

MINUTES
JAMES CITY COUNTY CHESAPEAKE BAY BOARD
REGULAR MEETING
County Government Center, Building F
November 10, 2021
5:00 PM

A. CALL TO ORDER

The Chesapeake Bay Board meeting for November 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:

David Gussman, Chairman
Halle Dunn
William Apperson
Charles Roadley
Larry Waltrip

Board Members Absent:

None

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 October 13, 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 21-0130: 115 Heathery

The Applicant requested that the case be deferred while the site plan is finalized for this project.

Mr. Gussman opened the Public Hearing.

2. CBPA 21-0160: 2521 Goodrich Durfey

Mr. Trevor Long, Watershed Planner, presented the exception request submitted by Mr. Ryan Newsom, Delightful Gardens Landscape on behalf of Ms. Mary Fox, Trustee, for encroachments into the Resource Protected Area (RPA) buffer for the replacement and expansion of a pool deck, the expansion of a house deck, and an infiltration trench to capture runoff from the proposed pool expansion and deck expansion, located at 2521 Goodrich Durfey, within the Vineyards at Jockey's Neck Subdivision and the College Creek watershed. The property is further identified as James City County Tax Map Parcel No. 4840200065.

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. Ryan Newsom, Delightful Gardens Landscape, outlined the project for the Board.

Mr. Gussman inquired about the infiltration trench basin construction.

A. Mr. Newsom replied, detailing the construction method and materials.

Discussion ensued concerning soil drainage, soil perk test and possible undrain system.

Mr. Gussman closed the Public Hearing.

Mr. Roadley stated that Board members visited the site. The addition of the infiltration trench will serve to improve water quality. He encouraged the applicant to look for additional plantings, waterward of the infiltration trench going down to the dock, which would expand the buffer.

Mr. Gussman asked if staff would review the plantings with the applicant. Plantings could impact the native vegetation. He would rather see the mitigation plantings moved near the dock area.

Mr. Long replied that staff would work with applicant to look at their mitigation plan.

Mr. Roadley made a motion to Adopt the resolution for Chesapeake Bay Board Case No. CBPA 21-0160 at 2521 Goodrich Durfey.

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

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

AYES: Gussman, Dunn, Apperson, Roadley, Waltrip

NAYS: None

ABSENT: None

3. CBPA 21-0166: 1592 Harbor Road

Ms. Robin Benedict, Watershed Planner, presented the exception request submitted by Mr. Ryan Newsom, Delightful Gardens Landscape on behalf of CSO Revocable Living Trust, for encroachments into the (RPA) buffer and conservation easement for the installation of artificial turf located at 1592 Harbor Road, within the Governor's Land Subdivision and the James River watershed. The property is further identified as James City County Tax Map Parcel No. 4310200022. 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 inquired of the location of the artificial turf and the plantings.

Ms. Benedict replied that the area shown as the color green on the site plan is the location where the artificial turf will be installed.

Mr. Apperson inquired of the area where the step stones are located. Trees are shading the area around the stones so much, grass cannot grow there. He suggested that artificial turf would be a good substitute for the conditions that are there now.

Ms. Benedict deferred to the applicant for an answer.

Mr. Gussman inquired if this was the first time for artificial turf.

Mr. Woolson replied, first time before the Board, but not the first time in James City County. There have been two other installations of artificial turf in other subdivisions.

Mr. Roadley inquired of the conservation easement that was referenced which surrounds the harbor at Governor's Land.

Ms. Benedict replied that the conservation easement lies right beyond the porch and goes back towards the water.

Mr. Roadley stated that the artificial turf would lie within the conservation easement.

Ms. Benedict affirmatively replied.

Mr. Woolson replied that the conservation easement is 50' in width and does go right back up to the back of these houses in Governor's Land and Marina. The way the Marina was designed, the first 35' past the bulkhead is sloping, then the top 15' of the conservation easement has a slight berm to capture any runoff from the structure and take it in pipes to the opposite side of Harbor Road into a BMP system. The first 15' where the artificial turf would be placed, all that drainage is being captured and taken to a BMP across the street. That is true for all of the Marina.

Mr. Waltrip inquired of the life expectancy of the artificial turf.

Mr. Woolson deferred to the applicant for an answer.

Mr. Dunn inquired about the water infiltration of artificial turf.

Mr. Woolson replied this is the first case of artificial turf coming before the Board. Regardless of the surface treatment, staff is treating this as a patio, 100 percent impervious because of the way it will be constructed with a compacted subbase.

Mr. Dunn inquired if the Board treats it as impervious, would that affect the conservation easement.

Mr. Woolson replied that the conservation easement is outside the purview of the Chesapeake Bay Board.

Mr. Gussman opened the Public Hearing.

A. Mr. Ryan Newsom, Delight Gardens Landscape, outlined the project for the Board.

A. Mr. Newsom replied large Willow Oak tree, roots and shade blocking any grass growth. Life expectancy of the artificial turf is 10 to 15 years.

Mr. Gussman closed the Public Hearing.

Mr. Gussman inquired if other impervious surfaces been approved in the 15' areas.

Mr. Woolson replied, yes, other patios and decks have been approved within that first 15'.

Mr. Apperson made a motion to Adopt the resolution for Chesapeake Bay Board Case No. CBPA 21-0166 at 1592 Harbor Road.

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

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

AYES: Gussman, Apperson, Roadley, Waltrip

NAYS: Dunn

ABSENT: None

4. CBPA 21-0169: 221 Burtcher Court

Ms. Robin Benedict, Watershed Planner, presented the exception request submitted by Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Mr. Zenon Siekirski, for encroachments into the (RPA) buffer for the construction of a single-family dwelling, fire pit and patio located at 221 Burtcher Court, within the Kingsmill's Jefferson's Hundred Subdivision and the Skiffes Creek watershed. The property is further identified as James City County Tax Map Parcel No. 5130300039. 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 the Board was voting on the house, patio and encroachment for the fire pit area.

Mr. Long replied that the house encroachments are technically administrative. Because the patio and fire pit are accessory structures, the entirety of the project encroachments were brought to the Board.

Mr. Roadley inquired if the house was positioned on the lot as far street ward as it can go without violating any acquired setbacks.

Ms. Benedict there was discussion regarding the position of the house to meet both the setbacks and stay as far as possible out of the RPA.

Mr. Waltrip inquired of Wareham's Pond flooding.

Mr. Woolson replied that Wareham's Pond does have, for a 100-year flood event, the necessary protections in place to convey that flood event down to the James River. A 100-year storm event, would affect this property at the toe of the slope. It would not affect any of the structures being proposed.

Mr. Gussman opened the Public Hearing.

A. Mr. Zenon Siekirski, owner, was available to answer questions from the Board.

Mr. Roadley further explained, in Kingsmill, the Board often sees retaining walls built close to edge of slope causing instability after rainwater continues to erode the topsoil. The house positioned as close to the street to possibly avoid this circumstance and minimize encroachment.

A. Mr. Siekirski, outlined the project for the Board and detailed the positioning of the house on the lot.

Mr. Gussman closed the Public Hearing.

Mr. Dunn made a motion to Adopt the resolution for Chesapeake Bay Board Case No. CBPA 21-0169 at 221 Burtcher Court.

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

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

AYES: Gussman, Dunn, Apperson, Roadley, Waltrip

NAYS: None

ABSENT: None

E. BOARD CONSIDERATIONS

1. 2022 Calendar

Mr. Gussman made a motion to Adopt the 2022 Calendar.

A motion to Approve the 2022 Calendar was made by Mr. Gussman, the motion result was:
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
AYES: Gussman, Dunn, Apperson, Roadley, Waltrip
NAYS: None
ABSENT: None

2. Election of Officers for 2022

Mr. Roadley nominated Mr. Gussman to serve as Chair. The nomination was approved: 5-0
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
AYES: Gussman, Dunn, Apperson, Roadley, Waltrip
NAYS: None
ABSENT: None

Mr. Roadley nominated Mr. Dunn to serve as Vice Chair.
The nomination was approved: 5-0
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
AYES: Gussman, Dunn, Apperson, Roadley, Waltrip
NAYS: None
ABSENT: None

Mr. Gussman nominated Mr. Long to serve as Secretary. The nomination was approved:
5 -0
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
AYES: Gussman, Dunn, Apperson, Roadley, Waltrip
NAYS: None
ABSENT: None

A. MATTERS OF SPECIAL PRIVILEGE

None.

B. ADJOURNMENT

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

The meeting adjourned at 6:30 p.m.



David Gussman
Chair, Chesapeake Bay Board



Michael Woolson
Secretary to the Board