

MINUTES
JAMES CITY COUNTY CHESAPEAKE BAY BOARD
REGULAR MEETING
County Government Center, Building F
101 Mounts Bay Road, Williamsburg, Virginia 23185
May 13, 2020
5:00 PM

A. CALL TO ORDER

The Chesapeake Bay Board meeting for May 13, 2020, 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
Larry Waltrip
Halle Dunn

Board Members Absent:

None

Other Staff Present:

Toni Small, Director, Stormwater and Resource Protection
Liz Parman, Assistant County Attorney
Michael Woolson, Senior Watershed Planner, Stormwater and Resource Protection
Trevor Long, Watershed Planner, Stormwater and Resource Protection

C. MINUTES

1. Minutes from March 11, 2020, Regular Meeting

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

D. PUBLIC HEARINGS

1. Case No. CBPA 20-0009 : 108 Godspeed Lane

Mr. Trevor Long, Watershed Planner, presented the exception request submitted by Mr. Michael Haurand of Whitt Corporation on behalf of Mr. David Chin for encroachments into the Resource Protection Area (RPA) buffer for the construction of a lower and upper deck with Americans with Disabilities Act (ADA) ramps, hot tub and screened porch located at 108 Godspeed Lane, within the Powhatan Shores subdivision and the Powhatan Creek watershed. The property is further identified as James City County Tax Map Parcel No. 4730500050. 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. Gussman opened the Public Hearing.

A. Mr. David Chin, property owner, outlined the project to the Board and requested that mitigation be changed to one planting unit.

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 20-0009 at 108 Godspeed Lane.

A motion to Approve with Conditions was made by Mr. Waltrip. The motion result was:

AYES: 3 NAYS: 2 ABSTAIN: 0 ABSENT: 0

AYES: Gussman, Apperson, Waltrip

NAYS: Roadley, Dunn

ABSENT: None

2. Case No. CBPA 20-0011 : 204 Riverview Plantation Drive

Mr. Trevor Long, Watershed Planner, presented the exception request submitted by Mr. Curtis Lemley for encroachments into the RPA buffer for the construction of a home expansion located at 204 Riverview Plantation Drive, within the Riverview Plantation subdivision and Skimino Creek watershed. The property is further identified as James City County Tax Map Parcel No. 1640600029. 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. Dunn inquired if the concrete patio was to be removed, which would change the size of the impervious area.

Mr. Long deferred to the applicant for an answer.

Mr. Gussman opened the Public Hearing.

A. Mr. Curtis Lemley, property owner, outlined the project to the Board. He affirmatively replied the concrete patio would be removed.

Mr. Roadley questioned the stormwater runoff, gutter outfalls, and sheet flows on the ground. He asked if there was an issue with erosion at this location.

A. Mr. Lemley answered that erosion is not an issue because of the trees.

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 20-0011 at 204 Riverview Plantation Drive.

A motion to Approve with Conditions was made by Mr. Apperson. The motion result was:

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

AYES: Gussman, Apperson, Roadley, Waltrip, Dunn

NAYS: None

ABSENT: None

3. Case No. CBPA 20-0027 : 2 Staples Road

Mr. Michael Woolson, Senior Watershed Planner, presented the exception request submitted by Mr. Mathew Roth of Roth Environmental, LLC on behalf of Mr. Song Kuk Kang and Mrs. Hi-Sung Lim Kang for encroachments into the RPA buffer for the construction of a retaining wall and patio located at 2 Staples Road, within the Kingsmill subdivision and the College Creek watershed. The property is further identified as James City County Tax Map Parcel No. 5021100046. 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 severity of the erosion.

Mr. Woolson deferred to Mr. Roth for an answer.

Mr. Gussman opened the Public Hearing.

A. Mr. Mathew Roth, Roth Environmental, LLC, outlined the project to the Board. Mr. Roth replied there was moderate erosion caused by water velocity under the deck.

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 20-0027 at 2 Staples Road.

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

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

AYES: Gussman, Apperson, Roadley, Waltrip, Dunn

NAYS: None

ABSENT: None

4. Case No. CBPA 20-0028 : 105 Abigail Lane

Mr. Michael Woolson, Senior Watershed Planner, presented the exception request submitted by Mr. Edward Podish, Edward Podish Custom Builder, LLC on behalf of Ms. Amber Martens for encroachments into the RPA buffer for the construction of two tiered retaining walls located at 105 Abigail Lane, within the Kingmill Subdivision and the College Creek watershed. The property is further identified as James City County Tax Map Parcel No. 5030400083. 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 slope erosion for this series of retaining walls down the hillside and protection for the footers of the deck.

Mr. Woolson deferred to the applicant for an answer.

Mr. Gussman opened the Public Hearing.

A. Mr. Edward Podish, Edward Podish Custom Builder, LLC, outlined the project to the Board.

Mr. Roadley questioned the design of the project.

A. Mr. Podish answered that he would reinforce the first retaining wall behind the deck. The second retaining wall would have sediment come up and reinforce the upper wall.

Mr. Roadley asked about the elevation drop between the two retaining walls. He questioned the height of the second retaining wall.

A. Mr. Podish replied that the highest point of the second retaining wall would not exceed 36 inches.

Mr. Roadley questioned the materials to be used for construction of the retaining walls and the use and materials to be used in the area between the two retaining walls.

A. Mr. Podish answered, explaining what materials were to be used in each location.

Mr. Roadley expressed his concern about destabilizing that slope any further.

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

Mr. Dunn made a motion to Adopt the resolution for Chesapeake Bay Board Case No. CBPA 20 -0028 at 105 Abigail Lane.

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

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

AYES: Gussman, Apperson, Roadley, Waltrip, Dunn

NAYS: None

ABSENT: None

E. BOARD CONSIDERATIONS

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

Mr. Michael Woolson presented the extension request.

Mr. Roadley made a motion to grant the resolution for extension of Chesapeake Bay Board Case No. CBPA 19-0033 for 221 Burtcher Court, extended to May 13, 2021.

A motion to Approve the resolution for extension was made by Mr. Roadley. The motion result was:

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

AYES: Gussman, Apperson, Roadley, Waltrip, Dunn

NAYS: None

ABSENT: None

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

Mr. Michael Woolson presented the extension request.

Mr. Apperson made a motion to grant the resolution for extension of Chesapeake Bay Board Case No. CBPA 19-0035 for 106 Loxley Lane extended to May 13, 2021.

A motion to Approve the resolution for extension was made by Mr. Apperson. The motion result was:

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

AYES: Gussman, Apperson, Roadley, Waltrip, Dunn

NAYS: None

ABSENT: None

3. Case No. CBPA 18-0138 : 108 Seven Oaks

Mr. Michael Woolson presented the proposed modification to an Approved Mitigation Plan.

Mr. Roadley made a motion to Adopt the modification of the mitigation plan of Chesapeake Bay Board Case No. CBPA 18-0138 for 108 Seven Oaks.

A motion to Approve the modifications to the Approved Mitigation Plan was made by Mr. Roadley. The motion result was:

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

AYES: Gussman, Apperson, Roadley, Waltrip, Dunn

NAYS: None

ABSENT: None

4. Appeal - The Promenade

Mr. Michael Woolson presented the Appeal for the Promenade at John Tyler.

Mr. Apperson voiced concerns about overruling staff as there is no environmental degradation taking place.

Mr. Dunn concurred.

A motion to Grant the appeal was made by Mr. Roadley. The motion result was:

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

AYES: Gussman, Apperson, Roadley, Waltrip, Dunn

NAYS: None

ABSENT: None

5. Remote Participation Policy

Liz Parman made a presentation on the Remote Participation Policy for the Chesapeake Bay Board.

A motion to Approve was made by Mr. Apperson. The motion result was:

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

AYES: Waltrip, Roadley, Gussman, Apperson, Dunn

NAYS: None
ABSENT: None

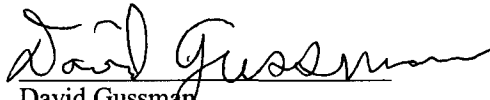
F. MATTERS OF SPECIAL PRIVILEGE

1. Mr. Woolson introduced Mr. Michael O'Brien, recently appointed to the Chesapeake Bay Board by the Board of Supervisors.
2. Mr. Apperson noted a Board member will be unavailable for a few months. The Board's thoughts and best wishes are with him.

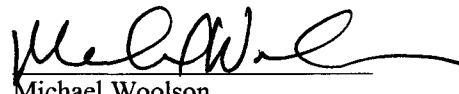
G. ADJOURNMENT

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

The meeting adjourned at 6:48 p.m.



David Gussman
Chair, Chesapeake Bay Board



Michael Woolson
Secretary to the Board