

MINUTES
JAMES CITY COUNTY CHESAPEAKE BAY BOARD
REGULAR MEETING
County Government Center, Building F
101 Mounts Bay Road, Williamsburg, Virginia 23185
February 10, 2021
5:00 PM

A. CALL TO ORDER

The Chesapeake Bay Board meeting for February 10, 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:

Halle Dunn, Acting Chair
Charles Roadley
William Apperson
Larry Waltrip
David Gussman, Remote Access

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

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
Janice Petty, Stormwater Assistant, Stormwater and Resource Protection

C. MINUTES

1. Minutes from January 13, 2021, 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. CBPA 20-0148 : 236 William Barksdale

Mr. Trevor Long, Watershed Planner, presented the exception request submitted by Mr. Christopher Hakim, for encroachments into the Resource Protection Area (RPA) buffer for the construction of two retaining walls located at 236 William Barksdale within the Kingsmill Subdivision and the College Creek watershed. The property is further identified as James City County Tax Map Parcel No. 4940300099. 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. Dunn opened the Public Hearing.

A. Mr. Christopher Hakim, owner, outlined the project for the Board.

Mr. Roadley inquired of the height and use for the retaining walls.

A. Mr. Hakim replied that the height would be approximately two feet and require a minimal amount of reinforcement.

Mr. Roadley inquired about the wall construction material to be used.

A. Mr. Hakim responded that it would be a block wall.

Mr. Dunn 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 20-0148 at 236 William Barksdale.

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

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

AYES: Dunn, Roadley, Apperson, Waltrip, Gussman

NAYS: None

ABSENT: None

2. CBPA 20-0153 : 164 West Landing

Mr. Michael Woolson, Senior Watershed Planner, presented the exception request submitted by Mr. Wayne Savage, Bay Design Group on behalf of Mr. Gerard and Mrs. Carrie Morelli, for encroachments into the RPA buffer for the construction of a pool and a pool house located at 164 West Landing, within the Kingsmill Subdivision and the College Creek watershed. The property is further identified as James City County Tax Map Parcel No. 5031200010. 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. Roadley inquired if it was an aesthetic feature for the grass area to extend into the seaward 50 feet.

Mr. Woolson deferred to the applicant for an answer. The grass area is on the remainder of the knoll, with no steep slope impacts or any significant regrading.

Mr. Dunn inquired if the lawn area was in the seaward 50 feet, as shown on the plan.

Mr. Woolson replied that the lawn as shown is within the seaward 50 feet. If the Board wants the lawn to be outside of the seaward 50 foot buffer, it could be made as a condition on the Resolution.

Mr. Dunn inquired about where the pool drainage was directed.

Mr. Woolson replied the pool drainage would be overland.

Mr. Dunn opened the Public Hearing.

A. Mr. Gerard Morelli, owner, replied that the pool would be salt water. He was available to answer any Board questions.

Mr. Roadley stated that he appreciated the infiltration trenches, to control the amount of stormwater that goes untreated into the wetlands and streams. He inquired how the pool would drain when it would need to be backflushed or the water changed out.

B. Mr. Wayne Savage, Bay Design Group, replied that the backwash system is done by the contractor. The purpose of the infiltration trenches are to not only pick up the stormwater but also incorporate any backwash filtering that would be done.

Mr. Roadley inquired of the encroachment to the seaward 50 foot RPA with the lawn area. He noted that the applicants seem to be amenable to possible design changes with the encroachment eliminated.

B. Mr. Savage was not aware of impacts into the seaward 50 foot RPA.

Mr. Roadley stated the impacts as presented on the graphic drawings.

Mr. Woolson explained the concerns, this was just a graphic representation of the proposed 750 square foot lawn area.

B. Mr. Savage replied if the applicant is fine with taking that out, that is not a problem at all. Vegetation is proposed to be added to that area and they are not planning to leave it as grass.

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

Mr. Roadley commented that any motion to approve would recommend removal of the proposed grassed area in the seaward 50 foot RPA.

Mr. Dunn expressed concern if the pool is drained then the salt water would go right out into the RPA area.

Mr. Roadley asked for clarification from Mr. Woolson, if an underdrain was included in the design specification as noted in the presentation.

Mr. Woolson replied that it can be included if the soils do not properly infiltrate.

Mr. Roadley made a motion to Adopt the Resolution for Chesapeake Bay Board Case No. CBPA 20-0153 at 164 West Landing with a condition that there be no encroachment channel ward of the 50 foot seaward limit of the RPA.

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

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

AYES: Dunn, Apperson, Roadley, Waltrip, Gussman

NAYS: None

ABSENT: None

3. CBPA 20-0147 : 2416 Sarah Spence

Mr. Trevor Long, Watershed Planner, presented the exception request submitted by Mr. Jesus Mansidor for encroachments into the RPA buffer for the construction of a pool and paver patio area surrounding the pool located at 2416 Sarah Spence, within the Vineyards at Jockeys Neck Subdivision and the College Creek watershed. The property is further identified

as James City County Tax Map Parcel No. 4840200014. 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. Dunn opened the Public Hearing

A. Mr. Jesus Mansisor, homeowner, outlined the project for the Board explaining the need for the pool. Pavers would be optional or decorative gravel if the Board preferred.

Mr. Roadley inquired about the infiltration to help capture the sheet flow of stormwater.

A. Mr. Mansisor explained that the pool engineer was leaving the infiltration and drainage to the county's requirements. They felt there was enough land and mitigation to sustain the drainage of the pool and they could add a drainage system if the Board requested.

Mr. Roadley commented that the County treats gravel similarly to a paver and he would leave it to the applicant to decide which option to pursue. He was in favor of some type of infiltration system around the patio so that drainage could be treated before being discharged.

A. Mr. Mansisor affirmatively agreed.

Mr. Waltrip inquired if the pool was to be a salt water pool.

A. Mr. Mansisor replied that he preferred salt water, but did not know if one was more favorable or less favorable, leaving it open to what the County or the Board suggested.

Mr. Roadley inquired if staff would comment on gravel in relation to stormwater issues.

Mr. Woolson replied that staff would have no say in the specific patio material.

Mr. Apperson inquired about the patio materials and the infiltration requirement.

Mr. Woolson explained if the Board requests the infiltration of the backflow from the pool, the infiltration system could be designed for the impervious cover plus the quantity of water from the back flow of the pool.

Mr. Waltrip inquired as to the location of the infiltration system.

Mr. Woolson explained that the location of the infiltration system would be between the pool surface or improvements and Ajacan Lake. The surface water drains from the backyard towards Ajacan Lake.

Mr. Waltrip inquired if there would be a ditch with stone in it.

Mr. Woolson affirmatively replied. There would also be a planting bed area that could have some of the required planting mitigation.

Mr. Dunn 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 20-0147 at 2416 Sarah Spence with the condition that the applicant incorporate an infiltration system to capture runoff and backwash.

A motion to Approve with Conditions was made by Mr. Roadley, the motion result was:
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

AYES: Dunn, Apperson, Roadley, Waltrip, Gussman

NAYS: None

ABSENT: None

E. BOARD CONSIDERATIONS

1. CBE-18-058 : 4447 Pleasant View Drive

Mr. Michael Woolson, Senior Watershed Planner, presented the extension request submitted by Ms. Renie Andrews for a two year extension of the exception request originally granted on March 14, 2018. The exception request was for construction of a memorial garden located at 4447 Pleasant View Drive in the Powhatan Village subdivision and Powhatan Creek watershed. Staff concurred with this request and all other conditions of the approving resolution would still apply with a new expiration date of March 11, 2023.

Mr. Apperson made a motion to Adopt the Resolution for Extension for Chesapeake Bay Board Case No. CBE-18-058 at 4447 Pleasant View 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: Dunn, Apperson, Roadley, Waltrip, Gussman

NAYS: None

ABSENT: None

2. 2020 Year in Review

Mr. Michael Woolson, Senior Watershed Planner presented the Wetlands and Chesapeake Bay Administrative and Legislative Board totals for reviews and inspections.

3. CBPA Regulatory Amendments

Proposed Amendments to 9 VAC 25-830 dated February 10, 2021 for the 2020 General Assembly. Amended Virginia Code 62.1-44.15:72.

Staff briefly went over the proposed amendments.

Discussion between the staff and the Board. Mr. Roadley requested various models of input and the recommendations for output from the various agency meetings.

Mr. Woolson voiced his concern for who is to perform the analysis, the applicant, consultant, staff or the Board or a combination thereof.

Mr. Waltrip inquired if a work session could be planned for the near future.

Mr. Woolson stated a work session could be planned during the second half of March 2021. The two Alternate Board members would also need to attend.

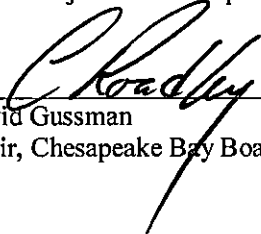
F. MATTERS OF SPECIAL PRIVILEGE

None


G. ADJOURNMENT

A motion to Adjourn was made by Mr. Dunn and approved on a voice vote. The meeting adjourned at 6:10 p.m.

A motion to Adjourn was made by Mr. Dunn and approved on a voice vote. The meeting adjourned at 6:10 p.m.



David Gussman
Chair, Chesapeake Bay Board



Michael Woolson
Secretary to the Board