

MINUTES
JAMES CITY COUNTY CHESAPEAKE BAY BOARD
REGULAR MEETING
County Government Center, Building F
101 Mounts Bay Road, Williamsburg, Virginia 23185
April 14, 2021
5:00 PM

A. CALL TO ORDER

The Chesapeake Bay Board meeting for April 14, 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 Chairperson
William Apperson
Michael O'Brien
David Gussman - Remote Access
Robert Lukens-Remote Access

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

Board Members Absent:

Halle Dunn
Larry Waltrip

Other Staff Present:

Toni Small, Director, Stormwater and Resource Protection
Liz Parman, Assistant County Attorney
Michael Woolson, Resource Protection Section Chief, 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 February 10, 2020, Regular Meeting

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

2. Minutes from March 22, 2020, Work Session

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

D. PUBLIC HEARINGS

1. CBPA 21-0017: 10025 Sycamore Landing Road

Mr. Michael Woolson, Resource Protection Section Chief, presented the exception request submitted by Mr. Jeffrey Miller, for encroachments into the Resource Protection Area (RPA) buffer for the construction of a detached garage located at 10025 Sycamore Landing Road within the Ware Creek watershed. The property is further identified as James City County Tax Map Parcel No. 0720400007. 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 the pros and cons of this application.

Mr. Roadley opened the Public Hearing.

A. Mr. Jeffrey Miller, builder and owner, outlined the project for 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 21-0017 at 10025 Sycamore Landing Road.

A motion to Approve with Conditions was made by Mr. Apperson, the motion result was:
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 2

AYES: Roadley, Apperson, O'Brien, Gussman, Lukens

NAYS: None

ABSENT: Dunn, Waltrip

2. CBPA 21-0036: 104 Seven Oaks

Mr. Trevor Long, Watershed Planner, presented the exception request submitted by Ms. Peggy Krapf, Heart's Ease Landscaping on the behalf of Ms. Peggy Marsilii, for encroachments into the RPA buffer for the construction of two retaining walls and a patio located at 104 Seven Oaks, within the Ford's Colony Subdivision and the Powhatan Creek watershed. The property is further identified as James City County Tax Map Parcel No. 3130900037. 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 the pros and cons of this application.

Mr. O'Brien inquired if the two retaining walls were parallel to each other.

Mr. Long affirmatively answered. The topography is tiered. He deferred the elevation change to the applicant for answer.

Mr. Roadley opened the Public Hearing.

A. Ms. Peggy Krapf, Heart's Ease Landscape & Garden Design, outlined the project for the Board.

Mr. Roadley 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 21-0036 at 104 Seven Oaks.

A motion to Approve with Conditions was made by Mr. O'Brien, the motion result was:
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 2

AYES: Roadley, Apperson, O'Brien, Gussman, Lukens

NAYS: None

ABSTAIN: None

ABSENT: Dunn, Waltrip

3. CBPA 21-0044: 9209 Candle Light Court

Mr. Trevor Long, Watershed Planner, presented the exception request submitted by Ms. Catherine Gallagher, River Pools and Spas, on behalf of Ms. Amber Gilliam for encroachments into the RPA buffer for the construction of a pool and paver patio area

surrounding the pool located at 9209 Candle Light Court, within The Retreat Subdivision and the Diascund Creek watershed. The property is further identified as James City County Tax Map Parcel No. 0330300052. 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 the pros and cons of this application.

Mr. Roadley inquired if it was pavers or a patio outside the encroachment outside of the pool.

Mr. Long answered that patio material would be concrete but deferred to the applicant for answer.

Mr. O'Brien inquired if the applicant would explain if the patio was permeable or not.

Mr. Long confirmed that the applicant was in attendance at the meeting.

Mr. Roadley inquired if there were any means to control runoff.

Mr. Long replied none had been submitted at this time.

Mr. Roadley opened the Public Hearing

A. Ms. Amber Gilliam, owner, outlined the project for the Board. She noted the building materials for patio area were planned to be concrete, but pavers could be used if the Board preferred.

Mr. Roadley expressed the concern that the Board has over the large impervious area in the RPA buffer is creating an opportunity for additional runoff, either erosion or point source concentrations. One means to address that would be if the property is conducive to some form of infiltration to help minimize that runoff and absorb some of those nutrients or installation of some type of infiltration paver system.

Mr. O'Brien stated the large area around the pool was the area needing infiltration.

Mr. Roadley noted the option of deferment.

A. Ms. Gilliam replied that she wanted to have the Board act on it tonight

Mr. Woolson noted that prior to a decision on infiltration or materials, the proximity of the drain field to within 20 feet of the pool may be a Health Department issue. He further noted if that distance was permitted.

Mr. O'Brien inquired about septic fields.

A. Ms. Gilliam replied and explained about the location of the septic and lines shown on the drawing.

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 21-0044 at 9209 Candle Light Court.

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

AYES: 4 NAYS: 1 ABSTAIN: 0 ABSENT: 2

AYES: Apperson, O'Brien, Gussman, Lukens

NAYS: Roadley

ABSTAIN: None

ABSENT: Dunn, Waltrip

4. CBPA 21-0045 : 4055 South Riverside Drive

Mr. Trevor Long, Watershed Planner, presented the exception request submitted by Mr. Chase Grogg, LandTech Resources, Inc. on behalf of Mr. Charles Woollum, Jr. and Mrs. Kathryn Woollum, for encroachments into the RPA buffer for construction of a house addition located at 4055 South Riverside Drive, within the Chickahominy Haven Subdivision and the Yarmouth Creek watershed. The property is further identified as James City County Tax Map Parcel No. 1910500010. 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 the pros and cons of this application.

Mr. Roadley opened the Public Hearing.

A. Mrs. Kathryn Woollum, owner, outlined the project for the Board.

Mr. Roadley inquired if the owners were elevating the structure or keeping it at grade.

A. Mrs. Woollum replied the cottage was on a slab, but the applicants were unsure at this time of recommendations on elevation. She noted this was one of two lots that had never flooded.

Mr. O'Brien stated as shown in the drawing, you are in the green not the blue area.

Mr. Woolson replied that he could explain the Floodplain picture. The green is the X shaded zone which we do not regulate. The Woollums are correct that they are outside the Floodplain. They do not have to meet minimum freeboard requirements although it is a discussion staff will have with them at some point for safety factor, but they are not required to elevate their structure. Freeboard is the elevation of a building's lowest floor to a height above the minimum base flood elevation (BFE).

Mr. Roadley stated that he did not see a site plan in the presentation other than that small view. He asked for verbal description of the addition locations.

A. Mrs. Woollum replied with the dimensions and location of the addition.

Mr. Roadley asked if the majority of the encroachment was to be on the street side of the home.

A. Mrs. Woollum replied that it is to the left for the majority. The entire cottage is in the RPA. She explained the proposed building dimensions in greater detail.

Mr. Roadley 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 21-0045 at 4055 South Riverside Drive.

A motion to Approve with Conditions was made by Mr. O'Brien, the motion result was:

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 2

AYES: Roadley, Apperson, O'Brien, Gussman, Lukens

NAYS: None

ABSTAIN: None

ABSENT: Dunn, Waltrip

5. CBPA 21-0047: 208 Monifieth

Mr. Michael Woolson, Resource Protection Section Chief, presented the exception request submitted by Mr. Matthew Roth, Roth Environmental, LLC. on behalf of Mr. Marty Mather, Omega Development, LLC for encroachments into the RPA buffer for the construction of a single family dwelling and deck located at 208 Monifieth, within the Ford's Colony

Subdivision and the Powhatan Creek watershed. The property is further identified as James City County Tax Map Parcel No. 3710800085. 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 the pros and cons of this application.

Mr. Woolson noted an additional note not in the staff report was that the applicant supplied a VA Runoff Reduction Method worksheet which discloses that those two Best Management Practices (BMPs) will reduce the nutrient loads coming off of the project to predevelopment or better loading, ensuring that this project has no effect or a net benefit.

Mr. O'Brien inquired of the building envelope and asked if that was the recommended building envelope or was the area off to the left less invasive.

Mr. Woolson deferred to Mr. Roth for answer.

Mr. Woolson deferred to the applicant for an answer.

Mr. Roadley inquired if there was an Operations and Maintenance Plan to go along with this.

Mr. Woolson negatively replied, noting that was not a requirement.

Mr. Lukens inquired if the road access site plan showed a low area in the roadway, as the site plan notes a couple catch basins. He questioned the capacity of these catch basins, if under severe storm conditions if we would have additional flood conditions from the uphill side.

Mr. Woolson answered the roadway inlets. These are drop inlets, (DIs). They convey to one of the many ponds within the Ford's Colony Subdivision.

Mr. Lukens asked if active drainage rather than simple infiltration.

Mr. Roadley opened the Public Hearing.

A. Mr. Matthew Roth, Roth Environmental, LLC, outlined the project for the Board. Monifieth has drop inlets along the road. There is no flowing onto the lot from the road.

Mr. Roadley inquired if Mr. Roth has an Operations and Maintenance checklist or plan for these structures once it is turned over to an owner.

A. Mr. Roth answered that he uses the Department of Environmental Quality required plan for it. He noted that could be a viable resource to offer and staff could require it as part of small BMPs.

B. Mr. Mather, owner, thanked the Board for its consideration.

Mr. Roadley 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 21-0047 at 208 Monifieth.

A motion to Approve with Conditions was made by Mr. O'Brien, the motion result was:

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 2

AYES: Roadley, Apperson, O'Brien, Gussman, Lukens

NAYS: None

ABSTAIN: None

ABSENT: Dunn, Waltrip

E. BOARD CONSIDERATIONS

1. CBPA-19-0037: 499 Jolly Pond Road

Mr. Michael Woolson, Resource Protection Section Chief, presented the exception second extension request submitted by Mr. Ryan Stephenson, AES Consulting Engineers for a one year extension of the exception request originally granted on May 8, 2019. The exception request was for construction of sanitary sewer and sanitary sewer connection located at 499 Jolly Pond Road in Deer Lake Estates in the Colonial Heritage subdivision and Yarmouth Creek watershed. Staff concurred with this request and all other conditions of the approving resolution would still apply with a new expiration date of April 14, 2022.

Mr. Apperson made a motion to Adopt the resolution for Extension for Chesapeake Bay Board Case No. CBPA-19- 0037 at 499 Jolly Pond Road.

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

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 2

AYES: Roadley, Apperson, O'Brien, Gussman, Lukens

NAYS: None

ABSTAIN: None

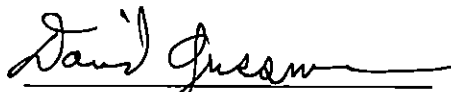
ABSENT: Dunn, Waltrip

F. MATTERS OF SPECIAL PRIVILEGE

1. None

G. ADJOURNMENT

A motion to Adjourn was made by Mr. Roadley and approved on a voice vote. The meeting adjourned at 6:49 p.m.



David Gussman
Chairman, Chesapeake Bay Board



Michael Woolson
Secretary to the Board