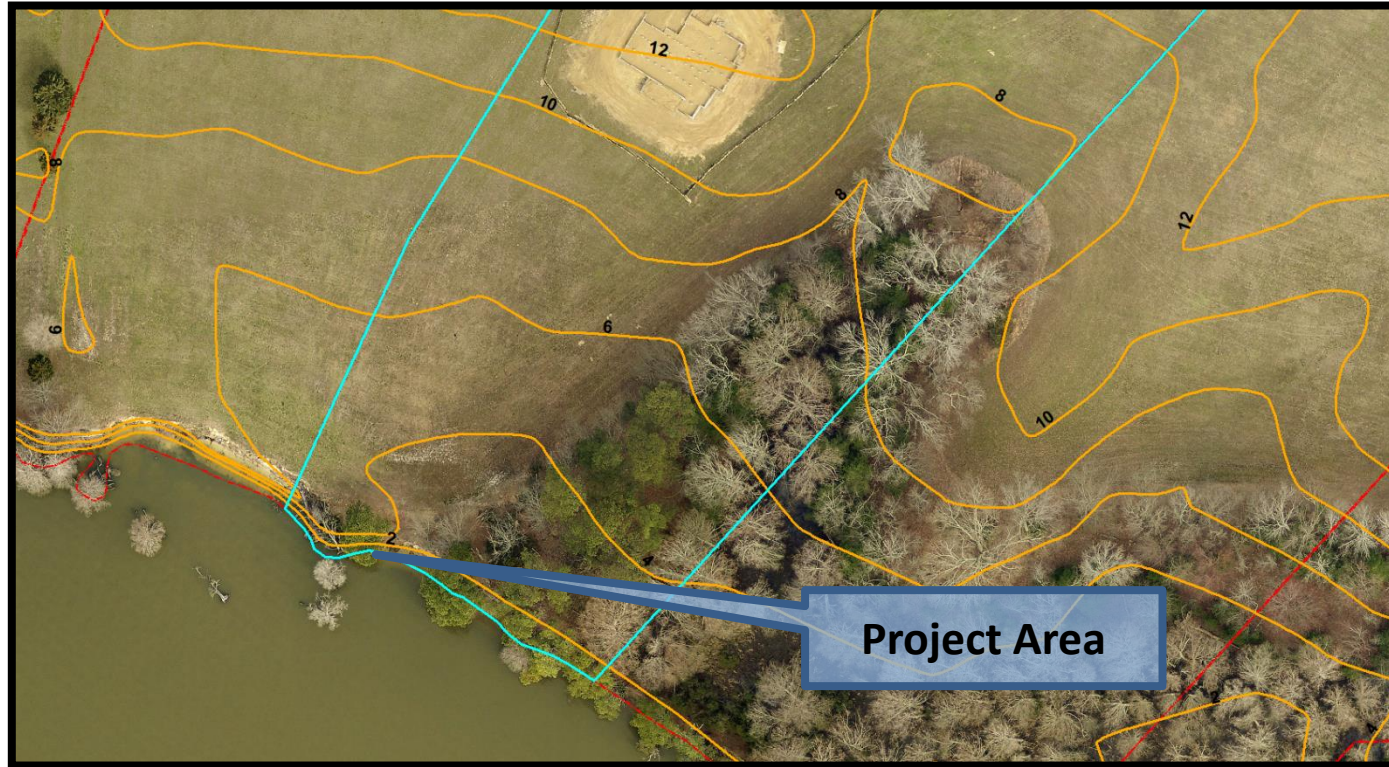
- ✓ Installation of a sill with beach nourishment, sprigging, and bank grading.



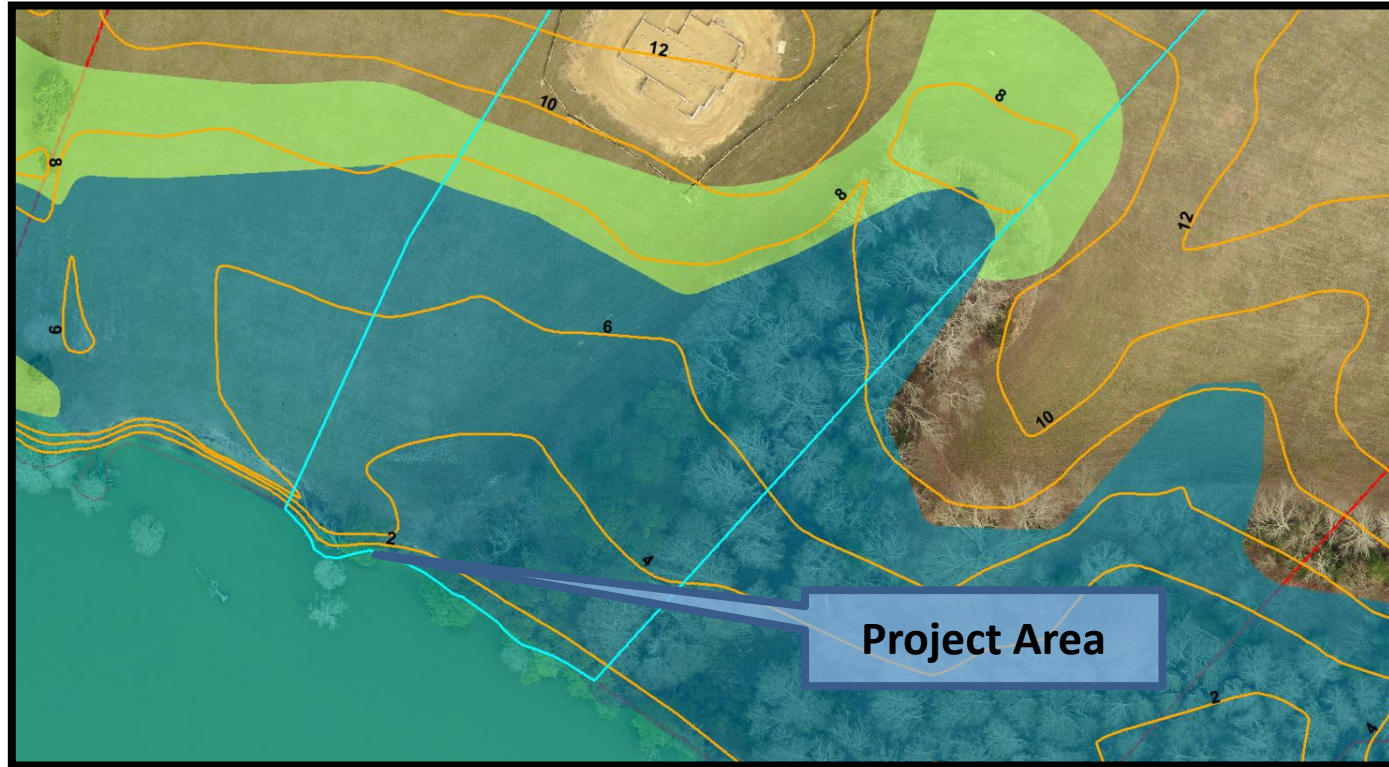
Vicinity Map
WJPA 21-0050
1493 John Tyler Highway



Aerial
WJPA 21-0050
1493 John Tyler Highway



Topography
WJPA 21-0050
1493 John Tyler Highway



Floodplain
WJPA 21-0050
1493 John Tyler Highway

Site Plan revision showing proposed improvements, submitted August 2, 2021. For representative use only for presentation of case #WJPA 21-0050.

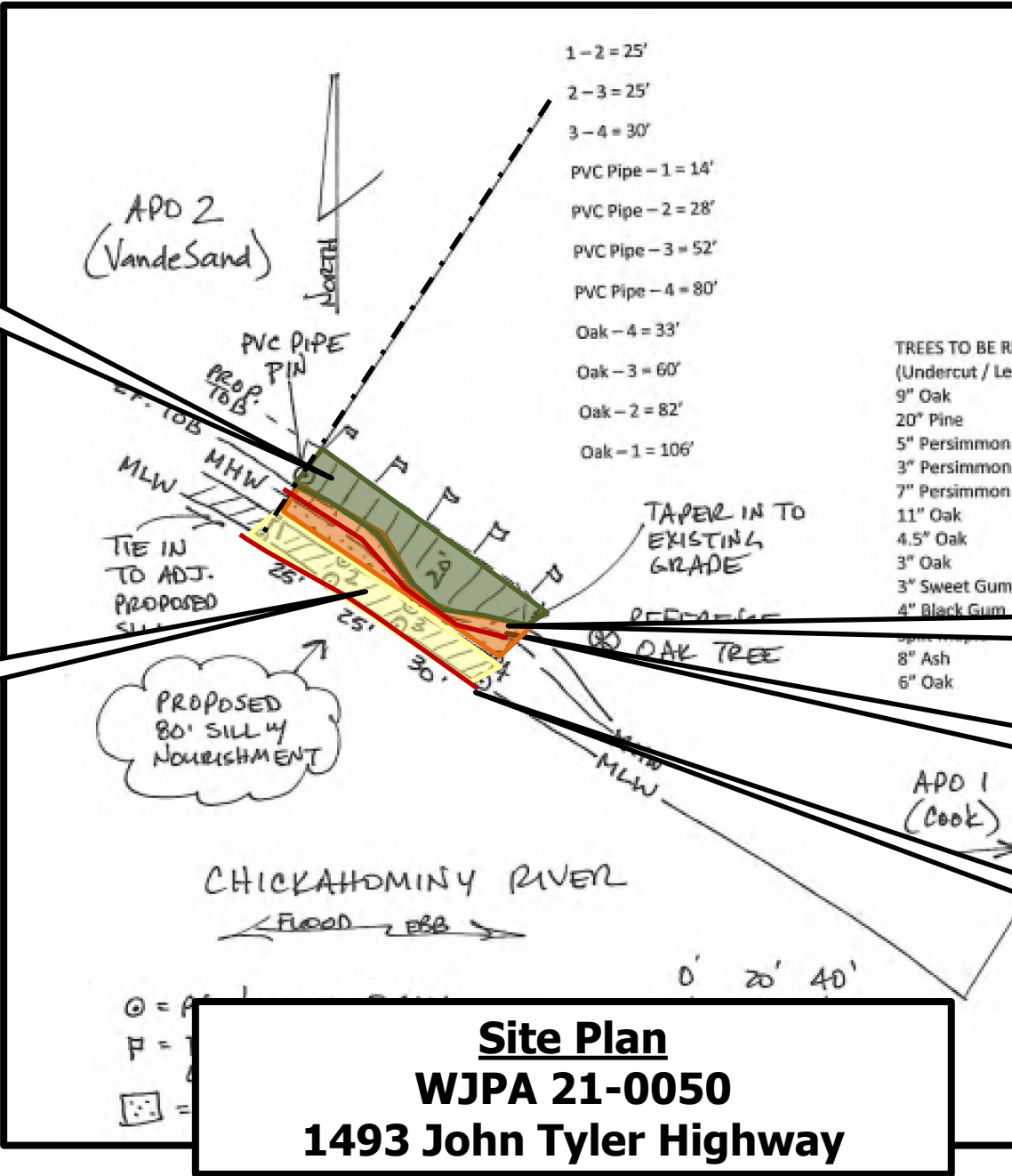
Bank Grading

Sill Installation

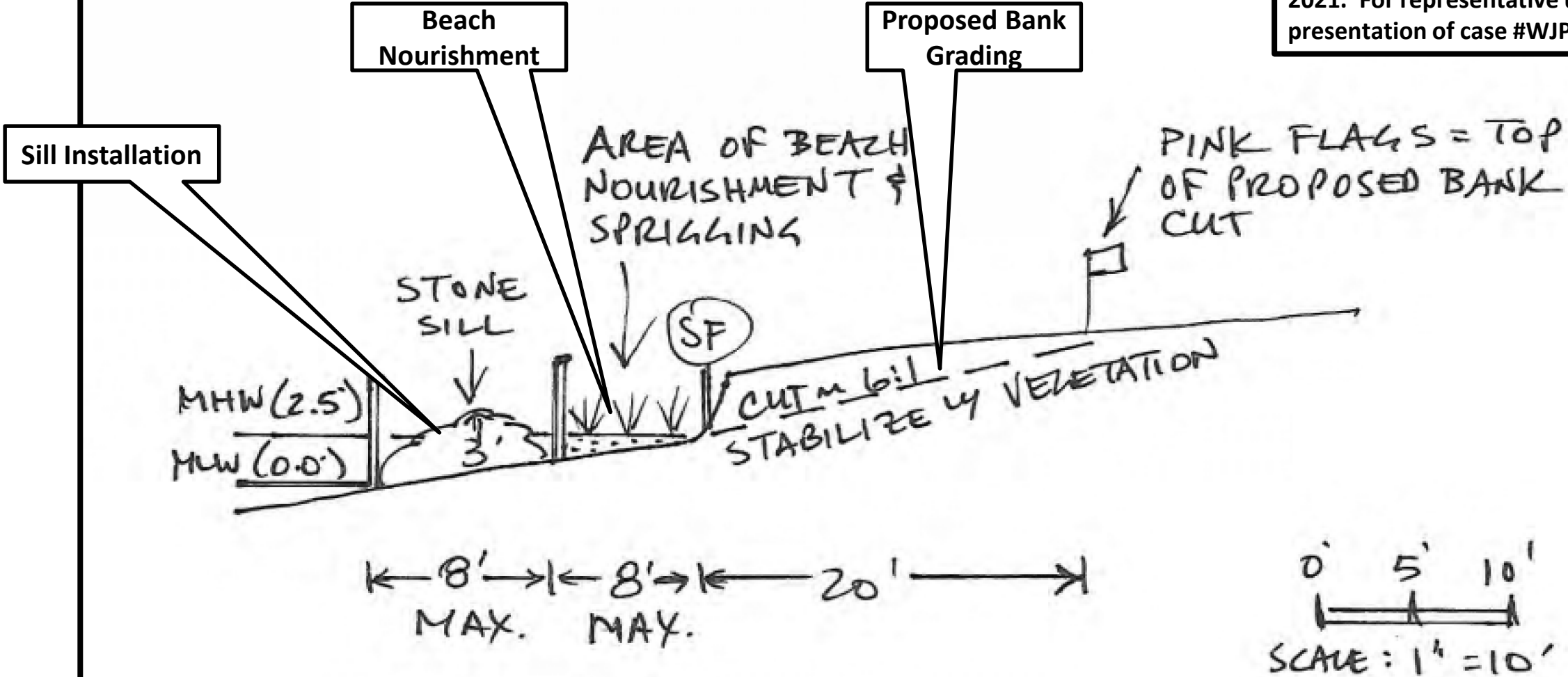
Area of Beach Nourishment

Mean High Water

Mean Low Water



Site Plan revision showing proposed improvements, submitted August 2, 2021. For representative use only for presentation of case #WJPA 21-0050.



Sill Installation

Beach Nourishment

Proposed Bank Grading

AREA OF BEACH NOURISHMENT & SPRIGGING

PINK FLAG = TOP OF PROPOSED BANK CUT

STONE SILL

MHW (2.5')
MHW (0.0')

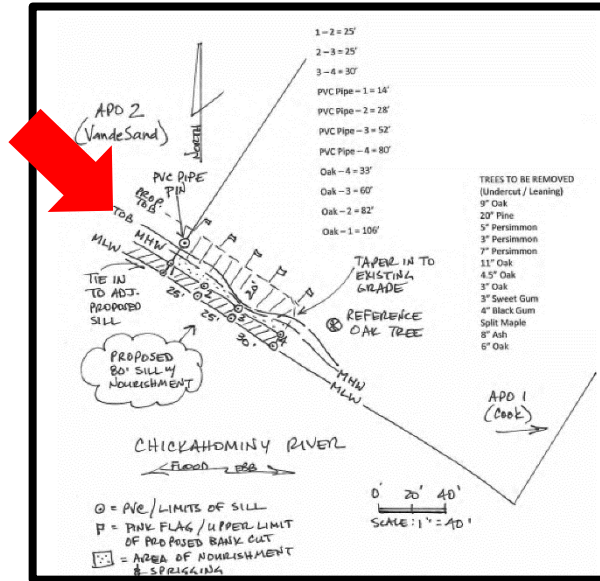
SP

CUT ~ 6'
STABILIZE w/ VEGETATION

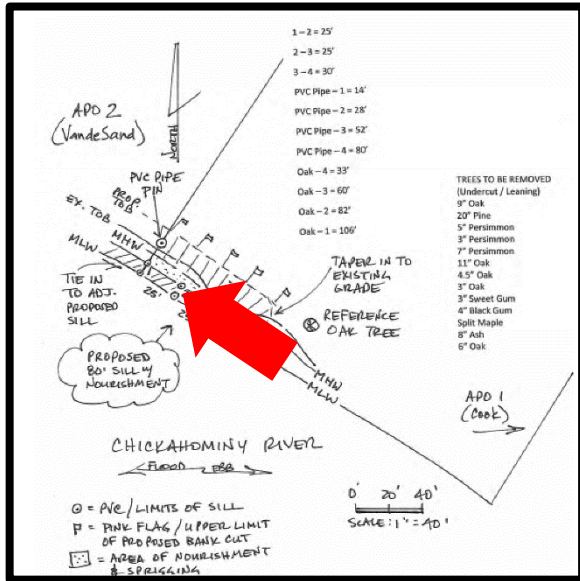
8' MAX. 8' MAX. 20'

0 5' 10'
SCALE: 1" = 10'

Cross Section
WJPA 21-0050
1493 John Tyler Highway



Site Photo #1
WJPA 21-0050
1493 John Tyler Highway



Site Photo #3
WJPA 21-0050
1493 John Tyler Highway

Permit Conditions



Staff Recommended Conditions

- ✓ The applicant must obtain all other necessary local, state, and/or federal permits required for the project.
- ✓ 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.
- ✓ The installation of 100 wetland plants to revegetate the RPA.

Permit Conditions



Staff Recommended Conditions Cont.

- ✓ A surety of \$1,000 to ensure beach nourishment and plantings
- ✓ The Wetlands Permit for this project shall expire on October 13, 2024, if construction has not begun.
- ✓ If an extension of the permit is needed, a written request shall be submitted to the Stormwater and Resource Protection Division no later than September 1, 2024, six weeks prior to the expiration date.

1. History

$$2-3=25'$$

PVC Pipe - 1 = 14'

PVC Pipe - 2 = 28'

PVC Pipe - 3 = 52'

PVC Pipe - 4 = 80'

Oak - 4 = 33'

Oak - 3 = 60'

Oak-2 = 82"

Oak-1 = 106'

9" Oak

20" Pine

5" Persimmon

3^o Persimmon

7" Persimmon

11" Oak

4.5" Oak

3" Oak

3" Sweet Gum

4" Black Gum

Split Maple

8th Ash

6" Oak

APD 1
(Cook)


CHICKAHOMINY RIVER

Flood

PR2

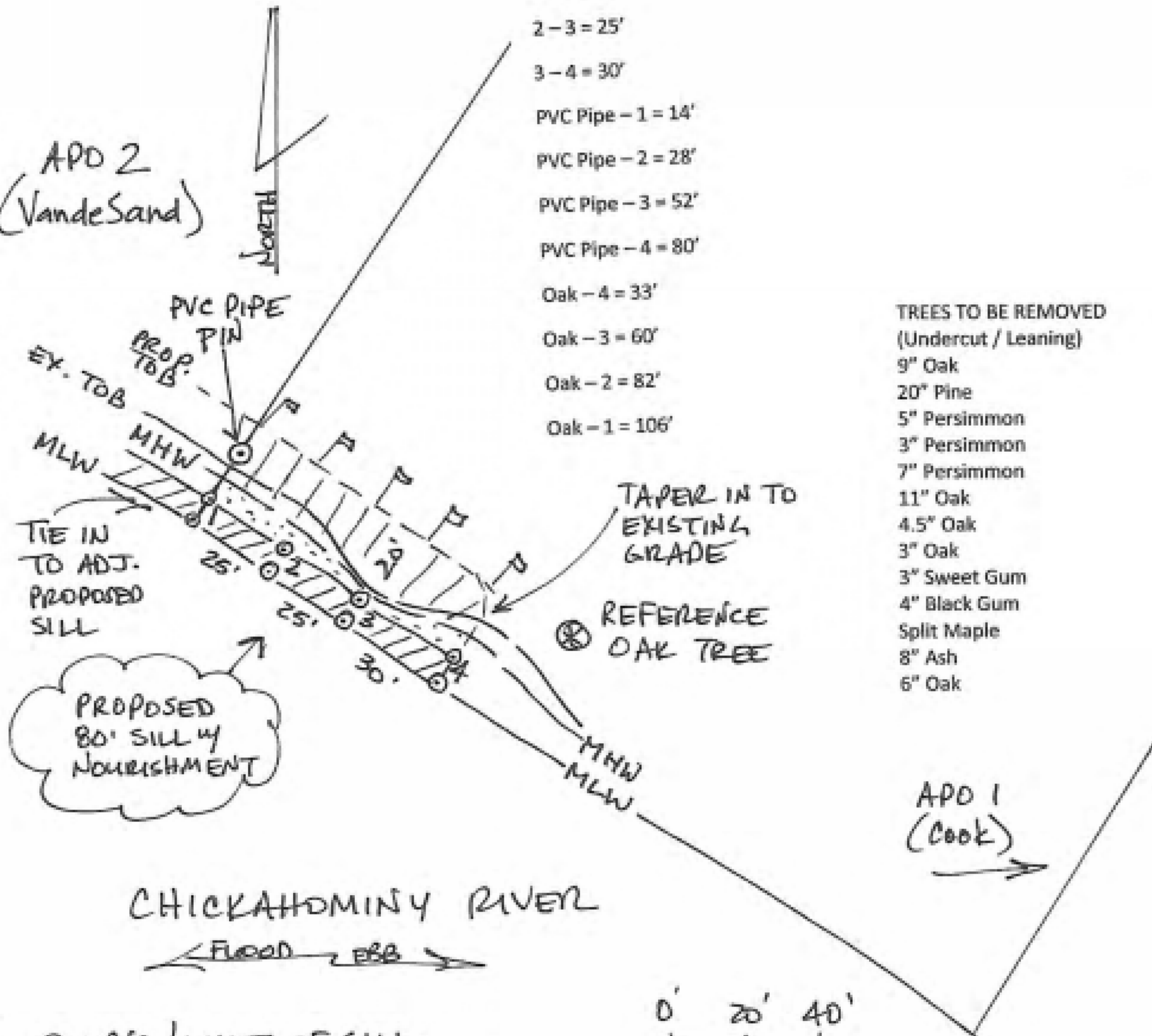
$$\odot = PVE / \text{LIMITS OF SILL}$$

P = PINK FLAG / UPPER LIMIT OF PROPOSED BANK CUT

 = AREA OF NOURISHMENT & SPRIGGING

0' 20' 40'

SCALE: 1" = 40'





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

September 22, 2021

RE: WJPA 21-0050
1493 John Tyler Highway
Installation of an offshore sill with beach nourishment and bank grading.

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 Ms. Karla S. Havens, Mid-Atlantic Resource Consulting on behalf of Mr. Richard J. and Ms. Yesenia P. Businelle, for encroachment into the tidal wetlands associated with the installation of an offshore sill with beach nourishment and bank grading. The project is located at 1493 John Tyler Highway and further identified as JCC Parcel Number 3430300005.

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 **October 13, 2021 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: Mid-Atlantic Resource Consulting
Attn: Ms. Karla S. Havens

MDW: jep

Mailing List for: WJPA-21-0050 – 1493 John Tyler Highway– Install a Sill, Beach
Nourishment, Sprigging and Bank Grading.

Owner: 3430300005

Businelle, Richard J. & Yesenia P
1493 John Tyler Highway
Williamsburg, VA 23185-7604

3430300004 – 1489 John Tyler Highway

VandeSand, Jeffrey A & Amy L
4012 Ambassador Circle
Williamsburg, VA 23188-1449

3430100002

James City County
Attn: Ms. Grace Boone
P.O. Box 8784
Williamsburg, VA 23187-8784

Virginia Marine Resource Center
Attn: Mr. Ben Nettleton
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

Contractor:

Mid-Atlantic Resource Consulting
Attn: Ms. Karla S. Havens
1095 Cherry Row Lane
Plainview, VA 23156-2027

3430300006 – 1497 John Tyler Highway

Cook, Christopher B & Heidi J
44 Whittakers Mill Road
Williamsburg, VA 23185-5534

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



PUBLIC HEARING NOTICE

THE WETLANDS BOARD AND THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD PUBLIC HEARINGS ON **WEDNESDAY, OCTOBER 13, 2021 AT 5 P.M.** IN THE COUNTY GOVERNMENT CONFERENCE ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE WETLANDS BOARD WILL CONSIDER THE FOLLOWING CASES:

WJPA-21-0050/VMRC-2021-1634: Ms. Karla Haven, Mid-Atlantic Resource Consulting, on behalf of Mr. Richard J. and Mrs. Yesenia P. Businelle, has applied for a wetlands permit for the installation of an offshore sill with beach nourishment, and bank grading at 1493 John Tyler Highway, JCC Parcel ID No. 3430300005.

WJPA-21-0052/VMRC-2021-1705: Mr. Daniel R. Winall, Water's Edge Construction, on behalf of Mr. Willem L. Blindenbach, Trustee and Mrs. Floriena Petronella Blindenbach-Driessen, Trustee, has applied for a wetlands permit for the installation of two rip-rap sills with beach nourishment at 1481 John Tyler Highway, JCC Parcel ID No. 3430300002.

WJPA-21-0054/VMRC-2021-1762: Mrs. Rebecca Francese, Waterway Surveys and Engineering, Ltd. on behalf of Mr. Andrew Mayfield, First Colony Marina and Greater First Colony Area Civic Association, has applied for a wetlands permit for the dredging of the First Colony Marina, at 94 Shellbank Drive, JCC Parcel ID No. 4530400001.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA-21-0150: Mr. John Moore has filed an exception request for encroachments into the RPA buffer for construction of a shed at 110 Pasbehegh Drive, JCC Parcel ID No. 4520200215.

CBPA-21-0155: Mr. Clinton Morgeson has filed an exception request for encroachments into the RPA buffer for construction of a retaining wall at 210 Red Oak Landing Road, JCC Parcel ID No. 4730100032.

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

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 29, 2021 and OCTOBER 6, 2021.
ACCOUNT NO. CU00015112
VIRGINIA GAZETTE
1/8 PAGE, VERTICAL, B/W
CARD # x9941

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

ITEM SUMMARY

DATE: 10/13/2021

TO: Wetlands Board

FROM: Trevor Long, Watershed Planner

SUBJECT: WJPA-21-0052/VMRC-2021-1705: 1481 John Tyler Highway

Mr. Daniel R. Winall, Water's Edge Construction, on behalf of Mr. Willem L. Blindenbach, Trustee and Mrs. Floriena Petronella Blindenbach-Driessen, Trustee, has applied for a wetlands permit for the installation of two rip-rap sills with beach nourishment at 1481 John Tyler Highway, JCC Parcel ID No. 3430300002.

ATTACHMENTS:

	Description	Type
☐	Staff Report	Staff Report
☐	Resolution	Resolution
☐	Presentation	Presentation
☐	Site Plan	Exhibit
☐	Site Plan	Exhibit
☐	Adjacent Property Owner Letter	Backup Material
☐	Adjacent Property Owner List	Backup Material
☐	Public Advertisement	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Wetlands Group	Woolson, Michael	Approved	10/6/2021 - 3:12 PM
Wetlands Group	Small, Toni	Approved	10/6/2021 - 3:34 PM
Publication Management	Daniel, Martha	Approved	10/7/2021 - 8:19 AM
Wetlands Group	Secretary, Wetland	Approved	10/7/2021 - 9:52 AM

**WETLANDS BOARD CASE No. WJPA 21-0052. 1481 John Tyler Highway
Staff Report for the October 13, 2021, 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.

EXISTING SITE DATA AND INFORMATION

Applicants: Mr. Willem Blindenbach and Mrs. Floriena Blindenbach-Driessen

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

Location: 1481 John Tyler Highway

Parcel: Lot 2 Barrett's Ferry Landing

Parcel Identification No.: 3430300002

Watershed: Gordon Creek (HUC JL29)

Floodplain: Zone AE - Base flood elevation is determined to be 9 feet mean sea level

Proposed Activity: Install two riprap sills, sprigging, beach bill, and bank grading

Wetland Impacts: 7,200 non-vegetated wetland impacts

Staff Contact: Michael D. Woolson, Section Chief, Resource Protection Phone: 253-6823

PROJECT DISCUSSION

Mr. Daniel Winall, Waters Edge Construction, has applied for a wetlands permit on behalf of Mr. Willem Blindenbach and Mrs. Floriena Blindenbach-Driessen to install two offshore riprap sills on property located at 1481 John Tyler Highway within the Gordon Creek Watershed. The property is further identified as James City County Tax Map Parcel No. 3430300002.

The applicants are proposing to construct one 100-linear-foot and one 75-linear-foot class 2 riprap sills to mitigate shoreline erosion occurring on the property. The top elevation of the proposed sill will exist at +4 feet mean sea level. Beach nourishment is then proposed to be installed landward of the sills. The existing bank will be graded at a 6:1 slope to reduce erosion caused by wave energy. Smooth cordgrass (*Spartina alterniflora*) and saltmeadow cordgrass (*Spartina Patens*) are proposed to be planted as vegetative stabilization in the tidal reaches. This project is proposed between mean low water and mean high water; therefore, this project must be heard by the Wetlands Board.

MITIGATION DISCUSSION

As published in *The Virginia Register* on July 11, 2005, the revised Wetland Mitigation Compensation Policy and Supplemental Guidelines, Regulation 4VAC 20-390-10 et seq., Virginia, as a Chesapeake Bay Program partner, is committed to "achieve a no-net loss of existing wetlands acreage and function in the signatories' regulatory programs." In order for a proposed project to be authorized to impact wetlands and compensate for the wetland loss in some prescribed manner, the following three criteria must be met:

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

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

Staff has reviewed this application and finds that this project meets the three criteria outlined above. While there are no vegetated impacts to wetlands associated with this project, the applicant is proposing to grade approximately 5,000 square feet within the Resource Protection Area (RPA). Staff will require this area to be replanted, which the applicant has already proposed to do.

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. The installation of 313 wetland plants consisting of smooth cordgrass (*Spartina alterniflora*) and saltmeadow cordgrass (*Spartina Patens*) to be planted 4 foot on center to revegetate the RPA; and
4. A surety of \$1,000 be paid and in place prior to commencement of work in a form acceptable to the James City County Attorney's Office to guarantee the revegetation of the bank; and
5. The Wetlands Permit for this project shall expire on October 13, 2024, 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 September 1, 2024, six weeks prior to the expiration date.

MDW/md
WJPA21-52_1481JTylrHwy

Attachment:

1. Resolution

RESOLUTION

CASE NO. WJPA 21-0052. 1481 JOHN TYLER HIGHWAY

JAMES CITY COUNTY WETLANDS PERMIT

WHEREAS, Mr. Daniel Winall, Waters Edge Construction, on behalf of Mr. Willem L. Blindenbach, Trustee and Mrs. Floriena Petronella Blindenbach-Driessen, (the “Applicants”), 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 Parcel No. 3430300002 and further identified as 1481 John Tyler Highway (the “Property”) as set forth in the application WJPA 21-0052; 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 applicants 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 approval and permits prior to commencement of such activities; and
 - c. The installation of 313 wetland plants consisting of smooth cordgrass (*Spartina alterniflora*) and saltmeadow cordgrass (*Spartina Patens*) to be planted 4 foot on center to revegetate the Resource Protection Area (RPA); and
 - d. A surety of \$1,000 be paid and in place prior to commencement of work in a form acceptable to the James City County Attorney’s Office to guarantee the revegetation of the bank; and

- e. The Wetlands Permit for this project shall expire on October 13, 2024, 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 September 1, 2024, six weeks prior to the expiration date.

William Apperson
Chairman, Wetlands Board

Michael D. Woolson
Secretary to the Board

Adopted by the Wetlands Board of James City County, Virginia, this 13th day of October, 2021.

THE FORGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 2021 IN THE COMMONWEALTH OF VIRGINIA, IN THE COUNTY OF JAMES CITY.

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

WJPA21-52_1481JTylerHwy-res



Wetlands Board of James City County, Virginia

October 13, 2021

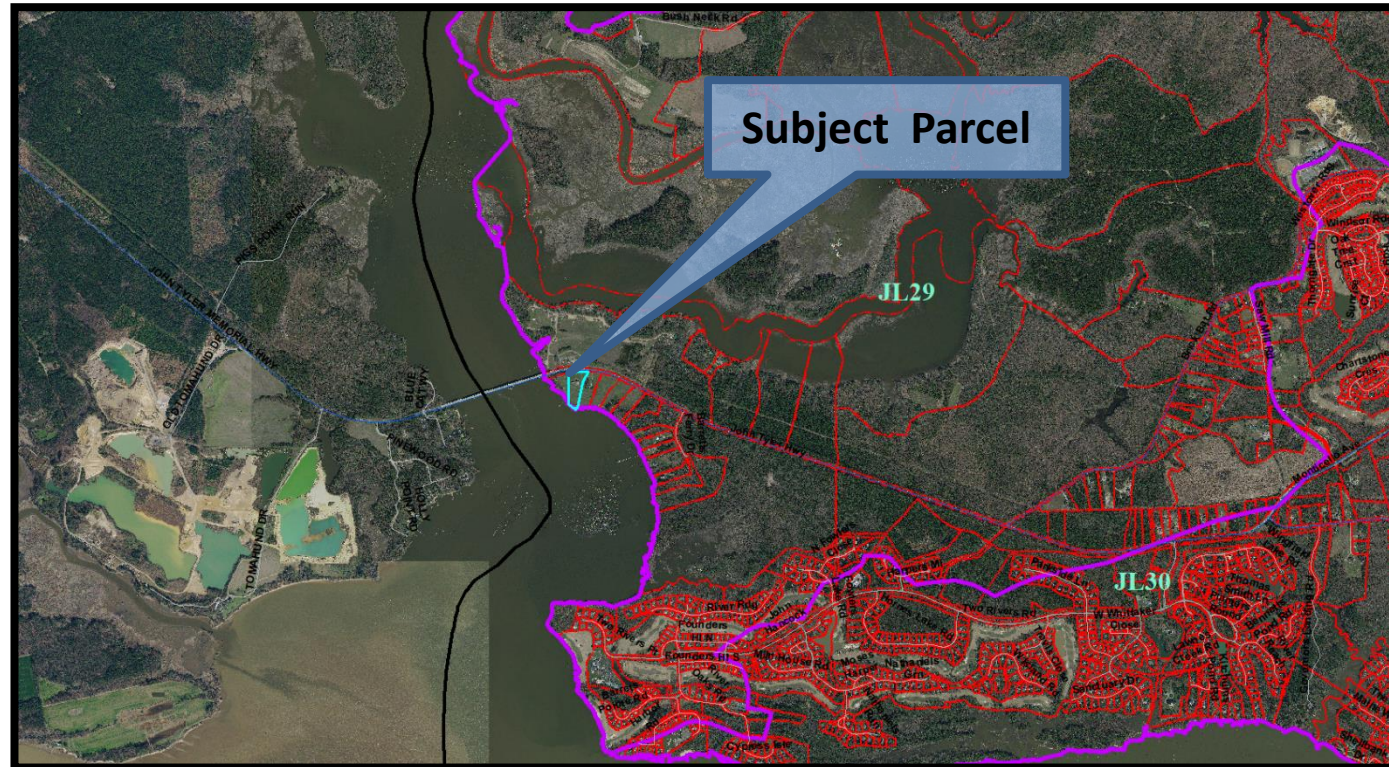
WJPA 21-0052

**Willem Blindenbach and Floriena Blindenbach
Driessen**

1481 John Tyler Highway

Applicant Request

- ✓ Installation of riprap sill.



Vicinity Map
WJPA 21-0052
1481 John Tyler Highway



Aerial
WJPA 21-0052
1481 John Tyler Highway



Topography
WJPA 21-0052
1481 John Tyler Highway



Floodplain
WJPA 21-0052
1481 John Tyler Highway

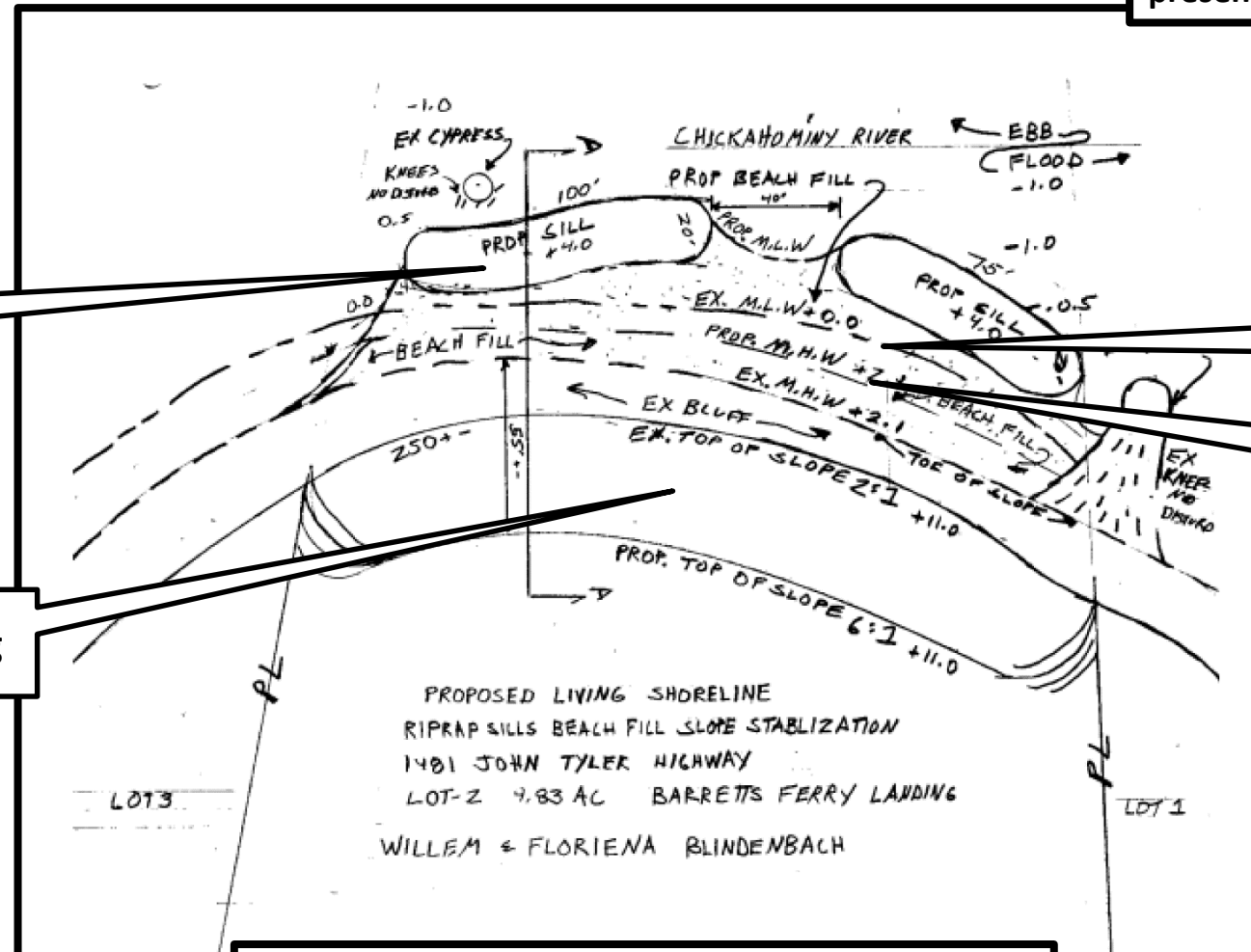
Site Plan revision showing proposed improvements, submitted August 18, 2021. For representative use only for presentation of case #WJPA 21-0052.

Sill Installation

Bank Grading

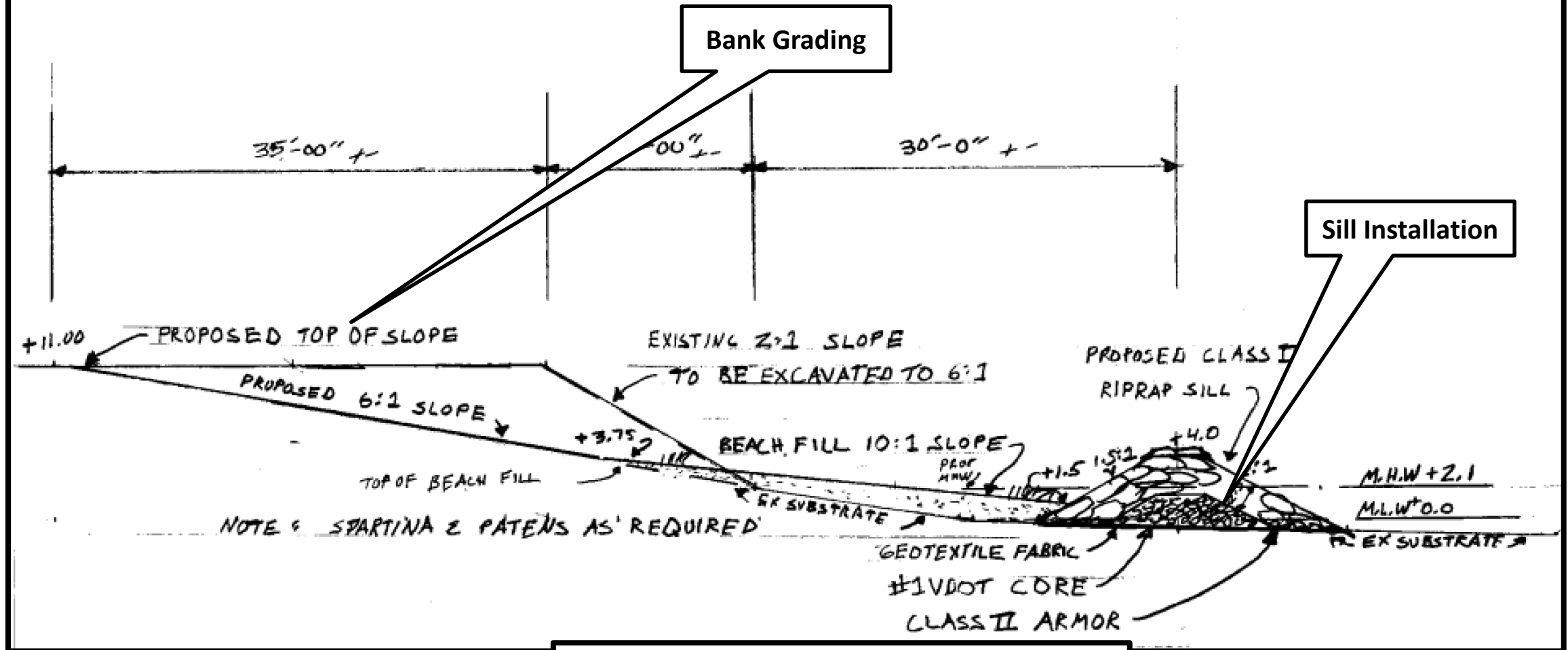
Mean Low Water

Mean High Water

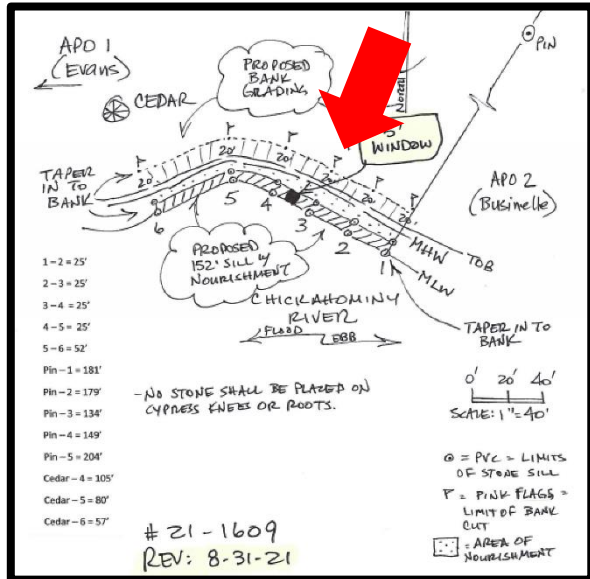


Site Plan
WJPA 21-0052
1481 John Tyler Highway

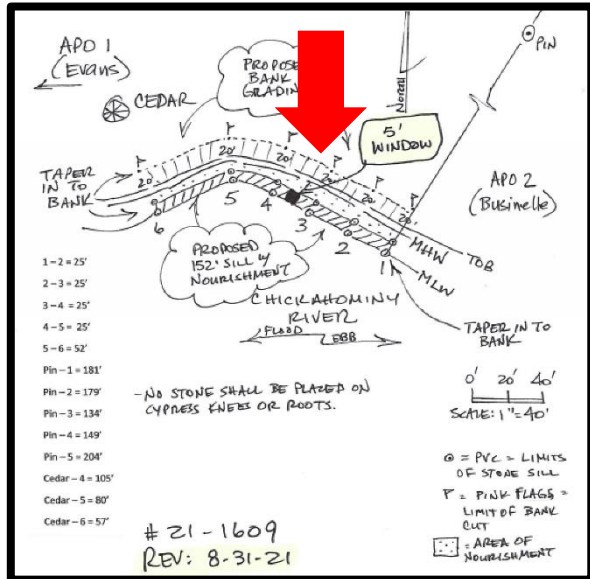
Site Plan revision showing proposed improvements, submitted August 18, 2021. For representative use only for presentation of case #WJPA 21-0052.



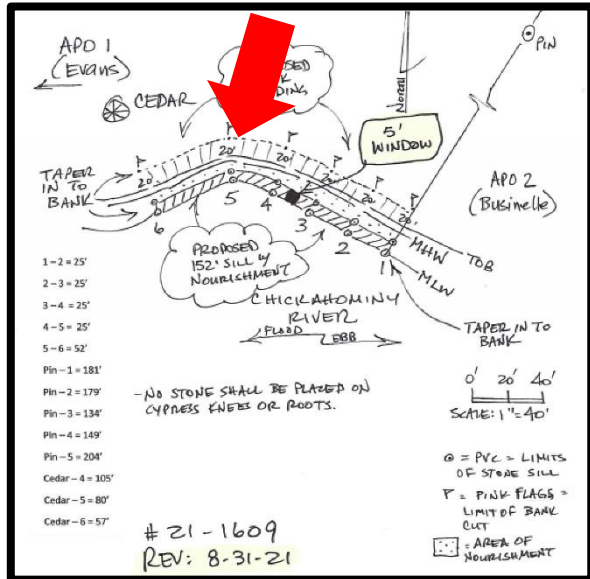
Cross Section
WJPA 21-0052
1481 John Tyler Highway



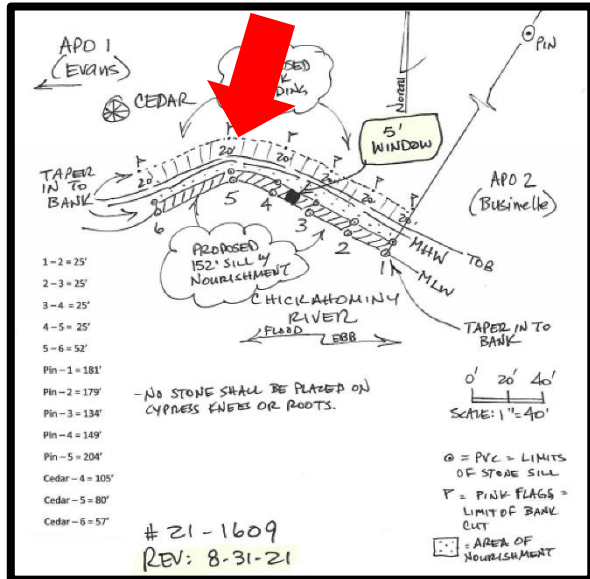
Site Photo #1
WJPA 21-0052
1481 John Tyler Highway



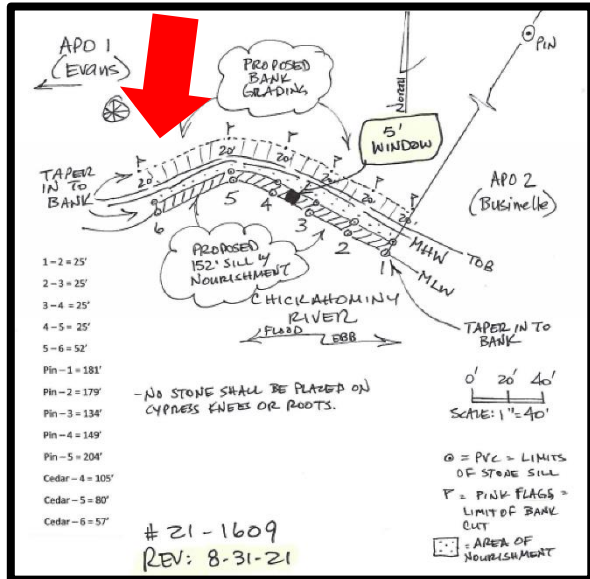
Site Photo #2
WJPA 21-0052
1481 John Tyler Highway



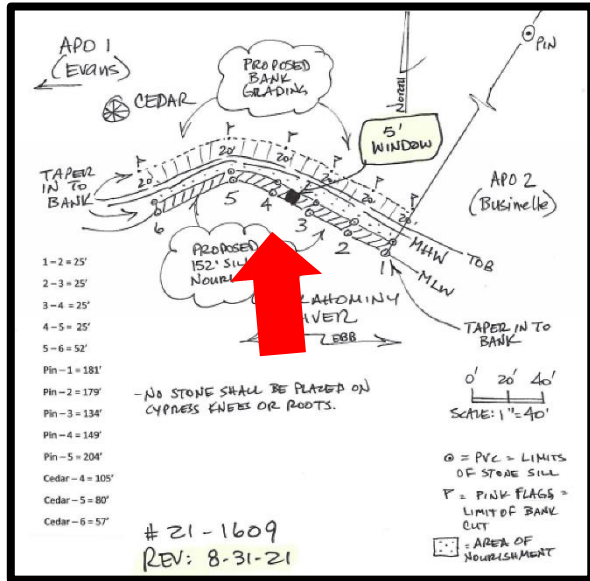
Site Photo #3
WJPA 21-0052
1481 John Tyler Highway



Site Photo #4
WJPA 21-0052
1481 John Tyler Highway



Site Photo #5
WJPA 21-0052
1481 John Tyler Highway



Site Photo #6
WJPA 21-0052
1481 John Tyler Highway

Permit Conditions



Staff Recommended Conditions

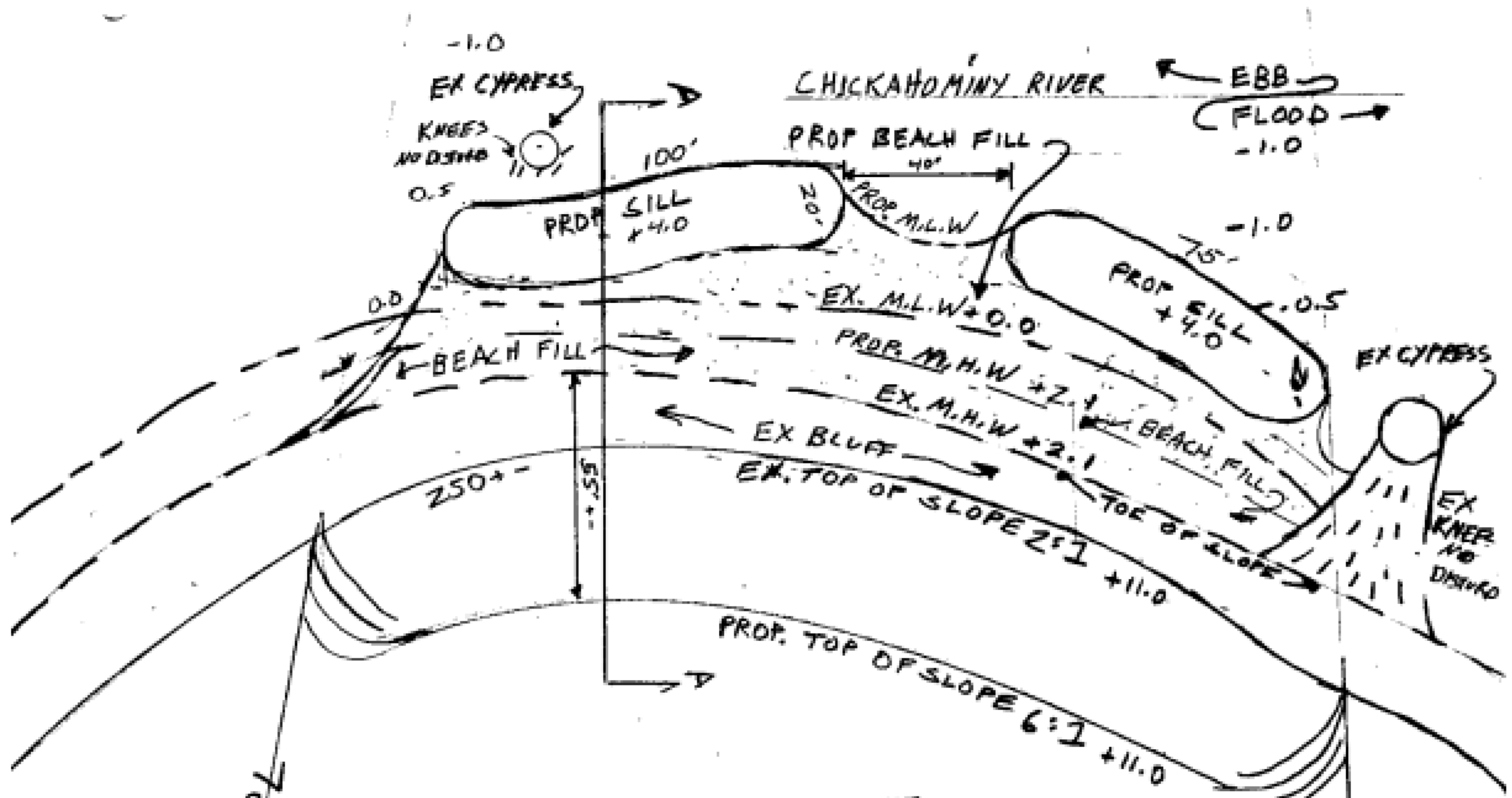
- ✓ The applicant must obtain all other necessary local, state, and/or federal permits required for the project.
- ✓ All development activities located in the special flood hazard area shall comply with Article VI, Division 3, Floodplain Area Regulations of the James City County Zoning Ordinance and receive all required approval and permits prior to commencement of such activities.
- ✓ The installation of 313 wetland plants to revegetate the RPA.

Permit Conditions



Staff Recommended Conditions Cont.

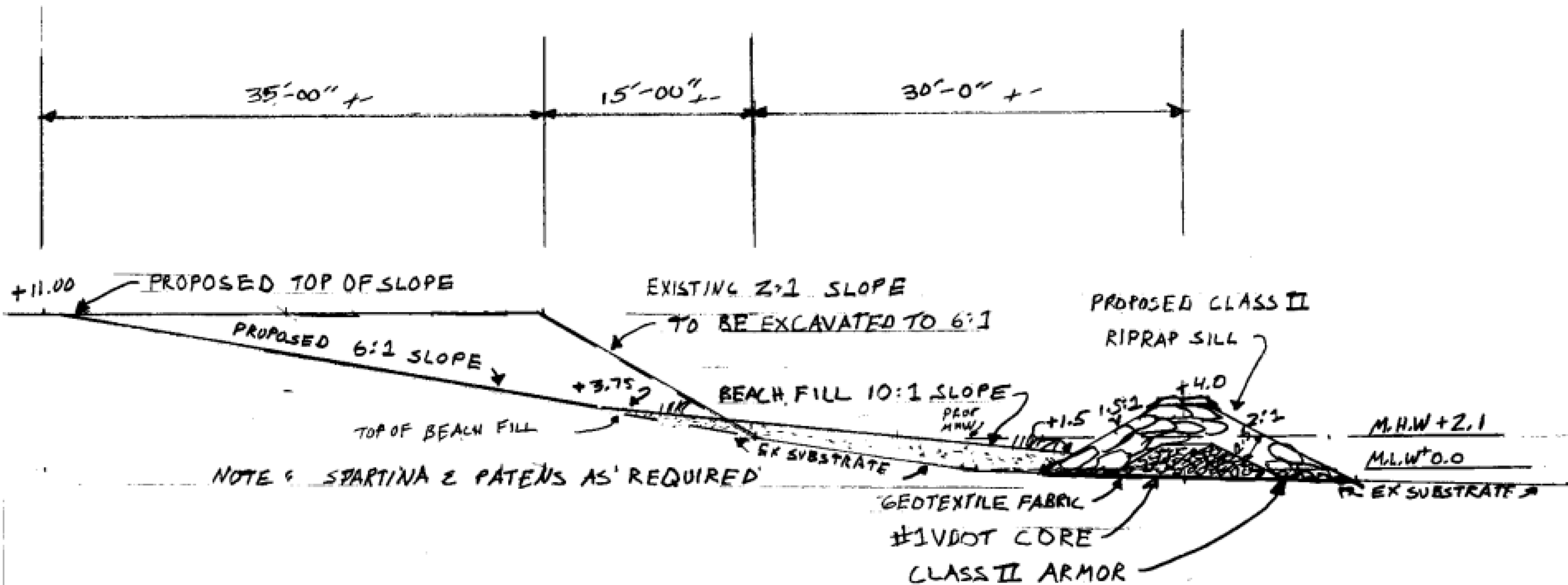
- ✓ A surety of \$1,000 to ensure beach nourishment and plantings
- ✓ The Wetlands Permit for this project shall expire on October 13, 2024, if construction has not begun.
- ✓ If an extension of the permit is needed, a written request shall be submitted to the Stormwater and Resource Protection Division no later than September 1, 2024, six weeks prior to the expiration date.



PROPOSED LIVING SHORELINE
 RIPRAP SILLS BEACH FILL SLOPE STABILIZATION
 1481 JOHN TYLER HIGHWAY
 LOT-2 4.83 AC BARRETT'S FERRY LANDING
 WILLEM & FLORIENA BLINDENBACH

LOT 3

LOT 1





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

September 22, 2021

RE: WJPA 21-0052
1481 John Tyler Highway
Installation of two rip-rap sills with beach nourishment

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 R. Winall, Water's Edge Construction on behalf of Mr. Willem L. Blindenbach, Trustee and Ms. Floriena Petronella Blindenbach-Driessen, Trustee for encroachment into the tidal wetlands associated with the installation of two rip-rap sills with beach nourishment. The project is located at 1481 John Tyler Highway and further identified as JCC Parcel Number 3430300002.

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 **October 13, 2021 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 R. Winall

MDW: jep

Mailing List for: WJPA-21-0052 – 1481 John Tyler Highway– Install a Sill, Rip Rap, and Beach Fill.

Owner: 3430300002-1481 John Tyler Highway
Blindenbach, Willem L, Trustee &
Blindenbach-Driessen, Floriena Petronella,
Trustee
1702 Irvin Street
Vienna, VA 22182-2120

3430300001 – 1477 John Tyler Highway
Hofmeyer, Eugene J & Ruth M, General
Partners, Hofmeyer Limited Partnership
6627 Chapel Crossing
Williamsburg, VA 23188-7288

3430100002
James City County
Attn: Ms. Grace Boone
P.O. Box 8784
Williamsburg, VA 23187-8784

Virginia Marine Resource Center
Attn: Mr. Ben Nettleton
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

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

3430300003 – 1485 John Tyler Highway
Evans, Larry & Carla
35 Marial Rose Drive
Portsmouth, RI 02871-1278

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



PUBLIC HEARING NOTICE

THE WETLANDS BOARD AND THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD PUBLIC HEARINGS ON **WEDNESDAY, OCTOBER 13, 2021 AT 5 P.M.** IN THE COUNTY GOVERNMENT CONFERENCE ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE WETLANDS BOARD WILL CONSIDER THE FOLLOWING CASES:

WJPA-21-0050/VMRC-2021-1634: Ms. Karla Haven, Mid-Atlantic Resource Consulting, on behalf of Mr. Richard J. and Mrs. Yesenia P. Businelle, has applied for a wetlands permit for the installation of an offshore sill with beach nourishment, and bank grading at 1493 John Tyler Highway, JCC Parcel ID No. 3430300005.

WJPA-21-0052/VMRC-2021-1705: Mr. Daniel R. Winall, Water's Edge Construction, on behalf of Mr. Willem L. Blindenbach, Trustee and Mrs. Floriena Petronella Blindenbach-Driessen, Trustee, has applied for a wetlands permit for the installation of two rip-rap sills with beach nourishment at 1481 John Tyler Highway, JCC Parcel ID No. 3430300002.

WJPA-21-0054/VMRC-2021-1762: Mrs. Rebecca Francese, Waterway Surveys and Engineering, Ltd. on behalf of Mr. Andrew Mayfield, First Colony Marina and Greater First Colony Area Civic Association, has applied for a wetlands permit for the dredging of the First Colony Marina, at 94 Shellbank Drive, JCC Parcel ID No. 4530400001.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA-21-0150: Mr. John Moore has filed an exception request for encroachments into the RPA buffer for construction of a shed at 110 Pasbehegh Drive, JCC Parcel ID No. 4520200215.

CBPA-21-0155: Mr. Clinton Morgeson has filed an exception request for encroachments into the RPA buffer for construction of a retaining wall at 210 Red Oak Landing Road, JCC Parcel ID No. 4730100032.

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

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 29, 2021 and OCTOBER 6, 2021.
ACCOUNT NO. CU00015112
VIRGINIA GAZETTE
1/8 PAGE, VERTICAL, B/W
CARD # x9941

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