

**JAMES CITY COUNTY CHESAPEAKE BAY BOARD
MINUTES
Wednesday October 9, 2013**

A. ROLL CALL

William Apperson – Vice Chair
John Hughes
Larry Waltrip
Charles Roadley
Roger Schmidt - Alternate

ABSENT

David Gussman

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 August 14, 2013 Board Meeting minutes were approved as written.

C. PUBLIC HEARINGS

1. CBE-14-023: Boyd – 2642 Jockey’s Neck Trail

Michael Woolson Senior Watershed Planner presented this case for an exception request submitted by Donovan and Sandra Boyd, for encroachment into the Resource Protection Area (RPA) at 2642 Jockey’s Neck Trail in the Vineyards subdivision, Parcel No. 48402000050A. The exception request was for approximately 1060 square feet of encroachment into landward RPA buffer for construction of a raised terrace with a swimming pool. Mr. Woolson explained the history of existing structures on the lot, the current site conditions, specifics of the project and the proposed mitigation including the Department of Environmental Quality (DEQ) guidelines for the release of swimming pool water and the implementation of a crushed stone dry well/level spreader/dissipater BMP. Staff determined the impacts associated with this exception request to be moderate and recommended approval with the conditions specified in the Resolution to Grant the Exception.

Mr. Schmidt asked if the location of the dissipater had been determined.

Mr. Woolson stated the ideal location would be incorporated into the mitigation area as far out of the wetlands as possible. The exact location will be determined and approved by Staff, prior to release of the surety.

Mr. Apperson opened the public hearing.

Mr. Waltrip asked about the elevation of the proposed pool based on the existing slope of the property. He also asked about disposal of any excavated material.

Mr. Roadley asked how the area would be accessed.

A. Mr. Donovan Boyd the applicant, stated the pool will be 5 foot deep and because of the slope, very little excavation will be required for the pool itself however, due to the soil conditions the footings will need to be fairly deep and the excess material would be hauled away by hand. He stated that access for large vehicles will not be possible so a mini excavator will be used for digging and the concrete will be pumped in.

Mr. Roadley asked if Mr. Boyd would be hiring a general contractor to supervise the project, due to the sensitive resources on this property.

A. Mr. Boyd stated he had not found a contractor for a reasonable price. However, he built the house and explained his experience with and knowledge of the environmentally sensitive areas. He also complimented County staff on their professionalism.

Mr. Roadley complimented the owner on his consideration of the sensitive area.

Mr. Hughes made a motion to adopt the resolution to grant the exception for Chesapeake Bay Board case CBE-14-023 at 2642 Jockey's Neck Trail, Parcel ID #48402000050A.

RESOLUTION
GRANTING AN EXCEPTION ON JCC RE TAX PARCEL NO. 48402000050A

WHEREAS, Donovan and Sandra Boyd, (the "Applicants") have appeared before the Chesapeake Bay Board of James City County (the "Board") on October 9, 2013 to request an exception to the use of the Resource Protection Area (the "RPA") on a parcel of property identified as JCC RE Tax Parcel No. 4840200005A and further identified as 2642 Jockey's Neck Trail in the Vineyards at Jockey's Neck subdivision (the "Property") as set forth in the application CBE-14-023 for the purpose of installing a raised terrace and pool; and

WHEREAS, the Board has listened to the arguments presented and has carefully considered all evidence entered into the record.

NOW, THEREFORE, following a public hearing, the Chesapeake Bay Board of James City County by a majority vote of its members FINDS that:

1. The exception request is the minimum necessary to afford relief.
2. Granting the exception will not confer upon the Applicant any special privileges denied by Chapter 23, Chesapeake Bay Preservation, of the James City County Code, to other property owners similarly situated in the vicinity.
3. The exception request will be in harmony with the purpose and intent of Chapter 23 of the James City County Code, and is not of substantial detriment to water quality.
4. The exception request is not based on conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or non-conforming that are related to adjacent parcels.
5. Reasonable and appropriate conditions are hereby imposed, as set forth below, which will prevent the exception request from causing a degradation of water quality.
6. In granting this exception, the following conditions are hereby imposed to prevent this exception request from causing degradation of water quality:
 - 1) The applicant must obtain all other necessary federal, state, and local permits as required for the project.
 - 2) Surety of \$500 will be required in a form satisfactory to the County Attorney's office.

- 3) The applicant shall follow the DEQ's "Guidelines for the Release of Swimming Pool Water", Release of Pool Water to Well Vegetated Areas on your Property, Part B and Best Management Practices implementation, Page 2.
- 4) Implementation of the crushed stone dry well/level spreader/dissipater (Best Management Practice) as shown in the Sensitive Area Activity Application submitted by the applicant. The BMP device shall be provided at a location and constructed to dimensions, depth and of material types acceptable to and approved by County staff.
- 5) This exception request approval shall become null and void if construction has not begun by October 9, 2014.
- 6) Written requests for an extension to an exception shall be submitted to the Engineering and Resource Protection Division no later than 6 weeks prior to the expiration date.

D. BOARD CONSIDERATIONS

1. CBE-13-006 Extension: 1784 Cypress Isle

Michael Woolson, Senior Watershed Planner presented this case stating that Mr. Wesley Boyd, on behalf of Jody and Wilma Forsyth, requested an extension of the approved Chesapeake Bay Board application, CBE-13-006. Condition number 6.1 of the Board's approval states that all other federal, state and local permits shall be obtained prior to commencement of work. Currently the Corps of Engineers have not acted upon the wetland permit request and the applicant wished to construct both projects concurrently. Staff concurs with this extension request and all previous conditions are to be continued and the expiration date will be October 9, 2014.

Mr. Schmidt made a motion to adopt the resolution to grant the extension on case CBE-13-006 at 1784 Cypress Isle, Parcel ID 4321400003.

The motion to grant the appeal was approved by a 5-0 vote

RESOLUTION

GRANTING AN EXTENSION OF AN EXCEPTION ON JCC RE TAX PARCEL NO. 4321400003

WHEREAS, Mr. Wesley Boyd on behalf of Jody and Wilma Forsyth, (the "Applicant") has requested an extension of the exception granted by the Chesapeake Bay Board of James City County (the "Board") on September 12, 2012. The exception request is for encroachment into the Resource Protection Area (RPA), on property identified as JCC RE Tax Parcel No. 4321400003 and further identified as 1784 Cypress Isle in The Governor's Land at Two Rivers subdivision (the "Property") as set forth in the application *CBE-13-006* for the purpose of constructing a pervious paver walkway system and;

WHEREAS, the Board has listened to the arguments presented and has carefully considered all evidence entered into the record.

NOW, THEREFORE, having conducted a public hearing on September 12, 2012, and pursuant to the current request for an extension, the Chesapeake Bay Board of James City County by a majority vote of its members FINDS that:

1. The exception request is the minimum necessary to afford relief.

2. Granting the extension will not confer upon the Applicant any special privileges denied by Chapter 23, Chesapeake Bay Preservation, of the James City County Code, to other property owners similarly situated in the vicinity.
3. The exception request will be in harmony with the purpose and intent of Chapter 23 of the James City County Code, and is not of substantial detriment to water quality.
4. The exception request is not based on conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or non-conforming that are related to adjacent parcels.
5. Reasonable and appropriate conditions are hereby imposed, as set forth below, which will prevent the exception request from causing a degradation of water quality.
6. In granting this exception, the following conditions are hereby imposed to prevent this exception request from causing degradation of water quality:
 - **The applicant must obtain all other necessary federal, state and local permits as required for the project; and**
 - **The applicant shall follow the County's Pervious Paver Block System Guidelines for installation of the walkway paver system; and**
 - **The surety of \$5,000.00 will be held in escrow by the County pending completion and acceptance of the required mitigation.**
 - **This exception request approval shall become null and void if construction has not begun by October 9, 2014**
 - **Written requests for an extension to this exception must be submitted to the Engineering and Resource Protection Division no later than 6 weeks prior to the expiration date.**

E. MATTERS OF SPECIAL PRIVILEGE

1. Amendments to Bylaws

Lola Perkins, Assistant County Attorney presented various housekeeping and procedural amendments to the Board for their consideration.

Mr. Hughes asked where public comments unrelated to a specific case would be permitted.

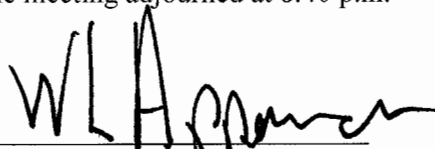
Ms. Perkins stated it would be during Matters of Special Privilege at the discretion of the Chair.

Mr. Roadley made a motion to adopt the amended Wetlands Board Bylaws

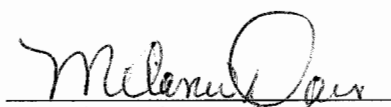
The motion was approved by a 5-0 vote.

F. ADJOURNMENT

The meeting adjourned at 8:40 p.m.



William Apperson
Chesapeake Bay Board Vice-Chair



Melanie Davis
Secretary to the Board