

**MINUTES**  
**JAMES CITY COUNTY CHESAPEAKE BAY BOARD**  
**REGULAR MEETING**  
**County Government Center, Building F**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**June 14, 2017**  
**7:00 PM**

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**A. CALL TO ORDER**

The Chesapeake Bay Board meeting for June 14, 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  
Charles Roadley  
John Hughes  
Larry Waltrip

**Absent:**

William Apperson

**Others Present:**

County Staff (Staff):  
Michael Woolson, Senior Watershed Planner  
Ashley Tatge, Inspector, Engineering and Resource Protection  
Liz Parman, Assistant County Attorney  
Melanie Davis, Secretary to the Board

**C. MINUTES**

1. May 10, 2017 Regular Meeting Minutes

The minutes from the May 10, 2017 regular meeting were approved as written.

**D. PUBLIC HEARINGS**

1. CBE-17-084 : 102 Walton Heath

Mr. Michael Woolson presented the exception request submitted by Mr. Matt Roth, with Roth Environmental, on behalf of Mr. Martin Mather. The request was for encroachment into the Resource Protection Area (RPA) buffer to construct a single-family dwelling and deck at 102 Walton Heath in the Ford's Colony subdivision, within the Powhatan Creek watershed. The property is further identified as James City County Real Estate Tax Map Parcel No. 3810300019. The presentation described the current site conditions stating the entire lot was in the RPA. Mr. Woolson explained that the proposed house would therefore be located entirely in the Seaward RPA and would also impact non-tidal wetlands. He advised the Board that this wetland impact

would require some action from the United States Army Corps of Engineers. Mr. Woolson also described the proposed mitigation plan revised to meet the County's requirements. Staff determined the impacts associated with this proposal to be major but recommended approval with the conditions outlined in the Resolution.

Mr. Hughes asked how the required nine canopy trees in the mitigation plan would fit on the lot, which was already heavily forested.

Mr. Woolson explained that once the permitted clearing was done for construction of the home, the canopy would open up to allow for the additional trees.

Mr. Gussman opened the Public Hearing.

**A.** Mr. Matt Roth, with Roth Environmental, stated the lot was platted prior to adoption of the Chesapeake Bay Act and the wetland delineation at that time was also less restrictive. He explained why alternative designs would not lessen the impacts and also stated Ford's Colony had not permitted a front setback reduction. He described the various methods incorporated to handle the stormwater runoff and the proposed mitigation plan. He informed the Board that the United States Army Corps of Engineers permit was ready to be submitted pending the result of this public hearing.

**B.** Mr. Martin Mather, the property owner, said he and Mr. Roth had worked to address the environmental impact. He felt the condition of the lot would be improved by this proposal and asked the Board for their consideration.

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

Mr. Roadley said he appreciated the extensive work that was done in developing the proposed design.

Mr. Gussman stated there were considerable water quality issues on this lot and felt a home owner would need to be very vigilant by constantly monitoring the flow of stormwater around their house and the potential impacts to the wetlands.

Mr. Hughes said he visited this lot and could tell it was definitely wetlands. He thought this might be the reason this lot had not been previously developed and he had real concerns with the proposed development and the potential impacts to the wetlands.

Mr. Waltrip felt it would be a challenge, but believed Mr. Roth had developed a plan that could work.

Mr. Roadley said the purpose of the Board was regulation of the RPA buffer to protect the wetlands. He felt the Board often struggled with cases that just impacted the seaward RPA buffer and because this case proposed impacts to the wetlands as well as the seaward RPA buffer, their position was more difficult. He referenced sections of the Chesapeake Bay Preservation ordinance that the Board was required to consider in making their decision and stated he could not support this exception request because the proposed development could not be mitigated to prevent the degradation of water quality. He agreed with Mr. Hughes that there was a reason this lot had not previously been developed.

Mr. Hughes made a motion to deny exception request for Chesapeake Bay Board

Case No. Case CBE-17-084 at 102 Walton Heath.

The motion to Deny was approved: 3-1

Ayes: Roadley, Hughes, Gussman

Nays: Waltrip.

2. CBE-17-080 : 200 Riverview Plantation Road

Ms. Ashley Tatge presented the exception request submitted by Mr. Richard Pinard for encroachment into the Resource Protection Area (RPA) buffer to construct a single-family dwelling and deck at 200 Riverview Plantation Drive in the Riverview Plantation subdivision, within the York River watershed. The property is further identified as James City County Real Estate Tax Map Parcel No. 1640600031. The presentation described the current site conditions, the proposed house and the submitted mitigation plan, which did not meet the County's minimum standards. In addition, because of the proposed lawn in the seaward RPA buffer, a nutrient management plan was included in the mitigation requirements. Staff determined the impacts associated with this proposal to be major, but recommended approval with the conditions outlined in the Resolution.

Mr. Gussman opened the Public Hearing

A. Mr. Richard Pinard, the property owner and builder, said he had revised the house and garage as much as possible to meet the required setbacks and RPA limitations. He stated he would include any additional plantings and requirements that were needed.

Mr. Hughes asked what he intended to do in the rear yard and if he would be removing all the brush in this area.

A. Mr. Pinard said he wanted to grade it slightly to reduce the flow of water and he would remove the brush and plant grass.

Mr. Woolson pointed out the limits of clearing on the proposed plan, explaining it was just beyond the building setback but not into the steep hillside. He also pointed out the area for the septic drain fields that could not be disturbed. He stated that staff would work with Mr. Pinard to develop an acceptable mitigation plan with native plantings.

Mr. Roadley appreciated the work Mr. Pinard had done positioning the house for minimal impact, but advised him the Board did not favor grass due to the required fertilizer and maintenance.

A. Mr. Pinard said he would remove some of the grass if that was required.

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

Mr. Roadley said he would not make removal of grass a condition for approval and felt staff would work with Mr. Pinard to develop the necessary mitigation.

Mr. Waltrip made a motion to adopt the Resolution to grant exception request for Chesapeake Bay Board Case No. Case CBE-17-080 at 200 Riverview Plantation

Drive.

The motion was approved: 4-0

Ayes: Roadley, Waltrip, Hughes, Gussman

3. CBE-17-087 : Stonehouse Tract 3

Mr. Michael Woolson presented the exception request submitted by Mr. Curtis Hickman of Kerr Environmental Services Corp., on behalf of SCP-JTL Stonehouse Owner 2, LLC. The exception request was for encroachment into the Resource Protection Area (RPA) buffer for the construction of sanitary sewer connections and permanent easements associated with the development of the Stonehouse Tract 3 project on property known as 9351 Six Mount Zion Road in the Stonehouse subdivision and within the Ware Creek watershed. The property is further identified as James City County Real Estate Tax Map Parcel No. 0540100015. The presentation described the current site conditions, the proposed RPA impacts and the proposed mitigation with Natural Open Space easements adjacent to the impacts. Staff determined the impacts associated with this proposal to be moderate and recommended approval with the conditions outlined in the Resolution.

Mr. Roadley asked if they were aerial sewer crossings and how the James City Service Authority (JCSA) required these easements to be maintained.

Mr. Woolson said the easements through the RPA and wetlands were 30 feet wide and would contain no major trees. He said the area under the aerial crossings would be allowed to re-vegetate with natural underbrush. He believed JCSA would control the growth in the easements on a 3-5-year cycle as it is for all major utilities.

Mr. Gussman asked how this development would impact Richardson Mill Pond and the failing dam.

Mr. Woolson deferred to the applicant.

Mr. Gussman opened the Public Hearing.

**A.** Mr. Curtis Hickman, with Kerr Environmental, said they spent a lot of time developing this plan to reduce the impact to wetlands and RPA as much as possible, specifically in the design and location of the pump station. He responded to Mr. Gussman's concerns, stating that stormwater would be controlled on-site, reducing the runoff into Richardson Mill Pond.

Mr. Roadley asked if specific areas marked on the plan were stormwater treatment (BMP) areas.

Mr. Woolson stated the only impacts to the RPA were from the stormwater outfall channels and there were no stormwater structures proposed in the RPA.

**B.** Mr. Mark Richardson, with Timmons Group, stated that Richardson Mill Pond would not be used as a BMP or for water quality and all the stormwater runoff for this project would be handled by on-site BMPs.

Mr. Gussman asked if the BMPs wouldn't then flow into Richardson Mill Pond

A. Mr. Richardson said Richardson Mill Pond would be attenuated to pre-development levels so there would be no increase from the runoff.

Mr. Hughes and Mr. Gussman both stated their reason for concern with a failing dam.

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

Mr. Roadley stated the aerial crossings did not create any long-term impacts to the RPA and he would support this application.

Mr. Hughes made a motion to adopt the Resolution to grant exception request for Chesapeake Bay Board Case No. Case CBE-17-087 at 9351 Six Mount Zion Road for the Stonehouse Tract 3 project.

The motion was approved: 4-0

Ayes: Roadley, Waltrip, Hughes, Gussman

4. CBE-17-065 : Colonial Heritage Phase 3, Section 2

Mr. Michael Woolson presented the exception request submitted by Mr. Ryan Stephenson Hickman of AES Consulting Engineers, on behalf of Colonial Heritage, LLC. The exception request was for encroachment into the Resource Protection Area (RPA) buffer for the construction of sanitary sewer connections associated with the development of the Colonial Heritage Phase 3, Section 2 project on property known as 6799 Richmond Road within the Yarmouth Creek watershed. The property is further identified as James City County Real Estate Tax Map Parcel No. 2430100032. The presentation described the current site conditions, the proposed RPA impacts and the proposed mitigation with a Natural Open Space easement. Staff determined the impacts associated with this proposal to be moderate and recommended approval with the conditions outlined in the Resolution.

Mr. Gussman opened the Public Hearing.

Mr. Roadley asked the applicant what methods would be used for working on the connections to the main trunk lines in the wetlands.

A. Mr. Ryan Stephenson, with AES Consulting Engineers, said he understood the contractor would be working on mats.

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

Mr. Roadley again stated that this type of project had no long-term impact to the RPA, provided the contractor was diligent when working in these areas.

Mr. Roadley made a motion to adopt the Resolution to grant exception request for Chesapeake Bay Board Case No. Case CBE-17-065 at 6799 Richmond Road for the Colonial Heritage Phase 3, Section 2 project.

The motion was approved: 4-0

Ayes: Roadley, Waltrip, Hughes, Gussman

**E. BOARD CONSIDERATIONS**

1. CBE-15-105 : 108 Seven Oaks

Mr. Michael Woolson presented the exception request submitted by Mr. Ronald Nervitt for a two-year extension of the exception request originally granted on August 12, 2014 and extended for one year on July 13, 2016. The exception request was for construction of a single-family dwelling and terrace pool at 108 Seven Oaks in the Ford's Colony subdivision. Staff concurred with this request and all other conditions of the approving Resolution would still apply.

Mr. Gussman asked if the Board had previously granted two-year extensions.

Mr. Woolson stated that they had. He stated the Board had the authority to grant extension for any period they deem acceptable.

Mr. Gussman stated he would support this extension but did not feel any additional extensions should be granted on this case.

Mr. Hughes made a motion to adopt the Resolution granting the two-year extension for Chesapeake Bay Board Case CBE-15-105 at 108 Seven Oaks.

The motion was approved: 4-0

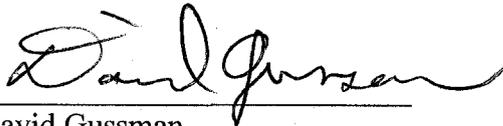
Ayes: Roadley, Waltrip, Hughes, Gussman

**F. MATTERS OF SPECIAL PRIVILEGE**

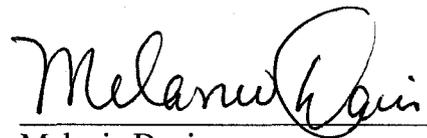
None

**G. ADJOURNMENT**

The meeting adjourned at 8:55 p.m.



David Gussman  
Chesapeake Bay Board Chair



Melanie Davis  
Secretary to the Board