

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
January 12, 2022
5:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MINUTES

1. Minutes from November 10, 2021, Regular Meeting

D. PUBLIC HEARINGS

1. Case No. WJPA 21-0065 : 1365 Colonial Parkway

E. BOARD CONSIDERATIONS

F. MATTERS OF SPECIAL PRIVILEGE

G. ADJOURNMENT

ITEM SUMMARY

DATE: 1/12/2022
TO: Wetlands Board
FROM: Michael Woolson, Wetlands Board Secretary
SUBJECT: Minutes from November 10, 2021, Regular Meeting

ATTACHMENTS:

	Description	Type
☐	Minutes	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Wetlands Group	Secretary, Wetland	Approved	1/12/2022 - 11:40 AM

MINUTES
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

The Wetlands Board meeting for November 10, 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
Robin Benedict, Watershed Planner, Stormwater and Resource Protection

C. MINUTES

1. Minutes from October 13, 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. This case had previously been deferred at the September 8, 2021 meeting. The property is further identified as James City County Parcel Number 3620500001A. The presentation described the current site conditions, proposed construction, and mitigation.

The Board deliberated the pros and cons of this permit.

Mr. Waltrip inquired if the property was tidal wetlands or non-tidal waters.

Mr. Long replied that a tidal study was performed. He referred to the agent to provide further explanation. The creek itself is tidal and is shown on the site plan.

Mr. Waltrip inquired about the width of the proposed walkway deck to the kayak launch area.

Mr. Long deferred to the applicant for the answer.

Mr. Apperson inquired about the ownership of the lot.

Mr. Long replied that the homeowners association, Westport Neighborhood Association, Inc., is the lot owner.

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. The decking would be 5 feet wide. He explained the limits of the tidal study that was performed.

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

Mr. Roadley made a motion to Adopt the Resolution to grant the permit for Wetlands Board Case No. WJPA- 21 -0043/VMRC-2021- 1556 at 3475 Westport.

The motion to Approve with Conditions was made by Mr. Roadley, the motion result:
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Apperson, Dunn, Gussman, Roadley, Waltrip
Nays: None
Absent: None

E. BOARD CONSIDERATIONS

1. 2022 Calendar

2022 Calendar was presented for approval.

Mr. Roadley made a motion to Adopt the 2022 Calendar.
The 2022 Calendar was approved: 5-0
AYES: Apperson, Dunn, Gussman, Roadley, Waltrip
NAYS: None
ABSENT: None

2. Election of Officers for 2022

Mr. Roadley nominated Mr. Apperson to serve as Chair.
The nomination was approved: 5-0
AYES: Apperson, Dunn, Gussman, Roadley, Waltrip
NAYS: None
ABSENT: None

Mr. Apperson nominated Mr. Dunn to serve as Vice Chair.
The nomination was approved: 5- 0
AYES: Apperson, Dunn, Gussman, Roadley, Waltrip
NAYS: None
ABSENT: None

Mr. Apperson nominated Mr. Long to serve as Secretary.
The nomination was approved: 5 -0
AYES: Apperson, Dunn, Gussman, Roadley, Waltrip
NAYS: None
ABSENT: 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 5:21 p.m.

ITEM SUMMARY

DATE: 12/8/2021

TO: Wetlands Board

FROM: Trevor Long, Watershed Planner

SUBJECT: Case No. WJPA 21-0065 : 1365 Colonial Parkway

Vanasse Hangen Brustlin, Inc., on behalf of The Association for the Preservation of Virginia Antiquities, has applied for a wetlands permit for the construction of a toe revetment and seawall augmentation at 1365 Colonial Parkway, James City County (JCC) Parcel ID No. 5420100001.

ATTACHMENTS:

	Description	Type
☐	Staff Report	Staff Report
☐	Resolution	Resolution
☐	Presentation	Presentation
☐	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	12/1/2021 - 10:53 AM
Wetlands Group	Small, Toni	Approved	12/1/2021 - 3:27 PM
Publication Management	Daniel, Martha	Approved	12/1/2021 - 3:35 PM
Wetlands Group	Secretary, Wetland	Approved	12/1/2021 - 4:34 PM

**WETLANDS BOARD CASE No. WJPA 21-0065. 1365 Colonial Parkway
Staff Report for the January 12, 2022, 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. Michael Lavin and Ms. Elizabeth Kostelny, Association for the Preservation of Virginia Antiquities, Inc.

Owner/Agent: Mr. R. Neville Reynolds, Vanasse Hangen Brustlin (VHB), Inc.

Location: 1365 Colonial Parkway

Parcel: Yeardley House on Jamestown Island

Parcel Identification No.: 5420100001

Watershed: Mill Creek (HUC JL33)

Floodplain: Zone AE - Base flood elevation is determined to be 7 feet mean sea level
Zone VE – Base flood elevation is determined to be 12 feet mean sea level

Proposed Activity: Seawall augmentation and toe revetment

Wetland Impacts: 0 square feet of vegetated wetland impacts
10,300 square feet of non-vegetated wetland impacts

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

PROJECT DISCUSSION

Mr. R. Neville Reynolds, VHB, Inc., has applied for a wetlands permit on behalf of Mr. Michael Lavin and Ms. Elizabeth Kostelny, Association of the Preservation of Virginia Antiquities, Inc., to install an armor stone revetment on property located at 1365 Colonial Parkway within the Mill Creek Watershed. The property is further identified as James City County Tax Map Parcel No. 5420100001 and otherwise known as Preservation Virginia's Jamestown Island.

Existing conditions of the site consists of a 1,716-linear-foot concrete block revetment that was constructed sometime between 1901 and 1904. This seawall has begun to undermine resulting in voids along the upper portions of the seawall. The applicants are proposing to construct a 1,716-linear-foot armor stone revetment to address the failing toe and fill the voids in the upper portion of the wall with grout. The proposed stone revetment will serve to stabilize the foundation and provide additional protection to the block revetment during storm events. The revetment crest will sit at elevation +4 and the revetment toe elevation will be at elevation -2. The revetment will begin mid-slope and extend beyond the base of the existing toe. 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, 10,300 square feet of non-vegetated wetlands and 20,600 square feet of subaqueous bottom will be impacted by 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. The Wetlands Permit for this project shall expire on January 12, 2025, if construction has not begun; and
4. If an extension of the permit is needed, a written request shall be submitted to the Stormwater and Resource Protection Division no later than December 1, 2024, six weeks prior to the expiration date.

MDW/md
WJPA21-65_1365ColPkwy

Attachment:

1. Resolution

RESOLUTION

CASE NO. WJPA 21-0065. 1365 COLONIAL PARKWAY

JAMES CITY COUNTY WETLANDS PERMIT

WHEREAS, Mr. Michael Lavin and Ms. Elizabeth Kostelny, Association for the Preservation of Virginia Antiquities, Inc. (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 No. 5420100001 and further identified as 1365 Colonial Parkway (the “Property”) as set forth in the application WJPA 21-0065; 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 Wetlands Permit for this project shall expire on January 12, 2025, if construction has not begun; and
 - d. If an extension of the permit is needed, a written request shall be submitted to the Stormwater and Resource Protection Division no later than December 1, 2024, six weeks prior to the expiration date.

William Apperson
Chairman, Wetlands Board

Trevor Long
Secretary to the Board

Adopted by the Wetlands Board of James City County, Virginia, this 12th day of January, 2022.

THE FORGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 2022 IN THE COMMONWEALTH OF VIRGINIA, IN THE COUNTY OF JAMES CITY.

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

WJPA21-65_1365ColPkwy-res



Wetlands Board of James City County, Virginia

January 12, 2022

WJPA 21-0065

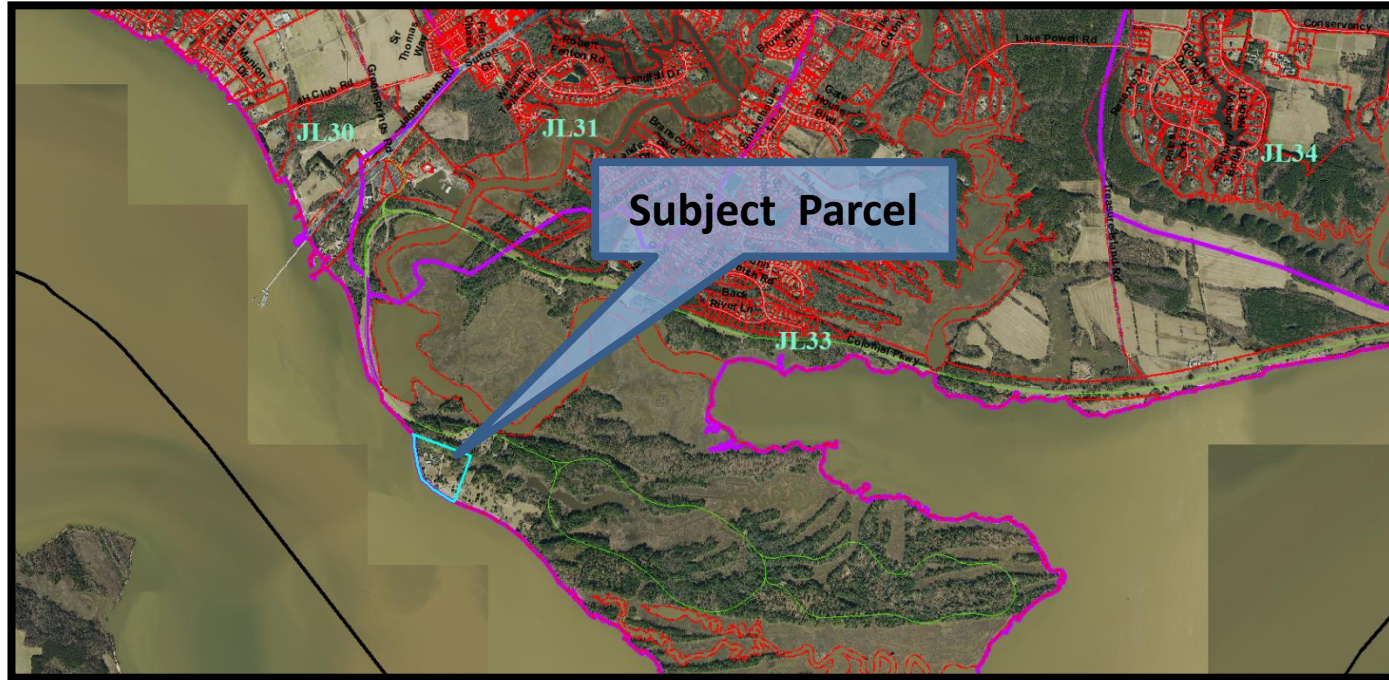
Michael Lavin and Elizabeth Kostelyn

1365 Colonial Parkway



Applicant Request

- ✓ Seawall Augmentation- armor stone revetment.



Vicinity Map
WJPA 21-0065
1365 Colonial Parkway



Aerial
WJPA 21-0065
1365 Colonial Parkway



Topography
WJPA 21-0065
1365 Colonial Parkway



Floodplain
WJPA 21-0065
1365 Colonial Parkway

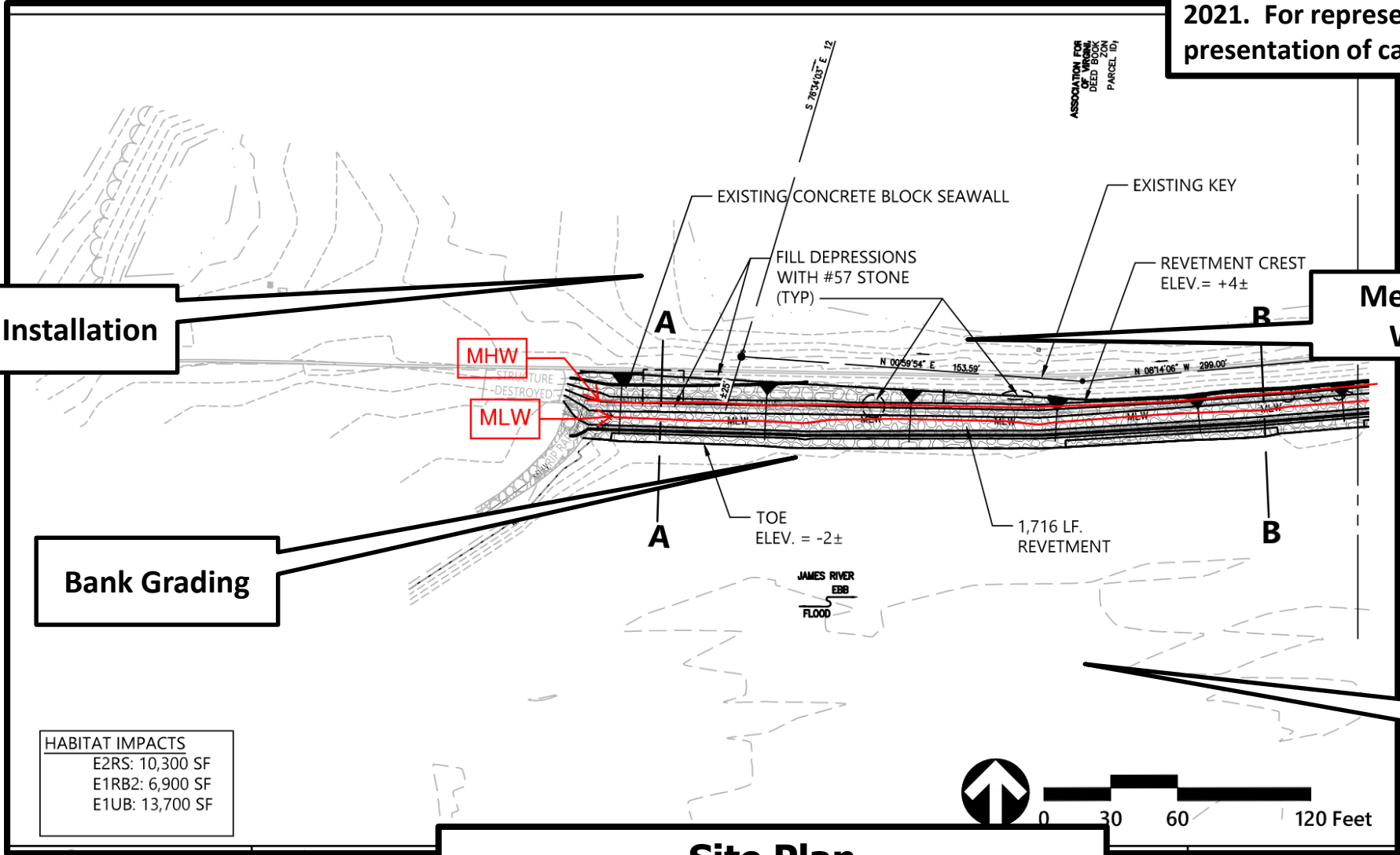
Site Plan revision showing proposed improvements, submitted August 18, 2021. For representative use only for presentation of case #WJPA 21-0065.

Sill Installation

Bank Grading

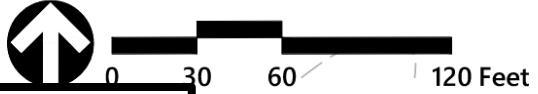
Mean Low Water

Mean High Water



HABITAT IMPACTS
E2RS: 10,300 SF
E1RB2: 6,900 SF
E1UB: 13,700 SF

Site Plan
WJPA 21-0065
1365 Colonial Parkway



Site Plan revision showing proposed improvements, submitted August 18, 2021. For representative use only for presentation of case #WJPA 21-0065.

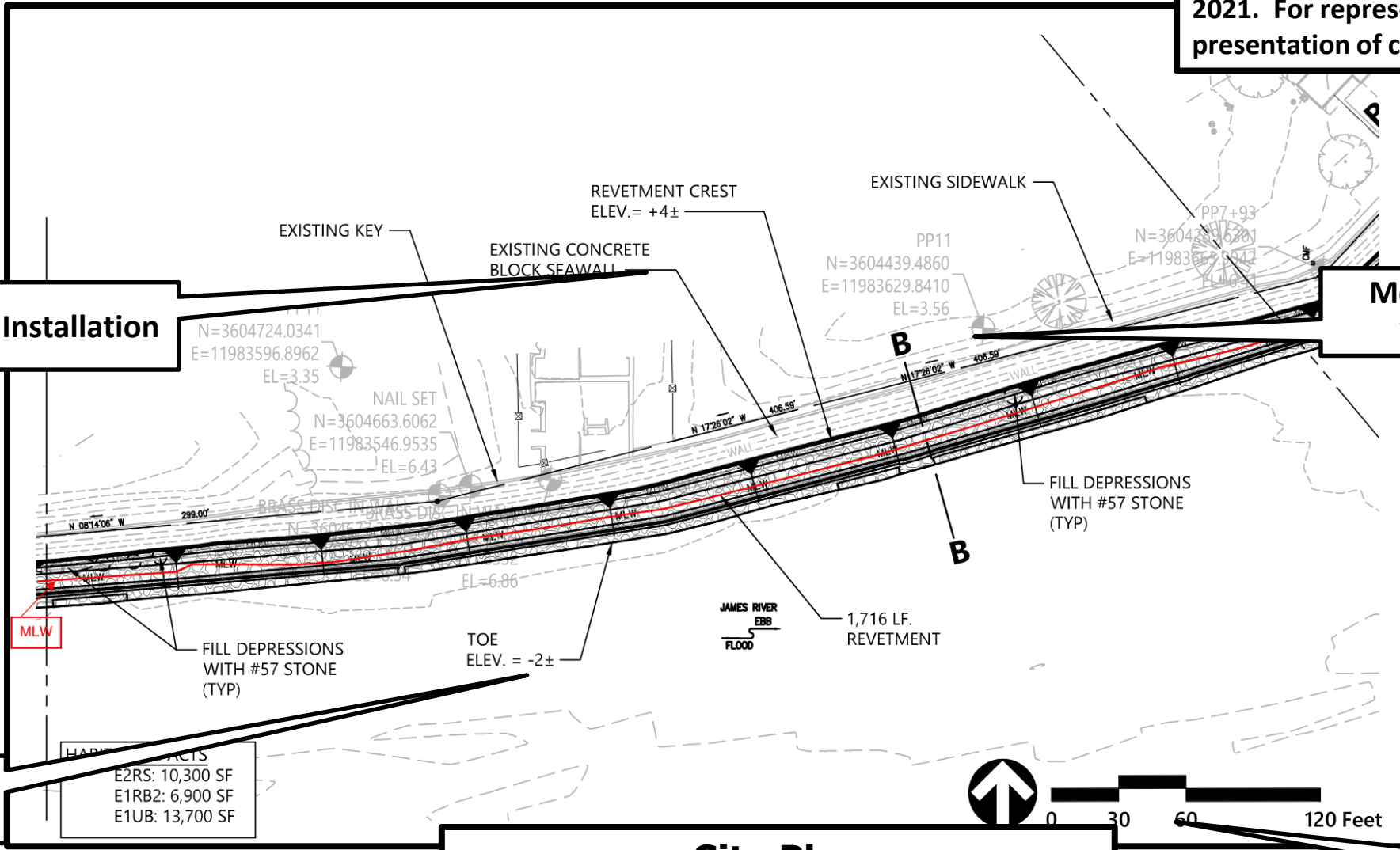
Sill Installation

Mean Low Water

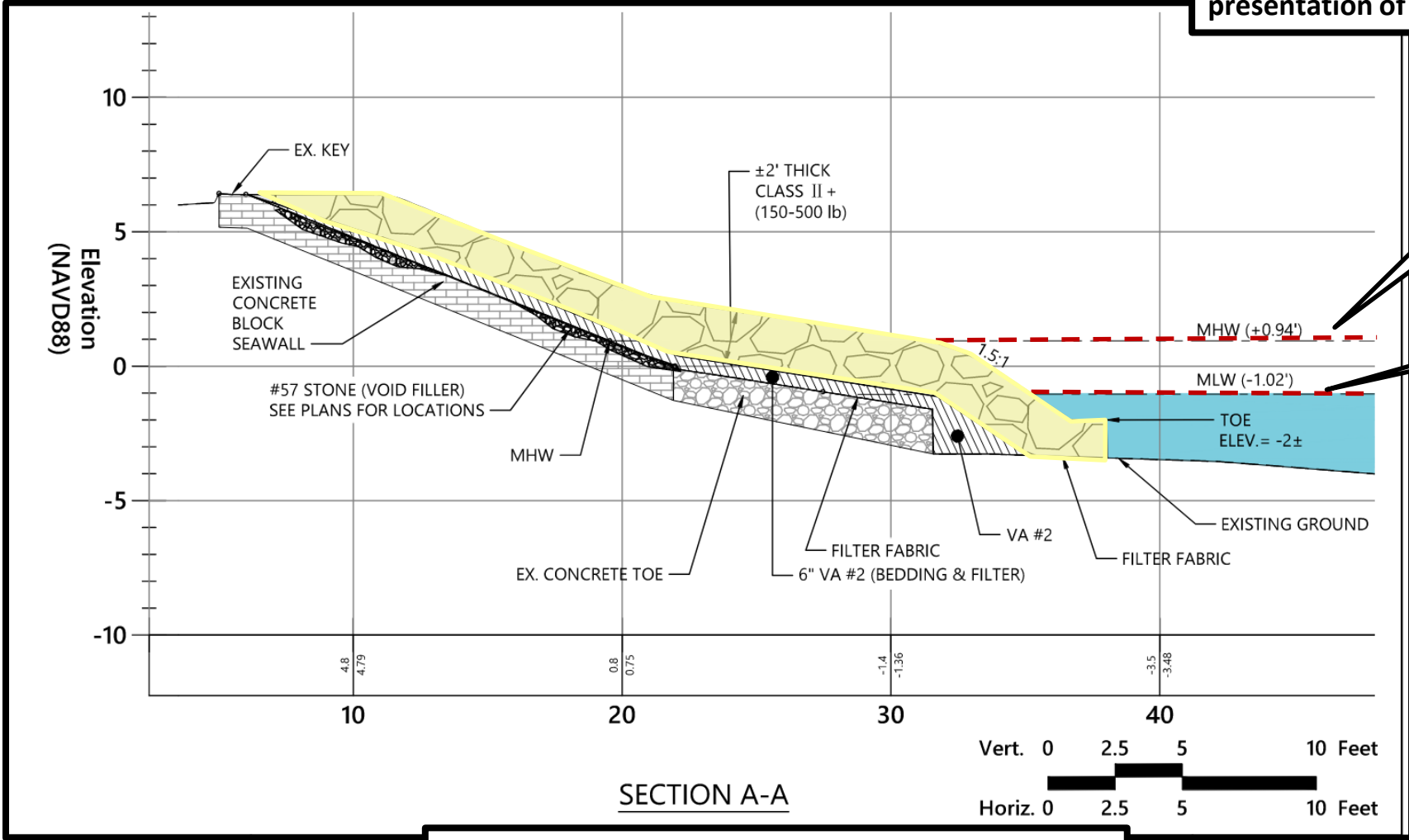
Bank Grading

Mean High Water

Site Plan
WJPA 21-0065
1365 Colonial Parkway



Site Plan revision showing proposed improvements, submitted August 18, 2021. For representative use only for presentation of case #WJPA 21-0065.

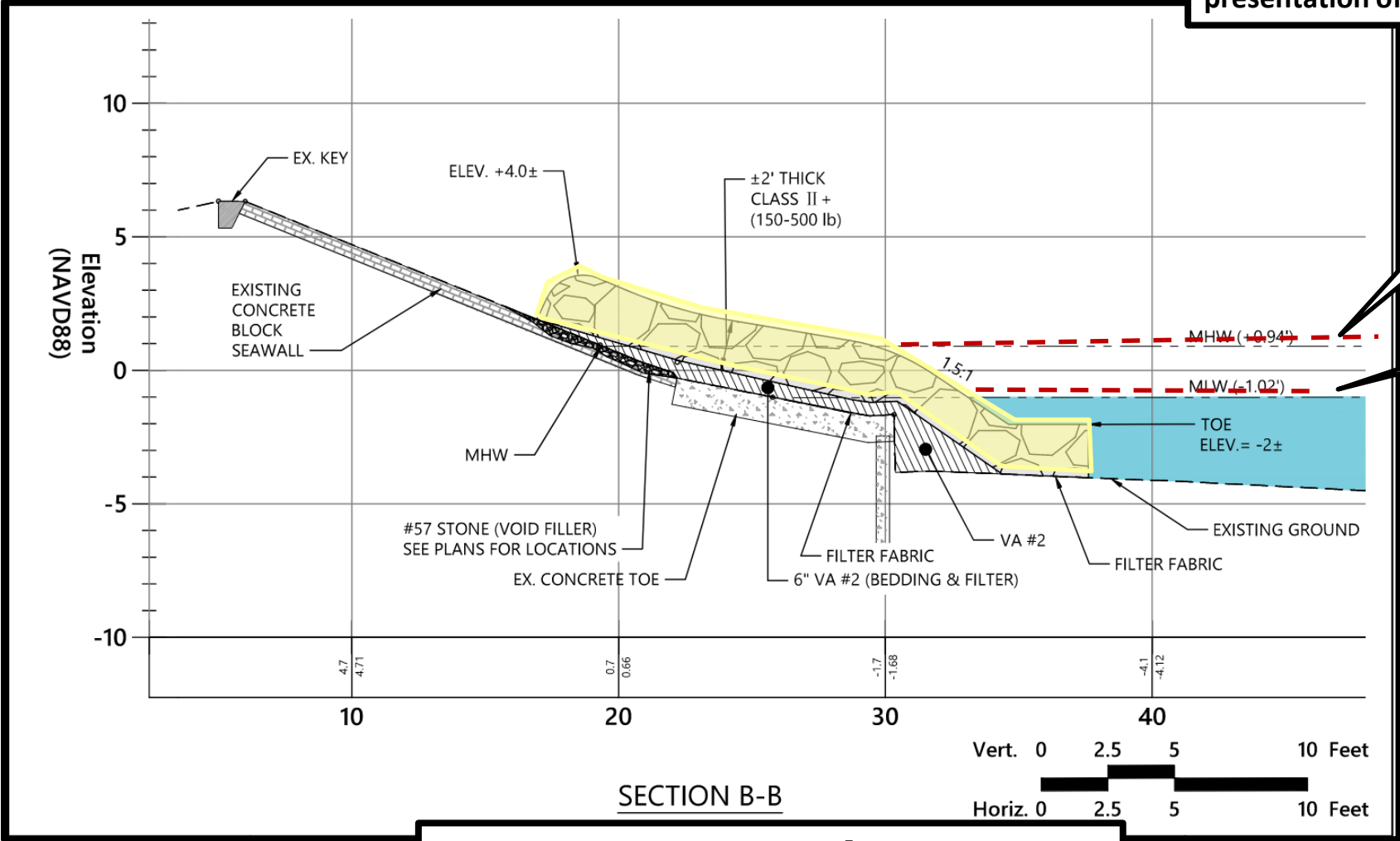


Mean High Water

Mean Low Water

Cross Section
WJPA 21-0065
1365 Colonial Parkway

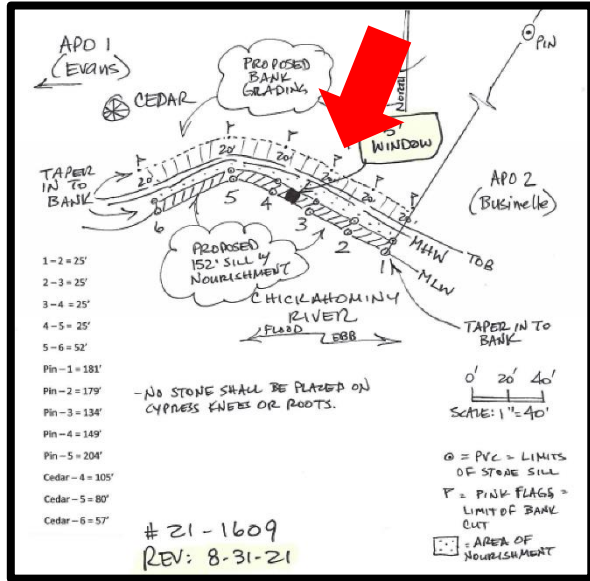
Site Plan revision showing proposed improvements, submitted August 18, 2021. For representative use only for presentation of case #WJPA 21-0065.



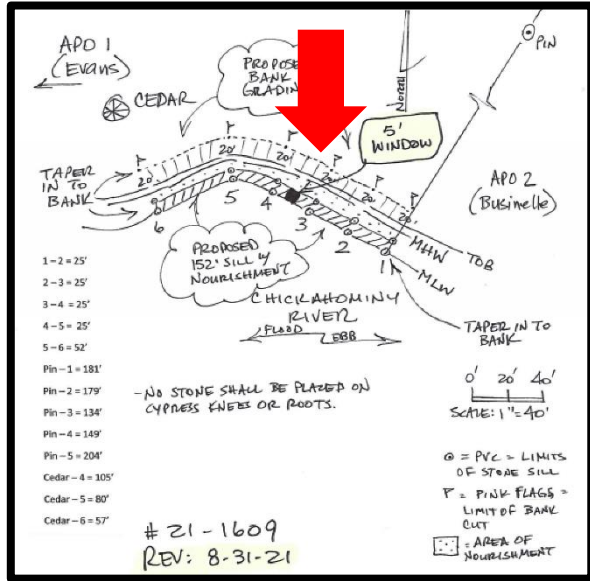
Mean High Water

Mean Low Water

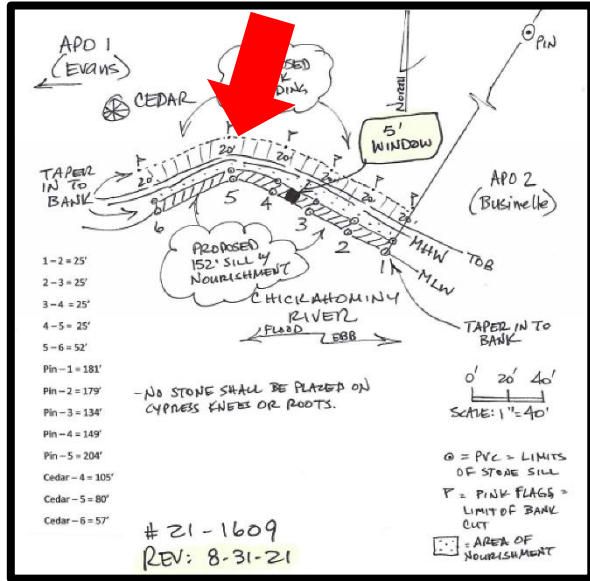
**Cross Section
 WJPA 21-0065
 1365 Colonial Parkway**



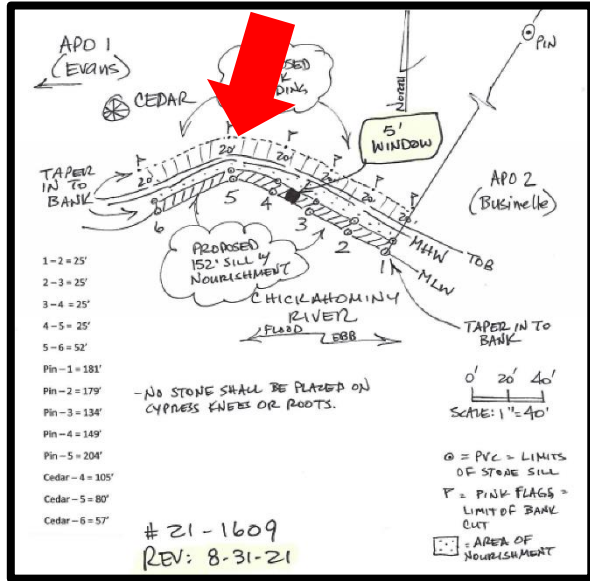
Site Photo #1
WJPA 21-0065
1365 Colonial Parkway



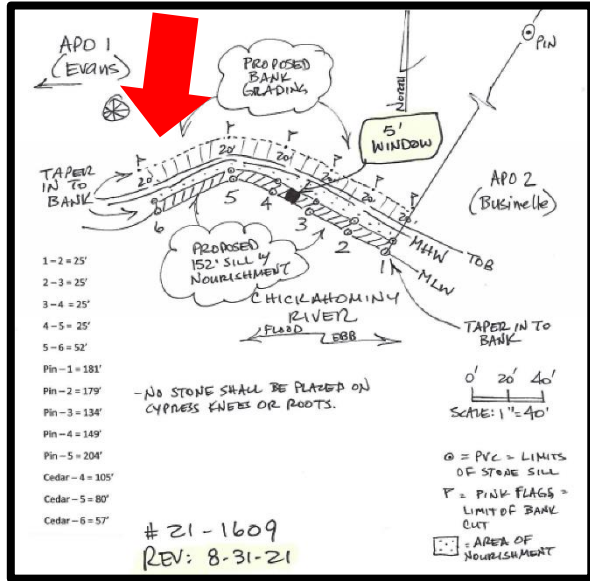
Site Photo #2
WJPA 21-0065
1365 Colonial Parkway



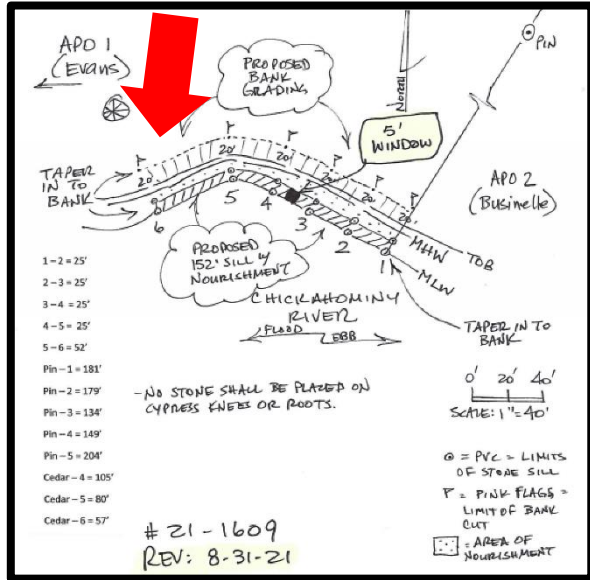
Site Photo #3
WJPA 21-0065
1365 Colonial Parkway



Site Photo #4
WJPA 21-0065
1365 Colonial Parkway



Site Photo #5
WJPA 21-0065
1365 Colonial Parkway



Site Photo #5
WJPA 21-0065
1365 Colonial Parkway

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.

Permit Conditions



Staff Recommended Conditions Cont.

- ✓ The Wetlands Permit for this project shall expire on January 12, 2025 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 December 1, 2024, six weeks prior to the expiration date.



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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December 22, 2021

RE: WJPA 21-0065
1365 Colonial Parkway
Toe Revetment, Seawall Augmentation

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. R. Neville Reynolds, Vanasse Hangen Brustlin, Inc. on behalf of Mr. Michael Lavin, Association for the Preservation of VA Antiquities for encroachment into the tidal wetlands associated with the construction of a seawall augmentation and toe revetment. The project is located at 1365 Colonial Parkway and further identified as JCC Parcel Number 5420100001.

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 **January 12, 2022 at 5:00 p.m.**, in the Board Room of Building E, 101 Mounts Bay Road, James City County, Virginia, at which time you may request to speak on the above referenced project.

Sincerely,

Trevor Long

Trevor Long
Wetlands Board Secretary
757-253-6789
trevor.long@jamescitycountyva.gov

cc: Association for the Preservation of VA Antiquities
Attn: Mr. Michael Lavin

TL: jep

Mailing List for: WJPA-21-0065 – 1365 Colonial Parkway– Toe Revetment, Seawall Augmentation.

Owner: 5420100001-1365 Colonial Parkway

Association for the Preservation of VA
Antiquities
Attn: Mr. Michael Lavin
1365 Colonial Parkway
Williamsburg, VA 23185-1900

Preservation Virginia
Attn: Ms. Elizabeth S. Kostelny
204 W Franklin Street
Richmond, VA 23220-5012

5510100001 – 1368 Colonial Parkway

United States of America
1849 C Street NW, Room 2444
Washington, DC 20240-0002

National Park Service/Colonial National
Historic Park

Attn: Mr. Doyle Sapp
P.O. Box 210
Yorktown, VA 23690-0210

Virginia Marine Resource Center

Attn: Ms. Lauren Pudvah
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:

Coastal Design & Construction
Attn: Mr. James R. Gunn
6364 Allmondsville Road
Gloucester, VA 23061-3342

Vanasse Hangen Brustlin, Inc.
Attn: Mr. R. Neville Reynolds and
Mr. Christopher Frye
351 McLaws Circle, Suite 3
Williamsburg, VA 23185-5797

National Park Service
Colonial National Historical Park –
Jamestown Island
1368 Colonial Parkway
Williamsburg, VA 23185-1900

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, JANUARY 12, 2022 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 CASE:

WJPA-21-0065/VMRC-2021-2247: Mr. R. Neville Reynolds, Vanasse Hangen Brustlin, Inc., on behalf of Mr. Michael Lavin and Ms. Elizabeth Kostelny, Association for the Preservation of Virginia Antiquities, has applied for a wetlands permit for the construction of a seawall augmentation and toe revetment at 1365 Colonial Parkway, James City County (JCC) Parcel ID No. 5420100001.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA-21-0164: Mr. Richard Schaufler has filed an exception request for encroachments into the Resource Protection Area (RPA) buffer for the replacement and expansion of an existing retaining wall at 3041 Heritage Landing Road, JCC Parcel ID No. 4510500015.

CBPA-21-0178: Mr. Scott Marlowe, We Care Company, Inc., has filed an exception request for encroachments into the RPA buffer for the construction of a retaining wall at 5508 Swan Road, JCC Parcel ID No. 3140600011.

CBPA-21-0194: Mr. Kenneth Jefferson, has filed an exception request for encroachments into the RPA buffer for the construction of a playhouse at 4812 Bristol Circle, JCC Parcel ID No. 4721700023.

CBPA-21-0130: Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Elite E and E Investments, LLC, has filed an exception request for encroachments into the RPA buffer for the construction of a single-family dwelling at 115 Heathery, JCC Parcel ID No. 3810400146.

CBPA-21-0185: Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Mr. Daniel and Mrs. Jo Anna Wilson, have filed an exception request for encroachments into the RPA buffer for the construction of a single-family dwelling at 215 St. Cuthbert, JCC Parcel ID No. 3721000051.

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 – DECEMBER 29, 2021 and JANUARY 5, 2022.
ACCOUNT NO. CU00015112
VIRGINIA GAZETTE
1/8 PAGE, VERTICAL, B/W
CARD # x9941

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