

**MINUTES**  
**JAMES CITY COUNTY CHESAPEAKE BAY BOARD**  
**REGULAR MEETING**  
**County Government Center, Building F**  
**101 Mounts Bay Road, Williamsburg, Virginia 23185**  
**December 11, 2019**  
**5:00 PM**

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**A. CALL TO ORDER**

The Chesapeake Bay Board meeting for December 11, 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:**

William Apperson, Vice Chair  
Charles Roadley  
Larry Waltrip  
John Hughes  
Halle Dunn

**Board Members Absent:**

David Gussman

**Other Staff Present:**

Michael Woolson, 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 November 13, 2019, Regular Meeting

A motion to Approve the minutes was made by Mr. Apperson. The minutes were approved on a voice vote.

**D. PUBLIC HEARINGS**

1. Case No. CBPA 19-0133 : 5024 River Drive

Mr. Michael Woolson, Senior Watershed Planner, presented the exception request submitted by Mr. James Miller for encroachments into the Resource Protection Area (RPA) buffer for the construction of a retaining wall on property located at 5024 River Drive, within the Cypress Point subdivision and the Diascund Creek watershed. The property is further identified as James City County Tax Map Parcel No. 0930300003. The presentation described the current and proposed site conditions. If the Board approved the request, staff asked that the attached conditions be incorporated into the approval. The Board deliberated on the pros and cons of this application.

Mr. Apperson opened the Public Hearing.

A. Ms. Karla Havens, Mid-Atlantic Resource Consulting, outlined the project to the Board.

Mr. Apperson inquired if Ms. Havens designed the adjacent property.

A. Ms. Havens affirmatively replied.

Mr. Hughes inquired if Ms. Havens knew why the bulkhead property failed.

A. Ms. Havens explained the reasons for the bulkhead failure.

Mr. Apperson 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 19-0133 at 5024 River Drive.

A motion to Approve with Conditions was made by Mr. Roadley.

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

Ayes: Apperson, Hughes, Roadley, Waltrip, Dunn

Absent: Gussman

2. Case No. CBPA 19-0134 : 2677 Jockey's Neck Trail

Mr. Trevor Long, Watershed Planner, presented the exception request submitted by Mr. Steven and Mrs. Margaret LaCasse for encroachments into the RPA buffer for the construction of a deck, on property located at 2677 Jockey's Neck Trail, within the Vineyards at Jockey's Neck subdivision and the College Creek watershed. The property is further identified as James City County Tax Map Parcel No. 4840200024. The presentation described the current and proposed site conditions. If the Board approved the request, staff asked that the attached conditions be incorporated into the approval. The Board deliberated on the pros and cons of this application.

Mr. Roadley inquired about the lake ownership.

Mr. Woolson replied that it was owned by the Vineyards at Jockey's Neck Homeowners Association (HOA). It is a private issue between the homeowner and the HOA.

Mr. Apperson opened, then closed the Public Hearing as no one wished to speak.

Mr. Waltrip inquired about other decks on that pond.

Mr. Long replied that this would be the first deck or dock permitted on Lake Ajacan.

Mr. Dunn made a motion to Adopt the resolution for Chesapeake Bay Board Case No. CBPA 19-0134 at 2677 Jockey's Neck Trail.

A motion to Approve with Conditions was made by Mr. Dunn.

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

Ayes: Apperson, Hughes, Roadley, Waltrip, Dunn

Absent: Gussman

3. Case No. CBPA 19-0108 : 6313 Adam's Hunt Drive

This case has been withdrawn with no further action is required by the Board.

4. Case No. CBPA 19-0141 : 2552 William Tankard Drive

Mr. Trevor Long, Watershed Planner, presented the exception request submitted by Mr. Robert Fetter for encroachments into the RPA buffer for the construction of a shed on property located at 2552 William Tankard Drive, within the Landfall Village subdivision and within the Powhatan Creek watershed. The property is further identified as James City County Tax Map Parcel No. 4640800009. The presentation described the current and proposed site conditions and the proposed mitigation. If the Board approved the request, staff asked that the attached conditions be incorporated into the approval. The Board deliberated on the pros and cons of this application.

Mr. Roadley inquired about the shed location and the conservation easement.

Mr. Roadley inquired if there would be access to the shed through the RPA or conservation easement.

Mr. Long deferred the question to the applicant.

Mr. Apperson opened the Public Hearing:

**A.** Mr. Henry Singleton, 2557 William Tankard Drive, commented on the shed and the potential equipment and chemicals that would be stored in the shed. He further explained that the shed could be located outside of the RPA and conservation easement.

**B.** Mr. Terry Ricks, 2561 William Tankard Drive, expressed concern with the potential waiver of the RPA since the shed could be located outside of the RPA.

Mr. Roadley inquired about the location of Mr. Ricks' shed.

**B.** Mr. Ricks responded that his shed was on the east side of the house in an approved footprint of the house, not in the RPA.

**C.** Mr. Robert Fetter, applicant, outlined the project to the Board.

**A.** Mr. Singleton explained that the shed, if properly located adjacent to the house, would not deter any views.

**C.** Mr. Fetter explained that the shed would not be in the flood zone. He requested a deferral.

Mr. Roadley made a motion to Defer Chesapeake Bay Board Case No. CBPA 19-0141 at 2552 William Tankard Drive until the next meeting. The motion was Approved on a voice vote.

5. Case No. CBPA 19-0124 : 120 Jolly Pond Road

Mr. Michael Woolson, Senior Watershed Planner, presented the exception request deferred from the November 13, 2019 meeting, submitted by Mr. Matthew Hipple for encroachments into the RPA buffer for the approval of a farm pond and driveway on property located at 120

Jolly Pond Road, within the Gordon Creek watershed. The property is further identified as James City County Tax Map Parcel No. 3110100007C. The presentation described the past, the current, and proposed site conditions and the proposed mitigation. If the Board approved the request, staff asked that the attached conditions be incorporated into the approval. The Board deliberated on the pros and cons of this application.

Mr. Apperson stated that the Public Hearing was still open.

A. Mr. Matthew Hipple, applicant, outlined the project to the Board and the timeframe of the past uses of the property.

Mr. Waltrip inquired about the size of the pipe that crosses the driveway.

A. Mr. Hipple responded about the construction of the pipe and other pipe locations in the area.

Mr. Waltrip noted that James City County protects the streams within the County.

A. Mr. Hipple responded that all water from upstream of his property would go through that pipe at the same rate, regardless of the pond water level being high or low in elevation.

B. Mr. Michael Hipple, 821 Arlington Island Road, stated that the stream is deteriorating due to the pond and the velocity of the water runoff. He detailed the changes over the years of runoff from neighboring properties. He also explained about when the roadway was installed. He stated that he would like the stand pipe removed and the stream to be restored.

Mr. Roadley noted the area immediately downstream was not experiencing any degradation. He also noted that an agricultural maintenance plan was needed for the upstream property.

Mr. Hughes made a motion to Adopt the resolution for Chesapeake Bay Board Case No. CBPA 19-0124 at 120 Jolly Pond Road.

A motion to Approve with Conditions was made by Mr. Hughes.

The motion result was: AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 1  
Ayes: Apperson, Hughes, Roadley, Waltrip, Dunn  
Absent: Gussman

#### **E. BOARD CONSIDERATIONS**

##### 1. 2020 Calendar Revision

The 2020 Calendar Revision was approved by voice vote.


#### **F. MATTERS OF SPECIAL PRIVILEGE**

None

#### **G. ADJOURNMENT**

A motion to Adjourn was made by Mr. Apperson and approved on a voice vote.

The meeting adjourned at 6:52 p.m.

  
David Gussman  
Chair, Chesapeake Bay Board

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Michael Woolson  
Secretary to the Board