

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

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**A. CALL TO ORDER**

The Chesapeake Bay Board meeting for March 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  
Roger Schmidt - 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. February 8, 2017, Regular Meeting Minutes

The minutes were approved as written.

**D. PUBLIC HEARINGS**

1. Chesapeake Bay Board Case No. CBE 17-042:115 Hurlston

Michael Woolson presented the exception request submitted by Jim Gallagher of Green Side Up Landscaping, on behalf of property owners, Bobby and Jennifer Lappas. The exception request was for approximately 600 square feet of encroachment into the Resource Protection Area (RPA) buffer for construction of a paver patio, fire pit and seating wall as part of the mitigation plan submitted for the administrative approval on a new single-family dwelling on the property known as 115 Hurlston in the Ford's Colony subdivision, within the Powhatan

Creek watershed and further identified as James City County Parcel No. 3811300023. The presentation described the current site conditions and the proposed structures and mitigation. Staff reviewed the application and determined the associated impacts to be minor; however, Staff could not recommend approval at this time because the submitted mitigation plan did not meet the minimum County requirements. Should the Board vote to approve the exception request, Staff recommended conditions in the Resolution that included submittal of a revised, acceptable mitigation plan.

Mr. Roadley asked if the limits of clearing shown in the presented photos for construction of the house, were approved by Staff and asked if the clearing was for access to the irrigation well.

Mr. Woolson said that was his understanding.

Mr. Hughes asked if the applicant was advised of the requirement for additional mitigation.

Mr. Woolson said he had corresponded via emails.

Mr. Apperson opened the Public Hearing.

A. Mr. Jim Gallagher with Green Side Up Landscaping, contractor for the project, said he was willing to install additional plantings as required.

Mr. Apperson asked Mr. Gallagher if he knew why the owner's mitigation plan did not meet the County requirements.

A. Mr. Gallagher said he did not.

Mr. Waltrip along with Mr. Schmidt, asked how the pavers would be installed.

A. Mr. Gallagher said the pavers would be on a stone base. They were not pervious but would be pitched to direct runoff toward a rain garden.

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

Mr. Apperson stated he was reluctant to approve an exception without Staff recommendation.

Mr. Hughes stated he would approve the exception if the necessary mitigation requirements were submitted.

Mr. Gallagher, as agent for the property owners, requested a deferral of the Board's decision.

Mr. Apperson re-opened the Public Hearing and the case was continued to the next Chesapeake Bay Board meeting on April 12, 2017.

2. Chesapeake Bay Board Case No. CBE 17-048: 7515 Oak Cove Road

Michael Woolson presented the exception request submitted by Ms. Jennifer Privette, on behalf of her mother Patricia Overman. The exception request was for encroachment into the RPA buffer for a 624-square-foot room addition on the property known as 7515 Oak Cove Road, within the Chickahominy River watershed and further identified as James City County Parcel No. 1910100013. Mr. Woolson described the property conditions and the proposed addition explaining that only 224 square feet of the addition would be additional impervious cover because it would be constructed over an existing gravel driveway. Staff determined the associated impacts to be moderate and recommended approval with the conditions outlined in the Resolution.

Mr. Apperson commented that based on the presentation photos showing the location of a cypress tree offshore, this was an example how erosion occurred over many years.

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

Mr. Roadley said he recommended approval based on the age of the original home and the location of the addition over existing impervious surface.

Mr. Roadley made a motion to adopt the Resolution to Grant the Exception for Chesapeake Bay Board Case No. CBE-17-048 at 7515 Oak Cove Rd.

The motion was approved: 5-0

Ayes: Roadley, Waltrip, Hughes, Schmidt, Apperson

Nays: None

3. Chesapeake Bay Board Case No. CBE 16-054: 137 Industrial Boulevard

Michael Woolson presented the exception request submitted by Mr. Graham Corson of AES Consulting Engineers, on behalf of Nice Commercial Properties, LLC. The exception request was for encroachment into the RPA buffer to construct an extended detention wet pond BMP at 137 Industrial Boulevard in Hankins Industrial Park, within the Ware Creek watershed and further identified as James City County Parcel No. 1240100062. The presentation described the current site conditions and Mr. Woolson explained that construction of this new wet pond BMP would eliminate three existing BMPs in various states of upkeep, providing a more regional approach to stormwater management in this portion of the industrial park. Staff determined impacts for this proposal to be major and recommended approval with the conditions outlined in the Resolution which included approval of the associated plan of development, recordation of a conservation Deed of Easement and permits from the Corps of Engineers.

Mr. Hughes asked if adjacent property owner approvals would be required.

Mr. Waltrip asked if the excavated areas would be used to fill the existing BMPs.

Mr. Woolson said adjacent owner approvals would be required as part of the associated site plan approval and he believed there was significant cut and fill proposed in the project.

Mr. Roadley asked if Staff estimated RPA impact for repairing the existing BMPs and commented it might be as much if not greater than the impact for this proposal.

Mr. Woolson said the repair impact had not been estimated but agreed with Mr. Roadley's comment.

Mr. Apperson opened the Public Hearing.

A. Mr. Graham Corson with AES Consulting Engineers said this proposal would replace existing BMPs in various states of disrepair, would be beneficial to reduce the potential pollution points and would be a maintenance improvement.

Mr. Roadley asked if in alternative analysis, they considered a change of the building locations to relocate the proposed BMP for less impact to the RPA.

A. Mr. Corson responded this was the only location that would be downstream of the two existing BMPs.

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

The Board members agreed this proposal was well engineered and a good solution for controlling stormwater in the industrial park.

Mr. Hughes made a motion to adopt the Resolution to Grant the Exception for Chesapeake Bay Board Case No. CBE-16-054 at 137 Industrial Boulevard.

The motion was approved: 5-0

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

## **E. BOARD CONSIDERATIONS**

None

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

None

## **G. ADJOURNMENT**

The meeting adjourned at 8:40 p.m.

  
David Gussman  
Chesapeake Bay Board Chair

  
Melanie Davis  
Secretary to the Board