

MINUTES
JAMES CITY COUNTY WETLANDS BOARD
REGULAR MEETING
County Government Center, Building F
101 Mounts Bay Road, Williamsburg, Virginia 23185
April 14, 2021
5:00 PM

A. CALL TO ORDER

The Wetlands Board meeting for April 14, 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
Charles Roadley
Michael O'Brien
David Gussman, Remote Access
Robert Lukens, Remote Access

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

Board Members Absent:

Halle Dunn
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
Janice Petty, Stormwater Assistant, Stormwater and Resource Protection

C. MINUTES

1. Minutes from January 13, 2021, Regular Meeting

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

2. Minutes from March 22, 2021, Work Session

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-21-0005/VMRC 21-0232 : 3026 and 3028 North Riverside Drive

Mr. Trevor Long, Watershed Planner, presented the permit request submitted by Ms. Karla Havens, Mid-Atlantic Resource Consulting on behalf of Mr. Todd Dellert, Chickahominy Haven Citizens Association, who has applied for a wetlands permit for removal and replacement of a pier located at 3026 North Riverside Drive in the Chickahominy Haven Subdivision and the Yarmouth Creek watershed. The property is further identified as James City County Tax Map Parcel No. 1820200052. The presentation described the current site conditions, proposed construction, and mitigation with conditions.

The Board deliberated the pros and cons of this permit.

Mr. Gussman inquired if the existing pier was underwater during high tides because tides have risen or has the pier sunk into the river.

Mr. Long replied he believed that the pier had sunk, but deferred to the applicant for an answer.

Mr. Apperson opened the Public Hearing.

A. Ms. Karla Havens, Mid-Atlantic Resource Consulting, was available to answer questions from the Board. She answered that the elevation of the pier was the result of a combination of a number of things: built too low, sea level rise, and high tides when photos were taken. She further explained that the T head was to be minimized for ingress and egress to the water.

Mr. Roadley inquired if the pier was on a community lot.

A. Ms. Havens affirmatively answered.

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 -0005/VMRC 21- 0232 at 3026 North Riverside Drive.

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

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

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

Nays: None

Abstain: None

Absent: Dunn, Waltrip

2. Case No. WJPA 21-0008/VMRC 21-0351 : 210 Red Oak Landing Road

Mr. Michael Woolson, Resource Protection Section Chief, presented the permit request submitted by Ms. April Edwards, Virginia Marine Contracting, Inc., on behalf of Mr. Clinton Morgeson and Mrs. Meagan Thomas who have applied for a wetlands permit for construction of a pier on the property located at 210 Red Oak Landing Road, in the Powhatan Creek watershed. The property is further identified as James City County Tax Map Parcel No. 4730100032. The presentation described the current site conditions, proposed construction, and mitigation with conditions.

The Board deliberated the pros and cons of this permit.

Mr. Lukens inquired of the amount of time needed for construction of the pier.

Mr. Woolson replied that he would defer to the contractor for an answer.

Mr. Apperson inquired if the site incurs an infestation of phragmites, would that be considered destruction of the wetlands.

Mr. Woolson replied that no phragmites were on that property or near the property at the present time.

Mr. Apperson opened the Public Hearing.

A. Mr. Joel Monastyry, Virginia Marine Contracting Inc., was available to answer questions from the Board. He noted the project detail included less than 30 days in length, access through the water and uplands, no barge into the vegetated wetlands and only on the waterways, with another option to go via uplands using wood mats.

Mr. Roadley summarized that the Board was not authorizing the pier but authorizing the method of construction of the pier.

B. Mr. Clinton Morgeson, owner, inquired on the impacts to the vegetated wetlands. Contractor, Mr. Joel Monastyry indicated less impacts to the vegetated wetlands and method of construction by the upland side, and not bringing the barge into the marsh.

Mr. Apperson restated Mr. Morgeson's concern whether the barge would be used or not or if the mats would be more harmful for the wetlands than the barge.

Mr. Woolson stated it appears that the impacts would be about half what staff anticipated. He noted if the Board wanted to reduce the surety by half, staff would find that acceptable. Mr. Roadley asked that with the method of construction proposed, is there a reasonable assurance that the damage to the wetland that it will be able to restore itself. Mr. Woolson affirmed that is why Staff would review the project's wetlands in one year's time. Mr. Roadley confirmed that matting is an effective way to disperse the weight of construction equipment with minimal impacts. Mr. Apperson closed the Public Hearing. Mr. O'Brien made a motion to Adopt the resolution to grant the permit for Wetlands Board Case No. WJPA 21- 0008/VMRC 21- 0351 at 210 Red Oak Landing Road. The motion to Approve with Conditions was made by Mr. O'Brien, the motion result: AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 2 Ayes: Apperson, Roadley, O'Brien, Gussman, Lukens Nays: None Abstain: None Absent: Dunn, Waltrip

E. BOARD CONSIDERATIONS

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 5:28 p.m.



William Apperson
Chair, Wetlands Board



Michael Woolson
Secretary to the Board