

**MINUTES**  
**JAMES CITY COUNTY CHESAPEAKE BAY BOARD**  
**REGULAR MEETING**  
**County Government Center, Building F**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**July 13, 2016**  
**7:00 PM**

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**A. CALL 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**

**C. MINUTES**

1. June 8, 2016 Minutes

Minutes were approved as written.

**D. PUBLIC HEARINGS**

1. CBE-16-103 : 3633 Bridgewater Drive

Senior Watershed Planner, Michael Woolson presented the exception request submitted by Donald and Cynthia Pritchard, for encroachment into the RPA buffer to construct a storage shed on their property. Mr. Woolson described the current site conditions and the proposed structure. Although a mitigation plan was not submitted, staff will work with the applicant on this issue. Staff determined the impacts associated with this project to be minimal and recommended approval of the exception request with the conditions outlined in the Resolution.

Mr. Gussman opened the public hearing and then closed the public hearing as no one wished to speak on this case.

Mr. Roadley stated and all members agreed with Staff's assessment that the impacts were minimal.

Mr. Apperson made a motion to adopt the Resolution granting the exception for Chesapeake Bay Board case CBE-16-103 at 3633 Bridgewater.

A motion to Approve was made by William Apperson, the motion result was .

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Apperson, Gussman, Hughes, Roadley, Waltrip

2. CBE-16-106 : 157 Thomas Dale

Senior Watershed Planner, Michael Woolson presented the exception request submitted by Donald Newsome of Delightful Gardens on behalf of Mr. Charles Taney, for encroachment into the RPA buffer for installation of a 95-linear-foot retaining

wall on his property. Mr. Woolson described the current site conditions and the proposed structure stating its location helps slow down and infiltrate stormwater flows and alleviate an erosion concern. Mr. Woolson pointed out that the project was already started when Mr. Newsome realized the encroachment required approval from this Board. Although a mitigation plan had not been submitted, staff will work with the applicant on this issue. Staff determined the impacts to be minimal and recommended approval of the exception request with the conditions outlined in the Resolution.

Mr. Roadley asked Mr. Woolson if he had seen the site before the project was started and if there was erosion.

Mr. Woolson said he had spoken with the property owner and a previous contractor about six months ago regarding the minor erosion and possible solutions.

Mr. Gussman opened the public hearing.

A. Mr. Newsome apologized for starting the project before receiving approval and said the wall was also a safety issue to keep children from falling down the slope.

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

Mr. Roadley stated this type of application would normally be approved by the Board and the wall would help with infiltration and stormwater flow.

Mr. Waltrip agreed the impact was minimal.

Mr. Hughes made a motion to adopt the Resolution granting the exception for Chesapeake Bay Board case CBE-16-106 at 157 Thomas Dale.

A motion to Approve was made by John Hughes, the motion result was .

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Apperson, Gussman, Hughes, Roadley, Waltrip

3. CBE-16-104 : 4388 Landfall Drive

Senior Watershed Planner, Michael Woolson presented the exception request submitted by Peggy Krapf of Hearts Ease Landscape & Garden Design on behalf of William and Lori Trolan, for encroachment into the RPA buffer for installation of accessory structures. He described the proposed shed, blue stone patio, brick walkway and herb garden as well as the current site conditions. Mr. Woolson stated there was also a natural open space easement coincident with the RPA. He explained that the proposed mitigation was three times the minimum requirement and the proposed design provides for the technique of rainwater infiltration. Staff reviewed the application and determined the impacts to be minimal and recommended approval of the exception request with the conditions outlined in the Resolution.

Mr. Gussman asked how encroachment into the natural open space easement would be handled.

Mr. Woolson said as the acting authority for that encroachment, he would grant it if this Board granted the RPA encroachment.

Mr. Gussman opened the public hearing and then closed the public hearing as no one wished to speak on this case.

Mr. Apperson asked if coinciding encroachment into a natural open space easement had been considered before.

Mr. Woolson stated that it had.

Mr. Gussman felt the applicant had pulled the house back as far as possible to reduce the impacts.

Mr. Roadley asked if this project was planned when the house was approved.

Mr. Woolson stated the house was outside of the RPA.

Mr. Hughes made a motion to adopt the Resolution granting the exception for Chesapeake Bay Board case CBE-16-104 at 4388 Landfall Drive.

A motion to Approve was made by John Hughes, the motion result was .  
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0  
Ayes: Apperson, Gussman, Hughes, Roadley, Waltrip

#### **E. BOARD CONSIDERATIONS**

##### **1. CBE-15-105 : 108 Seven Oaks**

Senior Watershed Planner, Michael Woolson presented Mr. Ronald Nervitt's request for an extension of the exception, originally granted on August 12, 2015. The exception is for the construction of a single family dwelling on property located at 108 Seven Oaks in Section 17 of the Ford's Colony at Williamsburg subdivision. Staff concurs with this request with the stipulation that previous conditions 1 through 6 be continued and that condition #5 have the new expiration date of July 13, 2017.

Mr. Roadley made a motion to grant the extension of the exception for Chesapeake Bay Board case CBE-15-105 at 108 Seven Oaks.

A motion to Approve was made by Charles Roadley, the motion result was .  
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0  
Ayes: Apperson, Gussman, Hughes, Roadley, Waltrip

#### **F. MATTERS OF SPECIAL PRIVILEGE**

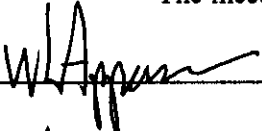
Mr. Apperson stated his concern that the Chesapeake Bay Board was requiring signed and recorded affidavits on property as a condition for granting some of the exception requests. He felt this might adversely affect the property value and might also be outside of this Boards authority. As none of the required affidavits had been recorded and the applicant from last month was hesitant, he asked that the other Board members consider this for future discussion.

Mr. Gussman thanked Mr. Apperson for his comments. He stated the Assistant County

Attorney had already agreed the Board had the authority to require the affidavits. He said discussion could be to set it as a policy or just a consideration on a case by case exception. He agreed the Board members should consider this for later discussion.

**G. ADJOURNMENT**

The meeting adjourned at 7:45 pm



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William Apperson  
Chesapeake Bay Board Vice Chair



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Melanie Davis  
Secretary to the Board