

MINUTES
JAMES CITY COUNTY CHESAPEAKE BAY BOARD
REGULAR MEETING
County Government Center, Building F
April 12, 2023
5:00 PM

A. CALL TO ORDER

The Chesapeake Bay Board meeting for April 12, 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:

Halle Dunn
Charles Roadley, Chair
Michael O'Brien
Leslie Bowie, Alternate

Board Members Absent:

Larry Waltrip
Scott Maye, Vice Chair

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 March 8, 2023 Regular Meeting

A motion to Approve the minutes was made by Mr. O'Brien.

The minutes were approved on a voice vote.

D. PUBLIC HEARINGS

1. CBPA-23-0017 : 9230 Pocahontas Trail

A motion to Approve w/ Conditions was made by Halle Dunn, the motion result was Passed.

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

Ayes: Bowie, Dunn, O'Brien, Roadley

Absent: Maye, Waltrip

Mr. Trevor Long, Watershed Planner, presented the exception request submitted by Mr. Anthony Loubier, Vanasse Hangen Brustlin, Inc. (VHB), on behalf of Peninsula Pentecostals

Inc., for encroachments into the Resource Protection Area (RPA) for the construction of a sanitary sewer connection. The property is further identified as James City County Tax Map Parcel No. 6010100006. 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 of some symbols on the site plan.

Mr. Roadley opened the Public Hearing.

A. Mr. Steve Romeo, VHB, 351 McLaws Circle, Suite 3, clarified the location of the sewer line for the Board.

Mr. Long read a letter that was submitted to the Stormwater and Resource Protection Division (SRP). The contents of the letter included an objection to the plan, citing the age of the existing sewer line as reason to doubt its integrity and capability to accommodate the proposed connection.

Mr. Roadley confirmed with Mr. Long that a corresponding Erosion and Sediment Control plan is also associated with the sewer connection.

Mr. Roadley closed the Public Hearing.

2. CBPA-23-0015 : 4101 Monticello Avenue

A motion to Approve w/ Conditions was made by Scott Maye, the motion result was Passed.
AYES: 4 NAYS: 0 ABSTAIN: 0 ABSENT: 2
Ayes: Bowie, Dunn, O'Brien, Roadley
Absent: Maye, Waltrip

Ms. Robin Benedict, Watershed Planner, presented the exception request submitted by Mr. Ryan Stephenson, AES Consulting Engineers, on behalf of Windswept Development LLC, for encroachments into the RPA for the construction of a sanitary sewer connection. The property is further identified as James City County Tax Map Parcel No. 3740100010. 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.

Mr. Roadley opened the Public Hearing.

A. The Board had no questions for Mr. Ryan Stephenson, AES Consulting Engineers, 5248 Olde Towne Road.

B. Mr. DeWitt Eutsler, 3709 South Square, expressed discontent at the lack of communication he has witnessed between the developers of the parcel for this project and the residents of The Settlement at Powhatan Creek neighborhood nearby. Mr. Eutsler inquired both about the responsibility of cleaning up at the site and about the feasibility of developing on a site that is so far within the RPA.

Mr. Roadley described that some of what Mr. Eutsler asked is not within the Board's jurisdiction to comment or decide on.

B. Mr. Eutlser explained his concern for cleanup was in reference to the potential failure of the

proposed sewer connection.

A. Mr. Stephenson described how the repair of any failure of the sewer connection would be the responsibility of the property owner of this parcel and that such a failure would not have an effect on the existing developed phases of The Settlement at Powhatan Creek.

C. Ms. Sharon Eremita, 3636 South Square, asked about the extent to which the RPA will be impacted during any future development of the parcel.

A. In response to Mr. Roadley's deferral of the question, Mr. Stephenson indicated that there will not be any other RPA impacts.

Mr. Roadley closed the Public Hearing.

3. CBPA-23-0035 : 3036 North Riverside

A motion to Approve w/ Conditions was made by Halle Dunn, the motion result was Passed.

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

Ayes: Bowie, Dunn, O'Brien, Roadley

Absent: Maye, Waltrip

Mr. Trevor Long, Watershed Planner, presented the exception request submitted by Ms. Jennifer and Mr. Jeremy Hewitt, for encroachments into the RPA for the installation of two retaining walls. The property is further identified as James City County Tax Map Parcel No. 1910200047A. 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 aspects of the plan for the Board, including a reiteration of some site plan details.

Mr. Roadley opened the Public Hearing.

A. Ms. Jennifer Hewitt, 3036 North Riverside Drive, offered a history of the site and an explanation of the decision to propose the retaining walls, including expressing a preference for a more level backyard.

Mr. Roadley described the typical results associated with bulkheads in contrast to those of retaining walls, especially to the extent those results are affected by moving bodies of water.

A. In response to Ms. Bowie's inquiry, Ms. Hewitt explained that the sidewalk replacement included in the proposal will consist of pavers.

Mr. Roadley closed the Public Hearing.

The Board discussed the pros and cons of the plan, including a discussion of the plan's expected effect on water quality as insignificant.

4. CBPA-23-0011 : 1727 Centennial Drive

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

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

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

Ms. Robin Benedict, Watershed Planner, presented the exception request submitted by Mr. James Frohmiller, for encroachments into the RPA for the construction and approval of a deck. The property is further identified as James City County Tax Map Parcel No. 0340600010. 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.

Mr. Roadley opened the Public Hearing.

A. Mr. James Frohmiller, 1727 Centennial Drive, described a history of the site and an explanation of the decision to construct a deck. Mr. Frohmiller also stated that construction had begun prior to the submission of an exception request application due to his trust in the initial contractor's assurance of proper permitting. Mr. Frohmiller expressed his initial and ongoing intent to follow proper permitting procedure.

Ms. Benedict read an email that was submitted to SRP from an owner of an adjacent property. The contents of the email included support for the proposal.

Mr. Roadley closed the Public Hearing.

The Board discussed the pros and cons of the plan.

5. CBPA-23-0031 : 205 Bulwell Forest

A motion to Defer was made by Charles Roadley, the motion result was Passed.

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

Ayes: Bowie, Dunn, O'Brien, Roadley

Absent: Maye, Waltrip

Mr. Trevor Long, Watershed Planner, presented the exception request submitted by Mr. Chase Grogg, Landtech Resources, Inc., on behalf of Greenwood Homes Hampton Roads LLC, for encroachments into the RPA for the construction of a single-family dwelling. The property is further identified as James City County Tax Map Parcel No. 3233100019. 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.

Mr. Roadley opened the Public Hearing.

A. Mr. Chase Grogg, Landtech Resources, Inc., 205 Bulifants Blvd Suite E, explained further the decision behind some aspects of the plan including the location of the proposed berm and the number of mitigation units proposed.

Mr. Roadley closed the Public Hearing.

The Board discussed the pros and cons of the plan, including the location of the house in relation to the RPA delineations and the size of the house in relation to the minimum allowed by the Ford's Colony Homeowners Association.

Mr. Roadley reopened the Public Hearing.

A. Mr. Grogg clarified that the location of the house was chosen for its specific proximity to the RPA.

Mr. Dunn and Ms. Bowie each reiterated the consideration of reducing the proposed size of the house to the minimum allowed in Ford's Colony.

A. Mr. Grogg requested that the exception request be deferred in order to reconsider the size of the house with the property owner.

6. CBPA-23-0025 : 100 Red Berkshire

A motion to Approve w/ Conditions was made by Halle Dunn, the motion result was Passed.

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

Ayes: Bowie, Dunn, O'Brien, Roadley

Absent: Maye, Waltrip

Ms. Robin Benedict, Watershed Planner, presented the exception request submitted by Mr. Chase Grogg, Landtech Resources, Inc., on behalf of Surin Properties LLC, for encroachments into the RPA for the construction of a single-family dwelling. The property is further identified as James City County Tax Map Parcel No. 3131200001. 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.

Mr. Roadley opened the Public Hearing.

A. Mr. Chase Grogg, Landtech Resources, Inc., 205 Bulifants Boulevard Suite E, offered more details about the plan.

Mr. Roadley closed the Public Hearing.

The Board discussed the pros and cons of the plan, including that the proposed size of the house is the minimum allowed in Ford's Colony.

7. CBPA-23-0032 : 5 Tay River

A motion to Defer was made by Charles Roadley, the motion result was Passed.

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

Ayes: Bowie, Dunn, O'Brien, Roadley

Absent: Maye, Waltrip

Mr. Trevor Long, Watershed Planner, presented the request for deferral of the exception request submitted by Mr. Chase Grogg, Landtech Resources, Inc., on behalf of Walk Wright Construction, LLC, citing need for further revision of the site plan. The exception request is for encroachments into the RPA for the construction of a single-family dwelling. The property is further identified as James City County Tax Map Parcel No. 3720200044. Mr. Long also recommended that the Public Hearing be opened and remain so as a matter of procedure.

Mr. Roadley opened the Public Hearing.

8. CBPA-23-0030 : 153 Shinnecock

A motion to Defer was made by Charles Roadley, the motion result was Passed.
AYES: 4 NAYS: 0 ABSTAIN: 0 ABSENT: 2
Ayes: Bowie, Dunn, O'Brien, Roadley
Absent: Maye, Waltrip

Ms. Robin Benedict, Watershed Planner, presented the request for deferral of the exception request submitted by Mr. Chase Grogg, Landtech Resources, Inc., on behalf of Mr. Howard Jones, citing the need for further revision of the site plan. The exception request is for encroachments into the RPA for the construction of a single-family dwelling. The property is further identified as James City County Tax Map Parcel No. 3720400016. Ms. Benedict also recommended that the Public Hearing be opened and remain so as a matter of procedure.

Mr. Roadley opened the Public Hearing.

E. BOARD CONSIDERATIONS

1. CBPA-21-0060 : 4373 Landfall Drive

A motion to Approve w/ Conditions was made by Halle Dunn, the motion result was Passed.
AYES: 4 NAYS: 0 ABSTAIN: 0 ABSENT: 2
Ayes: Bowie, Dunn, O'Brien, Roadley
Absent: Maye, Waltrip

Mr. Long, Watershed Planner, presented the request for an extension of the exception request originally submitted by Mr. Ricky Edgerton, Edgerton Contracting, Inc., and approved on May 12, 2021. The exception request is for the use of the RPA for the construction of a single-family dwelling. The property is further identified as James City County Tax Map Parcel No. 4732400036. If the Board approved the extension request, staff asked that the new request would become null and void if construction does not begin by April 13, 2025.

F. MATTERS OF SPECIAL PRIVILEGE

Mr. Everard expressed to the Board staff's request for an official review of the Board's bylaws, including a list of possible revisions, and the inclusion of any other revisions that the Board might want to consider.

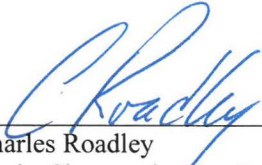
Staff clarified the details of some of the revisions that were suggested.

Mr. Everard also indicated the Board could review the bylaws in this capacity either during a Regular or Special Meeting.

G. ADJOURNMENT

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

The meeting adjourned at 6:46 p.m.



Charles Roadley
Chair, Chesapeake Bay Board



Trevor Long
Secretary to the Board