

A G E N D A
JAMES CITY COUNTY WETLANDS BOARD
REGULAR MEETING
Government Center Room F
July 12, 2023
5:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MINUTES

1. Minutes from the June 12, 2023 Regular Meeting

D. PUBLIC HEARINGS

1. WJPA-23-0007 : 3096 North Riverside Drive

E. BOARD CONSIDERATIONS

F. MATTERS OF SPECIAL PRIVILEGE

G. ADJOURNMENT

ITEM SUMMARY

DATE: 7/12/2023
TO: Wetlands Board
FROM: Trevor Long, Wetlands Board Secretary
SUBJECT: Minutes from the June 12, 2023 Regular Meeting

ATTACHMENTS:

	Description	Type
☐	Minutes from the June 12, 2023 Meeting	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Wetlands Group	Woolson, Michael	Approved	7/5/2023 - 11:17 AM
Wetlands Group	Small, Toni	Approved	7/5/2023 - 11:56 AM
Publication Management	Daniel, Martha	Approved	7/5/2023 - 12:20 PM
Wetlands Group	Secretary, Wetland	Approved	7/5/2023 - 3:07 PM

MINUTES
JAMES CITY COUNTY WETLANDS BOARD
REGULAR MEETING
County Government Center, Building F
June 14, 2023
5:00 PM

A. CALL TO ORDER

The Wetlands Board meeting for Wednesday, June 14, 2023, 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:

Halle Dunn, Chair
Charles Roadley
Larry Waltrip
Scott Maye, Vice Chair
Michael O'Brien

Board Members Absent:

None.

Other Staff Present:

Toni Small, Director, Stormwater and Resource Protection
Michael Woolson, Resource Protection Section Chief, Stormwater and Resource Protection
Robin Benedict, Watershed Planner, Stormwater and Resource Protection
Trevor Long, Watershed Planner, Stormwater and Resource Protection
Liz Parman, Deputy County Attorney, County Attorney's Office

C. MINUTES

1. Minutes for May 10, 2023 Regular Meeting

A motion to Approve the minutes was made by Mr. Dunn.

The minutes were approved on a voice vote.

D. PUBLIC HEARINGS

1. WJPA-22-0013 : 5030 River Drive

A motion to Approve w/ Conditions was made by Charles Roadley, the motion result was Passed.

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

Ayes: Dunn, Maye, O'Brien, Roadley, Waltrip

Mr. Trevor Long, Watershed Planner, presented the permit request submitted by Mr. Rich Calvert, Calvert Marine, on behalf of Mr. Gary McSherry, for the replacement of a bulkhead and installation of a pier. The property is further identified as James City County Tax Map Parcel No. 0930300006. The presentation described the current and proposed site

conditions. If the Board approved the request, staff asked that the suggested conditions be incorporated into the approval.

Staff further clarified details of the plan for the Board.

Mr. Dunn opened the Public Hearing.

A. Mr. Richard Calvert, Calvert Marine, 3132 Riveredge Drive, Portsmouth, Virginia, summarized the plan again and provided additional explanation about why a bulkhead was chosen.

Mr. Dunn closed the Public Hearing.

The Board discussed the pros and cons of the plan including a consensus for its effectiveness.

E. BOARD CONSIDERATIONS

None.

F. MATTERS OF SPECIAL PRIVILEGE

None.

G. ADJOURNMENT

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

The meeting adjourned at 5:19 p.m.

ITEM SUMMARY

DATE: 5/10/2023
TO: Wetlands Board
FROM: Trevor Long, Wetlands Board Secretary
SUBJECT: WJPA-23-0007 : 3096 North Riverside Drive

WJPA-23-0007: Mr. Daniel Winall, Water's Edge Construction, has applied on behalf of Mr. Geoffrey and Ms. Jacqueline Stephan for a wetlands permit for the installation of a living shoreline including riprap on property located at 3096 North Riverside Dr, JCC Parcel No. 1910200017.

ATTACHMENTS:

	Description	Type
☐	Staff Report	Staff Report
☐	Resolution to Approve	Resolution
☐	Resolution to Deny	Resolution
☐	APO Letter	Backup Material
☐	APO List	Backup Material
☐	Deferral Request	Backup Material
☐	Gazette Ad	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Wetlands Group	Woolson, Michael	Approved	5/3/2023 - 2:31 PM
Wetlands Group	Small, Toni	Approved	5/3/2023 - 2:33 PM
Publication Management	Daniel, Martha	Approved	5/3/2023 - 3:09 PM
Wetlands Group	Secretary, Wetland	Approved	5/3/2023 - 5:07 PM

**WETLANDS BOARD PERMIT No. WJPA-23-0007. 3096 North Riverside Drive
Staff Report for the July 12, 2023, Wetlands Board Public Hearing**

This staff report is prepared by the 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. Geoffrey and Ms. Jacqueline Stephan
Agent: Mr. Daniel Winall, Waters Edge Construction, LLC
Location: 3096 North Riverside Drive
Parcel Identification No.: 1910200017
Parcel: Lot 17, Section 1, Chickahominy Haven
Watershed: Yarmouth Creek (JL28)
Floodplain: Zone AE - Base flood elevation 7 feet mean sea level
Proposed Activity: Installation of a sill with beach nourishment
Wetland Impacts: 1,200 square feet of non-vegetated wetland impacts
Staff Contact: Trevor A. Long, Watershed Planner Phone: 253-6789

PROJECT DISCUSSION

Mr. Daniel Winall, Waters Edge Construction, LLC, has applied for a Wetlands permit on behalf of Mr. Geoffrey and Ms. Jacqueline Stephan for the installation of a sill with beach nourishment on property located at 3096 North Riverside Drive within the Yarmouth Creek watershed. The property is further identified as James City County Tax Map Parcel No. 1910200017.

The applicants are proposing to construct a 40-linear-foot riprap sill with beach nourishment to mitigate shoreline erosion occurring on the property. The area landward of the sill, approximately 1,120 square feet, is proposed to be planted to install beach nourishment. This project is proposed between mean low water and mean high water; therefore, this project must be heard by the Wetlands Board.

Existing conditions of the property include a degrading concrete bulkhead landward of various Bald Cypress (*Taxodium distichum*) trees within the tidal zone. Roots from these Cypress trees extend up into the yard. The applicants are proposing to access the site from the uplands and there are no vegetated wetland impacts within the tidal zone anticipated with this project. The Virginia Institute of Marine Science (VIMS) provided a comment letter that stated submerged aquatic vegetation (SAV), likely *Hydrilla verticillata*, exist at mean low water and extends approximately 200 feet seaward. According to the letter, the proposed breakwaters would result in approximately 600 square feet of SAV loss. However, because of the configuration of the Bald Cypress roots, the applicants have expressed that an alternate approach to shoreline management, such as replacing the bulkhead, would damage portions of these trees.

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. However, should it satisfy all three criteria then 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, this permit request must be heard by the Board because the project occurs between mean low and mean high water. The applicants have proposed to plant the area of beach nourishment with wetland plantings.

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 Applicants must obtain all other necessary federal, state, and local permits as required for the project; and
2. All development activities located in the specified flood hazard area shall comply with Article VI, Division 3, Floodplain Area Regulations of the James City County Zoning Ordinances and receive all required approval and permits prior to commencement of such activities; and
3. A surety of \$2,000 must be submitted in a form acceptable to the James City County Attorney’s Office to guarantee the beach nourishment plantings; and
4. The Wetlands Permit for this project shall expire on July 12, 2026, if construction has not already begun; and
5. If an extension of the permit is needed, a written request must be submitted to the Stormwater and Resource Protection Division no later than May 31, 2026, six weeks prior to the expiration date.

TAL/ap
WJPA23-7_3096NRvrsde

Attachments:

1. Resolution
2. Site Plan

RESOLUTION

CASE NO. WJPA-23-0007. 3096 NORTH RIVERSIDE DRIVE

JAMES CITY COUNTY WETLANDS PERMIT

WHEREAS, Mr. Daniel Winall, Waters Edge Construction, LLC, on behalf of Mr. Geoffrey and Ms. Jacqueline Stephan (the “Applicants”), has applied to the Wetlands Board of James City County (the “Board”) on July 12, 2023, to request a permit to use and develop in areas designated as wetlands on a parcel of property located at 3096 North Riverside Drive (the “Property”) and further identified as James City County Real Estate Tax Map Parcel No. 1910200017, as set forth in the application WJPA-23-0007 for the purpose of installing a sill with beach nourishment; and

WHEREAS, the Board heard the arguments presented and 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, finds that the application meets all the requirements for a wetlands permit under Chapter 22 of the James City County Code and therefore **APPROVES** the request for a wetlands permit in Wetlands Board Case No. WJPA-23-0007, subject to the following conditions:

1. The Applicants must obtain all other necessary federal, state, and local permits as required for the project; and
2. All development activities located in the specified flood hazard area shall comply with Article VI, Division 3, Floodplain Area Regulations of the James City County Zoning Ordinances and receive all required approval and permits prior to commencement of such activities; and
3. A surety of \$2,000 must be submitted in a form acceptable to the James City County Attorney’s Office to guarantee the beach nourishment plantings; and
4. The Wetlands Permit for this project shall expire on July 12, 2026, if construction has not already begun; and
5. If an extension of the permit is needed, a written request must be submitted to the Stormwater and Resource Protection Division no later than May 31, 2026, six weeks prior to the expiration date.

Halle Dunn
Chairman, Wetlands Board

Trevor A. Long
Secretary to the Board

Adopted by the Wetlands Board of James City County, Virginia, this 12th day of July, 2023.

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 2023 IN THE COMMONWEALTH OF VIRGINIA, IN THE COUNTY OF JAMES CITY.

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

WJPA23-7_3096NRvrsdeApp-res

RESOLUTION

CASE NO. WJPA-23-0007. 3096 NORTH RIVERSIDE DRIVE

JAMES CITY COUNTY WETLANDS PERMIT

WHEREAS, Mr. Daniel Winall, Waters Edge Construction, LLC, on behalf of Mr. Geoffrey and Ms. Jacqueline Stephan, (the “Applicants”), has applied to the Wetlands Board of James City County (the “Board”) on July 12, 2023, to request a permit to use and develop in areas designated as wetlands on a parcel of property located at 3096 North Riverside Drive (the “Property”) and further identified as James City County Real Estate Tax Map Parcel No. 1910200017, as set forth in the application WJPA-23-0007, for the purpose of installing a sill with beach nourishment; and

WHEREAS, the Board heard the arguments presented and 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, finds that the application does not meet all the requirements for a wetlands permit under Chapter 22 of the James City County Code and therefore **DENIES** the request for a wetlands permit in Wetlands Board Case No. WJPA-23-0007.

Halle Dunn
Chairman, Wetlands Board

Trevor A. Long
Secretary to the Board

Adopted by the Wetlands Board of James City County, Virginia, this 12th day of July, 2023.

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 2023 IN THE COMMONWEALTH OF VIRGINIA, IN THE COUNTY OF JAMES CITY.

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

WJPA23-7_3096NRvrsdeDny-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
757-259-6670

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

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

«Last_Name»
«Address_Line_1»
«City», «State» «Zip_Code»

RE: WJPA-23-0007
3096 North Riverside Drive
Installation of pier, boathouse,
riprap,, living shoreline

June 21, 2023

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 Daniel Winall, Waters Edge Construction, on behalf of Ms. Jacqueline and Mr. Stephan Geoffrey, for encroachments into the tidal wetlands associated with the installation of a pier, boathouse, riprap, and living shoreline. The project is located at 3096 North Riverside Drive, JCC Tax Map Parcel No. 1910200017.

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 **July 12, 2023, 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,

Trevor Long

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

Case Number: WJPA-23-0007

PIN	Last Name	Address Line 1	City	State	Zip Code
1910200016	Ayres, Marshall Page & Valerie Ann Marie	3098 N Riverside Dr	Lanexa	VA	23089-9403
1910200095	Branscome, Haven A	7273 Osprey Dr	Lanexa	VA	23089-9410
	Center for Coastal Resources Management	PO Box 1346	Gloucester Point	VA	23062
	Department of Wildlife Resources	PO Box 11104	Richmond	VA	23230
	DEQ TRO VWP	5636 Souther Boulevard	Virginia Beach	VA	23462
	Lauren Chartrand Virginia Marine Resources Commission	380 Fenwick Rd	Fort Monroe	VA	23651
	Mr. Daniel Winall Waters Edge Construction	PO Box 352	Toano	VA	23168
	Regulatory Branch US Army Corps of Engineers	803 Front Street	Norfolk	VA	23508
1910200097	Saunders, Wade H & Anita W	4199 Ambassador Cir	Williamsburg	VA	23188-1450
1910200096	Shiver, Jack Anthony Et Als	3103 N Riverside Dr	Lanexa	VA	23089-9407
1910200018	Sims, Betty F	3094 N Riverside Dr	Lanexa	VA	23089-9403
1910200017	Stephan, Geoffrey A & Jacqueline E	3096 N Riverside Dr	Lanexa	VA	23089-9403
	Virginia Department of Transportation	4451 Ironbound Road	Williamsburg	VA	23188

Trevor Long

From: Daniel Winall <dwinall@wecmarine.com>
Sent: Friday, April 28, 2023 2:47 PM
To: Trevor Long
Subject: [External]RE: [External]RE: 3096 N. Riverside

July should work. I would hope it would be resolved by then.

Thanks,

Daniel R. Winall

President

Water's Edge Construction

P.O. Box 352

Toano, VA 23168

Phone: 757-566-0149

Email: dwinall@wecmarine.com

www.wecmarine.com

From: Trevor Long <Trevor.Long@jamescitycountyva.gov>

Sent: Friday, April 28, 2023 2:45 PM

To: Daniel Winall <dwinall@wecmarine.com>

Subject: RE: [External]RE: 3096 N. Riverside

Excellent,

Thanks Danny. Would July be a good month to defer to? We will need a meeting to put this on.

Best,

Trevor Long
Stormwater & Resource Protection



General Services
101-E Mounts Bay Road
Williamsburg VA 23187-8784
757-253-6789
trevor.long@jamescitycountyva.gov

From: Daniel Winall <dwinall@wecmarine.com>

Sent: Thursday, April 27, 2023 3:33 PM

To: Trevor Long <Trevor.Long@jamescitycountyva.gov>

Cc: Lauren Chartrand <lauren.chartrand@mrc.virginia.gov>; Robin Benedict <Robin.Benedict@jamescitycountyva.gov>

Subject: [External]RE: 3096 N. Riverside

Trevor, I request we defer the project at 3096 to a wetlands hearing at a later date TBD. I will reach out once we reach an agreement with VMRC on scope and size of project. Thanks

Thanks,

Daniel R. Winall
President

Water's Edge Construction

P.O. Box 352

Toano, VA 23168

Phone: 757-566-0149

Email: dwinall@wecmarine.com

www.wecmarine.com

From: Trevor Long <Trevor.Long@jamescitycountyva.gov>

Sent: Thursday, April 27, 2023 3:23 PM

To: Daniel Winall <dwinall@wecmarine.com>

Cc: Lauren Chartrand <lauren.chartrand@mrc.virginia.gov>; Robin Benedict <Robin.Benedict@jamescitycountyva.gov>

Subject: 3096 N. Riverside

Danny,

If you guys plan to defer this case from the May meeting, would you mind replying back to this email so that we can have something in writing for the deferral? If so, please indicate which month you would like to take this to. It doesn't necessarily need to be June if that would help get all the proper ducks in a row.

Best,

Trevor Long
Stormwater & Resource Protection



General Services
101-E Mounts Bay Road
Williamsburg VA 23187-8784
757-253-6789
trevor.long@jamescitycountyva.gov



PUBLIC HEARING NOTICE

THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD A PUBLIC HEARING ON **WEDNESDAY, JULY 12, 2023 AT 5 P.M.** IN THE COUNTY GOVERNMENT CONFERENCE ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE CHESAPEAKEBAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA-23-0001: Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Mr. William and Mr. Randolph Taylor, has applied for a Chesapeake Bay Exception for the construction of a retaining wall on property located at 4105 South Riverside Drive, JCC Tax Map Parcel No. 1910900002.

CBPA-23-0054: Ms. Angelina Ananthram, has applied for a Chesapeake Bay Exception for the installation of a walkway and fire pit patio on property located at 3520 Barrett's Ferry Drive, JCC Tax Map Parcel No. 4310600006.

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 – June 28 and July 5
ACCOUNT NO. CU00015112
VIRGINIA GAZETTE
1/8 PAGE, VERTICAL, B/W