

MINUTES
JAMES CITY COUNTY CHESAPEAKE BAY BOARD
REGULAR MEETING
County Government Center, Building F
101 Mounts Bay Road, Williamsburg, VA 23185
March 13, 2019
5:00 PM

A. CALL TO ORDER

The Chesapeake Bay Board meeting for March 13, 2019, 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, Vice Chair
Charles Roadley
John Hughes
Robert Lukens, Alternate

Board Members Absent:

Larry Waltrip

County Staff Present:

Michael Woolson, Secretary to the Board, Senior Watershed Planner
Toni Small, Director, Stormwater and Resource Protection
Liz Parman, Assistant County Attorney
Trevor Long, Watershed Planner
Janice Petty, Stormwater Assistant

C. MINUTES

1. December 12, 2018, Regular Meeting Minutes

Approved as written.

D. PUBLIC HEARINGS

1. CBPA 19-0010 : 9003 Diascund Road

Senior Watershed Planner, Mr. Michael Woolson, presented the exception request submitted by Wayne Savage, Bay Design Group, on behalf of Charles and Dianne Hasbrouck for encroachments into the Resource Protection Area (RPA) buffer for the construction of a primary and reserve septic field on the property located at 9003 Diascund Road within the Diascund Creek watershed. The property is further identified as James City County Tax Map Parcel ID No. 0920100001. Mr. Woolson's presentation described the current site conditions, proposed construction and the proposed mitigation. Staff determined the impacts

associated with this project to be moderate and recommended denial because the situation is self-created. However, if the Board should choose to approve, staff recommends the conditions outlined in the resolution.

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

Mr. Gussman stated that this is one of the first cases where the property has been acted upon by the Colonial Soil and Water Conservation District (CSWCD) for an approved reduction in the RPA and asked about the programmatic elements and enforceability.

Mr. Woolson replied that some of the recommendations were manure management, composting, rotational grazing of the pastures and on types of grasses. James City County would enforce.

Mr. Lukens requested the reference of the CSWCD plan be part of the recommendations of this Board.

Mr. Apperson questioned the mitigation requirement for the fallow field.

Mr. Lukens asked if the recommended mitigation listed is in addition to the CSWCD recommendations.

Mr. Woolson responded that the mitigation was additional so there there was a functioning 50-foot RPA buffer in place.

Mr. Gussman opened the Public Hearing.

A. Mr. Wayne Savage, Bay Design Group, handed out an outline pamphlet of the project and explained the project. He further explained that only water from washing the horses would be going into the septic system, not animal waste.

B. Mrs. Diane Hasbrouck, property owner, explained that dry shavings were used as bedding in the stalls.

A. Mr. Savage explained the elements that made up the drain field sizing and certification.

Mr. Apperson stated that it looks like that is the only place where the drain field could be located looking at the soils map.

A. Mr. Savage concurred.

Mr. Roadley stated that the soil scientist has determined that this is the best place for the septic fields, but asked if this the only suitable place for the installation of the septic fields.

A. Mr. Savage replied in the affirmative.

Mr. Gussman inquired if soil samples were taken near the storage tanks.

A. Mr. Savage responded that soil borings were taken near the storage tanks and they were determined to have high shrink swell capability and therefore the area was not suitable for drain fields.

Mr. Lukens inquired about the potential intermediate loads on the septic system itself and wondered about proposed activities such as riding classes or equestrian events at the facility.

A. Mr. Savage stated that those loads were accounted for in the design.

Mr. Lukens inquired about the potential for 20 or 30 people at the facility at the same time.

B. Mrs. Hasbrouck responded that this is a private facility. Most of the horses in the stalls are family owned and several friends will be boarding their horses. There will be no horse shows and there will be approximately five people on site at any one time.

A. Mr. Savage explained the certification process that addresses the number of people at the facility on a daily basis so that peak flows do not overload this drain field.

Mr. Roadley inquired if the soils report was provided to the County.

A. Mr. Savage responded that it goes to the Health Department and that he would provide a copy.

Mr. Apperson inquired about what was growing overtop of the drain fields.

A. Mr. Savage responded just grass. It will probably be a bush hog type situation and will not be a manicured lawn.

Mr. Gussman inquired about the details of the CSWCD plan.

A. Mr. Savage responded with the details of the plan.

C. Mr. Scott Stewart, representing the Stewart Family Trust, stated that his property shares a common border along the northern border of the subject property. He gave a review of the logging operations that occurred on the subject property in the past.

B. Mrs. Hasbrouck explained that the logging operation occurred before she bought the property.

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

Mr. Gussman explained his position about the CSWCD plan.

Mr. Apperson also explained his position about the CSWCD plan.

Mr. Lukens requested that the resolution reference the CSWCD plan.

Ms. Liz Parham stated that the Board was able to impose reasonable conditions.

Mr. Woolson stated he would add a condition to the resolution that referenced the CSWCD plan.

Mr. Apperson stated that the Board should consider natural revegetation of the 50-foot RPA instead of the proposed mitigation plantings.

Mr. Roadley made a motion to adopt the resolution for Chesapeake Bay Board Case No. CPBA 19-0010 at 9003 Diascund Road with the revision to exclude the second and the third conditions and include the requirement that the CSWCD plan become an enforceable component of the exception.

A motion to Approve w/ Conditions as modified was made by Charles Roadley. The motion

result was:

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Gussman, Apperson, Roadley, Hughes, Lukens

2. CBPA-19-0015 : 2054 Jamestown Road

Watershed Planner, Mr. Trevor Long, presented the exception request submitted by Anthony Loubier, Vanasse Hangen Brustlin Inc. (VHB), on behalf of James City County for encroachments into the RPA buffer for the renovation of the Jamestown Marina. The property is located at 2054 Jamestown Road within the Powhatan Creek watershed and further identified as James City County Tax Map Parcel ID No. 4640100012. Mr. Long's presentation described the current site conditions, and proposed construction and the proposed mitigation. Staff determined the impacts associated with this project to be major and recommended approval of the exception request with the conditions outlined in the resolution.

The Board deliberated the pros and cons of this request.

Mr. Gussman questioned staff about the height of high water for flooding. Staff deferred the question to the application.

Mr. Gussman opened the Public Hearing.

A. Mr. Darryl Cook, James City County Stormwater & Resource Protection Division Assistant Director, answered questions about the flood plain regulations. He explained how the project would impact tidal flooding.

Mr. Roadley had questions about a blue line that was depicted on the exhibit.

A. Mr. Cook explained that the blue line depicted an area of the marina that was to be dredged.

Mr. John Hughes voiced concerns regarding the condition of the decreasing marsh due to boat traffic, and suggested that boat speeds on Powhatan Creek should be addressed in the future.

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

Mr. Roadley made a motion to adopt the resolution for Chesapeake Bay Board Case No. CBPA 19-0015 at 2054 Jamestown Road.

A motion to Approve w/ Conditions was made by Charles Roadley. The motion result was:

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Gussman, Apperson, Roadley, Hughes, Lukens

E. BOARD CONSIDERATIONS

Mr. Woolson presented all three extension requests.

Mr. Roadley made a motion to approve the extension requests.

A motion to Approve was made by Charles Roadley. The motion result was:

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Gussman, Apperson, Roadley, Hughes, Lukens

1. CBE-17-009 : 3 West Circle

Senior Watershed Planner, Mr. Michael Woolson, presented the extension request from Raffael and Florina Tusa. The Tusas are requesting a one-year extension to CBE-17-009, originally granted on January 11, 2017 and extended on December 13, 2017. Mr. Tusa requested the extension in time to meet the approved conditions and staff administratively extended his approval to this meeting.

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 13, 2020.

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

Senior Watershed Planner, Mr. Michael Woolson, presented the extension request from Ms. Jennifer Privette. Ms. Privette is requesting a one-year extension to CBE-17-048, originally granted on March 8, 2017 and extended on March 14, 2018.

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 13, 2020.

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

Senior Watershed Planner, Mr. Michael Woolson, presented the extension request from Ms. Renie Andrews. Ms. Andrews is requesting a one-year extension to CBE-18-058, originally granted on March 14, 2018.


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 13, 2020.

F. MATTERS OF SPECIAL PRIVILEGE

None

G. ADJOURNMENT

The meeting adjourned at 6:24 p.m.


David Gussman
Chair, Chesapeake Bay Board


Michael Woolson
Secretary to the Board