

**MINUTES**  
**JAMES CITY COUNTY CHESAPEAKE BAY BOARD**  
**REGULAR MEETING**  
**County Government Center, Building F**  
**March 8, 2023**  
**5:00 PM**

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**A. CALL TO ORDER**

The Chesapeake Bay Board meeting for March 8, 2023 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, Chair  
Larry Waltrip  
Scott Maye, Vice Chair  
Michael O'Brien  
Leslie Bowie, Alternate ✓

**Board Members Absent:**

Halle Dunn

**Other Staff Present:**

Toni Small, Director, Stormwater and Resource Protection  
Michael Woolson, Resource Protection Section Chief, 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 from the February 8, 2023, Chesapeake Bay Board Meeting

A motion to Approve the minutes was made by Ms. Bowie.

The minutes were approved on a voice vote.

Preceding the presentation and review of the Public Hearings, the Board completed the Matters of Special Privilege Agenda item as follows.

1. Colonial Soil and Water Conservation District - Annual Update

A. Mr. Doug Hall, an elected official of the Colonial Soil and Water Conservation District, described the history and current condition of the agency including its community involvement, support of the Chesapeake Bay Preservation Act, youth outreach programs, and other programs that promote the conservation of natural resources in James City County. Mr. Hall also detailed the present and future fiscal year budget statuses.

## D. PUBLIC HEARINGS

### 1. CBPA-23-0005 : 247 William Barksdale

A motion to Approve w/ Conditions was made by Michael O'Brien, the motion result was Passed.

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

Ayes: Bowie, Maye, O'Brien, Roadley, Waltrip

Absent: Dunn

Ms. Robin Benedict, Watershed Planner, presented the exception request submitted by Mr. Matthew Roth, Roth Environmental, LLC, on behalf of Mr. Bryan Schumacher, for encroachments into the Resource Protection Area (RPA) buffer for the construction of a retaining wall. The property is further identified as James City County Tax Map Parcel No. 4940300095. 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 plan for the Board including the precise location of the proposed retaining wall.

Mr. Roadley opened the Public Hearing.

A. Mr. Chase Grogg, LandTech Resources, Inc., 205-E Bulifants Boulevard, described aspects of the retaining wall including its shape, size, and location.

Mr. Roadley closed the Public Hearing.

The Board considered the pros and cons of the plan.

### 2. CBPA-23-0008 : 108 Oxford Circle

A motion to Approve w/ Conditions was made by Larry Waltrip, the motion result was Passed.

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

Ayes: Bowie, Maye, O'Brien, Roadley, Waltrip

Absent: Dunn

Mr. Trevor Long, Watershed Planner, presented the exception request submitted by Mr. Keith Taylor, for encroachments into the RPA for the construction of a deck. The property is further identified as James City County Tax Map Parcel No. 4720700016. 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 plan for the Board including an explanation that the placement of gravel underneath the proposed deck is a condition of the request.

Mr. Roadley opened the Public Hearing.

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

The Board considered the pros and cons of the plan.

3. CBPA-23-0009 : 109 Murcar

A motion to Approve w/ Conditions was made by Scott Maye, the motion result was Passed.  
AYES: 4 NAYS: 1 ABSTAIN: 0 ABSENT: 1  
Ayes: Bowie, Maye, O'Brien, Waltrip  
Nays: Roadley  
Absent: Dunn

Ms. Robin Benedict, Watershed Planner, presented the exception request submitted by Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Mr. Geno Godwin and Ms. Judith Alicea, for encroachments into the RPA buffer for the construction of a single-family dwelling. The property is further identified as James City County Tax Map Parcel No. 3710800078. 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 deferred to the applicant to provide the exact size of the proposed house's impact.

Mr. Roadley opened the Public Hearing.

A. Mr. Chase Grogg, LandTech Resources, Inc., 205-E Bulifants Boulevard, offered further details of the plan including the exact size of the proposed house's impact and an explanation of particular design aspects of the plan. Mr. Grogg also described the soil and other site conditions that contributed to further design aspects of the plan in response to questions from the Board.

Mr. Roadley closed the Public Hearing.

The Board considered the pros and cons of the plan including the plan's regard of the current site conditions.

Mr. Roadley commented on the extent to which the plan encroaches into the RPA and the challenges of the site conditions.

4. CBPA-22-0150 : 112 Discovery Lane

A motion to Deny was made by Scott Maye, the motion result was Passed.  
AYES: 3 NAYS: 2 ABSTAIN: 0 ABSENT: 1  
Ayes: Bowie, Maye, O'Brien  
Nays: Roadley, Waltrip  
Absent: Dunn

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 walkway surrounding a raised garden bed, 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 plan for the Board including the approval status of particular structures at the site.

The Public Hearing remained open from the February 8, 2023 Chesapeake Bay Board Regular Meeting at which the plan was initially presented and deferred.

A. Ms. April Warren, 112 Discovery Lane, recalled information she and her husband received from interactions with multiple County representatives preceding, during the process of, and after completion of the work that has been done at the site. The description of this information included references to particular construction requirements and restrictions. Similarly, Ms. Warren recalled information she and her husband received from a conversation with a representative of the Virginia Department of Environmental Quality. Ms. Warren also commented on the efforts made to complete the approval process as required by the County Code and the extent to which those efforts were duly diligent. Ms. Warren further described aspects of the project's purpose, various components of the work, its apparent impact on the surrounding area, and the condition of structures on neighboring parcels. In response to a question from the Board about the location of the existing greenhouse, Ms. Warren indicated that she could not explain why its location was chosen.

B. Mr. Bruce Plumley, 115 Godspeed Lane, objected to the plan, referencing the aesthetic dissonance of the existing and proposed structures with the surrounding houses. Mr. Plumley also cited building restrictions that are described in the governing documents of the Powhatan Shores Homeowners Association Inc. that presides over the neighborhood in which the site is located.

A. Ms. Warren responded to Mr. Plumley's objection by referencing the existence of multiple structures on other parcels that are located within the same neighborhood. Ms. Warren also indicated that the appearance of the structures described in this plan are comparatively similar to those of the other structures.

Mr. Long read three letters that each offered opinions about the plan and were submitted anonymously to the County. The first letter described an interaction that included Ms. Warren's husband and an individual who owns property in the same neighborhood wherein approval of the construction of a pergola at the site was given by the neighbor. The second letter indicated that observable stormwater runoff from the site into the adjacent canal has had and would continue to have a negligible environmental impact. The third letter objected to the plan, citing the size of the included structures as being too large. Mr. Long also displayed digital media files that were submitted by Ms. Warren to the Board including images and videos of the site during rain events.

Staff clarified the particular site conditions that are being considered in this exception request.

A. Ms. Warren offered further details about the site conditions including an explanation of the decision to place gravel at the site.

Mr. Roadley closed the Public Hearing.

Mr. Roadley discussed the site conditions as they relate to stormwater runoff with reference to the existing gravel walkways as well as to existing and proposed structures. Mr. Roadley also commented that superficial judgements of any aspects of the plan are not under consideration by the Board.

Mr. Maye described both the significant size of the area impacted by the plan and the significant site constraints as they relate to the proposed mitigation plantings.

In referencing his previous comments about the gravel walkways, Mr. Roadley indicated that the mitigation planting requirements would be correspondingly reduced if the walkways were excluded from consideration.

Mr. O'Brien commented on the impact the plan has to water quality. Specifically, Mr. O'Brien cited that the location of the greenhouse, especially with respect to the seaward, 50-foot RPA

delineation, disqualifies the plan from being the minimum necessary to afford relief. He indicated the possibility of conditionally requiring the relocation of the greenhouse.

Mr. Everard explained to the Board that aspects of a plan such as the location of items, are immutable and that changes to those aspects are not a function of the conditions that the Board can add or adjust. Mr. Everard further explained that the submittal of a new exception request is needed to effect such changes. Additionally, Mr. Everard indicated that conditions such as mitigation plantings and surety amounts can be added or adjusted by the Board.

The Board discussed its approval options with regard to Mr. Everard's explanation.

Mr. Waltrip commented on the gravel walkways and relocation of the greenhouse before commending the plan's efforts to mitigate extra stormwater runoff.

**E. BOARD CONSIDERATIONS**

None.

**F. MATTERS OF SPECIAL PRIVILEGE**


1. Colonial Soil and Water Conservation District - Annual Update

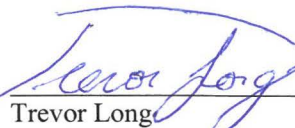
The Colonial Soil and Water Conservation District - Annual Update Agenda item was completed just after the Minutes Agenda item.

**G. ADJOURNMENT**

A motion to Adjourn was made by Mr. O'Brien and approved on a voice vote.

The meeting adjourned at 7:08 p.m.

  
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Charles Roadley  
Chair, Chesapeake Bay Board

  
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Trevor Long  
Secretary to the Board