

**MINUTES**  
**JAMES CITY COUNTY CHESAPEAKE BAY BOARD**  
**REGULAR MEETING**  
**County Government Center, Building F**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**February 14, 2018**  
**5:00 PM**

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**A. CALL TO ORDER**

The Chesapeake Bay Board meeting for February 14, 2018, 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  
Larry Waltrip  
Charles Roadley  
John Hughes

**Absent:**

William Apperson

**Others Present:** County Staff (Staff):

Michael Woolson, Secretary to the Board, Senior Watershed Planner  
Trevor Long, Watershed Planner  
Frances Geissler, Director, Stormwater and Resource Protection  
Grace Boone, Director, General Services  
Liz Parman, Assistant County Attorney  
Janice Petty, Stormwater and Resource Protection

**C. MINUTES**

1. Minutes from December 13, 2017, regular meeting

The minutes from the December 13, 2017, regular meeting were approved as written.

**D. PUBLIC HEARINGS**

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

Deferred from December 13, 2017, meeting. Applicant has requested deferral to the March meeting.

Mr. Gussman stated that the Public Hearing was still open and asked if anyone wished to speak to the matter.

Mr. Gussman made a motion to defer CBE-18-028 at 19 and 20 Mile Course to the March 14, 2018, Chesapeake Bay Board meeting.

The motion was approved: 4-0  
Ayes: Roadley, Hughes, Waltrip, Gussman  
Absent: Apperson

2. CBE-18-060 : 4029 South Riverside Drive

Mr. Michael Woolson presented the exception request submitted by Mr. Kevin Cottingham of Toby Development and Robertson Liebler Development Corporation for the construction of a single-family dwelling with attached deck on property located at 4029 South Riverside Drive in the Chickahominy Haven subdivision within the Chickahominy River Watershed. The property is further identified as James City County Real Estate Tax Map Parcel No. 1910300005. The presentation described the current site conditions and the proposed project. Staff determined the impacts associated with the proposal to be moderate and recommended the conditions outlined in the Resolution be required for approval.

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

Mr. Gussman opened the Public Hearing.

A. Mr. Kevin Cottingham addressed the Board and answered questions.

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 request for CBE-18-060 at 4029 South Riverside Drive.

The motion was approved: 4-0.  
Ayes: Roadley, Hughes, Waltrip, Gussman  
Absent: Apperson

3. CBE-18-052 : 124 Mathews Grant

Mr. Trevor Long presented the exception request submitted by Mike Burling of TSP Lawn & Landscapes on behalf of Ms. Catherine Hortenstine for encroachments into the Resource Protection Area (RPA) for the construction of a retaining wall, patio and steps. The project is located on property known as 124 Mathews Grant in the Kingsmill subdivision. Mr. Long gave a presentation described the current site conditions and the proposed project. Staff determined the impacts associated with the proposal to be minor and recommended the conditions outlined in the Resolution be required for approval.

The Board deliberated the pros and cons of this request.

Mr. Gussman opened the Public Hearing.

A. Mr. Michael Burling with TSP Lawn & Landscapes addressed the Board and answered questions.

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 request for Chesapeake Bay Board Case No. CBE-18-052 at 124 Mathews Grant.

The motion was approved: 4-0  
Ayes: Roadley, Hughes, Waltrip, Gussman

Absent: Apperson

4. CBE-18-046 : 2405 Sarah Spence

Mr. Michael Woolson presented the exception request submitted by Mr. Matthew Roth with Roth Environmental on behalf of Mrs. Lisa Goodman for encroachment into the RPA for construction of a detached garage and lap pool. The project is located on property known as 2405 Sarah Spence in the Vineyards of Jockeys Neck subdivision. The presentation described the current site conditions and the proposed project. Staff determined the impacts associated with the proposal to be minor and recommended the conditions outlined in the Resolution be required for approval.

The Board deliberated the pros and cons of this request.

Mr. Gussman opened the Public Hearing.

**A.** Mr. Matthew Roth addressed the Board and answered questions associated with the project.

**B.** Mrs. Lisa Goodman spoke explaining the reasoning for the detached garage and lap pool.

**C.** Mrs. Carolyn Eshelman, 2409 Sarah Spence, spoke in favor of the project.

Mr. Waltrip stated that it is a honorable thing to do taking care of parents.

Mr. Gussman stated he could only support the application with the inclusion of the bio-retention basin.

Mr. Woolson answered questions associated with the project.

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 appeal of the Chesapeake Bay Board Case No. CBE-18-046 at 2405 Sarah Spence.

The motion was approved: 4-0.

Ayes: Roadley, Hughes, Waltrip, Gussman

Absent: Apperson

**E. BOARD CONSIDERATIONS**

1. CBV-18-008 : 4069 South Riverside Drive

Mr. Valdimir Arana is appealing a Notice of Violation.

Mr. Michael Woolson presented the evidence that a violation of the Chesapeake Bay Preservation Ordinance has occurred. Mr. Woolson explained that the parcel was platted in 1954 and the house built 1963, prior to the adoption of the Chesapeake Bay Ordinance. Ms. Carla Havens provided an email of her meeting of October 2017 with Mr. Arana stating that she saw a retaining wall in place where the new retaining wall now exists. Mr. Woolson explained that should the Board overturn the Notice of Violation, then staff recommends Mr. Arana submit a Sensitive Area Activity Application for the work for a public hearing and that

the mitigation rates should be doubled.

Mr. Arana explained his reasoning for the work. He apologized for performing the work without the proper authorizations and was willing to compensate anyway possible to make things right.

Mr. Woolson opined that he thought the wall would not need a building permit.

Mr. Roadley asked if the wall would be considered maintenance.

Mr. Woolson said the wall was too far deteriorated to be considered maintenance.

Mr. Gussman made a motion to uphold the appeal for Chesapeake Bay Violation Case No. CBV-18-008 at 4069 South Riverside Drive.

The motion was approved: 4-0.

Ayes: Roadley, Hughes, Waltrip, Gussman

Absent: Apperson

**F. MATTERS OF SPECIAL PRIVILEGE**

1. Resignation of Roger Schmidt

Roger Schmidt has resigned his position as an alternative to the Wetlands Board and the Chesapeake Bay Board, effective immediately.

2. Work Session

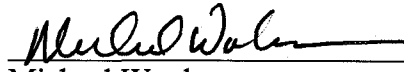
A work session has been scheduled for March 26, 2018, 5 p.m. at a location to be determined at a later date.

**G. ADJOURNMENT**

The meeting was adjourned at 6:03 p.m.



David Gussman  
Chesapeake Bay Board Chair



Michael Woolson  
Secretary to the Board