

MINUTES
JAMES CITY COUNTY CHESAPEAKE BAY BOARD
REGULAR MEETING
County Government Center, Building F
101 Mounts Bay Road, Williamsburg, VA 23185
November 9, 2016
7:00 PM

A. CALL TO ORDER

The Chesapeake Bay Board meeting for November 9, 2016, 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 Member Present:

David Gussman - Chair
John Hughes
Larry Waltrip
Charles Roadley

Absent:

William Apperson

Others Present:

County Staff (Staff):
Michael Woolson, Senior Watershed Planner
Melissa MacIntyre, Inspector II
Maxwell Hlavin, Assistant County Attorney
Melanie Davis, Secretary to the Board

C. MINUTES

1. August 10, 2016, Regular Meeting Minutes

Minutes Approved as written.

2. October 12, 2016, Work Session

Minutes Approved as written.

D. PUBLIC HEARINGS

1. Chesapeake Bay Board Case No. CBE 17-020. 124 Colonels Way

Melissa McIntyre presented the exception request submitted by Matt Roth with Roth Environmental, on behalf of property owners, Chris and Lynn Faiferlick. The exception request was for encroachment into the RPA buffer for installation of a retaining wall and associated grading, on the property known as 124 Colonels Way in the Kingsmill on the James subdivision, within the College Creek watershed and further identified as James City County Tax Map Parcel No. 5030300028. Ms.

MacIntyre's presentation described the current site conditions and the proposed project. Staff determined the impacts to be minor for the proposed development and recommended approval with the conditions outlined in the Resolution.

Mr. Gussman opened the public hearing.

Mr. Roadley asked if the current runoff from the driveway would be directed to the bio-retention basin. He also asked if the applicant had considered placing the basin landward of the wall to reduce encroachment.

A. Brian Gillespie with Ultimate Hardscapes, the contractor, explained that all of the runoff from the driveway would be directed to the basin, which was placed beyond the wall because of the severe slope and the amount of water to be collected. He also stated that the area beyond the basin would be allowed to re-vegetate.

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

Mr. Roadley made a motion to adopt the resolution granting the exception for Chesapeake Bay Board Case No. CBE-17-020 at 124 Colonels Way.

The motion result was:

Ayes: Gussman, Hughes, Roadley, Waltrip

Absent: Apperson

E. BOARD CONSIDERATIONS

1. Chesapeake Bay Board Case No. CBE-14-041. Kingsmill Riverwalk

Mr. Woolson presented the extension requested by Mr. Kevin Kolda of Kingsmill Resort, on behalf of the property owner, Xanterra Kingsmill. The exception was originally granted after a public hearing on November 13, 2013. A two-year extension was previously granted on November 13, 2014. The exception is for a concrete and asphalt multi-use path, timber steps, stone retaining walls, gravel golf cart parking spaces and a wooden pier and boardwalk. The applicant was requesting another two-year extension to November 13, 2018, as the project has been delayed due to logistical problems associated with funding.

Mr. Gussman asked for further information on the project.

Mr. Woolson explained that the project was originally considered by both the Wetlands and Chesapeake Bay Board as the impact was in both jurisdictions. At that time the Wetlands Board and VMRC approved the Joint Permit Application (JPA). The Chesapeake Bay Board case was for a 6-foot-wide path and included infiltration basins for the storm water runoff and extensive mitigation for planting shrubs to replace the existing Johnsongrass in the area. It is staff's understanding that the project is being redesigned to move the impacts out of the wetlands and when the revised plan is submitted, any additional encroachment into the RPA will require approval from this Board.

Mr. Gussman reopened the Public Hearing for public comment and asked if the applicant wished to address the Board.

The applicant was not available as staff had not requested their presence for this extension request.

A. Mr. Michael McGurk with Kingsmill United, stated the original proposal was for a path wide enough for golf carts to drive from the Burwell's Bluff area to the Kingsmill Marina. After some dissension, this Board approved the proposal with a 3-2 vote. The project was then denied by the VMRC by an 8-0 vote based on the Virginia Institute of Marine Science (VIMS) report and this is why it must be redesigned. He felt the applicant already had three years to move forward on this project and requested that the Board deny this extension request.

Mr. Hughes asked if it was a consensus of the Kingsmill Untied group that the extension not be granted.

A. Mr. McGurk stated that it was.

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

Mr. Roadley stated that any modifications to the site plan for this project, that had additional RPA encroachments, would need to be reviewed by this Board.

Mr. Woolson stated that was correct and any revised plan would go through the complete site plan process with the County.

Mr. Hughes suggested a deferral of the Boards decision to give the applicant an opportunity to comment on their extension request.

Mr. Roadley commented that the current permit was due to expire.

Mr. Woolson and Assistant County Attorney Mr. Hlavin, suggested the Board reopen the public hearing, and then grant a 1- or 2-month extension to allow the applicant and any new speakers to comment at the next extension request.

Mr. Hughes made a motion to grant a 3-month extension of the exception for Chesapeake Bay Board Case No. CBE-14-041 to February 8, 2017, for the Kingsmill Riverwalk project.

The motion result was:

Ayes: Gussman, Hughes, Roadley, Waltrip

Absent: Apperson

Mr. Hughes advised Mr. McGurk that because he had already commented, he would not be able to address the Board again but, someone else from Kingsmill United could make comments.

Mr. Hlavin, Assistant County Attorney, clarified that this extension case was granted. If the applicant requests an additional extension beyond February 2017, it will be considered a new request and in this case would be advertised as a public hearing and all parties could comment at that time.

2. Chesapeake Bay Board Case No. CBE-14-051. Stonehouse Landbay 3

Mr. Woolson presented the extension requested by Mr. Curtis Hickman with Kerr Environmental, on behalf of Greenfield Partners, LLC. The exception was originally granted after a public hearing on December 11, 2013. A two-year extension was previously granted on November 13, 2014, that extended the permit to December 11, 2016. The exception is for a gravity sanitary sewer trunk line and permanent maintenance associated with the Stonehouse Landbay 3 subdivision. The applicant was requesting another two-year extension to December 11, 2018, as the project has been delayed, due to logistical problems associated with funding.

Mr. Gussman asked and no one wished to comment on this case.

Mr. Roadley made a motion to adopt the Resolution granting a two-year extension of the exception for Chesapeake Bay Board Case No. CBE-14-051 for the Stonehouse Landbay 3 subdivision.

The motion result was:

Ayes: Gussman, Hughes, Roadley, Waltrip

Absent: Apperson

3. 2017 Calendar

All Board members agreed to adopt the 2017 Wetlands Board meeting schedule as presented.

4. Election of Officers for 2017

David Gussman was reappointed as Chair. All members were in favor.
William Apperson was reappointed as Vice-Chair. All members were in favor.
Melanie Davis was reappointed as Secretary. All members were in favor.

F. MATTERS OF SPECIAL PRIVILEGE

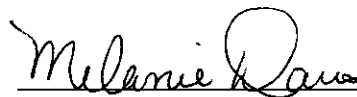
None

G. ADJOURNMENT

The meeting adjourned at 7:36 p.m.



David Gussman
Chesapeake Bay Board Chair



Melanie Davis
Secretary to the Board