

MINUTES
JAMES CITY COUNTY CHESAPEAKE BAY BOARD
REGULAR MEETING
County Government Center, Building F
101 Mounts Bay Road, Williamsburg, VA 23185
May 8, 2019
5:00 PM

A. CALL TO ORDER

The Chesapeake Bay Board meeting for May 8, 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
Charles Roadley
William Apperson
Larry Waltrip
Robert Lukens, Alternate

Board Members Absent:

John Hughes

Other Staff Present:

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

C. MINUTES

1. Minutes from April 10, 2019, regular meeting

The minutes from the April 10, 2019, regular meeting were approved as written.

D. PUBLIC HEARINGS

1. Case No. CBPA 19-0031 : 111 Wareham's Point

Senior Watershed Planner, Mr. Michael Woolson, presented the exception request submitted by Ms. Jane Agnor for encroachments into the Resource Protection Area (RPA) buffer for the construction of a retaining wall on the property located at 111 Wareham's Point, proposing to tie into a neighbor's retaining wall at 109 Wareham's Point, within the Kingsmill on the James subdivision and the Skiffes Creek watershed. The property is further identified as James City County Tax Map Parcel No. 5041900111.

The presentation described the current and proposed site conditions. Staff determined the impacts associated with this project to be minor and recommends approval with the attached conditions.

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

Mr. Roadley questioned if the downspouts were buried already.

Mr. Long believed that the downspouts were buried, but he deferred to the applicant to attest to that fact.

Mr. Gussman opened and then closed the Public Hearing as no one wished to speak.

Mr. Roadley questioned the location of the downspout, if the infiltration had the appropriate design. He also noted piping of water was not the source of erosion in this case. He questioned Mr. Apperson regarding a tree that might be in jeopardy due to construction issues. He noted there would be difficulty for heavy equipment to access this area for tree removal at a future date.

Mr. Apperson noted the health of the tree at this time, stating the tree was at high risk of gradual death due to the proposed retaining wall.

Mr. Apperson made a motion to adopt the resolution for Chesapeake Bay Board Case No. CBPA 19-0031 at 111 Wareham's Point.

A motion to approve with conditions was made by Mr. Apperson.

The motion result was: AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 1

Ayes: Gussman, Roadley, Apperson, Waltrip, Lukens

Absent: Hughes

2. Case No. CBPA 19-0035 : 106 Loxley Lane

Watershed Planner, Mr. Trevor Long, presented the exception request submitted by Mr. Thomas Mundy and Mrs. Heather Mundy, for encroachments into the RPA buffer for the construction of a retaining wall on property located at 106 Loxley Lane within the First Colony subdivision and the James River watershed. The property is further identified as James City County Tax Map Parcel No. 4510400061.

The presentation described the current and proposed site conditions. Staff determined that the impacts associated with the proposal to be minor for the proposed development and recommends approval with the attached conditions.

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

Mr. Gussman open the Public Hearing, as there were no more questions for the staff.

A. Mrs. Heather Mundy, outlined the project changes and stated that she was available to answer any further questions from the Board. She confirmed the retaining wall was 12- inches high.

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

Mr. Waltrip made a motion to adopt the resolution for Chesapeake Bay Board Case No. CBPA 19-0035 at 106 Loxley Lane.

A motion to approve with conditions was made by Mr. Waltrip.

The motion result was: AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 1

Ayes: Gussman, Roadley, Apperson, Waltrip, Lukens

Absent: Hughes

3. Case No. CBPA 19-0038 : 3034 North Riverside Drive

Watershed Planner, Mr. Trevor Long, presented the exception request submitted by Mr. Robert Smith, AB Pool Services, on behalf of Ms. Caroline Hamer, for encroachments into the RPA buffer for the construction of an in-ground pool on property located at 3034 North Riverside Drive within the Chickahominy Haven subdivision and the Yarmouth Creek watershed. The property is further identified as James City County Tax Map Parcel No. 1910200048.

The presentation described the current and proposed site conditions. Staff has determined impacts associated with the proposal to be minor for the proposed development and recommends approval with the attached conditions.

The Board deliberated the pros and cons of this request.

Mr. Roadley asked if the proposed pool was chlorinated or brine treatment.

Mr. Long answered it was a salt water pool, but deferred to applicant for answer.

Mr. Gussman open the Public Hearing, as there were no more questions for the staff.

A. Mr. Robert Smith of AB Pool Services, outlined the project and was available to answer any questions from the Board. He stated the pool was salt water.

Mr. Waltrip asked if the pool was a concrete pool or had a liner. He also asked about the elevation of the top of the pool in relationship to the creek and potential flooding or overflow.

A. Mr. Smith answered that the pool was an in-ground liner pool. The pool location would be in the flat area of the yard.

Mr. Woolson explained the ground elevation was 10-feet mean sea level and the floodplain elevation was 7-feet mean sea level. The pool location is outside the flood plain.

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

Mr. Lukens made a motion to adopt the resolution for Chesapeake Bay Board Case No. CBPA 19-0038 at 3034 North Riverside Drive.

A motion to approve with conditions was made by Mr. Lukens.

The motion result was: AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 1

Ayes: Gussman, Roadley, Apperson, Waltrip, Lukens

Absent: Hughes

4. Case No. CBPA 19-0040 : 7-Eleven at Quarterpath

Senior Watershed Planner, Mr. Michael Woolson, presented the exception request submitted by Mr. Mark Richardson, Timmons Group, on behalf Southland Corporation, for encroachments into the RPA buffer for construction of a paved access road for the redevelopment of a 7-Eleven and a proposed restaurant on property located at 3000 Battery Boulevard and 7337, 7327, and 7341 Pocahontas Trail within the College Creek watershed. The property is further identified as James City County Tax Map Parcel Nos. 5020100075A, 5020100030A, 5020100030, and 5020700004B.

The presentation described the current and proposed site conditions. Staff has determined impacts associated with the proposal to be moderate for the proposed development and recommends approval with the attached conditions.

The Board deliberated the pros and cons of this request.

Mr. Gussman opened and then closed the Public Hearing as no one wished to speak.

Mr. Waltrip made a motion to adopt the resolution for Chesapeake Bay Board Case No. CBPA 19-0040 at 3000 Battery Boulevard and 7337, 7327, and 7341 Pocahontas Trail.

A motion to approve with conditions was made by Mr. Waltrip.

The motion result was: AYES: 4 NAYS: 0 ABSTAIN: 1 ABSENT: 1

Ayes: Gussman, Apperson, Waltrip, Lukens

Abstain: Roadley

Absent: Hughes

5. Case No. CBPA 19-0041 : 1350 John Tyler Highway

Watershed Planner, Mr. Trevor Long, presented the exception request submitted by Mr. Daniel Proctor, Stantec Consulting Services, on behalf of Mr. Scott Stevens, James City County Administrator, for encroachments into the RPA buffer for the stabilization of the shoreline on property located at 1350 John Tyler Highway within the Gordon Creek watershed. The property is further identified as James City County Tax Map Parcel No. 3430100002 and is otherwise known as the Chickahominy Riverfront Park. James City County received grant funding from the Virginia Environmental Endowment to perform the project.

The presentation described the current and proposed site conditions. Staff has determined impacts associated with the proposal to be major for the proposed development and recommends approval with the attached conditions.

The Board deliberated the pros and cons of this request.

Mr. Waltrip asked if most of the construction was to be from the water side. He noted there would be a lot of tree cleaning to be done from the landward side of the project.

Mr. Long answered that the majority of the rock sills and the wetland portion will be done from the water side. The bank grading from the landward portion.

Mr. Gussman open the Public Hearing, as there were no more questions for the staff.

A. Mr. Darryl Cook, Project Manager and Stormwater Assistant Director of James City County, outlined the project and was available to answer any questions from the Board.

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

Mr. Apperson made a motion to adopt the resolution for Chesapeake Bay Board Case No. CBPA 19-0041 at 1350 John Tyler Highway.

A motion to approve with conditions was made by Mr. Apperson.

The motion result was: AYES: 4 NAYS: 0 ABSTAIN: 1 ABSENT: 1

Ayes: Gussman, Apperson, Waltrip, Lukens

Abstain: Roadley

Absent: Hughes

6. Case No. CBPA 19-0037 : 499 Jolly Pond Road

Senior Watershed Planner, Mr. Michael Woolson, presented the exception request submitted by Mr. Ryan Stephenson, AES Consulting Engineers, on behalf of Mr. Joseph Roque, Colonial Heritage, LLC for encroachments into the RPA buffer for the construction of a

sanitary sewer and sanitary sewer bridge connections associated with the development of the property located at Deer Lake Estates Project located at 499 Jolly Pond Road within the Yarmouth Creek watershed. The property is further identified as James City County Tax Map Parcel No. 2240100007 and is part of the overall Colonial Heritage Subdivision.

The presentation described the current and proposed site conditions. Staff determined that the impacts associated with the proposal to be major for the proposed development and recommends approval with the attached conditions.

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

Mr. Gussman referenced Deer Lake, which drains to Yarmouth Creek, and asked if the lake had an overflow structure?

Mr. Woolson: The outlet structure for Deer Lake will be rebuilt due to dam safety concerns.

Mr. Roadley asked if this would be a gravity line sewer or force main.

Mr. Woolson deferred to the applicant for an answer.

Mr. Gussman open the Public Hearing, as there were no more questions for the staff.

B. Mr. Ryan Stephenson, AES Consulting Engineers, outlined the project changes and stated that he was available to answer any further questions from the Board. Mr. Stephenson responded in the affirmative that it was a gravity sewer. He further detailed the area's proposed drainage.

Mr. Roadley asked if the proposed development would improve the existing flooding on the area roadways during heavy rainfall events.

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 19-0037 at 499 Jolly Pond Road.

A motion to approve with conditions was made by Mr. Roadley.

The motion result was: AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 1

Ayes: Gussman, Roadley, Apperson, Waltrip, Lukens

Absent: Hughes

7. Case No. CBPA 19-0033 : 221 Burtcher Court

Senior Watershed Planner, Mr. Michael Woolson, presented the exception request submitted by Mr. Mathew Roth, Roth Environmental, LLC on behalf of Mr. Scott and Mrs. Jennifer Peto, for encroachments into the RPA buffer for the construction of a single-family dwelling which includes garage, patio, pool and spa on property located at 221 Burcher Court within the Kingsmill on the James subdivision and the Skiffes Creek watershed. The property is further identified as James City County Tax Map Parcel No. 5130300039.

The presentation described the current and proposed site conditions. Applicant has proposed bio retention and micro-bio retention areas to treat runoff from some of the impervious area. Staff determined that the impacts associated with the proposal to be major for the proposed development and recommends approval with the attached conditions.

The Board deliberated on the pros and cons of this application

Mr. Gussman asked what would control the velocity of the water coming out at the outfall.

Mr. Woolson answered that the outfall is proposed with a stilling basin, rip-rap outlet protection and may even be submerged so that the impact of the velocity of the water coming down the slope in the pipe when it hits the normal pool of Wareham's Pond would effectively prevent that from eroding the outfall.

Mr. Gussman asked about the capacity of the bio retention basins.

Mr. Woolson deferred to the applicant for an answer.

Mr. Lukens asked if the driveway construction was paved.

Mr. Woolson deferred to the applicant for an answer. He also did not believe the storm drain network has been sized yet.

Mr. Gussman open the Public Hearing, as there were no more questions for the staff.

A. Mr. Mathew Roth, Roth Environmental, LLC, outlined the project design changes and bio retention areas capacities, infiltrations, and water flow. He stated that he was available to answer any further questions from the Board.

Mr. Lukens expressed his concern for runoff from the driveway but also to and from neighboring properties. He said sheet flow does not pay attention to property lines.

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

There was discussion about the possible use of rain barrels to irrigate the plants.

B. Mr. Peto, the property owner, stated he was open to using rain barrels. He clarified the need for the pool and spa.

Mr. Roadley asked if James City County considered a pervious driveway not pervious or impervious for the purpose of storm water.

Mr. Woolson answered there would be a design credit for pervious driveway for storm water runoff. He explained if infiltration runoff was not maintained, pervious pavers tend to clog and become impervious over time.

Mr. Roadley said the Best Management Practice - i.e. bio-retention areas would need to be maintained over time as well.

Mr. Roadley made a motion to adopt the resolution for Chesapeake Bay Board Case No. CBPA 19-0033 at 221 Burtcher Court.

A motion to approve with conditions was made by Mr. Roadley.

The motion result was: AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 1

Ayes: Gussman, Roadley, Apperson, Waltrip, Lukens

Absent: Hughes

E. BOARD CONSIDERATIONS

Case No. CBPA 18-0148 : Busch Gardens, Festa Italia

Mr. Roadley made a motion to adopt Option No. 1, for approval to the revised RPA impacts with no further mitigation requirement, with no changes to the original exception approval conditions in the original resolution for Chesapeake Bay Board Case No. CBPA 18-0148 at Busch Gardens, Festa Italia.

A motion to approve the adoption of Option No. 1, which revises the RPA impacts with no further mitigation requirement with no changes to the original exception approval conditions was made by Mr. Roadley.

The motion result was: AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 1

Ayes: Gussman, Roadley, Apperson, Waltrip, Lukens

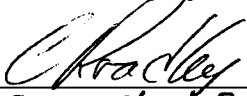
Absent: Hughes

F. MATTERS OF SPECIAL PRIVILEGE


None

G. ADJOURNMENT

The meeting adjourned at 7:25 p.m.

Acting


David Gussman *Chuck Roadley*
Chair, Chesapeake Bay Board



Michael Woolson
Secretary to the Board