

**MINUTES**  
**JAMES CITY COUNTY CHESAPEAKE BAY BOARD**  
**REGULAR MEETING**  
**County Government Center, Building F**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**February 8, 2017**  
**7:00 PM**

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**A. CALL TO ORDER**

The Chesapeake Bay Board meeting for February 8, 2017, 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:**

William Apperson - Vice Chair  
John Hughes  
Charles Roadley  
Larry Waltrip  
Louis Bott - Alternate

**Absent:**

David Gussman

**Others Present:**

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

**C. MINUTES**

1. January 11, 2017, Regular Meeting Minutes

The minutes were approved as written.

**D. PUBLIC HEARINGS**

1. Chesapeake Bay Board Case No. CBE 17-041: 212 William Claiborne

Michael Woolson presented the exception request submitted by Ron Curtis Builder, on behalf of property owners, Harold and Marjorie Starling. The exception request was for encroachment into the Resource Protection Area (RPA) buffer for construction of a retaining wall associated with a new single-family dwelling on the property known as 212 William Claiborne in the Kingsmill on the James subdivision, within the College Creek, Halfway Creek watershed and further identified as James City County Tax Map Parcel No. 5030600020. The

presentation described the purpose and location of the proposed wall and the current site conditions. Because the proposed mitigation did not meet the County requirements, additional mitigation was made a condition for approval. Staff determined the associated impacts to be moderate and recommended approval with the conditions outlined in the Resolution.

Mr. Bott asked if there was current erosion on the site and if Staff considered possible erosion from the proposed outfall at the top of the slope.

Mr. Woolson had not observed erosion on the adjacent properties and said the outfall could be extended to the toe of the slope if the outfall at the top of the slope could not be adequately protected.

Mr. Apperson opened the Public Hearing.

A. Mr. Ron Curtis stated the wall is required for the driveway to the side load garage, which is required in the Kingsmill neighborhood. It will also provide an egress area from the lower level of the home.

Mr. Roadley asked Mr. Curtis if he had considered measures to spread out the flow from the riprap apron at the end of the outfall. He also asked about the proposed landscape treatment beyond the deck.

A. Mr. Curtis said the runoff to the outfall was only from the sidewalk to the driveway and the remainder of the water on this lot would be spread out across the back. He said there would be ten feet of level turf to provide an area to walk and the remainder would remain natural.

Mr. Woolson asked if a level spreader at the end of the outfall would satisfy Mr. Roadley's concern.

Mr. Roadley said that would be his suggestion.

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

Mr. Bott said his only concern was the possibility of future erosion from the retaining wall.

Mr. Apperson and Mr. Waltrip felt the area beyond the wall would not erode if the runoff is concentrated to the proposed outfall and it is adequately protected.

Mr. Hughes made a motion to adopt the Resolution to Grant the Exception for Chesapeake Bay Board Case No. CBE-17-041 at 212 William Claiborne.

The motion result was: 5-0

Ayes: Hughes, Bott, Roadley, Waltrip, Apperson

Nays: None

2. Chesapeake Bay Board Case No. CBE 17-043: 178 The Maine

Michael Woolson presented the exception request submitted by David Chewey with Custom Gardens, on behalf of property owners, Robert and Jill Swain. The exception request was for encroachment into the RPA buffer for the expansion of an existing patio and the construction of a pool and retaining walls on the property known as 178 The Maine in the Greater First Colony subdivision, within the James River watershed and further identified as James City County Tax Map Parcel No. 4540200062. The presentation described the current site conditions as well as the proposed water quality treatment of runoff and the proposed restoration of the RPA buffer by eliminating the majority of existing lawn. Staff determined the associated impacts to be major and recommended approval with the conditions outlined in the Resolution.

Mr. Bott asked if there was a previous exception granted for the existing encroachment into the RPA. He also asked for clarification on the total impervious cover in the RPA and the stability of the mulch on the steep slope.

Mr. Woolson said no exceptions could be found however, the encroachment would have been done by the previous owners and the house had been vacant for some time before Mr. and Mrs. Swain purchased it last year. The entire impervious cover in the RPA will be 1,500 square feet, but only 40 square feet is additional to what already exists. Mr. Woolson explained that other sites have used mulch on steep slopes and it has been a successful stabilization measure. He also believed the applicants will maintain the area.

Mr. Apperson opened the Public Hearing.

A. Mr. David Chewey with Custom Gardens, described the entire back of the property as a bio-retention area that would provide an aesthetic view while filtering all currently unchecked runoff from the property.

Mr. Apperson asked what type of plantings would be used.

Mr. Roadley asked if the proposed pool was chlorine or brine.

A. Mr. Chewey described the native grasses, perennials and plants that would be used in the mitigation plan. He said they were suggesting a brine pool as that was what was most popular.

B. Mr. Matt Roth with Roth Environmental also worked on the plan and emphasized that although the plan added some additional impervious cover, the benefits of the mitigation plantings and removal of turf grass would be a net positive. He added that the heavy use of perennials as well as the rain gardens to catch the up-slope runoff would help to stabilize the mulch.

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

The Board members felt this was a well-designed mitigation plan and thanked the property owners and designers for their efforts.

Mr. Roadley made a motion to adopt the Resolution to Grant the Exception for Chesapeake Bay Board Case No. CBE-17-043 at 178 The Maine.

The motion result was: 5-0

Ayes: Roadley, Waltrip, Hughes, Bott, Apperson  
Nays: None

**E. BOARD CONSIDERATIONS**

None

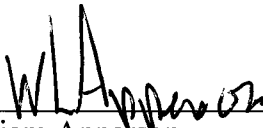
**F. MATTERS OF SPECIAL PRIVILEGE**

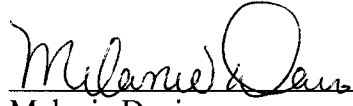
Mr. Hughes asked staff about a proposal at Cranston Mill Pond for water withdrawal and any possible impact to water quality below the dam.

Mr. Woolson acknowledged that a Joint Permit Application had been submitted and he was currently discussing it with the Virginia Marine Resource Commission (VMRC). Although there were no proposed structures that would require Board approval, he would provide a presentation on the proposal, at the March Wetlands Board meeting.

**G. ADJOURNMENT**

The meeting adjourned at 7:45 p.m.

  
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William Apperson  
Chesapeake Bay Board Vice Chair

  
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Melanie Davis  
Secretary to the Board