

**MINUTES**  
**JAMES CITY COUNTY CHESAPEAKE BAY BOARD**  
**REGULAR MEETING**  
**County Government Center, Building F**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**October 11, 2017**  
**5:00 PM**

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**A. CALL TO ORDER**

The Chesapeake Bay Board meeting for October 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 Members Present:**

David Gussman - Chair  
Louis Bott  
Charles Roadley - late  
John Hughes  
Larry Waltrip

**Absent:**

**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 September 13, 2017, regular meeting were approved as written.

**D. PUBLIC HEARINGS**

1. CBE-18-017: Flora - 108 Cove Road

Mr. Michael Woolson presented the exception request submitted by Bruce and Dena Flora to construct a retaining wall at 108 Cove Road in the Kingspoint subdivision within the College Creek Watershed. The property is further identified as James City County Real Estate Tax Map Parcel No. 4910240013. 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. Gussman opened the Public Hearing.

**A.** Mr. Don Newsom of Delightful Gardens made himself available to answer any questions about the design.

**B.** Mr. Deenesh Sohoni had questions about the size and location of the

wall as well as drainage.

Mr. Woolson answered questions about size and location of the wall.

C. Mr. Ryan Newsom of Delightful Gardens provided additional clarity about the wall design.

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

Mr. Waltrip asked for some additional clarification of the wall design.

Mr. Woolson and Mr. Ryan Newsom further clarified the grading and relative elevations of the wall.

Mr. Bott asked about rooftop downspouts.

Mr. Ryan Newsom clarified that the downspouts were to be taken through the bottom of the wall and discharged into an area of riprap.

Mr. Hughes made a motion to adopt the Resolution to grant the exception request for Chesapeake Bay Board Case No. CBE-18-017: Flora - 108 Cove Road

The motion was approved: 4-0-1

Ayes: Waltrip, Hughes, Bott, Gussman

Absent: Roadley

2. CBE-18-013: Kerr Environmental/SCP-JTL Stonehouse Owner 1 - Stonehouse Land Bay 3 & 5 - Sewer Extension

Mr. Michael Woolson presented the exception request submitted by Mr. Curtis Hickman of Kerr Environmental Services, on behalf of SCP-JTL Stonehouse Owner 1, LLC, for encroachment into the Resource Protection Area (RPA) for the construction of a sanitary sewer trunk main on property known as 9360, 9320, 9340 and 9350 Fieldstone Parkway and 9683 Mill Pond Run, in the Stonehouse subdivision within the Ware Creek Watershed. BMP outfalls, a pedestrian bridge and a sanitary sewer connection. The property is further identified as James City County Real Estate Tax Map Parcel Nos. 0440100030, 0440200001, 0440200002, 0440100022 and 0530100017 respectively. The presentation described the current site conditions and the proposed project. Staff determined the impacts associated with the proposal to be moderate and recommended the conditions outlined in the Resolution be required for approval.

Mr. Gussman asked if the Board is to decide where the natural open space is to be recorded.

Mr. Woolson stated it was the intent to allow the Board to decide.

Mr. Hughes asked about valuation of the potential easement areas.

Mr. Woolson stated that they had high potential valuation for natural open space easement due to location adjacent to RPA.

Mr. Gussman expressed his opinion for obtaining the easement now.

Mr. Gussman opened the Public Hearing.

A. Mr. Curtis Hickman with Kerr Environmental Services explained the rationale for the proposed easement locations within Tract 3.

Mr. Gussman asked the Board for their preference for the mitigation easement to be specified. There was general agreement among the Board for the mitigation easement to be further specified.

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

The Board expressed the collective opinion to have the conservation easement further delineated on a plan.

Mr. Hughes made a motion to defer the case until the December, 2017 meeting for Chesapeake Bay Board Case No. CBE-18-013: Kerr Environmental/SCP-JTL Stonehouse Owner 1 - Stonehouse Land Bay 3 & 5 - Sewer Extension

Mr. Gussman reopened the Public Hearing.

The motion was approved: 4-0-1

Ayes: Waltrip, Hughes, Bott, Gussman

Absent: Roadley

3. CBE-18-020: Mather/Roth Environmental - 102 Walton Heath

Mr. Michael Woolson presented the exception request submitted by Mr. Matt Roth of Roth Environmental, on behalf of Mr. Martin Mather, the construction of a single-family dwelling and associated deck on property known as 102 Walton Heath, in the Ford's Colony subdivision within the Powhatan Creek Watershed. The property is further identified as James City County Tax Map Parcel No. 3810300019. The presentation described the current site conditions and the proposed project. Staff determined the impacts associated with the proposal to be major and recommended the conditions outlined in the Resolution be required for approval.

Mr. Bott asked what relief was available per Ordinance for lots that are impacted by RPA.

Mr. Woolson stated the Ordinance requirements.

Mr. Hughes asked if staff was aware of any other single family dwelling cases within Ford's Colony had come before the Board that actually impacted wetlands.

Mr. Woolson stated he was aware of several, but the request was prior to the formation of the Board.

Mr. Gussman opened the Public Hearing.

Mr. Don Newsom of Delightful Gardens made himself available to answer any questions about the design.

A. Matt Roth of Roth Environmental presented the case, including Corps of

Engineers permitting, changes from the previous proposal and how this proposal addressed the Board's concerns from the previous proposal.

Mr. Gussman asked about wetland impact clarification.

Mr. Roth explained the wetland impact square footage.

Mr. Hughes asked why the footprint couldn't be moved to the south.

Mr. Roth explained the drainage proposal that affects the property and the concerns about channelizing flow.

Mr. Gussman asked about the wetland delineation methods.

Mr. Roth explained the differences in wetland delineation methods from 1981 to present day.

**B.** Mr. Martin Mather, lot owner, reiterated all of the design considerations for the proposal.

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

Mr. Bott stated that the entire property was encumbered by RPA.

Mr. Roadley stated that he thought that the majority of the lots remaining in Ford's Colony had similar issues.

Mr. Woolson agreed that the majority of the remaining lots in Ford's Colony were encumbered by RPA.

Mr. Waltrip asked about flooding concerns on this property.

Mr. Woolson stated that the lot was not in any regulated floodplain.

Mr. Roth stated that there was a floodplain associated with the stream, just not a regulated floodplain.

Mr. Hughes stated one of his concerns was precedent.

Mr. Gussman stated that the homeowners association refused relief to the setbacks which would reduce environmental impacts.

Mr. Roadley made a motion to adopt the Resolution to grant the exception request for Chesapeake Bay Board Case No. CBE-18-020: Mather/Roth Environmental - 102 Walton Heath

The motion was denied: 2-3

Ayes: Roadley, Waltrip

Nays: Hughes, Bott, Gussman

Mr. Woolson requested the Board state their reason(s) for the denial.

Ms. Parman stated that the Board did need to cite at least one of the five findings now and could submit a more detailed written statement after the meeting.

Mr. Hughes stated his denial was based on finding three.

Mr. Gussman stated his denial as based upon findings one and three.

Mr. Bott stated his denial was based upon finding three.

**E. BOARD CONSIDERATIONS**

None

**F. MATTERS OF SPECIAL PRIVILEGE**

Mr. Gussman stated his preference that future mitigation easements be fully detailed.

Mr. Bott asked if the denial was appealed to Circuit Court, would the Board be invited.

Ms. Parman stated yes.

Mr. Gussman stated that this was Ms. Davis's last meeting.

**G. ADJOURNMENT**

The meeting adjourned at 6:52 p.m.



David Gussman  
Chesapeake Bay Board Chair



Melanie Davis  
Secretary to the Board