

MINUTES
JAMES CITY COUNTY CHESAPEAKE BAY BOARD
REGULAR MEETING
County Government Center, Building F
101 Mounts Bay Road, Williamsburg, VA 23185
September 13, 2017
5:00 PM

A. CALL TO ORDER

The Chesapeake Bay Board meeting for September 13, 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 Members Present:

David Gussman - Chair
William Apperson
Charles Roadley
John Hughes

Absent:

Larry Waltrip

Others Present: County Staff (Staff):

Michael Woolson, Senior Watershed Planner
Frances Geissler, Director, Stormwater and Resource Protection
Liz Parman, Assistant County Attorney
Melanie Davis, Secretary to the Board

C. MINUTES

The minutes from the August 9, 2017, regular meeting were approved as written.

D. PUBLIC HEARINGS

1. CBE-18-012 : 113 Holman Road

Mr. Michael Woolson presented the exception request submitted by Mr. Richard Arms for encroachment into the Resource Protection Area (RPA) buffer to construct a retaining wall at 113 Holman Road, in the Southall Quarter section of the Kingsmill subdivision and within the College Creek watershed. The property is further identified as James City County Real Estate Tax Map Parcel No. 5021000025. Mr. Woolson described the current conditions of the property and the purpose for the proposed wall. Staff determined the impacts associated with the proposal to be minor and recommended the conditions outlined in the Resolution be required for approval.

Mr. Hughes asked if any trees would be removed.

Mr. Woolson pointed out one tree that would be removed for this project. He added

that the applicant may later submit an application for additional tree work as part of a buffer modification that would be administratively reviewed.

Mr. Gussman opened the Public Hearing.

A. Mr. Richard Arms described the problems with the driveway, stating it needed to be replaced but could not be done until the retaining wall was installed to stabilize the area.

Mr. Gussman closed the public hearing as no one else wished to speak.

Mr. Roadley said it was obvious the back yard had suffered erosion and because the area was already turf, he did not see this project further impacting the RPA.

Mr. Apperson made a motion to adopt the Resolution to grant the exception request for Chesapeake Bay Board Case No. CBE-18-012 at 113 Holman Road.

The motion was approved: 4-0-1

Ayes: Roadley, Hughes, Apperson, Gussman

Absent: Waltrip

2. CBE-17-044 : New Town Section 8, Parcel D

Mr. Roadley stated his firm worked on this project but he was not directly involved. Therefore, on the advice of the Assistant County Attorney, he did not need to recuse himself from considering this case.

Mr. Michael Woolson presented the exception request submitted by Mr. Jason Grimes with AES Consulting Engineers, on behalf of ABVA Development LP and Newtown Associates LLC, for encroachment into the Resource Protection Area (RPA) for construction of BMP outfalls, a pedestrian bridge and a sanitary sewer connection. The project is located on properties known as 5335 Settlers Market Boulevard and 4440 Casey Boulevard, in the New Town Section 8 subdivision, within the Powhatan Creek watershed. The properties are further identified as James City County Real Estate Tax Map Parcel Nos. 3820100015 and 3820100014. The presentation described the current site conditions and the proposed project. Staff determined the impacts associated with the proposal to be minor and recommended the conditions outlined in the Resolution be required for approval.

Mr. Gussman asked for an explanation of the easements that were impacted for this project and asked if the County would be recording these easements.

Mr. Woolson explained that the easement dedicated to the Corps of Engineers was part of a compensation package for the overall New Town development and the encroachment into this easement will require permission from the Corps of Engineers. The Natural Open Space easement is in the same area and is dedicated to the County. He explained that Staff does keep track of both easements.

Mr. Apperson asked if Staff was aware of the protected plant species area in New Town.

Mr. Woolson stated he was aware of it and this project did not impact that area.

Mr. Hughes asked how the stormwater runoff from this project would affect the integrity of the stream bed as it seemed to be a tremendous amount of water.

Mr. Woolson explained the County has a proffer agreement for New Town Sections 7 and 8 requiring stream monitoring and staff has received reports on the stability of the stream channel for several years. Any potential changes have been documented. He stated this development met all of the approved stormwater master plan criteria.

Mr. Gussman opened the Public Hearing.

A. Mr. Jason Grimes with AES Consulting, said the original developer proposed the pedestrian bridge, in a different area of the easement and this proposal was vacating that location for the new location with the associated sewer connection.

Mr. Roadley asked Mr. Grimes if the conditions required for approval were acceptable.

A. Mr. Grimes said the area vacated was greater than the current location so there would not be additional area placed in an easement.

Mr. Roadley asked Staff if it was their understanding that it was self-mitigating due to the vacating of the original bridge.

Mr. Woolson stated that is was.

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

Mr. Roadley said it appeared to be a reduction in impacts.

Mr. Hughes made a motion to adopt the Resolution to grant the exception request for Chesapeake Bay Board Case No. CBE-17-045 at 5335 Settlers Market Boulevard and 4400 Casey Boulevard.

The motion was approved: 4-0-1

Ayes: Roadley, Hughes, Apperson, Gussman

Absent: Waltrip

E. BOARD CONSIDERATIONS

None

F. MATTERS OF SPECIAL PRIVILEGE

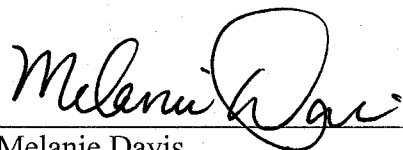
None

G. ADJOURNMENT

The meeting adjourned at 5:35 p.m.



David Gussman
Chesapeake Bay Board Chair



Melanie Davis
Secretary to the Board