

MINUTES
JAMES CITY COUNTY CHESAPEAKE BAY BOARD
REGULAR MEETING
County Government Center, Building F
October 12, 2022
5:00 PM

A. CALL TO ORDER

The Chesapeake Bay Board meeting for October 12, 2022, 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, Chairman
Charles Roadley, Vice Chair
Robert Lukens
Larry Waltrip
Scott Maye, Alternate

Board Members Absent:

None.

Other Staff Present:

Toni Small, Director, Stormwater and Resource Protection
Robin Benedict, Watershed Planner, Stormwater and Resource Protection
Trevor Long, Watershed Planner, Stormwater and Resource Protection
Joshua Everard, Assistant County Attorney, County Attorney's Office

C. MINUTES

1. Minutes for September 14, 2022 Regular Meeting

A motion to Approve the minutes was made by Mr. Dunn.

The minutes were approved on a voice vote.

D. PUBLIC HEARINGS

1. CBPA-22-0111 : 36 Gray Gables

A motion to Approve w/ Conditions was made by Charles Roadley, the motion result was Passed.

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

Ayes: Dunn, Lukens, Roadley, Waltrip, Maye

Ms. Robin Benedict, Watershed Planner, presented the exception request submitted by Mr. Lance Frost, Country Village Mobile Home Park, for encroachments into the Resource Protection Area (RPA) for the installation of a mobile home. The property is further identified as James City County Tax Map Parcel No. 5920100001. 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.

Staff answered questions from the Board including further details about the history of the surrounding area.

Mr. Dunn opened the Public Hearing.

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

Staff confirmed that there appears to be ongoing land disturbance within the RPA at or near the site that is unrelated to this exception request.

2. CBPA-22-0121 : 1676 Jamestown Road

A motion to Approve w/ Conditions was made by Robert Lukens, the motion result was Passed.

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

Ayes: Dunn, Lukens, Roadley, Waltrip, Maye

Ms. Robin Benedict, Watershed Planner, presented the exception request submitted by Mr. Travis Edelen, Vanasse Hangen Brustlin, Inc., on behalf of JTR Properties, LLC, for encroachments into the RPA buffer for the installation of sanitary sewer line. The property is further identified as James City County Tax Map Parcel No. 4730100036. 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.

Staff answered questions from the Board about details of the sewer line construction.

Mr. Dunn opened the Public Hearing.

A. Mr. Steven Romeo, 115 Tides Run, Yorktown, explained that the sewer line will be underground at the section that is within the RPA.

Mr. Dunn closed the Public Hearing.

3. CBPA-22-0126 : 112 Discovery Lane

A motion to Deny was made by Scott Maye, the motion result was Passed.

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

Ayes: Dunn, Lukens, Roadley, Maye

Nays: Waltrip

Mr. Trevor Long, Watershed Planner, presented the exception request submitted by Ms. April Warren for encroachments into the RPA for the construction and approval of a raised garden bed, walkway, greenhouse, deck, pergola, and two sheds. The property is further identified as James City County Tax Map Parcel No. 4730500020. 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.

Staff clarified details of the proposal including the applicant's options for meeting the mitigation criteria and the history of construction within the RPA at the site.

Mr. Dunn opened the Public Hearing.

A. Mr. Gary Nester, 113 Godspeed Lane, commented on the observable impact of the plan to water quality and offered his support for the exception request's approval.

B. Ms. April Warren, 112 Discovery Lane, recalled information she received from conversations with multiple County representatives preceding, during the process of, and after completion of the work that has been done at the site. Ms. Warren also expatiated on the project's purpose, various components of the work, and its apparent impact on the surrounding area. In response to questions from the Board, Ms. Warren confirmed information about the different projects that have been completed at the site, including details of the timeline of events and that the first shed was installed by a contractor.

Mr. Long read two letters that offered opinions about the exception request and were submitted anonymously to the County. The first letter indicated that the structures have a negative impact to both the aesthetics and environmental quality of the surrounding area. The second letter contained an objection to the request that cited the number of proposed and extant structures as excessive with regard to the neighborhood that surrounds the site.

Mr. Dunn closed the Public Hearing.

Mr. Roadley suggested that the Board consider the entirety of the projects in the request as new work, citing the apparent due diligence of the applicant to comply with existing regulations.

Mr. Dunn voiced concern about the likelihood that none of the interactions between the applicant and various government agencies involved discussion of or reference to the requirements of working within the RPA.

Mr. Maye objected to the amount of mitigation required in the exception request with regard to the size of the lot.

The Board discussed the details of the plan including the most likely perspective it would have taken if the request had been made prior to any work being done, the proportion of impacted area considered against the size of the lot itself, and any changes that may be made to the proposed activities.

Mr. Everard clarified for the Board that for any proposed changes to the activities that encroach into the RPA as described in the exception request to be approved, the applicant would need to resubmit a request with those adjustments included.

Mr. Dunn reopened the Public Hearing.

B. Ms. Warren described the material intended to be used for the construction of the greenhouse.

Mr. Dunn closed the Public Hearing

The Board continued deliberation of the request, including discussion about the precedent set by granting the request, the extent to which the site would be covered with impervious material, and the process involved with the applicant resubmitting an adjusted version of the request.

Mr. Everard clarified for the Board that an approval of the exception request by the Board would counteract the County's ability to enforce the existing Chesapeake Bay Preservation

Act violation that is relevant to this plan. Mr. Everard also indicated that a denial of the request would not impact the violation.

E. BOARD CONSIDERATIONS

None.

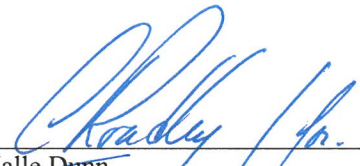
F. MATTERS OF SPECIAL PRIVILEGE

None.

G. ADJOURNMENT

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

The meeting adjourned at 6:10 p.m.



Halle Dunn
Chair, Chesapeake Bay Board
Charles Roadley



Trevor Long
Secretary to the Board