

MINUTES
JAMES CITY COUNTY CHESAPEAKE BAY BOARD
REGULAR MEETING
County Government Center, Building F
101 Mounts Bay Road, Williamsburg, Virginia 23185
November 12, 2020
5:00 PM

A. CALL TO ORDER

The Chesapeake Bay Board meeting for November 12, 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
Halle Dunn
Michael O'Brien

Board Members Absent:

Larry Waltrip

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
Janice Petty, Stormwater Assistant, Stormwater and Resource Protection

C. MINUTES

1. Minutes from October 14, 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 20-0092 : 4041 Bradshaw Ordinary

Staff withdrew this application.

2. Case No. CBPA 20-0096 : 289 Mill Stream Way

Mr. Trevor Long, Watershed Planner, presented the exception request submitted by Mr. Aaron Williams, Williams Landscaping & Design, Inc., on behalf of Mr. Kevin and Mrs. Tami Potter, for encroachments into the Resource Protection Area (RPA) buffer for the construction of a patio, three retaining walls with steps, landings, and a paver patio located at 289 Mill

Stream Way, within the Settlers Mill Subdivision and the Mill Creek watershed. The property is further identified as James City County Tax Map Parcel No. 4711800040. The presentation described the current and proposed site conditions. If the Board approved the request, staff asked that the suggested conditions be incorporated into the approval.

Mr. Gussman inquired how far the wall was moved from the wetlands from the previous submittal.

Mr. Woolson answered it is approximately 8 feet from the trees in the current configuration.

Discussion ensued concerning the varying width of disturbed area with the different sections of the wall. Also discussed were the concerns about sheet flow, erosion, and infiltration.

Mr. Gussman stated that the Public Hearing had been left open at the October 14, 2020, meeting and requested that anyone wishing to speak please approach the podium.

A. Mr. Kevin Potter, 289 Mill Stream Way, outlined the project for the Board.

Mr. Dunn inquired if the deck was part of this exception request.

Mr. Woolson replied that the deck was shown on the plan but was never called out as being included.

Mr. Long explained that there would be a deck overtop of the pavers.

Mr. Gussman stated that the water would not percolate through the pavers.

Mr. Roadley stated that there was concerns about the proposal last month, in part because of the amount of the disturbance and encroachment into the RPA. This Board's charge is to help maintain that 100-foot buffer to the maximum extent practical. There are conditions that the Board must follow in order to evaluate. Mr. Roadley had visited the site with Mr. Woolson and Mr. Long. The wetlands line is not too far beyond the silt fence line. Once the wall is built, there will be a very narrow band of grassland before one would get to the wetlands. Mr. Roadley would like to hear from the architect regarding how the infiltration was being treated.

B. Mr. Greg Whetzel, Williams Landscaping & Design, Inc., outlined the project for the Board and described the infiltration system that was proposed with the wall and how much of the area was being treated.

Mr. Apperson inquired how much fill must be moved to get back to the 10-foot distance from the trees.

B. Mr. Whetzel responded that the object is to maintain the natural slope and recover the original grade.

C. Mrs. Tami Potter, 289 Mill Stream Way, described the small deck that would be used for an exit from the addition.

A. Mr. Potter described that the original deck went back an additional 4 feet from where the edge of the house now stands. They now want an 8-foot deck, for an additional 4 feet of decking.

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

Mr. Gussman inquired if in the event if not approved by the Board, he asked for the sequence

of events to have the site restored.

Mr. Woolson replied if not approved by the Board, the disturbed area would be regraded so that it properly drains and the backyard matted to reduce the threat of erosion and stabilized. The slope would revert to native landscaping.

The Public Hearing was reopened.

C. Mrs. Potter described the erosion on both sides behind their home.

A. Mr. Kevin Potter described the rock drainage.

Mr. Gussman closed the Public Hearing for a second time, as no one else wished to speak.

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

Mr. Dunn made a motion to Deny Chesapeake Bay Board Case No. CBPA 20-0096 at 289 Mill Stream Way.

A motion to Deny was made by Mr. Dunn, the motion result was:

AYES: 4 NAYS: 1 ABSTAIN: 0 ABSENT: 1

AYES: Gussman, Dunn, Roadley, O'Brien

NAYS: Apperson

ABSENT: Waltrip

Mr. Apperson left the Chesapeake Bay Board meeting.

3. Case No. CBPA 20-0102 : 233 Richard Brewster

Mr. Trevor Long, Watershed Planner, presented the exception request submitted by Mr. Chase Grogg, Landtech Resources, Inc. on behalf of Mr. Brian and Mrs. Diane Magoon, for encroachments into the RPA buffer for the construction of a deck and screened porch located at 233 Richard Brewster, within the Kingsmill Subdivision and the College Creek watershed. The property is further identified as James City County Tax Map Parcel No. 5030600044. The presentation described the current and proposed site conditions. If the Board approved the request, staff asked that the suggested 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. Chase Grogg, Landtech Resources, Inc., outlined the project to the Board.

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

Mr. Roadley made a motion to Adopt the resolution for Chesapeake Bay Board Case No. CBPA 20-0102 at 233 Richard Brewster.

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

AYES: 4 NAYS: 0 ABSTAIN: 0 ABSENT: 2

AYES: Gussman, Dunn, Roadley, O'Brien

NAYS: None

ABSENT: Waltrip, Apperson

4. Case No. CBPA 20-0101 : 9230 Pocahontas Trail

Mr. Michael Woolson, Senior Watershed Planner, presented the exception request submitted by Mr. Anthony Loubier, Vanasse Hangen Brustlin (VHB), Inc., for encroachments into the RPA buffer for the construction of a sanitary sewer connection located at 9320 Pocahontas Trail, within the Skiffes Creek watershed. The property is further identified as James City County Tax Map Parcel No. 6010100006. The presentation described the current and proposed site conditions. If the Board approved the request, staff asked that the suggested 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. Anthony Loubier, VHB, Inc., outlined the project to the Board.

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

Mr. O'Brien made a motion to Adopt the resolution for Chesapeake Bay Board Case No. CBPA 20-0101 at 9320 Pocahontas Trail.

A motion to Approve with Conditions was made by Mr. O'Brien, the motion result was:
AYES: 4 NAYS: 0 ABSTAIN: 0 ABSENT: 2
AYES: Gussman, Dunn, Roadley, O'Brien
NAYS: None
ABSENT: Waltrip, Apperson

E. BOARD CONSIDERATIONS

1. Colonial Soil and Water Conservation District Presentation

Mr. Doug Hall, Director from James City County Colonial Soil and Water Conservation District, made a presentation to the Board. Mr. Jim Wallace, District Manager and Ms. Robyn Goad, Urban Conservationist, were available to answer any questions from the Board.

2. 2021 Calendar

Mr. Gussman made a motion to Adopt the 2021 Calendar. The 2021 Calendar was approved on a voice vote.

3. Election of Officers for 2021

Mr. Roadley nominated Mr. Gussman to serve as Chair. The nomination was approved: 4-0
Ayes: Gussman, Dunn, Roadley, O'Brien
Nays: None
Absent: Waltrip, Apperson

Mr. Roadley nominated Mr. Dunn to serve as Vice Chair. The nomination was approved: 4-0
Ayes: Gussman, Dunn, Roadley, O'Brien
Nays: None
Absent: Waltrip, Apperson

Mr. Gussman nominated Mr. Woolson to serve as Secretary. The nomination was approved:

4 -0

Ayes: Gussman, Dunn, Roadley, O'Brien

Nays: None

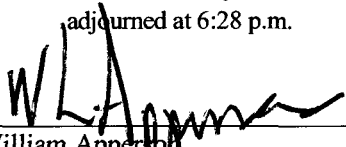
Absent: Waltrip, Apperson

F. MATTERS OF SPECIAL PRIVILEGE

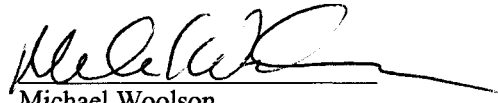
None

G. ADJOURNMENT

A motion to Adjourn was made by Mr. Roadley and approved on a voice vote. The meeting adjourned at 6:28 p.m.



William Apperson
Vice Chair, Chesapeake Bay Board



Michael Woolson
Secretary to the Board