

**MINUTES**  
**JAMES CITY COUNTY CHESAPEAKE BAY BOARD**  
**REGULAR MEETING**  
**County Government Center, Building F**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**January 11, 2017**  
**7:00 PM**

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**A. CALL TO ORDER**

The Chesapeake Bay Board meeting for January 11, 2017, was Called to Order.

The responsibility of this Board is to carry out locally the Commonwealth policy to protect against and minimize pollution and deposition of sediment in wetlands, streams and lakes in James City County which are tributaries of the Chesapeake Bay.

**B. ROLL CALL**

**Board Member Present:**

David Gussman - Chair  
John Hughes  
William Apperson  
Charles Roadley  
Roger Schmidt - Alternate

**Absent:**

Larry Waltrip

**Others Present:**

County Staff (Staff):  
Michael Woolson, Senior Watershed Planner  
Maxwell Hlavin, Assistant County Attorney  
Melanie Davis, Secretary to the Board

**C. MINUTES**

1. November 9, 2016, Regular Meeting Minutes

The minutes were approved as written.

**D. PUBLIC HEARINGS**

1. Chesapeake Bay Board Case No. CBE 17-009: 3 West Circle

Michael Woolson presented the exception request submitted by Matt Roth with Roth Environmental, on behalf of property owners, Raffael and Florina Tusa. Representatives from Stemann Pease Architecture, Vanasse Hangen Brustlin (VHB) and Jeff Clark Custom Homes were also in attendance. The exception request was for encroachment into the RPA buffer for construction of a single-family dwelling, deck and pool on the property known as 3 West Circle in the Greater First Colony subdivision, within the James River watershed and further

identified as James City County Tax Map Parcel No. 4540200080A. The presentation described the current site conditions, previous permits and exceptions granted and completed on this property and the proposed new project. Mr. Woolson also explained the various methods and mitigation that would be incorporated to reduce and/or treat the stormwater runoff and prevent erosion. Staff determined the impacts to be major for the proposed development and recommended approval with the conditions outlined in the Resolution.

Mr. Hughes asked if the trees planted as mitigation for the previous exceptions would remain and if they were included in the mitigation for this proposal.

Mr. Woolson stated the majority of the planted trees would remain and the few that needed to be removed would be replaced at a 2:1 ratio. The mitigation proposed for this plan was in addition to previous mitigation.

Mr. Apperson asked if the applicant or Staff proposed doubling the capacity of the rain gardens.

Mr. Woolson said the County Stormwater Engineer reviewed the initial proposal and after discussing with Mr. Roth, they increased the size of the rain gardens. He commented that all parties were very cooperative and worked with the County in developing this plan.

Mr. Gussman opened the Public Hearing.

**A.** Mr. Matt Roth with Roth Environmental, added to Staff's presentation and further described the consideration of sensitive areas in developing this plan with a goal of zero impact to water quality. In describing the proposed mitigation he pointed out there would be no areas of turf grass on the property. He also told the Board they worked closely with Mr. Darrell Rickmond, the adjacent property owner most affected by this project, to make sure they addressed his concerns.

**B.** Mr. David Stemann with Stemann Pease Architecture also addressed the Board stating the owners, Mr. and Mrs. Tusa, were unable to attend, but wished to thank the Board for its consideration and to acknowledge Mr. Michael Woolson for his knowledge and guidance in developing this plan. He also stated they did not view the extreme mitigation measures as a hardship because from the beginning, their desire was to restore the environmental health of this site.

Mr. Gussman closed the Public Hearing as no one else wished to speak.

Mr. Roadley expressed his appreciation for the level of thought and effort that went into this project. He considered this a reasonably good design for this area.

Mr. Apperson agreed and stated the project was well engineered.

Mr. Roadley made a motion to adopt the Resolution to Grant the Exception for Chesapeake Bay Board Case No. CBE-17-009 at 3 West Circle.

The motion result was: 5-0

Ayes: Gussman, Hughes, Roadley, Apperson, Schmidt  
Nays: None

**E. BOARD CONSIDERATIONS**

None

**F. MATTERS OF SPECIAL PRIVILEGE**

Mr. Gussman asked Staff if the Chesapeake Bay Board Case No. CBE-14-041 for Kingsmill Riverwalk, which was extended to February 13, 2017, would be presented at next month's meeting on February 8, 2017.

Mr. Woolson said he would contact the applicant again but, the deadline to request a new hearing was Friday January 13, 2017. If the request was not received by that date the permit would expire. He agreed to contact Mr. McGurk with Kingsmill United regarding the status of the case.

**G. ADJOURNMENT**

The meeting adjourned at 7:34 p.m.

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William Apperson  
Chesapeake Bay Board Vice Chair

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Melanie Davis  
Secretary to the Board

Ayes: Gussman, Hughes, Roadley, Apperson, Schmidt  
Nays: None

**E. BOARD CONSIDERATIONS**

None

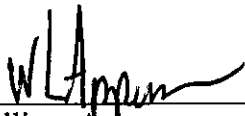
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Secretary to the Board