

MINUTES
JAMES CITY COUNTY WETLANDS BOARD
REGULAR MEETING
County Government Center, Building F
101 Mounts Bay Road, Williamsburg, Virginia, 23185
September 9, 2020
5:00 PM

A. CALL TO ORDER

The Wetlands Board meeting for September 9, 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:

Halle Dunn, Acting Chair
David Gussman
Charles Roadley
Michael O'Brien
Robert Lukens, Remote Participation

A motion to allow the Remote Participation was made by Charles Roadley and approved on a voice vote.

Board Members Absent:

William Apperson
Larry Waltrip

Other Staff Present:

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

C. MINUTES

1. Minutes from August 12, 2020, Regular Meeting

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

D. PUBLIC HEARINGS

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

Mr. Trevor Long, Watershed Planner, presented the permit request submitted by Mr. Daniel Winall, Waters Edge Construction on behalf of Mr. Larry Waltrip, who has applied for a wetlands permit for construction of a floating pier, open pile wharf, retaining wall, bulkhead with walkway, riprap revetment, and open-sided boat house on the property located at 20 Marclay Road, within the College Creek watershed. The property is further identified as

James City County Parcel No. 4820100012. The presentation described the current site conditions, proposed construction, and proposed mitigation. Staff does not make any recommendation for this application and suggests the permit contain conditions for any approval. Imposed conditions include the \$400 purchase of 20 square feet of tidal wetlands credits from an approved tidal mitigation bank.

The Board deliberated the pros and cons of this permit.

Mr. Gussman inquired about the proposed status of the pilings and questioned the removal thereof.

Mr. Long replied that the pilings were to be removed and disposed in an approved landfill and deferred to the contractor for further explanation.

Mr. O'Brien inquired about the Board's jurisdiction for the project only being the retaining wall.

Mr. Long affirmatively confirmed.

Mr. Roadley asked for further explanation on the location of the wetlands.

Mr. Long explained where the wetlands were located and further discussed the concrete rubble location.

Mr. Roadley inquired if the footprint or location of the retaining walls was the impacted 20 square feet. The retaining walls are acting like a groin to keep the boat ramp protected. The wharf is a tending pier for boat launch.

Mr. Long replied that the retaining wall would likely be the tending pier for boat launches, which has a 4-foot by 20-foot walkway for people to walk along and control the boat.

Mr. Gussman wanted further clarification about the diagram referencing the broken concrete to remain.

Mr. Long replied that this area was a peninsula scattered with wetland vegetation and concrete rubble. The diagram denotes that none of the concrete is to be removed in order to decrease wetland impacts. No backfill will occur in the vegetated area.

Discussion continued concerning the revetment to be placed above the existing concrete.

Mr. Roadley inquired if the main pier complex is considered under the Board's jurisdiction as it is a private pier.

Mr. Dunn opened the Public Hearing.

A. Mr. Daniel Winall, Waters Edge Construction, was available to answer any question from the Board.

B. Mrs. Mary and Mr. William King, 119 Crownpoint Road, voice message that endorsed Mr. Bill Snyder's remarks from the August 12th meeting.

C. Dr. Karl Kroenlein, 109 Wakerobin Road, voice message expressed concern for the impact of the creek, wildlife, traffic, and nature of creek itself.

D. Mr. David Miller, 126 Northpoint Drive, submitted a protest by email detailing the size,

scope, number of vessels unsupervised activities, lack of a residence on the property, pollution, noise, property values, and historical impact among other concerns.

Mr. Gussman inquired if this application is concerned residential or commercial.

E. Ms. Liz Parham, Assistant James City County Attorney, stated that the applicant has indicated that this is for private use. The Board's jurisdiction is only for the 20 square feet of wetlands impacted.

Mr. Roadley inquired if Virginia Marine Resource Commission (VMRC) was considering the pier as to anything other than a private pier.

F. Mr. Jeff Madden, VMRC, would take jurisdiction channelward of the mean low water (MLW), including the dual slip boathouse, the proposed floating pier with gangway and any portion of the wood pile wharf and/or jetties that extend channelward of MLW. It was his suggestion that they leave the stone on the shore because so much vegetation has grown up through it and naturalized.

Mr. Gussman inquired if there was now a VMRC hearing to consider the aspect of the VMRC jurisdiction.

F. Mr. Madden replied if this project continues to be protested, there will be a hearing. The law requires that the VMRC staff not administratively approve a protested project, specifically outlined in the Code of Virginia.

Mr. Gussman inquired if Mr. Madden had seen other private mooring facilities configured in such a manner across the state.

F. Mr. Madden replied that it is rare to have a family mooring facility of this size, expecting to have this many boats.

Mr. Robert Lukens inquired for clarification during the permitting process in which we are granting the right for a private individual to construct a revetment, retaining walls, for establishing a permit against the future use of these facilities as a commercial manner.

Mr. Woolson, Senior Watershed Planner, replied staff had concerns and asked for clarification from the Zoning Administrator, who contacted Mr. Waltrip to provide a written statement stating that this will be a private enterprise used by his family.

Mr. Dunn closed the Public Hearing as there were no additional speakers.

Mr. O'Brien made a motion to Adopt the Resolution to grant the permit for Wetlands Board Case No. WJPA 20-0023/VMRC 20-1053 at 20 Marclay Road.

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

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 2

Ayes: Dunn, Gussman, Roadley, O'Brien, Lukens

Nays: None

Absent: Apperson, Waltrip

2. Case No. WJPA 20-0032 / VMRC 20-1199 : 6413 Conservancy

Mr. Trevor Long, Watershed Planner, presented the permit request submitted by Mr. Daniel

Winall, Waters Edge Construction on behalf of Mr. Mark and Mrs. Maria Velleca, who have applied for a wetlands permit for removal and construction of a pier, floating dock, finger pier, open-sided boathouse, and a covered deck on property located at 6413 Conservancy, within the College Creek watershed. The property is further identified as James City County Parcel No. 4930300004. The presentation described the current site conditions, proposed construction, and proposed mitigation. Staff recommended approval of the permit with conditions.

The Board deliberated the pros and cons of this permit.

Mr. Luken inquired about the area of alignment of the old pier structure not being part of the impacted area.

Mr. Long replied that the method of removal is considered part of the impacts. Moving through with the barge has the potential to impact the vegetated area.

Mr. Woolson expanded upon Mr. Long's response, explain why the existing pier was not included in the impact total.

Mr. Dunn opened the Public Hearing.

A. Mr. Daniel Winall, Waters Edge Construction, voiced his opposition for the Wetlands Board having jurisdiction over open piled piers. He asked if any other county had such an Ordinance. Mr. Winall was also available to answer any question from the Board.

B. Mr. Jeff Madden, VMRC, negatively replied.

Mr. Dunn closed the Public Hearing as there were no additional speakers.

Mr. Roadley made a motion to Adopt the Resolution to grant the permit for Wetlands Board Case No. WJPA 20-0032/VMRC 20-1199 at 6413 Conservancy.

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

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 2

Ayes: Dunn, Gussman, Roadley, O'Brien, Lukens

Nays: None

Absent: Apperson, Waltrip

E. BOARD CONSIDERATIONS

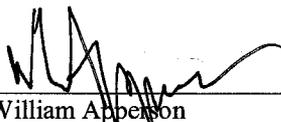
None

F. MATTERS OF SPECIAL PRIVILEGE

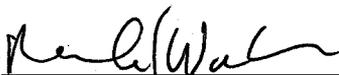
None

G. ADJOURNMENT

A motion to Adjourn was made by Mr. Dunn and approved on a voice vote. The meeting adjourned at 6:28 p.m.


William Apperson

Chair, Wetlands Board


Michael Woolson

Secretary to the Board