

**MINUTES**  
**JAMES CITY COUNTY CHESAPEAKE BAY BOARD**  
**REGULAR MEETING**  
**County Government Center, Building F**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**May 10, 2017**  
**7:00 PM**

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**A. CALL TO ORDER**

The Chesapeake Bay Board meeting for May 10, 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 Members Present:**

David Gussman - Chair  
William Apperson  
Charles Roadley  
John Hughes  
Larry Waltrip

**Absent:**

**Others Present:**

County Staff (Staff):

Michael Woolson, Senior Watershed Planner  
Fran Geissler, Acting Director, Engineering and Resource Protection  
Ashley Tatge, Inspector, Engineering and Resource Protection  
Liz Parman, Assistant County Attorney  
Melanie Davis, Secretary to the Board

**C. MINUTES**

The minutes from the April 12, 2017 regular meeting were approved as written.

**D. PUBLIC HEARINGS**

1. CBE-17-072 : 140 Pebble Beach

Michael Woolson presented the exception request submitted by Mr. Matt Roth, Roth Environmental, on behalf of Keith and Shannon Hassan, for encroachment into the Resource Protection Area buffer, to construct a single-family dwelling at 140 Pebble Beach, within the Powhatan Creek watershed and further identified as James City County Real Estate Tax Map Parcel No. 3811000027. The presentation described the current site conditions, the proposed structure and the proposed mitigation which included an infiltration trench and enrollment in the Turf Love program. Staff reviewed the application, determined the associated impacts to be major but recommended

approval with the conditions outlined in the Resolution.

Mr. Waltrip asked if the standing water shown in the photograph indicated a drainage problem and if the water in the neighboring stormwater pond (BMP) was at a higher elevation.

Mr. Gussman asked if the lot was wetlands when it was originally platted.

Mr. Woolson believed the wetlands on the lot may have increased over the years with drainage from the road and development. The elevation of the BMP was higher; however, he did not see any hydrologic impacts to this lot from the BMP.

Mr. Roadley added that the methods of wetlands delineation used when the lot was platted were not as accurate as current delineation methods.

Mr. Gussman opened the Public Hearing.

A. Mr. Matt Roth, Roth Environmental, explained that the wetlands and easements on the property posed a challenge for design and location of the house. He explained some alternative designs and the issues they posed resulting in the submitted proposal representing the best solution.

Mr. Roadley asked if the infiltration trench would have an under drain.

A. Mr. Roth said it would although the design was not yet complete.

B. Mr. Keith Hassan, the property owner, explained his desire to develop this property and thanked the Board for its consideration.

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

Gussman felt this was the best solution given the challenges on the lot. Mr.

Hughes said the use of bald cypress in the mitigation was a good choice. Mr.

Apperson felt the project was well engineered.

Mr. Roadley made a motion to adopt the Resolution to Grant the Exception for Chesapeake Bay Board Case No. CBE-17-072 at 140 Pebble Beach.

The motion was Approved: 5-0

Ayes: Roadley, Waltrip, Hughes, Apperson, Gussman

2. CBE-17-073 : 2836 Durfey's Mill Road

Michael Woolson presented the exception request submitted by Mr. Jim Duguay, Performance Contracting, for encroachment into the Resource Protection Area (RPA) buffer to construct a single-family dwelling at 2836 Durfeys Mill Road, within the Lake Powell Point subdivision and further identified as James City County James City County Real Estate Tax Map Parcel No. 4741200055. The presentation described the current site conditions and the proposed impacts. Mr. Woolson explained a previous

exception for this house was granted but had subsequently expired. The proposed mitigation met the requirements however a planting plan had not yet been submitted. Staff determined the associated impacts to be minor and recommended approval with the conditions outlined in the Resolution.

Mr. Gussman opened the Public Hearing.

A. Mr. Jim Duguay with Performance Contracting explained the previous approval expired because of some issues the Home Owners Association (HOA) had with the type of structure. He also agreed to supply the required planting plan.

Mr. Roadley asked if the deck included access to a landing area. He was concerned with a future request for additional encroachment.

A. Mr. Duguay explained this house was being constructed without a customer. There was no plan for outdoor living and information on the RPA would be given to the agents.

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

Mr. Hughes made a motion to adopt the Resolution to Grant the Exception for Chesapeake Bay Board Case No. CBE-17-073 at 2836 Durfeys Mill Road.

The motion was Approved: 5-0

Ayes: Roadley, Waltrip, Hughes, Apperson, Gussman

## **E. BOARD CONSIDERATIONS**

### **1. Amendment to Bylaws and Calender**

Mr. Gussman stated the proposed amendment was to change the meeting time from 7 p.m. to 5 p.m. or immediately following the Wetlands Board meeting which would begin at 5 p.m. effective July 2017.

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

The motion was approved: 4-1

Ayes: Apperson, Gussman, Roadley, Waltrip  
Nays: Hughes

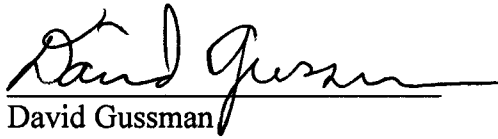
## **F. MATTERS OF SPECIAL PRIVILEGE**

### **1. PRESENTATION**

A Resolution of Appreciation was presented to Mr. Scott J. Thomas for service to the James City County Wetlands Board and Chesapeake Bay Board from July 2007 to March 2017.

## **G. ADJOURNMENT**

The meeting adjourned at 8:10 p.m.

A handwritten signature in cursive script, appearing to read "David Gussman", written over a horizontal line.

David Gussman  
Chesapeake Bay Board Chair

A handwritten signature in cursive script, appearing to read "Melanie Davis", written over a horizontal line.

Melanie Davis  
Secretary to the Board