

MINUTES
JAMES CITY COUNTY CHESAPEAKE BAY BOARD
REGULAR MEETING
County Government Center, Building F
October 13, 2021
5:00 PM

A. CALL TO ORDER

The Chesapeake Bay Board meeting for October 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:

David Gussman, Chairman
Halle Dunn
William Apperson
Charles Roadley
Robert Lukens

Board Members Absent:

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
Robin Benedict, Watershed Planner, Stormwater and Resource Protection

C. MINUTES

1. Minutes from September 8, 2021, 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. CBPA 21-0150: 110 Pasbehegh Drive

Ms. Robin Benedict, Watershed Planner, presented the exception request submitted by Mr. John Moore, for encroachments into the Resource Protected Area (RPA) buffer for the construction of a shed located at 110 Pasbehegh Drive, within First Colony Subdivision and the James River watershed. The property is further identified as James City County Tax Map Parcel No. 4520200215. 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. Gussman opened the Public Hearing.

A. Mr. John Moore, outlined the project for the Board.

Mr. Gussman closed the Public Hearing.

Mr. Roadley made a motion to Adopt the resolution for Chesapeake Bay Board Case No. CBPA 21-0150 at 110 Pasbehegh Drive.

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

2. CBPA 21-0155: 210 Red Oak Landing Road

Mr. Trevor Long, Watershed Planner, presented the exception request submitted by Mr. Clinton Morgeson, for encroachments into the RPA buffer for the construction of a retaining wall located at 210 Red Oak Landing Road, within the Powhatan Creek watershed. The property is further identified as James City County Tax Map Parcel No. 4730100032. 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 of the construction material to be used for the retaining wall.

Mr. Long deferred to the applicant for an answer.

Mr. Lukens inquired of any proposed mechanism for the drainage of water by the retaining wall during a storm event.

Mr. Long deferred to the applicant for an answer.

Mr. Lukes inquired if on-site erosion shown has been caused by a storm event.

Mr. Long replied erosion events likely caused upland by natural processes.

Mr. Gussman opened the Public Hearing.

A. Mr. Clinton Morgeson, outlined the project for the Board. The building material will be left over piling lumber tops from pier construction. Drainage through the retaining wall will seep through the rebar and concrete reinforced circular pilings.

Mr. Gussman closed the Public Hearing.

Mr. Lukens made a motion to Adopt the resolution for Chesapeake Bay Board Case No. CBPA 21-0155 at 210 Red Oak Landing Road.

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

E. BOARD CONSIDERATIONS

None.

F. MATTERS OF SPECIAL PRIVILEGE

1. Appeal for a violation at 5032 River Drive

Mr. Trevor Long, requested a deferral to the January 12, 2022 meeting.

Mr. Roadley inquired of the timeframe for repairs as required by James City County.

Mr. Gussman made a motion of Deferral for the Appeal of Chesapeake Bay Board Case No. CBPA 21-0144 at 5032 River Drive.

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

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 1

AYES: Gussman, Dunn, Apperson, Roadley, Lukens

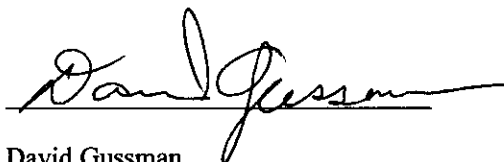
NAYS: None

ABSENT: Waltrip

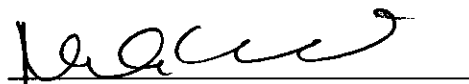
G. ADJOURNMENT

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

The meeting adjourned at 5:48 p.m.



David Gussman
Chair, Chesapeake Bay Board



Michael Woolson
Secretary to the Board