

MINUTES
JAMES CITY COUNTY CHESAPEAKE BAY BOARD
REGULAR MEETING
County Government Center, Building F
101 Mounts Bay Road, Williamsburg, VA 23188
June 13, 2018
5:00 PM

A. CALL TO ORDER

The Chesapeake Bay Board meeting for June 13, 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:

Charles Roadley
Larry Waltrip
David Gussman
John Hughes
William Apperson

Board Members Absent:

None

County Staff Present:

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

C. MINUTES

1. Minutes from May 9, 2018, regular meeting

The minutes from the May 9, 2018, regular meeting were approved as written on a voice vote.

D. PUBLIC HEARINGS

1. CBE-18-091 : 2148 Benomi Drive

Mr. Michael Woolson, on behalf of the applicants who could not attend, requested a deferral until August 8, 2018.

Mr. Gussman opened the Public Hearing.

No one wished to speak.

Mr. Gussman kept the Public Hearing open.

Mr. Hughes made a motion to defer the application until the next meeting for Chesapeake Bay Board Case No. CBE-18-091 at 2148 Benomi Drive.

The motion was approved: 5-0

Ayes: Roadley, Waltrip, Gussman, Hughes, Apperson

Nays: None

Absent: None

2. CBE-18-092 : 4069 South Riverside Drive

Mr. Michael Woolson presented the exception request submitted by Mr. Vladamir Arana for the construction of a hot tub on property located at 4069 South Riverside Drive. The property is further identified as James City County Real Estate Tax Map Parcel No. 1910500015. The presentation described the current site conditions and the proposed project. Staff does not recommend any further mitigation due to the restoration of the resource protection area (RPA) that Mr. Arana has previously undertaken. Staff does not recommend approval of this exception request due to the applicant's appearance before this Board in regards to CBV-18-008 and CBE-18-063. Should the Board grant the exception, staff recommends 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. Vladamir Arana addressed the Board and responded to questions.

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

Mr. Roadley made a motion to adopt the resolution to grant the exception request for CBE-18-092 at 4069 South Riverside Drive.

The motion was approved: 5-0

Ayes: Roadley, Waltrip, Gussman, Hughes, Apperson

Nays: None

Absent: None

3. CBE-18-093 : 123 Jordans Journey

Mr. Trevor Long presented the exception request submitted by Whitford and Judith Strickland for encroachments into the RPA buffer for the construction of a retaining wall, access path and coir logs bank stabilization. The project is located on property known as 123 Jordans Journey, within the First Colony subdivision in the James River Watershed. The property is further identified as James City County Real Estate Tax Map Parcel No. 4540200150. Total impervious cover within the RPA is 770 square feet within the landward 50 feet of the RPA. The mitigation plan was described. Staff determined the impacts associated with the proposal to be minor and recommends the conditions outlined in the Resolution be required for approval.

Mr. Gussman opened the Public Hearing.

A. Mr. Whitford Strickland addressed the Board and responded to questions.

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

Mr. Apperson made a motion to adopt the Resolution to grant the exception request for CBE-18-093 at 123 Jordans Journey.

The motion was approved: 5-0

Ayes: Roadley, Waltrip, Gussman, Hughes, Apperson

Nays: None

Absent: None

4. CBE-18-088 : 1 Ensigne Spence

Mr. Trevor Long presented the exception request submitted by Mathew Roth of Roth Environmental on behalf of Jay Napoleon for encroachments into the RPA for the construction of a patio and retaining wall, located at 1 Ensigne Spence in the Kingsmill subdivision in the College Creek Watershed. Staff has evaluated the request for a patio and retaining wall and determined the impacts associated with the proposal to be minor and recommends approval with the conditions outlined in the Resolution be incorporated into the approval.

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

Mr. Gussman opened the Public Hearing.

A. Mr. Mathew Roth, Roth Environmental, addressed the Board and responded to questions.

Mr. Gussman commended Mr. Roth on providing a comprehensive plan.

Mr. Roadley had questions about the proposed outfall.

Mr. Roth explained the design of the outfall.

B. Mr. Jay Napoleon, property owner, addressed the Board and responded to questions.

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

Mr. Hughes made a motion to grant the exception request for CBE 18-088 at 1 Ensigne Spence.

The motion was approved: 5-0

Ayes: Roadley, Waltrip, Gussman, Hughes, Apperson

Nays: None

Absent: None

5. CBE-18-100 : 4131 Centerville Road

Mr. Michael Woolson presented the exception request submitted by Joe Franklin of Greensprings Mobile Home Park, LLC for encroachments into the RPA buffer for the construction of a new principle structure. The project is located on property known as 4131 Centerville Road in the Gordon Creek Watershed. The property is further identified as James

City County Real Estate Tax Map Parcel No. 3640100001. The applicant has verbally committed to planting the required mitigation at the rear of the lot, but a proposed mitigation plan has not yet been submitted. The required mitigation for this amount of impact would be three mitigation units. Staff recommends approval with conditions.

The Board deliberated the pros and cons of the application.

Mr. Gussman opened the Public Hearing.

A. Joe Franklin, Franklin Management, addressed the Board and answered questions.

Mr. Gussman had questions about the impervious cover.

Mr. Woolson clarified the impervious cover issue.

Mr. Gussman had questions about the mitigation.

Mr. Hughes asked to see the area of impervious cover removal shown on a plan.

Mr. Franklin requested a deferral until the next scheduled meeting.

Mr. Gussman kept the Public Hearing open.

Mr. Hughes made a motion to accept the deferral request for CBE 18-100 at 4131 Centerville Road to the next scheduled meeting.

The motion for deferral was approved: 5-0

Ayes: Roadley, Waltrip, Gussman, Hughes, Apperson

Nays: None

Absent: None

6. CBE-18-101 : Busch Gardens Pet Shenanigans Building

Mr. Trevor Long presented the exception request submitted by Ms. Suzy Cheely on behalf of SeaWorld Parks & Entertainment, LLC for encroachments into the RPA for the construction of a new deck and HVAC unit. The project is located on property known as 7851 Pocahontas Trail in an area identified behind the Pet Shenanigans building of the Busch Gardens Amusement Park in the James River Watershed. The property is further identified as James City County Real Estate Tax Map Parcel No. 5140100009. Additional project aspects presented. Staff determined the impacts associated with the proposal to be minor and does 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. Larry Giles, Busch Gardens, addressed the Board and responded to questions.

Mr. Gussman closed the Public Hearing.

Mr. Roadley made a motion to adopt the Resolution to grant the exception request for CBE-18-101 at the Busch Gardens Williamsburg Pet Shenanigans Building.

The motion was approved: 5-0

Ayes: Roadley, Waltrip, Gussman, Hughes, Apperson
Nays: None
Absent: None

7. CBE-18-094 : Busch Gardens Ireland Expansion

Mr. Michael Woolson presented the exception request submitted by Mr. Piotr Swietuchowski on behalf of SeaWorld Parks & Entertainment, LLC for encroachments into the RPA buffer for a new attraction in the Ireland section of Busch Gardens Williamsburg. The project is located on property known as 7851 Pocahontas Trail located in the James River Watershed. The property is further identified as James City County Real Estate Tax Map Parcel No. 5140100009. Staff determined the impacts associated with the proposal to be major and does recommended the conditions outlined in the Resolution be required for approval.

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

The Board had questions about the application, including the mitigation and wetland impacts.

Mr. Woolson responded to the questions.

Mr. Gussman opened the Public Hearing.

A. Mr. Larry Giles, representing Busch Gardens, addressed the Board and responded to questions.

B. Mr. Piotr Swietuchowski, Vanasse Hangen Brustlin, Inc., responded to additional Board questions.

Mr. Gussman closed the Public Hearing.

Mr. Waltrip made a motion to approve the Resolution to grant the exception request for CBE-18-094 at Busch Gardens.

The motion was approved: 5-0

Ayes: Roadley, Waltrip, Gussman, Hughes, Apperson
Nays: None
Absent: None

E. BOARD CONSIDERATIONS

1. Special Conditions Discussion

Mr. Woolson presented the exception conditions from the April 11, 2018, Work Session for Board review. The Board agreed that the conditions are to be used when applicable.

F. MATTERS OF SPECIAL PRIVILEGE

None

G. ADJOURNMENT

The meeting was adjourned at 6:30 p.m.



David Gussman
Chair, Chesapeake Bay Board



Michael Woolson
Secretary to the Board