

A G E N D A
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

B. ROLL CALL

C. MINUTES

1. Minutes from August 12, 2020, Regular Meeting

D. PUBLIC HEARINGS

1. Case No. WJPA 20-0023 / VMRC 20-1053 : 20 Marclay Road
2. Case No. WJPA 20-0032 / VMRC 20-1199 : 6413 Conservancy

E. BOARD CONSIDERATIONS

F. MATTERS OF SPECIAL PRIVILEGE

G. ADJOURNMENT

ITEM SUMMARY

DATE: 9/9/2020

TO: Wetlands Board

FROM: Michael Woolson, Wetlands Board Secretary

SUBJECT: Minutes from August 12, 2020, Regular Meeting

ATTACHMENTS:

	Description	Type
	Minutes	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Wetlands Group	Woolson, Michael	Approved	9/3/2020 - 10:56 AM
Wetlands Group	Small, Toni	Approved	9/3/2020 - 4:17 PM
Publication Management	Burcham, Nan	Approved	9/3/2020 - 4:21 PM
Wetlands Group	Secretary, Wetland	Approved	9/3/2020 - 4:28 PM

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

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.

ITEM SUMMARY

DATE: 9/9/2020

TO: Wetlands Board

FROM: Michael Woolson, Senior Watershed Planner

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

Mr. Daniel Winall of Waters Edge Construction, on behalf of Larry Waltrip, has applied for a wetlands permit to install a floating pier, retaining wall, bulkhead, riprap revetment and a boat house at 20 Marclay Road, JCC Parcel 4820100012.

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	Resolution	Resolution
▣	Presentation	Presentation
▣	Application	Backup Material
▣	Application, Revision	Backup Material
▣	Private Marina Statement	Backup Material
▣	County Bathymetry	Backup Material
▣	VMRC Protest #1	Backup Material
▣	VMRC Protest #2	Backup Material
▣	Public Advertisement	Backup Material
▣	APO Letter	Backup Material
▣	APO Mailing List	Backup Material
▣	JCC In Favor #1	Backup Material
▣	JCC Protest #1	Backup Material
▣	JCC Protest #2	Backup Material
▣	JCC Protest #3	Backup Material
▣	JCC Protest #4	Backup Material
▣	JCC Protest #5	Backup Material
▣	JCC Protest #6	Backup Material
▣	JCC Protest #7	Backup Material
▣	JCC Protest #8	Backup Material
▣	JCC Protest #9	Backup Material
▣	JCC Protest #10	Backup Material
▣	JCC Protest #11	Backup Material
▣	JCC Protest #12	Backup Material
▣	JCC Protest #13	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Wetlands Group	Woolson, Michael	Approved	9/3/2020 - 11:40 AM
Wetlands Group	Small, Toni	Approved	9/3/2020 - 4:17 PM
Publication Management	Daniel, Martha	Approved	9/3/2020 - 4:31 PM
Wetlands Group	Secretary, Wetland	Approved	9/3/2020 - 4:32 PM

**WETLANDS BOARD CASE No. WJPA 20-0023/VMRC 20-1053. 20 Marclay Road
Staff Report for the August 12, 2020, Wetlands Board Public Hearing**

This staff report is prepared by James City County Stormwater and Resource Protection to provide information to the Wetland Board to assist them in making a recommendation on this assessment. It may be useful to members of the general public interested in this assessment.

EXISTING SITE DATA AND INFORMATION

Applicant: Mr. Larry Waltrip

Owner/Agent: Mr. Daniel Winall, Waters Edge Construction

Location: 20 Marclay Road

Parcel: Shortneck

Parcel Identification No.: 4820100012

Watershed: College Creek (HUC JL34)

Floodplain: Zone AE - Base flood elevation determined to be 8 feet Mean Sea Level (MSL)

Proposed Activity: Construction of a floating pier, retaining wall, bulkhead, riprap revetment, and open-sided boated house

Wetland Impacts: 20 square feet of vegetated wetlands subject to the local Wetlands Board jurisdiction

Staff Contact: Michael D. Woolson, Senior Watershed Planner Phone: 253-6823

PROJECT DISCUSSION

Mr. Daniel Winall, Waters Edge Construction, applied for a wetlands permit on behalf of Mr. Larry Waltrip on June 22, 2020, to install a 136-foot x 8-foot floating pier, a 20-foot open pile wharf, a 20-foot-long bulkhead with a walkway, a 75-foot-long upland retaining wall, a 200-foot-long northern upland riprap revetment, a 200-foot-long southern upland riprap revetment, and a 33-foot x 40-foot open-sided boathouse on property located at 20 Marclay Road within the College Creek watershed. The property is further identified as James City County Tax Map Parcel No. 4820100012.

There is an existing, concrete rubble revetment on the property that has been impacted over time and is called the north revetment on the permit drawings. The applicant is proposing to construct a riprap revetment above mean high water, core stone (Virginia Department of Transportation (VDOT) No. 1 stone bedding) overtop of a non-woven fabric and Class 1 armor stone (150 lb. stone). It will have a top elevation of 5 feet MSL. This revetment is 200 feet long, is not vegetated with wetland vegetation, and the entirety of the revetment is above mean high water. Associated with the northern revetment is a double open-sided boathouse. Landward of the boathouse is a 12-foot x 33-foot boathouse deck proposed overtop of the revetment. Immediately to the south of the boathouse is a 136-foot x 8-foot floating pier and a 35-foot gangway connecting the floating pier to the shore. All of these structures are outside the jurisdiction of the Wetlands Board.

The southern end of the northern revetment terminates at an existing gravel boat ramp. A 20-foot open pile wharf is proposed seaward of the boat ramp and a 20-foot retaining wall parallel to the wharf is proposed

landward of the wharf but east of the boat ramp. A 4-foot x 20-foot deck is proposed overtop of the retaining wall. The retaining wall and the wharf are in the intertidal range and the retaining wall will impact 20 square feet of vegetated wetlands.

From the existing boat ramp south is an existing road/path that has many overhanging branches from the woods which provides a shaded bank. Starting at the western edge of the existing boat ramp is a 75-foot retaining wall, landward of vegetated tidal wetlands. The retaining wall is necessary in this location to allow for boat access to the ramp. A retaining wall is proposed in this area to avoid impacting vegetated wetlands near the ramp. The retaining wall is to be built immediately adjacent to the vegetated wetlands and constructed from land.

From the southern edge of the bulkhead, a new 200-foot riprap revetment will be placed to protect the shoreline and is labeled as the southern revetment in the permit drawings. There is an existing pathway cut into the hill adjacent to the southern revetment location. It has many trees overhanging the area and is extremely shaded. Due to the shaded conditions of this area, there are no vegetated wetlands. The construction of this revetment is from land and includes a non-woven geotextile fabric overlain with No. 1 VDOT stone bedding (10 lb. stone), then Class 1 armor stone (150 lb. stone). This revetment will start at mean high water and will have a top elevation of 5 feet MSL.

Scattered throughout the project area are old piles that will be removed. Total vegetated wetland impacts for the bulkheads, retaining walls, and revetments are 20 square feet.

MITIGATION DISCUSSION

As published in *The Virginia Register* on July 11, 2005, the revised Wetland Mitigation Compensation Policy and Supplemental Guidelines, Regulation 4VAC 20-390-10 et seq., Virginia, as a Chesapeake Bay Program partner, is committed to “achieve a no-net loss of existing wetlands acreage and function in the signatories’ regulatory programs.” In order for a proposed project to be authorized to impact wetlands and compensate for the wetland loss in some prescribed manner, the following three criteria must be met:

1. All reasonable mitigative efforts, including alternative siting, which would eliminate or minimize wetland loss or disturbance must be incorporated in the proposal; and
2. The proposal must clearly be water dependent in nature; and
3. The proposal must demonstrate clearly its need to be in the wetlands and its overwhelming public and private benefits.

If the proposed project cannot meet one or more of the above criteria, the project must be denied or must occur in areas outside of wetlands. Should it satisfy all three criteria, however, compensation for the wetland loss is required. The sequence of acceptable mitigation options should be as follows: on-site, off-site within the same watershed, mitigation bank(s) in the same watershed or a payment of an in-lieu fee. If compensation is required, it should be a condition of the permit.

Staff has reviewed this application and finds that this project meets the three criteria outlined above. As there are 20 square feet of vegetated wetland impacts, mitigation is required.

STAFF RECOMMENDATIONS

Staff does not make any recommendation for this application. Should the Board wish to approve the application, staff suggests the following conditions be incorporated into the approval:

1. The applicant must obtain all other necessary local, state, and/or federal permits required for the project; and
2. All development activities located in the special flood hazard area shall comply with Article VI, Division 3, Floodplain Area Regulations of the James City County Zoning Ordinance and receive all required approval and permits prior to commencement of such activities; and
3. The existing pier and piles to be removed shall be disposed of in an approved landfill; and
4. A surety of \$400 to guarantee the purchase of 20 square feet of tidal wetland credits from an approved tidal wetland mitigation bank; and
5. The Wetlands Permit for this project shall expire on September 9, 2023, if construction has not begun; and
6. If an extension of the permit is needed, a written request shall be submitted to the Stormwater and Resource Protection Division no later than July 29, 2023, six weeks prior to the expiration date.

MDW/nb
WJPA20-23-20MarclayRoad

Attachment:

1. Resolution

RESOLUTION

CASE NO. WJPA 20-0023/VMRC 20-1053. 20 MARCLAY ROAD

JAMES CITY COUNTY WETLANDS PERMIT

WHEREAS, Mr. Larry Waltrip (the “Applicant”), has applied to the Wetlands Board of James City County (the “Board”) to request a permit to use and develop in areas designated as wetlands on property identified as James City County Real Estate Tax Map Parcel No. 4820100012 and further identified as 20 Marclay Road (the “Property”) as set forth in the application WJPA 20-0023/VMRC 20-1053; and

WHEREAS, the Board has listened to the arguments presented and has carefully considered all evidence entered into the record.

NOW, THEREFORE, BE IT RESOLVED that the Wetlands Board of James City County, Virginia, following a public hearing, by a majority vote of its members FINDS that:

1. The anticipated public and private benefit of the proposed activity in the wetlands exceeds its anticipated public and private detriment.
2. The proposed development conforms to the standards prescribed in Section 28.2-1308 of the Code of Virginia, and the guidelines promulgated pursuant to Section 28.2-1301 of the Code of Virginia.
3. The proposed activity does not violate the purpose and intent of Chapter 22 of the James City County Code or Sections 28.2-1300 et. seq. of the Code of Virginia.
4. In granting this Wetlands Permit, the following conditions are hereby imposed:
 - a. The applicant must obtain all other necessary local, state, and/or federal permits required for the project; and
 - b. All development activities located in the special flood hazard area shall comply with Article VI, Division 3, Floodplain Area Regulations of the James City County Zoning Ordinance and receive all required approvals and permits prior to commencement of such activities; and
 - c. The existing pier and piles to be removed shall be disposed of in an approved landfill; and
 - d. A surety of \$400 to guarantee the purchase of 20 square feet of tidal wetland credits from an approved tidal wetland mitigation bank; and
 - e. The Wetlands Permit for this project shall expire on September 9, 2023, if construction has not begun; and

- f. If an extension of the permit is needed, a written request shall be submitted to the Stormwater and Resource Protection Division no later than July 29, 2023, six weeks prior to the expiration date.

William Apperson
Chairman, Wetlands Board

Michael Woolson
Secretary to the Board

Adopted by the Wetlands Board of James City County, Virginia, this 9th day of September, 2020.

THE FORGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 2020 IN THE COMMONWEALTH OF VIRGINIA, IN THE COUNTY OF JAMES CITY.

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

WJPA20-23-20MarclayRoad-res



Wetlands Board of James City County, Virginia

September 9, 2020

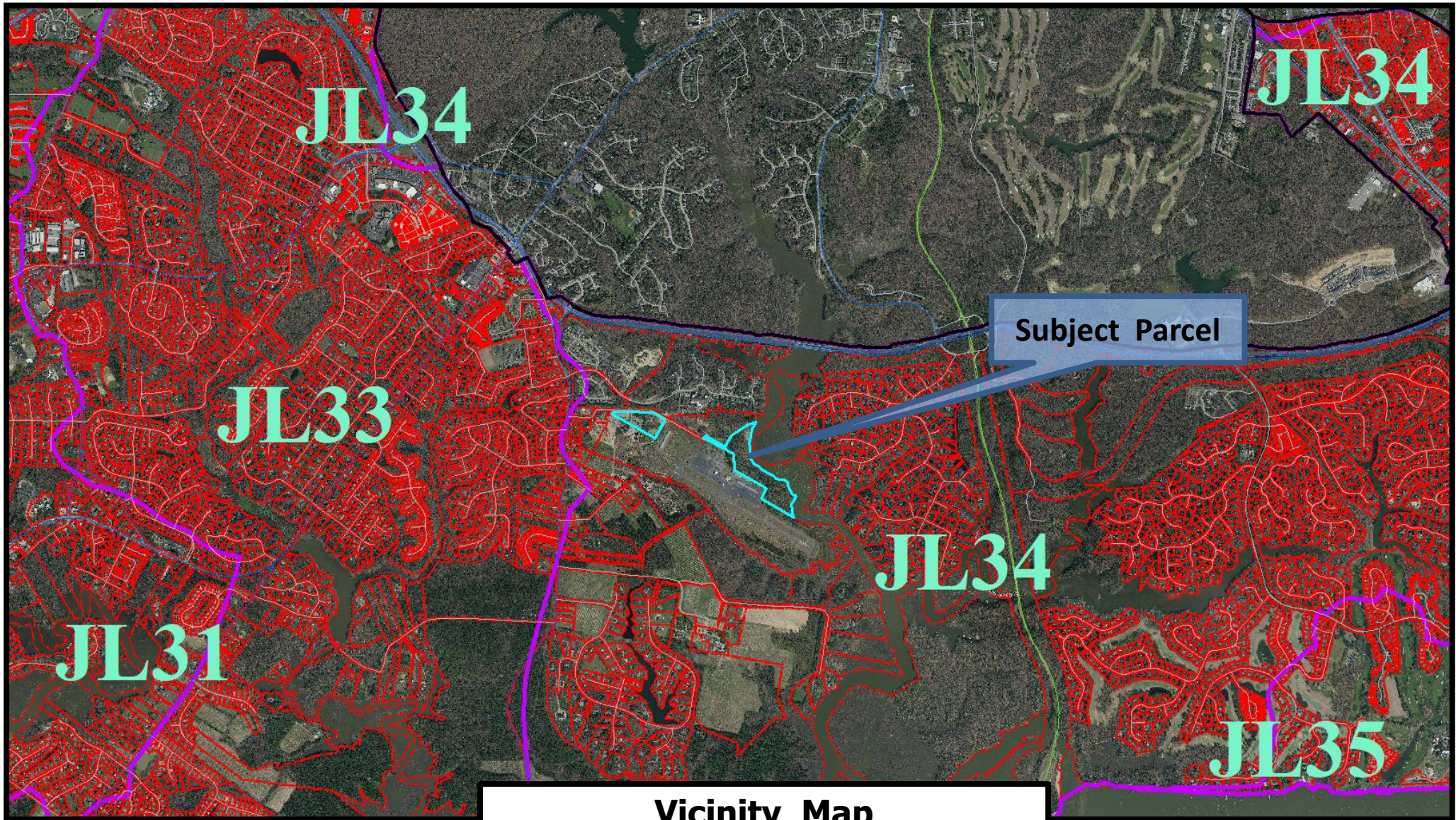
WJPA 20-0023

Larry Waltrip

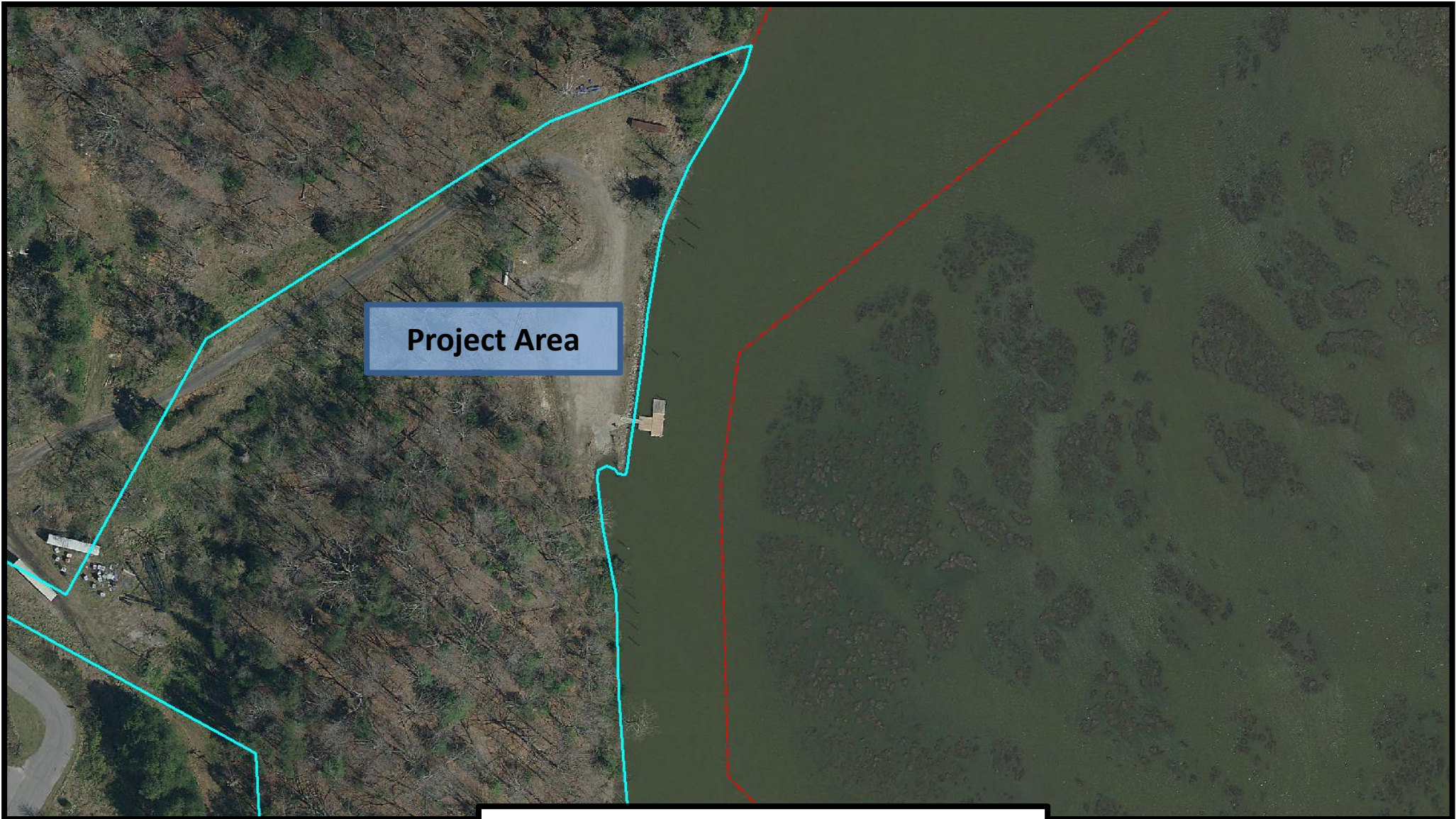
20 Marclay Road

Applicant Request

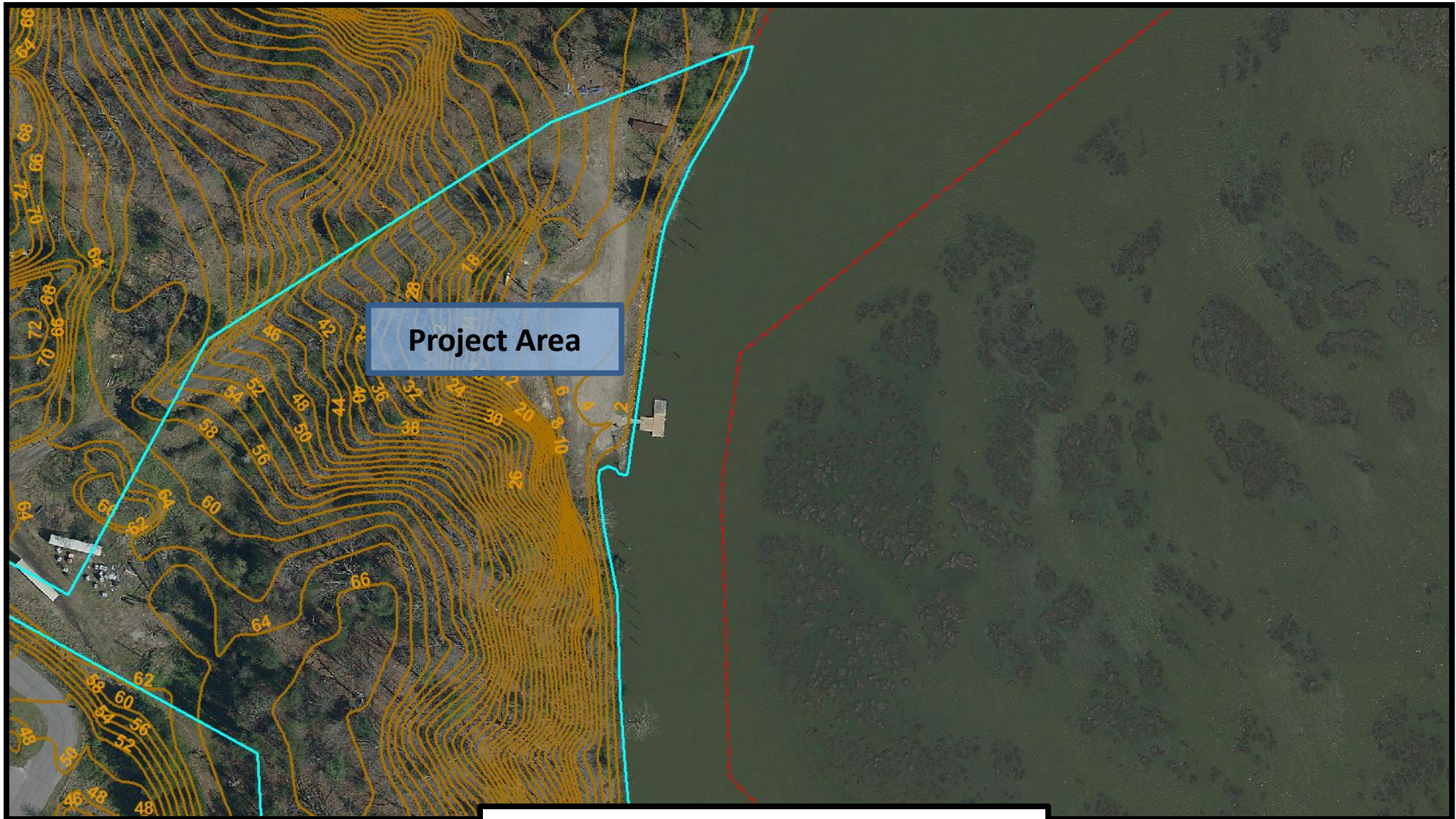
- ✓ To construct a rip-rap revetment, bulkhead, retaining wall, wharf and floating pier with an open sided boathouse.



Vicinity Map
WJPA 20-0023
20 Marclay Road

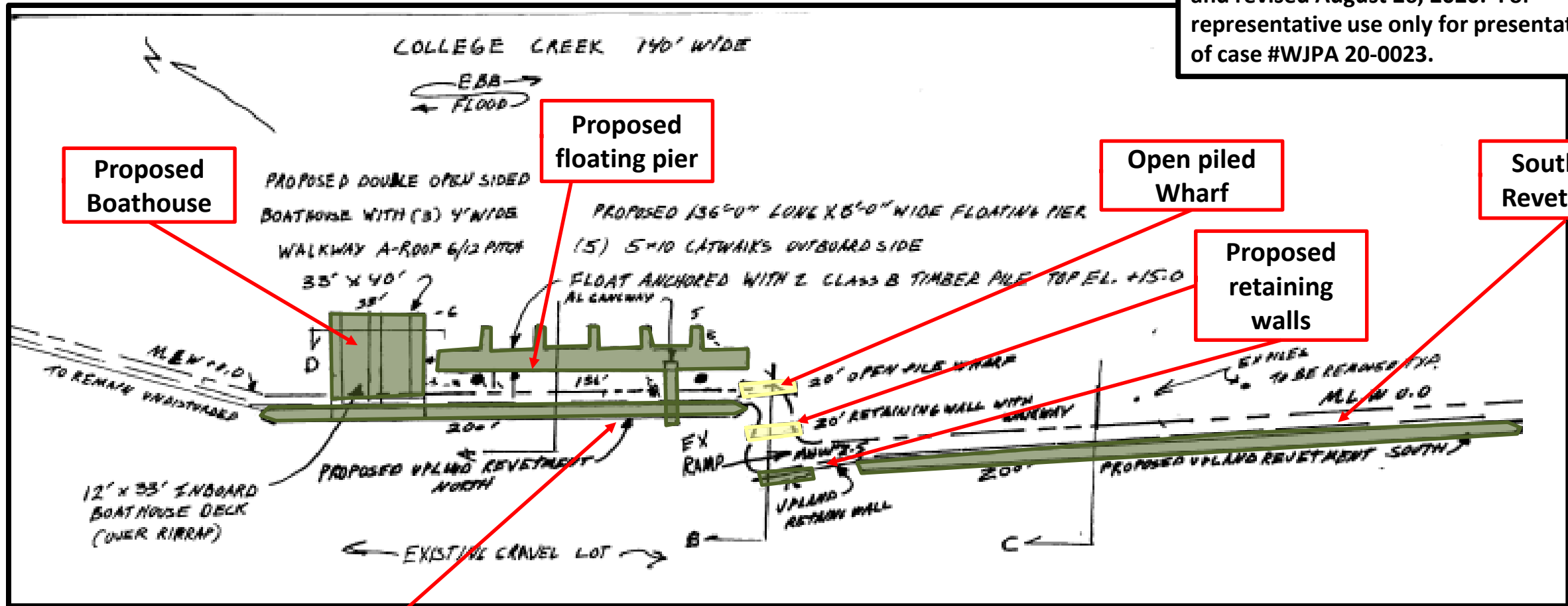


Aerial Map
WJPA 20-0023
20 Marclay Road



Topography
WJPA 20-0023
20 Marclay Road

Site Plan showing proposed improvements, submitted April 20, 2020 and revised August 26, 2020. For representative use only for presentation of case #WJPA 20-0023.



Proposed Boathouse

Proposed floating pier

Open piled Wharf

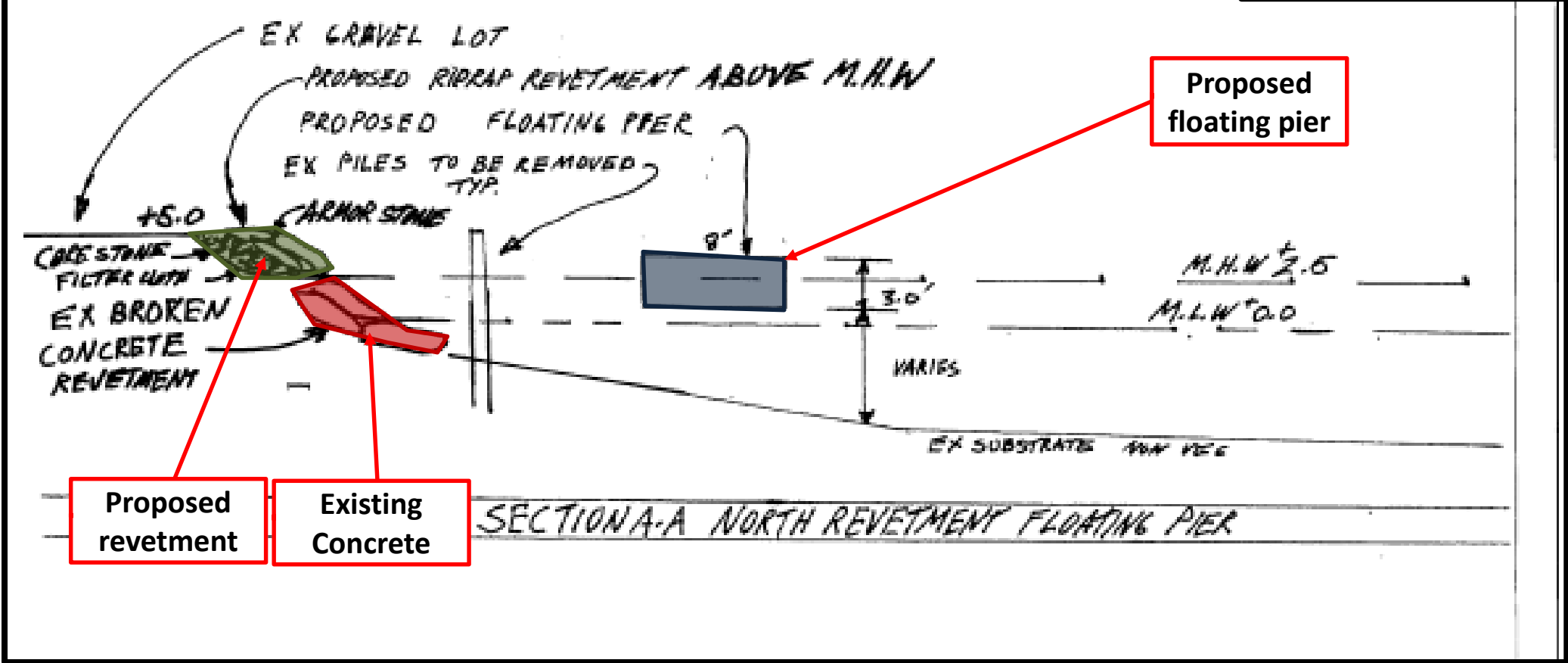
Southern Revetment

Proposed retaining walls

Northern Revetment

Site Plan
WJPA 20-0023
20 Marclay Road

Site Plan showing proposed improvements, submitted April 20, 2020 and revised August 26, 2020. For representative use only for presentation of case #WJPA 20-0023.



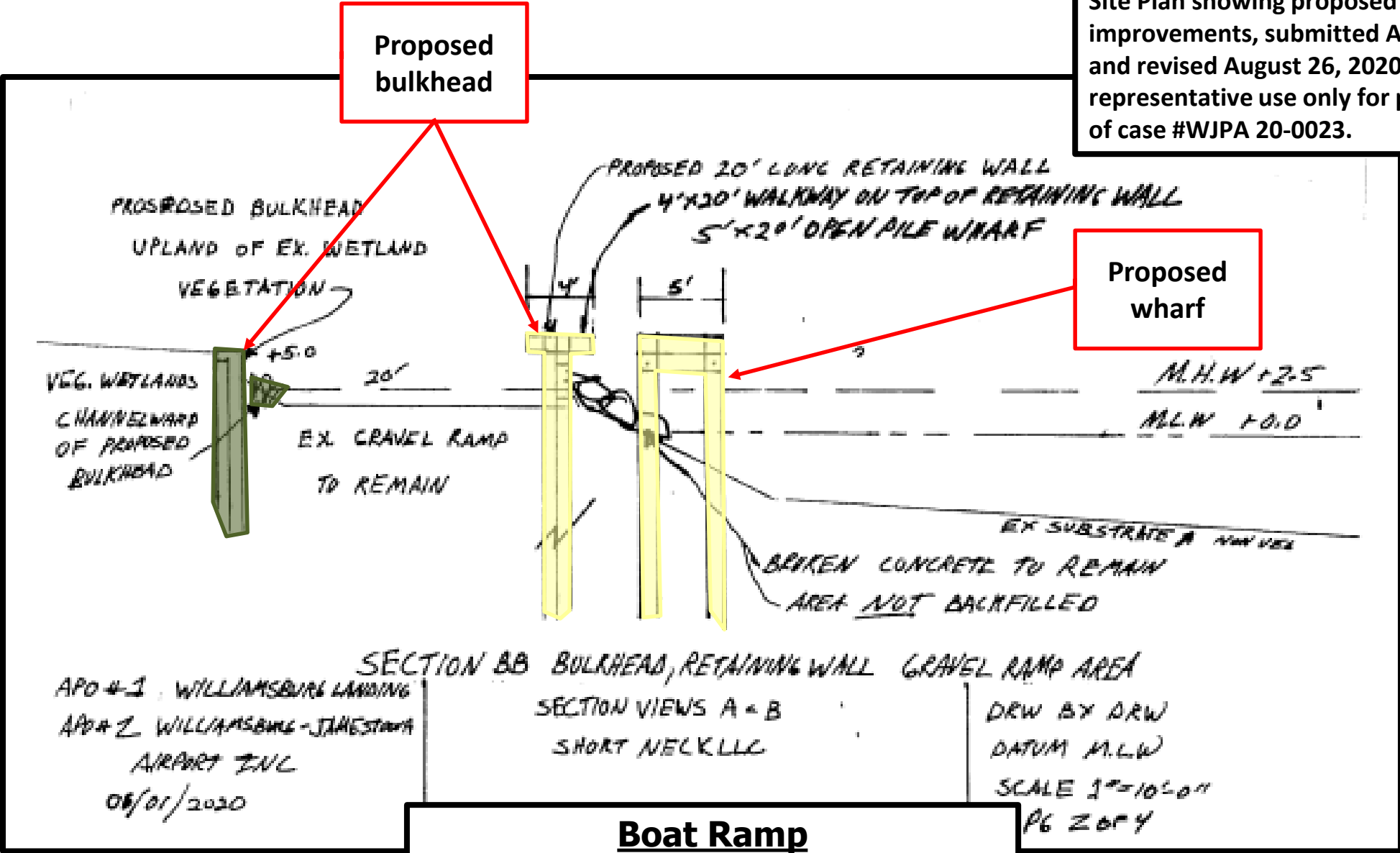
North Revetment
WJPA 20-0023
20 Marclay Road

Site Plan showing proposed improvements, submitted April 20, 2020 and revised August 26, 2020. For representative use only for presentation of case #WJPA 20-0023.



South Revetment
WJPA 20-0023
20 Marclay Road

Site Plan showing proposed improvements, submitted April 20, 2020 and revised August 26, 2020. For representative use only for presentation of case #WJPA 20-0023.



Boat Ramp
WJPA 20-0023
20 Marclay Road

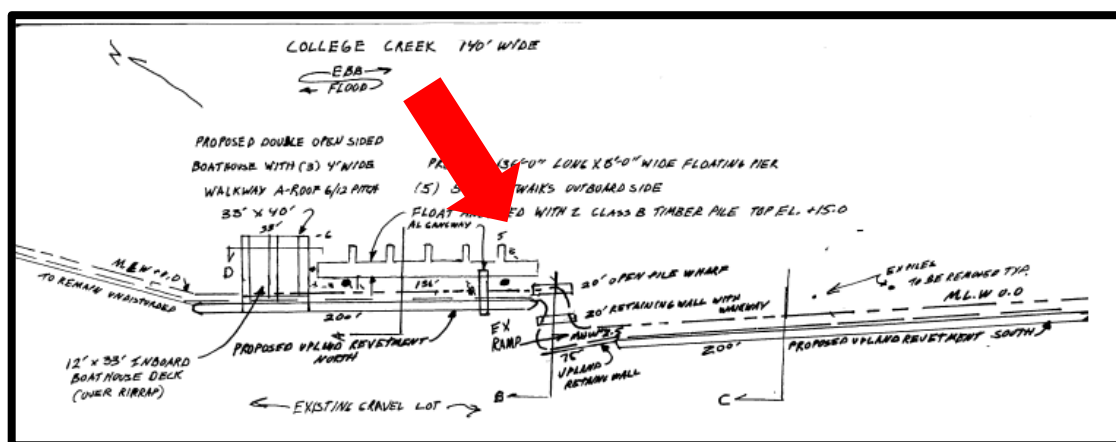


Site Photo #1
WJPA 20-0023
20 Marclay Road



**Proposed
Retaining wall**

**Proposed
Retaining wall**



Site Photo #2
WJPA 20-0023
20 Marclay Road





Site Photo #3
WJPA 20-0023
20 Marclay Road





Site Photo #4
WJPA 20-0023
20 Marclay Road

Permit Conditions



Staff Recommended Conditions

- ✓ The applicant must obtain all other necessary local, state, and/or federal permits required for the project;
- ✓ All development activities located in the special flood hazard area shall comply with Article VI, Division 3, Floodplain Area Regulations of the James City County Zoning Ordinance and receive all required approval and permits prior to commencement of such activities;
- ✓ The existing pier and piles to be removed shall be disposed of in an approved landfill; and

Permit Conditions



Staff Recommended Conditions Cont.

- ✓ A surety of \$400 to guarantee the purchase of 20 square feet of tidal wetland credits from an approved tidal wetland mitigation bank; and
- ✓ The Wetlands Permit for this project shall expire on September 9, 2023, if construction has not begun; and
- ✓ If an extension of the permit is needed, a written request shall be submitted to the Stormwater and Resource Protection Division no later than July 29, 2023, six weeks prior to the expiration date.

From: [Larry Waltrip](#)
To: jpa.permits@mrc.virginia.gov; [Debbie Shaw](#)
Subject: Fwd: Jpa permit for Waltrip's Landing
Date: Wednesday, June 17, 2020 12:40:29 PM
Attachments: [File0779.PDF](#)
[ATT00001.htm](#)

Sent from my iPad

Begin forwarded message:

From: Daniel Winall <dwinall@wecmarine.com>
Date: June 8, 2020 at 3:15:18 PM EDT
To: Larry Waltrip <larry@wjairport.com>
Cc: Debbie Shaw <debbie@wjairport.com>
Subject: Jpa permit for Waltrip's Landing

Larry, included is 14 page permit application for your project at Waltrip's Landing. Download and send to jpa.permits@mrc.virginia.gov
If permit comes from you then all correspondence related to permit from all agencies will come to you. A project this size is going to generate a lot of energy from a lot of different agencies but should be doable unless there is a lot of opposition to project. I will send the APO forms for adjoining property owners a little later. The main thing now is getting permit submitted to the state as quickly as possible so it can be processed and on the agenda. Thanks, Danny

Thanks,

Daniel R. Winall
President
Water's Edge Construction
P.O. Box 352
Toano, VA 23168
Phone: 757-566-0149
Email: dwinall@wecmarine.com
www.wecmarine.com

- ❖ DEQ: Permit application fees required for Virginia Water Protection permits – while detailed in 9VAC25-20 – are conveyed to the applicant by the applicable DEQ office (<http://www.deq.virginia.gov/Locations.aspx>). Complete the Permit Application Fee Form and submit it per the instructions to the address listed on the form. Instructions for submitting any other fees will be provided to the applicant by DEQ staff.
- ❖ VMRC: An application fee of \$300 may be required for projects impacting tidal wetlands, beaches and/or dunes when VMRC acts as the LWB. VMRC will notify the applicant in writing if the fee is required. Permit fees involving subaqueous lands are \$25.00 for projects costing \$10,000 or less and \$100 for projects costing more than \$10,000. Royalties may also be required for some projects. The proper permit fee and any required royalty is paid at the time of permit issuance by VMRC. VMRC staff will send the permittee a letter notifying him/her of the proper permit fees and submittal requirements.
- ❖ LWB: Permit fees vary by locality. Contact the LWB for your project area or their website for fee information and submittal requirements. Contact information for LWBs may be found at http://ccrm.vims.edu/permits_web/guidance/local_wetlands_boards.html.

FOR AGENCY USE ONLY	
	Notes:
	JPA # 20-1053

APPLICANTS

Part 1 – General Information

PLEASE PRINT OR TYPE ALL ANSWERS: If a question does not apply to your project, please print N/A (not applicable) in the space provided. If additional space is needed, attach 8-1/2 x 11 inch sheets of paper.

<u>Check all that apply</u>				
Pre-Construction Notification (PCN) <input type="checkbox"/> NWP # _____ (For Nationwide Permits ONLY - No DEQ-VWP permit writer will be assigned)		Regional Permit 17 (RP-17) <input type="checkbox"/>		
County or City in which the project is located: <u>James City</u>				
Waterway at project site: <u>College Creek</u>				
<i>PREVIOUS ACTIONS RELATED TO THE PROPOSED WORK (Include all federal, state, and local pre application coordination, site visits, previous permits, or applications whether issued, withdrawn, or denied)</i>				
Historical information for past permit submittals can be found online with VMRC - https://webapps.mrc.virginia.gov/public/habitat/ - or VIMS - http://ccrm.vims.edu/perms/newpermits.html				
Agency	Action / Activity	Permit/Project number, including any non-reporting Nationwide permits previously used (e.g., NWP 13)	Date of Action	If denied, give reason for denial

Part 1 - General Information (continued)

1. Applicant's legal name* and complete mailing address: Contact Information:

Short Neck LLC
100 Marclay Road
Williamsburg, VA 23185

Home () _____
Work () _____
Fax () _____
Cell () _____
e-mail _____

State Corporation Commission Name and ID Number (if applicable) _____

2. Property owner(s) legal name* and complete address, if different from applicant: Contact Information:

Home () _____
Work () _____
Fax () _____
Cell () _____
e-mail _____

State Corporation Commission Name and ID Number (if applicable) _____

3. Authorized agent name* and complete mailing address (if applicable):

Larry Waltrip
100 Lands End Drive
Williamsburg, VA 23185

Contact Information:

Home () _____
Work (757) 8768655
Fax () _____
Cell (757) 8768655
e-mail larry@wjairport.com

State Corporation Commission Name and ID Number (if applicable) _____

*** If multiple applicants, property owners, and/or agents, each must be listed and each must sign the applicant signature page.**

4. Provide a detailed description of the project in the space below, including the type of project, its dimensions, materials, and method of construction. Be sure to include how the construction site will be accessed and whether tree clearing and/or grading will be required, including the total acreage. If the project requires pilings, please be sure to include the total number, type (e.g. wood, steel, etc), diameter, and method of installation (e.g. hammer, vibratory, jetted, etc). If additional space is needed, provide a separate sheet of paper with the project description.

Install 200'-0" long North Riprap revetment overlay on top of existing broken concrete revetment. Install 75'-0" long bulkhead, install 20'-0" bulkhead with 7'-0" long return wall, install 20'-0" long retaining wall, install 200'-0" long South Riprap revetment, install a 136'-0" long x 8'-0" wide floating pier with 5'-5'-0" wide x 10'-0" long finger pier and two Class B anchor piles, install a dual slip 33'-0" wide x 40'-0" long open sided boathouse with 5'-0" wide walkways on each side and 12'-0" x 33'-0" inboard deck over proposed Riprap revetment.

Part 1 - General Information (continued)

5. Have you obtained a contractor for the project? ☒ Yes* ☐ No. *If your answer is "Yes" complete the remainder of this question and submit the Applicant's and Contractor's Acknowledgment Form (enclosed)

Contractor's name* and complete mailing address:

Water's Edge Construction
P.O Box 352
Toano, Virginia 23168

Contact Information:

Home () _____

Work (757) 5660149 _____

Fax () _____

Cell (757) 8808503 _____

email dwinall@wecmarine.com

State Corporation Commission Name and ID Number (if applicable) 0322616-4

*** If multiple contractors, each must be listed and each must sign the applicant signature page.**

6. List the name, address and telephone number of the newspaper having general circulation in the area of the project. Failure to complete this question may delay local and State processing.

Name and complete mailing address:

The Daily Press
703 Mariners Row
Newport News, Virginia 23606

Telephone number

() _____

7. Give the following project location information:

Street Address (911 address if available) 20 Marclay Road Williamsburg, VA 23185

Lot/Block/Parcel# 4820100012 25.59 ac

Subdivision Acreage Lots Roberts

City / County Williamsburg, VA ZIP Code 23185

Latitude and Longitude at Center Point of Project Site (Decimal Degrees):

37.1435.62 / - 76.425589 (Example: 36.41600/-76.30733)

If the project is located in a rural area, please provide driving directions giving distances from the best and nearest visible landmarks or major intersections. *Note: if the project is in an undeveloped subdivision or property, clearly stake and identify property lines and location of the proposed project. A supplemental map showing how the property is to be subdivided should also be provided.*

8. What are the *primary and secondary purposes of and the need for* the project? For example, the primary purpose may be "to protect property from erosion due to boat wakes" and the secondary purpose may be "to provide safer access to a pier."

primary purpose of project is to protect shoreline of property

secondary purpose of project is to provide access to creek

Part 1 - General Information (continued)

9. Proposed use (check one):

- ☒ Single user (private, non-commercial, residential)
☐ Multi-user (community, commercial, industrial, government)

10. Describe alternatives considered and the measures that will be taken to avoid and minimize impacts, to the maximum extent practicable, to wetlands, surface waters, submerged lands, and buffer areas associated with any disturbance (clearing, grading, excavating) during and after project construction. *Please be advised that unavoidable losses of tidal wetlands and/or aquatic resources may require compensatory mitigation.*

Timber mats used in sensitive areas. Waterborne barges used for most construction

11. Is this application being submitted for after-the-fact authorization for work which has already begun or been completed? ☐ Yes ☒ No. If yes, be sure to clearly depict the portions of the project which are already complete in the project drawings.

12. Approximate cost of the entire project (materials, labor, etc.): \$ 75,000.00
Approximate cost of that portion of the project that is channelward of mean low water:
\$ 60,000.00

13. Completion date of the proposed work: 2020 - _____

14. Adjacent Property Owner Information: List the name and complete **mailing address**, including zip code, of each adjacent property owner to the project. (NOTE: If you own the adjacent lot, provide the requested information for the first adjacent parcel beyond your property line.) Failure to provide this information may result in a delay in the processing of your application by VMRC.

Williamsburg Landing Inc
5700 Williamsburg Landing Drive
Williamsburg, Va 23185-3779

Williamsburg-Jamestown Airport, Inc
100 Marclay Road
Williamsburg, VA 23185-3723

Part 2 - Signatures

1. Applicants and property owners (if different from applicant).

NOTE: REQUIRED FOR ALL PROJECTS

PRIVACY ACT STATEMENT: The Department of the Army permit program is authorized by Section 10 of the Rivers and Harbors Act of 1899, Section 404 of the Clean Water Act, and Section 103 of the Marine Protection Research and Sanctuaries Act of 1972. These laws require that individuals obtain permits that authorize structures and work in or affecting navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters prior to undertaking the activity. Information provided in the Joint Permit Application will be used in the permit review process and is a matter of public record once the application is filed. Disclosure of the requested information is voluntary, but it may not be possible to evaluate the permit application or to issue a permit if the information requested is not provided.

CERTIFICATION: I am hereby applying for all permits typically issued by the DEQ, VMRC, USACE, and/or Local Wetlands Boards for the activities I have described herein. I agree to allow the duly authorized representatives of any regulatory or advisory agency to enter upon the premises of the project site at reasonable times to inspect and photograph site conditions, both in reviewing a proposal to issue a permit and after permit issuance to determine compliance with the permit.

In addition, I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Short Neck LLC

Applicant's Legal Name (printed/typed)

(Use if more than one applicant)

X Larry T. Waltrip
Applicant's Signature

(Use if more than one applicant)

5/28/2020
Date

Larry T. Waltrip
Property Owner's Legal Name (printed/typed)
(If different from Applicant)

(Use if more than one owner)

Larry T. Waltrip
Property Owner's Signature

(Use if more than one owner)

5/28/2020
Date

Part 2 – Signatures (continued)

2. Applicants having agents (if applicable)

CERTIFICATION OF AUTHORIZATION

I (we), Short Neck LLC, hereby certify that I (we) have authorized Larry Waltrip
(Applicant's legal name(s)) (Agent's name(s))
to act on my behalf and take all actions necessary to the processing, issuance and acceptance of this permit and any and all
standard and special conditions attached.

We hereby certify that the information submitted in this application is true and accurate to the best of our knowledge.

X Larry Waltrip
(Agent's Signature)

(Use if more than one agent)

(Date)

X Larry Waltrip
(Applicant's Signature)

(Use if more than one applicant)

5/28/2020
(Date)

3. Applicant's having contractors (if applicable)

CONTRACTOR ACKNOWLEDGEMENT

I (we), Short Neck LLC, have contracted Water's Edge Construction
(Applicant's legal name(s)) (Contractor's name(s))
to perform the work described in this Joint Permit Application, signed and dated _____.

We will read and abide by all conditions set forth in all Federal, State and Local permits as required for this project. We understand that failure to follow the conditions of the permits may constitute a violation of applicable Federal, state and local statutes and that we will be liable for any civil and/or criminal penalties imposed by these statutes. In addition, we agree to make available a copy of any permit to any regulatory representative visiting the project to ensure permit compliance. If we fail to provide the applicable permit upon request, we understand that the representative will have the option of stopping our operation until it has been determined that we have a properly signed and executed permit and are in full compliance with all terms and conditions.

Water's Edge Construction

Contractor's name or name of firm

P.O Box 352 Toano, VA 23168

Daniel K. Smith President
Larry Waltrip
Contractor's signature and title

Contractor's or firms address

2705029454-A

X Larry Waltrip
Applicant's signature

Contractor's License Number

(use if more than one applicant)

5/28/2020
Date

Part 3 – Appendices

Please complete and submit the appendix questions applicable to your project, and attach the required vicinity map(s) and drawings to your application. If an item does not apply to your project, please write "N/A" in the space provided.

Appendix A: (TWO PAGES) Projects for Access to the water such as private and community piers, boathouses, marinas, moorings, and boat ramps. Answer all questions that apply.

1. Briefly describe your proposed project.

Install 200'-0" long North Riprap revetment overlay on top of existing broken concrete revetment. Install 75'-0" long bulkhead, install 20'-0" bulkhead with 7'-0" long return wall, install 20'-0" long retaining wall, install a 8'-0" wide x 20'-0" long deck on top of 20'-0" long bulkhead and retaining wall, install 200'-0" long South Riprap revetment, install a 136'-0" long x 8'-0" wide floating pier with 5'-5'-0" wide x 10'-0" long finger piers and two Class B anchor piles, install a dual slip 33'-0" wide x 40'-0" long open sided boathouse with 5'-0" wide walkways on each side and 12'-0" x 33'-0" inboard deck over proposed Riprap revetment

2. For private, noncommercial piers:

Do you have an existing pier on your property? ☒ Yes ☐ No

If yes, will it be removed? ☒ Yes ☐ No

Is your lot platted to the mean low water shoreline? ☒ Yes ☐ No

What is the overall length of the proposed structure? 136 feet.

Channelward of Mean High Water? 40 feet.

Channelward of Mean Low Water? 36 feet.

What is the area of the piers and platforms that will be constructed over

Tidal non-vegetated wetlands 556 square feet.

Tidal vegetated wetlands _____ square feet.

Submerged lands 1338 square feet.

What is the total size of any and all L- or T-head platforms? 1894 sq. ft.

For boathouses, what is the overall size of the roof structure? 1320 sq. ft.

Will your boathouse have sides? ☐ Yes ☐ No.

NOTE: All proposals for piers, boathouses and shelter roofs must be reviewed by the Virginia Marine Resources Commission (Commission or VMRC), however, pursuant to § 28.2-1203 A 5 of the Code of Virginia a VMRC permit may not be required for such structures (except as required by subsection D of § 28.2-1205 for piers greater than 100 feet in length involving commercially productive leased oyster or clam grounds), provided that (i) the piers do not extend beyond the navigation line or private pier lines established by the Commission or the United States Army Corps of Engineers (USACE), (ii) the piers do not exceed six feet in width and finger piers do not exceed five feet in width, (iii) any L or T head platforms and appurtenant floating docking platforms do not exceed, in the aggregate, 400 square feet, (iv) if prohibited by local ordinance open-sided shelter roofs or gazebo-type structures shall not be placed on platforms as described in clause (iii), but may be placed on such platforms if not prohibited by local ordinance, and (v) the piers are determined not to be a navigational hazard by the Commission. Subject to any applicable local ordinances, such piers may include an attached boat lift and an open-sided roof designed to shelter a single boat slip or boat lift. In cases in which open-sided roofs designed to shelter a single boat, boat slip or boat lift will exceed 700 square feet in coverage or the open-sided shelter roofs or gazebo structures exceed 400 square feet, and in cases in which an adjoining property owner objects to a proposed roof structure, permits shall be required as provided in § 28.2-1204.

Part 3 – Appendices (continued)

3. **For USACE permits**, in cases where the proposed pier will encroach beyond one fourth the waterway width (as determined by measuring mean high water to mean high water or ordinary high water mark to ordinary high water mark), the following information must be included before the application will be considered complete. For an application to be considered complete:
- The USACE MAY require depth soundings across the waterway at increments designated by the USACE project manager. Typically 10-foot increments for waterways less than 200 feet wide and 20-foot increments for waterways greater than 200 feet wide with the date and time the measurements were taken and how they were taken (e.g., tape, range finder, etc.).
 - The applicant **MUST** provide a justification as to purpose if the proposed work would extend a pier greater than one-fourth of the distance across the open water measured from mean high water or the channelward edge of the wetlands.
 - The applicant **MUST** provide justification if the proposed work would involve the construction of a pier greater than five feet wide or less than four feet above any wetland substrate.
4. Provide the type, size, and registration number of the vessel(s) to be moored at the pier or mooring buoy.

Type	Length	Width	Draft	Registration #
Power 18'-0" 8'-0" VA9144BF	Power 22'-6" 8'-0" VA3829AV	Power 23'-6" 8'-0" VA4565AV	Power 18'-6 7'-0" VA 9400BD	
Power 21'-0" 8'-0" VA 9701AY	Power 19'-6" 8'-0" VA1832BT	Power 11'-0" 4'-0" VA822BA		
Power 30'-0" 9'-0" VA6665CB	Power 25'-0" 10'-0" VA9385YY			

5. **For Marinas, Commercial Piers, Governmental Piers, Community Piers and other non-private piers**, provide the following information:
- Have you obtained approval for sanitary facilities from the Virginia Department of Health? _____ (required pursuant to Section 28.2-1205 C of the Code of Virginia).
 - Will petroleum products or other hazardous materials be stored or handled at your facility? _____.
 - Will the facility be equipped to off-load sewage from boats? _____.
 - How many wet slips are proposed? _____. How many are existing? _____.
 - What is the area of the piers and platforms that will be constructed over
 - Tidal non-vegetated wetlands _____ square feet
 - Tidal vegetated wetlands _____ square feet
 - Submerged lands _____ square feet
6. For **boat ramps**, what is the overall length of the structure? _____ feet.
- From Mean High Water? _____ feet.
- From Mean Low Water? _____ feet.

Note: drawings must include the construction materials, method of installation, and all dimensions. If tending piers are proposed, complete the pier portion.

Note: If dredging or excavation is required, you must complete the Standard Joint Point Permit application.

Part 3 – Appendices (continued)

Appendix B: Projects for Shoreline Stabilization in tidal wetlands, tidal waters and dunes/beaches including riprap revetments and associated backfill, marsh toe stabilization, bulkheads and associated backfill, breakwaters, beach nourishment, groins, jetties, and living shoreline projects. Answer all questions that apply. Please provide any reports provided from the Shoreline Erosion Advisory Service or VIMS.

NOTE: It is the policy of the Commonwealth that living shorelines are the preferred alternative for stabilizing tidal shorelines (Va. Code § 28.2-104.1). **Information on non-structural, vegetative alternatives (i.e., Living Shoreline) for shoreline stabilization is available at http://ccrm.vims.edu/coastal_zone/living_shorelines/index.html.**

1. Describe each **revetment, bulkhead, marsh toe, breakwater, groin, jetty, other structure, or living shoreline project** separately in the space below. Include the overall length in linear feet, the amount of impacts in acres, and volume of associated backfill below mean high water and/or ordinary high water in cubic yards, as applicable:

Install 200'-0" long North Riprap revetment overlay on top of existing broken concrete revetment. Install 75'-0" long bulkhead, install 20'-0" bulkhead with 7'-0" long return wall, install 20'-0" long retaining wall, install 200'-0" long South Riprap revetment,

2. What is the maximum encroachment channelward of mean high water? 10 feet.
Channelward of mean low water? 3 feet.
Channelward of the back edge of the dune or beach? N/A feet.
3. Please calculate the square footage of encroachment over:
 - Vegetated wetlands square feet
 - Non-vegetated wetlands 1600 square feet
 - Subaqueous bottom 1200 square feet
 - Dune and/or beach square feet

4. For bulkheads, is any part of the project maintenance or replacement of a previously authorized, currently serviceable, existing structure? Yes ^x No.

If yes, will the construction of the new bulkhead be no further than two (2) feet channelward of the existing bulkhead? Yes No.

If no, please provide an explanation for the purpose and need for the additional encroachment.

Part 3 – Appendices (continued)

5. Describe the type of construction and **all** materials to be used, including source of backfill material, if applicable (e.g., vinyl sheet-pile bulkhead, timber stringers and butt piles, 100% sand backfill from upland source; broken concrete core material with Class II quarry stone armor over filter cloth).

NOTE: Drawings must include construction details, including dimensions, design and all materials, including fittings if used.

Revetments: VDOT #1 bedding stone Class 1 armor stone, Non- woven geotextile fabric
Bulkhead and retaining wall: 10" butt fender piles, 4"x6" wale 2"x8" T&G timber sheet pile , 8"
diameter anchor piles; geotextile filter fabric. All timber material 2.5CCA. all fasteners H.D.G

6. If using stone, broken concrete, etc. for your structure(s), what is the average weight of the:

Core (inner layer) material 10 pounds per stone Class size VDOT #1

Armor (outer layer) material 150 pounds per stone Class size 1

7. For **beach nourishment**, including that associated with breakwaters, groins or other structures, provide the following:

- Volume of material _____ cubic yards channelward of mean low water
- _____ cubic yards landward of mean low water
- _____ cubic yards channelward of mean high water
- _____ cubic yards landward of mean high water

- Area to be covered _____ square feet channelward of mean low water
 _____ square feet landward of mean low water
 _____ cubic yards channelward of mean high water
 _____ cubic yards landward of mean high water

- Source of material, composition (e.g. 90% sand, 10% clay): _____
- Method of transportation and placement: _____

- Describe any proposed vegetative stabilization measures to be used, including planting schedule, spacing, monitoring, etc. Additional guidance is available at <http://www.vims.edu/about/search/index.php?q=planting+guidelines>:

$$\frac{EBB \rightarrow}{E1000}$$

BOATHOUSE WITH (3) 4' WIDE

PROPOSED 136'-0" LONG X 8'-0" WIDE FLOATING PIER
(5) 5x10 CATWALKS OUTBOARD SIDE

FLOAT A

PROPOSED 20' BULKHEAD 7' RETURN WALL

20' RETAINING WALL

100

NEW YORK
TO REMAIN UNCLASSIFIED

12' x 33' INBOARD
BOATHOUSE DECK
(COVER RIRRAP)

EXISTING GRAVEL LOT

PROPOSED 75' LONG BULKHEAD

PROPOSED 200' LONG RIPRAP RETENTION

SOUTH

25.59 AC ROBERTS DIST RB

SHORT NECK LLE

PARCEL ID 4820100012

20 MARCLAY ROAD

WILLIAMSBURG VA 23185

AP0 #1 WILLIAMS BROS LANDING INC

APD#2 WILLIAMS BUREAU - JAMES TOWN AIRPORT INC

PLAN VIEW OF PROPOSED BULKHEAD

NORTH REVELEMENT, SOUTH REVELEMENT, FLOATING PIER, DECKS

BOATHOUSE & REMAINING WALL

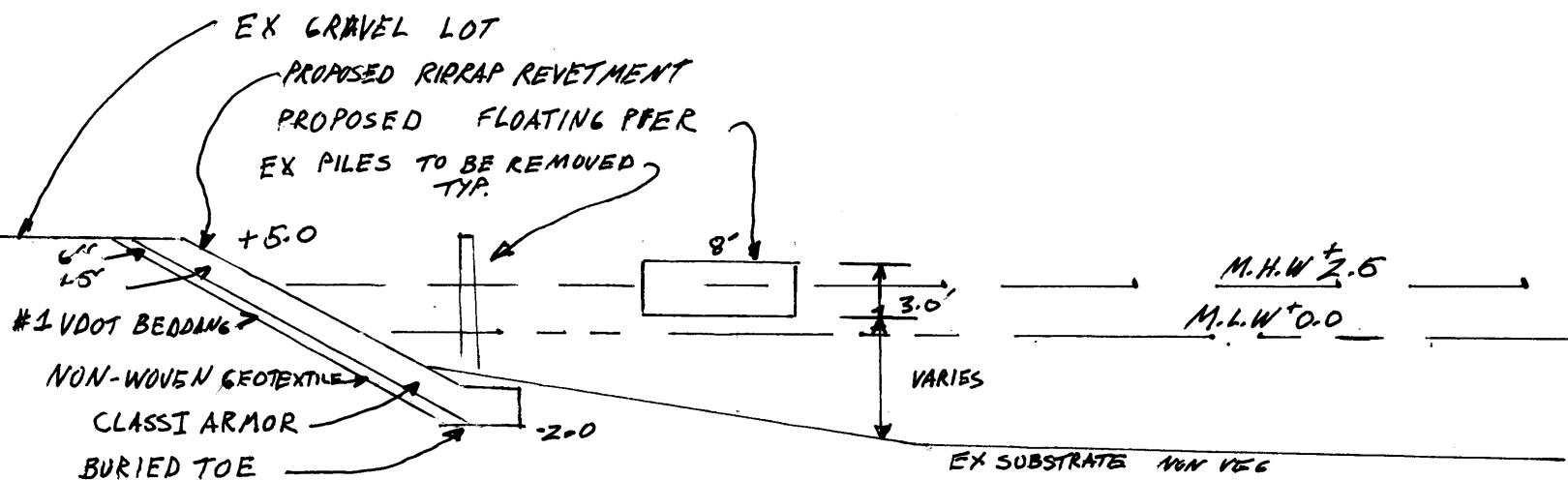
SHORT NECK LLC

DRW BY DRW 06/01/2020

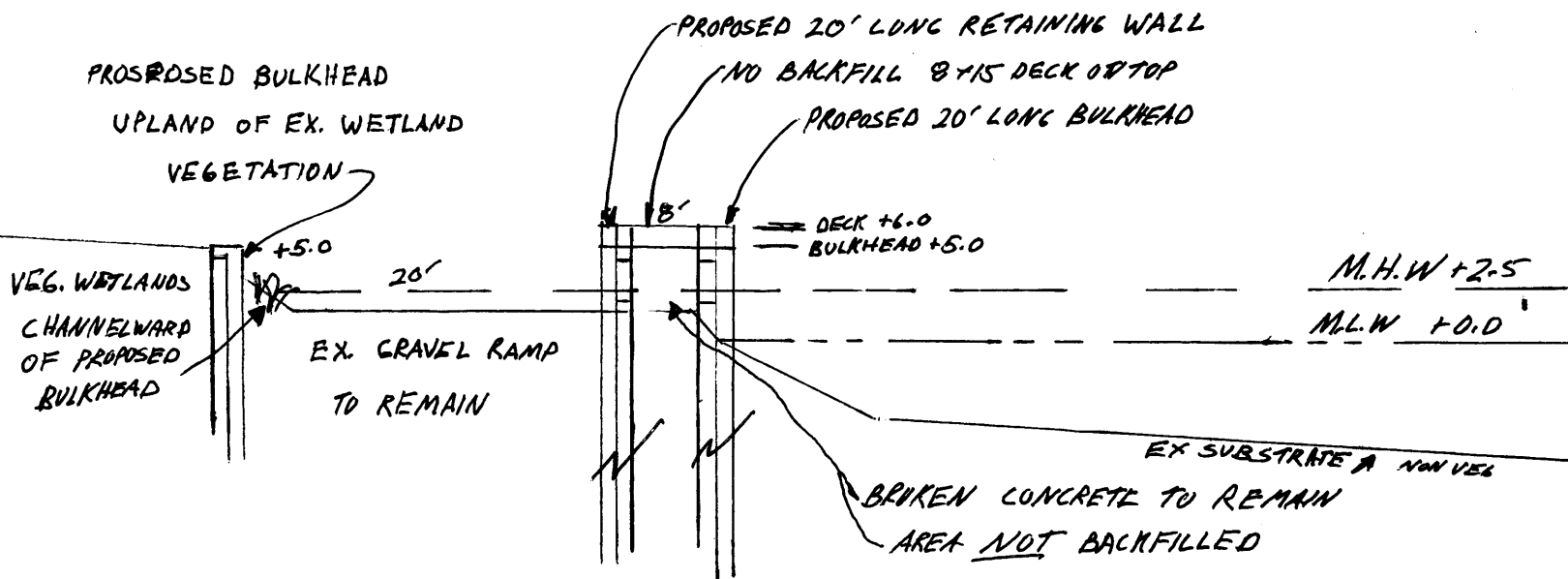
DATING M.L.V.

SCALE 1" = 60'-0"

P1 # 074



SECTION A-A NORTH REVETMENT FLOATING PIER

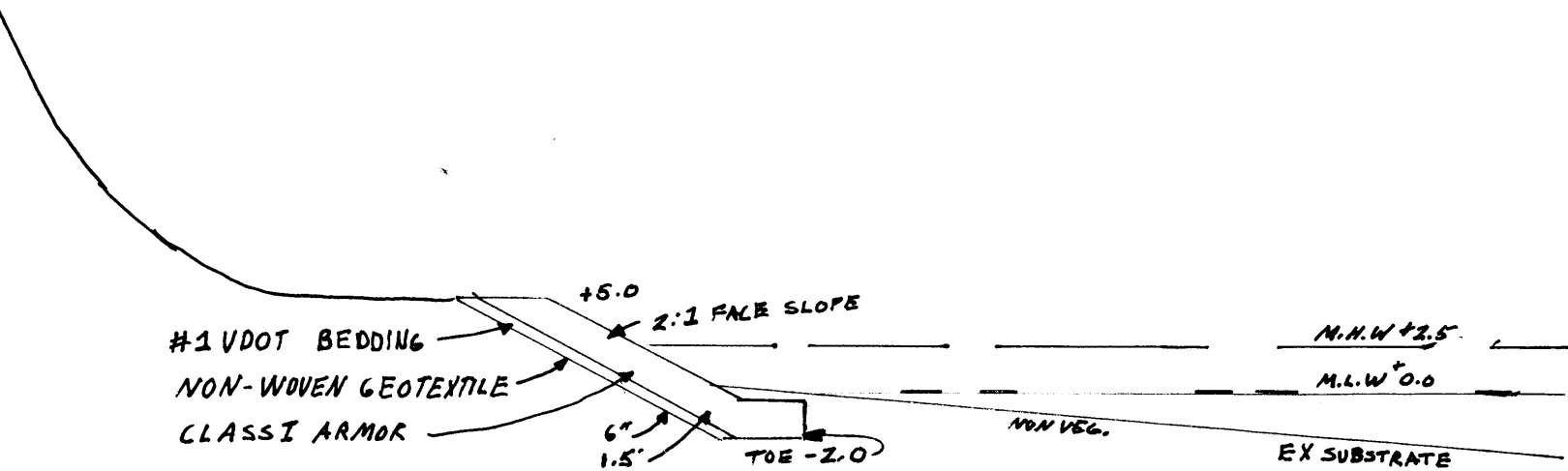


SECTION BB BULKHEAD, RETAINING WALL GRAVEL RAMP AREA

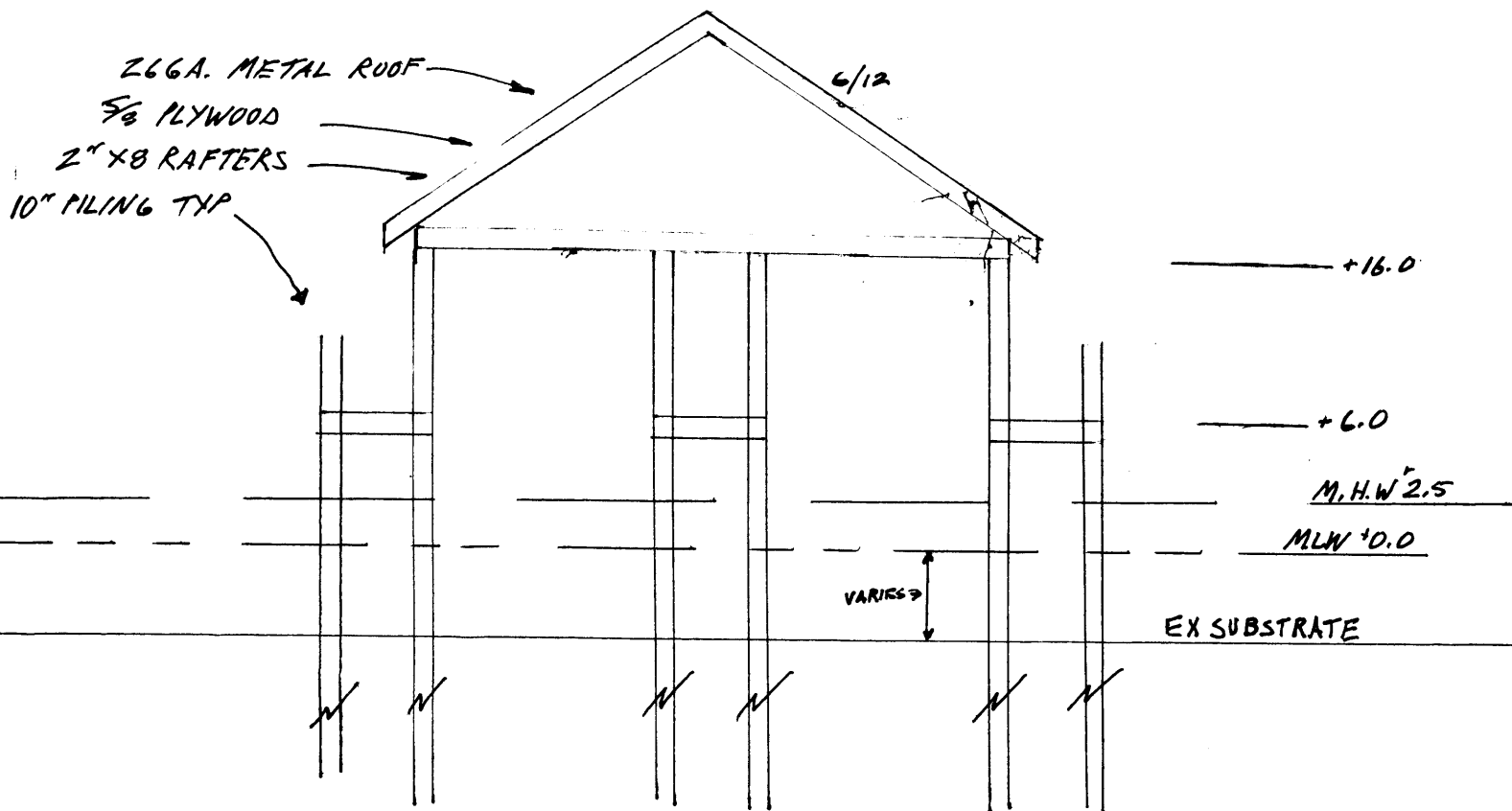
APD #1 WILLIAMSBURG LANDING
 APD #2 WILLIAMSBURG-JAMESTOWN
 AIRPORT INC
 06/01/2020

SECTION VIEWS A-B
 SHORT NECK LLC

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 SCALE 1"=10'-0"
 PG 2 OF 4



SECTION C-C 1" = 10'-0" SOUTH REVETMENT



SECTION D-D 1" = 10'-0" BOATHOUSE

APD #1 WILLIAMSBURG L.D. INC
 APD # WILLIAMSBURG-JAMESTOWN
 AIRPORT INC
 06/01/2020

SECTION VIEWS C & D
 SHORT NECK LLC

DRW BY DRW
 DATUM M.L.W
 SCALE 1" = 10'-0"
 P6 3 OF 4

#050018406

Source of Title

THE PROPERTIES SHOWN ON THIS PLAT WERE CONVEYED TO WILLIAMSBURG-JAMESTOWN AIRPORT, INC. BY DEED DATED FEBRUARY 1, 1970, IN DEED BOOK 433, PAGE 114, TO MARY S. WALTRIP BY DEED DATED JULY 5, 1944, IN DEED BOOK 37, PAGE 122, AND TO ANDERSON, FRANK & AL, BY DEED DATED DECEMBER 7, 1953, IN DEED BOOK 433, PAGE 114. THE PLAT IS A PART OF THE OFFICIAL RECORD OF THE COUNTY OF JAMES CITY, VIRGINIA.

Surveyor's Certification

I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT, AND THAT I AM A LICENSED SURVEYOR IN THE STATE OF VIRGINIA.

Tracy de la Cruz - Tracy de la Cruz
DATE: 8-2-05

COLLEGE CREEK

Legend

• 80' R/W ROAD

General Notes

1. PROPERTY HAS BEEN SURVEYED HEREON, AND THE PLAT IS A PART OF THE OFFICIAL RECORD OF THE COUNTY OF JAMES CITY, VIRGINIA.
2. TAX PARCEL: 48-021-541 N. JAMES CITY COUNTY, VIRGINIA.
3. ADDRESS: 100 MARCLAY ROAD "AIRPORT PROPERTY"
4. METRIC: VIRGINIA STATE PLANE COORDINATE SYSTEM - SOUTH 27ME (2003) ADJUSTED ON JAMES CITY COUNTY CONTROL POINTS STATION 32 AND ITS ADJUTANT MARK.
5. STATION: 42.42
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Owner's Consent

THE PLATING OF THE LAND SHOWN HEREON IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE TERMS OF THE UNDERNOTED OWNER AND THE SUBDIVISION JURISDICTION OF JAMES CITY COUNTY, VIRGINIA.

IN WITNESS WHEREOF, I HEREBY PLACE THE FOLLOWING SIGNATURES AND SEALS:

Larry S. Waltrip
LARRY S. WALTRIP
DATE: 8-2-05

Mary S. Waltrip
MARY S. WALTRIP
DATE: 8-2-05

Anderson, Frank & Al
ANDERSON, FRANK & AL
DATE: 8-2-05

William P. Robinson
WILLIAM P. ROBINSON
DATE: 8-2-05

Tracy de la Cruz
TRACY DE LA CRUZ
DATE: 8-2-05

William P. Robinson
WILLIAM P. ROBINSON
DATE: 8-2-05

Owner's Consent

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IN WITNESS WHEREOF, I HEREBY PLACE THE FOLLOWING SIGNATURES AND SEALS:

Larry S. Waltrip
LARRY S. WALTRIP
DATE: 8-2-05

Mary S. Waltrip
MARY S. WALTRIP
DATE: 8-2-05

Anderson, Frank & Al
ANDERSON, FRANK & AL
DATE: 8-2-05

William P. Robinson
WILLIAM P. ROBINSON
DATE: 8-2-05

Tracy de la Cruz
TRACY DE LA CRUZ
DATE: 8-2-05

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IN WITNESS WHEREOF, I HEREBY PLACE THE FOLLOWING SIGNATURES AND SEALS:

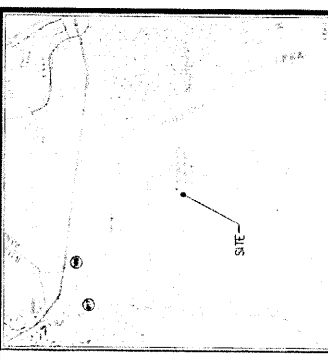
Larry S. Waltrip
LARRY S. WALTRIP
DATE: 8-2-05

Mary S. Waltrip
MARY S. WALTRIP
DATE: 8-2-05

Anderson, Frank & Al
ANDERSON, FRANK & AL
DATE: 8-2-05

William P. Robinson
WILLIAM P. ROBINSON
DATE: 8-2-05

Tracy de la Cruz
TRACY DE LA CRUZ
DATE: 8-2-05



VICINITY MAP
(NOT TO SCALE)

General Notes

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Owner's Consent

THE PLATING OF THE LAND SHOWN HEREON IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE TERMS OF THE UNDERNOTED OWNER AND THE SUBDIVISION JURISDICTION OF JAMES CITY COUNTY, VIRGINIA.

IN WITNESS WHEREOF, I HEREBY PLACE THE FOLLOWING SIGNATURES AND SEALS:

Larry S. Waltrip
LARRY S. WALTRIP
DATE: 8-2-05

Mary S. Waltrip
MARY S. WALTRIP
DATE: 8-2-05

Anderson, Frank & Al
ANDERSON, FRANK & AL
DATE: 8-2-05

William P. Robinson
WILLIAM P. ROBINSON
DATE: 8-2-05

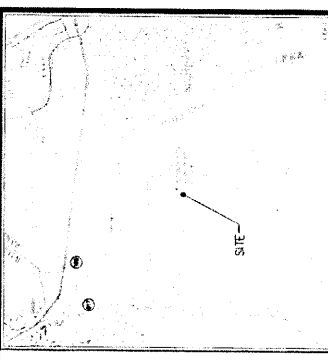
Tracy de la Cruz
TRACY DE LA CRUZ
DATE: 8-2-05

William P. Robinson
WILLIAM P. ROBINSON
DATE: 8-2-05

Tracy de la Cruz
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DATE: 8-2-05

William P. Robinson
WILLIAM P. ROBINSON
DATE: 8-2-05

Tracy de la Cruz
TRACY DE LA CRUZ
DATE: 8-2-05



VICINITY MAP
(NOT TO SCALE)

General Notes

1. PROPERTY HAS BEEN SURVEYED HEREON, AND THE PLAT IS A PART OF THE OFFICIAL RECORD OF THE COUNTY OF JAMES CITY, VIRGINIA.
2. TAX PARCEL: 48-021-541 N. JAMES CITY COUNTY, VIRGINIA.
3. ADDRESS: 100 MARCLAY ROAD "AIRPORT PROPERTY"
4. METRIC: VIRGINIA STATE PLANE COORDINATE SYSTEM - SOUTH 27ME (2003) ADJUSTED ON JAMES CITY COUNTY CONTROL POINTS STATION 32 AND ITS ADJUTANT MARK.
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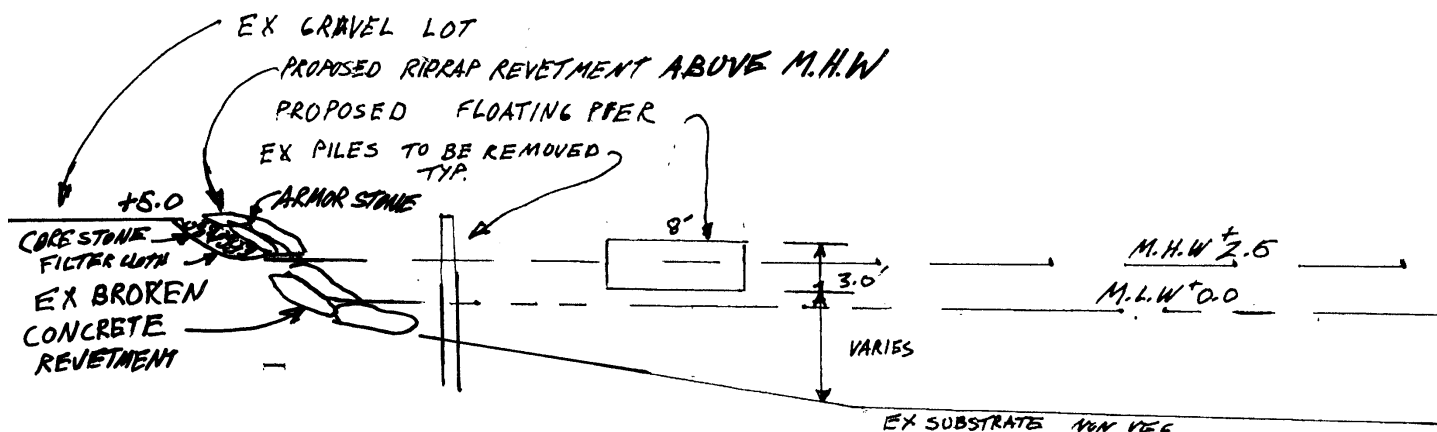
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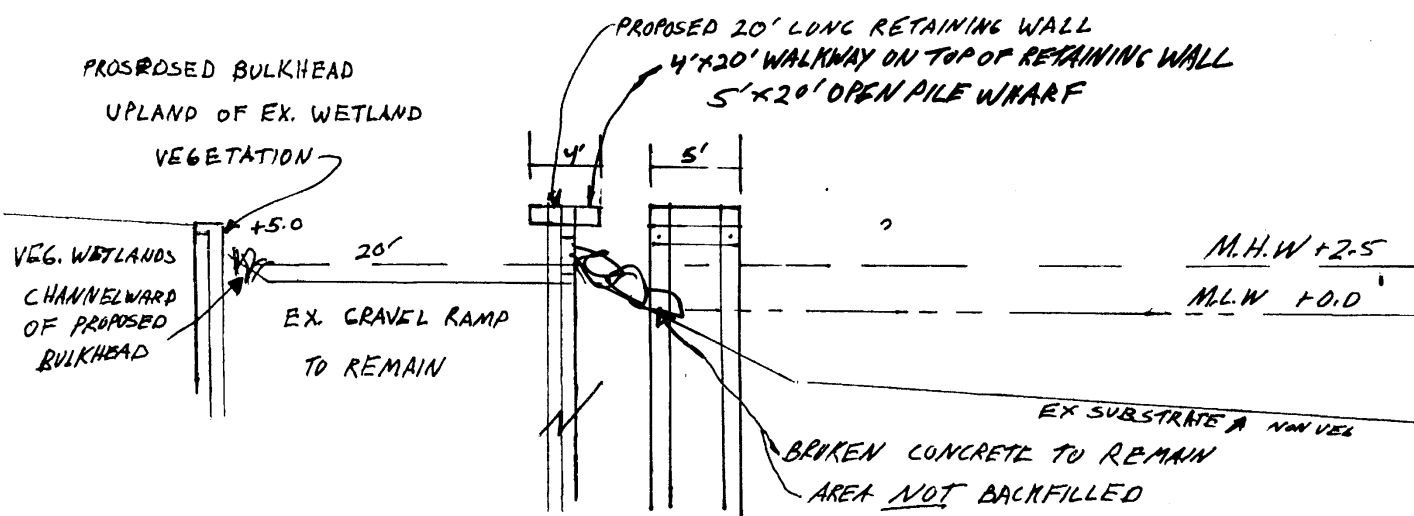
From: [Daniel Winall](#)
To: jpa.permits@mrc.virginia.gov
Cc: [Jeffrey Madden](#)
Subject: revisions to VMRC #20-1053
Date: Wednesday, August 26, 2020 3:20:56 PM
Attachments: [File0807.PDF](#)

Thanks,

Daniel R. Winall
President
Water's Edge Construction
P.O. Box 352
Toano, VA 23168
Phone: 757-566-0149
Email: dwinall@wecmarine.com
www.wecmarine.com



SECTION A-A NORTH REVETMENT FLOATING PIER

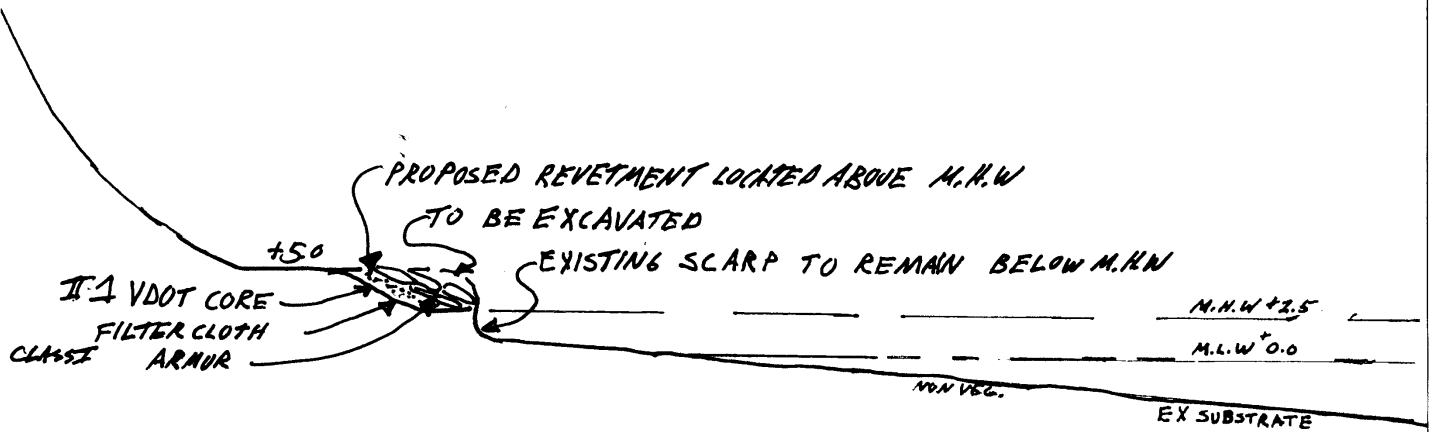


SECTION BB BULKHEAD, RETAINING WALL GRAVEL RAMP AREA

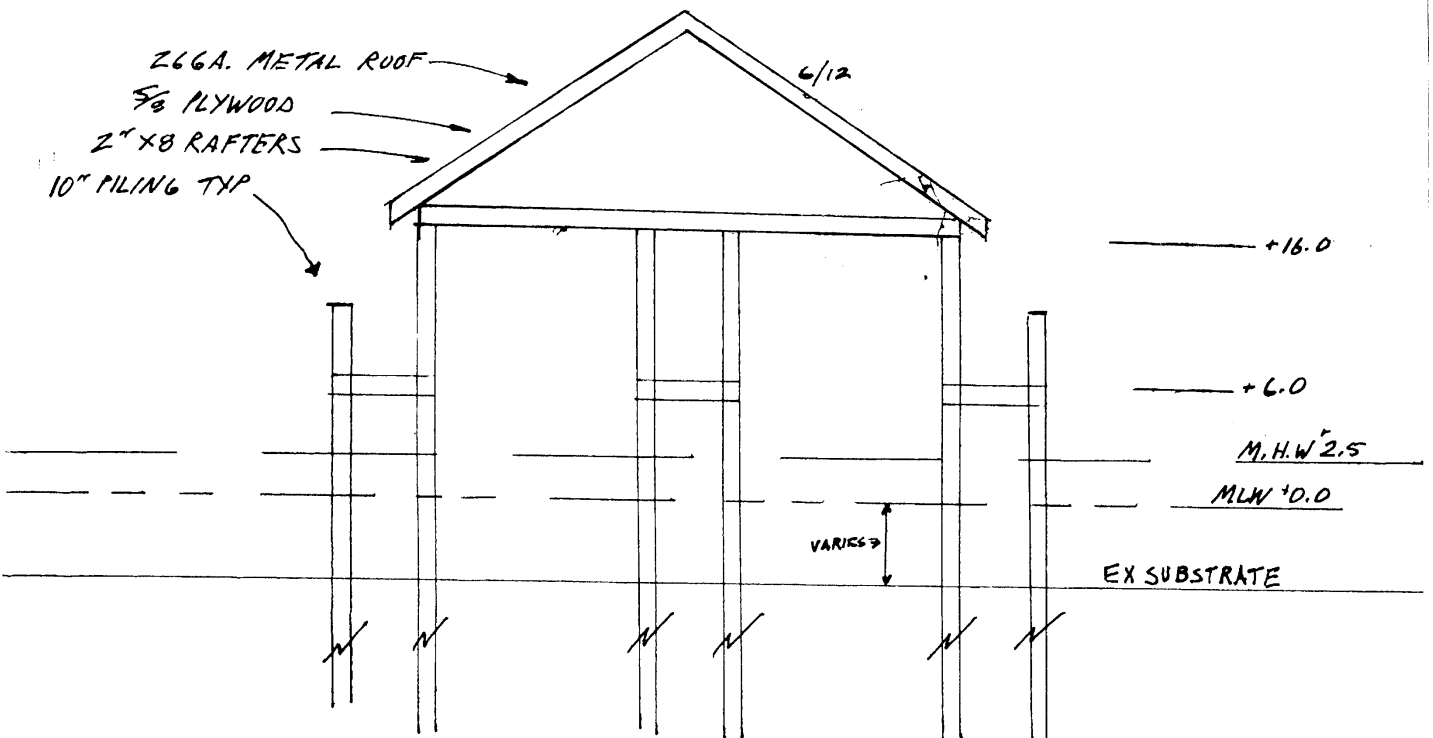
APD #1 WILLIAMSBURG LANDING
APD #2 WILLIAMSBURG-JAMESTOWN
AIRPORT INCL
08/01/2020

SECTION VIEWS A-A B
SHORT NECK LLC

DRW BY DRW
DATUM M.L.W
SCALE 1"=10'-0"
PG 2 OF 4



SECTION C-C 1" = 10'-0" SOUTH REVETMENT



SECTION D-D 1" = 10'-0" BOATHOUSE

APD #1 WILLIAMSBURG L.D. INC
 APD # WILLIAMSBURG-JAMESTOWN
 AIRPORT INC
 06/01/2020

SECTION VIEWS C & D,
 SHORT NECK LLC

DRW BY DRW
 DATUM M.L.W
 SCALE 1" = 10'-0"
 PG 3 OF 4

Part 3 – Appendices (continued)

Appendix B: Projects for Shoreline Stabilization in tidal wetlands, tidal waters and dunes/beaches including riprap revetments and associated backfill, marsh toe stabilization, bulkheads and associated backfill, breakwaters, beach nourishment, groins, jetties, and living shoreline projects. Answer all questions that apply. Please provide any reports provided from the Shoreline Erosion Advisory Service or VIMS.

NOTE: It is the policy of the Commonwealth that living shorelines are the preferred alternative for stabilizing tidal shorelines (Va. Code § 28.2-104.1). **Information on non-structural, vegetative alternatives (i.e., Living Shoreline) for shoreline stabilization is available at http://ccrm.vims.edu/coastal_zone/living_shorelines/index.html.**

1. Describe each **revetment, bulkhead, marsh toe, breakwater, groin, jetty, other structure, or living shoreline project** separately in the space below. Include the overall length in linear feet, the amount of impacts in acres, and volume of associated backfill below mean high water and/or ordinary high water in cubic yards, as applicable:

Install 200'-0" long North Riprap revetment upland of existing broken concrete revetment.
Install 75'-0" long bulkhead, install 20'-0" long retaining wall, install 200'-0" long South Riprap revetment,

2. What is the maximum encroachment channelward of mean high water? 0 feet.
Channelward of mean low water? 0 feet.
Channelward of the back edge of the dune or beach? N/A feet.

3. Please calculate the square footage of encroachment over:

- Vegetated wetlands square feet
- Non-vegetated wetlands 0 square feet
- Subaqueous bottom 0 square feet
- Dune and/or beach square feet

4. For bulkheads, is any part of the project maintenance or replacement of a previously authorized, currently serviceable, existing structure? Yes **x** No.

If yes, will the construction of the new bulkhead be no further than two (2) feet channelward of the existing bulkhead? Yes No.

If no, please provide an explanation for the purpose and need for the additional encroachment.

Part 3 – Appendices (continued)

5. Describe the type of construction and **all** materials to be used, including source of backfill material, if applicable (e.g., vinyl sheet-pile bulkhead, timber stringers and butt piles, 100% sand backfill from upland source; broken concrete core material with Class II quarry stone armor over filter cloth).

NOTE: Drawings must include construction details, including dimensions, design and all materials, including fittings if used.

Revetments: VDOT #1 bedding stone Class 1 armor stone, Non- woven geotextile fabric
Bulkhead and retaining wall: 10" butt fender piles, 4"x6" wale 2"x8" T&G timber sheet pile , 8" diameter anchor piles; geotextile filter fabric. All timber material 2.5CCA. all fasteners H.D.G

6. If using stone, broken concrete, etc. for your structure(s), what is the average weight of the:
Core (inner layer) material .10 pounds per stone Class size VDOT #1
Armor (outer layer) material 150 pounds per stone Class size 1
7. For **beach nourishment**, including that associated with breakwaters, groins or other structures, provide the following:

- Volume of material _____ cubic yards channelward of mean low water
 _____ cubic yards landward of mean low water
 _____ cubic yards channelward of mean high water
 _____ cubic yards landward of mean high water
- Area to be covered _____ square feet channelward of mean low water
 _____ square feet landward of mean low water
 _____ cubic yards channelward of mean high water
 _____ cubic yards landward of mean high water
- Source of material, composition (e.g. 90% sand, 10% clay): _____
- Method of transportation and placement: _____
- Describe any proposed vegetative stabilization measures to be used, including planting schedule, spacing, monitoring, etc. Additional guidance is available at
<http://www.vims.edu/about/search/index.php?q=planting+guidelines>:

Larry Waltrip
100 Lands End Drive
Williamsburg, VA 23185
757-876-8655

September 4, 2020

Subject: Waltrip Marina
20 Marclay Road, Williamsburg.

To: Christy Parish
Zoning Administrator

I am writing to clarify the use of the proposed docks and ramp at my property at 20 Marclay Road, Williamsburg. These docks will be located on my personal property and will be used by my family. I am not collecting a fee for their use and it is not being used for any commercial purpose.

If you need any other information please do not hesitate to contact me at 757-876-8655 or larry@wjairport.com

Thank you for your consideration,

Larry T. Waltrip

From: [Jeffrey Madden](#)
To: jpa.permits@mrc.virginia.gov
Subject: FW: 20 marclay - creek bathymetry
Date: Friday, August 28, 2020 2:35:38 PM
Attachments: [SKM_C45820082716110.pdf](#)
[Scan for Larry Waltrip A.pdf](#)

Attached are revisions to VMRC # 20-1053 (Short Neck LLC)

From: Michael Woolson <Michael.Woolson@jamescitycountyva.gov>
Sent: Thursday, August 27, 2020 4:45 PM
To: Daniel Winall (dwinall@wecmarine.com) <dwinall@wecmarine.com>;
jeff.madden@mrc.virginia.gov
Subject: 20 marclay - creek bathymetry

Here is our data.

Michael Woolson
Senior Watershed Planner



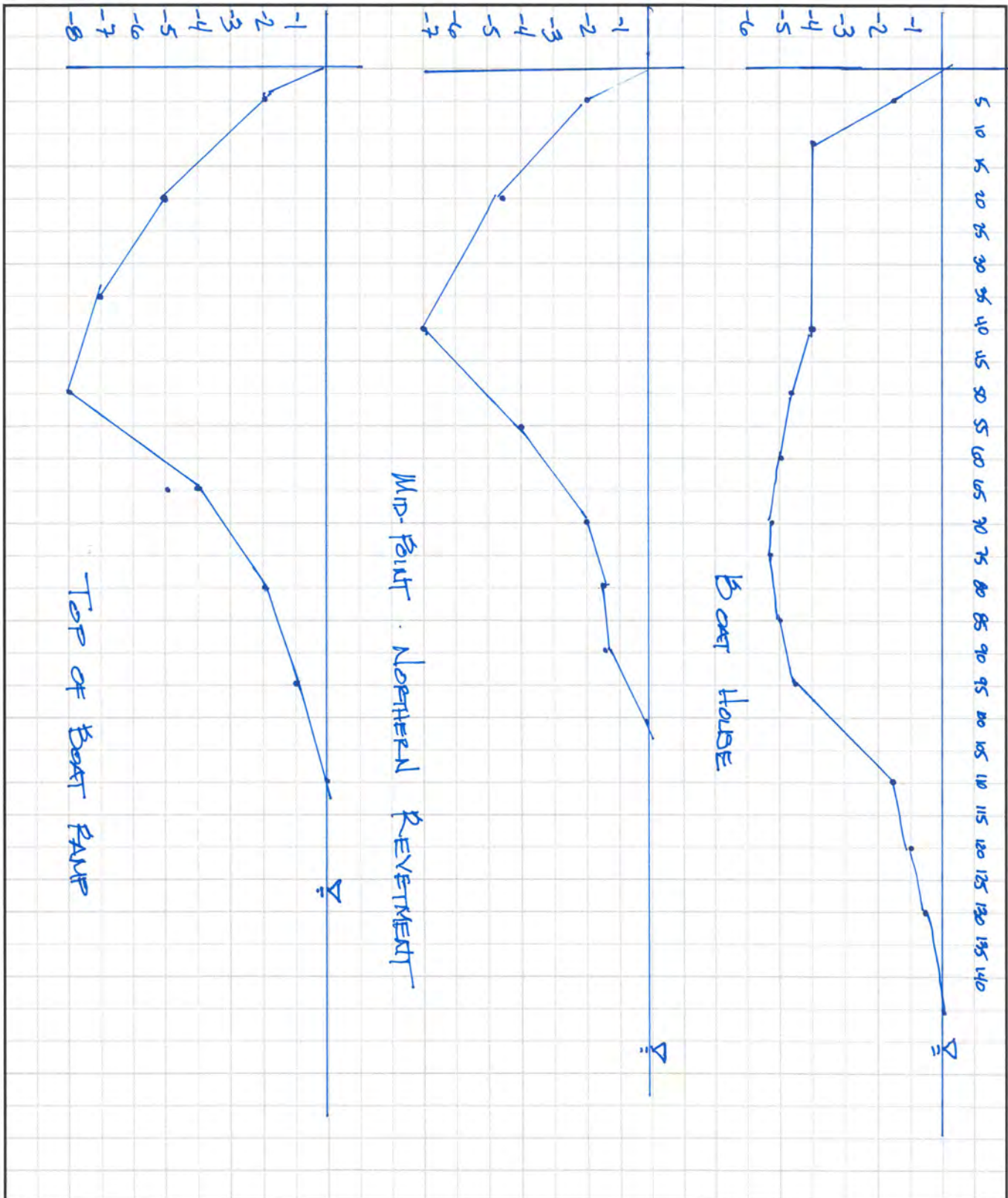
Stormwater and Resource Protection Division
General Services Department
101-E Mounts Bay Road
Williamsburg, VA 23185
P: 757-253-6670
jamescitycountyva.gov

Most permit requests and inquiries can now be handled online
Visit JCC **Permitlink**: <http://www.jamescitycountyva.gov/permitlink>



690 Center Street Suite 300
 Herndon, Virginia 20170
 (703) 481-5900
 www.tritekinc.com

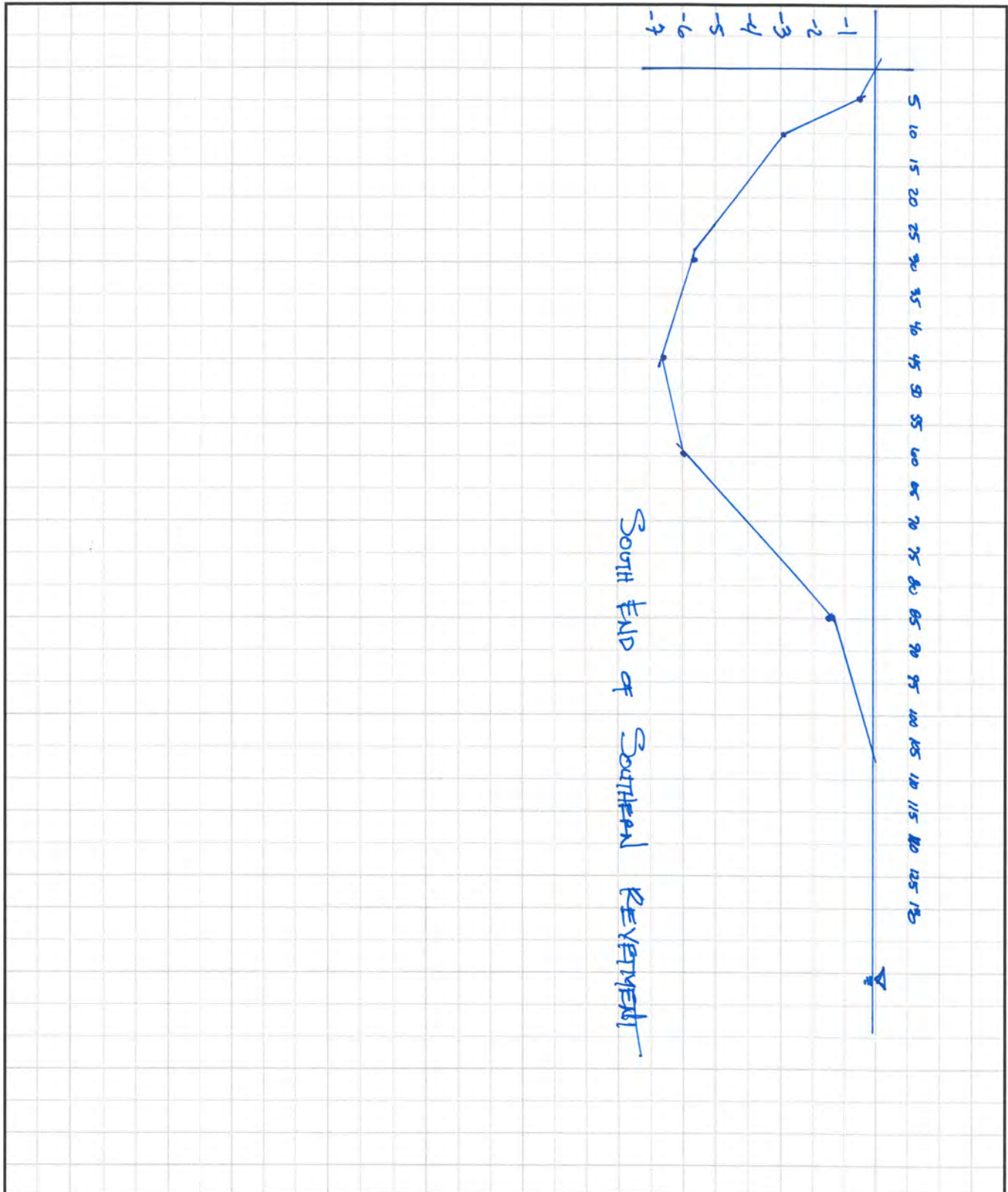
JOB _____
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 CALCULATED BY _____ DATE _____
 CHECKED BY _____ DATE _____
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690 Center Street Suite 300
Herndon, Virginia 20170
(703) 481-5900
www.tritekinc.com

JOB _____
SHEET NO. _____ OF _____
CALCULATED BY _____ DATE _____
CHECKED BY _____ DATE _____
SCALE _____





From: [Jeffrey Madden](#)
To: jpa.permits@mrc.virginia.gov
Subject: FW: Kingspoint Board Letter - Proposed Waltrip Pier/Boathouse
Date: Tuesday, September 1, 2020 8:36:43 AM
Attachments: [VMRC Letter.pdf](#)

Protest VMRC # 20-1053 (Short Neck LLC)

From: Lay, Allison <allison.lay@mrc.virginia.gov>
Sent: Tuesday, September 1, 2020 7:17 AM
To: Jeffrey Madden <jeff.madden@mrc.virginia.gov>
Subject: Fwd: Kingspoint Board Letter - Proposed Waltrip Pier/Boathouse

Sorry about that Jeff. Here is the Kingspoint letter

[Allison Lay](#)
Environmental Engineer
Virginia Marine Resources Commission
380 Fenwick Road, Bldg. 96
Fort Monroe, Virginia 23651
757-247-2254

----- Forwarded message -----

From: **Kingspoint Club** <kppresidents@gmail.com>
Date: Sun, Aug 30, 2020 at 9:36 PM
Subject: Kingspoint Board Letter - Proposed Waltrip Pier/Boathouse
To: <allison.lay@mrc.virginia.gov>, KP Co-presidents <kppresidents@gmail.com>

Good evening Allison,

I'm writing on behalf of the Kingspoint Club Board in Williamsburg with significant concern about the proposed Waltrip Pier/Boathouse development on College Creek (WJPA-20-0023, 20 Marclay Road). We understand that the JCC Wetlands Commission will be considering the proposal in early September, with potential discussion following at the VRMC level.

The attached letter captures the deep concerns that we have. We would be more than happy to answer any questions.

Regards,
J.D. Reeves and Sarah Huber, Co-Presidents, Kingspoint Club Board
Kingspoint Club, Inc, Williamsburg, VA

August 28th, 2020

Virginia Marine Resources Commission
Allison Lay
Environmental Engineer
Fort Monroe, Virginia 23651

Dear VMRC,

The Kingspoint Club is the official governing body that manages the clubhouse, pool, boat launch, and dock for the Kingspoint Community located off of route 199. Our board, which is elected on an annual basis by the Kingspoint Club "stockholders" and represents over 150 households in the Kingspoint Community, provides executive coordination and decision making to Club operations per defined Board bylaws. Our community dock is located directly across College Creek from the proposed Waltrip Marina location. On behalf of our member households, we have the following major concerns regarding the March 2020 proposal to expand the Waltrip Landing site:

- **The proposed project appears to directly restrict navigable access through the deeper Creek waters (see Attachment), which would directly limit the boat accessibility to the broader College Creek/James River by Kingspoint residents and render our boat launch useless.** Kingspoint Club manages the boat launch directly onto College Creek that many residents use for access to broader waterway and connection to the James River. This is only possible due to the deeper areas of the Creek that are free of vegetation and shallow waters.
 - Note: this may also hold true for any Department of Transportation barge/utility repair accessibility to the Rt.199 College Creek Bridge.
- **From the proposal submitted, it appears as though the new development is a commercial marina, not a private dock.**
- **Starting back in March, the Kingspoint community noticed new floating docks being floated in and installed in preparation for landing upgrades.** It is still not clear whether these changes were reviewed and approved by VMRC during that time frame or since (especially with site reviews limited due to COVID-19).
- **The proposed project does not appear to consider the use of a Living Shoreline.** Since 2011, the preference for living shorelines has been law per the Virginia General Assembly (VA Code § 28.2-104.1).
- **The proposed project appears to extend directly into the deeper waters of the creek (see Attachment).** The natural water circulation within the creek is vital to preserving the marine ecosystem health. This particularly true for the deeper water areas of the Creek. The impacts on Creek health need to be better understood before this project should continue.
- **The proposed project would negatively impact the natural undeveloped creek aesthetics.** Our clubhouse, and many Kingspoint residents who have houses facing College Creek, enjoys the undeveloped marsh views and associated wildlife. Residential docks are an acceptable part of

that landscape, but the Waltrip Landing proposal appears to effectively be a small marina. This would result in a serious change to the College Creek appearance and environment. Increased boat usage, due to the operation of the marina, would result in significantly increased noise considerations and impact to the creek vegetation and ecology.


- **Kingspoint Club, which has waterfront property on College Creek across from the proposed project, never received a letter outlining the project and public meeting dates.** Some residents with waterfront property on College Creek did receive a letter, but it was not received until the late July timeframe.

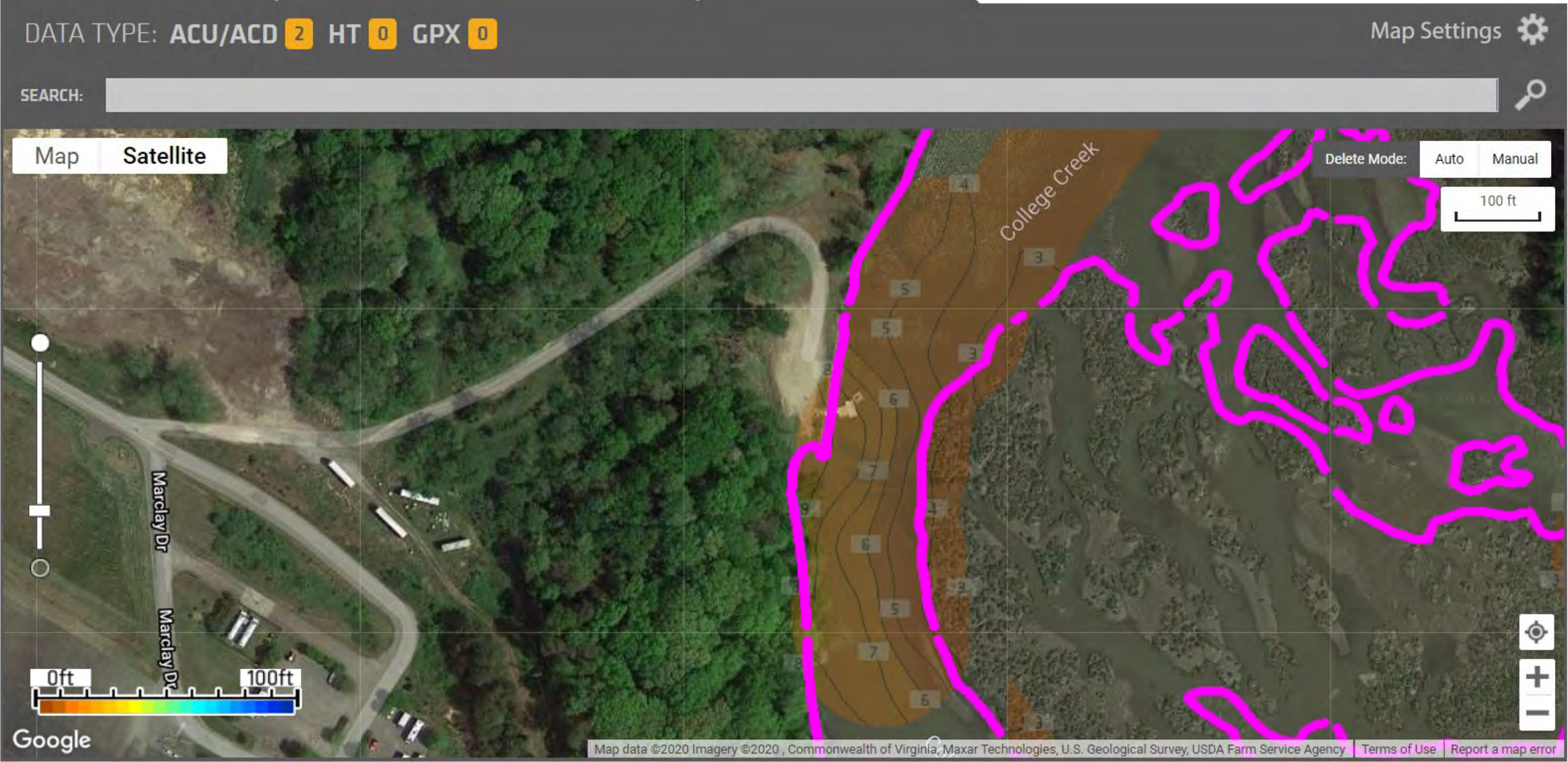
We hope that VMRC takes these concerns into full consideration when reviewing the Waltrip Landing proposal. We would appreciate invitation to any and all deliberations that the Board schedules pertaining to this proposed project.

Sincerely,

Kingspoint Club Board


Co-President


Co-President



From: [Jeffrey Madden](#)
To: jpa.permits@mrc.virginia.gov
Subject: FW: Waltrip Case #VMRC 20-1053
Date: Wednesday, September 2, 2020 3:30:22 PM

Protest letter VMRC # 20-1053 (Short Neck LLC)

From: david k miller <hokie80@cox.net>
Sent: Wednesday, September 2, 2020 2:35 PM
To: Mike Woolson <michael.woolson@jamescitycountyva.gov>; jeff.madden@mrc.virginia.gov
Cc: John McGlennon <John.McGlennon@jamescitycountyva.gov>
Subject: Waltrip Case #VMRC 20-1053

Mr. Woolson/Mr. Madden,

My name is David K. Miller. My wife (Wendy C. Miller) and I reside at 126 Northpoint Drive, Williamsburg VA 23185 in the Kingspoint neighborhood. Our home/property is located directly across College Creek from Mr. Larry Waltrip's property and by direct measurement is the closest property in distance to Mr. Waltrip's proposed marina. We have been residents of James City County for 31 years. I am a retired nuclear engineer from Dominion Energy (38 yrs) and Wendy is a retired teacher from WJCC (21 years). We fully believe in property owners' rights and that all requests for improvements/additions be fairly assessed with regards to the owners' desires as well as impact on adjacent property owners, the environment, history, etc. In fact, we installed a low-profile open-sided boat lift onto our pre-existing permanent dock for storing our family pontoon boat just a few months ago. We first consulted our neighbors for approval and followed all required aspects of the Joint Application Permit (JPA) process. However, we are fully and unequivocally protesting on many levels the proposed marina that Mr. Waltrip has requested per the subject case number referenced above.

Mr. Waltrip's JPA states "**single user/private use**". The sheer size and scope, as well as mooring **nine (9)** power vessels there, would not meet any reasonable person's definition of "residential use". Rather, this project looks and smells every bit the part of a **commercial boating marina**, therefore begging the question of truthfulness and transparency with the application.

The JPA states an estimated cost of \$75,000 for full project consisting of approximately 515 total feet of riprap/revetment, bulkhead, and retaining wall, plus floating dock with finger piers, 40'x33' boathouse, decking, multiple permanent pilings, etc. Common sense and construction experience leads me to believe this project's size/scope would cost at least 5 times that amount... transparency is in question again.

The JPA states **primary purpose is to protect the shoreline** and the secondary purpose is to provide access to creek. Constructing a boathouse, large floating dock with multiple slips for 9 power boats is hardly protecting the shoreline. Once again, this begs the question of truth, honesty, and being forthright within this application.

Listed below are questions that we believe need to be considered when evaluating the Waltrip

Received by VMRC September 2, 2020 /blh

JPA:

- How many private residential boating users in our county own/operate/moor **nine** powered vessels at their residence? Are all nine vessels actually owned/registered by Mr. Waltrip?
- How many private residential users in our county require >500 feet of rip rap revetment (hardened shoreline) and what is the impact of that on adjacent living shoreline? How does this meet state regulations for a "living shoreline"?
- How many private residential boating users in our county require a 1320 ft² boathouse, a larger footprint than many of our primary residences? What is the overall height of this boathouse?
- How many private residential boating users in our county require a 136' x 8' floating dock with 8 perpendicular slips to moor vessels up to 30' in length? How far out into the navigable channel will these boats extend? Coincidentally, I was working on the construction crew charged with rebuilding Governor's Land Marina where the floating dock was purchased by Mr. Waltrip in March of this year. How ironic that the floating dock came from a large-scale commercial operation yet is now an integral part of a proposed "residential" project.
- How is it OK that this floating dock has been staged in the creek since March 26 without proper permitting?
- Who will be monitoring the residential boating and associated activities at this marina since there is no residence located on this property? Who will ensure the timely mitigation of any potential damage to the creek or surrounding environment due to loss of oil, fuel, or fire from high density boat storage? Currently there is a plethora of daily boating activity, alcoholic consumption, etc from normal users of just the boat ramp. The 55-gallon trash barrel is often over-flowing with debris, mostly alcoholic containers.
- What provisions will be in place to ensure noise ordinances will be maintained? Commercial marinas are known as havens for noise created by large numbers of people and powered boats.
- What is the impact on residential property value for Kingspoint, The Landing, and The Conservancy neighborhoods due to noise and aesthetic pollution?
- What is the impact on the historical aspects of College Creek, which dates back to 1570?
- How will safety of existing traffic mostly recreational canoes, kayaks, and paddleboards be ensured?
- Square footage of tidal vegetated wetlands area was left blank in the JPA. How much vegetation in total will be affected by increased rip rap, bulkhead, and retaining wall?
- How many shoreline trees will be damaged and therefore deemed acceptable for removal during this commercial construction project?
- A living shoreline is required/preferred over a hardening shoreline. Why not require a living shoreline for this project?
- Has a professional topography study at low tide, including flow/silting, been conducted for this area of College Creek and what impact will this project have on current topography and navigation?
- Why is the existing broken concrete revetment not being removed prior to installation of new revetment? This would conserve current channel width.
- Why is a bulkhead required when concrete revetment is currently in place?
- Where is the retaining wall to be located?
- 12' rip rap expansion into College Creek (plus proposed enlarged structures) will most

definitely encroach into the very narrow boating channel that currently hugs the existing structures, thereby greatly impeding the navigable water. This is unacceptable and will prevent safe boating traffic beyond this location to/from KP Club boat ramp.

- Dual slip 33'x40' boathouse sounds excessive for boats that can navigate this area of College Creek. Why does this boathouse need to be so big?
- How many new pilings are required for this project and what about the environmental impact on the creek bed?
- 40' channelward of MHW, 36' channelward of MLW – How wide is the channel at this point? How much does this encroach the channel? This affects all upstream and downstream traffic, not just adjacent property.
- 40' channelward of MHW, 36' channelward of MLW – How close is this to the wetland vegetated area in the “middle” section of College Creek?
- How will heavy construction affect surrounding wetlands and wildlife in this stretch of College Creek?
- Has impact on ability to get commercial boats up the creek for future maintenance or repairs on Rt. 199 bridge, KP Club, or College Creek Park docks been assessed? Has City of Williamsburg been included in the review/approval of this JPA?
- Is this large scale project is approved, what is to stop any other property owner along College Creek to submit a similar application? How many marinas of this magnitude would it take to completely destroy the beauty of this natural/historical waterway?

We understand that not all of these questions/concerns fall into each of your respective governance/jurisdiction. However, we are confident that you will be able to parse them out according to your individual charters. As we did not have an email address, we are also sending a printed version of this letter to the Army Corp of Engineers in Norfolk for their consideration during the review/approval of this proposed project. We fully believe that this project, as currently proposed, would not meet any reasonable definition of a "residential" boating project, but instead describes a commercial marina operation and should be fully evaluated as such under the applicable local, state, and federal regulations for permitting construction/access to Virginia's waterways. The environmental, aesthetic, financial, and navigable impact of this project must be fully assessed to ensure all parties' interests are considered and College Creek is maintained in its historically pristine condition to the maximum extent practicable. We are confident that you will do so and agree with us that this project not be approved as currently proposed.

Please don't hesitate to call if you have any questions or need clarification. We greatly appreciate your time and consideration regarding the content of this letter and your future decisions to preserve our beloved College Creek.

Respectfully,

David K. Miller/Wendy C. Miller

126 Northpoint Dr. Williamsburg, VA 23185

PROTEST

757-817-1556



PUBLIC HEARING NOTICE

THE WETLANDS BOARD AND THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA WILL HOLD A PUBLIC HEARING **WEDNESDAY AUGUST 12, 2020 AT 5 P.M.** IN THE BOARD ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE WETLANDS BOARD WILL CONSIDER THE FOLLOWING CASES:

WJPA 20-0023/VMRC 20-1053: Mr. Daniel Winall of Waters Edge Construction, on behalf of Larry Waltrip, has applied for a wetlands permit to install a floating pier, retaining wall, bulkhead, riprap revetment and a boat house at 20 Marclay Road, JCC Parcel 4820100012.

WJPA 20-0024/VMRC 20-1074: Mr. David Butler of Gallup Surveyors & Engineers, on behalf of David and Diane Lee, has applied for a wetlands permit for a bulkhead repair, riprap revetment, pier repair and replacement, a new adjacent pier and stairway extension and repair at 176 The Maine, JCC Parcel 4540200061.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASE:

CBPA 20-0053: Mr. Don Newsom of Delightful Gardens, on behalf of Mr. Charles Turbeville, has filed an exception request for encroachments into the RPA buffer for a retaining wall at 146 Red Oak Landing, JCC Parcel 4730100033.

Appeals from decisions under the Chesapeake Bay Preservation Ordinance may also be heard.

All interested parties are invited to attend the meetings. There is also a call-in option for the public hearings. To participate, call 757-253-6772 to record a comment that will be played during the meeting. Recorded comments must be submitted no later than noon on the day of the meeting. Please give your name and address for the public record and limit comments to five minutes or less. Questions? Call 757-253-6823.

The applications and plans are on file and may be viewed during normal office hours in the Stormwater and Resource Protection Division, 101-E Mounts Bay Road, James City County, Virginia.

NOT FOR PUBLICATION

DISPLAY: WEDNESDAY – July 29 and August 5, 2020.

ACCOUNT NO.: 0011350200 - VIRGINIA GAZETTE

COPIES: PLANNING
 ASSISTANT COUNTY ATTORNEY
 WETLANDS/CHESAPEAKE BAY BOARD MEMBERS



General Services
107 Tewning Road
Williamsburg, VA 23188
P: 757-259-4080
General.Services@jamescitycountyva.gov
jamescitycountyva.gov

Capital Projects 107 Tewning Road Williamsburg, VA 23188 757-259-4080	Fleet 103 Tewning Road Williamsburg, VA 23188 757-259-4122	Stormwater and Resource Protection 101-E Mounts Bay Road Williamsburg, VA 23185 757-253-6670	Facilities & Grounds 113 Tewning Road Williamsburg, VA 23188 757-259-4080	Solid Waste 1204 Jolly Pond Road Williamsburg, VA 23188 757-565-0971
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July 22, 2020

RE: WJPA-20-0023
20 Marclay Road
Boathouse, Floating Pier, Riprap, Revetment, Retaining Wall & Bulkhead

Dear Adjacent Property Owner:

In accordance with State and County Codes, this letter is to notify you that a request has been filed with the James City County Wetlands Board by Mr. Daniel Winall, Water's Edge Construction on behalf of Mr. Larry Waltrip, Short Neck, LLC for encroachment into the tidal wetlands associated with construction of a floating pier, retaining wall, bulkhead, riprap, revetment, inboard deck, dual slip, and open sided boathouse. The project is located at 20 Marclay Road and further identified as JCC Parcel No. 4820100012.

A complete description, plan and other information are on file in the Stormwater and Resource Protection Division and are available for inspection during normal business hours, should anyone desire to review them.

The Wetlands Board will hold an advertised public hearing on **August 12, 2020 at 5:00 p.m.**, in the Board Room of Building F, 101 Mounts Bay Road, James City County, Virginia, at which time you may request to speak on the above referenced project.

Sincerely,

Michael D. Woolson

Michael D. Woolson
Wetlands Board Secretary
757-253-6823
michael.woolson@jamescitycountyva.gov

cc: Water's Edge Construction
Attn: Mr. Daniel Winall

MDW: jep

Mailing List for: WJPA-20-0023 – 20 Marclay Road – Waters Edge Construction/Short Neck, LLC/Larry Waltrip– Boathouse, Retaining Wall/Bulkhead,Floating Pier, Riprap, Revetment

Applicant: 4820100012-20 Marclay Road

Short Neck LLC
Attn: Mr. Larry Waltrip
100 Marclay Road
Williamsburg, VA 23185-3723

Short Neck, LLC
3 Marclay Road
Williamsburg, VA 23185-3713

4820100005A

Williamsburg-Jamestown Airport, Inc.
100 Marclay Road
Williamsburg, VA 23185-3723

4820100004 – 3 Marclay Road:

Marclay, LLC
100 Lands End Drive
Williamsburg, VA 23185-3126

4910240022

Galke, Benjamin R & Mary Kate
137 Kingspoint Drive
Williamsburg, VA 23185-4453

4910240011

Allen, Kenneth L & Allen, Anne B, Trustee
112 Cove Road
Williamsburg, VA 23185-4414

4910230026 – 105 Black Oak Drive

Riley, Kevin J & Riley, Mark P
211 McLaws Circle, Suite 1
Williamsburg, VA 23185-5871

4910230032

Milliman, John D & Ann B
124 Northpoint Drive
Williamsburg, VA 23185-4450

Contractors:

Water's Edge Construction
Attn: Mr. Daniel Winall
P.O. Box 352
Toano, VA 23168-0352

4820100012A - 99 Marclay Road

4810100063 –5550 Williamsburg Landing Dr
4820100002
Williamsburg Landing, Inc.
5700 Williamsburg Landing Drive
Williamsburg, VA 23185-3779

4910240024 .

4910240023 – 139 Kingspoint Drive
Williamson, Forrest W, Trustee & Christine
L, Trustee
143 Kingspoint Drive
Williamsburg, VA 23185-4453

4910240021

Schneider, William J, Trustee
135 Kingspoint Drive
Williamsburg, VA 23185-4453

4910240010

Baxter, Donald J & Judith G
113 Cove Road
Williamsburg, VA 23185-4413

4910230031

Elton, William N & Rebecca N
122 Northpoint Drive
Williamsburg, VA 23188-4450

4910230033

Miller, David K & Wendy C
126 Northpoint Drive
Williamsburg, VA 23185-4450

4910230034

Bradley, Kenneth R, Trustee & Susan M
127 Northpoint Drive
Williamsburg, VA 23185-4449

Virginia Marine Resource Center
Attn: Mr. Jeffrey P. Madden
380 Fenwick Road, Building 96
Fort Monroe, VA 23651-1064

VIMS Wetlands Program
Attn: Dawn Fleming
P.O. Box 1346
Gloucester Point, VA 23062-1346

VDOT
4451 Ironbound Road
Williamsburg, VA 23188-2621

Department of Game and Inland Fisheries
P.O Box 90778
Henrico, VA 23228-0778

State Water Control Board
c/o Department of Environmental Quality
P.O. Box 1105
Richmond, VA 23218-1105

Regulatory Branch Army Corps of Engineers
803 Front Street
Norfolk, VA 23510-1011

September 9, 2020

Virginia Marine Commission Board
380 Fenwick Rd
Hampton, VA 23651

Dear Virginia Marine Commission Board,

I am Dr. N Ray Lee and I reside on College Creek in Kingpoint neighborhood across from Williamsburg-Jamestown Airport. I am writing in favor of Waltrip Marina on College Creek. This will be a private marina, as is, the already existing private boat ramp on site whereas the marina is proposed. Therefore, there will be no increase in boat traffic. The marina will be constructed in accordance to the provisions of the wetlands permit approval, therefore there will be no violations of the Chesapeake Bay Act. Construction will be accomplished without compromising the biological eco system of College Creek.

This marina will be useful to Virginia Institute of Marine Science (VIMS) as they conduct research on College Creek basin. Also. This marina could aid the James River Association in the Phragmites Project on College Creek. This marina could also be an asset to James City County in the future.

Sincerely,

N Ray Lee DDS

Virginia Marine Commission Board

Date

Page 2

Sincerely,

Numa Ray Lee, D.D.S.

Michael Woolson

From: norman elmes <elmesnj@gmail.com>
Sent: Wednesday, September 9, 2020 9:03 AM
To: Michael Woolson; jeff.madden@mrc.virginia.gov
Subject: [External] College Creek Marina: VMRC 20-1053

To whom it may concern,

We are residents of the Kingspoint neighborhood.

We write in support of two letters submitted to the Wetlands Board and the Virginia Marine Resources Commission, drafted and submitted by the Kingspoint Board on August 28th. We share the concerns noted in the letters.

We object to the current proposal for the Waltrip Marina to be constructed on College Creek. Quite simply, permitting a large boat marina on College Creek is a failure to ensure responsible development and conservation of wetlands.

Please do not approve development of the Waltrip Marina.

Thank you.

Dr. Inga Carboni and Norman Elmes
104 Cove Rd
Williamsburg, VA 23185

September 7, 2020

137 Kingspoint Drive
Williamsburg VA 23185

jpa.permits@mrc.virginia.gov

James City County Wetlands Board
Williamsburg VA 23185

Subj: VMRC #20-1053

Ladies and Gentlemen,

We respectfully request the following comments be read into your records regarding the referenced proposal for Waltrip's Landing:

As residents of the Kingspoint neighborhood and custodians of the natural bounty that is College Creek, we wish to express our vehement opposition to the proposal VMRC #20-1053. Within the proposal and the revision to the proposal provided by Mr. Daniel Winall on August 2, 2020, we find the following in conflict to James City County Wetlands Board's responsibility to ensure responsible development and conservation of this designated wetland area:

- Per VA code § 28.2-104.1, no "best available science" has been provided to show that anything other than a living shoreline would be suitable for this proposal's shoreline management requirements. Despite the proposal's primary purpose of protecting said shoreline, there is no living shoreline mentioned in the proposal. The removal of 400 feet of existing shoreline down to MHW mark and at a width of 5ft constitutes a complete disregard of shoreline protection.
- The square footage encroachment over vegetated wetlands is left blank and the square footage encroachment over non vegetated wetlands is stated as 0 square feet. The proposed revetment, bulkhead, boathouse, and dock space will encroach on wetlands. The floating dock currently stationed on the property since March 26, 2020 without proper permit, is already encroaching on wetlands.
- The long-term environmental impacts to conservation efforts in this designated wetland is not addressed in the proposal. The applicant has not provided a study or reference of how the wake, fuel consumption, discharge, and storage of nine power vessels with permanent moorings or the environmental waste from marina operations will affect the environmental health of this waterway.


We will address the VRMC with additional concerns outside of the James City County Wetlands Board's current jurisdiction to include:

- Safety to recreational users of College Creek.
- Questionable "personal use" nature of a proposal that includes permanent mooring of nine vessels on a property on which there is no residence.
- Encroachment on navigable waters by the dock, boathouse, and moored vessels.

- Accelerated silting-in due to placement of permanent structures in the deepest channel of the creek.

Thank you for your attention and consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Benjamin R. Galke", with a stylized, flowing script.

Benjamin R. Galke

A handwritten signature in blue ink, appearing to read "MaryKate O. Galke", with a stylized, flowing script.

MaryKate O. Galke

Bill and Carolyn Imoehl
221 Southpoint Drive
Williamsburg, VA 23185

Mr. Michael Woolson, Secretary to the Wetlands Board
Mr. Jeff Madden, Virginia Marine Resources Commission

September 9, 2020

Dear Mr. Woolson and Mr. Madden,

My name is Carolyn Imoehl and my husband, Bill and I are strongly opposed to the proposed marina on College Creek. We have lived on College Creek for 20 years. We believe the proposed marina will have detrimental effects on College Creek.

We do not understand why a 9 plus boat marina is being considered on a creek. College Creek is a narrow creek, not a river. The existing docks on the creek are residential docks that house 1 or 2 boats, and the homeowners live on the creek. This is our backyard, not a weekend getaway.

We believe the proposed extensive construction and dredging for the marina will be harmful to the creek. College creek is a healthy, viable, sustainable creek, and I can't even begin to imagine or understand the negative effects the dredging will have on the fragile ecosystem. Where will the silt and mud from the dredging go? What will happen to the wetlands in Port Anne? Will people still be able to canoe or kayak from College Landing Park or will the wetlands disappear due to the silt and mud? Will the silt and mud from the dredging effect the existing Kingspoint boat ramp? How will the dredging effect Halfway Creek? Will the Route 199 bridge be affected by the dredging?

The proposed marina will increase the boat traffic which will only increase shoreline erosion, which we have witnessed the past 20 years. We watch boats and jet-skis (from Waltrip's landing and Kingspoint residents) race in and out of the creek and leave their large wakes to take a little bit more of the shoreline with each wave. Also, with the additional 9 plus motor boats, and all the other marina "guests" and their traffic, I fear for the people who use the creek to kayak or canoe.

We understand that people want to enjoy the water, and we have no objection to the Waltrip's building a dock and slip that can accommodate 1 or 2 boats, but no more than that.

We have had the honor of watching and observing the wildlife along the creek and out into the James River grow and flourish with the population of eagles, ospreys, heron, egrets, and numerous other wildlife species.

We fear the proposed marina will have a devastating negative impact on College Creek, and our community in general.

Most Sincerely,
Carolyn & Bill Imoehl

August 28th, 2020

James City County Wetlands Board
Williams Apperson
Chair, JCC Wetlands Board

Dear JCC Wetlands Board,

The Kingspoint Club is the official governing body that manages the clubhouse, pool, boat launch, and dock for the Kingspoint Community located off of route 199. Our board, which is elected on an annual basis by the Kingspoint Club "stockholders" and represents over 150 households in the Kingspoint Community, provides executive coordination and decision making to Club operations per defined Board bylaws. Our community dock is located directly across College Creek from the proposed Waltrip Marina location. On behalf of our member households, we have the following major concerns regarding the March 2020 proposal to expand the Waltrip Landing site:

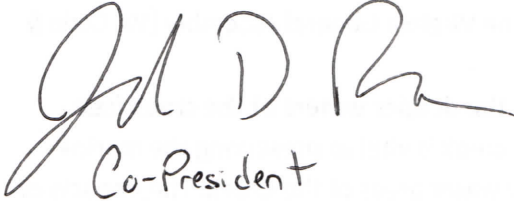
- **The proposed project does not appear to consider the use of a Living Shoreline.** Since 2011, the preference for living shorelines has been law per the Virginia General Assembly (VA Code § 28.2-104.1).
- **The proposed project appears to extend directly into the deeper waters of the creek (see Attachment).** The natural water circulation within the creek is vital to preserving the marine ecosystem health. This particularly true for the deeper water areas of the Creek. The impacts on Creek health need to be better understood before this project should continue.
- **The proposed project appears to directly restrict navigable access through the deeper Creek waters (see Attachment), which would directly limit the boat accessibility to the broader College Creek/James River by Kingspoint residents and render our boat launch useless.** Kingspoint Club manages the boat launch directly onto College Creek that many residents use for access to broader waterway and connection to the James River. This is only possible due to the deeper areas of the Creek that are free of vegetation and shallow waters.
 - Note: this may also hold true for any Department of Transportation barge/utility repair accessibility to the Rt.199 College Creek bridge.
- **The proposed project would negatively impact the natural undeveloped creek aesthetics.** Our clubhouse, and many Kingspoint residents who have houses facing College Creek, enjoy the undeveloped marsh views and associated wildlife. Residential docks are an acceptable part of that landscape, but the Waltrip Landing proposal appears to effectively be a small marina. This would result in a serious change to the College Creek appearance and environment. Increased boat usage, due to the operation of the marina, would result in significantly increased noise considerations and impact to the creek vegetation and ecology.
- **From the proposal submitted, it appears as though the new development is a commercial marina, not a private dock.**

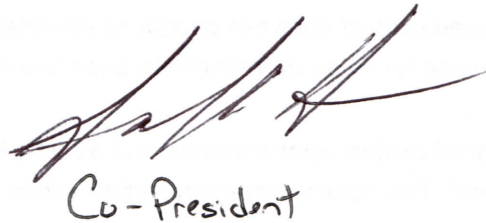
- Starting back in March, the **Kingspoint community noticed new floating docks being floated in and installed in preparation for landing upgrades.** It is still not clear whether these changes were reviewed and approved by VMRC during that time frame or since (especially with site reviews limited due to COVID-19).
- **Kingspoint Club, which has waterfront property on College Creek across from the proposed project, never received a letter outlining the project and public meeting dates.** Some residents with waterfront property on College Creek did receive a letter, but it was not received until the late July timeframe.

We hope that the JCC Wetlands Board takes these concerns into full consideration when reviewing the Waltrip Landing proposal. We would appreciate invitation to any and all deliberations that the Board schedules pertaining to this proposed project.

Sincerely,

Kingspoint Club Board


Co-President

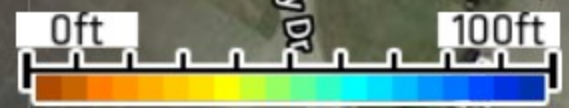

Co-President

SEARCH:



Map Satellite

Delete Mode: Auto Manual



Michael Woolson

From: claudia kessel <claudiakessel@hotmail.com>
Sent: Tuesday, September 8, 2020 9:09 AM
To: Michael Woolson
Cc: jeff.madden@mrc.virginia.gov; Eric Hilton and Sarah Huber
Subject: [External] Comments on Case #: VMRC 20-1053

Dear Wetlands Board Members,

I am writing with great concern about the proposed Waltrip marina project. I am a member of the Kingspoint neighborhood and club. My husband, David Grandis, and I fully support of the letter sent from the Kingspoint Club board members to the Wetlands Board on August 28th, outlining numerous concerns.

I think this proposed commercial marina would be harmful to the natural environment of the creek and its wildlife. A commercial-type marina would be terribly out of place and inappropriate in such a quiet part of the creek near so many residential family homes. It would be disruptive to the natural environment and reduce the quality of life for our neighborhood's residents.

Please reconsider this project.

Thank you,
Claudia Kessel
133 Kingspoint Drive

RE: **JPA# 20-1053**

Submitted by: Elizabeth McCoy, 105 Wakerobin Road, Kingspoint

September 9, 2020

Members of the Board:

Mr. Waltrip's JPA proposal, submitted by Short Neck LLC, to further harden the shoreline of College Creek and build an extensive network of docks, decking and a large multi-craft boathouse has two stated objectives: first, to protect the shoreline and second, to provide access to the creek.

Aerial photographs of the area show that there has been some degree of revetment along this stretch of the shoreline for at least 50 years. The natural vegetation was replaced by revetment materials in the years preceding the Chesapeake Bay Acts. This property has been variously described by long time neighbors, with a line of sight to this area, indicating that many things have been stored along, added to and removed from this bit of shoreline over the years. Floating docks have come and gone. Various craft have come and gone. Debris has come and gone. And, in fact, neighbors recall seeing a major shoreline hardening operation along this stretch of the creek, where several truckloads of broken concrete were dumped into the creek and along the shoreline from a barge, using heavy construction equipment, within the last 15 years.

So, clearly the applicant and his family have had and have exercised their ongoing access to College Creek over many years, up to the present day. There is currently a dock and a way to launch various craft from the current facilities.

The intention to 'protect the shoreline' is more complicated. Current Virginia laws and current best practice favor a living shoreline protected by vegetation, to protect sensitive coastal habitats. This vegetation has been systematically removed in favor of paving and dumping broken concrete debris as revetment. I would encourage the Wetlands Board to request that county staff investigate the current revetment to determine when it was installed, and whether it was installed on permit and in compliance with the Chesapeake Bay Acts, state laws and all county ordinances.

If it is found that the current revetment materials were installed after the area became a designated Resource Protection Area, and weren't installed on permit and under the supervision of appropriate county staff who are charged with protecting the public trust, then I would request that the members of the Wetlands Board consider rejecting this JPA proposal and instead, requiring that the shoreline be restored to a living shoreline, per Virginia laws.

[\[Code of Virginia § 62.1-44:15.20\]](#) , [\[Code of Virginia § 28.2-104.1\]](#)

The sort of revetment described in the JPA proposal would only be required if significant wake activity were anticipated. Which brings us to the understanding that the applicant intends to house eight or more motorized craft at this new marina facility. Those craft, in regular use, will cause significant disturbance to the creek and their wake will cause significant damage to far more of the shoreline than this proposed new revetment will 'protect.'

While property owners clearly have the right to use, improve and enjoy their properties, in our community we understand the basic democratic principle that one person's freedom ends where another person's freedoms, and rights, begin. Since the JPA indicates that all of this massive construction is for a 'single user,' we would ask your special consideration as to whether the stated objectives require this degree of disruption that will be caused by such extensive work.

What I would ask the members of the Wetlands Board to consider is how these proposed 'improvements' will impact all of the surrounding property owners, College Creek itself, the rich wildlife still living in and along the creek, and finally future residents and future generations who will come along to enjoy the creek in perpetuity. Because if this project is

approved, it will irrevocably change the peaceful, quiet lifestyle of all residents living nearby while it also irrevocably changes the ecology, appearance, and nature of historic College Creek.

I would ask that you consider the property rights of Kingspoint neighbors living directly across College Creek from this site, as well as everyone else who would be affected by the increased noise generated by this facility and the wake generated by the increased motorized boat traffic along College Creek.

I don't live in a property on the shoreline of College Creek, but I do frequently hear the activities from the applicant's property. Just as Kingspoint residents are already subjected to the noise of helicopters flying low over our homes, jets coming and going at all hours, ultra-light aircraft sometimes buzzing our neighborhood, and student pilots in their training planes taking off for early morning classes; so too we hear gunshots, loud music and other disturbances from this current dock, parking lot and access point to the creek used by Mr. Waltrip and his family and guests. Sound carries in odd ways over the water.

We will surely be subjected to the sounds of these motorboats, jet skis, visitors and guests at all hours of the day and night. Our understanding is that there is no residence on this 'Rural Residential' property to monitor the activity or the traffic flowing to and from the proposed marina, just as no one currently monitors the flow of traffic to the current facility.

This increased vehicular and marine traffic has the potential to shatter the peaceful enjoyment of our properties, especially during hunting season when duck hunters launch their craft and shoot birds before most neighbors are ready to wake up in the morning.

Long time residents have watched College Creek silt in, as a result of previous construction along the Creek. The access to College Creek from residents along the Eastern, Kingspoint side has steadily been impacted by this silting. The only real navigable channel is on the Western side of the creek now, and so construction of this facility will make it harder for every other resident and individual wanting to navigate this section of College Creek to find enough water to float their craft. We anticipate that as a direct result of the proposed construction, Kingspoint residents and KCI members may, in fact, lose the use of their dock, because there won't be enough deep water around the dock to safely use it.

So, to grant one family's wish to create this marina for their own purposes, the Wetlands Board and other governmental agencies would in fact deny the peaceful use of their properties to many other homeowners nearby. This will impact our property values as it erodes quality of life and changes the nature of College Creek in the present and long into the future.

I urge you to deny this JPA# 20-1053 before you.

Respectfully,

Elizabeth McCoy

105 Wakerobin Road

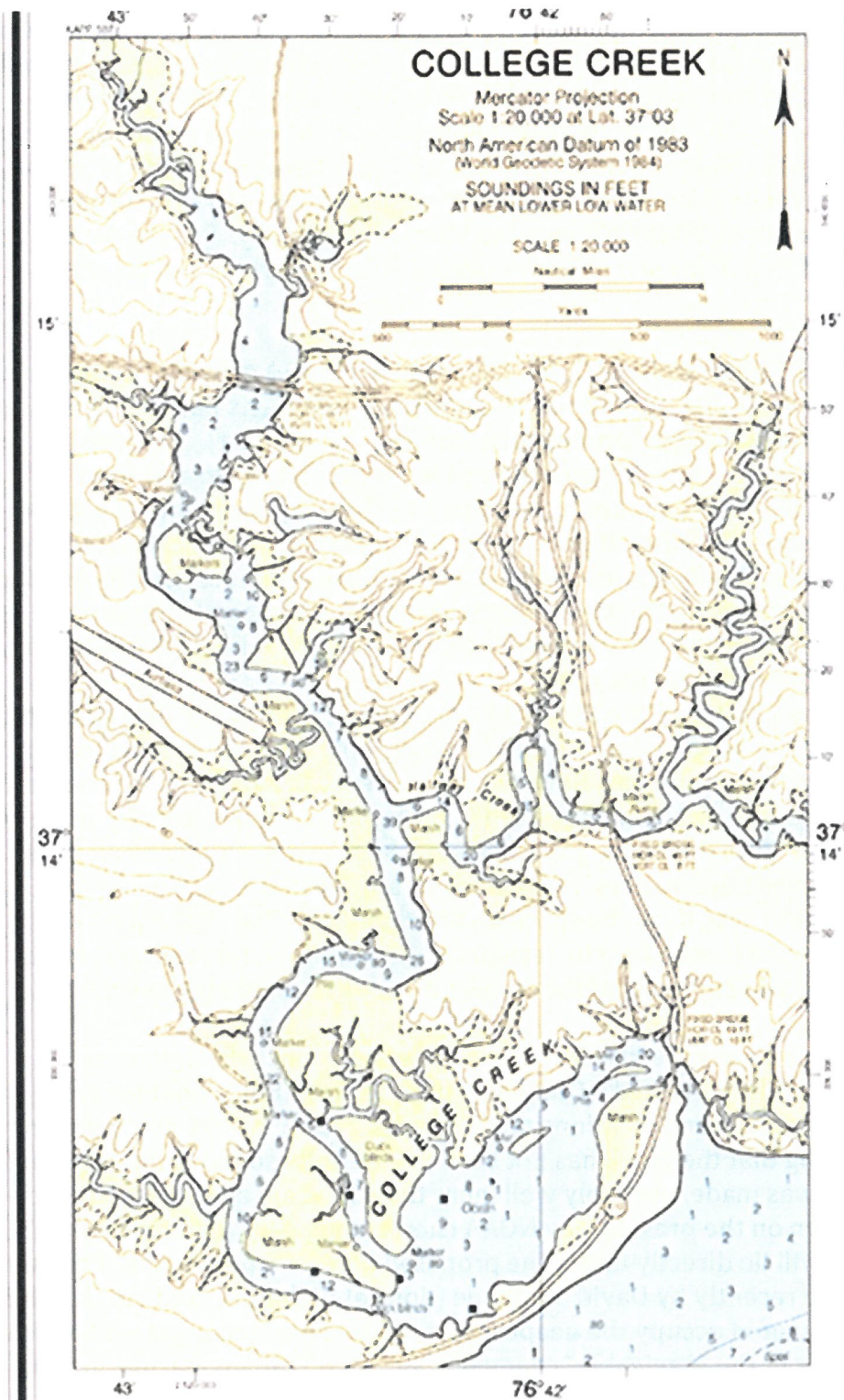
Williamsburg VA 23185

My wife and I live at 124 Northpoint Drive in Kingspoint. Having had our home on College Creek for the past 27 years, we are clearly concerned about the proposed Waltrip marina and its impact on our beloved College Creek. Due to previous commitments, we will be out of town on September 9, but we do want our opinions registered with you. (I should note that I am a retired oceanographer, as Senior Scientist at the Woods Hole Oceanographic Institution (1966-1993) and as Chancellor Professor at VIMS/William and Mary (1993-2012). For the past 40 years, the main focus of my scientific research has been on river and coastal processes.)

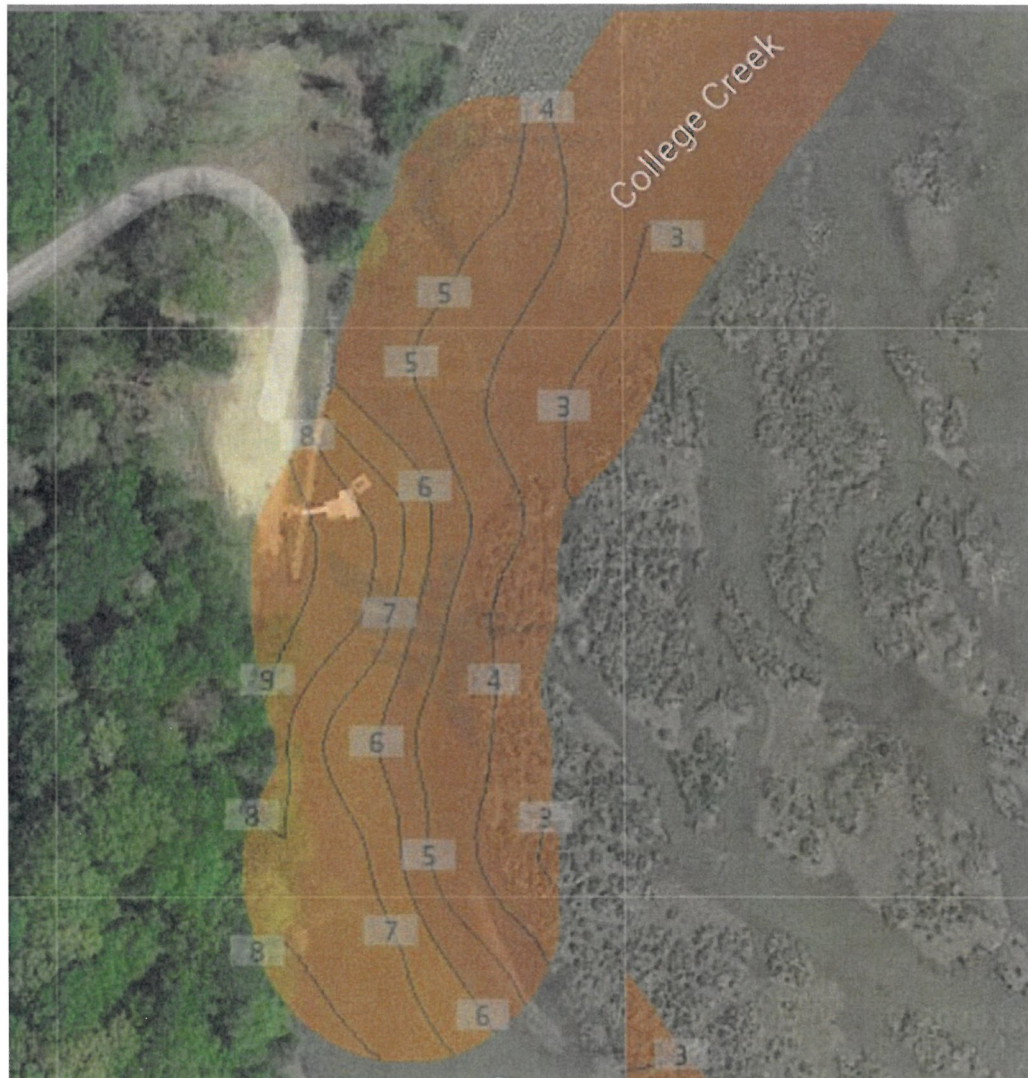
For more than 100 years College Creek (aka Archer's Hope) provided a major route between the James River and colonial Williamsburg, longboats navigating the 3-mile creek to what is now College Landing (aka Princess Anne's Port). My wife and I often envision those English long boats transporting materials to and from Williamsburg. This clearly makes us wonder how the proposed marina and the resulting increased in motorized boat traffic will affect this historical waterway? Presently the creek is widely used by hand-power boats – canoes, kayaks, rowing shells and paddleboards, all of which can be launched at College Landing or Kingspoint. Other than the occasional jet-ski, few motorized boats are seen along the middle or upper parts of the creek.

Between Halfway Creek and the Rte 199 bridge I count a six docks that at any time may have a boat tied to it. In our part of the creek, only the Williamsons (electric boat) and Millers (pontoon boat) have docks, whereas Mr. Waltrip proposes an 8-boat marina, presumably all boats propelled by gasoline motors, and the proposed boathouse will presumably store gas and oil for those boats. Presently all docks on the creek lie adjacent the owners' residences, so any problem, such as storm damage, fuel leak or fire, it can be spotted and addressed. The Waltrip marina, on the other hand, will have no nearby residence. How quickly, for example, can a fuel leak be observed and corrected if the owners do not live on the property?

Now I get to my area of expertise: the environmental impact. Bathymetric soundings on an older, undated NOAA chart presented by Bill Schneider are identical to both values and locations on the newest NOAA 12248 chart, shown below, suggesting that the creek has not been geodetically sounded since (or before) the older chart was made, probably well more than 50 years ago. Based the few soundings shown on the present-day NOAA charts, it appears that the channel's deepest water will lie directly under the proposed dock and boathouse. Preliminary soundings made recently by David Stanhope (done at high tide) confirm that the Waltrip marina would occupy the deepest part of the creek's channel – 3.5 to 6.5 ft at low tide. Most of the "navigable" channel adjacent to Waltrip marina, in fact, would be less than 2 -3 ft at low tide.



Present-day NOAA chart of College Creek. Depths at mean low tide.



David Stanhope, August 2020, soundings (in ft) taken at high tide.
Subtract 2.5 ft to calculate water depths at mean low tide.

As illuminating as Stanhope's preliminary soundings are, a more complete bathymetric survey should be made (clearly at low tide) prior to any decision regarding the construction of the Waltrip marina. Moreover, it would be most helpful if the plans for the proposed dock and boathouse were overlain on the newer bathymetric chart. Without such an overlay, I find it difficult to imagine the marina's physical and environmental effects on the creek.

The dock's effect on upstream circulation in the creek is not known, but the widening of the Rte199 bridge appears to have affected siltation in the creek, as many Kingspoint neighbors have observed. Built over the deepest part of the channel, how will the proposed marina affect channel circulation and the adjacent wetlands? Scenarios of both increased erosion and/or increased siltation are not improbable. (Can I assume that the proposed road is in accordance with the Chesapeake Bay Preservation Act, e.g., the 100-ft vegetated buffer along tidal wetlands?)

Finally, given the size of the marina, how can we be sure that the dock will be used only by the Waltrip family? Construction of a boathouse smacks of commercial use, if not now, then in the future. Can this be done legally? Moreover, given the size of boats occupying 30-ft slips, how soon before Mr. Waltrip requests dredging of the creek's channel? Such dredging almost certainly would have severe environmental impacts on the creek at least from College Landing to Halfway Creek. One must also wonder where the spoils would be dumped; most certainly not in the creek itself.

I know that many of these points will be raised at the Wednesday September 9 meeting, but collectively they strongly suggest to me that the proposed Waltrip marina has too many unknowns and potential impacts on a historic waterway.

Sincerely,
John Milliman

Michael Woolson

From: saskia mordijck <saskia.mordijck@gmail.com>
Sent: Saturday, September 5, 2020 8:49 PM
To: Michael Woolson; jeff.madden@mrc.virginia.gov
Subject: [External] VMRC 20-1053
Attachments: map_Waltrip_boathouse_home.pdf

Dear Secretary to the Wetlands Board and Virginia Marine Resource Commission,

I am writing today as I have strong reservations about the residential Marina project being proposed by L. Waltrip.

1) L. Waltrip has a **direct conflict of interest** on this project and should at no point be allowed to vote. Therefore, if there has been any communication by L. Waltrip on this project, informal with members of the board making decisions, there is potential abuse of power and this could be perceived as trying to influence what should be an impartial decision. The rules for those applying for permits who are not on the board, should be the same for those who are on the board. So, I sincerely hope that if there would be an investigation, that there was no such interference. This would completely undermine the good work this board does and the importance they have in developing and conserving our wetlands.

2) **The size and scale of this project is in conflict with the idea that it is non-commercial.** There are serious questions on whether an 8+ boat dock, multiple boat store house or in general the scale of this project is for private use only. A simple question, does L. Waltrip own 8+ boats that need to be moored simultaneously? How many of these boats does he own and how many does he rent out? There are in the US 17 million recreational boats, there are only very few families who own more than 1 boat, let alone 8 boats. Those with more than 1 boat, seldom keep these boats in the same marina for personal use. Individuals who own more than 1 boat for personal use, often have these boats in different locations, so they can use them personally at those locations.

A more simple question would be, what is the largest existing residential, non commercial dock in the Williamsburg area and how many boats can moore (so associated with 1 family and 1 house)? How many private docks for non-commercial and individual use are there in the US that can house this many boats?

It seems as if the goal of this project is to get a licence to be built as non-commercial and then within a short time span after construction the project will be changed to commercial. This effectively bypasses all the more stringent requirements setup for commercial projects, as these typically have a much larger impact on the local environment and economics. The fact that there is no personal property on the land makes it even easier to change this into a commercial marina and effectively makes this marina less interesting for personal use, as the owner would not have direct dock access from his house.

Even more interesting is that L. Waltrip already owns property with a boat house and a dock where there is space for 2 boats (see attached document obtained from JCC county property) in James City County at the location of his own house. Again, it begs the question whether this new dock is really for private and non-commercial purposes (how many boats does L. Waltrip own for personal pleasure, not for renting or commercial activities?) or whether this is just a scam to get around the legislation and licences necessary for a commercial licence.

3) **Obstruction of the water way.** Access to the 199 for maintenance and construction and limit access from College Landing Park and Kingspoint Neighborhood. This would result in a long term safety concern for maintenance of the 199, but it would also directly affect access to the College Creek and Half Way creek from existing launch areas. Areas that directly affect investments made by the city of Williamsburg for the public to enjoy. One of the roles of MRC is to make sure that public access is not affected or reduced by private construction (https://mrc.virginia.gov/regulations/MRC_Scanned_Regs/Habitat/fr360_06-07-88.pdf). This project as is, clearly violates this basic consideration.

4) **Lost Tax revenue for James City County.** The construction of a personal dock of this size will effectively eliminate water access for the Kingspoint neighborhood and the members of the kingspoint club. People buy property in Kingspoint because of the access to College Creek. Limiting this access, will defecto lower property values and thus directly impact James City County's revenue. This non-commercial project, as there is no development on land, would not offset these losses.


5) **Irregular floating dock structures on this private property?** There are questions on the current use of the floating docks at this private property. These docks are new structures. On multiple occasions from the Kingspoint dock location multiple cars were seen to be parked there, with a larger group of people setting out to kayak. It is unclear if these were constructed with the regular due process and licences (civil charges could be due: https://mrc.virginia.gov/regulations/Final_Civil_Charge_Matrix.pdf). Again, regular observations show that these floating structures are being used by larger groups (multiple cars), implying that our L. Waltrip is or very generous with who uses his property or has a very large family.

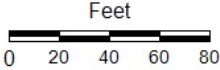
Saskia Mordijck

122 Pinepoint Road
Williamsburg VA 23185

James City County,
Virginia

Legend

 Parcels



Title:

Date: 9/5/2020

DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and James City County is not responsible for its accuracy or how current it may be.

Michael Woolson

From: Daniel Schmidt <dwschmid83@hotmail.com>
Sent: Wednesday, September 9, 2020 9:29 AM
To: Michael Woolson; jeff.madden@mrc.virginia.gov
Cc: Larkin Schmidt
Subject: [External] Waltrip Case #VMRC 20-1053

Mr. Woolson and Mr. Madden,

We are writing to you about the proposed Waltrip project on College Creek. I'm going to try and hit on some concerns that may not be on your radar as we know you've received a lot of communication already on this subject. Due to the narrowing of the channel from this project I am concerned that if ever there were a need for a working barge to pass through this site to potentially work on the Kingspoint dock, or anything else beyond that point, then this project might block the channel for such a vessel. As avid boaters we use the ramp at Kingspoint regularly and would want to maintain plenty of space to safely pass through this already tight bend in the creek.

With multiple floating docks already loosely tied to the shoreline in the proposed project zone since March, that were not permitted to be there, we naturally have to question whether or not this is truly intended to be for private residential use as opposed to commercial use. Furthermore, we question why eight boats is reasonable for residential use, and will that number be the maximum at this site or could there potentially be more? With more boats permanently moored in the creek comes increased boat traffic and shoreline erosion for many of the private properties along the creek and for the federal land administered by the National Park Service. Thank you

Danny & Larkin Schmidt
218 Southpoint Dr.
Williamsburg VA
23185

135 Kingspoint Drive
Williamsburg VA 23185
September 7, 2020

jpa.permits@mrc.virginia.gov

James City County
Williamsburg VA 23185

Subj: WJPA 20 0023 and VMRC 20 1053 permit for Waltrip's Landing,

Ladies and Gentlemen:

As a homeowner in Kingspoint, I am directly opposite the area where the applicant proposes
To install:

- 1) a 200'-0" long North Riprap revetment upland of existing broken concrete revetment.
- 2) a 75'-0" long bulkhead.
- 3) a 20'-0" long retaining wall.
- 4) a 20'-0" long bulkhead upland of vegetation.
- 5) a 20' retaining wall with a 4' by 20' long deck on top.
- 6) a 20' open pile wharf with a 5" deck on top.
- 7) a 200'-0" long South riprap revetment as modified.
- 8) a 136'-0" long by 8' wide floating pier with 5 finger piers and two Class B anchor piles.
- 9) a dual slip 33' by 40' open sided boathouse with 5' walkways on both sides.

A. Safety concerns

Reference to your new sketch 'Planview of proposed bulkhead' Encroachment into the channel is as follows: From the high water mark existing broken concrete ~5' wide plus 40' boathouse = 45' Similarly, the boats tied up on the floating dock will also encroach on the channel as follows: Floating dock 8' plus boat 23'6" plus concrete 5' plus 18' spacing ~ 55'. In your proposal Part 3 subsection 2 you indicate zero for the boathouse and for the dock.

For USACE permits a pier that encroaches beyond the width of the channel by more than ¼ of the waterway ($140/4 = 35' < 40'$ and $55'$) must provide the following information before the application is considered): 1. Depth soundings in 10' increments, 2.a justification as to the purpose of the proposed work, 3. Justification for a pier that exceeds 5' wide where this pier is 8'. Is this information provided by the proposer and may I have a copy?

My safety concern is that Jet skis use that passage regularly. I would not want to see someone get hurt due to inadequate space to maneuver. In addition, this will preclude access to the Kingspoint pier and the Williamsburg dock and make it exceedingly difficult for work boats to gain access to the Route 199 bridge.

As far as encroachment over non vegetated wetlands is concerned, the area calculated is as follows: boathouse 33' width * 45' long plus pier 136' width * 55' long = 8965 square feet versus the proposals numbers of 1894 plus 1320 square feet for a total of 3214 square feet. This is the minimum amount of encroachment that will exist on the creek due to this proposal.

B. Ecological Concerns

What Sanitary facilities are you planning? What Petroleum products or other hazardous materials are stored on the boats, boat house and/or shed on land? Are you planning to offload sewage from boats? There are nine wet slips proposed yet there are zero there now.

C. Aesthetic Concerns

Drawing Section DD shows the front view of the proposed boathouse. My home is directly opposite the area where the boathouse is planned. The proposal indicates a metal roof. What kind of metal? Is it a tin or a copper roof? The side walls are open but the ends at the roof line, I assume are closed. Since this will be up some 20+ feet, what is planned for the siding? I would want something other than plywood. Is this boathouse and slips for personal use?

D. Environmental Concerns

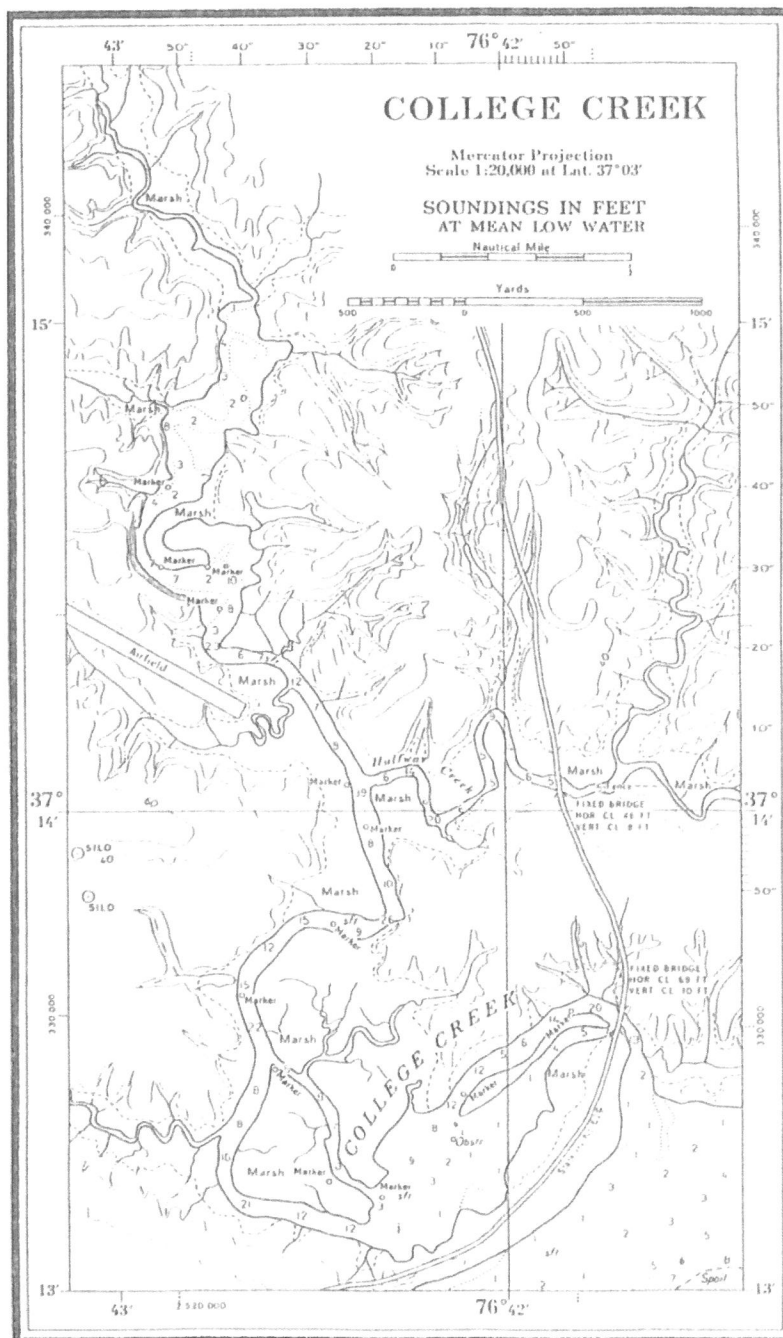
Part 3 Appendix B Living shorelines are the preferred method of stabilization. Why is this not being considered? Section AA north revetment and CC South revetment. You are proposing the removal of 400 feet of shoreline down to the MHW mark with a width of ~5ft. This is 5000 cubic feet of spoil. Where is this spoil disposed? How do you stop an environmental disaster by accidentally dropping most of this dirt into the creek by use of a bucket loader? This proposal will cloud the stream, impact the marine life, and materially affect the water quality such as (BOD, COD) of the creek. Please explain how you intend to stop this from happening.

E. Summary

I am highly concerned about the project's encroachment on the creek and the impact on other traffic using the waterway such as jet skis. I am concerned about the aesthetics of the boat house and the impact it has on my own property value. I am concerned about the project's effect on the environment with the denuding of vegetation to gain access for the North revetment and finally with the new proposal I am horrified by the dredging of the embankment and the effect on the creek due to spoil entering the stream causing an environmental disaster. This proposal needs an Environmental Impact Statement.

Thank you for any consideration you may give these matters.

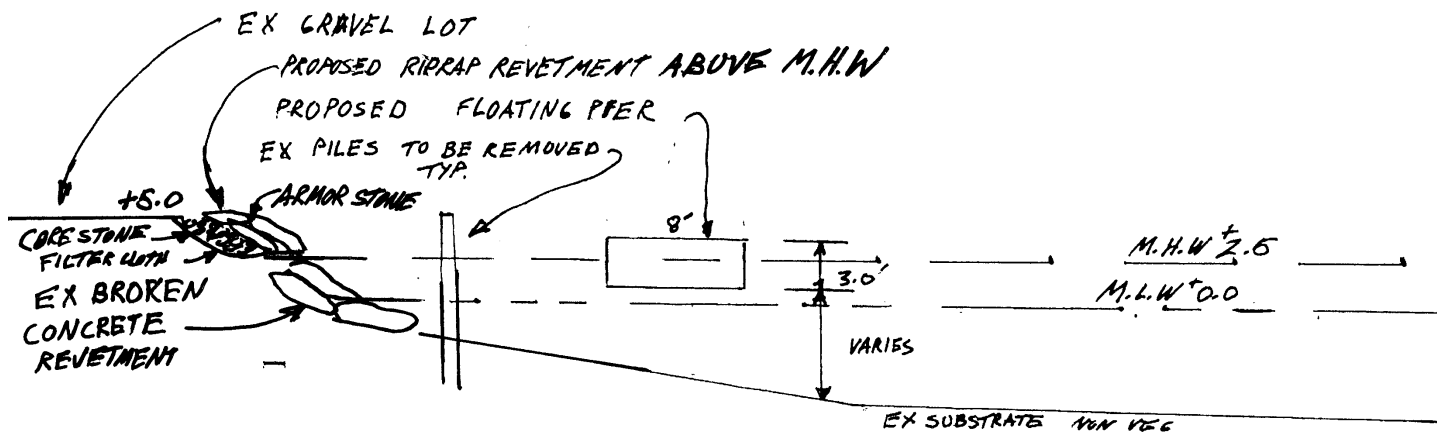
Sincerely,
William J. Schneider



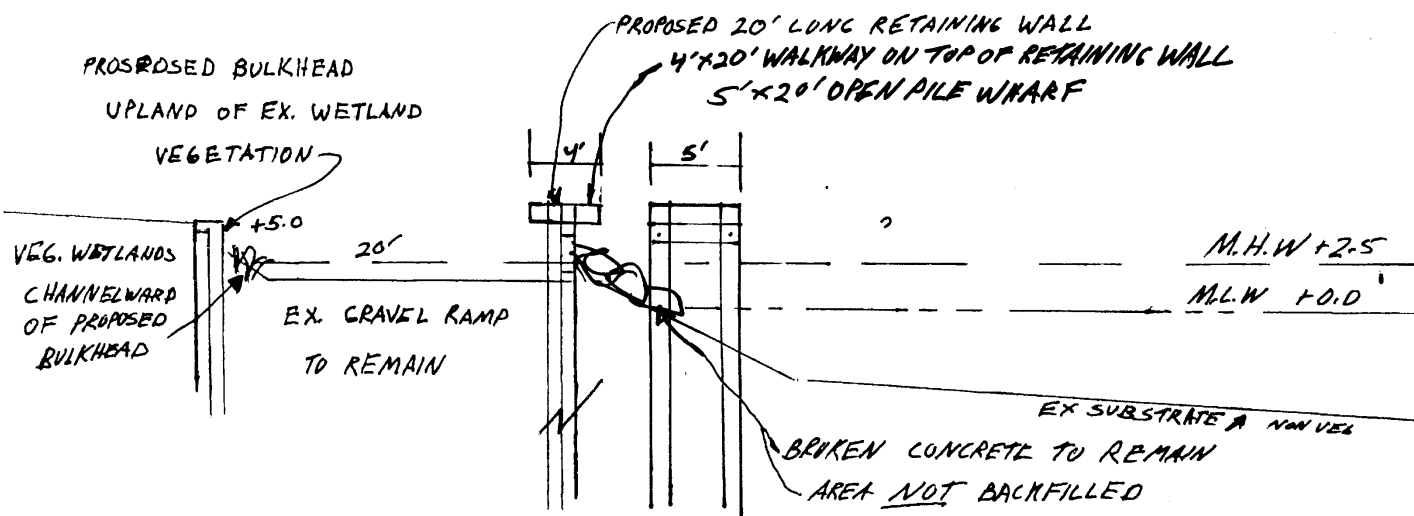
From: [Daniel Winall](#)
To: jpa.permits@mrc.virginia.gov
Cc: [Jeffrey Madden](#)
Subject: revisions to VMRC #20-1053
Date: Wednesday, August 26, 2020 3:20:56 PM
Attachments: [File0807.PDF](#)

Thanks,

Daniel R. Winall
President
Water's Edge Construction
P.O. Box 352
Toano, VA 23168
Phone: 757-566-0149
Email: dwinall@wecmarine.com
www.wecmarine.com



SECTION A-A NORTH REVETMENT FLOATING PIER

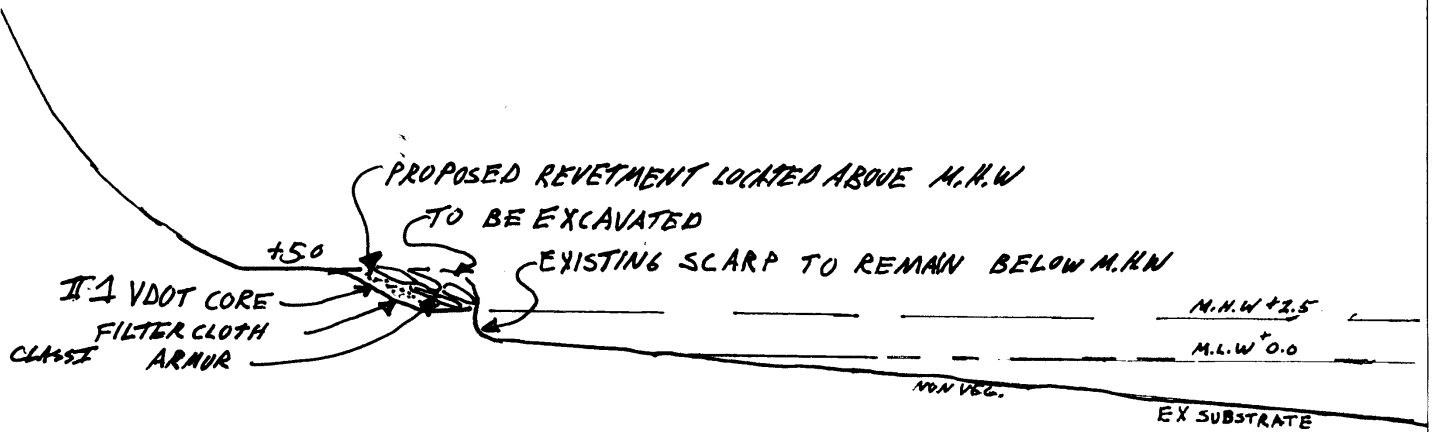


SECTION BB BULKHEAD, RETAINING WALL GRAVEL RAMP AREA

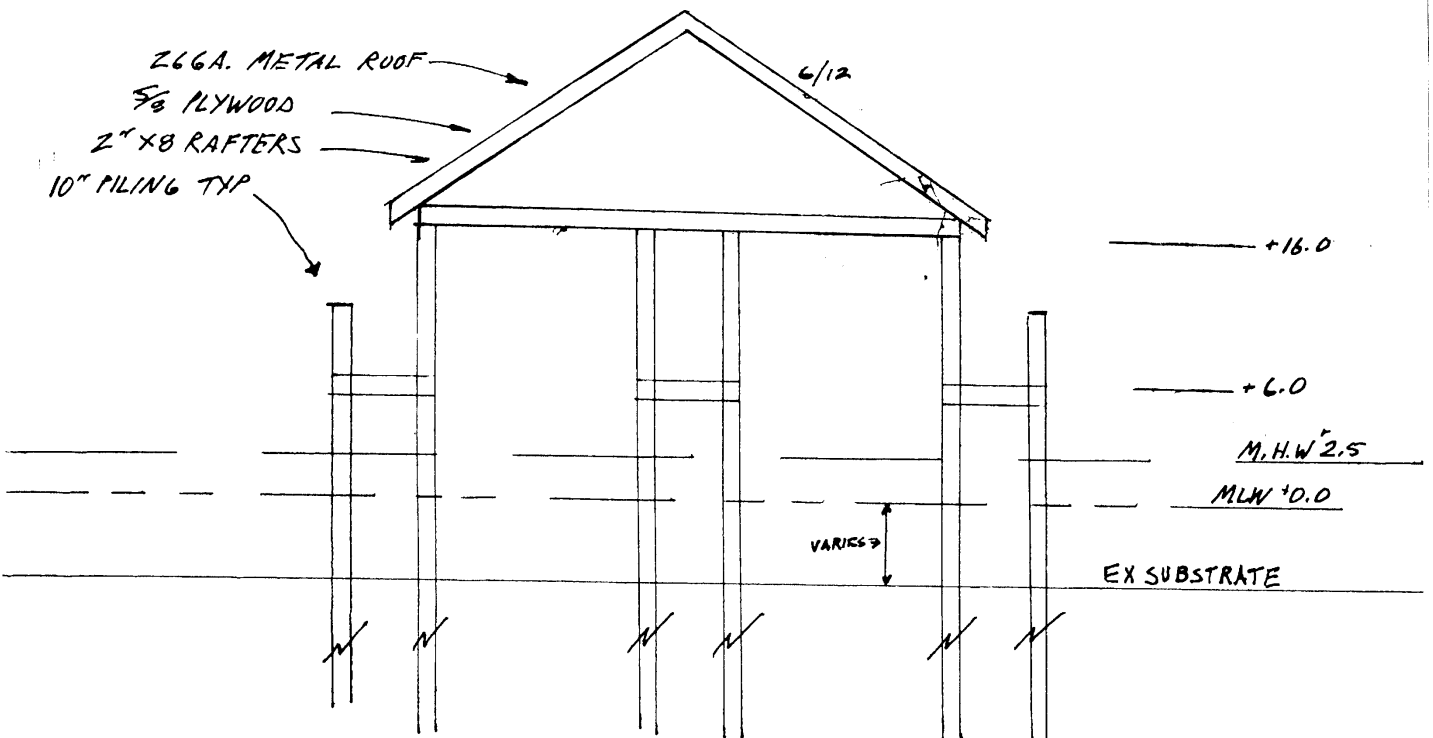
APD #1 WILLIAMSBURG LANDING
APD #2 WILLIAMSBURG-JAMESTOWN
AIRPORT INCL
08/01/2020

SECTION VIEWS A & B
SHORT NECK LLC

DRW BY DRW
DATUM M.L.W.
SCALE 1"=10'-0"
PG 2 OF 4



SECTION C-C 1" = 10'-0" SOUTH REVETMENT



SECTION D-D 1" = 10'-0" BOATHOUSE

APD #1 WILLIAMSBURG LD, INC
 APD # WILLIAMSBURG-JAMESTOWN
 AIRPORT INC
 06/01/2020

SECTION VIEWS C & D,
 SHORT NECK LLC

DRW BY DRW
 DATUM M.L.W
 SCALE 1" = 10'-0"
 PG 3 OF 4

Part 3 – Appendices (continued)

Appendix B: Projects for Shoreline Stabilization in tidal wetlands, tidal waters and dunes/beaches including riprap revetments and associated backfill, marsh toe stabilization, bulkheads and associated backfill, breakwaters, beach nourishment, groins, jetties, and living shoreline projects. Answer all questions that apply. Please provide any reports provided from the Shoreline Erosion Advisory Service or VIMS.

NOTE: It is the policy of the Commonwealth that living shorelines are the preferred alternative for stabilizing tidal shorelines (Va. Code § 28.2-104.1). **Information on non-structural, vegetative alternatives (i.e., Living Shoreline) for shoreline stabilization is available at http://ccrm.vims.edu/coastal_zone/living_shorelines/index.html.**

1. Describe each **revetment, bulkhead, marsh toe, breakwater, groin, jetty, other structure, or living shoreline project** separately in the space below. Include the overall length in linear feet, the amount of impacts in acres, and volume of associated backfill below mean high water and/or ordinary high water in cubic yards, as applicable:

Install 200'-0" long North Riprap revetment upland of existing broken concrete revetment.
Install 75'-0" long bulkhead, install 20'-0" long retaining wall, install 200'-0" long South Riprap revetment,

2. What is the maximum encroachment channelward of mean high water? 0 feet.
Channelward of mean low water? 0 feet.
Channelward of the back edge of the dune or beach? N/A feet.

3. Please calculate the square footage of encroachment over:

- Vegetated wetlands square feet
- Non-vegetated wetlands 0 square feet
- Subaqueous bottom 0 square feet
- Dune and/or beach square feet

4. For bulkheads, is any part of the project maintenance or replacement of a previously authorized, currently serviceable, existing structure? Yes **x** No.

If yes, will the construction of the new bulkhead be no further than two (2) feet channelward of the existing bulkhead? Yes No.

If no, please provide an explanation for the purpose and need for the additional encroachment.

Part 3 – Appendices (continued)

5. Describe the type of construction and **all** materials to be used, including source of backfill material, if applicable (e.g., vinyl sheet-pile bulkhead, timber stringers and butt piles, 100% sand backfill from upland source; broken concrete core material with Class II quarry stone armor over filter cloth).

NOTE: Drawings must include construction details, including dimensions, design and all materials, including fittings if used.

Revetments: VDOT #1 bedding stone Class 1 armor stone, Non- woven geotextile fabric
Bulkhead and retaining wall: 10" butt fender piles, 4"x6" wale 2"x8" T&G timber sheet pile , 8" diameter anchor piles; geotextile filter fabric. All timber material 2.5CCA. all fasteners H.D.G

6. If using stone, broken concrete, etc. for your structure(s), what is the average weight of the:

Core (inner layer) material .10 pounds per stone Class size VDOT #1
Armor (outer layer) material 150 pounds per stone Class size 1

7. For **beach nourishment**, including that associated with breakwaters, groins or other structures, provide the following:

- Volume of material _____ cubic yards channelward of mean low water
 _____ cubic yards landward of mean low water
 _____ cubic yards channelward of mean high water
 _____ cubic yards landward of mean high water
- Area to be covered _____ square feet channelward of mean low water
 _____ square feet landward of mean low water
 _____ cubic yards channelward of mean high water
 _____ cubic yards landward of mean high water
- Source of material, composition (e.g. 90% sand, 10% clay): _____
- Method of transportation and placement: _____
- Describe any proposed vegetative stabilization measures to be used, including planting schedule, spacing, monitoring, etc. Additional guidance is available at
<http://www.vims.edu/about/search/index.php?q=planting+guidelines>:

September 8, 2020

James City County Wetlands Board
Williams Apperson
Chair, JCC Wetlands Board

Dear JCC Wetlands Board,

My family lives at 111 Archers Hope in the Kingspoint neighborhood and we use our community boat ramp frequently. We are vehemently against Mr. Waltrip building what appears to be a commercial marina in a narrow part of College Creek which would essentially cutting off our access to the James River. The deepest part of the creek runs along Mr. Waltrip's shoreline. We are concerned that hardening the shoreline unnecessarily will alter the water flow and create ecological problem effecting the plants, animals and the water quality. We have already experienced silting in of College Creek with the 199 bridges. It is unclear why the shoreline needs any armoring at all, there is no erosion nor fetch. If it is decided that 500+ feet of rock and 75 feet of bulkheading is needed a living shoreline should be considered.

- The proposed project does not appear to consider the use of a Living Shoreline.
- There is no erosion at this site which would require this massive revetment.
- The proposed project extends into the navigable waters of the creek.
- The proposed project would negatively impact the natural undeveloped creek and marshes.
- It appears as though the project is a commercial marina, not a private dock including a boat house much large than what is considered a residential boat house.
 - According to VMRC "Subject to any applicable local ordinances, private piers may also include an attached boatlift and an open-sided roof designed to shelter a single boat slip or boatlift provided the roof **does not exceed 700 square feet in coverage, and the adjoining property owners do not object to the proposed roof structure.**" I am sure all adjoining property owners do object to this huge roofed structure.
- Mr. Waltrip already has on site the 136' floating pier **without permits**. On March 26, 2020 I saw and reported to VMRC the "new" floating piers being brought into College Creek. (see attached email chain with VMRC)

I truly hope that the Wetland Board, who is tasked to ensure that development is responsible and who are to conserve the wetlands in our county, realizes that this permit is

not for a private pier and boat house and it will damage the shoreline, the wetlands and the navigable channel of college creek.

Sincerely,
David and Jennifer Stanhope
111 Archers Hope
Williamsburg, VA



Bathymetric sonar scan at high tide, tidal range 2 ½' – 3'

Email chain with VMRC about the floating pier.

Lay, Allison <allison.lay@mrc.virginia.gov>

Mon 3/30/2020 1:28 PM

To:

Thank you for the photos. It looks like this may be a violation. I will investigate it further, but since we are not allowed to do site visits or send mail at this time, it may be awhile before I can get through the violation process. I will keep you updated as I go through the process.

Allison Lay
Environmental Engineer
Virginia Marine Resources Commission
380 Fenwick Road, Bldg. 96
Fort Monroe, Virginia 23651
757-247-2254

DS

david stanhope

Fri 3/27/2020 3:21 PM

To:

I am going out on my boat this afternoon. I will check it out and let you know.

Thanks,

Dave

On Mar 27, 2020, at 8:36 AM, Lay, Allison <allison.lay@mrc.virginia.gov> wrote:

I was able to see the area. I wasn't able to find any recent applications for piers or floating docks in that area. Are the floating docks attached to pilings in the water?

Allison Lay
Environmental Engineer
Virginia Marine Resources Commission

380 Fenwick Road, Bldg. 96

Fort Monroe, Virginia 23651

757-247-2254

LA

Lay, Allison <allison.lay@mrc.virginia.gov>

Fri 3/27/2020 12:36 PM

To:

I was able to see the area. I wasn't able to find any recent applications for piers or floating docks in that area. Are the floating docks attached to pilings in the water?

Allison Lay
Environmental Engineer
Virginia Marine Resources Commission

380 Fenwick Road, Bldg. 96

Fort Monroe, Virginia 23651

757-247-2254

DS

david stanhope

Thu 3/26/2020 9:56 PM

To:

- allison.lay@mrc.virginia.gov

[Dropped pin](#)
[Near Virginia 23185](#)

Hopefully the Pin I dropped worked. The dock was floated in today.

Michael Woolson

From: Eugene A. Morelli <e.a.morelli@cox.net>
Sent: Tuesday, September 8, 2020 12:37 PM
To: Michael Woolson
Cc: jeff.madden@mrc.virginia.gov; 'Kingspoint Neighborhood Association'
Subject: [External] Case No. VMRC 20-1053, Proposed College Creek Marina

Mr. Woolson,

I am a long-time Kingspoint resident, writing to voice my strong opposition to the subject proposed project for a marina on college creek.

My Kingspoint neighbors will attend the meeting on Wednesday and provide a list of many good reasons that this project is ill-advised and damaging to both the environment and our neighborhood. I want to add two more considerations that may not be on that list:

1. The proposed marina will certainly be noisy, which will disturb Kingspoint residents, the Kingspoint club environment, and local wildlife.
2. The proposed site for the marina seems illogical, because the only passage for motorcraft from the proposed marina site to open water on the James river goes through shallow wetlands, under a low bridge on the colonial parkway, and past a popular beach area. I think the environmental impact must include these areas as well.

I hope you will take into account the significant adverse impacts of this proposed project and make the right decision for the community and the environment.

Thank you for your consideration,

Gene Morelli

115 Crownpoint Road
Kingspoint

Gene Morelli

115 Crownpoint Road
Williamsburg, VA 23185

Phone: 757.784.6424
Email: e.a.morelli@cox.net

September 9th, 2020

James City County Wetlands Board
Mr. Michael Woolson, Secretary
Case Number (VMRC 20-1053).

Dear JCC Wetlands Board,


My name is Scott Lerberg and I am a homeowner in the Kingspoint Neighborhood, a member of the Kingspoint Club, a recent boat owner, and work as a marine scientist at the Virginia Institute of Marine Science. As such, I am very concerned about the proposed Waltrip Landing Project on College Creek.

I have no issue with Mr. Waltrip wanting to have access to the water on his property; however, this proposed project not seem to be a reasonable or responsible request, does not appear to minimize impacts to the wetland/shoreline habitat, and has not followed an open and transparent process. The Kingspoint Club, (the governing body that manages the clubhouse, pool, boat launch, and dock for the Kingspoint neighborhood) of which our family are members have listed a number of concerns about this project in their letter about this project and I would like to reiterate a few of those and how they would personally negatively impact our experiences on College Creek and our neighborhood.

- Homeowner Boat Access: We are new boat owners this year and we frequently use the Kingspoint Club boat launch for accessing the navigable waters of College Creek and for access to the James River. The proposed project for the Waltrip project (which I will just use the term “marina” moving forward) will potentially directly impact our availability to access the deeper portions of College Creek, even on higher tides due to the limited space in the proposed area for navigation. We have made a huge financial investment (for our family) to acquire our boat and this could deny us access to the waters of College Creek which is a safe and protected way to get our family (especially kids) out on the water.
- Safety. We also use College Creek for a number of other water-related activities including kayaking, stand up paddle boarding, and swimming. The potential for increased boat traffic with 8 to 9 additional boats in concerning, especially directly across from the Kingpoint Club and boat ramp. It is also concerning that there is no homeowner on site, so there will be limited oversight on activities at the marina and response time for potential adverse issues that might occur.
- Environmental Impacts. We are fortunate to have a relatively pristine ecological setting for our kids to learn, respect, and enjoy through the years and the impacts (not only during the construction phase of this project but also in the long term) could to be detrimental to the fragile environment of College Creek, with potential impacts of dredging, shoreline erosion, and potential fuel spills, oil leaks. It is also very concerning that the project is not using a living shoreline approach for this project which is the preferred alternative for this type of environmental setting with limited fetch/wave activity.

I hope that Wetlands Boards takes these comments into consideration when reviewing the Waltrip Landing proposal. Thank you for your time and service for the greater community.

Sincerely,



Scott Lerberg
212 Southpoint Drive, Williamsburg, VA 23185.

ITEM SUMMARY

DATE: 9/9/2020

TO: Wetlands Board

FROM: Michael Woolson, Senior Watershed Planner

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

Mr. Daniel Winall of Water's Edge Construction, on behalf of Mark and Maria Velleca, has applied for a wetlands permit for a pier at 6413 Conservancy, JCC Parcel 4930300004.

ATTACHMENTS:

	Description	Type
☐	Staff Report	Staff Report
☐	Resolution	Resolution
☐	Presentation	Presentation
☐	Application	Backup Material
☐	Application Revision 1	Backup Material
☐	Application Revision 2	Backup Material
☐	Public Advertisement	Backup Material
☐	APO Letter	Backup Material
☐	APO Mailing List	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Wetlands Group	Woolson, Michael	Approved	9/3/2020 - 11:30 AM
Wetlands Group	Small, Toni	Approved	9/3/2020 - 4:17 PM
Publication Management	Burcham, Nan	Approved	9/3/2020 - 4:22 PM
Wetlands Group	Secretary, Wetland	Approved	9/3/2020 - 4:28 PM

**WETLANDS BOARD CASE No. WJPA 20-0032/VMRC 20-1199. 6413 Conservancy
Staff Report for the September 9, 2020, Wetlands Board Public Hearing**

This staff report is prepared by James City County Stormwater and Resource Protection to provide information to the Wetlands Board to assist them in making a recommendation on this assessment. It may be useful to members of the general public interested in this assessment.

EXISTING SITE DATA AND INFORMATION

Applicants: Mr. Mark and Mrs. Maria Velleca

Owner/Agent: Mr. Daniel Winall, Waters Edge Construction

Location: 6413 Conservancy

Parcel: Lot 4, Conservancy at Jockeys Neck

Parcel Identification No.: 4930300004

Watershed: College Creek (HUC JL34)

Floodplain: Zone AE - Base flood elevation is determined to be 8 feet mean sea level

Proposed Activity: Removal and construction of a pier, a floating dock, a finger pier, an open-sided boathouse, and a covered deck

Wetland Impacts:

- Zero vegetated wetland impacts
- 2,300 square feet of potential vegetated wetland impacts due to construction method
- 1,500 square feet of non-vegetated wetland impacts

Staff Contact: Michael D. Woolson, Senior Watershed Planner Phone: 253-6823

PROJECT DISCUSSION

Mr. Daniel Winall, Waters Edge Construction, has applied for a wetlands permit on behalf of Mr. Mark and Mrs. Maria Vallega 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 College Creek watershed. The property is further identified as James City County Tax Map Parcel No. 493030004.

There is an existing pier and floating dock on the property that is beginning to fail. It is for this reason that the applicants are proposing to remove the existing pier and reconstruct a 375-linear-foot pier adjacent to the existing pier. The proposed pier will traverse approximately 225 linear feet of vegetated wetlands and will also include the construction of a floating dock, a finger pier, an open-sided boathouse, and a covered deck. The existing pier demolition and new pier construction will be performed via barge at high tide. This construction method may impact the vegetated wetlands along the barge pathway for installation of the new pier plus the removal of the existing pier.

On April 7, 2009, a Special Committee session of the Wetlands Board was assembled to address staff concerns of wetland impacts on certain open pile structures. Staff concerns were based on observations from several projects. The Wetland Board considered this matter at its regular meeting on May 13, 2009, and adopted the recommendation from the Special Committee, which is that a Wetlands Permit be required for the construction of open pile structures proposed in vegetated tidal wetlands of the County, in those

cases where staff has valid reasons to anticipate that the construction of such a structure may result in the alteration of the natural wetland contours or the unreasonable obstruction of tidal flow.

The issue before the Board is not the pier and appurtenant structures, as it is a non-commercial open pile structure exempt from needing a wetlands permit, but the manner of constructing the pier and any wetland impacts that may occur from the construction. The pier will extend approximately 280 feet through the vegetated tidal wetlands. The removal of the existing pier will occur through approximately 350 feet of vegetated tidal wetlands. Due to the unknown quantity of wetland impacts that may occur due to the construction method, staff suggests a surety in the amount of \$46,000 be required to guarantee the 'no net-loss' wetland policy as outlined in 4VAC20-390-10 et seq. The surety shall be set aside for one year after construction and that the wetland impact issue be revisited by staff and other interested parties to determine the extent of any permanent vegetated wetland impacts. At that point in time, mitigation could be required or the surety returned to the property owner if there are no permanent impacts outside of the proposed tree removal.

Prior to or concurrent with starting construction, the contractor shall photo document the pathway of the construction barge at low tide. Also, staff shall obtain drone coverage of the work area at low tide if feasible. The summer after construction, photo documentation and drone coverage shall again occur at low tide along the new pier alignment, if feasible. If impacts have occurred, the impacted area shall be planted or credits purchased at an approved tidal wetlands mitigation bank, at the owners discretion. Furthermore, the alignment of the old pier shall not be counted towards project impacts.

MITIGATION DISCUSSION

As published in *The Virginia Register* on July 11, 2005, the revised Wetland Mitigation Compensation Policy and Supplemental Guidelines, Regulation 4VAC 20-390-10 et seq., Virginia, as a Chesapeake Bay Program partner, is committed to "achieve a no-net loss of existing wetlands acreage and function in the signatories' regulatory programs." In order for a proposed project to be authorized to impact wetlands and compensate for the wetland loss in some prescribed manner, the following three criteria must be met:

1. All reasonable mitigative efforts, including alternative siting, which would eliminate or minimize wetland loss or disturbance must be incorporated in the proposal; and
2. The proposal must clearly be water dependent in nature; and
3. The proposal must demonstrate clearly its need to be in the wetlands and its overwhelming public and private benefits.

If the proposed project cannot meet one or more of the above criteria, the project must be denied or must occur in areas outside of wetlands. Should it satisfy all three criteria, however, compensation for the wetland loss is required. The sequence of acceptable mitigation options should be as follows: on-site, off-site within the same watershed, mitigation bank(s) in the same watershed or a payment of an in-lieu fee. If compensation is required, it should be a condition of the permit.

Staff has reviewed this application and finds that this project meets the three criteria outlined above. It is anticipated that approximately 2,300 square feet of vegetated wetlands may be impacted during the construction of this project. The owner shall replant the impacted area or may purchase credits from an approved tidal wetlands mitigation bank.

STAFF RECOMMENDATIONS

Staff has reviewed the above application and recommends approval of the application as presented. Should the Board wish to approve the application, staff suggests the following conditions be incorporated into the approval:

1. The applicant must obtain all other necessary local, state, and/or federal permits required for the project; and
2. All development activities located in the special flood hazard area shall comply with Article VI, Division 3, Floodplain Area Regulations of the James City County Zoning Ordinance and receive all required approval and permits prior to commencement of such activities; and
3. A surety of \$46,000 be paid and in place prior to commencement of work in a form acceptable to the James City County Attorney's Office; and
4. Before and during construction, the contractor shall photo-document the pathway of the construction barge at low tide and staff shall provide drone coverage of the work area, if possible, to determine the extent of existing vegetation; and
5. The summer after construction is completed, staff shall photo-document and provide for drone coverage of the work area for comparison to pre-construction site conditions; and
6. A meeting shall take place with staff and the contractor no later than one year after pier construction is completed to determine the extent of wetland impacts, if any. The owner may, at their discretion, replant the affected areas or purchase wetland credits from an approved tidal wetlands mitigation bank. Once proof of the plantings or wetland credit purchase has been provided the surety shall be returned. If there are no permanent wetland impacts, the surety shall be returned; and
7. The Wetlands Permit for this project shall expire on September 9, 2023, if construction has not begun; and
8. If an extension of the permit is needed, a written request shall be submitted to the Stormwater and Resource Protection Division no later than July 29, 2023, six weeks prior to the expiration date.

MDW/nb
WJPA20-326413Consrv

Attachment:

1. Resolution

RESOLUTION

CASE NO. WJPA 20-0032/VMRC 20-1199. 6413 CONSERVANCY

JAMES CITY COUNTY WETLANDS PERMIT

WHEREAS, Mr. Mark and Mrs. Maria Velleca (the “Applicants”), have applied to the Wetlands Board of James City County (the “Board”) to request a permit to use and develop in areas designated as wetlands on property identified as James City County Real Estate Tax Map Parcel No. 4930300004 and further identified as 6413 Conservancy (the “Property”) as set forth in the application WJPA 20-0032/VMRC 20-1199; and

WHEREAS, the Board has listened to the arguments presented and has carefully considered all evidence entered into the record.

NOW, THEREFORE, BE IT RESOLVED that the Wetlands Board of James City County, Virginia, following a public hearing, by a majority vote of its members FINDS that:

1. The anticipated public and private benefit of the proposed activity in the wetlands exceeds its anticipated public and private detriment.
2. The proposed development conforms to the standards prescribed in Section 28.2-1308 of the Code of Virginia, and the guidelines promulgated pursuant to Section 28.2-1301 of the Code of Virginia.
3. The proposed activity does not violate the purpose and intent of Chapter 22 of the James City County Code or Sections 28.2-1300 et. seq. of the Code of Virginia.
4. In granting this Wetlands Permit, the following conditions are hereby imposed:
 - a. The applicant must obtain all other necessary local, state, and/or federal permits required for the project; and
 - b. All development activities located in the special flood hazard area shall comply with Article VI, Division 3, Floodplain Area Regulations of the James City County Zoning Ordinance and receive all required approvals and permits prior to commencement of such activities; and
 - c. A surety of \$46,000 be paid and in place prior to commencement of work in a form acceptable to the James City County Attorney’s Office; and
 - d. Before and during construction, the contractor shall photo-document the pathway of the construction barge at low tide and staff shall provide drone coverage of the work area, if possible, to determine the extent of existing vegetation; and
 - e. The summer after construction is completed, staff shall photo-document and provide for drone coverage of the work area for comparison to pre-construction

site conditions; and

- f. A meeting shall take place with staff and the contractor no later than one year after pier construction is completed to determine the extent of wetland impacts, if any. The owner may, at their discretion, replant the affected areas or purchase wetland credits from an approved tidal wetlands mitigation bank. Once proof of the plantings or wetland credit purchase has been provided the surety shall be returned. If there are no permanent wetland impacts, the surety shall be returned; and
- g. The Wetlands Permit for this project shall expire on September 9, 2023, if construction has not begun; and
- h. If an extension of the permit is needed, a written request shall be submitted to the Stormwater and Resource Protection Division no later than July 29, 2023, six weeks prior to the expiration date.

David Gussman
Vice Chair, Wetlands Board

Michael D. Woolson
Secretary to the Board

Adopted by the Wetlands Board of James City County, Virginia, this 9th day of September, 2020.

THE FORGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 2020 IN THE COMMONWEALTH OF VIRGINIA, IN THE COUNTY OF JAMES CITY.

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

WJPA20-32-6413Consrv-res



Wetlands Board of James City County, Virginia

September 9, 2020

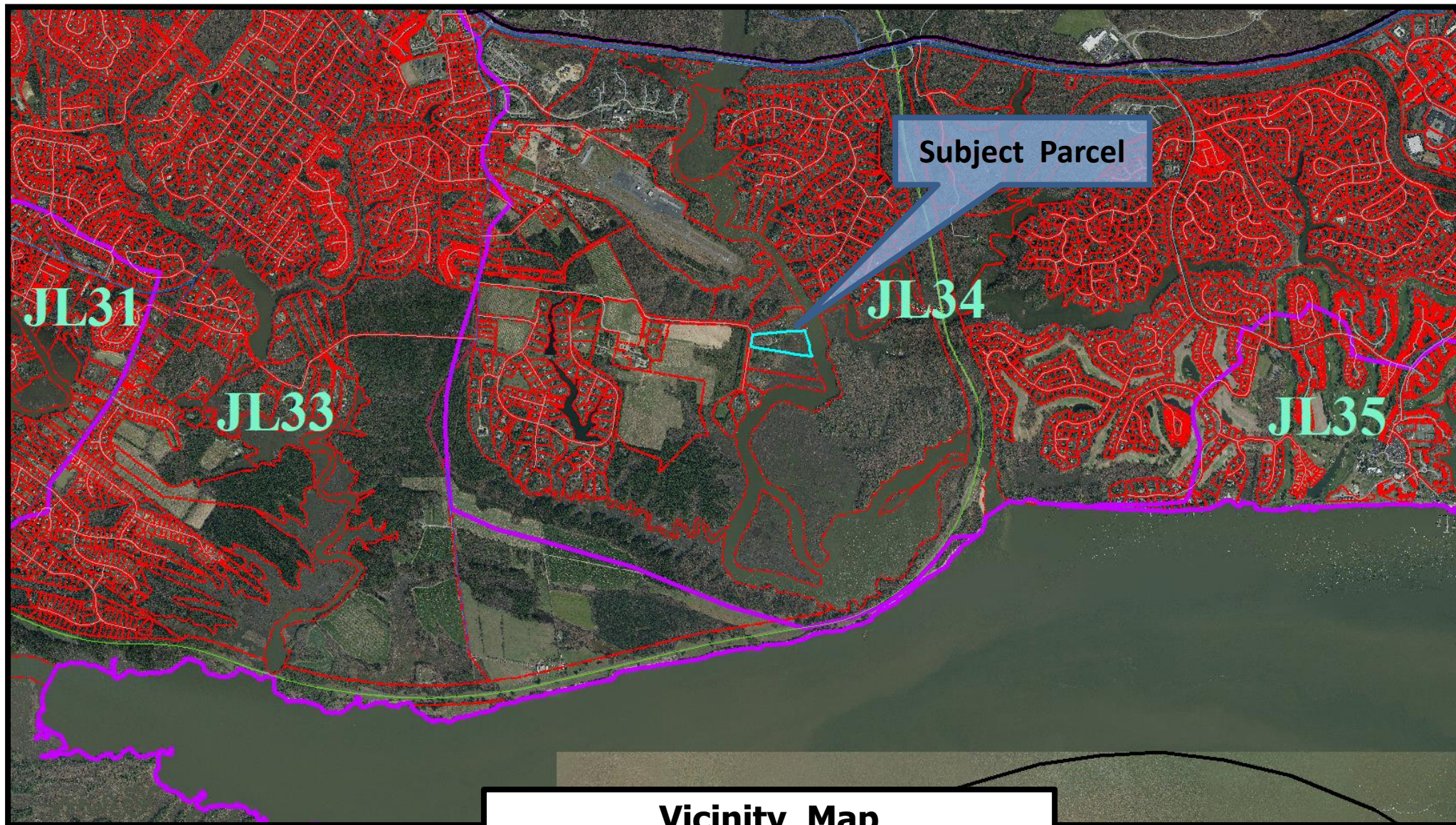
WJPA 20-0032

Mark and Maria Velleca

6413 Conservancy

Applicant Request

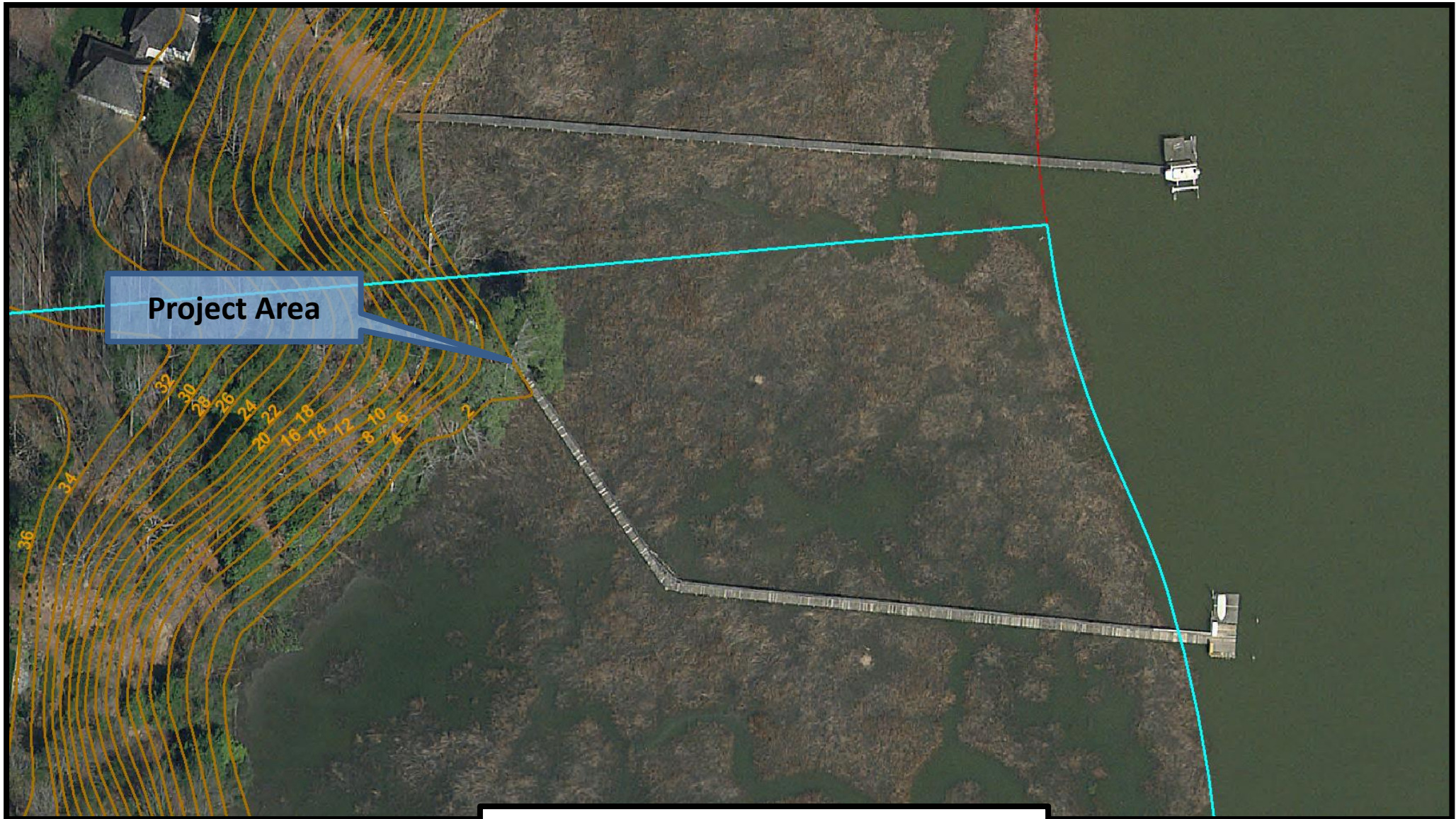
- ✓ Removal and construction of a pier, a floating dock, a finger pier, an open-sided boathouse, and a covered deck.



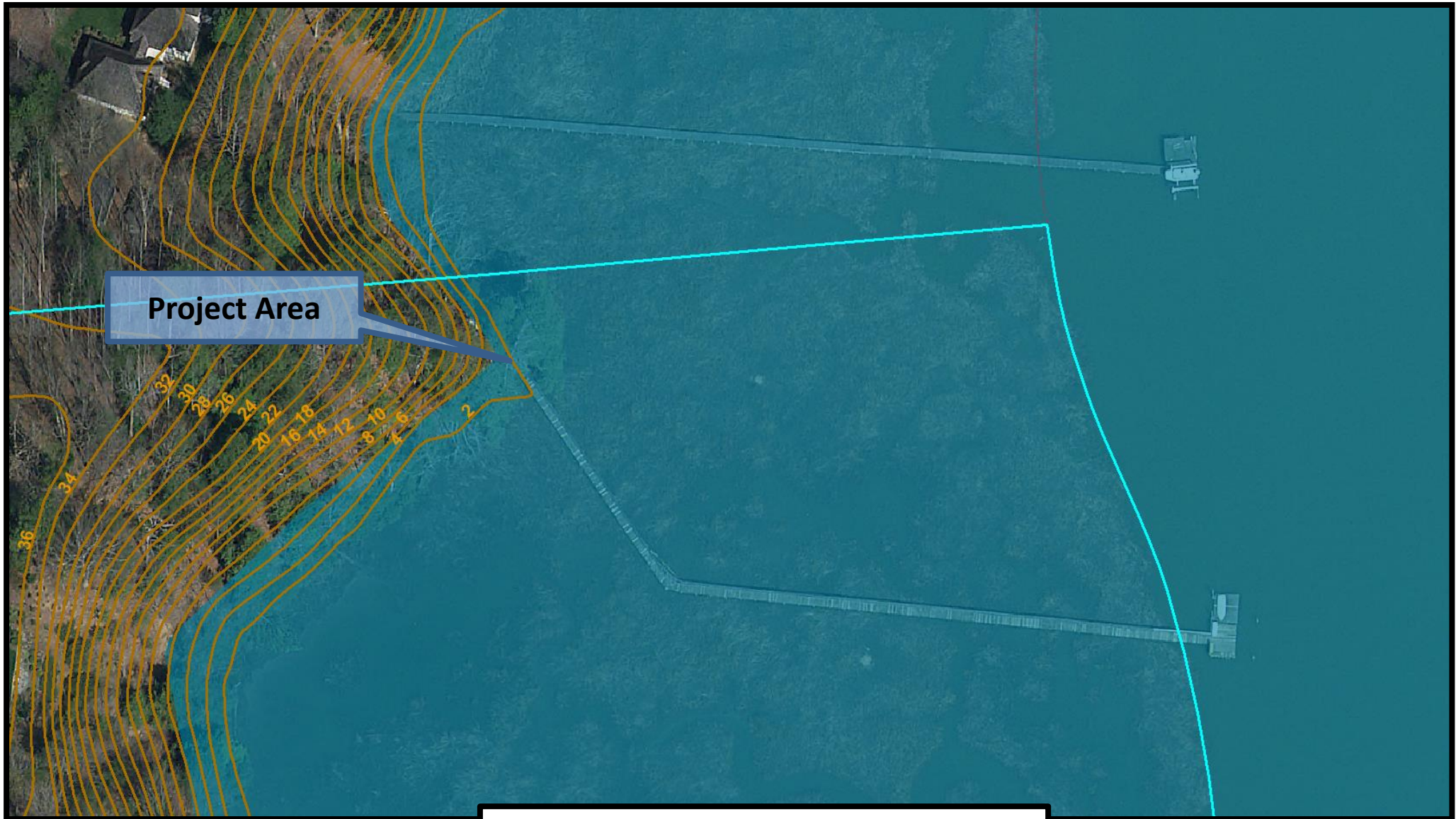
Vicinity Map
WJPA 20-0032
6413 Conservancy



Aerial Map
WJPA 20-0032
6413 Conservancy



Topography
WJPA 20-0032
6413 Conservancy

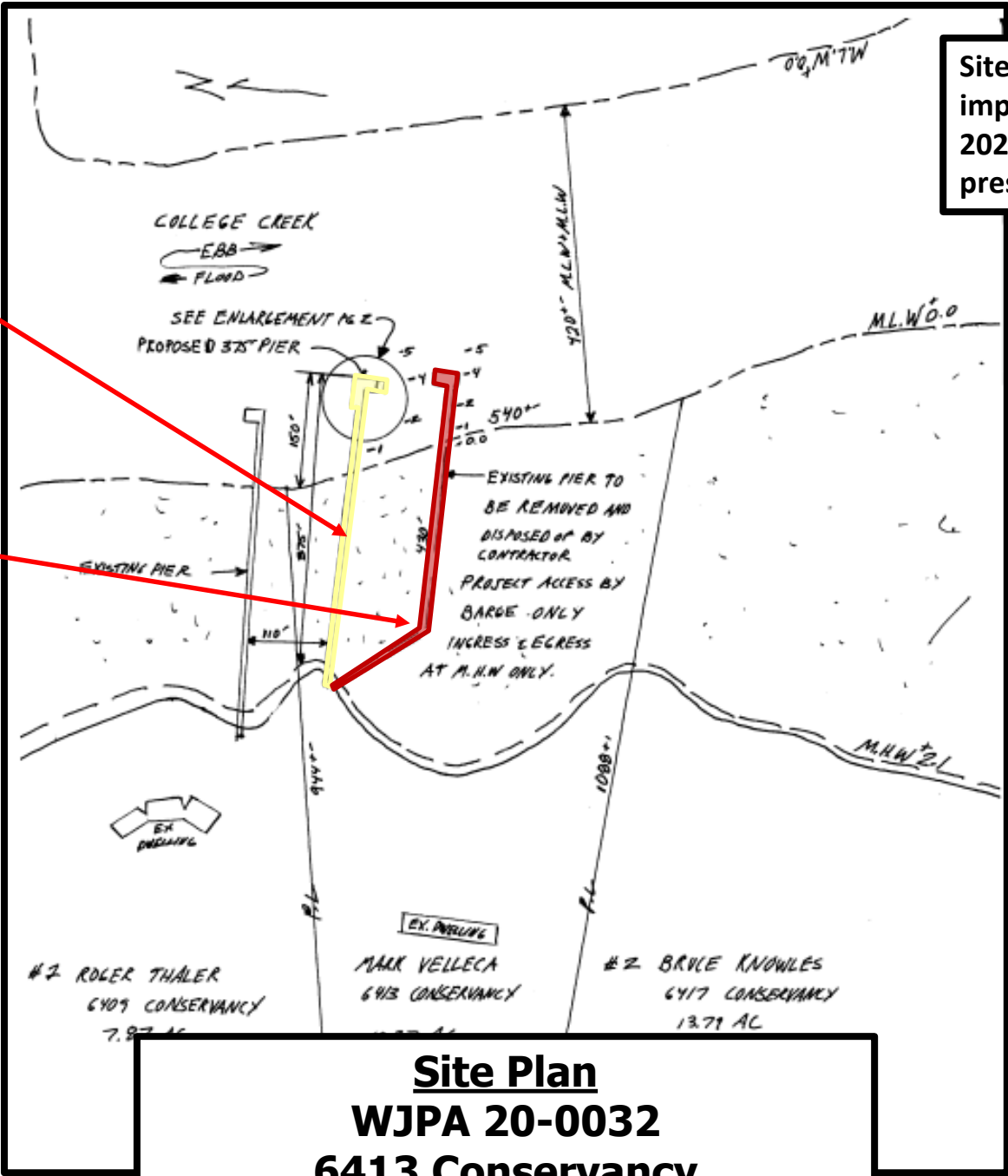


Floodplain
WJPA 20-0032
6413 Conservancy

Site Plan showing proposed improvements, submitted August 11, 2020. For representative use only for presentation of case #WJPA 20-0032.

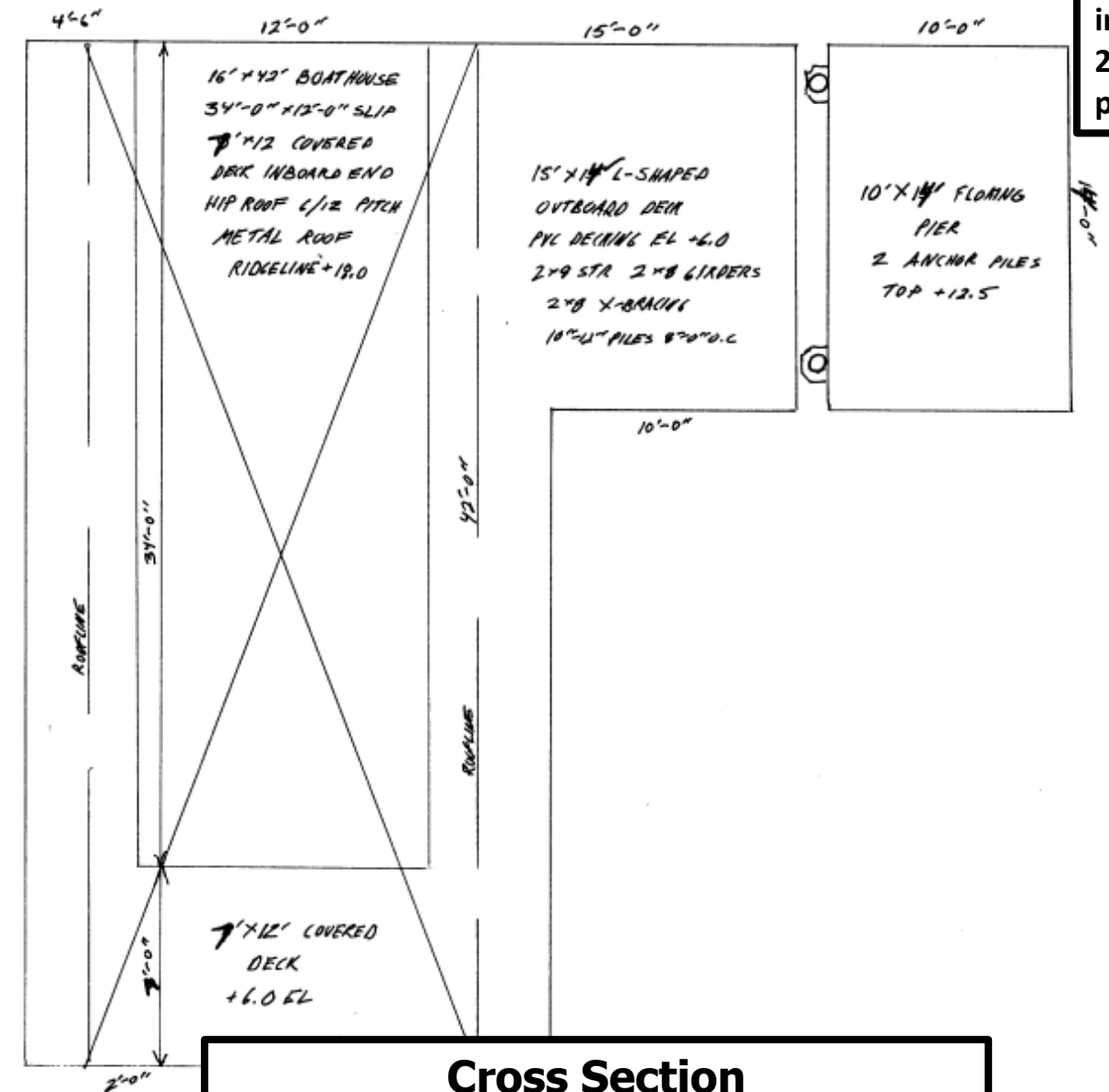
Proposed pier

Existing pier, to be removed

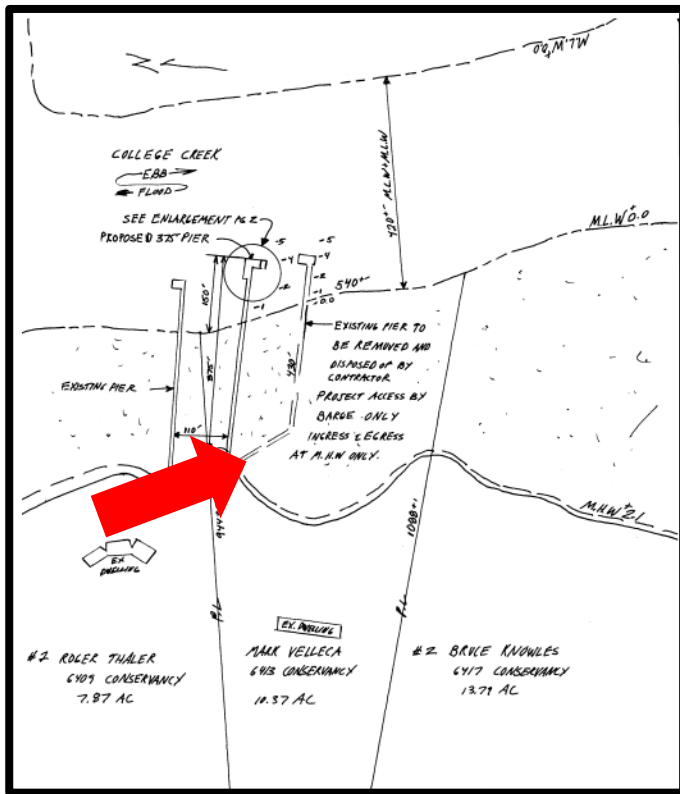


Site Plan
WJPA 20-0032
6413 Conservancy

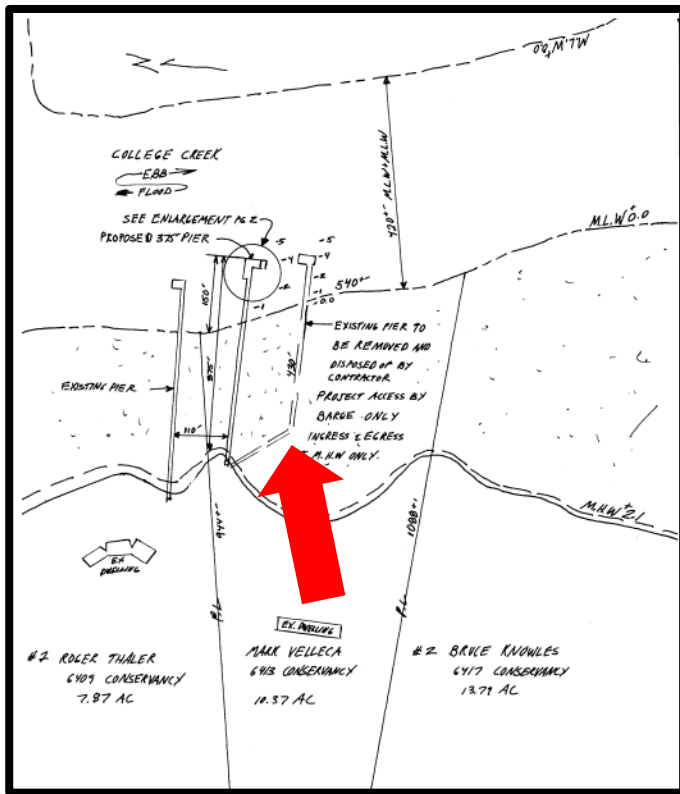
Site Plan revision showing proposed improvements, submitted August 24, 2020. For representative use only for presentation of case #WJPA 20-0032.



Cross Section
WJPA 20-0032
6413 Conservancy

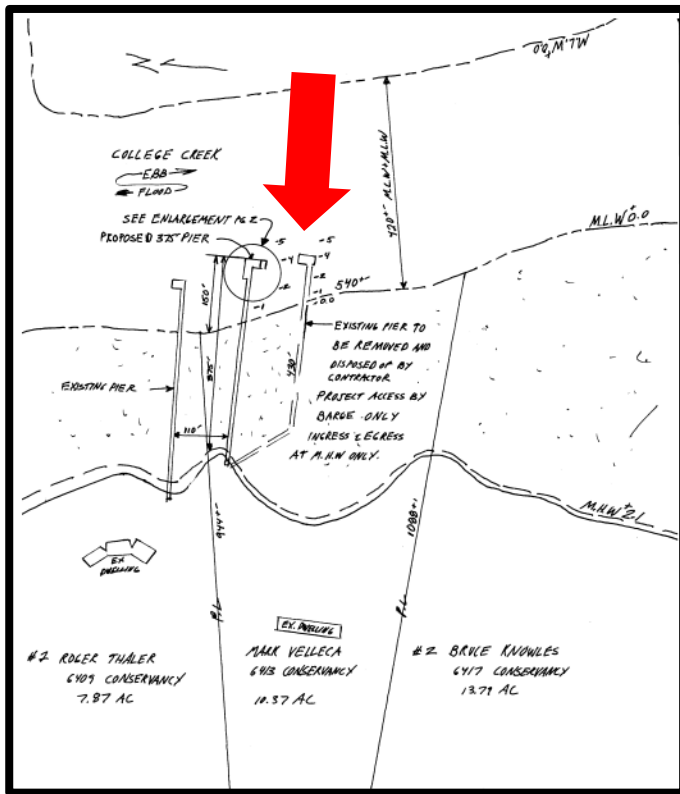


Site Photo #1
WJPA 20-0032
6413 Conservancy



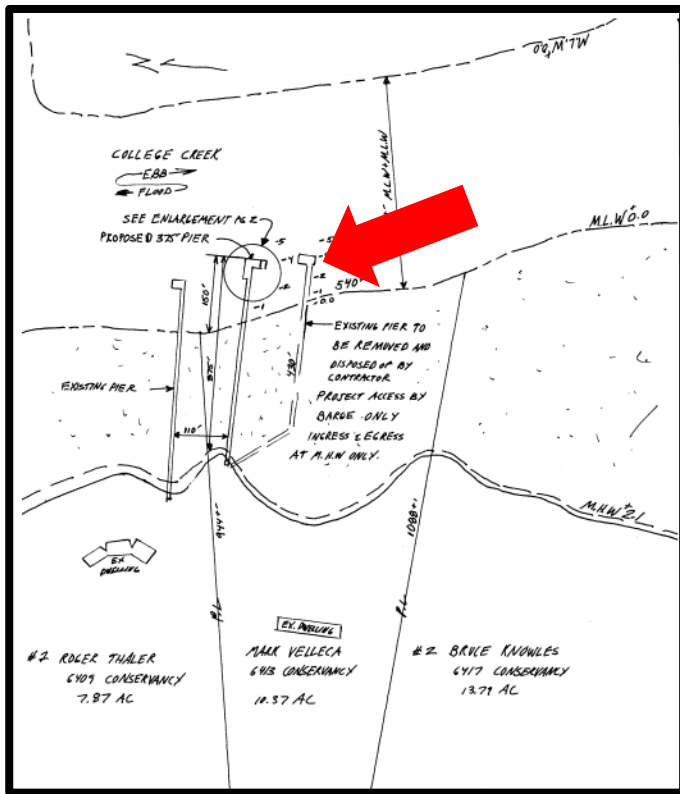
Site Photo #2
WJPA 20-0032
6413 Conservancy

August 21, 2020



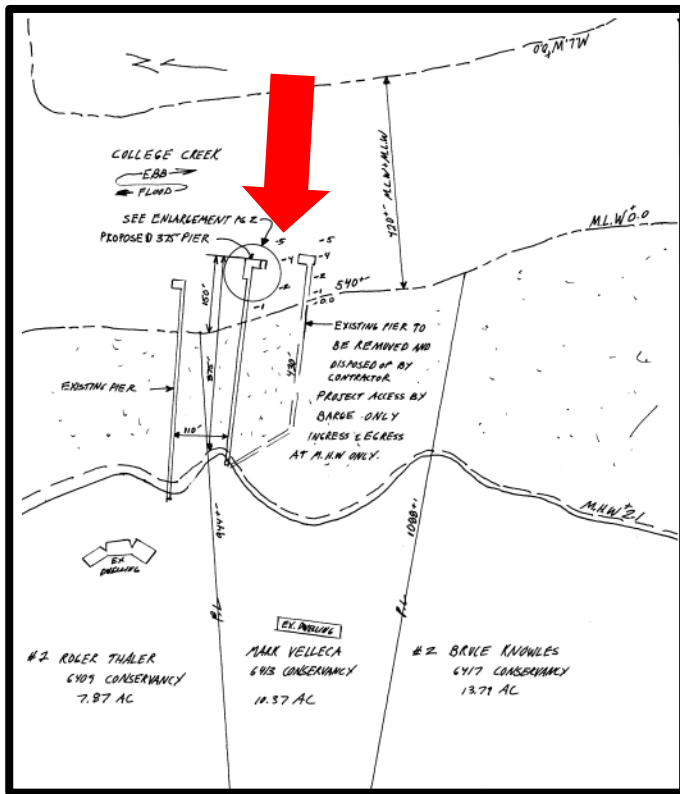
Site Photo #3
WJPA 20-0032
6413 Conservancy





Site Photo #4
WJPA 20-0032
6413 Conservancy

August 21, 2020



Site Photo #5
WJPA 20-0032
6413 Conservancy



Permit Conditions



Staff Recommended Conditions

- ✓ The applicant must obtain all other necessary local, state, and/or federal permits required for the project.
- ✓ All development activities located in the special flood hazard area shall comply with Article VI, Division 3, Floodplain Area Regulations of the James City County Zoning Ordinance and receive all required approval and permits prior to commencement of such activities.
- ✓ A surety of \$46,000 be paid and in place prior to commencement of work in a form acceptable to the James City County Attorney's Office.

Permit Conditions



Staff Recommended Conditions Cont.

- ✓ Before and during construction, the contractor shall photo-document the pathway of the construction barge at low tide and staff shall provide drone coverage of the work area, if possible, to determine the extent of existing vegetation.
- ✓ The summer after construction is completed, staff shall photo-document and provide for drone coverage of the work area for comparison to pre-construction site conditions.

Permit Conditions



Staff Recommended Conditions Cont.

- ✓ A meeting shall take place with staff and the contractor no later than one year after pier construction is completed to determine the extent of wetland impacts, if any. The owner may, at their discretion, replant the affected areas or purchase wetland credits from an approved tidal wetlands mitigation bank. Once proof of the plantings or wetland credit purchase has been provided the surety shall be returned. If there are no permanent wetland impacts, the surety shall be returned.

Permit Conditions



Staff Recommended Conditions Cont.

- ✓ The Wetlands Permit for this project shall expire on September 9, 2023, if construction has not begun.
- ✓ If an extension of the permit is needed, a written request shall be submitted to the Stormwater and Resource Protection Division no later than July 29, 2023, six weeks prior to the expiration date.

From: [Daniel Winall](#)
To: jpa.permits@mrc.virginia.gov
Subject: 6413 Conservancy pier/ boathouse Williamsburg
Date: Tuesday, July 7, 2020 6:02:21 PM
Attachments: [File07-01.PDF](#)

Thanks,

Daniel R. Winall
President

Water's Edge Construction

P.O. Box 352

Toano, VA 23168

Phone: 757-566-0149

Email: dwinall@wecmarine.com

www.wecmarine.com

- ❖ DEQ: Permit application fees required for Virginia Water Protection permits – while detailed in 9VAC25-20 – are conveyed to the applicant by the applicable DEQ office (<http://www.deq.virginia.gov/Locations.aspx>). Complete the Permit Application Fee Form and submit it per the instructions to the address listed on the form. Instructions for submitting any other fees will be provided to the applicant by DEQ staff.
- ❖ VMRC: An application fee of \$300 may be required for projects impacting tidal wetlands, beaches and/or dunes when VMRC acts as the LWB. VMRC will notify the applicant in writing if the fee is required. Permit fees involving subaqueous lands are \$25.00 for projects costing \$10,000 or less and \$100 for projects costing more than \$10,000. Royalties may also be required for some projects. The proper permit fee and any required royalty is paid at the time of permit issuance by VMRC. VMRC staff will send the permittee a letter notifying him/her of the proper permit fees and submittal requirements.
- ❖ LWB: Permit fees vary by locality. Contact the LWB for your project area or their website for fee information and submittal requirements. Contact information for LWBs may be found at http://ccrm.vims.edu/permits_web/guidance/local_wetlands_boards.html.

FOR AGENCY USE ONLY	
	Notes:
	JPA # 20-1199

APPLICANTS

Part 1 – General Information

PLEASE PRINT OR TYPE ALL ANSWERS: If a question does not apply to your project, please print N/A (not applicable) in the space provided. If additional space is needed, attach 8-1/2 x 11 inch sheets of paper.

<u>Check all that apply</u>				
Pre-Construction Notification (PCN) <input type="checkbox"/>	Regional Permit 17 (RP-17) <input type="checkbox"/>			
NWP # _____ (For Nationwide Permits ONLY - No DEQ-VWP permit writer will be assigned)				
County or City in which the project is located: James City				
Waterway at project site: College Creek				
PREVIOUS ACTIONS RELATED TO THE PROPOSED WORK (Include all federal, state, and local pre application coordination, site visits, previous permits, or applications whether issued, withdrawn, or denied)				
Historical information for past permit submittals can be found online with VMRC - https://webapps.mrc.virginia.gov/public/habitat/ - or VIMS - http://ccrm.vims.edu/perms/newpermits.html				
Agency	Action / Activity	Permit/Project number, including any non-reporting Nationwide permits previously used (e.g., NWP 13)	Date of Action	If denied, give reason for denial

Part 1 - General Information (continued)

1. Applicant's legal name* and complete mailing address: Contact Information:
Mark Velleca
6413 Conservancy
Williamsburg, VA 23185
Home ()
Work ()
Fax ()
Cell ()
e-mail
State Corporation Commission Name and ID Number (if applicable)
2. Property owner(s) legal name* and complete address, if different from applicant: Contact Information:
Home ()
Work ()
Fax ()
Cell ()
e-mail
State Corporation Commission Name and ID Number (if applicable)
3. Authorized agent name* and complete mailing address (if applicable): Contact Information:
Daniel R Winall
P.O Box 352
Toano, Va 23168
Home ()
Work (757) 5660149
Fax ()
Cell (757) 880 8503
e-mail dwinall@wecmarine.com
State Corporation Commission Name and ID Number (if applicable)

*** If multiple applicants, property owners, and/or agents, each must be listed and each must sign the applicant signature page.**

4. Provide a detailed description of the project in the space below, including the type of project, its dimensions, materials, and method of construction. Be sure to include how the construction site will be accessed and whether tree clearing and/or grading will be required, including the total acreage. If the project requires pilings, please be sure to include the total number, type (e.g. wood, steel, etc), diameter, and method of installation (e.g. hammer, vibratory, jetted, etc). If additional space is needed, provide a separate sheet of paper with the project description.

install a 375'-0" long x 5'-0" wide timber pier with a 15'-0"x 15'-0" L-shaped outboard deck. install a 16'-0" wide x 42'-0" long open pile boathouse with a 8'-0" x 12'-0" covered deck and a 4'-6" wide x 54'-0" long walkway around perimeter. Install a 10'-0" x 15'-0" floating pier adjacent to outboard deck. All piling timber 10"-12" diameter driven by a vibratory hammer mounted to a hydraulic excavator fixed a floating barge.

Part 1 - General Information (continued)

5. Have you obtained a contractor for the project? ☒ Yes* ☐ No. *If your answer is "Yes" complete the remainder of this question and submit the Applicant's and Contractor's Acknowledgment Form (enclosed)

Contractor's name* and complete mailing address:

Water's Edge Construction
P.O Box 352
Toano, Virginia 23168

Contact Information:

Home () _____
Work (757) 5660149
Fax () _____
Cell (757) 8808503
email dwinal@wecmarine.com

State Corporation Commission Name and ID Number (if applicable) 0322616-4

*** If multiple contractors, each must be listed and each must sign the applicant signature page.**

6. List the name, address and telephone number of the newspaper having general circulation in the area of the project. Failure to complete this question may delay local and State processing.

Name and complete mailing address:

The Daily Press
703 Mariners Row
Newport News, Virginia 23606

Telephone number

() _____

7. Give the following project location information:

Street Address (911 address if available) 6413 Conservancy Williamsburg, VA 23185

Lot/Block/Parcel# L-4 Conservancy@Jockeys Neck

Subdivision The Conservancy

City / County Williamsburg, VA

ZIP Code 23185

Latitude and Longitude at Center Point of Project Site (Decimal Degrees):

37.1353.93N / -76.4221.57W (Example: 36.41600/-76.30733)

If the project is located in a rural area, please provide driving directions giving distances from the best and nearest visible landmarks or major intersections. *Note: if the project is in an undeveloped subdivision or property, clearly stake and identify property lines and location of the proposed project. A supplemental map showing how the property is to be subdivided should also be provided.*

8. What are the *primary and secondary purposes of and the need for* the project? For example, the primary purpose may be "to protect property from erosion due to boat wakes" and the secondary purpose may be "to provide safer access to a pier."

primary purpose of project is to gain access to creek

secondary purpose of project is to provide mooring for boat

Part 1 - General Information (continued)

9. Proposed use (check one):
 ☒ Single user (private, non-commercial, residential)
 ☐ Multi-user (community, commercial, industrial, government)
10. Describe alternatives considered and the measures that will be taken to avoid and minimize impacts, to the maximum extent practicable, to wetlands, surface waters, submerged lands, and buffer areas associated with any disturbance (clearing, grading, excavating) during and after project construction. *Please be advised that unavoidable losses of tidal wetlands and/or aquatic resources may require compensatory mitigation.*
- Waterborne barges used for all construction. All mobilization will be done at high tide to avoid impacts to marsh. Project to be completed during Winter while vegetation is dormant.
11. Is this application being submitted for after-the-fact authorization for work which has already begun or been completed? ☐ Yes ☒ No. If yes, be sure to clearly depict the portions of the project which are already complete in the project drawings.
12. Approximate cost of the entire project (materials, labor, etc.): \$ 125,000.00
Approximate cost of that portion of the project that is channelward of mean low water:
\$ 49500.00
13. Completion date of the proposed work: 2021 -
14. Adjacent Property Owner Information: List the name and complete **mailing address**, including zip code, of each adjacent property owner to the project. (NOTE: If you own the adjacent lot, provide the requested information for the first adjacent parcel beyond your property line.) Failure to provide this information may result in a delay in the processing of your application by VMRC.

Bruce Hill Knowles Trustee
140 Kingspoint Drive
Williamsburg, Va 23185-4458

Roger Thaler
6409 Conservancy
Williamsburg, VA 23185-8068

Part 2 - Signatures

1. Applicants and property owners (if different from applicant).

NOTE: REQUIRED FOR ALL PROJECTS

PRIVACY ACT STATEMENT: The Department of the Army permit program is authorized by Section 10 of the Rivers and Harbors Act of 1899, Section 404 of the Clean Water Act, and Section 103 of the Marine Protection Research and Sanctuaries Act of 1972. These laws require that individuals obtain permits that authorize structures and work in or affecting navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters prior to undertaking the activity. Information provided in the Joint Permit Application will be used in the permit review process and is a matter of public record once the application is filed. Disclosure of the requested information is voluntary, but it may not be possible to evaluate the permit application or to issue a permit if the information requested is not provided.

CERTIFICATION: I am hereby applying for all permits typically issued by the DEQ, VMRC, USACE, and/or Local Wetlands Boards for the activities I have described herein. I agree to allow the duly authorized representatives of any regulatory or advisory agency to enter upon the premises of the project site at reasonable times to inspect and photograph site conditions, both in reviewing a proposal to issue a permit and after permit issuance to determine compliance with the permit.

In addition, I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Mark Velleca

Applicant's Legal Name (printed/typed)

(Use if more than one applicant)

* 
Applicant's Signature

(Use if more than one applicant)

* 6/30/20
Date

Property Owner's Legal Name (printed/typed)
(If different from Applicant)

(Use if more than one owner)

Property Owner's Signature

(Use if more than one owner)

Date

Part 2 – Signatures (continued)

2. Applicants having agents (if applicable)

CERTIFICATION OF AUTHORIZATION

I (we), Mark Velleca, hereby certify that I (we) have authorized Daniel R Winall
(Applicant's legal name(s)) (Agent's name(s))

to act on my behalf and take all actions necessary to the processing, issuance and acceptance of this permit and any and all standard and special conditions attached.

We hereby certify that the information submitted in this application is true and accurate to the best of our knowledge.

Daniel R Winall
(Agent's Signature)

(Use if more than one agent)

6/30/2020
(Date)

* M Velleca
(Applicant's Signature)

(Use if more than one applicant)

6/30/20
(Date)

3. Applicant's having contractors (if applicable)

CONTRACTOR ACKNOWLEDGEMENT

I (we), Mark Velleca, have contracted Water's Edge Construction
(Applicant's legal name(s)) (Contractor's name(s))

to perform the work described in this Joint Permit Application, signed and dated _____.

We will read and abide by all conditions set forth in all Federal, State and Local permits as required for this project. We understand that failure to follow the conditions of the permits may constitute a violation of applicable Federal, state and local statutes and that we will be liable for any civil and/or criminal penalties imposed by these statutes. In addition, we agree to make available a copy of any permit to any regulatory representative visiting the project to ensure permit compliance. If we fail to provide the applicable permit upon request, we understand that the representative will have the option of stopping our operation until it has been determined that we have a properly signed and executed permit and are in full compliance with all terms and conditions.

Water's Edge Construction

Contractor's name or name of firm

P.O Box 352 Toano, VA 23168

Contractor's or firms address

Daniel R Winall President
Contractor's signature and title

2705029454-A

Contractor's License Number

* M Velleca
Applicant's signature

(use if more than one applicant)

* 6/30/20
Date

Part 3 – Appendices

Please complete and submit the appendix questions applicable to your project, and attach the required vicinity map(s) and drawings to your application. If an item does not apply to your project, please write "N/A" in the space provided.

Appendix A: (TWO PAGES) Projects for Access to the water such as private and community piers, boathouses, marinas, moorings, and boat ramps. Answer all questions that apply.

1. Briefly describe your proposed project.

install a 375'-0" long x 5'-0" wide timber pier with a 15'-0" x 15'-0" L-shaped outboard deck.
install a 16'-0" wide x 42'-0" long open pile boathouse with a 8'-0" x 12'-0" covered deck and
a 5'-0" wide x 54'-0" long walkway around perimeter. Install a 10'-0" x 15'-0" floating pier
adjacent to outboard deck.

2. For private, noncommercial piers:

Do you have an existing pier on your property? ☒ Yes ☐ No

If yes, will it be removed? ☒ Yes ☐ No

Is your lot platted to the mean low water shoreline? ☒ Yes ☐ No

What is the overall length of the proposed structure? 375 feet.

Channelward of Mean High Water? 370 feet.

Channelward of Mean Low Water? 150 feet.

What is the area of the piers and platforms that will be constructed over

Tidal non-vegetated wetlands 0 square feet.

Tidal vegetated wetlands 1500 square feet.

Submerged lands 700 square feet.

What is the total size of any and all L- or T-head platforms? 400 sq. ft.

For boathouses, what is the overall size of the roof structure? 504 sq. ft.

Will your boathouse have sides? ☐ Yes ☒ No.

NOTE: All proposals for piers, boathouses and shelter roofs must be reviewed by the Virginia Marine Resources Commission (Commission or VMRC), however, pursuant to § 28.2-1203 A 5 of the Code of Virginia a VMRC permit may not be required for such structures (except as required by subsection D of § 28.2-1205 for piers greater than 100 feet in length involving commercially productive leased oyster or clam grounds), provided that (i) the piers do not extend beyond the navigation line or private pier lines established by the Commission or the United States Army Corps of Engineers (USACE), (ii) the piers do not exceed six feet in width and finger piers do not exceed five feet in width, (iii) any L or T head platforms and appurtenant floating docking platforms do not exceed, in the aggregate, 400 square feet, (iv) if prohibited by local ordinance open-sided shelter roofs or gazebo-type structures shall not be placed on platforms as described in clause (iii), but may be placed on such platforms if not prohibited by local ordinance, and (v) the piers are determined not to be a navigational hazard by the Commission. Subject to any applicable local ordinances, such piers may include an attached boat lift and an open-sided roof designed to shelter a single boat slip or boat lift. In cases in which open-sided roofs designed to shelter a single boat, boat slip or boat lift will exceed 700 square feet in coverage or the open-sided shelter roofs or gazebo structures exceed 400 square feet, and in cases in which an adjoining property owner objects to a proposed roof structure, permits shall be required as provided in § 28.2-1204.

Part 3 – Appendices (continued)

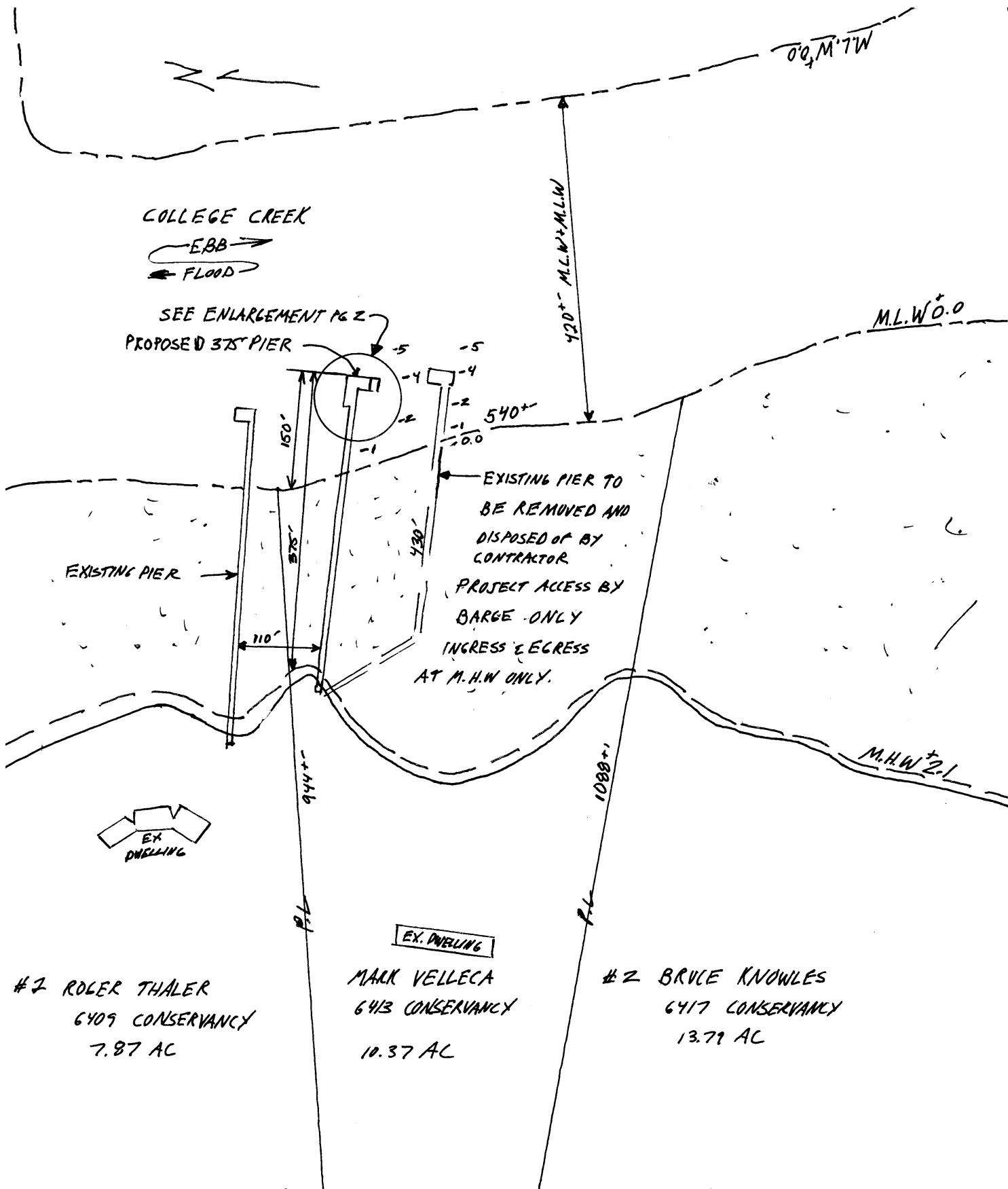
3. For **USACE permits**, in cases where the proposed pier will encroach beyond one fourth the waterway width (as determined by measuring mean high water to mean high water or ordinary high water mark to ordinary high water mark), the following information must be included before the application will be considered complete. For an application to be considered complete:
 - a. The USACE MAY require depth soundings across the waterway at increments designated by the USACE project manager. Typically 10-foot increments for waterways less than 200 feet wide and 20-foot increments for waterways greater than 200 feet wide with the date and time the measurements were taken and how they were taken (e.g., tape, range finder, etc.).
 - b. The applicant MUST provide a justification as to purpose if the proposed work would extend a pier greater than one-fourth of the distance across the open water measured from mean high water or the channelward edge of the wetlands.
 - c. The applicant MUST provide justification if the proposed work would involve the construction of a pier greater than five feet wide or less than four feet above any wetland substrate.
4. Provide the type, size, and registration number of the vessel(s) to be moored at the pier or mooring buoy.

Type	Length	Width	Draft	Registration #
TO BE PURCHASED IN 2021				

5. For **Marinas, Commercial Piers, Governmental Piers, Community Piers and other non-private piers**, provide the following information:
 - A) Have you obtained approval for sanitary facilities from the Virginia Department of Health? _____ (required pursuant to Section 28.2-1205 C of the Code of Virginia).
 - B) Will petroleum products or other hazardous materials be stored or handled at your facility? _____.
 - C) Will the facility be equipped to off-load sewage from boats? _____.
 - D) How many wet slips are proposed? _____. How many are existing? _____.
 - E) What is the area of the piers and platforms that will be constructed over
 - Tidal non-vegetated wetlands _____ square feet
 - Tidal vegetated wetlands _____ square feet
 - Submerged lands _____ square feet
6. For **boat ramps**, what is the overall length of the structure? _____ feet.
 - From Mean High Water? _____ feet.
 - From Mean Low Water? _____ feet.

Note: drawings must include the construction materials, method of installation, and all dimensions. If tending piers are proposed, complete the pier portion.

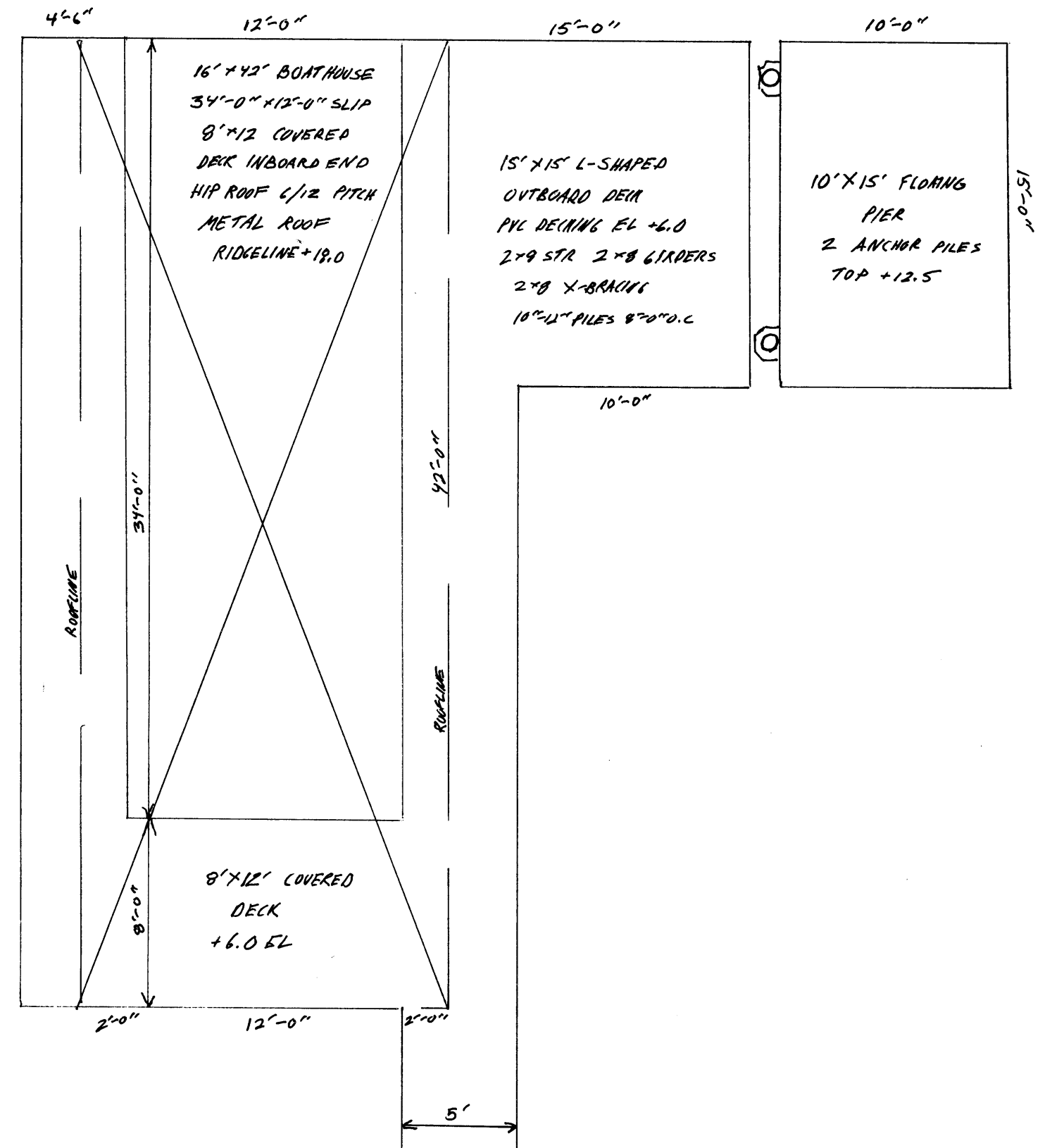
Note: If dredging or excavation is required, you must complete the Standard Joint Point Permit application.



AP041 ROGER THALER
AP042 BRUCE KNOWLES
PG 1 OF 2

PLAN VIEW OF PROPOSED
PIER, BOATHOUSE & FLOATING PIER
6413 CONSERVANCY

DRW BY DRW
SCALE 1"=160'
DATUM M.L.W
7/7/2020



P. 2 OF 2

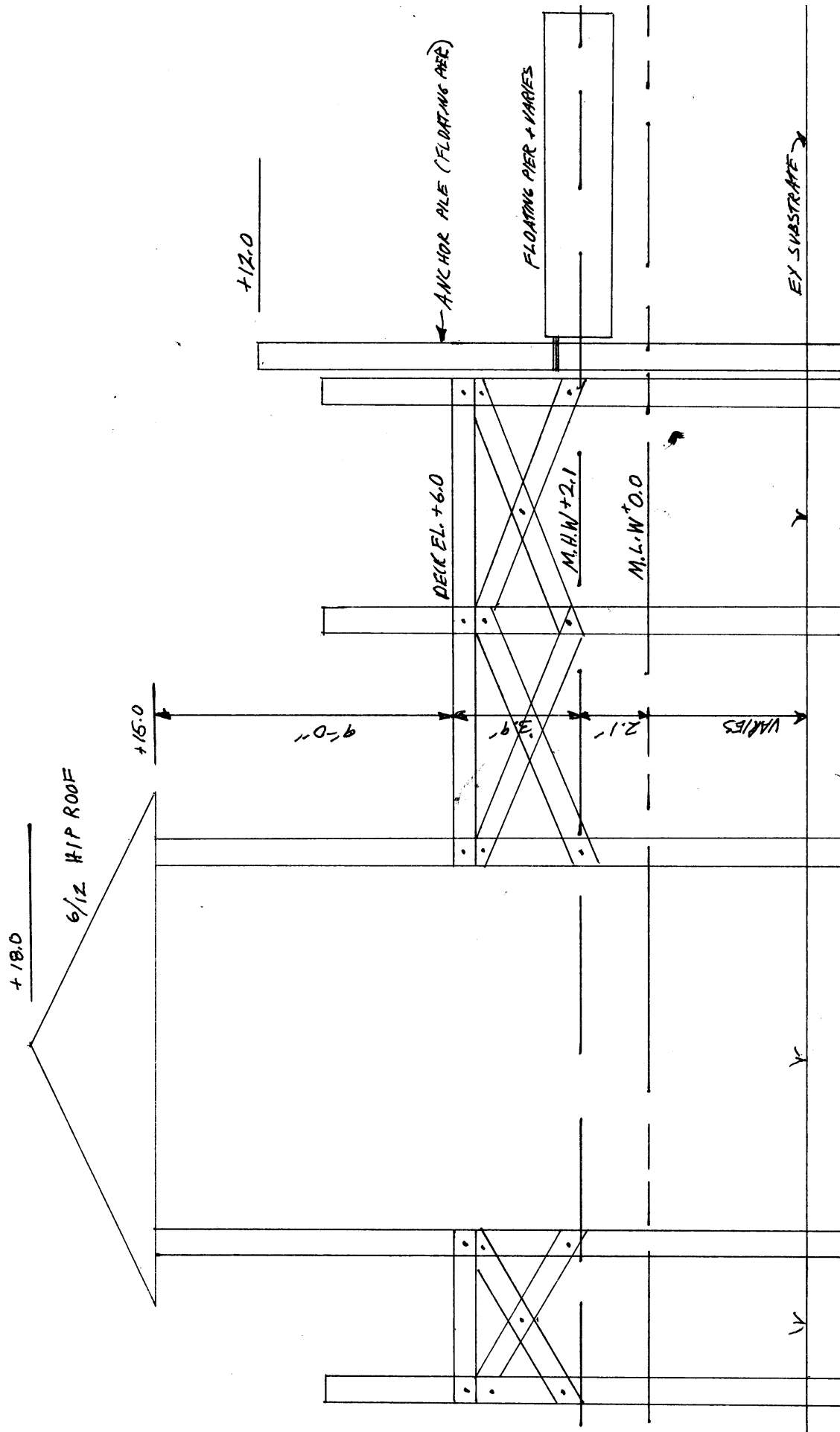
PLAN VIEW OF
BOATHOUSE, L-SHAPED DECK FLOATING PIER
6413 CONSERVANCY

DRW BY DRW
SCALE 1" = 3/8'
DATE M.L.W.
7/7/2020

From: [Daniel Winall](#)
To: jpa.permits@mrc.virginia.gov; [Janice Petty](#)
Cc: [Lay, Allison](#); [Floyd, Scharlene A CIV USARMY CENAO \(USA\)](#)
Subject: VMRC 20-1199 Velleca Cross Section Drawing
Date: Thursday, August 13, 2020 3:24:36 PM
Attachments: [File: \[REDACTED\].PDF](#)

Thanks,

Daniel R. Winall
President
Water's Edge Construction
P.O. Box 352
Toano, VA 23168
Phone: 757-566-0149
Email: dwinall@wecmarine.com
www.wecmarine.com



<p>DRW BY DRW SCALE 1" = 1/4" DATUM M.L.W 8/14/2020</p>	<p>SECTION VIEW OF BOATHOUSE, DECK, FLOATING PIER 6713 CONSERVANCY</p>	<p>P&I 01 ADDITIONAL INFO</p>
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From: [Jeffrey Madden](#)
To: jpa.permits@mrc.virginia.gov
Subject: FW: 20-1199 (Velleca)
Date: Thursday, August 20, 2020 9:01:24 AM
Attachments: [File000001.PDF](#)

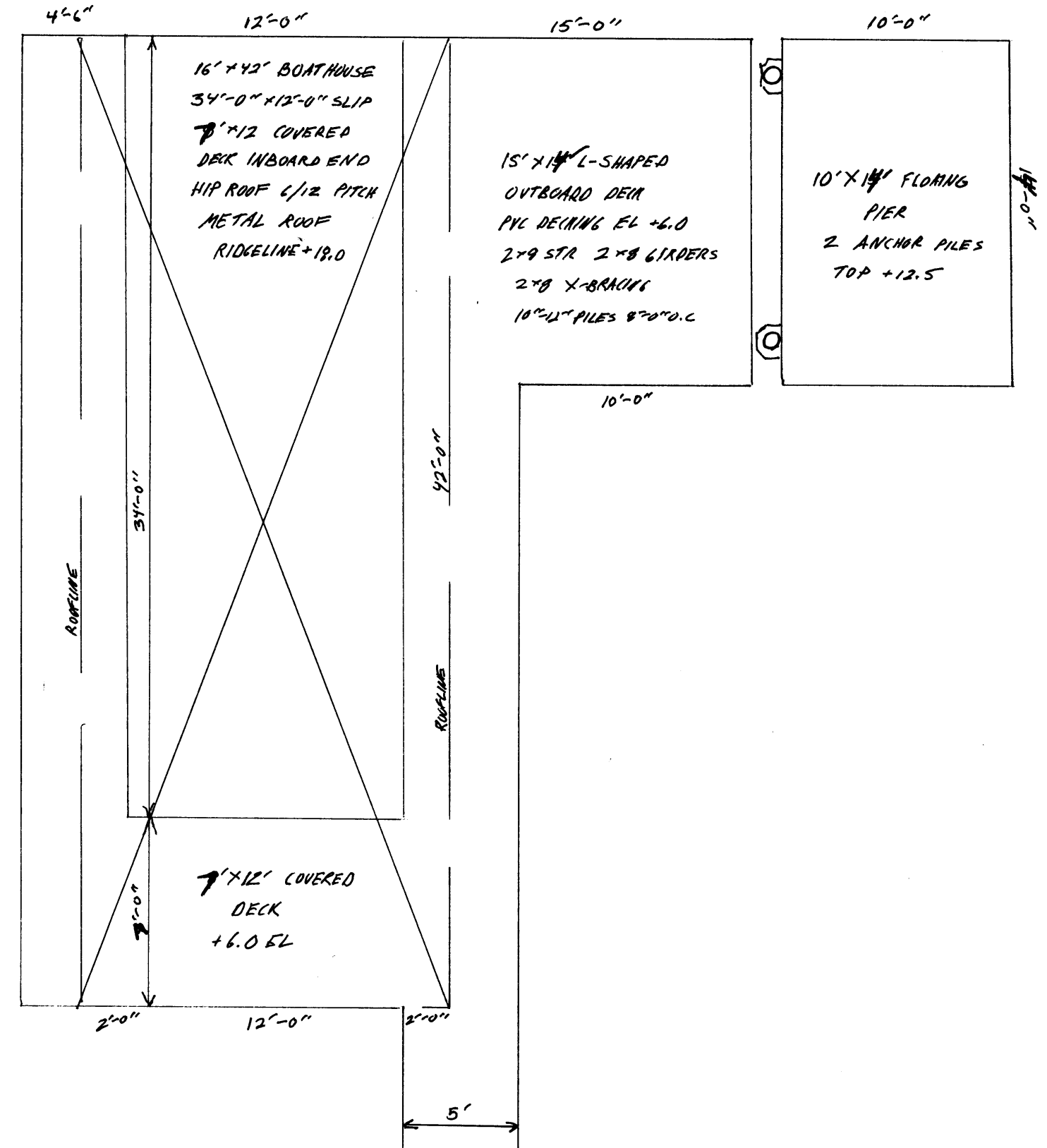
Revised drawing

From: Daniel Winall <dwinall@wecmarine.com>
Sent: Wednesday, August 19, 2020 3:09 PM
To: jeff.madden@mrc.virginia.gov
Subject: Velleca 6413 Conservancy Plan revision

395.5

Thanks,

Daniel R. Winall
President
Water's Edge Construction
P.O. Box 352
Toano, VA 23168
Phone: 757-566-0149
Email: dwinall@wecmarine.com
www.wecmarine.com



P. 2 OF 2

PLAN VIEW OF
BOATHOUSE, L-SHAPED DECK FLOATING PIER
6413 CONSERVANCY

DRW BY DRW
SCALE ~~1/8" = 1'-0"~~ N.T.S
DATE M.L.W.
7/7/2020

ADDITIONAL INFORMATION/REVISIONS Received by VMRC August 20, 2020 /blh



PUBLIC HEARING NOTICE

THE WETLANDS BOARD AND THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA WILL HOLD A PUBLIC HEARING **WEDNESDAY SEPTEMBER 9, 2020 AT 5 P.M.** IN THE BOARD ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE WETLANDS BOARD WILL CONSIDER THE FOLLOWING CASES:

WJPA 20-0032/VMRC 20-1199: Mr. Daniel Winall of Water's Edge Construction, on behalf of Mark and Maria Velleca, has applied for a wetlands permit for a pier at 6413 Conservancy, JCC Parcel 4930300004.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASE:

CBPA 20-0080: Mr. Alan Moore has filed an exception request for encroachments into the RPA buffer for a sunroom at 2844 Castling Crossing, JCC Parcel 4812300018.

Appeals from decisions under the Chesapeake Bay Preservation Ordinance may also be heard.

All interested parties are invited to attend the meetings. There is also a call-in option for the public hearings. To participate, call 757-253-6772 to record a comment that will be played during the meeting. Recorded comments must be submitted no later than noon on the day of the meeting. Please give your name and address for the public record and limit comments to five minutes or less. Questions? Call 757-253-6823.

The applications and plans are on file and may be viewed during normal office hours in the Stormwater and Resource Protection Division, 101-E Mounts Bay Road, James City County, Virginia.

NOT FOR PUBLICATION

DISPLAY: WEDNESDAY – September 2 and September 9, 2020.
ACCOUNT NO.: 0011350200 - VIRGINIA GAZETTE

COPIES: PLANNING
ASSISTANT COUNTY ATTORNEY
WETLANDS/CHESAPEAKE BAY BOARD MEMBERS



✓
MDW
8/19/2020

General Services
107 Tewning Road
Williamsburg, VA 23188
P: 757-259-4080
General.Services@jamescitycountyva.gov
jamescitycountyva.gov

Capital Projects
107 Tewning Road
Williamsburg, VA 23188
757-259-4080

Fleet
103 Tewning Road
Williamsburg, VA 23188
757-259-4122

Stormwater and
Resource Protection
101-E Mounts Bay Road
Williamsburg, VA 23185
757-253-6670

Facilities & Grounds
113 Tewning Road
Williamsburg, VA 23188
757-259-4080

Solid Waste
1204 Jolly Pond Road
Williamsburg, VA 23188
757-565-0971

August 19, 2020

RE: WJPA-20-0032
6413 Conservancy
Removal & construction of Pier, floating Dock, finger Pier, Boathouse, and covered Deck

Dear Adjacent Property Owner:

In accordance with State and County Codes, this letter is to notify you that a request has been filed with the James City County Wetlands Board by Mr. Daniel Winall, Water's Edge Construction on behalf of Mr. Mark Velleca, for encroachment into the tidal wetlands associated with removal and construction of a pier, a floating dock, a finger pier, an open-sided boathouse, and a covered deck. The project is located at 6413 Conservancy and further identified as JCC Parcel No. 4930300004.

A complete description, plan and other information are on file in the Stormwater and Resource Protection Division and are available for inspection during normal business hours, should anyone desire to review them.

The Wetlands Board will hold an advertised public hearing on **September 9, 2020 at 5:00 p.m.**, in the Board Room of Building F, 101 Mounts Bay Road, James City County, Virginia, at which time you may request to speak on the above referenced project.

Sincerely,

Michael D. Woolson

Michael D. Woolson
Wetlands Board Secretary
757-253-6823
michael.woolson@jamescitycountyva.gov

cc: Water's Edge Construction
Attn: Mr. Daniel Winall

MDW: jep

Mailing List for: WJPA-20-0032 – 6413 Conservancy –Velleca, Mark-Water’s Edge
Construction– Pier removal & replacement, floating dock, Finger Pier, Boathouse & Deck

Applicant: 4930300004

Velleca, Mark A & Maria J D
6413 Conservancy
Williamsburg, VA 23185-8068

Contractors:

Water’s Edge Construction
Attn: Mr. Daniel Winall
P.O. Box 352
Toano, VA 23168-0352

4930300003

Thaler, F Roger & Imogene H
6409 Conservancy
Williamsburg, VA 23185-8068

4840100010 – 2638 Lake Powell Rd

Williamsburg Vineyards, LLC
5800 Wessex Hundred
Williamsburg, VA 23185-8063

4930300005 – 6417 Conservancy

Knowles, Bruce Hill, Trustee & Eleanor
140 Kingspoint Drive
Williamsburg, VA 23185-4458

4930100001 – 6450 Conservancy

United States of America
1849 C St, NW, Rm 2444
Washington, DC 20240-00002

Virginia Marine Resource Center
Attn: Mr. Jeffrey P. Madden
380 Fenwick Road, Building 96
Fort Monroe, VA 23651-1064

Department of Game and Inland Fisheries
P.O Box 90778
Henrico, VA 23228-0778

VIMS Wetlands Program

Attn: Dawn Fleming
P.O. Box 1346
Gloucester Point, VA 23062-1346

State Water Control Board

c/o Department of Environmental Quality
P.O. Box 1105
Richmond, VA 23218-1105

VDOT

4451 Ironbound Road
Williamsburg, VA 23188-2621

Regulatory Branch Army Corps of Engineers

803 Front Street
Norfolk, VA 23510-1011