

**JAMES CITY COUNTY CHESAPEAKE BAY BOARD SPECIAL COMMITTEE MEETING
MINUTES
APRIL 23, 2007 - 3:00 PM**

A. MEETING CALLED TO ORDER

B. ROLL CALL

Larry Waltrip
John Hughes
David Gussman
Pat Menichino

ABSENT

OTHERS PRESENT

Henry Lindsey
Darryl Cook

C. COMMITTEE CHARGE

To review the facts and information pertaining to CBE-06-071 and to present a report to the Chesapeake Bay Board at the May 9, 2007 meeting.

D. COMMITTEE DISCUSSION

Mr. Menichino stated the rules for the special committee are the same as those for a regular Board meeting.

Mr. Menichino presented the Board members with the following documents (copies ~~attached~~ *in case CBE-06-07 file.*)

1. A Memo dated December 5, 2006 to William Apperson, Wetlands Board Chairman, from Pat Menichino, Wetlands Board Secretary, regarding the approved wetlands permit for case W-19-06 - 3 West Circle.
2. Minutes from the March 14, 2007, Chesapeake Bay Board meeting pertaining to case CBE-06-071.
3. An Interoffice Memorandum dated April 13, 2007 from Clifton Copley, James City County Zoning Officer, pertaining to Zoning Ordinance 24-237 (b) and how it applies to the property at 3 West Circle.
4. A copy of the Zoning Ordinance Sec. 24-237 (b) Minimum lot widths on lots of more that 43,560 sqft.
5. A copy of the 3 West Circle lot depicting the 150 foot building setback line.
6. A copy of the plat for the property at 3 West Circle from Rickmond Engineering
7. Property information for 3 West Circle, 2 West Circle and 4 West Circle obtained from James City County's Real Estate web site.
8. A copy of the 4 West Circle lot depicting the buildings and RPA Buffer.
9. A Chart comparing some past Chesapeake Bay Board single family exceptions granted and denied.
10. A letter from Mr. Noel Hume, 2 West Circle, regarding the 1998 Wetlands Board Case W-2-98.
11. Two Site Plans from the 1998 Wetlands Board Case W-2-98 showing a proposed residence on the lot at 3 West Circle

Mr. Hughes made a motion to accept all papers and information from staff.

The motion was approved by a 3-0 vote.

E. COMMITTEE REVIEW AND DISCUSSION OF INFORMATION

Mr. Waltrip stated the request before the Chesapeake Bay Board was just to raise the grade for a single family dwelling. He stated the shoreline stabilization project would cause the majority of the environmental impact and asked if there was an option for the Wetlands Board to rescind their decision.

Mr. Menichino stated the Wetlands Board decision could not be rescinded if any other action had taken place such as, the applicant entering into a contract, purchasing materials or receiving permits from other agencies.

Mr. Cook stated staff would research the status of the VMRC and Army Corp of Engineer permits for the shoreline stabilization project.

Mr. Hughes asked if the applicant could request a variance on the setback requirements from the Board of Zoning Appeals.

Mr. Menichino stated it was an option however; the Chesapeake Bay Board should not set a precedence of sending cases to the Board of Zoning Appeals to protect the RPA.

Mr. Hughes stated even with adjusted setbacks, it did not appear the proposed house would fit in the area outside of the RPA. He also stated the impact on adjacent property owners could be greater if the house was built closer to the road.

The Committee Board members stated they wanted to see how the proposed house would fit on the lot in the area that was the same height above sea level as the houses of the adjacent property owners. They also stated they wanted to visit the site.

F. ADJOURNMENT

Mr. Waltrip made a motion to adjourn the meeting and until Thursday, April 26, 2007, at 4:00 pm, on site at 3 West Circle.

The motion was approved by a 3-0 vote.

The meeting adjourned at 4:12 PM.

The meeting on Thursday, April 26, 2007 was postponed until Thursday, May 3, 2007.


Larry Waltrip
Chairman of Chesapeake Bay Board Special Committee


Darryl Cook
Secretary of Chesapeake Bay Board