

**MINUTES**  
**JAMES CITY COUNTY WETLANDS BOARD**  
**REGULAR MEETING**  
**County Government Center, Building F**  
**101 Mounts Bay Road, Williamsburg, Virginia 23185**  
**June 9, 2021**  
**5:00 PM**

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**A. CALL TO ORDER**

The Wetlands Board meeting for June 9, 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  
David Gussman  
Larry Waltrip  
Michael O'Brien

**Board Members Absent:**

Halle Dunn  
Charles Roadley

**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  
Janice Petty, Stormwater Assistant, Stormwater and Resource Protection

**C. MINUTES**

1. Minutes from April 14, 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. Case No. WJPA 21-0019 / VMRC 21-0915 : 1497 John Tyler Highway

Mr. Michael Woolson, Resource Protection Section Chief, presented the permit request submitted by Ms. Karla Havens, Mid-Atlantic Resource Consulting on behalf of Mr. Christopher Cook, who has applied for a wetlands permit for the method of construction of a pier and two lifts located at 1497 John Tyler Highway in the Barrett's Ferry Landing Subdivision and the Gordon Creek watershed. The property is further identified as James City

County Parcel No. 3430300006. 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 Resource Protection Area (RPA) would be impacted and would there be a path built to access the pier.

Mr. Woolson replied that there would be a path that would be allowed administratively to the pier from the house, which is standard operating procedure to allow access through the RPA. They would work through and around existing vegetation and no mature trees would be cut down for the placement of the path.

Mr. Gussman inquired if this would cover any cypress knees or impact existing trees.

Mr. Woolson stated that the goal is to not impact any cypress knees. He deferred to Mr. Wilbur Jordan for an answer to address those concerns about how he would deal with the cypress knees in the pathway.

Discussion ensued concerning the height of the pier and the vegetation.

Mr. Gussman stated any wetlands impacts would be known after construction. Staff, at that time would make a determination whether wetlands have been impacted. He also inquired of the mitigation.

Mr. Woolson replied, as a first option, that mitigation would be based on a per square foot basis and they would have to replant on-site. If they could not do that, then they would have to buy credits on a per square foot basis from an approved tidal wetlands bank.

Mr. Gussman asked if there were some tidal banks in that area.

Mr. Woolson affirmatively replied. There is one tidal wetlands bank that covers James City County on the James River.

Mr. Apperson voiced his concern about invasive species being established. He asked if the Board would add to the permit if invasive species could also be considered degradation of wetlands and must be removed or accounted for, depending on results of staff's inspection.

Mr. Woolson inquired if it was to be considered as a condition.

Mr. Apperson stated that it would be up to the Board.

Mr. Apperson opened the Public Hearing.

A. Ms. Karla Havens, Mid-Atlantic Resource Consulting, was available to answer questions from the Board. She described the wetlands substrate and access to the site. The Corps of Engineers are requiring restrictions for wildlife protection and the time of year when work would be allowed.

Mr. Gussman inquired about the review by the Corps of Engineers and its concern.

A. Ms. Havens explained the Corps of Engineers regional and general permits, the protected wildlife, and other involved agencies.

B. Mr. Wilbur Jordan, Jordan Marine Construction, Inc., was available to answer questions

from the Board. He explained how work would be performed constructing the pier.

Mr. Waltrip commented how contractors and new technologies allow wetlands to be protected.

Mr. Apperson closed the Public Hearing.

Ms. Liz Parman, Assistant County Attorney, advised the Board concerning delays, deferrals, and also advised the Board that it does not have jurisdiction over the pier, the location of the pier, the length of the pier, or the boathouse. She advised them to be careful when discussing these projects, as a pier is a permitted use. She advised the Board to take that into consideration and base its decision solely on the impacts to the wetlands in its jurisdiction.

Mr. Apperson made a motion to adopt the Resolution to grant the permit for Wetlands Board Case No. WJPA 21 -0019/VMRC 21- 0915 at 1497 John Tyler Highway with the added condition that the property owner remove any invasive species established there caused by the construction.

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

AYES: 3 NAYS: 1 ABSTAIN: 0 ABSENT: 2

Ayes: Apperson, Waltrip, O'Brien

Nays: Gussman

Absent: Dunn, Roadley

Mr. Apperson stated that this affirmative vote has nothing whatsoever as an indication of lack of judgment by Mr. Gussman's vote. He has total respect for Mr. Gussman's opinion.

2. Case No. WJPA 21-0024 / VMRC 19-1938 : 10010 Sycamore Landing Road

The application was extended during Pandemic Emergency with a retroactive extension date of January 1, 2022.

3. Case No. WJPA 21-0025 / VMRC 19-2163 : 10006 Sycamore Landing Road

The application was extended during Pandemic Emergency with a retroactive extension date of January 1, 2022.

**E. BOARD CONSIDERATIONS**

None.

**F. MATTERS OF SPECIAL PRIVILEGE**

1. WJPA 20-0032 : 6413 Conservancy

Mr. Daniel Winall, Waters Edge Construction, had received a wetlands permit on September 9, 2020 on behalf of Mr. Mark and Ms. Maria Valleca to remove and replace a pier and construct a floating dock, a finger pier, an open sided boathouse, and a covered deck on property located at 6413 Conservancy within the James River watershed. The property is further identified as James City County Tax Map Parcel No. 493030004.

Post construction inspection of June 2021 determined the extent of wetlands impacts that may have occurred from the construction. Staff's opinion was that there were no permanent wetland impacts and authorized that the surety be released and returned.

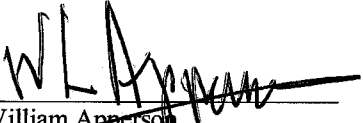
Introduction of Ms. Robin Benedict, Watershed Planner and Mr. Ben Nettleton, Virginia


Marine Resource Commission Engineer.

**G. ADJOURNMENT**

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

The meeting adjourned at 6:07 p.m.

  
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William Apperson  
Chair, Wetlands Board

  
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Michael Woolson  
Secretary to the Board