

**M I N U T E S**  
**JAMES CITY COUNTY CHESAPEAKE BAY BOARD**  
**REGULAR MEETING**  
**County Government Center, Building F**  
**101 Mounts Bay Road, Williamsburg 23185**  
**December 13, 2017**  
**5:00 PM**

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**A. CALL TO ORDER**

The Chesapeake Bay Board meeting December 13, 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

Absent:

Larry Waltrip

Others Present: County Staff (Staff):

Michael Woolson, Senior Watershed Planner  
Frances Geissler, Director, Stormwater and Resource Protection  
Liz Parman, Assistant County Attorney  
Janice Petty, Engineering Assistant, Stormwater and Resource Protection

**C. MINUTES**

1. October 11, 2017, Regular Meeting Minutes

The minutes from the October 11, 2017, regular meeting were approved as written.

**D. PUBLIC HEARINGS**

1. CBE-18-030 : 2521 Manion Drive

Mr. Michael Woolson presented a Chesapeake Bay Exception submitted by Mr. Daniel Winall on behalf of Mr. Brian Clair. The request was to construct a retaining wall and step access to an existing pier and bank grading at 2521 Manion Drive, within the Drummonds Field subdivision, encroaching into the Resource Protection Area (RPA). Mr. Woolson explained that staff recommends approval of the application with the following conditions: that the applicant obtain any other local, state or federal permits; that a pre-construction meeting be held on site; that a \$4,000 surety acceptable to the County Attorney's Office be put in place to guarantee the proposed mitigation; and that this project is null and void if not started by December 13, 2018. Written requests for extension shall be submitted no later than six weeks

prior to the expiration date.

The Board deliberated on the pros and cons of the application.

Mr. Hughes opened the Public Comment period.

A. Mr. Daniel Winall, the agent and contractor, addressed the Board and answered any further questions.

Mr. Hughes closed the Public Hearing as no one else wished to comment.

Mr. Apperson made a motion to grant the exception request for CBE-18-030.

The motion was approved: 4-0

Ayes: Roadley, Hughes, Apperson, Gussman

2. CBE-18-013 : Stonehouse Land Bay 3 & 5

Mr. Woolson updated the case continued from the October 11, 2017 meeting. Mr. Woolson further explained the details of the construction and mitigation plans associated with Kerr Environmental. Mr. Woolson explained that staff recommends the approval of this project with the following conditions: the applicant obtain any other local, state or federal permits; a conservation easement of 2.27 acres be recorded in Tract 3; a \$5,000 surety be put in place to guarantee mitigation components; and that this approval would expire December 11, 2018.

The Board deliberated on the pros and cons of this application.

Mr. Gussman opened the Public Comment period.

A. Mr. Jeff Floyd, representing the project manager associated with Kerr Environmental, addressed the Board and answered any further questions.

Mr. Gussman closed the Public Comment period as no one else wished to comment.

Mr. Hughes made a motion to adopt the exception request for CBE-18-013.

The motion was approved: 4-0

Ayes: Roadley, Hughes, Apperson, Gussman

3. CBE-18-024 : 116 Nottinghamshire

Mr. Woolson presented a Chesapeake Bay Exception on behalf of Mr. Larry Walk of Walk-Wright Construction. The request was to construct a single-family home with an attached deck which would encroach into the RPA, located in the Ford's Colony subdivision. The applicant has proposed mitigation plantings which exceed County standards. Mr. Woolson explained that staff recommends this property be enrolled in the Turf Love program once construction is complete. Staff recommends approval of this exception with the following conditions: the applicant meet all other local, state and federal laws; a \$3,500 surety acceptable to the County Attorney's Office be put in place to guarantee the proposed mitigation; the applicant record an affidavit in the land records of the Williamsburg-James City County Circuit Court regarding the environmental resource restriction on this lot; and that this project is null and void if not started by December 13, 2018. Written requests for extension shall be submitted no later than six

weeks prior to the expiration date.

The Board deliberated the pros and cons of this request.

Mr. Gussman opened the Public Comment period.

A. Mr. Larry Walk, associated with Walk-Wright Construction, addressed the Board and answered any further question associated with the request.

Mr. Gussman closed the Public Comment period as no one else chose to comment.

Mr. Apperson made a motion to grant application CBE-18-024.

The motion was approved: 4-0.

Ayes: Roadley, Hughes, Apperson, Gussman

4. CBE-18-040 : 112 Constance Avenue

Mr. Hughes recused himself from this hearing prior to commencement. Mr. Woolson presented a Chesapeake Bay Exception on behalf of Mr. Larry Walk of Walk-Wright construction. The request was to construct a single-family home with a pool, pool deck and a spa in the RPA. The project is located in the Powhatan Shores subdivision off of Neck-O-Land Road. Mr. Woolson explained that staff recommends approval for this exception with the following conditions: that the applicant obtain all other local, state and federal permits; a \$4,000 surety acceptable to the County Attorney's Office be put in place to guarantee the proposed mitigation; and that this project is null and void if not started by December 13, 2018. Written requests for an extension to this expiration shall be submitted no later than six weeks prior to the expiration date.

The Board deliberated the pros and cons of this request

Mr. Gussman opened the Public Comment period.

A. Mr. Matt Conley, of LandTech Resources, addressed the Board and answered any further questions associated with the request.

Mr. Woolson was called to answer questions from Mr. Roadley.

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

Mr. Roadley proposed an additional permit requirement be included in the vegetation plan requiring the entire 50-foot seaward RPA be replanted.

Mr. Roadley made a motion to grant application CBE-18-040 subject to the proposed revision.

The motion was approved: 3-0

Ayes: Roadley, Apperson, Gussman

Abstain: Hughes

5. CBE-18-032 : 38 Ensigne Spence

Mr. Woolson presented a Chesapeake Bay Exception on behalf of Ms. Beverly Olson of Olson Fine Home Building. The request was to construct a deck with step access to the water that would encroach into the RPA. Mr. Woolson explained that the parcel was platted in 1974, prior to the adoption of the Chesapeake Bay Ordinance. Additionally, the home was recently constructed and received administrative approval to build in the landward 50-foot RPA. Mr. Woolson explained that staff recommends approval with the following conditions: the applicant obtain any local, state or federal permits; a \$250 surety acceptable to the County Attorney's Office be put in place to guarantee the proposed mitigation; and that this project is null and void if not started by December 13, 2018. Written requests for extension to the expiration shall be submitted no later than six weeks prior to the expiration date.

The Board deliberated the pros and cons of this request

Mr. Gussman opened the Public Comment period

A. Mrs. Gay Moth addressed the Board on the details of her request.

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

Mr. Hughes made a motion to grant approval for CBE-18-032.

The motion was approved: 4-0

Ayes: Hughes, Gussman, Roadley, Apperson

6. CBE-18-039 : 109 Mahogany Run

Mr. Woolson presented a Chesapeake Bay Exception on behalf of Mr. Robert Root, of Williams Landscape and Design. The request was to construct a retaining wall which would encroach into the RPA located at 109 Mahogany Run. Mr. Woolson explained that an administrative exception for construction of the single-family dwelling was granted and that the impervious coverage associated with this application is an additional 100 square feet. Five mitigation units are required for this exception and the County requests that this house be enrolled in the Turf Love program. Mr. Woolson explained that staff recommends approval of this request under the following conditions: the applicant obtains all local, state and federal permits necessary and that this project is null and void if not started by December 13, 2018. Written requests for extension to the expiration shall be submitted no later than six weeks prior to the expiration date. There is no additional surety required for this request given the existing \$3,000 surety currently in place.

The Board deliberated the pros and cons of this request.

Mr. Gussman opened the Public Comment period.

A. Mr. Tony Orbane associated with Williams Landscape addressed the Board and answered any further questions the board had.

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

Mr. Apperson made a motion to grant approval for CBE-18-039.

The motion was approved: 4-0

Ayes: Apperson, Gussman, Hughes, Roadley

7. CBE-18-038 : 153 John Pott Drive

Mr. Woolson presented a Chesapeake Bay Exception on behalf of Mr. Andy Flint, of Hertzler & George. The request was to construct a patio, walkway and retaining wall that would encroach into the RPA on property located on 153 John Pott Drive. Mr. Woolson explained that the parcel was platted in 1974, prior to the adoption of the Chesapeake Bay Preservation Ordinance. Staff requests that the home be enrolled in the Turf Love program. Mr. Woolson explained that staff recommends approval for this request with the following conditions: the applicant obtain any local, state and federal permits required; a \$500 surety acceptable to the County Attorney's Office be put in place to guarantee the proposed mitigation and Turf Love registration; and that this project is null and void if not started by December 13, 2018. Any written requests to extend the expiration shall be submitted no later than six weeks prior to the expiration date.

The Board deliberated the pros and cons of this request.

Mr. Gussman opened the Public Comment period.

A. Mr. Joe Hertzler, of Hertzler & George, addressed the Board and answered any further questions.

Mr. Gussman closed the Public Comment period.

Mr. Hughes made a motion to grant approval for CBE-18-038.

The motion was approved: 4-0

Ayes: Gussman, Apperson, Hughes, Roadley

8. CBE-18-028 : 19 and 20 Mile Course

Mr. Woolson explained that the applicant requested a deferral to this case and to move the hearing to the next scheduled meeting on February 14, 2018. County staff concurred with this request and asked that the Board open the Public Hearing for this case.

Mr. Gusman opened the Public Comment period.

**E. BOARD CONSIDERATIONS**

1. CBE-17-009 : 3 West Circle

Mr. Woolson explained that Mr. Rafael and Mrs. Florina Tusa requested a one-year extension to CBE-17-009. Staff concurred with this request granted that all stipulations, except the expiration date, be reauthorized and that the new expiration date be January 11, 2019.

The Board deliberated the pros and cons of this request.

Mr. Roadley made a motion to grant this request.

Motion was approved 4-0

Ayes: Roadley, Gussman, Hughes, Apperson

2. Election of Officers for 2018

Chairman: Gussman 4-0

Vice Chairman: Apperson 4-0

Secretary: Woolson 4-0

3. 2018 Calendar

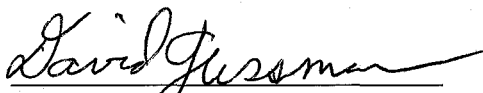
2018 calendar approved.

**F. MATTERS OF SPECIAL PRIVILEGE**

None

**G. ADJOURNMENT**

The meeting adjourned at 6:42 p.m.



David Gussman  
Chesapeake Bay Board Chair



Michael Woolson  
Secretary to the Board