

**JAMES CITY COUNTY CHESAPEAKE BAY BOARD  
MINUTES  
Wednesday June 12, 2013**

**A. ROLL CALL**

David Gussman - Chair  
William Apperson  
John Hughes  
Larry Waltrip  
Louis Bott - Alternate

**ABSENT**

Charles Roadley

**OTHERS PRESENT**

County Staff (Staff)

**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. MINUTES**

The May 8, 2013 Board Meeting minutes were approved as written.

**C. PUBLIC HEARINGS**

**1. CBE-13-101: Lucas – 116 Godspeed Lane**

Michael Woolson Senior Watershed Planner presented this case for an exception request submitted by Albert Steve Lucas (the applicant), for encroachment into the Resource Protection Area (RPA) at 116 Godspeed Lane, parcel No. 4730500046 in the Powhatan Shores subdivision. The exception request was for installation of a swimming pool. Mr. Woolson described the current conditions of the property and proposed project assuming a pool deck of approximately 600 square feet of impervious surface. Staff determined the impacts to be moderate but recommended denial of the exception request as there appeared to be sufficient space outside of the RPA for installation of the pool. However if the Board decided to approve the exception, staff advised the Board to impose the conditions specified in the Resolution to Grant the Exception.

Mr. Waltrip asked if the elevation of the pool would be different if it was moved out of the RPA.

Mr. Woolson stated it did not significantly change

Mr. Apperson asked why staff assumed the 600 square feet of hardscape.

Mr. Woolson explained the drawing submitted by the applicant did not specify anything other a pool. Staff assumed an approximate 10 foot decking around the pool.

Mr. Hughes asked if the applicant gave notice that he would not be present for this meeting.

Mr. Woolson stated the applicant had not informed Staff that he would not be available for this meeting.

Mr. Gussman opened the public hearing and closed the public hearing, as no one was present to comment on the exception request.

Mr. Bott stated he would have liked to see a mitigation plan submitted with the application.

Mr. Apperson and Mr. Gussman both agreed with Staff that there was room to install a pool outside of the RPA.

Mr. Bott mentioned that the Staff Report indicated the applicant wished to make future additions to his primary residence.

Mr. Woolson stated that was correct however, no location or information about proposed additions was provided.

Mr. Gussman made a motion to adopt the resolution to deny the exception for Chesapeake Bay Board case CBE-13-101 at 116 Godspeed Lane, Parcel No 4730500046.

Mr. Woolson suggested the public hearing be re-opened as the applicant had just arrived, and wished to address the Board.

Mr. Gussman re-opened the public hearing.

A. Mr. Lucas, the applicant apologized for being late. He advised the Board that he was currently working with a contractor to add a two story addition to the back of the house and indicated on the displayed diagram, where it would be located. He also stated that the pool would not have to encroach as far into the RPA at originally requested and it might be only 6 feet. He also stated there were other pools in the neighborhood.

Mr. Bott asked if there was a possibility to move the pool entirely out of the RPA.

A. Mr. Lucas stated it would depend on the final location of the house expansion.

Mr. Hughes asked if the addition and pool would be done at the same time.

Mr. Apperson asked if the 6 feet of encroachment would be for the pool itself or the hardscape around the pool.

A. Mr. Lucas stated only the concrete around the pool would encroach into the RPA and the plan was to install the pool with the addition hopefully before the end of this summer.

Mr. Hughes stated the problem was the plan before the Board was no longer what was being proposed and perhaps a deferral should be requested to get the plan updated for the Board to consider.

A. Mr. Lucas requested a deferral for one month to revise the plan for the pool.

The Board advised Mr. Lucas to consider pervious pavers in the area around the pool, show the proposed addition to the house and its proximity to the pool, include all existing and proposed walkways and accessory structures, and work with Staff to include a mitigation planting plan with the revised submission.

Mr. Gussman withdrew his motion to deny the exception.

Mr. Gussman then made a motion to defer the Board's decision and continue the public hearing to July 10, 2013.

The motion was approved by 5-0 vote.

#### **D. BOARD CONSIDERATIONS – None**

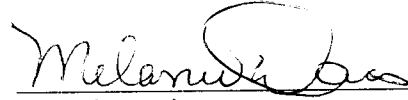
**E. MATTERS OF SPECIAL PRIVILEGE - None**

**F. ADJOURNMENT**

The meeting adjourned at 7:28 p.m.



David Gusman  
Chesapeake Bay Board Chair



Melanie Davis  
Secretary to the Board