

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
November 10, 2021
5:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MINUTES

1. Minutes from October 13, 2021 Regular Meeting

D. PUBLIC HEARINGS

1. WJPA-21-0043/VMRC-2021-1556 : 3475 Westport

E. BOARD CONSIDERATIONS

1. 2022 Calendar
2. Election of Officers for 2022

F. MATTERS OF SPECIAL PRIVILEGE

G. ADJOURNMENT

ITEM SUMMARY

DATE: 11/10/2021
TO: Wetlands Board
FROM: Trevor Long, Watershed Planner
SUBJECT: Minutes from October 13, 2021 Regular Meeting

Minutes from October 13, 2021 Regular Meeting.

ATTACHMENTS:

	Description	Type
☐	Minutes	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Wetlands Group	Woolson, Michael	Approved	11/3/2021 - 12:53 PM
Wetlands Group	Small, Toni	Approved	11/3/2021 - 3:08 PM
Publication Management	Daniel, Martha	Approved	11/3/2021 - 3:18 PM
Wetlands Group	Secretary, Wetland	Approved	11/3/2021 - 4:59 PM

MINUTES
JAMES CITY COUNTY WETLANDS BOARD
REGULAR MEETING
County Government Center, Building F
October 13, 2021
5:00 PM

A. CALL TO ORDER

The Wetlands Board meeting for October 13, 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
Robert Lukens

Board Members Absent:

Larry Waltrip

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
Robin Benedict, Watershed Planner, Stormwater and Resource Protection

C. MINUTES

1. Minutes from September 8, 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-21-0050/VMRC-21-1634: 1493 John Tyler Highway

Mr. Trevor Long, Watershed Planner, presented the permit request submitted by Ms. Karla Havens, Mid-Atlantic Resource Consulting, on behalf of Mr. Richard and Mrs. Yesenia Businelle, who has applied for a wetlands permit to install an offshore sill with beach nourishment and bank grading located at 1493 John Tyler Highway in the Gordon Creek watershed. The property is further identified as James City County Parcel Number 3430300005. 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, described the current site conditions.

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- 0050/VMRC-21 -1634 at 1493 John Tyler Highway.

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

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

Ayes: Apperson, Dunn, Gussman, Roadley, Lukens

Nays: None

Absent: Waltrip

2. WJPA-21-0052/VMRC-21-1705

Ms. Robin Benedict, Watershed Planner, presented the permit request submitted by Mr. Daniel Winall, Water's Edge Construction, on behalf of Mr. Willem Blindenbach and Mrs. Floriena Blindenbach-Driessen, who has applied for a wetlands permit to install two rip-rap sills with beach nourishment and bank grading located at 1481 John Tyler Highway, in the Gordon Creek watershed. The property is further identified as James City County Parcel Number 3430300002. 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. Daniel Winall, Water's Edge Construction, was available to answer the question 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- 0052/ VMRC-21 -1705 at 1481 John Tyler Highway.

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

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

Ayes: Apperson, Dunn, Gussman, Roadley, Lukens

Nays: None

Absent: Waltrip

E. BOARD CONSIDERATIONS

None.

F. MATTERS OF SPECIAL PRIVILEGE

Ms. Lauren Pudvah, Engineer with VA Marine Resource Commission, was introduced to the

Board.

G. ADJOURNMENT

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

The meeting adjourned at 5:21 p.m.

ITEM SUMMARY

DATE: 9/22/2021
TO: Wetlands Board
FROM: Trevor Long, Watershed Planner
SUBJECT: WJPA-21-0043/VMRC-2021-1556 : 3475 Westport

Roth Environmental, LLC, on behalf of Westport Neighborhood Association, Inc., has applied for a wetlands permit for the construction of a kayak and canoe launch and community pier at 3475 Westport, JCC Parcel ID No. 3620500001A.

ATTACHMENTS:

	Description	Type
☐	Staff Report	Staff Report
☐	Resolution	Resolution
☐	Adjacent Property Owner Letter	Backup Material
☐	Adjacent Property Owner List	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Wetlands Group	Woolson, Michael	Approved	11/3/2021 - 12:54 PM
Wetlands Group	Small, Toni	Approved	11/3/2021 - 3:09 PM
Publication Management	Daniel, Martha	Approved	11/3/2021 - 3:21 PM
Wetlands Group	Secretary, Wetland	Approved	11/3/2021 - 5:00 PM

**WETLANDS BOARD CASE No. WJPA 21-0043. 3475 Westport
Staff Report for the November 10, 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

Applicant: Mr. Ryan Lee, Westport Neighborhood Association, Inc.

Owner/Agent: Mr. Matthew Roth, Roth Environmental, LLC

Location: 3475 Westport

Parcel: CA/Park S-35 Westport Ford's Colony

Parcel Identification No.: 3620500001A

Watershed: Gordon Creek (HUC JL29)

Floodplain: Zone AE - Base flood elevation is determined to be 7 feet mean sea level

Proposed Activity: Install a kayak/canoe launch and community pier

Wetland Impacts: 0 square feet of vegetated tidal wetlands

Staff Contact: Trevor A. Long, Watershed Planner Phone: 253-6823

PROJECT DISCUSSION

Mr. Mathew Roth, Roth Environmental, LLC, has applied for a wetlands permit on behalf of Mr. Ryan Lee, Westport Neighborhood Association, Inc., to install a kayak/canoe launch and community pier on property located at 3475 Westport within the Gordon Creek Watershed. The property is further identified as James City County Tax Map Parcel No. 3620500001A.

The applicant is proposing to install a kayak and canoe launch and community pier. The total length of the pier will be 592 square feet. The pier shall be constructed along an existing pathway used by residents that is proposed to be upgraded for residents' safety. Additionally, there will be a gangway and floating dock installed which will traverse approximately 68 square feet of tidal wetlands. While there is tidal wetland vegetation within the premise of site, it is not anticipated that any vegetation within the Board's jurisdiction will be within the limits of disturbance for this project. However, the pier is intended for public use and it is for this reason that this permit request must be heard by the Board.

MITIGATION DISCUSSION

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

1. All reasonable mitigative efforts, including alternative siting, which would eliminate or minimize wetland loss or disturbance must be incorporated in the proposal; and

2. The proposal must clearly be water dependent in nature; and
3. The proposal must demonstrate clearly its need to be in the wetlands and its overwhelming public and private benefits.

If the proposed project cannot meet one or more of the above criteria, the project must be denied or must occur in areas outside of wetlands. Should it satisfy all three criteria, however, compensation for the wetland loss is required. The sequence of acceptable mitigation options should be as follows: on-site, off-site within the same watershed, mitigation bank(s) in the same watershed or a payment of an in-lieu fee. If compensation is required, it should be a condition of the permit. Staff has reviewed this application and finds that this project meets the three criteria outlined above and that no tidal mitigation is proposed nor required. Staff will require that an inspection take place one year after the completion of this project to ensure that no invasive species are a result of the proposed construction.

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. That an inspection take place one year after the completion of this project to ensure no invasive species are a result of the proposed construction; and
4. The Wetlands Permit for this project shall expire on November 10, 2024, if construction has not begun; and
5. 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 29, 2024, six weeks prior to the expiration date.

TAL/md
WJPA21-43_3475Wstpt

Attachment:

1. Resolution

RESOLUTION

CASE NO. WJPA 21-0043. 3475 WESTPORT

JAMES CITY COUNTY WETLANDS PERMIT

WHEREAS, Mr. Matthew Roth, Roth Environmental, LLC, on behalf of Mr. Ryan Lee, Westport Neighborhood Association, Inc. (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 Parcel Number 3620500001A and further identified as 3475 Westport (the “Property”) as set forth in the application WJPA 21-0043; 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 approval and permits prior to commencement of such activities; and
 - c. That an inspection take place one year after the completion of this project to ensure no invasive species are a result of the proposed construction; and
 - d. The Wetlands Permit for this project shall expire on November 10, 2024, if construction has not begun; and
 - e. 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 29, 2024,

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 10th day of November, 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: _____

WJPA21-43_3475Wstpt-res



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
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August 18, 2021

RE: WJPA 21-0043
3475 Westport
Construction of a kayak and canoe launch and community pier.

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. Matthew Roth, Roth Environmental, LLC on behalf of Westport Neighborhood Association, Inc., for encroachment into the tidal wetlands associated with the construction of a kayak and canoe launch and community pier. The project is located at 3475 Westport and further identified as JCC Parcel Number 3620500001A.

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 8, 2021 at 5:00 p.m.**, in the Board Room of Building D, 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: Roth Environmental, LLC
Attn: Mr. Matthew Roth

MDW: jep

Mailing List for: WJPA-21-0043 – 3475 Westport– Construction of a kayak and canoe launch and community pier.

Owner: 3620500001A-3475 Westport
Westport Neighborhood Association, Inc.
Attn: Mr. Ryan Lee
100 Manchester Drive
Williamsburg, VA 23188-7404

Contractor:
Roth Environmental, LLC
Attn: Mr. Matthew Roth
700 Prescott
Newport News, VA 23602-7019

3610200024-3464 Westport
Vaughn, Wade Douglas & Pamela Jean
1509 Dedham Circle
Virginia Beach, VA 23456-5030

3610200022 – 3471 Westport
Irwin, Craig L & Cynthia E
2612 Town Creek Drive
Williamsburg, VA 23188

3610200023-3468 Westport
Keys, Michael B & Susan P
414 First Flight Run, #783
Kitty Hawk, NC 27949-9253

3610200022
Irwin, Craig L & Cynthia E
3471 Westport
Williamsburg, VA 23188-1736

3610100003 – 2691 Jolly Pond Road
Carswell, Scott Arthur & Carswell, Robert
Anson
3921 Leaf Lawn Lane
Woodbridge, VA 22192-4901

3610100006
Hitchens, Thomas L, Trustee & Victoria R,
Trustee
350 Thompson Lane
Williamsburg, VA 23188-1375

Virginia Marine Resource Center
Attn: Mr. Ben Nettleton
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

ITEM SUMMARY

DATE: 11/10/2021
TO: Wetlands Board
FROM: Trevor Long, Watershed Planner
SUBJECT: 2022 Calendar

ATTACHMENTS:

	Description	Type
📎	2022 Calendar	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Wetlands Group	Woolson, Michael	Approved	11/3/2021 - 12:50 PM
Wetlands Group	Small, Toni	Approved	11/3/2021 - 3:49 PM
Publication Management	Pobiak, Amanda	Approved	11/3/2021 - 4:14 PM
Wetlands Group	Secretary, Wetland	Approved	11/3/2021 - 4:58 PM

JAMES CITY COUNTY

2022 WETLAND AND CHESAPEAKE BAY BOARD MEETING CALENDAR

January 2022	February 2022	March 2022	April 2022
Su Mo Tu We Th Fr Sa 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	Su Mo Tu We Th Fr Sa 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	Su Mo Tu We Th Fr Sa 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	Su Mo Tu We Th Fr Sa 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30
May 2022	June 2022	July 2022	August 2022
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September 2022	October 2022	November 2022	December 2020
Su Mo Tu We Th Fr Sa 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30	Su Mo Tu We Th Fr Sa 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	Su Mo Tu We Th Fr Sa 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30	Su Mo Tu We Th Fr Sa 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31

JAMES CITY COUNTY

2022 WETLAND AND CHESAPEAKE BAY BOARD MEETING CALENDAR

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ITEM SUMMARY

DATE: 11/10/2021
TO: Wetlands Board
FROM: Trevor Long, Watershed Planner
SUBJECT: Election of Officers for 2022

Election of Officers for 2022

REVIEWERS:

Department	Reviewer	Action	Date
Wetlands Group	Woolson, Michael	Approved	11/3/2021 - 12:53 PM
Wetlands Group	Small, Toni	Approved	11/3/2021 - 3:08 PM
Publication Management	Pobiak, Amanda	Approved	11/3/2021 - 3:37 PM
Wetlands Group	Secretary, Wetland	Approved	11/3/2021 - 4:58 PM