

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

A. CALL TO ORDER

The Wetlands Board meeting for July 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
Halle Dunn
Charles Roadley
Larry Waltrip
Michael O'Brien

Board Members Absent:

David Gussman

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 June 9, 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-21-0027 / VMRC No. 21-1060 : 10016 & 10020 Sycamore Landing Road

Mr. Trevor Long, Watershed Planner, presented the permit request submitted by Mr. Daniel Winall, Waters Edge Construction, on behalf of Mr. J. Barry Davidson, Jr. and Mrs. Laura Davidson, and Mr. Richard Costello and Mrs. Nina Costello, who has applied for a wetlands

permit for the method of construction of an offshore sill with beach nourishment and the repair of a rip rap revetment located at 10016 and 10020 Sycamore Landing Road in the Stephen's Tract Subdivision and the York Creek watershed. The property is further identified as James City County Parcel Nos. 0720400004 and 0720400002. 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 of the status of this project fitting within the changes in the Wetlands Ordinance that were put in place by the General Assembly and subsequently by the Virginia Marine Resource Commission (VMRC) with adoptions for the revisions to the wetlands guidelines.

Mr. Apperson opened the Public Hearing.

A. Mr. Ben Nettleton, VMRC, was available to answer the question from the Board. The new guidelines were adopted at the May 21, 2021, VMRC meeting. The law, which changed July 1, 2020, said the Commonwealth of Virginia should not approve any projects besides living shorelines or erosion control unless the best available science says otherwise. In this case, they would count a sill with plantings as a living shoreline that would meet that criteria and that mandate. The best available science was not supporting a living shoreline, for example, the fetch was too high or structures in place. The order of preference would go to a breakwater, rip rap revetment with the last available option would be a bulkhead preferably. Yes, he would consider this a living shoreline by VMRC definitions.

B. Mr. Daniel Woodall, Waters Edge Construction, was available to answer questions from the Board.

Mr. Apperson inquired about the spacing for the *Spartina alterniflora* and *Spartina patens* that will be plugged back in.

B. Mr. Woodall replied that the Corps of Engineers offers guidance, generally two foot on center, sometimes 18 inches on center. He further stated that he has not received a Corps Permit for this project yet, however he is sure that the Corps will have that condition in place.

Mr. Roadley inquired about the slumping of the revetment, and if it was losing its toe.

B. Mr. Woodall, concurred, that the toe of the revetment is slumping. At elevations up to 9 feet, the revetment is in good shape, but the toe, the existing substrate is eroded in that area, which has caused the toe to fail. The whole revetment will not have to be redone so the plan is to dig the toe out and reinforce it.

Mr. Roadley inquired if the sand fill will match the existing elevation at the toe.

B. Mr. Woodall replied that the beach nourishment will be a little higher.

Mr. O'Brien stated that the revetment repair seemed necessary and inquired if it was adequate. He also inquired about the purpose of the sill.

B. Mr. Woodall replied that the sill would provide beach nourishment out in front. It has eroded extensively in front of that revetment. He further stated the sill was placed out there with beach nourishment in place so, once the plantings are installed, that area will turn from a non-vegetative to a vegetative tidal area.

Mr. O'Brien inquired if Mr. Woodall was fairly confident that the beach fill would stay in place

and not wash away.

B. Mr. Woodall affirmatively replied and stated the sill is three feet above sea level, so it should stay. It is in conjunction with two other projects next door. The total fetch is about 300 feet there, which should lock it in place as the three projects are side-by-side, lateral sills or parallel sills will be used.

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-21-0027/VMRC 21 -1060 at 10016 and 10020 Sycamore Landing.

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

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

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

Nays: None

Absent: Gussman

E. BOARD CONSIDERATIONS

1. Open Pile Pier Policy

Ms. Liz Parman presented the Open Pile Pier Policy, adopted May 13, 2009 for persons wanting to construct a noncommercial open pile pier or structure to come before the Wetlands Board and ask for a permit. The Attorney General opined that pier and other structures are permitted as a matter of right. The Board desired to rescind its Current Policy to align with the Attorney General.

The Wetlands Board of James City County, Virginia rescinded its policy requiring a Wetlands Board Permit for the construction of noncommercial open pile structures in the wetlands and instructed staff to accordingly revise its policies and procedures.

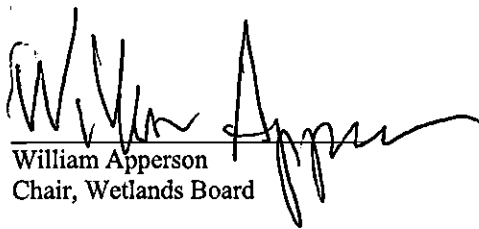
F. MATTERS OF SPECIAL PRIVILEGE

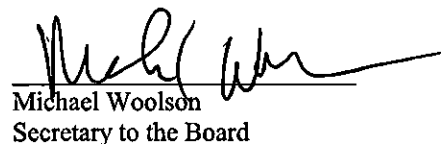
None.

G. ADJOURNMENT

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

The meeting adjourned at 5:18 p.m.


William Apperson
Chair, Wetlands Board


Michael Woolson
Secretary to the Board