

MINUTES
JAMES CITY COUNTY CHESAPEAKE BAY BOARD
REGULAR MEETING
County Government Center, Building F
101 Mounts Bay Road, Williamsburg, Virginia 23185
January 13, 2021
5:00 PM

A. CALL TO ORDER

The Chesapeake Bay Board meeting for January 13, 2021, 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:

Charles Roadley, Acting Chairman
William Apperson
Larry Waltrip
David Gussman - Remote Access
Robert Lukens - Remote Access after Case 2

A motion to allow the Remote Participation was made by Charles Roadley and approved on a voice vote.

Board Members Absent:

Halle Dunn

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 December 9, 2020, Regular Meeting

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

D. PUBLIC HEARINGS

1. Case No. CBPA 20-0142 : 8797 Pocahontas Trail

Mr. Trevor Long, Watershed Planner, presented the exception request submitted by Vanasse Hangen Brustlin, Inc. (VHB) on behalf of Carter's Grove Associates, LLC, for encroachments into the Resource Protection Area (RPA) buffer for the regrading of a ravine, regrading of a shoreline, and installation of outfall pipes and a spillway located at 8797 Pocahontas Trail, within the Skiffes Creek watershed. The property is further identified as James City County

Tax Map Parcel No. 5910100030. 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. Roadley opened the Public Hearing.

A. Mr. Neville Reynolds, VHB, outlined the project for the Board.

Mr. Roadley inquired if any of the bank material was to be used for fill.

A. Mr. Reynolds negatively responded. He clarified and discussed other areas of grading.

Mr. Roadley inquired if the tall banks were to be graded.

A. Mr. Reynolds negatively replied except for the area where the outfall pipe is located. He explained the configuration of the pipe area which would further control the downcutting from runoff.

Mr. Roadley 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 20-0142 at 8797 Pocahontas Trail.

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

AYES: 3 NAYS: 0 ABSTAIN: 1 ABSENT: 1

AYES: Roadley, Apperson, Gussman

NAYS: None

ABSTAIN: Waltrip

ABSENT: Dunn

2. Case No. CBPA 20-0141 : 137 Westbury

Mr. Michael Woolson, Senior Watershed Planner, presented the exception request submitted by Mr. Darrell Wahl, Wahl Builders, LLC, on behalf of Mr. John Murphy and Mrs. Teresa Murphy, for encroachments into the RPA buffer for the construction of a deck extension located at 137 Westbury within the Ford's Colony Subdivision and the Powhatan Creek watershed. The property is further identified as James City County Tax Map Parcel No. 3720600053. 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. Roadley opened the Public Hearing.

A. Mr. Darrell Wahl, Wahl Builders, LLC, outlined the project for the Board.

Mr. Roadley 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 20-0141 at 137 Westbury.

A motion to Approve with Conditions was made by Mr. Waltrip. The motion result was:
AYES: 4 NAYS: 0 ABSTAIN: 0 ABSENT: 1
AYES: Roadley, Apperson, Gussman, Waltrip
NAYS: None
ABSENT: Dunn

A motion to allow the Remote Participation for Robert Lukens was made by William Apperson and approved on a voice vote.

3. Case No. CBPA 20-0140 : 244 William Barksdale

Mr. Michael Woolson, Senior Watershed Planner, presented the exception request submitted by Mr. Mathew Roth, Roth Environmental, LLC, on behalf of Mr. Michael and Mrs. Catherine Hoyt, for encroachments into the RPA buffer for the construction of two retaining walls located at 244 William Barksdale, within the Kingsmill Subdivision and the College Creek watershed. The property is further identified as James City County Tax Map Parcel No. 4940300097. 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. Roadley inquired about the conditions of the location between the house, the channel, and the retaining wall.

Mr. Woolson deferred to the agent for the applicant to answer.

Mr. Roadley opened the Public Hearing.

A. Mr. Mathew Roth, Roth Environmental, LLC, outlined the project for the Board.

Mr. Roadley inquired if this was a stacked, block wall.

A. Mr. Roth affirmatively replied. The wall up near the house is replacing the existing failing timber wall.

Mr. Waltrip inquired about the height of the retaining wall and slope down the hill.

A. Mr. Roth replied that there still would be a slope and they would restabilize the hill with grass like it currently exists.

Mr. Waltrip inquired about provisions for catching the water.

A. Mr. Roth further explained there would be gravel behind the wall and a lot of the water would infiltrate behind the wall and come out the weep holes at the bottom.

B. Mr. Michael Hoyt, owner, was available to answer any questions from the Board.

Mr. Roadley 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 20-0140 at 244 William Barksdale.

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

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 1
AYES: Roadley, Apperson, Gussman, Waltrip, Lukens
NAYS: None
ABSTAIN: None
ABSENT: Dunn

4. Case No. CBPA 20-0100 : 5520 North Mallard Run

Mr. Michael Woolson, Senior Watershed Planner, presented the exception request submitted by Mr. Emanuel Greenspon for encroachments into the RPA buffer for the construction of a retaining wall and river rock area located at 5520 North Mallard Run, within the Warhill Subdivision and the Powhatan Creek watershed. The property is further identified as James City County Tax Map Parcel No. 3120300039. 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. Roadley inquired about the location of the retaining wall in relation to the pilings.

Mr. Woolson explained that the retaining wall must be located outside of the floodway. The site plan did not show topography. On the Federal Emergency Management Agency (FEMA) map, the floodplain elevation is just below 43 feet mean sea level (MSL).

Mr. Lukens inquired if the FEMA floodplain map was a specific percentage of annual elevation.

Mr. Woolson replied that the blue area is the 1% annual rainfall event, otherwise known as the 100-year flood elevation. The green area is the 500-year flood elevation. That is why you see it going to elevation 44 MSL. The back third of the property is also in the floodplain.

Mr. Lukens inquired about the use of the river rock surface spread of a few inches which would basically slow down the water flow.

Mr. Woolson replied yes, explaining the stabilization technique of the river rock usage to slow down water and more importantly to stop the erosion that the applicant is experiencing. The backyard is densely canopied with very little sunlight reaching the backyard in the summertime and thus, the difficulty in getting grass established.

Mr. Roadley opened the Public Hearing.

A. Mr. Aaron Williams, Williams Landscape & Design, Inc., outlined the project for the Board.

Mr. Roadley commented that the drawings showed the location of the retaining wall with the vicinity of the deck which appeared to be less than five feet off from the edge of the deck.

A. Mr. Williams replied that the deck is cantilevered. He explained their objective was to stay inside or right at the footprint of the deck above, far enough away from the pilings so that the geogrid can be installed to help stabilize the wall.

Mr. Roadley 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 20-0100 at 5520 North Mallard Run.

A motion to Approve with conditions was made by Mr. Apperson. The motion result was:
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 1
AYES: Roadley, Apperson, Gussman, Waltrip, Lukens
NAYS: None
ABSTAIN: None
ABSENT: Dunn

5. Case No. CBPA 20-0139 : 289 Mill Stream Way

Mr. Michael Woolson, Senior Watershed Planner, presented the exception request submitted by Mr. Kevin and Mrs. Tami Potter, for encroachments into the RPA buffer for the construction of a patio, two retaining walls, deck, and steps with paver landings 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.

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

Mr. Roadley opened the Public Hearing.

A. Mr. Aaron Williams, Williams Landscaping & Design, Inc., outlined the project for the Board.

Mr. Roadley commented that he appreciated the attention to detail and appreciated the effort to help minimize the impact to the RPA.

Mr. Gussman commented that this is a much better project and is happy to see the slope stabilized.

Mr. Roadley 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 20-0139 at 289 Mill Stream Way.

A motion to Approve with conditions was made by Mr. Waltrip. The motion result was:
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 1
AYES: Roadley Apperson, Gussman, Waltrip, Lukens
ABSTAIN: None
NAYS: None
ABSENT: Dunn

E. BOARD CONSIDERATIONS

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

Mr. Michael Woolson, Senior Watershed Planner, presented the extension request submitted by Mr. Robert Fetter for a one-year extension of the exception request originally granted on January 20, 2020. The original exception request was for construction of a shed at 2552 William Tankard Drive in the Landfall subdivision and Powhatan Creek watershed. Staff concurs with this request and all other conditions of the approving resolution would still apply with a new expiration date of January 13, 2022.

Mr. Apperson made a motion to Adopt the resolution for Chesapeake Bay Board Case No. CBPA 19-0141 at 2552 William Tankard Drive.

A motion to Approve with conditions was made by Mr. Apperson. The motion result was:
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 1
AYES: Roadley, Gussman, Apperson, Waltrip, Lukens
NAYS: None
ABSTAIN: None
ABSENT: Dunn


F. MATTERS OF SPECIAL PRIVILEGE

1. 2020 Year in Review


The End of Year Report has been postponed until the February 10, 2021, meeting.

G. ADJOURNMENT

A motion to Adjourn was made by Mr. Roadley and approved on a voice vote. The meeting adjourned at 6:22 p.m.



Halle Dunn
Vice Chair, Chesapeake Bay Board



Michael Woolson
Secretary to the Board