

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

A. CALL TO ORDER

The Chesapeake Bay Board meeting for March 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
Louis Bott
Larry Waltrip
John Hughes
William Apperson

Absent:

Charles Roadley

Others Present:

Michael Woolson, Senior Watershed Planner
Trevor Long, Watershed Planner
Liz Parman, Assistant County Attorney
Janice Petty, Stormwater and Resource Protection

C. MINUTES

1. Minutes from February 14, 2018, regular meeting

The minutes from the February 14, 2018, regular meeting were approved as written.

D. PUBLIC HEARINGS

1. CBE-18-058 : 4447 Pleasant View Drive

Mr. Michael Woolson presented the exception request submitted by Ms. Renie Andrews for encroachment into the Resource Protection Area (RPA) buffer to construct a memorial patio at 4447 Pleasant View Drive in the Powhatan Village subdivision within the Powhatan Creek Watershed. The property is further identified as James City County Real Estate Tax Map Parcel No. 3741400011. Mr. Woolson described the current conditions of the property and the purpose for the proposed 200-square-foot memorial patio. Staff determined the impacts associated with the proposal to be minor and recommended the conditions outlined in the Resolution be required for approval.

Mr. Gussman opened the Public Hearing.

A. Ms. Renie Andrews made herself available to answer any questions about the design of the memorial patio.

Mr. Woolson answered questions about size and location of the memorial patio.

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

Mr. Bott had questions about the size and location of the memorial patio as well as drainage. He is concerned about development within the seaward 50 foot RPA and the precedent this sets for the neighbors.

Mr. Woolson further clarified the grading and relative elevations of the memorial patio.

Mr. Apperson made a motion to adopt the Resolution to grant the exception request for Chesapeake Bay Board Case No. CBE-18-058: 4447 Pleasant View Drive.

The motion was approved: 5-0

Ayes: Bott, Waltrip, Gussman, Hughes, Apperson

2. CBE-18-063 : 4069 South Riverside Drive

Mr. Trevor Long presented the exception request submitted by Ms. Karla Havens of Mid-Atlantic Resource Consulting, on behalf of Vladimir Arana, for encroachment into the RPA for the construction of retaining wall and patio on property known as 4069 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. 1910500017. Mr. Long described the current conditions of the property and the purpose for the proposed retaining wall and patio. Staff determined the impacts associated with the proposal to be minor and recommended the conditions outlined in the Resolution be required for approval.

Mr. Gussman opened the Public Hearing.

A. Mr. Vladimir Arana explained the rationale for the retaining wall and patio locations within the RPA.

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-18-063: 4069 South Riverside Drive.

The motion was approved: 5-0

Ayes: Bott, Waltrip, Gussman, Hughes, Apperson

3. CBE-18-070 : 6019 Tabiatha Lane

Mr. Trevor Long presented the exception request submitted by Mr. Christopher Eckenfels for encroachment into the RPA buffer to construct a detached shed at 6019 Tabiatha Lane 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. 1910600023. Mr.

Long described the current conditions of the property and the purpose for the proposed detached shed. Staff determined the impacts associated with the proposal to be minor and recommended the conditions outlined in the Resolution be required for approval.

Mr. Gussman opened the Public Hearing.

A. Mr. Christopher Eckenfels reiterated all of the design considerations and location for the proposal.

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

Mr. Gussman questioned the floodplain as the shed was too small for a building permit and needed to be tied down in some fashion as to not float away.

Mr. Apperson made a motion to adopt the Resolution to grant the exception request for Chesapeake Bay Board Case No. CBE-18-070: 6019 Tabiatha Lane.

The motion was approved: 5-0

Ayes: Bott, Waltrip, Gussman, Hughes, Apperson

4. CBE-18-071 : 300 River's Edge

Mr. Michael Woolson presented the exception request submitted by Mr. Michael Matthews, The Structures Group, on behalf of Ms. Patricia Carmichael, for encroachment into the RPA buffer to construct a retaining wall at 300 Rivers Edge in the Kingsmill subdivision and the James River Watershed. The property is further identified as James City County Real Estate Tax Map Parcel No. 5130800012A. Mr. Woolson described the current conditions of the property and the purpose for the proposed retaining wall. Staff determined the impacts associated with the proposal to be minor and recommended the conditions outlined in the Resolution be required for approval.

Mr. Gussman opened the Public Hearing.

A. Mr. Michael Matthews, The Structures Group, made himself available to answer any questions about the design of the retaining wall.

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

Mr. Apperson had questions about the erosion on the slopes.

Mr. Matthews stated that there would be use of drain pipes, stone and filter cloth to stop the water moving under the wall without erosion.

Mr. Bott made a motion to adopt the Resolution to grant the exception request for Chesapeake Bay Board Case No. CBE-18-070: 300 River's Edge.

The motion was approved: 5-0

Ayes: Bott, Waltrip, Gussman, Hughes, Apperson

5. CBE-18-068 : 5034 River Drive

Mr. Michael Woolson presented the exception request submitted by Mr. Michael Matthews, The Structures Group, on behalf of Mr. William Roberts, for encroachment into the RPA

buffer for construction of two retaining walls at 5034 River Drive, within the Cypress Point subdivision and the Diascund River watershed. The property is further identified as James City County Real Estate Tax Map Parcel No. 0930300008. Mr. Woolson described the current conditions of the property and the purpose for the proposed retaining walls. Staff determined the impacts to be moderate and recommended approval with the conditions outlined in the Resolution.

Mr. Gussman opened the Public Hearing.

A. Mr. Michael Matthews, The Structures Group, explained about the location of the two retaining walls.

Mr. Gussman had questions about the exposed foundation from slope failure.

Mr. Matthews replied that block will be rebuilt on the same footprint using piles for footings. He went on to explain how the bulkhead had failed.

Mr. Waltrip questioned the foundation materials. He stated that he had never before seen a wall crack like that.

Mr. Matthews stated that they would be using helical piles to stabilize the foundation.

Mr. Gussman stated if owners purchase property on the river, they must maintain and take care of the property to prevent erosion.

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

Mr. Hughes asked for construction photograph updates.

Mr. Hughes made a motion to adopt the Resolution to Grant the Exception for Chesapeake Bay Board Case No. CBE-17-068 at 5034 River Drive.

The motion was approved: 5-0

Ayes: Bott, Waltrip, Gussman, Hughes, Apperson

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

Mr. Trevor Long presented the exception request submitted by Mr. Dean Van Arsdale, RVA Construction, on behalf of Susan Anton and Lawrence and Penny Pulley, for encroachment into the RPA for the construction of a wooden bulkhead with backfill and shoreline stabilization with coir logs on properties located at 19 Mile Course and 20 Mile Course in the Kingsmill subdivision and the College Creek watershed. The properties are further identified as James City County Real Estate Tax Map Parcel Nos. 5040200019 and 5040200020. Mr. Long described the current conditions of the properties and the purpose for the proposed bulkhead and coir logs. Staff determined the associated impacts to be moderate and recommended approval with the conditions outlined in the Resolution.

Mr. Gussman opened the Public Hearing.

A. Mr. Dean Van Arsdale provided a detailed explanation of the wooden bulkhead and shoreline stabilization with coir logs.

Mr. Gussman had questions about the erosion on the property.

Mr. Van Arsdale stated that both adjacent properties have bulkheads.

Mr. Hughes had questions about getting the barge to the property.

Mr. Woolson explained that the barge would come by way of the Kingsmill Pond Dam and go across the water.

Mr. Gussman had questions about how long the coir logs would last.

Mr. Woolson stated 10 to 15 years.

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

Mr. Waltrip made a motion to adopt the Resolution to grant the exception request for Chesapeake Bay Board Case No. CBE-18-028: 19 Mile Course and 20 Mile Course.

The motion was approved: 5-0

Ayes: Bott, Waltrip, Gussman, Hughes, Apperson

7. CBE-18-064 : 136 John Wickham

Mr. Trevor Long presented the exception request submitted by Mr. Tim Dean, Draper Aden Associates, on behalf of Scott and Janet Kruger for encroachment into the RPA buffer for construction of single-family dwelling located at 136 John Wickham in the Kingsmill subdivision and the College Creek watershed. The property is further identified as James City County Real Estate Tax Map Parcel No. 5130200009. The presentation described the current site conditions and the proposed impacts. Staff determined the associated impacts to be moderate and recommended approval with the conditions outlined in the Resolution.

Mr. Gussman opened the Public Hearing.

A. Mr. Tim Dean explained the proposed project.

Mr. Bott stated that 8.4% difference in the footprint is a larger footprint than what exists.

Mr. Dean stated that the current house is smaller than what is proposed. They are using pervious pavers to address the increased runoff.

Mr. Hughes asked if sidewalks were to remain.

Mr. Dean stated that the sidewalks were eliminated and described the parking area in front of house.

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

Mr. Bott made a motion to adopt the Resolution to grant the exception request for Chesapeake Bay Board Case No. CBE-18-064: 136 John Wickham.

The motion was approved: 5-0

Ayes: Bott, Waltrip, Gussman, Hughes, Apperson

8. CBE-18-065 : 116 Nottinghamshire

Mr. Michael Woolson presented the exception request submitted by Larry Walk of Walk Wright Construction, on behalf of Joseph and Phyllis Leigh for encroachment into the RPA buffer for construction of single family dwelling with deck located at 116 Nottinghamshire in the Ford's Colony subdivision and the Powhatan Creek watershed. The property is further identified as James City County Real Estate Tax Map Parcel No. 3233100034. The presentation described the current site conditions and the proposed impacts. Staff determined the associated impacts to be major and recommended approval with the conditions outlined in the Resolution.

Mr. Gussman opened the Public Hearing.

A. Mr. Larry Walk explained the project, a single-family dwelling with deck.

Mr. Bott asked several questions about the water quality impact assessment, amount of impervious coverage and how close the project was to the wetlands.

Mr. Walk responded to questions.

Mr. Hughes asked about nature of the vegetation on this property.

Mr. Woolson said they would interplant in the existing treeline, as the canopy was open.

Mr. Hughes asked further questions about the proposed mitigation plantings.

Mr. Walk responded to questions.

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

Mr. Bott pointed out that both Ford's Colony and Kingsmill subdivisions have established policies as to building on the lots within their subdivisions.

Mr. Gussman stated that is was not the first time considering a case on this property. 2016 was the first time and the case expired. December 2017 it was approved.

Mr. Apperson objected to the requirement of an affidavit.

Mr. Gussman said these concerns would be addressed in the Work Session next month.

Mr. Hughes made a motion to adopt the Resolution to grant the exception request for Chesapeake Bay Board Case No. CBE-18-065: 116 Nottinghamshire.

The motion was approved: 4-1

Ayes: Waltrip, Gussman, Hughes, Apperson

Nays: Bott

9. CBE-18-067 : 120 Nottinghamshire

Mr. Michael Woolson presented the exception request submitted by Larry Walk of Walk Wright Construction for encroachments into the RPA buffer for construction of single-family dwelling with deck located at 120 Nottinghamshire in the Ford's Colony subdivision and the Powhatan Creek watershed. The property is further identified as James City County Real Estate Tax Map Parcel No. 3233100033. The presentation described the current site conditions and the proposed impacts. Staff determined the associated impacts to be major and recommended approval with the conditions outlined in the Resolution.

Mr. Gussman opened the Public Hearing.

A. Mr. Larry Walk explained the project, a single-family dwelling with deck.

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

Mr. Gussman asked about the setbacks.

Mr. Woolson answered that setbacks in Ford's Colony are twenty feet off of the right-of-way.

Mr. Bott asked if the mitigation plan was acceptable.

Mr. Woolson responded in the affirmative.

Mr. Walk stated that this was the same house footprint that was approved back in December 2017.

Mr. Waltrip made a motion to adopt the Resolution to grant the exception request for Chesapeake Bay Board Case No. CBE-18-067: 120 Nottinghamshire.

The motion was approved: 4-1

Ayes: Waltrip, Gussman, Hughes, Apperson

Nays: Bott

10. CBE-18-066 : 125 Congressional

Mr. Trevor Long presented the exception request submitted by Mr. Larry Walk of Walk Wright Construction on behalf of Eric and Renee Gibson for encroachments into the RPA buffer for the construction of a single-family dwelling. The property is further identified as James City County Real Estate Tax Map Parcel No. 3233100033. The presentation described the current site conditions and the proposed impacts. Staff has reviewed the application and exception request and has determined impacts associated with the proposal to be major for the proposed development and recommends approval with conditions as stated in the Resolution.

Mr. Gussman questioned the staff about the proposal.

Mr. Gussman opened the Public Hearing.

A. Mr. Larry Walk responded to the questions Mr. Gussman asked staff.

Mr. Hughes suggested that Mr. Walk defer the application one month to address concerns raised at the hearing.

Mr. Walk requested a vote on the proposal moving three feet towards the street.

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

Mr. Gussman does not believe the applicant has minimized the impacts.

Mr. Bott asked about deferral options.

Mr. Gussman stated that it had to be requested by the applicant.

Mr. Woolson stated that Mr. Walk requested a vote on the application with the house being moved forward three feet.

Mr. Bott made a motion to deny the Resolution to grant the exception request for Chesapeake Bay Board Case No. CBE-18-066 for 125 Congressional.

The motion was approved: 5-0
Ayes: Bott, Waltrip, Gussman, Hughes, Apperson

11. CBE-18-072 : 7-Eleven at Quarterpath

Mr. Michael Woolson presented the exception request submitted by Mr. Mark Richardson of Timmons Group on behalf of the Southland Corporation for the construction of a paved access road through the RPA at 3000 Battery Boulevard, 7337 Pocahontas Trail, 7327 Pocahontas Trail and 7341 Pocahontas Trail within the Quarterpath at Williamsburg development and lying within the College Creek Watershed. The properties are further identified as James City County Tax Map Parcel Nos. 5020100075A, 5020100030A, 5020100030 and 5020700004B. Staff determined the impacts associated with the proposal to be moderate and recommended approval with the conditions outlined in the Resolution.

Mr. Gussman opened the Public Hearing.

A. Mr. Mark Richardson made himself available to answer any questions about the project.

Mr. Hughes asked if Mr. Richardson's client would be acceptable to adding the remaining undisturbed RPA into a natural open space easement.

Mr. Richardson stated that they would be acceptable to provide the County a natural open space easement that includes adding the remaining undisturbed RPA.

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

Mr. Bott made a motion to adopt the Resolution to grant the exception request for Chesapeake Bay Board Case No. CBE-18-072, 7-Eleven at Quarterpath.

The motion was approved: 5-0
Ayes, Bott, Waltrip, Gussman, Hughes, Apperson

E. BOARD CONSIDERATIONS

1. CBE-17-048 : 7515 Oak Cove Road

Mr. Michael Woolson presented the extension request submitted by Ms. Jennifer Privette, on behalf of her mother Patricia Overman. Staff concurs with the request, with the stipulation that all permit conditions, except for the expiration date, be reauthorized and that the new date of expiration be March 14, 2019.

Mr. Bott made a motion to adopt the Resolution granting the one-year extension for Chesapeake Bay Board Case C BE-17-048 at 7515 Oak Cove Road.

The motion was approved: 5-0

Ayes: Bott, Waltrip, Gussman, Hughes, Apperson

2. Powhatan Creek Channel Markers

Mr. Waltrip brought up his concern about the channel markers having been removed in Powhatan Creek. It is dangerous to get to Jamestown Island. He stated he would like to know who moved the channel markers and why they did so.

Mr. Woolson stated that the Virginia Marine Resources Commission (VMRC) or Coast Guard possibly removed markers.

Mr. Woolson stated he would check on this.

F. MATTERS OF SPECIAL PRIVILEGE

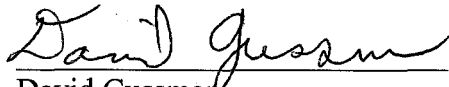
Mr. Gussman made a motion to continue the meeting to April 11, 2018 at 3:30 p.m. for a Work Session.

The motion was approved: 5-0

Ayes: Bott, Waltrip, Gussman, Hughes, Apperson

G. ADJOURNMENT

The meeting adjourned at 7:24 p.m.



David Gussman
Chesapeake Bay Board Chair



Michael Woolson
Secretary to the Board