

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

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**A. CALL TO ORDER**

The Wetlands Board meeting for August 12, 2020, was called to order.

The responsibility of this Board is to carry out locally the Commonwealth policy to preserve the wetlands and to accommodate economic activity so as to prevent its despoliation.

**B. ROLL CALL**

**Board Members Present:**

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

**Board Members Absent:**

Halle Dunn, Vice Chair

**Other Staff Present:**

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

**C. MINUTES**

1. Minutes from July 8, 2020, Regular Meeting

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

**D. PUBLIC HEARINGS**

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

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

The Board deliberated the pros and cons of this permit.

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

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

Mr. Waltrip inquired about the location of the riprap.

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

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

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

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

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

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

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

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

Nays: None

Absent: Dunn

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

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

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

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

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

## **E. BOARD CONSIDERATIONS**

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

Mr. Michael Woolson presented the extension request.

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

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

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

2. Permit Expiration Dates

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

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

3. VMRC Discussion

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

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

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

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

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

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

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

Mr. Madden replied no.

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

Mr. Madden affirmatively replied.

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

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


**F. MATTERS OF SPECIAL PRIVILEGE**

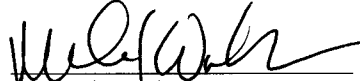
None

**G. ADJOURNMENT**

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

The meeting adjourned at 5:35 p.m.

  
Halle Dunn  
Vice Chair, Wetlands Board

  
Michael Woolson  
Secretary to the Board